

# CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, December 14, 2023 – 6:00 PM

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



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## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

1. September 14th, 2023 – P&Z Minutes

### STAFF REPORT ON RECENT COUNCIL MEETINGS

### STAFF REPORT ON RECENT DEVELOPMENTS

### PUBLIC DISCUSSION

### DISCUSSION ITEMS

2. **Conditional Zoning Modification** to consider an outdoor seating area and landscaping for the Event Venue / Bar at 205 Charlotte Avenue in the Central Business District (CBD).  
Applicant: Kindred Carolina Beach, LLC
3. Consider a Special Use Permit Modification for additional boat slips located at 401 Marina Street PID 313115.74.1321.000 & 313115.64.8036 in the Marina Business & R-1B District.  
Applicant: CBYC, LLC

### NON-AGENDA ITEMS

### ADJOURNMENT

**CAROLINA BEACH**

**Planning and Zoning Meeting**

**Thursday, September 14, 2023 - 6:00 PM**

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



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**MINUTES**

**CALL TO ORDER**

**PRESENT**

- Chairman Wayne Rouse
- Vice Chairman Jeff Hogan
- Commissioner Melanie Boswell
- Commissioner Ethan Crouch
- Commissioner Bill Carew
- Commissioner Lynn Conto

**ABSENT**

- Commissioner Todd Piper

**ALSO PRESENT**

- Planning Director Jeremy Hardison
- Senior Planner Gloria Abbotts

**APPROVAL OF MINUTES**

1. June 8, 2023 – Planning & Zoning Commission Minutes

**ACTION:** Motion to approve the minutes

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

**STAFF REPORT ON RECENT DEVELOPMENTS**

Ms. Abbotts reported the following statistics for the past three months:

Permitting

- 63 permits (renovation, repair, grading, additions, fences)
- 13 residential new construction
- 36 certificates of occupancy

Code Enforcement

- 60 complaints received
- 31 resolved

## Demos

- 1501 Canal Drive
- 306 Wilson Avenue
- 601 Cape Fear Boulevard
- 502 Alabama Avenue

## New Businesses

- The Tiny Terrace – 1009 North Lake Park Boulevard, Suite C3
- Coharie Boutique – 120 North Lake Park Boulevard
- Hooks Hot Dogs – 2 Harper Avenue

## Town Council and Other Updates

- 6th Street stop signs – approved by Council June 13
- Event venue text amendment – approved by Council July 11
- Event venue 205 Charlotte Avenue – Conditional Zoning approved by Council July 11
- Rezoning 601 Augusta Avenue – approved by Council July 11
- Fence height variance 300 South Lake Park Boulevard – granted by Board of Adjustment July 17
- Digging holes on the beach text amendment – approved by Council September 12
- No-parking signs on Bertram Drive – approved by Council September 12
- Town was awarded Federal Emergency Management Agency (FEMA) Flood Mitigation Assistance grant to elevate seven residential properties

Commissioner Boswell asked why the number of complaints resolved is not higher. Ms. Abbotts said for many of the complaints, there is nothing in Town ordinances that can be done for a resolution.

## PUBLIC COMMENT

None

## PUBLIC HEARING

2. Conditional Zoning to Consider a Bar at 801 Saint Joseph Street in the Highway Business District – Applicant: Putter Pub, LLC

Applicant Putter Pub, LLC, is proposing a bar at 801 Saint Joseph Street as a use in the Highway Business (HB) District. Bars are allowed through the approval of Conditional Zoning (CZ) in HB. The proposal includes an accessory 18-hole mini golf course and on-premise alcohol sales. Under the eating and drinking establishment regulations, when on-premise alcohol is being served it requires CZ.

The applicant is leasing the 860-square-foot commercial building on a 10,256-square-foot lot. Built in 1983, the structure was most recently a T-shirt printing shop and locksmith business and has historically operated as a veterinarian office. The property is surrounded by commercial uses. Across the street is a multi-family condo building in the Marina Business District. The applicant is proposing to renovate the existing building for the use of a bar with an accessory mini golf outdoor area.

Modifications to the building also include the construction of Americans with Disabilities Act (ADA) bathrooms, bar, storage, and office area. The purpose of HB is to accommodate businesses oriented toward the motoring public that require a high volume of traffic. In many cases, businesses in HB serve the entire community and beyond. For the most part, they are located on major thoroughfares so they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas.

Consumption of alcohol on site constitutes a change of use and therefore a change in the parking requirement. The parking requirement for bars is 1 space per 110 square feet of indoor gross floor area. The total indoor gross floor area of the building is 860 square feet. The total number of required spaces for the project is 8. No outdoor gross floor area is currently proposed. There is no proposed service area outside. The parking area will remain gravel and be designed to meet one-way traffic for 90-degree parking.

The applicant is requesting a waiver to the landscaping requirement around the new accessory mini golf area. Landscaping requirements may be waived at the discretion of the Commission and/or Council on projects requiring CZ. The applicant meets the 200-foot separation requirement from schools, churches, and residential districts. The proposal includes removing the existing dumpster and utilizing rollouts to handle trash. There is a proposed 8-foot multi-use path that will be adjacent to the property along the Saint Joseph Street right-of way.

As part of the application process, a community meeting is required. The applicant held the required meeting on May 23, 2023, and 19 people attended. Among concerns voiced were hours of operation, live music, lighting, seating, and parking.

#### Proposed Conditions

1. The proposed use shall be limited to an indoor bar with an accessory mini golf outdoor area.
2. The use and development of the subject property shall comply with all regulations and requirements of any other federal, state, or local law, ordinance, or regulations.
3. A Type A landscape buffer shall be provided and delineated along the perimeter of the property except in areas waived by the Commission and Council.
4. The 20-foot drive aisle shall be designated and marked as one-way with signage.
5. Outdoor lighting shall be installed as to not disturb neighboring properties.
6. Shall provide drainage plan prior to building permit issuance and meet stormwater ordinance.
7. The building is in the AE11 flood zone. Renovations to the building exceeding 49% of the value of the building shall meet FEMA requirements.

Ms. Abbotts presented the details. She said the project is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy and promoting redevelopment, and the project is in conformity with the Mixed Use Commercial Future Land Use Map Character Area.

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

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Applicant Ryan O'Rourke of 212 Peninsula Drive described the project and said they are excited to provide an outdoor activity that is ADA-accessible.

Commissioner Conto asked about fencing. Wescott Butler of 206 Texas Avenue, contractor for the applicant, reviewed details.

Jeremy Moore of 305 South Lake Park Boulevard Unit 203 spoke in support of the project. He said he can't wait for a family-oriented business to open, and he's excited about mini golf coming back to the island. Mr. Moore said it will be good for tourists and locals, and he is glad some of the old trees will be retained on the property. He praised the applicants as being good stewards of the community.

Danny Tangredi of 1309 Bonito Lane said he is a big supporter of entrepreneurs and new businesses on the island, and he thinks this will be good for the community. He said he would hate to see a project not approved because of a landscaping requirement waiver request.

No one else requested to speak.

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

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Commissioner Carew said this will be a nice addition to the area.

Vice Chairman Hogan said Mr. O'Rourke has done good things for the community.

Commissioner Conto said she's a big fan of experiences, and she thinks that is a well-thought-out idea.

Commissioner Crouch said although he is often skeptical of waiving landscaping requirements, an 8-foot fence there in lieu of a buffer is a big selling point for him. He said the waiver is not an issue because the directly adjacent parcels are commercial uses.

Commissioner Boswell thanked the applicant for keeping live oaks, which is a big factor in her decision to waive landscaping requirements. She said the project is family-friendly, and she hasn't heard any opposition.

Chairman Rouse thanked the applicant and Town staff for their patience and ability to work together.

Mr. Hardison said the motion should include the 8-foot fence because staff can only approve a 6-foot fence, but the Commission has the authority to go higher for a CZ project.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statutes, the Commission does hereby find and determine that the adoption of the Conditional Zoning District to allow for a bar at 801 Saint Joseph Street 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, and it also includes an 8-foot fence and approval of a landscape waiver

Motion made by Vice Chairman Hogan, seconded by Commissioner Boswell

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

### **NON-AGENDA ITEMS**

Commissioner Boswell said she has received phone calls asking if the Town is going to stop issuing permits for duplexes. Mr. Hardison said there are no plans to limit duplexes where they are currently allowed. He said the Town is still permitting two-family structures, which is the term in the ordinance. Mr. Hardison said not allowing these would be a zoning change that would have to be considered by the Commission.

### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Chairman Rouse, seconded by Vice Chairman Hogan

Voting Yea: Chairman Rouse, Vice Chairman Hogan, Commissioner Boswell, Commissioner Crouch, Commissioner Carew, Commissioner Conto

*Motion passed 6-0*

Mr. Hardison reminded Commissioners about the Unified Development Ordinance (UDO) meeting next week.

Chairman Rouse adjourned the meeting at 6:35 PM.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Planning &  
Development

**MEETING:** Planning & Zoning Commission – December 14<sup>th</sup>, 2023

**SUBJECT:** September 14<sup>th</sup>, 2023 – P&Z Minutes

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**Action:**

Approve the December 14<sup>th</sup>, 2023 Minutes



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Gloria Abbotts, Sr Planner **DEPARTMENT:** Planning & Development

**MEETING:** Planning and Zoning Commission – December 14<sup>th</sup>, 2023

**SUBJECT:** **Conditional Zoning Modification** to consider an outdoor seating area and landscaping for the Event Venue / Bar at 205 Charlotte Avenue in the Central Business District (CBD).  
Applicant: Kindred Carolina Beach, LLC

### BACKGROUND:

The applicant, Kindred Carolina Beach, LLC, was approved for an event venue / bar at 205 Charlotte Avenue as a use in the Central Business District on July 11<sup>th</sup>, 2023. Event venues / bars are allowed through the approval of conditional zoning in the Central Business District. The proposal approved in July did not include any outdoor areas (Attachment 2). Sec. 40-261.(o)(6)c. requires that any changes to the outdoor areas shall be considered a major modification of the conditional zoning approval.

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 nature or scale that they have significant impacts on both the immediate 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 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 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 the 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 and 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:

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 landscaping, outdoor seating, and an exterior walk-in cooler/freezer to the outside of the building. The proposed outdoor seating area is 16' by 32'. The proposed landscaping area consists of hedges, shrubbery, synthetic turf, and planters surrounding the building. The proposed walk-in cooler/freezer is 7.5' by 13.5'. Approximately 525 square feet of the landscaping proposal includes a new paver walkway. No changes are proposed to the existing parking lot and driveway cut.

The purpose of the Central Business District is to accommodate, protect, rehabilitate, and maintain the traditional central business district and boardwalk area of the Town. This area accommodates a wide variety of pedestrian oriented, commercial and service activities, including retail, business, office, professional financial, entertainment, and tourism.

Alcohol point of sale in an outdoor area shall be located a minimum of 20' from any property line.

Outdoor areas designated for point of sale and consumption shall be designated on the site plan and shall have a barrier that is 4' to 6' in height. Outdoor alcohol sales are not proposed.

The parking requirement for event venues is 1 per 110 square feet of indoor gross floor area. No parking shall be required for outdoor gross floor area if the establishment is located within 500 feet of public parking spaces. A 50% reduction in the parking requirement shall apply to outdoor gross floor area if the establishment is not within 500 feet of public parking spaces. The total indoor gross floor area of the building is 6,990 square feet. The total number of required spaces for the project is 64. There are 148 total spaces within 500 feet.

The applicant is requesting a waiver to the landscaping requirement to accommodate for an existing propane tank as stated in the narrative in the application packet. Landscaping requirements may be waived at the discretion of the Planning and Zoning Commission and Town Council on projects requiring conditional zoning. There is an existing 6' fence between the building and the neighboring properties in the MX district.

Event venues must comply with all ABC and/or ALE standards. On-premise alcohol sales are limited to the duration of the event.

### **Conditional Zoning Process**

As part of the application process a community meeting is required. The applicant held the required meeting on November 10, 2023. 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 neighboring properties. Outdoor space was discussed at the public input meeting but is no longer part of the scope of this project.

### **Proposed Conditions**

1. Outdoor sales of alcohol are not permitted.
2. The use and development of the subject property shall comply with all regulations and requirements of any other federal, state or local law, ordinance or regulations.
3. A 20' driveway cut must remain open and accessible to the parking lot.
4. A Type B landscape buffer shall be provided and delineated along the perimeter of the property except in areas waived by Planning and Zoning and Town Council.

### **Land Use Plan**

The conditional zoning is in general conformity with the 2020 Land Use Plan by promoting a healthy year-round economy, providing a family-friendly community, and promoting redevelopment. One of the goals of the Land Use Plan was to continue to support the central business district as a destination downtown with activities for families, residents, and visitors. Expanding opportunities for public activities, including events, should be pursued. The project is in conformity with the Downtown Business Area Future Land Use Map Character Area. This is the boardwalk commercial area and central recreation district of town. 3-4 story buildings maintain a pedestrian-scaled environment with active ground floor uses; residential and other uses permitted above. Highly walkable with limited on-street parking.

**ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning modification to approve an outdoor seating area and landscaping for an event venue / bar located at 205 Charlotte Avenue.

Staff recommend approval of the project with the proposed conditions.

**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 Modification to allow for an outdoor seating area and landscaping for an event venue / bar located at 205 Charlotte Avenue 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.

**Attachments:**

1. Application package
2. July 11, 2023 Approved Site Plan
3. Proposed site plan

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



Permit # CZ23-01MOD

## 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”.

<b>Major Conditional Zoning Permit</b>	<b>=</b>	<b>\$ 1,000.00</b>
<b>Minor Conditional Zoning Permit</b>	<b>=</b>	<b>\$ 500.00</b>

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.



## 2023 Submission Deadlines & Meeting Dates

Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 2	Jan 17	Dec 29	Jan 12	Dec 27	Jan 10
Feb 6	Feb 21	Jan 26	Feb 9	Jan 31	Feb 14
Mar 6	Mar 21	Feb 23	Mar 9	Feb 28	Mar 14
Apr 3	Apr 17	Mar 30	Apr 13	Mar 28	Apr 11
May 1	May 15	Apr 27	May 11	Apr 25	May 9
June 5	June 19	May 25	June 8	May 30	June 13
July 3	July 17	June 29	Jul 13	June 27	July 11
Aug 7	Aug 21	July 27	Aug 10	July 25	Aug 8
Sept 1	Sept 18	Aug 31	Sept 14	Aug 29	Sept 12
Oct 2	Oct 16	Sept 28	Oct 12	Sept 26	Oct 10
Nov 6	Nov 20	Oct 26	Nov 9	Oct 31	Nov 14
Dec 4	Dec 18	Nov 30	Dec 14	Nov 28	Dec 12
Jan 2024	Jan 2024	Jan 2024	Jan 2024	Jan 2024	Jan 2024
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 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.

Please complete all sections of the application.

A. Property Information

Address(es): 205 Charlotte Ave

PIN(s):

Project Name Kindred Carolina Beach LLC

Size of lot(s): 18,750sqft

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):

Kindred Carolina Beach would like to landscape the property to include two pervious artificial turf areas for outdoor seating.

One area to the front right of the property where we will remove an existing concrete pad and another area along the east facing side of the property.

C. Applicant Contact Information

Kindred Carolina Beach LLC
Company/corporate Name (if applicable):

David Hamlet
Applicant's Name

1414 Snapper Lane #2
Mailing Address

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

434-942-7411
Telephone

david.matthew.hamlet@gmail.com
Email

D. Owner Contact Information (if different)

Owner's Name

Mailing Address

City, State, and Zip Code

Telephone

Email



**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**

- The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant.
- An appropriate scaled plan
- Title block or brief description of project including all proposed uses
- Date
- North arrow
- Property and zoning boundaries
- The square footage of the site
- Lot coverage (buildings, decks, steps)
- Location of all existing and proposed *structures* and the setbacks from property lines of all affected structures to remain on-site
- Design of driveways and parking
- Adjacent right-of-ways labeled with the street name and right of way width
- 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**

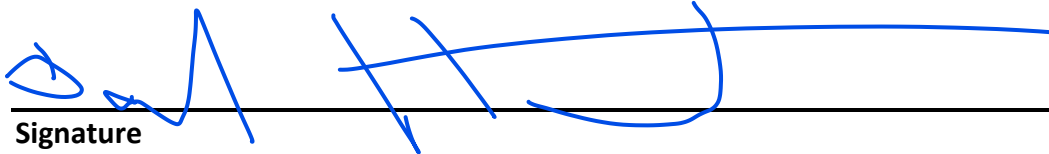
- Location and design of refuse facilities
  - Approximate locations and sizes of all existing and proposed *utilities*
  - Existing and/or proposed fire hydrants (showing distances)
  - Adjacent properties with owners' information and approximate location of structures
  - Distances between all *buildings*
  - Number of *stories* and height of all *structures*
  - Locations of all entrances and exits to all *structures*
  - Calculate the *gross floor area* with each room labeled (i.e. kitchen, bedroom, bathroom)
  - Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use
  - Location of flood zones and finished floor elevations
  - CAMA Areas of Environmental Concern (AEC) and CAMA setbacks
  - Delineation of *natural features* and wetlands with existing and proposed topography with a maximum of two-foot contour intervals
  - Proposed landscaping including percentages of *open space*
  - Stormwater management systems
  - Cross-sectional details of all streets, roads, ditches, and *parking lot* improvements
  - Building* construction and occupancy type(s) per the building code
  - Location of fire department connection(s) for standpipes
  - Turning radii, turnarounds, access grades, height of overhead obstructions
  - Dimensions and locations of all *signs*
  - A vicinity map drawn with north indicated
  - Submit the total daily water flow usage and sewer design flow by a design professional
- I have provided two hard-copies and one scaled electronic version of each required drawing
  - I am prepared to pay the application fee today

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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.

 10 / 10 / 2023

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**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:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

# kindred

Town of Carolina Beach,

On behalf of Kindred Carolina Beach LLC, we are submitting our conditional zoning application for the addition of an outdoor courtyard area. The changes to this site plan compared to the initial site plan are as follows.

- Removing 1380 sqft of impervious concrete and replacing it with:
  - 853 sqft of pervious turf
    - 16' x 32' will be a courtyard area.
  - 525 sqft paver stone walkway.

All dimensions and sqft can be found on the attached site plan.

The addition of the courtyard area will reduce the entrance width but will maintain the minimum 20' width requirement. This will not affect any existing parking.

We are also requesting a vegetative buffer waiver as there is an existing 500lb propane tank in the area which backs up to a newly installed 6' fence and approximately 5 foot deep of bamboo. We do intend to add landscaping to hide the existing propane tank as shown on the new site plan.

We will also be adding a 7.5' x 13.5' exterior walk-in cooler which will be located on the back east side of the building. This can also be seen on the site plan.



Thank You,

Kindred Weddings and Events

# kindred

Dear Carolina Beach Resident,

You are invited to a Public Input Meeting for a Conditional Zoning Application regarding the addition of the outdoor courtyard space to the facility of Kindred Weddings and Events (the former deckhouse restaurant), located at 205 Charlotte Avenue.

The Conditional Zoning Applicant will be requesting the following.

- The addition of an outdoor courtyard space to Kindred Weddings and Events. The event venue has already been approved by the Town of Carolina Beach. However, we are just adding a courtyard to our space.

**See attached site plan:**

## **Public Input Meeting Details**

Friday, November 10th, 2023

9:00am

Kindred Weddings & Events  
205 Charlotte Avenue  
Carolina Beach, NC 28428

Michael Urti  
Broker/Realtor  
Nest Realty  
910.460.6890  
Michael.urti@nestrealty.com





## Comments from Public Input Meeting

1. Wescott Butler asked how the courtyard area will impact stormwater retention. We explained it will help as we will be removing impervious concrete and replacing it with pervious pavers and artificial turf.





CAROLINA BEACH  
1323 BRIDGE BARRIER RD  
CAROLINA BEACH, NC 28428-3931  
(800)275-8777

10/25/2023 03:30 PM

Product	Qty	Unit Price	Price
US Flag Bklt/20	3	\$13.20	\$39.60
U.S. Flag	13	\$0.66	\$8.58

Grand Total: \$48.18

Credit Card Remit \$48.18

Card Name: VISA  
Account #: XXXXXXXXXXXX8872  
Approval #: 00118G  
Transaction #: 465  
AID: A0000000031010 Chip  
AL: VISA CREDIT  
PIN: Not Required CHASE VISA

Preview your Mail  
Track your Packages  
Sign up for FREE @  
<https://informedelivery.usps.com>

All sales final on stamps and postage.  
Refunds for guaranteed services only.  
Thank you for your business.

Tell us about your experience.  
Go to: <https://postalexperience.com/Pos>  
or scan this code with your mobile device.



or call 1-800-410-7420.

UFN: 361208-0428  
Receipt #: 840-52800186-2-3301409-2  
Clerk: 02



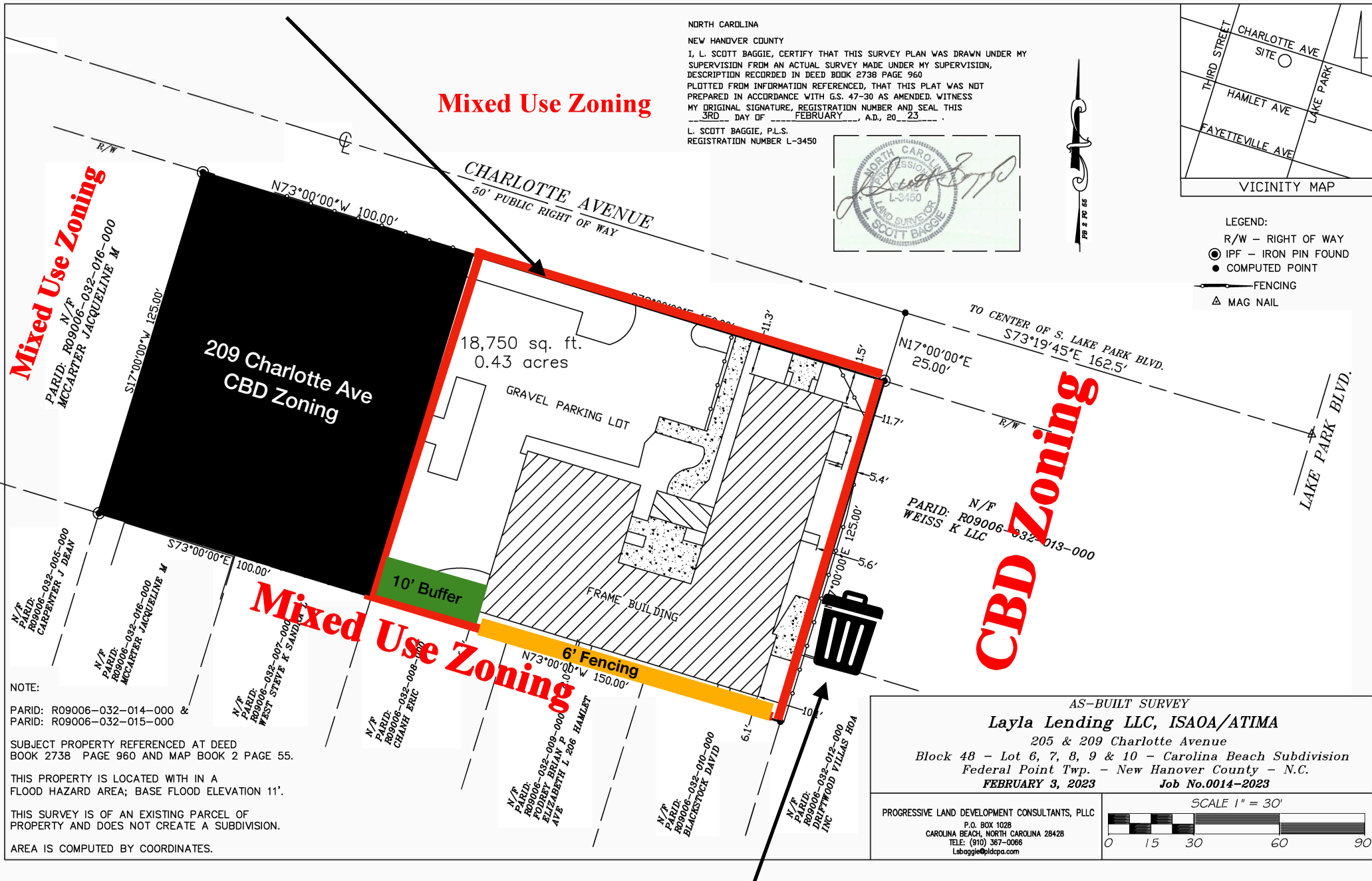




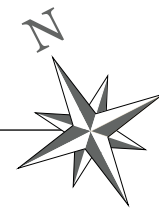
**205 Charlotte Avenue**  
 Lot Sqft = 18,750 sq.ft.  
 Building Footprint = 6,990 sq.ft.  
 Building Lot Coverage = 37.28%

Gross Floor Area = 6,990 sq.ft.  
 Parking Spaces Needed = 64  
 Public Parking Spaces within 500' = 148

Item 2.



Shared Dumpster with Kate's Pancake House

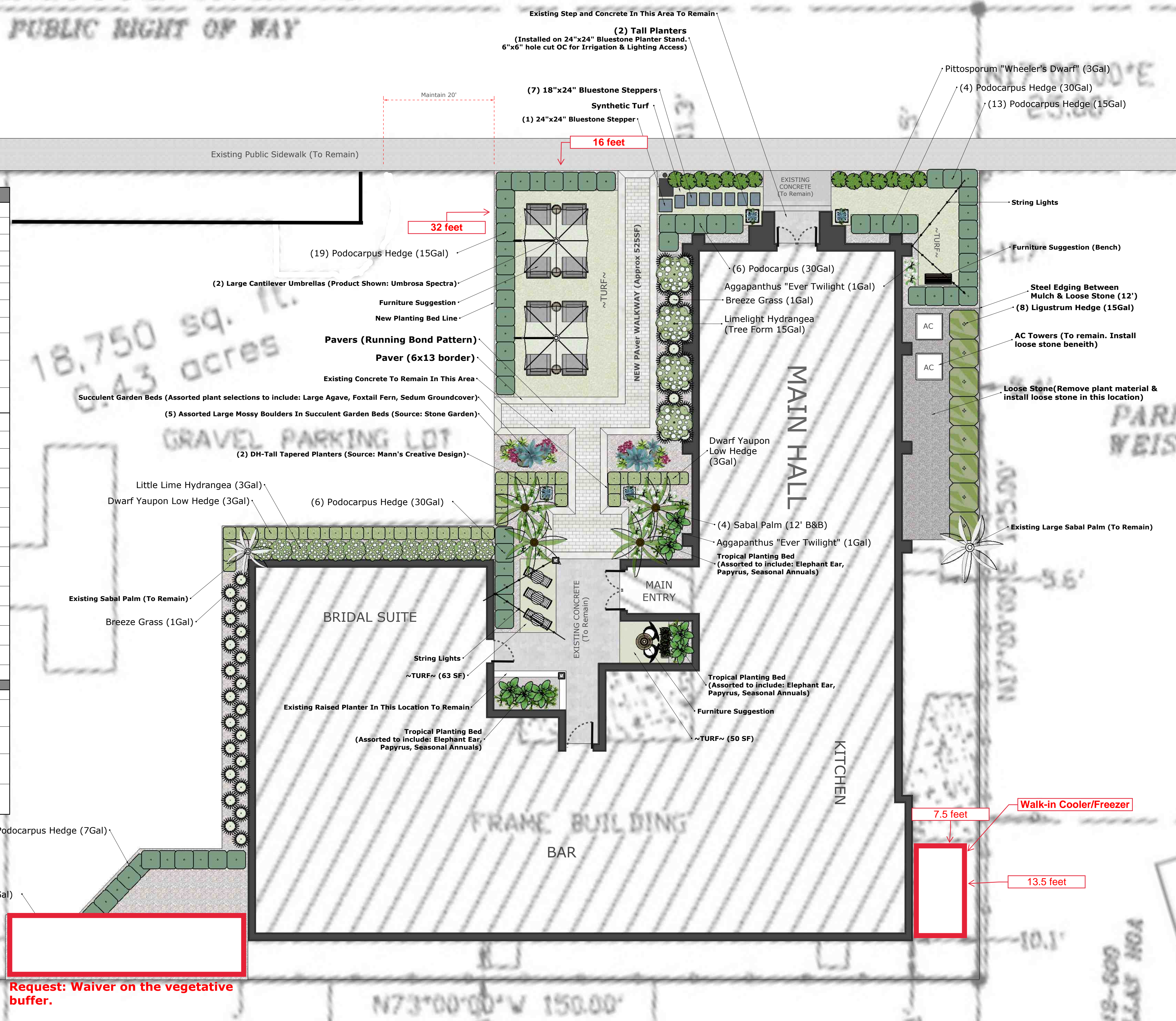


# CHARLOTTE AVENUE

50' PUBLIC RIGHT OF WAY

Quantity	PLANT MATERIAL	Install Size
<b>TREES</b>		
4	Sabal Palm	12'B&B
4	Tree Form Limelight Hydrangea	15Gal
<b>SHRUBS</b>		
8	Ligustrum	15Gal
16	Podocarpus macrophyllus 'Maki'/Podocarpus	30Gal
32	Podocarpus macrophyllus 'Maki'/Podocarpus	15Gal
14	Podocarpus macrophyllus 'Maki'/Podocarpus	7Gal
51	Dwarf Yaupon "Ilex Bordeaux"	3Gal
14	Pittosporum (Wheeler's Dwarf)	3Gal
13	Little Lime Hydrangea	3Gal
<b>PERENIALS</b>		
50	Breeze Grass	1Gal
16	Agapanthus (White)	1Gal
8	Foxtail Fern	2Gal
9	Firewitch Sedum (Red)	1Gal
2	Agave (Large)	10Gal
5	Agave (Med/Small)	3Gal
7	Giant Elephant Ear	3Gal
10	Egyptian Cypress	3Gal
<b>OTHER</b>		
2	Agave (Large Planter Centerpieces)	10Gal
2	Agave (Med Planter Centerpieces)	3Gal
4	Angelina Sedum (In Planter)	4" Pots
4	Firewitch Sedum (In Planter)	4" Pots
Quantity	Site Materials	
Approx 525 SF	New Paver/Concrete (Type TBD)	
Approx 2,118 SF	Mulch/Combined Planting Beds SF	
Approx 853 SF	Synthetic Turf	
Approx 417 SF	Loose Stone (Same as stone in parking lot)	

\* Removing 1380 sqft of impervious surface and replacing, pavers and turf.



Notes and Revisions:

Designed by:  
Drew Holmgren  
Drawn by:  
Drew Holmgren

Date:  
10/20/2023  
Version:  
1.0

Sheet Title:  
Outdoor Spaces Masterplan

DISCLAIMER: All material quantities are approximate estimates only based on scaled plan. The contractor, installer or property owner/owners should site verify all material calculations before approving material quantities. Drew Holmgren & HOLMGREN Luxury Exterior Design are not responsible for material quantities and cannot be held liable for any increased costs or change orders associated with material selections, quantities or take off calculation associated with this plan. Background image for artistic reference only.



## AGENDA ITEM COVERSHEET

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

**MEETING:** Planning & Zoning Commission December 14<sup>th</sup>, 2023

**SUBJECT:** Consider a Special Use Permit Modification for additional boat slips located at 401 Marina Street PID 313115.74.1321.000 & 313115.64.8036 in the Marina Business & R-1B District. Applicant: CBYC, LLC

### **BACKGROUND:**

The Applicant, Carolina Beach Yacht Club and Marina, is requesting a Special Use Permit (SUP) modification (Attachment 1 - Application). In 2019 the applicant applied to add an eating and drinking establishment and a ship store located on a barge to the Marina located at 401 Marina St (Attachment 2 - 2019 Site Plan). In January 2020 a Special Use Permit was denied because it was not passed by Town Council (2-2 vote). Subsequently, the Applicant filled a petition seeking an appeal. The Oceana Owners Association then filed a verified motion to Intervene. The hearing of the appeal was cancelled based upon the parties entering into an agreement (Attachment 3 CUP Filed Consent Order). The agreement was executed in December 2020 to issue the Special Use Permit with conditions.

The modification under consideration includes expanding the number of boat storage spaces. The Marina is approved for 69 boat storage spaces (slips). During a zoning final inspection of the barge, it was discovered that several boat storage spaces were added including multiple boats being parked in one designated space. Upon another inspection the added boat storage spaces were removed, but the applicant would like to pursue expanding the Marina's boat storage spaces from 69 to 89. By adding boat storage spaces, it also increases the number of required parking spaces. The parking requirement for Commercial Marinas per Article V. is 1 parking space per wet boat storage space, 1 per 2 dry storage, 1 per service bay, 1 per 2 employees + required for all other on-site uses. Parking is being provided for the wet boat storage space, employees, and for all other on-site uses.

The modification consists of splitting 22 boat storage spaces from 45' storage spaces into two 22.5' boat storage spaces. Below are the proposed modifications to the plan (Attachment 4 - Proposed Site Plan).

- Removed ground floor office space from the building to convert as part of the existing residential unit on second floor.

- Reduced one storage space for the floating barge. It was depicted as two designated boat storage spaces.
- One of the original boat storage spaces that was counted in the 69 did not transfer to the current owner as it was previously sold to a property owner of a lot in the Oceana neighborhood.
- The footprint of the approved barge, 40' x 120', is larger than what was built on site, 24' X 96', thus decreasing the amount of parking needed for the eating and drinking establishment and retail area.
- Relocating the dumpster closer to Georgia Ave to accommodate additional parking.
- Expanding parking area with spaces being added closer to the property lines that do not meet the landscaping requirements, applicant is requesting a wavier.
- Proposed food truck that will be located in the 30' CAMA setback buffer - It cannot be permanent and would need to be mobile.

Eleven parking spaces are proposed to be added to accommodate the modifications.

- Four additional spaces are proposed to be located in the parking lot adjacent to the marina building.
- Seven spaces are proposed in the Oceana parking lot.

The marina building parking area is located in the MB-1 zoning district. The Oceana parking lot is located in the R-1B zoning district. The Oceana parking lot is in a residential zoned area and is considered non-conforming. Meaning, it would not be allowed under the current ordinance to have a parking lot serving a commercial business located in a residential area. Sec. 40-425. - Extension or enlargement of nonconforming situations, including land uses and buildings states that increase in volume, intensity, or frequency of nonconforming use may be allowed. The volume, intensity, or frequency of use of property where a nonconforming situation exists may be increased and the equipment or processes used at a location where a nonconforming situation exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind and in no violations of other subsections.

Note: When Staff did a final inspection in the Oceana parking lot a transformer was encroaching on two parking spaces. There was also a neighbor's block fence that was encroaching on a parking space in the parking lot of the marina building (Attachment 5 - Encroachments). Neither encroachment was depicted on the approved site plan. The applicant opt to relocate these spaces in the Oceana parking lot under a minor modification approved by staff. There has been an appeal to staff's determination that these spaces located in the Oceana Subdivision are not allowed under Sec 40-425 Extension or enlargement of a non-conforming situation. The Board of Adjustment will hear the appeal on December 18<sup>th</sup>.

**Specific standards. Applicant must make provisions for:**

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

Due to the Increase congested usage and density of the area to support traffic demands, trash service and public safety staff proposes a condition to convert the existing Georgia Ave 30' town access easement to a 30' town public right-of-way.

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

The required parking is provided below.

PARKING CALCULATIONS	
REQUIRED OFF-STREET PARKING:	103.2 (104)
BOAT SLIP - 1 PER SLIP ( 89 SLIPS)	89
RETAIL (FLOATING PLATFORM)	
1 SPACE PER 200 SF (312/200)	1.6
EATING & DRINKING ESTABLISHMENTS (FLOATING PLATFORM)	
1 SPACE PER 110 SF (INDOOR)	
328 SF/110 SF	3.0
1 SPACE PER 220 SF (OUTDOOR)	
LOWER LEVEL 689 SF/220 SF	3.1
UPPER LEVEL 560SF/220 SF	2.5
RESIDENTIAL	2.0
EMPLOYEE SPACES 1 PER 2 EMPLOYEES	2.0
TOTAL EXISTING AND PROPOSED	104

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

Proposing to move the existing trash and recycling containers to where the monument sign is located adjacent to Georgia Ave that will service the site and will be enclosed.

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

No upgrades are required with the modification.

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

The addition will require additional parking spaces. The location of the spaces will trigger landscaping. The applicant is requesting a waiver of landscaping requirements.

*(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;*

The applicant is proposing to move the existing sign.

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

No new upland structures are proposed surface parking is increasing.

**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 orientation of the boat storage spaces will be double parking boats in existing slip. This is the first design of this type of layout for boat storage spaces. Could cause conflicts with vessels trying to maneuver in and out and around docked vessels. The ordinance does not address the design of boat storage spaces.

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

After review by staff the plan has been determined to meet all conditions and specifications except for the landscaping requirements with the additional parking spaces.

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

The proposed use is in keeping with the character of the MB-1 area and meets the non-conforming regulations with expansion of parking spaces.

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

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

**Proposed Conditions**

1. Type B 10' landscaping requirements to be waived for the additional proposed new parking spaces.
2. Food truck will need to meet Sec. 14-21

3. Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission in the same manner as outlined in this article for original submission.
4. Record the Georgia Ave 30' Town easement to a 30' town public right-of-way prior to the issuance of a permit for the increased boat storage spaces.
5. Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-way's.
6. Must meet all local, state, and federal requirements.

**ACTION REQUESTED:**

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

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

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

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

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

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

Reasons for denial must be specifically stated by Town Council :

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

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

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

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

**RECOMMENDED MOTION:**

The use meets all required conditions and specifications. The location and character of the use if developed according to the plan as submitted with staff conditions 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.



1121 N. Lake Park Blvd.  
 Carolina Beach, NC 28428  
 Phone (910) 458-2999  
 Fax (910) 458-2997



Permit # \_\_\_\_\_ Item 3.

## TOWN OF CAROLINA BEACH SPECIAL USE PERMIT MAJOR MODIFICATION

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 changes to approved plans and conditions of development may be authorized only by the Town Council after review and recommendation by the Planning and Zoning Commission in the same manner as original submission. Major changes include, but are not limited to:

1. Change in use;
2. Increase in intensity of the development; such as increase in density of units, whether residential, office, commercial or industrial; an increase in number of off-street parking or loading spaces; or an increase in impervious surface area;
3. An increase in overall ground coverage by structures;
4. A change in any site dimension by more than ten percent;
5. A reduction in approved open space or screening;
6. A change in access and internal circulation design

**Major Modification to Minor SUP = \$ 350.00**

**Major Modification to Major SUP = \$ 350.00**

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

 <b>2023 Submission Deadlines &amp; Meeting Dates</b>					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 2	Jan 17	Jan 26	Feb 9	Feb 28	Mar 14
Feb 6	Feb 21	Feb 23	Mar 9	Mar 28	Apr 11
Mar 6	Mar 21	Mar 30	Apr 13	Apr 25	May 9
Apr 3	Apr 17	Apr 27	May 11	May 30	June 13
May 1	May 15	May 25	June 8	June 27	July 11
June 5	June 19	June 29	Jul 13	July 25	Aug 8
July 3	July 17	July 27	Aug 10	Aug 29	Sept 12
Aug 7	Aug 21	Aug 31	Sept 14	Sept 26	Oct 10
Sept 1	Sept 18	Sept 28	Oct 12	Oct 31	Nov 14
Oct 2	Oct 16	Oct 26	Nov 9	Nov 28	Dec 12
Nov 6	Nov 20	Nov 30	Dec 14	Jan 2024	Jan 2024
Dec 4	Dec 18	Jan 2024	Jan 2024	Feb 2024	Feb 2024
Jan 2024	Jan 2024	Feb 2024	Feb 2024	March 2024	March 2024
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		

Please complete all sections of the application.

**A. Property Information**

Address(es): 401 Marina Street, Carolina Beach NC 28428

PIN(s): R08519-002-002-000, R08519-002-028-000, R08807-002-010-000

Project Name CBYC Boatslip and Parking Modification

Size of lot(s): No Change

**B. Application for Special Use Permit Major Modification**

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

CBYC, LLC is proposing additional parking spaces and adding 22 additional boat storage spaces and modifying lower level of current

commercial building 460 sqft for residential use. CBYC is also proposing adding a food truck at the Southwest corner of the current building.

**C. Applicant Contact Information**  
**CBYC, LLC**

Company/corporate Name (if applicable):

Courtney Sloan

Applicant's Name

4310 Sharon Rd Suite T01A

Mailing Address

Charlotte, NC 28211

City, State, and Zip Code

704 995 0086

Telephone

csloan0010@aol.com

Email

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

Same as applicant

Owner's Name

Mailing Address

City, State, and Zip Code

Telephone

Email

General conditions. Council, when granting a special 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 SUP will not adversely affect health or safety if located where proposed and developed according to the plan submitted:

The uses of the spaces are not changing, CBYC is proposing just adding additional capacity for smaller boats in order to meet customer trends. CBYC has seen an increase in customers with smaller vessels that do not use the entire 45ft or 50ft slips. Cooking in the food truck will have all code required health and safety precautions taken.

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

All required conditions are not met, Due to Landscape waiver being requested.

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

The current operations are remaining the same. The parking lot is currently already in use as a parking lot and the boat slips are currently being utilized.

Therefore adjoining or abutting property will not be effected. The addition of cooking will be no different than a neighbor grilling.

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

The zoning is Marina Business and the additional boat space will add access to the waterway for the town of Carolina Beach citizens which is one of the goals of the latest Land Use Plan updates. The addition of cooking will only be another amenity for the people of Carolina Beach to have a meal on Intracoastal waterway.

*Specific standards.* No special 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:

Vehicle Ingress and egress will be handled by Georgia Ave and Florida Ave. Pedestrian traffic will likely be small but also be handled by Georgia and Florida Ave.

The current standpipe system will provide fire protection to additional boat storage spaces.

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

The total required off street spaces of 104 will be met with the additional parking. The current loading zone will remain the same with no additional requirements.

There is no proposed additional noise or glare. The cooking will be no different than when a neighbor is grilling in the neighborhood.

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

Refuse and service will be handled by the current dumpster and recycling service.

- 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 SUP.

No additional utilities are proposed.

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

None required.

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

No additional signage is proposed.

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

Not applicable to this project.

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 type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Engineers scale 1 inch = 40 ft or larger   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Title block or brief description of project including all proposed uses  |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date   |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | North arrow  |
| <input 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"/> | <i>Lot coverage</i> (buildings, decks, steps)  |
| <input 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 <i>structures</i> to remain on-site |
| <input 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 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 a scaled electronic version of each required drawing
- I have folded all plans to 8 ½" 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 XI.

**OWNER'S SIGNATURE:** In filing this application for a special use permit major modification 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 Chad Cooke to act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

Courtney Slaw  
Signature

9/11/23  
Date

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

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

Date: 9/11/2023

Appointee's Name, Address & Telephone:

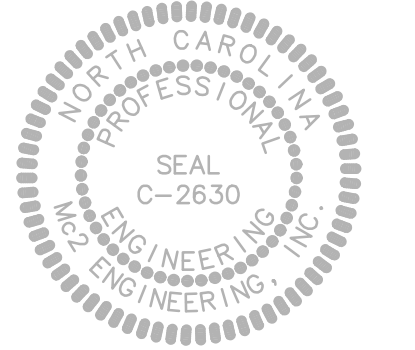
22555 John bumble Road  
Cornelius NC 28031  
(704)-778-8994

Signature of Owner: Courtney Slow

## **Project Narrative CBYC**

CBYC is proposing subdividing 22 of the current 45ft slips to create 22 additional 22.5ft storage spaces. All 20 spaces of B dock will become 40 22.5ft spaces. The two 45ft spaces on the T-head of C dock will become 4 22.5ft spaces. To serve the additional boat slips, 8 pervious gravel vehicle parking spaces will be added. A 10' landscape buffer waiver is requested for the handicapped parking spot adjacent to 403 Marina Street. One 45ft transient finger dock will be added adjacent to the current barge walkway. The current office/commercial lower floor will be converted into 460 sf residential use. CBYC is also proposing adding a food truck/trailer to serve from the south west corner of the property. A waiver of the 10' landscape buffer is requested for the food truck.





THE DESIGNS AND DRAWINGS SHOWN ARE THE PROPERTY OF MC<sup>2</sup> ENGINEERING, INC. REPRODUCTION OR USE FOR ANY PURPOSE OTHER THAN THAT AUTHORIZED BY MC<sup>2</sup> ENGINEERING, INC. IS PROHIBITED.

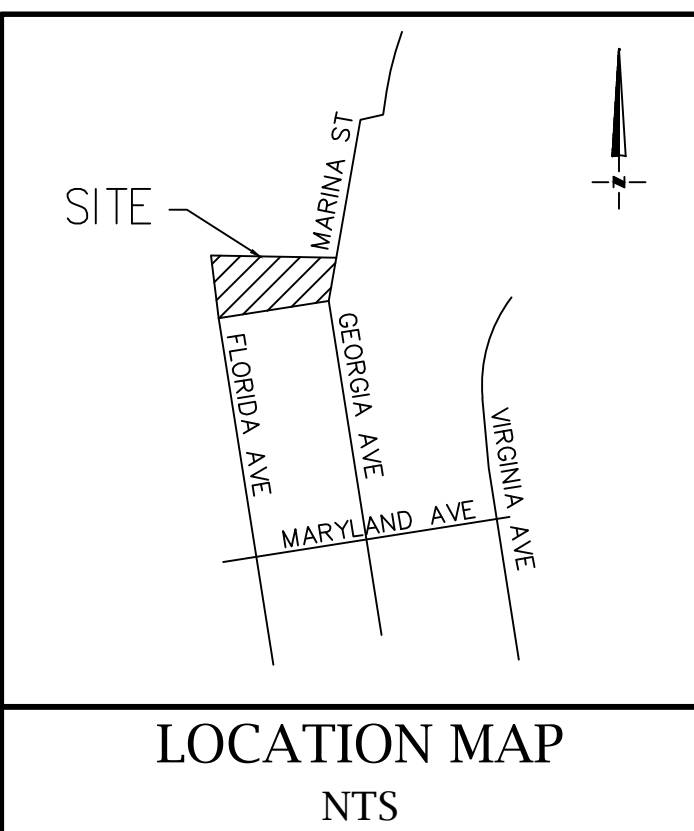
**CAROLINA BEACH MARINA AND YACHT CLUB**  
401 MARINA STREET  
CAROLINA BEACH, NC

**SKETCH PLAN**

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

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

**SP1.0**



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

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

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

**JURISDICTION:** TOWN OF CAROLINA BEACH

**CURRENT ZONING:** MB-1-MARINA

**PARKING CALCULATIONS**

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

**BOAT SLIP**

-1 SPACE PER WET SLIP 69

**RETAIL (BARGE)**

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

**EATING & DRINKING ESTABLISHMENTS (BARGE)**

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

**RESIDENTIAL ABOVE EXISTING COMMERCIAL**

-1 SPACE PER 1,000 SF 1.2  
-1,200 SF APARTMENT

**OFFICE (EXISTING COMMERCIAL BUILDING 1ST FLOOR)**

-1 SPACE PER 300 SF 2  
-600 SF

**RETAIL (EXISTING COMMERCIAL BUILDING 1ST FLOOR)**

-1 SPACE PER 200 SF 4.7  
-933 SF

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

**LOT COVERAGE**

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

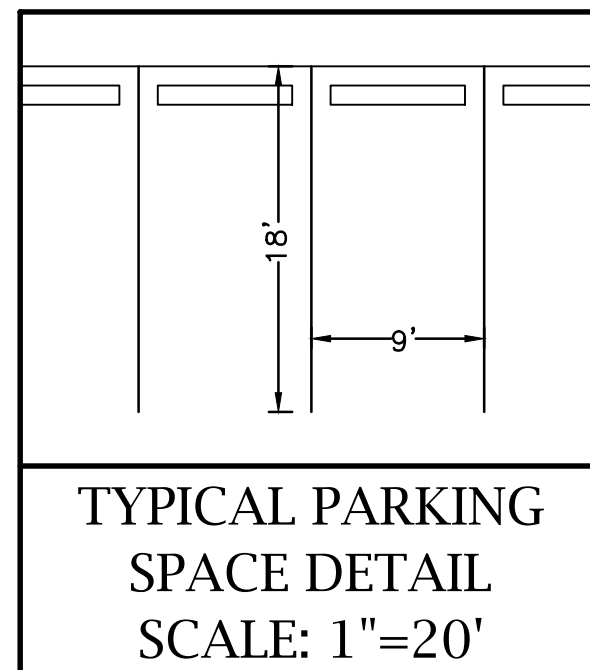
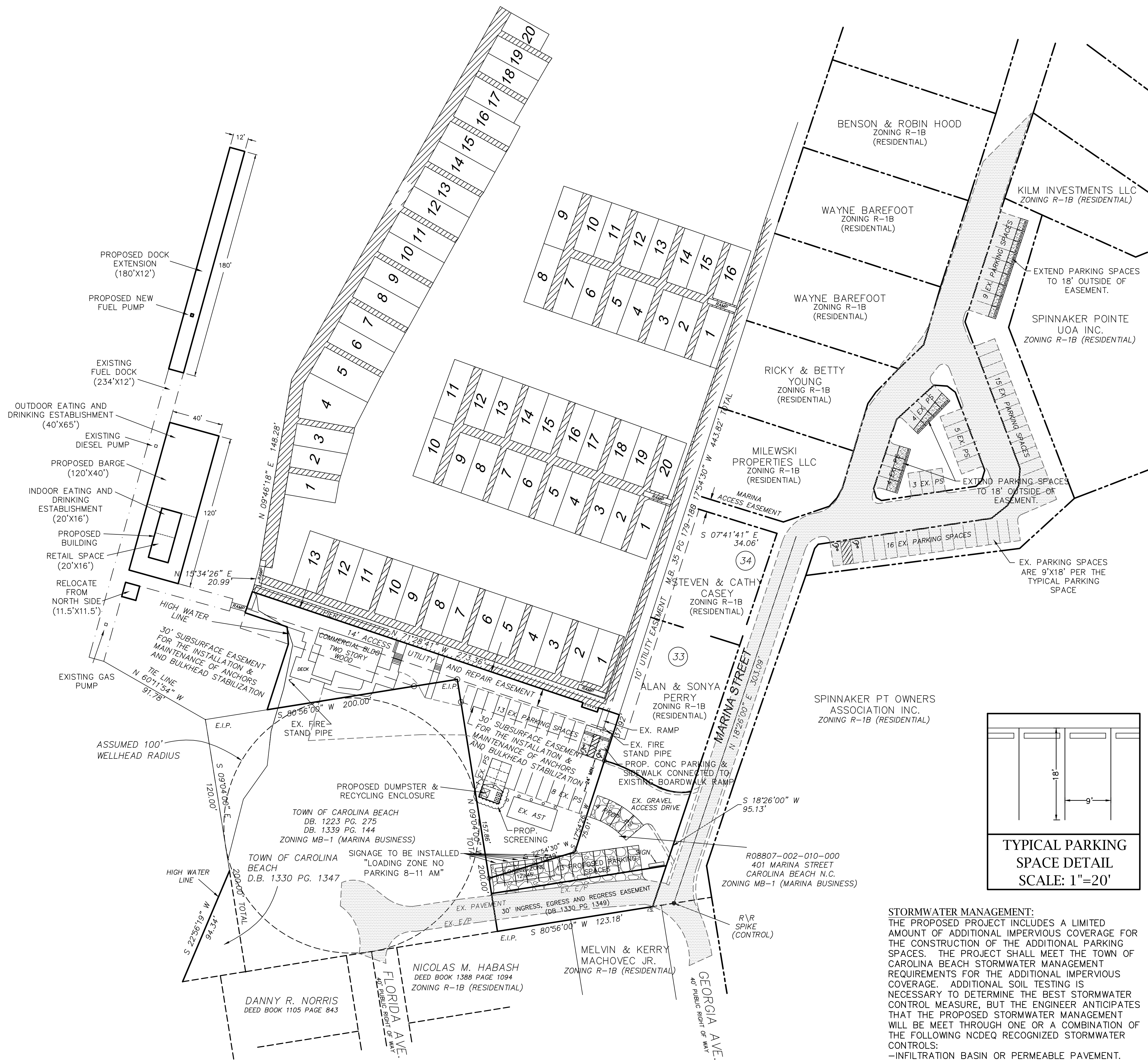
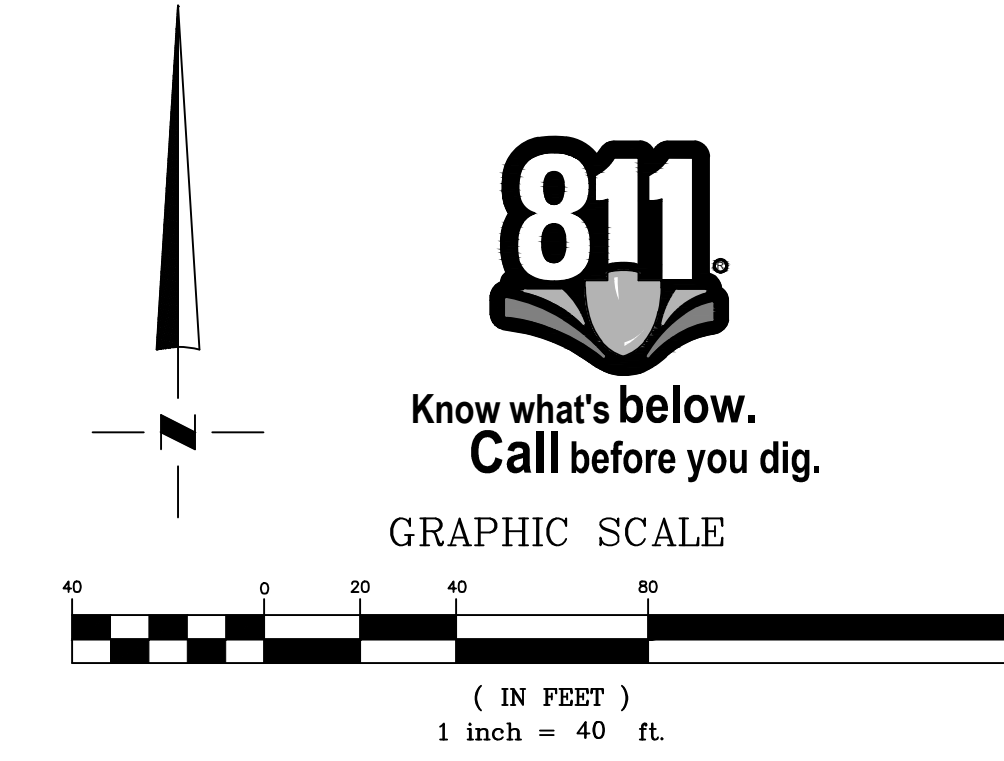
**PROPOSED GRAVEL:** 1,975 SF  
**TOTAL PROPOSED IMPERVIOUS AREA:** 29,759 SF

**LOADING SPACE REQUIREMENTS**

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

**DEVELOPMENT SUMMARY**

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



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

STATE OF NORTH CAROLINA **FILED** IN THE GENERAL COURT OF JUSTICE  
SUPERIOR COURT DIVISION

COUNTY OF NEW HANOVER 2020 SEP 21 A. 9:58 20-CVS-1444

NEW HANOVER CO. C.310.

IN RE REQUEST BY CBYC, LLC, )

Petitioner, )

v. )

TOWN OF CAROLINA BEACH, a North )  
Carolina Municipal Corporation and )  
Body Politic, )

Respondent, )

OCEANA OWNERS ASSOCIATION, )  
INC. )

Intervenor-Respondent. )

CONSENT ORDER

THIS MATTER appears before the Court for entry of a Consent Order granting the application and request for a conditional use permit submitted to the Respondent Town of Carolina Beach (“Town”) by Petitioner CBYC, LLC (“CBYC”) (collectively, “Consent Order”).

ALL PARTIES, including Intervenor Oceana Owners Association, Inc. (“Oceana”), now consent, by and through their undersigned counsel, to the granting of this Consent Order and CBYC’s application and request for a conditional use permit that was submitted to the Respondent on or about 25 September 2019, premised upon the following:

FINDINGS OF FACT

1. Jurisdiction and venue of this action are properly before this Court.
2. By virtue of that General Warranty deed dated 31 July 2019 and recorded on 2 August 2019 in Book 6235 at Page 2175 of the New Hanover Country Registry of Deeds

**A TRUE COPY**  
CLERK OF SUPERIOR COURT  
NEW HANOVER COUNTY  
BY: *Leni M. Knowles*  
Deputy Clerk

(“Registry”), CBYC owns the real property located at 401 Marina Street in New Hanover County, North Carolina (“Property”).

3. On or about 25 September 2019, CBYC applied to the Town for a conditional use permit (hereinafter “Permit”) for certain limited improvements to its Property.

4. CBYC’s Property consists of an existing commercial marina including fuel docks, a ship store, an office, residential unit, parking, and related facilities which have been in place for more than 20 continuous years preceding CBYC’s Permit application (collectively, “Marina”).

5. CBYC’s Permit application seeks to (i) extend and widen its existing fuel dock; (ii) add and relocate its fuel pumps; (iii) place a barge adjacent to CBYC’s existing dock, where the existing office and ship store will be relocated; (iv) add thirteen (13) parking spaces, a designated loading zone, and two (2) ADA compliant parking spaces within the Property’s existing boundary; and, (v) add an outdoor eating establishment to serve hot food and drinks to the Marina’s patrons.

6. The 2007 Town of Carolina Beach CAMA Land Use Plan sets forth the Town’s desire to encourage “low intensity water-oriented restaurant or other low intensity water-oriented commercial services with public docking and water access.”

7. The Town’s existing Code of Ordinances permits restaurants, bars, eateries, retail sales, office space, and other marina related uses in the MB-1 zoning district in which CBYC’s Property is located.

8. The Town’s Ordinances require an applicant for a conditional use permit to meet seven (7) specific and four (4) general standards before being approved. *Carolina Beach, N.C. Code of Ordinances*, § 40-327(c) and (d).

9. The Town's Ordinances also set forth standards for particular uses such as eating and/or drinking establishments, which are specifically permissive uses within the Property's MB-1 zoning district. *Id.* § 40-261.

10. On 14 January 2020, a quasi-judicial hearing was held on CBYC's application for its Permit.

11. At the hearing, CBYC and Oceana presented evidence concerning the seven (7) specific and four (4) general standards before being approved. *Carolina Beach, N.C. Code of Ordinances*, § 40-327(c) and (d).

12. On 30 March 2020, the Town issued its written Order denying CBYC's Permit application based on the 2-2 tied vote of the Town's Council's vote.

13. On 29 April 2020, CBYC timely and properly filed its Petition for Writ of Certiorari to this Court seeking to appeal the Town's Order denying its Permit application.

14. On 29 April 2020, CBYC's Petition for Writ of Certiorari was granted; the Town submitted the record for the appeal; and this Court was scheduled to conduct the appellate hearing on CBYC's appeal on 23 September 2020.

15. On 29 May 2020, Oceana filed its Verified Motion to Intervene of Oceana Owners Association, Inc., and its proposed Response of Intervenor-Respondent Oceana Owners Association, Inc (collectively, "Intervention Motion").

16. On September 15, 2020, Oceana filed an Objection to Notice of Hearing and Motion to Continue the noticed appeal hearing. Thereafter, counsel for CBYC informed counsel for Oceana that CBYC would consent to Oceana's Intervention Motion to keep the noticed date for the appeal hearing.

17. Ultimately, the hearing on CBYC’s appeal was canceled based upon the parties’ agreement and resolution of the matters between them.

CONCLUSIONS OF LAW

Based upon the foregoing Findings of Fact, the parties and this Court agree to the following Conclusions of Law:

1. This Court has jurisdiction over the parties and the subject matter of this proceeding.

2. Oceana’s Intervention Motion is hereby granted, thus binding Oceana to the rights and obligations of this Consent Order.

3. Conditional use permits are issued for uses that an ordinance expressly permits in a designated zone. *Humble Oil & Refining Co. v. Bd. of Aldermen*, 284 N.C. 458, 467, 202 S.E.2d 129, 136 (1974).

4. To effectuate the parties’ settlement and the entry of this Consent Order, the parties agree that CBYC produced competent, material, and substantial evidence establishing that CBYC’s Permit application met all relevant standards, specifications, and requirements set forth under the Town’s Ordinances for issuance of a conditional use permit.

Based upon the foregoing, including the consent and request of the parties, and upon a review of the terms herein, the Court believes that the entry of this Consent Order is fair, in the interests of justice, and should be entered.

NOW, THEREFORE, IT IS ORDERED, ADJUDGED, AND DECREED as follows:

1. CBYC’s application for a Permit shall be and the same is hereby GRANTED upon the following conditions/restrictions:

- a. All of the terms and provisions contained in CBYC's Permit Application, except as may be expressly modified hereinbelow and said modifications shall supplement and amend CBYC's Permit Application.
  - b. CBYC shall fully comply with all Town, New Hanover County, State, and/or Federal rules and regulations, including the departments and agencies of each such entity.
  - c. CBYC shall not play music, whether recorded or live, before 12:00 p.m. each day, will stop playing any such music one (1) hour before closing time each day, and will at all times comply with the Town's noise ordinance.
  - d. CBYC's store, restaurant, fueling and other sales and activities shall cease by 9:00 p.m. beginning on the Friday of Memorial Day weekend of each calendar year through and including the Labor Day holiday of each calendar year. At all other times (i.e., the off-season), said activities shall cease by 7:00 p.m.
  - e. CBYC's restaurant operations will open on a daily basis no earlier than 7 a.m.
  - f. Any newly installed lighting within CBYC's Marina shall be directed downward and away from the residential homes in the Oceana Subdivision.
  - g. CBYC will ensure that trash is picked-up on a daily basis within all areas of its operation, including along its walkways along the Marina and also within the parking lot and spaces owned by CBYC within the Oceana Subdivision.
  - h. Any future conditional or special use permit application by CBYC requesting additional uses of the Property not contemplated in the current Permit may be contested by Oceana notwithstanding this Consent Order. Alternatively, Oceana may choose to require the same restrictions specified herein to be imposed on the use proposed by any such future conditional or special use permit application.
2. Nothing herein shall be construed so as to waive, limit or otherwise prejudice CBYC and its successors and assigns from seeking additional uses and/or improvements to its subject property and marina as may be allowed by the Town's ordinances. Nothing herein shall be construed so as to waive, limit or otherwise prejudice the legal and/or factual arguments of any opponents possessing legal standing to any future applications by CBYC and/or its successors and assigns to make any additional uses and/or improvements to its subject property.

- 3. The terms and provisions of this Order shall be fully enforceable by the Court with all of its authority including, without limitation, the Court's powers of contempt, including an award of attorney's fees for any prevailing party.
- 4. Each party shall bear its own respective costs and attorneys' fees, except in any proceedings under Paragraph 3.
- 5. The provisions of this Consent Order shall be binding upon and inure to the benefit of the parties' respective successors and assigns.

So ORDERED this the 21<sup>st</sup> day of December 2020.

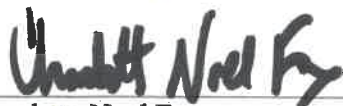


THE HONORABLE George F. Jones  
Resident Superior Court Judge Presiding  
New Hanover County, North Carolina

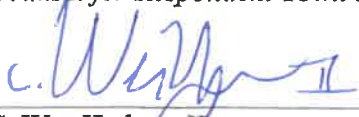
WE CONSENT:



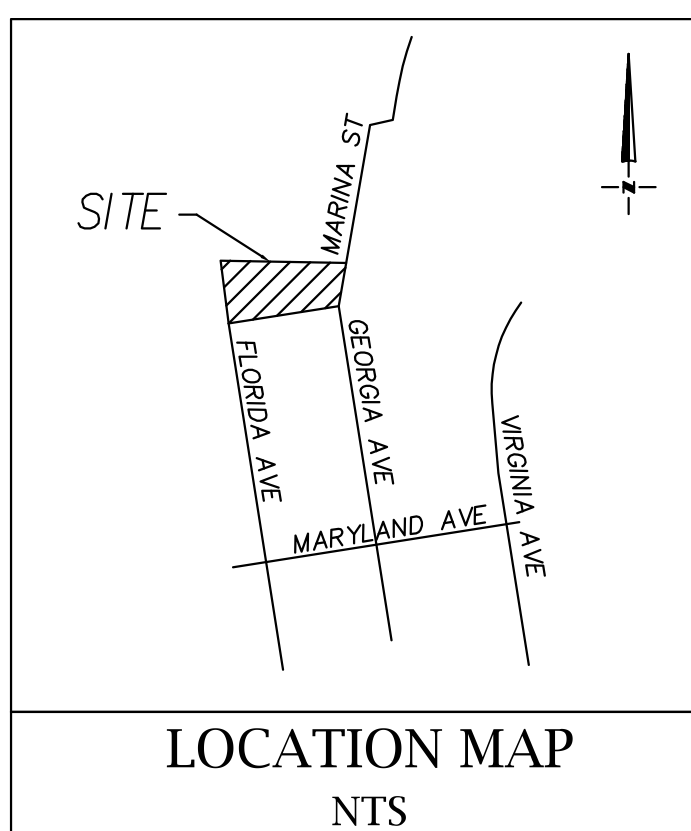
G. Grady Richardson, Jr.  
*Counsel for Petitioner, CBYC, LLC*



Charlotte Noel Fox  
*Counsel for Respondent Town of Carolina Beach*



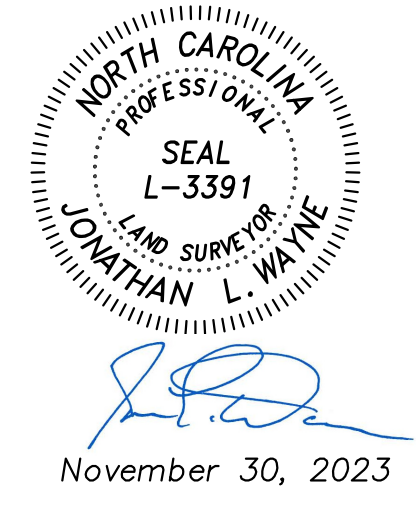
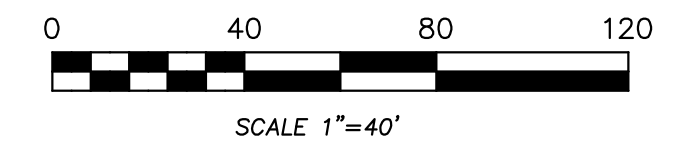
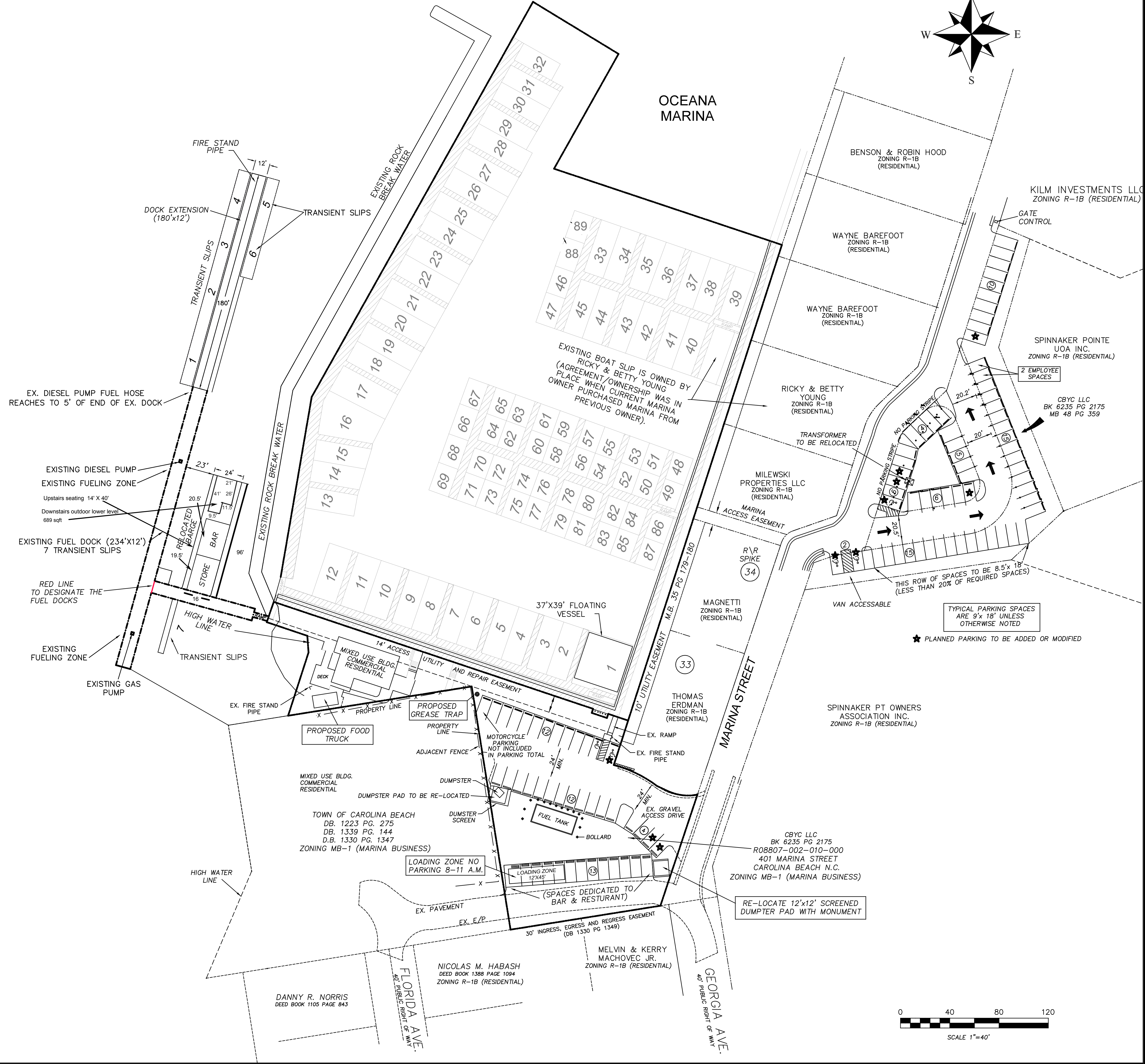
C. Wes Hodges, II  
*Counsel for Intervenor-Respondent,  
Oceana Owners Association, Inc.*



**PARKING CALCULATIONS**

REQUIRED OFF-STREET PARKING:	103.2 (104)
BOAT SLIP - 1 PER SLIP ( 89 SLIPS)	89
RETAIL (FLOATING PLATFORM)	
1 SPACE PER 200 SF (312/200)	1.6
EATING & DRINKING ESTABLISHMENTS (FLOATING PLATFORM)	
1 SPACE PER 110 SF (INDOOR)	3.0
328 SF/110 SF	
1 SPACE PER 220 SF (OUTDOOR)	3.1
LOWER LEVEL 689 SF/220 SF	
UPPER LEVEL 560SF/220 SF	2.5
RESIDENTIAL	2.0
EMPLOYEE SPACES 1 PER 2 EMPLOYEES	2.0
<b>TOTAL EXISTING AND PROPOSED</b>	<b>104</b>

RETAIL, EATING & DRINKING SF DATA PROVIDED BY THE OWNERS.



**Notes**  
 The original as-built survey was completed in May of 2008 by Hanover Design Services, P.A. This survey updated the following items only.

1. Barge re-location, Dock Addition
2. Dumpster re-location - Asbuilt
3. Updated Parking based on recent addition & future Additions\Alterations

All Proposed Changes and Alterations to be approved by the Town of Carolina Beach.

NO.	TOWN COMMENTS, ADDITIONS	DATE
1	TOWN COMMENTS, ADDITIONS	10/13/23
2	TOWN COMMENTS, ADDITIONS	11/2/23
3	TOWN COMMENTS, ADDITIONS	11/30/23

**Partial As-Built/Parking Layout Revisions  
 CAROLINA BEACH MARINA  
 AND YACHT CLUB**  
 401 MARINA STREET  
 CAROLINA BEACH, NC

**HANOVER DESIGN SERVICES, P.A.**  
 LAND SURVEYORS, ENGINEERS & LAND PLANNERS

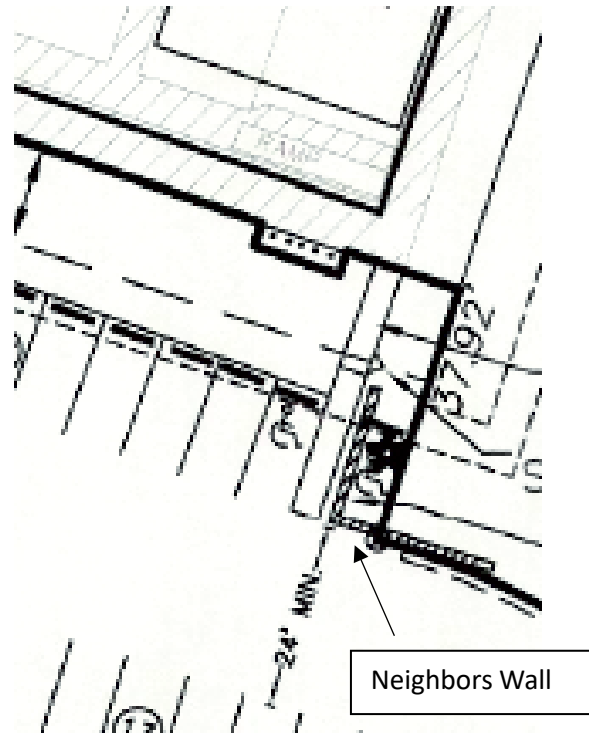
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### Encroachments

#### Wall



#### Transformer

