



# TOWN OF WRIGHTSVILLE BEACH

## DEPARTMENT OF PLANNING & INSPECTIONS

---

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### Planning Board Meeting Agenda

Tuesday, May 3, 2016 6:00 p.m.  
Town Hall Council Chambers  
321 Causeway Drive, Wrightsville Beach, N.C.

- Call to Order by Chairman Dull
- Pledge of Allegiance
- Approval of Minutes from the April 5, 2016 Meeting
- **New Business**

**Agenda Item A:** A Text Amendment to Section 155.9.1.6 Exception in Parking Requirements to modify subsection (C) which stipulates the criteria upon which the Board of Aldermen may grant an exception to the off-street parking requirements of the Town.

**Agenda Item B:** A Conditional Use Permit application and a Parking Exception request for 13 East Salisbury Street, to allow for the operation of a full service restaurant after renovations are completed to the existing two-story structure. This matter was opened and continued at the April 5, 2016 Planning Board Meeting.

**Agenda Item C:** A Conditional Use Permit application for 216/218 Causeway Drive, to operate a commercial parking lot consisting of 13 spaces for use by the customers of Poe's Tavern.

- Old Business
- Other Business from the Chairperson & Board Members
- Other Business from Staff
- Adjournment



## WRIGHTSVILLE BEACH PLANNING BOARD MINUTES

321 Causeway Drive, Wrightsville Beach, NC 28480

**April 5, 2016**

The Town of Wrightsville Beach Planning Board met at 6:00 p.m. in the Town Hall Council Chambers located at 321 Causeway Drive, Wrightsville Beach, NC 28480.

**PRESENT:** Chairman Ken Dull, Vice Chairperson Susan Snider, David Culp, Vivian "Zeke" Partin, Jim Smith, Thomas "Ace" Cofer, Janice Clark

**ABSENT:** None

**Staff Members Present:** Tony Wilson, Director of Planning & Parks  
Zachary Steffey, Town Planner

### CALL TO ORDER

Meeting called to order by Chairman Ken Dull at 6:00 p.m.

### PLEDGE OF ALLEGIANCE

Chairman Ken Dull led the audience in the Pledge of Allegiance.

### APPROVAL OF MINUTES

Ms. Zeke Partin had requested two changes to the minutes from the March 8, 2016 Planning Board meeting. The changes included the addition of a word and the clarification of a confusing sentence. The changes to the minutes were made prior to the beginning of the meeting and were included in the Planning Boards meeting

binders.

**...Motion by Ms. Zeke Partin to approve the amended minutes from the March 8, 2016 meeting. Motion seconded by Mr. Jim Smith and carried unanimously by a vote of (7-0).**

## **NEW BUSINESS**

### AGENDA ITEM A:

CONSIDERATION OF A CONDITIONAL USE PERMIT APPLICATION AND PARKING EXCEPTION REQUEST FOR 13 EAST SALISBURY STREET, TO ALLOW FOR THE OPERATION OF A FULL SERVICE RESTAURANT AFTER RENOVATIONS TO THE EXISTING TWO-STORY STRUCTURE ARE COMPLETED.

Mr. Steffey informed the Planning Board that the applicant had requested to open and continue the matter to the Planning Boards May 3, 2016 meeting. Mr. Steffey said that at the May 3, 2016 meeting the Planning Board would be asked to consider a Text Amendment, along with a Parking Exception request and conditional use permit application for 13 East Salisbury Street.

### REQUEST BY AUTHORIZED AGENT ON BEHALF OF THE APPLICANT:

Mr. Joseph Taylor Jr. Esq., authorized agent for the applicant, said that good governance required a one or two-word change to the ordinance to move forward with the parking exception request. He said that the matter would be brought

### **MOTION:**

**...Motion by Ms. Partin to open and continue consideration of the Conditional Use Permit application and Parking Exception request for 13 East Salisbury Street, to the Planning Board's May 3, 2016 meeting. Motion seconded by Ms. Snider and carried unanimously by a vote of (7-0).**

AGENDA ITEM B:

CONSIDERATION OF A TEXT AMENDMENT TO ALLOW CHURCHES AND RELIGIOUS ESTABLISHMENTS TO OPERATE AS COMMERCIAL PARKING LOTS FOR THE PURPOSE OF COLLECTING CHARITABLE DONATIONS ON CERTAIN HOLIDAY WEEKENDS THROUGHOUT THE YEAR. THE TEXT AMENDMENT WOULD DESIGNATE SUCH ACTIVITIES AS EITHER A CONDITIONAL USE OR A PERMITTED USE WITH SUPPLEMENTAL REGULATIONS.

DISCLOSURE OF CONFLICTS OF INTEREST OR THE PERCEPTION OF THE PRESENCE OF A CONFLICT OF INTEREST:

Mr. David Culp said that his daughter and son are both pastors and that his son is a pastor at Wrightsville Beach United Methodist Church. Mr. Culp said that he would like to recuse himself.

Mr. Smith said that he had discussed the matter with the Town attorney. He said that the Town attorney had indicated that if members of the Planning Board were also members of the churches being discussed, they could still consider the matter and that a conflict of interest would not be present.

STAFF PRESENTATION:

Mr. Steffey said that the Board of Aldermen had directed Town Staff to prepare a Text Amendment to the Wrightsville Beach Code of Ordinances to address the off-street parking requirements for churches. The proposed Text Amendment to Section 155.9.1.5 Off-Street Parking Requirements deletes the current wording describing required off-street parking for Churches. Section 155.9.2.1 establishes a new section of the Off-street Parking Requirements Per Land Use section of the ordinances. This section would allow churches to utilize their existing off-street parking lots as commercial parking lots after 11:00 a.m. on Saturday, Sunday, Monday of Memorial Day Weekend, Saturday, Sunday, Monday of Labor Day Weekend, and on July 4<sup>th</sup>. He discussed a list of supplemental regulations which would apply to churches whether they were considered a conditional use or a permitted use with supplemental regulations. He said that churches would be required to have an on-site parking attendant at all times that the lot is used as a commercial parking lot He also said that trash containers would need to be maintained on-site and that the churches would be required to ensure that the trashcans are kept in a clean and orderly fashion and emptied on

a regular basis in order to prevent the accumulation of trash and other debris. He said that the church parking lots could not be used for tailgating and that the parking lots could not be used for any activities except parking. He said that the churches would be required to ensure that the parking lot complies with the Town's noise ordinances. He said that signage would be limited to three signs and that staff recommended the dimensions of these signs be limited to 2' x 2'.

Mr. Steffey said that there are currently four (4) churches located within the Town of Wrightsville Beach. He said that the Wrightsville United Methodist Church is located in the G-1, Public and Semi-public Zoning District. He said that the associated parking lot is located at 19 Live Oak Drive in the R-1 Residential District. He said that the Wrightsville Beach Baptist Church and its parking area are located in the R-1 Residential District. He said that St. Therese Catholic Church is located in the G-1 Public and Semi-public Zoning District and that the associated parking lot is located in the R-2 Residential Zoning District. He said that the Little Chapel on the Boardwalk is located in the G-1 Public and Semi-public Zoning District.

Mr. Steffey asked the Planning Board to provide a recommendation as to whether the commercial use of church parking lots should be considered a permitted use with supplemental regulations or a conditional use. He also asked the Planning Board to provide direction on the number of signs that would be allowed and on the maximum allowable square footage of the signage. Mr. Steffey indicated that Town Staff supported the use of church parking lots as a Permitted Use with Supplemental Regulations with a maximum of three signs each measuring no more than 2' by 2'.

#### PLANNING BOARD DISCUSSION:

Ms. Partin asked if the churches would need to have an attorney represent them if the use of the parking lot was deemed to be a conditional use. Mr. Steffey said that the churches would need to have an attorney represent them if they were modifying their existing conditional use permit.

Ms. Partin asked if the churches could charge whatever amount they want. Mr. Steffey said that it would be looked at as a charitable donation and that it would be up to the churches to decide. He said that the Town would not want to specify a specific price, if the churches were to decide to set a specific price.

Chairman Dull asked if there was a specific applicant seeking the Text Amendment. Mr. Steffey said that the Text Amendment was being brought

forward by the Town at the direction of the Board of Aldermen.

Ms. Clark asked Mr. Wilson what had precipitated consideration of the matter. Mr. Wilson said that this had been attempted eight years ago and there was very little interest from the churches. He said that this was a way to clean up the ordinances. He said that the Town felt this was a good thing to bring forward to address the specific holiday weekends.

The Planning Board continued their discussion of what had brought about the proposed Text Amendment. Town Staff discussed the factors that led to the matter being brought to the Planning Board. Staff discussed the costs associated with the permitting process for both conditional use permits and zoning compliance permits.

Mr. Ace Cofer said that he was in favor of management of parking lots of this nature because of the trash issues and fender benders that may occur in these parking lots.

The Planning Board discussed the description of the parking attendant and whether an age limitation should be set for the parking attendant. Mr. Smith provided background information on the discussion that the Board of Aldermen had on the matter in addition to discussing the advantages of having the church parking lots available for parking on the busy holiday weekends. The Planning Board discussed their observations on how churches had operated parking lots in the past.

#### PUBLIC HEARING:

Chairman Dull opened the public hearing on the proposed text amendment.

#### IN FAVOR:

Mr. Mike Edmonds of 601 North Channel Drive spoke on behalf of Wrightsville Beach Baptist Church. He said that the church does not seek donations, they accept donations. He said that the money that they collect is used to support a variety of different initiatives of the Town. He discussed the various charities and organizations that are supported by the church. He said that the church typically uses three sandwich board signs for the parking. He said that the church is not in competition with the Town and that the church does not ask for donations. He said that they try to route traffic through the interest on Coral Drive. He explained that the age range is between 15-50 years old. He said that he personally makes sure that the parking lot is clean and orderly. He said that the church is asking for

the use to be a permitted use. He said that the church asks that the 11:00 AM time restriction be changed to 10:00 AM – 5:00 PM. He also asked the Board to consider the weekend falling closest to the 4<sup>th</sup> of July as an additional time for collecting donations.

Miss Nancy Faye Craig of 111 Seaside Lane said that she is a member of Wrightsville Beach United Methodist Church (WBUMC). She asked that the Board consider the weekend falling closest to the 4<sup>th</sup> of July. She also asked the Board to consider Easter as an additional opportunity for collecting donations. She recommended that the start time be moved up from 11:00 AM. She said that the members of WBUMC use a lot of handmade posters and that it might be good to allow three sandwich board signs and then two or three posters. She indicated that the churches missions are similar to those mentioned by Wrightsville Beach Baptist Church.

Pat Rabun the pastor for The Little Chapel on the Boardwalk said that he would be in favor of moving the start time to 10:00 AM. He said that they do not have youth collecting parking donations without adult supervision and that many retirees volunteer their time.

#### OPPOSED:

No members of the audience spoke in opposition.

Chairman Dull closed the Public Hearing portion of the meeting.

#### PLANNING BOARD DISCUSSION:

Ms. Partin asked whether the 10:00 AM opening time would create any issues for church services. The Planning Board discussed different options for both the starting and closing times for operating church parking lots as commercial parking lots. Mr. Rabun explained that they do not allow people to park in the lot overnight. Mr. Smith asked what time the businesses open their lots for commercial parking. Mr. Wilson said that he thought that it was either at 10:00 AM or 11:00 AM.

Ms. Clark said that she would be in favor of including the weekend closest to the 4<sup>th</sup> of July.

Mr. Cofer discussed the specifications for signage requirements. The Board discussed the dimensional requirements and quantity of the signage.

**MOTION:**

**Mr. Cofer made a motion to include the following conditions with the proposed Text Amendment:**

- Church parking lots operating as commercial parking lots shall be considered a Permitted Use with Supplemental Regulations; and
- Churches shall be able to choose from any three days surrounding the 4<sup>th</sup> of July holiday; and
- Church parking lots operating as commercial parking lots shall have adult supervision present at all times; and
- Churches may advertise the use of their parking lots as commercial parking lots with up to 18 sq ft of signage divided amongst no more than three signs; and
- Said signage must denote that the churches are accepting donations and must not specify a fee or payment requirement; and
- The opening time be set to 10:00 A.M. and the closing time would be left up to the discretion of the churches.

**Ms. Clark seconded the motion. The Planning Board voted unanimously to forward the Text Amendment with the suggested amended conditions to the Board of Aldermen. (6 In Favor-0 Opposed -1 Abstention)**

\*Following the vote on Agenda Item B, Mr. Culp returned to his seat.

**OLD BUSINESS**

None at this time.

**OTHER BUSINESS FROM CHAIRPERSON OR BOARD MEMBERS**

Mr. Smith articulated his interest in discussing the uplighting ordinance of the Town. Mr. Steffey briefly discussed some of the challenges with the current uplighting ordinance and indicated that the matter could be brought before

**OTHER BUSINESS FROM STAFF**

None at this time.

**ADJOURNMENT**

**...There being no further business to come before the board, Chairman Ken Dull made a motion to adjourn which was seconded by Ms. Snider, the meeting was adjourned by unanimous vote at 6:47 p.m. Vote (7-0)**

Respectfully Submitted,

  
\_\_\_\_\_  
Town Planner, Zachary Steffey



# TOWN OF WRIGHTSVILLE BEACH

## DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

April 26, 2016

### MEMORANDUM

**To:** Chairman Dull and Planning Board Members  
**From:** Zachary Steffey, Town Planner *38*  
**Re:** Consideration of a Text Amendment Petition to *Section 155.9.1.6 Exception in Parking Requirements*  
**Cc:** Tony Wilson, Director of Planning & Parks

### Background:

On April 1, 2016 the Department of Planning and Inspections received a Text Amendment Petition from Murchison Taylor & Gibson, PLLC on behalf of Coastal NC Real Estate II, LLC. The petitioner has requested that *Section 155.9.1.6 Exception in Parking Requirements (C) (5)* be amended to expand the situations in which the Board of Aldermen can issue an exception to the off-street parking requirements.

### The ordinance currently reads as follows:

155.9.1.6 Exception in Parking Requirements.

(A) Parking required for uses in districts zoned commercial or public or semi-public (G-1) may be provided within 400 feet of the main entrance to the principal use and located in any commercial zone if the required off-street parking cannot be reasonably provided on the same lot on which the principal use is located.

(B) If the off-street parking space required by this Ordinance for districts zoned residential cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to, and within the same zone as, such principal use.

(C) The Board of Aldermen may grant an exception in off-street parking requirements for the alteration or conversion of an existing building in commercial districts or construction of a mixed use development after a finding by the Board of Aldermen that:

1. The proposed use is directed primarily toward pedestrian trade existing in the area; and
2. The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
3. That one parking space for each two employees shall be provided. An exception to this standard may be granted for mixed use developments as provided in this section.



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

---

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### **The proposed wording for Section 155.9.1.6 would read:**

(C) The Board of Aldermen may grant an exception for off-street parking requirements in the C-1, C-2 or C-3 zoning districts after a finding by the Board of Aldermen that:

- (1) The proposed use is directed primarily toward pedestrian trade existing in the area; and
- (2) The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
- (3) The inability of the applicant to provide the required parking does not result from actions of the applicant; and
- (4) Granting the requested exception will not impair public safety or adversely impact adjacent property; and
- (5) That one parking space for each two employees shall be provided. An exception to this requirement may be granted if the applicant can satisfy the Board of Aldermen that circumstances exist that prevent the applicant from providing the required parking space(s) for each two employees.

### **Staff Recommendation:**

Planning Staff supports the proposed Text Amendment to Section 155.9.6.1 as the current language of the ordinance is restrictive in that it only provides an exception to the employee parking requirements for mixed-use developments.

### **Public Notice:**

Public notice of this meeting ran on April 28, 2016 in the Lumina News.

### **Requested Action:**

The Planning Board is asked to provide a favorable recommendation of the Text Amendment to the Board of Aldermen.



# TOWN OF WRIGHTSVILLE BEACH

## DEPARTMENT OF PLANNING & INSPECTIONS

---

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### Attachments:

1. Text Amendment Petition
2. Proposed Ordinance (2016) \_\_\_\_\_



Town of Wrightsville Beach  
PETITION FOR ORDINANCE TEXT AMENDMENT (TA-16/17)

The petitioner requests that the Wrightsville Beach Planning Board recommend to the Board of Aldermen to change the Ordinance of the Town as follows:

Ordinance: Chapter: 155. Uniform Development  
Title: XV. Land Usage  
Section: 155.9.1.6(c)

Ordinance currently reads:

- (C) The Board of Aldermen may grant an exception in off-street parking requirements for the alteration or conversion of an existing building in commercial districts or construction of a mixed use development after a finding by the Board of Aldermen that:
  - (1) The proposed use is directed primarily toward pedestrian trade existing in the area; and
  - (2) The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
  - (3) That one parking space for each two employees shall be provided. An exception to this standard may be granted for mixed use developments as provided in this section.

Proposed change to ordinance reads:

- (C) The Board of Aldermen may grant an exception in off-street parking requirements for the alteration or conversion of an existing building in commercial districts or construction of a mixed use development after a finding by the Board of Aldermen that:
  - (1) The proposed use is directed primarily toward pedestrian trade existing in the area; and
  - (2) The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
  - (3) That one parking space for each two employees shall be provided. An exception to this standard may be granted for *alterations or conversions of an existing building in a commercial district or for* mixed use developments as provided in this section.

See the proposed Ordinance attached as Exhibit A and incorporated herein by reference  
*(Further documentation and illustrations should be attached to this application)*

Petitioner(s): Name: Coastal NC Real Estate II, LLC  
Address: 1120 Pembroke Jones Drive, Wilmington, NC Phone: (910) 262-1947  
Email: tdk5947@gmail.com  
Agent(s) if other than Petitioner: Murchison Taylor & Gibson, PLLC  
Name: Joseph O. Taylor, Jr.  
Address: 16 North Fifth Avenue, Wilmington, NC Phone: (910) 763-2426  
Email: JTaylor@murchisontaylor.com

Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
By: Tom D. Kievit, Member/Manager  
Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_

\*\*I understand that the fee for this application is non-refundable. \*\* \_\_\_\_\_ (Initial)  
\*\*I furthermore certify that I am authorized to grant and do in fact grant permission to Planning Staff and his/her agents to enter on the aforementioned lands in connection with evaluating information related to this permit application. \*\* \_\_\_\_\_ (Initial)

Application fee in the amount of \$300 dollars due at application submission Date Paid: \_\_\_\_\_

**ORDINANCE NO. (2016) \_\_\_\_\_**

Board of Aldermen  
Town of Wrightsville Beach, North Carolina

Date: May 12, 2016

AN ORDINANCE OF THE BOARD OF ALDERMEN OF  
THE TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA  
AMENDING SECTION 155.9.1.6 OF THE CODE OF ORDINANCES,  
TOWN OF WRIGHTSVILLE BEACH, NORTH CAROLINA

The Board of Aldermen of the Town of Wrightsville Beach, North Carolina, doth ordain:

1. That subsection (C) of Section 155.9.1.6 of the Code of Ordinances, Town of Wrightsville Beach, is hereby amended to read as follows

*155.9.1.6 Exception in Parking Requirements.*

- (C) The Board of Aldermen may grant an exception for off-street parking requirements in the C-1, C-2 or C-3 zoning districts after a finding by the Board of Aldermen that:
  - (1) The proposed use is directed primarily toward pedestrian trade existing in the area; and
  - (2) The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
  - (3) The inability of the applicant to provide the required parking does not result from actions of the applicant; and
  - (4) Granting the requested exception will not impair public safety or adversely impact adjacent property; and
  - (5) That one parking space for each two employees shall be provided. An exception to this requirement may be granted if the applicant can satisfy the Board of Aldermen that circumstances exist that prevent the applicant from providing the required parking space(s) for each two employees.

2. If this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to that end the provisions of this ordinance are declared to be severable.

3. Any ordinance or any part of the ordinance in conflict with this Ordinance, to the extent of such conflict, is hereby repealed.

4. This Ordinance is adopted in the interest of public health, safety and general welfare of the inhabitants of the Town of Wrightsville Beach, North Carolina, and shall be in full force and effect from and after its adoption.

This Ordinance adopted this 12th day of May, 2016.

---

Mayor

ATTEST:

---

Town Clerk

(SEAL)

APPROVED AS TO FORM:

---

Town Attorney



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

April 26, 2016

### MEMORANDUM

---

**To:** Chairman Dull and Planning Board Members  
**From:** Zachary Steffey, Town Planner *34*  
**Re:** Consideration of a Conditional Use Permit and Parking Exception for 13 East Salisbury Street  
**Cc:** Tony Wilson, Director of Planning & Parks

---

#### Background:

On March 4, 2016 the Planning and Inspections Department received a Conditional Use Permit (CUP) application for 13 East Salisbury Street from Mr. Joseph Taylor Jr. Esq., authorized agent for the property owner, Coastal NC Real Estate II, LLC. The applicant has applied for a CUP to operate a full service restaurant serving breakfast, lunch, and dinner throughout the year. The property is located in the C-2 Commercial Zoning District which allows for restaurants as a Conditional Use. The applicant has indicated that the restaurant would not remain open past midnight at any time. This location was formerly occupied by Buddy's Crab House & Oyster Bar. Prior to the opening of the new restaurant substantial interior renovations will occur in addition to some minor landscaping enhancements. The renovations which would include the costs of interior demolition, will be subject to the FEMA 50% rule.



#### Parking Exception:

The parking requirements for standard restaurants is one parking space for each four persons as stated on the maximum posted occupancy placard plus one additional parking space for each two employees on the largest shift. The applicant has indicated that there will be seven (7) employees on the largest shift and ninety-three (93) customers when the establishment is at its maximum occupancy. Based on this information an exception would be needed for 27 parking spaces ( $93/4 = 23.25$  spaces) + ( $7/2 = 3.5$  spaces) = 27 spaces). The decision of whether to issue or deny the request for a parking exception is based upon the following requirements:



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

---

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### **155.9.1.6 Exception in Parking Requirements. (Existing)**

(A) Parking required for uses in districts zoned commercial or public or semi-public (G-1) maybe provided within 400 feet of the main entrance to the principal use and located in any commercial zone if the required off-street parking cannot be reasonably provided on the same lot on which the principal use is located.

(B) If the off-street parking space required by this Ordinance for districts zoned residential cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to, and within the same zone as, such principal use.

(C) The Board of Aldermen may grant an exception in off-street parking requirements for the alteration or conversion of an existing building in commercial districts or construction of a mixed use development after a finding by the Board of Aldermen that:

- (1) The proposed use is directed primarily toward pedestrian trade existing in the area; and
- (2) The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
- (3) That one parking space for each two employees shall be provided. An exception to this standard may be granted for mixed use developments as provided in this section.

### **Analysis:**

The analysis of the feasibility of issuing a parking exception is contingent upon the recommendation that the Planning Board makes on the Text Amendment to Section 155.9.1.6 Exception in Parking Requirements. If the Planning Board decides to offer a favorable recommendation of the Text Amendment to Section 155.9.1.6 then a parking exception to the off-street parking requirements could be granted for 13 East Salisbury Street.

If the Planning Board decides to offer an unfavorable recommendation for the abovementioned Text Amendment, then the requested Parking Exception for 13 East Salisbury Street might also receive an unfavorable recommendation from the Planning Board.

### **Departmental Review:**

- **Police Department:**  
"As you know the former business located at 13 East Salisbury Street, Buddy's Crab House & Oyster Bar was originally permitted as restaurant. The owners quickly turned



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

---

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

the business into a bar and night club and operated in that capacity for years. Over the past five years, the Police Department has received a total of 178 complaints in reference to this business relating to noise and alcohol issues. I realize that this is new owners and new business operators, but I see the potential for this business to gradually transform back into a night club. I noticed the proposed conditional use permit set a limitation of only being opened until midnight. My suggestion is that we impose the same limitations on this business as we did on Poe's Tavern with a closing time of 10:00 PM. This should allow for adequate dinner business, but discourage late night activities that would disturb the surrounding residential neighborhoods. – *Dan House, Chief of Police*”

- **Fire Department:**

“1. To what extent are they modifying the interior. Will it be over 50% of the value of the building? 2. Will they be using the upstairs portion? If so, will they be reinforcing this area? I ask because I am pretty sure the upper area needs some work prior to allowing people on it. 3. Will they be upgrading the electrical wiring in the building? It is not in the best of shapes. – *Robert Pugh, Interim Fire Chief*”

- **Public Works Department:**

No Comment

- **Parking Department:**

No Comment

### **CAMA Land Use Plan Statement of Consistency:**

The proposed development appears to be consistent with Policy 9.1.A.5: Commercial Development: The Town will encourage commercial establishments providing basic goods and services to year round residents and visitors. Examples include appropriately scaled and designed grocery stores, drug stores, sit down restaurants etc.

### **Staff Recommendation:**

Planning Staff supports the Conditional Use Permit application as submitted by the applicant, so long as a Parking Exception for 27 spaces is granted by the Board of Aldermen. Staff recommends that the hours of operation be limited to midnight for all food and beverage service as indicated in the CUP application. Staff also recommends that the Planning Board consider placing restrictions on delivery times as this area can become very congested during the summer months.



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

---

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### **Public Notice:**

Public notice of this meeting ran on March 26, 2016 in the Wilmington Star News. A sign providing notice of this meeting was posted on-site on March 24, 2016. This matter was opened and continued at the Planning Board's April 5, 2016 meeting. The site was re-posted on April 22<sup>nd</sup> 2016 and re-advertised on April 28, 2016 in the Lumina News.

### **Requested Action:**

The Planning Board is asked to provide a favorable recommendation of the Conditional Use Permit Application and Parking Exception for 13 East Salisbury Street with the inclusion of the following conditions:

1. If the property owner receives two or more citations for noise violations within a twelve-month period, the Conditional Use Permit should be subjected to review and possible revocation
2. The applicant must comply with all Town Codes and Ordinances
3. The applicant must obtain all necessary state and local permits
4. The applicant must comply with the orders and directives of the New Hanover County Fire Marshall
5. The applicant must comply with all provisions of the FEMA 50% Rule
6. Hours of operation should be limited to midnight
7. All deliveries should be scheduled at times that will minimize impacts to the normal flow of pedestrian and vehicular traffic

### **Attachments:**

1. Conditional Use Permit Application
2. Parking Exception Application
3. Photos of the Site

# CONDITIONAL USE PERMIT APPLICATION (CUP 05-01)

## Town of Wrightsville Beach, North Carolina

Purpose of Conditional Use *There are certain land uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration in each case of the impact of those uses upon neighboring land uses and the public need for the particular use in the particular location (§155.4.5).* The project you are proposing requires a Conditional Use Permit. The permit is issued only after the application is reviewed by town staff, the Planning Board and the Board of Aldermen and the public by public notice and public hearing.

Applicants must fill out this application entirely and also gather information and material referenced in this application. **The non-refundable fee for this application is \$400.00.** The following guidelines are provided to aid the applicant in preparing a proper application as referenced in Section 155.4.5 as amended, of the Town's Zoning Ordinance.

1. The applicant must prepare and submit **10 hard copies and one electronic copy** of this application and accompanying materials to the Planning and Inspections Director (Town Hall, P. O. Box 626, 321 Causeway Drive, Wrightsville Beach, NC 28480) thirty (30) days prior to the next regular Planning Board meeting. The Planning Board meets the FIRST TUESDAY of each month except November when they meet the second Tuesday.
2. Failure to submit the complete packet of materials will result in return of the application. The application must meet minimum Town Requirements for all local ordinances (zoning, flood, building, etc.). Amended submittals may be held until the next Planning Board meeting if returned less than ten (10) days prior to the current Planning Board meeting.
3. Upon receipt of a valid and complete application, the Planning and Inspections Director will submit the application to department heads for review and also include the application in the next available Planning Board packet.
4. A representative of the proposed project must be present during the Planning Board meeting.
5. No conditional use shall be recommended to the Aldermen by the Planning Board unless the Board shall find in the affirmative of the Zoning Ordinance standards §155.4.5.4(E) (See page 5 of this application.)
6. After review and recommendation by the Planning Board, the Board of Aldermen shall hold a public hearing on the Conditional Use Permit. The Board of Aldermen at the advertised public hearing will consider recommendations from the Planning Board and staff. The Board of Aldermen will also hear objections to or approval of the Conditional Use Permit application from members of the public. The Board of Aldermen will then grant or deny the permit.

APPLICANT INFORMATION

Property Owner Coastal NC Real Estate II, LLC

Owner Mailing Address 1120 Pembroke Jones Drive  
Wilmington, NC 28405

Telephone Number (W) (910) 262-1947 (H) (FAX)

Representative/Agent for Owner Joseph O. Taylor, Jr.  
(ATTACH AUTHORITY FOR APPOINTMENT OF AGENT)

Agent Address 16 North 5th Avenue  
Wilmington, NC 28401

Telephone Number (W) (910) 763-2426 (H) (FAX) (910) 763-3046

PROJECT INFORMATION Address: 13 East Salisbury Street  
Wrightsville Beach, NC 28480

Legal Address: Part of Lot 19, Block 13, North Shores, as  
shown on a map recorded in Map Book 4 at Page 66  
(Book and Page as recorded in the New Hanover County Register of Deeds Office)

PROPOSED PROJECT Describe project and use: The existing building, formerly  
occupied by Buddy's Crab House & Oyster Bar, will undergo (primarily interior)  
renovations and then reopen as a full-service restaurant with a casual, rustic atmosphere,  
servng a variety of Carolina fare for breakfast, lunch and dinner throughout the year.  
Operating hours will vary slightly by season and day of the week but will not extend past  
midnight at any time. Projected sales will be attributed primarily to food (75%) and  
beverage (25%).

Proposed Construction Date Upon the Town's issuance of a conditional use permit and  
any other required approvals

Estimated Completion Date 90 to 120 days following commencement of construction

State Primary Street Frontage (name) East Salisbury Street

## ZONING INFORMATION

Zoning District of Site C-2 Does this project require rezoning? No

Proposed Use Restaurant, standard

### DIMENSIONAL INFORMATION

Lot Dimensions See attached Site Plan Total Lot Square Footage 3,064+/- sq. ft.

State Setbacks of ALL Structures: See attached Site Plan

Dimensions of Principal and Accessory Buildings

The principal building is a two-story concrete block building with a one-story wood frame addition; see Site Plan for dimensions. There are no accessory buildings at the site.

Elevation of ALL Structures

The ground level of the principal building has an elevation of approximately 7.7 feet and the second level of the principal building has an elevation of approximately 16.4 feet.

Total Square Footage of Principal Structure approximately 2,232 sq. ft.

Total Square Footage of Accessory Structures N/A

### PARKING AND TRAFFIC MANAGEMENT

Parking Spaces On Site (TOTAL) None (Handicapped) None (Standard) None

Parking Space Dimension and Isle Separation N/A

Describe Provisions for Ingress and Egress of Site The proposed restaurant will be accessed largely by pedestrian and bicycle traffic, in addition to vehicular traffic. As shown on the attached Site Plan, the site fronts on East Salisbury Street, a two-lane right-of-way divided by a median and lined on all sides with public parking spaces. A concrete sidewalk provides ingress and egress to the site from East Salisbury Street.

A variance from generally applicable parking requirements is requested in conjunction with this application.

### SIGNAGE

Describe (fully) All Proposed Signs for this Project (Dimensions, Heights, Construction Materials and Location MUST be Provided):

No changes or additions to the dimensions, height, construction, materials and/or location of existing signage at the site are currently proposed.

**INFORMATION FOR DEPARTMENTAL REVIEW**

FIRE PROTECTION

Fire Protection - Construction Classification A-2, Restaurant

Describe (fully) Fire Protection Provisions Provided in the Project:

Existing provisions include a commercial exhaust hood with fire suppression system in kitchen area and handheld fire extinguishers on-site.

Fire Flow Requirements \_\_\_\_\_

POLICE REQUIREMENTS

Describe Any Special or Unusual Police Protection Requirements:

N/A

STORMWATER

Describe any connections to Town drainage systems None

WATER REQUIREMENTS

Maximum Estimated Water Demand GPD 1,900 GPD

Calculations Based on average actual usage numbers for a comparable restaurant in the Town (King Neptune), reduced by 30% to account for less square footage

Water Main Size Available at Site \_\_\_\_\_

SEWER REQUIREMENT

Maximum Estimated Sewage Disposal GPD 400 GPD

Calculations Based upon actual usage numbers for comparable local restaurants currently or recently operated by the prospective tenants

SOLID WASTE REQUIREMENTS

Maximum Solid Waste Disposal (cubic yards) Per Day 2-2.5 cubic yards per day;

Calculations Production of 1,600 lbs per week is projected. Based on the assumption that the 96-gallon containers used for storage and disposal hold 50 lbs. of solid waste, the proposed use is expected to fill approximately 4 to 5 containers per day. Each 96-gallon container is approximately 1/2 cubic yard. Therefore, the daily production of solid waste is projected to be approximately 2-2.5 cubic yards.

Size and Location of Dumpster Pad In accordance with discussions between the prospective tenants and the Town's Sanitation Department, solid waste containers will be stored in the fenced area located behind the building and transported over a concrete path in the alleyway on the eastern side of the building for curbside pickup.

## LANDSCAPING

Describe (fully) All Existing and Proposed Landscaping and Buffering:

Both the owner and the prospective tenants will work with the Town to improve the existing landscaping lining the sidewalk area at the front of the site and along the Right of Way of East Salisbury Street. Prospective tenants will hire a landscaping company to provide inspection and service every two weeks from April through October and monthly from November through March each year in order to maintain the orderly appearance and good condition of all landscaping features at the site. A cleaning company will also be retained to remove any trash from the site one to three times per week, depending on the season.

Describe (fully) All Provisions to Minimize Effects to the Environment and Surrounding Property:

As noted above, operating hours will vary depending on the season, but the restaurant will close by midnight throughout the year. It will be a casual and convenient restaurant serving breakfast, lunch and dinner, not a late-night bar or club. Dine-in customers will not be seated after 9:30 pm and last call will take place no later than 10:00 pm each night. Further, dumping of trash and bottles will be restricted from 8:00 am to 8:00 pm and all trash and recycling will be consistently collected by a professional trash service. There will be no outdoor seating and no live or recorded music will be played outside the restaurant. The proposed restaurant will only benefit and enhance the value of surrounding property and this area of the Town.

## **OTHER ATTACHMENTS REQUIRED WITH APPLICATION**

### CONFORMANCE WITH CONDITIONAL USE PERMIT STANDARDS (§155.4.5.4 (E))

Please attach a statement in writing accompanied by adequate evidence if needed, that the proposed conditional use will conform to each of the following standards as established in the ordinance:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. Other than internal resort restaurants, the proposed conditional use will be the only full-service sit-down restaurant open to the public located within a reasonably close walking and/or biking distance to the permanent and short-term residences in the vicinity from Johnnie Mercer's Fishing Pier north to Mason's Inlet. The restaurant will primarily target dine-in and carry-out customers, not late-night bar-hoppers and party-goers. The restaurant will comply with all applicable ordinances and laws, including applicable CAMA, FEMA and stormwater rules and regulations.
- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood. As noted, the restaurant will benefit rather than diminish the use, enjoyment and/or value of surrounding properties, which include primarily permanent residences, vacation or other short-term rentals, and some commercial properties in the area adjacent to Johnnie Mercer's Fishing Pier. The restaurant will enhance the aesthetics of the area and satisfy the clear and long-standing need for dining options in this part of the Town. The foregoing features will increase property values and encourage greater investment in the immediate vicinity and the Town at large.

- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. The site is located in a unique commercial zone adjacent to one of the two commercial fishing piers in the Town and one of its most popular public beach access points. The proposed conditional use will not require significant changes to the exterior of the existing structure and all modifications anticipated will be in harmony with the existing and anticipated uses in the immediate vicinity. The use of the site as a full-service, year-round restaurant rather than its prior use as a bar will enhance the aesthetics and facilitate the orderly development of the Town.
- (d) That the exterior architectural appeal and functional plan of any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. Other than minor efforts to enhance the existing appearance of the structure and landscaping at the site, very little change to its exterior is proposed. As such, the restaurant will not be at variance with the exterior appeal and/or functional plan of the other existing or proposed structures in the area around Johnnie Mercer's Fishing Pier and will improve rather than detract from the aesthetics of that area. Further, it will be in line with and contribute to the orderly commercial development of beachfront areas, one of the Town's most valuable resources.
- (e) That adequate utilities, access roads, parking, drainage and necessary facilities have been or are being provided. All utilities, access roads, drainage and necessary facilities already exist or will be provided at the site and a variance from parking requirements is warranted for the proposed site, based upon the availability of public parking in the immediate vicinity and the likelihood that many patrons will travel to the restaurant on foot or bicycle rather than by vehicle.
- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. Approval of the proposed conditional use will not significantly increase vehicular traffic congestion. Particularly in the Spring through Fall months, much of the ingress and egress will be on foot or by bicycle. The site also fronts a public street that contains over 100 parking spaces, more than any other commercial area in the Town in such close proximity to the beach. The number of available parking spaces is also likely to increase when and if the Town approves an existing proposal to develop a parking deck on the immediately adjacent parcel between the site and Johnnie Mercer's Fishing Pier.
- (g) That the conditional use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. Aside from the parking requirements, from which a variance is being sought in conjunction with this application, the proposed use will conform to and with all applicable standards of the C-2 district, as demonstrated by the attached Site Plan and information contained in this application.

- (h) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and/or the present amount of public access and public parking as exists within the Town now. If any recommendations are found in conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern. The proposed use will not restrict or decrease the amount or quality of public access and parking that currently exists and that has existed for many years during which the site was operated as a bar.
- (i) That the proposed use be consistent with the recommendations and policy statements as described in the adopted Land Use Plan. The restaurant as proposed will coincide with and further a number of the express policies and objectives adopted by the Town, particularly insofar as it will make more efficient and orderly use of an existing structure previously occupied by a less attractive and often detrimental use (a bar). Specifically, for example, the proposed restaurant will further Policy 9.1.A.1, encouraging appropriate neighborhood oriented businesses, and Policy 9.1.A.5, Commercial Development, encouraging year-round commercial establishments, specifically including sit-down restaurants, such as the one proposed herein.

#### SITE PLAN INFORMATION

A site plan of the proposed project prepared by a professional engineer, registered land surveyor or architect drawn to a scale of not less than one inch equals thirty feet (1"=30'). The site plan shall be based on the latest tax map information. The site plan must contain the following information. ***WE SUGGEST YOU BRING A DRAFT SITE PLAN TO PLANNING AND INSPECTIONS FOR REVIEW PRIOR TO PRINTING THE FINAL COPIES FOR DISTRIBUTION!***

- (1) A key map of the site with reference to surrounding areas and existing street locations.
- (2) The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.
- (3) Lot line dimensions.
- (4) Location of all structures, streets, entrances and exits on the site and on contiguous property and property directly across the street.
- (5) Location of all existing and proposed structures, including their outside dimensions and elevations.
- (6) Building setback, side line, and rear yard distances.
- (7) All existing physical features including streams, water courses, dunes, existing trees greater than one (1) inch in diameter measured six (6) feet above ground level, and significant soil conditions.
- (8) Topography showing existing and proposed contours at two (2) foot intervals. All reference bench marks shall be clearly designated.

- (9) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles and curb radii.
- (10) Improvements such as roads, curbs, bumpers, and sidewalks shall be indicated with cross sections, design details, and dimensions.
- (11) Location and design of existing and proposed storm water systems, sanitary waste disposal systems, water mains and appurtenances and methods of refuse disposal and storage.
- (12) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees and dimensions, approximate time of planting, and maintenance plans.
- (13) Lighting details indicating type of standards, location, radius of light, and intensity in foot candles.
- (14) Location, dimensions, and details of signs.
- (15) North arrow.
- (16) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and public parking as exists within the Town now.
- (17) A rendering or drawing of the proposed building shall be provided showing all sides of the structure.

sides of the proposed structure.

NOTICE TO ADJOINING PROPERTY OWNERS

The Town of Wrightsville Beach will notify adjoining property owners of presentation of this application to the Planning Board and Board of Aldermen. Adjoining property is all property contiguous and across the street from the subject property. **Please submit with your application two sets of plain letter sized envelopes, stamped (not metered), unsealed and addressed to the adjacent property owners as shown on the New Hanover County tax listing and bearing the return address of the Town of Wrightsville Beach.** Attach a list of the adjoining property owners to this application.

FEE

The processing fee for a Conditional Use Permit application is \$400. A check payable to the Town of Wrightsville Beach must accompany this application.

SIGNATURE

This signature accompanies the application, fee, statement of standards and site plan which comprise the Conditional Use Permit Application to the Town of Wrightsville Beach.

**\*\*I understand that the fee for this application is non-refundable.\*\*** TAK (Initial)

**\*\*I furthermore certify that I am authorized to grant and do in fact grant permission to Planning Staff and his/her agents to enter on the aforementioned lands in connection with evaluating information related to this permit application.\*\*** TAK (Initial)

*Tom D. Hunt*  
Owner's Signature

3/4/2016  
Date

\_\_\_\_\_  
Representative/Agent

\_\_\_\_\_  
Date

3/4/2016  
Date of Submission to Town

Amendments to the original application have been initialed and dated where they appear. This application supercedes the original application as signed and dated above.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Representative/Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Date of Re-Submission to Town

Town of Wrightsville Beach

AUTHORITY FOR APPOINTMENT OF AGENT

The undersigned owner, Coastal NC Real Estate II LLC, does hereby appoint Joseph O. Taylor as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for approval of a Conditional Use Permit, as applicable to the property having the address of 13 E Salisbury Street and described in the attached petition.

The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials; and
- (2) To appear at public meetings to give representation and commitments on behalf of the owner; and
- (3) To accept conditions or recommendations made for the issuance of the Conditional Use Permit on the owner's property; and
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 3/4/2016

\* Owner

Coastal NC Real Estate II LLC

By:   
Tom D. Kievit, Member/Manager

Agent's Name, Address & Telephone:

Joseph O. Taylor

Murchison Taylor & Gibson, PLLC

16 North 5th Avenue

Wilmington, NC 28401

\* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.

**13 SALISBURY STREET EAST**  
**Adjoining Property Owners**

[Parcel ID: R05720-018-010-000]  
Charles Daniel McLeod  
11 Salisbury Street East  
Wrightsville Beach, NC 28480

[Parcel ID: R05720-018-013-000]  
Coastal NC Real Estate LLC  
19 Salisbury Street East  
Wrightsville Beach, NC 28480

[Parcel ID: R05720-019-005-000]  
Annie Bryant Peterson heirs  
9 Greensboro Street East  
Wrightsville Beach, NC 28480

[Parcel ID: R05720-019-004-000]  
Annie Bryant Peterson heirs  
7 Greensboro Street East  
Wrightsville Beach, NC 28480

[Parcel ID: R05720-019-006-000]  
Al and Diane Wheatley  
11 Greensboro Street East  
Wrightsville Beach, NC 28480  
AND  
Al and Diane Wheatley  
9774 Ramsey Street  
Linden, NC 28356





Town of Wrightsville Beach, N.C.  
321 Causeway Drive Wrightsville Beach, NC 28480

Request for an Exception to the Parking Requirements

Date of Request Submittal: March 28, 2016

Name of Business: TBD

Name of Owner/Operator: Coastal NC Real Estate II, LLC

Phone Number: (910) 262-1947

Email Address: tdk5947@gmail.com

Website: \_\_\_\_\_

Physical Address of Business:  
13 East Salisbury Street  
Wrightsville Beach, NC 28480

Description of Business Activities:

The existing building, formerly occupied by Buddy's Crab House & Oyster Bar, will undergo (primarily interior) renovations and then reopen as a full-service restaurant with a casual, rustic atmosphere serving a variety of Carolina fare for breakfast, lunch and dinner throughout the year. A large number of the restaurant's patrons are expected to arrive and depart on foot or bicycle instead of by car, particularly in warmer months.

Hours of Operation: 7:30 am - Midnight

Zoning District: C-2

NOTE: hours may be shortened at times, based on the day of the week and/or time of year

Is the proposed use directed primarily toward pedestrian trade existing in the area? Yes

Please Explain:

The restaurant will be located in the established commercial zone anchored by Johnny Mercer's Pier, an area with heavy foot and bicycle traffic, particularly in warmer months. The restaurant's casual atmosphere will be well-suited to this environment. Further, planned improvements include an exterior sliding-glass window for providing walk-up service to beachgoers and other passersby.

Is public parking available within 400 feet of the proposed use? Yes

Number of public parking spaces available: 161

Number of Parking Spaces Available On-Site: 0 Regular Spaces 0 Handicapped Spaces

Maximum number of Employees per shift: 7

Maximum number of Customers: 93

Parking Spaces Required: 26.75 spaces (23.25 spaces for 93 max. customers, 3.5 spaces for 7 employees)

Parking Exception requested for: 26.75 spaces

**Please attach any supporting materials. Please provide a site plan that shows available parking spaces on site (if applicable) and within 400 ft. Please submit a payment via check or cash to the Department of Planning and Inspections in the amount of \$500. This application must be received at least 30 days in advance of a regularly scheduled meeting of the Wrightsville Beach Planning Board.**

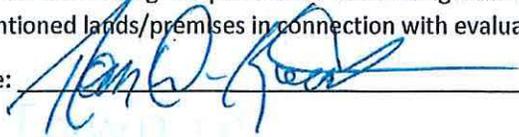


**Town of Wrightsville Beach, N.C.**  
**321 Causeway Drive Wrightsville Beach, NC 28480**

Are any additional permits or licenses needed to operate (signage, building, CAMA, etc.)? Yes - primarily, a special use permit and building permits.

**Required Acknowledgements**

I understand that the \$500 fee for this application is non-refundable and; I certify that I am authorized to grant and do in fact grant permission to Planning Staff and his/her agents to enter on the aforementioned lands/premises in connection with evaluating information related to this permit:

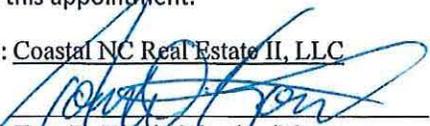
Signature:  Date: 3/23/16

**Authority for Appointment of Agent**

The undersigned owner, Coastal NC Real Estate II, LLC, does hereby appoint Joseph O. Taylor, Jr., of Murchison Taylor & Gibson, PLLC as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for the approval of a/an Application for an Exception to the Parking Requirements, as applicable to the property having the address of 13 East Salisbury Street, Wrightsville Beach, NC 28480 and described in the attached petition. The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

1. To submit a proper petition and the required supplemental materials; and
2. To appear at public meetings to give representation and commitments on behalf of the owner; and
3. To act on the owner's behalf without limitations with regard to any and all matters directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of this petition submitted in conjunction with this appointment.

Owner Signature: Coastal NC Real Estate II, LLC Date: 3/23/16  
By   
Tom D. Klevit, Member/Manager

Agents Name, Address, E-mail, Phone Number:  
Joseph O. Taylor, Jr.  
Murchison Taylor & Gibson, PLLC  
16 North 5th Avenue  
Wilmington, NC 28401  
(910) 763-2426  
jtaylor@murchisontaylor.com

---



Town of Wrightsville Beach, N.C.  
321 Causeway Drive Wrightsville Beach, NC 28480

**Applicable Section of the Town's Code of Ordinances:**

**155.9.1.6 Exception in Parking Requirements.**

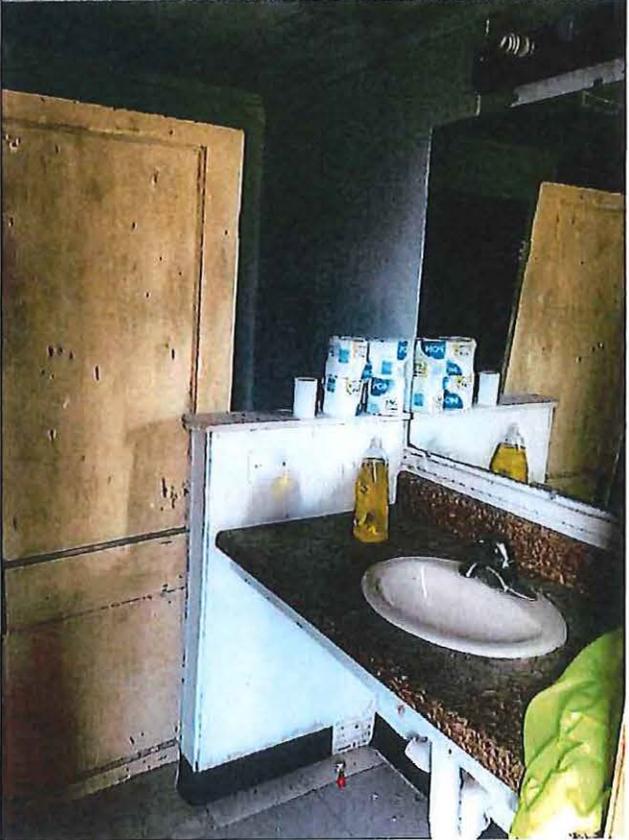
(A) Parking required for uses in districts zoned commercial or public or semi-public (G-1) may be provided within 400 feet of the main entrance to the principal use and located in any commercial zone if the required off-street parking cannot be reasonably provided on the same lot on which the principal use is located.

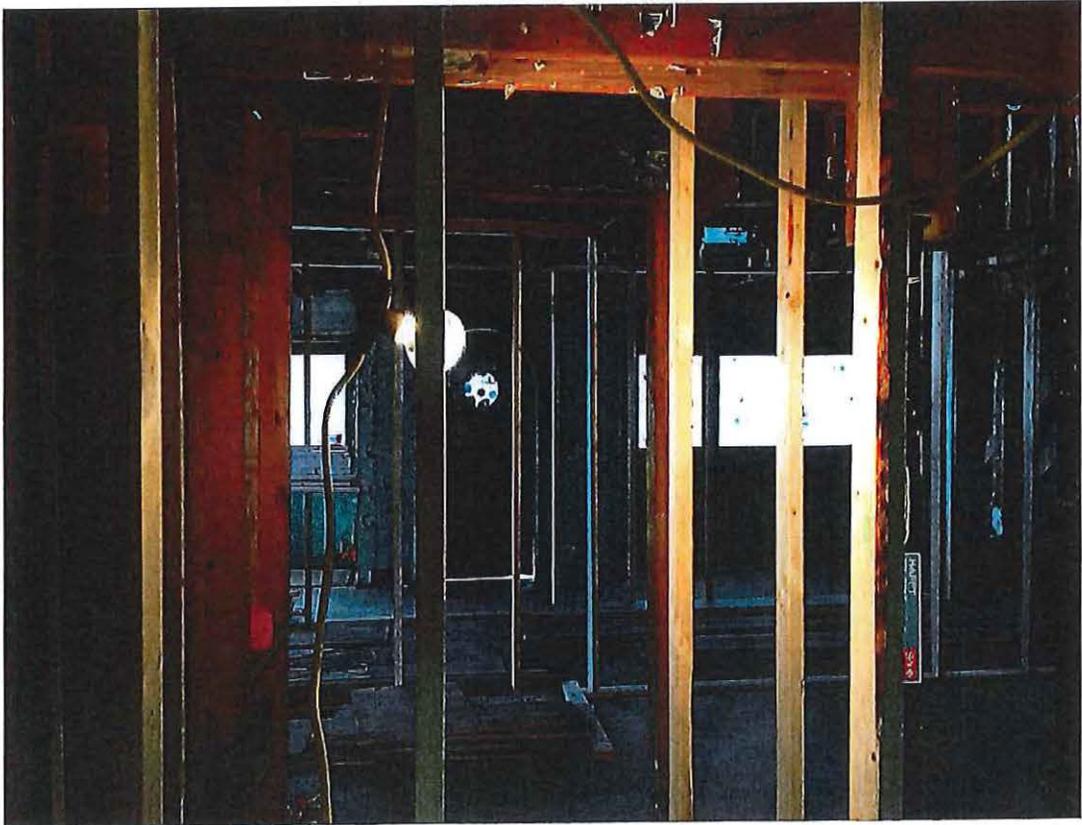
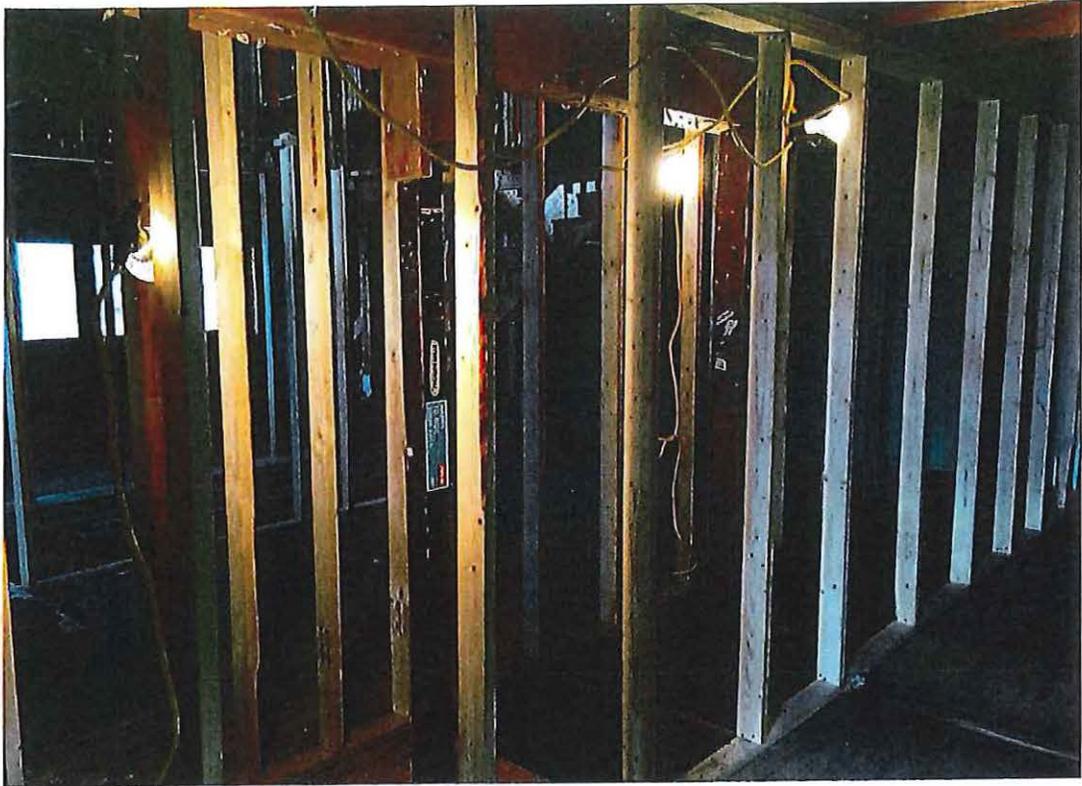
(B) If the off-street parking space required by this Ordinance for districts zoned residential cannot be reasonably provided on the same lot on which the principal use is located, such space may be provided on any land within 400 feet of the main entrance to, and within the same zone as, such principal use.

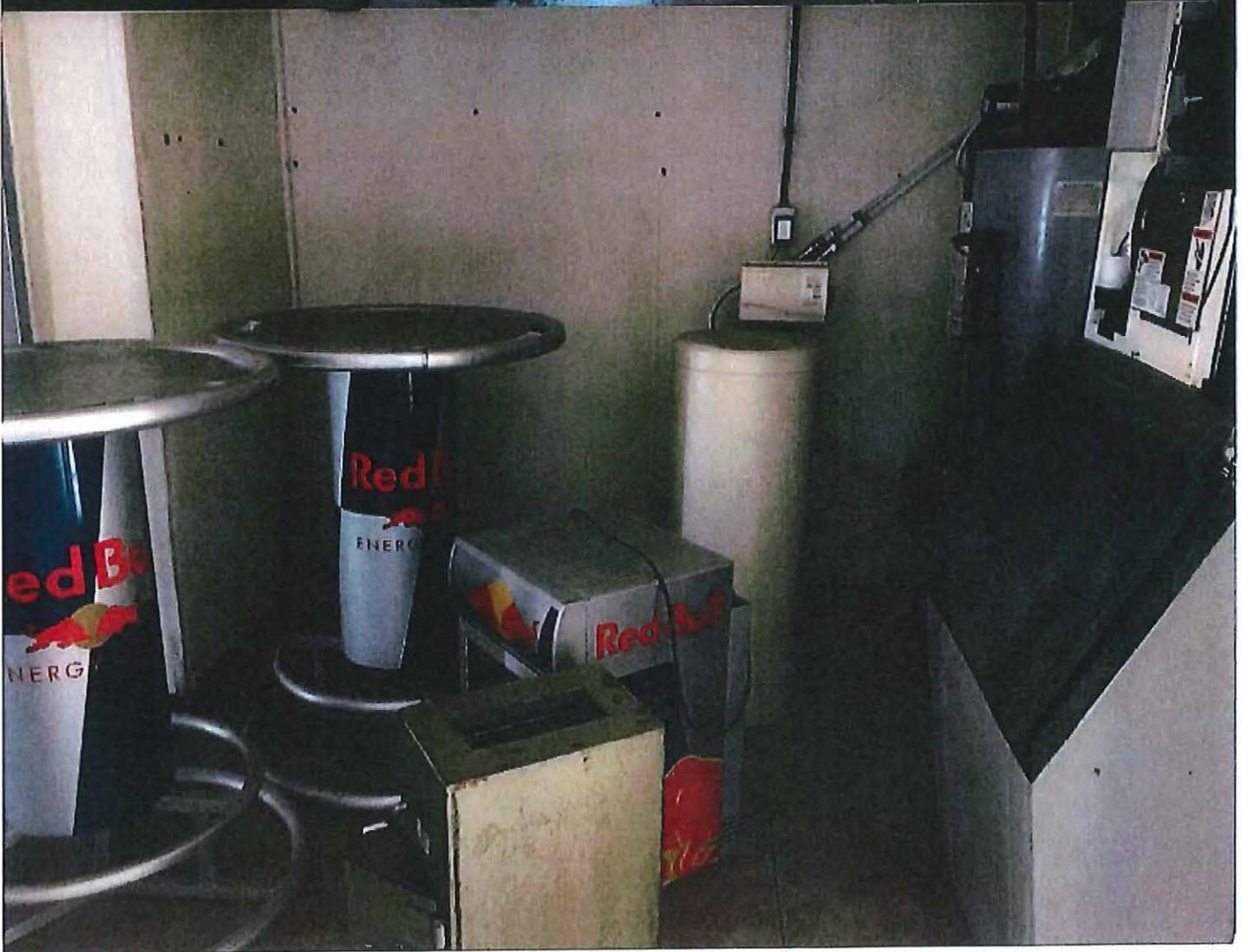
(C) The Board of Aldermen may grant an exception in off-street parking requirements for the alteration or conversion of an existing building in commercial districts or construction of a mixed use development after a finding by the Board of Aldermen that:

- (1) The proposed use is directed primarily toward pedestrian trade existing in the area; and
  - (2) The character of existing development or properties within 400 feet prohibit the acquisition of land for parking; and
  - (3) That one parking space for each two employees shall be provided. An exception to this standard may be granted for mixed use developments as provided in this section.
-













# TOWN OF WRIGHTSVILLE BEACH

## DEPARTMENT OF PLANNING & INSPECTIONS

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

April 26, 2016

### MEMORANDUM

**To:** Chairman Dull and Planning Board Members  
**From:** Zachary Steffey, Town Planner *ZS*  
**Re:** Consideration of a Conditional Use Permit application for 216-218 Causeway Drive  
**Cc:** Tony Wilson, Director of Planning & Parks

### Background:

On April 14, 2016 the Department of Planning and Inspections received a Conditional Use Permit (CUP) application for 216-218 Causeway Drive. The applicant, Isabella Holding Co., LLC/Greenfield Street Properties, LLC, appointed Mr. Russell Bennett to serve as the authorized agent. The applicant is requesting a CUP to allow for temporary parking at 216-218 Causeway Drive for customers of Poe's Tavern. The CUP would allow for the operation of a commercial parking lot with 13 spaces (12 standard parking spaces, 1 handicapped parking space). Commercial parking lots are considered a Conditional Use in the C-3 Commercial Zoning District.



### CAMA Land Use Plan Statement of Consistency:

The proposed development appears to be consistent with Policy 9.1.A.5: Commercial Development: The Town will encourage commercial establishments providing basic goods and services to year round residents and visitors. Examples include appropriately scaled and designed grocery stores, drug stores, sit down restaurants etc.

### Public Notice:

The Public Notice of the May 3<sup>rd</sup> Planning Board Meeting ran on April 28, 2016 in the Lumina News. Signage announcing this meeting was posted on-site on Friday, April 22, 2016.



## TOWN OF WRIGHTSVILLE BEACH DEPARTMENT OF PLANNING & INSPECTIONS

---

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### **Staff Analysis:**

The area located in front of the building previously occupied by MOI is currently used as a parking lot for customers of Poe's Tavern. The issuance of a Conditional Use Permit for this parking area will allow for the continuation of this use.

### **Staff Recommendation:**

Planning Staff supports the applicants request for a Conditional Use Permit to operate a commercial parking lot at 216-218 Causeway Drive. Staff asks that the Planning Board consider the following recommendations for possible conditions:

1. At least one trash receptacle shall be maintained on-site and shall be emptied on a regular basis.
2. If the property owner and/or operator (hereinafter owner/operator) decides to charge a fee for parking in this lot, said parking fee shall not be less than the Town's daily parking rate.
3. The owner/operator shall be responsible for maintaining the property in a clean and orderly condition.
4. No tailgating (to include, but not be limited to, eating, picnicking, or the consumption of alcoholic beverages in or about parked vehicles) no partying, no live music, no food trucks or other forms of mobile vending, no tents or temporary structures, no outside activities except parking shall be permitted in the parking lot.
5. No persons using the parking lot shall violate the Town's noise ordinance. If individuals using the parking lot violate the Town's noise ordinance, this permit shall be subject to revocation.
6. If the owner/operator at any time acquires a permit that permits the consumption of alcoholic beverages in the parking area subject to this permit, this permit shall be deemed revoked.
7. The installation of signage will require the issuance of a sign permit.

### **Requested Action:**

The Planning Board is asked to provide a favorable recommendation of the proposed Conditional Use Permit application for 216-218 Causeway Drive, to the Board of Aldermen.



# TOWN OF WRIGHTSVILLE BEACH

## DEPARTMENT OF PLANNING & INSPECTIONS

---

321 CAUSEWAY DRIVE P.O. BOX 626  
WRIGHTSVILLE BEACH, N.C. 28480

### Attachments:

1. CUP Application
2. Lease Agreement

## CONDITIONAL USE PERMIT APPLICATION (CUP 05-01)

### Town of Wrightsville Beach, North Carolina

Purpose of Conditional Use *There are certain land uses which, because of their unique characteristics, cannot be properly classified in any particular district without consideration in each case of the impact of those uses upon neighboring land uses and the public need for the particular use in the particular location*(§155.4.5). The project you are proposing requires a Conditional Use Permit. The permit is issued only after the application is reviewed by town staff, the Planning Board and the Board of Aldermen and the public by public notice and public hearing.

Applicants must fill out this application entirely and also gather information and material referenced in this application. **The non-refundable fee for this application is \$400.00.** The following guidelines are provided to aid the applicant in preparing a proper application as referenced in Section 155.4.5 as amended, of the Town's Zoning Ordinance.

1. The applicant must prepare and submit **10 hard copies and one electronic copy** of this application and accompanying materials to the Planning and Inspections Director (Town Hall, P. O. Box 626, 321 Causeway Drive, Wrightsville Beach, NC 28480) thirty (30) days prior to the next regular Planning Board meeting. The Planning Board meets the FIRST TUESDAY of each month except November when they meet the second Tuesday.
2. Failure to submit the complete packet of materials will result in return of the application. The application must meet minimum Town Requirements for all local ordinances (zoning, flood, building, etc.). Amended submittals may be held until the next Planning Board meeting if returned less than ten (10) days prior to the current Planning Board meeting.
3. Upon receipt of a valid and complete application, the Planning and Inspections Director will submit the application to department heads for review and also include the application in the next available Planning Board packet.
4. A representative of the proposed project must be present during the Planning Board meeting.
5. No conditional use shall be recommended to the Aldermen by the Planning Board unless the Board shall find in the affirmative of the Zoning Ordinance standards §155.4.5.4(E) (See page 5 of this application.)
6. After review and recommendation by the Planning Board, the Board of Aldermen shall hold a public hearing on the Conditional Use Permit. The Board of Aldermen at the advertised public hearing will consider recommendations from the Planning Board and staff. The Board of Aldermen will also hear objections to or approval of the Conditional Use Permit application from members of the public. The Board of Aldermen will then grant or deny the permit.

APPLICANT INFORMATION

Property Owner Isabella Holding Co., LLC/Greenfield Street Properties, LLC

Owner Mailing Address PO Box 3167, Wilmington, NC 28406 (Isabella Holding Co., LLC)  
1510-A South Third Street, Wilmington, NC 28401 (Greenfield Street Properties, LLC)

Telephone Number (W) (910) 791-1196 ext 3 (H) (FAX)

Representative/Agent for Owner Russell Bennett  
(ATTACH AUTHORITY FOR APPOINTMENT OF AGENT)

Agent Address 3124 Marshall Blvd  
Sullivan's Island, SC 29482

Telephone Number (W) (843) 224-8494 (H) (FAX)

PROJECT INFORMATION

Address: 216/218 Causeway Drive  
Wrightsville Beach, NC 28480

Legal Address : BK 5848 PG 2004  
(Book and Page as recorded at the New Hanover County Registrar of Deeds Office)

PROPOSED PROJECT Describe project and use: Temporary parking at 216 Causeway Drive  
for the customers of Poe's Tavern until the property is redeveloped by the owners.

Proposed Construction Date Existing

Estimated Completion Date \_\_\_\_\_

State Primary Street Frontage (name) Causeway Drive



**INFORMATION FOR DEPARTMENTAL REVIEW**

FIRE PROTECTION

Fire Protection - Construction Classification \_\_\_\_\_

Describe (fully) Fire Protection Provisions Provided in the Project:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Fire Flow Requirements \_\_\_\_\_

POLICE REQUIREMENTS

Describe Any Special or Unusual Police Protection Requirements:

\_\_\_\_\_  
\_\_\_\_\_

STORMWATER

Describe any connections to Town drainage systems \_\_\_\_\_

WATER REQUIREMENTS

Maximum Estimated Water Demand GPD \_\_\_\_\_

Calculations \_\_\_\_\_

Water Main Size Available at Site \_\_\_\_\_

SEWER REQUIREMENTS

Maximum Estimated Sewage Disposal GPD \_\_\_\_\_

Calculations \_\_\_\_\_

SOLID WASTE REQUIREMENTS

Maximum Solid Waste Disposal (cubic yards) Per Day \_\_\_\_\_; Calculations \_\_\_\_\_

Size and Location of Dumpster Pad \_\_\_\_\_

LANDSCAPING

Describe (fully) All Existing and Proposed Landscaping and Buffering:

existing

Describe (fully) All Provisions to Minimize Effects to the Environment and Surrounding Property:

Daily pick up of any trash, etc in the parking spaces

**OTHER ATTACHMENTS REQUIRED WITH APPLICATION**

CONFORMANCE WITH CONDITIONAL USE PERMIT STANDARDS (§155.4.5.4 (E))

Please attach a statement in writing accompanied by adequate evidence if needed, that the proposed conditional use will conform to each of the following standards as established in the ordinance:

- (a) That the establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, or general welfare. \_\_\_\_\_

Conditional use will be similar to previous uses

- (b) That the conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor diminish or impair property values within the neighborhood. \_\_\_\_\_

Conditional use will be similar to previous uses

- (c) That the establishment of the conditional use will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district. \_\_\_\_\_

Conditional use will be similar to previous uses

- (d) That the exterior architectural appeal and functional plan or any proposed structure will not be so at variance with either the exterior architectural appeal and functional plan of the structures already constructed or in the course of construction in the immediate neighborhood or the character of the applicable district, as to cause a substantial depreciation in the property values within the neighborhood. \_\_\_\_\_

Conditional use will be similar to previous uses

---

---

---

- (e) That adequate utilities, access roads, parking, drainage and necessary facilities have been or are being provided. \_\_\_\_\_

Conditional use will be similar to previous uses  
\_\_\_\_\_  
\_\_\_\_\_

- (f) That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets. \_\_\_\_\_

Conditional use will be similar to previous uses  
\_\_\_\_\_  
\_\_\_\_\_

- (g) That the conditional use shall, in all other respects, conform to all the applicable regulations of the district in which it is located. \_\_\_\_\_

Conditional use will be similar to previous uses  
\_\_\_\_\_  
\_\_\_\_\_

- (h) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and/or the present amount of public access and public parking as exists within the Town now. If any recommendations are found in conflict, the system requiring the greatest quantity and quality of public access, including parking, shall govern.

Conditional use will be similar to previous uses  
\_\_\_\_\_  
\_\_\_\_\_

- (i) That the proposed use be consistent with the recommendations and policy statements as described in the adopted Land Use Plan. \_\_\_\_\_

Conditional use will be similar to previous uses  
\_\_\_\_\_  
\_\_\_\_\_

**SITE PLAN INFORMATION**

A site plan of the proposed project prepared by a professional engineer, registered land surveyor or architect drawn to a scale of not less than one inch equals thirty feet (1"=30'). The site plan shall be based on the latest tax map information. The site plan must contain the following information. ***WE SUGGEST YOU BRING A DRAFT SITE PLAN TO PLANNING AND INSPECTIONS FOR REVIEW PRIOR TO PRINTING THE FINAL COPIES FOR DISTRIBUTION!***

- (1) A key map of the site with reference to surrounding areas and existing street locations.

- (2) The name and address of the owner and site plan applicant, together with the names of the owners of all contiguous land and of property directly across the street as shown by the most recent tax records.
- (3) Lot line dimensions.
- (4) Location of all structures, streets, entrances and exits on the site and on contiguous property and property directly across the street.
- (5) Location of all existing and proposed structures, including their outside dimensions and elevations.
- (6) Building setback, side line, and rear yard distances.
- (7) All existing physical features including streams, water courses, dunes, existing trees greater than one (1) inch in diameter measured six (6) feet above ground level, and significant soil conditions.
- (8) Topography showing existing and proposed contours at two (2) foot intervals. All reference bench marks shall be clearly designated.
- (9) Parking, loading, and unloading areas shall be indicated with dimensions, traffic patterns, access aisles and curb radii.
- (10) Improvements such as roads, curbs, bumpers, and sidewalks shall be indicated with cross sections, design details, and dimensions.
- (11) Location and design of existing and proposed storm water systems, sanitary waste disposal systems, water mains and appurtenances and methods of refuse disposal and storage.
- (12) Landscaping and buffering plan showing what will remain and what will be planted, indicating names of plants, trees and dimensions, approximate time of planting, and maintenance plans.
- (13) Lighting details indicating type of standards, location, radius of light, and intensity in foot candles.
- (14) Location, dimensions, and details of signs.
- (15) North arrow.
- (16) Public access shall be provided in accordance with the recommendations of the Town's Land Use Plan and Access Plan and public parking as exists within the Town now.
- (17) A rendering or drawing of the proposed building shall be provided showing all



**Town of Wrightsville Beach**

**AUTHORITY FOR APPOINTMENT OF AGENT**

The undersigned owner, Isabella Holdings, LLC, does hereby appoint Russell Bennett as his, her, or its exclusive agent for the purpose of petitioning the Town of Wrightsville Beach for approval of a Conditional Use Permit, as applicable to the property having the address of 216 Causeway Drive and described in the attached petition.

The owner does hereby covenant and agree with the Town of Wrightsville Beach that said agent has the authority to do the following acts for and on behalf of the owner:

- (1) To submit a proper petition and the required supplemental materials; and
- (2) To appear at public meetings to give representation and commitments on behalf of the owner; and
- (3) To accept conditions or recommendations made for the issuance of the Conditional Use Permit on the owner's property; and
- (4) To act on the owner's behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of any petition.

This agency agreement shall continue in effect until final disposition of the petition submitted in conjunction with this appointment.

Date: 4/14/16

Agent's Name, Address & Telephone:

Russell Bennett

3124 Marshall Blvd

Sullivan's Island, SC 29482

(843) 224-8494

\* Owner



\* If the owner is an individual, the owner (or all owners if there is more than one) must sign the authorization. If a corporation, print the name of the corporation and have signed by an authorized officer. If a partnership, print the name of the partnership and have signed by an authorized partner.

**List of Adjoining Property Owners**

Sea Crest Properties, LLC  
213 Seacrest Drive  
Wrightsville Beach, NC 28480

Luke and Joyceln Hines  
231 Beech Street  
Wilmington, NC 28405

Richard Ferro  
219 Seacrest Drive  
Wrightsville Beach, NC 28480

Greenfield Street Properties, LLC  
10 S. Cardinal Drive  
Wilmington, NC 28403-1843

LEGEND:  
 EIP = EXISTING IRON PIPE  
 EMN = EXISTING MAG NAIL  
 ERB = EXISTING REBAR  
 RBS = REBAR SET  
 NS = NAIL SET  
 MNS = MAG NAIL SET

REFERENCES:  
 MB 7, PG 74  
 DB 2547, PG 2549  
 DB 4914, PG 143  
 DB 5700, PG 2540

Gary W. Keyes Land Surveying, P.C.  
 NC FIRM # C-4086  
 7336 Darden Rd Wilmington, NC 28411  
 910-228-4773 keyessurveying@gmail.com

I, Gary W. Keyes, certify that this plat was drawn under my supervision from an actual survey made under my supervision or from deed description recorded in Book \_\_\_\_\_, Page \_\_\_\_\_; that the boundaries not surveyed are shown as broken lines plotted from Book \_\_\_\_\_, Page \_\_\_\_\_ or other source as noted; that the closure error as calculated by lat. and dep. is: *None*.

Written signature, PLS #, and seal of this day of \_\_\_\_\_, A.D. 20*15*.  
 L-4321  
 PLS #

Map Not to Scale)

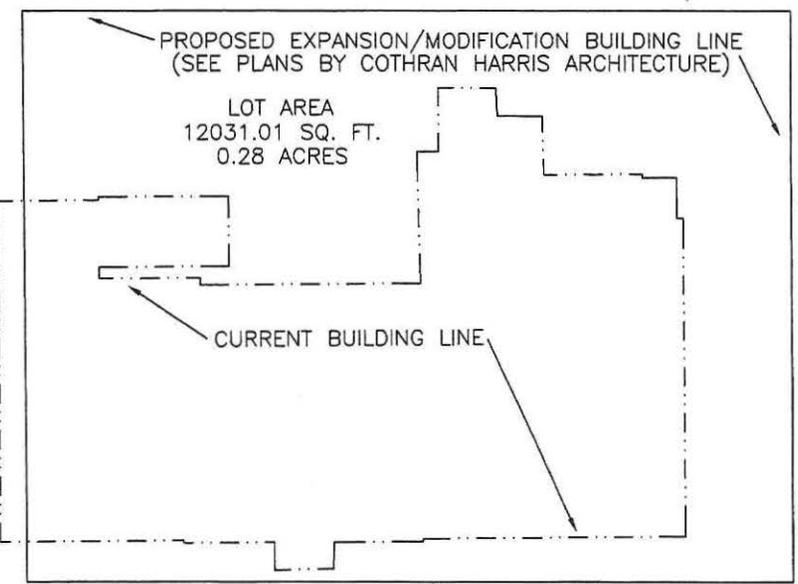


TOWNSHIP	TWN OF WRIGHTSVILLE BEACH	
COUNTY	NEW HANOVER	STATE NC
DATE	9/5/15	SCALE 1"=20'

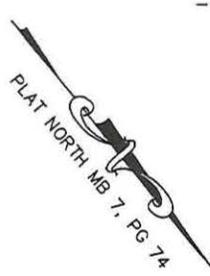
OWNER:  
 -PRELIMINARY SITE PLAN-  
 ISABELLA HOLDING CO., LLC  
 PO BOX 3167  
 WILMINGTON, NC 28406  
 GREENFIELD STREET PROPERTIES, LLC  
 1510-A SOUTH 3RD ST  
 WILMINGTON, NC 28401

N/F RICHARD FERRO  
 N/F SEA CREST PROPERTIES, LLC  
 CONTROL CORNER  
 N/F SEA CREST PROPERTIES, LLC

RBS 50.00 50.00 EIP 20.16 NS



N/F GREENFIELD STREET PROPERTIES, LLC  
 S 39°07'28" W 100.10



N/F LUKE HINES

-PRELIMINARY-SITE PLAN FOR REVIEW ONLY

-PRELIMINARY-SITE PLAN FOR REVIEW ONLY

N 51°00'00" W 120.16 TTL  
 MNS 14.98 EMN MNS

AREA BY COORDINATE METHOD  
 EXISTING PARKING AREA RE-ARRANGED FOR 13 PARKING SPACES (12 STANDARD / 1 ACCESSIBLE)  
 (\*ACCESSIBLE SPACE TO BE LOCATED AS APPROPRIATE TO FIELD CONDITIONS\*)



US HWY 76 (PUBLIC R/W - WIDTH VARIES)

**LEASE AGREEMENT**

**PARTIES**

1. THIS LEASE AGREEMENT (this "Lease"), made and entered into on March 1, 2016 by and between Isabella Holding Co., LLC (hereinafter referred to as "Landlord") and Poe's Tavern Wrightsville Beach LLC (hereinafter referred to as "Tenant").

**FOR AND IN CONSIDERATION OF THE MUTUAL PROMISES SET FORTH HEREIN AND OTHER GOOD AND VALUABLE CONSIDERATION, THE RECEIPT AND SUFFICIENCY OF WHICH ARE HEREBY ACKNOWLEDGED, THE PARTIES HERETO AGREE AS FOLLOWS:**

**PREMISES**

2. The existing parking spaces that are located in front of the "Middle of the Island" building at 216/218 Causeway Drive Wrightsville Beach, NC. See attached Exhibit A

**USE AND OPERATION**

3. (A) Tenant shall use and occupy the demised premises solely for the purpose of patron and employee parking in conjunction with the operation of Poe's Tavern located on the adjoining parcel.

(b) To continue stated use, Tenant shall designate by appropriate signage the existing parking spaces as being for the exclusive use of Poe's Tavern.

**TERM**

4. The term of this Lease shall commence on May 1, 2016 and shall end (unless sooner terminated as hereinafter provided) at midnight on February 28, 2017. Lease shall thereafter continue on month to month basis until lease is terminated under Sec. 6 below.

**INSURANCE**

5. Tenant shall at all times hold Certificate of Insurance which shall name Landlord as an additionally insured party.

**NOTICE TO TERMINATE**

6. Landlord reserves the right to give Tenant a thirty (30) day notice to vacate the property.

**NOTICES**

6. Wherever in this Lease it shall be required or permitted that notice or demand be given or served by either party to this Lease to or on the other, such notice or demand shall be deemed to have been duly given or served when sent in writing by registered or certified mail, postage prepaid, to the respective addresses as hereinafter set forth. Such addresses may be changed from time to time by either party by serving notice as above provided:

TO LANDLORD AT:           Isabella Holding Co., LLC  
                                  PO Box 3167  
                                  Wilmington, NC 28406

TO TENANT AT:             Poe's Tavern Wrightsville Beach LLC  
                                  212 Causeway Drive  
                                  Wrightsville Beach, NC 28480

[SIGNATURE BEGINS ON FOLLOWING PAGE]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

LANDLORD:

Isabella Holding Co., LLC

By: Nathan J. Jusk (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

TENANT:

Poe's Tavern Wrightsville Beach LLC

By: [Signature] (SEAL)  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Exhibit A**