

# CAROLINA BEACH

Planning & Zoning Commission Meeting

Thursday, December 09, 2021 – 6:30 PM

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



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## AGENDA

### CALL TO ORDER

### APPROVAL OF MINUTES

1. November 10th, 2021 – P&Z Minutes

### STAFF REPORT ON RECENT COUNCIL MEETINGS

### STAFF REPORT ON RECENT DEVELOPMENTS

### PUBLIC DISCUSSION

### DISCUSSION ITEMS

2. **Conditional Zoning** to consider a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Dr in the Tourist (T-1) zoning district.

Applicant: Tank Construction Supplies LLC

3. **Conditional Zoning** to consider a multifamily project consisting of 8 townhome units located at 905 Basin Rd in the Marina Business (MB-1) zoning district.

Applicant: Laurel Companies LLC

4. **Voluntary Annexation** to annex 20,853sq. ft. parcel located at 601 Augusta Ave into the town of Carolina Beach municipal boundaries.

Applicant: Center City Development

5. **Map Amendment to** rezone 601 Augusta Ave from Conservation (C) to Residential (R-1) zoning district.

Applicant: Town of Carolina Beach

**NON-AGENDA ITEMS**

**ADJOURNMENT**



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Planning &  
Development

**MEETING:** Planning & Zoning Commission – 12/9/2021

**SUBJECT:** November 10th, 2021 – P&Z Minutes

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**Action:**

Approve the November 10th, 2021 Minutes

# CAROLINA BEACH

Planning and Zoning Meeting

Wednesday, November 10, 2021 - 6:30 PM

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



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## MINUTES

### CALL TO ORDER

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

### PRESENT

Chairman Deb LeCompte

Vice Chairman Wayne Rouse

Commissioner Jeff Hogan

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

### ALSO PRESENT

Planning Director Jeremy Hardison

Planner Gloria Abbotts

### APPROVAL OF MINUTES

1. October 14th, 2021 – P&Z Minutes

**ACTION:** Motion to approve the minutes

Motion made by Commissioner Hogan, Seconded by Vice Chairman Rouse

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

*Motion passed 6-0*

### STAFF REPORT ON RECENT DEVELOPMENTS

Ms. Abbotts reported the following statistics for the past month:

#### Permitting

- 50 permits (renovation, repair, grading, additions, fence)
- 26 residential new construction
- 21 certificates of occupancy

#### Code Enforcement

- 14 complaints received
- 14 resolved



### Town Council and Other Updates

- Landscaping ordinance – November Council – approved unanimously
- The Proximity – November Council – approved 4-1
- Parking – upcoming November Council workshop
- Planning and Zoning Appointments – November Council – appointed Commissioner Bill Carew

### Demos in Progress

- 407 Sumter Avenue
- 207 Florence Avenue
- 1018 Carolina Beach Avenue North
- 123 Harper Avenue

Commissioners expressed surprise upon hearing about 123 Harper Avenue. Commissioner Piper asked if there is anything the Town can do to offer incentives to keep older buildings. Mr. Hardison said he would keep the Commission updated on plans for the property.

### New Businesses

- Bike Shop – 1401 North Lake Park Boulevard #44

### Coming Up

- Conditional Zoning – 905 Yacht Basin Road – 8-Unit Planned Unit Development (PUD)
- Conditional Zoning – 406, 408, and 410 Canal Drive – 9-Unit PUD
- Annexation – 601 Augusta Avenue

### **PUBLIC DISCUSSION**

None

### **DISCUSSION ITEMS**

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

Commissioner Hogan recused himself from this matter because he is part-owner of applicant JSL CB Properties LLC.

Mr. Hardison presented the details.

### Proposal

The Vault, 612 North Lake Park Boulevard (former First Citizens Bank building) – will serve coffee, beer, and wine

### Ordinance

When on-premise alcohol is being served and you are not classified as a standard restaurant, then the

ordinance defines you as a bar. A bar is allowed through the approval of a Conditional Zoning (CZ) District in the Highway Business (HB) District.

## CZ

CZ allows a particular use to be established only in accordance with specific standards and conditions pertaining to each individual development project. Some land uses are of such a nature or scale that they have significant impacts on both the immediately surrounding area and the entire community that cannot be 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 CZ District, subject to specific conditions that ensure compatibility of the use with the use and enjoyment of neighboring properties.

No new bars/taverns shall be permitted within:

- 200 feet of an established church on school
- 200 feet of any residential district

## The Vault

- HB District
  - Businesses in HB serve entire community and beyond
  - Located on major thoroughfares
  - Can be conveniently reached by automobile and avoid sending heavy automobile traffic through smaller streets or residential areas

Mr. Hardison reviewed the site and floor plans for the project.

## CZ Process

- Public meeting Wednesday, September 29
- 6 people attended
- Concerns – potential for loud music
  - 75 decibels (daytime level) 7:00 AM-11:00 PM
    - On Friday and Saturday, the daytime levels shall remain in effect until midnight
  - 65 decibels 11:00 PM-7:00 AM

Mr. Hardison said the noise ordinance is enforced by the Police Department.

## Criteria

- When evaluating, the Commission shall consider the following:
  - Application's consistency to the general policies and objectives of the Town's Coastal Area Management Act (CAMA) Land Use Plan, any other officially adopted plan that is applicable, and the zoning ordinance
  - Potential impacts and/or benefits on the surrounding area and adjoining properties
  - Report of results from the public input meeting

- The Commission may include additional standards such as landscaping, design guidelines, buffers, infrastructure improvements (i.e., water), and pedestrian, street, and right-of-way improvements

#### Land Use Plan

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

Commissioner Boswell asked if The Vault will serve liquor. Mr. Hardison said the Town does not define this by ordinance, so the approval could be permitted for liquor, although the project would have to have the proper Alcoholic Beverage Control (ABC) permits.

Attorney Ned Barnes of 814 Carolina Beach Avenue North, representing the applicant, shared project details. He said the maximum occupancy would be about 40 people, and plans call for the business to close at 9:00 PM during the off-season and 10:00 PM during the summer. Mr. Barnes said there will be no loud music and that some prepared food will be served but none made on the premises. He said public response was positive.

Commissioner Crouch asked if the applicant is planning to remove the oak tree. Mr. Barnes said no and that plans are to maintain it.

Commissioner Crouch asked if the applicant would consider putting a sidewalk along that side of Lake Park Boulevard. Commissioner Hogan said properties on either side have no sidewalk access at all, so it would be a sidewalk to nowhere at this point. He said if others decide to put in sidewalks then he would be willing to participate but that there is not much room for them on that side and on the Saint Joseph Street side sidewalks could affect the tree. Chairman LeCompte said Council recently discussed getting serious about putting sidewalks on the east side of Lake Park Boulevard. Commissioner Hogan said they would welcome that if the Town wanted to do something.

Commissioner Boswell said she supports the project because Commissioner Hogan is a successful business owner with no trouble at his establishments. She said she thinks he'll do well for the Town.

Vice Chairman Rouse said he thinks this concept is a complement to what the Town recently approved for The Proximity. He said he thinks the pedestrian pathway is going to have to be a Town issue because this property has a ditch on the east side and needs a good plan to work around this and the oak tree. Vice Chairman Rouse said he has talked to residents who are excited about the project and hasn't heard anything negative, so he'll be voting to approve it.

Commissioner Piper asked if the applicant will be adding any landscaping. Commissioner Hogan said the bank did a good job on the landscaping, so while he may do a small bit of beautification with flowers, his main focus will be maintaining what is already there. Commissioner Piper said he thinks this will be a great addition to the community, so he's all for it.

Chairman LeCompte asked if there will be any outdoor seating. Commissioner Hogan said they are trying to figure out a plan for this eventually and intend to hire a firm to help. Chairman LeCompte said she thinks it's going to be a great addition.

**ACTION:** Motion that whereas in accordance with the provisions of the North Carolina General Statute, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a bar at 612 North Lake Park Boulevard is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and the potential impacts on the surrounding area are mitigated by the approved conditions

Motion made by Vice Chairman Rouse, Seconded by Commissioner Boswell

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

Voting Abstaining: Commissioner Hogan

*Motion passed 5-0*

### **NON-AGENDA ITEMS**

Commissioner Boswell asked about the process for selling beer and wine if a person already owns an existing business with a license to sell beer and wine. Mr. Hardison said the permit is for a specific location to serve alcohol and does not carry elsewhere with an applicant. Commissioner Boswell asked if this is a Town or State issue. Mr. Hardison said both. He said the local ordinance defines if an establishment is a bar, and the Town has to sign off on the application before the State processes the ABC permit. Mr. Hardison said currently if a business is a restaurant with a kitchen, then it does not have to go through the Town process. He said this has been stricter in the past, such as in the 1990s when the Town was in cleanup mode. Commissioner Boswell said she doesn't want to discourage businesses that sell beer, wine, and coffee. Mr. Hardison said the Town can look at updating ordinances, and he hopes to get feedback from Council during the January retreat. Commissioner Boswell said currently it seems like a long process for a business owner, so she thinks the Town should revisit the definition of a bar.

Vice Chairman Rouse welcomed new Commissioner Carew, who could not yet be sworn in due to time constraints. He also asked everyone to keep former Commissioner John Ittu, who recently had a loss in his family, in their thoughts and prayers.

Chairman LeCompte said she recently found out that when restaurants outside of the Central Business District (CBD) put up plastic over their outdoor decks during the winter, this is considered indoor dining and triggers regulations about parking spaces. She said the Town needs to look into this because putting up shielding from the weather does not equal indoor seating. Mr. Hardison said there are different parking requirements for indoor versus outdoor seating and that under current rules it becomes indoor seating when it's covered. Chairman LeCompte pointed out that this rule applies to HB but not CBD and that occupancy is not changing. Commissioner Hogan said it's tough for local restaurants to stay open 12 months per year, so he's not sure he's in favor of this. Commissioner Boswell said it's just plastic and not framed walls or a permanent cover. Mr. Hardison with the way the

current code reads, the Town has not really regulated this. Chairman LeCompte said this type of restriction makes it hard for restaurant owners, and anything the Town can do to facilitate business owners to thrive is a step in the right direction.

Chairman LeCompte also welcomed new Commissioner Carew.

#### **ADJOURNMENT**

**ACTION:** Motion to adjourn

Motion made by Chairman LeCompte, Seconded by Vice Chairman Rouse

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

*Motion passed 6-0*

The meeting adjourned at 7:12 PM.



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Planning &  
Development

**MEETING:** Planning & Zoning Commission – December 9, 2021

**SUBJECT:** **Conditional Zoning** to consider a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Dr in the Tourist (T-1) zoning district.  
Applicant: Tank Construction Supplies LLC

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### BACKGROUND:

The applicant, Tank Construction Supplies LLC, applied for a Conditional Zoning application for a multifamily project in the Tourist District. The proposal includes 9 townhome units. Multifamily dwellings greater than 4 units are allowed through the approval of a conditional zoning district in the Tourist District.

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

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

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

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

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

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

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

**Proposal:**

The applicant is proposing to construct a multifamily structure consisting of 9 townhome units located on the vacant properties at 406, 408, and 410 Canal Drive. The purpose of the Tourist (T-1) district is to provide land for the Town's tourist industry, and as a complimentary district to the Central Business District. The primary land uses intended for this zoning district are moderate- to high-density residential development, as well as hotels, motels, and restaurants.

Maximum lot coverage is 40%, which includes the footprint of the building, decks, and steps. The applicant's proposed total lot coverage equals 6,800 square feet to meet 40% lot coverage. The

structures will not exceed the 50' height limit. Setbacks in the T-1 district are 20' (front), 10' (rear), 7.5' (sides). The applicant is meeting all minimum setback requirements. The applicant is providing the required 3 parking spaces per unit for a total of 27 parking spaces. The applicant is providing the required Type B 10' Landscape Buffer. Maximum density in the T-1 district for Single/Multi-family is 29 units/acre. The combined square footage of the 3 properties is 17,000 square feet, equaling a maximum of 12 units. The applicant is proposing only 9 townhome units.

### **Conditional Zoning Process**

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

### **Land Use Plan**

The project is in general conformity with the 2020 Land Use Plan for higher density residential/light commercial in this area.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Drive.

Staff recommends approval of the project as proposed.

### **MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a multifamily project consisting of 9 townhome units located at 406, 408, & 410 Canal Drive. is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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

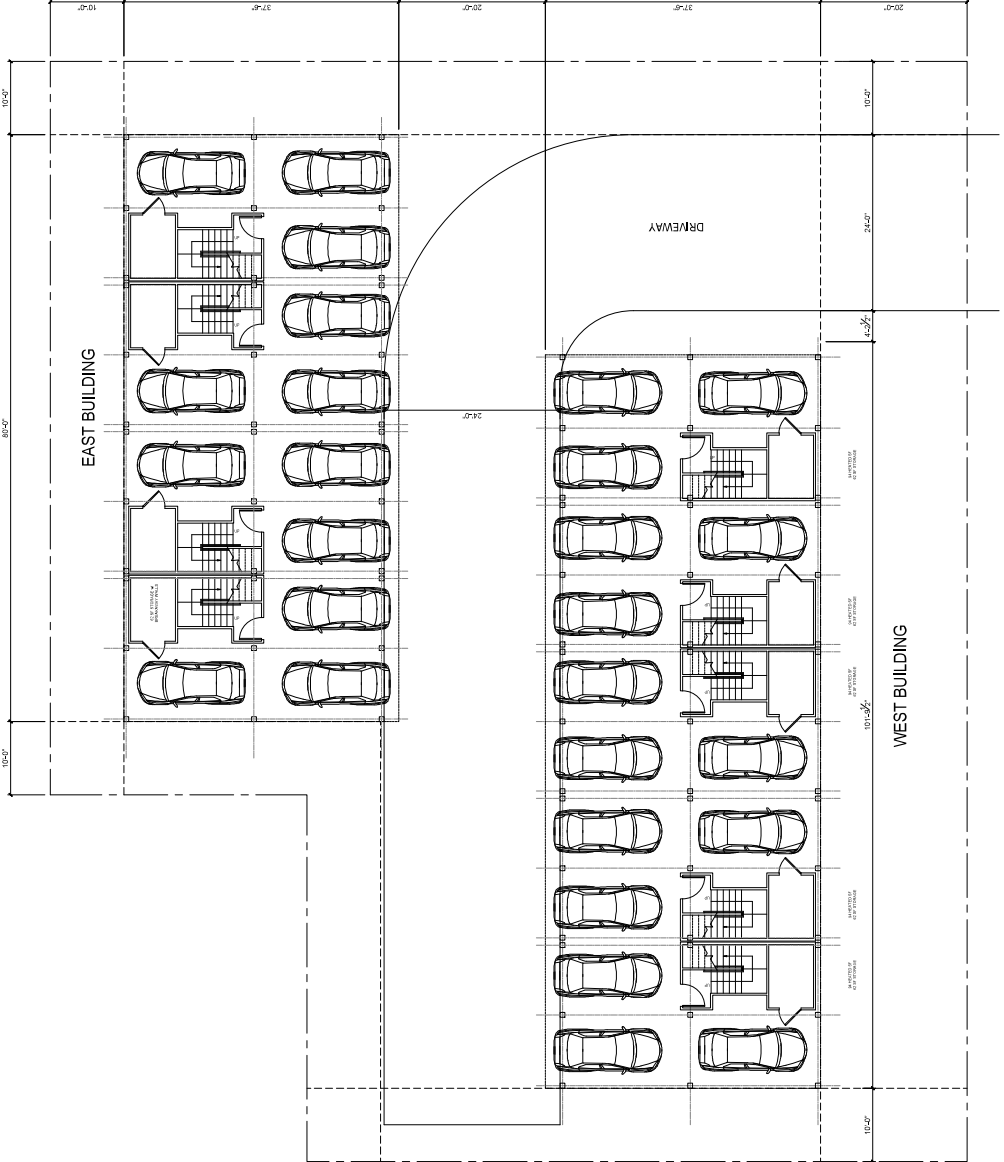




CANAL DRIVE CONDOS  
 406 CANAL DRIVE  
 CAROLINA BEACH, NC

2.000 MARK LOUDERMILK ARCHITECTS, PLLC			
NO.	DATE	DESCRIPTION	BY
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2	02/08/18	REVISION	ML
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A100  
 Item 2.



(A1) CONCEPT SITE PLAN  
 Scale: 1/8" = 1'-0"

October 21, 2021

Subject: **406-410 Canal Dr / Proposed Condominium Development**

RE: SCHEDULED PROPERTY OWNERS MEETING

To whom it concerns,

The owners of the subject property and proposed development have scheduled a meeting. The meeting will be held at the subject property, October 30, 2021 at 9:30AM.

Please see attached primary Site Plan of the proposed condominium development. The proposed condominium development will be a 3 story, 9-unit framed structure with parking below each unit. For further information email (Lsbaggie@pldcpa.com).

Kind regards,

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.

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

**PURPOSE**

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



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

**I. Site Plan Criteria**

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

Yes No N/A

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

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

Yes No N/A

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

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**SUPPLEMENTAL INFORMATION REQUIRED WITH THE APPLICATION**

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

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

Signature 

11/01/21  
Date

Please complete all sections of the application.

**A. Property Information**

Address(es): 406, 408, 410 CANAL DRIVE

PIN(s): ROBB18-015-004-000; ROBB18-015-003-000; ROBB18-015-003-001

Project Name CANAL DRIVE CONDOMINIUMS

Size of lot(s): 17,000 SQ FT TOTAL (3) lots

**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):

MULTI FAMILY CONDOMINIUM (9) UNITS, FRAMED 3 STORY,  
PARKING BELOW STRUCTURE

**C. Applicant Contact Information**

Tank Construction Supplies LLC  
Company/corporate Name (if applicable):

Tracy Pettigrew  
Applicant's Name

3109 S. Rockland Ct  
Mailing Address

Wilmington NC 28409  
City, State, and Zip Code

217-390-2562  
Telephone

Info@tankconstructionsupplies.com  
Email

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

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

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

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

\_\_\_\_\_  
Telephone

\_\_\_\_\_  
Email

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

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

Date: 11-1-2021

Appointee's Name, Address & Telephone:  
SLOTT BAGGIE & WESCOTT BUTLER  
P.O. Box 1028  
CAROLINA BEACH, NC 28428  
910-367-0066 & 910-599-5789

Signature of Owner: 



October 21, 2021

Subject: **406-410 Canal Dr / Proposed Condominium Development**

**RE: LIST OF PROPERTY OWNERS CONTACTED**

HUTAFF RICHARD R ROTH IRA; 318 CANAL DR., CAROLINA BEACH, NC 28428  
400 CANAL DRIVE UNIT OWNERS ASSN INC.; 400 CANAL DR., CAROLINA BEACH, NC 28428  
DOLPHIN LANE HOLDINGS LLC; 401 CAROLINA BEACH AVE N., CAROLINA BEACH, NC 28428  
JAVA NORTH LLC; 403 CAROLINA BEACH AVE N., CAROLINA BEACH, NC 28428  
WEEKS JOSEPH; 402 CANAL DR., CAROLINA BEACH, NC 28428  
LEE JUDY BREWER; 404 CANAL DR., CAROLINA BEACH, NC 28428  
GIBBS SUSAN HARRIS ETAL; 405 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
BEACH HOUSE PARTNERS LLC; 407 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
ERS INVESTMENTS LLC; 413 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
HOLLAND E FREDERICK ETAL; 412 CANAL DR. CAROLINA BEACH, NC 28428  
LEE ZELMA B CHARLES R TRUSTEES; 414 CANAL DR. CAROLINA BEACH, NC 28428  
RUPNARAIN ROSANA; 415 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
ETHERIDGE GORDON S.; 416 CANAL DR. CAROLINA BEACH, NC 28428  
GF 2017 LLC; 417 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
ETHERIDGE GORDON S.; 418 CANAL DR. CAROLINA BEACH, NC 28428  
BOARD PATRICK S JANICE; 419 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
HSH REAL ESTATE LLC; 500 CANAL DR. CAROLINA BEACH, NC 28428  
MAGNOLIA PLACE HOA; 115 SCALLOP LN. CAROLINA BEACH, NC 28428  
HARBOR WATCH HOA INC; 501 CANAL DR. CAROLINA BEACH, NC 28428  
MCCUISTON GEORGE W.; 419 CANAL DR. CAROLINA BEACH, NC 28428  
ETHERIDGE GORDON S.; 417 CANAL DR. CAROLINA BEACH, NC 28428  
LEE ZELMA B CHARLES R TRUSTEES; 415 CANAL DR. CAROLINA BEACH, NC 28428  
HOLLAND JOANNE; 413 CANAL DR. CAROLINA BEACH, NC 28428

BRUFFEY ALLISON W TRUSTEE; 411 CANAL DR. CAROLINA BEACH, NC 28428  
LATITUDE 34 HOA INC; 409 CANAL DR. CAROLINA BEACH, NC 28428  
BRIGHT LESLIE S SR DARLENE J.; 407 CANAL DR. CAROLINA BEACH, NC 28428  
PRETTER PHILIP C LESLIE A.; 405 CANAL DR. CAROLINA BEACH, NC 28428  
ANDREWS DOUGLAS CHERYL; 403 CANAL DR. CAROLINA BEACH, NC 28428  
KING MICHAEL R SUE H; 401 CANAL DR. CAROLINA BEACH, NC 28428  
HUTTAFF RICHARD R ROTH IRA ETAL; 321 CANAL DR. CAROLINA BEACH, NC 28428  
WHEELER SMITH KAREN A DAVID; 319 CANAL DR. CAROLINA BEACH, NC 28428  
BORDEAUX JOY LEE L WILLIAM T; 317 CANAL DR. CAROLINA BEACH, NC 28428  
NOELLE HOLDINGS LLC ETAL; 313 CANAL DR. CAROLINA BEACH, NC 28428  
JAVA NORTH LLC; 5 DOLPHIN LN. CAROLINA BEACH, NC 28428  
JAVA NORTH LLC; 319 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
BORDEAUX JOY LEE LEWIS WILLIAM T; 317 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
SHERRY TRAVIS M ETAL; 315 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
BORDEAUX JOY L WILLIAM T ETAL; 314 CANAL DR. CAROLINA BEACH, NC 28428  
REITZEL JEFFREY B.; 312 CANAL DR. CAROLINA BEACH, NC 28428  
CBP3 INC.; 309 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
BEACH HOUSE PARTNERS LLC; 410 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
WEBSTER CLIFFORD W JR.; 406 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
BURNETT COTTAGE LLC; 404 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
JAVA NORTH LLC; 400 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
BEACH HOUSE PARTNERS LLC; 412 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
WINDS @ CAROLINA BEACH VI HOA; 418 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428  
HUBBARD JOHN W HELEN E; 500 CAROLINA BEACH AVE N. CAROLINA BEACH, NC 28428

**October 30, 2021**

**Subject: Attendance roster from the meeting / 406-410 Canal Dr / Proposed Condominium**

HOLLAND, LINDA; 413 CANAL DR. CAROLINA BEACH, NC 28428

HOLLAND, FRED; 413 CANAL DR. CAROLINA BEACH, NC 28428

KING, SUE H; 401 CANAL DR. CAROLINA BEACH, NC 28428

WESCOTT BUTLER, BUILDER

L. SCOTT BAGGIE, SURVEYOR

TRACEY PETTIGREW, OWNER / DEVELOPER

ADAM SHANKS, OWNER / DEVELOPER

**er: Summary and minutes of comments and discussion**

Meeting commenced at 9:30am Oct. 29, 2021 at project site (408 Canal Drive).

The attendees were interested in our proposed storm water remediations. Developer explained the desire to keep runoff to a minimum by employing several under ground storm water systems for roof and driveway surfaces. As little as possible would be shed into the road system.

The attendees question the typical facia of the proposed condominiums. Plans were presented and that and other features were discussed and explained.

The attendees question the typical size of units and the layout.

Meeting adjourned at 10:15am.

**Subject: Changes to the proposed development from meeting**

No changes or amendments were made to plans or development proposal from the discussions at the meeting.





WEST BUILDING						
END UNITS	HEATED	STORAGE	BALCONY/PATIO			
GROUND FLOOR	94	62	0			
MAIN LEVEL	745					
UPPER LEVEL	683		63			
ROOF PATIO LEVEL	114		342			
<b>TOTAL</b>	<b>1,636</b>	<b>62</b>	<b>405</b>	<b>2,103</b>	<b>2</b>	<b>4,206</b>

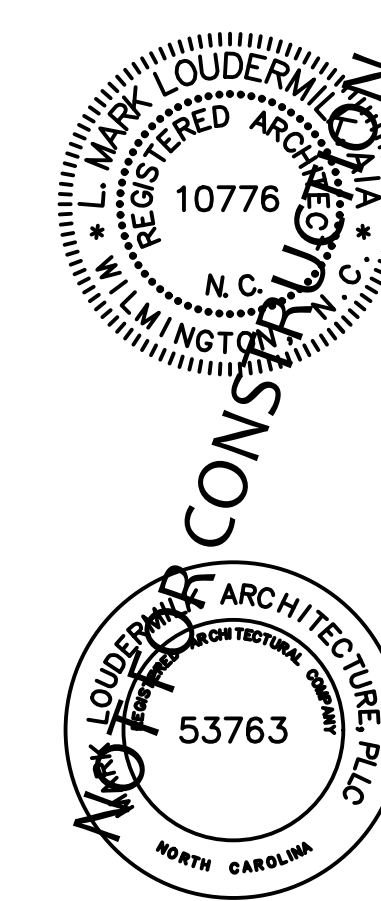
END UNITS	HEATED	STORAGE	BALCONY/PATIO			
GROUND FLOOR	94	62	0			
MAIN LEVEL	744					
UPPER LEVEL	681		63			
ROOF PATIO LEVEL	114		343			
<b>TOTAL</b>	<b>1,633</b>	<b>62</b>	<b>406</b>	<b>2,101</b>	<b>3</b>	<b>6,303</b>
						<b>10,509</b>

EAST BUILDING						
END UNITS	HEATED	STORAGE	BALCONY/PATIO			
GROUND FLOOR	94	62	0			
MAIN LEVEL	745					
UPPER LEVEL	683		63			
ROOF PATIO LEVEL	114		309			
<b>TOTAL</b>	<b>1,636</b>	<b>62</b>	<b>372</b>	<b>2,070</b>	<b>2</b>	<b>4,140</b>

END UNITS	HEATED	STORAGE	BALCONY/PATIO			
GROUND FLOOR	94	62	0			
MAIN LEVEL	744					
UPPER LEVEL	681		63			
ROOF PATIO LEVEL	114		311			
<b>TOTAL</b>	<b>1,633</b>	<b>62</b>	<b>374</b>	<b>2,069</b>	<b>2</b>	<b>4,138</b>
						<b>8,278</b>

**TOTAL LIVABLE SF 18,787**

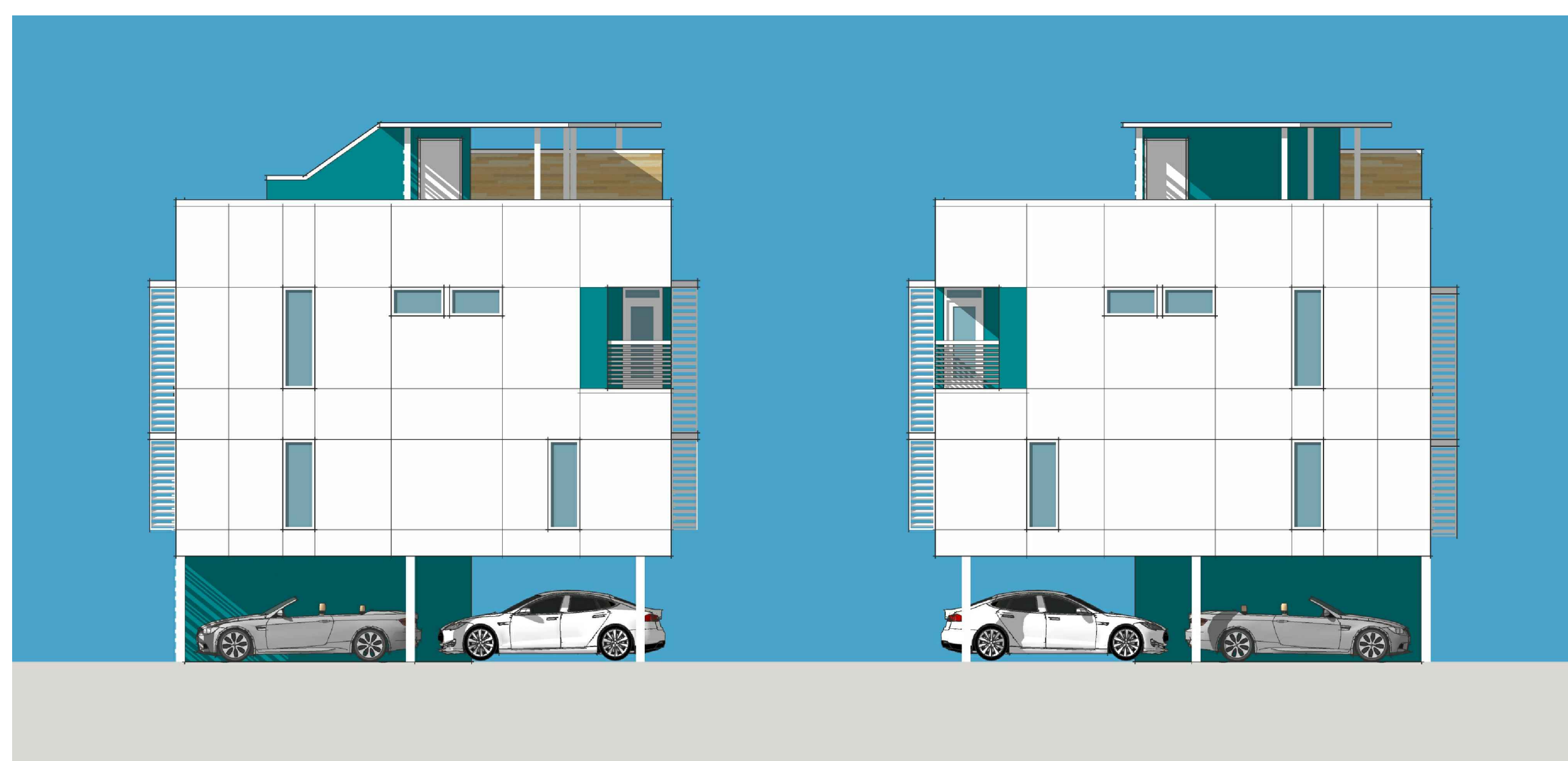




**C3** WEST BLDG. EAST ELEVATION  
Scale: 1/8" = 1'-0"



**B1** NORTH ELEVATION  
Scale: 1/8" = 1'-0"



**A3** SOUTH ELEVATION  
Scale: 1/8" = 1'-0"



**A1** WEST BLDG. WEST ELEVATION  
Scale: 1/8" = 1'-0"

CANAL DRIVE CONDOS  
406 CANAL DRIVE  
CAROLINA BEACH, NC

© 2021 MARK LOUDERMILK ARCHITECTS, PLLC

MARK	DATE	DESCRIPTION
	00.00.00	ISSUE
		PROJECT NO: 21106
		CAD DWG FILE: 21106_CONCEPTPLANS.DWG
		DRAWN BY:
		CHK'D BY: LML

BUILDING ELEVATIONS

**A103**







CERTIFICATE OF ACCURACY & MAPPING

I, L. Scott Baggie, do certify that this plat was drawn under my supervision from an actual survey made under my supervision; that the boundaries not surveyed are clearly indicated; that the ration of precision as calculated is 1:10,000; that this plat was prepared in accordance with G.S. 47-30 as amended. Witness my original signature, license number and seal this 12TH day of SEPTEMBER., A.D. 2021.

L.Scott Baggie P.L.S. L-3450



- LEGEND:
- IPF - IRON PIPE FOUND
  - COMPUTED POINT
  - NAIL FOUND
  - N/F - NOW OR FORMERLY
  - R/W - RIGHT OF WAY
  - FENCING
  - POWER UTILITY POLE
  - SPOT ELEVATIONS (NAVD 88)

NOTE:

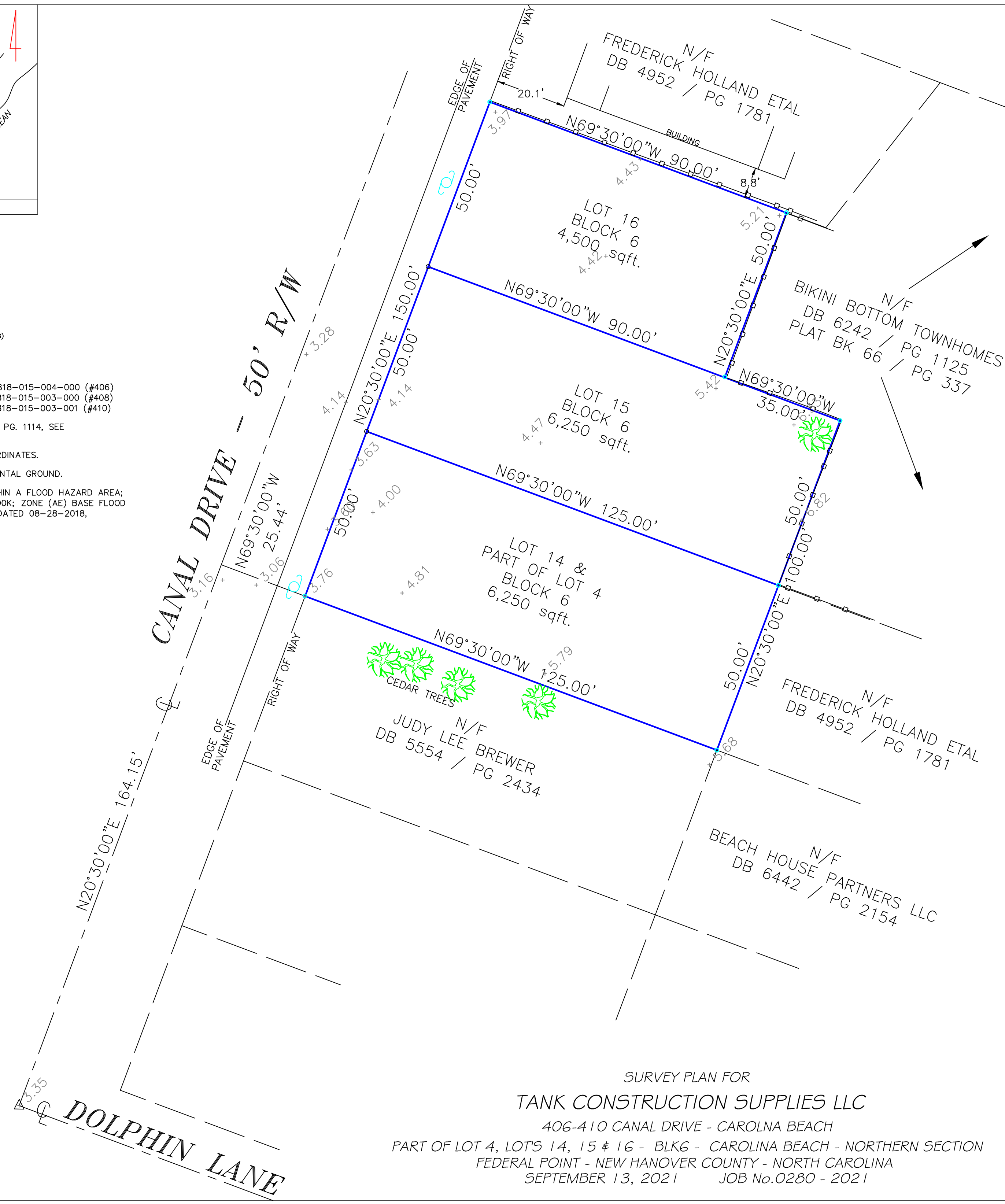
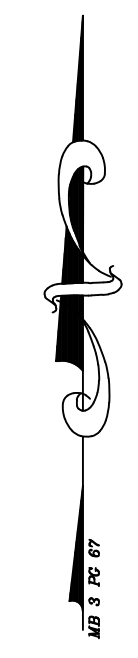
TAX PARCELS ID# PID: R08818-015-004-000 (#406)  
 PID: R08818-015-003-000 (#408)  
 PID: R08818-015-003-001 (#410)

DEED REFERENCE, DB. 5836 PG. 1114, SEE MAP BOOK 3 PAGE 67.

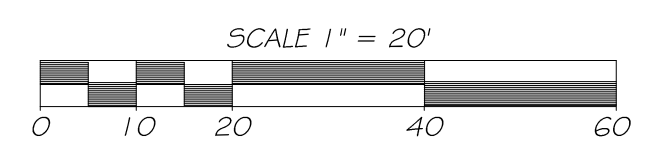
AREA CALCULATED BY COORDINATES.

ALL DISTANCES ARE HORIZONTAL GROUND.

PARCELS ARE LOCATED WITHIN A FLOOD HAZARD AREA; PER FEMA FIRM #3720313000K; ZONE (AE) BASE FLOOD ELEVATION 11' (NAVD 88); DATED 08-28-2018,



SURVEY PLAN FOR  
**TANK CONSTRUCTION SUPPLIES LLC**  
 406-410 CANAL DRIVE - CAROLINA BEACH  
 PART OF LOT 4, LOT'S 14, 15 & 16 - BLK6 - CAROLINA BEACH - NORTHERN SECTION  
 FEDERAL POINT - NEW HANOVER COUNTY - NORTH CAROLINA  
 SEPTEMBER 13, 2021 JOB No.0280 - 2021



Progressive Land  
 Development Consultants, PLLC  
 A VETERANS OWNED SMALL BUSINESS  
 P.O. BOX 1026, CAROLINA BEACH, NC 28426  
 910-367-0066 - lsbaggie@pldcpa.com / P-0874  
 LAND SURVEY/PLANNING/GIS/SCIENCE



## AGENDA ITEM COVERSHEET

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

**DEPARTMENT:** Planning &  
Development

**MEETING:** Planning & Zoning Commission – December 9, 2021

**SUBJECT:** **Conditional Zoning** to consider a multifamily project consisting of 8 townhome units located at 905 Basin Rd in the Marina Business (MB-1) zoning district.  
Applicant: Laurel Companies LLC

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### BACKGROUND:

The applicant, Laurel Companies LLC, applied for a Conditional Zoning application for a multifamily project in the Marina Business District. The proposal includes 8 townhome units. Multifamily dwellings greater than 4 units are allowed through the approval of a conditional zoning district in the Marina Business District.

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

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

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

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

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

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

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

**Proposal:**

The applicant is proposing to redevelop the existing manufactured home park located at 905 Basin Rd with a multifamily project consisting of 8 townhome units. The purpose of the Marina Business (MB-1) district is to reserve areas along the water's edge for maritime uses, water dependent uses, and water-oriented uses. The district also provides for certain residential and non-water dependent uses.

Maximum lot coverage is 40%, which includes the footprint of the buildings, decks and steps. The total square footage of the lot is 21,895. The applicant's proposed total lot coverage is 6,680

square feet for a total lot coverage of 30.51%. The structures will not exceed the 50' height limit. Setbacks in the MB-1 district are 30' (front), and 10' (sides and rear). This lot is considered double frontage, and the applicant shall meet the 30' front setback requirement from both right of ways on Basin Rd and St. Joseph St. The applicant is meeting all setback requirements. The applicant is providing the required Type B 10' Landscape Buffer. The applicant is providing the required 3 parking spaces per unit for a total of 24 parking spaces. The Town recently acquired a grant for a Multi-Use Path on St. Joseph St.

### **Conditional Zoning Process**

As part of the application process a community meeting is required. The applicant held the required meeting on October 22, 2021. The applicant has provided summary comments from the meeting. Based off the comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties.

### **Land Use Plan**

The project is in general conformity with the 2020 Land Use Plan because this area supports Mixed Uses of Commercial and Residential.

### **ACTION REQUESTED:**

Consider recommending approval or denial of a conditional zoning to approve a multifamily project consisting of 8 townhome units located at 905 Basin Road.

Staff recommends approval of the project as proposed.

### **MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the Conditional Use District to allow for a multifamily project consisting of 8 townhome units located at 905 Basin Rd. is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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



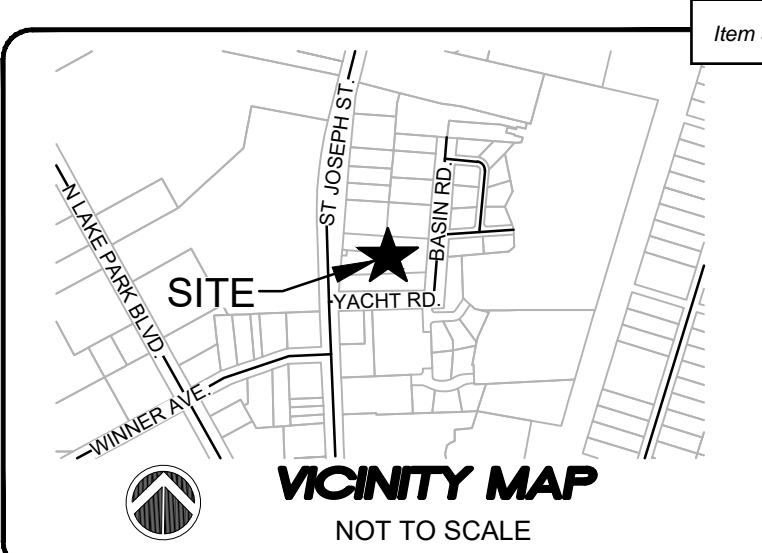
**SITE INFORMATION**

- OWNER: DENNIS D. EDWARDS; MARCEDES EDWARDS
- APPLICANT: LAUREL COMPANIES, LLC
- PHYSICAL ADDRESS:  
905 BASIN RD.  
CAROLINA BEACH, NC 28428
- MAILING ADDRESS:  
101 SEAVIEW RD.  
WILMINGTON, NC 28409
- PARCEL ID: R08818-003-005-000
- AREA OF LOT: 21,895 SF (0.5 AC)
- CURRENT USE:  
MANUFACTURED HOME PARK

- PROPOSED USE:  
MULTIFAMILY RESIDENTIAL
- ZONING: MB-1-MARINA
- SETBACKS:  
FRONT YARD: 30'  
SIDE YARD: 10'  
REAR YARD: 10'  
CORNER: 12.5'
- DEED BOOK: 6419  
PAGE NUMBER: 1220
- PROPOSED BUILT UPON AREA (BUA):  
BUILDINGS = 6,680 SF  
DRIVEWAYS = 3,250 SF  
TOTAL PROPOSED BUA = 9,980 SF  
STRUCTURES LOT COVERAGE = 31%

- IMPERVIOUS LOT COVERAGE = 45%
- PARKING  
EACH UNIT PROVIDES 3 PARKING SPACES: 2 UNDERNEATH THE STRUCTURE (OPEN CARPORT) AND 1 ON THE DRIVEWAY.
- LANDSCAPING  
TYPE B BUFFER REQUIRED: TWO CANOPY TREES OR FOUR UNDERSTORY TREES, AND SIX SHRUBS FOR EVERY 50 LINEAR FEET WITHIN THE BUFFER YARD.  
FOR A PERIMETER OF ROUGHLY 750 LINEAR FEET AT LEAST 30 CANOPY TREES OR 60 UNDERSTORY TREES, AND 90 SHRUBS SHALL BE PROVIDED.
- TOPOGRAPHY  
THE SITE IS RELATIVELY FLAT WITH ELEVATIONS RANGING FROM 8-12'.

- TRASH  
TRASH AND RECYCLING ROLL-OUT CARTS WILL BE USED FOR EACH UNIT AND WILL BE COLLECTED BY THE TOWN OF CAROLINA BEACH.
- UTILITIES  
WATER AND SEWER SERVICE TO BE PROVIDED BY THE TOWN OF CAROLINA BEACH.
- STORMWATER  
A STATE STORMWATER PERMIT IS NOT REQUIRED AS TOTAL IMPERVIOUS AREA FOR THE PROJECT IS BELOW 10,000 SF. A STORMWATER DRAINAGE PLAN THAT IS COMPLIANT WITH THE TOWN OF CAROLINA BEACH ORDINANCE SHALL BE SUBMITTED.
- FIRE  
FIRST 75' OF SHARED DRIVEWAY TO BE RATED 7,500 PSI FOR FIRE TRUCK.

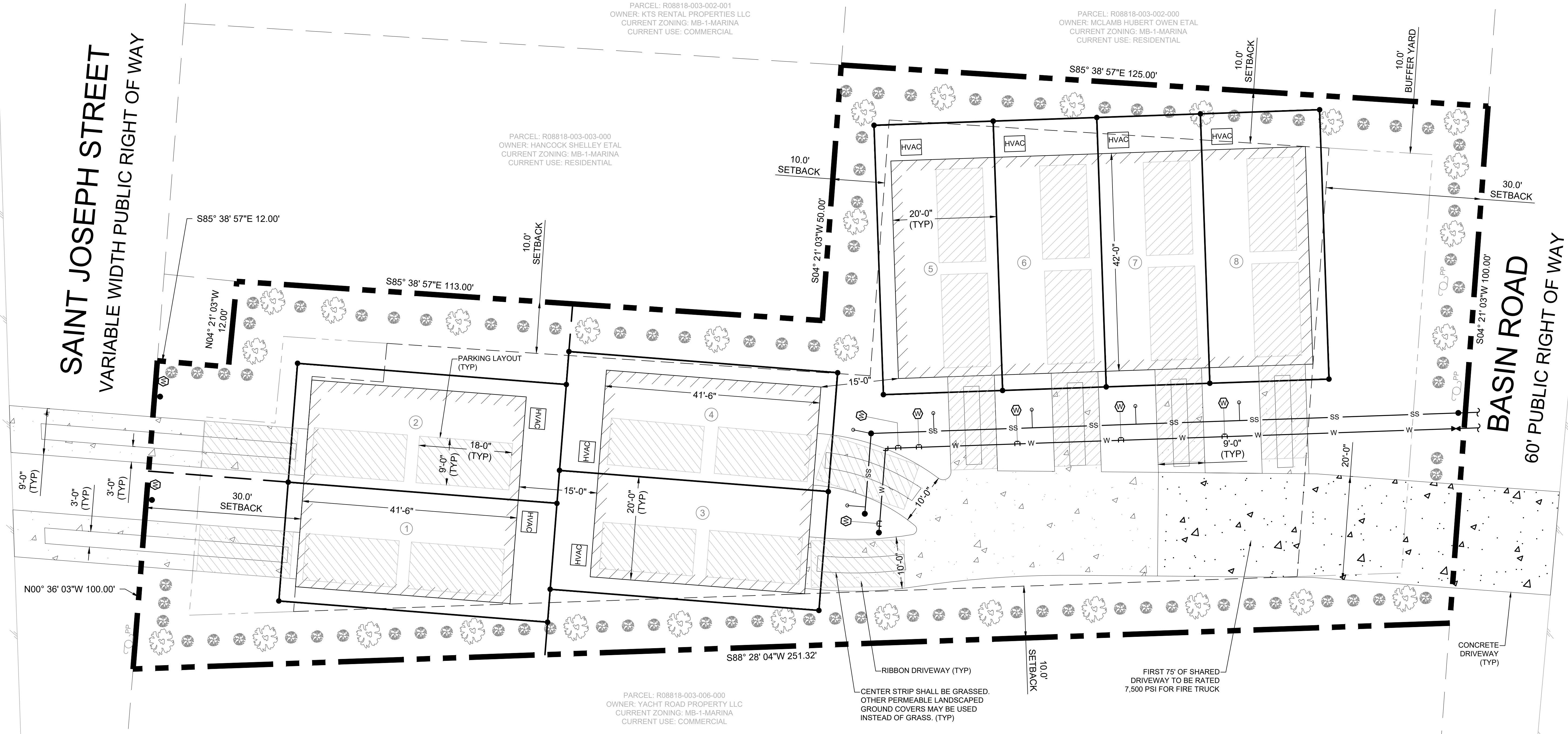


**LEGEND**

SHRUB	
CANOPY TREE	
EXISTING STORM CATCH BASIN	
EXISTING WATER	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
EXISTING SEWER	
EXISTING SEWER MANHOLE	
EXISTING POWER POLE	
ADJOINER	

**ISSUED FOR REGULATORY REVIEW**

REV. #	DESCRIPTION	REV. BY	DATE
B	ISSUED FOR REGULATORY REVIEW	MKM	11/24/21
A	ISSUED FOR REGULATORY REVIEW	MKM	11/01/21
REVISIONS			



- EXISTING CONDITION NOTES:**
- EXISTING CONDITIONS SHOWN IN THIS DRAWING ARE BASED ON AERIAL VIEW FROM GOOGLE EARTH. EXISTING CONDITIONS ARE NOT TO BE RELIED ON AS BEING EXACT OR COMPLETE.
  - THE SITE IS LOCATED IN ZONE "AE" ACCORDING TO FLOOD INSURANCE RATE MAP FOR CAROLINA BEACH, N.C. COMMUNITY-PANEL NUMBER 37203138000K DATED AUGUST 28, 2018. THE DESIGNATION OF ZONE "AE" IS FOR AREAS DETERMINED TO BE WITHIN THE 1.0% ANNUAL CHANCE FLOODPLAIN. THE BASE FLOOD ELEVATION IS 11 FEET.

**CAPE FEAR ENGINEERING**  
 151 Poole Rd., Suite 100, Belville, NC, 28451  
 TEL (910) 383-1044; FAX (910) 383-1045  
 www.capefearengineering.com  
 N.C. LICENSE # C-1621

PROJECT NUMBER:	205-72
SCALE:	AS NOTED
DATE:	11/24/2021

LAUREL COMPANIES, LLC  
 BASIN PARK TOWNHOMES  
 905 BASIN ROAD  
 CAROLINA BEACH, NC

**SITE PLAN  
 CONDITIONAL USE PERMIT**

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



Permit # CZ21-04

## 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.

Please complete all sections of the application.

**A. Property Information**

Address(es): 905 Basin Road

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

Project Name Basin Road Townhomes

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

**B. Application for Conditional Zoning**

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

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

**C. Applicant Contact Information**

Laurel Companies LLC  
Company/corporate Name (if applicable):

Tim Barker  
Applicant's Name

101 Seaview Rd  
Mailing Address

Wilmington, NC 28409  
City, State, and Zip Code

910-632-3765  
Telephone

tim@laurelcompanies.com  
Email

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

Bonnie Bird  
Owner's Name

405 Marina St.  
Mailing Address

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

843-270-7977  
Telephone

bonnie@bbirdnc.com  
Email



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

### I. Site Plan Criteria

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

Yes No N/A

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

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

Yes No N/A

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

- I have provided two hard-copies and one scaled electronic version of each required drawing
- I 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.

*Tamara Ford*

Signature

8/18/2021

Date

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

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

Date: 8-30-21

Appointee's Name, Address & Telephone:

Tim Barker  
101 Seawiew Rd  
Wilmington, NC 28409

Signature of Owner: Bonnie Beard

October 12, 2021

Dear Neighbors,

Please be informed that a meeting has been scheduled to review the Basin Road project. We are planning to build an eight-unit townhome at this location.

This date is scheduled to have a public meeting to discuss our plans with all property owners within the 500 feet of the project's perimeter.

### **Meeting Information**

Time 10:00 AM

Date: October 22, 2021

Location: 905 Basin Road, Carolina Beach, NC

Description: 8 Unit Townhome Community

We have attached a proposed site plan for our project for your review. We look forward to meeting with all property owners on Friday, October 22, 2021.

Please feel free to provide your suggestions or any questions that you may have during this meeting.

Best regards,

Laurel Companies LLC

**LAUREL COMPANIES LLC  
MEETING ROSTER SIGN IN SHEET**

Name	Letter Mailed	Print Name	Sign Name	Date Present
Michael H Womble	10/12/2021			
Kimberly & Michael Tenoever	10/12/2021			
Larry & Sonja Powell	10/12/2021			
Keith & Melanie Steuer	10/12/2021			
Afshin Atousa Safavi	10/12/2021			
Longs Rental Investment LLC	10/12/2021			
Daniel & Kimberly Stiff	10/12/2021			
Warren & Amy Takacs	10/12/2021			
Susan Scandura Rev Trust	10/12/2021			
Quality Home Repair & Maintenance Inc.	10/12/2021			
Gregory & Cynthia Moore	10/12/2021			
Winner Ave LLC	10/12/2021			
Barry & Carolyn Morlock	10/12/2021			
David & Nichole Weimer	10/12/2021			
Town of Carolina Beach	10/12/2021			
Warren Passmore HRS	10/12/2021			
Michael & Christina Puritis	10/12/2021			
Gabby LLC	10/12/2021			
Sound View UOA Inc.	10/12/2021			
Kathie A Winseck	10/12/2021			
Nathaniel & Darlene W Ilos	10/12/2021			
David C Winner Jr.	10/12/2021			
Herbert Jerry & Rebecca J Byrd	10/12/2021			
Yacht Road Property LLC	10/12/2021			

Name	Letter Mailed	Print Name	Sign Name	Date Present
Anthony & Jennifer Stiff	10/12/2021			
MCCL Investments LLC	10/12/2021			
Earl Clyde Kelly	10/12/2021			
Steve & Martha Harlan	10/12/2021			
Jonathan & Wendy Richardson	10/12/2021			
Dennis & Debbie Triplett	10/12/2021			
Brian & Jammie Benthem	10/12/2021			
Hubert Owen McLamb ETAL	10/12/2021			
Federal Point Yacht Club	10/12/2021			
Shelley Hancock ETAL	10/12/2021			
KTS Rental Properties LLC	10/12/2021			
Hubert & Margaret McLamb	10/12/2021			
CBBY LLC	10/12/2021			
Eleanor N McCandless	10/12/2021			
CBBY LLC	10/12/2021			

<b>Name</b>	<b>Mailing Street Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Michael H Womble	3631 Wind Scok Ct	Eastover	NC	28312
Kimberly & Michael Tenoever	101 Hopetown Rd	Carolina Beach	NC	28428
Larry & Sonja Powell	PO Box 628	Carolina Beach	NC	28428
Keith & Melanie Steuer	1215 Briers Creek Dr	Alpharetta	GA	30004
Afshin Atousa Safavi	9 Buell Creek Dr	Englewood	CO	80113
Longs Rental Investment LLC	107 Carolina Sands Dr	Carolina Beach	NC	28428
Daniel & Kimberly Stiff	103 Hope Town Rd	Carolina Beach	NC	28428
Warren & Amy Takacs	520 Staffordshire Rd	Winston Salem	NC	27104
Susan Scandura Rev Trust	103 Rum Cay Rd	Carolina Beach	NC	28428
Quality Home Repair & Maintenance Inc.	103 Winner Ave	Carolina Beach	NC	28428
Gregory & Cynthia Moore	104 Hope Town Rd	Carolina Beach	NC	28428
Winner Ave LLC	917 Basin Rd	Carolina Beach	NC	28428
Barry & Carolyn Morlock	1502 Zurich Pl	New Bern	NC	28562
David & Nichole Weimer	105 Rum Cay Rd	Carolina Beach	NC	28428
Town of Carolina Beach	1121 Lake Park Blvd	Carolina Beach	NC	28428
Warren Passmore HRS	110 Winner Ave	Carolina Beach	NC	28428
Michael & Christina Puritis	9099 Saint Stephens Pl	Wilmington	NC	28412
Gabby LLC	713 Saint Joseph St	Carolina Beach	NC	28428
Sound View UOA Inc.	1029 Lake Park Blvd	Carolina Beach	NC	28428
Kathie A Winseck	800 Saint Joseph St	Carolina Beach	NC	28428
Nathaniel & Darlene W Ilos	801 Saint Joseph St	Carolina Beach	NC	28428
David C Winner Jr.	406 Atlanta Ave	Carolina Beach	NC	28428
Herbert Jerry & Rebecca J Byrd	2095 Orville St	Eastover	NC	28312
Yacht Road Property LLC	8108 Needle Grass Way	Wilmington	NC	28412
Anthony & Jennifer Stiff	902 Grand Bahama Dr	Carolina Beach	NC	28428
MCCL Investments LLC	2060 Azalea Ridge Rd	Hendersonville	NC	28739
Earl Clyde Kelly	PO Box 84	Semora	NC	27343

<b>Name</b>	<b>Mailing Street Address</b>	<b>City</b>	<b>State</b>	<b>Zip</b>
Steve & Martha Harlan	PO Box 1354	Carolina Beach	NC	28428
Jonathan & Wendy Richardson	905 Grand Bahama Dr	Carolina Beach	NC	28428
Dennis & Debbie Triplett	906 Grand Bahama Dr	Carolina Beach	NC	28428
Brian & Jammie Benthem	908 Grand Bahama Dr	Carolina Beach	NC	28428
Hubert Owen McLamb ETAL	902 Wall St N	Benson	NC	27504
Federal Point Yacht Club	910 Basin Rd	Carolina Beach	NC	28428
Shelley Hancock ETAL	16718 Five Point Rd	Locust	NC	28097
KTS Rental Properties LLC	8108 Needle Grass Way	Wilmington	NC	28412
Hubert & Margaret McLamb	902 Wall St N	Benson	NC	27504
CBBY LLC	701 Lake Park Blvd N	Carolina Beach	NC	28428
Eleanor N McCandless	1911 Knollwood Dr	Wilmington	NC	28403
CBBY LLC	917 Basin Rd	Carolina Beach	NC	28428



Item 3

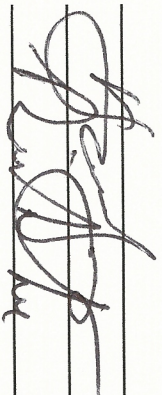
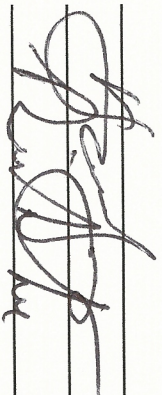
Name	Letter Mailed	Print Name	Sign Name	Date Present
Michael H Womble	10/12/2021			
Kimberly & Michael Tenover	10/12/2021			
Larry & Sorja Powell	10/12/2021	Sorja & Larry Powell	Sorja Powell	10/22/21
Keith & Melanie Steuer	10/12/2021			
Afshin Atousa Safari	10/12/2021			
Longs Rental Investment LLC	10/12/2021			
Daniel & Kimberly Stiff	10/12/2021	Dan & Kim Stiff	Kim Stiff	10/22/21
Warren & Amy Takeacs	10/12/2021		W.A.	10/22/21
Susan Scandura Rev Trust	10/12/2021			
Quality Home Repair & Maintenance Inc.	10/12/2021			
Gregory & Cynthia Moore	10/12/2021			
Winner Ave LLC	10/12/2021			
Barry & Carolyn Morlock	10/12/2021			
David & Nichole Weimer	10/12/2021			
Town of Carolina Beach	10/12/2021			
Warren Passmore HRS	10/12/2021			
Michael & Christina Puritis	10/12/2021			
Gabby LLC	10/12/2021			
Sound View UOA Inc.	10/12/2021			
Kathie A Winseck	10/12/2021			
Nathaniel & Darlene W llos	10/12/2021			
David C Winner Jr.	10/12/2021			
Herbert Jerry & Rebecca J Byrd	10/12/2021			
Yacht Road Property LLC	10/12/2021	Tom Scudazzo	Tom Scudazzo	10/22/21

Letters Mailed address

Meeting Date: Friday, October 22, 2021



Item 3.

Name	Letter Mailed	Print Name	Sign Name	Date Present
Anthony & Jennifer Stiff	10/12/2021			
MCCL Investments LLC	10/12/2021			
Earl Clyde Kelly	10/12/2021			
Steve & Martha Harlan	10/12/2021			
Jonathan & Wendy Richardson	10/12/2021			
Dennis & Debbie Triplett	10/12/2021			
Brian & Jammie Benthem	10/12/2021			
Hubert Owen McLamb ETAL	10/12/2021			
Federal Point Yacht Club	10/12/2021			
Shelley Hancock ETAL	10/12/2021			
KTS Rental Properties LLC	10/12/2021	TOM SWANZ		10-22-21
Hubert & Margaret McLamb	10/12/2021	Richard Lee		10-22-21
CBBY LLC	10/12/2021			
Eleanor N McCandless	10/12/2021			
CBBY LLC	10/12/2021			



Name	Mailing Street Address	City	State	Zip
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Eleanor N McCandless	1911 Knollwood Dr	Wilmington	NC	28403
CBBY LLC	917 Basin Rd	Carolina Beach	NC	28428



Sonja & Larry Powell

Email  
Sonja@SUPPLAP.com

Dan & Kim Stiff

dstiff@lpdinc.com

Steve Grapkel

cmgr@pyclub.com

**Gloria Abbotts**

---

**From:** Tim Barker <tim@laurelcompanies.com>  
**Sent:** Monday, October 25, 2021 9:07 AM  
**To:** Gloria Abbotts; Jeremy Hardison  
**Cc:** Robbie Barnes; Tina Trout; Ned Barnes  
**Subject:** 905 Basin Road CUP  
**Attachments:** Basin Rd Meeting Info.pdf

**Be Advised: This email originated from outside of the Town of Carolina Beach, NC**

Gloria and Jeremy,

We had our public meeting last Friday at 10 AM. Attached is the attendance list. The attendees liked the project and were concerned about an ongoing storm water problem on the street.

Please let me know if you have any questions.

Thanks,

--

*Tim Barker*

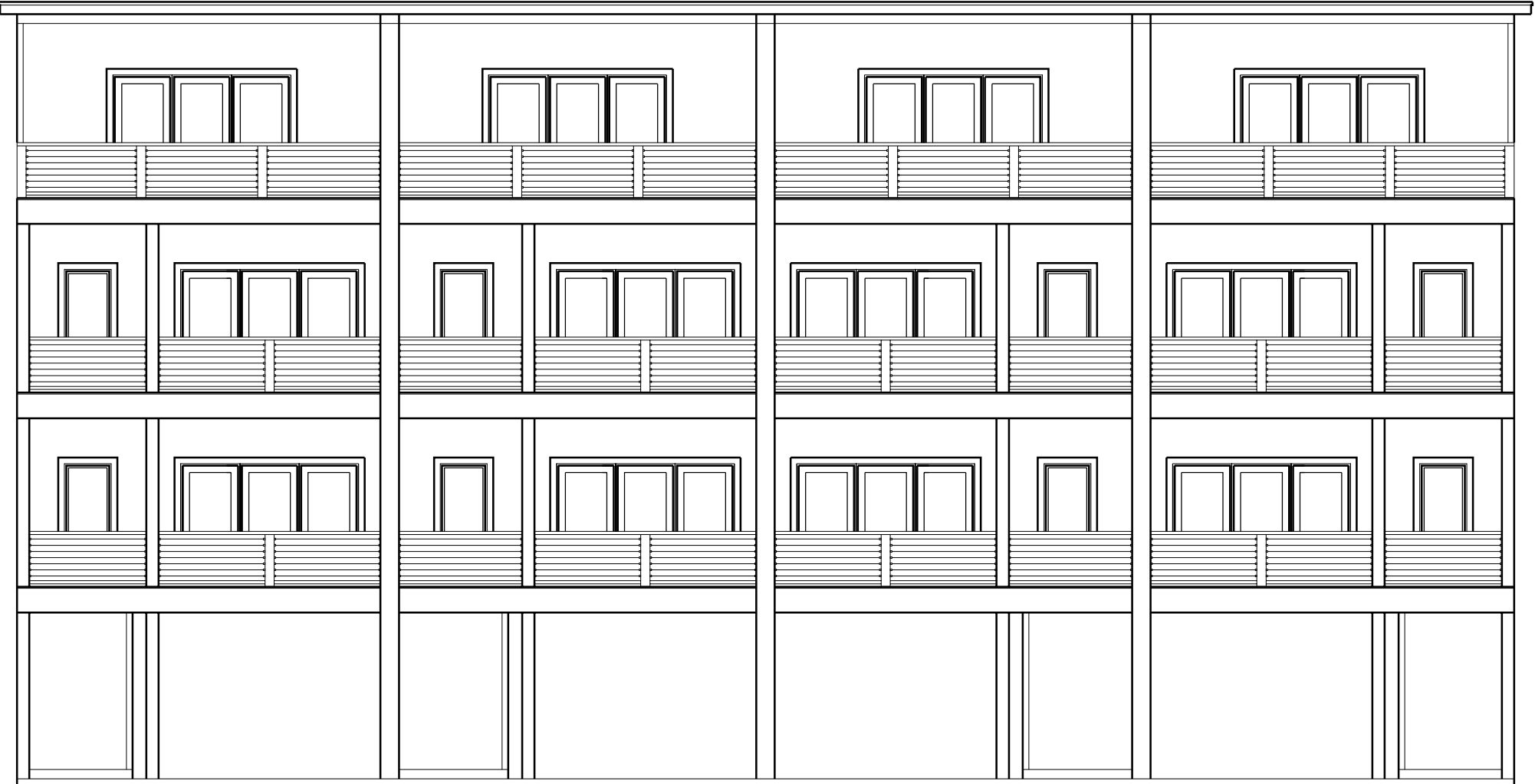
**Laurel Homes**

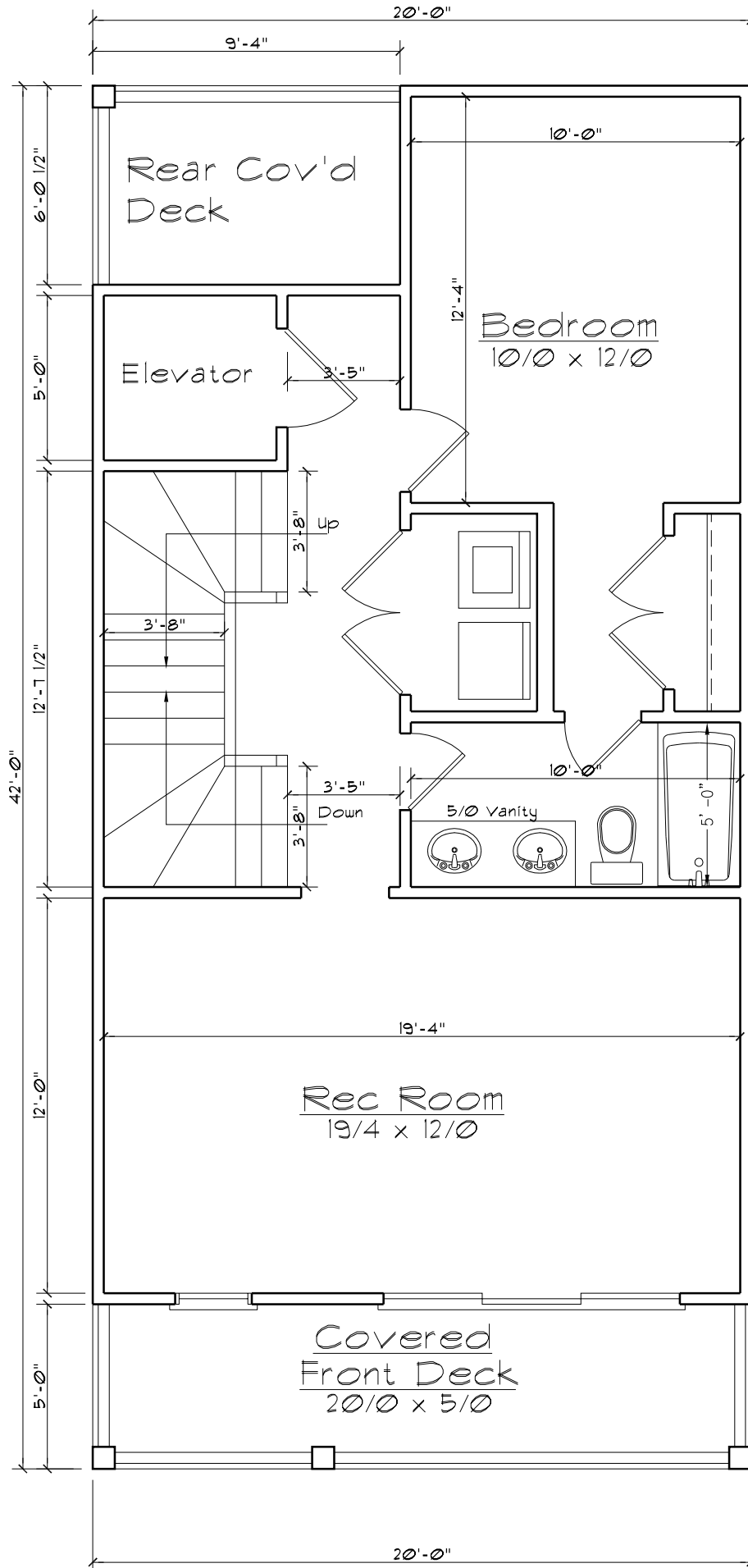
101 North Seaview Road

Wilmington, NC 28409

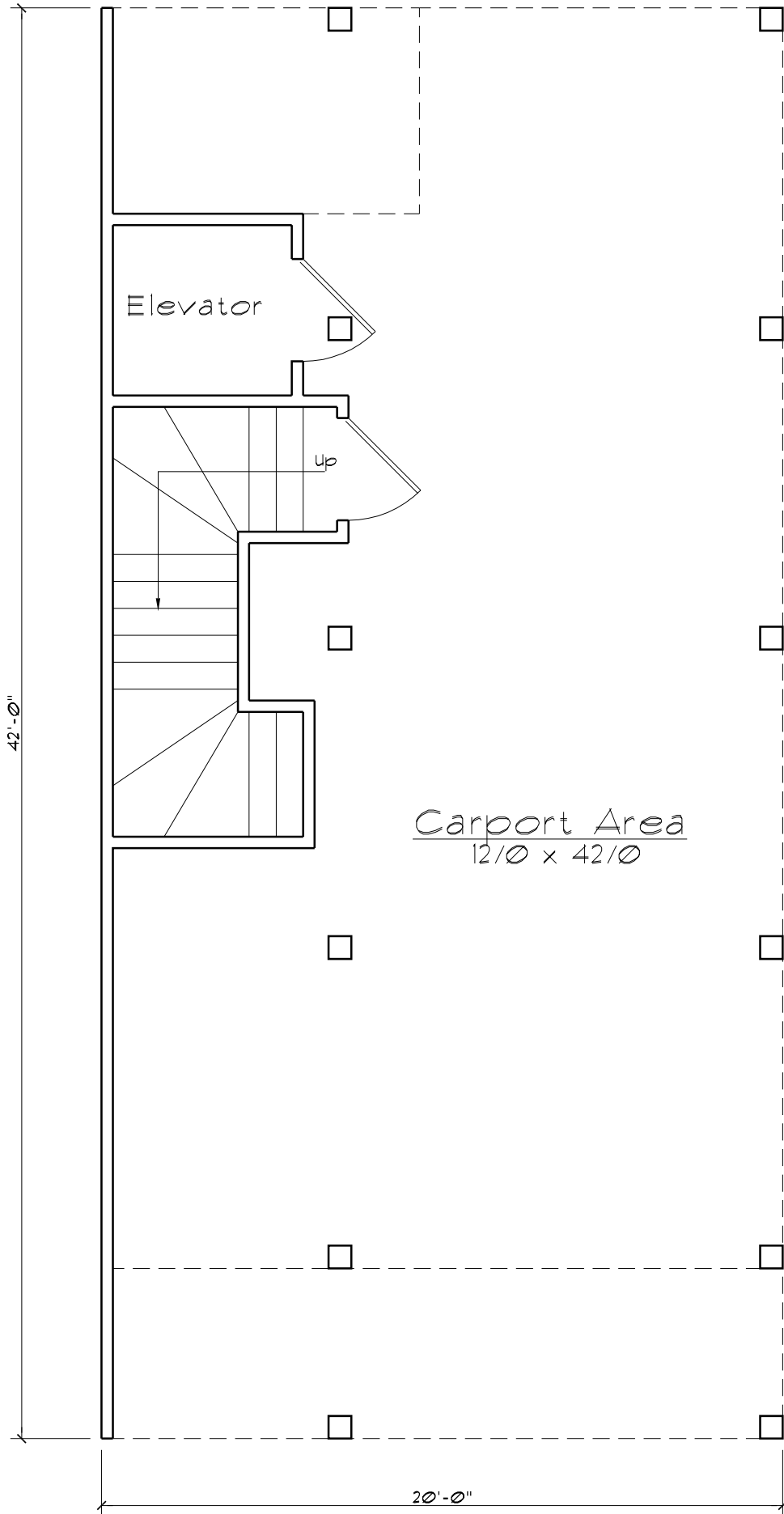
(M) 910-632-3765

[www.laurelcompanies.com](http://www.laurelcompanies.com)



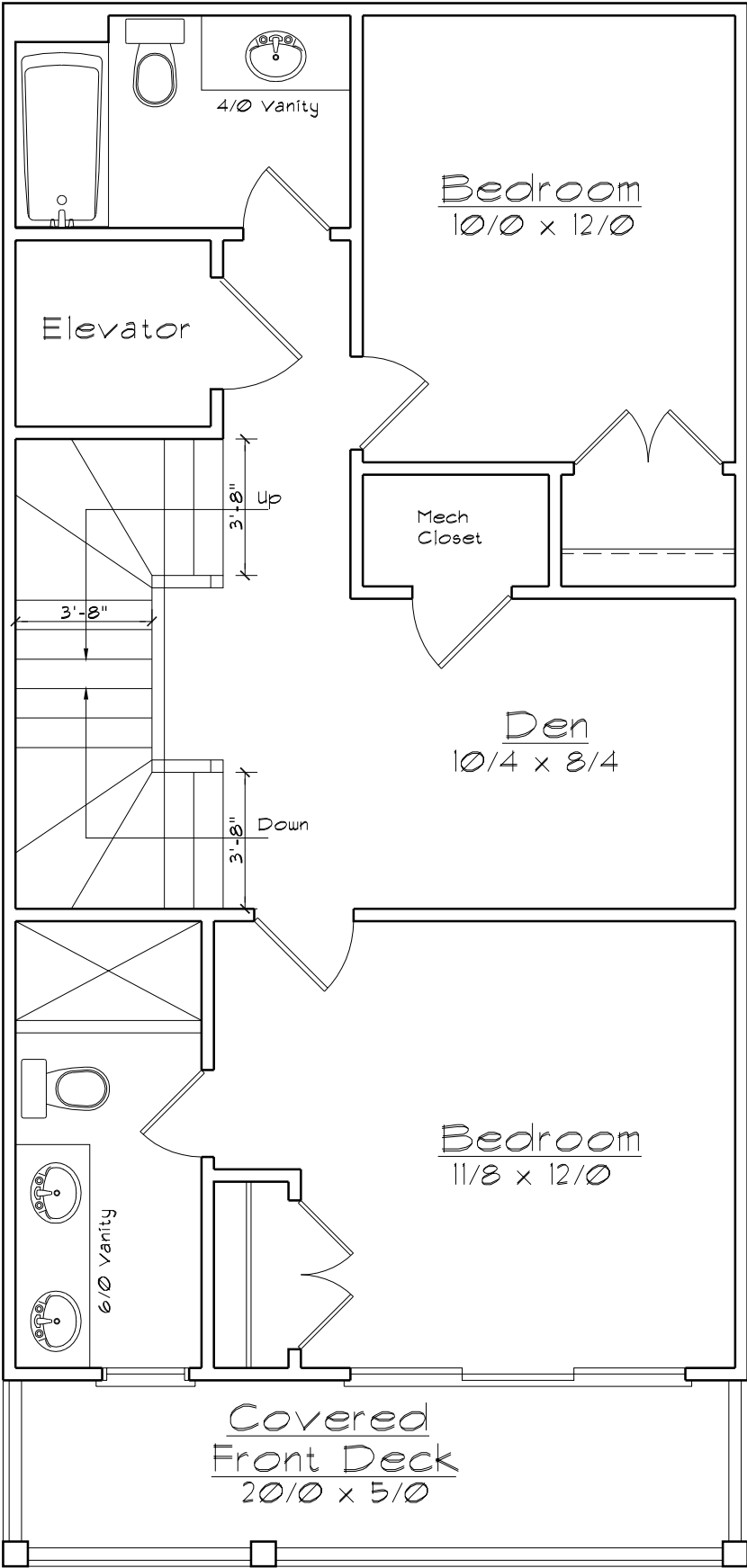


Preliminary 1st Floor Plan  
684 Heated Square Feet

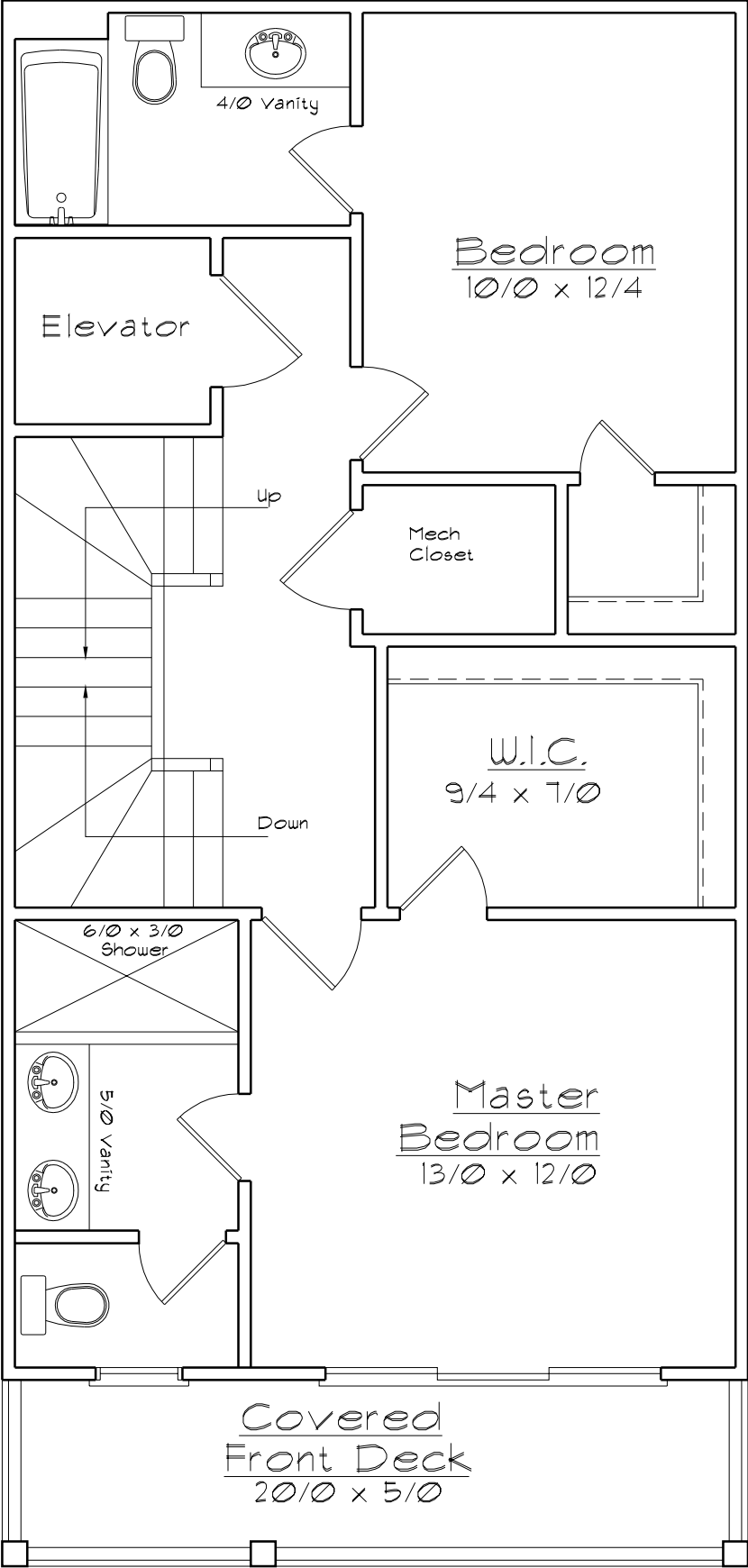


Preliminary Ground Floor Plan

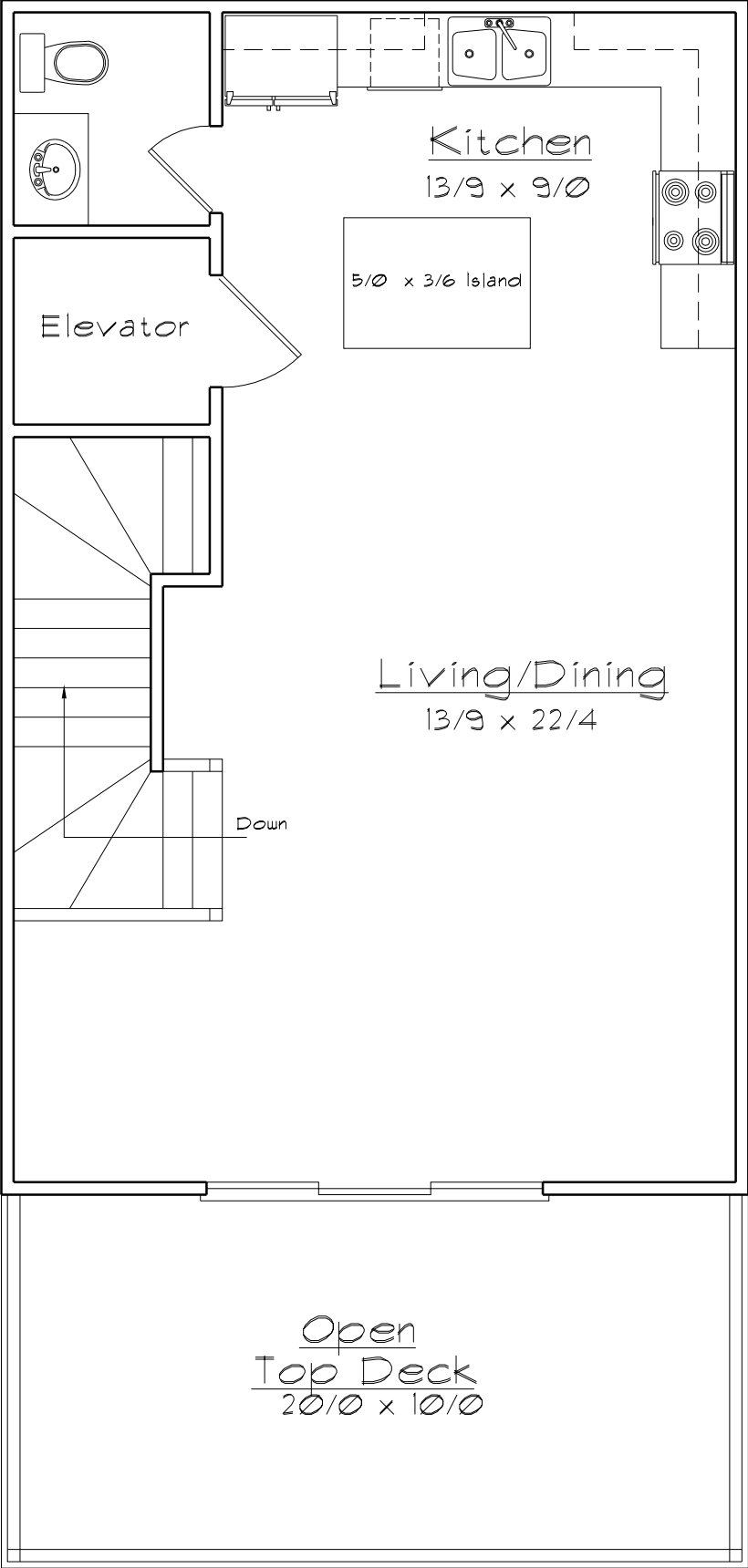




Preliminary 2nd Floor Plan (Option)  
740 Heated Square Feet



Preliminary 2nd Floor Plan  
740 Heated Square Feet



Preliminary 3rd Floor Plan  
640 Heated Square Feet



## AGENDA ITEM COVERSHEET

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

**MEETING:** Planning & Zoning Commission – December 9, 2021

**SUBJECT:** **Voluntary Annexation** to annex 20,853sq. ft. parcel located at 601 Augusta Ave into the town of Carolina Beach municipal boundaries.

Applicant: Center City Development

### **BACKGROUND:**

The Applicant, Center City Development is requesting a voluntary annexation of a 20,853 sq. ft. tract located at 601 Augusta Ave (lots 5,6, 1 and portion of 2). The property is owned by one entity. This area of undeveloped land is situated between Carolina Sands neighborhood and developed lots off of Augusta Ave. The lot abuts up to the Sunny Point buffer area to the west. The lot is on the corner of 6<sup>th</sup> st and Augusta Ave. Augusta Ave terminates 285' west to the Sunny Point buffer area. Sunny Point acquired the adjacent property in the early 50's. When the town annexed the area where Carolina Sands is this property was not included as it was not part of the subdivision. The property is currently zoned Conservation. It is the only private land that is not incorporated on the island. The town zoned all the property that was outside the town limits conservation, this includes the subject property, Sunny Point land and the state park in this area. The property is in the Town's extraterritorial jurisdiction (ETJ). The town has the authority to regulate how property is developed and zoned within a certain distance from its town limits. Any property owner can petition the town to annex their property into the town limits. There would not be any additional impact on services and resources to this property. Water and sewer is existing to the property. Through mutual aid police and fire would respond to any emergency situation.

### **ACTION REQUESTED:**

Staff recommends this parcel to be annexed in the town limits.

### **MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the annexation request of 601 Augusta Ave

Denial – The Commission does not recommend approval with the proposed adoption of the annexation of 601 Augusta Ave

**Attachments**

- 1. Application**
- 2. Map of Property**
- 3. Survey**
- 4. 601 Augusta Ave Property**
- 5. 601 Augusta Ave lot history**
- 6. Town limits map**

Date: 10/28/21



# PETITION REQUESTING A CONTIGUOUS ANNEXATION

RECEIVED  
OCT 29 2021

\* \* \* \* \*

**IMPORTANT: Supplementary information required as part of the petition:**

- Copy of the New Hanover County Tax Map which delineates the property requested for annexation with relation to the primary corporate limits of Carolina Beach
- Legal description of property requested for rezoning, by metes and bounds

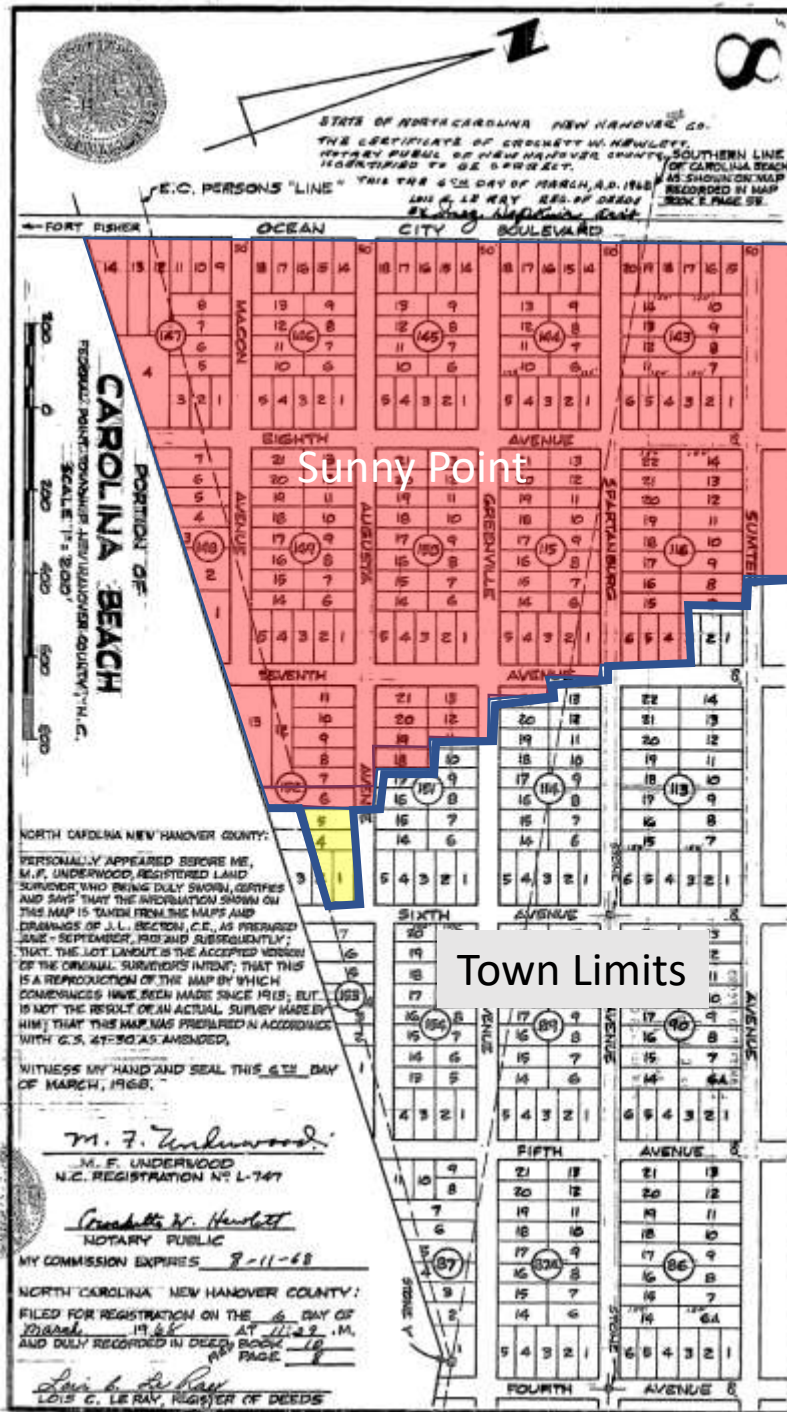
**To the Town Council of the Town of Carolina Beach:**

1. We the undersigned owners of real property respectfully request that the area described in Paragraph 2 below be annexed to the Town of Carolina Beach.
2. The area to be annexed is contiguous to the Town of Carolina Beach. Below is the Metes and Bounds  
Description of the boundaries: AUGUSTA AVE & SOUTH 6TH STREET, LOT 1 PT LTS 2/4/5 BLK 152 CAROLINA BEACH  
*601 Augusta Ave.*                      **FEE: \$370.00**

\*\*\*\*\*

3. A map is attached showing the area proposed for annexation in relation to the primary corporate limits of the Town of Carolina Beach. [and in relation to the primary corporate limits of the (City/Town/Village) of Federal Point Township.]
4. We acknowledge that any zoning vested rights acquired pursuant to G.S. 160A-385.1 must be declared and identified on this petition. We further acknowledge that failure to declare such rights on this petition shall result in a termination of vested rights previously acquired for the property. (If zoning vested rights are claimed, indicate below and attached proof.)

<u>Name</u>	<u>Address</u>	<u>Do you declare vested rights? (indicate yes or no)</u>	<u>Signature</u>
Center City Development, Inc	920 Oceanward Ln., Carolina Beach NC 28428	No	<i>Kilon Wilson</i>
			<i>KL Wilson</i>

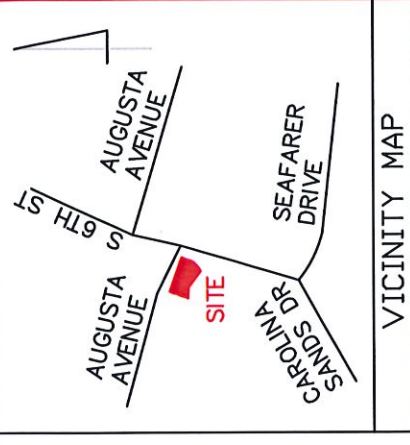




NORTH CAROLINA  
PENDER COUNTY

I, L. SCOTT BAGGIE, CERTIFY THAT THIS SURVEY PLAN WAS DRAWN UNDER MY SUPERVISION FROM AN ACTUAL SURVEY MADE UNDER MY SUPERVISION, DESCRIPTION RECORDED IN DEED BOOK 5781 PAGE 0548. PLOTTED FROM INFORMATION REFERENCED, THAT THIS PLAT WAS NOT PREPARED IN ACCORDANCE WITH G.S. 47-30 AS AMENDED. WITNESS MY ORIGINAL SIGNATURE, REGISTRATION NUMBER AND SEAL THIS 19TH DAY OF OCTOBER, A.D., 2021.

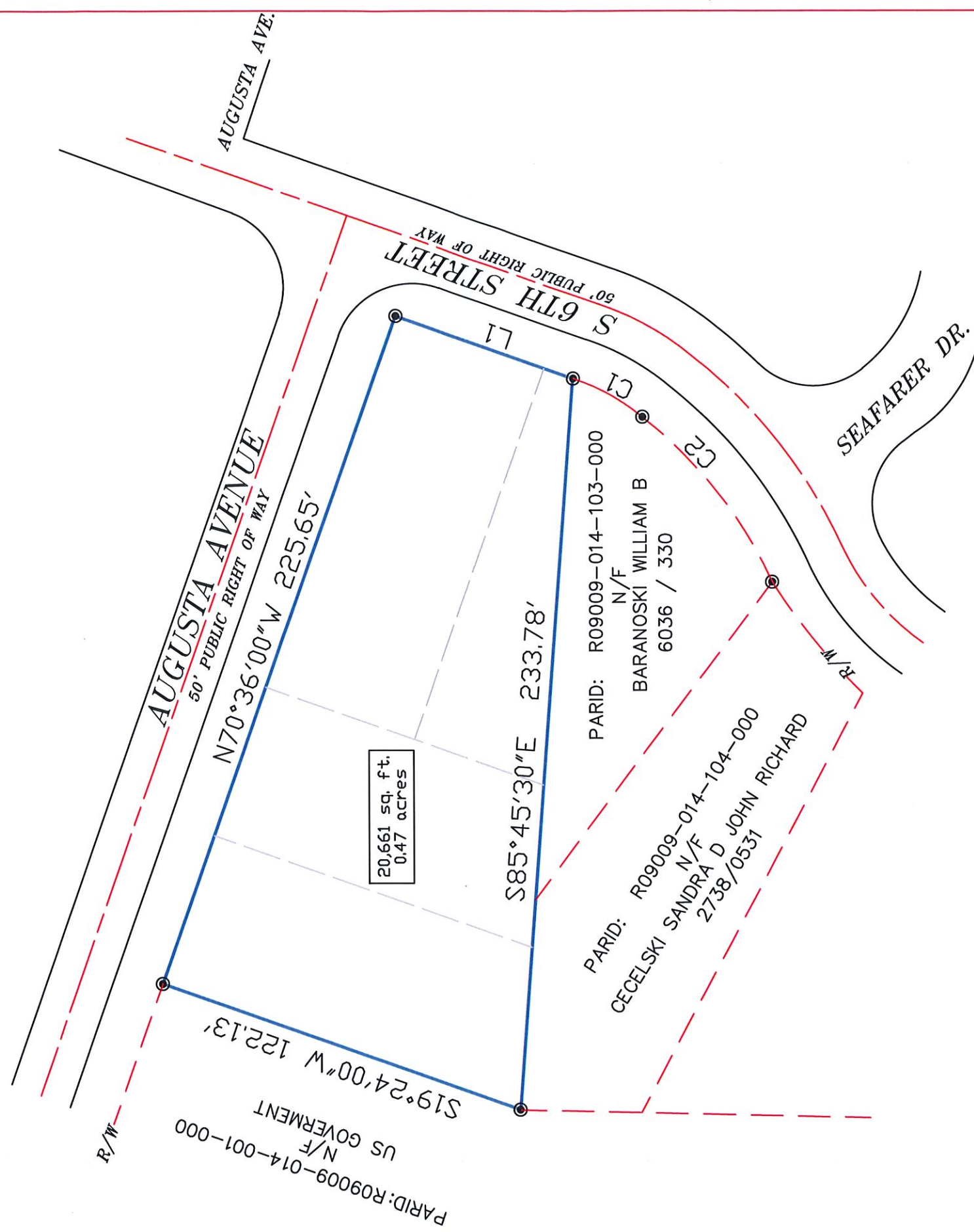
L. SCOTT BAGGIE, P.L.S.  
REGISTRATION NUMBER L-3450



VICINITY MAP

LEGEND:

- R/W - RIGHT OF WAY
- - IRON PIPE FOUND



LINE TABLE	
LINE	BEARING DISTANCE
L1	N19°24'00"E 61.00'
L2	S85°45'30"E 233.11'
L3	S85°45'30"E 166.11'

CURVE TABLE		
CURVE	LENGTH	RADIUS
C1	25.48'	65.65'
C2	67.29'	140.66'

NOTE:

SUBJECT PROPERTY REFERENCED AT DEED BOOK 5781 PAGE 0548 (TRACT FIVE), MAP BOOK 10 PAGE 8; PARID: R09009-014-003-000.

THIS PROPERTY IS NOT LOCATED WITH IN A FLOOD HAZARD AREA.

THIS SURVEY IS OF AN EXISTING PARCEL OF PROPERTY AND DOES NOT CREATE A SUBDIVISION.

EA IS COMPUTED BY COORDINATES.

SURVEY FOR

**CENTER CITY DEVELOPMENT, INC**

AUGUSTA AVE. & SOUTH 6TH STREET

LOT 1 PT LTS 2/4/5 BLK 152 CAROLINA BEACH

FEDERAL POINT TWP. - NEW HANOVER COUNTY - NORTH CAROLINA

OCTOBER 19, 2021 JOB No.0305-2021

PROGRESSIVE LAND DEVELOPMENT CONSULTANTS, PLLC

P.O. BOX 1028

CAROLINA BEACH, NORTH CAROLINA 28428

TELE: (910) 367-0066

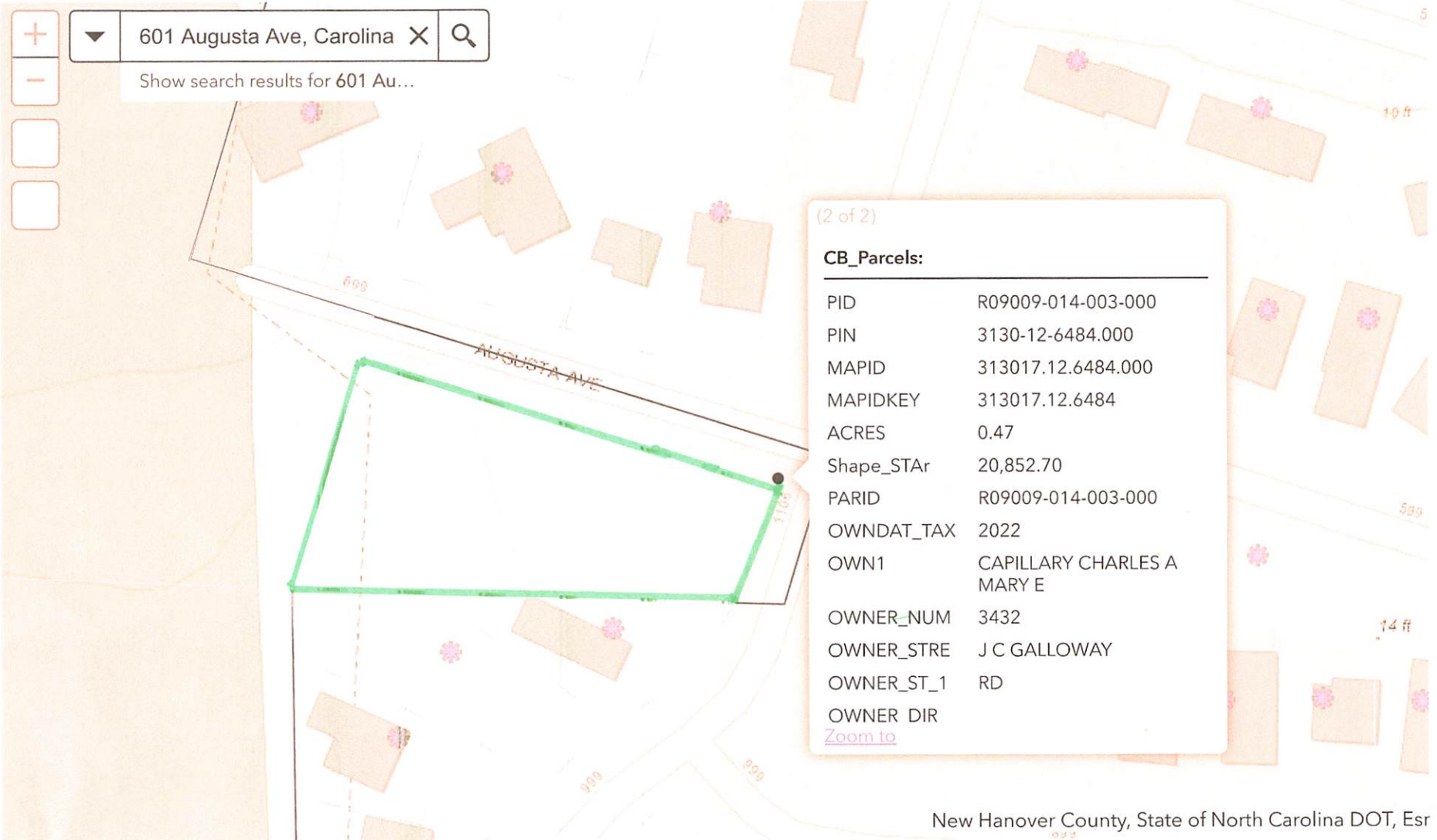
lsbaggie@pldcnc.com (P-0874)

SCALE 1" = 40'



601 Augusta Ave, Carolina

Show search results for 601 Au...



(2 of 2)

**CB\_Parcels:**

PID	R09009-014-003-000
PIN	3130-12-6484.000
MAPID	313017.12.6484.000
MAPIDKEY	313017.12.6484
ACRES	0.47
Shape_STAr	20,852.70
PARID	R09009-014-003-000
OWNDAT_TAX	2022
OWN1	CAPILLARY CHARLES A MARY E
OWNER_NUM	3432
OWNER_STRE	J C GALLOWAY
OWNER_ST_1	RD
OWNER_DIR	

[Zoom to](#)

New Hanover County, State of North Carolina DOT, Esr



All rights reserved



**Kilon Wilson**

---

**From:** Legal Assistant <legalassistant@nedbarnes.com>  
**Sent:** Thursday, October 28, 2021 9:35 AM  
**To:** Kilon Wilson  
**Subject:** RE: 601 Augusta Ave.  
**Attachments:** DoNotReply@intelsat.com\_20211028\_071126.pdf

Kilon,

The lot is comprised of all of Lot 1, Part of lots 2, 4 & 5.  
It has never been combined into one parcel – there is not a recorded map showing this.

I've attached the map from 1968 and highlighted the lots you own. You will see the line that cuts through lots 2,4 and 5. You will also see the diagonal line that shows what was the Southern Line of Carolina Beach showing that the parcel was not part of the Town of Carolina Beach in 1968 We are unable to find any recorded documents explaining why this parcel of land is not under the Town of Carolina Beach. It is our supposition that when the US Government acquired the large adjacent parcel certain lots were exempted out to create an even boundary line. It appears that this parcel was overlooked at that time. The Town of Carolina Beach should have an Annexation Map that shows when the other lots on your block were incorporated into the Town limits.

You can see from the link below that this parcel is an irregularity to that boundary line.

<https://etax.nhcgov.com/pt/maps/map.aspx?sIndex=8&idx=1&LMparent=20>

Hope this helps!

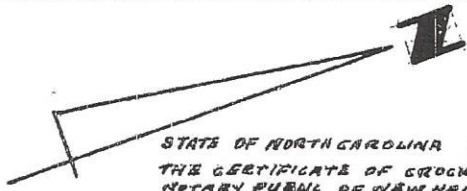
Thank you,  
Kris Redmond  
Legal Assistant  
910-458-4466

Law Office of Ned M. Barnes  
Attorney at Law  
A-3 Pleasure Island Plaza (USPS)  
1009 N. Lake Park Blvd., Suite C-2 (Overnight)  
Carolina Beach, NC 28428  
Telephone: 910-458-4466  
Facsimile: 910-458-8845

## **OUR WIRING INSTRUCTIONS HAVE CHANGED AS OF NOV. 15, 2018.**

OUR OFFICE IS LOCATED ON THE EAST COAST, EASTERN STANDARD TIME APPLIES. OUR OFFICE HOURS ARE 8:30 AM TO 5:00 PM, EASTERN STANDARD TIME.

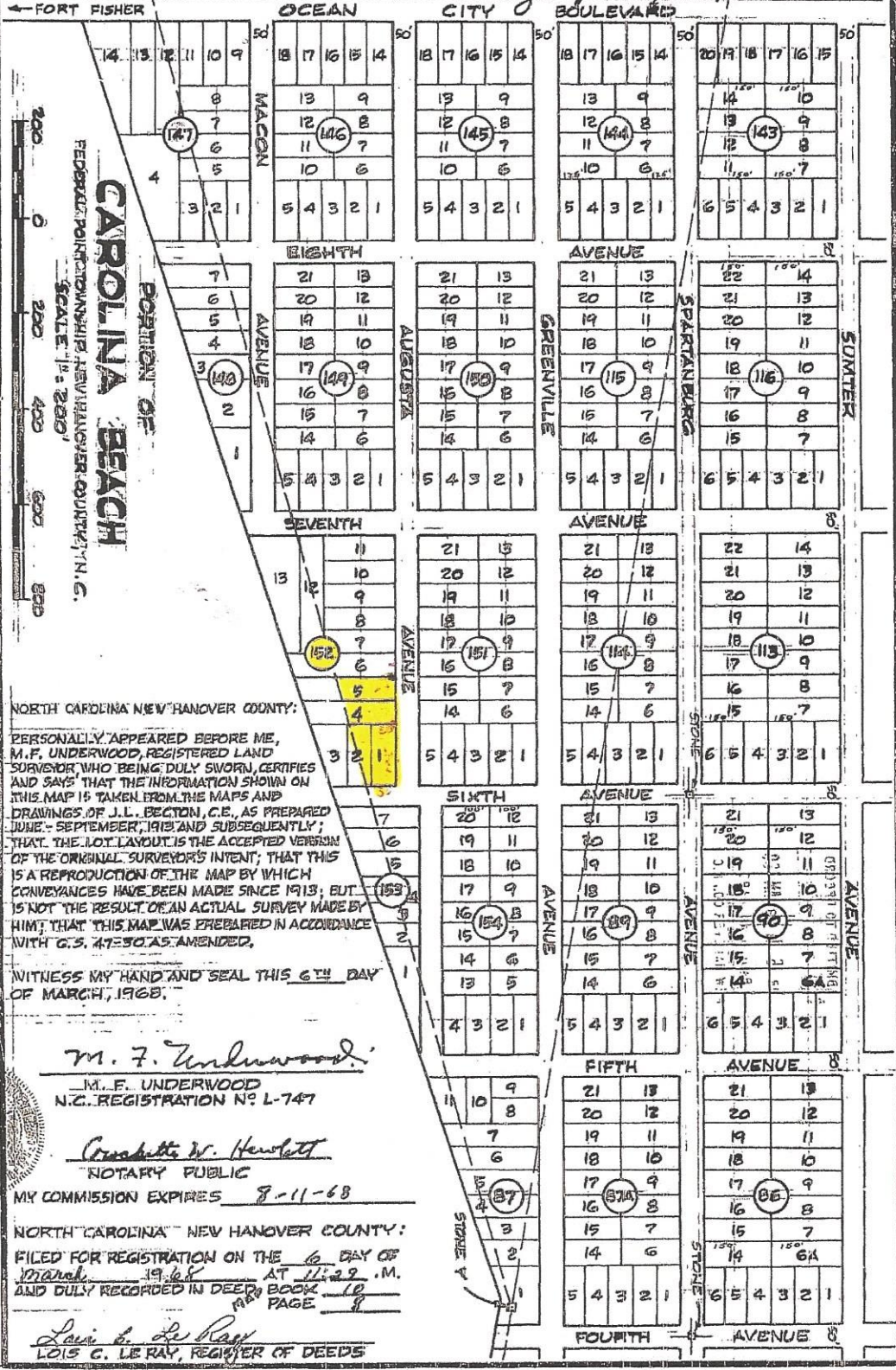
10/8



STATE OF NORTH CAROLINA NEW HANOVER CO.  
 THE CERTIFICATE OF CROCKETT W. HEWLETT,  
 NOTARY PUBLIC OF NEW HANOVER COUNTY,  
 IS CERTIFIED TO BE CORRECT.

SOUTHERN LINE  
 OF CAROLINA BEACH  
 AS SHOWN ON MAP  
 RECORDED IN MAP  
 BOOK 2, PAGE 58.

"E.C. PERSONS" LINE THIS THE 6TH DAY OF MARCH, A.D. 1968  
 BY LOIS C. LE RAY REG. OF DEEDS  
 BY *Lois C. Le Ray*



NORTH CAROLINA NEW HANOVER COUNTY:

PERSONALLY APPEARED BEFORE ME,  
 M. F. UNDERWOOD, REGISTERED LAND  
 SURVEYOR WHO BEING DULY SWORN, CERTIFIES  
 AND SAYS THAT THE INFORMATION SHOWN ON  
 THIS MAP IS TAKEN FROM THE MAPS AND  
 DRAWINGS OF J.L. BECTON, C.E., AS PREPARED  
 JUNE, SEPTEMBER, 1913 AND SUBSEQUENTLY;  
 THAT THE LOT LAYOUT IS THE ACCEPTED VERSION  
 OF THE ORIGINAL SURVEYOR'S INTENT; THAT THIS  
 IS A REPRODUCTION OF THE MAP BY WHICH  
 CONVEYANCES HAVE BEEN MADE SINCE 1913, BUT  
 IS NOT THE RESULT OF AN ACTUAL SURVEY MADE BY  
 HIM; THAT THIS MAP WAS PREPARED IN ACCORDANCE  
 WITH G.S. 47-50 AS AMENDED.

WITNESS MY HAND AND SEAL THIS 6TH DAY  
 OF MARCH, 1968.

*M. F. Underwood*

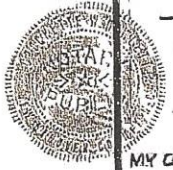
M. F. UNDERWOOD  
 N.C. REGISTRATION NO. L-747

*Crockett W. Hewlett*  
 NOTARY PUBLIC

MY COMMISSION EXPIRES 8-11-68

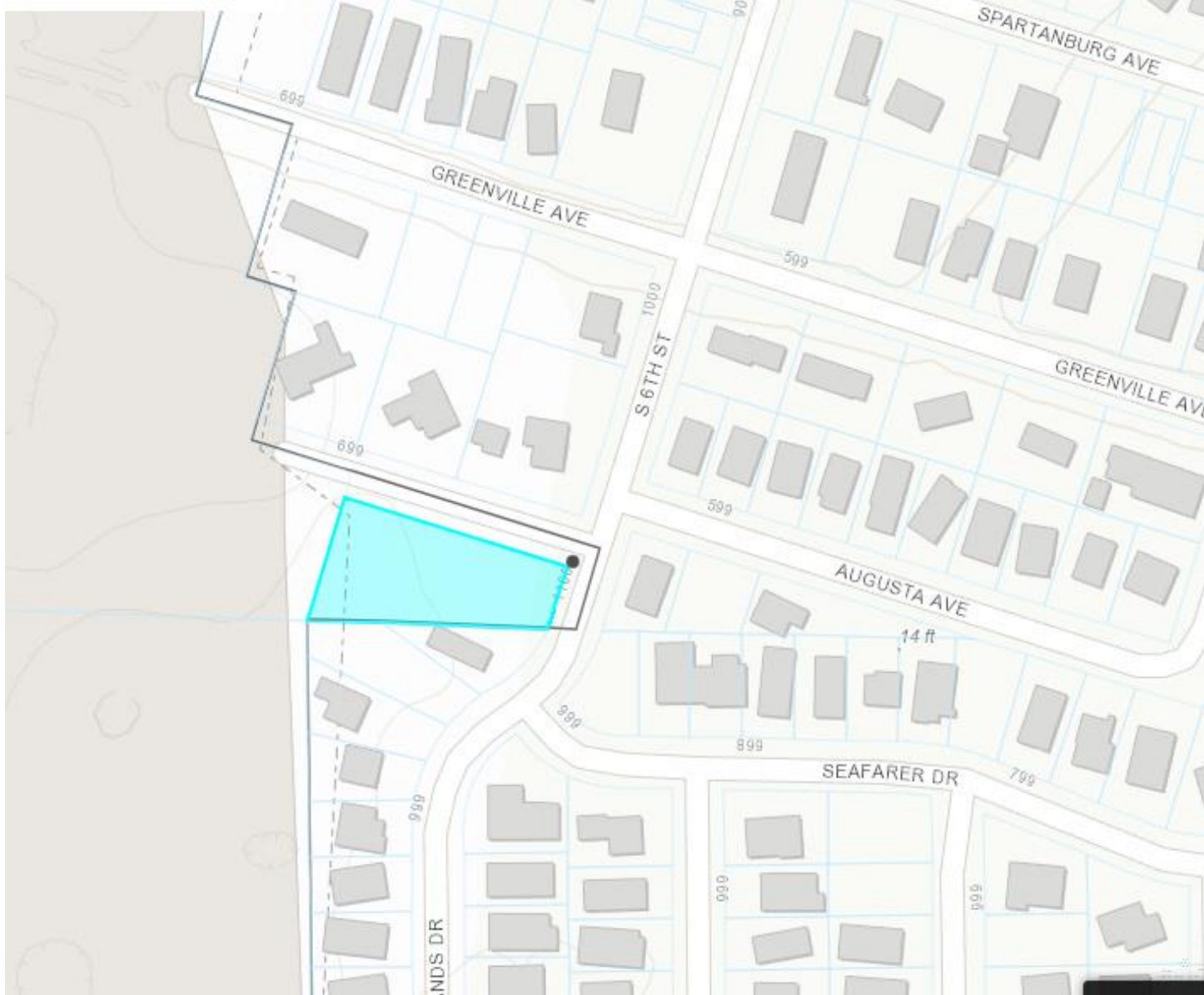
NORTH CAROLINA NEW HANOVER COUNTY:  
 FILED FOR REGISTRATION ON THE 6 DAY OF  
 March 1968 AT 11:22 A.M.  
 AND DULY RECORDED IN DEED BOOK 10  
 PAGE 8

*Lois C. Le Ray*  
 LOIS C. LE RAY, REGISTER OF DEEDS





# Town Limits





## AGENDA ITEM COVERSHEET

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

**MEETING:** Planning & Zoning Commission – December 9, 2021

**SUBJECT:**      **Map Amendment to** rezone 601 Augusta Ave from Conservation (C) to Residential (R-1) zoning district.  
Applicant: Town of Carolina Beach

### **BACKGROUND:**

The owner of 601 Augusta Ave is requesting to be annex within the Town Limits. When a property is annexed zoning will be analyzed according to the Land Use Map. The property is currently zoned Conservation. The property is located in the extraterritorial jurisdiction. When a municipality adopts an extraterritorial-boundary, the town acquires jurisdiction for all of its zoning and subdivision ordinances, and housing and building codes, and the county loses its jurisdiction for those ordinances. The size of the property is 20,853 sq. ft. The legal description is LOT 1 PT LTS 2/4/5 BLK 152. This tract of land is the only private property that is zoned Conservation in this area. All other property is owned by the state or federal government. The town zoned all the areas Conservation that were outside of the town limits. There is no documentation or evidence of wetlands or environmental concerns with the property that may lend itself to be zoned conservation.

### **SURROUNDING LAND USES**

The property is currently vacant.

The adjacent zoning district to the north and east is R-1 that is across the street from Augusta Ave and 6<sup>th</sup> St. The property to the north adjacent to Carolina Sands is R-1B.

### **ZONING CLASSIFICATIONS**

As prescribed in the chart below the Conservation, R-1B, and R-1 districts all allow for single-family homes. The R-1 also allows for two-family dwellings. Currently with the Conservation zoning one unit can be developed on the property. If the property is rezoned from Conservation to R-1 or R-1B then the property could be subdivided into four lots. These lots could be developed single-family only in R-1B and either single-family or two-family dwellings in R-1.

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

P = Permitted.



USES OF LAND	R-1	R-1B	C
<b>Residential Uses</b>			
Two-family dwellings	P		
Single-family detached	P	P	P

Sec. 40-74. - Dimensional standards for lots and principal structures.

Zoning District	Primary Permitted Uses	Min. Lot Size	Min. Lot Width <sup>6</sup>	Min. Front Yard	Min. Rear Yard	Min. Side Yards* (Corner Lot—Min. 12.5 ft.) <sup>4</sup>	Residential Max. Density	Max. Height	Max. Lot Coverage
R-1	Single-Family Two-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	15 units/acre	50 ft. <sup>1</sup>	40%
R-1B	Single-Family	5,000 sq. ft.	50 ft.	20 ft.	10 ft.	7.5 ft.	8.7 units/acre	50 ft. <sup>1</sup>	40%
C	Conservation District Single-Family	80,000 sq. ft.	200 ft.	30 ft.	20 ft.	20 ft.	0.5 units/acre	50 ft. <sup>1</sup>	15%

If the property is rezoned then all of the uses and requirements would apply to the area.

**LAND USE PLAN ANALYSIS**

The future land use and classification map in the 2020 Land Use Plan (LUP) has the area Classified medium density residential with primarily single family detached residence with two-family homes and townhomes allowed occasionally if contextually compatible.

**ACTION REQUESTED:**

Staff recommends this parcel to be rezoned that would be consistent with the 2020 Land Use Plan.

**MOTION:**

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the rezoning of 601 Augusta Ave is from Conservation to R-1 is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans.

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

Attachments:

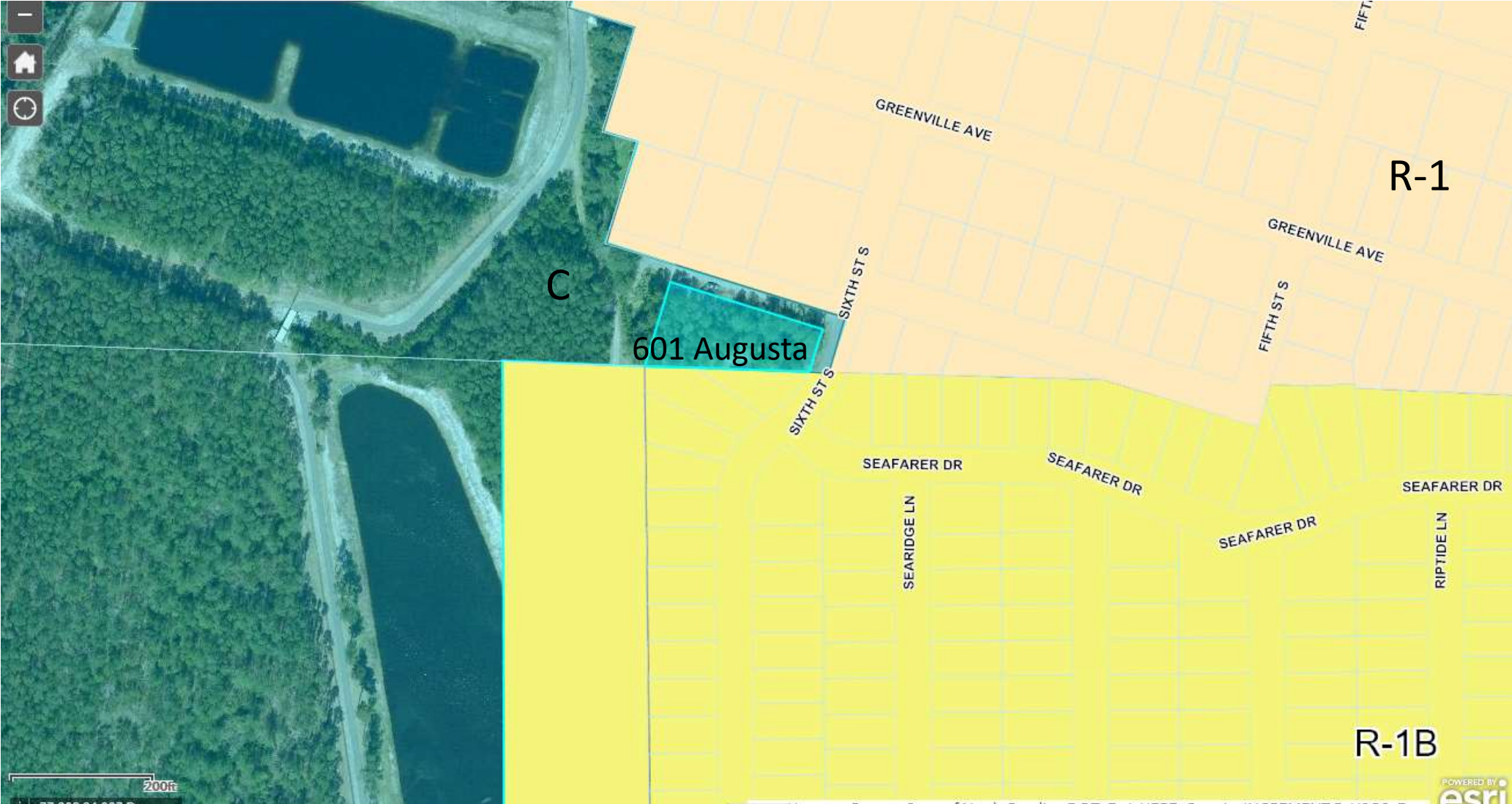
1. LUP Land Classification Map
2. Zoning Map of area
3. Rezoning Ord.



# Future Land Use Map and Character Areas







**ATTACHMENT**

**ORDINANCE NO. \_\_\_\_\_**

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:

Rezone 601 Augusta Ave (20,853 sq. ft.) PIN 3130-12-6484.000 from Conservation to R-1B.

Adopted this 11<sup>th</sup> day of January, 2022.

\_\_\_\_\_

Lynn Barbee, Mayor

Attest: \_\_\_\_\_  
Kim Ward, Town Clerk