



TOWN OF WRIGHTSVILLE BEACH

DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

Planning Board Meeting Agenda

Tuesday, September 6, 2016 6:00 p.m.
Town Hall Council Chambers
321 Causeway Drive, Wrightsville Beach, N.C.

- Call to Order by Chairman Dull
- Pledge of Allegiance
- Approval of Minutes from the August 2, 2016 Meeting
- **New Business**

Agenda Item A: Consideration of a Text Amendment Petition to Chapter 155 of the Town's Code of Ordinances. The applicant has proposed the addition of Section 155.6.6 Overlay Districts, which would include the addition of Section 155.6.6.1 Mixed Use Overlay District (MUOD). The MUOD would apply exclusively to a specific portion of the C-2 Commercial Zoning District located West of Johnnie Mercer's Fishing Pier to the North of East Salisbury Street to the East of North Lumina Avenue and to the South of Seagull Street. The MUOD would allow for mixed-use developments to be constructed to a maximum height of 50 feet.

Agenda Item B: Discussion on establishing a steering committee for the 2017 CAMA Land Use Plan update.

- Old Business
- Other Business from the Chairperson & Board Members
- Other Business from Staff
- Adjournment



WRIGHTSVILLE BEACH PLANNING BOARD MINUTES

321 Causeway Drive, Wrightsville Beach, NC 28480

August 2, 2016

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

PRESENT: Chairman Ken Dull, Vice Chairperson Susan Snider, Janice Clark, Vivian "Zeke" Partin, Jim Smith, Thomas "Ace" Cofer, David Culp

ABSENT: None

Staff Members Present: Tony Wilson, Director of Planning & Parks
Zachary Steffey, Town Planner

CALL TO ORDER

Meeting called to order by Chairman Ken Dull at 6:01 p.m.

PLEDGE OF ALLEGIANCE

Chairman Ken Dull led the audience in the Pledge of Allegiance.

APPROVAL OF MINUTES

...Motion by Ms. Zeke Partin to approve the minutes as written from the July 5, 2016 meeting. Motion seconded by Ms. Janice Clark and carried unanimously by a vote of (7-0).

NEW BUSINESSAGENDA ITEM C:

CONSIDERATION OF A TEXT AMENDMENT PETITION TO CHAPTER 155 OF THE TOWN'S CODE OF ORDINANCES. THE APPLICANT HAS PROPOSED THE ADDITION OF SECTION 155.6.6 OVERLAY DISTRICTS, WHICH WOULD INCLUDE THE ADDITION OF SECTION 155.6.6.1 MIXED USE OVERLAY DISTRICT (MUOD). THE MUOD WOULD APPLY EXCLUSIVELY TO THE C-2 COMMERCIAL ZONING DISTRICT AND IT WOULD ALLOW FOR MIXED-USE DEVELOPMENTS TO BE CONSTRUCTED TO A MAXIMUM HEIGHT OF 50 FEET.

REQUEST BY AUTHORIZED AGENT ON BEHALF OF THE APPLICANT:

Mr. Joseph Taylor Jr. Esq., authorized agent for the applicant, said that after meeting with the Town a decision was made to request a continuance. Mr. Taylor asked the Board to consider continuing Agenda Item C until the September Planning Board Meeting.

MOTION:

...Motion by Ms. Janice Clark to open and continue Agenda Item C to the September 6, 2016 Planning Board Meeting. Motion seconded by Ms. Susan Snider and carried unanimously by a vote of (7-0).

AGENDA ITEM A:

CONSIDERATION OF AN AMENDMENT TO THE EXISTING CONDITIONAL USE PERMIT FOR 32 NORTH LUMINA AVENUE (ROBERT'S GROCERY) TO MODIFY THE REQUIRED NUMBER OF RESERVED PARKING SPACES IN ROBERT'S COMMERCIAL PUBLIC PARKING LOT FROM FIVE SPACES TO NINE SPACES.

STAFF PRESENTATION:

Mr. Zach Steffey stated that on July 21, 2016 the Planning and Inspections Department received a Conditional Use Permit (CUP) application for 32 North Lumina Avenue from Mr. Blair Goodrich, authorized agent for the property owner(s), Jerry Allen Lachman and

Allan Middleton. He said that the applicant(s) have requested a modification to the existing Conditional Use Permit (CUP) that was granted on November 12, 2009. The original CUP for 32 North Lumina authorized the use of the parking lot as a commercial public parking lot with a total of 28 parking spaces. The original CUP required that two spaces be set aside for customers of Robert's Grocery and that three spaces be set aside for Rita's Italian Ice (5 reserved spaces). This left 23 undesignated spaces for commercial public parking.

Mr. Steffey said that after reviewing the CUP application received by Charlie Grainger's, Staff determined that Charlie Grainger's would not be eligible for a Parking Exception as adequate parking was available directly across the street. He then said that in order for the Board to consider the CUP application for Charlie Grainger's, the existing CUP for the Public Commercial Parking Lot must be modified to reflect the anticipated increase in parking requirements that would occur if Charlie Grainger's CUP application is approved. He said that according to Town parking requirements, Charlie Grainger's would be required to provide 7 off-street parking spaces. Robert's Grocery is required to provide 2 spaces and Mr. Steffey stated that those are currently provided. He stated that based on this information, 9 parking spaces will need to be reserved within the Public Commercial Parking Lot if the CUP for Charlie Grainger's is approved. If the CUP is not approved then no changes are needed. Mr. Steffey stated that no comments were received from other departments on the issue, and according to the CAMA Land Use Plan the proposed development appears to be consistent with Town Policy. He then presented the Board with a diagram depicting the proposed parking lot plan.

Mr. Steffey stated that the Town Staff recommends that the Board approve modifying the existing CUP to accommodate the anticipated increase in parking if the CUP for Charlie Grainger's is approved. He said that Town Staff asks for a favorable recommendation from the Board with the following conditions: First, that signage be painted, mounted or affixed to each parking space that is reserved for customers of Robert's Grocery and Charlie Grainger's. Second, the reserved parking spaces are made available exclusively for customers of these establishments during business hours.

Mr. Steffey discussed with the Board the additional conditions from the original CUP that would continue.

- One trash receptacle must be maintained in each of the four corners of the parking lot.
- The commercial parking lot may not charge a rate less than the Town's daily rate.
- Property must be maintained and kept in a clean and orderly condition. Sixth condition.
- No tailgating or consumption of alcoholic beverages in the parking lot.
- If noise violations occur, the permit may be subject to revocation.
- If a permit is acquired that allows for the consumption of alcoholic beverages in the parking lot, the permit shall be deemed revoked.
- Four foot high fence around parking lot.

- At all times that the parking lot is used as a commercial parking lot an attendant must be on duty.
- No vehicles may be towed between the hours of 11pm and 7am.

PLANNING BOARD DISCUSSION:

Chairman Ken Dull asked if the Board had any questions. Ms. Zeke Partin asked Mr. Steffey who owned the parking lot. Mr. Steffey stated that the parking lot was owned by the owners of Robert's Grocery. Ms. Partin asked for clarification on whether or not customers of Robert's Grocery were required to pay to park in the parking lot. Mr. Steffey said he believed they were allowed to park for free, but he would allow the applicant to speak on that matter. Mr. Jim Smith asked Mr. Steffey if 2 spaces met the requirements for Robert's Grocery. Mr. Tony Wilson stated that because Robert's Grocery was built before the parking ordinance was created, they were not originally required to provide any parking. The Board discussed parking with the owner(s) of Robert's and it was agreed that the owner usually blocked off more than 2 spaces for his customers.

PRESENTATION BY APPLICANT:

Mr. Jerry Allen, spoke on behalf of Robert's Grocery. Mr. Dull opened up questions from the Board. Mr. Smith asked Mr. Allen if they would be willing to install higher quality trashcans than the ones currently provided. They discussed what trashcans were there and how it would be good for the Town if small upgrades could be made, that includes better trashcans. Mr. Smith said he would be willing to talk to the Wrightsville Beach Foundation about splitting the cost with Mr. Allen.

PUBLIC COMMENTS:

David Monahan of Sunset Avenue expressed concerns about the 9 parking spaces. He asked if they would be from the existing parking lot or would there be an expansion. Mr. Wilson stated that the parking spaces would be reserved in the existing parking lot.

Peter Stillman, of 14 Birmingham, asked for clarification on why the parking lot issue was being discussed before Agenda Item B. Mr. Wilson explained that the parking lot issue needed resolved before Agenda Item B could be considered. Mr. Stillman also asked the Board if there were any requirements for handicapped accessible parking spaces. Mr. Wilson explained the accessibility requirements for the building and the

challenges faced with crossing the street. He stated he would look into the possibility of designating a handicapped accessible space.

Tim Taylor, of 104 N. Lumina, stated that he was concerned about the increase in litter due to the opening of another carry out restaurant. Mr. Taylor said the current occupant of the space at 32 N. Lumina runs an art studio and does not create litter, but does help to clean up litter in the area. He said the last time that space was occupied by a carry out food service the litter increased in the area and he is concerned that will happen again.

PLANNING BOARD AND STAFF DISCUSSION:

Mr. Wilson said he would speak with the designer about creating a handicapped accessible space, but his main concern was how to provide a safe way to get from the parking lot to the restaurant. He also stated that when he drives around Wrightsville Beach, litter is a big problem in all areas. Mr. Ace Cofer said that he agrees with Mr. Smith, that this would be a good opportunity to improve litter control by installing better trashcans. He asked if there was a way to help Mr. Allen provide the type of high quality trashcans that are similar to the ones provided by the Town, and can we get the Town to add these trashcans to their pickup schedule. The Board discussed the locations of Town trashcans and ways to improve the downtown area with improved litter control. Mr. Monahan stated that he cleans outside his store every night and suggested the Town enforce litter control among other business owners. The Board discussed with Mr. Monahan the difficulty of enforcing litter control among business owners, residents, and visitors.

MOTION:

...Motion by Mr. Smith to approve the amendment to the existing Conditional Use Permit for 32 N. Lumina Ave. with the addition of 2 quality trashcans and trash pickup by Town with private/public cooperation. Motion seconded by Ms. Clark and carried unanimously by a vote of (7-0).

AGENDA ITEM B:

CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION FOR 32 NORTH LUMINA AVENUE TO OPERATE A STANDARD RESTAURANT BY THE NAME OF CHARLIE GRAINGER'S IN THE PORTION OF THE BUILDING FORMERLY

OCCUPIED BY RITA'S ITALIAN ICE.

STAFF PRESENTATION:

Mr. Zach Steffey stated that on June 27, 2016 the Planning and Inspections Department received a Conditional Use Permit (CUP) application for 32 North Lumina Avenue. Mr. Blair Goodrich has been appointed as the authorized agent for the property owner(s), Jerry Allen Lachman and Allan Middleton. Mr. Goodrich has also been appointed as the authorized agent for Charlie Grainger's (the CUP applicant). The applicants have applied for a CUP to operate a Charlie Grainger's franchise location within the existing building at 32 North Lumina Avenue which is located in the C-1 Commercial Zoning District. Restaurants are considered a conditional use in the C-1 Commercial Zoning District.

The plans submitted by the applicant indicate that 350 sq ft of space that is currently utilized by Robert's Grocery would be converted for use by Charlie Grainger's. This would create an approximately 990 sq ft space for the proposed restaurant. The applicant indicates that the restaurant will be open for lunch and dinner and that the restaurant will close by 10:00 PM. The applicant also indicates that the restaurant will not serve alcohol.

After reviewing the CUP application, Town Staff determined that Charlie Grainger's would not be eligible for a parking exception as adequate parking was available directly across the street from the proposed location of the restaurant, within Robert's parking lot. Mr. Steffey then presented photos of 32 North Lumina and the parking spaces available at Robert's parking lot. He also presented the proposed floor plan, hours of operation, and the plan for all restaurant kitchen equipment to be on wheels for quick removal during a storm. The Planning Board asked questions about the placement of stools and tables.

Mr. Steffey stated that Planning Staff supports the applicant's request for a CUP to operate Charlie Grainger's at 32 North Lumina with the conditions listed in the provided packet. He stated that Staff is asking the Planning Board to provide a favorable recommendation of the applicants request for a CUP to operate a Charlie Grainger's restaurant.

PRESENTATION BY AUTHORIZED AGENT ON BEHALF OF THE APPLICANT:

Blair Goodrich, of Goodrich Architecture, stated to the Board that Charlie Grainger's is a family oriented restaurant and said they have no plans to ever serve alcohol. He also stated that all the employees are trained to go outside and maintain a clean area around the establishment. Mr. Goodrich also stated that he believed the relationship between Robert's Grocery and Charlie Grainger's would benefit Robert's by drawing in customers and improve the downtown area. He explained to the Board the different

planned items on the menu and the use of local products. Ms. Partin asked whether seafood would be on the menu, he stated the menu would be limited to hotdogs, brisket and chicken salad. Mr. Dull asked if the restaurant would look similar to the other location in downtown Wilmington. Mr. Goodrich said that the Wrightsville Beach location will be clean and well maintained just like the original location in Wilmington. Mr. Cofer asked if there would be a rear door. Mr. Goodrich said a rear door is not required. Mr. Cofer expressed concern about how the trash would exit the building and Mr. Goodrich said it would be removed by way of Robert's Grocery's back door. Ms. Snider asked how the drinks would be served. He stated there would be fountain drinks and bottled water. Ms. Partin asked about the type of material used for cups and plates.

PUBLIC HEARING:

Chairman Dull opened the public hearing on the proposed Conditional Use Permit for Charlie Grainger's.

IN FAVOR:

Sue Bullock, representing the Chamber of Commerce, said the Chamber is happy to encourage new businesses that help develop the community. Ms. Bullock said she would like to see a return to a more nostalgic theme downtown and believes the public-private partnership is a good concept and the Chamber is happy to welcome Charlie Grainger's to the area.

Scott Griffin, of 64 Pelican Dr, said he loves the downtown area and is proud to call Wrightsville Beach home. Mr. Griffin stated that he was originally unsure what Charlie Grainger's would do for the area, so he visited the original restaurant in Downtown Wilmington. He said the style of the restaurant was appealing and clean, the food was very good and he believed Charlie Grainger's would be a nice addition to the Town. Mr. Griffin said as for trash and litter concerns, the Town has laws on the books prohibiting litter. He believed the litter problem should be addressed by better enforcement of the law. Mr. Griffin also supported the addition of handicapped accessibility. Mr. Griffin stated that the Town has been clear about what types of commercial development should be encouraged, and believes the Town should be willing to adapt to the desires of the community.

OPPOSED:

Neil Briggi stated that he was concerned about Charlie Grainger's obtaining an ABC Permit. He is also concerned because of the proposed restaurant's carry out menu and the majority of its customers walking back to the beach, this would potentially create more litter on the beach. He said he remembered another restaurant offering free hot dogs on the beach as a promotion and it created large amounts of trash. He is concerned this restaurant would cause a similar amount of trash on the beach.

David Lacey, of 10 B Birmingham, stated his concern about the limited size of the property. He said the wall of the building comes right up to the street and there is already too much congestion on Birmingham, he is concerned that a carry out restaurant would cause safety issues for pedestrians. Mr. Lacey stated that another concern is the lack of available space in this location for outdoor seating. He said this will cause customers to carry their food further down the street to find a place to sit and eat. He said in the past, customers of Rita's Ice would bring their food down the street and sit in front of his house to eat and they would leave their trash. He believes if Charlie Grainger's opened in this space the same problem would occur. Mr. Lacey does not believe this is the right business for this location.

Debbie Lacey, of 10 A Birmingham, stated that the intersection of North Lumina and Birmingham is very congested during the summer months. She also stated that the previous occupants of that space, Rita's Ice, created more congestion and litter in the area due to the limited seating. Ms. Lacey said she is not in favor of another carry out restaurant that will create the same problems. She also expressed concerns about the possibility of alcohol being served late at night and disturbing her renters, and preventing them from returning.

Neal Hyman, of 9 East Birmingham, said the businesses have done a good job cleaning up trash every day immediately outside their establishments. Mr. Hyman stated the problems with trash and litter occur when the trash makes its way further away from the business. He also stated there is a parking and access issue on Birmingham Street that would be increased by Charlie Grainger's customers. Mr. Hyman also asked the Board for clarification on the rules concerning ABC Permits. He understood that the Town could not prevent a business from obtaining a permit to serve alcohol, but they could restrict the hours of operation for a business. Mr. Wilson stated that in the past they asked a restaurant to sign an affidavit stating they will not serve alcohol as a condition of their CUP. Mr. Hyman stated that he has eaten at a Charlie Grainger's and he enjoyed their food and atmosphere, he also said that he owns a couple of restaurants. He stated that he does not however understand how Charlie Grainger's and Robert's Grocery will be financially beneficial to one another. Mr. Hyman is concerned that Charlie Grainger's could take potential revenue away from Robert's and ultimately cause Robert's to close. He said that Robert's has been on the island for many years and has historical significance to the area; he would not like to see Robert's have financial problems due to this restaurant opening.

Meredith, of 14 Birmingham Street, asked if Robert's would be required to have a much larger dumpster to accommodate the additional trash created by Charlie Grainger's. She stated she is concerned about the space needed for a larger dumpster.

Jazz Undy, current tenant of 32 North Lumina, Mr. Undy owns Jazzy Boy Art Studio and his business currently occupies the space where Charlie Grainger's proposes to open their restaurant. He expressed that he has enhanced the neighborhood, and believes the area does not need another hot dog restaurant. He would like to see the space occupied by something more culturally sound.

Peter Stillman, of 14 Birmingham Street, has lived on Birmingham Street for 71 years. He said this has always been a difficult street, especially when delivery trucks are blocking the street. He suggested the Board drive the street and observe the congestion problems.

Chairman Dull closed the Public Hearing and asked if the Applicant would like to respond to any comments. The Applicant declined.

PLANNING BOARD AND STAFF DISCUSSION:

Mr. Tony Wilson stated that they could ask the applicant to sign an affidavit stating they will not serve alcohol. He also addressed the trash and litter issues, and said it needs further consideration. Mr. Zach Steffey said he would look into the history behind the mirror on the utility pole at the corner of North Lumina and Birmingham. He also mentioned looking into moving the No Parking on the Street sign to a more visible area. He addressed the alcohol issue and said because the CUP is linked to the property, Staff would like to speak with the Town Attorney about wording the CUP in a way that would make it null and void if the tenant changes. He stated that the Town is limited in its ability to regulate alcohol per the North Carolina General Statutes. Mr. Wilson discussed ways to control when delivery trucks would be allowed on the street.

Mr. Jim Smith stated that he wants to make sure that Charlie Grainger's would be restricted from serving beer and wine in the future. Mr. Smith addressed the congestion issues by suggesting the Town install signage that not only states there is no parking on Birmingham Street, but also install signage that informs drivers about the lack of parking before they attempt to drive down that street. He believes this would cut down on the amount of traffic and people trying to turn around. He said he would like to see the safety of this intersection improved. Mr. Smith would also like to see some control over delivery truck times and duration of their stay. He stated that he also wanted to add conditions on noise violations, and clarification on what constitutes a violation. Mr. Steffey stated that there is a specific process in which violations are passed on to the Board of Aldermen and they decide whether or not to revoke a permit based on these violations. Mr. Smith said he wants to see better coexistence between businesses and residents, and increased safety.

Mr. David Culp stated that the litter is a policing problem. He feels this problem has not been seriously addressed and the Town should consult with the Chief of Police on how to improve enforcement.

Mr. Smith asked Mr. Blair Goodrich if the entrance to the restaurant could be moved from the corner to another location. Mr. Goodrich stated, yes, this is possible.

Mr. Cofer addressed the congestion issues for that area and agreed with Staff suggestions to improve visibility. Pedestrian traffic is also a concern due to space and the size of the street. Mr. Cofer also addressed the litter concerns. He stated that he was a part of a Cleaner and Greener committee for a couple of years that studied the trash problems on the island. He said the Town needs to discuss its enforcement of trash pickup by business owners. A member of the community suggested taking out an ad in the Lumina News informing people of the Town's plan to get aggressive on litter enforcement.

Mr. Dull reminded the community that the public hearing portion of the meeting had ended. Ms. Partin suggested using social media to get the word out about litter enforcement. Mr. Dull asked for the trash report from the committee to be found and looked at for ideas on how to improve this situation.

Meredith addressed the Board again about congestion and stated it has been dangerous for many years. Mr. Cofer asked if Charlie Grainger's could provide very large and obvious signage that would inform drivers of the parking restrictions on the street.

MOTION:

...Motion by Mr. Culp for a favorable recommendation to approve the Conditional Use Permit application for 32 North Lumina to operate a Charlie Grainger's restaurant with the following conditions: Applicant must sign an affidavit stating they will not serve alcohol, Applicant and Town work on improving No Parking signage, the Town look into adding a crosswalk, Applicant must add additional trash receptacles outside of business. Motion seconded by Ms. Snider and carried unanimously by a vote of (7-0).

OLD BUSINESS

Ms. Partin asked about the status of the Jet Ski rental problem. Mr. Wilson said Town Staff and the Town Manager and Attorney are addressing this issue. Mr. Smith asked what was found in the ordinances about the applicant being present when asking for a continuance. Mr. Steffey said the proper avenue for addressing this is to modify the rules of procedure for the Planning Board and then ask the Board of Aldermen to approve the amendment to the rules. Mr. Steffey then explained what the current procedures allow. The Board discussed presenting an amendment to the rules of procedure to the Board of Aldermen.

COMMUNITY COMMENTS

A member of the community told the Board and Staff about new compacting trash cans in New York City that help address large trash issues. He stated he will email information about this to the Board.

OTHER BUSINESS FROM CHAIRPERSON OR BOARD MEMBERS

None at this time.

OTHER BUSINESS FROM STAFF

None at this time.

ADJOURNMENT

...There being no further business to come before the board, Mr. Cofer made a motion to adjourn which was seconded by Mr. Smith, the meeting was adjourned by unanimous vote at 7:47 p.m. Vote (7-0)

Respectfully Submitted,

Danielle Villegas, Administrative Assistant (*Temp Position*)



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PLANNING AND INSPECTIONS • 321 CAUSEWAY DRIVE • P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480 • 910-256-7937

Planning and Inspections

MEMORANDUM

To: Chairman Dull and Planning Board Members
From: Tony Wilson, Director of Planning and Parks *TW*
Re: Consideration of a Text Amendment to Section 155.6 to Create an Overlay District
(Mixed Use Overlay District) in the C-2 Commercial Zoning District
Cc: Tim Owens, Town Manager

Request: On June 2, 2016, the Planning Department received a text amendment application from authorized agent Joe Taylor and Petitioner Coastal NC Real Estate, LLC. The applicant is requesting a zoning text amendment that would create an overlay district (Mixed Use Overlay District-MUOD) in the C-2 Commercial District that would allow building heights up to 50'.

On August 18, 2016 the proposed text amendment was revised. The major change is the MUOD now applies only to the C-2 Commercial District adjacent to the Johnnie Mercer's Pier area.

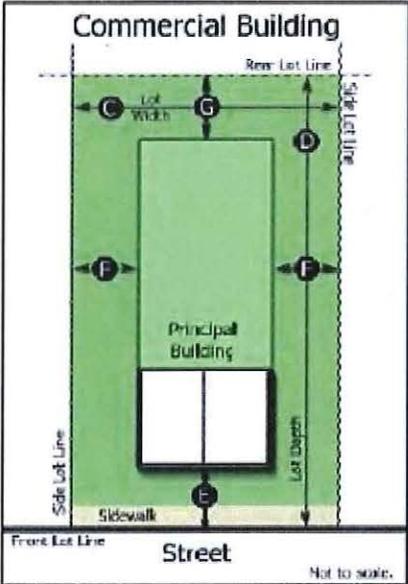
Background: Maximum building height within the town has consistently been a topic of scrutiny and concern for both the board and the town citizens. There have been recent zoning amendment applications within the past several years in regards to allowing a height increase from 40' in some zoning districts. The most recent text amendment application dealt with allowing staff to receive and review mixed-use projects greater than 40' in height. Staff and the Planning Board supported this text amendment at the December 2, 2014 Planning Board Meeting. At the January 8, 2015 Board of Aldermen Meeting, members voted unanimously not to approve this text amendment. The other text amendment submitted was to increase the height in the C-1 Commercial District by 15%. At the February 3, 2015 Planning Board Meeting, members and staff did not support this text amendment, and the item did not go to the Board of Aldermen.

Analysis: The result of this text amendment, if approved, will allow mixed use structures with a height of 50' above the center line of the street if a parcel(s) is zoned MUOD. In the C-2 Commercial District, as described in the proposed text amendment, this would be an increase of 10' from the current height of 40'. Requested items exempted from the 50' height limit would be antennas, chimneys, stairwells, elevators, or other accessories to the buildings installed in accordance with a properly issued Building and/or Conditional Use Permit, as



applicable. The process for adopting the MUOD and applying it to a parcel(s) would be like any standard rezoning request. If adopted by the Board of Aldermen, this overlay district would be added to the Town’s UDO text only. The applicant would then have to request that an area be zoned MUOD and also apply for a Conditional Use Permit.

155.6.5.4 C-2 Commercial District II.



- A Minimum Lot Area** Permitted Use = None
 Conditional Use = 10,000 Square Feet
- B Maximum Density**
 - 48 units per acre for hotels and motels
 - 20 units per acre for apartments or residential buildings
- C Minimum Lot Width** 50 Feet
- D Minimum Lot Depth** None
- E Front Yard Minimum Setback** 15 Feet
 - 7.5 Feet of which shall be developed for sidewalks, grass, plants, and the necessary entrances and exits to driveways.
- F Side Yard Minimum Setback** 7.5 Feet
- G Rear Yard Minimum Setback** 7.5 Feet

Note: No portion of any building shall be closer than 15 feet to the right of way or street.

H Principal Building Height: No building shall exceed 40 feet in height. Church spires, antennas, chimneys, and similar accessories to buildings are exempt from this limitation.

Proposed Ordinance:

§ 155.6.6 Overlay Districts.

§ 155.6.6.1 Mixed Use Overlay District (MUOD).

§ 155.6.6.1 Mixed Use Overlay District (MUOD).

(a) *Applicability.* The MUOD is established to provide ancillary development standards for, and shall only be applicable to, certain parcels of land (i) within the Commercial District II ("C-2") zoning district located on the block that lies immediately west of the Atlantic Ocean and is bounded on the south by East Salisbury Street, on the west by North Lumina Avenue and on the north by Seagull Street, as more specifically identified on the Zoning Map, and (ii) on which a Mixed-Use Commercial Residential development project already exists or is proposed. Notwithstanding the rezoning of any such parcel into the MUOD, the MUOD standards shall in no event apply to any building or structure that is not part of a properly approved and permitted Mixed-Use Commercial Residential development project.

(b) *Purpose and Intent.* This district consists of commercially zoned parcels located in a unique section of the Town that offers a mix of commercial, tourist and short-term residential uses in close proximity to a popular beach access point and public parking spaces, which together creates an environment particularly well suited to pedestrian use and public activity. The primary purposes of the MUOD are to facilitate the orderly growth of this unique environment and make more efficient use of one of the only commercial zones adjacent to the beach, all without sacrificing the Town's traditional character. The MUOD standards will benefit all residents, visitors and community stakeholders by promoting attractive, safe and well-designed Mixed-Use Commercial Residential development on the beach that increases property values and attracts greater investment in the Town.

(c) *Ancillary Standards.* Any parcel of land lying in the MUOD will also lie in the C-2 zoning district. The MUOD shall apply in addition to the underlying C-2 zoning district, such that any and all uses permitted in the C-2 zoning district shall be permitted in the MUOD, subject to the standards and requirements of both districts. In the event that a specific MUOD development standard or requirement conflicts or overlaps with those of the C-2 zoning district, including any applicable supplemental requirements under UDO Article 155.7, then such MUOD development standard or requirement shall take precedence to the extent of the conflict or overlap. If the MUOD does not expressly provide standards or requirements governing a particular aspect of development but such standards and/or requirements are provided elsewhere in the UDO for the C-2 zoning district, then such C-2 zoning district standards and/or requirements shall be followed.

(d) *Procedures.* The procedures for establishing or amending a MUOD shall be the same as those provided elsewhere in the UDO for establishing or amending any other zoning district.

(e) *Development standards.* The development standards and requirements for the underlying C-2 zoning district shall apply except where any such standard conflicts or overlaps with the following specific standard:

(i) *Principal Building Height.* No building shall exceed fifty (50) feet in height. Church spires, antennas, chimneys, elevators, HVAC equipment, and similar accessories to buildings are exempt from this limitation.

2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

3. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Wrightsville Beach, North Carolina, and shall be in full force and effect from and after its adoption.

Building Height: The definition of “Height” and the way it is measured was amended on July 9, 1998 to provide consistency and to make the definition of height more understandable. In the R-1, R-2, C-1, C-2, C-3, G-1, and PC zoning districts, the maximum building height is 40 feet. Prior to July 9, 1998, the building height was measured from the top of fire hydrants. After this date, the vertical distance is measured from the center of the street. Structures built before 1998 range in heights from 43’ to 45’.

Advertisement: The legal advertisement announcing the August 2, 2016 Planning Board Meeting regarding the Text Amendment to Section 155.6.6 ran on July 20, 2016 in the Lumina News. The legal advertisement ran again on August 26, 2016 in the Wilmington Star News announcing the September 6, 2016 Planning Board Meeting.

Departmental Review:

Public Works: No Comments

Fire Department: No Comments

Police Department: No Comments

Planning Board Meeting August 2, 2016:

This agenda item was opened and continued until the September 6, 2016.

2005 CAMA Land Use Plan: Staff finds increasing the maximum allowed height of structures in the C-2 Commercial District would not meet the spirit and intent of the Land Use Plan.

Staff Comments: Comments are listed below:

1. It appears that the MUOD would only be applicable to the C2 Zoning District within the Town which is located adjacent to Johnnie Mercer's Pier.
2. Paragraph C states that the standards of the MUOD will take precedence over any standard for the underlying zoning in the town. The only standard for the MUOD is that the building may be up to 50 feet in height and references to those items exempted from the height limit.

Planning Staff Recommendation: Based on the analysis and findings of this report, it is the opinion of Staff that the proposed text amendment does not meet the intent of the Board of Aldermen direction in previous attempts to increase the building height above 40 feet. Staff recommends that the Planning Board forward an unfavorable recommendation to the Board of Aldermen for the text amendment to Section 155.6.6.

Attachments:

1. Text Amendment Application
2. Ordinance 2016-
3. C-2 Commercial District



Town of Wrightsville Beach
PETITION FOR ORDINANCE TEXT AMENDMENT (TA-16/17)

The petitioner requests that the Wrightsville Beach Planning Board recommend to the Board of Aldermen to change the Ordinance of the Town as follows:

Ordinance: Chapter: 155, Uniform Development.
 Title: XV. Land Usage.
 Section: 155.6.6

Ordinance currently reads:

N/A

Proposed change to ordinance reads:

Please see the proposed supplement to Article 155.6 attached hereto as
Exhibit A and incorporated herein by reference.

(Further documentation and illustrations should be attached to this application)

Petitioner(s): Name: Coastal NC Real Estate, LLC
 Address: 1120 Pembroke Jones Dr., Wilmington, NC 28405 Phone: (910) 262-1947
 Email: tdk5947@gmail.com

Agent(s) if other than Petitioner: Murchison Taylor & Gibson, PLLC
 Name: Joseph O. Taylor, Jr.
 Address: 16 N. 5th Avenue, Wilmington, NC 28401 Phone: (910) 763-2426
 Email: jtaylor@murchisonataylor.com

Signature: *[Handwritten Signature]* Date: 6-2-2016

Agent Signature: *[Handwritten Signature]* Date: 6-2-2016

**I understand that the fee for this application is non-refundable. ** *[Handwritten Initials]* (Initial)
 **I furthermore certify that I am authorized to grant and do in fact grant permission to Planning Staff and his/her agents to enter on the aforementioned lands in connection with evaluating information related to this permit application. ** *[Handwritten Initials]* (Initial)

Application fee in the amount of \$300 dollars due at application submission Date Paid: _____

EXHIBIT A

ORDINANCE NO. (2016) _____

Board of Aldermen
Town of Wrightsville Beach, North Carolina

Date: _____, 2016

AN ORDINANCE OF THE BOARD OF ALDERMEN OF
THE TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA
AMENDING ARTICLE 155.6 OF THE CODE OF ORDINANCES,
TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA

The Board of Aldermen of the Town of Wrightsville Beach, North Carolina, doth ordain:

1. That Article 155.6 is hereby amended by adopting and adding § 155.6.6 as follows:

§ 155.6.6 Overlay Districts.

§ 155.6.6.1 Mixed Use Overlay District (MUOD).

(a) *Applicability.* The MUOD is established to provide ancillary development standards for, and shall only be applicable to, certain parcels of land (i) within the Commercial District II (“C-2”) zoning district located on the block that lies immediately west of the Atlantic Ocean and is bounded on the south by East Salisbury Street, on the west by North Lumina Avenue and on the north by Seagull Street, as more specifically identified on the Zoning Map, and (ii) on which a Mixed-Use Commercial Residential development project already exists or is proposed. Notwithstanding the rezoning of any such parcel into the MUOD, the MUOD standards shall in no event apply to any building or structure that is not part of a properly approved and permitted Mixed-Use Commercial Residential development project.

(b) *Purpose and Intent.* This district consists of commercially zoned parcels located in a unique section of the Town that offers a mix of commercial, tourist and short-term residential uses in close proximity to a popular beach access point and public parking spaces, which together creates an environment particularly well suited to pedestrian use and public activity. The primary purposes of the MUOD are to facilitate the orderly growth of this unique environment and make more efficient use of one of the only commercial zones adjacent to the beach, all without sacrificing the Town’s traditional character. The MUOD standards will benefit all residents, visitors and community stakeholders by promoting attractive, safe and well-designed Mixed-Use Commercial Residential development on the beach that increases property values and attracts greater investment in the Town.

(c) *Ancillary Standards.* Any parcel of land lying in the MUOD will also lie in the C-2 zoning district. The MUOD shall apply in addition to the underlying C-2 zoning district, such that any and all uses permitted in the C-2 zoning district shall be permitted in the MUOD, subject to the standards and requirements of both districts. In the event that a specific MUOD development standard or requirement conflicts or overlaps with those of the C-2 zoning district, including any applicable supplemental requirements under UDO Article 155.7, then such MUOD development standard or requirement shall take precedence to the extent of the conflict or overlap. If the MUOD does not expressly provide standards or requirements governing a particular aspect of development but such standards and/or requirements are provided elsewhere in the UDO for the C-2 zoning district, then such C-2 zoning district standards and/or requirements shall be followed.

(d) *Procedures.* The procedures for establishing or amending a MUOD shall be the same as those provided elsewhere in the UDO for establishing or amending any other zoning district.

(e) *Development standards.* The development standards and requirements for the underlying C-2 zoning district shall apply except where any such standard conflicts or overlaps with the following specific standard:

(i) *Principal Building Height.* No building shall exceed fifty (50) feet in height. Church spires, antennas, chimneys, elevators, HVAC equipment, and similar accessories to buildings are exempt from this limitation.

2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

3. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Wrightsville Beach, North Carolina, and shall be in full force and effect from and after its adoption.

[SIGNATURES ON FOLLOWING PAGE]

This Ordinance adopted this ____ day of _____, 2016.

Mayor

ATTEST:

APPROVED AS TO FORM:

Town Clerk

Town Attorney

(SEAL)



C-2 Commercial Zoning District



TOWN OF WRIGHTSVILLE BEACH
PO BOX 626
WRIGHTSVILLE BEACH, NC 28480-
(910)256-7900

P A Y M E N T

Date: 7/25/2016
Time: 1:27 PM

Coastal NC Real Estate LLC
1120 Pembroke Jones Dr
Text Amendment

Cash:	\$0.00
Check:	\$300.00
Charge:	\$0.00
MoneyOrder:	\$0.00
Total Fee:	\$300.00
TOTAL PAID:	\$300.00
Change Due:	\$0.00

1 CAMAV VAR/CAMA/REZONE \$300.00

Operator: 81
Receipt#: 115237

T H A N K Y O U !



TOWN OF WRIGHTSVILLE BEACH

PLANNING AND PARKS ▪ 321 CAUSEWAY DRIVE ▪ P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480 ▪ 910-256-7937

Planning Board Public Notice

The public shall take notice that the Wrightsville Beach Planning Board will meet at 6:00 p.m. on Tuesday, August 2, 2016 or as soon thereafter, in the Town Hall Council Chambers, 321 Causeway Drive, Wrightsville Beach, NC, to discuss the following:

- A Conditional Use Permit application and a Parking Exception request for 32 North Lumina Avenue, to allow for the operation of a standard restaurant by the Charlie Grainger's franchise.
- A Text Amendment to *Chapter 155 Uniform Development* to add *Section 155.6.6 Overlay Districts* to allow for the creation of a Mixed-Use Zoning Overlay District for properties located within the C-2 Commercial District. Mixed-use developments located in the C-2 District and falling within the Mixed-Use Zoning Overlay District would be subject to a 50-foot height limitation rather than the Town's 40-foot height limitation that is currently in effect for all zoning districts.

LUMINA NEWS

P.O Box 1110
Wrightsville Beach, NC 28480

Invoice

Date	Invoice #
7/20/2016	50875

Bill To
Town of Wrightsville Beach PO Box 626 Wrightsville Beach, NC 28480

Ship To
Town of Wrightsville Beach PO Box 626 Wrightsville Beach, NC 28480

Terms	Due Date	Rep
Due on receipt	7/20/2016	PB

Description	Quantity	Rate	Class	Amount
07/21/2016 Planning Board Public Notice - meeting on Tuesday, August 2, 2016	5	13.00	LN	65.00
<p>Planning Board Public Notice</p> <p>The public shall take notice that the Wrightsville Beach Planning Board will meet at 6:00 p.m. on Tuesday, August 2, 2016 or as soon thereafter, in the Town Hall Council Chambers, 321 Causeway Drive, Wrightsville Beach, NC, to discuss the following:</p> <ul style="list-style-type: none"> • A Conditional Use Permit application and a Parking Exception request for 32 North Lumina Avenue, to allow for the operation of a standard restaurant by the Charlie Grainger's franchise. • A Text Amendment to Chapter 155 Uniform Development to add Section 155.6.6 Overlay Districts to allow for the creation of a Mixed-Use Zoning Overlay District for properties located within the C-2 Commercial District. Mixed-use developments located in the C-2 District and falling within the Mixed-Use Zoning Overlay District would be subject to a 50-foot height limitation rather than the Town's 40-foot height limitation that is currently in effect for all zoning districts. 				

7/21/2016

Lumina News -

July 21-27, 2016

Thank you for your business.

910.256.6569 Office
910.256.6512 Fax

Please mail payments to:
PO Box 1110
Wrightsville Beach, NC

Total	\$65.00
Payments/Credits	\$0.00
Balance Due	\$65.00



TOWN OF WRIGHTSVILLE BEACH

DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626
WRIGHTSVILLE BEACH, N.C. 28480

August 30, 2016

MEMORANDUM

To: Chairman Dull and Planning Board Members
From: Zachary Steffey, Town Planner *ZS*
Re: Discussion on Steering Committee for 2017 CAMA Land Use Plan Update
Cc: Tony Wilson, Director of Planning & Parks

Background:

The Town of Wrightsville Beach received a grant from the North Carolina Division of Coastal Management to assist the Town with an update of the Town's 2005 CAMA Land Use Plan (LUP). The LUP is an important component of planning and development activities within the Town as it is a representation of the interests and values that are important to residents and businesses within the Town. The LUP should identify opportunities for responsible growth and development while also protecting the cultural and ecological resources of the Town. At the August 11th Board of Aldermen meeting the Board gave direction to Town Staff to begin the process of assembling a steering committee that would facilitate community engagement and oversee plan development throughout the duration of the LUP development process.

The LUP Steering Committee would likely be composed of members of the Board of Aldermen and Planning Board, as well as residents and businesses from the community. The size of the committee would range between 10-15 people. The committee would convene on a regular basis during the LUP development process which is expected to conclude by April of 2017.

Requested Action:

Town staff asks that the Planning Board discuss the composition of the steering committee and that a recommendation is provided to the Board of Aldermen as to how the steering committee should be set up. The Planning Board could opt to nominate or recommend members of the Planning Board to serve on the LUP Steering Committee.