

CAROLINA BEACH

Planning and Zoning Meeting

Thursday, September 09, 2021 – 6:30 PM

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



AGENDA

CALL TO ORDER

APPROVAL OF MINUTES

1. August 12, 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 Pickle Ball Court located at 209 Peninsula Dr in the R-2 zoning district. Applicant: Terry Wyckoff.
3. Consider amending Ch 40 Art VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees. Applicant: Town of Carolina Beach

NON-AGENDA ITEMS

ADJOURNMENT



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning &
Development Director

DEPARTMENT: Planning &
Development

MEETING: Planning & Zoning Commission – 9/9/2021
August 12, 2021 – P&Z Minutes

SUBJECT:

Action:

Approve the August 12, 2021 Minutes

CAROLINA BEACH

Planning and Zoning Commission Meeting

Thursday, August 12, 2021 - 5:30 PM

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



MINUTES

CALL TO ORDER

Chairman LeCompte called the meeting to order at 5:30 PM.

PRESENT

Chairman Deb LeCompte

Vice Chairman Wayne Rouse

Commissioner Jeff Hogan (arrived at 5:39 PM)

Commissioner Melanie Boswell

Commissioner Ethan Crouch

Commissioner Todd Piper

ABSENT

Commissioner John Ittu

ALSO PRESENT

Planning Director Jeremy Hardison

1. Workshop Session and Landscape Discussion

Chairman LeCompte asked about the process for the workshop session. Mr. Hardison said the plan is for Chairman LeCompte to present the Commission's priority goals at Council's August 24 workshop. He said if a goal matches up between the two bodies, then staff will work on a proposed ordinance to come before the Commission.

Commissioner Boswell said replacement trees and landscaping requirements are priorities for her.

Vice Chairman Rouse said it will be difficult to determine where the line is drawn between private property and the desire for trees. He said he thinks it will be tough to have a legitimate ordinance that only addresses undeveloped single lots and excludes the rest of the lots in the Town. He said he thinks this could be the cause of public pushback, especially because 86 percent of the island's residential lots are already developed, and he cited challenges including determining who will be the decision maker, such as a contracted arborist, and who will pay for this. He said he is in favor of doing something positive and incentive-based instead of creating another tax or fee.

Commissioner Boswell said a tree ordinance has to be for all lots and that an arborist is usually paid for by the property owner.

Commissioner Piper said as a builder, he is against both of these ideas because they would add weeks to the process. He said a tree ordinance should only affect new construction or major reconstruction of over 50 percent, and the regulations should sunset at one year from the issuance of the certificate of occupancy. He said he agrees that there should be incentives to get builders to keep trees, but the process should be simpler. He mentioned his idea from the last meeting that property owners could retain a sum total of 8 inches of native trees or save one 6-inch tree.

Commissioner Crouch said the community has been outspoken about wanting to see positive steps toward protecting trees and native plantings. He agreed this should be a goal to bring before Council. He said stormwater runoff is also a high-priority issue. He would like to look at ways to improve existing ordinances to help better manage problems that are occurring throughout the Town, something he hears about and sees on a daily basis, especially due to recent heavy rainfall. In addition to looking at current regulations, there should be a review of enforcement methods and what can be done from a planning perspective to encourage the best management practices for stormwater policy.

Commissioner Hogan said it's hard for him to understand how government can tell people what they can do with their property. He said he likes Commissioner Piper's ideas because they would be easy for the Town to implement. He said he is not in favor of any measures that would result in more time and effort from staff. He said he loves trees but believes in property owner rights and worries that too much regulation could have legal consequences. He said he does not support adding costs for property owners, especially because the Town is already almost fully developed. He said he is concerned because he has heard of people clearing their lots ahead of the tree ordinance discussion so they would not have to comply with any new rules, so the Town needs to come up with a plan quickly before more clear-cutting happens.

Chairman LeCompte said she agrees that stormwater is a priority and wants to bring up a few other items before getting back into the tree discussion. She said short-term rental regulations regarding nuisance and abatement should be a priority, and she would like the Town to register these properties so owners and renters can be contacted quickly in case of emergencies such as hurricanes. She also wants to look at antiquated ordinances and remove those that are no longer useful for the Town. As far as trees, she said while there is already a tree ordinance on the books, it should be expanded upon with some smart measures that don't penalize the homeowner but instead incentivize those who keep trees, such as under the guidelines proposed by Commissioner Piper. She said stormwater ties into the tree discussion because trees help mitigate stormwater. In addition, she said she'd rather worry more about planting than cutting. She reminded everyone that while it's beneficial to protect what we have in terms of trees, residents need to remember that they all cut down trees to build their homes. She said she liked Commissioner Piper's sunset rule proposal.

Commissioner Piper said he's concerned that of the 86 percent of lots that are developed, many of them contain properties that have been around a long time and may be demolished for redevelopment in the near future, causing trees that have been in place for 50 years to be bulldozed in the process.

Commissioner Crouch said the majority of the existing tree canopy is in existing developed lots, so it's about protecting those trees even more so than those on undeveloped lots.

Chairman LeCompte agreed that redevelopment could pose an issue.

Vice Chairman Rouse said he thinks a lot of people would be on board with a homeowner incentive, such as saving on the permit fee, if certain tree-saving measures are met.

Commissioner Crouch said he would have concerns about anything that reduces revenue for the Town.

Commissioner Boswell said she agreed with Commissioner Crouch's concerns. She said the ordinance should be the incentive and that this approach works in other places. She said the Town needs to come up with a solution that works for everyone.

Commissioner Crouch said there were only 15 minutes left in the workshop portion of the meeting and asked if there were other goals for consideration.

Chairman LeCompte reiterated her previous mention of stormwater. She said the Town needs to look at people putting in rain barrels, rain gardens, and other measures that residents can enact to personally help retain water on their own properties. She said there are a lot of things individuals can do to help mitigate the problems without negatively impacting their neighbors, such as cleaning out personal stormwater conveyances before they reach the Town's conveyances. She also mentioned her previous goal topics of trees, short-term rentals, and antiquated ordinances.

ACTION: Motion to say that these four items that the Commission has discussed in depth (short-term rentals, stormwater, trees, and antiquated ordinances) are all worthy for the Chairman to take to Town Council and see if Council Members would like to push any or all of those back to the Commission to have a full discussion

Motion made by Vice Chairman Rouse, Seconded by Commissioner Crouch

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

Motion passed 6-0

Mr. Hardison said the goal discussion would be an ongoing effort, so the Commission would have more chances to get other goals in front of Council. He said tonight's list represents what the Commission would like to see tackled first. Chairman LeCompte will take these items to the Council workshop on August 24 at 9:00 AM.

APPROVAL OF MINUTES

2. July 8, 2021 Minutes

ACTION: Motion to approve the minutes

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

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

Motion passed 6-0

STAFF REPORT ON RECENT COUNCIL MEETINGS

Town Council and Other Updates

- Permanent right-of-way closure: Croaker Lane – denied 4-1
- Text amendment: gates – approved 5-0

STAFF REPORT ON RECENT DEVELOPMENTS

Mr. Hardison reported the following statistics for the past month:

Permitting

- 25 permits (renovation, repair, grading, additions, fence)
- 13 residential new construction
- 11 certificates of occupancy

Code Enforcement

- 14 complaints received
- 23 resolved (some were leftover from last month or staff-driven)

Demos in Progress

- 406 Birmingham Avenue
- 1419 Mackerel Lane
- 219 Myrtle Avenue
- 233 Florida Avenue
- 1616 Bowfin Lane (house moving)
- 206 Carolina Beach Avenue South
- 506 Canal Drive
- 1417 Bonito Lane

New Businesses

- Bungalow by the Sea – 9 South Lake Park Boulevard, Suite A-2
- Salt & Palm – 807 North Lake Park Boulevard, Suite A
- Pelican's SnoBalls – 11 Boardwalk, Suite 130
- Strickland Builders – 1322 North Lake Park Boulevard, Suite 4
- Island Oasis Spa & Salon – 915 North Lake Park Boulevard, Suite B (name change)

Coming Up

- Conditional Zoning: 209 Peninsula Drive (pickleball court)
- Special Use Permit extension: condo building near Domino's off Saint Joseph Street asking for one year – September/Council
- Variance: 511 Harper Avenue – September 20/Board of Adjustment
- Temporary parking lots – September/Council
- Planning and Zoning goals: August 24/Council workshop

Vice Chairman Rouse asked if the new Code Enforcement Officer started yet. Mr. Hardison said yes, he started on August 1.

PUBLIC DISCUSSION

ACTION: Motion to open public discussion

Motion made by Chairman LeCompte

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

Motion passed 6-0

Thomas Tucker of 707 Harper Avenue, a long-term resident and property owner, said he wanted to share concerns about the tree issue. He said he supports property rights and pointed out that trees can often be old and have problems such as stunted growth and disease that make them physical threats to property and life, citing an incident in Wilmington during Hurricane Florence in 2018 when a tree fell on a house and killed a mother and child. He also mentioned that trees close to a structure can worsen damage from wildfires and high winds. Mr. Tucker suggested no taxes on vacant lots as an incentive for saving trees, adding that many people can't afford to hold unimproved property long-term because they are being forced to sell due to high taxes. He said this would take the pressure off property owners with unimproved lots. He said property owners need to retain the responsibility of knowing when to remove trees that are old and pose a threat. Mr. Tucker said education is another alternative for helping the situation without stomping on property rights or applying unequal treatment.

No one else requested to speak.

ACTION: Motion to close public discussion

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

DISCUSSION ITEMS

3. Consider amending the Land Use Plan and Article IX to allow standalone residential buildings within commercial-residential mixed-use development and mixed-use classification
Applicant: Cape Fear Four, LLC

Applicant Cape Fear Four, LLC, would like to amend the current ordinance to allow for standalone residential structures for commercial-residential mixed use. As part of the text amendment process, the amendment would need to be consistent with the Land Use Plan (LUP). If the Commission voted to change the ordinance, it would also change the LUP policy.

Commercial-residential mixed-use buildings are allowed in Highway Business (HB) and the Central Business District (CBD). Commercial-residential mixed use allows for mixed-use buildings but not for mixed-use developments with standalone residential buildings. The ordinance requires residential on upper floors and commercial on the ground or first habitable floor for all buildings. The proposed amendment would allow for a 10-acre or greater lot to have standalone residential buildings. To protect the commercial corridor, any standalone residential building shall not be located any closer than three times the setback distance to a major thoroughfare (Lake Park Boulevard and Dow Road). The amendment also includes a minimum of 1,500 square feet per acre of commercial uses. HB

requires a minimum front setback of 30 feet. The applicant would like to apply the proposed amendment to a project in the HB district. The proposal would combine two parcels to equal the 10-acre requirement. There is only one lot in HB and CBD that is close to or over 10 acres, and that is the Publix property.

The LUP states that this is classified as a higher-density area with a mix of uses within the district and individual buildings. Residential uses are allowed only on upper stories. The LUP amendment would add a sentence that stated this would be required unless associated with a commercial-residential mixed use on a 10-acre or greater lot.

Commissioner Crouch asked if the increased setbacks for the standalone residential building would apply to Saint Joseph Street on the back of the property. Mr. Hardison said no because Saint Joseph Street is not defined as a major thoroughfare, but it would have a 30-foot setback off Saint Joseph Street to a building.

ACTION: Motion to open the public hearing

Motion made by Chairman LeCompte

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

Motion passed 6-0

Sam Franck of Ward and Smith, representing the applicant, said the individuals who make up Cape Fear Four have significant development experience in New Hanover County. He said the current ordinance contemplates small mixed-use sites in a single building, which makes sense with small lots in a high-density area. He said it fails to take into account the potential benefits of a large site with horizontal mixed uses where you might have commercial adjacent to residential adjacent to buildings that are mixed. Mr. Franck said the fundamental benefit of mixed-use development is that it reduces vehicular traffic, but the design and benefit of mixed use does not necessarily mean stacking uses in the same structure but to provide access to uses in a live-work type of environment. He said the site is located adjacent to significant commercial establishments, and by combining mixed-use buildings along major thoroughfares and standalone multifamily residential buildings you create a mixed-use node in one of the most significant sections of the Town. Mr. Franck said the concept of horizontal mixed use is consistent with the Urban Land Institute's definition of mixed use and that it's not just good planning but makes good development sense. He pointed out that the matter before the Commission now is whether to approve the text amendment that would allow for the next step in the process of Cape Fear Four's proposed project, which would be an application for Conditional Zoning approval of a specific project to come back in October. He said the conceptual drawing of The Proximity is just an idea of what could be accommodated on the site with this text change and that details could vary based on community input. Currently the plan shows a high-end restaurant facing Lake Park Boulevard with outdoor seating and upper stories that would include residential, a live-work building with office on the ground floor and residential above, residential-only buildings with amenities, and a stormwater pond. Mr. Franck said the text amendment and subsequent zoning application that Cape Fear Four hopes to put before the Commission will establish a truly mixed-use node in this section of the Town and fits very well in the area.

Fred Tolhurst of 712 Saint Joseph Street said the petition addresses what the applicant wants to do but not why. He said the applicant fails to demonstrate how this proposed change will result in improved regulations for all residents of the Town. Mr. Tolhurst said in his view there is no reasonable argument that would result in the owners expecting that the property could be used for residential development. He said past plans call for mixed use with commercial on the ground floor of each building as appropriate for these parcels to achieve a decreased reliance on vehicles. Mr. Tolhurst said adding more than 300 residences on the property will not help with vehicular traffic issues. He said what the Town's ordinance currently provides for is an adequate framework for development of this property and that there is no compelling reason for the proposed change. Mr. Tolhurst said because there are only a few large parcels left to develop, we should be careful with what we have and maintain current development parameters unless there is good reason to change them. He said the proposed change is intended to benefit a few people who are not residents instead of protecting the people who live here. Mr. Tolhurst urged the Commission to deny the petition and keep the ordinance as it currently stands.

Sarah Efird of 609 Rocky Mount Avenue said Mr. Tolhurst expressed many of the things on her mind. She said this proposal will cause issues with stormwater and traffic. Ms. Efird said she wants to know why commercial won't be done downstairs in all buildings and said she has issues with any change to the LUP, which she worked on when she was on the Commission in 2011 and 2012. She mentioned the latest LUP update was just last year and questioned why the applicant could not do the project without changing any of the text amendments.

Mr. Franck said mixed use is already permitted in HB, and it already allows density that would contemplate much greater than 340 residential units on this property. He said it's not about changing the code to allow mixed use or residential as part of mixed use in HB but is instead about allowing logical and effective organization of mixed use on a large site, which is a natural evolution of the code. Mr. Franck said the text amendment would allow for the concept that a developer could organize a mix of uses in a variety of ways based on a specific site. He said horizontal mixing of uses achieves efficient use of the space that allows for preservation of more trees and open space and promotes a diversity of housing types, which increases land value and helps the tax base while minimizing the impact on the land. Mr. Franck said the concept of a grocery store, restaurant, and office space all within walking distance of desirable housing is an absolute planning win and what the applicant is trying to achieve for the Town. He said The Proximity is a beneficial project for the Town as a whole because it establishes a truly mixed-use node in an area where it would be most useful from a planning perspective. Mr. Franck said the applicant will solicit community input for the specific plan and that this is just a proposal for the text amendment.

Ms. Efird said if the intent is to add to the community, then the project should have commercial downstairs in all of the buildings with more restaurants and other businesses on the site.

Mike Hoffer of 608 Seafarer Drive, who served on the Commission for three years and is currently Chairman of the Town's Bike/Ped Committee, said he encourages creative development on the island and if the project is not increasing the density requirement then he doesn't see any reason not to support allowing developers the ability to use more creativity, which could result in producing some viable options after input from the community. He said without knowing all the details of the specific project, he is generally in support of allowing the text amendment.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman LeCompte

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

Motion passed 6-0

Commissioner Boswell said she wanted to point out that the LUP was just updated a year ago, and while she is not against development she does have concerns about traffic congestion and stormwater.

Commissioner Hogan asked if the project is adding capacity over what the ordinance currently allows. Mr. Hardison said the specific site plan has not been evaluated by staff, but in the current code there is not a set density for HB. He said if a developer can meet parking, height limit, setback, and lot coverage regulations, then whatever can fit in that box under those parameters is allowed. He said right now that box would have to consist of ground commercial and upper floors of residential.

Commissioner Piper asked what the percentage of commercial square footage is compared to the entire square footage of the project. Mr. Franck said nothing about the proposed text amendment changes limitations on impervious surface, built-upon area, or the like under HB. He said it's a conceptual plan so he doesn't have an answer to that question, but the intended plan includes approximately 20,000 square feet of commercial use on the 10.5-acre site.

Commissioner Crouch said as long as the project is facilitating the amount of commercial space that the Town wanted in the LUP but just moving from one building to the next, he can live with the proposed change, but if the text amendment is going to allow a reduction in the amount of net commercial space then he would have serious concerns.

Chairman LeCompte said as a former member of the LUP Steering Committee, she can attest that there was specific direction from residents and that the Town went with that direction. She said she wanted to point out that at a recent Council meeting there was a presentation stating that the majority of County residents wanted a more bikeable and walkable community and that's about density with retail being within reach of residential so people don't have to get in their cars and leave the island.

Mr. Franck said there is a certain level of commercial and residential use that the market would consider useful and absorb. He said if the Town uses the code to compel the location of commercial and retail use, then that is detracting from what organically will happen in the market. Mr. Franck said the text amendment allows flexibility of building orientation in a way that suits market demands only on a large site where the Town has identified that mixed use is the desire. He said there is no benefit for the developer to put residential use in a place where the citizens of the market prefer to see commercial.

Vice Chairman Rouse asked if this text amendment would allow the Publix site to have the opportunity to put residential there in the future. Mr. Hardison said that site was approved for strictly commercial,

but the text amendment could potentially affect this. However, he said the Publix site would have to come back through the amendment and approval process to change what was previously approved. Mr. Hardison said this is the only remaining site in the Town that could potentially be affected by the text amendment and that more than half of it is already developed with a second phase approved for commercial. Vice Chairman Rouse said he wanted to mention the Publix site so the public is aware. He said as a former member of the LUP Steering Committee he has mixed feelings because although the LUP was just passed, he understands there could be a newer and better approach and having an open mind is necessary. Vice Chairman Rouse said he is also concerned that the Publix site could have a legitimate right to change its plans to residential if the text amendment passed.

Commissioner Crouch said he is concerned that this change would enable higher density of residential and less commercial.

Commissioner Boswell said she is on the fence because the change could open up the Town to unintended consequences if property owners start combining plots of land to get to over 10 acres. Mr. Hardison said the only other privately owned site that is over 10 acres now is across from Dow Road and currently zoned as industrial, where residential and mixed use are not allowed at this time.

Commissioner Crouch said it is common for the Commission to have a conflict between the general LUP and a specific project. He asked if the project could go through a Special Use Permit process without having the text amendment triggering a broad-stroke change to the LUP. Mr. Hardison said in the LUP there is specific language that states residential is only allowed on upper floors of mixed-use buildings and that it would be hard to interpret this any other way. He said if the Town did not approve the text amendment but approved the specific project because it's in the best interest of the community, it would automatically change the LUP as well to be consistent.

Commissioner Hogan, who also served on the LUP Steering Committee, said he is also on the fence because residents have stated they want commercial such as more retail, restaurants, and other things to do on the island in HB. He said he would not have a problem with achieving the same net commercial use while configuring the buildings in a new way.

Chairman LeCompte said she is concerned about the Publix property because if this text amendment is approved then residential could go there and cause a density issue when there are already problems with water/sewer and stormwater.

Commissioner Piper said he was also concerned about future plans that could come about for the Publix property as a result of the proposed text amendment.

Commissioner Boswell asked if there is a reason why this plan wouldn't work with commercial on the bottom floor. After some explanation from Mr. Hardison, Mr. Franck asked to speak again.

ACTION: Motion to reopen the public hearing

Motion made by Chairman LeCompte

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

Commissioner Crouch, Commissioner Piper
Motion passed 6-0

Mr. Franck said his clients are in the development and brokerage business and deal with market demand and pressure.

Brian Eckel of 821 South Lumina Avenue in Wrightsville Beach and a representative of applicant Cape Fear Four said the parcel has been vacant for a very long time and that there would already be commercial use there if that was what the market would bear. He said they want to bring more commercial to the Town and the intent is to create 20,000 square feet of commercial space. Mr. Eckel said it's not realistic to think the entire parcel could be commercial because the market won't support it and he doesn't think the site could be developed in that manner. He said he thinks it will only support commercial use on the Lake Park Boulevard side and that commercial would struggle on the Saint Joseph Street side and is therefore not feasible. Mr. Eckel said he thinks the site can support 15,000 to 20,000 square feet of commercial use, including restaurants, but that actual soft-good retailers would be tough to attract because of changing consumer trends that favor online retailers such as Amazon. He said Mayfaire has frequently seen retailers go out of business in recent times. Mr. Eckel said Autumn Hall is an example of what is intended for this site while doing so in a thoughtful manner.

Mr. Tolhurst said if the applicant can't justify 20,000 square feet of commercial space for this site, maybe the developers don't need all 10 acres with both parcels. He suggested they develop one parcel and preserve the other and said it's misleading to try to evaluate the current ordinance based on a plan that was laid out for the proposed change of the ordinance. He said if the applicant had to develop the property based on the current ordinance, the plan would look much different.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman LeCompte, Seconded by Commissioner Hogan

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

Motion passed 6-0

Commissioner Piper said he is unsure about whether to support the text amendment because he needs more details to try to understand the percentage of commercial versus the percentage of the footprint of retail.

Commissioner Crouch said allowing flexibility for developers to build unique projects is something the Town needs, but it's hard to figure out whether this would be adding increased residential use to an area where the LUP indicates there is a desire for more commercial. He said if the math is net neutral, then he would have no problem with the change.

Vice Chairman Rouse said he has heard from a lot of residents that they don't want that many apartments on the site. He said he realizes the highest and best use of that property is mixed use and

that there may be more creative ways to achieve that without adhering to the traditional commercial downstairs and residential upstairs. He said someone will eventually develop the property with some commercial and some residential and that that it will not be another center like Publix, but he thinks the Town needs to consider the best way to get to that mix. Vice Chairman Rouse said he cannot support the text amendment without knowing if the percentage of commercial is going to be the same or close to what could go there under the current ordinance. He said if he knew that and was comfortable with it, then he would vote to approve the text amendment.

Chairman LeCompte said if the applicant is taking away density from commercial and adding residential density, then that's a tough decision because residential use generally has a bigger impact on Town infrastructure than commercial use.

ACTION: Motion to deny the text amendment based on inconsistencies with the goals and objectives of the adopted Land Use Plan and/or other long-range planning documents

Motion made by Commissioner Boswell, Seconded by Vice Chairman Rouse

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

Motion passed 6-0

4. Consider a text amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications

Staff was directed to address issues involving Planned Unit Developments (PUDs) with non-conforming structures and incomplete site plans being submitted for Major and Minor PUDs. This language would eliminate the option to have a PUD without making all structures conforming and reiterate the site plan requirements for PUDs as set forth in Article XIII.

Mr. Hardison presented the details.

Background

- PUD submissions have been inconsistent in their standards.
- Non-conforming properties are being utilized to place a second structure while the first is in violation of one or more building, Coastal Area Management Act (CAMA), fire, flood, or zoning ordinances.
- Staff was directed to tighten up the ordinance to ensure that these projects, which don't always require Council approval, are still meeting high standards.

Commissioner Crouch asked if this was staff-driven or Council-driven. Mr. Hardison said it was staff-driven because a trend was recognized, causing concern about unintended consequences resulting from allowing PUDs permitted by right.

ACTION: Motion to open the public hearing

Motion made by Chairman LeCompte

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

Commissioner Crouch, Commissioner Piper
Motion passed 6-0

Thomas Tucker of 707 Harper Avenue said as a broker since 1973 he has been aware of a lot of situations that are legally non-conforming, meaning they were built according to code at the time, but he mentioned that there are other instances that have come about in a sneaky manner, which he considers illegally non-conforming. He said this is not right and should be an important part of this conversation. Mr. Tucker gave the example of a garage becoming a garage apartment.

No one else requested to speak.

ACTION: Motion to close the public hearing

Motion made by Chairman LeCompte

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

Motion passed 6-0

Chairman LeCompte said she thinks this is a no-brainer.

ACTION: Motion that the Commission, whereas in accordance with the provisions of the North Carolina General Statute 160A-383, does hereby find and determine that the adoption of the text amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications, is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

Motion made by Vice Chairman Rouse, Seconded by Commissioner Hogan

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

Motion passed 6-0

NON-AGENDA ITEMS

None

ADJOURNMENT

ACTION: Motion to adjourn

Motion made by Chairman LeCompte, Seconded by Commissioner Hogan

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

Motion passed 6-0

The meeting adjourned at 8:17 PM.



AGENDA ITEM COVERSHEET

PREPARED BY: Jeremy Hardison, Planning & Development Director

DEPARTMENT: Planning & Development

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

SUBJECT: **Conditional Zoning** to consider a Pickle Ball Court located at 209 Peninsula Dr in the R-2 zoning district. Applicant: Terry Wyckoff.

BACKGROUND:

The applicant, Terry Wyckoff has applied for a Conditional Zoning application to utilize a pickleball court located at 209 Peninsula Dr (Attachment 1 – Application) . This is the first application since the town converted the quasi-judicial Conditional Use Permit to the legislative Conditional Zoning process below is a description of the Conditional Zoning process.

Background on What is a Conditional Zoning District

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

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

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

3. The report of results from the public input meeting.

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

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

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

No permit shall be issued for any development activity within a conditional zoning district except in accordance with the approved petition and applicable site plan, subdivision plat, and/or permit for the district. Any violation of the approved regulations and conditions for the district shall be treated the same as any other violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

Previous Discussions

On Thursday March 25th I received a phone call from the applicant on what he needed to do to build a pickleball court on his property on Peninsula Dr. I told him what that this would need a Conditional Zoning approval but to send me a drawing to review to better understand what he is proposing. On Monday March 29th I emailed the applicant on the specific process, the Conditional Zoning submittal requirements, and the submittal deadlines for the required meetings (Attachment 2) .

On May 5th I received a phone call from a concerned neighbor about if a pickleball court was allowed in a neighborhood district and that one is currently being install on 209 Peninsula Dr. That day I visited the site to verify that a pickleball court was in fact being constructed at 209 Peninsula Dr. owned by the applicant. A notice of violation was sent to the applicant for working without permits. On June 7th the town processed an application for Conditional Zoning to install a Pickleball Court on the property.

Zoning

The property is located in the R-2 zoning district. The purpose of this district to provide for single-family residential use and other compatible uses. The Intent Is to discourage any use which, because of its character, would not be in harmony with the residential community and which would be detrimental to the residential quality and value of the district. The R-2 zoning district allows for private tennis courts with the approval of a conditional zoning district. The ordinance does not mention pickle ball courts specifically, but where a proposed use is not listed in the Table of Permissible Uses, the Zoning Administrator may permit the proposed use upon a determination that the proposed use has an impact similar in nature, function, and / or duration similar to another permitted used listed in the Table of Permissible Uses. For vacant lots not occupied by a primary use (single-family structure) then an approval requires it to go through the Conditional Zoning District process.

The standalone pickleball court is 60' x 30' with a proposed 6' fence around the court. Three parking spaces are required to be delineated on site (see attachment 3 – site plan). An asphalt or concrete apron will be required from the edge of pavement to the property line. The property is located in an area of environmental concern because it is 75' from the high tide line. The State (CAMA) requires that no improvements can be located within 30' from the water. The property is in an AE 10 floodzone. The ordinance requires that provisions shall be made to compensate for impervious surfaces and drainage runoff containment, and meeting the requirements of the town. Lighting, if used, shall be shielded so as not to shine on adjoining properties. The applicant stated that the court will not be open at night.

As part of the application process a community meeting is required. The applicant held two meetings, because the first one failed to meet the notice requirements. Attached are the comments from those meetings. Based off of comments from the meeting the applicant can place conditions on the project to help mitigate the impacts and concerns from the neighboring properties(see Attachment 4-8 public meeting).

The applicant is proposing the following conditions.

- Access to the court by keypad or similar device
- Posted hours of play to daylight hours
- Signage indicated the court is for private use of registered users of this community.
- Provide bike racks and golf cart parking, would have to accommodate vehicles per code
- Court will not be open for play, when there is an event at the community garden , which is adjacent.
- Registered members only – eligible members are from Pleasure Cay/Harbour Point/ Otter Creek area

Note: This area makes up approximately 198 units.

Staff's conditions

- Provide a 5' landscape buffer around perimeter of the property
- Must meet NC Building Code, CAMA and flood regulations.
- Delineate a minimum of three 9' x 18' parking spaces with a concrete or asphalt apron
- No outdoor lighting shall be installed.
- Must obtain proper permits to install the court, fencing and other improvements on site.

Land Use Plan

This area is located in the low density residential area and the primary use is single family detached residential such as many of the town's established neighborhoods.

The LUP does not specifically mention Pickle Ball courts. Although neighborhood amenities are a common element within developments most are installed at the binging stages of the development and not when they are 95% built out. Most are owned and managed by the HOA, but this is a different situation as this is owned by one family that is offering amenities to the selected communities. Special consideration shall be given to the impacts of the adjoining neighbors who expectations are that the property in this area would be developed as single-family homes.

ACTION REQUESTED:

Consider adopting a Pickleball Court as a primary use in a Conditional Zoning district located at 209 Peninsula Dr.

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 Pickleball Court located at 209 Peninsula Dr is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans and The potential impacts on the surrounding area, are mitigated by the approved conditions.

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

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



Permit # CE-01

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".

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

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.

Please complete all sections of the application.

A. Property Information

Address(es): 209 PENINSULA DRIVE Carolina Beach NC 28428

PIN(s): _____

Project Name PICKLE BALL COURT

Size of lot(s): 75' x 150'

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):

PICKLE BALL COURT 30' x 60'

C. Applicant Contact Information

Company/corporate Name (if applicable): _____

TERRY WYCKOFF

Applicant's Name

209 PENINSULA DRIVE

Mailing Address

CAROLINA BEACH NC 28428

City, State, and Zip Code

304-476-8102

Telephone

PHIXITALL@OUTLOOK.COM

Email

D. Owner Contact Information (if different)

TERRY WYCKOFF

Owner's Name

209 PENINSULA DRIVE

Mailing Address

CAROLINA BEACH NC 28428

City, State, and Zip Code

304-476-8102

Telephone

PHIXITALL@OUTLOOK.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

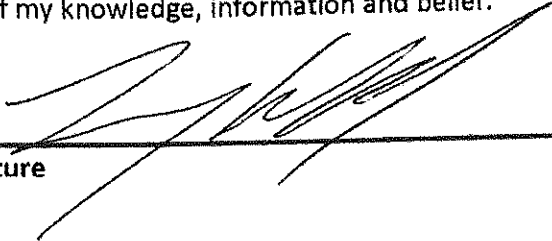
- Location and design of refuse facilities
- Approximate locations and sizes of all existing and proposed *utilities*
- Existing and/or proposed fire hydrants (showing distances)
- Adjacent properties with owners' information and approximate location of structures
- Distances between all *buildings*
- 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.



Signature

5/25/2021
Date


AUTHORITY FOR APPOINTMENT OF PERSON TO ACT ON MY BEHALF

The undersigned owner, TERRY Wyckiff, does hereby appoint TERRY Wyckiff 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: 5/25/2021

Appointee's Name, Address & Telephone:

TERRY Wyckiff
204 Peninsula Drive
Carolina Beach NC 28428

Signature of Owner: 

To: Town of Carolina Beach. Attn: Miles Murphy

From: Terry Wyckoff 209 Peninsula Drive Carolina NC, 28428

Reference: Pickle Ball Court

Date: May 25, 2021

I am submitting an application for a pickle ball court on my property at 209 Peninsula Drive.

The court is 60' by 30', is made of concrete 4" thick. It will have a 6' high black vinyl plastic coated chain link fence with two man gates, also it will have a net in the middle of the court. The rest of the property will be grass except for a community garden on the property. I have also enclosed a check for \$350.00 for the permit.

Thanks

Terry Wyckoff

204 Peninsula Drive Carolina Beach NC 28328

304-476-8102

Jeremy Hardison

From: Jeremy Hardison
Sent: Monday, March 29, 2021 11:42 AM
To: Terry Wyckoff
Subject: RE: Wyckoff Pickleball Court
Attachments: 2021 TRC_PZ_and TC Submission Deadlines_ Meeting Dates.xls

Mr. Wyckoff,

I have attached the submittal deadlines for the process. You must have a community meeting first described in 3 below. Let me know if you have any questions.

(1) PURPOSE

- (a) A conditional zoning district allows particular uses 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.

(2) APPLICATION AND CONDITIONAL ZONING REVIEW PROCEDURE

- (a) The approved site plan shall provide the framework for development in the conditional zoning district. All applications shall include a site plan meeting . Development standards may include such things as parking, landscaping, design guidelines, and buffers.

<u>Order of Review</u>	<u>Number of Copies</u>	<u>Deadline for Submittals</u>
1. <u>Technical Review Committee</u>	<u>2 paper and an electronic</u>	<u>14 days prior to the regularly scheduled meeting date</u>
2. <u>Planning and Zoning Commission</u>		<u>14 days prior to the regularly scheduled meeting date</u>
3. <u>Town Council</u>		<u>14 days prior to the regularly scheduled meeting date</u>

- (b) When evaluating an application for the creation of a conditional zoning district, the Planning & Zoning Commission and Town Council 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.

(3) PUBLIC INPUT MEETING

- (a) 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.
- (b) The report for the public hearing will include a summary of the public input meeting.
- (c) The applicant shall mail a notice for the public input meeting to the owners of all properties located within 500 feet of the perimeter of the project bounds not less than 10 days prior to the scheduled meeting.

- (d) The notice shall include the time, date, and location of the meeting as well as a description of the proposal.
- (e) The applicant's report of the meeting shall include:
 1. A copy of the letter announcing the meeting
 2. A list of adjoining property owners contacted
 3. Attendance rosters
 4. A summary of the issues discussed
 5. The results of the meeting including changes to the project's proposal, if any.

(4) CONDITIONS TO APPROVAL OF PETITION

- (a) In approving a petition for the reclassification of property to a conditional zoning district, the Planning & Zoning Commission may recommend, and the Town Council may request that the applicant add reasonable and appropriate conditions to the approval of the petition.
- (b) 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
- (c) Such conditions to approval of the petition may include right-of-way dedication, easements for streets, water, sewer, or other public utilities necessary to serve the proposed development.
- (d) The petitioner shall consider and respond to any such conditions after the Planning & Zoning Commission meeting and within three (3) days prior to the staff report for the Town Council being published. 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.
- (e) If any condition required at approval is later found to be illegal, the petition shall be returned to Town Council to reevaluate and adjust any conditions accordingly.

(5) EFFECT OF APPROVAL

- (a) If a petition for conditional zoning is approved, the development and use of the property shall be governed by the predetermined ordinance requirements applicable to the district's classification, the approved site plan for the district, and any additional approved rules, regulations, and conditions, all of which shall constitute the zoning regulations for the approved district and are binding on the property as an amendment to these regulations and to the zoning maps.
- (b) Following the approval of the petition for a conditional zoning district, the subject property shall be identified on the zoning maps by the appropriate district designation. A parallel conditional zoning shall be identified by the same designation as the underlying general district followed by the letters "CZ" (for example "CBD-CZ"). 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.
- (c) Any violation of the approved regulations and conditions for the district shall be treated the same as any other violation of this ordinance and shall be subject to the same remedies and penalties as any such violation.

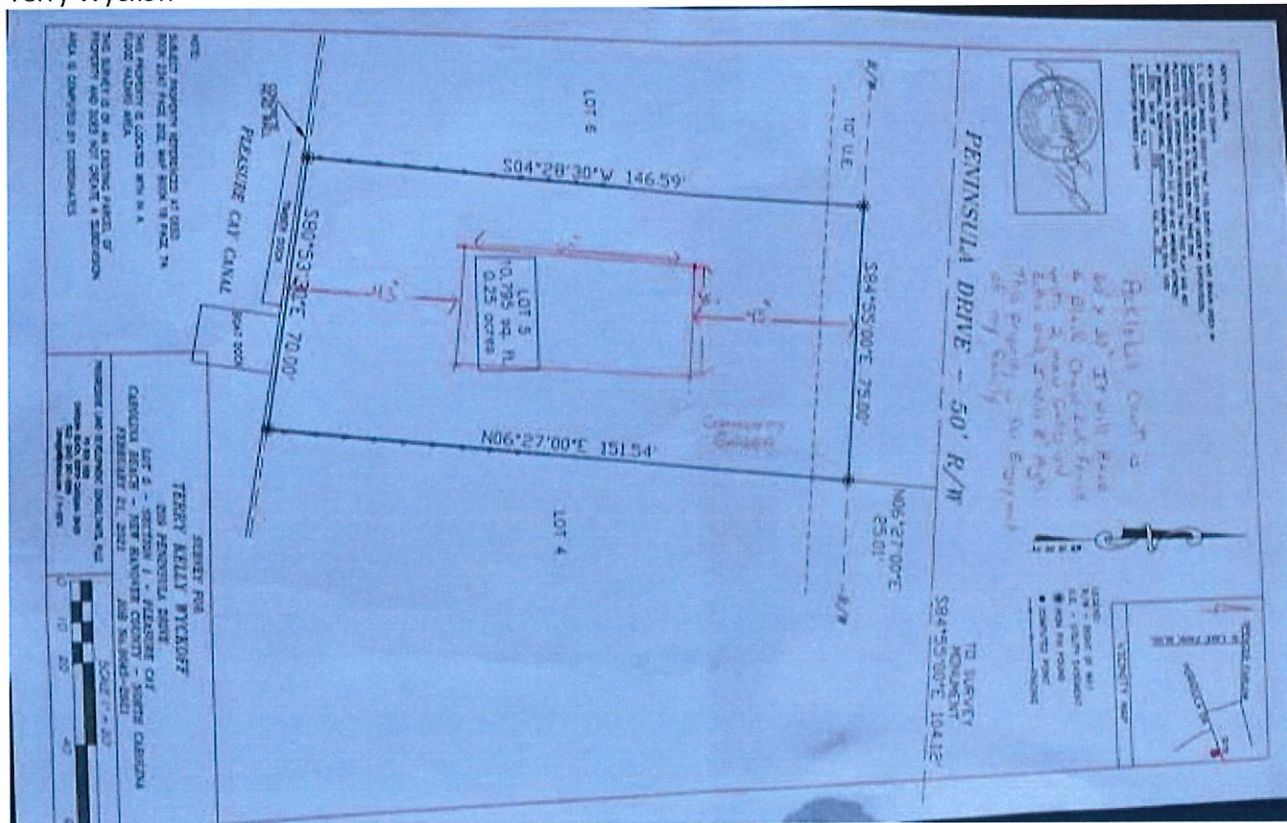
Jeremy Hardison
Planning Director
1121 N. Lake Park
Carolina Beach NC
910 458 2991

From: Terry Wyckoff <Phixitall@outlook.com>
Sent: Thursday, March 25, 2021 11:55 AM
To: Jeremy Hardison <jeremy.hardison@carolinabeach.org>
Subject: Wyckoff Pickleball Court

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

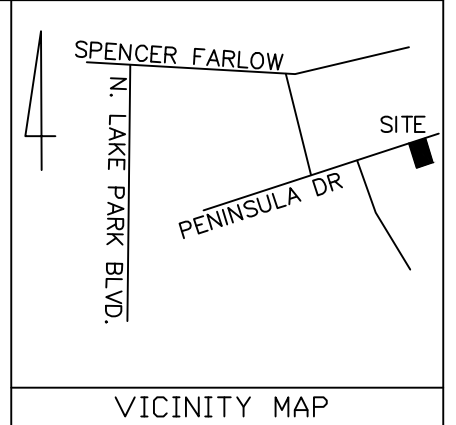
Good afternoon Jeremy, thank you for looking at this drawing of our pickle ball court. This court will be for my family to enjoy, the property will be landscaped and will be put back green as possible, I live right across the street at 204 Peninsula Dr., and I'm going to try to make the property look like that property. I look forward to hearing back from you soon.

Thanks
Terry Wyckoff



Sent from my iPhone

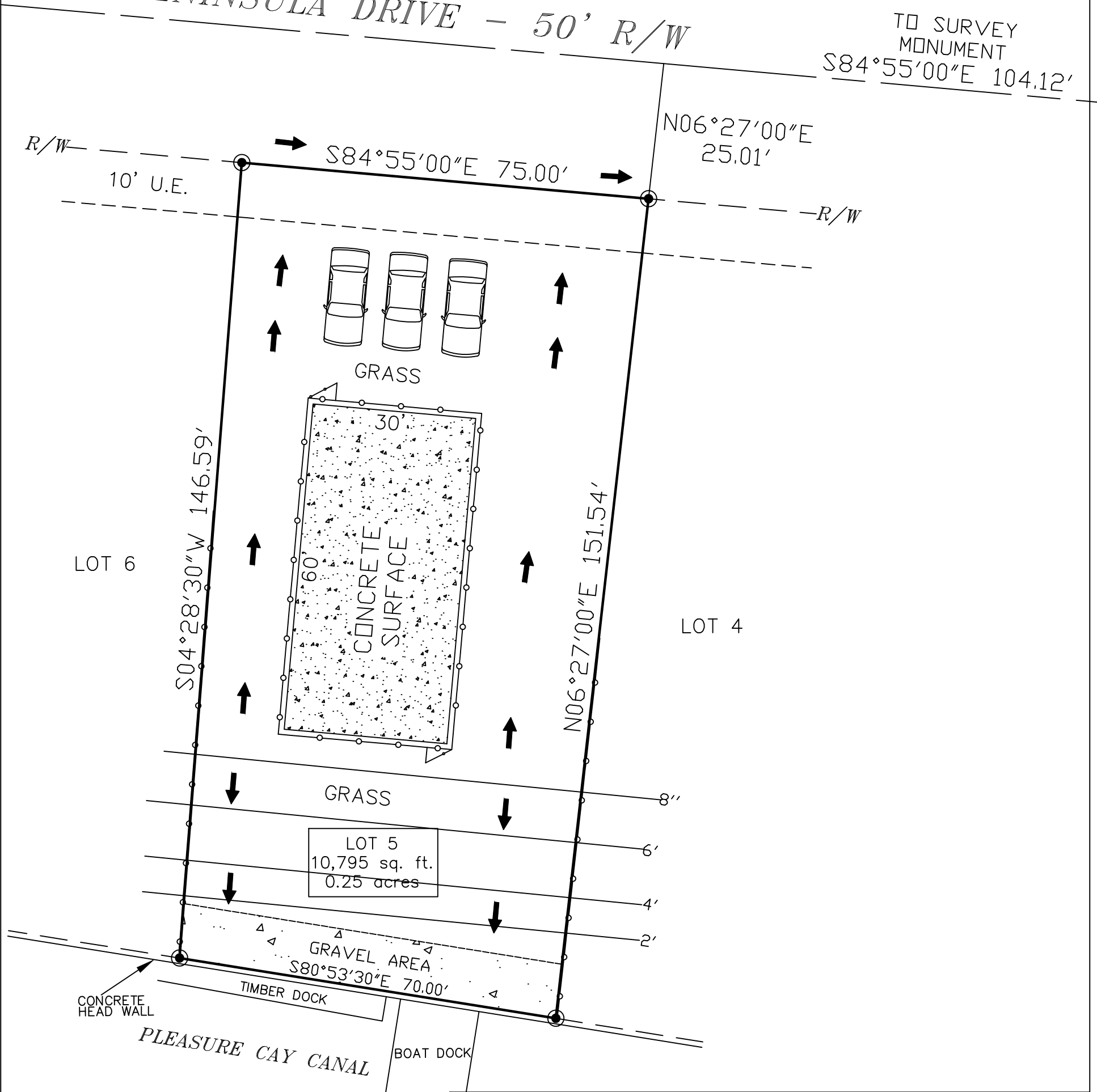
PRELIMINARY PLAN NOT FOR RECORD, SALE OR CONVEYANCE



- LEGEND:
- R/W - RIGHT OF WAY
 - U.E. - UTILITY EASEMENT
 - IRON PIN FOUND
 - COMPUTED POINT
 - FENCING
 - ➔ GRADIENT

PENINSULA DRIVE - 50' R/W

TO SURVEY MONUMENT
S84°55'00"E 104.12'



NOTE:

SUBJECT PROPERTY REFERENCED AT DEED BOOK 2347 PAGE 202, MAP BOOK 18 PAGE 74.

THIS PROPERTY IS LOCATED WITH IN A FLOOD HAZARD AREA.

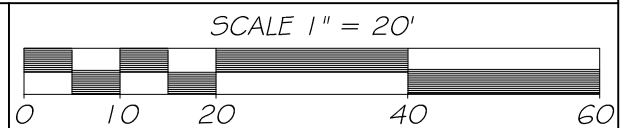
THIS SURVEY IS OF AN EXISTING PARCEL OF PROPERTY AND DOES NOT CREATE A SUBDIVISION.

AREA IS COMPUTED BY COORDINATES.

SITE PLAN FOR
TERRY KELLY WYCKOFF

209 PENINSULA DRIVE
LOT 5 - SECTION 1 - PLEASURE CAY
CAROLINA BEACH - NEW HANOVER COUNTY - NORTH CAROLINA
JULY 21, 2021 JOB No.0228-2021

PROGRESSIVE LAND DEVELOPMENT CONSULTANTS, PLLC
PO BOX 1028
CAROLINA BEACH, NORTH CAROLINA 28428
TELE: (910) 367-0066
Lsbaggie@pldcpa.com / P-0874



PUBLIC MEETING MONDAY JUNE 14, 2021 7 PM

209 PENINSULA DRIVE

RE: PICKLEBALL COURT

NAME	ADDRESS	FOR	AGAINST	COMMENTS
Dan Red Cottrell	219 Peninsula Dr	✓		great addition to the neighborhood!
Rita Baird	208 Teakwood Dr	✓		"
Dawn Suddeth	270 Silver Sloop Way	✓		"
Jason Menden (Tanya)	116 Teakwood Dr		✓	WANT TO HEAR MORE! Concerned about noise for absolutely! A wonderful idea!
Terri of Gary Brown	211 Teakwood Dr.		✓	
Ac's SADDERS CREW	1542 Island Mill Ln Dr		✓	
Dan & Tatum Bowman	215 Peninsula Dr.		✓	
Est & Joyce Barberich	504 Peninsula Dr		✓	
Ray & Karen Heath	211 Peninsula Dr		✓	
Bob Taylor Hu	401 Peninsula		✓	
James Humphrey	208 Peninsula Dr		✓	Great addition!
Dan Bowman	215 Peninsula Drive		✓	Great for the community
David Franklin	217 Peninsula Dr		✓	
Michelle B. Dennis	219 Peninsula Dr.		✓	Definitely for the court

Address	Name	Delivery Method	At Meeting	Sent Email	For	Against
108 Teakwood Drive Carolina Beach NC 28428	Tarah, Joel Hartzler	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
106 Teakwood Drive Carolina Beach NC 28428	Shannon, Kris Swiger	Hand Delivered				
104 Teakwood Drive Carolina Beach NC 28428	Janna, Bruar Ecklund	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
102 Teakwood Drive Carolina Beach NC 28428	Cynthia, Bret Cousins	hand Delivered				
110 Teakwood Drive Carolina Beach NC 28428	Barbara Monk 9301 Smart Drive Raleigh NC 27603	Mailed				
112 Teakwood Drive Carolina Beach NC 28428	Barbara Monk 9301 Smart Drive Raleigh NC 27603	Mailed				
114 Teakwood Drive Carolina Beach NC 28428	Dove Family	Hand Delivered				
116 Teakwood Drive Carolina Beach NC 28428	Tonya, Jason Mauldin	Hand Delivered	<input checked="" type="checkbox"/>			
113 Teakwood Drive Carolina Beach NC 28428	Phillip, Hollie Everhart	hand Delivered				
203 Teakwood Drive Carolina Beach NC 28428	Milke, Michael Bordeaux	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
200 Teakwood Drive Carolina Beach NC 28428	Christopher, Shannon Smiles	Hand Delivered				
202 Teakwood Drive Carolina Beach NC 28428	Dorothy Scultz	Hand Delivered				
206 Teakwood Drive Carolina Beach NC 28428	Spencer, Margert Lane	Hand Delivered				
204 Teakwood Drive Carolina Beach NC 28428	James Lane	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
223 Peninsula Drive Carolina Beach NC 28428	Albert, Chris Bozart	Hand Delivered				
221 Peninsula Drive Carolina Beach NC 28428	Basson, Pamela Nakhe Worley DR Raleigh NC 27613	Mailed				
219 Peninsula Drive Carolina Beach NC 28428	Jon Cottrell	Hand Delivered	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
217 Peninsula Drive Carolina Beach NC 28428	David Franklin	Hand Delivered	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
215 Peninsula Drive Carolina Beach NC 28428	Den Bowman	Hand Delivered	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
213 Peninsula Drive Carolina Beach NC 28428	Craig, Ashley Hollingsworth	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
211 Peninsula Drive Carolina Beach NC 28428	Ray, Kathie Heath	Hand Delivered	<input checked="" type="checkbox"/>			
209 Peninsula Drive Carolina Beach NC 28428	Terry, Kelly Wycioff	Hand Delivered				
207 Peninsula Drive Carolina Beach NC 28428	Roggr, Henriette Weigle 8117 Conselor Rd Manassas Va 20112	Mailed				
205 Peninsula Drive Carolina Beach NC 28428	Anne, Donald Fore PO Box 18135 Clearwater Fl 33762	Mailed				
203 Peninsula Drive Crofina Beach NC 28428	James, Barbara Cottrell	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
201 Peninsula Drive Carolina Beach NC 28428	Jeff, Jennifer Stewart	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
204 Peninsula Drive Carolina Beach NC 28428	Terry, Kelly Wycioff	Hand Delivered				
206 Peninsula Drive Carolina Beach NC 28428	Richard, Kathleen Both	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
208 Peninsula Drive Carolina Beach NC 28428	James Humphrey	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
210 Peninsula Drive Carolina Beach	Michael Dennis	Hand Delivered				
212 Peninsula Drive Carolina Beach	Russel Wilson	Hand Delivered				
214 Peninsula Drive Carolina Beach NC 28428	Karl, Bonnie Quattlebaum	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
220 Peninsula Drive Carolina Beach NC 28428	Bryson Faggant	Hand Delivered		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	

Address	Name	Delivery Method	At Meeting	Sent Email	For Against
108 Teakwood Drive Carolina Beach NC 28428	Tarah, Joel Hartzler	Hand Delivered		✓	✓
106 Teakwood Drive Carolina Beach NC 28428	Shannon, Kris Swilger	Hand Delivered			
104 Teakwood Drive Carolina Beach NC 28428	Janna, Brnar Ecklund	Hand Delivered		✓	✓
102 Teakwood Drive Carolina Beach NC 28428	Cynthia, Bret Cousins	hand Delivered			
110 Teakwood Drive Carolina Beach NC 28428	Barbara Monk 9301 Smart Drive Raleigh NC 27603	Mailed			
112 Teakwood Drive Carolina Beach NC 28428	Barbara Monk 9301 Smart Drive Raleigh NC 27603	Mailed			
114 Teakwood Drive Carolina Beach NC 28428	Dove Family	Hand Delivered			
116 Teakwood Drive Carolina Beach NC 28428	Tonya, Jason Mauldin	Hand Delivered	✓		
113 Teakwood Drive Carolina Beach NC 28428	Phillip, Hollie Everhart	hand Delivered			
203 Teakwood Drive Carolina Beach NC 28428	Mike, Michael Bordeaux	Hand Delivered		✓	✓
200 Teakwood Drive Carolina Beach NC 28428	Christopher, Shannon Smiles	Hand Delivered			
202 Teakwood Drive Carolina Beach NC 28428	Dorothy Scultz	Hand Delivered			
206 Teakwood Drive Carolina Beach NC 28428	Spencer, Margert Lane	Hand Delivered			
204 Teakwood Drive Carolina Beach NC 28428	James Lane	Hand Delivered		✓	✓
223 Peninsula Drive Carolina Beach NC 28428	Albert, Chris Bozart	Hand Delivered			
221 Peninsula Drive Carolina Beach NC 28428	Basson, Pamela Nakhle Worley DR Raleigh NC 27613	Mailed			
219 Peninsula Drive Carolina Beach NC 28428	Jon Cottrell	Hand Delivered	✓	✓	✓
217 Peninsula Drive Carolina Beach NC 28428	David Franklin	Hand Delivered	✓	✓	✓
215 Peninsula Drive Carolina Beach NC 28428	Dan Bowman	Hand Delivered	✓	✓	✓
213 Peninsula Drive Carolina Beach NC 28428	Craig, Ashley Hollingsworth	Hand Delivered		✓	✓
211 Peninsula Drive Carolina Beach NC 28428	Ray, Kathie Heath	Hand Delivered	✓		
209 Peninsula Drive Carolina Beach NC 28428	Terry, Kelly Wyckoff	Hand Delivered			
207 Peninsula Drive Carolina Beach NC 28428	Roger, Henriette Weigle 8117 Conselor Rd Manassas Va 20112	Mailed			
205 Peninsula Drive Carolina Beach NC 28428	Anne, Donald Fore PO Box 18135 Clearwater FL 33762	Mailed			
203 Peninsula Drive Carolina Beach NC 28428	James, Barbara Cottrell	Hand Delivered		✓	✓
201 Peninsula Drive Carolina Beach NC 28428	Jeff, Jennifer Stewart	Hand Delivered		✓	✓
204 Peninsula Drive Carolina Beach NC 28428	Terry, Kelly Wyckoff	Hand Delivered			
206 Peninsula Drive Carolina Beach NC 28428	Richard, Kathleen Both	Hand Delivered	✓		
208 Peninsula Drive Carolina Beach NC 28428	James Humphrey	Hand Delivered	✓		
210 Peninsula Drive Carolina Beach	Michael Dennis	Hand Delivered			
212 Peninsula Drive Carolina Beach	Russel Wilson	Hand Delivered			
214 Peninsula Drive Carolina Beach NC 28428	Karl, Bonnie Quattlebaum	Hand Delivered			
220 Peninsula Drive Carolina Beach NC 28428	Bryson Faggant	Hand Delivered		✓	✓

From: Jimmy Lane
Sent: Friday, June 11, 2021 12:24 PM
To: phixitall@outlook.com
Subject: Pickel court

To whom it concerns,

I was contacted by Mr. Wyckoff about the pickle court he recently added to his property. I think this is a great idea for the homeowner's and his friends and neighbors to enjoy for entertainment. I certainly do not oppose this. I think it is outstanding of him actually. Any questions please call 9192018449
Jim Lane

From: Tarah Hartzler
Sent: Friday, June 11, 2021 12:17 PM
To: phixitall@outlook.com
Cc: Joel Hartzler
Subject: Pickleball Court

Hi Terry,

We may not be able to make it to the community meeting on June 14, so I wanted to drop you a note to say my husband Joel and I are in full support of the pickle ball court on your property at 209 Peninsula Drive.

It's well done and seems like it'll be a very nice addition to the neighborhood.

Thanks,

Tarah & Joel Hartzler
108 Teakwood Dr.
Carolina Beach, NC 28428

From: Phillip Madden
Sent: Friday, June 11, 2021 1:18 PM
To: phixitall@outlook.com
Cc: lizannemadden@outlook.com
Subject: 209 Peninsula Drive

Hi Terry –

My wife and I just want to drop a note in support of the Pickle Court at 209 Peninsula Drive. We walk and bike by your property daily, and appreciate the overall improvement made to the property. Great idea for the community!

Regards,

Phillip and Lizanne Madden
274 Silver Sloop Way
Carolina Beach, NC 28428
919-418-7373

From: April Williams
Sent: Friday, June 11, 2021 1:41 PM
To: phixitall@outlook.com
Subject: 209 Peninsula Dr. Carolina Beach NC 28428

Terry Wyckoff,
This is April Williams at 233 Silver Sloop Way, Carolina Beach. It is cool with me if you put in a Pickle Ball court.

Thanks,
April

From: Keslie Crichton
Sent: Friday, June 11, 2021 1:47 PM
To: phixitall@outlook.com
Cc: leannpierce@leannpierce.com
Subject: RE: Community Garden and Pickle Ball Court at 209 Peninsula Drive in CB

Updated with my home address below..... 😊

From: Keslie Crichton
Sent: Friday, June 11, 2021 1:35 PM
To: phixitall@outlook.com
Cc: leannpierce@leannpierce.com
Subject: Community Garden and Pickle Ball Court at 209 Peninsula Drive in CB

Hey Terry,

Thank you so much for building the pickle ball court and community garden on your property. First of all, I think it looks great and thank you so much for your generosity. I think it is a huge asset to and will go along way to building community and contributing to a healthy lifestyle in Carolina Beach.

I am sorry that I won't be in town to participate in the meeting on Monday, but if our wonderful mayor is present, I wanted her to be aware of my thoughts so I copied LeAnn on this email.

Please let me know if there is anything else I can do to support this permit request.

Best Regards,

Keslie Crichton
235 Silver Shoep Way, Carolina Beach, NC 28428
Email: Keslie.Crichton@benelink.com
Phone: 919.780.7900

From: Bryson Faggart
Sent: Friday, June 11, 2021 3:19 PM
To: phixitall@outlook.com
Subject: Pickle Court 209 Peninsula Drive

Bryson Faggart & Kaitlyn Henderson
220 Peninsula Dr, Carolina Beach, NC 28428
Owners since 2018

We like the pickle court.

Notable factors:

- Pickle Court is within viewing distance of my property.

Thanks!

Bryson Faggart
brysonwf@gmail.com
910 227 9766 (910-2-BRYSON)

From: jstewart@midatlanticdrilling.com
Sent: Friday, June 11, 2021 4:04 PM
To: phixitall@outlook.com
Subject: Pickle court (Stewarts 201 Peninsula Dr)

Mr. Wyckoff

Thank you for taking the time out to schedule a meeting with the neighbors to discuss the pickle court, unfortunately I am unable to attend, but please accept this email as an acceptance to the addition you have provided to our neighborhood.

In my opinion it adds value and character to Pleasure Cay and we appreciate your kindness in sharing this with all of us.

Let me know if you need any further information at this time – Sincerely the Stewarts 201 Peninsula Dr
Carolina Beach

Thanks so much!

Jennifer A Stewart

Jennifer A Stewart-President
Mid-Atlantic Drilling, Inc. <t><
(DBE/WBE business in NC, SC, GA, & VA)

PO Box 315
Carolina Beach NC 28428
www.midatlanticdrilling.com

(910) 458-5020 (o)

(910) 458-9136 (f)

(910) 619-2335 (c)

From: Chris Smiles
Sent: Friday, June 11, 2021 4:32 PM
To: phixitall@outlook.com
Subject: Pickle Ball Court

Hi Terry,

I live at the residence of 200 Teakwood Dr.
I think your lot looks fabulous and I have no problem with a pickle ball court in our neighborhood.

Please let me know if you need anything else on my end. I would like to let you know that I do approve as a resident of Pleasure Cay.

Chris Smiles
Riptide Builders
[\(910\) 880-5690](tel:(910)880-5690)

From: Jim Cottrell
Sent: Friday, June 11, 2021 5:20 PM
To: phixital@outlook.com
Subject: Fwd: Pickle Ball Court

From: Jim Cottrell <jimcott1@gmail.com>
Date: June 11, 2021 at 12:52:44 PM EDT
To: phixital@outlook.com
Subject: Pickle Ball Court

Good Morning Neighbor!
Persuant to today's friendly conversation, let this note serve as our full endorsement of your community minded improvement (lovely gardens and pickle ball court) at your 209 Peninsula Dr. property.

Neighborly Regards,

Barbara and Jim Cottrell

203 Peninsula Dr.
Carolina Beach, NC 28428
919-552-0205
Office Cell 919-815-0103

From: Ashley Hollingsworth
Sent: Friday, June 11, 2021 9:08 PM
To: Terry Wyckoff
Subject: pickle ball court at 204 Peninsula Dr.

To Whom It May Concern:

We are very sorry to be unable to attend the Town meeting on June 14th to voice our sincere support for the pickle ball court at 204 Peninsula Dr.

Please accept this email as our very enthusiastic endorsement, favor, and delight in the construction of the pickle ball court on the property of Terry & Kelly Wyckoff at 204 Peninsula Dr. in Carolina Beach. The Wyckoffs have done nothing but add to the beauty of Peninsula Dr. and the community of Carolina Beach as a whole. We very fervently hope that the Town will see the many benefits of the pickle ball court - among them safe, social activity for all ages, weights, fitness and skill levels.

We are available via phone or email if any further support is warranted.

Best,

Ashley & Craig Hollingsworth
213 Peninsula Dr.
Carolina Beach, NC 28428
ashley@hollingsworthroofing.com - 704-361-4147
craig@hollingsworthroofing.com - 704-201-1510

From: Laura O'Rourke
Sent: Friday, June 11, 2021 9:58 PM
To: phixitall@outlook.com
Subject: Pickle court

Hi! My husband, daughter and myself are all for the pickle ball court! We really hope it gets to stay! 🙌

~Laura

From: Chris
Sent: Saturday, June 12, 2021 12:21 PM
To: phixitall@outlook.com
Subject: 209 Peninsula Drive

Good Afternoon Mr. Wyckoff -

I wish I could attend the neighborhood meeting on Monday night but will be out of town, so hopefully this note will suffice for my public support of the pickleball court at 209 Peninsula Drive in Carolina Beach.

My grandparents first bought a townhome in Carolina Beach in the early 1970's and my family has consistently called this Island our home since then. My family now lives at 102 Teakwood, just across from 209 Peninsula. We love our neighborhood and love your vision for this lot. This is one of the most scenic changes we have seen. Pickle ball is the perfect combination of great exercise and a fun activity for a family or small group.

Thank you for what you have done with the lot at 209 Peninsula, when walking with my children we love admiring the garden and pickle ball court.

This is a beautiful layout and I am thankful for what you are doing for the community.

Kind Regards,

Chris Cousins
919-345-8114

Sent from my iPhone

Sent from my iPhone

From: pfarinholt@charter.net
Sent: Saturday, June 12, 2021 1:24 PM
To: phixitall@outlook.com
Subject: 209 Peninsula Drive

My wife and I appreciate the thoughtfulness behind using that piece of property. It should help bring the community together. It is tastefully done and we appreciate you sharing the vegetables. As far as the pickleball court goes, I would suggest allowing use of it from say 10am until dusk in order to not bother your neighbors.

Phil and Cheryl Farinholt
1538 Island Marina Dr.
Carolina Beach, NC 28428
910-470-9190

From: Brent Cousins
Sent: Saturday, June 12, 2021 2:49 PM
To: Terry Wyckoff
Subject: Lot

Hi Terry,

My son told me you stopped by yesterday. Sorry I missed you. We are in Cary finalizing the sale of our house up here. He told me what you are trying to do. Not sure what format you need, but I certainly have no objections to what you are doing to your lot on Peninsula. I am looking forward to seeing the final result. If you need something sent to a particular person, let me know. Otherwise, maybe you can cut/paste this.

To Whom It May Concern:

Regarding Terry Wyckoff's request for approval of a pickleball court and other improvements to his lot on Peninsula Drive, as a nearby property owner, I have no objection to the proposed improvements to his lot. I have known Mr Wyckoff for several years and have no doubt that he will have do a first class job and it will be an enhancement to the neighborhood.

Thank you.

Brent Cousins

102 Teakwood Drive

Carolina Beach, NC

919-618-5653

bcousins51@icloud.com

From: david franklin
Sent: Monday, June 14, 2021 8:05 AM
To: PHIXITALL@OUTLOOK.COM
Subject: 209 Peninsula Drive

I have no objections to the construction of a pickleball court on the subject property.

David Franklin
217 Peninsula Drive

From: Wendi Williams
Sent: Friday, June 11, 2021 1:18 PM
To: phixitall@outlook.com
Subject: Pickle ball court

Hi there. This is David and Wendi Williams at 1517 Island Marina Drive Carolina Beach and we approve of the pickle ball court put in by Terry Wycoff

From: Donald Fore
Sent: Monday, June 14, 2021 5:30 PM
To: phixitall@outlook.com
Cc: jimcott@mac.com; edavidfranklin@gmail.com; Terry Stanley; Anne Email; hdweigle@aol.com; t.feith@hotmail.com
Subject: 209 Peninsula Drive

Mr. Wyckoff –

Since we are unable to attend your meeting tonight, we are responding via email as stated in your letter.

We oppose the idea for the following reasons:

1. It is very inconsiderate to mail a letter on Friday, June 11th stating that there will be a meeting on Monday, June 14th. (Note that there is no location given for the meeting). We only received your letter today. Since you sent the letter to our mailing address in Florida, it is, as you must have intended, impossible for us to be there tonight. This may also be true of other residents in the surrounding area.
2. The property at 209 Peninsula Drive, Carolina Beach, NC 28428 is designated as single family housing. A Pickle Court does not meet this criteria.
3. You tend to have parties on a regular basis with numerous cars parked in the area. This will only exacerbate the situation. We are concerned with night lighting, loud music, and numerous persons and vehicles in an otherwise quiet neighborhood.
4. Although a Pickle Court may increase the value of your property, it may well decrease the value of the property of others.
5. It seems very odd that you are now working toward getting a permit after you have already installed the Pickle Court and what appears to include utility excavation.

Donald and Anne Fore

From: Bonnie Quattlebaum
Sent: Monday, June 14, 2021 6:03 PM
To: phixitall@outlook.com
Subject: Pickle Court

We have no problem with your pickle court at 209 Peninsula Dr.

Karl and Bonnie Quattlebaum
214 Peninsula Drive
Carolina Beach

Sent from my iPhone

From: Robert Barbour
Sent: Monday, June 14, 2021 6:17 PM
To: phixital@outlook.com
Subject: Pickle Ball Court

Terry, we are owners at 239 Silver Sloop Way in Harbour Pointe. In regard to neighbors input, since we are part time residents, it is best we reserve our opinion to the full time residents. My concern would be noise created after hours since you use a plastic ball. We suspect you have a proposal on how you would manage this.

Regards,

Bob Barbour
Barbour Beach Properties

Sent from my iPhone

From: Jerry Clark
Sent: Monday, June 14, 2021 9:42 PM
To: phixitall@outlook.com
Subject: Pickle Court

Terry

Thank you for stopping by this weekend. You've proven what "good neighbors" are all about by creating the garden and pickle court. These will surely bring together the community and build long lasting friendships. The benefits of a tighter community are many, including less crime, a more cooperative environment, and just happiness in general. I appreciate what you are doing and applaud your efforts.

Thank you.

Jerry Clark

1540 Island Marina Drive

Saturday, August 14, 2021

Public Meeting Pickleball Court

209 Peninsula Drive

Welcome and Introductions—I introduced the candidates running for council and the only current council member Jay Healy who were in attendance. *I had invited all current candidates , current council members and mayor along with all members of P&Z. I felt like it would be important for all that will actually have a hand in this conditional zoning put their eyes on this space and hear first hand from the folks at the meeting.*

Pickleball – The Court and Play—*explained the net, fence, acoustifence that would be installed in the next phase. I explained the length of play and number of players, bounced a ball for a minute or so.*

PROJECTED USE OF COURT—This issue was discussed at length. Our proposals are as follows:

REGISTERED MEMBERS ONLY—this will keep the overall participation in check and limit it to folks within the Pleasure Cay/Harbour Point/Otter Creek area. We also discussed having a maximum number of registered users that can be updated monthly or quarterly, depending on the amount of use.

IT WAS EMPHASIZED THAT WE HAVE NO INTENTION OF ALLOWING ANYONE WHO IS NOT REGISTERED AND MEETS THE CRITERIA OF THE IMMEDIATE NEIGHBORHOOD. WE ALSO WILL NOT BE HOSTING COMPETITIONS OR TOURNAMENTS OF ANY KIND.

ACCESS BY KEYPAD OR SIMILAR DEVICE—another layer of protection from having anyone who is not a registered user to access the court

DAYLIGHT HOURS ONLY—NO LIGHTING BEING INSTALLED—*there was some confusion as to what “daylight” meant, so we suggested that we have posted hours of play. We are working out what that will look like, but we are open to having specific hours in an effort to meet halfway the folks who feel like they will be hearing nonstop noise from play. (It is worth noting that we do not expect any noise more than what is currently happening from landscaping, boating, dogs and usual neighborhood noises)*

SIGNAGE—We will have a sign designed and posted in the rock landscape at the entrance of lot. Something to the effect of “This court is for the private use of registered users of this community. “

CONCERNS EXPRESSED PREVIOUSLY

PROPERTY VALUES—had 2 local realtors speak to the fact that the development of this lot, including the pickle ball court, can only enhance property values. They expressed that it is a unique feature that most folks will see as an asset .

Saturday, August 14, 2021

NOISE— See above, related to limiting playtime and number of players. We have done some decibel readings directly on the court when the ball is being volleyed. We found that at that distance, the noise level rarely exceeded 50-60 decibels. As distance is placed from the court to anyone's home, obviously the decibels will be less with any distance. We suggested that folks research on their own the other things that are common indoor and outdoor noises that are the same or even higher. We contend that there will not be excessive or intrusive noise as is related to play. I did a quick exhibition of volleying the ball and bouncing it off of the court.

*The Mauldins continue to sight lawsuits due to pickle ball courts in a residential area. It was indicated that in most cases those stem from multiple courts being installed that may or may not have any restrictions with regard to play hours and limited registered users. For that reason, all noise issues as it relates to our project is completely hypothetical and not based on "apples to apples" comparisons.

PUBLIC VS PRIVATE— See above—registered users only

CROWDS—play will be no more than 2 or 4 players at a time, no bleachers

we are a bike/pedestrian community. The notion that there will be an increase in traffic and parking issues is unfounded. I passed a photo around from a garden event that was attended by 25 people and there were no cars parked on the street. There were bikes and one golf cart.

**We suggested installing a bike rack and an area marked for golf cart parking but we do not want to disrupt the green landscape with parking spaces and a driveway. This would be unnecessary as registered users would be walkers, bikers and golf cart riders. It is a beautiful space that would not be best served by additional cement/asphalt.*

CAMA VIOLATIONS—explained that we have paid a fine and have applied for a minor CAMA permit

DISREGARD FOR HOA COVENANT—We have communicated with the HOA board the items discussed at the meeting. We have provided all of the documentation from both public meetings for their review. Currently there is nothing in the covenants that specifically addresses using the property for this purpose. We advised the board that we will cooperate with them in coming up with a mutually satisfying agreement.

NON PERMITTED OR AUTHORIZED BY TOWN OF CB—there were a few folks that expressed that they did not like it primarily because we did not permit it appropriately. We explained that we had no idea that there was necessity to do so.

"POTHOLE" & UTILITIES—The road cut near the lot was where the city installed water and sewer across the street from 204 side to 209. We explained that that is in no way related to the pickle ball court as we need neither water or sewer for its use. We requested that installation, from the city so that we could have it at the boat dock on the property. We also understand that the electric meter that we are waiting to have completed is being held up due to the pending pickle ball permit. The electric also has

Saturday, August 14, 2021

nothing to do with the pickle ball court, it is for the lift and outlet at the bulkhead. On August 16th I emailed the city to ask when the cut would be asphalted/paved over as it is beginning to create a bit of a pothole. There are 9 other cuts up Peninsula Drive that have been done and all are topped with some sort of asphalt so as not to create a driving hazard.

PUBLIC COMMENT – Most everyone of the attendees spoke a few words , either for or against. The majority was for the court.

**Please keep to 1 to 2 sentences to allow everyone a chance to speak*

CLOSING REMARK – KELLY WYCKOFF

***Advised the group of both meetings of the P&Z on Sept 9 and Council Oct. 12**

PUBLIC MEETING MONDAY AUGUST 14, 2021 8:30 AM

209 PENINSULA DRIVE

RE: PICKLEBALL COURT

NAME	ADDRESS	FOR	AGAINST	COMMENTS
Mike Huffer	608 Seafarer Dr.	✓		Love it.
Ken Cottrill	219 Peninsula Dr.	✓		
Joe Benson	1414 SEST LN	✓		
Ally Lasso	207 Peninsula Dr.	✓		All good for the Community
Frank + Tony	851 Teakwood Dr	✓		
Reid Dave	114 Teakwood Dr	✓		
So you + Tonya	116 Teakwood Drive	✓	✓	noise concerns.
Tim Fortin	402 Tahiti Ct.	✓	✓	noise concerns #14 rule
Betsy Rudolph	238 Silver Slong way	✓		
Karen Moran	254 Silver Slong way	✓		Garden
Billy + Nancy Strickland	306 Peninsula Dr	✓	✓	
Grainy + Eric Mercer	215 Teakwood Dr	✓		
B Dave	114 Teakwood Dr	✓	✓	noise violation
E Jane Krogley	407 TAHITI CT	✓	✓	
Ashley Hollister	213 PENINSULA DR	✓		
Sarah Lawrence	105 Teakwood oel #701	✓		Thank you!
Barbara	201 Peninsula Dr	✓		Love it.
Jar Hear	201 LUMBERT Ave	✓		
Donald + Anne Fore	205 Peninsula Drive	✓	✓	Noise, traffic, parking, violation of restrictions
David Franklin	217 Peninsula Dr.	✓		
ES by Paula Proberich	588 Peninsula Dr.	✓		Good outdoor space

PUBLIC MEETING MONDAY AUGUST 14, 2021 8:30 AM

209 PENINSULA DRIVE

RE: PICKLEBALL COURT

NAME	ADDRESS	FOR / AGAINST	COMMENTS
RAY + Raffie Heath Kathleen + Dick Borth	311 Peninsula Drive 306 Peninsula Drive	✓	I Love the Pickle Ball! ALL OF IT - THANKS UO!!! 917.533.8780
Timmy Carbo	1811 FT. FISHER BLVD.	✓	The Town has never dealt with this before. They are not providing guidance you are trying to do whatever it takes to follow the rules. Thank you for making our community come together.
Derek Herrill	513 Peninsula Dr	✓	100% Yay Community!
Vince L. Lerner	403 Peninsula Drive	✓	
Kristen Dunn	905 Ocean Blvd #2	✓	
Cindy Dunn	915 Tidewater Ln	✓	
Matt Dunn	905 Ocean Blvd #2	✓	
Chuck Dunn	915 Tidewater Ln	✓	
Lester Williams	605 Surfer Ave	✓	
Alicia Todd	521 Volturno Pl	✓	
Melissa Todd	521 Volturno Pl	✓	
SEAN PATKOSKI	112 Grand Turf Ln	✓	
BROUSE SMITH	213 TEALWOOD DR.	✓	

From: Terry Wyckoff Phixital@outlook.com
Subject: Fwd: Private Pickle Ball Court
Date: August 3, 2021 at 11:57 AM
To: Kelly Wyckoff barkoff6559@icloud.com

Sent from my iPhone

Begin forwarded message:

From: Chris Conway <daddyboats@att.net>
Date: August 3, 2021 at 11:07:14 AM EDT
To: phixital@outlook.com
Subject: Private Pickle Ball Court
Reply-To: Chris Conway <daddyboats@att.net>

To whom it may concern,

I am writing to address the subject of the pickle ball court located at 209 Peninsula Drive, Carolina Beach, NC 28428. I would like to voice my support for the private pickle ball court and believe that it is an enhancement to the neighborhood and preferred use of the property.

Chris Conway

262 Silver Sloop Way
Carolina Beach, NC 28428
910.538.1225

From: Kelly Wyckoff barkoff6559@icloud.com
Subject: Re: Email regarding the private pickle ball court on Peninsula Drive
Date: August 3, 2021 at 2:20 PM
To: Terry Wyckoff Phixitall@outlook.com

Thats awesome! Thanks for sharing . I will email her and thank her!

Sent from my iPhone

On Aug 3, 2021, at 1:51 PM, Terry Wyckoff <Phixitall@outlook.com> wrote:

Sent from my iPhone

Begin forwarded message:

From: Margaret Mensch <maggie_mensch@icloud.com>
Date: August 3, 2021 at 1:31:48 PM EDT
To: phixitall@outlook.com
Subject: Email regarding the private pickle ball court on Peninsula Drive

Hello There-

I wanted to begin by saying that I am so appreciative to have the opportunity to lend my opinion to this matter- As a member of the Carolina Beach community for 13 years, I have watched many wonderful things happen here. As a group we are so strong and able to come together in times of need for our neighbors- even strangers- It makes me so proud to live here.
In regards to the pickle ball court on Peninsula Drive-

One of our generous neighbors has created a space to encourage gathering and relationship building- It seems to me that we should encourage this rather than make it more difficult. Mr. Wyckoff and his wife have been open about their hope that all will come and use the space, including the private pickleball court, to begin to work on community development and connection. I feel very strongly that when we have those type of spaces in this community it helps all of us feel more connected and willing to help each other.

Please allow them to continue with the work on the court and encourage them to continue their generosity and love in this community.

Thank you for your time-

Maggie Mensch
262 Silver Sloop Way

From: Terry Wyckoff Phixital@outlook.com
Subject: Fwd: Lot
Date: August 5, 2021 at 11:45 AM
To: Kelly Wyckoff barkoff6559@icloud.com



Sent from my iPhone

Begin forwarded message:

From: Brent Cousins <bcousins51@icloud.com>
Date: August 5, 2021 at 11:30:45 AM EDT
To: Terry Wyckoff <Phixital@outlook.com>
Subject: Lot

To Whom it may Concern:

I am a property owner within 500 ft of Terry Wyckoff's Peninsula Dr lot. Based on his proposed improvements to the lot, I have no objection to a pickleball court being located there. I have known Mr Wyckoff for several years and have no doubt that he will build and maintain this in a first class manner.

Thank you.
Brent and Cindy Cousins
102 Teakwood Dr
Carolina Beach
919-618-5653
bcousins51@icloud.com

From: Terry Wyckoff Phixitall@outlook.com
Subject: Fwd: August 14th Pickle court meeting (Stewarts 201 Peninsula Dr)
Date: August 5, 2021 at 10:22 AM
To: Kelly Wyckoff barkoff6559@icloud.com

Sent from my iPhone

Begin forwarded message:

From: Terry Wyckoff <Phixitall@outlook.com>
Date: August 5, 2021 at 10:10:10 AM EDT
To: jstewart@midatlanticdrilling.com
Subject: Re: August 14th Pickle court meeting (Stewarts 201 Peninsula Dr)

Thank you
Terry Wyckoff

Sent from my iPhone

On Aug 5, 2021, at 6:14 AM, jstewart@midatlanticdrilling.com wrote:

Mr. Wyckoff

Thank you for taking the time out to schedule a meeting with the neighbors to discuss the pickle court,

unfortunately we are unable to attend the meeting on August 14th, but please accept this email as an acceptance to the addition you have provided to our neighborhood. In my opinion it adds value and character to Pleasure Cay and we appreciate your kindness in sharing this with all of us.

Let me know if you need any further information at this time – Sincerely the Stewarts
201 Peninsula Dr Carolina Beach

Thanks so much!
Jennifer A Stewart
Jennifer A Stewart-President
Mid-Atlantic Drilling, Inc. >
(DBE/WBE business in NC, SC, GA, & VA)
PO Box 315
Carolina Beach NC 28428
www.midatlanticdrilling.com
(910) 458-5020 (o)
(910) 458-9136 (f)
(910) 619-2335 (c)

From: Terry Wyckoff Phixitali@outlook.com
Subject: Fwd: Propose Private Pickle Ball Court
Date: Aug 10, 2021 at 12:41:35 PM
To: Kelly Wyckoff barkoff6559@icloud.com

Sent from my iPhone

Begin forwarded message:

From: Alejo J Cruz <ual312@aol.com>
Date: August 10, 2021 at 11:05:44 AM EDT
To: phixitali@outlook.com
Subject: Propose Private Pickle Ball Court
Reply-To: Alejo J Cruz <ual312@aol.com>

Hello Terry,

We received your notice dated August 1st regarding the proposed private pickle ball court at 209 Peninsula Dr, Carolina Beach and the notice of the public meeting to be held on August 14, 2021 from 8:30 to 9:00 am. We are neighbors and live across from your house at 1542 Island Marina Dr.

Unfortunately, we will be out of town on the date of the meeting but we wanted to make sure you knew our thoughts on the proposal. We are completely in favor of the project and are extremely happy that you have chosen to make this available to our community/neighborhood. You and your family are very generous to undertake this endeavor at your own expense and it is clearly something that will enhance our community even more. The community garden that you established on the same lot prior to this new project was well received and is proof of how a neighborhood can come together for the benefit of all. I also want to say how much we appreciate your efforts to keep us informed of your plans for the pickle ball court and your solicitation of feedback from your neighbors.

We wish you the best of luck in obtaining the necessary permissions from the City of Carolina Beach and if you need additional support please do not hesitate to ask.

Respectfully,

Alejo and Barbara Cruz
1542 Island Marina Dr
Carolina Beach, NC 28428
ual312@aol.com

From: Terry Wyckoff Phixitall@outlook.com
Subject: Fwd: Private Pickle Ball Court on Peninsula
Date: Aug 13, 2021 at 8:46:54 AM
To: Kelly Wyckoff barkoff6559@icloud.com

Sent from my iPhone

Begin forwarded message:

From: Sherry Clinard <sherry@telexpressinc.com>
Date: August 13, 2021 at 8:41:02 AM EDT
To: phixitall@outlook.com
Subject: Private Pickle Ball Court on Peninsula

To Whom it May Concern:

I am writing this letter in regards to the Private Pickle Ball Court on Peninsula at Carolina Beach. Unfortunately I will not be in town for the meeting being held tomorrow morning, but I wanted to add my input.

I am a home owner in Harbour Point, which sits behind Peninsula Dr. (1528 Island Marina Drive)

Over the last several months of 2021, I have greatly enjoyed watching the progress that has been made on the lot where the pickle ball court now resides. The transformation from an empty lot to what now houses a beautiful vegetable and flower garden, and the new pickle ball court, has been magnificent. What a generous and incredible gift the Wyckoffs have given the neighborhood. And what a great sense of community pride and spirit this offers to us all. I have been fortunate to meet new neighbors as I have walked or rode by to check on the progress. As I have run into these new friends also checking on the progress, everyone seems to have such an enthusiastic attitude towards this masterpiece that has been created. I have not heard of any negative responses.

I ask that the city of Carolina Beach please allow zone permitting to take place so

that we all can continue to enjoy the garden, and be able to finally start enjoying the pickle ball court that we all have been anxiously awaiting.
If noise is a large concern for the permit, could we designate certain hours that are only allowable for play?

I think we all agree, please let's raise the Net!

Sherry Clinard

1528 Island Marina Dr
Carolina Beach, NC

336-442-2365 mobile
sherry@telexpressinc.com

From: Terry Wyckoff Phixitall@outlook.com
Subject: Fwd: Pickle Court 209 Peninsula Drive
Date: August 13, 2021 at 7:09 PM
To: Kelly Wyckoff barkoff6559@icloud.com

Sent from my iPhone

Begin forwarded message:

From: Bryson Faggart <brysonwf@gmail.com>
Date: August 13, 2021 at 7:04:18 PM EDT
To: phixitall@outlook.com
Subject: Re: Pickle Court 209 Peninsula Drive

Resending this message because I will be unable to make the Saturday August 14th 2021 meeting.

We still like the pickleball court.

On Fri, Jun 11, 2021, 3:19 PM Bryson Faggart <brysonwf@gmail.com> wrote:
Bryson Faggart & Kaitlyn Henderson
220 Peninsula Dr, Carolina Beach, NC 28428
Owners since 2018

We like the pickle court.

Notable factors:

- Pickle Court is within viewing distance of my property.

Thanks!
Bryson Faggart
brysonwf@gmail.com
910 227 9766 (910-2-BRYSON)

On Fri, Aug 13, 2021, 4:02 PM Anne Fore <annedfore@gmail.com> wrote:
To all Homeowners in Pleasure Cay -

Item 2.

First, we would like to apologize if this email does not apply to you. We are working off an old email list. Also, if you know of anyone who is new to the area and interested in preserving the covenants of our community, please pass this along to them.

We live on Peninsula Drive and are members of the Pleasure Cay HOA. We understand that there are Pleasure Cay homeowners that do not know about the pickleball court or are unaware that there is a meeting tomorrow morning.

There is a public meeting concerning a non-permitted pickleball court at 209 Peninsula Dr. This court was built without approval from the HOA and without approval from the city. The owners are currently in-process of obtaining a conditional use permit from the city. The conditional use permit is required because pickleball courts are not normally allowed to be built within a residential neighborhood. We understand that the courts generate excessive noise that greatly exceeds the town's noise limits.

The pickleball court violates the single-family home restriction of Pleasure Cay's restricted covenants which will expose all owners to future violations. There are additional rules that are likely to be broken such as signage and fencing rules. Once these rules are exempted for one person, they will be more difficult to enforce against other parties.

This pickleball court has already been shared on various social media platforms as a "community" court that is open for anyone to attend. During the first meeting there were representatives from other neighborhoods who stated there were lots of people in their community who are anxious for this court to open. A typical pickleball game is played by four people often with others watching, and it's currently the "fastest growing sport" in the US. This will lead to increased traffic in and out of the neighborhood by people who are not normally in our neighborhood. Furthermore, the only parking available is street parking, which is already limited in the cul-de-sac area. The city has multiple pickleball courts for citizens to play pickleball, there is no reason to transition those people into our neighborhood because they prefer to play at a waterfront court.

The value and rights of the properties adjacent to the court are at risk (which will reflect poorly on all homes in the Pleasure Cay neighborhood). These properties need support to maintain the covenants and their rights.

Protecting Pleasure Cay

Pleasure Cay Board of Directors –

We are very concerned about the pickle ball court that has been illegally constructed at 209 Peninsula Drive. Specific concerns include noise, traffic, parking, and reduced value of our property. Mr. Wyckoff appears to have intentionally circumvented the Declaration of Restrictions for Pleasure Cay as well as the building permit process of the Town of Carolina Beach.

Mr. Wyckoff has not followed the set rules and guidelines. We understand that there are five steps to approval:

1. Must comply with the restrictions of the Pleasure Cay Homeowners Association. By way of purchasing 209 Peninsula Drive, Mr. Wyckoff has knowledge of the covenants.
2. A community meeting. It is our understanding that this requires a two-week notice. Mr. Wyckoff held such a meeting on June 14th after sending out notices postmarked June 11th. He is now planning to hold another community meeting on Saturday, August 14th at 8:30 am on the property. Members of the Board need to attend this meeting.
3. Technical Review Meetings are required by the Town of Carolina Beach to get answers to possible issues. We understand that on July 15th a technical review meeting was held concerning the pickleball court. The meeting was specifically for Mr. Wyckoff to answer questions, but he did not attend the meeting. Several concerned homeowners attended the meeting and were asked for input but could not speak for Mr. Wyckoff since they did not know the details of his plans. Possible questions to be answered included proposed drainage, lighting, hours of operation, proposed ADA requirements, toilets, increased traffic, parking, Pleasure Cay covenant violations, and most important, noise from (and potential mitigation for) both the paddles contacting the pickleballs and the participants and spectators yelling. The Town needs to reschedule this meeting.
4. Planning and Zoning Commission meeting where the public can comment. The pickleball court was to be a topic on the agenda during the meeting scheduled on August 12th. Since Mr. Wyckoff did not send out timely notification for the community meeting and did not attend the Technical Review Meeting, we understand that this item was removed from the agenda of the August meeting.
5. Town Council meeting. The pickleball court was to be a topic on the agenda during the meeting scheduled for September 14th. Once again, this may have been postponed.

Although the pickleball court is now being described as "private", word has apparently spread via FaceBook and other social media that there will be a new public pickleball

court at this location. From what we understand, "private" just means that the land is owned by an individual, but that it

still may be open to public use. We would like to know the definition of private, who would have use of the court, and who will be monitoring it.

If the pickleball court is allowed, it is obvious that the Town Council members have no respect for the Pleasure Cay covenants, specifically the single family one- or two-story housing restrictions. This means that homeowners could, in theory, construct a duplex or other form of multi-family housing or rental unit. Note that duplexes were allowed in the original Declaration of Restrictions.

Another issue is a fence. There will probably be a proposed fence around the pickleball court. We have read that for noise reduction there should be an acoustical engineered fence around the court. The height would probably exceed both the Pleasure Cay covenants and the Town of Carolina Beach, both of which have a maximum fence height of 6'. In addition, the Declaration of Restrictions for Pleasure Cay Subdivision state that no fence shall be located nearer the front lot line than the rear corners of the house constructed on the lot. This would mean that a fence around the pickleball court would not be allowed.

When the condominiums were built across from the cul-de-sac, there was a great increase in traffic. The access was barricaded to stop this. Now, if the pickleball court is allowed, we are voluntarily increasing traffic. And with a potential for eight or more vehicles at any and all times, parking will definitely be an issue.

The road at 209 Peninsula has been compromised. It appears that it was due to utility lines run under the road to support the activities on the property. The road has not been repaved and, with the current rains, has developed large potholes. This needs to be addressed.

We would like to know what the current and/or previous Board of Directors have done in connection with the use of this property. Has anyone communicated with Mr. Wyckoff pertaining to the covenants and his intended use of the property? It appears, based on an email that I received from Vinson Lutheran telling me he thinks that I should mind my own business, that some or all members of the previous Board had some communication with Mr. Wyckoff.

If Mr. Wyckoff is allowed to continue, we feel that there is a high probability that the HOA will be facing an expensive lawsuit by homeowners in Pleasure Cay and/or adjacent communities who will also be subjected to the noise from the pickleball court.

We believe that the BoD needs to support the community by 1) contacting Mr. Wyckoff to determine the actual proposed plan; 2) ensuring that, prior to any further meetings, everyone in Pleasure Cay has knowledge of the potential consequences of having a pickleball court in their neighborhood (including noise and traffic), and; 3) attending the four listed meetings to oppose the change of zoning from single family housing.

We understand that the information on this meeting was not widely publicized, although potential lawsuits and property value would impact everyone in the community. If you want further information on the pickleball court, please try to attend this meeting.

Additional Information is provided in the attachment.

Donald and Anne Fore

From: Terry Wyckoff Phixitall@outlook.com
Subject: Fwd: 209 Peninsula Drive
Date: August 14, 2021 at 10:58 AM
To: Kelly Wyckoff barkoff6559@icloud.com

Sent from my iPhone

Begin forwarded message:

From: Bonnie Quattlebaum <bonnieq214@gmail.com>
Date: August 14, 2021 at 8:50:24 AM EDT
To: phixitall@outlook.com
Subject: 209 Peninsula Drive

We think the pickle ball court at the above address is a great addition to our community. The Wyckoff's have generously provided their lot for the enjoyment of the neighborhood and we agree to whatever is needed to proceed.

Karl and Bonnie Quattlebaum
214 Peninsula Drive
Carolina Beach

Sent from my iPhone

Address	Name	Delivery Method	At Meeting	Sent Email	For Against	Comments
108 Teakwood Drive Carolina Beach NC	Tarah, Joel Hartzler	Hand Delivered				
106 Teakwood Drive Carolina Beach NC	Shannon, Kris Swiger	Hand Delivered				
104 Teakwood Drive Carolina Beach NC	Janna, Bruar Ecklund	Hand Delivered				
102 Teakwood Drive Carolina Beach NC	Cynthia, Bret Cousins	hand Delivered				
110 Teakwood Drive Carolina Beach NC	Barbara Monk 9301 Smart Drive Raliegh NC 27603	Mailed				
112 Teakwood Drive Carolina Beach NC	Barbara Monk 9301 Smart Drive Raliegh NC 27603	Mailed				
114 Teakwood Drive Carolina Beach NC	Dove Family	Hand Delivered				
116 Teakwood Drive Carolina Beach NC	Tonya, Jason Mauldin	Hand Delivered				
113 Teakwood Drive Carolina Beach NC	Phillip, Holle Everhart	hand Delivered				
203 Teakwood Drive Carolina Beach NC	Mike , Michael Bordeaux	Hand Delivered				
200 Teakwood Drive Carolina Beach NC	Christopher, Shannon Smiles	Hand Delivered				
202 Teakwood Drive Carolina Beach NC	Dorthy Scultz	Hand Delivered				
206 Teakwood Drive Carolina Beach NC	Spencer, Margert Lane	Hand Delivered				
204 Teakwood Drive Carolina Beach NC	James Lane	Hand Delivered				
223 Peninsula Drive Carolina Beach NC	Albert, Chris Bozart	Hand Delivered				
221 Peninsula Drive Carolina Beach NC	Basson, Pamela Nakhle Worley DR Raleigh NC 27613	Mailed				
219 Peninsula Drive Carolina Beach NC	Jon Cottrill	Hand Delivered				
217 Peninsula Drive Carolina Beach NC	David Franklin	Hand Delivered				
215 Peninsula Drive Carolina Beach NC	Dan Bowman	Hand Delivered				
213 Peninsula Drive Carolina Beach NC	Craig, Ashley Hollingsworth	Hand Delivered				
211 Peninsula Drive Carolina Beach NC	Ray, Kathie Heath	Hand Delivered				
209 Peninsula Drive Carolina Beach NC	Terry, Kelly Wyckoff					
207 Peninsula Drive Carolina Beach NC	Rogar, Henriette Weigle 8117 Conselor Rd Manassas Va 20112	Mailed				
205 Peninsula Drive Carolina Beach NC	Anne, Donald Fore PO Box 18135 Clearwater Fl 33762	Mailed				
203 Peninsula Drive Crolina Beach NC 28	James, Barbara Cottrell	Hand Delivered				
201 Peninsula Drive Carolina Beach NC	Jeff, Jennifer Stewart	Hand Delivered				
204 Peninsula Drive Carolina Beach NC	Terry, Kelly Wyckoff					
206 Peninsula Drive Carolina Beach NC	Richard, Kathleen Both	Hand Delivered				
208 Peninsula Drive Carolina Beach NC	James Humphrey	Hand Delivered				
210 Peninsula Drive Carolina Beach	Michael Dennis	Hand Delivered				
212 Peninsula Drive Carolina Beach	Russel Wilson	Hand Delivered				
214 Peninsula Drive Carolina Beach NC	Karl, Bonnie Quattlebaum	Hand Delivered				
220 Peninsula Drive Carolina Beach NC	Bryson Faggant	Hand Delivered				
1542 Island Marina Carolina Beach NC 2	Alejo, Barbara Cruz	Hand Delivered				
1540 Island Marina Carolina Beach NC 2	Jerry Clark	Hand Delivered				
1538 Island Marina Carolina Beach NC 2	Phillip, Cheryl Frainholt	Hand Delivered				
1536 Island Marina Carolina Beach NC 2	Ronald, Elaine Stewart 408 Carolina Sands Carolina Beach NC 28428	Mailed				
1534 Island Marina Carolina Beach NC 2	William, Shawna Hayden Ocean Breeze Way Fernandina Beach Fl 32034	Mailed				
1532 Island Marina Carolina Beach NC 2	William, Cynthia Casto	Hand Delivered				
1530 Island Marina Carolina Beach NC 2	Arthur, Allison Summey 5100 Mankoma Raleigh NC 27612	Mailed				
1528 Island Marina Carolina Beach NC 2	Sherry Clinard	Hand Delivered				
124 Green Turtle LN Carolina Beach NC 2	Daniel, Susan Leff	Hand Delivered				
122 Green Turtle LN Carolina Beach NC 2	Julie Powell	Hand Delivered				
120 Green Turtle LN Carolina Beach NC	John Capaccio 1623 Margold Ave Manasquan NJ 08736	Mailed				
118 Green Turtle LN Carolina Beach NC 2	Marker 39 LLC 509 Queensferry Rd Cary NC 27511	Mailed				
116 Green Turtle LN Carolina Beach NC 2	Karen, Michael Whipple	Hand Delivered				
114 Green Turtle LN Carolina Beach NC 2	Elbertse Trust CT Clover SC 29710	Hand Delivered				
1529 Island Marina Carolina Beach NC 2	Deryl, Norma Smith	Hand Delivered				
1517 Island Marina Carolina Beach NC 2	David, Wendy Williams	Hand Delivered				
247 Silver Sloop Way Carolina Beach NC	Gordon, Judith Wright	Hand Delivered				
245 Silver Sloop Way Carolina Beach NC	Dennis Kubasko	Hand Delivered				
243 Silver Sloop Way Carolina Beach NC	Jane Mulligan 4800 Chevy Chase Dr Apt 303 Chevy Chase MD 20815	Mailed				
241 Silver Sloop Way Carolina Beach NC	Susan Wercholuk	Hand Delivered				
239 Silver Sloop Way Carolina Beach NC	Barbour Beach Properties LLC 1540 Reflection Point Blv Belmony NC 28012	Mailed				
237 Silver Sloop Way Carolina Beach NC	Allana, Robert Raliff	Hand Delivered				
235 Silver Sloop Way Carolina Beach NC	Marker 39 LLC 509 Queensferry Rd Cary NC 27511	Mailed				
233 Silver Sloop Way Carolina Beach NC	April Williams Spencer Farlow Dr Unit 33 Carolina Beach NC 28428	Mailed				
231 Solver Sloop Way Carolina Beach NC	John, Elizabeth Corser	Hand Delivered				
229 Silver Sloop Way Carolina Beach NC	Jamie, April Cook	Hand Delivered				
254 Silver Sloop Way Carolina Beach NC	James, Karen Moore	Hand Delivered				
256 Silver Sloop Way Carolina Beach NC	Brandon, Ashely Holiday	Hand Delivered				
258 Silver Sloop Way Carolina beach NC	Ray, Joann Soporowski 10107 Buggy House Rd Charlotte 28277	Mailed				
260 Silver Sloop Way Carolina Beach NC	Bruce, Rebecca Bergholz	Hand Delivered				
262 Silver Sloop Way Carolina Beach NC	Christopher Conway	Hand Delivered				

TERRY AND KELLY WYCKOFF

304.476.8102

phixitall@outlook.com

Response:
TRC July 19
Pickleball Court
209 Peninsula Dr
Carolina Beach

July 22, 2021

Jeremy Hardison
Town of CB

Jeremy,

We received your request for additional information. Please find a comprehensive narrative in answer to questions from the TRC meeting , July 19.

We had a community meeting on Monday, June 14 . On June 16, Terry submitted a packet to P&Z that contained a sign in sheet, copy of the letter that notified residents of the meeting, various emails from residents expressing support and other requested documentation.

All neighbors within 500 feet of the court received notification on June 10-11, via email or hand delivery, of the community meeting. A copy of the letter is attached.

Our surveyor will submit both email and hard copy, the scaled site plan and drainage plan no later than Friday July 23.

The pickle ball court is intended for private use only. This is not a community court. The development of the court came about for our personal play, as it has become difficult to get court time on any of the public recreational courts on the island.

As we stated, in our community meeting on June 14, we will allow use of the court by invitation only. We further explained that it will not be used to host clubs, tournaments or any other organized pickle ball functions. We have friends , family and a small group of neighbors who will have access to pickle ball play. There will be no lighting installed. All play will be during daylight hours.

The only issue that was brought up during the meeting was the potential of noise. I explained that there would be a 6' foot fence around the court and there would be noise reducing barriers hung along the interior of the fence. It will be a product such as AcoustiFence, a widely used product specifically designed for courts located in private communities. We explained that we are very accessible and welcome additional meetings/discussion regarding noise or anything that might arise once the court becomes active. We also explained that with no lighting being installed that play would only be during daylight hours.

It is worth noting that the potential for noise was a concern expressed by only 2 addresses, neither being the residents living directly adjacent to the court.

All other feedback was positive and no other issues were presented. Several neighbors spoke in support of the court. Councilman Jay Healy was in attendance.

We look forward to moving this process along and getting the court completed for play in the fall. If further information is needed, please contact us as soon as possible and we will provide in a timely manner.

Sincerely,

Kelly Wyckoff



AGENDA ITEM COVERSHEET

PREPARED BY: Gloria Abbotts

DEPARTMENT: Planning

MEETING: Planning and Zoning – 9 SEP 2021

SUBJECT: Consider amending Ch 40 Art VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees. Applicant: Town of Carolina Beach

BACKGROUND:

Town Council has requested that staff and Planning and Zoning look at options for tree protection and preservation. Past discussions of a tree preservation ordinance led to a discussion to protect heritage trees and focus on stormwater. The intent of the ordinance is to encourage residents to protect and replace trees pre and post construction. Staff has put together three options for Planning and Zoning’s consideration and guidance. Option 1 would require a tree permit for any removal of trees within the town along with the requirement of a tree survey to identify trees to be protected and replaced outside of the building footprint. Option 2 would require new construction and any expansions to the building footprint to provide a list of all trees on site and replace any heritage trees removed. Option 3 allows the incentive of a flexible setback (up to 25%) to preserve a tree along with the option for a reduced stormwater fee by counting any trees preserved as impervious surface credit.

ACTION REQUESTED:

Consider the amendment and make a motion for recommendation.

RECOMMENDED MOTION:

Approval - whereas in accordance with the provisions of the NCGS, the Commission does hereby find and determine that the adoption of the following ordinance amendment to Chapter 40 Article XII Section 40-354 Review Criteria, to update standards related to Major and Minor PUD applications is consistent with the goals and objectives of the adopted Land Use Plan and other long-range plans

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

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

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS



ORDINANCE NO. 21-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards⁵¹

Sec. 40-175. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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

Caliper means a standard trunk diameter measurement for nursery grown trees taken six inches above the ground for up to and including four-inch Caliper size, and 12 inches above the ground for larger sizes.

Deciduous means those plants that annually lose their leaves.

Development means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, clearing, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

Evergreen means those plants that retain foliage throughout the year.

Ground cover means a prostrate plant growing less than two inches in height at maturity that is grown for ornamental purposes. Ground covers are used as an alternative to grasses. On slopes, ground covers control erosion while eliminating the maintenance of mowing on hillsides. Many ground covers survive in poor soils, shade and other adverse conditions.

Ground cover material means any natural or artificial material such as bark chips, pine needles, stone, rock, wood mulch or similar materials used at the base of plants for the purpose of retaining water, minimizing weed growth or purely aesthetic purposes.

Heritage Tree means a live oak tree, with a caliper larger than 12"

Intensive commercial means a business use that has a gross floor area of greater than 10,000 square feet.

Landscaping means the process or product of site development, including grading, installation of plant materials, and seeding of turf or ground cover.

New construction means any construction other than renovation to existing structures where the size or intensity is not increased, which requires a building permit issued by the town, or which results in an increase of impervious surfaces or which requires the placement of fill soil or materials, including, but not limited to, multifamily, non-residential and parking lot construction.

Planter means a structure or area consisting of at least one understory tree surrounded by flowers and shrubs.

Planting area means a ground surface free of impervious material, which is utilized for landscape purposes.

Shrub means a woody plant or bush with a minimum height of 12 inches and maximum of ten feet. It is distinguished from a tree by having several stems rather than a single trunk.

Street tree means a tree planted along the street behind the right-of-way.

Street yard means a planting area parallel to a public or private street designed to provide continuity of vegetation along the right-of-way and to soften the impact of development by providing a pleasing view from the road.

Tree, canopy, means any tree that is normally more than 40 feet in height with a spread of at least 15 feet at maturity that provides shade from its foliage mass; also individual or tree groups forming an overhead cover. Canopy trees should be located so as to minimize potential interference with utilities and avoid sight obstructions. New canopy trees shall be at least 2½ inches in diameter measured six inches above the ground and at least eight feet in height.

Tree, understory, means any tree that is normally less than 25 feet in height with a spread of at least five feet at maturity, but that still provides shade and a degree of protection to the earth and vegetation beneath it. Multiple trunk understory trees shall have at least three trunks and be at least six feet in height.

Vision clearance. In order to maintain an acceptable and safe line of sight for motor vehicle drivers, no fences, walls, posts, signs, lights, shrubs, trees or other type of obstructions not specifically exempted shall be permitted in the space between 30 inches in height from the grade of the street. A sight distance triangle shall be the visually unobstructed area of a street/driveway corner as determined by measuring a distance of 30 feet along the intersecting curb lines, or edges of pavement of the intersecting

street/driveway if curbs are not present, and connecting the two points by a straight line to form a triangular shaped area over the corner.

(Code 1986, app. A, § 8.5; Ord. No. 05-598, 7-12-2005; Ord. No. 06-634, 5-9-2006; Ord. No. 07-670, 1-9-2007; Ord. No. 09-785, 5-12-2009)

Sec. 40-177. - Tree/landscape plan.

- (a) Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan). [A tree permit is required for any proposed removal of trees within the town.](#)
- (b) Landscape plan submittal requirements. The landscape plan shall contain the following information [completed by a registered surveyor](#):
- (1) General location, type, and quantity of existing plant materials.
 - (2) Existing plant materials and areas to be left in natural state.
 - (3) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - (4) Locations, size and labels for all proposed plants.
 - (5) Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting. [Species and location of all trees five inches' caliper at breast height and greater noted; trees to be left marked with an \(L\) on the plan \(marked with flagging on the ground\); trees to be removed marked with an \(R\) on the plan.](#)
 - (6) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all required standards.
 - (8) Location and type of irrigation system, if applicable.
 - (9) Location of any proposed buildings.
 - (10) Layout of parking and traffic patterns.
 - (11) Location of overhead and underground utilities.
 - (12) Location of signage.
 - (13) Connections to existing streets.
 - (14) Zoning designation of adjacent properties.
 - (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) [All new construction will be required to identify any heritage trees outside of the building footprint and either protect them or replace 1 heritage tree per 5000ft² of lot size.](#)

(e) No new construction nor expansions of a preexisting footprint may remove a heritage tree without replacement as dictated in (d).

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

LeAnn Pierce, Mayor

Attest: _____

Kimberlee Ward, Town Clerk

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS



ORDINANCE NO. 21-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

ARTICLE VI. – Landscaping and Development Specification Standards⁵¹

Sec. 40-175. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Heritage Tree means a live oak tree, with a caliper larger than 12"

Sec. 40-177. - Tree/landscape plan.

- (a) Required. A tree/landscaping plan shall be required for all clearing, grading, or other earth disturbing activity proposals. The plan must contain the information set forth in subsection (b) of this section (the required tree/landscape plan can be incorporated into the general site plan).
- (b) Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - (1) General location, type, and quantity of existing plant materials.
 - (2) Existing plant materials and areas to be left in natural state.
 - (3) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - (4) Locations, size and labels for all proposed plants.
 - (5) Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - (6) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all required standards.
 - (8) Location and type of irrigation system, if applicable.
 - (9) Location of any proposed buildings.

- (10) Layout of parking and traffic patterns.
 - (11) Location of overhead and underground utilities.
 - (12) Location of signage.
 - (13) Connections to existing streets.
 - (14) Zoning designation of adjacent properties.
 - (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) All new construction or expansions of building footprint will be required to submit a list of trees on the lot before construction, trees to be left marked with an (L) on the list (marked with flagging on the ground); trees to be removed marked with an (R) on the list. For each heritage tree removed, one five-inch caliper tree or two three-inch caliper trees must be planted.

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

LeAnn Pierce, Mayor

Attest: _____

Kimberlee Ward, Town Clerk

ARTICLE VI. - LANDSCAPING AND DEVELOPMENT SPECIFICATION STANDARDS



ORDINANCE NO. 21-

Text Amendment: To amend the Chapter 40 Article VI Sec. 40-175, Sec. 40-177, to update the ordinance to provide protections for heritage trees.

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- (b) Landscape plan submittal requirements. The landscape plan shall contain the following information:
 - (1) General location, type, and quantity of existing plant materials.
 - (2) Existing plant materials and areas to be left in natural state.
 - (3) Methods and details for protecting existing plant materials during construction and the approved erosion control plan, if required.
 - (4) Locations, size and labels for all proposed plants.
 - (5) Plant lists with common name, quantity, and spacing and size of all proposed landscape material at the time of planting.
 - (6) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courtyards or paved areas.
 - (7) Planting and installation details as necessary to ensure conformance with all required standards.
 - (8) Location and type of irrigation system, if applicable.
 - (9) Location of any proposed buildings.
 - (10) Layout of parking and traffic patterns.
 - (11) Location of overhead and underground utilities.
 - (12) Location of signage.

- (13) Connections to existing streets.
- (14) Zoning designation of adjacent properties.
- (15) Landscape plan shall be drawn to scale and include a north arrow and necessary interpretive legends.
- (c) Information guide and plant selection list. A landscaping/buffer yard information guide and plant selection list is available from the Zoning Administrator.
- (d) All new construction or expansions of building footprint will receive a reduced stormwater fee for preserving a heritage tree. One heritage tree will count as 500 square feet of impervious surface credit.
- (e) The allowable building area on each lot or parcel may be moved toward one side property line and either the rear property line or the front property line a distance of up to 25 percent of the required setback for the zoning district for the purpose of preserving natural areas and/or heritage trees. This section does not increase the maximum permitted length and width of the allowable building area. Such setback or yard modifications must be approved by the Zoning Administrator in writing prior to construction beginning. Setback adjustments must be noted on the final survey.

(Code 1986, app. A, § 8.8; Ord. No. 05-598, 7-12-2005)

Adopted this ___ day of _____.

LeAnn Pierce, Mayor

Attest: _____

Kimberlee Ward, Town Clerk