

# CAROLINA BEACH

Planning and Zoning Commission

Thursday, August 8, 2024 - 6:00 PM

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



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## 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 Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

### ABSENT

Commissioner Ethan Crouch

### ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

### 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. June 13, 2024 – P&Z Minutes

**ACTION:** Motion to approve the minutes as written

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

*Motion passed 6-0*

### STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for June/July:

## Permitting

- 32 permits (renovation, repair, grading, additions, fences)
- 5 residential new construction
- 13 certificates of occupancy

## Code Enforcement

- 20 complaints received
- 8 resolved

Commissioner Carew asked about the low resolution percentage of Code Enforcement complaints. Ms. Abbotts said some of the complaints are unfounded and wouldn't have a resolution, such as a neighbor dispute or other issues that are not part of Town ordinances. Commissioner Conto said that might be a good category to track, and Vice Chairman Hogan said this would make the resolution percentage higher. Ms. Abbotts said staff will update that next month.

## Demos

- 309 Cape Fear Boulevard
- 925 Carolina Sands Drive

## New Businesses – Recently Opened

- Face First Aesthetics and Acne Clinic – 703 Saint Joseph St.
- Brunches Restaurant – 300 North Lake Park Boulevard
- Juarez Auto Repair – 306 North Lake Park Boulevard

## New Businesses – Applied

- Riko's Thin Crust Pizza – 1000 North Lake Park Boulevard, Unit 151 (Proximity)
- Axis Fitness – 902 North Lake Park Boulevard (Proximity)
- Surfs Up Mini Golf – 1360 Bridge Barrier Road

## Town Council and Other Updates

- Conditional Zoning (CZ) 2 North Carolina Avenue – approved by Council
- Wine and beer shop text amendment – approved by Council
- Unified Development Ordinance (UDO) – in effect August 9
- Seaside Chapel School – upcoming TBD
- 1300 block of Spot Lane paving assessment – upcoming to Council in September
- 1231 Saint Joseph Street subdivision (4 lots) – upcoming to Technical Review Committee (TRC) in August

Chairman Rouse asked for an explanation of the paving assessment. Mr. Hardison said this is an application to improve the street, which is currently unimproved and impassable. He said this is a wooded area that was not part of the Wilmington Beach paving project because at that time there

were wetlands, but some hydrology has changed since then so property owners have applied for Council to consider paving that road and in turn, there would be an assessment to adjacent properties.

**PUBLIC COMMENT**

None

**PUBLIC HEARING**

2. Conditional Zoning to Consider an Addition to a Bar at 3 Cape Fear Boulevard  
Applicant: Ant Bates Motel LLC

Applicant Ant Bates Motel LLC applied for a Conditional Zoning (CZ) application for an addition to The Silver Dollar, an existing bar/tavern in the Central Business District (CBD). The establishment provides on-premise wine, beer, and liquor. 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. The Alcoholic Beverage Control (ABC) Commission stipulates that a restaurant must have food sales constituting at least 30% of sales to avoid being classified as a bar. A bar and any additions made to the bar is allowed through the approval of a CZ district in the CBD.

The applicant is proposing to construct a second story on an existing bar. The proposal includes the addition of a staircase, a second-floor enclosed area (837 square feet), an open deck area (648 square feet), and updating plumbing, mechanical, and electrical. The proposed height of the building is 21 feet.

The existing building is a commercial building built in 1945. It meets the current lot coverage and setbacks requirements. The addition proposed is within the current footprint. The parking requirement for bars is 1 per 110 square feet of indoor gross floor area. Where properties are located within the CBD, parking requirements may be waived if public parking spaces adequate to meet the requirement are located within 500 feet of the use.

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 reviewed the current use, site photos, adjacent properties, floor plans, and criteria that the Commission shall consider in making a recommendation. Ms. Abbotts said the proposed addition will be similar to the second floor of nearby Sunny Daze Smokehouse, which has a covered bar area with seating as well as open decking.

As part of the application process, a community meeting is required. The applicant held the required meeting on June 17, 2024. Ms. Abbotts said no one attended, so there were no concerns or changes to the plans, although some people reached out with questions that were answered via email or phone.

**Staff proposed conditions**

1. All Federal, State, and Local ordinances shall be met
2. Building is in an AE 10 flood zone; renovations must be below 49% of the value of the building
3. Sloped railing shall be used on second floor

4. Use of non-combustible materials
5. Alleyway shall be free of obstructions and debris
6. Remove paint/markings from public right-of-way

The Commission may include additional standards.

Vice Chairman Hogan asked if the existing restrooms, which are narrow, will have to come up to Town code. Ms. Abbotts said the application was reviewed by the New Hanover County Building Safety Department, and as far as she knows the existing restrooms do not need to be upgraded. Vice Chairman Hogan asked if this will still be a non-handicapped-accessible building, and Ms. Abbotts said yes.

**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 Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Dan Wilcox, representing the applicant, said the owner asked him to be present tonight to answer questions. He said it's a straightforward project that will not obstruct the views of the building next door, and the new restroom upstairs will meet handicapped requirements. Mr. Wilcox said the lines were painted in the right-of-way when The Silver Dollar held an event in the lot across the way, and the purpose was to control the flow of patrons between the two sites for alcohol purposes.

Commissioner Conto asked if The Silver Dollar is still moving forward with plans to purchase adjacent business Nauti Dog. She said she is less opposed to this project if it's just the existing building vs. extending over multiple buildings. Mr. Wilcox said he is just a contractor, not the owner or operator, and he doesn't know anything about these plans. He said the permit is standalone for the existing property of The Silver Dollar.

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 Piper, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Commissioner Carew said he is excited somebody is putting money into the Boardwalk in one of the older buildings, and he is in favor of the project.

Commissioner Piper said rooftop decks have been approved for multiple other bars and restaurants in that general location, so he doesn't see how this is any different.

Commissioner Conto said she loves the plans for rejuvenation, although she is leery of allowing the expansion of bars in that area due to the Boardwalk's past.

Commissioner Boswell said she agrees that rejuvenation of the Boardwalk and restoration of an existing building are good things, and she thinks Mr. Wilcox's work will make this project an asset for the Town. She said she appreciates that plans call for the building height to stay well below the 50-foot limit, and although it's a bar it will be regulated. Commissioner Boswell said she thinks it will make The Silver Dollar newer and better, so she is in favor of it.

Vice Chairman Hogan said he is in favor of allowing businesses to advance, and the owners have spent a lot of money on the building and he has no problem with them investing more. He said every time the area adds a rooftop, it adds to the excitement of people coming to the Boardwalk to see summer fireworks.

Chairman Rouse said he's excited to see someone willing to invest their money in the Boardwalk area, which is as close as the Town gets to having a historic district. He said he will vote to support the motion with the conditions laid out by staff's recommendation.

Mr. Hardison said the application before the Commission tonight is just for the expansion of the second floor as presented, and if there is a proposed expansion to another building as a bar it would have to come back before the Commission for consideration or the owners would have to change the use to a restaurant, reapply with the ABC Commission as a restaurant, and be subject to an audit of beverages with food sales.

**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 Conditional Use District to allow for an addition to a bar located at 3 Cape Fear Boulevard 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

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

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

Voting Nay: Commissioner Conto

*Motion passed 5-1*

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

None

#### **ADJOURNMENT**

Chairman Rouse adjourned the meeting at 6:22 PM.