

# CAROLINA BEACH

Planning and Zoning Commission

Thursday, May 8, 2025 - 6:00 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



## MINUTES

### CALL TO ORDER

Chairman Rouse called the meeting to order at 6:00 PM.

### PRESENT

Chairman Wayne Rouse

Vice Chairman Jeff Hogan

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

### ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

Planner Haley Anderson

### CONFLICT OF INTEREST

*Members of Planning and Zoning shall not vote on recommendations, permits, approvals, or other issues where the outcome of the matter being considered is reasonably likely to have a direct, substantial, and readily identifiable financial impact on the member or a member has a close familial, business, or other associational relationship. No member shall be excused from voting except upon those matters as noted, above, or upon those others involving the consideration of his own financial interest or official conduct. (160D-109)*

### APPROVAL OF MINUTES

1. April 10, 2025 – P&Z Minutes

### **ACTION:** Motion to approve the minutes

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

### STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following during the past month:

### Permitting

- 56 permits (renovation, repair, grading, additions, fences, etc.)
- 9 residential new construction
- 5 certificates of occupancy

### Demos

- 611 Canal Drive (single-family home)

### Project update

- The Sunny Day Flooding Project group had an open house and will make a presentation at Council's July 22 workshop.

### New businesses

- Island Burgers, 254 North Lake Park Boulevard
- K38, 1000 North Lake Park Boulevard, Suite 101 (Proximity)

### Upcoming

- Council May 13: designating public parking for private business (Carolina Beach Inn) and mini golf bar Conditional Zoning
- Council June 17: Special Use Permit modification – 401 Marina Street
- Council accepting a construction bid for 2nd Street extension
- Council opposing Senate Bills 495, 497, 499, and 688 and House Bill 765
- Board of Adjustment May 22: 817 Canal Drive variance
- Planning and Zoning Commission June 12: pool fence text amendment and Unified Development Ordinance (UDO) discussion
- Embassy Suites representatives said after their last community meeting that they would revise their plans based on comments received, but the Town has not yet seen these plans and nothing has been submitted. Vice Chairman Hogan said they have planned another community meeting on May 14 at SeaWitch.

### PUBLIC COMMENT

William Wickliffe of 210 Harper Avenue read a letter from his neighbor, Mark Gates of 206 Harper Avenue, that he and neighbor Rebecca Triplett of 212 Harper Avenue have endorsed. The letter voiced opposition to the rezoning of 204 Harper Avenue due to concerns about a negative impact on the neighborhood, family, and Town as a whole. **# The letter** said **that** parking is already a serious issue, and **that** converting this property to commercial will intensify the problem and further burden existing limited parking infrastructure in the Town. The letter further stated that the rezoning would set a dangerous precedent for future commercial encroachment into residential areas, leading to a cascading effect that could irreparably change the character of the neighborhood and Town. In addition, it cited concerns about traffic, safety, noise, flooding, and surrounding property values, and it pointed out that Council voted against this the last time it was presented.

### PUBLIC HEARING

2. Zoning Map Amendment to Consider a Request to Rezone 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD)

Applicant: STLNC, LLC

Vice Chairman Hogan recused himself from this matter.

Applicant STLNC, LLC, has submitted a petition to consider rezoning 204 Harper Avenue from Mixed Use (MX) to Central Business District (CBD) zoning. The neighboring property to the east is under the same ownership, formerly Welcome Inn (205, 207, and 209 North Lake Park Boulevard), and is currently in the CBD. The applicant has requested the rezoning to have consistent zoning and land uses for the entire property, so all business-related decisions and operations fall under the same zoning guidelines.

For consistency and the purpose of redevelopment, it is best practice for the entirety of a property to be within the same zoning district. Redevelopment of the property would require recombination of the property. One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Section 1.7 of the UDO. Previously, 204 Harper Avenue had a single-family structure, and the adjacent common ownership parcels were formerly Welcome Inn. The adjacent use to the west is single-family, to the north is a multi-family structure, and across the street to the south is a hotel.

#### HISTORY

The property has been ~~in~~ under the same ownership for over 50 years. The single-family house and Welcome Inn were built in the 1930s. In 2023, the structures were demolished after a new hotel was approved for the site in 2022. The hotel had not started construction, and the property was recently purchased. The permit for the hotel authorization expired September 14, 2024.

The 1984 zoning ordinance and zoning map had both properties, 204 Harper Avenue and the property where Welcome Inn was, in B-1: Central District. In 2000, 204 Harper Avenue was rezoned to MX, and the Welcome Inn property was rezoned to CBD.

#### TECHNICAL REVIEW COMMITTEE (TRC) COMMENTS

Staff discussed the preference for zoning lines to follow contiguous property ownership but did note the expansion of the CBD into a district that allows for single-family residential. The property to the north does have a permanent 10-foot access easement that would create a buffer between the single-family homes and any new development. Changing the property from MX to CBD does present the potential for increased water and sewer capacity needs because the CBD allows for higher density.

#### LAND USE PLAN

The property is shown on the Future Land Use Map as Mixed Use Commercial and is described as a higher-density area with a mix of uses, within the district and individual buildings. Residential uses are allowed only on upper stories; ground floor is encouraged to be active. 4- to 5-story structures are possible, unless a property is adjacent to low- or medium-density residential with attractive street facades. NCGS 160D states that if a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any Future Land Use Map in the approved plan, and no additional request or application for a plan amendment is required.

Ms. Abbotts presented the details, including a review of the history of the property, surrounding uses, dimensional standards, and permitted uses. She said staff recommends approval of the zoning map amendment and Land Use Plan amendment.

Commissioner Crouch asked what the basis for staff's recommendation is. Ms. Abbotts said this is because the property has been in same ownership for a long period of time, and staff believes it is best land-use practice to have similarly owned properties in one zoning district.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Attorney Ned Barnes of 814 Carolina Beach Avenue North, who represents the applicant, reviewed **how the** ways they contend the proposed rezoning is consistent with the Land Use Plan. He said the rezoning would bring the property into conformity with adjacent lots that are zoned CBD, offering compatibility with the surrounding area, and it would not impact public services. Mr. Barnes said Mr. Gates' property at 206 Harper Avenue has been granted a 10-foot easement, creating a setback, so he's protected in that sense. He said somehow the one parcel converted from B-1 to MX, and the applicant is just asking for it to be restored to what it was.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Commissioner Carew asked if anything has changed materially since the first time the Commission heard this a year ago. Ms. Abbotts said no.

Commissioner Piper said at the meeting last year, Mr. Gates, who will be more affected than anybody, said he had no objection to the rezoning. Commissioner Piper said if Mr. Gates is good with it, then he's good with it.

Commissioner Crouch said Mr. Gates and other neighbors on Harper Avenue are categorically opposed to the request now. Commissioner Crouch said the westerly creep of the CBD is going to be an ongoing pressure, and anything that can be done to head this off to protect residential neighborhoods is a win for the overall community. He said the request is not in accordance with the Town's Future Land Use Plan, and for that reason he will strongly recommend denial of it.

Chairman Rouse said he recalls that Mr. Gates was present during the meeting last year and specifically wanted to ensure that his easement did not go away. Chairman Rouse said this is a permanent easement, and because of the side setback where it's located, Mr. Gates actually has a bigger setback

and therefore less westward creep than if the applicant built something else. He said he is voting in favor of the request.

Commissioner Conto said the applicant has been a good steward in partnering with the Town to do parking vs. choosing other more profitable options for the property.

**ACTION:** Motion for denial based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and potential impacts on surrounding areas  
Motion made by Commissioner Crouch  
*Motion died for lack of a second*

**ACTION:** Motion of approval whereas in accordance with the provisions of the North Carolina General Statutes, the Planning and Zoning Commission does hereby find and determine that the adoption of the zoning map amendment for 204 Harper Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions; a statement approving the proposed zoning map amendment and declaring that this also amends the Land Use Plan to meet the vision of the community is taken into consideration in the zoning amendment  
Motion made by Commissioner Boswell, seconded by Commissioner Conto  
Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Piper, Commissioner Carew, Commissioner Conto  
Voting Nay: Commissioner Crouch  
*Motion passed 5-1*

3. Text Amendment to Amend Article 3: Zoning and Article 7: Definitions of the UDO to Address Water-Oriented Businesses and Personal Watercraft Sales and Rental  
Applicant: Town of Carolina Beach

During the UDO rewriting process, staff and the Commission identified the need to address water-oriented businesses in the ordinance. To facilitate a more focused discussion, this text amendment is being introduced currently, after the UDO has been adopted.

The goal of this text amendment is to clarify water-oriented businesses and related uses. Prior to this text amendment, there were multiple uses that were similar with different requirements and parking calculations. Staff presented a text amendment last month for the Commission's review. Since the April meeting, staff and the Commission have held two workshops to discuss the text amendment.

The following changes have been made to the proposed ordinance since April:

1. Table of uses
  - a. Removed boats from the automotive category.
  - b. Boats and personal watercraft (PWC) rental is Conditional Zoning (CZ).
  - c. Boat sales and repair are permitted by right with standards.
  - d. Removed the rental and repair of any item and clarified the definition of retail sales to include repair.

## 2. Off-street parking

- a. Removed boats from automotive.
- b. Boat rentals require 1.5 spaces per boat.
- c. Commercial marinas require .75 spaces per wet slip plus requirements for dry stack and all other uses on site.
- d. Dry stack facilities require 1 per 2 spaces to align with the requirement for commercial marinas.

## 3. Added standards for boat and PWC rental

- a. The business shall operate in a permanent on-site building.
- b. All boat slips must be shown on the site plan.
- c. All other standards are consistent with the automotive development standards.

## 4. Added standards for commercial marinas

- a. Parking, restrooms, refuse, water, electricity, and sewer pumpouts are required.
- b. Slips used for charter boats, dive boats, dinner cruises, scenic cruises, boat taxis, etc., must be identified on the site plan. Any changes to the site plan require major modification to the CZ permit for the marina.

## 5. Definitions

- a. Clarified in automotive definition that rental of boats, PWC, golf carts, mopeds, e-bikes, and scooters shall not be included.
- b. Added a definition for public marinas operated by a government entity.
- c. Added a definition of wet boat slip because it is used in the off-street parking table. A single watercraft in or over water, whether it is residential, commercial, or transient, constitutes a wet boat slip.
- d. Clarified that private marinas/docks/piers are for residential use only.

## Historical commercial marina parking requirements for wet storage:

- Existing: 1 per 1 space
- Pre-UDO change: 1 per 1 space
- 2007 Town text amendment: 1 per 1 space
- 2005 applicant text amendment: 1 per 3 spaces
- Pre-2005: 1 per 1 space

The Town changed commercial marina parking back to 1 per 1 space in 2007 because the specific project that the ordinance was changed for was never built. Staff is concerned that the proposed parking requirements do not ~~line-up~~ align with the requirements of surrounding communities.

The text amendment is in general conformity with the Land Use Plan. The recreational and working waterfront are major drivers in the Town's economy, and the plan recommends preserving traditional water-dependent uses such as marinas.

Ms. Abbotts presented the details.

Commissioner Piper said he thinks slip length should be addressed, and when designing and submitting a site plan it should have everything the Town will want to know so **that** things don't come up after the fact. He said there could be a dive boat use, but that could switch to a bigger dive boat that holds more people. Commissioner Piper said this is a gray area, and he likes to know all the rules upfront.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Olin Furr of 440 Oceana Way handed out information to Commissioners and highlighted some points from staff's presentation. He said it's important to clarify as much as possible in this amendment and offered some suggestions regarding wording. He said he appreciates the work on this and thinks it's a good start, but he believes there are many more changes that can be refined. Mr. Furr said the Town should not be in a hurry to vote on this because there is a lot at stake to get this right.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Commissioner Carew said he likes where Commissioner Piper is going in terms of specificity. He said there is a lot more that needs to be added, otherwise this could become an enforcement nightmare. Commissioner Carew said he keeps going back to Brunswick County's rule of 1.5 parking spaces per slip, and he thinks doing it across the board makes it simpler instead of setting up the next problem.

Commissioner Boswell said she can get on board with 1.5 spaces per slip straight across, but she agrees that they need to define rentals.

Commissioner Conto said a rule of 1.5 spaces per slip makes it very simple and cut and dry.

Chairman Rouse said 1.5 is twice what they had considered and asked if everyone is good with that.

Commissioner Carew suggested that if CZ is required for any individual use and there were none of those in a marina, then the marina could go with the lower parking ratio, but the minute you add one of those other uses then you trigger 1.5 parking spaces per slip.

Commissioner Conto said she wants to make sure whatever they do eliminates communities battling against each other as a future possibility. She said people should be able to work cohesively together to get through this.

Commissioner Piper said creating a marina with wet slips is challenging regarding regulations, permitting, and expenses. He said the cost to permit and construct docks is getting so expensive that it makes more sense to negotiate with existing marinas and purchase part of their docks for commercial operations rather than construct something new. Commissioner Piper said he likes the suggestion Commissioner Carew offered for .75 parking spaces per slip, but the minute slips are leased to a commercial for-profit operation it becomes 1.5 spaces per slip.

Commissioner Conto said she worries about the Town being able to enforce this.

Commissioner Carew said he is in favor of coming up with one standard for a commercial marina that only leases to private individuals, but a second standard would be triggered for the entire marina once they decide to conditionally zone for any one or more of the conditional uses, such as boat rentals and dive boats. He said he thinks .75 parking spaces per wet slip is fine if it's just a marina leasing space to individuals, but if they decide to conditionally zone for any of the other uses, the entire marina goes to 1.5 spaces per wet slip.

Commissioner Piper said he is on board with this, but he doesn't feel one dive shop occupying a slip should affect the entire marina. He thinks the increased parking requirement should apply only to the one slip that has the commercial use.

Vice Chairman Hogan said he thinks the increased parking requirement should apply to the entire marina, not just the slips with the commercial uses. He said staff is not able to go to every marina every day to regulate this, and there could be abuse of the rules. Vice Chairman Hogan said the minute there is a commercial use, the parking requirement should go from .75 to 1.5 parking spaces per slip.

Commissioner Conto said she would be in favor of this also.

Commissioner Crouch said the Town needs to get ahead of this issue by putting a set of rules in place that is understandable to the general public and enforceable by Town staff. He said he's not sure what the exact number should be and will defer to others on that.

Commissioner Boswell said she agreed it needs to be enforceable and easy to understand. She said she can understand Commissioner Piper's point but doesn't think it would be enforced. She said she likes the idea of 1.5 parking spaces per slip across the board for any commercial marina because it is the easiest route for staff, marinas, and the public. Commissioner Boswell said it will be hard to make a motion tonight because they have discussed so many changes.

Commissioner Carew said he thinks they should eliminate the loophole of floating platforms being excluded from any of the square footage count. He said he also thinks it would be a mistake to try to vote on this tonight.

Commissioner Crouch said it sounds like they are close ~~on~~ to some consensus, and Commissioners just want to put their eyes on a consolidated set of changes before they vote. Other Commissioners agreed.



Commissioners detailed some other minor changes they would like to see in the text amendment.

Commissioner Conto said it is important to get rid of as much ambiguity as possible now.

**ACTION:** Motion to table the hearing until June 12, 2025

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed unanimously

#### **DISCUSSION ITEMS**

##### 4. UDO Discussion Update

Staff planned to present a list of changes and areas for discussion after 1 year of administering the new UDO. Ms. Abbotts said Commissioners can start the discussion now and continue it in June or wait until June to begin.

Chairman Rouse asked if there needs to be a rush on this. Ms. Abbotts said no. Chairman Rouse suggested they start this discussion in June. No one objected.

#### **NON-AGENDA ITEMS**

None

#### **ADJOURNMENT**

Chairman Rouse adjourned the meeting at 7:45 PM.