

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, November 14, 2024 - 6:00 PM

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



MINUTES

CALL TO ORDER

Chairman Rouse called the meeting to order at 6:00 PM.

PRESENT

Chairman Wayne Rouse

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

ABSENT

Vice Chairman Jeff Hogan

ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

Planner Haley Moccia

CONFLICT OF INTEREST

Members of Planning & 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. October 10, 2024 – P&Z Minutes

ACTION: Motion to approve the minutes as written

Motion made by Chairman Rouse, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed 6-0

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following:

Permitting

- 55 permits (renovation, repair, grading, additions, fences)
- 4 residential new construction
- 28 certificates of occupancy

Code Enforcement

- 15 complaints received
- 1 non-code-enforcement complaint received
- 8 resolved complaints
- 6 violation letters sent

Demos

- 210 Teakwood Drive
- 1517 Pinfish Lane
- 1101 North Lake Park Boulevard (Fire Department will be burning the structure as part of a training exercise)

New Businesses – Applied

- Hooks and Arrows Sportsman Supply (bait and tackle shop) – 1401 North Lake Park Boulevard, Suites 24 and 28
- Sand Dollar (restaurant) – 5 Cape Fear Boulevard
- Drift (coffee shop) – 1000 North Lake Park Boulevard at Proximity
- K38 (restaurant) – 1000 North Lake Park Boulevard at Proximity

Upcoming

- Board of Adjustment November 18 – Dry Dock Inn pool fence variance and 315 Carolina Beach Avenue North
- Text amendment building footprint – has not yet gone to Council due to request for continuance
- BeBot beach sweeper – Sunday, December 1
- Proximity – 40% of units approved as well as the leasing office, fitness center, and pool; 60% is the cutoff given by the N.C. Department of Transportation (DOT) for when the stoplight at Winner Avenue and Lake Park Boulevard should be installed
- Technical Review Committee (TRC) – 2-unit Planned Unit Development (PUD) in 200 block of Greenville Avenue

Project updates

- Coastal Storm Risk Management project (also known as beach nourishment): This will be starting during the winter.
- Ocean Boulevard sidewalk: Mobilization has begun, and this will be starting shortly.
- Boardwalk bathroom: The contractor will start on this project during the first week of January.

- South Lake Park Boulevard sidewalk: DOT is starting in early 2025 on its portion, and the Town is going to pick it up and continue to Carolina Sands. The Town applied for a grant for this and was not selected but hopes to receive funding for next year to take the project to Alabama Avenue.
- Street improvements: 2nd Street is out to bid, and Spot Lane is in design.

Chairman Rouse asked Mr. Hardison to get in touch with Det. Sam Smith of the Police Department to discuss doing training sessions in structures scheduled for demolition.

PUBLIC COMMENT

None

PUBLIC HEARING

2. Conditional Zoning to Consider a K-5 School at 105 Dow Road at Seaside Chapel
Applicant: Seaside Chapel

Applicant Seaside Chapel is proposing a K-5 school at its property on 105 Dow Road. This property is located in the R-3 Residential Zoning District. Schools are allowed through the approval of Conditional Zoning (CZ) in R-3. The proposal includes renovating the existing 2-story Family Life Center building into a school that allows grades K-5. Kindergarten and 1st grades will be on the ground floor and 3rd-5th grades on the second floor. The building includes a gym and kitchen.

The property is a 2.52-acre lot surrounded by 4 roads: Dow Road, Charlotte Avenue, 8th Street, and Hamlet Avenue. R-3 mainly consists of single-family houses. The lot has 4 existing structures: 1-story chapel (built 1975), single-family residence (built 1977), 1-story worship sanctuary (built 1999), and 2-story Family Life Center (built 2005). The 2-story Family Life Center expansion to the chapel was approved through a Conditional Use Permit (CUP) in 2005. In 2020, Seaside Chapel was approved, through a CUP, to use the Family Life Center to operate a daycare and add a playground.

The CZ proposal consists of the renovation of the 2-story Family Life Center into a K-5 school with the original 9 classrooms being combined into a total of 5. The fellowship hall will be converted into a gym. The existing elevator, stairs, bathrooms, and kitchen will remain. No expansions to the building are proposed. When the Family Life Center was approved, a total of 86 parking spaces were required. Because changes in Town ordinances have reduced the parking requirements for churches, 58 parking spaces are required for the proposed school (1 per classroom + 5 for visitors = 11 spaces), church (1 per 300 square feet of indoor gross floor area = 44 spaces), and single-family house (2 per dwelling unit + 0.5 per bedroom over 2 = 3 spaces). Seaside Chapel proposes installing a total of 72 parking spaces.

Wilmington Metropolitan Planning Organization (WMPO) was asked and subsequently determined a traffic study was not warranted for the proposed school. To mitigate school pickup traffic, the parking lot was designed to queue cars through the parking lot. The 8th Street entrance to the parking lot will be blocked during school dropoff and pickup to funnel traffic into and out of the parking lot through the Hamlet Avenue entrance. The parking lot will consist of pervious gravel that meets State requirements.

As part of the application process, a community meeting is required. The applicant held the required meeting on January 21, 2024, and 18 people attended, voicing concerns about dropoff and pickup vehicle queuing and the potential increase in traffic. As a result, the applicant closed off the 8th Street driveway during dropoff and pickup to help with the flow and used DOT's school traffic calculations to come up with the queuing plan.

Staff proposed conditions

1. Restoration of the previously required landscape buffer surrounding the 8th Street fenced-in playground as described in the 2020 Conditional Grant Order for 105 Dow Road.
2. At least 8% of the gross paved area of a parking facility shall be landscaped and located in the interior. For purposes of this section, interior shall mean the area within the parking facility curb or pavement and extensions that create a common geometric shape, such as a square, rectangle, or triangle.
3. Refuse collection agency to be used must be included on final site plans. The refuse collection site must be enclosed on 3 sides by a minimum 6-foot opaque fence.
4. Pervious gravel drive aisles will meet N.C. Department of Environmental Quality (DEQ) pervious pavement design criteria.
5. Any proposed signage will have to meet all standard zoning requirements in the future.
6. The Fire Department recommends a Knox Box to be installed on the building.

The project is in general conformity with the 2020 Land Use Plan by promoting family-friendly character and meeting the low-density residential area description. The parcel is located in the low-density residential district, which consists of primarily large-lot, single family, detached residential neighborhoods. Existing, by-right, entitled, higher-intensity uses will continue to be supported in low-density residential areas.

Staff recommends approval of the project with the proposed conditions.

Ms. Moccia presented the details. She reviewed current uses, surrounding uses, existing and proposed floor plans, the site plan, and criteria that must be considered in making a decision.

Commissioner Crouch asked if there is the potential for the project to be phased into a school serving K-12. Ms. Moccia said originally the application was for a K-12 school with an additional 2-story building, but since then the application was revised to only renovate the existing building to serve grades K-5. Mr. Hardison said any other uses would have to come back before the Commission and Council for modification.

Commissioner Carew asked if there is a reason why a Knox Box is not required for schools or commercial buildings in general. Ms. Moccia said she can get an answer from the Fire Chief.

Commissioner Boswell asked how many properties on Hamlet Avenue would be affected by the queuing route. Ms. Moccia said there are 6 to 7 properties across the street.

ACTION: Motion to open the public hearing
Motion made by Chairman Rouse

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed 6-0

Dana Vess, an applicant representative, clarified some information about fencing.

Brenda Klock of 807 Hamlet Avenue said she's concerned about traffic on her street, especially during dropoff and pickup, and accessibility for emergency vehicles and garbage/recycling trucks. She said she would like to know why a traffic study was not required.

Mark Vincent of 805 Hamlet Avenue said he thinks the project is too big for the parcel. He voiced concerns about parking and traffic, especially with the existing public elementary school nearby, and the possibility of future growth, such as the need for more than one classroom per grade. Mr. Vincent said he was disappointed that neighbors were not made aware of changes to traffic flow until tonight.

Brigitte Simone Hendy of 101 South 8th Street said she and her husband chose this neighborhood because it is quiet and protected by R-3 low-density zoning. She said adding a busy school will disrupt the neighborhood with sounds and lights altering the peaceful nature and diminishing enjoyment, and she believes the project does not meet current zoning and the surrounding infrastructure. Ms. Hendy said the public elementary school is losing students and will lose more with a new school nearby, having a major impact on funding and staffing and possibly creating redistricting that will bring in students from farther away, increasing traffic. She said this congestion could delay the response of emergency vehicles and threaten pedestrian safety, and she cited concerns about flooding and the ability of the church to meet zoning requirements. Ms. Hendy said the plan does not discuss overflow parking or whether the school would follow a traditional or year-round schedule. She presented a petition with 150 signatures of those opposed to the project.

Jim Norwood of 5 South 8th Street said the neighborhood has been through this scenario before with the previous CUP application. He said Commissioners should consider traffic on Dow Road, which serves as an exit point for Kure Beach. Mr. Norwood said there is already a problem in that area with drainage and sewer infrastructure, and he believes the exhaust emission from increased traffic would be in direct conflict with the nearby Greenway path. He also said he is concerned about future growth of the school.

Ricky Niec of 702 Clarendon Avenue asked Commissioners to look at the length of the queue and how many cars will fit inside the church property. He said he supports a new school on the island because population growth will result in a need for this, and approving a private school accommodating 90 students would save taxpayers money and alleviate the burden on the public school system. Mr. Niec said the proposed school is in harmony with the Land Use Plan, and he asked the Commissioners to approve it.

Michal Zaluski of 707 Hamlet Avenue read a letter from neighbor Kevin Murphy, who could not attend. The letter stated concerns about the proposed school's potential impact on the community, including taking enrollment away from the nearby public elementary school and causing infrastructure, safety,

and traffic problems. After he finished the letter, Mr. Zaluski said he would like to know if the proposed school will pay taxes to the Town or whether it will be exempt because it's a church.

Jerry Vess of 100 S 8th Street, Pastor of Seaside Chapel, said the church has always tried to make a positive impact on the community. He said he hears and understands the neighbors' concerns, especially about traffic, and has worked to ensure the project is doing its best to not cause any problems, stating that the traffic pattern has been changed 4 times to mitigate potential issues. Mr. Vess said the church already averages weekly Sunday morning attendance of 80 to 125 people, and they are not trying to impact the nearby public elementary school but instead offer an opportunity for those who want their children to have a Christian-based education.

Joe Barlok of 314 H Avenue in Kure Beach said he believes this project will benefit the entire island by adding to school options, and he believes it meets the requirements that must be considered in making the decision. He said the public elementary school has 385 students but not that many parking spaces, and he requested that Commissioners move forward by approving the CZ request.

Christian Tinder of 7891 Champlain Drive in Wilmington, who is a Realtor on the island, asked if this was a project other than a school, such as a grocery store, with so many people coming and going whether an asphalt parking lot with drainage would be required. He said he has concerns about the runoff created by that many cars parking on a pervious gravel lot and questioned the safety of that many people walking on it.

Ms. Vess spoke again to address some of the comments. She said the car line is 20 feet wide and will run as two lanes going around the property and then merge into one, exiting as one lane, keeping space open for emergency vehicles to maneuver. Ms. Vess said after-school activities will result in staggered pickup times, which will cut down on the amount of traffic coming for pickup at once. She said the church already handles more people every Sunday than the total number of students planned for the school. Ms. Vess asked the Commissioners not to consider the petition presented earlier because some of the signatures may have been from people who were not aware that the application has changed since it originally called for an additional building.

Chairman Rouse asked Commissioners if they had any questions for Ms. Vess.

Commissioner Conto asked if the school plans to open in fall 2025. Ms. Vess said that is the plan if the project is passed by Council next month, but if approval goes beyond that staffing and completion may not be possible until 2026.

Commissioner Conto asked if students will be coming from on or off the island. Ms. Vess said a lot of private schools off the island have waiting lists. She said there are 15 to 20 students attending the after-school program now who would likely be students at the proposed school, and interest is coming from both on and off the island.

Commissioner Conto said she lives near the proposed school and asked if the entire school will go to recess at once or whether there will be one classroom at a time on the playground. Ms. Vess said it would be one classroom at a time due to the size of the playground.

Commissioner Crouch asked Ms. Vess if they are OK with all of staff's proposed conditions. Ms. Vess said yes.

Commissioner Piper asked how many people attend the live nativity at the church on an average night. She said 450 per night attend for a total of 1,500 during each season.

Commissioner Piper asked who is installing the parking lot's pervious material, who will inspect it, and how the Town will know it is staying pervious, questions that were asked of a recent applicant for another project. Ms. Vess said they do not know at this time who is installing it, but the project's engineer has said the material would have a lifespan attached to it. She said they know they will have to redo it over time, but she is not sure who would be responsible for monitoring it to know when it should be replaced. Commissioner Piper said making sure the material stays pervious is a big concern, and for him to vote in favor of this he would want a condition to be sure this is met annually.

Commissioner Piper asked Ms. Vess if there was a plan for a K-5 school back when the daycare was proposed and approved. Ms. Vess said no, they later decided to pursue this because the Lord laid on her heart that there was a need. Commissioner Piper asked if the school will be privately funded or publicly funded through grants. Ms. Vess said it would be privately funded, and any grants would come from businesses or corporations, not the government.

Commissioner Piper suggested that the property move its trash over by the Fire Department to keep neighbors from being disrupted early in the morning. Ms. Vess said they can look into this.

Commissioner Carew asked if plans for the school call for the queue of traffic to be accommodated entirely on site. Ms. Vess said they believe the majority can be contained on the property when you consider staggered timing and students who walk or bike. She said the estimate was that 38 cars can be held on site.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse

Voting Yea: Chairman Rouse, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

Motion passed 6-0

Commissioner Conto said she believes bringing a parochial school to the island is a good thing.

Commissioner Crouch asked if it would be possible to put limitations on the number of students, classrooms, or total square footage of the building. Mr. Hardison said he would hesitate to limit class size, and expansion of those set numbers of classrooms or space devoted to the school could trigger a modification that would come back for approval. Commissioner Crouch asked if any change from the current floor plan shown in the application would be considered a modification that would require them to come back. Mr. Hardison said yes.

Commissioner Crouch said it is not the job of Commissioners to offer opinions about the best way to teach children. He said they are here to interpret the building code and whether it's in harmony with the general usages of the neighborhood. Commissioner Crouch said he gives a lot of consideration to the existing rights of adjacent property owners because they have lived here and made life decisions for many years or even decades. He said he is hopeful that the school will be able to accommodate most of the queuing on site as opposed to down Hamlet Avenue or 8th Street.

Commissioner Crouch asked if it was Town staff or the applicant that came up with the idea for a pervious gravel parking lot. Mr. Hardison said the parking lot is currently grass, and staff felt it needed to have a more durable type of surface material. He said the applicant suggested gravel and got an engineer involved to make it pervious, and the Stormwater Department reviewed the plan and was comfortable with it. Commissioner Crouch said he is concerned about the viability of the parking lot, and he questioned whether it would be better to have a more permanent parking lot and a better plan to contain some of the stormwater on site through funneling and catch basins.

Commissioner Boswell said Commissioner Crouch touched on most of her concerns. She reminded everyone that the Commission is only a recommending board and does not have final say on this, so she encouraged everyone to speak at the Council meeting when this is on the agenda. Commissioner Boswell said she likes giving residents options for different kinds of schools, but that's not the purpose of this matter. She said she is concerned about the traffic pattern, gravel parking lot, and adjacent residents and is undecided how she will vote.

Commissioner Carew asked if there is any increase in net impervious surface as a result of this project. Mr. Hardison said the only increase would be the addition of a sidewalk from the parking facility to the existing building. Commissioner Carew asked if staff has an opinion on how long it would be before the parking lot becomes impervious. Mr. Hardison said staff would have to rely on inspection and certification by the engineer.

Commissioner Carew said he is in favor of the school but sensitive to the traffic concerns of the neighbors. He said there is no guarantee that the queue would be contained on the premises, but he doesn't believe the impact would be very high so he thinks adding a school to the community would be a net positive.

Commissioner Piper said this request is almost by right, and the church regularly has over 90 people attending. He asked how many parking spots the existing public elementary school has. Mr. Hardison said the school does not have any on-site parking and has 70 on-street Town parking spaces on its perimeter.

Commissioner Piper said this area was designed in the Land Use Plan to support this kind of development and asked how many houses could be built on the land if the church was gone. Chairman Rouse said a conservative estimate would be 9 houses on the 2.5 acres. Commissioner Piper said he would much rather see something by right than more development of homes, which leads to more stormwater runoff. He reiterated his suggestion that the trash be moved to Charlotte Avenue by the Fire Department and said he would approve this with a condition that a third party, not the Town, test

and approve the pervious gravel as needed. Mr. Hardison said this would be an appropriate condition if the Commission so chooses.

Chairman Rouse said the type of school is not up to the Commission, but the population in this area has exploded and the Town spent a couple of years going through the Land Use Plan and the Unified Development Ordinance and left in language that addresses situations such as this. He said he does have some caution about the parking lot material and will make a motion to approve the project with a condition added to address this.

ACTION: Motion that the Commission, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the Conditional Zoning District to allow for a school (K-5) at 105 Dow Road 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 that staff has recommended plus the condition that once per year the Town receives from the applicant certification of a properly functioning drive parking made of pervious material

Motion made by Chairman Rouse, seconded by Commissioner Carew

Voting Yea: Chairman Rouse, Commissioner Piper, Commissioner Carew, Commissioner Conto

Voting Nay: Commissioner Boswell, Commissioner Crouch

Motion passed 4-2

Chairman Rouse asked the applicant as a courtesy to their neighbors and for harmony to refrain from hiring a trash collection company that is going to dump trash very early in the morning. He said this is not a condition but a request because he does not want to start trying to move trash receptacles, which could cause unintended consequences.

Mr. Hardison said this will go before Council for final review on December 10.

NON-AGENDA ITEMS

None

ADJOURNMENT

Chairman Rouse adjourned the meeting at 7:35 PM.