



# 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 March 13, 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:** (09/27/2016, 02/16/2017, 02/20/2017)
4. **Public Comment:** Please state your name and address for the record.

### II. OLD BUSINESS

### III. NEW BUSINESS

1. **Conditional Use Permit – Dwelling in Principal Business** (informal review)
2. **Conditional Use Permit – Pine Forest Phased Development Plan** (informal review)
3. **Text Amendment -- Shared Beach Access Walkway**

### IV. REPORTS/UPDATES

1. **Board Member Reports**
2. **Staff Reports –**
3. **Updates from Council Meeting –**

### V. OTHER

**Future Meetings:** March 23, 2017 (UDO), April 20, 2017 (Planning Board)

**Adjournment**

MINUTES  
PLANNING BOARD  
SEPTEMBER 27, 2016—2:00 PM  
TOWN HALL—COUNCIL CHAMBERS

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, Board Members Bob Germaine, Cathy Bowes, Helen Cashwell, Bob Carpenter and Clay Jenkins, Town Planner Jake Vares and Administrative Support Specialist Debbie Lasek.

Chairman Manos called the meeting to order at 2:05 p.m. He led the Pledge of Allegiance and gave the invocation

Agenda: Ms. Cashwell added a discussion of street ends and a discussion of Lucas Cove under Old Business.

Minutes: Regarding the August 18, 2016 Minutes Ms. Lasek will review the audio and make a correction if needed on page 2. **Mr. Germaine made a motion to approve the Minutes. Mr. Carpenter seconded and the motion passed unanimously.**

Old Business:

Lucas Cove Development: Ms. Cashwell asked when the Town would review the zoning regulations in the permitting process. Mr. Vares explained the five step-process; the initial step is a staff review, which includes ensuring compliance to zoning regulations. Ms. Cashwell asked how staff let the Lucas Cove developer go around the Planning Board and ask for a variance for something that was not allowed in any of the Town's zones. Mr. Vares explained that could apply for a variance; even if it does not meet all four criteria, it is still their right to apply for a variance. He also said that variances go to the Board of Adjustment, not the Planning Board. Ms. Cashwell said that developer chose to apply for a variance instead of coming before the Planning Board. She also expressed concern about the lack of a 4-foot catwalk and said that would make all piers on private property non-conforming. Mr. Vares explained that a variance for one property would not affect approved development on other properties. Ms. Cashwell asked how everything in the application could be approved; Mr. Vares explained that the other parts of the application already complied with Town ordinances. Ms. Cashwell said if the UDO does not pay attention to zones, she would say that all of this is moot. Mr. Vares said the UDO is not adopted yet, and he has to enforce what is in effect now. Ms. Cashwell again questioned the approval of the final marina; Mr. Vares said it was not permitted as a marina as it does not meet the Town's definition. The definition of a marina is in the Town's ordinances. Mr. Carpenter questioned Mr. Vares' interpretation of marina. Mr. Vares said that the ordinance defines a marina as having a pump-out facility and two other commercial uses; the Lucan Cove dock does not meet that definition. He also said that our ordinance is poorly written, and that in spite of a CAMA or other definition of a marina, he cannot use them to enforce. He can only use the Town's zoning ordinance. Mr. Carpenter said the only difference was "or" in the CAMA regulations, and "and" in the Town ordinance. He has spoken to Heather Coates at the Division of Coastal Management; she said when it gets approved, they will label it as a marina. They continue to say it is not a marina, but then add special conditions as if it were a marina. Mr. Carpenter said the Board of Adjustment wanted to table it for clarification but the Town Attorney steered them away from this; he said the attorney also steered them away from saying it was a marina. Mr. Carpenter also said he felt that the Town Attorney played an "oversized role" in shaping that discussion; this was apparent to everyone in the room. He also said he felt that everyone says it's a marina, but the Town says it's a pier. Mr. Vares said if they want to change the definition of marina, that is the role of the Planning Board and he can get a text amendment rolling; however, he has to use the definition on the books at this time. Ms. Cashwell again questioned he definition of marina and Mr. Vares said that we do have a

definition of a marina, and that this did not meet the definition of a marina. There was continued discussion on whether this was a marina or a dock. Mr. Carpenter said there is just so much wrong with this, and the only way this could pass was “lawyerly gymnastics” because only a lawyer could find enough gray area to confuse the situation. He said thinks the developer was steered away from the Planning Board. He also said that he voted for this development. Mr. Vares said he cannot withhold any information from a developer, and would consider it unethical to not provide all the options to a developer. Ms. Pacula asked Board members Carpenter and Cashwell what they wanted. She said they have exhausted this topic. Ms. Cashwell said that she wanted to know when a “major development has to come and answer for a non-conforming use that never happened.” Mr. Carpenter said that his concern was “legal gymnastics.” There was further discussion from the Board members regarding the process of this subject going before the Board of Adjustment. Mr. Carpenter said that it was the Town’s lawyer who “went around the rules.” Chairman Manos said that the Planner can say it is appropriate, but he thinks that someone should not be able to file for a variance at any time. He said he felt it was clearly is a marina, regardless of the circumstances, however, it is done. Ms. Bowes said there is a large perception in this community that builders can get around with stuff. Mr. Carpenter recounted the two cases before the Board of Adjustment and said that both cases created their own hardship, in his eyes. There was continued discussion regarding the Lucas Cove variance application.

#### NEW BUSINESS:

CR Zoning District: Chairman Manos said the Town has a lot more CR than he thought it had. He questioned the CR on 40<sup>th</sup> Street; Mr. Edwards clarified it was CB. There was further discussion about the map. Mr. Vares clarified that this map was custom made for the Planning Board and explained what was contained on the map. After further discussion, Mr. Jenkins said that if they don’t allowed single family in there, it will remain undeveloped. Chairman Manos pointed out there are three 50-foot lots on West Beach that are not zoned residential, and suggested doing that so it will all be conforming. That way no commercial could come into the middle of a residential zone. He asked about the lots next to the Beach Pantry; he wondered if there was any CR in there. Mr. Edwards answered that it was zoned CB. Ms. Pacula asked if this was not spot zoning; Chairman Manos said that, as there were several owners, they are only trying to correct the zoning. The condos on 58<sup>th</sup> Street were allowed as a CUP. Mr. Jenkins said he can see the Chairman’s point, but does not feel it is worth changing the zoning for one block. There was no action taken. Mr. Vares said this map could be used for discussion at the UDO meeting.

Large Home Text Amendment: Mr. Germaine said that all they need to do is look at advertisements for these large homes; Beach Mountain had 33 cars there recently, and there were people climbing on the roof. He noted that the advertisement notes that it can accommodate like a Bed & Breakfast, which is a business. These large homes are getting around the Town’s ordinances, yet they are able to advertise their business. He stressed that these houses must be able to accommodate the necessary parking. Ms. Paula asked if she had to accommodate parking for 30 guests of she has a party; Mr. Germaine said yes and said that’s what he did when he hosted his daughter’s wedding. Ms. Bowes said they should be more specific and say what it means to “not materially endanger the public’s safety.” She said they need to close any potential loopholes and strengthen this. Chairman Manos said the problem is the more specific one gets, the more one is confined by those very specifics. He said he does not like restricting people from being able to build what they want. The 5,000 square-foot limit is pretty strong, in his opinion. He said it is reasonable to put some limit on the size of the lot needed to build a home larger than 4,000 square feet, but that they should specify that the 4,000 square feet covers only the heated and cooled square feet and not decks or porches. He also said the parking specifics need to be changed as there is not a parking lot on any of these properties. It would be better to be a little more general in section E. Ms. Pacula again questioned the parking requirements; Chairman Manos said this applied to anything over 4,000 square feet. After further discussion, Chairman Manos said he would like to see some general language that does not mandate that all requirements be met with a CUP. Mr. Vares said that all conditions that are specified

must be met. Ms. Bowes said that public health and safety would definitely be a part of parking and sewer. Mr. Germaine expressed concern that emergency vehicles would not be able to access these properties. He also expressed concern that the sewer was built for 3.5 people per house. Chairman Manos said they cannot limit the parking completely at the houses, but they can say that if they build a 15-bedroom house they must ensure they have enough parking for the occupants of the house. Mr. Jenkins said there are already rules in place to handle this; Ms. Cashwell asked again who is going to pay when the pump stations blow up. Mr. Edwards confirmed that extra capacity is already handled, and that a developer would have to pay for the additional cost of infrastructure; however it will probably not be a pumping station. They have reviewed the new home planned in Kings Lynn, for example, and have determined that a new pit will be required. Ms. Cashwell again brought up the size of the pipes and said we are totally ignoring what the design of the system was built for. Mr. Edwards disagreed and said they are not totally ignoring this. Chairman Manos returned to the possible additions to possibly preclude someone from building, such as ingress and egress with widths of at least 10 feet (he would like to see 12 feet). He continued to review the Text Amendment; Ms. Bowes took exception to letter H. Mr. Vares explained that if there is opposition to a CUP, and neighbors provide documentation, it helps to have documentation from the applicants themselves. There was further discussion. This section will remain, but with changing the word to "may." Regarding lighting, Mr. Vares explained it is in Chapter 18, the shielded lighting requirement. Mr. Vares explained that this is already required, to prevent light pollution into the neighbors; Chairman Manos indicated they would like to leave this in. He questioned the whole idea of the lighting; maybe they should include something that the lighting should not be higher than the first level of the residence. There was further discussion regarding lighting. Chairman Manos mentioned screening for garbage cans; he mentioned the possibility of requiring covers for the garbage cans so the cans can't be seen from the second story of a neighboring residence. There was also discussion regarding polycart corrals; Mr. Edwards explained that they are not required now. Mr. Jenkins said they should not require any covering, he would like them to be wheeled underneath the houses. Corrals were originally built to prevent trash cans falling over. There was further discussion regarding the screening and covering of trash cans. Ms. Pacula questioned which districts would require screening. Chairman Manos suggested taking out division 10; Mr. Vares said he included it on advice from Dale Holland. Chairman Manos suggested "screen it from view from the outside." Water and sewer, per Mr. Vares, may be redundant but he included it. Ms. Bowes suggested increasing the side setback; there was further discussion. Ms. Pacula brought up the 5,000 plus square-foot house in Barnes Bluff; she asked what the difference is between the island and the mainland. After further discussion, Mr. Carpenter asked what setbacks the Board was going to recommend. Ms. Pacula again stressed that they are affecting all these other areas when in effect they are attempting to regulate rentals. Chairman Manos said he thinks that setbacks should be larger than 8 feet. After further discussion, consensus was to increase the side setbacks to 10 feet for large houses. Mr. Edwards suggested including the square footage inside enclosed walls. After further discussion, the Board decided to include the words "heated or cooled." Mr. Vares said this was in relation to the floor/area ratio. Chairman Manos suggested waiting to discuss this with Mr. Holland. Mr. Carpenter asked about requiring a sprinkler system in houses greater than 3,999 square feet; Mr. Edwards said they cannot enforce fire codes on single-family homes.

Kelley Germaine said that she has a hard time considering these large homes as single family, when they are built by an LLC and even advertised as a Bed & Breakfast. She questioned that if a family is building it, can't the family be required to spend time in that home. Also, she stated they are advertising it "like a Bed & Breakfast."

Mr. Jenkins said that a 4,000 square-foot house can be built on an interior lot, and that it can be a non-intrusive house. If they meet the setbacks and the regulations, then the 15,000 square-foot lot should not be required for a 4,000 square-foot home. There was additional discussion regarding house sizes and the number of floors. Chairman Manos said the purpose was to actually have some control over the building of some of these mega structures that was, in the opinion of many, damaging to our infrastructure the



island, and our values. He said Ms. Germaine's point was valid, if one is really trying to control those structures. He also said Mr. Jenkins' comment on it being a 15,000 square-foot lot is technically excessive, in that it would work if they were simply trying to get them to build their bigger house on a bigger lot. However, every time they try to do something, someone says "you can't do that." He said no one had come up with how they can try to control this stuff. He knows that Mr. Vares tried to look into this, and that in Isle of Palms they basically outlawed the larger homes that were used strictly as hotels which was robbing their island of the "essence" it was known for. He also noted the CPAC tried to maintain the feel of the island. He said he does not want to stop someone from building their dream home; he simply wants to stop the people who come down here and build a large rental business. He said he does not believe any of these people who build these large houses have any intention of living in these houses. Ms. Cashwell suggested looking at the fees, as we are basically giving the island away. Chairman Manos said he would love to increase the fees; Ms. Pacula stated they did raise fees. Mr. Edwards said they just collected impact fees of \$28,000 on one house; the best tool they have found to regulate these large homes is the CUP. They continually run into laws that prevent them from restricting these homes. He is now actively partitioning the Insurance Commission on these large homes and may have to try to get a Local Act about exceeding state building codes. Wooded section lots are approximately 55x150 on the beach, and 55x120 in the woods. Mr. Edwards said that the floor to area ratio will help in preventing overbuilding on a lot; Mr. Carpenter suggested 13,000 feet as being more equitable; Chairman Manos and other board members agreed that it was more equitable. Chairman Manos said E should include parking spaces with a 12-foot ingress/egress area, and all parking confined to the lot. They wanted to include F; G will be included with slight adjustments; in H, "must" will be changed to "may" in providing documentation. Mr. Edwards said this was subjective, but Ms. Bowes said that this would be required before the CUP was issued. Mr. Vares reminded them that these are quasi-judicial proceedings. Chairman Manos confirmed that Division 11 is in regards to lighting; J provides screening for garbage receptacles under the house. Mr. Edwards explained who provides water and sewer provisions; they must show this before being issues other permits. Side yard setbacks will be 10 feet, and 4,000 square foot houses can only be built on 13,000 square-foot lots or larger. Mr. Vares said that letter N came from Currituck County's suggestion; CAMA setbacks are excluded, and also on the waterway. Mr. Jenkins said if a lot is 150 feet with 75-foot CAMA setbacks, this would affect the size of the house. Chairman Manos wanted to take out the CAMA setbacks; Ms. Cashwell said they would have more building in wetlands. Mr. Edwards said they would be removing the buffers. The CAMA setbacks language will be removed.

Chairman Manos then moved to the language in the second paragraph, with examples. Mr. Vares clarified that he would move some of that language into 25.

**Ms. Bowes made a motion to approve with the changes made. Mr. Carpenter seconded. The motion passed 5-2 with Chairman Manos and Board members Bowes, Carpenter, Cashwell and Germaine in favor and members Jenkins and Pacula opposed.**

Street ends: Ms. Cashwell added this because citizens are using street ends to their advantage. At 1902 E. Pelican, they have blocked access to the water, and also on NE 38<sup>th</sup>. Ms. Bowes also mentioned that someone has actually fenced off the waterway, with a sign to not move the barricade. There was further discussion about the state of the street ends. Ms. Bowes asked about the rules for street ends; she sees construction people parking their trucks there all the time on rights-of-ways. Mr. Edwards said they are not supposed to block the roads; you can park, but you are not supposed to block them. Ms. Pacula asked about mowing on the rights-of-way; Public Services Director David Kelly is working on this according to Mr. Edwards. Ms. Cashwell asked about someone renting the entire beach; Mr. Edwards said they had no right to block off Town parking. Mr. Edwards added that he and Mr. Vares have been discussing the street end situation.

Chairman Manos asked about the Development Line; Mr. Edwards said it was conditionally approved September 14 with one area that needed to be corrected in order to prevent development of public trust land from E 49<sup>th</sup> to E 58<sup>th</sup>. Mr. Vares said there were two other conditions from the CRC; it must be brought before Council and then verification must be provided. The Tree Protection Ordinance comments have been submitted to the arborist. They will set up a meeting discuss the tree ordinance. The revised draft will be substantially changed after all the comments they have received.

Regarding the UDO, Mr. Vares said they are “far, far” behind even after the additional meetings. At the last meeting, it was halfway through the meeting before the Board started discussing the draft UDO. It is a taxpayer contract, and the Board owes it to the taxpayers to come in on budget; he encouraged the Board to stay on task. At the last Council meeting, the Plans and Specs text amendment was tabled; he plans to try to explain it more succinctly at the next meeting.

**Mr. Carpenter made a motion to adjourn at 4:26 p.m. Mr. Germaine seconded and the motion passed unanimously.**

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Ted Manos, Chairman

Attested: \_\_\_\_\_  
Lisa P. Stites, CMC  
Asst. Town Manager/Town Clerk

MINUTES  
OAK ISLAND PLANNING BOARD  
FEBRUARY 16, 2017 –10:30 A.M.  
TOWN HALL COUNCIL CHAMBERS

Present: Vice-chairman Denise Pacula, Board members Bob Carpenter, Helen Cashwell, Clay Jenkins, Town Planner Jake Vares and Administrative Support Specialist Debbie Lasek. Chairman Manos was not present. Also excused were Board members Cathy Bowes and Bob Germaine.

Vice-chairman Pacula called the meeting to order at 10:30 a.m. and led the Pledge of Allegiance.

Additions to Agenda: After some discussion regarding additions to the Agenda, the Board agreed to add two additional sets of minutes from January 12<sup>th</sup> and January 19<sup>th</sup> for approval. Mr. Vares said that David Kelly would like to meet with the Board members on a one-on-one basis to discuss sewer capacity, and suggested moving on to the next item.

**Ms. Cashwell made a motion to approve the Agenda as amended. Mr. Jenkins seconded, and the motion passed unanimously.**

The Board reviewed the minutes of January 12 and January 19, 2017 and found no corrections. **Mr. Jenkins made a motion to approve the minutes. Mr. Carpenter seconded and the motion passed unanimously.**

There were no public comments or Old Business items.

New Business: In regards to sewer capacity, Mr. Vares said Mr. Kelly would have information to provide the Board members on a one-on-one basis, and that he would also provide graphics and information on stormwater. Mr. Carpenter asked Mr. Vares if building permits were submitted along with data on the sewer and pumping stations that they would be using. Mr. Vares said that building permits are checked for zoning-related matters and state building code compliance, then it goes to be reviewed by Public Works and Utilities to verify that there is enough capacity. Mr. Carpenter questioned whether builders made requests regarding specific sewer capacity. Ms. Pacula questioned him as to this line of questioning, and Mr. Carpenter said he was looking for a source of information for a builder and wondered whether the Town updated the capacity numbers online. Ms. Pacula said one of the first parts of the building permit process goes to Public Works, which must give approval before a building permit can be issued. Ms. Cashwell said what she saw on the form was all cost related and not capacity related. Mr. Carpenter said that it should be part of the permitting process; there should be a number that is lower than 100% that is viewed as full capacity in order to handle peak periods. Ms. Pacula questioned how every existing house would be taken into account and determined, and said they could never get to 100. Mr. Carpenter again questioned how capacity and peak times were involved and stated he was just looking at mathematics. Ms. Pacula suggested waiting to have this discussion with Mr. Kelly; Mr. Vares agreed that these are great questions for Mr. Kelly, and he will be able to provide detailed answers for the Board members.

Lighting Text Amendment: Mr. Vares said this amendment would provide additional clarification to the definitions for the lighting ordinance. Occasionally there are encroachment cases that are difficult, and that usually the police receive the calls as the complaints come after regular business hours. Mr. Vares said the current ordinance is not well written and provided a few examples. They are looking for a quantifiable measurement to use to determine compliance. This takes the qualitative factor out of it. Mr. Vares said a light meter is \$100-\$200, and that the purchase would wait until after Council approval. Mr. Carpenter asked about grandfathering in certain factors, and the presence of lights on poles that are taller than the house on the lot and the different disbursement of light. Using the lumen light meter will eliminate any questions in regards to outside lighting. There was further discussion regarding existing

lights and alleged violations. Mr. Vares said the case that spurred this action was motion-sensored flood lights that a neighbor claimed were shining in his yard every time someone came by. This could be a potential violation depending on what the reading turned out to be. Ms. Pacula noted that she has seen many of these pole lights on the back of properties. Mr. Carpenter said he sees these lights on double lots as security, but he wondered what they would do with differing readings of the lighting. Mr. Jenkins suggested that they could reduce the wattage of the bulb and avoid taking the pole down; he does not think he has seen one that would be offensive. Mr. Carpenter noted that he would never try to take a pole light down. Mr. Jenkins then noted the definitions of light trespass; he asked about the adding on of oceanfront properties; Mr. Vares said he found out the intent of that ordinance was to protect the turtles during nesting season. Mr. Jenkins said that it appears to be that there is no light trespass except for oceanfront property and said clarification was needed for the interior of the island as it would be an offsite illumination issue instead of a light trespass. Mr. Vares said he could add wording into the offsite illumination to provide clarification if needed, but Mr. Jenkins said he was just making a point. It is not light trespassing but offsite illumination per Mr. Jenkins. After further discussion, Mr. Vares explained how they would determine the light meter readings of offsite illumination on any property.

Chairman Manos arrived at the meeting at 10:48 a.m.

Mr. Jenkins said he brought it up in order to address this, as someone could find that little note in there, and that as long as the Town could enforce it, he would be fine with it.

Chairman Manos noted that he was present, but would leave the gavel with Ms. Pacula.

Mr. Jenkins again said that he wants to make sure that the Town is covered and the ordinance is enforceable. Ms. Cashwell agreed and noted that often people put floodlights on the side of their house, and Mr. Jenkins was concerned that people would need to address an “offsite illumination issue” instead of a “light trespass” except for oceanfront. The Board suggested moving “oceanfront properties.” Mr. Vares agreed that this was a good point. After further discussion, the Board offered the suggestion of tying it to offsite illumination and the .3-foot candles. Ms. Pacula asked whether the “light trespass” refers to only the ocean side of oceanfront properties. Mr. Vares said he could find a way to word it as described but Chairman Manos said he would need to bring it back to the Board. Mr. Vares said if the Board is comfortable, he could write something up or they could hash it out now. After further discussion, “light trespass as defined by offsite illumination standards means the shining of light produced by a light fixture beyond the edge of the property on which it is located; any light trespass occurring on oceanfront properties during turtle season is not allowed” was suggested by Chairman Manos, and the Board suggested writing in something about oceanfront properties and lighting on the ocean side during turtle season separately as Mr. Jenkins had described.

**Chairman Manos made a motion to adopt the text amendment as amended. Mr. Jenkins seconded and the motion passed unanimously.**

Hazardous Tree Text Amendment: Mr. Vares said that Tree City has reviewed this amendment and given positive feedback. It provides clarification of procedures for hazardous trees and provides deadlines for compliance. Mr. Carpenter suggested a period of five days to get a contract in addition to the ten days to take care of the hazard in order to recognize a good faith effort that would cover the homeowner in case the contractor was delayed. Ms. Pacula said she reads the amendment as the homeowner has ten days to provide information to the Town that action is being taken. Mr. Vares said that he would be worried about adding in this wording as the Board is describing, as it could tie Staff’s hands. Mr. Carpenter said he read it as they would only have ten days, according to the last paragraph and that it does not allow for any variables. Mr. Vares explained that this section is there for clarification regarding coming into compliance in ten days, but that this is where staff discretion comes in to play. Mr. Carpenter restated that he does not want to see a homeowner be fined for something beyond his control and they are not able to get the work completed. Ms. Pacula expressed concern over part D regarding the homeowner’s responsibility and

insurance; there was discussion regarding everyone's history regarding this type of incident. Ms. Cashwell questioned the cost for equipment to be purchased on the proposed text amendment follow up action; Mr. Vares explained that this was a typo. Ms. Pacula noted that this amendment was really just changing from two to ten days.

**Mr. Carpenter made a motion to accept the text amendment as amended. Chairman Manos seconded and the motion passed unanimously.**

Brunswick County Greenway/Bikeway Plan Adoption: Mr. Vares gave a brief history of this plan, the public outreach involved and the Town's involvement during the process. The County Parks and Recreation department has also approved the plan. He explained that Review Planning documents are at the core of the Planning Board's responsibility, and what was available online. Mr. Jenkins said he had reviewed them all, and it seems that Oak Island goes above and beyond; we were more receptive, had more miles and had more access to the water than other communities. Chairman Manos asked if it infringed on property, and Mr. Jenkins said no but that he worried that it would affect speed limits. Mr. Vares explained that DOT reviews all the details in setting speed limits, and knows those considerations were taken into account. He clarified that DOT can only set speed limits on state roads; Mr. Jenkins noted that he was just concerned about the 45 mph speed limits on these roads designated as bike paths, such as Yacht Drive and Beach Drive. Mr. Vares explained that speed limit changes have historically not gone through and recounted a recent motion regarding Yacht Drive. Mr. Vares said he is looking for a recommendation from the Planning Board to the Council for approval.

**Ms. Cashwell made a motion to recommend to Town Council the approval of the Brunswick County Greenway/Bikeway Plan. Mr. Carpenter seconded and the motion passed unanimously.**

Board Member/Staff Reports: Chairman Manos noted he was tired due to his long flight and had just returned to Oak Island; the Board appreciated his dedication. Mr. Vares said the CRC has officially adopted the Land Use Plan and it is officially closed out and done. There might be three CUP applications in upcoming Planning Board meetings. The Town Council meeting is tonight and Mr. Vares noted that the B&B text amendment has been retracted. Chairman Manos expressed regret over this situation. The next Planning Board meeting is March 16<sup>th</sup>, which is the 3<sup>rd</sup> Thursday. Ms. Pacula will not be present on the 16<sup>th</sup>. After much discussion, it was decided to keep the meeting on March 16<sup>th</sup> at 10:30 am. Mr. Jenkins noted that he would not be present at the Planning Board UDO meeting on Monday; there was discussion as to who would be able to be present at Monday's meeting. Mr. Vares said that they would be covering the last of parking and signage, and that it could run to two hours. The meeting was confirmed for Monday at 10 a.m. Ms. Pacula again asked about moving the Planning Board to a different time in March; after much further discussion involving the review of everyone's specific schedule, the importance of the content of the upcoming meeting and the availability of staff and the meeting room itself, Monday March 13<sup>th</sup> at 10:30 a.m. was decided as the next Planning Board meeting. Mr. Vares explained that the Town Attorney would not need to be present for the quasi-judicial aspect of the next meeting.

**Ms. Cashwell made a motion to adjourn the meeting. Chairman Manos seconded, and the motion passed unanimously at 11:29 a.m.**

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Ted Manos, Chairman

Attested: \_\_\_\_\_  
Lisa P. Stites, CMC  
Assistant Manager/Town Clerk

MINUTES  
PLANNING BOARD –UDO REVIEW  
FEBRUARY 20, 2017 – 10 A.M.  
TOWN HALL – COUNCIL CHAMBERS

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, members Bob Carpenter and Helen Cashwell, Planning and Zoning Coordinator Jake Vares and Assistant Manager/Town Clerk Lisa P. Stites, CMC. Members Cathy Bowes, Bob Germaine and Clay Jenkins were not able to be present.

Mr. Vares referenced a provision the Board agreed upon at the last meeting for allowing campers, trailers, etc. being stored in the front yard. Mr. Vares said that there was a home that had seven such vehicles in the front yard and they may want to consider placing a limit. Mr. Holland said that it would be an enforcement issue; he also said that this is a beach town and there would be boats, trailers, etc. at houses. The Board discussed the enforcement process, and what complaints the Town most frequently received (dilapidated structures, junk vehicles, obstructions in the right-of-way, etc.). Chairman Manos said that there should probably not be regulations regarding storage in the back yard other than for inoperable vehicles. Consensus was for two operable vehicles (campers, trailers, etc.) to be allowed in the front yard.

Parking Spaces (10.19.6) Ms. Pacula said she thought the proposed number required for multi-family development was too restrictive. Mr. Holland said that Oak Island likely has a higher percentage of full-time residents than any coastal community; there is also a substantial lower amount of multi-family than other coastal communities. Ms. Pacula said that multi-family development would largely be on the mainland, and that these requirements would mean losing trees and grassy areas. Mr. Holland said that if they wanted to set separate rules for the mainland, he thought two spaces per unit would be sufficient. He added that he thought the proposed rules would work fine for the island. Consensus was to use what is written currently – two spaces per unit plus one space per bedroom over three plus one common space for every four units.

Signs: Mr. Holland explained recent legal scenarios that affect municipalities' abilities to regulate signage. Now, signage rules have to be message neutral; there can't be political sign rules, special event sign rules, real estate sign rules, etc. There are specific state statutes that refer to political signs and those laws are still on the books; those rules do not comply with the recent decisions from the Supreme Court, however. Chairman Manos said he didn't care what was in some decision that came out of Arizona that came from dealings with a church; unless we were dealing with a church, we should put in our ordinance what we need in our ordinance and let someone challenge it. Mr. Holland said that all that has changed is the reference to what kind of sign it is. If it is a yard sale sign, it is now called a temporary sign. Mr. Vares said that they were getting the same results but with a different method. Mr. Holland said that the majority of their proposed changes were done to abide by the Supreme Court decision and to keep the Town out of trouble. He said he can only work with what he has been told, and that he felt the UNC-School of Government would agree that the Town needs to at least do something to acknowledge the decision.

Chairman Manos read a statement from Bob and Kelley Germaine regarding temporary, construction, real estate/rental signs, and the Board and Mr. Holland discussed what constituted temporary. Mr. Holland read from the proposed sign regulations in the UDO. Chairman Manos asked if they really cared if people had a sign on the house versus in the yard for rental properties; Mr. Carpenter said if they were at all the houses, it would become a distraction throughout the Town. Mr. Holland referred to a list on page 10-33 and said he could figure out a way to include rental property signs as an exception; Mr. Carpenter and

Chairman Manos said they were not sure if that was what they wanted. Mr. Edwards suggested including it as an exception, which would allow rental signs as a wall sign, and imposing a specific size limit. Mr. Holland said that this new ordinance would make many existing signs nonconforming. Chairman Manos said there should be a size requirement included in 10.24.5.7. Mr. Edwards suggested allowing one sign for a name for the house and one sign for a rental sign. House name signs are exempted in the proposed UDO.

10.24.5.11: "...post office box numbers..." will be changed to "mailbox numbers."

10.28.1: Chairman Manos said that some lots are small and that two sandwich board signs would be too many. Mr. Edwards suggested allowing two total signs (selecting from sandwich board signs, feather banners, etc.). That would not include permitted signs (which includes a wall sign). Ms. Pacula said that people have said they wanted to clean up the Town, and regulating signs is part of that. Ms. Cashwell suggested allowing three total signs (including temporary and permanent). Chairman Manos and Mr. Carpenter were concerned with limiting the larger business areas such as the grocery stores. Mr. Holland suggested setting a limit on the sandwich board signs and the banners, but leaving the feathered flags separate. The Board had additional discussion about how many signs were too many.

The Board will discuss 10.28 at the next meeting; otherwise, this section is complete. Regarding flashing signs, Mr. Edwards said that they were allowed to change messages after one minute.

The subdivision and flood prevention sections are drafted and will be sent to staff; once staff has reviewed, those sections will be revised and sent to the Planning Board's meeting for discussion at the March meeting. Stormwater, erosion control and utilities, the technical sections, be incorporated by reference and not be included in the UDO. There will not be a UDO meeting in April. There will be a revised draft submitted to the Board and the Board can hopefully wrap up in June.

**Ms. Cashwell made a motion to adjourn at 12:02 p.m. Mr. Carpenter seconded and the motion passed unanimously.**

---

Ted Manos, Chairman

Attested: \_\_\_\_\_

Lisa P. Stites, CMC  
Asst. Manager/Town Clerk

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

Agenda Item: New Business Number 1

Date: February 7, 2017



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**Issue:** Conditional Use Permit Application

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 25 Minutes

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**Subject Summary:**

The applicant is applying for a Conditional Use Permit (CUP) in order to have a *dwelling in a principal business* at 8517 E. Oak Island Drive. 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 a “Dwelling in a Principal Business” 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
Dwelling in principal business									C	C		P				C

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

*(15) Dwellings in principal business.*

- a. Off-street parking spaces equal to one space for each residential bedroom shall be provided in addition to any other off-street parking required for the principal use.*
- b. The structure in which the residential use is located must comply with all requirements of the state building code.*

According to first standard in letter ‘a’, a parking space must be provided for each residential bedroom. The application has included a drawing in the application packet showing the parking spaces and has said the residential dwelling has only one bedroom. The second standard listed states it must comply with the state building code which is given as the building inspector has and will continue inspect the site as required to verify compliance with the state building code. 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, 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 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, per the zoning ordinance requirements. 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, that has 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 application will then have vested rights to the dwelling in a principal business land use classification. 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.

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**Attachments:** CUP Application

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

**Funds Needed:** \$0.00

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

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**Attachments:**



## APPLICATION FOR SPECIAL USE

Office Use Only  
Date Rec'd: 2-6-17  
Rec'd by: 1  
Amount Paid: \$ paid - JV

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): 207508984959 Date: 2-7-17

### Section A: Property Information

Applicant Name: Justin St.affer  
Project Name: Ark Wellness LLC  
Property Address: 8517 E. Oak Island Rd. State: NC Zip Code: 28465  
Phone: 858-395-6906 Fax: \_\_\_\_\_ Email: acupuncturejustin@gmail  
Existing Zoning District: CB

Parcel ID #(s): 250 CJ025

Total Site Acres or Square Feet: 0.15

Current Zoning District(s): CB

Use Classification (from Table of Uses): Art of Healing

### Project Description:

~~XX~~

~~XX~~

Applying for  
a CUP to install a "Quelling in Principle Business" (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: 2/3/2017

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

Applicant Name: Mark Gullledge

Project Name: Ark Wellness LLC

Property Address: 8517 E Oak Island Dr State: NC Zip Code: 28465

Phone: 704-577-4880 Fax: \_\_\_\_\_ Email: markg.budgeteam@gmail.com

Mark A. Bullock  
2-3-17

## Section C: Conditional Use Standards

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.

(4) 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 district, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property.

(6) 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 to and from the public streets and to avoid congestion in the public streets.



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: 3-16-17 Recommendation: \_\_\_\_\_ Staff: JV

Town Council Hearing Date: \_\_\_\_\_ Action: \_\_\_\_\_ Staff: \_\_\_\_\_

To whom it My Concern:

We, Mark Gullledge (Property Owner 8517 E. Oak Island Dr.) and Justin Stiffler (Business Owner at 8517 E. Oak Island Dr.) are respectfully requesting that our Conditional Use Permit Application for the property at 8517 E. Oak Island Dr. be approved by the Town of Oak Island.

There is currently a Business License (included in documents provided) on file at the above mentioned address for Ark Wellness LLC. The license was approved on 10/9/2016 by the Town of Oak Island. Ark Wellness has been successfully running business from this address since October of 2016, without any negative impact to the neighborhood or adjacent buildings. Ark Wellness LLC is comprised of an Acupuncturist, Massage Therapist and Nail Technician. The business only draws in 3 patrons at any one time, for which there is ample parking in the front of the building which is in compliance with Sec.18-226 A (please refer to sketch provided).

The proposed Conditional Use Permit would allow for the building at 8517 E. Oak Island Dr. to continue existing with an additional dwelling in principal business. The building has been up fitted to include a 1 bedroom 1.5 bath living area to the rear of the building that is separate from the area used for business purposes. This up fitting has been fully permitted and approved by the Town of Oak Island. In Order to comply with Section 18-226 B (see included document) the additional dwelling unit in the principle business does meet state building code. The Town of Oak Island Building inspectors have verified compliance.

The up fitting of 8517 E. Oak Island Dr. did not change the foot print, the appearance of the outside of the building, the utilities entering the building, road access, drainage or sanitation with regards to the building. There is ample parking in the rear of the building for the residential occupants (please refer to attached sketch) that is completely separate from the parking area for patrons of the business. There is adequate room for easy ingress and egress for patrons and potential residents. We do not feel that the addition of residential use will impact the traffic on town streets in any way.

Should this application be approved it is the intent of the Business Owner Justin Stiffler to occupy the living space at 8517 E. Oak Island Dr. He will occupy this space as a single resident. We do not feel that the addition of Justin Stiffler as a resident at 8517 E. Oak Island Dr. would endanger public health or safety, injure property value of adjoining property or adversely affect the safety health, morals or welfare to the community.

In fact, Justin Stiffler as the business owner of the Ark Wellness LLC, will have a vested interest in making sure that his living practices are in harmony with his neighbors and the community as a whole. He is vested in making sure that businesses in the area are provided with the space and resources that they need to thrive and grow. Justin strives to make sure that his business and residential dealings on Oak Island always have a positive impact to the community as a whole.

As a side note it is important to point out that both of the buildings abutting the property at 8517 E. Oak Island Dr. are mixed residential and business use. This seems to be a common practice in this area and is welcomed for the sense of security that it brings for the surrounding businesses. Having a residential presence on off business hours acts a deterrent for breaking and entering and overall crime.

We sincerely appreciate the Town of Oak Island taking the time to consider our request and we look forward to a favorable outcome.

Kind Regards,

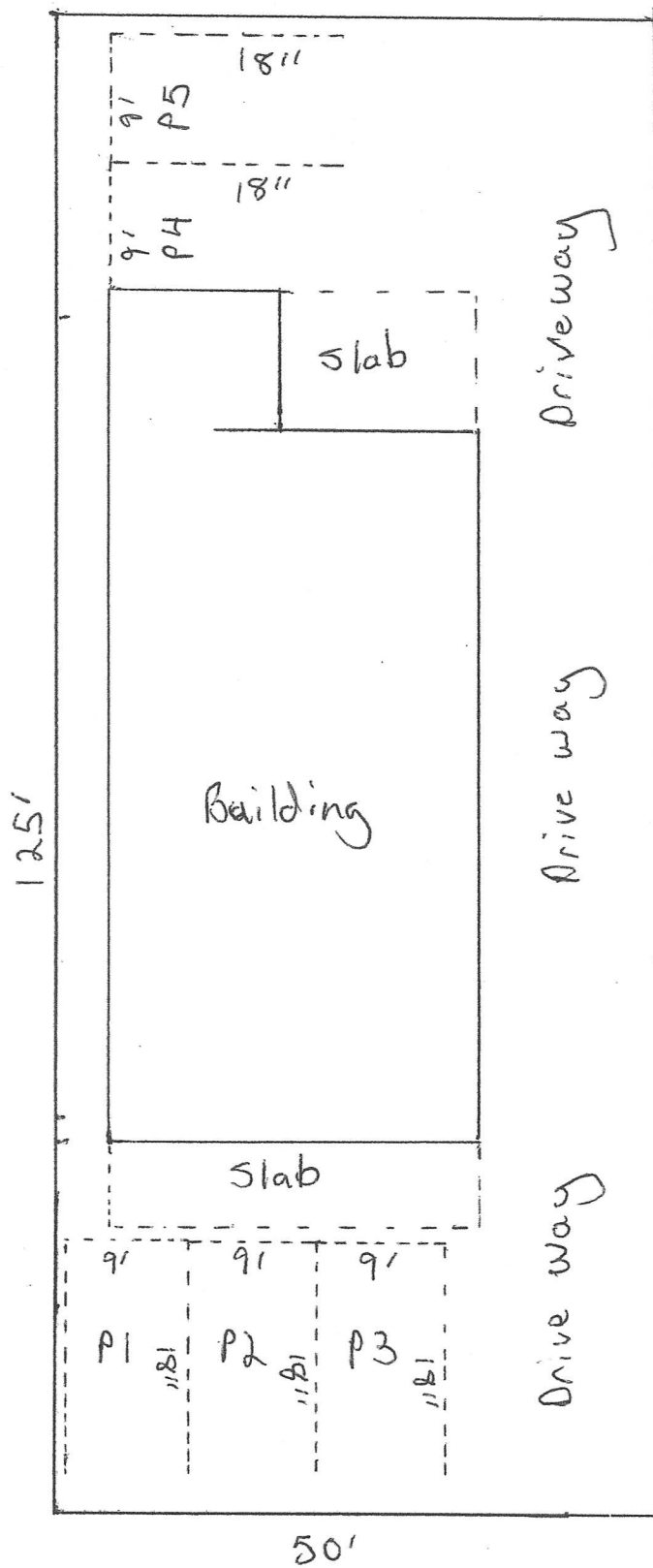
Mark Gullledge and Justin Stiffler





8517 E. Oak Island Pr.

- Sketch provided  
to verify ample parking  
for residence and  
principle business use per  
Sec 18-226 A.



E. Oak Island Pr.

← Norton St.

Scale

30ft

Trott St. →

- (15)

*Dwellings in principal business.*

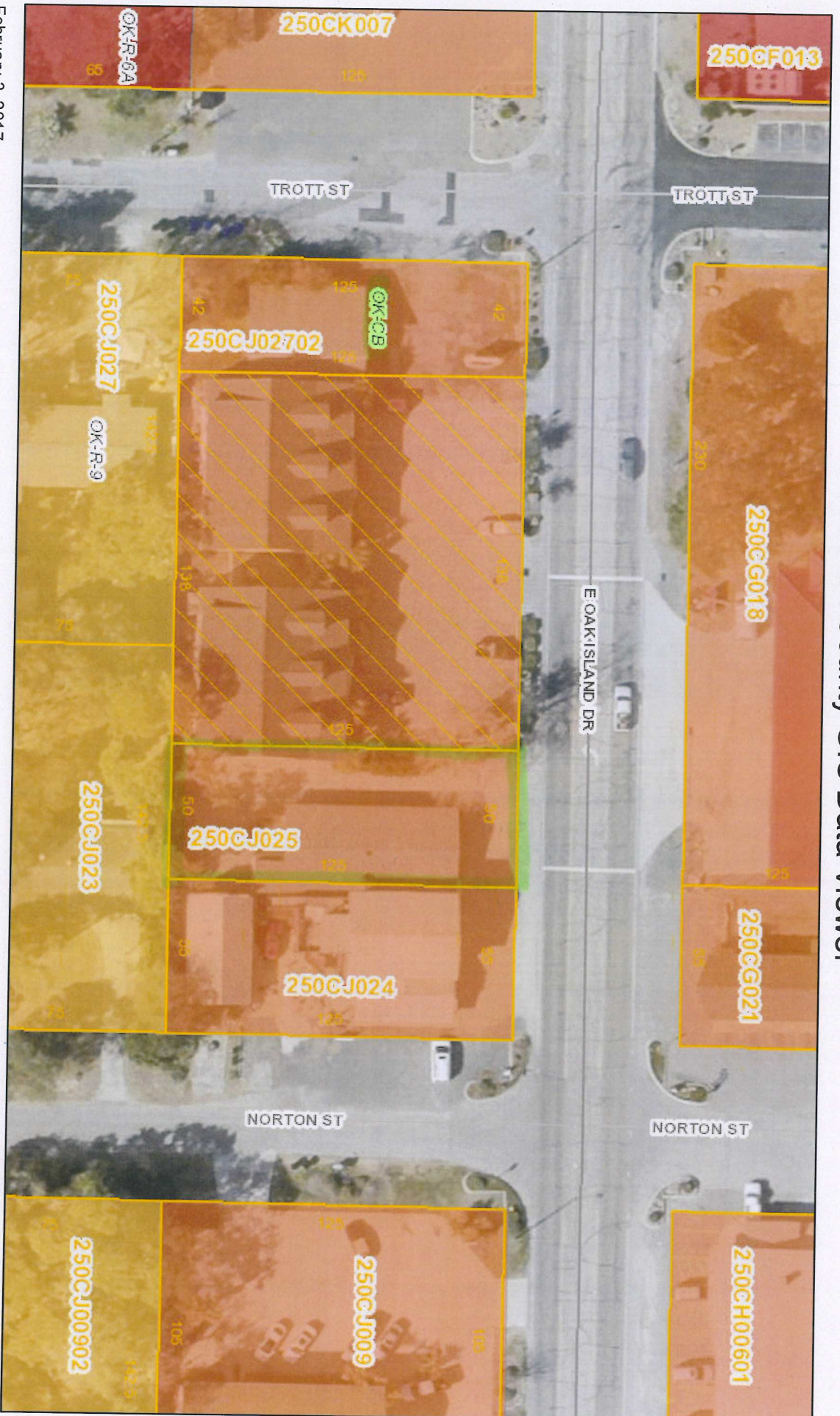
a.

Off-street parking spaces equal to one space for each residential bedroom shall be provided in addition to any other off-street parking required for the principal use. *\* See sketch*

b.

The structure in which the residential use is located must comply with all requirements of the state building code. *Include*

# Brunswick County GIS Data Viewer



February 3, 2017

Roads

Interstate  
State Road  
Minor  
US Hwy

Parcels

Condo  
Parcel

County Boundary

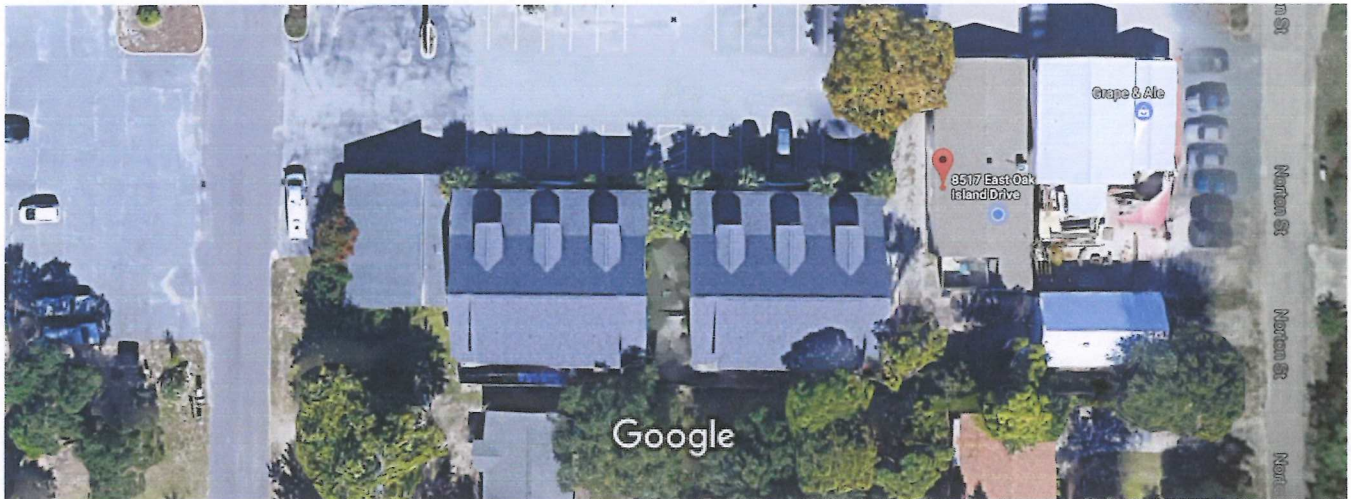
Red: Band\_1  
Green: Band\_2

Blue: Band\_3

1:684  
0 0.005 0.01 0.02 mi  
0 0.0075 0.015 0.03 km



Google Maps 8517 E Oak Island Dr



Imagery ©2017 Google, Map data ©2017 Google 20 ft



**8517 E Oak Island Dr**

Oak Island, NC 28465

You visited yesterday



At this location

Development Services  
4601 E. Oak Island Drive  
Oak Island, NC 28465  
Phone (910) 278-5024  
Fax (910) 278-1811

# BUSINESS LICENSE

*Town of Oak Island, NC*



## OTHER000010-09-2016

*License(s) issued in accordance with the regulations promulgated under the authority of Town of Oak Island Code of Ordinances Chapter 10 Section 10-32 and those regulations adopted by reference by the Town of Oak Island. The license type(s) specified below are hereby granted.*

***is hereby granted to:***

Ark Wellness, LLC  
8517 E. Oak Island Dr  
Oak Island, NC 28465

**License Expires:**

License Type	Fee Name	Fee Amount
Other Services	Business License Fee	\$50.00

*Licenses are not transferable to new owners or addresses.  
Post this in a conspicuous place.*

Development Services  
Town of Oak Island, NC



## DEPARTMENT OF REVENUE

PO BOX 25000, RALEIGH NC 27640-0210

October 5, 2016

3334 789 161 002  
JUSTIN R STIFFLER  
8517 E OAK ISLAND DR  
OAK ISLAND NC 28465-8052

DESCRIPTION: ART OF HEALING  
ACCOUNT ID: 400194056  
TAXPAYER ID: XXX-XX-7745  
TAX PERIOD: 07/01/16 - 06/30/17

As a result of a recent application and remittance, we have issued the attached Privilege License. Obtaining a Privilege License does not authorize the practice of any profession, business or trade for which a State qualification license is required. The license verifies that you have paid the license tax required for the privilege of engaging in the business activity or profession listed for the period stated.

**This License should be detached and posted conspicuously at the place of business for which it was obtained.**

THIS LICENSE IS NOT A BILL

Detach here and post

## NORTH CAROLINA DEPARTMENT OF REVENUE

ART OF HEALING

JULY 1, 2016 - JUNE 30, 2017

PRIVILEGE LICENSE

LICENSE NO: 002936243

TAX PAID: \$ 50.00

DATE ISSUED: October 5, 2016

COUNTY: BRUNSWICK

3334 789 161 002  
JUSTIN R STIFFLER  
8517 E OAK ISLAND DR  
OAK ISLAND NC 28465-8052



SUBJECT TO COMPLIANCE WITH OTHER PROVISIONS OF THE LAW, THIS IS TO CERTIFY THAT THE PERSON, FIRM OR CORPORATION NAMED, HAVING PAID THE TAX REQUIRED BY LAW, IS HEREBY LICENSED TO ENGAGE IN THE BUSINESS CLASSIFIED HEREON.

ACCOUNT ID: 400194056

ISSUED BY SECRETARY OF REVENUE



## BRUNSWICK COUNTY

2/3/2017 10:01:37 AM

## GULLEDGE MARK S

Return/Appeal  
Notes:

Parcel: 250CJ025

8517 E. OAK ISLAND DR OK  
80027034PLAT: / UNIQ ID  
129729

ID NO: 207508984959

BRUNSWICK COUNTY (100), DOSHER HOSP TAX (100), OAK ISLAND (100), OAK  
ISLAND FIRE (200)Reval Year: 2015 Tax Year: 2016  
L-8 & 9 B-M YAUPON VILLAGE PL 4/40CARD NO. 1 of  
1

2.000 LT

SRC=

Appraised by 02 on 05/13/2014 C322 OAK ISLAND

TW-03

CI-  
14FR-  
08

EX-

AT-

LAST ACTION  
20150126

CONSTRUCTION DETAIL		MARKET VALUE				DEPRECIATION				CORRELATION OF VALUE			
		USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB				
Foundation - 5	6.00												
Spread Footing													
Sub Floor System - 2	5.00	17	04	1,879	130	104.00	195416	1992	1972				
Slab On Grade													
Exterior Walls - 12	19.00												
Stucco on Concrete Block													
Roofing Structure - 08	7.00												
Wood Truss													
Roofing Cover - 03	3.00												
Composition Shingle													
Interior Wall Construction - 5	32.00												
Drywall/Sheetrock													
Interior Wall Construction - 6	0.00												
Custom Interior													
Interior Floor Cover - 08	9.00												
Vinyl													
Heating Fuel - 04	1.00												
Electric													
Heating Type - 09	5.00												
Heat Pump Only													
Air Conditioning Type - 03	6.00												
Central													
Commercial Heat & Air - 1	0.00												
None													
Structural Frame - 03	16.00												
Masonry													
Ceiling & Insulation - 06	4.00												
Not Suspended - Ceiling & Walls Insulated													
Average Rooms Per Floor - 2	0.00												
Average Rooms Per Floor													
Half-Bathrooms													
BAS - 0 FUS - 0 LL - 0													
Office													
BAS - 0 FUS - 0 LL - 0	0												
TOTAL POINT VALUE	113,000												
<b>BUILDING ADJUSTMENTS</b>													
Market/Design	2												
Quality	3	Average											
Size	Size	Size											
TOTAL ADJUSTMENT FACTOR	1.150												
TOTAL QUALITY INDEX	130												

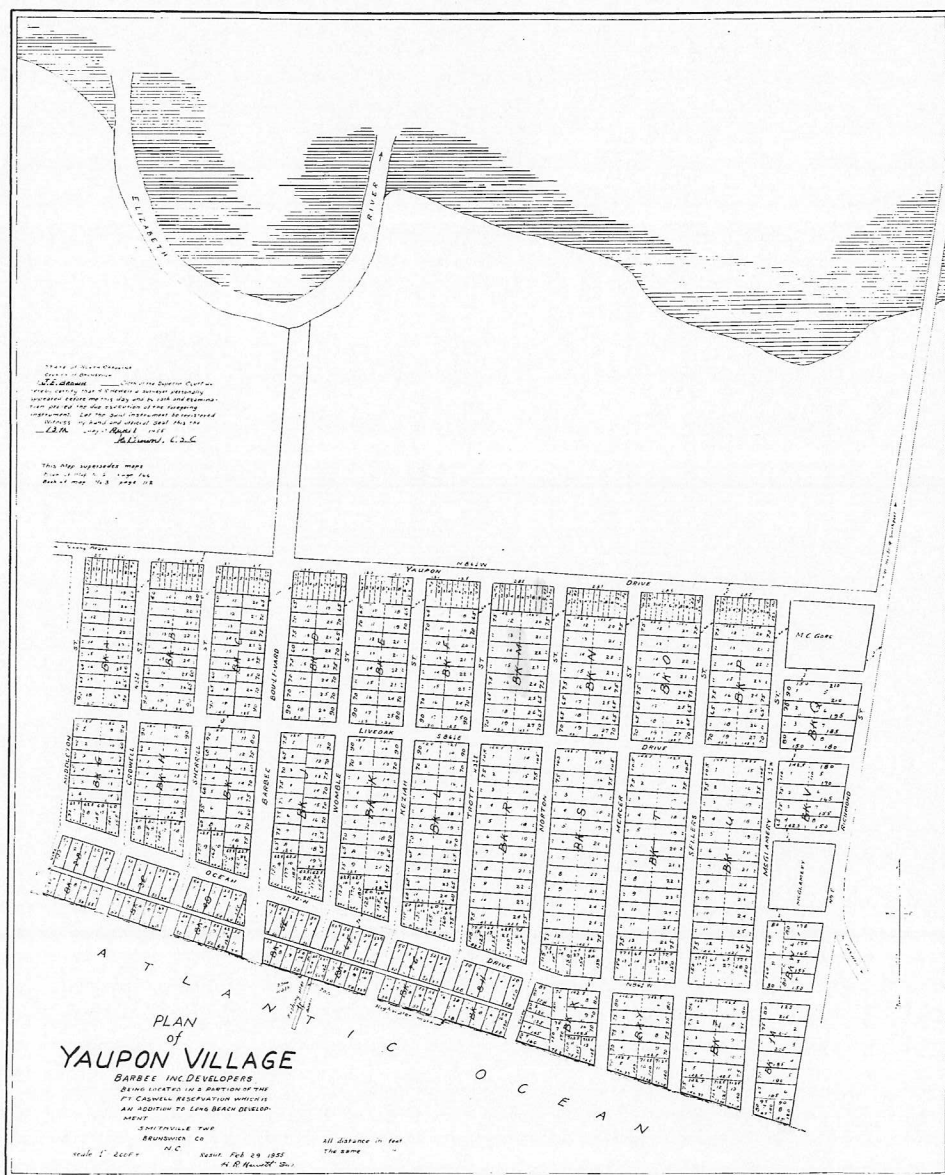
CODE	QUALITY	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE	ORIG %	COND	BLDG#	SIZE FACT	AYB	EYB	ANN DEP	%	OB/XF DEPR.
TOTAL OB/XF VALUE																
BAS			1,800	100		187200										
FOP			120	030		3744										
UST			108	040		4472										
FIREPLACE		1 - None				0										
SUBAREA TOTALS																
			2,028			195,416										

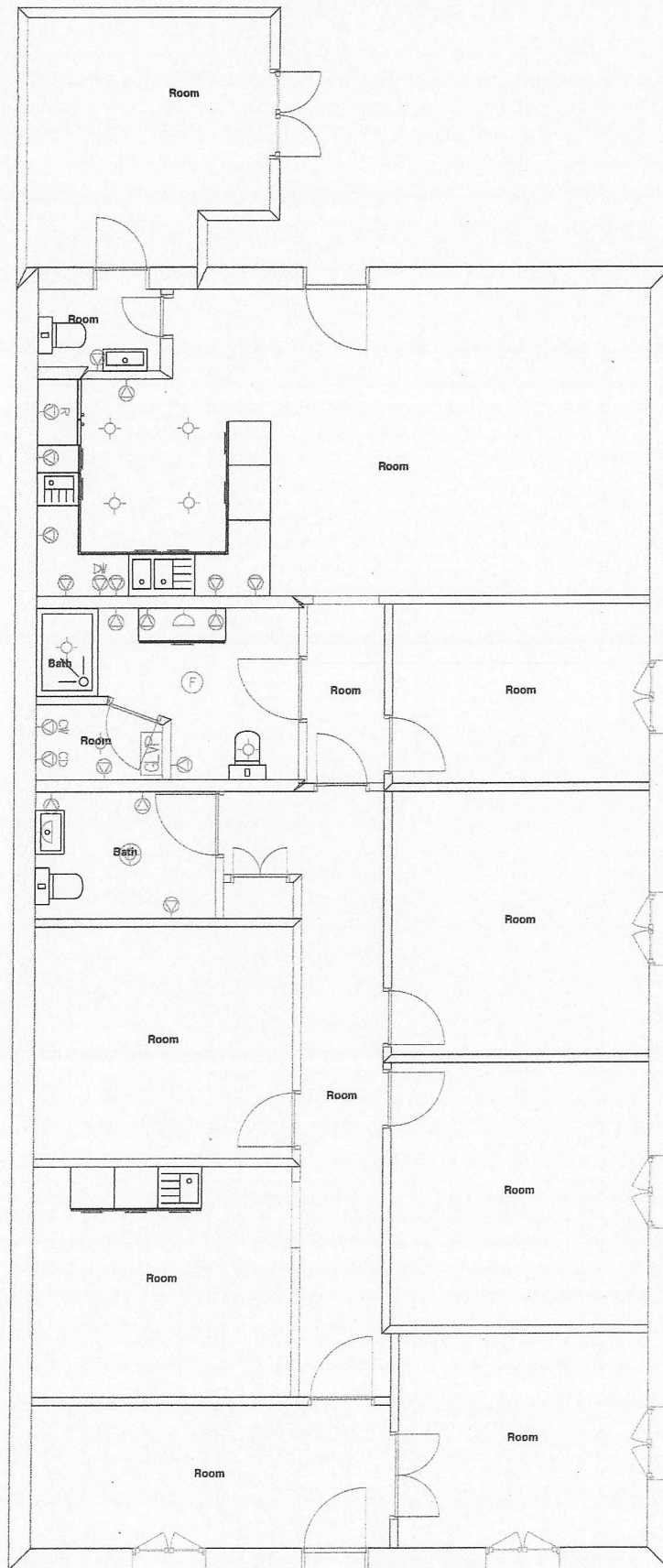
**BUILDING DIMENSIONS** BAS=W30S60E30N60Area:1800;UST=E9N12W9S12Area:108;FOP=S4E30N4W30Area:120;TotalArea:2028

**LAND INFORMATION**

HIGHEST AND BEST USE	USE CODE	LOCAL ZONING	FRONTAGE	DEPTH	DEPTH / SIZE	LND MOD	COND FACT	OTHER ADJUSTMENTS AND NOTES RF AC LC TO OT	ROAD TYPE	LAND UNIT PRICE	TOTAL LAND UNITS	UNT TYP	TOTAL ADJUST	ADJUSTED UNIT PRICE	LAND VALUE	OVERRIDE VALUE	LAND NOTES
COMMERCIAL	0700	CB	50	125	0.8300	3	1.0000		PS	2,000.00	50.000	FF	0.830	1,660.00	83000	0	
<b>TOTAL MARKET LAND DATA</b>																	
<b>TOTAL PRESENT USE DATA</b>																	







Scale

0

20ft



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

Agenda Item: New Business Item No. 2

Date: February 22, 2017



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**Issue:** Pine Forest Conditional Use Permit Application

**Department:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 35 Minutes

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**Subject Summary:**

The applicant, Equity Investments Associates LLC, is applying for a phased development plan in order to obtain his vested rights. Vested rights are covered in Section 18-303 & 304 in the zoning ordinance, which states "A vested right means the landowner shall have the right to undertake and complete the development and use of the property in accordance with the specific terms and conditions of the approved site specific or phased development plan." Furthermore, once a vested right has been established, the right shall remain vested for a period of two years and may be extended for a period of up to 5 years by Town Council majority vote. Vested rights are also codified in G.S. 160A-385.1 and defines a phased development plan as "a plan which has been submitted to a city by a landowner for phased development which shows the type and intensity of use for a specific parcel or parcels with lesser degree of certainty that the plan determined by the city to be a site-specific development plan. "A city may approve as site specific development plan or a phased development plan upon such terms and conditions as may reasonably be necessary to protect the public health, safety, and welfare. "A city shall not require a landowner to waive his vested rights as a condition of development approval." If approved, the applicant will not be exempt from subsequent reviews and approvals by the Town to ensure the conditions are being met. Once the vested right is established the project would preclude any zoning action by Oak Island that would impair, diminish, or delay the development of the approved phased development plan unless there is written consent of the landowner, if natural or man-made hazards are found that would endanger the public, or if the applicant intentionally misrepresented information in the application that affected the decision. (G.S. 160A-385.1(e) (1)

A phased plan is like a specific plan but has less detail and certainty about the proposed project. The developer may come back with more details as the development progresses. For phased development plans—which have less detail than the site specific plans—a local government can set the ordinance so that the approved phased development plan creates vested rights in the zoning classification, but the owner must still seek approval of site specific development plans for each phase, approved in accordance with the vested zoning classification.

This CUP (Conditional Use Permit) application would qualify as a phased development plan, rather than a site-specific development plan, which is broader in nature, the specifics of the exact structure placement is to be sorted out when a site-specific plan is to be submitted when the applicant is ready to begin development. Section 18-660 of the zoning ordinance states: A phased development plan shall be deemed approved prior to the effective date of this article if it has been approved by all necessary government units, it remains valid, unexpired, unrevoked and not otherwise terminated, and it shows:

- (1) For the initial or first phase of development, the type and intensity of use for a specific parcel or parcels, including at a minimum, the boundaries of the project and a subdivision plan that has been approved;
- (2) For any subsequent phase of development, sufficient detail so that implementation of the requirements of this article to that phase of development would require a material change in that phase of the plan.

In December of 2015 the town adopted a text amendment to make CUP applications informal at the Planning Board level and "the Town Council shall follow quasi-judicial procedures" (Sec.18-223). Therefore, this CUP application request for a phased development plan is not a formal quasi-judicial hearing but rather an informal submittal and shall be run informally in the same manner a legislative decision such as a citizen initiated text amendment is, which a familiar Q&A with the applicant after a verbal staff report.

A PUD (Planned Unit Development) is similar to a zoning district where design standards & infrastructure requirements can be proposed by the developer. A benefit is that the landowners, developers, and the public know what is required for that particular PUD development. PUD's were added to many zoning ordinances in the 1950's and 1960's. They usually require an overall concept site plan for development. In recent years PUD's have increasingly been used for mixed-use development that incorporates single-family, multi-family, commercial, and institutional uses in a comprehensively planned development. Clustered development and common open space are also common elements of a PUD. The provision of an overall plan and designs for the development within a PUD allows greater flexibility for the developer, balanced with detailed review and approval of the proposed development.

The property is located on the tract of land that used be known as the Charles and is now Pine Forest, off highway 211 on the mainland side of Oak Island. The area is largely undeveloped and rural low density. The recently adopted Land Use Plan future Land Use Map shows this area as residential mixed use with open space and conservation. The applicant has been working with NC-DOT to resolve road capacity and entrance issues. Additionally, the applicant has been in contact with Brunswick County to establish water and sewer as it will be the county that provides that service.

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

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
PUD	C	C	C									<u>C</u>		C		

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.

Additional standards specific to this land use are listed in Sec.18-226(31) of the zoning ordinance. Staff has reviewed the ordinance in comparison with what was submitted and verified that the applicant is in compliance. Exhibit A shows the entirety of the project while the "Overall Phase One Concept Plan" displays the portion of the project that is to be developed first. The subsequent phases will be submitted at a later date as market forces dictate. If approved, the setbacks set in the plan will be established.

The CUP is being applied for by another party on behalf of the property owner, which is permissible. The property owner has signed a letter giving permission. A conditional use is not transferable from one parcel of land to another. The numbers after SFR in the map represent the tract number. 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 Planning Board will need a quorum to vote and a simple majority is all that is needed to pass a vote. If anyone has a direct or potential financial interest in this proposed project then they should recuse themselves.

It is for the Planning Board to determine if the attached Conditional Use Permit (CUP) application meets these criteria. The Town Council cannot take action until it has received its recommendation from the Planning Board (G.S.160A-387). 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, per the zoning ordinance requirements. 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. It is for the Planning Board to determine if the attached Conditional Use Permit (CUP) application meets the criteria.

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**Attachments:** CUP Application, Site-Map, Property Report Card

**Recommendation/Action Needed:** Recommendation to Town Council to approve or deny the Pine Forest Conditional Use Permit application

**Suggested Motion:**

**Funds Needed:** \$0.00

**Follow Up Action Needed:** Forward recommendation to Town Council for approval or denial, Update staff report.

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## APPLICATION FOR SPECIAL USE

Office Use Only  
Date Rec'd: 2-21-17  
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 \$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: 2-21-17

### Section A: Property Information

Applicant Name: R Thomas Sofield - Equity Investments Associates LLC

Project Name: Pine Forest Plantation of Oak Island

Property Address: 3488 Southport State: NC Zip Code: 28461  
Supply Rd.

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

Existing Zoning District: CLD, R7500

## 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.*

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

*Existing wetlands at the perimeter of the site provide natural buffers to existing uses. Proposed commercial and retail uses are adjacent to the proposed vehicular roadways and existing thoroughfares.*

- (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 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 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 a mixture of residential, commercial-retail, medical, civic, office and institutional, assisted living and independent living and a agriculture and farm land component. This project will provide services to the surrounding and regional area.*

- (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): 20300017

Total Site Acres or Square Feet: 564 ACRES

Current Zoning District(s): CLD, R7500

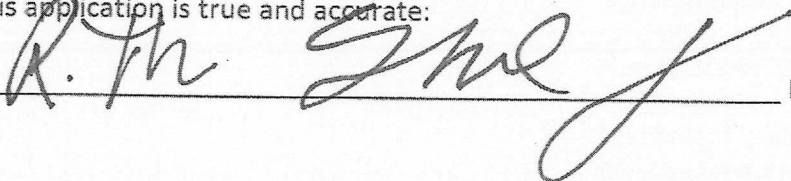
Use Classification (from Table of Uses): PUD-C

Project Description:

See design narrative (attachment)

(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: 2/21/17

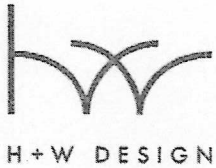
### Section B: Project Owner Information (if different from above)

Applicant Name: \_\_\_\_\_

Project Name: \_\_\_\_\_

Property Address: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_



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,

A handwritten signature in dark ink, appearing to read 'Daniel H. Weeks', written over a horizontal line.

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 PUD- C Design Narrative**

## **Project Description:**

(1) **Project Name:** *Pine Forest Plantation of Oak Island*

(2) **Total Estimated / Potential Population & Commercial Square Footage:**

(A) **Project PUD acreage:** 564 acres

(B) **Residential Population:** 2850 Units (5 du/ac)

Proposed density within the PUD-C is based upon a calculation of a lot size of 7500 square feet as stated in section 18-226, thus the maximum allowed density within the PUD-C is 5.8 du/ac (43560(one acre)/7500 sf)

(C) **General retail/commercial - mixed use sf:** 150,000 Square Feet

(D) **Medical/Healthcare Campus:** 100,000 SF (11 acres)

(E) **Existing zoning** Commercial low density, R7500

(F) **Proposed open space** 90 acres (16%)

(3) **General Development Philosophy:** To provide a mixed use multi-phased project containing residential, commercial, medical and healthcare campus, office & institutional, assisted and independent living, retail services with integrated open space and conservation areas.

(4) **Master Plan:** The development is to be segregated into specific planned unit development districts (PUD Districts), the entirety of which is to be considered one comprehensive project, which is illustrated in **Exhibit A, Conceptual PUD Master Plan**.

(5) **Description of Character:** Pine Forest Plantation of Oak Island will create a work and play lifestyle, facilitating a sense of community with safe havens for recreation and inter-community pedestrian walks and trails. Accessibility to Highway 211 and Midway Road will highlight the Town of Oak Island's emphasis on strategically planned growth, environmental sensitivity and wealth of natural resource. Each District within Pine Forest Plantation will be both individually unique and integrated by architecture and landscape design with the other Districts.

(A) **PUD SFR Districts (Single Family Residential) 275 acres**

1. Combination of detached and attached residential (duplex, zero lot line, triplex, condominium, assisted living and independent living facilities)
2. Lot typology consist of front load, side load and rear load product type.
3. Minimum lot size 5000 sf
4. Wide variety of product type and price point
5. Moderate density with communities integrated within communities
6. Building setbacks - *front load and side yard*
  - a. 5 ft. side yard,
  - b. 15 ft. front yard
  - c. 10 ft. rear yard

## **Pine Forest Plantation PUD- C Design Narrative**

### **Building setbacks - rear load**

- a. 0 ft. front yard
- b. 5 ft. side yard
- c. 10 ft. rear yard

### **Building setbacks – zero lot line attached**

- a. 15 ft. front yard
- b. 0 ft. side yard
- c. 10 ft. rear yard

**(B) PUD AR District (Attached/Multi Family Residential) 23.5 acres**

1. Moderate to high density
2. Multi story buildings oriented around common open space

**(C) PUD MOI District (Medical Office & Institutional) 11 acres**

1. Campus related health care facility
2. Pedestrian friendly with integrated common areas

**(D) PUD MX District (Mixed Use: Commercial & Residential) 12 acres**

1. Mixed use/multi story buildings to allow for greater open space
2. Walkable and pedestrian oriented streetscape
3. Associated retail and professional business to support residential
4. Public and community destination
5. Potential residential over retail
6. Building setbacks -
  - a. 0 ft. side yard,
  - b. 0 ft. front yard
  - c. 10 ft. rear yard

**(E) PUD WCH District (Wetland Conservation Habitat areas) 130 acres**

1. Wetland and conservation areas provide buffers and transition to proposed uses
2. Protect and conserve wetlands and other natural features for storm protection functions and natural resources giving recognition to public health, safety and welfare issues

**(F) PUD CALF District (Community supported Agriculture and Farm land)16.5 ac**

1. Large and small scale community farming
2. Emphasis on community and/or local produce
3. Growers and consumers sharing the risks and benefits of food production

**(G) PUD CA District (Community Amenity) 6 acres**

1. Both passive and active recreation land to the Town of Navassa
2. Community gathering destination within 15-minute walk

**(H) PUD ALIR District (Assisted Living-Independent Living facility) 14 acres**

1. 80 bed Adult Care Facility with potential expansion the Town of Navassa
2. Independent Living - 100,000 sf – 120 units

## Pine Forest Plantation PUD- C Design Narrative

**(I) PUD CR District (Civic -Retail/Commercial) 6.8 acres**

1. Civic and institutional uses
2. Neighborhood type retail
3. Building setbacks -
  - a. 0 ft. side yard,
  - b. 0 ft. front yard
  - c. 10 ft. rear yard

**(J) PUD PN District (Park recreation nodes greenbelt) 10 acres**

1. Community type linear parks and gathering spaces
2. Integrated trail systems and greenbelts providing pedestrian and bicycle connectivity from residential and non-residential development tracts

**(6) Ownership:** Tax Parcel ID# 20300017  
Equity Investments Associates, LLC  
355 Industrial Park Road  
Boone, NC 28607

<b>(7) Development:</b>	Project Commencement:	3 <sup>rd</sup> Quarter 2016 (Novant)
<b>Schedule</b>	Assisted living/SFR2-SFR3:	3 <sup>rd</sup> Quarter 2017
	Mixed use:	1 <sup>st</sup> Quarter 2018
	Project Completion:	2030 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:**

<b>(A) Member Manager:</b>	R Thomas Sofield Equity Investments Associates, LLC
<b>(C) Project Planner:</b>	Tom Harrington, Dan Weeks RLA H+W Design PLLC
<b>(D) Project Engineer:</b>	Tim Clinkscales, PE Paramounte Engineering, Inc.
<b>(E) Environmental Consultant:</b>	Craig Turner Land Management Group, Inc.
<b>(F) Traffic Consultant:</b>	Ramey F. Kemp, PE, PTOE Ramey Kemp & Associates, Inc.

# **Pine Forest Plantation PUD- C Design Narrative**

## **Intent of Pine Forest Plantation PUD**

### **(1) Principles & Land Use Policies**

1. Pine Forest Plantation also wishes to ensure the preservation and protection of natural resources and will strive to ensure that any uses of the land and/or water minimize negative environmental impact and avoid risks to public health, safety and welfare.
2. Infrastructure carrying capacity: It is the goal of Pine Forest Plantation to ensure that public infrastructure systems are properly sized, located and managed that the excellent quality and productivity of such systems are perpetually available and the systems are in working order, so as to provide exceptional service to systems users.
3. The Pine Forest Plantation Development will install water and sewer infrastructure according to the engineering requirements and specifications established by the Brunswick County Engineering Department.
4. Before construction can commence on the Pine Forest Plantation PUD development, a traffic impact analysis will be performed. 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.

1.







# Pine Forest

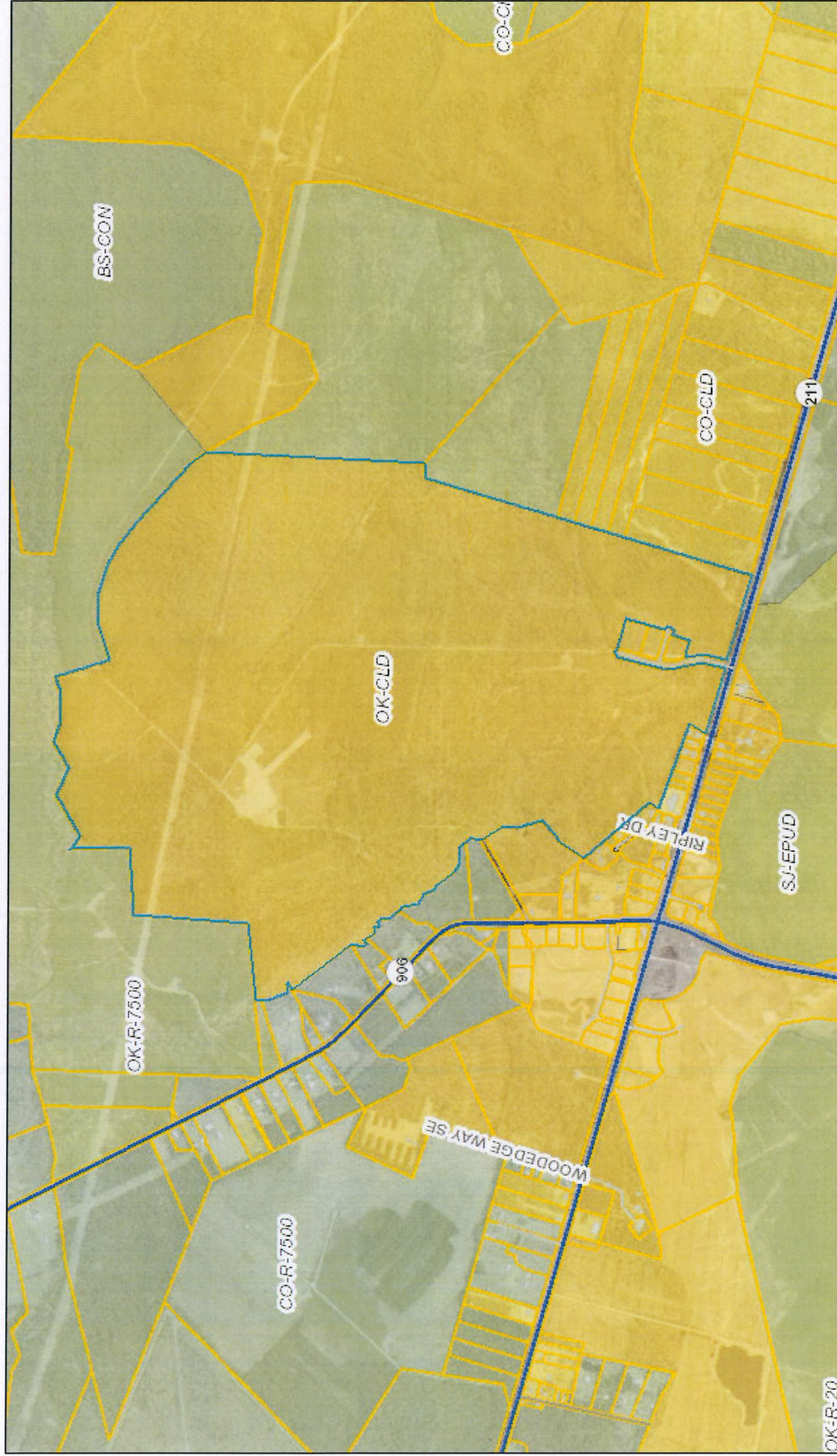
PLANTATION®

## Overall Phase One Concept Plan





# Brunswick County GIS Data Viewer



February 22, 2017

- Roads**
- Interstate
  - US Hwy
  - NC Hwy
  - State Road
  - Minor
- Parcels**
- Condo
  - Parcel
- Building Footprints**
- Red: Band\_1
  - Green: Band\_2
  - Blue: Band\_3



# Brunswick County GIS Data Viewer



February 22, 2017

## Roads

- Interstate
- US Hwy
- NC Hwy
- State Road
- Minor

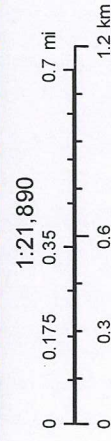
## Parcels

- Condo
- Parcel

## Building Footprints

- Red: Band\_1
- Green: Band\_2

## Blue: Band\_3





## BRUNSWICK COUNTY

2/22/2017 1:47:20 PM

## EQUITY INVESTMENTS ASSOCIATES LLC

Return/Appeal Notes: Parcel: 20300017

3488 SOUTHPORT-SUPPLY RD OK

PLAT: / UNIQ ID

50223003

54569

ID NO: 206811652209

BRUNSWICK COUNTY (100), OAK ISLAND (100), OAK ISLAND FIRE (500)

CARD NO. 1 of

1

Reval Year: 2015 Tax Year:

716.84 AC PL 2/141 NC-211

716.840 AC

SRC=

Appraised by 55 on 12/12/2014 C325 SOUTHPORT-SUPPLY RD COMM

TW-05

CI- 14

FR- 08

EX-

AT-

LAST ACTION  
20150123

CONSTRUCTION DETAIL		MARKET VALUE				DEPRECIATION				CORRELATION OF VALUE			
TOTAL POINT VALUE	USE	MOD	Eff. Area	QUAL	BASE RATE	RCN	EYB	AYB					
BUILDING ADJUSTMENTS	98	00							% GOOD				
TOTAL ADJUSTMENT FACTOR	TYPE: VACANT LAND								CREDENCE TO				
TOTAL QUALITY INDEX	STYLE:								DEPR. BUILDING VALUE - CARD				
									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/U/V/I		INDICATE SALES PRICE					
BOOK	PAGE	MO/YR											
01645	0937	10/2002	WD	U	V						0		
01510	0904	10/2001	WD	U	V						0		
01345	1256	12/1999	WD	U	V						0		
HEATED AREA													
NOTES													
SUBAREA													
TYPE	GS AREA	%	RPL CS	CODE	QUALITY	DESCRIPTION	COUNT	LTH	WTH	UNITS	UNIT PRICE		
FIREPLACE				TOTAL OB/XF VALUE									
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		
COMMERCIAL	0700	CLD	1707	0	1.0000	0	0.1200	+00 +00 +00 -40 -40 TOPO/SIZE	PW	35,000.00	716.840		
											AC		
											0.120		
											4,200.00		
											3010728		
											0		
TOTAL MARKET LAND DATA											716.840		
											3,010,730		
FOREST Mk	3223	R75	0	0	1.0000	5	1.0000		PW	165.00	19.390		
											AC		
											1.000		
											165.00		
											3199		
											0		
FOREST NoB	3252	R75	0	0	1.0000	5	1.0000		PW	200.00	20.390		
											AC		
											1.000		
											200.00		
											4078		
											0		
FOREST Fo	3122	R75	0	0	1.0000	5	1.0000		PW	200.00	221.040		
											AC		
											1.000		
											200.00		
											44208		
											0		
FOREST Ra	3301	R75	0	0	1.0000	5	1.0000		PW	255.00	11.370		
											AC		
											1.000		
											255.00		
											2899		
											0		
FOREST Lo	3185	R75	0	0	1.0000	5	1.0000		PW	40.00	185.970		
											AC		
											1.000		
											40.00		
											7439		
											0		
RES RU ACR	0110	R75	0	0	1.0000	5	1.0000	OLNIP	PW	35,000.00	8.360		
											AC		
											1.000		
											4,200.00		
											35112		
											0		
FOREST POND	3392	R75	0	0	1.0000	5	1.0000		PW	255.00	0.410		
											AC		
											1.000		
											255.00		
											105		
											0		
FOREST BDC	3025	R75	0	0	1.0000	5	1.0000		PW	40.00	6.940		
											AC		
											1.000		
											40.00		
											278		
											0		
FOREST Mu	3235	R75	0	0	1.0000	5	1.0000		PW	40.00	137.950		
											AC		
											1.000		
											40.00		
											5518		
											0		
FOREST Wo	3362	R75	0	0	1.0000	5	1.0000		PW	200.00	88.450		
											AC		
											1.000		
											200.00		
											17690		
											0		
FOREST Ma	3215	R75	0	0	1.0000	5	1.0000		PW	40.00	11.280		
											AC		
											1.000		
											40.00		
											451		
											0		
TOTAL PRESENT USE DATA											716.840		
											122,330		

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

Agenda Item: New Business Number 3

Date: February 23, 2017



---

**Issue:** Shared Beach Access Walkway

**Department/Title:** Planning & Zoning Administrator

**Presented by:** Jake Vares

**Presentation:** None

**Estimated Time for Discussion:** 25 Minutes

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**Subject Summary:**

The text amendment application is citizen initiated. The applicant is applying for a text amendment to allow shared elevated pedestrian beach access walkways to be located along property lines. This option can allow this sort of development be more environmental friendly because developers will have the option to limit the number of hardened structures over the dune area. The ordinance does not currently allow for this type of elevated beach access because it would be in the side-yard setback.

The proposed ordinance language also specifies that if this beach access development option is pursued then an agreement is required by all effected property owners. The agreement has to be recorded and the Brunswick County Register of Deeds, must last in perpetuity, and grant access rights to the property owners/residents. This language was inserted in so that in the case of feuding neighbors, access cannot be legally cut off.

A site map of the location, owned by the applicant that spurred this text amendment request is attached. If approved the proposed language would apply across the board to all ocean-front parcels. Attached you will find a one page justification narrative from the applicant and the text amendment application paperwork.

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**Attachments:** Ordinance Language, Text Amendment Application, site map

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

**Funds Needed:** \$0.00

**Follow Up Action Needed:** Inform applicant, forward recommendation to Town Council, update staff report.

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## **Attachments:**

### **Sec. 14-130. - Decks, walkways and stairs; construction standards and development.**

The following rules shall govern all development within the ocean erodible areas, the construction, repair, or replacement of all oceanside decks, walkways and steps. In all cases, whether new construction, repair, or replacement, the following standards and rules shall apply:

- (1) No dune system shall be altered that will inversely impact the integrity of the dunes.
- (2) Construction of decks, walkways, and steps shall be in accordance with the state building code as the code may be amended from time to time.
- (3) Where the height of the structure would cause steps to impede upon the public beach when built as prescribed in this article, a landing may be built to allow steps to land in an easterly or westerly direction, terminating on private property and meeting all required setbacks. A local permit officer shall determine, based on findings following a site visit and after analyzing specific site conditions, in which direction steps shall land. In no case shall the development exceed what is absolutely necessary and required by the state building code for landings and turnaround areas.
- (4) If an additional set of steps that would terminate beneath the primary structure for access to storage, parking, or shower facilities is desired by a property owner, this may be allowed as long as the development would not increase damages to dunes or vegetation. In no case shall the development exceed what is absolutely necessary and required by the state building code for landing and turnaround areas.
- (5) Cantilevered seating areas along walkways will be allowed, but in no case shall the entire width of the walkway, including the cantilevered area, exceed six feet.
- (6) New construction (includes the construction of new residences, accessory structures, additions, or enlargements permitted by section 8-121) of decks, walkways, and steps will be in accordance with CAMA regulations. A CAMA minor development permit must be obtained for all new construction. New construction of walkways and steps for the purpose of gaining access to the public beach shall be constructed in accordance with applicable CAMA regulations for such structures. No part of the structure or any supporting member of any deck, walkway, or step will be allowed to rest on public property. For the purposes of this article, private property ends and public property begins at the mean high water mark as surveyed by the USACE in January 2000. **Walkways and steps may in no way encroach into the side setbacks of the district in which the structure is located unless it is a town approved shared access by neighboring contiguous property lines.** In areas where the mean high water mark as surveyed and determined by the USACE in January 2000 is located within six feet or closer to the oceanward side of any home or other structure proposing to construct a deck, walkway, or steps, then, in that event, a deck or walkway up to six feet in width may be constructed, but the deck or walkway must be supported by cantilevering to the main structure or angle-bracing sufficient to meet all state building code standards as the code may be amended from time to time. It is the purpose and intent of this section to allow new construction of decks, walkways, and steps on existing structures where such construction might necessarily extend beyond the mean high water mark, but at the same time to prevent any part of the deck, walkway, or steps, or its supporting members from coming to rest on public property, except to the extent absolutely necessary to allow landing of steps within the area of six feet seaward of the existing structure. Angle-bracing and cantilevering shall not be required in those areas where construction would allow for all portions of the deck, walkway, or steps to remain on private property.

- (7) The following are intended to apply to replacement of decks, walkways, or steps which have been damaged more than 50 percent of their value, based on actual replacement costs, including labor and material:
- a. Decks on existing structures may be replaced, provided that they are constructed in accordance with the state building code as the code may be amended from time to time. The deck may not exceed six feet in width, but may extend the full length of any previous deck that existed on the structure.
  - b. If the mean high water mark as surveyed and determined by the USACE in January 2000 is located six feet or closer to the oceanward side of the existing structure, then any deck to be constructed pursuant to this article may not exceed six feet in width and must be supported entirely by cantilevering or diagonal bracing attached to existing house pilings. The design and construction of this deck must be accompanied by a professional engineer's certificate that the deck will meet all building code standards of the state as such standards may be amended from time to time.
  - c. Walkways and steps for access to the public beach shall be constructed in accordance with applicable CAMA regulations for such structures. Steps must land south and be completely within private property as described in this article. Steps may in no way encroach into the side setbacks of the district in which the structure is located unless it is a shared walkway access by neighboring contiguous property lines. In cases where the mean high water mark as surveyed and determined by the USACE in January 2000 is located six feet or closer to the oceanward side of the structure to which the deck, walkway, and steps is to be attached, then in that event, the landing of the steps leading from the deck may come to rest within the area up to six feet oceanward of the house. It is the intent and purpose of this section to allow repair and replacement of decks, walkways, and steps, but at the same time to minimize the intrusion of repair and replacement on public property.
  - d. In any case where the general construction of the primary structure would prohibit the attachment of a cantilevered or diagonally-braced deck (i.e., preform house not elevated on pilings or with concrete or block pilings that cannot be drilled), a special exception may be made to allow the construction of a freestanding deck, not to exceed the regulations prescribed in this section. An engineer's report confirming these findings must accompany any request for this exception.
  - e. New construction (includes the construction of new residences, accessory structures, additions, or enlargements permitted by section 8-121) of decks, walkways, and steps will be in accordance with CAMA regulations. Private shared elevated beach access walkways are permissible along the property line of contiguous lots and parcels so long as a signed and notarized agreement by the properties owners is recorded at the Brunswick County Register of Deeds allowing all property owners access and use rights that runs with the land in perpetuity regardless of any future property owners. A CAMA minor development permit must be obtained for all new construction. New construction of walkways and steps for the purpose of gaining access to the public beach shall be constructed in accordance with applicable CAMA regulations for such structures.



# TEXT AMENDMENT APPLICATION

TOWN OF OAK ISLAND  
Planning Department  
4601 E. Oak Island Drive  
Oak Island, NC 28465



Date: 2.15.17

Fee: 500.00

Project Name (if applicable): NA

Any application for an amendment shall be filed with the department of development services at least 45 days prior to the date on which it is to be introduced to the planning board. Each application shall be signed by the property owner or the property owner's agent and be in triplicate. (Sec. 18-335).

## PROCESS

This is a legislative decision, anyone can appeal since a text amendment applies to the whole town. A council member cannot vote on a text amendment if there is a conflict of interest. A public hearing is required, notice of hearing and Planning Board review is mandatory, governing board cannot act on an amendment without written recommendation from Planning Board or on a text amendment. Can appeal for up to 6 months to a year afterward. The application first goes to the Planning Board for recommendation and then to Council for final approval. A written statement by Council or the Board of Commissioners is required for adoption or rejection of all zoning text amendments.

The Planning Board and Town Council may consider consistency with the Land Use Plan as well as any unintended consequences while deciding.

## SECTION 1: APPLICANT INFORMATION

Petitioner Name: R. Scott Townes

Mailing Address: 201 Cutler way  
Greenville, SC 29615

Phone: 864 423-2630 Email: RS Townes@gmail.com



**SECTION 2: PROPERTY OWNER INFORMATION (IF DIFFERENT THAN ABOVE)**

Owner Name(s): Townes properties LP, Addie Townes

Mailing Address: 201 Cutlerway Greenville, SC 29615

Phone: 864) 423-2630 Email: BS Townes@gmail.com

**SECTION 3: STATEMENT OF JUSTIFICATION (APPROX. 1 PAGE)**

Is the proposed zoning consistent with the Land Use Plan? (Please Check One): Yes ☐ No ☒

Please describe why the Board should vote in your favor. As well as why this change would be advantageous for the Town of Oak Island.

(Attach separate sheet if necessary). \*Note: The Oak Island Land Use Plan and all maps can be found online at <http://www.oakislandnc.com/General-Info.asp>

See attachment 1

**SECTION 4: APPLICANT/OWNER SIGNATURE**

In filing this text amendment application, I hereby certify that I am authorized to submit this application and that all of the information presented in this application is accurate to the best of my knowledge, information, and belief.

Signature: 

Date: 2-15-17

ATTACHMENT 1  
February 15, 2017

To: Town of Oak Island

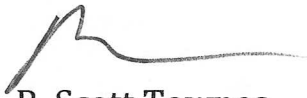
From: R. Scott Townes, Townes Properties, LP

My family partnership, along with my mother Addie Townes and John F. Gushue own four beachfront lots between S.E. 61<sup>st</sup> and S.E. 63<sup>rd</sup> street on Oak Island. We did own all six but have sold the two flanking lots on both sides of S.E. 61<sup>st</sup> and S.E. 63<sup>rd</sup> which now have houses placed upon them.

I am writing you to request so that we could have the option and key word being "option", to build only one beach way access/deck over the existing wetlands for each two joining lots. We currently have builder that is interested in the purchase of these lots if we can obtain such permission. We feel that this request is a "win-win" for the builder and his cost and the environment. By granting this request it is MUCH less invasive for the ecology of the existing wetlands due to the fact that there could only be two walkways built than the planned four (one per lot). I am certain this type of request has been made for multi-family housing such as condos or apartments and think this same "concept" can be granted for individual houses. We also, understand the future homeowners now and forever will have to agree to this request in advance before purchasing these homes.

Please let know if you need anymore information for this request.

Respectfully yours,



R. Scott Townes  
Townes Properties, LP



# Brunswick County GIS Data Viewer



February 20, 2017

■ Addresses

## Parcel Lines

— Easement-Utility

— Easement-Misc

— Easement

— Radius Ticks

## Roads

— Interstate

— US Hwy

— NC Hwy

— State Road

— Minor

## Parcels

▨ Condo

□ Parcel

