



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Community
Development

MEETING: Town Council – May 12, 2026

SUBJECT: Conditional Zoning to consider a pickleball court in the Mixed-Use District (MX) at 1608 Bowfin Lane.
Applicant: Atlantic Towers Assn Inc

BACKGROUND:

The applicant, Atlantic Towers Assn Inc, applied for a Conditional Zoning application for a temporary pickleball court in the Mixed Use District. The existing use of the property is a parking lot for the Atlantic Towers condo building. The applicant proposes a temporary pickleball court utilizing 12 existing parking spaces. Private tennis courts are permitted in the MX district through Conditional Zoning. Section 3.4.B.2. states that for uses not listed, the UDO Administrator shall consider which use closely matches the proposed use and apply the relevant regulations.

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 used as a parking lot for the Atlantic Towers condos. The existing parking lot has 169 spaces. There are twelve 2-bedroom units, and the remaining 125 units are 1 bedroom under 650 square feet. The parking required for the existing 137 units is 149 spaces. 157 spaces will be provided after the pickleball court is installed.

The purpose of the Mixed Use District is to provide an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of town and the quiet residential area and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas. The regulations of the district seek to maintain a modest scale of structures, as well as a pedestrian-oriented nature, so that uses in the district may provide a suitable transition from commercial to residential areas. Permitted uses include a mixture of single-family homes, two-family dwellings, and small-scale office and institutional

uses. Small hotels and motels and multifamily housing of modest density and size may also be permitted in this district.

The development standards for tennis courts require that provisions be made to compensate for impervious surfaces and drainage runoff containment and lighting, if used shall be shielded so as not to shine on adjoining properties. The existing parking lot will simply be repainted; no additional impervious surfaces will be added, and no additional lighting is proposed.

Landscaping is not required as the use is temporary in nature. The 12 parking spaces will be reverted to parking when the pickleball court is not in use. The applicant proposes installing a temporary 6-foot fence to surround the court when it is in use.

Proposed Conditions

1. The court will be closed beginning the Friday before Memorial Day through Labor Day.
2. Use of the court will be for owners and guests of Atlantic Towers only.
3. The court will be approved for a 1-year trial period. After the 1-year period, the project will go through the conditional zoning process again.
4. No additional lighting.
5. The court shall operate from 9a – 6p and the gate shall remain locked when the court is not in use.
6. No amplified music.
7. 6' temporary fencing shall be anchored and installed with wind screen and/or sound blocking material.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on January 29, 2026. 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. As a result of the concerns that were raised at the Public Input Meeting, the applicant revised the proposed location of the court to be further from the Casa Del Playa condominiums after the meeting.

Land Use Plan

The project is in general conformity with the 2020 Land Use Plan and the Low Intensity Commercial Area. Smaller scale, lower intensity commercial uses that complement the neighborhood or a distinct node of activity. Structures (3 stories max.) have active ground floor uses. Streets serve pedestrians and automobiles, including on-street parking wherever possible.

Staff recommends approval of the project as proposed. The court was moved after P&Z based on the comments at that meeting; an updated site plan was submitted. P&Z recommended approval 4-2.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve a pickleball court at 1608 Bowfin Lane.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for a pickleball court located at 1608 Bowfin Lane 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.