



Consider a Modification to the Conditional Use Permit for the Boardwalk Amusement Rides to be located on multiple properties

January 12, 2021



History

- 2009 Amusement CUP approved for one year then review the performance of the amusements
- 2010 Amusement CUP approved for two year then review the performance of the amusements
- 2011 Council stated that no future re-review of the previous year's activities is required in future years. Staff should review for future years, their location and estimated impacts the amusements may have on adjacent property owners.
- 2020 Amusements are modifying the footprint to incorporate three additional lots.



Location: CB Boardwalk

Applicant: Carolina Beach Land Holdings LLC

Outdoor Amusements permitted by CUP in CBD

ARTICLE III. – Zoning District Regulations

Sec. 40-72. – Table of permissible uses.

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Nonresidential Uses														
Outdoor amusements, carnival and rides									C		C			

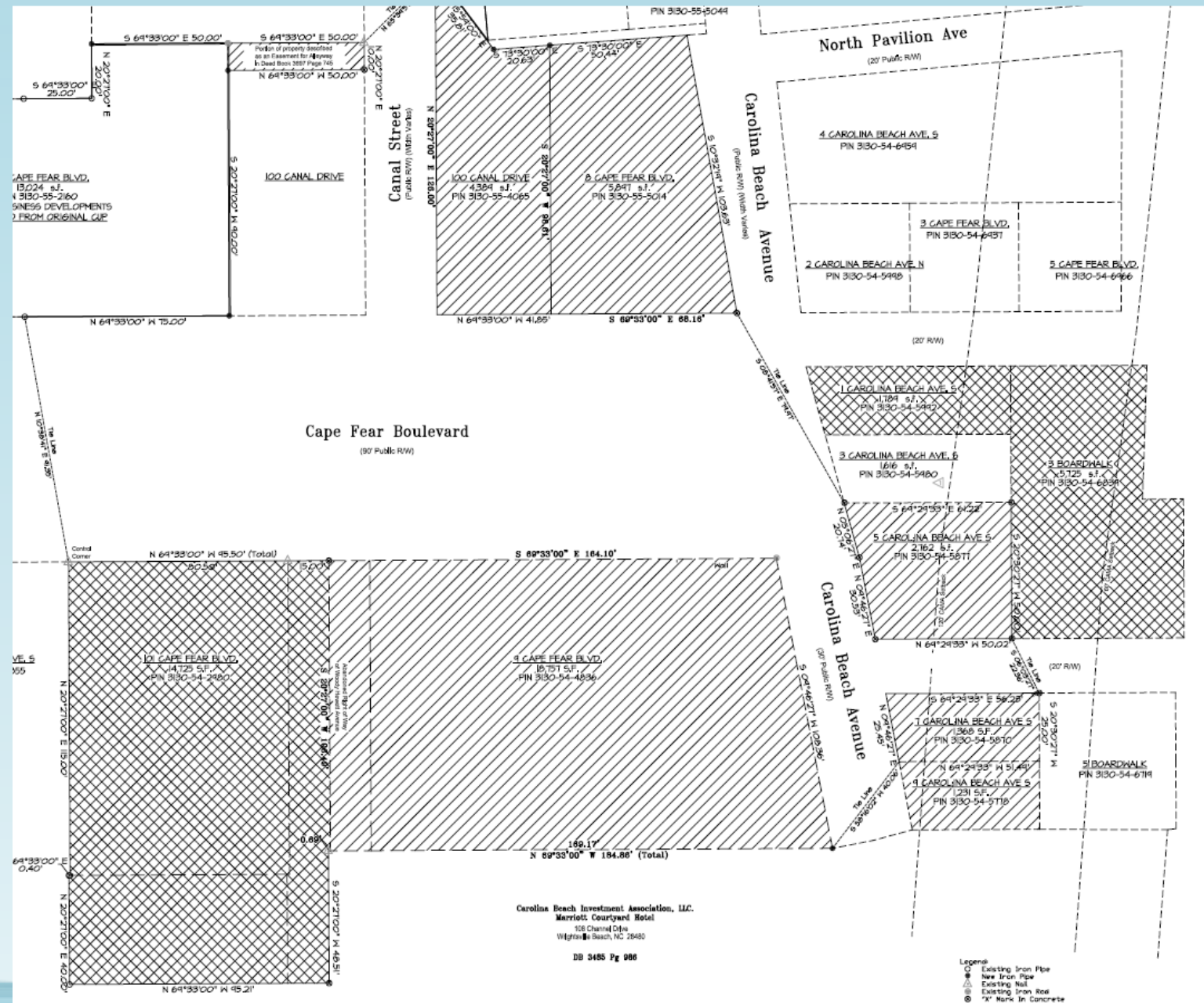
Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁵	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential use or district	None, or same as abutting residential use or district	NA	50 ft. ⁴	None

Design Details

- Future communications will be key to success:
 - Annual Site Visit prior to placement of rides with complete understanding of locations of all rides, concessions, ticket booths and work trailers.
 - Request for utilities must be in coordination with TOCB Operations based on existing location of utilities.
 - Layout will not infringe on any established TOCB Right-Of-Ways
- Layout will not impede CBFD access to tall rides and an emergency lane must be open at all times.

Measurements	
Total Area	56,643ft ²



Specific standards.

- (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 due to temporary nature and design of project
- (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 beyond those which are part of the rides and concessions is proposed at this time and any signage will have to meet all standards zoning
- (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.

(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 project meets CBD zone 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.

Staff Recommendation

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

P&Z Recommendation

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

Motion from Town Council

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

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 - 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
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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.