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**Town of Shallotte
 Board of Aldermen
 Special Use Permit Findings**

The Town of Shallotte Board of Aldermen met and considered the following application on the 7th day of September, 2021.

File Number:	SUP #21-52
Final Action Date:	9/07/2021
Formal Hearing Date:	9/07/2021
Project Name:	The Tides Multi-Family
Applicant:	FMJ Holdings LLC
Location:	Smith Ave
Tax Parcel Number:	19800019 & 1980001901
Acreage:	+/-112 Acres
Zoning District:	MF-10
Proposed Use:	Multi-Family Residential



Section 1 - Application

Having reviewed the application materials submitted by the applicant, the Board of Aldermen finds that the following regarding the completeness of the application and its compliance with the technical requirements of the Shallotte Unified Development Ordinance (UDO):

Completeness of Application [check one]:

- The application is complete.
 - The application is incomplete in the following way(s):
-

Compliance with the UDO requirements [check one]:

- The application complies with all applicable requirements of the UDO.
 - The application is *not* in compliance with the following requirement(s) of the UDO:
-

Section 2 – Specific Findings of Fact

The Board of Aldermen must find as a specific finding of fact that the proposed use will comply with *all* of the following standards. Otherwise, the permit must be denied. In making their findings, the Board of Aldermen may impose conditions which, in its opinion, assure that the use in its proposed location will satisfy all of the following standards.

Having heard all the evidence and arguments presented at the hearing, the Board of Aldermen hereby finds that the proposed use *will* comply with the following standards [check all that apply]:

- That the use will not materially endanger the public health and safety.
The use of multi-family residential will be designed in a manner that will not materially endanger the public health and safety.
 - *The Tides site has adequate access from Smith Avenue connecting to access from the west via Main Street. The site is designed to provide access to fire and emergency vehicles and to serve the needs of the future residents of this project.*
 - *The Tides site is located less than one mile from Shallotte Fire Station 1 and the Shallotte Police Department. Interior to the site, the layout allows for proper circulation of emergency vehicles and access to the buildings.*
 - *Buildings have been designed to meet or exceed the North Carolina Building Code and the required Fire Code in order to ensure the safety of the residents on site, as well as visitors.*
 - *Adequate public utilities are available to provide water and public sewer service to the site. Water and sewer utilities play a key role in the success of this development. Policy 4.1.2, providing sufficient water and sewer service to promote economic development and to alleviate public health problems and Policy 4.1.4, include connections to water and sewer systems where available within Town limits, will be achieved via the utility plan proposed on the attached site plan. The civil engineer will attest to the design at the hearing based on the attached Site Plan drawings submitted to the Town for review.*



- That the use will not substantially injure the value of adjoining or abutting property (or alternatively, that it be a public necessity).
An appraiser will attest at the hearing that the use and its location will not be injurious to the value of adjoining or abutting properties. The appraiser will submit a report of his/her findings into evidence prior to or at the hearing.

- That the use will be in harmony with the area in which it is to be located.
The Tides site is situated between the Shallotte River and Sharron Creek on the south, and Smith Avenue to the north. Residential areas to the north, west and south in proximity to the site are separated by the Shallotte River, Sharron Creek, and other natural features. These natural features provide this site with natural amenities to be preserved and enjoyed by future residents on this site. The residential areas to the east that share a common property line will have buffers as required by the UDO. Multi-family residential provides a transition from lower density residential to commercial uses to the north and west. The non-residential uses across Smith Ave and along the commercial corridors in the area will benefit from the added residents who will be able to access services, dining, and shopping all within a mile of the site. In addition, the use will help support the development goals of the Riverwalk project – to promote mixed use development within proximity of the Riverwalk.

- That the use will be in general conformity with the Land Use Plan, Thoroughfare Plan, or other plans officially adopted by the Board of Aldermen.
*The future land use for the property is designated as Mixed Use. A portion of the site will remain commercial while the other portion is zoned Multi-Family Residential (MF-10), conforming with the Land Use Plan. Please see the attached exhibit of the 2018 Future Land Use Classification Map where the subject site is designated to be Mixed Use. The subject site will incorporate policy 4.5.5, providing interconnectivity of residential and nonresidential subdivisions to include commercial development.
Policy 5.5.11 will also be included throughout this development by promoting pedestrian facilities.
In Policy 5.1.12, the Town supports development of the Shallotte River as an anchor to a lively Town Center.
Additionally, 5.1.17 supports the preservation and maintenance of its environmentally sensitive areas while promoting and capitalizing on its natural resources. The proposed use as illustrated on the attached site plans supports these policies. Water and sewer utilities play a key role in the success of this development.
Policy 4.1.2, providing sufficient water and sewer service to promote economic development and to alleviate public health problems and Policy 4.1.4, include connections to water and sewer systems where available within Town limits, will be achieved via the utility plan proposed on the attached site plan.*



- That the use will have adequate facilities to provide ingress and egress designed to minimize traffic congestion on public streets and also have adequate utilities, access roads, drainage, sanitation or other necessary infrastructure.

The civil engineer and Transportation Engineer for the project will attest at the public hearing that the

Tides is designed to provide adequate facilities including:

- Any required on-site and off-site improvements of public and private utilities.*
- Any required on-site and off-site improvements for roadways.*
- Access roads to accommodate fire, EMS, and police vehicles.*
- Appropriate stormwater controls.*
- Appropriate areas for disposal and collection of waste.*

- That the use meets all required conditions and specifications established by the Board of Aldermen.

The use will meet all requirements established by the Board of Aldermen.

The following special conditions are hereby imposed by the Board of Aldermen to ensure compliance with the conditional use standards:

1. The lighting plan be revised to eliminate spill over lighting onto the adjacent residential properties on the northern boundary; and
2. Final plans to include driveway and traffic improvement designs be re-submitted for final review and zoning approval; and
3. Town of Shallotte stormwater application be submitted for review; and
4. Copy of all requires floodplain permit and documentation be provided; and
5. Sidewalks be completed along the entire project frontage (Smith Ave.) prior to final zoning approval; and
6. A ten-foot-wide multi-use path be constructed (with Phase II) along the project’s western boundary and covered in an easement for public access; and
7. The two tracts be recombined as needed; and
8. Copies of all state and federal permits be provided as they are acquired; and
9. The applicant shall sign the SUP below.

Section 3 – Final Signature

Based on the evidence presented at the hearing and after careful consideration of the facts, a Special Use Permit is hereby:

- Approved subject to the above conditions.
- Denied for failure to satisfy all of the special use standards as indicated above and further described herein:

The foregoing decision was rendered by the Board of Aldermen on the 7th day of September, 2021 and a written copy of this decision was filed with the official minutes of that meeting in the Office of the Town Clerk and served by certified mail, return receipt

requested, on the 7th day of Sept., 2021



Walter T. Eason
Mayor, Town of Shallotte

David Higgins AS MANAGER
Applicant Signature FOR FMS HOLDINGS, LLC

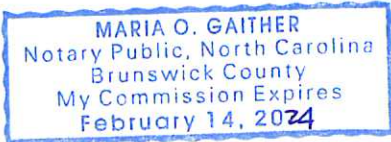
Sandy Strickland
Town Clerk

STATE OF NORTH CAROLINA

COUNTY OF BRUNSWICK

I, MARIA O GAITHER, a Notary Public of BRUNSWICK County, do hereby certify that Sandy Strickland personally came before me this day and acknowledged that she is the Town Clerk of the Town of Shallotte, and that by authority duly given and as the act of the Town, the foregoing instrument was signed and its name by its Mayor, sealed with its official seal and attested by herself as its Town Clerk.

WITNESS my hand and notarial seal this 7th day of SEPT, 2021.



Maria O Gaither
Notary Public

(NOTARY SEAL/STAMP)

My commission expires: 2.14.24