

CAROLINA BEACH

Town Council Regular Meeting

Tuesday, August 11, 2020 – 6:30 PM

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



AGENDA

CALL TO ORDER

ADOPT THE AGENDA

CONSENT AGENDA

Meeting Minutes

1. Approval of Meeting Minutes July 14 and August 3

Budget Amendment(s)

2. Budget Amendments/Transfers FY20
3. Budget Amendments for Carryovers

SPECIAL PRESENTATIONS

4. Lake Park Presentation on Erosion
5. Manager's Update

PUBLIC COMMENT

Public Comment allows the public an opportunity to address the Town Council. There is a three minute limit on public comments.

PUBLIC HEARINGS

6. Consider a Conditional Use Permit for an 8-Unit Single-Family Residential Planned Unit Development to be located at 522 N. 7th Street

ITEMS OF BUSINESS

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward, Town Clerk

DEPARTMENT: Clerk

MEETING: Town Council – 08/11/2020

SUBJECT: Approval of Meeting Minutes July 14 and August 3

BACKGROUND:

Attached are the meeting minutes from the July meetings.

ACTION REQUESTED:

Review and approve under the consent agenda.

CAROLINA BEACH

Town Council Regular Meeting Minutes
Tuesday, July 14, 2020 @ 6:30 PM
Council Chambers
1121 N. Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Town Council Regular Meeting was held on Tuesday, July 14, 2020, at 6:30 PM in Council Chambers.

PRESENT: Mayor LeAnn Pierce, Mayor Pro Tem Jay Healy, Council Member Lynn Barbee, Council Member JoDan Garza, Council Member Steve Shuttleworth

ALSO PRESENT: Town Manager Bruce Oakley, Town Clerk Kim Ward, and Town Attorney Noel Fox

MAYOR PIERCE CALLED THE MEETING TO ORDER WITH INVOCATION BY MAYOR PIERCE FOLLOWED BY THE PLEDGE OF ALLEGIANCE

ADOPT THE AGENDA

ACTION: Motion to adopt the agenda with the change that the conditional-use permit for 522 North 7th Street will be heard on July 28 at the 5:30 PM meeting and the addition of a closed session tonight

Motion: Mayor Pierce

Vote: UNANIMOUS

CONSENT AGENDA

Budget Amendment(s)

1. Year End Budget Transfers
2. Budget Amendments for Carryovers
3. Budget Amendments/Transfers

Council Member Garza asked about the transfer of \$82,152 from account 10-580-045 Environmental Contract Services. He wanted to know what wasn't done that allowed the Town to have that much of an overage. Public Works Director Brian Stanberry said this was due to new solid waste rates that were different than what was projected.

4. Appropriate Funds for COVID-19

Meeting Minutes

5. Approval of Meeting Minutes

ACTION: Motion to approve the consent agenda

Motion: Mayor Pierce

Vote: UNANIMOUS

CLOSED SESSION

ACTION: Motion to go into closed session to discuss an attorney-client matter and a personnel matter in accordance with NCGS 143-318.11(a)(3) and (6); the matter being discussed is 19 CVS 2999 Stier Construction Inc. and Keith Carroll vs. Town of Carolina Beach

Motion: Mayor Pierce

Vote: UNANIMOUS

Council returned to open session at 7:00 PM, stating no action was taken during closed session.

SPECIAL PRESENTATIONS

6. Manager's Update

Mr. Oakley gave updates about COVID-19 restrictions at the State level and also reported County and Town infection statistics.

He also reported that regarding hurricane damage at the marina, the Town is expecting a determination memo from the Federal Emergency Management Agency (FEMA) as early as next week. Expecting that it will not be a large amount of money, the Town is preparing to appeal and hopes the Golden LEAF Foundation will step in and help make that complete.

Mr. Oakley said residents continue to be concerned about traffic issues, including speeding and heavy volume, on Mackerel Lane. He said Town staff has been studying the area and doing traffic counts but would like to wait until it's possible to get a better review or analysis of the area to ensure the problem isn't being pushed to other areas. Mr. Oakley said this is necessary before any significant changes are implemented. There are plans to reach out to the Wilmington Urban Area Metropolitan Planning Organization (MPO) to see if the Town can get help with the study, but the Town also may need to explore other options.

He said Town staff is aware of complaints about beach canopies being left up overnight and the enforcement issue this problem poses. The Town has been using a tag system overnight that marks the offending canopies for pickup by Public Works in the morning, but Mr. Oakley said a better system is necessary and he plans to sit down with other departments to come up with a plan.

Regarding short-term rental registration, Mr. Oakley said the Town found out some of the laws passed don't jibe with the proposed ordinance, so that issue is being pushed back for further work and will come back to Council in the future.

Mayor Pro Tem Healy asked what happens to canopies when they are removed from the beach. Mr. Oakley said they are disposed of in the trash.

Council Member Barbee said he wants to make sure the Town of Kure Beach is included in the Mackerel Lane discussions because the street interconnects with the neighboring municipality. Mr. Oakley said this would definitely be done.

PUBLIC COMMENT

Mayor Pierce read the following public comment submitted online:

I speak for my neighbors when I say that we plead with the Town to reconsider the 8' chain link fencing being proposed for the 313 Florida Ave project. Please reconsider blocking off parking and protecting the site with the originally proposed split rail and matching what is already existing on site. An 8' commercial fence blocking the views to the beautiful Snows Cut should not be permitted in a neighborhood.

Thank you,
Kerry Machovec
309 Georgia

Council Response:

Mayor Pierce said there are deed restrictions on that well site that the Town cannot control. She said the Town asked for a split-rail fence and was denied, but the Town was allowed to leave access to the water open as a park.

Ms. Fox said there is a specific person the Town must go through to ask for options on this site, and if that person says no the only other option is for the Town to lose that property.

Mayor Pierce said Council would like to see a more aesthetically pleasing fence but that the Town needs the well site and is happy to allow continued access to the water. She said the fence would be something different if it was up to Council.

PUBLIC HEARINGS

7. Consider adopting the 2020 CAMA Land Use Plan Update

ACTION: Motion to open the public hearing

Motion: Mayor Pierce

Vote: UNANIMOUS

Planning Director Jeremy Hardison said the Land Use Plan update was in its final stages. He reviewed the history of the process and introduced Jay McLeod of Stewart, who has been assisting the Town with the update. Town staff is recommending adoption of the proposed Land Use Plan that will then be forwarded to the Coastal Resources Commission for review and certification prior to becoming effective.

Mr. McLeod gave a general overview of why planning is necessary and discussed specific policy recommendations.

Mr. Hardison reviewed changes to the Land Use Plan that were proposed during the process:

- Change Canal Drive from low to medium density
- Change west side of Bonito Lane from low to medium density
- Mirror Downtown Business Area classification to Central Business District zoning
- Mirror low density area with R-3 zoning
- Remove the Gateway Corridor overlay district and the term
- Make the medium density residential minimum lot size 5,000 square feet instead of a range of 5,000-9,000 square feet

- Make verbiage less restrictive to reflect “discouraging” rather than “restrict” development in land around the lake
- Match the T-1 zoning

Council Member Shuttleworth asked Mr. Hardison to describe what is meant by “discouraging.” Mr. Hardison said this would be a softer approach that seeks elements that can be used for better development practices. Council Member Shuttleworth said rather than discouraging development, it might be better to encourage environmentally sensitive development and come up with guidelines for incentives so it would be positive rather than negative.

Mr. Hardison also reviewed questions that came up at the June Council workshop:

- Possibly expanding the NB land classification area south of the lake to allow for additional commercial opportunities on the south end of the Town
 - Planning & Zoning Commission to accommodate both residential and commercial uses
- Making the Central Business District end at Pelican Lane
 - Planning & Zoning Commission recommended the Downtown Business area to end at the existing Central Business District zoning line north of Pelican Lane
 - LUP has commercial ending at Pelican Lane and residential starting
- The height in the Highway Business zone, specifically the HT property
 - This area is designated for 4-5 stories desired

ACTION: Motion to open public comment

Motion: Mayor Pierce

Vote: UNANIMOUS

Keith Bloemendaal of 305 Peninsula Drive, Chairman of the Planning & Zoning Commission, spoke to clarify some of the changes that were recommended during the process. He said the Commission voted unanimously on every recommended change.

Wayne Rouse of 508 Monroe Avenue, Planning & Zoning Commission member, also gave insight into the process from the perspective of the Land Use Plan Steering Committee.

Deb LeCompte of 307 Charlotte Avenue, Vice Chairman of the Planning & Zoning Commission, also spoke briefly about the process.

All three said they were in agreement with the making the Central Business District end at Pelican Lane.

Mayor Pierce closed the public comment period.

Council Member Barbee said he was pleased with the process.

Mayor Pro Tem Healy said he likes the changes that the Planning & Zoning Commission recommended.

Council Member Shuttleworth said he is concerned that due to COVID-19 and restrictions on the size of gatherings, he is concerned that the public has not had a chance to give final input on the

proposed Land Use Plan. He said this is especially important because this is a document that's going to last for 10 years. He recommended postponing a final vote for 30-60 days so the public has time to weigh in. Mayor Pro Tem Healy said he is unsure that circumstances will allow for large gatherings within that time frame. Council Member Garza recommended having a meeting outdoors to allow for more people to gather. Council Member Barbee said he thinks people have had a chance to speak but that he will agree to a delay on the vote if that's what Council wants. Mayor Pierce said although there has been a lot of public input, she has received calls from real estate professionals who expressed concerns about not being able to attend meetings because they don't feel comfortable going out. She said she doesn't want to deny anyone the opportunity to have a say in this important document and would like to have one more meeting to give the public a chance to speak as long as it's not a big deal to put it off. Mr. Hardison said the Town is not under a timeline for adoption, so delaying the vote will not pose any problems with the process. Mayor Pierce said she will leave it up to Mr. Oakley to get creative with ideas on where to have the meeting so the public can safely attend.

ITEMS OF BUSINESS

None

NON-AGENDA ITEMS

Mayor Pro Tem Healy said Town Census participation is still low at 36.2%. He said residents have until the end of October to participate and stressed the need for adequate federal funding. He also asked about the possibility of putting striping on Canal drive to make it safer for bicyclists. Mr. Oakley said he would speak to Operations about this.

Mayor Pierce mentioned the issue of resuming Town committee meetings under COVID-19 restrictions. Mr. Oakley said only committees with essential business are meeting. Mayor Pierce said this practice should continue for August at the discretion of the committee chairmen and Council liaisons. Council Member Barbee said only business with budgetary impact or critical projects should move forward at this point.

Mayor Pro Tem Healy encouraged Town residents to safely take advantage of attending open-air Little League sports.

Mayor Pierce praised recent efforts of the Beautification Committee.

Mayor Pierce asked about whether there was any progress on development of the old Harris Teeter and miniature golf lots. Mr. Hardison said he has talked to Harris Teeter representatives, who are looking at marketing that property and are interested in meeting with the Town to find out what they would like to see there. Mayor Pierce said the Town is changing, so maybe there is a use the Town is interested in now that it wasn't interested in years ago.

ADJOURNMENT

Mayor Pierce made a motion to adjourn at 8:15 PM. Motion passed unanimously.

CAROLINA BEACH

Town Council Emergency Meeting Minutes

Hurricane Isaias

Monday, August 3, 2020 @ 4:00 PM

Council Chambers

1121 N. Lake Park Boulevard

Carolina Beach, NC 28428

ASSEMBLY

An emergency meeting of the Town of Carolina Beach Town Council was held on Monday, August 3, 2020 at 4:00 p.m. in Town Council Chambers.

PRESENT: Mayor LeAnn Pierce, MPT Jay Healy, Council Member Steve Shuttleworth, and Council Member Lynn Barbee

ALSO PRESENT: Town Manager Bruce Oakley, Assistant Town Manager Ed Parvin, and Town Clerk Kim Ward.

Town Manager Bruce Oakley gave an update on the approaching Hurricane Isaias. The storm is expected to make landfall sometime late this evening and into early morning between Brunswick and New Hanover County as a tropical storm or category 1 hurricane.

Mr. Oakley requested to create a budget appropriation for Hurricane Isaias.

Mayor Pierce made a motion to approve Ordinance 20-1143 to appropriate \$25,000 for Hurricane Isaias. Motion carried unanimously.

Mayor Pierce stated that she would be signing a State of Emergency that would go into effect at 12 noon. Proclamation 20-2228 requests a voluntary evacuation of non-residents. No other restrictions were implemented.

Mayor Pierce made a motion to adjourn at 4:15 p.m.

Submitted by Kimberlee Ward, Town Clerk



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 07/14/2020

SUBJECT: Budget Amendments/Transfers FY20

BACKGROUND:

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

Transfers:

Transfer \$3,190 from account 10-580-045 Environmental Contract Service to account 10-550-046 Marina Professional Services to cover additional Harbor Management fees.

Transfer \$571 from account 10-580-045 Environmental Contract Service to account 10-550-075 Marina Capital under \$10,000 to cover additional cost of installing No Wake signs and piles at the Town Marina.

Transfer \$497 from account 10-420-014 Executive Travel & Training to account 10-550-033 Marina Supplies to cover supplies for harbor management.

Transfer \$16,677 from account 10-420-051 Executive Liability Insurance to account 10-410-046 Legislative Professional Services to cover additional legal fees.

Transfer \$5,550 from account 10-420-014 Executive Travel & Training to account 10-570-046 Parking Contract Services to cover the cost of the T2 subscription.

Transfer \$12,018 from account 30-811-013 Wastewater Electric; \$7,253 to account 30-810-013 Wastewater Treatment Electric and \$4765 to account 30-812-013 Water Electric to cover line item shortages.

Transfer \$183 from account 30-800-012 Utility Admin Printing & Publishing to account 30-800-011 Utility Admin Communication to cover line item shortage.

Transfer \$5,411 from account 30-812-016 Water M&O Equip to account 30-812-045 Water Contract Service to cove line item shortage.

BUDGET IMPACT:

Transfers will not affect budget.

ACTION REQUESTED:

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

Debbie Hall

From: Sheila Nicholson <sheila.nicholson@carolinabeach.org>
Sent: Wednesday, July 22, 2020 8:42 AM
To: Debbie Hall <debbie.hall@carolinabeach.org>
Cc: Bruce Oakley <Bruce.Oakley@carolinabeach.org>
Subject: 19/20 Budget Transfer Request to Cover Cost of No Wake Sign Install

Debbie,

For FY 19/20, I am requesting a transfer of \$3,190 from 10-580-045 to 10-550-046 to cover additional Harbor Management fees; and a transfer of \$571 from 10-580-045 to account 10-550-075 to cover additional cost of installing No Wake signs and piles at the Town Marina.

If you have any questions, please let me know.

Thank you,

Sheila P. Nicholson

Executive Assistant to the Town Manager

Town of Carolina Beach

sheila.nicholson@carolinabeach.org

(910)458-2995

DISCLAIMER:

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

Debbie Hall

From: Sheila Nicholson <sheila.nicholson@carolinabeach.org>
Sent: Thursday, July 23, 2020 4:45 PM
To: Debbie Hall <debbie.hall@carolinabeach.org>
Cc: Bruce Oakley <Bruce.Oakley@carolinabeach.org>
Subject: 19/20 Budget Transfer Request for 10-550-033 (Marina supplies)

Debbie,

To cover the cost of six (6) harbor regulatory signs (NO WAKE ZONE), please transfer \$380 from 10-420-014 to 10-550-033. This purchase occurred in budget year 19/20.

NOTE-original PO#201832 for \$400 did not cover for all signs; this transfer will cover shortage.

If you have any questions, just let me know.

Thank you,

Sheila P. Nicholson

Executive Assistant to the Town Manager

Town of Carolina Beach

sheila.nicholson@carolinabeach.org

(910)458-2995

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Debbie Hall

From: Sheila Nicholson
Sent: Thursday, July 30, 2020 10:53 AM
To: Debbie Hall
Cc: Bruce Oakley
Subject: Budget Transfer Request 10-410

Debbie,
Please transfer \$16,676.13 from 10-420-051 to account 10-410-046 to cover unanticipated legal expenses for BY 19/20.

If you have any questions, please let me know.

Thank you,

Sheila P. Nicholson

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

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Debbie Hall

From: Sheila Nicholson
Sent: Wednesday, August 5, 2020 4:17 PM
To: Debbie Hall
Cc: Bruce Oakley
Subject: 19/20 Budget Transfer Request for 10-570-046 (T2)

Debbie,

Due to some confusion with invoices and credits from T2, it has been determined that we still owe them money for our subscription renewal in February 2020. To cover that cost, please transfer \$5,550.00 from 10-420-014 to 10-570-046.

Please note that the funds were originally encumbered in PO#200272, but due to multiple incorrect invoices and credits with our account using old contract terms, when final bill for BY 19/20 was paid, I asked Linsey to close out the PO (leaving a balance of just over \$8,100). It appears those funds are no longer available, thus requiring the transfer request.

If you have any questions, please let me know.

Thank you,

Sheila P. Nicholson

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

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Fund Or Attrib	Type	Dept Desc	Disp Acct	Budget	YTD	Variance
Fund Or Attrib: 30 Utilities Fund						
Type: Expenses						
30 Utilities Fund	Expenses	Wastewater Treatment	30-810-013 Electric	\$122,000.00	\$129,252.78	(\$7,252.78)
30 Utilities Fund	Expenses	Wastewater Collection	30-811-013 Electric	\$94,000.00	\$32,311.07	\$61,688.93
30 Utilities Fund	Expenses	Water	30-812-013 Electric	\$72,000.00	\$76,764.60	(\$4,764.60)
30 Utilities Fund	Expenses	Stormwater Drainage	30-900-013 Electric	\$13,500.00	\$9,009.17	\$4,490.83
				\$301,500.00	\$247,337.62	\$54,162.38
				\$301,500.00	\$247,337.62	\$54,162.38

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay Item 2.
Mayor Pro Tem

JoDan Garza
Council Member

Ed H. Parvin
Interim Town Manager

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

To: Debbie Hall
From: Mark Meyer
Re: Budget transfer
Date: July 30th, 2020

Budget transfer \$ 183 total

From: 30-800-012 (printing and publishing)

To: 30-800-011 (communications – phone/cell/data)

Explanation: This transfer is to cover the overage in communications of \$182.35

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay Item 2.
Mayor Pro Tem

JoDan Garza
Council Member

Ed H. Parvin
Interim Town Manager

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

To: Debbie Hall
From: Mark Meyer
Re: Budget transfer
Date: July 30th, 2020

Budget transfer \$ 5,411.00 total

From: 30-812-016 (Maint and Repair Equip)

To: 30-812-045 (Contract services)

Explanation: This transfer is to cover the overage in Contract Services



AGENDA ITEM COVERSHEET

PREPARED BY: Debbie Hall, Finance Director

DEPARTMENT: Finance

MEETING: Town Council – 08/11/2020

SUBJECT: Budget Amendments for Carryovers

BACKGROUND:

I have received several year-end budget carryover requests. As you know transfers require only your notification whereas amendments require your approval. Listed below you will find a description of the transfers. I have also attached a copy of the memos received for all requests.

Budget Amendments for Carryovers:

Carryover 2019/2020 funds to 2020/2021 to cover projects ordered but not yet invoiced. A list of the carryovers approved by the Town Manager is attached.

Carryover totals

Powell Bill = \$49,179.50

General Fund = \$7,000

BUDGET IMPACT:

The transfers will increase the 2019/2020 available fund balance and reduce the 2020/2021 available fund balance.

ACTION REQUESTED:

Approve budget amendments for carryovers as presented by the Finance Director.

Vend Name	Date	Type	PO	Description	Encumber	UnEncumber
Account INFO: 10-561-038 Street Maintenance, Balance Forward - 0.00 Encumbered Balance - 49179.50						
NEW HANOVER PAVING	1/7/2020	PO	201100	Greenville & 3rd Street (to Multi-use Path)	\$6,180.00	\$0.00
NEW HANOVER PAVING	1/7/2020	PO	201101	Greenville & 3rd- Extend 3rd Street 119'	\$8,899.50	\$0.00
SOUTHERN ASPHALT INC	4/29/2020	PO	201651	Canal Drive Pavement Marking (NE- Harper)	\$26,850.00	\$0.00
SOUTHERN ASPHALT INC	4/29/2020	PO	201652	Carl Winner Dr. Pavement Marking	\$7,250.00	\$0.00
					\$49,179.50	\$0.00
					\$49,179.50	\$0.00

Debbie Hall

From: Chris Spivey
Sent: Tuesday, June 30, 2020 2:53 PM
To: Bruce Oakley
Cc: Debbie Hall; Dex Shorter
Subject: Budget Carry-Over

Mr. Oakley,

We are requesting approval of budget-carry over in the amount of \$7,000 from GL Account #10-510-016 for the Perimeter Fence budgeted in the FY 19/20. There is not a Purchase Order currently in place. The amount originally was \$8,000 but funds were utilized to secure interior fencing for indoor equipment storage. Thank you for your consideration.

Respectfully,

Chris Spivey

Chief Christopher E. Spivey
1121 North Lake Park Blvd.
Carolina Beach, NC 28428
chris.spivey@carolinabeach.org
Office:910 458-2540 Fax:910 458-2988



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AGENDA ITEM COVERSHEET

PREPARED BY: Eric Jelinski, Parks and Rec Director

DEPARTMENT: Parks and Rec

MEETING: Town Council – 08/11/2020

SUBJECT: Lake Park Presentation on Erosion

BACKGROUND:

Residents and members of the NC Wildlife Federation will present ideas for naturally restoring the banks at the Carolina Beach Lake.

ACTION REQUESTED:

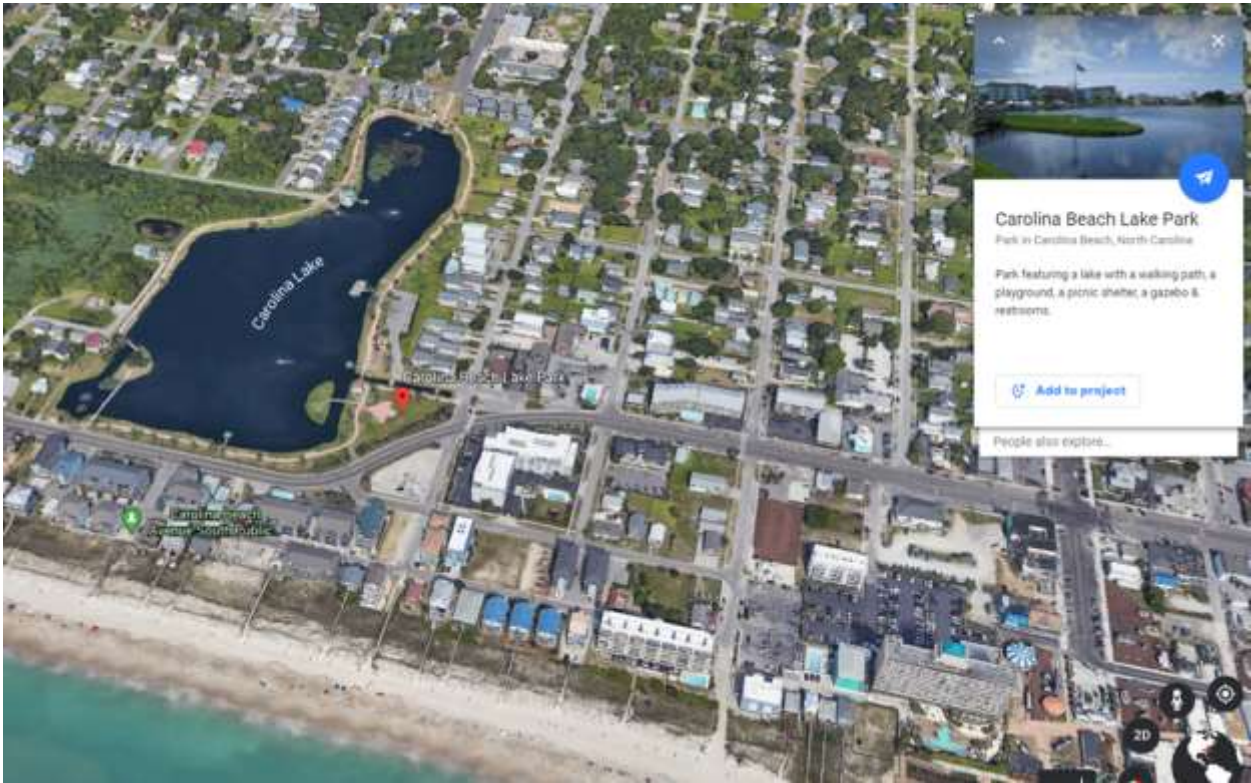
No Action Requested.



Carolina Beach Lake Park *Enhancement Proposal*

A collaborative effort of citizen volunteers,
grant funders and pro-bono experts





Current Uses of Carolina Beach Lake

Used extensively by the local community and by wildlife



- Weekly farmers market
- Exercise area
- Tourist attraction
- Area for town or holiday events
- Learning area for school children
- Important area for migrating birds and other wildlife

Current Issues with Carolina Beach Lake

A group of over 300 Carolina Beach citizens and tourists recently signed a petition to improve the management and conservation of Carolina Beach Lake



- Lake edge erosion
- Poor water quality
- Heavy metal contamination
- Algal blooms
- Poor aesthetics
- Nuisance geese

Lake Improvement Opportunities:

Concerned citizens have gained support of a variety of environmental groups including:

- North Carolina Wildlife Federation
- Plastic Ocean Project
- NC Cooperative Extension
- NC SeaGrant
- Cape Fear River Watch
- Island Montessori
- And more!

- Native Plantings around Lake:
 - Prevent lake edge erosion
 - Improve water & soil quality
 - Prevent algal blooms
 - Enhance aesthetics
 - Restrict nuisance geese

The Plan

After approval: Design, plant species selection, coordination with Parks & Rec, etc.

- Complete plantings in phases
 - Soil/water samples
 - Determine appropriate plant material
- Funding by NC Wildlife Federation
- Additional funding may occur upon approval
- Volunteer base ready for planting and maintenance needs

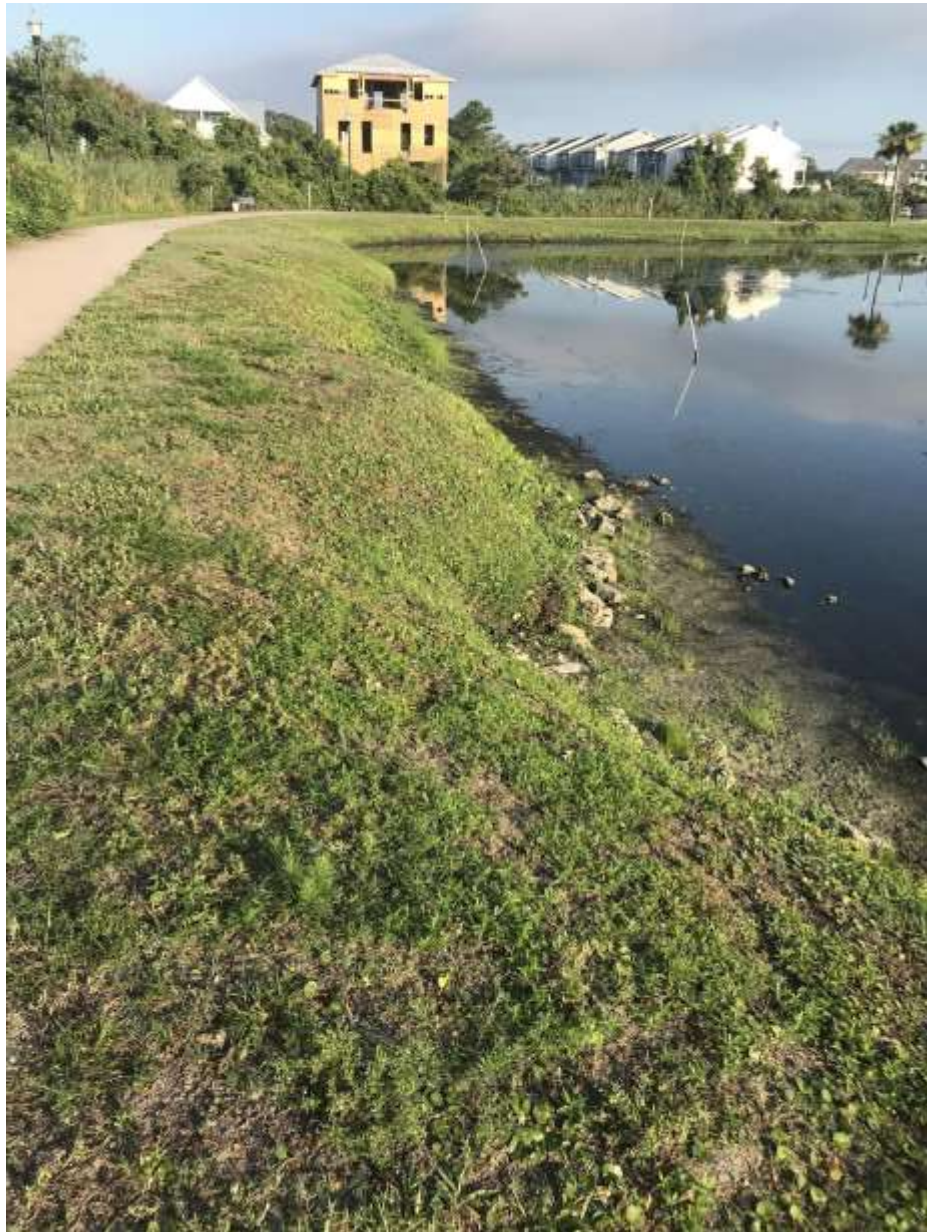
Initial phase, Southern Lake Shoreline

Urgent, due to severe erosion issue.

Goals:

- Large trees planted along perimeter, taking views into consideration.
- After trees are installed, native plants will be added along shoreline.
- Path will have mown 3-foot buffer on each side.
- Low simple fence installed by scouts to provide a visual barrier for foot traffic and grass maintenance.





LANDSCAPE PROPOSAL
NCWF CAROLINA BEACH L
SOUTHERN SHORE
JULY 2020



Phase Two

- Island #1 Goals:
 - Native planting around perimeter and around sidewalk
 - Phragmites removal





Phase 3

- Island 2 Goals:
 - Turn into a butterfly garden using native seed packets or native plants
 - Add turtle basking log/platform





Management Plan

Volunteer Based Management and assistance from Parks and Recreation



- Native plants are self-sufficient once established
- NCWF CB chapter, CFRW, and other groups have committed to ongoing cleanups and maintenance.
- We have also reached out to members of the town's newly formed beautification committee to assist—one member, local master gardener Dawn Betz is already on board to assist.

Benefits to the Town

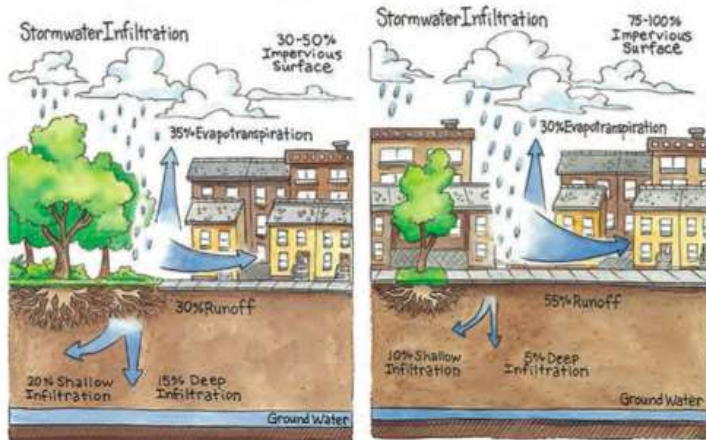
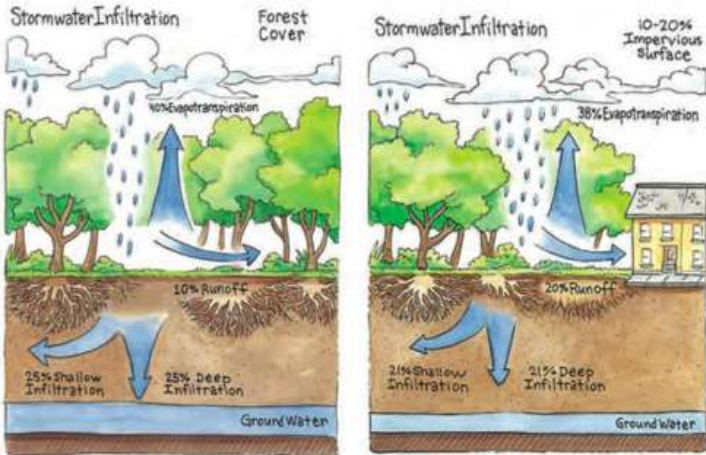
Enhanced aesthetics will not obstruct desirable views and will help control phragmites (invasive plant nuisance)

- Improve lake qualities
- Improve lake habitat

Encourage tourism

Promote local businesses and events (imagine Night of Lights with decorated trees!)

Increase property value



Runoff increases as land is developed. Information source: U.S. EPA

Next steps

With Town Council's permission, we can begin to use these opportunities to benefit the town



- Set dates for planting
- Select and order plants
- Gather supplies and organize volunteers
- Utilize all resources and funding opportunities
- Select location of tree installations

Thanks for your consideration!

Sources

- Parson, B. et. al. (2020) *Economic Outcomes of Urban Floodplain Restoration: Implications for Puget Sound*
- (2014) *Plants as Useful Vectors to Reduce Environmental Toxic Arsenic Content*. Retrieved at: <https://www.hindawi.com/journals/tswj/2014/921581/>
- (2018) *C-2 Bioretention Cell*. Retrieved at <https://files.nc.gov/ncdeq/Energy%20Mineral%20and%20Land%20Resources/Stormwater/BMP%20Manual/C-2%20%20Bioretention%201-19-2018%20FINAL.pdf>
- Root system Diagram retrieved at <http://www.chambersdesign.net/yardblog/-rooting-for-spring>



AGENDA ITEM COVERSHEET

PREPARED BY: Bruce Oakley, Town Manager

DEPARTMENT: Executive

MEETING: Town Council – August 11, 2020

SUBJECT: Manager’s Update

BACKGROUND:

Town Manager Bruce Oakley will give an update on current projects and events.

ACTION REQUESTED:

No Action Needed



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Town Council Workshop – 11 AUG 2020

SUBJECT: Consider a Conditional Use Permit for an 8-Unit Single-Family Residential Planned Unit Development to be located at 522 N. 7th Street

BACKGROUND:

The applicant, Marlow Construction LLC, is requesting a Conditional Use Permit (CUP) to build a eight-unit residential PUD comprised of eight single-family homes at 522 N. 7th Street. The parcel is zoned R-1 which allows single-family and two-family Residential PUDs with a unit density of 17-units per acre.

The property was previously under construction for one extremely large SFR, but the project stalled. Subsequently, the property went back on the market and Marlow Construction determined it would be a good potential location to feature some of their residential structures, which have been constructed elsewhere in CB. The lot has the ability to contain a maximum of 23 units by R-1 zoning standards. Marlow Construction is only proposing 8 units.

The property requires, 40% lot coverage, standard parking, 25% open space, stormwater retention, and a 10' 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 remain via N. 7th Street
 - The design will accommodate 2-way traffic and sufficient parking for each SFR structure.
- (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 each individual home's driveway or under the home
- (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
 - A new fire hydrant is proposed

- A state SW permit is required
- (5) Screening and buffering with reference to type, dimensions, and character;
 - A 10' landscape buffer is required for this type of development
 - A 6' fence is proposed around the entire PUD
- (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 PUD
 - Minimum of 15' between structures
 - Minimum of 25% of open space
 - Below maximum of 40% lot coverage

General conditions.

- (1) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by the issuance of the C.U.P.;
 - The density falls within the standard R-1 density requirements and the proposed 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 N 7th Street.

RECOMMENDED MOTION:

Approve the CUP for an 8-Unit Single-Family 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 either side of the drive aisle along the 7th street Right of Way 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 6.

20C-02

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.

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

PURPOSE

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

Please complete all sections of the application.

A. Property Information

Address(es): 522 7TH STREET

PIN(s): 3130-38-2107.000

Project Name _____

Size of lot(s): 58,271 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):

RESIDENTIAL PLANNED UNIT DEVELOPMENT - 8 SINGLE FAMILY RESIDENCES

C. Applicant Contact Information

Company/corporate Name (if applicable):

MARLOW CONSTRUCTION

Applicant's Name

QUINN MARLOW

Mailing Address

1112 SOUTH LAKE PARK BLVD

City, State, and Zip Code

CAROLINA BEACH NC

Telephone

804-874-8604

Email

qmarlow@marlowconstruction.com

D. Owner Contact Information (if different)

Cynthia B. Workman

Owner's Name

8651 Stephens Church Rd Apt D101

Mailing Address

Wilmington, NC 28411

City, State, and Zip Code

910-319-7236

Telephone

cworkman22@twc.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 PROPOSED DEVELOPMENT SEEKS TO CREATE A FITTING AND SENSIBLE LAND DEVELOPMENT AT THE 522 7TH STREET PROPERTY. THE DEVELOPMENT IS OF LOWER DENSITY THEN ALLOWED PER ZONING CODE AND WILL MEET ALL REGULATIONS. THE DEVELOPEMENT WILL IMPROVE THE HEALTH AND SAFTEY OF THE NEIGHBORHOOD THROUGH SENSIBLE AND CAREFULL PLANNING THAT IS APPROPRATE FOR THE NEIGHBORHOOD AND ELIMINATE THE CURRENT CONDITION.

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

WE UNDERSTAND THE PROPOSAL MEETS ALL REQUIRED CONDITION AND NO WAIVERS ARE NEEDED OR REQUESTED. WE PROPOSE INDIVIDUAL SPECTIC PUMPS TO MAIN SEWAGE LINE FOR EACH UNIT RATHER THEN A CENTRAL PUMP STATION.

- 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:

AS PART OF THE DEVELOPMENT WE PROPOSE GREEN BUFFERS BETWEEN THE ADJOINING PROPERTY AND THE NEW HOUSES. A DENSE TREELINE IS PROPOSED WITHIN THE 10' LANDSCAPE BUFFER. THE LAYOUT AND DENSITY OF HOUSES AND DRIVEWAYS IS CONSITANCE WITH THE ADJOINING PROPERTIES. THE PROPOSE RESIDENCES ARE OF SUITABLE ARCHITECTURAL AESTHETICS AND CHARACTER TO MATCH THE STYLE OF THE ADJOINING BUILDINGS AND NEIGHBORHOOD.

- 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.:

THIS PROPERTY IS IN A RESITENTIAL ZONING. THE PROPOSED PLANNED UNIT DEVELOPMENT CONSISTS 8 SINGLE FAMILY RESIDENCES. THE PROPOSED DEVELOPMENT IS IN HARMONY IN USE , HEIGHT AND DENSITY WITH THE NEIGHBORING PROPERTIES. THE DEVELOPMENT PROPOSES TO RECONSITUTE THE CURRENT CLEAR CUT LAND BY PROPOSING TO PLANT A DENSE TREE LAYOUT. THE DEVELOPMENT WILL CONFORM WITH THE CAROLINA BEACH LAND USE PLAN.

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:

8 HOUSES WILL SHARE A COMMON ROAD THATS INGRESS AND EGRESS TO 7TH STREET. A CUL-DE-SAC IS PROPOSED FOR EASE AND FIRE TRUCK TRUNAROUND.

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.

EACH HOUSE WILL HAVE A 1 CAR GARAGE AND DRIVE WAY TO ALLOW FOR REQUIRED PARKING FOR EACH 3 BEDROOM RESIDENCE.

THE DEVELOPMENT WILL NOT HAVE OTHER OFF-STREET PARKING OR LOADING AREAS.

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

REFUSE WILL BE PICKED UP AT EACH RESIDENCE ON AN INDIVIDUAL BASES. EACH RESIDENCE WILL HAVE A TRASH STORAGE AREA IN THE GARAGE.

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

THE DEVELOPER HAS CONFIRMED THE AVAILABILITY FOR WATER AND POWER TO EACH UNIT. SEWAGE WILL BE PUMPED PER UNIT TO A FORCE MAIN.

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

6' FENCE WILL BE CONSTRUCTED WITH GREEN PLANTING WHERE NECESSARY TO SEPERATE ADJOINING PROPERTIES.

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;

STREET LIGHTS WILL BE INDIRECT AND DIRECTED TO THE GROUND TO PRODUCE A LOW AMOUNT OF LIGHT POLUTION AT NIGHT

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

THE PROPERTY HAS NO EXISTING VEGETATION. THE DEVELOPMENT WILL RECONSITUTE THE LAND WITH TREES, PLANTS AND A WATER DETENTION POND.

SITE WILL BE FILLED TO ALLOW SITE DRAINAGE TO WATER DETENTION POND.

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

I. Site Plan Criteria

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

Yes	No	N/A	
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Engineers scale 1 inch = 40 ft or larger
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title block or brief description of project including all proposed uses
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Date
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	North arrow
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Property and zoning boundaries
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The square footage of the site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Lot coverage</i> (buildings, decks, steps)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of all existing and proposed <i>structures</i> and the setbacks from property lines of affected <i>structures</i> to remain on-site
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Design of driveways and parking
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Adjacent right-of-ways labeled with the street name and right of way width
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location and design of refuse facilities
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Approximate locations and sizes of all existing and proposed <i>utilities</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Existing and/or proposed fire hydrants (showing distances)
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Adjacent properties with owners' information and approximate location of structures
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Distances between all <i>buildings</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Number of <i>stories</i> and height of all <i>structures</i>
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Locations of all entrances and exits to all <i>structures</i>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Calculate the <i>gross floor area</i> with each room labeled (i.e. kitchen, bedroom, bathroom)
<input 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 type="checkbox"/>	<input checked="" type="checkbox"/>	Location of flood zones and finished floor elevations
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CAMA Areas of Environmental Concern (AEC) and CAMA setbacks
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Delineation of <i>natural features</i> and wetlands with existing and proposed topography with a maximum of two foot contour intervals
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Proposed landscaping including percentages of <i>open space</i>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Stormwater management systems
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Cross-sectional details of all streets, roads, ditches, and <i>parking lot</i> improvements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<i>Building</i> construction and occupancy type(s) per the building code
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location of fire department connection(s) for standpipes
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Turning radii, turnarounds, access grades, height of overhead obstructions
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Dimensions and locations of all <i>signs</i>
<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
- I have folded all plans to 8 1/2" x 11" size and am prepared to pay the application fee today

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

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

OWNER’S SIGNATURE: In filing this application for a conditional use permit I/we as the property owner(s), hereby certify that all of the information presented in this application is accurate to the best of my knowledge, information and belief. I hereby designate HART MARLOW

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.

Cynthia B Workman



05/28/2020
08:49 AM

5-27-20 / /

Signature

Date


AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

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

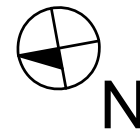
Date: 5-27-20

Appointee's Name, Address & Telephone:

HART MARLOW
840 SETTLERS LANE
KURE BEACH NC 28449

Signature of Owner: Cynthia B Workman  05/28/2020 08:49 AM

OLD MARINERS HOA INC
1,202 LAKE PARK BLV N
CAROLINA BEACH, NC 28428



IVEY TERRY A TERESA E
128 OLDE MARINERS WAY
CAROLINA BEACH, NC 28428

WILLIAMSON DONNA MARK BIEDEKAPP
252 LAZY J DR
SMITHFIELD, NC 27577

WALSH BRANDI A
120 OLDE MARINERS WAY
CAROLINA BEACH, NC 28428

DONNELLY DEBORAH M
116 OLDE MARINERS WAY
CAROLINA BEACH, NC 28428

CHAPIN SUSANNA M ETAL
160 PLOTT HAND DR
CLAYTON, NC 27520

BASINGER DOUGLAS W KAREN F
8,919 SHIPWATCH DR
WILMINGTON, NC 28412

SCHULZE RONALD LAWANA
113 PALM BREEZE DR
CAROLINA BEACH, NC 28428

FURR ANN K
557 MAPLEWOOD LN
WEST END, NC 27376

CAMPBELL MARK G
105 PALM BREEZE DR
CAROLINA BEACH, NC 28428

522 7TH ST
CAROLINA BEACH, NC 28428

LOT AREA: 58,271 SF/1.34 ACRES

RESIDENTIAL PLANNED
UNIT DEVELOPMENT
8 SINGLE FAMILY RESIDENCE

ZONING : R-1 RESIDENTIAL

UNIT DENSITY PROPOSED: 8 UNITS
UNIT DENSITY ALLOWED: 15 UNITS/ACRE

LOT COVERAGE: 7,200 SF

OPEN SPACE: 88%

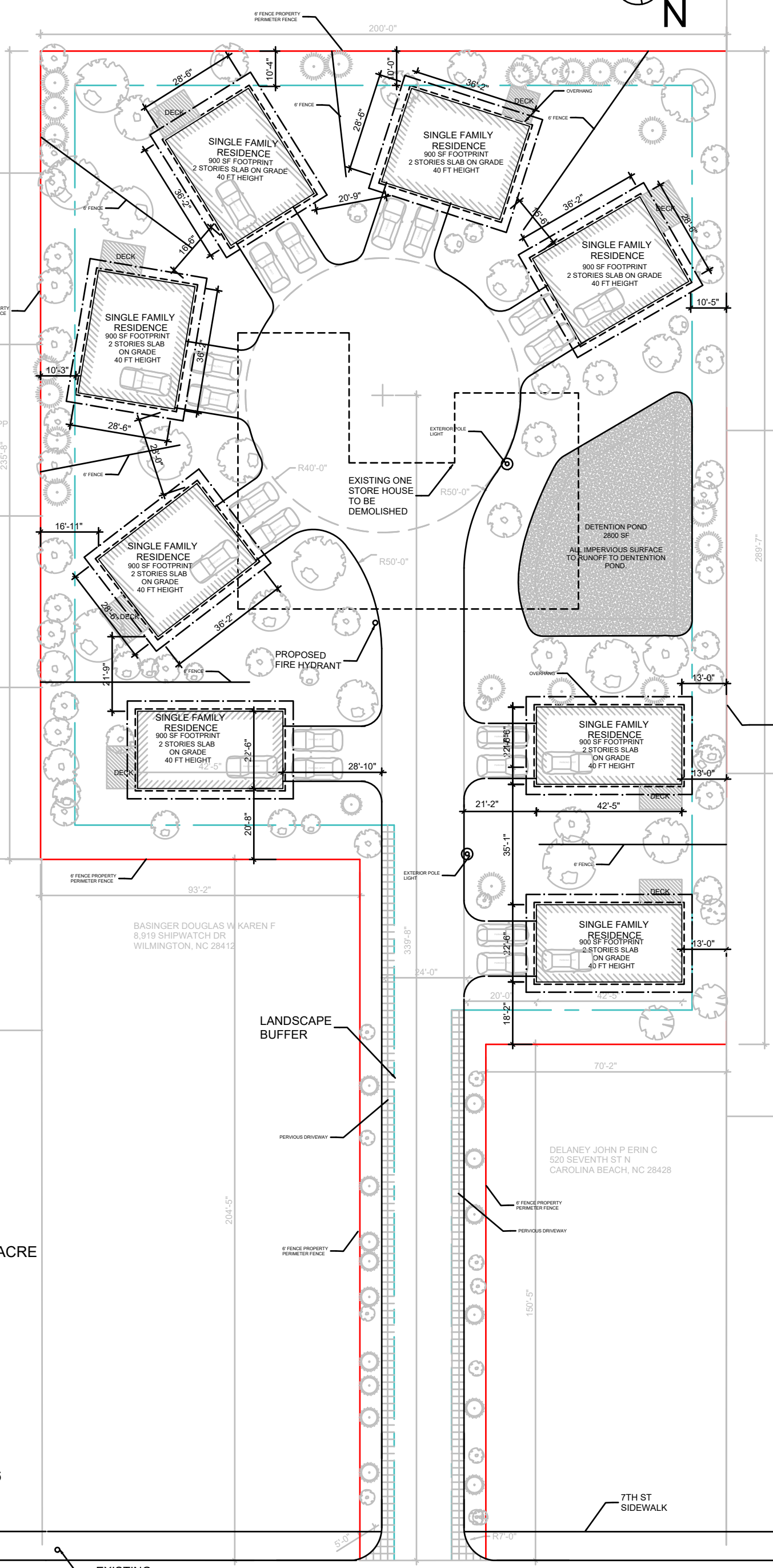
DATE: MAY 21 2020
SCALE 1/32" = 1'-0"

PREPARED BY
ERICH SCHOENENBERGER
96 BOGART ST BROOKLYN NY 11206
804-539-4848



EXISTING
FIRE HYDRANT

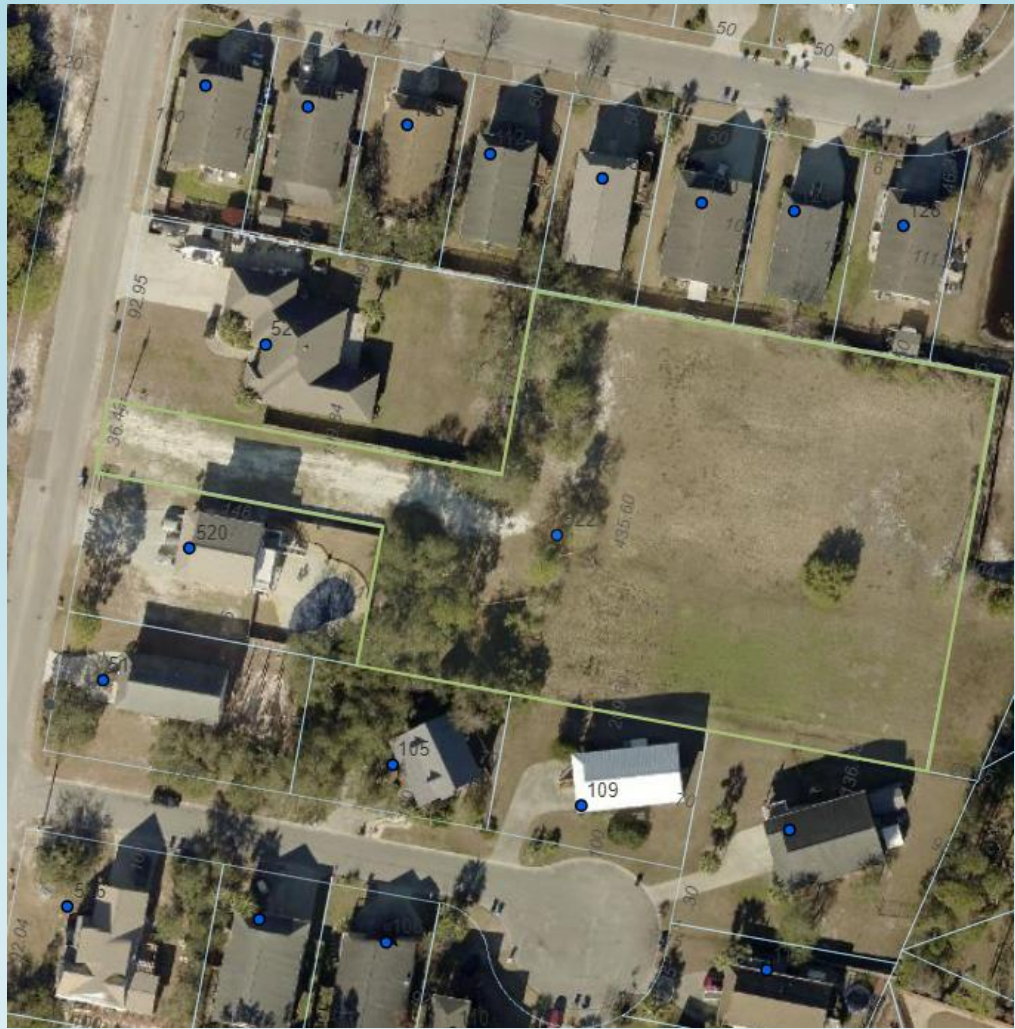
7TH SREET
50' RIGHT OF WAY





Conditional Use Permit: 522 N. 7th Street – SF Residential Planned Unit Development

August 11th, 2020
Miles Murphy – Senior Planner



Location: 522 N. 7th Street

Applicant: Marlow Construction LLC



522 N. 7th Street

Adjacent Properties

Item 6.



526 N. 7th Street



520 N. 7th Street

Adjacent Properties



116 Olde Mariners Way



124 Olde Mariners Way



120 Olde Mariners Way



130 Olde Mariners Way
HOA



128 Olde Mariners Way

Adjacent Properties



105 Palm Breeze Drive



109 Palm Breeze Drive



113 Palm Breeze Drive

Residential PUDs Permitted in R-1

ARTICLE III. – Zoning District Regulations

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

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

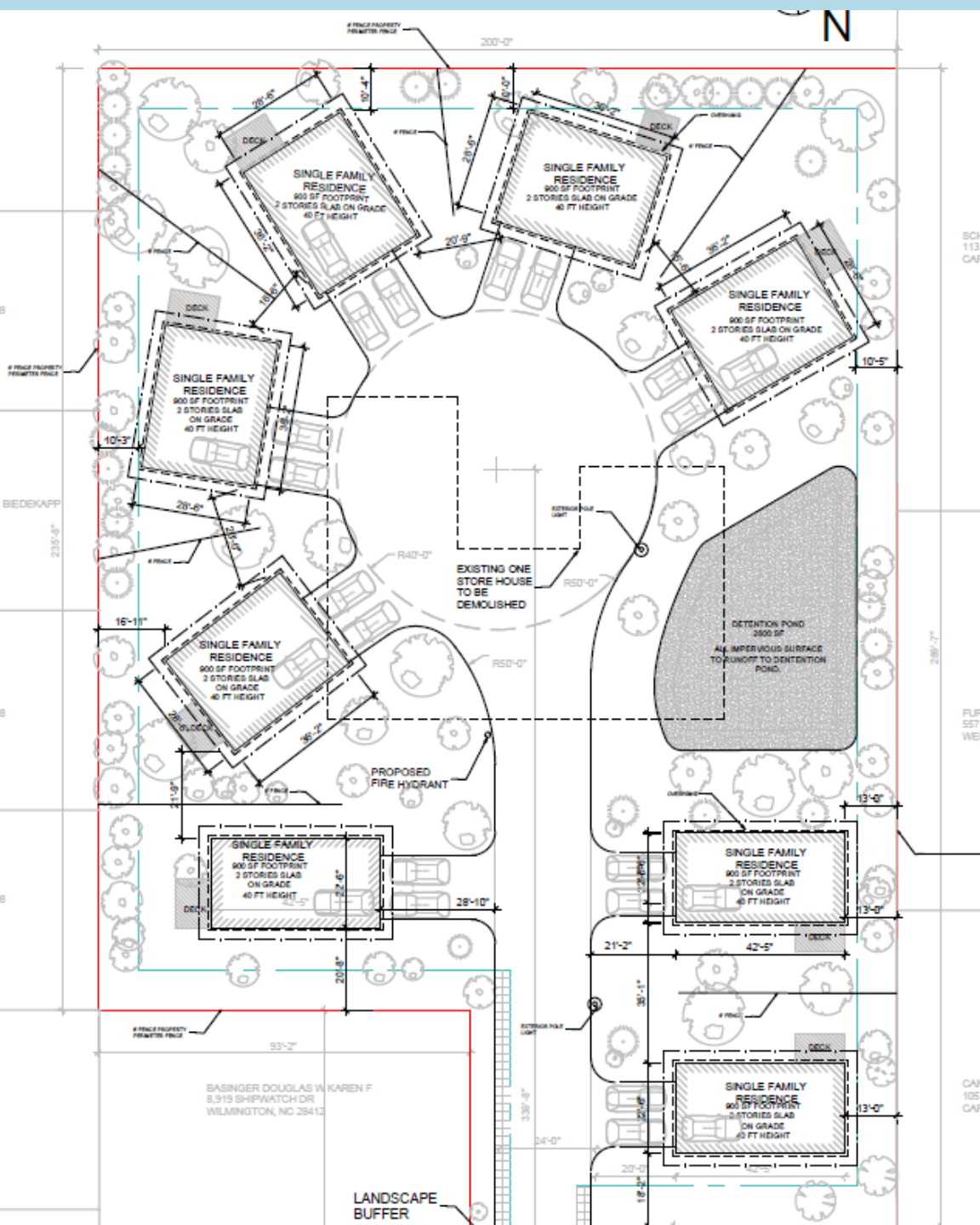
Dimensional Standards for Lots and Principal Structures, Other Districts

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	45 ft. ¹	40%

1 – exists in a 45’ height overlay district

Design

- Landscaping buffer has been met in all areas
- 8 Single-Family homes with a 900ft² footprint
- Drive aisles and parking meet standards for zoning requirements and fire access
- Open space (88%) and Lot Coverage(12%) requirements are met
- State stormwater permit required
- All units meet 15' minimum separation requirement
 - 15.5' is the smallest separation
- All units are 3-4 bedrooms and provide the minimum of 3 required parking spaces per unit based on bedrooms



	Acres	Ft ²	Units
Standard	1.00	43,560	15
Max	1.34	58,271	20 (max)
Proposed	1.34	58,271	8 SFR 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 remain via N. 7th Street
 - The design will accommodate 2-way traffic and sufficient parking for each townhome
 - A 4' wide sidewalk is requested to be installed on either side of the drive aisle along the 7th street RoW (note included on site plan)
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;
 - Parking will be contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash will be collected via standard residential manner
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - Utilities will be provided by Duke and the Town
 - State stormwater permit is required
 - Fire Hydrant will be installed
- (5) Screening and buffering with reference to type, dimensions, and character;
 - A 10' landscape buffer is required for this type of development
 - A 6' fence is proposed around the entire property and along the entry drive aisle
- (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 PUD
 - Minimum of 15' between structures
 - Minimum of 25% of open space (88%)
 - Below maximum of 40% lot coverage (12%)

Required	Proposed
Front - 20'	162
Rear - 10'	11'
Side - 7.5'*	11'

*The requirement for a side setback is actually 10' due to the landscape buffer requirement. This is more strict than the general zoning district requirement

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 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 Residential 1 area includes a predominance of single-family and duplex units. 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.

Staff Recommendation

Staff recommends the approval of the proposed Residential CUP with the requirement of a 4' wide sidewalk extension parallel to the 7th street Right of Way

Motion from Town Council

- Approve the CUP for an 8-Unit Single-Family 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 either side of the drive aisle along the 7th street Right of Way 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.

LeAnn Pierce
Mayor

Steve Shuttleworth
Council Member

Lynn Barbee
Council Member



Jay H
Mayor Pro Item 6.

JoDan Garza
Council Member

Bruce Oakley
Town Manager

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

ORDER GRANTING A CONDITIONAL USE PERMIT MODIFICATION

Location: 522 N. 7th Street

Applicant: Marlow Construction LLC

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **August 11, 2020** to consider the application submitted by Marlow Construction LLC for issuance of a Conditional Use Permit for a Residential Planned Unit Development (PUD). The following persons offered sworn testimony: Miles Murphy, Jeremy Hardison, Hart Marlow, and Quinn Marlow. The following uncontested facts were presented:

FINDINGS OF FACT

1. Cynthia B. Workman is the owner of a parcel located at 522 N 7th Street. in Carolina Beach, NC.
2. The property is zoned R-1.
3. The square footage property is 58,271 square feet.
4. Marlow Construction is proposing to build a Residential Planned Unit Development consisting of 8 Single-Family Residences
5. Residential PUDs are allowed in the R-1 zoning district with a CUP.

Specific Standards

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - *Ingress and egress will remain via 522 N 7th Street*
 - *The drive aisle design will accommodate 2-way traffic*
 - *A 4' wide sidewalk will be added along 7th street on either side of the drive aisle*
- (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 each individual unit's driveway or under the home*
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - *Trash will be collected in a standard manner*
- (4) Utilities, with reference to locations, availability, and compatibility;
 - *Utilities will be provided by Duke and the Town*
 - *A new fire hydrant is required*
 - *A state stormwater permit is required*

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

- A 10' landscape buffer is required for this type of development
- A 6' fence is proposed around the Residential PUD's parcel

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

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

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

- There is no required yard or open space beyond general zoning standards for a residential PUD
- Minimum of 15' between structures (15.5' closest)
- Minimum of 25% of open space (88%)
- Below maximum of 40% lot coverage (12%)

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	Front	Rear	South Side	North Side
R-1 Required	20'	10'	7.5'	7.5'
Provided	N/A	10'	10.42'	10.25'

Lot coverage is approximately 12%

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

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

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

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

- The proposed CUP does not meet 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 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

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

CONCLUSIONS OF LAW

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

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

- 1) The site plan corresponding to this approval was designed by Erich Scoenenberger dated 05/21
- 2) Prior to issuance of building permit, all local state and federal approval letters and final site plan be submitted to and approved by the Town of Carolina Beach. Item 6.
- 3) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission.
- 4) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 5) Install a 4' wide Sidewalk parallel to N. 7th Street
- 6) The Conditional Use Permit is subject to expire on 8/11/22 if construction of the project has not started.

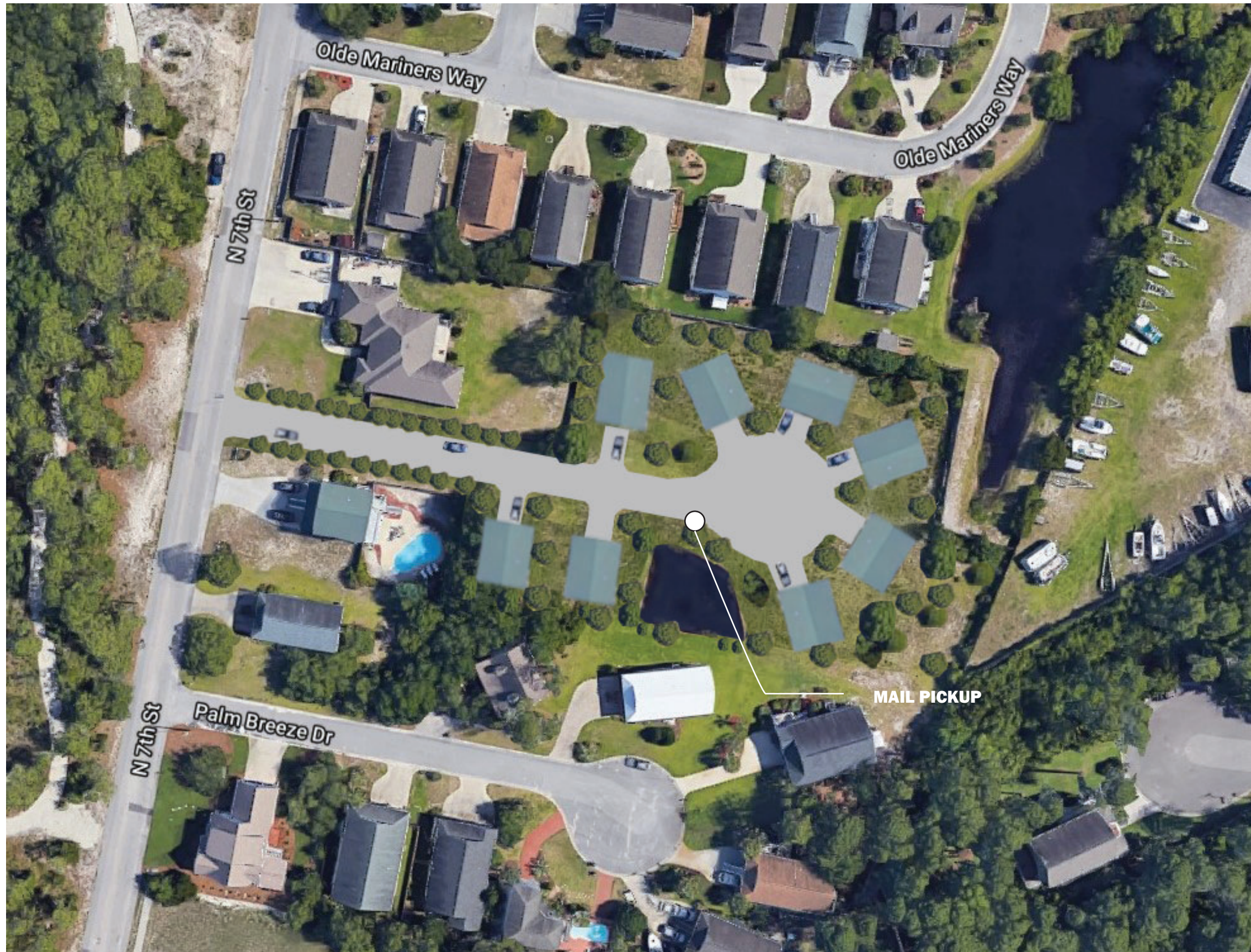
Ordered this 11th day of August, 2020

LeAnn Pierce, Mayor

Date

ATTEST: _____
Kimberlee Ward, Town Clerk

Date



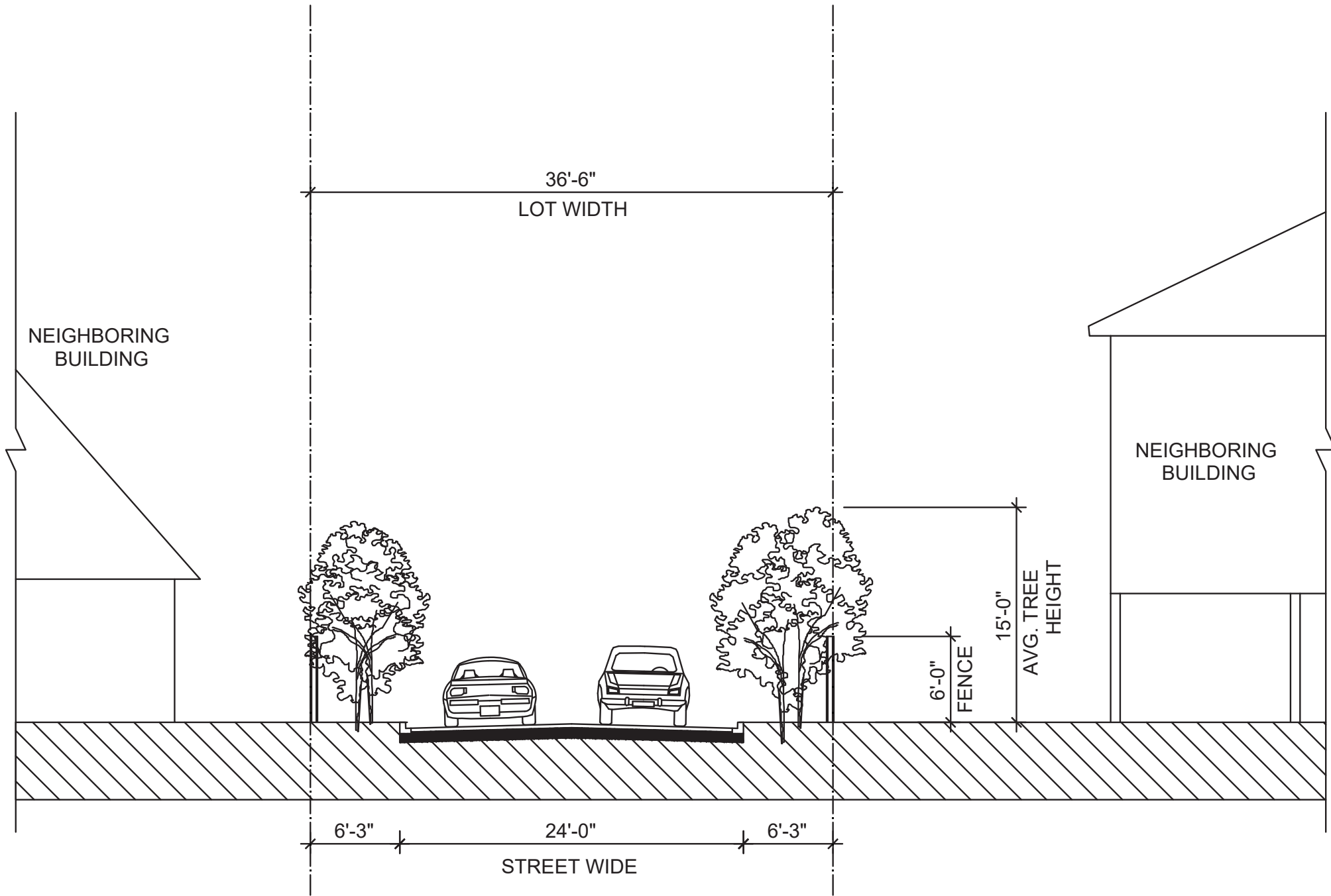
SITE PLAN

- 8 PROPOSED HOMES
1,800 SF 2 STORY WITH
SINGLE CAR GARAGE
- DENSELY PLANTED WITH
TREES AND VEGETATION
- PLANTED EVERGREENS
ALONG ENTRY DRIVEWAY
WITH PRIVACY FENCE
- HOA
- NO EXTENDED
STREET PARKING
- NO SHORT TERM RENTALS
- NO BOAT OR RV PARKING
- CENTRAL MAIL PICKUP
- TRASH PICK UP AT EACH
INDIVIDUAL HOME



DENSITY

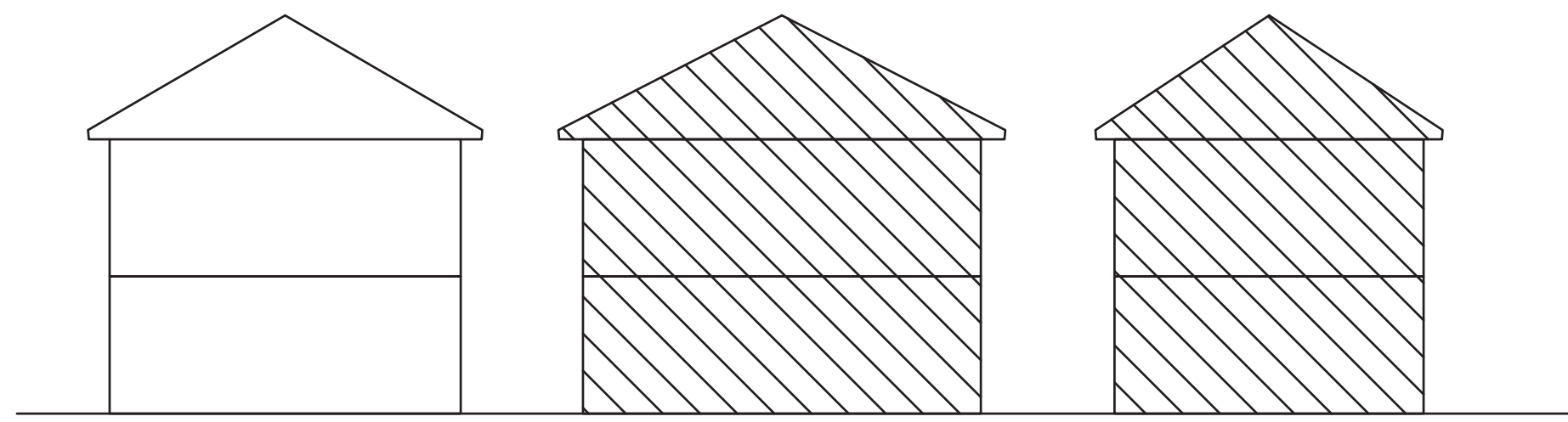
- PROPOSED 8 HOME DEVELOPMENT TO BE AT A SIMILAR SCALE AND DENSITY OF NEIGHBORING SUBDIVISION DEVELOPMENTS ON 7TH AVE.



**522 7TH STREET
ENTRY ROAD CROSS SECTION**

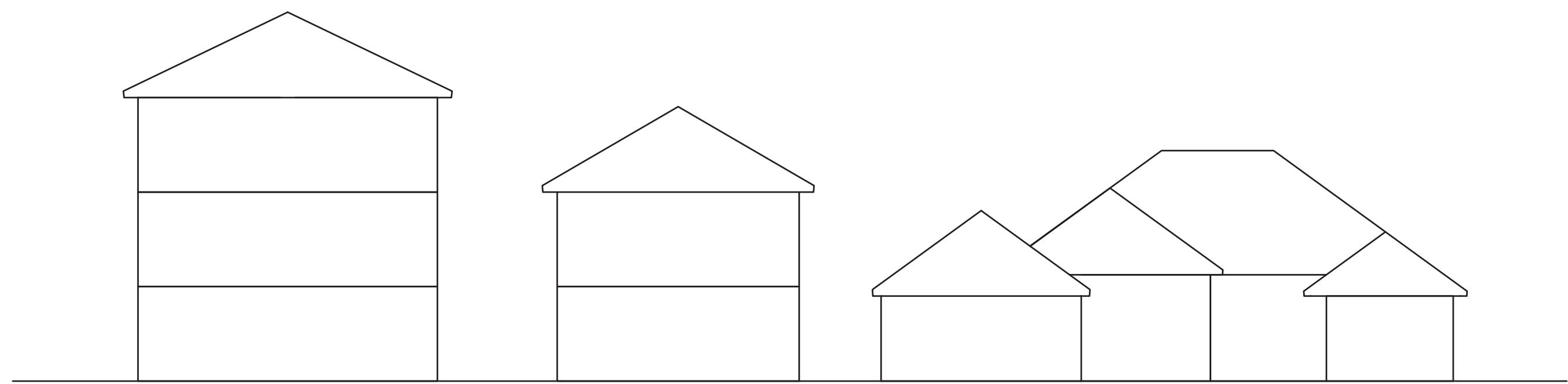
ENTRY

- TWO LANE ENTRY STREET
- LARGE VEGETATION AND TREE PLANTING ALONG ENTRY
- 6' PRIVACY FENCE
- 36' - 6" TOTAL WIDTH OF ENTRY, NEIGHBORING SUBDIVISION ENTRY WIDTH AT AVERAGE TO 38'



522 7TH STREET
PROPOSED BUILDING TYPE 1

522 7TH STREET
PROPOSED BUILDING TYPE 2



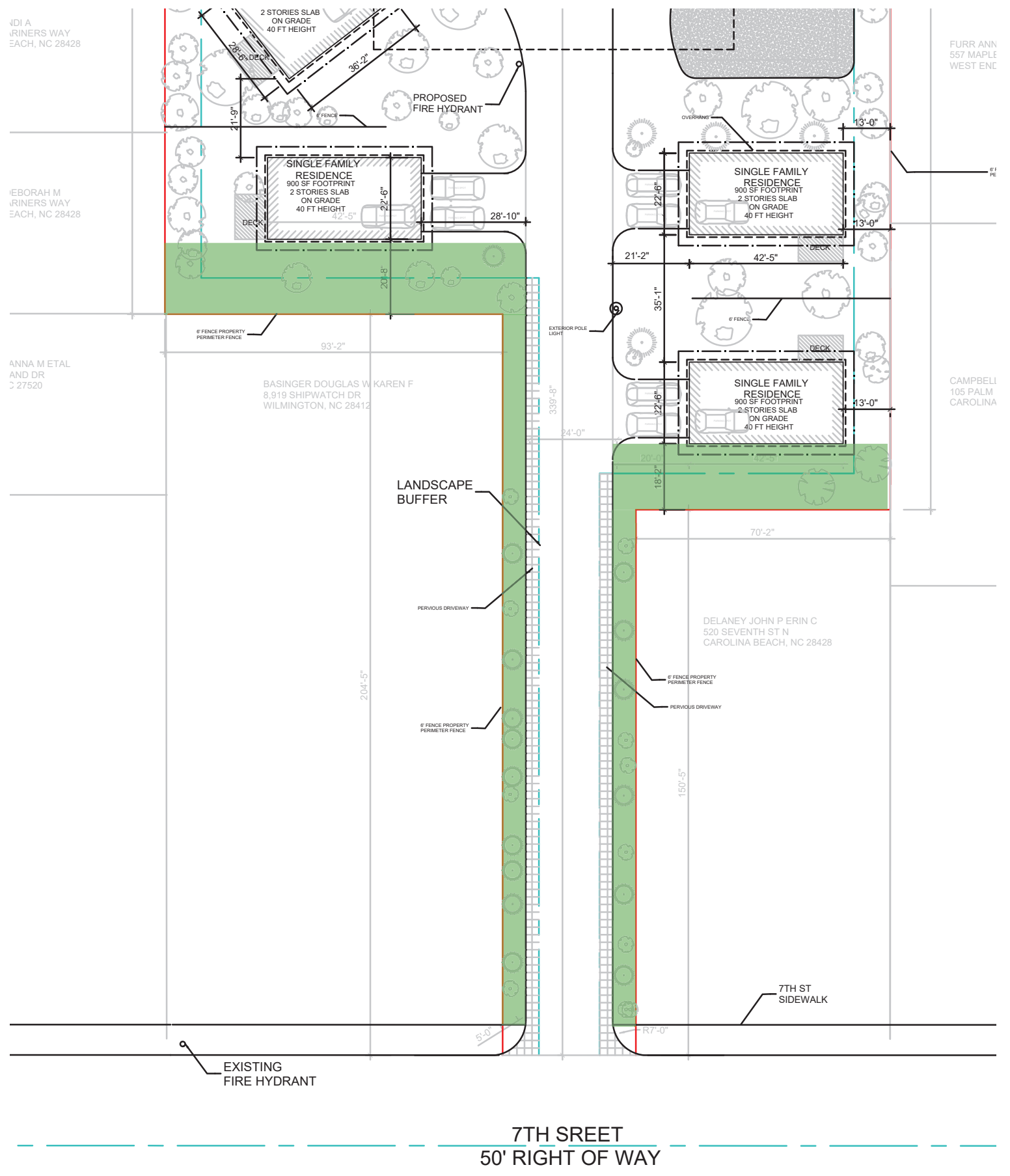
ELEVATION/SCALE ANALYSIS
NEIGHBORING BUILDINGS TO 522 7TH ST PROPERTY



CENTERALLY LOCATED
COMMUNITY MAILBOX



TRASH CAN STORAGE AT EACH RESIDENTIAL
HOME WITH CURB SIDE PICK UP



VEGETATION SCREEN

-GREEN AREA REPRESENTS A PROPOSED EVERGREEN PLANTING AREA IN ADDITION TO THE CURRENT PLANTING SCHEME TO ALLOW FOR ADDITIONAL VISUAL/NOISE MEDIATION.