

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, July 11, 2023 – 6:00 PM

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



AGENDA

CALL TO ORDER

INVOCATION AND PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

CONSENT AGENDA

- [1.](#) Amend the Capital Project Fund for Starfish Lane Dock
- [2.](#) Budget Transfers
- [3.](#) Set a public hearing for August 8, 2023, to consider a text amendment to amend Chapter 40, Art. V Off-street parking and loading requirements; Parking and Art. XVII. Definitions for Historically Significant Buildings. Applicant: Paul and Erika Tully (dba, Neapolitan)
- [4.](#) Approval of Council Meeting Minutes

SPECIAL PRESENTATIONS

- [5.](#) Events Update by Tim Murphy
- [6.](#) Presentation by the CB Mural Project Committee
- [7.](#) 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

- [8.](#) **Map Amendment** to rezone 601 Augusta Ave from Conservation (C) to Residential (R-1B) zoning district. Applicant: Parris Stratton

- 9. Text Amendment** to amend Chapter 40, Sec. 40-72. Table of permissible uses, Sec. 40-261. – Development standards for particular uses, and Sec. 40-548. Definitions to amend standards for Event Venue / Bars. Applicant: Town of Carolina Beach

- 10. Conditional Zoning** to consider an Event Venue / Bar at 205 Charlotte Avenue in the Central Business District (CBD). Applicant: Kindred Carolina Beach, LLC

ITEMS OF BUSINESS

COUNCIL COMMENTS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 7/11/2023

SUBJECT: Amend the Capital Project Fund for Starfish Lane Dock

BACKGROUND:

This ordinance will increase the Town’s matching funds for the NC Public Beach and Coastal Waterfront Access Grant to replace and improve the dock at Starfish Lane.

Starfish Lane Grant	Original Grant	Match Increase	Total Budget
Grant funds	131,250.00		131,250.00
Matching funds	43,750.00	4,555.45	48,305.45
Totals	175,000.00	4,555.45	179,555.45

The funds will be appropriated from the General Fund fund balance.

ACTION REQUESTED:

Approval of Ordinance No. 23-1207

**ORDINANCE NO. 23-1207
AN ORDINANCE TO AMEND THE GENERAL FUND BUDGET TO CREATE A
PROJECT FUND FOR STARFISH LANE IMPROVEMENTS PROJECTS**

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 the Starfish Lane Improvements Capital Project by establishing the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
64-630-074	Capital Over \$10,000	\$ 175,000.00	\$ <u>179,555.45</u>	+\$4,555.45
TOTAL			\$ 179,555.45	

SECTION TWO:

That the Fiscal Year 2022-2023 Budget for the Town of Carolina Beach is hereby amended to include the revenue associated with the Starfish Lane Improvements Capital Project by establishing the following General Fund Capital Project Ordinance:

<u>Account Code</u>	<u>Description</u>	<u>Previous</u>	<u>Amended</u>	<u>Changed</u>
64-350-000	Transfer from General Fund	\$ 43,750.00	\$ 48,305.45	+\$4,555.45
64-396-000	Public Beach Access Grant	\$ 131,250.00	\$ <u>131,250.00</u>	+\$.00
TOTAL:			\$ 179,555.45	

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 11th day of July, 2023.

Albert L Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 7/11/2023

SUBJECT: Budget Transfers

BACKGROUND:

I have received several budget amendments and/or transfer requests. As you know, transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the amendments and/or transfers. I have also attached a copy of the supporting documentation for the appropriations.

Transfers:

Transfer \$5,127 from account 10-409-030 Vehicle Lease Payments GF to account 10-409-15 Debt Service GF to cover line-item shortage.

Transfer \$40 from account 30-409-030 Vehicle Lease Payments UF to account 30-409-15 Debt Service UF to cover line-item shortage.

Transfer \$1,000 from account 30-900-014 Travel & Training Stormwater to account 30-900-013 Electric Stormwater to cover line-item shortage.

Transfer \$16,000 from account 30-900-044 Temps Stormwater to account 30-900-045 Contract Services Stormwater to cover pump repairs.

Transfer \$18,000 from account 10-630-056 Beach Maintenance to account 10-630-074 Capital over \$10,000 Beach Maintenance to cover cost of Polaris Ranger.

Transfer \$3,000 from account 10-420-045 Contract Services Executive and \$8,500 from account 10-430-012 Printing & Publishing Clerk to account 10-420-022 M&O Equipment Executive to cover new computer equipment for Town Hall employees.

ACTION REQUESTED:

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

Memorandum

To: Bruce Oakley
From: Debbie Hall (Finance Department)
Date: 6/28/2023
Re: Budget Transfer

The following budget transfers are needed to cover line-item shortages:

\$5,127 from account 10-409-030 Vehicle Lease Payments to 10-409-015 Debt Service.

\$40 from account 30-409-030 Vehicle Lease Payments to 30-409-015 Debt Service

Regards,

Debbie Hall
Finance Director

debbie.hall

From: Brian Stanberry
Sent: Wednesday, June 28, 2023 1:28 PM
To: Debbie Hall
Subject: Budget Transfer Requests

Debbie,

I would like to request the following budget transfers to cover overages in accounts.

- \$1000 from 30-900-014 to 30-900-013 Electric
- \$16,000 from 30-900-044 to 30-900-045 Contract Services
- 18,000 from 10-630-056 to 10-630-074 Capital > \$10K

Let me know if you have any questions. Thank you.

Brian Stanberry
Director of Public Works
Town of Carolina Beach
910-458-8291 office
910-443-1837 mobile
brian.stanberry@carolinabeach.org



DISCLAIMER:
E-mail correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties

From: Sheila Nicholson
Sent: Wednesday, June 28, 2023 2:22 PM
To: Debbie Hall
Cc: Bruce Oakley; Kim Ward
Subject: Budget transfer request to cover cost of new computer equipment

In order to cover the cost of new computer equipment for Town Hall employees, I respectfully request the following budget transfers to account 10-420-022:

\$ 3,000.00 from 10-420-045
\$ 8,500.00 from 10-430-012

Please let me know if you have any questions.

Thank you,

Sheila P. Nicholson

Executive Assistant to the Town Manager
Town of Carolina Beach
sheila.nicholson@carolinabeach.org
(910)458-2995

DISCLAIMER:
E-mail correspondence to and from this address may be confidential and/or subject to the North Carolina Public Records Law and may be disclosed to third parties.



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning

MEETING: Town Council July 11th, 2023

SUBJECT: Set a public hearing for August 8th, 2023, to consider a text amendment to amend Chapter 40, Art. V Off-street parking and loading requirements; Parking and Art. XVII. Definitions for Historically Significant Buildings.

Applicant: Paul and Erika Tully (dba, Neapolitan)

BACKGROUND:

ACTION REQUESTED:

Adopt the consent agenda.

RECOMMENDED MOTION:



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council Meeting 7/11/2023

SUBJECT: Approval of Council Meeting Minutes

BACKGROUND:

Attached are the meeting minutes from June 13, 2023.

ACTION REQUESTED:

Review and consider approving under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, June 13, 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 Pastor Jonathan Bowling of Carolina Beach Presbyterian Church 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 approve 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. Annual Write-off of Outstanding Accounts Receivables
2. Budget Transfers
3. Resolution of Support for the Wilmington Urban Area Metropolitan Planning Organization's Action Planning Grant Application Through the Safe Streets and Roads for All Program
4. Resolutions to Accept Grant Funds from the N.C. Division of Water Infrastructure
5. Set a Public Hearing for July 11, 2023, to Consider a Text Amendment to Amend Chapter 40, Sec. 40-72 – Table of Permissible Uses, Sec. 40-261 – Development Standards for Particular Uses, and Sec. 40-548 – Definitions to Amend Standards for Event Venues/Bars
Applicant: Town of Carolina Beach
6. Set a Public Hearing for July 11, 2023, to Consider Conditional Zoning for an Event Venue/Bar at 205 Charlotte Avenue in the Central Business District (CBD)

Applicant: Kindred Carolina Beach LLC

7. Set a Public Hearing for July 11, 2023, to Consider a Request to Rezone 601 Augusta Avenue from Conservation (C) to Residential (R-1)

Applicant: Parris Stratton

8. Amend Sec. 16-205 – Schedule B, Stop Intersections for South 6th Street
9. Personnel Policy Updates
10. Approval of Council Meeting Minutes from May 9 and 23, 2023

Council Member LeCompte said there was a correction to a figure in item 1, so a revised Resolution No. 23-2292 was issued.

Council Member Hoffer asked how some unpaid utility bills became so high without being cut off. Ms. Hall said these are accounts that have been closed but left with a balance owed. She said they have been turned over to collections, but they must be written off the books. Ms. Hall said the debt is not forgiven, so any money received will be applied. She added that utility accounts could not be turned off during the COVID-19 pandemic, which caused some high unpaid balances.

Council Member Hoffer asked if a stop sign will be removed from 6th Street and Seafarer Drive. Planning Director Jeremy Hardison said stop signs will be switched to make 6th Street the through-street with Hamlet and Clarendon avenues as the stopping streets. He said the changes, which are happening because 6th Street has been identified as an emergency route, do not affect anything on Seafarer Drive.

Council Member Benson asked about a transfer amount totaling \$135,000 for the wastewater treatment plant. Public Utilities Director Mark Meyer said some sludge needed to be eliminated to make repairs, but the plant will stay within budget during the coming year.

ACTION: Motion to approve 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

11. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, reviewed upcoming special events:

- Flock of Food Trucks – June 29 at Lake Park
- East Coast Got Em On King Mackerel Classic – July 7-9
- South Atlantic Lifesaving Association Regional Competition – July 12-13 at Boardwalk beach strand
- GRiZMAS in July – July 30 at North End Pier
- Fireworks/Music – continues every Thursday through September 1 with the exception of July Fourth and Labor Day weekend shows on Friday

- Movies at the Lake – continues every Sunday through September 3
- Family Night – continues every Tuesday through August 22 at the Gazebo
- Boardwalk Bingo – continues every Wednesday through the season at the Gazebo
- Carolina Beach Market – continues every Saturday through September 30 at Lake Park

Council Member Benson asked if the work at Lake Park will have any impact on events there. Mr. Murphy said there have been some adjustments with the market and the upcoming food trucks event, so they are making it work and don't foresee any issues.

Council Member LeCompte reminded everyone about the Life Rolls On event on July 29 and said it is a great volunteer opportunity.

Mr. Murphy said the access mat is now fully down in the Boardwalk area.

Mayor Barbee said visitors appreciate the fireworks nights and other activities, and he thanked the Parks & Recreation staff for their work. Mr. Murphy said they couldn't do it without Public Safety and Public Works.

12. Manager's Update

Mr. Oakley gave an update on various projects:

- Lake Park improvements – The lake is being dredged and the spoils will be used to fill geotextile bags on the shoreline, resulting in stable banks, better appearance, improved water quality, a healthier ecosystem, and increased stormwater capacity. The contractor and staff are aware of concerns about effects on wildlife and are on the lookout for issues. Security fencing has been raised to allow for the passage of wildlife. People are encouraged to report anything else they see that needs attention.
- The marina project is still on schedule. Mayor Barbee said there have been no complaints from boat captains and praised staff and the contractor for a good job. Council Member Hoffer said Canal Drive has not yet been closed due to the project and asked if that would be happening. Mr. Oakley said a brief closure is possible, but the contractor has worked to avoid any major closures.
- Ocean Boulevard sidewalk – The Town is still waiting for the N.C. Department of Transportation (DOT) encroachment agreement.
- Starfish Lane access – The project is looking great but not yet complete.
- Emergency Operations Center Open House – Staff will host this on June 27 from 4:00 PM to 6:00 PM in the multi-purpose room. Mayor Barbee encouraged residents to attend and said the event would give everyone confidence that the Town has a plan for when emergencies arise.

Council Member LeCompte asked about the AM radio station. Mr. Oakley said the antenna was bad, and there is a purchase order out to replace it. He said once that is done, the station can begin operating again.

Council Member Hoffer asked if DOT has the information requested regarding the Spartanburg crosswalk. Mr. Hardison said staff is collecting the data now.

Council Member Hoffer asked if the Town has heard from DOT about the missing entrance sign. Mr. Oakley said DOT has come to look at it and the Town will hopefully be getting a new sign, but he has not heard any official word about replacement.

Mayor Pro Tem Healy asked if there is a spreadsheet showing Town projects and progress. Mr. Oakley referred him to the project map on the Town's website. Mr. Parvin gave a brief demonstration of how to use this.

PUBLIC COMMENT

Bob Ponzoni of Canal Drive spoke about flooding on Canal Drive. He gave some history of the issue and said the Town has an opportunity to help resolve conditions brought about by past well-meaning decisions. Mr. Ponzoni suggested trading the one-way valve at the lake with a valve that could be volume-controlled and coordinated with the lake's new high-capacity pumps.

Kathleen VanKeuren of Canal Drive relayed concerns about the lack of enforcement of ordinances regarding stormwater and sediment at construction sites. She cited violation signs at some sites that have been up since January with no action. Ms. VanKeuren said this is inexcusable and asked when staff will enforce the ordinances and answer emails from her. She said she welcomes the chance to speak about her concerns and possible solutions.

Council Member Hoffer, who is a building inspector, said the best way to remedy this is to stop inspecting these sites until they comply.

Ethel Kagan of 5th Street said quicksand is developing next door due to construction. She said her property is sinking and nearby wetlands have been removed, making the area a clay swamp. Ms. Kagan cited concerns about children playing in the area and said she wants it filled in.

Ralph Harkins of 704 South 5th Street said he has pulled kids out of the mud in the aforementioned area. He said it is a dangerous spot.

Richard Cecelski of 941 Carolina Sands Drive spoke against the rezoning request for 601 Augusta Avenue, which is seeking to go from Conservation (C) to Residential (R-1). He said the current C zoning comes with standards that support good stormwater and environmental practices, and he is concerned that more impervious surface will increase the amount of water and pollution that flow off the tract. He asked Council to please take the Town in a progressive direction that supports good stormwater policy and wildlife when deciding on this matter at the July meeting.

Harry Gee of 600 5th Street said geese at the lake make a mess with their droppings. He suggested weekly pressure washing of the sidewalks there. Mr. Gee also cited concerns about storm drain gates running parallel to the street, saying they should be vertical to eliminate safety concerns for bicyclists. In addition, he said there are not enough handicap parking spaces in the Town.

Parris Stratton of 8759 West Telfair Circle in Wilmington, who owns 601 Augusta Avenue, asked Council to watch the June 8 Planning and Zoning Commission meeting in advance of the rezoning

request coming before Council in July. He said the property does not contain wetlands and there are no drainage issues. Mr. Stratton said the future Land Use Plan has the tract as R-1, and prior to a mistake on the Town zoning map the tract was also designated as R-1.

Mayor Barbee said the public comments section is not as interactive as Council Members would like, but he assured speakers their voices are being heard.

Council Member LeCompte said she would like an update on Americans with Disabilities Act (ADA) compliance at an upcoming workshop. Mr. Parvin said the Town has added quite a few handicap parking spaces this year.

Janet Hoffer of Friends of CB Parks & Greenways thanked Council for putting Skate Park improvements in the budget. She said this is a huge win for the community.

Council Member Hoffer said although he loves wildlife, he agrees with Mr. Gee that the geese at the lake need to go and encouraged staff to find a solution.

PUBLIC HEARINGS

13. Public Hearing on the Proposed FY 23/24 Budget

Mr. Oakley presented a review of the budget process and details for the proposed budget. The proposed General Fund budget is \$20,626,376, up almost 5% from the current year, and the Utility Fund budget is \$10,048,743, down slightly from the current year.

Highlights include:

- Balanced budget – no property tax increase
- Sales, property, and room occupancy tax collections have all increased
- 3% water/sewer rate increase
- 3 new positions and 6% cost-of-living adjustment (COLA) for Town employees
- Capital projects: Skate Park expansion, paving, stormwater improvements, water/sewer engineering
- Fund balance – 40+%

Mayor Barbee said a previous Council set the fund balance goal as 50%, but when this Council started that figure was 21%. He said the current figure shows great progress, and he's confident it will get back to 50%. Mayor Barbee praised staff for good management of the Town's money.

ACTION: Motion to open the public hearing on the proposed FY 23/24 budget

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

Cindy Dunn of 915 Tidewater Lane said Parks & Recreation Director Eric Jelinski may have ideas on how to solve the problem of geese at the lake. She also said price increases that Duke Energy is reportedly

implementing on October 1 may affect the budget due to higher lighting rates for playgrounds and ballfields. In addition, she asked that Council please include money in the budget for beautification projects.

No one else requested to speak.

ACTION: Motion to close the public hearing

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

Mayor Pro Tem Healy said the Town does a good job developing a comprehensive budget process that gives various chances for public input.

Council Member Hoffer said last year he was the dissenting vote on the budget because he was nervous about adding more staff, but this year he doesn't have a problem with the proposed additions because they focus on Operations. He said the paving apparatus is a wise move.

Council Member Benson said he supports the budget because the focus on projects makes him comfortable with what the Town is doing.

Council Member LeCompte toured the water treatment plant today and said the four staff members there do an amazing job.

Mayor Barbee said the budget process is lengthy and a lot of work for staff, and he praised their efforts. He said he is excited about the upcoming budget because it's aligned with a plan and will lay the groundwork for the future.

ACTION: Motion to adopt Budget Ordinance No. 23-1204 as presented

Motion made by Council Member Benson

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

Motion passed unanimously

ITEMS OF BUSINESS

14. Attorney's Update

Ms. Fox gave an update on various matters:

- Senate Bill 465 was approved on May 25, permitting municipalities to adopt an ordinance prohibiting the abandonment of vessels in navigable waters within their jurisdictions. Ms. Fox will work with Mr. Parvin to ensure the Town's ordinance aligns with the County's.
- Last year the Town adopted a resolution authorizing litigation to be initiated regarding health and safety concerns arising due to an inspection of a vessel in the harbor with one individual living aboard. No litigation was filed because the boat went away, but it has returned and the

Town believes the previous concerns are valid once again. Ms. Fox asked Council to confirm that the Town can proceed with the steps outlined under previous direction. Council gave consensus to move forward.

- There are two property owners who have not paid the street assessment for Wilmington Beach. Ms. Fox will send one more letter and then initiate legal proceedings to collect the funds.

COUNCIL COMMENTS

Council Member LeCompte said she would like to hold a public hearing to discuss changing Cape Fear Boulevard east of Lake Park Boulevard to a one-way street. Council Member Hoffer asked to include this in the 2025 paving plan. Council Member LeCompte also asked for an update on using the Federal Emergency Management Agency (FEMA) lot on Hamlet Avenue for parking.

Mayor Pro Tem Healy asked staff to follow up on why violations are not being enforced on construction sites. He also asked staff to consider constructing temporary volleyball courts on the Town property at 1101 North Lake Park Boulevard.

Council Member Benson asked staff to draft a text amendment addressing parking exceptions for handicap-accessible vehicles. He said it is difficult to find a place to park the larger vehicles with ramps.

Council Member Hoffer asked staff to make sure South Lake Park Boulevard bike lanes are being swept regularly. He also asked for a parking update at the July workshop.

Mayor Barbee asked staff to continue to look for handicap parking options in the outlying areas.

CLOSED SESSION

15. Closed Session – Attorney/Client and Real Estate

ACTION: Motion to go into closed session to discuss attorney/client and real estate matters in accordance with NCGS 143-318.11(a)(3) and (5); the properties being discussed include Parcel IDs R08807-013-005-000 and R08807-013-004-000

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

Mayor Barbee called the meeting back to order and said Council took no action during closed session.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 7:30 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Tim Murphy

DEPARTMENT: Parks and Rec

MEETING: Town Council Meeting 7/11/2023

SUBJECT: Events Update by Tim Murphy

BACKGROUND:

Tim Murphy will give an update on the upcoming events.

ACTION REQUESTED:



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council 7/11/2023

SUBJECT: Presentation by the CB Mural Project Committee

BACKGROUND:

CB Mural Project Committee will request approval to install a sidewalk mural and beautification project in Pavilion Alley in the spring of 2024.

ACTION:

Motion to approve the project.



Sidewalk Mural Proposal

“Centennial Alley”

July 11, 2023



Yay Public Art!



Star News

12 Bucket List things to do



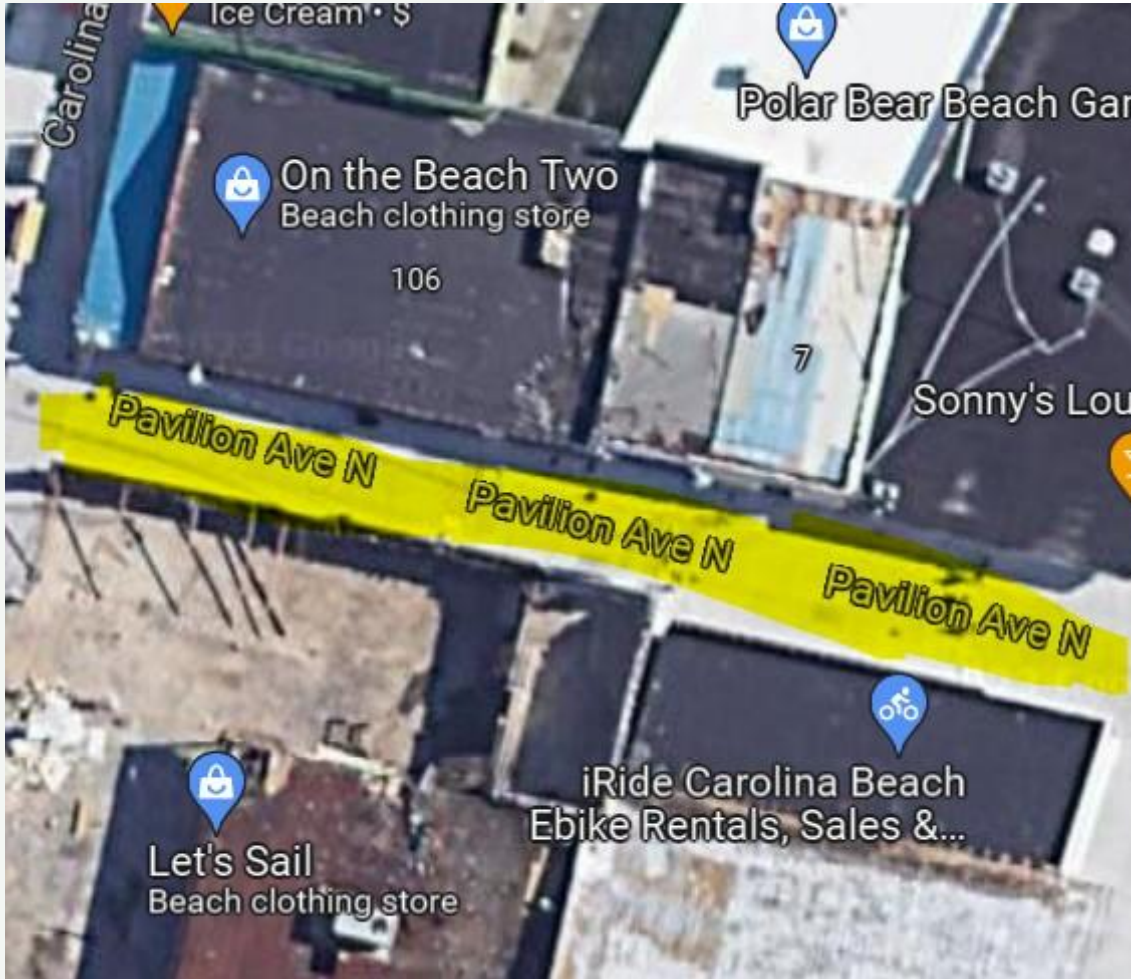
Wilmington & Beaches, NC

Murals consistently marketed on @discoverwilmingtonnc and @carolinabeachnc



Washington Post

Local (WWAY/WECT) & east coast coverage of our murals.



Pavilion Ave North

Spring 2024 Mural Project

The CB Mural Project would like to install a mural on the sidewalk stretching from Carolina Beach Ave N to the Boardwalk.

In partnership with the Beautification Committee and the Business & Economic Committee, we would also like to add 4 potted palm trees to the alley, and string café lights to create a safe walkthrough that is attractive and reflects the vibe of Carolina Beach



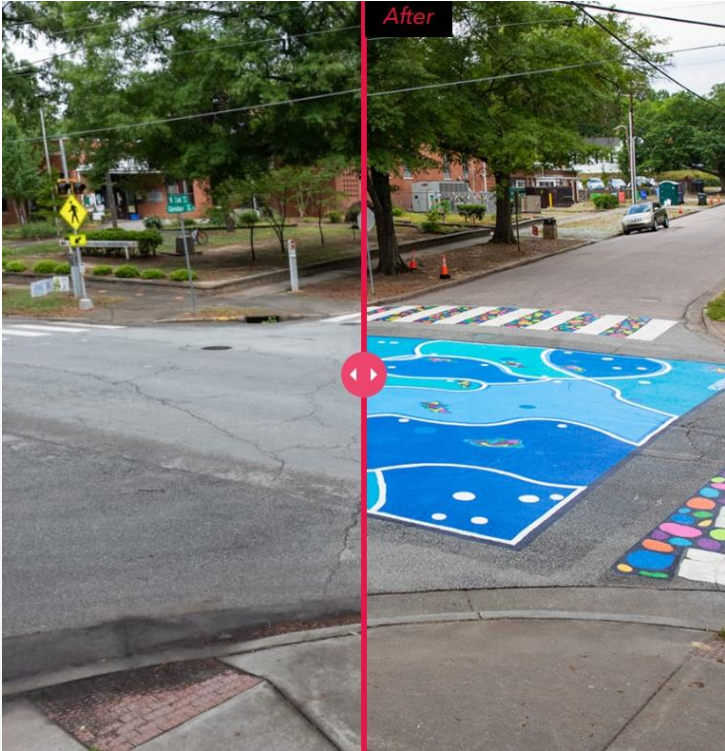
Key Project Goals

- Transform the alley with visually appealing artwork that inspires and uplifts residents and visitors.
- Improve safety in the alley and vicinity Boardwalk.
- Enhance social connectivity through creative placemaking and art activation.

What Does a Sidewalk Mural Look Like?



Colorful



Transformative



Magical



To Note

- Design TBD. If approved by TOCB, an RFP will be published later in the year, asking NC Artists to submit their concepts. The CB Mural Project Board will review all proposals and choose the concept that best fits the space.
- While this project can be 100% funded by the CB Mural Program (sponsorships will be available), this beautification project could qualify for ROT funding.
- Installation Timeline: Spring 2024. 2-3 weeks.
- We hope to bring a community participation element to this project, but TBD (painting on the floor is challenging).

Thank
you

Carolina Beach Mural Project





AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council 7/11/2023

SUBJECT: Manager's Update

BACKGROUND:

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



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning Director **DEPARTMENT:** Planning & Development

MEETING: Town Council – July 11, 2023

SUBJECT: **Map Amendment to** rezone 601 Augusta Ave from Conservation (C) to Residential (R-1B) zoning district.
Applicant: Parris Stratton

BACKGROUND:

The owner of 601 Augusta Ave is requesting a rezoning of the property from Conservation (C) to the Residential (R-1B) zoning district. The property was voluntarily annexed in December 2022. The size of the property according to the attached survey is 20,661 sq. ft. The legal description is LOT 1 PT LTS 2/4/5 BLK 152. This tract of land is the only private property that is zoned Conservation. All other property is owned by the state or federal government. In 2000 there was a town wide rezoning that designated all areas outside the town limit line as Conservation, except for one track that was owned privately was zoned Industrial. The Conservation district is a zoning designation that allows for single-family residential development in an environmentally compatible setting that is appropriately designed and located.

SURROUNDING LAND USES

The property is currently vacant.

The adjacent zoning district to the north and east is R-1 that is across the street from Augusta Ave and 6th St. The property to the north adjacent to Carolina Sands is R-1B.

ZONING CLASSIFICATIONS

The applicant originally requested the property to be rezoned to R-1, but after the Planning & Zoning Commission recommendation of R-1B, the applicant agrees moving forward with. For the zoning analysis staff included all adjacent zoning districts. As prescribed below the Conservation, R-1B, and R-1 districts all allow for single-family homes. The R-1 also allows for two-family dwellings. Currently with the Conservation zoning one unit can be developed on the property. If the property is rezoned from Conservation to R-1 or R-1B the property would have to meet the minimum lot size of 5,000 sq. f.t and minimum lot width of 50'. These lots could be developed single-family only in R-1B and either single-family or two-family dwellings in R-1.

Sec. 40-70. - Zoning districts described.

R-1, Residential District (Single- and Two-Family Dwellings).

Purpose. The R-1 district is established to provide for moderate to high-density single-family and two-family residential use.

Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.

R-1B, Residential District (Single-Family Dwellings).

Purpose. The R-1B district is established to provide for moderate density, single-family residential use.

Intent. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district.

C, Natural Resources Conservation District.

Purpose. This district is established to preserve the economic, aesthetic, and unique and irreplaceable natural resource assets of the land, vegetation, surface waters, and underground waters of this district, while also providing for an environmentally compatible setting for appropriately designed and located single-family residential development. In doing so, the public health and safety and welfare shall be preserved.

Density.

For one single-family home: 80,000 square feet minimum lot size.

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

P = Permitted.

USES OF LAND	R-1	R-1B	C
Residential Uses			
Two-family dwellings	P		
Single-family detached	P	P	P
Planned unit development, residential 4 units or less	P		

Sec. 40-74. - Dimensional standards for lots and principal structures.

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yard	Min. Rear Yard	Min. Side Yards* (Corner Lot—Min. 12.5 ft.) ⁴	Residential Max. Density	Max. Height	Max. Lot Coverage
R-1	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. ¹	40%
R-1B	Single-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. ¹	40%
C	Conservation District Single-Family	80,000 sq. ft.	200 ft.	30 ft.	20 ft.	20 ft.	0.5 units/acre	50 ft. ¹	15%

If the property is rezoned then all of the uses and requirements would apply to the area.

LAND USE PLAN ANALYSIS

The future land use and classification map in the 2020 Land Use Plan (LUP) has the area Classified medium density residential with primarily single family detached residence with two-family homes and townhomes allowed occasionally if contextually compatible.

ACTION REQUESTED:

Staff recommends this parcel to be rezoned that would be consistent with the 2020 Land Use Plan.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the rezoning of 601 Augusta Ave from Conservation to R-1B is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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.

Planning & Zoning Commission Recommendation

Recommended approval 5-2 to rezone the property located at 601 Augusta Ave to R-1B.

Attachments:

1. Rezoning application
2. LUP Land Classification Map
3. Rezoning map
4. Rezoning Ord.

PETITION FOR A ZONING MAP AMENDMENT

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).

On September 8th, 2020, Resolution No. 20-2232 formally adopted the 2020 Land Use Plan. Whereas, "the Town Council determined that the policies and future land use map in the CAMA Land Use Plan represent the Town's desired vision for the future". This was after "significant public input, including a citizen steering committee, a series of public meetings and workshops, a Town Survey, and more".

Rezoning 601 Augusta Avenue to R1B is consistent with the Town's 2020 Land Use Plan ("LUP") for the following reasons:

- A. LUP Slide #48 & 49 (Page 43 & 44) identifies 601 Augusta Avenue as "**Medium Density Residential**". This classification is described as "mostly medium-sized lots (min. 5,000 sq ft) with primarily single-family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low- to medium-traffic streets with pedestrian facilities." (Exhibit A)
- B. LUP Slide # 100 & 101 (Page 95 & 96) rates the development suitability of property in the Town on an eight-level scale ranging from High Suitability to Not Suitable. 601 Augusta Avenue is valued at the **second highest level of suitability - between moderate and high suitability**. This is the **same** value given to surrounding properties that are currently zoned R1 and R1B. (Exhibit B)
- C. LUP Slide # 100 & 101 (Page 95 & 96) describes the physical, economic, and environmental factors considered in the Land Suitability Analysis for the values assigned. Using this Land Suitability Analysis, the Town has determined that 601 Augusta Avenue is **moderately to highly suitable for development**. (Exhibit B)

The proposed rezoning is one hundred percent consistent with the Town's current LUP and is warranted in order to bring the property in line with the development potential promoted in the Town's LUP.

2. Please describe the compatibility of the proposed rezoning with the property and surrounding area.

The proposed rezoning of 601 Augusta Avenue to R1B is compatible with the property and surrounding area because it is bordered by R1 zoning to the north and east (approximately 287'), R1B to the south (approximately 234' along the Carolina Sands community), and by C to the west (approximately 122' along the government owned MOTSU land). **Nearly 80% of 601 Augusta Avenue is bordered by medium density residential zoning with a 5,000 square foot minimum.**

Allowing the proposed rezoning will create a harmonious land-use pattern with the surrounding area and will allow the most appropriate use of the property.

3. Please discuss the benefits and detriments of the proposed rezoning for the landowner, the immediate neighbors and the surrounding community.

The proposed rezoning benefits the landowner by allowing development of the property in a manner that is consistent with the LUP and compatible with the surrounding area.

The immediate neighbors will benefit from the chance to welcome new families to the Town of Carolina Beach.

The surrounding community will benefit from the addition of land zoned for single family homes because developable land for residential use is in low supply in the Town of Carolina Beach, while the demand is high.

The proposed rezoning benefits the surrounding community, and all residents and property owners in the Town by giving them confidence that their elected officials are committed to following the policies established by the LUP.

There is no evidence that the proposed rezoning of the property to R1B will cause the character of the existing neighborhood – which is zoned R1 and R1B - to be harmed. Because there will be no disparity between zones- only consistency -, there will be no change of character and no disturbance of the tenor of the existing neighborhood.

4. Please explain the public need for additional land to be zoned to the classification requested.

Carolina Beach is a family-oriented community and land available for development with single-family homes is becoming increasingly scarce. The proposed rezoning of 601 Augusta Avenue will help provide additional single-family housing for new residents. In areas like the Town of Carolina Beach where demand for housing exceeds supply, existing limits make it difficult to correct the imbalance and thus contribute to higher rents and home purchase prices. As discussed below, the Town has a rare opportunity to help correct this imbalance without any investment in infrastructure and without changing the character of the neighborhood.

5. Please discuss the impact on public services, facilities, infrastructure, fire and safety, parks and recreation, topography, access to light and air, etc.

Public services, facilities and infrastructure are already in place for the proposed rezoning of this property, including public water and sewer services (with a tap already in place), and access to fire and safety services via existing infrastructure. The proposed rezoning will allow development that will add to the Town's tax base to help pay for these services. The LUP, Slide # 100-101 (page 95 & 96), indicates zero environmental deterrents for development of 601 Augusta Avenue. (Exhibit B)

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).

The surrounding properties to the north, east and south are developed with single family homes built in zoning districts R1 and R1B. Densities, building heights, setbacks and tree cover all conform with R1 and R1B zoning. A small portion to the west borders Government owned MOTSU land that is zoned C and outside of the ETJ. Since MOTSU is a Federal institution, they would not have to conform to any Town of Carolina Beach Zoning Ordinances including densities, building heights, setbacks, tree cover etc...

7. Include any additional arguments on behalf of the map amendment requested.

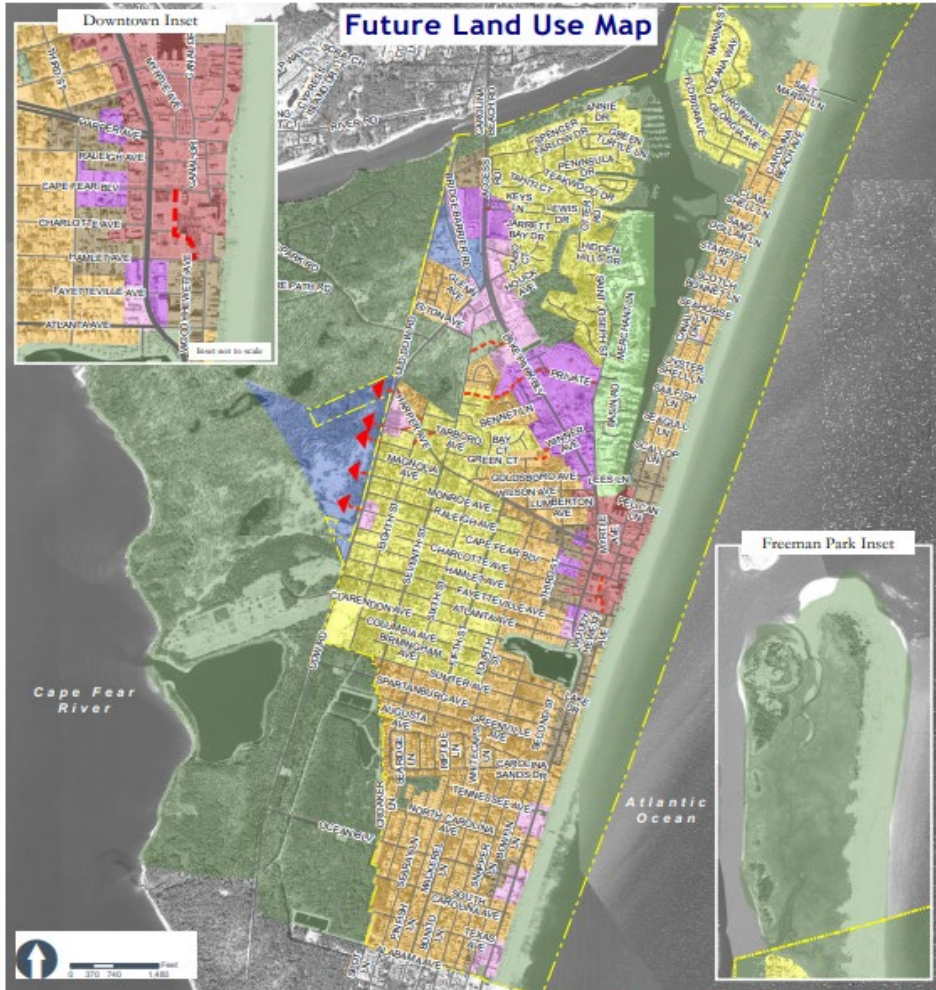
It is a well-established principle of property law that zoning ordinances are strictly construed in favor of the free use of real property. Where there is ambiguity, the law requires the interpretation that allows the most unrestricted use of land.

The applicant believes 601 Augusta Avenue was improperly designated "C" Conservation and agrees with the Town Staff assessment that "it was an oversight". This was a simple human error made by a third-party company when the map was digitized. In 2008 the zoning map with the error was adopted, effectively changing the zoning. There was no notice mailed to the landowner, nor surrounding landowners, because this was an unintentional error. According to the LUP, Conservation zoning is intended for government-held land, dunes, or marsh. 601 Augusta Ave. is the only piece of privately-owned land currently zoned C that does not fit the definition of C zoning. Furthermore, when the Conservation Zone District was established it was described in the summary of the proposed changes to the Zoning Map and Zoning Ordinances as "C (Conservation) Zone District is a renaming of the RA-20 within the Sunny Point Buffer area of the State Park, the RA-6B marsh area at the far north end west of Canal Dr., and the RA-20 area comprising the far north end within the Town's extraterritorial area." There is simply no intention or mention of 601 Augusta Ave.

LUP Slide #51 (page 46) describes "recreation, civic and conservation" as "areas not likely to be developed due to location, risk of flooding, environmental resources, or recreational importance. Prevents development in unsuitable areas. Potential uses include boating and related infrastructure (boat houses, docks, lifts, etc.), recreational and commercial water access, parks, beachfront, trails, parking, etc." Examples of current zoning district "C" properties are Carolina Beach Lake, MOTSU land, Carolina Beach State Park and Freeman Park. 601 Augusta Ave. does **NOT** fit any of the uses described for C zoning and is **privately owned**. (Exhibit C)

With **support** from the Planning and Zoning Commission, Town Staff, the Technical Review Committee and adherence to the Land Use Plan, we respectfully request Town Council to rezone 601 Augusta Ave. to R1B.

Future Land Use Map and Character Areas



The Town of Carolina Beach Future Land Use Map.

Certified: November 18, 2020

Exhibit A



Future Land Use Character Area Descriptions



Low Density Residential

Primarily large-lot, single family detached residential such as many of the town's established neighborhoods. Lots are larger than in other areas; usually ~9,000 sq ft and larger. Generally characterized by low traffic, local streets and pedestrian-scale structures. Smaller lots on occasion. Note: Existing, by-right, entitled, higher intensity uses will continue to be supported in LDR areas, including allowances for rebuilding structures.



Medium Density Residential

Mostly medium-sized lots (min. 5,000 sq ft) with primarily single family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible. Some small-scale commercial, restaurants, or offices are encouraged at select locations with good access. Low- to medium-traffic streets with pedestrian facilities.



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.



Exhibit A

Part A: Appendix

Land Suitability Analysis

A suitability analysis quantifies the factors of land that contribute to its economic and physical suitability. These factors, both constraints and attractors, work together and against each other to help inform land use decisions. This type of analysis does not judge the willingness of owners to sell or develop property, but speaks more to the investments in and near land that make it suitable for development, as well as the environmental constraints that deter development or make it more costly to develop. Taken together, these physical, economic, and environmental factors create an overall suitability map. This information, along with many other data points and perspectives, contributed to the creation of the future land use map. A summary of factors is shown to the right, as well as the composite land use suitability map.

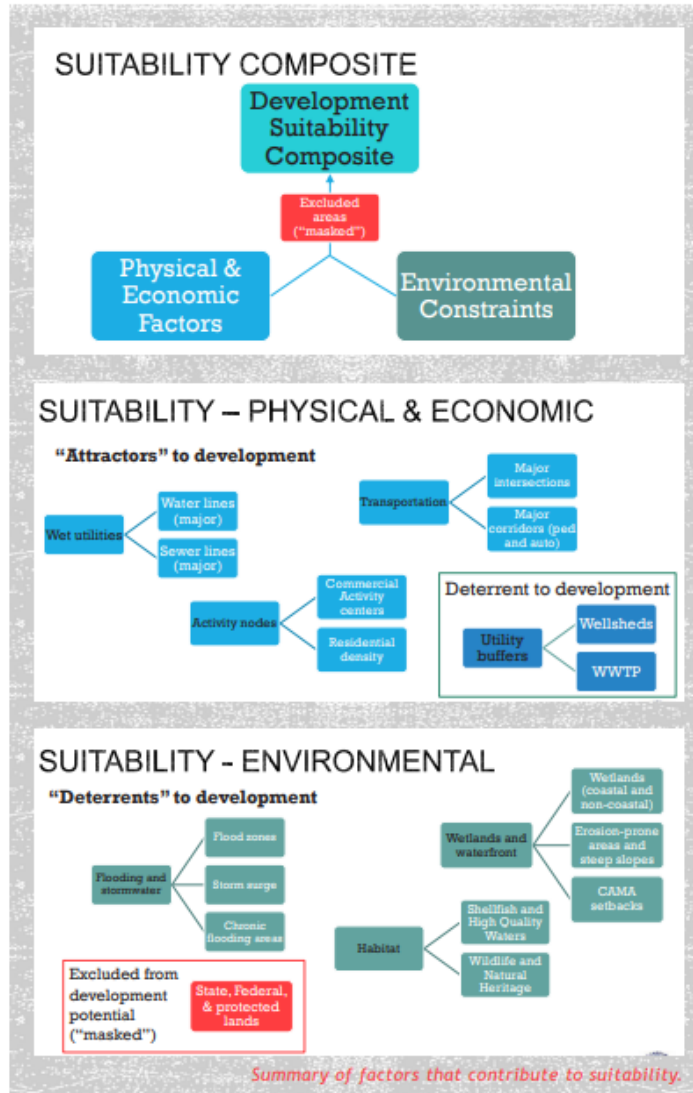
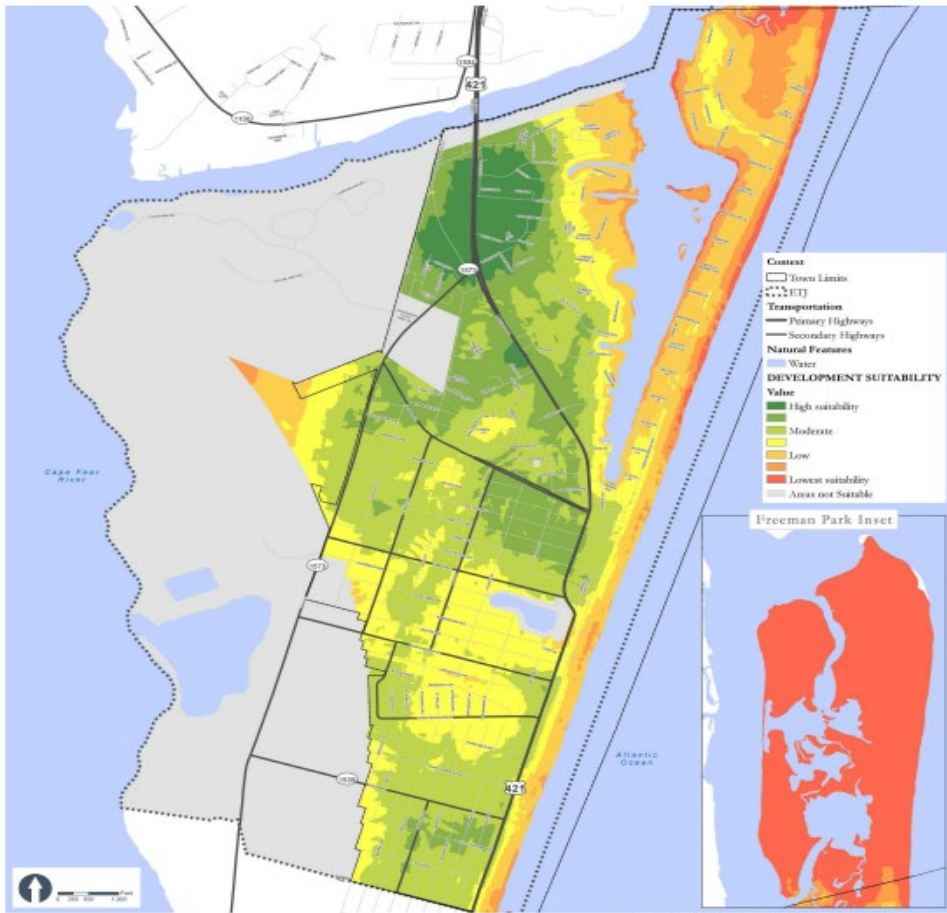


Exhibit B



Land Use Suitability composite map.

Exhibit B



Office, Industrial, & Employment

Mix of office, commercial, light industrial, and employment-generating uses. Typical uses include higher intensity offices, workspaces, indoor manufacturing/fabrication, microbrewery, and freight/transport. 3-4 story purpose-built structures. Streets accommodate truck traffic and balance the needs of pedestrians and automobiles.



Recreation, Civic, & Conservation

Areas not likely to be developed due to location, risk of flooding, environmental resources, or recreational importance. Prevents development in unsuitable areas. Potential uses include boating and related infrastructure (boat houses, docks, lifts, etc.), recreational and commercial water access, parks, beachfront, trails, parking, etc.



Proposed Connections

These proposed connections serve to link areas of town that have limited pedestrian, bicycle, golf cart, or vehicular connectivity in areas without established right-of-way. Most often, these are simply sidewalks. Exact alignments have not yet been determined, and the intent on this map is only to show a general connection desired between two areas.

Exhibit C

Future Land Use Map and Character Areas





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 601 Augusta Ave (20,853 sq. ft.) PIN 3130-12-6484.000 from Conservation to R-1B.

Adopted this 11th day of July, 2023.

Lynn Barbee, Mayor

Attest: _____
Kim Ward, Town Clerk



Rezoning Request 601 Augusta Ave



601 Augusta Ave

Item 8.

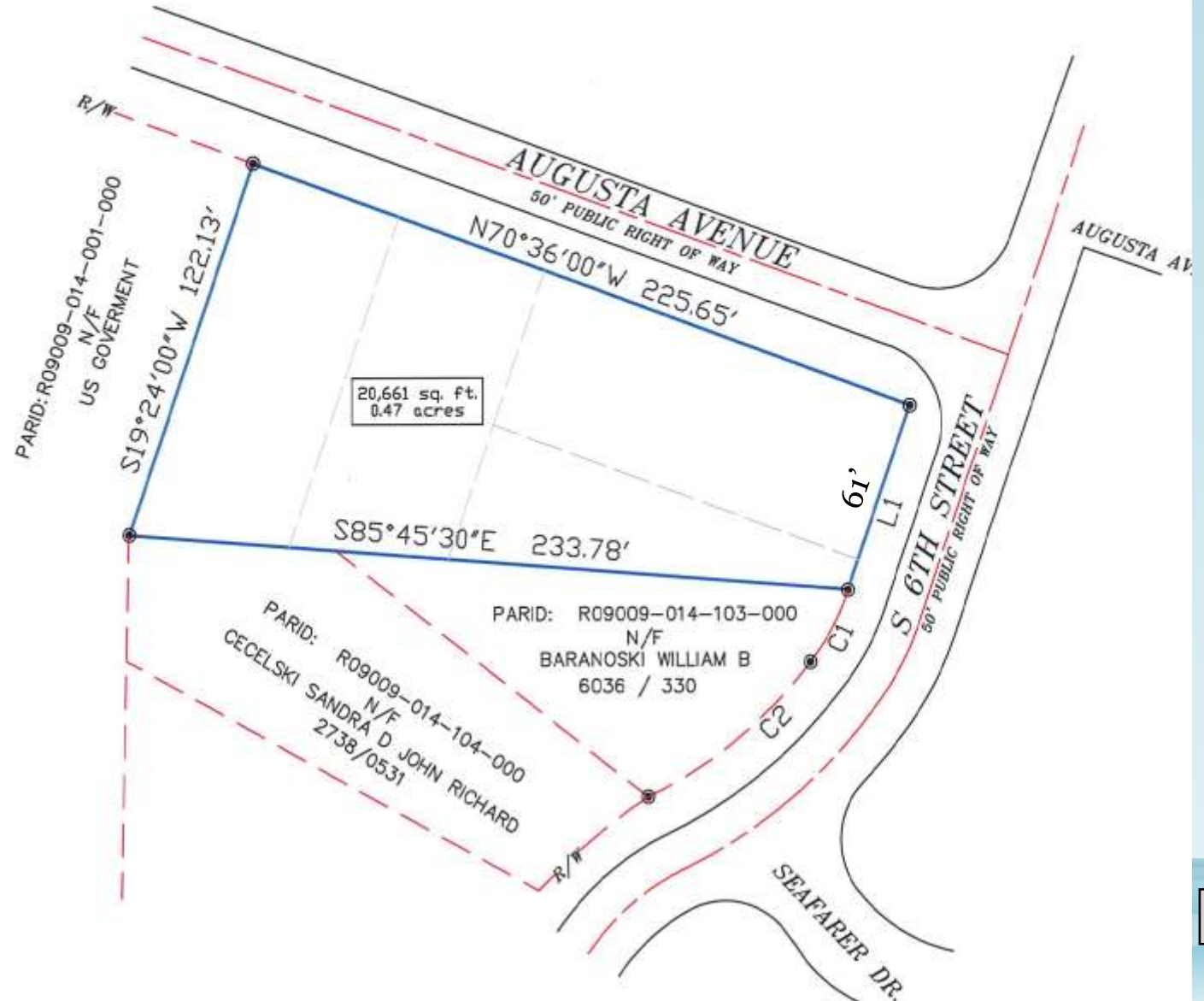


Surrounding uses

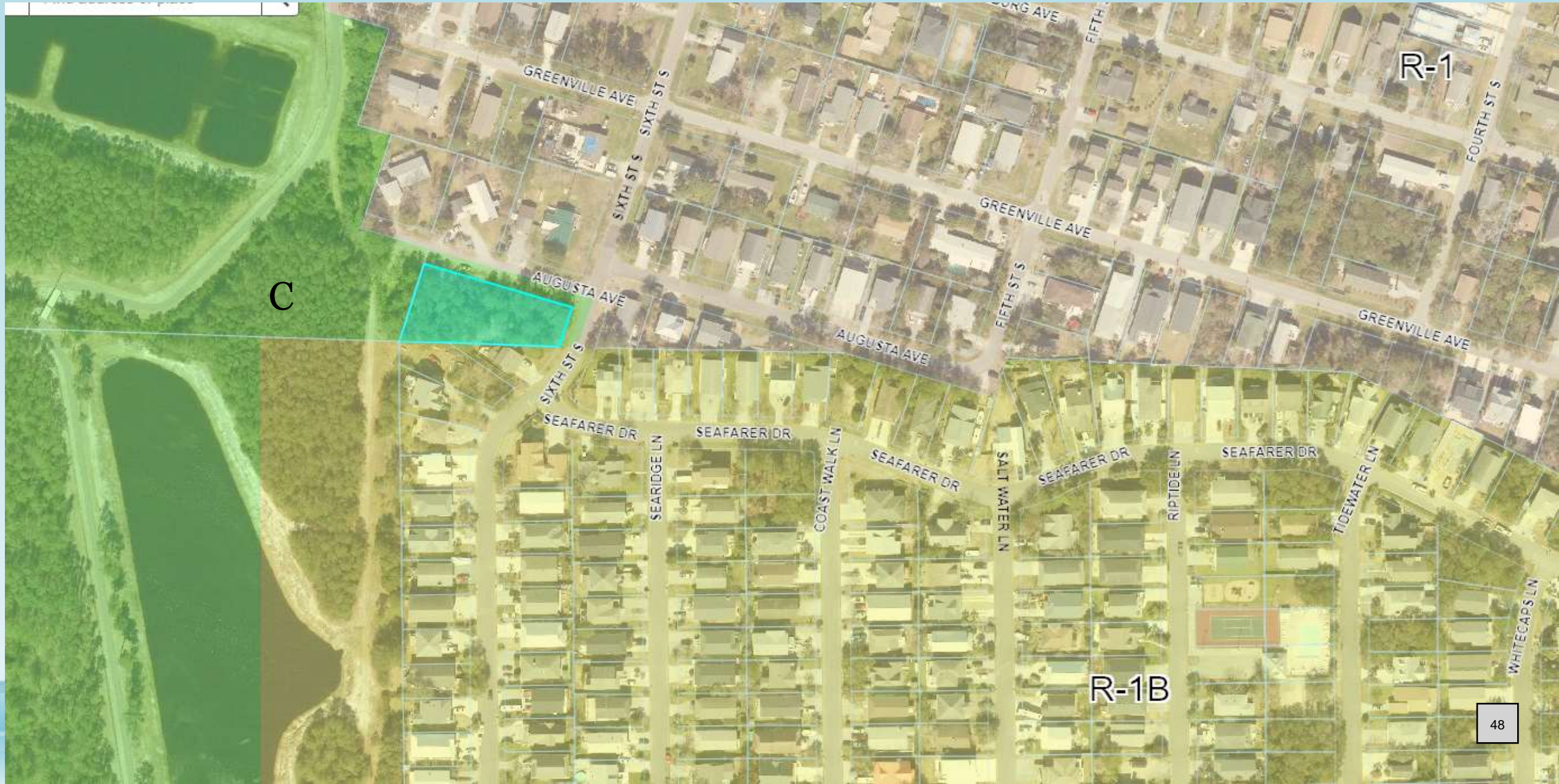


Survey

Lot Size = 20,661 sq. ft



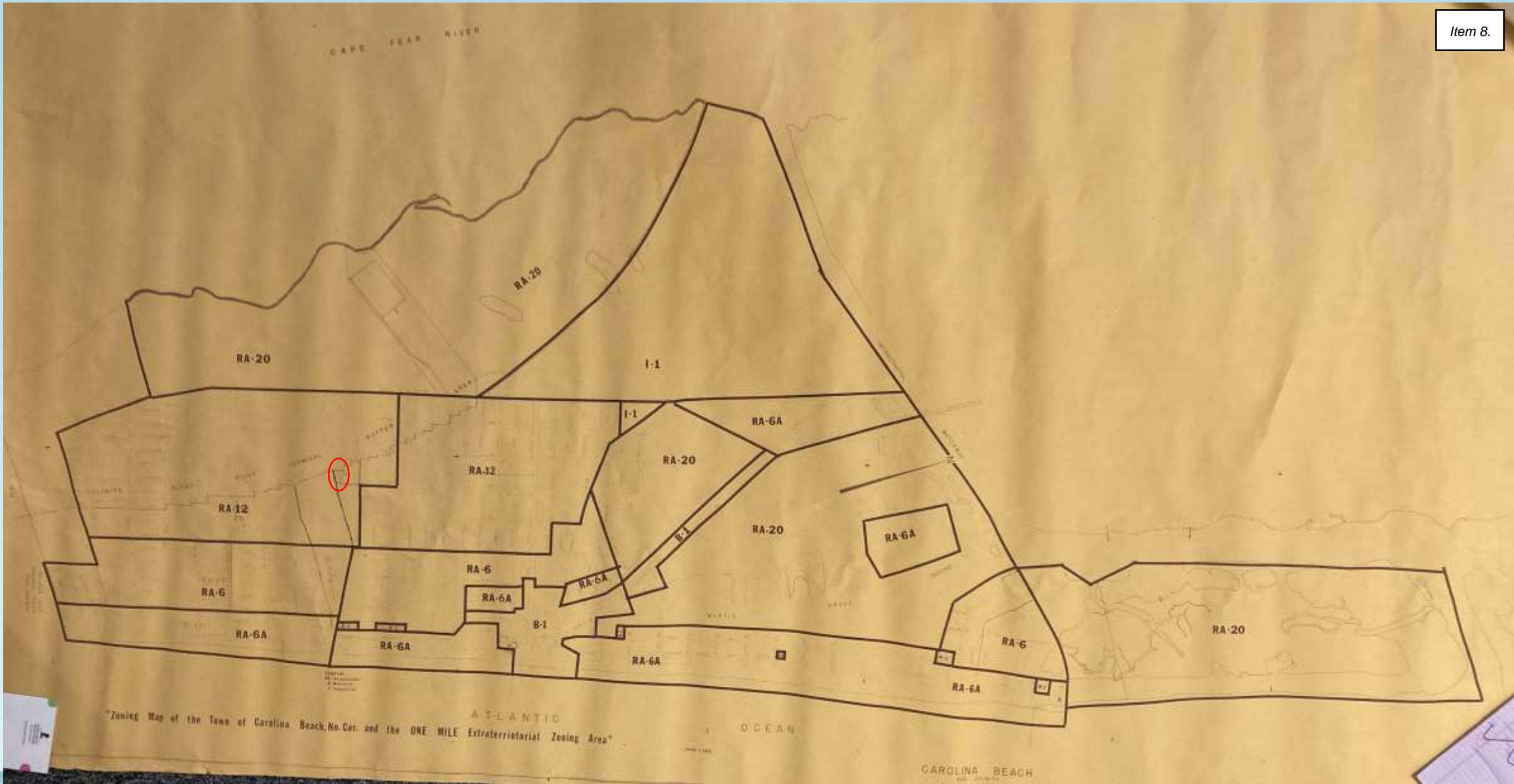
601 Augusta Ave

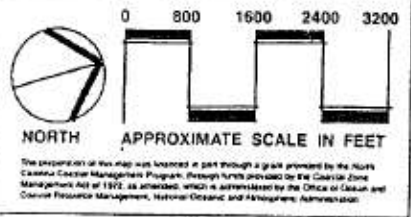


Town Limits

Item 8.







The preparation of this map was financed in part through a grant provided by the North Carolina Coastal Management Program, through funds provided by the Coastal Zone Management Act of 1972, as amended, which is administered by the Office of Ocean and Coastal Resource Management, National Oceanic and Atmospheric Administration.



1996 CAMA LAND USE PLAN

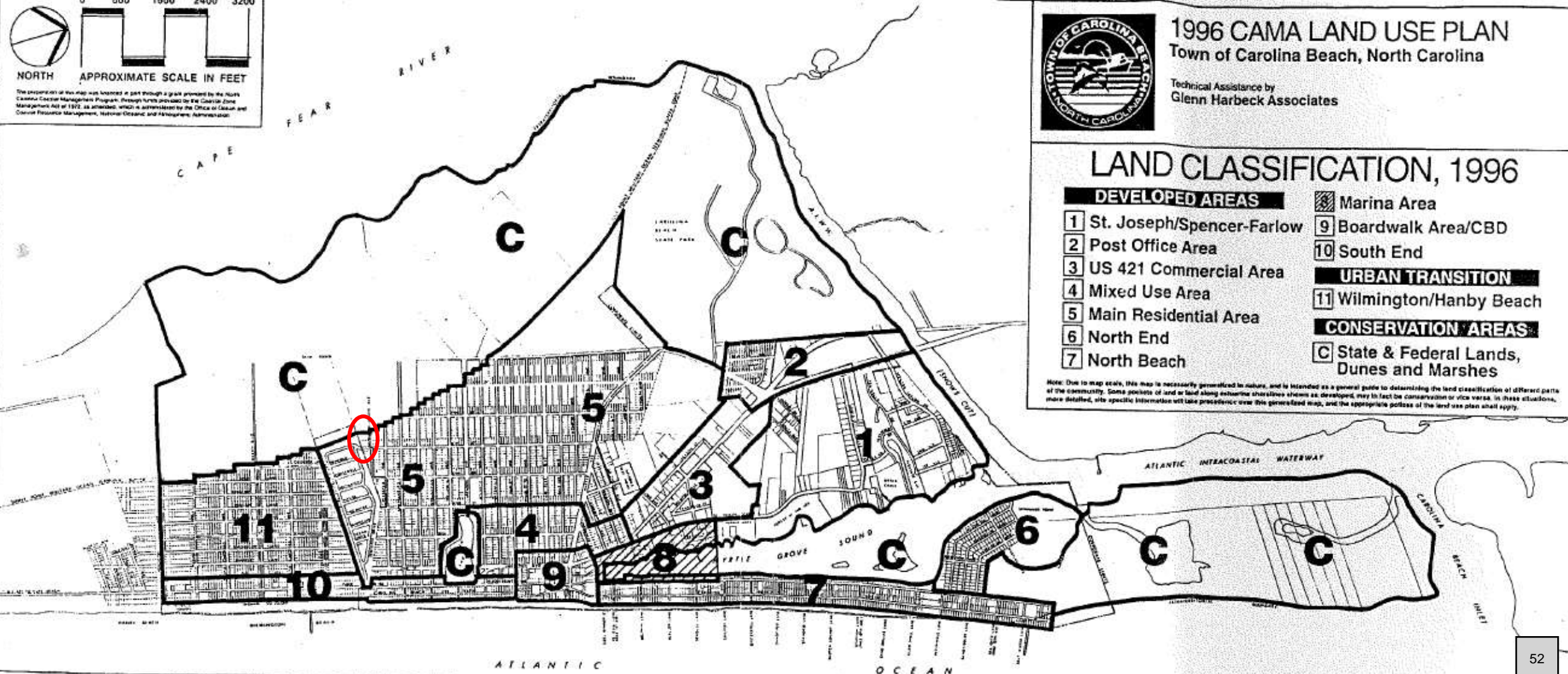
Town of Carolina Beach, North Carolina

Technical Assistance by
Glenn Harbeck Associates

LAND CLASSIFICATION, 1996

- | | | |
|------------------------------------|---|-------------|
| DEVELOPED AREAS | | Marina Area |
| 1 St. Joseph/Spencer-Farlow | 9 Boardwalk Area/CBD | |
| 2 Post Office Area | 10 South End | |
| 3 US 421 Commercial Area | URBAN TRANSITION | |
| 4 Mixed Use Area | 11 Wilmington/Hanby Beach | |
| 5 Main Residential Area | CONSERVATION AREAS | |
| 6 North End | C State & Federal Lands, Dunes and Marshes | |
| 7 North Beach | | |

Note: Due to map scale, this map is necessarily generalized in nature, and is intended as a general guide to determining the land classification of different parts of the community. Some pockets of land or land along estuarine shorelines shown as developed, may in fact be conservation or vice versa. In these situations, more detailed, site specific information will take precedence over this generalized map, and the appropriate portions of the land use plan shall apply.



Conservation

5. MAIN RESIDENTIAL

9.4.5 The Main Residential Area

Description of Area Character

The Main Residential area of Carolina Beach extends westward from Fourth Street on the east to Dow Road on the west and generally from the Dow Road intersection with US 421 on the north to the southern town limits (currently at Carolina Sands Drive). In addition the residential area between Second and Fourth Streets south of Carolina Lake is also included in the Main Residential Area. The area is almost entirely single family residential in character, with a few community and institutional uses located in the area. These community and institutional uses include Carolina Beach Elementary School, several churches, a fire station, a rest home, and Mike Chapel Park.

While most of the original lots in the area are 50 by 125 feet (6,250 square feet), the majority of the area is zoned RA-12. This requires the combination of two lots to meet the 12,000 square foot minimum lot size. A smaller portion of the area is RA-5 and RA-6 allowing for single family residences and duplexes on 5,000 and 6,000 square foot lots. The newest part of the Main Residential area, Carolina Sands, is zoned RA-5B and calls for single family residential uses on 5,000 square foot lots. In contrast with the RA-5 District, the RA-5B excludes duplexes.

This area has been developing over a long period of time, beginning in the 1940's and continuing to the present time. Over the years, residential home square footages have ranged from 1,400 square feet up to, and exceeding, 3,000 square feet. Because land elevations in this area are relatively good (above the floodplain) there is no need to place structures on stilts or pilings. For this reason, residences tend to take on a traditional neighborhood appearance—not of a beach style.

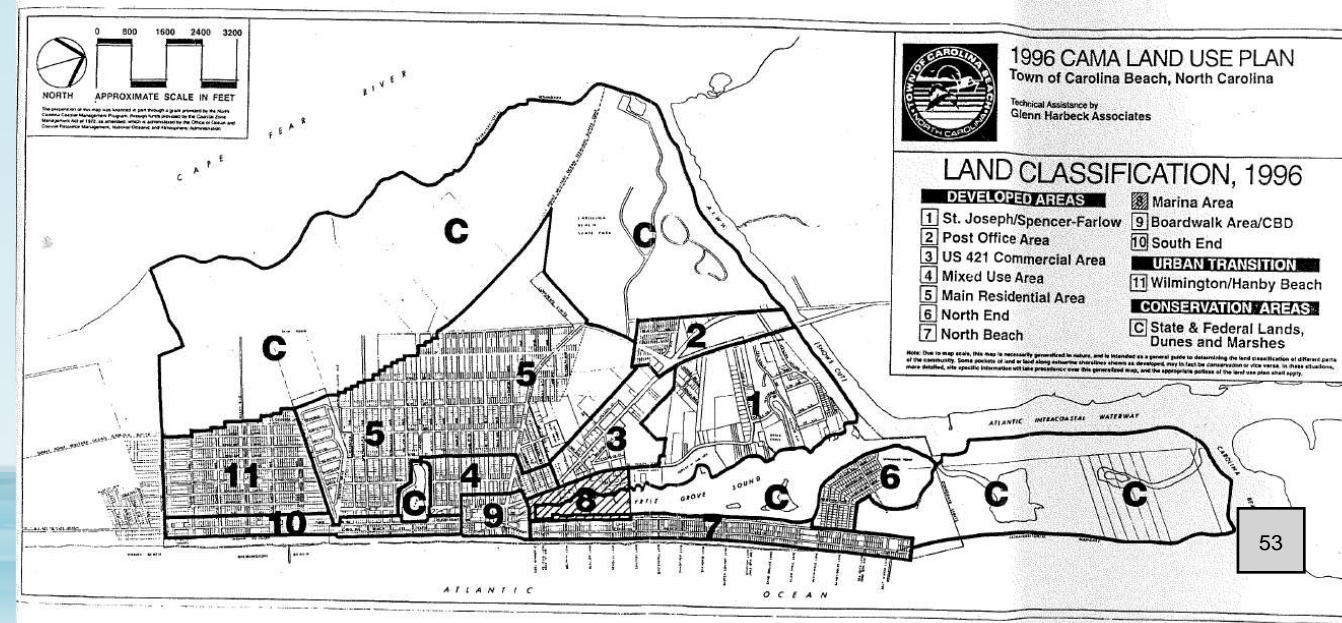
Streets are continuous in the area and in a grid iron pattern. While on-street parking is not permitted in the area, visitors to the area are accustomed to parking in the street right-of-way adjacent to their host property owners. Because there are few convenient commercial services in the area, residents are not inclined to walk to services and sidewalks are present on only an estimated ten to fifteen percent of all blocks.

Description of Area Character

Within the planning jurisdiction of the Town of Carolina Beach, the Conservation class includes all estuarine system and ocean hazard AEC's (Areas of Environmental Concern) as associated with the Atlantic Ocean, the intracoastal waterway, (including Snow's Cut), Myrtle Grove Sound and the various channels and marshes surrounding Carolina Beach Lake. Also included in this classification are all State and Federally controlled lands associated with Carolina Beach State Park and the Buffer Zone for the Sunny Point Military Ocean Terminal.

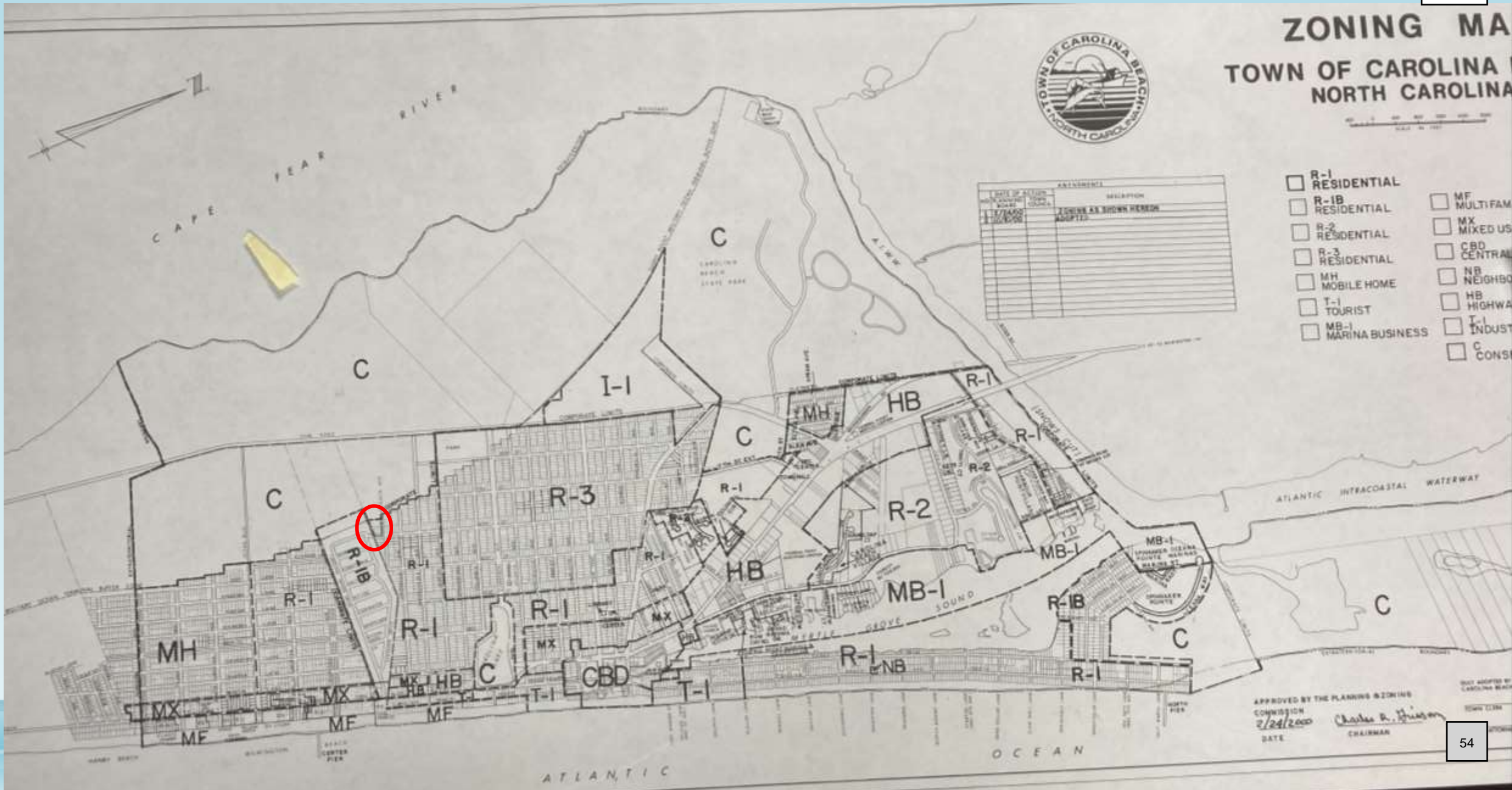
Policy Emphasis:

The policy emphasis of this plan for Conservation areas shall be to protect the natural integrity and functioning of these areas, as well as in providing open space and visual relief. Approved uses shall be in accordance with CAMA General Use Standards, with priority given to direct and indirect public access having a minimal impact on the natural functioning of these systems. The Town shall also maintain an on-going concern for the preservation of views and vistas to these areas, by carefully controlling development along the water's edge which would serve to block or wall off the public from these valuable scenic and recreational resources. (Also see specific policy statements for specific areas within the Conservation Classification, e.g. 8.1.4 J Carolina Beach Lake, 8.1.4 K Sunny Point Buffer Zone, 8.1.4 L Carolina Beach State Park, 8.1.4 M Snow's Cut (AIWW) Right of Way and Spoil Area etc.)

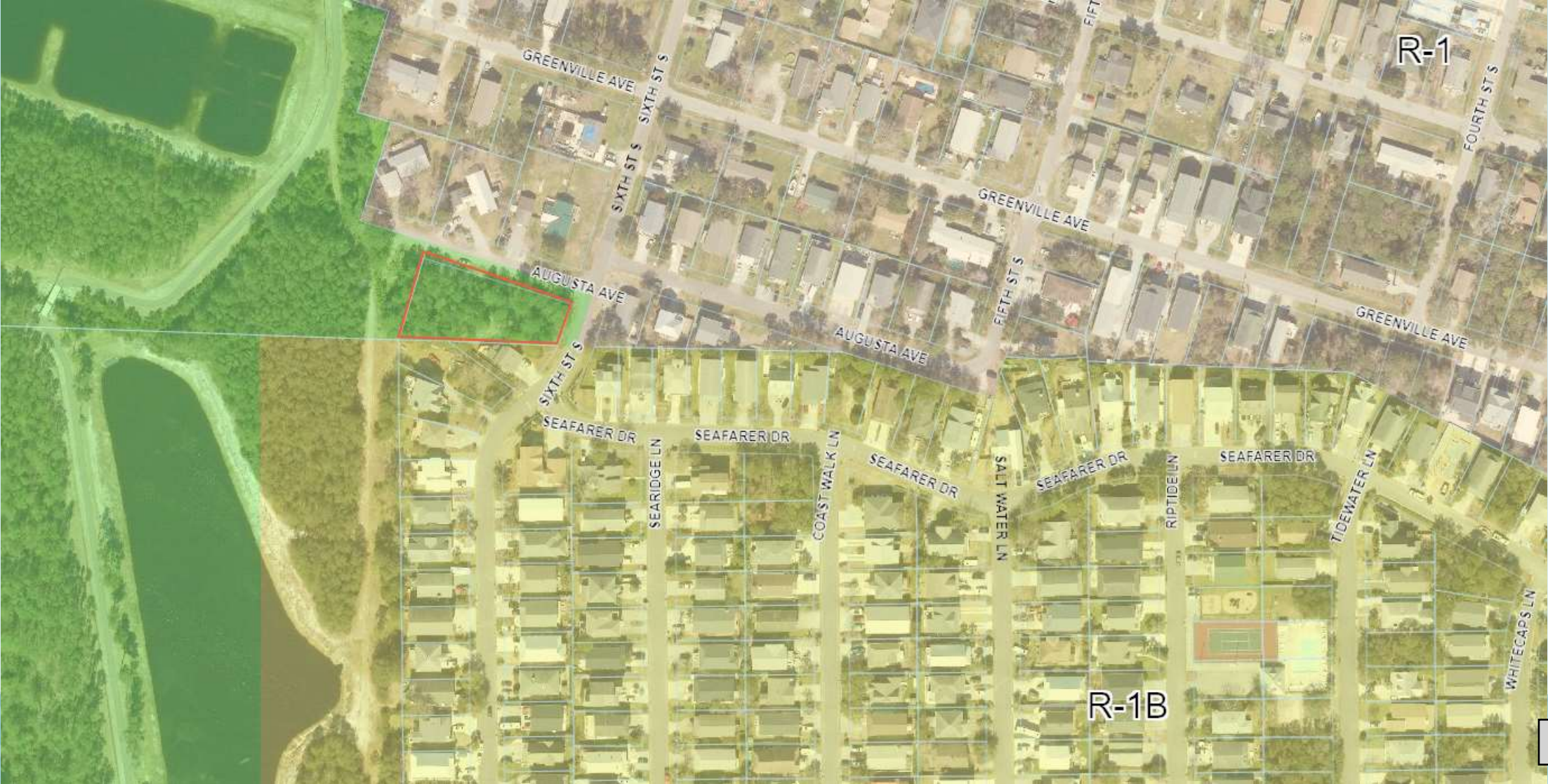


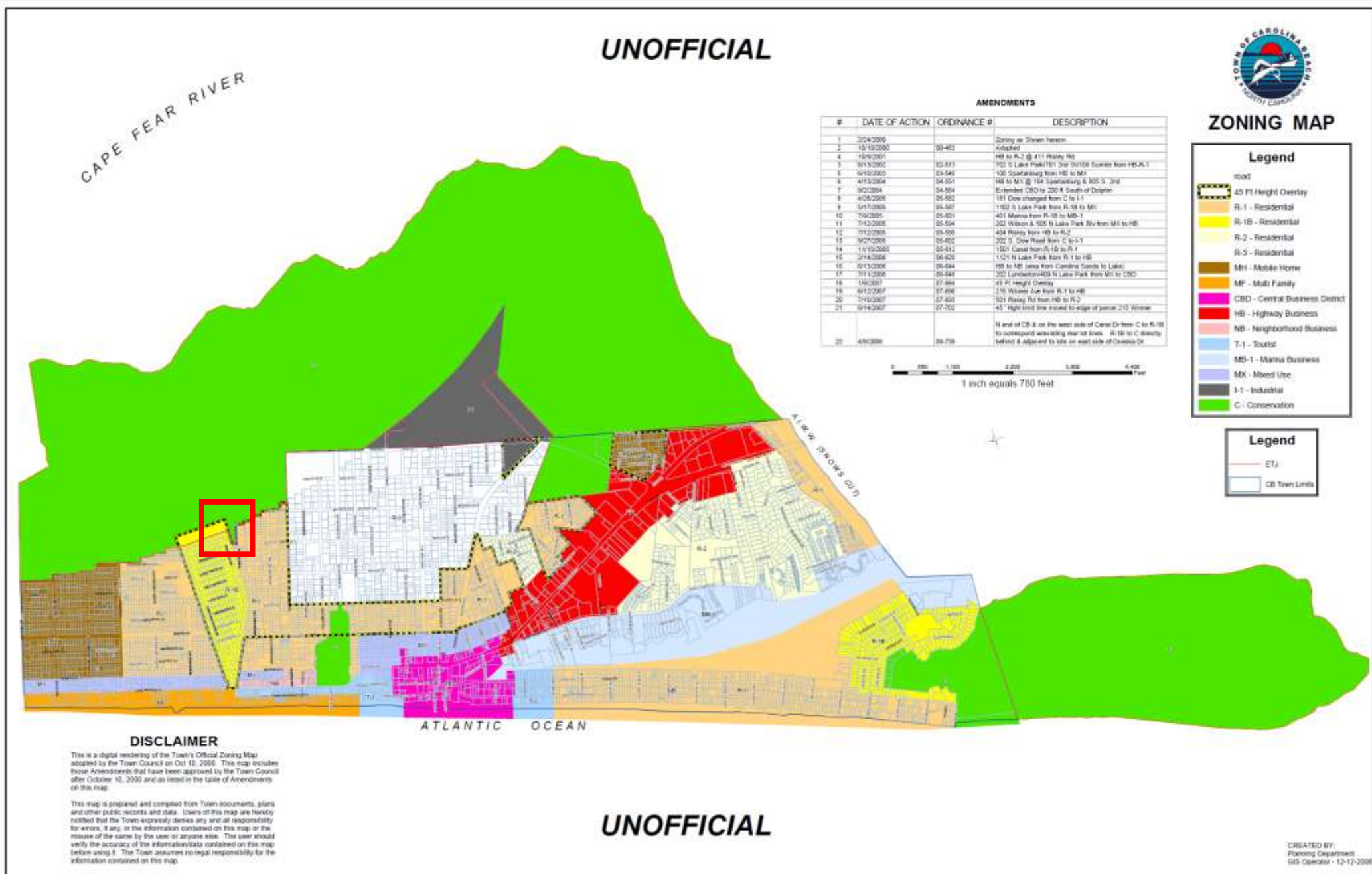
2000 Zoning Map

Item 8.



Digital Format of the 2000 zoning map





DISCLAIMER

This is a digital rendering of the Town's Official Zoning Map adopted by the Town Council on Oct 18, 2006. This map includes those Amendments that have been approved by the Town Council after October 18, 2000 and are listed in the table of Amendments on this map.

This map is prepared and compiled from Town documents, plans and other public records and data. Users of this map are hereby notified that the Town expressly denies any and all responsibility for errors, if any, in the information contained on this map or the issues of the same by the user of anyone else. The user should verify the accuracy of the information/data contained on this map before using it. The Town assumes no legal responsibility for the information contained on this map.

UNOFFICIAL

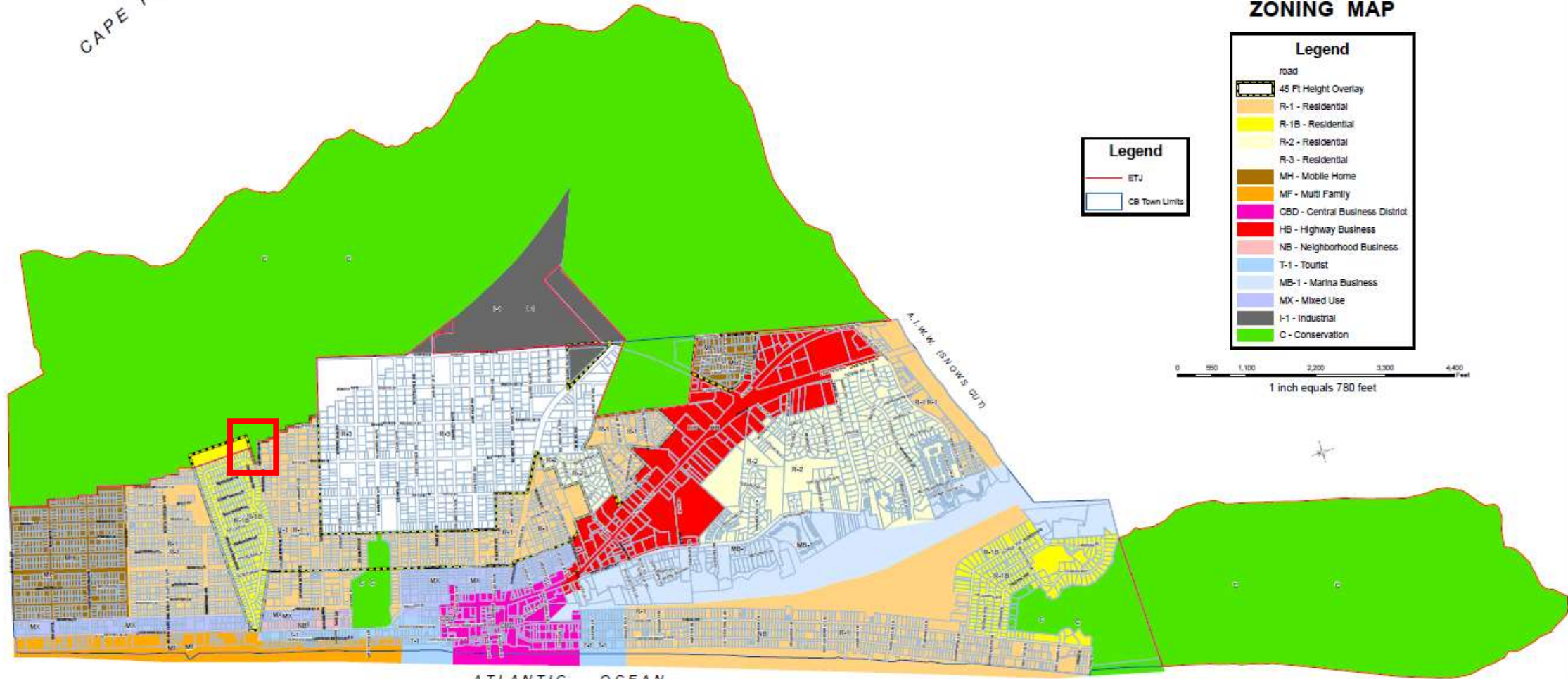
OFFICIAL



Item 8.

CAPE FEAR RIVER

ZONING MAP



Legend

- ETJ
- CB Town Limits

Legend

- road
- 45 Ft Height Overlay
- R-1 - Residential
- R-1B - Residential
- R-2 - Residential
- R-3 - Residential
- MH - Mobile Home
- MF - Multi Family
- CBD - Central Business District
- HB - Highway Business
- NB - Neighborhood Business
- T-1 - Tourist
- MB-1 - Marina Business
- MX - Mixed Use
- I-1 - Industrial
- C - Conservation



ATLANTIC OCEAN

A.I.W. SNOWS CUT D

DULY ADOPTED BY THE TOWN COUNCIL FOR THE TOWN OF CAROLINA BEACH, NORTH CAROLINA ON _____

TOWN CLERK _____ MAYOR _____ TOWN ATTORNEY _____
 DATE: _____ DATE: _____ DATE: _____

OFFICIAL

CREATED BY: Planning Department GIS Technician - July 2008

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Future Land Use Character Area Descriptions

Medium Density Residential
Mostly medium-sized lots (min. 5,000 sq ft) with primarily single family detached residences. Smaller-scale, attached residences (two-family homes and townhomes) allowed occasionally if contextually compatible.

Zoning Districts

USES OF LAND	R-1	R-1B	C
Residential Uses			
Two-family dwellings	P		
Single-family detached	P	P	P
Planned Unit Development	4 or less P 4 or more CZ		

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yard	Min. Rear Yard	Min. Side Yards* (Corner Lot—Min. 12.5 ft.) ⁴	Residential Max. Density	Max. Height	Max. Lot Coverage
R-1	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. ¹	40%
R-1B	Single-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. ¹	40%
C	Conservation District Single-Family	80,000 sq. ft.	200 ft.	30 ft.	20 ft.	20 ft.	0.5 units/acre	50 ft. ¹	15%

Sec. 40-424. - Nonconforming lots.

(a) *Use by right when all setbacks can be met.* Where the owner of a lot of record identified as nonconforming by the county tax parcel identification numbers as they exist on December 13, 2005 does not own sufficient land to enable the owner to conform to the dimensional requirements established by this chapter, such lot may be developed as a single-family residence,

Timeline Summary

- Property platted in 1925
- ETJ - 1971
- 1971 Zoned Residential
- 1997 LUP– Buffer area, State Park, Freeman Park as Conservation
- 1997 LOP designated this lot as residential (Main Residential Area)
- 2000 Town adopted a new zoning map that designated the areas outside of the town limits as Conservation (Except I-1, Tucker Property). 601 Augusta depicted as R-1.
- 2001 Town sent paper map off to third party for a digitize version (601 Augusta –C).
- 2008 Town adopted official zoning map with amendments (601 Augusta –C)
- 2022 Annexed in the Town of Carolina Beach

Recommendation

Planning & Zoning Commission Recommendation

Recommended approval 5-2 to rezone the property located at 601 Augusta Ave to R-1B.

MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the rezoning of 601 Augusta Ave from Conservation to R-1 is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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.



Town Limits

Item 8.





AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council – July 11th, 2023

SUBJECT: **Text Amendment** to amend Chapter 40, Sec. 40-72. Table of permissible uses, Sec. 40-261. – Development standards for particular uses, and Sec. 40-548. Definitions to amend standards for Event Venue / Bars.
Applicant: Town of Carolina Beach

BACKGROUND:

The Town Council directed staff to reexamine the ordinance requirements for event venues that were approved in February of this year. Specifically, the ABC standards that were set forth in the development standards. Originally, the language required event venues to comply with the standards of the ABC Limited Special Occasion Permit. This caused a discrepancy with the applicant's business plan. The ABC Limited Special Occasion Permit does not allow owners of the establishment to apply for the permit to perform on-premises sales. The Limited Special Occasion Permit is valid only for outside parties, two weeks prior to the event.

The ABC Commission defines the Limited Special Occasion Permit as follows: A limited special occasion permit authorizes the permittee to bring fortified wine and spirituous liquor onto the premises of a business, with the permission of the owner of that property, and to serve those alcoholic beverages to the permittee's guests at a reception, wedding, party, or other special occasion being held there. The permit may be issued to any individual other than the owner or possessor of the premises. An applicant for a limited special occasion permit shall have the written permission of the owner or possessor of the property on which the special occasion is to be held.

In order for the owners of the event venue to sell alcohol on premises, they must be permitted as a mixed beverage bar by the ABC Commission.

Proposal:

The text amendment consists of reorganizing the use under eating and drinking establishments, renaming the use as Event Venue / Bar, and creating standards that all point of sale shall be indoors or in an outdoor area located a minimum of 20' from any property line. Outdoor areas

that are proposed must be shown on the site plan for approval via conditional zoning. Any changes to the outdoor areas shall be considered a major modification of the conditional zoning approval. Additionally, the 200' separation requirement may be waived by Town Council for event venue / bar uses adjacent to T-1 and MX Zoning districts. Moving the use underneath the category of eating and drinking establishments creates clarity that event venues must comply with all ABC and/or ALE requirements as well as other provisions in the town ordinances, i.e. noise ordinance, fire code, etc.

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.

P&Z recommended unanimous approval with the following addition to Sec. 40-261(6)d.

- Outdoor areas (point of sale, entertainment, and consumption) shall end at 9:00pm.

MOTION:

Approval – to amend Chapter 40, Sec. 40-72. Table of permissible uses, Sec. 40-261. – Development standards for particular uses, and Sec. 40-548. Definitions to amend standards for Event Venue / Bars.

Denial – to amend Chapter 40, Sec. 40-72. Table of permissible uses, Sec. 40-261. – Development standards for particular uses, and Sec. 40-548. Definitions to amend standards for Event Venue / Bars.

Ordinance 23-1205

Town of Carolina Beach
Town Council



AN ORDINANCE TO AMEND THE DEVELOPMENT STANDARDS AND DEFINITION OF EVENT VENUE / BAR

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
Eating and/or drinking establishments (See section 40-261)														
Event Venue / Bar									CZ		CZ			

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

(o) *Eating and/or drinking establishments.* Eating and/or drinking establishments are businesses that cater to the public and are strongly encouraged by the Town due to their support of a resort market niche and yearround residency. Despite this, some eating and/or drinking establishments may have adverse secondary impacts. To address possible adverse impacts and in order to ensure the health, safety, and well-being of the citizens of the Town, as well as that of the tourists and visitors to the Town, all persons requesting to open an eating and/or drinking establishment shall sign a statement of agreement to abide by the following regulations. Failure to comply with these regulations shall constitute a violation of this chapter subject to the enforcement procedures as outlined in article XV of this chapter.

(1) Standards for all eating and/or drinking establishments:

- a. Shall not provide any material misrepresentation, misstatement or omission, concerning information required to be provided for approval;
- b. Shall comply with all provisions of the ABC Commission and/or ALE requirements, if applicable. Any eating and/or drinking establishment that receives a permit from the ABC Commission as a private club shall be considered a bar/tavern and shall meet all requirements for that use.

Ordinance 23-1205

Town of Carolina Beach
Town Council

- c. Shall adhere to standards and regulations of the Town's noise ordinance. Offenses shall be subject to the regulations as listed in section 18-140, violations. If applicable, all violations shall be submitted to the North Carolina Alcohol Beverage Control (ABC) Commission by the Town to ensure all operators stay in compliance with all provisions of the ABC Commission.
 - d. Shall meet fire codes and limit occupancy to the maximum number allowed for the establishment.
 - e. At the time of application and excluding bar/taverns, all eating and/or drinking establishments shall provide the Town with a menu having a food and/or non-alcoholic beverage as the primary business.
 - f. Outdoor areas.
 - 1. Proposed temporary outdoor entertainment areas that are not identified on the approved site plan shall be reviewed in accordance with chapter 14, article IX, outdoor performances and events [special events].
 - 2. Outdoor artificial lighting fixtures shall not be designed and positioned so that the point source of light (light bulb) is directly visible from adjacent properties, rights-of-way or ocean and sound front areas.
- (2) A conditional zoning shall be required if an eating and/or drinking establishment meets any of the following:
- a. Meets the criteria for a bar/tavern; or
 - b. Any establishment other than a standard restaurant that proposes to serve alcohol for on-premises consumption.
- (3) Standards for bars/taverns:
- a. Bars/taverns which because of their nature may have serious adverse secondary impacts, and are therefore required to meet the minimum separation requirements of subsection (1)(3)b of this section.
 - b. No new bars/taverns shall be permitted within:
 - 1. 200 feet of an established church or school;
 - 2. 200 feet of any residential district.
- (4) Standards for Wine Shops (On-premise):
- a. All Wine Shops shall meet all requirements of the ABC Permit.
- (5) Standards for Beer Shops (On-premise):
- a. All Beer Shops shall meet all requirements of the ABC Permit.

Ordinance 23-1205

Town of Carolina Beach
Town Council

- b. Any indoor or outdoor areas shall be located three times the minimum setback yard for the district from any lot line and/or any residential use. The additional setbacks shall not apply to property lines adjacent to the right-of-way.

~~(p)~~ (6) Standards for Event Venue / Bar

~~(4)~~ a. 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.~~

b. Alcohol point of sale shall be:

1. Indoors or

2. Outdoor area located a minimum of 20' from any property line.

c. Outdoor areas designated for point of sales and consumption shall be designated on the site plan and shall have a barrier that is 4' to 6' in height. Any changes to the outdoor areas shall be considered a major modification of the conditional zoning approval.

d. Outdoor point of sale, outdoor entertainment, and outdoor consumption shall end at 9:00pm.

e. 200' requirements for separation may be waived by Town Council for event venue / bars located adjacent to the MX zoning district.

~~(6)~~(7) Provisions construed as consistent with state law. The provisions of this section are:

- a. Not to be construed as regulating any activity which the Town is forbidden by state law to regulate;
- b. Not to be construed as applying to any activity the Town is prohibited from regulating because the North Carolina General Assembly has so clearly expressed its intent in the course of providing a complete and integrated regulatory scheme that municipalities are prohibited from enacting provisions concerning matters covered by the regulatory scheme;
- c. Not to be interpreted or construed as imposing requirements different from those that are imposed by the state;
- d. To be interpreted so that they are consistent with any requirements and regulations imposed by the state.

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.~~

Ordinance 23-1205

Town of Carolina Beach
Town Council

Eating and/or drinking establishment means an establishment whose principal business is the sale of foods, frozen desserts, and/or both alcoholic and nonalcoholic beverages to a customer in a ready-to-consume state, and whose design and principal method of operation determines its classification as follows:

- *Bars and taverns* means establishments primarily engaged in the sale and service of alcoholic beverages for on-premises consumption during any period of the day as permitted by law. The incidental sale or provision of food or snacks shall not entitle such a use to be considered a restaurant under other provisions of this Code. Synonyms: Private club as defined by the ABC commission, tavern, saloon, barroom, inn, pub, watering hole, drinking hole, gin mill, tap room.
- *Drive-in/drive-thru restaurant* means establishments serving from edible containers or in paper, plastic, or other disposable containers at a drive-in window. Consumption shall be off-premises, within the principal building, or at other facilities on the premises outside the principal building.
- *Eatery* means establishments serving by delivery; pick-up; from an inside; outside; and/or a walk up ordering counter. These eateries cater to the sale of baked goods, sandwiches, salads, ice, cream, donuts, beverages and/or other similar foods.
- [Event Venue / Bar means 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.](#)
- *Standard restaurant* means establishments substantially engaged in preparing and serving meals. Standard restaurants shall have an inside dining area, and may include outside dining. To qualify as a standard restaurant, the establishment shall meet all criteria of the ABC commission for a restaurant designation as defined by G.S. 18B-1000.

Adopted this 11th day of July, 2023.

TOWN OF CAROLINA BEACH

Albert L. Barbee, Mayor

ATTEST:

Kimberlee Ward, Town Clerk

Ordinance 23-1205

Town of Carolina Beach
Town Council



Text Amendment to amend standards for Event Venues

- Amend Chapter 40 Sec 40-72 – Table of permissible uses,
- Amend Chapter 40 Sec 40-261 – Development standards for particular uses, and
- Amend Chapter 40 Sec 40-548 – Definitions.

Applicant: Town of Carolina Beach

Background

- Original language:
 - 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.
- ABC defines the Limited Special Occasion permit as:
 - A limited special occasion permit authorizes the permittee to bring fortified wine and spirituous liquor onto the premises of a business, with the permission of the owner of that property, and to serve those alcoholic beverages to the permittee's guests at a reception, wedding, party, or other special occasion being held there. The permit may be issued to any individual other than the owner or possessor of the premises. An applicant for a limited special occasion permit shall have the written permission of the owner or possessor of the property on which the special occasion is to be held.
- Mixed beverage / bar permit aligns with the applicant's business plan

Amend Chapter 40 Sec 40-261 – Development standards for particular uses.

~~(p)~~ (6) Standards for Event Venue / Bar

~~(1)~~ a. 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.~~

b. Alcohol point of sale shall be:

1. Indoors or

2. Outdoor area located a minimum of 20’ from any property line.

c. Outdoor areas designated for point of sales and consumption shall be designated on the site plan and shall have a barrier that is 4’ to 6’ in height. Any changes to the outdoor areas shall be considered a major modification of the conditional zoning approval.

d. Outdoor point of sale, outdoor entertainment, and outdoor consumption shall end at 9:00pm.

d. 200’ requirement for separation may be waived by Town Council for event venue / bars located adjacent to the MX zoning district.



Amend Chapter 40 Sec 40-72 – Table of permissible uses.

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Eating and/or drinking establishments (See section 40-261)														
Event Venue / Bar									CZ		CZ			

- Relocating the use under eating and/or drinking establishments
- Updating use name

Amend Chapter 40 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.~~

Eating and/or drinking establishment means an establishment whose principal business is the sale of foods, frozen desserts, and/or both alcoholic and nonalcoholic beverages to a customer in a ready-to-consume state, and whose design and principal method of operation determines its classification as follows:

- *Event Venue / Bar* means 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.

Land Use Plan Consistency

General Conformity with the Land Use Plan by promoting:

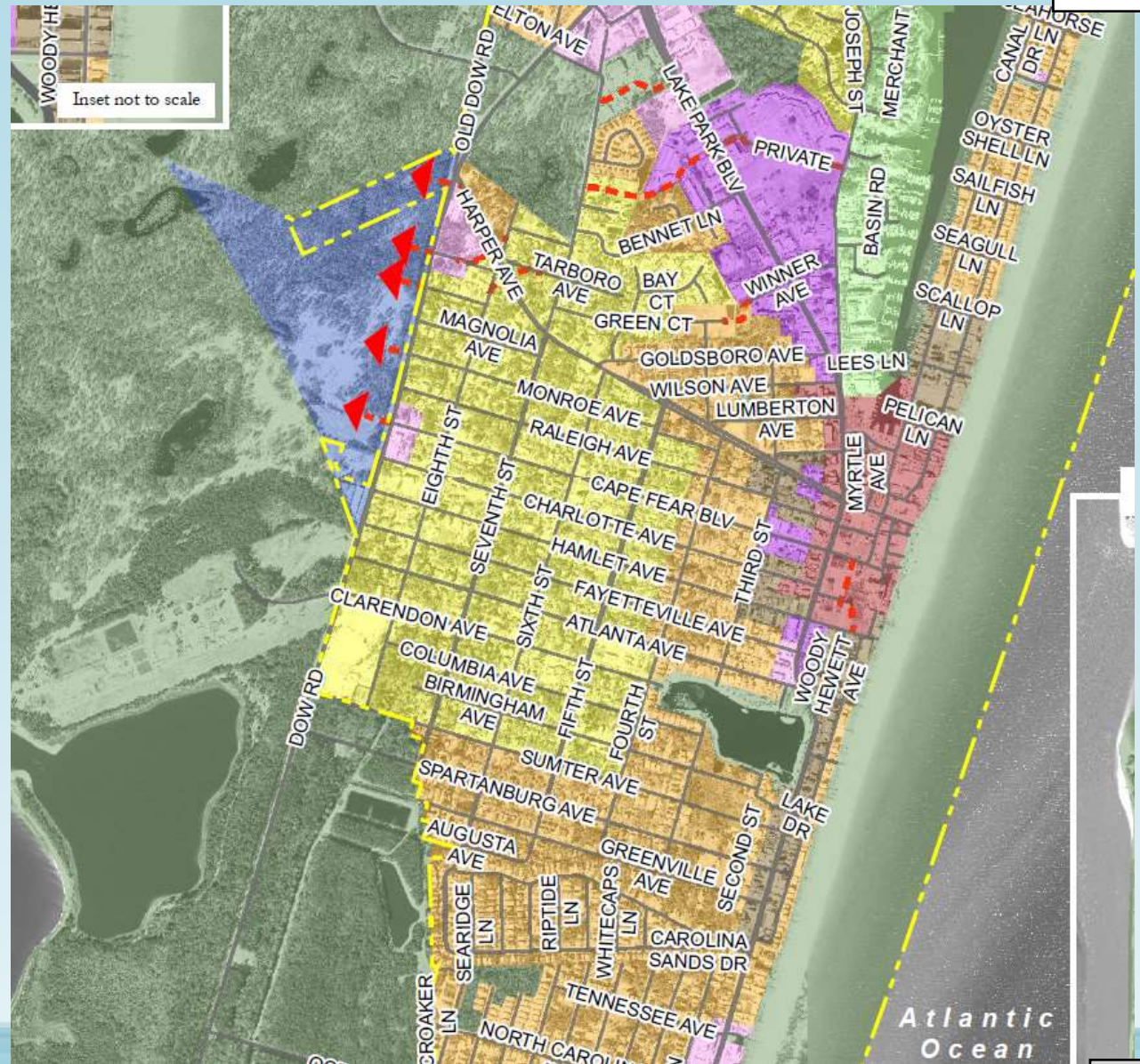
1. Healthy year-round economy
2. Family-friendly community
3. Redevelopment

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

P&Z Recommendation

Unanimous approval with the addition of

1. Outdoor areas shall end at 9pm. to Sec. 40-261 (6)d.



Motion

Approval

- The Council, 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, Sec. 40-72. Table of permissible uses, Sec. 40-261. – Development standards for particular uses, and Sec. 40-548. Definitions to amend standards for Event Venue / Bars 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



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts, Sr Planner

DEPARTMENT: Planning &
Development

MEETING: Town Council – July 11th, 2023

SUBJECT: **Conditional Zoning** to consider an Event Venue / Bar at 205 Charlotte Avenue in the Central Business District (CBD).
Applicant: Kindred Carolina Beach, LLC

BACKGROUND:

The applicant, Kindred Carolina Beach, LLC, is proposing an event venue / bar at 205 Charlotte Avenue as a use in the Central Business District. Event venues / bars are allowed through the approval of conditional zoning in the Central Business District.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such nature or scale that they have significant impacts on both the immediate surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could, the review process provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use and enjoyment of neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, the Commission shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of the results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of the results with the Zoning Administrator. In

approving a petition for the reclassification of property to a conditional zoning district, the Planning and Zoning Commission may recommend, that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on the following:

1. Town services
2. Surrounding property
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose

If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

Proposal:

The applicant is proposing to renovate the existing Deck House Restaurant located at 205 Charlotte Avenue for the use of an event venue / bar. The purpose of the Central Business District is 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 parking requirement for event venues is 1 per 110 square feet of indoor gross floor area. No parking shall be required for outdoor gross floor area if the establishment is located within 500 feet of public parking spaces. A 50% reduction in the parking requirement shall apply to outdoor gross floor area if the establishment is not within 500 feet of public parking spaces. The total indoor gross floor area of the building is 6,990 square feet. The total number of required spaces for the project is 64. There are 148 total spaces within 500 feet. No outdoor space is proposed currently. If any outdoor space for alcohol point of sale is proposed, it shall be considered a major modification of the conditional zoning approval.

The applicant is requesting a waiver to the landscaping requirement as stated in the narrative in the application packet. Landscaping requirements may be waived at the discretion of the

Planning and Zoning Commission and/or Town Council on projects requiring conditional zoning. There is an existing 6' fence between the building and the neighboring properties in the MX district.

Event venues must comply with all ABC and/or ALE standards. The use will be permitted through the ABC as a mixed beverage bar. On-premise alcohol sales are limited to the duration of the event.

Conditional Zoning Process

As part of the application process a community meeting is required. The applicant held the required meeting on December 5, 2022. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from neighboring properties. Outdoor space was discussed at the public input meeting but is no longer part of the scope of this project.

Proposed Conditions

1. The proposed use shall be limited to an indoor event venue / bar.
2. The use and development of the subject property shall comply with all regulations and requirements of any other federal, state or local law, ordinance or regulations.
3. A Type B landscape buffer shall be provided and delineated along the perimeter of the property except in areas waived by Planning and Zoning and Town Council.
4. Installation of a 6' fence with 80 percent opacity along the southern property line.

Land Use Plan

The conditional zoning 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. The project is in conformity with the Downtown Business Area Future Land Use Map Character 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.

ACTION REQUESTED:

Consider recommending approval or denial of a conditional zoning to approve an event venue / bar located at 205 Charlotte Avenue.

Staff recommend approval of the project with the proposed conditions.

Planning and Zoning recommended unanimous approval.

MOTION:

Approval – whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the Conditional Use District to allow for an event venue / bar located at 205 Charlotte Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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.

1121 N. Lake Park Blvd.
Carolina Beach, NC 28428
permits@carolinabeach.org
Phone (910) 458-2999



Permit # _____

TOWN OF CAROLINA BEACH Conditional Zoning Application

The Conditional Zoning process for the Town of Carolina Beach may be found in the ordinance (Sec. 40-527).

Prior to the application submission, the applicant must conduct a Public Input Meeting. The following are the public meeting requirements:

- The applicant must mail notice of said meeting to all property owners within 500 feet of the perimeter of the project bounds no less than 10 days prior to the meeting.
- The notice must include time, date, location, and project description.
- The applicant must maintain and submit to with their application a:
 - o A copy of the letter announcing the meeting
 - o A list of property owners contacted
 - o An attendance roster from the meeting
 - o A summary of the issues discussed
 - o The results and any changes related to the proposal based on meeting discussions

Each application submitted to staff must be legible, contain the public scoping meeting required information, and provide all other required materials to be accepted as a completed application. Supplemental application materials may include, but not be limited to, site plans, building designs, engineered drawings, stormwater designs, landscaping plans, project narratives, Federal and/or State permits/permissions, and Traffic Impact Analyses. **It is strongly suggested that the applicant set up a meeting with Planning Staff prior to the submission deadline, to ensure the application is complete.**

The Planning Department, Technical Review Committee, Planning and Zoning Commission and/or Town Council reserve the right to require additional information if needed to assure that the use in its proposed location will meet be developed in accordance with the Code of Ordinances of the Town of Carolina Beach.

Application fees. The owner or owners, or their duly authorized agent, of the property included in the application for Conditional Zoning shall submit a complete application and supplemental information to the Planning Department. A fee in accordance with the Town’s adopted schedule of fees, payable to the Town of Carolina Beach, must accompany each application. For the purposes of determining the fee, the Zoning Administrator shall categorize each such Conditional Zoning Permit Application as either “major” or “minor”, depending upon the complexity of review. Generally, Planned Residential (over 3 units), Mixed Uses, Business Developments, and similarly complex projects shall be categorized as “major”, while projects such as bed and breakfast inns, small day care services, etc. shall be categorized as “minor”.

Major Conditional Zoning Permit	=	\$ 800.00
Minor Conditional Zoning Permit	=	\$ 350.00

This permit will be scheduled for the next possible Technical Review Committee, provided the public scoping meeting has taken place and the application is otherwise complete.



2023 Submission Deadlines & Meeting Dates

Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 2	Jan 17	Dec 29	Jan 12	Dec 27	Jan 10
Feb 6	Feb 21	Jan 26	Feb 9	Jan 31	Feb 14
Mar 6	Mar 21	Feb 23	Mar 9	Feb 28	Mar 14
Apr 3	Apr 17	Mar 30	Apr 13	Mar 28	Apr 11
May 1	May 15	Apr 27	May 11	Apr 25	May 9
June 5	June 19	May 25	June 8	May 30	June 13
July 3	July 17	June 29	Jul 13	June 27	July 11
Aug 7	Aug 21	July 27	Aug 10	July 25	Aug 8
Sept 1	Sept 18	Aug 31	Sept 14	Aug 29	Sept 12
Oct 2	Oct 16	Sept 28	Oct 12	Sept 26	Oct 10
Nov 6	Nov 20	Oct 26	Nov 9	Oct 31	Nov 14
Dec 4	Dec 18	Nov 30	Dec 14	Nov 28	Dec 12
Jan 2024	Jan 2024	Jan 2024	Jan 2024	Jan 2024	Jan 2024
Board	# Copies Full Size	# Copies Electronic	Recipients		
TRC	9	1	1 Manager, 3 Planning, 1 Fire, 1 Police, 2 Operations, 1 Admin		
P&Z	9	1	7 P&Z, 1 Manager, 2 Planning, 1 Secretary, 1 Island Gazette		
Town Council	9	1	5 Town Council, 1 Manager, 1 Planning, 1 Clerk, 1 Island Gazette		

PURPOSE

Conditional zoning allows flexibility with regard to the zoning regulations. Subject to high standards of planning and design, certain uses may be allowed in certain districts or on properties provided they can be developed to minimize any adverse effects they might have on surrounding properties. Conditional Zoning allows for public and governing board input to help any proposed project meet its goals while also contributing to the positive development of Carolina Beach.

Please complete all sections of the application.

A. Property Information

Address(es): 205 Charlotte Avenue, Carolina Beach, NC 28428

PIN(s): R09006-032-014-000

Project Name: Kindred @ Common Ground

Size of lot(s): 18,750 sqft

B. Application for Conditional Zoning

Application is hereby made for a Conditional Use Permit for use of the property described above as a (please provide a brief description of the use):

Event Venue for Weddings and Events with a Bar ABC License as we will operate the alcohol beverage component of the event space.

C. Applicant Contact Information

Kindred Carolina Beach LLC

Michael Urti

513 Monroe Avenue Carolina Beach, NC 28428

910-530-0843

michael.urti@nestrealty.com

D. Owner Contact Information (if different)

Common Ground Holdings LLC
Owner's Name

1414 Snapper Lane; Unit 2
Mailing Address

Carolina Beach, NC 28428
City, State, and Zip Code

910-530-0843
Telephone

michael.urti@nestrealty.com
Email

**Check the box beside each item verifying that the item has been submitted with this application****I. Site Plan Criteria**

For new construction all boxes in this section shall be marked yes by the applicant to be considered a complete application.

Yes No N/A

- X The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
- X An appropriate scaled plan
- X Title block or brief description of project including all proposed uses
- X Date
- X North arrow
- X Property and zoning boundaries
- X The square footage of the site
- X Lot coverage (buildings, decks, steps)
- X Location of all existing and proposed *structures* and the setbacks from property lines of all affected structures to remain on-site
- X Design of driveways and parking
- X Adjacent right-of-ways labeled with the street name and right of way width
- X Location of all existing and/or proposed easements

Additional information or data as determined necessary by town staff and/or other reviewing agencies including but not limited to the following may be required:

Yes No N/A

- Location and design of refuse facilities
- Approximate locations and sizes of all existing and proposed *utilities*
- Existing and/or proposed fire hydrants (showing distances)
- Adjacent properties with owners' information and approximate location of structures
- Distances between all *buildings*
- Number of *stories* and height of all *structures*
- Locations of all entrances and exits to all *structures*
- Calculate the *gross floor area* with each room labeled (i.e. kitchen, bedroom, bathroom)
- Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use
- Location of flood zones and finished floor elevations
- CAMA Areas of Environmental Concern (AEC) and CAMA setbacks
- Delineation of *natural features* and wetlands with existing and proposed topography with a maximum of two-foot contour intervals
- Proposed landscaping including percentages of *open space*
- Stormwater management systems
- Cross-sectional details of all streets, roads, ditches, and *parking lot* improvements
- Building* construction and occupancy type(s) per the building code
- Location of fire department connection(s) for standpipes
- Turning radii, turnarounds, access grades, height of overhead obstructions
- Dimensions and locations of all *signs*
- A vicinity map drawn with north indicated
- Submit the total daily water flow usage and sewer design flow by a design professional
- I have provided two hard-copies and one scaled electronic version of each required drawing
- I am prepared to pay the application fee today

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

1. Detailed project narrative describing the proposed site and request.
2. Agent form if the applicant is not the property owner
3. Request for site specific vesting plan shall be submitted in accordance with Chapter 40 Article XIII

OWNER'S SIGNATURE: In filing this application for a conditional zoning, I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief.

Michael Urti

04/19/2023

Signature

Date

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Common Ground Holdings LLC, does hereby appoint Kindred Carolina Beach LLC 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) In the case of conditional zoning, to accept conditions or recommendations made for the conditional zoning on the owner’s property. (4) 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: 04/19/2023

Appointee’s Name, Address & Telephone:

Kindred Carolina Beach LLC
Michael Urti
513 Monroe Avenue
Carolina Beach, NC 28428

Signature of Owner: Michael Urti 04/19/2023

Town of Carolina Beach,

The owners of Kindred Carolina Beach LLC, Michael and Katie Urti and David and Lara Hamlet, are applying for a Conditional Zoning Permit for an Event Venue located at 205 Charlotte Avenue, the former Deckhouse Restaurant. Our goal is to renovate the interior of the property to host weddings, local and regional music, comedic acts, culinary experiences, philanthropic events, birthday parties, and a range other community related events.

Fire hydrant locations can be found on an included ancillary diagram.

The landscape buffer can be found in green on the primary layout diagram. Since this is not new construction and the property has existed since 1945, the back of the building does not have 10 feet to accommodate a buffer zone. There is approximately five feet between the back of the building and property line. We are asking for an exception to the buffer zone at the back of the building. Congesting this area with vegetation would impede access to or make it impassable in case of an emergency or maintenance concern. The back of the building currently houses HVAC and natural gas equipment.

Within 500ft of the property there are 148 public spaces. A diagram and space allocation by street can be found on a included ancillary diagram.

Trash receptacle location is indicated on the primary layout diagram. This is a shared dumpster with Kate's Pancake House.

Lastly, during our Public Input Meeting held on 12/5/2022 at 9:00am, we spoke about potential outdoor space as part of the project. At this time, creating outdoor space is not part of the scope of this project.

Thank you

Kindred Carolina Beach LLC

November 25, 2022 at 1:20:20 PM
10,239 of 11,401



Dear Carolina Beach Resident,

You are invited to a Public Input Meeting for a Conditional Zoning Application regarding the parcels located at 205 and 209 Charlotte Avenue...the former Deckhouse Restaurant.

The Conditional Zoning Applicant will be requesting the following.

- Combining the two parcels into one larger parcel of land and absorbing the Central Business District Zoning. Currently, 205 Charlotte Ave is C.B.D. and 209 is Mixed Used Zoning.
- Creation of an "Event Venue" Permissible Land Use for the former Deckhouse building. The applicant intends to make this into a Wedding and Event Venue.
- Commercial Planned Unit Development of 10 retail and/or restaurants constructed out of Shipping Containers on the section of land that is currently a parking lot. (209 Charlotte Ave) See attached preliminary site plan.
- Conditional Zoning Application will also ask for the applicant to be able to operate a Privately Owned paid parking lot which is allowed within the CBD Zoning with conditional zoning approval.

Public Input Meeting Details

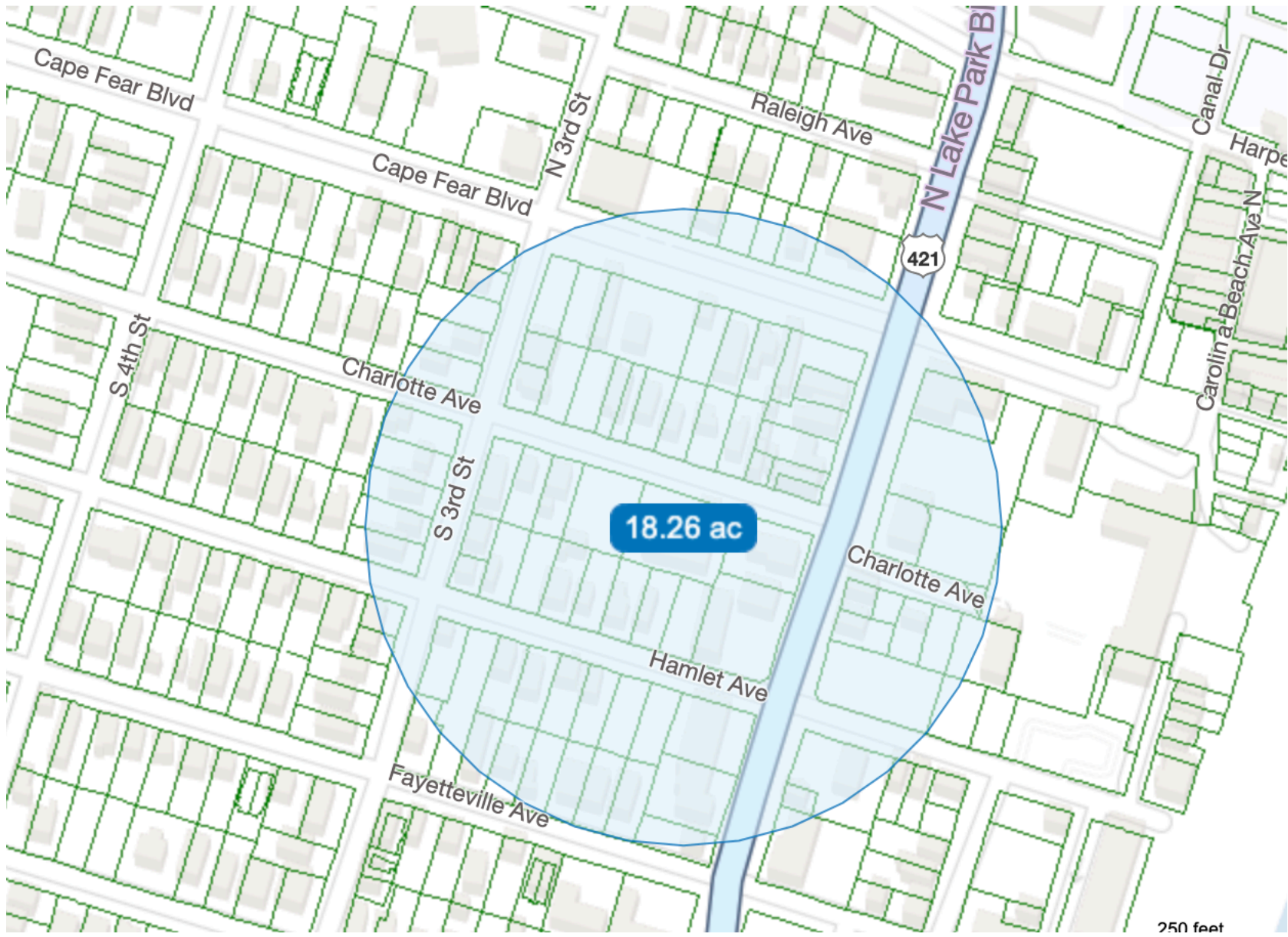
Monday, December 5th, 2022

9:00am

The Deckhouse
205 Charlotte Avenue
Carolina Beach, NC 28428

Michael Urti
Broker/Realtor
Nest Realty
910.460.6890
Michael.urti@nestrealty.com





Property Owners within 500ft Radius of 205 Charlotte Ave

Owner Name 1	First Name 1	Last Name 1	First Name 2	Last Name 2	Owner Address	Owner City	Owner State	Owner Zip	Property Address	Property City	Property Zip	Property Type
Mfp Properties LLC					Po Box 271	Carolina Beach	NC	28428-0271	10 Lake Park Blvd S	Carolina Beach	28428-5131	Commercial
Island Kite Surf Complex LLC					Po Box 1427	Carolina Beach	NC	28428-1427	209 Lake Park Blvd S	Carolina Beach	28428-5136	Commercial
Robert J Russo Jr	Robert	Russo			Po Box 1675	Carolina Beach	NC	28428-1675	213 Cape Fear Blvd	Carolina Beach	28428-5128	Commercial
On The Beach Inc					Po Box 2289	Carolina Beach	NC	28428-2289	109 Cape Fear Blvd	Carolina Beach	28428	Commercial
On The Beach Inc					Po Box 2289	Carolina Beach	NC	28428-2289	104 Charlotte Ave	Carolina Beach	28428	Commercial
On The Beach Inc					Po Box 2289	Carolina Beach	NC	28428-2289	5 Lake Park Blvd S	Carolina Beach	28428	Commercial
Tony Silvagni Holdings LLC					107 Charlotte Ave	Carolina Beach	NC	28428-5120	107 Charlotte Ave	Carolina Beach	28428-5120	Commercial
Roof Emma Trust					221 Lochview Dr	Cary	NC	27518-9620	8 Lake Park Blvd S	Carolina Beach	28428-5131	Commercial
Lazzara Pizza Inc					105 Dover Ln	Jacksonville	NC	28540-4584	9 Lake Park Blvd S	Carolina Beach	28428-5184	Commercial
Cbkb LLC					224 Seawatch Way	Kure Beach	NC	28449-4808	109 Charlotte Ave	Carolina Beach	28428	Commercial
107 Lake Park LLC					224 Seawatch Way	Kure Beach	NC	28449-4808	104 Hamlet Ave	Carolina Beach	28428	Commercial
Cbkb LLC					224 Seawatch Way	Kure Beach	NC	28449-4808	103 Lake Park Blvd S	Carolina Beach	28428-5134	Commercial
107 Lake Park LLC					224 Seawatch Way	Kure Beach	NC	28449-4808	107 Lake Park Blvd S	Carolina Beach	28428	Commercial
Rizk Realty Co					Po Box 1786	Laurinburg	NC	28353-1786	214 Cape Fear Blvd	Carolina Beach	28428-5127	Commercial
Apple Eight Spe Carolina Beach Lp					814 E Main St	Richmond	VA	23219-3306	100 Charlotte Ave	Carolina Beach	28428-5119	Commercial
Beach House Partners III LLC					1525 S Front St	Wilmington	NC	28401-6119	201 Cape Fear Blvd	Carolina Beach	28428-5128	Commercial
Frederick D Crouch	Frederick	Crouch	Margaret	Crouch	3148 Casa Ct	Wilmington	NC	28409-2788	1 Lake Park Blvd N	Carolina Beach	28428-4926	Commercial
Weiss K LLC					510 Seaview Rd E	Wilmington	NC	28409-4927	102 Lake Park Blvd S	Carolina Beach	28428-5133	Commercial
Zions Purple Star LLC					7601 Scout Camp Hatila Rd	Wilmington	NC	28409-5028	207 Hamlet Ave	Carolina Beach	28428	Commercial
Coen Joseph C & Trustee Coen Ann M Trustee					616 Sea Castle Ct	Wilmington	NC	28412-3277	208 Lake Park Blvd S	Carolina Beach	28428-5135	Commercial
Susan M Ywaskevich	Susan	Ywaskevich			100 River Ct	Wilmington	NC	28412-3560	205 Lake Park Blvd S	Carolina Beach	28428	Commercial
Carolina Beach Town Of					1121 Lake Park Blvd N	Carolina Beach	NC	28428-4130	219 Hamlet Ave	Carolina Beach	28428	County Exempt
Carolina Beach Town Of					1121 N Lake Park Blvd	Wrightsville Beach	NC	28480	5 Lake Park Blvd S	Carolina Beach	28428	County Exempt
Bellsouth Telecommunications Inc					1155 NE Peachtree St # 14H02	Atlanta	GA	30309	220 Charlotte Ave	Carolina Beach	28428	Open Space
Bellsouth Telecommunications Inc					1155 NE Peachtree St # 14H02	Atlanta	GA	30309	222 Charlotte Ave	Carolina Beach	28428	Open Space
Bellsouth Telecommunications Inc					1155 NE Peachtree St # 14H02	Atlanta	GA	30309	3 S Third St	Carolina Beach	28428	Open Space
Bellsouth Telecommunications Inc					1155 NE Peachtree St # 14H02	Atlanta	GA	30309	5 S Third St	Carolina Beach	28428	Open Space
Bellsouth Telecommunications Inc					1155 NE Peachtree St # 14H02	Atlanta	GA	30309	217 Cape Fear Blvd	Carolina Beach	28428	Residential
Ashley Gabrielle Nicole Parks	Ashley	Parks			Po Box 428	Carolina Beach	NC	28428-0428	101 Lake Park Blvd S	Carolina Beach	28428	Residential
Russell J Cook	Russell	Cook	Sharon	Cook	Po Box 978	Carolina Beach	NC	28428-0978	207 S Third St	Carolina Beach	28428	Residential
Russo Rentals LLC					Po Box 1675	Carolina Beach	NC	28428-1675	218 Charlotte Ave	Carolina Beach	28428-5121	Residential
Paula Stephen Lee	Paula	Lee	Alice	Lee	403 Peninsula Dr	Carolina Beach	NC	28428-4013	106 S Third St	Carolina Beach	28428-5153	Residential
Cori L McQueen	Cori	McQueen	Daniel	McQueen	601 Rocky Mount Ave	Carolina Beach	NC	28428-4322	205 Cape Fear Blvd	Carolina Beach	28428-5128	Residential
Raul Sabra Florez	Raul	Florez			208 Fayetteville Ave	Carolina Beach	NC	28428-5109	208 Fayetteville Ave	Carolina Beach	28428-5109	Residential
Patrick Smith Jewell	Patrick	Jewell	Diana	Jewell	209 Fayetteville Ave	Carolina Beach	NC	28428-5110	212 Fayetteville Ave	Carolina Beach	28428-5109	Residential
Kieu Loan Thi Tang	Kieu	Tang	Nguyen	Tiec	109 Hamlet Ave	Carolina Beach	NC	28428-5114	109 Hamlet Ave	Carolina Beach	28428-5114	Residential
Matthew William Ward	Matthew	Ward			209 Hamlet Ave	Carolina Beach	NC	28428-5116	209 Hamlet Ave	Carolina Beach	28428-5116	Residential
Patrick M Lahner	Patrick	Lahner	Harrell	Cathy	211 Hamlet Ave	Carolina Beach	NC	28428-5116	211 Hamlet Ave	Carolina Beach	28428-5116	Residential
Rhiannon L Harrell	Rhiannon	Harrell			211 Hamlet Ave	Carolina Beach	NC	28428-5116	213 Hamlet Ave	Carolina Beach	28428-5116	Residential
Tony Mirasol Sabetti	Tony	Sabetti			217 Charlotte Ave	Carolina Beach	NC	28428-5122	217 Charlotte Ave	Carolina Beach	28428-5122	Residential
1210 Fhd LLC					300 Charlotte Ave	Carolina Beach	NC	28428-5123	300 Charlotte Ave	Carolina Beach	28428-5123	Residential
Mach 2 Lih LLC					209 Cape Fear Blvd	Carolina Beach	NC	28428-5128	209 Cape Fear Blvd	Carolina Beach	28428-5128	Residential
Page Jason R & Rev Liv Trust Page Amity H Rev Liv Trust					102 Third St S	Carolina Beach	NC	28428-5153	102 S Third St	Carolina Beach	28428-5153	Residential
William M Knott	William	Knott	Patricia	Knott	104 Third St S	Carolina Beach	NC	28428-5153	104 S Third St	Carolina Beach	28428-5153	Residential
Young S Kim	Young	Kim	Wendy	Kim	101 Third St S	Carolina Beach	NC	28428-5154	101 S Third St	Carolina Beach	28428-5154	Residential

Laura Lookingbill	Laura	Lookingbill			105 Third St S	Carolina Beach	NC	28428-5154	105 S Third St	Carolina Beach	28428-5154	Residential
Darrel Allen Christina M Pershing	Darrel	Pershing			200 Third St S Unit 1	Carolina Beach	NC	28428-5155	200 S Third St	Carolina Beach	28428-5155	Residential
Timothy Brewington	Timothy	Brewington			212 Hamlet Ave	Carolina Beach	NC	28428-5159	212 Hamlet Ave	Carolina Beach	28428-5159	Residential
Adrian Olga Rodriguez	Adrian	Rodriguez			210 Charlotte Ave	Carolina Beach	NC	28428-5186	210 Charlotte Ave	Carolina Beach	28428-5186	Residential
Coa Laluna	Coa	Laluna			103 Charlotte Ave	Carolina Beach	NC	28428-5193	103 Charlotte Ave	Carolina Beach	28428-5193	Residential
J&M Enterprises LLC Of Wilmington					1316 Mackerel Ln	Carolina Beach	NC	28428-5505	214 Fayetteville Ave	Carolina Beach	28428-5188	Residential
Vicky L Evans	Vicky	Evans			1211 Swordfish Ln	Carolina Beach	NC	28428-5510	206 Charlotte Ave	Carolina Beach	28428-5121	Residential
Common Ground Holdings LLC					1414 Snapper Ln # 2	Carolina Beach	NC	28428-5713	205 Charlotte Ave	Carolina Beach	28428-5121	Residential
Common Ground Holdings LLC					1414 Snapper Ln # 2	Carolina Beach	NC	28428-5713	209 Charlotte Ave	Carolina Beach	28428	Residential
Pats Holdings LLC					1005 Carolina Beach Ave N Apt 3	Carolina Beach	NC	28428-6262	201 S Third St	Carolina Beach	28428-5156	Residential
Eric Chanh	Eric	Chanh			106 Hidden Rock Ct	Cary	NC	27513-8309	208 Hamlet Ave	Carolina Beach	28428-5115	Residential
Roof Emma Trust					221 Lochview Dr	Cary	NC	27518-9620	12 Lake Park Blvd S	Carolina Beach	28428-5183	Residential
Steve K West	Steve	West	Sandra	West	140 Delieesseline Dr	Cayce	SC	29033-4312	210 Hamlet Ave	Carolina Beach	28428-5115	Residential
Walter R Kiser	Walter	Kiser	Wylie	Kiser	5210 Hoover Dr	Charlotte	NC	28269-2935	216 Hamlet Ave	Carolina Beach	28428-5115	Residential
J Dean Carpenter	J	Carpenter			3613 Dallas Cherryville Hwy	Dallas	NC	28034-8763	214 Hamlet Ave	Carolina Beach	28428	Residential
J Dean Jacqueline H Carpenter	J	Carpenter			3613 Dallas Cherryville Hwy	Dallas	NC	28034-8763	218 Hamlet Ave	Carolina Beach	28428	Residential
Robert T Newcomer	Robert	Newcomer	Janet	Newcomer	42030 State Highway 10	Delhi	NY	13753-2300	210 Fayetteville Ave	Carolina Beach	28428	Residential
Jacqueline M McCarter	Jacqueline	McCarter			3855 Broadwater Ct	Gastonia	NC	28056	215 Charlotte Ave	Carolina Beach	28428	Residential
Grayson R Clinard	Grayson	Clinard			266 Seawatch Way	Kure Beach	NC	28449-4808	208 Charlotte Ave	Carolina Beach	28428-5121	Residential
Beachwalk Development LLC					Po Box 1086	Pinebluff	NC	28373-1086	214 Charlotte Ave	Carolina Beach	28428-5121	Residential
Ocean Pearl Properties LLC					Po Box 1086	Pinebluff	NC	28373-1086	216 Charlotte Ave Unit	Carolina Beach	28428-5121	Residential
Brian Jamie Mountain	Brian	Mountain			313 Sherwee Dr	Raleigh	NC	27603-3521	2 S Third St	Carolina Beach	28428-5151	Residential
Jamie Brian Mountain	Jamie	Mountain			313 Sherwee Dr	Raleigh	NC	27603-3521	4 S Third St	Carolina Beach	28428-5151	Residential
Jamie Brian Mountain	Jamie	Mountain			313 Sherwee Dr	Raleigh	NC	27603-3521	6 S Third St	Carolina Beach	28428-5151	Residential
William Mooney	William	Mooney	Jennifer	Godbold	209 W Park Dr	Raleigh	NC	27605-1739	105 Hamlet Ave	Carolina Beach	28428-5114	Residential
Brian Jamie Peeler Mountain	Brian	Mountain			208 Ashe Ave	Raleigh	NC	27605-1815	8 S Third St	Carolina Beach	28428-5151	Residential
Melissa Griffin	Melissa	Griffin			14 Daisy St	Raleigh	NC	27607-7039	301 Charlotte Ave	Carolina Beach	28428-5124	Residential
David Sonya Rhiver	David	Rhiver	Devin	Rohan	12449 Richmond Run Dr	Raleigh	NC	27614-6415	200 S Third St	Carolina Beach	28428-5155	Residential
Nicholas C Lentz	Nicholas	Lentz	Mariah	Lentz	976 Gregory Fork Rd	Richlands	NC	28574-7214	217 Hamlet Ave	Carolina Beach	28428-5116	Residential
John R Doeller	John	Doeller	Amy	Doeller	6336 Willingham Dr	Roanoke	VA	24018-5399	216 Charlotte Ave Unit	Carolina Beach	28428-5121	Residential
James Jennifer Peeler	James	Peeler			110 Nobska Light Ct	Simpsonville	SC	29681-5783	204 Charlotte Ave	Carolina Beach	28428-5121	Residential
David Blackstock	David	Blackstock			6269 Solomons Island Rd	Tracys Landing	MD	20779-9705	204 Hamlet Ave	Carolina Beach	28428	Residential
Glenn S Hechler	Glenn	Hechler	Sherry	Hechler	9655 E Vicks Pl	Tucson	AZ	85748-3355	203 Hamlet Ave	Carolina Beach	28428-5116	Residential
Brian P Fodrey	Brian	Fodrey	Elizabeth	Fodrey	608 Fairgate Dr	Wexford	PA	15090-1528	206 Hamlet Ave	Carolina Beach	28428-5115	Residential
Beach House Partners Iv LLC					1525 S Front St	Wilmington	NC	28401-6119	6 Lake Park Blvd S	Carolina Beach	28428-5131	Residential
Driftwood Villas Hoa Inc					Po Box 1537	Wilmington	NC	28402-1537	108 Lake Park Blvd S	Carolina Beach	28428-5161	Residential
Driftwood Villas Hoa Inc					Po Box 1537	Wilmington	NC	28402-1537	200 Lake Park Blvd S	Carolina Beach	28428-5160	Residential
Coastal Retreat LLC					1121 Military Cutoff Rd Ste C267	Wilmington	NC	28405-3968	204 Fayetteville Ave	Carolina Beach	28428	Residential
Salty Bay Properties LLC					1529 Salty Bay Lndg	Wilmington	NC	28409	204 Cape Fear Blvd	Carolina Beach	28428-5127	Residential
Fred Margaret Crouch	Fred	Crouch			3148 Casa Ct	Wilmington	NC	28409-2788	206 Cape Fear Blvd	Carolina Beach	28428-5127	Residential
Meeks Living Trust					7601 Scout Camp Hatila Rd	Wilmington	NC	28409-5028	105 Charlotte Ave	Carolina Beach	28428	Residential
Zions Purple Star LLC					7601 Scout Camp Hatila Rd	Wilmington	NC	28409-5028	206 Fayetteville Ave	Carolina Beach	28428-5109	Residential
Panorama Properties LLC					5307 S College Rd	Wilmington	NC	28412-2292	208 Cape Fear Blvd	Carolina Beach	28428-5127	Residential
Panorama Properties LLC					5307 S College Rd	Wilmington	NC	28412-2292	210 Cape Fear Blvd	Carolina Beach	28428-5127	Residential
Richard D Longnecker	Richard	Longnecker	Gail	Longnecker	8603 Shipwatch Dr	Wilmington	NC	28412-3535	300 Hamlet Ave	Carolina Beach	28428-5117	Residential
Mbkw LLC Kirkland Family Holdings LLC					Po Box 3283	Wilson	NC	27895-3283	207 Cape Fear Blvd	Carolina Beach	28428-5128	Residential

12/05/2022 9:00am Meeting Minutes

Attendees:

- Deb Regentin, 512 Goldsboro Ave, Carolina Beach
- Meg Butler, 206 Texas Ave, Carolina Beach
- Tom and Jan Newcomer, 210 Fayetteville Ave, Carolina Beach
- Ralph Rood, 105 Tennessee Ave #101, Carolina Beach
- Jim B, 1103 St Joseph, Carolina Beach
- Steve West, 210 Hamlet Ave, Carolina Beach
- Cat Lahner, 211 Hamlet Ave, Carolina Beach
- Kate Weiss, 102 S Lake Park Blvd, Carolina Beach
- Jeannette Morales, 207 Atlanta Ave, Carolina Beach
- Steven Wright, 1224 Spot Ln, Carolina Beach
- Brittney Roseberry, 1112 Snapper Ln, Carolina Beach
- Sara Maielle, 403 Wilson Ave
- Robin Toone, 106 Summer Salt Lane, Carolina Beach
- Rich Jones, 811 Harper Ave, Carolina Beach
- Michelle Brass, 508 N 8th St, Carolina Beach
- Zach Brass, 508 N 8Th St, Carolina Beach
- Dave Blackstock, 204 Hamlet Ave, Carolina Beach
- Glenn Hechler, 203 Hamlet Ave, Carolina Beach
- Robin Cooksley, 705 Charlotte Ave, Carolina Beach
- Jay Healy, 701 Charlotte Ave, Carolina Beach
- LeeAnn Tiuchowski, 606 Monroe Ave, Carolina Beach
- Kevin Walsh, 304 North Carolina Ave, Carolina Beach
- Billy Cooley, 464 Atlanta Ave, Carolina Beach
- Terry Espel, 103 S Front St, Wilmington
- Alexis Smith, 400 Virginia Ave, Apt 305D, Carolina Beach
- Wescott Butler, 206 Texas Ave, Carolina Beach

Meeting Notes:

Common Ground operating partners, Michael and Katie Urti and David and Lara Hamlet, started the meeting with introductions and then delivered a high-level overview of the business concept, site plan, goals for the community and their philosophy on the project.

After speaking with the neighbors, the following were the recurring concerns voiced during the meeting. Concerns for resident and business owners were as follows.

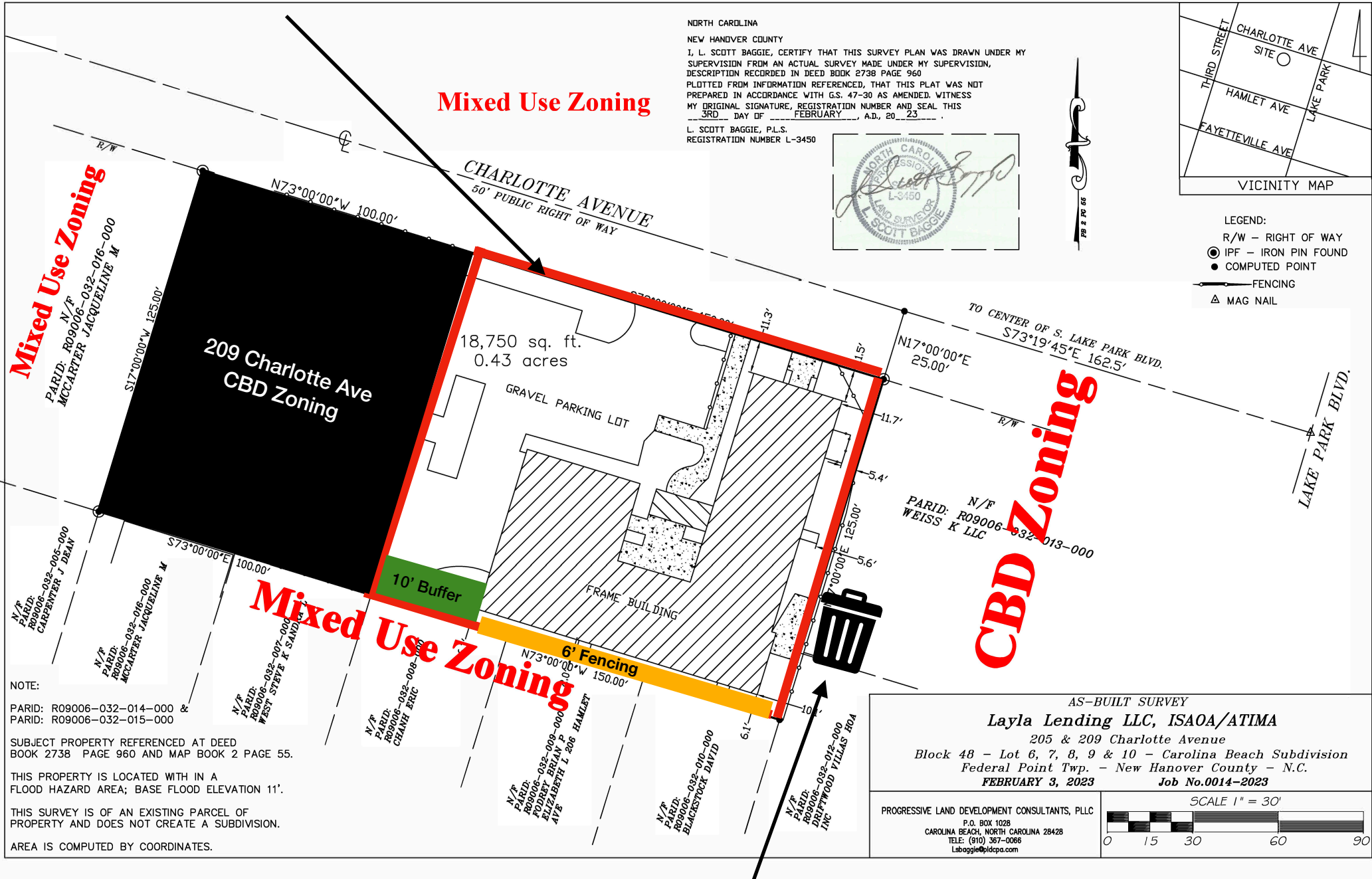
- Brittney Rosenberry- Suggested we ask what the community would like to see. Loves the idea and says parking is available all over. Happy that it is not condos.

- Jeanette Morales- Asked about the style of containers and plans for types of business that will lease them. She expressed concerns about the venue's hours of operation for closing in the evening. She shared with the attendees and operating partners that she arrived at the meeting skeptical, but is leaving excited.
- Steve Wright- Asked capacity of wedding venue and how we planned to accommodate parking for customers of the venue
- Dave Blackstock- Inquired if additional restrooms would be added to serve the container portion of the property
- Steve West- Shared concerns regarding noise pollution and wished to know if fencing would be constructed to keep people from entering his property
- Tom and Jan Newcomer- Shared concerns over noise and light pollution, parking, and privacy due to second level units being elevated.
- Terry Espy (developer) - Owns a wedding venue and is familiar with the cargo container concept. Expressed her positivity towards the venue and concept.
- Glenn Hlechler- Ask if we believed we could host enough event within the wedding/event venue to make a viable business.
- Ralph Roody- Inquired about the size and safety of containers. Also, asked if second level would be ADA compliant.
- Debbie Regentin - She has seen Mike and Katie grow as business owners and is excited that they are going to help others do the same with this concept.
- Leeann Trichousky- Expressed excitement that the original Deckhouse building would remain and that this venture would be investing back into the community.

205 Charlotte Avenue
 Lot Sqft = 18,750 sq.ft.
 Building Footprint = 6,990 sq.ft.
 Building Lot Coverage = 37.28%

Gross Floor Area = 6,990 sq.ft.
 Parking Spaces Needed = 64
 Public Parking Spaces within 500' = 148

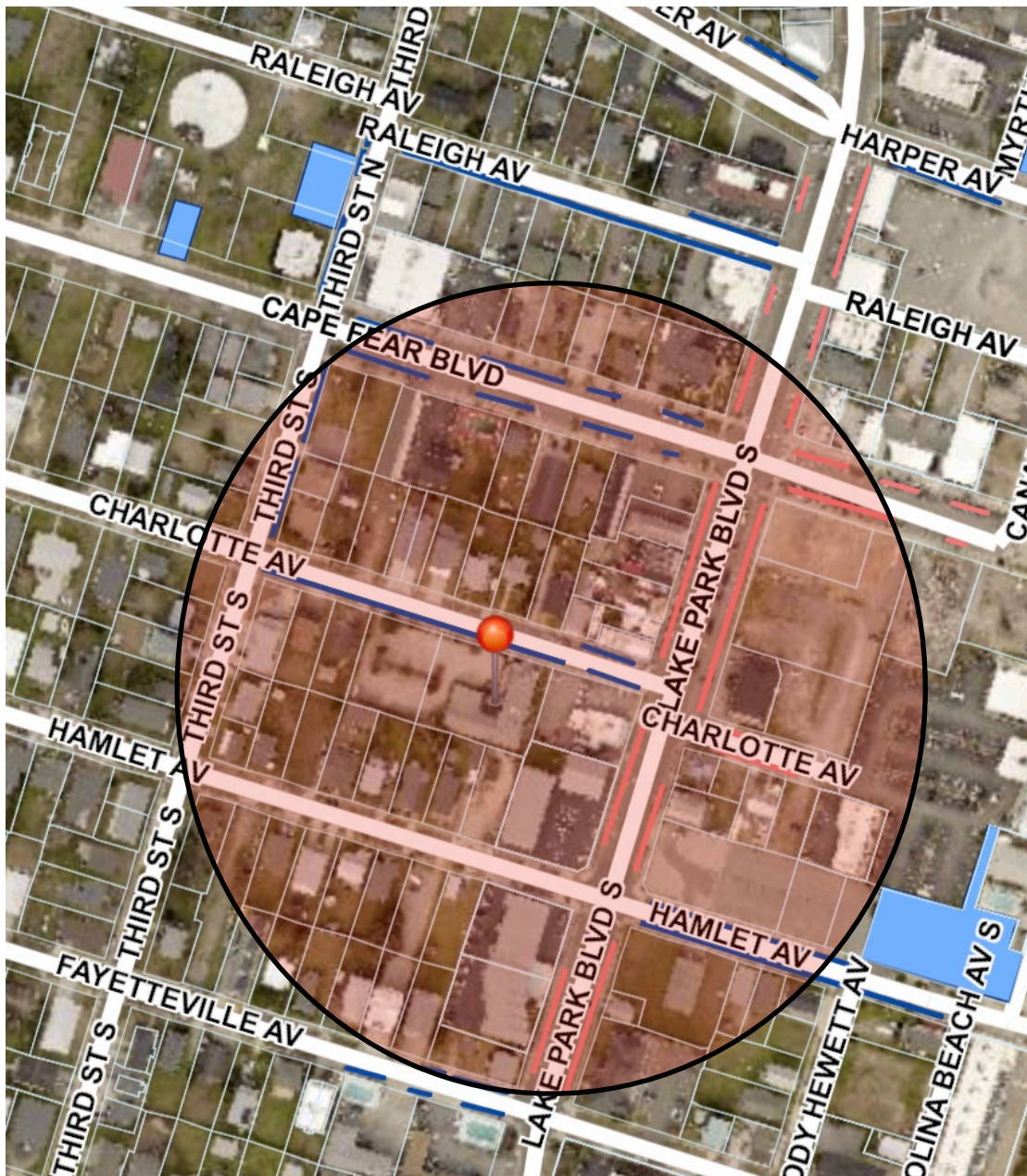
Item 10.



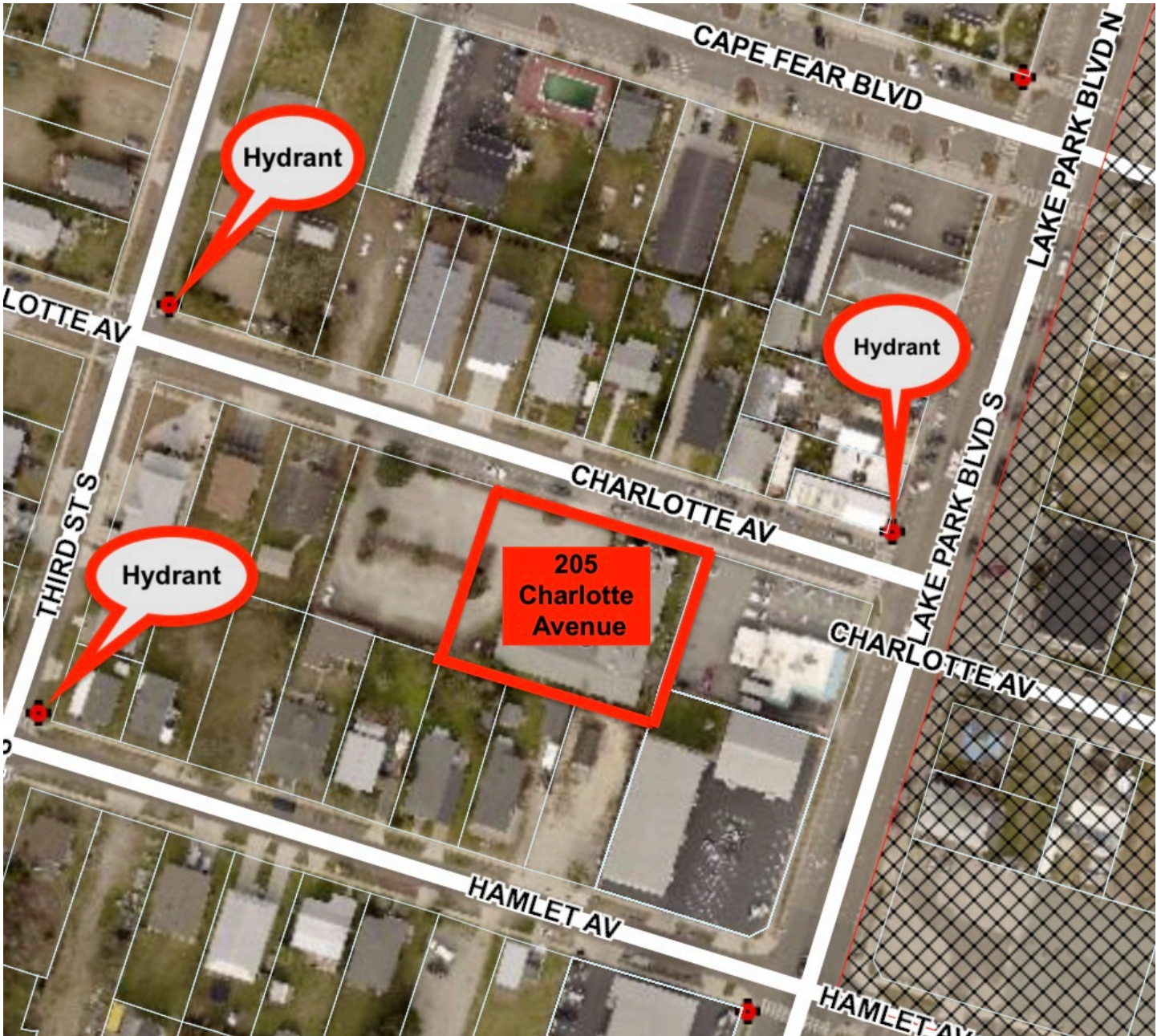
Shared Dumpster with Kate's Pancake House

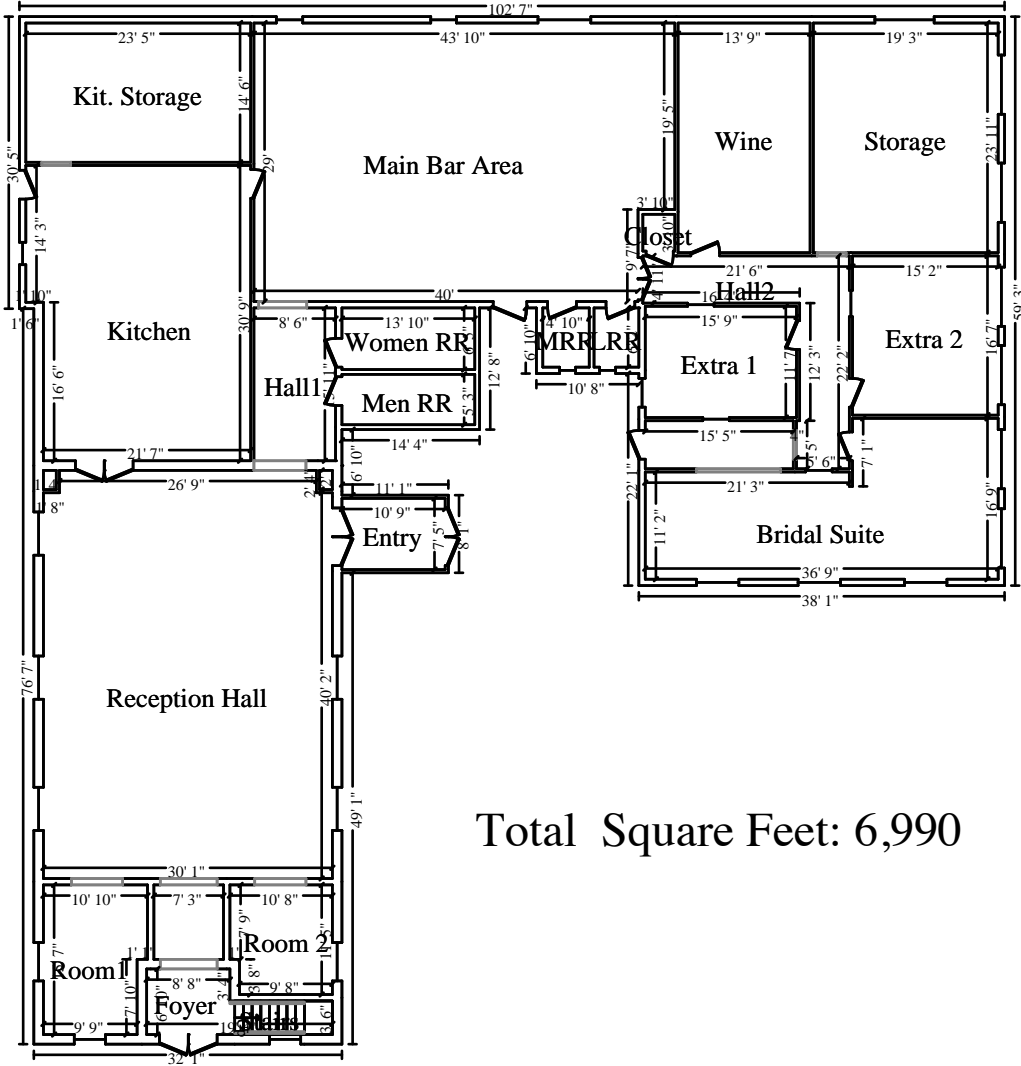
Parking Spaces within 500' of 205 Charlotte Avenue

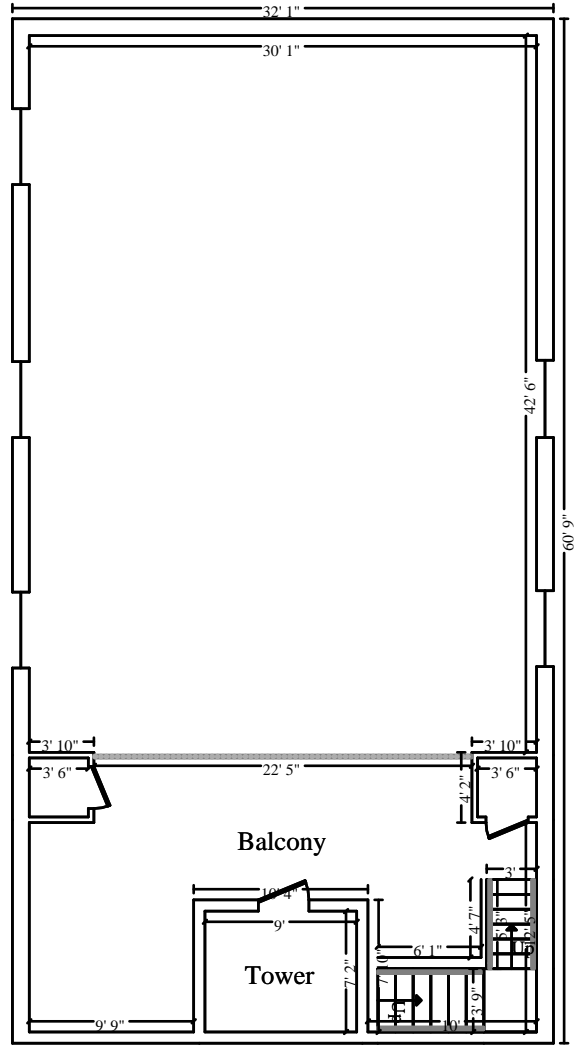
Street	Public Spots
Charlotte Ave	14
Lake Park Blvd	54
Hamlet Ave	14
Cape Fear	66
Total	148



Fire Hydrant Locations









Conditional Zoning to consider an Event Venue / Bar at 205 Charlotte Avenue in the Central Business District (CBD)
Applicant: Kindred Carolina Beach, LLC



205 Charlotte



- Previous use:
Restaurant
- CBD
 - Established to accommodate, protect, rehabilitate and maintain the traditional central business district and boardwalk area of the Town.
 - Encourage the use of land for concentrated development.



- Proposal
 - Renovate Deckhouse to host weddings, local and regional music, community events

Surrounding uses

Item 10.



Surrounding Uses – Charlotte Ave

Item 10.



Surrounding Uses – Hamlet Ave

Item 10.



Ordinance

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

USES OF LAND	CBD
Event Venue / Bar	CZ

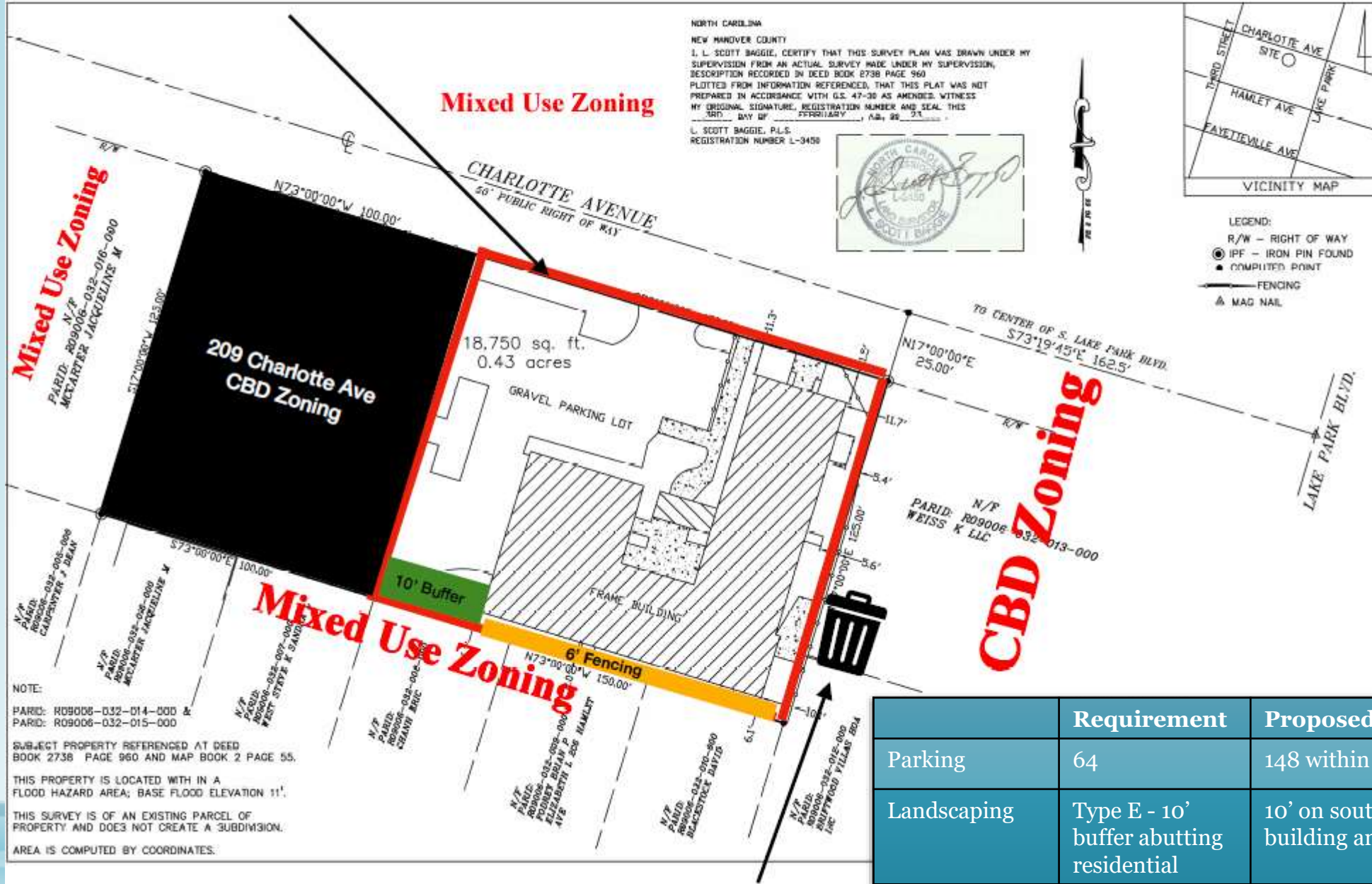
(6) Standards for Event Venue / Bar

- a. On-premises alcohol sales are limited to the duration of the event.
- b. Alcohol point of sale shall be:
 1. Indoors or
 2. Outdoor area located a minimum of 20' from any property line.
- c. Outdoor areas designated for point of sale and consumption shall be designated on the site plan and shall have a barrier that is 4' to 6' in height. Any changes to the outdoor areas shall be considered a major modification of the conditional zoning approval.
- d. Outdoor point of sale, outdoor entertainment, and outdoor consumption shall end at 9:00pm.
- e. 200' requirement for separation may be waived by Town Council for event venue / bars located adjacent to the MX zoning district.

205 Charlotte Avenue
 Lot Sqft = 18,750 sq.ft.
 Building Footprint = 6,990 sq.ft.
 Building Lot Coverage = 37.28%

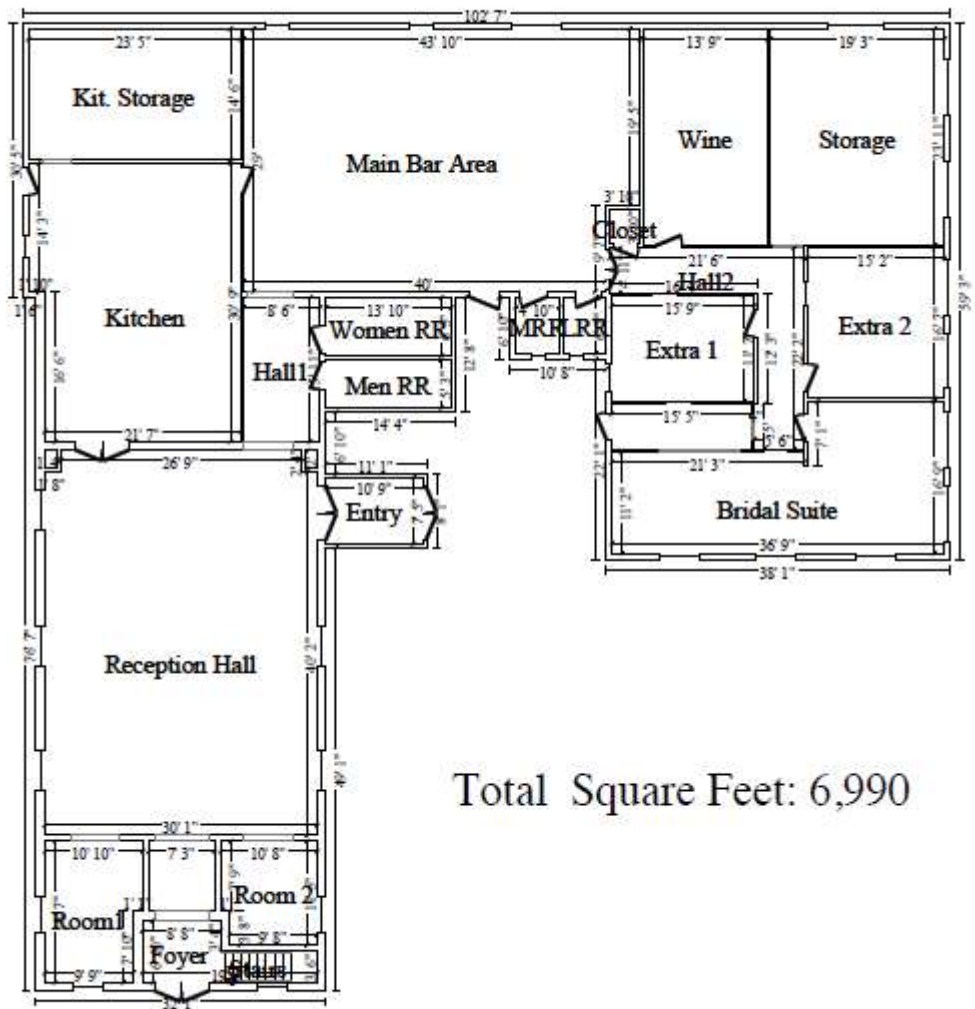
Gross Floor Area = 6,990 sq.ft.
 Parking Spaces Needed = 64
 Public Parking Spaces within 500' = 148

Item 10.

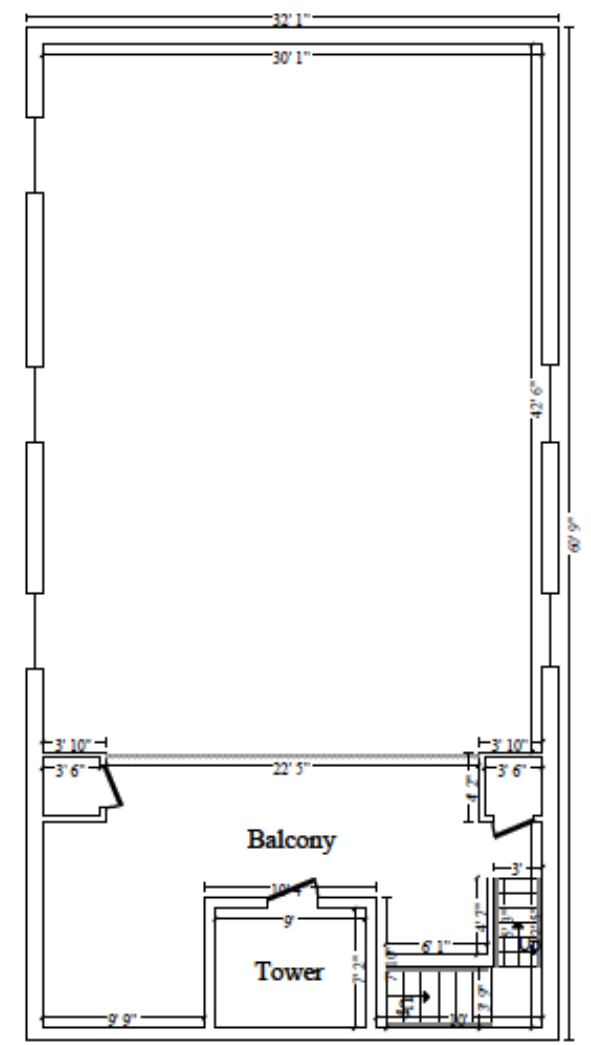


	Requirement	Proposed
Parking	64	148 within 500'
Landscaping	Type E - 10' buffer abutting residential	10' on south side between building and parking lot





Total Square Feet: 6,990



Conditional Zoning Process

- Public Meeting – December 5, 2022
- 27 people attended
- Concerns:
 - Hours of operation
 - Noise
 - Fencing
- Outdoor area presented at public meeting is no longer part of the project

Criteria

- When evaluating the Commission shall consider the following:
 - The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
 - The potential impacts and/or benefits on the surrounding area, adjoining properties.
 - The report of results from the public input meeting.



Conditions

1. The proposed use shall be limited to an indoor event venue / bar
2. The use and development of the subject property shall comply with all regulations and requirements of any other federal, state, or local law, ordinance or regulations.
3. A Type B landscape buffer shall be provided and delineated along the property line abutting residential except in areas waived by Planning and Zoning and Town Council.
4. Install 6' fence with 80 percent opacity along south property line.

P&Z may include additional standards such as landscaping, design guidelines, buffers, infrastructure improvements (i.e. water), pedestrian, street and right-of-way improvements.

Land Use Plan

The project is in general conformity with the 2020 Land Use Plan for the Downtown Business Area Future Land Use Map Character Area.

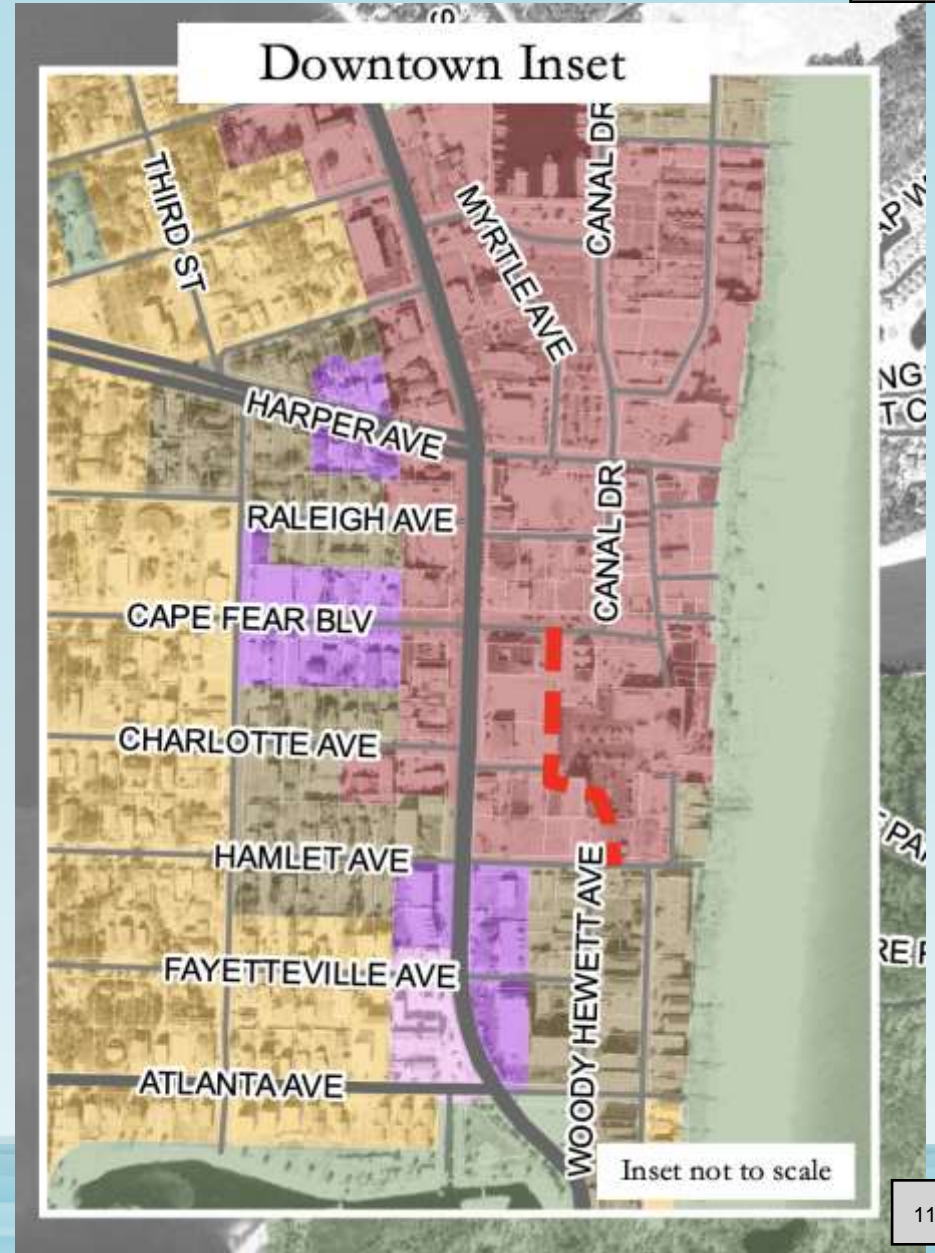
Staff recommends approval.

P&Z recommended unanimous approval.



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.



Motion

Approval - whereas in accordance with the provisions of the NCGS, the Council does hereby find and determine that the adoption of the Conditional Zoning District to allow for an Event Venue / Bar at 205 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.

1. Approval – landscape waiver
2. Approval – 200’ separation from residential district (MX)

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.