

# CAROLINA BEACH

Planning and Zoning Meeting

Wednesday, November 10, 2021 – 6:30 PM

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



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## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

1. October 14th, 2021 – P&Z Minutes

### STAFF REPORT ON RECENT COUNCIL MEETINGS

### STAFF REPORT ON RECENT DEVELOPMENTS

### PUBLIC DISCUSSION

### DISCUSSION ITEMS

2. **Conditional Zoning** to consider a drinking and eating establishment classified as a bar to serve on-premises alcohol located at 612 N. Lake Park Blvd.

Applicant: JSL CB Properties LLC

### NON-AGENDA ITEMS

### ADJOURNMENT



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Gloria Abbotts, Senior Planner

**DEPARTMENT:** Planning &  
Development

**MEETING:** Planning & Zoning Commission – 11/10/2021

**SUBJECT:** October 14th, 2021 – P&Z Minutes

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**Action:**

Approve the October 14th, 2021 Minutes

# CAROLINA BEACH

Planning and Zoning Meeting

Thursday, October 14, 2021 - 6:30 PM

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



## MINUTES

### CALL TO ORDER

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

### PRESENT

Chairman Deb LeCompte

Vice Chairman Wayne Rouse

Commissioner Jeff Hogan

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

### ABSENT

Commissioner John Ittu

### ALSO PRESENT

Planning Director Jeremy Hardison

Planner Gloria Abbotts

### APPROVAL OF MINUTES

1. September 9th, 2021 – P&Z Minutes

**ACTION:** Motion to approve the minutes as written

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

### STAFF REPORT ON RECENT DEVELOPMENTS

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

#### Permitting

- 40 permits (renovation, repair, grading, additions, fence)
- 20 residential new construction
- 13 certificates of occupancy

#### Code Enforcement

- 12 complaints received
- 12 resolved

Vice Chairman Rouse asked if the new Code Enforcement Officer has started. Mr. Hardison said yes.

#### Town Council and Other Updates

- Landscaping – considering adopting at November Council meeting
- 402 North Lake Park Boulevard Special Use Permit extension – September Council – granted
- Minor Planned Unit Development standards/non-conforming – Council workshop
- Text amendment for Mixed Use Commercial-Residential – September Council – passed
- Parking – Council October workshop
- Planning and Zoning Appointments – November
- Conditional Zoning Pickleball Court – applicant withdrew project
- Variance: 511 Harper Avenue – September 20 – granted
- Variance: 206 Lake Drive – September 20 – denied

#### Demos in Progress

- 407 Sumter Avenue
- 207 Florence Avenue
- 1018 Carolina Beach Avenue North
- 500 Alabama Avenue
- 318 Goldsboro Avenue

#### New Businesses

- Butts N Such – 800 South Lake Park Boulevard
- Edward Jones – 1206 North Lake Park Boulevard
- Carolina Building Specialists – 1322 North Lake Park Boulevard, Suite 1
- O'Reilly Auto Parts – 1401 North Lake Park Boulevard

#### Coming Up

- The Vault – 612 North Lake Park Boulevard
- 217 Myrtle Avenue – restaurant

Commissioner Hogan asked if the pickleball court applicants will have to remove the court. Mr. Hardison said the court was not finished and is a colored patio at this point. He said staff is still talking to the applicants to find out what their plans are for the lot, but they are not going to pursue a pickleball court.

#### **PUBLIC DISCUSSION**

**ACTION:** Motion to open public discussion

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

No one requested to speak.

**ACTION:** Motion to close public discussion

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

**DISCUSSION ITEMS**

2. Conditional Zoning to consider a Mixed Use Commercial-Residential located at 902, 1000, 1010 N. Lake Park Blvd.  
Applicant: Cape Fear Four LLC

The applicant, Cape Fear Four LLC, applied for a Conditional Zoning (CZ) application for a Mixed Use Commercial-Residential project in the Highway Business District. A CZ district allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and the entire community that cannot be pre-determined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property, even though the use itself could. The review process provides for the accommodation of such uses by a reclassification of property into a CZ district, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.

Mr. Hardison presented the details of The Proximity project, which would consist of 7 buildings, all with a height of 50 feet except for one at 45 feet, with varying combinations of residential units and commercial square footage. The project totals are 261 residential units and 44,111 commercial square feet. Mr. Hardison also reviewed the history of the site, a schematic of what the property would look like, the site plan, and the CZ process. Among the recent changes to the proposed project are:

- Turn lane – eliminated 12 parking spaces
- Reduced the sidewalk on Lake Park Boulevard from 8 feet to 6 feet
- Potential connector to Winner Avenue – changed to pedestrian connection

Commissioner Crouch asked if there was a staff recommendation. Mr. Hardison said there are some unknowns, but overall the project meets the ordinance and is consistent with the Land Use Plan, so from that standpoint staff does recommend the project.

Among the conditions the applicant is proposing for the property is the prohibition of short-term rentals within the residential units. Vice Chairman Rouse asked if this rides with the deed or covenants of the project. Mr. Hardison said it runs with the land and that once that project is approved, those conditions are with that property.

Commissioner Crouch asked if this is enforceable. Mr. Hardison said it can be if it's agreed upon by the

property owner and the Town.

Brian Eckel of 1051 Military Cutoff Road in Wilmington, a partner with applicant Cape Fear Four LLC, introduced his team members. He said they are part of a local company that just celebrated its 20<sup>th</sup> anniversary and employs 32 people who live in New Hanover County. He reviewed other projects they have developed, including Publix Commons at Federal Point. Mr. Eckel said he and his team members have solicited community input about this project via numerous opportunities and incorporated many of the suggestions into the plan. He reviewed project milestones, which include more community meetings to review the design next spring, construction beginning on September 1, 2022, and doors opening on April 30, 2024, which will coincide with the Town's 100<sup>th</sup> anniversary.

Mike Brown of 1922 Brookhaven Road in Wilmington, a partner with applicant Cape Fear Four LLC, spoke about the Town's 2020 Coastal Area Management Act (CAMA) Land Use Plan and said the project promotes all 13 goals identified in it.

Sam Franck, who represents the applicant, discussed plan aspects influenced by community engagement and traffic impact.

Jonathan Guy of Kimley-Horn, traffic engineer for the project, gave details about a traffic study being reviewed by the N.C. Department of Transportation (DOT) and Wilmington Urban Area Metropolitan Planning Organization (WMPO). He said the study indicates the development does not create undue congestion on the project intersections, recommends a right-turn lane on North Lake Park Boulevard, and includes analysis of a traffic signal at Winner Avenue and North Lake Park Boulevard.

Commissioner Piper asked how the majority of residents will enter the property. Mr. Guy said it depends on where they are originating. Commissioner Piper said he is concerned that people will enter through the center of the property and that traffic already backs up in this area during the summer. Mr. Guy said people will adapt depending on the time of day, and residents will develop patterns.

Commissioner Crouch asked if the proposed schedule is for the whole project being built at one time. Mr. Franck said yes and that there is no intent to phase the project.

Commissioner Crouch asked what the restriction for short-term rentals will look like. Mr. Franck said the proposal is for a time period of not less than 90 days so there is a clear standard. He said once this is incorporated into the zoning, it becomes part of the Town's code.

**ACTION:** Motion to open the public hearing

Motion made by Chairman LeCompte, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

Dan Bell of 1200 Saint Joseph Street, who has lived on the island for more than 25 years, said the Land

Use Plan mentions concerns about growth outpacing infrastructure, and he believes that is what's happening here. He said aging infrastructure and maintenance costs are recognized as a potential threat to the Town's liability. Mr. Bell said the unexpected growth of adding 400 people to our community will affect all infrastructure, especially water. He said the Town is not in good financial condition and has a reserve just above what the state requires for municipalities, which leaves no money for emergency scenarios such as caring for a 70-year-old pumping station. Mr. Bell said the project will also overburden wastewater, stormwater, and traffic, and schools, Police, Fire, and other Town staff will have to be increased to meet the needs of all the extra people. He said he has nothing against the development itself but thinks it's the wrong time for it unless the Town gets its financial house in order well enough to repair infrastructure and take care of flooding on the North End. Mr. Bell mentioned concerns about bicycle safety and encouraged Town officials to sit down with the developers to discuss the hazards of bicycling on Lake Park Boulevard. He also said he would like to see short-term rentals defined as anything less than a one-year lease, not 90 days. Mr. Bell requested that the Commission do more research and postpone any decision on this project for a month.

George "Butch" LeCompte of 307 Charlotte Avenue said he considers a long-term rental to be at least 12 months. He said the project should not allow subletting because then a few people would get long-term leases and act as property managers for those residences. Mr. LeCompte also brought up concerns with the sidewalk width, which he would like to see at 8 feet so bicycles and pedestrians can share it. He said his biggest concern is public safety, but he loves the development personally.

Commissioner Crouch asked if there would be a shuttle for residents. Mr. Eckel said there would be golf carts to drop off and pick up residents from places around the area.

Commissioner Crouch asked if there was any hope for an 8-foot sidewalk on Lake Park Boulevard. Josh Mihaly, landscape architect land planner for the project, talked about the landscape architecture process and said he sees no reason why they couldn't strive to get an 8-foot multi-use path.

Mr. Franck said there's always a risk in the CZ process when proposing a specific site plan to get very focused on small details, but he emphasized that the zoning approval the applicant is seeking now is about uses and density on a large scale. He said the other discussions are healthy dialogue that is encouraged, but operational details are relatively far in the future to figure out and peripheral to the proposal in front of the Commission now for CZ.

Chairman LeCompte asked whether connectivity with Wings had been discussed with owners of that property. Mr. Eckel said there was a preliminary discussion, but there were some concerns on both sides so it didn't go anywhere. He said he and his associates are big believers in interconnectivity and open to it.

Commissioner Hogan asked why less than 90 days was picked as the threshold for what is considered a short-term rental. Mr. Eckel said all of the leases will be one year long, but they want to give tenants the ability to sublease for a minimum of 90 days if necessary.

Commissioner Piper asked if it would be possible to move buildings closer to the street and have parking in the rear. Mr. Eckel said they have studied this and determined that it wouldn't make sense because parking is needed in front of retail.

Mr. Franck said they are willing to include a condition about a commitment to fund a traffic signal up to \$300,000 on Winner Avenue subject to DOT approval.

No one else requested to speak.

**ACTION:** Motion to close public discussion

Motion made by Chairman LeCompte

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

Commissioner Crouch said he thinks this is a better project than what they saw a couple months ago and that it looks good. He said he still has concerns about potential utility impacts, what DOT is going to require, and the variance for the landscape buffer.

Commissioner Boswell said she also thinks this is an improvement over the previous version of the project. She said she appreciates the fact that the applicant has taken the community into consideration, but she continues to have some infrastructure concerns.

Vice Chairman Rouse said he is impressed with the project and the applicant's responsiveness and flexibility. He said the applicant has gone beyond what is required in multiple ways, so he plans to vote to allow the project to move forward. Vice Chairman Rouse said the applicant has the right to expect water and sewer services for the project, and he cited the potential for it to be among the biggest taxpayers in the Town.

Commissioner Piper said he is all for the project, thinks it looks great, and is happy with the changes made. He said he'd also like to see a crosswalk at Winner Avenue, and he prefers not to put a number on this and the possible stoplight. Commissioner Piper also mentioned the importance of pedestrian access to Winner Avenue.

Commissioner Hogan said he likes the project a lot and thinks it's a big improvement. He said he's impressed with the applicant's willingness to listen to the people of the Town. Commissioner Hogan said if the applicant had not incorporated feedback into the current version of the project, the room would be full of residents speaking against it. He said he thinks it's going to be a beautiful project and that he looks forward to it.

Chairman LeCompte said she wanted to remind the public that there is a long list of requirements that the applicant will have to meet, and tonight is just one step in the process. She said there will be more



public meetings and time for input. Chairman LeCompte said she remains concerned about the project's impact on infrastructure and traffic. She said she thinks the project has come a long way in the past two months, and she is happy with the direction it's going.

Commissioner Boswell said there is public concern that pool memberships may not actually be open to island residents as a whole and that the community could become gated. She said she'd like to address these items as part of the conditions to settle those concerns.

Mr. Franck addressed concerns about the \$300,000 cap on the traffic light and crosswalk. He said constructing those would cost less than that amount, but the project costs could rise if there is a need to acquire land from others. He said the applicant is not a public body and has no power to condemn property or control over what the cost would be for the DOT to do this, so that's why a cap was proposed. Mr. Eckel said they would be amenable to simple language that says the applicant will cooperate with the Town up to \$300,000. There was a consensus among Commissioners to accept this.

Regarding Commissioner Boswell's concerns, Mr. Eckel said at some point there has to be a level of trust between the Town and the applicant but that he is open to making pool memberships and prohibiting use of a gate conditions of the project. He said they have never developed a gated community.

Commissioner Crouch asked about pedestrian access to Winner Avenue. Mr. Eckel said there are still a lot of things to work out, including regulations on how close pedestrians can get to the lift station. He said if the Town puts a condition on the project that can't be met, then the project doesn't get developed. Mr. Eckel said they are trying to work with the Town as much as possible, but it's not feasible to think of every single condition and put it into this zoning.

Mr. Franck said because pedestrian access involves land that is not the applicant's, it's beyond the applicant's scope and ability to agree to this. He said it would be foolish to incorporate a condition that could be a tripping point down the road.

Mr. Eckel said they haven't had time to study the details of what it would take for pedestrian access to Winner Avenue, so he would like for that condition to be changed to include verbiage such as "potential connection" or be taken off completely. He said they are happy to work with the Town if there is room around the lift station.

Mr. Franck asked for the Commission to strike condition 8 as proposed and allow the applicant to discuss it further in 30 days when the project goes before Council.

Commissioner Crouch said he would feel more comfortable making a recommendation to Council that includes condition 8 and letting Council trim this if necessary.

Mr. Eckel said they will further study condition 8 in the morning.

Mr. Franck suggested incorporating verbiage such as “reasonably cooperate with the Town to assess the viability of pedestrian access to Winner Avenue.” There was a consensus among Commissioners to accept this.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statute, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a Mixed Use Commercial-Residential located at 902, 910, 1000, 1010 North Lake Park Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans, and the potential impacts on the surrounding area are mitigated by the approved conditions, which are:

- 1) provide for an 8-foot multi-use path on Saint Joseph Street and through the site connecting to the public rights-of-way and a 6-foot sidewalk on North Lake Park Boulevard
- 2) all lighting should be aimed, located, designed, fitted, shielded, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property
- 3) install recommendations of the traffic impact analysis and add crosswalk and traffic signal at Winner Avenue with the approval of DOT up to \$300,000
- 4) provide daily usage of water and sewer and make improvements as required by Public Utilities
- 5) parking easement to be recorded for usage of the Jersey Mike’s property
- 6) keep existing live oaks as depicted on the site plan
- 7) prohibit short-term rentals of less than 90 days within the residential units
- 8) cooperate with the Town to reasonably assess the viability of pedestrian access to Winner Avenue
- 9) the pool as commercial is open to citizens of Pleasure Island with a limited number of memberships

Motion made by Vice Chairman Rouse, Seconded by Commissioner Boswell

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

## **NON-AGENDA ITEMS**

Mr. Hardison said the next Commission meeting falls on November 11, which is Veterans Day, when Town offices will be closed. Commissioners agreed to move the next meeting to November 10.

Commissioner Boswell asked when Council would make an appointment to replace Commissioner Ittu, who has resigned. Mr. Hardison said this will take place at the November 9 Council meeting.

## **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Chairman LeCompte, Seconded by Commissioner Hogan

Voting Yea: Chairman LeCompte, Vice Chairman Rouse, Commissioner Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Piper

*Motion passed 6-0*

The meeting adjourned at 9:00 PM.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Jeremy Hardison, Planning & Development Director      **DEPARTMENT:** Planning & Development

**MEETING:** Planning & Zoning Commission – November 10, 2021

**SUBJECT:** **Conditional Zoning** to consider a drinking and eating establishment classified as a bar to serve on-premises alcohol located at 612 N. Lake Park Blvd.  
Applicant: JSL CB Properties LLC

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### BACKGROUND:

The applicant, JSL CB Properties LLC, applied for a Conditional Zoning application for an eating and drinking establishment in the Highway Business District. The proposal includes providing on-premise wine and beer. When on-premise alcohol is being served and you are not classified as a standard restaurant then the ordinance defines you as a bar. A bar is allowed through the approval of a conditional zoning district in the Highway Business District.

The Conditional Zoning District allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and on the entire community which cannot be predetermined and controlled by general district standards. There are also circumstances in which a general district designation allowing such a use by right would not be appropriate for a particular property even though the use itself could. The review process provides for the accommodation of such uses by a reclassification of property into a conditional zoning district, subject to specific conditions which ensure compatibility of the use with the use and enjoyment of neighboring properties.

All applications shall include a site plan and any development standards to be approved concurrently with the rezoning application. Development standards may include such things as parking, landscaping, design guidelines, and buffers. When evaluating an application for the creation of a conditional zoning district, the Planning & Zoning Commission shall consider the following:

1. The application's consistency to the general policies and objectives of the Town's CAMA Land Use Plan, any other officially adopted plan that is applicable, and the Zoning Ordinance.
2. The potential impacts and/or benefits on the surrounding area, adjoining properties.
3. The report of results from the public input meeting.

Prior to scheduling a public hearing on the rezoning application, the applicant shall conduct one (1) public input meeting and file a report of the results with the Zoning Administrator. In approving a petition for the reclassification of property to a conditional zoning district, the Planning & Zoning Commission may recommend, that the applicant add reasonable and appropriate conditions to the approval of the petition. Any such conditions should relate to the relationship of the proposed use to the impact on the following details:

1. Town services
2. Surrounding property
3. Proposed support facilities such as parking areas and driveways
4. Pedestrian and vehicular circulation systems
5. Screening and buffer areas
6. Timing of development
7. Street and right-of-way improvements
8. Infrastructure improvements (i.e. water)
9. Provision of open space
10. Other matters that the participants in the public input meeting, staff, Planning & Zoning Commission, and Town Council find appropriate or the petitioner may propose

If the applicant does not agree with the Planning & Zoning Commission or staff's recommendations of additional conditions, the Town Council shall have the authority to accept none, any, or all of the conditions forwarded from the review process.

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district.

### **Proposal:**

The applicant is proposing to renovate the former first citizen bank building located at 612 N. Lake Park Blvd. The business will also serve coffee along with beer and wine. The purpose of the Highway Business (HB) district is to accommodate businesses oriented toward the motoring public and which require a high volume of traffic. In many cases, businesses in the HB district serve the entire community and beyond. For the most part, they are located on major thoroughfares so that they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas.

The existing building was built in 1984 and meets the current the setbacks and lot coverage requirements. No additions are proposed outside of the current footprint. The applicant is providing the 23 parking spaces based on 110 Sq. ft. of indoor area. The requirements for sidewalks or additional landscaping does not apply to existing buildings unless 50% or more of the renovation cost exceeds the value of the building.

### **Conditional Zoning Process**

As part of the application process a community meeting is required. The applicant held the required meeting on September 29, 2021. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties.

### **Land Use Plan**

The project is in general conformity with the 2020 Land Use Plan it supports to sustain a healthy and vibrant locally-oriented economy.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a bar located at 612 N. Lake Park Blvd.

Staff recommends approval of the project as proposed.

### **MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a bar located at 612 N. Lake Park Blvd. is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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

1121 N. Lake Park Blvd.  
 Carolina Beach, NC 28428  
[permits@carolinabeach.org](mailto:permits@carolinabeach.org)  
 Phone (910) 458-2999



Permit #

CZ21-03

## TOWN OF CAROLINA BEACH

### Conditional Zoning Application

The Conditional Zoning process for the Town of Carolina Beach may be found in the ordinance (Sec. 40-527).

Prior to the application submission, the applicant must conduct a Public Input Meeting. The following are the public meeting requirements:

- The applicant must mail notice of said meeting to all property owners within 500 feet of the perimeter of the project bounds no less than 10 days prior to the meeting.
- The notice must include time, date, location, and project description.
- The applicant must maintain and submit to with their application a:
  - o A copy of the letter announcing the meeting
  - o A list of property owners contacted
  - o An attendance roster from the meeting
  - o A summary of the issues discussed
  - o The results and any changes related to the proposal based on meeting discussions

Each application submitted to staff must be legible, contain the public scoping meeting required information, and provide all other required materials to be accepted as a completed application. Supplemental application materials may include, but not be limited to, site plans, building designs, engineered drawings, stormwater designs, landscaping plans, project narratives, Federal and/or State permits/permissions, and Traffic Impact Analyses. **It is strongly suggested that the applicant set up a meeting with Planning Staff prior to the submission deadline, to ensure the application is complete.**

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

**Application fees.** The owner or owners, or their duly authorized agent, of the property included in the application for Conditional Zoning shall submit a complete application and supplemental information to the Planning Department. 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 Zoning 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 Zoning Permit	=	\$ 800.00
Minor Conditional Zoning Permit	=	\$ 350.00

This permit will be scheduled for the next possible Technical Review Committee, provided the public scoping meeting has taken place and the application is otherwise complete.



2021 Submission Deadlines & Meeting Dates					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 4	Jan 19	Jan 28	Feb 11	Feb 23	Mar 9
Feb 1	Feb 16	Feb 25	Mar 11	Mar 30	Apr 13
Mar 1	Mar 15	Mar 25	Apr 8	April 27	May 11
Apr 5	Apr 19	Apr 29	May 13	May 25	June 8
May 3	May 17	May 27	June 10	June 29	July 13
June 7	June 21	June 24	July 8	July 27	Aug 10
July 6	July 19	July 29	Aug 12	Aug 31	Sept 14
Aug 2	Aug 16	Aug 26	Sept 9	Sept 28	Oct 12
Sept 7	Sept 20	Sept 30	Oct 14	Oct 26	Nov 9
Oct 4	Oct 18	Oct 28	Nov 10	Nov 30	Dec 14
Nov 1	Nov 15	Nov 24	Dec 9		
Dec 6	Dec 20				
Board	# Copies Full Size	# Copies Electronic	Recipients		
TRC	2	1	All submissions are public information and will be shared with appropriate Federal, Local, and State agencies, news outlets, stakeholders, and citizens upon necessity or request		
P&Z	2	1			
Town Council	2	1			

**PURPOSE**

Conditional zoning allows flexibility with regard to the zoning regulations. Subject to high standards of planning and design, certain uses may be allowed in certain districts or on properties provided they can be developed to minimize any adverse effects they might have on surrounding properties. Conditional Zoning allows for public and governing board input to help any proposed project meet its goals while also contributing to the positive development of Carolina Beach.



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 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"/> | An appropriate scaled plan  |
| <input 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 type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Property and zoning boundaries  |
| <input 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 <i>structures</i> 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 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 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 <i>utilities</i>  |
| <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 <i>buildings</i>   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Number of <i>stories</i> and height of all <i>structures</i>   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all <i>structures</i>  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the <i>gross floor area</i> with each room labeled (i.e. kitchen, bedroom, bathroom)   |
| <input 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 type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Delineation of <i>natural features</i> and wetlands with existing and proposed topography with a maximum of two-foot contour intervals |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Proposed landscaping including percentages of <i>open space</i>  |
| <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 <i>parking lot</i> improvements  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | <i>Building</i> 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 <i>signs</i>   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map drawn with north indicated  |

- ☐ I have provided two hard-copies and one scaled electronic version of each required drawing
- ☒ I am prepared to pay the application fee today



Please complete all sections of the application.

### A. Property Information

Address(es): 612 + 614 N Lake Park Blvd

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

Project Name The Vault

Size of lot(s): \_\_\_\_\_

### B. Application for Conditional Zoning

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):

We are applying for a ~~cond~~ conditional zoning permit to allow us to sell beer and wine on the premises

### C. Applicant Contact Information

JS2 CB Properties LLC  
Company/corporate Name (if applicable):

Jeff Hogan  
Applicant's Name

1108 Merchant Lane  
Mailing Address

CB, NC 28428  
City, State, and Zip Code

910 232 2731  
Telephone

jeff@celticcreamery.com  
Email

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

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

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

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

\_\_\_\_\_  
Telephone

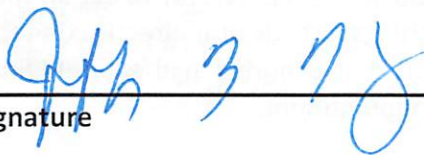
\_\_\_\_\_  
Email


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**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 vesting plan shall be submitted in accordance with Chapter 40 Article XIII

**OWNER'S SIGNATURE:** In filing this application for a conditional zoning, 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.

  
Signature

  
Date

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

The undersigned owner, \_\_\_\_\_, 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; and/or c) 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 conditional zoning, to accept conditions or recommendations made for the conditional zoning 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: \_\_\_\_\_

Appointee's Name, Address & Telephone:

---



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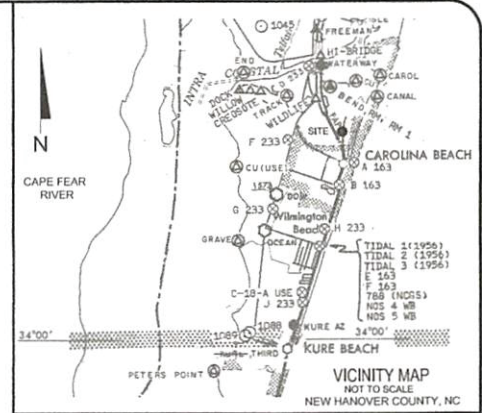
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Signature of Owner: \_\_\_\_\_

NORTH CAROLINA  
NEW HANOVER COUNTY

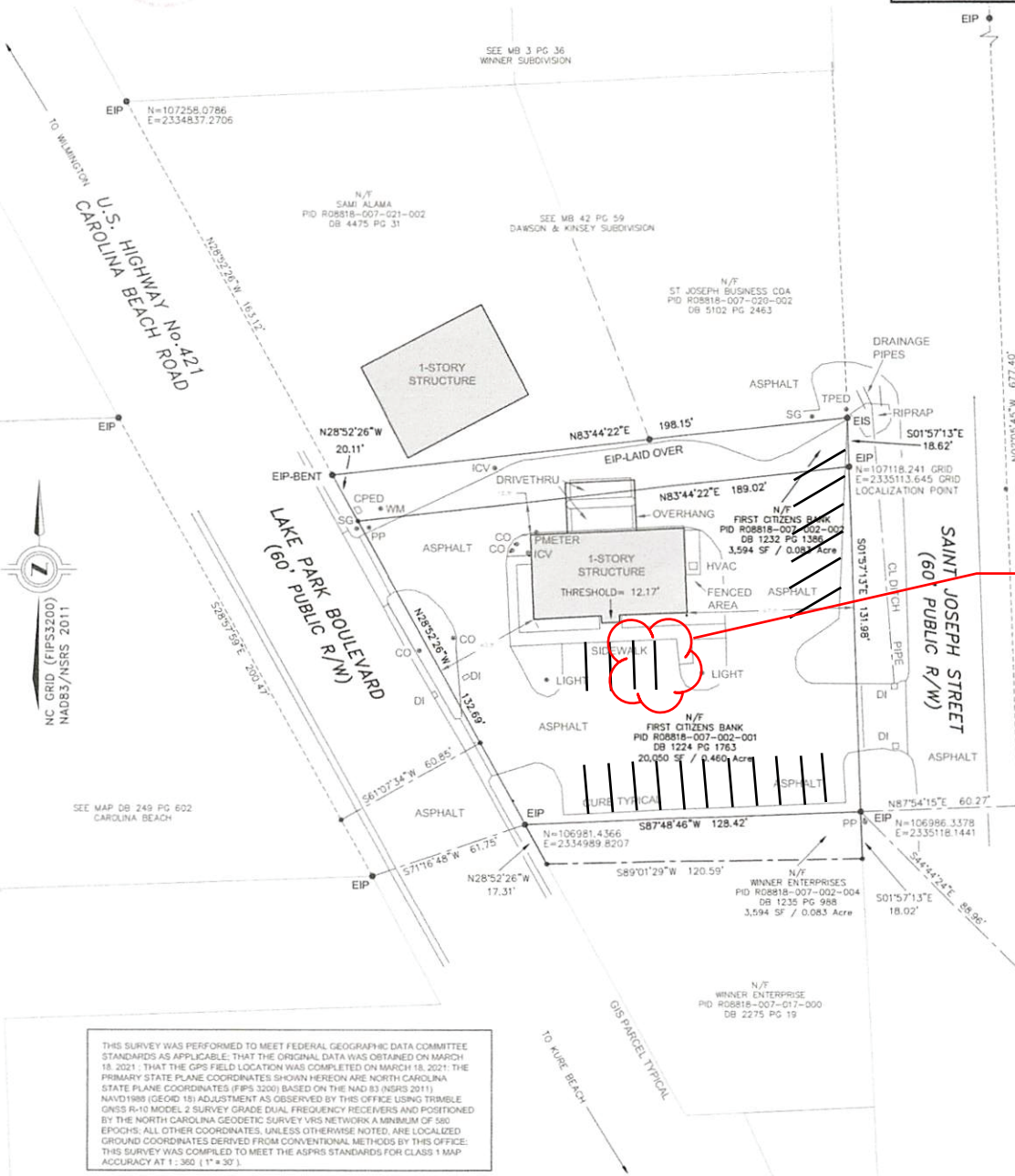
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*Ben F. Farrow III*  
PROFESSIONAL LAND SURVEYOR



#### NOTES:

1. The depicted survey was obtained from an actual field survey made by this office and plotted March 2021.
2. The purpose of this survey is to depict the perimeter boundaries of former First Citizens Bank encompassing (2) parcels within the Town of Carolina Beach referenced in the New Hanover County Registry within DB 1224 PG 1763 & DB 1232 PG 1386.
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8. Survey basis of bearing per NC VRS Network.
9. This survey was executed without the benefit of a full title report and is subject to any easements. Right-of-Ways or encumbrances a full title report may reveal.
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11. Setbacks are for HB Zoning District, Town of Carolina Beach: Front: 30' / 15' Rear / 10' Side / 12.5' Corner Lot.



handicap space and loading zone

PP	POWER POLE
PH	FIRE HYDRANT
R/W	RIGHT OF WAY
CP	COMPUTED POINT
PL	PROPERTY LINE
CL	CENTER LINE
DB	DEED BOOK
PG	PAGE REFERENCE
NF	NOW OR FORMERLY
LOC	LOCALIZED GROUND VALUE
NMF	NO MONUMENTATION FOUND
TH	300 OPS TRAVERSE NAIL
ECM	EXISTING CONCRETE MONUMENT
NP	NEW IRON PIN SET
EP	EXISTING IRON PIN
ES	EXISTING IRON STAKE
EPP	EXISTING IRON PIPE DISTURBED
CC	CONTROL CORNER
LF/SF	LINEAR FEET / SQUARE FEET

#### LEGEND

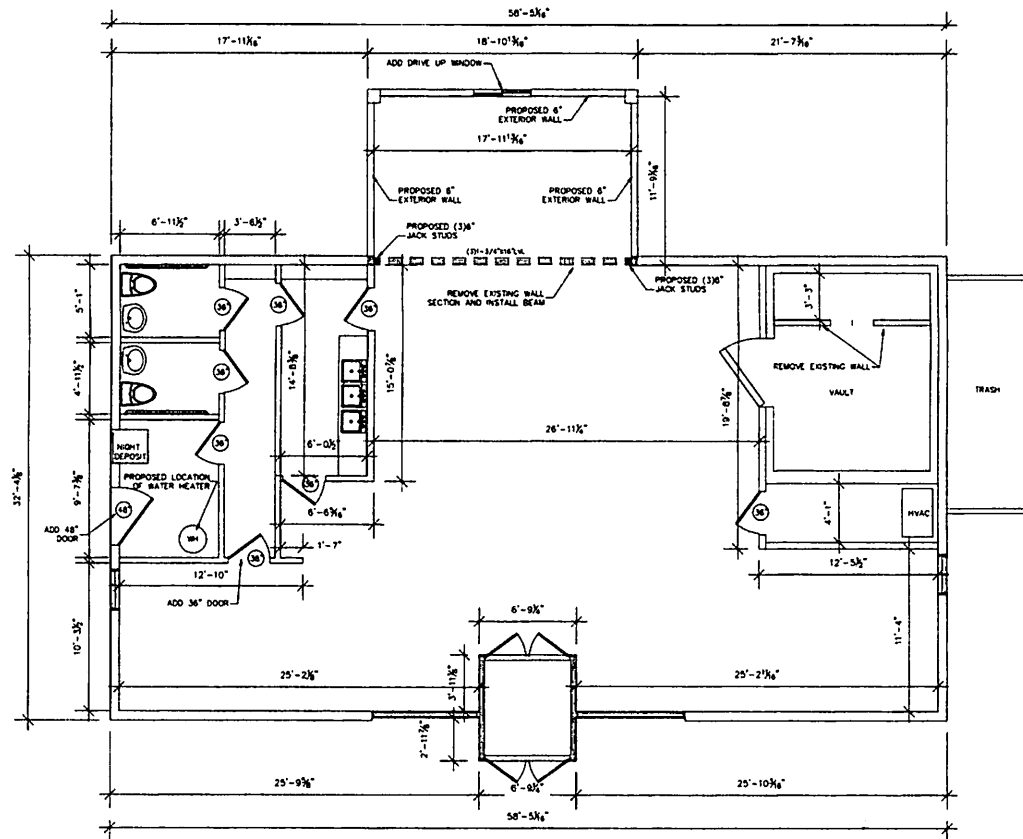


THIS SURVEY WAS PERFORMED TO MEET FEDERAL GEOGRAPHIC DATA COMMITTEE STANDARDS AS APPLICABLE. THAT THE ORIGINAL DATA WAS OBTAINED ON MARCH 18, 2021. THAT THE GPS FIELD LOCATION WAS COMPLETED ON MARCH 18, 2021. THE PRIMARY STATE PLANE COORDINATES SHOWN HEREON ARE NORTH CAROLINA STATE PLANE COORDINATES (FIPS 3200) BASED ON THE NAD 83 (NRS 2011) NAVD1983 (GEOID 16) ADJUSTMENT AS OBSERVED BY THIS OFFICE USING TRIMBLE GRS5 R-10 MODEL 2 SURVEY GRADE DUAL FREQUENCY RECEIVERS AND POSITIONED BY THE NORTH CAROLINA GEODETIC SURVEY VRS NETWORK A MINIMUM OF 560 EPOCHS. ALL OTHER COORDINATES, UNLESS OTHERWISE NOTED, ARE LOCALIZED GROUND COORDINATES DERIVED FROM CONVENTIONAL METHODS BY THIS OFFICE. THIS SURVEY WAS COMPLETED TO MEET THE ASPRS STANDARDS FOR CLASS 1 MAP ACCURACY AT 1:360 (1" = 30').

EXISTING CONDITION SURVEY FOR  
**FIRST CITIZENS BANK**  
612 LAKE PARK BOULEVARD  
TOWN OF CAROLINA BEACH, NORTH CAROLINA  
FEDERAL POINT TOWNSHIP / NEW HANOVER COUNTY

BENJAMIN F FARROW III, PLS  
3223 KELLERTON PL  
WILMINGTON NC, 28409  
910-524-9595  
LICENSE: L-5104

DATE	03/18/2021
SCALE	1" = 40'
DRAWN BY	J.B.
CHECKED BY	R.P.
REVISIONS	
DESCRIPTION	
EXISTING CONDITION	
SHEET	1 OF 1



DRAFT

REVISED 9-24-21

NO.	DATE	BY	CHK
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			

DESIGNER	DATE
Jesse W. Jordan	9/24/21
CHECKED BY	DATE
APPROVED BY	DATE

DESIGN NOTE:  
THE EXISTING DESIGN OF THE STRUCTURE, NOT  
ONLY BEING EXISTING, BUT ALSO BEING  
PE. IS USED BY JESSIE W. JORDAN, INC. AND MAY NOT  
BE USED FOR ANY OTHER PROJECT WITHOUT  
THEIR PERMISSION. ALL RIGHTS  
RESERVED 2021.

COPYRIGHT  
THIS PLAN IS THE PROPERTY OF  
JESSIE W. JORDAN, INC. AND MAY NOT  
BE USED FOR ANY OTHER PROJECT WITHOUT  
THEIR PERMISSION. ALL RIGHTS  
RESERVED 2021.

Jesse W. Jordan  
Professional Engineer  
612 Lake Park Blvd., N.C. 28580  
252-729-0000 • 252-729-0001

DATE	SEPTEMBER, 2021
REVISIONS	XXX-XX-XXX

612 LAKE PARK BLV. N  
JSL CB PROPERTIES LLC  
CAROLINA BEACH, N.C.

SCALE

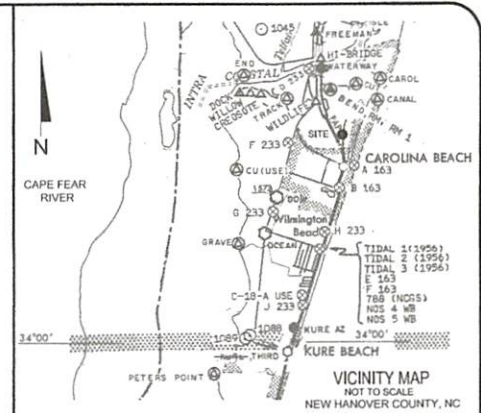
21



NORTH CAROLINA  
NEW HANOVER COUNTY

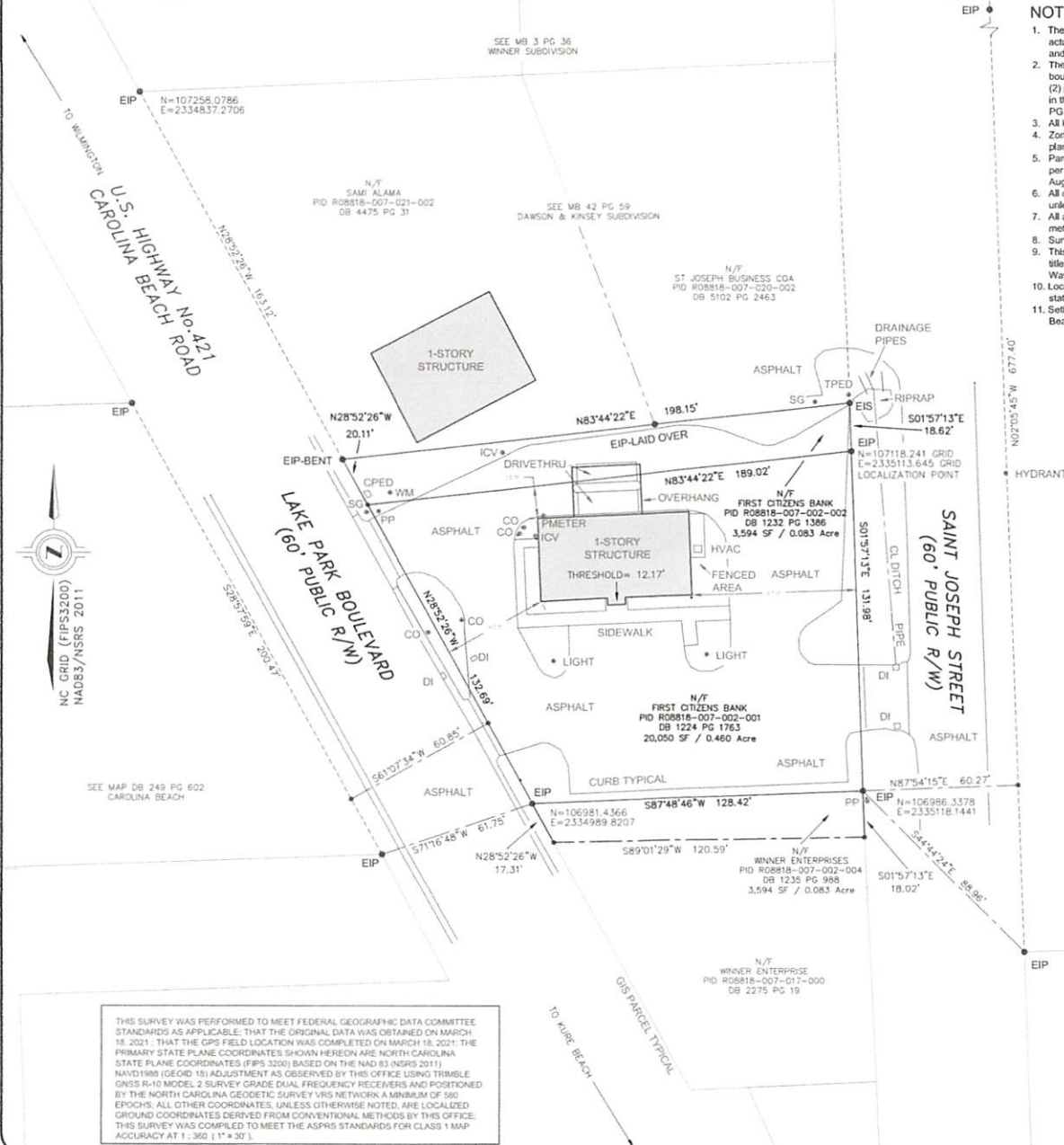
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PROFESSIONAL LAND SURVEYOR



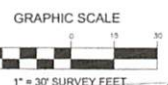
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PP	POWER POLE
FH	FIRE HYDRANT
RW	RIGHT OF WAY
CP	COMPUTED POINT
PL	PROPERTY LINE
CL	CENTER LINE
DB	DEED BOOK
PG	PAGE REFERENCE
NF	NOW OR FORMERLY
LOC	LOCALIZED GROUND VALUE
NMF	NO MONUMENTATION FOUND
TL	500 GPS TRAVERSE NAIL
ECM	EXISTING CONCRETE MONUMENT
NP	NEW IRON PIN SET
EP	EXISTING IRON PIN
ES	EXISTING IRON STAKE
EIP	EXISTING IRON PIPE DISTURBED
CC	CONTROL CORNER
LF/SF	LINEAR FEET / SQUARE FEET

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EXISTING CONDITION SURVEY FOR

## FIRST CITIZENS BANK

612 LAKE PARK BOULEVARD  
TOWN OF CAROLINA BEACH, NORTH CAROLINA  
FEDERAL POINT TOWNSHIP / NEW HANOVER COUNTY

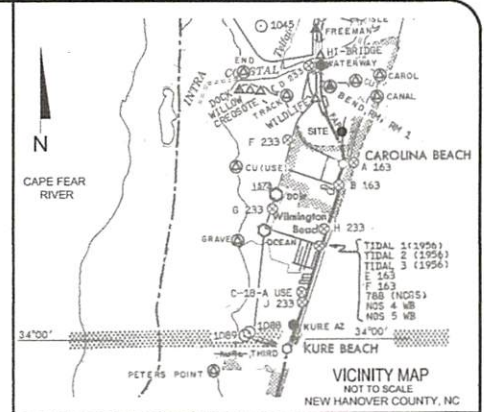
BENJAMIN F FARROW III, PLS  
3223 KELLERTON PL  
WILMINGTON NC, 28409  
910-524-9595  
LICENSE: L-5104

DATE  
03/18/2021  
SCALE  
1" = 40'  
DRAWN BY  
J.B.  
CHECKED BY  
R.P.  
REVISIONS  
DESCRIPTION  
EXISTING CONDITION  
1 OF 1

NORTH CAROLINA  
NEW HANOVER COUNTY

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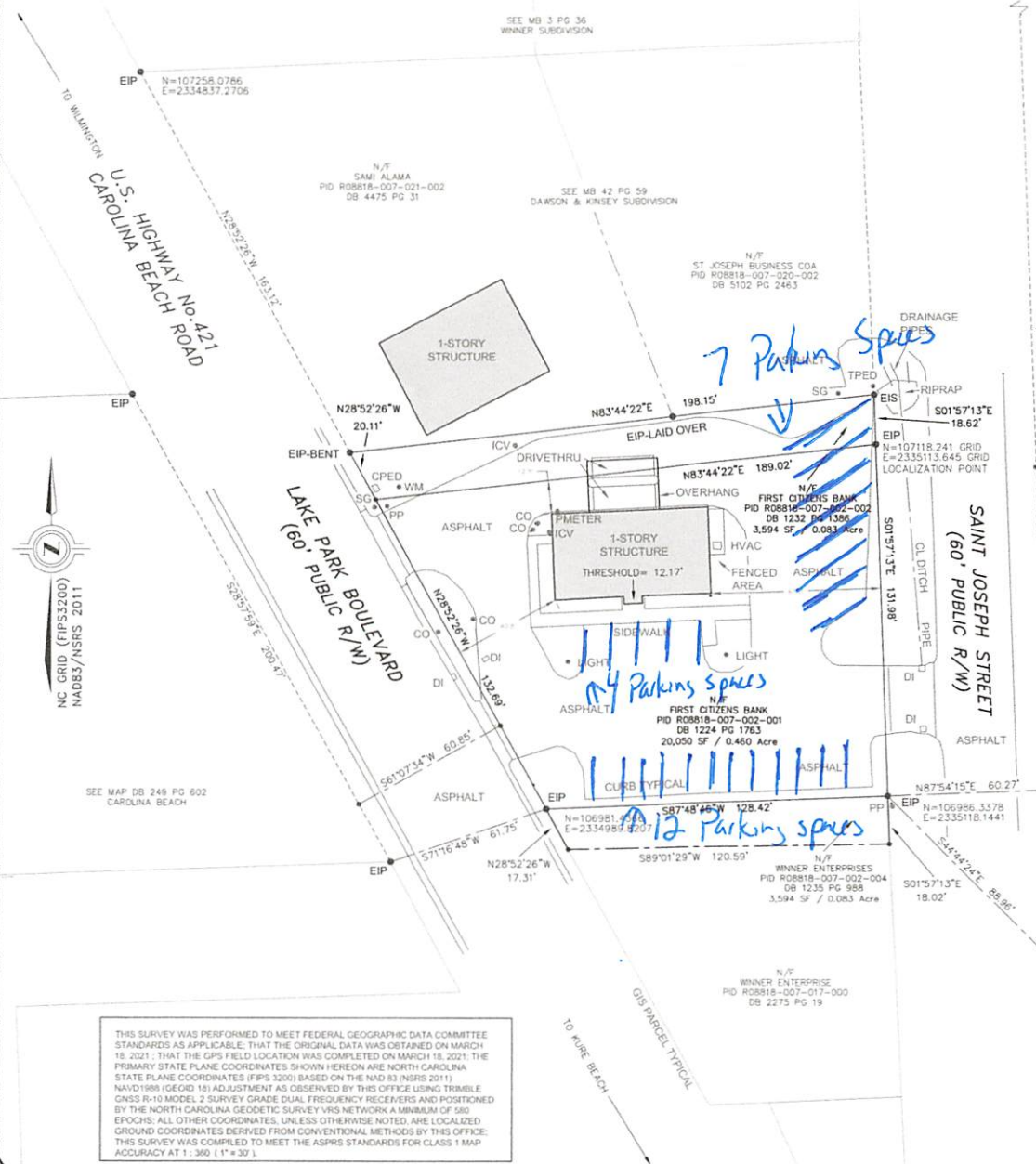
*Ben F. Farrow III*  
PROFESSIONAL LAND SURVEYOR



23 parking spaces total

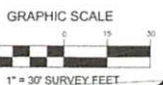
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## FIRST CITIZENS BANK

612 LAKE PARK BOULEVARD  
TOWN OF CAROLINA BEACH, NORTH CAROLINA  
FEDERAL POINT TOWNSHIP / NEW HANOVER COUNTY

BENJAMIN F FARROW III, PLS  
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LICENSE: L-5104

DATE  
03/18/2021  
SCALE  
1" = 40'  
DRAWN BY  
J.B.  
CHECKED BY  
R.P.  
REVISIONS  
-DESCRIPTION-  
EXISTING CONDITION  
SHEET  
1 OF 1

## Summary of the public meeting

The meeting started at 6:00 pm on the 29<sup>th</sup> of September. 6 people that lived or worked near the building showed up to ask questions. There was a consent of all that showed up that this was a positive business plan for the building. All of the concerns were about loud music in the daytime and loud music late at night. I confirmed for everyone that we would not have loud music late at night as we will close by 10 pm at the latest. I also confirmed that there would be no loud music at all during the daytime hours. Overall it was a very positive meeting and everyone seemed to be happy about what was coming soon.

Jeff Hogan





# PUBLIC MEETING SIGN-UP



	NAME	ADDRESS
<input type="checkbox"/>	Allen Masterson	609 N. Lake Park Blvd.
<input type="checkbox"/>	Lori Powell	404 S. 6th St.
<input type="checkbox"/>	Michelle Allende	20703 St. Joseph St, CB, NC 28428
<input type="checkbox"/>	Catherine Robbins	"
<input type="checkbox"/>	Jeff & Ann Presley	630 St. Joseph St.
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		
<input type="checkbox"/>		

Dear Property owners,

September 19<sup>th</sup>, 2021

Please be advised that you are invited to attend a public input meeting.

The date of the meeting is: Wednesday, September 29, 2021  
from the hours of 6 to 7

Location: 612 Lake Park Blvd N, Carolina Beach  
(Formerly the 1<sup>st</sup> Citizens Bank)

The purpose of the meeting is to notify all property owners within 500 feet of 612 Lake Park Blvd N that the owners plan to open a business which will serve coffee, beer and wine. The reason for this letter is because we are applying for conditional zoning through the town to serve beer and wine and a meeting is part of the requirements

We will attempt to answer any questions you may have and look forward to your input on the project. Thanks in advance for your time.

JSL CB Properties LLC



Winner Enterprises  
PO Box 321  
Carolina Beach, NC 28428

MFP Properties LLC  
PO Box 271  
Carolina Beach, NC 28428

Allen and Lynn Masterson  
PO Box 156  
Kure Beach, NC 28449

Jimmy Gause  
PO Box 771  
Carolina Beach, NC 28428

St Joseph Business COA  
PO Box 715  
Carolina Beach, NC 28428

Inland Harbour Homeowners Assoc  
PO Box 305  
Carolina Beach, NC 28428

Bigley LLC  
PO Box 994  
Carolina Beach, NC 28428

Bertran and Gloria Pearson  
PO Box 96  
Kinston, NC 28502

Sound View UOA INC  
1029 Lake Park Blvd N  
Carolina Beach, NC 28428

Quality Home Repair  
103 Winner Ave  
Carolina Beach, NC 28428

Barry and Carolyn Morlock  
105 Rogue Cove Dr  
Carolina Beach, NC 28428

Diane Johnson Rev Trust ETAL  
106 Clendenen Ct  
Cary, NC 27513

PDA Ventures LLC  
10820 Cahill Rd  
Raleigh, NC 27614

DP Properties of NC LLC  
110 Phoenixville Pike N  
Malvern, PA 19355

Marvin and Debra Boyette  
1313 Winesap Rd  
Madison Heights, VA 24572

Pelican Point Development LLC  
1430 Commonwealth Dr  
Wilmington, NC 28403

Michael and Nina Repeta  
145 Sound View Dr  
Wilmington, NC 28409

Essential Beach Holdings LLC  
1650 Military Cutoff Rd  
Wilmington, NC 28403

Timmy and Ruth Ashley  
2033 Griffin Rd  
Yadkinville, NC 27055

Ralph Roof Living Trust  
221 Lochview Dr  
Cary, NC 27518

Don Greeson  
400 Lake Park Blvd N  
Carolina Beach, NC 28428

Jennifer Haskins  
504 Third St N  
Carolina Beach, NC 28428

Island Marina Enterprises LLC  
511 Clarendon Blvd  
Carolina Beach, NC 28428

Warren and Amy Takacs  
520 Staffordshire Rd  
Winston Salem, NC 27104

Julia and Charles Schaff  
5210 Southport Rd  
Fayetteville, NC 28311

Sami Alama ETAL  
700 Lake Park Blvd N  
Carolina Beach, NC 28428

Hoplite Properties  
701 Lake Park Blvd N  
Carolina Beach, NC 28428

Gabby LLC  
713 St Joseph St  
Carolina Beach, NC 28428

Kathie Winseck  
800 St Joseph St  
Carolina Beach, NC 28428

Michael and Christina Puritis  
9009 Saint Stephens PL  
Wilmington, NC 28412

Palm Investment INC  
917 Basin Rd  
Carolina Beach, NC 28428

Donald Vicini  
529 Dynamic Dr Unit 100  
Garner, NC 27529

Jeff and Ann Pressly  
630 St Joseph St Unit 100  
Carolina Beach, NC 28428

Thomas and Susan Kramer  
9 Susan Marie Dr  
Farmingville, NY 11738

St Joseph Condos LLC  
PO Box 15447  
Wilmington, NC 28408

James and Carmela Saunders  
3824 Duxford Dr  
Raleigh, NC 27614

Brian Johnson  
630 St Joseph St Unit 101  
Carolina Beach, NC 28428

Joseph Duggan  
712 St Joseph St Unit 101  
Carolina Beach, NC 28428

John and Marsha Small  
7733 Seton House Ln  
Charlotte, NC 28277

Virginia Hayes  
1015 Nutt St  
Wilmington, NC 28401

Scott and Kathleen Ashton  
4408 Talcott Dr  
Durham, NC 27705

Steven Reavis  
712 St Joseph St Unit 102  
Carolina Beach, NC 28428

Aaron and Lindsay Baker  
7269 Bedford Ridge Dr  
Apex, NC 27539

Rev Searcy Liv Trust  
10 Blackberry Ln  
Clover, SC 29710

Barry and Lesley Hynds  
6103 Mount Carmel Park  
Wilmington, NC 28412

Mark and Debra Michel  
630 St Joseph St Unit 103  
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