

# CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, January 12, 2023 - 6:00 PM

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



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## MINUTES

### CALL TO ORDER

Chairman Rouse called the meeting to order at 6:00 PM.

### PRESENT

Chairman Wayne Rouse

Vice Chairman Jeff Hogan

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

Commissioner Bill Carew

Commissioner Lynn Conto

### ALSO PRESENT

Planning Director Jeremy Hardison

Senior Planner Gloria Abbotts

### APPROVAL OF MINUTES

1. November 10, 2022 – P&Z Minutes

**ACTION:** Motion to approve the minutes as written

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

### STAFF REPORT ON RECENT DEVELOPMENTS

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

#### Permitting

- 62 permits (renovation, repair, grading, additions, fences)
- 26 residential new construction
- 20 certificates of occupancy

#### Code Enforcement

- 15 complaints received
- 27 resolved (including complaints from previous months and staff-driven issues)

## Demos

- 1400 Carolina Beach Avenue North – This is oceanfront, so a Coastal Area Management Act (CAMA) permit was required.
- 307 Columbia Avenue
- 205 Spartanburg Avenue
- 409 Spencer Farlow Drive

## Town Council and Other Updates

- Conditional Zoning (CZ) for Social on Second at 205 and 211 Spartanburg Avenue – approved and developer has applied for building permits for 10 of the units along 2nd Street
- Annexation for 601 Augusta Avenue – approved
- CAMA exemption granted to use recycled Christmas trees as sand fencing from Scotch Bonnet Lane to Sea Gull Lane
- 408 and 410 Canal Drive – coming in for CZ modification to add four additional units on neighboring unit 406 Canal Drive

Ms. Abbotts also gave updates on Conditional Use Permits and CZ projects within the past year or so:

- 7th Street started construction recently.
- 409 North Lake Park Boulevard applied for an extension, which has since expired.
- On Basin Road, four units are currently under construction.
- The Proximity has received a State stormwater permit and started surveying Lake Park Boulevard for improvements and the stoplight they have to install at the intersection with Winner Avenue.
- Shagri-La has completed conditions by adding wheel stops and signage for off-street parking.
- Fire training is complete inside the former Welcome Inn, and the developers of the new hotel plan to demo the building soon with plans to use it as a private parking lot for the upcoming summer season.

Chairman Rouse asked if there is any indication when the hotel may start construction. Mr. Hardison said engineering and permits will hopefully start after the summer season.

## **PUBLIC COMMENT**

Butch LeCompte of 307 Charlotte Avenue spoke in support of the proposed plan for the site of the former Deck House. He said he lives a block away and feels optimistic about anybody who wants to come up with creative business ideas for this block as opposed to just residential uses.

## **PUBLIC HEARINGS**

2. Text Amendment to Amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-Street Parking and Loading Requirements; Parking, Art. VI. – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVII. – Definitions to Create Standards for Event Venues  
Applicant: Michael Urti

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

Staff worked with the applicant to come up with language to define the use and associated standards that would apply. The text amendment consists of defining the use and defining the existing meeting facilities use. The existing meeting facilities use has been associated with uses such as the masonic lodge and senior center. Event venues will be defined as commercial establishments with the primary purpose of providing space for meetings, gatherings, reunions, weddings, conventions, private parties, and other similar gatherings. Wilmington, New Hanover County, and Wrightsville Beach all approve event venues and event centers through a CZ approval process. The CZ process allows for additional public input and the opportunity for specific conditions to be placed on the use. If adopted, event venues would be permitted only through CZ. The applicant requested that event venues be permitted in the CBD; staff also suggests the Highway Business District. Event venues would have the same parking requirements as eating and drinking establishments. The text amendment clarifies the waiver of parking requirements in the CBD if there are enough public parking spaces, not just public parking lots, to allow for street parking to be included in the calculation. Event venues must comply with all Alcoholic Beverage Control (ABC) standards, abide by the noise ordinance, and provide landscaping. The landscaping ordinance currently requires only the installation of a 6-foot fence if a commercial use is adjacent to residential uses or districts. The proposed landscaping requirement states that uses in the CBD abutting residential districts shall provide a Type B 10-foot landscape buffer along the abutting side and rear yards. The purpose of additional landscaping is to protect the residential areas and mitigate concerns.

Staff recommends approval of the text amendment as proposed.

Ms. Abbotts presented the details. She went through each of the five sections in the ordinance, two of which were driven by the applicant and three that were additional amendments by staff as the allowance was reviewed.

Chairman Rouse asked if there are any changes regarding alcohol. Ms. Abbotts said there are currently no standards for the event venue use because it doesn't exist. She said the applicant would have to get all relevant ABC permits for any events.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Lara Hamlet of 1414 Snapper Lane, a partner in the venture, said the intention is to re-energize the property and complement the ever-changing landscape of the Town. She said they wanted to nurture

untapped potential and find a creative solution for an unmet need. Ms. Hamlet said the proposed project, The Kindred, will be low-impact by using a building that already exists.

Mr. Urti of 513 Monroe Avenue said they are Town residents and vested in the community. He addressed some of the concerns he has heard about the proposed project, including parking, noise, and lighting.

JoDan Garza of 513 Atlanta Avenue said he lives a few blocks away from the proposed project and supports it 100 percent. He said it will help create more revenue for everybody.

Danny Tangredi of 1309 Bonito Lane said he supports the idea because events and event space in the area are lacking.

Kelli Taylor of 607 Harper Avenue said she works in tourism and gets a lot of calls about events. She said this would be a great space to market to vacationers, and as a future bride she is hoping to have her own event there.

Patrick Conley of 1506 Snapper Lane said he thinks this team has the capability to successfully execute this idea and that he fully supports it.

No one else requested to speak.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Commissioner Conto

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Commissioner Carew said he thinks the proposal is consistent with the Land Use Plan and reflective of what other cities have done.

Commissioner Piper said he likes the idea of repurposing the building but has concerns about parking. He noted that several people who live near the site spoke in favor of it, and no one spoke against it.

Vice Chairman Hogan said he likes the idea and appreciates the preservation effort. He said he hopes the applicant will be very good to neighbors and keep them happy by helping to alleviate parking issues as much as possible through education, etc.

Commissioner Conto said the proposal is innovative and long overdue. She said parking is what it is in that area.

Commissioner Crouch said the Commission at this time is just voting on a text amendment and not considering the specific project. He said event venues are not on the current table of permissible uses,

and there may be other event venues for the Town to consider in the future. Commissioner Crouch said from this perspective, it's good to get the ordinance cleaned up and the table of permissible uses updated.

Commissioner Boswell said she agrees with Commissioner Crouch and that she is in favor of all five proposed sections.

Chairman Rouse said the event venues use should definitely be included somewhere in the table of permissible uses.

**ACTION:** Motion that the Commission, whereas in accordance with the provisions of the North Carolina General Statutes, does hereby find and determine that the adoption of the following ordinance amendment to amend Chapter 40, Art. III. – Zoning District Regulations, Art. V. – Off-Street Parking and Loading Requirements; Parking, Art. VI – Landscaping and Development Specification Standards, Art. IX. – Development Standards for Particular Uses, and Art. XVIII. – Definitions to Create Standards for Event Venues is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and contingent upon the applicant fulfilling all of staff's recommendations  
Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell  
Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto  
*Motion passed unanimously*

3. Zoning Map Amendment to Consider a Request to Rezone 209 Charlotte Avenue from Mixed Use (MX) to Central Business District (CBD)  
Applicant: Michael Urti

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

One of the standards for creating zoning districts is to follow plotted lot lines. Guidance for the interpretation of zoning district boundaries comes from Sec. 40-45 of the zoning ordinance. Previously, 209 Charlotte Avenue existed as the parking lot for the previous Deck House restaurant at 205 Charlotte Avenue. Kate's Pancake House restaurant is east of the property; there are five residential uses across the street and five residential uses to the rear of the property.

Staff recommends approval of the project as proposed.

Ms. Abbotts presented the details. She gave some background and history about the property. The existing building was constructed as a Presbyterian church in 1985 and operated as Steeple Restaurant

1985-1994. In 1994, a Conditional Use Permit was granted for a mixed-use project consisting of a French-American restaurant and retail shops. Deck House opened in 1998 and closed September 2022.

Ms. Abbotts said historically both parcels were in the Central District as part of the 1984 ordinance and zoning map. She said they were rezoned in 2000 to MX for 209 Charlotte Avenue and CBD for 205 Charlotte Avenue.

**ACTION:** Motion to open the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Mr. Urti of 513 Monroe Avenue said from a business standpoint, he is trying to create a cohesive operation between the two parcels, an endeavor that becomes more challenging with different zoning.

No one else requested to speak.

Commissioner Piper asked what specific things would be prohibited if the zoning change does not occur. Mr. Urti said outdoor events would be limited and there would need to be more on-site parking. Commissioner Piper said a zoning change would affect anything that comes in the future and could result in someone building 50-foot condos. Ms. Abbotts said condos would have to provide parking. Commissioner Piper said he is generally worried about what the next owner could do.

Commissioner Boswell asked if the applicant has met with adjoining property owners and residents. Mr. Urti said there was a public meeting with good attendance and heavy feedback, which was positive when all was said and done.

**ACTION:** Motion to close the public hearing

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper, Commissioner Carew, Commissioner Conto

*Motion passed unanimously*

Commissioner Crouch said he likes the project, the Town needs more event space, and the applicant has a great track record, but he has concerns about what will happen years from now if the one parcel is upzoned by two steps and the CBD begins to encroach into residential areas.

Commissioner Carew said he likes the project but wants to focus on the zoning change now. He said the previous rezoning to MX may have been arbitrary and that the block is prime for redevelopment. He said it's more important to look at opportunities for improving the area and thinks the Commission should consider that this may be a permanent change for the good of the block.

Chairman Rouse said two-thirds of the property proposed for the project is in the CBD, and he believes rezoning the MX parcel to CBD falls within the vision of the Land Use Plan.

Commissioner Conto said she thinks the proposed project is a good investment in the community.

Commissioner Crouch said the application does not comply with the Land Use Plan, so if the zoning change is made the Town will have to amend the Land Use Plan. He asked Commissioners to take this into account when voting.

Commissioner Boswell asked why this parcel was left as MX when the Land Use Plan was updated. Vice Chairman Hogan said there were so many lots that didn't stick out, so those working on the update assumed it was all one zoning for one property. Commissioner Boswell said she would have assumed the property was all CBD.

Commissioner Piper said he feels like there has to be a way this can be done via a Conditional Use Permit.

Commissioner Crouch asked if the event venue use could be permitted in MX. Mr. Hardison said yes, there are options, but the proposal would need to come back to explore those.

Vice Chairman Hogan said that land was all in the CBD at one point, and he's not sure why it was divided. He said if staff is recommending approval of the application, there must be a reason.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the Zoning Map Amendment for 209 Charlotte Avenue is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions; a statement approving the proposed Zoning Map Amendment and declaring that this also amends the Land Use Plan to meet the vision of the community is taken into consideration in the zoning amendment

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Carew, Commissioner Conto

Voting Nay: Commissioner Crouch, Commissioner Piper

*Motion passed 5-2*

Mr. Hardison said the item will move forward to Council on February 14.

Chairman Rouse explained that the Commission is a recommending board to Council, which makes the final decision.

## **NON-AGENDA ITEMS**

Chairman Rouse said there is no Unified Development Ordinance (UDO) meeting until February. Mr. Hardison said staff is working on getting verbiage on stormwater and non-conforming uses for review.

**ADJOURNMENT**

Chairman Rouse adjourned the meeting at 7:20 PM.