

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, July 11, 2023 - 6:00 PM

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



MINUTES

CALL TO ORDER

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

PRESENT

Mayor Lynn Barbee

Mayor Pro Tem Jay Healy

Council Member Joe Benson

Council Member Mike Hoffer

Council Member Deb LeCompte

ALSO PRESENT

Town Manager Bruce Oakley

Finance Director Debbie Hall

Town Attorney Noel Fox

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda

Motion made by Mayor Barbee

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

Motion passed unanimously

CONSENT AGENDA

1. 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

Council Member LeCompte asked about the status of the Starfish Lane project. Mr. Oakley said there was an issue with one of the boxes not being sealed properly, so the contractor came out to reseal it. He said groundwater still seeps up at high tide around the pipe, which can't be stopped. Mr. Oakley said the transfer amount is for project overruns due to the need to raise the bulkhead because of

changing standards, which led to a change in the walkway to the gazebo. He said the gazebo roofing is happening today, and the project will be complete and open to the public soon.

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

5. Events Update

Mr. Oakley reviewed upcoming events:

- Life Rolls On – July 29 at Boardwalk beach strand; sign up to volunteer or donate at www.liferollson.org
- GRiZMAS in July – July 30 at North End Pier
- Whompolympics – August 12 at Hamlet Avenue beach access
- Fireworks/Music – continues every Thursday through September 1 with the Labor Day weekend show held 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 September 30 at the Gazebo
- Carolina Beach Market – continues every Saturday through September 30 at Lake Park

6. Presentation by the Carolina Beach Mural Project

The Carolina Beach Mural Project is requesting approval to install a sidewalk mural and beautification project in Pavilion Avenue Alley in spring 2024. Maureen Lewis of the group said sidewalks and streets are being considered as places to put public art because there are only so many walls. She said Council will get a chance to approve the design of the proposed sidewalk mural before installation, and the group will work with the Town’s Beautification Committee and the private sector to add plants and lighting as well. Ms. Lewis said the group would like to apply for a Bloomberg grant next year to improve other areas, such as the walkway between the Boardwalk and Fork n Cork.

Mayor Pro Tem Healy asked if room occupancy tax (ROT) funds could be used for the project because it’s a Town-owned alley. Mr. Oakley and Mayor Barbee said this could be requested.

Mayor Pro Tem Healy asked about maintenance of the sidewalk mural. Ms. Lewis said the work would include a protective layer, and the group commits to maintaining its projects for five years.

Mayor Barbee asked if there are any maintenance concerns with the proposal. Mr. Oakley said no.

Council Member Hoffer asked about efforts to reach out to building owners in the area of the alley. Ms. Lewis said she did not want to share some of the responses she has gotten. She said some of the owners are absent landlords who live out of state and are not interested in what’s happening here.

ACTION: Motion to give permission to the Carolina Beach Mural Project to move forward with this particular project

Motion made by Council Member LeCompte

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

Motion passed unanimously

7. Manager's Update

Mr. Oakley said he wanted to reiterate that the traffic checkpoint at Snow's Cut Bridge this past weekend was not operated by the Town. He said if the Town is involved in any checkpoints in the future, he thinks they will run a lot differently.

Mayor Barbee said he thinks the community is generally supportive of checkpoints, but long traffic jams should be avoided. Mr. Oakley said there are ways to do this safely and efficiently.

Mr. Oakley gave an update on various projects:

- Welcome sign – This was knocked down a few months ago, and an agreement has been signed to get it repainted. It will include the centennial logo and verbiage. Installation is at least 60 days away.
- Lake Park improvements – The project is ongoing with a projected November completion, including the playground.
- Beach rake – This will happen tomorrow from the entrance to Freeman Park to the pinch point and from Hamlet Avenue to Pelican Lane. A 3-inch cone will go down to smooth out the beach after a holiday weekend of heavy use.
- Starfish Lane access – This is almost complete and will be open to the public as soon as concrete is poured, a pole is relocated and parking is made available. The Town may do a grand opening or ribbon cutting.
- Boardwalk maintenance – Lumber has arrived; the contractor will start on July 24 and should finish that week. The project is replacing aging lumber and fish tiles on the wooden Boardwalk. The contractor will work with the public to make sure people can walk through while the improvements are underway. Council Member Hoffer asked Mr. Oakley to check on whether the south ramp leading to the Courtyard by Marriott is part of the project.
- Spartanburg crosswalk – All information has been submitted to the N.C. Department of Transportation (DOT), and the Town is awaiting review of the encroachment agreement. The crosswalk signs leftover from the Hamlet Avenue intersection are good to go there.
- Lifeguard regional competition – The Town is hosting this event, which takes place Wednesday and Thursday at the Hamlet Avenue beach access and includes teams from Jacksonville Beach, FL, to Virginia Beach, VA. The Town's Ocean Rescue team won national honors a couple years ago, so this is a good opportunity to build on that.

Council Member Benson asked about the status of the Ocean Boulevard sidewalk project. Mr. Oakley said the Town's engineer is responding to comments about hydrology, and a response should be forthcoming in two weeks.

Council Member LeCompte said some of the Florida Avenue paving is starting to crack. Mr. Oakley said the contractor is aware of this and will come out to check. He said he is confident the contractor will work with the Town to get this repaired.

Council Member Hoffer said he is disappointed that the Veterans Island section of Lake Park is going to remain an island after this phase of dredging is over. He said he thinks the Town is missing an opportunity to enlarge that area now, when it can be done at a lower cost than in the future. Council Member Hoffer said this is in the master plan for the lake, and he was under the impression that this phase of the project would include the island getting filled in. Mr. Oakley said filling in the island is part of the long-range project, but when the Town did the permit with the U.S. Army Corps of Engineers this is what was approved. He said the Town plans to go back in the future for dredging permits, so it may be time to look at this then.

Council Member Hoffer asked about the plan for pedal boats at the lake. Mr. Oakley said the Town needs to discuss options with the owner. He said staff has developed some alternatives that may be more appropriate there. Mr. Oakley said the pedal boats are not in the best condition, and the lease has expired.

PUBLIC COMMENT

None

PUBLIC HEARINGS

8. Map Amendment to Rezone 601 Augusta Avenue from Conservation (C) to Residential (R-1B) Zoning District
Applicant: Parris Stratton

Mayor Barbee said this issue has the potential to be contentious, so he asked everybody to respect people when they are speaking by keeping civil. He said anyone shouting or yelling over speakers will be asked to leave.

Parris Stratton, the owner of 601 Augusta Avenue, is requesting a rezoning of the 20,661-square-foot property from Conservation (C) to the Residential (R-1) zoning district. The property was voluntarily annexed in December 2022. This tract of land is the only private property zoned C. All other C 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 C, which is a zoning designation that allows for single-family residential development in an environmentally compatible setting that is appropriately designed and located.

The property is currently vacant. The adjacent zoning district to the north and east is R-1. The property to the north adjacent to Carolina Sands is R-1B.

Currently with C zoning, one unit can be developed on the property. If the property is rezoned to R-1 or R-1B, it would have to meet the minimum lot size of 5,000 square feet and minimum lot width of 50

feet. These lots could be developed single-family only in R-1B and either single-family or two-family dwellings in R-1.

Staff recommends this parcel to be rezoned and believes this would be consistent with the 2020 Land Use Plan. The Planning and Zoning Commission voted 5-2 to recommend approval of rezoning the property to R-1B.

Planning Director Jeremy Hardison presented the details. He reviewed surrounding uses and the history of the parcel. Mr. Hardison said it was zoned R-1 in 2000, but in 2001 when the Town zoning map was sent to a third party to be digitized, the parcel was changed to C in error and stayed that way until 2008, when Council at that time officially designated that area as C when adopting an official zoning map that is still in use today.

The 2020 Land Use Plan shows the area as having a future land use character area description of medium-density residential, which includes primarily single-family, detached residences; smaller-scale attached residences, such as two-family homes and townhomes, are allowed occasionally if contextually compatible. Mr. Hardison said the current rezoning application originally requested R-1, but the applicant has agreed with the Commission's recommendation of R-1B to move forward for Council consideration, and staff agrees with this recommendation.

Council Member Benson asked if there was anything discovered on the property between 2000 and 2008 that would've supported a conversion to C zoning, such as wildlife, protected or endangered species, or Coastal Area Management Act (CAMA) standards of areas of environmental concern. Mr. Hardison said there was no documentation to indicate this.

Council Member Hoffer asked if there is any history of why this property sat unannexed for so many years. Mr. Hardison said his understanding was that while surrounding properties came forward to request voluntary annexation, the longtime owner of this property never did.

Council Member Benson asked if there is any documentation that shows the longtime property owner was noticed that the property was being rezoned to C. Mr. Hardison said there was an ad in the paper in 2008 serving as notification that Council was planning to adopt a zoning map. Ms. Fox said the Town met all requirements for public notice, and the statute of limitations has long since passed for any challenges related to rezoning that took place in 2008.

Council Member LeCompte said she wanted to point out that Commissioners and Council Members are permitted to speak to the public in advance of considering this matter because the legislation changed a few years ago and no longer requires a quasi-judicial hearing. She said she is always happy to listen to any fact-based public input.

ACTION: Motion to open the public hearing on 601 Augusta Avenue

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

Attorney Ned Barnes of 814 Carolina Beach Avenue North, speaking on behalf of the applicant, said this request is an attempt to correct an error because the Capillary family, who owned the property from 1960 to 2021, never knew it had been rezoned to C. He said the owners had no due process because there was notice or opportunity to be heard, and the error was not the fault of any of the property owners, then or now. Mr. Barnes read a 2007 letter from then-Town Manager Tim Owens and said it indicates the Town didn't know the property was zoned as C because in it, Mr. Owens offered to convey two water taps and two sewer taps for the property, which would not be possible with a C zoning designation.

In addition, Mr. Barnes said even if the error is taken out of the equation, the parcel meets requirements for rezoning consideration and should be granted the request regardless. He said this, together with the error, establishes a case for rezoning to R-1. Mr. Barnes said a memo from Public Works Director Brian Stanberry states that runoff from the property will flow west and have no impact on the lake.

Attorney Grady Richardson of 1908 Eastwood Road in Wilmington said he was speaking on behalf of the following neighbors of the property: Leni Knowles, Karen Willems, the Nethercutts, Sherry Bibb, and the Baranoskis. He said all of the structures surrounding this tract of land are modest, single-family homes that are significantly below the 50-foot maximum height, and as currently zoned the applicant can build a fairly large single-family home, which is contextually compatible with the surrounding area. Mr. Richardson said the only purpose of rezoning would be to squeeze as many houses as possible onto the property. He said the Town complied with the statutory requirements for public notice and pointed out that there were 22 subsequent applications by property owners seeking zoning amendments, none of which were for this property. Mr. Richardson said the statute of limitations has long passed, so the argument about the error and lack of due process does not have merit.

Mr. Richardson said Mr. Barnes' argument that rezoning is justified without consideration of the error is also unfounded. He used the chain of title for the past three owners as evidence that the property was conveyed each time with the grantee's understanding that it's subject to any zoning ordinances that may apply to the property. Mr. Richardson also reviewed several doctrines in a State Supreme Court case opinion that he believes work against Mr. Stratton's application.

Mr. Richardson said the Capillary family never challenged the C zoning, and all of his clients have lived in their homes for 20 years or more and relied upon the current zoning that is in place. He said the entity that purchased the property from the Capillary family came before the Town in 2021 about rezoning and it was denied, yet Mr. Stratton still took the property with knowledge of this. Mr. Richardson said his clients are fine with the applicant building a home on the property as allowed by C zoning, but they are not OK with up to four single-family homes on a property that has been zoned C. He said they contend rezoning is not consistent with the Land Use Plan due to stormwater/flooding,

traffic, and parking issues that will arise if four homes are on the property. Mr. Richardson said they are asking Council to deny the rezoning request and keep the zoning as C.

Council Member Hoffer said he does not recall the previous owner's rezoning request coming before Council in December 2021. Ms. Fox said the Planning and Zoning Commission voted to recommend denial of the rezoning request, and the issue never made it to Council.

Monica Wilson of 919 Salt Water Lane said Town staff's professional opinion is that there are no environmental concerns, no infrastructure issues, and no traffic concerns and that the land meets standards for development. She said this is not technically a rezoning request but more righting a wrong because the property was downzoned without proper notification such as signs on the property or letters to the owner. Ms. Wilson encouraged Council to support the compromise of changing the zoning to R-1B.

Sandie Cecelski of 941 Carolina Sands Drive said she has collected 250 signatures of Town residents who oppose the rezoning request. She said she and her husband sent a letter to Council Members on July 6 detailing their concerns that Town staff has not fully addressed stormwater/flooding impacts that would result from rezoning this tract. Ms. Cecelski said Council should deny or table the request until these questions are answered, and not doing so would set a bad precedent for future sustainable development in the Town.

Richard Cecelski of 941 Carolina Sands Drive said he wants Mr. Stanberry to address stormwater concerns more directly. He said the drainage plan approved by the Town shows stormwater runoff will flow east, not west, but regardless of the direction he has concerns about stormwater runoff causing an increase in soil erosion and water pollution.

Glen Mitchell of 605 South Third Street said statements contending that stormwater runoff will flow east are not factual. He said the C zoning was a mistake when the zoning map was digitized, and had the tract been properly rezoned the Town would have been required to notify Military Ocean Terminal Sunny Point (MOTSU).

Christine Avery of 904 South Third Street said she is worried that development in the Town over the past 20+ years is causing increased drainage issues, compromising safety, and burdening an overstressed drainage corridor. She said if there are questions about which way the stormwater runoff will flow, that needs to be figured out prior to a decision on this.

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

Council Member Hoffer said even if the property was rezoned in error, he's not sure it matters and asked about the statute of limitations for correcting the C designation. Ms. Fox said the property was

rezoned as C years ago, and even if that was done in error the statute of limitations passed a long time ago.

Mayor Barbee said this is not a court of law, so Council needs to consider the application for rezoning, not the issue of the error.

Council Member LeCompte said she was on the Commission in December 2021 when the previous owner applied for rezoning, and at that time nobody could answer the question of when the property was zoned as C, but now that has been addressed. She said she thinks the outcome of that meeting would have been different if this information was available then.

Mayor Pro Tem Healy said updating the 2020 Land Use Plan took 18-20 months, and at no point did this property come up for discussion during that process. He said his gut feeling is that the C designation was an honest mistake, and he doesn't think the owner should be penalized because of it.

Council Member Hoffer said at some point the issue of the error must be closed to debate. He said the Capillary family accepted the C zoning, and the two owners since then bought it as such. Council Member Hoffer said he is always skeptical about changing any zoning because people make investments based on how their property and the surrounding properties are zoned. He said just because R-1B is compatible doesn't mean it's appropriate or reasonable.

Mayor Barbee, who lives 300 feet from the property, said every Council gets burdened with the actions of past Councils, so the current Council can't wade through the issue of the error. He said the Land Use Plan supports single-family residential in that area, and much of the surrounding land could actually be developed as multi-family because of the R-1 zoning. Mayor Barbee pointed out that the applicant is no longer asking for R-1 but instead R-1B, which would not allow duplexes.

Council Member Hoffer said he thinks the property should stay zoned as C. He said if someone wants to change the zoning of their property they need to have a really good reason, and this property has been zoned C long enough to be officially regarded as such.

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

Motion made by Mayor Pro Tem Healy

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

Voting Nay: Council Member Hoffer

Motion passed 4-1

Council Member Hoffer said for neighbors of the property, life will go on and there will be a few houses built, but when it's all done and construction stops everything will be all right.

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/Bar

Applicant: Town of Carolina Beach

Council directed staff to re-examine the ordinance requirements for event venues that were approved in February, specifically the Alcoholic Beverage Control (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 because the Limited Special Occasion Permit does not allow owners of the establishment to apply for the permit to perform on-premise 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 the 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 points of sale shall be indoors or in an outdoor area located a minimum of 20 feet from any property line. Outdoor areas that are proposed must be shown on the site plan for approval via Conditional Zoning (CZ). Any changes to the outdoor areas shall be considered a major modification of the CZ approval. Additionally, the 200-foot separation requirement may be waived by 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 Alcohol Law Enforcement (ALE) requirements as well as other provisions in Town ordinances such as noise ordinance, fire code, etc.

Senior Planner Gloria Abbotts presented the details. She said 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. Staff recommends approval of the text amendment as proposed. Last month, the Planning and Zoning Commission unanimously recommended approval with the following addition: outdoor areas (point of sale, entertainment, and consumption) shall end at 9:00 PM.

ACTION: Motion to open 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

David Hamlet of 1414 Snapper Lane, who is part of the company seeking to bring an event venue to the Town, said he and his colleagues are concerned about the 9:00 PM condition that the Commission added. He said it's arbitrary, and their business should have the same allowances as any other business on the island, all of which are subject to the noise ordinance and many of which have outdoor live music until 11:00 PM.

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

Council Member Benson asked why the 9:00 PM condition was added. Ms. Abbotts said it was because of the property's proximity to the MX district. Council Member LeCompte pointed out that The Fat Pelican is next to MX. Council Member Benson said MX serves as a buffer.

Council Member LeCompte said Council Members thought the current proposal for selling alcohol is what they had already passed. She agreed that the 9:00 PM condition is not necessary.

Mayor Barbee said 9:00 PM feels restrictive, and the real issue for him is that an event venue is a new concept for the Town. He said his hunch is that the Commission was trying to be conservative until the Town can better define an event venue. Mayor Barbee said he worries about what could happen if there is no restriction regarding what the difference is between an event venue and a bar.

Mayor Pro Tem Healy said he thinks the definition of an event venue will be taken care of through the Unified Development Ordinance (UDO) process. He said Commissioner Ethan Crouch had a good point that if there are any changes to the current event venue proposal, the owners will still have to go through the CZ process to get approved, and at that time Council can impose more conditions if necessary.

Council Member Benson asked what conditions are set for event venues in other places. Ms. Abbotts said she's not sure of any particular conditions, but event venues in Wilmington also have to get a mixed-beverage bar permit from ABC.

Mr. Oakley said the Town's noise ordinance would cover any potential issues with outdoor activities.

Mayor Barbee asked if event venues will be examined during the UDO process. Mr. Hardison said they haven't gotten to that section of the ordinance yet, but the opportunity is there.

Council Member Hoffer said he also doesn't see the need for a time limitation.

Mayor Barbee said allowing an event venue to get closer to residential areas than a bar could result in someone operating an event venue as a bar. He said this needs to be protected, but he's not sure how to do it.

Mr. Oakley said staff has concerns about enforcing the 9:00 PM rule when the noise ordinance is in effect after 11:00 PM.

ACTION: Motion that whereas in accordance with the provisions of the NCGS, Council 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/Bar is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and as a body motion to strike the 9:00 PM requirement as previously recommended by the Planning and Zoning Commission

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

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

Applicant Kindred Carolina Beach LLC is proposing an Event Venue/Bar at 205 Charlotte Avenue as a use in the Central Business District (CBD). Event Venues/Bars are allowed through the approval of CZ in the CBD. CZ allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application.

The applicant is proposing to renovate the former Deck House restaurant located at 205 Charlotte Avenue for the use of an Event Venue/Bar. 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 CZ approval.

The applicant is requesting a waiver of the landscaping requirement. Landscaping requirements may be waived at the discretion of the Commission and/or Council on projects requiring CZ. There is an existing 6-foot 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.

Proposed conditions are as follows:

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 the Commission and Council.
4. Installation of a 6-foot fence with 80% opacity along the southern property line.

Ms. Abbotts presented the details and showed photos of the site and surrounding uses. She said the CZ request 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. Staff recommends approval of the project with the proposed conditions, and the Planning and Zoning Commission unanimously recommended approval.

As part of the CZ process, there was a required public meeting on December 5, 2022, with 27 people in attendance. Concerns were voiced about hours of operation, noise, and fencing. The outdoor area presented at the public meeting is no longer part of the project.

ACTION: Motion to open the public hearing to consider an Event Venue/Bar at 205 Charlotte Avenue
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

Michael Urti of 513 Monroe Avenue, who is part of Kindred Carolina Beach LLC, said the biggest difference between an event venue and a bar is that their event venue business will only be open for a specific event, either ticketed or private, and they have no intention of having open hours. He said they are asking for a concession on the landscape buffer because there is only about 5 or 6 feet on the back side of the property.

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

Council Member Hoffer said people who live near the CBD knew what they were getting into when they made their investments, so he's OK with the proposal. He said he doesn't love the landscape waiver request, but Council Member LeCompte said it's a space issue.

ACTION: Motion that whereas in accordance with the provisions of the NCGS, 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 of a landscaper waiver along the south side of the building and 2) approval of a 200-foot separation from residential district (MX)

Motion made by Council Member LeCompte

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

Motion passed unanimously

COUNCIL COMMENTS

Council Member LeCompte said she has received texts from citizens concerned about golf carts traveling over Snow's Cut Bridge. She also said residents on Georgia and Florida avenues have complained about Freedom Boat Club directing their clients to use the Town right-of-way to park when accessing boats. Mr. Oakley said there have been discussions with the company and neighbors, and some tickets were issued.

Mayor Pro Tem Healy praised Planning and Zoning Commissioners for vibrant conversations, healthy discussions, and good decisions.

Council Member Hoffer complimented staff for quickly responding to his report of a sewage issue on his street. He asked if half of the Hamlet Avenue lot could be reserved as a laydown lot for staff use instead of converting all of it for public parking. Mr. Oakley said the plan is to gravel and prepare all of it for public parking, but some of it may be used as a laydown lot as necessary. Council Member LeCompte said it gets a lot of use as overflow parking for the Saturday market at the Lake, and she requested that it be cleaned up.

Council Member Hoffer asked if an easy-to-clean design is part of the architectural plan for the new Boardwalk bathrooms. Mr. Oakley said they are looking at a stainless-steel design that can be quickly cleaned with a hose. He also informed Council Member Hoffer that, in reference to his previous inquiry, the Town did apply to close in Veterans Island at Lake Park, but the U.S. Army Corps of Engineers denied the request.

Council Member Benson said he would like to know about the timing of the pumphouse shell and directional drill at Lake Park so what's left in the 2016 revenue bonds can inform other projects not currently funded in the budget.

Mayor Barbee said a resident proposed the idea of using movable flags that stick in the sand to inform swimmers of rip current locations. Council Member Hoffer said he thinks he has seen these here in years past.

Mayor Barbee said he has received complaints about golf carts traveling on Dow Road. Council Member LeCompte said there are signs at every street end by Dow Road informing people that no golf carts are allowed beyond that point.

Council Member LeCompte said the Ocean Rescue team is top-notch and does an excellent job. Mayor Barbee thanked them and said it's unacceptable for these young people to have to take abuse from the public.

ADJOURNMENT

Mayor Barbee adjourned the meeting at 8:30 PM.