

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, February 14, 2023 – 6:00 PM

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



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## AGENDA

### CALL TO ORDER

**INVOCATION GIVEN BY PASTOR SHAWN BLACKWELDER WITH ST. PAUL'S UNITED METHODIST CHURCH, FOLLOWED BY THE PLEDGE OF ALLEGIANCE**

### ADOPT THE AGENDA

### CONSENT AGENDA

- [1.](#) Set Public Hearing for 3/14/2023 to Hear from Non-Profits Regarding Funding Requests
- [2.](#) Create a Capital Project Fund for AIA Wastewater and Water Grants
- [3.](#) Budget Amendment
- [4.](#) Approval of Council Meeting Minutes

### SPECIAL PRESENTATIONS

- [5.](#) Events Update by Tim Murphy
- [6.](#) Manager's Update

### PUBLIC COMMENT

*Public Comment allows the public the opportunity to address Town Council. Please direct your comments to Council only. Speakers should restrict comments to no more than three minutes. Items or questions presented during this time will not be discussed by Council. However, the topic may be deferred to Town staff or a Town committee for follow-up. Please be sure to state your name and address, and speak directly into the microphone for those watching online.*

### PUBLIC HEARINGS

- [7.](#) **Text Amendment** to amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art, VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVII. – Definitions to create standards for Event Venues.

Applicant: Michael Urti

- 8. Zoning Map Amendment** to consider a request to rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD).

Applicant: Michael Urti

#### **ITEMS OF BUSINESS**

- 9.** Discussion on Planning and Zoning Member Terms for 2023
- 10.** Amendment to Town's Rates and Fees Schedule
- 11.** Consider the Police Advisory Committee's Request to Change Their Meeting Time from 7pm to 6pm

#### **COUNCIL COMMENTS**

#### **ADJOURNMENT**



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council 2/14/2023

**SUBJECT:** Set Public Hearing for 3/14/2023 to Hear from Non-Profits Regarding Funding Requests

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**BACKGROUND:**

Council allows local non-profits to request financial support from the Town's General Fund each year. Representatives from the non-profit organizations are given the opportunity to speak during a public hearing to explain their mission and the need for their request.

**ACTION REQUESTED:**

Set a public hearing date.

**RECOMMENDED MOTION:**

Motion to set a public hearing for March 14, 2023 to hear from the local non-profits regarding funding requests from FY23/24.



# AGENDA ITEM COVERSHEET

**PREPARED BY:** Debbie Hall, Finance Director

**DEPARTMENT:** Finance

**MEETING:** Town Council – 2/14/2023

**SUBJECT:** Create a Capital Project Fund for AIA Wastewater and Water Grants

**BACKGROUND:**

This ordinance will create a Capital Project Fund to appropriate \$200,000 for the AIA Wastewater Grant and to appropriate \$200,000 for the AIA Water Grant. The grants will be used to update the Town’s wastewater and water asset inventory, monitor flow, analyze risks, and create a renewal and replacement tool. Data compiled will be stored , managed, and maintained using Cityworks and ArcGIS.

AIA Wastewater Grant fund = \$200,000

AIA Water Grant fund = \$ 200,000

The grants do not require any matching funds.

**ACTION REQUESTED:**

Approval of Wastewater **Ordinance No. 23-1193**

Approval of Water **Ordinance No. 23-1194**

**ORDINANCE NO. 23-1194  
GRANT ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE  
AIA WATER GRANT PROJECT**

The Town Council of the Town of Carolina Beach, North Carolina, doth ordain:

**SECTION ONE:**

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Grant Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
36-815-046	Professional Services- Water	\$0.00	<u>\$200,000</u>	+ \$0.00
<b>TOTAL</b>			<b>\$200,000</b>	

**SECTION TWO:**

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Grant Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
36-350-002	AIA Water Grant	\$ 0.00	<u>\$200,000</u>	+ \$0.00
<b>TOTAL:</b>			<b>\$200,000</b>	

**SECTION THREE:**

A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 14th day of February, 2023

\_\_\_\_\_  
Albert L Barbee, Mayor

ATTEST:

\_\_\_\_\_  
Kimberlee Ward, Town Clerk



# AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gigi Baggarley, GIS Administrator      **DEPARTMENT:** Planning  
**MEETING:** Town Council 1/10/2023  
**SUBJECT:** Asset Inventory Assessment (AIA) Grant

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**BACKGROUND:**

The Town was awarded a \$200,000 Water grant and a \$200,000 Wastewater grant to be used in continuing our efforts to manage our water and wastewater assets. The grant was awarded with no match required. This grant will be used to update our water and wastewater asset inventory, monitor flow, analyze risk (likelihood of failure, consequence of failure, etc.), create a renewal and replacement model/tool, and the development of project implementation guides (CIP prioritization). Data compiled will be stored, managed, and maintained using Cityworks and ArcGIS. The project is scheduled to be complete at the end of 2024.

This project will continue to build on the work done with the previous AIA grant.

**RECOMMENDED MOTION:**

Authorize the Town Manager to execute the grant agreement for the Asset Inventory Assessment (AIA) Grant.

# Schedule

This project will begin in the 4<sup>th</sup> Quarter 2022 and be completed by the 4<sup>th</sup> Quarter 2024.

**Table 1.** Project Schedule

	Year	Year				Year			
	2022	2023				2024			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Task 1									
Task 2									
Task 3									
Task 4									

# Compensation

Payment for all tasks in the Project Scope outlined above will be on a Lump Sum basis for \$200,000, inclusive of all labor and expenses. This budget reflects efforts tied to the schedule above. Table 2 presents the estimated AIA grant disbursement breakdown by Task. Jacobs shall not incur costs in excess of this fee without advance written authorization from the Town. The work defined herein shall be governed by the terms and conditions of the Agreement for Professional Services. Please sign and return as your formal Notice to Proceed.

**Table 2.** Estimated Grant Disbursement Breakdown by Task

Activity	Grant Source
	Water Project No. AIA-D-ARP-0093
Task 1 – Expand Asset Inventory and Condition Data	\$80,000
Task 2 – Risk Analysis	\$40,000
Task 3 – Renewal & Replacement Model and CIP Prioritization Tool	\$40,000
Task 4 – Develop Project Implementation Guides	\$40,000
<b>AIA Grant Total</b>	<b>\$200,000</b>

**ORDINANCE NO. 23-1193**  
**GRANT ORDINANCE TO AMEND THE WATER AND SEWER BUDGET FOR THE**  
**AIA WASTEWATER GRANT PROJECT**

The Town Council of the Town of Carolina Beach, North Carolina, doth ordain:

**SECTION ONE:**

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the expenditures associated with a Water and Sewer Fund Grant Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
36-814-046	Professional Services -WW	\$0.00	<u>\$200,000</u>	+ \$0.00
<b>TOTAL</b>			<b>\$200,000</b>	

**SECTION TWO:**

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with a Water and Sewer Fund Grant Project by adopting the following Water and Sewer Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
36-350-001	AIA Wastewater Grant	\$ 0.00	<u>\$200,000</u>	+ \$0.00
<b>TOTAL:</b>			<b>\$200,000</b>	

**SECTION THREE:**

A copy of this Ordinance shall be furnished to the Finance Officer for direction in disbursement of Town funds and for public inspection.

Duly adopted this 14th day of February, 2023

\_\_\_\_\_  
Albert L Barbee, Mayor

ATTEST:

\_\_\_\_\_  
Kimberlee Ward, Town Clerk





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gigi Baggarley, GIS Administrator      **DEPARTMENT:** Planning

**MEETING:** Town Council 1/10/2023

**SUBJECT:** Asset Inventory Assessment (AIA) Grant

---

**BACKGROUND:**

The Town was awarded a \$200,000 Water grant and a \$200,000 Wastewater grant to be used in continuing our efforts to manage our water and wastewater assets. The grant was awarded with no match required. This grant will be used to update our water and wastewater asset inventory, monitor flow, analyze risk (likelihood of failure, consequence of failure, etc.), create a renewal and replacement model/tool, and the development of project implementation guides (CIP prioritization). Data compiled will be stored, managed, and maintained using Cityworks and ArcGIS. The project is scheduled to be complete at the end of 2024.

This project will continue to build on the work done with the previous AIA grant.

**RECOMMENDED MOTION:**

Authorize the Town Manager to execute the grant agreement for the Asset Inventory Assessment (AIA) Grant.

# Schedule

This project will begin in the 4<sup>th</sup> Quarter 2022 and be completed by the 4<sup>th</sup> Quarter 2024.

**Table 1.** Project Schedule

	Year	Year				Year			
	2022	2023				2024			
	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
Task 1									
Task 2									
Task 3									
Task 4									

# Compensation

Payment for all tasks in the Project Scope outlined above will be on a Lump Sum basis for \$200,000, inclusive of all labor and expenses. This budget reflects efforts tied to the schedule above. Table 2 presents the estimated AIA grant disbursement breakdown by Task. Jacobs shall not incur costs in excess of this fee without advance written authorization from the Town. The work defined herein shall be governed by the terms and conditions of the Agreement for Professional Services. Please sign and return as your formal Notice to Proceed.

**Table 2.** Estimated Grant Disbursement Breakdown by Task

Activity	Grant Source
	Wastewater Project No. AIA-W-ARP-0074
Task 1 – Expand Asset Inventory and Condition Data	\$80,000
Task 2 – Risk Analysis	\$40,000
Task 3 – Renewal & Replacement Model and CIP Prioritization Tool	\$40,000
Task 4 – Develop Project Implementation Guides	\$40,000
<b>AIA Grant Total</b>	<b>\$200,000</b>



# AGENDA ITEM COVERSHEET

**PREPARED BY:** Debbie Hall, Finance Director

**DEPARTMENT:** Finance

**MEETING:** Town Council – 2/14/2023

**SUBJECT:** Budget Amendment

**BACKGROUND:**

I have received a budget amendments request. As you know, transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the amendment. I have also attached a copy of the supporting documentation for the appropriation.

**Appropriations:**

Appropriate \$19,261 from Sales of Fixed Asset to account 10-520-074 Lifeguard Capital over \$10,000 to offset the cost of replacement of lifeguard pickup, UTV and jet ski.

**ACTION REQUESTED:**

Approve the budget amendments and/or transfers as presented by the Finance Director.



## Town of Carolina Beach Fire Department

1121 North Lake Park Blvd.

Carolina Beach, NC 28428

Telephone: 910-458-2985

To: Bruce Oakley, Town Manager  
From: Alan Griffin, Fire Chief  
Date: December 20, 2022  
Subject: Budget Transfer Request

On December 6, 2022, the fire department sold several assets at auction. We deposited checks totaling \$19,261 into the surplus account. I would like to request that this amount be transferred from line item 10-383-000 (surplus), into 10-520-01<sup>74</sup>7 to offset the cost of replacement of lifeguard pickup, UTV and jet ski. Our goal is to replace as much as equipment at possible and then budget FY23 for the rest of the replacements.

Thank you for your consideration,

*Alan Griffin*

**Fire Chief**



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council Meeting 2/14/2023

**SUBJECT:** Approval of Council Meeting Minutes

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**BACKGROUND:**

Attached are the meeting minutes from January 25, 26, and 27, 2023.

**ACTION REQUESTED:**

Review and consider approving under the consent agenda.

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, January 10, 2023 - 6:00 PM

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



## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 6:00 PM, followed by the invocation by Council Member LeCompte and Pledge of Allegiance.

### PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

Council Member Deb LeCompte

### ALSO PRESENT

Town Manager Bruce Oakley

Assistant Town Manager Ed Parvin

Finance Director Debbie Hall

Town Clerk Kim Ward

Town Attorney Noel Fox

### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

### CONSENT AGENDA

1. Set a Public Hearing for February 14, 2023, to Consider a Request to Rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD)  
Applicant: Michael Urti
2. Set a Public Hearing for February 14, 2023, to Amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-Street Parking and Loading Requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. - Definitions to Create Standards for Event Venues  
Applicant: Michael Urti
3. Asset Inventory Assessment (AIA) Grant
4. Create a Capital Project Fund for the Starfish Lane Dock Project and Approve Budget Ordinance No. 23-1192 in the Amount of \$175,000

5. Island Greenway Extension
6. Approval of Council Meeting Minutes from December 13 and 20, 2022

Mayor Pro Tem Healy read from Resolution No. 23-2278, which supports a feasibility study for the extension of the Island Greenway into Kure Beach and Fort Fisher. He said this is a big deal and something the Town has been seeking for years.

Mayor Barbee said this is on the consent agenda because all Council Members fully support it.

**ACTION:** Motion to adopt the consent agenda

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

**SPECIAL PRESENTATIONS**

7. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, said events will kick off again in March. He introduced Beau Gunn, Patrick Conley, Matt Hamlet, and Kevin Murphy, who made a presentation regarding a special event application for private property.

Mr. Conley, who came before Council previously regarding an event at Shuckin' Shack, said that effort helped to raise \$52,000 for the Leukemia & Lymphoma Society and thanked Council for allowing blocking off of parking spaces to accommodate the crowd.

Mr. Conley said he and Mr. Hamlet are co-founders of the Carolina Beach Bar Club, which has been active for about six years and raised \$500,000 for various causes. He said the group has the opportunity to help Ocean Cure this year and in the future but will need Council to make an exception to the moratorium on special events between Memorial Day and Labor Day. Mr. Conley said electronic dance music artist GRiZ comes to the area every July and performs two sold-out shows in Wilmington and a beach show. He said the beach event, GRiZMAS in July, was held at Fort Fisher last year but posed some logistical challenges. This year, Mr. Conley and the others are seeking approval for the event to be held Sunday, July 30, from 2:00 to 4:00 PM at the privately owned Carolina Beach Pier on the North End. They expect the show to last two to three hours and presented an approval letter from the new owners of the pier.

Mr. Conley said they have met with the Police Department and jumped through all the necessary hoops to have a recommendation for approval at the committee level. He said the goal is to raise \$20,000 to \$30,000 at the event. Plans call for a shuttle to take an estimated 3,000 attendees from the parking lot at Pelican Lane and Carolina Beach Avenue North, which event organizers will lease for the day.

Mayor Barbee asked Mr. Murphy about any possible issues that exist. Mr. Murphy said parking is the main issue, but he thinks the shuttle plan and working with rideshare services is a viable option. Mr.

Murphy said he has met with the organizers several times, and they have been before the Events Committee multiple times. He said they have talked about creative ways to control traffic and that Police Chief Vic Ward is confident the Police Department can handle the event. Mr. Murphy said there have been numerous discussions to get to a point where staff is now comfortable and confident.

Council Member Hoffer asked if event organizers are proposing to close the beach. Mr. Murphy said the event will serve alcohol, so the whole area will have to be fenced.

Mayor Pro Tem Healy said he heard all positive feedback about last year's event.

Council Member Benson said to maximize the fundraising potential for the event, he would be in favor of striking the requirement for the designated leased parking lot and telling attendees to park where they can with some possible pickup spots for a shuttle. Mayor Barbee said he would like to stick to what was agreed on by Chief Ward. Mr. Conley said if The Proximity lot is an option the event could possibly use that for free, but it likely won't be available at that time.

Council Member LeCompte suggested reaching out to Bank of America, which is closed on weekends, to see if the parking lot can be used with a stop for the shuttle.

Mayor Barbee said he would like to see a designated parking area for attendees who want to bring their bikes and take advantage of multi-use paths and the Island Greenway. He said this would be a good opportunity to promote the Town.

**ACTION:** Motion to approve GRiZMAS in July as presented

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

Council Member LeCompte mentioned Boards Across CB from the Carolina Beach Mural Project. Donated surfboards, skimboards, and skateboards serving as artist canvases – which are currently on display at participating local businesses – will be available for public viewing February 6-7 at the Courtyard by Marriott before being auctioned.

#### 8. American Flood Coalition Presentation by Tony McEwen

American Flood Coalition's Carolinas Director Tony McEwen provided a legislative update on flood policy/resources. He said he is asking Council to consider membership and lending a voice so the group can continue to make advances on public policy as it relates to flood resilience and sea level rise adaptation.

Mr. McEwen gave background and details about the group as well as updates on flood-related policy in North Carolina. He said the group is active in 21 states and has over 60 members in North Carolina. Mr. McEwen said the key states of focus are the Carolinas, Florida, and Texas. He highlighted the



Southeastern North Carolina Resilience Tour, which was created to showcase achievements at the four-year anniversary of Hurricane Florence. Stops included Boiling Spring Lakes and Burgaw.

Mayor Barbee said it's important to depoliticize this issue because it affects everyone. He said he is very supportive of what the group is doing and stressed the importance of having someone to offer a voice at the State and Federal levels.

Council Member Hoffer asked what is required to become a member. Mr. McEwen said there is no fee, and the group often returns resources back to local communities. He said the group is funded by family foundations and bipartisan policy organizations.

**ACTION:** Motion to adopt Resolution No. 23-2277, a resolution providing for the Town to become a member of the American Flood Coalition

Motion made by Mayor Barbee

Voting Yea: Mayor Barbee, Mayor Pro Tem Healy, Council Member Benson, Council Member Hoffer, Council Member LeCompte

*Motion passed unanimously*

#### 9. Manager's Update

Mr. Oakley gave an update on various projects and events.

##### Lake Park Improvements

The U.S. Army Corps of Engineers has signed off on the lake dredge project. The Town is working with engineers and plans to put out bids by February or March.

The Town is soliciting proposals for playground equipment for the Brandy Myers Memorial Playground.

##### Marina

The marina project is progressing quickly. Concrete has been poured for the bulkhead on the east side, and crews are working through electrical issues. Once those are resolved, they will start moving boats to the south side so they can complete work on the east side.

Mayor Barbee praised Harbor Master Larry Denning for keeping the Carolina Beach Inlet Association updated on this project. Mr. Oakley said Project Manager Paula Kempton is doing a great job managing this and other projects with assistance from Project Manager Ben Meister.

Council Member Hoffer asked about possible spring or summer road closings related to this project. Mr. Oakley said the only part that will be closed is the right-turn lane on Canal Drive, and everything else should be open and free.

##### Budget/Strategic Plan Retreat

Online surveys are due by Wednesday evening. The Town has received over 950 responses so far.

The budget open house is January 18 from 4:00 to 6:00 PM.

Council's budget retreat is January 26-27 at Fort Fisher.

#### Asset Inventory Assessment Grant

The Asset Inventory Assessment (AIA) grant that Council voted on in the consent agenda is providing \$400,000 for the Town to assess all infrastructure, mainly pipes and pump stations, so crews know where everything is located.

Mayor Pro Tem Healy asked about the time frame for this inventory. Planning Director Jeremy Hardison said the Town is ready to start now, and it's a two-year project.

Council Member Hoffer asked who is doing the inventory. Mr. Hardison said the grant is from the N.C. Division of Water Resources, and there is a private company working with the Town.

Council Member Benson asked if the Florida Avenue reclamation project has only resulted in one quote. Mr. Oakley said there have been discussions with two other companies that are submitting numbers soon. He said once this gets going, possibly in the spring, the Town plans to move as quickly as possible.

Council Member Benson asked if the Scotch Bonnet Lane and Starfish Lane projects are happening this winter. Mr. Oakley said the Starfish Lane project will start moving forward very soon.

Mayor Pro Tem Healy asked for details about why equipment to install a turn lane into the State Park was present but then disappeared. Mayor Barbee said N.C. Department of Transportation (DOT) contracts will not pay if the contractor paves below a certain temperature, so the contractor moved the equipment to work on other projects during cold weather. He said crews will be back to work on the project soon.

Mayor Pro Tem Healy asked for an update on Saint Joseph Street. Mr. Oakley said he thinks it's in DOT's hands, and the Town is waiting to get notice to proceed.

Mayor Pro Tem Healy asked about paving on Carolina Beach Avenue North. Mr. Oakley said that is coming this spring. He said the Town will do Florida Avenue first and then work on Carolina Beach Avenue North, and other paving projects should be starting in February.

Council Member LeCompte asked about the Ocean Boulevard sidewalk. Mr. Oakley said the engineer is finalizing drawings and stormwater plans, and he hopes the project will start in the spring but it's uncertain until drawings come back and DOT reviews them.

Council Member Benson asked staff to reach out to Duke Energy about reassessing the spacing of lights based on population density, especially along South Lake Park Boulevard and a few other places. He said needs may be different from when there was a smaller population here. Mr. Oakley said he can inquire about this. Mayor Barbee said the section from Hamlet Avenue to Lake Park is fairly dark, and lots of people cross the road in this area during the summer. He acknowledged that protecting sea turtles may be an issue. Mr. Oakley said Duke Energy has switched over to mainly dark-sky compliant

fixtures that shouldn't affect sea turtles. Mayor Pro Tem Healy said years ago the Operations Advisory Committee did an inventory on every single light pole in the Town, but he is not sure what happened to it.

Council Member Hoffer said he wants to emphasize that the Brandy Myers Memorial Playground work should include improvements to the Lake Park bathroom facility. Mr. Oakley said part of the design is a new restroom with a picnic shelter. Council Member Hoffer requested that something be done in the short term to tidy up the facility.

Mayor Barbee asked if staff can make signage on the Cape Fear Boulevard multi-use path consistent with what's on the Island Greenway. Council Member Hoffer said the Bike/Ped Committee discussed this last night and is working on a recommendation.

Mayor Barbee said the Town has received a request from the Mural Committee to put a mural on a pump house at Lake Park. He said a grant with a short timeline is available. It was the consensus of Council to support this request.

Mayor Barbee said Kure Beach Council expects to pass a reciprocal parking agreement with the Town on January 18. Mr. Oakley said staff will be sure that is approved before selling any parking passes.

#### **PUBLIC COMMENT**

Roy Erwin of 301 Settlers Lane in Kure Beach said he and many other residents are against the Island Greenway extending through the fire lane on the west side of Settlers Lane. He said there are security, safety, and privacy concerns and that the proposed area runs behind 62 homes, most of which are 25 feet from the fire lane. Mr. Erwin said Kure Beach Council wants to do a feasibility study to show other possible routes, such as the Greenway running parallel to Dow Road. He said this is a fire lane, not a bike path, and needs to stay that way.

#### **COUNCIL COMMENTS**

Mayor Barbee said Kure Beach has its own Council, and the resolution tonight was to support that Council moving forward with the Island Greenway. He said his understanding is that Kure Beach Council Members are looking at alternative paths, which is not really the concern of Carolina Beach. Mayor Barbee said the intent was to encourage Kure Beach Council to proceed in a way that makes residents happy.

Council Member Hoffer said the Island Greenway was never meant to be for Carolina Beach only, and the hope was always that Kure Beach would join. He said he understands the concerns and hopes Kure Beach will work with Carolina Beach to designate safe routes for kids.

Council Member Hoffer said the Friends of Carolina Beach Parks and Greenways group has started its own tree nursery on the Island Greenway behind Food Lion. He said the intent is to create a holding area for smaller donated trees so they can be nurtured until they are bigger and ready to be presented to businesses and residents. Council Member Hoffer said Pleasure Island Habitat made a donation yesterday, and his pledge is that no money will be requested from the Town for this project. He said all funding will come from private donations, and all of the work will be done by volunteers.

Council Member Benson asked if staff will come back with a redesign for the east end of Cape Fear Boulevard and Canal Drive. Mr. Oakley said the Town is working with the engineer, and Council will hear more about this at the upcoming retreat.

Council Member Benson said he and the Chairman of the Operations Advisory Committee will be at the Planning and Zoning Commission meeting Thursday to watch the Unified Development Ordinance (UDO) process to see where simple efforts on public property in and around Canal Drive may mitigate debris getting into the storm drains and where this might fit into the broader UDO when everything is rewritten.

Mayor Pro Tem Healy said he wanted to give a shout out to the CB Trash Walkers group that meets on Saint Joseph Street at 8:30 AM every Wednesday to collect trash. He said so far this group of volunteers has picked up over 2,300 pounds of trash. Council Member Hoffer said the N.C. Wildlife Federation has a trash-for-trees program, and he hopes to use those trees to stock the nursery.

Mayor Pro Tem Healy said the budget survey ends tomorrow, and he asked everyone to respond with their valuable input.

Council Member LeCompte said a recent poll conducted at Pleasure Island Animal Hospital asked if the Town should allow dogs outside Boardwalk businesses with their owners to enjoy restaurants and activities. She said the suggestion is that this should be permitted, while dogs should not be allowed on fireworks nights and during special events such as parades.

Council Member LeCompte thanked Finance Director Debbie Hall for implementing a 4-blocker to show a snapshot of where the Town is financially.

Council Member LeCompte said representatives from the Katie B. Hines Senior Center have reached out for ideas about how to better advertise their monthly pancake breakfast because they have been constrained by the Town's sign ordinance. She suggested kiosks at the Boardwalk and Lake Park, and Mr. Oakley said this could be done.

Council Member LeCompte said she has been touring the Town's stormwater operations, which she called an "amazing process." She said a citizen brought to her attention an initiative through the N.C. Department of Environment Quality (DEQ) called the N.C. Resilient Coastal Communities Program. Council Member LeCompte said she has spoken to staff about this and plans to attend a webinar about it in February.

Mayor Barbee said the Cape Fear Council of Governments' annual meeting is coming up. This will be held on February 23 at the Brunswick Senior Center. He said there is a Town and State dinner the night before, which is a good opportunity for Council Members to rub shoulders with State representatives if they have time.

Council Member LeCompte asked staff to advertise the budget open house as much as possible.

Ms. Fox said the Town filed the variance request for the Boardwalk bathroom facility in December, and this will be heard on February 23 at the Coastal Resources Commission (CRC) meeting in Ocean Isle Beach. She said she will provide updates on this process as they are available.

**ADJOURNMENT**

Mayor Barbee adjourned the meeting at 7:20 PM.

# CAROLINA BEACH

Town Council Retreat

Thursday, January 26, 2023— 9:00 AM

Fort Fisher Air Force Base 118 Riverfront Road Kure Beach, NC



## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 9:00 a.m.

Council Members Present

Mayor Lynn Barbee

Council Member Mike Hoffer

Council Member Joe Benson

MPT Jay Healy

Council Member Deb LeCompte

The Town Attorney and department heads were also present.

Margaret Henderson from UNC School of Government facilitated the meeting.

Council Members reviewed the results from the citizen survey that was posted on the Town's website. Below are some of the comments Council had regarding the survey results.

- We hear similar comments from individuals.
- Our population of young families is growing. They are interested in quality-of-life more than tourism.
- I appreciated our offering the survey. Surprised about the number of comments on Canal Drive and those in favor of increasing parking fees.
- The survey provided residents the opportunity to express opinions and release frustrations.
- The narratives expressed on Facebook do not match the opinions expressed in the survey.
- We still have a gap in educating the public about the process and content of our decision-making.

When the facilitator asked Council what they would like to do moving forward, Council Members made the following recommendations:

#### Before Council meetings:

- Share the proposed agenda items with all Council Members so no one is surprised and explain why the topic is on the agenda.
- Have the Town Clerk include Council when sharing the draft agenda so they can review and comment.
- Identify topics for the next month's Council meeting during the monthly workshop.

- Choose to over-communicate about upcoming agenda items. We want to be prepared for our discussions.
- Add allocations of time for workshop agenda and clearly communicate time limitations ahead of time to those presenting to Council. Set expectations up front for public comment. It's OK to exercise discretion in briefly exceeding 3-minute time limit to wrap-up comments.

The Town Attorney cautioned Council on setting time limits and suggested using this only for workshops.

- Council would appreciate receiving presentation materials ahead of time when possible. Drafts are acceptable. The goal is to help elected officials prepare for discussions.
- Council felt it was OK to ask for breaks in the meeting when needed.
- Council felt it was OK to re-order the agenda to meet immediate concerns of timing or participation.
- The Town Manager is good at asking for time to prepare for unanticipated questions.
- Staff would like to hear questions ahead of time if possible, so they can prepare.
- Council appreciates informal discussions/retreat/work sessions to prepare for decision-making.
  - Do not use these meetings to micro-manage staff.
  - Use these meetings to inform Council of the flow of work; stay focused on the big picture.
- Try having a budget review meeting at the half year mark (about February). Connect discussion to strategic goals.

#### **During the meetings:**

- Council would like to keep public comment in the beginning, ahead of business decisions.
- Council should not engage with Q&A with residents making public comment. Refer to staff as necessary.
- Council needs to remember the public expects them to act professionally. Stay off phones during the meeting.
- Public talking behind staff during the meeting makes it hard for staff to hear the Council. Mayor needs to be made aware when that happens so he can intervene. Council suggested keeping the foyer doors closed for noise control.

#### **After the meetings:**

- Meet and greet all who come to meetings, not just the ones you know and are already comfortable with.

#### **Upholding decisions:**

- Debate – Decide – Uphold the Council's decisions.
- Council agreed that it is OK to have biases in upcoming votes. It is advisable to avoid making promises before hearing all relevant information in most situations.

- Residents participate more in informal meetings. Council Members suggested holding more open house events with a specific focus. Start with Infrastructure, wastewater/water, not potholes.

**Relationships with external authorities:**

- Council suggested alternating representation at external events so more relationships can be developed.
- Increase presence at County Commissioner meetings.
- Encourage public praise and strategic invitations to participate in local events.

Council Members were asked to conduct a project timeline exercise. Some of the comments included:

- The public needs to be educated about a recession. Council and staff need to explore new revenue streams, possibly an increase in water rates.
- The Proximity project will increase revenue from mixed use development.
- Municipal Service District/Canal Drive: Council will have to push the effort and potential enabling legislation generated by state representatives.
- Coastal Storm Damage Renourishment: Monitor and provide input. Keep good relationships with Corps of Engineers.
- Needed paving is happening in Carolina Beach.
- Lake dredge: Respond to proposal will soon be received.
- Current building inspector is leaving. Staff and Council need to decide whether to keep this position in-house or contract out with County.
- How to upgrade IT: Council to decide if they want to completely outsource IT services or a combination of in-house and contract. The VC3 contract expires June 2023.
- Develop a model to pay for infrastructure needs in the future. Staff should develop the plan for Council to vote on.
- Parking: Planning more future paid spots as others disappear.
- Well 15-H and Headwaters project: Council to decide on funding.
  - Likely to require service fee increases.
  - Will consider study to be completed.
  - Develop communication for public.
  - Consider seeking competitive rates for bonds.
  - Hold open house on infrastructure to discuss with public.
- Boardwalk restroom: Permitting is in progress but the project is not budgeted.
- St. Joseph multi-use path: Revisit costs and payments



- Project is bottle-necked by DOT now.
- Mooring field expansion: Decide whether to use fund options to diversify types of mooring. Give Council cost/benefit analysis to inform their questions.
  - Council appreciates the “ambassador” role of the Harbor Master.
- Figure out funding for 1-million-gallon water tower

Figure out best options for traffic control. Either physical structures (bollards) or increased police presence is necessary to manage crowds on Cape Fear Blvd & Canal Drive.

Ms. Henderson asked Council to give direction on preparing for budget workshops. The following comments were mentioned:

- Make the goal of Fiscal Responsibility #1.
- Council wants to receive fiscal implications of all staffing changes to be considered.
  - Council expressed understanding of the benefits of shifting the Beach Ranger from the Fire to Police Department (authority to enforce, readiness to respond)
  - Council interested in hearing options for funding relevant positions (General Maintenance, for example) with ROT.
- Council supports renovation in progress at Town Hall.
- Council appreciates receiving project timelines for the purpose of communication with public.
- Create a communication plan for infrastructure timeline.
- The Council as a body gives direction to the Manager, who in turn directs staff; individual members should not give direction to staff. Similar expectations apply to the Town’s advisory boards and committees.
- Parking discussion:
  - Distinguish between regulatory and operational decisions that Council makes or pursues.
  - Council discussion revealed differences of opinion about the best way forward but there was no collective will to reconsider the current plan.
- Signage for parking:
  - Prefer clear visual clarification of parking options in signage.
  - Refer to the related ordinance for enforcement and definitions.
- Handicapped parking spaces:
  - Council was interested in increasing the number of spaces.
  - Staff plans to bring a proposal back to Council shortly.
- Room occupancy tax:

- Interest expressed in using funds for permanent improvements.
- Funding purposes are limited by definition.
- Council to consider pursuing changes in enabling legislation to seek more flexibility in managing Town's portion of ROT.
- Parks & Recreation:
  - Skate park: Could schedule construction over two years. Council is supportive of hearing proposal or shifting funds as needed.
  - Small dog park: Council was supportive of efforts to fundraise for the expansion.
  - Additional employee: Council inquired if non-town resources could support this expense.
- Potential projects:
  - Short term rentals: Council is interested in seeing options for a zoning decision.
  - E-bike ordinance: Council wants to explore options for an ordinance. Let other beach towns or the state take the lead. Consider limiting hours e-bikes can be on the beach.
  - Golf carts: Council will revisit this discussion. Bring draft ordinance back for Council to consider in Feb/March 2023.
  - CBD mixed use parking garage: Council is not interested in this project being funded by the Town.
  - Pedestrian access from Hamlet Avenue to Cape Fear Blvd.: Identified in land use plan.

Council directed the Manager to review the full list of potential projects and make recommendations for priorities/most feasible ideas.

Mayor Barbee adjourned the meeting at 3:30 p.m.

# CAROLINA BEACH

Town Council Retreat

Friday, January 27, 2023— 9:00 AM

Fort Fisher Air Force Base 118 Riverfront Road Kure Beach, NC



## MINUTES

### CALL TO ORDER

Mayor Barbee called the meeting to order at 9:00 a.m.

Council Members Present

Mayor Lynn Barbee

Council Member Mike Hoffer

MPT Jay Healy

Council Member Deb LeCompte

Council Member Absent

Council Member Joe Benson (excused)

The Town Attorney and department heads were also present.

**Mayor Barbee made a motion to go into closed session to discuss a real estate matter in accordance with NCGS 143-318.11(a)(5). The property being discussed is Parcel ID# R08814-001-007-000. Motion passed unanimously.**

**Mayor Barbee made a motion to return to open session stating that no action was taken during the closed session. Motion passed unanimously.**

The meeting facilitator asked Council to reflect and comment on yesterday's meeting. Below are some of the comments that Council mentioned:

- This Council is forward-thinking and has improved its learning curve and demonstrates amazing transparency.
- We still have more growing to do.
- I like the idea of having more meetings with the public and like how we are approaching our business.
- Like any team-building effort, it takes time for a group to gel.
- The public doesn't get to see all the projects we identified on our timeline.
- There are so many big projects underway, so much change.
- I value the continuity this Council offers.
- I have been considering how the Town can simplify and sustain our lives.

- I appreciate our working relationship between Council and staff. We're good at seeking solutions.

Council was asked to discuss some of the small projects that will be proposed in the upcoming budget. Their comments included:

- Crosswalk at Spartanburg is a priority of Council.
- Add handicapped parking spaces.
- Beautification Committee recommendations: How many and which ones to bring to Council? Concerns were expressed about feasibility of maintaining a planter at the town entrance (watering the plants.)
- Nonprofit funding should only go to organizations that perform services the Town would otherwise provide or that the ROT would fund. The Town has a policy and a process for considering these requests. The Manager was directed to ensure the benefit to Town is well articulated and demonstrated.

Ms. Henderson asked Council to discuss Town advisory boards. Some of the comments included:

- Advisory committees work best if they are clearly defined with time limits and directed to focus on the interests of the Town rather than those of individuals.
- Some committees should become nonprofits so they can raise funding for their projects.
- How can the town best use the brain power and passion of committee members?
- Employing term limits on committees encourages fresh ideas and discourages formation of social cliques.
- Council representatives to the committee should present the Council's perspective. Anything a Council Member says can be incorrectly received as the will of the Council.
- The Council should provide clear direction to boards and committees and hold them accountable for making progress and staying focused.

Ms. Henderson asked Council to discuss how they felt about interactions with staff.

- Ideas and inquiries expressed by a Council Member to staff do not equal a directive that expresses the will of the Council.
- The Manager knows to call an emergency meeting if Council directs staff to act in a way that contradicts or complicates the existing plan of action.
- Recognize that the Manager is the "filter" between Council's requests and staff.
- Staff asked that Council Members ask citizens to directly communicate their complaints to the responsible staff.
  - Committees ask staff directly for resources. They should be asking the Council liaison to convey their requests. Staff are supervised and directed by the Manager, and he should be informed of the requests.
- Staff asked Council to promote the use of the project page on the Town's website for updates. Sometimes Council Members seek detailed information without checking that resource first.

- Requests for information (RFI's) sometimes focus on minutia. It is hard for staff to devote time to respond to all requests. Council can be unaware of the time required to fully respond to inquiries.
- Mayor's advice is for Council Members to share accomplishments -to-date on projects, not to convey future timelines (or make promises) since circumstances can be subject to change.
- Council requests need to go through the Manager. Avoid direct contact with staff, that disrespects the chain of command.

Mayor Barbee adjourned the meeting at 3:30 p.m.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Tim Murphy

**DEPARTMENT:** Parks and Rec

**MEETING:** Town Council Meeting 2/14/2023

**SUBJECT:** Events Update by Tim Murphy

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**BACKGROUND:**

Tim Murphy will give an update on the upcoming events.

**ACTION REQUESTED:**



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley, Town Manager

**DEPARTMENT:** Executive

**MEETING:** Town Council 2/14/2023

**SUBJECT:** Manager's Update

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**BACKGROUND:**

Town Manager Bruce Oakley will give an update on current and future projects.



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council – February 14<sup>th</sup>, 2023

**SUBJECT:** **Text Amendment** to amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art, VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVII. – Definitions to create standards for Event Venues.  
Applicant: Michael Urti

### BACKGROUND:

The applicant, Michael Urti, is proposing a text amendment to allow for event venues as a use in the Central Business District. Currently the Zoning Ordinance does not address event venues as a permitted use and there are no similar uses or use standards in the existing ordinance that would apply.

### Proposal:

Staff worked with the applicant to come up with language to define the use and the associated standards that would apply. The text amendment consists of defining the event venues and defining the existing meeting facilities use. The existing meeting facilities use has been associated with uses such as the masonic lodge and senior center. Event Venues will be defined as commercial establishments with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings.

Wilmington, New Hanover County, and Wrightsville Beach all approve event venues and event centers through a conditional zoning approval process. The conditional zoning process allows for additional public input and the opportunity for specific conditions to be placed on the use. If adopted, Event Venues would be permitted only through Conditional Zoning. The applicant requested that event venues be permitted in the CBD, staff also suggests the Highway Business District. Event Venues would have the same parking requirements as eating and drinking establishments. The text amendment clarifies the waiver of parking requirements in the CBD if there are enough public parking spaces, not just public parking lots, to allow for street parking to be included in the calculation. Event venues must comply with all ABC standards, abide by the



noise ordinance, and provide landscaping. The landscaping ordinance currently requires only the installation of a six-foot fence if a commercial use is adjacent to residential uses or districts. The proposed landscaping requirement states that uses in the CBD abutting residential districts shall provide a Type B, 10 foot, landscape buffer along the abutting side and rear yards. The purpose of additional landscaping is to protect the residential areas and mitigate concerns.

### **Land Use Plan**

The text amendment is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy, providing a family-friendly community, and promoting redevelopment. One of the goals of the Land Use Plan was to continue to support the central business district as a destination downtown with activities for families, residents, and visitors. Expanding opportunities for public activities, including events, should be pursued.

### **ACTION REQUESTED:**

Consider recommending approval or denial of the text amendment.

Staff recommends approval of the text amendment as proposed.

Planning and Zoning recommended approval of the text amendment as proposed.

### **MOTION:**

Approval – to amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions. to create standards for Event Venues.

Denial – the amendment to Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions. to create standards for Event Venues.



### PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

#### PETITIONER

Petitioner's Full Name: Michael Urti Phone #: ( 910 ) - 530 - 0843

Street Address: 515 Monroe Ave

City: Carolina Beach State: NC Zip: 28428

Email: michael.urti@nesetrealty.com

#### REQUESTED TEXT AMENDMENT

Town Code Section(s) Requested to be Amended:  
Article III Sec. 40-72. - Table of permissible uses

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach  
To allow wedding/event venues as a use in the CBD

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

**I understand that the \$350 fee for review is nonrefundable.**

Signature of Petitioner: Michael Urti Date: 12/07/2022



**ORDINANCE NO. 23-**

**Text Amendment: To amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-street Parking and loading requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions to create standards for Event Venues**

**Sec. 40-72. Table of permissible uses.**

P = Permitted.

CZ = May be permitted with conditional zoning

S = May be permitted by special use permit

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
<a href="#">Event Venue</a>									<a href="#">CZ</a>		<a href="#">CZ</a>			
Meeting Facilities	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P			P

**Sec. 40-150. Off-street parking standards.**

Types of Uses	Number of Required Parking Spaces
<b>Institutional uses</b>	
Meeting rooms/facilities <a href="#">and Event Venues</a>	See eating and drinking establishments
Eating and/or drinking establishments	1 per 110 square feet of indoor gross floor area (GFA). No parking shall be required for outdoor GFA if the establishment is located within 500 feet of <del>a</del> public parking <del>lot</del> <a href="#">spaces</a> . A 50% reduction in the parking requirement shall apply to outdoor GFA if the establishment is not within 500 feet of <del>a</del> public parking <del>lot</del> <a href="#">spaces</a> .

**Sec. 40-176. Buffer yard landscaping.**

- (b) *Required landscape; types.* It is required that buffer yards be landscaped by meeting the requirements of Type A–F set forth in subsection (b) of this section. Any side or rear yard that abuts a residential use or residential district shall provide for a six-foot fence with 80

percent opacity. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.

- (5) *Type E.* For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one understory tree with sidewalks or planters built within the sidewalk. Street yards located within the CBD shall include sidewalks with planting areas either adjacent to the curb or planters located within the sidewalk. In the central business district, sidewalks and tree plantings will be required for all new construction. Any side or rear yard that abuts a residential district shall provide for a Type B landscape buffer yard.

**Sec. 40-261. – Development standards for particular uses.**

(p) Event Venue

(1) On-premises alcohol sales are limited to the duration of the event and are subject to all requirements of the ABC Limited Special Occasion permit.

**Sec. 40-548. Definitions.**

Event Venue A commercial establishment, either indoors or outdoors, with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Includes convention centers, wedding and event venues, and other uses not included as part of meeting facilities.

Meeting facilities include community centers; lodges, fraternal, or social organizations; or religious assemblies.

\_\_\_\_\_  
Lynn Barbee, Mayor

Attest: \_\_\_\_\_

Kimberlee Ward, Town Clerk



# Text Amendment to allow for Event Venues

1. Amend Chapter 40 Sec 40-72 – to allow for Event Venues through Conditional Zoning.
2. Amend Chapter 40 Sec 40-150 – to allow for a reduction in off-street parking if the use is within 500 feet of adequate public parking spaces.
3. Amend Chapter 40 Sec 40-176 – to create additional landscaping standards in the CBD for properties adjacent to a residential district.
4. Amend Chapter 40 Sec 40-261 – to create development standards for the use.
5. Amend Chapter 40 Sec 40-548 – to create a definition of Event Venues and Meeting Facilities

Applicant: Michael Urti

# 1. Amend Chapter 40 Sec 40-72 – to allow for Event Venues through Conditional Zoning.

<b>USES OF LAND</b>	<b>R-1</b>	<b>R-1B</b>	<b>R-2</b>	<b>R-3</b>	<b>C</b>	<b>MH</b>	<b>MF</b>	<b>MX</b>	<b>CBD</b>	<b>NB</b>	<b>HB</b>	<b>MB-1</b>	<b>T-1</b>	<b>I-1</b>
<u>Event Venue</u>									<u>CZ</u>		<u>CZ</u>			
<b>Meeting Facilities</b>	CZ	CZ	CZ	CZ		CZ	CZ	CZ	P		P			P

- The applicant applied for Event Venues in the CBD – the use also could fit in the Highway Business District
- City of Wilmington, New Hanover County, and Town of Wrightsville Beach all approve Event Venues through a conditional zoning or special use permit process

# 2. Amend Chapter 40 Sec 40-150 – to allow for a reduction in off-street parking if the use is within 500 feet of adequate public parking spaces.

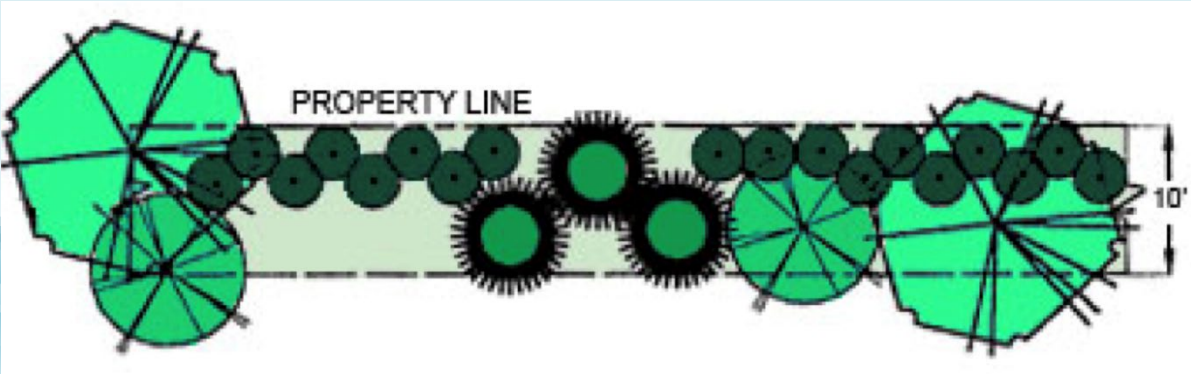
*Sec. 40-150 (c) Waiver of parking requirements in the central business district. Where properties are located within the CBD, parking requirements may be waived if public parking spaces adequate to meet the requirement are located within 500 feet of the use.*

Types of Uses	Number of Required Parking Spaces
<b>Institutional uses</b>	
<b>Meeting rooms/facilities and Event Venues</b>	See eating and drinking establishments
<b>Eating and/or drinking establishments</b>	1 per 110 square feet of indoor gross floor area (GFA). No parking shall be required for outdoor GFA if the establishment is located within 500 feet of a public parking <del>lot</del> <u>spaces</u> . A 50% reduction in the parking requirement shall apply to outdoor GFA if the establishment is not within 500 feet of a public parking <del>lot</del> <u>spaces</u> .

### 3. Amend Chapter 40 Sec 40-176 – to create additional landscaping standards in the CBD for properties adjacent to a residential district.

(b) *Required landscape; types.* It is required that buffer yards be landscaped by meeting the requirements of Type A—F set forth in subsection (b) of this section. Any side or rear yard that abuts a residential use or residential district shall provide for a six-foot fence with 80 percent opacity. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.

(5) *Type E.* For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one understory tree with sidewalks or planters built within the sidewalk. Street yards located within the CBD shall include sidewalks with planting areas either adjacent to the curb or planters located within the sidewalk. In the central business district, sidewalks and tree plantings will be required for all new construction. Any side or rear yard that abuts a residential district shall provide for a Type B landscape buffer yard.





# 4. Amend Chapter 40 Sec 40-261 – to create development standards for the use.

## (p) Event Venue

(1) On-premises alcohol sales are limited to the duration of the event and are subject to all requirements of the ABC Limited Special Occasion permit.



# 5. Amend Chapter 40 Sec 40-548 – to create a definition of Event Venues and Meeting Facilities

Event Venue A commercial establishment, either indoors or outdoors, with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Includes convention centers, wedding and event venues, and other uses not included as part of meeting facilities.

Meeting facilities include community centers; lodges, fraternal, or social organizations; or religious assemblies.

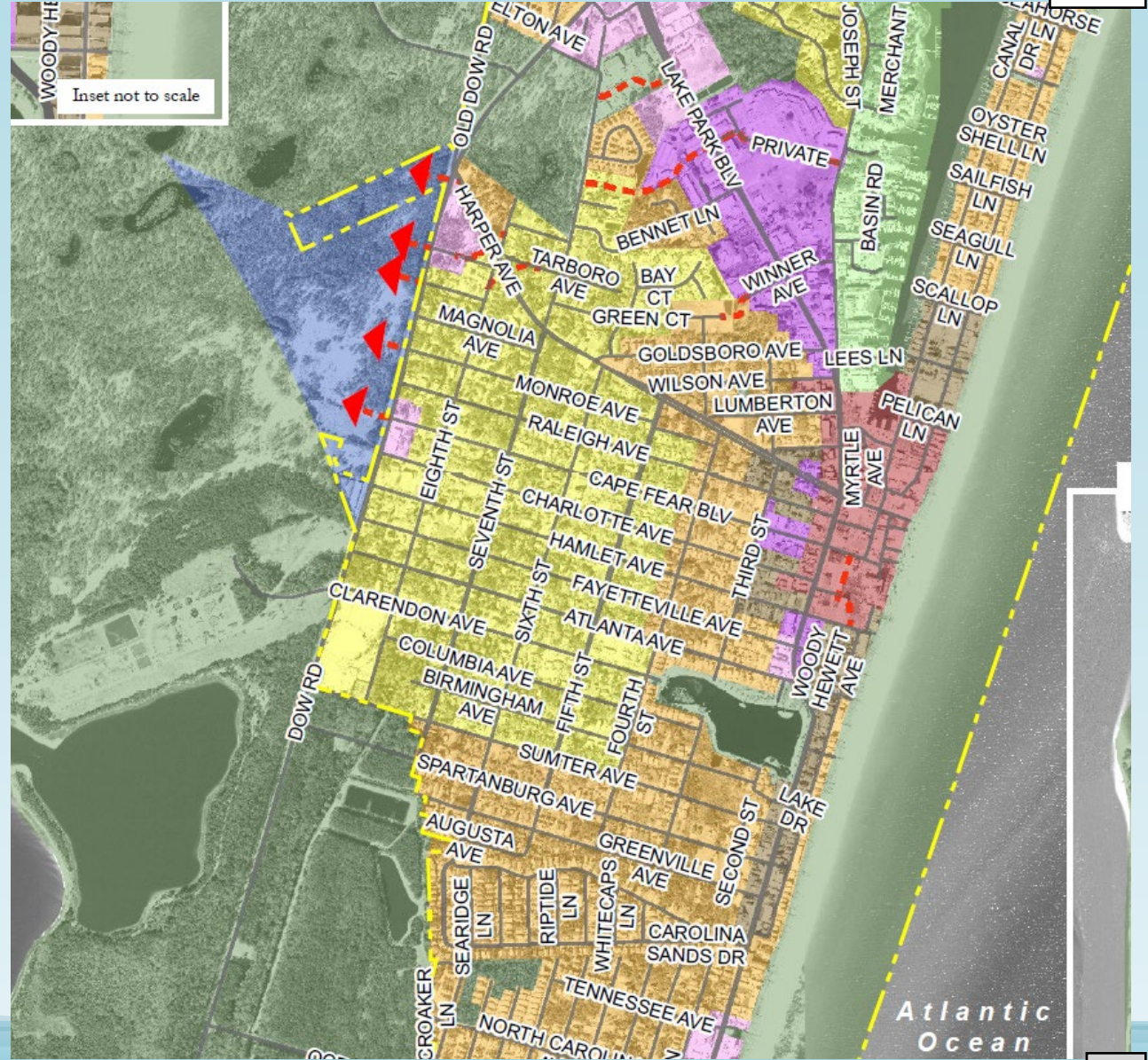


## Land Use Plan Consistency

General Conformity with the Land Use Plan by promoting:

1. Healthy year-round economy
2. Family-friendly community
3. Redevelopment

Continuing to support the Central Business District as a destination downtown with activities for families, residents, and visitors.



# Motion

## Approval

- The Commission, Whereas in accordance with the provisions of the NCGS, does hereby find and determine that the adoption of the following ordinance amendment to Amend Chapter 40, Art. III. – Zoning District Regulations, Art. V.- Off-street Parking and loading requirements; Parking, Art. VI – Landscaping the Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. Definitions to create standards for Event Venues is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or
- Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents.
- Further Direction/Discussion

# Kindred...an Event Venue

Presented by Common Ground Holdings LLC

# Project Overview

The Deckhouse building is a portrait in the landscape of the community. Our intention is to re-energize the property to further compliment the ever changing CB Landscape while creating a destination for regional Public and Private Events.

# Why?

## NURTURE UNTAPPED POTENTIAL

- Innovate growth in the community in a way that aligns with what we as locals desire (i.e not another row of condos)
- It is an avant-garde idea for a solution to an unmet need.
- Kindred is responding to the changing needs of the community in an innovative and low impact way

## REFLECT AND AMPLIFY COMMUNITY IDENTITY

- Kindred reflects the community by contributing to the strong sense of “place” CB provides
- By weaving a unique ambiance and charm into the Deckhouse, we will amplify CB culture.

## LEVERAGE ENTREPRENEURIAL SPIRIT

- We have a vested interest in the community
- Influential/ play a significant role in supporting the community
- Philanthropic track record of giving our time and resources to the community

# Concerns

- **Parking:** We will have over 55 parking spaces based upon the existing structure's sq.ft. and we intend to remove about 1,500 - 2,000 sq.ft. of the existing structure.
- **Noise:** We intend to adhere to all noise ordinances as determined by the town within the CBD Zoning. In addition, we will direct all noise toward Lake Park Blvd.
- **Lighting:** Down-lighting and ambient lighting will be use to create a unique vibe while keeping light pollution to a minimum.
- **Tourists Parking:** Complaints about tourists parking back past 3rd street in front of residences has been an existing issue. It's close to the beach and it's free! This is not new and this will not be exacerbated by our venue.



# MX to CBD Re-Zoning

209 Charlotte Ave

Presented by Common Ground Holdings LLC

# Overview

- Former Deckhouse Restaurant land located at 205 and 209 Charlotte Avenue do not have cohesive zoning.
- 205 Charlotte is CBD Zoning while 209 Charlotte Ave is MX Zoning.
- 205 Charlotte Ave (CBD) at .44 acres accounts for 61% of the total Deckhouse land. Majority of what we are purchasing already has the CBD Zoning.

# Why?

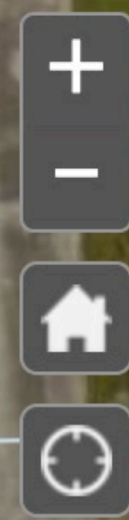
- From a business standpoint, creating cohesive operation between the two parcels for one business becomes more challenging with different zoning.
- Events will not be limited to the interior of the building only. We have aspirations of creating an outdoor courtyard/atrium that would expand the event space outside. Noise ordinances will be followed.
- Without having cohesive zoning, we will constantly have to be cognizant of “going over the survey line” where the usage and zoning changes.
- CBD zoning will allow a variance on our on-site parking requirements as we could use the public parking (both private and town operated) for our parking requirements.
  - We don't intend to remove all on-site parking, but even if we utilize a small footprint of the parking lot for the atrium/courtyard, it would remove 5-10 spots and put us below the on site requirement.

# Zoning Defined

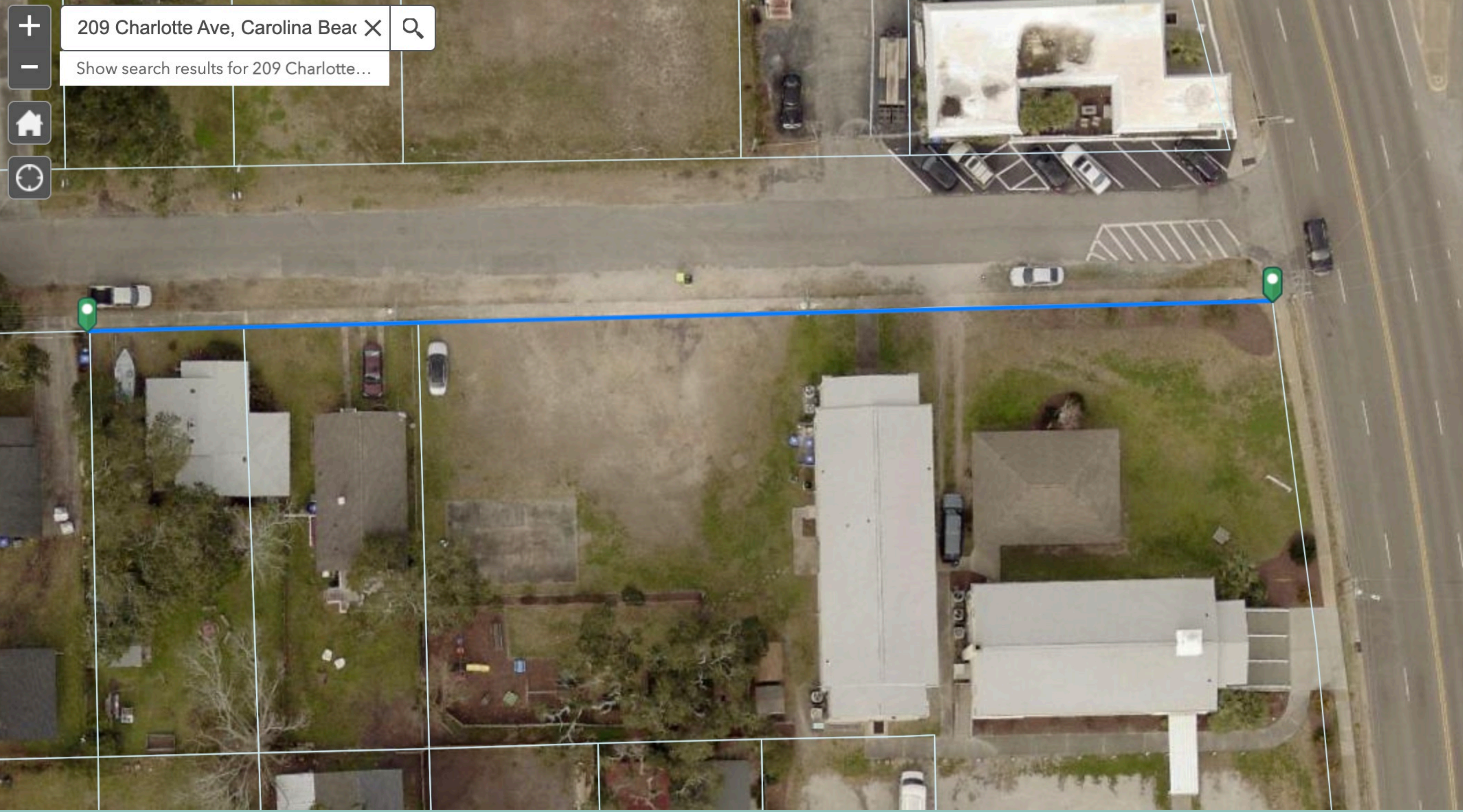
- **CBD:** This district is established to accommodate, protect, rehabilitate and maintain the traditional central business district and boardwalk area of the Town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism.,
- **MX Transitional District:** This district is established to provide for an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of Town and the quiet residential areas and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas.
  - Already allows for 17 units per acre mixed use residential/commercial development, Big Box shopping center (CZ), restaurants/eateries, retail sales...



Pink Denotes CBD Zoning  
Purple MX Zoning  
Tan R-1 Zoning



209 Charlotte Ave, Carolina Beach X  
Show search results for 209 Charlotte...



Measurement



Feet

Measurement Result

350.8 Feet

Clear

Press CTRL to enable snapping



209 Charlotte Ave, Carolina Bear X

Show search results for 209 Charlotte...

Measurement

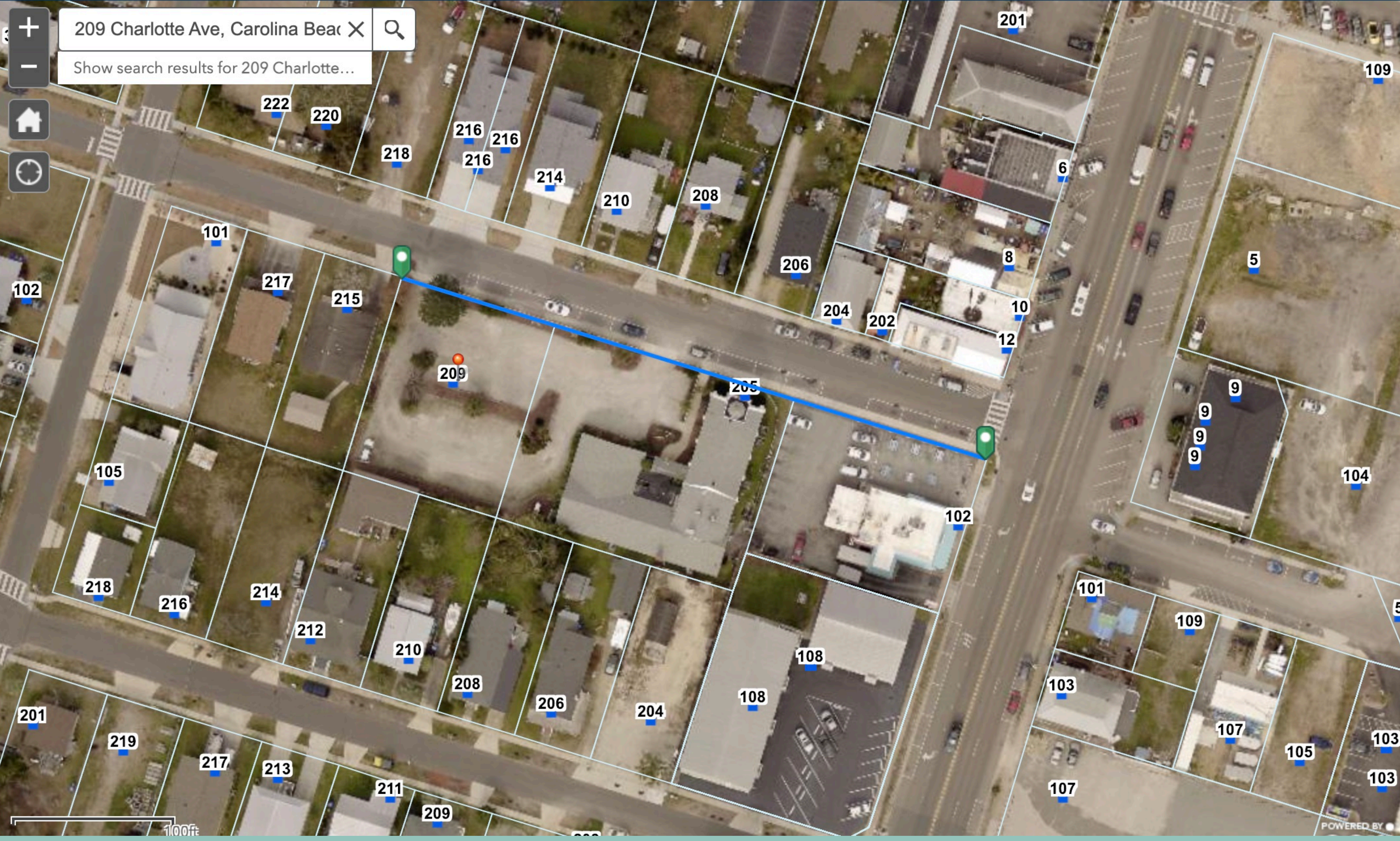
Feet

Measurement Result

# 379.3 Feet

Clear

Press CTRL to enable snapping



# Section 40-150: Section C

*Purpose.* The purpose of this section is to:

- (1) Provide off-street parking standards which will alleviate traffic congestion in the streets and promote safe and unrestricted traffic flow;
- (2) Provide for the efficient storage of vehicles while minimizing the detrimental effects of off-street parking on adjacent properties;
- (3) Control the impacts of stormwater drainage and soil erosion and promote visual enhancement through adequate landscaping; and
- (4) Ensure the proper and adequate development of off-street parking throughout the Town and its environs.

(b) *Applicability.* The off-street parking standards contained herein shall apply to all new buildings and uses, change of ownership and uses, and expansions, additions and renovations to existing structures and uses.

**(c) Waiver of parking requirements in the central business district. Where properties are located within the CBD, parking requirements may be waived if public parking SPACES adequate to meet the requirement are located within 500 feet of the use.**

(d) Off-street parking space schedule.

**- Source Town of Carolina Beach Code of Ordinances**



# Inconsistent Verbiage: Section 40:150 : Section D

<p>Eating and/or drinking establishments</p> <p><b>Section 40:150 : Section D</b></p>	<p>1 per 110 square feet of indoor gross floor area (GFA). No parking shall be required for outdoor GFA if the establishment is located within 500 feet of a public parking lot. A 50% reduction in the parking requirement shall apply to outdoor GFA if the establishment is not within 500 feet of a public parking lot</p>
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## AGENDA ITEM COVERSHEET

**PREPARED BY:** Gloria Abbotts, Sr Planner

**DEPARTMENT:** Planning &  
Development

**MEETING:** Town Council – February 14<sup>th</sup>, 2023

**SUBJECT:** **Zoning Map Amendment** to consider a request to rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD).  
Applicant: Michael Urti

### **BACKGROUND:**

The applicant, Michael Urti, has submitted a petition to consider rezoning 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD) Zoning. The neighboring property to the east is under the same ownership and is currently in the CBD. The applicant is requesting to combine both properties. The applicant has requested the rezoning because as the property owner of both parcels of land and operating under one business entity, they would like to see the same zoning apply to 209 Charlotte Ave, so all business-related decisions and operations fall under the same zoning guidelines.

For consistency and for the purpose of redevelopment it is best practice for the entirety of a property to be within the same zoning district. Redevelopment of the property would require the recombination of the property. One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Sec. 40-45 (attachment 1) of the zoning ordinance. Previously 209 Charlotte Avenue existed as the parking lot for the previous Deckhouse restaurant at 205 Charlotte Avenue. Kate's Pancakes restaurant is East of the property, there are 5 residential uses across the street, and 5 residential uses to the rear of the property.

### **History:**

205 Charlotte was constructed as the Carolina Beach Presbyterian Church in 1945. The property then operated as the Steeple Restaurant from 1985-1994. In 1994 a Conditional Use Permit was granted for the property to be used as a Mixed Use Facility (restaurant, lounge, retail shops) operating as J. Council's French American Restaurant. The Deck House Restaurant opened in 1998 and closed in September 2022. The 1984 Zoning Ordinance and Zoning Map had both properties, 205 and 209 Charlotte in the B-1: Central District. In 2000, 205 Charlotte was rezoned to CBD and

209 Charlotte was rezoned to MX. The five platted lots have been under the same ownership since 1985 when the property was operating as the Steeple Restaurant.

**District Purpose and Permitted Uses:**

The MX, Mixed Use Transitional District is established to provide for an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of Town and the quiet residential areas and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas. Permitted uses include a mixture of single-family homes, two-family dwellings, and small-scale office and institutional uses. Small hotels and motels and multifamily housing of modest density and size may also be permitted in this district.

The CBD, Central Business District is established to accommodate, protect, rehabilitate, and maintain the traditional central business district and boardwalk area of the Town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism. The regulations of this district are intended to encourage the use of the land for concentrated development of permitted uses while maintaining a substantial relationship between land uses and the capacity of the Town’s infrastructure.

The Mixed Use District does allow for certain business uses like standard restaurants and eateries, general retail, offices, and mixed use commercial-residential but does not allow for more intense uses like bars and taverns, or commercial parking lots. A complete list of the uses allowed in both districts is shown on Attachment 2. The MX district is considered residential, and residents must abide by the standards of the noise ordinance for residential areas of a daytime level of 65dB(A) between the hours of 7:00am and 11:00pm, and the nighttime level of 55dB between the hours of 11:00pm and 7:00am. The Commercial district allows for a 75dB(A) daytime level between 7:00am and 11:00pm, and 65 dB(A) between the hours of 11:00pm and 7:00am, except on Friday and Saturday, the daytime levels shall remain in effect until midnight.

**Dimensional Standards:**

<i>Zoning District</i>	<i>Primary Permitted Uses</i>	<i>Min. Lot Size</i>	<i>Min. Lot Width<sup>5</sup></i>	<i>Min. Front Yard</i>	<i>Min. Rear Yard</i>	<i>Min. Side Yards (Corner Lot-Min 12.5 ft.)<sup>5</sup></i>	<i>Max. Density</i>	<i>Max. Height</i>	<i>Max. Lot Coverage</i>
MX	Mixed Use	5,000 sq. ft.	50 ft.	20 ft.	10 ft. <sup>3</sup>	7.5 ft. <sup>3</sup>	17 units/acre	50 ft.	40%

CBD	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential use or district	None, or same as abutting residential use or district	NA	50 ft. <sup>4</sup>	None
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The MX Zoning District requires setbacks and has a maximum lot coverage in all areas throughout the district. Much of the CBD has no setback or lot coverage requirement. Although the dimensional standards for both districts are different, properties in the CBD areas must have a rear and side setback that is the same as the residential zoning district it abuts. Landscaping standards are also required if a CBD parcel is adjacent to residential to mitigate the transition between the business and residential use.

**Land Use Plan**

The property is shown on the Future Land Use Map in the High Density Residential / Light Commercial Character Area. Primarily attached, multi-story residential units located within walking distance of activity centers and/or the waterfront. Structures are condominiums and apartments, often used as vacation and rental units. Limited commercial may also be acceptable at select locations if the context is appropriate. 205 Charlotte is shown within the Downtown Business Area. This is the boardwalk commercial area and central recreation district of town. 3-4 story buildings maintain a pedestrian-scaled environment with active ground floor uses; residential and other uses permitted above. Highly walkable with limited on-street parking. NCGS 160D states that if a zoning map amendment is adopted and the action was deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending any future land-use map in the approved plan, and no additional request or application for a plan amendment is required.

**ACTION REQUESTED:**

Consider recommending approval or denial of a zoning map amendment to rezone 209 Charlotte Avene from the MX zoning district to the CBD.

Staff recommends approval of the rezoning as proposed.

Planning and Zoning recommends approval of the rezoning as proposed.

**MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the Zoning Map Amendment for 209 Charlotte Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

A statement approving the proposed Zoning Map Amendment and declaring that this also amends the plan, to meet the vision of the community taken into consideration in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and the potential impacts on the surrounding areas.

**ATTACHMENTS:**

1. Sec. 40-75. Rules for interpretation of district boundaries.
2. Sec. 40-72. Table of permissible uses.

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## ATTACHMENT 1

### Sec. 40-45. Rules for interpretation of district boundaries.

The Zoning Administrator shall decide the exact location of any zoning district boundary lines whenever uncertainty exists about the boundary lines shown on the official zoning maps, subject to appeal to the board of adjustment provided for in article XVI of this chapter. The determination of the exact location of a zoning district boundary shall be based upon the following rules:

- (1) Boundaries indicated as approximately following or within a street, alley, or railroad right-of-way, or utilities (electrical, gas, water main, etc.) easement shall be construed to be in the center of such right-of-way easement;
- (2) Boundaries indicated as following shore lines shall be construed to follow such shorelines, and, in the event of change in the shorelines, shall be construed as moving with the actual shoreline; boundaries indicated as approximately following the centerlines of streams, rivers, creeks, or other bodies of water shall be construed as following such centerlines;
- (3) Boundaries indicated as approximately following plotted lot lines shall be construed as following such lot lines;
- (4) Boundaries indicated as approximately following Town limits shall be construed as following Town limits; and
- (5) Boundaries indicated as parallel to or extension of features indicated in subsections (1), (2), (3) and (4) of this section shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map.
- (6) In the event that a district boundary line on the zoning map divides a platted lot held in one ownership on the date of passage of the ordinance from which this chapter is derived, each part of the lot so divided shall be used in conformity with the district in which such part is located.

(Code 1986, app. A, § 2.3; Ord. No. 00-463, 10-10-2000)

**ATTACHMENT 2**

**Sec. 40-72. Table of permissible uses.**

P = Permitted.

CZ = May be permitted with conditional zoning

S = May be permitted by special use permit

USES OF LAND	MX	CBD
<b>Residential Uses</b>		
Two-family dwellings	P	
Manufactured home, on standard, single-family lot (See section 40-261)		
Multifamily dwellings (See section 40-260) Units <= 4	P	
Multifamily dwellings (See section 40-260) Units > 4	CZ	
Planned unit development, residential (See article XII of this chapter) Units <= 4	P	
Planned unit development, residential (See article XII of this chapter) Units > 4	CZ	
Single-family detached	P	
Attached single-family residential	P	
<b>Accessory Uses</b>		
Accessory uses and structures, including garages, carports, etc. (See sections 40-261, 40-548)	P	P

Home occupations, customary (See sections 40-261, 40-548)	P	P
Swimming pools, private (See sections 40-261, 40-548)	P	
Swimming pools, public (See sections 40-261, 40-548)	CZ	CZ
<b>Nonresidential Uses</b>		
Adult entertainment establishment (See sections 40-261, 40-548)		
Aircraft takeoff and landing zone (See sections 40-261, 40-548)	Prohibited	
Animal care facility		
Animal care facility with outdoor area (See section 40-261)		
Arcades, rides, games in enclosed buildings		P
Art galleries (See section 40-548)	P	P
Auctions sales		P
Automobile repair garages, including engine overhauls, body and paint shops and similar operations in enclosed buildings (See sections 40-261, 40-548)		
Automobile service stations and convenience stores		P
Bakeries, retail, off-premises sales		



Bakeries, retail, on-premises sales only		P
Banks/financial institutions		P
Barber shops		P
Bed and breakfast inn (See section 40-261)	CZ	CZ
Boat and personal water craft (PWC) sales and rental		P
Body piercing facility		
Bus terminal		P
Cafeteria or dining room for employees of permitted uses		
Car wash (See section 40-548)		
Cemeteries, public and private (See section 40-261)		
Churches/places of worship/parish houses	CZ	P
Commercial indoor recreation, such as bowling alleys, etc.		
Commercial outdoor recreation, such as miniature golf, golf driving ranges, par-3 golf courses, go carts and similar enterprises (See section 40-261)		
Contractors offices, no outdoor storage		P
Day nurseries, day care centers and preschools (See sections 40-261, 40-548)	CZ	CZ

Distillery		P
Drop-in child care providers (See sections 40-261, 40-548)	P	P
Dwelling for caretaker on premises where employed		
Drive-in/thru facility		
Dry stack storage facilities		
Ear piercing Facility		
Eating and/or drinking establishments (See section 40-261)		
Bars and taverns (See section 40-261)		CZ
Standard restaurants and eateries	P	P
Exhibition buildings		CZ
Exterminator service business offices, no outdoor storage of materials or equipment		P
Fire stations, emergency services, nonprofit	CZ	CZ
Fishing piers; public and private		P
Funeral homes		P
Furniture stores		
Gardens, arboretums and greenhouses, items for sale		P
General retail sales	P	P
Government/Public facilities and utilities (See section 40-261)	P	P
Ice-cream stores	P	P

Laundries and dry cleaning, delivered by customers		P
Laundromats, self-service		P
Libraries	P	P
Live entertainment complexes in enclosed buildings		CZ
Manufacturing incidental to retail business, sold on premises only, maximum of five manufacturing operators		P
Marinas, docks and/or piers, private		
Marinas, docks and/or piers, public or commercial		P
Medical and dental clinics	P	P
Meeting facilities	CZ	P
Mixed use commercial-residential (See section 40-261)	P	P
Motels and hotels	CZ	CZ
Motels and hotels, operated with a marina		
Multi-use facility	P	P
Municipal parking decks		P
Museums		P
Nursery, garden and landscaping, display and sales		
Offices, public, private or civic	P	P

Outdoor amusements, carnival and rides		CZ
Parking lot, commercial— permanent (See section 40-261)		P
Parking lot, Town operated (See section 40-261)	P	P
Private parking decks		CZ
Parking and loading areas serving uses in the same zoning district, on same or contiguous lot (See article V of this chapter)	P	P
Parking and loading areas serving uses in the same zoning district, on non-contiguous lot (See article V of this chapter)	CZ	P
Pet shops and pet supply stores		P
Photographic studio	P	P
Planned unit development, business (See article XII of this chapter)		CZ
Post offices		P
Postal mailing services, commercial		P
Printing/reprographics		P
Radio, computer, television and appliance repairs and rental service		P
Rental of any item, the sale of which is		P

permitted in the district		
Rental of golf carts, mopeds, and scooters (See section 40-261)*	P	P
Repair of any item, the sale of which is permitted in the district		P
Rooming house	Prohibited	
Schools, commercial for specialized training		P
Schools, public	CZ	CZ
Schools, private, general instruction	CZ	CZ
Seafood production and/or processing and/or dockage, wholesale and retail		
Shopping centers/big box	CZ	CZ
Spa health club		P
Studios, artist, designers, gymnasts, musicians, sculptures	CZ	P
Tailor shops	P	P
Tattoo studios (See sections 40-261, 40-548)		
Telephone exchange		P
Tennis courts, commercial (See section 40-261)		CZ
Tennis courts, private (See section 40-261)	CZ	CZ
Theaters, in enclosed structure		P
Theaters, open air drama		CZ
Trailer, business		CZ

Trailer park, travel (See section 40-548)		
Trailer, temporary construction (See section 40-261)	P	P
Utilities, private (See section 40-261)	CZ	P
Vehicle sales lot and rental lot (See section 40-261)		
Water oriented businesses		CZ
Wholesale sales		P
Wine and beer shops (Retail/Off-Premise)		P
Wireless telecommunications facilities	See article X of this chapter	
<b>Manufacturing, Assembly and Processing (See section 40-261)</b>		
Beverages, bottling works		
Breweries (See section 40-261)		P
Flammable liquid storage, >1,000 gallons aboveground only (See section 40- 261)		
General assembly and repair		
Ice manufacture, sales and storage		
Manufacturing and assembly, processing, and packaging, except those uses identified in section 40-261		
Planned development, industrial		

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Sign painting and sign fabrication		
Storage yard, outdoor (See section 40-261)		
Recreational vehicle/boat storage, yard (See section 40-261)		
Towing service impound yard		
Warehouses, storage. Large and mini		
Woodworking shops		

\* **Note:** Rental of these items may be permitted in the designated zoning districts as an accessory use to other permitted commercial uses if parking and other standards can be met.



# PETITION FOR A ZONING MAP AMENDMENT

**IMPORTANT:** Supplementary information required as part of petition to be included:

**Completed rezoning petition.** For general use requests: The petition must be signed by the petitioner. Proof of compliance with GS 160A-383 regarding third party notification is required.

**Adjacent Property Owners Map.** A copy of the area as depicted on the Zoning Map which shows subject property (outlined in bold) and other surrounding properties within 100 feet of the subject property. Please label the names of the property owners directly affected by the zoning map amendment and those adjacent to or within 100 feet (excluding right-of-way) of the request.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for the schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

- Minor Rezoning (\$350)                      Rezoning of property less than 1 acre in size.
- Major Rezoning (\$625)                      Rezoning of property one acre or greater in size.

### Petitioner

Petitioner's Full Name: Michael Urti Phone #: (910) - 530 - 0843

Street Address: 515 Monroe Ave

City: Carolina Beach State: NC Zip: 28428

Email: michael.urti@nestrealty.com

### Requested Zoning Map Change

Address(s) of Requested Site: 209 Charlotte Ave, Carolina Beach, NC 28428

Property Identification Numbers (PIN) R09006-032-015-000

Acreage/Sq. Ft: 12501 sqft Existing Zone: MX Requested Zone: CBD

Signature of Petitioner: Michael Urti Date: 12/07/2022

#### PURPOSE OF ZONING DISTRICTS

The petitioner seeks to show that the fundamental purposes of zoning as set forth in the N.C. enabling legislation would be best served by changing the zoning classification of the property. Among the fundamental purposes of zoning are: (1) to lessen congestion in the streets; (2) to provide adequate light and air; (3) to prevent the overcrowding of land; (4) to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; (5) to regulate in accordance with a comprehensive plan; (6) to avoid spot zoning; and (7) to regulate with reasonable consideration to the character of the district, the suitability of the land for particular uses, the conservation of the value of buildings within the district and the encouragement of the most appropriate use of the land throughout the Town.



# PETITION FOR A ZONING MAP AMENDMENT

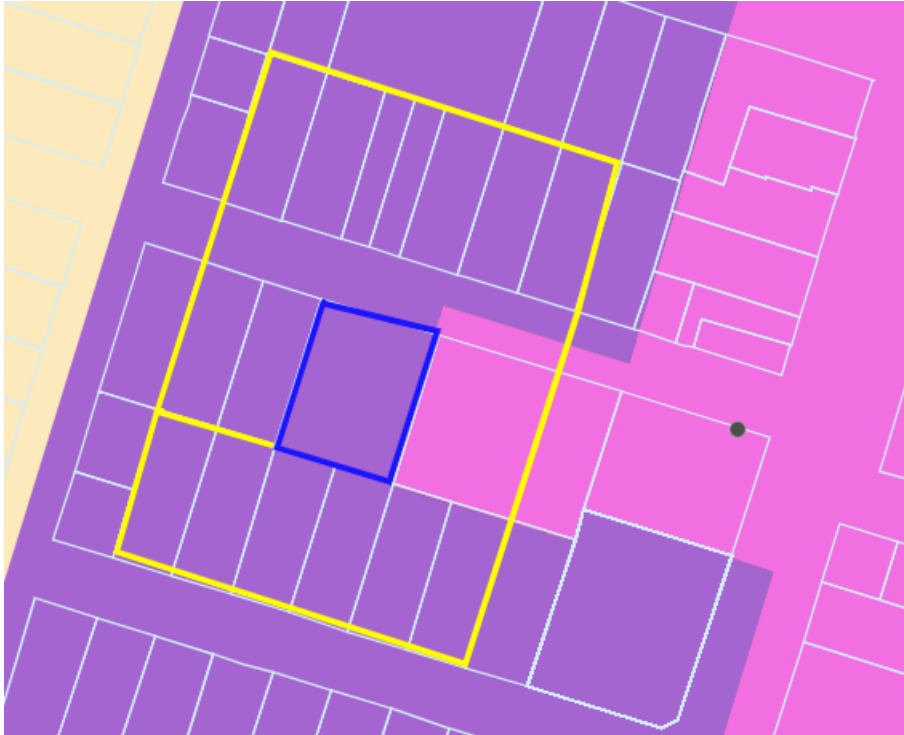
**PETITIONER’S STATEMENTS:** This section is reserved for the petitioner to state factual information in support of the rezoning request. Any comments should be typed or written in block print on a separate piece of paper.

1. Please state the consistency of the proposed zoning map amendment with the Town’s Land Use Plan and any other applicable *Town*-adopted plan(s).
2. Please describe the compatibility of the proposed rezoning with the *property* and surrounding area.
3. Please discuss the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.
4. Please explain the public need for additional land to be zoned to the classification requested.
5. Please discuss the impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.
6. Please include a description of the existing zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards).
7. Include any additional arguments on behalf of the map amendment requested.

### REQUIRED OWNER INFORMATION

The following are all of the persons, firms, property owners, associations, corporations, entities or governments owning property adjacent to and within one hundred feet (excluding right-of-way) of the property sought to be rezoned. Please include New Hanover County PINs with names, addresses and zip codes. Indicate if property is owned by a condominium property owners association. Please complete ownership information in the boxes below. If you need additional space, please copy this form.

Name	Street Address	City/State/Zip	NHC. PIN
Grayson Clinard	208 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-008-000
Adrian Rodriguez	210 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-007-000
Beachwalk Development	214 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-027-000
John/Amy Doeller	216 Charlotte Ave, B	Carolina Beach,NC 28428	R09006-025-028-000
Ocan Pearl Properties	216 Charlotte Ave, A	Carolina Beach,NC 28428	R09006-025-006-000
Russo Rentals	218 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-005-000
Jacqueline McCarter	215 Charlotte Ave	Carolina Beach,NC 28428	R09006-032-016-000
Tony Sabetti	217 Charlotte Ave	Carolina Beach,NC 28428	R09006-032-001-001
BellSouth Telecommunications	220 Charlotte Ave	Carolina Beach,NC 28428	R09006-025-004-000
Brian/Elizabeth Fodrey	206 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-009-000
Eric Chanh	208 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-008-000
Steve/Sandra West	210 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-007-000
Timothy Brewington	212 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-006-000
Dean Carpenter	214 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-005-000
Wylie Kiser	216 Hamlet Ave	Carolina Beach,NC 28428	R09006-032-004-000



**PETITIONER'S STATEMENTS:** This section is reserved for the petitioner to state factual information in support of the rezoning request. Any comments should be typed or written in block print on a separate piece of paper.

- 1) Please state the consistency of the proposed zoning map amendment with the Town's Land Use Plan and any other applicable Town-adopted plan(s).
  - a. We are simply asking to recombine 205 and 209 Charlotte Ave to be CBD. As adjoining properties for the same business, 205 Charlotte is currently zoned CBD as it takes up the majority of the property. We would like for 209 Charlotte Ave to reflect the same zoning as it is currently being utilized under 205 Charlotte Ave.
- 2) Please describe the compatibility of the proposed rezoning with the property and surrounding area.
  - a. It is compatibility with the CBD zoning due to its location to the immediate proximity to the CBD and its adjoining property's (205 Charlottes) zoning already being CBD.
- 3) Please discuss the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.
  - a. Benefits: 1) Enables the entire property as a whole to function and operate under the same zoning while under one business entity.
  - b. Detriment: 1) The CBD would extend 100ft west into the mixed use district.
- 4) Please explain the public need for additional land to be zoned to the classification requested.
  - a. This will allow us, as property and business owners of both 205 and 209 Charlotte to utilize all benefits of CBD under one business entity.
- 5) Please discuss the impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.
  - a. No additional known impacts

- 6) Please include a description of the existing zoning patterns (zoning districts including overlay districts) and existing built environment (densities, building heights, setbacks, tree cover, buffer yards).
  - a. It is consistent that general zoning of the surrounding properties are CBD and MX zoning.
- 7) Include any additional arguments on behalf of the map amendment requested.
  - a. As the property owner of both parcels of land and operating under one business entity, we would like to see the same zoning apply to 209 Charlotte Ave so all business related decisions and operations fall under the same zoning guidelines.

**AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF**

The undersigned owner, Bob Kramer, does hereby appoint David Matthew Hamlet, Michael Urti to act on my behalf for the purpose of petitioning the Town of Carolina Beach for: a) an amendment to the text regulations; b) a change to the zoning map; and/or c) street closing, as applicable to the property described in the attached petition. The owner does hereby covenant and agree with the Town of Carolina Beach that said person has the authority to do the following acts for and on behalf of the owner: (1) To submit a proper petition and the required supplemental materials: (2) To appear at public meetings to give testimony and make commitments on behalf of the owner; and (3) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition. This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 12/5/2022

Appointee's Name, Address & Telephone:

David Matthew Hamlet  
1414 Snapper Lane, Carolina Beach, NC 28428  
434-942-7411

Signature of Owner:

*Bob Kramer*  
dotloop verified  
12/07/22 4:47 PM EST  
EFLL-82JB-FYCE-AOXN

### ATTACHMENT

### ORDINANCE NO. \_\_\_\_\_

The Town Council of the Town of Carolina Beach hereby amends the Zoning Ordinance, *Article 2 Zoning Districts and Map* to modify the zoning map as follows:

Rezone 209 Charlotte Ave (12,501 sq. ft.) PIN 3130-44-5779.000 from MX to CBD.



Adopted this 14<sup>th</sup> day of February 2023.

\_\_\_\_\_  
Lynn Barbee, Mayor

Attest: \_\_\_\_\_  
Kim Ward, Town Clerk

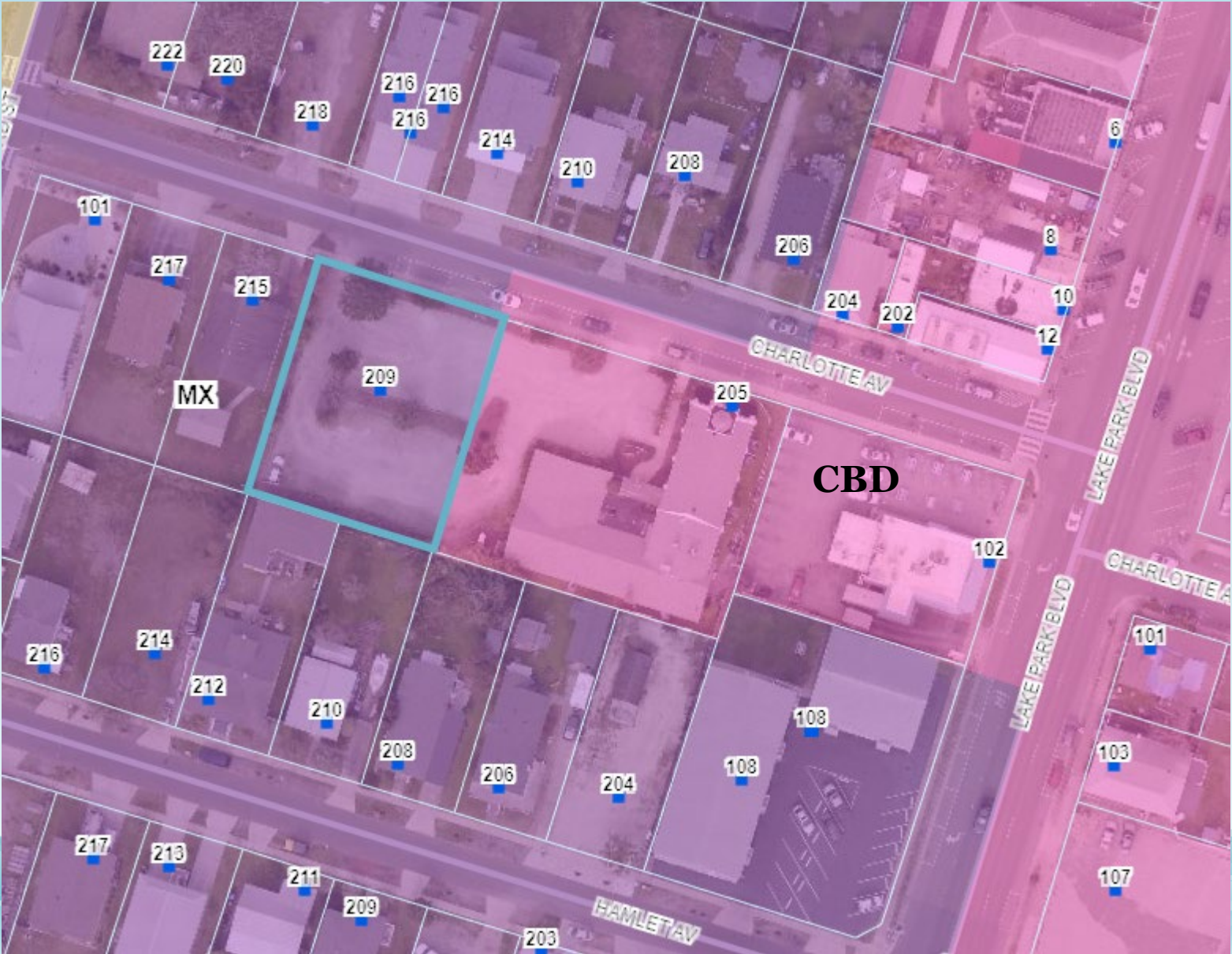


# Zoning Map Amendment to consider a request to rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD)

Applicant: Michael Urti



# Proposed Rezoning



- Rezoning of 209 Charlotte – parking lot for previous Deck House
- 2 parcels under the same ownership
  - Total of 5 platted lots
    - 3 for building
    - 2 for parking lot

# History/redevelopment

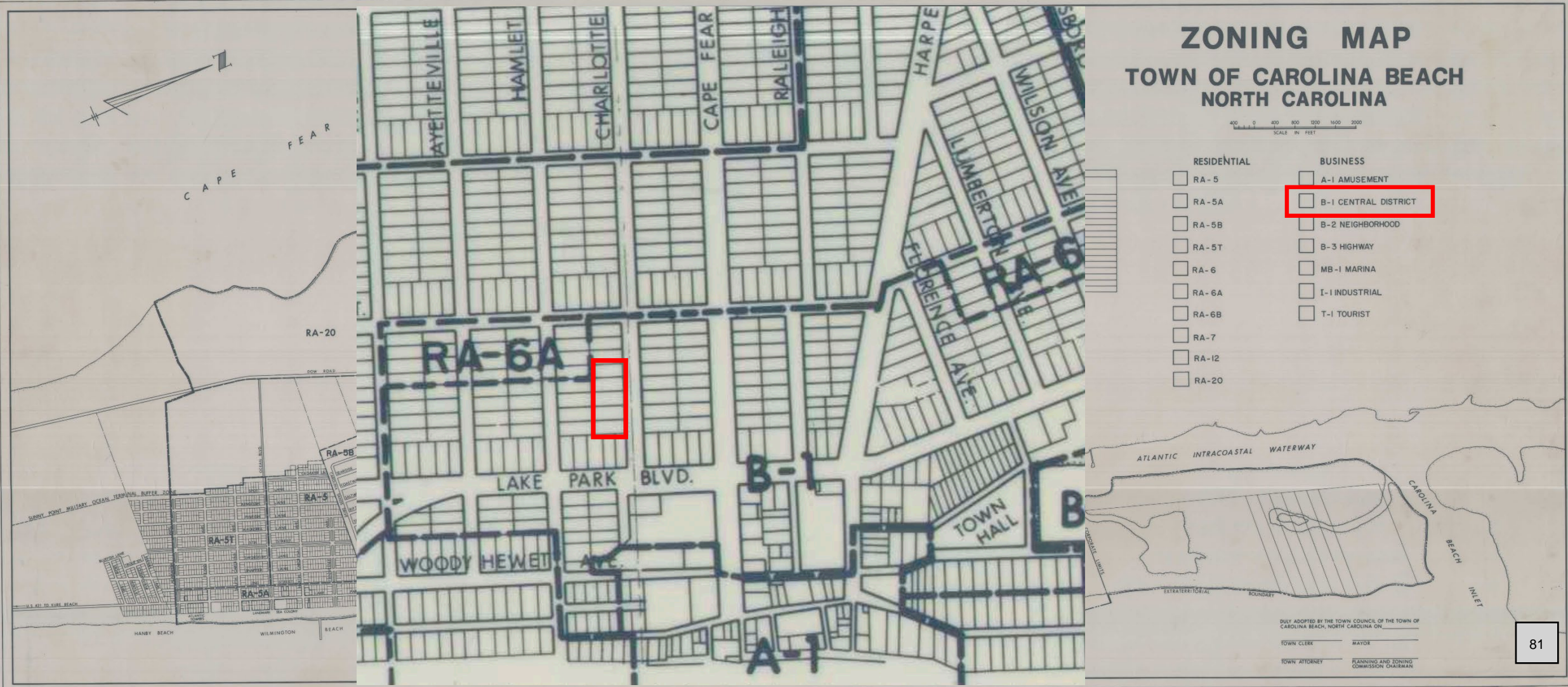
- Constructed as the Carolina Beach Presbyterian Church in 1945
- Steeple Restaurant 1985 – 1994
- J. Council’s French American Restaurant – CUP for Mixed Use Facility (restaurant, lounge, retail shops) Granted in 1994
- Deck House Restaurant opened in 1998 and closed in September 2022



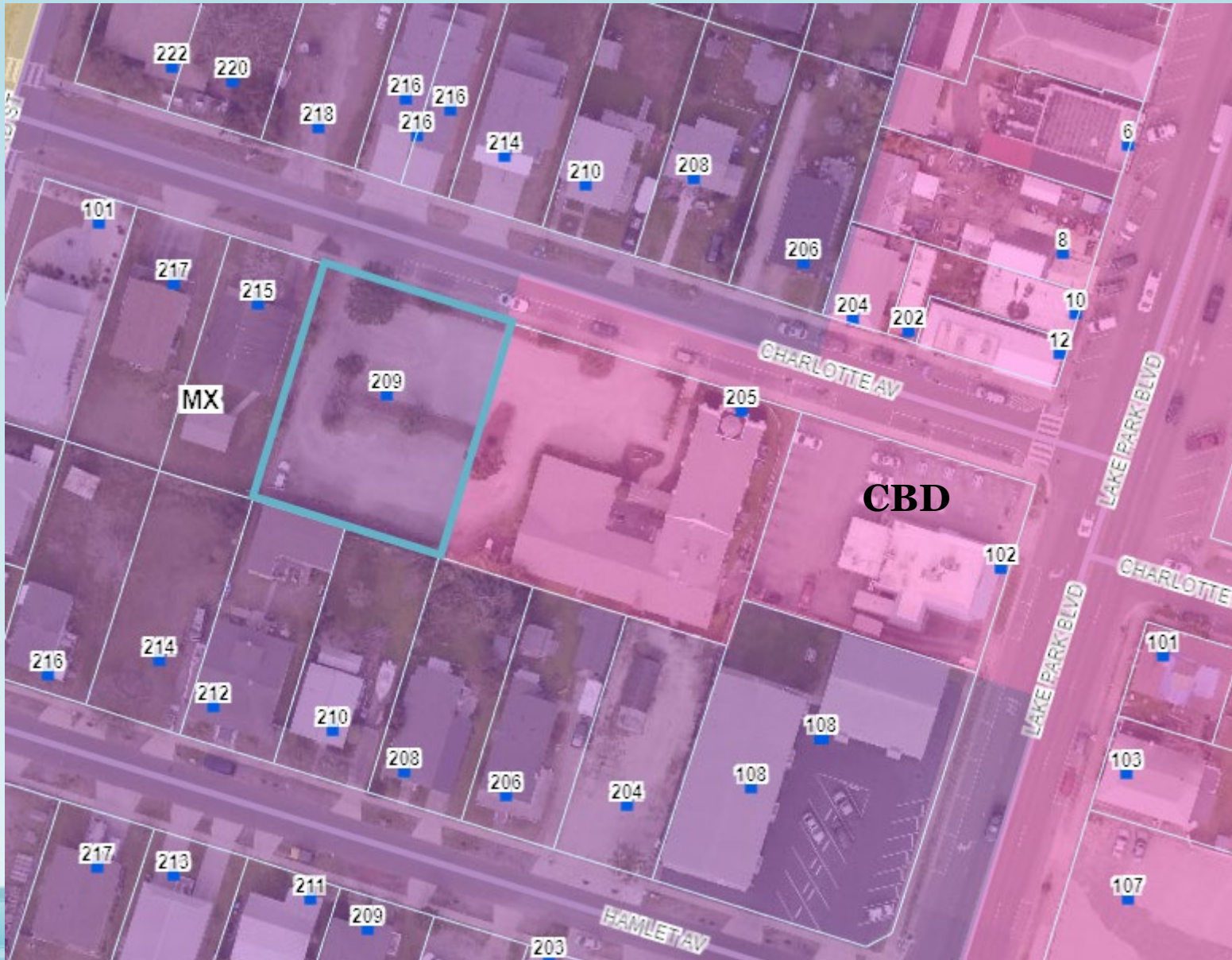


# Historical Zoning Designation

- Rezoned in 2000 to CBD and MX Item 8.
- 1984 Ordinance & Zoning Map – both properties in B-1: Central District



# 209 Charlotte



- MX
  - Established to provide for an area of transitional land uses between intensified districts or elements and residential districts.
  - Mixed land uses between the intensive, commercial, central part of Town and the quiet residential areas.
  - Mixture of single-family, two-family, small-scale office, and institutional uses.



# 205 – Charlotte

CBD

- Established to accommodate, protect, rehabilitate, and maintain the traditional central business district and boardwalk area of the Town.
- Includes retail, business, office, professional financial, entertainment, and tourism.
- Intended to encourage the use of land for concentrated development of permitted uses.

# Surrounding uses

Item 8.



# Surrounding Uses – Charlotte Ave

Item 8.



# Surrounding Uses – Hamlet Ave

Item 8.



# Dimensional standards

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width <sup>5</sup>	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) <sup>5</sup>	Max. Density	Max. Height	Max. Lot Coverage
<b>MX</b>	Mixed Use	5,000 sq. ft.	50 ft.	20 ft.	10 ft. <sup>3</sup>	7.5 ft. <sup>3</sup>	17 units/acre	50 ft.	40%
<b>CBD</b>	Commercial Uses and Services, Entertainment	None	None	None	None, or same as abutting residential use or district	None, or same as abutting residential use or district	NA	50 ft. <sup>4</sup>	None

- MX has setback and lot coverage requirements.
- CBD has no setback and lot coverage requirements unless directly adjacent to residential use or district. Landscaping standards required if adjacent to residential use.

# Permitted uses

\*\*Residential uses only permitted in CBD with Mixed-Use Development Item 8.

Permitted in both MX & CBD		Permitted only in CBD	
Accessory uses and structures, including garages, carports, etc	Multi use facility	Arcades, rides, games in enclosed buildings	Live entertainment in enclosed buildings
Home occupations	Offices	Auction sales	Manufacturing
Public Swimming pools	Parking and loading areas	Automobile service stations and convenience stores	Commercial marinas
Art galleries	Rental of golf carts, mopeds, and scooters	Bakeries, retail, on-premise sales only	Municipal & private Parking Decks
Bed and breakfast inn	Schools	Banks/financial institutions	Museums
Churches	Shopping centers/big box	Boat and personal watercraft sales and rental	Outdoor amusements
Day nurseries/day care centers and preschools	Studios	Bus terminal	Permanent parking lot
Drop in childcare providers	Tailor shops	Contractors offices, no outdoor storage	Per shops
Standard restaurants and eateries		Distillery	Business PUD
Fire stations		Bars and taverns	Post office
General retail sales		Exhibition buildings	Radio, computer, tv, and appliance repairs and sales
Government/public facilities		Exterminator services, no outdoor storage	Schools for specialized training
Ice cream stores		Fishing piers	Spa health club
Libraries		Funeral homes	Tennis court
Medical and dental clinics		Gardens, arboretums and greenhouses, items for sale	Theaters
Meeting facilities		Laundromats	Business trailer
Mixed Use			Water oriented business
Motels and hotels			Wholesale sales
			Wine and beer shops
			Breweries



# Land Use Plan

- 209 Charlotte is shown on the FLUM in the High Density Residential / Light Commercial Character Area.
- 205 Charlotte is shown in the Downtown Business Area.
- Character areas were drawn to reflect the 2000 Zoning Map



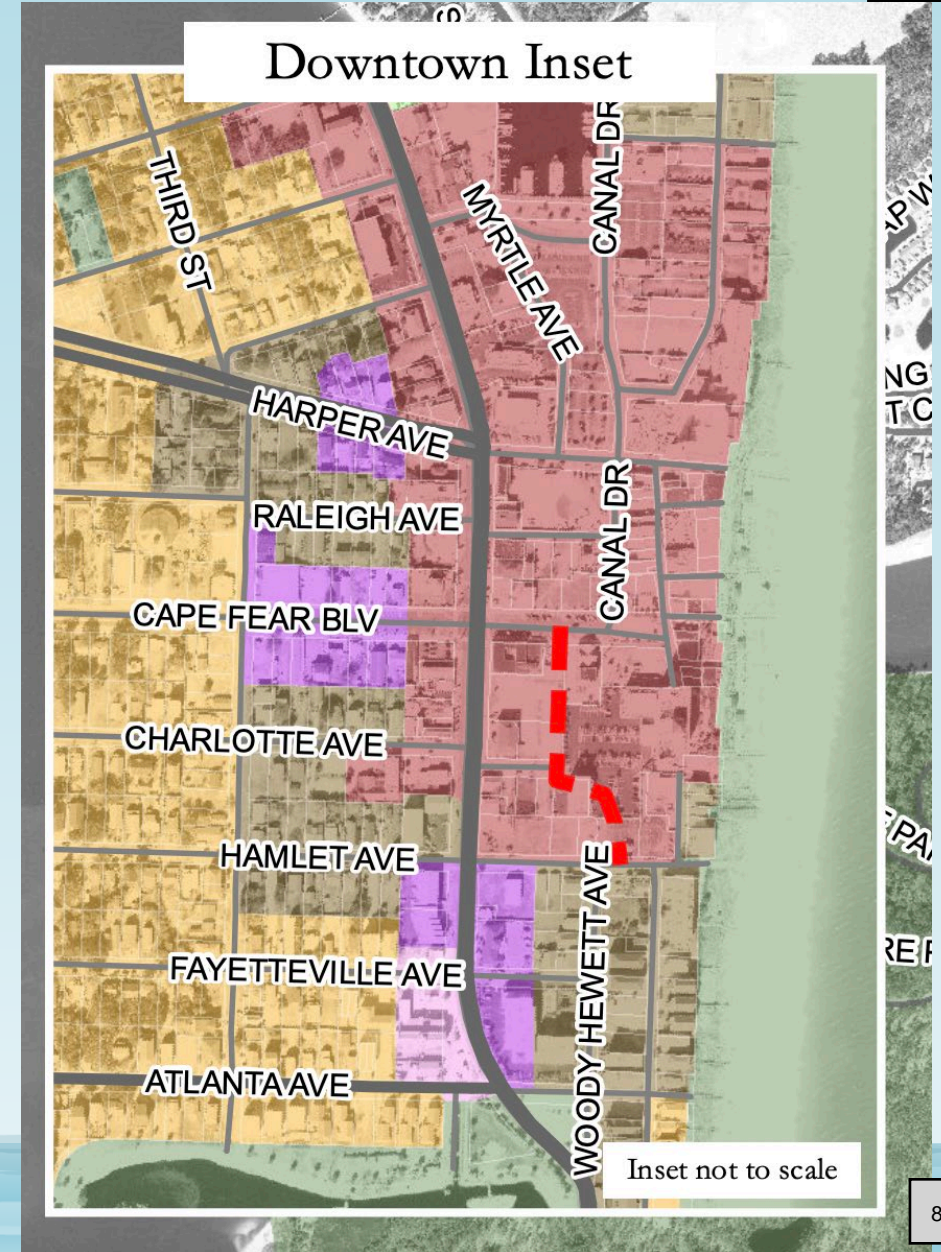
### High Density Residential / Light Commercial

Primarily attached, multi-story residential units (up to four stories) located within walking distance of activity centers and/or the waterfront. Structures are condominiums and apartments, and are often used as vacation and rental units. Streets move automobiles and pedestrians efficiently. Limited commercial may also be acceptable at select locations if the surrounding context is appropriate. Some single family structures may also persist.



### Downtown Business Area

This is the boardwalk commercial area and central recreation district of town. 3-4 story buildings maintain a pedestrian-scaled environment with active ground floor uses; residential and other uses permitted above. Highly walkable with limited on-street parking.



# Land Use Plan Consistency Statement

NCGS 160D states that if a zoning map amendment is adopted and the action is deemed inconsistent with the adopted plan, the zoning amendment has the effect of also amending the future land use map.

# Motion

- Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Zoning Map Amendment for 209 Charlotte Avenue 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 approved conditions.
- A statement approving the proposed Zoning Map Amendment and declaring that this also amends the Land Use Plan, to meet the vision of the community taken into consideration in the zoning amendment.
- Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents and the potential impacts on the surrounding areas.
- Staff recommends approval of the zoning map amendment and land use plan amendment.

# Kindred...an Event Venue

Presented by Common Ground Holdings LLC

# Project Overview

The Deckhouse building is a portrait in the landscape of the community. Our intention is to re-energize the property to further compliment the ever changing CB Landscape while creating a destination for regional Public and Private Events.

# Why?

## NURTURE UNTAPPED POTENTIAL

- Innovate growth in the community in a way that aligns with what we as locals desire (i.e not another row of condos)
- It is an avant-garde idea for a solution to an unmet need.
- Kindred is responding to the changing needs of the community in an innovative and low impact way

## REFLECT AND AMPLIFY COMMUNITY IDENTITY

- Kindred reflects the community by contributing to the strong sense of “place” CB provides
- By weaving a unique ambiance and charm into the Deckhouse, we will amplify CB culture.

## LEVERAGE ENTREPRENEURIAL SPIRIT

- We have a vested interest in the community
- Influential/ play a significant role in supporting the community
- Philanthropic track record of giving our time and resources to the community

# Concerns

- **Parking:** We will have over 55 parking spaces based upon the existing structure's sq.ft. and we intend to remove about 1,500 - 2,000 sq.ft. of the existing structure.
- **Noise:** We intend to adhere to all noise ordinances as determined by the town within the CBD Zoning. In addition, we will direct all noise toward Lake Park Blvd.
- **Lighting:** Down-lighting and ambient lighting will be use to create a unique vibe while keeping light pollution to a minimum.
- **Tourists Parking:** Complaints about tourists parking back past 3rd street in front of residences has been an existing issue. It's close to the beach and it's free! This is not new and this will not be exacerbated by our venue.

# MX to CBD Re-Zoning

209 Charlotte Ave

Presented by Common Ground Holdings LLC



# Overview

- Former Deckhouse Restaurant land located at 205 and 209 Charlotte Avenue do not have cohesive zoning.
- 205 Charlotte is CBD Zoning while 209 Charlotte Ave is MX Zoning.
- 205 Charlotte Ave (CBD) at .44 acres accounts for 61% of the total Deckhouse land. Majority of what we are purchasing already has the CBD Zoning.

# Why?

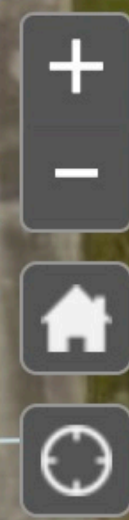
- From a business standpoint, creating cohesive operation between the two parcels for one business becomes more challenging with different zoning.
- Events will not be limited to the interior of the building only. We have aspirations of creating an outdoor courtyard/atrium that would expand the event space outside. Noise ordinances will be followed.
- Without having cohesive zoning, we will constantly have to be cognizant of “going over the survey line” where the usage and zoning changes.
- CBD zoning will allow a variance on our on-site parking requirements as we could use the public parking (both private and town operated) for our parking requirements.
  - We don't intend to remove all on-site parking, but even if we utilize a small footprint of the parking lot for the atrium/courtyard, it would remove 5-10 spots and put us below the on site requirement.

# Zoning Defined

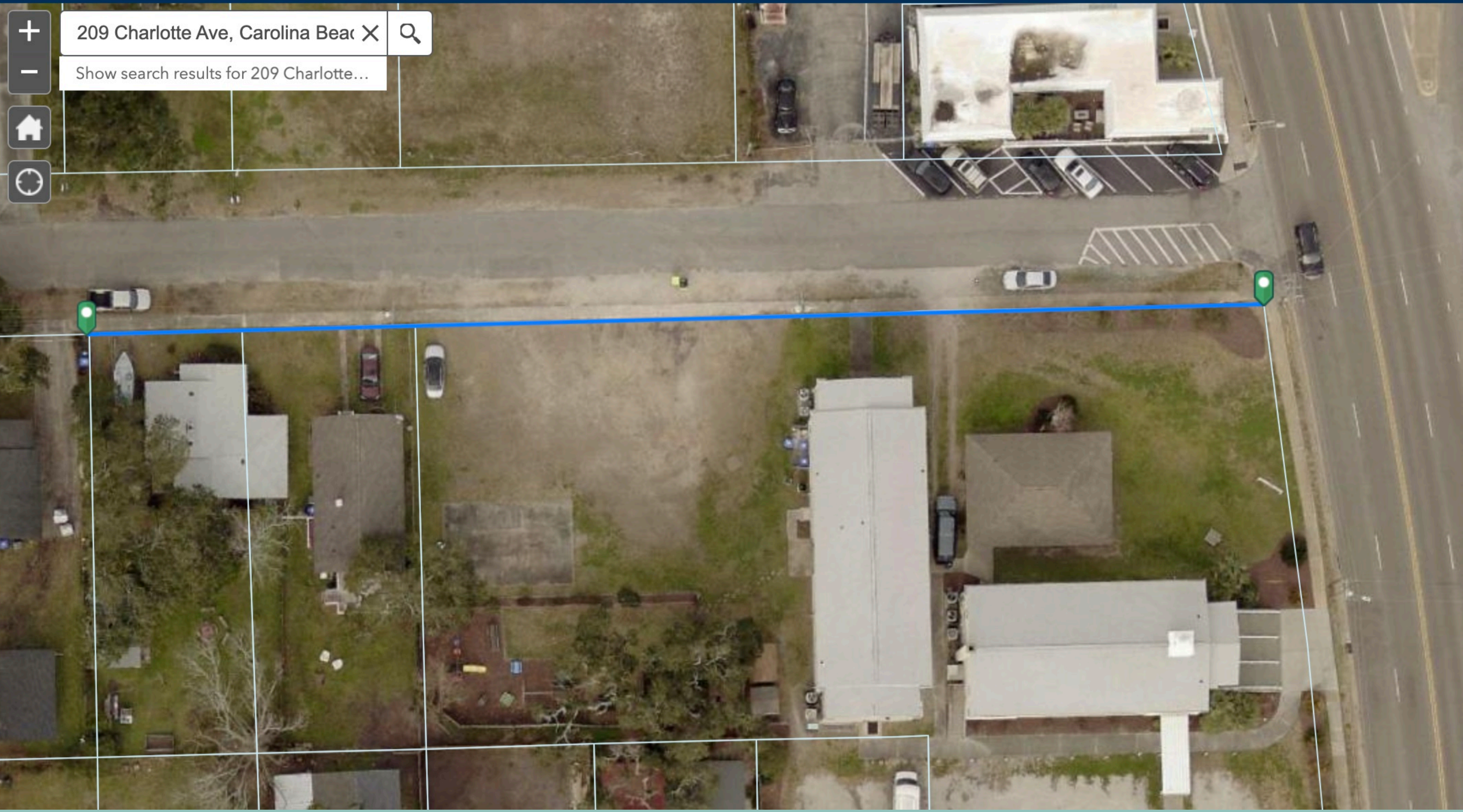
- **CBD:** This district is established to accommodate, protect, rehabilitate and maintain the traditional central business district and boardwalk area of the Town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism.,
- **MX Transitional District:** This district is established to provide for an area of transitional land uses between intensified use districts or elements and residential districts. This district includes an area of mixed land uses between the intensive, commercial, central part of Town and the quiet residential areas and may also be employed as a transitional area between busy major thoroughfares and quieter residential areas.
  - Already allows for 17 units per acre mixed use residential/commercial development, Big Box shopping center (CZ), restaurants/eateries, retail sales...



Pink Denotes CBD Zoning  
Purple MX Zoning  
Tan R-1 Zoning



209 Charlotte Ave, Carolina Beach X  
Show search results for 209 Charlotte...



Measurement

Feet

Measurement Result

# 350.8 Feet

Clear

Press CTRL to enable snapping



209 Charlotte Ave, Carolina Bear X  
Show search results for 209 Charlotte...

Measurement

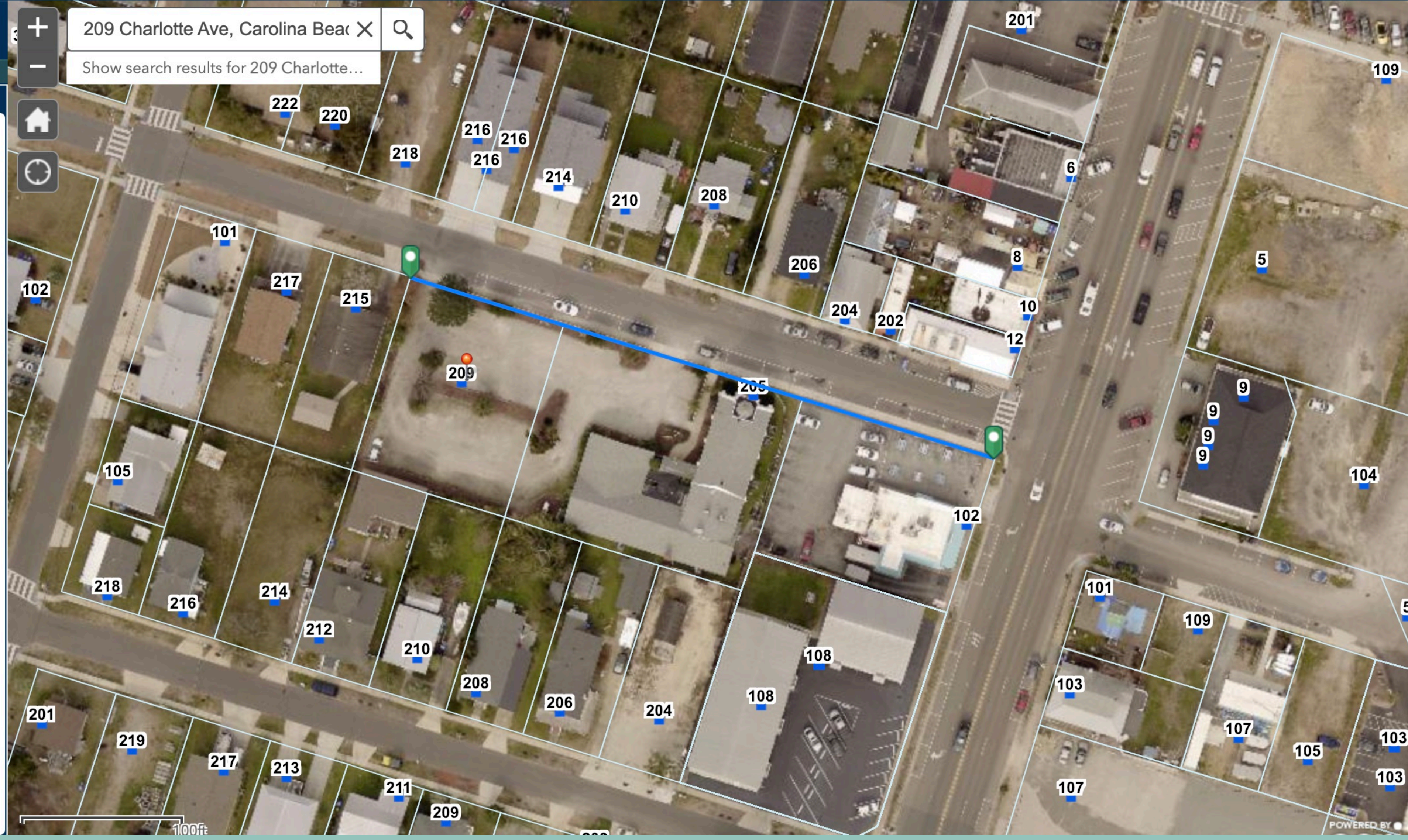


Measurement Result

379.3 Feet

Clear

Press CTRL to enable snapping



# Section 40-150: Section C

*Purpose.* The purpose of this section is to:

- (1) Provide off-street parking standards which will alleviate traffic congestion in the streets and promote safe and unrestricted traffic flow;
- (2) Provide for the efficient storage of vehicles while minimizing the detrimental effects of off-street parking on adjacent properties;
- (3) Control the impacts of stormwater drainage and soil erosion and promote visual enhancement through adequate landscaping; and
- (4) Ensure the proper and adequate development of off-street parking throughout the Town and its environs.

(b) *Applicability.* The off-street parking standards contained herein shall apply to all new buildings and uses, change of ownership and uses, and expansions, additions and renovations to existing structures and uses.

**(c) Waiver of parking requirements in the central business district. Where properties are located within the CBD, parking requirements may be waived if public parking SPACES adequate to meet the requirement are located within 500 feet of the use.**

(d) Off-street parking space schedule.

**- Source Town of Carolina Beach Code of Ordinances**

# Inconsistent Verbiage: Section 40:150 : Section D

Eating and/or drinking establishments

**Section 40:150 : Section D**

1 per 110 square feet of indoor gross floor area (GFA). No parking shall be required for outdoor GFA if the establishment is located within 500 feet of a public parking lot. A 50% reduction in the parking requirement shall apply to outdoor GFA if the establishment is not within 500 feet of a public parking lot





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council 2/14/2023

**SUBJECT:** Discussion on Planning and Zoning Member Terms for 2023

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**BACKGROUND:**

Council will discuss if they want to extend the current Planning and Zoning member term limits while they are working on the Unified Development Ordinance.



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Ed H. Parvin

**DEPARTMENT:** Executive

**MEETING:** Town Council 02/14/2023

**SUBJECT:** Enforcement recommendations

### **BACKGROUND:**

In Fall of 2022 the Town agreed to reduce fees associated with parking violations. Since then, the Town has changed vendors to reduce cost and increase customer service. Unfortunately, the new vendor cannot accommodate the 2 part reduction as originally adopted.

### **ACTION REQUESTED:**

To accommodate the changes and simplify the process without impacting the vision for offering discounts for early payment the staff recommends:

Remove the:

- 50% reduction after 24 hours and
- 25% reduction after 48 hours.

Add:

- Allow the 50% reduction for the full 48 hours.

### **RECOMMENDED MOTION:**

Recommend adoption of the attached proposed text amendment to the rates and fees schedule.

ATTACHMENT

Amendment to the Town's Rates and Fees Schedule

ATTACHMENT

Amend the Town's rates and fees schedule within the budget ordinance to allow for a 50% reduction in parking citations if they are paid within 48 hours.

~~Payment within 24 hours results in 50% off of all violations~~

Payment within 48 hours results in 50% 25% off of all violations

Non-Payment Penalty - additional fees charged after 15 calendar days (i.e. for a \$100 fine the total due = \$150)

Non-Payment Penalty - additional fee charged after 30 calendar days (i.e. for a \$100 fine the total due = \$200)



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council 2/14/2023

**SUBJECT:** Consider the Police Advisory Committee's Request to Change Their Meeting Time from 7pm to 6pm

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**BACKGROUND:**

Council Member LeCompte will present the request from the Police Advisory Committee to change their meeting time from 7:00 p.m. to 6:00 p.m.

**BACKGROUND:**

Council will vote to approve/deny the request to change the meeting time from 7pm to 6pm on the first Monday of each month.

**MOTION:**

Motion to approve the meeting time change from 7pm to 6pm.