



Planning Board
January 21, 2016
Town Hall 10:30 am

Regular Monthly Meeting Agenda

Call to Order:

Approval of the Minutes:

Public Comment: Please state your name and address for the record.

Approval of the Agenda:

Old Business:

- 1) UDO Articles 1, 2, and 3- Holland Consulting
- 2) Environmental Advisory Board Presentation (Steve Edwards)
- 3) Impervious Surface Text Amendment
- 4) Bedrooms Text Amendment
- 5) Outdoor Sales and Displays Text Amendment
- 6) Zoning Map Corrections

New Business:

- 1) Conditional Use Permit Application
- 2) Parking space to bedroom ratio

Other Business:

- 1) Board Member Reports
- 2) Staff Reports - (grant, procedural issue)
- 3) Updates from Council Meeting

Adjournment

MINUTES
OAK ISLAND PLANNING BOARD
December 17, 2015 – 10:30 a.m.
OAK ISLAND TOWN HALL

Present: Chairman Ted Manos, Vice-chairman Denise Pacula, members Cathy Bowes, Helen Cashwell, Bob Carpenter and Bob Germaine, Town Planning and Zoning Coordinator Jake Vares and Town Clerk Lisa P. Stites. Member Clay Jenkins was unable to be present as he was out of town.

Chairman Manos called the meeting to order at 10:32 a.m. He gave the invocation and led the Pledge of Allegiance to the flag.

Ms. Cashwell made a motion to approve the Minutes of the November 19, 2015 meeting. Vice-chairman Pacula seconded and the motion passed unanimously.

Public Comments:

Kelley Germaine, 6610 Kings Lynn Drive: Ms. Germaine asked the Planning Board to seriously consider the proposed text amendments for impervious surface and the bedrooms text amendment.

Agenda Adjustments: **Ms. Cashwell made a motion to move the Environmental Advisory Board presentation on the January agenda. Ms. Bowes seconded and the motion passed unanimously.** Mr. Holloman clarified that currently the Town has no regulations regarding a maximum coverage of impervious surface; what is being proposed is actually a reduction of what is allowed now.

Ms. Bowes said that since the Environmental Advisory Board was actually going to give information related to the impervious surface discussion, that agenda item should be moved to January as well; consensus was to leave it on at least for discussion.

Ms. Cashwell made a motion to approve the agenda as amended, Mr. Carpenter seconded and the motion passed unanimously.

Old Business:

1. Impervious surface text amendment: Chairman Manos said that it seemed like the proposed text amendment would not affect any property on the island as there will be no 10,000-square feet homes on the island. His understanding was that the discussion would be related to single-family homes. Vice-chairman Pacula said that the 10,000 square feet would include all built-upon area, such as storage sheds, etc. and not be limited solely to the house. Mr. Holloman said that this was intended to apply to single lots and it's possible the wording needs to be changed to reflect that if it is not clear. The Board discussed the five criteria of Sec. 18-669; Mr. Vares explained that the first four criteria were currently in the ordinances. The Board also discussed requiring that the maximum coverage limit be applied to every lot in the Town, on the island and the mainland; instead of using the list of criteria. Mr. Holloman said there might need to be more specific language so that the numbers of the driveway, etc. can't be tweaked. Ms. Bowes noted that the presentation that had been postponed included language about requiring an engineered stormwater plan for coverage greater than a certain amount. Mr. Holloman said that typically, towns will accept a drawing to be approved or an engineered plan.

Jane Kulesza, 104 SE 14th Street, co-chairman of the Environmental Advisory Board: Ms. Kulesza said regarding condition number 4, it seemed misplaced to have that in the list of criteria. When the

engineered plan is triggered and what the plan should be should be a separate part than the enumerated list.

Chairman Manos said the Board was discussing removing the list entirely so it would apply to all lots. He also suggested that every subdivision or every development of more than two or three lots should have a stormwater plan. Mr. Vares said that perhaps a good place to draw the line would be for the minor or major subdivision since that is already established. Vice-chairman Pacula said the proposal would mean that development, including auxiliary structures, couldn't cover more than 35 percent. She asked if patios and sidewalks would fall in with the driveway. Mr. Holloman said that could be clarified. He also said that every lot should have a plan, even if it is covering less than 35 percent; staff should be able to require an engineered plan even on smaller projects if needed. Mr. Holloman suggested adding language that would make an engineered plan or a staff-approved plan required. Vice-chairman Pacula said she thought she remembered Mr. Edwards stating that he preferred requiring an engineered plan for every lot as it would take the responsibility away from the Town. Mr. Carpenter asked if something is rebuilt on a developed property that already has more than 35 percent coverage, would that affect how much surface could be covered; Mr. Vares said it would. Redevelopment would have to meet the new regulations. Chairman Manos asked if there was anywhere within the Town limits that septic tank use would be allowed; Ms. Stites said that the Oakwood Glen development on the mainland was still on septic. Chairman Manos noted that septic tank use would regulate the number of bedrooms in a house. **Ms. Cashwell made a motion to table the item. Mr. Carpenter seconded and the motion carried unanimously.**

2. Bedrooms text amendment: Mr. Vares distributed a copy of new state law regarding bedroom definition; the definition should match building code definitions. Chairman Manos said that the state definition was ludicrous as there are rooms that will be called something else but clearly be used as bedrooms. Mr. Germaine said that there was an example of that at the west end; a home was built with six bedrooms and was being advertised for rental as a 12-bedroom home. Ms. Cashwell said that according to state law, the Town could regulate the number of bedrooms in a house through the amount of sewer flow available per bedroom/per house. She said she wanted to know how the Town was going to rectify the amount of flow for the pumping stations with the large homes. Chairman Manos said that currently, no one can build a house with more than seven bedrooms or more than 5,000 square feet. Chairman Manos said that the Town Attorney, Brian Edes, has said that the Town cannot limit the number of bedrooms. Chairman Manos said he spoke to Mr. Edes as he disagreed with that opinion. He said Mr. Edes said a UNC School of Government professor/Coates Canons blog writer said that towns could "probably" not use bedrooms to define house size; the courts have 28 times cited that particular blog writer. He said that it would be a good idea for the Town to avoid giving the courts an excuse to create new law. He said that removing the number of bedrooms requirement, along with adding a provision that if anyone decides to build a home with more than seven bedrooms as determined by inspection of the Development Services division of the Town of Oak Island, then the cost associated with sewer valve pits, etc., specifically installing a valve pit for use by that single home, be charged. Ms. Cashwell said that wasn't the issue. She said the valve pits were not what would cause the problems with the vacuum stations. Mr. Holloman said that one possibility could be to leave the number of bedrooms in the ordinance but tie it to sewer capacity, maybe parking, etc. Ms. Cashwell said that we needed to go back to square one and look at the design of the system as it is what has put us in debt. Chairman Manos said there was nothing that could be done about the design of the system. Mr. Vares said he wanted to look into the flow issue; that could be a good tool. Vice-chairman Pacula said that the information provided to the Comprehensive Plan Ad hoc Committee, the peak flow numbers on July 4th compared to the capacity available shows that there is

enough. Ms. Cashwell said that she could prove differently. **Ms. Cashwell made a motion to defer to next month, have the attorney here to define this and have the sewer director, David Kelly, here to explain how he intends to move forward and control the flow.** Mr. Germaine said we need to know how many lots are not built on yet and we don't know how many homes will be torn down and bigger homes built to replace them. Mr. Germaine said the Town would really be in trouble if at some point, a property owner is told there is not enough capacity for a house to be built. Chairman Manos said that we can't rehash the sewer project every time we do something. Ms. Cashwell said she is not trying to, but that the Town needs to adhere to what is out there, and there seems to be an intense way of just ignoring it. Chairman Manos disagreed. Mr. Holloman said that having Mr. Kelly attend the Planning Board meeting would not be beneficial; staff can bring information from him regarding the issue if necessary. Chairman Manos said that if the Town ever got to a point to declare a moratorium on new houses based on sewer flow, there could be charges in place to pay for expanding the sewer system. That could be caused by individuals building larger homes and they could be charged with paying for future expansion. Vice-chairman Pacula asked where tap and impact fees go; those fees go into the enterprise funds. Mr. Carpenter said that he looked at it from the number of bathrooms and he suggested using a perpetual impact fee based on that. Chairman Manos said that was the case in Las Vegas; water bills were based on the number of fixtures. Vice-chairman Pacula asked if the Town could regulate the number of bathrooms; Mr. Vares said he thought so but he would research that. **Mr. Germaine seconded the motion by Ms. Cashwell.** Chairman Manos said that Mr. Kelly should not have to attend the Planning Board meeting. **The motion failed 2-4, with Ms. Cashwell and Bob Germaine in favor and Chairman Manos, Vice-chairman Pacula, Ms. Bowes and Mr. Carpenter opposed. Ms. Bowes made a motion to table the item to the next meeting. Vice-chairman Pacula seconded and the motion passed unanimously.**

Chairman Manos said the agenda needed to be amended to add a discussion of the Planning Board's recommendation to Council for the addition of grocery stores, etc. in the CR zone. **Chairman Manos made that motion, Vice-chairman Pacula seconded and the motion passed unanimously.**

Chairman Manos made a motion that the Board ask the Town Council at its next meeting that it reconsider the recommendation to pass the text amendment. He said that he has discussed this with the Chairman of the Comprehensive Plan Ad hoc Committee; she will bring it up at that group's next meeting, possibly to endorse the proposed change. Vice-chairman Pacula asked if there was an urgency for it to be considered; Mr. Holloman indicated there was. Council did not take action on the proposed text amendment; Councilor Winecoff suggested waiting **Mr. Germaine seconded the motion and it passed unanimously.**

New Business:

1. Outdoor Sales and Displays Text Amendment: The Board questioned the wording in the proposed text amendment for 18-226.28(a). Mr. Carpenter said that it seemed the Board was being asked to settle a dispute between a tenant and landlord. Ms. Bowes said that the current ordinance was confusing and needed to be clarified. Mr. Vares said that clarifying the ordinance would allow for easier enforcement. He also said that the word "storage" should not have been included in 226-28. Answering a question from Ms. Bowes, Mr. Vares said it might help to remove the reference to walking or standing. Vice-chairman Pacula said that the ordinances require a certain number of parking spaces, so even if a business owner owns the entire building, if a tent is placed in the parking area, the business is no longer meeting the parking space requirements. Mr. Carpenter said that it still seemed like the Town was targeting specific business owners. He also questioned whether this would be changing a practice that has been allowed for many years and if it would be allowing one tenant to call the police on a co-tenant. Mr. Vares said that the issue did arise from an issue between co-tenants. Mr. Vares said that outside sales are allowed only

through a Conditional Use permit and it is difficult for the Town to enforce something that is not defined. **Chairman Manos suggested amendments for the proposed text amendment as follows: In paragraph (a), delete “storage” and add “sales.” In paragraph (c), it should read “Outdoor sales and displays...” and delete everything beginning with “entails...” to the second line below it where it goes to “and.” It will ultimately read “Outdoor sales and displays are intended to enhance an existing business and cannot be located in existing vehicular spaces.” In 116 (a), the word “not” will be removed.** Mr. Carpenter asked if 18-226 could end with “without permit.” Mr. Vares said that was already implied. Ms. Cashwell seconded the motion. Ms. Stites clarified that the motion also included the other proposed amendment to Section 18-32, Definitions; Chairman Manos said it did. **The motion passed with Chairman Manos, Vice-chairman Pacula, and members Bowes, Cashwell, and Germaine in favor and Mr. Carpenter opposed.**

2. Zoning Map Corrections: Mr. Vares said that this was really a housekeeping matter with the zoning map. He said that one example was that there was a “To Be Determined” zoning district. Ms. Cashwell said she thought the Extra Territorial Jurisdiction was done away with. Mr. Vares and Ms. Stites explained that it was still in existence. Mr. Vares has researched the zoning changes made over the years to correct the map. The Board discussed the fact that one house was allowed on a lot in a CL-D zone. Ms. Bowes asked about Parcels 4 and 5, as it states that it is in the airport district but with overlapping owners. Mr. Vares said that’s why he suggested that area be zoned AD. Mr. Vares said that although these are map corrections, he still felt it necessary to contact the affected property owners, advertise for a Public Hearing and send it to Town Council. Chairman Manos suggested having the hearing at the Planning Board. Ms. Stites said the Council would have to have a Public Hearing as well. Mr. Vares said that once these changes are made, maps hung in Town Hall as decoration will be removed and the map will be sent to the County as well. The Planning Board will have a public hearing at the January meeting. Letters will be sent to the property owners stating what the zoning will be. **Ms. Cashwell made a motion to defer this to the January meeting, with a Public Hearing, so the affected property owners have the opportunity to come forward and express their opinions and positions on our proposed actions, Ms. Bowes seconded and the motion passed unanimously.**

Board Member Reports:

Vice-chairman Pacula: The Comprehensive Plan Ad hoc Committee has meetings scheduled January 12 and 20 (not the 19th).

Staff Report:

Mr. Vares said that the two text amendments the Planning Board previously discussed will be on the Council’s January agenda.

Ms. Cashwell made a motion to adjourn at 12:17 p.m. Mr. Carpenter seconded and the motion passed unanimously.

Chairman Ted Manos

Attested: _____
Lisa P. Stites, CMC, Town Clerk

Storm Water – This Presentation

- Defining/discussing the problem
- Current Town policies
- Proposed text changes
- Consequences of the proposals

Storm Water (Non-Point Source Pollution)

- *The most recent National Water Quality Inventory reports that runoff from urbanized areas is the leading source of water quality impairments to surveyed estuaries and the third-largest source of impairments to surveyed lakes.* Source: EPA 841-F-03-003

Local Supporting Evidence

- Most marsh along the ICW is closed.
- Lockwood Folly open portions get smaller each year.
- After a rain, Davis Canal has extremely high counts of fecal coliform.
- Montgomery Slough is totally closed to shell fishing.
- There is serious pooling on many roads.



Water Testing

The Environmental Advisory Committee (EAC) Water Testing Working Group has been testing Davis Canal for three years.

- Concentrations of Fecal Coliform(FC) increase from minimal at the west end to un-swimmable by 40th East and awful pollution by 67th East.
- FC much elevated after a rain storm.
- Apparently not from a human source

Current Town Policies

- Covered In Chap 18, Article V.
- Stress best management practices (BMP's).
- Stresses engineered solutions.
- Each developed lot must capture first 1.5" of rain.
- Design of the engineered solution may be from engineer or surveyor.

Problems With Engineered Approach

- Engineered solutions fail Over time
- The designer may not be competent in storm water management.
- Presently a storm water plan is not even required if impervious surface < 30%.
- If engineered solution is presented, 100% of the improved lot could be impervious.

New Home – note drain spout going Into French Drain



Same House As Previous Slide Showing Wash at Street (System Failed)



Another Failed Solution
Driveway catch basins not maintained.



Erosion At 21st St. End
And Into Davis Canal



Text Changes Proposed

- All lots to be improved must have a storm water plan which is signed & stamped by a NC Registered Professional Engineer.
- A hard cap on maximum allowed Impervious surfaces (see next slide).

A "Hard Cap" on Impervious Surface

- This is the technique used by most cities in the Piedmont. This was in response to fish kills in the major rivers.
- The EAC surveyed six coastal municipalities: three of six have a hard cap. Holden Beach & Kitty Hawk are at 30%; Atlantic Beach is at 40%. The other three allow engineered solutions in lieu of a cap.

Recommended by EAC for Oak Island

- For all single family and duplex properties:
 - For lots < 7,500 sq. ft. maximum 35% Impervious.
 - For Lots > 7,500 sq. ft. maximum 30% Impervious.
 - Additionally, all storm water plans must be signed & stamped by a NC register professional Engineer
 - The lot must fully capture the first 1.5" of rain (the current standard).

The Consequences of the Proposals

In April of 2014 The EAC studied the 39 most recent building permits.

- Under the proposed rules 26 of the 39 projects would need modification.
- However, 25 of the 26 houses would only need one simple modification. A permeable Driveway. Just one house would need additional re-design.

In Summary; the 30-35% cap is doable without increased costs.

Driveway Would Need a Re-design.



TOWN OF OAK ISLAND
PLANNING BOARD
AGENDA ITEM MEMO

Agenda Item: Old Business Item No. 3

Date: January 14, 2016

Issue: Impervious Surface Text amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 30 Minutes

Subject Summary:

Staff is recommending a text amendment to have 35% allowable impervious surface area in a BUA (built up area) for principal structures and accessory structures combined, plus an additional 10% allowable impervious surface for driveways & parking. A built upon area (BUA) is defined as *"That portion of a development project that is covered by impervious or partially impervious surface including, but not limited to, buildings; pavement and gravel areas such as roads, parking lots, and paths; and recreation facilities such as tennis courts. "Built-upon area" does not include a wooden slatted deck, the water area of a swimming pool, or pervious or partially pervious paving material to the extent that the paving material absorbs water or allows water to infiltrate through the paving material."* Sec. 18-683. Currently, there are no regulations in regards to allowable impervious surface area. At the moment an application submitted by a developer cannot be denied due to excessive impervious surface. An engineered stormwater design survey is required for impervious surface areas exceeding 30%. It was asked at the last meeting what is required for developments that have less than 30% impervious surface, for those situations a typical drawing would be allowed showing the impervious surface areas, once the 30% limit is reached a required professional stormwater design plan is mandated showing the impervious surface percentage. This text amendment would belong in the stormwater section of the Zoning Ordinance and if adopted, would establish the maximum percentage. Criteria one through 4 in Sec.18-669 remains because that is a common state standard that is used.

The attached text amendment also requires the applicant to identify impervious surface areas to be shown in site-plans when applying for stormwater approval (Sec.18-663). An impervious surface area is calculated by totaling the square footage of the building envelope. Overhangs are not considered part of the impervious surface area. For accessory ancillary structures the footprint would be incorporated in the calculation, the water surface for a swimming pool would not be considered within the calculation but the pavement surrounding the pool would be. Structures that are on stilts are not excluded from the allowable impervious surface area requirement, the square footage of the building is used to determine the percentage of impervious surface. Additionally, one cannot reduce a portion of their allowable driveway/parking impervious surface percentage in order to substitute that percent reduction savings into the allowable principal structure impervious surface percentage, and vice-versa. The impervious surface text amendment would apply to all residential development.

Walkways and paths would count toward the allowable impervious surface calculation and is location specific. If the impervious walkway is in the back yard then it counts toward the 35% principal structure calculation and if the walkway is in the front yard adjacent to the driveway then it will count toward the allowable 10% surface area for driveways. A patio would count toward the 35% allowable impervious surface total from principal/accessory structures.

After the revisions have been made to the text amendment since the last Planning Board meeting, the new wording allows it to be widely enforceable not just specific to the criteria 1-4 in Sec. 18-669. Parcels in existence within the Town of Oak Island that have more than 30% for principal and accessory structures and more than 10% percent impervious surface for driveways would become non-conforming once/if this ordinance is adopted. If an existing structure is built which is already over the allowable impervious surface area and the structure is removed, then any new proposed existing structure would have to then meet the new 35% and 10% (45% total) impervious surface area requirement. The specific percentage (35% or 10%) applies depending on if it is rebuilding the driveway versus the principal and accessory structures.

Due to state and local land use regulations; every major subdivision including Planned Unit Developments will require a stormwater plan. The town is a phase II stormwater management municipality, therefore developers disturbing more than an acre have to go to the state for stormwater permits. The town contracts out to a third party engineer to review and approve large stormwater design plans. With this text amendment as is, regardless of the amount of disturbance that is generated by a residential development; a stormwater drawing/plan is required because the text refers to any and all impervious surface created.

Currently, every built lot has a stormwater plan even if it is under the 45% impervious surface benchmark. The difference is that some of the stormwater designs are simple drawing for impervious surface areas under 30% and others are more detailed drawings and designs for impervious surface areas over 30%. The reason for requiring all impervious surface areas to have professional stormwater design plans is to take it away from staff discretion and to place it in the hands of engineers. Residential developments and lots that have active state stormwater permits are exempt because acquired before adoption of this impervious surface text amendment. Current lots that are subject to a stormwater plan and exceeds what is permitted by the state, will not be approved.

It should also be noted that impervious surface areas do not have to be shown in vegetation plans if it is for an agricultural activity where no additional impervious surface area is created (Sec. 32-74). Adopting this text amendment will help issues with stormwater runoff and nonpoint and point source pollution associated with new development and redevelopment. Proper management of construction-related and post-development stormwater runoff will be accomplished by setting this impervious surface percentage. This will also minimize damage to public and private property and infrastructure; safeguard the public health, safety, and general welfare; and protect water and aquatic resources. Indirect effects of this text amendment include home size and tree protection.

Attachments: Proposed text amendment

Recommendation/Action Needed: Discussion and motion of recommendation to Town Council

Suggested Motion: Recommend approval of text amendment

Funds Needed: \$0.00

Follow Up Action Needed: Forward recommendation to Town Council for approval or denial.

Attachment

Proposed text amendment

Sec. 18-669. - Standards for ~~limited~~ residential development.

Residential development activities that to meet all five or just one the criteria.

- (1) Disturb less than one acre of land;
- (2) Are located within one-half mile of and draining to shellfishing waters;
- (3) Have a built upon area greater than 12 percent; and
- (4) Will add more than 10,000 square feet of built upon area must obtain a one-time nonrenewable stormwater management permit. Stormwater runoff generated by 1.5 inches of rainfall shall be managed using any one of the following:
 - a. Install cisterns to collect rooftop runoff and permeable pavement;
 - b. Install rain garden for rooftop runoff and permeable pavement, or
 - c. Install any other type of stormwater BMP (e.g., infiltration in sandy soils) to control and treat runoff.

Sec. 18-670. - Standards for stormwater control measures.

(a) Maximum coverage by total impervious surfaces shall be 35 percent of the total lot area, including both principal structures and accessory structures, such as but not limited to back yard patios, sheds, back yard impervious walkways, swimming pool apron/decking, gazebos, and pergolas for residential developments. An additional 10 percent impervious surfaces area is allowable for driveway, impervious walkways, and parking areas.

(b) Residential developments that create any impervious surface will require a professional stormwater design plan.

(c) *Evaluation according to contents of design manual.* All stormwater control measures and stormwater treatment practices required under this article shall be evaluated by the stormwater administrator according to the policies, criteria, and information, including technical specifications and standards and the specific design criteria for each stormwater practice, in the design manual. The stormwater administrator shall determine whether proposed BMPs will be adequate to meet the requirements of this article.

(d) *Determination of adequacy; presumptions and alternatives.* Stormwater treatment practices that are designed, constructed, and maintained in accordance with the criteria and specifications in the design manual will be presumed to meet the minimum water quality and quantity performance standards of this article. Whenever an applicant proposes to utilize a practice or practices not designed and constructed in accordance with the criteria and specifications in the design manual, the applicant shall have the burden of demonstrating that the practice(s) will satisfy the minimum water quality and quantity performance standards of this article. The stormwater administrator may require the applicant to provide the documentation, calculations, and examples necessary for the stormwater administrator to determine whether such an affirmative showing is made.

(e) *Separation from seasonal high water table.* For BMPs that require a separation from the seasonal high-water table, a minimum separation of two feet is required. No minimum separation from the seasonal high-water table is required for a secondary BMP that is used in a series with another BMP.

Sec. 18-663. - Applications for approval.

To accomplish this goal, the following information should be included in the concept plan, which should be submitted in advance of the meeting:

- (1) *Existing conditions/proposed site plans.* Existing conditions and proposed site layout sketch plans, which illustrate at a minimum: existing and proposed topography; perennial and intermittent streams; mapping of predominant soils from soil surveys (if available); boundaries of existing predominant vegetation; proposed limits of clearing and grading; and location of existing and proposed roads, buildings, parking areas and other impervious surfaces.
- (2) *Natural resources inventory.* A written or graphic inventory of natural resources at the site and surrounding area as it exists prior to the commencement of the project. This description should include a discussion of soil conditions, forest cover, geologic features, topography, wetlands, and native vegetative areas on the site, as well as the location and boundaries of other natural feature protection and conservation areas such as natural heritage areas, lakes, ponds, floodplains, stream buffers and other setbacks (e.g., drinking water well setbacks, septic setbacks, etc.). Particular attention should be paid to environmentally sensitive features that provide particular opportunities or constraints for development and stormwater management.
- (3) *Stormwater management system concept plan.* A written or graphic concept plan of the proposed post-development stormwater management system including: preliminary selection and location of proposed structural stormwater controls; low-impact design elements; location of existing and proposed conveyance systems such as grass channels, swales, and storm drains; flow paths; location of floodplain/floodway limits; relationship of site to upstream and downstream properties and drainages; and preliminary location of any proposed stream channel modifications, such as bridge or culvert crossings. The applicant must show on the site-plan the labeled total impervious surface area the proposed development would create so that the stormwater administrator can verify that it will not exceed the allowable maximum coverage.

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

Agenda Item: Old Business Item No. 4

Date: January 14, 2016

Issue: Bedrooms Text Amendment

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 35 Minutes

Subject Summary:

Newly enacted legislation specifies that North Carolina and local governments do not have the authority to limit the amount of bedrooms. Historically, zoning ordinances have addressed this sort of thing but due to considered increased government overreach the general assembly has implemented new laws to restrict a local government's ability to regulate housing features. The new law adds new subsections to G.S.160A-381 and applies to one- and two-Family Dwellings, all single family homes, duplexes, and townhouses. The restrictions do not apply to multifamily and non-residential buildings. Private restrictive covenants can still dictate architectural review for single family homes.

The specific regulation prohibitions listed in the new law cover:

- 1) Exterior building color;
- 2) Type or style of exterior cladding material;
- 3) Style or materials of roofs or porches
- 4) Exterior nonstructural architectural ornamentation;
- 5) Location or architectural styling of windows and doors, including garage doors;
- 6) Location of rooms; and
- 7) Interior layout of rooms.

Local governments no longer have the authority to tell homeowners what color their house can be painted, what materials can be used for their windows and siding, or what architectural style must be used for a new house. Construction must still meet all building code requirements and if the structure is indeed put to a use that is not allowed, zoning enforcement is appropriate at that time. Our Zoning ordinances can still, and does, set height and size limits for structures and specify where on a lot structures may be located and setbacks. Zoning statutes expressly authorize cities and counties to regulate "the height, number of stories and size of buildings and other structures, the percentage of lots that may be occupied, the size of yards, courts, and other open spaces, the density of population, the location and use of buildings, structures and land." G.S. 160A-381. These existing development codes still give the town authority to regulate those features of development that indirectly effect the amount of bedrooms a house could have.

Our Zoning Ordinance currently defines bedrooms as “any fully enclosed interior room as shown on the building plan for the structure that as a minimum has a doorway, window, or is adorned with a bathroom and a room that may be advertised as a bedroom.” Sec. 18-32. And single-family as “a detached building designed for or occupied exclusively by one family having no more than seven bedrooms and a maximum square footage that shall not exceed 5,000 square feet.” Sec. 18-32 • the definition for a bedroom in the NC Residential Building code is: “a room designated as sleeping or bedroom on the plans” Sec R202 – Definitions. Staff proposes the text amendment also include a change in the definition of bedrooms to match the building code definition. The reason for this staff recommendation is due to the newly adopted General Statute 160A-390 (b) which states “when adopting regulation under this Part, a city may not use a definition of dwelling unit, bedroom, or sleeping unit that is more expansive than any definition of the same in another statute or in a rule adopted by a State agency.”

The Town of Oak Island zoning ordinance limits single family to seven bedrooms and staff is proposing that language be removed, but the maximum square footage of 5,000 remain. The list below shows the existing regulatory tools the Town has to indirectly control the number of bedrooms.

- Minimum housing size requirement → *(non-existent* and rare among UDO’s)
- Height limits, 35 to 41 feet depending on flood zone → *existent*
- Setbacks (25front, 8 side, 20 rear) → *existent*
- Structure size limits → *existent* Example: maximum square footage of 5,000 square feet
- Number of stories → *non- existent* restricted by height, not explicit. Did at one time but changed in 06-07 because height resolved this.
- Size of yards, courts, and other open spaces → *existent* we have a minimum lot area per dwelling unit.

R-20	20,000	R-9(e)	9,000	R-7.5(a)	7,500	R-7(e) One-family	R-7(e) Two-family	R-6A One-family	R-6B 6,600
Lot	Area	Lot	Area	Lot	Area	7,500 Lot	10,000 Lot	6,600 Lot	Lot
Dwelling	per	Dwelling	per	Dwelling	per	per Dwelling	per Dwelling	per Dwelling	Area per
(Square Feet)	Unit	(Square Feet)	Unit	(Square Feet)	Unit	Unit	Unit	Unit	Dwelling Unit
						(Square Feet)	(Square Feet)	(Square Feet)	(Square Feet)

- Density requirements are in effect for large PUD developments → *existent*
- Use of buildings via zoning districts → *existent* – The table of Uses determines which type of development one is allowed to have in differing areas of Town.
- Stormwater/Utilities → *existent* -- Valve pits are designed for a 3 bedroom house. The initial flow calculation was for a 3.2 bedroom home for each valve pit. Each bedroom over 3 rooms has an \$880 impact fee. The increased cost of impact fees can serve as an incentive to not have a high number of rooms.
- Restrictive covenants → *existent* -- but Town doesn’t do, is between property owners.
- Parking → *existent* -- One parking space per bedroom is required, so if a plan is submitted with many bedrooms, ten for example, then the developer would have to also have enough room for ten spaces as well.
- Square footage requirement by zoning residential zoning district → *existent* -- that helps reduce house size and therefore bedrooms (see above table).
- Impervious surface limit → *tentative* – 45% total allowable impervious surface area can limit structure size.

Defining bedrooms to match the state definition creates a utility capacity issue problem because if a developer submits plans that only show a small number of bedrooms but it clearly is intended to have a large number of bedrooms then it creates a utility capacity issue. This problem is made particularly apparent when one has a house permitted for a low number of bedrooms but is then advertised as a high number bedroom beach vacation rental house. The NC-AC wastewater design flow rates law specifically addresses bedrooms as flow rates. The wording in this law can be used to rectify the amount of flow associated with structures. If the number of bedrooms is not indirectly regulated then the capacity issues can occur. 15A NCAC 02T .0114 *Wastewater Design Flow Rates* states “the flow rates shall be 120 gallons per day per bedroom. (b) Each bedroom or any other room or addition that can reasonably be expected to function as a bedroom shall be considered a bedroom for design purposes. When the occupancy of a dwelling unit exceeds two persons per bedroom, the volume of sewage shall be determined by the maximum occupancy at a rate of 60 gallons per person per day.” (Additional occupancy would be based off a 60 gallon per person per day per usage)

As of right now one parking space is required for each bedroom, so if a large number of bedrooms are being built then the developer will also have to design the site to have enough spaces for each bedroom, which limits the amount of space and impervious surface one has to work with.

If we remove the number of bedrooms and add another provision that states that if anyone should decide to build a home greater than 7 bedrooms as determined by the development services department then the cost of specifically placing a utility hook-up be paid by the owner or developer. Essentially it is saying if a home is large enough, for example, even though 4 bedrooms are shown on the plans, the Town can consider the house a large enough structure to require additional costs due to anticipated water and sewer demand increase. The goal is to allow people to continue to build on their lots, as is required, but to not overburden the utility system at the same time. Perhaps, if the Planning Board desires, staff can explore a text amendment of this sort assuming there are no legal issues with this approach.

The island is mostly built out and this effects the capacity of our utility infrastructure. From 2000 to 2015, approximately 2,467 residential building permits were issued in the Town, the majority of which were issued for the island. If development occurs at a similar pace over the next fifteen years, it is possible that the majority of vacant lots will be built upon. The majority of the land that exist on the island has been developed, leaving approximately 2,789 lot (25% of total) as infill sites open for development.

These lots are considered developable as they are not protected for conservation purposes and do not contain coastal wetlands. The housing trend on the island seems to be for

Table 4-5. Developed and Undeveloped Land: Island Portion of Corporate Limits

Status	Parcel	% of Total	Acres	% of Total
Developed	8,109	70.66%	1,881.47	51.81%
Undeveloped/Vacant	3,367	29.34%	1,749.96	48.19%
Total	11,476	100.00%	3,631.43	100.00%
Undeveloped/Vacant Not Impacted by Wetlands*	2,789	24.30%	935.57	25.76%

larger houses and there needs to be enough flow available for future island residential development. The draft Land Use Plan addresses this and at the moment enough capacity is projected in the long term.

The Town attorney has weighed in and has said we cannot limit the number of bedrooms. This is largely due to the opinion of David Owens, a School of Government, land use law professor that believes the case-law and new general statutes make it so that local governments “probably” can no longer enforce a min/max bedroom requirement. Finally, staff has just recently learned of a floor to lot area ratio technique that Horry County has in place that could potentially serve as a means to mitigate this issue. If directed staff could research this possibility to determine if it is right for Oak Island.

Attachments: Proposed text amendment

Recommendation/Action Needed: Discussion and motion of recommendation to Town Council

Suggested Motion:

Funds Needed: \$0.00

Follow Up Action Needed: Forward recommendation to Town Council for approval or denial.

Attachment

Proposed text amendment

Sec. 18-32. Definitions

Dwelling, single-family means a detached building designed for or occupied exclusively by one family ~~having no more than seven bedrooms~~ and a maximum square footage that shall not exceed 5,000 square feet.

Sec. 18-32. - Definitions

Bed and breakfast inn means a house, or portion thereof, where short-term lodging rooms and meals are provided. The operator of the inn shall live on the premises or in adjacent premises.

Bedroom means ~~a room designated as sleeping or bedroom on the plans. any fully enclosed interior room as shown on the building plan for the structure that as a minimum has a doorway, window, or is adorned with a bathroom and a room that may be advertised as a bedroom.~~

Board of adjustment means a local body, created by ordinance, whose responsibility is to hear appeals from decisions of the zoning administrator and other code officials and to consider requests for variances from the terms of the zoning ordinance.

TOWN OF OAK ISLAND
TOWN COUNCIL
AGENDA ITEM MEMO

Agenda Item: Old Business Number 5

Date: January 14, 2016

Issue: Outdoor Sales and Displays

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 10 Minutes

Subject Summary:

The Town Council has requested that a few adjustment be made to the Outdoor Sales and Displays text amendment. Local businesses setting up tents in shared parking lots for the purposes of selling goods has become an issue of note. A complaint arose that a tent had been setup in a shared parking lot that was taking up parking spaces. Upon review of the ordinance, *Outdoor sales and displays* cannot be done without a Conditional Use Permit (CUP). Without defining Outdoor sales and displays, enforcing the CUP requirement is difficult. Once it is more clearly defined then enforcement of the CUP requirement becomes easier and the Town has firm legal standing.

An outdoor sales and display is allowed with a CUP in the Community Business (CB), Commercial Recreation (CR), Commercial Low Density (CLD), and Conditional Use Community Business (CUCB) zoning districts and is not allowed in the rest of the Town of Oak Island that does not have those aforementioned zoning district designations. The CB and CR zoning districts is where this has particularly become an issue. Once a tent is set up the area becomes more permanent than someone with just a moveable rack going to various places.

The Town Council has deemed it more appropriate to change to the Conditional Use Permit requirement to a PS (Permitted with Standards). Some additional possible corrections have also come to light. For instance the "maximum zoning lot area of one acre" requirement does not seem to be suitable. The reasoning for that language seems to be because they deemed Outdoor Sales & Displays as something listed in the table as uses as a stand-alone principal use. Permitted with Standards (PS) should be in effect for whether the Outdoor Sales and Displays are accessory to an existing business or the only use being conducted. In order to accommodate this additional language has been added to the definition so it is made clear.

Attachments: Proposed Text Amendment and Planning Board Plan Consistency Statement

Recommendation/Action Needed: Approval

Suggested Motion:

Funds Needed: \$0.00

Follow Up Action Needed: Update ordinance and file paperwork

Attachment

Proposed text amendment

Sec. 18-32. – Definitions

Nursing home means an agency, organization or individual providing care for three or more convalescing or aged persons not related by blood or marriage to the operator (and where registered nurses are required).

Outdoor Sales and Displays => means an exhibition meant to enhance an existing business, or as a standalone use, where merchandise, wares or other tangible items are displayed for show and/or sale out-of-doors. Outdoor Sales and Displays can be primary use on a site if no other principal uses exist and an accessory use if there are existing principal uses already in effect.

Parking facility (lot) means any area, either open or enclosed, structural or on grade located outside of the public right-of-way and having an approved means of ingress and egress.

Sec. 18-226. (Special Provisions for Conditional Uses – (28) *Outdoor sales and display.*

- a. *Outdoor ~~storage~~ sales and display areas, both for incidental and principal uses are not to exceed one acre in size. ~~are limited to a maximum zoning lot area of one acre.~~*
- b. *Lighting installed on the property must comply with the provisions for town lighting in division 11 of this article and shall be installed in a manner that prevents trespass onto adjoining properties and controls glare on the public right-of-way and on public trust waters.*
- c. *Outdoor sales and displays can be a stand-alone principal use or can be intended to enhance an existing business and cannot be located in existing vehicular spaces.*
- d. *No outdoor sales and displays shall be conducted as a principal use within the town without first having obtained a Conditional Use Permit from the town. The Conditional Use Permit must be made available to the town upon request.*
- e. *All principal use outdoor sales and display structures such as tents and sales stands will need to be reviewed for compliance with all applicable state codes and temporary Outdoor sales and display that remain on site exceeding 180 days will be considered as a permanent structure and shall meet all federal, state, and local regulations.*

Sec 18.82 Specific Regulations

(4) Granting of permit. The physical handicap disability of an applicant shall not be the sole determining factor for the approval of a building permit for a handicap facility within the required setbacks.

(s) Outdoor sales and displays conducted as an accessory use must meet specific standards.

(1) Outdoor storage sales and display areas, both for incidental and principal uses are not to exceed one acre in size.

(2) No sales of merchandise shall be permitted between the hours of 10:00 p.m. and 7:00 a.m.

(3) Between the hours of 10:00 p.m. and 7:00 a.m., all items offered for sale shall be removed.

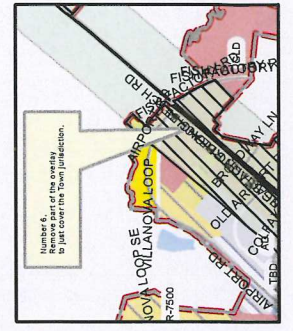
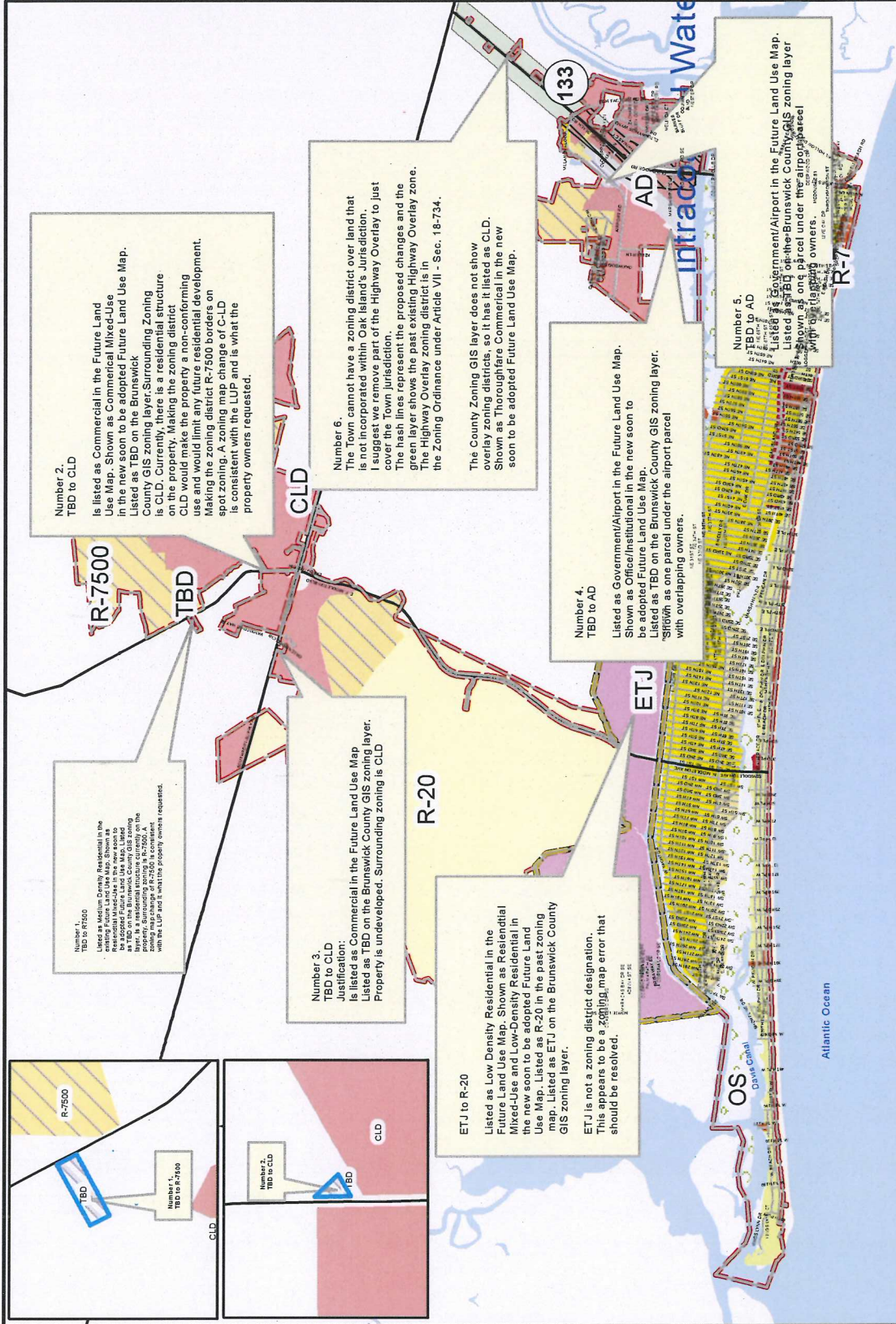
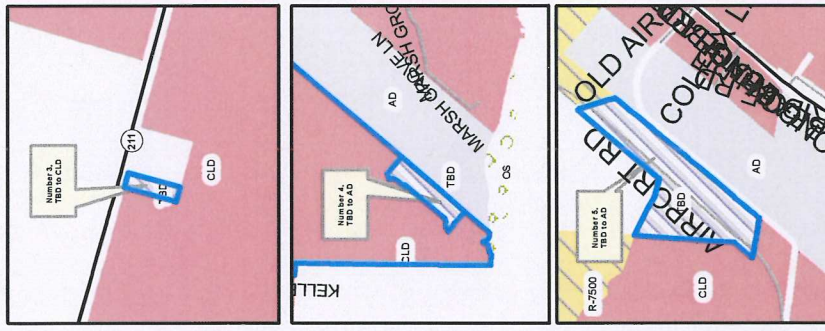
(4) Outdoor sales and displays shall not be located within parking spaces.

(5) The permit must be made available to the town upon request.

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

Sec. 18-116. Table of Uses

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



Town of Oak Island Zoning Correction Map

Brunswick County, NC



Map created by:
Jake Vares
Town of Oak Island
Development Services Department
1/8/2016

This is to certify that this is the official zoning map referred to in Chapter 18 in the Code of Ordinances under Division 2, Section 18-52. The map is entitled "Zoning District Map" by the Code of Ordinances.

Map is to be used to only show the general vicinity. It is not to be used for accuracy. Map is to be used for informational purposes only. Data used to generate this map was provided from separate sources.



PAST REZONING CASES HAVE BEEN REVIEWED AND IT APPEARS THESE ARE SIMPLE ZONING MAP ERRORS THAT NEED TO BE CORRECTED.

Legend

Streets	R-7500 Medium Density Residential
Town Boundary	R-4A Residential District
Extra-Territorial Jurisdiction (ETJ)	R-4B Residential District
Water Features	R-6MF Higher Density Residential
(AD) Airport District	R-6MH Higher Density Residential
(CLD) Commercial Low Density	R-20 Low Density Residential
	R-8 Medium Density Residential
	R-7 Medium Density Residential
	Beach Club Overlay District

NEW BUSINESS

CONDITIONAL USE PERMIT

TOWN OF OAK ISLAND
TOWN COUNCIL
AGENDA ITEM MEMO

Agenda Item: Item Old Business Number 1

Date: January 13, 2016

Issue: Conditional Use Permit Application

Department: Planning & Zoning Administrator

Presented by: Jake Vares

Presentation: None

Estimated Time for Discussion: 25 Minutes

Subject Summary:

The applicant is applying for a Conditional Use Permit in order to provide additional parking spaces in the lot behind her property at Captain Cove's Motel located off East Oak Island Drive. 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. A finding of fact document should be adopted and signed by the Chair; said document will be provided by staff and the content of the finding of fact will depend on the determination of the Board and whether or not the Conditional Use Permit is approved or denied.

This is a quasi-judicial decision and carries with it a separate, more officious operating procedure. The Conditional Use Permit recommendation can be for denial, approval, or approval with conditions. 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 burden of evidence is on the applicant.

Attachments: CUP Application

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

Suggested Motion:

Funds Needed: \$0.00

Follow Up Action Needed: Inform applicant, forward recommendation to Town Council and add to information to the case file.

Conditional Use Permit Application

Application is hereby made for a Conditional Use Permit to use the property at the address below for the indicated conditional use.

Applicant Information (person applying for CUP)

Name(s): Chris + Linda Crothers

Mailing Address: 6401 East Oak Island Dr.
Oak Island, NC 28465

Phone Numbers: H- ^{W-} (910) 278-6026 C- (910) 540-1566 cell c

W- (910) 398-5378 cell L

Property Owner Information (if different from applicant)

Name(s): Mark + Kristen Locke

Mailing Address: 5767 Long Bay Ln
Granite Falls, NC 28630

Phone Numbers: H- () - C- (910) 515-6112

W- () - Same

Property Information

Address of Site: 102 SE 64TH St. / Oak Island, NC

Tax Parcel Number: ~~250A1100203~~ 250A11001

Lot/Block/Section: 1 / 2A / Turtle Creek

Proposed Conditional Use: overflow parking

Current Zoning District: OK-R7 Total Site Area:

In filing this application for a Conditional Use Permit I/We as the property owner(s) hereby certify that all of the information presented in the application is accurate to the best of my knowledge, information, and belief.

Mark & Kristen Jocke
Signature of Property Owner

1-5-16
Date

If the Property is owned jointly or by a corporation, partnership, or other business entity, please have the principals of such business sign and print their names below.

Printed Name

Signature of Property Owner

Date

Printed Name

Signature of Property Owner

Date

Printed Name

Signature of Property Owner

Date

Appointment of Authorized Agent

I, Mark + Kristen Locke, the owner of the property subject to this conditional use application, do hereby appoint Libba Motinger, as my authorized agent regarding this application, to receive and respond to administrative comments, to resubmit plans on my behalf and to represent me in any public meeting regarding this application.

Mark Locke + Kristen Locke 1-5-16
Signature of Property Owner Date

Libba Motinger 1-5-16
Authorized Agent Signature Date

Addendum to Application
for a Conditional Use Permit

I have received, read, and fully understand Chapter 18, Article 2, Division 8, Section 18-223, steps to be taken in a conditional use application other than a unified tract development, Section 18-224, Additional conditions, Section 18-225, Environmental Impact Statement and Section 18-226, Special Provisions for conditional uses as it pertains to my application. I have also read and understand the application for a conditional use permit. The items I did not understand, if any, have been explained to my satisfaction by an employee of the Town of Oak Island Development Services Department.

I understand that application will be reviewed for completeness by town staff prior to consideration by the Planning Board. I further understand that following the Planning Board review and recommendation that a public hearing will be held to receive competent evidence regarding the application; and that a final decision on the application will be made by the Town Council.

I understand that if the Town Council decides not to issue the requested conditional use permit, the North Carolina General Statutes provide that the decisions of the Town Council on conditional use permits are subject to

review by the superior court by proceedings in the nature of appellate review. This means that an appeal to court is not an opportunity for the parties to present additional evidence, but is a review of the record of the hearing procedures in reaching the decision that it did. A petition for judicial review must be filed with the Clerk of Superior Court within thirty days (30) after the decision of the town Council is filed in the office of the Town Clerk or after a written copy thereof is delivered to every aggrieved party who has filed a written request for such copy with the Town Clerk at the time of the hearing of the case, whichever is the later date.

Mark Locke-foster Locke
Signature of Property Owner

1-5-16
Date

Luba McBeary
Authorized Agent Signature

1-5-16
Date

CONDITIONAL USE PERMIT APPLICATION GUIDANCE DOCUMENT

(Submission of a complete application form, plans, as well as all information in this guidance is the test for completeness of application. No proposal will be considered to have met the deadline for a Planning Board meeting unless the application is complete. Do not leave any line blank. If an item does not apply to the proposal, it must be indicated in the space provided or by attachments. A Technical Review staff meeting will be scheduled as soon as possible following receipt of a complete application. The applicant will be invited to attend the staff review. Additional information may be requested at any time during the review process.)

PROJECT NAME: Captain's Cove Overflow Parking

PROJECT ADDRESS: 102 SE 64TH Street

Tax Parcel Number(s) 250 AH001

EXISTING USE: undeveloped lot

PROPOSED USE: overflow parking

(If Applicable)

No. of Units:

No. of Bedrooms:

see survey 201

OWNERS AND USES WITHIN 100' OF THE PROPERTY: (List here with mailing addresses, show on plans, and discuss in detail in narrative)

Has the Applicant met with any adjacent property owners in regard to this project?

no

If yes, who _____

Does the applicant know of objections from neighbors at this time? _____

INFRASTRUCTURE:

1. **WATER** Available? X Size line? _____
(Show on Plan)

Infrastructure Improvements needed? (list here and discuss in narrative)

Proposed by Applicant? (List here, discuss in narrative and show on plan)

2. **SEWER** Available? X Line size? _____
(Show on Plan and discuss in narrative)

Existing Allocation? _____ gpd New or additional
request? _____ gpd

Infrastructure Improvements needed? (list here and discuss in narrative)

Infrastructure Proposed by Applicant? (list here, discuss in narrative and show on plan)

(Discuss in detail in the narrative)
3. **STREET** paved? yes Design Capacity? _____
(Show existing and proposed on plan)

Most recent traffic count? _____ High accident/incident location? _____

Estimated traffic flow? (Provide traffic study) _____

Driveway cuts (Show existing and proposed on plan. Show neighboring driveways on plan)

Improvements needed? (List here and discuss in narrative)

Proposed by Applicant? (List here, discuss in narrative and show on plan)

4. **SIDEWALKS** available? NO Needed? _____
(Show existing and proposed on plans)

5. **DRAINAGE**

Does this area regularly experience standing water? _____
(Discuss in detail in the narrative)

Improvements required? (List here and discuss in layman detail in the narrative)

Proposed by Applicant? (List here and show on plan)

Is a **Storm Water** retention plan required? _____
(Discuss in the narrative)

Pre and post development flow estimates? Pre _____ Post _____
(Discuss in narrative and show on plans)

What method of retention is proposed? _____
(Show on plans, provide details per codes and discuss in layman detail in the narrative)

SAFETY:

6. FIRE/EMS SAFETY

(Show all items on plans and discuss in detail in the narrative)

Hydrants available? _____ Water pressure issues? _____
(Show existing and proposed on plans)

Buildings accessible for emergency vehicles? _____

Improvements needed? (List here and discuss in narrative) _____

Improvements Proposed by Applicant? (List here, discuss in narrative and show on plans)

7. POLICE ISSUES OTHER THAN TRAFFIC

High call volume from this area? (if yes, explain)

Will the proposal generate a need for higher level of service? _____

Other concerns for safety _____

8. OTHER:

- What is the **FLOOD ZONE** designation for this site? (Show line on plat if zones overlap) _____

If required, how does applicant propose to address flood ordinance requirements? (i.e. fill material to elevate floor; pile supported structures, open below; pile supported enclosed structures with flood vents, etc. NOTE - 35' height limit can only be exceeded in actual VE portions of lots.)

- Will the proposal require a permit from the **US Army Corps of Engineers** for disturbance of 404 wetlands? _____

If yes, show the wetlands delineation on the site plan.

- Will the proposal require a **CAMA permit**? _____ (major/minor/exemption)
Which TYPE AEC? _____ (Show CAMA setback lines on plans)

If yes, has there been a preliminary review of the proposal to determine that a permit can be issued as proposed? _____

- Are **BUFFERS** required? _____ If yes, why? _____

Briefly describe the method proposed by applicant? _____
(Show on Plans and discuss in narrative)

- Is a preliminary **Landscape Plan** included? _____ Is there a tree survey showing existing vegetation attached? _____

9. UNUSUAL SITUATIONS

Please include a discussion of any unusual characteristics of the site or the project. (i.e., underground storage tanks, buried waste site, culverts or old infrastructure, burial grounds etc.)

If applicable, please add discussion or list any particular aspects of the proposal in which minimum development standards will be exceeded. (i.e., saving trees, more landscape than required, more open space than required, bike access, pedestrian access to ocean, extra parking, retractable storm shutters, flood-proofing etc.)

10. QUALITY OF LIFE

If applicable, feel free to add discussion about any characteristics of the project which you have designed to enhance quality of life in the community.

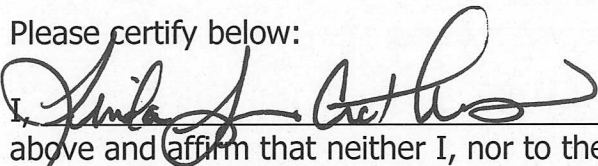
11. ANY ADDITIONAL COMMENTS

Applicant is invited to share any additional commentary or evidence not otherwise covered above.

QUASI-JUDICIAL HEARINGS

The applicant is hereby advised that Conditional Use Hearings are quasi-judicial actions on the part of Town Council. ***Ex parte (outside the hearing) discussions about this project with members of Council are not allowed.*** Such communications can result in members having to recuse themselves from the vote or having the validity of the final decision challenged and potentially overturned.

Please certify below:

I,  have read and understand the statement above and affirm that neither I, nor to the best of my knowledge, any other person, has discussed or will discuss this project on my behalf with any member of the Town Council of Oak Island prior to final hearing.

Date 1-5-2016

(If applicant is unable to affirm the statement above as being true, please list Council members with whom the proposal is known to have been discussed.)

December 15, 2015

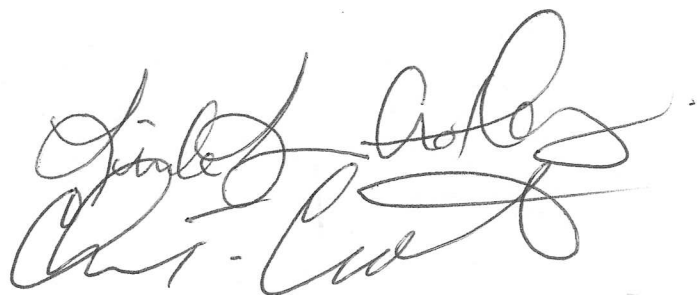
To the Town of Oak Island planning board and counsel,

We are petitioning the town for a conditional use permit on the lot directly behind the Captain's Cove Motel that has become available for sale. We would like to make it into an overflow parking area to be used when necessary-mostly summertime. Our motel parking now is workable but tight when we are full. There are even some nights I have to go on parking patrol to help people find a spot. An overflow parking area would make things safer and more user-friendly for our customers.

We want to leave it as natural as possible-not blacktop and only about 1/3 of the lot next to the motel for actual parking spaces at this time.

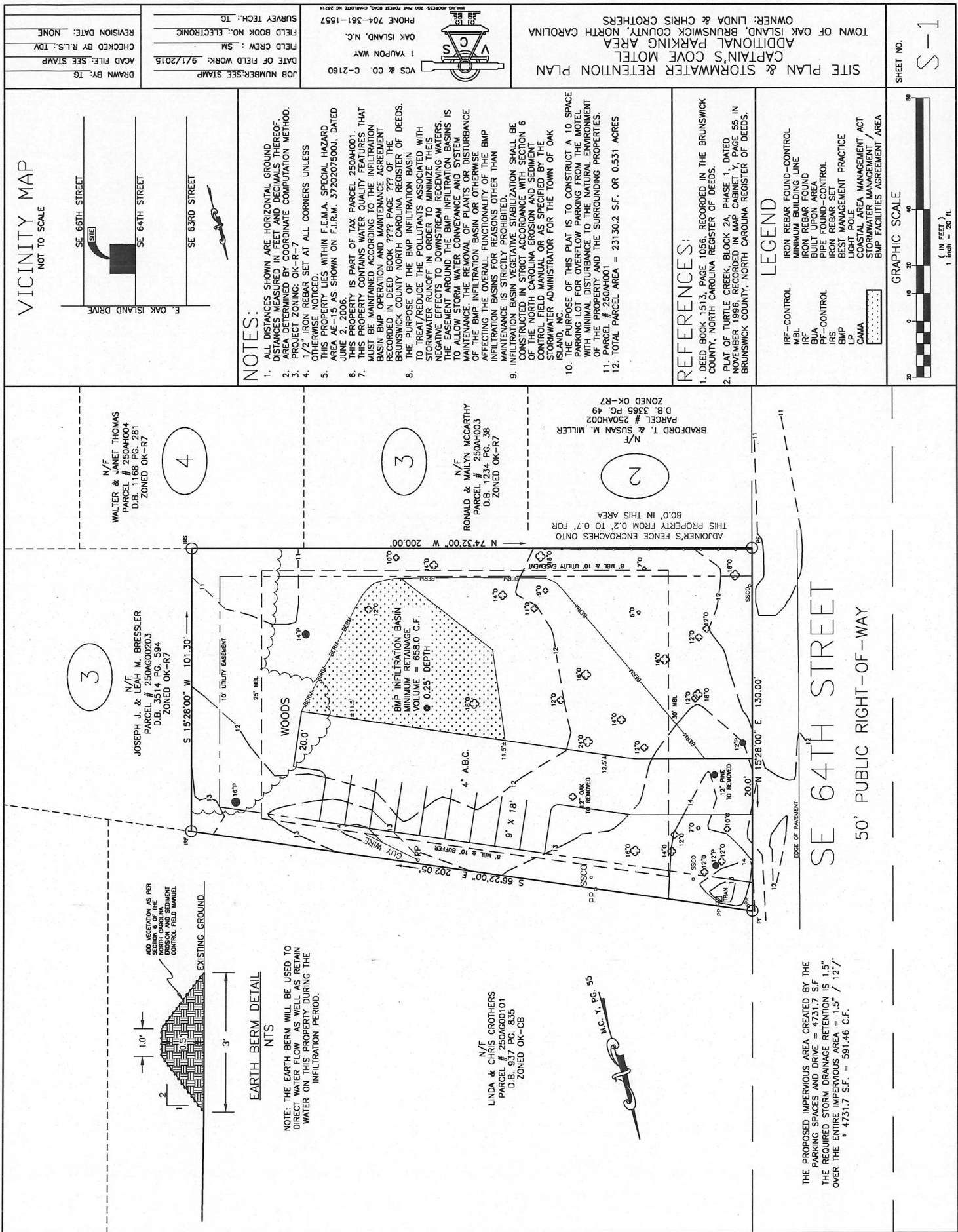
Thank you for your consideration on this CUP. We hope you can see the merit in what we are attempting to do.

Thank you,

A handwritten signature in dark ink, appearing to read "Jimmie A. Roberts". The signature is written in a cursive, flowing style with large, connected letters.

Chris T Crothers

Linda Spann Crothers



<p>VICINITY MAP</p> <p>NOT TO SCALE</p> <p>SE 66TH STREET</p> <p>SE 64TH STREET</p> <p>SE 63RD STREET</p>	<p>NOTES:</p> <ol style="list-style-type: none">1. ALL DISTANCES SHOWN ARE HORIZONTAL GROUND DISTANCES MEASURED IN FEET AND DECIMALS THEREOF.2. AREA DETERMINED BY COORDINATE COMPUTATION METHOD.3. PROJECT ZONING: OK-R-74. 0.72' IRON REBAR SET AT ALL CORNERS UNLESS OTHERWISE NOTED.5. THIS PROPERTY LIES WITHIN F.E.M.A. SPECIAL HAZARD AREA AE-15 AS SHOWN ON F.I.R.M. 37202075001, DATED JUNE 2, 2006.6. THIS PROPERTY IS PART OF TAX PARCEL 250AH001.7. THIS PROPERTY CONTAINS WATER QUALITY FEATURES THAT MUST BE MAINTAINED ACCORDING TO THE INFILTRATION BASIN BMP OPERATION AND MAINTENANCE AGREEMENT RECORDED IN DEED BOOK ??? PAGE ??? OF THE BRUNSWICK COUNTY NORTH CAROLINA REGISTER OF DEEDS.8. THE PURPOSE OF THE INFILTRATION BASIN IS TO TREAT/REDUCE THE POLLUTANTS ASSOCIATED WITH STORMWATER RUNOFF IN ORDER TO MINIMIZE THEIR NEGATIVE EFFECTS TO DOWNSTREAM RECEIVING WATERS.9. THE EASEMENT AROUND THE BMP INFILTRATION BASIN IS TO ALLOW STORM WATER CONVEYANCE AND SYSTEM MAINTENANCE. THE REMOVAL OF PLANTS OR DISTURBANCE OF THE BMP INFILTRATION BASIN OR OTHERWISE AFFECTING THE OVERALL FUNCTIONALITY OF THE BMP INFILTRATION BASIN FOR REASONS OTHER THAN CONSTRUCTION OF THE INFILTRATION BASIN SHALL BE CONSIDERED A VIOLATION OF THE INFILTRATION BASIN BMP OPERATION AND MAINTENANCE AGREEMENT.10. INFILTRATION BASIN VEGETATIVE STABILIZATION SHALL BE CONSTRUCTED IN STRICT ACCORDANCE WITH SECTION 6 OF THE NORTH CAROLINA EROSION AND SEDIMENT CONTROL FIELD MANUAL OR AS SPECIFIED BY THE STORMWATER ADMINISTRATOR FOR THE TOWN OF OAK ISLAND, NC.11. THE PURPOSE OF THIS PLAN IS TO CONSTRUCT A 10 SPACE PARKING LOT OR OVERLOOK PARKING FROM THE MOTEL BUILDING TO THE INFILTRATION BASIN AND THE ADJACENT OF THE PROPERTY AND THE SURROUNDING PROPERTIES.12. TOTAL PARCEL AREA = 23130.2 S.F. OR 0.531 ACRES	<p>REFERENCES:</p> <ol style="list-style-type: none">1. DEED BOOK 1513, PAGE 1056, RECORDED IN THE BRUNSWICK COUNTY, NORTH CAROLINA REGISTER OF DEEDS.2. PLAT OF TURTLE CREEK, BLOCK 2A, PHASE 1, DATED NOVEMBER 1996, RECORDED IN MAP CABINET 14, PAGE 55 IN BRUNSWICK COUNTY, NORTH CAROLINA REGISTER OF DEEDS.	<p>LEGEND</p> <p>IDE-CONTROL</p> <p>MBL</p> <p>IRF</p> <p>BUA</p> <p>PF-CONTROL</p> <p>IRS</p> <p>BMP</p> <p>CP</p> <p>CMA</p> <p>IRON REBAR FOUND-CONTROL</p> <p>MINIMUM BUILDING LINE</p> <p>IRON REBAR FOUND</p> <p>BUILT UPON AREA</p> <p>PIPE FOUND-CONTROL</p> <p>IRON REBAR SET</p> <p>BEST MANAGEMENT PRACTICE</p> <p>LIGHT POLE</p> <p>STORMWATER MANAGEMENT</p> <p>STORMWATER MANAGEMENT ACT</p> <p>BMP FACILITIES AGREEMENT AREA</p>	<p>GRAPHIC SCALE</p> <p>1 inch = 20 ft.</p>	<p>TOWN OF OAK ISLAND, BRUNSWICK COUNTY, NORTH CAROLINA</p> <p>CAPTAIN'S COVE MOTEL</p> <p>ADDITIONAL PARKING AREA</p> <p>SITE PLAN & STORMWATER RETENTION PLAN</p> <p>OWNER: LINDA & CHRIS CROTHERS</p> <p>1 YAPON WAY</p> <p>OAK ISLAND, N.C.</p> <p>PHONE 704-361-1557</p> <p>VCS & CO. C-2160</p> <p>JOB NUMBER: SEE STAMP</p> <p>DATE OF FIELD WORK: 9/1/2015</p> <p>FIELD CREW: SM</p> <p>FIELD BOOK NO.: ELECTRONIC</p> <p>SURVEY TECH.: TG</p> <p>DRAWN BY: TG</p> <p>CHECKED BY: R.L.S.: TOY</p> <p>REVISION DATE: NONE</p> <p>SHEET NO. S-1</p>
---	--	---	--	--	---

Captain Cove Motel Parking Parcel

Adjacent Properties 100 ft



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGA, the GIS User Community