



CAROLINA BEACH

Planning and Zoning Meeting Agenda

Thursday, June 13, 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, April 11, 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, April 11, 2019 at 6:30 PM at Council Chambers.

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

ABSENT:

ALSO PRESENT: Assistant Director of Planning & Zoning Jeremy Hardison
Assistant Town Manager Ed Parvin

• CALL TO ORDER

Meeting was called to order at 6:30 p.m. by Chairman Bloemendaal.

• APPROVAL OF MINUTES

Planning & Zoning - March 14, 2019 Meeting Minutes.

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

• STAFF REPORT ON RECENT COUNCIL MEETINGS

Mr. Murphy reported on recent Council Meeting from April 8, 2019.

Wake N Bake CUP - was Approved with P&Z recommendation.

Text Amendment: Pigs – No Action - they are content with the ordinance at this time but may have to look into this in the future if there are other complaints.

• STAFF REPORT ON RECENT DEVELOPMENTS

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

Staff Updates -

Permitting

- 41 Permits (renovation, repair, grading, additions)
- 10 Residential New Construction
- 5 Demolition Permits
- 19 Certificates of Occupancy

Code Enforcement

- 14 Complaints Received

New Businesses Permits

Publix - Making Progress
 Demolition - 508 Jarrett Bay - 414 Canal
 Nest Realty - 112 Cape Fear
 Stoked on the Water

LUP Steering Committee

- Public Open House: July 16th
- Town Council Chambers
- Website: www.carolinabeachcamaupdate.com

Regional Board Workshops for Planning and Development Regulation -

May 16, 2019 The School of Government - workshop for boards making quasi-judicial development decisions.
 Northeast Regional New Hanover County Library
 1241 Military Cutoff Rd.
 Wilmington, NC 28405
 (Parking-Complimentary)

Project Updates -

Cape Fear Blvd. MUP: All construction is now complete for the last 3 blocks of the MUP from 6th St. to Dow. Rd

Island Greenway: All construction completed this week.Ribbon cutting scheduled for Saturday, April 20 at Mike Chappelle Park.

Town & NCDOT Safety Coordination: Coordinating efforts with DOT for pedestrian and bicycle safety, particularly at intersections. Meeting occurred Monday, April 1 to review recent fatal accident at Lake Park and Cape Fear Blvd. and other intersections. DOT discussed potential innovative ideas to improve pedestrian and bicycle safety.

Clarendon Ave. MUP: Received approval by the Wilmington MPO Board TASA Grant for \$546,000 for development of .5 mile multi-use path along Clarendon Ave from 4th St. CB Elementary Mike Chappelle Park/Dow Rd.

Special Events -

- April 1st – Parking
- April 13 & 14 Annual Pleasure Island Seafood Blues and Jazz Festival – Ft Fisher
- April 21st – Community Sunrise Easter Service
- April 27th– Surf Dog Experience
- April 28th – Lifeguard Try Outs
- May 18th – Beach Wrestling

PUBLIC DISCUSSION

No one signed up for Public Discussion.

- a. Conditional Use Permit - Consider a Conditional Use Permit for Superior Automotive to add three automotive bays located at 107 Sumter Ave. Applicant: Maltba Inc, Mike Maltba

Mr. Hardison reported on the CUP for 107 Sumter Ave.

Conditional Use Permit - Consider a Conditional Use Permit for Superior Auto to add three automotive bays located at 109 Sumter Ave, 107 Sumter Ave and 105 S. Second St.

Existing

4 bays with an office = 1,860 sq. ft.

Built in 1988

Adjacent Uses

West- vacant lots

North – vacant lots and a single-family home

South – Multi-family complex

East – A&G BBQ, Single-family

- Rezoned from HB to NB in 2006
- NB did not allow for Auto repair garages
- Ordinance changed in 2017 to allow with a CUP

NB - Neighborhood Business

- Uses - Single-family, Retail, Offices, Restaurants Laundromats, Automobile repair
- Accommodate service activities providing necessity goods and personal services to the immediate neighborhood.

USES OF LAND - Automobile repair garages, including engine overhauls, body and paint shops and similar operations in enclosed buildings.

Expansion - Three service bays and tool room = 2,025sq. ft.

Specific standards

(1) Ingress and egress to property two existing access points for the site 1) Second St and 2) Sumter Ave. to accommodate for two way traffic the applicant is bringing the drive aisle up to code by widening the access to 24 ft.

(2) Off-street parking - automobile service station/2 per station & 4 per service bay

- 2 spaces per station + 4 per 7 bays = 30 spaces.
- The applicant is 8 existing spaces maneuvering off of Sumter Ave.
- 5 parking spaces designated as compact.
- For safety and security, the applicant is proposing to fence in a portion of the parking lot to accommodate vehicles waiting to be picked up and serviced.

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

The applicant is proposing to keep the existing roll-away trash containers.

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

No upgrades in water, sewer or power are required for the addition.

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

- The applicant would like to ask for a waiver from a Type B landscaping requirement.
- The proposed enclosure are of the parking lot will be a 6' chain-link fence.
- A portion of the fence will be located in the 20' front setback area. Fences can be located on the property lines, but are limited to 4 ft. in height.

(6) Signs - No new signs are proposed

(7) Required yards and other open space and preservation of existing trees and other attractive

natural features of the land;

- The existing building and the addition will meet the required setbacks and lot coverage.

Questions for Mr. Hardison -

Commissioner Hoffer asked about the landscaping, Mr. Hardison replied they are purposing this in the front for streetscaping. They are restricted in some areas and they want to dress up the front of the building.

Commissioner Rouse asked did we look at this before, Mr. Hardison stated yes in 2017 there was a rezoning request to allow for automobile repair garages, in 2006 they were zoned out.

Chairman Bloemandaal asked about the fence height, Mr. Hardison responded commercial can exceed the 4' height regulation.

Commissioner Ittu needed clarification on the 30 parking spots, Mr. Hardison replied there is existing on Sumter and current that are numbered and on the south side there will be additional parking.

Chairman Bloemandaal would like to open the public hearing.

Ned Barnes resides at 814 Carolina Beach Ave North. Is here on behave of the applicant, due to the quality of work they are overloaded and they are in need of more space. Regarding the ingress and egress this will be the same of Sumter and 2nd Ave, there will be no changes in utilities. The main issue as far as the CUP there are no sidewalks and haven't been since 1988 when this was built. The fencing is to help protect the vehicles over night and will do the landscaping. As far as the 4 general conditions and 7 specific standards these will be met. They are asking for the waiver regarding the sidewalk and the buffer. Mr. Reynolds the architect is present as well as the owner, Mike Maltba if there are any questions.

Mr. Hardison for clarification TRC/staff did not recommend a sidewalk, this board if so choose could recommend this if they feel it would be beneficial but it was not recognized in our current pedestrian plan.

Bob Stewart resides at 104 Sumter Ave. he is in support of this request feels they are very good neighbors and a family owned business and very respectful. The property is well cared for and they are constantly up grading the look of the property, the employees are friendly and polite and knowledgeable. He also appreciated the police that patrol the area. He would like this business to continue and continue successfully.

Chairman Bloemandaal made a motion to close the public hearing.

Commissioner LeCompte seconded, all were in favor (7-0).

Commissioner Hoffer as chairman of the bike and pedestrian committee is in favor of sidewalks but feels having sidewalks at this business would not contribute to that.

Commissioners discussion - there has not been any complaints in over 20 years regarding this property. They discussed the 2 requests which are the landscape buffer and the 6' fence. The

landscape would be surrounding the addition and feel the 6' fence would be beneficial.

ACTION: Commissioner LeCompe I recommend approval of the Conditional Use Permit – for a 2,025 sq. ft. expansion to the existing auto repair use to include 3 additional bays and a tool room. The use meets all required conditions and specifications. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies.

The project is located in the Mixed Use 1 district area of the Land Use Plan. The proposed project is consistent with the 2007 Land Use Plan. The desired Future Land Use of the Mixed Use 1 area includes commercial services.

Commissioner Kennedy seconded, all were in favor (7-0).

Vote: UNANIMOUS

• **DISCUSSION ITEMS**

Planning & Zoning Commission Reappointments

Chairman Bloemandaal opened the discussion for the Planning and Zoning Commission Reappointments. There are 2 people up for re-appointment, Commissioner Kennedy has made a full term and Commissioner Ittu who took over the term for Nan Toppin. He would like to see if we could stagger the voting/terms so that there aren't too many commissioners terms up all at the same time. Mr. Hardison replied he will look into that and come up with some options.

Commissioner Kennedy feels there is a lot ahead and is interested in perusing that and added she enjoys the board and the people.

Commissioner Ittu expressed that in the brief time that he's been on the board he's learned a lot and still has a lot to learn and would like the opportunity to be re-appointed.

Mr. Hardison will inform Town Council of P&Z intentions. They will be making those appointments for all the committees at their June meeting. July the new appointed members will take effect. At our July meeting we will need to appoint a Chairman and a Co-Chair positions.

• **NON-AGENDA ITEMS**

Commissioner Kennedy would like to pass on to our representative of the Steering Committee for the new LUP, when reviewing to look at the areas and what are being effected when making the decision. Would like for us to be pro-active when making decisions.

Mr. Murphy added that with the future LUP, the CAMA update is not zoning it's a guiding document that will not be dictating literal uses it's designed to give an overall perspective. So when reading the approval statements it is talking about the future vision for the area and not going to change the literal usage that you would if making a text amendment to the zoning ordinances. Can encourage to allow for a general use and general admission in the area on the LUP but will not be changing the literal zoning ordinance. These are 2 different things that people get confused.

Commissioner Ittu stated that at the March Operations Advisory Committee meeting he shared the material that Tracy Skrabal from the North Carolina Coastal Federation presented to P&Z at our February meeting. We are listed as a supporter and they will provide a link for us to put on our website. They are checking into the possibility to provide a workshop for the public to educate them about what they are all about.

Commissioners expressed they enjoyed Ms. Skrabal's presentation and feel it would be beneficial to have them come in and provide the education to the Town of Carolina Beach.

Commissioner Hoffer informed the board of the updates on the Greenway Project. The Greenway is done and the ribbon cutting will be June 20th at 11:30. The town has purchased two pedestrian flashing lights at Spartanburg and Ocean. Spartanburg light has a motion censor. They are looking into setting up a pedestrian route system. Ideas were brought up in the meeting to make things safer like artwork in the cross walks, flashing lights in pavement, as well as painting of bike lanes. The BE A LOOKER PROGRAM comes from the MPO which focuses on education, it's an education program to make people more aware. Added that Stoked on the Water will be opening Tuesday April 16th invite only but not advertising. Publix is on schedule and looking at July 2nd.

Commissioner LeCompte made a comment but was INAUDIBLE.

Mr. Hardison replied their plans are to take advantage of the current location and refurbish the sign.

Chairman Bloemandaal shared there is a fund raiser for Baby Cora on April 20th at 2pm which starts at the Last Resort and moves to the Lazy Pirate at 5:30pm.

Commissioner Hoffer added Carolina Sands is having their yard sale on Saturday.

ADJOURNMENT

Chairman Bloemandaal made a motion to adjourn at 7:19 p.m.
Commissioner Rouse seconded, all were in favor (7-0).



AGENDA ITEM

Meeting: Planning and Zoning - 13 Jun 2019

Prepared By: Jeremy Hardison

Department: Planning

Conditional Use Permit: Consider a Conditional Use Permit for a 6-unit Planned Unit Development consisting of 3 two-family dwellings located at 409, 411 & 413 Carolina Beach Ave N. Applicant: Steve Shuttleworth

BACKGROUND:

The applicant, Steve Shuttleworth, is requesting a Conditional Use Permit (CUP) for a 6-unit Residential Planned Unit Development (PUD) that consist of a pool, three two (2) unit townhome buildings at 409, 411 & 413 Carolina Beach Ave N. The property is located in the T-1 (tourist) zoning district. A PUD is reviewed under a CUP in the T-1 zoning district. The T-1 zoning district allows for single-family, two-family, multifamily, hotels and offices. The density for T-1 is 29 units per acre. The lot is 22,250 sq. ft. This would yield a maximum of 15 units based on the size of the property. The T-1 zoning district is located in 400 block of Carolina Beach Ave N. It serves as a transition zone between the Central Business District (CBD) and the Residential (R-1) district. The adjacent uses to the north – multifamily dwelling, south – parking lot associated with the hotel across the street, east – hotel, and to the west is a duplex and vacant lot. The property is located in an AE 11 floodzone.

Currently the property consists of three lots. The applicant has been issued two permits for two of the lots to construct two-townhomes on each lot. The applicant proposes to combine the three lots together and construct a community pool. For the Conditional Use Permit to be recommended for approval the following specific standards and general conditions must be made to the satisfaction of the Commission.

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 applicant is proposing a driveway off of Carolina Beach Ave N.

for each townhome.

(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;

Each unit will have four parking spaces

<i>Units</i>	<i># Bedrooms</i>	<i># required parking spaces</i>	<i>parking spaces provided</i>
<i>6 Townhomes unit</i>	<i>5 per unit</i>	<i>4 per unit</i>	<i>4 per unit</i>

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

The applicant is proposing roll-away trash containers.

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

The stormwater runoff will be diverted to Carolina Beach Ave N.

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

The applicant will be providing a 5' landscape buffer along the side and rear 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;

No signs are proposed.

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

The required setbacks for the T-1 district is 20' front, 7.5' side, and 10' rear. The applicant is meeting the setback requirements

General conditions.

(1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;

The modification will have to meet all federal, state and local safety and regulatory requirements.

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

The project meets the required setbacks, height and lot coverage requirements.

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

The project will be reviewed in accordance with all local, state, and federal regulations. The project is consistent with the density

in the area and with the adjacent uses in the area.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies.

The project is in general conformity with the 2007 landuse plan and is consistent with the zoning ordinance. The desired Future Land Use of this area includes a future predominance of single-family and duplex units. Building height shall not exceed a 50' height maximum

ACTION REQUESTED:

1. Presenter must be sworn in prior to making presentation.
2. Open the public hearing. Anyone wishing to speak must be sworn in.
3. Applicant presents evidence and arguments in support of application.
4. Persons in favor of granting the application present evidence and testimony in support of the application (set 3 minute or 5 minute time limit, based on number of persons).
5. Persons opposed to granting application present evidence and testimony against the application.
6. Applicant presents rebuttal and/or cross examination of those opposed; all questions shall be directed to the council. (max. 5 minutes total)
7. Those asked questions are allowed to respond (max. 5 minutes total)
8. Close the public hearing.
9. 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.

The approval is subject to meeting all 7 required findings, general conditions 1-4, all conditions as listed in the grant order, and any additional conditions as recommended by Town Council.

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

Reasons for denial must be specifically stated by Council:

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

property, or that the use is a public necessity; and
(4) That the location and character of the use if developed according to the plan as submitted and approved will not be in harmony with the area in which it is to be located and in general conformity with the town Land Use Plan and policies.

**COMMITTEE
RECOMMENDATION:**

TRC Recommended approval 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.

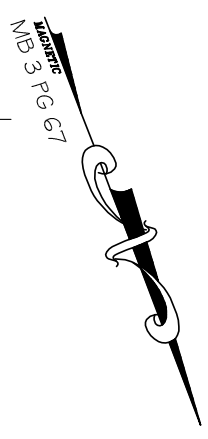
ATTACHMENTS:

[CUP PLAN 409 -413 CBAN](#)
[CUP19-03 - PUD 409-413 CBAN Application](#)

PATRICK C. BRISTOW
N.C. PLD No. 14148

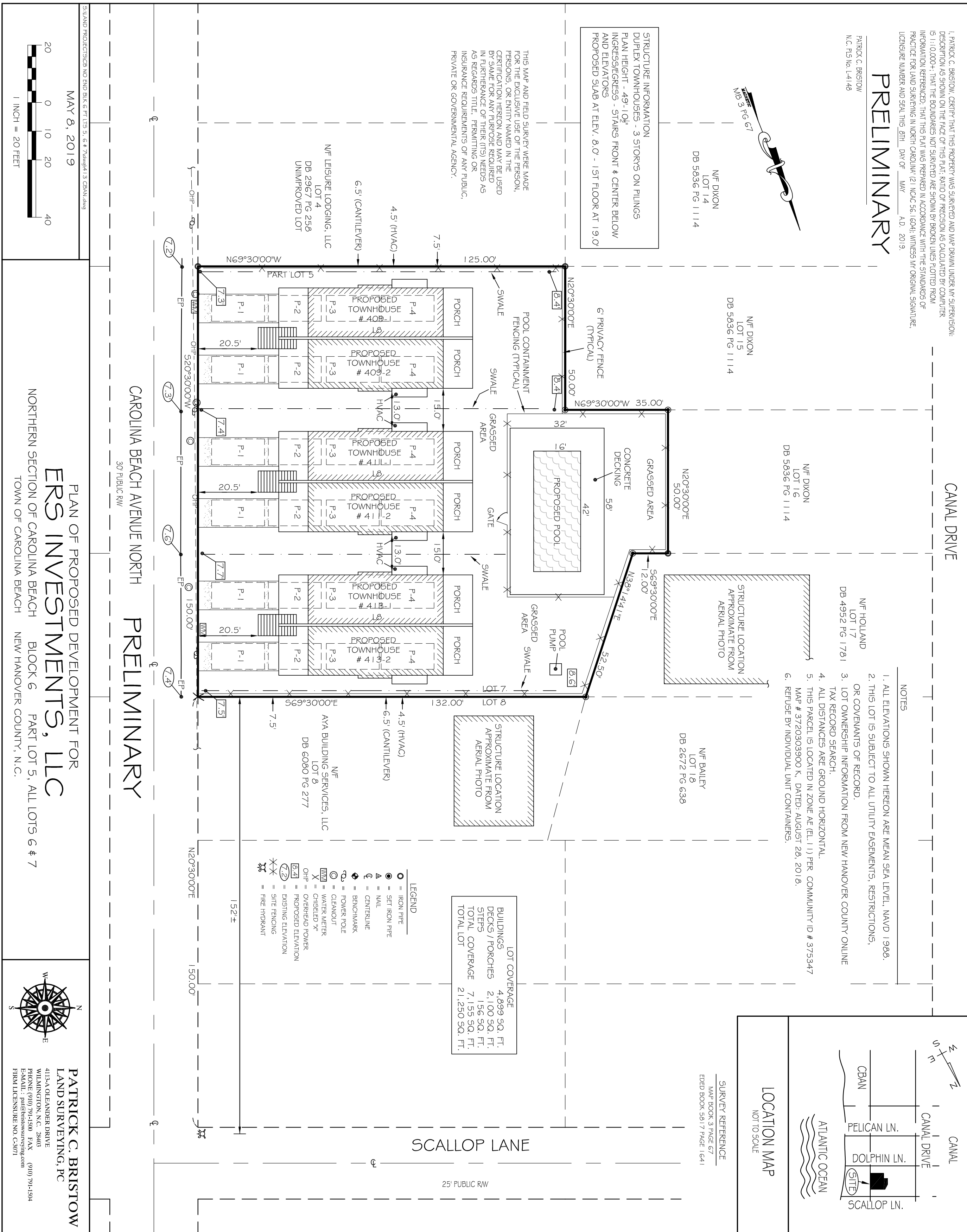
PRELIMINARY

DATE: MAY 8, 2019



STRUCTURE INFORMATION
DUPLICATE TOWNHOUSES - 3 STORIES ON PILING
PLAN HEIGHT - 49'-10"
INGRESS/EGRESS - STAIRS FRONT & CENTER BELOW
AND ELEVATORS
PROPOSED SLAB AT ELEV. 8.0' - 1ST FLOOR AT 19.0'

THIS MAP AND FIELD SURVEY WERE MADE FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATION HEREON AND MAY BE USED BY SAME FOR ANY PURPOSE REQUIRED IN FURTHERANCE OF THEIR (THEIR) NEEDS AS AS REGARDS TITLE, PERMITTING OR INSURANCE REQUIREMENTS OF ANY PUBLIC, PRIVATE OR GOVERNMENTAL AGENCY.



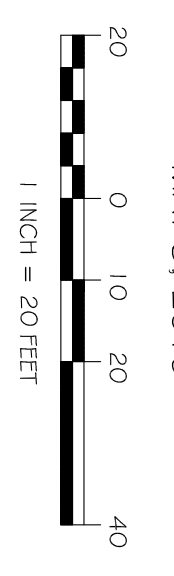
CANAL DRIVE

- NOTES**
1. ALL ELEVATIONS SHOWN HEREON ARE MEAN SEA LEVEL, NAVD 1988.
 2. THIS LOT IS SUBJECT TO ALL UTILITY EASEMENTS, RESTRICTIONS, OR COVENANTS OF RECORD.
 3. LOT OWNERSHIP INFORMATION FROM NEW HANOVER COUNTY ONLINE TAX RECORD SEARCH.
 4. ALL DISTANCES ARE GROUND HORIZONTAL.
 5. THIS PARCEL IS LOCATED IN ZONE AE (EL. 11) PER COMMUNITY ID # 375347 MAP # 3720303900 K, DATED: AUGUST 28, 2018.
 6. REFUSE BY INDIVIDUAL UNIT CONTAINERS.

LOT COVERAGE

BUILDINGS	4,899 SQ. FT.
DECKS / PORCHES	2,100 SQ. FT.
STEPS	156 SQ. FT.
TOTAL COVERAGE	7,155 SQ. FT.
TOTAL LOT	21,250 SQ. FT.

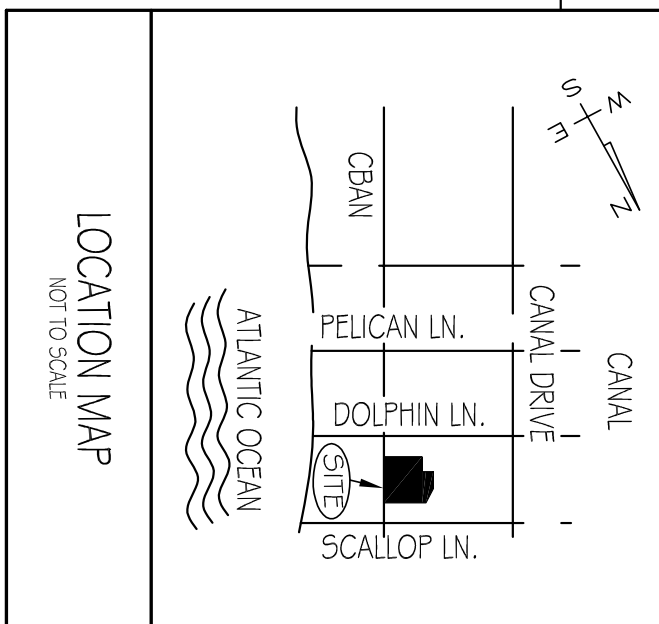
- LEGEND**
- = IRON PIPE
 - = SET IRON PIPE
 - ▲ = MAIL
 - ⊙ = CENTERLINE
 - ⊕ = BENCHMARK
 - ⊖ = POWER POLE
 - ⊗ = CLEANOUT
 - ⊘ = WATER METER
 - ⊙ = OVERHEAD POWER
 - ⊙ = PROPOSED ELEVATION
 - ⊙ = EXISTING ELEVATION
 - ⊙ = SITE FENCING
 - ⊙ = FIRE HYDRANT



MAY 8, 2019

PLAN OF PROPOSED DEVELOPMENT FOR
ERS INVESTMENTS, LLC
NORTHERN SECTION OF CAROLINA BEACH
TOWN OF CAROLINA BEACH
BLOCK G PART LOT 5, ALL LOTS 6 & 7
NEW HANOVER COUNTY, N.C.

PATRICK C. BRISTOW
LAND SURVEYING, PC
4113-A OLEANDER DRIVE
WILMINGTON, N.C. 28403
PHONE (910) 791-1500 FAX (910) 791-1504
EMAIL: pat@bristowsurveying.com
TRIAL LICENSE NO. C59071



SURVEY REFERENCE
MAP BOOK 3 PAGE 67
EDED BOOK 5617 PAGE 1641

STANDARD PROJECT/CDN NO. END BKG 6 PG. 175.5, 6 # 7/24/2019 13 CD/AND/4/9



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

Permit Number: 19-03

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

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

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

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

Fees are nonrefundable after item has been sent for advertisement

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

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

PURPOSE

Conditional use permits add flexibility to the zoning regulations. Subject to high standards of planning and design, certain property uses may be allowed in certain districts where these uses would not otherwise be acceptable. By means of controls exercised through the conditional use permit procedures, property uses which would otherwise be undesirable in certain districts can be developed to minimize any adverse effects they might have on surrounding properties.

Please complete all sections of the application.

A. Property Information

Address(es): 409-413 Carolin Beach Ave N
PIN(s): _____
Project Name 409 - 413 Townhomes
Size of lot(s): 22250 sq ft total

B. Application for Conditional Use Permit

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

The project will consist of three 2 unit town home buildings, common open space and a common area in ground pool. The units are 5 bedrooms, 3 1/2 baths, approximately 2300 sq ft each the units will be privately owned, the site will be fenced on three sides with a 6' privacy fence.

The common area landscaping will include the required number of trees(palms) and shrubs. The pool will meet commercial codes and will security fencing. All common features will be owned by an HOA.

C. Applicant Contact Information

Company/corporate Name (if applicable): _____
Steve Shuttleworth
Applicant's Name _____
Steve Shuttleworth
Mailing Address _____
711 Carolina Beach Ave N
City, State, and Zip Code _____
Carolina Beach NC 8428
Telephone _____
719 499 1373
Email _____
steve@steveshuttleworth.com

D. Owner Contact Information (if different)

Owner's Name _____
ERS Investments LLC
Mailing Address _____
711 Carolina Beach Ave N
City, State, and Zip Code _____
Carolina Beach NC 28428
Telephone _____
719 499 1373
Email _____
steve@steveshuttleworth.com

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 3 hometown buildings are harmonious with the surrounding Motels and other multifamily properties in the area. The proposed pool is all on the common area which will be owned by the town home association

There are many similar pools in multifamily properties surrounding the site, including directly across the street.

The project is less than 1/2 the allowable density for the zoning

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 project is conformity with zoning and similar uses throughout the area and adjoining properties. The projected values per unit are higher than the immediate area

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 Town home project and pool are in harmony with the surrounding properties. The proposed project is in general conformity with the town Land Use Plan

There are numerous properties within the immediate area with similar or greater density and pools.

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 property has ample off street parking, 4 spaces per unit. Pedestrian access is from the sidewalk along Carolina Beach Ave North. The units all front a town street with public fire protection. The units are in an AE zone and meet the minimum building height for the AE zone.

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

The parking will all be off street under story parking. The pool is for residents and guests of the private town homes. The pool and property will be fenced

the uses are residential in nature and will not contribute an inordinate amounts of noise, glare or order.

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

All trash will be disposed through the residential collection accounts. The pool area will not generate any additional trash.

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

The property is served by public water and sewer. The site will have a septate meter and account for common area utilities.

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

The property will be fenced with a 6 ft privacy fence. The landscaping will include trees, shrubs, grasses and rock. A landscape plan will be provided

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;

No complex signs along the street will be installed. The individual units may be named and affixed to the buildings. Signs will be limited to address pool requirements "private pool for owners and guest" "No Lifeguard" A list of pool rules

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

Not applicable

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

I. Site Plan Criteria

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

<u>Yes</u>	<u>No</u>	<u>N/A</u>	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Engineers scale 1 inch = 40 ft or larger
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title block or brief description of project including all proposed uses
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Date
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	North arrow
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property and zoning boundaries
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The square footage of the site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lot coverage (buildings, decks, steps)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of all existing and proposed <i>structures</i> and the setbacks from property lines of affected <i>structures</i> to remain on-site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Design of driveways and parking
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjacent right-of-ways labeled with the street name and right of way width
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of all existing and/or proposed easements

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

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

Steve Shuttleworth

5 / 20 / 19

Signature

Date

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, ERS Investments LLC By Steve Shuttleworth Member/Manager, does hereby appoint Ned Barnes to act on my behalf for the purpose of petitioning the Town of Carolina Beach for: a) an amendment to the text regulations; b) a change to the zoning map; c) approval of a special use permit; d) approval of a special use district; and/or, e) street closing, as applicable to the property described in the attached petition. The owner does hereby covenant and agree with the Town of Carolina Beach that said person has the authority to do the following acts for and on behalf of the owner: (1) To submit a proper petition and the required supplemental materials; (2) To appear at public meetings to give testimony and make commitments on behalf of the owner; and (3) In the case of a special use permit, to accept conditions or recommendations made for the issuance of the special use permit on the owner's property. (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition. This appointment agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 5-20-19

Appointee's Name, Address & Telephone:

Ned Barnes
1009 N Lake Park Drive
Carolina Beach NC 28428
910 458 4466

Signature of Owner: Steve Shuttleworth