

CAROLINA BEACH

Planning and Zoning Commission

Thursday, April 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 Melanie Boswell

Commissioner Todd Piper

Commissioner Lynn Conto

Commissioner Brad Jones

ABSENT

Commissioner Ethan Crouch

ALSO PRESENT

Senior Planner Gloria Abbotts

APPROVAL OF MINUTES

1. March 12, 2026 Minutes

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Carew, seconded by Commissioner Boswell

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

Motion passed 6-0

STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following:

Permitting

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

Demos (all single-family homes)

- 7 Sailfish Lane (single-family home; received a variance and will be rebuilding in same footprint)

New business

- Rutt's Cinnamon Rolls, 105 Carolina Beach Avenue North

Updates and upcoming

- Technical Review Committee (TRC) this week – Scotchman next to Proximity wants to do a renovation that includes larger bathrooms and Wilmington and Beaches Convention & Visitors Bureau is seeking to put a visitor kiosk near the marina
- Council April 14: text amendments to add retail uses to hotels in the MF district and Unified Development Ordinance (UDO) updates
- TRC May and Planning and Zoning Commission June: text amendment for structures past the pierhead line

Chairman Hogan asked for clarification on the pierhead line text amendment. Ms. Abbotts explained that Stoked Restaurant is seeking to undertake renovations that would extend beyond the pierhead line and wants to explore ordinance changes to accommodate that goal.

PUBLIC COMMENT

Crystal Lee of 308 Ivy Lane spoke about recent North Carolina legislative actions she characterized as harmful to local municipalities. She noted that the General Assembly had passed bills prohibiting downzoning and bills favoring developers by eliminating requirements for infrastructure, sidewalks, and parking construction, thereby passing financial burdens to taxpayers. Ms. Lee requested that the Commission recommend to Council that it pursue further communication with District and State representatives to seek repeal of this legislation. She expressed concern that the State was stripping powers from local municipalities. Ms. Lee cited her primary concern as the proliferation of townhomes, which she argued decreased surrounding single-family property values, increased flooding, and conflicted with neighborhood character, and she questioned whether certain properties were adhering to their site plans for maximum impervious coverage. She concluded by noting that recent growth was outpacing infrastructure and was not favored by Town residents.

PUBLIC HEARING

2. Conditional Zoning to Consider a Pickleball Court in the Mixed Use District (MX) at 1608 Bowfin Lane
Applicant: Atlantic Towers Assn, Inc.

Applicant Atlantic Towers Assn, Inc., applied for a Conditional Zoning (CZ) application for a temporary pickleball court in the Mixed Use district (MX). 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 MX through CZ. 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 existing parking lot has 169 spaces. There are 12 two-bedroom units, and the remaining 125 units are one 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 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 six-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 two-year trial period. After the two-year period, the project will go through the CZ process again.

As part of the application process, a community meeting is required. The applicant held the required meeting on January 29, 2026. Based on 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 meeting, the applicant revised the proposed location of the court to be further from the Casa del Playa condominiums.

The project is in general conformity with the 2020 Land Use Plan and the Low Intensity Commercial Area. Staff recommends approval of the project as proposed.

Ms. Abbotts presented the details, including the background and history of Atlantic Towers as well as information about the surrounding area. She noted that while the application is for 1608 Bowfin Lane, the property address would more properly be referenced as 1608 South Lake Park Boulevard because the parking lot is not accessed from Bowfin Lane.

Commissioner Jones asked whether any specific ordinance provisions for pickleball courts existed. Ms. Abbotts confirmed there were none and suggested a text amendment could be pursued.

Commissioner Conto noted that other municipalities across the State were actively grappling with the same gap and raised the issue of noise levels, citing industry data suggesting pickleball generates approximately 70 decibels versus roughly 40 decibels for tennis and that each 10-decibel increase represents nearly a doubling of perceived sound impact.

Vice Chairman Carew asked how staff arrived at the comparison to tennis courts in the absence of a specific pickleball ordinance. Ms. Abbotts noted that nationally, many tennis courts have been converted to pickleball and that the Town had a historical precedent from a 2021 application involving a pickleball court that was also treated under the tennis court standard. Ms. Abbotts said this application encountered issues, including a Building Inspector's determination that public restroom facilities would be required and the fact that installation had begun prior to approval, and was ultimately denied.

ACTION: Motion to open the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Boswell

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

Motion passed 6-0

Mike Alford, President of the Atlantic Towers homeowners association, noted that the proposed court would be painted on existing asphalt with no construction work and no impact on required parking. He emphasized that the court's position had been adjusted in response to neighbor feedback received at the January public input meeting, which he characterized as "a good-faith effort."

June Martin of 1518 Lake Park Boulevard Unit 2C in Casa del Playa presented an aerial handout illustrating the relative positions of the original and revised proposed court locations, the Casa del Playa building, and the Atlantic Towers building. She identified the key concern as noise, noting that all of Casa del Playa's 25 units have balconies facing directly toward the proposed pickleball court, whereas all 137 units of Atlantic Towers have their balconies facing the ocean, meaning the primary noise impact would fall on Casa del Playa residents rather than Atlantic Towers residents. Ms. Martin stated that 12 of the 25 Casa del Playa units are occupied by permanent residents and that the building does not permit short-term rentals. She noted that the applicant's concession at the January meeting had amounted to moving the court back only 24 feet, with no additional buffering or sound mitigation. Ms. Martin further noted that the proposed court would be in use primarily during the off-season spring and fall months when permanent residents most enjoy their balconies. She stated that Casa del Playa residents were opposed to the proposal.

Ed Byrne addressed the issue of pickleball noise pollution, referencing coverage by NBC News in August 2023. He noted that pickleball can generate noise exceeding 70 decibels at 100 feet and that experts recommend 500-foot buffers or noise mitigation measures such as acoustic fencing, quieter equipment, and restricted hours. Mr. Byrne pointed out that Casa del Playa is well within that 500-foot threshold. He described the impulsive, erratic nature of pickleball noise as more disruptive to the human ear than steady background noise and noted documented cases of neighbors experiencing what has been called "phantom pops," or continuing to hear the sound even when courts are empty. Mr. Byrne said Atlantic Towers should put their pickleball court in their own backyard instead of in that of their neighbors.

Linda Lashley of 1518 South Lake Park Boulevard Unit 5A in Casa del Playa noted she was 81 years old, that her bedroom directly faces the proposed court location, and that Casa del Playa is home to many older permanent residents. She reiterated that because the court would be closed during the summer tourist season, it would be in operation for up to nine months of the year during the period when residents most use their balconies and outdoor spaces. Ms. Lashley distributed an AI-generated summary of pickleball noise impacts, noting key factors including the 70-decibel level, the impulse nature of the sound, documented health impacts including stress and sleep disruption, potential property value reductions estimated at 20%, and multiple lawsuits filed in other jurisdictions. She referenced expert guidance suggesting outdoor courts should not be placed within 100 feet of homes and warrant significant attention within 1,000 feet. Ms. Lashley noted that Casa del Playa is

approximately 50 feet from the parking lot edge, and that even with the 24-foot relocation the court would still be within roughly 74 feet of her building. She urged the Commission not to recommend approval.

Mike Hackett of 1616 South Lake Park Boulevard, using the aerial diagram on screen, directed the Commission's attention to two private residences in close proximity to the revised court location, observing that the court as repositioned appeared to be considerably closer to those homes than to Casa del Playa.

Austin McRoberts, representing the family that has owned 1606 Bowfin Lane since the 1950s, said he is personally a fan of Atlantic Towers and pickleball and was considering purchasing a unit there. However, he called the proposed location "a terrible idea" based on his extensive familiarity with the parking lot's acoustics. Mr. McRoberts also raised serious concerns about wind conditions at the site, noting that temporary fencing installed during recent construction at Atlantic Towers had been repeatedly blown across the parking lot. He questioned what would happen to temporary pickleball fencing under similar conditions, suggesting panels could slide into vehicles or onto neighboring properties. Mr. McRoberts also questioned whether the building's covered pool might offer a more suitable alternative location.

Brandon of 1518 South Lake Park Boulevard said he is a truck driver who, after months on the road, relies on peaceful rest at home. He said the location of the proposed pickleball court is not appropriate and questioned whether Atlantic Towers residents would want his semi-truck running in front of their homes.

Mr. Alford said it was stated that the court was moved 24 feet, but he contends it was actually about 100 feet.

ACTION: Motion to close the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Conto

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

Motion passed 6-0

Commissioner Boswell stated that she found it very difficult to support the application. She expressed concern that the noise was something neither Casa del Playa residents nor the nearby cottage homeowners had bargained for when purchasing their properties. Commissioner Boswell recounted listening to a two-minute video of pickleball sounds at a distance of 200 feet to simulate the residential experience and reported experiencing significant anxiety within 45 seconds, describing the constant, repetitive pop of the ball as uniquely irritating. She expressed particular concern for residents with anxiety or PTSD. Commissioner Boswell said she would be voting against the application unless presented with a compelling reason to change her position.

Commissioner Conto expressed appreciation for the applicant's goal of improving amenities for residents but said she was struggling to reconcile that with the impact on neighboring residents' right to quiet enjoyment of their homes. She noted that a site visit that day had revealed wind tunnel

conditions in the parking lot and that temporary structures had been observed blown over previously. Commissioner Conto stated that pending State legislation on pickleball court setbacks was likely forthcoming and that the general direction appeared to be toward keeping pickleball in parks and out of residential areas unless accepted through a homeowners association process. She said she found herself aligned with Commissioner Boswell and unable to readily support approval.

Commissioner Jones reported that he had visited the property that day and hit a pickleball for 30 to 45 minutes without drawing any complaints. He acknowledged residents' concerns but noted a philosophical tension with property rights, particularly given that the MX district allows tennis courts and pickleball courts have historically been treated similarly.

Commissioner Piper expressed strong support for property rights and noted that in reviewing the site plan, the court in its revised location was approximately 210 feet from Casa del Playa, having been moved approximately 80 feet from the original position. He said his greater concern is the adjacent residential property to the east, which appeared to be unrepresented at the meeting, and noted that the applicant had gone to significant lengths to accommodate Casa del Playa's concerns. Commissioner Piper observed that the wind conditions in the lot would likely act as a natural deterrent to frequent use. He said he was inclined to support the application with a one-year trial rather than two and raised the broader planning concern that Atlantic Towers could possibly sell off the excess parking lot for mixed-use development, an outcome far more impactful to neighbors than a pickleball court.

Vice Chairman Carew asked about the applicable noise ordinance. Ms. Abbotts said she had consulted with the Police Department and, because the subject property is in a commercial district, the applicable noise threshold is 75 decibels during the day, which would likely place pickleball play within the permissible range, given the commonly cited 65-70 decibel range for the sport. She noted that measurements would be taken from within the boundary line of any improved and occupied property where a complaint was made.

Vice Chairman Carew proposed that as a condition of any approval, the court be repositioned as close to equidistant from all surrounding residential structures as possible, biased eastward toward Atlantic Towers to minimize exposure to Casa del Playa and the homes to the west. He noted that the MX district's nature as a transitional commercial zone informed his expectation of the area as an active environment and that the Atlantic Towers' original acquisition of the parking parcel would have carried an expectation of some level of commercial activity.

Commissioner Conto asked that any potential motion include serious guardrails given the cumulative concerns discussed.

Chairman Hogan expressed ambivalence, noting a longstanding commitment to property rights but concern that the applicant's original concession – moving the court in response to one neighbor's concerns – had come at the expense of others. He acknowledged that temporary fencing was a concern, drawing an analogy to temporary fencing at a nearby development that had repeatedly blown down in high winds. Chairman Hogan said he was genuinely undecided but that his residual concern centered on whether temporary fencing was an adequate structural solution.

ACTION: Motion to reopen the public hearing

Motion made by Chairman Hogan, seconded by Vice Chairman Carew

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

Motion passed 6-0

Chairman Hogan said Commissioners may pose additional questions directly to the applicant.

Vice Chairman Carew asked about the construction and anchoring of the proposed fence. Mr. Alford explained that the construction fencing currently in use at the property during its sliding-door replacement project was similar to what was proposed, typically held in place with sandbags, but that he envisioned a more robust solution involving stakes or anchors driven into the asphalt. He further proposed installing permanent PVC sleeves set in concrete in the parking lot to hold removable fence posts, which could be extracted when the court was not in use – providing a secure, wind-resistant mounting solution while retaining portability. Mr. Alford also suggested incorporating a windscreen panel threaded between posts, noting that windscreens provide both wind resistance and sound suppression, as he had observed at Mike Chappell Park. Mr. Alford acknowledged his ownership of a tennis court construction and resurfacing company that had recently converted the courts at Mike Chappell Park.

Vice Chairman Carew asked about the court's orientation within parking lot. Mr. Alford expressed amenability to repositioning the court toward the center of the parking lot, biased eastward toward Atlantic Towers. He acknowledged that the current location had been chosen in part for visibility from the Atlantic Towers lobby so it can be monitored but said a more central location closer to the Atlantic Towers building would be acceptable.

Vice Chairman Carew noted that this positioning would place Atlantic Towers as the nearest recipient of the noise, that it would encourage vehicles to park on the west side of the court near Casa del Playa, providing some acoustic dampening, and that it would be more equidistant from residential structures to the north and south.

Commissioner Conto suggested operational hours of 9:00 AM to 6:00 PM, and Mr. Alford agreed to this.

Chairman Hogan asked how people will access the court. Mr. Alford said access would be controlled via a keyed lock on the fence gate and that guests would be required to obtain a key from Atlantic Towers staff, who would be advised of the hours. He also noted the possibility of issuing wristbands to verify that users were guests of the building. Mr. Alford said the idea for the court came about because guests were already playing pickleball in the parking lot without a net.

Commissioner Boswell asked why the pickleball court could not go in the parking lot in front of Atlantic Towers. Mr. Alford said there is not enough room for it. Vice Chairman Carew pointed out that there are fire lanes to consider there as well.

Vice Chairman Carew asked if Mr. Alford would agree to a one-year trial instead of two years. He said yes.

Commissioner Conto asked if he would agree to a rule of no music at the pickleball court. Mr. Alford said yes.

Vice Chairman Carew confirmed that the conditions discussed with the applicant – hours, fencing type, acoustic screening, staying within the noise ordinance, a locked gate, a one-year term, and repositioning – were acceptable. Mr. Alford said yes.

Austin McRoberts was permitted to speak again. While acknowledging the improved plan, he raised concerns about the applicant's personal financial stake in the outcome as a pickleball court contractor, questioned whether environmental impacts on turtle migration or other protected species had been considered, and reiterated safety concerns about balls leaving the court into active traffic lanes and the adequacy of the proposed fencing to contain play in wind conditions. Mr. McRoberts restated his view that the location was fundamentally unsuitable.

ACTION: Motion to close public the public hearing

Motion made by Chairman Hogan, seconded by Commissioner Conto

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

Motion passed 6-0

Chairman Hogan asked how the one-year trial would work. Ms. Abbotts said the mechanism for a one-year trial would be an expiration date on the CZ approval, set one year from the Council's action on the matter, at which point the applicant would need to return for reapproval. She said any complaints logged during that period would be incorporated into the review at that time.

Chairman Hogan asked if Mr. Alford would agree that Atlantic Towers staff should be in charge of the gate being locked and secured between 6:00 PM and 9:00 AM. Mr. Alford said yes.

Ms. Abbotts summarized the following conditions:

1. The court shall be closed beginning the Friday before Memorial Day through Labor Day.
2. Use shall be restricted to Atlantic Towers owners and their guests only.
3. The gate shall be locked at all times when the court is not in use.
4. Hours of operation shall be 9:00 AM to 6:00 PM.
5. No music shall be permitted.
6. The court shall be relocated toward the center of the parking lot, biased eastward toward Atlantic Towers, as equidistant as possible from surrounding residential structures.
7. Fencing shall be anchored to the parking lot surface using permanent sleeve-and-post construction, with acoustic/windscreen panels incorporated.
8. CZ approval shall expire after one year, at which time the applicant must return through the CZ process for reapproval.

Commissioner Boswell said she is a big supporter of property rights, but they should apply to everyone and residents have a right to a peaceful life. She reminded the public that the Commission serves in an advisory capacity, so this will go to Council for a final decision. Ms. Abbotts said Council is scheduled to hear the matter at its meeting on May 12 at 6:00 PM. Commissioners encouraged members of the public who wished to continue expressing their concerns to attend the meeting.

ACTION: Motion for approval that whereas in accordance with the provisions of the North Carolina General Statutes, the Planning and Zoning Commission does hereby find and determine that the adoption of the Conditional Zoning district to allow a pickleball court located at PID R09018-013-005-000 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 staff-proposed conditions 1 through 8 for the pickleball court located in the parking lot of Atlantic Towers

Motion made by Commissioner Piper, seconded by Vice Chairman Carew

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

Voting Nay: Commissioner Boswell, Commissioner Conto

Motion passed 4-2

NON-AGENDA ITEMS

Commissioner Conto recommended that the Commission add a text amendment on pickleball court regulations to a future agenda so the Town can align its ordinance with emerging standards across North Carolina and nationally.

Commissioner Boswell expressed agreement, stating that specific standards were needed, particularly regarding setbacks from residential properties, until a State statute says otherwise. She added that she does not agree that a pickleball court is in line with a tennis court.

Ms. Abbotts said staff can bring this to Council.

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Chairman Hogan, seconded by Commissioner Boswell

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

Motion passed 6-0

Chairman Hogan adjourned the meeting at 7:20 PM.