



Town of North Topsail Beach
Board of Aldermen

Agenda	Consent
Item:	Agenda
Date:	04 05 2023

Issue: Planning Board Committee Report
Hanna McCloud, Chair

Department: Planning

Prepared by: Deborah J. Hill MPA AICP CFM CZO

Presentation: No

The Planning Board regular meeting was held on Wednesday, March 9, 2023, at 5:30 PM.

Commercial Plan Review Minor Modification: SPA23-000001 Electric Vehicle Charging Station

Planning Director Hill presented the staff report for SPA23-000001, an application by Chris Carrigan, representing Carrigan Family Foundation LTD to install service and hook up electrical vehicle charging station (accessory use) at Palm Tree Market (principal use), Tiki Bar & Restaurant. Meter panel combination will be installed at the south end of the bar outside, approximately five feet above the ground level. The charging units will be mounted at grade level.

Planning Director Hill recommended a text amendment to Table 4-1 Use Table. Level 1, Level 2, and Level 3 electric vehicle charging stations (EVCS) are permitted in every zoning district, when accessory to the primary permitted use. Such stations located at single-family, two-family, and multi-family land uses shall be designated as private restricted use only. Permit Level 2 and Level 3 EV charging stations as an accessory use in B-1, B-2. Also, add definitions to Article 11.

Mr. Carrigan explained that he will have two EV charging stations.

Planning Director Hill explained the charging station will be located off New River Inlet Rd, on the side of the building before turning in front of Topsail Reef.

The applicant, Chris Carrigan, addressed the Planning Board. Mr. Carrigan explained his intention to make the market more family friendly by painting the building, selling ice cream and coffee, and by offering electric vehicle charging. Mr. Carrigan spoke about his research to find EV charging stations designed for use in a coastal area. The system he selected has two chargers and is constructed of aluminum and plastic.

There was discussion, including:

- The charging service will be first come, first served, and a full charge will take about two hours.
- A full charge will cost approximately twenty dollars, payable by credit card.
- Silent operation.
- Dust-tight, weatherproof design.
- Other local charging locations include mainland Surf City, Sneads Ferry, and Hampstead.
- Increasing demand for the service.
- Safety and compliance with elevation and electrical codes.

Planning Director Hill stated that staff recommends approval of the minor modification and an amendment to allow for EV charging stations 1 and 2 by right in all residential districts, and

charging stations 2 and 3 by right in both B-1 and B-2 to include the appropriate definitions in Article 11.

Mr. Dorazio made a motion to approve. Ms. Stigall seconded the motion. The motion passed unanimously, 6-0.

§ 10.07.02 (E)

Vice Chair Dorazio explained that issues have surfaced since the passing of UDO § 10.07.02 (E) Dune Protection Ordinance. He stated that the way the ordinance is written, property owners are unable to make repairs to their existing structures located within the dune structure. Mr. Dorazio suggested perhaps the ordinance needs to be adjusted to allow property owners to repair their property. Presently, property owners must apply for a variance to make repairs.

Planning Director Hill stated that she has denied four deck repair applications based upon § 10.07.02 (E) Any additions or improvements to existing structures must comply with the standards for new construction and be relocated outside of the “dune buffer.”

There was discussion, including:

- Distinctions and differentiations between the terms:
 - Addition
 - Improvement
 - Repair
 - Replacement.
- The Board intended to protect the dunes, as well as prevent further damage.
- Unintended repercussions of the new dune protection ordinance on existing structures needing repairs.
 - The original intention was to protect dunes from swimming pool installation. The ordinance is now impacting all development.
 - Repair compliance:
 - Repair in a smaller footprint.
 - Potential loss of existing structures.
 - Impact on public safety if repairs are not permissible for a threatened structure.
 - Replacement compliance:
 - Loss of ocean front decks after a hurricane.
 - The number of susceptible houses within the dune buffer zone.
 - Egress compliance.
 - Using variances and appeals as remedies.
- Executing care when re-wording ordinance text.
 - For clarity in staff interpretation of ordinance 10.07.02 section (E), consider:
 - “No change in footprint.”
 - Define “addition.”
 - Define “improvement.”
 - Add and define “repair.”
 - Add and define “replacement.”
 - Request a legal interpretation between repairs and improvements within the context of the ordinance.
 - Consider safety requirements and North Carolina Building Code requirements.
- Unintended dune damage from CAMA-suggested post-and-rope beach accesses (Coastal Area Management Act).

Wetland protection

Planning Director Hill explained that the City of Wilmington and New Hanover County have higher standards than CAMA regulations by adopting a coastal overlay. Protection can be established by extending the buffer from the high water line and limiting the use within this buffer.

She also talked about the Outstanding Resource Waters and the oyster beds and if we ever lost the water quality and those oysters, we would never ever ever get those waters back again. She asked is there anything that we can do to expand that area?

She suggested that maybe Divisional of Coastal Management or NC DENR could address the planning board and make some innovative protection suggestions.

Lighting Ordinance

The Planning Board discussed a draft outdoor lighting ordinance.

Discussion

- CRS CYCLE VERIFICATION MEETING FOR 4/18/2023
- HMGP Elevation Project

The Planning Board meeting adjourned at 6:23 p.m.