

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, November 09, 2021 – 6:30 PM

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



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## AGENDA

**CALL TO ORDER WITH INVOCATION GIVEN BY PASTOR HAL HIATT OF FIRST BAPTIST CHURCH OF CAROLINA BEACH**

**ADOPT THE AGENDA**

**CONSENT AGENDA**

1. Budget Transfer
2. ROT Reimbursement Request for \$604,506.26
3. Approval of Meeting Minutes from 10/12/2021

**SPECIAL PRESENTATIONS**

4. Events Update by Tim Murphy
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. Conditional Zoning to consider a mixed use commercial-residential development located at 902, 910, 1000, & 1010 N. Lake Park Blvd. Applicant: Cape Fear Four LLC
7. Text Amendment: Consider amending Ch 40 Art VI Sec. 40-175, Sec. 40-176, and Sec. 40-179 to update the ordinance to provide protections for trees on single-family and two-family lots.

Applicant: Town of Carolina Beach

8. Text Amendment: Consider amending Chapter 40, Article III & Article IX, to address private parking lots that charge for parking.

Applicant: Town of Carolina Beach

## **ITEMS OF BUSINESS**

- [9.](#) Award Parking Contract – Pivot Parking
- [10.](#) Update on Lake Dredge Project
- [11.](#) American Rescue Plan Funds
- [12.](#) Committee Appointments

## **NON-AGENDA ITEMS**

## **ADJOURNMENT**



# AGENDA ITEM COVERSHEET

**PREPARED BY:** Debbie Hall, Finance Director

**DEPARTMENT:** Finance

**MEETING:** Town Council – 11/09/2021

**SUBJECT:** Budget Transfer

**BACKGROUND:**

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

**Transfers:**

Transfer \$30,000 from account 30-810-047 WWT Plant Renovation to account 30-810-046 WWT Professional Services to cover magnesium hydroxide for pH adjustment.

**BUDGET IMPACT:**

No budget impact.

**ACTION REQUESTED:**

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

LeAnn Pierce  
*Mayor*

Steve Shuttleworth  
*Council Member*

Lynn Barbee  
*Council Member*



Jay Healy  
*Mayor Pro Tem*

JoDan Garza  
*Council Member*

Bruce Oakley  
*Town Manager*

**TOWN OF CAROLINA BEACH**  
1121 N. Lake Park Boulevard  
Carolina Beach, North Carolina 28428

## **BUDGET TRANSFER REQUEST**

**To:** Debbie Hall, Finance Director

**From:** Mark Meyer, Public Utilities Director

**Re:** Budget transfer

**Date:** October 7, 2021

**Budget transfer amount:** \$ 30,000.00

**From:** 30-810-047 (WWT Plant Renovation)

**To:** 30-810-046 (WWT – Professional Services)

**Explanation:** Additional budget needed to cover magnesium hydroxide for pH adjustment

**Mark Meyer**

**Director of Public Utilities, Town of Carolina Beach**





## AGENDA ITEM COVERSHEET

**PREPARED BY:** Sheila Nicholson

**DEPARTMENT:** Executive

**MEETING:** Town Council – 11/09/2021

**SUBJECT:** ROT Reimbursement Request for \$681,090.35

**BACKGROUND:**

FY 19/20 ROT budget amount was \$1,169,215; the Town was reimbursed \$408,554  
 FY 20/21 ROT budget amount was \$1,285,330; the Town was reimbursed \$721,450  
 FY 21/22 ROT budget amount is \$2,083,938; includes carryover of \$1,149,209 from 20/21

The current ROT reimbursement request amount is \$679,710.36 that includes:

- \$110,477.22 tourism related expenses at boardwalk/lake 4/2020-10/2021
- \$ 76,916.00 debt service payment for Hamlet Ave. restroom/lifeguard building
- \$492,317.14 in expenses for lifeguards/ocean rescue 11/2020-10/2021

If approved and paid by TDA, the remaining balance of the fund will be \$1,404,227.64

**ACTION REQUESTED:**

The Town Manager recommends Council approval of the ROT reimbursement request for the January 2022 TDA Board meeting.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward, Town Clerk

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 11/9/2021

**SUBJECT:** Approval of Meeting Minutes from 10/12/2021

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**BACKGROUND:**

Attached are the meeting minutes from 10/12/2021.

**ACTION REQUESTED:**

Review and consider approving under the consent agenda.

# CAROLINA BEACH

Town Council Regular Meeting

Tuesday, October 12, 2021 - 6:30 PM

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



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## MINUTES

### CALL TO ORDER

Mayor Pierce called the meeting to order at 6:30 PM, followed by the invocation by Judge Rebecca Blackmore of St. Paul’s United Methodist Church and Pledge of Allegiance.

### 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  
Assistant Town Manager Ed Parvin  
Town Clerk Kim Ward  
Town Attorney Noel Fox

Mayor Pierce said the pickleball court issue has been withdrawn by the applicant and therefore will not be heard tonight.

### ADOPT THE AGENDA

**ACTION:** Motion to adopt the agenda

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

*Motion passed unanimously*

### CONSENT AGENDA

1. Set a public hearing for November 9, 2021 for a Conditional Zoning District to consider a Mixed Use Commercial – Residential project located at 902, 1000, 1010 N. Lake Park Blvd. in the HB zoning district Applicant: Cape Fear Four LLC.
2. Approval of Meeting Minutes from 9/14/2021 and 9/28/2021

**ACTION:** Motion to adopt the consent agenda

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza,

Council Member Shuttleworth  
*Motion passed unanimously*

### **SPECIAL PRESENTATIONS**

#### 3. Employee Recognition

Police Chief Vic Ward introduced the new K9 Demi and her handler Crofton Stephenson as well as new Officers Kaylen Batey, Paige Hulglin, Erik Williams, and Joe Marinaro.

#### 4. Presentation of Annual Financial Audit

Victor Blackburn of Bernard Robinson & Company presented a summary of the annual financial audit to Council. The Town is doing well and has increased the general fund balance to 35 percent, up from 21 percent last year. Mr. Blackburn said the Town received an unmodified opinion, the cleanest opinion it could receive, and said overall it was a very clean audit. He also went over slides for the governmental activities net position, business type activities net position, and debt service coverage ratio.

Council Member Garza asked for a printout of the audit and requested that it go on the Town's Facebook page and website. Finance Director Debbie Hall said she will do that once the audit is final and not in draft form.

Mayor Pro Tem Healy said it's important to note that the Town has done a great job regarding the audit.

Mayor Pierce thanked Mr. Oakley for cutting corners and getting the Town to its general fund balance goal.

Council Member Barbee asked Mr. Oakley to thank staff for a fantastic job manipulating projects and money.

#### 5. Events Update by Tim Murphy

Tim Murphy, Recreation Programs Superintendent/Community Events Coordinator, offered thanks to other departments and volunteers for helping with summer events. He reviewed special events for October/November:

- Pleasure Island Surf Fishing Challenge – October 15-17
- Beachin' Car Show – October 17 at Carolina Beach Lake Park (rescheduled)
- Movie Night at Lake Park Featuring "The Addams Family" – October 22
- Pets in the Park – October 23 at Carolina Beach Lake Park (rescheduled)
- Halloween Golf Cart Rally – October 23
- Halloween Carnival – October 29 at Mike Chappell Park
- Bike Rodeo – November 6 at Rec Center
- Trash 2 Treasure – November 13 at Carolina Beach Lake Park
- Neon Bike Brigade – November 20 at Carolina Beach Lake Park

Mr. Murphy said the Amazon production “The Summer I Turned Pretty” is filming this evening at The Fat Pelican. He said there is also a closure of part of Lake Park Boulevard this evening, so people will have to cut down Third Street.

Mr. Murphy said the Netflix series “Florida Man” will be using the Surfside East lot October 25-27 and shooting on the Boardwalk on October 26, so people may notice some store names temporarily changing or other oddities.

Mayor Pro Tem Healy asked about the Christmas parade. Mr. Murphy said this is planned for December 3, and registration has begun. He said online registration is available, and anyone needing assistance can contact the Rec Center.

Council Member Barbee praised the efforts of first responders during the unexpected inclement weather that popped up during National Night Out on October 5.

#### 6. Manager’s Update

Mr. Oakley gave an update on various projects and events:

- October workshop: Council will select a new parking vendor from the proposals currently being submitted, and former Congressman Mike McIntyre will give a legislative update.
- Non-agenda item updates: Staff is looking into consolidating loans for projects. A traffic study is being conducted to evaluate the need for a traffic signal coming out of Bame Ace Hardware. Staff has reached out to property owners where the carnival rides were about grading, and this will start shortly. Property owners have been asked to clean up these properties. Private parking lots have removed pay stations, so there should no longer be an issue with them charging for parking.
- Lake dredge: A request for proposals (RFP) is out for this project, and the deadline is November 5.
- Other: Stormwater has identified several issues with drains on Canal Drive where water is coming up through the drains. Council requested that staff increase the frequency of the maintenance of these drains. Derelict vessels are being monitored and removed from the harbor. The Harbor Master is contacting owners and having them removed.

#### **PUBLIC COMMENT**

None

#### **ITEMS OF BUSINESS**

#### 7. Adopt Capital Project Ordinance

Mr. Oakley reviewed capital projects that need separate budget codes.

**ACTION:** Motion to approve Ordinance number 21-1159 a grant ordinance to create a budget for the American Rescue Plan Water, Sewer, and Stormwater projects totaling \$869,000.

Motion made by Council Member Shuttleworth

Motion passed unanimously

The locations listed in the project include: Florida Avenue, Spartanburg Avenue, Maryland Avenue, Virginia Avenue, Basin Road, Eastern Hamlet, Seventh Street, Sumter Avenue, and Greenville Avenue.

## 8. Committee Appointments

Council made appointments to the following committees:

- Operations Advisory Committee – Tiffany Bryan
- Bike/Pedestrian Committee – Jeff Page

## NON-AGENDA ITEMS

### Council Member Garza

- Wants Council liaisons to give committee reports at each workshop.
- Wants all committee chairs to give an update at the February workshop.
- Wants an update at the next workshop on the Spartanburg Avenue path.
- Wants an update on the tree ordinance at the next workshop.
- Asked if staff had worked with Patrick Boykin on his requests from the last meeting.
- Council and staff need to start having discussions with Boardwalk business owners about establishing a Municipal Service District.
- Management needs to conduct an employee satisfaction survey.
- Wants to use the Powell Bill money to fix streets and sidewalks.
- House Bill 890 got passed last month. Council should start discussion about creating a district that allows for open containers.
- Suggested having a December workshop this year.

### Council Member Barbee

- Asked if there was an update from the N.C. Department of Transportation on the turn lane into the State Park. There was no update.
- Wanted to make sure staff was aware of an agreement that would have to be signed by staff to begin a beach nourishment project. Mr. Oakley said he was aware.

### Council Member Shuttleworth

- Wants to make sure the specific questions regarding parking lots will be answered at the October workshop. He also wants to have a separate conversation about privately owned lots. He would like to renegotiate with the property owners on the Town running the lots to eliminate confusion.

### Mayor Pro Tem Healy

- False statements are being made that the Town has abandoned infrastructure projects, and that is not true. Public Utilities stays busy.
- Reminded everyone to vote on November 2.

Mayor Pierce

- Would like to discuss parking in rights-of-way at the workshop.
- Would like to schedule the beach towns breakfast within the next 30 days.

**CLOSED SESSION**

## 9. Closed Session to Discuss an Attorney/Client Matter

**ACTION:** Motion to go into closed session to discuss an attorney/client matter in accordance with NCGS 143-318.11(a)(3). Matters being discussed include:

18 CVS 3151 Town of Carolina Beach vs. Carolina Freeman LLC

18 CVS 3152 Town of Carolina Beach vs. B&F Enterprises LLC

18 CVS 3153 Town of Carolina Beach vs. DRDK LLC

18 CVS 3154 Town of Carolina Beach vs. Freeman Beach LLC

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

*Motion passed unanimously*

Mayor Pierce called the meeting back to order and said Council took no action during closed session.

**ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Mayor Pierce

Voting Yea: Mayor Pierce, Mayor Pro Tem Healy, Council Member Barbee, Council Member Garza, Council Member Shuttleworth

*Motion passed unanimously*

The meeting adjourned at 9:00 PM.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Tim Murphy

**DEPARTMENT:** Parks and Rec

**MEETING:** Town Council Meeting 11/9/2021

**SUBJECT:** Events Update by Tim Murphy

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**BACKGROUND:**

Tim Murphy will give an update on the upcoming events.

**ACTION REQUESTED:**

No action needed.





## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley, Town Manager

**DEPARTMENT:** Executive

**MEETING:** Town Council Meeting 11/9/2021

**SUBJECT:** Manager's Update

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**BACKGROUND:**

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



## AGENDA ITEM COVERSHEET

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

**MEETING:** Town Council – November 9, 2021

**SUBJECT:** **Conditional Zoning** to consider a mixed use commercial-residential development located at 902, 910, 1000, & 1010 N. Lake Park Blvd.  
Applicant: Cape Fear Four LLC

### BACKGROUND:

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

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

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

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

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

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

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

**Applicant proposes to construct:**

| Building     | Residential Units | Commercial Sq. Ft                      | Building Height |
|--------------|-------------------|--|-----------------|
| 1            | 53                | 18,754 Retail<br>4,5445 Leasing office | 50 ft           |
| 2            | 88                | 4,077 Fitness club                     | 50 ft           |
| 3            | 102               | 2,684 Restaurant                       | 50 ft           |
| 4            | 6                 | 5,054 Live/work                        | 50 ft           |
| 5            | 0                 | 5,000 Office                           | 50 ft           |
| 6            | 10                | 4,012 Clubhouse                        | 50 ft           |
| 7            | 2                 | 0                                      | 45 ft           |
| <b>Total</b> | <b>261</b>        | <b>44,111 Sq. Ft</b>                   |                 |

## **Zoning**

The purpose of the Highway Business (HB) district is to accommodate businesses oriented toward the motoring public and which require a high volume of traffic. In many cases, businesses in the HB district serve the entire community and beyond. For the most part, they are located on major thoroughfares so that they can be conveniently reached by automobile and to avoid sending heavy automobile traffic through smaller streets or residential areas. The HB zoning district allows for mixed use commercial-residential with the approval of a conditional zoning district. The ordinance requires parcels that are over 10 acres to provide for 3,000 sq. ft. of commercial space. The proposed development consists of three parcels that will be combined prior to the issuance of a building permit for a total of 12.01 acres. Based on the size of the property 36,030 commercial sq. ft is required. The applicant is providing 44,111 sq. ft of heated commercial space with an additional 57, 711 commercial area that includes outdoor dining, retail, amenity & pool area. The residential component of the property will include 261 units.

Maximum lot coverage is 60%, which includes footprint of the building, decks, and steps. The applicant's proposed total lot coverage equals 89,650 sq. ft. or 17% lot coverage. Density of units allowed in the HB district is determined through review of a Conditional Use Permit. The applicant's structures will not exceed the maximum 50' height limit. Setbacks in the HB district are 10' (side), 30' (front), and 20' (rear). The applicant is exceeding the minimum setback requirements. The applicant is required to provide 525 parking spaces for the business and residential uses. The total parking provided by the applicant is 527 spaces. A Type B 10' landscaping buffer is required on all boundaries of the property. In some areas on the site are not meeting this requirement and the applicant would need to request and be granted a landscape waiver in these areas that are depicted on the site plan. An 8' multiuse path is proposed on Saint Joseph's and through the site connecting the right-of-ways. A 6' sidewalk is proposed on N. Lake Park Blvd. The sidewalk on N. Lake Park Blvd was reduced to 6' to accommodate a right turning In to enter the site from the south. The existing sidewalk along Lake Park Blvd are 5'. A portion of the property is in a floodzone that is adjacent to Saint Joseph St. A state stormwater permit would be required, and the applicant is proposing approximately 1.2 acre pond.

A Traffic Impact Analysis is required for the site and will need to incorporate those required improvements. The TIA is currently being finalized by the applicants traffic engineer to submit to DOT for review. The applicants engineer is gathering data on the projected daily usage water & sewer rates to submit to the Utility Director on what infrastructure improvements are needed.

### **Conditional Zoning Process**

As part of the application process a community meeting is required. The applicant held the required meetings on August 26, 2021. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties.

The applicant is proposing the following conditions.

1. Provide for an 8' multiuse path on Saint Joseph St and through the site connecting to the public right of ways and a 6' sidewalk on N. Lake Park Blvd.
2. All lighting shall be aimed, located, designed, fitted, shielded, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
3. Install recommendations of the traffic impact analysis to include upgrades of up to \$300,000 for a traffic light with pedestrian signal at the intersection of Lake Park Blvd and Winner Ave.
4. Provide daily usage of water & sewer and make improvements as required by Public Utilities
5. Access and parking easements to be recorded for usage of the Jersey Mikes parking.
6. Keep existing Live oaks as depicted on the site plan.
7. Prohibit short term rentals less than 90 days within the residential units.
8. Install a pedestrian access on town property located at 108 Winner Ave from the applicant's property to Winner Ave.
9. Memberships to the swimming pool shall be available to residents of Carolina and Kure Beach.

### **Land Use Plan**

The 2020 Land Use Plan was amended in August for the vision on this area to be higher density area with a mix of uses, within the district and individual buildings. Residential uses allowed only on upper stories; unless associated with a mixed commercial-residential use on a 10 acre or greater lot with a minimum 3,000 sq ft of commercial space provided per acre.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning mixed use commercial-residential project located at 902, 1000, 1010 N. Lake Park Blvd.

Staff and Planning & Zoning Commission recommend approval of the project with the 9 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 to allow for a mixed use commercial – residential located at 902, 1000, 1010 N. Lake Park Blvd. 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.

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.





**BULK REQUIREMENTS (HB- HIGHWAY BUSINESS DISTRICT)**

|  | REQUIRED         | PROVIDED              |
|--|------------------|-----------------------|
| MIN. LOT AREA                            | 10,000 SF        | 523,155 SF (12.01 AC) |
| MIN. LOT WIDTH                           | 100'             | 653'                  |
| MIN. FRONT SETBACK                       | 30'              | 30'                   |
| MIN. SIDE INTERIOR SETBACK               | 10'              | 10'                   |
| MIN. CORNER SIDE SETBACK                 | 10'              | N/A                   |
| MIN. REAR SETBACK                        | 15'              | 15'                   |
| MAX. LOT COVERAGE (BUILDINGS)            | 60% (314,939 sf) | 17% (89,650 sf)       |
| LANDSCAPE BUFFER                         | 10' - TYPE B     | 10' - TYPE B          |
| MAX. BUILDING HEIGHT                     | 50' MAX.         | 50' MAX.              |
| BUILDING 1 - 3                           |                  | 50' (4 STORY)         |
| BUILDING 4 - 5                           |                  | 50' (3 STORY)         |
| BUILDING 6 (CLUBHOUSE/ AMENITY BUILDING) |                  | 50' (3 STORY)         |
| BUILDING 7 (CARRIAGE HOUSE / GARAGES)    |                  | 45'                   |

**LOW IMPACT DEVELOPMENT:**

LID TECHNIQUES WILL BE USED THROUGHOUT THE PROJECT TO MITIGATE STORM WATER RUNOFF.

LID TECHNIQUES WILL INCLUDE:

- PERVIOUS PAVING
- INFILTRATION BASINS AND RAIN-GARDENS
- NATIVE LANDSCAPING
- CAPTURING OF ROOFTOP RAIN WATER

**PROXIMITY PROJECT - GROUND FLOOR COMMERCIAL USE SUMMARY**

| BUILDING     | AREA      | USE                       |
|--------------|-----------|---------------------------|
| BUILDING 1 - | 18,754 SF | COMMERCIAL RETAIL LEASING |
| BUILDING 2 - | 4,077 SF  | FITNESS CLUB              |
| BUILDING 3 - | 2,684 SF  | RESTAURANT                |
| BUILDING 4 - | 5,040 SF  | LIVE / WORK               |
| BUILDING 5 - | 5,000 SF  | CLASS A OFFICE            |
| BUILDING 6 - | 4,012 SF  | CLUBHOUSE                 |

WAIVER REQUESTED FOR 10' BUFFER ALONG NORTH PROPERTY LINE ADJACENT TO COMMERCIAL

44,111 SF - TOTAL HEATED COMMERCIAL AREA (3,672 SF PER ACRE)

57,711 SF - TOTAL COMMERCIAL INCLUDING OUTDOOR DINING, RETAIL & AMENITY & POOL AREA

**MIXED-USE COMMERCIAL - RESIDENTIAL OFF-STREET PARKING**

|  | REQUIRED          | PROVIDED          |
|--|-------------------|-------------------|
| BUILDING 1- RETAIL (18,754 SF / 200)       | 94 SPACES         | 94 SPACES         |
| LEASING OFFICE (4,544 SF / 300)            | 15 SPACES         | 15 SPACES         |
| BUILDING 2 - FITNESS (4,077 SF / 200)      | 20 SPACES         | 20 SPACES         |
| BUILDING 3 - RESTAURANT (2,684 SF / 110)   | 24 SPACES         | 24 SPACES         |
| OUTDOOR DINING (1,200 / 220)               | 6 SPACES          | 6 SPACES          |
| BUILDING 4 - LIVE / WORKS (5,040 SF / 300) | 17 SPACES         | 17 SPACES         |
| BUILDING 5 - OFFICE (5,000 SF / 300)       | 17 SPACES         | 17 SPACES         |
| BUILDING 6 - CLUBHOUSE (4,012 SF / 200)    | 20 SPACES         | 20 SPACES         |
| POOL AREA (2500 SF / 75)                   | 33 SPACES         | 33 SPACES         |
| JERSEY MIKES (2,000 SF / 110)              | 18 SPACES         | 18 SPACES         |
| <b>TOTAL COMMERCIAL PARKING</b>            | <b>264 SPACES</b> | <b>264 SPACES</b> |

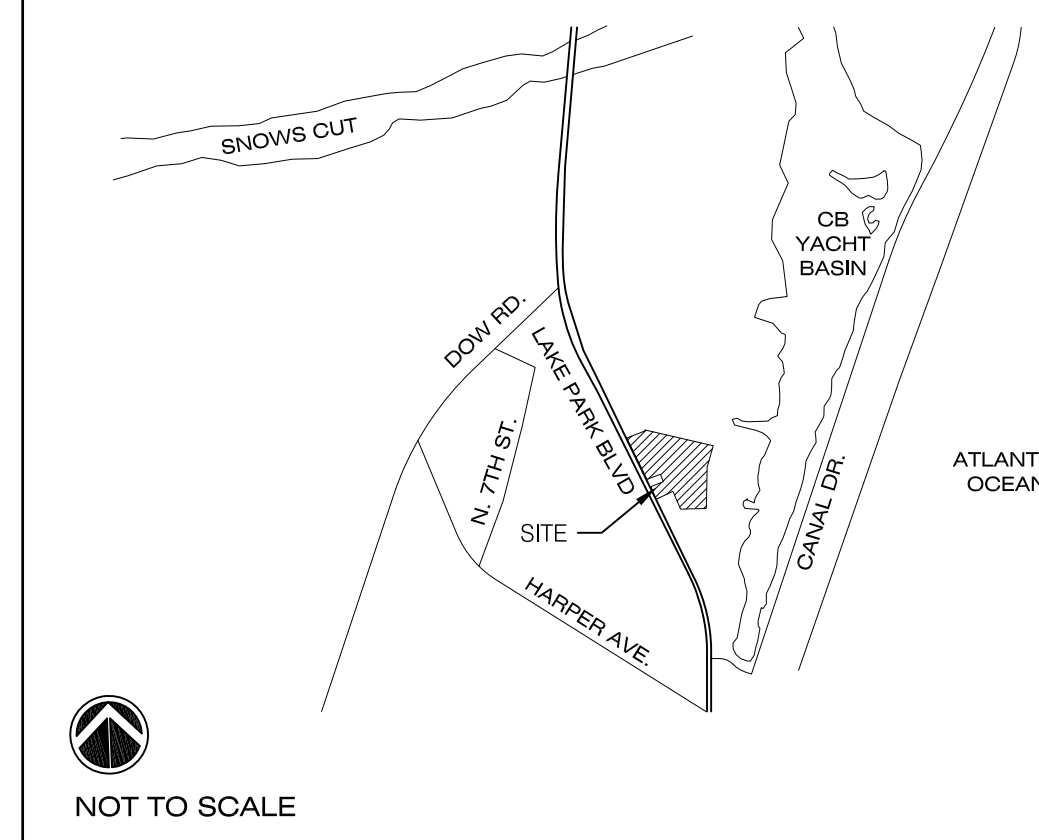
RESIDENTIAL INCLUDED IN MIXED-USE COMMERCIAL - RESIDENTIAL (1 space / unit)

TOTAL PARKING: 525 SPACES 527 SPACES

**RESIDENTIAL UNITS**

| BUILDING                       | UNITS            |
|--------------------------------|------------------|
| BUILDING 1                     | 53               |
| BUILDING 2                     | 88               |
| BUILDING 3                     | 102              |
| BUILDING 4 - LIVE / WORK       | 6                |
| BUILDING 6 - CLUBHOUSE         | 10               |
| BUILDING 7 - CARRIAGE HOUSES   | 2                |
| <b>TOTAL RESIDENTIAL UNITS</b> | <b>261 UNITS</b> |

**VICINITY MAP**

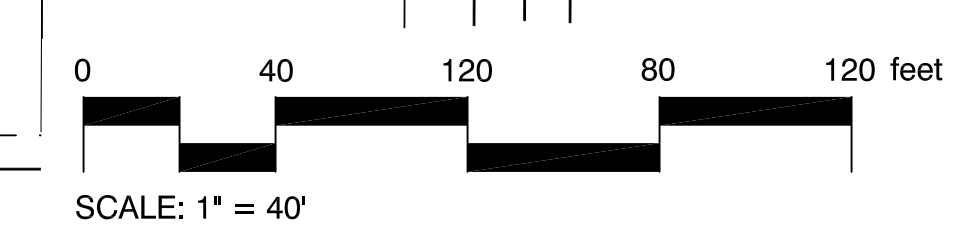
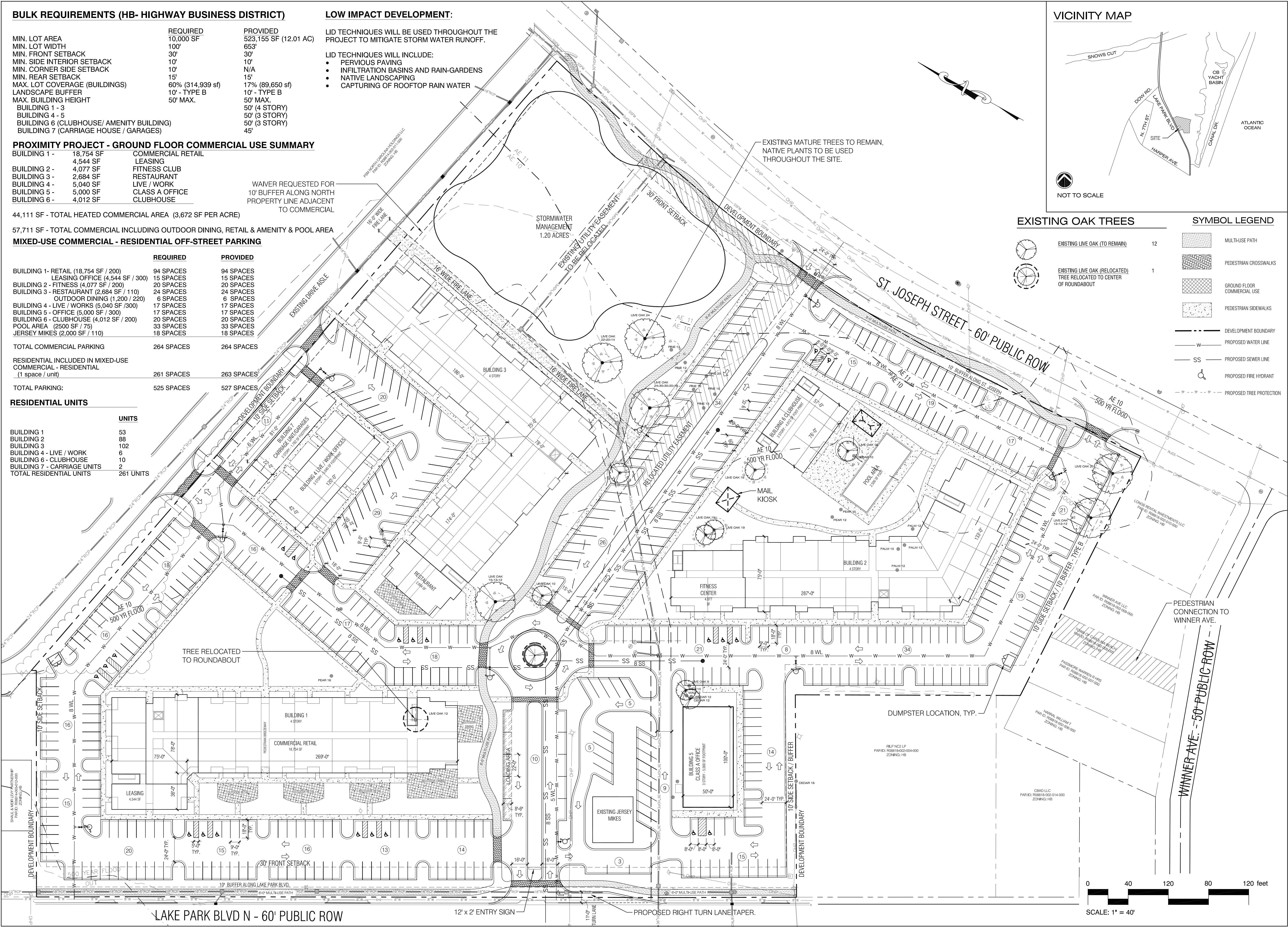


**EXISTING OAK TREES**

- EXISTING LIVE OAK (TO REMAIN) 12
- EXISTING LIVE OAK (RELOCATED) TREE RELOCATED TO CENTER OF ROUNDABOUT 1

**SYMBOL LEGEND**

- MULTI-USE PATH
- PEDESTRIAN CROSSWALKS
- GROUND FLOOR COMMERCIAL USE
- PEDESTRIAN SIDEWALKS
- DEVELOPMENT BOUNDARY
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- PROPOSED FIRE HYDRANT
- PROPOSED TREE PROTECTION



Revisions  
2021-10-06: REVISED PER TRC COMMENTS

**PROJECT**  
**THE PROXIMITY**  
1000 LAKE PARK BLV N  
CAROLINA BEACH, NC  
SITE PLAN

**SITE PLAN**

Date: 9/6/2021  
Phase:  
Job Number: 400-26  
Designed by: MLD  
Drawn by: MAS  
Checked by: JWM  
Sheet Title:  
**SITE PLAN**

Sheet Number:  
**L1.0**  
of 1 sheets

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



Permit # \_\_\_\_\_

## 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>\$ 800.00</b> |
| <b>Minor Conditional Zoning Permit</b> | <b>=</b> | <b>\$ 350.00</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.



| <b>2021 Submission Deadlines &amp; Meeting Dates</b> |                           |   |   |                     |                |
|--|---------------------------|---|---|---------------------|----------------|
| <b>Technical Review Committee</b>                    |                           | <b>Planning &amp; Zoning Commission</b> |   | <b>Town Council</b> |                |
| <b>Submission</b>                                    | <b>Meeting</b>            | <b>Submission</b>                       | <b>Meeting</b>  | <b>Submission</b>   | <b>Meeting</b> |
| Jan 4  | Jan 19                    | Jan 28                                  | Feb 11  | Feb 23              | Mar 9          |
| Feb 1  | Feb 16                    | Feb 25                                  | Mar 11  | Mar 30              | Apr 13         |
| Mar 1  | Mar 15                    | Mar 25                                  | Apr 8   | April 27            | May 11         |
| Apr 5  | Apr 19                    | Apr 29                                  | May 13  | May 25              | June 8         |
| May 3  | May 17                    | May 27                                  | June 10   | June 29             | July 13        |
| June 7   | June 21                   | June 24                                 | July 8  | July 27             | Aug 10         |
| July 6   | July 19                   | July 29                                 | Aug 12  | Aug 31              | Sept14         |
| Aug 2  | Aug 16                    | Aug 26                                  | Sept 9  | Sept 28             | Oct 12         |
| Sept 7   | Sept 20                   | Sept 30                                 | Oct 14  | Oct 26              | Nov 9          |
| Oct 4  | Oct 18                    | Oct 28                                  | Nov 10  | Nov 30              | Dec 14         |
| Nov 1  | Nov 15                    | Nov 24                                  | Dec 9   |                     |                |
| Dec 6  | Dec 20                    |   |   |                     |                |
|  |                           |   |   |                     |                |
|  |                           |   |   |                     |                |
| <b>Board</b>   | <b># Copies Full Size</b> | <b># Copies Electronic</b>              | <b>Recipients</b>   |                     |                |
| TRC  | 2                         | 1                                       | All submissions are public information and will be shared with appropriate Federal, Local, and State agencies, news outlets, stakeholders, and citizens upon necessity or request |                     |                |
| P&Z  | 2                         | 1                                       |   |                     |                |
| Town Council   | 2                         | 1                                       |   |                     |                |

**PURPOSE**

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

Please complete all sections of the application.

A. Property Information

Address(es): 902, 906, 1000, and 1010 N. Lake Park Blvd.

PIN(s): R08818-002-002-000, R08818-002-013-000, R08814-003-013-000, R08814-003-015-000

Project Name The Proximity At Carolina Beach

Size of lot(s): 12.53 acres total

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):

Mixed use commercial - residential including restaurant, recreational, retail office, and

multifamily residential use

C. Applicant Contact Information

Cape Fear Four, LLC
Company/corporate Name (if applicable):

By its counsel: Sam Franck
Applicant's Name

127 Racine Drive Suite 101
Mailing Address

Wilmington, NC 28403
City, State, and Zip Code

910-794-4835
Telephone

SBF@wardandsmith.com
Email

D. Owner Contact Information (if different)

See Exhibit A Attached
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**

- |                                     |                          |                          |  |
|-------------------------------------|--------------------------|--------------------------|--|
| <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 all 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 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 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 checked="" 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 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 type="checkbox"/> | Locations of all entrances and exits to all <i>structures</i>  |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the <i>gross floor area</i> with each room labeled (i.e. kitchen, bedroom, bathroom)   |
| <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> | Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use              |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations ( <b>Flood Zones</b> )   |
| <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 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 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A vicinity map drawn with north indicated  |

I have provided a scaled electronic version of each required drawing

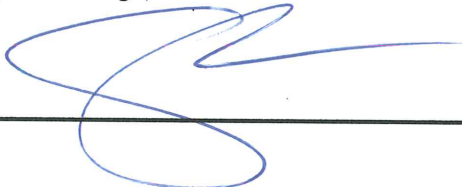
I have folded all plans to 8 ½" x 11" size and am prepared to pay the application fee today

---

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

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



---

Signature

9/7/2021

Date

Please see the following attached:

- Exhibit A - owners  
Owner Authorizations
- Exhibit B- Land and Project Summary
- Exhibit C- Summary of Community Meeting & Engagements
- Site Specific Development Plan

Exhibit A

Jubilee Carolina, LLC  
701 Crestdale Road  
Matthews, NC 28105

Attn: Jacob Phares  
Email Address: [jphares@harristeeter.com](mailto:jphares@harristeeter.com)  
Telephone Number: 704-844-3100

HT Fuel NC, LLC  
701 Crestdale Road  
Matthews, NC 28105

Attn: Jacob Phares  
Email Address: [jphares@harristeeter.com](mailto:jphares@harristeeter.com)  
Telephone Number: 704-844-3100

MCCL Investments LLC  
2731 Miller Lane  
Hendersonville, NC 28791

Attn: Christina Long  
Email Address: [Christinalongrealtor@gmail.com](mailto:Christinalongrealtor@gmail.com)  
Telephone Number: (828) 606-1230

Coastal KM Ventures, LLC  
1202 N Lake Park Blvd.  
Suite A  
Carolina Beach, NC 28428

Attn: Matt Murphy  
Email Address: [matt@secofconstruction.com](mailto:matt@secofconstruction.com)  
Telephone Number: (910) 443-6424

ND: 4812-4787-9417, v. 1

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, **Jubilee Carolina, LLC**, does hereby appoint Cape Fear Four, LLC, by its counsel, Samuel B. Franck to act on my behalf for the purpose of petitioning the Town of Carolina Beach for: a) an amendment to the text regulations; and b) approval of conditional zoning 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: 9/7/2021

Appointee's Name Address & Telephone:

Jubilee Carolina, LLC  
701 Crestdale Road  
Matthews, NC 28105

Signature of Owner:   
Jacob Phares (Sep 7, 2021 16:45 EDT)  
Email Address: iphares@harristeeter.com  
Telephone Number: 704-844-3100


AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, **HT Fuel NC, LLC**, does hereby appoint **Cape Fear Four, LLC**, by its counsel, **Samuel B. Franck** to act on my behalf for the purpose of petitioning the Town of Carolina Beach for: a) an amendment to the text regulations; and b) approval of conditional zoning 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: 9/7/2021

Appointee's Name Address & Telephone:

HT Fuel NC, LLC  
701 Crestdale Road  
Matthews, NC 28105

Signature of Owner:  \_\_\_\_\_  
Email Address: jphares@harristeeter.com  
Telephone Number: 704-844-3100

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, **MCCL Investments LLC**, does hereby appoint Cape Fear Four, LLC, by its counsel, Samuel B. Franck to act on my behalf for the purpose of petitioning the Town of Carolina Beach for: a) an amendment to the text regulations; and b) approval of conditional zoning 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: 9/3/2021

Appointee's Name Address & Telephone:

MCCL Investments LLC  
2731 Miller Lane  
Hendersonville, NC 28791

Signature of Owner:   
Email Address: christinalongrealtor@gmail.com  
Telephone Number: 828-606-1230



AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, Coastal KM Ventures, LLC, does hereby appoint Cape Fear Four, LLC, by its counsel, Samuel B. Franck to act on my behalf for the purpose of petitioning the Town of Carolina Beach for: a) an amendment to the text regulations; and b) approval of conditional zoning 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: 9/3/2021

Appointee's Name Address & Telephone:

Coastal KM Ventures, LLC  
1202 N Lake Park Blvd.  
Suite A  
Carolina Beach, NC 28428

DocuSigned by:  
Signature of Owner: *Matt Murphy*  
Email Address: *matt@capefourconstruction.com*  
Telephone Number: *(910) 443-6424*

## Exhibit B

### Land and Project Summary

The Proximity development will be located on the long-vacant site including approximately 12 acres, located in the heart of the Highway Business zoning district between N. Lake Park Blvd. and St. Josephs St. The development is located just south of the new Publix shopping center, southeast of the existing ABC store and Wings, and east, across N. Lake Park Blvd., from several established businesses.

Consistent with the Carolina Beach Future Land Use Plan, the Proximity is a commercial-residential mixed-use development that will include multiple restaurants with outdoor dining, Class-A office, co-work, and live/work space, a fitness and pool amenity center that will be open to citizens on an annual membership basis, retail space, and year-round luxury apartments. It is anticipated that the residential options will include one and two bedroom apartments. The retail and restaurant commercial uses are focused along the N. Lake Park Blvd. right of way, and the recreational and live/work uses are located closer to the interior of the development.

As reflected on the included site plan, the buildings included in the development have been designed with careful consideration of both efficient design and consideration of the interaction with, or buffering from, neighboring uses. The more active commercial uses are oriented towards the N. Lake Park Blvd. corridor, and the existing commercial neighbors, while the stormwater management facilities, parking areas, and lower impact residential uses are oriented closer to the St. Joseph St. corridor and the neighboring residences to the south. The project has been designed to satisfy all applicable setback and buffer requirements, and within the applicable height restrictions, without the need for any variances to the same.

In addition to the development of desirable year-round rental housing, work-share and live/work spaces, and multiple restaurants, the development incorporates many design considerations that are focused on the benefit of the Carolina Beach community. These include:

- Streetscape improvements along Lake Park Boulevard, including trees and pedestrian connectivity, aimed at creating a “Main Street” feel
- Pedestrian and bicycle interconnectivity, including expansion and incorporation into the Island Greenway System.
- Engineered drainage, low-Impact site design and stormwater management

- Tree preservation and relocation to protect several significant trees located on the property.
- Resort-style pool and fitness facilities for residents at the Proximity, and for Carolina Beach citizens who elect to secure annual memberships
- Significant accommodations for golf cart and electric vehicle use, including charging stations and allocated parking.

Based on our traffic impact analysis, prepared by Kimley-Horn engineering, the total daily trip generation for this development is ***less than half*** of the trip generation for the previously approved development of this site with a supermarket anchor and a gas station. The morning peak hour trip generation for the proposed development is ***11% lower*** than the previously approved project, and the afternoon/evening trip peak hour generation is ***substantially, 50%, lower*** than the previously approved project.

The development is located between two significant public rights of way, and utilities are available on and at the boundaries of this land. All utilities will be located underground. The details for water and sewer capacity, and to establish electric and communication utilities will be determined and established during engineering and design of the project, after this zoning approval.

The project has multiple points of access to major public thoroughfares to provide for emergency vehicle access. It will include signage and lighting for all cross walks, and the interior roadways are designed to attenuate traffic. Consideration has also been given to an interior traffic pattern that reduces intersections and distances between points of entry and commercial amenities. It is anticipated that the buildings will include sprinkler systems.

The noise impact from the development on adjoining property should be nominal. The outdoor restaurant uses are located along N. Lake Park Blvd. and on the interior of the development. The outdoor recreational amenities are also located on the interior of the development. Indoor restaurant, retail and office uses do not tend to generate noise pollution. The multifamily residential will be subject to reasonable rules and regulations regarding noise and nuisance.

It is anticipated that trash will be collected at each unit's front door by our vendor and taken to a common trash compactor on site which will be enclosed by a wall and gates. Anticipated trash collection locations are depicted on the site plan.

The project does not contemplate lighting that would create a glare nuisance or light pollution, and consideration will be given to parking and interior street lighting with regard to the same. The site lighting will be designed and installed by Duke Power and will be designed to minimize light trespass. We do not anticipate significant lighted signage for the development. The Highway Business district is,

by design, a well activated area of the Town. The uses proposed here are inherently lower impact than the exclusively commercial and retail uses that primarily surround this development. Lighted signs will be minimal, and will not include any neon and/or flashing lights. Signage will be designed outside of sight triangles so as not to impede visibility or traffic safety.

The Proximity will be a beautiful mixed-use community with a blend of residential, retail and office, all of which will be in keeping with the character of the neighborhood. Located adjacent to Publix Commons at Federal Point, The Proximity will integrate well with the existing commercial developments in the area to further establish a truly mixed-use area in a prime location. As planned, The Proximity will be a true community asset, providing year-round housing options, connectivity, restaurants and retail, all while seamlessly fitting into the surrounding neighborhood.

ND: 4830-6337-6890, v. 2

Exhibit C

Summary of Community Meeting and Engagement

Proposed Conditional Zoning for Commercial-Residential Mixed Use Development  
in Highway Business Zoning District  
1000 Lake Park Blvd.  
Carolina Beach, NC  
Cape Fear Four, LLC

Written notice of a community meeting for the above referenced conditional zoning was mailed via First Class Mail to all property owners within five hundred feet (500') of the subject property as listed on the New Hanover County ("County") tax records, and that the same was submitted to the Town planning department on August 17, 2021. A list of all adjacent property owners to whom written notice was mailed is attached to this report as Exhibit 1. A copy of the written notice is attached as Exhibit 2. A list of the parties who registered to attend the meeting is attached at Exhibit 3, and a list of those who attended is attached as Exhibit 4.

The meeting was held on August 26, 2021 at the subject property. The meeting began at 5:30pm, and continued until 7:45pm. Due to the open house style format of the meeting, we believe that more citizens attended than signed in –estimate approximately 100 attendees.

On behalf of the applicant, Cape Fear Four, LLC ("Cape Fear"), the following people were in attendance: Mike Brown, Brian Eckel, Bill Schoettelkotte, and Vin Wells, all with Cape Fear, Josh Mihaly, landscape architect, John Tunstall, civil engineer with Norris & Tunstall Engineering, and a representative of our traffic engineer with Kimley Horn Engineers.

Prior to that community meeting, Cape Fear met with several stakeholders, elected, and appointed officials in the community on August 24, 2021.

In addition to the primary community meeting, Cape Fear also invited interested community members to attend smaller meetings to discuss the project on August 30 and 31, and on September 1.

A publicly available website for the development has been available at <https://theproximitycb.com/>, since August 25, 2021, and community members and neighbors have the opportunity to post comments via that website.

Members of the Cape Fear development team have also engaged in one on one conversations and correspondence with a number of members of the community, and members of the Planning and Zoning Board and Town Council members during August and early September of 2021.

Based on the aforementioned community meeting, follow up meetings and other opportunities for community engagement, we understand the following concerns and suggestions from the community:

### **Detailed Suggestions and Considerations**

1. Walkable/bike friendly development.
2. Place residential density in the appropriate areas and the request that commercial development not be located on St. Joseph Street (vs. residential which is more in keeping with surrounding uses).
3. Infrastructure considerations
  - a. Traffic congestion, specifically a desire to limit congestion on St. Joseph was expressed by several residents in addition to comments about congestion on Lake Park Blvd.
  - b. Manage onsite storm water to eliminate flooding.
  - c. Concerns were expressed about water/sewer capacity availability and fire protection.
  - d. Desire for a light at Winner Ave.
  - e. Desire for a connection on Winner Ave (and, also from others, a desire for no connection on Winner Ave).
4. Architecture to be coastal in character and in keeping with the fabric of Carolina Beach.
5. Tree preservation and use of native plantings
6. Low Impact Design stormwater management measures (impervious concrete, rain barrels, infiltration).
7. Improvements to Lake Park Blvd Streetscape (street trees, plantings, sidewalk).
8. Include park space and open space.
9. Include murals and artwork.
10. Desire for the project not to be gated.
11. A desire from the owner of Wings that their parking lot connect to the Proximity project.
12. Electric vehicle charging opportunities.

### **Comments related to the total development**

13. Some citizens asked that the commercial space to be limited in size (no large scale shopping center).
14. Other citizens asked that the property be developed all commercial, without a residential component.
15. Another subset of citizens asked that the site never be developed.
16. And, others, that the property be dedicated as a public park space.
17. Some citizens expressed their wish that the front of the site to be developed and for the rear of the site to be left undeveloped.
18. We also heard concerns about light pollution, specifically in reference to nesting sea turtles.

### **Community Considerations and Requests**

19. Consideration for electric and internet service on St. Joseph, which experiences disruptions per one comment from a neighbor.
20. Consideration for the potential for school overcrowding.
21. Requested consideration for water quality and pollution.
22. Desire for community to invest in upkeep of streets (pot holes, etc).
23. Desire for a median on Lake Park Blvd.
24. Some residents asked that we include community pool, fitness, and recreational opportunities (lap swim/swim lessons/swim team).
25. Desire to maintain the unique community identity (beach town with close knit community where neighbors know and support one another).

### **Development Operation Suggestions**

26. Several community members expressed a desire for there to be no short term rentals (while some other neighbors volunteered that they are not opposed to short term rentals).

### **Comments Regarding Community Engagement and Process, and aspects of the design that were already included**

27. Several residents expressed an appreciation for the level of community engagement and outreach.
28. We also heard an appreciation that the developer is local and working to accommodate community concerns and bring forward a high quality cohesive project.
29. An appreciation for the quality of the Publix development.
30. An appreciation for the planned golf cart parking and golf cart charging stations.
31. An appreciation for outdoor dining and retail opportunities within the plan.
32. An appreciation for the upgraded LID and stormwater treatment measures.
33. An appreciation for developer's intention to target high end local retailers and restaurants.
34. An appreciation for "live work" offerings, office offerings, and flex/executive office opportunities.
35. An appreciation for developer's willingness to improve the Jersey Mike's parking lot and access.

While it is too early in the design process to address some of the concerns noted about engineering for utilities, drainage and the like, or the specific architectural details of the plan, several changes to the conceptual site plan design have been incorporated in response to these thoughts from our neighbors.

Based on the input we have heard and discussed through community engagement, the following adaptations have been incorporated into the proposed site plan design:

- A. More expansive incorporation of pedestrian and bicycle paths and interconnectivity.
- B. Reduction in density of residential homes by approximately 20%.
- C. Increase in the utilization of additional first floor space for desirable commercial purposes: an additional restaurant, expanded fitness center, and additional office space.
- D. Incorporation of a larger amenities and fitness facility that can be made available to citizens on an annual membership basis.
- E. A more precise tree saving plan that includes not only preservation of several significant trees in their current locations, but also relocation of other significant trees on the property.
- F. Incorporation of additional golf cart focused infrastructure.
- G. Commitment to keep the development ungated.
- H. Commitment to prohibit short term rentals.
- I. The stormwater management program will focus on improving stormwater impacts on adjacent properties;



Exhibit 1**List of Adjacent Property Owners Who Received Notice**

| <b>Parcel Number</b> | <b>Owner</b>                              | <b>Owner Mailing Address</b>                               |
|----------------------|---|--|
| R08818-002-004-000   | RILP NC2 LP                               | 11995 El Camino Real<br>San Diego, CA 92130                |
| R08818-002-014-000   | CBAD LLC                                  | 1009 Lake Park Blvd., Suite B3<br>Carolina Beach, NC 28428 |
| R08818-002-005-000   | Bertran J and Gloria<br>Pearson           | Post Office Box 96<br>Kinston, NC 28502                    |
| R08818-002-006-000   | William T. and Lillia<br>Harral           | 208 Kirkfield Drive<br>Cary, NC 27518                      |
| R08818-002-007-000   | Warren R. Passmore<br>Heirs               | 9829 River Road<br>Wilmington, NC 28412                    |
| R08818-002-008-000   | Town of Carolina Beach                    | 1121 N Lake Park Blvd.<br>Carolina Beach, NC 28428         |
| R08818-002-009-000   | Island Breeze of CB LLC                   | 1628 Sound Watch Drive<br>Wilmington, NC 28409             |
| R08818-002-010-000   | Longs Rental<br>Investments LLC           | 107 Carolina Sands Drive<br>Carolina Beach, NC 28428       |
| R08818-007-013-000   | Hoplite Properties LLC                    | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428          |
| R08818-007-011-000   | Hoplite Properties LLC                    | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428          |
| R08818-007-019-000   | Quality Home Repair &<br>Maintenance Inc. | 103 Winner Avenue<br>Carolina Beach, NC 28428              |
| R08818-007-007-000   | PDA Ventures LLC                          | 10820 Cahill Road<br>Raleigh, NC 27614                     |
| R08818-007-006-000   | Gabby LLC                                 | 713 Saint Joseph Street<br>Carolina Beach, NC 28428        |
| R08818-007-005-000   | Gabby LLC                                 | 713 Saint Joseph Street<br>Carolina Beach, NC 28428        |
| R08818-007-004-000   | Michael D. and Christina<br>A. Puritis    | 9009 Saint Stephens Place<br>Wilmington, NC 28412          |
| R08818-007-003-001   | Michael D. and Christina<br>A. Puritis    | 9009 Saint Stephens Place<br>Wilmington, NC 28412          |

|                    |  |   |
|--------------------|--|---|
| R08818-007-020-000 | St. Joseph Business COA                | Post Office Box 715<br>Carolina Beach, NC 28428     |
| R08818-007-002-002 | JSL CB Properties LLC                  | 1108 Merchant Lane<br>Carolina Beach, NC 28428      |
| R08818-007-021-000 | Sami T. Al-Ama and<br>Ousama M. Al-Ama | 700 N Lake Park Blvd.<br>Carolina Beach, NC 28428   |
| R08818-007-015-000 | Sami T. Al-Ama and<br>Ousama M. Al-Ama | 700 N Lake Park Blvd.<br>Carolina Beach, NC 28428   |
| R08818-007-014-000 | Ralph W. Roof Living<br>Trust          | 221 Lochview Drive<br>Cary, NC 27518                |
| R08818-006-050-000 | Island Marina<br>Enterprises LLC       | 511 Clarendon Blvd.<br>Carolina Beach, NC 28428     |
| R08818-006-052-000 | Sound View UOA Inc.                    | 1029 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08818-006-007-000 | Kathie A. Winseck                      | 800 Saint Joseph Street<br>Carolina Beach, NC 28428 |
| R08818-006-030-000 | David C. Winner, Jr.                   | 406 Atlanta Avenue<br>Carolina Beach, NC 28428      |
| R08818-006-048-000 | Federal Point Yacht Club               | 910 Basin Road<br>Carolina Beach, NC 28428          |
| R08818-006-042-000 | David A. and Nichole E.<br>Weimer      | 105 Rum Cary Road<br>Carolina Beach, NC 28428       |
| R08818-006-043-000 | James C. and Natalie H.<br>Pierce      | 7201 Laurel Point Drive<br>Gibsonville, NC 27249    |
| R08818-006-044-000 | Michael H. Womble                      | 3631 Wind Sock Court<br>Eastover, NC 28312          |
| R08818-006-041-000 | Susan S. Scandura<br>Revocable Trust   | 103 Rum Cay Road<br>Carolina Beach, NC 28428        |
| R08818-006-040-000 | Keith S. and Melanie C.<br>Steuer      | 1215 Briers Creek Drive<br>Alpharetta, GA 30004     |
| R08818-003-006-000 | Yacht Road Property<br>LLC             | 8108 Needle Grass Way<br>Wilmington, NC 28412       |
| R08818-003-005-000 | Bonnie L. Bird                         | 405 Marina Street<br>Carolina Beach, NC 28428       |
| R08818-003-003-000 | Shelley Hancock ETAL                   | 16718 Five Point Road<br>Locust, NC 28097           |

|                    |  |  |
|--------------------|--|--|
| R08818-006-034-000 | Daniel P. and Kimberly Kay Stiff       | 103 Hopetown Road<br>Carolina Beach, NC 28428      |
| R08818-006-039-000 | Kimberly R. and Michael F. Tenover     | 101 Hopetown Road<br>Carolina Beach, NC 28428      |
| R08818-003-002-001 | KTS Rental Properties LLC              | 9108 Needle Grass Way<br>Wilmington, NC 28412      |
| R08818-003-002-000 | Hubert Owen McLamb and Margaret M. Lee | 902 N Wall Street<br>Benson, NC 27504              |
| R08818-006-035-000 | Gregory W. and Cynthia R. Moore        | 104 Hopetown Road<br>Carolina Beach, NC 28428      |
| R08818-006-038-000 | Herbert Jerry and Rebecca J. Byrd      | 900 Grand Bahama Drive<br>Carolina Beach, NC 28428 |
| R08818-003-008-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08818-003-001-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08818-003-007-000 | Hubert O. and Margaret McLamb          | 902 N Wall Street<br>Benson, NC 27504              |
| R08818-004-011-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08818-004-010-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08818-004-012-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08818-004-009-000 | Quality of Life CB LLC                 | 917 Basin Road<br>Carolina Beach, C 28428          |
| R08818-004-014-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08818-004-008-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08818-004-060-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08814-004-016-000 | CBBY LLC                               | 701 N Lake Park Blvd.<br>Carolina Beach, NC 28428  |
| R08814-004-062-000 | Brian and Jammie Benthem               | 908 Grand Bahama Drive<br>Wilmington, NC 28405     |

|                    |   |  |
|--------------------|---|--|
| R08814-004-061-000 | Jonathan T. and Wendy Richardson              | 905 Grand Bahama Drive<br>Carolina Beach, NC 28428   |
| R08818-006-036-000 | Earl Clyde Kelly                              | Post Office Box 84<br>Semora, NC 27343               |
| R08818-006-037-000 | Anthony Stiff                                 | 902 Grand Bahama Drive<br>Carolina Beach, NC 28428   |
| R08814-004-064-000 | Kevin R. and Angela B. Besecker               | 40 Hillwind Court<br>Greensboro, NC 27408            |
| R08814-004-063-000 | Dennis and Debbie Triplett                    | 906 Grand Bahama Drive<br>Carolina Beach, NC 28428   |
| R08814-004-007-000 | Mona Black Marina LLC                         | 5553 Oleander Drive<br>Wilmington, NC 28403          |
| R08814-003-019-000 | PSM North Carolina Holdings LLC               | Post Office Box 32018<br>Lakeland, FL 33802          |
| R08814-004-047-000 | Jeffrey M. Lee                                | 1001 Waterview Place<br>Carolina Beach, NC 28428     |
| R08814-003-011-000 | PSM North Carolina Holdings LLC               | Post Office Box 32018<br>Lakeland, FL 33802          |
| R08814-004-048-000 | Mary Haila Hampton                            | 1020 Saint Joseph Street<br>Carolina Beach, NC 28428 |
| R08814-004-046-000 | Herbert T. and Lori L. Jerread                | 1003 Waterview Place<br>Carolina Beach, NC 28428     |
| R08814-004-045-000 | Mark and Kim Roundtree                        | 6099 Centre Camp Court<br>Greensboro, NC 27455       |
| R08814-004-044-000 | David T. and Denise F. Anderson               | 1007 Waterview Place<br>Carolina Beach, NC 28428     |
| R08814-004-043-000 | Joseph L. and Betty B. Hudson                 | 1009 Waterview Place<br>Carolina Beach, NC 28428     |
| R08814-004-042-000 | Barbara M. Bigley                             | Post Office Box 994<br>Carolina Beach, NC 28428      |
| R08814-004-041-000 | Paula J. Brannen                              | 1013 Waterview Place<br>Carolina Beach, NC 28428     |
| R08814-004-049-000 | Dan Edwards Leonard, Jr. and Lisa Kay Leonard | 1022 Waterview Court<br>Carolina Beach, NC 28428     |

|                    |                                   |  |
|--------------------|-----------------------------------|--|
| R08814-003-073-000 | Carolina Beach Village HOA        | 1009 N Lake Park Blvd., A-4<br>Carolina Beach, NC 28428                  |
| R08814-003-012-000 | Shaul & Meir Levy Partnership     | c/o L&L Wings Inc.<br>666 Broadway Avenue, Floor 8<br>New York, NY 10017 |
| R08814-003-011-001 | New Hanover County ABC Board      | Post Office Box 3036<br>Wilmington, NC 28406Post                         |
| R08814-003-009-000 | Richard and Cynthia Wallace       | Post Office Box 480<br>Kure Beach, NC 28449                              |
| R08814-003-010-000 | William Thomas and Joy Bordeaux   | Post Office Box 552<br>Carolina Beach, NC 28428                          |
| R08814-003-044-000 | Thomas L. and Barbara M. Savarese | 101 Lighthouse Drive<br>Carolina Beach, NC 28428                         |
| R08814-003-045-000 | Craig M. Wachter                  | 103 Lighthouse Drive<br>Carolina Beach, NC 28428                         |
| R08814-003-046-000 | Harry Mark and Martha B. Arthur   | 105 Lighthouse Drive<br>Carolina Beach, NC 28428                         |
| R08814-003-047-000 | George and Leah Ryer              | 23 Collier Drive<br>Carmel, NY 10512                                     |
| R08814-003-048-000 | John M. and Sharon M. Rondeau     | 109 Lighthouse Drive<br>Carolina Beach, NC 28428                         |
| R08814-003-049-000 | Elizabeth M. Thigpen              | 111 Lighthouse drive<br>Carolina Beach, NC 28428                         |
| R08814-003-050-000 | RSP Properties LLC                | 1028 Waterview Court<br>Carolina Beach. NC 28428                         |
| R08814-003-051-000 | Deborah S. Sullivan               | 115 Lighthouse Drive<br>Carolina Beach, NC 28428                         |
| R08814-003-052-000 | John P. and Claudia A. Bennett    | 117 Lighthouse Drive<br>Carolina Beach. NC 28428                         |
| R08814-003-053-000 | Ashley J. and Mary R. Faulkner    | 2601 Countrywood Road<br>Raleigh, NC 27615                               |
| R08814-003-054-000 | Neusa R. Cabral                   | 121 Lighthouse Drive<br>Carolina Beach, NC 28428                         |

Addresses obtained from a review of the New Hanover County GIS tax records.

Exhibit 2

**Copy of Community Notice**  
(attached)

127 Racine Drive  
University Corporate Center (28403)  
Post Office Box 7068  
Wilmington, NC 28406-7068

P: 910.794.4835  
F: 910.794.4877  
sbf@wardandsmith.com

August 16, 2021

TO: Neighboring Property Owners  
FROM: Cape Fear Four, LLC  
RE: The Proximity - Notice of Public Input Meeting Regarding Conditional Zoning

Dear Neighbors,

I am writing to you on behalf of Cape Fear Four, LLC, an entity owned by four longtime Cape Fear residents: Mike Brown, Brian Eckel, Bill Schoettelkotte and Vin Wells, regarding a planned development on the property located between Lake Park Blvd. and St. Joseph St., near Winner Ave. (Parcel ID Numbers: R08818-002-013-000; R08814-003-015-000; R08814-003-013-000; and R08818-002-002-000) (collectively, the "property").

Plans for this property, to be called The Proximity, call for a mixed-use development featuring a thoughtful blend of residential, restaurant, retail, office and live-work. The development is designed to provide visible commercial space along the Lake Park Blvd. corridor, and to promote pedestrian interconnectivity through this development and to the adjacent commercial developments.

The applicant, Cape Fear Four, LLC, is owned by the above mentioned individuals, and is a subsidiary of GHK Cape Fear Development, LLC. They have a longstanding history of developing thoughtful, high-standard projects that positively contribute to the surrounding community, and will bring this same approach to The Proximity.

You are invited to attend a neighborhood meeting to discuss the required Conditional Zoning needed to facilitate development of a mixed-use commercial-residential development. A proposed site plan showing the development concept, and context plan depicting the integration of the site with adjoining development, are included here for your reference.

Please join us on August 26, at 5:30 p.m. at the Property. Representatives of The Proximity team including the applicant, civil engineering, traffic engineering and landscape architecture teams, will be in available. We look forward to the opportunity to share more details about this proposed development, and welcome your questions and comments. Please register via email at [contact@theproximitycb.com](mailto:contact@theproximitycb.com).

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**WARD AND SMITH, P.A.**

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The Proximity – Neighborhood Meeting  
Page 2

If you have any questions regarding the topics to be covered at the meeting, or wish to comment on the proposed application outside the context of this community meeting, please contact us at [contact@theproximitycb.com](mailto:contact@theproximitycb.com).

Best regards,

Sam Franck  
Counsel to Cape Fear Four, LLC



Exhibit 3**Parties who Registered for Community Meeting**

| <b>NAME</b>                         | <b>EMAIL</b>  |
|-------------------------------------|---|
| <b>Jasmine McKee</b>                | <b>islandgazette@aol.com</b>  |
| <b>Liz Thigpen</b>                  | <a href="mailto:ethigpen@hotmail.com"><u>ethigpen@hotmail.com</u></a>                     |
| <b>Darrell and Linda Lee</b>        | <a href="mailto:dlee45@triad.rr.com"><u>dlee45@triad.rr.com</u></a>                       |
| <b>H. Mark Arthur</b>               | <b>arthurprco@gmail.com</b>   |
| <b>Greg Wallace</b>                 | <a href="mailto:greg@richardwallacebuilder.com"><u>greg@richardwallacebuilder.com</u></a> |
| <b>James and Natalie Pierce</b>     | <a href="mailto:carolinaeyz@gmail.com"><u>carolinaeyz@gmail.com</u></a>                   |
| <b>Michelle Steele</b>              | <b>michellemsteele312@gmail.com</b>   |
| <b>Greg Reynolds</b>                | <b>greg.reynolds.architecture@gmail.com</b>   |
| <b>Paul Levy</b>                    | <b>thelevysatthebeach@gmail.com</b>   |
| <b>Fred Tolhurst</b>                | <b>fred.tolhurst@dentons.com</b>  |
| <b>Mary Garthaus</b>                | <b>mary@wingsbeachwear.com</b>  |
| <b>Clyde Kelly, Conoway, Pierce</b> | <b>Clyde@esinc.net</b>  |
| <b>Cindy Dunn</b>                   | <b>cdunn4765@gmail.com</b>  |
| <b>Mona Black</b>                   | <b>(910) 520-5242</b>   |

|                       |   |
|-----------------------|---|
|                       |   |
| <b>Cynthia Remahl</b> | <b>CynthiaRemahl@Intracoastalrealty.com</b> |

Exhibit 4  
**Community Meeting Attendees**

| <b>NAME</b>      | <b>EMAIL</b>                      |
|------------------|-----------------------------------|
| Mark LeBlanc     | mleblanc1011@gmail.com            |
| Natalie Pierce   | carolinaeyz@gmail.com             |
| Jim Pierce       | jcperce3rd@gmail.com              |
| Ginny Baker      | ginny@triangleexperts.com         |
| Casey Sumner     | casey.sumner@yahoo.com            |
| Maggie Tallon    | N/A                               |
| Dan Leonard      | dedward.leonard@gmail.com         |
| Al Anderson      | 195nbroome@gmail.com              |
| Delores Anderson |                                   |
| Greg Wallace     | greg@richardwallacebuilder.com    |
| Cindy Dunn       | cdunn4765@gmail.com               |
| Randy Simon      | marinemanagementnov2009@gmail.com |
| Ben Say          | benandrhis2@bellsouth.net         |
| Chris Say        | lepetitbijoucb@outlook.com        |
| Mike Hoffer      | mike@mikehoffer.com               |
| Shelley Steele   | shelley@harboroaksassociation.com |
| Crystal Mitchell | cmitchell@gpminvestments.com      |
| Debbie Conaway   | dconaway10@gaill.com              |
| Bill Caren       |                                   |
| Darrell Lee      | dlee45@triad.rr.com               |
| Linda Lee        | lleess@triad.rr.com               |
| Barney Bernstein | barneyb124@gmail.com              |
| Keith Boswell    | kboswell3@gmail.com               |
| Ray Henderson    | Rjhendepawling@yahoo.com          |
| Jay Healy        | jay.healy@carolinabeach.org       |
| Sue Tolhurst     | sftolhurst@gmail.com              |
| Marian Malan     | ceceliemars@yahoo.com             |
| John Malan       |                                   |
| Sabrina Hart     | shrhl20@aol.com                   |
| Ron Hart         |                                   |
| Mary Garthus     | mary@wingsbeachwear.com           |
| Lynn Barbee      | lynn.barbee@carolinabeach.org     |
| Bob Ponzoni      |                                   |
| Paul Fregosi     | pfregosi@gpminvestments.com       |

|                   |                                      |
|-------------------|--------------------------------------|
| Vince Losito      | vlosito@outlook.com                  |
| JoDan Garza       | jodan.garza@carolinabeach.com        |
| Debbie Sullivan   | debbiesullivan94@yahoo.com           |
| Steve Coggins     | scoggins@rountreelosee.com           |
| Clyde Kelly       | clyde@esinc.net                      |
| Kathy Shelton     | sheltonk60@gmail.com                 |
| Paul Levy         | thelevysatthebeach@gmail.com         |
| Debbie Sikorski   | debski62@comeast.net                 |
| Sonja Powell      | sonja@suplap.com                     |
| Larry Powell      |                                      |
| Terri Little      | littletm@live.com                    |
| Joe Faulkner      | Joe@cegrouppinc.com                  |
| Craig Wachter     | journeys_into_wellness@hotmail.com   |
| Charma McKnight   | mcknightcl@hotmail.com               |
| Julie Damron      | jdaron4@gmail.com                    |
| Kristen Dunn      | kristen@dunnbrokers.com              |
| Catherine Robbins | cathrine.robbins@gmail.com           |
| Dan Wilcox        | dan@beachpc.com                      |
| David Denne       |                                      |
| Lynne Denne       | lynnendwave2@att.net                 |
| Stephanie Sumner  | sumners18@ymail.com                  |
| Scott Pate        | cspate3@gmail.com                    |
| Fred Tolhurst     | fred.tolhurst@dentons.com            |
| Sherry Craig      | sherrycraigcb@gmail.com              |
| Amy Craig         | amenmcraig1@gmail.com                |
| Jim Ball          |                                      |
| Dan Bell          | danbell1201@gmail.com                |
| Shane Jones       | blackpal@ec.rr.com                   |
| Mona Black        |                                      |
| Susan Barbee      | sebarbee64@gmail.com                 |
| Karen Graybush    | karengraybush@gmail.com              |
| Greg Reynolds     | greg.reynolds.architecture@gmail.com |
| Matt Giggey       | giggeyrealestate@bellsouth.net       |
| John Jakub        | john@johnjakub.com                   |
| Jasmine McKee     | islandgazette@aol.com                |
| LeAnn Pierce      | leann.pierce@carolinabeach.org       |

## Conditional Zoning District



### ORDINANCE NO. 21-1156

The Town Council of the Town of Carolina Beach hereby amends the Zoning Ordinance, Article 2 Zoning Districts and Map to modify the zoning map as follows:

Approves a Conditional Zoning of 902, 910, 1000, & 1010 N. Lake Park Blvd for a mixed-use commercial-residential (PARIDs R08814-003-013-000, R08814-003-015-000, R08818-002-002-000, & R08818-002-013-000). Below are the conditions of approval and are hereby accepted. I/we acknowledge that the approval is dependent on the conditions, and failure to honor the conditions shall constitute a violation of this ordinance as well as grounds for permit revocation.

Conditions for the Conditional Zoning district site plan drawn by Mihaly Land Design dated 9/6/21 for the Proximity shall be met prior to the issuance of a Certificate of Occupancy for the project.

1. Provide for an 8' multiuse path on Saint Joseph St and through the site connecting to the public right of ways and a 6' sidewalk on N. Lake Park Blvd.
2. All lighting shall be aimed, located, designed, fitted, shielded, and maintained so as not to present a hazard to drivers or pedestrians by impairing their ability to safely traverse and so as not to create a nuisance by projecting or reflecting objectionable light onto a neighboring use or property.
3. Install recommendations of the traffic impact analysis to include upgrades of up to \$300,000 for a traffic light with pedestrian signal at the intersection of Lake Park Blvd and Winner Ave.
4. Provide daily usage of water & sewer and make improvements as required by Public Utilities
5. Access and parking easements to be recorded for usage of the Jersey Mikes parking.
6. Keep existing Live oaks as depicted on the site plan.
7. Prohibit short term rentals less than 90 days within the residential units.
8. Install a pedestrian access on town property located at 108 Winner Ave from the applicant's property to Winner Ave.
9. Memberships to the swimming pool shall be available to residents of Carolina and Kure Beach.

## Requirements

10. A stormwater plan must be submitted and approved prior to issuance of a building permit. The stormwater system must be installed according to approved plans and a letter signed and sealed by a licensed engineer must be provided verifying that the system is properly installed and functioning prior to issuance of certificate of occupancy.
11. Drainage plan must be submitted and approved prior to issuance of a building permit, and signed and sealed by a licensed engineer verifying that the system is properly installed and functioning prior to issuance of a certificate of occupancy.
12. Approval Letter from Division of Water Quality for Stormwater Permit before issuance of Building Permit.
13. Approval Letter from Division of Land Quality for Sedimentation and Erosion Control Permit before issuance of Building Permit.
14. Approval Letter from the Division of Water Quality for construction authorization for public water supply.
15. A driveway permit must be obtained from the NCDOT and Town of Carolina Beach prior to issuance of a building permit.
16. Sign permits must be obtained for any new signs located on the property.
17. Prior to issuance of a building permit lots must be combined to one parcel.
18. All structures shall be limited to 50' in height prior to issuance of a certificate of occupancy, certification by an engineer or architect must be submitted and approved.
19. Final project must be designed to provide the required 525 parking spaces and must comply with Article 7 of the Carolina Beach Zoning Ordinance.
20. Project must be constructed to meet fire code.
21. Final site plan must include cross-section of paving detail and indicate on plan areas to be paved.
22. Type B buffer shall be provided and delineated along the perimeter of the property. Any waivers shall be delineated on the site plan.
23. As-built and certification shall be provided that all improvements, including but not limited to zoning, paving, drainage, stormwater, landscaping shall be constructed and maintained according to the site plan approved by the Director of Planning or his designee prior to Certificate of Occupancy.
24. Prior to issuance of building permit a plan that includes a grading schedule, and construction schedule shall be approved by the Technical Review Committee.
25. Prior to issuance of building permit, all approval letters and final site plan shall be submitted, and items mentioned above shall be submitted and approved by the Town of Carolina Beach Technical Review Committee that includes the Town Manager, Planning and Development, Building Inspections, Operations/Stormwater/Public Works and Fire.
26. Approval of this site-specific vesting plan establishes a vested right under G.S. 160D-108. Unless terminated at an earlier date, the vested right shall be valid until 11/9/23.

Adopted this 9<sup>th</sup> day of November 2021.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Applicant Printed Name: \_\_\_\_\_ Date: \_\_\_\_\_

Mayor LeAnn Pierce: \_\_\_\_\_

Attest: \_\_\_\_\_

Kimberlee Ward, Town Clerk



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Planning

**MEETING:** Town Council – 9 NOV 2021

**SUBJECT:** **Text Amendment:** Consider amending Ch 40 Art VI Sec. 40-175, Sec. 40-176, and Sec. 40-179 to update the ordinance to provide protections for trees on single-family and two-family lots.  
Applicant: Town of Carolina Beach

### BACKGROUND:

Town Council has requested that staff and Planning and Zoning look at options for tree protection and preservation. Past discussions of a tree preservation ordinance led to a discussion to protect native trees and focus on stormwater. Planning and Zoning recommended an ordinance that would require new construction and redevelopment to submit a list of trees within the setback area except for driveways before any land disturbance takes place. Trees to be kept would be marked on site and any heritage trees removed must be replaced with a 2.5” caliper tree. Per guidance provided by Council at the September Workshop, staff simplified the ordinance recommended by Planning and Zoning. Staff also received input from the Beautification Committee on the proposed ordinance. The proposed ordinance will require single-family and two-family lots to plant or preserve a minimum of one tree per 25 linear feet of frontage with both a minimum of six feet tall and a minimum of two inches in caliper. Required trees shall be planted before the Certificate of Occupancy is issued. The intent of the ordinance is to encourage residents to protect and replace trees from the Town’s information guide and plant selection list pre and post construction.

### ACTION REQUESTED:

Consider the amendment and make a motion for recommendation.

### RECOMMENDED MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Art VI Sec. 40-175, Sec. 40-176, and Sec. 40-179 to update the ordinance to provide protections for trees on single-family and two-family lots is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans



Or - A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

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

## ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS



ORDINANCE NO. 21-1160

**Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-176, and Sec. 40-179 to update the ordinance to provide protections for trees on single-family and two-family lots.**

**Sec. 40-175. – Definitions**

*Buffer yard* means the width of the area for the required installation of landscaping and screening materials around the entire perimeter of all lot uses ~~excluding single-family residences and two-family dwellings.~~

**Sec. 40-176. Buffer yard landscaping.**

- (a) *For proposed new construction or expansion.* A buffer yard, as defined herein, shall be provided for all new construction or expansion that is proposed in any amount equal to 50 percent or more of the current tax or appraised value ~~excluding single/two-family homes.~~ However, no buffer yard improvements shall be required for those portions of existing lot frontage used for driveways constructed in accordance with town regulations.
- (b) *Required landscape; types.* It is required that buffer yards be landscaped by meeting the requirements of Type A, B, C or D set forth in subsection (b)(1), (2), (3) or (4) of this section. Any side or rear yard that abuts a residential use or residential district shall provide for a six-foot fence with 80 percent opacity. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (1) *Type A.* For every 50 linear feet, or fraction thereof, the buffer yard shall contain one canopy tree or two understory trees, and three shrubs.
  - (2) *Type B.* For every 50 linear feet, or fraction thereof, the buffer yard shall contain two canopy trees or four understory trees, and six shrubs.
  - (3) *Type C.* For every 50 linear feet, or fraction thereof, the buffer yard shall contain two canopy trees or four understory trees, and six shrubs.
  - (4) *Type D.* For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one understory tree with sidewalks or planters built within the sidewalk. Subdivisions requiring approval by the planning and zoning commission and town council shall provide for sidewalks along with required street tree requirements. (Section 36-136, subdivision regulations)
  - (5) *Type E.* For every 50 linear feet of frontage, or fraction thereof, the street yard shall contain one understory tree with sidewalks or planters built within the sidewalk. Street yards located within the CBD shall include sidewalks with planting areas either adjacent to the curb or planters located within the sidewalk. In the central business district, sidewalks and tree plantings will be required for all new construction.

(6) *Type F.* For every 25 linear feet of frontage, or fraction thereof, the lot shall contain a minimum of one tree. At planting each tree shall be a minimum of:

i. Six (6) feet tall

ii. Two inches in caliper

- (c) *Preservation of vegetation.* If vegetation exists in the proposed buffer yard area, the Zoning Administrator may grant credit toward meeting buffer yard requirements for preservation of the vegetation provided their caliper or height is equal to or exceeds the specifications herein described.
- (d) *Planting and replacement of vegetation.* All buffer yards shall be landscaped with a combination of live vegetation, ground cover, grass, trees, and/or shrubs. Vegetation to be planted pursuant to this section shall be indigenous with or compatible to the town area and be approved by the Zoning Administrator.
- (e) *Minimum buffer yard/street yard widths.*

| Buffer Types  | Uses  | Buffer/Street Yard Size (feet) |
|---------------|---|--------------------------------|
| Type A        | Business/office use/parking areas<br>10,000 sq. ft. or less (public or private)                                 | 5                              |
|               | Multifamily, planned unit development<br>(3—5 units)  | 5                              |
| Type B        | Multifamily, planned unit development<br>(6 + units)  | 10                             |
|               | Intensive, commercial, multi-use<br>facilities/parking areas greater than<br>10,000 sq. ft. (public or private) | 10                             |
|               | Institutional (government buildings,<br>schools, churches)  | 10                             |
| Type C        | Industrial  | 15                             |
| Type D        | Subdivisions (see section 36-140)   | 6                              |
| Type E        | Central business district (CBD), new<br>construction only   | 0                              |
| <u>Type F</u> | <u>Single-family and two-family</u>   | <u>0</u>                       |

**Sec. 40-179. Maintenance.**

- (a) All planted and retained living material required to meet the provisions of this article shall be maintained by the owner of the property on which the material is located, excluding Type F buffer yard. ~~The owner shall replace any planted material, which becomes damaged or diseased or dies, within 60 days of the occurrence of such condition. If, in the opinion of the Director, there are seasonal conditions, which will not permit the timely replanting, this requirement may be administratively waived until a time certain.~~

\_\_\_\_\_  
Mayor LeAnn Pierce

\_\_\_\_\_  
Kimberlee Ward, Town Clerk

Date Signed: November 9, 2021



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Planning

**MEETING:** Town Council – November 9, 2021

**SUBJECT:** **Text Amendment:** Consider amending Chapter 40, Article III & Article IX, to address private parking lots that charge for parking.  
Applicant: Town of Carolina Beach

### **BACKGROUND:**

Town Council requested staff to review the allowances for permanent and temporary commercial parking lots. In 2007 an allowance was created to allow for private lots to charge for parking in the Central Business District (CBD). The allowance was created with the downturn in the economy to allow vacant lot property owners to make use of their property that were in transition.

The town currently has 5 parking lot in the Central Business District that are town owned for a total of 365 spaces. Three privately owned lots had agreements with the Town to manage parking in the district that are year to year for a total 220 spaces. There are 7 private temporary parking lots that operated this summer in the CBD for a total of 595 spaces (see attached parking map). In 2007 what was one temporary lot operating has now expanded to outnumber the number of town spaces for the first time. Permits for temporary private parking lots are issued annually. Temporary private parking lots can charge for parking from Memorial Day weekend to Sunday weekend Labor Day. Private lots can charge all year long if they are approved as permanent parking lots but are required to do more upgrades to handle stormwater, provide landscaping and handicap parking. The town has not issued any permits for a permanent parking lot since the allowance was created in 2007.

Concerns about the operation of commercial parking lots operating practices have caused the review of this ordinance. Private parking lots are known to be more aggressive with their enforcement practices, require handicap to pay for any space, Town decals are not honored, do not provide golf cart parking, fees are not controlled by the town, and private lots occasionally improperly manage trash. Along, with the confusion the public has had if the parking lot is managed by the town or a private entity.

### **ACTION REQUESTED:**

Staff has provided three options for the Commission to review (attached).

1. Eliminate the allowance for temporary private parking lots to charge for parking. The property owners could still use their property for permanent parking lots, but would have to do upgrades.

2. Allow existing commercial business in the CBD to charge for parking when the business is closed.
3. No change and continue to allow for temporary private parking lots to charge in the CBD

Planning & Zoning Commission recommended to remove temporary parking lots and amend the permanent parking lots with additional standards.

**RECOMMENDED MOTION:**




Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of option \_\_\_ ordinance amendment to Chapter 40, Sec. 40-72. & Sec. 40-261 is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans or

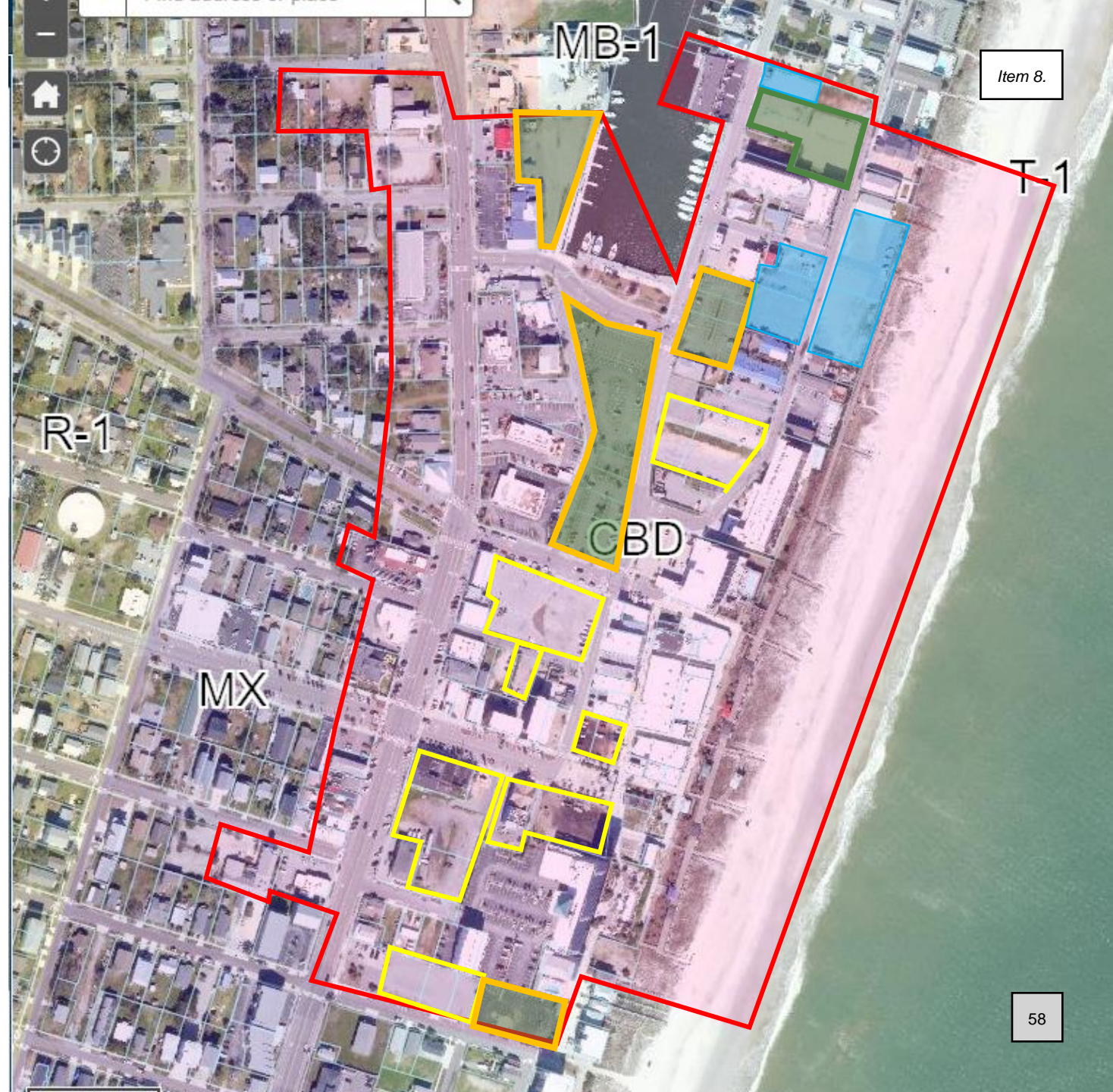
A statement approving the proposed amendment and declaring that this also amends the plan, along with an explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.

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



# CBD Parking

-  • 7 Private parking lots
-  ➤ 595 Spaces
- 5 Town owned lots
-  ➤ 365 spaces
- 3 Town managed lots
- 220 Spaces



Option 1

Eliminate temporary parking lots and allow yearlong with additional standards.

| USES OF LAND   | R-1 | R-1B | R-2 | R-3 | C | MH | MF | MX | CBD | NB | HB | MB-1 | T-1 | I-1 |
|--|-----|------|-----|-----|---|----|----|----|-----|----|----|------|-----|-----|
| <del>Parking lot, commercial—temporary</del><br>(See section 40-261) |     |      |     |     |   |    |    |    | P   |    |    |      |     |     |
| Parking lot, commercial—permanent<br>(See section 40-261)            |     |      |     |     |   |    |    |    | P   |    |    |      |     |     |

Sec. 40-261. - Development standards for particular uses.

(v) *Parking facility design requirements.*

- (1) Parking lot purpose. The purpose of allowing freestanding parking lots is to augment central business district (CBD) businesses that have limited or no parking due to the layout of the CBD and boardwalk area, to relieve traffic congestion in the streets, to minimize any detrimental effects of off-street parking areas on adjacent properties, and to increase public access to beach and sound front areas [standards are placed to protect the adjacent properties, natural resources and the public health and safety of the residents and visitors.](#)
- (2) Parking lots are permitted to accommodate two axle vehicle parking. Parking lot design shall meet all minimum requirements of article V of this chapter, off-street parking and loading requirements, and building code requirements including ADA requirements for handicap spaces.
  - a. Permanent commercial parking lot requirements:
    - 1. Landscaping shall be installed in accordance with article VI of this chapter, landscaping and development specification standards.
    - 2. [Number of accessible handicap parking spaces shall be provided in compliance the North Carolina State Building code.](#)
    - 3. Trash receptacles shall [meet the following.](#)
      - (i) [To be maintained as to not impact adjoining properties \(i.e. smell, debris\).](#)
      - (ii) The number of trash receptacles shall be located on-site equivalent to the number of handicap spaces.
    - 3. Concrete or asphalt aprons shall be installed from the property line to the connecting street.
    - 4. Signage required.
      - (i) Towing signage shall be posted in accordance with chapter 16, article VII.

- (ii) A two foot by two foot sign posted at all entrances and pay stations stating that town decals are not accepted and this is not a town managed lot with a red background.
- 5. Additional allowed signage A-frame signage and off-premises directional signage in accordance with article VIII of this chapter.
- 6. Shall Meet Chapter 32 Stormwater Management Regulations
- b. ~~Temporary commercial parking lot requirements. Temporary commercial parking lots shall meet minimum standard of permanent commercial parking lots with the exception of:~~
  - 1. ~~Landscaping is not required.~~
  - 2. ~~Time frame allowed: 5:00 p.m. Friday week prior to Memorial Day—Sunday week after Labor Day.~~
- c. Town parking lot requirements. Town owned parking lot areas shall be exempt from commercial parking lot requirements.

Option 2

Remove Permanent parking lot and only allow for brick and mortar commercial businesses to charge for parking only when the business is closed.

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

| USES OF LAND  | R-1 | R-1B | R-2 | R-3 | C | MH | MF | MX | CBD          | NB | HB | MB-1 | T-1 | I-1 |
|---|-----|------|-----|-----|---|----|----|----|--------------|----|----|------|-----|-----|
| Parking lot, commercial—temporary<br>(See section 40-261)             |     |      |     |     |   |    |    |    | P            |    |    |      |     |     |
| <del>Parking lot, commercial—permanent<br/>(See section 40-261)</del> |     |      |     |     |   |    |    |    | <del>P</del> |    |    |      |     |     |

Sec. 40-261. - Development standards for particular uses.

(v) *Parking facility design requirements.*

- (1) Parking lot purpose. The purpose of allowing freestanding parking lots is to augment central business district (CBD) businesses that have limited or no parking due to the layout of the CBD and boardwalk area, to relieve traffic congestion in the streets, to



minimize any detrimental effects of off-street parking areas on adjacent properties, and to increase public access to beach and sound front areas standards are placed to protect the adjacent properties, natural resources and the public health and safety of the residents and visitors while encouraging development in the CBD.

- (2) Parking lots are permitted to accommodate two axle vehicle parking. Parking lot design shall meet all minimum requirements of article V of this chapter, off-street parking and loading requirements, and building code requirements including ADA requirements for handicap spaces.

~~a. Permanent commercial parking lot requirements:~~

- ~~1. Landscaping shall be installed in accordance with article VI of this chapter, landscaping and development specification standards.~~
- ~~2. Trash receptacles shall be located on-site equivalent to the number of handicap spaces. Trash shall be emptied daily.~~
- ~~3. Concrete or asphalt aprons shall be installed from the property line to the connecting street.~~
- ~~4. Signage required:
 
  - ~~(i) Towing signage shall be posted in accordance with chapter 16, article VII.~~
  - ~~(ii) A two foot by two foot sign posted at all entrances and pay stations stating that town decals are not accepted.~~~~
- ~~5. Additional allowed signage A frame signage and off-premises directional signage in accordance with article VIII of this chapter.~~

b. Temporary commercial parking lot requirements. ~~Temporary commercial parking lots shall meet minimum standard of permanent commercial parking lots with the exception of:~~

- ~~1. Landscaping is not required. Where an off-street parking lot is on the same property as an existing commercial building business the entity may charge vehicles to park only during hours that the business is closed. Commercial businesses shall be open and operational for a minimum of one year prior to obtaining a permit for a temporary private parking lot.~~
- ~~2. Time frame allowed: 5:00 p.m. Friday week prior to Memorial Day—Sunday week after Labor Day.~~
- ~~3. Number of accessible handicap parking spaces shall be provided in compliance the North Carolina State Building code.~~
- ~~4. Trash receptacles shall meet the following.
 
  - ~~(i) To be maintained as to not impact adjoining properties (i.e. smell, debris).~~
  - ~~(ii) The number of trash receptacles shall be located on-site equivalent to the number of handicap spaces.~~~~
- ~~5. Concrete or asphalt aprons shall be installed from the property line to the connecting street.~~

6. Signage required.

- (i) Towing signage shall be posted in accordance with chapter 16, article VII.
- (ii) A two foot by two foot sign posted at all entrances and pay stations stating that town decals are not accepted and this is not a town managed lot with a red background.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley

**DEPARTMENT:** Executive

**MEETING:** Town Council – 11/9/2021

**SUBJECT:** Award Parking Contract – Pivot Parking

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**BACKGROUND:**

Review contract from Pivot Parking.

**ACTION REQUESTED:**

Motion to award the 2022 parking contract to Pivot Parking.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Bruce Oakley

**DEPARTMENT:** Executive

**MEETING:** Town Council – 11/9/2021

**SUBJECT:** Update on Lake Dredge Project

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**BACKGROUND:**

The Lake Dredge Project bids were due on Friday, November 5, 2021.

**ACTION REQUESTED:**

Review bids and select a contractor.



## AGENDA ITEM COVERSHEET

**PREPARED BY:** Bruce Oakley

**DEPARTMENT:** Executive

**MEETING:** Town Council – 11/9/2021

**SUBJECT:** American Rescue Funds

### **BACKGROUND:**

The American Rescue Plan allows Cities and Towns to pay employees who are essential to the operation of the organization and who bore health risks during the COVID-19 pandemic. Every employee in the Town of Carolina beach performed duties that at some point increased their risk of exposure to the public and to fellow employees. If Council approves, this proposal will provide them a one-time premium payment.

The proposed payment from the American Rescue Funds will pay those workers whose job duties put them at a higher level of risk, such as first responders, utility workers, and environmental workers a total of \$1500. It will pay those employees who were required to be in the office every day a total of \$1000 and those who were able to work from home occasionally or had a reduced risk a total of \$500.

The workers who did occasionally worked from home or had a reduced risk were essential to the operation of the town and were only allowed to work from home for a brief period during our State of Emergency. The proposed reduced pay for these employees is in keeping with the requirements of the American Rescue Plan, but out of fairness and for employee morale, I am requesting that we pay these employees an additional \$500 out of the town's general fund.

The proposed breakdown of the payments would be as follows:

\$121,480 – American Rescue Plan

\$5500 – General Fund

### **ACTION REQUESTED:**

Motion to approve \$121,480 of the American Rescue Plan funds for premium pay in addition to \$5,500 from the general fund to cover the remainder.



## AGENDA ITEM COVERSHEET

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**PREPARED BY:** Kim Ward

**DEPARTMENT:** Clerk

**MEETING:** Town Council – 11/9/2021

**SUBJECT:** Committee Appointments

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### **BACKGROUND:**

The Planning and Zoning Commission has one vacant seat with a term expiring 6/30/2022. There are 12 applications on file. Planning Staff sent interview questions to the 12 applicants on file (attached). Five replied to the questions. Based on the responses and utilizing the review criteria of relevant experience, understating P&Z duties, vision, local knowledge and level of commitment staff top three are Lynn Conto, Paul Levy, and David Gadalla.

### **ACTION REQUESTED:**

Appoint an applicant to the unexpired vacant seat.

COMMITTEE BALLOT

There is one vacant seat on Planning and Zoning.

**Please select ONE** of the interested applicants:

- Aaron Smith
- Amanda Nestor (also serves on BOA)
- Bill Carew
- Bill Stoll
- David Gadalla
- Dorrene Stanley
- Eric Lachance (recently appointed to Parks and Rec)
- George Acker (also serves on Police Advisory)
- Lynn Conto (also serves on Police Advisory)
- Paul Levy (also serves on BOA and Ops)
- Quinn Marlow
- Scott Cornelison (also serves on Ops)

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Council Signature

## Planning & Zoning Commission Questioner

### David Gadalla

1. Tell us about yourself and why you are interested in serving on the Planning & Zoning Commission? What useful experience, knowledge, or perspective do you bring?

My wife and I have lived in Carolina Beach for 7 years. I work for a General Contractor in Wilmington and feel my 20+ years of experience would be my contribution to our Town. I would really love to be involved with the Town and feel this is the best way for me to provide my expertise.

2. Are there any changes you might like to see or new regulatory tools you might favor?

I would be interested in seeing how future development will be managed and regulated. Also, what can be done to help boost the property on the North End.

3. How do you view the role of Town staff in terms of their interaction with the Planning & Zoning Commission?

I view the role as providing a thorough review of any proposals and making the presentations of the proposals to the Town Council if we feel that the project is meeting the requirements of P&Z.

4. What do you view as being the duties of the Planning & Zoning Commission?

Reviewing potential development and changes to existing developments.  
Working as a team to determine if the proposal should be and can be presented to Town Council.

Presenting proposals to council and answering questions for the citizens  
Have knowledge of the P&Z rules & regulations. Also make changes as necessary.

5. In the process of trying to reach a conclusion on a proposed regulation, rate the following in order of importance with one (1) being the most important.
  - a. Compromising to reach consensus 4
  - b. Listening to and understanding others points of view 2
  - c. Articulating and ensuring others understand your point of view 3
  - d. Being respectful of others 1

6. How long have you lived in the Town of Carolina Beach?

7 years.



7. In creating Land Use Code, do you favor regulations that are strict (little to no room for interpretation) or flexible (room for interpretation)?  
Flexible without a doubt. Rules must change as the community changes.
  
8. What do you see as the role/purpose of a Land Use Plan/comprehensive plan?  
To set a guideline but not necessary an absolute for proposals to be developed around. Some interpretation and flexibility must be built in to the review process.
  
9. What do you see as important land-use issues confronting us? – things you'd look forward to working on?  
We are running out of land so trying to focus on redevelopment would help save some of the open lots and spaces.  
Different types of residential projects. Are we providing the opportunity for low income as well as single family mansions?  
Are we providing adequate parking for commercial development?
  
10. Will you have time for the work? -- meetings 2<sup>nd</sup> Thursday 6:30p.m., plus subcommittees, research and packets of information to review.  
Yes.

## Planning & Zoning Commission Questions

**Name: Eric Lachance**

1. Tell us about yourself and why you are interested in serving on the Planning & Zoning Commission? What useful experience, knowledge, or perspective do you bring?

I have always been interested in how land/space is utilized for the betterment of the community while balancing the desires of the individual. I have vast experience in managing people and resources, first as an engineer officer and today as the Chief of Operations for a small biotechnology company. I am a Licensed Professional Engineer and Government Contracting expert and have dealt for decades with local and federal governments. I bring a very different perspective than a standard member as I have been involved in developing and managing projects that last for a decade or longer. I feel my vast experience, Civil Engineer, Sourcing Manager for GE, University Professor, Entrepreneur, and Army Officer serving across multiple positions provides a point of view from many different stakeholders in the Planning and Zoning process.

2. Are there any changes you might like to see or new regulatory tools you might favor?

I do not have any recommendations as I have not been involved in this process to date.

3. How do you view the role of Town staff in terms of their interaction with the Planning & Zoning Commission?

My only expectation is they provide the best data available for the commission to make the best recommendations for the Town Council to decide.

4. What do you view as being the duties of the Planning & Zoning Commission?

Our duty is solely the community representation to planning and zoning decisions as it goes into the Town Council for final decisions. Though I am not involved in real estate or development, it will be critical to recuse myself for any issues that I might be party too.

5. In the process of trying to reach a conclusion on a proposed regulation, rate the following in order of importance with one (1) being the most important.
  - a. Compromising to reach consensus (4)
  - b. Listening to and understanding others points of view (2)
  - c. Articulating and ensuring others understand your point of view (3)
  - d. Being respectful of others (1)

6. How long have you lived in the Town of Carolina Beach?

7. In creating Land Use Code, do you favor regulations that are strict (little to no room for interpretation) or flexible (room for interpretation)?

8. What do you see as the role/purpose of a Land Use Plan/comprehensive plan?

It provides plan for the direction of the town over the next five to 10 years. It allows new businesses to understand the path the Town is going to develop to they can invest accordingly. This plan allows for Town to handle the potential growth and changes over the approved timelines.

9. What do you see as important land-use issues confronting us? – things you'd look forward to working on?

Probably the most important land use is the use of parking lots and the revitalization of Canal area of the island.

10. Will you have time for the work? -- meetings 2<sup>nd</sup> Thursday 6:30p.m., plus subcommittees, research and packets of information to review.

Yes

## Planning & Zoning Commission Questions

### Lynn Conto

1. Tell us about yourself and why you are interested in serving on the Planning & Zoning Commission? What useful experience, knowledge, or perspective do you bring?

*I am a Hotel Operations/GM (Marriott) and HR (ClubCorp) professional, as such, I have lived all over the Country, providing me with varying examples of good and bad enacted planning/zoning decisions. I've been in CB long enough to see what has worked (from my perspective) and I would like to be a part of future decisions and fair execution of our Zoning Regulations and Land Use Plan going forward. I am very organized, analytical and committed.*

2. Are there any changes you might like to see or new regulatory tools you might favor?

*I can't speak to regulatory changes, but I have heard it said more than once, about how difficult it is for new businesses to succeed in getting Town approval to build. I would like to ensure that businesses find a welcoming environment here.*

*I think there are circumstances where we adhere too strictly to the ordinances versus practicing a more common-sense approach in order to attract/assist businesses.*

*Along the same lines as the suggestion that potential parking solutions may be found in other similarly-sized beach towns, I think we can also seek thoughts around contentious planning and zoning ordinances. We could seek out "best practices" from our sister coastal towns and in return share with them as needed/requested. I think these relationships could prove very beneficial to CB.*

3. How do you view the role of Town staff in terms of their interaction with the Planning & Zoning Commission?

*The Town Staff is truly the knowledge bank for P&Z. Their roles require that they know the code, have a historical perspective, help with conditional zoning suggestions, etc.*

*They are essential in administering Code Enforcement, presenting a petitioner's project in an objective manner to either P&Z or Council, reviewing permit applications and approving requests that meet the established standards. Town Staff is also responsible for making recommendations to P&Z or Council.*

4. What do you view as being the duties of the Planning & Zoning Commission?

*P&Z duties, review::*

- 1) *Permit applications that require attention and determine viability to pass on to Council*
- 2) *Initiate changes or requests for changes to the text of the Land Use Plan*
- 3) *Assist with suggestions for the creation of planning for the growth of CB and present to Council.*

5. In the process of trying to reach a conclusion on a proposed regulation, rate the following in order of importance with one (1) being the most important.
  - a. Compromising to reach consensus (4)
  - b. Listening to and understanding others points of view (1)
  - c. Articulating and ensuring others understand your point of view (2)
  - d. Being respectful of others (3)

*I learn far more from listening, but I feel consensus can be elusive.*

6. How long have you lived in the Town of Carolina Beach?

*14 years*

7. In creating Land Use Code, do you favor regulations that are strict (little to no room for interpretation) or flexible (room for interpretation)?

*I think I fall in the 80/20 camp. 80% of the time, I think strict compliance to the regulations are required (low density housing vs. business districts, etc.) to ensure "promises made" to residents and business owners are kept. (A recent example would be the Pleasure Cay pickle ball court.)*

*The other 20% of the time, I believe we need more flexibility to consider future innovation and changes that better meet the needs/wants of the overall community. (Similar to the recent agreeance with Proximity's changing from the defined Land Use requirements of a horizontal perspective to a vertical one.)*

8. What do you see as the role/purpose of a Land Use Plan/comprehensive plan?

*Fundamentally, I think a land use plan should allow for efficient use of our resources to ensure that the needs of the residents are met today. While at the same time, protecting our infrastructure and other resources for tomorrow.*

9. What do you see as important land-use issues confronting us? – things you'd look forward to working on?

*As our town's undeveloped land becomes less and less available, I think mixed-use projects are going to become more important as they will allow us to provide numerous benefits for residents and visitors in a single project.*

10. Will you have time for the work? -- meetings 2<sup>nd</sup> Thursday 6:30p.m., plus subcommittees, research and packets of information to review.

*I am fortunate enough to be retired. I enjoy filling my time with activities that I find worthwhile as well as Pro Bono work in HR. I sincerely can't imagine anything more worthwhile than time spent on issues involving our town's current and future growth. I love CB!*

**Planning & Zoning Commission Questions**  
**Name: Bill Stoll**

1. Tell us about yourself and why you are interested in serving on the Planning & Zoning Commission? What useful experience, knowledge, or perspective do you bring?  
I am a owner operator of 3rd generation road Restoration company operating in Louisville Kentucky. I specialize in restoring roads after utilities have made repairs or install new service.
2. Are there any changes you might like to see or new regulatory tools you might favor? I would like to be a part of the process and add in any knowledge I might have in this area.
3. How do you view the role of Town staff in terms of their interaction with the Planning & Zoning Commission? I see it as a partnership and clear communication along with seeing the objectives and goals to fruition.
4. What do you view as being the duties of the Planning & Zoning Commission? I would like to be a member of this commission to take apart in bettering our community and building a town that everybody can be a part of.
5. In the process of trying to reach a conclusion on a proposed regulation, rate the following in order of importance with one (1) being the most important.
  - a. Compromising to reach consensus
  - b. Listening to and understanding others points of view
  - c. Articulating and ensuring others understand your point of view
  - d. Being respectful of othersD. 1 , B. 2, A 3, C 4
6. How long have you lived in the Town of Carolina Beach? We have had a vacation property on Charlotte avenue since 2014.
7. In creating Land Use Code, do you favor regulations that are strict (little to no room for interpretation) or flexible (room for interpretation)? I would say I believe in more strict rules because if they are well vetted rules they should stand the test of time.
8. What do you see as the role/purpose of a Land Use Plan/comprehensive plan? I see a comprehensive plan that will ensure the town of Carolina beach remains true to its mission and also takes care of all residents interest and concerns.

9. What do you see as important land-use issues confronting us? – things you'd look forward to working on? I would say that one major concern confronting us is the influx of traffic during the seasonal months. Taking care to ensure safety and also concern for over development. Keeping track of zoning for commercial uses and sightline of the town.
  
10. Will you have time for the work? -- meetings 2<sup>nd</sup> Thursday 6:30p.m., plus subcommittees, research and packets of information to review. My goal is to be involved in Carolina Beach in some capacity. Obviously I am still a full-time business owner. I am more than willing to give the time I have available to this. I cannot for sure promise I'd be here every month for the meeting but more than available most likely every other month. I would like to be able to share my talents and knowledge of infrastructure and construction along with utility knowledge and relocation with the town of Carolina Beach. I look forward to retiring here at some point and having more time to spend on these issues. Again , anywhere my time might be valuable I'm willing to give.