



CAROLINA BEACH
Regular Town Council Meeting Agenda
Tuesday, November 12, 2019 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

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1. CALL MEETING TO ORDER WITH INVOCATION BY PASTOR CLINT PARSONS OF CAROLINA COAST VINEYARD CHURCH FOLLOWED BY THE PLEDGE OF ALLEGIANCE	
2. ADOPT THE AGENDA	
3. CONSENT AGENDA	
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c. Appointments to the Board of Adjustment	14 - 24
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6. PUBLIC HEARINGS	
a. Consider a Conditional Use Permit at 401 Marina St - Carolina Beach Marina and Yacht Club to operate an eating and drinking establishment that will consist of a floating barge located at 401 Marina St. Applicant: CBYC,LLC	62 - 86

b.	CUP: 1012 S. Lake Park Blvd - Business PUD - Applicant: Ralph Roof	87 - 112
c.	CUP: 406 Harper - Residential PUD - Applicant: The Pioneer Group	113 - 128
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e.	Public Hearing - Clarendon Avenue Multi-Use Path Project	159 - 178
f.	Text Amendment to amend ARTICLE II. - TRAFFIC REGULATIONS, Sec. 16-56. - Driving on concrete portion of the boardwalk.	179 - 182
7.	ITEMS OF BUSINESS	
a.	Approval of Financing Terms for Hamlet Facility & 3 CBAS	183 - 186
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9.	CLOSED SESSION	
a.	Closed Session to Discuss an Attorney/Client and Personnel Matter	187
10.	ADJOURNMENT	



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Debbie Hall

Department: Finance

Budget Amendments & Transfers

BACKGROUND:

I have received several budget amendments and/or transfer requests. As you know, transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the amendments and/or transfers. I have also attached a copy of the supporting documentation for the appropriations.

Appropriations:

Appropriate \$24,018.89 from the General Fund fund balance to account 10-410-046 Legislative Professional Service to cover the cost of the Police Department organizational study.

Appropriate \$1,800 from the General Fund fund balance to account 10-408-073 Donation - Wave to cover additional funding request.

Transfers:

Transfer \$5,000 from account 30-811-044 Wastewater Temps to account 30-812-044 Water Temps for ORC services for water distribution while Town employees are being certified.

BUDGET IMPACT:

Appropriation for Police study will affect budget.

ACTION REQUESTED:

Approve the budget amendments and transfers as presented by the Finance Director.

ATTACHMENTS:

[Amendments & Transfers 11.12.19](#)

[Appropriation for Wave](#)

Debbie Hall

From: Sheila Nicholson
Sent: Wednesday, October 23, 2019 2:31 PM
To: Debbie Hall
Cc: Ed Parvin
Subject: Budget Amendment Request 10-410-046

Debbie,

To cover the cost of Police Department organizational study, please transfer from the General Fund \$24,018.89 to account 10-410-046.

If you have any questions, please let me know.

Thank you,

Sheila P. Nicholson

Executive Assistant to the Town Manager
Town of Carolina Beach
sheila.nicholson@carolinabeach.org
(910)458-2995

DISCLAIMER:

E-mail correspondence to and from this address may be confidential and/or subject to the North Carolina Public Records Law and may be disclosed to third parties.

Debbie Hall

From: Alisa Perry
Sent: Friday, October 25, 2019 9:39 AM
To: Debbie Hall
Cc: Mark Meyer
Subject: Budget Transfer Request

Good morning Debbie,

Please make the following budget transfer.

DATE: October 25, 2019

DEPARTMENT: Operations (Water)

DEPARTMENT CODE TRANSFERRED FROM: 30-811-044

DEPARTMENT CODE TRANSFERRED TO: 30-812-044

AMOUNT OF TRANSFER: \$ 5,000.00

JUSTIFICATION: The Town is outsourcing ORC services for Distribution while our employees are being certified. 30-812-044 is the account designated for this deduction as it is temporary labor.

Thank you,

Alisa D. Perry

Administrative Assistant, Operations



(910)-458-0786

alisa.perry@carolinabeach.org

Debbie Hall

From: Sheila Nicholson
Sent: Monday, November 4, 2019 4:55 PM
To: Debbie Hall
Cc: Ed Parvin
Subject: Budget Amendment Request for 10-408-073 Wave Transit Additional Funds Request
Attachments: CB FY 20 Request.pdf

Wave Transit has requested supplemental appropriations in the amount of \$1,800 from the Town of Carolina Beach (see attachment).

Please process a budget amendment transfer in the amount of \$1,800.00 to the account 10-408-073 to cover this additional funding request.

Thank you,

Sheila P. Nicholson

Executive Assistant to the Town Manager
Town of Carolina Beach
sheila.nicholson@carolinabeach.org
(910)458-2995

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From: Ed Parvin <ed.parvin@carolinabeach.org>
Sent: Friday, November 1, 2019 4:55 PM
To: Sheila Nicholson <sheila.nicholson@carolinabeach.org>; Kim Ward <kim.ward@carolinabeach.org>
Subject: FW: Request

Sheila and Kim,

I'm trying to find out how much we budgeted for wave transit. Looks like they are requesting an additional \$1800 from the town. Do we have it or do we need a budget amendment?

V/R,

Ed H. Parvin
Interim Manager

910 465 2766
ed.parvin@carolinabeach.org



1121 North Lake Park Blvd.
Carolina Beach, NC 28428

CarolinaBeach.org

From: Albert Eby <aeby@wavetransit.com>
Sent: Thursday, October 31, 2019 5:09 PM
To: Ed Parvin <ed.parvin@carolinabeach.org>
Cc: beck@griffinestep.com
Subject: Request

Be Advised: This email originated from outside of the Town of Carolina Beach, NC

Ed - please see attached request from the Authority. We appreciate your thoughtful consideration.



Albert Eby
Executive Director
Cape Fear Public Transportation Authority
(910) 202-2035
aeby@wavetransit.com

Download the free Wave Transit mobile app. Now available at the App Store and on Google Play!
Like and Follow Wave on social media!



NOTICE: Pursuant to NCGS Chapter 132, email correspondence to and from this address may be subject to the North Carolina Public Records Law and may be disclosed to third parties by an authorized Wave Transit official.



Cape Fear Public Transportation Authority

P.O. Box 2258 • Wilmington, NC 28402 • (910) 343-0106 • (910) 343-8317 fax • wavetransit.com

October 31, 2019

Mr. Ed Parvin
Interim Town Manager
Town of Carolina Beach
1121 N. Lake Park Blvd.
Carolina Beach, NC 28428

Delivered via email to and USPS to addressee:

ed.parvin@carolinabeach.org

Dear Mr. Parvin,

As the Authority began efforts to develop an operating budget for FY 2020, revenue shortfalls to provide the current level of transit service throughout the region became evident. In March 2019 the Authority began discussion with its authorizing entities, the City of Wilmington and New Hanover County, to develop a plan to head off a looming funding crisis. As discussions progressed, it became apparent that the complexity of federal, state and local transit subsidies would take significant time. These deliberations led to a proposed plan that would minimize the impact to Wave passengers and keep requests for additional appropriations from funding partners to a minimum.

On October 24, 2019 the Board of the Cape Fear Public Transportation Authority unanimously resolved to adopt the attached *Service Reduction Recommendation* plan and request supplemental appropriations from its funding partners equal to 17.29 % of their FY 2020 apportionment. On October 30, 2019 Wave Transit presented the plan to the Wilmington Metropolitan Planning Organization (WMPO) Board detailing the financial challenges impacting the operation of Wave Transit. Your representative to the WMPO was in attendance at the meeting and included in the discussion. The plan is comprised of a combination of service reductions and requests for additional local subsidies. Subsequent to the plan, the Authority Board unanimously adopted two resolutions to begin the process to reduce services and request supplemental appropriation from its funding partners. Additional reports regarding the challenges faced by the Authority are available at the following URL: <https://www.wavetransit.com/documents-and-plans/> under the *Plans and Studies* section.

Wave Transit respectfully requests consideration by the Town of Carolina Beach for a supplemental appropriation in the amount of \$1,800 for FY 2020. As noted in several of the reports regarding local operating subsidies, a long term local revenue plan for transit service in the region is critical to the uninterrupted operation of the services offered by Wave Transit. The Authority Board is currently considering recommendations to stabilize operating revenues to present to our funding partners.

I am available to make a presentation or answer questions that you or your board may have regarding this request. We value our partnership with the Town of Carolina Beach and appreciate your consideration of this important request.

Cordially,

Albert Eby
Executive Director

cc: Beck Smith, Chairman, Cape Fear Public Transportation Authority



CAPE FEAR PUBLIC TRANSPORTATION AUTHORITY

Service Reduction & Additional Revenue Recommendations October 2019

Introduction

In February 2019 during budget preparation for Fiscal Year 2020, the Cape Fear Public Transportation Authority faced a looming budget deficit. The deficit was a combination of revenue reductions from state and federal sources, grant program expiration, increased expenses, namely health and liability insurance, and the opening of the Downtown Transit Center. Numerous meetings with funding partners and the Authority Finance & Budget Committee led to a series of reports detailing suggestions to ensure budget compliance. The analysis led to the following proposal which includes service reduction and a request for additional local revenue to complete FY 2020 with a balance budget compliant with funding realities of Wave Transit. The preliminary reports are available online by clicking on the following links:

- [Transpro Short-Term Efficiencies and Long-Term Governing Model Report Analysis](#)
- [Shifting Gears-Transitioning Service Models](#)
- [Service Reduction Opportunities-October 2019](#)

The proposed FY 2020 budget shortfall is estimated to be \$775,000. A portion of the deficit can be made up from unallocated fund balance. Although this method of budget management is not preferred, it provides a viable option for ensuring minimal service disruption. Wave Transit is optimistic that service reductions and proposed increased revenue from local funding partners will allow the Authority to complete FY 2020 within budget.

Proposed Reductions

A list of six service reduction opportunities were presented to the Wave Transit Finance & Budget Committee for consideration. While all of the cuts would be impactful, the initial six opportunities were pared to three. It is believed that the three recommendations would have the least impact and would minimize ridership recovery should revenue be identified to restore the route to its current configuration. Compliance with FTA requirements for service reduction, especially civil rights and service equity impacts, was given careful consideration when identifying the final service reduction recommendations.

Expense Recommendation 1 - Reduce Daily Service Hours from 9:00pm to 8:00pm

Wave Transit currently provides off-peak weekday evening service until 9:00pm. Evening service was implemented in 2007 following the Authority's initial five year plan. It has proven vital to service employees, many of whom are economically hardshipped and reliant on Wave Transit for employment transportation. While the percentage of off-peak customers may seem insignificant, ridership typically drops as the end of the service day approaches. This is due to less travel and customers wanting to ensure that they make their final destination prior to the end of daily service.

RECOMMENDATION JUSTIFICATION

- The reduction requires limited employee support after 8:00pm
- Technicians would continue to stay after 8:00pm to service the fleet but would leave one hour sooner if this reduction were implemented
- Overhead is positively impacted by a reducing daily service by one hour
- Due to decreased ridership, evening service has a high cost per passenger and cost per mile of service
- Overhead costs would be reduced by one hour daily
- Most medical practices are closed on in the evening but educational and employment customers utilizing Wave Transit could be negatively impacted

IMPACT

- Estimated FY 2020 savings - \$100,850
- Loss of 2.3% of weekday ridership or 19,200 annual passengers
- Loss of 314 annual paratransit trips
- Reduction of off-peak weekday service is not believed to be in violation of FTA, civil rights or ADA requirements or annual certifications and assurances

Expense Recommendation 2 - Reduce Saturday Service Hours from 6:00am until 9:00pm to 9:00am until 6:00pm

Wave Transit currently provides Saturday service hours identical to weekday service with the exception of select routes. Saturday service hours were adopted from the standards employed by the Wilmington Transit Authority prior to the creation of Wave Transit. Saturday service is vital to service employees, many of whom are economically hardshipped and reliant on Wave Transit

for employment transportation.

RECOMMENDATION JUSTIFICATION

- The reduction results in limited employee need and support for six hours each Saturday
- Overhead is positively impacted by a reducing of Saturday hours
- Saturday service has a higher cost per passenger and cost per passenger mile than weekday service but a lower cost per mile and cost per passenger than Sunday service
- Overhead costs would be reduced by one hour daily

IMPACT

- Estimated FY 2020 savings - \$86,750
- Loss of 0.75% of weekday ridership or 6,500 annual passengers
- Loss of 1,872 annual paratransit trips
- Reduction of Saturday service hours is not believed to be in violation of FTA, civil rights or ADA requirements or annual certifications and assurances

Expense Recommendation 3 - Suspension of Grants & Compliance Coordinator Position

As part of the 2017 Organizational Analysis, the structure of the Authority was modified to meet the administrative needs of Wave Transit. No additional administrative positions were added, although new titles and definition of responsibilities were implemented. The reorganization resulted in the Director of Planning position being replaced by a Grants and Compliance Coordinator position. The Coordinator has improved the Authority's oversight of many compliance requirements including: drug and alcohol testing; grant application, compliance and management; National Transit Database reporting; safety and security plan implementation and compliance; training; FTA Triennial review compliance and management; and a host of complex reporting requirements.

The position has been vacant since June 2019 and has intentionally not been filled until clear local funding direction is identified. The proposed suspension of the position is for a period until funding has been appropriated to reinstate the position.

RECOMMENDATION JUSTIFICATION

- The position is currently vacant
- Elimination of an administrative position equitably distributes job elimination among all divisions of the Authority

IMPACT

- Estimated FY 2020 savings - \$65,000
- Current employees will be utilized to fill the position resulting in additional training and costs
- Compliance with numerous federal and state programs may be jeopardized
- Suspension of 1 full-time position

Revenue Recommendation 1 - Supplemental Appropriation

The proposed expense reductions total \$252,600 for the final six months of FY 2020. It is estimated that supplemental appropriations equaling 17.29% of the apportioned FY 2020 contribution from funding partners would make up the remaining deficit. The request would be quantified below (dollar amounts rounded):

- City of Wilmington - \$250,000
- New Hanover County - \$57,000
- Brunswick Consortium
 - Brunswick County - \$5,500
 - Leland - \$9,500
 - Navassa - \$2,350
- Town of Carolina Beach - \$1,800
- **TOTAL ADDITIONAL REVENUE REQUEST - \$326,150**

The Authority is unable to estimate the willingness of local funding partners to grant the proposed requests, especially since their budget years have begun. A significant portion of the request will be required to prevent more drastic expense reduction measures.

RESOLUTION



Introduced by: Caylan McKay, Chairman, Finance & Budget Committee

Date: October 24, 2019

**RESOLUTION TO ENDORSE THE SERVICE REDUCTION & ADDITIONAL REVENUE
RECOMMENDATIONS PLAN AND INITIATE A PUBLIC COMMENT PERIOD
FOR SERVICE REDUCTIONS**

WHEREAS, the Cape Fear Public Transportation Authority ("Authority") was created in July 2004 by Joint Resolution of the City of Wilmington and New Hanover County to provide public transportation services throughout the census boundary of the Wilmington Urbanized Area; and

WHEREAS, since its creation, the Authority has operated without a dedicated source of funding; and

WHEREAS, during FY 2020 budget preparation, the Finance & Budget Committee determined that reductions in federal and state funding would lead to significant budget issues in FY 2020; and

WHEREAS, absent identification of additional funding, the Authority will be unable to maintain its current level of service beginning in January 2020; and

WHEREAS, following meetings with the City of Wilmington and New Hanover County, the budget issues were discussed and four reports were drafted; and

WHEREAS, the reports identified options for service reductions and additional subsidies to balance the FY 2020 budget; and

WHEREAS, the least impactful reductions and additional subsidies, coupled with significant fund balance allocation, has been determined the most efficient and least impactful plan to dealing with FY 2020 budget issues; and

WHEREAS, the Committee has endorsed the Cape Fear Public Transportation Authority *Service Reduction & Additional Revenue Recommendations Plan* dated October 2019;

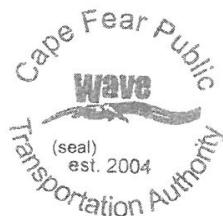
NOW THEREFORE, BE IT RESOLVED the Cape Fear Public Transportation Authority hereby endorses the recommendations in the Cape Fear Public Transportation Authority *Service Reduction & Additional Revenue Recommendations Plan* dated October 2019, and directs staff to begin a twenty-eight (28) day public comment period to receive public feedback regarding the following recommendations of the report:

- Expense recommendation 1 - Reduce Daily Service Hours from 9:00pm to 8:00pm
- Expense recommendation 2 - Reduce Saturday service hours from 6:00am until 9:00pm to 9:00am until 6:00pm

Staff is hereby directed to notify the public of the proposed service reductions and receive comments via telephone, mail and email. A public hearing regarding the changes will be scheduled for Thursday, November 21, 2019 at 12:00pm in the Wave Transit Board room at Forden Station for the board to receive comments from the public regarding the proposed service reductions.

Adopted at a regular meeting
on October 20, 2019

Beck Smith, Chairman



Attest:

Don Betz, Secretary
ANDREW KOEPPPEL

RESOLUTION



Introduced by: Caylan McKay, Chairman, Finance & Budget Committee

Date: October 24, 2019

RESOLUTION REQUESTING SUPPLEMENTAL APPROPRIATIONS FOR FISCAL YEAR 2020

WHEREAS, the Cape Fear Public Transportation Authority ("Authority") was created in July 2004 by Joint Resolution of the City of Wilmington and New Hanover County to provide public transportation services throughout the census boundary of the Wilmington Urbanized Area; and

WHEREAS, since its creation, the Authority has operated without a dedicated source of funding; and

WHEREAS, during FY 2020 budget preparation, the Finance & Budget Committee determined that reductions in federal and state funding would lead to significant budget issues in FY 2020; and

WHEREAS, absent identification of additional funding, the Authority will be unable to maintain its current level of service beginning in January 2020; and

WHEREAS, following meetings with the City of Wilmington and New Hanover County, FY 2020 budget issues were discussed and four reports were drafted; and

WHEREAS, the reports identified options for service reductions and additional subsidies necessary to balance the FY 2020 budget; and

WHEREAS, the least impactful service reductions and additional subsidies, coupled with significant fund balance allocation, has been determined the most efficient and least impactful plan to dealing with FY 2020 budget issues; and


WHEREAS, the Authority has endorsed the Cape Fear Public Transportation Authority *Service Reduction & Additional Revenue Recommendations* Plan dated October 2019;

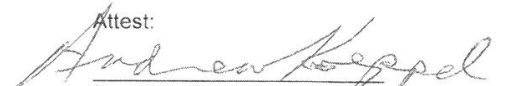
NOW THEREFORE, BE IT RESOLVED the Cape Fear Public Transportation Authority hereby respectfully requests supplemental appropriations from its funding partners equaling 17.29% of the FY 2020 apportionments as follows:

- City of Wilmington - \$250,000
- New Hanover County - \$57,000
- Brunswick Consortium
 - Brunswick County - \$5,500
 - Leland - \$9,500
 - Navassa - \$2,350
- Town of Carolina Beach - \$1,800
- **TOTAL ADDITIONAL REVENUE REQUEST - \$326,150**

If granted, the supplemental appropriations and service reductions will be combined with appropriated fund balance to complete FY 2020 within available revenues.

Adopted at a regular meeting
on October 20, 2019


Beck Smith, Chairman

Attest:

Don Betz, Secretary
ANDREW KOEPPEL





AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Sheila Nicholson

Department: Executive

ROT Reimbursement Request

BACKGROUND:

FY 15/16 ROT budget amount was \$ 533,062; the Town was reimbursed \$ 284,418

FY 16/17 ROT budget amount was \$ 839,302; the Town was reimbursed \$ 668,741

FY 17/18 ROT budget amount was \$ 789,781; the Town was reimbursed \$ 509,502

FY 18/19 ROT budget amount was \$1,252,329; the Town was reimbursed \$ 590,485

The original amount of ROT funds allocated for Carolina Beach FY 19/20 is \$733,371 (note-this does not yet include any carryover funds from previous budget year).

The Town of Carolina Beach would like to make a request for ROT funds in the amount of \$411,335.18 at the January 2020 TDA Board meeting. This amount includes the following expenses:

\$ 348,458.26-Lifeguard/Ocean Rescue salaries, benefits, and expenses 02-01-19 through 09-30-19

\$ 9,758.90-Parks and Recreation payments for summer tourist entertainment at boardwalk.

\$ 24,756.40-CBDI/PIRA payments for bands, facepainters, and other entertainment at boardwalk.

\$ 25,361.62-payment for bike racks and kiosks for walking trails.

If the request above is approved and paid, the remaining budget balance for the 19/20 ROT Activities Fund would be \$ 322,035.82

ACTION REQUESTED:

The Town Manager recommends Council approval of the ROT reimbursement request for the January 2020 TDA Board Meeting



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Kim Ward

Department: Clerk

Appointments to the Board of Adjustment

BACKGROUND:

The Board of Adjustment has three vacant positions. We advertised and reached out to other committee members and found three applicants. It is important to fill these three vacancies before their November 18, 2019 Board hearing. Jeremy Hardison has met with all three applicants and would like Council's approval to appoint all three to these positions. The three applicants are:

Amanda Nestor - Does not serve on any other committee.

Paul Levy - Serves on the Business and Economic Development Committee.

Jullena Jones Shelley - Does not serve on any other committee.

All three applicants are residents of Carolina Beach.

ACTION REQUESTED:

Appoint Amanda Nestor, Paul Levy, and Jullena Jones Shelley to the Board of Adjustment.

ATTACHMENTS:

[BOA Amanda Nestor 2019](#)

[BOA Paul Levy 2019](#)


[BOA Jullena Jones Shelley 2019](#)



**Carolina Beach
BOARD APPLICATION**

BA-19-31

Received Date: September 12, 2019

Application Type: Planning and Zoning  and MAC and BOA

NAME: Amanda Nestor
ADDRESS: 504 s 7th St, Carolina Beach, NC, 28428
TELEPHONE: 9108001288
EMAIL: amandajnestor@gmail.com

LENGTH OF RESIDENCY: 10 months

Appointment to a Board, Commission or Committee will require your consistent attendance at regularly scheduled meetings. Are you available for:

- Evening Meetings
- Daytime Meetings

OCCUPATIONAL BACKGROUND: I have been a realtor, preservationist, volunteer, retail manager, and pharmacy technician. I do have an active real estate license but I do not practice.

EDUCATIONAL BACKGROUND: I have a BA from the College of Charleston in Historic Preservation and Community Planning. I have a MA from Savannah College of Art and Design in Historic Preservation

REASON FOR APPLYING: I appreciate Carolina Beach for how it has been, what it is, and what it will become. I have spent several years studying how to balance new and old within cities and would enjoy applying that experience to the place I live.

RELEVANT EXPERIENCE: I studied planning and preservation for 5 years in college and have had volunteer experience with reviewing and making recommendations on historic district guidelines. I have had a real estate license since 2015.

COMMUNITY INVOLVEMENT: We moved here in December 2018 for my husband's job.

Please indicate if the following is true:

- You are a property owner within the community
- You or a family member is the owner of a local business in the community
- You have been convicted of a felony

AMANDA J. NESTOR

504 SEVENTH ST S, CAROLINA BEACH, NC 28428
(910)-800-1288 ▪ amandajnestor@gmail.com

Education

College of Charleston
Charleston, SC
B.A. in Historic Preservation and Community Planning
Sigma Pi Kappa, Historic Preservation Honor Society, College Distinguished Honors, Departmental Honors

Savannah College of Art and Design
Savannah, GA
M.A. in Historic Preservation

Preservation Experience

Real Estate Broker ▪ April 2015-November 2017

Self-Employed

Brokering the purchase and resell of property in New Bern, NC and Greensboro, NC

Volunteer Consultant ▪ September 2014-December 2015

Save Our Store Committee ▪ New Bern, NC

Planning the fundraising and stabilization effort of The Mamie C. Sadler Store in New Bern, NC

Preservationist ▪ June 2014-December 2015

Self-employed ▪ New Bern, NC

Consulting on building preservation, researching properties, writing grants, preparing historic reports, reviewing proposed changes to city preservation guidelines, preservation planning, fundraising

Preservationist ▪ May 2013 – May 2014

Self-employed ▪ Charleston, SC

Researching properties and preparing historic reports

Intern ▪ January 2013 – December 2013

Charleston Museum Archives ▪ Charleston, SC

Cataloging cultural resources and maintaining museum records

Additional Education and Experience

College of Charleston

Archaeological Dig Site at Hampton Plantation

NCPTT

Cemetery Documentation and Gravestone Cleaning

GREATER GREENSBORO SOCIETY OF MEDICINE ALLIANCE

Planning the New Physician Social for 175 guests, tracking and recruiting new physicians and spouses

Memberships and Associations

National Trust of Historic Preservation
Association for Preservation Technology
National Alliance of Preservation Commissions
Archaeological Institute of America
Association for Gravestone Studies
Preservation North Carolina

Previous Non-Preservation Experience

Intravenous Pharmacy Technician ▪ May 2010 – May 2011
Carolinas Medical Center- Main ▪ Charlotte, NC

Preparing Intravenous medications and chemotherapy treatments

Pharmacy Technician/ Shift Supervisor ▪ December 2004 – May 2010
CVS Pharmacy ▪ Charlotte, NC

Daily cash control, store remodeling, preparing budgets, ordering, filing insurance

Shift Supervisor ▪ March 2002 – April 2005

Hollywood Video ▪ Wilkesboro, NC

Daily cash control, customer service, ordering

Relevant Preservation and Planning Skills

- Performing as a preservationist for a Feasibility Study
- Preparation of Historic American Buildings Survey (HABS) report
- Preparation of National Register Nominations
- Preparation of Historic Resources Survey prepared by SHPO guidelines
- Working with Historic Preservation Commissions and Architectural Review for Historic Homes and Preservation Guidelines
- Experience with landscape architecture and planning
- Community Planning and Design
- In-depth property research including deeds and probate records
- Assessing building condition and preparing an assessment report
- Knowledge of historic buildings materials and care of materials according to Secretary of the Interior Standards
- Preparing measured architectural hand drawings
- Preparing site plans
- Grant writing
- Fundraising
- Preparing flyers, handouts, and other promotional material
- Marketing
- Historic written record transcription
- Photography
- Experience working on archaeological dig sites
- Graveyard and Cemetery Preservation
- Knowledge of preservation and historic property tax incentives
- Past Perfect 4.0 Software
- Historic clothing and accessories reproduction

Town of Carolina Beach Committee Application



Contact Information

Name	PAUL LEVY
Street Address	1606-1 MACKEREL LN, UNIT 1
City, State, ZIP Code	CB NC 28428
Preferred Phone	336-687-4094
E-Mail Address	thelevysatthebeach@gmail.com

Interests

Tell us in which areas you are interested in volunteering (check all that apply)

- Arts and Activities (meets 3rd Wednesday of each month at 6:00 p.m. in the conference room)
- Board of Adjustment (meets as needed on the 3rd Wednesday of each month at 6:30 p.m.)
- Freeman Park (meets 4th Thursday of each month at 7:30 p.m. in the conference room)
- Harbor Commission (meets 4th Wed. in Jan, Feb, Apr, May, July, Aug, Oct & Nov at 6:30 p.m. in conference room)
- Operations Advisory (meets 1st Tuesday of each month at 10:00 a.m. in the conference room)
- Parks and Recreation (meets 1st Monday of each month at 7:00 p.m. at the rec center)
- Planning and Zoning (meets 2nd Thursday of each month at 6:30 p.m. in the council chambers)
- Police Advisory (meets 1st Monday of each month at 7:00 p.m. in the conference room)
- Marketing Advisory Committee (meets the 4th Tuesday of each month at 2:30 p.m. in the council chambers)
- Other *business and Economic Development*

Special Skills or Qualifications

Summarize special skills and qualifications you have acquired from employment, previous volunteer work, or through other activities, including hobbies or sports.

See resume. Experience with budgets, RFP's, contracts, "politically sensitive" topics. Working in healthcare, as I have, is similar in many ways to working in municipal government. Lots of conflicting rules from outside agencies, but we still have to balance the budget.

Previous Volunteer Experience

Summarize your previous volunteer experience.

We have moved many times, which has limited volunteer experiences. Nonetheless:
 Late 1980s - Moore County (ME) Ambulance Authority. Member and occasional Chair.
 Oversight of a public-private cooperative relationship to provide EMS services to
 a semi-urban, semi-rural county.
 2010-2011 - Carteret County (NC) Ad Hoc Economic Development Committee. Other members
 included CoC Executive Director, various business people, former Mayor of Pine Knoll Shores.
 Our task was to identify shoulder season and off-season business and tourism opportunities
 to broaden the year-round economy.

Person to Notify in Case of Emergency

Name	Kathy Leuy
Street Address	1606-1 Mackerel Lane
City, State, ZIP Code	CB NC 28428
Home Phone	336-687-4102 cell
Work Phone	
E-Mail Address	tholeuysatthebeach@gmail.com

Agreement and Signature

I understand that this application is public record and I certify that the facts contained in the application are true and accurate. I understand that I must attend 75% of scheduled meetings in order to remain an active committee member. This application will remain on file in the office of the town clerk for 18 months.

Name (printed)	PAUL LEUY
Signature	<i>Paul Leuy</i>
Date	8/16/2019

Our Policy

It is the policy of this organization to provide equal opportunities without regard to race, color, religion, national origin, gender, age, or disability.

Thank you for completing this application form and for your interest in volunteering with the Town of Carolina Beach!



Submit

Paul Levy

Chief Executive Officer

Carolina Beach, NC 28428
thelevysatthebeach@gmail.com
(336) 687-4094

Highly experienced and flexible leader in physician practice, ASC, and hospital management, recently retired from full-time executive leadership, seeks Part-Time, Interim, or Consulting opportunities. Offering a diverse skill set including M&A, divestiture/downsizing, change management, restructuring, certificate of need, new facility and program development, physician and management staff recruitment. Flexible as to ownership model of the health care entity. Employed or 1099 both acceptable.

Authorized to work in the US for any employer

Work Experience

Chief Executive Officer

VISTAR EYE CENTER, INC and ROANOKE VALLEY CENTER FOR SIGHT, LLC - Roanoke, VA
2011 to 2019

Chief non-physician executive for a 21 doctor, 300 employee multi-specialty, multi-location, \$50 million ophthalmology group with 3 associated ophthalmic surgery centers and \$12 million in additional receipts. Leadership and oversight of all non-clinical activities, budgets, staffing, strategic planning, etc. Accomplishments include:

- Development of two surgery centers, new office building.
- Development of 3 satellite offices.
- Acquisition of referring practices.
- Reorganization and upgrade of IT department and many other management processes.

Executive Director

CAROLINAS CENTER FOR SURGERY and SURGICAL CENTER OF MOREHEAD CITY - Morehead City, NC
2009 to 2011

Chief non-physician executive for an 11 physician multi-surgical specialty group with associated surgery center and ancillary services. Accomplishments include:

- Reduced overhead from nearly 54% to 49% in less than a year.
- Managed the sale of a minority interest in surgery center to VC/management company.
- Revitalized management processes including recruitment of new AR and IT managers.
- Managed transition of senior partner out of practice and recruitment of new associates.
- Developed Mobile MRI service.
- Reduced health insurance expenses for partners, practice, and employees by \$100,000 per year.

SELF-EMPLOYED CONSULTANT

Paul B. Levy - High Point, NC
2000 to 2009

Independent health care and management consultant. Special focus on efficiency and effectiveness analyses, coding and billing audits, managed care contracting, and general management improvement. Representative assignments include:

- Administrator to a specialty surgical practice. Revised billing and coding systems, including physician education, resulting in substantial reduction of denied claims. Renegotiated all managed care agreements with 10 - 20% improvements. Led RFP process and managed installation of new information system, improving cash flow and reducing A/R days.
- Managed all aspects of the spin-off of a specialty group from a group without walls. Legal, HR, accounting, Medicare and insurance, IT, other benefits, etc.
- Audited the performance of underperforming primary clinics in a large integrated health system. Recommended improvements including: right-sizing of physician staffing and specialty mix; training in E&M coding to effect a 20% improvement in revenue generation; finding \$50,000 per year in incorrectly billed and therefore denied in-office lab work.

Executive Director

CORNERSTONE HEALTH CARE, P.A - High Point, NC
1997 to 2000

Responsible for overall management and planning in a growing 85 physician, primary care based group practice with wraparound IPA. Accomplishments include:

- Grew group from 60 physicians to 85 physicians, adding 5 offices and 3 specialties.
- Grew collected revenues from \$35MM annualized to \$50MM annualized.
- Led successful recruitment of physicians in all specialties.
- Led negotiations with managed care payors, resulting in significant contract improvements from major national and regional plans.
- Led negotiations on mergers and acquisitions, including mergers of both specialty and primary care practices, and acquisition of Imaging Center that added \$1.4MM in net profits to group

Director of Operations and Development

JOHNS HOPKINS BAYVIEW PHYSICIANS, P.A - Baltimore, MD
1994 to 1997

Leader of operations and development in a 200 physician FTE multispecialty group within the Hopkins Medicine umbrella. Accomplishments include:

- Managed capitated contracts, including capitation rates, fee levels, terms, and relationships with payors covering some 30,000 full-medical-risk lives.
- Developed infrastructure and provider network to support statewide multispecialty capitation contract covering 25,000 lives.
- Developed and coordinated corporate marketing plan.
- Managed 15,000 square foot multispecialty office and seven primary care offices.
- Developed new offices; evaluated acquisition targets and managed transitions.

Executive Vice President/Administrator

RETINA VITREOUS ASSOCIATES, INC - Toledo, OH
1992 to 1994

Led turnaround of a \$6 million, 8 office group practice after a breakup, corporate restructuring, and complete loss of management staff. Accomplishments include:

- Created, revised, modernized management systems and policies throughout organization.
- Improved cash flow, collections, and net income by 40%.
- Trained an entirely new management staff.
- Developed contribution margin accounting system that documented profitability of satellites.
- Opened new satellite offices in two different states.
- Specified, analyzed proposals, chose and installed new information system.

EARLIER EMPLOYMENT AND ACCOMPLISHMENTS

Rose to rank of Chief Operating Officer of 229 bed, \$60MM net revenue hospital (1992 dollars) with responsibility for 450 FTE's and many major programs. Prior experience as Vice President at same hospital and additional experience in major teaching hospital. Extensive experience in developing and expanding outpatient services, management engineering and staffing optimization, physician recruitment, building programs, and labor relations. Additional information will be supplied on request.

Education

Masters Degree in Health Administration in Health Administration

Duke University - Durham, NC

Bachelor of Arts

State University of New York at Stony Brook - Stony Brook, NY

Skills

Operations, Management, Strategic Planning, Public Speaking, Team Building, budget

Additional Information

Ideal situations would be within a 4 hour drive of Wilmington, NC; one week on then one week off; or 2 - 3 days per week onsite. Interim dedicated management also considered. Other travel situations negotiable.



**Carolina Beach
BOARD APPLICATION**

BA-19-36

Received Date: September 15, 2019
Application Type: Marketing Advisory Committee and BOA

NAME: Jullena Jones Shelley
ADDRESS: 309 Seafarer Drive , Carolina Beach , North Carolina , 28428
TELEPHONE: 301-642-1693
EMAIL: jonesjullena@msn.com

LENGTH OF RESIDENCY: 3 years full time resident

Appointment to a Board, Commission or Committee will require your consistent attendance at regularly scheduled meetings. Are you available for:

- Evening Meetings
- Daytime Meetings

OCCUPATIONAL BACKGROUND: Business owner

EDUCATIONAL BACKGROUND: AA

REASON FOR APPLYING: To become more involved in the community

RELEVANT EXPERIENCE: I have owned operated and managed several businesses

COMMUNITY INVOLVEMENT: On the social committee for Carolina Sands

Please indicate if the following is true:

- You are a property owner within the community
- You or a family member is the owner of a local business in the community
- You have been convicted of a felony

CAROLINA BEACH

Town Council Workshop Minutes
Thursday, October 3, 2019 @ 10:00 AM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Thursday, October 3, 2019 at 10:00 AM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

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

1. MAYOR BENSON CALLED THE MEETING TO ORDER AT 10:00 AM

2. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER

- a. Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.

Mayor Benson made a motion to return to open session at 11:45 a.m. stating that no action was taken and to recess the meeting until 12:45 pm. Motion carried unanimously.

Mayor Benson called the meeting back in session at 12:45 pm.

Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.

3. RECESS UNTIL OCTOBER 4, 2019 AT 8:00 AM

Mayor Benson made a motion to return to open session stating that no action was taken and to recess the meeting to Friday, October 4, 2019 at 8:00 a.m. Motion carried unanimously.

Adopted at a regular meeting on November 12, 2019.

Recorded by Kimberlee Ward, Town Clerk

CAROLINA BEACH

Town Council Workshop Minutes
Friday, October 4, 2019 @ 8:00 AM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Friday, October 4, 2019 at 8:00 AM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

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

1. RESUME RECESSED MEETING FROM OCTOBER 3, 2019

- a. Mayor Benson opened the meeting that recessed on October 3, 2019.

2. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER

- a. Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.

Mayor Benson made a motion to return to open session at 11:45 a.m. stating no action was taken and to recess the meeting until 12:45 pm. Motion carried unanimously.

MPT Bridges called the meeting back in session at 12:45 pm.

Mayor Benson was excused from this portion of the meeting due to a schedule conflict.

MPT Bridges made a motion to go into closed session to discuss a personnel matter in accordance to NCGS 143-318.11(a)(6). Motion carried unanimously.

3. RECESS UNTIL TUESDAY, OCTOBER 8, 2019 AT 10:30 AM

- a. MPT Bridges made a motion to return to open session stating that no action was taken and to recess the meeting until Tuesday, October 8, 2019 at 10:00 a.m. Motion carried unanimously.

Adopted at a regular meeting on November 12, 2019.

Recorded by Kimberlee Ward, Town Clerk

CAROLINA BEACH

Town Council Workshop Minutes
Tuesday, October 8, 2019 @ 10:00 AM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Tuesday, October 8, 2019 at 10:00 AM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, and Council Member Steve Shuttleworth

ABSENT: Council Member JoDan Garza

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

1. MAYOR BENSON OPENED THE MEETING TO CONTINUE THE RECESSED MEETING FROM OCTOBER 4, 2019

2. CLOSED SESSION TO DISCUSS A PERSONNEL MATTER

- a. Mayor Benson made a motion to go into closed session to discuss a personnel matter in accordance to NCG 143-318.11(a)(6). Motion carried unanimously.

3. ADJOURNMENT

- a. Mayor Benson made a motion to return to open session stating that no action was taken during closed session. Motion carried unanimously.

Mayor Benson made a motion to adjourn at 11:45 a.m. Motion carried unanimously.

Adopted at a regular meeting on September 12, 2019.

Recorded by Kimberlee Ward, Town Clerk

CAROLINA BEACH

Regular Town Council Minutes
Tuesday, October 8, 2019 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Regular Town Council was held on Tuesday, October 8, 2019 at 6:30 PM at Council Chambers.

PRESENT: Mayor Joe Benson, Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, Council Member Steve Shuttleworth, and Council Member JoDan Garza

ABSENT:

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

1. MAYOR BENSON CALLED THE MEETING TO ORDER FOLLOWED BY THE INVOCATION BY SHIRLEY JAMES OF FIRST BAPTIST CHURCH CAROLINA BEACH AND THE PLEDGE OF ALLEGIANCE

2. ADOPT THE AGENDA

- a. Mayor Benson announced that the applicant for Item 6(b) a Conditional Use Permit request for a 2 unit detached residential Planned Unit Development located at 504 Keys Lane has pulled the item from tonight's agenda.

Council is adding a personnel item to the closed session.

Council Member Garza said that he wanted to address an item on the agenda that he has a huge problem with. He stated that last month applications came in for the Business and Economic Development Committee all the way up to the day of voting and Council allowed that to go through. Today, there were two additional applications received for the Marketing Advisory Committee that are not listed on the ballot. He recommended removing the appointments to the Marketing Committee from tonight's meeting, add the two new applications, and go from there.

Mayor Benson asked if that was a motion.

Council Member Garza replied that it was.

Mayor Benson called for a vote and it passed unanimously.

Council Member Pierce said that she agreed with Council Member Garza and asked if there was a deadline for submitting applications.

Town Clerk Kim Ward replied that once the agenda packet is final and sent out, she does not add to the ballot in order to allow Council enough time to review the applications before they vote. She stated that there was not an applicant added to last month's ballot and was not clear on what Council Member Garza was referring to.

Council Member Garza asked to discuss this during non-agenda and he would like staff to accept applications all the way up until the hour the meeting starts.

ACTION: Motion to adopt the agenda with the changes mentioned.

Motion: Joe Benson

Vote: UNANIMOUS

3. CONSENT AGENDA

- a. Mayor Benson made a motion to approve the consent agenda. Motion carried unanimously.

The following items were included on the Consent Agenda:

- Set a Public Hearing for November 12, 2019 to consider a Conditional Use Permit located at 1012 Lake park Blvd S for a 2 unit detached Business Planned Unit Development Applicant: Ralph Roof
- Set a Public Hearing for November 12, 2019 to Consider a Conditional Use Permit located at 406 Harper Avenue for a 2 unit detached Planned Unit Development. Applicant Stephannie Covington
- Set a Public Hearing for November 12, 2019 to Consider a Conditional Use Permit located at 401 Marina St for an expansion of the existing marina to include a new dock for new fuel tank and a barge for an eating and drinking establishment with retail. Applicant: CBYC LLC
- Budget amendments and transfers as presented by the Finance Director
- Meeting minutes from September 10 and 24, 2019

4. SPECIAL PRESENTATIONS

- a. Special Events

Parks and Rec Assistant Director Tim Murphy presented the events for October and November.

Chief Griffin briefed an event that will be held at the Sea Witch. It is a fund raiser for the Bamahas.

- b. Manager's Update

Mr. Parvin gave an update on the following topics:

Hurricane Dorian
 ADA Transition Plan
 Hamlet Ocean Rescue Building
 FEMA Emergency Power Facility Inspection
 NCDOT Response to Pedestrian Safety
 NCDOT Update
 Canal Drive Stormwater Check Valves
 MOTSU

October Workshop Agenda
 October 10th P&Z Meeting Agenda
 Technical Review Committee Agenda Items
 Watershed Plan Update
 Land Use Plan

Council Member Pierce asked if DOT would compromise the speed limit on Ocean Blvd. She asked to have one speed of 35 mph.

MPT Bridges said the vision clearance from the multi-use pat needs clearing.

Council Member Pierce and Council Member Shuttleworth would like a joint meeting with P&Z on the Land Use Plan and would like the new Council to have time to review the document before they vote on it.

Chief Griffin spoke about Fire Prevention Week. He also gave an update on the lifeguards. This year they are experiencing warmer than normal temperatures and high rip currents. He has decided to keep a few guards on through this weekend and evaluate it next week.

Council Member Shuttleworth asked about the Ocean Rescue Captain position vacancy.

Chief Griffin said that they have made an offer to an applicant and he hopes to introduce him at the next workshop.

Chief Griffin explained the live fire training that is planned. The house is located on Cape Fear Boulevard at 6th Street. The house was purchased and will be demolished. Training is expected between now and November 15th. The live fire is scheduled for November 16th.

Council Member Pierce asked staff to notify residents as soon as possible.

5. PUBLIC COMMENT

- a. Dale Walters 916 #2 Canal Drive gave a committee update from the Canal Drive Flooding Committee. They are putting together a public workshop. He recognized Town staff members by name for all of their assistance.

Mark Miller 702 Seafarer Drive is concerned about the crosswalk on Spartanburg. Bicyclists feel they don't have to stop and push the crossing button. The electric eye does not activate fast enough for bicycles. He recommended removing the electric eye, make the stop signs bigger, or put stop signs on Spartanburg. He would like to know who would be at fault if a driver hits a pedestrian.

Paul Levy 1606 Mackerel Lane spoke about traffic safety as well. Cars are not stopping at Mackerel and Texas. Heavy vehicles and equipment are cutting through Mackerel. He asked for more police presence at Mackerel and Texas. He asked if Mackerel could be closed to through trucks. He recommended adding speed bumps. He feels that most people are using Mackerel as cut through to Kure Beach.

Council Member Shuttleworth asked if you can limit commercial trucks from traveling on Mackerel.

6. PUBLIC HEARINGS

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

The following were sworn in by the Town Clerk:

Applicant Charles Poindexter, Applicant Bob Huth, Applicant's Attorney Cindy York, Assistant Town Manager Ed Parvin, and Planning Director Jeremy Hardison.

Mayor Benson: At this time, I open the evidentiary hearing. I would like the Town Attorney to give a brief review of quasi-judicial hearings.

Ms. Fox: Mayor, Council and Members of the Town that are in attendance, this is a quasi-judicial matter which means that this hearing is an evidentiary hearing, much like a court hearing. Council must follow specific procedures that are required by State law in making its decision tonight. Specifically, Council's discretion is limited and must base its decision based on competent, relevant, and substantial evidence in the record. If you are a witness, you need to focus on the facts and standards, not personal preference or opinion. If you intend to testify, please do not offer unsupported opinions or speculation. The Council cannot consider that testimony. Please limit your testimony to relevant, competent, substantial and material evidence. Before we begin, does any member of Council have any partiality to disclose or recusal to offer?

Council: No

Ms. Fox: Does any board member have an exparte' or communications to disclose?

Council: No

Ms. Fox: Hearing none, I will turn this over to Mr. Hardison.

Mr. Hardison: Before you is an application for a Conditional Use Permit for a Planned Unit Development that will consist of a 36 unit condo, located at 406 North Lake Park Boulevard. 28 of those units will be one bedroom and 8 will be two bedroom condos. The proposal is for a four story building on pilings. The site is situated between Inland Harbor and Domino's where Lake Park Boulevard and Saint Joseph Street splits. It is in split zoning. The front part of the property is Highway Business, the water side is Marina Business and is where the structure will be situated. Prior uses for this lot: In 2004, there was a residence on site that was demolished. In 2006, the Town approved a 32 2-bedroom unit condo. In 2015, under the same ownership it was approved for 36 one bedroom units. That permit has since expired since no construction has started and a Conditional Use Permit is good for two years. Currently, the lot is vacant. There have been some improvements made to the property with a bulkhead and a dock as well as some day boat docking. There are seven specific standards that the applicant must make provisions for. One is ingress and egress to the property. They are proposing a 24-foot entrance off of Saint Joseph Street that meets the ordinance. A 5-foot sidewalk will be installed adjacent to Saint Joseph Street that will tie into the sidewalk on the other side of Domino's leading to the Central Business District. They will

provide a 20-foot dedicated fire lane on the north side of the building with pavers. This is a requirement from the fire department for the ability to run hoses around the side of the building. Staff is recommending that they provide an easement to provide interconnectivity to a future stub out to the property to the south when or if it gets redeveloped. This is adjacent to the Domino's site. They are meeting the requirements for off street parking and they are providing four spaces over the 44 required spaces. This is based off the number of bedrooms per unit. Refuse and service area will be provided on site to the south of the property and the dumpster will be enclosed. The utilities are adequate to meet the demand for water and sewer. They will be adding a fire hydrant and providing on site stormwater treatment. The requirement for the scope of this project is a 10-foot landscape buffer. They are asking for an exception to this where the fire lane is required, adjacent to Inland Harbor. They are putting a row a shrubbery along the property line and beefing up the landscaping where the pool area is. They are providing the 10-foot buffer on the other side with the exception of where the stub out and the dumpster is located. They are proposing a monument sign at the entrance of the development. They are meeting the required setbacks and open space requirements. The maximum height of the building is 57 feet to the top of the elevator shaft. They are meeting the setback requirements for the one-for-one as a cumulative measurement. They will have some surface parking in the front and they will have some parking underneath the building and they are proposing a pool on the water side. Along with the seven specific standards, there are four general conditions that the applicant must address. The conditions associated with specific site situations is the landscape buffer waiver as presented with the fire lane, a 5-foot sidewalk along Saint Joseph Street, and they will be installing a state stormwater system because of the scope and the amount of impervious surface for this project. This will require a major CAMA permit. They would provide an easement for future connectivity with the property to the south. Staff would like Council to consider an easement for future expansion of the marina walk. This would potentially provide an extension of the walk through these properties as these properties develop to promote pedestrian use and interconnectivity to the marina and provide accessibility to the sound which the CAMA Land Use Plan does support. We are looking for a 10-foot easement that would be located in the CAMA setback. There hasn't been anything designed or approved.

Council Member Shuttleworth: We wouldn't be coming back later on an easement and having to remove something that is integral to a property or we wouldn't have to be replacing something, is that the way I'm seeing that? It's just open space?

Mr. Hardison: Correct.

Council Member Pierce: Do we currently have that easement? Is that what you're saying?

Mr. Hardison: If the Town, in the future ever wanted to expand the marina walk, the easement would already be in place. We would have to go through CAMA permitting for that.

Mayor Benson: That stub out was a Town request that the applicant would grant?

Mr. Hardison: The applicant would probably like to address Council on that.

Mayor Benson: The applicant may now present evidence and legal arguments in support of the request.

Charles Poindexter: There are just a couple of notes regarding the presentation that was just made. There are two specific items that I would like to address. I'm not sure Jeremy actually understood your questions Mr. Shuttleworth. Currently, our bulkhead, floating dock, and gazebo are constructed and in place. There's a pier line in the Harbor right next to our dock. The only way that a future boardwalk can come through there would be to deconstruct my pier, my walk, and all that stuff.

Council Member Shuttleworth: So you don't think there would be a way to put a walkway behind that greenery?

Mr. Poindexter: It would be half in my pool and half in my yard.

Council Member Shuttleworth: So you would have 30 feet from that bulkhead to work with before you hit your pool?

Mr. Poindexter: That's our CAMA setback.

Council Member Shuttleworth: What is your CAMA setback?

Mr. Poindexter: 30 feet

Council Member Shuttleworth: So if I went a couple of feet behind the bulkhead and ask for 10 feet for a walkway, that wouldn't be in your pool, it would be in the grass area.

Mr. Poindexter: It would incumbent my property where the residents are living and that's planned for their living space. I get the opportunity as a builder to build sidewalks and MUP's that go nowhere and this is an example of that because once you exit my property to the north, that would be the end of it. It's just not going to go anywhere. We have discussed this with staff at length during this process.

Council Member Shuttleworth: I think the idea was, we were looking to extend it from the south to the north and yes, it may terminate someday at your property but ultimately the plan would be to bring it from the harbor across Blackburn's.

Mr. Poindexter: One thing we might consider is – apparently there is some language that may solve this issue for both of us. Rather than us providing a specific easement at this time, we would allow for the possibility of a future easement if it were to become a viable alternative. In other words, not encumber my property today but make an allowance for a possible future encumbrance if it merits it. Just giving up 10 feet of property to the Town of Carolina Beach doesn't sound like a very good idea to me. The second thing was this interconnectivity between us and the property to the south which is currently Domino's. We actually do not have stub outs on our plan because we do not plan for that interconnectivity. Those are actually hammer heads for getting out of your parking stalls. Our thought is very simple: there is no connectivity to the north, to the south is a commercial operation know as Domino's Pizza. If we connect to that property, all we would be doing is providing a parking lot for pizza delivery vehicles. That would be a huge safety concern not only to our residents but possibly taking us below our legal parking requirement parameter.

Council Member Shuttleworth: I don't think anyone is asking you to make the connectivity, I think what they are asking for is in the future if that property to the south is developed, to allow them that connectivity. I understand you do not want to open that up as a parking lot for Domino's delivery guys. If there's a hard curb there and there's no direct access, I don't know that that's an impediment to you but I think what we're trying to do is look at that overall intersection, the connectivity to adjacent parcels, and long term redevelopment of other properties to the south of you. Are you asking for an open driveway?

Mr. Hardison: No, just a stub out so any future development could connect to it.

Council Member Shuttleworth: So you could have a hard curb on it until such time there's another development may or may not come in there?

Mr. Hardison: Correct. Just for clarification, these two last items were just staff recommendations, they are not ordinance requirements.

Mr. Poindexter: It was always the intent that it would remain hardscape and it's just a future thing but I have to think about the people that we sell this property to and I have to think about their future enjoyment. They're going to connect into my parking lot. What's the point in connecting into my parking lot? Jeremy is exactly right, they are recommendations by staff. Item #14 says we will work with NCDOT about the Saint Joseph Street intersection, if that's what you call that thing! This conversation goes back to a former mayor that is on public record stating that we were to speak to NCDOT, which I talk to the engineers all the time about various things and I've talked to them about this but he clearly stated that this is not this developer's responsibility to solve the issues with that intersection. We'll talk to them and we'll do anything just like we have across this project to try to accommodate the Town of Carolina Beach but we don't have any ability to impact that intersection to the best of my knowledge.

Mayor Benson: No, I would think that is something the Town takes to DOT and our conversations related to the earlier presentation.

Council Member Shuttleworth: Explain to me your landscape buffer. I know that was an issue and the fire chief and you.. Can you tell me the landscape buffer requirement? Jeremy, tell me what the landscape buffer requirement is and how we're meeting that or the variables in that.

Mr. Hardison: The requirement is for a 10-foot essentially a green area that consists of six shrubs for every 50 linear feet. You would also have to have two canopy or if you so choose, four under soy trees that's in that area.

Council Member Shuttleworth: So if you have 50 feet, you are supposed to have two trees every 50 feet and what I think I heard you say is they decided to bulk this all together to allow for the Fire Marshal's requirement for the 20 feet. Is that what I'm understanding?

Mr. Hardison: Yes, and they plan to beef up other areas of the property.

Council Member Shuttleworth: So at the end of the day, if you have 150 feet, you'd be looking at

18 shrubs and six trees. Is my math correct? So what you are saying is they have moved those all into one area to provide the amount of foliage we've asked for but also accommodate the Fire Chief's requirement.

Mr. Hardison: Yes, I spoke with the property owner and I'm trying to see if there is some give and take to meet the requirement of the fire department.

Mayor Benson: So there's no requirement on the spacing of the trees and shrubs based on the entire length of the property line?

Mr. Hardison: There is some flexibility there.

Mr. Poindexter: Do you have that straight, because I can straighten it out?

Council Member Shuttleworth: No, I got it straight.

Mayor Benson: Does the applicant have any other witnesses to call? None heard. With that, I make a motion to open the public hearing. All those in favor? Motion carries unanimously. Would the public like to address Council? Nothing heard. With that, I make a motion to close public hearing. All those in favor? Motion carries unanimously.

Does the Board have any other questions for the party or witnesses before we deliberate?

Council Member Pierce: Jeremy, will you pull up that satellite view of the property showing the intersection?

MPT Bridges: I find it interesting this property has a Lake Park Boulevard address when it's located on Saint Joseph Street.

Council Member Shuttleworth: Jeremy, you mentioned several different occasions when this property received a conditional use permit. The last one I think you said was in 2015. Was that the same applicant and we just haven't gotten to the finish line?

Mr. Hardison: Yes, we've had some...

Council Member Shuttleworth: Right, we did some modifications, we've talked about side setbacks, we've talked about centering and that we've done those but Ed, in 2015 when we approved those there was a healthy discussion on what this applicant would do to participate in any Lake Park/Saint Joseph.. I thought we put a dollar amount on that. What was the work out we gave?

Ms. Fox: Just a reminder that this is a quasi-judicial hearing, so any information that you have from previous applications need to be discarded and you need to focus on the evidence that is presented tonight.

Council Member Pierce: So my question is, what has triggered this because I know we have seen this before so what has triggered it? Is it a renewal? Is it some change that has triggered it back

before us?

Mr. Hardison: The owner has obtained Lee's Lane which was a private road and they have now purchased that road and made it a part of their property. They have also increased the number of bedrooms for eight of the units and the building size has increased slightly.

Council Member Pierce: But it still meets the requirements for that zoning?

Mr. Hardison: Yes

Council Member Pierce: So it triggers a CUP because of what it is?

Mr. Hardison: Yes, a multi-family.

Council Member Pierce: So it meets the zoning requirement for that lot?

Mr. Hardison: Yes

Council Member Shuttleworth: So Jeremy, where are you at with the long term plans for Lake Park and Saint Joseph and has there been a discussion with this applicant on this CUP and participation on those? That is the most difficult intersection we have on Lake Park. It's got the funky three sections of concrete.

Mr. Parvin: We have hired a traffic engineer to look at this intersection and come back with some options. We have looked at several options. Implementation with this project is not something that was feasible for them to do with the timeline we had so that's not part of this proposal.

Council Member Shuttleworth: From a practicality of traffic engineering, if you look at the driveway that they've proposed coming out to that weird three-way left over right over yield. I have no problem with the plan that we've talked about. I think they understand the buffer and I appreciate the fact that they are doing stormwater on-site but traffic is always the issue and that particular one is going to dump right out at that intersection. I don't know how you pull into the building into their parking lot or leave their parking lot without interfacing. What did you guys talk about at TRC regarding this CUP with that intersection?

Mr. Hardison: It was definitely a concern and we talked with the applicant about it. They said they would talk to DOT about it, DOT said yes, they will be glad to help but the applicant wasn't able to contribute anything financially to any improvements made.

Mayor Benson: Did any of the DOT requests that we had that they approved that came back related to the intersection here?

Mr. Hardison: The last set of questions that we sent to DOT?

Mayor Benson: Yes, that came back.

Mr. Hardison: That was not in any of the discussions.

Council Member Shuttleworth: Saint Joseph Street is a Town street and this property has a Lake Park Boulevard address which is a DOT road. Did they have to get a DOT driveway access permit? I'm in a pickle. This project and this particular CUP I understand is a new application. We have to disavow all the previous history, I get that. OK, so if you want me to look at it as an isolated case which I understand, Ms. Fox, so what are we doing with Saint Joseph and Lake Park, that intersection is not acceptable to dump 60.. It's late in the game to put an undue burden on an applicant. Frankly, Jeremy, this should have been addressed with the applicant on the initial submittal. If they have to get a DOT driveway permit, then they have to meet with DOT. If it's a Saint Joseph Street address, then the Town has to do something.

Council Member Pierce: So is that 44 parking places? Is my math correct?

Mr. Hardison: 44 is required.

Council Member Pierce: So there's a possibility of 44 cars coming in and out.

Council Member Shuttleworth: Which is not going to back up Saint Joseph Street but it's just a safety issue.

Mayor Benson: As a matter of separate, and I don't want to do that but this really is something that the Town would pursue a fix to it since we're talking about a new Lake Park address.

Mr. Parvin: It's a Lake Park address but it doesn't sound like they would have to get the DOT permits.

Mayor Benson: I think that ship has sailed as far as TRC is related.

Council Member Shuttleworth: I applaud staff in working with the applicant and understanding the buffer and I think that is a great workable because going against public safety is always difficult. When I read that the Fire Chief said he had to have 20 feet, the intent of the buffer is to provide a certain amount of foliage and it sounds like the applicant is willing to do that and I applaud them for working through that and all of these other issues. As far as the easement goes, I would have no problem having our Town Attorney draft language that said it's an easement and it should be effective only at such time as a marina boardwalk is approved and funded. I understand they don't want to be burdened with some big named easement forever that may never materialize but I don't like the idea of coming back later and saying you guys said you would talk about it, so let's talk about it.

Mr. Poindexter: All I was going to say was I didn't know if it would be helpful to have some clarification on this address and driveway permit situation. If you delve into the plans, despite the 402 North Lake Park address, it is a Saint Joseph Street driveway access so that's where the permits were generated from.

Mayor Benson: That would be addressed as a separate matter. Any other questions?

Council Member Pierce: I guess I'm not clear from staff on how you guys addressed it. I don't have a problem with the project but the street access is not that great.

Council Member Garza: You have one in and out.

Ms. Fox: If I understand Council correctly, your concern is with specific standard number one, or one of the general conditions. You're concerned with ingress and egress of the property.

Council Member Pierce: Right. So those mediums that we are referring to, are they technically Lake Park Boulevard or are they technically Saint Joseph Street?

Mr. Hardison: It's a controlled access off of a DOT road so DOT would approve what that access is.

Mayor Benson: That was not a part of the original request now I'm branching off away from the topic as it relates to that so I won't do that. That's a separate indiscreet but an important one. Do I have a motion?

Council Member Garza: I agree with Steve and LeAnn in regards to trying to solve that first part of this issue which is the ingress and egress as well.

Council Member Shuttleworth: I make a motion to approve. I find that it meets the specific standards. I would also include the conditions associated with the site specific situation with the exception. (I need some help on the future connectivity), or provide an easement for future expansion of marina walk. I find that it meets the four specific standards and the four general conditions.

Mayor Benson: All those in favor.

(Vote passed 4:1 with Council Member Garza voting Nay).

Council Member Garza: I'm still trying to wrap my head around this but I'm the only nay so it doesn't matter.

Council Member Shuttleworth: We've worked very hard as a community to see this. The easement is the only one I'm having a problem with.

Attorney Fox: You just voted to approve.

Council Member Pierce: I think we should address that intersection. We have been talking about it for years. It's not the applicant's fault that it's a poor street. Did you get that easement opportunity?

Ms. Fox: Yes.

Mayor Benson: Let's take a five minute break.

- b. Conditional Use Permit: For a 2 unit deattached residential Planned Unit Development located at 504 Keys Lane. Applicant: The Pioneer Group NC Inc.

This item was removed from the agenda by the applicant and proposed to be on the November 12, 2019 agenda.

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

Miles Murphy presented a request to allow Business Planned Unit Development(PUD) in the Neighborhood Business (NB) Zoning District.

Council Member Shuttleworth asked if this would affect the future Land Use Plan.

Mr. Murphy stated that this is a zoning ordinance text amendment. They are not amending the Land Use Plan.

Ms. Fox reminded Council that a plan is just that, a plan. The map that was adopted in 2007 was the plan.

Council Member Shuttleworth asked if Council adopts this proposed ordinance and they change the zones in the future, would this be in affect for those zones as well.

Mr. Murphy replied that it would not. This would only be affecting the Neighborhood Business District. The T-1 zoning district or the mixed use zoning district could come in with an application to allow a Commercial Planned Unit Development if it is not already allowed.

Council Member Garza said that it would be hard to shoot that down if we are allowing one today.

Council Member Shuttleworth expressed concern about this having a ripple affect in the future.

Mr. Murphy showed the table of permitted uses and explained that it is already allowed in the CBD, HB, MB-1, and T-1, and they would only be voting to allow it in the Neighborhood Business by conditional use permit. He explained that a PUD is not the number of businesses but the number of structures.

Council Member Shuttleworth mentioned that Council has discussed over the years to do away with CUP's because they are hard to enforce and track.

Ms. Fox state that she has not been a part of any of those conversations that she can recall.

Mr. Parvin said that he does recall having those conversations because some of these cases are more intense and some are less intense. He felt that Council Member Shuttleworth has a good point that there are some smaller PUD's that could be permitted by right.

Mr. Murphy said that staff's recommendation is to acknowledge that this zone in the 2007 Land

Use Plan recommends primarily lower intensity commercial operations, but does not have any objections to allowing Business Planned Unit Developments in the NB zone.

Mayor Benson made a motion to open the public hearing. Motion passed unanimously.

No one spoke.

Mayor Benson made a motion to close the public hearing. Motion passed unanimously.

ACTION: Motion to amend Chapter 40, Article III, Section 40-72 to allow Planned Unit Development in the Neighborhood Business District. It is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

Motion: Joe Benson

Vote: UNANIMOUS

- d. Text Amendment: To amend Chapter 40, Article VIII and XVIII to address government/public facilities and utilities. Applicant: Town of Carolina Beach

Miles Murphy presented the request stating that this is just consolidating definitions and the table of permitted uses for public facilities and government facilities. They were listed in two separate locations in the code. They used to be conditional use permit in every residential zoning district and we are proposing that they go to permitted by right in every residential zoning district as most of those projects are coming before Council so there are multiple notification processes going out to neighbors. Staff feels that an additional conditional use permit would be superfluous.

Mayor Benson made a motion to open the public hearing. Motion passed unanimously.

No one spoke.

Mayor Benson made a motion to close the public hearing. Motion passed unanimously.

Council Member Shuttleworth asked if this covered all of the different zones.

Mr. Murphy replied that it did.

ACTION: Motion to approve the language update to the Government/Public Facilities uses and definitions. Specifically, amending Chapter 40, Article VIII, Section 40-72 and 548. And whereas in accordance with the provisions of the NCGS 160A 383, does hereby find and determine that the adoption of a Text Amendment to amend Chapter 40 Article VIII Sec. 40 72 and 548 to adjust the definition and use of Government/Public Facilities in the Town of Carolina Beach is consistent with the goals and objectives of the adopted Land Use Plan and other long range plans.

Motion: Joe Benson

Vote: UNANIMOUS

- e. Amend ARTICLE VI. - SCHEDULES Sec. 16-205. - Schedule B, stop intersections.

Jeremy Hardison presented the request stating that it came as a directive from Council for staff to look into. Staff was asked to evaluate the need for four way stop signs in the Seagrove Community on North Carolina Avenue at the intersections of Searay, Spot, and Croaker Lane. Currently, these intersections stop traffic on North Carolina. Searay, Spot, and Croaker are through streets. Residents expressed concern about bicycles coming off the multi-use path and not obeying the stop signs that are in place.

Staff's recommendation to help stop this issue is to switch the stop signs around where you would be stopping on Searay, Spot, and Croaker, and North Carolina would become the through street. The Wilmington MPO traffic engineers reviewed and agreed with the recommendation. They try to limit the number of stop signs because they are frequently violated if unwarranted and they do not regulate speed.

Mayor Benson made a motion to open the public hearing. Motion passed unanimously.

Lynn Conto 807 North Carolina Avenue, asked staff not to remove the east/west stop signs. She would rather leave them as is if they are not going to be four way. If you change directions, that would make the through street go by the pool area. She said that the Fire Chief was not in favor of four way stops.

Mayor Benson made a motion to close public hearing. Motion passed unanimously.

Council Member Shuttleworth said that he would like keep the existing traffic pattern.

Mr. Hardison said that either way, it needs to be added to the ordinance because the current stop signs are not listed.

Council Member Shuttleworth asked staff to draft the ordinance showing the existing signage.

7. ITEMS OF BUSINESS

- a. Committee Appointments

This item was removed from the agenda at the request of Council Member Garza.

8. NON-AGENDA ITEMS

- a. Council Member Shuttleworth congratulated Council Member Garza on his upcoming wedding.

MPT Bridges said that the Brunswick Plant will be siren testing tomorrow.

Ms. Fox said that the contract for the 3 Carolina Beach Avenue South property purchase has an amendment. This does not change any of the terms. It only lists an additional seller. Judy R. Schrim owned 12.5% interest and her attorney and Mr. Barnes negotiated the terms. Council will need to approve the amendment.

Council Member Shuttleworth made a motion to approve the amended contract for 3 Carolina Beach Avenue South to include Judy R. Schrim as owning 12.5% interest. Motion passed

unanimously.

9. CLOSED SESSION

- a. Closed Session to Discuss a Real Estate and an Attorney/Client Matter

ACTION: Motion to go into closed session to discuss a real estate and an attorney/client matter in accordance to NCGS 143-318.11(a)(3)and(5).

The matters being discussed include:

TCB vs. Carolina Freeman LLC NHC 18 CVS 3151

TCB vs, B&F Enterprises LLC NHC 18 CVS 3152

TCB vs DRDK, LLC NHC 18 CVS 3153

TCB vs Freeman Beach, LLC 18 CVS 3154

The properties include:

316 Cape Fear Boulevard, Carolina Beach

1101 North Lake Park Boulevard, Carolina Beach

Motion: Joe Benson

Vote: UNANIMOUS

10. ADJOURNMENT

- a. Mayor Benson made a motion to return to open session stating that no action was taken during closed session. Motion passed unanimously.

Mayor Benson made a motion to adjourn at 10:00 p.m. Motion passed unanimously.

Adopted at a regular meeting on November 12, 2019.

Recorded by: Kimberlee Ward

CAROLINA BEACH

Town Council Workshop Minutes
 Tuesday, October 22, 2019 @ 9:00 AM
 Council Chambers
 1121 N. Lake Park Boulevard
 Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Workshop was held on Tuesday, October 22, 2019 at 9:00 AM at Council Chambers.

PRESENT: Mayor Pro Tem Tom Bridges, Council Member LeAnn Pierce, and Council Member Steve Shuttleworth

ABSENT: Mayor Joe Benson and Council Member JoDan Garza

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

1. MPT BRIDGES CALLED THE MEETING TO ORDER AT 9:00 AM

2. DISCUSSION ITEMS

a. Wilmington MPO presentation on Alternate Funding Sources

Abby Lorenzo, Senior Transportation Planner for the Wilmington Urban Area Metropolitan Planning Organization reviewed the Cape Fear Moving Forward 2045 alternative funding opportunities. The MPO is federally required to adopt and maintain a long range transportation plan for the region know as the Metropolitan Transportation Plan (MTP). It must be updated every 5 years and have a minimum planning horizon of 20 years. Projects must be in the adopted MTP to be eligible for federal funds. Some examples of alternative funding sources include taxes, grant and loan programs, and financing.

The WMPO will determine which alternative funding sources will be supported and applied in the 2045 MTP. Based on project rank and cost, the WMPO Board will endorse additional fiscally constrained projects.

b. Review the Ocean Rescue Design Build Contract

Ed Parvin presented the status of the Hamlet Avenue Ocean Rescue Building. He showed the preliminary layout. Staff met with WIMCO last week to review the scope.

Council Member Shuttleworth expressed concern about having such a large break room and so many doors at \$600 per door.

Council Member Pierce said that it is taking up parking spaces as well. She asked what the square

footage was.

Project Manager Ben Meister said about 3,300 square feet.

Mr. Parvin said they would sharpen their pencils on the cost of the project. He went on to show some ways they could reduce costs. He said they are speaking with WIMCO daily to discuss changes.

Council Member Shuttleworth asked if there could be some shared space with the Police Department to have a police sub-station in there as well.

Council Member Pierce suggested reducing the size of the building.

c. Freeman Park Recommendations for 2020 Season

Mr. Parvin presented some recommendations that were given by staff and the Freeman Park Committee.

Council Member Shuttleworth asked Mrs. Hall to show numbers from month to month to show the impact on the estimated \$1.9 million projected revenue. He wants to see how the costs have gone down since removing some of the operational costs.

Council Member Pierce asked if staff had polled visitors to see if they would purchase annual passes again.

Council Member Shuttleworth said that he has been pushing automation and that is what Lanier Parking sold them on.

Council Member Pierce said you cannot do away with the annual passes. People are not going to pay \$40 every time they want to watch a sunset.

Council Member Shuttleworth suggested doing a 3-day pass for \$100.

Council Member Pierce said she would like to have a public hearing before they make a decision.

Council Member Shuttleworth was not in favor of closing the park at 8 p.m. Council Member Pierce agreed saying the sun doesn't go down until 9 p.m. in the summer.

Council Member Shuttleworth said he wanted the alcohol rules to be one consistent rule along the entire beach strand. MPT Bridges agreed.

Mr. Parvin suggested having a special meeting for further discussion on Freeman Park.

Council Member Shuttleworth asked staff to put the recommendations out on social media and in the Island Gazette.

Council agreed to meet on November 13th at 6:00 p.m. with a follow-up meeting on November

19th.

d. Draft Harbor Ordinance

Mr. Parvin presented the suggested Harbor Ordinance changes. He discussed the issues that are occurring in the Harbor. They include:

Abandoned vessels, live aboards, regulating waste, breaking anchor, unauthorized use of public property, managing public resources, and communication with the boating community.

NC Session Law 2010-73 Section 2 gives the Town concurrent jurisdiction.

Mr. Parvin reviewed the differences between an abandoned vessel, a derelict vessel, and an unauthorized vessel.

Council Member Pierce asked what authority the Town has over the open water.

Ms. Fox said that the Town has special enabling legislation. You cannot deprive people of their public trust rights.

Council Member Pierce asked how you demolish vessels that are too large to be pulled out of the water. She asked if you can garnish their taxes to recover costs?

Ms. Fox said that she would find out.

Mr. Parvin discussed the mission of the Harbor Commission. He felt that it has become more of a boat captains group and he recommended possibly eliminating the Harbor Commission and establishing a boat captains meeting group that would meet a few times a year. The Canal Drive Committee has taken over a lot of what they were working on but he would like to keep them separate.

Council Member Pierce asked if Mr. Parvin was suggesting to combine the Harbor Commission with another committee or revamp the committee.

Mr. Parvin asked if Council felt there was a need for a harbor commission. He said they have only been meeting once a year.

Council Member Pierce said not the way it is set up now. It should be about the harbor and not just the fishing fleet. She added that she feels it needs a different mission than it has now.

Council Member Pierce said that she would like to meet with the clerk and the attorney to revamp the mission and she would be glad to take that committee.

MPT Bridges suggested that they have a boat captains meeting and that citizens who use the waterway should serve on the Harbor Commission. Council Member Pierce agreed.

Council Member Shuttleworth said he would like to bring in 3 committees to each workshop to give an update on what their roles and missions are. He also said that Council should be receiving the

minutes from all committee meetings.

Mr. Parvin said that the Powerline Committee wants to be on the November Council agenda.

MPT Bridges asked how staff plans to regulate the day dock times.

Mr. Parvin said that he and the Mooring Field Contractor Larry Denning will handle it right now. There will be some sort of posting that will be put on the vessel. It will take some oversight.

3. CLOSED SESSION

- a. MPT Bridges made a motion to go into closed session to discuss an attorney/client and personnel matter in accordance to NCGS 143-318.11(a)(3) and (6). The matters being discussed include:

TCB vs. Carolina Freeman LLC NHC 18 CVS 3151

TCB vs, B&F Enterprises LLC NHC 18 CVS 3152

TCB vs DRDK, LLC NHC 18 CVS 3153

TCB vs Freeman Beach, LLC 18 CVS 3154

Motion passed unanimously.

4. ADJOURNMENT

- a. MPT Bridges made a motion to return to open session stating that no action was taken during closed session. Motion passed unanimously.

MPT Bridges made a motion to adjourn at 12:45 p.m. Motion passed unanimously.

Adopted at a regular meeting on November 12, 2019.

Submitted by Kimberlee Ward, Town Clerk



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Debbie Hall

Department: Finance

Presentation of Annual Financial Audit

BACKGROUND:

Victor Blackburn from Bernard Robinson and Company will present a summary of the annual financial audit to Council.



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Kim Ward

Department: Clerk

Presentation by Step Up For Soldiers

BACKGROUND:

Step Up For Soldiers will recognize the Town for all of their support of the Step of For Soldiers Events.



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Tim Murphy

Department: Parks and Recreation

Special Events Update

BACKGROUND: Tim Murphy will present the events scheduled for November and December.

ATTACHMENTS: [Town Council - events 11.12.19](#)



Special Events

NOVEMBER/DECEMBER

THE LIGHTING AT THE LAKE CELEBRATION

Friday, November 29TH 7:00 pm



CHRISTMAS BY THE SEA

Saturdays at the Boardwalk 6:30 - 8:30 pm

Lighting Ceremony November 30th

Additional Dates: December 7th, 14th and 21st



CHRISTMAS PARADE

Friday, December 6th 7:30 pm



CHRISTMAS FLOTILLA

Saturday, December 7TH 6:00 pm Carolina Beach Boat Basin



HOLIDAY MOVIE AT THE LAKE “The Polar Express”

Friday, December 20th 7:00 pm

Stingray Amphitheatre



Carolina Beach State Park Trail Half Marathon & 5K

Saturday, December 28, 2019

American Legion Post

8:00AM Start Time

2019 Amendments:

- **Bridge Barrier Rd closed from American Legion to dead end.**
- **Utilize part of greenway under Snows Cut Bridge**



NEW YEAR'S EVE CELEBRATION

Tuesday,

December 31ST

9:00 pm

Carolina Beach

Boardwalk



QUESTIONS?

Tim Murphy

Recreation Programs Superintendent/Community Events Coordinator

tim.murphy@carolinabeach.org

910.707.2064







AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019
Prepared By: Ed Parvin
Department: Executive

Manager's Update

BACKGROUND: Ed Parvin will give an update on current and upcoming projects.



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Jeremy Hardison

Department: Planning

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

BACKGROUND:

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

Specific standards. Applicant must make provisions for:

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

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

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

(2) *Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;*

The required parking is provided below

Parking requirements

- Existing Boat Slips – 69, 1 per boat slip = 69 spaces
- Proposed retail space – 320 sq. ft., 1 per 200 sq. ft. = 1.6
- Eating & Drinking Establishment - 320 sq. ft. of inside, 1 per 110 = 2.9

2,600 sq. ft. outdoor, 1 per 220 sq. ft. = 11.8 spaces

- One residential unit - 1,200sq. ft. = 1 per 1,000sq. ft. = 1.2
- Office space - 600 sq. ft., 1 per 300 sq. ft. = 2
- Existing retail in building - 933 sq. ft., 1 per 200 sq. ft. =

4.7

- Existing parking = 81 spaces
- Proposed additional parking = 93.2 spaces = 94 spaces
- Total parking provided = 95

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

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

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

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

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

No additional landscaping is required

(6) *Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;*

No additional signage are proposed

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

No new upland structures are proposed

General conditions.

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

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

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

specifications;

After review by staff the plan has been determined to meet all conditions and specifications.

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

The proposed use is in keeping with the character of the MB-1 area.

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

The desired Future Land Use of the Marina Mixed Use area includes commercial uses that includes water-oriented restaurants and services.

ACTION REQUESTED:

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

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

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

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

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

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

Reasons for denial must be specifically stated by the Council:

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

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

(3) That the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

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

**COMMITTEE
RECOMMENDATION:**

Planning & Zoning Commission Chairman made a motion to recommend approval of the CUP for conditional use permit at 401

Marina St, Carolina Beach Marina and Yacht Club to operate as an eating and drinking establishment that will consist of a floating barge that the project meets all required conditions and specifications. The motion did not pass as the vote was 3 yea and 3 nay. The reason stated for the nay votes is that the project will not be in harmony with the area in which it is to be located.

ATTACHMENTS:

[CUP Application](#)

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

[Easement Plat](#)

[Oceana Plat](#)

[CUP ORDER - 401 Marina St.](#)



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

Permit Number: CB-CO4

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

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

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

Major Conditional Use Permit = \$ 800.00

Minor Conditional Use Permit = \$ 350.00

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

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

2019 Submission Deadlines & Meeting Dates					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 7	Jan 22	Dec 27	Jan 10	Dec 27	Jan 8
Feb 4	Feb 18	Jan 31	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): 401 Marina Street Carolina Beach, NC 28428
 PIN(s): R08519-002-002-000, R08519-002-028-000, R08807-002-010-000
 Project Name Carolina Beach Yacht Club and Marina Expansion
 Size of lot(s): No Change

B. Application for Conditional Use Permit

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

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

C. Applicant Contact Information

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

D. Owner Contact Information (if different)

COURTNEY Sloan
 Owner's Name
22555 John Gamble Rd
 Mailing Address
CORNELIUS, NC 28031
 City, State, and Zip Code
704-995-0086
 Telephone
C.SLOAN10010@AOL.COM
 Email

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

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

 The new ships store will now be located on the side of the fuel dock. Therefore, patrons can easily access the snacks, beverages, ice, etc that are sold to the public. There will be safety rails installed around the ships store to prevent anyone from falling into the water. By moving the ship store it will be safer due to the fact the boaters will not have to leave their boat for extended periods of time to walk the 250 feet to the current ships store. They will have a faster response times to any issues that may harm their boat or others at the fuel dock.

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

 No waivers requested

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

 The barge that houses the new ship store and concessions is located on the water in front of our property which will not influence any of the neighboring properties.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

channel _____

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

__N/A _____

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

I. Site Plan Criteria

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

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

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

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

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

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

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

Date: 9/25/19

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

Signature of Owner: Courtney A. Sloan

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

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

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

Courtney A. Seaman

Signature

9/26/19
Date

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Conroy A. Sloan, does hereby appoint _____ 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: 9/20/19

Appointee's Name, Address & Telephone:

Signature of Owner: Conroy A. Sloan

Project Narrative

Carolina Beach Yacht Club and Marina

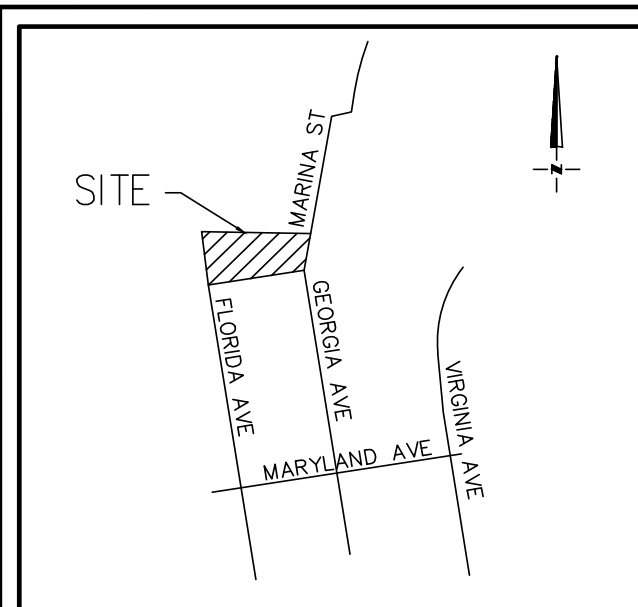
Relocation of ships store and concessions down to vessel anchored on the north side of the fuel dock. A concrete barge ship with an existing structure will be driven behind the existing fuel dock. The current platform will be relocated from the north side of the fuel dock to the south side. The barge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

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

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

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

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



LOCATION MAP
NTS

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

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

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

JURISDICTION: TOWN OF CAROLINA BEACH

CURRENT ZONING: MB-1-MARINA

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

BOAT SLIP
-1 SPACE PER WET SLIP 69

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

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

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

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

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

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

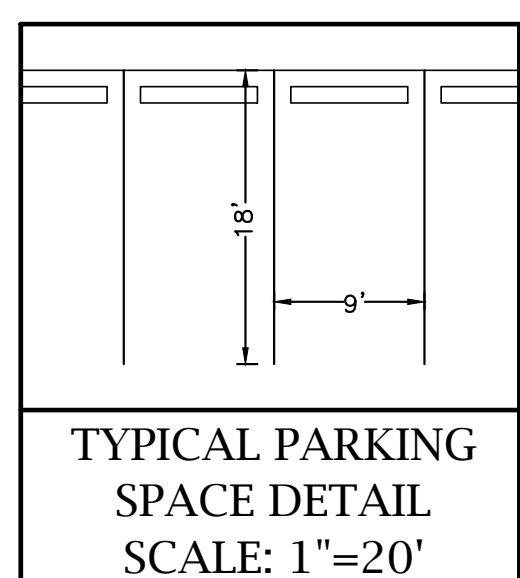
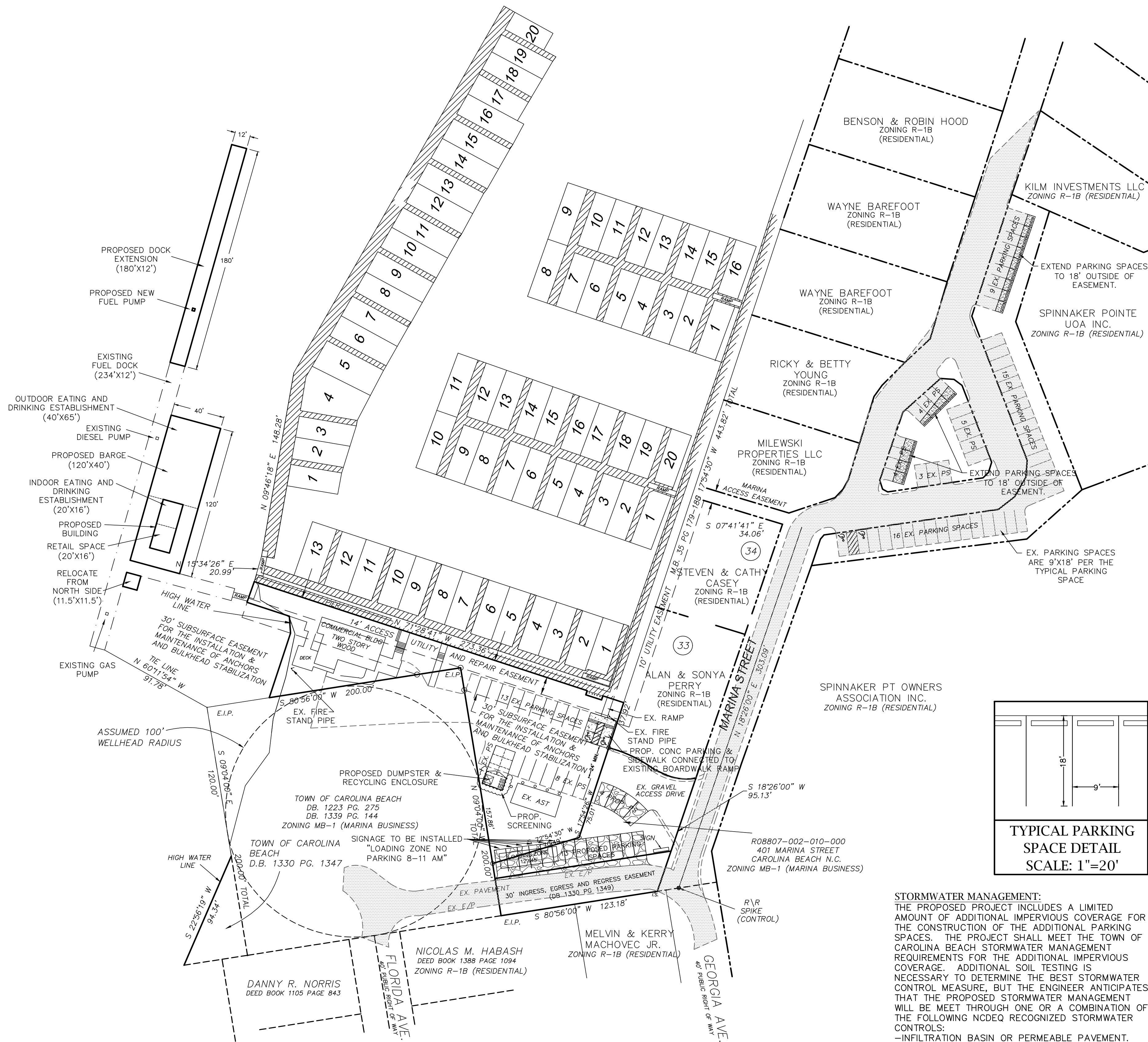
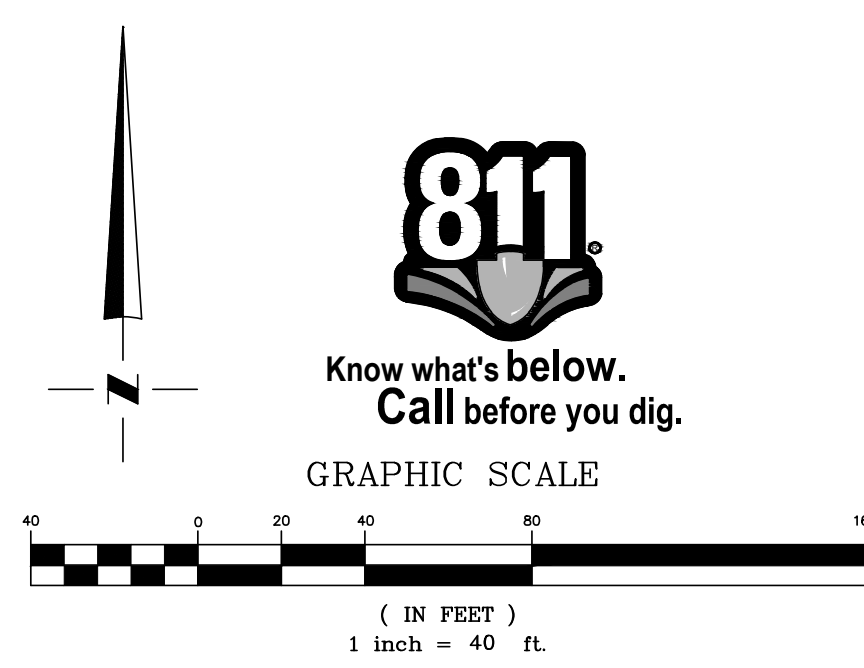
LOT COVERAGE
EXISTING BUILDING/FUEL TANK: 2,144 SF
EXISTING CONCRETE/ASPHALT/GRAVEL: 25,640 SF
TOTAL EXISTING IMPERVIOUS: 27,784 SF

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

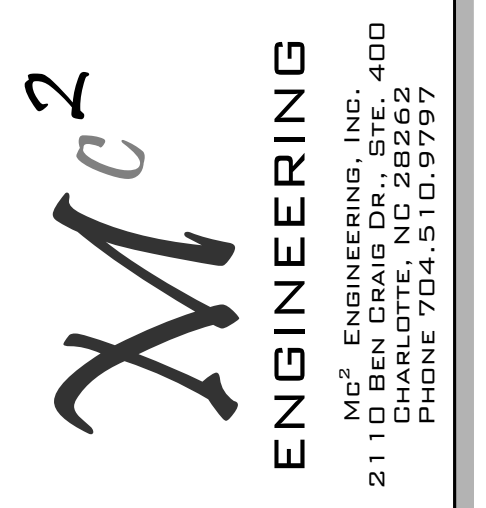
LOADING SPACE REQUIREMENTS
LESS THAN 15,000 SF (MUST SUBMIT A LOADING PLAN)
-PROPOSED OFFICE, RETAIL AND RESTAURANT USE IS A TOTAL OF 4,973 SF. THE ANTICIPATED DELIVERIES FOR THE OFFICE AND RETAIL SPACE CONSIST OF TYPICAL DELIVERIES FROM UPS/FEDEX. THE RESTAURANT DELIVERIES WILL BE SCHEDULED TO OCCUR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

DEVELOPMENT SUMMARY

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



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



THE SEALS AND DRAWINGS SHOWN ARE THE PROPERTY OF M^2 ENGINEERING, INC. REPRODUCTION OR USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY M^2 ENGINEERING, INC. IS PROHIBITED.

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

SKETCH PLAN

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

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

SP1.0

NEW HANOVER COUNTY NORTH CAROLINA
 I, MARK A. STOCKS CERTIFY THAT THIS PLAT WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION (DEED DESCRIPTION RECORDED IN BOOK AS, PAGE SHOWN); THAT BOUNDARIES NOT SURVEYED ARE CLEARLY INDICATED AS DRAWN FROM INFORMATION FOUND IN BOOK AS, PAGE SHOWN; THAT THE RATIO OF PRECISION AS CALCULATED IS 1:10000; THAT THIS PLAT WAS PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 12 DAY OF JUNE A.D., 2015.

Mark A. Stocks
 MARK A. STOCKS
 N.C. PLS NO. L-3658



CERTIFICATE OF APPROVAL FOR RECORDING
 I HEREBY CERTIFY THAT THE SUBDIVISION PLAT SHOWN HAS BEEN FOUND TO COMPLY WITH THE SUBDIVISION REGULATIONS FOR CAROLINA BEACH, NORTH CAROLINA, AND HAS BEEN APPROVED BY THE DIRECTOR OF PLANNING AND DEVELOPMENT FOR RECORDING IN THE OFFICE OF THE REGISTER OF DEEDS OF NEW HANOVER COUNTY. THE TOWN ACCEPTS THE DEDICATION OF STREETS, EASEMENTS, AND PUBLIC PARKS, BUT ASSUMES NO RESPONSIBILITY TO OPEN OR MAINTAIN ANY STREETS, EASEMENTS, RIGHTS-OF-WAY, OR OTHER LANDS SHOWN THEREON UNTIL IT HAS BEEN APPROVED AND FORMALLY ACCEPTED BY THE TOWN OF CAROLINA BEACH DIRECTOR OF OPERATIONS.

6/19/15
 DATE

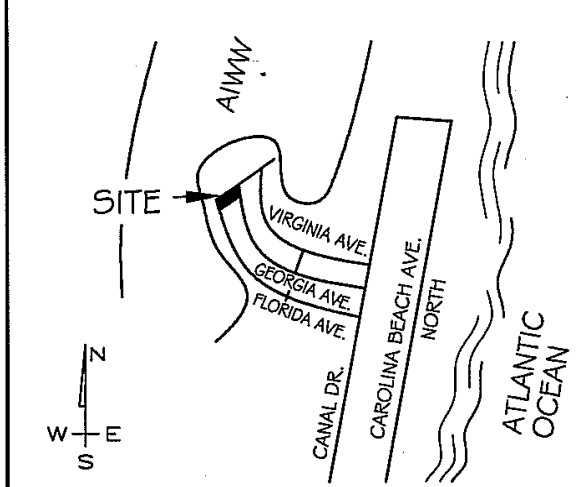
[Signature]
 DIRECTOR OF PLANNING AND DEVELOPMENT,
 TOWN OF CAROLINA BEACH

STATE OF NORTH CAROLINA
 COUNTY OF NEW HANOVER

I, SAM DUBOIS REVIEW OFFICER OF NEW HANOVER COUNTY, CERTIFY THAT THE MAP OR PLAT TO WHICH THIS CERTIFICATE IS AFFIXED MEETS ALL STATUTORY REQUIREMENTS FOR RECORDING.

REVIEW OFFICER: S. Dubois

DATE: 06.19.15



LOCATION MAP
 NOT TO SCALE

SURVEY REFERENCE
 MAP BOOK 3 PAGE 67
 DEED BOOK 1687, PAGE 776
 DEED BOOK 1388, PAGE 1094
 PARCEL ID #R08807-002-001-000
 NOTE: THE SUBJECT PROPERTY IS LOCATED IN ZONE AE (12) AS PER FIRM COMMUNITY PANEL # 3151 J. DATED: APRIL 3, 2006. MAP #3720313100J CID # 375347. INDEX DATED: FEBRUARY 16, 2007.

NEW HANOVER COUNTY NORTH CAROLINA
 THIS PLAT IS OF A SURVEY OF ANOTHER CATEGORY, SUCH AS RECOMBINATION OF EXISTING PARCELS, A COURT ORDERED SURVEY, OR, OTHER EXCEPTION TO THE DEFINITION OF SUBDIVISION.

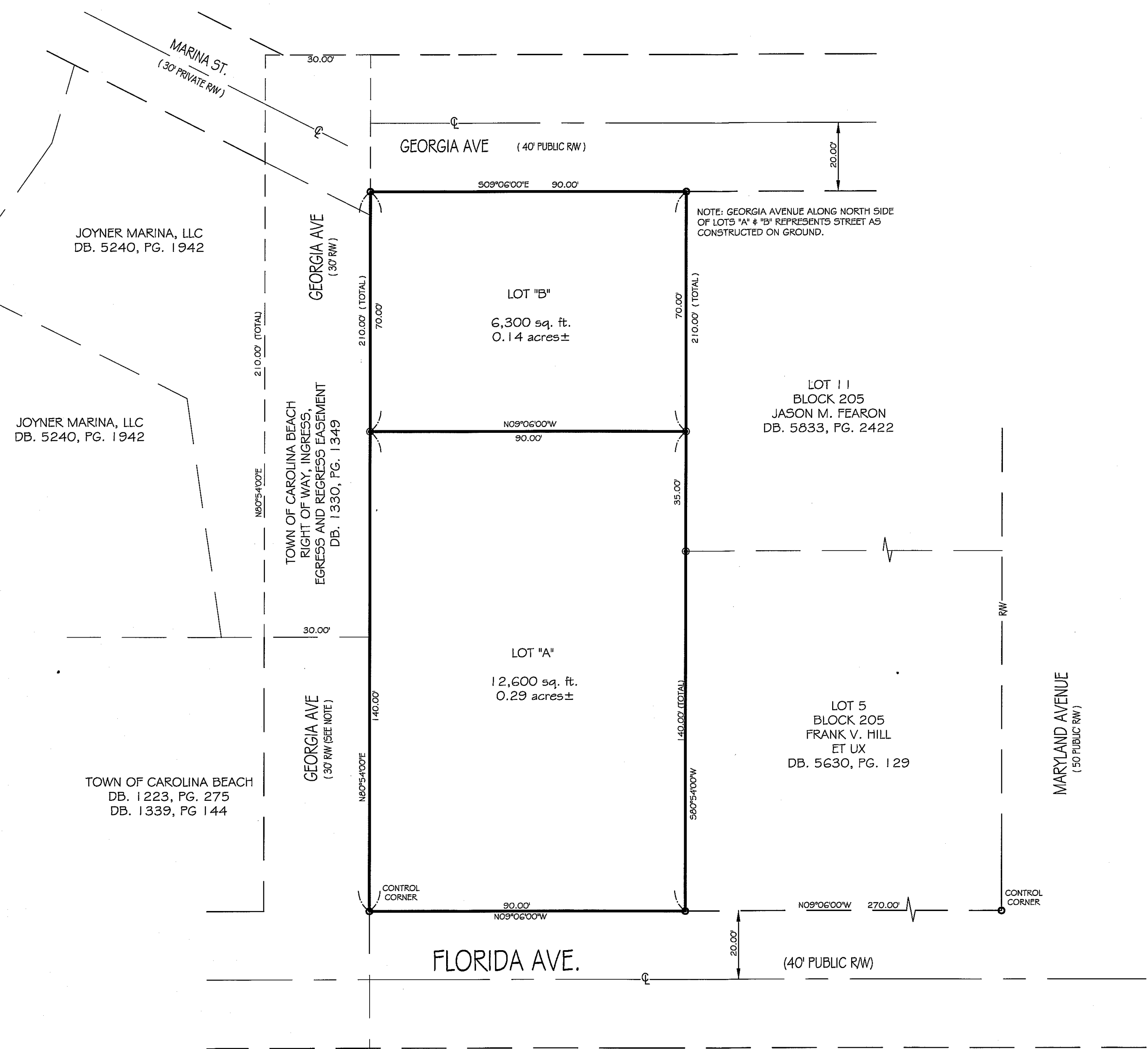
Mark A. Stocks
 MARK A. STOCKS

CERTIFICATE OF OWNERSHIP, DEDICATION AND JURISDICTION:
 I (WE) HEREBY CERTIFY THAT I (WE) ARE THE OWNERS OF THE PROPERTY SHOWN AND DESCRIBED HEREON AND THAT I (WE) HEREBY ADOPT THIS PLAN OF SUBDIVISION WITH MY (OUR) FREE CONSENT ESTABLISH THE MINIMUM BUILDING LINES AND DEDICATION OF ALL STREETS, ALLEYS, WALKS, PARKS, CONSERVATION SPACE AND OTHER AREAS TO PUBLIC OR PRIVATE USE AS NOTED. I (WE) HEREBY DEDICATE EASEMENTS TO THE TOWN OF CAROLINA BEACH OVER ALL PUBLIC AND PRIVATE STREETS FOR WATER AND SEWER LINES AND APPURTENANCES. ALL ROADS AND DRAINAGE EASEMENTS ARE DEDICATED FOR PUBLIC UTILITY PURPOSES. FURTHER, I (WE) CERTIFY THE LAND AS SHOWN HEREON IS LOCATED WITHIN THE SUBDIVISION JURISDICTION OF THE TOWN OF CAROLINA BEACH NC.

9/19/2015 DATE
Nicholas Habash OWNER(S)

NEW HANOVER COUNTY NORTH CAROLINA
 FILED FOR REGISTRATION ON THE 14th DAY OF June 2015,
 AT 3:34 AM PM AND DULY RECORDED IN MAP BOOK 60 AT PAGE 273.
 Instr # 2015018376

Tammy Theusch Beasley
 TAMMY THEUSCH BEASLEY
 REGISTER OF DEEDS
 BY: *C. Dupuy*



- NOTES:
- IRON PIPES AT ALL CORNERS UNLESS OTHERWISE NOTED.
 - ALL LOTS SUBJECT TO A 10' UTILITY EASEMENT ALONG RIGHTS OF WAY OF ALL STREETS.
 - N.C.G.S. MONUMENT NOT LOCATED WITHIN 2000'.

- LEGEND
- = EXIST. IRON ROD
 - = SET IRON ROD
 - ⊙ = CENTERLINE
 - ⊞ = CONC. MONUMENT

OWNER: NICHOLAS HABASH #4720 WALTMOOR ROAD WILMINGTON, NC 28409

MARK A. STOCKS, PLS
 PROFESSIONAL
 LAND SURVEYOR
 4705 SOUTHPORT / SUPPLY HWY #206
 SOUTHPORT, NC 28461
 phone: (910) 457-6710
 fax: (910) 457-6560
 email: mstocksland@bellsouth.net
 LICENSE No. 3658

MAP OF DIVISION OF
 LOTS 6 & 12, PART OF LOTS 5 & 11
 BLOCK 205 CAROLINA BEACH NORTHERN SECTION
 AS RECORDED IN MAP BOOK 3, PAGE 67 OF THE NEW HANOVER COUNTY REGISTRY
 FEDERAL POINT TOWNSHIP NEW HANOVER COUNTY, N.C.

JUNE 12, 2015 0.43 AC. ± (total)

 1 INCH = 20 FEET
 © MARK A. STOCKS, PLS. JUNE 2015

Nick Habash (910) 612-5597



FOR REGISTRATION REGISTER OF DEEDS
TAMMY THEUSCH BEASLEY
NEW HANOVER COUNTY, NC
2015 JUN 19 03 34 09 PM
BK 60 PG 273-274 FEE \$21 00

INSTRUMENT # 2015018376

MAP INDEX

Map of Division of Lots 6 & 12, Part of lots 5 & 11
Block 205 Carolina Beach Northern Section

Name of Map

Nicholas Habash

Owner's Name

Type of Map:

- Subdivision**
- Condo**
- Highway**

Book 60 **Page(s)** 273

Number of Pages: 1

Recorded By: 
Deputy ~~Assistant~~



TAMMY THEUSCH BEASLEY
REGISTER OF DEEDS, NEW HANOVER
216 NORTH SECOND STREET

WILMINGTON, NC 28401

Filed For Registration: 06/19/2015 03:34:09 PM
Book. PLAT 60 Page: 273-274
Document No.: 2015018376
2 PGS \$21.00

Recorder: HUGHLEY, CAROL

State of North Carolina, County of New Hanover

PLEASE RETAIN YELLOW TRAILER PAGE WITH ORIGINAL DOCUMENT.

2015018376

2015018376



STATE OF NORTH CAROLINA
 I, Robert H. Goslee, certify that this plot was drawn under my supervision from actual survey made under my supervision from information found in the New Hanover Co. Registry, as noted herein, that the error of closure as calculated by latitudes and departures is 1/1000000th of the perimeter not surveyed are shown as broken lines. This was done in accordance with G.S. 42-30 as amended. Witness my hand and seal of the County of New Hanover, N.C., this 22nd day of September, 1994.

Robert H. Goslee
 Robert H. Goslee
 Registered Land Surveyor
 N.C. Registration # 1198

STATE OF NORTH CAROLINA
 I, Manley D. Carr, a Notary Public for said County and State, do hereby certify that Robert H. Goslee, a registered land surveyor, personally appeared before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official seal of the County of New Hanover, N.C., this 22nd day of September, 1994.

Manley D. Carr
 Manley D. Carr
 Notary Public
 My Commission Expires December 30, 1997

STATE OF NORTH CAROLINA
 NEW HANOVER COUNTY
 The foregoing certificates of Manley D. Carr, a Notary Public of New Hanover County, is certified to be correct. This the 22nd day of September, 1994.

MARY SUE OOTS
 By: *Doris Low Oots*
 STATE OF NORTH CAROLINA
 Filed for registration on the 28th day of September, 1994, at 4:23 (A.M.P.M.) and duly recorded in Map Book 34, at Page 143.

STATE OF NORTH CAROLINA
 NEW HANOVER COUNTY
 I hereby certify that all streets shall be installed in an acceptable manner and according to the specifications and standards of the Town of Carolina Beach.

9/28/94
[Signature]
 OWNER

CERTIFICATE OF APPROVAL OF THE DESIGN AND INSTALLATION OF STREETS, UTILITIES, AND OTHER REQUIRED IMPROVEMENTS
 I hereby certify that all streets, utilities, and other improvements have been installed in an acceptable manner and according to Town specifications and standards in the OCEANA subdivision or that a guarantee of the installation of the required improvements in an amount and manner satisfactory to the Town of Carolina Beach has been received.

9-28-94
Lourence J. Lindsey
 City Manager

CERTIFICATE OF APPROVAL BY THE PLANNING AND ZONING COMMISSION
 The Carolina Beach Planning and Zoning Commission hereby approves the Final Plat for the OCEANA subdivision.

9/28/94
Charles R. Howard
 Chairman

CERTIFICATE OF OWNERSHIP AND DEDICATION
 I hereby certify that I am the owner of the property shown and described hereon and that I accept this plan of subdivision with my free consent, establish minimum building setback lines, and dedicate all streets, alleys, walks, parks, and other sites and easements to public use as noted. Furthermore, I dedicate all public sewer lines and all water lines to the Town of Carolina Beach, if applicable.

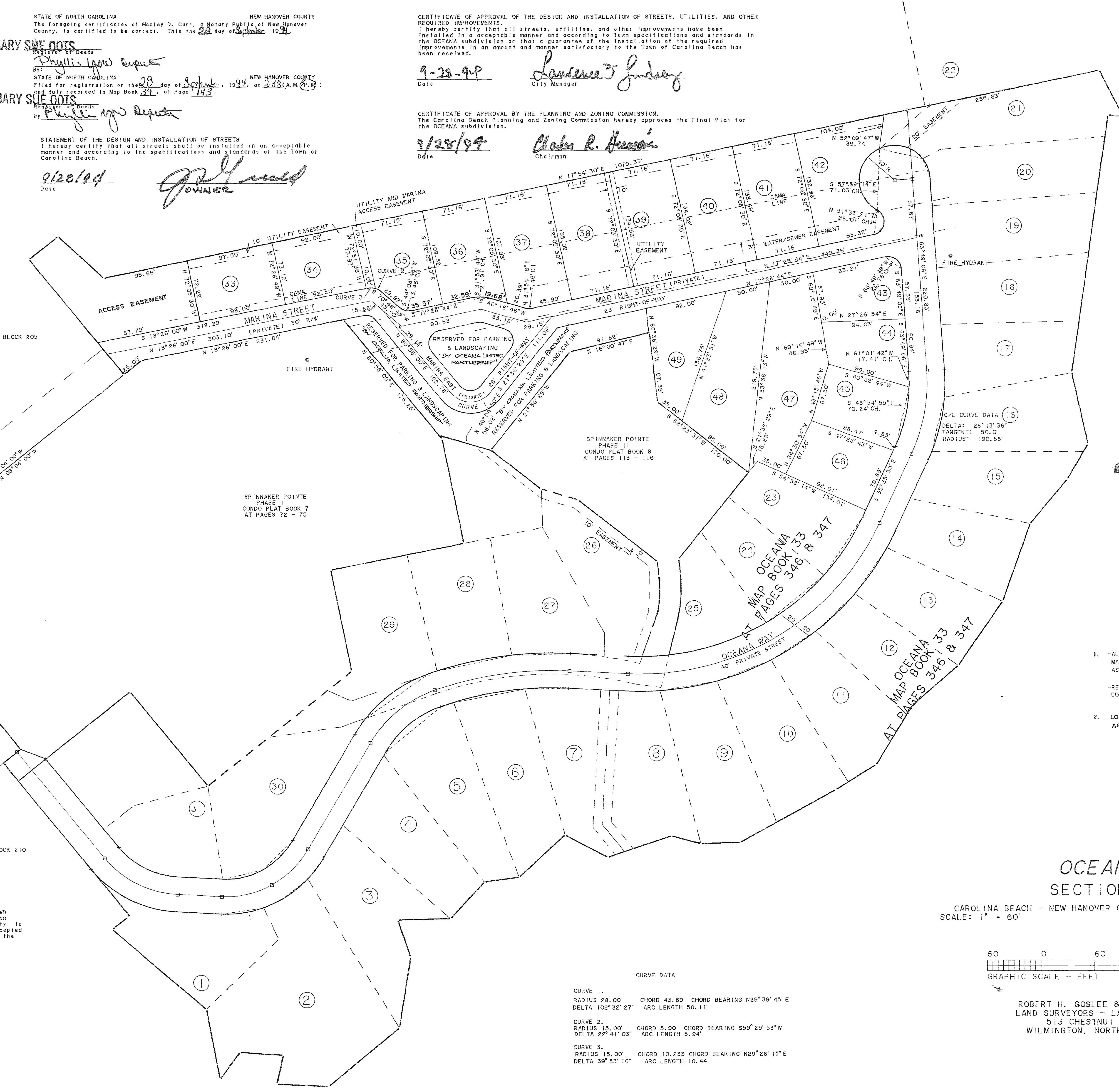
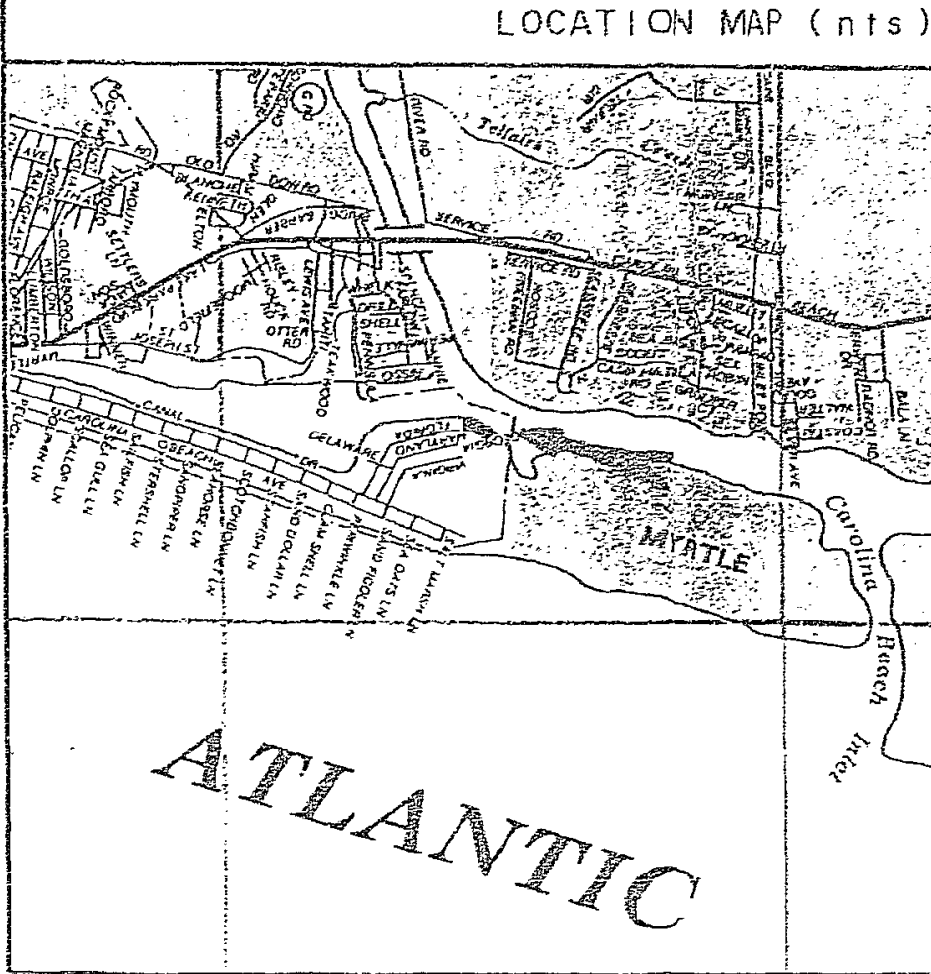
9/28/94
[Signature]
 Date

CERTIFICATE OF WATER SUPPLY AND SEWAGE DISPOSAL SYSTEMS
 I hereby certify that the water supply and sewage systems installed, or proposed for installation, fully meet the requirements of the Town of Carolina Beach and applicable agencies of the State of North Carolina.

9/28/94
[Signature]
 Date

I, ROBERT H. GOSLEE, A REGISTERED LAND SURVEYOR, CERTIFY THAT THIS PLAN IS OF A SURVEY THAT CREATES A SUBDIVISION OF LAND WITHIN THE AREA OF A COUNTY OR MUNICIPALITY THAT HAS AN ORDINANCE THAT REGULATES PARCELS OF LAND.

Robert H. Goslee
 ROBERT H. GOSLEE, R.L.S. L-1195

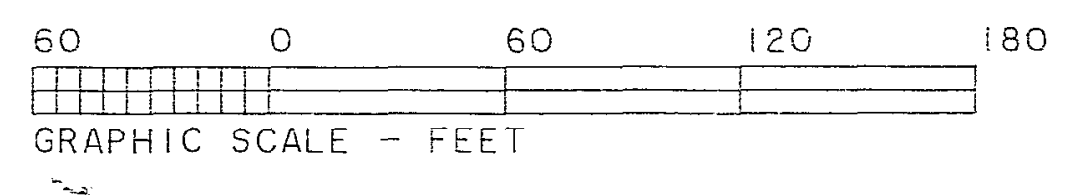


143

- NOTE:
- ALL STREETS AND OTHER COMMON AREA SHALL BE MAINTAINED BY A LEGALLY FORMED HOMEOWNERS ASSOCIATION.
 -RECORDED IN BOOK 227 PAGE 1756 NEW HANOVER COUNTY REGISTRY
 - LOT CORNERS OF LOTS THAT FRONT ON THE MARINA ARE SET 10.0' BACK FROM CORNER ON 10.0' EASEMENT LINE.

OCEANA SECTION 2

CAROLINA BEACH - NEW HANOVER COUNTY - NORTH CAROLINA
 SCALE: 1" = 60'
 SEPTEMBER 8, 1994



CURVE DATA

CURVE 1.	RADIUS 28.00'	CHORD 43.69'	CHORD BEARING N29°39'45"E	DELTA 102°32'27"	ARC LENGTH 50.11'
CURVE 2.	RADIUS 15.00'	CHORD 5.90'	CHORD BEARING S59°29'53"W	DELTA 22°41'03"	ARC LENGTH 2.94'
CURVE 3.	RADIUS 15.00'	CHORD 10.233'	CHORD BEARING N29°26'15"E	DELTA 39°53'16"	ARC LENGTH 10.44'

ROBERT H. GOSLEE & ASSOCIATES
 LAND SURVEYORS - LAND PLANNERS
 513 CHESTNUT STREET
 WILMINGTON, NORTH CAROLINA

CERTIFICATE OF APPROVAL FOR RECORDING
 I hereby certify that the Subdivision Plat shown hereon has been found to comply with the Subdivision Regulations for Carolina Beach, North Carolina, and has been approved by the Town Council for recording in the office of the Register of Deeds of New Hanover County. The Town Council has the dedication of streets, easements, and public parks, but assumes no responsibility to open or maintain any streets, easements, rights-of-way, or other lands shown thereon and accepted hereby for public purposes until in the opinion of the Carolina Beach Town Council it is in the public interest to do so.

9/28/94
Tom B. Thompson
 Date
 Clerk, Town of Carolina Beach



DEVELOPER:
 OCEANA LTD.,
 401 VIRGINIA AVE.
 CAROLINA BEACH, N.C. 28428

SURVEYOR:
 ROBERT H. GOSLEE & ASSOCIATES
 513 CHESTNUT STREET
 WILMINGTON, N.C. 28401

RECORDED BY: *[Signature]*

Map Book 34 Page 143

Joe Benson
Mayor

Steve Shuttleworth
Council Member

LeAnn Pierce
Council Member



Tom Bridges
Mayor Pro Tem

JoDan Garza
Council Member

Ed Parvin
Interim Town Manager

Town of Carolina Beach
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
TEL: (910) 458-2999
FAX: (910) 458-2997

ORDER GRANTING A CONDITIONAL USE PERMIT

Location: 401 Marina St
Applicant: CBYC LLC

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **November 12, 2019** to consider the application submitted by CBYC, LLC for issuance of a Conditional Use Permit to expand an existing marina for an eating and drinking establishment, ship store, and to expand the fuel dock . The following persons offered sworn testimony: Planning Director Jeremy Hardison, . The following uncontested facts were presented:

FINDINGS OF FACT

1. CBYC, LLC is the owner of a property located at 401 Marina St. in Carolina Beach, NC.
2. The property is zoned Marina Business (MB) and a non-contiguous parking lot located within the ocean gated subdivision zoned R-1B.
3. The square footage of the property where the marina is located is 23,111 square feet.
4. Eating and Drinking & Establishments and marinas are allowed in the MB-1 district with a Conditional Use Permit.
5. The existing property has one building that contains office, retail, and residential unit and consist of 69 wet boat slips.
6. The approval is for a 40' x 120' barge on the east of the existing fuel docks to expand the marina store to the barge and erect a 40' X 16' building that will contain a concession stand, dockhand office, retail and a horseshoe bar that will provide hot dogs, sandwiches, beer and wine.
7. The barge will be registered as a vessel and will me motorized.
8. The applicant is also expanding the fuel docks by 160' X 12' to the north and will provide two more additional gas fuel dispensers.
9. The existing building will be utilized as an office and storage with an existing residential unit above.
10. The additional parking lot inside the gate of Oceana Subdivision located in the R-1B that accommodates the boat slips was approved 9/28/94.
11. The property is located in a flood zone.
12. The property is within a CAMA Area of Environmental Concern and will need a major CAMA permit.

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;

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

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;

The required parking is provided below

Parking requirements

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

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

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

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

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

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

No additional landscaping is required

(6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

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

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

No new upland structures are proposed

General conditions. The *town council*, in granting the permit, must also find that all four (4) of the following conditions exist;

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

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

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

After review by staff the plan has been determined to meet all conditions and specifications.

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

The proposed use is in keeping with the character of the marina business area.

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

The desired Future Land Use of the Marina Mixed Use area includes commercial uses that includes water-oriented restaurants and services.

CONCLUSIONS OF LAW

It's concluded that the Specific and General Standards are met

It is ordered that the application for the issuance of a Conditional Use Permit by CBYC be granted, subject to the following conditions:

- 1) The site plan corresponding to this approval was designed by Mc2 , engineering dated 8/31/18 with the latest revision date 9/22/19.
- 2) Prior to issuance of building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire. All plans will be reviewed to ensure building fire and town codes have been met.
- 3) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.
- 5) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-way's.
- 7) All permits and approval letters required by all Federal, State, and Local Agencies shall be submitted.
- 8) Obtain CAMA permit prior to the issuance of a building permit.
- 9) The fire suppression system must be approved by the Carolina beach Fire marshal prior to issuance of any permits.
- 10) The permit will expire on November 12, 2021 if no work has commenced associated with the approval.

Ordered this 12th day of November, 2019

Joe Benson, Mayor

Date

ATTEST:_____

Kimberlee Ward, Town Clerk

Date



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Miles Murphy

Department: Planning

CUP: 1012 S. Lake Park Blvd - Business PUD - Applicant: Ralph Roof

BACKGROUND:

The applicant, Ralph Roof, is requesting a Conditional Use Permit (CUP) to construct a business Planned Unit Development by placing a second commercial structure on 1012 S. Lake Park Blvd. The parcel is zoned NB which now allows Business as of a Text Amendment decision on 10/8/2019 by Town Council.

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

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

- Ingress and egress will remain via S. Lake Park Blvd
- The parking lot design will accommodate 2-way traffic

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

- Parking will be contained on the property

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

- Trash will be collected in a refuse container on site

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

- Utilities will be provided by Duke and the Town as they are already existing through the access easement

- New parking improvements will require the grading of the lot so that no stormwater collects on the rear of the property and all stormwater is directed towards Lake Park

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

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

- A waiver is requested for 2.5' of landscaping along the north side of the property where the proposed structure is located

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

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

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

- There is no require yard or open space beyond general zoning standards for a business PUD

- Minimum of 15' between structures

- Minimum of 10% of open space

- Below maximum of 40% lot coverage

General conditions. The town council, in granting the permit, must also find that all four (4) of the following conditions exist;

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

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

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

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

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

- It requires 2.5' of the 10' landscape buffer to be waived on north for the second structure

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

- The proposed structure will conform with the neighboring properties.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

-The desired Future Land Use of the Mixed Use 1 area includes a future predominance of single-family and duplex units. Commercial uses shall include lower intensity restaurants and commercial services and retail. Building height shall not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (A) and (B). Density will be moderate with 5,000 to 6,000 square foot lot minimums for residential uses, with around 15 to 17 units per acre density in Mixed Use 1 areas west of

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

ACTION REQUESTED:

Approve the CUP in accordance with the draft grant order and that the proposal meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

- With a waiver of 2.5' of the required landscaping buffer along the edge of the proposed structure on the north side of the property.

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

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

COMMITTEE RECOMMENDATION:

Staff does not recommend the approval of the proposed Business CUP as it does not fully meet the required 10' landscape buffer.

ATTACHMENTS:

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



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

Permit Number: 19-007

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

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

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

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

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

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

2019 Submission Deadlines & Meeting Dates					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 7	Jan 22	Dec 27	Jan 10	Dec 27	Jan 8
Feb 4	Feb 18	Jan 31	Feb 14	Jan 30	Feb 12
Mar 4	Mar 18	Feb 28	Mar 14	Feb 27	Mar 12
Apr 1	Apr 15	Mar 28	Apr 11	Mar 27	Apr 9
May 6	May 20	Apr 25	May 9	May 1	May 14
June 3	June 17	May 30	June 13	May 29	June 11
July 1	July 15	June 27	July 11	June 26	July 9
Aug 5	Aug 19	July 25	Aug 8	July 31	Aug 13
Sept 2	Sept 16	Aug 29	Sept 12	Aug 28	Sept 10
Oct 7	Oct 21	Sept 26	Oct 10	Sept 25	Oct 8
Nov 4	Nov 18	Oct 31	Nov 14	Oct 30	Nov 12
Dec 2	Dec 16	Nov 28	Dec 12	Nov 20	Dec 10
Jan 6	Jan 20	Dec 19	Jan 9	Dec 31	Jan 14

Board	# Copies Full Size	# Copies Electronic	Recipients
TRC	9	1	1 Manager, 3 Planning, 1 Fire, 1 Police, 2 Operations, 1 Admin
P&Z	9	1	7 P&Z, 1 Manager, 2 Planning, 1 Secretary, 1 Island Gazette
Town Council	9	1	5 Town Council, 1 Manager, 1 Planning, 1 Clerk, 1 Island Gazette

PURPOSE

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

Please complete all sections of the application.

A. Property Information

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

PIN(s):

Project Name Crabby Jacks

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

B. Application for Conditional Use Permit

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

Restaurant

C. Applicant Contact Information

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

Ralph W. Roof
Applicant's Name

105 Tennessee Ave #201
Mailing Address

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

919.624.5671
Telephone

Email

D. Owner Contact Information (if different)

Owner's Name

Mailing Address

City, State, and Zip Code

Telephone

Email

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

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

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

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

No waivers requested - application meets all requirements.

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

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

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

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

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

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

See attached drawing

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

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

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

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

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

Roadside utilities exist for any use we may have

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

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

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

Signs shall conform to the latest Carolina Beach Regulation.

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

See attached drawing

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

I. Site Plan Criteria

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

Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Engineers scale 1 inch = 40 ft or larger (1 inch = 10 ft)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title block or brief description of project including all proposed uses
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Date
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	North arrow
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property and zoning boundaries
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The square footage of the site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Lot coverage (buildings, decks, steps)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of all existing and proposed structures and the setbacks from property lines of affected structures to remain on-site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Design of driveways and parking
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjacent right-of-ways labeled with the street name and right of way width
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of all existing and/or proposed easements

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

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

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

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

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

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

_____/ /
Signature **Date**

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

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

Date: 8/29/19

Appointee's Name, Address & Telephone:

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

Signature of Owner: Ralph Wolf

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

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

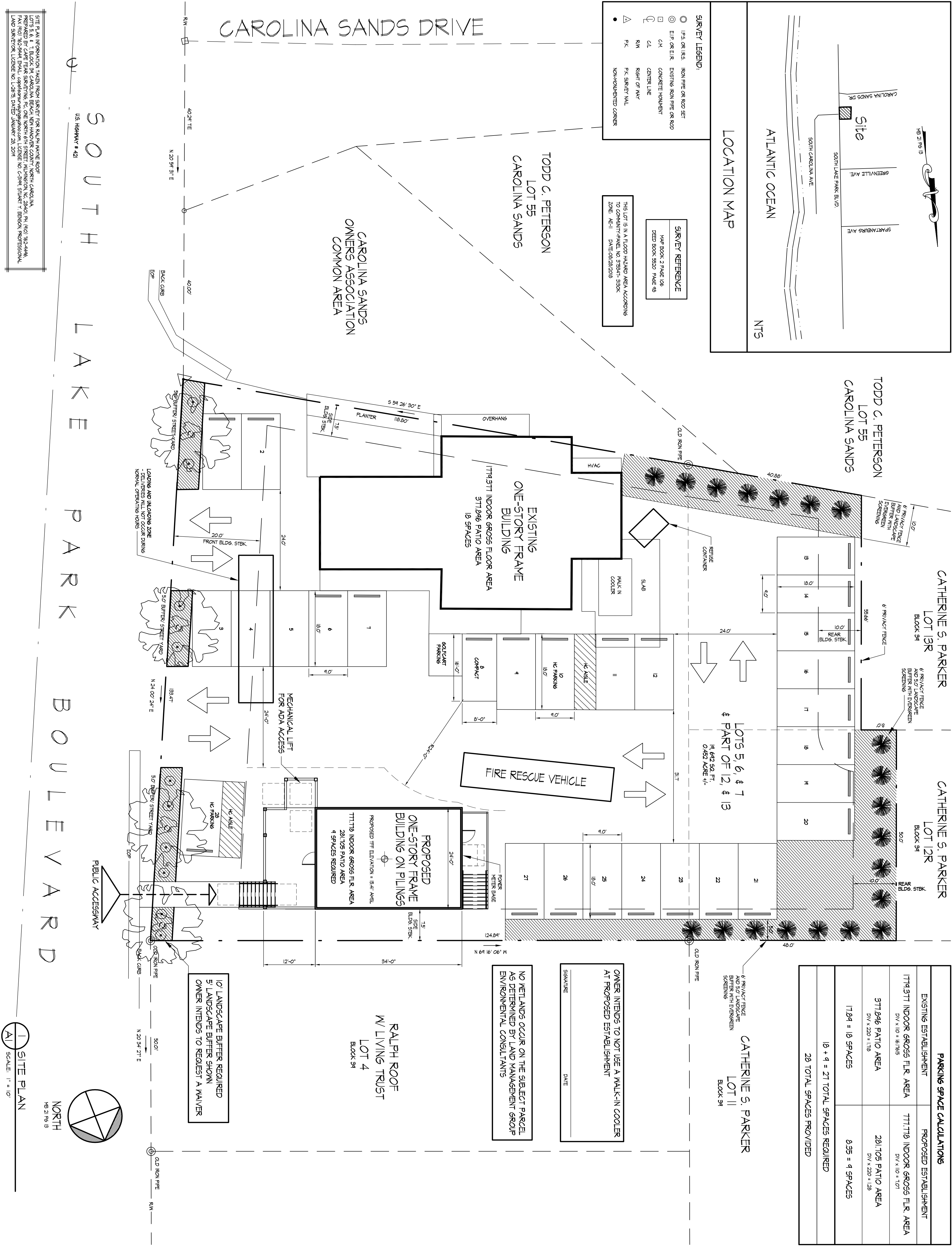
Date: 8/29/19

Appointee's Name, Address & Telephone:

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

Signature of Owner: Ralph Sob

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THIS PLAN IS A PRELIMINARY PLAN AND IS NOT TO BE USED FOR CONSTRUCTION. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

1 SITE PLAN
SCALE: 1" = 10'

PARKING SPACE CALCULATIONS		
EXISTING ESTABLISHMENT	PROPOSED ESTABLISHMENT	
174371 INDOOR GROSS F.L.R. AREA DIV. X 100 = 6,785	171719 INDOOR GROSS F.L.R. AREA DIV. X 100 = 1,071	
377,946 PATIO AREA DIV. X 200 = 1,119	281,705 PATIO AREA DIV. X 200 = 1,129	
18 SPACES	4 SPACES	
18 + 4 = 22 TOTAL SPACES REQUIRED		26 TOTAL SPACES PROVIDED

		CRABBY JACK'S 1012 1/2 South Lake Park Blvd. Carolina Beach, North Carolina 28428	SHEET A1
			DATE Sept. 23, 2019 REVISED



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

November 12th, 2019
Miles Murphy – Planner



Location: 1012 S. Lake Park Blvd

Applicant: Ralph Roof



1012 LPBS

Adjacent Properties



1016 S. Lake Park Blvd
Carolina Sands HOA



1006 S. Lake Park Blvd

Business PUDs Permitted in R-2

ARTICLE III. – Zoning District Regulations

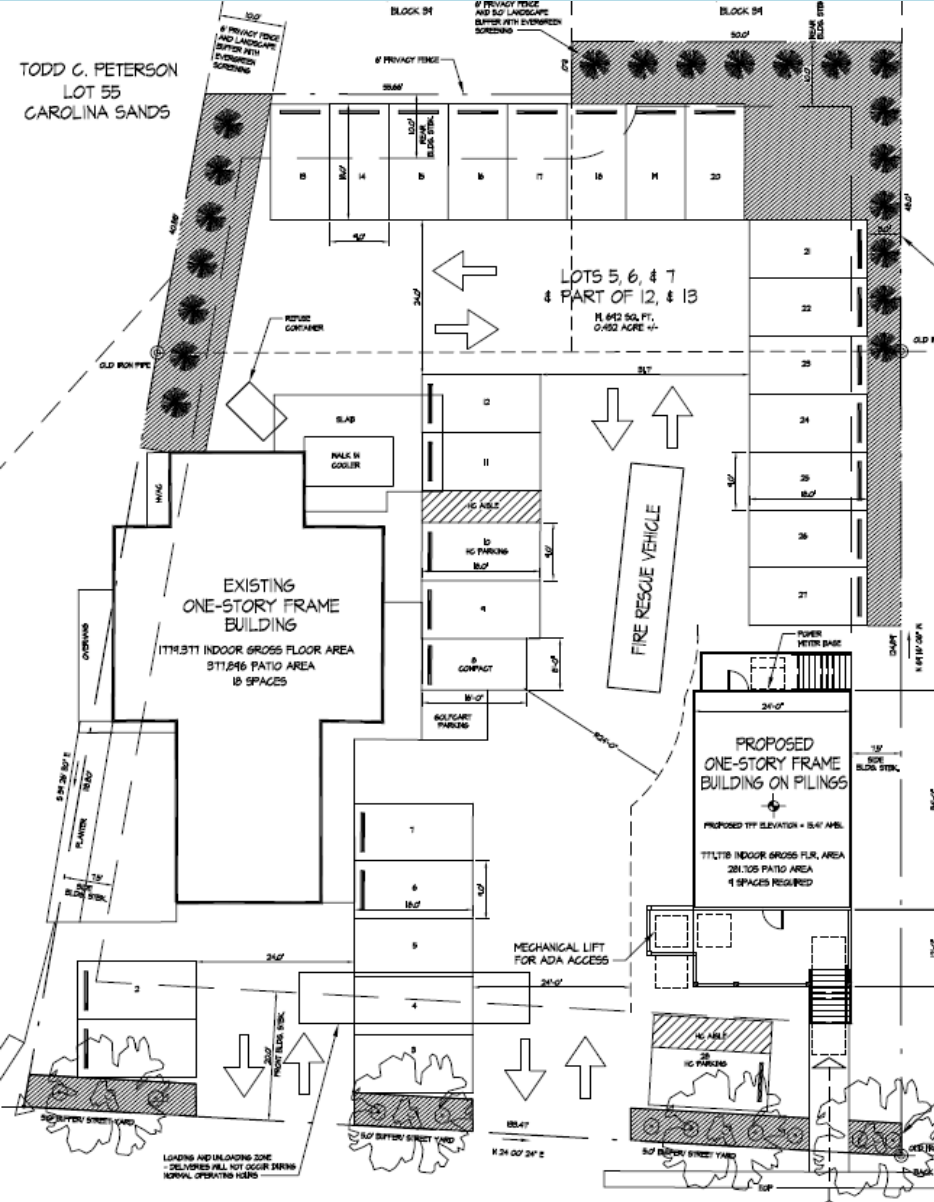
Sec. 40-72. – Table of permissible uses.

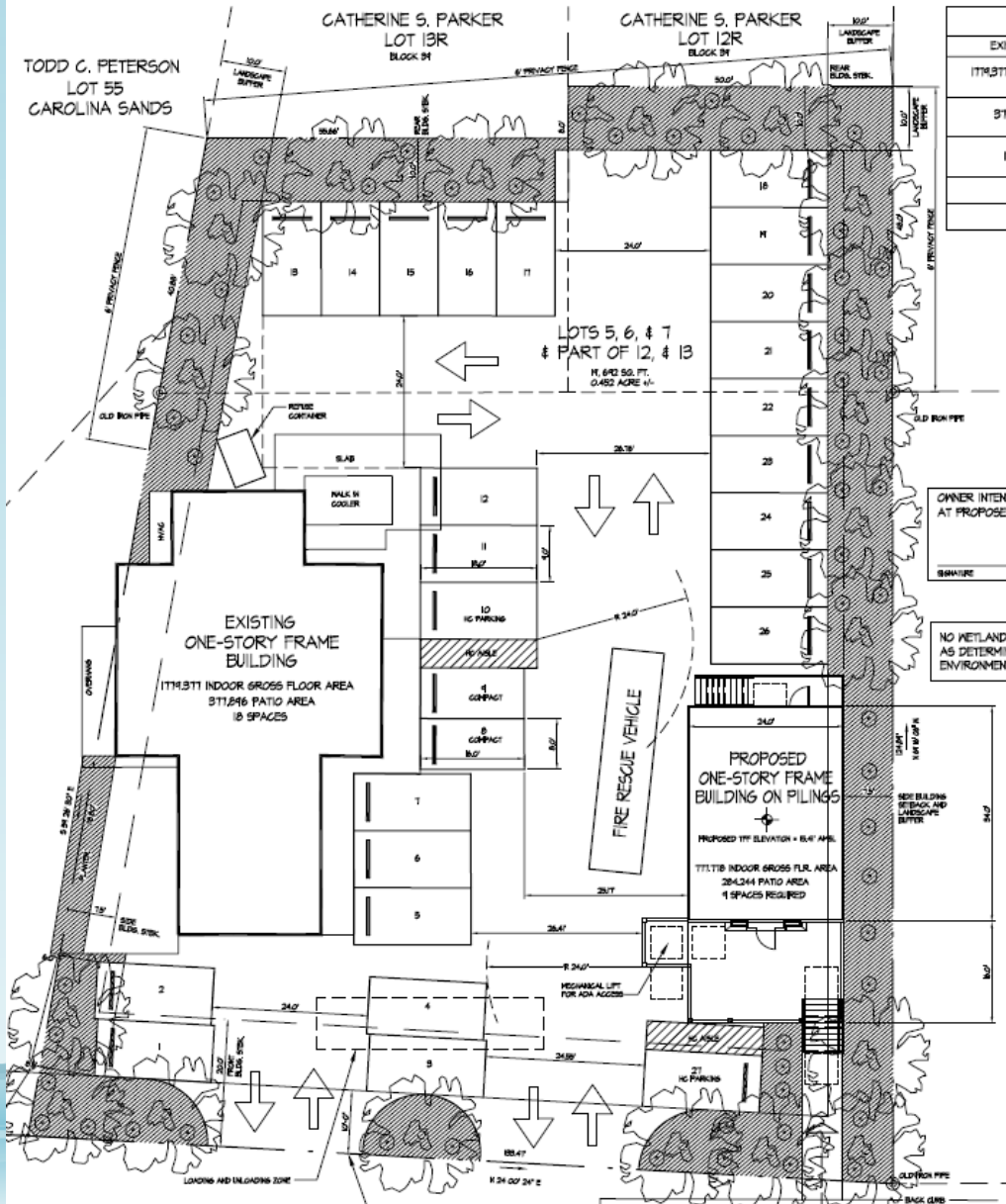
USES OF LAND	NB
Planned unit development, business (See article XII of this chapter)	C

Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁵	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
NB	Neighborhood Goods and Services	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. ²	40%

Previous Design – Planning and Zoning





Updated Design

PARKING SPACE CALCULATIONS	
EXISTING ESTABLISHMENT	PROPOSED ESTABLISHMENT
1774,971 INDOOR GROSS FLR. AREA DIV x 110 = 16,136	771,718 INDOOR GROSS FLR. AREA DIV x 110 = 7,017
371,816 PATIO AREA DIV x 330 = 1,128	284,244 PATIO AREA DIV x 330 = 1,284
17,891 = 18 SPACES	836 = 9 SPACES
18 + 9 = 27 TOTAL SPACES REQUIRED	
27 TOTAL SPACES PROVIDED	

- Landscaping buffer has been met in all areas excluding pre-existing building/patio footprint and adjacent to the proposed structure (requesting waiver of 2.5 of buffer)
- Handicap and access to public ROW is sufficient per building inspector
- Drive aisles and parking meet standards

General conditions.

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

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

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

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

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

- It requires 2.5' of the 10' landscape buffer to be waived adjacent to the proposed structure

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

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

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

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

Specific standards.

- (1) Ingress and egress to property and proposed *structures* thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - Ingress and egress will remain via S. Lake Park Blvd
 - The parking lot design will accommodate 2-way traffic
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;
 - Parking will be contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash will be collected in a refuse container onsite
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - Utilities will be provided by Duke and the Town as they are already existing through the access easement
 - New parking improvements will require the grading of the lot so that no stormwater collects on the rear of the property and all stormwater is directed towards Lake Park
- (5) Screening and buffering with reference to type, dimensions, and character;
 - A 10' landscape buffer is required for this type of development
 - Applicant is requesting a waiver of 2.5' of the landscaping buffer in order to accommodate the size of the proposed second structure
- (6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - No signage is proposed at this time and any signage will have to meet all standards zoning requirements in the future
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
 - There is no required yard or open space beyond general zoning standards for a business PUD
 - Minimum of 15' between structures
 - Minimum of 10% of open space
 - Below maximum of 40% lot coverage

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

*The requirement for a side setback is actually 10' due to the landscape buffer requirement. This is more strict than the general zoning district requirement
 Applicant is requesting a waiver of the landscape buffer adjacent to the proposed structure from 10' to 7.5'

Staff Recommendation

Staff does not recommend the approval of the proposed Business CUP as it does not fully meet the required 10' landscape buffer.

Motion from Town Council

- Approve the CUP in accordance with the draft grant order and that the proposal meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
 - With a waiver of 2.5' of the required landscaping buffer along the edge of the proposed structure on the north side of the property.
- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)
 - (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - (2) That the use meets all required conditions and specifications;
 - (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

Joe Benson
Mayor

Steve Shuttleworth
Council Member

LeAnn Pierce
Council Member



Tom Bridges
Mayor Pro Tem

JoDan Garza
Council Member

Ed Parvin
Interim Town Manager

Town of Carolina Beach
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
TEL: (910) 458-2999
FAX: (910) 458-2997

ORDER GRANTING A CONDITIONAL USE PERMIT MODIFICATION

Location: 1012 S. Lake Park Blvd

Applicant: Ralph Roof

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **November 12, 2019** to consider the application submitted by Ralph Roof for issuance of a Conditional Use Permit for a Business Planned Unit Development (PUD). The following persons offered sworn testimony: Planner Miles Murphy and Ralph Roof. The following uncontested facts were presented:

FINDINGS OF FACT

1. Ralph Roof is the owner of a parcel located at 1012 S. Lake Park Blvd. in Carolina Beach, NC.
2. The western portion of the property is zoned Highway Business (HB) and the eastern piece is Marina Business (MB-1).
3. The square footage property is 15,573 square feet.
4. Ralph Roof is proposing to buy a portion of the two rear lots to increase the
5. The proposed Business CUP will be located on the property.
6. Business CUPs are allowed in the NB zoning district with a CUP.
7. The property is located in an AE 11 Flood zone.

Specific Standards

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

- *Ingress and egress will remain via S. Lake Park Blvd*
- *The parking lot design will accommodate 2-way traffic*

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

- *Parking will be contained on the property*

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

- *Trash will be collected in a refuse container on site*

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

- *Utilities will be provided by Duke and the Town as they are already existing through the access easement*
- *New parking improvements will require the grading of the lot so that no stormwater collects on the rear of the property and all stormwater is directed towards Lake Park*

- (5) Screening and buffering with reference to type, dimensions, and character;
 - A 10' landscape buffer is required for this type of development
 - A waiver is requested for 2.5' of landscaping along the north side of the property where the proposed structure is located

- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - No signage is proposed at this time and will have to meet all standards zoning requirements in the future

- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.
 - There is no require yard or open space beyond general zoning standards for a business PUD
 - Minimum of 15' between structures
 - Minimum of 10% of open space
 - Below maximum of 40% lot coverage

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	Front	Rear	South Side	North Side
NB Required	20'	10'	7.5'	7.5'
Provided	23'	N/A	N/A	7.5'

Lot coverage is approximately 13.97%

General conditions. The town council, in granting the permit, must also find that all four (4) of the following conditions exist;

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - The density falls within the standard NB density requirements and the proposed structure follows the setback requirements
 - A waiver to the 10' landscape buffer is required for the current proposed structure to be built
- (2) That the use meets all required conditions and specifications;
 - The proposed CUP does not meet all required conditions and specifications
 - It requires 2.5' of the 10' landscape buffer to be waived adjacent to the proposed structure
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - The proposed structure/use will conform with the neighboring properties.
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.
 - The desired Future Land Use of the Mixed Use 1 area includes a future predominance of single-family and duplex units. Commercial uses shall include lower intensity restaurants and commercial services and retail. Building height shall not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (A) and (B). Density will be moderate with 5,000 to 6,000 square foot lot minimums for residential uses, with around 15 to 17 units per acre density in Mixed Use 1 areas west of Lake Park Boulevard, and higher density ratios around 29 units per acre for Mixed Use 1 areas east of Lake Park Boulevard (oceanside). A ratio of roughly two-thirds residential to one-third commercial is desired. Lot coverage will not be allowed to exceed 40%.

The project will be in general conformity with the Land Use Plan and in harmony of the area.

CONCLUSIONS OF LAW

It's concluded that the Specific and General Standards are met

It is ordered that the application for the issuance of a Conditional Use Permit by Pelican Point CB LLC be granted, subject to the following conditions:

- 1) The site plan corresponding to this approval was designed by Pinkston Drafting Company dated 10/16/19.
- 2) Prior to issuance of building permit, all local state and federal approval letters and final site plan shall be submitted, and approved by the Town of Carolina Beach.
- 3) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission.
- 4) Landscaping waiver per approved site plan.
- 5) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 6) Install a 5' Sidewalk adjacent to N. Lake Park Blvd
- 7) The Conditional Use Permit is subject to expire on 11/12/21 if construction of the project has not started.

Ordered this 12th day of November, 2019

Joe Benson, Mayor

Date

ATTEST: _____
Kimberlee Ward, Town Clerk

Date



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Miles Murphy

Department: Planning

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

BACKGROUND:

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

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

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

- Ingress and egress will be via Wilson for one home and via Harper for the other

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

- Parking will be based off of the number of bedrooms (2 bedrooms per unit = 2 parking spaces per unit)

- Parking will be contained on the property

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

- Trash will be delivered to Harper and Wilson for standard pick up

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

- Stormwater and utilities will be dealt with by standard methods

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

- There will be a minimum of a required 5' landscaping buffer

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

- No signage
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.
- There is no require yard or open space beyond general zoning standards for a residential PUD
- Minimum of 15' between structures
- Minimum of 25% of open space
- Below maximum of 40% lot coverage

General conditions.

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
- The density falls within the standard R-1 density requirements and the proposed homes follow the setback requirements
- The use would have the same impact as two SFR on two independent lots, but the lot is too small to be divided
- (2) That the use meets all required conditions and specifications;
- The proposed CUP meets all required conditions.
- They are not asking for any waivers or modifications.
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- The proposed residences will conform with the neighboring properties.
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.
- The desired Future Land Use of the Residential 1 area includes a predominance of single-family and duplex units. Building height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be moderate with a minimum of 5,000 square foot lots and around 8.7 units per acre, with up to 15 units per acre allowed. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family residential development shall be prohibited.

ACTION REQUESTED:

Recommend to:

Approve the CUP in accordance with the draft grant order and that the proposal meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

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

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

**COMMITTEE
RECOMMENDATION:**

Staff recommends the approval of the CUP

ATTACHMENTS:

[CUP ORDER - 406 Harper Avenue](#)
[406 Harper Ave PUD - PPT](#)

Joe Benson
Mayor

Steve Shuttleworth
Council Member

LeAnn Pierce
Council Member



Tom Bridges
Mayor Pro Tem

JoDan Garza
Council Member

Ed Parvin
Interim Town Manager

Town of Carolina Beach
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
TEL: (910) 458-2999
FAX: (910) 458-2997

ORDER GRANTING A CONDITIONAL USE PERMIT MODIFICATION

Location: 406 Harper Ave.
Applicant: Pioneer Group NC LLC

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **November 12th, 2019** to consider the application submitted by Pelican Point CB, LLC for issuance of a Conditional Use Permit for a 36 unit multi-family condo building. The following persons offered sworn testimony: Planner Miles Murphy, Stephannie Covington, and the Applicant’s Attorney Robert Calder. The following uncontested facts were presented:

FINDINGS OF FACT

1. Pioneer Group NC LLC is the owner of a parcel located at 406 Harper Ave. in Carolina Beach, NC.
2. The property is zoned R-1.
3. The square footage of the property is 8,002ft².
4. There will be two single-family residences located on the property.
5. One home will front Harper Avenue and the other will front Wilson Avenue
6. Residential Planned Unit Developments(PUD) are permitted in the R-1 Zoning District.
7. Parking will be contained on-site for each residence as required by the zoning ordinance.
8. The density requirement is 15 units/acre in R-1, which the project meets.
9. The property is not located in a regulatory floodplain.

Specific Standards

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

Ingress and egress will be handled in a standard residential fashion. The residence facing Harper Ave will have its access/driveway off Harper Ave. The residence facing Wilson Ave will have its access/driveway off Wilson Ave.

(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;

Two parking spaces are required for each residence and they will be accommodated on each property in the driveways (2 spaces per 2 bedrooms).

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

Refuse will be handled in the standard residential method.

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

Stormwater and utilities will be handled in a standard fashion for residential development.

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

A five (5) foot "Type A" buffer yard is being provided on the East and West sides of the development to provide a buffer between it and other residential properties.

- (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 required nor is any being applied for at this time

- (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>R-1 Required</i>	<i>20'</i>	<i>10' (CAMA)</i>	<i>7.5'</i>	<i>7.5'</i>
<i>Provided</i>	<i>20'/30'</i>	<i>15'</i>	<i>7.5'</i>	<i>7.5'</i>

The total lot coverage of the project is 39.4%.

General conditions. The *town council*, in granting the permit, must also find that all four (4) of the following conditions exist;

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

Residential PUDs are allowed in the R-1 zoning district. The density falls within the standard R-1 density requirements and the proposed homes follow the setback requirements. The use would have the same impact as two SFR on two independent lots, but the lot is too small to be divided

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

After review by staff, the plan has been determined to meet all conditions and specifications and no waivers are required.

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

The proposed use is in keeping with the character of the R-1 area with the adjacent single-family residential uses.

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

The project will be in general conformity with the Land Use Plan and in harmony of the area.

CONCLUSIONS OF LAW

It's concluded that the Specific and General Standards are met

It is ordered that the application for the issuance of a Conditional Use Permit by Pelican Point CB LLC be granted, subject to the following conditions:

- 1) The site plan corresponding to this approval was designed by Patrick Bristow dated 9/19/19.
- 2) Prior to issuance of building permit, all local state and federal approval letters and final site plan shall be submitted, and approved by the Town of Carolina Beach.
- 3) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission.
- 4) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 5) Infrastructure and site plan as-builts shall be provided/approved prior to CO.
- 6) The Conditional Use Permit is subject to expire on 11/12/21 if construction of the project has not started.

Ordered this 12th day of November, 2019

Joe Benson, Mayor

Date

ATTEST: _____
Kimberlee Ward, Town Clerk

Date



Conditional Use Permit: 406 Harper Ave – Planned Unit Development

November 12th, 2019
Miles Murphy – Planner



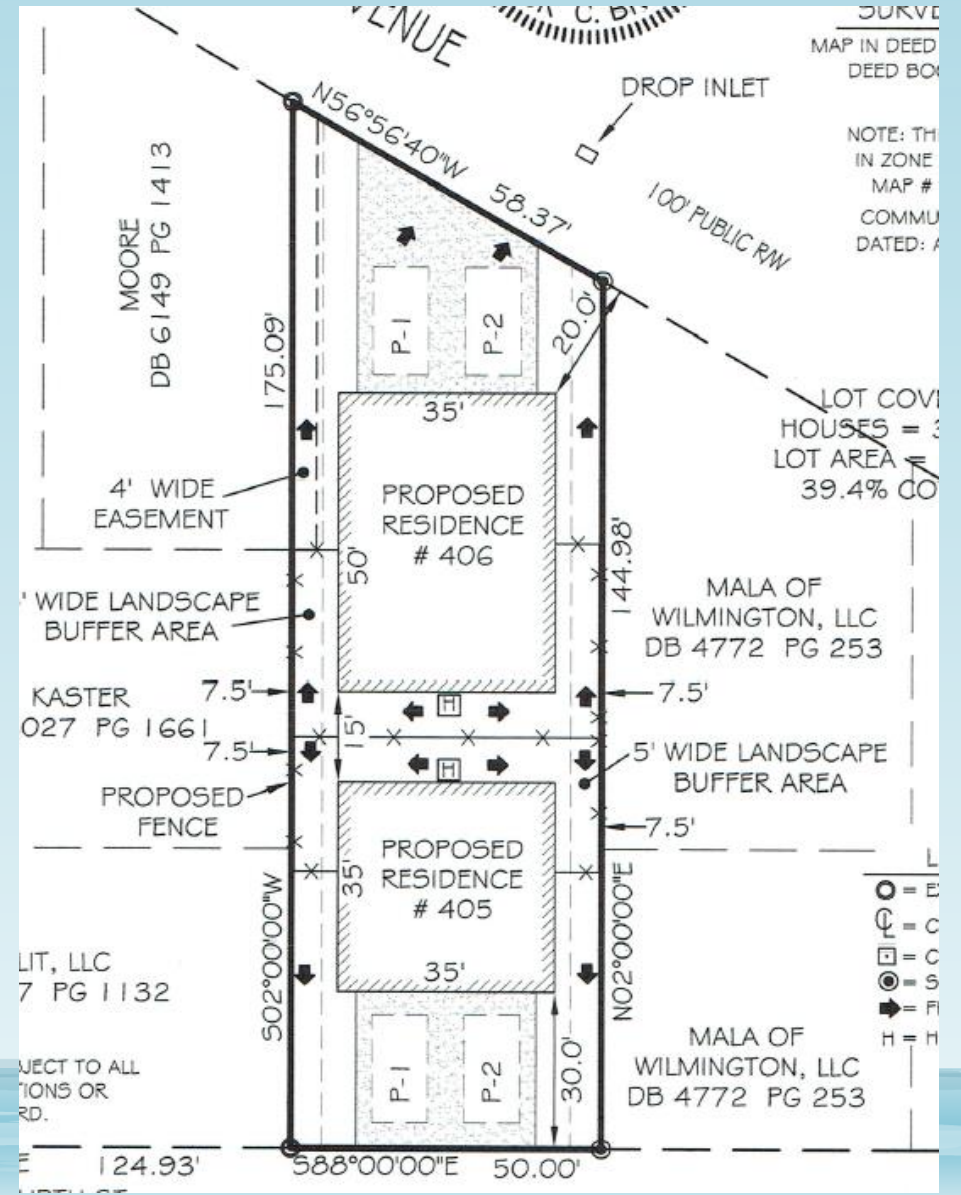
Location: 406 Harper Avenue
Applicant: Pioneer Group NC INC

ARTICLE III. – Zoning District Regulations

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

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

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





406 Harper Ave
(View through from Wilson)

Adjacent Properties



408 Harper



404 Harper

Adjacent Properties



407 4th



405 4th



407 Wilson

General conditions.

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - The density falls within the standard R-1 density requirements and the proposed homes follow the setback requirements
 - The use would have the same impact as two SFR on two independent lots, but the lot is too small to be divided
- (2) That the use meets all required conditions and specifications;
 - The proposed CUP meets all required conditions.
 - They are not asking for any waivers or modifications.
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - The proposed residences will conform with the neighboring properties.
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.
 - The desired Future Land Use of the Residential 1 area includes a predominance of single-family and duplex units. Building height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be moderate with a minimum of 5,000 square foot lots and around 8.7 units per acre, with up to 15 units per acre allowed. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family residential development shall be prohibited.

Specific standards.

- (1) Ingress and egress to property and proposed *structures* thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - Ingress and egress will be via Wilson for one home and via Harper for the other
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;
 - Parking will be based off of the number of bedrooms (2 bedrooms per unit = 2 parking spaces per unit)
 - Parking will be contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash will be delivered to Harper and Wilson for standard pick up
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - Stormwater and utilities will be standard
- (5) Screening and buffering with reference to type, dimensions, and character;
 - There will be a minimum of a required 5' landscaping buffer
- (6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - No signage
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
 - There is no require yard or open space beyond general zoning standards for a residential PUD
 - Minimum of 15' between structures
 - Minimum of 25% of open space
 - Below maximum of 40% lot coverage

Required	Proposed
Front - 20'	20'/30'
Rear - 10'	15'
Sid - 7.5'	7.5'

Staff Recommendation

Staff recommends the approval of the CUP

Motion from Town Council

- Approve the CUP in accordance with the draft grant order and that the proposal meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)
 - (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - (2) That the use meets all required conditions and specifications;
 - (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

Joe Benson
Mayor

Steve Shuttleworth
Council Member

LeAnn Pierce
Council Member



Tom Bridges
Mayor Pro Tem

JoDan Garza
Council Member

Ed Parvin
Interim Town Manager

Town of Carolina Beach
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
TEL: (910) 458-2999
FAX: (910) 458-2997

ORDER GRANTING A CONDITIONAL USE PERMIT MODIFICATION

Location: 504 Keys Ln

Applicant: The "Pioneer Group NC Inc

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **November 12, 2019** to consider the application submitted by the Pioneer Group NC Inc for issuance of a Conditional Use Permit for a 2 unit detached planned unit development located at 504 Keys Ln. The following persons offered sworn testimony: Planner Miles Murphy and Stephannie Covington. The following uncontested facts were presented:

FINDINGS OF FACT

1. The Pioneer Group NC Inc, LLC is the owner of a parcel located at 402 N. Lake Park Blvd. in Carolina Beach, NC.
2. The property is zoned R-2.
3. Residential Planned Unit Development are allowed with a Conditional Use permit in the R-2 zoning district.
4. The square footage property is 14,520 square feet.
5. The property is vacant and is accessed off of an existing 15' easement.
6. The easement is accessed off a 30' right-of-way know as Keys Ln.
7. The surface of keys ln is a dirt drive.
8. The density requirements in R-2 is 6.2 units per acre

Specific Standards

Specific standards.

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

- *Ingress and egress will remain via Keys Lane and the access easement*
- *The 15' access easement will be expanded to 20' on their parcel and 500 Keys lane.*
- *A new access easement agreement between the 504 Keys and 500 Keys for the 20' access easement.*
- *Keys Lane (30') and the access easement (20') will have their surface improved to a 6" gravel base to accommodate 2-way traffic*

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

- *Parking will be based off of the number of bedrooms (3-4 bedrooms per unit = 3 parking spaces per unit)*
- *Parking will be located outside of the easement and contained on the property*

- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - *Trash will be delivered to Lewis Drive for standard pick up*
- (4) Utilities, with reference to locations, availability, and compatibility;
 - *Utilities will be provided by Duke and the Town and the private access easement will need to become a utility and access easement*
 - *Retaining stormwater on-site as there are no stormwater utilities*
- (5) Screening and buffering with reference to type, dimensions, and character;
 - *There will be a minimum of a required 5' landscaping buffer*
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - *No signage nor exterior lighting*
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.
 - *There is no require yard or open space beyond general zoning standards for a residential PUD*
 - *Minimum of 15' between structures*
 - *Minimum of 25% of open space*
 - *Below maximum of 40% lot coverage*

General conditions. The *town council*, in granting the permit, must also find that all four (4) of the following conditions exist;

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - *The density falls within the standard R-2 density requirements and the proposed homes follow the setback requirements*
 - *The safety of all properties will be improved by the updates to Keys Lane and the access easement.*
- (2) That the use meets all required conditions and specifications;
 - *The proposed CUP meets all required conditions.*
 - *They are not asking for any waivers or modifications.*
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - *The proposed residences will conform with the neighboring properties.*
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.
 - *The desired Future Land Use of the Residential 2 area includes single-family units only. Building height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be low-moderate with a minimum of 5,000 – 7,000 square foot lots and around 6.2 to 8.7 units per acre. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family development shall be prohibited*

CONCLUSIONS OF LAW

It's concluded that the Specific and General Standards are met

It is ordered that the application for the issuance of a Conditional Use Permit by Pelican Point CB LLC be granted, subject to the following conditions:

- 1) The site plan corresponding to this approval was designed by Patrick C. Bristow Land Surveying dated 8/8/19.
- 2) Prior to issuance of building permit, all local state and federal approval letters and final site plan shall be submitted, and approved by the Town of Carolina Beach.
- 3) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission.
- 4) A 5' Landscape buffer required per approved site plan.
- 5) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 6) Widen the existing 15' access easement to 20' on the subject property (504 Keys Ln).
- 7) Provide agreement from 500 Keys Lane to also allow for additional 5' of easement through their property to establish a 20' access easement which allows for 2-way traffic.
- 8) This easement will also need to become a utility and access easement.
- 9) This easement must be in place prior to the issuing of any building permit.
- 10) Improve Keys Ln to a 20' width gravel with a 6" base.
- 11) The storm water system must be installed and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning.
- 12) A plan that includes a grading schedule, and construction schedule shall be submitted to the Technical Review Committee.
- 13) The Conditional Use Permit is subject to expire on 11/12/21 if construction of the project has not started.

Ordered this 12th day of November, 2019

Joe Benson, Mayor

Date

ATTEST: _____
Kimberlee Ward, Town Clerk

Date



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Miles Murphy

Department: Planning

Conditional Use Permit: For a 2-unit detached 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 Residential 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.

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

- The density falls within the standard R-2 density requirements and the proposed homes follow the setback requirements
- The safety of all properties will be improved by the updates to Keys Lane and the access easement.

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

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

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

- The proposed residences will conform with the neighboring properties.

(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

- The desired Future Land Use of the Residential 2 area includes single-family units only. Building height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be low-moderate with a minimum of 5,000 – 7,000 square foot lots and around 6.2 to 8.7 units per acre. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and unserved areas will be at the expense of the developer. New multi-family development shall be prohibited

Specific standards.

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

- Ingress and egress will remain via Keys Lane and the access easement

- The 15' access easement will be expanded to 20' on their parcel and 500 Keys lane.

- A new access easement agreement between 504 Keys and 500 Keys for the 20' access easement.

- Keys Lane (30') and the access easement (20') will have their surface improved to a 6" gravel base to accommodate 2-way traffic

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

- Parking will be based off of the number of bedrooms (3-4 bedrooms per unit = 3 parking spaces per unit)

- Parking will be located outside of the easement and contained on the property

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

- Trash will be delivered to Lewis Drive for standard pick up

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

- Utilities will be provided by Duke and the Town and the private access easement will need to become a utility and access easement

- Retaining stormwater on-site as there are no stormwater utilities

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

- There will be a minimum of a required 5' landscaping buffer

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

- No signage

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

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

- Minimum of 15' between structures

- Minimum of 25% of open space

- Below maximum of 40% lot coverage

ACTION REQUESTED:

Approve the CUP in accordance with the draft grant order and that the proposal meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

- With a condition that no building permit will be issued prior to the establishment of a 20' private access easement agreement between 504 Keys and 500 Keys.

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

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
- (2) That the use meets all required conditions and specifications;
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.

COMMITTEE RECOMMENDATION:

Staff recommends the approval of the CUP with the condition that new 20' utility and access easement between 504 and 500 Keys Lane is established before any building permits are issued.

ATTACHMENTS:

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

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 Stephannie 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:

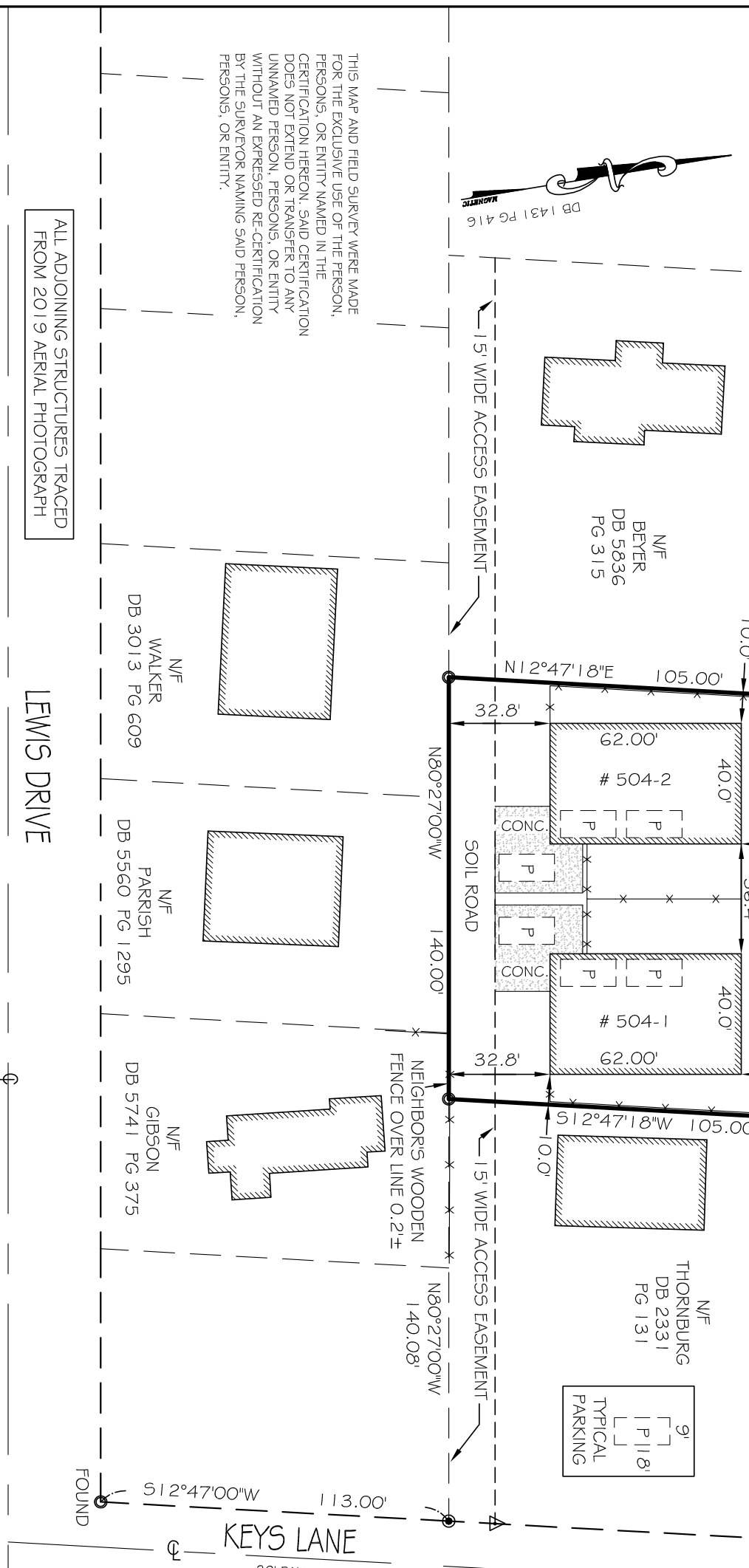
The Pioneer Group NC, INC
Stephannie Covington
PO BOX 15474
Wilmington, NC 28408

Signature of Owner: 

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

PRELIMINARY

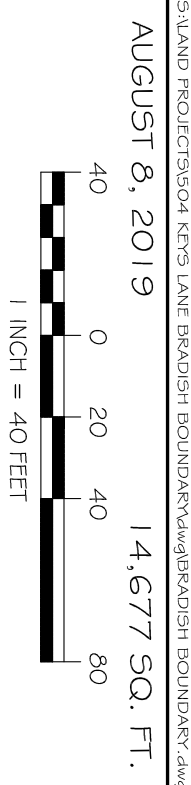
PATRICK C. BRISTOW
N.C. PLS No. L4148



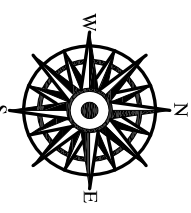
THIS MAP AND FIELD SURVEY WERE MADE FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS, OR ENTITY NAMED IN THE CERTIFICATION HEREON. SAID CERTIFICATION DOES NOT EXTEND OR TRANSFER TO ANY UNNAMED PERSON, PERSONS, OR ENTITY WITHOUT AN EXPRESSED RE-CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS, OR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

ALL ADJOINING STRUCTURES TRACED FROM 2019 AERIAL PHOTOGRAPH

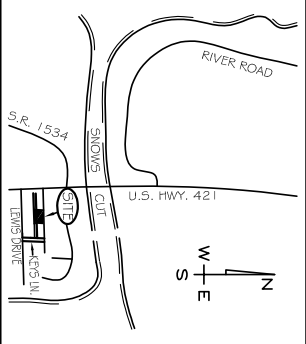
EACH STRUCTURE IS 2,480 SQ. FT. BUILDING HEIGHT = 35'



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.

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

AUGUST 8, 2019 14,677 SQ. FT.

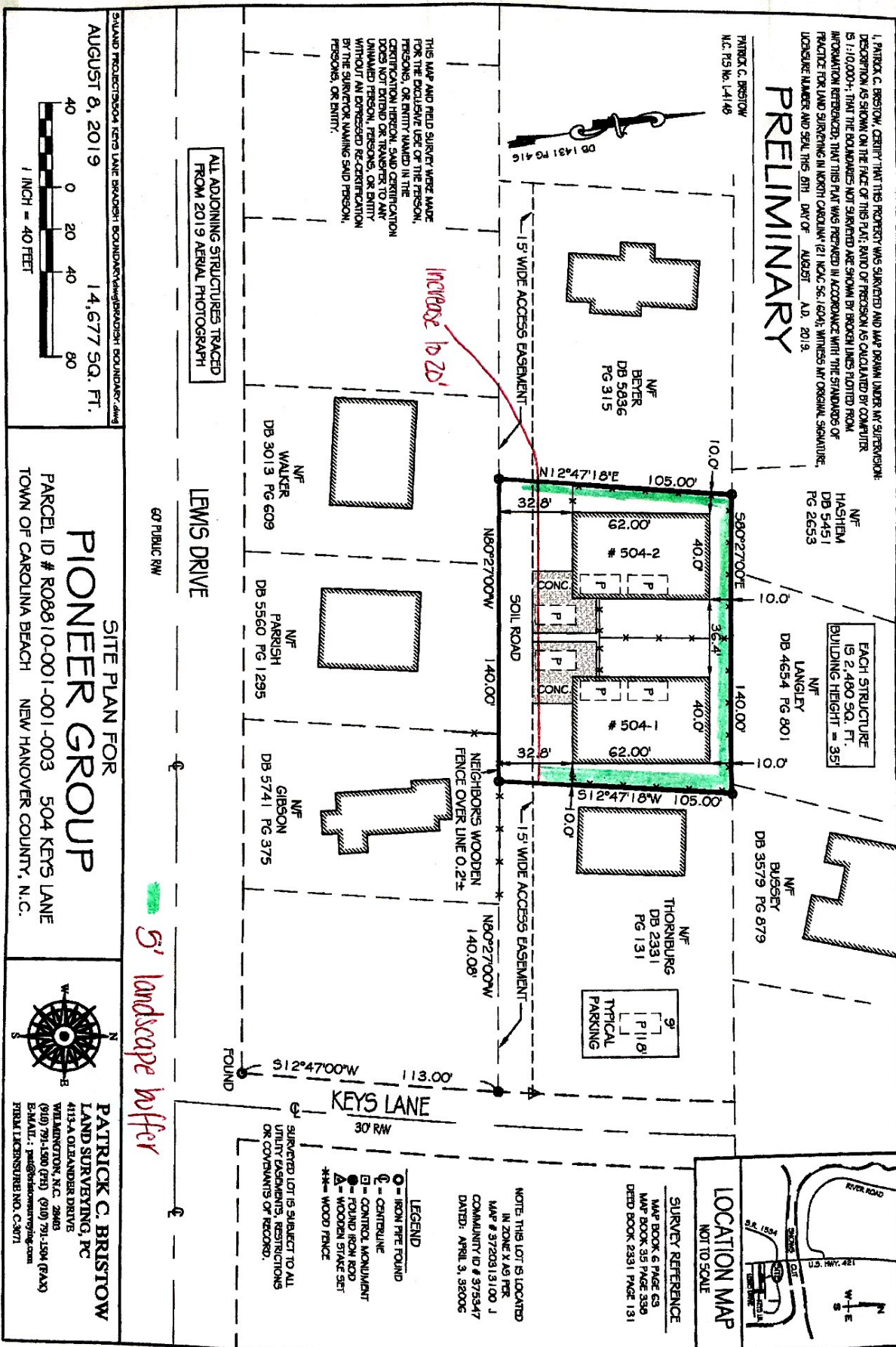


The Pioneer Group NC, Inc
PO Box 15474
Wilmington, NC 28408

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 BROWN 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. 36-180.4), WITNESSED BY ORIGINAL SIGNATURE, LICENSE NUMBER AND SEAL THIS 20TH DAY OF AUGUST, A.D. 2019.

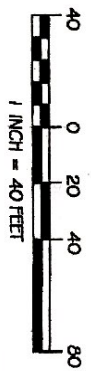
PATRICK C. BRISTOW
N.C. P.S. No. 14146

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

STANDARD PROJECTION KEYS LANE BRADSHAW BOUNDARY BRADSHAW BOUNDARY, 4M4
AUGUST 8, 2019 14,677 SQ. FT.

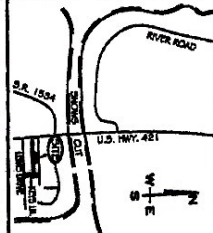


SITE PLAN FOR PIONEER GROUP

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

5' landscape buffer

LOCATION MAP
NOT TO SCALE



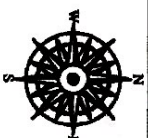
SURVEY REFERENCE
MAP BOOK 6 PAGE 63
MAP BOOK 35 PAGE 339
DEED BOOK 2331 PAGE 131

NOTE: THIS LOT IS LOCATED IN ZONE X AS PER MAP # 37203131100 J COMMUNITY ID # 3735347 DATED: APRIL 3, 20006

- 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.

PATRICK C. BRISTOW
LAND SURVEYING, PC
4113-A OLDAENDER DRIVE
WILMINGTON, N.C. 28403
(910) 791-4300 (FAX) (910) 791-4304 (FAX)
E-MAIL: pbristow@pccsurveying.com
PBA LICENSE NUMBER: NO. C-5871





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

October 8th, 2019
Miles Murphy – Planner



Location: 504 Keys Lane

Applicant: Avon Park Holdings, LLC

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

PRELIMINARY

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



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

N/F HASHEM
DB 5451
PG 2653

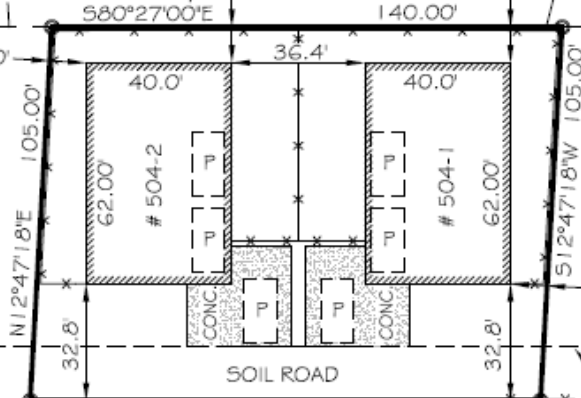
EACH STRUCTURE IS 2,480 SQ. FT.
BUILDING HEIGHT = 35'

N/F LANGLEY
DB 4654 PG 801

N/F BUSSEY
DB 3579 PG 879

N/F BEYER
DB 5836
PG 315

N/F THORNBURG
DB 2331
PG 131



15' WIDE ACCESS EASEMENT

SOIL ROAD

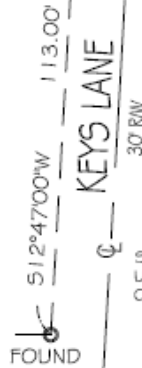
15' WIDE ACCESS EASEMENT

NEIGHBORS 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



SURVEYED LOT & UTILITY EASEMENTS OR COVENANTS

LEWIS DRIVE

60' PUBLIC RW



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	

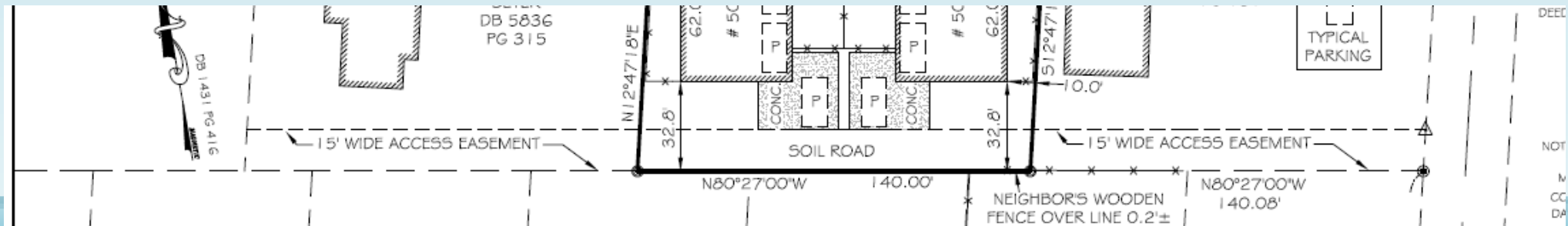
Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁶	Min. Front Yard	Min. Rear Yard	Min. Side Yards [*] (Corner Lot— Min. 12.5 ft.) ⁴	Residential Max. Density	Max. Height	Max. Lot Coverage
R-2	Single-Family	7,000 sq. ft.	70 ft.	25 ft.	10 ft.	7.5 ft.	6.2 units/acre	45 ft.	40%



Looking Down Keys Lane from Lewis



Looking Down Keys Lane Easement



Adjacent Properties



500 Keys



508 Keys

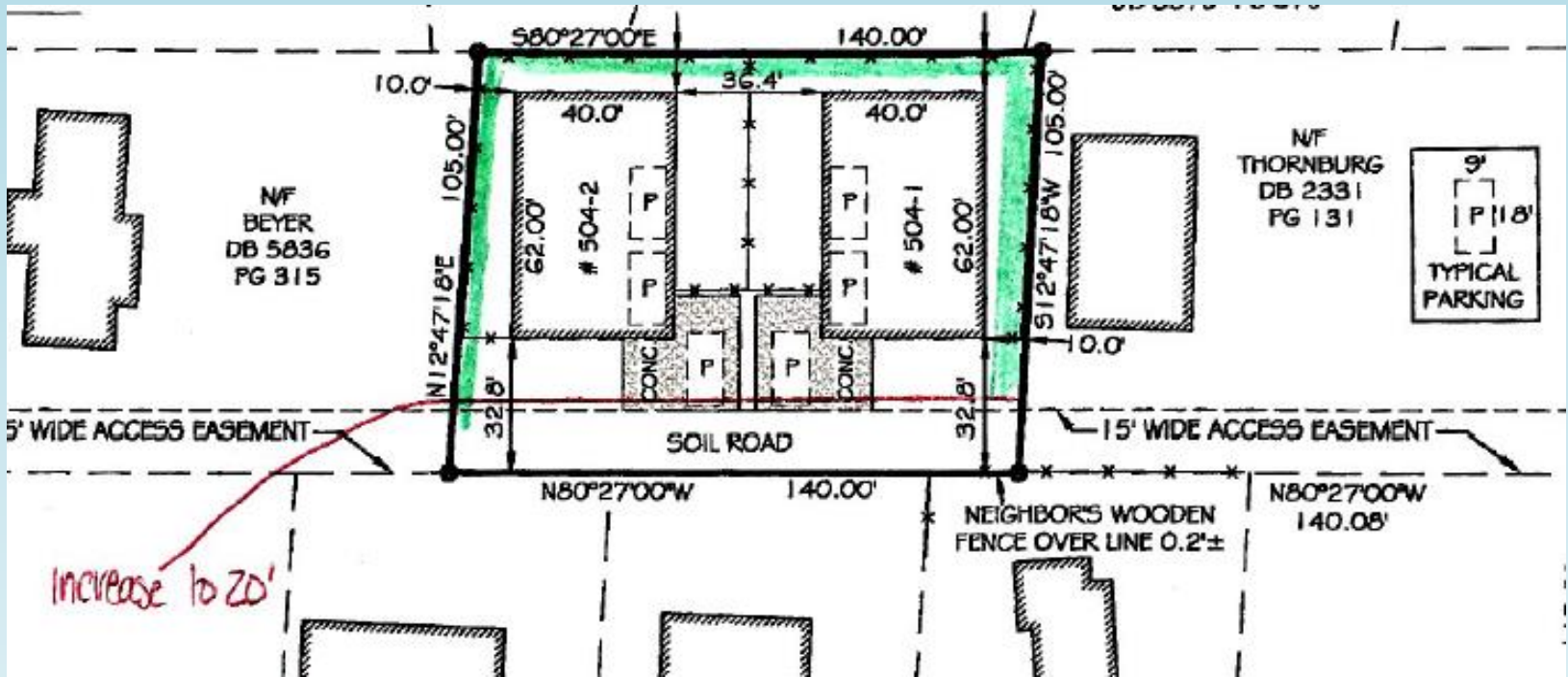
General conditions.

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - The density falls within the standard R-2 density requirements and the proposed homes follow the setback requirements
 - The safety of all properties will be improved by the updates to Keys Lane and the access easement.
- (2) That the use meets all required conditions and specifications;
 - The proposed CUP meets all required conditions.
 - They are not asking for any waivers or modifications.
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - The proposed residences will conform with the neighboring properties.
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.
 - The desired Future Land Use of the Residential 2 area includes single-family units only. Building height will not exceed a 50' height maximum. Density will be low-moderate with a minimum of 5,000 – 7,000 square foot lots and around 6.2 to 8.7 units per acre. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family development shall be prohibited

Specific standards.

- (1) Ingress and egress to property and proposed *structures* thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - Ingress and egress will remain via Keys Lane and the access easement
 - The 15' access easement will be expanded to 20' on their parcel (THIS IS A PREEXISTING EASEMENT)
 - Keys Lane (30') and the access easement (20') will have their surface improved to a 6" gravel base to accommodate 2-way traffic
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;
 - Parking will be based off of the number of bedrooms (3-4 bedrooms per unit = 3 parking spaces per unit)
 - Parking will be located outside of the easement and contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash will be delivered to Lewis Drive for standard pick up
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - Utilities will be provided by Duke and the Town as they are already existing through the access easement
 - Retaining stormwater on-site as there are no stormwater utilities
- (5) Screening and buffering with reference to type, dimensions, and character;
 - There will be a minimum of a required 5' landscaping buffer
- (6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - No signage
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
 - There is no require yard or open space beyond general zoning standards for a residential PUD
 - Minimum of 15' between structures
 - Minimum of 25% of open space
 - Below maximum of 40% lot coverage

Required	Proposed
25'	32.8'
10'	10'
7.5'	10'



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, if developed according to the plan as submitted and approved.
- Deny the CUP as it fails to sufficiently meet 1 or more of the standards

Joe Benson
Mayor

Steve Shuttleworth
Council Member

LeAnn Pierce
Council Member



Tom Bridges
Mayor Pro Tem

JoDan Garza
Council Member

Ed Parvin
Interim Town Manager

Town of Carolina Beach
1121 N. Lake Park Boulevard
Carolina Beach, North Carolina 28428
TEL: (910) 458-2999
FAX: (910) 458-2997

ORDER GRANTING A CONDITIONAL USE PERMIT MODIFICATION

Location: 504 Keys Ln

Applicant: The "Pioneer Group NC Inc

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **November 12, 2019** to consider the application submitted by the Pioneer Group NC Inc for issuance of a Conditional Use Permit for a 2 unit detached planned unit development located at 504 Keys Ln. The following persons offered sworn testimony: Planner Miles Murphy and Stephannie Covington. The following uncontested facts were presented:

FINDINGS OF FACT

1. The Pioneer Group NC Inc, LLC is the owner of a parcel located at 402 N. Lake Park Blvd. in Carolina Beach, NC.
2. The property is zoned R-2.
3. Residential Planned Unit Development are allowed with a Conditional Use permit in the R-2 zoning district.
4. The square footage property is 14,520 square feet.
5. The property is vacant and is accessed off of an existing 15' easement.
6. The easement is accessed off a 30' right-of-way know as Keys Ln.
7. The surface of keys ln is a dirt drive.
8. The density requirements in R-2 is 6.2 units per acre

Specific Standards

Specific standards.

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

- *Ingress and egress will remain via Keys Lane and the access easement*
- *The 15' access easement will be expanded to 20' on their parcel and 500 Keys lane.*
- *A new access easement agreement between the 504 Keys and 500 Keys for the 20' access easement.*
- *Keys Lane (30') and the access easement (20') will have their surface improved to a 6" gravel base to accommodate 2-way traffic*

(2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;

- *Parking will be based off of the number of bedrooms (3-4 bedrooms per unit = 3 parking spaces per unit)*
- *Parking will be located outside of the easement and contained on the property*

- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - *Trash will be delivered to Lewis Drive for standard pick up*
- (4) Utilities, with reference to locations, availability, and compatibility;
 - *Utilities will be provided by Duke and the Town and the private access easement will need to become a utility and access easement*
 - *Retaining stormwater on-site as there are no stormwater utilities*
- (5) Screening and buffering with reference to type, dimensions, and character;
 - *There will be a minimum of a required 5' landscaping buffer*
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - *No signage nor exterior lighting*
- (7) Required yards and other open space and preservation of existing trees and other attractive natural features of the land.
 - *There is no require yard or open space beyond general zoning standards for a residential PUD*
 - *Minimum of 15' between structures*
 - *Minimum of 25% of open space*
 - *Below maximum of 40% lot coverage*

General conditions. The *town council*, in granting the permit, must also find that all four (4) of the following conditions exist;

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - *The density falls within the standard R-2 density requirements and the proposed homes follow the setback requirements*
 - *The safety of all properties will be improved by the updates to Keys Lane and the access easement.*
- (2) That the use meets all required conditions and specifications;
 - *The proposed CUP meets all required conditions.*
 - *They are not asking for any waivers or modifications.*
- (3) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - *The proposed residences will conform with the neighboring properties.*
- (4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the town land use plan and policies.
 - *The desired Future Land Use of the Residential 2 area includes single-family units only. Building height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be low-moderate with a minimum of 5,000 – 7,000 square foot lots and around 6.2 to 8.7 units per acre. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family development shall be prohibited*

CONCLUSIONS OF LAW

It's concluded that the Specific and General Standards are met

It is ordered that the application for the issuance of a Conditional Use Permit by Pelican Point CB LLC be granted, subject to the following conditions:

- 1) The site plan corresponding to this approval was designed by Patrick C. Bristow Land Surveying dated 8/8/19.
- 2) Prior to issuance of building permit, all local state and federal approval letters and final site plan shall be submitted, and approved by the Town of Carolina Beach.
- 3) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission.
- 4) A 5' Landscape buffer required per approved site plan.
- 5) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 6) Widen the existing 15' access easement to 20' on the subject property (504 Keys Ln).
- 7) Provide agreement from 500 Keys Lane to also allow for additional 5' of easement through their property to establish a 20' access easement which allows for 2-way traffic.
- 8) This easement will also need to become a utility and access easement.
- 9) This easement must be in place prior to the issuing of any building permit.
- 10) Improve Keys Ln to a 20' width gravel with a 6" base.
- 11) The storm water system must be installed and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning.
- 12) A plan that includes a grading schedule, and construction schedule shall be submitted to the Technical Review Committee.
- 13) The Conditional Use Permit is subject to expire on 11/12/21 if construction of the project has not started.

Ordered this 12th day of November, 2019

Joe Benson, Mayor

Date

ATTEST: _____
Kimberlee Ward, Town Clerk

Date



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Ed Parvin

Department: Executive

Public Hearing - Clarendon Avenue Multi-Use Path Project

BACKGROUND

D:

Overview:

- Project is construction of **2,900 linear foot multi-use path** from Fourth St. to Dow Rd.
 - Adjacent to Carolina Beach Elementary and Carolina Lake Park
 - Within existing 90' Clarendon Street ROW
- Provides **pedestrian and bicycle connectivity** between:
 - Central Business District/ Boardwalk area • Mike Chappelle Park
 - Carolina Lake Park • Island Greenway
 - CB Elementary • Dow Rd. corridor
 - Surrounding neighborhoods
 -
 - Provides **separated path** for bikers and pedestrians; no motorized vehicles allowed
 -
- Identified as a priority in the 2018 CB Pedestrian Plan, and 2011 CB Bicycle Multi-Use Transportation Plan; bike paths and walkways top priorities in CB Parks and Recreation Master Plan

Timeline:

- **2011:** CB Bicycle Multi-Use Plan adopted by Town Council; Clarendon MUP #1 Priority
- **2014:** Phase 1-B Utilities & Streetscape Project – After multiple reviews and options, Clarendon MUP not included in overall utilities project construction
- **June 2018:** CB Pedestrian Plan adopted by Town Council; Clarendon MUP #19 priority
- **Nov. 2018:** MPO Grant call for projects; eligible projects must be in MPO 2040 Plan; CB Bike Ped Committee recommends Town Council apply for funding for Clarendon MUP
- **Jan. 2019:** Town Council unanimously adopts Resolution of Support for project grant application and local match

- **March 2019:** Grant awarded
- **June 2019:** Town Council adopts 2019-20 Budget with Clarendon Project included
- **Sept. 2019:** Public Meeting held; meeting summary may be viewed @ <https://cms4.revize.com/revize/carolinabeach/9-19-19%20Clarendon%20Ave.%20Public%20Meeting%20summary%20and%20materials.pdf>

Funding:

Provided through TASA Federal DOT grant funding administered through the Wilmington Metropolitan Planning Organization:

DOT Grant:	\$546,450 (80%)
<u>Town Match:</u>	<u>\$136,613 (20%)</u>
Total:	\$683,063

Current Project Estimate: \$468,000
Southside Alt. Estimate: To be provided prior to Nov. 12 mtg.

Status/Schedule:

- Bid/Construction Plans approved by NCDOT
- Finalizing Contract Document & Permitting
- Construction bids December/January; construction April/May 2020

ACTION REQUESTED: Mayor Benson will open a public hearing to allow public comment on the Clarendon Avenue Multi-Use Path Project.

No action is required.

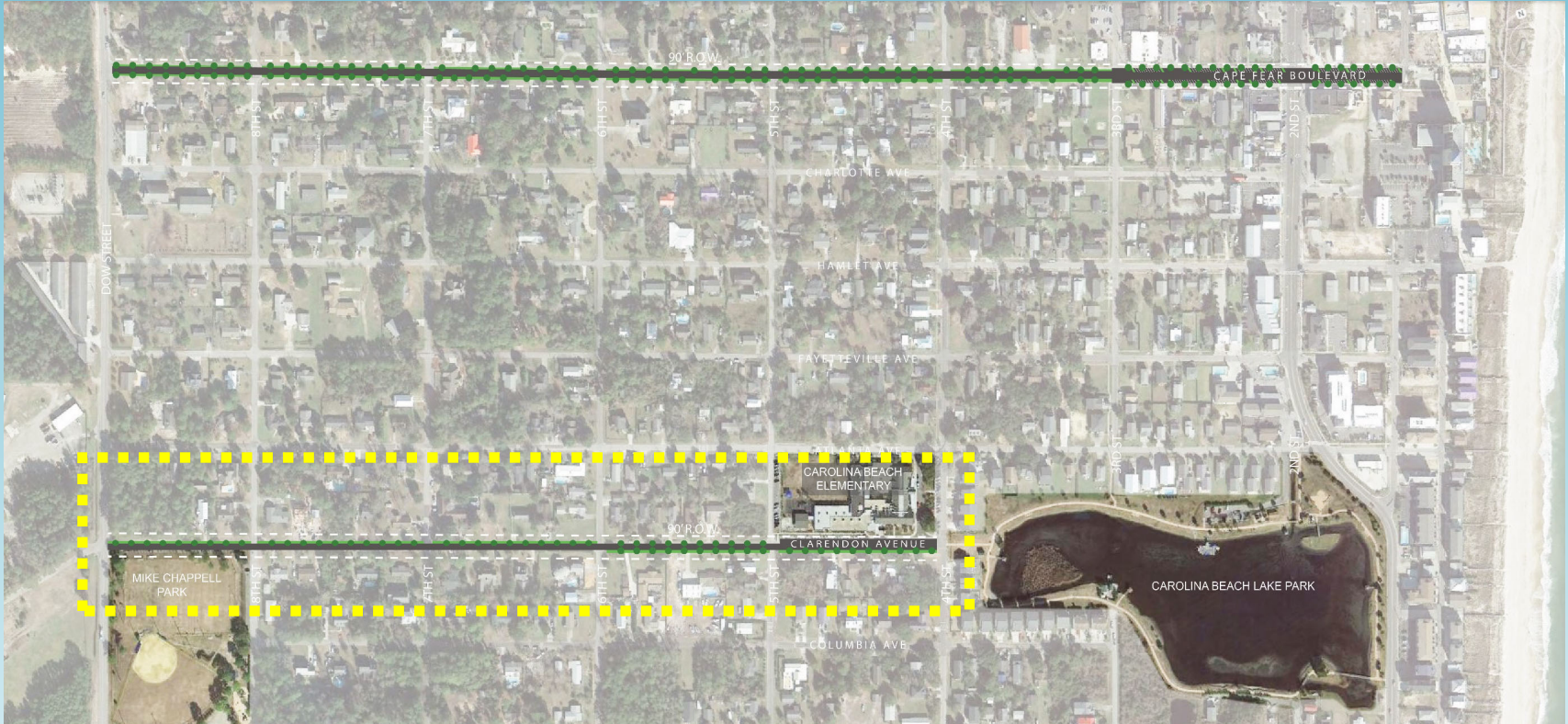
COMMITTEE RECOMMENDATION: NA

ATTACHMENTS: [Clarendon Public Hearing 11-12-19](#)



Clarendon Ave. Multi-Use Path Public Hearing

NOVEMBER 12, 2019
TOWN COUNCIL CHAMBERS



Location

- Construction of **2,900 linear foot multi-use path** from Fourth St. to Dow Rd.
 - Adjacent to Carolina Beach Elementary and Carolina Lake Park
 - Within existing 90' Clarendon Street ROW
- Provides **pedestrian and bicycle connectivity** between:
 - Central Business District/ Boardwalk area
 - Carolina Lake Park
 - CB Elementary
 - Surrounding neighborhoods
 - Mike Chappell Park
 - Island Greenway
 - Dow Rd. corridor
- Provides **separated path** for bikers and pedestrians; no motorized vehicles allowed
- Identified as a priority in the 2018 CB Pedestrian Plan, and 2011 CB Bicycle Multi-Use Transportation Plan

Overview

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2040 Plan – CB Projects

BP-19	INDEPENDENCE BLVD EXTENSION	RANDALL PKWY	SOUTH OF MLK PKWY	\$4,361,533
BP-20	HARPER AVE	DOW RD	S 3RD ST	\$2,246,933
BP-21	COLLEGE RD	RANDALL PKWY	NEW CENTRE DR	\$1,230,756
BP-22	MILITARY CUTOFF RD & EASTWOOD RD	N/A	N/A	\$83,175
BP-23	DOW RD	CLARENDON AVE	LAKE PARK BLVD	\$2,307,679
BP-24	HOSPITAL PLAZA DR PATH	LAKESHORE DRIVE	S 17TH ST	\$543,289
BP-25	NEW CENTRE DR	COLLEGE RD	PROPOSED TRAIL TO CLEAR RUN DR	\$1,063,130
BP-26	SHIPYARD BLVD	RIVER RD	CAROLINA BEACH RD	\$2,102,080
BP-27	N COLLEGE RD	NEW VILLAGE WAY	BAVARIAN LN	\$1,360,529
BP-28	COLLEGE RD & NEW CENTRE DR	N/A	N/A	\$83,175
BP-29	Medical Center Dr	CAROLINA BEACH RD	S 17TH ST	\$2,519,043
BP-30	RACINE DR	RANDALL DR	EASTWOOD RD	\$2,210,251
BP-31	SHIPYARD BLVD	INDEPENDENCE BLVD	LONGSTREET DR	\$486,828
BP-32	SHIPYARD BLVD & INDEPENDENCE BLVD	N/A	N/A	\$83,175
BP-33	SHIPYARD BLVD	S 17TH ST	INDEPENDENCE BLVD	\$2,050,650
BP-34	Cape Fear Boulevard	Dow Road	Lake Park Boulevard	\$2,616,182
BP-35	EASTWOOD RD & WRIGHTSVILLE AVE	N/A	N/A	\$97,858
BP-36	SHIPYARD BLVD	CAROLINA BEACH RD	S 17TH ST	\$2,898,275
BP-60	SEVENTH AVE & K AVE	N/A	N/A	\$152,460
BP-61	US 17 & PROVISION PKWY	N/A	N/A	\$152,460
BP-62	MARKET ST & MIDDLE SOUND LOOP RD	N/A	N/A	\$152,460
BP-63	Bridge Barrier Rd	GREENWAY PLAN PATH	OLD DOW RD	\$43,364
BP-64	GREENVILLE AVE	OLEANDER DR	PARK AVE	\$393,276
FISCALLY-CONSTRAINED BICYCLE AND PEDESTRIAN PROJECT LIST				
ID	PROJECT	FROM	TO	CONSTRUCTION YEAR COST ESTIMATE
BP-66	VILLAGE RD NE	WAYNE RD	OLD MILL RD	\$1,813,447
BP-69	Clarendon Ave	Dow Rd.	Lake	\$1,847,792
BP-70	JENKINS RD	US17	ST JOHNS CHURCH RD	\$345,352
BP-71	MARKET ST	Beyshore Dr	Marsh Oaks Dr.	\$4,146,552
BP-72	ST JOHNS CHURCH RD	Jenkins	End	\$750,800
BP-73	MASTER LN	Doral Dr	Stoop Point Loop Rd.	\$715,432
BP-74	Cleander Drive	Hawthorne Road	42nd Street	\$704,579
BP-75	Wrightsville Ave	Castle Street	Independence Blvd	\$193,805
BP-76	Cleander Drive	Wooster Street	Mimosa Place	\$248,481
BP-77	Dennis Street	Middleville Ave	Cleander Drive	\$47,733

Funding

Provided through TASA Federal DOT grant funding administered through the Wilmington Metropolitan Planning Organization:

DOT Grant:	\$546,450 (80%)
<u>Town Match:</u>	<u>\$136,613 (20%)</u>
Total:	\$683,063

Current Project Estimate: \$468,050

Southside Alt. Estimate: \$609,160

Status/Schedule

- Bid/Construction Plans approved by NCDOT
- Finalizing Contract Document & Permitting
- Construction bids December/January; construction April/May 2020

Financing and Schedule

- **Responding to Town residents' requests**

- According to public input for the Parks, Recreation, and Open Space Master Plan process, Sidewalks/Pedestrian Lanes/Paths /Trails/Crosswalks were the **2nd most requested amenities** in the Town (218 responses)

- **Traffic calming**

- **Slows cars** for a safer pedestrian and cycling experience

- **Connectivity**

- Direct neighborhood link between Carolina Lake Park, Carolina Beach Elementary, Mike Chappelle Park and Island Greenway, and the Dow Road corridor.

- **Neighborhood feel**

- Increases visibility; promotes neighborly interaction

- **Limited impacts**

- All work is designed **within the public right-of-way**

GOAL #5: CIRCULATION

Develop a comprehensive circulation network that integrates vehicular, pedestrian and bicycle systems as a key organizing element of the Town.

Objectives

- To create a connected pedestrian system that promotes walking by developing high quality pedestrian orientated streetscapes, parks, plazas and trails that provide easy access to all key destinations in the Town
- To improve the visual quality of primary streets and implement traffic calming measures and techniques at busy roads and intersections to improve traffic flow and pedestrian safety
- To provide attractive, organized and well designed on / off-street parking areas that provide convenient access to Town attractions
- To create a hierarchy of gateways that announce arrival to the Town, the CBD and the beach
- To implement a wayfinding system that clearly identifies destinations and helps visitors navigate their way through Town

Town of Carolina Beach Master Development Plan

Benefits

PARKS, RECREATION AND OPEN SPACE MASTER PLAN

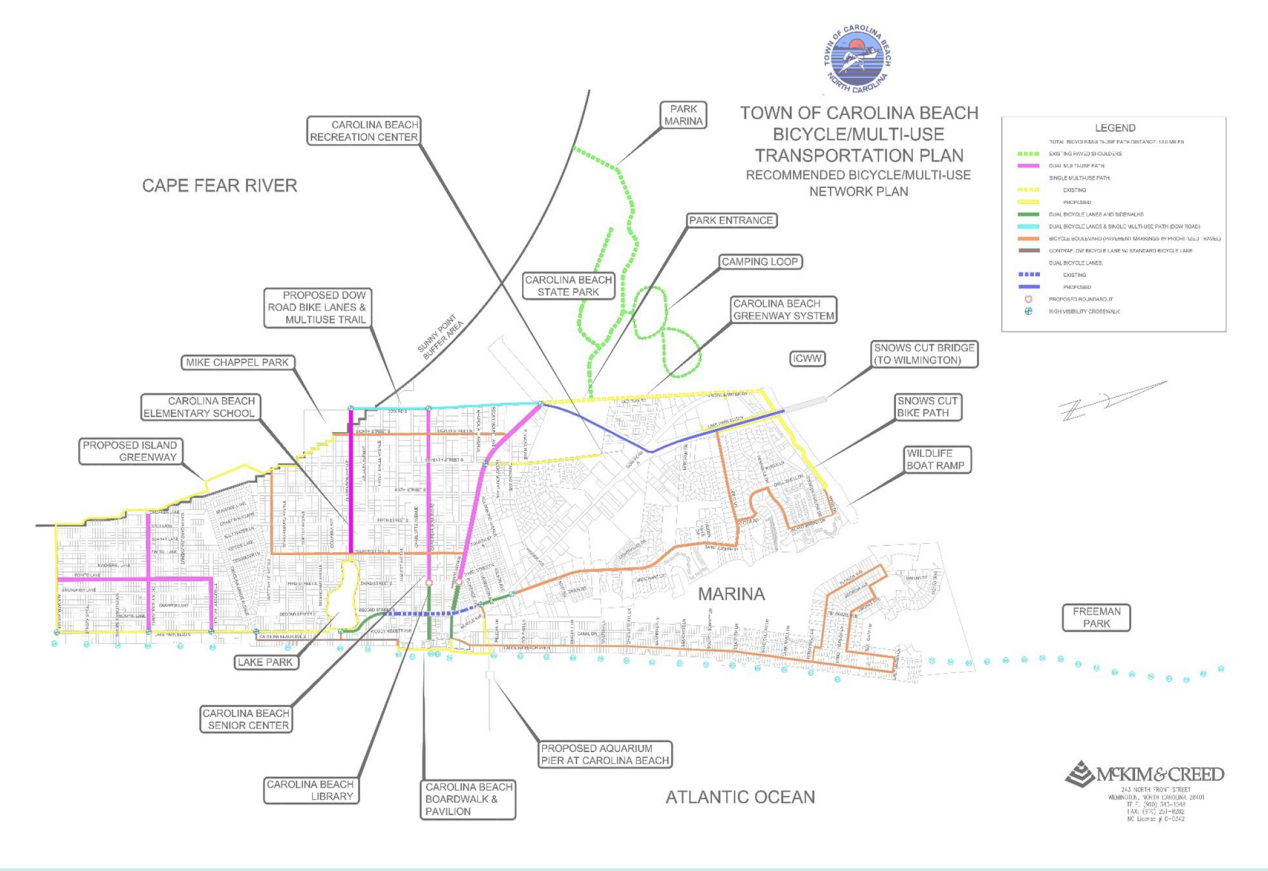
◆ When asked the open ended question “In your opinion, what are the five (5) most important NEW Recreational Facilities/Areas/Parks the Town needs to provide?”, a tally of the survey responses reveals the top eight (8) responses are:

- Year-round Swimming Pool
- Sidewalks/Pedestrian Lanes/Paths/Trails/Crosswalks
- Bike/Hike/Greenway Lanes/Trails/Paths
- Water Access Sites/Facilities
- Splash Pad
- Athletic Ballfields
- Dog Park
- Public Restrooms/Showers

The responses confirm the responses to the previous question and indicate an expressed desire/want/need by the residents of the Town of Carolina Beach for active exercise, fitness, nature and health related recreational facilities, areas and parks. A listing of the responses to this question is included in Appendix—Q.

Facilities, Areas and Parks	Number of Respondents
Year-Round Swimming Pool	228
Sidewalks/Pedestrian Lanes/Paths/Trails/Crosswalks	219
Bike/Hike/Greenway Lanes/Paths/Trails	213
Water Access Sites/Facilities	64
Splash Pad	56
Athletic Fields	41
Dog Park	39
Public Restrooms/Showers	38





Town Bicycle/Multi-Use Transportation Plan

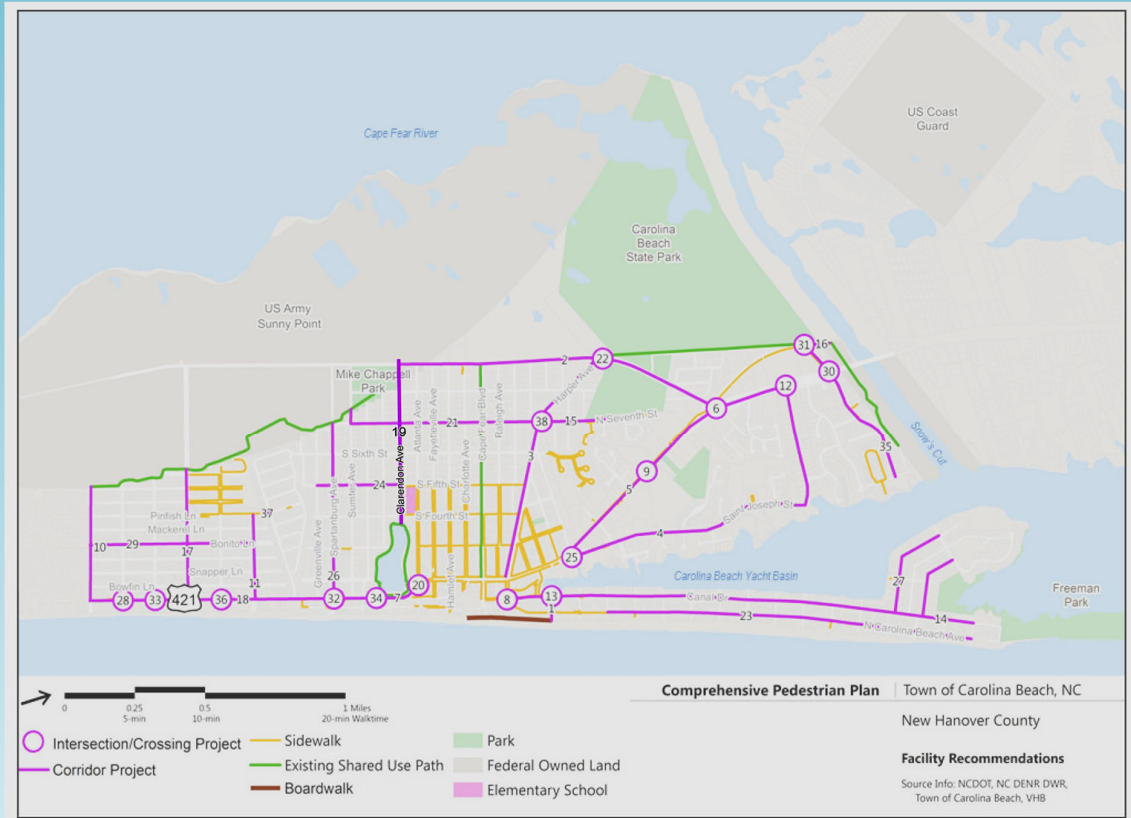


Figure ES-1. Facility Recommendations Map

Town Comprehensive Pedestrian Plan



Before



After



Before & After: Carolina Beach Elementary



Before



After



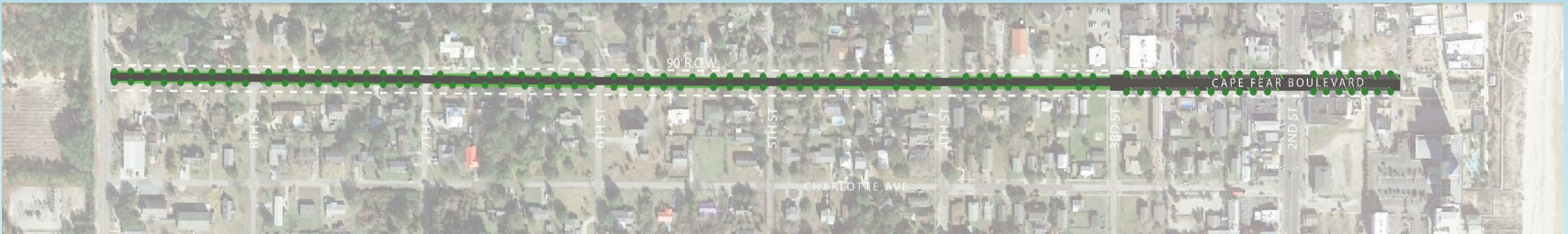
Before & After: 6th Street Intersection



Clarendon Ave. (Present) 4th – 5th Street

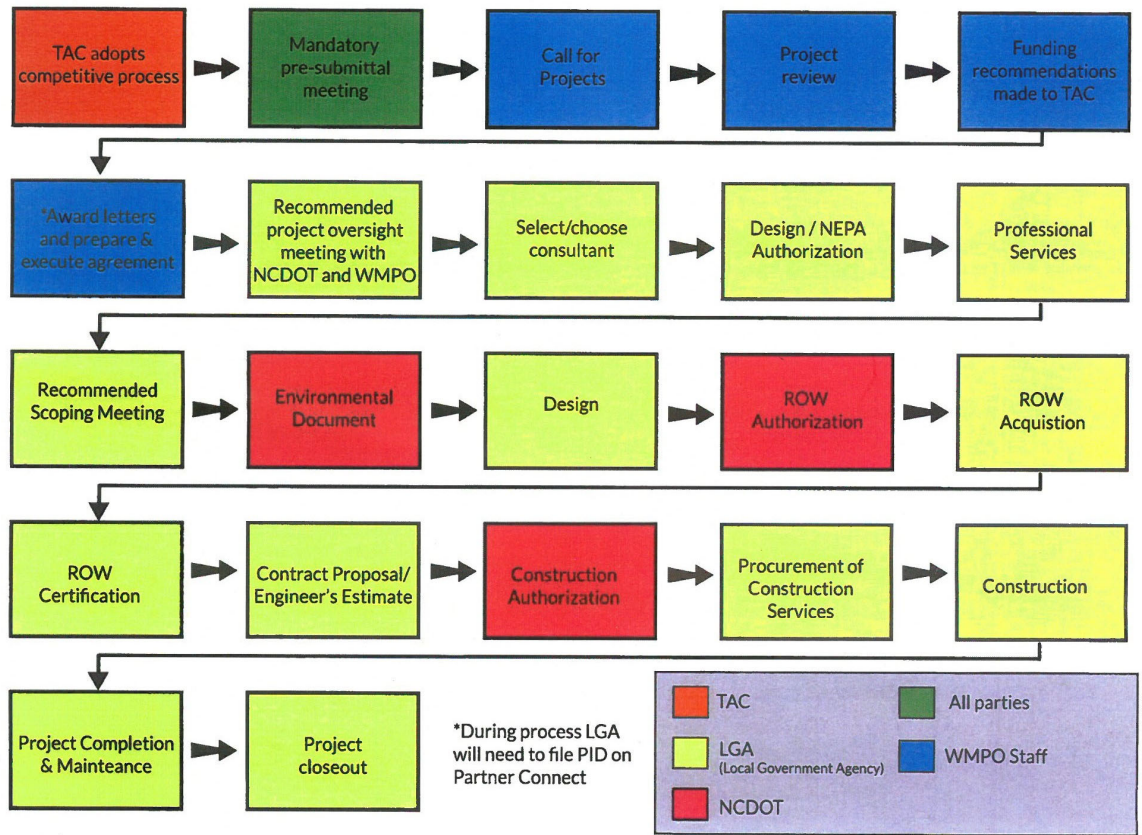


Cape Fear Blvd. Multi-Use Path



Cape Fear Blvd. Multi-Use Path

STP-DA and TAP-DA Funding: From Application to Construction



STP, DA & LGA Grant Process:

- **Local plan development process w/ public input – Bicycle & Pedestrian Plans**
- **Projects included & prioritized in plans**
- **Conceptual design**
- **Committee review & recommendation to Town Council**
- **Town Council authorization for grants**
- **Projects included in Town budget**
- **Grant application**
- **MPO & NCDOT grant review & approval**
- **Grant award & DOT agreement**
- **Final design completion & DOT review/approval**
- **Final design permitting:**
 - **NCDOT Encroachment**
 - **NCDOT ROW Certification**
 - **Erosion & Sediment Control – NCDENR**
 - **State Stormwater – NCDENR**
- **Construction Contract completion; DOT review/approval**
- **Construction Funding Authorization**
- **Bidding, Letting & Construction**



THANK YOU FOR ATTENDING



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Jeremy Hardison

Department: Planning

Text Amendment to amend ARTICLE II. - TRAFFIC REGULATIONS, Sec. 16-56. - Driving on concrete portion of the boardwalk.

BACKGROUND:

At the September workshop staff presented allowance for driving on the concrete portion of the sidewalk to accommodate deliveries that were limited to golf carts only. Council directed staff to bring back an ordinance to address construction deliveries that would accommodate vehicles on a limited basis. The attached ordinance requires that a permit must be issued for any deliveries occurring on the concrete portion of the boardwalk and are limited to 30 minutes for each drop off and pick up. Business deliveries are exempt from permit requirements occurring Monday- Friday from 3:00am - 9:00am.

ATTACHMENTS:

[Rates and Fees - Driving on Boardwalk](#)

[Sec. 16 56. Driving on concrete portion of the boardwalk option 2](#)



ORDINANCE NO. 19-1126

RATES & FEES

RE-ENTRY, PARKING, GOLF CART, AND FREEMAN PARK FEES

<u>Permit for Driving on the Concrete Section of the Boardwalk</u>	Fee
	<u>Construction materials - \$200.00 for initial permit, \$50 for every permit thereafter associated with a building permit.</u>
	<u>Business Deliveries - \$50.00</u>

<u>Parking Violation</u>	<u>Fee</u>
Driving on Boardwalk without permit or prior approval	\$50.00

<u>Ordinance Violations</u>	
<u>Damaging town sidewalk</u>	<u>Fee</u>
	<u>Up to \$2,000 depending on the extent of the damage and administrative cost</u>

Adopted this 12th day of November, 2019.

Joe Benson, Mayor

Attest: _____
Kimberlee Ward, Town Clerk

Driving on the Boardwalk



ORDINANCE NO # 19-1127

Amend Sec. 16-56. - Driving on concrete portion of the boardwalk.

Sec. 16-56. - Driving on concrete portion of the boardwalk.

- a) *Driving on boardwalk restricted.* It shall be unlawful for any person to drive a motor vehicle upon the concrete portion of the boardwalk (to include the area at the easternmost end of Cape Fear Boulevard converted to park area), except upon issuance of a temporary permit by the [Town Manager or their designee](#). ~~Director of Public Works.~~
- b) Purpose: Accommodate movement of business inventory and construction materials for boardwalk business and property owners that do not have access to a right of way open to vehicular traffic.
- c) *Requirements.* Any ~~person~~ boardwalk business or property owner seeking to drive ~~a motor vehicle~~ upon the concrete portion of the boardwalk shall ~~initially provide~~ meet the following:
 - ~~(1) A completed application to the Director of Public Works.~~
 1. A signed statement acknowledging all responsibility to cover costs of repairing any damage resulting from any operation that occur on the pedestrian designated areas of the boardwalk. Damages are subject to fines and/or shall be addressed prior to the issuance of a certificate of occupancy.
 2. A single permit is good for 10 business days and allows for maximum of two vehicles.
 3. Submit and follow an approved route with an encroachment plan that address safety and security. Failure to comply with the approved route and plan shall result in immediate discontinuance of the permitted activity and a new permit and fee shall be submitted.
 4. Driving on the boardwalk area shall occur only Monday – Friday. Access hours shall be specified in the permit and are limited to 30 minutes to park on the boardwalk for each drop off and pickup. Duration may be extended upon request for a specific task (i.e. concrete pour).

5. ~~(3) — A policy of liability insurance in an amount not less than \$1,000,000.00 indemnifying the town from any and all claims for damages or injuries which may occur from access to the boardwalk.~~

~~(4) — In addition to requiring a policy of liability insurance, the person must also post a cash bond in an amount not less than the deductible listed in the insurance policy to further indemnify the town and any claims.~~

~~(c) — *Granting permit; release from responsibility.* In granting or denying the permit, the Director of Public Works shall consider the potential damage to the boardwalk and pedestrian safety. Prior to releasing the permittee from his responsibilities, the Director of Public Works shall inspect the area for damages and if no damage has occurred may release the permittee from his responsibility by signing a release form.~~

~~(d) — *Damages.* Any damage that is noted by the Director of Public Works must be repaired before release can be effective.~~

~~(e) — *Entrance/exit.* All vehicles must enter and exit at areas designated by the Director of Public Works and must adhere to the routing as designated by the Director. Failure to comply with the entrances, exits and routing as designated shall result in immediate discontinuance of the permitted activity, such discontinuance shall continue until resolution to the satisfaction of the Director.~~

~~(f) — *Vehicle weight.* Weight of vehicles to be permitted on the boardwalk shall be determined by the Director of Public Works based on the maximum vehicle weight which may cause damage.~~

~~(c) Exceptions.~~

~~1. Golf carts can be utilized for deliveries without a permit on Monday – Friday from 3:00am-9:00am.~~

~~2. The town manager and/or their designee may allow for exceptions associated with fire, emergency, rescue and utility company vehicles to repair or replace equipment and to maintain property on the boardwalk.~~

~~(d) Fee and Violations. Any fee and all violations of the provisions of this article shall be as defined in the town's annually adopted rates and fees schedule~~

Adopted this 12th day of November, 2019.

Joe Benson, Mayor

Attest: _____

Kimberlee Ward, Town Clerk



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Debbie Hall

Department: Finance

Approval of Financing Terms for Hamlet Facility & 3 CBAS

- BACKGROUND:** Council originally approved financing terms on September 10, 2019 for the Hamlet Facility and purchase of 3 Carolina Beach Avenue South. The Local Government Commission was not able to hear the application at its October 1, 2019 meeting because the Town was unable to obtain construction bids in time. As a result, the Town's application will be heard at the December 3, 2019 meeting. The Town asked for an extension of the financing terms; however, BB&T would not honor the initial rate offered. Therefore, a new Resolution Approving Financing Terms is necessary. The new quote is 2.49% interest for 15 years (the initial quote was 2.38%).
- BUDGET IMPACT:** Debt service payments will affect budget.
- ACTION REQUESTED:** The Finance Director and Town Manager recommend that Council approve Resolution #19-2213 "Resolution Approving Financing Terms".
- ATTACHMENTS:** [Resolution 19.2213](#)
[BBand T Financing Terms](#)



Resolution Number 19-2213

Resolution Approving Financing Terms

WHEREAS: The Town of Carolina Beach, NC ("Town") has previously determined to undertake a project for the financing of the purchase and reconstruction of various properties, and the Finance Officer has now presented a proposal for the financing of such Project.

BE IT THEREFORE RESOLVED, as follows:

1. The Town hereby determines to finance the Project through Branch Banking and Trust Company ("BB&T"), in accordance with the proposal dated September 4, 2019. The amount financed shall not exceed \$1,200,000.00 the annual interest rate (in the absence of default or change in tax status) shall not exceed 2.49%, and the financing term shall not exceed fifteen (15) years from closing.

2. All financing contracts and all related documents for the closing of the financing (the "Financing Documents") shall be consistent with the foregoing terms. All officers and employees of the Town are hereby authorized and directed to execute and deliver any Financing Documents, and to take all such further action as they may consider necessary or desirable, to carry out the financing of the Project as contemplated by the proposal and this resolution.

3. The Finance Officer is hereby authorized and directed to hold executed copies of the Financing Documents until the conditions for the delivery of the Financing Documents have been completed to such officer's satisfaction. The Finance Officer is authorized to approve changes to any Financing Documents previously signed by Town officers or employees, provided that such changes shall not substantially alter the intent of such documents or certificates from the intent expressed in the forms executed by such officers. The Financing Documents shall be in such final forms as the Finance Officer shall approve, with the Finance Officer's release of any Financing Document for delivery constituting conclusive evidence of such officer's final approval of the Document's final form.

4. The Town shall not take or omit to take any action the taking or omission of which shall cause its interest payments on this financing to be includable in the gross income for federal income tax purposes of the registered owners of the interest payment obligations. The Town hereby designates its obligations to make principal and interest payments under the Financing Documents as "qualified tax-exempt obligations" for the purpose of Internal Revenue Code Section 265(b)(3).

5. The Town intends that the adoption of this resolution will be a declaration of the Town's official intent to reimburse expenditures for the project that is to be financed from the proceeds of the BB&T financing described above. The Town intends that funds that have been advanced, or that may be advanced, from the Town's general fund or any other Town fund related to the project, for project costs may be reimbursed from the financing proceeds.

6. All prior actions of Town officers in furtherance of the purposes of this resolution are hereby ratified, approved and confirmed. All other resolutions (or parts thereof) in conflict with this resolution are hereby repealed, to the extent of the conflict. This resolution shall take effect immediately.

Approved this _____ day of _____, 2019

By: _____

By: _____

Title: _____

Title: _____

SEAL


Branch Banking & Trust Company

Governmental Finance

5130 Parkway Plaza Boulevard
 Charlotte, North Carolina 28217
 Phone (704) 954-1700
 Fax (704) 954-1799

Revised: September 4, 2019

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

Dear Ms. Hall:

Branch Banking and Trust Company ("BB&T") is pleased to offer this proposal for the financing requested by the Town of Carolina Beach, NC ("Borrower").

PROJECT: Property Purchase & Reconstruction

AMOUNT: \$1,200,000.00

TERM: 15 years

INTEREST RATE: 2.49%

TAX STATUS: Tax Exempt-Bank Qualified

PAYMENTS: Interest: Annual, in arrears
Principal: Annual, in arrears

INTEREST RATE CALCULATION: 30/360

SECURITY: First lien security interest on Real Property purchased, financed, constructed, or renovated with financing proceeds

PREPAYMENT TERMS: Prepayable in whole at any time for the first half of the term with a one percent prepayment penalty. After the first half of the term the transaction will be prepayable in whole at any time without penalty.

RATE EXPIRATION: December 6, 2019

DOCUMENTATION/ LEGAL REVIEW FEE: \$5,900

FUNDING: Proceeds will be deposited into an account held at BB&T at closing pending disbursement for project costs.

DOCUMENTATION: BB&T and its counsel shall prepare the deed of trust and all documentation for the Borrower. We shall provide a sample of all required documentation to you and your counsel if BB&T is the successful proposer. BB&T will not require a survey or title insurance. Evidence of LGC approval is required when applicable. At a minimum, BB&T shall require flood insurance, if applicable.

REPORTING REQUIREMENTS: BB&T will require financial statements to be delivered within 270 days after the conclusion of each fiscal year-end throughout the term of the financing.

Should we become the successful proposer, we have attached the form of a resolution that your governing board can use to award the financing to BB&T. If your board adopts this resolution, then BB&T shall not require any further board action prior to closing the transaction.

BB&T shall have the right to cancel this offer by notifying the Borrower of its election to do so (whether or not this offer has previously been accepted by the Borrower) if at any time prior to the closing there is a material adverse change in the Borrower's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the Borrower or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to BB&T.

Costs of counsel for the Borrower and any other costs will be the responsibility of the Borrower.

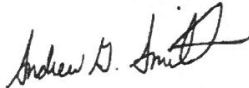
The stated interest rate assumes that the Borrower expects to borrow no more than \$10,000,000 in the current calendar year and that the financing will qualify as qualified tax-exempt financing under the Internal Revenue Code. BB&T reserves the right to terminate this bid or to negotiate a mutually acceptable interest rate if the financing is not qualified tax-exempt financing.

The financing documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with state statutes or the Internal Revenue Service code.

BB&T appreciates the opportunity to offer this financing proposal. Please call me at (803) 251-1328 with your questions and comments. We look forward to hearing from you.

Sincerely,

Branch Banking & Trust Company



Andrew G. Smith
Senior Vice President



AGENDA ITEM

Meeting: Regular Town Council - 12 Nov 2019

Prepared By: Noel Fox

Department: Attorney

Closed Session to Discuss an Attorney/Client and Personnel Matter

ACTION REQUESTED:

Motion to go into closed session to discuss an attorney/client and personnel matter in accordance to NCGS 143-318.11(a)(3) and (6).

The matters being discussed include:

TCB vs. Carolina Freeman LLC NHC 18 CVS 3151

TCB vs, B&F Enterprises LLC NHC 18 CVS 3152

TCB vs DRDK, LLC NHC 18 CVS 3153

TCB vs Freeman Beach, LLC 18 CVS 3154