

LeAnn Pierce
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Town of Carolina Beach
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ORDER GRANTING A CONDITIONAL USE PERMIT

Location: 216 Spartanburg Avenue

Applicant: Laurel Companies LLC

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **December 8th, 2020** to consider the application submitted by Laurel Companies LLC for issuance of a Conditional Use Permit for a Residential Planned Unit Development (PUD). The following persons offered sworn testimony: Miles Murphy, Jeremy Hardison, and Ned Barnes. The following uncontested facts were presented:

FINDINGS OF FACT

1. Laurel Companies LLC is the owner of a parcel located at 216 Spartanburg Avenue in Carolina Beach, NC (PIN - 3130-32-7671).
2. The site plan corresponding to this approval was designed by Matthew Haley dated 11/04/2020
3. The property is zoned R-1.
4. The square footage property is 14,000 square feet.
5. Laurel Companies is proposing to build two 2-Unit Townhomes and one 1-Unit Townhome.
6. The proposed Residential PUD and its parking will be located on the property.
7. Residential PUDs are allowed in the R-1 zoning district with a CUP.

Specific Standards

- (1) Ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
- Ingress and egress will be via S.3rd Street.
- A 4' wide sidewalk will be added along S. 3rd Street and Spartanburg Avenue.
- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
- Parking will be contained on the lot and under the structure.
- Minimum of 3 spaces per unit is met
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
- Trash will be collected in a standard residential manner.
- (4) Utilities, with reference to locations, availability, and compatibility;
- Utilities will be provided by Duke and the Town.

- Stormwater will be directed toward the right-of-way.

(5) Screening and buffering with reference to type, dimensions, and character;

- A 5' landscape buffer is required for this type of development

(6) Signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;

- No signage is proposed at this time and will have to meet all standards zoning requirements in the future

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

- There is no required yard or open space beyond general zoning standards for a business PUD

- Minimum of 25% of open space (51%)

- Below maximum of 40% lot coverage (37%)

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	<i>Front</i>	<i>Rear</i>	<i>Side</i>	<i>Corner Side</i>
<i>R-1 Required</i>	20'	10'	7.5'	12.5'
<i>Provided</i>	20'	25'	7.5'	12.5'

Lot coverage is approximately 37%

General conditions. The *town council*, in granting the permit, must also find that all four (4) of the following conditions exist;

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

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

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

- *The proposed CUP meets all required conditions and specifications*

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

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

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

- *The desired Future Land Use of the Residential 1 area includes a predominance of single-family and duplex units. Building height will not exceed a 50' height maximum and shall be consistent with Section 4.3, II. Management Topic: Land Use Compatibility Policies, 31 (B). Density will be moderate with a minimum of 5,000 square foot lots and around 8.7 units per acre, with up to 15 units per acre allowed. Lot coverage will not be allowed to exceed 40%. Provision of infrastructure to undeveloped and un-served areas will be at the expense of the developer. New multi-family residential development shall be prohibited*

The project will be in general conformity with the Land Use Plan and in harmony of the area.

CONCLUSIONS OF LAW

It's concluded that the Specific and General Standards are met

It is ordered that the application for the issuance of a Conditional Use Permit by Laurel Companies LLC be granted, subject to the following conditions:

- 1) Prior to issuance of building permit, all local state and federal approval letters and final site plan shall be submitted to and approved by the Town of Carolina Beach.
- 2) Major changes to approved plans and conditions of development may be authorized only by the town council after review and recommendation by the planning and zoning commission.
- 3) Outdoor artificial lighting fixtures shall be designed and positioned so that the point source of light from a light fixture is not directly visible from adjacent properties and/or right-of-ways.
- 4) Install a 4' wide Sidewalk adjacent to S. Third Street and Spartanburg Avenue
- 5) The Conditional Use Permit is subject to expire on 12/8/22 if construction of the project has not started.

Ordered this 8th day of December, 2020

LeAnn Pierce, Mayor

Date

ATTEST: _____
Kimberlee Ward, Town Clerk

Date