



Town of Oak Island

Brunswick County, NC

The Town of Oak Island will preserve, protect, and enhance the quality of the natural and cultural environment of the community. In order to achieve this goal, the Town will improve the quality of its waterways, natural environment, beaches, dunes, water access and residential areas. The Town will maintain a unique scale and character that fosters a sense of community to make the Town a desirable place to live, work and call home, and a family vacation destination. The Town will also develop efficient sidewalks, bikeways, and roadway systems to protect its attractiveness in the future. The Town will also expand its recreational opportunities for residents of all ages and abilities. The Town will balance social and commercial needs and objectives for economic vitality.

Planning Board Meeting Agenda April 20, 2017 • 10:30 AM Town Hall • Council Chambers

I. START-UP

1. **Call to Order:**
2. **Additions or corrections to the agenda**
3. **Approval of the Minutes:** (___ TBD ___)
4. **Public Comment:** Please state your name and address for the record.

II. OLD BUSINESS

1. **Text Amendment – Tree Ordinance**

III. NEW BUSINESS

1. **Conditional Use Permit – Pine Forest Senior Living Center**
2. **Conditional Use Permit – Outdoor Sales & Displays**
3. **Conditional Use Permit – Recreation Vehicles and Repairs (golf carts)**

IV. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Reports –**
3. **Updates from Council Meeting –** Pine Forest CUP, Dwelling in Principal Business CUP, Shared Beach Walkway CUP, Brunswick County Bike/Greenway Plan

V. OTHER

Future Meetings: April 27, 2017 (UDO), May 18, 2017 (Planning Board)
Adjournment

**TOWN OF OAK ISLAND
PLANNING BOARD
AGENDA ITEM MEMO**

Agenda Item: Old Business Number 1

Date: March 22, 2017



Issue: Tree Ordinance

Department/Title: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 25 Minutes

Subject Summary:

The results of the January 12th, joint Planning Board and Tree City working group was to not pursue the arborists draft tree protection ordinance and to have Clay, the Planning Board member, formulate some proposed wording. The tree protection grant has been closed out and the attached wording represents the suggested changes from Clay to Chapter 32 – Vegetation; in the Town of Oak Island’s Code of Ordinances.

Since the town does not have a professional certified forester or arborist on staff and is not expected to have one, the references to town forester are removed and replaced with “tree inspector”. This is a more suiting term for what is currently on staff. Additionally in Sec. 32-76.2. - Tree and shrub preservation; the latter part of the sentence in number 1 is altered to “root protection zone”, this is a point of clarification as the original reference to the above number is encumbersome some and overly wordy.

The final and primary portion of the text amendment is the addition of Article IV, entitled *Tree Protection at Existing Houses*. It essentially states that it is permissible to remove trees on an existing site with an established home as long as there are still a number of trees remaining on the lot with certain dbh’s (diameter at breast height). The larger the dbh of a tree to remain on a lot, the more trees can be removed. If trees with a smaller dbh are to be left on a parcel then the more of them must remain on the lot. A permit is needed to cut any tree, anytime, anywhere. However, the \$50 permit is all that is needed if you meet the required trees left in that section. If one were to cut the final 5 trees on a lot then an additional \$50/tree would be owed, or trees would have to be replanted.

As it is written, if a homeowner wants to remove all of their trees they can do it but they will pay \$50 for a permit to cut trees and a \$50/tree fine up to \$250 to cut the final 5 trees on the lot. The fine can be reduced by replanting trees, up to 5, therefore the resident or owner will not have to pay a fine. This allows someone to cut trees that are in an inconvenient area or trees they do not like and replace them with a tree species they like and in a place they want them.

This ordinance revision designates a tree fund and a permit and fine cost for the removal of such trees. If a parcel has a substantial number of trees then they have greater flexibility in the number of trees that can be removed. Please note that this ordinance only applies to the island side only of Oak Island's jurisdiction. This was done intentionally because a different community based plan can and should be used on future development on the mainland. The number of trees could be different based on lot size and pre-planned green space. The town can use this plan as a base for the mainland and adjust if needed based on the particulars of a development. The Tree City working group was sent this text amendment and responded with a few questions and general support. The Planning Board can amend the proposed language as desired.

Attachments: Proposed Ordinance Language

Recommendation/Action Needed: Recommendation to Town Council to approve or deny with the associated consistency statement

Funds Needed: \$0.00

Follow up Action Needed: Forward recommendation to Town Council, update staff report

Attachments:

Chapter 32 - VEGETATION [11](#)

ARTICLE I. - IN GENERAL

Sec. 32-1. - Authority.

The provisions of this section operate under authorities granted to municipalities under G.S. 160A, Article 19 and are limited by provisions of G.S. 160A-458.5.

(Ord. of 3-10-2009; Amend. of 5-15-2012)

Secs. 32-2—32-30. - Reserved.

ARTICLE II. - TREE MANAGEMENT PROGRAM

Sec. 32-31. - Applicability of article provisions.

This article applies to town-owned or controlled property including leased property and public rights-of-way within the town.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-31.1. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

Caliper. The measurement of the diameter of a tree; measurement is taken at breast height or four and one-half feet above ground level. If a tree splits or forks into multi-trunks, the trunk is measured at its narrowest point below the split or fork.

Hazardous tree. Any tree that has the potential of causing property damage or loss.

Pruning. The elimination of live and dead branches from a tree's crown to improve tree structure, enhance vigor and/or maintain safety.

Topping. The severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.

~~Town forester.~~ **Tree Inspector.** The qualified designated town employee who is assigned by the town manager to carry out the provisions of this chapter.

Tree. Any plant 15 feet in height or over at maturity.

Tree value. For applications under this chapter shall mean the appraised value of a tree based on the latest edition of the "Guide for Plant Appraisal" by the Council of Tree and Landscape Appraisers.

Utility. Public utilities, businesses or organizations in the business of supplying communication services, electrical energy, gas, heat, steam, water, or sewage disposal and treatment.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-32. - Tree City USA advisory board; responsibility.

The Oak Island Tree City USA advisory board or its designated successor shall be the advisory body charged with the task of carrying out advisory responsibilities of this article.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-33. - Duties and authority of ~~town forester~~ **tree inspector**.

There shall be a ~~town forester~~ **tree inspector** position assigned by the town manager. The ~~town forester~~ **tree inspector** shall have the following duties and responsibilities:

- (1) Preserve and enhance the town's urban forest through the management of the town's urban forestry program and the administration and implementation of the comprehensive urban forest plan as developed with the Tree City USA advisory board and as adopted by town council.
- (2) Supervise the planting, maintenance and removal, as necessary, of trees on public property in coordination with affected town departments. Direct town employees in tree removals and plantings.
- (3) Assist the Tree City USA advisory board with the formation of, and any revisions to, the comprehensive urban forest plan and provide administrative staff services.
- (4) Develop and periodically update arboricultural specifications and standards of practice governing the planting, maintenance, removal, fertilization, pruning, and bracing of trees and shrubs on public property. Arboricultural specifications and standards of practice shall be based on the most current arboricultural practices described in the American National Standards Institute ASC A300 standards for tree care operations, as amended.
- (5) Reviews all development plans submitted by the town to ensure compliance with town ordinances, master plans and standards. The ~~town forester~~ **tree inspector** and/or development

services staff shall make a physical site inspection prior to issuance of any building permit and recommend specific changes if necessary.

- (6) Inspects construction and utility work sites on public property to ensure compliance with plans, permits, and ordinances; issues stop-work orders and assesses penalties for violations with development services staff.
- (7) Designs, implements, and provides maintenance specifications for all landscaping on town property with development services staff.
- (8) Enforces the provisions of this chapter with development services staff.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-34. - Damage to trees.

- (a) It shall be unlawful to intentionally damage or destroy trees planted on municipally owned or controlled property except as a part of a town-authorized improvement program. It shall also be a violation of this code to attach or place any rope or wire (other than one to support a young or broken tree), sign, poster, handbill, or anything to any such public tree.
- (b) A person damaging a tree on public property shall be liable to the town for any loss of value. In the event damage is so pervasive as to result in the treatment or removal of the tree, the person damaging such tree shall also be liable for costs of treatment or removal. Values of public trees shall be appraised in accordance with the Council of Tree and Landscape Appraisers Guide for Plant Appraisal, 9th Edition, as amended. These values will be kept on file in the town's development services office.
- (c) Any violation of the provisions of this article shall be deemed a misdemeanor making the violation subject to punishment in accordance with section 1-7 of this Code in addition to the recovery of damage assessed as outlined in subsection (b) above.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-35. - Arbor day celebration.

The town shall annually hold an Arbor Day celebration that focuses attention to the value of trees in the urban environment.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-36. - Approved tree list.

The town or its designee shall maintain a list of approved trees for various applications on municipal property.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-37. - Reserved.

Editor's note— An amendment of Dec. 9, 2014, repealed § 32-37, which pertained to tree inventory and derived from an ordinance adopted March 10, 2009; and an amendment of May 15, 2012.

Sec. 32-38. - Development of annual tree program.

The town or its designee shall annually review its tree installation needs including new projects and replacement of diseased or damaged trees in conjunction with development of the town's annual budget.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-39. - Community awareness.

The town shall undertake programs, as may be determined by the Oak Island Tree City USA advisory board or its designated successor and the public works director, which enhance the community's awareness of the value of trees and qualify for points toward the Tree City USA Growth Award.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-40. - Maintenance of public trees/projects.

- (a) The public works department shall be responsible for the maintenance of trees on municipal property.
- (b) The town shall have the right to prune, maintain and remove any tree on public grounds which interferes with the safe flow of traffic, any traffic control device or sign.
- (c) It shall be unlawful for any person to top or cut back to stubs the crown of any tree on public grounds.
- (d) Trees severely damaged by storms or other causes where required pruning practices are impractical may be exempted from this section. This also includes dead, dying, or diseased trees as determined by the town forester or his/her designee and which pose a threat to the safety of the community.
- (e) All other town departments shall cooperate fully with the public works department in carrying out the responsibilities of this section.
- (f) Planting, maintenance, and removal activities on public trees shall meet current arboricultural practices described in the American National Standards Institute ASC A300 standards for tree care operations, as amended. Town departments, contractors, community organizations and individuals performing tree related activities on town-managed property are required to adhere to these standards.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

State Law reference— Cultivating or removing timber from public lands, G.S. 14-130.

Sec. 32-40.1. - Hazardous trees.

- (a) Every owner of any tree overhanging a street or sidewalk within the town is responsible for pruning the branches so that such branches shall not obstruct vehicles or pedestrians. Provided further, that all property owners within the town are hereby required to cause the removal of any dead or diseased trees on their property whenever such trees constitute a hazard to life and property, or harbor insects or diseases which constitute a potential threat to other trees.
- (b) If the owner or owners of any lot or other real property within the town, after the giving of ~~two~~ **seven** days' notice in writing by the town manager or his/her designated representative, shall refuse or neglect to perform the duties in connection with his or their property as specified in subsection (a) hereof, the town manager or his/her designated representative is hereby authorized to enter upon the property and have said tree and/or branches cut and removed; and the cost thereof shall be charged against said premises and shall constitute a lien thereon.
- (c) In case the owner of any lot or other real property is unknown or his whereabouts is not known or is a nonresident of this state, then a copy of the written notice herein above referred to shall be posted

upon the premises for a period of 48 hours and, before any action to enforce such lien shall be had, the town clerk shall make an affidavit setting out the facts as to the unknown address or whereabouts of nonresidents; and, thereupon, service of the publication as now provided for by law against a nonresident defendant may be had, and an authority ad litem shall be appointed to notify the defendant by registered letter addressed to his last known place of residence if same can be found.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-40.2. - Protection utilities.

Public utilities shall exercise reasonable care and utilize best management practices to avoid damage and injury to public trees during the installation and maintenance of its facilities. The town's ~~forester~~ **tree inspector** or his/her designee will provide assistance on any utility project to see that the public utilities can be installed or repaired with minimal damage to any public tree.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-40.3. - Notification for work near public trees.

- (a) No person or business shall perform any grading, excavation, place any fill, compact the soil or construct any building structure, street, sidewalk, driveway, pavement or public utility within 25 feet of any public tree without first notifying and consulting with the development services staff. Any such work shall be conducted in accordance with this article.
- (b) Any public utility constructing or maintaining any overhead wires or underground pipes or conduits within 25 feet of public trees shall consult with the development services staff prior to performing work which may cause injury to public trees.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Secs. 32-41—32-70. - Reserved.

ARTICLE III. - VEGETATION MANAGEMENT PROGRAM

Sec. 32-71. - Purpose of article.

- (a) The purpose of the tree and vegetation preservation program is to provide a means to preserve and manage significant natural areas and specimen trees in the community.
- (b) The objectives of the program are as follows:
 - (1) Maintain and enhance property values;
 - (2) Preserve and enhance the visual appearance of the town;
 - (3) Preserve unique and productive coastal habitats;
 - (4) Reduce the impacts of development on the town's stormwater system;
 - (5) Assist the town in preserving and enhancing the quality of its estuarine waters; and
 - (6) Help create and protect the protective dune systems.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-72. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Bush hogging. The clearing of a lot using a Bush Hog or similar type mower for the purpose of ridding a lot of vines and shrubs, but leaving trees not small enough to be cut with a Bush Hog (usually with a caliper of greater than five inches at breast height). Bush hogging is done prior to clearing and may be done without obtaining a permit. Rutting and soil disturbance is prohibited.

Caliper. The measurement of the diameter of a tree; measurement is taken at breast height or four and one-half feet above ground level. If a tree splits or forks into multi-trunks, the trunk is measured at its narrowest point below the split or fork.

Clearing. The permitted removal and proper disposal of any existing structures, rubble, brush, trees as well as roots and other debris which might interfere with construction of a permitted building. This may be done only after the issuance of a permit by development services.

Clearing permit. A permit that must be obtained from development services prior to the removal and proper disposal of specimen trees.

Crown. The totality of branches, twigs, and leaves extending from the trunk or main stems.

Drip line. The outside edge of the area underneath a plant which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the plant.

Dune. Those mounds of sand and/or sand management project areas, either manmade or natural, in existence as of December 10, 1999, and/or those restored by the town or other public entity after that date. A primary dune is the first mound of sand (measured from the ocean) that is six feet taller than the mean flood level for the area. Frontal dunes are the first mounds of sand that have enough vegetation, height and continuity to offer protection.

Fence. A barrier intended to mark a boundary, screen a view or prevent intrusion that is designed and built in a sound workmanlike manner with adequate footings to withstand normal wear while keeping an attractive appearance.

Grading. Altering the shape of the ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping or any combination thereof and shall include the land in its cut or filled condition.

Ground cover. Any plant less than three feet in height.

Introduced plant. Any non-existing plant that is added during the development of a property.

Natural area. An area of at least 50 square feet comprised of native vegetation.

Parking facility. An area used for the parking, storage, or display of motor vehicles, boats, recreational vehicles, etc.

Peninsula. A planting area that extends out into the parking area, and is bounded on three sides by the parking area.

Permeable paving. Any paving which due to its inherent nature, or construction, allows fluids and gases to penetrate through it at least in some areas, as described in the North Carolina Stormwater BMP Manual.

Preserved vegetation. Any plant or groups of plants existing prior to development of a property that is protected so that it remains after the development has been completed.

Pruning. The elimination of live and dead branches from a tree's crown to improve tree structure, enhance vigor and/or maintain safety.

Root protection zone. For a shrub shall be the area contained by the shrub's drip line. The root protection zone for a tree shall be the area defined by a circle with a radius equal to one-third of the drip line, but not less than three feet.

Rut. A long deep track made by the repeated passage of the wheels or tracks of a vehicle.

Shrub. Any plant between three feet and 15 feet in height.

Specimen tree. For the purpose of this chapter, any perennial woody plant, such as a lane shade or pine tree, which usually has one main stem or trunk and the following caliper measurements taken at breast height: a hardwood tree, six inches; a conifer other than species of southern pine, six inches; southern pines, 14 inches; and any small flowering tree; such as crepe myrtle, five inches.

Topping. The severe cutting back of branches to a stub, bud, or a lateral branch not large enough to assume the terminal role.

~~Town forester~~ **Tree Inspector.** The qualified designated town employee who is assigned by the town manager to carry out the provisions of this chapter.

Tree. Any plant 15 feet in height or over at maturity.

Tree value. For applications under this chapter, the appraised value of a tree based on the latest edition of the "Guide for Plant Appraisal" by the council of tree and landscape appraisers.

Utility. Public utilities, businesses or organizations in the business of supplying communication services, electrical energy, gas, heat, steam, water, or sewage disposal and treatment.

Vegetation plan. A plan submitted to the development services department staff in conjunction with subdivision of land, alteration of an existing drainage system, issuance of a clearing permit, issuance of a building permit, or start of site development. The vegetation plan is a scaled drawing that shows the site information specified in section 32-74. Photographs are not acceptable to locate natural areas and tree heights may be estimated on the plan.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Cross reference— Definitions generally, § 1-2.

Sec. 32-73. - Reserved.

Sec. 32-74. - Vegetation plans required.

- (a) A vegetation plan must be submitted to the department of development services for the following actions:
 - (1) Recording a subdivision plat;
 - (2) Alteration of an existing drainage system;
 - (3) Issuance of a building permit;
 - (4) Issuance of a development permit.
- (b) Agricultural activities that do not involve artificial drainage of land and the maintenance, alteration, or improvement of an existing structure that does not involve a material increase in impervious surface are exempt from the requirement for a landscape plan.
- (c) The sketch vegetation plan may be prepared in conjunction with the stormwater plan required by article V of chapter 18 of this Code and must include the following information:
 - (1) Lot width and length;
 - (2) Front, rear and side setbacks;
 - (3) Location of house, driveway, walkways, and accessory buildings;
 - (4) Species and location of all trees five inches' caliper at breast height and greater noted; trees to be left marked with an (L) on the plan/worksheet (marked with flagging on the ground); trees to be removed marked with an (R) on the plan/worksheet;
 - (5) Location and type of vegetation that will be replaced after development or construction;
 - (6) Location of natural areas to be left;
 - (7) Location of areas to be filled.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-75. - Vegetation plan review.

- (a) The vegetation plan will be reviewed by development services staff for compliance with the requirements and guidelines provided in section 32-76.
- (b) Plan submittal, review, and approval are mandatory for any land use activity. Changes made to the approved vegetation plan during the construction process must be approved and documented by development services. Compliance with the approved vegetation plan is required prior to issuance of a certificate of occupancy, and the recording of a final plat for all but single-family residences.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-76. - Tree and vegetation guidelines.

Vegetation plans shall comply with the following guidelines:

- (1) Provide for the retention and protection of existing trees and the planting of new trees as follows:
 - a. For lots with available sewer, a minimum of one existing specimen tree shall be saved per 1,450 square feet of lot size except where a determination has been made that the retention of existing trees would interfere with essential site improvements. This determination will be made by the department of development services following consultations with the developer. Every effort will be made to retain and protect specimen trees. If retention is not a viable option, the minimum stocking level required will be dependent upon the number of specimen trees removed from the lot. One tree with a minimum caliper at breast height of two inches shall be planted for every specimen tree removed from the lot, up to five trees. Lots other than oceanfront properties shall have a minimum of two trees planted prior to completion of development. Oceanfront properties are excluded from the above requirements. Owners of oceanfront properties are encouraged to preserve existing specimen trees, vegetation, and dunes. However, a combination of trees and/or grasses will be planted to provide a planted area of 50 square feet for each 700 square feet of heated area for oceanfront lots.
 - b. For lots with no available sewer and a septic system will be used, a minimum of one existing specimen tree shall be saved per 1,625 square feet of lot size except where a determination has been made that the retention of existing trees would interfere with essential site improvements. This determination will be made by the department of development services following consultations with the developer. Every effort will be made to retain and protect specimen trees. If retention is not a viable option, the minimum stocking level required will be dependent upon the number of specimen trees removed from the lot. One tree with a minimum caliper at breast height of two inches shall be planted for every specimen tree removed from the lot, up to five trees. Lots other than oceanfront properties shall have a minimum of two trees planted prior to completion of development.
- (2) Preserve and protect as much natural area on the site as is practicable. Where existing trees and shrubs are being preserved or replaced, applicants will provide continuous planted areas of at least 50 square feet for every 700 square feet of building area.
- (3) Incorporate existing vegetation, natural areas, and specimen trees into required shoreline, wetland, and visual buffers where possible.
- (4) Where vegetation is being replaced, applicants may select plant types from the list provided in Seacoast Plants of the Carolinas (University of North Carolina Sea Grant Program, Publication UNC-SG-73-06), "Trees for Oak Island," or other comparable resources.

- (5) Applicants shall not completely clear shrubs and grasses in areas designated as preserved natural areas in vegetation plans without the approval of development services.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-76.1. - Parking facilities landscaping for new development projects.

- (a) For new development projects requiring more than ten off-street parking spaces, it is required by this chapter that a site plan and parking facility vegetation plan be submitted to the development services staff for review and approval and for purposes of compliance with the requirements of the section.
- (b) *Minimum standards.* At least eight percent of the gross area of a parking facility shall be landscaped.
- (1) Trees and shrubbery planted pursuant to this section shall include at least one tree with a minimum caliper at breast height of two inches at breast height and six shrubs at least 18 inches in height in at least three gallon containers at planting per 2,500 square feet of parking facility. At least 50 percent of the trees planted shall be of a shade/canopy tree species as defined by the International Society of Arboriculture. (Example: in each required peninsula one tree and six shrubs minimum.)
- a. All plantings shall be reasonably distributed throughout the parking facility or adjacent to the facility;
- b. All interior plantings shall be protected by raised concrete curbing or other devices such as wheel stops;
- c. Consecutive parking spaces shall incorporate landscape peninsulas no more than ten spaces apart and at least on the ends of all parking rows. Peninsulas shall contain at least 100 square feet in area and at least eight feet in width, measured from back of curb/barrier to back of curb/barrier.
- d. Lots less than 15,000 square feet shall meet a landscape standard of at least six percent of the gross area of a parking facility with vegetation selected from a list maintained by development services of one tree with a minimum caliper of three inches at breast height and four shrubs at least 18 inches high in at least three gallon pots per 1,800 square feet of parking facility.
- (c) When a parking facility is within 50 feet of the public right-of-way, a perimeter planted strip shall be installed, consisting of a low buffer incorporated into the streetyard.
- (d) The development services staff may waive all or part of the requirements of this section for any facility which is limited to periodic or intermittent use for vehicular parking, such as parking lots for churches or recreational facilities, provided the parking facility is completely covered by grass or otherwise presents a landscaped effect.
- (e) The development services staff may waive the requirements of this section for temporary parking lots when determined that a waiver is necessary to relieve hardship and will not violate the purposes of this section. Any such waiver shall not exceed one year.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-76.2. - Tree and shrub preservation.

- (a) A major objective of this Code is to encourage the preservation of existing vegetation wherever possible while allowing quality development to take place. To qualify for landscape, buffer and screening requirements, the following measures shall be required for preserved trees and shrubs:
- ~~(1) Protective fencing not less than four feet high or other construction barrier shall be placed at and completely encompass the root protection zone of all preserved plants.~~

(2) 1) Any tree whose root protection zone will be affected by soil removal shall have roots cut clearly by trenching at a point at least one foot outside the ~~construction barrier installed as required above~~ root protection zone.

(3) 2) The following shall be prohibited within the root protection zone of any preserved plant:

- a. Grading and excavation which involves cutting or filling to a depth of more than three inches;
- b. Installing, depositing, placing, storing, or maintaining any stone, brick, sand, concrete or other materials which may impede the free unobstructed growth of or passage of water, air, and fertilizer to the roots;
- c. No storing of any construction materials within the root protection zones of the preserved vegetation;
- d. Attaching any sign, poster, notice or other object, or fastening any guy wire, cable, rope, nail, screw, or other device to any preserved plant for any reason other than that of a protective nature to the plant;
- e. Causing or encouraging any fire or burning of any kind near or around any plant;
- f. Parking or operating construction or passenger vehicles of any type within the root protection zone.

(b) The pouring of any material on the ground that is toxic to plants, e.g., gasoline, oil-based paints, shall be prohibited.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-76.3. - Landscaping maintenance for projects other than single family residential.

The owner and/or their agent shall jointly and severally be responsible for the maintenance of landscape improvements and other requirements of this Code. The requirements of this Code shall be maintained according to the following:

- (1) All landscaping shall be maintained in a neat and orderly manner.
- (2) Preserved vegetation which dies within five years from the date of completed construction shall be replaced by approved introduced plants within 12 months of loss. Failure to do so will result in a penalty being assessed by the town council.
- (3) Introduced plants which die within the first five years of establishment shall be replaced with plants of similar variety and size within six months of loss. Failure to do so will result in a penalty being assessed as outlined in subsection (2) above.
- (4) Although not mandatory, pruning should be done according to National Arborist Association pruning standards.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-77. - No clearing without permit.

No clearing or removal of vegetation other than bush hogging shall be permitted on any undeveloped lot or parcel or any lot or parcel to be redeveloped without a valid land use permit from the town. The following activities are exempt from this section: bona fide forestry and agricultural practices, hobby farms (such as vegetable or flower gardens and nurseries), gardening or landscape maintenance, and minor clearing of vegetation for line-of-sight surveying, footpaths, and minor clearing and/or cutting of grasses, weeds, vines and so on as required for responsible property maintenance. Vegetative material will be disposed of properly as indicated in section 24-65.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-78. - Flexible setbacks.

The allowable building area on each lot or parcel may be moved toward one side lot line and either the rear lot line or the front street line a distance of up to 25 percent of the required setback for the zoning district for the purpose of preserving natural areas and/or specimen trees. This section does not increase the maximum permitted length and width of the allowable building area. Such setback or yard modifications must be approved by the development services staff in writing prior to construction beginning. Setback adjustments must be notated in the final survey.

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

Sec. 32-79. - Enforcement; penalties for violations of article.

Any person removing vegetation from a lot or tract in violation of the requirements of this article shall be subject to a civil penalty of \$500.00 as permitted by G.S. 14-4. The department of development services may stay enforcement of the civil penalty if the offender replants the disturbed area in accordance with an approved vegetation preservation plan that meets the guidelines of subsection 32-74(c) and section 32-76. Appeals of decisions of the department of development services concerning enforcement of this article may be made to the board of adjustments within ten days of the decision. Appeals to the board of adjustments shall be made in accordance with section [18-334 of this Code].

(Ord. of 3-10-2009; Amend. of 5-15-2012; Amend. of 12-9-2014)

ARTICLE IV – TREE PROTECTION AT EXISTING HOUSES

This article applies to the retention of trees and tree removal at existing homes on the island portion of Oak Island.

Sec. 32-80. – Existing houses

- (a) All existing homeowners are encouraged to retain trees and natural areas on their property.
- (b) Tree removal at existing homes
 - a. Homeowners must get a tree removal permit from the town before removing any trees. The cost of the permit is \$50.
 - b. Homeowners may remove trees from their property without penalty, or recourse from the town as long as they meet one of the following requirements:
 - i. 5 trees 2" DBH or greater remain on the lot
 - ii. 3 trees 12" DBH or greater remain on the lot
 - iii. 1 tree 16" or greater remains on the lot
 - c. If the homeowner removes trees in a manner that does not meet the requirements listed above in section b., they must replant trees to become compliant again or pay a \$50/tree fine based on 5 trees/lot remaining.
- (c) Money collected from permits and fines will be put in a "Tree Fund" and used by the town to plant, protect or promote tree growth on the island portion of Oak Island.
- (d) The town's tree inspector or their assigned delegate will be responsible for monitoring tree removal, insuring compliance is met and collecting fines.

**TOWN OF OAK ISLAND
TOWN COUNCIL
AGENDA ITEM MEMO**

Agenda Item: New Business Number 1

Date: April 3, 2017



Issue: Conditional Use Permit Application

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 25 Minutes

Subject Summary:

The applicant is applying for a Conditional Use Permit (CUP) in order to have an *Assisted Living Community* at the Pine Forest Development off highway 211. The parcel id number is 20300017. The CUP is being applied for by another party on behalf of the property owner, which is permissible. The property owner has signed the application giving his permission.

The table of uses (Sec.18-116) codifies Assisted Living Community as permissible with a Conditional Use Permit from the town if it is located within the C-LD (Commercial –Low Density) zoning district.

Uses	R-20	R-9	R-7.5	R-7	R-6A	R-6B	R-6MF	R-6MH	O & I	CB	CR	C-LD	OS	AD	Club Overlay Dist.	CUCB
Assisted living communities	C	C	C						C			C				

Furthermore, additional standards specific to this land use are listed in Sec.18-226 of the zoning ordinance (see below excerpt).

(5) Assisted living facility.

- a. If no state license is required, assisted living facilities shall have a written operation or procedures manual and on-premises management or supervisory personnel.*
- b. The minimum lot area for the facility is two acres regardless of the minimum lot size of the district in which the facility is located.*
- c. The facility must provide a minimum of 300 square feet of heated area for each resident.*
- d. One off-street parking space shall be provided for every three residents, plus one space for on-site employees.*

The site area exceeds the minimum acreage requirements. The site-plan survey map states the facility has a minimum of 300 square feet of heated area for

each resident, so that standard is also met. The facility must provide a minimum of 300 square feet of heated area for each resident and that is noted on the map. It is for the Planning Board to determine if the attached Conditional Use Permit (CUP) application meets these criteria. If the project is approved by Council the applicant will then have vested rights to the Assisted Living Community land use. Staff has reviewed the standards codified in Sec.18-226 and has determined they have been met. Additionally, a preliminary zoning compliance review was done based on the site-plan survey and it appears to meet the standards within the zoning ordinance.

Given that this is for a Conditional Use Permit, even though it is an informal review it is a best practice to not discuss this hearing item outside of the meeting, either with the applicant, with one-another, or the public. This is a way to ensure fairness by having all the discussion take place in the open at the hearing. The Town Council is required to follow those same restrictions as well. If anyone has a direct or potential financial interest in this proposed project then they should make it know, ask, or recuse themselves.

The Court of Appeals approved the use of four fairly general standards for considering and approving Conditional Use Permits: (1) does not materially endanger the public health or safety, (2) does not meet all required conditions and specifications, (3) will not substantially injure the value of adjoining property, and (4) will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan. With Conditional Use Permits the applicant has the burden of presenting sufficient evidence that an application meets the standards of the ordinance. Furthermore, the burden of proof that the Conditional Use Permit application meets the four standards outlined above rests with the applicant. Only the standards actually listed in the ordinance may be used as a basis for denial if such denial is predicated on the fact that all the required standards could not be met.

Official certified letters have been sent to the adjacent property owners and a sign, required by the Town zoning ordinance, has been placed at the site detailing the hearing date, time and location. Traditionally, this is a quasi-judicial decision and carries with it a separate, more officious operating procedure. However, back in October 2015 the Planning Board voted to recommend a text amendment, which was adopted, which makes CUP's be informally reviewed by the Planning Board and still be approved by the Town Council as a quasi-judicial hearing. Some considerations to take into account are the health & safety of the public, potential

injury to adjacent property values, undue concern to the neighbors, and the use will be in harmony with area. The Planning Board will need a quorum to vote and a simple majority is all that is needed to pass a vote. Only expert testimony is supposed to be considered. The following step is to process the CUP application to the Town Council. The CUP runs with the land regardless of whom the subsequent property owners may be. The Conditional Use Permit recommendation can be for denial, approval, or approval with recommended conditions. When determining your advisory recommendation vote, please actively keep in mind the ordinance standards and case law criteria one should meet to be granted a Conditional Use Permit.

Attachments: CUP Application, design narrative, general site map, site-plan survey, authorized agent documentation

Recommendation/Action Needed: Recommendation to Town Council to deny approve, or approve with conditions

Funds Needed: \$0.00

Follow-Up Action Needed: Inform applicant, forward recommendation to Town Council

Attachments:



APPLICATION FOR SPECIAL USE

Office Use Only

Date Rec'd: _____

Rec'd by: _____

Amount Paid: \$ _____

Town of Oak Island • 4601 E. Oak Island Drive, Oak Island, NC 28465 • Phone: (910) 201-8001 • Fax: (910) 278-1811

All applications for conditional use must be complete and accompanied by the permit fee of \$300 payable in cash or by check made to the Town of Oak Island. Applicants will not be responsible for any additional cost of public notices. All fees must be paid in full before a Certificate of Zoning Compliance (Zoning Permit) will be issued and before an application will be submitted for review by the Planning Board or Town Council. Applicants are responsible attending all Planning Board and Board of Aldermen meetings where this application will be considered.

In accordance with the Town of Oak Island Code of Ordinances, Chapter 18, Article 2 Section 18-221 the purpose of this division is to allow for those uses that have a potential of being incompatible with adjacent land uses. For this reason special consideration shall be given to those uses listed as conditional uses in the zoning districts as listed in Division 4 of the code of ordinances.

The reasons for requiring such special considerations involve, among other things, the size of the area required for the development of a use, the effect such uses have on any adjoining land uses and on the health, safety, and general welfare and development of the community as a whole. Approval of a conditional use does not provide a binding precedent to grant other conditional uses. A conditional use is not transferable from one parcel of land to another. Conditional uses must be approved by the Town Council. All conditional uses must satisfy all standards in Chapter 18, Article 2 Section 18-221.

The application must be reviewed by town staff before the application can be placed on the Planning Board Agenda. Please consider that review time before submitting your application. Applications will not be considered as accepted for review unless all required information is provided. Prior to the date of the review the board shall hold an evidentiary hearing on the special use permit request.

Parcel Identifier Number (PIN): 20300017

Date: 3-24-17

Section A: Property Information

Applicant Name: Equity Investments Associates LLC

Project Name: Pine Forest Plantation of Oak Island

3488 Southport

Property Address: Supply Rd. State: NC Zip Code: 28422

Phone: 828-268-6550 Fax: _____ Email: tsofield@uscorpmail.com

Existing Zoning District: CLD

Section C: Conditional Use Standards

In order to approve a conditional use, the Town Council must hold a hearing and find, based on the evidence presented, that the application adequately satisfies the conditional use standards identified in Section 18 – Division 8 of the Unified Development Ordinance. You are encouraged to attach any documentation supporting how the proposed project satisfies the following standards, including a statement describing separately for each standard in significant detail the facts and arguments you intend to present to the Board during the hearing:

- (1) That the use will not materially endanger the public health or safety.

All development activities and associated uses will be permitted and approved by local and state regulatory agencies. The proposed uses are permitted under the current zoning ordinance pending approval by the Town Of Oak Island Town Council and Planning Board.

- (2) That the use will not substantially injure the value of adjoining or abutting property.

The site is approximately 2000 feet within the proposed PUD-C development off of Hwy 211. The propose uses are transitional uses and in concert with the planned medical campus and residential projects within the initial phase.

- (3) That the use will be in harmony with the area in which it is to be located.

The proposed project is adjacent to major arterial roadways, the proposed uses are in concert with the future land use plan designation of residential, medical and mixed use with open space and conservation.

- (3) 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 land use plan has identified the subject property as residential mixed use with open space and conservation”.

- (5) That the use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property. *The proposed uses are compatible with the existing conditions. All development will be reviewed by the Town of Oak Island and State/local authorities. The project will be a managed project due to the overall size and mixture of uses.*

- (4) That the use is essential or desirable to the public convenience or welfare.

The proposed use consists of an assortment and level of medical services not currently present in the surrounding area. land component.

- (7) That the use will have adequate utilities, access roads, drainage, sanitation, or other necessary facilities.

This will be a phased project and built out over numerous years. Any and all development will be permitted and approved by the authorized municipal or regulatory agency.

- (8) That the use will have adequate facilities to provide ingress and egress so designed as to minimize the traffic congestion in the public streets. *The development entity will obtain all necessary driveway permits through NCDOT prior to any associated development activity.*

Parcel ID #(s): 20200017 Total Site Acres or Square Feet: 14 AC

Current Zoning District(s): CLD Use Classification (from Table of Uses): CU

Project Description:

SEE ATTACHMENTS

(attach a separate page is needed)

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate:

Signature: R. J. [Signature] Date: 3/22/17

By: [Signature] Date: 3/27/17

Section B: Project Owner Information (if different from above)

Applicant Name: BRUNSWICK PROPCO HOLDINGS, LLC

Project Name: PINE FOREST SENIOR LIVING

Property Address: 2938 SOUTHPORT. SUPPLY ROAD SE State: BOLIVIA NC Zip Code: 28422

Phone: 828-322-5535 Fax: 828-322-3897 Email: CET@AFFINITYLIVINGGROUP.COM

Section D: Conditional Use Standards and Requirements

Each application for a special use must include:

- ☐ An application fee of \$300.00 plus in cash or check made payable to the Town of Oak Island.
- ☐ A Site/Landscaping Plan Application with required plans containing all required information from the Unified Development Ordinance.
- ☐ A notarized letter of authorization if acting as the agent for the property owner(s).
- ☐ copies of an accurate map, site-plan, survey or plat of property showing:
 - Title Box including the project name, applicant name, and address of the property
 - Names of the owners of record for adjacent properties
 - Property lines and dimensions
 - The location and names of all adjacent street rights of way
 - Location, size, zoning designation, and total area of the property
- ☐ Directional feature of all parking spaces, driveways, and curb cuts (if applicable)
- ☐ Accurate depiction of the project to scale with layout of proposed buildings including the length, width, height, placement, and building envelope with required setbacks

- ☐ A Site/Landscaping Plan Application with required plans containing all required information
 - General location and type of stormwater facilities including preliminary stormwater report indicating pre and post retention (if applicable)
- ☐ Proposed or required buffering and landscaping
- ☐ If applicable the proposed phasing of the project
- ☐ Location of Service facilities such as dumpsters and any planned screening or treatment to those areas (if applicable)
- ☐ General location of on-site utilities and proposed tie into facilities
- ☐ All existing easements, reservations, or restrictive covenants (if applicable)
- ☐ Copies of a detailed project narrative describing the proposed use, site, and nature of the request
- ☐ Any other information deemed necessary by Development Services

Office Use Only

Planning Board Hearing Date: _____ Recommendation: _____ Staff: _____

Town Council Hearing Date: _____ Action: _____ Staff: _____



H+W DESIGN

Date: February 21, 2017

RE: Pine Forest Plantation of Oak Island
Authorized Agent

Dear Mr. Vares:

The undersigned Owner does hereby appoint an authorized agent;
*Daniel H. Weeks, H+W Design PLLC, 2512 Independence Blvd. Suite
200-9, Wilmington, NC 28412*

for the purpose of petitioning the Town of Oak Island for a conditional use
request as described in the submittal package. The Agent is hereby
authorized to, on behalf of the property Owner:

1. Submit the petition and required supplemental information and materials
2. Appear at public hearings to provide representation on behalf of the property owners

Sincerely,

Daniel H. Weeks, RLA

R Thomas Sofield
Equity Investments Associates, LLC (Member Manager)

Property Owner

Date

2/21/17

910.470.9383

2 5 1 2

Independence Blvd.

Suite 200-9

Wilmington, NC

2 8 4 1 2

Pine Forest Plantation Senior Living and Memory Care Design Narrative

Project Description:

- (1) **Project Name:** *Pine Forest Senior Living and Memory Care*
Affinity Living Group-Brunswick Propco Holdings LLC
- (2) **General Development Philosophy:** The 14-acre facility will include the following uses and health care:
 - a. skilled-nursing-(80 bed facility)
 - b. assisted-living-units – (150 units)
 - c. independent apartments – (108 apartments)
 - d. memory-care and acute-healthcare facilities with integrated family and senior medicine
- (3) The Pine Forest Plantation Development will install and provide water and sewer to the subject property. Permit drawings shall meet Brunswick County Engineering Department current requirements and specifications concerning development activity
- (4) Storm water management for the subject property will be collected and treated by two ponds located off the 14-acre site (see exhibit) west of Pine Forest Boulevard
- (5) Coordination with NCDOT roadway plans and coordination with the District Office will determine access points, roadway sizing, public vs. private improvements and most importantly, accessibility for life-safety emergency vehicles
- (6) **Ownership:** Tax Parcel ID# 20300017
Equity Investments Associates, Affinity Living Group/Brunswick Propco Holdings
355 Industrial Park Road
Boone, NC 28607
- (7) **Development:** Project Commencement:
Schedule Skilled nursing: 3rd Quarter 2017
Assisted Living units: 1st Quarter 2018
Independent living apartments: 3rd Quarter 2018

Project Completion: 2020 Year End

At this point in the development of this project, proposed timelines and schedules may vary. Variations in market conditions will dictate projected construction and timetables. The Town of Oak Island will be notified through the public hearing process of any modifications.

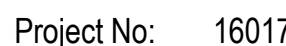
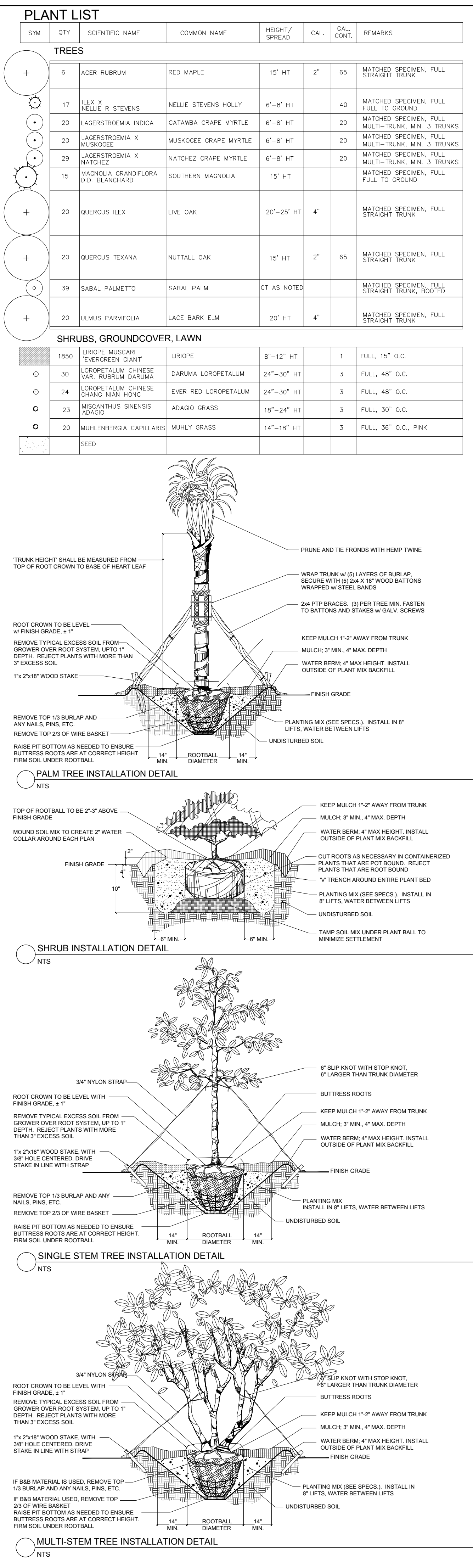
(8) Project Team:

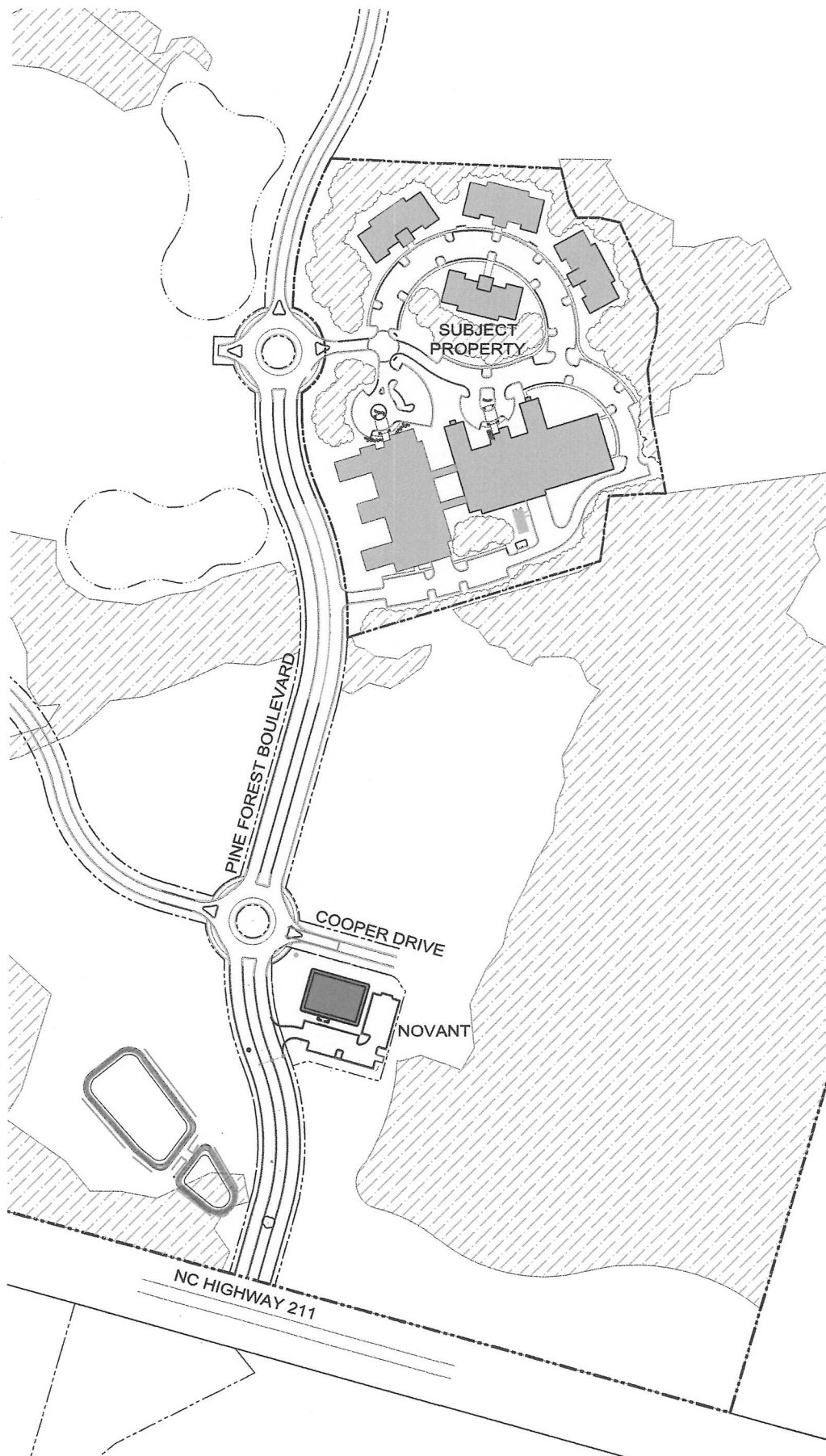
- (A) **Member Manager:** R Thomas Sofield
Equity Investments Associates, LLC
- (C) **Project Planner:** Tom Harrington, Dan Weeks RLA
H+W Design PLLC

Pine Forest Plantation Senior Living and Memory Care Design Narrative

(D) Project Engineer: Tim Clinkscales, PE
Paramounte Engineering, Inc.

(F) Traffic Consultant: Ramey F. Kemp, PE, PTOE
Ramey Kemp & Associates, Inc.





**TOWN OF OAK ISLAND
TOWN COUNCIL
AGENDA ITEM MEMO**

Agenda Item: New Business Number 2

Date: April 3, 2017



Issue: Conditional Use Permit Application

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 25 Minutes

Subject Summary:

The applicant is applying for a Conditional Use Permit (CUP) in order to have an *Outdoor Sales & Displays* at the corner of SE 50th Street and E. Oak Island Drive, in front of the VFW. The parcel id number is 235MB026. The CUP is being applied for by another party on behalf of the property owner, which is permissible. The property owner has signed the application giving his permission.

The table of uses (Sec.18-116) codifies “Outdoor Sales and Displays” as permissible with a Conditional Use Permit from the town if it is located within the CB (Community Business) zoning district.

Uses	R-20	R-9	R-7.5	R-7	R-6A	R-6B	R-6MF	R-6MH	O & I		CB	CR	C-LD	OS	AD	Club Overlay Dist.	CUCB
Outdoor sales and displays (principal use)											C	C	C			C	Outdoor sales and displays (principal use)

Furthermore, additional standards specific to this land use are listed in Sec.18-226 of the zoning ordinance (see below excerpt).

(28) *Outdoor sales and display.*

a. *Outdoor sales and display areas, both incidental and principal uses are not to exceed one acre in size.*

b. *Lighting installed on the property must comply with the provisions for town lighting in [division 11](#) of this article and shall be installed in a manner that prevents trespass onto adjoining properties and controls glare on the public right-of-way and on public trust waters.*

c. *Outdoor sales and displays can be a stand-alone principal use or can be intended to enhance an existing business and cannot be located in existing vehicular spaces.*

d. *No outdoor sales and displays shall be conducted as a principal use within the town without first having obtained a conditional use permit from the town. The conditional use permit must be made available to the town upon request.*

e. *All principal use outdoor sales and display structures such as tents and sales stands will need to be reviewed for compliance with all applicable state codes and temporary outdoor sales and display that remain on site exceeding 180 days will be considered as a permanent structure and shall meet all federal, state, and local regulations.*

In this case, the Outdoor Sales and Displays is the principal use. Lighting is not on the site. The applicant will be required to keep the Conditional Use Permit, if approved, on site to be provided upon request. It is for the Planning Board to determine if the attached Conditional Use Permit (CUP) application meets these criteria.

Given that this is for a Conditional Use Permit, even though it is an informal review it is a best practice to not discuss this hearing item outside of the meeting, either with the applicant, with one-another, or the public. This is a way to ensure fairness by having all the discussion take place in the open at the hearing. The Town Council is required to follow those same restrictions as well. If anyone has a direct or potential financial interest in this proposed project then they should make it know, ask, or recuse themselves.

The Court of Appeals approved the use of four fairly general standards for considering and approving Conditional Use Permits: (1) does not materially endanger the public health or safety, (2) does not meet all required conditions and specifications, (3) will not substantially injure the value of adjoining property, and (4) will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan. With Conditional Use Permits the applicant has the burden of presenting sufficient evidence that an application meets the standards of the ordinance. Furthermore, the burden of proof that the Conditional Use Permit application meets the four standards outlined above rests with the applicant. Only the standards actually listed in the ordinance may be used as a basis for denial if such denial is predicated on the fact that all the required standards could not be met.

Official certified letters have been sent to the adjacent property owners and a sign, required by the Town zoning ordinance, has been placed at the site detailing the hearing date, time and location. Traditionally, this is a quasi-judicial decision and carries with it a separate, more officious operating procedure. However, back in October 2015 the Planning Board voted to recommend a text amendment, which was adopted, which makes CUP's be informally reviewed by the Planning Board and still be approved by the Town Council as a quasi-judicial hearing. Some considerations to take into account are the health & safety of the public, potential injury to adjacent property values, undue concern to the neighbors, and the use will be in harmony with area. The Planning Board will need a quorum to vote and a simple majority is all that is needed to pass a vote. Only expert testimony is supposed to be considered. The following step is to submit the CUP application to

the Town Council. If it is approved by Council the applicant will then have vested rights to the Outdoor Sales & Displays land use. The CUP runs with the land regardless of whom the subsequent property owners may be. The Conditional Use Permit recommendation can be for denial, approval, or approval with recommended conditions. When determining your advisory recommendation vote, please actively keep in mind the standards and criteria one should meet to be granted a Conditional Use Permit.

Attachments: CUP Application, justification narrative, tax info, site map, property photo, property report card

Recommendation/Action Needed: Recommendation to Town Council to deny approve, or approve with conditions

Funds Needed: \$0.00

Follow Up Action Needed: Inform applicant, forward recommendation to Town Council

Attachments:



APPLICATION FOR SPECIAL USE

Office Use Only
Date Rec'd: 3-22-17
Rec'd by: JV
Amount Paid: \$ 500

Town of Oak Island • 4601 E. Oak Island Drive, Oak Island, NC 28465 • Phone: (910) 201-8001 • Fax: (910) 278-1811

All applications for conditional use must be complete and accompanied by the permit fee of \$500 payable in cash or by check made to the Town of Oak Island. Applicants will not be responsible for any additional cost of public notices. All fees must be paid in full before a Certificate of Zoning Compliance (Zoning Permit) will be issued and before an application will be submitted for review by the Planning Board or Town Council. Applicants are responsible attending all Planning Board and Board of Aldermen meetings where this application will be considered.

In accordance with the Town of Oak Island Code of Ordinances, Chapter 18, Article 2 Section 18-221 the purpose of this division is to allow for those uses that have a potential of being incompatible with adjacent land uses. For this reason special consideration shall be given to those uses listed as conditional uses in the zoning districts as listed in Division 4 of the code of ordinances.

The reasons for requiring such special considerations involve, among other things, the size of the area required for the development of a use, the effect such uses have on any adjoining land uses and on the health, safety, and general welfare and development of the community as a whole. Approval of a conditional use does not provide a binding precedent to grant other conditional uses. A conditional use is not transferable from one parcel of land to another. Conditional uses must be approved by the Town Council. All conditional uses must satisfy all standards in Chapter 18, Article 2 Section 18-221.

The application must be reviewed by town staff before the application can be placed on the Planning Board Agenda. Please consider that review time before submitting your application. Applications will not be considered as accepted for review unless all required information is provided. Prior to the date of the review the board shall hold an evidentiary hearing on the special use permit request.

Parcel Identifier Number (PIN): _____ Date: _____

Section A: Property Information

Applicant Name: John Coble Jr - Atlantic Elite Services LLC

Project Name: Landscape Materials Bulk Yard

Property Address: 4915 E. Oak Island Dr State: NC Zip Code: 28465

910-575-0044 office

Phone: 843-385-7947 cell Fax: _____ Email: manager@atlanticele.com

Existing Zoning District: CR

Parcel ID #(s): 235MB026

Total Site Acres or Square Feet: 0.23

Current Zoning District(s): CR

Use Classification (from Table of Uses): Outdoor sales and displays (principal use)

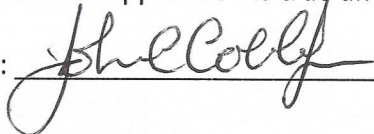
Project Description:

Landscape Materials Bulk Yard - Retail Sales.

(attach a separate page is needed)

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate:

Signature:



Date:

3/20/17

Section B: Project Owner Information (if different from above)

Applicant Name:

John D. Shannon

3-22-17

Project Name:

Outdoor Sales & Displays

Property Address:

State:

NC

Zip Code:

28465

Phone:

910-278-5398

Fax:

Email:

Section C: Conditional Use Standards

In order to approve a conditional use, the Town Council must hold a hearing and find, based on the evidence presented, that the application adequately satisfies the conditional use standards identified in Section 18 – Division 8 of the Unified Development Ordinance. You are encouraged to attach any documentation supporting how the proposed project satisfies the following standards, including a statement describing separately for each standard in significant detail the facts and arguments you intend to present to the Board during the hearing:

- (1) That the use will not materially endanger the public health or safety.
- (2) That the use will not substantially injure the value of adjoining or abutting property.
- (3) That the use will be in harmony with the area in which it is to be located.
- (3) 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.
- (5) That the use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.
- (4) That the use is essential or desirable to the public convenience or welfare.
- (7) That the use will have adequate utilities, access roads, drainage, sanitation, or other necessary facilities.
- (8) That the use will have adequate facilities to provide ingress and egress so designed as to minimize the traffic congestion in the public streets.

Section D: Conditional Use Standards and Requirements

Each application for a special use must include:

- ☐ An application fee of \$500.00 plus in cash or check made payable to the Town of Oak Island.
- ☐ A Site/Landscaping Plan Application with required plans containing all required information from the Unified Development Ordinance.
- ☐ A notarized letter of authorization if acting as the agent for the property owner(s).
- ☐ copies of an accurate map, site-plan, survey or plat of property showing:
 - Title Box including the project name, applicant name, and address of the property
 - Names of the owners of record for adjacent properties
 - Property lines and dimensions
 - The location and names of all adjacent street rights of way
 - Location, size, zoning designation, and total area of the property
- ☐ Directional feature of all parking spaces, driveways, and curb cuts (if applicable)
- ☐ Accurate depiction of the project to scale with layout of proposed buildings including the length, width, height, placement, and building envelope with required setbacks
- ☐ A Site/Landscaping Plan Application with required plans containing all required information
 - General location and type of stormwater facilities including preliminary stormwater report indicating pre and post retention (if applicable)
- ☐ Proposed or required buffering and landscaping
- ☐ If applicable the proposed phasing of the project
- ☐ Location of Service facilities such as dumpsters and any planned screening or treatment to those areas (if applicable)
- ☐ General location of on-site utilities and proposed tie into facilities
- ☐ All existing easements, reservations, or restrictive covenants (if applicable)
- ☐ Copies of a detailed project narrative describing the proposed use, site, and nature of the request
- ☐ Any other information deemed necessary by Development Services

Office Use Only

Planning Board Hearing Date: 4-20-17 Recommendation: _____ Staff: JV

Town Council Hearing Date: 5-9-17 Action: _____ Staff: JV

Dear Oak Island Town Council:

I am asking for your approval for a conditional use permit for the property at address 4915 E. Oak Island Dr. located at the corner of SE 50th St. & E. Oak Island Dr. It has for a long time been a location used for the sales & storage of bulk landscape materials or construction related products. The previous lessee using the property had not been actively using the property for the last few months, so I offered to take over the location as a second location for my company Atlantic Elite Services LLC. I saw a great need for this type of business on Oak Island since there are not presently any other businesses offering these products or services on the island. This type of business is much needed do to the fact of accessibility on and off the island, and to offer the residents and businesses operating on the island a location to buy landscape products to help beautify and add to the islands landscape presence. With the continued construction and growth of the island this is a much needed resource. We have already seen in a short amount of time that we have been getting the property ready to open, a very positive and appreciative response from the citizens in the community, very thankful to have a place to buy landscape products on the island. I see no negative effect from this type of business. The neighboring businesses have done nothing but give us praise for what we have done to the property. The location is very accessible and located in a convenient location for citizens on and off the island. Our business is to enhance the overall appearance of the surrounding landscape. I have worked hard to clean up the property that had been left in a mess by the previous lessee. I strive to help the Oak Island community appeal to residence, tourists, and new comers looking to move to the area. I am a native of Brunswick County and have seen this area go through many changes over the years. I am very passionate about my business and helping make our county a beautiful place for people to live and visit.

Sincerely

John Coble – Owner

Atlantic Elite Services LLC

Parcels:235MB026

Property Tax Cards

[2017 Tax Card](#)[2016 Tax Card](#)[2015 Tax Card](#)

4901

Parcel Information

Parcel ID: 235MB026

Parcel PIN: 206620900301

Calc. Acreage: 0.23

Zoning: CR

235MB027

235MB02601

235MB026

Legal Description

L-8-11 B-150 S-N1 LB PLAT 13/20

Owner Information

Owner Name:

SHANNON DAN D ETUX

Mailing Address:

113 NW 21ST STREET

OAK ISLAND, NC 28465

Deed and Plat References

Deed Book: 00339

Deed Page: 0596

Plat Book:

Plat Page:

Oak Island

235MB028

235MB024

103

[Zoom to](#)

Brunswick County GIS Data Viewer



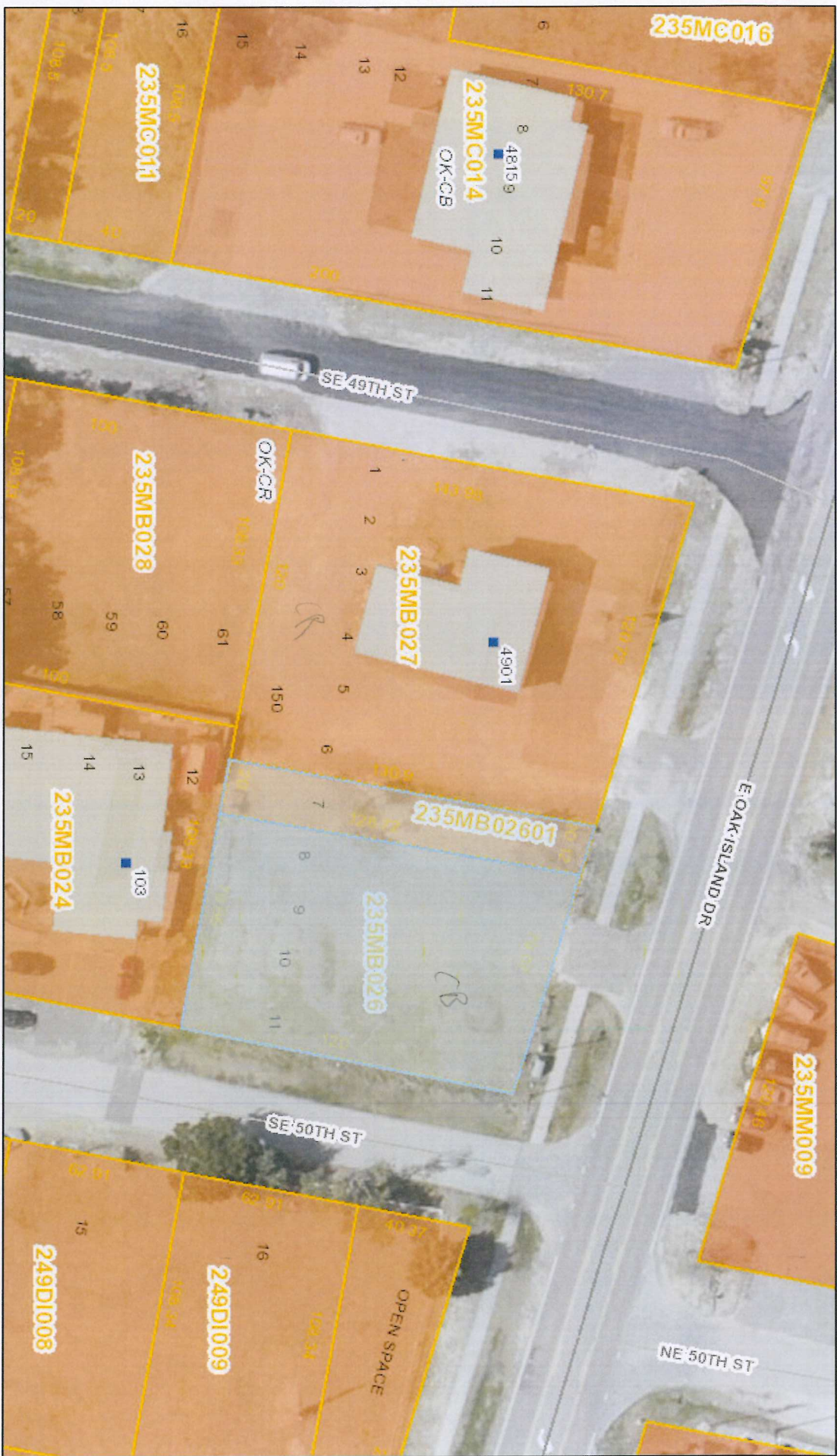
4915 E. oak island dr



30ft

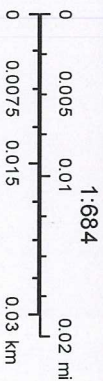
33.913 -78.113 Degrees

Brunswick County GIS Data Viewer



March 22, 2017

- Addresses
- US Hwy
- NC Hwy
- State Road
- Interstate
- Minor
- Parcel
- Building Footprints
- Green: Band_2
- Blue: Band_3
- Red: Band_1



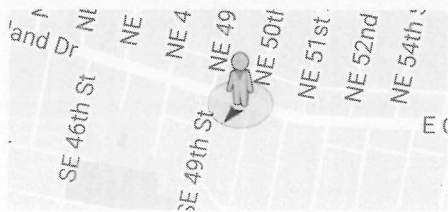
Google Maps 4922 E Oak Island Dr



Image capture: May 2016 © 2017 Google

Oak Island, North Carolina

Street View - May 2016



BRUNSWICK COUNTY

3/8/2017 12:17:09 PM

SHANNON DAN D ETUX

Return/Appeal
Notes:

Parcel: 235MB026

38969900

BRUNSWICK COUNTY (100), DOSHER HOSP TAX (100), OAK ISLAND (100), OAK
ISLAND FIRE (10)PLAT: / UNIQ ID
104764
ID NO: 206620900301

Reval Year: 2015 Tax Year: 2017 L-8-11 B-150 S-N1 LB PLAT 13/20

CARD NO. 1 of
1

4.000 LT

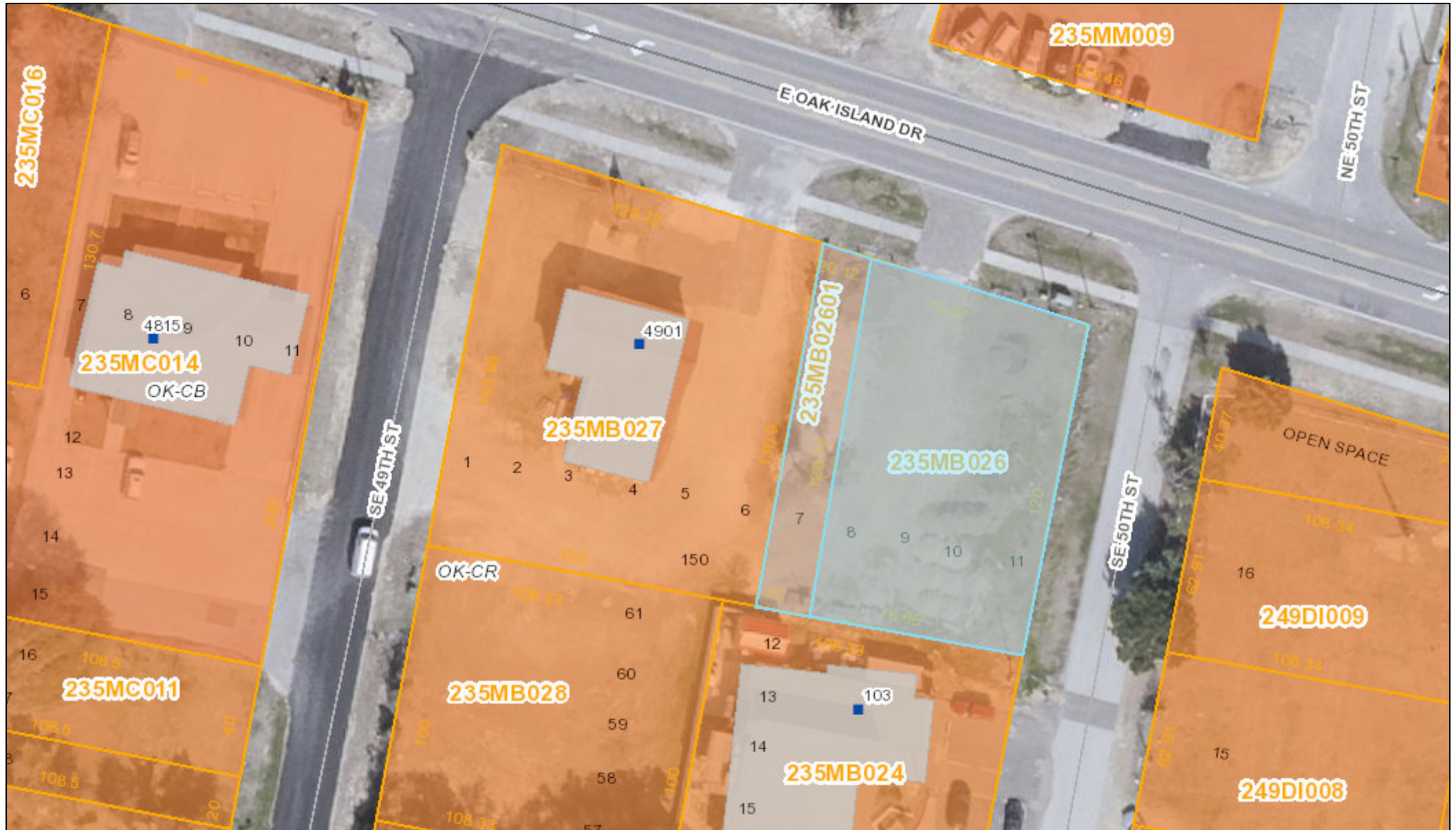
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Appraised by 33 on 05/14/2014 C322 OAK ISLAND

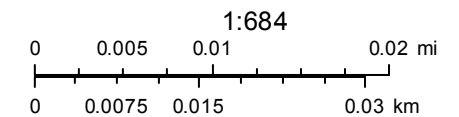
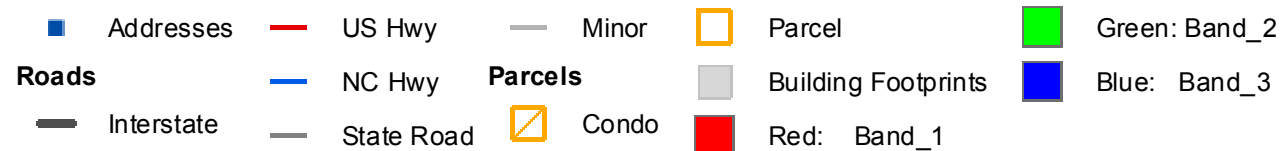
TW-03 CI- 14 FR- 08 EX- AT- LAST ACTION
20141219

CONSTRUCTION DETAIL		MARKET VALUE				DEPRECIATION				CORRELATION OF VALUE										
TOTAL POINT VALUE	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB	CREDENCE TO											
BUILDING ADJUSTMENTS	98	00							% GOOD											
TOTAL ADJUSTMENT FACTOR	TYPE: VACANT LAND									DEPR. BUILDING VALUE - CARD										
TOTAL QUALITY INDEX	STYLE:									DEPR. OB/XF VALUE - CARD										
										MARKET LAND VALUE - CARD										
										TOTAL MARKET VALUE - CARD										
										TOTAL APPRAISED VALUE - CARD										
										TOTAL APPRAISED VALUE - PARCEL										
										TOTAL PRESENT USE VALUE - PARCEL										
										TOTAL VALUE DEFERRED - PARCEL										
										TOTAL TAXABLE VALUE - PARCEL \$										
										PRIOR										
										BUILDING VALUE										
										OBXF VALUE										
										LAND VALUE										
										PRESENT USE VALUE										
										DEFERRED VALUE										
										TOTAL VALUE										
										PERMIT										
										CODE DATE NOTE NUMBER AMOUNT										
										ROUT: WTRSHD:										
										SALES DATA										
										OFF. RECORD DATE DEED TYPE Q/UV/I INDICATE SALES PRICE										
										BOOK PAGE MOYR										
										HEATED AREA										
										NOTES										
										BLDG REMOVED LOT VACANT										
SUBAREA		GS	RPL	CODE	QUALITY	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG % COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP RATE	OVR	% COND	OB/XF DEPR. VALUE
TYPE		AREA	%	CS	TOTAL OB/XF VALUE															
FIREPLACE																				
SUBAREA																				
TOTALS																				
BUILDING DIMENSIONS																				
LAND INFORMATION																				
HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES			ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES	
COMMERCIAL	0700	CR	77	125	1.0000	0	2.0000	RF AC LC TO OT			PS	65,000.00	1.000	LT	2.000	130,000.00	130000	0		
																			LOCATION	
TOTAL MARKET LAND DATA																			130,000	
TOTAL PRESENT USE DATA																				

Brunswick County GIS Data Viewer



March 22, 2017



**TOWN OF OAK ISLAND
TOWN COUNCIL
AGENDA ITEM MEMO**

Agenda Item: New Business Number 3

Date: April 4, 2017



Issue: Conditional Use Permit Application

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 25 Minutes

Subject Summary:

The applicant is applying for a Conditional Use Permit (CUP) in order to have a golf cart rental and repair business at 4801 E. Oak Island Drive. The parcel id number is 235MC017. The CUP is being applied for by another party on behalf of the property owner, which is permissible. The property owner has signed the application giving his permission.

The table of uses (Sec.18-116) codifies this business type as permissible with a Conditional Use Permit from the town if it is located within the CB (Community Business) zoning district.

Uses	R-20	R-9	R-7.5	R-7	R-6A	R-6B	R-6MF	R-6MH	O & I	CB	CR	C-LD	OS	AD	Club Overlay Dist.	CUCB
Auto, watercraft, and recreational vehicle sales, rentals, and indoor repairs										<u>C</u>		P		P		C

Furthermore, additional standards specific to this land use are listed in Sec.18-226 of the zoning ordinance (see below excerpt).

(7) *Auto, watercraft, and recreational vehicle sales, rentals, and indoor repairs.*

- Storage areas for vehicles or watercraft being repaired shall be screened from view of the public right-of-way and any adjacent residentially used or zoned property.*
- A buffer meeting the requirements of [division 10](#) of this article must be installed along any property line adjoining residentially zoned or used property.*
- All repairs must take place inside a structure.*
- Vehicles or watercraft to be repaired may not be stored on the property for more than 120 days.*
- No vehicle may be stored on the public right-of-way.*

f. Lighting installed on the property must comply with the provisions for town lighting in [division 11](#) of this article and shall be installed in a manner that prevents trespass onto adjoining properties and controls glare on the public right-of-way.

From looking at the photos of the property it appears the storage area to shield the repair work is available. Fortunately for the applicant, all of the surrounding property is either a right-of-way or zoned commercial. The buffer requirements in division 10 state it is only required if a residential land use is directly contiguous with the commercial property. The ordinance standards mandate that repairs are performed inside the structure, vehicles cannot be stored in the right-of-way, and if lighting is to be installed it comply with the lighting section of the ordinance.

Given that this is for a Conditional Use Permit, even though it is an informal review it is a best practice to not discuss this hearing item outside of the meeting, either with the applicant, with one-another, or the public. This is a way to ensure fairness by having all the discussion take place in the open at the hearing. The Town Council is required to follow those same restrictions as well. If anyone has a direct or potential financial interest in this proposed project then they should make it know, ask, or recuse themselves.

The Court of Appeals approved the use of four fairly general standards for considering and approving Conditional Use Permits: (1) does not materially endanger the public health or safety, (2) does not meet all required conditions and specifications, (3) will not substantially injure the value of adjoining property, and (4) will be in harmony with the area in which it is located and be in general conformity with the comprehensive plan. With Conditional Use Permits the applicant has the burden of presenting sufficient evidence that an application meets the standards of the ordinance. Furthermore, the burden of proof that the Conditional Use Permit application meets the four standards outlined above rests with the applicant. Only the standards actually listed in the ordinance may be used as a basis for denial if such denial is predicated on the fact that all the required standards could not be met.

Official certified letters have been sent to the adjacent property owners and a sign, required by the Town zoning ordinance, has been placed at the site detailing the hearing date, time and location. The Planning Board advisory recommendation is an informal process and not a quasi-judicial hearing. Some considerations to take

into account are the health & safety of the public, potential injury to adjacent property values, undue concern to the neighbors, and the use will be in harmony with area. The Planning Board will need a quorum to vote and a simple majority is all that is needed to pass a vote. Only expert testimony is supposed to be considered. The following step is to process the CUP application to the Town Council. The CUP runs with the land regardless of whom the subsequent property owners may be. The Conditional Use Permit recommendation can be for denial, approval, or approval with recommended conditions. When determining your advisory recommendation vote, please actively keep in mind the ordinance standards and case law criteria one should meet to be granted a Conditional Use Permit.

Attachments: CUP Application, justification narrative, authorized agent documentation survey, general site map, site-plan survey, state certification, site photos, headquarter photos

Recommendation/Action Needed: Recommendation to Town Council to deny approve, or approve with conditions

Funds Needed: \$0.00

Follow-Up Action Needed: Inform applicant, forward recommendation to Town Council

Attachments:



APPLICATION FOR SPECIAL USE

Office Use Only

Date Rec'd: 3-30-17

Rec'd by: SV

Amount Paid: \$ 500

Town of Oak Island • 4601 E. Oak Island Drive, Oak Island, NC 28465 • Phone: (910) 201-8001 • Fax: (910) 278-1811

All applications for conditional use must be complete and accompanied by the permit fee of \$500 payable in cash or by check made to the Town of Oak Island. Applicants will not be responsible for any additional cost of public notices. All fees must be paid in full before a Certificate of Zoning Compliance (Zoning Permit) will be issued and before an application will be submitted for review by the Planning Board or Town Council. Applicants are responsible attending all Planning Board and Board of Aldermen meetings where this application will be considered.

In accordance with the Town of Oak Island Code of Ordinances, Chapter 18, Article 2 Section 18-221 the purpose of this division is to allow for those uses that have a potential of being incompatible with adjacent land uses. For this reason special consideration shall be given to those uses listed as conditional uses in the zoning districts as listed in Division 4 of the code of ordinances.

The reasons for requiring such special considerations involve, among other things, the size of the area required for the development of a use, the effect such uses have on any adjoining land uses and on the health, safety, and general welfare and development of the community as a whole. Approval of a conditional use does not provide a binding precedent to grant other conditional uses. A conditional use is not transferable from one parcel of land to another. Conditional uses must be approved by the Town Council. All conditional uses must satisfy all standards in Chapter 18, Article 2 Section 18-221.

The application must be reviewed by town staff before the application can be placed on the Planning Board Agenda. Please consider that review time before submitting your application. Applications will not be considered as accepted for review unless all required information is provided. Prior to the date of the review the board shall hold an evidentiary hearing on the special use permit request.

Parcel Identifier Number (PIN): 235MC017 Date: 3/29/17

Section A: Property Information

Applicant Name: Vernon W. Marley

Project Name: Pete's Golf Carts

Property Address: 4801 E Oak Island Dr State: NC Zip Code: 28465

Phone: 336-736-0835 Fax: _____ Email: petemarley@cmbargmail.com

Existing Zoning District: CB

Section C: Conditional Use Standards

In order to approve a conditional use, the Town Council must hold a hearing and find, based on the evidence presented, that the application adequately satisfies the conditional use standards identified in Section 18 – Division 8 of the Unified Development Ordinance. You are encouraged to attach any documentation supporting how the proposed project satisfies the following standards, including a statement describing separately for each standard in significant detail the facts and arguments you intend to present to the Board during the hearing:

- (1) That the use will not materially endanger the public health or safety. *No*
- (2) That the use will not substantially injure the value of adjoining or abutting property. *No*
- (3) That the use will be in harmony with the area in which it is to be located. *Yes*
- (3) 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. *Yes*
- (5) That the use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property. *No*
- (4) That the use is essential or desirable to the public convenience or welfare. *Yes*
- (7) That the use will have adequate utilities, access roads, drainage, sanitation, or other necessary facilities. *Yes*
- (8) That the use will have adequate facilities to provide ingress and egress so designed as to minimize the traffic congestion in the public streets. *Yes*

Parcel ID #(s): 235MCD17

Total Site Acres or Square Feet: 5352

Current Zoning District(s): CB

Use Classification (from Table of Uses): C, P

Project Description:

(Auto, watercraft + recreational vehicle sales, rentals + indoor repairs) (Sales of accessories + parts)

See attached

(attach a separate page is needed)

The undersigned applicant hereby certifies that, to the best of his knowledge and belief, all information supplied with this application is true and accurate:

Signature: Peter W. Marley Date: 3/29/17

Will R. Hill Jr. For Meritage Holdings LLC

Section B: Project Owner Information (if different from above)

Applicant Name: Meritage Holdings LLC

Project Name: Petes Golf Carts

Property Address: 4801 E Oak Island Pt State: NC Zip Code: 28465

Phone: 336-736-629-0835 Fax: _____ Email: petemarley@embargoemail.com

Section D: Conditional Use Standards and Requirements

Each application for a special use must include:

- ☐ An application fee of \$500.00 plus in cash or check made payable to the Town of Oak Island.
- ☐ A Site/Landscaping Plan Application with required plans containing all required information from the Unified Development Ordinance.
- ☐ A notarized letter of authorization if acting as the agent for the property owner(s).
- ☐ copies of an accurate map, site-plan, survey or plat of property showing:
 - Title Box including the project name, applicant name, and address of the property
 - Names of the owners of record for adjacent properties
 - Property lines and dimensions
 - The location and names of all adjacent street rights of way
 - Location, size, zoning designation, and total area of the property
- ☐ Directional feature of all parking spaces, driveways, and curb cuts (if applicable)
- ☐ Accurate depiction of the project to scale with layout of proposed buildings including the length, width, height, placement, and building envelope with required setbacks
- ☐ A Site/Landscaping Plan Application with required plans containing all required information
 - General location and type of stormwater facilities including preliminary stormwater report indicating pre and post retention (if applicable)
- ☐ Proposed or required buffering and landscaping
- ☐ If applicable the proposed phasing of the project
- ☐ Location of Service facilities such as dumpsters and any planned screening or treatment to those areas (if applicable)
- ☐ General location of on-site utilities and proposed tie into facilities
- ☐ All existing easements, reservations, or restrictive covenants (if applicable)
- ☐ Copies of a detailed project narrative describing the proposed use, site, and nature of the request
- ☐ Any other information deemed necessary by Development Services

Office Use Only

Planning Board Hearing Date: 4-20-17 Recommendation: _____ Staff: JV

Town Council Hearing Date: 5-9-17 Action: _____ Staff: JV

Meritage Holdings, LLC

March 29, 2017

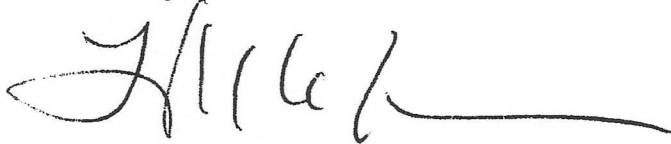
Town of Oak Island
4601 E. Oak Island Drive
Oak Island, NC 28465

Subject Property: Parcel #235MC017
4801 E. Oak Island Drive
Oak Island, NC 28465

Dear Sir/Madam:

Marjo Craven Marley and Vernon Wayne Marley, dba Pete's Golf Carts of 1540 Nance Road, Franklinville, NC 27248, and also of 220 NE 61st Street, Oak Island, NC 28465, are hereby granted authority by Meritage Holdings, LLC to represent the application of Conditional Use for Pete's Golf Carts for our subject property located at 4801 E. Oak Island Drive (Parcel #235MC017).

Sincerely,

A handwritten signature in black ink, appearing to read 'H. McLean', with a long horizontal flourish extending to the right.

Harry Ardrey McLean, Member/Manager
Meritage Holdings, LLC
75130 La Sierra Drive
Palm Desert, CA 92211

Registered Office:
4022 Old Bridge Road SE, Suite C
Southport, NC 28461

Principle office:
132 Raymond Circle
Lexington, SC 29072

Application for Special Use Supporting Information

Property: Parcel # 235MC017
4801 E. Oak Island Drive
Oak Island, NC 28465

Current Zoning and Use Classifications:

Zoning District: CB (Community Business)
Use Classification: P (Office, Retail (auto, watercraft and recreational vehicle accessories and parts))

Proposed Zoning and Use Classifications:

Zoning District: CB (Community Business) NO CHANGE
Use Classification: P (Office, Retail (auto, watercraft and recreational vehicle accessories and parts)) NO CHANGE
Additional Conditional Use Classification Proposed: C (Retail auto, watercraft, and recreational vehicle sales, rentals and indoor repairs)

Proposed Business Description and Reason for additional Use Classification:

The proposed business is an electric golf business with golf cart sales (along with related accessories and parts) and indoor repair of electric golf carts. The current use classification (P) allows for the sales of the parts and accessories, but this business is not believed to be economically viable without the sales of the carts themselves and the supporting repair of electric golf carts. Therefore, it is requested that an additional Conditional Use classification (C) be permitted to allow for the cart sales and indoor repair.

The proposed business is experienced in electric golf cart sales and related services and has a business in

Asheboro
~~Franklin, NC~~

Business and Conditional Use Standards:

1. The proposed conditional use is not believed to not materially endanger the public health and safety.
2. The proposed conditional use is not believed to negatively impact the value of adjoining properties, as from all visible appearances it is compatible with other retail spaces along Oak Island Drive. Any repair work will be done inside.
3. There are many electric golf carts in use on Oak Island. This additional quality service for sales of carts and related sales of parts and accessories (as well as golf cart repair) would be beneficial to current and future owners of electric golf carts in the area.
4. The proposed business is not anticipated to be a heavy traffic business (like nearby restaurants) and so the related automobile traffic for this business would be negligible.
5. No additional designated parking space would be needed for this business. See plat for current parking. Except with the addition of a designated handicapped parking space years ago, the designated parking has remained unchanged, as can be seen from the survey plat dated April 21, 1997.

Pete's Golf Carts is a family owned and operated business that started as a hobby in 1982 and then became my full time business in 1988. Our family has been going to Oak Island since the 60's. My wife spent many years living at Oak Island while her father helped build the Nuclear Power Plant in Southport. So Oak Island holds a special place in my family's heart. Over the years we have served lake communities and now those customers have moved to the coastal region of North Carolina. Our dream has always been to one-day venture back to Oak Island. We bought our beach home in September of 2014 to have a place for our family to vacation as well as a place to spend the night when we would do service calls and deliver golf carts to the coast. This opportunity will offer the community the convenience of having an experienced, trust worthy golf cart shop that would offer sales, repair, and rentals of street legal golf carts. By having my business directly on the island I can serve the community more efficiently by allowing them easy access for repairs and rentals. This will in turn be more cost effective and desirable for the community because they will not have to pay pick up and delivery fees. Not only is this beneficial for the community but also the town because the tax money will stay here. This property that we are trying to rent will remain appealing to the eye, as the golf carts will be stored inside when the business is not open. We have always been known for our superior tidiness and plan to do the same here. As we will be using the existing buildings, we will not be endangering the integrity of surrounding businesses.

A handwritten signature in cursive script that reads "Pete's Golf Carts". The signature is written in dark ink and is located at the bottom of the page.

1. No, we will not be doing anything that could harm the health or safety of anyone or anything. We will only be performing minor repairs of golf carts and anything that is extensive will be brought back to our business at our Asheboro location. We will only be working during normal operating hours and repairs will only be done indoors. Therefore, noise will not be a factor as well.
2. This will not injure the value of adjoining or abutting properties because this location is already zoned commercial along with all property connecting.
3. Yes, we will be in harmony with the area that the business will be located at because the business is in an area that is surrounded by commercial properties.
4. Yes the business will be in conformity with the Land Use Plan and Thoroughfare Plan because it is already in an area zoned commercial where there are already other businesses.
5. The business will not impair the integrity or character of the surrounding area and will not adversely affect the safety, health, morals, or welfare of the community or the immediate neighbors of the property because we will be a business that obeys all local and government laws. Only serving the

community a convenience. Street legal golf carts are only electric motorized vehicles therefore, it is safe for the environment and does not emit noise.

6. Yes, this business is essential and desirable to the public convenience and welfare because golf carts are the way the beach community and vacationers travel around the island. We will be offering this convenience by having golf carts easily accessible for purchase and rental.
7. This business will have adequate access and utilities as there is already a center turning lane and a side road for easy departure from the highway. We will have all utilities that are mandatory for businesses to operate for the public.
8. Yes, there will be no traffic congestion on the public streets as we have a parking lot, a center turning lane, and easy access from a side road. So, there will not be an endangerment to people trying to access this business.



4801 E. Oak Island Dr.

Oak Island





Headquarters in Chatham County



Headquarters in Chatham County



Headquarters
in Chatham County





Headquarters
in Chatham County

From: Marsha Lovin Ferrell

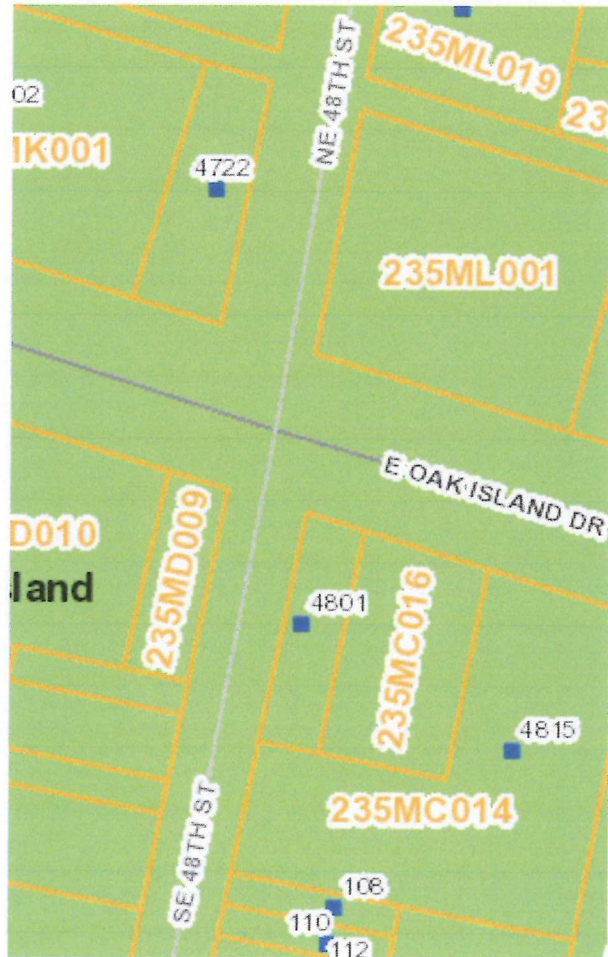
marsha@marshalovin.net

Subject: wil this do?

Date: Mar 29, 2017, 8:33:35 PM

To: Shannon Hill shannonwhill@gmail.com

Cc: marjomarley@embarqmail.com



PID# 235MD009 TOWN OF OAK ISLAND

PID# 235MC014

SECURITY SAVINGS & LOAN ASSO. S/P

SOUTHPORT BRANCH

Mailing Address:

PO BOX 10069
SOUTHPORT, NC 28461

PID# 235MC016
NEWBRIDGE BANK
Mailing Address:
PO BOX 867
LEXINGTON, NC 27293

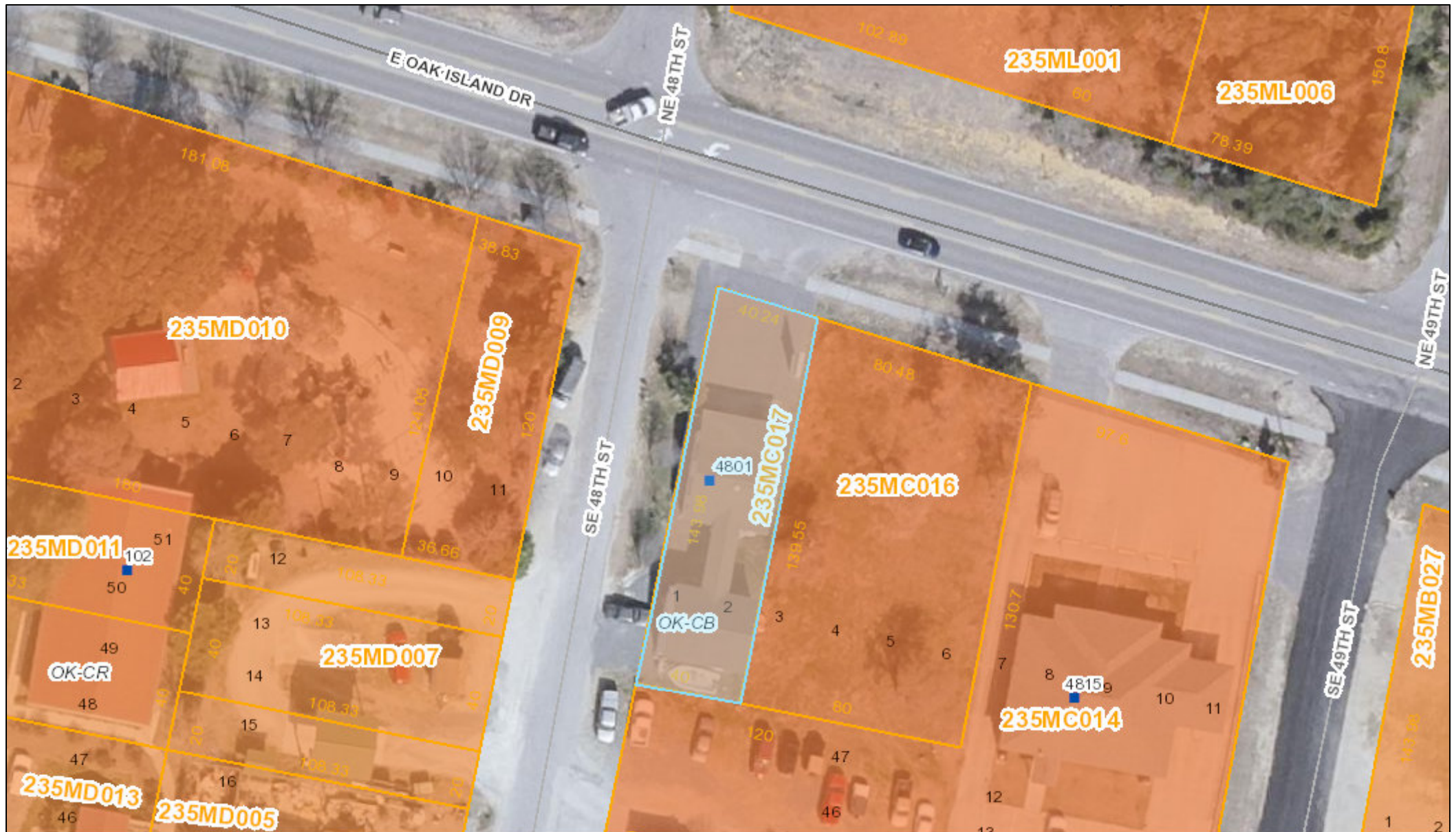
PID# 235ML001
ISLAND INN MOTEL LLC
Mailing Address:
PO BOX 884
OAK ISLAND, NC 28465

PID# 235MK007 (4722 OAK ISLAND DR)
ALLEN CARLAND ETUX HILDA S
Mailing Address:
220 GERDA AVENUE
HOLDEN BEACH, NC 28462

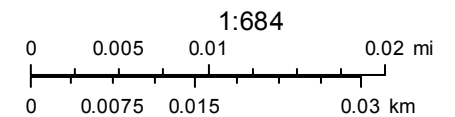
PID# 235MC017 SUBJECT PROPERTY

Marsha Lovin Ferrell

Brunswick County GIS Data Viewer



April 3, 2017



STATE OF NORTH CAROLINA
DEPARTMENT OF REVENUE

THIS IS TO CERTIFY THAT THE PERSON OR FIRM OR CORPORATION NAMED HEREON HAS PAID THE TAX REQUIRED BY LAW AS HEREON PROVIDED AND IS ENTITLED TO ENGAGE IN THE BUSINESS OF A MERCHANT, WHOLESALE, RETAIL OR BOTH.

THIS LICENSE IS VALID AS TO THE BUSINESS OF REGISTRATION, A BUSINESS TO SELL THE BUSINESS OF PERSONS AND AS TO THE ADDITIONAL TAX ON RETAIL SALES.

FEE \$5.00

DATE ISSUED		
MO.	DAY	YEAR

MERCHANTS CERTIFICATE OF REGISTRATION

PETES GOLF CARTS & EQUIPMENT
PAINTING
VEHICLE REPAIRS
AT 1 BOX 53
FRANKLINVILLE NC 27203
203 2 076 16121

SECRETARY OF REVENUE

John J. Lawrence

STATE OF NORTH CAROLINA
DIVISION OF MOTOR VEHICLES

THE COMMISSIONER OF MOTOR VEHICLES OF THE STATE OF NORTH CAROLINA HEREBY CERTIFIES THAT PURSUANT TO CHAPTER 1243, SESSION LAWS OF 1955, THE BELOW NAMED PERSON OR FIRM HAS BEEN LICENSED AS A MOTOR VEHICLE DEALER TO ENGAGE IN THE BUSINESS OF SELLING MOTOR VEHICLES UNTIL APRIL 30, 2017.

LICENSE NUMBER	MANUFACTURER-EXP	DATE ISSUED
0075044	04/30/2017	MARCH 30, 2016

PETES GOLF CARTS
3776 US HIGHWAY 64 E
ASHEBORO, NC 27203-8461

RANDO

INDIVIDUAL
PETES GOLF CARTS.

IN TESTIMONY WHEREOF, HIS NAME IS HEREUNTO
SUBSCRIBED AT RALEIGH, THE DAY AND YEAR SET
OPPOSITE THE LICENSE NUMBER ABOVE.

Keely J. Thomas

COMMISSIONER OF MOTOR VEHICLES

By 290(a) The license of new motor vehicle dealers, when shown at the time of sale, shall be conspicuously displayed in each such premises, along with the license of new motor vehicle dealers, when shown at the time of sale, shall be conspicuously displayed in each such premises.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

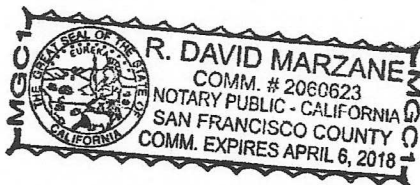
A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
 County of Riverside)
 On March 29, 2017 before me, R. David Marzane,
 Date Here Insert Name and Title of the Officer
 personally appeared Harry Ardrey McLean
 Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]
 Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Individual ☐ Attorney in Fact

☐ Trustee ☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

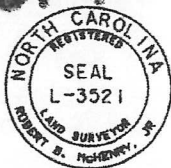
4801 E. OAK ISLAND DRIVE

STATE OF NORTH CAROLINA
BRUNSWICK COUNTY

I, ROBERT B. MCHENRY, JR CERTIFY
THAT THIS MAP WAS DRAWN UNDER MY
SUPERVISION FROM AN ACTUAL FIELD
SURVEY MADE UNDER MY SUPERVISION;
THAT THE RATIO OF PRECISION AS
CALCULATED BY LATITUDE AND DE-
PARTURES IS 1:10,000; THAT THE
BOUNDARIES NOT SURVEYED ARE SHOWN
AS BROKEN LINES PLOTTED FROM IN-
FORMATION FOUND IN BOOKS REFER-
ENCED.

WITNESSED MY HAND AND SEAL ON THE
22nd DAY OF APRIL A.D. 1997

LAND SURVEYOR'S NO. L-3521



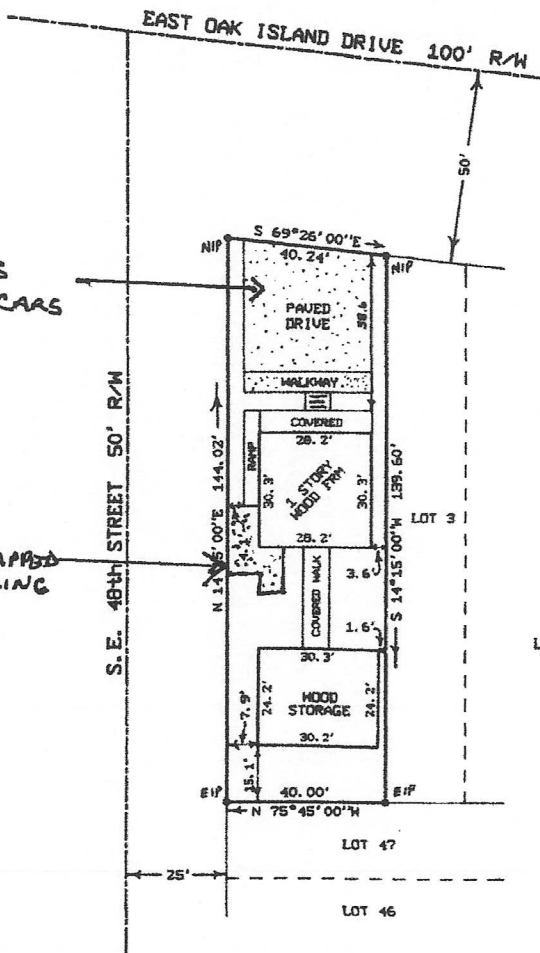
NOTE: A PORTION OF PROPERTY LIES IN FLOOD HAZARD
ZONE "RE" BASE ELEVATION 14'. THE ONE STORY
WOOD FRAME SHOWN HEREON LIES IN ZONE "X";
DEFINED AS "AREAS OF 500 YEAR FLOOD." REF:
F.I.R.N. COMMUNITY NO. 375354 PANEL
NUMBER 0004 SUFFIX "E" DATED 5/93.

MAG NORTH 157°



PARKING
FOR 6 CARS

HANDICAPPED
PARKING



BLOCK 151
SECTION N-1
LONG BEACH, N.C.
MB 13 PG 10 B.C.R.

REDUCED COPY
SCALE NOT PRECISE

PLAT OF SURVEY FOR:

N.C. FRATERNAL ORDER OF POLICE

LOT: 1 & 2

BLOCK: 151

SECTION: N-1

CITY OR TOWN: LONG BEACH, NORTH CAROLINA

SMITHVILLE TOWNSHIP

BRUNSWICK COUNTY

DATE SURVEYED: APRIL 21st, 1997

BY: FS/RH

SCALE: 1" = 30'

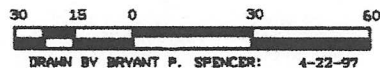
JOB NO: 970386

FIELD BOOK: LB-65

MCHENRY SURVEYING

REGISTERED LAND SURVEYORS
P.O. BOX 433 105 S.E. 46th STREET
LONG BEACH, NORTH CAROLINA 28465
TEL: 910-278-9874

LEGEND:
NIP = NEW IRON PIPE SET
EIP = EXISTING IRON PIPE FOUND
TBM = TEMPORARY BENCHMARK



DRAWN BY BRYANT P. SPENCER: 4-22-97

970386