



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community
Development

MEETING: Planning & Zoning Commission – April 10, 2024

SUBJECT: **Conditional Zoning** to consider a bar/tavern in the Highway Business District (HB) at 1360 Bridge Barrier Road.
Applicant: Secret Sand Castles Unlimited, LLC

BACKGROUND:

The applicant, Secret Sand Castles Unlimited, LLC, applied for a Conditional Zoning application for a bar/tavern in the Highway Business District. The existing use of the property is an approved mini 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. The ABC stipulates that a restaurant must have food sales constituting at least 30 percent of their sales, to avoid being classified as a bar. A bar is allowed through the approval of a conditional zoning district in the Highway Business District.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses have such significant impacts on both the immediate area and the broader community that general district standards cannot adequately address them. Additionally, there are situations where a general district designation allowing a use by right would not be suitable for a specific property, even though the use itself might be appropriate. The review process accommodates these cases by reclassifying the property into a conditional zoning district, with conditions designed to ensure that the use aligns with and does not disrupt neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, the Planning & Zoning Commission shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. Report on results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, the Planning & Zoning Commission may recommend that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on the following details:

1. Town services
2. Surrounding property
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose

If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

Proposal:

The property is currently under construction for an approved mini golf course. The project also includes a tiki hut area with an office, bar, covered patio, storage, and bathrooms.

The purpose of the Highway Business District is to accommodate businesses oriented toward the motoring public and which require a high volume of traffic. The regulations of this district are intended to support businesses that serve the entire community and beyond. For the most part, they are located on major thoroughfares so that they can be conveniently reached by automobile and avoid heavy automobile traffic through smaller streets or residential areas. Certain wholesale activities are also permitted in the HB district.

The existing approval for the site is a miniature golf course with 18 holes. The applicant has an active building permit for the project, 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 be taking 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' 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 20. 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 standards zoning requirements in the future.
5. The refuse collection site must be enclosed on three (3) sides by a minimum six (6) foot opaque fence.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on February 15, 2025. The applicant has provided summary comments from the meeting. Based off the comments from the meeting, the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties.

Land Use Plan

The project is in general conformity with the 2020 Land Use Plan and the Office, Industrial, & Employment Future Land Use Character Area which calls for a mix of office, commercial, light industrial, and employment-generating uses. This project supports the goal of Carolina Beach as a family-oriented town and supports a healthy year-round economy.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve a bar located at 1360 Bridge Barrier Road.

Staff recommends approval of the project as proposed.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the 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.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and the potential impacts on the surrounding areas.