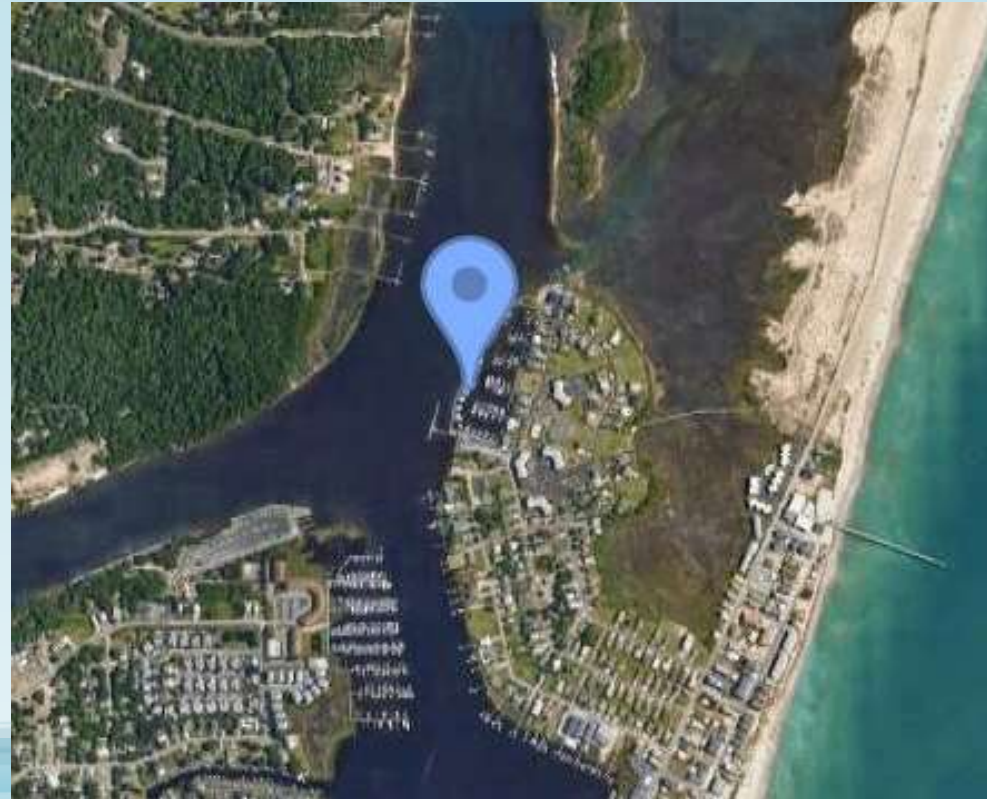


# Special Use Permit Modification

Carolina Beach Yacht Club and Marina

located at 401 Marina St

Applicant: CBYC, LLC



# Special Use Permit

## Site plan approval process

- 2019 the applicant applied to add an eating and drinking establishment and a ship store located on a barge to the Marina located at 401 Marina St.
- The SUP was denied because in January 2020 it did not pass Town Council (2-2 vote). Subsequently, the Applicant filled a petition seeking an appeal.
- The Oceana Owners Association filed a verified motion to Intervene. The hearing of the appeal was cancelled based upon the parties entering into an agreement.
- The agreement was executed in December 2020 to issue the Special Use Permit with conditions.



# Approved

Eating and drinking establishment with Retail on a Barge  
Expanded the fuel dock  
Added 16 parking spaces



# Existing

- 69 Boat Slip Marina
- Residential Unit
- Marina Store
- Eating and Drinking establishment
- Fuel dock



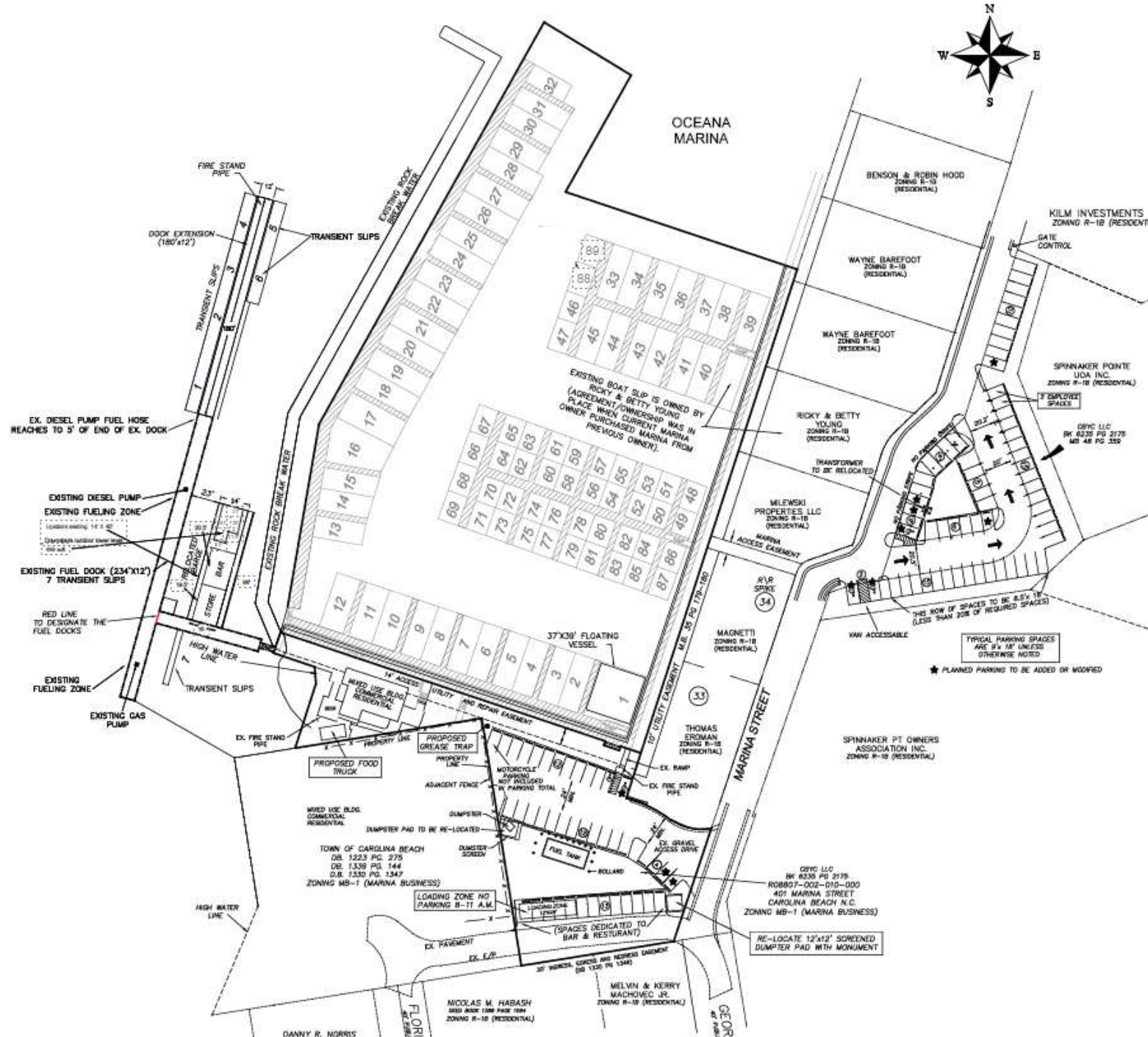
Zoning District  
MB-1 - Marina Building lot  
R-1B - Oceana Lot





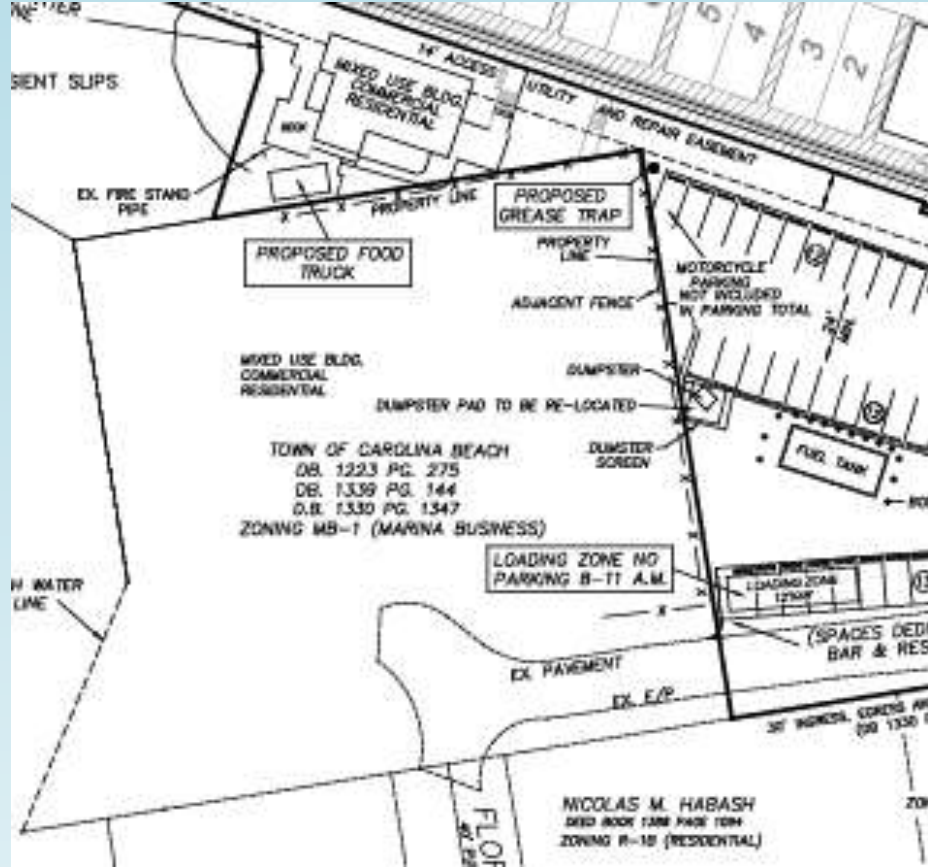
# Modification

- Removed ground floor office space from the building to convert as part of the existing residential unit on second floor.
- Reduced one storage space for the floating barge. It was depicted as two designated boat storage spaces.
- One of the original boat storage spaces that was counted in the 69 did not transfer to the current owner as it was previously sold to a property owner of a lot in the Oceana neighborhood.
- The footprint of the approved barge, 40' x 120', is larger than what was built on site, 24' x 96', thus decreasing the amount of parking needed for the eating and drinking establishment and retail area.









# Adjacent Uses



South: Single-Family Georgia Ave



South: Town Well



Northeast: Single-family  
Oceana



East: Spinnaker Point

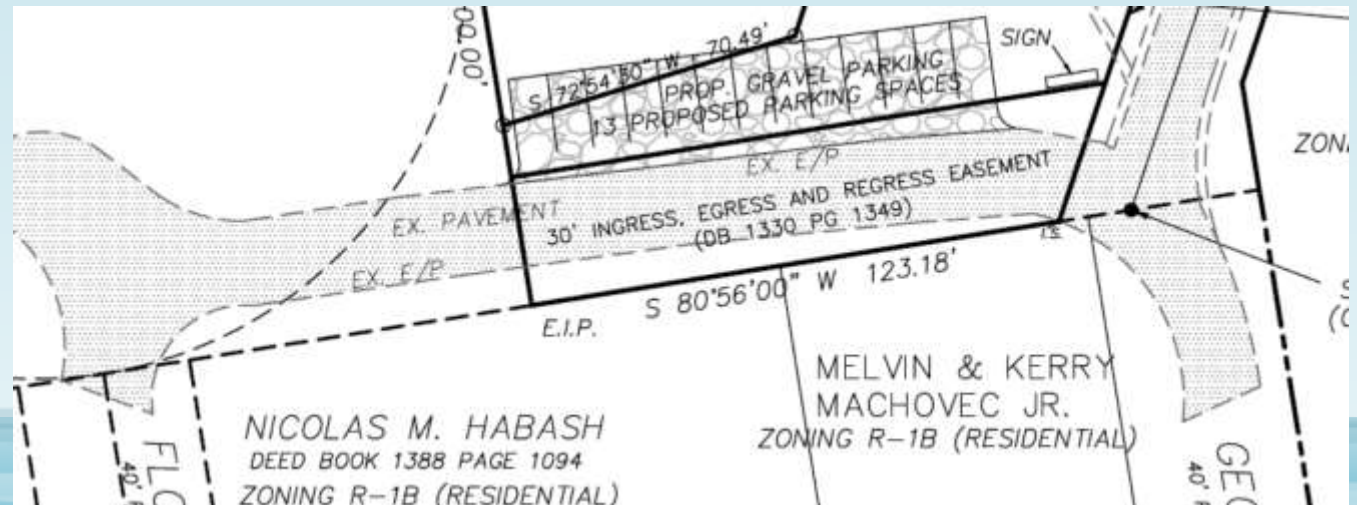


North: Oceana Gate

## 7 Specific standards. Applicant must make provisions for:

(1) Ingress and egress to property and proposed structures, automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;

- Parking spots on the connector road between Florida Ave and Georgia Ave. This area is designated as an access easement right-of-way.
- Due to the Increase congested usage and density of the area to support traffic demands, trash service and public safety staff proposes a condition to convert the existing Georgia Ave 30' town access easement to a 30' town public right-of-way.



7 Specific standards. Applicant must make provisions for:

## (2) Off-street parking

Commercial Marinas per Article V. is 1 parking space per wet boat storage space, 1 per 2 dry storage, 1 per service bay, 1 per 2 employees + required for all other on-site uses.



PARKING CALCULATIONS	
REQUIRED OFF-STREET PARKING:	103.2 (104)
BOAT SLIP – 1 PER SLIP ( 89 SLIPS)	89
RETAIL (FLOATING PLATFORM) 1 SPACE PER 200 SF (312/200)	1.6
EATING & DRINKING ESTABLISHMENTS (FLOATING PLATFORM) 1 SPACE PER 110 SF (INDOOR) 328 SF/110 SF	3.0
1 SPACE PER 220 SF (OUTDOOR) LOWER LEVEL 689 SF/220 SF	3.1
UPPER LEVEL 560 SF/220 SF	2.5
RESIDENTIAL	2.0
EMPLOYEE SPACES 1 PER 2 EMPLOYEES	2.0
TOTAL EXISTING AND PROPOSED	104

## *7 Specific standards. Applicant must make provisions for:*

### **(3) Refuse and service area**

Proposing to move the existing trash and recycling containers to where the monument sign is located adjacent to Georgia Ave that will service the site and will be enclosed.

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

No upgrades are required with the modification.

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

The addition of two parking spaces and the dumpster relocation is being located closer to the property line. The location of the spaces and dumpster will trigger landscaping. The applicant is requesting a waiver of landscaping requirements.

### **(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;**

The applicant is proposing to move the existing sign.

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

No new upland structures are proposed

# 4 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 orientation of the boat storage spaces will be double parking boats in existing slip. This is the first design of this type of layout for boat storage spaces. Could cause conflicts with vessels trying to maneuver in and out and around docked vessels. The ordinance does not address the design of boat storage spaces.

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

Meets all conditions and specifications except for the landscaping requirements with the additional parking spaces.

*(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 MB-1 area and meets the non-conforming regulations with expansion of parking spaces.

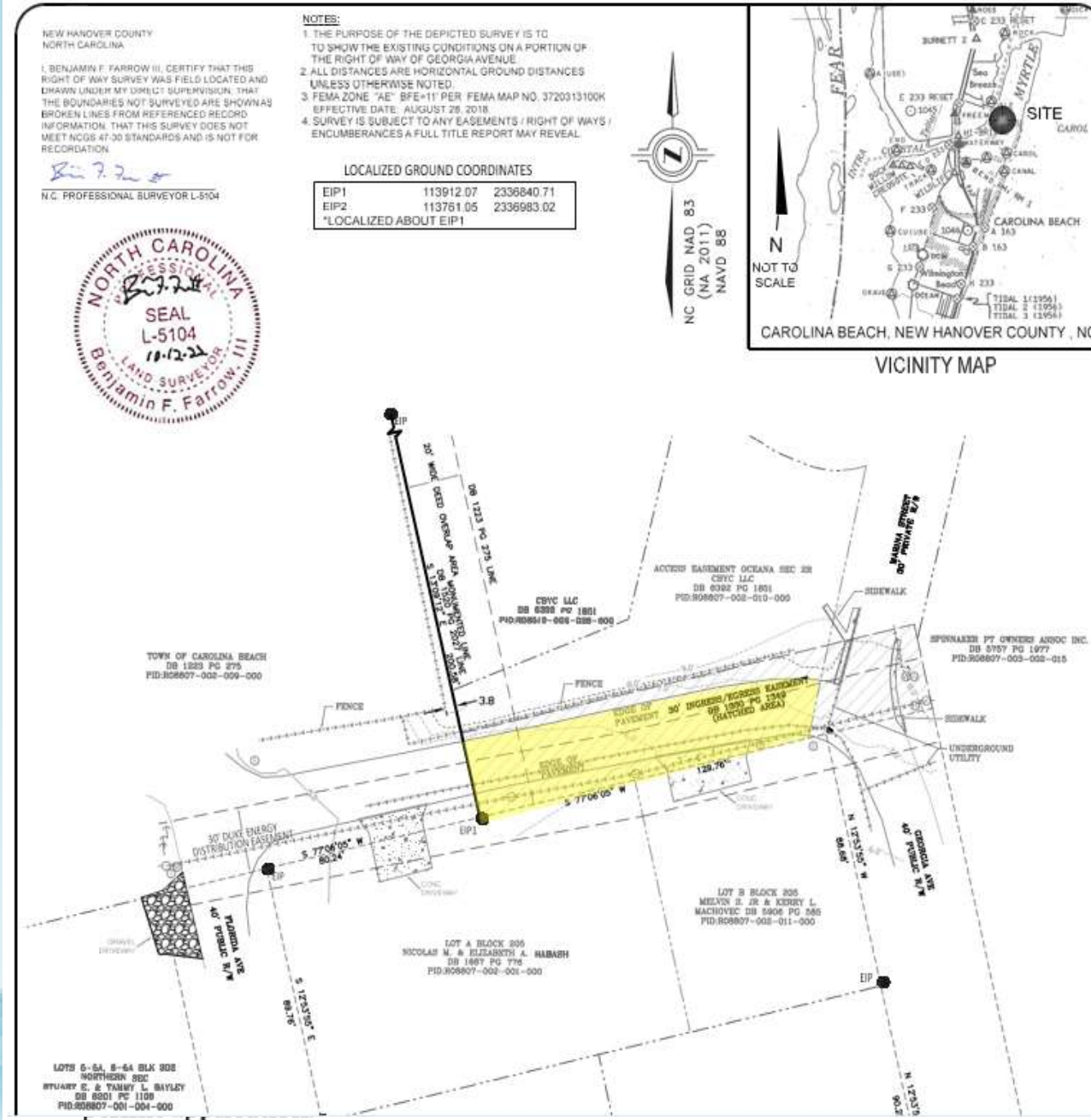
*(4) That the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the Town Land Use Plan and Policies*

The desired Future Land Use of the Marina Commercial Mixed Use area includes commercial uses that includes water-oriented services and businesses. These businesses rely on water access, so structures are purpose-built and traditional maritime activities are common. Existing parking lot is in a low density residential, LUP sates *Continue to reduce overall nonconformities in the town, but also respect existing uses and entitlements,*

# Conditions

1. Type B 10' landscaping requirements to be waived for the additional proposed new parking spaces.
2. Food truck will need to meet Sec. 14-21
3. 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 in the same manner as outlined in this article for original submission.
4. Dedicate the area depicted in Exhibit 1 to the Town for Public Access
5. Must meet all local, state, and federal requirements.

## Exhibit 1 Area of Town Dedication



# Planning & Zoning Commission Recommendation

Voted 7-0 to recommend denial for the application approval of the special use permit to expand 89 boat storage spaces and that it did not meet specific standards and general conditions.

(1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.

(2) That the use does not meet all required conditions and specifications;

(3) That the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and

(4) That the location and character of the use if developed according to the plan as submitted and approved will not 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



# Action

**Recommend approval of the special use permit to expand the 89 boat storage spaces and that it meets specific standards and general conditions.**

**Approval** must be consistent with the findings in the Zoning Ordinance as follows:

- (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 issuance of the C.U.P.
- (2) That the use 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
- (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.

**Denial** should be directly related to one or more of the following findings.

Reasons for denial must be specifically stated by Town Council :

- (1) That the use will materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the C.U.P.
- (2) That the use does not meet all required conditions and specifications;
- (3) That the use will substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- (4) That the location and character of the use if developed according to the plan as submitted and approved will not 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

