

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, September 10, 2020 – 6:30 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. Review and Approve Meeting Minutes from August 13, 2020

STAFF REPORT ON RECENT COUNCIL MEETINGS

PUBLIC DISCUSSION

DISCUSSION ITEMS

2. Consider a Conditional Use Permit to approve the operation of day care facilities at 105 Dow Road, Seaside Chapel
3. Consider amending Chapter 40 to Sec. 40-72 & Sec. 40-548 to address floating homes

NON-AGENDA ITEMS

ADJOURNMENT

CAROLINA BEACH

Planning and Zoning Commission Meeting Minutes
Thursday, August 13, 2020 @ 6:30 PM
Council Chambers
1121 North Lake Park Boulevard
Carolina Beach, NC 28428

ASSEMBLY

The Town of Carolina Beach Planning and Zoning Commission meeting was held on Thursday, August 13, 2020, at 6:30 PM in Council Chambers.

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

ABSENT: P&Z Chairman Keith Bloemendaal and P&Z Commissioner Mike Hoffer

ALSO PRESENT: Planning Director Jeremy Hardison and Planner Miles Murphy

VICE CHAIRMAN LECOMPTE CALLED THE MEETING TO ORDER

APPROVAL OF MINUTES

1. Review and Approve Meeting Minutes from June 11, 2020

ACTION: Motion to accept the minutes as written

Motion: Commissioner Rouse

Second: Commissioner Jeff Hogan

Vote: 5-0

STAFF REPORT ON RECENT COUNCIL MEETINGS

- 1415 South Lake Park Boulevard nearing completion
- Planned Unit Development at 409-413 Carolina Beach Avenue North near completion
- Town Council approved 522 North 7th Street Conditional Use Permit 5-0

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Murphy reported the following statistics for the past two months:

Permitting

- 60 permits (renovation, repair, grading, additions, fence)
- 16 residential new construction
- 27 certificates of occupancy

Code Enforcement

- 30 complaints received
- 17 resolved

Demolition

- 109 Cape Fear Boulevard: Internal demolition has started. Crews were taking out asbestos until Hurricane Isaias hit. Exterior demolition should begin in the next few weeks.
- 1213 Canal Drive: This property will be demolished, but the owners ran into Coastal Area Management Act (CAMA) permit difficulties. There is an outflow pipe for stormwater that runs through the left side of the property, and the bulkhead is decimated there. The owners must get a major CAMA permit to rebuild the whole area due to wetlands, so progress has been delayed.

New Business (change of ownership)

- CB Bike Shop, 915-A North Lake Park Boulevard
- North End Java Stop/Half-Way House Grocery Store, 910 Carolina Beach Avenue North: These are two separate businesses that are next to each other but not connected. The former grocery store is reopening under the ownership of the coffee shop.

Hurricane Isaias

- Damage assessment completed; minimal damage overall; some structures deemed unsafe by Building Inspector

Coming Up

- Conditional Use Permit: 8-unit Planned Unit Development at 202 Carolina Beach Avenue South
- Text amendment: nonconforming structures
- Text amendment: sign ordinance overhaul
- Text amendment: road improvement standards
- Conditional Use Permit for daycare at 105 Dow Road – Seaside Church
- Land Use Plan public comment session – August 20

Commissioner Rouse asked if The Fat Pelican building, which sustained damage during Hurricane Isaias, had been declared unsafe. Mr. Murphy said no, but the owners are planning to come in soon for a building permit. He said he had no further information on the property at this time.

PUBLIC DISCUSSION

2. Land Use Plan Update

Mr. Hardison said Town Council was in favor of the same recommendations that the Planning and Zoning Commission had made with one change: a clarification where the Central Business District (CBD) line would end at Pelican Lane. Chairman Bloemendaal, Vice Chairman LeCompte, and Commissioner Rouse were all at the meeting and said they would be OK with that change. All revisions have now been compiled into one plan. Town Council wanted to have another opportunity to present the Land Use Plan to the public in a forum that is not as restrictive as Town Hall, so there will be an outdoor open house at Carolina Beach Lake Park on August 20 at 6:00 PM. Vice Chairman LeCompte said she will plan on attending this. The next step would be for Town Council to vote on the Land Use Plan during the September regular meeting.

DISCUSSION ITEMS

3. Review the Preliminary Plat Approval for Hidden Hills Phase II Subdivision

Mr. Hardison reviewed the background and request. The applicant, Ann Freeman, is requesting preliminary plat approval for Hidden Hills Phase II Subdivision located on the west side of Saint Joseph Street, east of Portside Village. Hidden Hills Subdivision has a total area of 6.3 acres and was approved for 10 lots in 2005. Two of the lots were combined for a total of nine lots. Seven of the lots have been developed. Phase II will consist of six lots for a total of 15 lots for the subdivision. The lots will be 23,000-73,000 square feet. There is an existing access (Hidden Hills Drive) to the subdivision from Saint Joseph Street and with a 42-foot private right-of-way. The applicant proposes to extend the existing 42-foot Oak Outlook Way right-of-way 225 feet to the south. The pavement will match the exiting width of 22 feet. There will be a 40-foot-by-120-foot hammerhead at the end of Oak Outlook Way for turnaround access. A small portion of the proposed lots is in a flood zone and wetlands, but no structures will be located high ground and no disturbance will occur. There are two existing fire hydrants to service the subdivision. Water and sewer will be extended to service the lots. An additional light pole will be added and street trees for every 50 feet of lot frontage. Existing vegetation can be used and is encouraged. Sidewalks were not required for Phase I, and none are being proposed for Phase II. Single-family dwellings are permitted by right in the R-2 zoning district. The minimum lot size is 7,000 square feet, and setbacks for structures in this district are 25 feet from the front, 10 feet off the rear, and 7.5 feet from the side yard except on corner lots where 12.5 feet will be required. Maximum height for structures is 50 feet for this district. The maximum lot coverage per lot will not exceed 40 percent and is within the allowable density for the R-2 zone.

Planning staff recommends approval of this preliminary plat subject to the following conditions. Final plat may not be submitted for approval until all conditions, revisions, changes, and submissions are made. The conditions, revisions, changes, and submissions to be made are as follows:

1. Approval letter from the Division of Water Quality for stormwater control.
2. Approval letter from the Division of Land Quality for sedimentation and erosion control.
3. Street trees shall be installed according to preliminary plat submittal. Existing vegetation can be used for this requirement.
4. The accurate locations and descriptions of all monuments, markers, and control points.
5. A drainage plan that will include all portions of the development shall be submitted. This plan shall be prepared and sealed by a registered surveyor or engineer.
6. Section 12-130 (The Planning and Zoning Commission may require the subdivider to construct a concrete sidewalk on one side of all frontage streets and on one or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Planning and Zoning Commission).
7. Lot coverage for any lot located within the subdivision shall not exceed 40 percent maximum lot coverage.
8. Designate on plan location of all open space, recreation area, and stormwater pond, and designate ownership.
9. Grading, surfacing, curb and gutters, sidewalks, street lighting, street trees, sewage disposal facilities, stormwater drainage facilities, and other utilities shall be installed and certified by a surveyor and/or engineer or performance guarantee provided prior to recordation of the final plat.
10. Planning and Zoning Commission may recommend a street stub-out for Oak Outlook Way extension to the adjacent south parcel.

11. Any wetlands disturbance shall receive Army Corps of Engineer approval.

Regarding item 10, Vice Chairman LeCompte asked if the vacant lot to the south has frontage on Saint Joseph Street. Mr. Hardison said yes. He said Planning staff looks for ways to achieve interconnectivity when possible, but the owner of the property was not interested in doing this.

Commissioner Rouse asked if the utilities are underground. Mr. Hardison said yes.

Commissioner Boswell asked how the owner feels about sidewalks. Mr. Hardison said the plan does not include sidewalks because the existing subdivision does not have sidewalks.

The applicant did not address the Commission. There was no public comment.

ACTION: Motion to close public comment

Motion: Vice Chairman LeCompte

Second: Commissioner Rouse

Vote: 5-0

Commissioner Ittu said he thought the plan was well drawn out. He said he was interested in sidewalks but thought it doesn't make sense if they are not already there in Phase I. Vice Chairman LeCompte said she agreed. Commissioner Boswell said even though sidewalks were not in Phase I, she thinks things have progressed since then so she would be in favor of requiring them in Phase II. Commissioner Hogan said he would love to see sidewalks, but without any in Phase I it would just be a sidewalk to nowhere. He said he thought it was well drawn out and a good plan.

Vice Chairman LeCompte said she likes the large size of the lots, something not seen much in the Town. Commissioner Rouse said it was refreshing to see large lots and not disturbing wetlands.

Mr. Hardison emphasized that the staff recommendation does not require sidewalks or interconnectivity, but conditions may be added.

ACTION: Motion to accept the plan as presented by staff

Motion: Commissioner Hogan

Second: Commissioner Rouse

Vote: 5-0

NON-AGENDA ITEMS

Commissioner Rouse asked when Town Council will vote on expiring Commission terms. Mr. Hardison said appointments for the Planning and Zoning Commission would be done at the September regular meeting, although appointments for other committees will be delayed beyond that.

Commissioner Rouse asked if there were any plans for virtual training sessions for the newly seated Commission. Mr. Hardison said continuing education of Commissioners is important, so he will see if the UNC School of Government has anything like this available. He said it is also possible to do some training with the Town Attorney. Commissioner Rouse said training is important not just for new people but for everyone on the Commission.

ADJOURNMENT

Vice Chairman LeCompte made a motion to adjourn at 6:57 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Kim Ward

DEPARTMENT: Planning

MEETING: Planning and Zoning September 10, 2020

SUBJECT: Review and Approve Meeting Minutes from August 13, 2020

ACTION REQUESTED:

Review minutes from previous Planning and Zoning meeting.

RECOMMENDED MOTION:

Motion to approve the meeting minutes as presented.



AGENDA ITEM COVERSHEET

PREPARED BY: Miles Murphy, Senior Planner

DEPARTMENT: Planning

MEETING: Planning & Zoning – 10 SEP 2020

SUBJECT: A Conditional Use Permit to approve the operation of day care facilities at 105 Dow Road, Seaside Chapel

BACKGROUND:

The applicant, Seaside Chapel, is requesting a Conditional Use Permit (CUP) to operate day care facilities at their current facility located at 105 Dow Road. The parcel is zoned R-3 which allows day care facilities with a CUP.

The property was originally organized under a 2005 CUP. This controls the current the site plan and associated landscaping. Seaside Chapel is only proposing one improvement on the site; the addition of a fenced playground area. Staff is requiring additional landscaping to be placed on the north side of this proposed addition to enhance landscape buffers to the adjacent neighbors on 8th street.

Specific standards. No *conditional use* shall be granted by *town council* unless the following provisions and arrangements, where applicable, have been made to the satisfaction of the council:

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - Ingress and egress will remain via Charlotte Avenue
 - The design will accommodate 2-way traffic and sufficient parking, extra is available on other locations on site
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
 - Parking will be contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash service will not be changed
- (4) Utilities, with reference to locations, availability, and compatibility;
 - Utilities will not be changed
- (5) Screening and buffering with reference to type, dimensions, and character;
 - Additional landscaping is being required on the north side of the proposed fenced playground area
- (6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

- Signage is proposed at this time and all signage will have to meet standard zoning requirements for approval

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

- There is no required yard or open space beyond general zoning standards which are all met in the original 2005 CUP for this property

General conditions.

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

- The density falls within the standard R-1 density requirements and the proposed structure follows the setback requirements

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

- The proposed CUP meets all required conditions.

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

- The proposed structure/use will conform with the neighboring properties

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

- The desired Future Land Use of the Residential 3 area includes single-family units only. Building height will not exceed a 40' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be low with a minimum of 12,000 square foot lots and around 3.5 units per acre. Lot coverage will not be allowed to exceed 40%. New multi-family development shall be prohibited.

ACTION REQUESTED:

Staff recommends the approval of the CUP for day care facilities at 105 Dow Road, Seaside Chapel

RECOMMENDED MOTION:

- Approve the CUP for the operation of day care facilities at Seaside Chapel (105 Dow Road), that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)

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

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

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

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



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

TRC - 8/1/20
Item 2.

RECEIVED
AUG - 4 2020

Permit Number: 20-004

Each application must be printed or typewritten and have all information answered. **It is required that the applicant set up a meeting with Planning Staff prior to the submission deadline to ensure the application is complete.** The Town of Carolina Beach requires a licensed attorney to appear in a representative capacity to advocate the legal position of another firm, or corporate entity that is the applicant/owner of record.


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

Major and minor projects; application fees. The owner or owners, or their duly authorized agent, of the property included in the application for a conditional use permit shall submit a complete application and supplemental information to the Zoning Administrator. A fee in accordance with the Town's adopted schedule of fees, payable to the Town of Carolina Beach, must accompany each application. For the purposes of determining the fee, the Zoning Administrator shall categorize each such Conditional Use Permit Application as either "major" or "minor", depending upon the complexity of review. Generally, Planned Residential (over 3 units), Mixed Uses, Business Developments, and similarly complex projects shall be categorized as "major", while projects such as bed and breakfast inns, small day care services, etc. shall be categorized as "minor".

Major Conditional Use Permit = \$ 800.00
Minor Conditional Use Permit = \$ 350.00

Fees are nonrefundable after item has been sent for advertisement

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

 2020 Submission Deadlines & Meeting Dates					
Technical Review Committee		Planning & Zoning Commission		Town Council	
Submission	Meeting	Submission	Meeting	Submission	Meeting
Jan 6	Jan 21	Jan 30	Feb 13	Feb 25	Mar 10
Feb 4	Feb 18	Feb 27	Mar 12	Mar 31	Apr 14
Mar 2	Mar 16	Mar 26	Apr 9	April 28	May 12
Apr 6	Apr 20	Apr 30	May 14	May 26	June 9
May 4	May 18	May 28	June 11	June 30	July 14
June 1	June 15	June 25	July 9	July 28	Aug 11
July 6	July 20	July 30	Aug 13	Aug 25	Sept 8
Aug 3	Aug 17	Aug 27	Sept 10	Sept 29	Oct 13
Sept 7	Sept 21	Sept 24	Oct 8	Oct 27	Nov 10
Oct 5	Oct 19	Oct 29	Nov 12	Nov 24	Dec 8
Nov 2	Nov 16	Nov 26	Dec 10	Dec 29	Jan 12, 2021
Dec 7	Dec 21	Dec 30	Jan 14, 2021	FEB '21	FEB '21
Jan 4, 2021	Jan 19, 2021	JAN/FEB 2021	FEB '21	MARCH '21	MARCH '21
Board	# Copies Full Size	# Copies Electronic	Recipients		
TRC	9	1	1 Manager, 3 Planning, 1 Fire, 1 Police, 2 Operations, 1 Admin		
P&Z	9	1	7 P&Z, 1 Manager, 2 Planning, 1 Secretary, 1 Island Gazette		
Town Council	9	1	5 Town Council, 1 Manager, 1 Planning, 1 Clerk, 1 Island Gazette		

PURPOSE

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

Please complete all sections of the application.

A. Property Information

Address(es): 105 Dow Rd. Carolina Beach, NC 28428

PIN(s): 3130-15-3639.0000

Project Name Seaside Chapel

Size of lot(s): 2.52 acres (250' x 450')

B. Application for Conditional Use Permit

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

Child care Facility - to provide childcare for surrounding communities, using current pre-existing buildings on property

C. Applicant Contact Information

Seaside Chapel
Company/corporate Name (if applicable):

Dana Vess
Applicant's Name

100 S. 8th St.
Mailing Address

Carolina Beach NC 28428
City, State, and Zip Code

(828) 429-8407
Telephone

dनावess1@yahoo.com
Email

D. Owner Contact Information (if different)

Seaside Chapel Independent Church
Owner's Name

P.O. Box 451
Mailing Address

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

Telephone

Email

General conditions. Council, when granting a conditional use permit, shall find that all four of the following factors found in Chapter 40 Article XI exist. In the spaces provided below, indicate the facts and arguments that prove you meet the following conditions:

- 1. Indicate how the proposed CUP will not adversely affect health or safety if located where proposed and developed according to the plan submitted:

The proposed location is already developed. A portion of an established church will be used. Buildings, parking lot and established traffic patterns in and out of the parking lot already exist and will present no safety or health issues.

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

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

As mentioned above, Seaside Chapel has been established for many years. The church currently occupies an entire city block. It is our goal to provide a service for the community by providing additional resources for an after school program. Due to the current pandemic many parents are in need of a structured program so they may continue to work. We see this as a benefit for the community.

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

The After school program will occupy a portion of the first floor of Seaside Chapel's Family Life Center. The program is designed to provide care for 25 school age children. It will not interfere with any harmony within the community and will conform to all Town plans and policies

Specific standards. No conditional use shall be granted by Town Council unless the following provisions and arrangements where applicable, have been made to the satisfaction of the council.

1. Indicate how the Ingress and egress to the property and proposed structures in reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe:

Traffic flow will enter and exit using established driveway & parking lot,
off Charlotte Ave.

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

There is not property adjoining this property. We will be using existing parking area already established for Seaside Chapel. No additional parking needed

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

Seaside Chapel already has town bins for both trash and recycling.
Only household items will be used for this program.

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

We will not need any additional services. We will use the
current utilities of Seaside Chapel

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

Seaside Chapel already has shrubs and trees that line portions
of the south side and east side of the property. No additional buffering added

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

Signage will be on the side of the building of the two story building, it will NOT
be lit, an outside light already covers the parking lot area, therefore no additional needed

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

The land has been cleared many years ago when the church was
built. No changes will be made to the property other than a fence added
to a 50' x 50' portion of a cleared unoccupied corner of the property

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.

- | <u>Yes</u> | <u>No</u> | <u>N/A</u> | |
|--------------------------|--------------------------|--------------------------|--|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The name, address, and phone number of the professional(s) responsible for preparing the plan if different than the applicant. |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Engineers scale 1 inch = 40 ft or larger |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Title block or brief description of project including all proposed uses |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Date |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | North arrow |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Property and zoning boundaries |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | The square footage of the site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Lot coverage (buildings, decks, steps) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and proposed structures and the setbacks from property lines of all affected structures to remain on-site |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Design of driveways and parking |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Adjacent right-of-ways labeled with the street name and right of way width |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of all existing and/or proposed easements |

Additional information or data as determined necessary by town staff and/or other reviewing agencies including but not limited to the following may be required:

- | <u>Yes</u> | <u>No</u> | <u>N/A</u> | |
|-------------------------------------|--------------------------|--------------------------|---|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location and design of refuse facilities |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Approximate locations and sizes of all existing and proposed utilities |
| <input checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Distances between all buildings |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Number of stories and height of all structures |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Locations of all entrances and exits to all structures |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Calculate the gross floor area with each room labeled (i.e. kitchen, bedroom, bathroom) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Exterior lighting locations with area of illumination illustrated as well as the type of fixtures and shielding to be use |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Location of flood zones and finished floor elevations |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | CAMA Areas of Environmental Concern (AEC) and CAMA setbacks |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Delineation of natural features 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 open space |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Stormwater management systems |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Cross-sectional details of all streets, roads, ditches, and parking lot improvements |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | Building construction and occupancy type(s) per the building code |
| <input type="checkbox"/> | <input 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 signs |
| <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 1/2" x 11" size and am prepared to pay the application fee today

SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION

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

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

To act on my behalf regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to speak for me in any public meeting regarding this application.

[Handwritten Signature]
 Signature

8/2/20
 Date

Additional Deacon Board:

- Robert G. McLamb - Robert G. McLamb
- Eleanor Magnus - Eleanor Magnus
- Timothy Brian Marlowe - Timothy Brian Marlowe
- Robert Ray James - Robert Ray James

AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

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

Date: 8/2/20

Appointee's Name, Address & Telephone:

Dana Vess
100 S. 8th St.
Carolina Beach NC 28428
(828) 429-8407

Signature of Owner: Jack Ken Horne Chairman Deacons

Additional Deacon Board:

- Robert G. McLamb - Robert G. McLamb
- Eleanor Magnus - Eleanor Magnus
- Timothy Brian Marlowe - Timothy Brian Marlowe
- Robert Ray James - Robert Ray James

Seaside Chapel After-School Program Business Plan Overview

Seaside Chapel, located at 105 Dow Rd. Carolina Beach, would like to extend our ministry opportunity to include operating an After School Program for the community. The program outline is as follows:

WHEN:

- We would be like to begin the program as close to the first day of school as possible.
- Hours of operation 2pm-6pm Monday-Friday for the school calendar. We would also like to provide all-day childcare on days children do not attend school *within* the school calendar year such as teacher workdays, half days, some of Christmas break and Spring Break. Full days will run 8am-6pm
 - The above is our goal hours of operation however during this state of emergency and pandemic our goal is to meet the unmet needs our parents have until we are back to normalcy. We would offer childcare for students during the day who are doing remote learning and afterschool the weeks they attend school. We will still operate with a max of 25 students enrolled although the weeks/hours may be divided (Ex. Week 1, we may have 10 students full days and 15 for afterschool because it falls on their in-class week).

WHERE:

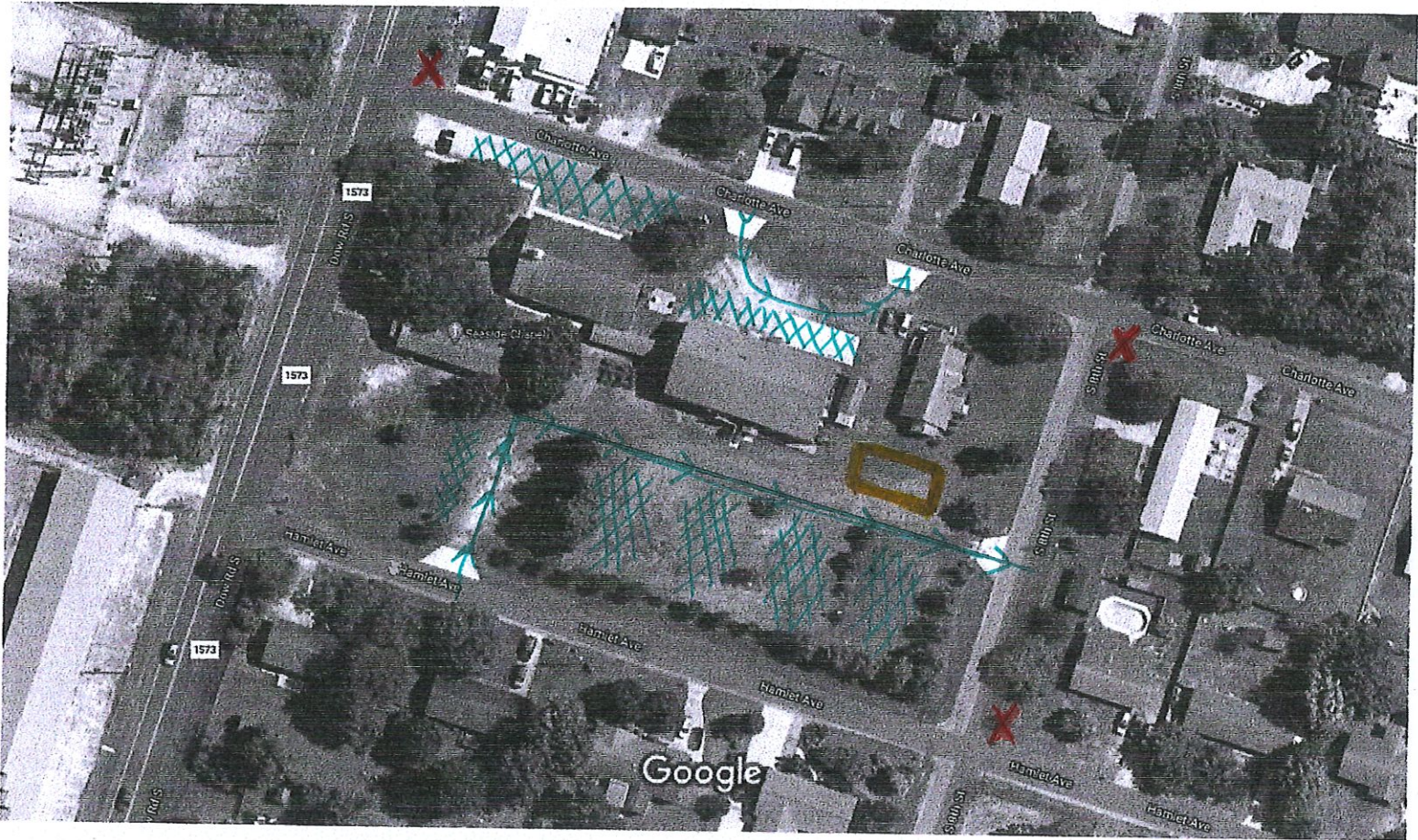
- Use current Family Life Center Building. The afterschool program will only be operating on the first floor of this facility. The program will use the main large room with an approximately 2350 sq. ft., the kitchen area for preparing food/snacks and the women and men's restrooms in the hallway. The Choir Room and Nursery on the first floor will not be used for this program. (It is displayed on the 1st level floor plan but again, not intended to be used for this program)
- Fenced play area will be available for outside play (weather permitting). Tentatively the playground will be placed at the south east corner of the property. The fenced area size will be 1900+ sq. ft. in size. This is slightly above the state requirement for size.





HOW:

There are many details to the operations of the program in accordance to the church but for the quick overview. (More details can be shared if needed)

- We will operate our program with an enrollment of 25 students, grades K-5
- Program will operate under a designated Board of Directors
- A program coordinator will be the liaison between the board and the administrator and staff
- Two staff members will be onsite. The state ratio is 1:25 for school age; we will operate at a 2:25 ratio.
- Transportation will be provided from school for the after school day portion
- Parents will drop-off and pick-up on days students are not in school.
- Drop-off and pick-up will be on Charlotte Ave side of the facility (opposite side of any child play area)
- Morning/Afternoon Snack and Lunch will be provided.
- We will operate under all state guidelines and requirements for compliance.





-  Fire Hydrants
-  Traffic Flow
-  Parking Area
-  Fenced Area

Seaside Chapel

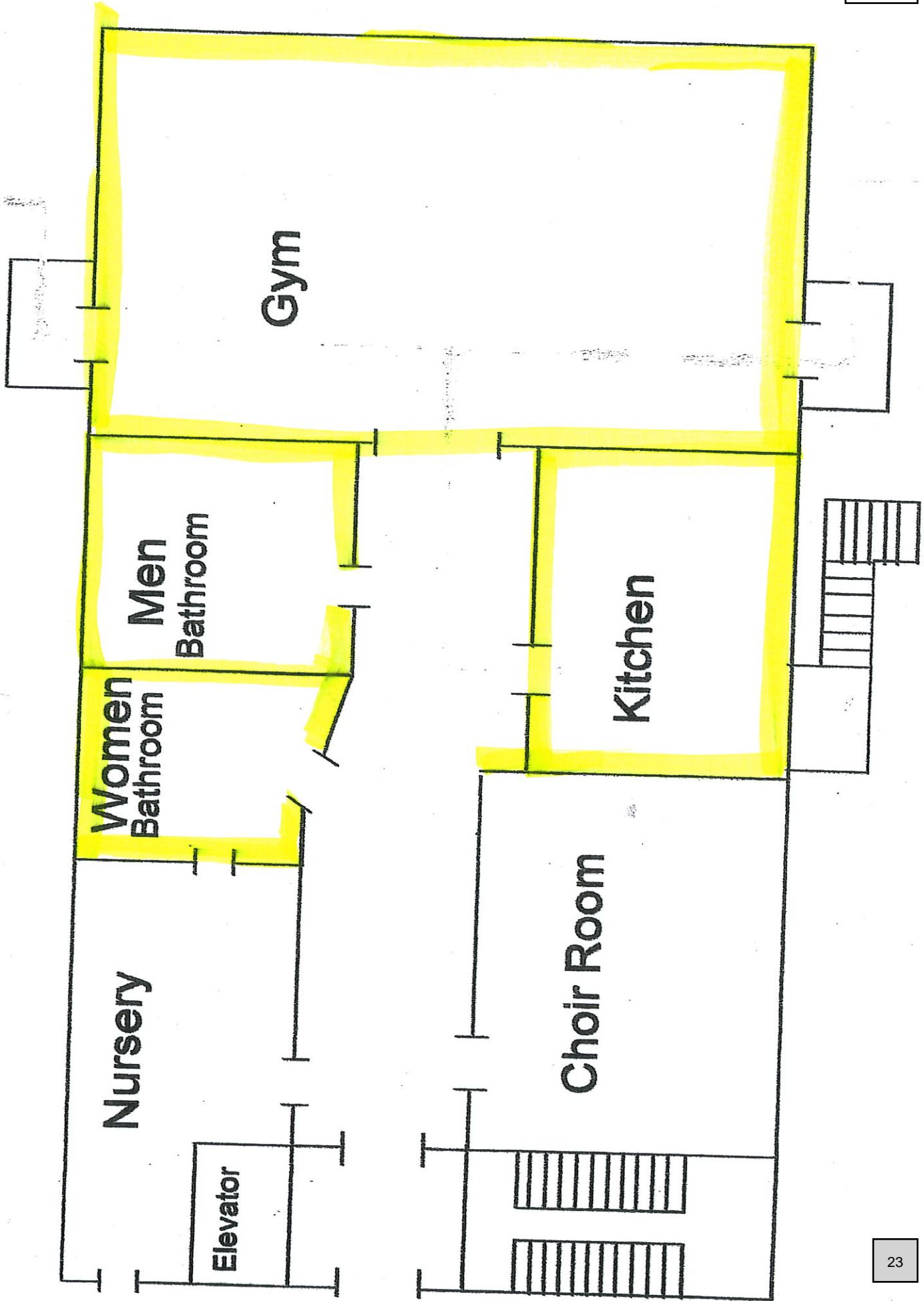


Seaside Chapel Family Life Center



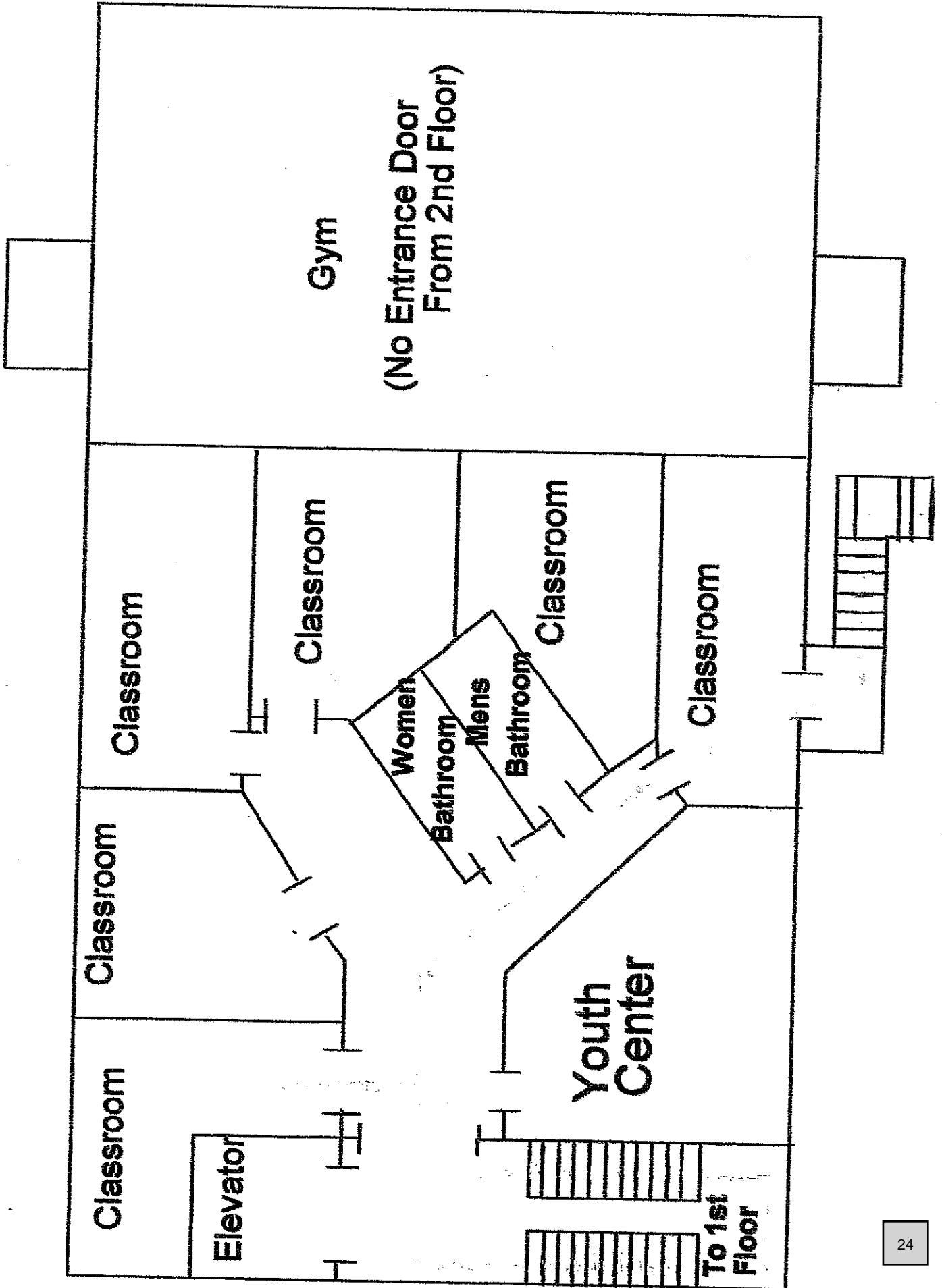
Seaside Chapel's First Floor

Rooms used for the Afterschool program



Seaside Chapel's Second Floor

2nd floor
(not used for this program)



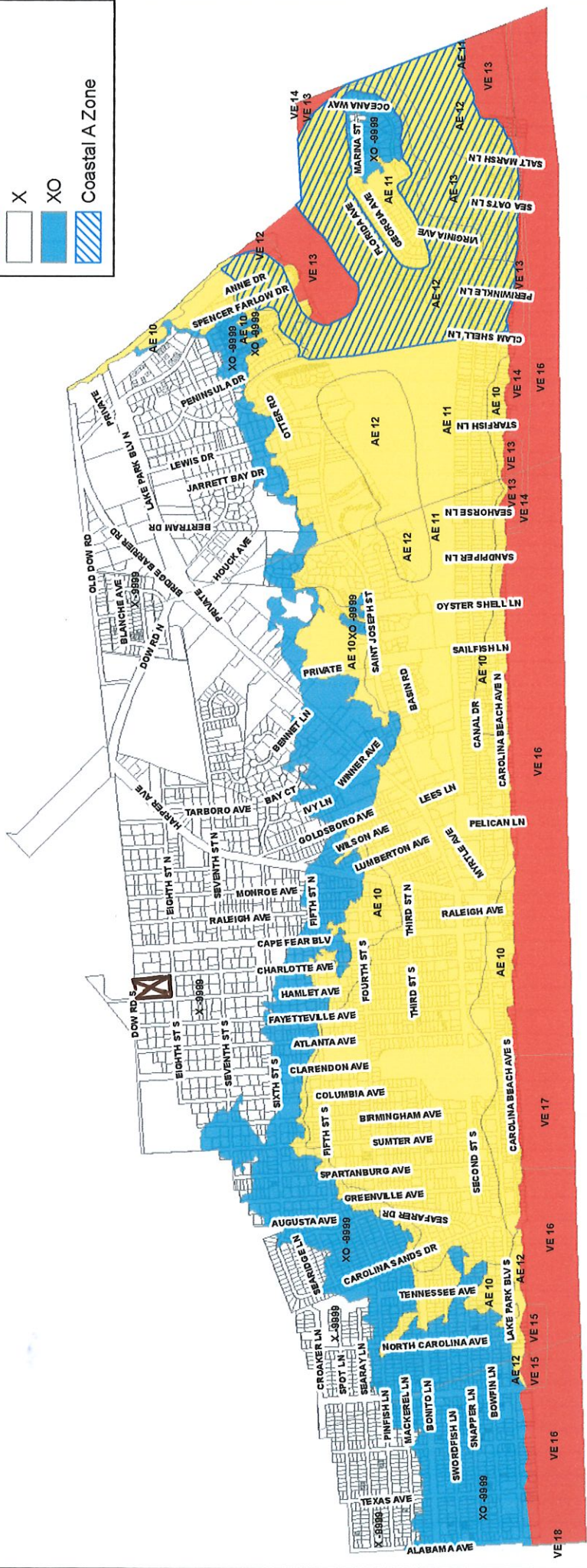


Effective Flood Map

July 2018

Legend
Seaside Chapel
Flood Zones

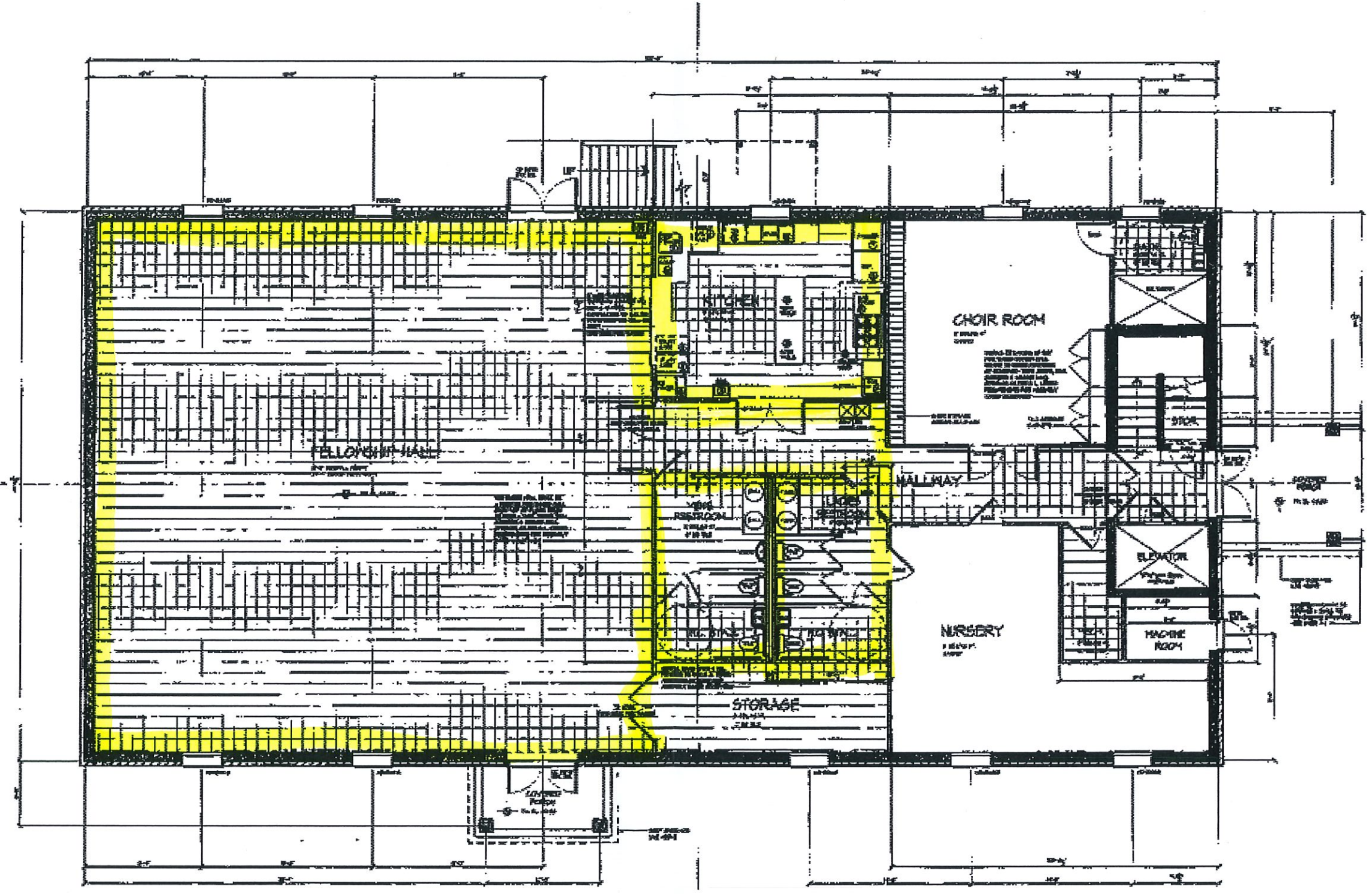
	AE
	VE
	X
	XO
	Coastal A Zone



Map by: OMB
 MFG 08/08/07 (REV) 2018 Effective Flood Map

Item 2.

Spaces/Rooms used for program



NOT TO SCALE - PROJECT AND THIS SHEET - A DIVISION OF THE ARCHITECTURAL INFORMATION CENTER

1 FIRST LEVEL FLOOR PLAN
AS

SEASIDE CHAPEL FAMILY WORSHIP CENTER
105 DOW ROAD
CAROLINA BEACH, NORTH CAROLINA

PDC

PINKSTON
DRAFTING
COMPANY

DATE JAN. 1, 2000 REVISED

SHEET
A3

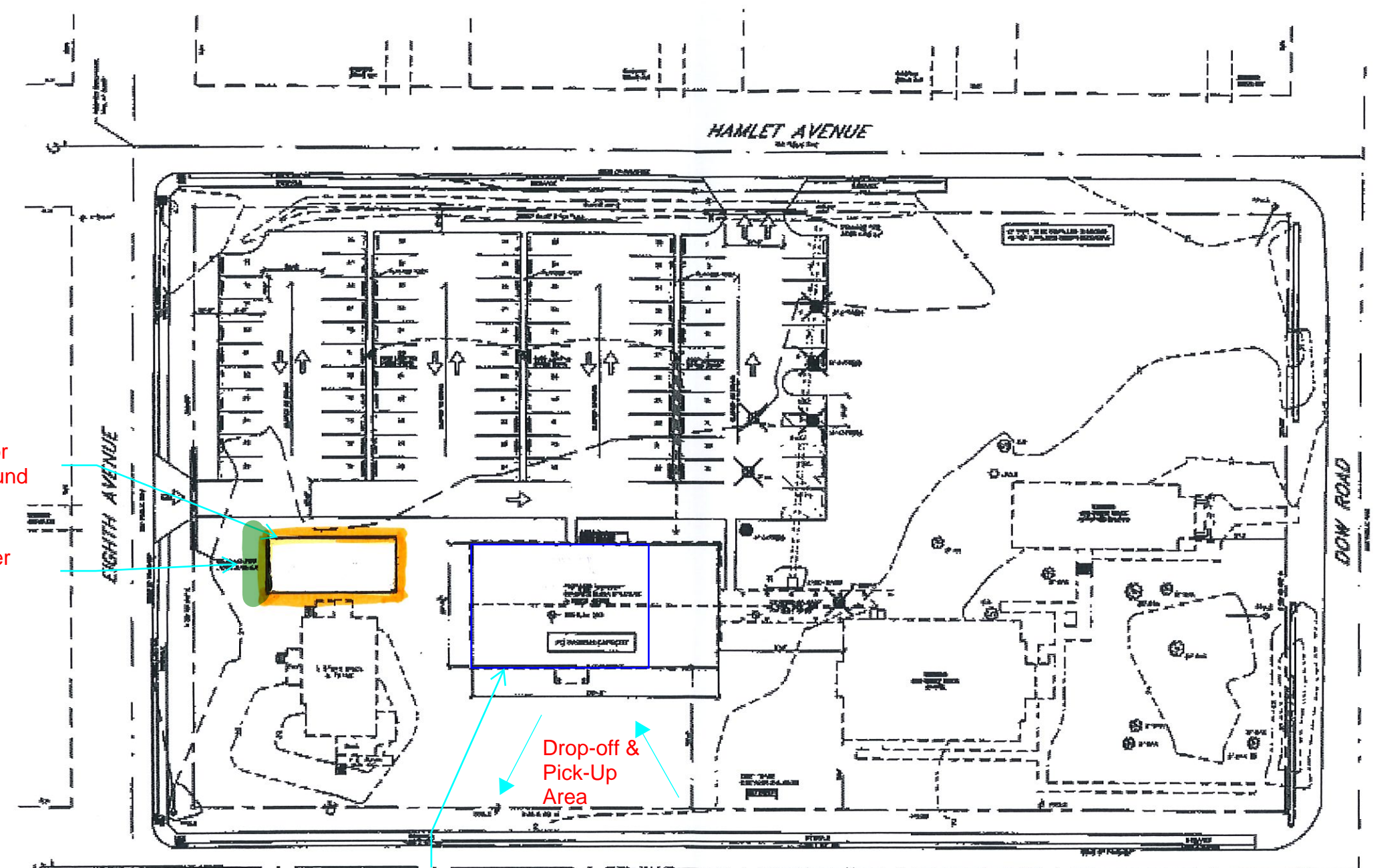
Fenced Playground Area

Area Intended for Fenced Playground

Landscape Buffer Addition

Drop-off & Pick-Up Area

Area Intended for Day Care Activities

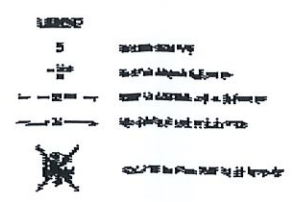


SITE PLAN NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SIDEWALK UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE CURB UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE GROUND UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE SURFACE UNLESS OTHERWISE NOTED.

FENCED PLAYGROUND	
1" = 10'	10'
1" = 20'	20'
1" = 30'	30'
1" = 40'	40'
1" = 50'	50'
1" = 60'	60'
1" = 70'	70'
1" = 80'	80'
1" = 90'	90'
1" = 100'	100'

DAYS OFF AREA	
1" = 10'	10'
1" = 20'	20'
1" = 30'	30'
1" = 40'	40'
1" = 50'	50'
1" = 60'	60'
1" = 70'	70'
1" = 80'	80'
1" = 90'	90'
1" = 100'	100'



SEE PLAN FOR DIMENSIONS OF ALL AREAS AND DISTANCES.



1 SITE PLAN
SCALE: 1" = 20'

SEASIDE CHAPEL FAMILY WORSHIP CENTER
170 DOW ROAD
CAROLINA BEACH, NORTH CAROLINA

DATE: JAN 21, 2008 REVISED

PINKSTON
DRAFTING
COMPANY



SHEET
A1



Conditional Use Permit:
Day Care
Seaside Chapel – 105 Dow Road

September 10th, 2020
Miles Murphy – Senior Planner



Fenced
Playground
Area

105 Dow Road – Seaside Chapel

Day Cares Permitted in R-3

ARTICLE III. – Zoning District Regulations

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

USES OF LAND	R-3
Day nurseries, day care centers and preschools (See sections 40-261, 40-548)	C

Dimensional Standards for Lots and Principal Structures, Other Districts

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width ⁵	Min. Front Yard	Min. Rear Yard	Min. Side Yards (Corner Lot-Min 12.5 ft.) ⁵	Max. Density	Max. Height	Max. Lot Coverage
R-3	Single-Family	12,000 ft ²	80 ft.	25 ft.	10 ft.	7.5 ft.	3.6 units/acre	40 ft.	40%

1 – exists in a 45' height overlay district

Current Conditions



From 8th Street

Current Conditions

Item 2.



From Hamlet
(Parking Lot)



Structure for Day Care

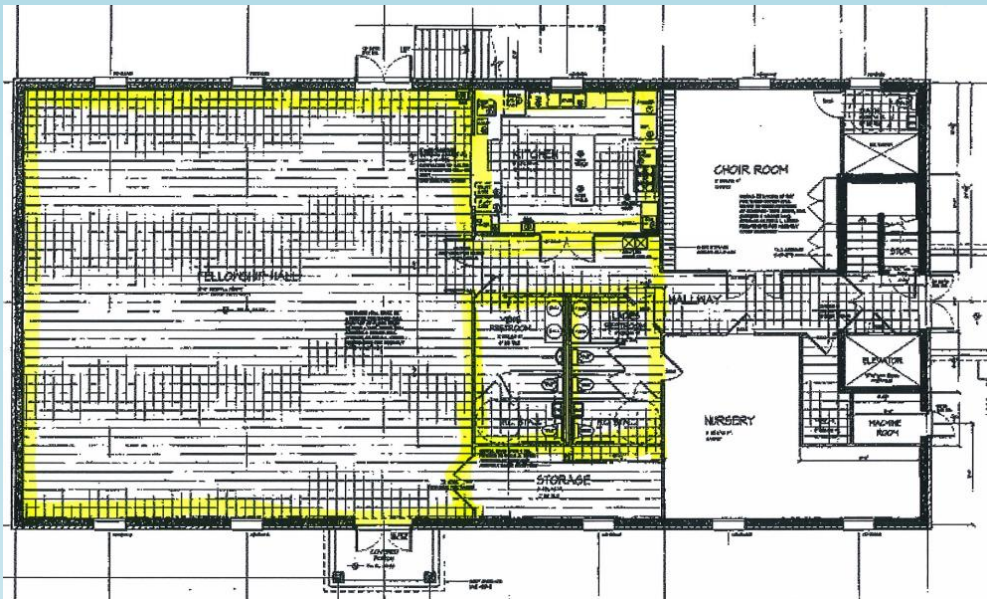
Current Conditions



Structure for Day Care

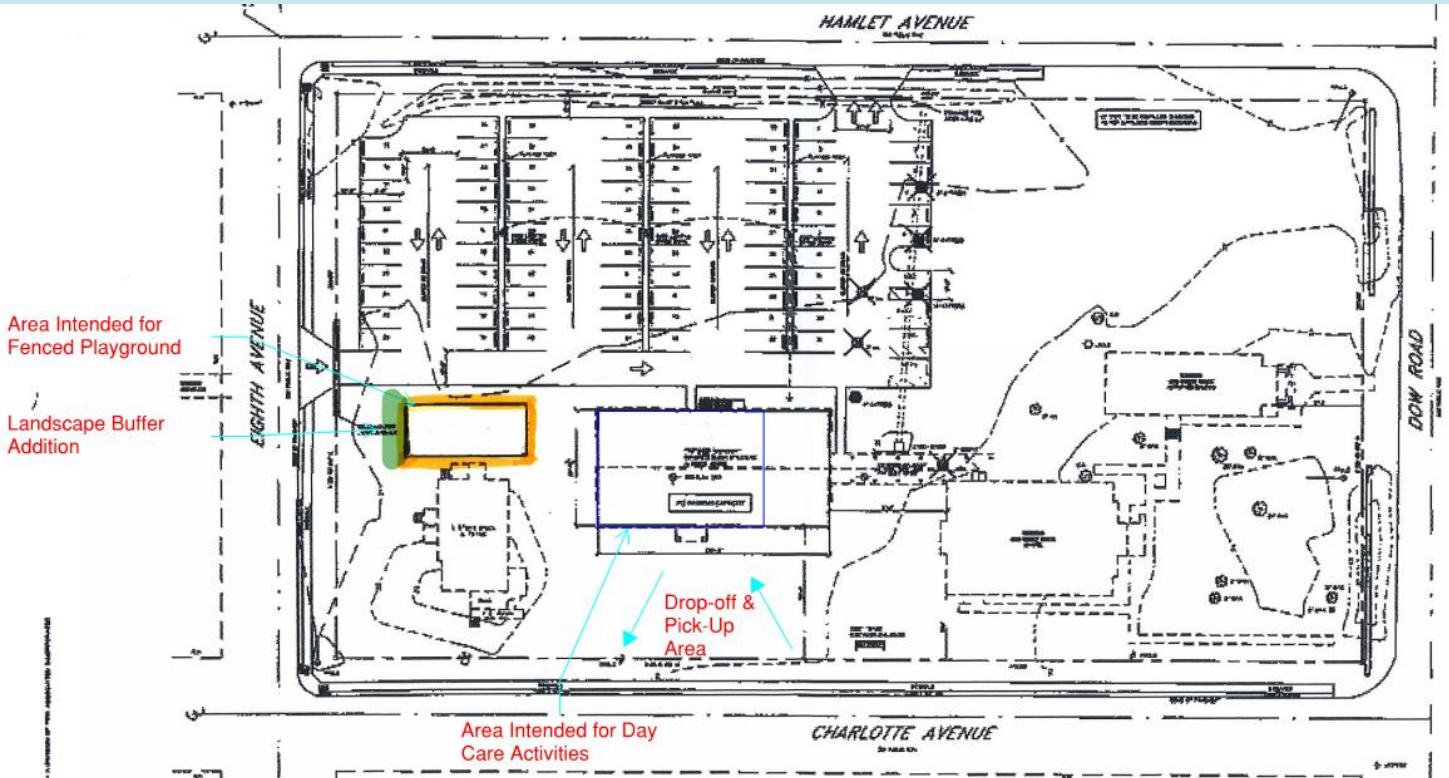


From Charlotte



Design

- Staff is requiring additional buffering to be placed on the edge of the proposed playground area
 - Original CUP in 2005 controlled the larger property's landscaping, parking, and buffering
- SW did not require the parking lot to be finished beyond its current condition
- Childcare/Day Care ratios and safety requirements are reviewed by agencies outside of the Town
- No additional improvements or requirements from TRC



Specific standards.

- (1) Ingress and egress to property and proposed *structures* thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - Ingress and egress will remain via Charlotte Avenue
 - The design will accommodate 2-way traffic and sufficient parking, extra is available on other locations on site
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the *conditional use* on adjoining properties and properties generally in the district;
 - Parking will be contained on the property
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - Trash collection will not be changed
- (4) *Utilities*, with reference to locations, availability, and compatibility;
 - Utilities will not be changed
- (5) Screening and buffering with reference to type, dimensions, and character;
 - A landscape buffer is being required on the 8th street side of the proposed fenced playground area
- (6) *Signs*, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - Signage is proposed at this time and all signage will have to meet standard zoning requirements for approval
- (7) Required *yards* and other *open space* and preservation of existing trees and other attractive *natural features* of the land.
 - There is no substantial change to any require yards or open spaces

General Conditions.

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

- The density falls within the standard R-3 density requirements and the proposed structures follows the setback requirements

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

- The proposed CUP meets all required conditions and specifications

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

- The proposed structures/use will conform with the neighboring properties.

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

-The desired Future Land Use of the Residential 3 area includes single-family units only. Building height will not exceed a 40' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be low with a minimum of 12,000 square foot lots and around 3.5 units per acre. Lot coverage will not be allowed to exceed 40%. New multi-family development shall be prohibited.

Staff Recommendation

Staff recommends the approval of the proposed CUP for the operation of day care services at 105 Dow Road, Seaside Chapel

Motion from Planning & Zoning

- Approve the CUP for the operation of day care facilities at Seaside Chapel (105 Dow Road), that it otherwise meets the 7 specific standards and the 4 general conditions, if developed according to the plan as submitted and approved.
- Deny the CUP as it fails to sufficiently meet 1 or more of the general conditions to include (state conditions not met in the motion)

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



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning & Development Director

DEPARTMENT: Planning & Development

MEETING: Planning & Zoning – 9/8/2020

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

BACKGROUND:

Oceana Marina Association Inc. & Oceana Owners Association Inc. applied to amend the Harbor & Marina ordinance to prohibit floating structures. The association wanted to amend the ordinance because “waterfront properties need to be protected from floating homes on rafts or barges whether privately moored or in a marina”. Their petition stated that the Town’s regulations of floating homes are “ambiguous”. The petition came as a result of a Vassal with the hull ID number NC49051G805 docked at the Carolina Beach Yacht Club on July 26, 2020 (Attachment 1). The Carolina Beach Yacht Club is located at 401 Marina St adjacent to the Oceana Subdivision and Marina.

Staff recommendation after consulting with the town attorney is to address the use in the Zoning Ordinance to address impacts on adjoining properties.

The current Harbor and Marina ordinance defines Floating Homes as a house built on a floating platform without means of propulsion. Floating Homes are prohibited in Carolina Beach. In 2007 the town adopted a Harbor Management Plan that stated the area of public trust waters within the Town of Carolina Beach is limited and unsuitable for certain uses such as the permanent occupation by floating homes. The plan defined Floating Homes as a house built on a floating platform without a means of propulsion. The plan prohibited floating homes because;

1. Of the potential to obstruct other uses of public trust waters
2. They can contribute to problems with waste discharge and can pose unnecessary navigational hazards.
3. The location of floating homes in the harbor area is a detrimental use of public trust waters.

As a result of the adoption of the Harbor Manage Plan the town amended its Harbor & Marina Regulations which included prohibiting floating homes and defining them as a house built on a floating platform without means of propulsion.

The town received a complaint from the applicant on 6/26/20 stating that a floating home was located at the Marina. Upon investigating the complaint, it was found that the Vassal with the Hull ID number NCZ49051G805 had two outboard motors and demonstrated that it did not meet the definition of floating home because it had propulsion. Subsequently, it was found that the vessel moved into a boat slip and now has removed the propulsion mechanisms and was issued a violation notice on 7/28/20.

The State Division of Coastal Management (DCM) has a more robust definition that incorporates floating homes in a broader term of floating Structures (attachment 2). DCM does not prohibit them but does regulate them. It is up to the local jurisdiction on how they would like to regulate floating structures, or they can prohibit them outright. The town currently allows living aboard a boat. It would have to occur at marinas with designated pump out facilities in approved boat slips.

Recommendation:

Adopt the defination of floating structures to mirror the states difinition that would incumpass floating homes and prohibit floating strucutres.

The current Land Use Plan has a policy statement that prohibits floating homes.

Chapter 40 Zoning

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
Floating Structure	Prohibited													
Water oriented businesses									€P			€P		

Sec. 40-548. - Definitions.

Water oriented businesses means any boat that can be rented for off-site use or offers off-site activities from the property. Examples shall include but not be limited to the following uses or activities: charter boats, boat rentals, dive boats, dinner cruises, boat taxi, etc.....

Floating structure means any structure, not a boat, supported by a means of flotation, designed to be used without a permanent foundation, which is used or intended for human habitation or commerce. A structure will be considered a floating structure when it is inhabited or used for commercial purposes for more than thirty days in any one location. A boat may be deemed a floating structure when its means of propulsion has been removed or rendered inoperative and it contains at least 200 square feet of living space area.

Boat (vessel) means watercraft of any type or size specifically designed to be self-propelled, whether by engine, sail, oar, paddle, or other means, used to travel from place to place by water. A boat or vessel shall also include any machine designed or intended to travel over water by self-propulsion