

PROPOSED GRANT ORDER

Dan Wilcox
Mayor

Steve Shuttleworth
Council Member

Gary Doetsch
Council Member



LeAnn Pierce
Mayor Pro Tem

Tom Bridges
Council Member

Michael Cramer
Town Manager

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ORDER GRANTING A CONDITONAL USE PERMIT # 17-C04

Applicant: RGL Development
Location: 1326 N. Lake Park Blvd (PID: 313118.30.5957.000), 1324 N. Lake Park Blvd (PID: 313118.30.5838.000), and 1322 N. Lake Park Blvd (PID: 313118.30.5822.000).
RGL Business Center

The Town Council of the Town of Carolina Beach, having held a public hearing on July 11, 2017 to consider approving a Conditional Use Permit for a Planned Unit Development Business Center and where sworn testimony was heard from the following persons: Assistant Town Manager Ed Parvin, Senior Planner Jeremy Hardison, Applicant Representative Jon Rimer, Applicant's Attorney Andi Van Trigt, Realtor Shane Register, Michelle Connett, Rachel Hatfield, makes the following findings of fact and draws the following conclusions:

1. The property is in the Highway Business (HB) zoning districts.
2. Business Planned Unit Development are permitted under a Conditional Use Permit (CUP) in HB zoning district.
3. The project consist of three buildings totaling 32,160 sq. ft. for office use

BASED ON THE FOREGOING FINDINGS OF FACT and competent, substantial and material evidence presented at the hearing, the Town Council makes the following conclusion as required by Article 14 of the Zoning Ordinance of the Town of Carolina Beach:

It is the Town Council's conclusion that the proposed use has satisfactorily addressed the following seven (7) 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;

Two 40' width drives are proposed off of Bertram Dr. Bertram Dr. is a 50' public road . N. Lake Park Blvd has a raised median in front of Bertram Dr. to prevent left turns and has a deceleration lane north bound turning right onto Bertram Dr. A 5' sidewalk will be provided along N. Lake Park Blvd and Bertram Dr to provide pedestrian access. Fire lanes will be provided and marked on site.

- (2) Off-street parking and loading areas where required, with particular attention to the items in (1) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the

district;

Parking and loading spaces

- Office 1 per 300 sq. ft. = 36 spaces
- Warehouse 1 per 5,000 sq. ft. = 5 spaces
- Proposed = 41 spaces
- Provided = 52 spaces

loading will have to occur on site and not be allowed on Bertram Dr.

(3) Refuse and service area, with particular reference to the items in (1) and (2) above;

Dumpster's will be provided on site that will be enclosed.

(4) Utilities, with reference to locations, availability, and compatibility;

Drainage will be captured on site through a stormwater pond detention system. Proposing to add two fire hydrants along Bertram Dr and N. Lake Park Blvd. Water and sewer line will need to be extended to the property along Bertram Dr.

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

The proposed plans provide the required Type B 10' setback buffer along the perimeter of the property. Type B buffer will provide for every linear feet or fraction thereof shall contain two canopy trees, or four understory trees and six shrubs. An 8 foot fence is required along the rear of the property adjacent to residential uses.

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

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	Front	Rear	East Side	West Side
<i>HB required</i>	30'	15'	10'	12.5'
<i>provided</i>	30'	15'	45.2'	57.5'

HB zoned properties allow for a maximum lot coverage of 60%. The total lot coverage of the project is 33%.

General Conditions:

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

The plan meets the ordinance and long range plans and policies. The property to the north is the Pavilion shopping center that was built in 2005 as a 11 unit multiuse facility. The property to the east is zoned single-family Residential which is the portside subdivision that was approved in 1999 for 47 lots. The property to the south across Bertram Dr is zoned Highway Business, but it being utilized as a single-family mobile home constructed in 1978 that does not have access off of Bertram Dr.

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

After review by staff the plan has been determined to meet all 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 use is in keeping with the character of the area and will therefore not injure the value of adjoining 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 Commercial 1 area includes a continued use as a highway business corridor. Offices and services are desired uses in the Commercial 1 area.

THEREFORE, because the Town Council concludes that all general and specific conditions precedent to issuance of a Conditional Use Permit have been satisfied, **IT IS ORDERED** that the application for the issuance of a Conditional Use Permit by **the Town of Carolina Beach** be **GRANTED**, subject to the following conditions:

1. All permits and approval letters/final inspections required by all Federal, State, and Local Agencies must be submitted to the Town of Carolina Beach Planning Department prior to issuance of a building permit.
2. The site plan corresponding to this approval was designed by Intracoastal Engineering dated 6/13/17. The plan was stamped received by the Town of Carolina Beach on 6/13/17.
3. The Conditional Use Permit was approved on 7/11/2017. The expiration date will be 7/11/2019.
4. Provide a type B landscaping buffer with mature trees and provide for an 8' fence adjacent to residential properties.
5. A combination plat shall be recorded before issuance of a building/zoning permit.
6. No deliveries shall occur on Bertram Dr.
7. Stored materials or equipment shall not attract rodents or mosquitoes nor in any other way (noise, dust, fumes, light, etc.) constitute a nuisance for the public or adjacent properties.
8. No stored materials or equipment shall be visible from the street.
9. Install additional fire hydrants per fire department requirements.
10. Upgrade utilities to provide water & sewer to the units.
11. 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-way's.
12. Sidewalk required per site plan dated 6/13/17.
13. Provide stub out to adjacent commercial property for future interconnectivity.
14. Provide silt fence around perimeter of the property during construction.
15. Applicant must work with the Town and Department of Transportation on an engineering solution to the intersection of Bertram Dr and Lake Park Blvd N.
16. Work with the New Hanover County School District on the existing bus stop location at the entrance of Bertram Dr. and provide a bus shelter.

Ordered this 11th day of July, 2017




Dan Wilcox, Mayor

7/11/2017

Date

ATTEST:



Kimberlee Ward, Town Clerk

7/11/2017

Date

