

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, October 13, 2022 - 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 Lynn Conto

ABSENT

Vice Chairman Jeff Hogan
Commissioner Bill Carew

ALSO PRESENT

Planning Director Jeremy Hardison
Senior Planner Gloria Abbotts

APPROVAL OF MINUTES

1. August 11, 2022 – P&Z minutes

ACTION: Motion to approve the minutes

Motion made by Chairman Rouse, Seconded by Commissioner Boswell

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

Motion passed 5-0

STAFF REPORT ON RECENT DEVELOPMENTS

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

Permitting

- 33 permits (renovation, repair, grading, additions, fence)
- 8 residential new construction
- 8 certificates of occupancy

Code Enforcement

- 47 complaints received
- 47 resolved

Demos

- 204 Alabama Avenue
- 318 Birmingham Avenue
- 101 North 5th Street (firefighting training on November 5)

New Businesses

- The Southerly Biscuit & Pie – 1206 North Lake Park Boulevard, Suite D (new owner)
- Island Roast Coffee – 915 North Lake Park Boulevard, Suite F (new owner)

Town Council and Other Updates

- North Lake Park Boulevard hotel approved
- Flood sensors installed under Snow's Cut Bridge
- Boardwalk bathrooms – applying for a variance from Coastal Area Management Act (CAMA)
- October 19 – Unified Development Ordinance (UDO) special meeting 4:00-6:00 PM
- November 8 Council meeting moved to November 9 due to the election

PUBLIC DISCUSSION

None

PUBLIC HEARINGS

2. Conditional Zoning to consider a Planned Unit Development consisting of 26 townhome units located at 205, 211, and 215 Spartanburg Avenue in the Residential (R-1) zoning district
Applicant: WB Coastal Development LLC

The applicant requested to table this item until the November 10 meeting.

ACTION: Motion to table the Conditional Zoning to consider a Planned Unit Development consisting of 26 townhome units located at 205, 211, and 215 Spartanburg Avenue in the Residential (R-1) zoning district until the November 10 meeting

Motion made by Commissioner Boswell, Seconded by Commissioner Conto

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

Motion passed 5-0

3. Conditional Zoning to consider a drinking and eating establishment classified as a bar to serve on-premise alcohol located at 604 North Lake Park Boulevard
Applicant: Shagri-La LLC

The applicant has applied for a Conditional Zoning (CZ) application for a bar/tavern in the Highway Business (HB) District. The proposal includes providing on-premise wine, beer, and liquor. When on-

premise alcohol is being served and the use is not classified as a standard restaurant, the ordinance defines the use as a bar. Alcoholic Beverage Control (ABC) requires restaurants to have food comprise at least 30% of their sales or it is classified as a bar. A bar is allowed through the approval of CZ in HB.

The applicant is proposing to change the use of the business at 604 North Lake Park Boulevard from a restaurant to a bar. No new bars/taverns shall be permitted within 200 feet of an established church or school or 200 feet of any residential district. This location meets that separation requirement.

The existing building is a two-unit commercial building built in 1998. It meets the current lot coverage and setbacks requirements. No additions are proposed outside of the current footprint. The applicant is providing 11 on-site parking spaces and four off-site parking spaces across Lake Park Boulevard in Winner's RV Park on property adjacent to the public right-of-way. The parking space amount and location were approved in the original Conditional Use Permit approved on December 9, 1997.

The building consists of 3,200 square feet of indoor area. The most recent previous use was an eating and drinking establishment, which has the same parking calculation as bars and taverns. At the time of the approval of the existing building, the 1984 zoning ordinance did not require pedestrian access between off-site parking and the building.

Proposed conditions

1. 5-foot sidewalk must be installed per Sec. 40-150(5) to provide safe pedestrian access between off-site parking and the building.
2. The four off-site parking spaces at 605 North Lake Park Boulevard shall be designated with signage, wheel stops, and an approved parking surface.

As part of the application process, a community meeting is required. The applicant held the required meeting on August 26. No one attended, but a neighbor sent a statement of support for the proposal.

The project is in general conformity with the 2020 Land Use Plan. This area is recognized as a higher-density area with a mix of uses within the district and individual buildings. Staff recommends approval of the project as proposed.

Ms. Abbotts presented the details.

Commissioner Piper asked about the difference between a bar and a nightclub. Mr. Hardison said by the Town's ordinances, there is no difference and both need CZ if they don't qualify as a restaurant.

Commissioner Boswell asked if the Town might consider differentiating between bars and nightclubs as part of the UDO update. She said one of her concerns about this proposal is that it could eventually become a nightclub that stays open late, possibly disrupting nearby residential areas. Mr. Hardison said the Town can develop different uses for bars and nightclubs, but the Town can't cut off the time of selling alcohol because that is set by the State.

ACTION: Motion to open the public hearing

Motion made by Chairman Rouse

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

Motion passed 5-0

Applicant Nicole Adkins of 209 North 3rd Avenue in Kure Beach said her original intent when opening Shagri-La was to be a bar and not a restaurant, but she was told it would take longer to receive bar status so she applied to be a restaurant with the idea of rezoning once things were up and running. She said she is unsure the business will routinely meet 30% in food sales, and she doesn't want to risk losing the liquor license if she loses her kitchen staff or encounters other problems with food service. Ms. Adkins said nothing about the current establishment is going to change other than its zoning classification and allowing freedom from the 30% in food sales rule.

Commissioner Boswell asked if the establishment plans to continue serving food. Ms. Adkins said yes. She said it will continue to operate at its current hours, and she has no desire to be a late-night bar. Ms. Adkins said she has recently expanded the food menu.

Commissioner Boswell asked Ms. Adkins if she can comply with the proposed condition for a sidewalk. Ms. Adkins said financially, she would not be able to comply with this. She said she owns the business and not the building. Commissioner Boswell said it's possible the Commission could vote on a motion that doesn't require the sidewalk. Mr. Hardison said the sidewalk condition is staff's recommendation and does not have to be part of a motion.

Commissioner Piper asked about paving the parking spots across the street. Commissioner Crouch said staff's recommendation was for curb stops and signage. Mr. Hardison said there can be an alternative surface there. He said in 1997 it was noted that those parking spaces should be paved, but for some reason that was never done.

Commissioner Piper asked if the original applicant from 1997 is the current owner. Mr. Hardison said yes, it's the same property owner.

Chairman Rouse said he wouldn't care if the parking area was done with a pervious surface instead of blacktop due to stormwater runoff.

Commissioner Conto said she questions the validity of leaving a bar and having to cross the street to get to those parking spaces. Commissioner Piper said the parking spaces could be for staff.

Commissioner Crouch asked Ms. Adkins if she would be able to comply with the proposed conditions. Ms. Adkins said yes.

Commissioner Piper said he would be inclined to say the sidewalk is not necessary.

Chairman Rouse said he would be compelled to ask for a sidewalk if there was already a sidewalk to the north or south, but in the absence of that it doesn't seem necessary.

ACTION: Motion to close the public hearing

Motion made by Chairman Rouse

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

Motion passed 5-0

Commissioner Boswell said Winner Enterprises should be responsible for the parking spaces because it is the owner of the building and it didn't comply since 1997. She recommended that Town staff reach out to the owner and said it doesn't seem fair to put this on the tenant. Commissioner Crouch said the responsibility lies with the property, not the tenant. Commissioner Boswell said the parking requirement is part of the tenant's application.

Chairman Rouse asked if the parking spaces are for the whole building and not assigned to a specific tenant. Mr. Hardison said it is correct that the parking spaces are not designated to Shagri-La.

Chairman Rouse said it is possible to make a motion without including the sidewalk and parking conditions.

Commissioner Conto said she would like the Commission to consider that the Town needs more restaurants but not another bar. Commissioner Boswell said she has always felt that way also, but State regulations sometimes make it necessary to call something a bar even if it is a family-friendly establishment.

Commissioner Piper said the Commission just approved a bar next door at The Vault.

Commissioner Conto said she would like the Commission to pause and consider that if it keeps approving bars, the Town may slide right back into the 1970s.

Chairman Rouse said a bar is on the table of permissible uses for this property, it conforms with the Land Use Plan, the neighbors are OK with it, and both adjacent property owners have the same bar designation, so he is inclined to approve it. He said the sidewalk condition will achieve nothing, but he thinks the parking requirements are something the Commission should request.

Commissioner Boswell said she has no problem with the parking surface being grass if wheel stops are there.

ACTION: Motion for approval whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a bar located at 604 North Lake Park Boulevard 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 areas are mitigated by the approved conditions with the omission of the 5-foot sidewalk installed as per Sec. 40-150(5) to provide safe pedestrian access between off-site parking and the building; in addition, the four off-site parking spaces at 605 North Lake Park Boulevard shall be designated with signage and wheel stops

Motion made by Commissioner Piper, Seconded by Commissioner Boswell

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

Voting Nay: Commissioner Conto

Motion passed 4-1

DISCUSSION ITEMS

4. Schedule P&Z special meeting on November 16 to discuss the UDO update

Mr. Hardison reminded the Commission about the UDO update kickoff meeting next Wednesday, and staff passed out binders of information from Cape Fear Council of Governments. He said staff would like to schedule another special meeting of the Commission on November 16 from 4:00 to 6:00 PM to continue discussing the UDO update.

Chairman Rouse went over the process and expectations for the UDO update and said he thought it would take about 18 months. Mr. Hardison gave more details about the process. Chairman Rouse said if the Commission can get through everything in 2023, everyone will be happy.

NON-AGENDA ITEMS

None

ADJOURNMENT

Chairman Rouse adjourned the meeting at 6:55 PM.