

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

Location: 522 N. 7th Street

Applicant: Marlow Construction LLC

The Town Council of the Town of Carolina Beach, having held a quasi-judicial public hearing on **August 11, 2020** to consider the application submitted by Marlow Construction 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, Hart Marlow, and Quinn Marlow. The following uncontested facts were presented:

FINDINGS OF FACT

1. Cynthia B. Workman is the owner of a parcel located at 522 N 7th Street. in Carolina Beach, NC.
2. The property is zoned R-1.
3. The square footage property is 58,271 square feet.
4. Marlow Construction is proposing to build a Residential Planned Unit Development consisting of 8 Single-Family Residences
5. 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 remain via 522 N 7th Street*
 - *The drive aisle design will accommodate 2-way traffic*
 - *A 4' wide sidewalk will be added along 7th street on either side of the drive aisle*
- (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 each individual unit's driveway or under the home*
- (3) Refuse and service area, with particular reference to the items in (1) and (2) above;
 - *Trash will be collected in a standard manner*
- (4) Utilities, with reference to locations, availability, and compatibility;
 - *Utilities will be provided by Duke and the Town*
 - *A new fire hydrant is required*
 - *A state stormwater permit is required*

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

- A 10' landscape buffer is required for this type of development

- A 6' fence is proposed around the Residential PUD's parcel

(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 residential PUD

- Minimum of 15' between structures (15.5' closest)

- Minimum of 25% of open space (88%)

- Below maximum of 40% lot coverage (12%)

Setbacks

Proposed and required setbacks for the project are as follows:

Zoning Setbacks	<i>Front</i>	<i>Rear</i>	<i>South Side</i>	<i>North Side</i>
<i>R-1 Required</i>	20'	10'	7.5'	7.5'
<i>Provided</i>	N/A	10'	10.42'	10.25'

Lot coverage is approximately 12%

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 NB density requirements and the proposed structure follows the setback requirements

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

- The proposed CUP does not meet 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 Marlow Construction LLC be granted, subject to the following conditions:

- 1) The site plan corresponding to this approval was designed by Erich Scoenenberger dated 05/21/2020.
- 2) 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.
- 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.
- 4) 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.
- 5) Install a 4' wide Sidewalk parallel to N. 7th Street
- 6) The Conditional Use Permit is subject to expire on 8/11/22 if construction of the project has not started.

Ordered this 11th day of August, 2020

LeAnn Pierce, Mayor

Date

ATTEST: _____
Kimberlee Ward, Town Clerk

Date