

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, April 10, 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 (*arrived after item 2*)

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. March 13, 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 Carew, Commissioner Conto

Motion passed 6-0

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following:

Project updates

- **Ocean Boulevard sidewalk:** This project is way ahead of schedule and is coming along nicely. It should be completed by the end of this month.
- **Lake pump house:** A bid has been awarded to a contractor. The contract has been approved, and the contractor will be ready to start in 10 days.
- **Lake Park bathroom:** Design is ready, and work should start within the next month. The new facility will be between the playground and shelter, not where the existing restrooms are.
- **Boardwalk bathroom:** This project is on pause for the summer season and will pick up after Labor Day, with expected completion before January.
- **South Lake Park Boulevard sidewalk:** This is a project of the NC Department of Transportation, and the Town has been contributing to it. It has been delayed with design, and the hope is that it will start in the fall.

Permitting

- 68 permits (renovation, repair, grading, additions, fences, etc.)
- 6 residential new construction
- 7 certificates of occupancy

Demos

- 405 Fayetteville Avenue (single-family home; fire damage)
- 1501 South Lake Park Boulevard (single-family home)

New businesses

- Oceanside Art and Gifts, 105 Carolina Beach Avenue North
- Beach Break Donuts, 1009 North Lake Park Boulevard, Unit C3

Upcoming

- Council date TBD: Special Use Permit modification for 401 Marina Street
- Board of Adjustment April 22: Oceana appeal
- Planning and Zoning Commission May 8: 204 Harper Avenue rezoning and Unified Development Ordinance (UDO) update discussion

Council

- Tabled designated public parking for private business – Carolina Beach Inn
- Adopted Bicycle and Pedestrian Plan

Chairman Rouse asked if the Rainbow Bridge pet memorial initiative is a Town project or all volunteers. Mr. Hardison said it's a volunteer project.

PUBLIC COMMENT

Olin Furr of 440 Oceana Way handed out some information to Commissioners and said he wanted to talk about the agenda item regarding water-oriented businesses and personal watercraft sales and rental. He said he was hopeful after the March 13 meeting that parking requirements would be increased for boat rentals due to parking issues around marinas, but the amendment proposed tonight will make things worse because it does not clarify anything. Mr. Furr said it doesn't address water-

oriented businesses but just deletes that use completely and doesn't facilitate a more focused discussion.

Mr. Furr said parking is one of the most significant factors in zoning and community development, and if the Town doesn't get this right it will cause damage to adjacent property owners. He said the text amendment is not totally in conformity with the Land Use Plan and has nothing to do with preserving uses such as marinas. Mr. Furr cited four community goals in the Land Use Plan that he said are not met by the text amendment, and he said locals have lost access to parking at the neighborhood's community beach on the Intracoastal Waterway due to the situation. He said the man that donated the property to the Town said it was not to be used for commercial purposes, so when the neighborhood complained about parking at the beach area being filled with marina customers he had no choice but to close it because he didn't want businesses to take it over.

Mr. Furr said activities should not encourage future intensification in the area, but that's what is going on there now. He said what is being proposed tonight does not address problems with current parking requirements for uses at the marina. Mr. Furr said the water-oriented businesses category requires Conditional Zoning approval because each business will have unique parking needs and more robust activity that needs to be vetted. He said a charter boat, boat club, and dinner cruise all need more than one parking space per wet slip, and the category was created to keep parking from being inundated like it is now. Mr. Furr said tonight's text amendment is negligence and asked the Commission to deny the proposed ordinance change and instruct staff to create realistic parking requirements that will protect communities from the current parking chaos.

PUBLIC HEARING

2. Conditional Zoning to Consider a Bar/Tavern in the Highway Business District at 1360 Bridge Barrier Road
Applicant: Secret Sand Castles Unlimited, LLC

Applicant Secret Sand Castles Unlimited, LLC, applied for a Conditional Zoning (CZ) application for a bar/tavern in the Highway Business (HB) district. The existing use of the property is an approved miniature golf course that is under construction. The applicant proposes to provide on-premise wine and beer. According to the ordinance, if alcohol is served on-premise and the establishment does not meet the criteria for a standard restaurant, it is classified as a bar. Alcoholic Beverage Control (ABC) stipulates that a restaurant must have food sales constituting at least 30% of sales to avoid being classified as a bar. A bar is allowed through the approval of CZ district in HB.

The existing approval for the site is a mini golf course with 18 holes. The project also includes a tiki hut area with an office, bar, covered patio, storage, and bathrooms. The applicant has an active building permit for the project, and it meets the current code, including lot coverage and setback requirements. The addition of beer and wine sales is proposed is within the current footprint. The sale of alcohol will take place at the tiki hut only. The proposal meets the requirement that all new bars/and taverns shall be located a minimum of 200 feet from churches, schools, and residential districts.

The applicant is providing a 10-foot Type B landscape buffer around the perimeter of the property; this buffer is required for any project that is greater than 10,000 square feet of impervious surface. The

applicant proposes to reshape and widen the existing curb that leads to the site and connect a new sidewalk to the existing sidewalk that runs along Bridge Barrier Road.

Parking must be provided on site for all uses. The parking requirement for bars is 1 per 110 square feet of indoor gross floor area, and the parking for mini golf is .5 spaces per hole. The minimum number of required spaces is 19. The applicant will provide a total of 24 parking spaces on site; 8 parking spaces are for golf carts. Up to 20% of the required parking may be utilized for golf cart/low-speed vehicle parking. In utilizing this exemption, the applicant will have to install a bike rack with a minimum of 4 spaces.

Proposed conditions

1. The use and development of the subject property shall comply with all regulations and requirements of any other Federal, State, or Local law, ordinance, or regulations.
2. Provide a bike rack with a minimum of 4 spaces.
3. Lighting shall be angled downward as to not disturb neighboring properties.
4. Any proposed signage will have to meet all standard zoning requirements in the future.
5. The refuse collection site must be enclosed on 3 sides by a minimum 6- foot opaque fence.

As part of the application process, a community meeting is required. The applicant held the required meeting on February 15, 2025. No one attended, so there were no concerns or changes to the plan.

The project is in general conformity with the 2020 Land Use Plan, and staff recommends approval of the project as proposed.

Ms. Abbotts presented the details. She showed photos of the site and adjacent properties, reviewed site data, and went over criteria that must be considered in the decision.

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 Carew, Commissioner Conto

Motion passed 6-0

Applicant representative Mike Matsinger of 409 Spencer Farlow Drive said they are excited to open the business and want to fit within the landscape of the Town. He said he hopes it will be a venue that attracts tourists, locals, and people in the greater Wilmington area, and he plans to give back to the community through fundraising for local organizations and opening up to organizations that support people who normally would not have the ability to play mini golf. Mr. Matsinger stressed that they only want to serve beer and wine and not liquor.

No one else requested to speak.

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 Carew, Commissioner Conto
Motion passed 6-0

Commissioner Conto said she thinks this is a beautiful and fun project that is very well done, so she's excited about it.

Commissioner Carew said he likes the project and thinks adding beer and wine is a good match, with the area being appropriate for this.

Chairman Rouse said mini golf courses are required to be 50% accessible with the Americans with Disabilities Act (ADA). He asked how much of this course will be ADA accessible.

Mr. Matsinger said they will have 9 holes that are ADA accessible, but the rest of the course is designed so there is space on every hole for somebody in a wheelchair to be able to play if someone is willing to push the wheelchair through the course.

ACTION: Motion that 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 Conditional Use District to allow for a bar located at 1360 Bridge Barrier Road 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 recommended by staff Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell
Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto
Motion passed 6-0

Commissioner Piper joined the meeting.

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 has reorganized the text to group similar uses together into categories that clearly state parking requirements and development standards for each activity.

The automotive use category includes all establishments engaged in vehicle sales, repair, and servicing with the proposed addition of boat sales, boat repair, and car washing. The rental of boats and personal watercraft (PWC), golf carts, mopeds, e-bikes, and scooters are a separate use with separate use standards and parking requirements. Additionally, the text amendment addresses what constitutes

a wet boat slip. Wet boat slips include residential, commercial, and transient slips for the purposes of calculating required parking.

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. She reviewed proposed off-street parking standards: automotive – 1 parking space per 200 square feet of retail sales area and 1 parking space per 500 square feet of indoor repair area; commercial marina – 1 parking space per wet boat slip, 1 parking space per 2 dry storage spaces, and 1 parking space per service bay plus required for all other on-site uses that are not water-dependent. Ms. Abbotts said all other standards remain unchanged, including 1 parking space per 5 dry storage spaces for dry stack storage facilities.

Vice Chairman Hogan asked why there are different parking standards for dry storage spaces at a commercial marina versus a dry stack storage facility, saying that dry storage is dry storage. Mr. Hardison said a dry stack storage facility would be a boat storage yard not associated with a marina or without access to water, so that's why it's a separate category. Vice Chairman Hogan said there is a dry stack storage facility on Saint Joseph Street, and on weekends there are cars all along the right-of-way because there is not enough parking for all the people going out in their boats. He said people who have their boats in dry storage typically don't have a trailer but want access to the water, so he thinks 1 parking space per 5 dry storage spaces is not enough. Mr. Hardison said this parking requirement came about through an amendment by an individual applicant, but if the Commission wants to make dry storage space parking requirements consistent at dry stack storage facilities and commercial marinas, that can be done during review of this ordinance. Vice Chairman Hogan said he would be in favor of that.

Ms. Abbotts said rental of boats, golf carts, mopeds, e-bikes, and scooters are in a separate category from automotive. She said the marina definition now includes examples of permitted activities such as boat and PWC rentals, charter boats, dive boats, and dinner cruises. She said water-oriented businesses as a definition was removed because this is captured in other areas, and transient slips are now included in the calculation for a commercial marina's parking.

Ms. Abbotts highlighted what other communities are doing, explaining that some of those parking requirements are 1 parking space per 2 or even 3 wet boat slips. She said Southport allows boat slips to be used as required parking if there is some sort of eating and drinking establishment on site. Ms. Abbotts said staff recommends approval of the text amendment as proposed.

Chairman Rouse said the Town has heard about how putting more than one boat in a wet slip has created issues with parking. Ms. Abbotts said her interpretation of this definition is that a slip is a space used to park a single watercraft, and the number of boats staff sees is how many parking spaces would be needed. Chairman Rouse asked what would happen if the boats aren't there that day and staff doesn't actually see them. Commissioner Crouch said a cleat may be used to tie off more than one boat, and he questioned whether a tender or dinghy would be counted.

Mr. Hardison said in a commercial marina, anywhere a boat could be placed on that docking facility would need to be identified, and staff would make sure the site was consistent with what was approved. He said if the marina doubles up slips that were not approved under the plan, then that would be a violation.

Commissioner Boswell asked why this was not brought up during the lengthy UDO process. She asked if the matter can be tabled and discussed further in a workshop because she would like the group to go through it line by line with Town staff. She said this feels rushed, and she's not comfortable with approving this tonight.

Mr. Hardison said it was not brought up during the UDO process because it was more of a task than just a five-minute conversation while flipping through pages.

Chairman Rouse said there has been wordsmithing of what one slip is, and this has resulted in parking issues, so this needs to be resolved. He said the Commission should take more time to do it and agreed that a workshop would be appropriate.

Commissioner Carew asked if staff looked at the difference in intensity of use for a watercraft rental business versus just a marina. Mr. Hardison said Freedom Boat Club operates in Topsail Island, and Ms. Abbotts said that local ordinance just stated that adequate parking for a marina was needed. Mr. Hardison said it did not give a specific standard.

Commissioner Crouch said he appreciates the recommendation to table this matter and set up a workshop to address the issue, so he thinks getting into the variations tonight would not be the best use of the Commission's time at this point.

Commissioner Conto suggested bringing back Wes MacLeod from Cape Fear Council of Governments to act as a reference.

ACTION: Motion to table this and do a Commission workshop with Town staff and any other resources that staff can make available

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

NON-AGENDA ITEMS

Mr. Hardison asked if the workshop should be a special date or done during a regular meeting.

Commissioner Boswell said she thinks it should be a special workshop that is open to the public.

Chairman Rouse said it could take longer than a regular meeting and can be done a little earlier in the day. He thinks it's possible that it may take more than one workshop.

Commissioner Piper asked if things that are currently operating would be grandfathered in. Chairman Rouse said that's the way the ordinances are written now. Commissioner Piper said it would be helpful for staff to compile a list of land that may be suitable for this type of expansion in the future. Mr.

Hardison said he thinks this will be brought up sooner rather than later, and any changes would apply to any existing marina with modifications or changes.

ADJOURNMENT

Chairman Rouse adjourned the meeting at 7:10 PM.