



CAROLINA BEACH
Planning and Zoning Meeting Agenda
Thursday, February 13, 2020 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

	Page
1. CALL TO ORDER	
2. APPROVAL OF MINUTES	
a.	3 - 6
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 1230 N. Lake Park Blvd for a Business Planned Unit Development Applicant: Bryant Real Estate Investments, LLC	7 - 28
•Approve the CUP in accordance with the draft grant order and that the proposal 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.	
b. Consider a Conditional Use Permit located at 1012 S. Lake Park Blvd for a 2	29 - 48

unit detached Business Planned Unit Development Applicant: Ralph Roof

- Approve the CUP in accordance with the draft grant order and that the proposal 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.

c. CAMA Land Use Plan Draft Review

Bring back the plan to P&Z for review with any proposed changes or recommend to forward the plan to Town Council with any proposed changes.

7. NON-AGENDA ITEMS

8. ADJOURNMENT

CAROLINA BEACH

Planning and Zoning Commission and Town Council Joint Meeting Minutes
 Thursday, January 9, 2020 @ 6:30 PM
 Council Chambers
 1121 N. Lake Park Boulevard
 Carolina Beach, NC 28428

ASSEMBLY

A Joint Meeting of the Town of Carolina Beach Planning and Zoning Commission and the Town Council was held on Thursday, January 9, 2020, at 6:30 PM at Council Chambers.

PRESENT: Mayor LeAnn Pierce, Mayor Pro Tem Jay Healy, Council Member Lynn Barbee, Council Member Steve Shuttleworth, Council Member JoDan Garza, P&Z Chairman Keith Bloemendaal, P&Z Commissioner Mike Hoffer, P&Z Commissioner Wayne Rouse, P&Z Commissioner Melanie Boswell, P&Z Commissioner Deb LeCompte, and P&Z Commissioner John Ittu

ALSO PRESENT: Interim Town Manager Ed Parvin, Town Clerk Kim Ward, and Town Attorney Noel Fox

1. MAYOR PIERCE CALLED THE MEETING TO ORDER

2. APPROVAL OF MINUTES

a. Planning and Zoning – 12 Dec 2019 – Minutes

ACTION: Motion to approve minutes.

Motion: Commissioner Rouse

Vote: UNANIMOUS

3. PUBLIC DISCUSSION

a. CAMA Land Use Plan Update

Town Director of Planning and Development Jeremy Hardison introduced the meeting's purpose and attendees and recognized the Town's Ad-Hoc Land Use Plan Steering Committee. He also gave background information on the Land Use Plan, which is regarded as a community blueprint for growth, not an ordinance, and looks at the future and vision of the area. It is a requirement of the 1974 Coastal Area Management Act (CAMA) and is meant to provide forethought in addressing coastal resources regarding new development and redevelopment.

Jay McLeod, a land use planner with Stewart who specializes in assisting small and mid-size governments, gave a more detailed presentation of the Land Use Plan, including details about the plan update process, public engagement, plan development, and next steps. He said the endeavor kicked off in October 2018 with a stakeholders meeting followed by the first Steering Committee meeting in November 2018. Since then, the Steering Committee has met at least every month and also held open houses and other outreach to get public feedback and input, including a survey that generated 494 responses in three weeks. He said a Land Use Plan is required in the 20 coastal counties of North Carolina for the review and issuance of CAMA permits. It is a guide and a series of recommendations but doesn't tie hands and isn't zoning, although it is considered when zoning decisions are made. The proposed draft of a future land

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use map covers residential, commercial/mixed use, and employment/special areas. The overview of policy recommendations takes the following into consideration: CAMA plan format, public access, land use compatibility, infrastructure-carrying capacity, natural hazard areas, water quality, and specific local concerns. He said the next step is for the Planning and Zoning Commission to recommend approval of the proposed Land Use Plan to Town Council for approval.

Chairman Bloemendaal opened the floor for public comment.

Thomas O. Tucker of 707 Harper Avenue, a Carolina Beach resident for over seven decades who has owned Tucker Bros. Realty Co. since 1973, said a report generated via an inquiry by Cape Fear Realtors brought up some issues that the Town needs to take into account when considering the Land Use Plan. His main concern is the implication that the Land Use Plan is superior to the zoning ordinance, which could result in zoning ordinances having to be changed to match the Land Use Plan within a certain time. He said in the past the Land Use Plan has been a mirror image of zoning and should stay that way. Mr. Tucker said he doesn't think property owners understand the ramifications of this. He said retirees and other homeowners may have to bear the burden of more taxes to keep revenue unchanged if the Land Use Plan results in a smaller business district. Mr. Tucker said there are potential pitfalls in the process.

Maura Kropke of 104 Tennessee Ave. said this is the third or fourth meeting in which she has expressed the same concern about the possibility of her and her neighbors living next to a commercial development under the proposed Land Use Plan. She said she didn't see any benefit to residents or property owners and asked for removal of this new designation.

Greg Vernon of 1123 S. Lake Park Blvd. and owner of Sea Ranch Motel who has lived in the area since he was 3 said some of the changes in the Land Use Plan are going to create problems and change the character of certain areas. He said the Town has a commercial district for a reason and the area where the motel is shouldn't be one.

Greg Reynolds of 709 Canal Drive said he had concerns about the Land Use Plan changing Canal Drive to low intensity when it is currently high intensity. He said he is worried that everything will have to be rezoned and existing structures will become nonconforming based on the proposed Land Use Plan. Mr. Reynolds said the Land Use Plan would only allow one residence on properties where there are currently nine, for example. He said it is too drastic of a jump and worries about future devaluing of properties.

Julie Damron of 1601 Carolina Beach Ave. N. said she took inventory of the dwellings on Canal Drive and Carolina Beach Avenue North and counted an astronomical number of high-density buildings in those areas. She said even if we don't want more we need to embrace what we have because we make much more property tax revenue on high density than single family and the Town would possibly be giving up a lot of money and funding for infrastructure. She also said high-density dwellings provide affordable housing and that she would like to keep things the way they are. She said the survey reiterated that residents don't want major changes.

Cynthia Remahl of 1506 Canal Drive said she was concerned about the proposed Land Use Plan's ramifications for the north end. She said some of the proposed changes take away from people's personal property rights and could create nonconforming uses that may prevent

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lenders from offering financing on properties. She said the changes could devalue property, increase taxes, and result in people going into foreclosure if they can't sell. She said approval of the Land Use Plan as it is would hurt many citizens due to downzoning, and the Town needs to look at things parcel by parcel and section by section.

There were no further public comments.

Commissioner Rouse said he was concerned about the idea that eventually zoning will need to be brought into compliance with the approved Land Use Plan. He said although zoning isn't being changed initially, it seems like it's the first step toward that. Mr. Rouse added that one of the requirements in considering a request for a conditional-use permit request is that it must be in conformity with the Land Use Plan.

Chairman Bloemendaal said language in the Land Use Plan about rezoning seems to contradict itself and he has brought this up multiple times but never received clarification.

Mr. McLeod said the Land Use Plan doesn't require any rezoning or create nonconformities. He said those are created by Town code, which is known for being lenient, and the Land Use Plan doesn't change that. Mr. McLeod said the Land Use Plan does not require the Town to bring zoning into conformity with the Land Use Plan but is a vision of an ideal future that may not ever come to fruition.

Council Member Shuttleworth said he shares some of the community's concerns and thinks the Land Use Plan labels for Canal Drive and Carolina Beach Avenue North are not descriptive of the current state of that area. He said he likes the idea of the corridor but isn't sure about requiring parking in the back. He thinks that should be a free market decision. He would like to hear more from the Steering Committee about how some of those decisions were made. He thinks the Land Use Plan could be setting up conflict.

Chairman Bloemendaal said he agreed and thinks many elements of the Land Use Plan could create problems for the Planning and Zoning Commission and Town Council.

Commissioner Rouse said he is on the Steering Committee and that a vote was never taken on the current draft of the Land Use Plan. He said the Town needs to be careful when it comes to decisions that affect people's property.

Council Member Garza said all issues of concern should be addressed before any further action is taken. He asked that this take place in the next seven days due to the need for rapid answers.

Chairman Bloemendaal said he is not a fan of sweeping changes, especially in the Central Business District, and he would like to see smaller changes in the Land Use Plan. He said he also wants clarification in the Land Use Plan verbiage about rezoning and requests that the Town Attorney give input on this matter.

ACTION: Motion to bring the Land Use Plan as it's written to the Planning & Zoning Commission for its February meeting and ask Town staff to reach out to Steering Committee members so they can be in the audience.

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Motion: Commissioner Rouse
Vote: UNANIMOUS

4. ADJOURNMENT

The meeting adjourned at 8:00 PM.

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AGENDA ITEM

Meeting: Planning and Zoning - 13 Feb 2020

Prepared By: Miles Murphy

Department: Planning

Consider a Conditional Use Permit located at 1230 N. Lake Park Blvd for a Business Planned Unit Development Applicant: Bryant Real Estate Investments, LLC

BACKGROUND:

The applicant, Bryant Real Estate., is requesting a Conditional Use Permit (CUP) to build a two-unit business PUD comprised of an existing one office building and a proposed building with office and warehouse space at 1230 N. Lake Park Blvd. The parcel is zoned HB which allows Business PUDs.

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 be via Risley Rd.

(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 based off the parking requirements for office and warehouse space

- 1 per 300ft² of office and 1 per 5000ft² of warehouse for a total of 23 parking spaces

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

- Trash service will not be altered

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

- Stormwater and utilities will be dealt with by standard methods

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

- There will be a minimum of a 10' landscape buffer around the second building and 5' around the preexisting structure

(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 additional signage is proposed at this time
- Any new signs would have to comply with the sign ordinance

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

- There is no require yard or open space beyond general zoning standards for a residential PUD
- Minimum of 15' between structures
- Minimum of 10% of open space
- Below maximum of 60% 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.;

- Business PUDs are permitted in HB and the zoning standards are being followed

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

- The proposed CUP meets all required conditions.
- They are not asking for any waivers or modifications.

(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 use will conform with the HB zoning district and be buffered from adjacent residential uses

(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 Commercial 1 area includes a continued use as a highway business corridor. Single-family residential uses will be allowed if they are dependent and subordinate to commercial uses. Transportation and traffic improvements are encouraged and will be sought from sources such as the Metropolitan Planning Organization's Long-range Transportation Plan, the North Carolina Department of Transportation's Transportation Improvement Program, the North End Traffic and Circulation Study, and a planned Fiscal Year 07-08 Town-wide Transportation Plan. Commercial uses in Commercial 1 shall primarily include retail, office, restaurant, entertainment, and service. Building height on property abutting Highway 421/Lake Park Boulevard shall not exceed a 50' maximum. Building height on property not abutting Highway 421/Lake Park Boulevard shall not exceed a 60' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (A). 10,000 square foot lot minimums will be required. Lot coverage will

not be allowed to exceed 60%. Stormwater, signage and lighting regulation should continually be addressed to meet future needs, issues or problems, given the predominant commercial use of the area.

ACTION REQUESTED:

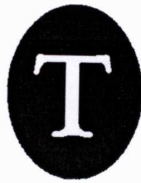
- Approve the CUP in accordance with the draft grant order and that the proposal meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
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 - (2) That the use meets all required conditions 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 approval of the CUP

ATTACHMENTS:

- [19-C09 CUP App](#)
- [19008-C2 01-08-20](#)
- [1230 LPBN PUD - PPT](#)



Job No. 19008

Date: 11-05-19

19-C09

TRIPP ENGINEERING, P.C.
419 Chestnut Street, Wilmington, NC 28401
Phone: (910) 763-5100 • FAX: (910) 763-5631
Email: trippeng@ec.rr.com

LETTER OF TRANSMITTAL

To: Town of Carolina Beach
Attention: Planning Department
Subject: Bryant Real Estate 2

_____ FAX TRANSMITTAL: NUMBER OF PAGES INCLUDES COVER _____

I am sending you: (X) ATTACHED () UNDER SEPARATE COVER

(X) Prints () Tracings () Copy of letter () Specifications (X) Other

Copies	Item No.	Description
1		Conditional Use Permit Application
1		\$800 Check
1	C1-C3	Site Plans and Details
1		Pdf Disk

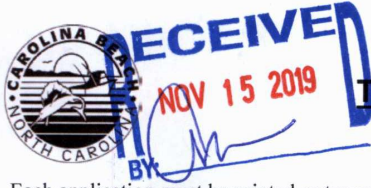
These are transmitted as checked below:

() For Approval () For Your Use () Sign & Return (X) Review

Remarks: Please schedule this project for the December 16, 2019 TRC meeting. Please contact us if you need any additional information. Thank you.

cc: _____

Signed: Phil Tripp



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

Permit Number: 19-C09

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.

 2019 Submission Deadlines & Meeting Dates					
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): 1230 N. Lake Park Blvd.

PIN(s): R08810-005-002-000

Project Name Bryant Real Estate 2

Size of lot(s): 0.91 ac

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):

The proposed building will provide an accessory structure for the existing real estate business and tenant space for lease

C. Applicant Contact Information

Bryant Real Estate Investments, LLC

Company/corporate Name (if applicable):

Mark Bryant

Applicant's Name

1001 N. Lumina Ave.

Mailing Address

Wrightsville Beach, NC 28480

City, State, and Zip Code

910-352-1372

Telephone

mbryant@bryantre.com

Email

D. Owner Contact Information (if different)

Bryant Real Estate Investments, LLC

Owner's Name

1001 N. Lumina Ave.

Mailing Address

Wrightsville Beach, NC 28480

City, State, and Zip Code

910-352-1372

Telephone

mbryant@bryantre.com

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:

The proposed building will provide an accessory structure for the existing real estate business and tenant space for lease. The owner has spent much time and effort to create an architecturally pleasing facility and the second building will be a compliment. Health and safety are both addressed through the layout. It is open with great visibility and accessibility to Risley Rd. and North Lake Park Blvd.

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

No waivers are requested.

- 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:

The property has been improved and the tax value increased significantly over the previous usage. The improvements and increased value should reflect positively on all the neighboring properties. The owner/business owner connects vacationers and vacation homes in and around Pleasure Island. The second building will enhance their ability to service customers from this location, it also supplements a return on the investment.

- 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.:

The property is located within a Neighborhood Commercial node area as per the Land Use Plan. The existing and proposed facilities provide a commercial service to the local community. The property owners are residents of the County and are good neighbors to this area and will continue to be by attracting tenants with like-minded attitudes.

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:

The proposed facility will utilize existing driveway connection onto Risley Road. The property is of nearly new construction and the site complies with Town of Carolina Beach parking, pedestrian and fire requirements. The site plan was developed with the possibility a second building built into the design.

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.

The parking facilities are constructed. Noise and glare will be confined between the two buildings.

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

Solid waste is through road side carts.

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.

Water and sewer are available along Risley Road. Stormwater improvements were installed in the previous phase to accommodate the second building as is.

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

Screening and buffers were established with the earlier phase and will be protected and maintained throughout the construction of the proposed phase.

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;

Signage will be provided on the storefront of the proposed building and will be in accordance with Town regulations. Exterior lighting for the parking lot as well as

Building lighting will be added to the front of the proposed building and faces the rear of the existing building, providing for screening of the light between the two buildings.

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

The protection of trees was important from the start of phase one. The existing building and parking were situated to provide for the protection of several existing

large oak trees. The second building is to be placed in a remaining vacant area of the property and will avoid disturbance and provide protection to adjacent vegetation.

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	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Engineers scale 1 inch = 40 ft or larger
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title block or brief description of project including all proposed uses
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Date
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	North arrow
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property and zoning boundaries
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The square footage of the site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lot coverage (buildings, decks, steps)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of all existing and proposed structures and the setbacks from property lines of affected structures to remain on-site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Design of driveways and parking
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjacent right-of-ways labeled with the street name and right of way width
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Location and design of refuse facilities
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approximate locations and sizes of all existing and proposed utilities
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing and/or proposed fire hydrants (showing distances)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjacent properties with owners' information and approximate location of structures
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distances between all buildings
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Number of stories and height of all structures
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Locations of all entrances and exits to all structures
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Calculate the gross floor area with each room labeled (i.e. kitchen, bedroom, bathroom)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of flood zones and finished floor elevations
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CAMA Areas of Environmental Concern (AEC) and CAMA setbacks
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Delineation of natural features and wetlands with existing and proposed topography with a maximum of two foot contour intervals
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Proposed landscaping including percentages of open space
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater management systems
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cross-sectional details of all streets, roads, ditches, and parking lot improvements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Building construction and occupancy type(s) per the building code
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Location of fire department connection(s) for standpipes
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Turning radii, turnarounds, access grades, height of overhead obstructions
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dimensions and locations of all signs
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	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 Tripp Engineering

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.



Signature

11/15/19

Date


AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Mark Bryant, does hereby appoint Tripp Engineering 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: 11/5/19

Appointee's Name, Address & Telephone:

Phil Tripp
419 Chestnut St
Wilmington NC 28401
910-763-5100

Signature of Owner: 

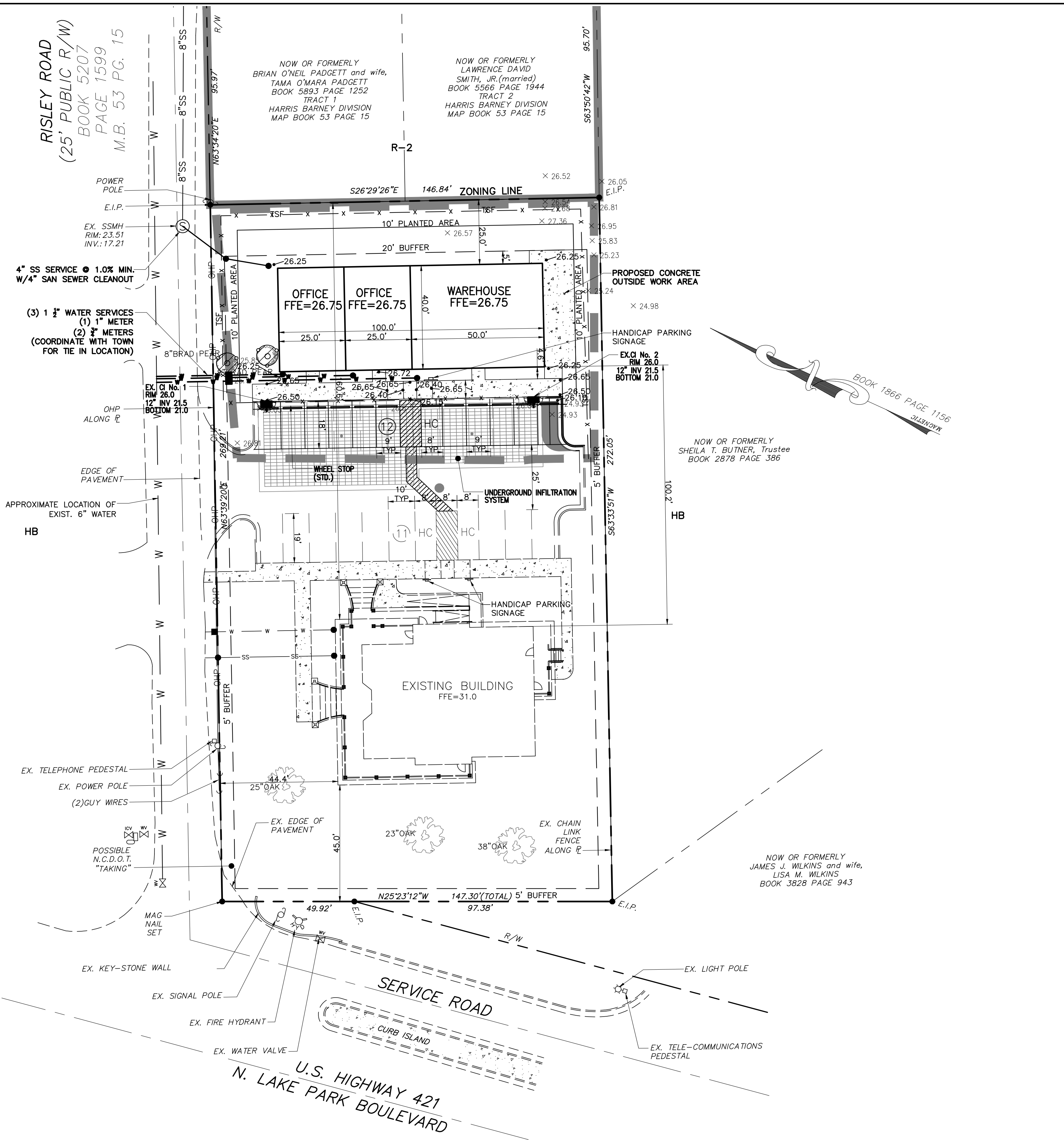
REVISIONS		
NO.	DESCRIPTION	BY

LOCATION MAP



NOTE:
SITE TO PROVIDE ROLL OUT CARTS
FOR HANDLING SOLID WASTE.

NOTE:
CONTRACTOR SHALL COORDINATE WITH
THE TOWN OF CAROLINA BEACH TO
LOCATE EXISTING WATER AND
SANITARY SEWER CONNECTIONS.
LOCATE AND CONTACT ENGINEER PRIOR
TO INSTALLATION OF ANY SERVICES.



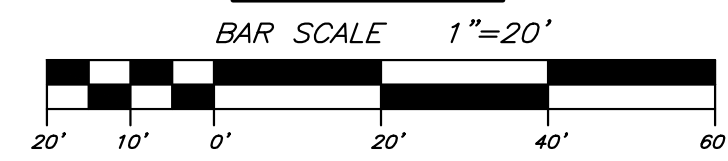
SITE DATA:

PROPERTY OWNER	ROBERT D BRYANT
PROJECT ADDRESS	1230 N LAKE PARK BLVD
PROJECT NUMBER	RO8810-005-002-000
PROPERTY NOT LOCATED IN A FLOOD ZONE	
ZONING DISTRICT	HB
TOTAL TRACT AREA	39,799 SF/0.91 AC
DISTURBED AREA	0.31 AC
SETBACKS REQUIRED	FRONT: 30' REAR: 20' SIDE: 10' CORNER SIDE: 12.5'
PROPOSED BUILDING SETBACKS	FRONT: 44.4' REAR: 20' SIDE: 160.6' CORNER SIDE: 45'
BUILDING USE	OFFICE
BUILDING CONSTRUCTION TYPE	V
BUILDING OCCUPANCY TYPE	BUSINESS (GROUP B)
PROPOSED BUILDING AREA (GROSS)	4,000 SF
BUILDING LOT COVERAGE INCLUDING ROOF (8,685/39,799)	21.82%
NUMBER OF PROPOSED BUILDINGS	1
NUMBER OF PROPOSED STORIES	1
BUILDING HEIGHT PROPOSED	20'
EXISTING IMPERVIOUS AREAS:	
EXISTING BUILDING	4,685 SF
EXISTING ASPHALT	7,845 SF
EXISTING CONCRETE	2,060 SF
IMPERVIOUS REMOVED	57 SF
EXISTING IMPERVIOUS AREA	14,533 SF (29.4%)
PROPOSED IMPERVIOUS AREAS:	
PROPOSED BUILDING	4,000 SF
PROPOSED ASPHALT	171 SF
PROPOSED CONCRETE	1479 SF
EXISTING IMPERVIOUS TO REMAIN	14,533 SF
FUTURE	1,407 SF
TOTAL IMPERVIOUS AREA	21,590 SF (54.3%)
PARKING CALCULATIONS BASED ON OFFICE BUILDING	
FLOOR 1	2,687 SF
FLOOR 2	1,861 SF
2 OFFICES ATTACHED TO WAREHOUSE	2,000 SF
WAREHOUSE	2,000 SF
OFFICE PARKING SPACES REQUIRED (1/300 SF = 6,578/300)	22
WAREHOUSE PARKING SPACE REQUIRED (1 PER 5,000 SF OF WAREHOUSE SPACE)	1
TOTAL REQUIRED PARKING	23
PARKING SPACES PROVIDED	23
HANDICAP PARKING REQUIRED	1
HANDICAP PARKING PROVIDED	1

LEGEND

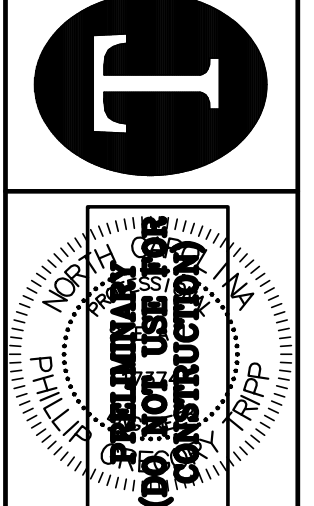
- EXISTING SPOT ELEVATION
- PROPERTY BOUNDARY
- SS PROPOSED SANITARY SEWER
- W PROPOSED WATER
- LIMITS OF DISTURBANCE
- TSF x TSF TEMPORARY SILT FENCE
- PROPOSED CONCRETE AREA
- PROPOSED UNDERGROUND INFILTRATION SYSTEM
- TREE PROTECTION - DO NOT DISTURB
- 27.75 PROPOSED SPOT ELEVATION

SITE PLAN



TRIPP ENGINEERING, P.C.
419 Chestnut Street
Wilmington, North Carolina 28401
Phone 910-763-5100
Fax 910-763-5631
© 2013 TRIPP ENGINEERING, P.C.

BRYANT REAL ESTATE
CAROLINA BEACH, NORTH CAROLINA



DATE 01-08-20
DESIGN PGT
DRAWN JET/EJW

C2
SHEET 2 OF 3
19008



Conditional Use Permit:
1230 N. Lake Park Blvd – Planned Unit Development

February 13th, 2020
Miles Murphy – Planner



Location: 1230 N. Lake Park Blvd

Applicant: Bryant Real Estate

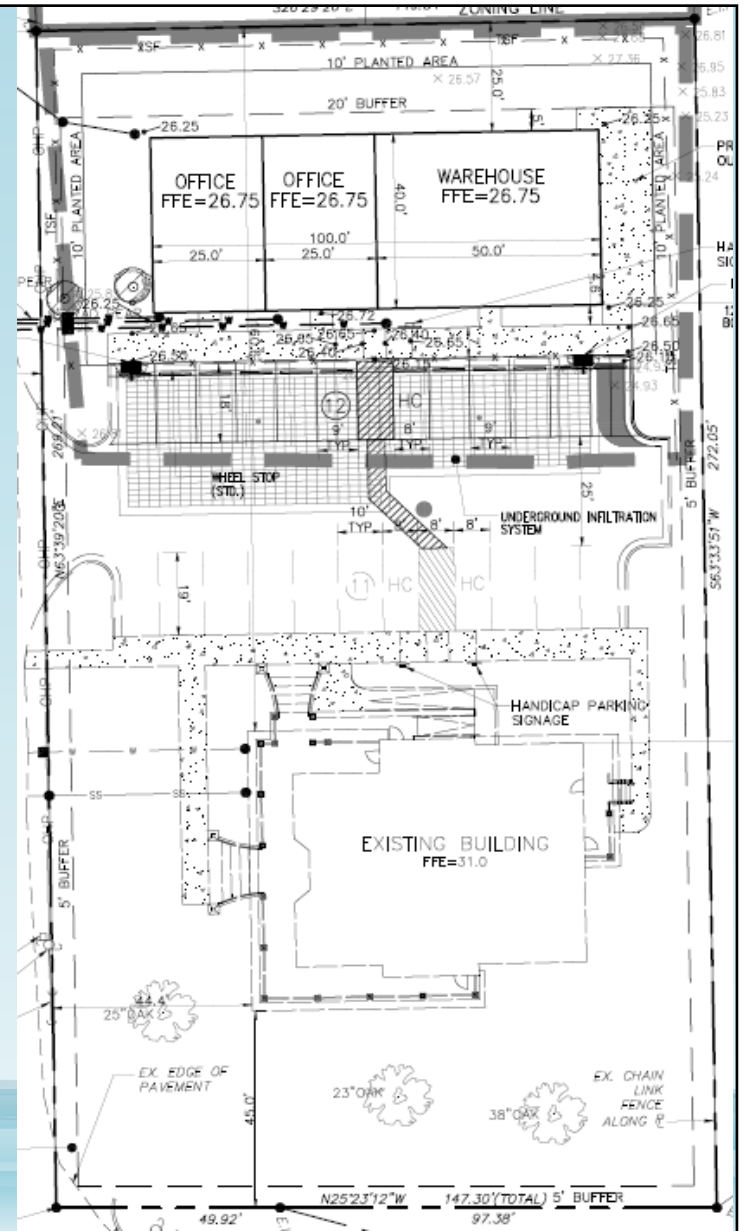
ARTICLE III. – ZONING DISTRICT REGULATIONS

ARTICLE V. – OFF-STREET PARKING AND LOADING REQUIREMENTS; PARKING

USES OF LAND	HB
Planned unit development, business (See article XII of this chapter)	C

OFFICE PARKING SPACES REQUIRED (1/300 SF = 6,578/300)	22
WAREHOUSE PARKING SPACE REQUIRED 1 PER 5,000 SF OF WAREHOUSE SPACE	1
TOTAL REQUIRED PARKING	23
PARKING SPACES PROVIDED	23
HANDICAP PARKING REQUIRED	1
HANDICAP PARKING PROVIDED	3

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁵	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot- Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
HB	Highway Commercial	10,000 sq. ft.	100 ft.	30 ft.	15 ft., or 20 ft. if abutting a residential district	10 ft.	NA	50 ft. ²	60%





1230 LPBN



Adjacent Properties



1300 LPBN



1206 LPBN

Adjacent Properties



100-101
Moorefield



101-103
Moorefield

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.;
 - Business PUDs are permitted in HB and the zoning standards are being followed
- (2) That the use meets all required conditions and specifications;
 - The proposed CUP meets all required conditions.
 - They are not asking for any waivers or modifications.
- (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 use will conform with the HB zoning district and be buffered from adjacent residential uses
- (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 Commercial 1 area includes a continued use as a highway business corridor. Single-family residential uses will be allowed if they are dependent and subordinate to commercial uses. Transportation and traffic improvements are encouraged and will be sought from sources such as the Metropolitan Planning Organization's Long-range Transportation Plan, the North Carolina Department of Transportation's Transportation Improvement Program, the North End Traffic and Circulation Study, and a planned Fiscal Year 07-08 Town-wide Transportation Plan. Commercial uses in Commercial 1 shall primarily include retail, office, restaurant, entertainment, and service. Building height on property abutting Highway 421/Lake Park Boulevard shall not exceed a 50' maximum. Building height on property not abutting Highway 421/Lake Park Boulevard shall not exceed a 60' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (A). 10,000 square foot lot minimums will be required. Lot coverage will not be allowed to exceed 60%. Stormwater, signage and lighting regulation should continually be addressed to meet future needs, issues or problems, given the predominant commercial use of the area.

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 be via Risley Rd.
- (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 based off the parking requirements for office and warehouse space
 - 1 per 300ft² of office and 1 per 5000ft² of warehouse for a total of 23 parking spaces
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash service will not be altered
- (4) Utilities, with reference to locations, availability, and compatibility;
 - Stormwater and utilities will be dealt with by standard methods
- (5) Screening and buffering with reference to type, dimensions, and character;
 - There will be a minimum of a 10' landscape buffer around the second building and 5' around the preexisting structure
- (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 additional signage is proposed at this time
 - Any new signs would have to comply with the sign ordinance
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.
 - There is no require yard or open space beyond general zoning standards for a residential PUD
 - Minimum of 15' between structures
 - Minimum of 10% of open space
 - Below maximum of 60% lot coverage

Required	Proposed
Front - 30'	N/A
Rear - 20'	25'
Side - 12.5/7.5'	25'

Staff Recommendation

Staff recommends the approval of the CUP

Motion from Planning & Zoning

- Approve the CUP in accordance with the draft grant order and that the proposal 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 - 13 Feb 2020

Prepared By: Miles Murphy

Department: Planning

Consider a Conditional Use Permit located at 1012 S. Lake Park Blvd for a 2 unit detached Business Planned Unit Development Applicant: Ralph Roof

BACKGROUND:

The applicant, Ralph Roof, is requesting a Conditional Use Permit (CUP) to construct a business Planned Unit Development by placing a second commercial structure on 1012 S. Lake Park Blvd. This is separate CUP, not an update from the previous CUP. The previous CUP was denied by Town Council in December based on a lack of staff approval. Staff did not approve of the previous CUP due to its landscape buffer waiver request.

The Applicant has changed the design to fully meet the landscape buffer (excluding the preexisting nonconformity) and altered the proposed parking design. The parcel is zoned NB which now allows Business as of a Text Amendment decision on 10/8/2019 by Town Council.

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 S. Lake Park Blvd

- The parking lot design will accommodate 2-way traffic

(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 in a refuse container on site

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

- Utilities will be provided by Duke and the Town as they are already existing through the access easement
 - New parking improvements will require the grading of the lot so that no stormwater collects on the rear of the property and all stormwater is directed towards Lake Park
 - (5) Screening and buffering with reference to type, dimensions, and character;
 - A 10' landscape buffer is required for this type of development
 - (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 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 require yard or open space beyond general zoning standards for a business PUD
 - Minimum of 15' between structures
 - Minimum of 10% of open space
 - Below maximum of 40% lot coverage
- General conditions.** The *town council*, in granting the permit, must also find that all four (4) of the following conditions exist;
- (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 NB density requirements and the proposed structure follows the setback requirements
 - (2) That the use meets all required conditions and specifications;
 - The proposed CUP does not meet 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 structure 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 Mixed Use 1 area includes a future predominance of single-family and duplex units. Commercial uses shall include lower intensity restaurants and commercial services and retail. Building height shall not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (A) and (B). Density will be moderate with 5,000 to 6,000 square foot lot

minimums for residential uses, with around 15 to 17 units per acre density in Mixed Use 1 areas west of Lake Park Boulevard, and higher density ratios around 29 units per acre for Mixed Use 1 areas east of Lake Park Boulevard (oceanside). A ratio of roughly two-thirds residential to one-third commercial is desired. Lot coverage will not be allowed to exceed 40%.

ACTION REQUESTED:

- Approve the CUP in accordance with the draft grant order and that the proposal 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:

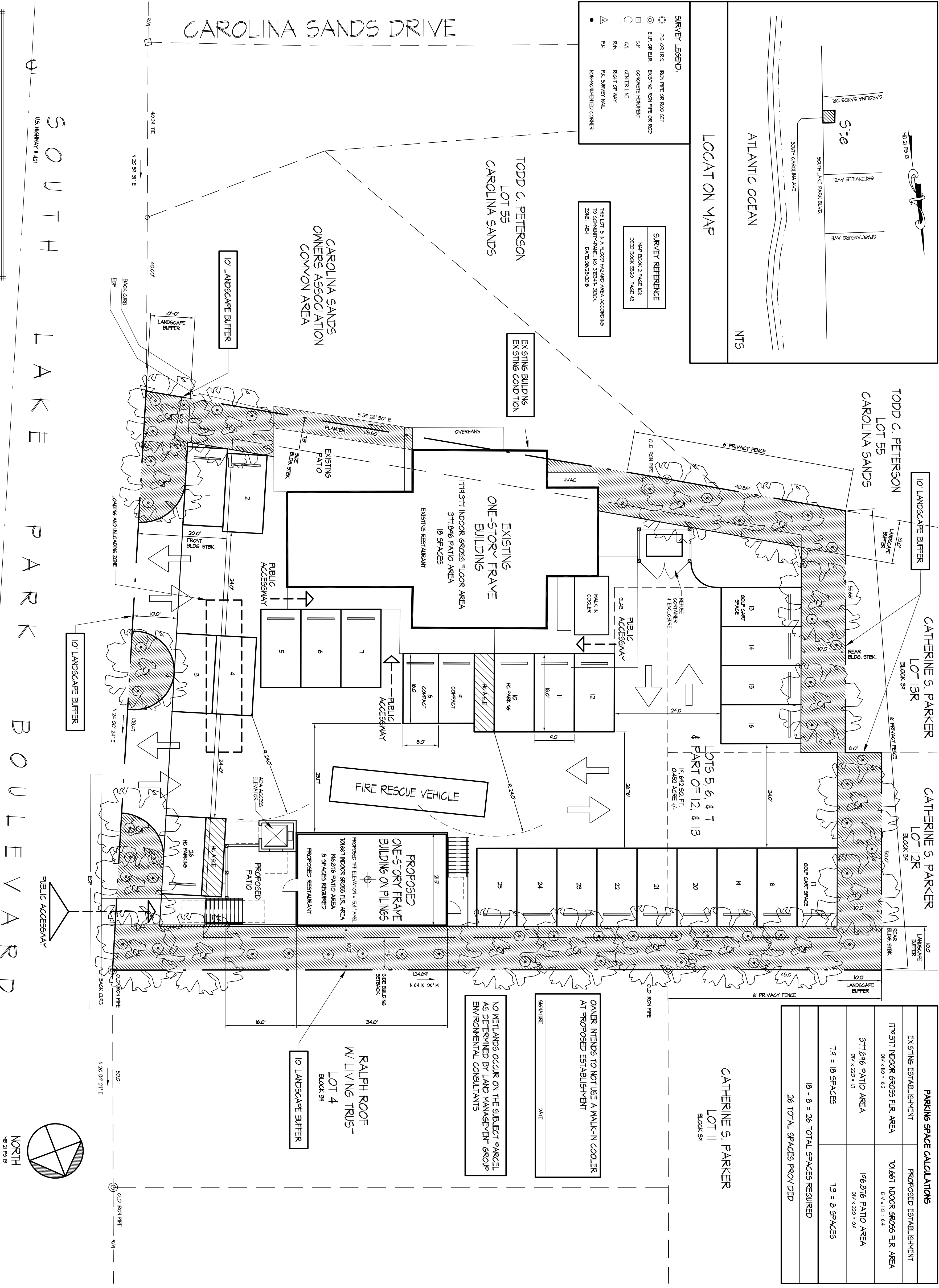
Staff recommends approval of the CUP

ATTACHMENTS:

- [1012B S Lake Park Blvd - Site Plan VI - Jan 2020](#)
- [1012 LPBS PUD](#)
- [20-C01 Application](#)

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THIS PLAN IS A PRELIMINARY DESIGN FOR THE PROPOSED ONE-STORY FRAME BUILDING ON PLOTS 12 & 13, CAROLINA SANDS DRIVE, CAROLINA SANDS COMMON AREA, CAROLINA SANDS OWNERS ASSOCIATION COMMON AREA, SOUTH LAKE PARK BOULEVARD, SOUTH CAROLINA. THIS PLAN IS SUBJECT TO THE APPROVAL OF THE CAROLINA SANDS OWNERS ASSOCIATION AND THE CAROLINA SANDS COMMON AREA. THE CLIENT HAS REPRESENTED THAT THE PROPOSED BUILDING IS NOT A HAZARDOUS WASTE TREATMENT FACILITY AND DOES NOT CONTAIN OR STORE HAZARDOUS WASTE. THE CLIENT HAS REPRESENTED THAT THE PROPOSED BUILDING IS NOT A HAZARDOUS WASTE TREATMENT FACILITY AND DOES NOT CONTAIN OR STORE HAZARDOUS WASTE. THE CLIENT HAS REPRESENTED THAT THE PROPOSED BUILDING IS NOT A HAZARDOUS WASTE TREATMENT FACILITY AND DOES NOT CONTAIN OR STORE HAZARDOUS WASTE.



1 SITE PLAN
SCALE: 1" = 10'

SHEET A1

PDC
PINKSTON DRAFTING COMPANY



Conditional Use Permit:
1012 S. Lake Park Blvd – Business Planned Unit Development

February 13th, 2020
Miles Murphy – Planner



Location: 1012 S. Lake Park Blvd

Applicant: Ralph Roof



1012 LPBS

Adjacent Properties



1016 S. Lake Park Blvd
Carolina Sands HOA



1006 S. Lake Park Blvd

Business PUDs Permitted in R-2

ARTICLE III. – Zoning District Regulations

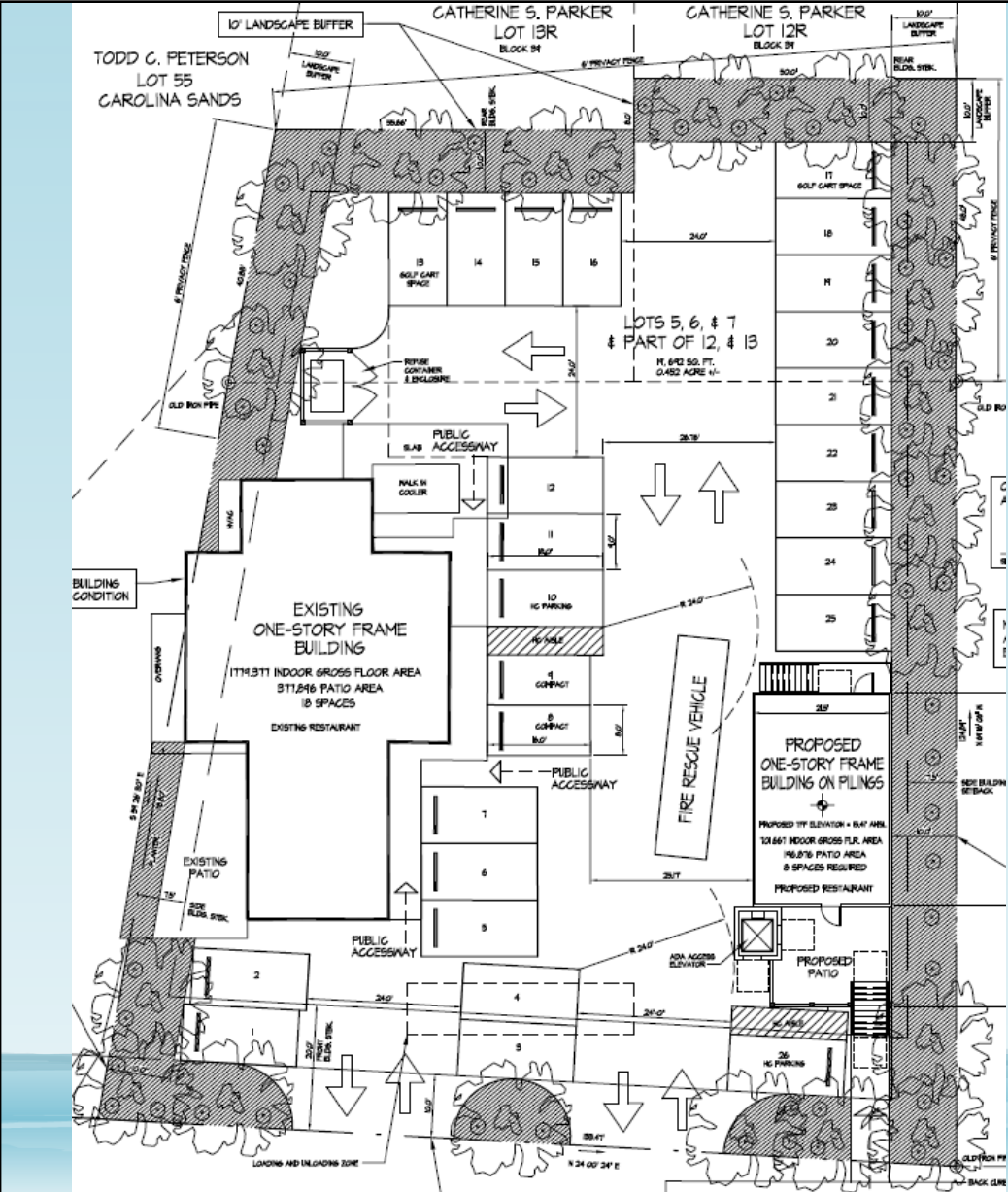
Sec. 40-72. – Table of permissible uses.

USES OF LAND	NB
Planned unit development, business (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 ⁵	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
NB	Neighborhood Goods and Services	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. ²	40%

Design



PARKING SPACE CALCULATIONS	
EXISTING ESTABLISHMENT	PROPOSED ESTABLISHMENT
1774,871 INDOOR GROSS FLR. AREA 217 x 10 = 18.2	101,661 INDOOR GROSS FLR. AREA 217 x 10 = 6.4
811,846 PATIO AREA 217 x 230 = 17	146,876 PATIO AREA 217 x 230 = 0.9
17.4 = 18 SPACES	7.3 = 8 SPACES
18 + 8 = 26 TOTAL SPACES REQUIRED	
26 TOTAL SPACES PROVIDED	

- Landscaping buffer has been met in all areas excluding pre-existing building/patio footprint and adjacent to the proposed structure
- Handicap and access to public ROW is sufficient per building inspector
- Drive aisles and parking meet standards

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 NB 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 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 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 Mixed Use 1 area includes a future predominance of single-family and duplex units. Commercial uses shall include lower intensity restaurants and commercial services and retail. Building height shall not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (A) and (B). Density will be moderate with 5,000 to 6,000 square foot lot minimums for residential uses, with around 15 to 17 units per acre density in Mixed Use 1 areas west of Lake Park Boulevard, and higher density ratios around 29 units per acre for Mixed Use 1 areas east of Lake Park Boulevard (oceanside). A ratio of roughly two-thirds residential to one-third commercial is desired. Lot coverage will not be allowed to exceed 40%.

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 S. Lake Park Blvd
 - The parking lot design will accommodate 2-way traffic
- (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 in a refuse container onsite
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - Utilities will be provided by Duke and the Town as they are already existing through the access easement
 - New parking improvements will require the grading of the lot so that no stormwater collects on the rear of the property and all stormwater is directed towards Lake Park
- (5) Screening and buffering with reference to type, dimensions, and character;
 - A 10' landscape buffer is required for this type of development
- (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 business PUD
 - Minimum of 15' between structures
 - Minimum of 10% of open space
 - Below maximum of 40% lot coverage

Required	Proposed
Front - 20'	23'
Rear - 10'	N/A
Side - 7.5'*	10'

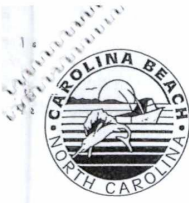
*The requirement for a side setback is actually 10' due to the landscape buffer requirement. This is more strict than the general zoning district requirement

Staff Recommendation

Staff recommends the approval of the proposed Business CUP

Motion from Planning & Zoning

- Approve the CUP in accordance with the draft grant order and that the proposal 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.



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

Permit Number: 20-C01

Each application must be printed or typewritten and have all information answered. It is strongly recommended 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 person, firm, or corporation who 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 be harmonious with the area in which it is proposed to be located and 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 petition will be scheduled for the next possible regular Planning and Zoning Commission meeting. The applicant or a representative should be present at the meeting to answer any questions the Commission may have. Planning and Zoning Commission meetings are held on the second (2nd) Thursday of each month at 6:30 P.M. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Applicants will be informed of any changes in date, time, or location of meetings. Applications and supplementary time for processing and advertisement are required by the General Statutes of North Carolina.

Project Name/Title: Crabby Jacks

Applicant Name: Ralph Roof

Applicant Mailing Address: 105 Tennessee Ave. Carolina Beach NC 28428
Street Address City State Zip

Applicant Phone Number: 919 624 5671 mobile/work/home (circle one): mobile/work/home (circle one):

Applicant Email Address: _____

Property Owner Name: Ralph Roof

Property Owner Mailing Address: Same as above
Street Address City State Zip

Address of Requested Site: 1012 S. Lake Park Blvd. Carolina Beach NC 28428

11/15/2019 10:00 AM
11/15/2019 10:00 AM

Current Land Use: Commercial / Restaurant Requested Land Use: additional Restaurant

Tax Parcel Number: _____

Acreage &/or square footage: _____ Existing Zone: MX

Owner Signature: Ralph Roof Date: 1 / 6 / 20

Owner Printed Name: Ralph Roof

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

Written Application

All zoning permits and/or site plans submitted for review and approval shall be accompanied by a written application containing the following information:

Yes No N/A

- The applicant's, mailing address, phone number, and email address.
- The property owner's name, address and phone number if different than the applicant.
- The *developer's* name, address, and phone number, if different than the applicant.
- If the applicant is different than the property owner of record, a signed statement that the applicant is officially acting on the owner's behalf.
- The address and parcel identification number of the property.
- Proof of *lot* recordation (i.e. map book & pg #; *lot* and block #; and/or deed book and page#).

Site Plan/Drawings

The following site plans shall always be certified and stamped by a licensed professional. It is recommended that all site plans be certified by a licensed professional duly registered by the State of North Carolina (i.e. engineer, architect, or land surveyor).

Yes No N/A

- Conditional Use Permits*
- New commercial or industrial *development*
- Change to a more intense use (i.e. increase in occupancy) for *Multi family/Commercial* uses
- New residential *development* with three or more units

Site Plan Criteria

All site plans shall include the following:

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

I have checked off each of the above boxes and attest that the required information noted on this application checklist is submitted for my project. I understand that if my application is incomplete, that my project may be delayed by one month unless I am able to retrieve the missing portion(s) by the submission deadline.

Ralph Rod
Applicant Signature

1/16/20
Date





Ralph W Roof POD
221 Lochview Dr
Cary, NC 27518

66-30/531

0962

Buster's Pit Beef, Carolina Beach, NC

DATE 1-6-20

PAY
TO THE
ORDER OF

Town of Carolina Beach

\$ 350.00

Three Hundred fifty ⁺⁰⁰/₁₀₀

DOLLARS



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included.
Details on back.

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Raleigh, NC 27609-5718

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MEMO

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Ralph Roof

AUTHORIZED SIGNATURE

MP

⑈000962⑈ ⑆053100300⑆008177274468⑈