



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning & Development Director **DEPARTMENT:** Planning & Development

MEETING: Planning & Zoning Commission March 13th 2025

SUBJECT: Consider a Special Use Permit Modification for additional boat storage spaces located at 401 Marina Street PID 313115.74.1321.000, 313115.64.9002 & 313115.64.8036 in the Marina Business & R-1B District.
Applicant: CBYC, LLC

BACKGROUND:

On May 30, 2024, the Town Council denied the Special Use Permit Modification for the Carolina Beach Yacht Club and Marina. In July 2024 the Town adopted a Unified Development Ordinance (UDO) that consisted of changes that would impact the site design of the modification. Those went into effect in August 2024 and below are those impacted UDO changes.

- Removed employee parking from the required parking calculation for uses.
- Added golfcart parking can be utilized for the required parking.

The ordinance changes were significant changes for the ability of the applicant to resubmit the application to be reviewed under the new UDO.

The Applicant, Carolina Beach Yacht Club and Marina, has reapplied for a Special Use Permit (SUP) modification (Attachment 1 - Application). The original application submitted in 2019 was to add an eating and drinking establishment and a ship store located on a barge to the Marina located at 401 Marina St (Attachment 2 - 2019 Site Plan). In January 2020 a Special Use Permit was denied because it was not passed by Town Council (2-2 vote). Subsequently, the Applicant filled a petition seeking an appeal. The Oceana Owners Association then filed a verified motion to Intervene. The hearing of the appeal was cancelled based upon the parties entering into an agreement (Attachment 3 CUP Filed Consent Order). The agreement was executed in December 2020 to issue the Special Use Permit with conditions.

The modification under consideration is expanding the number of boat storage spaces. The Marina is approved for 69 boat storage spaces (slips). During a zoning final inspection of the barge, it was discovered that several boat storage spaces were added including multiple boats being parked in one designated space. Upon another inspection the added boat storage spaces were removed, but the applicant would like to pursue expanding the Marina's boat storage

spaces from 69 to 90. By adding boat storage spaces, it also increases the number of required parking spaces. The parking requirement for Commercial Marinas per Article V. is 1 parking space per wet boat storage space, 1 per 2 dry storage, 1 per service bay + required for all other on-site uses. Parking is being provided for the wet boat storage space and for all other on-site uses.

The modification consists of splitting 22 boat storage spaces from 45' storage spaces into two 22.5' boat storage spaces. Below are the modifications to the plan (Attachment 4 - Proposed Site Plan).

- Removed ground floor office space from the building to convert as part of the existing residential unit on second floor.
- One of the original 69 boat storage spaces that was counted did not transfer to the current owner as it was previously sold to a property owner of a lot in the Oceana neighborhood. This boat storage space would still need to provide a parking space.
- The footprint of the approved barge, 40' x 120', is larger than what was built on site, 24' X 96', thus decreasing the amount of parking needed for the eating and drinking establishment and retail area.
- Expanding parking area with spaces being added closer to the property lines that do not meet the landscaping requirements, applicant is requesting a wavier.

12 parking spaces are required to be added to accommodate the modifications. The applicant is proposing a total of 21 additional parking spaces.

- 13 additional spaces are proposed to be located in the parking lot adjacent to the marina building.
- 7 additional spaces are proposed in the Oceana parking lot.

Specific standards. Applicant must make provisions for:

(1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Due to the Increase congested usage and density of the area to support traffic demands, trash service and public safety staff proposes a condition to convert the south area of the paved Georgia Ave town access easement to a town public right-of-way (attachment 5).

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

The required parking is provided below.

PARKING CALCULATIONS

REQUIRED OFF-STREET PARKING:	105.6 (106)
REQUIRED RESIDENTIAL PARKING:	2
REQUIRED COMMERCIAL PARKING:	104
-ALLOWABLE 20% COMPACT/GOLF CART:	20.8 (20)
-REQUIRED NORMAL CAR SPACES:	84
TOTAL REQUIRED NORMAL CAR SPACES:	86
-2 RESIDENTIAL + 84 COMMERCIAL	
BOAT SLIP	
-1 SPACE PER WET SLIP	90
-1 SPACE FOR RICKY & BETTY YOUNG	1

RETAIL (FLOATING PLATFORM)

-1 SPACE PER 200 SF	1.6
-312 SF	

EATING & DRINKING ESTABLISHMENTS (FLOATING PLATFORM)

-1 SPACE PER 110 SF (INDOOR)	3.0
-328 SF	
-1 SPACE PER 220 SF (OUTDOOR)	
-LOWER LEVEL 1,128 SF	5.1
-UPPER LEVEL 640 SF	2.9

RESIDENTIAL	2.0
-------------	-----

TOTAL PROVIDED PARKING SPACES:	113
-NORMAL CAR SPACES:	89
-COMPACT CAR SPACES:	10
-GOLF CART SPACES:	14



DEVELOPMENT SUMMARY

Bicycle rack with a minimum of four (4) bike storage spaces will need to be provided.

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

The trash and recycling containers will be not be relocated.

(4) Utilities, with reference to locations, availability, and compatibility;

No upgrades are required with the modification.

(5) Screening and buffering with reference to type, dimensions, and character;

The addition will require additional parking spaces. The location of the parking spaces have been shifted closer to the property line and will trigger landscaping. The applicant is requesting a waiver of landscaping requirements.

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

New signage is not proposed.

(7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

No new upland structures are proposed, surface parking is increasing.

General conditions.

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The orientation of the boat storage spaces will be double parking boats in existing slip. This is the first design of this type of layout for boat storage spaces. The ordinance does not address the design of boat storage spaces. It is consistent with CAMA regulations who is the state agency that approves structures over the water.

(2) That the use meets all required conditions and specifications;

After review by staff the plan has been determined to meet all conditions and specifications except for the landscaping requirements with the additional parking spaces.

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

The proposed use is in keeping with the character of the MB-1 area and meets the non-conforming regulations with expansion of parking spaces.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

The desired Future Land Use of the Marina Mixed Use area includes commercial uses that includes water-oriented restaurants and services.

Proposed Conditions

1. Landscape requirements to be waived for the additional proposed 2 new parking spaces.
2. Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.
3. Record the south area of the paved Georgia Ave town access easement to a town public right-of-way prior to the issuance of a permit for the increased boat storage spaces see attachment 6.
4. Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-way's.
5. Must meet all local, state, and federal requirements.
6. Install bike a storage rack of a minimum of 4 storage spaces.

ACTION REQUESTED:

Approval must be consistent with the findings in the Zoning Ordinance as follows:

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.

(2) That the use meets all required conditions and specifications;

(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies.

Denial should be directly related to one or more of the following findings.

Reasons for denial must be specifically stated by Town Council :

(1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.

(2) That the use does not meet all required conditions and specifications;

(3) That the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

(4) That the location and character of the use if developed according to the plan as submitted and approved will not be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies

RECOMMENDED MOTION:

The use meets all required conditions and specifications. The location and character of the use if developed according to the plan as submitted with staff conditions and approved will be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies.