

Joel Macon
Mayor

Alan Gilbert
Councilman

Jerry Johnson
Councilman



Dan Wilcox
Mayor Pro Tem

Pat Efird
Councilwoman

Timothy Owens
Town Manager

TOWN OF CAROLINA BEACH
1121 N. Lake Park Blvd
Carolina Beach, North Carolina 28428
(910) 458-2978
FAX (910) 458-2997

Planning & Zoning Commission Minutes

June 12, 2008

7:00pm

ITEM #1 Call to Order & Roll Call 7:02pm

Chairwoman McQuillen calls the meeting to order.

Commissioners Present:

Greg Reynolds
Betsy McQuillen
Jim Miller
Jim Rees
Shawn Underwood

Commissioners Absent

Bill Parker
Sarah Efird

Staff Present: Gary Ferguson – Planning Director, Ed Parvin – Senior Planner, and Karen Crenshaw Middleton - Secretary

ITEM #2 Approval of the Minutes 7:02pm

May 8, 2008 – Mr. Underwood moves to approve the minutes as presented. Mr. Reynolds seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #3 Staff Report on Recent Council Meeting(s) 7:04pm

Mr. Ferguson provides a brief presentation on Town Council's motions and votes at the two most recent Town Council meetings.

ITEM #4 Public Discussion 7:13pm

None

ITEM #5 Election of Chairman for July 1, 2008 – June 30, 2009 7:14pm

Mr. Underwood moves to re-elect Ms. McQuillen in the chairman seat. Ms. Chairman asks if her fellow commissioners would consider keeping the chair and vice-chairman the same. Mr. Underwood moves to re-elect Ms. McQuillen as chairman and Mr. Rees as vice-chairman. Mr. Reynolds seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #6 Election of Vice-Chairman for July 1, 2008 – June 30, 2009 7:15pm

See Item #5 for joint motion.

ITEM #7 Text Amendment – Consider a request to amend the Zoning Ordinance to allow up to 50% efficiency units in hotel rooms in the T-1 zoning district 7:15pm

Ed Parvin presents his memo

Summary of the Request:

The applicant, Ms. Shirley Roth, owner of the Sea Gull Motel located at 413 Carolina Beach Avenue North is requesting a text amendment to allow efficiency rooms for hotels in the T-1 zoning district. Currently there is no allowance for “efficiencies” in hotels/motels. What this means is hotel/motel rooms are prohibited from having stoves or ranges. Efficiency rooms would be managed as a part of the hotel, but would offer kitchen accommodations for vacationers, transients, workers, or others who wish to occupy a room for often longer than one or two nights.

Current Allowances:

In January of 2006 the duplex located at 410 Canal was moved to the Seagull Motel complex without a house moving permit. In order to remedy the situation, Ms. Roth then applied for an after the fact house moving permit, but was denied by the Town due to the hotel being on a site that did not meet the minimum lot size of 25,000 square feet. She then appealed the Zoning Administrator’s decision to deny the house moving permit. The case was heard at the May 15, 2006 Board of Adjustment (BOA) (**Attachment C**). The BOA unanimously affirmed the Zoning Administrator’s decision to deny the house moving permit. Instead of removing the house, the Town allowed Ms. Roth to apply for a text amendment that would give the hotel and its proposed addition a chance to meet the zoning for the T-1 District. The amendment was approved by Town Council in January of 2007 allowing for smaller lot sizes to accommodate smaller hotels (**Attachment D**). Adoption of this amendment gave Ms. Roth the legal right to keep the structure if the expansion of her hotel was approved by Town Council. In April of 2007 Town Council granted a conditional use permit that seemingly resolved all problems for the Sea Gull Hotel (**Attachment E**).

Shirley Roth, the applicant for the text amendment and owner of Sea Gull Motel, is currently in the process of renovating the new structure to serve as hotel units. She would like for fifty percent (50%) of the units at the Sea Gull Motel to include kitchen facilities. Based on the definition of hotel rooms which states, “*Hotel unit: A unit or room used for transient lodging, containing no kitchen facilities,*” our ordinance prohibits the allowance of kitchen facilities in hotel rooms.

Currently there are 5 hotel/motels in the T-1 zoning district. Of these hotels, the Seagull Inn is the only one that conforms to the lot size requirements for this district.

Hotel/Motel	lot Sq ft	Units
Dolphin Motel	18,750	47
Savanna Inn	18,750	22
Joy Lee Apartments	6,250	4
Beach House Inn	18,750	22
Seagull Inn	21,500	10

LANGUAGE PRIOR TO THE JANUARY 09, 2007 AMENDMENT:

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot – Min. 12.5 ft.)	Max. Density	Max. Height	Max. Lot Coverage
T-1	Hotels and Motels	25,000 sq.ft.	100 ft.	20 ft.	10 ft. ³	10 ft. ³	60 units/acre	50 ft. ²	40%
	Restaurants/Businesses	6,000 sq.ft.	50 ft.				29/acre		
	Single/Multi-Family	6,000 sq.ft.	50 ft.						

EXISTING LANGUAGE:

T-1	Hotels and Motels	20,000 sq ft 25,000 sq.ft	100 ft.	20 ft.	10 ft. ³	10 ft. ³	32 units/acre 60 units/acre	50 ft. ²	40%
	15 units or less								
	Greater than 15 units								
	Restaurants/Businesses								
Single/Multi-Family	6,000 sq.ft.	50 ft.	29/acre						

DEFINITIONS:

Hotel unit: A unit or room used for transient lodging, containing no kitchen facilities.

Motel: See Hotel

Hotel (motel): A building providing sleeping accommodations commonly available on a daily basis for pay to transient and permanent guests or tenants, in six (6) or more rooms. Dining rooms, restaurants or cafes, if existing, shall be conducted in the same building or buildings in connection therewith.

STANDARDS FOR HOTELS AS REFERED TO IN THE TABLE OF PERMITTED USES:

Sec. 12.1. Introduction.

This section provides regulations, standards, and conditions for certain uses, which are unusual in their nature or complexity or are potentially incompatible with their surroundings unless special protective restrictions are applied. Each use listed in this section shall comply with the regulations of the district in which it is located, with the requirements specified. In the case of a conditional use, in addition to the standards specified herein, all proposals shall address the following elements as applicable:

- (a) Safe and adequate egress and ingress to and from a major or minor thoroughfare or other road facility as applicable.
- (b) Fencing and/or vegetative buffering to minimize impacts on surrounding properties.
- (c) Lighting confined to the project property.
- (d) Utility needs, irrigation, and drainage provisions.
- (e) Adequate parking and associated driveways, loading/unloading facilities.
- (f) Outdoor storage of vehicles, equipment, and materials.
- (g) Environment considerations relative to waterways, streams, marsh, and wetlands.
- (h) Grading, filling, and removal and replacement of vegetation.

(Ord. No. 00-463, 10-10-00)

LONG RANGE PLANNING

The 2007 Land Use Plan (LUP) does not talk specifically about the allowance of efficiency hotel rooms. Several policies do indirectly support this proposal.

1. The LUP discusses reinforcing the communities existing commercial areas. Many hotels are currently designed to operate with kitchen facilities. These rooms seem to be catered to tourist who may be looking to vacation longer than one night. All the hotels in the T-1 zone appear to have rooms with kitchens (**see Attachment B**).
2. The LUP policies discuss the need to diversify the local economy. A limited allowance of efficiency hotel rooms would “diversify” the economy by giving more options housing options for people staying at Carolina Beach. The increase in options for people to looking to stay at Carolina Beach promotes the area as a tourist destination and the “resort market niche” as mentioned in the LUP.
3. Finally, the allowance of efficiency hotel rooms provides additional accommodating facilities for recreational and transient boaters as discussed in the LUP.

OPTIONS FOR CONSIDERATION:

OPTION 1: Maintain existing regulations:

Positives

- May help promote redevelopment of older nonconforming hotels

Negatives

- Under this option no hotel units would be allowed to contain kitchen facilities. Several nonconformities currently exist and would be allowed to continue under Article 18 of the zoning ordinance, but no additional efficiency rooms in hotels would be allowed.
- Limits the accommodation options for those visiting the area.

OPTION 2: Allow Hotels under 15 units in T-1 to have 50% of their rooms set up as efficiency rooms and allow for dwellings for caretakers on premises where they are employed.

Positives

- This option will give the Town the opportunity to ensure our community supports existing commercial areas focused on tourism,
- Gives additional room options for those staying around our marina and CBD area.
- Brings Sea Gull Motel in compliance with the zoning ordinance.

Negatives

- In many cities these rooms have been know to promote occupants who are a detriment to the community such as those who are impoverished, debilitated, mentally ill, addicted to drugs, and/or dying. The hope is property values and the desirable nature of the are due to the vicinity of T-1 to the ocean and marina will prevent these conditions from prevailing.

TRC Recommendations

The Technical Review Committee met on May 12, 2008 and had no issues with a limited allowance of efficiency rooms in the T-1 zoning district.

Staff Recommendation

Planning Staff has reviewed our existing ordinance allowances and needs as addressed in our long range planning documents. We recommend adoption of Option 2 to ensure these goals are successful.

Language supporting this recommendation is listed under **Attachment A**.

ATTACHMENT A

3.8-1. Table of Permissible Uses														
TABLE INSET:														
P = Permitted	C = May be permitted with Conditions													
TABLE INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Motels and hotels (See Art. 12.1)								C	C		C		C	C
Motels and hotels, operated with a marina												C		
Motels and hotels with efficiency units (See Art. 12.2)													C	
Dwelling for caretaker on premises where employed											P	P	P	P

12.2 Development Standards for Particular Uses:
 Hotel/motel with efficiency rooms.

These establishments may provide lodging and short-term accommodations for travelers. They may offer a wide range of services including, overnight sleeping space, food services, convention hosting services, and/or laundry services. Entertainment and recreation activities may also be included. Limitations include:

Efficiency rooms shall occupy no more than 50% of the rooms accommodated by the hotel/motel. Use of efficiency rooms shall be limited to hotels/motels with 15 or less units.

Definitions

Efficiency rooms. Rooms operating in a hotel/motel, which in addition to a sleeping area may provide kitchen accommodations.

Hotel room unit: A unit or room used for transient lodging, containing no kitchen facilities.

---End of Memo---

Commission Questions

Ms. McQuillen asks what constitutes an efficiency room; Mr. Parvin says it could contain a full kitchen. Ms. McQuillen, in her opinion, does not think an efficiency would contain a full kitchen. Mr. Ferguson explains that the distinguishing feature – a full kitchen has a 220 current serving a stove, and an efficiency usually would not have a 220 current. However, the applicant definitely wants a 220 current. Ms. McQuillen asks if she has any efficiency units right now; Mr. Parvin answers it is about half and half currently plus her living quarters. Mr. Reynolds asks about the 15 units or less rule; the Commission discusses raising this number as to make it so a few more existing hotels come into conforming status.

Applicant

Shirley Roth – has owned the hotel for 18 years. When she first purchased it all the units had gas stoves, but she removed them due to the fire safety issue. She says that the people who rent from her want a kitchen because most of them are families and cannot afford to go out for each meal. Ms. McQuillen asks if the Conditional Use Permit Ms. Roth was previously granted was for the house to become part of the hotel. Mr. Parvin explains that if Ms. Roth wants it to be a duplex, not part of the hotel, she would have to split it off into a separate lot. Mr. Ferguson clarifies that Ms. Roth wants to consider them all hotel units, much like her other units with the exception that these are larger.

Public Comments

Janelle Haishlin, 401B Carolina Beach Ave N –asks that the Commission recommend approval of this text amendment.

---End of Public Comments---

Commission Questions/Discussion

Mr. Rees has reservations because he thinks it would potentially allow for a developer to build a condo and call it a hotel in order to reduce the parking requirements. Mr. Ferguson says from an ownership point of view, these units would not be allowed to be sold. Mr. Underwood wants the text amendment to reflect the other non-conforming hotels in T-1, in hopes to make the most conforming. Mr. Miller is in favor of the request, because it is in the interest of maintaining accommodations for people of all different backgrounds to come to Carolina Beach. He is also in favor of bringing other hotels in the zone into conformity. Ms. McQuillen notes that there are plenty of people who come to the beach that either do not like to go out to eat or cannot afford to eat out, and the beach needs places where these people can stay.

Motion Part 1

Mr. Rees moves to recommend approval the request to amend the zoning ordinance to allow up to 50% efficiency units in hotel rooms in the T-1 zoning district with the 15 unit maximum (Option 2), and it is in general conformity with the Land Use Plan. Mr. Underwood seconds. All ayes. **Motion carries unanimously (5 to 0).**

Motion Part 2

Ms. McQuillen moves to ask Staff to pursue allowing additional efficiency units in hotels up to 25 units, Mr. Underwood seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #8 **Text Amendment** – Consider a request to amend the Zoning Ordinance to revise the standards for parking drive aisles and parking space sizes, and to allow a maximum of 15% of parking spaces to be designed for compact cars

Applicant: Gary Price

7:43pm

Gary Ferguson presents his memo

This memo is intended to review the issues associated with parking facilities including one-way drive aisle width, the use of angled parking spaces, and how our ordinance addresses these issues. There are also alternatives to our current regulations that will be reviewed, which have been initiated by Tom Johnson representing Hilton Garden Inn. Finally, it is the intention to provide a recommendation that provides the Town with an effective ordinance regarding the technical issue of drive aisle width. Planning staff welcomes any ideas and recommendations you may have regarding this matter.

Overview:

Our current ordinance requires a minimum drive aisle width of 15 feet for one way traffic. After doing an exercise with different parking layouts, it is apparent that our current standard of 15 foot drive aisles does

not work. Additionally, the applicant has submitted information and examples that further our conclusion that the standard is not working. Given this, Tom Johnson and the Hilton have requested that we adopt a more universal guideline such as that given by the Urban Land Institute (ULI) or another reputable professional organization (see **Figure 3** for the proposed amendment). These guidelines are highly researched and formulated by engineers, experienced in the technicality of the issue. In reviewing other community ordinance, it is clear that adopting such a policy is common practice. Adopting such a policy would eliminate an explicit standard in our ordinance and replace this with a reference to a professional guideline, the pros and cons of which must be considered before moving forward.

Discussion:

Given the potential for eliminating our current standard and adopting a more widely used professional guideline, the benefits and downfalls of doing so must be considered. One benefit of adopting a professional guideline is that the regulation stays current, meaning that when the professional organization changes their guideline our ordinance changes simultaneously. Another advantage is that engineers come up with these guidelines, which are very technical in nature. Relying on engineers to do their jobs eliminates any guess work that may be done by someone with less technical understanding. Finally, these guidelines are scrutinized by other engineers who understand the assumptions and limitations that are present in designing these parking layouts.

Just as there are benefits to adopting a professional guideline, there are downfalls as well. The first issue is that the Town would effectively give its authority to a guideline. If the guidelines change in some way that would be detrimental to the Town, we would be stuck using an ineffective standard. Additionally, the design guidelines are simply that, and may not apply well in all circumstances i.e. decks v. surface lots. Some communities value being able to vary drive aisle width in order to promote safer parking areas with high maneuverability, eliminating our standards takes away our ability to provide such parking facilities. Finally, there is no recourse by an applicant if TRC chooses not to adhere to a minimum guideline prescribed by ULI.

In conversation with Will Letchworth, a traffic engineer for Wilbur Smith Associates, it has been indicated that adopting a professional guideline will work for the proposed Hilton Garden Inn parking deck. However, there was one problem area around the entrance of the parking deck that will need to be addressed prior to construction. For the proposed parking deck, the ULI standard was applied and, outside a few minor changes, works as it is designed according to Wilbur Smith Associates.

Possible Alternatives:

- 1) Maintain our current ordinance, which requires a minimum 15 foot width for one-way drive aisles (see **Figure 1** for current ordinance). – Not Recommended
- 2) Provide new explicit standards with an allowance that if the requirements of our ordinance do not meet the needs of the applicant, they may provide an alternative as long as it comes from a reputable professional group e.g. ULI (see **Figure 2** for how this recommendation will read).
- 3) Have no standard in our ordinance, but reference a professional guideline for design standards (see **Figure 3**).

Recommended Alternative:

After a thorough review of the issues at hand, staff recommends the third alternative; where there is no standard in our ordinance, but reference to a professional guideline to acquire our design standard. In addition, this amendment is in general conformity with the 2007 Land Use Plan. We recommend this because it is a technical issue that is best left to professional engineers with experience addressing these issues. This alternative allows for standards to change as trends change, in other words our ordinance will remain current without having to devote time to multiple text amendments. Also this will allow for flexibility for design and location without sacrificing safety of those using a given parking facility. It is also recommended that the Town reduce the standard parallel space length from 24' to 22' in order to follow a more contemporary trend. Finally, using this alternative will provide a nationally recognized and understood standard, which will allow a quick and easy reference to applicants requesting our parking standards.

As a final note, the applicant Gary Price has requested that Carolina Beach adopt a compact parking space allowance. Currently the Town has no such allowance and in researching other communities, staff supports the minimum dimensions of 8' x 16' and a maximum of 15% of a parking facility devoted to compact spaces.

Figure 1.

7.1 Off-street parking standards

(e) General provisions and requirements.

(1) **Minimum parking space size.** The minimum size parking space for ninety degree parking or other diagonal parking spaces shall be nine (9) feet in width and eighteen (18) feet in length. Where sufficient area is available between the front wheel stop or barrier and the property line, walkway or landscaped area, the parking space length may be reduced considering that no portion of a standard size vehicle shall exceed the limits of the marked space. Parallel parking spaces shall not be less than eight (8) feet in width and twenty-four (24) feet in length.

(2) **Minimum parking drive/isle size.** The minimum parking drive/isle width for ninety (90) degree parking with two-way traffic flow shall be twenty-four (24) feet. The parking drive/isle width for ninety-degree parking or other diagonal parking with one-way traffic flow shall be fifteen (15) feet.

Figure 2.

ARTICLE 7. OFF-STREET PARKING AND LOADING REQUIREMENTS

(Amended by Ordinance 02-503)

(e) *General provisions and requirements.*

- (1) *Minimum parking space size.* The minimum size parking space for ninety degree parking or other diagonal parking spaces shall be nine (9) feet in width and eighteen (18) feet in length. ~~Where sufficient area is available between the front wheel stop or barrier and the property line, walkway or landscaped area, the parking space length may be reduced considering that no portion of a standard size vehicle shall exceed the limits of the marked space.~~ Parallel parking spaces shall not be less than eight (8) feet in width and twenty-two (22) feet in length. **Notwithstanding the foregoing, the Technical Review Committee may modify the required parking space size based upon the minimum parking space dimensions recommended by the Urban Land Institute or other comparable national standard using factors that include, but are not limited to, whether sufficient area is available between the front wheel stop or barrier and the property line, walkway, parking drive/aisle or landscaped area; the width of the parking space being sufficient for comfortable door opening clearance; the ease of maneuverability into and out of spaces; and the impact of the vehicle size on the desired angle of the parking space. The Technical Review Committee may also allow for up to 15% of the spaces to be designed for use by smaller/compact vehicles to be placed in locations as determined by the Technical Review Committee.**
- (2) *Minimum parking drive/aisle size.* ~~The minimum parking drive/aisle width for ninety (90) degree parking with two-way traffic flow shall be twenty-four (24) feet. The parking drive/aisle width for ninety-degree parking or other diagonal parking with one-way traffic flow shall be twenty (20) feet. See the table inset for the drive/aisle standards for both one-way and two-way traffic flow.~~ **Notwithstanding the forgoing, the Technical Review Committee may modify the required parking drive/aisle and parking module (the combined dimension of two parked vehicles and the aisle between) dimensions based upon the minimum parking drive/aisle and parking module dimensions recommended by the Urban Land Institute or other comparable national standard using factors that include, but are not limited to, the acceptable minimum level of comfort for the turning movement; the ease of maneuverability into and out of spaces; site location; site dimensions; site constraints such as trees, power poles, buildings, or other natural or manmade structures; surrounding streets; and traffic flow.**

Application	Stall Width (S)	Stall Length (C)	Stall Depth (D)	Linear Depth (L)	One Way Aisle Width (A)	Module Width (W)	Two-way Aisle Width
Dimensions for 90-degree parking	9	9	18	18	20	56	24
Dimensions for 60-degree parking	9	10.4	15.6	18	16	47.2	24
Dimensions for 45-degree parking	9	12.7	12.7	18	12	37.4	24

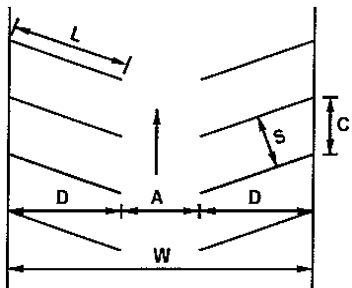


Figure 3.

Recommended Alternative

7.1. Off-street parking standards.

(e) General provisions and requirements.

- (1) *Minimum parking space size.* The minimum size parking space for ninety degree parking or other diagonal parking spaces shall be nine (9) feet in width and eighteen (18) feet in length. ~~Where sufficient area is available between the front wheel stop or barrier and the property line, walkway or landscaped area, the parking space length may be reduced considering that no portion of a standard size vehicle shall exceed the limits of the marked space.~~ Parallel parking spaces shall not be less than eight (8) feet in width and twenty-four (24) feet in length. **Notwithstanding the foregoing, the Technical Review Committee may modify the required parking space size based upon the minimum parking space dimensions recommended by the Urban Land Institute or other comparable national standard using factors that include, but are not limited to, whether sufficient area is available between the front wheel stop or barrier and the property line, walkway, parking drive/aisle or landscaped area; the width of the parking space being sufficient for comfortable door opening clearance; the ease of maneuverability into and out of spaces; and the impact of the vehicle size on the desired angle of the parking space. The Technical Review Committee may also allow for up to 15% of the spaces to be designed for use by smaller/compact vehicles to be placed in locations as determined by the Technical Review Committee.**
- (2) *Minimum parking drive/Aisle size.* The minimum parking drive/aisle width for ninety (90) degree parking with two-way traffic flow shall be twenty-four (24) feet. The parking drive/aisle width for ninety-degree parking or other diagonal parking with one-way traffic flow shall be fifteen (15) feet. **Notwithstanding the foregoing, the Technical Review Committee may modify the required parking drive/aisle and parking module (the combined dimension of two parked vehicles and the aisle between) dimensions based upon the minimum parking drive/aisle and parking module dimensions recommended by the Urban Land Institute or other comparable national standard using factors that include, but are not limited to, the acceptable minimum level of comfort for the turning movement; the ease of maneuverability into and out of spaces; site location; site dimensions; site constraints such as trees, power poles, buildings, or other natural or manmade structures; surrounding streets; and traffic flow.**

Mr. Ferguson adds that after the memo was written and distributed in the P&Z packets, Staff decided to recommend Options 2 or 3. Staff is also looking at reducing the parallel parking spaces from 24ft to 22ft in length, due to the Cape Fear Cama Grant. 22ft seems to work well, especially with the reduction in sizes of cars. 15% compact cars would be an adequate number of compact cars; however, so staff asks the Commission to consider raising that to 20%.

Commission Questions

Ms. McQuillen asks about Figure 3; Mr. Ferguson explains that the ordinance does have standards, but they are not as explicit as the table shown. Mr. Underwood asks if there is a traffic engineer on staff; Mr. Ferguson answers no, but that the Town uses Wilbur Smith and the MPO out of Wilmington. Mr. Underwood and Mr. Ferguson discuss back and forth the changes Option 3 would bring forth. Mr. Reynolds asks what would the applicant have to do to not follow the stringent rules if they went with Option #2; Mr. Ferguson answers that it would be a TRC decision. Mr. Reynolds says he prefers Option #2.

Applicant

Tom Johnson, Applicant's Attorney – there are limited parking standards in the current ordinance. He is fine with putting a chart in the ordinance with a presumptive standard, allowing TRC to modify it as necessary. Would like to go up to at least 20% compact spaces for flexibility. He likes Option #2.

Public Comments

None

---End of Public Comments---

Commission Discussion/Questions

Mr. Rees and Mr. Ferguson discuss the 15' and 16' drive aisles and the different degree angles. Mr. Rees feels that erring on the side of larger parking spaces is in the Town's best interest, especially since he does not believe cars are necessarily going to get smaller and he acknowledges that most families travel on vacation with their large car in order to fit everyone, everything, and to be more comfortable. He would also like a different engineer to review the plan for the Town, rather than just the applicant's engineer. Mr. Ferguson explains that Wilbur Smith did review the plan and explained the concerns. Mr. Underwood believes cars are, in fact, getting smaller and does not think everyone coming to the beach is a tourist bringing his SUV or van. Much of the traffic will be business/convention-related and those people will be using small rental cars. Thus, he thinks 20% compact cars is a reasonable standard. Ms. McQuillen thinks any parking facility needs to be flexible and able to adapt to future changes. She has some concerns about larger cars parking in the compact spaces due to there not being any larger car spaces left, and as a result she thinks 20% could be too much. Mr. Ferguson feels 20% should not present a problem.

Motion

Mr. Reynolds moves to recommend Option #2, that parallel parking spaces go to 22ft, allow 20% of compact parking spaces, and to advise that this is in general conformity with the Land Use Plan. Mr. Underwood seconds. Mr. Reynolds, Mr. Underwood, Ms. McQuillen, and Mr. Miller – ayes. Mr. Rees – nay. **Motion passes by a 4 to 1 vote.**

ITEM #11 **Text Amendment** – Consider amending the Zoning Ordinance to change “Standard Restaurants” from a conditional use to a permitted use in the MX, CBD, NB, HB, MB, T-1, and I-1 zoning districts

Applicant: Town of Carolina Beach

8:15pm

Gary Ferguson presents staff's memo

Summary of the Request:

The applicant, the Town of Carolina Beach is requesting a text amendment to allow standard restaurants to be permitted by right in all commercial zoning districts that currently allow them as conditional uses (MX, CBD, NB, HB, MB, T-1, and I-1). “Standard restaurants” differ from drive-in restaurants due to the drive in window and because of potential traffic issues associated with queuing lanes to serve these windows staff is recommending that they remain conditional uses. Currently all restaurants are only allowed by conditional use permit. What this means is any restaurant coming to the Town must go through the three (3) to four (4) month review process before being granted approval. Staff bases this proposal on the following factors:

1. Restaurants are a use that are continuously identified in our 2007 Land Use Plan and CBD Master Plan as being a desirable use in the central business district (CBD). Therefore, staff is requesting to eliminate any unnecessary review for restaurants in the CBD.
2. Many of these restaurants come to the Town for their approval late in the spring after much of their planning has already been completed. In these instances the three (3) to four (4) month approval process may prevent the new restaurant from investing in Carolina Beach.
3. In many circumstances the new restaurants are going into existing buildings that may have been a restaurant in the past, but never obtained a conditional use permit. In these instances they still must go through the process due to the current wording of our ordinance.

In instances where parking is requested to be waived (CBD) staff recommends the restaurant go to Town Council for this relief. Where there is no parking waiver requested or where waivers have already been granted and no additional seating is proposed (CBD) staff recommends the restaurant should be a permitted use and

approved by staff. For instance, if an 18 seat restaurant requiring 6 parking spaces is replacing 1200 square feet of retail which also requires 6 parking spaces then the use can be permitted by staff. Increases in impact would require a waiver by Town Council.

Given this proposal staff is concerned that taverns/bars may make an effort to disguise themselves as restaurants. With this in mind staff is recommending the following changes to our Zoning and Town Code of Ordinances:

Coffee shops have been categorized under the current definition of restaurant. With the proposed definition of restaurant staff has added a definition for coffee shops and added it to the table of permitted uses in the same zones as restaurants are proposed to be permitted. Staff also recommends that we add a definition of Ice cream store to help distinguish the uses separately from a restaurant or a Bar. Ice Cream shops are currently permitted in MX, CBD, NB, and HB

Sec. 23.3. Definitions.

~~Restaurant: An establishment whose principal business is the sale of foods, frozen desserts, or beverages to a customer in a ready-to-consume state, and whose design and principal method of operation determines its classification as follows:-~~

~~(1) *Table service or cafeteria:* (a) Customers are provided with an individual menu and served by an employee at the same table or counter at which their food and/or beverages are consumed; or (b) a cafeteria-type of operation where foods and/or beverages generally are consumed within the restaurant.~~

~~(2) *Carry-out/fast food:* Food is usually served in edible containers or in paper, plastic, or other disposable containers by an employee at a standing counter or drive-in window. Consumption may be off the premises, within the principal building, or at other facilities on the premises outside the principal building.~~

An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people.

ARTICLE IX. SIDEWALK CAFES*

~~Restaurant. An establishment whose principal business is the sale of foods, frozen desserts, or beverages to a customer in a ready-to-consume state, and whose design and principal method of operation determines its classification as follows:-~~

~~(1) *Table service or cafeteria:*~~

~~(a) Customers are provided with an individual menu and served by an employee at the same table or counter at which their food and/or beverages are consumed; or~~

~~(b) A cafeteria-type of operation where foods and/or beverages generally are consumed within the restaurant.~~

~~(2) *Carry-out/fast food:* Food is usually served in edible containers or in paper, plastic, or other disposable containers by an employee at a standing counter or drive-in window. Consumption may be off the premises, within the principal building, or at other facilities on the premises outside the principal building.~~

An establishment substantially engaged in the business of preparing and serving meals. To qualify as a Cafe, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic

beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people.

ARTICLE II. SMOKING POLLUTION CONTROL ORDINANCE

Sec. 7-41. Definitions.

~~Restaurant: Any coffee shop, cafeteria, sandwich stand, private and public school cafeteria, and any other eating establishment which gives or offers for sale food to the public, guests or employees, except that the term " restaurant " shall not include a cocktail lounge or tavern if such cocktail lounge or tavern is a "bar" as defined above.~~

An establishment substantially engaged in the business of preparing and serving meals. To qualify as a restaurant, an establishment's gross receipts from food and nonalcoholic beverages shall be not less than thirty percent (30%) of the total gross receipts from food, nonalcoholic beverages, and alcoholic beverages. A restaurant shall also have a kitchen and an inside dining area with seating for at least 36 people.

Article 23 Definitions

Add the following definitions:

Ice Cream Store - a retail establishment where cold food is prepared in a mixture of frozen drinks, yogurt, ice cream, or dessert. Alcohol beverages are prohibited..

Coffee Shop – an establishment that offers the sale of drinks and bakery goods to the public. Beer and wine may be served with appropriate license from the state.

Current Table of Permitted Uses where restaurants are conditionally permitted, coffee shops are not listed and ice cream stores are permitted by right

3.8-1. Table of Permissible Uses															
TABLE INSET:	C = May be permitted with Conditions														
P = Permitted															
TABLE INSET:															
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1	
Restaurant, standard (See Art. 12.2)								C	C	C	C	C	C	C	
Restaurants, drive-in											C				
Ice-cream store								P	P	P	P				

Proposed Change to the Table Permitted Uses coffee shops were associated with restaurant now the proposal is that they will be a separate use permitted by right. Restaurant, standard will be permitted by right and there will be no change with restaurants, drive-in.

3.8-1. Table of Permissible Uses														
TABLE INSET:		C = May be permitted with Conditions												
P = Permitted														
TABLE INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Coffee shop								P	P	P	P	P	P	P
Restaurant, standard (See Art. 12.2)								P	P	P	P	P	P	P
Restaurants, drive-in											C			

LONG RANGE PLANNING

The 2007 Land Use Plan (LUP) talks specifically about revitalization of the Central Business District. In this revitalization effort the town should consider economic development that promotes (1) a resort market niche; (2) family oriented businesses; and (3) year round residency. A use given as an example of meeting these descriptions is restaurants. Therefore staff recommends approval.

TRC Recommendations

The Technical Review Committee has not reviewed this proposal.

Staff Recommendation

Planning Staff has reviewed our existing ordinance allowances and needs as addressed in our long range planning documents. We recommend adopting the proposed ordinance presented by staff to allow standard restaurants as a permitted use in all commercial zoning districts and to include new definitions for coffee shops, ice-cream store and restaurant. The reasons for this recommendation are as follows

1. Furthers the goals of the 2007 Land Use Plan.
2. Eliminates existing barriers to benefit commercial uses.
3. Promotes revitalization of our CBD and economic investment in all Carolina Beach Commercial zones.

Note: Planning staff has a call into the ABC Commission’s Audit Division about the ability of sharing records.

Commission Questions

Ms. McQuillen asks if the Town does not anticipate a restaurant smaller than 36 seats; Mr. Rees asks if it becomes a café at that point. Mr. Ferguson says the 36 can be eliminated, and that he is not sure why the ABC Board or the General Statutes use 36. He adds that the 36-seat standard is not embedded into coffee shops in this proposed ordinance. Mr. Underwood asks what would happen if a coffee shop was to one day become a restaurant. Ms. McQuillen thinks the 36-seat standard might present some problems. Mr. Ferguson says his intention was simply to be consistent with state law. A restaurant would still have to come to Town Council for a parking waiver if, such as in most circumstances in the CBD, it did not have enough parking on-site. However, it would not be under the CUP umbrella. Ms. McQuillen still has heartburn over the definition of coffee shop in the Town's ordinance; she thinks Nags Head has a great definition except that it does not allow for alcohol, as she does not mind a coffee shop selling beer and wine. She says that New Hanover County has done away with the restaurant definition and now uses "eating establishments" and thinks this could be considered for the Town. Mr. Rees says one of the trends is opening a coffee/wine shop, and he does not have a problem with that. However, he does not like that it is permitted by right, especially in one of the residential districts. Mr. Ferguson explains that the language was tweaked in a way to allow the existing coffee shops to remain as is, and makes some suggestions for the language per the Commission's guidance. Mr. Reynolds thinks that there are some residential areas that this definition fits perfectly, such as the north end where he lives. Mr. Underwood mentions his coffee shop, The Grind, and says that the ABC Board only requires him to have some food in order to maintain their on-premise license. Staff and the Commission continue to discuss the definitions regarding alcohol and seating.

Public Input

David Cole, applicant for the next CUP – ABC will not give a business owner an ABC license if he does not have at least 36 seats.

Commission Discussion

Mr. Ferguson asks the Commission to consider whether they really want the Town to start regulating beer and wine. Mr. Rees and Ms. McQuillen have concerns over it when it is close to the neighborhoods, although one already exists. She cannot trust that each and every coffee shop would run in such a good manner. Mr. Parvin says there could be a trigger, such as the serving of alcohol, in the ordinance that would make the use conditional versus permitted by right. Mr. Ferguson's opinion is that definitions should define, not regulate. Perhaps the definition of coffee shop could reference the standards in the Code of Ordinances that speaks to bars. Mr. Ferguson suggests that the Commission approve the text amendment but hold the coffee shops. Mr. Rees says perhaps drive-in restaurants should be allowed in the CBD, since there already are two.

Motion

Mr. Reynolds moves to recommend adopting the permitted use table for "Standard Restaurants," moving it from a conditional use to a permitted use in the MX, CBD, NB, HB, MB, T-1, and I-1 zoning districts, with the deletion of "coffee shops," and to advise that it is consistent with the Land Use Plan. Ms. McQuillen seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #9 **Conditional Use Permit** – Consider a request for a modification to a CUP to expand the former Gyro's Restaurant located at 6A N Lake Park Blvd into the adjacent unit, increase seating to a maximum of 46 seats, and rename the restaurant The Dive

Applicant: David Cole

8:51pm

Prior to presenting his memo, Ed Parvin says that the applicant would like to be approved for a maximum of 99 seats.

Ed Parvin presents his memo

BACKGROUND/HISTORY:

The applicant, Diver Down, INC is proposing to redevelop a portion of the existing 3,430 sq. ft. structure at 6B and 6C N. Lake Park Blvd. to accommodate a 99-seat restaurant. The property at 6C was formerly used as

Gyro's restaurant which is approximately 1,190 sq. ft. and; Island Colors which is 1,125 sq. ft. for a total area of 2,315 square feet.

1. The property is located in the Central Business District (CBD). Restaurants are allowed by conditional use permit in the CBD. There are no setback or lot coverage requirements in the CBD.
2. The parcel is located in the AE 13 flood zone. The structure predates the current FIRM. All improvements shall be made in accordance with the current flood damage prevention ordinance.
3. The restaurant will be open for business Sunday through Saturday all year to serve lunch and dinner. Their menu will be primarily seafood and sandwiches.
4. Parking for restaurants is calculated as one (1) parking space per three (3) seats. The applicant proposes 99 seats which require 33 parking spaces. Parking for Dawn's at 46 seats required 15 parking spaces. Parking for Island Colors at 1,125 sq. ft. required 5.6 or 6 parking spaces. Thus, the previous uses would require 21 parking spaces compared to 33 for the proposed restaurant. Diver Down, INC is requesting a waiver for the additional 12 parking spaces as required by 7.1 (c) *Waiver of Parking Requirements in Central Business District*. This ordinance states, "Where properties are located within the CBD, parking requirements may be waived if public parking spaces adequate to meet the requirement are located within 500 feet of the use. The requested spaces must be recommended for approval or denial by the Planning and Zoning Commission and must be approved by Town Council."

Where buildings are located within the CBD, off-street loading requirements may be waived based on approval of a loading plan. Loading plans submitted by applicants shall address the following:

- (a) Time loading will take place
Loading normally occurs at approximately 12pm.
 - (b) Approximate size of truck used for loading
The same truck utilized by surrounding restaurants will be delivering to "The Dive."
 - (c) Duration of loading period, and
Loading for each restaurant takes approximately 15 minutes.
 - (d) Location of the loading area
The designated space for loading/unloading on Raleigh Avenue will continue to be utilized for this business.
5. Due to the size of the parcel and existing building, it would be impossible for the applicant to provide parking on site. N. Lake Park Blvd. has public parking on both sides of the street in the vicinity of the proposed restaurant. There are additional parking spaces within 500 ft. of the restaurant along Cape Fear Avenue and in the public, town-owned, 51-space Palms Lot.

Neighborhood Contact

Town Notifications	Planning Commission	Town Council
Signs Posted	May 29, 2008	
Adjacent letters	May 22, 2008	
Advertisement Date	May 21 and 28, 2008	

Specific standards. Applicant must make provisions for:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

Ingress and egress will occur onto Lake Park Blvd. as it currently exists.

- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

This structure has traditionally utilized the public parking in front of the restaurant.

- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;

The existing fenced trash collection area in the rear of the building will be utilized to store roll away containers.

- (4) Utilities, with reference to locations, availability, and compatibility;

No upgrades in utilities were required by TRC.

- (5) Screening and buffering with reference to type, dimensions, and character;

The use is surrounded by similar establishments in this and surrounding existing buildings.

- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

All new signage shall require a sign permit.

- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land;

There are no requirements under this standard due to the location of the existing structure.

General conditions.

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

Restaurants are a desired use in accordance with the 2007 LUP for the proposed area.

- (2) That the use meets all required conditions and specifications;

TRC found this proposal to be consistent with Town Code.

- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

Restaurants continue to be a common use for the area.

- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies

Located in the Commercial 1.1 Land Classification Area as described in the 2007 Land Use Plan, this area's predominant uses will be for tourist and family-oriented retail and services, with other less vehicle-dependent commercial businesses such as offices, restaurants, and entertainment.

The Technical Review Committee reviewed this proposal at its May 19, 2008 scheduled meeting. The TRC recommended the project to be submitted to the Planning and Zoning Commission with the following comment:

1. The Gyro's Place was only in one unit, and the previous restaurant did not have a CUP covering the expansion.
2. Provide approval from the health department.
3. Expand privilege license.

STAFF RECOMMENDATIONS:

The proposal as presented has not received any negative comments from the Technical Review Committee. Restaurants are allowed with the approval of a Conditional Use Permit for CBD zoned properties. Staff recommends the following conditions if the proposal is to be recommended for approval:

OPERATIONS

1. Refuse collection agency that will be used must be included on final site plan. Before the issuance of a building permit, a letter of approval from the refuse collection agency stating the waste removal plan is adequate for this site.
2. **LIGHTING**
 - a. Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light or any reflective surface from a light fixture is not directly visible from adjacent properties.
 - b. All types of wall pack fixtures mounted on a vertical structure shall be full cutoff or fully shielded.
 - c. Outdoor fixtures mounted on a building structure are considered appropriately designed if they are completely shielded down light only fixtures or are recessed fixtures having low wattage (i.e. 50 watts or less) "bug" type bulbs and non-reflective interior surfaces. Other fixtures that have appropriate shields, louvers, or full-cutoff features may also be used if they are in compliance with subsections (1) (a), (b) and (c) above.
3. No structure or equipment of any description shall be erected or otherwise located outside the proposed footprint. All setbacks shall be maintained as presented. Any modifications to this proposal (as deemed significant by the Director of Planning or his designee) will require new application for conditional use permit.
4. All improvements shall be done in accordance with the flood damage prevention ordinance.
5. Businesses within the CBD currently have a total of 663 public parking spaces allocated to them by the Town. By subtracting the total number of spaces available (584) from the number allocated (667), it appears that the Town is currently overcommitted on parking by 83 spaces. The total number of public parking spaces allocated to this use is 33 parking spaces. If these 33 parking spaces are waived by Town Council the total of overcommitted parking in the CBD will be 116 spaces. The owner must sign a Town of Carolina Beach Parking waiver acknowledging that public parking will not be exclusively for the use of this restaurant; the availability of public parking can not be guaranteed and that the Town is not liable for any deficiency of public parking spaces.
6. A sign permit must be obtained for any new signs located on the property.
7. Seating shall be limited to 99 seats.
8. Grease trap will have to be approved by the Town of Carolina Beach prior to Certificate of Occupancy for restaurant use.
9. All permits required by Federal, State, and Local Agencies including the Health Department must be submitted prior to Certificate of Occupancy.

Commission Questions

Mr. Reynolds says they wouldn't need a parking waiver if they limited their seating to 63; Mr. Parvin says it would actually be 28.

Applicant

Charles Calhoun, attorney – This was originally a minor modification to a CUP, but the Technical Review Committee considered this to be a major modification. Mr. Cole wants to expand the existing restaurant location into the next unit so he could have a full service restaurant and the state required him to have 36 seats. He and Mr. Cole are and will continue to work with the building inspector to make sure the place is up to code, etc. Mr. Calhoun asks that the Commission address the parking waiver in the event the CUP is not required. Ms. Middleton explains that all the adjacent notices and advertisements advised the reader of the parking waiver with regards to the potential of no CUP requirement. Mr. Calhoun asks the Commission to approve at least 62 seats if they do not think 99 is a reasonable amount.

Commission Questions

None

Commission Discussion

Ms. McQuillen wants to approve the parking waiver, although the Town has over-allocated spaces. Mr. Underwood acknowledges there will be a fair amount of foot traffic from the local hotel facilities, and there may need to be some consideration for that when considering parking requirements.

Motion

Mr. Miller moves to recommend approval of this Conditional Use Permit, with staff recommendations 1-9, specific standards 1-7, general conditions 1-4, the waiver for the 12 parking spaces, and that it is consistent with the Land Use Plan. Ms. McQuillen seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #10 **Zoning Map Adoption** – Consider recommending the adoption of the Official Zoning Map for the Town of Carolina Beach

Applicant: Town of Carolina Beach

9:09pm

Gary Ferguson presents staff's memo

BACKGROUND/HISTORY:

- Official Zoning Map signed on 2/24/2000 was digitized by McKin & Creed on Aug 1, 2001. When McKin & Creed digitized the map, they took liberties in moving zoning lines.
 - o The GIS Technician was instructed to use this map as the "Official" map.
 - Color was added (determined by the GIS Technician)
 - All Amendments from 08/13/2002 till present have been made on the digitized map by the GIS Technician.
- The Town used the digitized color map as McKin & Creed created it as the "Official" map from Aug 1, 2001 until Dec 12, 2006.
 - o September 2006 - Tim Owens, Town Manager, compared the Official Zoning map dated 2/24/2000 to the digitized map. Discovered some discrepancies.
 - o November 2006 - P&Z voted 5-2 to recommend the 2001 digitized map with amendments as the map for Council to adopt.

- December 2006 - Council affirmed that the Carolina Beach zoning map approved on 10/10/2000 and its 20 amendments is the official Carolina Beach zoning map and any digital reproduction of the map will have an unofficial copy stamped on it.
- The GIS Technician, Senior Planner and Zoning Administrator confirmed all Zoning Amendments on April 25, 2008.

STAFF RECOMMENDATIONS:

- Adopt the current digitized Zoning map to include the 22 Amendments as the Carolina Beach “OFFICIAL” Zoning Map.
- There will only be one (1) signed “OFFICIAL” map that will be maintained by the Town Clerk. Town Clerk will also maintain the signed copy of all amended maps.
- All copies will be stamped – “UNOFFICIAL”

- The following steps will be taken when Amendments are made to the Official Zoning Map:
 - o GIS Technician will make the Amendments to the digitized map.
 - There will be a new “OFFICIAL” map printed each time an amendment is made.
 - The FIRST amended map will be labeled: “OFFICIAL” AMENDED 1
 - o A Table with the Amendment will be added to the map with the following fields:

AMENDMENT#	DATE OF ACTION	ORDINANCE #	DESCRIPTION	MAYOR SIGNATURE
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(The Mayor will sign each new Amendment verifying that the Amendment was made correctly.)

- The SECOND amended map will be labeled: “OFFICIAL” AMENDED 2
 - o The Table will show the first amendment without the Mayor Signature, he will sign the line for the second amendment.
 - “OFFICIAL” AMENDED 3....”OFFICIAL” AMENDED 4.... Etc.
- The following are optional DISCLOSURE statements that may appear on the “UNOFFICIAL” copies of the map :

OPTION 1:
No disclaimer

OPTION 2:
This is a copy of the Town’s Official Zoning Map adopted by the Town Council on _____.
This map includes those Amendments that have been approved by the Town Council after April 8, 2008 and as listed in the table of Amendments on this map.

OPTION 3:
This map is prepared and compiled from Town documents, plans and other public records and data. Users of this map are hereby notified that the Town expressly denies any and all responsibility for errors, if any, in the information contained on this map or the misuse of the same by the user or anyone else. The user should verify the accuracy of the information/data contained on this map before using it. The Town assumes no legal responsibility for the information contained on this map.

OPTION 4:
This is a copy of the Town’s Official Zoning Map adopted by the Town Council on _____.
This map includes those Amendments that have been approved by the Town Council after April 8, 2008 and as listed in the table of Amendments on this map.

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

Commission Questions

Mr. Rees asks about the disclaimer; Mr. Ferguson explains that there will only be one official zoning map, signed by the mayor, and it will hang in the Town Clerk’s office. Any other map will be labeled unofficial. Copies will be made of the official map but they will be designated unofficial. Mr.

Underwood chooses the Option #2 disclaimer if they are going to use a disclaimer at all. Mr. Rees agrees, but says he also would be fine with no disclaimer.

Motion

Mr. Rees moves to recommend adopting the Official Zoning Map of the Town of Carolina Beach with the Option #2 disclaimer. Mr. Underwood seconds. All ayes. **Motion carries unanimously (5 to 0).**

ITEM #12 Follow-Up Discussion to DCM's Presentation on Oceanfront Setbacks 9:19pm

Jeff Warren and the CRC will conduct a public hearing here at Town Hall on Tuesday, July 8th, and Ms. Middleton will provide the Commission with the meeting time via an email.

ITEM #13 Discussion and Recommendations for an updated Standards of Practice 9:20pm

Ms. McQuillen wants to clarify page 3 where it says no commissioner can serve in any official position. Mr. Parvin suggests deleting the word "official" and inserting "elected." Ms. McQuillen would feel better about having the Town's new attorney, Steve Coggins, review this prior to the Commission adopting it. Mr. Reynolds and Ms. McQuillen want better examples of conflict of interest. Mr. Ferguson will try to get Mr. Coggins to come to the next P&Z meeting.

ITEM #14 Non-Agenda Items 9:27pm

None

ITEM #15 Adjournment 9:28pm

Mr. Miller moves to adjourn. Mr. Underwood seconds. All ayes.

Respectfully submitted by Karen Crenshaw Middleton, Planning & Zoning Commission
Secretary