



# **WRIGHTSVILLE BEACH PLANNING BOARD MINUTES**

321 Causeway Drive, Wrightsville Beach, NC 28480

**March 6, 2018**

The Town of Wrightsville Beach Planning Board met at 6:00 p.m. in the Town Hall Council Chambers located at 321 Causeway Drive, Wrightsville Beach, NC 28480.

**PRESENT:** Chairman Jim Smith, Vice Chairman Jeff DeGroote, David Culp, Vivian "Zeke" Partin, Susan Snider, Ace Cofer

**ABSENT:** Karen King

**Staff Members Present:** Tony Wilson, Director of Planning & Parks  
Danielle Villegas, Planning Technician

## **CALL TO ORDER**

Meeting called to order by Chairman Jim Smith at 6:00 p.m.

## **PLEDGE OF ALLEGIANCE**

Chairman Jim Smith led the audience in the Pledge of Allegiance.

## **APPROVAL OF MINUTES**

**...Motion by Ms. Zeke Partin to approve the February 6, 2018 minutes. Motion seconded by Mr. Jeff DeGroote and carried unanimously by a vote of (6-0).**

**NEW BUSINESS**AGENDA ITEM A:**CONSIDERATION OF A CONDITIONAL USE PERMIT FOR 530 CAUSEWAY DRIVE UNIT T8, FOR THE OPERATION OF A RETAIL FOOD ESTABLISHMENT****STAFF PRESENTATION:**

Mr. Tony Wilson stated that on February 2, 2018 the Planning and Inspections Department received a Conditional Use Permit (CUP) application from Matthew A. Nichols, authorized agent for WUMC Holdings, LLC and Topsail Steamer. He stated that the Applicant is requesting to open a retail establishment at 530 Causeway Drive in Unit T8, that sells uncooked or cooked elsewhere food, that is packaged in a steam pot, and sold to customers in order for them to cook at home. Mr. Wilson explained that the property is located within the C-3 Commercial Zoning District in The Landing shopping center. He said that the Landing Shopping Center has 137 parking spaces, 3 of which are handicapped, and that this is sufficient parking to accommodate the requested use. Mr. Wilson stated that the proposed project appears consistent with Policy 9.1.A.5 of the CAMA Land Use Plan. He said that the Town's department heads had no comment on this project, and that all the appropriate public notices were made. Mr. Wilson stated that Planning Staff recommends that the Planning Board forward a favorable recommendation to the Board of Aldermen for the Conditional Use Permit for 530 Causeway Drive, Unit T8.

**PLANNING BOARD QUESTIONS:**

Mr. Jim Smith asked why Staff did not recommend conditions for this project. Mr. Wilson stated that because this was not a restaurant, he did not feel conditions would be necessary, but that said that the Board could consider adding conditions at their discretion.

**PRESENTATION BY APPLICANT:**

Mr. Matthew Nichols, Authorized Agent for WUMC Holdings, LLC and Topsail Steamer, presented photos and information about the business Topsail Steamer. He stated that the owner already runs a successful Topsail Steamer location in Surf City, and would like to bring the experience to Wrightsville Beach.

Ms. Danielle Mann, owner of Topsail Steamer, explained the concept of the business

and her plan for opening the location here in Wrightsville Beach. She explained that the business provides a one-time use pot, filled with uncooked seafood and vegetables, that the customer cooks at home. She stated that the business is advertised as more of an experience. She also stated that she tries to use local seafood, cornbread, and desserts.

Mr. Nichols stated that he believed the business meets all the conditions for a Conditional Use Permit. He stated that there should be no adverse effects to neighboring properties, and this is a very low impact use for the property. He stated that it would be a benefit to the community by offering a nearby food option. Mr. Nichols stated that there would be no beverages sold at this business, and that includes alcohol. Mr. Nichols continued to explain how Topsail Steamer would meet the conditions.

#### PLANNING BOARD QUESTIONS:

Ms. Zeke Partin asked if the owner had found a local, Wrightsville Beach, seafood company to provide the seafood for her business. Ms. Mann stated that she is still doing research and plans to continue until she finds a local seafood source. Ms. Partin asked if there would be seating. Ms. Mann said there would be no seating. Ms. Partin asked about the hours and Ms. Mann stated the business would be open from noon to 9pm on most days. Ms. Partin asked for more information about the business concept. Ms. Mann described her initial idea, and the concept.

Ms. Susan Snider asked if the store would be open year-round, and Ms. Mann stated that she believed the business could sustain year-round hours due to Wilmington customers using her service.

Ms. Partin asked about the number of employees, and Ms. Mann stated that she usually had between 2-5 employees.

Mr. Ace Cofer asked if this business was regulated by the health department. Ms. Mann stated that it is, and she also said that she has already passed all health department inspections.

#### PUBLIC HEARING:

Chairman Smith opened the public hearing on the proposed Conditional Use Permit.

**IN FAVOR:**

Sue Bullock, Chamber of Commerce, stated that this is a unique business. Ms. Bullock stated that the building, The Landing, was created for the purpose of creating spaces for small businesses to grow. She stated that Topsail Steamer is an ideal business for this location and she supports it.

**OPPOSE:**

Shannon, with Wrightsville Sands Realty, located in the neighboring suite, stated that she is concerned about the coolers holding seafood. She said her main concern is that if the power goes out, what will the owner do to ensure that the seafood does not begin to smell. Ms. Mann stated that she intends to always make sure her seafood is kept at the proper temperature and does not see a scenario in which she would allow her food to smell. She also invited her to visit the other Topsail Steamer location to observe the cleanliness efforts of her and her staff. Ms. Mann also stated that she has received a score of 100 from the health department every time.

**MOTIONS:**

**...Motion by Mr. David Culp to forward a favorable recommendation to the Board of Aldermen to approve the Conditional Use Permit for 530 Causeway Drive Unit T8. Motion seconded by Ms. Susan Snider and carried unanimously by a vote of (6-0).**

**AGENDA ITEM B:**

**CONSIDERATION OF A CONDITIONAL USE PERMIT FOR 100 WEST SALISBURY STREET FOR THE OPERATION OF A RESTAURANT AND COMMERCIAL PIER**

**STAFF PRESENTATION:**

Mr. Tony Wilson stated that on February 15, 2018 the Planning and Inspections Department received a Conditional Use Permit Application from the property owners WB Watermen LLC and agent Eric Jabaley, for a Conditional Use Permit for 100 West Salisbury Street. He stated that the applicant is proposing to renovate the existing 40'x28' building to be used as a restaurant with an outdoor detached deck seating area of 19' x 12' for 16 occupants. Mr. Wilson explained that the restaurant will have seating

for 17 occupants, and a commercial pier with 9 boat slips is planned and one transient dock will be located on Kenan's Creek. He stated that the building located at 100 West Salisbury Street was built around 1971 as a convenience store, but the convenience store closed and the building has been vacant for a long time. He explained that in 2014, a Conditional Use Permit for a mixed use development was denied by the Board of Aldermen due to the lack of required off-site parking spaces, and in 2015, a rezoning request was considered and denied by the Board of Aldermen. Mr. Wilson stated that he did the parking calculations and that the total number of off-street parking spaces required for South Seas is 21 spaces,  $(32 \text{ persons}/4) + (4 \text{ staff}/2) + (1 \text{ ADA Handicap Spaces} + 10 \text{ Boat Slips}) = 21$  parking spaces. He stated that the existing site can provide all 21 parking spaces on site. Mr. Wilson stated that the proposed project appears consistent with Policy 9.1.A.5 of the CAMA Land Use Plan. He stated that the zoning is correct as it is C-3 and a restaurant is allowed as a conditional use. He said that staff reached out to department heads and received no comment from police or public works, but would forward the distribute the comments from the fire department. He stated that all the appropriate public notices were made. Mr. Wilson stated that Planning Staff recommends that the Planning Board forward a favorable recommendation to the Board of Aldermen for the Conditional Use Permit for 100 West Salisbury Street. Mr. Wilson then presented to the Board a list of staff recommended conditions. Mr. Wilson stated that the FEMA 50% form is included in the packet, however it has not yet been approved. He said that this form is not reviewed and approved until after the project has gone through the Conditional Use Permit application process. Mr. Wilson then went through some of the recommended conditions. He explained that the piers would need to go through the CAMA Major approval process.

#### PLANNING BOARD QUESTIONS:

Ms. Partin asked if the 9 boat slips would be rental slips. Mr. Wilson stated that the applicant would answer that question, but he did say that the Board could add a condition that would limit the number of transient docks.

Mr. Cofer asked if the Town had the ability to limit the number of dock slips. Mr. Wilson explained that the Town does not allow more than 10. Mr. Cofer asked if the applicant needed the Board's permission to have these docks. Mr. Wilson stated that the applicant does need permission because this is a commercial property.

Mr. Jim Smith asked why it was called a commercial pier. Mr. Wilson stated that he added that because it was a commercial property. Mr. Smith said that he thought that commercial piers were not allowed in the C-3 district. Mr. Wilson stated that out in the water, the district changes to P-1. Mr. Smith asked if the applicant had applied for an ABC Permit. Mr. Wilson stated that the applicant had not yet applied.

**PRESENTATION BY APPLICANT:**

Mr. Matthew Nichols, Authorized Agent for the owners of the property at 100 West Salisbury Street, presented plans, photos, and details about the proposed restaurant. He stated that the owners would like to renovate and repurpose the long vacant convenient store. He stated that the improvements the owners want to make will visually improve the area, while preserving the building. Mr. Nichols explained that the restaurant is meant to be a casual place where people using the loop can stop in for a quick meal and a drink while enjoying the view. Mr. Nichols presented renderings depicting the proposed restaurant and the piers and docks. He stated that the single transient dock was intended for paddleboards, kayaks and small boats to stop in for a bite to eat. He then presented a site plan showing the parking spaces that would be provided on site. He stated that his clients are attempting to maintain the properties purpose as a commercial use that is resident friendly. He then referred to the CAMA Land Use Plan policy that encourages small restaurants for residents and visitors.

**PUBLIC HEARING:**

Chairman Smith opened the public hearing on the proposed Conditional Use Permit.

**IN FAVOR:**

Charles McIntyre, Pelican Drive, stated that he is in favor of the project, but concerned about the transient dock.

Scott Griffin, 64 Pelican Drive, stated that he thinks this is a good project that fits the mold. He said that it takes a compromised property, and gives it a purpose. He stated that commercial property is important to the community.

Sue Bullock, Chamber of Commerce, stated that the use of this property has had a history. She said that a proposed mixed use project was too big, a proposed rezoning to residential was denied, and she feels that this project is just right. She said that the property is separated from residential by water, and this would be a good use of the property

Mike Ward, 8 Bahama Drive, stated that he is glad that someone has come up with a use for this property. He said that he talked to his neighbors and they had mixed reviews. He said that he supports the project and thinks it would be good for the community

Pat Bradford, 464 Causeway Drive, stated that this an amazing opportunity to keep a commercial property, with wonderful views, as commercial.

**OPPOSE:**

Gil Steadman, 2 Pelican Drive, stated that he lives across the creek. He said his concerns are noise and music. He also thinks that there is not enough parking. He stated that this will create litter and an unsafe environment for his grandkids. He also thinks this will increase theft. Mr. Steadman said he does not agree with alcohol being sold at this establishment.

Brooks Moyer, per Mr. Steadman, lives at 2.5 Pelican Drive, said he was concerned that the proposed restaurant may become a tiki beer bar. He said that when he built his home, he did not anticipate living near a bar. He does not think it will be a restaurant since there appeared to be no cooking at the restaurant. He said that he fears it will be an all alcohol establishment.

Marti Chafers, 10 West Salisbury Street, stated that she does not want a bar near her house. She explained that she often has problems with intoxicated people. She said that this is not a positive step for the community.

Trisha Stater, lives at Lookout Harbor, stated that she is not completely against the project, but is concerned about traffic because they already have trouble getting out of their complex. She is also concerned about dumpster noise and parking problems.

Neil Braggi, West Henderson St, sent a letter that was read by Miss Nancy Faye Craig. Mr. Braggi expressed his concern about traffic, pedestrian and bike safety. He also stated that he is concerned about noise. Mr. Braggi's letter stated that he is very concerned about the delicate environment near this property. He also asked that the Board not approve the transient dock.

Miss Nancy Faye Craig, Seaside Lane, stated that she is concerned about safety due to lack of sidewalks and noise. She also stated that alcohol is a concern because people drive and boat after drinking.

Steve Bright, 15 Lagoon, stated that this proposed development is too close to residential areas. He expressed concern that this family area would be disrupted by music, partying, and alcohol. Mr. Bright stated that this project is not compatible with the area. He is also concerned about the docks due to people drinking and driving a boat.

Pat Koballa, Bahama Drive, stated that he is concerned about noise and litter.

Frank Hamilton, 17 Bahama Drive, commended everyone for trying to find a solution to this derelict property. However, he stated that this is a quick decision to solve the problem with this property, and does not think this solution is the correct one.

Kitty Brunjes, 404 N Lumina Ave, asked about the CAMA rules on marinas. Mr. Wilson explained that if it is less than 10 it is not considered a marina. Ms. Brunjes asked about the tax value of the building and asked for more information about the FEMA 50% Rule. Mr. Wilson explained the process for property owners to determine value. Mr. Brunjes asked if they would serve food. She was also concerned that the police department had no comment. She also was concerned about music outside.

John Moore, Schloss Street, stated that he is concerned about the parking numbers. Mr. Wilson stated that the project meets the parking regulation requirements. He is also concerned that it will be an all alcohol establishment.

Kay Morgan, 10 Pelican Drive, stated that she is an American and believes in freedom. She also stated that she is concerned about the impact to wildlife in the wetlands. Ms. Morgan also asked about the proposed project's relationship with the neighboring paddle board company, and whether they would share parking.

#### PLANNING BOARD QUESTIONS:

Ms. Susan Snider asked about the relationship between the restaurant and the piers. Mr. Nichols stated that the boat slips would operate independently of the restaurant, yet they would also complement one another. He also addressed the benefit of having extra available parking. Mr. Nichols stated that he understood there were nearby residential neighborhoods, but said that was true of all properties. He also stated that this property is unique in that it is not directly adjacent to any residential properties due to the natural boundaries and separation. Ms. Snider asked about people driving their boat to the restaurant. Mr. Nichols said they would use the transient dock. He also stated that the other docks would be rentals.

Mr. Ace Cofer asked how they would keep people from parking their boats at the rental docks and going to the restaurant. He asked how they would secure those docks and keep them from being transient docks.

Mr. Jim Smith asked if they would serve alcohol. The owner stated that there would be a full alcohol menu.

Ms. Zeke Partin asked the owners to explain the food menu. Mr. Chris Patten, the owner of the proposed restaurant, explained the concept behind the project and what types of food would be served. Mr. Patten stated that this project would be similar to another project he created in downtown Wilmington called BeSpoke Coffee and Dry Goods. He stated that this would be a casual food establishment that would be family friendly. Mr. Patten explained that the restaurant would serve breakfast, lunch, and a

light dinner. He also stated that it would absolutely not be a bar, and he would be very consistent with closing hours and outdoor cleaning to protect the environment.

Ms. Partin asked if they would have outdoor bands and music. Mr. Patten said they would play music, but would be held to the same noise standards as everyone at the beach.

Ms. Snider asked about seating, and Mr. Patten explained the numbers.

Mr. Nichols stated that the applicants are more than willing to comply with all regulations and sign affidavits agreeing to the Staff's conditions.

Mr. Smith, stated that he was concerned about the alcohol at the restaurant. He also stated that although the Staff and Board could stipulate conditions, but that does not mean the Town has the staff needed to enforce the conditions. He asked how the applicant planned to prevent partying and loud music on the docks. Mr. Smith was also surprised that the police department had no comments. He also stated that the restaurant needs a dumpster not roll out containers. He said he would like to see something happen on that property, but he would like the applicant to eliminate the transient dock because it cuts off Kenan's Creek.

Ms. Partin, stated that her biggest concern is safety. She said that at her location they have to hire security on holidays. She said that she would be concerned about the added traffic and safety concerns.

Mr. DeGroot, said he is excited to see the energy of the community during these meetings. He stated that he is pro commercial and would like to see a project work on this property. Mr. DeGroot stated that he has received many calls and emails from residents complaining about the proposed project, increased boat traffic, and the alcohol bar. He stated that he hoped the project could get done, but the applicant needs to make some changes.

Ms. Partin said this is an interesting project, but there are too many problems with it.

Mr. Culp, stated that he is most concerned about boat traffic by inexperienced boaters. He also stated that the Beach has all the bars they need.

Mr. Cofer stated that there has been a lot of commercial zones rezoned to residential. He said that this property has already been through an attempt at rezoning and an attempt at mixed use. He stated that the Town wanted this property to remain commercial. He stated that the Town also can not restrict property owner's rights. He said that if the property owner has the right to build this many boat slips, then the Town cannot take away those rights. He then advised the applicant to give the Board a better feel for what type of food the restaurant will serve. He stated that other restaurants in

the area have been good models, and he is in favor of this project, but had many more questions that he would like to see answered.

Mr. Nichols asked the Board if the applicant could request a continuance to allow more time for the applicant to review the project and tighten up the application.

The Board made several comments that reiterated their concerns and stated what parts of the application the applicant should consider revising.

**MOTION:**

**...Applicant requested to continue Agenda Item B to the April 3, 2018 Planning Board Meeting.**

**OLD BUSINESS**

None at this time.

**OTHER BUSINESS FROM CHAIRPERSON OR BOARD MEMBERS**

None at this time.

**OTHER BUSINESS FROM STAFF**

None at this time.

**ADJOURNMENT**

**...There being no further business to come before the board, Ms. Zeke Partin made a motion to adjourn which was seconded by Mr. David Culp, the meeting was adjourned by unanimous vote at 8:03 p.m. Vote (6-0).**

Respectfully Submitted,

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Danielle Villegas, Planning Technician