

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, April 13, 2023 - 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

Vice Chairman Jeff Hogan

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Bill Carew

Commissioner Lynn Conto

ABSENT

Commissioner Todd Piper

ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Gloria Abbotts

APPROVAL OF MINUTES

1. March 9, 2023 – P&Z Minutes

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto

Motion passed 6-0

STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for the past month:

Permitting

- 44 permits (renovation, repair, grading, additions, fences)
- 19 residential new construction
- 15 certificates of occupancy

Code Enforcement

- 23 complaints received
- 19 resolved

Demos

- 1517 Pinfish Lane
- 221 Georgia Avenue

Chairman Rouse asked if the 44 permits are mostly people buying older homes and improving them or mainly just minor things such as fences and swimming pools. Ms. Abbotts said there are a lot of general repairs, such as windows and siding. Mr. Hardison said there are a lot of permits this time of year because people start thinking about doing renovations to their homes when the weather gets warmer. Chairman Rouse said he believes there will be a wave of older homes being fixed up in the future, although he's not sure when.

Town Council and Other Updates

- Wine and beer shop text amendment – approved in April
- Beach vending text amendment – approved in April
- Starfish Lane dock – demo, repair, and rebuild
- Upcoming – rezoning 601 Augusta Avenue, submittal of The Proximity's building plans, and submittal of application for a Conditional Zoning (CZ) permit from the proposed event venue

PUBLIC DISCUSSION

None

PUBLIC HEARING

2. Text Amendment to Amend Chapter 40, Article XVII – Definitions to Amend the Definition of Gross Floor Area, Outdoor
Applicant: Town of Carolina Beach

Council requested that staff look at the definition of outdoor gross floor area (GFA) regarding the parking requirements for eating and drinking establishments. The current ordinance allows no parking for outdoor GFA if the establishment is within 500 feet of public parking. Additionally, a 50% reduction in the parking requirement shall apply to outdoor GFA if the establishment is not within 500 feet of public parking. Currently, outdoor GFA is defined as any unenclosed areas where business is conducted. Additionally, the area shall be considered enclosed if any type of vertical surface other than typical mesh screening has been installed, whether temporary or permanent. Vertical surfaces shall include plastic rolldowns or similar devices that prevent the free flow of air and weather into the commercial area. GFA is measured from the exterior building walls of the use and includes all floors where the business is conducted.

Current eating and drinking establishment parking requirements were adopted in 2008, and the Town changed the parking requirement from parking spaces per seats to a GFA calculation in 2009. The

distinction between open areas was created to limit confusion on what was considered open and enclosed.

PROPOSAL

The new language defines outdoor GFA as any unheated areas where business is conducted. Any outdoor areas shall meet N.C. Building Code. This new definition allows for eating and drinking establishment owners to temporarily enclose any outdoor areas without the requirement of adding additional parking. Outdoor GFA would be considered indoor GFA if renovations permanently created heated space for the establishment. This allows eating and drinking establishments to operate during the off-season while also giving staff clear guidance for enforcement of the minimum parking regulations. Enforcement of the current ordinance is difficult, as eating and drinking establishments must continue to be monitored to ensure adequate parking is installed if open areas are converted to enclosed areas. This negative effect was presented when the ordinance was changed.

Ms. Abbotts presented the details. She said the proposed amendment is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy, and staff recommends approval because it clarifies the language and provides clearer guidance for enforcement.

Commissioner Conto asked if an outdoor heater could be used but the space still be considered unheated. Ms. Abbotts said yes. Mr. Hardison said there must be a permanent heating source for a space to be considered heated.

Commissioner Boswell asked if language needs to be added to specifically define an unheated area as one that does not include a permanent source of heat. Mr. Hardison said the reference to the N.C. Building Code covers this, so it's not necessary.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto

Motion passed 6-0

Joe MacPherson of 1713 Pinfish Lane and The Spot restaurant asked for clarification about counting public parking spaces toward the requirement, which Mr. Hardison provided. Mr. MacPherson said his establishment is always eager to remove temporary enclosures as soon as the weather allows. He said the proposed amendment will allow The Spot to continue business longer into the off-season, which in turn allows the restaurant to employ more local people and pay more in taxes. Mr. MacPherson also said the temporary enclosures would reduce noise levels during later hours. He said he can't figure out a downside and thinks this will benefit other businesses as well.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch,

Commissioner Carew, Commissioner Conto
Motion passed 6-0

Commissioner Conto said the proposed amendment would help businesses in the off-season, and she is always eager to support local businesses.

Commissioner Carew said this is a good idea. He said he can see the possibility of working around it, but he doesn't think it will be a problem.

Commissioner Crouch said he supports the proposed amendment. He said he is concerned about parking overflow, but if the tables are being used during the summer and there is not a parking issue then, dropping some windscreens is not going to create a parking issue.

Commissioner Boswell said she agrees there is no downside and fully supports the proposed amendment. She said she supports local businesses and would like to see more restaurants able to stay open year-round to accommodate residents.

Vice Chairman Hogan said this is a good thing, and he's always inclined to go with staff's recommendation.

Chairman Rouse said this will bring some places into compliance and sets a clear path for what isn't going to be allowed. He said he's all for supporting businesses but also thinks customers' comfort level should be considered. Chairman Rouse said businesses want to have these down as soon as the weather is nice enough.

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 following ordinance amendment to amend Chapter 40, Article XVII – Definitions to Amend the Definition of Gross Floor Area, Outdoor is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto

Motion passed 6-0

NON-AGENDA ITEMS

Chairman Rouse said the next Unified Development Ordinance (UDO) meeting is Wednesday at 4:00 PM. He asked Commissioners to take the time to review and prepare so the group can efficiently get through items within two hours.

Commissioner Crouch asked if staff is tracking House Bill 488, which proposes to reorganize the Building Code Council, create the Residential Code Council, and amend various provisions of the N.C.

Building Code and land development regulations. He said this would limit what local governments can regulate and has the potential for big implications, so he just wanted to put it on everyone's radar.

ADJOURNMENT

Chairman Rouse adjourned the meeting at 6:25 PM.