

## CAROLINA BEACH

### Planning and Zoning Meeting

Thursday, September 14, 2023 - 6:00 PM

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



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## MINUTES

### CALL TO ORDER

#### PRESENT

Chairman Wayne Rouse

Vice Chairman Jeff Hogan

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Bill Carew

Commissioner Lynn Conto

#### ABSENT

Commissioner Todd Piper

#### ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Gloria Abbotts

### APPROVAL OF MINUTES

1. June 8, 2023 – Planning & Zoning Commission 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

Ms. Abbotts reported the following statistics for the past three months:

#### Permitting

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

#### Code Enforcement

- 60 complaints received
- 31 resolved

## Demos

- 1501 Canal Drive
- 306 Wilson Avenue
- 601 Cape Fear Boulevard
- 502 Alabama Avenue

## New Businesses

- The Tiny Terrace – 1009 North Lake Park Boulevard, Suite C3
- Coharie Boutique – 120 North Lake Park Boulevard
- Hooks Hot Dogs – 2 Harper Avenue

## Town Council and Other Updates

- 6th Street stop signs – approved by Council June 13
- Event venue text amendment – approved by Council July 11
- Event venue 205 Charlotte Avenue – Conditional Zoning approved by Council July 11
- Rezoning 601 Augusta Avenue – approved by Council July 11
- Fence height variance 300 South Lake Park Boulevard – granted by Board of Adjustment July 17
- Digging holes on the beach text amendment – approved by Council September 12
- No-parking signs on Bertram Drive – approved by Council September 12
- Town was awarded Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance grant to elevate seven residential properties

Commissioner Boswell asked why the number of complaints resolved is not higher. Ms. Abbotts said for many of the complaints, there is nothing in Town ordinances that can be done for a resolution.

## **PUBLIC COMMENT**

None

## **PUBLIC HEARING**

2. Conditional Zoning to Consider a Bar at 801 Saint Joseph Street in the Highway Business District – Applicant: Putter Pub, LLC

Applicant Putter Pub, LLC, is proposing a bar at 801 Saint Joseph Street as a use in the Highway Business (HB) District. Bars are allowed through the approval of Conditional Zoning (CZ) in HB. The proposal includes an accessory 18-hole mini golf course and on-premise alcohol sales. Under the eating and drinking establishment regulations, when on-premise alcohol is being served it requires CZ.

The applicant is leasing the 860-square-foot commercial building on a 10,256-square-foot lot. Built in 1983, the structure was most recently a T-shirt printing shop and locksmith business and has historically operated as a veterinarian office. The property is surrounded by commercial uses. Across the street is a multi-family condo building in the Marina Business District. The applicant is proposing to renovate the existing building for the use of a bar with an accessory mini golf outdoor area.

Modifications to the building also include the construction of Americans with Disabilities Act (ADA) bathrooms, bar, storage, and office area. The purpose of HB is to accommodate businesses oriented toward the motoring public that require a high volume of traffic. In many cases, businesses in HB serve the entire community and beyond. For the most part, they are located on major thoroughfares so they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas.

Consumption of alcohol on site constitutes a change of use and therefore a change in the parking requirement. The parking requirement for bars is 1 space per 110 square feet of indoor gross floor area. The total indoor gross floor area of the building is 860 square feet. The total number of required spaces for the project is 8. No outdoor gross floor area is currently proposed. There is no proposed service area outside. The parking area will remain gravel and be designed to meet one-way traffic for 90-degree parking.

The applicant is requesting a waiver to the landscaping requirement around the new accessory mini golf area. Landscaping requirements may be waived at the discretion of the Commission and/or Council on projects requiring CZ. The applicant meets the 200-foot separation requirement from schools, churches, and residential districts. The proposal includes removing the existing dumpster and utilizing rollouts to handle trash. There is a proposed 8-foot multi-use path that will be adjacent to the property along the Saint Joseph Street right-of way.

As part of the application process, a community meeting is required. The applicant held the required meeting on May 23, 2023, and 19 people attended. Among concerns voiced were hours of operation, live music, lighting, seating, and parking.

#### Proposed Conditions

1. The proposed use shall be limited to an indoor bar with an accessory mini golf outdoor area.
2. 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.
3. A Type A landscape buffer shall be provided and delineated along the perimeter of the property except in areas waived by the Commission and Council.
4. The 20-foot drive aisle shall be designated and marked as one-way with signage.
5. Outdoor lighting shall be installed as to not disturb neighboring properties.
6. Shall provide drainage plan prior to building permit issuance and meet stormwater ordinance.
7. The building is in the AE11 flood zone. Renovations to the building exceeding 49% of the value of the building shall meet FEMA requirements.

Ms. Abbotts presented the details. She said the project is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy and promoting redevelopment, and the project is in conformity with the Mixed Use Commercial Future Land Use Map Character Area.

**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 Ryan O'Rourke of 212 Peninsula Drive described the project and said they are excited to provide an outdoor activity that is ADA-accessible.

Commissioner Conto asked about fencing. Wescott Butler of 206 Texas Avenue, contractor for the applicant, reviewed details.

Jeremy Moore of 305 South Lake Park Boulevard Unit 203 spoke in support of the project. He said he can't wait for a family-oriented business to open, and he's excited about mini golf coming back to the island. Mr. Moore said it will be good for tourists and locals, and he is glad some of the old trees will be retained on the property. He praised the applicants as being good stewards of the community.

Danny Tangredi of 1309 Bonito Lane said he is a big supporter of entrepreneurs and new businesses on the island, and he thinks this will be good for the community. He said he would hate to see a project not approved because of a landscaping requirement waiver request.

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 Carew said this will be a nice addition to the area.

Vice Chairman Hogan said Mr. O'Rourke has done good things for the community.

Commissioner Conto said she's a big fan of experiences, and she thinks that is a well-thought-out idea.

Commissioner Crouch said although he is often skeptical of waiving landscaping requirements, an 8-foot fence there in lieu of a buffer is a big selling point for him. He said the waiver is not an issue because the directly adjacent parcels are commercial uses.

Commissioner Boswell thanked the applicant for keeping live oaks, which is a big factor in her decision to waive landscaping requirements. She said the project is family-friendly, and she hasn't heard any opposition.

Chairman Rouse thanked the applicant and Town staff for their patience and ability to work together.

Mr. Hardison said the motion should include the 8-foot fence because staff can only approve a 6-foot fence, but the Commission has the authority to go higher for a CZ project.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the Conditional Zoning District to allow for a bar at 801 Saint Joseph Street 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, and it also includes an 8-foot fence and approval of a landscape waiver

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*

### **NON-AGENDA ITEMS**

Commissioner Boswell said she has received phone calls asking if the Town is going to stop issuing permits for duplexes. Mr. Hardison said there are no plans to limit duplexes where they are currently allowed. He said the Town is still permitting two-family structures, which is the term in the ordinance. Mr. Hardison said not allowing these would be a zoning change that would have to be considered by the Commission.

### **ADJOURNMENT**

**ACTION:** Motion to adjourn

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*

Mr. Hardison reminded Commissioners about the Unified Development Ordinance (UDO) meeting next week.

Chairman Rouse adjourned the meeting at 6:35 PM.