



Town of North Topsail Beach
Planning Board Regular Meeting
Thursday, October 03, 2024, at 6:00 PM
Town Hall - 2008 Loggerhead Court, North Topsail Beach, NC 28460
(910) 328-1349 | www.northtopsailbeachnc.gov

Planning Board: Susan Meyer - Chair, Fred Fontana - Vice Chair, Scott Morse, Lisa Brown, Terri Ward, Charles Rusty Walker – Alternate, Keith Wilkerson – Alternate

Staff: Deb Hill - MPA AICP CFM CZO - Planning Director, Kate Winzler - CMC, NCCMC - Clerk to the Planning Board

I. CALL TO ORDER

II. OATH OF OFFICE

III. ADOPTION OF AGENDA

Specific Action Requested: Chair will request a motion to adopt the agenda.

IV. APPROVAL OF MINUTES

A. September 5, 2024, Regular Meeting Minutes

Specific Action Requested: Chair will request a motion to approve the minutes.

V. PUBLIC COMMENT

Citizens have the opportunity to address the Planning Board for no more than three minutes.

VI. NEW BUSINESS

A. SUP24-000004 LaCosta Bay Commercial Pool 107 LaCosta Place (Tax ID 779A-49)

VII. DISCUSSION

A. Equity in Planning Presentation Video

VIII. ADJOURNMENT

Notice to citizens who wish to speak: As a courtesy to others, a citizen speaking on an agenda item or making a petition is normally limited to three minutes. Persons who are organizing a group presentation and who wish to speak beyond the three minute limit are requested to make prior arrangements through the Planning Director by calling 910-328-1349. If you wish to address the Board this evening, please go to the front right corner of the conference room and sign up with the Recording Secretary. The Board may also change the order in which agenda items are presented.

Attorneys: *If you are representing a person with an interest in a quasi-judicial proceeding on this agenda and believe you may wish to cross examine a witness, please identify yourself as such to the Recording Secretary. For the sake of maintaining an accurate public record all speakers must be prepared to speak into an amplified microphone and must provide their name to the Recording Secretary.*



Town of North Topsail Beach
Planning Board Regular Meeting
Thursday, September 05, 2024, at 6:00 PM
Town Hall - 2008 Loggerhead Court, North Topsail Beach, NC 28460
(910) 328-1349 | www.northtopsailbeachnc.gov

PRESENT: Susan Meyer – Chair, Fred Fontana – Vice Chair, Lisa Brown, Teri Ward, Charles Rusty Walker - Alternate

ABSENT: Scott Morse, Keith Wilkerson – Alternate.

I. CALL TO ORDER

Chair Meyer called the meeting to order at 6:04 p.m.

II. OATH OF OFFICE

Deputy Town Clerk Winzler administered the Oath of Office to Charles Rusty Walker for appointment as an alternate member to the Planning Board.

III. ADOPTION OF AGENDA

Ms. Brown made a motion to adopt the agenda. Mr. Fontana seconded the motion. The motion passed unanimously, 5-0.

IV. APPROVAL OF MINUTES: July 11, 2024, Special Meeting Minutes

Ms. Brown made a motion to approve the minutes from July eleventh. Ms. Ward seconded the motion. The motion passed unanimously, 5-0.

V. PUBLIC COMMENT

None.

VI. NEW BUSINESS

A. SUP24-000004 LaCosta Bay Commercial Pool

Planning Director Hill explained the review was quasi-judicial and evidentiary in nature. She presented the staff report.

Mr. Fontana asked about the dirt road on the site.

Ms. Hill explained it was LaCosta Place to access private property beyond the LaCosta development.

Mr. Charles Riggs distributed two full-size site plans to the Planning Board. One illustrated the vacant lots and the pool that was used to obtain the Minor CAMA (Coastal Area Management Act) Permit from the State of North Carolina. The second map illustrated the existing and proposed buildings of LaCosta Place showing the road easement, common access rear easements to the common pool area, a hammerhead or fire department turn around easement between lots seven and eight for emergency and maintenance access to the common area, a six-foot concrete deck around the pool, a covered unenclosed 11'x11' shelter, an elevated pool equipment stand, and an elevated walkway to the sound.

Mr. Riggs spoke about the history of the LaCosta Bay development, and Sandford Island beyond. He explained that the LaCosta development homes are within three-hundred feet of the pool, so no bathrooms are required. Parking is on each individual lot, since the use of the pool is restricted to the LaCosta property residents and their guests. Mr. Riggs explained that the pool would be approved by the North Carolina Department of Public Health in addition to Onslow County Health Department. He mentioned that the pool was required to be located fifty feet from other

residences, but felt as though this requirement did not apply to small developments such one since each individual lot could have its own pool in the backyard, and each lot has a vested interest in the common area.

Chair Meyer asked if the HOA (Homeowners Association) was formed.

Mr. Riggs replied it was in the process of being formed and that none of the lots had been sold yet. Planning Director Hill made a recommendation to add a statement to the recorded site plan that no changes may be made without local government approval after the special use permit is issued.

Mr. Riggs replied that language in the restrictive covenants could address that, as well as a condition of the special use permit. He mentioned that the development was created as an amenity for the lots and would increase their value.

Ms. Ward asked about the purpose of the fifty-foot separation, as the closest dwelling was a couple feet short of the required distance.

Planning Director Hill responded noise and privacy.

Mr Fontana asked about the ownership of the pool property and sale transfer rights.

Mr. Riggs explained that each lot owner would own one eight undivided interest, transferable with the sale of the lot.

Ms. Meyer asked if the remaining common area was basically wetlands or CON D (conservation district). She expressed concern about the HOA members unanimously deciding to sell the common area property in the future.

Planning Director Hill said that the comment on the recorded site plan would address that.

Mr. Riggs explained the remaining common area included uplands, federal wetlands, and coastal wetlands.

Planning Director Hill asked if Mr. Riggs wanted to amend the application to include development of any water dependent structures associated with the dock.

Mr. Riggs agreed.

There was discussion regarding development beyond the scope of the application, and possible motions.

Ms. Ward made a motion to approve the finding of facts as it meets the requirements for the special use permit of 4.03.12 to include the amendment of the water structures relevant to the proposed walkway to be administratively issued as well as the Division of Coastal Management and to include a recommendation of a statement with plat that no changes shall or can occur without the local governing board’s approval and for that to be recorded. Mr. Fontana seconded the motion. The motion passed unanimously, 5-0.

VII. DISCUSSION

- A. APA Video: Findings of Fact
Planning Director Hill introduced the video. The Planning Board watched the training video.
- B. Groups petition EPA to revoke NC’s water permit authority (Jennifer Allen in Coastal Review 8/28/2024)
Planning Director Hill reviewed the article.
- C. Coastal commission to adjust rules to comply with new laws (Coastal Review 08/16/2024)
Planning Director Hill reviewed the article.
- D. Nonconformities
Planning Director Hill explained the Planning Board would review this topic at a future meeting.

VIII. ADJOURNMENT

Ms. Ward made a motion to adjourn. Mr. Fontana seconded the motion. The motion passed unanimously, 5-0.

The Planning Board Meeting adjourned at 7:13 p.m.

APPROVED

CERTIFIED

This 3rd day of October 2024

This 3rd day of October 2024

Susan Meyer, Chair

Kate Winzler, Clerk to the Planning Board

STAFF REPORT CONTACT INFORMATION
Deborah J. Hill MPA AICP CFM CZO

DOCKET/CASE/APPLICATION NUMBER
SUP24-000004 LA COSTA BAY POOL

APPLICANT/PROPERTY OWNER
CHARLES F. RIGGS & ASSOCIATES, INC. – Charles F. Riggs, PLS
CAPITAL ASSET TOPSAIL DEVELOPMENT LLC / Chris A Plafor

PUBLIC HEARING DATE
TBD (NEXT BOA 11 6 2024 11AM)

PROPERTY ADDRESS/LOCATION
107 Lacosta Place (Tax ID 779A-49)

BRIEF SUMMARY OF REQUEST

The applicant Charles Riggs PLS, on behalf of his client Chris Plafor of Capital Asset Topsail Development LLC, is requesting a Special Use Permit for the site preparation, installation and construction of 20' x 37' La Costa owners community pool, 6' wide concrete pool deck with fence, pool building and a 6' wide elevated/slatted access to NHW and any future dockage and/or water access to be permitted by NCDCM.



FIGURE 1 2022 Aerial and Zoning Layer/Onslow County GIS

EXISTING ZONING	EXISTING LAND USE (CAMA LUP Map 10A)	SURROUNDING ZONING & LAND USE	SITE IMPROVEMENTS	SIZE OF PROPERTY
R-5	High Density Residential	N: vacant Con-D E: single family R5 S: single family R5 W: Old Sound Channel	Vacant	1.085 acres/ 47,289 sf (Attachment 5)

STAFF RECOMMENDATION

that the Planning Board recommends approval of the Special Use Permit SUP24-000004 (Attachment 1) and the Special Use Plan of La Costa Bay (Attachment 4), as presented.

COMPATIBILITY with the COMPREHENSIVE PLAN (Town of North Topsail Beach 2019 CAMA Land Use Plan 3/4/2021)

Community pools not addressed.

PROPERTY HISTORY Compatibility with the planned development (or other controlling documents); traffic/parking; public works/utilities; engineering/flood plain/soil; building code/fire or design

CAMA Minor Permit 43-24 issued.

Parking plans have been submitted and approved for each driveway application for La Costa Bay single family homes.

The Onslow County Environmental Health Public Swimming Pools Program regulates the construction and operation of pools used by multiple families for swimming, bathing, recreation or therapy.

Engineered plans and floodplain documentation will be reviewed and approved by Zoning Administrator, Building Inspector and Onslow County prior to the issuance of County, Zoning/Flood and Building permits.

Lot served by ONWASA for water and sewer.

Emergency vehicle access provided by 20-foot proposed easement from lot to La Costa Place (Attachment 5).

RESPONSE TO STANDARDS

§ 2.20 SPECIAL USE PERMITS.

(D) Review procedures for special use permit.

- (5) Findings. In granting the permit, the Board of Aldermen shall make a written decision that:
 - (a) Identifies the key facts of the case and applies these facts to the following standards. The Board must find that all of these conditions exist, or the application will be denied;
 - (b) The use or development is located, designed and proposed to be operated so as to maintain or promote the public health, safety and general welfare;

The Onslow County Environmental Health Public Swimming Pools Program regulates the construction and operation of pools used by multiple families for swimming, bathing, recreation or therapy. Onslow County Health Department permit is required.

- (c) The use or development complies with all required regulations and standards of this ordinance and with all other applicable regulations; and

The property is zoned R-5 and allows for community pools by Special Use Permit approved by the Board of Aldermen (reference Table 4-1 Use Table indicated)

Table 4-1 Use Table

Use	MHR	R5	R8	R10	R15	R20	RA	COND	B1	B2	Use Specific Standard
Club or lodge, swim and tennis club, country club, beach club, yacht club, all other private recreation clubs, retreat center	S	S	S	S	S	S	S		S	S	4.03.12

FIGURE 2 EXCERPT OF UDO TABLE 4-1

§ 4.03.12 CLUB, LODGE, SWIM AND TENNIS CLUB, COUNTRY CLUB, BEACH CLUB OR RETREAT CENTER.

- (A) Minimum area. The minimum area must be three-quarters of an acre (32,670 square feet).

The minimum area must be three-quarters of an acre (32,670 square feet). Lot is 47,289 square feet (Attachment 5).

- (B) Location. If located within a development, the site must be accessible from at least one main route into and out of the development.

Accessible to La Costa Place via 20' proposed emergency vehicle access easement (Attachment 5).

- (C) Use separation.

- (1) Fifty-foot minimum distance between clubhouse, swimming pool, lighted tennis court or athletic field and any adjacent residential property.

Pool lot is 157.85 linear feet to closest residential lot (Attachment 5).

- (2) A pool must be located so as to comply with the minimum CAMA setback requirements and setback requirements for accessory structures for the district in which it is located.

CAMA Minor Permit 43-24 issued 6/19/2024 (Attachment 4).

(D) Security fencing for pool. Outdoor swimming pools must be protected by a (other similar material fence, a minimum of four feet in height and equipped with a self-closing and positive self-latching gate provided with hardware for permanent locking. See also § 4.03.07, Fences.

Proposed fencing indicated on site plan and is enforceable by Onslow County Environmental Health Public Swimming Pools Program regulations and NC Building Code (Attachment 5).

(E) Permanent parking lots must meet the standards of § 6.05, Off-Street Parking and Loading Requirement.

Parking plans have been submitted and approved for each driveway application for La Costa Bay single family homes.

(F) Service areas will be separated by an opaque screen from the view from any street and from abutting properties.

To be verified during final Zoning Inspection.

(G) Hours of operation will be no earlier than 6:00 a.m. and no later than 11:00 p.m.

Posted sign on fence to be verified during final Zoning Inspection.

(Ord. passed 11-2-2011)

(d) The use or development conforms to the plans for the land use and development of town as embodied in this zoning ordinance and in the town CAMA land use plan.

Pools are not addressed in Comprehensive Plan (CAMA Land Use Plan).

ATTACHMENTS

1. Special Use Permit Application Sup24-000004 (pages 1-4)
2. La Costa Bay Commercial Pool Agent Authorization
3. Charles Riggs PLS undated letter Special Use for La Costa Bay Lots 1-8 and Common Area, Map Book 86, Page 222 (pages 1-2)
4. CAMA Minor Permit 43-24 issued 6/19/2024 (pages 1-2)
5. Special Use Plan of La Costa Bay by Charles F. Riggs PLS mapping date 9/26/2024.



Town of North Topsail Beach
SPECIAL USE PERMIT (SUP) APPLICATION
 (A Pre-submittal conference **must be held** prior to submission)

Tracking Information (Staff Only)

Case Number:	Date/Time received:	Application verified by:
\$350 non-refundable filing fee & \$150 deposit subject to Cancellation Policy*	Check #:	Receipt #:
Deadline for Legal Ad:	Scheduled for Planning Board on:	at 6:30 p.m.
Deadline for Legal Ad:	Scheduled for Board of Aldermen on:	at 6:30 p.m.

About this Application

ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

Only the Special Uses, as specified in the various districts (reference: UDO **Table 4-1 Use Table**), may be permitted after review by the Planning Board and approval by the Board of Aldermen.

Submittal: Applications are due by noon on the submittal deadline date. Deadlines are discussed at the pre-submittal meeting. Applications should be submitted in-person, and fees are due at time of submittal.

The application is a form of written testimony, and used both to show how Ordinance considerations are addressed and to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any other written, drawn or photographed material to support his/her request and as permitted by the Planning Board and/or Board of Aldermen, as applicable. Any such additional material submitted will become part of the application, and as such cannot be returned.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to testify in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied.

Contact Information: If you have any questions, please contact the Planning Director at (910) 328-1349 ext. 27 between 8:00 a.m. and 5:00 p.m. on weekdays or email at dhill@ntbnc.org.

***Cancellation Policy:** All cancellations must be received at least 48 hours before the start of the Public Hearing and refunds are subject to a \$150 cancellation fee. Cancellations must be received in writing by e-mail (kate@ntbnc.org), fax (910-328-4508 ATTN: Kate Winzler), or by U.S. mail (2008 LOGGERHEAD CT, N TOPSAIL BEACH NC 28460-9286 - ATTN: Kate Winzler.) No refunds will be made for requests received after that time. Please allow two weeks for processing.

Application Requirements	Applicant Initials	Staff Initials
Pre-submittal meeting	GR	
Filing fee	GR	
SITE PLAN or PLOT PLAN, as determined at the pre-submittal meeting.	GR	
Completed application and responses: ORIGINAL signatures required.	GR	
Any additional supporting documents	GR	

Case # _____

Property Information

Site Address: New River Inlet Road	Parcel #: 779A-49
Zoning District(s) : R-5	Plat Book/Page #: 83/56 and 86/222
Overlay District(s): Cobra	Date Plat Filed: 12/1/22 and 7/19/24
Current Use: Vacant	Deed Book/Page #: 5706-91
Flood Zone: AE and VE	Date Deed Recorded: 3/15/22

Property Owner: The application must either be signed by the property owner or a written, signed statement must be provided by the property owner giving consent to the request.

Name(s): **Capital Asset Topsail Development, LLC**Contact Person: **Chris A. Plaford**Telephone: **917-588-0302**Address: **1121 Military Cutoff Road, Suite C**Fax: **N/A**City/State/ZIP: **Wilmington, NC 28405**Email: **cplaford@capitalasset-us.com**_____
Owner Signature_____
Date**Applicant**Name(s): **Capital Asset Topsail Development, LLC**Contact Person: **Chris A. Plaford**Telephone: **917-588-0302**Address: **1121 Military Cutoff Road, Suite C**Fax: **N/A**City/State/ZIP: **Wilmington, NC 28541**Email: **cplaford@capitalasset-us.com**

I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.

Applicant Signature_____
Date**Agent (if different than applicant)**Name: **Charles F. Riggs & Associates, Inc.**Contact Person: **Charles F. Riggs**Telephone: **910-455-0877**Address: **p O Box 1570**Fax: **N/A**City/State/ZIP: **Jacksonville, NC 28541**Email: **riggsland@riggslandnc.com**

Case # _____

Complete and respond to the following with an attachment (suggested) or in the space provided:

Applicant's Name: I, Chris A. Plaford, Member/Manager of Capital Asset Topsail Development, LLC, do hereby petition the Town of North Topsail Beach for a SPECIAL USE permit to allow the following:

I. **Findings:** In granting the permit, the Board of Aldermen *shall* make a written decision that identifies the key facts of the case and applies these facts to the following standards. The Board must find that all of these conditions exist, or the application will be denied.

A. *The use or development is located, designed, and proposed to be operated so as to maintain or promote the public health, safety, and general welfare; **Statement by Applicant:***

Development of the pool will be properly permitted through local, county and state agencies. Creation of one pool rather than eight individual pools will maintain and promote the public health, safety and general welfare.

B. *The use or development complies with all required regulations and standards of this Ordinance and with all other applicable regulations; **Statement by Applicant:***

All rules and standards of the ordinance and the previous approvals of the Board of Alderman on previous projects have been followed and do comply.

C. *The use or development conforms to the plans for the land use and development of Town of North Topsail Beach as embodied in this Zoning Ordinance and in the Town of North Topsail Beach CAMA Land Use Plan. **Statement by Applicant:***

The development of the pool is allowed and conforms with the North Topsail Beach Zoning Ordinance and is viewed as an allowable amenity in the North Topsail Beach Land Use Plan.

Case # _____

Read and sign below:

General provisions (reference UDO Sec. 2.06.04 Special Use Permits).

- A. **Additional Conditions:** In granting the Special Use Permit, the Board may designate additional conditions that will, in its opinion, assure that the use in its proposed location will be harmonious with the area in which it is proposed to be located, is within the spirit of this Ordinance and clearly in keeping with the public welfare. All such additional conditions shall be entered into the minutes of the meeting, at which the Special Use Permit is granted, on the Special Use Permit itself and on the approved plans. The Special Use Permit and any other specific conditions shall run with the land and shall be binding on the original applicants, their heirs, successors and assigns.
- B. **Denial:** If the specified board denies a request for a Special Use permit, it shall enter the reasons for its action in the minutes of the meeting at which the action was taken. A letter signed by the Zoning Administrator is mailed to the applicant identifying the reasons for denial.
- C. **Approvals and copies:** Upon approval of the request for a Special Use Permit, a copy of the plan shall be dated and signed by the Zoning Administrator, denoting Town approval. One (1) copy shall be returned to the applicant.
- D. **Appeal of Decision:** Appeal may be taken from the action of the Board of Aldermen in granting or denying a Special Use Permit through Superior Court of Onslow County. Any petition for review shall be filed with the Clerk of Superior Court within 30 days after a decision of the board is filed in the office of the Town Clerk, or after a written copy of the decision is delivered to every aggrieved party who has filed a written request for such copy with the clerk at the time of the hearing of the case, whichever is later. The decision of the authorized board shall be delivered to the aggrieved party either by personal service or by registered mail or certified mail return receipt requested.
- E. **Failure to Comply with Plans or Conditions:** In the event of failure to comply with the plans approved by the Board of Aldermen or with any other conditions imposed upon the Special Use Permit, the permit shall thereupon immediately become void and of no effect. No building permits for further construction or certificates of occupancy under this Special Use Permit shall be issued, and all completed structures shall be regarded as nonconforming uses subject to the provisions of this Ordinance; provided, however, that the Board of Aldermen shall not be prevented from thereafter rezoning said property for its most appropriate use.

Applicant Signature

Date

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
(910) 455-0877
charlesriggs@riggslandnc.com

Corporate License (C-730)
502 New Bridge Street
P.O. Box 1570
Jacksonville, North Carolina 28541
(910) 455-0877
E-MAIL: riggsland@riggslandnc.com

James A. Lewis, P.L.S. L-4562
Landfall Executive Suites
1213 Culbreth Drive
Wilmington, North Carolina 28405
(910) 681-7444
jameslewis@riggslandnc.com

To whom it may concern:

Property Legal Description:

Parcel IDs: 779A-49
Street Address: 1425, 1427, 1431, 1435, 1439 & 1443 New River Inlet Road & 109, 113 & 117 Lacosta Place
Subdivision: La Costa Bay, Map Book 86, P. 222
County: Onslow

Please Print:

Property Owner (Title): Chris A. Plaford, Member/Manager of Capital Asset Topsail Development, LLC


The undersigned, registered property owners of the above noted property, do hereby authorize Charles F. Riggs and Associates, Inc. and the employees thereof, to act on my behalf as my agent and take all actions necessary for processing, issuance and acceptance of any permit, certification, or approval and all standard and special conditions attached, if any.

Address: 1121 Military Cutoff Road, Suite C, Wilmington, NC 28405

Telephone Number: (917) 588-0302

Facsimile Number: N/A

Email Address: cplaford@capitalasset-us.com

Authorized Signature:  Date: 8-28-24

CHARLES F. RIGGS & ASSOCIATES, INC.

Land Surveyors

Charles F. Riggs, P.L.S. L-2981
502 New Bridge Street
Jacksonville, North Carolina 28540
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Special Use for La Costa Bay
Lots 1-8 and Common Area, Map Book 86, Page 222
Stump Sound Township, Onslow County, North Carolina
Town of North Topsail Beach

This development was originally a 15 lot subdivision with recreational area recorded in Map Book 29, Page 16 of the Onslow County Registry in 1992, copy attached. In 2022, Capital Asset Topsail Development, LLC requested, through the Exempt Plat procedure, a Lot Recombination taking the 15 lots and creating 8 lots with a common area. This Lot Recombination was recorded in Map Book 83, Page 56, copy attached, of the Onslow County Registry and revised in Map Book 86, Page 222, copy attached.

North Topsail Beach UDO Section 4.03.12 Club, Lodge, Swim and Tennis Club, Country Club, Beach Club or Retreat Center require this pool to receive Special Use Approval.

- (A) Minimum Area required is 32,670 square feet. This development has designated 47,289 square feet for the pool, concrete pool apron, shelter, pool equipment, stand and proposed elevated wood walkway to Old Sound Channel.
- (B) Location. Access to the Common Area is through 5' walkway easements from all 8 lots and a 20' vehicle emergency access easement located between Lots 7 & 8
- (C) Use separation. The ordinance requires 50' separation between the pool and any residential property. It is my opinion, this separation was created for larger developments, not necessarily less dense projects such as La Costa Bay. Two previous projects on North Topsail Beach received Special Use Approval including a pool having densities of 8 and 6 units each and having a separation of 14.8 and 9 feet, respectively. The closest dwelling to the pool in La Costa Bay is 47.8 feet. Copies attached of the previously approved projects.
- (D) Security fencing for pool. La Costa Bay is proposing fencing for the pool area with two gates for ease of access for the 8 lots.
- (E) Permanent parking lots. La Costa Bay does not propose any parking as this pool is for residents and their guests and parking would be handled on their lots and direct access through the 5' walkway easements.
- (F) Service Areas. La Costa Bay does not propose any service areas. The Pool Equipment stand will be properly constructed to meet base flood and freeboard.
- (G) Hours of Operation. The pool will comply with hours of operation as designated by the Town of North Topsail Beach.

Prior to the creation of the 8 lots it was decided one common pool for all residents within the Common Area would better serve the residents rather than having a pool on each lot.

This Common Area, having uplands, wetlands and water frontage is an asset to the 8 lots providing open space for recreation along with the pool facility.

The State of North Carolina Division of Coastal Management has issued CAMA Permit 43-24, copy attached, allowing construction of the pool, pool decking, shelter, pool equipment stand, and all proposed improvements as illustrated on the attached plan.

Capital Asset Topsail Development, LLC is in process with the local Onslow County Health Department and the North Carolina Public Health Department regarding proper permits for this pool.



North Topsail Beach
Local Government

43-24
Permit Number

CAMA MINOR DEVELOPMENT PERMIT



as authorized by the State of North Carolina, Department of Environment, and Natural Resources and the Coastal Resources Commission for development in an area of environment concern pursuant to Section 113A-118 of the General Statutes, "Coastal Area Management"

Issued to Capital Asset Topsail Development, LLC c/o Charles F. Riggs and Associates, Inc., authorizing development in the Estuarine Shoreline - ORW (AEC) at Lacosta Place (779A-49), in North Topsail Beach, Onslow County as requested in the permittee's application, dated 5/28/2024, received by DCM on 5/28/2024 and complete on 6/6/2024. This permit, issued on **6/19/2024**, is subject to compliance with the application and site drawing (where consistent with the permit), all applicable regulations and special conditions and notes set forth below. Any violation of these terms may subject permittee to a fine, imprisonment or civil action, or may cause the permit to be null and void.

This permit authorizes: construction of a 20' x 37' pool, 6' wide concrete pool deck with fence, pool building and a 6' wide elevated/slatted access to NHW. The BUA (impervious) authorized is 1,254 sf.

- (1) All proposed development and associated construction must be done in accordance with the permitted work plat drawings(s) dated received on 5/28/2024 (Charles F. Riggs and Associates, Inc. mapping date of 5/21/2024). (GS 113A-120)
- (2) All construction must conform to the N.C. Building Code requirements and all other local, State and Federal regulations, applicable local ordinances, and FEMA Flood Regulations. (GS 113A-120)
- (3) Any change or changes in the plans for development, construction, or land use activities will require a re-evaluation and modification of this permit. (GS 113A-120)
- (4) A copy of this permit shall be posted or available on site. Contact this office at 252-515-5400 for a final inspection at completion of work. (GS 113A-120)

(Additional Permit Conditions on Page 2)

This permit action may be appealed by the permittee or other qualified persons within twenty (20) days of the issuing date. From the date of an appeal, any work conducted under this permit must cease until the appeal is resolved. This permit must be on the project site and accessible to the permit officer when the project is inspected for compliance. Any maintenance work or project modification not covered under this permit, require further written permit approval. All work must cease when this permit expires on:

DECEMBER 31, 2027

In issuing this permit it is agreed that this project is consistent with the local Land Use Plan and all applicable ordinances. This permit may not be transferred to another party without the written approval of the Division of Coastal Management.

Heather M. Styron

Heather Styron
District Manager

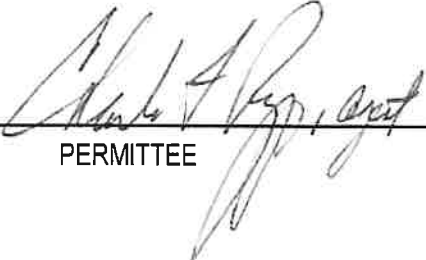
400 Commerce Ave.
Morehead City, NC 28557

Charles F. Riggs, Agent
PERMITTEE

(Signature required if conditions above apply to permit)

Name: Capital Asset Topsail Dev. LLC
Minor Permit # 43-24
Date: 6/19/2024
Page 2

- (5) The proposed pool with decking and pool house shall be constructed landward of any wetland areas (coastal and 404 jurisdictional). (GS 113A-120)
- (6) All unconsolidated material resulting from associated grading and landscaping shall be retained on site by effective sedimentation and erosion control measures. Prior to any land-disturbing activities, a barrier line of filter cloth must be installed between the land disturbing activity and the adjacent marsh or water areas, until such time as the area has been properly stabilized with a vegetative cover. All other disturbed areas shall be vegetatively stabilized (planted and mulched) within 14 days of construction completion. (GS 113A-120)
- (7) No disturbance of any wetlands (coastal and 404) is authorized. (GS 113A-120) and (07H .0205(d))
- (9) The amount of impervious surface shall not exceed 25% of the lot area within 575 feet of normal high water (Estuarine Shoreline - ORW Area of Environmental Concern). (07H .0209(f) (1-2))
- (10) The Permittee and/or the Permittee's Agent shall be responsible for obtaining any and all necessary authorizations, approvals, or zoning and building permits from the local government having jurisdiction (Town of North Topsail Beach and /or Onslow County) prior to commencing work.**
- (11) Pursuant to 15A NCAC, Subchapter 7J.0406(b), this permit may not be assigned, transferred, sold, or otherwise disposed of to a third-party. (GS 113A-120)
- (12) The access extending to normal high water shall be a minimum height of 3' above marsh substrate, shall not exceed 6' in width and shall terminate at normal high water. (GS 113A-120)**

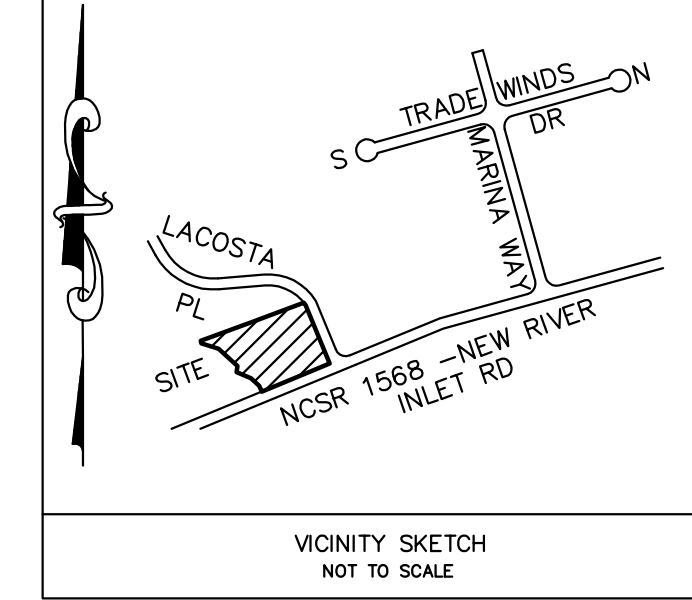
SIGNATURE:  DATE: 07/08/24
PERMITTEE

I, CHARLES FRANCIS RIGGS, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT I HAVE SURVEYED THE PROPERTY AS SHOWN HEREON IN ACCORDANCE WITH THE STANDARDS OF PRACTICE FOR LAND SURVEYING IN NORTH CAROLINA. THAT THE RATIO OF PRECISION AS CALCULATED BY LATITUDES AND DEPARTURES IS: 1:10,000+

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES OR SALES

THIS IS TO CERTIFY THAT THE SUBJECT PROPERTY IS LOCATED IN FLOOD ZONE "AE" (ELEVATION=12+2) WHICH IS A SPECIAL FLOOD HAZARD AREA AND FLOOD ZONE "VE" (ELEVATION=13+2) WHICH IS A SPECIAL FLOOD HAZARD AREA AS DETERMINED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, AND THE NATIONAL FLOOD INSURANCE PROGRAM. COMMUNITY PANEL NUMBER 370466, 370428800K, JUNE 19, 2020

Table with 2 columns: Description and Value. Includes PROPOSED POOL BUILDING (121 Sq.Ft.), PROPOSED CONCRETE POOL COPING & DECKING (1130 Sq.Ft.), PROPOSED TOTAL IMPERVIOUS SURFACE (1251 Sq.Ft.), TOTAL LOT AREA (47289 Sq.Ft.), and PROPOSED IMPERVIOUS AREA (2.6%).

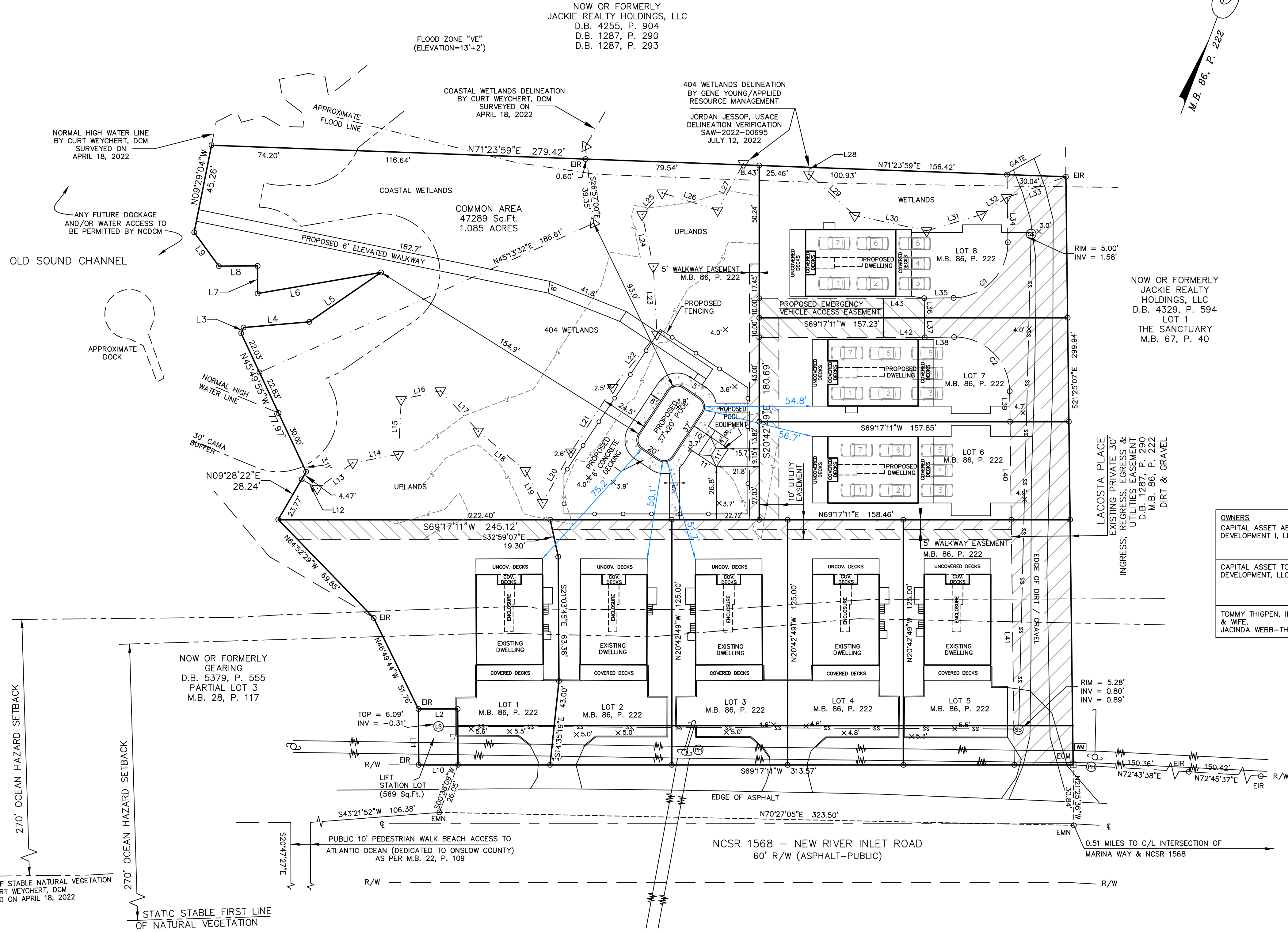


LACOSTA PLACE EXISTING PRIVATE 30' INGRESS, REGRESS, EGRESS & UTILITIES EASEMENT

LINE TABLE and CURVE TABLE for LACOSTA PLACE. Includes columns for LINE #, LENGTH, DIRECTION, CURVE #, LENGTH, RADIUS, CHORD, and BEARING.

LINE TABLE for LACOSTA PLACE. Includes columns for LINE #, LENGTH, and DIRECTION.

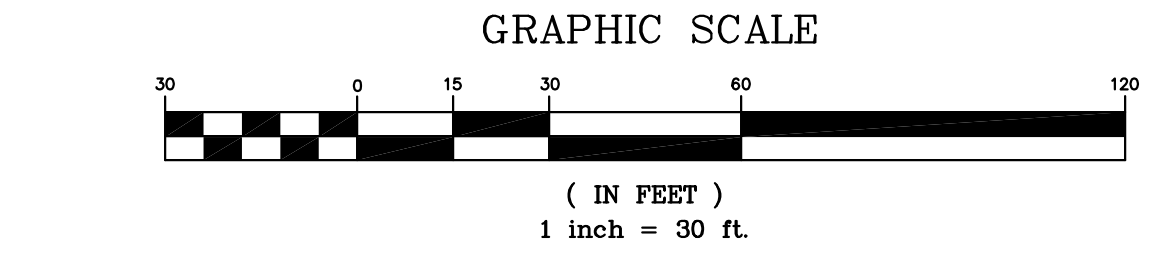
PROPOSED EMERGENCY VEHICLE ACCESS EASEMENT LINE TABLE. Includes columns for LINE #, LENGTH, and DIRECTION.



ZONED R-5 ZONING SETBACKS and REFERENCES. Lists setbacks for front, rear, side, and lot dimensions, along with references to other maps and documents.

OWNERS, TITLE SOURCE, TAX MAP #, PARCEL ID #, and LOT # table. Lists property owners and their associated parcels and lots.

- LEGEND: ALL POINTS NON MONUMENTED UNLESS OTHERWISE NOTED. Lists symbols for control corners, monuments, easements, and other survey features.



CHARLES F. RIGGS & ASSOCIATES, INC. (C-730) LAND SURVEYING - CONVENTIONAL & GLOBAL POSITIONING SYSTEMS, LAND PLANNING & COMPUTER MAPPING. Includes address and contact information.

SPECIAL USE PLAN OF LA COSTA BAY LOTS 1-8 & COMMON AREA, LA COSTA BAY, M.B. 86, P. 222. STUMP SOUND TOWNSHIP, ONSLOW COUNTY, NORTH CAROLINA. CAPITAL ASSET TOPSAIL DEVELOPMENT, LLC, OWNER; D.B. 5706, P. 91. CAPITAL ASSET ABL DEVELOPMENT I, LLC, OWNER; D.B. 6003, P. 894. TOMMY THIGPEN, III & WIFE, JACINDA WEBB-THIGPEN, OWNERS; D.B. 6189, P. 770. 1425, 1427, 1431, 1435, 1439 & 1443 NEW RIVER INLET ROAD 109, 113 & 117 LACOSTA PLACE

PRELIMINARY PLAT NOT FOR RECORDATION, CONVEYANCES OR SALES

Vertical text on the left margin: R:\2024\21-10-02 Capital Asset Topsail Development\CAD Drawings\21-10-02 SPECIAL USE PLAN - LACOSTA PLACE.dwg - Thursday, September 26, 2024 2:35:50 PM