

CAROLINA BEACH

Planning and Zoning Commission

Thursday, July 9, 2026 - 6:00 PM

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



MINUTES

CALL TO ORDER

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

PRESENT

Chairman Jeff Hogan

Vice Chairman Bill Carew

Commissioner Ethan Crouch

Commissioner Lynn Conto

Commissioner Brad Jones

ABSENT

Commissioner Melanie Boswell

Commissioner Todd Piper

ALSO PRESENT

Community Development Director Jeremy Hardison

Senior Planner Gloria Abbotts

APPROVAL OF MINUTES

1. June 11, 2026, Minutes

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Carew, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following during the past month:

Permitting

- 25 permits (renovation, repair, grading, additions, fences, etc.)
 - 3 residential new construction
- 5 certificates of occupancy

Demos

- 504 Alabama Avenue (mobile home)
- 410 South Lake Park Boulevard (bathroom and storage area at Lake Park)
- 515 Harper Avenue (single-family home)

New businesses

- Shoo-Fly Station Vendor Mall, 1140 North Lake Park Boulevard (former Flaming Amy's location)

Updates and upcoming

- Technical Review Committee (TRC) July 7: minor Planned Unit Development (PUD) of 4 units at 1007, 1009, and 1011 South 2nd Street
- Council July 14: text amendment for pierhead line
- Planning and Zoning Commission August 13: Proximity request to allow short-term rentals and modify amenity space

PUBLIC COMMENT

None

PUBLIC HEARINGS

2. Consider a Text Amendment to Article 3 and Article 7 of the UDO to Add Dog Grooming to the Home Occupation Ordinance
Applicant: Zoey Brass

Ms. Abbotts presented the proposed text amendment, explaining that it would add dog grooming as a permissible use within the Town's existing home occupation ordinance. She provided background, noting that the applicant, Zoey Brass, currently operates Island Dog Grooming at 915 North Lake Park Boulevard, Suite F, and has proposed relocating the business to her home. However, the current home occupation ordinance does not specifically allow dog grooming as a home occupation.

Ms. Abbotts provided historical context, indicating that the home occupation ordinance has been in place since approximately the 1970s, with notable updates in 1984, 1990, and 2003. The 1990 update added language prohibiting traffic generation and equipment that produces noise, vibration, or glare and permitted up to four students for tutoring, music, or dance. The 2003 update limited commercial vehicles and expanded the allowable dwelling types from single-family homes to any dwelling unit. Ms. Abbotts noted that neighboring communities carry essentially the same language and similarly do not address pet grooming.

Ms. Abbotts outlined the existing home occupation standards, which include a 25% maximum floor area dedication, prohibition of use in accessory buildings, no exterior visibility of the use, no traffic generation, off-street parking requirements, a limit of one non-family employee, no noise-producing equipment, and no off-site display of products. She noted the Town has issued approximately 70 home occupation permits since 2010.

The proposed ordinance language would add that pet grooming shall be permitted only in a completely enclosed indoor area and shall be limited to two animals at a time. A new definition would also be added: "an establishment at which domesticated animals are bathed, clipped, trimmed, or shorn, or

other such non-medical treatment is administered indoors, and no animals are kept on the premises overnight."

Ms. Abbotts reported that the TRC had reviewed the proposal the prior month and supported adoption. The applicant was reminded at TRC that no signage would be permitted, the use would be limited to 25% of the floor area, and that a building permit, change-of-use review, fire requirements, and ADA improvements would be required given that customers would be coming to the home.

Ms. Abbotts noted that the proposed use conforms with the Town's Land Use Plan, which contemplates increasing the ability for residents to work from home.

Vice Chairman Carew asked about specific ADA requirements applicable to a home-based business. Ms. Abbotts explained that a compliant parking space would be required along with a clear accessible path into the home for customers dropping off animals. Vice Chairman Carew asked whether a ramp would be required if the home had steps, and Ms. Abbotts confirmed that would likely be the case.

Commissioner Conto asked whether a groomer's practice of walking out to the customer's car to collect the animal could serve as an accommodation in lieu of installing a ramp or other ADA improvements. Mr. Hardison clarified that the applicable building code requirements would govern wherever the public is permitted to go on the premises. He noted that the key question is where the stopping point for public access is – whether customers walk inside to a counter or whether the exchange happens outside – and indicated that the extent of ADA compliance requirements would be determined based on that answer.

Commissioner Crouch raised the topic of mobile dog-grooming operations, noting a trend of groomers using equipped trailers or vans. Ms. Abbotts confirmed that mobile grooming would be treated differently and would not be subject to this amendment, as it does not involve the operator's home.

Vice Chairman Carew asked whether there was specific reasoning behind the proposed two-animal limit. Ms. Abbotts explained that the figure was derived by staff as a parallel to the existing one-additional-employee limit: If two people are working, each could be handling one animal at a time. She noted that the Commission was free to modify that figure and that the primary concern in setting the limit was noise impacts on neighbors.

Commissioner Jones asked whether this use would be restricted to single-family dwellings or could apply to any residential unit. Ms. Abbotts confirmed it would apply to any residential dwelling unit, including condominiums. Chairman Hogan pointed out that this would be subject to any homeowners association (HOA) restrictions that might apply.

ACTION: Motion to open the public hearing

Motion made by Chairman Hogan, seconded by Vice Chairman Carew

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Applicant Ms. Brass of 100 Moorefield Drive distributed a handout and walked Commissioners through the proposed workflow: Customers would drop off their dog, the dog would receive services, and the customer would be texted 10 to 15 minutes before pickup. Ms. Brass explained that she would try not to overlap appointments, giving herself time to clean between clients.

Ms. Brass addressed the two-animal limit directly, requesting that the Commission consider raising it to four, noting that she has several clients who bring four dogs at once. She contended that dogs that know each other tend not to bark as much in each other's company and that accommodating multi-dog appointments would also reduce traffic by cutting down on separate trips.

She described the proposed floor-plan layout, indicating that the business area would occupy less than 25% of the downstairs floor area, and provided exact square footage figures for the working area, walkway, and tub area.

Regarding renovations, Ms. Brass clarified that she did not anticipate major construction; her intent was essentially to swap an existing shower for a tub and a sink for another sink, with no relocation of water lines or drain lines, and she therefore questioned whether permits would be required.

On the topic of ADA parking, Ms. Brass showed on her handout a highlighted area where she planned to install gravel to create accessible parking, noting her preference for gravel over concrete due to the island's flooding concerns. She stated that while she has no clients who are wheelchair-bound, she routinely goes out to the car to collect animals from clients who have difficulty getting around and that in practice, most clients with mobility limitations do not come to the door.

Ms. Brass also noted that, based on her research, designating the restroom as non-public might eliminate the ADA bathroom requirement, though she acknowledged uncertainty about whether this was definitively correct. She indicated no objection to fire safety requirements such as extinguishers and emergency lighting and confirmed her awareness of the sign restrictions. Finally, she noted that her property is only one lot removed from Highway Business zoning and that the neighboring property owner had actually been enthusiastic about the idea.

Chairman Hogan asked if anyone from the public wanted to speak on the matter. No one came forward.

Commissioner Crouch directed the applicant to pose her questions about permits and ADA requirements to Town staff rather than Commissioners.

ACTION: Motion to close the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Commissioner Conto expressed that she was genuinely enthusiastic about the proposal and remarked that she was surprised dog grooming had not been included in the Unified Development Ordinance (UDO) when it was previously rewritten. She wished the applicant well.

Commissioner Jones stated that he was in favor of the amendment, noting that a neighbor of his operates a dog grooming business from her home without it being any kind of nuisance and that he believed the use, managed with the proposed standards in mind, would work well.

Commissioner Crouch expressed general support, characterizing home-based dog grooming as a more typical use well-suited to a small-scale home business. He flagged the number-of-dogs limit as a discussion point.

Chairman Hogan said he had no issue with raising the limit to four and suggested a maximum of one additional employee.

Vice Chairman Carew echoed support for the amendment and expressed appreciation that the applicant had come forward to seek the proper authorization rather than simply operating without permission. He indicated four dogs was acceptable and suggested that when the matter goes to Council the limit might be raised further.

Chairman Hogan confirmed his support and indicated no objection to any of the proposed terms.

Commissioner Crouch asked staff whether changing the limit from two to four dogs would present any concerns. Mr. Hardison indicated it would not change the staff recommendation, noting that the two-dog figure had been a staff-driven suggestion at TRC and the applicant had been agreeable to it. Ms. Abbotts asked that the modification be clearly stated in the motion.

Chairman Hogan asked what percentage of the applicant's clients have four dogs and what the typical grooming frequency is. Ms. Brass said she has at least eight clients who have four dogs, and she indicated dogs typically come in every six to 10 weeks, implying that four-dog appointments would not be a frequent occurrence.

ACTION: Motion for approval to amend the Unified Development Ordinance Articles 3 and 7 to allow for dog grooming as a home occupation with the added limit of four dogs

Motion made by Vice Chairman Carew, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Chairman Hogan suggested that the motion be redone to match the suggested verbiage provided by staff.

ACTION: Motion for approval; the Commission, whereas in accordance with the provisions of NCGS, does hereby find and determine that the adoption of the following text amendment to Article 3 and Article 7 to allow for dog grooming in the home occupation ordinance is consistent with the goals and

objectives of the adopted Land Use Plan and other long-range plans with the additional stipulation that the limit on the number of dogs would be four

Motion made by Vice Chairman Carew, seconded by Commissioner Crouch

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

3. Consider a Zoning Map Amendment and Text Amendment to Article 3 of the UDO to Rezone 204 Cape Fear Boulevard, 206-217 Cape Fear Boulevard, and 3 South Third Street from Mixed Use (MX) to a New Zoning District Called Commercial Transition (CT)
Applicant: Town of Carolina Beach

Mr. Hardison presented the proposed zoning map amendment and text amendment, characterizing it as a follow-up to the informal discussion held at the prior month's Commission meeting. He framed the core question as whether the current Mixed Use (MX) zoning remains appropriate for the long-term vision of the Town and for redevelopment opportunities.

Mr. Hardison described the affected parcels, noting current land uses include three single-family residences, four vacant lots (some used as surface parking), two retail establishments, and a motel. He described the character of the area as having on-street parking, sidewalks, street trees, and walkable proximity to the Central Business District (CBD) and beach.

He noted that the Town's Land Use Plan classifies this area as mixed-use commercial with higher-density development, contemplating a mixture of residential and commercial uses, mixed-use buildings with active ground-floor commercial, residential on upper floors, a pedestrian-oriented environment, and buildings of four to five stories.

Mr. Hardison described the surrounding land uses: to the north along Raleigh Avenue, a former AT&T building recently converted to residential use, a multi-family rental complex, a motel, and a parking lot; to the south along Charlotte Avenue, a two-family dwelling, three single-family homes, the new AT&T building on the corner of Third Street and Cape Fear Boulevard, and a parking lot serving the motel on Cape Fear Boulevard.

He explained that creating a new zoning district would require amendments to several sections of the UDO.

On dimensional standards, staff proposed a 5-foot front setback – compared to the existing 20-foot MX requirement – noting that virtually no existing building on Cape Fear Boulevard currently meets the 20-foot setback except one recently constructed single-family home. The rear setback would remain 10 feet from abutting MX-zoned properties. Side setbacks would be eliminated except where the lot abuts a residential district or use, with the intent of accommodating driveways to off-street parking.

On density, staff proposed 29 units per acre, which Mr. Hardison described as a midpoint between the lower-end densities and the higher commercial zones. He noted that the T-1 zoning district currently allows 29 units per acre, making that figure consistent with existing code.

Mr. Hardison said staff can approve a 50-foot height, but the Commission may go beyond 50 feet if the project goes through Conditional Zoning (CZ) approval and installs a suppression system.

On lot coverage, a 60% maximum building coverage was proposed. Staff recommends not having impervious coverage on the rationale that exceeding a certain impervious threshold would trigger a requirement to install an engineered stormwater system to retain runoff on-site.

Mr. Hardison noted that the CBD's parking waiver provision – which allows public parking within 500 feet to substitute for required on-site parking – would not be extended to the CT district.

On the table of uses, Mr. Hardison stated that all uses currently permitted in the MX district would be carried forward into the CT district to avoid making any existing uses non-conforming, with the addition of eating and drinking establishments, specifically excluding bars.

On landscaping and buffering, the CT district would require street trees in front of all properties, and a Type A landscape buffer (5-foot buffer) would be required where CT-zoned properties abut existing residential uses.

For signage, CT district properties would be held to the same standards as the MX district, allowing a freestanding sign up to 20 feet in height.

Mr. Hardison concluded by outlining the Commission's options: forward the proposal to Council as presented, forward it with modifications, or decline to recommend a change at this time. He added that if the Commission wants to continue work on the proposal, staff would look for more specific direction to bring back a revised version in August.

Commissioner Crouch asked whether there is a proposed development plan for any of the affected parcels. Mr. Hardison said there is not.

Commissioner Crouch then asked why the 65% impervious surface cap had been removed and what analysis supports removing that limit in a flood-prone coastal context. Mr. Hardison explained that in commercial districts such as the CBD and Highway Business, a 65% impervious cap makes it practically difficult to accommodate both a building and an associated parking lot. He acknowledged there had been no specific stormwater impact analysis but noted that staff could look into a tiered approach: If a development exceeds 65% impervious coverage, it would be required to install a certified engineered stormwater system to retain runoff on-site.

Commissioner Crouch followed up by asking whether a traffic, stormwater, or infrastructure capacity study had been conducted to support the increase in density from 17 to 29 units per acre. Mr. Hardison said no such study had been conducted but noted that the proposal had been reviewed at TRC and no capacity concerns had been raised.

Commissioner Crouch also raised the question of compliance with a policy in the Land Use Plan, which calls for restraint in district-wide rezonings, characterizing such rezonings as "unadvisable." Mr.

Hardison responded that the policy's intent is to ensure caution and public engagement when upzoning and that any rezoning would, by definition, be an upzoning because State law now prohibits downzoning. He framed the provision as a requirement to bring the public along rather than as an absolute prohibition.

Commissioner Crouch further observed that the stated purpose of the CT district – to “promote modest scale structures” – appears in tension with the proposed standards: a 5-foot front setback, 60% lot coverage, and 29 units per acre do not seem particularly modest compared to existing MX allowances, even if they fall short of CBD standards. Mr. Hardison acknowledged the difference, describing CT as a midpoint between the CBD and lower-density commercial zones and characterizing it as consistent with the Land Use Plan's separate classification and character area for this location.

Commissioner Crouch asked whether any thought had been given to requiring a street-facing landscaping buffer where the CT district faces residential zoning across the street, not only where it abuts residential uses on side or rear property lines. Mr. Hardison noted that across the street would be the same CT zoning and that the only lots with a residential-zoned frontage across the street would be the AT&T building and the corner market. He explained that because a 50-foot right-of-way and required street trees already provide some separation, staff had not proposed an additional street-facing buffer.

Commissioner Conto asked about the timeline of the document's preparation, noting she had observed a creation date of February 23, 2026, on the document, and asked why the Commission had not seen it until the informal discussion in June. She framed her concern in terms of the perceived speed of the process. Mr. Hardison responded that work on the document had been ongoing: staff had received direction from Council, reached out individually to affected property owners, held meetings with them, and taken the proposal to TRC before bringing it to the Commission for discussion and then for a formal hearing. He added that there had been no formal motion or vote by Council and that it had been raised informally as a suggestion to explore whether opportunities existed on those properties.

Chairman Hogan noted that he and other Commissioners had spoken with Council Members informally and observed that many were surprised and appeared to be unaware of the initiative. He also asked whether the Town had previously upzoned an entire area in this manner. Mr. Hardison confirmed it had: the 200 and 300 blocks of Carolina Beach Avenue North had been rezoned from T-1 to CBD for a project called Arcadius.

Vice Chairman Carew raised a concern about stormwater capacity, noting that in his experience since arriving here in 2010 the Town has struggled to manage stormwater in major rain events. He questioned whether it is advisable to increase density and impervious surface coverage when the Town's stormwater system is already strained. Mr. Hardison acknowledged the concern and noted that the Town is not idle on stormwater infrastructure, pointing to ongoing upgrades and pump capacity improvements as evidence of a continuing effort. Vice Chairman Carew responded that while he appreciated the progress, he does not believe the Town is at a point where increasing density and impervious surface is advisable from a stormwater perspective.

ACTION: Motion to open the public hearing

Motion made by Chairman Hogan, seconded by Vice Chairman Carew

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Crystal Lee of 308 Ivy Lane commended Commissioners for representing the interests of average taxpayers and homeowners. She expressed appreciation for the Commission's attention to how the proposed change would impact the neighborhood as well as sewage and stormwater systems. Ms. Lee urged caution before moving forward and said she believed the majority of residents would feel the same way.

No additional members of the public came forward to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Conto

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Crouch, Commissioner Conto, Commissioner Jones

Motion passed 5-0

Commissioner Conto expressed surprise at the pace at which the proposal moved from an informal June discussion to a formal July amendment hearing and questioned what was driving the rush. She stated the topic deserves additional time for community input and a more robust discussion.

Commissioner Conto raised several broader concerns. She questioned who the rezoning benefits, suggesting it may serve one or a few influential residents rather than the Town's approximately 7,000 residents broadly. Commissioner Conto reflected on the Town's evolution and expressed concern that the Town may now be on the verge of overcorrecting a previously perceived lack of business-friendliness. She shared concerns about potential erosion of the Town's character and suggested CZ as a potential path forward.

Commissioner Jones expressed interest in seeing smart development transform the area but stated he would like more time, more information, and additional studies before making a decision of this magnitude.

Commissioner Crouch noted that he had emailed written comments to fellow Commissioners and staff and requested that they be included in the meeting minutes (see attached). He then offered a summary of his analysis for the public record. Commissioner Crouch emphasized that the absence of a development plan was a significant shortcoming, arguing that large-scale changes of this nature require a plan that has undergone substantial community input and accounted for unintended consequences.

Commissioner Crouch also noted the market context of the area, observing that several properties subject to the rezoning are currently for sale and that this type of zoning change would have a material impact on imminent redevelopment. He argued that the gravity of tonight's action extends well

beyond the 10 parcels currently under consideration, warning that the CT district could next be applied to Raleigh Avenue, then Harper Avenue, then Charlotte Avenue, and onward. He said the proposed changes conflict with long-range planning documents and noted the Commission's obligation under State statute to abide by those documents.

Vice Chairman Carew stated that he feels this is a significant change without sufficient planning behind it. He identified himself as a property-rights advocate who seeks to reach "yes" on approval but argued that doing so responsibly requires some level of thought, plan, and caution that he did not see in the current proposal. Vice Chairman Carew acknowledged that further work on the concept – particularly with CZ as a framework – might eventually produce something worth supporting but stated that he did not see a path to approving the proposal as presented tonight.

Chairman Hogan echoed the property-rights sentiment and agreed with Commissioner Crouch's concerns. He stated that without CZ, he would never consider the proposal and that before moving forward, the Commission should hold workshops and conduct broader public input, noting that asking only the adjacent property owners, who stand to benefit financially from an upzoning, is insufficient. Chairman Hogan also noted that only five of the seven commissioners were present tonight and stated that a matter of this significance warrants input from the full body. He indicated his preference to table the matter rather than take a formal vote.

ACTION: Motion to table the matter for further consideration

Motion made by Vice Chairman Carew, seconded by Chairman Hogan

Voting Yea: Chairman Hogan, Vice Chairman Carew, Commissioner Conto, Commissioner Jones

Voting Nay: Commissioner Crouch

Motion passed 4-1

Commissioner Crouch explained that he voted “no” because he wanted to send an actual “no” vote on the proposal to Council rather than tabling it.

NON-AGENDA ITEMS

Mr. Hardison mentioned House Bill 162, a parking-related bill, noting that there is an exemption in the legislation for the 20 coastal communities in North Carolina, that both chambers had passed the bill, and that the Governor had signed it. Commissioners expressed relief.

Chairman Hogan added that if Council still wishes to pursue the CT concept, the Commission would welcome some form of roundtable or workshop to explore whether there is common ground between the existing MX zoning and the proposed CT framework.

ADJOURNMENT

Chairman Hogan adjourned the meeting at 7:03 PM.

Town of Carolina Beach, NC Planning & Zoning Meeting

July 9, 2026

Commissioner Crouch Comments on Agenda Item #3 Rezoning MX to CT

The Town is proposing to create a new Commercial Transition (CT) zoning district and rezone the 200 block of Cape Fear Boulevard from MX to CT. This is a staff-initiated, multi-parcel, district-wide rezoning with **no development plans** submitted for any affected parcel. Despite its 'transition' framing, CT is more permissive than MX in every significant dimensional standard — it is, in regulatory effect, an upzoning.

200 Block of Cape Fear



■ Highlighted parcels subject to rezoning

I oppose this proposed rezoning for the following reasons:

1 Violates LUP Policy LU-1 — Upzoning Without a Development Plan

- LU-1 (p. 51) calls for "restraint" in upzoning "especially prior to any actual proposed development plan" and states district-wide rezonings are "inadvisable."
- This is a staff-initiated, multi-parcel, district-wide rezoning — no development plan has been submitted for any of the seven affected parcels.
- Staff's LUP consistency section does not cite, quote, or address LU-1. The Commission is required under NC G.S. § 160A-333 to reference the Land Use Plan, approving a proposal that contradicts LU-1 without explanation is legally and procedurally vulnerable.

2 Violates LUP Policy LC-9 — No Quality-of-Life Analysis for a 70% Density Increase

- LC-9 (p. 66) states: "Only allow increased density above existing standards if it also maintains the quality of life and environment."
- CT allows 29 units/acre vs. MX's 17 — a 70% increase, exceeding the T-1 Tourist district. No traffic, stormwater, utility capacity, or quality-of-life study is cited in the staff report.
- The Commission has no evidentiary basis to make the finding LC-9 requires. Staff's report does not cite LC-9.

3 Eliminating the Impervious Surface Cap Is Indefensible on a Coastal Barrier Island

- MX caps impervious coverage at 65%. CT has no cap — eliminated entirely, with no explanation in the staff report.
- Carolina Beach is a CAMA barrier island in a FEMA Special Flood Hazard Area with documented nuisance flooding. Every increase in impervious cover increases runoff and flood risk.
- Every peer community reviewed — Nags Head NC, Kure Beach NC, and a seven-town Delaware coastal partnership funded by NOAA — maintains impervious surface limits in commercial zones. The 2019 NOAA Coastal Municipalities Toolkit specifically recommends coastal towns reduce, not eliminate, coverage limits.

4 CT's Purpose Statement Is Legally Inconsistent With Its Own Standards

- CT's stated purpose (§3.3.N) promises to "maintain a modest scale of structures" — language copied from the MX district.
- CT's actual standards allow 29 units/acre, 5-foot front setbacks, 60% lot coverage, and no impervious cap — none of which describes a modest scale.
- Under NCGS 160D, a district's standards must be consistent with its stated purpose. This internal inconsistency creates legal vulnerability that any affected property owner or neighbor could exploit on appeal.

5 The Residential Buffer Protects Only Where Residential Literally Abuts — Not Where It Is Near

- CT is assigned a Type D buffer — zero required street-yard width — the same as the CBD. A buffer is only required where a CT side or rear yard physically abuts a residential district.
- R-1 single-family zoning is immediately west across Cape Fear Boulevard — not technically abutting. Under CT's rules, those homeowners receive no buffer protection, despite a 5-foot front setback facing their street.
- Nags Head NC requires 25 ft. separation from any residential use — not just abutting parcels. Kure Beach NC requires 15 ft. wherever commercial abuts residential. Both standards recognize that 'across the street' is still nearby.

6 This Completes a Block-Wide Pattern the LUP Specifically Warns Against

- 205 Cape Fear Blvd. was rezoned MX → CBD in September 2025. Tonight's CT proposal rezones the remaining seven parcels on the same block. The entire 200 block is being upzoned without a single development plan.
- LU-1 warns specifically against "community- or district-wide rezonings." Viewed together, the September 2025 vote and tonight's proposal are precisely that — accomplished incrementally to avoid the scrutiny a single block-wide action would have attracted.

7 Three Single-Family Homes on This Block — LUP Goal 2 Requires Their Protection

- Three single-family homes currently exist on the 200 block. Goal 2 of the LUP states: "Retain the traditional character and density of single family neighborhoods."
- Rezoning their parcels to CT immediately increases development pressure around them and alters the regulatory environment governing their neighborhood — with no development plan, no timeline, and no community benefit yet defined.
- At minimum, the three residential parcels should be excluded from the CT rezoning until their owners submit an actual development proposal.

Additional information for the basis of my opposition to this proposed change has also been provided below:

MX vs. CT — What Changes

↑ = more permissive than MX | ↓ = more restrictive | Red = significant concern

Standard	MX Now	CT Proposed	Concern
Front Setback	20 ft.	5 ft. ↓	75% reduction — structures build nearly to the street edge, eliminating the residential streetscape transition.
Max Residential Density	17 u/ac	29 u/ac ↑	70% density increase — exceeds T-1 Tourist district. No traffic or infrastructure study cited.
Max Lot Coverage	40%	60% ↑	50% increase in lot coverage. More impervious surface, more stormwater runoff on a flood-prone coast.
Impervious Surface Cap	65%	None ↑	MX cap eliminated entirely. No limit on impervious cover — the most consequential single change in this proposal.

Standard	MX Now	CT Proposed	Concern
Side Setback	7.5 ft.	None*	*Zero by default; only matches abutting residential district if literally adjacent. Parcels across the street get no protection.
Bars & Taverns	Not allow.	Not allow.	Removed from CT in staff revision — a positive change from the original proposal.
Hotels / Motels	CZ	CZ	No change — conditional zoning still required.
Multifamily > 4 Units	CZ	CZ	No change — but 70% higher density ceiling amplifies potential scale of any approved project.

Bottom line: CT is not a transitional middle ground between MX and CBD. It is more permissive than MX in density, lot coverage, front setback, and impervious surface in every category.

Areas of Concern

△△△ = Significant | △△ = Notable | △ = Worth monitoring

Concern	Why It Matters
△△△ No impervious surface cap	MX caps impervious coverage at 65%. CT has none — on a CAMA coastal barrier island with documented flooding. Directly conflicts with LUP LC-9 and Goal 7. Not addressed in staff's consistency analysis.
△△△ 70% density increase, no supporting study	CT allows 29 units/acre vs. MX's 17. LUP policy LC-9 requires density increases maintain quality of life and environment. No traffic, stormwater, or infrastructure capacity analysis is cited.
△△△ LUP LU-1 not addressed by staff	LU-1 explicitly warns against upzoning absent a development plan and calls district-wide rezonings 'inadvisable.' This is a staff-initiated, multi-parcel rezoning with no development plans submitted for any parcel. Staff's LUP section does not cite LU-1.
△△ Front setback: 20 ft. → 5 ft.	A 75% reduction fundamentally changes the streetscape. CT's stated purpose says it will 'maintain a modest scale of structures' — a 5-foot setback does the opposite.
△△ CT purpose statement copied from MX — but standards are far more permissive	Both MX and CT purpose statements describe 'transitional uses' and 'modest scale structures.' CT's actual dimensional standards — higher density, less setback, more coverage — contradict that stated purpose. This inconsistency is a potential legal vulnerability under NCGS 160D.
△△ Buffer rules apply only to abutting residential — not nearby	CT is assigned a Type D buffer (zero width), same as CBD. R-1 zoning is immediately west, across Cape Fear Blvd. A 5-foot front setback with no street-facing buffer toward residential uses across the street is a significant gap.
△ Part of a larger cumulative upzoning pattern	205 Cape Fear Blvd. was rezoned MX → CBD in September 2025. This proposal would rezone the remaining 200-block parcels to CT — completing a wholesale upzoning of the block without individual

Concern	Why It Matters
 Parking for other districts allowed via CZ	parcel applications. The LUP's LU-1 warns specifically against this pattern. CT would permit parking lots serving CBD uses via conditional zoning — potentially converting residential transition parcels into surface parking for Boardwalk businesses.

Key LUP Language Staff Did Not Address

LUP Policy	Direct Quote	Relevance to CT
LU-1 (p. 51) Upzoning Restraint	<i>"Restraint is advisable in rezoning (especially upzoning) any properties prior to any actual proposed development plan. District-wide rezonings are inadvisable."</i>	Staff-initiated multi-parcel rezoning with no development plans. LU-1 not cited by staff.
LC-9 (p. 66) Restrict Density	<i>"Only allow increased density above existing standards if it also maintains the quality of life and environment."</i>	29 vs. 17 units/acre — 70% increase. No supporting study. LC-9 not cited by staff.
Goal 2 (p. 10) Neighborhood Character	<i>"Retain the traditional character and density of single family neighborhoods."</i>	Three single-family homes on this block. Adjacent R-1 to the west.
LU Tension (p. 7)	<i>"A tension exists between maintaining charm and character while also allowing redevelopment. Increased building heights may conflict with character of existing areas."</i>	Staff resolves this tension entirely in favor of intensification without acknowledging the competing interest.

Questions for Staff

Topic	Question for Staff
Impervious surface	Why was the 65% impervious surface cap removed? What analysis supports no limit on a flood-prone coast?
Density justification	Has a traffic, stormwater, or infrastructure capacity study been done to support the jump from 17 to 29 units/acre?
LU-1 compliance	How does a district-wide, no-plan upzoning comply with LUP LU-1's call for restraint and its statement that district-wide rezonings are 'inadvisable'?
Purpose vs. standards	CT's stated purpose says 'modest scale structures.' How do a 5-foot front setback, 60% lot coverage, and 29 units/acre implement that purpose?
Buffer gap	Should CT require a street-facing landscape buffer where it faces residential zoning, not only where it abuts residential at the side or rear?
Cumulative block impact	What is the combined effect of the September 2025 CBD rezoning at 205 Cape Fear plus this CT proposal on maximum permitted density and coverage across the 200 block as a whole?

Potential Modifications to Consider

- Allow property owners to pursue their own wishes for the zoning of their property without broad scale changes imposed by the Town and maintain status quo.
- **Restore a 65% impervious surface cap (matching MX) or set a reasonable coastal maximum.**
- **Reduce maximum density to 20–22 units/acre rather than 29 — a genuine transition standard.**
- **Restore front setback to at least 10–15 feet to maintain the residential streetscape transition.**
- Require a Type A street-facing landscape buffer where CT parcels face residential zoning across the street, not just where they physically abut residential.
- Phase the rezoning: apply CT initially to vacant and commercial parcels only, leaving the three existing single-family homes in MX until redevelopment is actually proposed.
- Commission a stormwater/infrastructure capacity study before final Council action.