



WRIGHTSVILLE BEACH PLANNING BOARD MINUTES

321 Causeway Drive, Wrightsville Beach, NC 28480

June 5, 2018

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 Jim Smith, Vice Chairman Jeff DeGroot, David Culp, Vivian "Zeke" Partin, Susan Snider

ABSENT: Karen King, Ace Cofer

Staff Members Present: Tony Wilson, Director of Planning & Parks
Danielle Villegas, Planning Technician

CALL TO ORDER

Meeting called to order by Chairman Jim Smith at 6:00 p.m.

PLEDGE OF ALLEGIANCE

Chairman Jim Smith led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

...Motion by Ms. Zeke Partin to approve the May 1, 2018 minutes. Motion seconded by Ms. Susan Snider and carried unanimously by a vote of (6-0).

NEW BUSINESSAGENDA ITEM A:

CONSIDERATION OF A CONDITIONAL USE PERMIT FOR 534 CAUSEWAY DRIVE TO OPEN A RESTAURANT THAT SERVES HEALTHY FOOD AND CRAFT COFFEE.

STAFF PRESENTATION:

Mr. Tony Wilson stated that on March 28, 2018 the Planning and Inspections Department received a Conditional Use Permit (CUP) application from Nicholas Cole, authorized agent for James Wallace Intracoastal Cooperation and Zeke's Beans and Bowls. He stated that the Applicant is requesting to open a restaurant at 534 Causeway Drive, that serves healthy food and craft coffee and that the property is located within the C-3 Commercial Zoning District next to Wrightsville United Methodist Church. Mr. Wilson explained that this property has an existing parking lease with Wrightsville United Methodist Church for 5 spaces and 5 existing spaces on the property. He stated the total number of off-street parking spaces required for Zeke's is 10 spaces, (24 persons/4) + (4 staff/2) + (1 ADA Handicap Spaces) + (1 space for upstairs office) = 10 parking spaces, and the existing site can provide 10 parking spaces on site.

Mr. Wilson stated that the appropriate notices had been posted and mailed and that the only comment from department heads came from Public Works. According to the Public Works Department, the Annex is a standalone lot, not part of the Church or Banks Channel property. They only have 5 parking spaces. Right now they put their 1 cart at the street (Causeway Dr.) on the days of service and store it at the back door privacy screened area. The truck cannot get access through their parking lot without heavy cutting of a tree. This is a true exception to the rule as there is no place for a dumpster, but they do need and can fit 4 carts in that screened area. The truck could come around the back of Banks Channel but that would be wasting time over just driving straight on Causeway Dr.

Mr. Wilson stated that Planning Staff recommended that the Planning Board consider and forward a favorable recommendation to the Board of Alderman for the Conditional Use Permit for 534 Causeway Drive, with conditions.

PLANNING BOARD QUESTIONS:

Chairman Jim Smith asked about the parking, and Mr. Wilson replied they can provide 10 spaces with a lease with the Methodist church.

PRESENTATION BY APPLICANT:

Mr. Mike Schumer, Authorized Agent for Zeke's and owner of two such establishments, and Nick Cole, potential owner and operator of the Zeke's at Wrightsville Beach,

presented photos and information about the proposed business. He stated that the owner already runs two successful Zeke's locations in Norfolk, VA and Virginia Beach, VA, would like to bring the experience to Wrightsville Beach, and it is a healthy, family friendly restaurant. He stated that Zeke's has never had issues with the police department, fire department, or surrounding community. Mr. Schumer explained the concept of the business and his plan for opening the location here in Wrightsville Beach. He explained the establishment would serve healthy fare, such as acai bowls, cold press juices, fish, pita, and pour over craft coffee. He also described it as an inclusive family friendly restaurant, that never planned to apply for a license to sell alcohol. Mr. Schumer stated that he believed the business meets all the conditions for a Conditional Use Permit. He stated that it would be a benefit to the community by offering a nearby food option.

PLANNING BOARD QUESTIONS:

Chairman Smith asked if Zeke's was open on the weekends. Mr. Schumer stated that they would be open on the weekends until 9 p.m. Mr. David Culp asked what time they planned to open on the weekends. Mr. Schumer replied 8 a.m., but said that it might be necessary to tweak that for the neighboring Methodist church. Mr. Nick Cole interjected that they were more than willing to work around that and with the church. Mr. Cole confirmed they serve breakfast when asked by Chairman Smith.

Mr. Culp asked if Mr. Schumer and Mr. Cole had been to the Methodist church on a Sunday to observe the parking. Mr. Cole responded that he heard it was very busy, which was why he was more than willing to work with the church on Sunday parking and stated that staff will most likely prep while church is in session so that they will be ready to open when it lets out.

Ms. Partin commented that Zeke's was one of the most comprehensive and well-done applications the Planning Board has seen. Vice Chairman Jeff DeGroote awarded a, "Good Job," to the two presenters.

PUBLIC HEARING:

Chairman Smith opened the public hearing on the proposed Conditional Use Permit.

IN FAVOR:

Knox Harris spoke in favor, saying it was an amazing restaurant with a great atmosphere.

Trey Wallis, President of Intracoastal Realty, that owns the building, spoke in favor of Zeke's. He said that it would be a great business opportunity for Wrightsville Beach.

Sue Bullock stated that she supported Zeke's, saying she was looking forward to a profitable and welcoming family friendly business.

John Moore stated that he was for the restaurant, but wanted to add the condition that it open after 1 p.m. on Sundays.

Nancy Faye stated that the restaurant should not be open during church hours and should not serve alcohol.

OPPOSE:

None.

PLANNING BOARD DISCUSSION:

Ms. Susan Snider mentioned that the previous business served coffee on Sunday mornings and that the restaurant should be open for church goers to get refreshments after their service lets out. Ms. Partin agreed. Mr. DeGroot agreed and said they should agree on a time. Mr. Culp asked if they would have outside music or tables. One of the presenters responded, no, from the audience. The Board suggested a condition forbidding outside music.

MOTIONS:

...Motion by Mr. David Culp to forward a favorable recommendation, with conditions, to the Board of Aldermen to approve the Conditional Use Permit for 534 Causeway Drive. Motion seconded by Mr. DeGroot and carried unanimously by a vote of (5-0).

AGENDA ITEM B:

CONSIDERATION OF A TEXT AMENDMENT TO SECTION 155.6.4 TABLE OF PERMITTED/CONDITIONAL USES OF THE CODE OF ORDINANCES, BY CHANGING ABC PACKAGE AND RETAIL FROM A CONDITIONAL USE IN THE C5 ZONING DISTRICT TO A CONDITIONAL USE WITH SUPPLEMENTAL REGULATIONS

*At this time Ms. Partin recused herself from these next two items due to her involvement with the ABC Board.

STAFF PRESENTATION:

The Planning and Inspections Department is requesting an amendment to Section 155.6.4 Table of Permitted/Conditional Uses of the Code of Ordinances, by changing ABC package and retail from a Conditional Use in the C5 zoning district to a Conditional Use with Supplemental Regulations. He stated that the proposed text amendment would amend Section 155.6.4 Table of Permitted/Conditional Uses by changing ABC Package and Retail from a Conditional Use in the C5 Zoning District to a Conditional Use with Supplemental Regulations. Mr. Wilson explained that this would allow ABC package and retail stores in the C5 Zoning District, which are already allowed with a Conditional Use Permit, to continue to be allowed with the following supplemental regulations: Shall be subject to all requirements for uses in the C-5 Commercial District except as amended herein; the front yard minimum setback shall be 15 feet which shall be landscaped using shrubs, grass, ground cover and trees; permitted parking spaces may encroach into the required side yard minimum setback and rear yard minimum setback; a maximum of two driveways may be permitted and a permitted driveway may encroach into the side yard minimum setback. Mr. Wilson stated that all appropriate legal notifications were posted.

PUBLIC HEARING:

Chairman Smith opened the public hearing on the Text Amendment.

IN FAVOR:

None.

OPPOSE:

Katherine McFeeters, from Rogers Ave, brought up concerns about the "Flood Airlie Garden Project". She said that she wanted a public park rather than a liquor store.

Bob McFeeters, from Rogers Ave, stated that he was against the addition of any more driveways or roads due to recent accidents in that area. He also said this rezoning would not be approved by Wilmington.

George Lance, 1825 Barkley Ave, thought they should address the dangerous road conditions and lack of crosswalk before addressing the ABC store.

Matt Groff, 1826 Barkley Ave, expressed concern over dangerous road conditions and what the ABC store would add to it. He recommended it be put on the old Scotchman property.

Harper McDaniel from the same neighborhood expressed concern over dangerous road

conditions being ignored due to growth and development.

Mimi Perez agreed with everything everyone before her said.

A man from the audience asked if the Planning Board could add a stoplight; Mr. Wilson responded that he was not sure.

Another man from the audience asked if the Town had taken traffic into consideration; Mr. Wilson responded that they had.

PLANNING BOARD COMMENTS

Vice Chair DeGroot wanted to make it clear to citizens that he understood their concerns and that the Planning Board was just an advisory committee.

Chairman Smith said he travels Wrightsville Ave at least 6 times a day and the biggest problem he sees are the delivery trucks from existing companies using the suicide lane.

MOTION:

...Motion by Mr. Culp to forward a favorable recommendation to the Board of Aldermen to approve the Text Amendment to Chapter 155.6.4 Table of Permitted/Conditional Uses. Motion seconded by Mr. DeGroot, if public input was considered, and carried unanimously by a vote of (4-0).

AGENDA ITEM C:

CONSIDERATION OF A CONDITIONAL USE PERMIT FOR 7000 WRIGHTSVILLE AVENUE TO ALLOW FOR A RETAIL ABC FACILITY

STAFF PRESENTATION:

Mr. Wilson stated that the Petitioner, R. Frank Smith, representing the property owner New Hanover County Alcoholic Beverage Control Commission (ABC Board), was requesting a Conditional Use Permit to open an ABC Retail Facility at 7000 Wrightsville Avenue. Mr. Wilson explained that the ABC store's current location at 6730 Wrightsville Avenue was built in 2001 on an out-parcel of the "Galleria" which was de-annexed in June of 2014 and became a part of the City of Wilmington. This parcel remained within the Town of Wrightsville Beach limits. The existing ABC store is 2,100 square feet and located in the Wrightsville Beach C-5 Commercial Zoning District. Mr. Wilson stated that the applicant is proposing to open a 1-story, 7,500 square foot ABC retail facility, with 23 standard parking spaces and 2 handicapped parking spaces and that the parking

facility will have landscaped islands with the required buffers. Mr. Wilson explained that 7000 Wrightsville Avenue is currently in the City of Wilmington and will need to be annexed into the Town of Wrightsville Beach in the future and that around that same time, 6730 Wrightsville Avenue, the location of the existing ABC store, will be de-annexed from the Town of Wrightsville Beach. Mr. Wilson stated that all appropriate legal notices were posted and mailed.

PLANNING BOARD QUESTIONS:

Ms. Snider asked if the site plan's depiction of a sidewalk was factual, to which Mr. Frank Smith replied yes. Chairman Smith asked what happens with Wrightsville Beach's portions of property when there is a call for the fire department or police. Mr. Wilson said that Wrightsville Beach responds unless the bridge is up, in which case we have an agreement with Wilmington.

PRESENTATION BY THE APPLICANT:

Mr. Frank Smith, a local architect, presented photos and information on the prospective ABC Store and its property. He addressed the storm water issue and said it would have minimal impact on surrounding area. He addressed traffic conditions and said that this one parcel of land was not going to have enough impact to fix or permanently damage the situation. He clarified that this is not a mega-store development and that they have done everything they can to minimize the building in an attempt to be neighborly and save as many trees as possible. Mr. Smith mentioned that the ABC development split a driveway to save a significant oak tree, and has preserved most of the surrounding environmental features. Mr. Smith said that the store fits into the community, and although it has a large warehouse, it has an onsite loading dock and that there will not be any tractor trailers parked in the suicide lane adding to the danger of the road.

PLANNING BOARD QUESTIONS:

Chairman Smith asked how many square feet were in the existing building; Mr. Frank Smith said he believed it was between 4200-4400 square feet. Chairman Smith asked for the tree protection plan during construction; Mr. Frank Smith said they were not that far yet.

PUBLIC HEARING:

Chairman Smith opened the public hearing on the proposed Conditional Use Permit.

Matt Groff asked if it was legal to take runoff water from Wrightsville Beach and put it on a Wilmington property, and can that storm water pond hold all of that runoff. Mr. Frank Smith said that pond will hold, is legal and that storm water knows no jurisdiction; it goes where it goes.

A man approached the microphone concerned about employee safety in reference to traffic and safety within the inventory system vs expanding the warehouse.

IN FAVOR:

Ms. Sue Bullock spoke in favor, saying Wrightsville gave up ETJ rights in the 70's and urged the BOA to get back into the discussion with DOT and Wilmington.

OPPOSE:

Ms. Harper McDaniel said this parcel was left out in order to avoid the DOT requirements. Mr. Smith responded by saying the ABC store was included in the traffic study.

Ms. Katherine McFeeters said she really wants a park.

Mr. John Mitchell says this is not a good use for this space. He thinks it is wasteful and agreed with Ms. McFeeters about wanting a park.

PLANNING BOARD COMMENTS:

Chairman Smith put a condition in place saying the ABC store must meet TIA requirements and must put tree protection in place before receiving a building permit. Vice Chair DeGroot wants to see a solution before the Board of Alderman meeting. Ms. Snider did not see an increase in traffic from the original store. Mr. Culp wants a traffic light and tree protection in place.

MOTION:

...Motion by Mr. David Culp to forward a favorable recommendation, with conditions, to the Board of Alderman to approve the CUP for 7000 Wrightsville Ave, to allow for an ABC Retail Facility. Motion seconded by Ms. Susan Snider and carried unanimously by a vote of (4-0).

AGENDA ITEM D:

CONSIDERATION OF CHANGES TO THE STATE MODEL FLOOD ORDINANCE

STAFF PRESENTATION:

Mr. Wilson asked the Board to review the changes made to the Flood Damage Prevention Ordinance, that were suggested during the May Planning Board meeting, and make a recommendation to the Board of Aldermen. This ordinance review and adoption is a requirement of the State of North Carolina and will go before the Board of

Aldermen in July 2018.

PLANNING BOARD QUESTIONS:

Mr. Culp asked if the Floodplain Administrator is the final decision maker within the newly revised plans. Mr. Wilson replied that the Board of Aldermen or Board of Adjustment would have the final say if a decision is appealed.

Chairman Smith asked what they were doing with optional portions of the code. Mr. Wilson said they would leave it in.

MOTION:

Ms. Partin motioned to forward a favorable recommendation to the Board of Aldermen for the adoption of the State Model Flood Ordinance. Mr. Culp seconded the motion and it passed unanimously (5-0).

OLD BUSINESS

Chairman Smith asked about the CAMA Land Use Plan. Mr. Wilson said that he would give an update soon.

OTHER BUSINESS FROM CHAIRPERSON OR BOARD MEMBERS

Ms. Partin asked if the Town would address the area of land around the bridge used for illegal parking.

OTHER BUSINESS FROM STAFF

None at this time.

ADJOURNMENT

...There being no further business to come before the board, Mr. David Culp made a motion to adjourn which was seconded by Ms. Susan Snider, the meeting was adjourned by unanimous vote at 8:08 p.m. Vote (5-0).

Respectfully Submitted,

Danielle Villegas, Planning and Zoning