

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, November 12, 2020 – 6:30 PM

Council Chambers, 1121 N. Lake Park Boulevard, Carolina Beach, NC



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

- [1.](#) Approval of Meeting Minutes from October 8, 2020

STAFF REPORT ON RECENT COUNCIL MEETINGS

STAFF REPORT ON RECENT DEVELOPMENTS

PUBLIC DISCUSSION

DISCUSSION ITEMS

- [2.](#) Consider a Conditional Use Permit for a 5-Unit Residential Planned Unit Development to be located at 216 Spartanburg Avenue (PIN - 3130-32-7671)

Applicant: Laurel Companies LLC.

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: November 12, 2020 Planning and Zoning

SUBJECT: Approval of Meeting Minutes from October 8, 2020

BACKGROUND:

Attached are the meeting minutes from the October P&Z meeting.

ACTION REQUESTED:

Review and recommend changes or approval.

CAROLINA BEACH

Planning and Zoning Commission Meeting Minutes
Thursday, October 8, 2020 @ 6:30 PM
Council Chambers
1121 North Lake Park Boulevard
Carolina Beach, NC 28428

CALL TO ORDER

Vice Chairman LeCompte called the meeting to order at 6:30 PM.

PRESENT: P&Z Vice Chairman Deb LeCompte, P&Z Commissioner Melanie Boswell, P&Z Commissioner Ethan Crouch, P&Z Commissioner Jeff Hogan, P&Z Commissioner John Ittu, P&Z Commissioner Todd Piper, and P&Z Commissioner Wayne Rouse

ALSO PRESENT: Planning Director Jeremy Hardison and Planner Miles Murphy

Vice Chairman LeCompte welcomed new Commissioners Piper and Crouch.

APPROVAL OF MINUTES

1. Approval of Meeting Minutes from September 10, 2020

ACTION: Motion to accept the minutes as written

Motion: Commissioner Rouse

Second: Commissioner Ittu

Vote: UNANIMOUS

Vice Chairman LeCompte opened the floor to nominations for Chairman and Vice Chairman.

ACTION: Motion to nominate Vice Chairman LeCompte as Chairman

Motion: Commissioner Rouse

Second: Commissioner Boswell

Vote: UNANIMOUS

ACTION: Motion to nominate Commissioner Rouse as Vice Chairman

Motion: Commissioner Boswell

Second: Commissioner Hogan

Vote: UNANIMOUS

STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- Still seeing significant tidal flooding as a result of the king tides
- Phase 3 – Staff is working with business owners
- Working with City of Wilmington and New Hanover County on workforce housing assessment

Mr. Murphy reported the following statistics for the past month:

Permitting

- 33 permits (renovation, repair, grading, additions, fence)
- 4 residential new construction
- 12 certificates of occupancy

Code Enforcement

- 13 complaints received
- 8 resolved

Demolition

- 505 Lewis Drive
- 109 Cape Fear Boulevard
- 404 North 7th Street
- 308 Carolina Beach Avenue North
- 300 Goldsboro Avenue
- 3 Carolina Beach Avenue South

New Business

- Island Massage (potential relocation)

Coming Up

- Text amendment: sign ordinance overhaul
- Text amendment: road improvement standards
- No-parking language
- Bike/pedestrian recommendations
- Conditional Use Permit for a 5-unit Planned Unit Development at 216 Spartanburg Avenue

PUBLIC DISCUSSION

None

DISCUSSION ITEMS

2. Consider a Conditional Use Permit for an 8-Unit Residential Multi-family Building to be located at 202 S. Carolina Beach Avenue (PIN -3130-54-2234)

Applicant: Too Construction Inc

The following individuals were sworn in: Mr. Hardison, Mr. Murphy, Ned Barnes, and Chad Shingleton.

Chairman LeCompte: Mr. Hardison?

Mr. Hardison: Thank you, Chairwoman, Commission. This is a Conditional Use Permit for an 8-Unit Multi-family Building located at 202 Carolina Beach Avenue South. That will be one building consisting of eight units. It's currently two lots sitting here that are vacant. That's on Carolina Beach Avenue South, and also there's a through lot that also backs up to Woody Hewett. It's zoned T-1, and the surrounding properties are zoned T-1 as well. It's surrounded by adjacent to

the Central Business District on Harper and also, excuse me, on Hamlet, and Mixed Use district on Lake Park Boulevard. Multi-family is permitted with a Conditional Use Permit in T-1. T-1 standards, it also allows for single-family, multi-family duplexes, hotels, motels, and smaller businesses. The height limit is 50 feet. The front setback is 20. The rear is 10. Seven and a half all sides. The density requirement is 29 units per acre, and 40 percent lot coverage are the requirements for T-1 zoning district. Here again, this is a picture of the property. Adjacent uses is a 24-unit oceanfront multi-family building. Across the street on Carolina Beach Avenue South off of Woody Hewett, there is a couple single-family homes and a vacant lot. Adjacent properties, to the north is a duplex. On the south is a single-family and then also multi-family building as well. Here is a site plan of the property. You have to have, the applicant has to provide that he meets seven specific standards. One is ingress and egress to the property with a safety pedestrian/automotive. Access, ingress and egress will remain for Carolina Beach Avenue South and Woody Hewett proposing the driveways to the property. The design will accommodate parking for the entire structure. The staff is proposing a 4-foot sidewalk to be installed along Carolina Beach Avenue South. There is an existing sidewalk on the west side, but it does stop at the applicant's property, so we're requesting that a sidewalk be, the sidewalk be extended. The second specific standard is off-street parking. All units are proposed to be three bedrooms, and that would require 20 parking spaces for the project. The refused and service area, trash will be collected through rollouts like any other residential unit. There's no upgrades proposed or needed for the utilities. There's water and sewer lines in front of the buildings. They will be responsible for the laterals going to and service the project. A 10-foot landscape buffer is required. Once you get it over six units, the landscape buffer increases from a 5-foot to a 10-foot, so even though that the standard setback from the property line is seven and a half there, because the number of units it does increase the buffer zone. So the applicant is meeting the buffer requirements of 10 foot. No signs are being proposed at this moment that we have seen or the applicant is asking for, and maximum lot coverage is 40 percent. Proposed building is at 36 percent. The design of the building, all units will meet a two-hour firewall separation requirement, and a building will have, will also be sprinklered. And again, for the density, with 29 units per acre, if with a 13,750-square-foot lot, the breakdown would could have nine units. He's proposing eight units. There's four general conditions also that you have before you that with the Land Use Plan, the desired future land use of this area includes against residential or commercial area. The district serves as a transition and buffer area for more intense and dense uses of the oceanfront and multi-family, the CBD before you get to your residential areas. Staff recommends approval of the Conditional Use Permit with the requirement of a 4-foot-wide sidewalk on South Lake Park Boulevard. I'm sorry, Carolina Beach Avenue South. The, on Woody Hewett there's not existing sidewalks, so staff did not feel that there was a need for a sidewalk with this project. I'll answer any questions that you may have.

Chairman LeCompte: Do we have any questions for Jeremy? OK. At this time, then I'll make a motion to open the public hearing. Mr. Barnes?

Mr. Barnes: Madam Chairman, congratulations.

Chairman LeCompte: Thank you.

Mr. Barnes: Again, as I said anytime, I don't need to rehash everything. Jeremy did an excellent job going over the specific points. Ingress and egress, one of the few projects where we have ingress and egress both off of Carolina Beach Avenue South and Woody Hewett. With the

properties, there will be no off-street parking. There's sufficient parking under the units to accommodate all the requirements that the Town has for parking on-site. As Jeremy indicated, it's zoned where nine units could be built. In this case, we're actually building eight units, not nine. The side setbacks, we're changing the side setbacks. We're exceeding on the lot the maximum lot coverage that that is provided for. In exceeding open space, that's provided. Refuse will be like any other refuse of a residential unit. As he indicated, there will be no signage. Our contention is that it certainly without question is in harmony with the remaining properties, with the other properties adjacent to it. They're all residential. Again, these are going to be upscale units. They'll be three bedroom. Each unit serves by an elevator. They have no issue at all with installing the sidewalk as requested by the Town. And we'll be glad to address any questions. Chad Shingleton is here if you have specific questions about the project for him.

Chairman LeCompte: OK. Any questions for Mr. Barnes or the applicant?

Commissioner Crouch: I have one minor question. I didn't see, what was the building height proposed?

Mr. Barnes: The building height?

Mr. Shingleton: Well, the maximum allowed is 50 feet. We're gonna be 48. We're gonna be right at that maximum.

Commissioner Crouch: But no higher?

Mr. Barnes: It'll be below.

Mr. Shingleton: Yes, it will be below, sorry.

Vice Chairman Rouse: Good question.

Chairman LeCompte: Any other questions? All right, so we'll close, make a motion to close the public hearing.

Vice Chairman Rouse: Second.

Chairman LeCompte: All in favor?

Commission: Aye (motion passed unanimously).

Chairman LeCompte: So any discussion? Mr. Ittu?

Commissioner Ittu: No, I really, it seems pretty cut and dry. It met all the standards, and it fits right in with the neighborhood that's there. It looks like, I'm no expert on design, but it looks like it's pretty well laid out and all the requirements are met, so I would support it.

Chairman LeCompte: OK. Mr. Rouse?

Vice Chairman Rouse: I would also support, I will also support it. Staff's recommending it. It seems to meet the specific and general requirements not trying, not asking for anything. I guess the only reason we're here is because a CUP is required for the number of units, and it's actually going below, what he could build, they could build. So I would be supportive.

Chairman LeCompte: Commissioner Boswell?

Commissioner Boswell: No, I mean they, usually when we have one come before us here it's like you didn't meet the landscape buffer or they're not willing to meet the sidewalk standards, so I would support it being that you have done what staff's recommending and you agreed to the sidewalk. So I will support it with the sidewalk there.

Commissioner Hogan: I agree with that as well. I'm just glad that you're willing to do the sidewalk because we definitely need more sidewalks in this Town, so we appreciate that very much.

Chairman LeCompte: Commissioner Piper, do you have anything you'd like to?

Commissioner Piper: It fits in with the surrounding neighborhood. I mean, it's pretty much in line with what's adjacent and across the street.

Chairman LeCompte: Your microphone.

Commissioner Piper: It fits in line with what's adjacent and what's across the street, so I don't see any reason that it shouldn't move forward.

Chairman LeCompte: OK. All right. Commissioner Crouch? Do you have anything else?

Commissioner Crouch: No, I'm happy to see the landscape buffer requirements being met and the height restrictions being met.

Chairman LeCompte: OK. Anyone entertain a motion?

Vice Chairman Rouse: I will if you'll pop something up there for me, Jeremy.

Mr. Hardison: All right.

Vice Chairman Rouse: I'll make a motion that we approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide a 4-foot-wide sidewalk on the side of the drive aisle along South Carolina Beach Avenue right-of-way and that it otherwise meets the seven specific standards and four general conditions if developed according to the plan as submitted and approved.

Chairman LeCompte: All right. Second?

Commissioner Hogan: I second.

Chairman LeCompte: All in favor?

Commission: Aye (motion passed unanimously).

Mr. Hardison: Looks like we go on to November Town Council meeting.

3. Consider amending Chapter 40 to Sec. 40-72 & Sec. 40-548 to address floating homes

Mr. Hardison gave some background on the floating homes issue, which came about as the result of a barge with a home built on it docking at a local marina. This prompted scrutiny of the Town's current harbor and marina ordinance that defines a floating home as a house built on a floating platform without means of propulsion. The Town allows living aboard a boat inside a marina but not a floating home. The structure in question demonstrated propulsion via the use of two outboard motors. At the last meeting, the Commission directed staff to bring back a definition to close any potential loopholes with similar structures. The proposed definition, developed through researching the rules of other municipalities, is as follows: Floating structure means a barge-like structure that is not used as a means of transportation on water but which serves purposes or provides services typically associated with a structure on or other improvement to real property used for human habitation or commerce. Incidental movement or the capability of movement upon water does not preclude a structure from classification as a floating structure. Registration of the structure as a vessel in accordance with NCGS Chapter 75A does not preclude a structure from classification as a floating structure.

Commissioner Hogan said he likes how the definition has been tightened up and thinks it takes away the gray area that existed before.

ACTION: Motion to open the public hearing

Motion: Chairman LeCompte

Second: Vice Chairman Rouse

Vote: UNANIMOUS

No one requested to speak.

ACTION: Motion to close the public hearing

Motion: Chairman LeCompte

Second: Vice Chairman Rouse

Vote: UNANIMOUS

Vice Chairman Rouse asked whether a motion to adopt new language should include that current structures are grandfathered. Mr. Hardison said a zoning amendment that prohibits a certain land use automatically grandfathers any current land use as long as it is not modified.

Commissioner Boswell said she thinks the new definition is much better than the previous one and doesn't see any problems with it.

ACTION: Motion whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that amending Articles 3 and 18 to prohibit floating structures in public trust waters and define water-oriented uses is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion: Commissioner Hogan
 Second: Chairman LeCompte
 Vote: UNANIMOUS

4. A Text Amendment to update Chapter 40 Zoning –related to Conditional Zoning and 160D updates

Applicant: Town of Carolina Beach

Town staff is currently updating many aspects of the zoning ordinance related to the required 160D update in the State Statutes. Part of this involves a change of Conditional Use Permits to conditional zoning. Town staff has also been directed to review all uses and determine whether they should remain a conditional zoning use or if they are not intensive enough of a use to merit the conditional zoning process. Town staff updated Chapter 40 to represent the shift from conditional use to special use/conditional zoning and reviewed the table. Town staff specifically conferred over what uses they believe had overly intense requirements and have compiled recommendations. One of the big focuses of this update is the drastically reduce the need for cumbersome quasi-judicial procedures while still providing sufficient review and control over potentially deleterious uses. Town staff has been directed that conditional zoning is the recommended approval process and supported in the 160D updates for North Carolina.

Mr. Murphy said the elimination of Conditional Use Permits and the accompanying quasi-judicial procedures would allow the Commission to consider nonexpert comments from members of the public. Chairman LeCompte said it is hard for residents to understand that the Commission can't consider comments from those who are impacted personally just because they are not experts in the field, so she thinks this is a better direction to go. Mr. Murphy said the standards for ex parte communication also disappear with the elimination of Conditional Use Permits.

Mr. Murphy reviewed the table of permissible uses, which outlined uses of land and whether they would be considered permitted (P), may be permitted with conditional zoning (C), or may be permitted by special use permit (S). Commissioner Piper said he had issues with day care uses being designated as P in R-1, R-2, and R-3 districts. Commissioner Boswell said she agreed. Mr. Murphy said this can be changed to C before this goes to Council. Commissioner Crouch said he thought the P designation for libraries in R-1, R-2, and R-3 districts could be problematic due to a high volume of traffic. Mr. Murphy said this also can be changed to C before this goes to Council.

ACTION: Motion to open the public hearing
 Motion: Chairman LeCompte
 Vote: UNANIMOUS

No one requested to speak.

ACTION: Motion to close the public hearing
 Motion: Chairman LeCompte
 Vote: UNANIMOUS

Mr. Hardison said the Commission may want to consider requiring a public meeting between developers and residents to iron out issues before projects come before the board.

Commissioner Boswell said she is in favor of this because it could eliminate problems that have been a factor in the past.

ACTION: Motion as whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Zoning with the addition of a public meeting requirement. This is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

Motion: Vice Chairman Rouse

Second: Commissioner Hogan

Vote: UNANIMOUS

5. Consider a Text Amendment to modify Article III -Residential PUDs and Multifamily uses
Applicant: Town of Carolina Beach

Mr. Murphy said the vote on the previous item eliminated the need for this item to be heard.

NON-AGENDA ITEMS

Vice Chairman Rouse welcomed Commissioners Crouch and Piper and said he looks forward to working together. He also thanked former Commissioner Mike Hoffer and former Chairman Keith Bloemendaal for their service and wanted to take a moment to remember former Commissioner Jerry Kennedy, who passed away unexpectedly during his term a year ago.

Commissioner Crouch thanked everyone for the kind words and said he looks forward to working with everyone.

Chairman LeCompte thanked the board for electing her as Chairman and said she looks forward to serving.

ADJOURNMENT

Chairman LeCompte adjourned the meeting at 7:50 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy – Senior Planner

DEPARTMENT: Planning

MEETING: Planning & Zoning – November 12th, 2020

SUBJECT: Consider a Conditional Use Permit for a 5-Unit Residential Planned Unit Development to be located at 216 Spartanburg Avenue (PIN - 3130-32-7671)

Applicant: Laurel Companies LLC.

BACKGROUND:

The applicant, Laurel Companies LLC., is requesting a Conditional Use Permit (CUP) to build a five-unit residential Planned Unit Development at 202 S. Carolina Beach Avenue. The parcel is zoned R-1 which allows Residential PUDs with a unit density of 15-units per acre.

Laurel Companies proposes to construct five units, two 2-Unit townhomes and one 1-Unit townhouse, with an HOA. Each unit will be 3 stories with parking underneath. Stormwater will be directed towards Spartanburg and/or Third. The lot can contain a maximum of 5 units by R-1 zoning standards.

The property requires 40% lot coverage, standard parking, 25% open space, standard stormwater design, and a 5' landscaping buffer. All of these have been met/provided in the proposed layout.

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 S. 3rd Street.
 - A 4' wide sidewalk is requested to be installed along the drive aisle along the Spartanburg Avenue and S. 3rd Street Right of Ways.
- (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 lot and under the structure
 - - The design will accommodate sufficient parking for each structure (3/Unit).
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash service will be collected via standard residential manner

- (4) Utilities, with reference to locations, availability, and compatibility;
 - Utilities will be provided by Duke and the Town
 - Stormwater will be directed toward Spartanburg Avenue and S. 3rd Street
- (5) Screening and buffering with reference to type, dimensions, and character;
 - A 5' landscape buffer for this type of development
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - No signage is proposed at this time and any signage will have to meet all standard 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 residential Multi-family
 - Minimum of 25% of open space (51%)
 - Below maximum of 40% lot coverage (37%)

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 structure follows the setback requirements
- (2) That the use meets all required conditions and specifications;
 - The proposed CUP meets all required conditions.
- (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 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:

Staff recommends approval of the CUP with the inclusion of a 4' wide sidewalk parallel to Spartanburg Avenue and S. 3rd Street.

RECOMMENDED MOTION:

Approve the CUP for a 5-Unit Residential Planned Unit Development, that it is in accordance with the draft grant order and that the applicant shall provide a 4' wide

sidewalk on the side of the drive aisle along the Spartanburg and 3rd Street Right of Ways and that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.

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

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



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

Item 2.

Permit Number: _____

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.

2020 Submission Deadlines & Meeting Dates					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 6	Jan 21	Jan 30	Feb 13	Feb 25	Mar 10
Feb 4	Feb 18	Feb 27	Mar 12	Mar 31	Apr 14
Mar 2	Mar 16	Mar 26	Apr 9	April 28	May 12
Apr 6	Apr 20	Apr 30	May 14	May 26	June 9
May 4	May 18	May 28	June 11	June 30	July 14
June 1	June 15	June 25	July 9	July 28	Aug 11
July 6	July 20	July 30	Aug 13	Aug 25	Sept 8
Aug 3	Aug 17	Aug 27	Sept 10	Sept 29	Oct 13
Sept 7	Sept 21	Sept 24	Oct 8	Oct 27	Nov 10
Oct 5	Oct 19	Oct 29	Nov 12	Nov 24	Dec 8
Nov 2	Nov 16	Nov 28	Dec 10	Dec 29	Jan 12, 2021
Dec 7	Dec 21	Dec 30	Jan 14, 2021	FEB '21	FEB '21
Jan 4, 2021	Jan 19, 2021	JAN/FEB 2021	FEB '21	MARCH '21	MARCH '21

Board	# Copies Fall 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): 216 SPARTANBURG AVE, CAROLINA BEACH, NC 28428
PIN(s): _____
Project Name SPARTANBURG TOWNHOMES
Size of lot(s): 100' x 140' 14000 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):

2 DUPLEX TOWNHOMES + 1 SINGLE FAMILY HOME.

C. Applicant Contact Information

LAUREL COMPANIES, LLC
Company/corporate Name (if applicable):
Tim Barker
Applicant's Name
101 SEAVIEW RD
Mailing Address
WILMINGTON, NC 28409
City, State, and Zip Code
910-398-8867
Telephone
Tim@laurelcompanies.com
Email

D. Owner Contact Information (if different)

Jessica Pirone, Nest Realty c/o Monster Mountain LLC (William Gilligan)
Owner's Name
990 Inspiration Dr
Mailing Address
Wilmington, NC 28405
City, State, and Zip Code
+1 (910) 518-6378
Telephone
fullcircle@nestrealty.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 Property is located where similar duplex AND single family homes are constructed.

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

NO WAIVERS ARE BEING 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:

Similar homes are adjoining the property.

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.:

Our proposed project will match the homes surrounding the property.

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:
This property is located on the corner
of SPARTANBURG AVE AND S. 3RD ST w/ plenty of access.
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.
We have allowed for parking under each unit
NO UNSUAL NOISE, GLARE OR ODOES
3. Indicate how the refuse and service area, will be handled.
CITY WATER/SEWER/TRASH SERVICES
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.
CITY SERVICES ARE AVAILABLE WITH PROPER
POWER, WATER & SEWER.
5. Indicate how screening and buffering with reference to type, dimensions, and character will be provided or why it is not provided for;
SEE ATTACHED LANDSCAPING PLAN
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;
N/A
7. Indicate the required yards and other open space and preservation of existing trees and other attractive natural features of the land.
SEE ATTACHED SITE PLAN
w/ LANDSCAPING

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 type="checkbox"/> | <input type="checkbox"/> | <input checked="" 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 |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Title block or brief description of project including all proposed uses |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date |
| <input 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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Lot coverage (buildings, decks, steps) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed structures and the setbacks from property lines of all affected structures to remain on-site |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Design of driveways and parking |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent right-of-ways labeled with the street name and right of way width |
| <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | Location and design of refuse facilities |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Approximate locations and sizes of all existing and proposed utilities |
| <input type="checkbox"/> | <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Distances between all buildings |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of stories and height of all structures |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all structures |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the gross floor area with each room labeled (i.e. kitchen, bedroom, bathroom) |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks |
| <input type="checkbox"/> | <input 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 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Building construction and occupancy type(s) per the building code |
| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Location of fire department connection(s) for standpipes |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Turning radii, turnarounds, access grades, height of overhead obstructions |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | Dimensions and locations of all signs |
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | A vicinity map drawn with north indicated |

I have provided a scaled electronic version of each required drawing

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 Laurel Companies LLC 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.

William E Gilligan

dotloop verified
10/05/20 2:12 PM EDT
AL27-MUEX-9HWJ-R8TH

Signature

_____/_____/_____
Date

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, William Gilligan - Monster Mountain LLC, does hereby appoint Laurel Companies LLC - Tim Barker 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: 10-5-2020

Appointee's Name, Address & Telephone:

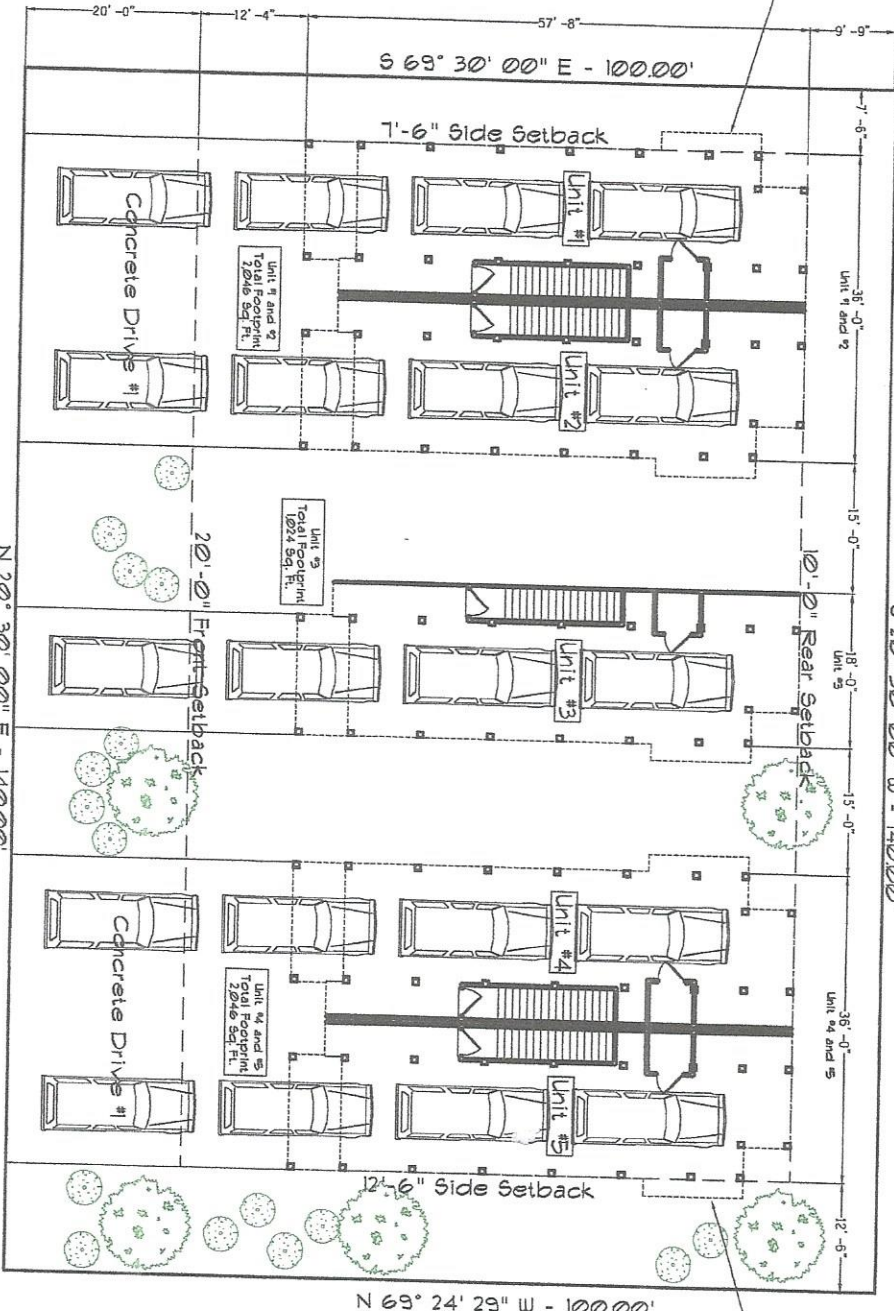
Tim Barker
101 Seaview Rd
Wilmington, NC 28409
910-632-3765

Signature of Owner:

William E Gilligan
dotloop verified
 10/05/20 2:12 PM EDT
 WGSF-BJXT-GZIF-SITQ



2'-0" Cantilever That Is No More Than 25% Of The Wall Per Town Of Carolina Beach



2'-0" Cantilever That Is No More Than 25% Of The Wall Per Town Of Carolina Beach

Lot Total - 14,000 Sq. Ft.
 5 Units Total Coverage - 5,116 Sq. Ft.
 14,000
 5,116 = 0.365
 Structures Lot Coverage - 37%
 (63% Open)

10-5-2020

SITE INFORMATION

- OWNER: MONSTER MOUNTAIN, LLC
- APPLICANT: LAUREL COMPANIES, LLC
- PHYSICAL ADDRESS:
216 SPARTANBURG AVE.
CAROLINA BEACH, NC 28428
- MAILING ADDRESS:
101 SEAVIEW RD.
WILMINGTON, NC 28409
- PARCEL ID: R09010-027-001-000
- AREA OF LOT: 14,000 SF (0.32 AC)
- PROPOSED USE:

MULTIFAMILY RESIDENTIAL
- ZONING: R-1-WB RESIDENTIAL SF
- SETBACKS:
FRONT YARD: 20'
SIDE YARD: 7.5'
REAR YARD: 10'
CORNER: 12.5'
- DEED BOOK: 5638
PAGE NUMBER: 2070
- PROPOSED BUILT UPON AREA (BUA):

UNITS 1 & 2 = 2,046 SF

UNIT 3 = 1,024 SF

UNITS 4 & 5 = 2,046 SF

DRIVEWAYS = 1,560 SF

TOTAL PROPOSED BUA = 6,676 SF

STRUCTURES LOT COVERAGE = 37%

IMPERVIOUS LOT COVERAGE = 48%
- PARKING

EACH UNIT PROVIDES 4 PARKING SPACES: 2 UNDERNEATH THE STRUCTURE (OPEN CARPORT) AND 2 ON THE DRIVEWAY.
- LANDSCAPING

TYPE A BUFFER REQUIRED: ONE CANOPY TREE OR TWO UNDERSTORY TREES, AND THREE SHRUBS FOR EVERY 50 LINEAR FEET WITHIN THE BUFFER YARD.

FOR A PERIMETER OF ROUGHLY 500 LINEAR FEET AT LEAST 10 CANOPY TREES OR 20 UNDERSTORY TREES, AND 30 SHRUBS SHALL BE PROVIDED.

LANDSCAPING PROVIDED: 14 CANOPY TREES AND 30 SHRUBS.

ALL BUFFER YARDS SHALL BE LANDSCAPED WITH A COMBINATION OF LIVE VEGETATION, GROUND COVER, GRASS, TREES, AND/OR SHRUBS. VEGETATION TO BE PLANTED SHALL BE INDIGENOUS WITH OR COMPATIBLE TO THE TOWN AREA AND BE APPROVED BY THE ZONING ADMINISTRATOR.
- TOPOGRAPHY

THE SITE IS FLAT WITH ELEVATIONS RANGING FROM 4-5'.
- TRASH

TRASH AND RECYCLING CARTS WILL BE USED FOR EACH UNIT AND WILL BE COLLECTED BY THE TOWN OF CAROLINA BEACH.
- UTILITIES

WATER AND SEWER SERVICE TO BE PROVIDED BY THE TOWN OF CAROLINA BEACH.
- BUILDING INFORMATION (ALL UNITS)

BEDROOMS: 3-BEDROOM
STORIES: 3 STORIES AND CARPORT
HEIGHT: 43'-8 1/2"
GROUND FLOOR: ± 5'
FINISHED 1ST FLOOR: ± 14'

*ENCLOSURE BELOW THE LOWEST ELEVATED FLOOR WILL BE REQUIRED TO MEET AE FLOOD ZONE REQUIREMENTS.

PROJECT NARRATIVE

THIS PROJECT PROPOSES THE CONSTRUCTION OF TWO 2-UNIT TOWNHOMES AND ONE 1-UNIT TOWNHOME. THE PROJECT IS LOCATED WHERE SIMILAR 2-UNIT AND 1-UNIT TOWNHOMES ARE CONSTRUCTED. FURTHERMORE, THE PROPOSED BUILDINGS WILL MATCH THE HOMES SURROUNDING THE PROPERTY.

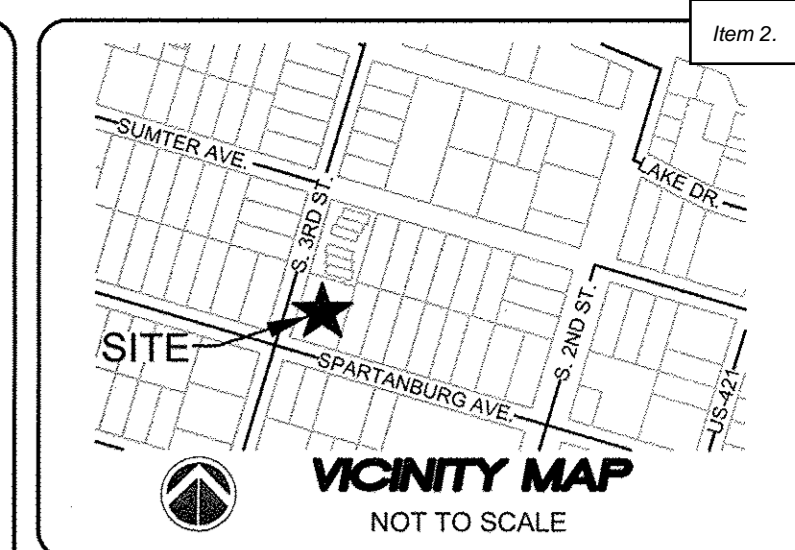
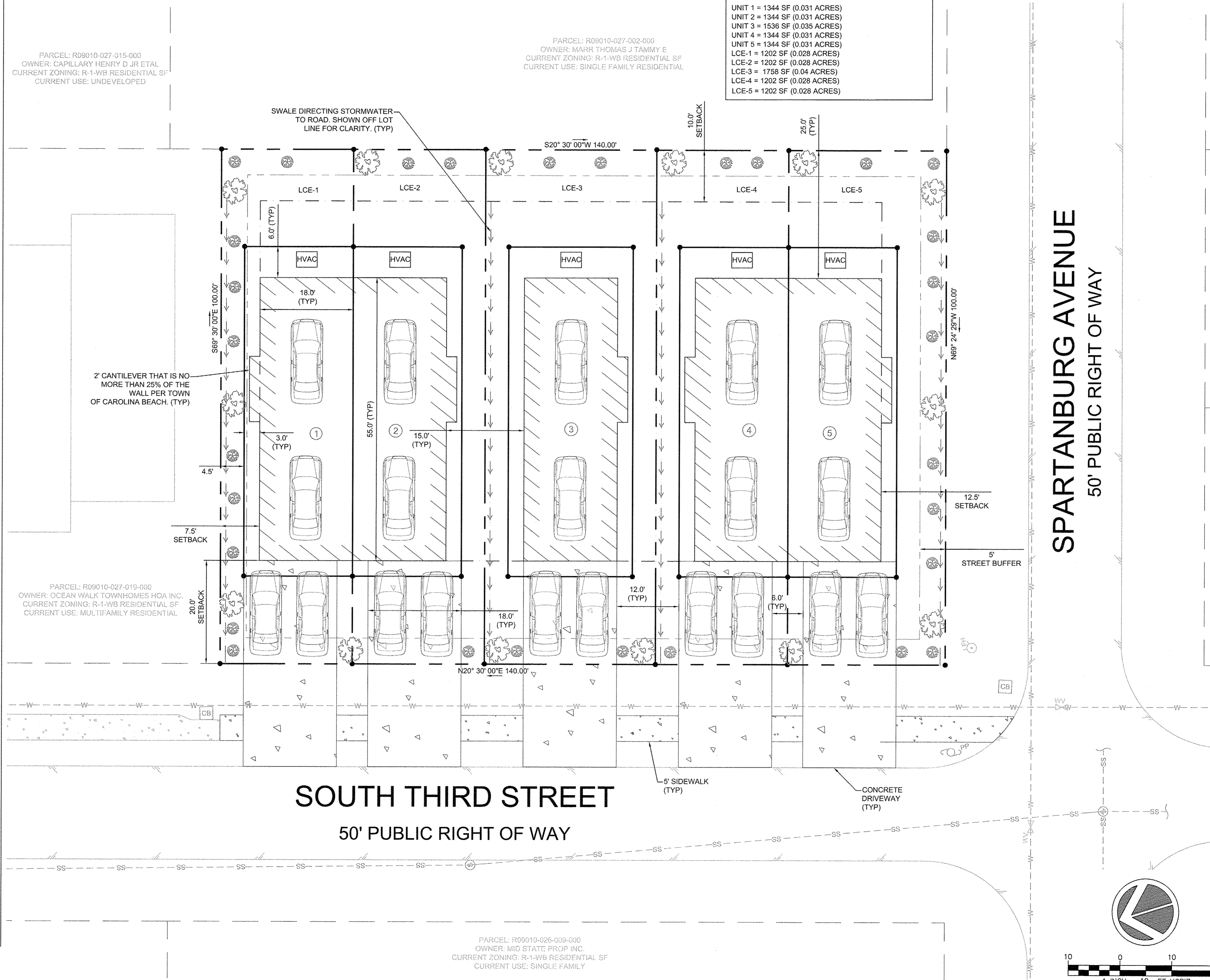
ALL DRIVEWAYS WILL BE ACCESSED VIA THIRD STREET. WATER AND SEWER SERVICES WILL BE INSTALLED FOR EACH UNIT. STATE STORMWATER PERMIT IS NOT REQUIRED AS TOTAL IMPERVIOUS AREA FOR THE PROJECT IS BELOW 10,000 SF.

EXISTING CONDITION NOTES:

- EXISTING CONDITIONS SHOWN IN THIS DRAWING ARE BASED ON AERIAL VIEW FROM GOOGLE EARTH. EXISTING CONDITIONS ARE NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE.
- THE SITE IS LOCATED IN ZONE "AE" ACCORDING TO FLOOD INSURANCE RATE MAP FOR CAROLINA BEACH, N.C. COMMUNITY-PANEL NUMBER 37203138000K DATED AUGUST 28, 2018. THE DESIGNATION OF ZONE "AE" IS FOR AREAS DETERMINED TO BE WITHIN THE 1.0% ANNUAL CHANCE FLOODPLAIN. THE BASE FLOOD ELEVATION IS 11 FEET.

UNIT AND LIMITED COMMON ELEMENT AREA:

- UNIT 1 = 1344 SF (0.031 ACRES)
- UNIT 2 = 1344 SF (0.031 ACRES)
- UNIT 3 = 1536 SF (0.035 ACRES)
- UNIT 4 = 1344 SF (0.031 ACRES)
- UNIT 5 = 1344 SF (0.031 ACRES)
- LCE-1 = 1202 SF (0.028 ACRES)
- LCE-2 = 1202 SF (0.028 ACRES)
- LCE-3 = 1758 SF (0.04 ACRES)
- LCE-4 = 1202 SF (0.028 ACRES)
- LCE-5 = 1202 SF (0.028 ACRES)

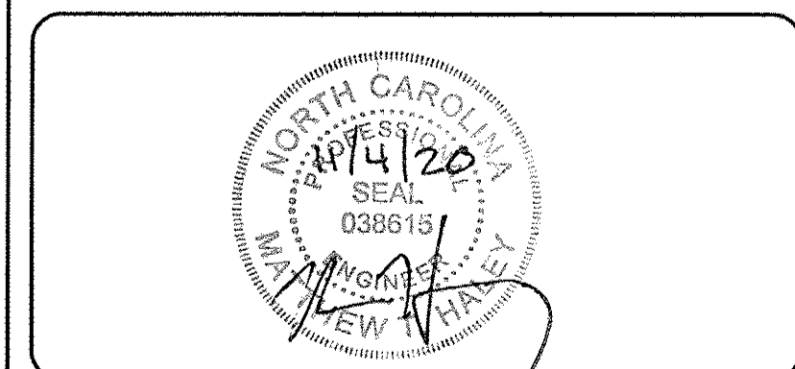
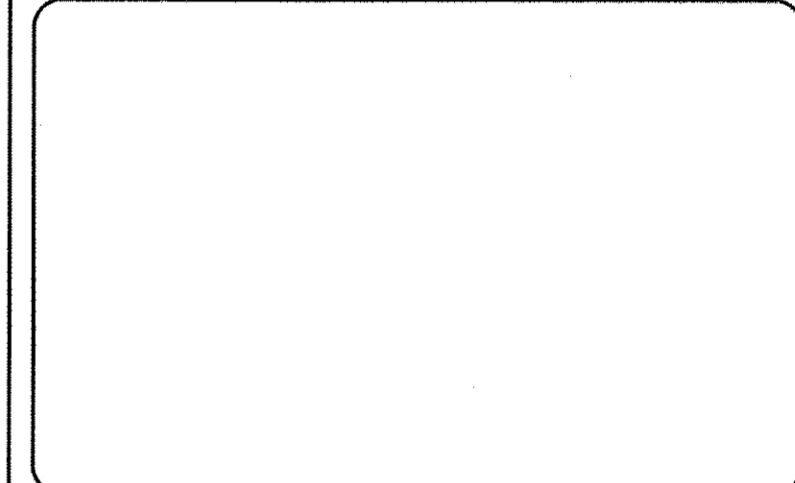


LEGEND

SHRUB	
CANOPY TREE	
EXISTING STORM CATCH BASIN	
EXISTING WATER	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
EXISTING SEWER	
EXISTING SEWER MANHOLE	
EXISTING POWER POLE	
ADJOINER	

ISSUED FOR REGULATORY REVIEW

REV. #	DESCRIPTION	MTH	REV. BY	DATE
A	ISSUED FOR REGULATORY REVIEW	MTH		11/14/20
REVISIONS				



CAPE FEAR ENGINEERING
151 Poole Rd., Suite 100, Beville, NC, 28451
TEL (910) 383-1044; FAX (910) 383-1045
www.capefearengineering.com
N.C. LICENSE # C-1621

PROJECT NUMBER:	205-69
SCALE:	AS NOTED
DATE:	10/26/2020

LAUREL COMPANIES, LLC
SPARTANBURG TOWNHOMES
216 SPARTANBURG AVE.
CAROLINA BEACH, NC

SITE PLAN
CONDITIONAL USE PERMIT

PROJECT NUMBER	205-69	SHEET NUMBER	CS100
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Conditional Use Permit:
216 Spartanburg Ave – 5-Unit Residential
Planned Unit Development

November 12th, 2020



Location: 216 Spartanburg
Applicant: Laurel Companies

Residential Planned Unit Developments in R-1

ARTICLE III. – Zoning District Regulations

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

USES OF LAND	R-1
PUD, Residential	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
R-1	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. ¹	40%



216 Spartanburg

Adjacent Properties

Item 2.



813 S 3rd Street



300 Spartanburg



301 Spartanburg

Adjacent Properties

Item 2.



214 Spartanburg

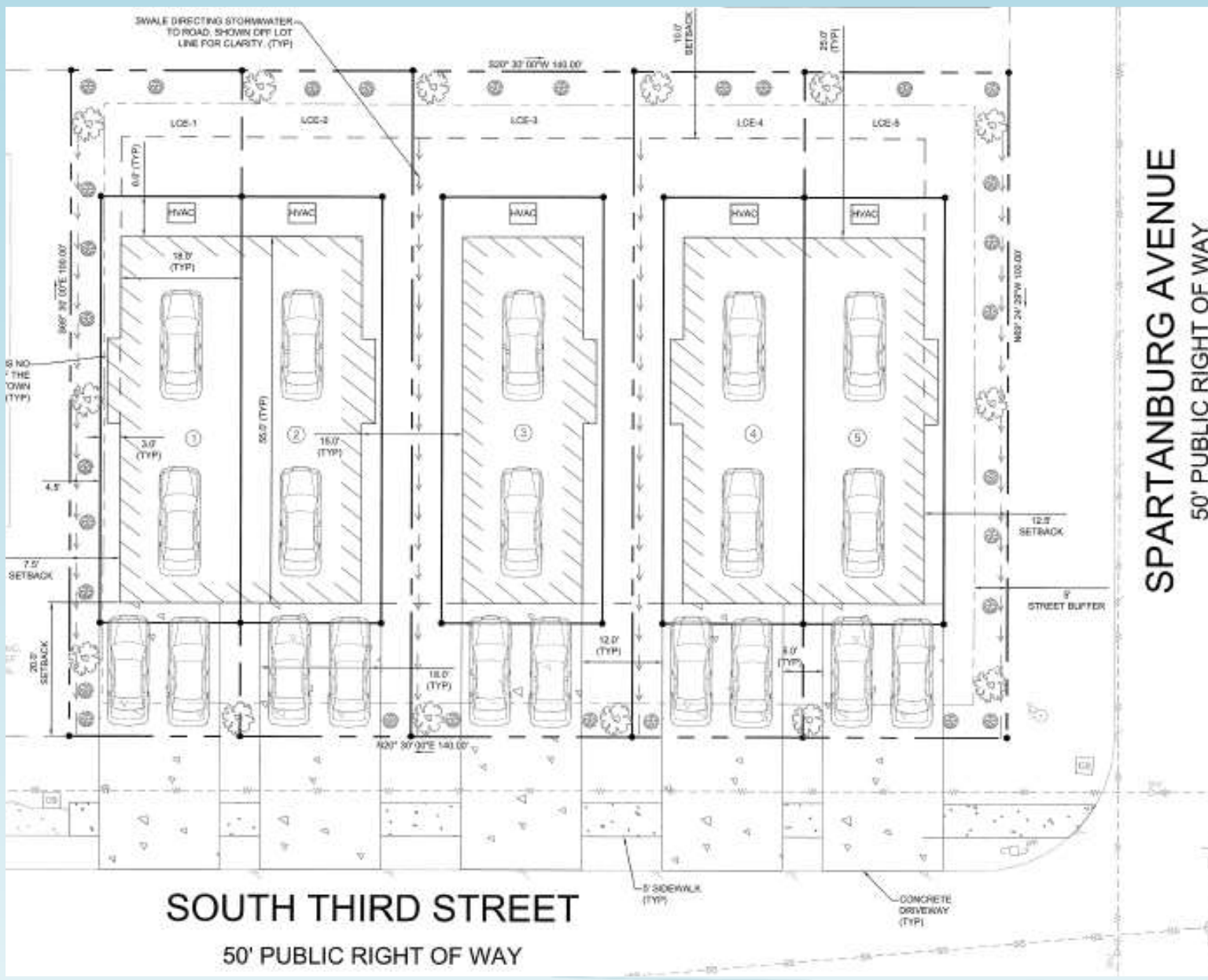


217 Spartanburg



219 Spartanburg

- All units meet 2-hour minimum firewall separation requirement
- Meet minimum building separation for Fire
- 5' Landscape buffer required



Required	Proposed
Front - 20'	20'
Side - 7.5'	7.5'
Corner Side - 12.5'	12.5'
Rear - 10'	25'

	Acres	Ft ²	Units
Standard	1.00	43,560	15
Max	.316	13,750	9
Proposed	.316	13,750	5 TH Units

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 established via S. 3rd Street
 - A 4' wide sidewalk is requested to be installed parallel to the S. Third Street and Spartanburg Avenue right-of-ways
- (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
 - All units are proposed to be 3 bedrooms and provide more than the minimum of 3 required parking spaces per unit
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash will be collected via standard residential manner
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - No utility upgrades are proposed
- (5) Screening and buffering with reference to type, dimensions, and character;
 - A 5' landscape buffer is required for each side yard for this type of development
- (6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - No signage is proposed at this time and any signage will have to meet all standards zoning
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
 - Below maximum of 40% lot coverage (36%)

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 T-1 density requirements and the proposed structures follows the setback requirements

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

- The proposed CUP meets all required conditions and specifications

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

- The proposed structures/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 3 area includes relatively dense residential and commercial lodging use. This district serves as a transition and buffer from more intense and dense uses of the oceanfront multi-family and CBD. Building height will not exceed a 50' high maximum. Density will be high and average around 17 units per acre. Lot coverage will not be allowed to exceed 40%.

Staff Recommendation

Staff recommends the approval of the proposed CUP with the requirement of a 4' wide sidewalk parallel to the S. 3rd Street and Spartanburg Avenue Right of Ways

Motion from Planning & Zoning

- Approve the CUP, that it is in accordance with the draft grant order and that the applicant shall provide a 4' wide sidewalk parallel to the S. 3rd Street and Spartanburg Avenue Right of Ways and that it otherwise 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.