



CAROLINA BEACH

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

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CAROLINA BEACH

Planning and Zoning Minutes
 Thursday, August 8, 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, August 8, 2019 at 6:30 PM at Council Chambers.

PRESENT: Deb LeCompte, Mike Hoffer, Melanie Boswell, Jerry Kennedy, and John Ittu

ABSENT: Keith Bloemendaal and Wayne Rouse

ALSO PRESENT: Director of Planning & Development Jeremy Hardison

• CALL TO ORDER

The meeting was called to order at 6:30 p.m. by Commissioner LeCompte.

• APPROVAL OF MINUTES

Planning & Zoning - July 11, 2019 Meeting Minutes.

- a. Commissioner Ittu made a motion to approve the minutes.
 Commissioner Boswell seconded, all were in favor (5-0).

• STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Hardison reported that the next Council Meeting will be August 13, 2019.

There are a few items on the agenda, one that this commission heard last month regarding rezoning the applicant has pulled her application from the agenda. She realized her issue wasn't single family versus duplex homes that could be built but her biggest concern was where are the short-term rentals allowed. The Baptist church off Lake Park and Wilson requested a portion of the block to become one way turning onto Wilson because of the unsafe turn off of Wilson. Clarifying under the public nudity ordinances of bathing suits and what is allowed and what is appropriate. There is a special event being requested for a beach soccer tournament on the beach strand near the boardwalk on September 17 and 18. Approximately 5 fields from the Marriott to the Hampton Inn.

• STAFF REPORT ON RECENT DEVELOPMENTS

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

Staff Update - August 8, 2019

Permitting

35 Permits (renovation, repair, grading, additions)

2 Residential New Construction

2 Demolition
9 Certificates of Occupancy

Code Enforcement

20 Complaints Received
9 Resolved

New Business -

Fork & Cork is getting close to a final.

The Spot - 1006 Lake Park Blvd South they are cleaning the building up and should be opening soon.

At Publix there will be 2 new businesses opening - one is Ocean Nails and the other will be the relocation of Salty Chic which is currently at the Food Lion shopping center.

LUP Steering Meeting is August 21st and depending on that meeting we will then know when this board will hear this for consideration.

Special Event -

Life Rolls On - August 11th

Womparama - August 17th

As our summer comes to an end we will have fireworks and movies at the lake till the last week of August. The CB Market at the lake will continue till the end of September. The first weekend of September is Rock The Beach Festival at the boardwalk on the beach strand.

Coming Up -

CUP - Springhill Suites - 1341 LBPN

CUP - 2-Unit PUD - 504 Keys

CUP - Multi Family - 402 LPBN

Text Amendment - PUD in NB Zone between the lake and Carolina Sands

Text Amendment - Private Parking lots for profit

PUBLIC DISCUSSION

No one signed up for public discussion.

- a. Conditional Use Permit Modification - Hurricane Alleys - 5 Boardwalk
Mr. Hardison reported on the CUP for 5 Boardwalk/Hurricane Alley - Bar/Tavern.

The applicant is Mr. David Cole this facility was classified as a bar in 2014.

Hurricane Alley's

- Reclassify from a restaurant to a Bar/Tavern in 2014
- 1,700 sq. ft. Building
- Serves Alcohol and food
- Existing second story deck and patio service area
- Proposal is for a roof top bar and seating over the existing building.
- The hours of operation 11:00am – 2:00am.

Survey shows that the second story deck is on his property the floor plan and seating plan shows the proposed set of steps leading up to the rooftop bar this will tie into the second story deck.

There is a portion of applicant's patio that he agreed to grant the town an easement for the public use. The rear of the building is currently vacant property.

Specific Standards - Applicant must make provisions for:

(1) Pedestrian safety, Ingress and egress

- There is only pedestrian access to the property.
- March 2012 the applicant agreed to dedicate a access easement to the town (in front of deck).
- Tables will need to be situated as to not block the ingress and egress.

(2) Parking

- There is no vehicular access to the property. CBD parking is waived.

(3) Refuse

- Refuse collection agency is handled collectively by the boardwalk area businesses.

(4) Utilities

The impact on utilities and the environment will be the same.

(5) Landscaping

- Landscaping requirements only apply to new development or expansions.

(6) Signs

- A sign permit must be obtained for any new signs located on the property.

(7) Setbacks

- The structure was built in 1953 and covered the majority of the lot.

General Conditions:

(1) Public health or safety

- The Alcohol regulated by the ABC commission to ensure health and safety issues are addressed. Inspections are ongoing.
- A barrier between the outside patio and the sidewalk with proper signage approved by the police department stating no alcohol beyond this point.

(2) Meets conditions and specifications;

- Town staff has reviewed the proposal to ensure it meets all code requirements.

(3) Value of adjoining or abutting property

- The use as been open since 2012 and the town has not received any complaints from the adjoining or abutting properties.

(4) Town land use plan and policies.

- Located in the Commercial 2 Land Classification Area as described in the 2007 Land Use Plan, this area's predominant uses will be for tourist and family-oriented retail and services, with other considerably less vehicle-dependent commercial businesses such as offices, commercial lodgings, restaurants, and entertainment. It is therefore staffs opinion that this use is in general conformity with the 2007 LUP.

Planning & Zoning Commission

Staff recommends 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.

Questions for Mr. Hardison

Commissioner LeCompte asked if this was just a restaurant we wouldn't have this CUP before us. Mr. Hardison replied in 2009 we modified the language but that is correct, it would not have to go before P&Z if it was strictly a restaurant.

Commissioner Kennedy asked in 2014 was there an agreement or condition for the easement and if an agreement, was that satisfied. She is concerned if this wasn't met. Mr. Hardison added that it was a condition agreed upon but there hasn't been an easement document recorded but the applicant allowed the sidewalk to be for public access.

Ned Barnes resides at 814 Carolina Beach Ave North, Carolina Beach he is representing the applicant David Cole. They have requested the CUP as to improve and enhance the existing structure and the patrons are in favor of this as well. There will be no change to the footprint nor has the 7 Specific Standards changed or the 4 General Conditions, everything will remain the same as in 2014 when the CUP was granted. There have been no complaints since they opened.

Commissioner Kennedy asked about the sidewalk whether there was a document regarding the easement and if the applicant was to sell this property that would be null and void.

Mr. Barnes stated no there are no documents and if sold they would have to address that at that time. He also stated that there was nothing directed from the town's attorney regarding this.

Commissioner Kennedy would like to know why did the condition for the sidewalk go by the way side and not have any type of document that would support this. Feels this is honored but not legally binding. She would like clarity if this was an agreement or condition.

David Cole resides at 205 Greenville Ave, Carolina Beach. In 2012 which was with the previous owners it was brought up but it was verbal, it is private property not public property and he agreed that he would leave it open but can't guarantee that if it sells to someone else.

Commissioner Kennedy is concerned about issuing CUP's with conditions or assumed conditions that have never been followed up.

Mr. Hardison added if the commission chooses they could put a condition that say prior to any permits being issued for rooftop construction that an easement would actually be recorded other than an agreement.

Commissioner LeCompt asked so if it is a condition of the CUP it's already a condition and we would require it not to be blocked, then that is the condition of the CUP, correct. Mr. Hardison replied yes but if you wanted stronger teeth moving forward we can actually record an easement.

Commissioner Hoffer if it stopped being a restaurant or bar and the new owner wants to do something else and the easement is recorded it's forever because it goes with the property it doesn't go with the business in the property, correct. Mr. Hardison replied yes and the bar use would go with the property as well it goes with the land not the owner.

Mr. Barnes wants to make a suggestion is possibly have a conditional easement as long as they continue to operate in the matter that they do and continue to own it the easement will exist and if in the future there is a desire to sell there could be language in the easement to cause it to terminate or language to that effect. Mr. Cole has no intention of blocking the sidewalk. To make a legitimate point that was a condition of the CUP to 2014 that the area remain open and not be blocked.

Commissioner LeCompte closed the public hearing.

Commissioner Kennedy asked for clarification that the packet says the agreement was never satisfied. What does the CUP that he has today and since 2014 say about the sidewalk and 5' of his property. Mr. Hardison responded correct he looked back and didn't see where an easement has been recorded for that area. But if the area was not opened to the public then it would be a violation of the CUP where as it should be open to the public as an agreement.

Commissioner Ittu stated that if Mr. Cole would give up his ability to do anything with the 5' property. Mr. Hardison replied it would be used for egress or the public. Commissioner also asked would he be entitled to compensation if he agreed to an easement.

Mr. Cole replied in 2010 he had the drawing for the deck and changed everything to meet and help the town. He could have went out further but he did everything the town asked him to do and built it exactly how they told him and screwed himself on it. He's still going to leave it open he said he doesn't see any other people do what he did. Stated that the mayor said that "we'll just eminent domain and take it from you".

Commissioner Kennedy is concerned that if the next mayor would try to eminent domain feels something needs to be finalized. That is your private property and as long as you keep it open for the public the town can not say that if it's your prerogative that you must do that. Mr. Cole added that there are other private properties that the town thinks it's theirs and it's not.

Commissioner Hoffer stated as it stands it's ok it's a condition of the CUP and if he were to block that off it would be a violation. He is not comfortable with forcing an easement and in the future there's an access easement across your property, he doesn't think it's necessary.

Commissioner Ittu feels it is not necessary either. He has been to the establishment and said it's very well traveled area and feels there's never been an issue with pedestrians.

Commissioner Kennedy stated to Mr. Cole that this is a condition of the CUP and if you choose to block it then your CUP would be in jeopardy and she doesn't think that's the way it should be and she's leaving it at that. She agree easements are something she doesn't like.

Commissioner Boswell doesn't agree with putting an easement either it's his private property and has done the right thing and said he will continue to leave it. If there is a violation then it can be address then as well if the property were sold the new owners would have to meet the same conditions. Feels he is looking to improve the boardwalk she doesn't have any problems with it.

Commissioner Hoffer stated he wasn't here in 2012 and feels the town used sloppy language and throwing around easement if they didn't mean it. Said they should use a different word if they don't mean easement.

ACTION: Commissioner Kennedy made a motion I make a recommendation 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. Commissioner LeCompte seconded, all were in favor (5-0).

Vote: UNANIMOUS

- b. Text Amendment – Considering amending Article IX. - Development Standards For Particular Uses, Mixed use commercial-residential regulations to review the commercial sq. ft. requirement when located in a V-floodzone. Applicant: Jeff Stokley

Mr. Hardison reported on the proposed change on the ordinance and how we look at a mixed use building or what is required on the ground floor for commercial space.

Current Ordinance

(s) *Mixed use commercial-residential.* The purpose of the mixed use commercial-residential development is to accommodate mixed use buildings that **preserve** and limit the **ground floor or first habitable floor to commercial uses with either commercial and/or residential uses allowed above.** Development is encouraged that exhibits physical design characteristics that include storefronts oriented to pedestrian movement with a decreased reliance on vehicles.

(1) The first habitable floor shall be limited to:

- a. A commercial building and use.
 - b. **Commercial use shall occupy at least 50 percent of the building footprint.**
- (2) Mixed use commercial-residential developments located in the CBD shall have the building's front facade and at least one ingress/egress located adjacent to a public right-of-way.
- (3) A conditional use permit shall be required if the mixed use commercial-residential development meets any of the following:
- a. Mixed use buildings that are cumulatively more than 25,000 square feet of gross floor area.
 - b. Building height that exceeds 50 feet.

There is a building being constructed now which is a mixed use building where 95% of the ground floor will be for commercial use and residential units above.

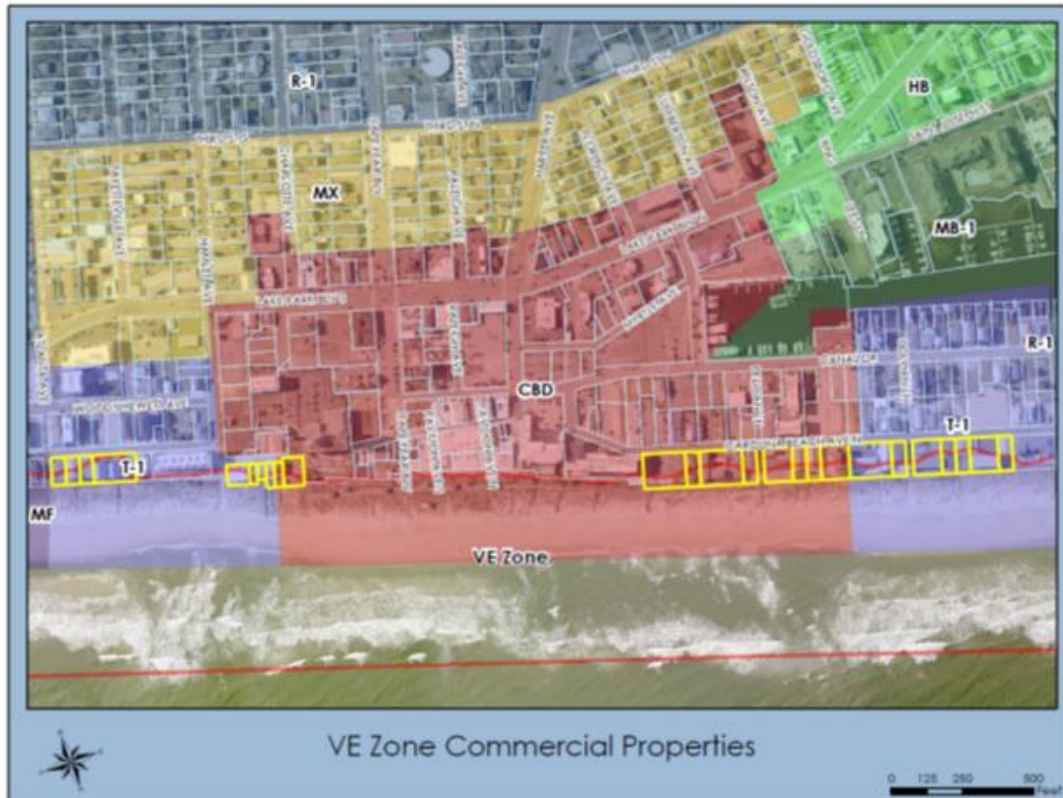
Proposed Ordinance:

ARTICLE IX. - DEVELOPMENT STANDARDS FOR PARTICULAR USES

Sec. 40-261. - Development standards for particular uses.

(s) *Mixed use commercial-residential.* The purpose of the mixed use commercial-residential development is to accommodate mixed use buildings that preserve and limit the ground floor or first habitable floor to commercial uses with either commercial and/or residential uses allowed above. Development is encouraged that exhibits physical design characteristics that include storefronts oriented to pedestrian movement with a decreased reliance on vehicles.

- (1) The first habitable floor shall be limited to:
 - a. A commercial building and use.
 - b. In a VE flood zone the commercial use shall occupy at least 25 percent of the building footprint.
 - c. In AE or X flood zones the commercial use shall occupy at least 50 percent of the building footprint.



The proposed text amendment to reduce the ground floor commercial area requirement for commercial mixed use buildings.

Commissioner LeCompte made a motion to open the public hearing.
 All were in favor (5-0).

JC Woddle resides at 3313 Amber Dr, Wilmington and Steve Neamire resides at 5304 (INAUDIBLE). Mr. Woddle is an architect working on one of the properties that fits the description regarding this. The VE and AE designation is in the middle of the area where he can build in which means half of his footprint can not be built on the ground level and yet he is required to have half of the footprint commercial. The issue is the stairs and elevator which services the 2nd, 3rd, and 4th floor take up a certain amount of space which makes it impossible to meet the ordinance. He is working with the planning department to come up with some verbiage so he can make it possible to meet the ordinance because the commercial use is important to the town. With the proposed ordinance some will be rewarded

more and some less for the 25% reduction which will make it a clean calculation it is still challenging to meet the requirement but they are able to do it.

Steve Neamire spoke and stated he is Jeff Stokly's partner for 32 years they have been working with the town due to the current regulation he feels this is going to be difficult to pull this off. They are proposing to put commercial space on the lower level and residential condos above that. They just finished Stoke restaurant and presently working on Naughty Dog's/Jack's Retreat. They both have lived here and plans are to help the town and the economy. Feel they can't get around this because no one is going to rent commercial space on the 16' in the air, would like to find some middle ground to work with, he wanted to thank the board for their consideration.

Commissioner LeCompte closed the public hearing.
All were in favor (5-0).

Commissioner Hoffer asked Mr. Hardison the scenario with a small lot in the VE zone and having to slice through it with basic utilities and needs that you have to have so what they are proposing is to use less of the space for commercial from 50% to 25%. Mr. Hardison replied correct with this proposal the commercial space is smaller but it is only limited to a few properties in the VE zone. If in the commercial zone and in a VE zone but didn't want to use the ground level is that an option. If you are in the CBD in a mixed use building you would have to go to the 2nd floor and 50% would have to be devoted to commercial. You are limited because you would be in the flood zone and once you are above flood level and the flood requirements are satisfied then you can use 50% but it would be 2nd story commercial space.

Commissioner Kennedy stated that with this we are decreasing the minimum and you can do what ever you would like with the rest of the space as long as it's within the guild lines of that zone , correct. Mr. Hardison replied correct.

Commissioner LeCompte stated that the current ordinance is in conflict with the flood zone is that correct. Mr. Hardison it is and the flood maps were changed last year and the ordinance was prior to that. So with the properties being redeveloped and with the flood maps and how it does impact the properties with the existing ordinances.

Commissioner Boswell asked was this area affected by the August 28th flood map. She asked are the 25 properties required to build above the base flood elevation. Mr. Hardison replied all of the properties were in a V-zone and now only a portion are. If they are in a V-zone they would be required and if in the A-zone a portion of the properties could be flood proof.

Commissioner Hoffer asked what if someone wanted to build a restaurant on the top floor and residential below. Mr. Hardison replied they can build a restaurant on the top and would have to devote the first floor as commercial or 50% of that space. Commissioner Hoffer supports this as written.

ACTION: Commissioner Boswell made a motion to approve 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.
Commissioner Kennedy seconded, all were in favor (5-0).

Vote: UNANIMOUS

. **DISCUSSION ITEMS**

Commissioner Kennedy asked because of this situation regarding the flood zones is there something that the town should look at to address this type of situation regarding the text so as to not have to go through this every time.

Mr. Hardison responded there are a lot of mixed use buildings proposed in the CBD and there would be issues to change the V-zone line, but there are ways to design the building to meet the requirements.

Mr. Murphy added there are just the 25 commercial properties and the rest of the V-zone is primarily multifamily and residential.

Commissioner Boswell asked are the 25 properties occupied. Mr. Murphy replied yes and no some north of the boardwalk are uninhabited at this time. Mr. Hardison added there is about 400 feet of beachfront that is being demolished. Commissioner stated so that the town could consider using 25% to be in anywhere in the building other than the ground floor. Mr. Murphy replied we could but with the mixed use language it's considered that most properties are not going to use other floors other than the first floor for commercial use.

. **NON-AGENDA ITEMS**

. **ADJOURNMENT**

Commissioner LeCompte made a motion to adjourn at 7:30pm.

Commissioner Ittu seconded, all were in favor (5-0).



AGENDA ITEM

Meeting: Planning and Zoning - 12 Sep 2019

Prepared By: Jeremy Hardison

Department: Planning

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

BACKGROUND:

BACKGROUND:

The applicant, Pelican Point CB LLC is requesting a CUP for a multi-family project to construct 36 residential condo units located at 402 N. Lake Park Blvd consisting of 28 one bedroom units and 8 two bedroom units. A CUP was issued on September 8, 2015 for 36 one bedroom units.

The property is located in two different zoning districts. The western portion of the property is zoned Highway Business (HB) and the eastern piece is Marina Business (MB-1). The building is proposed to be located in the MB-1 zoned area. A portion of the parking will be located in the HB district and under the building. Parking areas located in other districts are allowed with the approval of a CUP. There are no density requirements in HB or MB. Multi-family structures are allowed in the MB-1 under a Conditional Use Permit. The square footage property is 40,839 square feet. MB-1 zoned properties allow for a maximum lot coverage of 40% which includes the footprint of the buildings, decks and steps. The total lot coverage of the project is 26%. The proposed building height is 57' in height to the top of the elevator shaft. The ordinance and the 2007 Land use plan was amended to state that the building height may be permitted up to sixty (60) feet maximum with one additional foot on the required front setback and one additional foot added cumulatively to the required side setbacks for each additional foot. The property is located in a flood zone and within a CAMA Area of Environmental Concern.

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;

The maneuvering has been designed by the applicant in a forward motion to ingress and egress the property. A 5'

sidewalk will be installed adjacent to N Lake Park Blvd. Staff has requested that the applicant review the Lake Park Blvd and St. Joseph St. intersection design and impacts with DOT.

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;

48 Parking spaces are proposed. The applicant is required to have 44 parking spaces based on 28 units require one space and the two bedroom require two spaces.

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

A dumpster will be provided on site.

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

The existing water and sewer lines on St. Joseph. St will be adequate to meet the demand for the project.

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

A ten (10) foot "Type B" buffer yard is being provided on all sides of the development, except along the north side of the property for a designated fire lane.

- (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 for this site.

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

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	<i>Front</i>	<i>Rear</i>	<i>South Side</i>	<i>North Side</i>
<i>MB-1 required</i>	30'	30' (CAMA)	10'	10'
<i>provided</i>	151'	30'	11'	20'

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.;

Multi-family structures are allowed in the MB-1 zoning district and is in character of the area.

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 the north landscaped buffer.

1. 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 area and will therefore not injure the value of adjoining properties.

2. 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

ACTION REQUESTED:

STAFF RECOMMENDATION/ACTION: Staff recommends approving the CUP .

Staff recommends approval of the conditional use permit and that it meets specific standards and general conditions with the recommendation that sidewalks be provided.

1. Anyone wishing to speak must be sworn in.

2. Presenter must be sworn in prior to making presentation.
3. Open the public hearing.
4. Applicant presents evidence and arguments in support of application.
5. Persons in favor of granting the application present evidence and testimony in support of the application.
6. Persons opposed to granting application present evidence and testimony against the application.
7. Applicant presents rebuttal and/or cross examination of those opposed; all questions shall be directed to the Commission.
8. Those asked questions are allowed to respond.
9. Close the public hearing.
10. Approve or deny the conditional use permit, considering the following:

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 Commission:

- (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:**

TRC recommended approval

ATTACHMENTS:

[CUP Harbor View Application](#)
[Planning narrative](#)
[HARBOR_VIEW](#)



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

Permit Number: CB-C03

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

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

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

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

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

This petition will be scheduled for the next possible regular Planning and Zoning Commission meeting. The applicant or a representative should be present at the meeting to answer any questions the Commission may have. Planning and Zoning Commission meetings are held on the second (2nd) Thursday of each month at 6:30 P.M. in the Council Room at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Applicants will be informed of any changes in date, time, or location of meetings. Applications and supplementary time for processing and advertisement are required by the General Statutes of North Carolina.

Project Name/Title: Harbor View

Applicant Name: Pelican Point CB LLC

Applicant Mailing Address: 7923 Brunson Rd Wilmington NC 28411
Street Address City State Zip


Applicant Phone Number: 910.620.4677 mobile/work/home (circle one): mobile/work/home (circle one):

Applicant Email Address: ccpi@MAC.COM

Property Owner Name: Pelican Point Development LLC 910-619-6858
mobile
owner phone

Property Owner Mailing Address: 337 Bradley Drive Wilmington, NC. 28409
Street Address City State Zip

Address of Requested Site: 402 N. Lake Park Blvd

Current Land Use: VACANT Requested Land Use: MULTI FAMILY
Tax Parcel Number: 08818-006-019-000
Acreage &/or square footage: .96 ACRES Existing Zone: MFI/HFI
Owner Signature:  Date: 4 / 4 / 18
Owner Printed Name: David Thompson - Manager

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

Written Application

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

Yes No N/A

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

Site Plan/Drawings

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

Yes No N/A

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

Site Plan Criteria

All site plans shall include the following:

Yes No N/A

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

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

- | Yes | No | N/A | |
|-------------------------------------|--------------------------|--------------------------|--|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and design of refuse facilities |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Approximate locations and sizes of all existing and proposed <i>utilities</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Existing and/or proposed fire hydrants (showing distances) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent properties with owners' information and approximate location of structures |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Distances between all <i>buildings</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of <i>stories</i> and height of all <i>structures</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all <i>structures</i> <i>WW</i> ✓ |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the <i>gross floor area</i> with each room labeled (i.e. kitchen, bedroom, bathroom) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use <i>DOB EMBROID - DATED 4/17/18</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Delineation of <i>natural features</i> and wetlands with existing and proposed topography with a maximum of two foot contour intervals |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping including percentages of <i>open space</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stormwater management systems |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Cross-sectional details of all streets, roads, ditches, and <i>parking lot</i> improvements |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <i>Building</i> construction and occupancy type(s) per the building code |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of fire department connection(s) for standpipes |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Turning radii, turnarounds, access grades, height of overhead obstructions |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Dimensions and locations of all <i>signs</i> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map drawn with north indicated |

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

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

John C. Powell *Pelican Point CB LLC* *4/19/18*
 Applicant Signature / Date

4/4/18

Pelican Point Development, LLC
337 Bradley Drive
Wilmington, NC 28409

Town of Carolina Beach
1121 N. Lake Park Blvd.
Carolina Beach, NC 28428

To whom it may concern,

Please accept this letter to fulfill the requirement stated on the Town of Carolina Beach's conditional use permit application as the signed statement that Pelican Point Development, LLC has authorized Pelican Point CB, LLC to act on its behalf for the submittal of a conditional use permit for the project located at 402 N Lake Park Blvd. Carolina Beach, NC 28428.

Regards,



David Thompson
Manager
Pelican Point Development, LLC

5
20

BK: RB 6112
PG: 870-875
 RECORDED 2017041781
 12-29-2017 NEW HANOVER COUNTY, NC NC FEE \$28.00
 03:13:50 PM TAMMY THEUSCH BEASLEY
 BY ANDREA CRESWELL REGISTER OF DEEDS
 ASSISTANT



The attorney who prepared this instrument has not examined or rendered an opinion on title

NORTH CAROLINA GENERAL WARRANTY DEED

Excise Tax: 0 Tax Parcel No: **R08818-006-019-000**

Parcel Identifier No. _____ Verified by _____ County on the ____ day of _____, 20____
 By: _____

Mail/Box to: _____

This instrument was prepared by: A.A. Saffo, Esq. P.O. Box 7095, Wilmington, NC 28406

Brief description for the Index: 402 N. Lake Park Blvd., Carolina Beach, NC

THIS DEED made this June 15th day of _____, 2017, by and between

GRANTOR	GRANTEE
<p>HDI Holdings, LLC, a North Carolina limited liability company</p>	<p>PELICAN POINT DEVELOPMENT, LLC, a North Carolina limited liability company 1430 Commonwealth Drive, Suite 301 Wilmington, NC 28403</p>

Enter in appropriate block for each party: name, address, and, if appropriate, character of entity, e.g. corporation or partnership.

The designation Grantor and Grantee as used herein shall include said parties, their heirs, successors, and assigns, and shall include singular, plural, masculine, feminine or neuter as required by context.

WITNESSETH, that the Grantor, for a valuable consideration paid by the Grantee, the receipt of which is hereby acknowledged, has and by these presents does grant, bargain, sell and convey unto the Grantee in fee simple, all that certain lot or parcel of land situated in the City of Carolina Beach, _____ Township, New Hanover County, North Carolina and more particularly described as follows:

ALL OF THAT CERTAIN tract or parcel of land which is shown and described in Exhibit A attached hereto, made a part hereof, and incorporated herein by reference.

The property hereinabove described was acquired by Grantor by instrument recorded in Book 5710 page 801
5925 page 1738
6064 page 2047.

A map showing the above described property is recorded in Plat Book _____ page _____.

TO HAVE AND TO HOLD the aforesaid lot or parcel of land and all privileges and appurtenances thereto belonging to the Grantee in fee simple. And the Grantor covenants with the Grantee, that Grantor is seized of the premises in fee simple, has the right to convey the same in fee simple, that title is marketable and free and clear of all encumbrances, and that Grantor will warrant and defend the title against the lawful claims of all persons whomsoever, other than the following exceptions:

- 1. Real property ad valorem taxes for 2017;
- 2. Easements, rights of way, and restrictive covenants of record; and
- 3. Applicable land use ordinances.

IN WITNESS WHEREOF, the Grantor has duly executed the foregoing as of the day and year first above written.

HDI Holdings, LLC _____ (SEAL)
 _____ (Entity Name)

By: _____ (SEAL)
 Title: Manager

By: _____ (SEAL)
 Title: _____

By: _____ (SEAL)
 Title: _____

USE BLACK INK ONLY

USE BLACK INK ONLY State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ personally appeared before me this day and acknowledged the due execution of the foregoing instrument for the purposes therein expressed. Witness my hand and Notarial stamp or seal this _____ day of _____, 20__.

My Commission Expires: _____

Notary Public

LISA RACKLEY
NOTARY PUBLIC
NEW HANOVER COUNTY, NC
MY COMMISSION EXPIRES OCTOBER 24, 2017

USE BLACK INK ONLY State of North Carolina - County of New Hanover

I, the undersigned Notary Public of the County and State aforesaid, certify that _____ **Robert W. Huth** personally came before me this day and acknowledged that he is the **Manager** of **HDI Holdings, LLC**, a North Carolina or ~~corporation~~ ~~limited liability company~~ ~~general partnership~~ ~~sole proprietorship~~ (strike through the inapplicable), and that by authority duly given and as the act of each entity, he signed the forgoing instrument in its name on its behalf as its act and deed. Witness my hand and Notarial stamp or seal this 15th day of June, 2017.

My Commission Expires: 10/24/17 Lisa Rackley
 Notary Public

USE BLACK INK ONLY State of North Carolina - County of _____

I, the undersigned Notary Public of the County and State aforesaid, certify that _____

Witness my hand and Notarial stamp or seal this _____ day of _____, 20__.

My Commission Expires: _____

Notary Public

The foregoing Certificate(s) of _____ is/are certified to be correct. This instrument and this certificate are duly registered at the date and time and in the Book and Page shown on the first page hereof.

By: _____ Register of Deeds for _____ County
 _____ Deputy/Assistant - Register of Deeds

NC Bar Association Form No. 3 © 1976, Revised © 1977, 2002
 Printed by Agreement with the NC Bar Association - 1981

* James Williams & Co., Inc.
 www.JamesWilliams.com

EXHIBIT ATRACT 1:

BEING ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING IN THE TOWN OF CAROLINA BEACH, NEW HANOVER COUNTY, NORTH CAROLINA AND BEING BOUND ON THE NORTH BY LEES LANE A 25' PRIVATE EASEMENT FOR INGRESS AND EGRESS AS REFERENCED IN DEED BOOK 376 AT PAGE 89 RECORDED IN NEW HANOVER COUNTY REGISTRY. BEING BOUND ON THE EAST BY MYRTLE GROVE SOUND. BOUND ON THE SOUTH BY (NOW OR FORMERLY) MICHAEL E. BRITT, SR. AS RECORDED IN SAID REGISTRY IN DEED BOOK 1861 AT PAGE 386 AND (NOW OR FORMERLY) HOLIDAY DELTA, INC. AS RECORDED IN SAID REGISTRY IN DEED BOOK 3782 AT PAGE 221. BOUND ON THE WEST BY NORTH LAKE PARK BOULEVARD, A PUBLIC RIGHT OF WAY OF VARYING WIDTH AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN EXISTING IRON PIPE ON THE EASTERN RIGHT OF WAY LINE OF SAINT JOSEPH STREET, A 60' PUBLIC RIGHT OF WAY, SAID EXISTING IRON PIPE BEING THE NORTHWEST CORNER OF (NOW OR FORMERLY) INLAND HARBOUR HOMEOWNERS ASSOCIATION AS RECORDED IN THE NEW HANOVER COUNTY REGISTRY IN DEED BOOK 4199 AT PAGE 647. THENCE WITH THE EASTERN RIGHT OF WAY LINE OF SAINT JOSEPH STREET SOUTH 01 DEGREES 39 MINUTES 18 SECONDS WEST 91.95 FEET TO THE POINT OF INTERSECTION OF THE EASTERN RIGHT OF WAY LINE OF SAINT JOSEPH STREET AND NORTH LAKE PARK BOULEVARD WITH THE NORTH LINE OF LEES LANE, A 25' EASEMENT FOR INGRESS, EGRESS AND REGRESS AS RECORDED IN SAID REGISTRY IN DEED BOOK 376 AT PAGE 89. THENCE CONTINUING WITH SAID EASTERN RIGHT OF WAY LINE SOUTH 01 DEGREES 39 MINUTES 18 SECONDS WEST 25.00 FEET TO AN EXISTING IRON PIPE, THE POINT OF BEGINNING. THENCE LEAVING SAID EASTERN RIGHT OF WAY LINE AND RUNNING WITH THE SOUTHERN LINE OF SAID LEES LANE SOUTH 88 DEGREES 36 MINUTES 54 SECONDS EAST 364.69 FEET TO A NEW IRON PIPE SET. THENCE CONTINUING WITH SAID SOUTHERN LINE SOUTH 88 DEGREES 36 MINUTES 54 SECONDS EAST 60.30 FEET TO A POINT IN MYRTLE GROVE SOUND. THENCE CONTINUING IN MYRTLE GROVE SOUND, SOUTH 19 DEGREES 14 MINUTES 36 SECONDS WEST 84.07 FEET TO A POINT, SAID POINT BEING THE COMMON CORNER WITH (NOW OR FORMERLY) MICHAEL E. BRITT, SR. AS RECORDED IN SAID REGISTRY IN DEED BOOK 1861 AT PAGE 386. THENCE WITH THE COMMON LINE WITH SAID (NOW OR FORMERLY) MICHAEL E. BRITT, SR. NORTH 88 DEGREES 36 MINUTES 54 SECONDS WEST

40.92 FEET TO A P.K. NAIL SET IN TOP OF EXISTING BULKHEAD. THENCE CONTINUING WITH SAID COMMON PROPERTY LINE NORTH 88 DEGREES 36 MINUTES 54 SECONDS WEST 234.08 FEET TO AN EXISTING IRON PIPE, SAID EXISTING IRON PIPE BEING THE COMMON NORTHERN CORNER OF

SAID (NOW OR FORMERLY) MICHAEL E. BRITT, SR. AND (NOW OR FORMERLY) HOLIDAY DELTA, INC. AS RECORDED IN SAID REGISTRY IN DEED BOOK 3782 AT PAGE 221.

THENCE WITH THE COMMON PROPERTY LINE WITH SAID (NOW OR FORMERLY) HOLIDAY DELTA, INC. NORTH 88 DEGREES 36 MINUTES 54 SECONDS WEST 124.76 FEET TO AN EXISTING IRON PIPE ON THE EASTERN RIGHT OF WAY LINE OF NORTH LAKE PARK BOULEVARD. THENCE LEAVING SAID COMMON PROPERTY LINE AND RUNNING WITH THE EASTERN RIGHT OF WAY LINE OF NORTH LAKE PARK BOULEVARD, A PUBLIC RIGHT OF WAY OF VARYING WIDTH, NORTH 01 DEGREES 46 MINUTES 37 SECONDS EAST 80.02 FEET TO THE POINT OF BEGINNING CONTAINING 32,999 +/- SQUARE FEET AND BEING THE SAME PROPERTY CONVEYED BY DEED RECORDED IN SAID REGISTRY IN DEED BOOK 376 AT PAGE 89.

TOGETHER WITH 25' RIGHT OF WAY OR EASEMENT OVER LEES LANE AS DESCRIBED HEREINABOVE AND BEING MORE PARTICULARLY DESCRIBED IN INSTRUMENT RECORDED IN DEED BOOK 376 AT PAGE 89 RECORDED IN THE NEW HANOVER COUNTY REGISTRY FOR INGRESS, EGRESS AND REGRESS BETWEEN NORTH LAKE PARK BOULEVARD AND MYRTLE GROVE SOUND.

TRACT 2:

Beginning at an existing concrete monument at the intersection of the eastern right of way line St. Joseph Street (60' public right of way) and the northern line of Lee's Lane, said iron pipe being located South 01 degrees 39 minutes 18 seconds West – 91.95' from another iron pipe in the eastern right of way line of St. Joseph Street, this pipe being the northwest corner of the Inland Harbor Homeowners Association tract, and runs thence with the northern line of Lee's Lane, South 88 degrees 36 minutes 54 seconds East – approximately 361.22' to a point in the western normal high water line of Myrtle Grove Sound; thence with the western high water line of Myrtle Grove Sound, South 21 degrees 00 minutes 56 seconds East – 27.04' to a point in the northern line of the HDI Holdings, LLC property (Deed Book 5710, Page 801); thence with the northern line of HDI Holdings and the southern line of Lee's Lane, North 88 degrees 36 minutes 54 seconds West – 371.70' to an iron pipe in the eastern line of St. Joseph Street; thence with the eastern line of St. Joseph Street, North 01 degrees 46 minute 37 seconds East – 25.00' to the point of beginning, containing 9,161.4 Square Feet more or less, and being the property described as being subject to a right of way or easement in a deed from Vance Cottle et ux to G. G. Harward, Jr., et ux as recorded in Deed Book 376, Page 89 of the New Hanover County Registry, and also being a portion of that land described in a deed to B.W.T. Enterprises as recorded in Deed Book 1221, Page 1913 of the New Hanover County Registry.

It is the intent of this description to describe Lee's Lane from St. Joseph Street to the normal high water line of Myrtle Grove Sound. Distances from St. Joseph Street to Myrtle Grove Sound should be considered approximate.

TRACT 3:

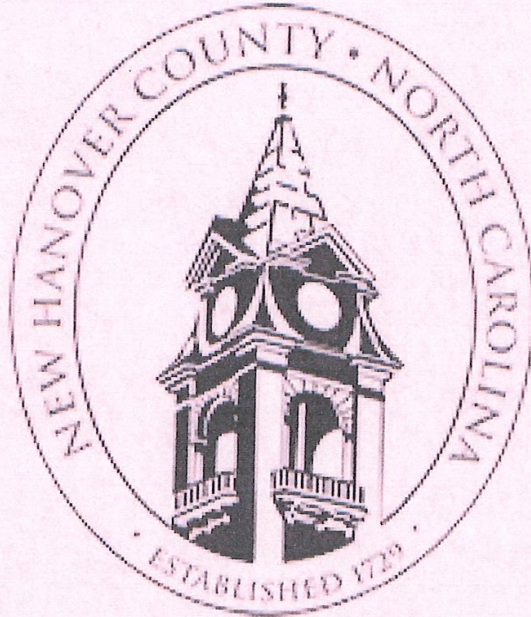
***BEGINNING** at the northwest corner of the tract of land described more fully in Book 376 at Page 89 of the New Hanover County Registry and running thence eastwardly along the northern line of the aforementioned lands 450 feet, more or less, to the Western Shore of Myrtle Grove Sound; thence Northwardly along the western shore of Myrtle Grove Sound, 25 feet, more or less, to a point which is 25 feet distant from the northern line of the aforementioned tract of land when measured at right angles thereto; running thence westwardly parallel with the northern line of the aforesaid tract of land, 450 feet, more or less, to the Eastern line of Lake Park Boulevard; thence Southwardly, along the Eastern line of Lake Park Boulevard, 25 feet to the point of Beginning.*

And being the same easement obtained by Grantor's predecessors in title by deed duly recorded in Book 376 at Page 89 of the new Hanover County Registry.

TAMMY THEUSCH
BEASLEY
Register of Deeds

New Hanover County Register of Deeds

320 CHESTNUT ST SUITE 102 • WILMINGTON, NORTH CAROLINA 28401
Telephone 910-798-4530 • Fax 910-798-7716



State of North Carolina, County of NEW HANOVER
Filed For Registration: 12/29/2017 03:13:50 PM
Book: RB 6112 Page: 870-875
6 PGS \$26.00
Real Property \$26.00
Recorder: ANDREA CRESWELL
Document No: 2017041781

DO NOT REMOVE!

This certification sheet is a vital part of your recorded document. Please retain with original document and submit when re-recording.



Narrative

PROJECT NAME: HARBOR VIEW

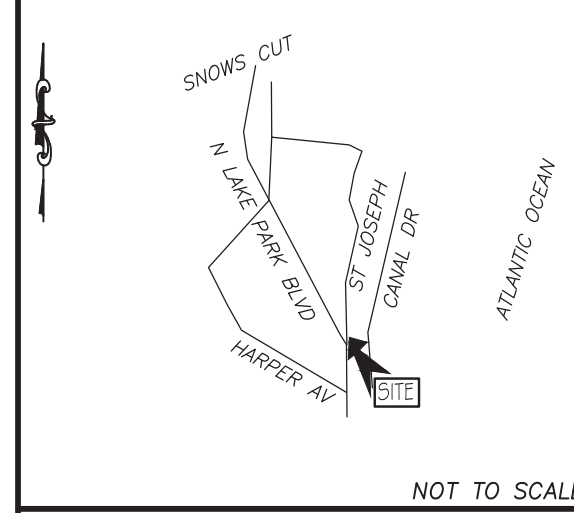
PROJECT DESCRIPTION: This project consists of constructing a new 5 story tall building with (8) 2 bedroom units, (28) 1 bedroom units, a parking lot and a pool with decking. The site will provide 48 parking spaces, 24 spaces under the building and 24 in the parking lot. The site has direct access to St. Joseph Drive. The site has an existing driveway connection to St. Joseph street which will be modified to increase the drive width to 24 ft.

Water and sewer will be provided by existing Town of Carolina Beach sewer and water mains adjacent to the site.

Stormwater onsite will be captured in inlets, stored in underground storage pipe then treated in a CONTECH Stormfilter which provides the required NCDEQ water quality treatment. The site will then discharge in the basin on the Eastern side of the site.

Providing public safety in the layout of the site required a 20 Ft fire lane on the North side of the site. The fire lane width is from property line to face of building on the North side therefore not leaving any room to allow the 10 ft buffer plantings required in the landscaping code. We're requesting a waiver on the North side property line from the buffer plantings due to site constraints from the Fire lane and underground utilities that run along the North property line. The building is setback on the Southern property line 11 Ft, we're requesting a waiver from installing Shade or understory trees along this property line so they will not hinder any Fire Dept movements should a fire happen.

LOCATION MAP



NOT TO SCALE

CONSTRUCTION DRAWINGS for
HARBOR VIEW

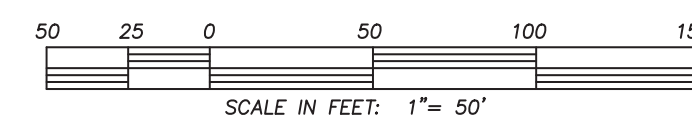
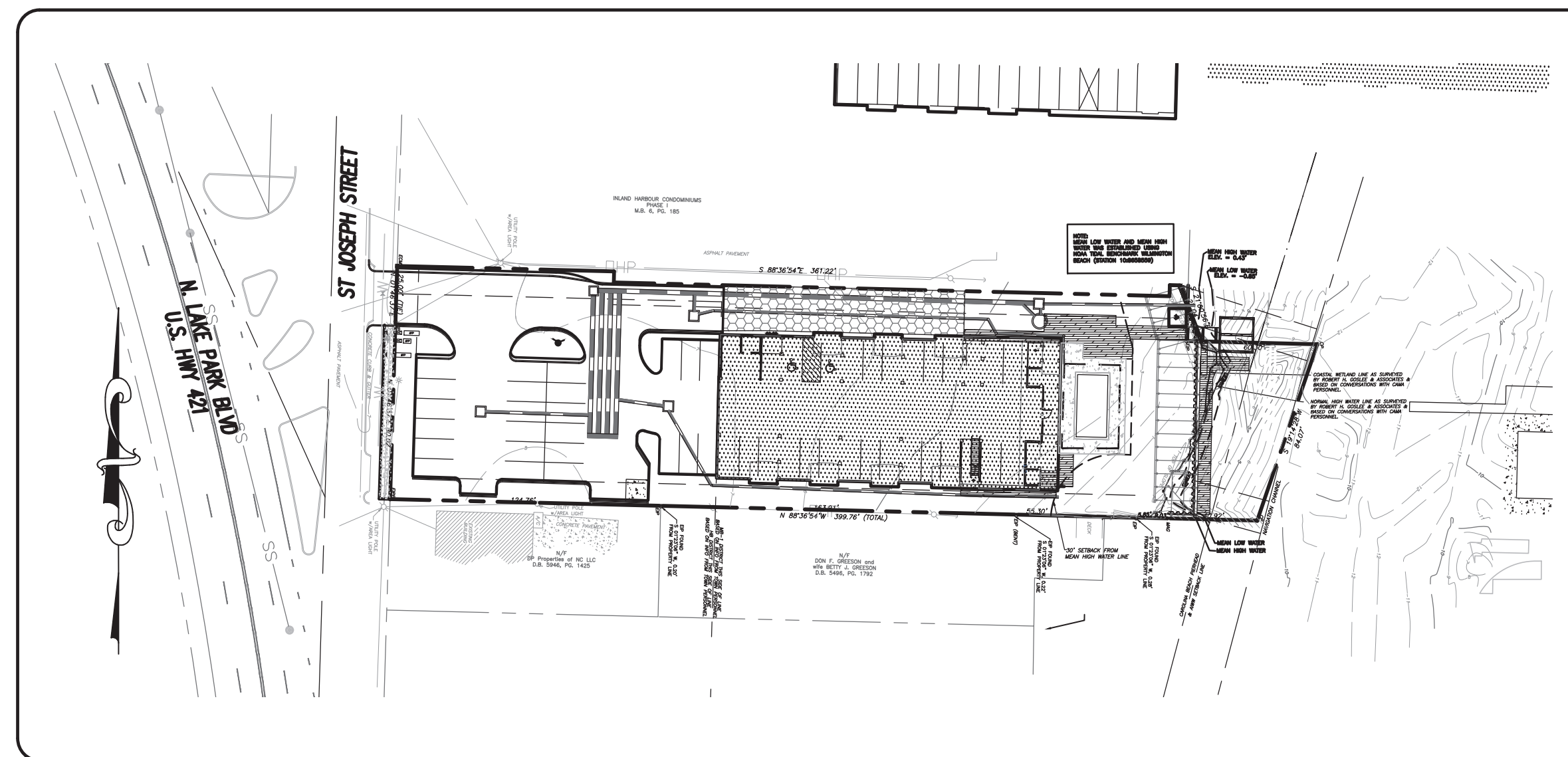
LOCATED IN TOWN OF CAROLINA BEACH
NEW HANOVER COUNTY, NORTH CAROLINA

GENERAL NOTES:

1. NEW HANOVER COUNTY PARCEL NUMBERS:
PD # 08018-006-019-000
2. TOTAL PROJECT AREA - 46,839 SF (0.94 AC.)
3. EXISTING ZONING DISTRICT: MB-1
4. LAND CLASSIFICATION: URBAN
5. THIS SITE IS LOCATED WITHIN ZONE "AE" ELEV 11 ACCORDING TO FEMA FIRM COMMUNITY PANEL NUMBER 372031300K, EFFECTIVE DATE 8/28/18
6. SITE ADDRESS: 402 NORTH LAKE PARK BLVD
EXISTING IMPERVIOUS ONSITE = 6,489 SF
7. ASBUILT, BOUNDARY AND TOPOGRAPHIC SURVEY PERFORMED AND PROVIDED TO CSD ENGINEERING BY ROBERT H. GOSLEE AND ASSOCIATES, PA (910-763-1941) VERTICAL DATUM = 88
8. STORMWATER DRAINS TO CAROLINA BEACH YACHT BASIN, SB 18-87-31.2
9. LAND OWNER - PELICAN POINT DEVELOPMENT, LLC
337 BRADLEY DRIVE
WILMINGTON, NC 28409

WATER & SEWER USAGE NOTES:

CURRENT WATER USAGE	0 GPD	PROPOSED WATER USAGE	8,640 GPD
CURRENT SEWER USAGE	0 GPD	PROPOSED SEWER USAGE	8,640 GPD
WATER - 36 UNITS X 240 GPD = 8,640 GPD			
SEWER - 36 UNITS X 240 GPD = 8,640 GPD			



WATER			
SIZE	4"	4"	6"
TYPE	C-900	DIP	C-900
LF	101	57	101

SEWER	
SIZE	8"
TYPE	DIP
LF	195

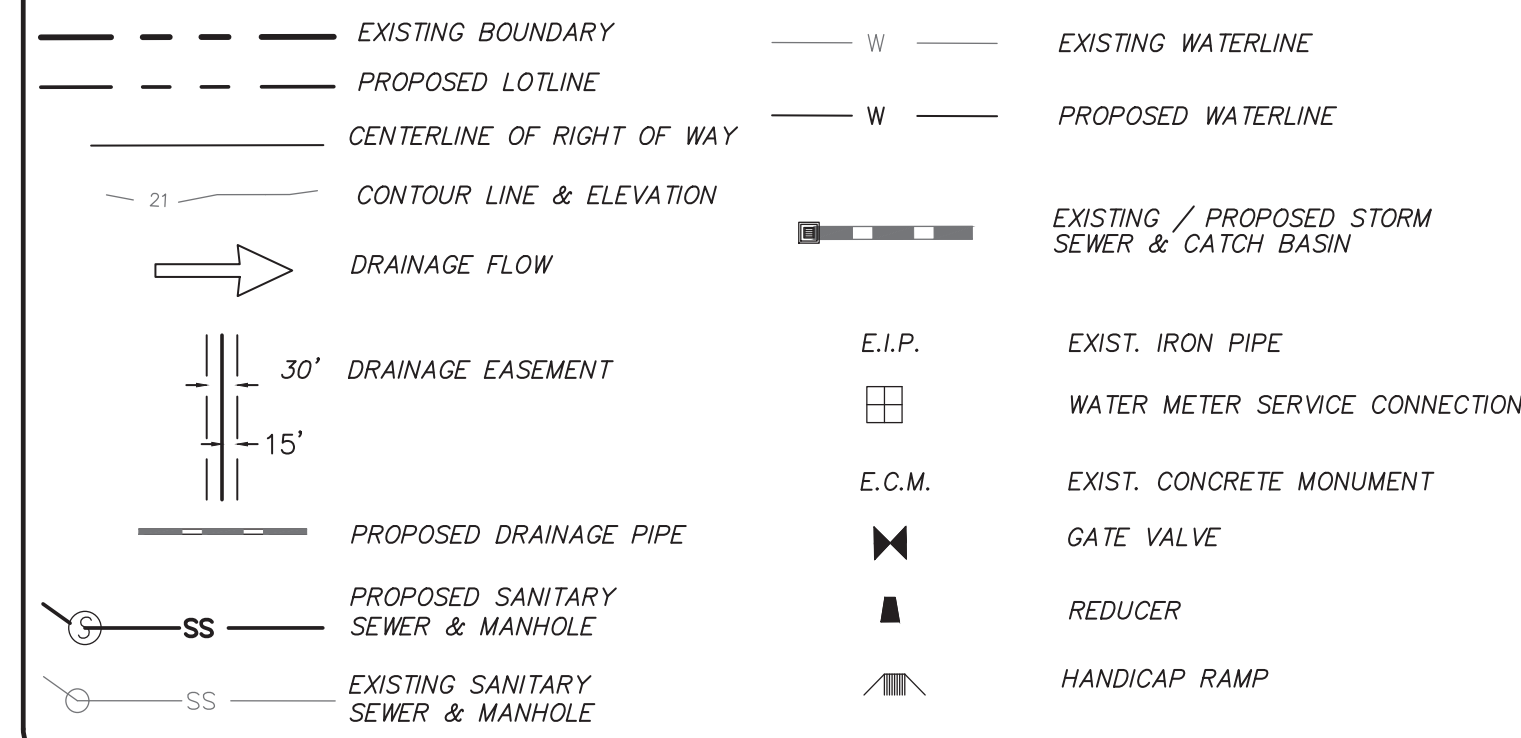
INDEX TO DRAWINGS

SHEET No.	DESCRIPTION	DRAWING No.
1 OF 11	COVER SHEET	CD_COVER
2 OF 11	EXISTING BOUNDARY AND TOPOGRAPHY	EX_COND
3 OF 11	SITE PLAN	SITE_PLAN
4 OF 11	GRADING & UTILITY PLAN	GP_UP
5 OF 11	NCDOT ENCROACHMENT PLAN	NCDDOT_DE
6 OF 11	NCDOT TRAFFIC CONTROL PLAN	NCDDOT_TOP
7 OF 11	NCDDOT DETAILS	NCDDOT_DETAILS
8 OF 11	OFPUA STANDARD WATER DETAILS	WSD_1
9 OF 11	OFPUA STANDARD WATER DETAILS	WSD_2
10 OF 11	OFPUA STANDARD SEWER DETAILS	SSD_1
11 OF 11	OFPUA STANDARD SEWER DETAILS	SSD_2
1 OF 4	SEDIMENTATION & EROSION CONTROL PLAN	EC1_OF_4
2 OF 4	SEDIMENTATION & EROSION CONTROL PLAN	EC2_OF_4
3 OF 4	SEDIMENTATION & EROSION CONTROL PLAN	EC3_OF_4
4 OF 4	SEDIMENTATION & EROSION CONTROL PLAN	EC4_OF_4
1 OF 1	DRAINAGE AREA & PROJECT LIMITS	DA_PL
LP1 OF LP1	LANDSCAPE PLAN	LP1

NOTES:

1. ASBUILT, BOUNDARY AND TOPOGRAPHIC SURVEY PERFORMED AND PROVIDED TO CSD ENGINEERING BY ROBERT H. GOSLEE & ASSOCIATES, PA 513 CHESTNUT ST WILMINGTON, NC 28401 (910) 763-1941
2. THIS MAP IS NOT FOR CONVEYANCE, RECORDATION, OR SALES.
3. THIS PROPERTY IS LOCATED WITHIN ZONE "AE" ELEV 11 ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY'S FLOOD INSURANCE RATE MAP, COMMUNITY-PANEL #372031300-K, EFFECTIVE DATE 8/28/18
4. THIS PROPERTY IS ZONED HB & MB-1
5. TOWN OF CAROLINA BEACH WATER
6. TOWN OF CAROLINA BEACH SEWER
7. ALL CONSTRUCTION TO CONFORM TO TOWN OF CAROLINA BEACH STANDARDS AND APPLICABLE STATE & LOCAL CODES.
8. CONTRACTOR TO COORDINATE ANY REQUIRED TRAFFIC CONTROL WITH TOWN OF CAROLINA BEACH AND OR NCDOT.
9. CARE SHALL BE TAKEN DURING FINAL GRADING TO ENSURE POSITIVE DRAINAGE AWAY FROM BUILDINGS AND TO RECEIVING STRUCTURES. ROOF DRAIN DOWNSPOUTS TO BE CONNECTED TO STORM DRAINAGE STUBOUTS OR DIRECTED TO STREET/PARKING AREAS.
10. CONTRACTOR IS RESPONSIBLE FOR COORDINATION OF ANY RELOCATIONS, RE-ALIGNMENTS, DISCONNECTIONS OR CONNECTIONS OF EXISTING UTILITIES WITH APPLICABLE AUTHORITIES.
11. CLEARING AND GRUBBING OF SITE TO INCLUDE REMOVAL OF EXISTING CURB, ASPHALT, INLETS, AND ANY OTHER STRUCTURES INCLUDING TREES, STUMPS AND DEBRIS EXISTING ON SITE. TREES NOT REQUIRED TO BE CLEARED FOR CONSTRUCTION SHALL REMAIN UNLESS OTHERWISE DIRECTED.
12. INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO DETERMINE THE EXACT ELEVATIONS AND LOCATIONS OF ALL EXISTING UTILITIES AT ALL CROSSINGS PRIOR TO COMMENCING TRENCH EXCAVATION. IF ACTUAL CLEARANCES ARE LESS THAN INDICATED ON PLAN, THE CONTRACTOR SHALL CONTACT THE DESIGN ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION. ANY CONDITION DISCOVERED OR EXISTING THAT WOULD NECESSITATE A MODIFICATION OF THESE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE DESIGN ENGINEER BEFORE PROCEEDING WITH CONSTRUCTION.
13. NO CONSTRUCTION IS TO BEGIN BEFORE LOCATION OF EXISTING UTILITIES HAS BEEN DETERMINED. CALL "NO ONE-CALL" AT LEAST 72 HOURS BEFORE COMMENCING CONSTRUCTION.
14. CONTRACTOR SHALL ADJUST ALL MANHOLES, VALVE & CURB BOXES TO FINAL GRADE UPON COMPLETION OF ALL CONSTRUCTION. ANY BOXES DAMAGED OR OTHERWISE DISTURBED BY THE CONTRACTOR SHALL BE REPAIRED AT THE EXPENSE OF THE CONTRACTOR.
15. THE CONTRACTOR IS RESPONSIBLE FOR CONTROLLING DUST AND EROSION DURING CONSTRUCTION AT HIS EXPENSE. PARKING AREAS SHALL BE WATERED TO CONTROL DUST WHEN ORDERED BY THE ENGINEER.
16. NO GEOTECHNICAL TESTING HAS BEEN PERFORMED ON SITE. NO WARRANTY IS MADE FOR SUITABILITY OF SUBGRADE, AND UNDERCUT AND ANY REQUIRED REPLACEMENT WITH SUITABLE MATERIAL SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
17. CONTRACTOR TO ENSURE THAT PAVEMENT IS PLACED SO AS TO DRAIN POSITIVELY TO THE STREET INLETS AND CATCH BASINS. ALL FUTURE ROOF DRAIN DOWNSPOUTS TO BE DIRECTED TO THE STORM DRAINAGE STUBOUTS.
18. CONTRACTOR IS RESPONSIBLE FOR OBTAINING ALL REQUIRED PERMITS.
19. THIS PLAN IS FOR SITE GRADING, UTILITIES, SITING, AND DRAINAGE ONLY. SEE BUILDING PLANS FOR DETAILED HOOKUPS TO BUILDINGS, ETC.
20. CONTRACTOR AND BUILDER ARE RESPONSIBLE FOR COORDINATING FINISHED FLOOR ELEVATION OF ALL BUILDINGS WITH THE OWNER. ELEVATIONS GIVEN ARE MINIMUM GROUND ELEVATIONS AT THE BUILDING SITE AND DO NOT PURPORT TO BE FINISHED FLOOR. MINIMUM RECOMMENDED FF ELEVATIONS SHOWN ON PLANS.
21. AFFECTED NON-MUNICIPAL UTILITIES SHALL BE CONTACTED AND PROVIDED WITH PLANS AND OTHER PERTINENT INFORMATION, WHEN FEASIBLE, TO COORDINATE APPROPRIATE SCHEDULING AND PLACEMENT.
22. EXTREME CARE SHALL BE TAKEN TO ENSURE MINIMUM SEPARATIONS AT ALL UTILITY CROSSINGS.
 - a. HORIZONTAL SEPARATION OF 10 FEET BETWEEN SANITARY SEWER AND WATER MAINS AND STORM SEWER.
 - b. WHERE VERTICAL CLEARANCE IS LESS THAN 24" BETWEEN SANITARY SEWER AND WATER OR WHERE SEWER LINE CROSSES ABOVE WATER MAIN, BOTH PIPES SHALL BE DUCTILE IRON PIPE FOR A MINIMUM OF 10' EITHER SIDE OF CROSSING.
 - c. WHERE VERTICAL CLEARANCE IS LESS THAN 24" BETWEEN SANITARY SEWER AND STORM DRAIN, SANITARY SEWER SHALL BE DUCTILE IRON PIPE FOR A MINIMUM OF 10 FEET EITHER SIDE OF CROSSING.
 - d. WHERE VERTICAL CLEARANCE IS LESS THAN 12" BETWEEN SANITARY SEWER AND STORM DRAIN, SANITARY SEWER SHALL BE DUCTILE IRON PIPE FOR A MINIMUM OF 10' EITHER SIDE OF CROSSING, AND BRIDGING SHALL BE INSTALLED PER APPLICABLE UTILITY AUTHORITY'S DETAILS.
 - e. IN NO CASE SHALL THERE BE LESS THAN 18" OF SEPARATION BETWEEN OUTSIDE OF WATER MAIN AND OUTSIDE OF SEWER OR STORM DRAINAGE.
 - f. MINIMUM COVER OF 36" SHALL BE PROVIDED FOR ALL BURIED WATER MAINS AND SANITARY SEWER MAINS.
24. SEE DETAIL SHEETS FOR TYPICAL UTILITIES HOOKUPS.
25. ALL SANITARY SEWER MAINS TO BE 8" UNLESS OTHERWISE INDICATED.
26. ALL WATER MAINS TO BE 8" UNLESS OTHERWISE INDICATED.
27. TWO VALVES ARE REQUIRED AT "T" INTERSECTIONS AND ONE VALVE ON THE WATER LINE TO FIRE HYDRANTS.
28. A BLOW-OFF VALVE IS REQUIRED AT THE TERMINUS OF ALL "DEAD END" WATER LINES.

LEGEND



OWNER: PELICAN POINT DEVELOPMENT, LLC
337 BRADLEY DRIVE
WILMINGTON, NC 28409

LICENSE # C-2710
ENGINEERING
LAND PLANNING
COMMERCIAL / RESIDENTIAL

P.O. BOX 4041
WILMINGTON, NC 28406
(910) 791-4441

COVER SHEET
HARBOR VIEW

CONSTRUCTION DRAWINGS for
HARBOR VIEW
LOCATED IN TOWN OF CAROLINA BEACH
NEW HANOVER COUNTY, NORTH CAROLINA

OWNER:
PELICAN POINT DEVELOPMENT, LLC
337 BRADLEY DRIVE
WILMINGTON, NC 28409

REV. NO.	DATE	BY	REMARKS
5	8/27/19	MRB	REVISED P&I AND NOTES
4	6/27/19	MRB	REVISED P&I AND NOTES
3	4/20/18	MRB	REVISED BLDG FOOTPRINT
2	4/25/18	MRB	REVISED BLDG FOOTPRINT
1	4/27/18	MRB	SWIFTED BLDG

DATE: 6-28-17

HORIZ. SCALE: 1" = 50'

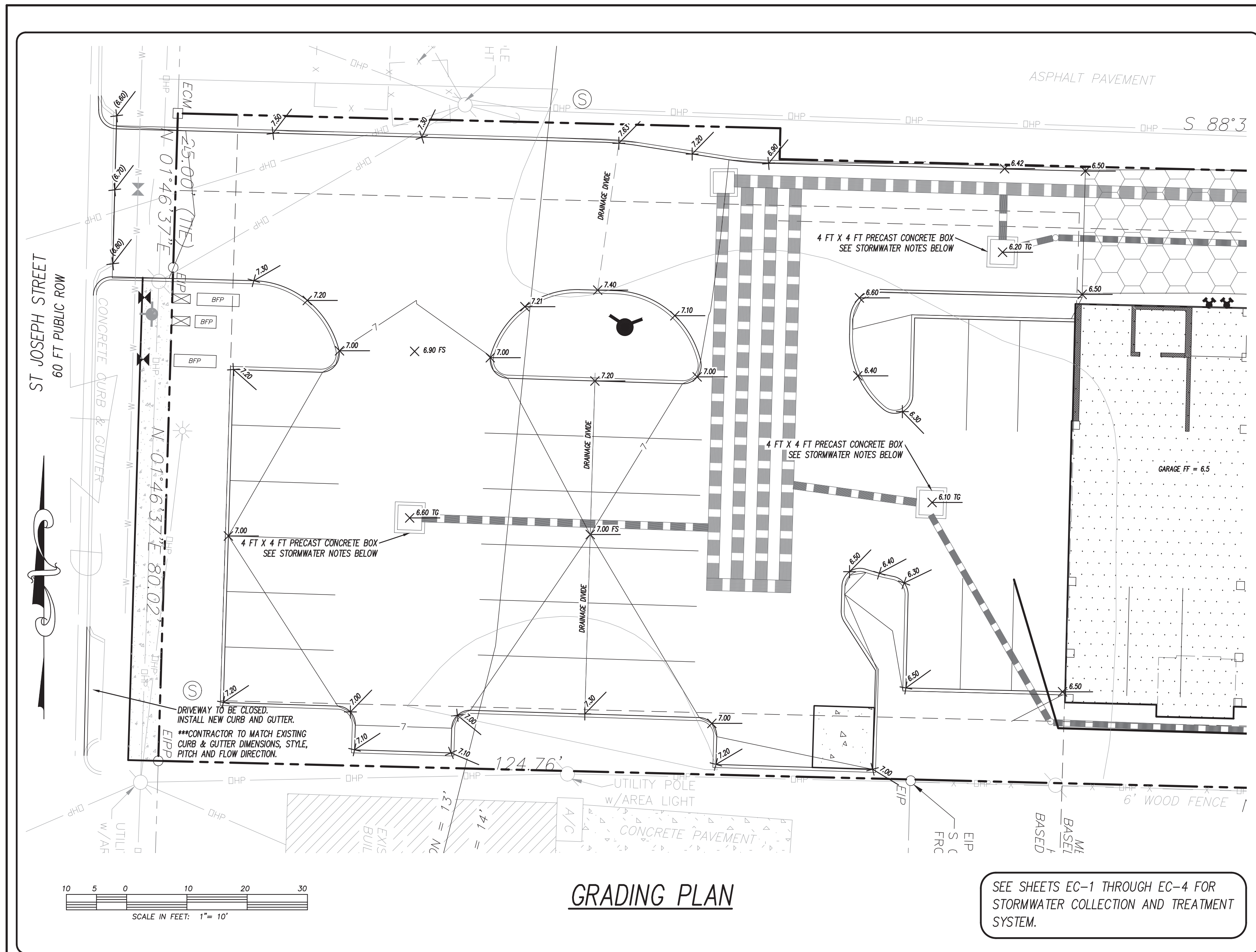
VERT. SCALE: N/A

DRAWN BY: MRB

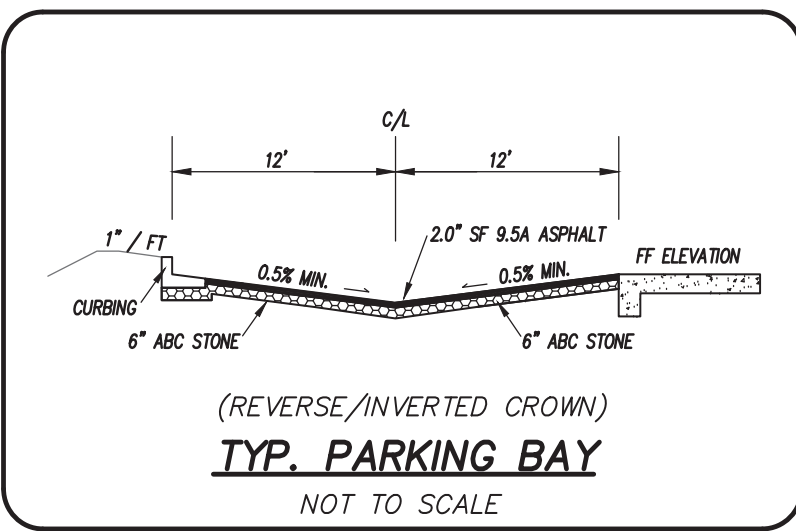
CHECKED BY: HSR

PROJECT NO.: 17-0395

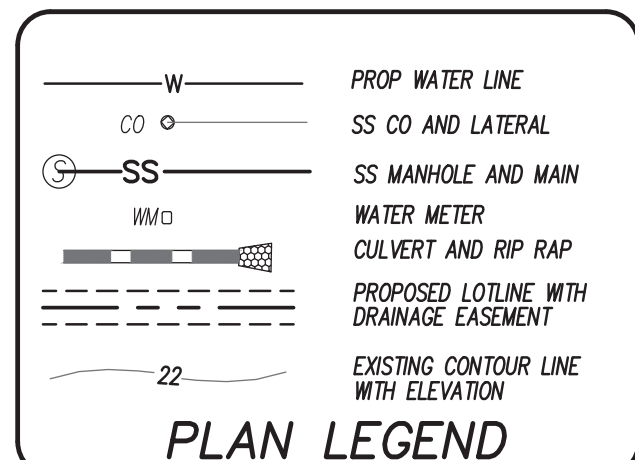
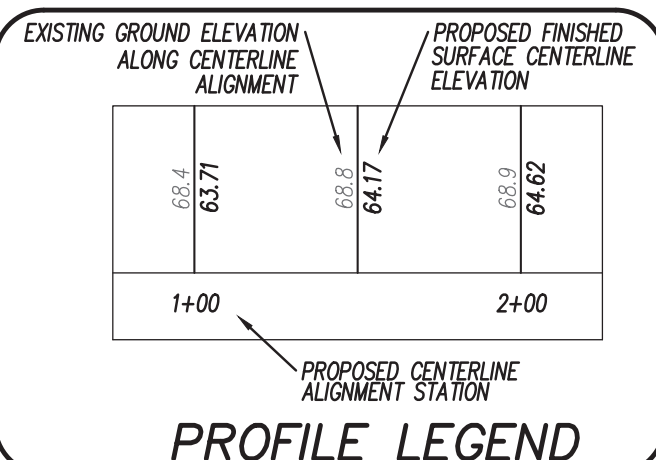
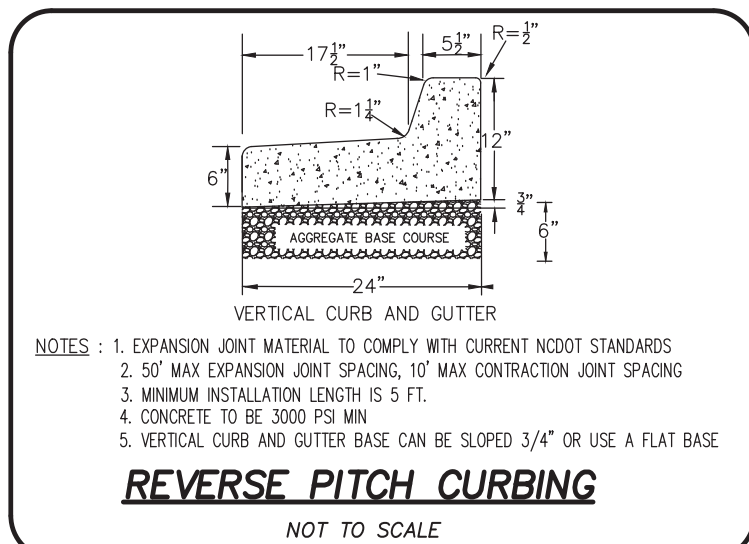
Sheet No. **1** of **11**



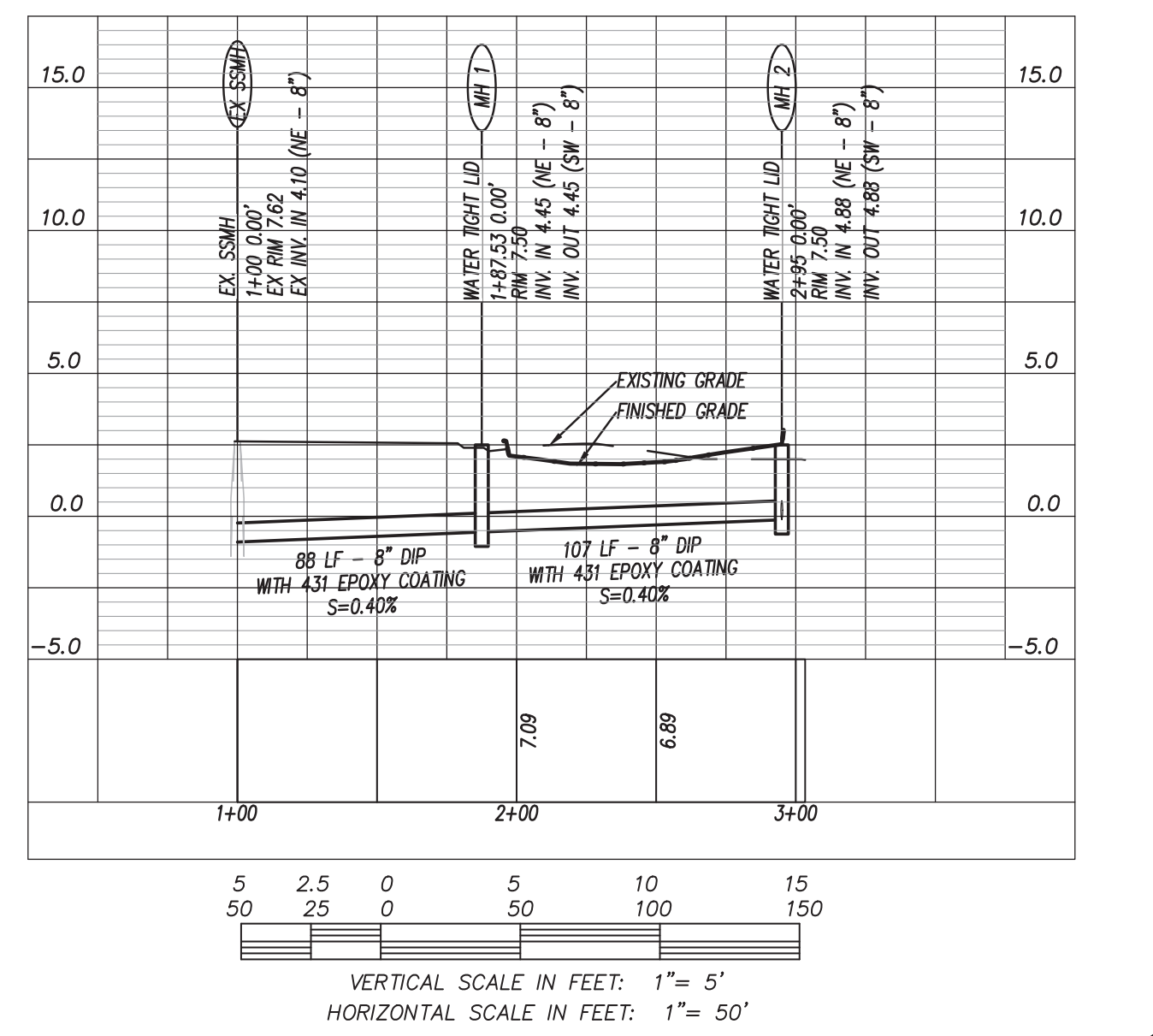
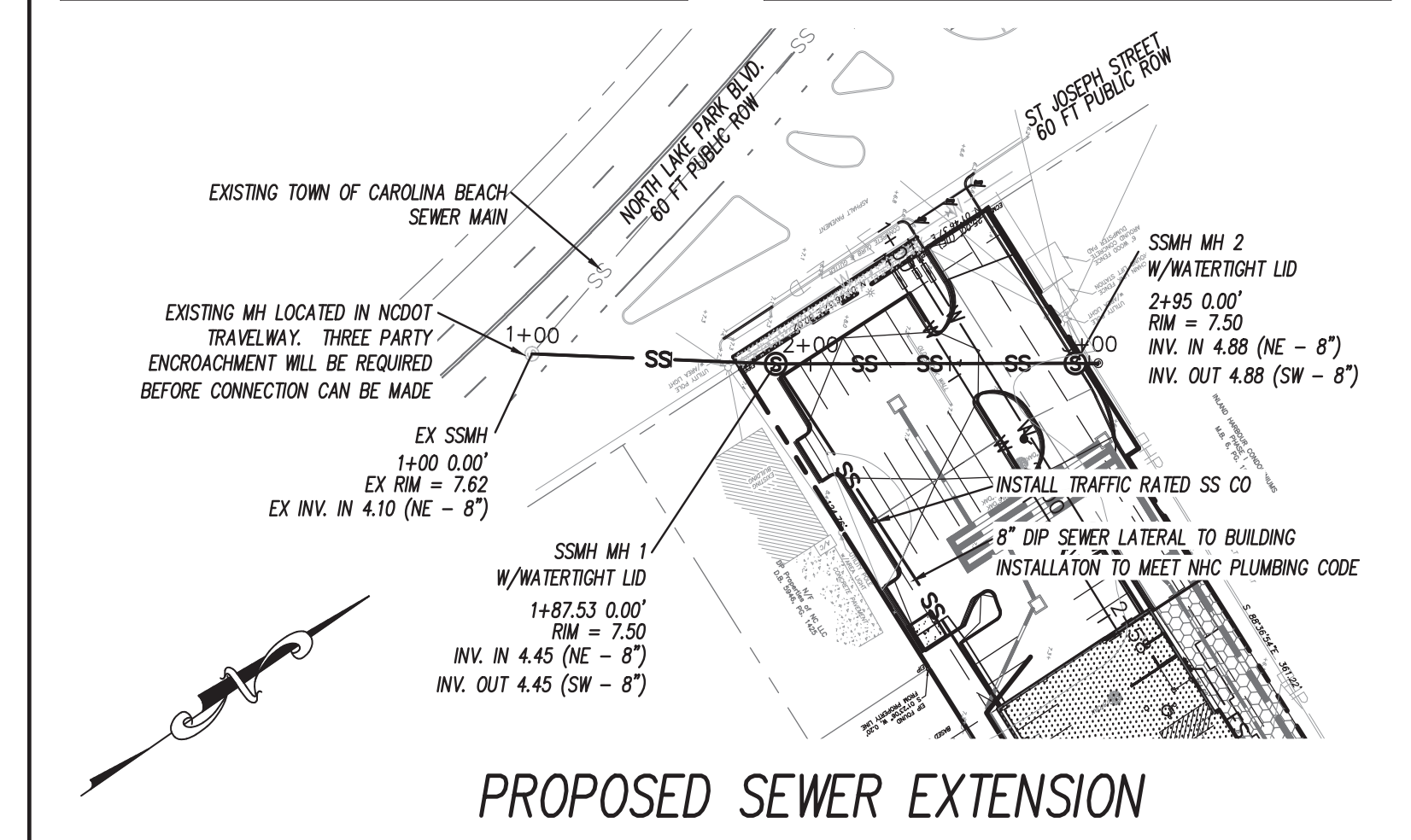
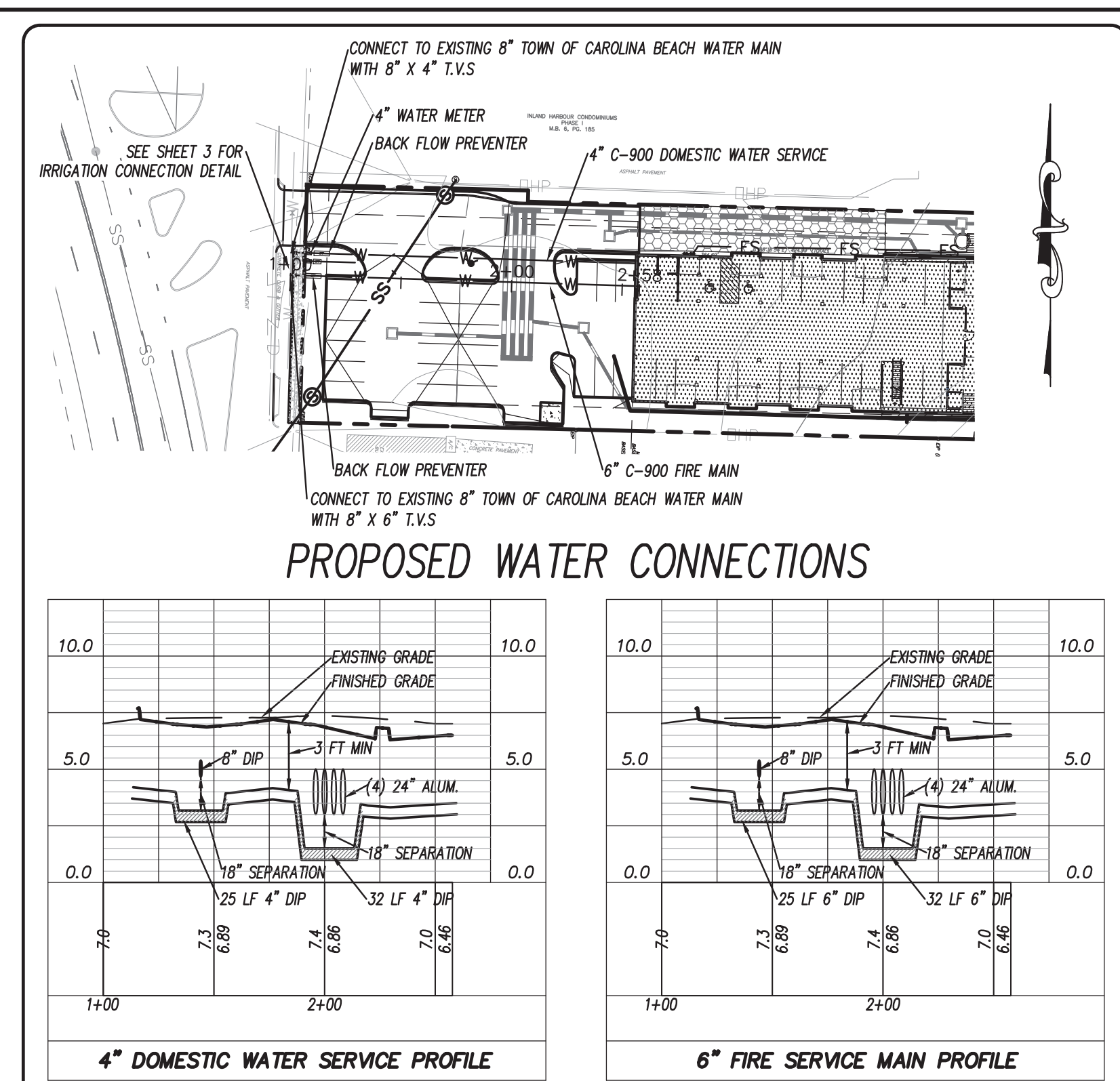
- GRADING NOTES:**
- CONTRACTOR TO MAKE SMOOTH TRANSITION FROM INVERTED CROWN TO SHEET FLOW IN DESIGNATED AREAS.
 - CONTRACTOR TO ENSURE POSITIVE DRAINAGE IN ALL FINISHED AREAS.
 - ALL BUILDING ROOF DRAINS MUST BE DIRECTED INTO THE STORM DRAINAGE COLLECTION SYSTEM OR INTO THE PARKING LOT.



- GRADING KEY**
- *** UNLESS NOTED ALL ELEVATIONS ARE TO FLOW LINE OF CURB
- TG - TOP OF GRATE
 - EP - EDGE OF PAVEMENT
 - BC - BACK OF CURB
 - FS - FINISHED SURFACE
 - FF - FINISHED FLOOR
 - CC - CURB CUT (7.20)
 - EX - EX. SPOT ELEVATION
 - PROPOSED STORM SEWER & CATCH BASIN



- STORMWATER DRAINAGE STRUCTURE NOTES**
- CONTRACTOR AND PRECASTER TO DETERMINE STORM STRUCTURE SIZES.
 - FRAME AND GRATES TO BE NC DOT STD 84016 OR EQUIVALENT.
 - PRECAST STORM STRUCTURES TO MEET HS-20-44 LOADING.



CSD ENGINEERING

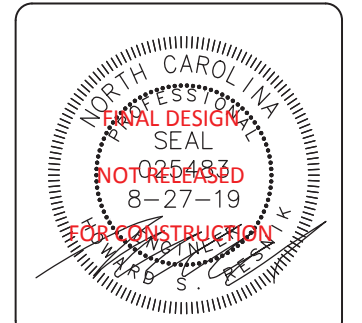
LICENSE # C-2710
ENGINEERING
LAND PLANNING
COMMERCIAL / RESIDENTIAL

P.O. BOX 4041
WILMINGTON, NC 28406
(910) 791-4441

**GRADING & UTILITY PLAN
HARBOR VIEW**

HARBOR VIEW
LOCATED IN TOWN OF CAROLINA BEACH
NEW HANOVER COUNTY, NORTH CAROLINA

OWNER:
PELICAN POINT DEVELOPMENT, LLC
337 BRADLEY DRIVE
WILMINGTON, NC 28409

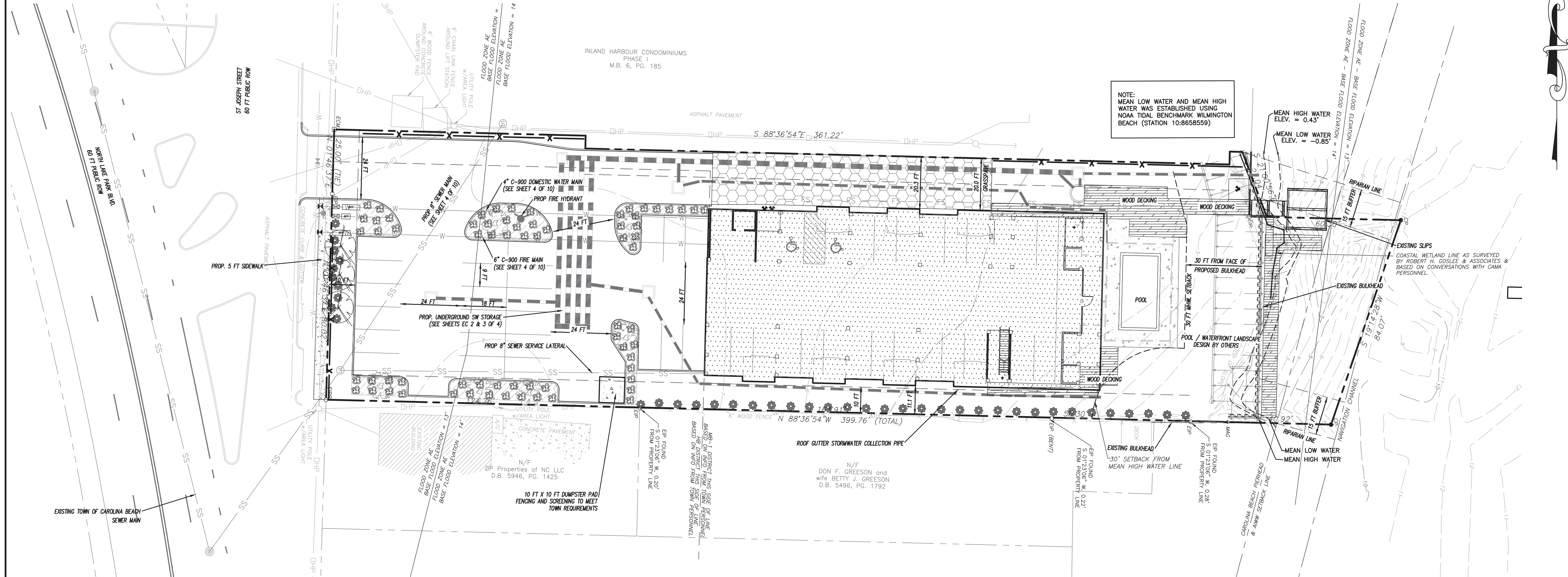
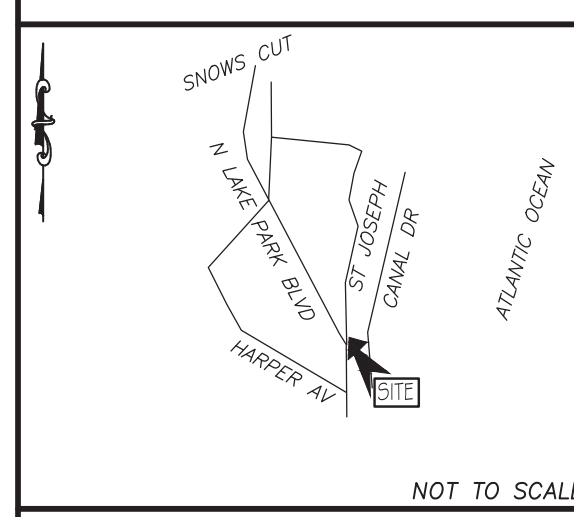


REV. NO.	DATE	BY	REMARKS
6	8/27/19	RLW	REVISED UTILITY EASMENT
5	8/27/19	RLW	REVISED BASE FOOTPRINT
4	4/20/18	RLW	REVISED BASE FOOTPRINT
3	4/20/18	RLW	BLD SHFT
2	4/20/18	RLW	REVISED GRADING, OWNER NAME & SHEET NUMBERS
1	6/29/17	RLW	REVISED SHEET NUMBERS

DATE: 5-4-17
HORIZ. SCALE: 1" = 10'
VERT. SCALE: N/A
DRAWN BY: RLW
CHECKED BY: HSR
PROJECT NO.: 17-0395

Sheet No. **4** of **11**

LOCATION MAP



NOTE: MEAN LOW WATER AND MEAN HIGH WATER WAS ESTABLISHED USING NOAA TIDAL BENCHMARK WILMINGTON BEACH (STATION 108658559)

LEGEND

- EXISTING BOUNDARY
- CENTERLINE OF RIGHT OF WAY
- CONTOUR LINE & ELEVATION
- EXISTING SANITARY SEWER & MANHOLE
- EXISTING WATERLINE
- EXISTING FIRE HYDRANT
- EXISTING STORM DRAIN
- PROP STORM DRAIN
- PROP FIRE HYDRANT
- PROP GATE VALVE
- PROP WATER METER
- PROP SANITARY SEWER & MANHOLE
- PROP WATER MAIN
- PROP SUPPORT COLUMN
- COMPACT CAR PARKING 8.5 FT X 18 FT
- PROP BUILDING FOOTPRINT
- PROP CONCRETE

Proposed Plant Table

SHRUBS					
Quantity	Symbol	Scientific Name	Common Name	Planting Size	Planting Remarks
10	☉	<i>Ilex cornuta</i>	Needlepoint Holly	7 GAL. 3' HT.	STREETYARD SHRUB
30	☉	<i>Ilex cornuta</i>	Needlepoint Holly	7 GAL. 3' HT.	BUFFERYARD SHRUB
70	☉	<i>Buxus microphylla</i>	Wintergreen Boxwood	3 Gal.	PARKING ISLAND
6	☉	<i>Myrica cerifera</i>	Wax Myrtle	7 Gal. 3' HT.	PARKING ISLAND
TREES					
Quantity	Symbol	Scientific Name	Common Name	Planting Size	Planting Remarks
3	☉	<i>Prunus serrulata</i>	'Kwanzan' Japanese Cherry	2-1/2" CAL.	STREETYARD TREE

O.C. - "ON CENTER" CAL. - "CALIPER AT 6" ABOVE GRADE" GAL. - "GALLON CONTAINER"

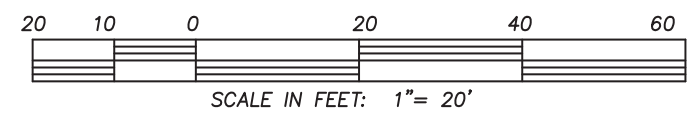
LANDSCAPE CALCULATIONS:

1. BUFFERYARD / STREETYARD CALCULATIONS (SEC.40-178)
 TYPE R; 2 CANOPY, 4 UNDERSTORY, 6 SHRUBS / 50 LF OF FRONTAGE
 105.02 LF / 25 (CANOPY TREE FACTOR) = 4.20 TREES REQ'D. 3 TREES PROVIDED
 81.02 LF / 12.5 (UNDERSTORY TREE FACTOR) = 6.48 TREES REQ'D. 6 TREES PROVIDED
 81.02 LF / 8.13 (SHRUB FACTOR) = 9.97 SHRUBS REQ'D. 10 SHRUBS PROVIDED
 *** UTILITY EASEMENTS AND INFRASTRUCTURE LIMIT THE AVAILABLE PLAYING AREA WITHIN THE STREETYARD.
 TYPE R; 2 CANOPY, 4 UNDERSTORY, 6 SHRUBS / 50 LF OF SIDE PROPERTY LENGTH
 SOUTH PROPERTY LINE = 234 LF (REQUESTING WAIVER ON TREES)
 234 / 50 = 4.7
 5 x 6 = 30 SHRUBS REQ'D
 NORTH PROPERTY LINE = REQUESTING WAIVER

2. PARKING FACILITIES LANDSCAPING CALCULATIONS (SEC.40-178(A)(2))
 MINIMUM REQ'D = 5% OF TOTAL PARKING FACILITY
 TOTAL PARKING FACILITY AREA = 12,365 SF
 12,365 x 0.8 = 9892 SF REQ'D LANDSCAPE AREA. 1,688 SF PROVIDED

LANDSCAPE NOTES:

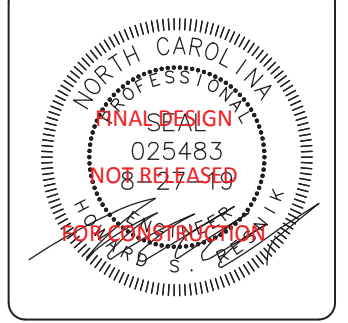
- POOL & WATERFRONT LANDSCAPE DESIGN BY OTHERS.
- REQUESTING WAIVER FOR PERIMETER LANDSCAPING REQUIREMENTS



CSD ENGINEERING
 LICENSE # C-2710
 ENGINEERING
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LANDSCAPE PLAN for
HARBOR VIEW

LANDSCAPE PLAN for
HARBOR VIEW
 LOCATED IN TOWN OF CAROLINA BEACH
 NEW HANOVER COUNTY, NORTH CAROLINA
 OWNER:
 PELICAN POINT DEVELOPMENT, LLC
 337 BRADLEY DRIVE
 WILMINGTON, NC 28409



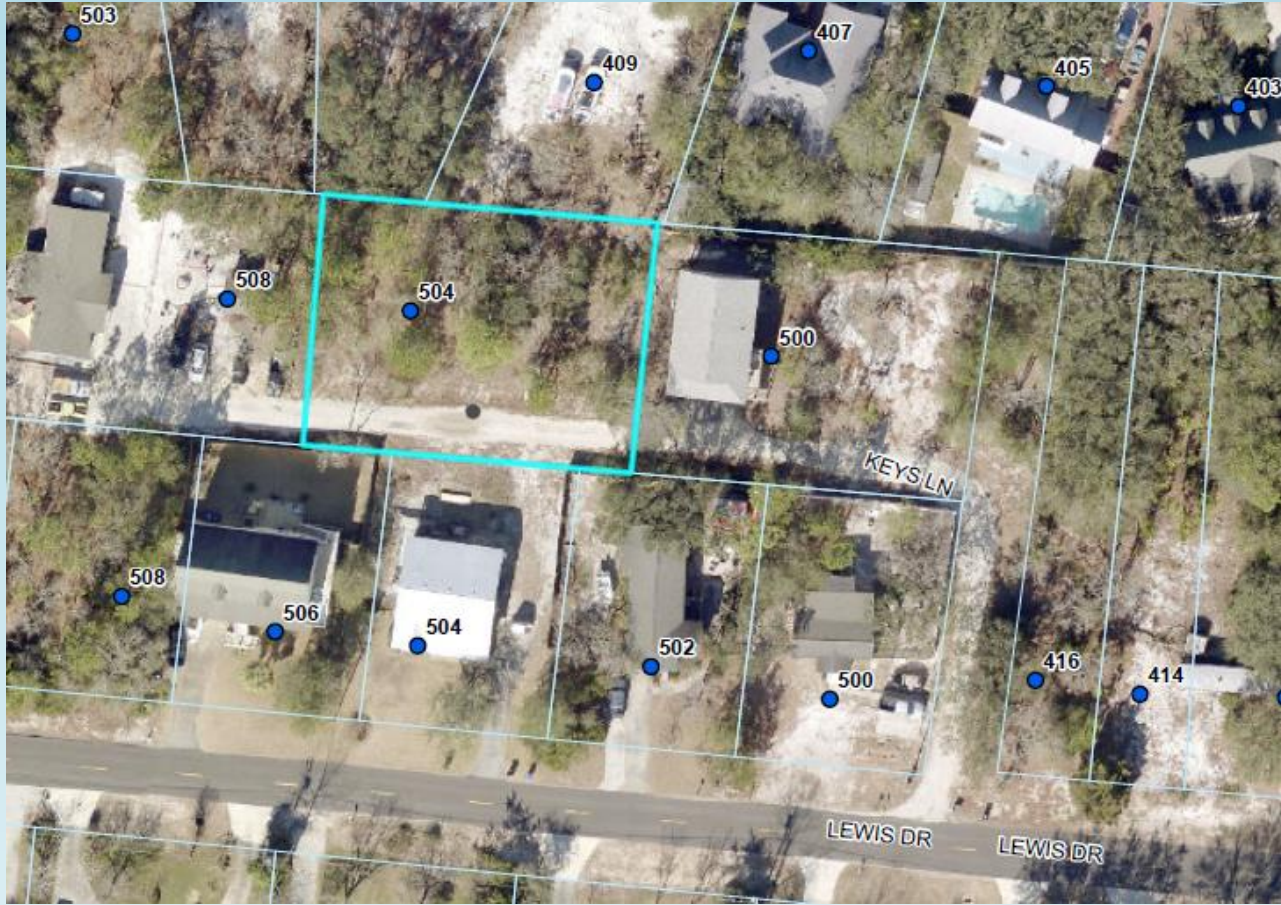
REV. NO.	DATE	BY	REMARKS
1	8/27/19	RLW	REVISED POOL FOOTPRINT, LANDSCAPE NOTES
2	6/20/19	MSB	REVISED BLAD FOOTPRINT
3	4/20/18	MSB	REVISED BLAD FOOTPRINT
4	1/25/18	MSB	REVISED NOTES

DATE: 4-9-18
 HORIZ. SCALE: 1" = 20'
 VERT. SCALE: N/A
 DRAWN BY: RLW
 CHECKED BY: HSR
 PROJECT NO.: 17-0395
 Sheet No. **LPI** of **LPI**



Conditional Use Permit: 504 Keys Lane “The Cottages” – Planned Unit Development

September 12th , 2019
Miles Murphy – Planner



Location: 504 Keys Lane

Applicant: Avon Park Holdings, LLC

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	

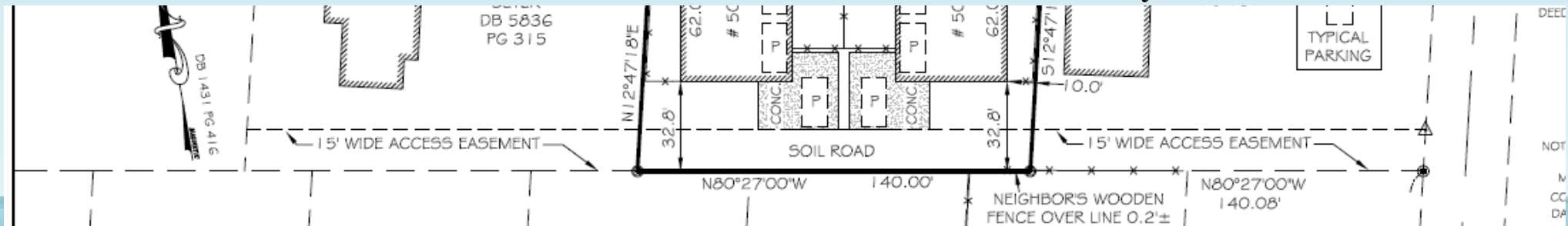
Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yard	Min. Rear Yard	Min. Side Yards [*] (Corner Lot— Min. 12.5 ft.) ⁴	Residential Max. Density	Max. Height	Max. Lot Coverage
R-2	Single-Family	7,000 sq. ft.	70 ft.	25 ft.	10 ft.	7.5 ft.	6.2 units/acre	45 ft.	40%



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.



AGENDA ITEM

Meeting: Planning and Zoning - 12 Sep 2019
Prepared By: Miles Murphy
Department: Planning

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

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 504 Keys Lane. The parcel is zoned R-2 which allows SFR and Residential PUDs with a density of 6.2 units/acre.

ACTION REQUESTED: 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.

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

ATTACHMENTS: [CUP-Keys Lane Cottages Application](#)
[PIONEER GROUP PRELIMINARY SITE PLAN 8-9-19 UPDATE](#)
[Narrative](#)
[Memo](#)
[504 Keys Lane PUD - PPT](#)



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

Permit Number: 19-006

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 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.

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.

Table with title '2019 Submission Deadlines & Meeting Dates' containing submission and meeting dates for TRC, P&Z, and Town Council, plus a recipients list at the bottom.

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.

Please complete all sections of the application.

A. Property Information

Address(es): 504 Keys Lane
PIN(s): R08810-001-001-003
Project Name Keys Lane Cottages
Size of lot(s): 14,700 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 that call under the R-2 density requirements

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)

Glen Mitchell
Owner's Name
PO BOX 15474
Mailing Address
Wilmington, NC 28408
City, State, and Zip Code
910-386-7345
Telephone
glen.mitchell.01@gmail.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 R-2 density requirements and the proposed homes follow the setback requirements

- 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.:

The proposed residences fall with R-2 requirements. 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. We will properly

- 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 10' 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"/>	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:

Yes	No	N/A	
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Location and design of refuse facilities
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approximate locations and sizes of all existing and proposed utilities
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Existing and/or proposed fire hydrants (showing distances)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjacent properties with owners' information and approximate location of structures
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distances between all buildings
<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use
<input 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 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.

Signature **Date** 9/5/15

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Glen Mitchell, does hereby appoint Stephanjie Covington 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: 9/5/19

Appointee's Name, Address & Telephone:

The Pioneer Group NC, INC
Stephanjie Covington
PO BOX 15474
Wilmington, NC 28408

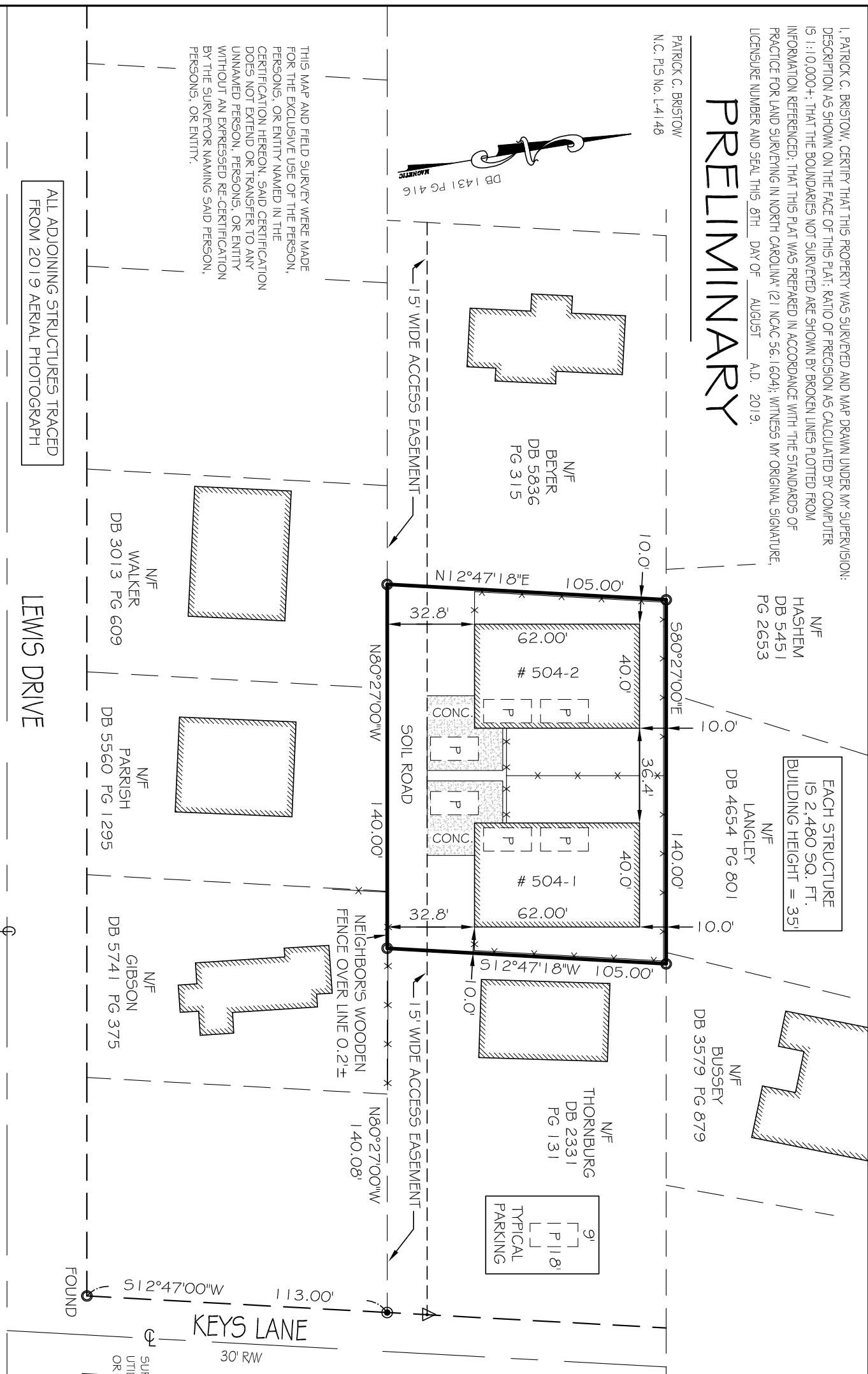
Signature of Owner: 

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, LICENSE NUMBER AND SEAL THIS 8TH DAY OF AUGUST A.D. 2019.

PRELIMINARY

PATRICK C. BRISTOW
N.C. PLS No. L4148

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



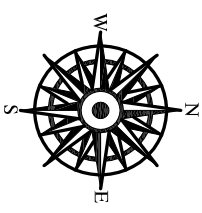
THIS MAP AND FIELD SURVEY WERE MADE FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND OR TRANSFER TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR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

ALL ADJOINING STRUCTURES TRACED FROM 2019 AERIAL PHOTOGRAPH

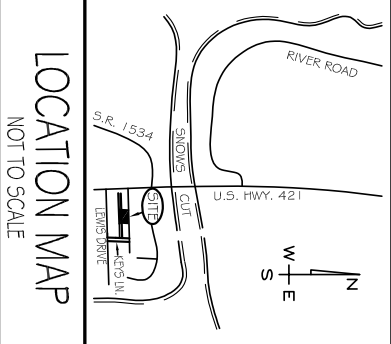
S:\LAND PROJECTS\504 KEYS LANE BRADISH BOUNDARY.dwg
BRADISH BOUNDARY

AUGUST 8, 2019 **14,677 SQ. FT.**

SITE PLAN FOR
PIONEER GROUP
PARCEL ID # R08810-001-001-003 504 KEYS LANE
TOWN OF CAROLINA BEACH NEW HANOVER COUNTY, N.C.



PATRICK C. BRISTOW
LAND SURVEYING, PC
4113-A OLEANDER DRIVE
WILMINGTON, N.C. 28403
(910) 791-1500 (PH) (910) 791-1504 (FAX)
E-MAIL: pat@bristowsurveying.com
FIRM LICENSE NO. C-3071



SURVEY REFERENCE
MAP BOOK 6 PAGE 63
MAP BOOK 35 PAGE 338
DEED BOOK 2331 PAGE 131

NOTE: THIS LOT IS LOCATED IN ZONE X AS PER MAP # 3720313100 J COMMUNITY ID # 375347 DATED: APRIL 3, 2006

- LEGEND**
- = IRON PIPE FOUND
 - ⊕ = CENTERLINE
 - = CONTROL MONUMENT
 - ⊙ = FOUND IRON ROD
 - △ = WOODEN STAKE SET
 - ** = WOOD FENCE

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

LEWIS DRIVE
60' PUBLIC RW

KEYS LANE
30' RW



The Pioneer Group NC, Inc
PO Box 15474
Wilmington, NC 28408

504 Keys Lane CUP Application Narrative

We are simply proposing two cottage style single family style residences on this property. It maintains the density of the R-2 district and the homes will fit in the neighboring properties. We feel this will allow us to offer quality homes for the area and similar in style to the project located on Spencer Farlow Ave.

We have agreed to upgrade the access on Keys Lane and extend our easement to 20'.

PRELIMINARY

I, PATRICK C. BRISTOW, CERTIFY THAT THIS PROPERTY WAS SURVEYED AND MAP DRAWN UNDER MY SUPERVISION AND 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 N.C.A.C. 36-160.04), WITNESSED MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 20TH DAY OF AUGUST, A.D. 2019.

PATRICK C. BRISTOW
N.C. P.S. No. L4146

N/F
HASHHEM
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

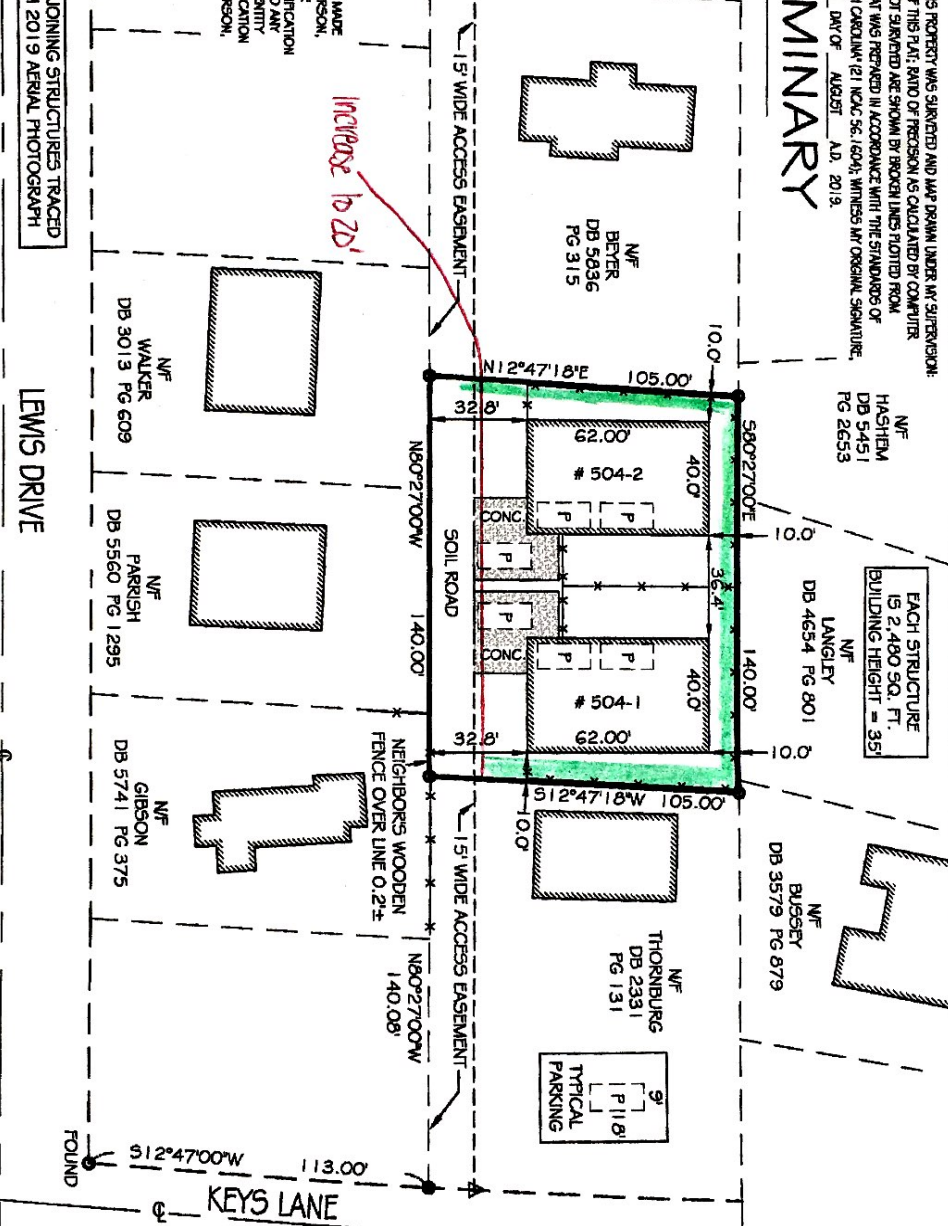
N/F
BEYER
DB 5636
PG 315

N/F
THORNBURG
DB 2331
PG 131

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.

ALL ADJOINING STRUCTURES TRACED FROM 2019 AERIAL PHOTOGRAPH

STANDARD PROJECTION 4383 UNITS: BRADSHAW BOUNDARY; PLYMOUTH BOUNDARY: 4384
AUGUST 8, 2019 14,677 SQ. FT.

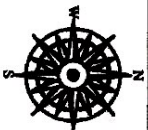


Increase to 20'

5' landscape buffer

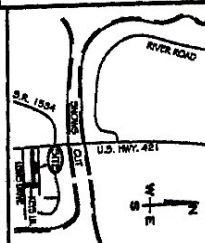
SITE PLAN FOR PIONEER GROUP

PARCEL ID # RO8810-001-001-003 504 KEYS LANE
TOWN OF CAROLINA BEACH NEW HANOVER COUNTY, N.C.



PATRICK C. BRISTOW
LAND SURVEYING, PC
4115-A OLIVER DRIVE
WILMINGTON, N.C. 28403
(910) 791-5300 (FAX) (910) 791-5294 (FAX)
E-MAIL: pbristow@pioneerlandsurveying.com
PBLA LICENSE NUMBER: NO. C-5871

LOCATION MAP NOT TO SCALE



SURVEY REFERENCE
MAP BOOK 6 PAGE 63
MAP BOOK 35 PAGE 339
DEED BOOK 2331 PAGE 131

NOTE: THIS LOT IS LOCATED IN ZONE X AS PER MAP # 37203131100 J COMMUNITY ID # 3755347 DATED: APRIL 3, 2000C

- LEGEND
- IRON PIPE FOUND
 - CENTERLINE
 - CONTROL MONUMENT
 - △ FOUND IRON ROD
 - ▲ WOODEN STAKE SET
 - *** WOOD FENCE

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

Joe Benson
Mayor

Steve Shuttleworth
Council Member

LeAnn Pierce
Council Member



Tom Bridges
Mayor Pro Tem

JoDan Garza
Council Member

Ed H. Parvin
Interim Town Manager

Town of Carolina Beach
1121 N. Lake Park Blvd.
Carolina Beach, NC 28428
Tel: (910) 458-2999
Fax: (910) 458-2997

September 3rd, 2019

MEMORANDUM

Applicant: The Pioneer Group NC Inc.
Location: 504 Keys Lane
Meeting: September 12th, 2019

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 504 Keys Lane. The parcel is zoned R-2 which allows SFR and Residential PUDs with a density of 6.2 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;
 - a. The egress and ingress to the property remains along keys lane and a 20' access easement will be established and improved as requested by Town Staff
- (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;
 - a. Parking will be provided on property in line with CB Zoning requirements
- (3) Refuse and service area;
 - a. Waste will be picked up from Lewis Drive and property owners/residents will be required to move refuse to that location
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - a. There are no required upgrades for sewer/water, there may be required stormwater upgrades
- (5) Screening and buffering with reference to type, dimensions, and character;
 - a. A 5' landscaping buffer will be required along the rear and sides of the property.
- (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;

- a. No signs nor exterior lighting are proposed
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
 - a. Property will meet general zoning requirements for the R-2 zoning district as well as provide the above mentioned landscape buffers.

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 submitted:
 - a. The proposal falls within the zoning standards for the R-2 Zoning District
- (2) That the use meets all required conditions and specifications;
 - a. A Single-Family residential PUD is a permissible use in the R-2 zoning district
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - a. Two SFR residences should not harm the value of adjacent SFR residences
- (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.
 - a. Two SFR residences would be in harmony with the predominantly SFR which surround 504 Keys Lane

STAFF RECOMMENDATION:

Staff would recommend approval of the CUP with a requirement to sufficiently improve Keys Lane for emergency access and utilities.



Conditional Use Permit: 504 Keys Lane “The Cottages” – Planned Unit Development

September 12th , 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, LICENSE NUMBER AND SEAL THIS 8TH DAY OF AUGUST A.D. 2019.

PRELIMINARY

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



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ALL ADJOINING STRUCTURES TRACED FROM 2019 AERIAL PHOTOGRAPH

N/F HASHEM
DB 5451
PG 2653

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

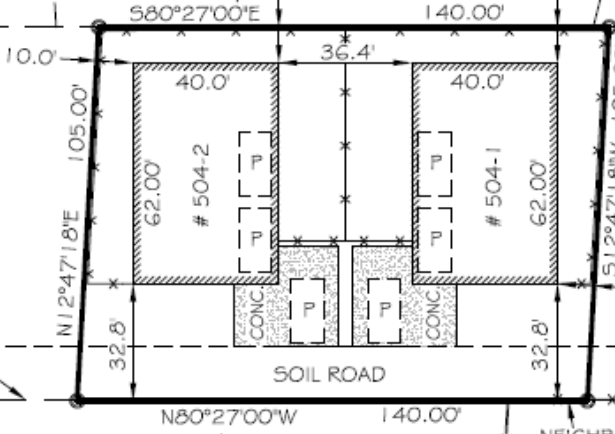
N/F LANGLEY
DB 4654 PG 801

N/F BUSSEY
DB 3579 PG 879

N/F BEYER
DB 5836
PG 315

N/F THORNBURG
DB 2331
PG 131

9'
P 118'
TYPICAL PARKING



15' WIDE ACCESS EASEMENT

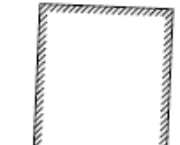
15' WIDE ACCESS EASEMENT

SOIL ROAD

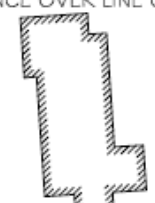
NEIGHBOR'S WOODEN FENCE OVER LINE 0.2'±



N/F WALKER
DB 3013 PG 609



N/F PARRISH
DB 5560 PG 1295



N/F GIBSON
DB 5741 PG 375

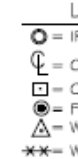


FOUND

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	

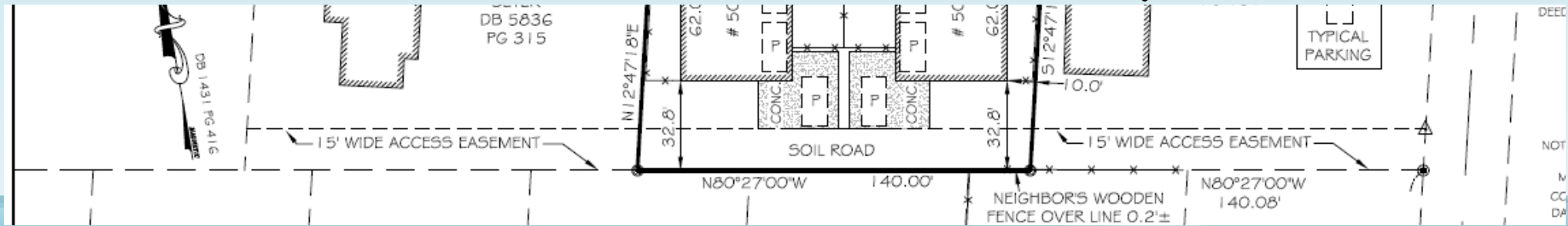
Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yard	Min. Rear Yard	Min. Side Yards [*] (Corner Lot— Min. 12.5 ft.) ⁴	Residential Max. Density	Max. Height	Max. Lot Coverage
R-2	Single-Family	7,000 sq. ft.	70 ft.	25 ft.	10 ft.	7.5 ft.	6.2 units/acre	45 ft.	40%



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.



AGENDA ITEM

Meeting: Planning and Zoning - 12 Sep 2019

Prepared By: Miles Murphy

Department: Planning

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

BACKGROUND:

The applicant, Raph Roof, is requesting a Text Amendment to allow Commercial Planned Unit Developments (PUDs) in the Neighborhood Business (NB) Zoning District.

NB was 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.

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.

The 2007 LUP Mixed Use 1 area includes a future predominance of single-family and duplex units. Commercial uses in this area shall include lower intensity restaurants and commercial services and retail.

ACTION REQUESTED:

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.

COMMITTEE RECOMMENDATION:

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.

ATTACHMENTS:

[Proposed Ordinance](#)

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

[Text Amend Application 7.12.19](#)

Planned Unit Developments



ORDINANCE NO _____
Amend Chapter 40 Zoning Article III, Sec. 40-72 Table of Permitted Uses

Article III, Sec 40-72 Table of Permitted Uses

Sec 40-72. Table of Permissible Uses														
TABLE INSET:		C = May be permitted with Conditions												
P = Permitted														
TABLE INSET:														
USES OF LAND	R-1	R-1B	R-2	R-3	C	MH	MF	MX	CBD	NB	HB	MB-1	T-1	I-1
Manufacturing, Assembly, and Processing														
Planned unit development, business (See article XII of this chapter)										C	<u>C</u>	C	C	C

Adopted this 8th day of October, 2019.

 Joeseph Benson, Mayor

Attest: _____
 Kimberly Ward, Town Clerk



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

September 12th , 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



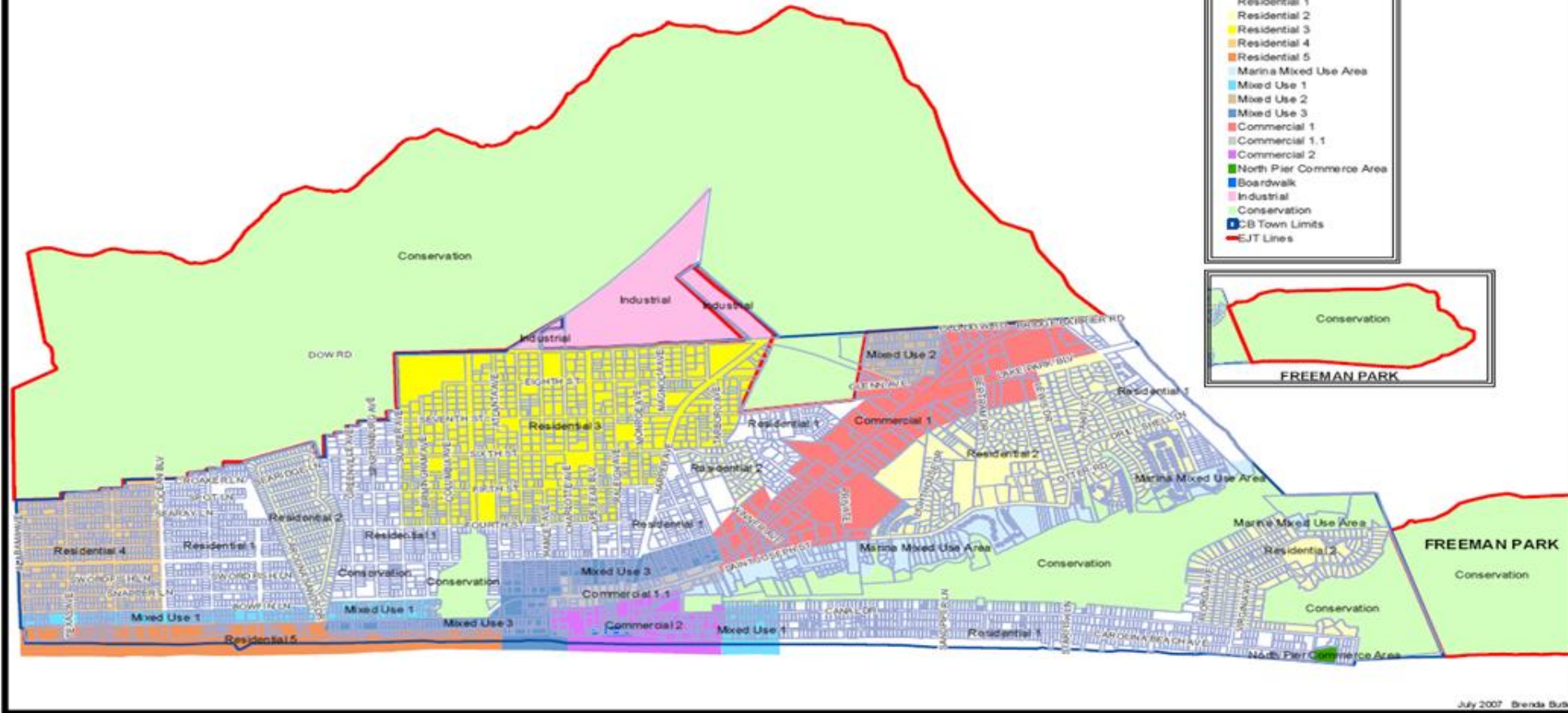
0 650 1,300 2,600 3,900 5,200 Feet

1 inch equals 1,940 feet



CAMA Land Use Plan Future Land Use and Classification Map

Legend	
Future Land Classification Class	
[Yellow]	Residential 1
[Light Yellow]	Residential 2
[Orange]	Residential 3
[Light Orange]	Residential 4
[Light Blue]	Residential 5
[Light Blue]	Marina Mixed Use Area
[Light Blue]	Mixed Use 1
[Light Blue]	Mixed Use 2
[Light Blue]	Mixed Use 3
[Red]	Commercial 1
[Light Red]	Commercial 1.1
[Purple]	Commercial 2
[Green]	North Pier Commerce Area
[Blue]	Boardwalk
[Pink]	Industrial
[Light Green]	Conservation
[Blue outline]	CB Town Limits
[Red outline]	EJT Lines



July 2007 Brenda Sims

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	<u>C</u>	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.

Amendment Number: 19T-04



PETITION FOR A TEXT AMENDMENT

Petitions shall be submitted for review to the Department of Planning and Development located at 1121 N. Lake Park Blvd., Carolina Beach, NC 28428. Only complete petitions will be processed.

PETITIONER

Petitioner's Full Name: Ralph Roof Phone #: (919)-624-5671

Street Address: 105 Tennessee ave.

City: Carolina Beach State: N.C. Zip: 28428

Email: _____

REQUESTED TEXT AMENDMENT


Town Code Section(s) Requested to be Amended:
Article III to add PUD to NB zoning district

Please provide a general proposal for the amendment to the Town Code Section(s) stated above which you believe will result in improved regulations for all the residents of the Town of Carolina Beach

I am providing the community another building on site for dining.

This petition will be scheduled for the next possible meetings with the following boards: (1) Technical Review Committee, (2) Planning and Zoning Commission and (3) Town Council. The petitioner or a representative should be present at all meetings to answer any questions. Contact the Department of Planning and Development for a schedule of meeting times and submittal deadlines. All meetings are held at the Municipal Administration Building, 1121 N. Lake Park Boulevard, Carolina Beach, NC 28428. Petitioners will be informed of any changes in date, time, or location of meetings.

I understand that the \$350 fee for review is nonrefundable.

Signature of Petitioner:  Date: 7-12-19



AGENDA ITEM

Meeting: Planning and Zoning - 12 Sep 2019

Prepared By: Miles Murphy

Department: Planning

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

BACKGROUND:

This Text Amendment is to refine and clarify the language surrounding allowable uses and subsequent definitions for the Conservation (C) Zoning District.

The Conservation Zoning District 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. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with or which would be detrimental to the surrounding area.

ACTION REQUESTED:

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.

**COMMITTEE
RECOMMENDATION:**

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

ATTACHMENTS:

- [Proposed Ordinance](#)
- [PPT - Text Amendment - Conservation](#)
- [Memo](#)

Article III 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/ Public facilities <u>and utilities</u> (See section 40-261)	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	P	P	P	P	P	P

Article XVIII 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.



Text Amendment:
Conservation District Uses and Definition Update

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

Sec. 40-548. – Definitions

September 12th, 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)

0 850 1,300 2,600 3,900 5,200 Feet

1 inch equals 1,940 feet

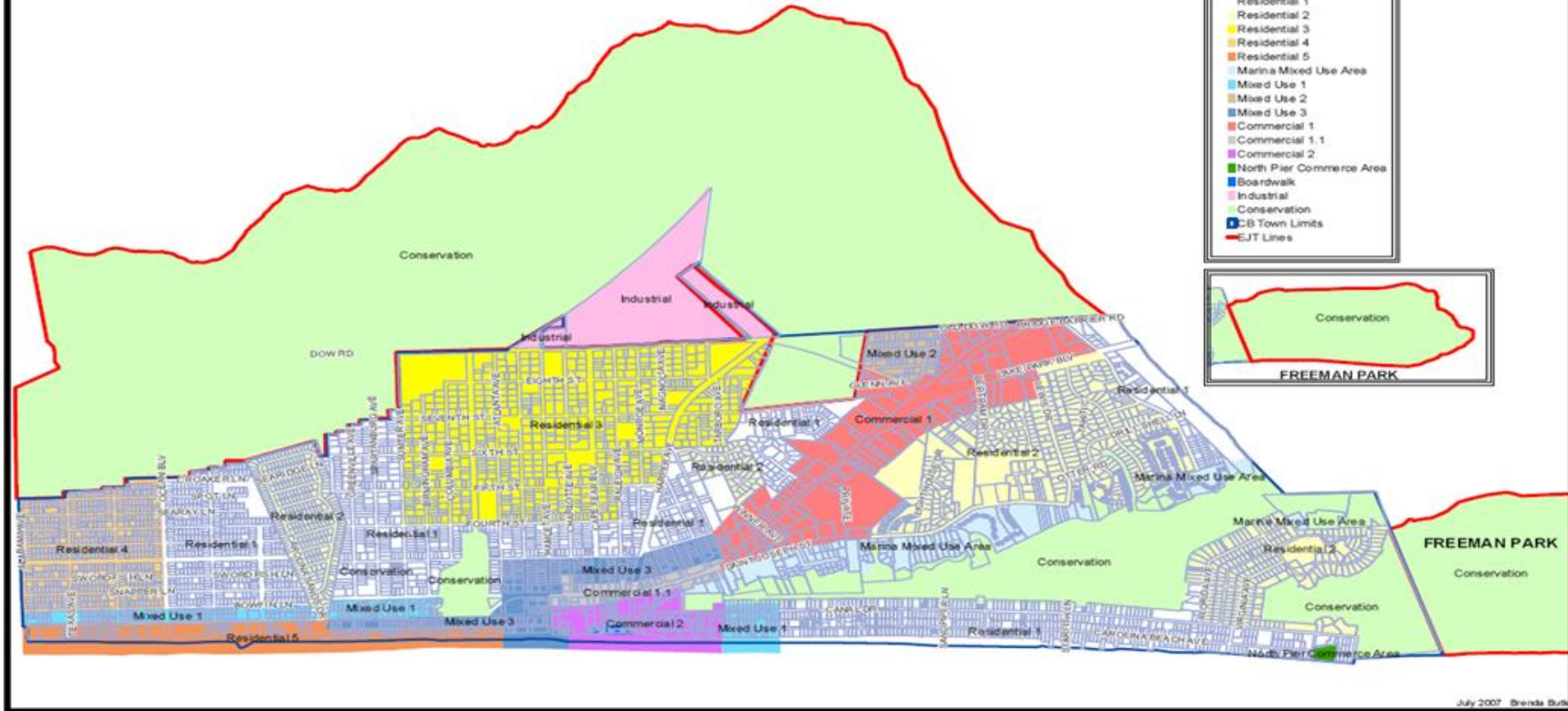


CAMA Land Use Plan Future Land Use and Classification Map

Legend

Future Land Classification Class

- Residential 1
- Residential 2
- Residential 3
- Residential 4
- Residential 5
- Marina Mixed Use Area
- Mixed Use 1
- Mixed Use 2
- Mixed Use 3
- Commercial 1
- Commercial 1.1
- Commercial 2
- North Pier Commerce Area
- Boardwalk
- Industrial
- Conservation
- CB Town Limits
- EJT Lines



July 2007 Brenda Butts

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/ Public facilities <u>and utilities</u> (See section 40-261)	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	C <u>P</u>	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.

Joe Benson
Mayor

Steve Shuttleworth
Council Member

LeAnn Pierce
Council Member



Tom Bridges
Mayor Pro Tem

JoDan Garza
Council Member

Ed H. Parvin
Interim Town Manager

Town of Carolina Beach
1121 N. Lake Park Blvd.
Carolina Beach, NC 28428
Tel: (910) 458-2999
Fax: (910) 458-2997

September 3rd, 2019

MEMORANDUM

Text Amendment: Conservation Zoning District and Definitions
Meeting: September 12th, 2019

This Text Amendment is to refine and clarify the language surrounding allowable uses and subsequent definitions for the Conservation (C) Zoning District.

The Conservation Zoning District 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. The regulations of this district are intended to discourage any use which, because of its character, would not be in harmony with or which would be detrimental to the surrounding area.

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/ Public facilities <u>and utilities</u> (See section 40-261)	C P	C P	C P	C P	C P	C P	C P	C P	P	P	P	P	P	P

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STAFF RECOMMENDATION:

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

