

AUTHORITY FOR APPOINTMENT OF PERSON
TO ACT ON MY BEHALF

The undersigned owner, Sombra Properties, LLC, does hereby appoint Stephen D. Coggins and Rountree Losee LLP to act on my behalf for the purposes of petitioning the Town of Kure Beach for an amendment to the Town zoning ordinance and for seeking any other form of approval that would enable the owner to develop its property at 125 South 3rd Avenue.

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

- (1) To submit a proper petition and the required supplemental materials:
- (2) To appear at public meetings to give testimony and make commitments on behalf of the owner; and
- (3) In the case of a special use permit, to accept conditions or recommendations made for the issuance of the special use permit on the owner's property.
- (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 appointment agreement shall continue in effect until final disposition of petitions submitted in conjunction with this appointment.

Date: 11-10-23

Appointee's Name, Address & Telephone:


Stephen D. Coggins
NC State Bar No. 8223
scoggins@rountreelosee.com
ROUNTREE LOSEE LLP
2419 Market Street
Wilmington, NC 28403
Tel.: (910) 763-3404
Fax: (910) 763-0080

Sombra Properties, LLC


David Aaron Orlando
Managing Member
beforethebeach@gmail.com
12625 Alswell Lane
St. Louis, MO 63128
Tel: (314) 477-1928

George Rountree, Jr.
(1904-1979)
Ryan F. Tennant
(1973-2016)
George Rountree, III
Special Counsel
Geoffrey A. Losee
Stephen D. Coggins

Michael A. Becker
Brian S. Akers
Halee Morris

Joseph E. Horowitz
Of Counsel



North Carolina Address
2419 Market Street
Wilmington, NC 28403

Tennessee Address
4596 Pecan Grove Lane
Memphis, TN 38120

Phone
910-763-3404

Fax
910-763-0320

November 29, 2023

Mr. John Batson
Planning and Zoning Officer
Town of Kure Beach
117 Settlers Lane
Kure Beach NC 28449

Re: Application for Text Amendment to 15.26.020 Permitted Uses in B-1 District to
Allow One-family Dwellings on Lots on Which There Were Previous Non-Conforming
Residential Uses

Dear Mr. Batson:

I represent Sombra Properties, LLC (Aaron and Kelleigh Orlando) for the purposes of applying for a text amendment to the Town Zoning Ordinances. Please find enclosed the following:

1. Form Text Amendment Application, with the following attachments:
 - a. Existing Section 15.26.020 regarding Permitted Uses in B-1 District
 - b. Section 15.26.60 in its entirety along with proposed amendment Subsection "S" that adds the following proposed permitted use:

One-family dwellings on lots on which there were previous non-conforming residential uses.

2. \$100 Application Fee
3. Agent authorization form indicating my client is authorized to submit this application.

I look forward to working with you in this matter.

I understand that the Planning Board can meet to consider this proposed amendment on Wednesday, January 3, 2024, and that it can be considered by the Town Council on Tuesday, February 20, 2024.

Please feel free to contact me with any questions or concerns.

Sincerely Yours,

Stephen D. Coggins



**TOWN OF KURE BEACH
APPLICATION FORM
Requesting text amendment to Code of Ordinances**

PLEASE READ THOROUGHLY BEFORE COMPLETING
TYPE OR PRINT ONLY PLEASE

<u>Name of Applicant</u> Sombra Properties, LLC c/o Stephen D. Coggins	<u>Application No.</u>	<u>Zoning Area</u> B-1
<u>Applicant's Phone No.</u> <u>Date</u> (O) 910-763-3404 (C) 910-524-9515	<u>Address of Applicant</u> 2419 Market Street, Wilmington, NC 28403 scoggins@rountreelosee.com	<u>Zip Code</u>
<u>Name of Text to be changed</u> Permitted Uses	<u>Section of Text to be changed</u> 15.26.020	

APPLICATION FOR A TEXT AMENDMENT

CONTENT OF THE APPLICATION; FEES

Application must be received and reviewed by the Town Clerk for completeness prior to acceptance. A \$100 fee payable to Town of Kure Beach MUST accompany the application. Should the text amendment be for Chapters 15 "Subdivision" or 19 "Zoning" the petition must be reviewed by the Planning and Zoning Commission and a recommendation made by them to Town Council before Town Council may act. The Planning and Zoning Commission and/or the Town Council reserve the right to require additional information, if needed, to assure that the proposed text amendment is in accordance with all of the Town's plans and policies. The Town Council gives final approval for all text amendments to the Code of Ordinances.

GUIDE TO REVIEW PROCEDURES

Applications for a text amendment are first referred to all departments for review and comment. Should the request be for an amendment to Chapters 15 or 19, the Kure Beach Planning and Zoning Commission must also review and make a recommendation before being acted upon by the Kure Beach Town Council. Applications must be received in the office of the Town Clerk twenty (20) working days before the Planning and Zoning Commission meeting or the Town Council meeting (should Planning & Zoning involvement not be required) to allow adequate time for processing and review.

Planning and Zoning Commission meetings are held at 7:00pm in the Kure Beach Town Hall, 117 Settlers Lane, North Carolina, on the first Wednesday of each month. The Planning and Zoning Commission's recommendation regarding this application will automatically be referred to the Kure Beach Town Council. Town Council meetings are held on the third Tuesday of each month at 6:30pm at Town Hall as referenced above.

**PROPOSED TEXT AMENDMENT TO KURE BEACH ZONING
ORDINANCES, CHAPTER 15:**

Amend Section 15.26.020 entitled "Permitted Uses" (which lists permitted uses in the B-1 District) by adding a new Subsection S that provides as follows:

- S. One-family dwellings on lots on which there were previous non-conforming residential uses.

EXISTING TEXT

15.26.020 Permitted Uses

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

- A. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- B. Banks, finance and loan companies (6021, 6022);
- C. Religious institutions including parish houses, Sunday schools and religious annexes. A religious annex may be used for housing, on a temporary basis, only visiting groups from other religious institutions (hereinafter "visiting religious groups") and emergency relief workers providing services in conjunction with declared states of emergencies. A religious annex shall not be used for private benefit/inurement, lobbying, political campaign activity, or to generate unrelated business income. A religious institution shall not charge a fee for any temporary housing provided hereunder although it may receive donations to offset the cost of providing such housing. For the purposes of this subparagraph, the temporary housing of a visiting religious group shall not exceed fourteen (14) days and the housing of emergency relief workers shall not exceed thirty (30) days;
- D. 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)
- E. Eating and drinking establishments (5812, 5813);
- F. Service stations (5541); (S)
- G. Food stores (5411, 5431, 5441, 5451, 5461);
- H. Tourist Lodgings (7011);
- I. Parking lots (7521); (S)
- J. Offices for professional business activities (, 8021, 8031, 8041, 8042, 8043, 8049; 8111, 8711, 8712, 8721);
- K. Personal service establishments such as barber and beauty shops (7231, 7241, 5611, 5651);
- L. Public buildings and facilities;

- M. 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);
- N. Arcades (7993); (S)
- O. Theaters when housed in a permanent structure (6512); (S)
- P. Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- Q. Establishments engaged in the business of renting, purchasing, selling, managing, or appraising real property. (6531);
- R. Home occupation as defined in KBC 15.02.010.

PROPOSED TEXT CHANGE

(proposed addition in bold red)

15.26.020 Permitted Uses

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

- A. Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard;
- B. Banks, finance and loan companies (6021, 6022);
- C. Religious institutions including parish houses, Sunday schools and religious annexes. A religious annex may be used for housing, on a temporary basis, only visiting groups from other religious institutions (hereinafter "visiting religious groups") and emergency relief workers providing services in conjunction with declared states of emergencies. A religious annex shall not be used for private benefit/inurement, lobbying, political campaign activity, or to generate unrelated business income. A religious institution shall not charge a fee for any temporary housing provided hereunder although it may receive donations to offset the cost of providing such housing. For the purposes of this subparagraph, the temporary housing of a visiting religious group shall not exceed fourteen (14) days and the housing of emergency relief workers shall not exceed thirty (30) days;
- D. 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)
- E. Eating and drinking establishments (5812, 5813);
- F. Service stations (5541); (S)
- G. Food stores (5411, 5431, 5441, 5451, 5461);
- H. Tourist Lodgings (7011);
- I. Parking lots (7521); (S)
- J. Offices for professional business activities (, 8021, 8031, 8041, 8042, 8043, 8049; 8111, 8711, 8712, 8721);

- K. Personal service establishments such as barber and beauty shops (7231, 7241, 5611, 5651);
- L. Public buildings and facilities;
- M. 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);
- N. Arcades (7993); (S)
- O. Theaters when housed in a permanent structure (6512); (S)
- P. Dance halls when at least five hundred (500) square feet of space is provided for dancing (7911);
- Q. Establishments engaged in the business of renting, purchasing, selling, managing, or appraising real property. (6531);
- R. Home occupation as defined in KBC 15.02.010.
- S. One-family dwellings on lots on which there were previous non-conforming residential uses.**