



WRIGHTSVILLE BEACH PLANNING BOARD MINUTES

321 Causeway Drive, Wrightsville Beach, NC 28480

March 8, 2016

The Town of Wrightsville Beach Planning Board met at 6:00 p.m. in the Town Hall Council Chambers located at 321 Causeway Drive, Wrightsville Beach, NC 28480.

PRESENT: Chairman Ken Dull, Vice Chairperson Susan Snider, David Culp, Vivian "Zeke" Partin, Jim Smith

ABSENT: Janice Clark, Thomas "Ace" Cofer

Staff Members Present: Tony Wilson, Director of Planning & Parks
Zachary Steffey, Town Planner

CALL TO ORDER

Meeting called to order by Chairman Ken Dull at 6:01 p.m.

PLEDGE OF ALLEGIANCE

Chairman Ken Dull led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

...Motion by Ms. Zeke Partin to approve the minutes from the February 2, 2016 meeting. Motion seconded by _____ and carried unanimously by a vote of (5-0).

NEW BUSINESSAGENDA ITEM A:

DISCUSSION OF A TEXT AMENDMENT PETITION TO SECTION 155.6.4 TABLE OF PERMITTED/CONDITIONAL USES TO CHANGE THE USE CLASSIFICATION OF BOAT RENTAL FACILITIES FROM A CONDITIONAL USE IN THE C-3 ZONING DISTRICT TO A PERMITTED USE FOR BUSINESSES OPERATING WITH FOUR BOATS OR LESS.

Mr. Steffey said that on February 16, 2016 the Planning and Inspections Department received a petition for an Ordinance Text Amendment to Section 155.6.4 Table of Permitted/Conditional Uses. Mr. Jeff Hughes, the petitioner, and Mr. Geoffrey Losee, the petitioners authorized agent, requested that the use classification of Boat Rental Facilities be changed from a Conditional Use to a Permitted Use in the C-3 Zoning Districts of the Town. Mr. Steffey said that the public notice of the meeting ran on February 27, 2016 in the Wilmington Star News. Mr. Steffey said that following the adoption of Ordinance No. (2015) 1739 Mr. Jeff Hughes (petitioner) the owner of Nauti Times Boat Rentals began the process of applying for a Conditional Use Permit. Due to unforeseen factors involving the property owner(s), Mr. Hughes was unable to obtain the authorization needed to move forward with obtaining a Conditional Use Permit for his business. Mr. Steffey said that the requested amendment to Section 155.6.4 would allow Mr. Hughes to continue to operate his business at its present location rather than having to relocate to an alternate location. Mr. Steffey said that Planning Staff were in favor of the proposed text amendment and he suggested including the following as supplemental regulations: limit the number of boats to four (4) boats, prohibit the rental of personal watercraft i.e. jet skis, prohibit the storage of boats on trailers, require a business plan that demonstrates where boats will be stored, maintained, and fueled, limit the hours of operation.

PLANNING BOARD DISCUSSION:

Ms. Partin asked if Nauti Times is a fishing vessel for hire. Mr. Hughes said that it was up to the renter as to what they would like to do with the rental.

Ms. Partin asked if the staff had defined any hours of operation for the boat rentals. Mr. Steffey said that staff was offering this as an optional recommendation with the intent of allowing the Planning Board to address the hours of operation in their recommendation to the Board of Aldermen if they felt that it was necessary.

Mr. Jim Smith asked if there were any parcels within the C-3 Zoning District where this would create a parking problem. Mr. Wilson said that anytime a building is built then it should have been built with the proper number of parking spaces.

Mr. Smith asked if there would be a requirement that the customers are educated on boat safety. Mr. Steffey explained that this had been included as a condition on previous Conditional Use Permits that had been issued. Mr. Wilson said that this could be included as a supplemental regulation if the Planning Board felt that it should be included. The Board agreed stating that it would be good to have this

PRESENTATION BY APPLICANT:

Mr. Jeff Losee and Mr. Jeff Hughes began their presentation to the Planning Board. Mr. Losee said that the ordinance passed last year had the unintended consequence of putting Nauti Times out of business. He explained that Seapath operates like a boatominium. Mr. Losee said that Seapath didn't feel comfortable allowing for an individual to sign off on a conditional use permit. He indicated that Seapath requires Mr. Hughes to come before the Seapath on an annual basis to examine any changes to his business. He said that the marine insurance company requires Mr. Hughes to have specific training requirements in place. He said that with the supplemental regulations the Town has the opportunity to have all of the control and oversight that it feels is appropriate, therefore getting the same benefit without having to go through the full CUP process. Mr. Hughes said that they do not allow anyone to take a boat out who does not have at least five years of boating experience. He said as the sole owner of the boats he takes who uses the boats very seriously.

Ms. Partin asked Mr. Hughes if he allows boats to be rented after dark. He said that these vessels have lights on them. He said that the majority of his rentals occur during the daytime.

Mr. Smith asked if a limit of four (4) boats was a suitable number for the applicant. Mr. Hughes said that Seapath would not allow him to have more than four boats. Ms. Partin asked whether the number of boats should be limited.

Mr. Wilson said that the way staff had looked at the four boat limitation was that any business requiring additional boats would then seek a conditional use permit pursuant the requirements of the existing ordinances for boat rentals.

Mr. Adam Meyer asked Mr. Hughes what percentage of his customers are repeat customers. Mr. Hughes indicated that around 70% of his customers were repeat

customers.

Mr. Meyer also asked if the Town desired to be named as an additional insured party. Mr. Wilson said that the Town Attorney had indicated that the Town was not interested in getting involved to that extent.

PUBLIC COMMENTS:

Chairman Dull opened the public comment portion of the meeting to allow for public comments either for or against the proposed Text Amendment.

IN FAVOR:

None

OPPOSED:

None

With there being no comments from the public, Mr. Dull closed the public comment period.

PLANNING BOARD DISCUSSION

Mr. Smith asked about the existing conditional use permit that was in place for 96 West Salisbury Street. Mr. Wilson indicated that the existing conditional use permit for 96 West Salisbury Street would remain in effect.

Mr. David Culp asked the applicant if he could operate from a second location within Wrightsville Beach. Mr. Wilson said that as long as the number of boats would be four or less then they would not need to come back before the Board.

MOTION:

...Motion by Mr. Culp to provide a favorable recommendation to the Board of Aldermen of the proposed Text Amendment Petition to Section 155.6.4 with the inclusion of the Staff Recommendations. Motion seconded by Mr. Smith and carried unanimously by a vote of (5-0).

AGENDA ITEM B:**CONTINUED DISCUSSION ON SECTION 155.2.10 OPEN SPACE REQUIREMENTS.**

Mr. Steffey said that Planning Staff had taken the feedback from the February Planning Board meeting and adapted the proposed amendments to the Code of Ordinances to reflect the Boards feedback and recommendations. Mr. Steffey discussed the following changes to the proposed amendments: Add (B) (2) Utility /Service Equipment Stands (b) to address constructing or re-locating HVAC/Utility stands when nonconforming structures are elevated pursuant to Section 155.8.4; Modify (B) (7) to include the commercial zoning districts of the Town; Remove (B) (8) Walkways and replace with (B) (8) Walkways (a) (b) (c) to address walkways allowed within the required setbacks; Modify (B) (11) Retaining Walls to include (b) to address existing retaining walls that exceed a height of 30 inches above the lowest adjacent grade; Establish (B) (12) Arbors and decorative trellises; Establish (B) (13) Liquid petroleum storage tanks; Establish (B) (14) Tanks and systems for stormwater collection; Establish (B) (15) Geothermal and irrigation wells.

PLANNING BOARD DISCUSSION:

Ms. Snider asked if accessory buildings currently located within the setbacks would be able to remain in place. Mr. Steffey said that the proposed amendments to the ordinance could be modified to provide a provision that existing accessory buildings installed prior to the adoption of the proposed amendments could remain in place.

Ms. Partin asked if someone constructing a new arbor would have to build it to be eight feet or if they could build it to a height of their choosing. Mr. Steffey said that eight feet would be the maximum height and that the height of the arbor would be the property owner's choice.

Mr. Culp asked if the sight visibility triangle and the corner lot visibility triangles are the same as the standard being used in the proposed changes to the ordinance. Mr. Steffey said that these same standards would be used for determining where arbors and trellises could be placed on a lot.

OLD BUSINESS

None at this time.

OTHER BUSINESS FROM CHAIRPERSON OR BOARD MEMBERS

None at this time.

OTHER BUSINESS FROM STAFF

None at this time.

ADJOURNMENT

...There being no further business to come before the board, Chairman Ken Dull made a motion to adjourn which was seconded by Ms. Snider, the meeting was adjourned by unanimous vote at 6:34 p.m. Vote (5-0)

Respectfully Submitted,

Town Planner, Zachary Steffey