



## TOWN OF CAROLINA BEACH

1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428

---

### PLANNING & ZONING COMMISSION MINUTES

January 12, 2012

7:00 P.M.

---

**ITEM #1      Call to Order & Roll Call      7:00 pm**

---

Chairman Reynolds called the meeting to order.

Commissioners Present:

Greg Reynolds  
Brett Keeler  
Tom Bridges  
Jessica Keenan  
Ked Cottrell  
Leann Pierce  
Sarah Efird

Commissioners Absent:

Staff Present: Ed Parvin, Planning Director; Kaysie Pralle, Secretary

**ITEM #2      Approval of the Minutes      7:05pm**

---

**MOTION**

Vice Chairman Keeler made the motion to approve the December 8th minutes as amended. Commissioner Cottrell seconds the motion. **Motion passes unanimously (7-0).**

**ITEM #3      Staff Report on Recent Council Meeting(s)      7:05pm**

---

Mr. Parvin provides a brief presentation on Town Council's motions and votes at the most recent Town Council Meeting.

- Road closure for proposed for Hampton Inn. The town is going through a process to re-close the right of way. Council wants to see a site plan before making their decision.
- Commercial signs went to Council in November requesting a joint meeting with P&Z. The proposed date is February 9<sup>th</sup>, the same date as the training session with the Cape Fear Council of Governments.
- Deadlines to Town Council. Council wants their packets the Tuesday prior to their meetings which will affect the deadline for requests from applicants.

**ITEM #4      Public Discussion      7:25pm**

---

None

**Text Amendment:** Consider amending Appendix A Zoning, Sec. 3.8-1 Table of Permitted Uses, Sec 7.1 Off-street Parking Standards, Sec. 12.2 Development Standards for Particular Uses, and Sec. 23.3 Definitions to add animal care facilities with indoor and outdoor areas as an allowable use in the HB and I-1 zoning district:

**Applicant:** Trudy Rinke

**ED PARVIN PRESENTS HIS MEMO**

**Summary of the Request**

Ms. Trudy Rinker is requesting to create an allowance for outdoor animal care facilities (i.e. kennels) in Carolina Beach’s I-1 and HB zoning districts. Currently boarding would be permitted as a customarily accessory use and as long as it was indoors. For instance, an animal hospital could board animals, but they would have to remain indoors. Many communities do create allowances for outdoor areas associated with an animal boarding facility; however, there are several impacts that should be taken into consideration before this type of facility is approved. Concerns and mitigation measures identified by the state (North Carolina Department of Agriculture and Consumer Services) are listed in Appendix #3. Other Local Governments typically add additional conditions on outdoor areas. Several example ordinances have been included under Appendix #4.

Excerpts from the 2007 Land Use Plan and Zoning Ordinance describe the purpose of the Highway Business and Industrial Districts (see appendix 5). The descriptions are summarized below.

**Highway Business (HB)**

The HB zone will continue to be densely developed (no maximum density) and have the majority of the lots covered by building (60%). Having adequate facilities (i.e. area for stormwater management and parking) are the only limiting factor on density. The town is encouraging retail, office, restaurant, entertainment, and service uses in the area. With a high density and wide range of commercial uses there is the potential for conflicts being created if the proper mitigating standards are not put in place to protect: (1) adjacent property owners, (2) business owners and (3) the overall character of the district.

**Industrial (I-1)**

The I-1 zone remains relatively undeveloped with only one building on the east side of the Dow Road and a small storage facility of the west. The zone was designed to provide for warehousing and storage and light industrial activities compatible with a small, tourist oriented, environmentally sensitive, coastal community. Any negative environmental impacts associated with land uses in this zone can generally be mitigated through proper site planning, buffering, and operations management.

**STAFF RECOMMENDATIONS**

Staff Recommends approval for the allowance in the I-1 and HB with animal care facilities having outdoor areas only being allowed in HB after receiving a conditional use permit. Staff lists the following comments/concerns:

1. HB is our main thoroughfare and is designed to be highly commercial oriented (eateries, services such as day care facilities, and various retail and entertainment activities. Having fenced in areas housing animals along the corridor of Lake Park Blvd. as you come into town would appear to be out of character with this zone. The HB zone spans a large area having somewhat different characteristics (i.e. area behind Food Lion vs. transitioning to the CBD). Due to the potential for conflicts with this use buffers would be needed, but the extent of the buffering needed would be best left up to a specific site review. For this reason staff recommends approving the use with outdoor area, but only as a conditional use.

2. I-1 is an appropriate zone that could effectively address mitigation criteria and remain in harmony with surrounding uses.

## **DISCUSSION**

Trudy Rinker – 104 Palm Breeze Dr

Ms. Rinker presented the commission with a PowerPoint presentation showing the proposed location for her business and similar business locations in New Hanover County. She would like to have an indoor/outdoor play area and an indoor boarding area. Hours of operation would be 7am – 7pm Monday – Friday, 9am – 12pm and 3pm – 6pm Saturday and 4pm – 6pm Sunday. Outdoor areas would be enclosed with a six foot fence, including segregation areas for larger and smaller breeds.

Vice Chairman Keeler questioned if the Department of Agriculture has regulations for square footage. Ms. Rinker said they do not regulate square footage but the ASPCA recommends 75 feet.

Vice Chairman Keeler questioned what kind of sound proofing would there be. Ms. Rinker responded the walls are the same as the veterinary hospital next door.

Vice Chairman Keeler questioned Commissioner Cottrell if the animal hospital has to have a veterinary license. Commissioner Cottrell confirmed it does.

Vice Chairman Keeler questioned Commissioner Cottrell if the animal hospital boards overnight and what is the maximum number of animals. Commissioner Cottrell verified they do board overnight with a maximum of ten animals.

Vice Chairman Keeler questioned Commissioner Cottrell if the noises of the larger dogs affect the neighbors. Commissioner Cottrell responded never, both in his old and current location. He has two sheets of drywall on the outer walls to buffer the sounds.

Vice Chairman Keeler questioned if the Animal Hospital has outdoor space. Commissioner Cottrell responded yes.

Vice Chairman Keeler – Asked if the dogs would be unattended when outside?

Rinker – The facility is an animal care facility and a kennel is a small enclosed space.

Vice Chairman Keeler questioned if there would be impact fees for this facility. Mr. Parvin noted they will be similar to what a vet office is charged.

Vice Chairman Keeler asked Ms. Rinker if approved by Council with conditions, could it impact her decision to move her business to Carolina Beach. Ms. Rinker confirmed it would.

Vice Chairman Keeler questioned if the commissioner could craft a CUP meeting her needs. Mr. Parvin noted if you put standards for outdoor areas, you are going to have standard buffers. There is a residential area behind the proposed location that has a buffer that will not work for her business. The CUP can offer her some flexibility.

Commissioner Efirm questioned how close the residential area is. Mr. Parvin responded there is a town owned field behind the building that has strict usage limitations.

Chairman Reynolds questioned the commission about their preference for this type of facility. The commission expressed strong support for this type of facility.

Vice Chairman Keeler asked how this would be policed if the town adds on additional requirements, such as outdoor supervision requirements, maximum square footage, etc. Mr. Parvin responded saying he drafted the proposed ordinance with those things in mind so that policing this would not be difficult. The primary area will be indoors and that is regulated by the state. The outdoor area has the regulation of 75 square feet per animal while outdoors.

Chairman Reynolds expressed a buffer would not keep the noise from travelling. Ms. Rinker responded saying if you go to facilities such as this you will notice that the dogs are not barking. That is the reason for the privacy fence to keep them from distractions.

Commissioner Pierce questioned staff's recommendations. Mr. Parvin noted the outdoor area in the highway business district would be a conditional use permit where in the industrial it would be permissible.

**MOTION**

**8:10 pm**

Vice Chairman Keeler made the motion to amend Appendix A Zoning, Sec. 3.8-1 Table of Permitted Uses, Sec. 7.1 Off-street Parking Standards, Sec. 12.2 Development Standards for Particular Uses and Sec. 23.3 Definitions to add animal care facilities with indoor and outdoor areas as an allowable use in the HB and I-1 zoning districts with conditions they adhere to the Department of Agriculture standards. Also requiring a Type C buffer, either inside or outside the fence area, which states for every 50 linear feet, or fraction thereof, the buffer yard shall contain two canopy trees or four understory trees and six shrubs. All buffer yards shall provide for a six foot fence with 80 percent opacity with the planting requirements outlined above. Additionally while outdoors, all animals are required to be attended at all times. Final recommendation that impact fees be based off of square footage vs. line sizes. Commissioner Efirid seconds the motion. **Motion passed unanimously (7-0).**

**ITEM #6**

**8:12 pm**

**Text Amendment:** Consider amending the Subdivision Ordinance 12-106 to eliminate the requirement for corner lots to be designed and platted with at least ten (10) feet of extra width over and above the minimum required for the zoning district.

**Applicant:** Town of Carolina Beach

**ED PARVIN PRESENTS HIS MEMO**

**Summary of the Request**

Planning staff is requesting to amend the subdivision regulations to eliminate the present requirement for corner lots to be designed and platted with an additional 10 feet of extra width over and above the minimum requirement for the zoning district. The majority of Carolina Beach has already been platted with uniform blocks. With very little land left to be subdivided the extra 10 feet rarely comes up unless someone is looking to reorient lots near street intersections. For instance, an owner of two lots directly adjacent to a corner could not reorient their lots to face the "corner" street (see attached diagram appendix 2).

**History of the Problem**

The subdivision ordinance was adopted in 1977 with the additional 10 ft. of extra width for the corner lot requirement. The question is why was this extra ten feet required? Corner lots have historically had a larger setback next to the street (i.e. 12.5' on a side lot line next to a street vs. 7.5' on all other sides). A larger setback on corner lots is fairly common when looking at other coastal communities (see appendix 3). It is thought that the extra setback was desired to allow for a more unified alignment of buildings. An impact of a larger side setback on corner lots is less building area for corner lot owners. The additional 10 feet appears to have been designed to give corner lot property owners a footprint that was more in line with what other nearby property owners enjoyed. This regulation appears to be unique to Carolina Beach.

**TRC Recommendations**

TRC recommended approval and did not have issues with eliminating the requirement for corner lots to be designed and platted with at least 10 ft. of extra width over and above the minimum that is required for the zoning district.

**Staff Recommendation**

The advantage of the larger corner lots is it gives these property owners a footprint more in line with other lots not adjacent to a corner. The reality is that almost all land has been subdivided in Carolina Beach. After

reviewing past subdivisions the standard does not appear to have been consistently applied. For instances lots platted after 1977 (i.e. Ocean Ridge) appear to have ignored this standard while other subdivisions (i.e. Carolina Sands) have meet it. Keeping the regulation appears to have little benefit to Carolina Beach, while removing it will allow properties near a corner to consider more orientation options.

**DISCUSSION**

Vice Chairman Keeler questioned if there was a reason this is being considered. Mr. Parvin noted it has been permitted on several occasions and loosely enforced.

**MOTION**

**8:25 pm**

Commissioner Pierce made the motion to amend Subdivision Ordinance 12-106 to eliminate the requirement for corner lots to be designated and platted with at least ten (10) feet of extra width over and above the minimum required for the zoning district. Commissioner Keenan seconded the motion. **Motion passed unanimously (7-0).**

**MOTION TO ADJOURN**

**8:30 pm**

Commissioner Efird made the motion to adjourn. **Motion passed unanimously (7-0).**