

# CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, February 8, 2024 - 6:00 PM

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



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## 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 Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

### ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Gloria Abbotts

### APPROVAL OF MINUTES

1. December 14, 2023 – Planning and Zoning Commission Minutes

**ACTION:** Motion to approve the minutes

Motion made by Vice Chairman Hogan, seconded by Chairman Rouse

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

*Motion passed unanimously*

### STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for the past two months:

#### Permitting

- 35 permits (renovation, repair, grading, additions, fences)
- 12 residential new construction
- 6 certificates of occupancy

#### Code Enforcement

- 20 complaints received
- 7 resolved

## Demos

- 205 Texas Avenue
- 511 Charlotte Avenue
- 1117 Canal Drive
- 402 Ocean Boulevard
- 502 Ocean Boulevard
- 504 Ocean Boulevard

## New Businesses

- Pleasure Island Properties – 1204 North Lake Park Boulevard, Suite A2
- Mahalo Enterprises Beef Jerky Store – 120 North Lake Park Boulevard, Unit 104

## Town Council and Other Updates

- Conditional Zoning (CZ) modification for Kindred, 205 Charlotte Avenue – approved by Council January 10
- Variance, 1800 Canal Drive – Board of Adjustment denied request for lot coverage, setbacks, and height variance
- Appeal, 401 Marina Street – Board of Adjustment upheld staff's determination of non-conforming regulations
- Upcoming Board of Adjustment training on quasi-judicial process – March 7 at 2:00 PM
- Upcoming CZ request for Seaside Chapel School
- Upcoming text amendment for sidewalk cafes
- Upcoming text amendment for wine and beer shops

## **PUBLIC COMMENT**

None

## **PUBLIC HEARINGS**

2. Text Amendment to Chapter 40, Article V Off-Street Parking and Loading Requirements; Parking to Amend Church Parking  
Applicant: St. Paul's United Methodist Church

Applicant St. Paul's United Methodist Church has petitioned the town for a text amendment to establish a less restrictive parking requirement for churches. The existing ordinance language has auditoriums, stadiums, assembly halls, gymnasiums, theaters, churches, and convention centers in one category. The parking requirement is 1 per 200 square feet plus 1 per every 4 persons accommodated by the facility at maximum capacity. This has required St. Paul's, Carolina Beach Presbyterian Church, and Seaside Chapel to provide a large number of on-site parking spaces for additions that have been built to the churches. This text amendment is similar to the parking requirement in neighboring municipalities.

The text amendment consists of removing churches from the existing category of uses, putting them in their own category, and requiring 1 space per 300 square feet of indoor gross floor area. Auditoriums, stadiums, assembly halls, gymnasiums, and convention centers will still have the existing parking requirement. This ordinance change creates both an easier interpretation for staff and does not overburden the church with a restrictive parking requirement. A less stringent parking requirement reduces the need for larger surface parking lots and therefore improves stormwater runoff. If adopted, all 5 churches in the Town would be in compliance.

The text amendment is in general conformity with the 2020 Land Use Plan. Staff recommends approval of the text amendment as proposed.

Ms. Abbotts presented the details.

**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 Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Tom Bridges of 600 Ocean Boulevard, who is Chair of the Church Council at St. Paul's, said this will help give the facility more flexibility and benefit churches that are growing but having trouble meeting requirements to fit in the space they have on the island. He said the capacity of churches is far different from the capacity of auditoriums.

Mr. Hardison said removing churches from the existing category of uses was recommended in Unified Development Ordinance (UDO) discussions.

No one else requested to speak.

**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 Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Commissioner Conto said the Town is fortunate to have so many active churches, and she praised St. Paul's as a great steward in our community. She said it's punitive to require churches to have so many spaces with parking at such a premium in the community.

Commissioner Carew said it's a good move in general to define churches separately.

Commissioner Piper said it's better for everyone to move churches into their own category and have a clear parking calculation.

Commissioner Crouch said he supports the request.

Commissioner Boswell said churches should not be categorized with auditoriums and that many people bike and walk to church, so not everyone needs a vehicle.

Vice Chairman Hogan said he likes having a square footage requirement because it makes regulation easier.

Chairman Rouse said he supports the request.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statutes, Planning and Zoning does hereby find and determine that the adoption of the following ordinance amendment to amend Chapter 40, Section 40-150 Off-Street Parking Standards to amend standards for church parking 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 Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Stuart Milton introduced himself as the new Pastor at St. Paul's and said he appreciates the support.

3. Text Amendment to Amend Chapter 40, Section 40-74 Dimensional Standards for Lots and Principal Structures and Section 40-426 Reconstruction, Maintenance, Full or Partial Demolition and Renovation of Non-Conforming Situations  
Applicant: North Pier Holdings LLC

Applicant North Pier Holdings LLC is applying for two text amendments.

The first text amendment pertains to Section 40-74 Dimensional Standards for Lots and Principal Structures to allow exceptions to building height in the following residential zoning districts: R-1, R-1B, R-2, R-3, MH, and MF. The text amendment proposes allowing an additional 10 feet in building height for elevators. The applicant is pursuing this text amendment because they added a 4th story to a non-confirming multi-family building located at 1800 Canal Drive in the R-1 zoning district and do not have enough allowable height for the top of the elevator shaft. According to the applicant, the elevator shaft would be the only aspect of the building exceeding the zoning district height and is needed to allow the elevator to service the 4th-floor units.

Historically, the Town prior to 2002 allowed a building height of 35 feet with an additional 10 feet for roof pitch. In 2002, Council changed the allowable building height to 50 feet in some zoning districts for uniformity and ease of ordinance implementation by staff. Council agreed that anything above 50 feet will require sprinkler systems and must be reviewed and approved under a Conditional Use Permit.

Additionally, the existing buildings at 1800 Canal Drive were 3 stories and a total of 37 feet in height. As is, the applicant could have added a new elevator to the existing building with plenty of height for an elevator shaft. The applicant added a 4th story, consisting of 4 penthouses, which increased the building height to 50 feet. The applicant then ran into the issue of not being able to add an elevator to the building to service the 4th floor due to the elevators requiring extra elevator shaft head room.

The second text amendment is to amend Section 40-426 Reconstruction, Maintenance, Full or Partial Demolition, and Renovation of Non-Conforming Situations. This text amendment would allow an increase in the maximum lot coverage of non-conforming buildings specifically for riser rooms needed for fire suppression systems. The applicant proposes allowing an increase to the lot coverage of a non-conforming building if the expansion of the lot coverage is directly attributable to the addition of improvements for fire suppression, including sprinkler systems.

The applicant is pursuing this text amendment because they are required to add a riser room to the building for fire suppression sprinkler systems. The applicant is currently renovating 2 buildings at 1800 Canal Drive. They demoed 4 staircases and 1 elevator on the buildings. Staff allowed the applicant to redesign the building as long as they did not increase encroachments into the setbacks, exceed building height, and expand lot coverage. Specifically, regarding lot coverage, the applicant was allowed to reallocate the areas of the building that were demoed as long as the total proposed lot coverage did not exceed the existing lot coverage of 15,776 square feet. The existing lot coverage of the lot at 1800 Canal Drive was 47% (15,776 square feet), which already exceeds current allowable lot coverage. This text amendment would permit existing non-conformities to expand even further.

#### PROPOSAL

The first text amendment, Section 40-74 Dimensional Standards for Lots and Principal Structures, proposes that standard building height limitation may be exceeded by up to 10 feet when renovating an existing residential structure that is 3 stories or more when the height is directly attributable to the addition of an elevator. This notation pertains to the following residential zoning districts: R-1, R-1B, R-2, R-3, MH, and MF.

The second text amendment, Section 40-426 Reconstruction, Maintenance, Full or Partial Demolition, and Renovation of Non-Conforming Situations, proposes that notwithstanding the foregoing, lot coverage may exceed that of the original construction if the expansion of the lot coverage is directly attributable to the addition of improvements for fire suppression, including sprinkler systems. This language is added to 2 paragraphs in this section.

#### LAND USE PLAN AND STAFF RECOMMENDATION

Both proposed text amendments are not in general conformity with the Town's 2020 Land Use Plan. The building height text amendment proposal is in opposition of the Redevelopment section of the 2020 Land Use Plan: "Increased building heights (especially in or near the downtown area) may conflict with the character of existing areas." Additionally, in the Family Friendly Community section of the

Land Use Plan, lower structure heights are viewed as a contributing factor to a family-friendly community.

The lot coverage text amendment is also in opposition to the Community Goals section of the Land Use Plan. Goal #4 states a desire of the community to reduce overall non-conformities in the Town but also respect existing uses and entitlements and the rebuilding of structures. The buildings at 1800 Canal Drive are considered non-conforming for a variety of factors, including exceeding the allowable lot coverage for the zoning district. The R-1 zoning district, in which this parcel is located, allows 40% lot coverage. The existing buildings have a lot coverage of 47%. Proposing expansions to lot coverage for an already non-conforming structure would not adhere to the intent of Goal #4 in the Land Use Plan.

Staff recommends denying both text amendments for the following reasons:

- Both proposed text amendments do not conform to the Town’s 2020 Land Use Plan.
- The current and historical ordinance has only, specifically, allowed hotels in the Central Business District (CBD) to exceed the 50-foot building height limitation through CZ. No residential areas have ever allowed building height to exceed 50 feet.
- The original height of the building was 37 feet. The applicant could have added an elevator to the existing 3 stories and had plenty of height left for elevator shaft requirements. The applicant added a 4th story to a non-conforming building and then ran into the issue of the elevator needing to go beyond the 50-foot height limitation.
- There is no specific square footage allowance for the size of riser rooms or what is needed to meet building code requirements. The plans proposed for the variance for 1800 Canal Drive showed a riser room on the 1st floor that was 12 feet by 10.5 feet, but then that area above the riser room, except for a 4-foot-by-4-foot area for the riser room pump, was used for storage and a large penthouse balcony. This means the text amendment would grant a riser room needed on only 1 floor, but the additional floors would use the additional lot coverage for other uses besides fire suppression.

Mr. Hardison said the applicant requested that this item be tabled until next month.

### **NON-AGENDA ITEMS**

Chairman Rouse asked if the upcoming request for Seaside Chapel School will be CZ and not quasi-judicial. Mr. Hardison said yes, the Technical Review Committee (TRC) will review the proposal for the school and it will be considered as a new use for that property under CZ.

### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

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

*Motion passed unanimously*

Chairman Rouse adjourned the meeting at 6:18 PM.