

Joann M. McDermon, Mayor
Mike Benson, Mayor Pro Tem

Aldermen:
Fred Fontana
Richard Grant
Tom Leonard
Connie Pletl



Alice Derian, ICMA-CM
Town Manager

Nancy Avery
Interim Town Clerk

Planning Board

Regular Meeting Draft Minutes

Wednesday, March 9, 2023, at 5:30 PM

2008 Loggerhead Court, North Topsail Beach NC 28460

Present: Hanna McCloud – Chair, Paul Dorazio - Vice Chair, Lisa Brown, Stu Harness, Susan Meyer, Pat Stigall.

Absent: Scott Morse.

Present Other: Deborah Hill – Planning Director, Kate Winzler – Clerk to the Planning Board, IT Director Ricky Schwisow, Alice Derian – Town Manager, Fire Chief Chad Soward.

CALL TO ORDER Chair McCloud called the meeting to order at 5:02 p.m.

ADOPTION OF THE AGENDA Mr. Dorazio made a motion to adopt the agenda, modifying the date to March 9, 2023. Mr. Harness seconded the motion. The motion passed unanimously, 5-0.

APPROVAL OF MINUTES Ms. Brown made a motion to approve the minutes for February 9, 2023. Mr. Dorazio seconded the motion. The motion passed unanimously, 5-0.

PUBLIC COMMENT none.

Ms. Stigall joined the meeting at 5:04 p.m.

NEW BUSINESS

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.
- Industry Standard Levels of charging station:
 - Level one is designed for home use.
 - Level two is designed for commercial use.
 - Level three is designed for heavy commercial use.
- 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 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 issues have surfaced since the passing of UDO § 10.07.02 (E) Dune Protection Ordinance. He explained property owners are unable to make repairs to their existing structures located within the dune structure because of the wording in the ordinance.

Mr. Dorazio suggested modifying the ordinance to allow property owners to repair their property. Presently, property owners must apply for a variance to make repairs.

Planning Director Hill stated based upon § 10.07.02 (E), four deck repair applications have been denied. 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's intention to protect the dunes and 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 requirements.
 - 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."
 - The existing non-conformity ordinance.
 - 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 (Coastal Area Management Act) suggested post-and-rope beach accesses.

WETLAND PROTECTION

Planning Director Hill explained the Board of Aldermen charged the Planning Board with considering wetland protection. Ms. Hill explained the City of Wilmington has adopted higher standards for wetland protection than both New Hanover County CAMA using a coastal overlay that extends protection from the normal high-water line and limits what may and may not be in the buffer. She offered the following for the Planning Board to consider:

- Increase the Outstanding Resource Water buffer from thirty feet to forty feet.
- Decrease the maximum impervious surface from thirty percent to twenty-five percent along the shoreline.
- Ban artificial turf in the buffer.
- Trash, garbage, debris, and pollution in the wetlands.
- The Outstanding Resource Waters (ORW):
 - Oyster beds.
 - Pristine water classification.
 - Expansion opportunities.
 - Water quality improvement.

- Invite the Division of Coastal Management and Department of Natural Resources to make innovative protection suggestions to the Planning Board.
- Watch the video "Clean Water Act Forward to the Past."
- Consider the balance between protecting the environment, regulations, and property rights.

Planning Director Hill asked the Planning Board to establish ideas for discussion at the April Planning Board Meeting.

OUTDOOR LIGHTING ORDINANCE

Planning Director Hill explained that the Board of Aldermen has requested the Planning Board consider an outdoor lighting ordinance. She offered the following for consideration:

- Surf City's existing lighting ordinance.
- Existing structure implementation during replacement.
- Jones-Onslow Electric Membership Corporation (JOEMC) replacement implementation.
- Lighting plan review for new construction during the site plan review.

Ms. Hill asked the Planning Board for input and offered to present the topic at the April meeting.

DISCUSSION

Planning Director Hill reminded the Board that the CRS cycle verification meeting will be on April 18, 2023.

The Hazard Mitigation Grant Program elevation project approved after Hurricane Florence was placed on hold. The structure was deemed structurally unsound for elevation, and the engineer will propose a remedy moving forward.

ADJOURNMENT Mr. Dorazio made a motion to adjourn. Mr. Harness seconded. The motion passed unanimously, 6-0.

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

APPROVED

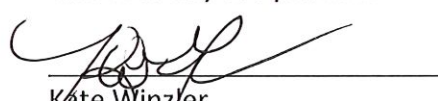
This 13th day of April 2023



Hanna McCloud
Chair

CERTIFIED

This 13th day of April 2023


Kate Winzler
Clerk