



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Miles Murphy, Senior Planner

**DEPARTMENT:** Planning

**MEETING:** Town Council – 12 JAN 2021

**SUBJECT:** Consider a Modification to the Conditional Use Permit for the Boardwalk Amusement Rides to be located on multiple properties (PIN - 3130-54-2980, 3130-54-4836, 3130-55-4065, 3130-55-5014, 3130-54-5992, 3130-54-5877, 3130-54-5778, 3130-54-5870, and 3130-54-6839) Applicant: Carolina Beach Land Holdings LLC

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### **BACKGROUND:**

Carolina Beach Land Holdings LLC plans to utilize multiple lots they own in the Boardwalk area to bring the amusement rides and vendors back to CB. The lots being utilized are the following:

- 8 Cape Fear Blvd. PIN 3130-55-5014
- 5 Carolina Beach Avenue South PIN 3130-54-5877
- 7 Carolina Beach Avenue South PIN 3130-54-5870
- 9 Carolina Beach Avenue South PIN 5150-54-5778
- 9 Cape Fear Boulevard PIN 5150-54-4836
- 1 Carolina Beach Avenue South PIN 5150-54-5992
- 3 Boardwalk PIN 5150-54-6839
- 101 Cape Fear Blvd. PIN 5150-54-2980

101 Cape Fear is currently under different ownership, but CB Land Holdings is in the process of purchasing the property and has secured permission from the owner to utilize their land as part of this CUP application. A demo permit is being issued for the removal of the current structure on 101 Cape Fear as a precursor to this use and/or future development.

There are no setback, buffering, parking, or lot coverage requirements for the CBD for this type of development

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

*- Ingress and egress will established via Cape Fear, Canal, Carolina Beach Avenue South, and Boardwalk right-of-ways*

*- Utilities and fire will meet with regarding ride and vending locations for access.*

*- No structures will impede Town RoWs*

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

*- No parking requirement in CBD*

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

*- Trash will be deposited in the adjacent Town dumpster on Canal.*

(4) Utilities, with reference to locations, availability, and compatibility;

*- Work with utilities to place utility-dependent amusements in areas where utilities are easily accessible.*

(5) Screening and buffering with reference to type, dimensions, and character;

*- No buffering or screening is required*

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

*- No signage is proposed at this time and will have to meet all standards zoning requirements in the future*

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.

*- No lot coverage, setbacks, nor open space requirements in the CBD for this type of development*

**General conditions.** The *town council*, in granting the permit, must also find that all four (4) of the following conditions exist;

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

*- The density falls within the standard CBD density requirements and the proposed structure follows the setback requirements*

(2) That the use meets all required conditions and specifications;

*- The proposed CUP meets all required conditions and specifications*

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

*- The proposed use is consistent with the character of the CBD.*

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

*- Downtown Business Area - This is the boardwalk commercial area and central recreation district of town. 3-4 story buildings maintain a pedestrian-scaled environment with active ground floor uses; residential and other uses permitted above. Highly walkable with limited on-street parking.*

*The project will be in general conformity with the Land Use Plan and in harmony of the area.*

#### **ACTION REQUESTED:**

Staff recommends the approval of the proposed CUP with the requirements that:

- An annual site visit with staff and vendor prior to placement of rides to have a complete understanding of the locations of all rides, concessions, ticket booths and work trailers.
  - A site plan verifying this set up must be provided to the Town
- Requests for utilities must be coordinated with TOCB Operations and be located in areas which have access to existing utilities
- Annual site layout will not infringe on any established TOCB Right-Of-Ways
- No sleeping quarters will be maintained on site

Planning and Zoning recommended approval of the CUP 7-0 with staff recommendations. They strongly suggested that the Applicant and future Amusement Vendors consider not placing concessions adjacent to local CB businesses which are selling similar items, but did not place a condition related to concession location.

#### **RECOMMENDED MOTION:**

Approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide the following:

- An annual site visit with staff and vendor prior to placement of rides to have a complete understanding of the locations of all rides, concessions, ticket booths and work trailers.
  - A site plan verifying this set up must be provided to the Town
- Requests for utilities must be coordinated with TOCB Operations and be located in areas which have access to existing utilities
- Annual site layout will not infringe on any established TOCB Right-Of-Ways

- No sleeping quarters will be maintained on site

and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.