



TOWN COUNCIL AGENDA

PUBLIC HEARING

**May 20, 2019 @ 5:00 PM or
soon thereafter**

** To address council, please sign up at the podium*

Call to order – Mayor Bloszinsky

Opening and purpose of hearing

Public Hearing # 1 – Special Use Permit (SUP) Application

Date: Monday, May 20, 2019

Time: 5:00 pm or soon thereafter

Location: Town Hall at 117 Settlers Lane in Kure Beach

Purpose: Receive comments on an application from Sun Fun Rentals for a Special Use Permit to operate a golf cart rental/taxi cab service on property located at 112 Fort Fisher Boulevard South

Public Hearing # 2 – Proposed text amendment to Code of Ordinances

Date: Monday, May 20, 2019

Time: 5:00 pm or soon thereafter – directly after Public Hearing #1 concludes

Location: Town Hall at 117 Settlers Lane in Kure Beach

Purposed: Receive comments on proposed text amendment to Chapter 19 (Zoning), Article III (District regulations), Division 10 (B1 business district), Section 243 (Permitted and Special Uses in the B1) to add ‘Golf cart rentals’ with a SIC code of 7999 as an allowable use only via a Special Use process and associated amendment insert in the conversion table of the Code

Notice of the public hearing was posted at Town Hall and on the Town’s website on May 1, 2019 and published as legally required by N.C.G.S. 160A-20 in the newspaper on May 1st, 8th, and 15th 2019.

Public Comments

(sign in at the podium, if you wish to comment)

Closing of public hearing – Mayor Bloszinsky

Council discussion and consideration

Adjournment

Motion to Adjourn

PUBLIC HEARING # 1
Application for Special Use Permit



TOWN OF KURE BEACH

117 SETTLERS LANE ♦ KURE BEACH, NORTH CAROLINA 28449
TELEPHONE (910) 458-6535 ♦ FAX (910) 458-4269

SPECIAL USE PERMIT APPLICATION

Purpose

Special use permits add flexibility to the zoning regulations. Subject to high standards of planning and design, certain property uses may be allowed in certain districts where these uses would not otherwise be acceptable. By means of controls exercised through the special use procedures, property uses, which would otherwise be undesirable in certain districts, can be developed to minimize any adverse effects they might have on surrounding properties.

Procedure

- Applicant must fill out all sections of the application
- Special use permit applications shall only be submitted by the property owner(s) or their duly authorized agent.
- Site plans shall be prepared by qualified professionals based upon current land records information. The plan shall be drawn to an accurate scale and legible size as required by each parcel and contain the following information:
 - (1) Names of the owner, developer and design professionals;
 - (2) Scale, dimensions, date, north arrow, property boundaries;
 - (3) Location, height, number of stories, floor area, setbacks and proposed uses of all structures;
 - (4) Open space and recreational areas and impervious surface calculations;
 - (5) Buffering and screening areas, fencing, walls and landscaping indicating the type, number and size of all plantings;
 - (6) Vehicular and pedestrian circulation including existing and proposed rights-of-way with cross-sections, design details and dimensions;
 - (7) Location and geometry of all parking, loading, and sanitation pickup;
 - (8) Conceptual grading, site preparation and stormwater management plans;
 - (9) Lighting details including type, location, and radius and intensity in footcandles;
 - (10) Location, height and dimensions of all signs; and
 - (11) Any additional conditions and requirements that represent greater restrictions on development and use of the site than the underlying zoning district.
- Upon receiving the recommendations of the planning and zoning commission and holding a public hearing, the town council may grant or deny the special use permit. The special use permit, if granted shall include such approved plans as may be required.

Property Owner Information

Property Owner's Name Sea Mist LLC Phone # 910-200-1982
Mailing Address 7004 E schol Ct Wilmington NC 28409
E-mail address _____

Applicant Information

Applicant SunFun Rentals LLC Phone # 910-707-0926
Mailing Address 1204 N Lake Park Blvd W/ Carolina Beach NC 28428
Email Address SunFunnc@~~carol~~ gmail.com
Representative/Agent for Owner Sheila + Dean Embler
(AUTHORITY FOR APPOINTMENT OF AGENT IS ATTACHED)

Property Information

Property Address 112 Fort Fisher Blvd South
PIN (parcel identification #) Kure Beach NC 28517-005-010-000
Proposed Project Name SunFun Rentals - Kure Beach

Application for Special Use Permit

Application is hereby made for the following use: (Please explain below)

Rentals of LSV (Golf Carts)
Charging and staging area for SunFun taxi

General conditions

When granting a special use permit, Council shall find that all four of the following factors exist. In the spaces provided below, indicate the facts and arguments that prove you meet the following conditions:

- 1. Indicate how the proposed special use will not materially endanger the public health or safety if located where proposed and approved:

Area will be contained by natural barrier and a rope barrier. Surface will be filled w/ crushed rock.

- 2. Indicate if the proposed special use meets all required conditions and specifications:

Proposed area will follow ordinances of barriers and signage as well as planning + zoning requirements.

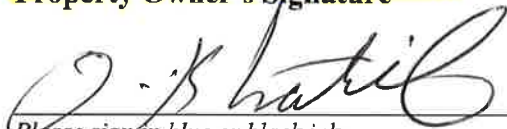
3. Indicate how the proposed special use will not substantially injure the value of the adjoining property, or that the use is a public necessity:

Knee Beach tourist and residence have expressed a desire for a more convenient location. Area is already designated and utilized for the public. It will fit with the current surroundings.

4. Indicate 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 located and in general conformity with the comprehensive plan and other plans for the area:


Lot is already designated for public parking. The portion we are using will flow with the parking concept. Only difference is that our area caters only to golf carts.

Property Owner's Signature


Please sign in blue or black ink

Date 4-2-19

Applicant's Signature


Please sign in blue or black ink

Date 4-1-19

Town of Kure Beach

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner, Sam Khatig, does hereby appoint Dean + Sheila Embler as his, or its exclusive agent for the purpose of petitioning the Town of Kure Beach for approval of a Special Use Permit, as applicable to the property having the address of 112 F + Fisher Blvd S. and described in the attached application.

The owner does hereby covenant and agree with the Town of Kure Beach that said agent has the authority to do the following acts for and on behalf of the owner:

1. To submit a proper application and the required supplemental material; and
2. To appear at public meetings to give representation and commitments on behalf of the owner; and
3. To accept conditions or recommendations made for the issuance of the Special Use Permit on the owner's property; and
4. To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of the application submitted in conjunction with this appointment.

Date: 4-1-19

Agent's name, Address & Telephone:

Dean + Sheila Embler
1204 N Late PK Blvd
Lemit F
Carolina Beach

Owner*

[Signature]

* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.



SUNFUN RENTALS LLC

Kure Beach ANNEX Business Plan:

Objectives:

- 1) Alternate lot for LSV's (Golf Carts) and Taxi Cabs.
- 2) Convenient location for Kure Beach online reservations to pick up and return their rentals.
- 3) Convenient location where Kure Beach tourist and residents can rent LSV Golf Carts without going to Carolina Beach.
- 4) Charging station for SunFun Taxi so they can efficiently service the Kure Beach residents and tourist.

Location Requirements:

- 1) Seasonal operation only May – September: non season operation on weekends with 60 degree or above weather.
- 2) Operation managed by 1 person during open hours.
- 3) Seasonal Hours: Sun – Sat 9 to 5: Non seasonal Hours: 10 - 4
- 4) 200amp power pole with 8 golf cart outlets.
- 5) Ipad with Checkfront Rental Program to manage pickups, drop offs, and new rentals.
- 6) Utility building for office space.
- 7) Barrier between lot space and adjoining parking lot.
- 8) Natural barrier between lot space and Kwik Mart; and at entrance.
- 9) Crushed gravel even surface lot.
- 10) Signage: Small smart sign that meets city standards secured to the Utility Building.
- 11) Add Location to Insurance policy.
- 12) Location owner: Sea Mist LLC, 7004 Eschol Court Wilmington NC 28409

Land Lease Agreement

Owner: SeaMist LLC

7004 Eschol Court Wilmington NC 28409

Leaser: SunFun Rentals LLC

1204 N Lake Park Blvd Unit F

Carolina Beach NC 28428

Lot Address: 112 Fort Fisher Blvd South Kure Beach NC

Lot Size: 40x100

Terms: 1 year for a total of \$12,000.00

Payment: \$2000 monthly for 6 months (May – October)

Due 1st of every month.

Renewal: Option to renew each year.

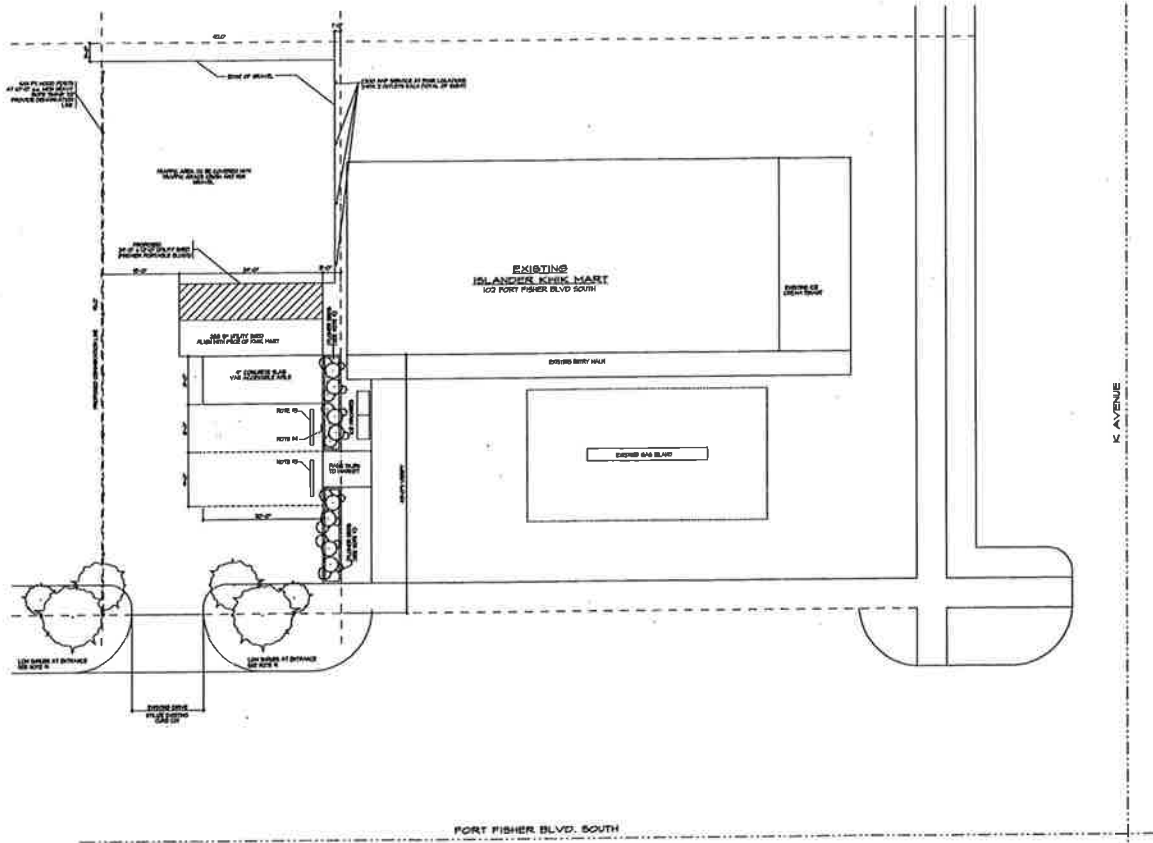
Leaser or Owner must give a 30 day notice to terminate the lease.

Owner: _____

Leaser: _____

Date: _____

4-2-19



PRELIMINARY SITE PLAN
 SCALE: 1/8" = 1'-0"
 EXISTING STRUCTURE - 107 FORT FISHER BLVD - SUN FUN RENTALS (DN-304-044)
 200 SQ. FT. OF EXISTING STRUCTURE TO BE DEMOLISHED (NO SETBACK)
 PROPOSED LOT - 107'-0" x 50'-0" - 8,350 S.F.
 EXISTING LOT - 107'-0" x 50'-0" - 5,350 S.F.
 LOT COVERAGES - 7.5%
 LOT COVERAGES - 1.5%
 RIDGE OF ROOF IS LESS THAN 10'-0" AFT
 TRASH PICK UP LIMITED TO CURB-SIDE ROLL-OUT CONTAINER
 SIGNAGE IS EXISTING - NO IN-LINE PROPOSED SIGNAGE
 HOURS OF OPERATION DO NOT REQUIRE ADDITIONAL LIGHTING
 SIGNAGE LIMITED ON OF BUILDING FACADE 2'-0" x 8'-0" + 12 SF) NOT TO EXCEED 24 SF)
LANDSCAPE NOTES
 NOTE #1 - TREES AND SHRUBS MIN 2-GALLON MAX 10-GALLON PER BED
 NOTE #2 - FLOWER BEDS TO BE PLANTED WITH SEASONAL FLOWERS (w - DAFFODILS, PANSIES, ETC.)
 NOTE #3 - 4'-0" LANDSCAPE THESE ARELS, 10'0" TYP OF TRAD
 NOTE #4 - VAN ACCESSIBLE PARKING PER SO23 (ADA 5111-3000)



Mr. J. Phillips Architecture
 ARCHITECTS
 1000 N. W. 10th St.
 Ft. Lauderdale, FL 33304
 (954) 561-1234

NO.	DATE	DESCRIPTION
1	10/20/23	PRELIMINARY SITE PLAN
2	11/15/23	REVISIONS TO PRELIMINARY SITE PLAN
3	12/01/23	FINAL PRELIMINARY SITE PLAN
4	01/15/24	REVISIONS TO FINAL PRELIMINARY SITE PLAN
5	02/01/24	FINAL PRELIMINARY SITE PLAN

SPECIAL USE PERMIT SITE PLAN
 PROPOSED FACILITY FOR
SUN FUN RENTALS
 104 FORT FISHER BLVD. SOUTH
 CORNER BEACON SOUTH OCEANBLISSA

A2.1

PUBLIC HEARING # 2

Proposed text amendment to Code of Ordinances

**To add 'golf cart rentals' as an allowable
use only via a Special Use Permit process**



**TOWN OF KURE BEACH
PLANNING & ZONING COMMISSION**

PZC Meeting Date: 04/09/2019

PZC Agenda Item No.: 5.b

**ZONING CONSISTENCY STATEMENT
N.C.G.S. 160A-383**

- X Consideration of proposed text amendments to The Town of Kure Beach Code:
1. Chapter 19 Zoning, Art. III, Div. 10, Sec. 243 *Permitted Uses* (B-1)
 2. Chapter 19 Zoning, App. A *Extraction of SIC Codes for Zoning*
 3. Chapter 19 Zoning, App. B *Conversion Tables* (Amendatory Insert)
- X The proposed text amendments are CONSISTENT WITH the objectives/policies of the Town of Kure Beach Land Use Plan ("LUP").
- X The proposed text amendments are CONSISTENT WITH Part 3, Section 2.B. of the LUP.

_____ The proposed text amendment is NOT CONSISTENT WITH Part _____, Section _____ of the LUP.

The Planning and Zoning Commission ("Commission") requests Town Council's consideration and adoption of Staff's proposed text amendments to Chapter 19 of the Kure Beach Code which are attached hereto and incorporated herein by reference. The proposed amendments expressly regulate golf cart rentals as a special use in the B-1 district by providing a specific SIC code classifying the use.

The Commission finds that adopting the amendments will be reasonable and in the public interest inasmuch as they are consistent with the goal on land use compatibility as set forth in Part 3, Section 2.B. of the LUP which provides, in pertinent part, as follows:

Kure Beach desires to ensure [consistency] with the historic small town nature of the community...and will work to...ensure that any uses of the land and water minimize negative environmental impacts and avoid risks to public health, safety and welfare....

Based on these findings, the Commission recommends that Town Council adopt the proposed text amendments.

**TOWN OF KURE BEACH
PLANNING AND ZONING COMMISSION:**



Craig Galbrath, Chairman

CHAPTER 19 ZONING – SEC. 19-243 PERMITTED USES IN B-1
CURRENT

Sec. 19-243. - Permitted uses.

The following are the permitted uses and special uses (S) in the B-1 district:

- (1) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- (3) Banks, finance and loan companies (6021, 6022);
- (4) Bus terminal (4173); (S)
- (5) Churches and other places of worship (8661);
- (8) Dwelling when constructed in conjunction with permitted use provided such dwellings are an integral part of the main building of such a permitted use; (S)
- (9) Eating and drinking establishments (5812, 5813);
- (10) Service stations (5541); (S)
- (11) Food stores (5411, 5431, 5441, 5451, 5461);
- (12) Hotels and motels (7011);
- (14) Parking lots (7521); (S)
- (15) Offices for professional business activities (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111);
- (16) Personal service establishments such as barber and beauty shops (7231, 7241, 5611, 5651);
- (17) Public buildings and facilities;
- (18) Retail stores not otherwise listed: (5251, 5261, 5912, 5921, 5932, 5941, 5942, 5943, 5944, 5945, 5947, 5948, 5949, 5961, 5992, 5993, 5995, 5331, 5399, 5712, 5722, 5731);
- (19) Arcades (7993); (S)
- (20) Theaters when housed in a permanent structure (6512); (S)
- (21) Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- (23) Reserved;
- (24) Real estate offices (6531);
- (25) Home occupation as defined in section 19-1.

CHAPTER 19 ZONING- SEC. 19-243 PERMITTED USES IN B-1
PROPOSED AMENDMENT/REDLINE

Sec. 19-243. - Permitted uses.

The following are the permitted uses and special uses (S) in the B-1 district:

- (1) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- (3) Banks, finance and loan companies (6021, 6022);
- (4) Bus terminal (4173); (S)
- (5) Churches and other places of worship (8661);
- (8) Dwelling when constructed in conjunction with permitted use provided such dwellings are an integral part of the main building of such a permitted use; (S)
- (9) Eating and drinking establishments (5812, 5813);
- (10) Service stations (5541); (S)
- (11) Food stores (5411, 5431, 5441, 5451, 5461);
- (12) Hotels and motels (7011);
- (14) Parking lots (7521); (S)
- (15) Offices for professional business activities (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111);
- (16) Personal service establishments such as barber and beauty shops (7231, 7241, 5611, 5651);
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- (19) Arcades (7993); (S)
- (20) Theaters when housed in a permanent structure (6512); (S)
- (21) Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- (23) Reserved;
- (24) Real estate offices (6531);
- (25) Home occupation as defined in section 19-1;
- (26) Golf cart rentals (7999); (S).

**CHAPTER 19 – SEC. 19-243 PERMITTED USES IN B-1
PROPOSED AMENDMENT/BLACKLINE**

Sec. 19-243. - Permitted uses.

The following are the permitted uses and special uses (S) in the B-1 district:

- (1) Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- (3) Banks, finance and loan companies (6021, 6022);
- (4) Bus terminal (4173); (S)
- (5) Churches and other places of worship (8661);
- (8) Dwelling when constructed in conjunction with permitted use provided such dwellings are an integral part of the main building of such a permitted use; (S)
- (9) Eating and drinking establishments (5812, 5813);
- (10) Service stations (5541); (S)
- (11) Food stores (5411, 5431, 5441, 5451, 5461);
- (12) Hotels and motels (7011);
- (14) Parking lots (7521); (S)
- (15) Offices for professional business activities (80-11, 21, 31, 41, 42, 43, 49; 8711, 12, 21; 8111);
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- (19) Arcades (7993); (S)
- (20) Theaters when housed in a permanent structure (6512); (S)
- (21) Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- (23) Reserved;
- (24) Real estate offices (6531);
- (25) Home occupation as defined in section 19-1;
- (26) Golf cart rentals (7999); (S).

APPENDIX B – CONVERSION TABLES
PROPOSED AMENDATORY INSERT

1. Alphabetical Index SIC: insert, alphabetically, “Golf cart rentals...7999”
2. Numerical Index SIC: no insert required; 7999 already indexed.

CHAPTER 19 APPENDIX A – EXTRACTION OF SIC CODES FOR ZONING (EXTRACT)
CURRENT

7999 - Amusement and Recreation Services, Not Elsewhere Classified

Establishments primarily engaged in the operation of sports, amusement, and recreation services, not elsewhere classified, such as bathing beaches, swimming pools, riding academies and schools, carnival operation, exposition operation, horse shows, picnic grounds operation, rental of rowboats and canoes, and shooting galleries. Establishments primarily engaged in showing or handling animals at shows or exhibitions are classified in Agricultural Services, Industry Group 075.

- Amusement concessions
- Bathing beaches, public
- Bingo parlors
- Bridge instruction
- Fishing piers and lakes, operation of
- Golf courses, miniature operation of
- Karate instruction
- Lifeguard service
- Rental of beach chairs and accessories
- Rental and instruction of Scuba and skin diving equipment
- Sporting goods rental
- Tennis clubs, non-membership
- Tennis courts, outdoor and indoor operation of, non-membership
- Yoga instruction

CHAPTER 19 APPENDIX A – EXTRACTION OF SIC CODES FOR ZONING (EXTRACT)
PROPOSED AMENDMENT/REDLINE

7999 - Amusement and Recreation Services, Not Elsewhere Classified

Establishments primarily engaged in the operation of sports, amusement, and recreation services, not elsewhere classified, such as bathing beaches, swimming pools, riding academies and schools, carnival operation, exposition operation, horse shows, picnic grounds operation, rental of rowboats and canoes, and shooting galleries. Establishments primarily engaged in showing or handling animals at shows or exhibitions are classified in Agricultural Services, Industry Group 075.

- Amusement concessions
- Bathing beaches, public
- Bingo parlors
- Bridge instruction
- Fishing piers and lakes, operation of
- Golf courses, miniature operation of
- **Golf cart rentals**
- Karate instruction
- Lifeguard service
- Rental of beach chairs and accessories
- Rental and instruction of Scuba and skin diving equipment
- Sporting goods rental
- Tennis clubs, non-membership
- Tennis courts, outdoor and indoor operation of, non-membership
- Yoga instruction