

Investigate-Research-Develop-Recommend
(North Carolina General Statute 160A-387)

Sunset Beach Planning Board-Town of Sunset Beach
Minutes from June 2, 2011

Members Present

Bill McDonald-Chairman
Leon August
Sybil Kesterson
Al Seibert
Carol Santavicca
Eddie Walters

Members Absent

None

Staff

Sandy Wood
Cindy Nelson
Gary Parker

Others Present

Councilwomen:
Carol Scott
Karen Joseph
Councilman:
Wilson Sherrill
Land Planner:
Landin Holland

1. **Call to order**-9:00 am
2. **Roll Call**-Quorum Present
3. **Agenda Comments**-None
4. **Approval of Minutes**-None
5. **Building and Zoning Administrator Report**-None
6. **Public Hearing Topics**-None
7. **Old Business**-None
8. **New Business**
 - a. Proposed Text Amendment for Ordinance #151.216; Permitted Uses in the MB-2 Mainland Mixed Use District.

Landin Holland, Land Planner, gave an overview of the Proposed Text Amendment.

Dave Stuart, the applicant, was present to speak to the Board about the proposal. Eric Frankovitch of Carolina Dreams LLC, was on speaker phone from his office in order to listen to the meeting and have input.

Landin explained that the Proposed Text Amendment was submitted by Carolina Dreams LLC and the intent of the amendment is to allow additional uses in the MB-2 Mixed Use District. Landin used the zoning map to show the area in which the proposed text amendment would affect; the area being the left side of Sunset Blvd from Seaside Road to Station Trail.

Landin added new permitted uses to Ordinance #151.216 in section (C) and added new sections (N), (O), and (P). Landin said there are concerns in allowing fast food

restaurants along that corridor and the language he is proposing would mitigate any negative impact to the neighboring residential district. He said there seems to be a reason that this area has been protected in not allowing some of the neighborhood services that are allowed in other business districts in the Town.

Discussion began with Section (N), drive thru's for restaurants, and what would be considered a drive thru.

Eddie: the Board needs to research why restaurants were initially excluded from this district. Restaurants are permitted in other Town zoning districts. Are we trying to change the direction of the zoning?

Sybil: why were restaurants were excluded?

Eddie: this district backs up to a residential district. So, the concerns in allowing restaurants in this district would be lighting, hours of operation, noise (music), trash, and odors. Also, alcohol and related issues could cause concern for the nearby residents.

Al: due to being in close proximity to a residential district; parking would be limited and the district calls for quieter commercial businesses such as professional offices. Al questioned how this request came about.

Dave Stuart pointed out that the text amendment as Carolina Dreams LLC submitted it did not include the new conditions as written under section (N). He answered the reason this has come about is the building next door has been empty for two years. A group has come to us and would like to put a restaurant in there. So, we are trying to address the permitted uses that will not allow banks, restaurants, and other professional services not currently listed in the ordinance. Banks are not a permitted use and there are four banks already along that corridor as well as a bank ready suite in the building next door.

Dave continued; there are no objections to some of the restrictions that have been added, but, not allowing drive thru's could be an issue. Especially for banks that need drive thru's and drive up ATM machines. Parking restrictions that would only allow side and rear parking is a problem because there is already a 45 foot set back from the road and as it is currently proposed parking would be a difficult issue. Other properties in the zoning district that are already developed allow parking in the front of the structure.

Eric Frankovitch: there has been no success in leasing the building next door. We have no desire to junk up the place with fast food restaurants. The interested party wants an upscale restaurant and there is not expected to be any night life situations. We have to do something with this property. If you take the most restricted view all that would be permitted under the current ordinances would be offices and no one is renting office space right now. So we are asking for additional uses.

Eddie: the Board has to consider a tenant, who wants an upscale restaurant, but, if you're going to allow this restaurant you have to allow them all. How can you pick and choose which ones can build there? A McDonalds or a Carrabba's? Should we allow restaurants and detail what is permitted? If we will not allow restaurants then there is no discussion.

Al restated: we should allow commercial building but keep it as quiet as possible.

Sybil: restaurants are a business and there is a need for a nice restaurant not only during the season but also for those residents who are here year round.

Eddie countered: other business districts allow restaurants.

Bill: in the future we could limit the type of restaurants by limiting the hours of operation. Al responded by saying that this is a business operations issue and not a zoning issue.

Landin: you could add in specific regulations in for restaurants in a given district. However it sounds as if the property owner is looking for a tenant in an existing structure right now instead of building a new structure.

Al: we should not interpret this to not allow banks.

Eddie: banks were already here when this zoning district was reworked, with the exception of the Cape Fear Bank which had a temporary structure with the intent to move to the building next door.

Dave interjected: the vision for the MB-2 was for a mixed use district with café's, professional buildings, coffee shops, restaurants, and other neighborhood services. So if you preclude restaurants, you preclude all of these businesses. Dave added this was the first restaurant to inquire about a food business in this district.

Eric Frankovich: am I to understand that if it's not listed as a permitted use, then it cannot be permitted? Can a restaurant be considered a neighborhood service?

Landin: this is the argument and how it is historically interpreted.

Eric asked if other restaurants have applied and been turned down? To the Board's knowledge, this is the only restaurant to show interest in this district. Town Staff could not attest otherwise. Eric said then historical argument does not apply.

Bill: the Board was to decide what it wants to do, should we include food establishments? And, if so, do drive thru's and parking issues need to be discussed.

Eric: parking and drive thru's concerns could be worked out. But, it is highly restrictive to not allow food sales of any kind.

Landin: landscaping and buffering requirements could be looked at to mitigate any negative impact on the residential properties.

Bill offered his personal opinion in that Sunset Beach is not a very business friendly town and he would like to see this proceed to allow food establishments in the MB-2 district. He said this is an opportunity for us to move forward. Bill informed the Board that the next step would be to call for a Public Hearing.

Carol: if we allow restaurants, there is a possibility that liquor will be served; there will be music and dancing?

Landin: those things could be addressed in Supplemental Standards by limiting the hours of operations or music or you could make restaurants a Special Use in which the Board of Adjustment could place conditions like music, hours of operation, noise, and lighting, based on the applicants' site plan. You could make that motion today to move this to Special Use and the Board of Adjustment could place conditions when there is an application.

The Board agreed to hold a Public Hearing and allow public input. Landin said it was clear that side and rear parking, Section (N) (2) should be eliminated.

Bill stated we need a motion to recommend calling for a Public Hearing at our next meeting on June 16 for the purpose of approving the text amendment for our ordinance 151.216 Permitted Uses in MB-2 Mixed Use District minus (N) (2). Carol motioned. Seconded by Sybil. Motion carried unanimously.

Eric Frankovitch suggested adding a statement to section (C) that says "included but not limited to..." in the event that a service would want to do business but can't because it is not listed as a Permitted Use. Landin said that wording would not be needed in the new ordinance.

9. **Comments from Visitors**-Carol said before the district became MB-2 Mixed Use, the zoning called for all the business parking lots to be connected at the rear of the properties for trash collections and deliveries. It was not adhered to because the banks could not have that connectivity due to security reasons. However, maybe we could incorporate that in this new section of the zoning district as it is being developed.
10. **Adjournment-Meeting adjourned at 9:55 am. Bill called for a motion to adjourn. Motion carried by Leon. Seconded by Eddie. Motion carried unanimously.**

William R. McDonald

Bill McDonald - Chairman

Cindy Nelson

Cindy Nelson - Secretary