



**CAROLINA BEACH**  
**Planning and Zoning Meeting Agenda**  
**Thursday, October 10, 2019 @ 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 - 51
3. STAFF REPORT ON RECENT COUNCIL MEETINGS	
4. STAFF REPORT ON RECENT DEVELOPMENTS	
5. PUBLIC DISCUSSION	
6. DISCUSSION ITEMS	
a. CUP: 1012 S. Lake Park Blvd - Business PUD - Applicant: Ralph Roof	52 - 90
Recommend to:	
- Approve the CUP as defined that it does meet 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 standards	
b. CUP: 406 Harper - Residential PUD - Applicant: The Pioneer Group	91 - 129
Recommend to:	
-Approve the CUP as defined that it does meet 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 standards	
c. Consider a Conditional Use Permit at 401 Marina St - Carolina Beach Marina	130 - 146

and Yacht Club to operate an eating and drinking establishment that will consist of a floating barge located at 401 Marina St. Applicant: CBYC,LLC

**Approval** must be consistent with the findings in the Zoning Ordinance as follows:

- (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 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.

**Denial** should be directly related to one or more of the following findings.

**Reasons for denial must be specifically stated by the Council:**

- (1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.
- (2) That the use does not meet all required conditions and specifications;
- (3) That the use will 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 not 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

7. NON-AGENDA ITEMS

8. ADJOURNMENT

# CAROLINA BEACH

Planning and Zoning Minutes  
Thursday, September 12, 2019 @ 6:30 PM  
Council Chambers  
1121 N. Lake Park Boulevard  
Carolina Beach, NC 28428

## ASSEMBLY

The Town of Carolina Beach Planning and Zoning was held on Thursday, September 12, 2019 at 6:30 PM at Council Chambers.

PRESENT: Ed Parvin, Jerry Kennedy, Keith Bloemendaal, Deb LeCompte, Mike Hoffer, Wayne Rouse, Melanie Boswell, John Ittu, and Jerry Kennedy

ABSENT:

ALSO PRESENT: Director of Planning & Development Jeremy Hardison

### • CALL TO ORDER

The meeting was called to order at 6:29 p.m. by Chairman Bloemendaal.

### • APPROVAL OF MINUTES

Planning & Zoning - August 8, 2019 Meeting Minutes.

- a. Commissioner LeCompte made a motion to accept the minutes as written. Chairman Bloemendaal seconded, all were in favor (7-0).

### • STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Murphy reported on the recent Council Meeting which was held on September 10, 2019.

The CUP for Hurricane Alley was approved as well as the Text Amendment - amending Article IX was also approved.

### • STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Murphy reported on the recent activities in the Planning and Development Department.

#### **Staff Update - September 12th, 2019**

#### Permitting

- 53 Permits (renovation, repair, grading, additions, fence)
- 4 Residential New Construction
- 15 Certificates of Occupancy

#### Code Enforcement

- 23 Complaints Received
- 14 Resolved

Demolition

1511 Snapper

Hotel/Motel properties from 234 to 300 Carolina Beach Ave North this area has been cleaned up but at present there aren't any active permits as of yet.

On September 19th there will be a public workshop for Clarendon Ave for the Multi-Use Path improvements, the consultant engineer is Stewart that assisted in our Land Use Plan. They will be there cover all the logistics along with Jerry Haire our chief grant writer.

Upcoming LUP Meeting

Will be on September 24th at 6pm - the Steering Committee will be going over the most current draft and the updates with all the public comments. Won't know of the time frame regarding putting it on P&Z agenda until after the 24th.

Special Events

CB MARKET - 8:00 AM – 1:00 PM - will run up until the last Saturday, September 25th.

Super Beach Soccer Tournament has been cancelled due to lack they didn't get enough teams to sign up.

Dragon Boat Regatta and Festival will start on Friday, September 20th 6pm - 10pm and the races begin on Saturday the 21st 8am - 5pm.

The Marylynn Hardesty Teal Hearts 5K/10K is Sunday the 22nd starting at 7am - 10am.

Coming up in October for P&Z

The possibility of viewing the Land Use Plan

1. CUP: CB Marina & Yacht Club
2. CUP: 406 Harper – Pioneer Group
3. CUP: 1012 LPBS – Ralph Roof
4. Stop Sign Order – Wilmington Beach
  - Will be look into MPO and their recommendations. In the past there were Stop Signs that were implemented but not all street or four way signs. Now the residents that did not get the stop signs are concerned.

**PUBLIC DISCUSSION**

No one signed up for public discussion.

**DISCUSSION ITEMS**

- a. Conditional Use Permit, for a 36 unit condo building located at 402 N. Lake Park Blvd. Applicant: Pelican Point CB LLC

Mr. Hardison reported on the CUP - [\(Please See Power Point Link Below\)](#)

**Questions for Mr. Hardison -**

Commissioner Kennedy asked regarding the easement is that verbal or a deeded easement. Mr. Hardison replied it would have to be a condition as part of the permit and once the town has plans to expand the Marina Walk it would be an access easement. Commissioner also asked regarding the landscape buffer are you wanting a buffer. Mr. Hardison stated the ordinance requires a buffer

of 10' from adjacent property owners and the applicant is asking for a waiver because of the 20' fire lane.

Chairman Bloemandaal asked did the Fire Dept request the 20' fire lane. Mr. Hardison replied correct.

Commissioner Rouse asked is there any other exceptions other than the landscape buffer. Mr. Hardison explained there was one on the north side and a couple areas around the parking lot for turnarounds and the dumpster.

Chairman Bloemandaal can the turnarounds be used as inter-connectivity. Mr. Hardison replied that the town has talked with the applicant and mentioned they could use that as a stub-out for the possibility when the Domino's would redevelop for their plan to then have the inter-connectivity and the applicant is willing to do that. At present our ordinance doesn't require it, but the commissioners can address it now as a condition to get an easement for future inter-connectivity.

Commissioner Rouse just to clarify staff is recommending the approval of this CUP that it meets the specific standards and general conditions correct. Mr. Hardison responded correct.

Chairman Bloemandaal opened the public hearing and the applicant may now present their CUP.

Cindy Ork is the attorney for Pelican Point and is at 2030 Eastwood Rd. Suite 7 in Wilmington. Robert Hughes resides at 2312 Ocean Point Wilmington stated this is the 3rd and final time, he is the owner of the property. When he was presented with the previous projects he felt it was not the vision he had wanted to do for Carolina Beach. He wanted to generate a project that would set the Marina off and he believe this one does that. He feels the architectural design, the structure is a fantastic building and feels this will set the precedent for other development in Carolina Beach.

Chairman Bloemandaal said the bulkhead looks better and asked if the dock is day or overnight, Mr. Hughes replied it's a day dock. Chairman asked where are you with the easement for the Marina walk, Mr. Hughes responded that he doesn't have a problem doing things for the city and wouldn't have a problem with the inter-connectivity if he owned the other property. But with what they are asking, he doesn't want it to be detrimental to the project and he doesn't want to lose any parking places and he added that he will be a team player. He owned the Domino's for 35 years and sold the business along with the building and he doesn't have the right to make the decision for them.

Commissioner Kennedy mentioned the property has one tax ID but the document has three tracks, she asked if it has been combined. Mr. Hughes replied yes ma'am.

Gentleman name unknown lives at 500 Saint Joseph Street. Asked regarding the height, Chairman Bloemandaal explained the applicant meant the requirements because he changed the setbacks which then means he has the ability to add height and the elevator shaft would stop at the 60'. He asked if the NCDOT would get involved, Chairman replied it is not a state road so no they would not. He asked if Lees Lane still exists, Mr. Hardison explained that Lees Lane was a private road and the applicant has purchased that which it is now part of his property.

Betty Greeson 400 Lake Park Blvd she is concerned that she won't be able to look out any of her

side windows and the landscape buffer. Chairman Bloemandaal responded that the landscape buffer would be on the other side of her fence. He also explained that the town is asking the applicant for an easement on his property for the Marina Walk in the future. Ms. Greeson wanted to know why they went from 4 stories to 5. Mr. Hughes explained that there are 4 livable stories with parking underneath. She also wanted to know the distance between her property and the applicants building. Mr. Hardison replied there is a minimum requirement of a 10' setback and they are proposing 11' which would be further from your property then he is required to be. She asked if they will be voting tonight and Chairman Bloemandaal explained this commission doesn't make any decisions we make recommendations for Town Council for a final vote from them. She wanted clarification on the zone that her house is in and Chairman Bloemandaal explained she is in the Marina Business which is zoned for single or multi-family or marina business. She added this will bring the value of her home down.

Sue Crop lives at 500 Saint Joseph Street in the condo building beside the proposed building. Is concerned with the way Saint Joseph Street comes to the point and wants to know if DOT is aware of this proposed building. Chairman Bloemandaal explained that Lake Park Blvd is a state road and that's the only place that DOT would be involved and Saint Joseph Street is town owned and DOT doesn't have any jurisdiction over that.

Mr. Hardison added that the intersection of Saint Joseph and Lake Park Blvd is DOT regulated and any changes in that they would be involved. Chairman Bloemandaal agrees that the intersection should be addressed and maybe we can talk with the mayor regarding this issue and Ms. Crop would like that to happen before this is approved.

Chairman Bloemandaal made a motion to close the public hearing.  
Commissioner Rouse seconded, all were in favor (7-0).

#### **Commissioners Discussion -**

Commissioner Boswell wanted to know if the adjacent property owners were notified of this and feels this would devalue Ms Greeson's property and we need to address the traffic flow before we issue another CUP. Chairman Bloemandaal explained there would have to be an expert in the profession of valuing homes with actual evidence to know for sure if this were true. Mr. Hardison replied that yes we do notify the adjacent properties, post the property and advertise the project. Chairman Bloemandaal asked the commissioners what their thoughts were regarding the north side buffer. Commissioner Kennedy mentioned the concern has been addressed by the Fire Dept and if they say we have to have it then she would rather have a fire truck pull in then to see trees. Chairman pointed out that the Inland Harbor and this building are "like buildings" and there is not any landscape buffer at that location. Commissioner Rouse feels buffers are helpful but he like Mr. Hardison prefers to accommodate the fire trucks just as Commissioner Kennedy. Chairman Bloemandaal doesn't see any issues with the locations were the turnarounds and the dumpsters are. Commissioner Kennedy asked Mr. Hardison regarding the Marina sidewalk that the town is requesting is this verbal easement. Mr. Hardison explained that the town would like to have something in writing for if and when it would be ready to be executed and it would be a condition for the permit. Commissioner Boswell wanted to see a visual of the easement regarding the adjacent properties. Mr. Hardison pointed out the existing Marina sidewalk that goes to Blackburn seafood and stops just before Ms. Greeson's property. Commissioner Kennedy asked would the current docks or boat accesses still be private and Mr. Hardison replied it wouldn't be feasible with a single family home. Commissioner Rouse feels in his opinion the possible easement regarding

Ms. Greeson's property given the space will never take place because the whole property would have to be redeveloped. Commissioner Hoffer would like to point out that he supports the property owners develop their own property to the max value they can get. He sees this as they're asking for maximum density at an already difficult intersection and also asking for a waiver on the buffer. He feels if you meet all the normal requirements then max out the density. Chairman Bloemandaal asked what is the density for this project and Mr. Hardison stated currently in the Marina business there isn't any density requirements. Commissioner Kennedy supports the inter-connectivity totally but wants to do the right thing from the start. Chairman Bloemandaal doesn't feel this project lends itself for any inter-connectivity. Mr. Hardison stated that the inter-connectivity could be a condition to the permit for the future as well as an access easement. Chairman Bloemandaal stated that we can make the request but that doesn't mean it will make it to council. Commissioner LeCompte wanted to know where Ms. Greeson's access is to her property. Mr. Hardison pointed out there is an easement through the Domino's. He also pointed out where the fire lane would be where Lee's Lane used to be right next to Inland Harbor. The commissioners agree that there needs to be more discussion with DOT regarding Saint Joseph's St entering and exiting from this property but not as part of this CUP. Mr. Hardison stated that the town has had discussions in the past relating this issue with DOT and that they would be willing to help with the re-design but there are no funds for it which means it would be up to the town or another source. Mr. Hardison just wanted to remind the commissioners if they wanted to address the future expansion easement. The commissioners agree not to address that.

Commissioner Kennedy made a motion that we recommend the approval of the conditional use permit and that it meets specific standards and general conditions with the recommendations that easement or sidewalk on Saint Joseph requested by the town are provided as a verbal agreement and that the waivers requested by the applicant on the north side and the south side be approved. Commissioner Rouse seconded

#### **Commissioners Discussion Continued -**

Commissioner Hoffer feels the commission should consider all that is involved with this project from the intersection to the large building with multiple units which could make this more hazardous and difficult for bikes and pedestrians and we're making it more dense with the waiver of our own standards and for that reason he will be voting against this. Commissioner Rouse feels that we need to address this issue but we can not hold the applicant accountable for this. Commissioner Boswell feels this poses a public safety issue and she can't vote for this. Commissioner Hoffer asked why can't they do both trees and fire lane. Chairman Bloemandaal responded that yes they can do both. Commissioner Kennedy said the applicant didn't ask for the 20' it was the Fire Department that requested it which effects the whole design and if we have concerns it should be with the Fire Department. Mr. Hardison added they are requiring for 20' for the emergency vehicle but the current design there is no room for both. Commissioner Hoffer asked why is it up to us to say he can put 36 units on there. Chairman Bloemandaal replied its not up to us but we can't say that he can because of the landscape buffer and there is a safety issue regarding possible fires. Commissioner Kennedy added that TRC approved this project because it mets the specific standards and general conditions.

Chairman Bloemandaal went over the 7 Specific Standards and 4 General Conditions. There are 2 main issues and he agrees that the intersection is dangerous. He feels this problem is for DOT not the applicant. Commissioner Hoffer stated that the property is right at a hazardous intersection

and should be considered and why should we give additional density by giving away our requirements, why add to the density to an that we already know is a dangerous area. Commissioner Blemandaal replied we are not letting him add there are no density regulations in the area just height and setback restrictions. Commissioner Hoffer feels we shouldn't back off on our standards and if the fire department requires 20' then they should take this back to the drawing board. Commissioner Boswell has an issue with the intersection and the landscape waiver and if it's in the LUP why wouldn't they at the drawing board stage say we need to take in account of the possible fire dangers as well as the landscape are we going to allow to have asphalt everywhere, give us the fire lane and the trees. Commissioner Ittu is torn with the buffer he feels that with the TRC the fire chief would have taken into consideration with the regards to the fire at Inland Harbor. Commissioner LeCompte pointed out that the adjoining property is a like property and it doesn't matter if there is 24 or 36 units and there's no buffer on the other property. Commissioner Hoffer stated that the landscape on the other property is irrelevant as well as Ms. Greeson's house is 2' off the property line. Commissioner Kennedy addressed Ms. Greeson and hopes she got her questions answered and also feels they are overstepping their bounds and feels they are valid points and she feels that the issues need to be address with a separate agenda. She does have an issue with all of the CUP's that are granted and feels each time we grant a CUP it weakens the LUP. Chairman Bloemandaal feels the CUP's are a crotch.

[P&Z MINS 9.12.19 CUP-402 LPBN](#)

**ACTION:** Chairman Bloemandaal stated let's go ahead and vote, there is a motion on the floor to pass the CUP as recommended by the town minus the marina walk easement correct, in favor (5-2).

Vote: UNANIMOUS

- b. Conditional Use Permit: For a residential Planned Unit Development located at 504 Keys Lane. Applicant: The Pioneer Group NC Inc.

Mr. Murphy on CUP for 504 Keys Lane. Applicant: The Pioneer Group NC Inc. - [\(Please See Power Point Link Below\)](#)

Commissioner Kennedy asked if improved would it be maintained by the town. Mr. Murphy replied the land is maintained by the town he explained this is an access easement and the fence is built to the easement. We are encouraging that the access easement be used properly in the future. She asked for the minimum lot size for the R2 area. Mr. Murphy replied it is 7,000 sq ft and this lot is 14,700 sq ft which would be 7,350 sq ft per lot. He explained that the reason for the CUP is they can't legally split the two lots because there is no access to the lots and the access easement does not qualify as an actual access to a town road. Commissioner Kennedy asked how many homes on Keys Lane that don't have access. Mr. Murphy replied two 508 and 504. Because it's a Planned Unit Development they do not have to have a buffer placement between the two units plus it is up to the developer to decide who owns what regarding the PUD because the lines are preset.

Commissioner Rouse needed clarity on what the town is recommending which is the additional five ft on the access easement and Mr. Murphy confirmed.

Commissioner Hoffer asked the additional access easement only applies to the land within the PUD correct, correct. And that doesn't affect the Thornburg lot to the right correct. Mr. Murphy replied no, moving forward as substantial improvements are made that lot would also come in compliance



and would provide easier access for 508 Keys Lane as well. And if either properties would redevelop in the future or increase density then all of the properties would be prepared to accommodate safety way traffic.

Chairman Bloemandaal made a motion to open the public hearing.  
Commissioner Rouse seconded, all were in favor.

Stephannie Covington 709 Magnolia Ave. We are proposing something that remains under density for the R2 district since we can't subdivide the property. Regarding the ownership it will be plotted similar to a town home where each owns their structure and the land underneath it and the rest is common space. Their intent is to keep the integrity of the home and have fencing so it felt like each would have their designated area to enjoy. To clarify through the TRC process our improvement of Keys Lane goes from Lewis to the 15 ft wide access easement ends. We can't increase an easement that is not our land but we are expanding it to 20 ft from where the property corner starts and then ends. Two parts to this they are improving Keys Lane and your increasing your easement. With the improvements we plan to put the traveled road where it's supposed to be.

Commissioner Hoffer asked if you're expanding your access easement from 15 to 20, your parking pad comes right up to the 15 ft mark. Ms. Covington replied it does now but when we take 5 ft off of that there's still room for the cars to be shifted back and have plenty of room for the front setback.

Commissioner Kennedy wanted to know what type of surface will you be using for the 20 foot. Ms Covington responded they want a 6 foot base with gravel on top which at the TRC meeting is what the fire chief wanted. We will be doing the same to both Keys Lane and the access easement and they will fix the 15 ft on Tara's property as well. Their concern is in the future with other property owners that may ask for a CUP and with us granting the 20 ft easement on our portion helps the property at the end.

Chairman Bloemandaal asked if they have designs for these homes yet. Ms. Covington replied they want to keep them two stories and under which they will be a single level home or they will have two stories with three to four bedrooms.

William Parish 504 Lewis Dr wanted to know is there 3 bedrooms with 3 parking spots and Chairman Boemandaal responded, correct. Nothing changes on his property only on Ms. Covington's. There is water/sewer servicing the homes on Keys Lane and the access road per Mr. Hardison. Mr. Parish asked how is the town going to service the that but not the access road, Mr. Hardison stated there is a utility agreement for the utility easement.

Chairman Bloemandaal closed the public hearing.  
Commissioner Rouse second, all were in favor.

**Commissioners Discussion -**

Commissioner Hoffer doesn't have anything to add nor does Commissioner Rouse.

Commissioner Kennedy has a concern with having multiple properties on an access easement and feels there is inconsistency and no planning for the town allowing this to happen. Feels that this is more than just an access and would like Council to be aware of this in hopes that they see that the town has an obligation to address it. Chairman Bloemandaal added he doesn't disagree with her statement. Commissioner Rouse asked if there is a turn around he was reminded of the last discussion with the fire truck issue. Chairman Bloemandaal replied it does not it is one way and you turn around on your property. He asked did the fire department have any other comments, Mr. Murphy replied they did not.

[504 Keys Lane PUD - PPT](#)

**ACTION:** Chairman Bloemandaal made a motion we recommend to approve the CUP as defined that it does meet the 7 specific standards and the 4 general conditions. 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 and with the recommendation to add the additional 5 ft easement in front of this property and improve Keys Lane. Commissioner Rouse seconded, all were in favor (7-0).

Vote: UNANIMOUS

- c. Text Amendment: Allow Business Planned Unit Development(PUD) in the Neighborhood Business (NB) Zoning District. Applicant: Ralph Roof

Mr. Murphy reported on the Text Amendment: Allow Business Planned Unit Development(PUD) in the Neighborhood Business (NB) Zoning District. Applicant: Ralph Roof - [\(Please See Power Point Link Below\)](#)

Chairman Bloemandaal asked we are doing this because it's a PUD that there will be different circumstances than just a regular allowed by use of right, correct. Mr. Murphy explained the PUD implies there will be primarily more than one unit on the property if there's a larger use associated with that.

Commissioner Kennedy is concerned with what affect this would have for 901 Carolina Beach Ave North. Mr. Murphy responded, absolutely none.

Chairman Bloemandaal asked what is meant by a Planned Use Development. Mr. Murphy explained where there is a lot that has a larger density or a lot with an existing structure or there is a plan to place multiple structures on it as opposed to just one larger building by right. So in the case of 901 there's an existing building but would not have the density to fit a PUD on campus so this has absolutely no bearing on it whatsoever.

Mr. Murphy wanted to clarify that staff acknowledges that this zone is primarily recommended for lower intensity commercial operations but does not object to allowing two commercial structures on a lot as neighborhood business does allow for commercial as well as mixed use they specify lower density but two units on a lot does not necessarily imply greater density.

Chairman Bloemandaal is this strictly commercial or multiple residential structures on one lot. Mr. Murphy replied this text amendment specifically is referencing commercial structures. Chairman Bloemandaal asked so there could be multiple stores on one larger lot. Mr. Murphy replied correct

and stated this is for Commercial but we do have a residential PUD. Mr. Hardison stated we are not changing the density this just allows more flexibility in design instead of a strip center there could be units that are detached also the parking requirements do not change but this becomes more strict because it's a CUP and it gives planning and council the possibility to impose standards.

Commissioner Rouse asked the town has no objection to this. Chairman Bloemandaal replied no they recommend approval.

[Text Amendment - PUDs in NB - PPT](#)

**ACTION:** Commissioner Rouse made a motion requesting a statement of approval the Commission, whereas in accordance with the provisions of the NCGS 160A-383, does hereby find and determine that the adoption of a Text Amendment: To amend Chapter 40 Article VIII Sec. 40-72 to allow for PUDs in the NB zoning district in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. Chairman Bloemandaal seconded, all were in favor (7-0).

Vote: UNANIMOUS

- d. Text Amendment: to amend Chapter 40 article III and XVIII to address allowed uses in the Conservation District. Applicant: Town of Carolina Beach

Mr. Murphy reported on the Text Amendment - he wanted to make a clarification we are refining a use and definitions of government and public facilities so there is no change being made to the conservation district. (Please see the Power Point Link Below)

Chairman Bloemandaal asked so this is saying no CUP will be needed anymore for the government to do whatever they want to do as far as public utilities and references where as before in residential areas they needed a CUP, Mr. Murphy replied, yes sir.

No questions or discussion.

[PPT - Text Amendment - Conservation](#)

**ACTION:** Chairman Bloemandaal made a motion to approve the text amendment - whereas in accordance to the provisions of the NCGS 160A- 383 does hereby find and determine that the adoption of the Text Amendment to adapt Chapter 40 Article VIII Sec. 40-72 and 548 to adjust the definition and use of Government/Public Facilities in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans. I have no recommendations or restrictions. Commissioner LeCompte seconded, all were in favor (7-0).

Vote: UNANIMOUS

**NON-AGENDA ITEMS**

Commissioner Boswell wanted to know where are we with the Tree Ordinance. Mr. Murphy stated this ordinance has transitioned into stormwater ordinance as opposed to a tree protection ordinance. There were a lot of opinions expressed by Planning and Zoning, Council and the public that the town had no business trying to tell people what trees they could and could not take down on their private land especially given the size of parcels in the Town of Carolina Beach. Regarding the stormwater ordinance that is still in the works by the Canal Drive committee, they're doing substantial work trying to address

stormwater specifically on Canal. If they come up with any sort of ordinance it will be incorporated with whatever the stormwater department and myself put in front of you. We're waiting on what they give us so we're not doing double work. Commissioner Rouse asked is the bill in the legislature/Senate. Mr. Murphy replied he is not aware of that at this time. Mr. Hardison added no action was taken on that bill. Commissioner Boswell would like this issue to be reopened and look into tree ordinances with other coastal towns that are working. She feels that this had a lot of work put into it in a positive direction and then just halted she feels it shouldn't just be tabled that we need to address this. Mr. Murphy stated it was not tabled but transitioned into a stormwater ordinance. Commissioner Boswell thought it was tabled and going to the North Carolina legislation in April. Mr. Murphy said we were watching that legislation closely but as we proposed this in early spring but transitioned away from stormwater into Canal Drive we were proposing ordinances on tree preservation with multiple drafts where the opinions expressed here as well as by council that we should not be looking at trees but rather stormwater. Commissioner Kennedy added that with that stormwater and permeable surfaces and reclaiming stormwater for irrigation that is to be part of the research. Mr. Murphy stated that they are looking at all sorts of BMP's and stormwater improvements. Commissioner Kennedy added the CUP that was approved a 28 Unit Complex they have stated they are reclaiming their stormwater. Mr. Murphy addressed Commissioner Boswell and stated we can go back. Chairman Bloemandaal added that the discussion was that they couldn't agree on something to incentivize planting trees for the Town or private homes or vacant land owners. Commissioner Rouse remembers the discussions got pretty acrimonious because there was a lot of interest. He added that the tree ordinance was to be on New Construction because there is no way to enforce for existing homes and when you look at roughly 75% of available parcels are 50x100 lots. In essence in my opinion it comes down to is increasing fees to be paid. Commissioner Kennedy said it got blown out of proportion that it didn't even resemble what we started with. Chairman Bloemandaal wanted the meeting minutes emailed regarding the last discussion on this, he added that once the Canal Committee comes up with an ordinance we can readdress that.

Commissioner Hoffer reported on the updates for the Bike/Pedestrian Project - they are working hard with inter-connectivity. There will be an Open House on September 19th for Clarendon Ave Multi-use path. The town will receive 65-75 bike racks and will be placed through out the town which the school will be first to receive those. They are looking into improving the beach accesses and parking facility also looking into labeling streets on the beach strand as well as some small street signs along the Greenway. Chairman Bloemandaal asked regarding Wilmington Beach and the fact that there are no sidewalks, is that in the future. Commissioner Hoffer replied that is on the back burner. He added that DOT has funded a traffic light for Lake Park and Hamlet which will make this crosswalk safer, which could be within 2 years. Commissioner Kennedy asked is the committee looking into any type of safety or emergency mechanism for those that are traveling by themselves on the Greenway. Commissioner Hoffer stated that no but ideas are always welcome.

#### **ADJOURNMENT**

Commissioner Rouse made a motion to adjourn, all were in favor (7-0).

## Conditional Use Permit

**Pelican Point-** A Planned Unit Development that will consist of 36 condo units located at 402 N Lake Park Blvd.

- 28 1-bedroom condos
- 8 2-bedroom condos



# Site



- Split zone MB & HB
- MB-1 Multifamily
- Prior uses/approvals
  - 2004 Residence Demolished
  - 2006 Approved 32 2-bedroom units
  - 2015 Approved for 36 1-bedroom units





Existing

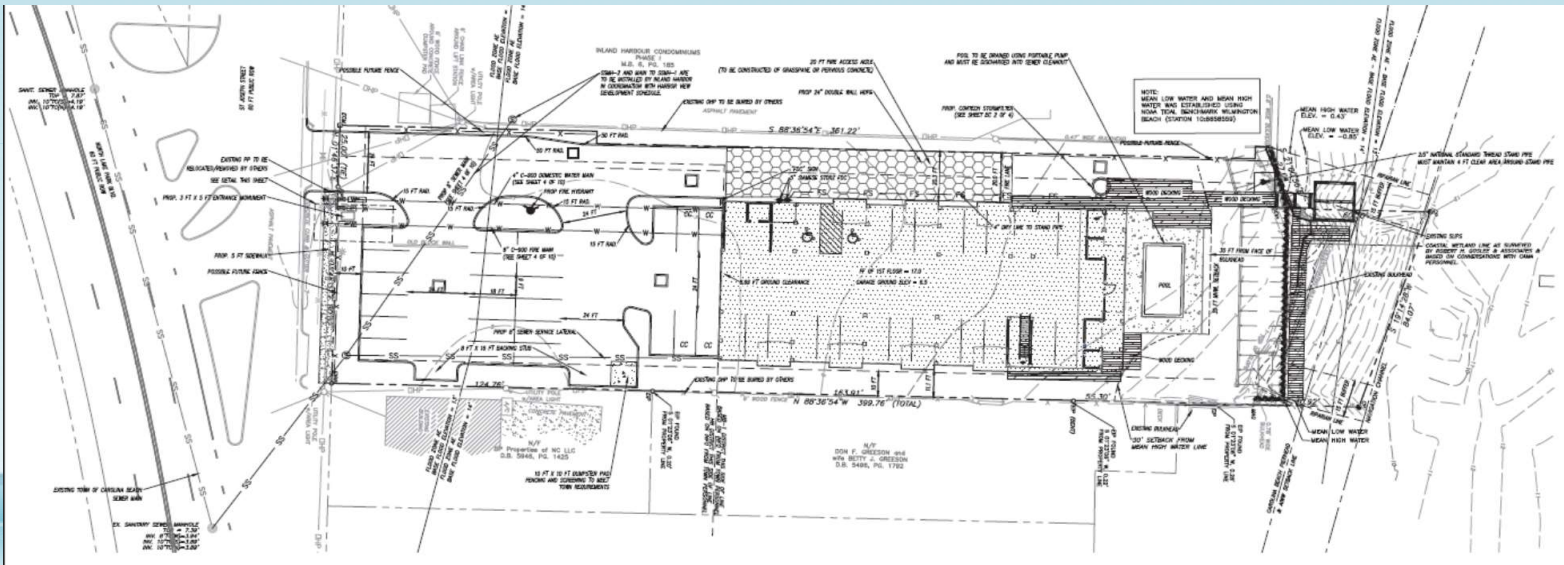




**Specific standards.**

1) Ingress and egress to property and proposed structures to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

- 24' entrance off of St Joseph.
- 5' sidewalk will be installed adjacent to St. Joseph.
- Provide a 20' dedicated fire lane on the north side of the building.

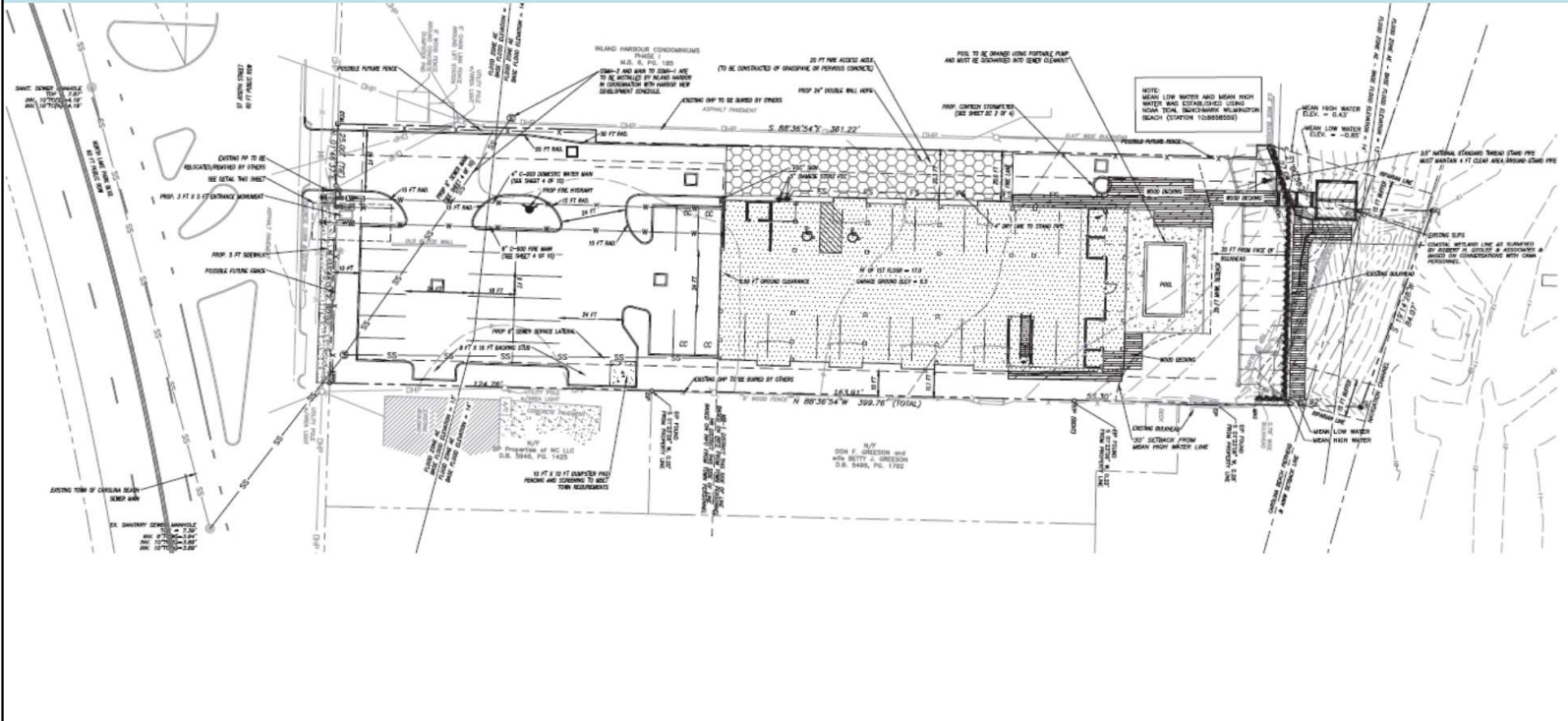


## 2) Off-street parking

Required - 44 parking spaces.

Provided - 48 Parking spaces.

- 28 one bedroom - one space = 28.
- 8 Two bedroom - two spaces = 16.

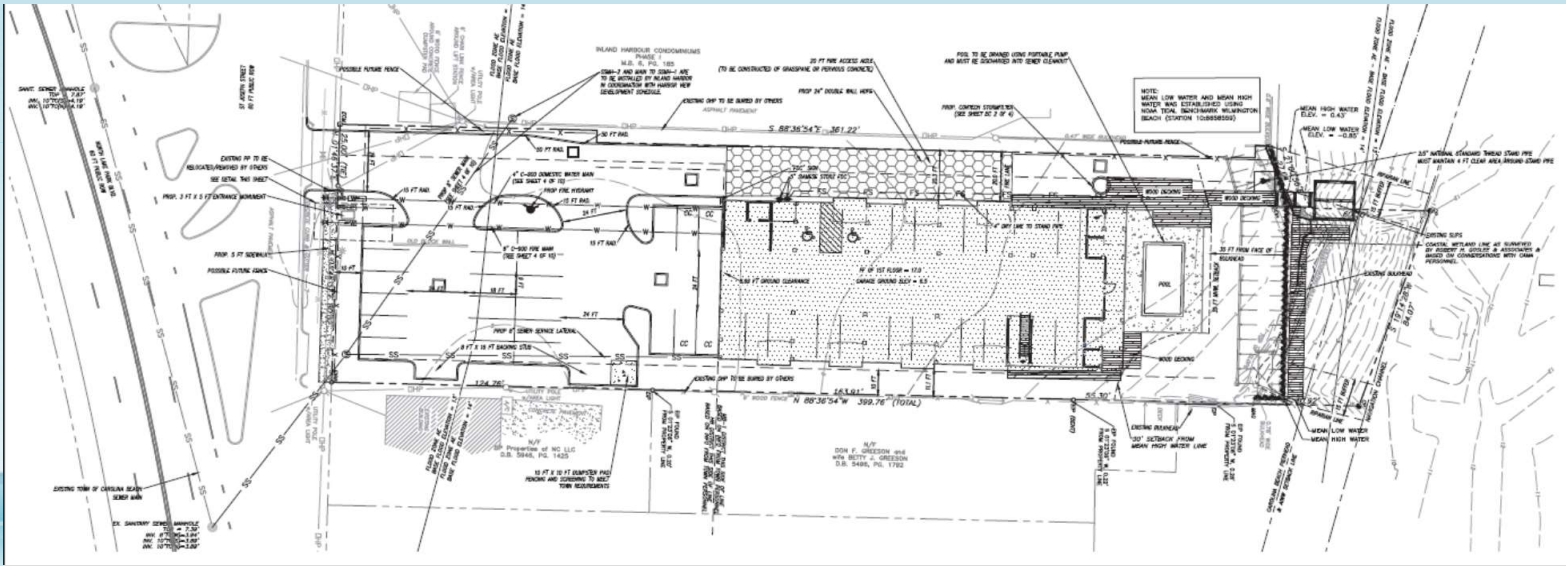


### 3) Refuse and service area

*Dumpster will be provided on site.*

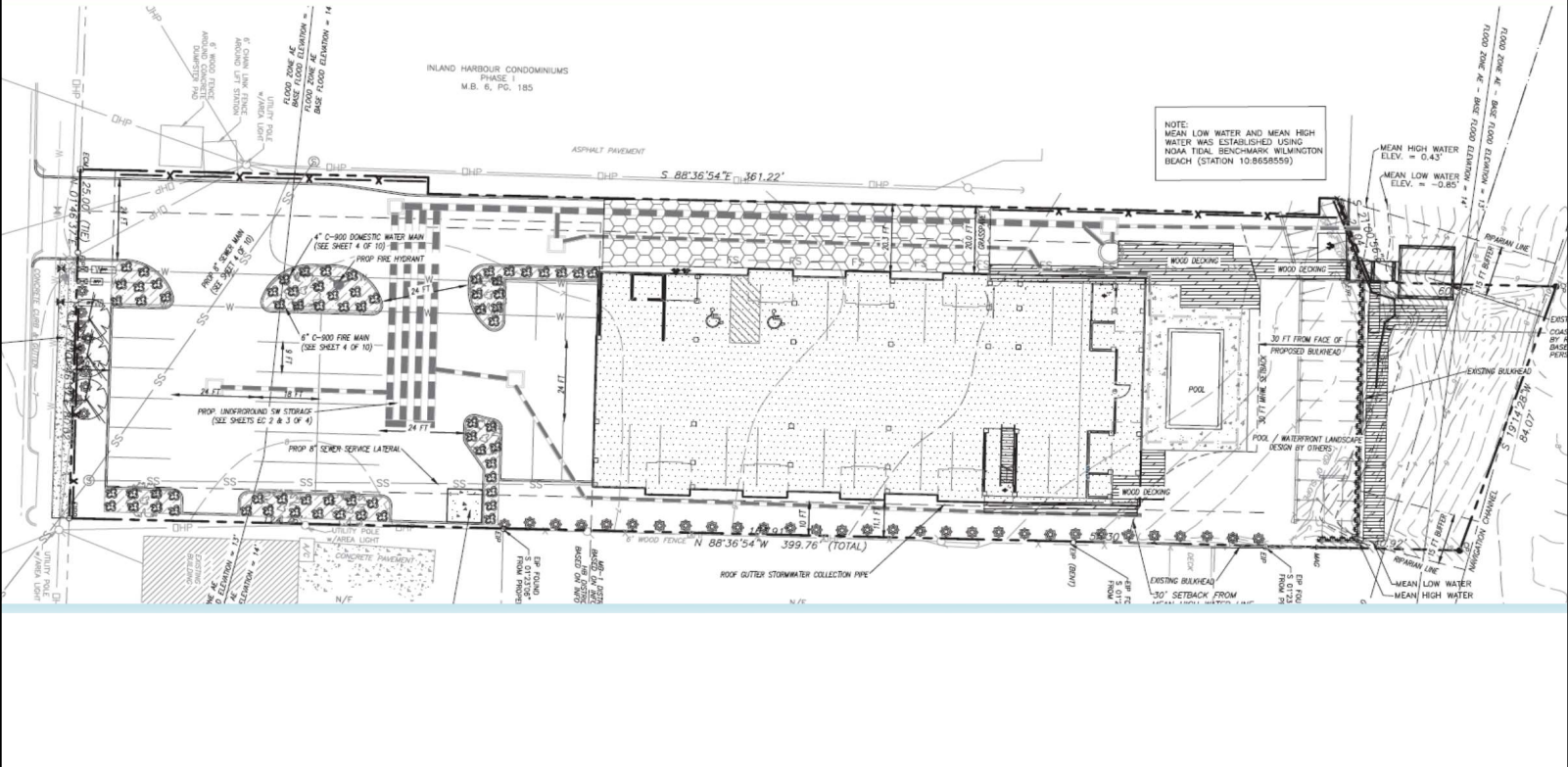
### (4) Utilities

- *Adequate to meet the demand for the project.*
- *Adding a fire hydrant*
- *Providing on site stormwater*



# 5) Screening and buffering

- A ten (10) foot "Type B" buffer yard is required
  - Exception along the north side of the property for a designated fire lane.
  - Parking turnarounds and dumpster

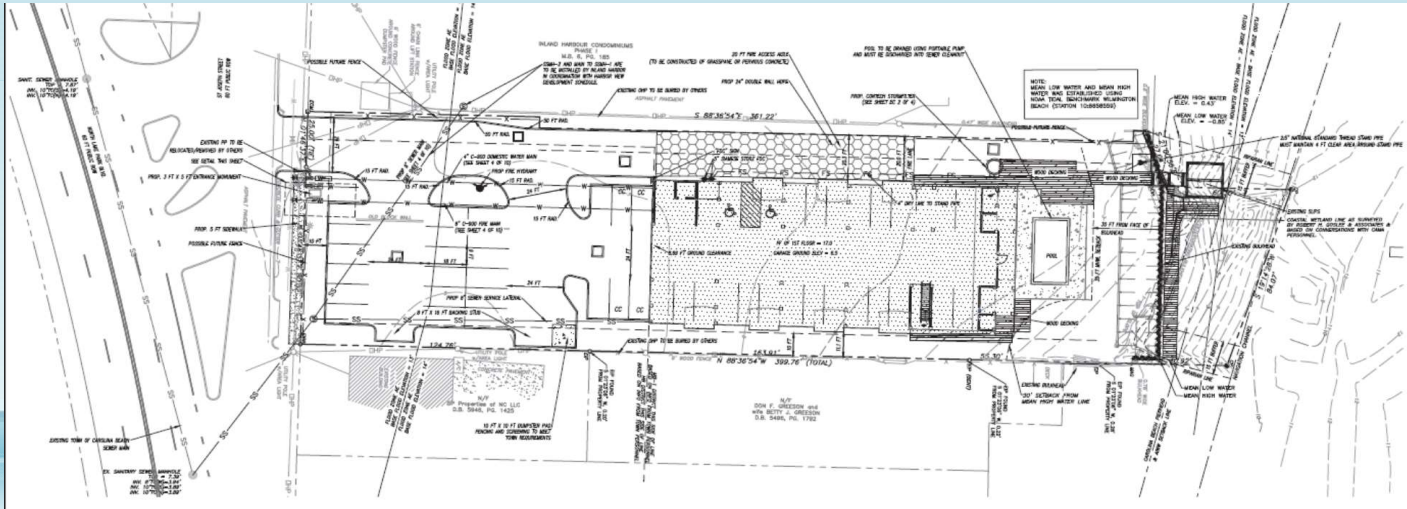


## 6) Signs

- Entrance monument sign

## (7) Required yards ,open space

Zoning Setbacks	Front	Rear	South Side	North Side	Lot Coverage	Height
MB-1 required	30'	30' (CAMA)	10'	10'	40%	50' (by right) 60' (CUP)
provided	151'	30'	11'	20'	26%	57' top of Elevator shaft



## Easement for future expansion of the town's marina walk



## 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.;
- (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.

## Motion

Recommend to approve the CUP as presented that it does meet the 7 specific standards and the 4 general conditions.

Conditions:

- Landscaping buffer as presented
- 5' sidewalk
- Stormwater system
- Major CAMA permit
- Provide an easement for future expansion of the marina walk.



**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;
- (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;
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
- (4) *Utilities*, with reference to locations, availability, and compatibility;
- (5) Screening and buffering with reference to type, dimensions, and character;
- (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;
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.

**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.;
- (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: 504 Keys Lane “The Cottages” – Planned Unit Development

September 12<sup>th</sup> , 2019  
Miles Murphy – Planner



**Location:** 504 Keys Lane

**Applicant:** Avon Park Holdings, LLC

I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION; DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH 'THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA' (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 8TH DAY OF AUGUST A.D. 2019.

# PRELIMINARY

PATRICK C. BRISTOW  
N.C. PLS No. L-4148



N/F HASHEM  
DB 5451  
PG 2653

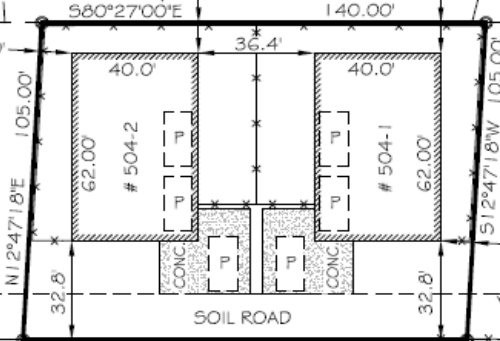
EACH STRUCTURE IS 2,480 SQ. FT.  
BUILDING HEIGHT = 35'

N/F LANGLEY  
DB 4654 PG 801

N/F BUSSEY  
DB 3579 PG 879

N/F BEYER  
DB 5836  
PG 315

N/F THORNBURG  
DB 2331  
PG 131



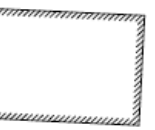
15' WIDE ACCESS EASEMENT

15' WIDE ACCESS EASEMENT

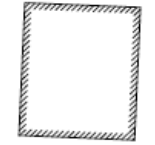
N80°27'00\"/>

N80°27'00\"/>

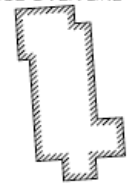
THIS MAP AND FIELD SURVEY WERE MADE FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND OR TRANSFER TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR ENTITY.



N/F WALKER  
DB 3013 PG 609



N/F PARRISH  
DB 5560 PG 1295



N/F GIBSON  
DB 5741 PG 375

NEIGHBORS WOODEN FENCE OVER LINE 0.2'±



ALL ADJOINING STRUCTURES TRACED FROM 2019 AERIAL PHOTOGRAPH

LEWIS DRIVE

60' PUBLIC RW



SURVEYED LOT & UTILITY EASEMENTS OR COVENANTS

## PUDs Permitted in R-2

### ARTICLE III. – Zoning District Regulations

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

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Planned unit development, residential (See article XII of this chapter)	C		C			C	C	C			C	C	C	

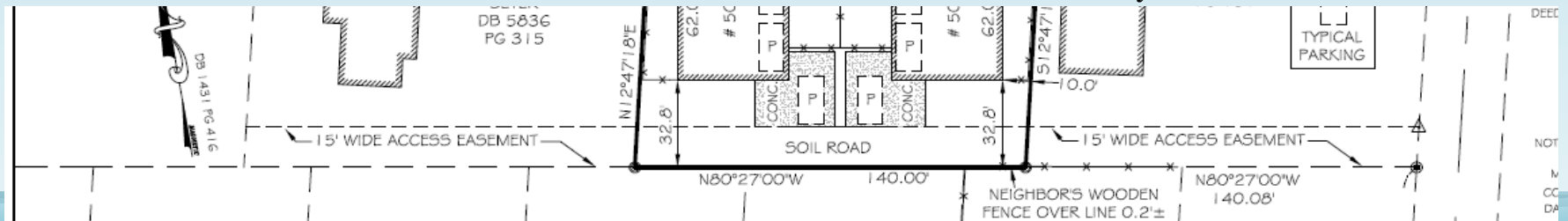
Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width <sup>6</sup>	Min. Front Yard	Min. Rear Yard	Min. Side Yards <sup>*</sup> (Corner Lot— Min. 12.5 ft.) <sup>4</sup>	Residential Max. Density	Max. Height	Max. Lot Coverage
R-2	Single-Family	7,000 sq. ft.	70 ft.	25 ft.	10 ft.	7.5 ft.	6.2 units/acre	45 ft.	40%



View from Lewis



Keys Lane Turn



# Adjacent Properties



500 Keys



508 Keys

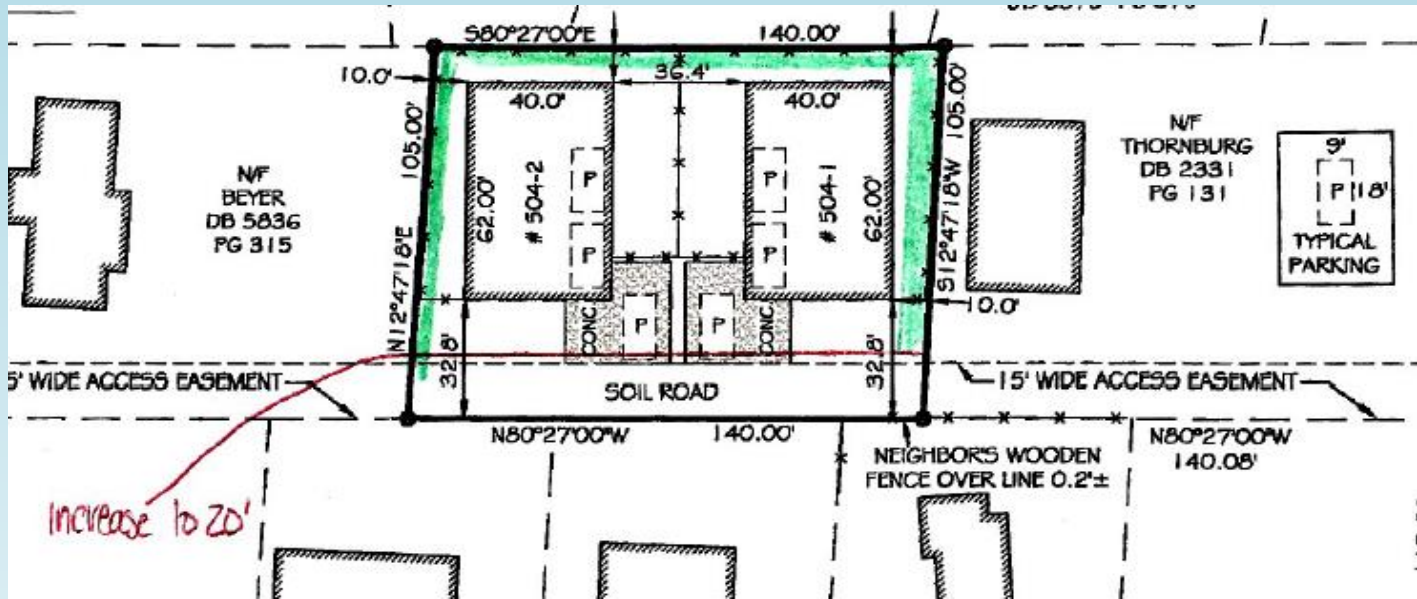


**Specific standards.**

- (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;
- (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;
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
- (4) *Utilities*, with reference to locations, availability, and compatibility;
- (5) Screening and buffering with reference to type, dimensions, and character;
- (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;
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.

**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.;
- (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.



## Staff Recommendation

Staff recommends the approval of the CUP, but suggests requiring that Keys Lane be improved to provide sufficient emergency access.

# Decision

Recommend to approve the CUP as defined that it does meet the 7 specific standards and the 4 general conditions. 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.



Text Amendment:  
Allow Planned Unit Developments (PUDs) in the Neighborhood  
Business (NB) Zoning District  
Applicant: Ralph Roof

September 12<sup>th</sup> , 2019  
Miles Murphy – Planner

# Neighborhood Business Description

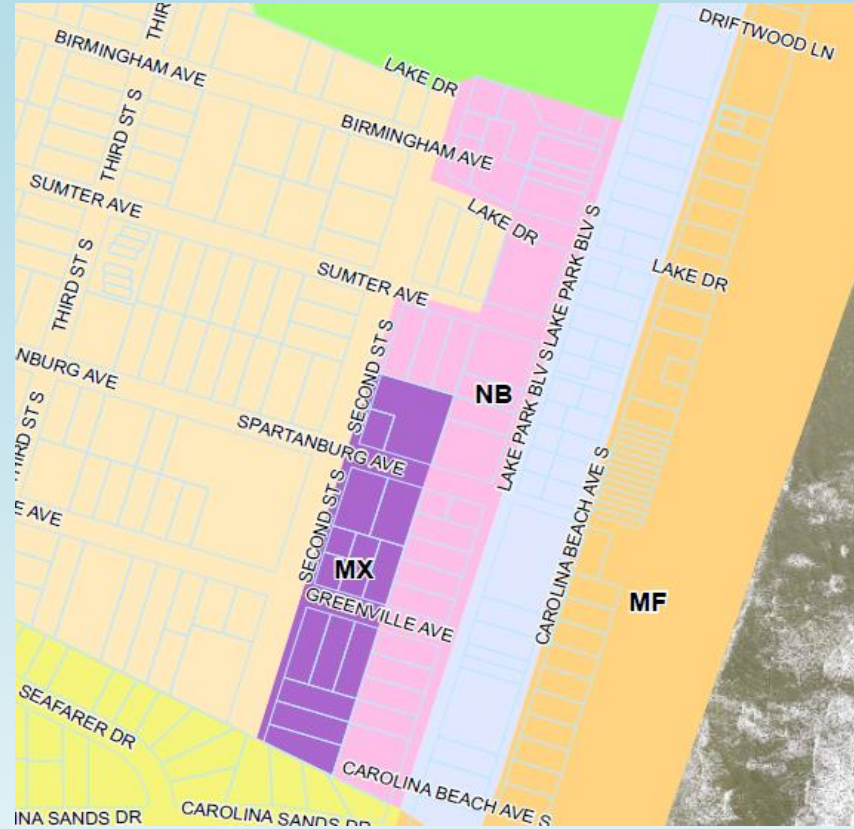
- *NB, Neighborhood Business District.*
- (1) *Purpose.* This district is established to accommodate and provide for the development of small, pedestrian-oriented shopping and service activities providing necessity goods and personal services to the immediate neighborhood. This district also provides for single-family detached homes and related residential uses. Such districts should be located at the intersection of a major street or collector. Uses in NB districts should have architecture and site layouts which are compatible with nearby residential structures and uses.
- (2) *Intent.* The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with the residential community or which would be detrimental to the surrounding residential uses.

## Mixed Use 1 – 2007 LUP

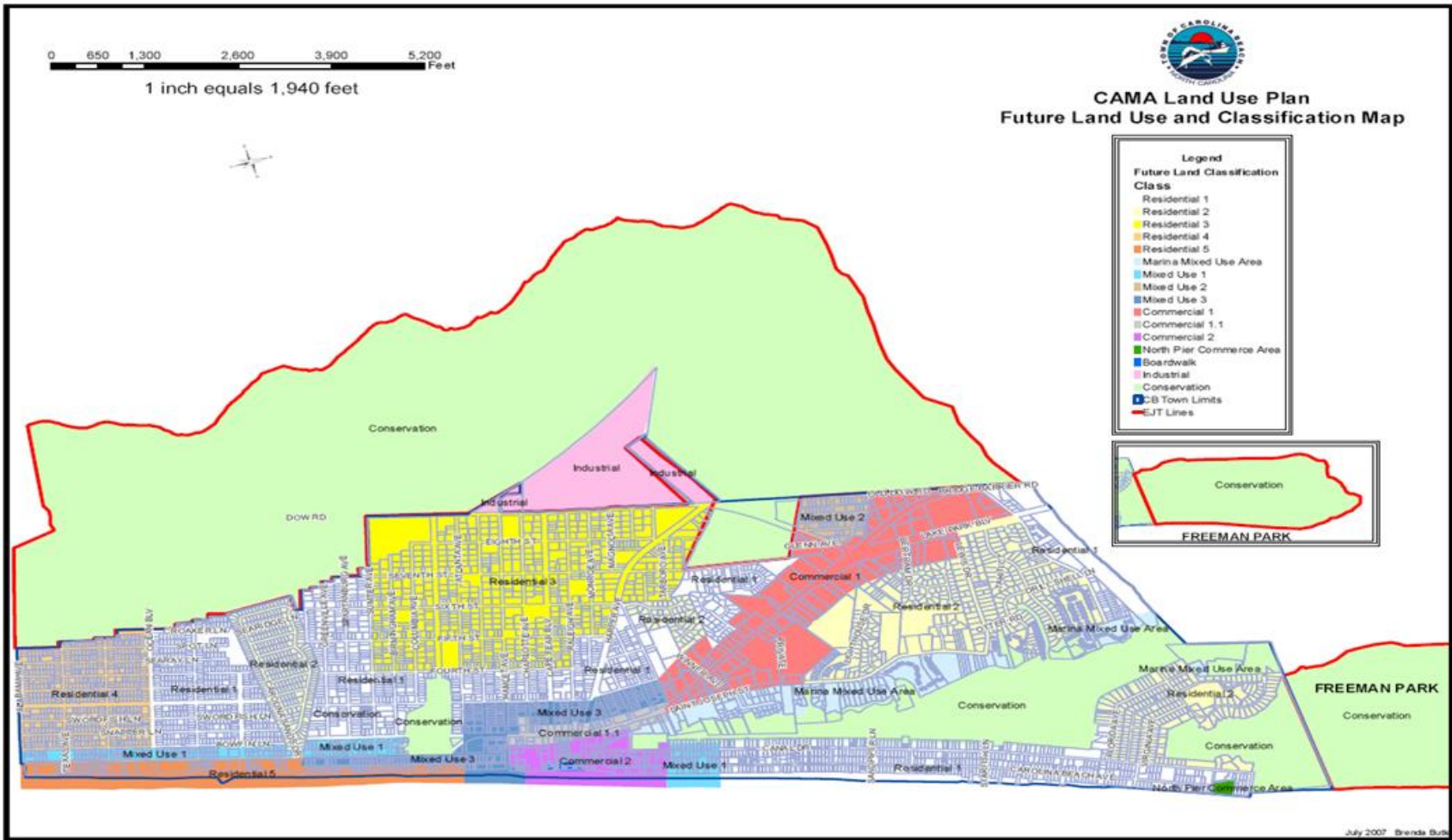
- The desired Future Land Use of the Mixed Use 1 area includes a future predominance of single-family and duplex units. Commercial uses shall include lower intensity restaurants and commercial services and retail. Building height shall not exceed a 50' height maximum and shall be consistent with Section 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%.

# NB Zoning District

There is also one parcel zoned NB located at 901 CBAN







# New Language

## ARTICLE III. – Zoning District Regulations

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

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Planned unit development, business (See article XII of this chapter)									C	C	C	C	C	

## Staff Recommendation

- Staff acknowledges that this zone in the 2007 LUP recommends primarily lower intensity commercial operations, but does not have any objections to allowing Planned Unit Developments in the NB zone.

# Action

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans or

A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.



Text Amendment:  
Conservation District Uses and Definition Update

Sec. 40-72. – Table of permissible uses.  
Sec. 40-548. – Definitions

September 12<sup>th</sup> , 2019  
Miles Murphy – Planner

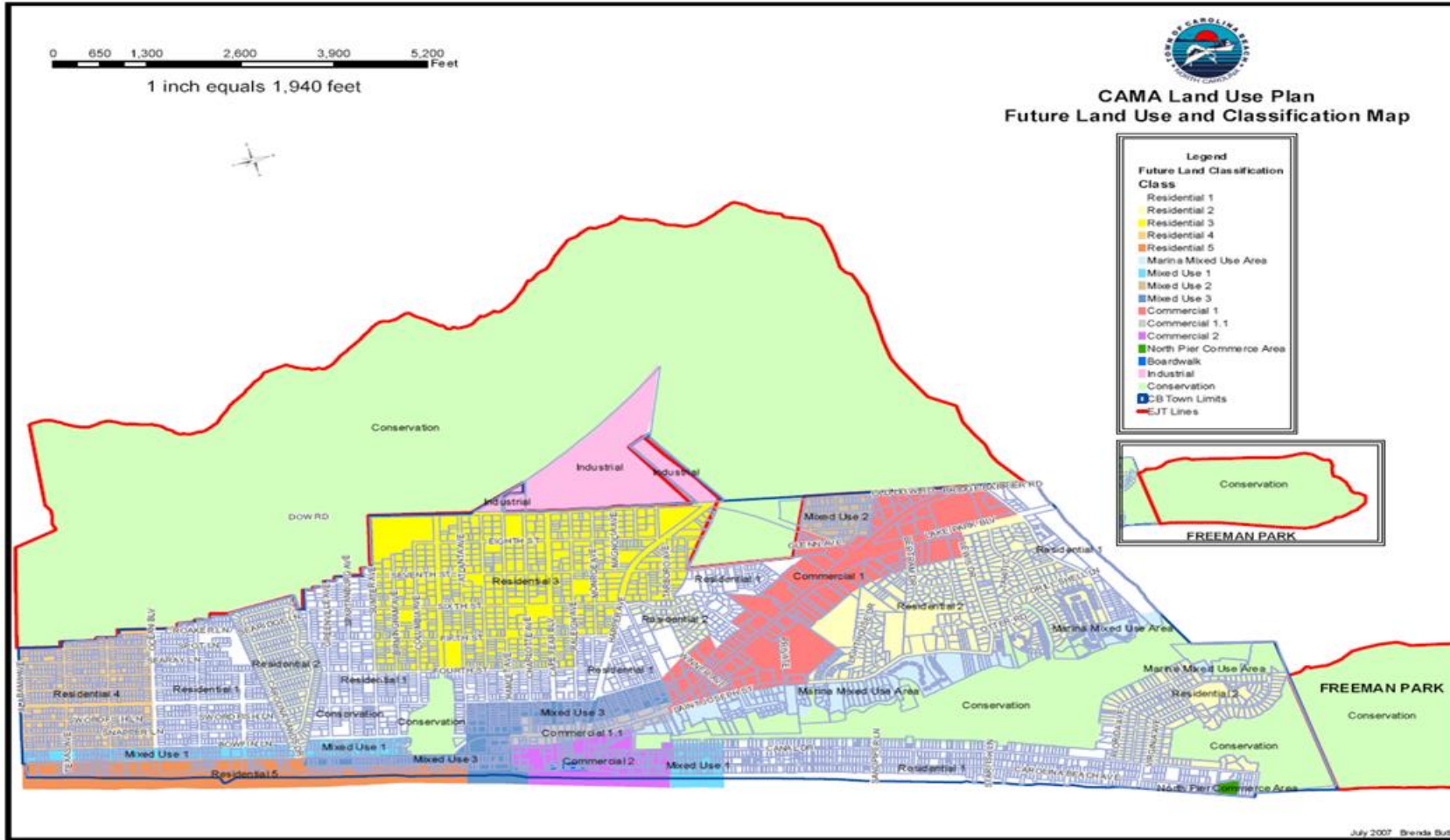
## Zoning District Description

(e) *C, Natural Resources Conservation District.*

- (1) *Purpose.* This district is established to preserve the economic, aesthetic, and unique and irreplaceable natural resource assets of the land, vegetation, surface waters, and underground waters of this district, while also providing for an environmentally compatible setting for appropriately designed and located single-family residential development. In doing so, the public health and safety and welfare shall be preserved.
- (2) *Density.*
  - a. For one single-family home: 80,000 square feet minimum lot size.
  - b. For cluster developments: 320,000 square feet minimum lot size for four single-family homes.
- (3) *Standards for conservation cluster development in the C district.*
  - a. Residential clusters shall be on single parcels of which at least 50 percent of the parcel is net buildable land.
  - b. No unit in a residential cluster shall be located within 20 feet of the property line.
  - c. Residential clusters shall be limited to a maximum of four dwelling units per lot.
  - d. Minimum separation between detached units in the cluster shall be 20 feet.
  - e. Subject to applicable state and federal regulations.

## LUP - 2007

The desired Future Land Use of the Conservation area includes recreational uses which are as environmentally low-impact as possible, including the managed recreational use of Freeman Park in the north end of the ETJ. Only CAMA and Town approved piers, docks and other related structures will be allowed in public trust waters and other Areas of Environmental Concern. Development of the Conservation area for residential units is not encouraged given the serious limitations mentioned above. Needed expansion to the Town's wastewater treatment facilities will be allowed as needed provided applicable state and federal regulations are met. Building height shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B)





# Proposed Ordinance

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

USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Government/ <del>Public facilities</del> and utilities (See section 40-261)	<del>C</del> P	<del>C</del> P	<del>C</del> P	<del>C</del> P	<del>C</del> P	<del>C</del> P	<del>C</del> P	<del>C</del> P	P	P	P	P	P	P

Sec. 40-548. – Definitions

~~Government facilities means indoor or outdoor areas improved to serve a particular government function.~~

~~Public facilities means major capital improvements, including, but not limited to, transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.~~

Government/Public facilities means indoor or outdoor areas of local, state, or federal control intended to serve public function as, but not limited to transportation, sanitary sewer, solid waste, drainage, potable water, educational, parks and recreational, and health systems and facilities.

**STAFF RECOMMENDATION:**

Staff recommends the approval of the language update to the Conservation Zoning District uses and definitions.

# Action

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans or

A statement rejecting the proposed zoning amendment and describing its inconsistency with the plan; or

A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

Denial - based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long range planning documents.



## AGENDA ITEM

Meeting: Planning and Zoning - 10 Oct 2019

Prepared By: Miles Murphy

Department: Planning

### CUP: 1012 S. Lake Park Blvd - Business PUD - 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. 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, but will require a landscape buffer waiver

(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

- A waiver to the 10' landscape buffer is required for this structure to be built

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

- The proposed CUP does not meet all required conditions and specifications

- It requires the 10' landscape buffer to be waived on the east and north for parking and on the north for the second structure

(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:**

Recommend to:

- Approve the CUP as defined that it does meet 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 standards

**COMMITTEE RECOMMENDATION:**

Staff recommends the CUP meet all landscaping requirements, but otherwise has no objections to the proposed Business CUP.

**ATTACHMENTS:**

- [19-C07 CUP App](#)
- [1012B S Lake Park Blvd - Site Plan II - Sept 2019](#)
- [1012 LPBS PUD - PPT](#)



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

Permit Number: 19-C07

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): 1012 S. Lake Park Blvd, Carolina Beach, NC 28428

PIN(s): \_\_\_\_\_

Project Name Crabby Jacks

Size of lot(s): 19,670 sq ft

**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):

Restaurant

**C. Applicant Contact Information**

Ralph W. Roof  
Company/corporate Name (if applicable):

Ralph W. Roof  
Applicant's Name

105 Tennessee Ave #201  
Mailing Address

Carolina Beach, NC 28428  
City, State, and Zip Code

919.624.5671  
Telephone

\_\_\_\_\_  
Email

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

\_\_\_\_\_  
Owner's Name

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

\_\_\_\_\_  
City, State, and Zip Code

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
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:

All safety precautions have been taken. I have submitted a professional site plan.

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

No waivers requested - application meets all requirements.

- 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:

There are two restaurants located adjacent to this property and this will be a continuous flow of business.

- 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.:

See above answer - meets all requirements of the Town of Carolina Beach and parking, etc.

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:

See attached drawing

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.

No off street parking or loading will be used. We meet all requirements of exhaust problems and will be a family oriented business.

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

The Town of Carolina Beach will provide dumpsters for the use and removal of all refuse.

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.

Roadside utilities exist for any use we may have

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

A 5ft setback will be provided for landscaping - trees, bushes, etc.

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;

Signs shall conform to the latest Carolina Beach Regulation.

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

See attached drawing

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers scale 1 inch = 40 ft or larger (1 inch = 10 ft)
<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 type="checkbox"/>	Location and design of refuse facilities
<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Locations of all entrances and exits to all structures
<input 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 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 type="checkbox"/>	<input type="checkbox"/>	Proposed landscaping including percentages of open space
<input 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 parking lot improvements
<input 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 type="checkbox"/>	Location of fire department connection(s) for standpipes
<input 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 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 \_\_\_\_\_  
 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** **Date**

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

The undersigned owner, Ralph Wolf, does hereby appoint Jennifer M. Lamb 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: 8/29/19

Appointee's Name, Address & Telephone:  
JENNIFER M LAMB  
221 LACE VIEW DR  
CARY, N.C. 27518

Signature of Owner: Ralph Wolf

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

The undersigned owner, Ralph Sob, does hereby appoint Dennis M. Lohr 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: 8/29/19

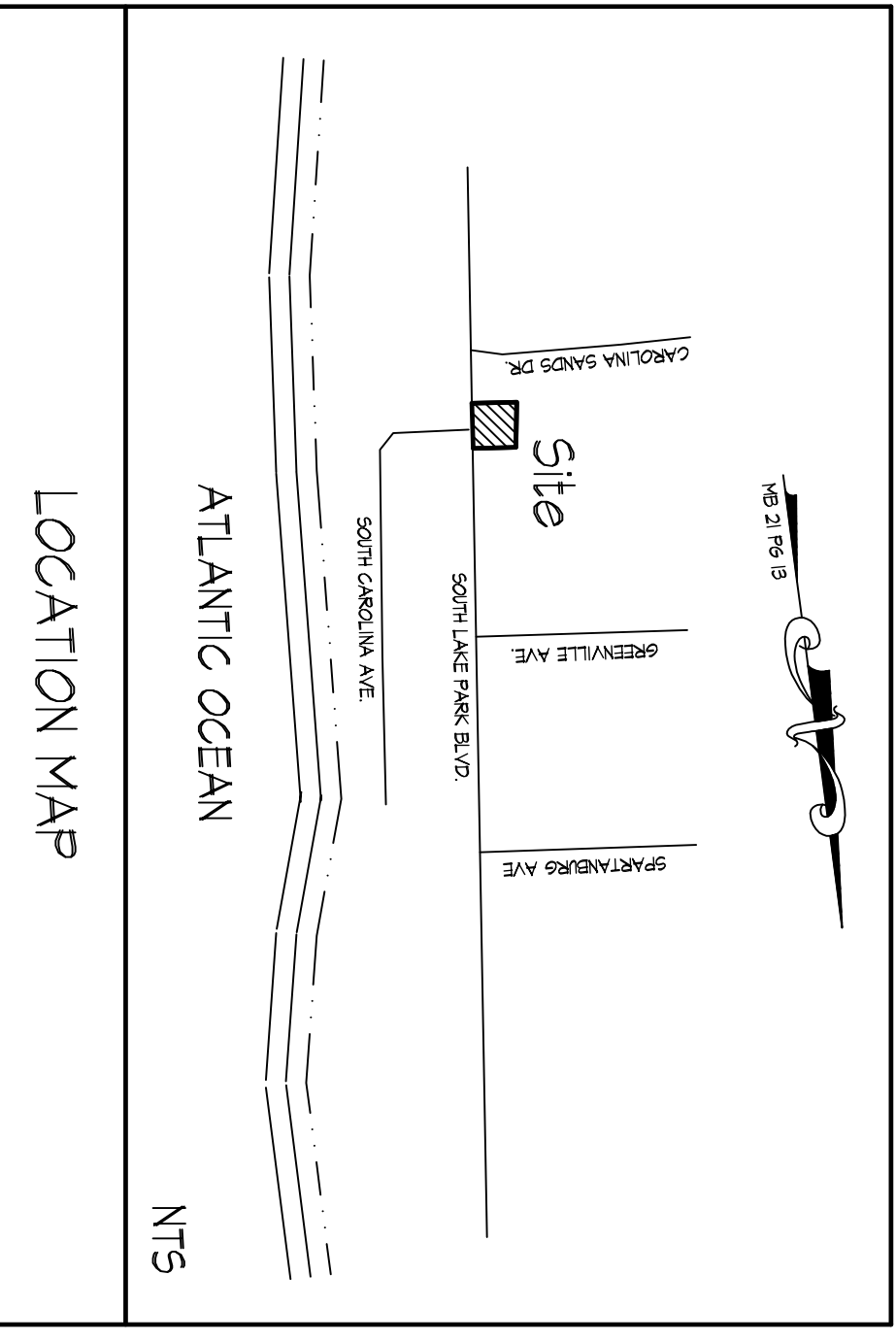
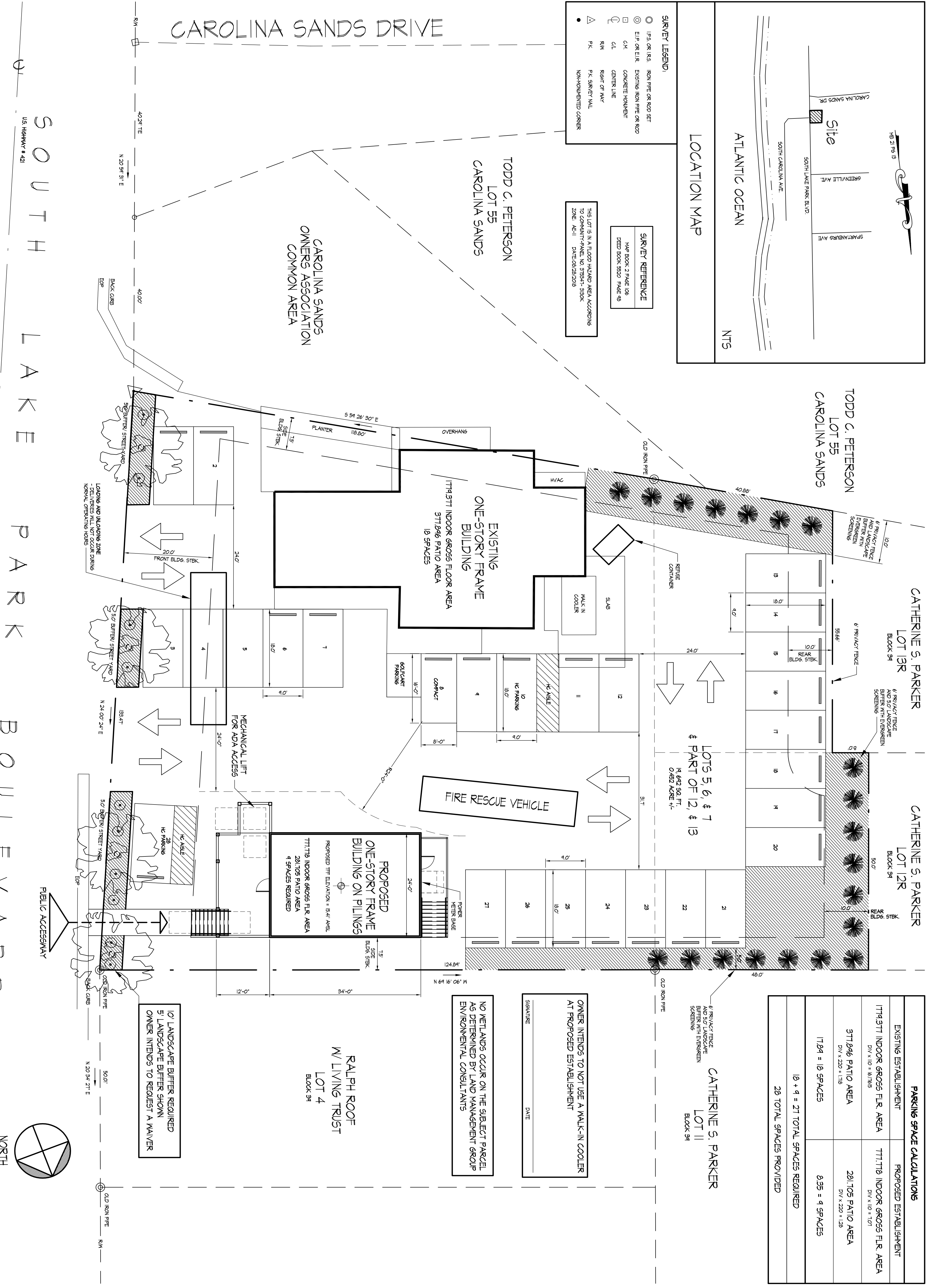
Appointee's Name, Address & Telephone:

DENNIS M. LOHR  
221 LODE VIEW DR  
CARY, N.C. 27518

Signature of Owner: Ralph Sob

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THIS PLAN IS A PRELIMINARY PLAN FOR THE PROPOSED ONE-STORY FRAME BUILDING ON PLOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



- SYMBOL LEGEND:**
- 1/2" OR 3/4" IRON PIPE OR 600# SET
  - ELP OR ELR EXISTING NON PIPE OR 600
  - C/M CONCRETE MOUNT
  - CL CENTER LINE
  - RM RIGHT OF WAY
  - PK SURVEY WALL
  - NON-MOUNTED CORNER
- SYMBOL REFERENCE:**
- USE BOOK 3 PAGE 10
  - 2000 BOOK 300 PAGE 49
- THIS LOT IS A 100% MAJOR AREA ACCORDING TO COMPARISON PANEL NO. 3584-350X ZONE. A-11 DATE 08/24/2018**

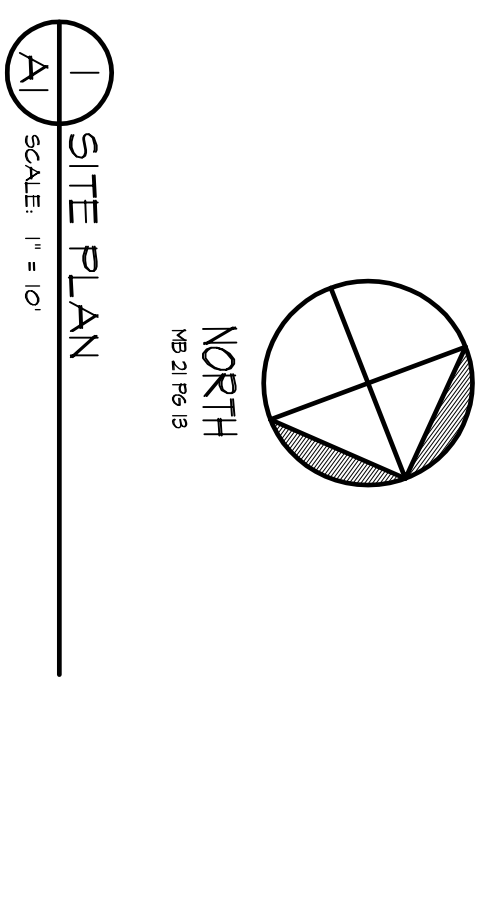
PARKING SPACE CALCULATIONS		
EXISTING ESTABLISHMENT	PROPOSED ESTABLISHMENT	
1714 311 INDOOR GARAGE F.L.R. AREA DIV. X 10' X 6' 11/8"	1711 1119 INDOOR GARAGE F.L.R. AREA DIV. X 10' X 10'	
317 1946 PATIO AREA DIV. X 220' X 113'	281 105 PATIO AREA DIV. X 220' X 129'	
17194 = 18 SPACES	835 = 4 SPACES	
18 + 4 = 21 TOTAL SPACES REQUIRED		26 TOTAL SPACES PROVIDED

OWNER INTENDS TO NOT USE A WALK-IN COOLER AT PROPOSED ESTABLISHMENT

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

NO WETLANDS OCCUR ON THE SUBJECT PARCEL AS DETERMINED BY LAND MANAGEMENT GROUP ENVIRONMENTAL CONSULTANTS

10' LANDSCAPE BUFFER REQUIRED 5' LANDSCAPE BUFFER SHOWN. OWNER INTENDS TO REQUEST A WAIVER



SHEET 51



PINKSTON DRAFTING COMPANY

CRABBY JACK'S  
1012 1/2 South Lake Park Blvd.  
Carolina Beach, North Carolina 28428

DATE Sept. 23, 2019 REVISED



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

October 10<sup>th</sup>, 2019  
Miles Murphy – Planner





**Location:** 1012 S. Lake Park Blvd

**Applicant:** Ralph Roof



1012 LPBS

# 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)	<a href="#">C</a>

## 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
NB	Neighborhood Goods and Services	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. <sup>2</sup>	40%

# Adjacent Properties



1016 S. Lake Park Blvd  
Carolina Sands HOA



1006 S. Lake Park Blvd

**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

- A waiver to the 10' landscape buffer is required for this structure to be built

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

- The proposed CUP does not meet all required conditions and specifications

- It requires the 10' landscape buffer to be waived on the east and north for parking and on the north for the second structure

(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%.

## 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, but will require a landscape buffer waiver
- (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 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

Required	Proposed
20'	32.8'
10'	10'
7.5'	10'

# Staff Recommendation

Staff recommends the CUP meet all landscaping requirements, but otherwise has no objections to the proposed Business CUP.

# Decision

Recommend to:

- Approve the CUP as defined that it does meet 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 standards





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

Permit Number: 19-C07

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): 1012 S. Lake Park Blvd, Carolina Beach, NC  
28428

PIN(s):

Project Name Crabby Jacks

Size of lot(s): 19,670 sq ft

**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):

Restaurant

**C. Applicant Contact Information**

Ralph W. Roof  
Company/corporate Name (if applicable):

Ralph W. Roof  
Applicant's Name

105 Tennessee Ave #201  
Mailing Address

Carolina Beach, NC 28428  
City, State, and Zip Code

919.624.5671  
Telephone

Email

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

Owner's Name

Mailing Address

City, State, and Zip Code

Telephone

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:

All safety precautions have been taken. I have submitted a professional site plan.

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

No waivers requested - application meets all requirements.

- 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:

There are two restaurants located adjacent to this property and this will be a continuous flow of business.

- 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.:

See above answer - meets all requirements of the Town of Carolina Beach and parking, etc.

*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:

See attached drawing

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.

No off street parking or loading will be used. We meet all requirements of exhaust problems and will be a family oriented business.

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

The Town of Carolina Beach will provide dumpsters for the use and removal of all refuse.

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.

Roadside utilities exist for any use we may have

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

A 5ft setback will be provided for landscaping - trees, bushes, etc.

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;

Signs shall conform to the latest Carolina Beach Regulation.

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

See attached drawing

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers scale 1 inch = 40 ft or larger (1 inch = 10 ft)
<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 type="checkbox"/>	Location and design of refuse facilities
<input 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 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Locations of all entrances and exits to all structures
<input 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 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 type="checkbox"/>	<input type="checkbox"/>	Proposed landscaping including percentages of open space
<input 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 parking lot improvements
<input 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 type="checkbox"/>	Location of fire department connection(s) for standpipes
<input 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 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 \_\_\_\_\_  
 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** **Date**

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

The undersigned owner, Ralph Wolf, does hereby appoint Jennifer M. Lamb 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: 8/29/19

Appointee's Name, Address & Telephone:

JENNIFER M LAMB  
221 LACE VIEW DR  
CARY, N.C. 27518

Signature of Owner: Ralph Wolf

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

The undersigned owner, Ralph Sob, does hereby appoint Jennifer M. Lohr 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: 8/29/19

Appointee's Name, Address & Telephone:

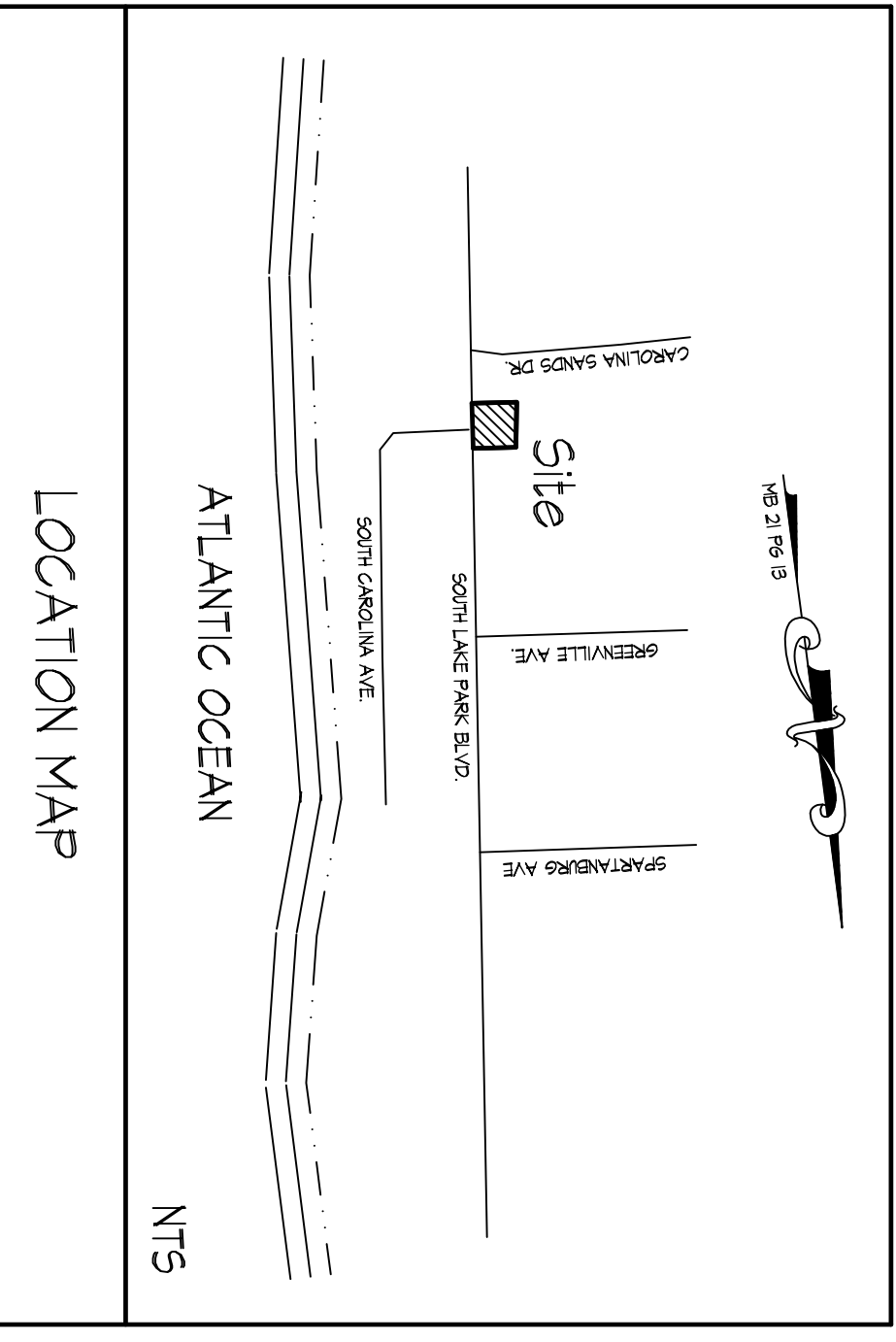
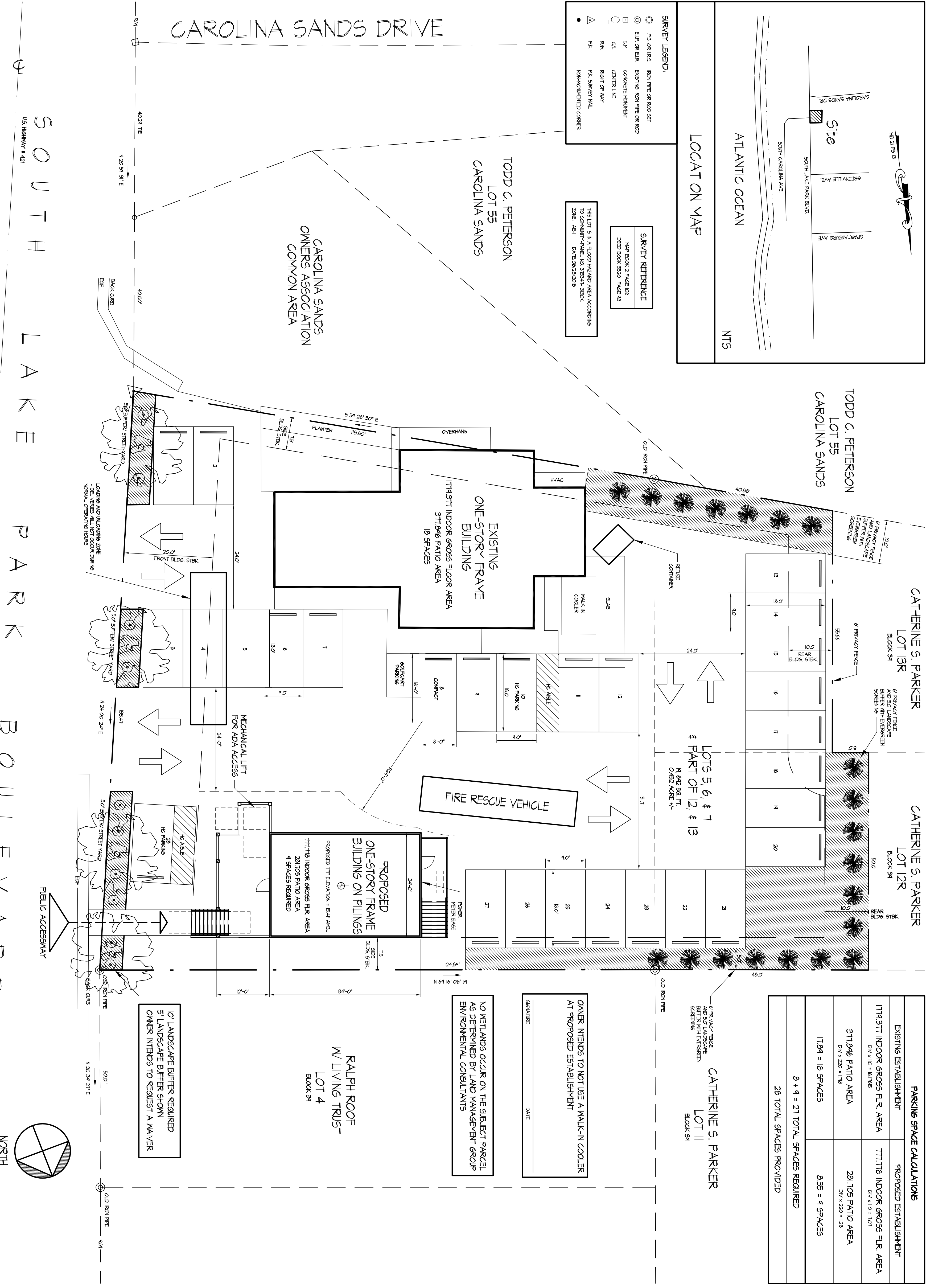
JENNIFER M. LOHR  
221 LODE VIEW DR  
CARY, N.C. 27518

Signature of Owner: Ralph Sob



© 2014 COPYRIGHT - PINKSTON DRAFTING COMPANY - A DIVISION OF PINK ASSOCIATES, INCORPORATED

THIS PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE PROPERTY OF PINKSTON DRAFTING COMPANY AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM. ANY UNAUTHORIZED USE OF THIS PLAN IS STRICTLY PROHIBITED.



- SYMBOL LEGEND:**
- 1/2" OR 3/4" IRON PIPE OR 600# SET
  - ELP OR ELR EXISTING NON PIPE OR 600
  - C/M CONCRETE MOUNT
  - CL CENTER LINE
  - RM RIGHT OF WAY
  - PK SURVEY WALL
  - NON-MOUNTED CORNER
- SYMBOL REFERENCE:**
- SEE BOOK 3 PAGE 10  
SEE BOOK 300 PAGE 49
- NOTE:** THIS LOT IS A 100% MAJOR AREA ACCORDING TO COMMAINT-PANEL NO 3584-350X ZONE. A-11 DATE 08/24/2018

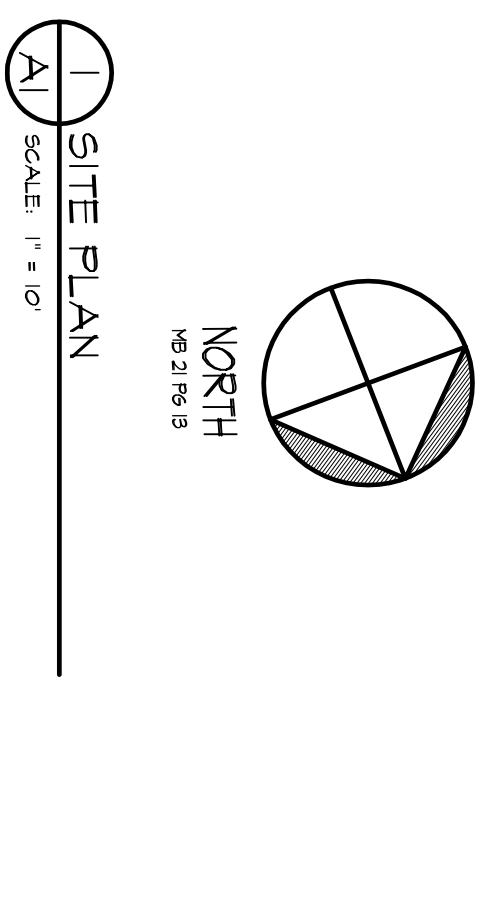
PARKING SPACE CALCULATIONS		
EXISTING ESTABLISHMENT	PROPOSED ESTABLISHMENT	
1714 311 INDOOR GARAGE F.L.R. AREA DIV. X 100 = 6.785	711 1119 INDOOR GARAGE F.L.R. AREA DIV. X 100 = 1.07	
311 246 PATIO AREA DIV. X 200 = 1.119	281 105 PATIO AREA DIV. X 200 = 1.29	
17194 = 10 SPACES	835 = 4 SPACES	
10 + 4 = 21 TOTAL SPACES REQUIRED		26 TOTAL SPACES PROVIDED

OWNER INTENDS TO NOT USE A WALK-IN COOLER AT PROPOSED ESTABLISHMENT

SIGNATURE: \_\_\_\_\_ DATE: \_\_\_\_\_

NO WETLANDS OCCUR ON THE SUBJECT PARCEL AS DETERMINED BY LAND MANAGEMENT GROUP ENVIRONMENTAL CONSULTANTS

10' LANDSCAPE BUFFER REQUIRED  
5' LANDSCAPE BUFFER SHOWN  
OWNER INTENDS TO REQUEST A WAIVER



SHEET 51



PINKSTON DRAFTING COMPANY

CRABBY JACK'S  
1012 1/2 South Lake Park Blvd.  
Carolina Beach, North Carolina 28428

DATE Sept. 23, 2019 REVISED



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

October 10<sup>th</sup>, 2019  
Miles Murphy – Planner



**Location:** 1012 S. Lake Park Blvd

**Applicant:** Ralph Roof



1012 LPBS

# 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)	<a href="#">C</a>

### 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
NB	Neighborhood Goods and Services	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. <sup>2</sup>	40%

# Adjacent Properties



1016 S. Lake Park Blvd  
Carolina Sands HOA



1006 S. Lake Park Blvd

**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

- A waiver to the 10' landscape buffer is required for this structure to be built

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

- The proposed CUP does not meet all required conditions and specifications

- It requires the 10' landscape buffer to be waived on the east and north for parking and on the north for the second structure

(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%.

## 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, but will require a landscape buffer waiver
- (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 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

Required	Proposed
20'	32.8'
10'	10'
7.5'	10'



# Staff Recommendation

Staff recommends the CUP meet all landscaping requirements, but otherwise has no objections to the proposed Business CUP.

# Decision

Recommend to:

- Approve the CUP as defined that it does meet 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 standards



## AGENDA ITEM

Meeting: Planning and Zoning - 10 Oct 2019

Prepared By: Miles Murphy

Department: Planning

### CUP: 406 Harper - Residential PUD - Applicant: The Pioneer Group

#### BACKGROUND:

The applicant, The Pioneer Group NC Inc., is requesting a Conditional Use Permit (CUP) to build a two unit PUD comprised of two Single-Family residences on 406 Harper Avenue. The parcel is zoned R-1 which allows SFR, 2FR and Residential PUDs with a density of 15 units/acre.

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 Wilson for one home and via Harper for the other

(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 of the number of bedrooms (2 bedrooms per unit = 2 parking spaces per unit)

- 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 delivered to Harper and Wilson for standard pick up

(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 required 5' landscaping buffer

(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
- (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 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 homes follow the setback requirements
- The use would have the same impact as two SFR on two independent lots, but the lot is too small to be divided
- (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 residences 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.

**ACTION REQUESTED:**

Recommend to:

- Approve the CUP as defined that it does meet 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 standards

**COMMITTEE  
RECOMMENDATION:**

Staff recommends the approval of the CUP

**ATTACHMENTS:**

- [Application](#)
- [406 Harper Avenue Revised Boundary Survey](#)
- [406 Harper Ave PUD - PPT](#)



Conditional Use Permit

TOWN OF CAROLINA BEACH, N.C.

**RECEIVED**  
**SEP 03 2019**

Permit Number: 19-C08

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 28	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): 406 Harper Ave  
PIN(s): R08818-012-004-000  
Project Name Harper Ave Cottages  
Size of lot(s): 8002 SF

**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):  
This project proposes 2 single family residences instead of the attached townhome that is permitted on this property.

**C. Applicant Contact Information**

The Pioneer Group NC Inc  
Company/corporate Name (if applicable):  
Stephannie Covington  
Applicant's Name  
PO Box 15474  
Mailing Address  
Wilmington, NC 28408  
City, State, and Zip Code  
910-443-3681  
Telephone  
hello@thepioneergoupnc.com  
Email

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

The Pioneer Group NC Inc  
Owner's Name  
PO BOX 15474  
Mailing Address  
Wilmington, NC 28408  
City, State, and Zip Code  
910-443-3681  
Telephone  
hello@thepioneergroupnc.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 density falls under the current density requirements and the proposed homes follow the setback requirements. A 2 family structure is already permitted on this lot, and we simply want to provide 2 single family structures**

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

**The proposed CUP meets all required conditions**

- 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 proposed residences will conform to the neighboring properties. The value of the proposed homes will likely bolster the value of adjoining properties.**

- 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.:

**Two detached single family residences conform with neighboring properties.**



*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 entrance and egress to the property remains the same and follow the entrance and egress of neighboring lots.  
\_\_\_\_\_

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.

Parking will be onsite for each residence and meet the Town parking requirements with parking for each residence provided within garage, carport, and driveway areas.  
\_\_\_\_\_

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

All trash will be disposed via the town residential trash services as the neighboring residences dispose of their refuse.  
\_\_\_\_\_

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.

Duke energy will provide electric service and lines are in place Public water and sewer will also be provided.  
\_\_\_\_\_

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

We will have a 5' landscaped buffer on the sides and rear property line with trees and shrubs  
The common spaces around the residences will also be landscaped  
\_\_\_\_\_

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;

We will just have address numbers as assigned by the Town on each residence. No other signage will be used.  
\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_

**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.*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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:*

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Calculate the gross floor area with each room labeled (i.e. kitchen, bedroom, bathroom)
<input 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Proposed landscaping including percentages of open space
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dimensions and locations of all signs
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A vicinity map drawn with north indicated

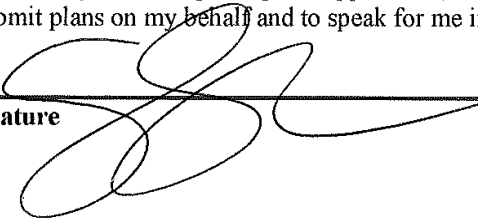
- I have provided a scaled electronic version of each required drawing
- I have folded all plans to 8 1/2" x 11" size and am prepared to pay the application fee today

**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 Stephannie Covington

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.


8/18/19

---

**Signature**

**Date**

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

The undersigned owner, <sup>n/a</sup> The Pioneer Group NC, Inc., does hereby appoint Robert Calder 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: 9/15/19

N/A

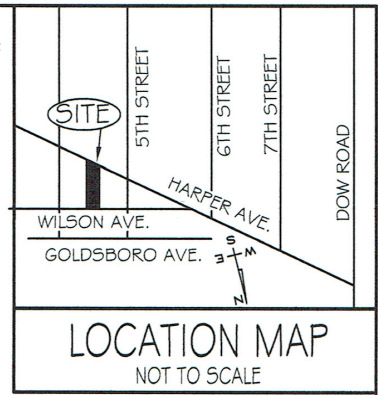
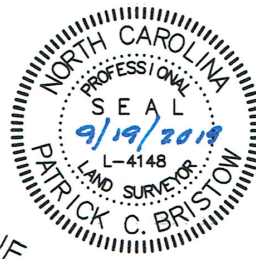
Appointee's Name, Address & Telephone:  
The Pioneer Group NC, INC  
Stephannie Covington  
PO BOX 15474  
Wilmington, NC 28408

Signature of Owner: 

I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 19TH DAY OF SEPTEMBER A.D. 2019.

*Patrick C. Bristow*

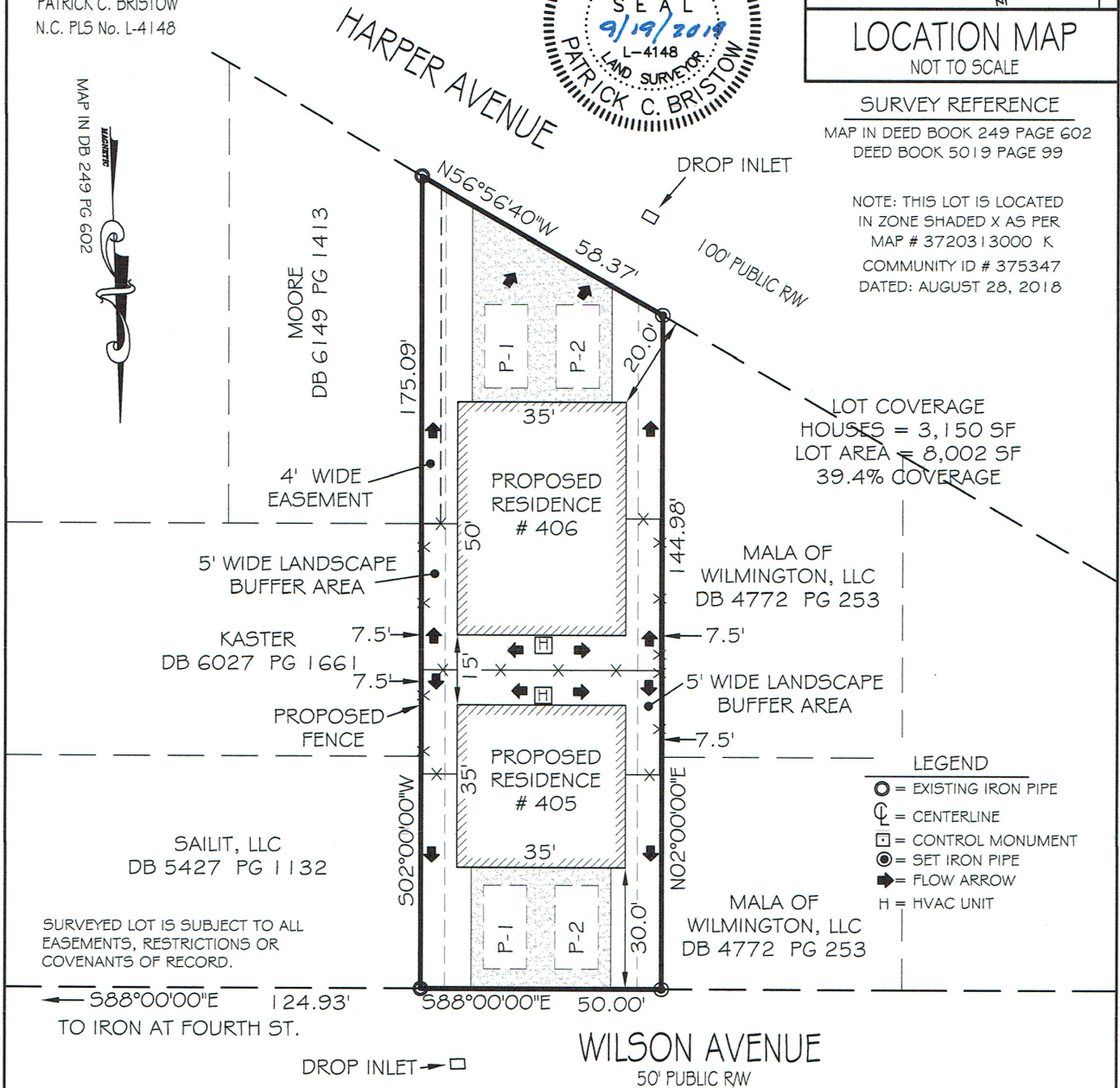
PATRICK C. BRISTOW  
N.C. PLS No. L-4148



**SURVEY REFERENCE**  
MAP IN DEED BOOK 249 PAGE 602  
DEED BOOK 5019 PAGE 99

NOTE: THIS LOT IS LOCATED IN ZONE SHADED X AS PER MAP # 3720313000 K  
COMMUNITY ID # 375347  
DATED: AUGUST 28, 2018

MAP IN DB 249 PG 602



LOT COVERAGE  
HOUSES = 3,150 SF  
LOT AREA = 8,002 SF  
39.4% COVERAGE

**LEGEND**

- = EXISTING IRON PIPE
- ⊙ = CENTERLINE
- = CONTROL MONUMENT
- ⊙ = SET IRON PIPE
- ➔ = FLOW ARROW
- H = HVAC UNIT

SURVEYED LOT IS SUBJECT TO ALL EASEMENTS, RESTRICTIONS OR COVENANTS OF RECORD.

← 588°00'00"E 124.93'  
TO IRON AT FOURTH ST.

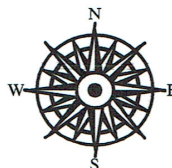
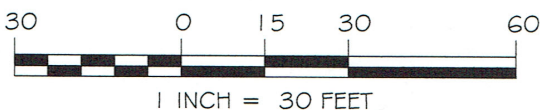
WILSON AVENUE  
50' PUBLIC RW

**BOUNDARY SURVEY WITH PROPOSED IMPROVEMENTS FOR PIONEER GROUP NC, INC.**

LOT 6 BLOCK 74 CAROLINA BEACH  
TOWN OF CAROLINA BEACH NEW HANOVER COUNTY, N.C.

S:\LAND PROJECTS\CAROLINA BEACH BLK 74 LOT 6\dwg\406 HARPER AVE.dwg

SEPTEMBER 19, 2019 0.18 AC. ±



**PATRICK C. BRISTOW**  
LAND SURVEYING, PC  
4113-A OLEANDER DRIVE  
WILMINGTON, N.C. 28403  
PHONE : (910) 791-1500  
E-MAIL : pat@bristowsurveying.com  
FIRM LICENSURE NO. C-3071



# Conditional Use Permit: 406 Harper Ave – Planned Unit Development

October 10<sup>th</sup>, 2019  
Miles Murphy – Planner



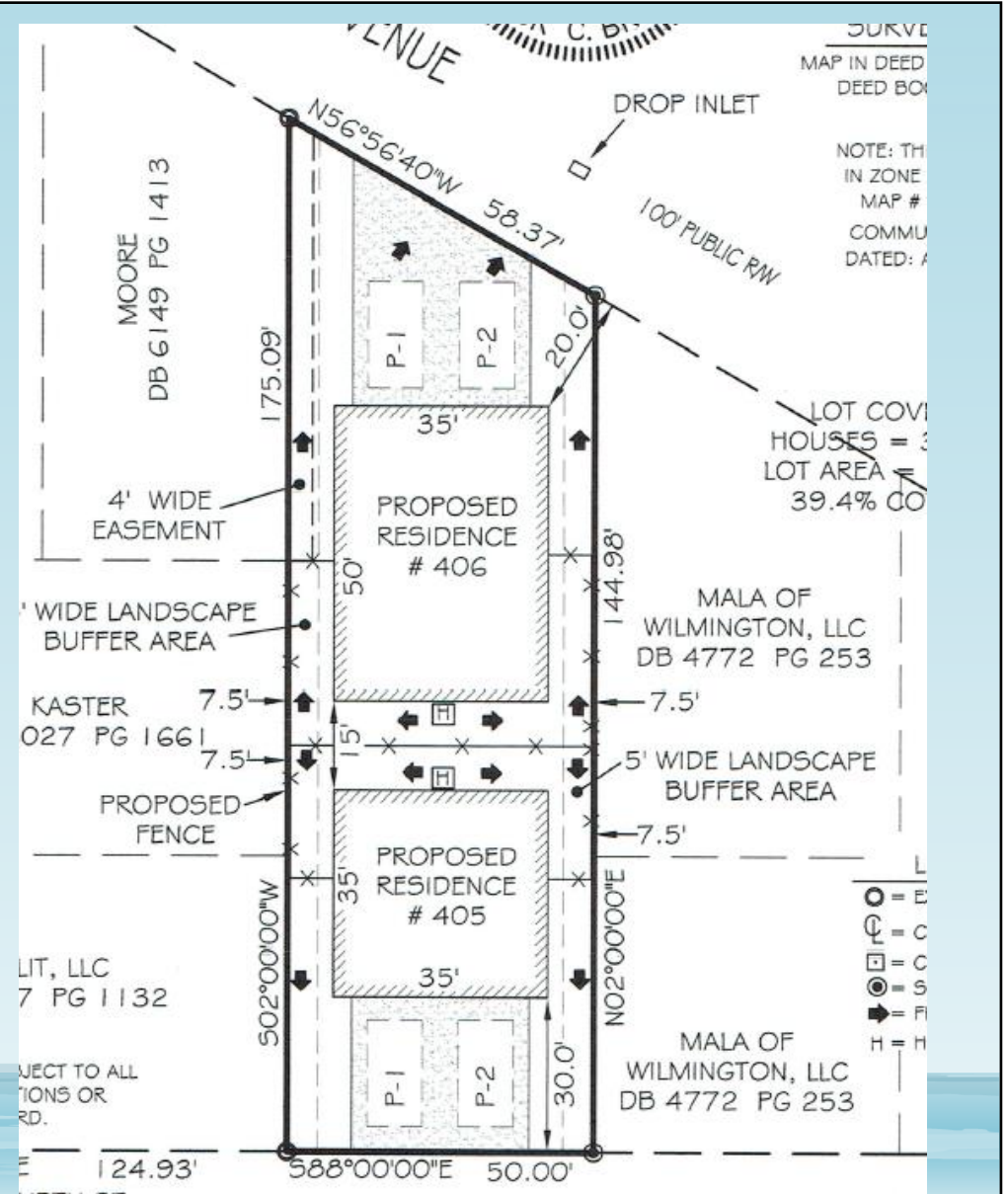
**Location:** 406 Harper Avenue  
**Applicant:** Pioneer Group NC INC

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

Zoning District	Primary Permitted Uses	Min. Front Yard	Min. Rear Yard	Min. Side Yards * (Corner Lot—Min. 12.5 ft.) <sup>4</sup>	Residential Max. Density	Max. Height	Max. Lot Coverage
R-1	SFR/2FR	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. <sup>1</sup>	40%







406 Harper Ave  
(View through from Wilson)

# Adjacent Properties



408 Harper



404 Harper

# Adjacent Properties



407 4th



405 4th



407 Wilson

## 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 homes follow the setback requirements
  - The use would have the same impact as two SFR on two independent lots, but the lot is too small to be divided
- (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 residences 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.

## 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 Wilson for one home and via Harper for the other
- (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 of the number of bedrooms (2 bedrooms per unit = 2 parking spaces per unit)
  - 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 delivered to Harper and Wilson for standard pick up
- (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 required 5' landscaping buffer
- (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
- (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 25% of open space
  - Below maximum of 40% lot coverage

Required	Proposed
20'	20'
10'	15'
7.5'	10'

# Staff Recommendation

Staff recommends the approval of the CUP

# Decision

Recommend to:

- Approve the CUP as defined that it does meet 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 standards



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

**RECEIVED**  
**SEP 03 2019**

Permit Number: 19-C08

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): 406 Harper Ave  
PIN(s): R08818-012-004-000  
Project Name Harper Ave Cottages  
Size of lot(s): 8002 SF

**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):  
This project proposes 2 single family residences instead of the attached townhome that is permitted on this property.

**C. Applicant Contact Information**

The Pioneer Group NC Inc  
Company/corporate Name (if applicable):  
Stephannie Covington  
Applicant's Name  
PO Box 15474  
Mailing Address  
Wilmington, NC 28408  
City, State, and Zip Code  
910-443-3681  
Telephone  
hello@thepioneergoupnc.com  
Email

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

The Pioneer Group NC Inc  
Owner's Name  
PO BOX 15474  
Mailing Address  
Wilmington, NC 28408  
City, State, and Zip Code  
910-443-3681  
Telephone  
hello@thepioneergroupnc.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 density falls under the current density requirements and the proposed homes follow the setback requirements. A 2 family structure is already permitted on this lot, and we simply want to provide 2 single family structures**

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

**The proposed CUP meets all required conditions**

- 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 proposed residences will conform to the neighboring properties. The value of the proposed homes will likely bolster the value of adjoining properties.**

- 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.:

**Two detached single family residences conform with neighboring properties.**

*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 entrance and egress to the property remains the same and follow the entrance and egress of neighboring lots.  
\_\_\_\_\_

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.

Parking will be onsite for each residence and meet the Town parking requirements with parking for each residence provided within garage, carport, and driveway areas.  
\_\_\_\_\_

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

All trash will be disposed via the town residential trash services as the neighboring residences dispose of their refuse.  
\_\_\_\_\_

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.

Duke energy will provide electric service and lines are in place Public water and sewer will also be provided.  
\_\_\_\_\_

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

We will have a 5' landscaped buffer on the sides and rear property line with trees and shrubs  
The common spaces around the residences will also be landscaped  
\_\_\_\_\_

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;

We will just have address numbers as assigned by the Town on each residence. No other signage will be used.  
\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_

**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"/>	<i>Lot coverage</i> (buildings, decks, steps)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Location of all existing and proposed <i>structures</i> and the setbacks from property lines of affected <i>structures</i> 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 <i>utilities</i>
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<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Locations of all entrances and exits to all <i>structures</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Calculate the <i>gross floor area</i> with each room labeled (i.e. kitchen, bedroom, bathroom)
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<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 <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 checked="" type="checkbox"/>	Proposed landscaping including percentages of <i>open space</i>
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<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Cross-sectional details of all streets, roads, ditches, and <i>parking lot</i> improvements
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<i>Building</i> 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Dimensions and locations of all <i>signs</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A vicinity map drawn with north indicated

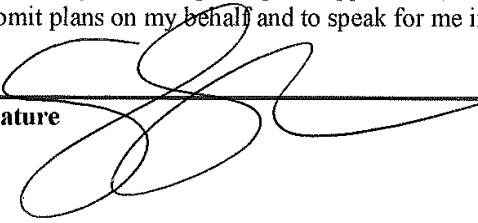
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- 1. Detailed project narrative describing the proposed site and request.
- 2. Agent form if the applicant is not the property owner
- 3. Request for site specific development plan shall be submitted in accordance with Chapter 40 Article

**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 Stephannie Covington

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.


8/18/19

---

**Signature**

**Date**

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

The undersigned owner, <sup>n/a</sup> The Pioneer Group NC, Inc., does hereby appoint Robert Calder 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: 9/15/19

*N/A*

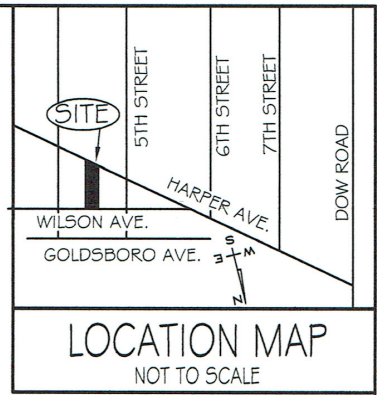
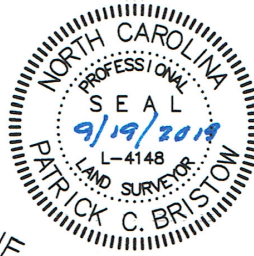
Appointee's Name, Address & Telephone:  
The Pioneer Group NC, INC  
Stephannie Covington  
PO BOX 15474  
Wilmington, NC 28408

Signature of Owner: 

I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION: DESCRIPTION AS SHOWN ON THE FACE OF THIS PLAT; RATIO OF PRECISION AS CALCULATED BY COMPUTER IS 1:10,000+; THAT THE BOUNDARIES NOT SURVEYED ARE SHOWN BY BROKEN LINES PLOTTED FROM INFORMATION REFERENCED; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH "THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA" (21 NCAC 56.1604); WITNESS MY ORIGINAL SIGNATURE, LICENSURE NUMBER AND SEAL THIS 19TH DAY OF SEPTEMBER A.D. 2019.

*Patrick C. Bristow*

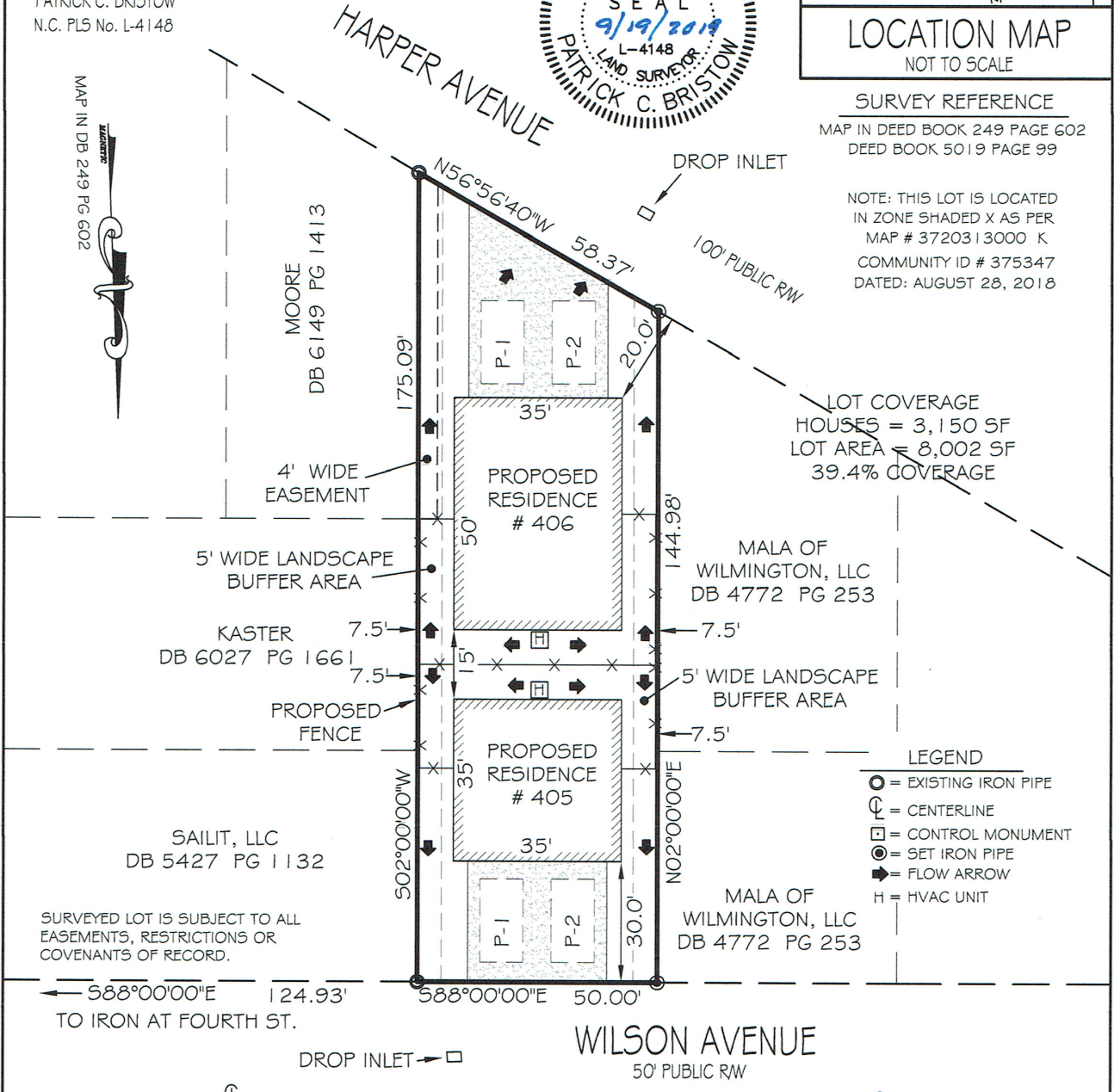
PATRICK C. BRISTOW  
N.C. PLS No. L-4148



**SURVEY REFERENCE**  
MAP IN DEED BOOK 249 PAGE 602  
DEED BOOK 5019 PAGE 99

NOTE: THIS LOT IS LOCATED IN ZONE SHADED X AS PER MAP # 3720313000 K  
COMMUNITY ID # 375347  
DATED: AUGUST 28, 2018

MAP IN DB 249 PG 602



**BOUNDARY SURVEY WITH PROPOSED IMPROVEMENTS FOR PIONEER GROUP NC, INC.**  
 LOT 6 BLOCK 74 CAROLINA BEACH  
 TOWN OF CAROLINA BEACH NEW HANOVER COUNTY, N.C.

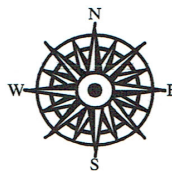
S:\LAND PROJECTS\CAROLINA BEACH BLK 74 LOT 6\dwg\406 HARPER AVE.dwg

SEPTEMBER 19, 2019 0.18 AC. ±

30 0 15 30 60



1 INCH = 30 FEET



**PATRICK C. BRISTOW**  
 LAND SURVEYING, PC  
 4113-A OLEANDER DRIVE  
 WILMINGTON, N.C. 28403  
 PHONE : (910) 791-1500  
 E-MAIL : pat@bristowsurveying.com  
 FIRM LICENSURE NO. C-3071



# Conditional Use Permit: 406 Harper Ave – Planned Unit Development

October 10<sup>th</sup>, 2019  
Miles Murphy – Planner





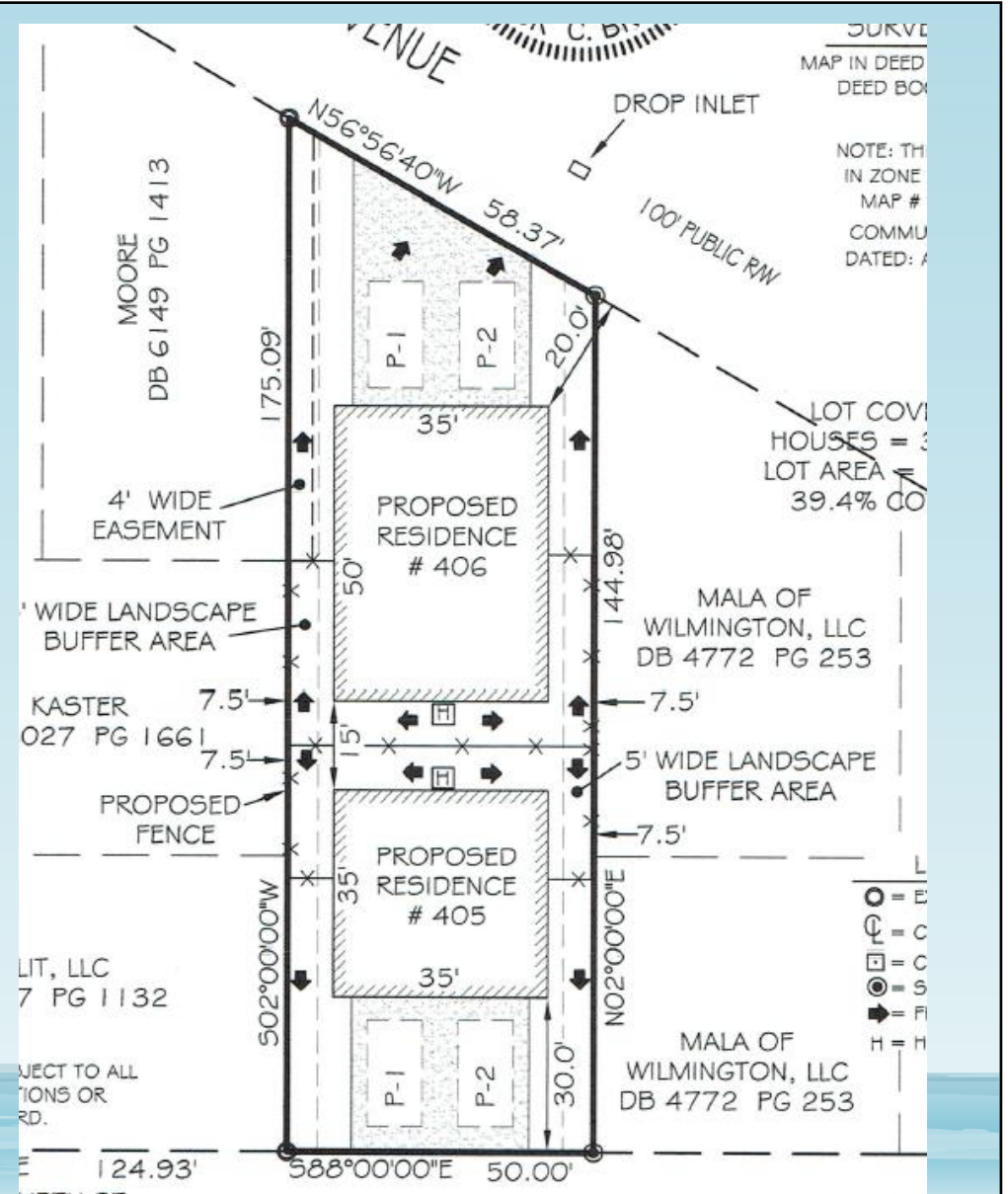
**Location:** 406 Harper Avenue  
**Applicant:** Pioneer Group NC INC

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

Zoning District	Primary Permitted Uses	Min. Front Yard	Min. Rear Yard	Min. Side Yards * (Corner Lot—Min. 12.5 ft.) <sup>4</sup>	Residential Max. Density	Max. Height	Max. Lot Coverage
R-1	SFR/2FR	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. <sup>1</sup>	40%





406 Harper Ave  
(View through from Wilson)

# Adjacent Properties



408 Harper



404 Harper

# Adjacent Properties



407 4th



405 4th



407 Wilson

## 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 homes follow the setback requirements
  - The use would have the same impact as two SFR on two independent lots, but the lot is too small to be divided
- (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 residences 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.

## 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 Wilson for one home and via Harper for the other
- (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 of the number of bedrooms (2 bedrooms per unit = 2 parking spaces per unit)
  - 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 delivered to Harper and Wilson for standard pick up
- (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 required 5' landscaping buffer
- (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
- (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 25% of open space
  - Below maximum of 40% lot coverage

Required	Proposed
20'	20'
10'	15'
7.5'	10'

# Staff Recommendation

Staff recommends the approval of the CUP



# Decision

Recommend to:

- Approve the CUP as defined that it does meet 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 standards



## AGENDA ITEM

Meeting: Regular Town Council - 08 Oct 2019

Prepared By: Jeremy Hardison

Department: Planning

### **Consider a Conditional Use Permit at 401 Marina St - Carolina Beach Marina and Yacht Club to operate an eating and drinking establishment that will consist of a floating barge located at 401 Marina St. Applicant: CBYC, LLC**

#### **BACKGROUND:**

The applicant, Carolina Beach Yacht Club and Marina, is requesting a Conditional Use Permit (CUP) to add an eating and drinking establishment and a ship store located on a barge (ship) that will be motorized. The applicant CBYC, LLC is proposing the name of the marina as Carolina Beach Yacht Club and Marina, formally Joyner Marina and Oceana. The Marina is located at 401 Marina St. and is in the MB-1 zoning district. The property currently has a two-story building that contains an office, retail and a residential unit. There are 69 existing wet boat slips associated with the marina. The applicant would like to install a 40' x 120' barge on the east of the existing fuel docks to expand the marina store to the barge and erect a 40' X 16' building that will contain a concession stand, dockhand office, retail and a horseshoe bar that will provide hot dogs, sandwiches, beer and wine. An establishment that is serving on-premises alcohol that is not a standard restaurant is classified as a bar. Bars can be approved under a Conditional Use Permit in the MB-1 zoning district. The barge will be register as a vessel with the NC wildlife. The applicant is also expanding the fuel docks by 160' X 12' to the north and will provide two more additional gas fuel dispensers. The existing building will be utilized as an office and storage with an existing residential unit above. The property is located in a flood zone.

#### ***Specific standards. Applicant must make provisions for:***

*(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;*

No change is proposed to access the lot. There is an existing drive to get to the marina and an additional approved parking lot inside the gate of Oceana Subdivision located in the R-1B that accommodates the boat slips. They are proposing to access 13 newly designed parking spots off the connector road between Florida Ave and Georgia Ave. This area is designated as an

access easement right-of-way as shown on the attached easement plat.

*(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;*

The required parking is provided below

Parking requirements

- Existing Boat Slips – 69, 1 per boat slip = 69 spaces
- Proposed retail space – 320 sq. ft., 1 per 200 sq. ft. = 1.6
- Eating & Drinking Establishment - 320 sq. ft. of inside, 1 per 110 = 2.9
- 2,600 sq. ft. outdoor, 1 per 220 sq. ft. = 11.8 spaces
- One residential unit - 1,200sq. ft. = 1 per 1,000sq. ft. = 1.2
- Office space - 600 sq. ft., 1 per 300 sq. ft. = 2
- Existing retail in building - 933 sq. ft., 1 per 200 sq. ft. = 4.7
- Existing parking = 81 spaces
- Proposed additional parking =93.2 spaces = 94 spaces
- Total parking provided = 95

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

Trash and recycling containers will service the site and will be enclosed.

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

The new building will connect to the existing utilities and no upgrades are required

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

No additional landscaping is required

*(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 are proposed

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

No new upland structures are proposed

**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 use has served as a commercial marina for 25 years serving the boating community. This is the first time they will be offering on-premise alcohol. They will be serving by the water and will be over 330 feet from the residential district. The minimum requirement is 200 feet from any residential district.

*(2) That the use meets all required conditions and*

*specifications;*

After review by staff the plan has been determined to meet all conditions and specifications except for the landscaping requirements by the additional parking spaces.

*(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 is in keeping with the character of the MB-1 area.

*(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 Marina Mixed Use area includes commercial uses that includes water-oriented restaurants and services

**ACTION REQUESTED:**

**Approval** must be consistent with the findings in the Zoning Ordinance as follows:

(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 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.

**Denial** should be directly related to one or more of the following findings.

**Reasons for denial must be specifically stated by the Council:**

(1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.

(2) That the use does not meet all required conditions and specifications;

(3) That the use will 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 not 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 that it meets all required conditions and specifications.

**ATTACHMENTS:**

[CUP Application](#)  
[MARINA-9-22-19](#)



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

Permit Number: CB-CO4

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	Jan 14	Jan 30	Feb 12
Mar 4	Mar 18	Feb 28	Feb 14	Feb 27	Mar 12
Apr 1	Apr 15	Mar 28	Mar 14	Mar 27	Apr 9
May 6	May 20	Apr 25	Apr 11	May 1	May 14
June 3	June 17	May 30	May 9	May 29	June 11
July 1	July 15	June 27	June 13	June 26	July 9
Aug 5	Aug 19	July 25	July 11	July 31	Aug 13
Sept 2	Sept 16	Aug 29	Aug 8	Aug 28	Sept 10
Oct 7	Oct 21	Sept 26	Sept 12	Sept 25	Oct 8
Nov 4	Nov 18	Oct 31	Oct 10	Oct 30	Nov 12
Dec 2	Dec 16	Nov 28	Nov 14	Nov 20	Dec 10
Jan 6	Jan 20	Dec 19	Dec 12	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): 401 Marina Street Carolina Beach, NC 28428  
 PIN(s): R08519-002-002-000, R08519-002-028-000, R08807-002-010-000  
 Project Name Carolina Beach Yacht Club and Marina Expansion  
 Size of lot(s): No Change

**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):

Add a ship to be stationary at the fuel dock. The new vessel will house our ship store and concessions stand. The concessions stand will sell on premise alcohol and wine. The concessions stand will have snacks, hot dogs and a flat top grill.

**C. Applicant Contact Information**

**CBYC, LLC**  
 Company/corporate Name (if applicable):  
**Chad Cooke**   
 Applicant's Name  
**20607 Bethel Church Rd**  
 Mailing Address  
**Cornelius, NC 28031**  
 City, State, and Zip Code  
**704-778-8994**  
 Telephone  
**chad@sloandevlopment.com**  
 Email

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

**COURTNEY Sloan**  
 Owner's Name  
**22555 John Gamble Rd**  
 Mailing Address  
**CORNELIUS, NC 28031**  
 City, State, and Zip Code  
**704-995-0086**  
 Telephone  
**C.SLOAN10010@AOL.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 new ships store will now be located on the side of the fuel dock. Therefore, patrons can easily access the snacks, beverages, ice, etc that are sold to the public. There will be safety rails installed around the ships store to prevent anyone from falling into the water. By moving the ship store it will be safer due to the fact the boaters will not have to leave their boat for extended periods of time to walk the 250 feet to the current ships store. They will have a faster response times to any issues that may harm their boat or others at the fuel dock. \_\_\_\_\_

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

  No waivers 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 barge that houses the new ship store and concessions is located on the water in front of our property which will not influence any of the neighboring properties.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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.:

We are not changing the use only the location of the current ships store and concessions stand to an area on a stationary vessel over the water closer to the fuel dock which will make the overall boating experience safer for the patrons and the marina.

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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:

   There will not be a change to the existing Ingress or egress to the property. The fire trucks and ambulances will enter and exit in the same manner per attached survey. There is an existing stand pipe to serve the any needs a fire truck may need for the relocated ships store. A fire boat would also be able to access the vessel. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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 purpose of the concessions stand and fuel dock extension is for the boaters so no additional off street parking will be required. There will not be any additional noise or glare the marina closes at 6pm daily. Any odors from concessions will be a nuisance odor. The winds off the water will dissipate any smells. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

   There will be an additional dumpster and recycle dumpster installed at the entrance to the property. These will be set in a fenced in area so this is not unsightly to any neibgbors. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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.

   The ships store located on barge will be a multiple port plug in connection to run the ships store and concessions. The marinas existing power is sufficient to handle the additional load.  
\_\_\_\_\_  
\_\_\_\_\_

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

There is not any additional screening required. The vessel will be anchored next to the fuel dock which is in the rear of the marina.

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;

\_\_The exterior lighting will be located on the water and therefore will not effect any neighbors. The lights will actually make it safer for boaters to locate the fuel docks while traveling in the channel

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

\_\_N/A

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.*

- | <u>Yes</u>                          | <u>No</u>                | <u>N/A</u>               |  |
|-------------------------------------|--------------------------|--------------------------|--|
| <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 all 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:*

- | <u>Yes</u>               | <u>No</u>                | <u>N/A</u>               |   |
|--------------------------|--------------------------|--------------------------|---|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and design of refuse facilities  |
| <input 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 type="checkbox"/> | Existing and/or proposed fire hydrants (showing distances)  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent properties with owners' information and approximate location of structures   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Distances between all buildings   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of stories and height of all structures  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all structures  |
| <input 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 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input 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 type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping including percentages of open space  |
| <input 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 parking lot improvements  |
| <input 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 type="checkbox"/> | Location of fire department connection(s) for standpipes  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Turning radii, turnarounds, access grades, height of overhead obstructions  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions and locations of all signs   |
| <input 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

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

The undersigned owner, C.B.Y.C. LLC, does hereby appoint MED BARNES / Grady Richardson 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: 9/25/19

Appointee's Name, Address & Telephone:  
CBYC LLC / Courtney Sloan  
22555 John Gamble Rd  
Cornelius, NC 28031

Signature of Owner: Courtney A. Sloan

**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 \_\_\_\_\_

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.

Courtney A. Seaman

Signature

9/26/19  
Date



## Project Narrative

### Carolina Beach Yacht Club and Marina

Relocation of ships store and concessions down to vessel anchored on the north side of the fuel dock. A concrete barge ship with an existing structure will be driven behind the existing fuel dock. The current platform will be relocated from the north side of the fuel dock to the south side. The barge will be anchored into corner where the previous platform was located. There will be a ship's store and concessions stand located in a 40 X 16 existing structure. The ships store will be 20 X16. This will house the dockhand office and cash register. There will be miscellaneous boater items such as filters, life jackets, oil etc. sold in the store. There will also be vending machines that will sale soft drinks and waters. There will be candy and chips sold alongside of the vending machines. Off site consumption of beer and wine will be sold from this location. There will be an ice machine located at the south end of the structure.

There will be a horseshoe shaped bar located on the north end of the structure. The bar and kitchen will be 20X16 section of the vessel. We will sale on site beer and wine from this location. You will also be able to purchase hot foods as well from the bar. There will be a select menu serving hot dogs and flat top grilled sandwiches.

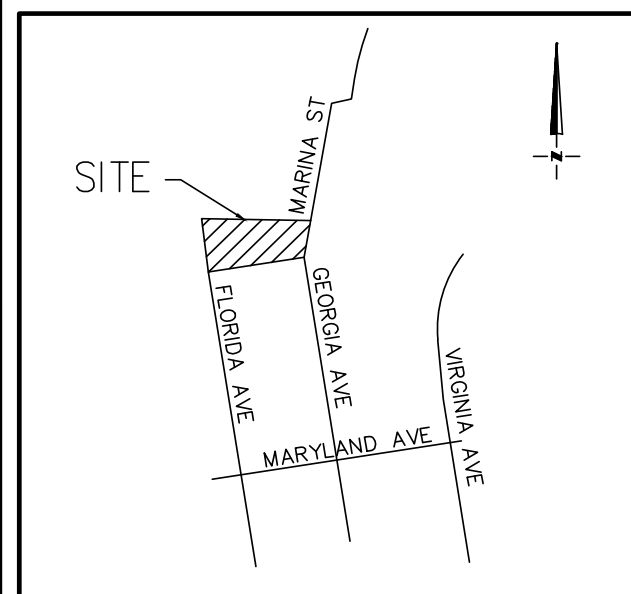
The barge will be registered as a vessel with the NC wife life to meet all state codes and regulations. It will be equipped with engines, so it can be moved at any time. There will be safety handrails installed along the entire perimeter of the barge. The ship will contain all necessary fire safety equipment.

We are also requesting an extension of the existing fuel docks to the north of Snows Cut. The proposed docks will be 160 feet long and 12 feet wide to match the existing width of the current fuel dock. Due to the strong currents and winds in this area the fuel docks were increased to 12 feet to give stability to the boaters and dock hands. The wider docks have provided a safe working conditions that has helped to prevent accidents. This extension is needed to increase the amount of parking for boats waiting to fuel. This will make boating safer in the channel so there are not boats piled up waiting to fuel. The additional dockage will also be used for boaters to purchase from our concessions area. We feel there is a need for boaters to purchase beverages, ice, and food without having to park the boat and ride into town.

The fuel docks will have one additional gas fuel dispenser. We will switch the current location of the diesel dispenser to the short or south side fuel dock then have two (2) gas fuel dispensers on the long sided fuel dock to the north. This will help eliminate the confusion for boaters trying to determine which side is gas and which is diesel.







LOCATION MAP  
NTS

PROPERTY OWNER PER GIS: JOYNER MARINA LLC  
RALEIGH, NC 27602

SITE AREA:  
±1.36 AC (±59,237 SF)  
0.53 AC (±23,087 SF)  
0.24 AC (±10,450 SF)  
0.59 AC (±25,700 SF)

PARCEL IDS: R08519-002-028,  
R08807-002-010,  
R08519-002-002

JURISDICTION: TOWN OF CAROLINA BEACH

CURRENT ZONING: MB-1-MARINA

PARKING CALCULATIONS  
REQUIRED OFF-STREET PARKING: 94 (93.2)

BOAT SLIP  
-1 SPACE PER WET SLIP 69

RETAIL (BARGE)  
-1 SPACE PER 200 SF 1.6  
-1/2 OF STRUCTURE (16' X 20')=320 SF

EATING & DRINKING ESTABLISHMENTS (BARGE)  
-1 SPACE PER 110 SF (INDOOR) 2.9  
-1/2 OF STRUCTURE (16' X 20')=320 SF  
-1 SPACE PER 220 SF (OUTDOOR) 11.8  
-(40'X65')=2,600 SF

RESIDENTIAL ABOVE EXISTING COMMERCIAL  
-1 SPACE PER 1,000 SF 1.2  
-1,200 SF APARTMENT

OFFICE (EXISTING COMMERCIAL BUILDING 1ST FLOOR)  
-1 SPACE PER 300 SF 2  
-600 SF

RETAIL (EXISTING COMMERCIAL BUILDING 1ST FLOOR)  
-1 SPACE PER 200 SF 4.7  
-933 SF

EXISTING OFF-STREET PARKING: 79  
PROPOSED OFF-STREET PARKING: 16  
TOTAL OFF-STREET PARKING: 95

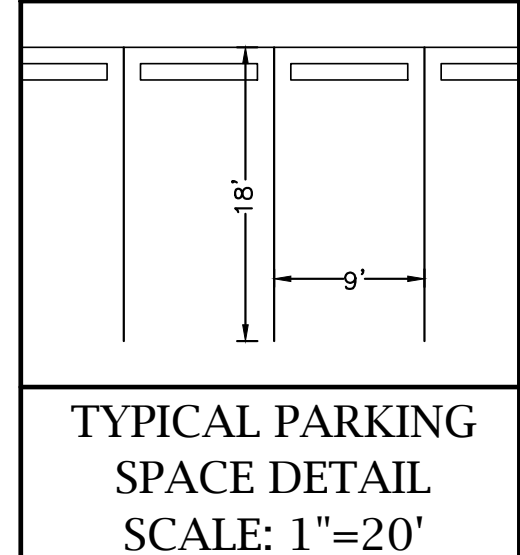
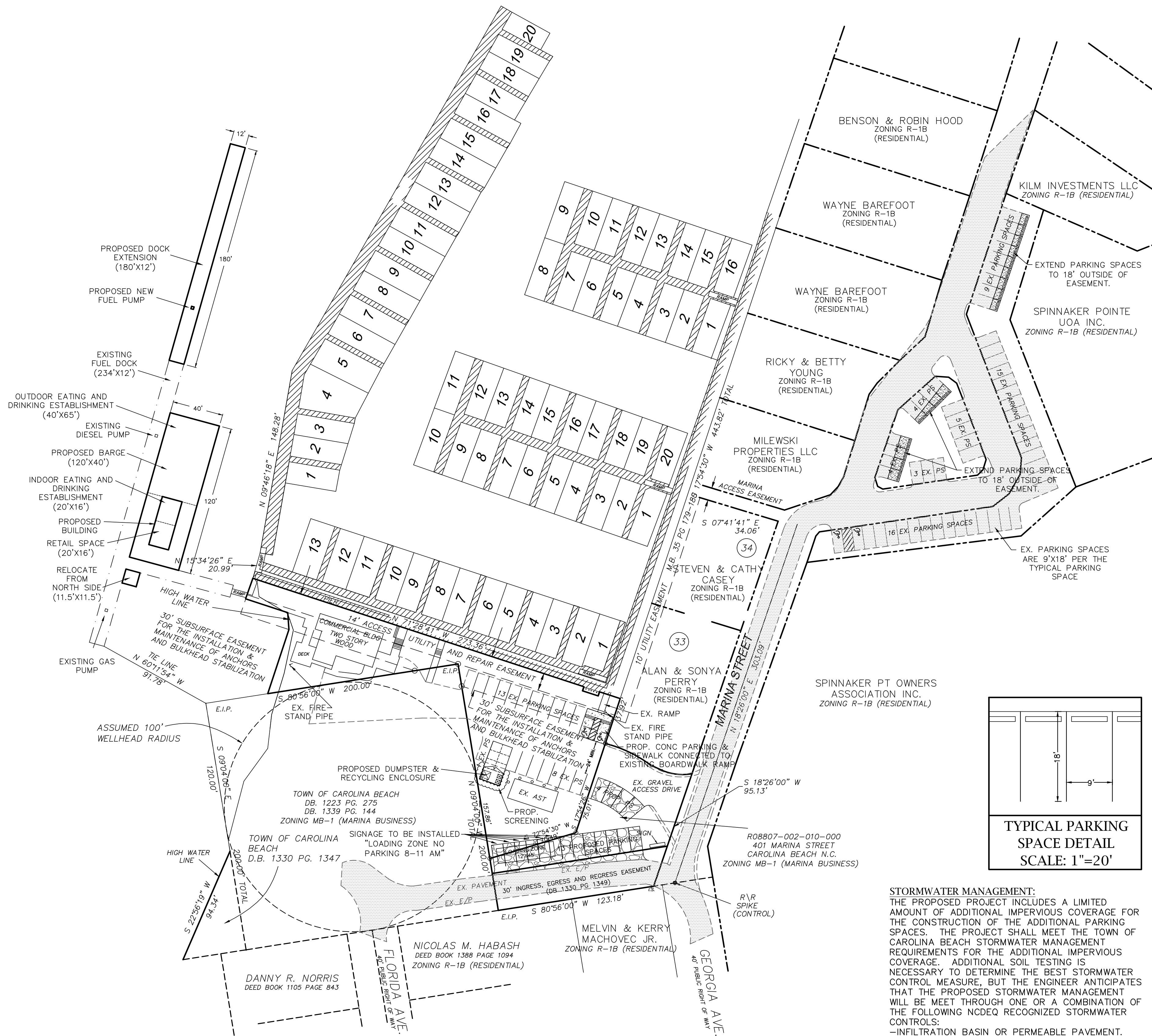
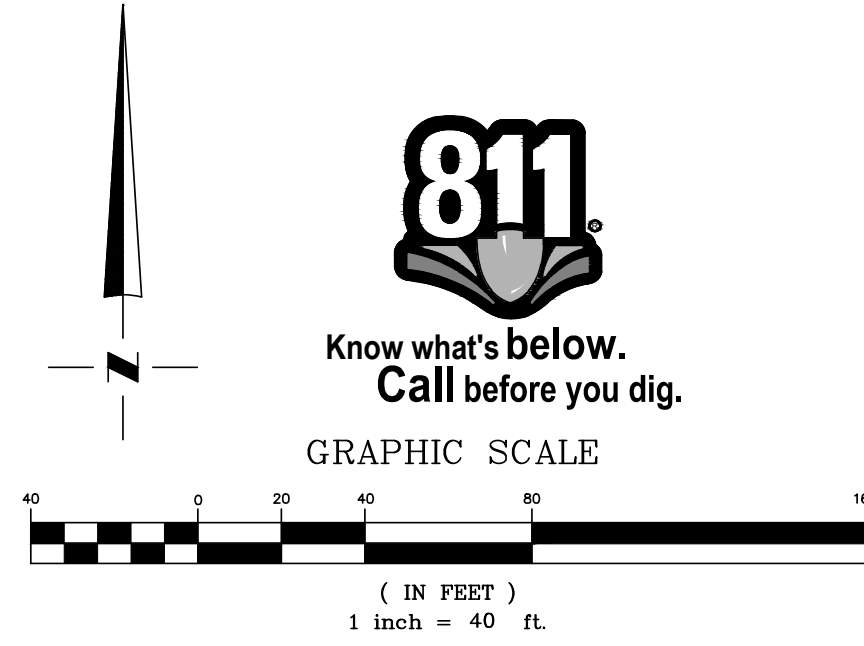
LOT COVERAGE  
EXISTING BUILDING/FUEL TANK: 2,144 SF  
EXISTING CONCRETE/ASPHALT/GRAVEL: 25,640 SF  
TOTAL EXISTING IMPERVIOUS: 27,784 SF

PROPOSED GRAVEL: 1,975 SF  
TOTAL PROPOSED IMPERVIOUS AREA: 29,759 SF

LOADING SPACE REQUIREMENTS  
LESS THAN 15,000 SF (MUST SUBMIT A LOADING PLAN)  
-PROPOSED OFFICE, RETAIL AND RESTAURANT USE IS A TOTAL OF 4,973 SF. THE ANTICIPATED DELIVERIES FOR THE OFFICE AND RETAIL SPACE CONSIST OF TYPICAL DELIVERIES FROM UPS/FEDEX. THE RESTAURANT DELIVERIES WILL BE SCHEDULED TO OCCUR BETWEEN 8-11 AM SO AS TO OCCUR PRIOR TO THE NORMAL BUSINESS OPERATING HOURS AND THEREFORE TO NOT IMPACT THE PARKING LOT CAPACITY. SIGNAGE TO BE INSTALLED AS NOTED. THE ANTICIPATED LOADING PERIOD WOULD BE ANTICIPATED TO NOT LAST LONGER THAN 1 HOUR. THE TYPICAL TRUCK FOR DELIVERIES TO THE RESTAURANT WOULD BE A WB-40 WHICH IS A TRACTOR TRAILER WITH AN OVERALL LENGTH OF 45 FEET.

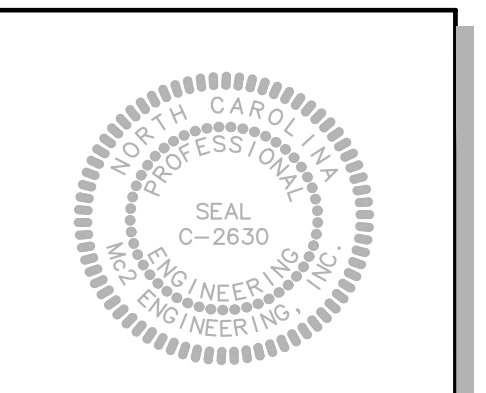
DEVELOPMENT SUMMARY

PROJECT DESCRIPTION:  
PROJECT INCLUDES PROPOSED DOCK EXTENSION WITH NEW FUEL PUMP AND NEW BARGE WITH BUILDING TO HOUSE SMALL RETAIL AREA AND EATING AND DRINKING ESTABLISHMENT.



STORMWATER MANAGEMENT:  
THE PROPOSED PROJECT INCLUDES A LIMITED AMOUNT OF ADDITIONAL IMPERVIOUS COVERAGE FOR THE CONSTRUCTION OF THE ADDITIONAL PARKING SPACES. THE PROJECT SHALL MEET THE TOWN OF CAROLINA BEACH STORMWATER MANAGEMENT REQUIREMENTS FOR THE ADDITIONAL IMPERVIOUS COVERAGE. ADDITIONAL SOIL TESTING IS NECESSARY TO DETERMINE THE BEST STORMWATER CONTROL MEASURE, BUT THE ENGINEER ANTICIPATES THAT THE PROPOSED STORMWATER MANAGEMENT WILL BE MET THROUGH ONE OR A COMBINATION OF THE FOLLOWING NCEQ RECOGNIZED STORMWATER CONTROLS:  
-INFILTRATION BASIN OR PERMEABLE PAVEMENT.

**M<sup>2</sup>**  
ENGINEERING  
MCS2 ENGINEERING, INC.  
2110 BENT GRAIG DR., STE. 400  
CHARLOTTE, NC 28262  
PHONE 704.510.9797



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CAROLINA BEACH MARINA  
AND YACHT CLUB  
401 MARINA STREET  
CAROLINA BEACH, NC

SKETCH PLAN

REVISIONS		
1	9/25/2018	CAROLINA BEACH REVISIONS
2	9/27/2018	CAROLINA BEACH REVISIONS
3	10/17/2018	CAROLINA BEACH REVISIONS
4	11/2/2018	CAROLINA BEACH REVISIONS
5	11/8/2018	CAROLINA BEACH REVISIONS
6	11/20/2018	CAROLINA BEACH REVISIONS
7	12/4/2018	CAROLINA BEACH REVISIONS
8	12/7/2018	CAROLINA BEACH REVISIONS
9	3/5/2019	CAROLINA BEACH REVISIONS
10	9/22/2019	CAROLINA BEACH REVISIONS

CAD FILE: 18-026 BASE.DWG  
PROJECT NO.: 18-026  
DESIGNED BY: TAP  
REVIEWED BY: JDM  
DATE: AUGUST 31, 2018

SP1.0