



**CAROLINA BEACH**  
**Planning and Zoning Meeting Agenda**  
**Thursday, June 11, 2020 @ 6:30 PM**  
**Council Chambers**  
**1121 N. Lake Park Boulevard**  
**Carolina Beach, NC 28428**

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1. CALL TO ORDER	
2. APPROVAL OF MINUTES	
a. Approval of May Meeting Minutes	3 - 7
3. STAFF REPORT ON RECENT COUNCIL MEETINGS	
4. STAFF REPORT ON RECENT DEVELOPMENTS	
5. PUBLIC DISCUSSION	
6. DISCUSSION ITEMS	
a. Consider a Conditional Use Permit located at 522 N. 7th for a 8 unit Residential Planned Unit Development Applicant: Marlow Construction	8 - 30
<ul style="list-style-type: none"><li>•Approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide a 4' wide sidewalk on either side of the drive aisle along the 7th street Right of Way and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.</li><li>•Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)<ul style="list-style-type: none"><li>(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.;</li><li>(2) That the use meets all required conditions and specifications;</li><li>(3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and</li><li>(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.</li></ul></li></ul>	

b. CAMA Land Use Plan Draft Review

31 - 39

7. NON-AGENDA ITEMS

8. ADJOURNMENT



## **AGENDA ITEM**

Meeting: Planning and Zoning - 11 June 2020

Prepared By: Jeremy Hardison

Department: Planning

### **Approval of May Meeting Minutes**

**BACKGROUND:** Review and approve the May, 2020 meeting minutes.

**ATTACHMENTS:** [May 14 2020 - PZ Minutes](#)

# CAROLINA BEACH

Planning and Zoning Commission Meeting Minutes  
Thursday, May 14, 2020 @ 6:30 PM  
Council Chambers  
1121 N. Lake Park Boulevard  
Carolina Beach, NC 28428

## ASSEMBLY

The Town of Carolina Beach Planning and Zoning Commission meeting was held on Thursday, May 14, 2020, at 6:30 PM in Council Chambers.

PRESENT: P&Z Chairman Keith Bloemendaal, P&Z Vice Chairman Deb LeCompte, P&Z Commissioner Wayne Rouse, P&Z Commissioner Melanie Boswell, P&Z Commissioner Mike Hoffer, P&Z Commissioner John Ittu, and P&Z Commissioner Jeff Hogan

ALSO PRESENT: Planning Director Jeremy Hardison and Planner Miles Murphy

### 1. CHAIRMAN BLOEMENDAAL CALLED THE MEETING TO ORDER

### 2. APPROVAL OF MINUTES

a. Consider Approving March 12, 2020 Meeting Minutes

**ACTION:** Motion to approve the minutes as written

Motion: Commissioner Rouse

Second: Vice Chairman LeCompte

Vote: UNANIMOUS

### 3. STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Murphy gave a staff update presentation.

#### Permitting

- 116 permits (renovation, repair, grading, additions, fence)
- 16 residential new construction
- 16 certificates of occupancy
- 7 demos

#### Code Enforcement

- 54 complaints received
- 26 resolved

#### Demolition

- 515 Clarendon Avenue
- 1208 Canal Drive
- 1312 Snapper Lane

#### New Business

May 14, 2020

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- Fentoni's Pizza – 9 Carolina Beach Avenue North
- Carolina Surf Brand – 8 Pavilion Avenue, Unit 7
- RW Mason Roofing – 1309 Bridge Barrier Road
- Malama Café – 108 Cape Fear Boulevard
- Sea Coast Rentals (Relocation) – 1018 Lake Park Boulevard North

#### Coming Up

- Private parking lot regulations
- Text amendment: nonconforming structures
- Text amendment: sign ordinance overhaul
- Land Use Plan

#### **4. STAFF REPORT ON RECENT DEVELOPMENTS**

Mr. Murphy said nothing that has come through the Planning and Zoning Commission has gone to Town Council. He mentioned a Planned Unit Development on 7<sup>th</sup> Street that the Planning and Zoning Commission had voted down, which has not yet had any revisions or other indications that it will come back for consideration. Chairman Bloemendaal said he heard they were coming back with a single-family plan. Mr. Murphy said there was a submission to the Technical Review Committee (TRC) that received feedback, but there was not yet any further submission to move the project forward.

#### **5. PUBLIC DISCUSSION**

Mr. Murphy said there was one submitted letter of public comment that would come up later in the meeting.

#### **6. DISCUSSION ITEMS**

a. Text Amendment: Amend Article III Sec. 40-72. – Table of Permissible Uses, Article IX Sec. 40-261. – Development Standards for Particular & Article XVIII Sec.40-548. – Definitions to consider a registration program for short-term rentals

Recommend to adopt the amendment that it is in accordance with provisions of North Carolina General Statute. It is consistent with goals and objectives of the adopted land use plan and other long-range plans and in the public interest.

Mr. Murphy introduced Gloria Abbots, a University of North Carolina Wilmington graduate fellow who is working with the Town Planning & Development Department. She gave a presentation about short-term rentals.

#### Background

- 1,007 active short-term rentals in Carolina Beach
- Tracking short-term rentals through the use of a registration program
- Easily identify which structures should be paying room occupancy tax

Ms. Abbots then showed a map of short-term rentals in the Town. She said many are concentrated along the beach, but they exist in every zoning district. She then reviewed the table of permissible uses. With this text amendment, short-term rentals would be permitted in every zoning district. Another slide focused on development standards for particular uses.

May 14, 2020

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By definition, a short-term rental is rented out for less than 31 days or a minimum of one full night. The Town is proposing to ask owners of short-term rentals to register with both the Town and the County for a \$25 fee per property due on July 1 each year.

#### Staff Recommendation

- Staff recommends that the proposed ordinance be adopted as written with no additional changes or restrictions.

Chairman Bloemendaal asked about administration enforcement and review. Mr. Hardison said this was a violation section that addresses the procedure for bringing a property into compliance if any zoning requirement is in violation. The fine is \$50 per day until compliance is met.

Chairman Bloemendaal asked if the 1,007 number includes hotels. Ms. Abbotts said it does not and is based on data from the County. Mr. Hardison said right now it is up to the County to ensure short-term rentals are paying the room occupancy tax, but Town Council was seeking more local enforcement. He said a primary goal is to level the playing field and make sure all properties are paying their fair share, but another objective is to have a comprehensive contact list so everyone can be reached efficiently for communication about emergencies or complaints.

Several Commissioners questioned the need for a \$25 annual fee for each property and thought a better approach would be a fine for those who do not register. Ms. Abbotts said her research shows that other areas charge a \$100-\$500 registration fee per year.

Vice Chairman LeCompte asked about the number of complaints regarding short-term rentals during COVID-19 restrictions. Mr. Hardison said there were 32.

Mr. Murphy said every community that had regulations for short-term rentals charged a registration fee, and the fees climbed the more regulations there were. He said \$25 was a bare minimum that covered staff time for handling questions and inquiries from owners and the public.

Mr. Hardison then read a letter of public comment submitted by Paul Levy of 1606 Mackerel Lane. He asked that the short-term rental program look at regulating parking, trash collection, and age of renters. He said enforcement should include a severe financial penalty for failure to register, such as \$500 to become a tax lien if not paid.

Commissioner Boswell said it is up to property owners, not Town government, to put age limitations on renters.

Chairman Rouse said in addition to a fine, he would be in favor of imposing a ban on allowing short-term rentals for those who don't register. Chairman Bloemendaal said he supported fines but not a rental ban.

**ACTION:** Motion to recommend adoption of the amendment with the following changes: the annual fee would become a one-time fee unless there is a change to the registrant's information, the fee would be per property owner and not per property, "any rental which is

available for a rental period of less than 31 days” should be 91 days, and there would be steep fines for noncompliance in a dollar amount for Town Council to decide (suggestion was \$500 after a warning and request to comply)

Motion: Chairman Bloemendaal

Second: Commissioner Hoffer

Vote: UNANIMOUS

**7. NON-AGENDA ITEMS**

Terms for Chairman Bloemendaal, Vice Chairman LeCompte, Commissioner Rouse, and Commissioner Hoffer are up for renewal. All but Chairman Bloemendaal have expressed interest in continuing to serve, so a new Chair will have to be appointed in July. Commissioner Hoffer said he is interested in staying for another year to help stagger vacancies, but otherwise he will also retire.

Commissioner Rouse asked if revisions to the Land Use Plan will be available before the next meeting. Mr. Hardison said those would be sent to everyone the following week, with changes highlighted, to review before the next meeting on June 11.

**8. ADJOURNMENT**

Chairman Bloemendaal made a motion to adjourn at 7:45 PM. Commissioner Rouse seconded. Motion passed unanimously.



## AGENDA ITEM

Meeting: Planning and Zoning - 11 June 2020

Prepared By: Miles Murphy

Department: Planning

### Consider a Conditional Use Permit located at 522 N. 7th for a 8 unit Residential Planned Unit Development Applicant: Marlow Construction

#### BACKGROUND:

The applicant, Marlow Construction, is requesting a Conditional Use Permit (CUP) to build a eight-unit residential PUD comprised of eight single-family homes at 522 N. 7th Street. The parcel is zoned R-1 which allows single-family and two-family Residential PUDs with a unit density of 17-units per acre.

The property was previously under construction for one extremely large SFR, but the project stalled. Subsequently, the property went back on the market and Marlow Construction determined it would be a good potential location to feature some of their residential structures, which have been constructed elsewhere in CB. The lot has the ability to contain a maximum of 23 units by R-1 zoning standards. Marlow Construction is only proposing 8 units.

The property requires, 40% lot coverage, standard parking, 25% open space, stormwater retention, and a 10' landscaping buffer. All of these have been met/provided in the proposed layout.

**Specific standards.** No *conditional use* shall be granted by *town council* unless the following provisions and arrangements, where applicable, have been made to the satisfaction of the council:

(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 remain via N. 7th Street

- The design will accommodate 2-way traffic and sufficient parking for each SFR structure.

(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;

- Parking will be contained on each individual homes



driveway or under the home

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

- Trash service will be collected via standard residential manner

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

- Utilities will be provided by Duke and the Town

- A new fire hydrant is proposed

- A SW retention pond is proposed/required

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

- A 10' landscape buffer is required for this type of development

- A 6' fence is proposed around the entire PUD

(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;

- No signage is proposed at this time and any signage will have to meet all standard zoning requirements in the future

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

- There is no required yard or open space beyond general zoning standards for a residential PUD

- Minimum of 15' between structures

- Minimum of 25% of open space

- Below maximum of 40% lot coverage

**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.;

- The density falls within the standard R-1 density requirements and the proposed structure follows the setback requirements

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

- The proposed CUP meets all required conditions.

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

- The proposed structure/use will conform with the neighboring properties

(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.

- The desired Future Land Use of the Residential 1 area includes a predominance of single-family and duplex units. Building

height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be moderate with a minimum of 5,000 square foot lots and around 8.7 units per acre, with up to 15 units per acre allowed. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family residential development shall be prohibited.

**BUDGET IMPACT:**

There is no budget impact.

**ACTION REQUESTED:**

- Approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide a 4' wide sidewalk on either side of the drive aisle along the 7th street Right of Way and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)

- (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.;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (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.

**COMMITTEE RECOMMENDATION:**

Staff recommends the approval of the CUP with the requirement of a 4' wide sidewalk adjacent to 7th Street.

**ATTACHMENTS:**

- [CUP Full Application](#)
- [Site Plan - Revised CUP 7th St - May 28 2020](#)
- [522 N. 7th PUD PPT](#)



## Conditional Use Permit TOWN OF CAROLINA BEACH, N.C.

Permit Number: \_\_\_\_\_

Each application must be printed or typewritten and have all information answered. **It is required that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete.** The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another firm, or corporate entity that is the applicant/owner of record.

The Planning Department, Planning and Zoning Commission and/or Town Council reserves the right to require additional information if needed to assure that the use in its proposed location will meet the be developed in accordance with the Code of Ordinances of the Town of Carolina Beach.

Major and minor projects: application fees. The owner or owners, or their duly authorized agent, of the property included in the application for a conditional use permit shall submit a complete application and supplemental information to the Zoning Administrator. A fee in accordance with the Town’s adopted schedule of fees, payable to the Town of Carolina Beach, must accompany each application. For the purposes of determining the fee, the Zoning Administrator shall categorize each such Conditional Use Permit Application as either “major” or “minor”, depending upon the complexity of review. Generally, Planned Residential (over 3 units), Mixed Uses, Business Developments, and similarly complex projects shall be categorized as “major”, while projects such as bed and breakfast inns, small day care services, etc. shall be categorized as “minor”.

**Major Conditional Use Permit = \$ 800.00**  
**Minor Conditional Use Permit = \$ 350.00**

**\*\*Fees are nonrefundable after item has been sent for advertisement\*\***

This permit will be scheduled for the next possible Technical Review Committee.

<b>2019 Submission Deadlines &amp; Meeting Dates</b>					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 7	Jan 22	Dec 27	Jan 10	Dec 27	Jan 8
Feb 4	Feb 18	Jan 31	Feb 14	Jan 30	Feb 12
Mar 4	Mar 18	Feb 28	Mar 14	Feb 27	Mar 12
Apr 1	Apr 15	Mar 28	Apr 11	Mar 27	Apr 9
May 6	May 20	Apr 25	May 9	May 1	May 14
June 3	June 17	May 30	June 13	May 29	June 11
July 1	July 15	June 27	July 11	June 26	July 9
Aug 5	Aug 19	July 25	Aug 8	July 31	Aug 13
Sept 2	Sept 16	Aug 29	Sept 12	Aug 28	Sept 10
Oct 7	Oct 21	Sept 26	Oct 10	Sept 25	Oct 8
Nov 4	Nov 18	Oct 31	Nov 14	Oct 30	Nov 12
Dec 2	Dec 16	Nov 28	Dec 12	Nov 20	Dec 10
Jan 6	Jan 20	Dec 19	Jan 9	Dec 31	Jan 14
Board	# Copies Full Size	# Copies Electronic	Recipients		
TRC	9	1	1 Manager, 3 Planning, 1 Fire, 1 Police, 2 Operations, 1 Admin		
P&Z	9	1	7 P&Z, 1 Manager, 2 Planning, 1 Secretary, 1 Island Gazette		
Town Council	9	1	5 Town Council, 1 Manager, 1 Planning, 1 Clerk, 1 Island Gazette		

**PURPOSE**

Conditional 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 conditional use permit 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.

Please complete all sections of the application.

**A. Property Information**

Address(es): \_\_\_\_\_

PIN(s): 3130-38-2107.000

Project Name \_\_\_\_\_

Size of lot(s): \_\_\_\_\_

**B. Application for Conditional Use Permit**

Application is hereby made for a Conditional Use Permit for use of the property described above as a (please provide a brief description of the use):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Applicant Contact Information**

\_\_\_\_\_  
Company/corporate Name (if applicable):

\_\_\_\_\_  
Applicant's Name

\_\_\_\_\_  
Mailing Address

1112 SOUTH LAKE PARK BLVD  
City, State, and Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

qmarlow@marlowconstruction.com

**D. Owner Contact Information (if different)**

Cynthia B. Workman  
Owner's Name

8651 Stephens Church Rd Apt D101  
Mailing Address

Wilmington, NC 28411  
City, State, and Zip Code

910-319-7236  
Telephone

910-319-7236  
Telephone

\_\_\_\_\_  
Telephone

cworkman22@twc.com  
Email

\_\_\_\_\_  
Email

*General conditions.* Council, when granting a conditional use permit, shall find that all four of the following factors found in Chapter 40 Article XI exist. In the spaces provided below, indicate the facts and arguments that prove you meet the following conditions:

1. Indicate how the proposed CUP will not adversely affect health or safety if located where proposed and developed according to the plan submitted:

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2. Indicate if the proposed Conditional Use Permit meets all required conditions and specifications or if any waivers are requested:

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

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4. Indicate that the location and use of the proposed Conditional Use Permit, if developed according to the plan as submitted, will be in harmony with the area in which it is to be located and in general conformity with the Town of Carolina Beach's Land Use Plan and policies.:

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*Specific standards.* No conditional use shall be granted by Town Council unless the following provisions and arrangements where applicable, have been made to the satisfaction of the council.

1. Indicate how the Ingress and egress to the property and proposed structures in reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:

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2. Indicate how the off-street parking and loading areas met, and how the economic, noise, glare, or odor of the propose use will affect the adjoining properties.

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3. Indicate how the refuse and service area, will be handled.

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4. Indicate how adequate and proper utilities, with reference to locations, availability, and compatibility are to be provided or how the item listed are not applicable to the proposed CUP.

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5. Indicate how screening and buffering with reference to type, dimensions, and character will be provided or why it is not provided for;

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6. Indicate how signs, if any, and the proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

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7. Indicate the required yards and other open space and preservation of existing trees and other attractive natural features of the land.

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**Check the box beside each item verifying that the item has been submitted with this application**

**I. Site Plan Criteria**

*For new construction all boxes in this section shall be marked yes by the applicant to be considered a complete application.*

**Yes No N/A**

- The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
- Engineers scale 1 inch = 40 ft or larger
- Title block or brief description of project including all proposed uses
- Date
- North arrow
- Property and zoning boundaries
- The square footage of the site
- Lot coverage* (buildings, decks, steps)
- Location of all existing and proposed *structures* and the setbacks from property lines of affected *structures* to remain on-site
- Design of driveways and parking
- Adjacent right-of-ways labeled with the street name and right of way width
- Location of all existing and/or proposed easements

*Additional information or data as determined necessary by town staff and/or other reviewing agencies including but not limited to the following may be required:*

**Yes No N/A**

- Location and design of refuse facilities
- Approximate locations and sizes of all existing and proposed *utilities*
- Existing and/or proposed fire hydrants (showing distances)
- Adjacent properties with owners' information and approximate location of structures
- Distances between all *buildings*
- Number of *stories* and height of all *structures*
- Locations of all entrances and exits to all *structures*
- Calculate the *gross floor area* with each room labeled (i.e. kitchen, bedroom, bathroom)
- Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use
- Location of flood zones and finished floor elevations
- CAMA Areas of Environmental Concern (AEC) and CAMA setbacks
- Delineation of *natural features* and wetlands with existing and proposed topography with a maximum of two foot contour intervals
- Proposed landscaping including percentages of *open space*
- Stormwater management systems
- Cross-sectional details of all streets, roads, ditches, and *parking lot* improvements
- Building* construction and occupancy type(s) per the building code
- Location of fire department connection(s) for standpipes
- Turning radii, turnarounds, access grades, height of overhead obstructions
- Dimensions and locations of all *signs*
- A vicinity map drawn with north indicated

I have provided a scaled electronic version of each required drawing  
 I have folded all plans to 8 1/2" x 11" size and am prepared to pay the application fee today

**SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION**

1. Detailed project narrative describing the proposed site and request.
2. Agent form if the applicant is not the property owner
3. Request for site specific development plan shall be submitted in accordance with Chapter 40 Article

**OWNER'S SIGNATURE:** In filing this application for a conditional use permit I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate HART MARLOW  
To act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

5-27-20 / /

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**Signature**

**Date**



**AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF**

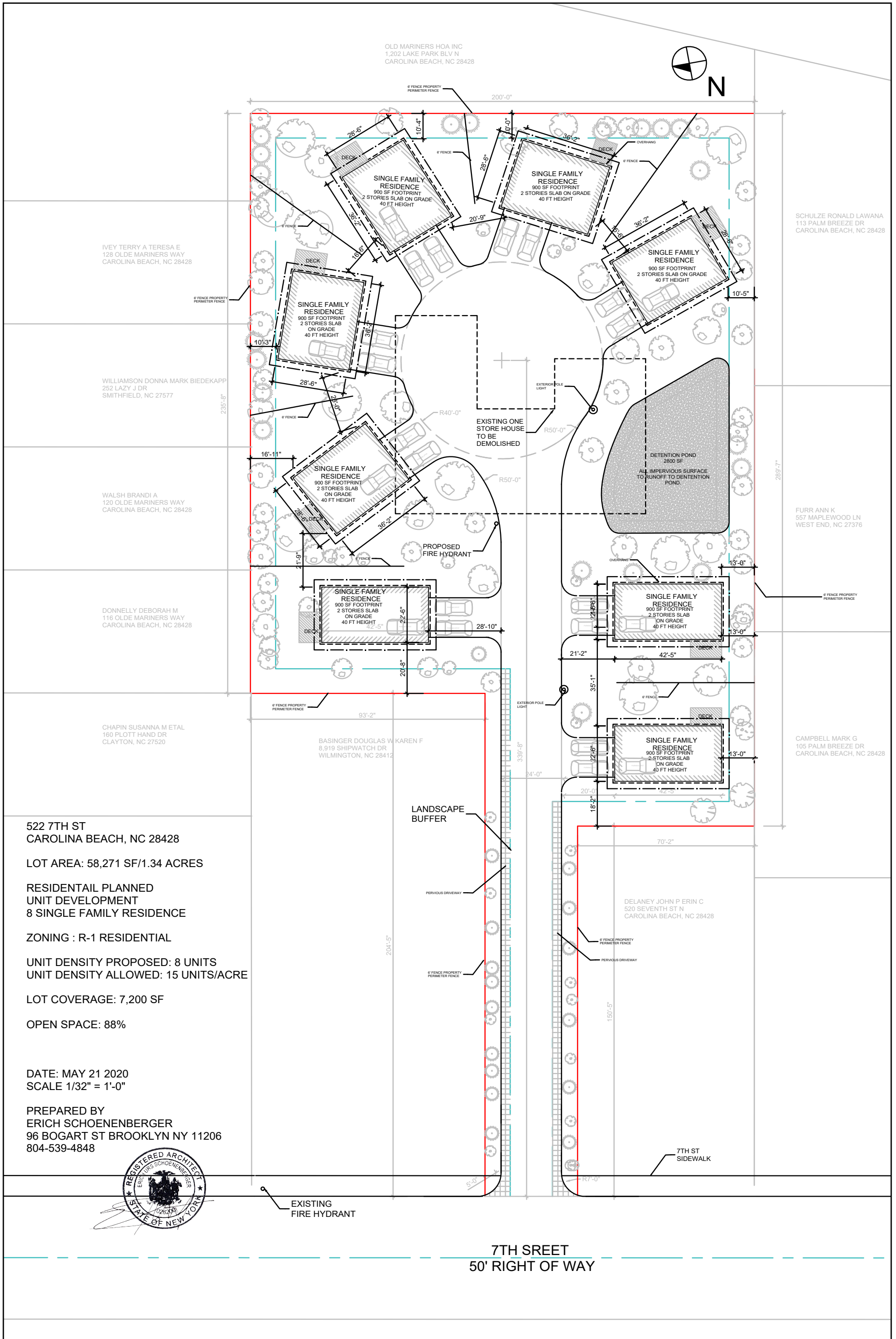
The undersigned owner, \_\_\_\_\_, does hereby appoint  
HART MARLOW \_\_\_\_\_ to act on my behalf for the purpose of petitioning the  
Town of Carolina Beach for: a) an amendment to the text regulations; b) a change to the zoning map;  
c) approval of a special use permit; d) approval of a special use district; and/or, e) street closing, as  
applicable to the property described in the attached petition. The owner does hereby covenant and agree  
with the Town of Carolina 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 the petition submitted in  
conjunction with this appointment.

Date: 5-27-20

Appointee's Name, Address & Telephone:

HART MARLOW  
840 SETTLERS LANE  
KURE BEACH NC 28449  
\_\_\_\_\_  
\_\_\_\_\_

Signature of Owner: \_\_\_\_\_



522 7TH ST  
CAROLINA BEACH, NC 28428

LOT AREA: 58,271 SF/1.34 ACRES

RESIDENTIAL PLANNED  
UNIT DEVELOPMENT  
8 SINGLE FAMILY RESIDENCE

ZONING : R-1 RESIDENTIAL

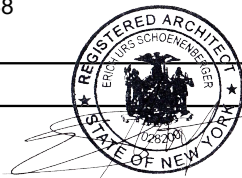
UNIT DENSITY PROPOSED: 8 UNITS  
UNIT DENSITY ALLOWED: 15 UNITS/ACRE

LOT COVERAGE: 7,200 SF

OPEN SPACE: 88%

DATE: MAY 21 2020  
SCALE 1/32" = 1'-0"

PREPARED BY  
ERICH SCHOENENBERGER  
96 BOGART ST BROOKLYN NY 11206  
804-539-4848



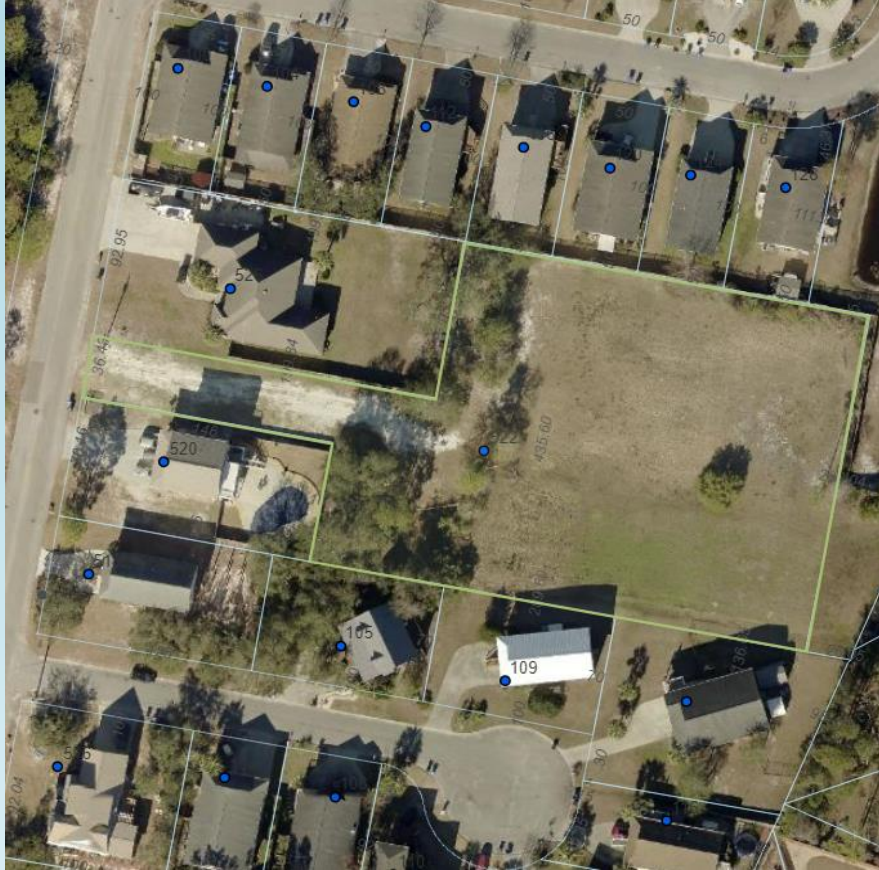
EXISTING  
FIRE HYDRANT

7TH SREET  
50' RIGHT OF WAY



Conditional Use Permit:  
522 N. 7<sup>th</sup> Street – SF Residential  
Planned Unit Development

June 11<sup>th</sup>, 2020  
Miles Murphy – Planner



**Location:** 522 N. 7<sup>th</sup> Street

**Applicant:** Marlow Construction



522 N. 7<sup>th</sup> Street

# Adjacent Properties



526 N. 7<sup>th</sup> Street



520 N. 7<sup>th</sup> Street

# Adjacent Properties



116 Olde Mariners Way



124 Olde Mariners Way



120 Olde Mariners Way



130 Olde Mariners Way  
HOA



128 Olde Mariners Way

# Adjacent Properties



105 Palm Breeze Drive



109 Palm Breeze Drive



113 Palm Breeze Drive



# Residential PUDs Permitted in R-1

## ARTICLE III. – Zoning District Regulations

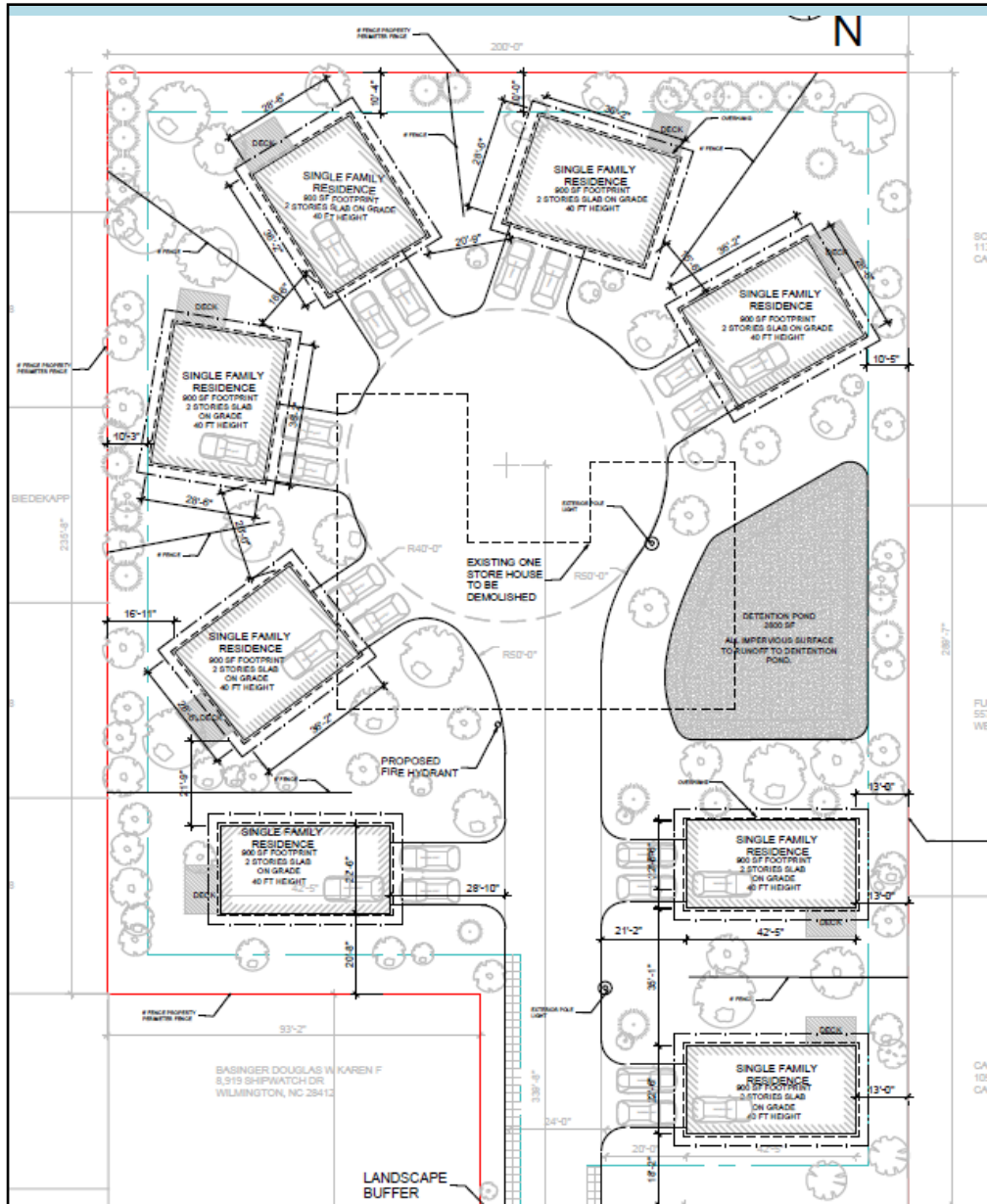
### Sec. 40-72. – Table of permissible uses.

USES OF LAND	R-1
Planned unit development, residential (See article XII of this chapter)	C

### Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width <sup>5</sup>	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) <sup>5</sup>	Max. Density	Max. Height	Max. Lot Coverage
R-1	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	45 ft. <sup>1</sup>	40%

<sup>1</sup> – exists in a 45' height overlay district



## Design

- Landscaping buffer has been met in all areas
- Drive aisles and parking meet standards for zoning requirements and fire access
- Open space (88%) and Lot Coverage(12%) requirements are met
- State stormwater permit required
- All units meet 15' minimum separation requirement
  - 15.5' is the smallest separation
- All units are 3-4 bedrooms and provide the minimum of 3 required parking spaces per unit based on bedrooms

	Acres	Ft <sup>2</sup>	Units
Standard	1.00	43,560	15
Max	1.34	58,271	20 (max)
Proposed	1.34	58,271	8 SFR Units

**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.;

- The density falls within the standard R-1 density requirements and the proposed structures follows the setback requirements

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

- The proposed CUP meets all required conditions and specifications

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

- The proposed structures/use will conform with the neighboring properties.

(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.

-The desired Future Land Use of the Residential 1 area includes a predominance of single-family and duplex units. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer.

## Specific standards.

(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 remain via N. 7<sup>th</sup> Street
- The design will accommodate 2-way traffic and sufficient parking for each townhome
- A 4' wide sidewalk is requested to be installed on either side of the drive aisle along the 7<sup>th</sup> street RoW (note included on site plan)

(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;

- Parking will be contained on the property

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

- Trash will be collected via standard residential manner

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

- Utilities will be provided by Duke and the Town
- State stormwater permit is required
- Fire Hydrant will be installed

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

- A 10' landscape buffer is required for this type of development
- A 6' fence is proposed around the entire structure and along the entry drive aisle

(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;

- No signage is proposed at this time and any signage will have to meet all standards zoning requirements in the future

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

- There is no required yard or open space beyond general zoning standards for a residential PUD
- Minimum of 15' between structures
- Minimum of 25% of open space (88%)
- Below maximum of 40% lot coverage (12%)

Required	Proposed
Front - 20'	162
Rear - 10'	11'
Side - 7.5'*	11'

\*The requirement for a side setback is actually 10' due to the landscape buffer requirement. This is more strict than the general zoning district requirement

# Staff Recommendation

Staff recommends the approval of the proposed Business CUP with the requirement of a 4' wide sidewalk extension along the 7<sup>th</sup> street Right of Way

# Motion from Planning & Zoning

- Approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide a 4' wide sidewalk on either side of the drive aisle along the 7<sup>th</sup> street Right of Way and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)
  - (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.;
  - (2) That the use meets all required conditions and specifications;
  - (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
  - (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.

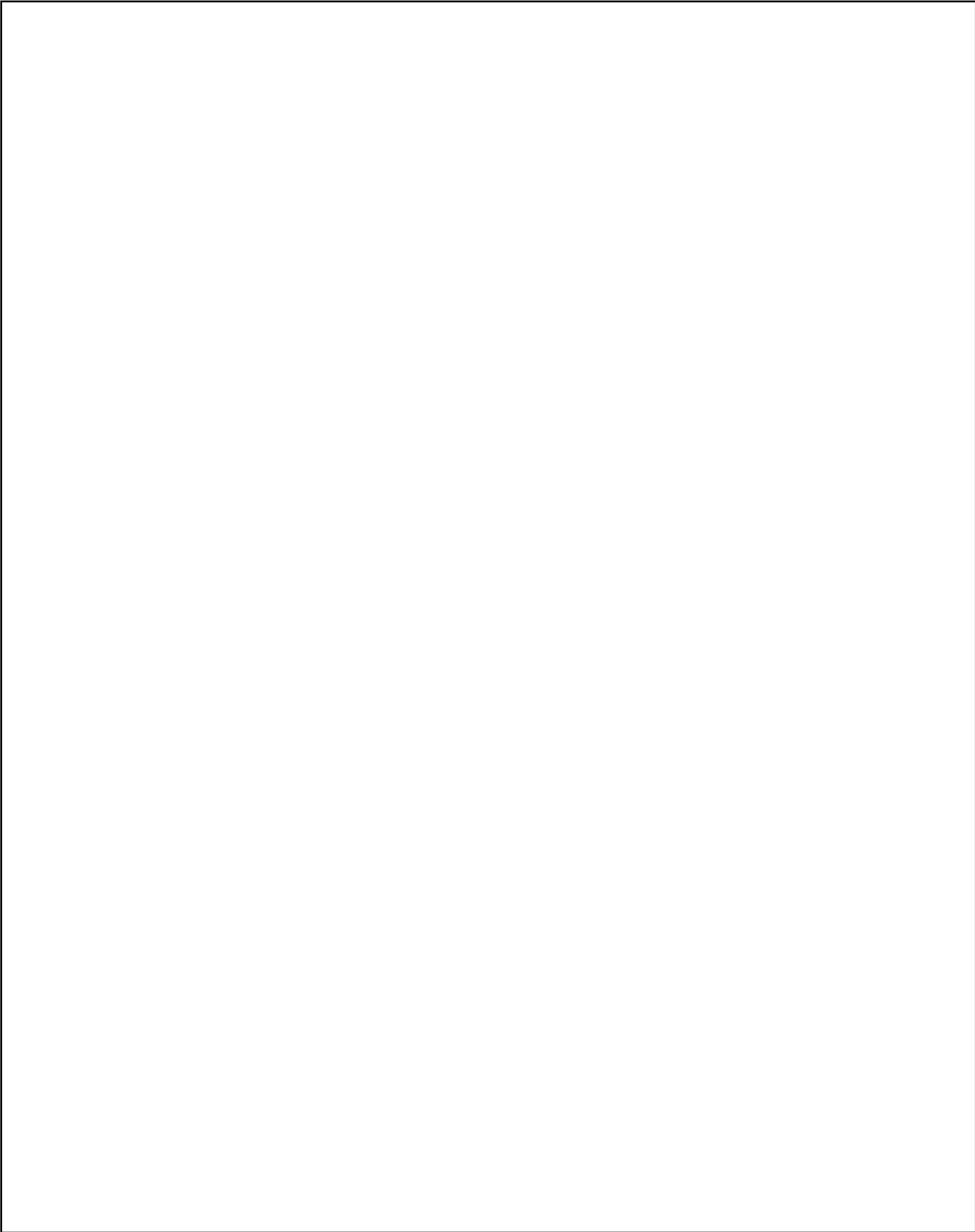


**AGENDA ITEM**

Meeting: Planning and Zoning - 11 June 2020  
Prepared By: Jeremy Hardison  
Department: Planning

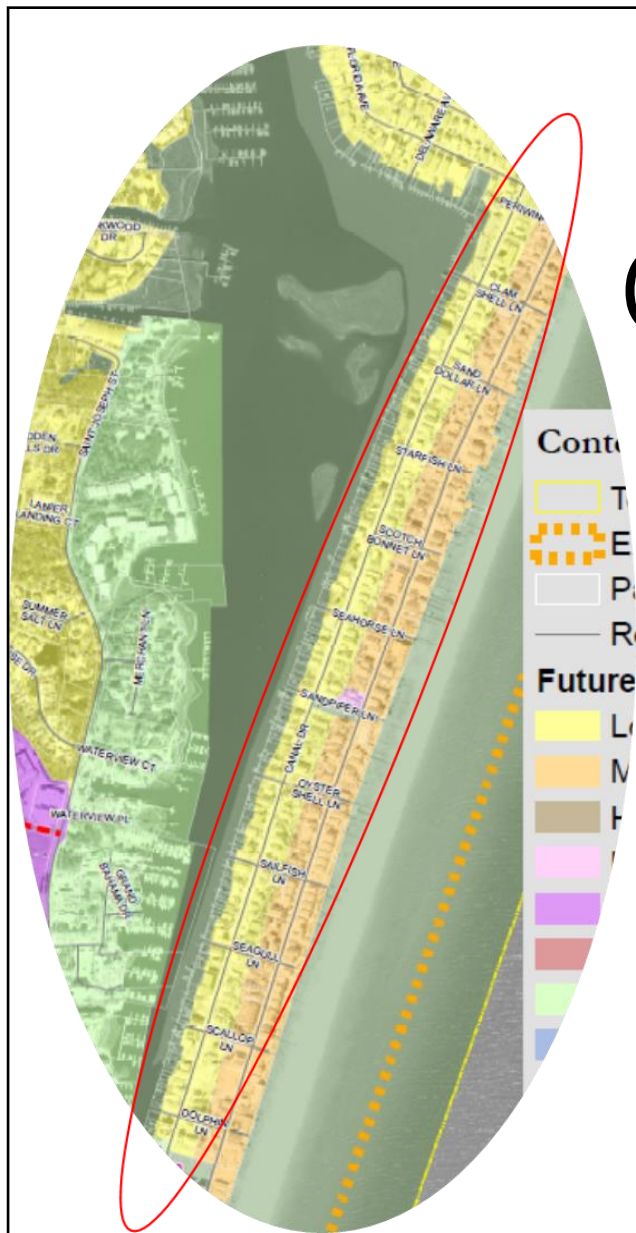
**CAMA Land Use Plan Draft Review**

- BACKGROUND:** Below is a link to the current draft, which includes the Planning & Zoning Commission recommendation:  
<https://www.carolinabeachcamaupdate.com/resources>. An overview of the changes that were voted on at the P&Z meeting in March are in the attached power point.
- COMMITTEE RECOMMENDATION:** Recommend the adoption of the 2020 land use plan update. Town Council is planning on hearing this at the regular scheduled Council meeting in July.
- ATTACHMENTS:** [LUP](#)





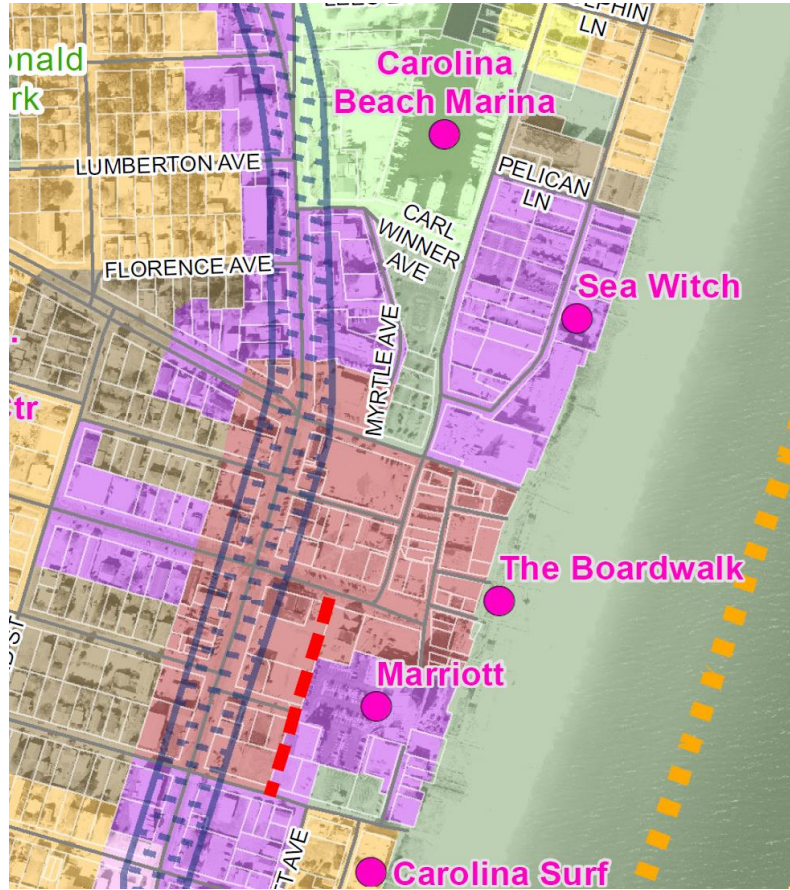
# Change Canal Dr from Low to Medium Density





- Change west side of Bonito Ln from Low to Medium Density

# Mirror Downtown Business Area Classification to CBD zoning

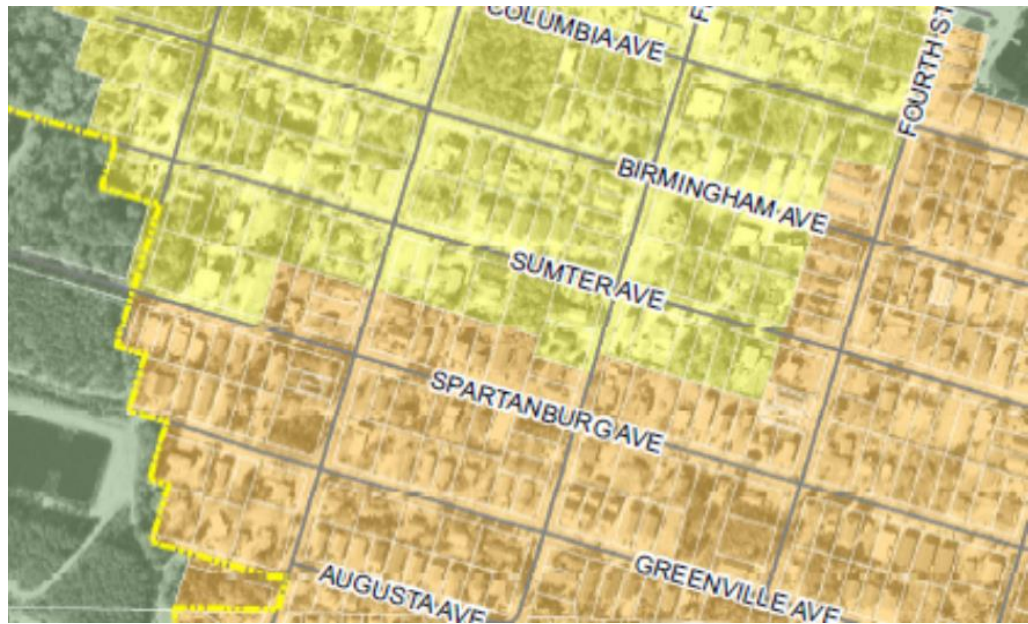


LUP Map

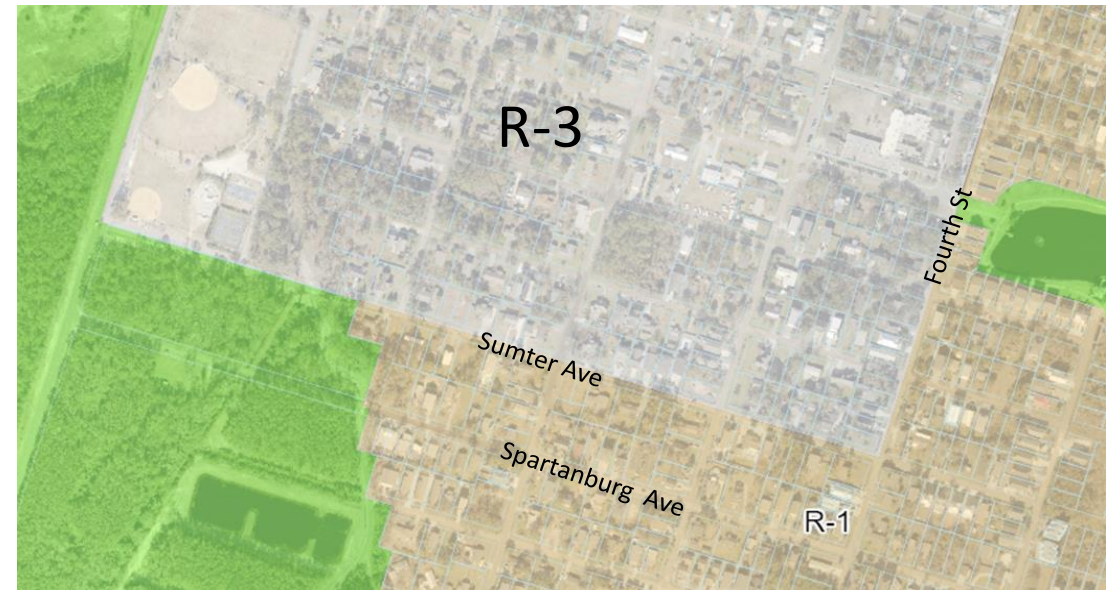


Zoning Map

## Mirror Low Density area with the R-3 zoning



Land Use  
Plan



Zoning Map

# Remove the Gateway Corridor overlay district and the term in the LUP



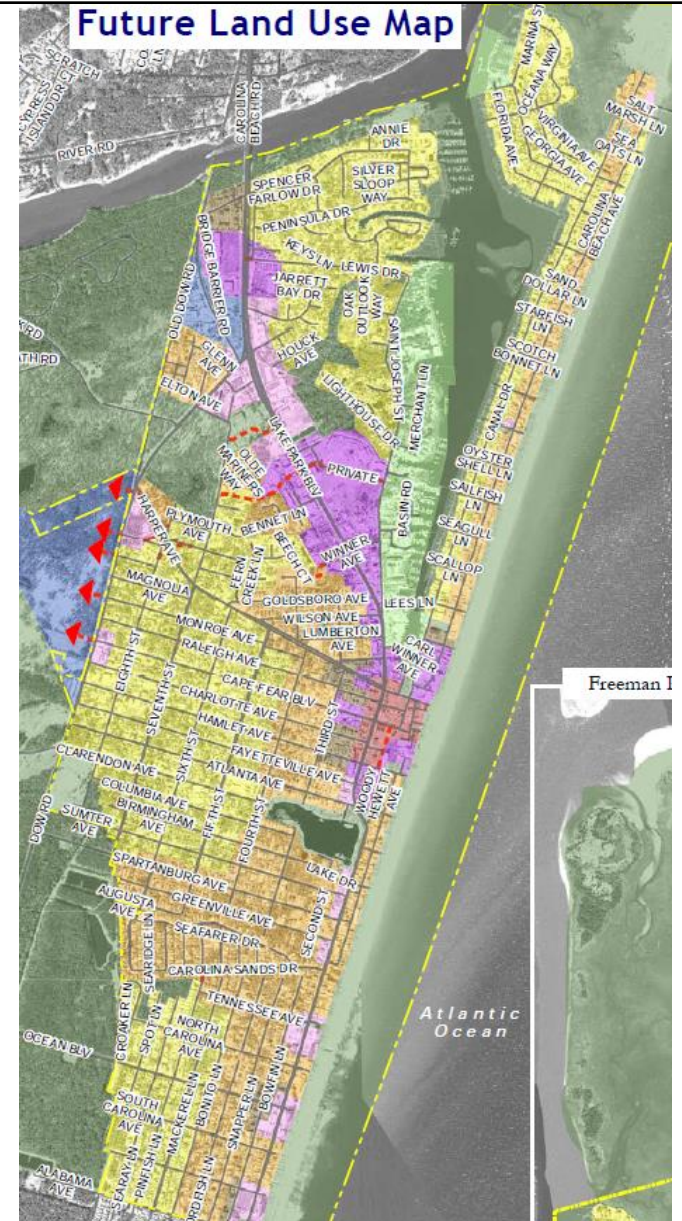
# Amendment to LUP



## **Medium Density Residential**

Mostly medium-sized lots (~5,000-9,000 sq ft)

Minimum lot size 5,000 sq. ft.



## LUP Verbiage LU-3.1 Pg 52

- New Language

Explore the town purchasing lots in flood prone areas around the lake or discouraging development in that area, (2020-2021)

- Old language

Adjust the zoning code, possibly with an overlay district, to restrict development in flood prone areas around the lake (2020-2021)