

STAFF REPORT CONTACT INFORMATION

Deborah J. Hill MPA AICP CFM CZO

DOCKET/CASE/APPLICATION NUMBER

SUP24-000004 LA COSTA BAY POOL

APPLICANT/PROPERTY OWNERCHARLES F. RIGGS & ASSOCIATES, INC. – Charles F. Riggs, PLS
CAPITAL ASSET TOPSAIL DEVELOPMENT LLC / Chris A Plaford**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 Plaford 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 NCDPCM (Attachments 1, 2, 3, 4).



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 4)

PLANNING BOARD RECOMMENDATION

October 03, 2024, Ms. Ward made a motion that the Planning Board recommends the approval of the special use permit SUP24-000004 and the special use plan of LaCosta Bay as amended to approve the changes as presented in the application. Mr. Fontana seconded the motion. The motion passed unanimously, 5-0.

<p>COMPATIBILITY with the COMPREHENSIVE PLAN (Town of North Topsail Beach 2019 CAMA Land Use Plan 3/4/2021)</p> <p>Community pools not addressed.</p>	<p>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</p> <p>Parking plans have been submitted and approved for each driveway application for La Costa Bay single family homes. Emergency vehicle access provided by 20-foot proposed easement from lot to La Costa Place (Attachment 4) has been reviewed and approved by Fire Chief Soward.</p> <p>North Carolina Division of Coastal Management has completed a review of the application and issued CAMA Minor Permit 43-24 dated 6/19/2024 (Attachment 5).</p> <p>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. On October 2, 2024, August Nelson, REHS concurred with the proposed Special Use Permit site plan (Attachment 6). She has since completed a review of the engineered plans and issued a Letter of Approval dated October 10, 2024 (Attachment 7).</p> <p>Engineered plans and floodplain documentation will be reviewed and approved by the Planning Director and Building Inspector prior to the issuance of Zoning/Flood and Building permits.</p> <p>The lot is served by ONWASA for water and sewer.</p>
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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. An Onslow County Health Department permit is required. A setback to septic systems; however, the lot and La Costa residences are serviced by ONWASA.

Once La Costa is approved for construction, Onslow County Health Department, Planning Director and Building Inspector conduct construction inspections and final inspections. The HOA shall apply for an annual or seasonal operational permit. Onslow County Health Department will inspect the pool at that time and then issue the permit. Seasonal pools (open only April 1 to Oct 31) are inspected once a season. Pools with annual permits, are inspected twice a year. The HOA must apply annually to the Health Department for an operation permit.

(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 4).

- (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 via a 20' proposed emergency vehicle access easement from La Costa Place, reviewed and approved by the Fire Chief (Attachment 4).

- (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 4).

- (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 5).

- (D) Security fencing for pool. Outdoor swimming pools must be protected by a chain link or 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 4). Onslow County Environmental Health requires that the fence cannot be placed where the residence or things around it can be a foothold or handhold to climb the fence and concurs with the SUP site plan and has approved the engineered plans (Attachment 6, 7). Building Code requires that chain link or 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.

- (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.
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Hours must meet more restrictive conditions by Onslow County Health Department. Signage included on engineered plans and will be verified during final inspections by Onslow County Health Department and Zoning.

(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). Proposed use and development complies with § 4.03.12 CLUB, LODGE, SWIM AND TENNIS CLUB, COUNTRY CLUB, BEACH CLUB OR RETREAT CENTER.

ATTACHMENTS

1. La Costa Bay Commercial Pool Agent Authorization.
 2. Charles Riggs PLS undated letter Special Use for La Costa Bay Lots 1-8 and Common Area.
 3. Special Use Permit Application SUP24-000004.
 4. Special Use Plan of La Costa Bay by Charles F. Riggs PLS mapping date 9/26/2024.
 5. CAMA Minor Permit 43-24 issued 6/19/2024.
 6. August Nelson, REHS email dated October 2, 2024.
 7. August Nelson, REHS letter dated October 10, 2024.
 8. Legal Notice published October 19, 26, 2024.
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