



TOWN OF OAK ISLAND
PLANNING BOARD
PROPOSED AGENDA
October 16, 2014 – 10:00 a.m.
OAK ISLAND TOWN HALL

- I. **Call to Order** – Chairman Randy Moffitt
- II. **Agenda Amendments**
- III. **Approval of the Agenda**
- IV. **Public Comment:** Please state your name and address for the record.
- V. **Public Hearing:** The purpose of the public hearing is to receive citizens' comments on a proposed dwelling in a principle business adjacent to the preserve condominium complex in the mainland section of town.
- VI. **Old Business**
 1. Conditional Use Permit Application submitted by W. Epstein Builders regarding renovating an aircraft hangar at the Cape Fear Regional Jetport.
- VII. **New Business**
 1. Interview with Holland Consulting Planners; and
 2. Interview with Cape Fear Council of Governments.
- VIII. **Adjourn**

TOWN OF OAK ISLAND
PLANNING BOARD
AGENDA ITEM MEMO

Agenda Item: Old Business Item No. 1

Issue: Conditional Use Permit Application (Johnson and Taylor, LLC)

Department: Planning & Zoning Administrator

Presented by: Josh Crook

Presentation: Staff (Map provided on table)

Estimated Time for Discussion: 30 Minutes

Subject Summary: On September 3rd Bill Epstein of W. Epstein Builders submitted an application for a CUP on behalf of Johnson & Taylor, LLC to gain approval to renovate an existing aircraft hangar at the Cape Fear Regional Airport. Mr. Epstein is proposing to add living quarters to the hangar facility. Johnson & Taylor, LLC is also the owner of Phoenix Landscaping that has been working in the area. They intend to use this building as their base of operations, housing airplanes and landscaping equipment. Phoenix Landscaping is currently located in Taylors, South Carolina. A dwelling in a principle business is allowed only by conditional use under 18-226(15). During the September 18, 2014 Planning Board meeting, it was discovered that the North Carolina State Building Code may not allow for dwellings in an airplane hangar. The Planning Board directed staff to bring back an interpretation from the North Carolina Department of Insurance before making a formal recommendation. Steve Edwards, Building Codes Administrator, will provide a summary of the interpretation.

Attachments: Application, site plan, living quarters design, application check list, and pertinent code of ordinance.

Recommendation/Action Needed: Planning Board approves, approves with conditions, or denies the application for CUP permit. Send written recommendation to Town Council.

Suggested Motion: Motion to approve, approve with conditions, or deny the application for CUP as submitted by Johnson & Taylor, LLC.

Funds Needed: \$0.00

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

DIVISION 8. CONDITIONAL USES

Sec. 18-222. Application of division regulations.

Application for granting a conditional use shall be filed with the planning board by the owner or by the owner's authorized representative. The applicant shall also submit the following:

(1) An accurate map or plat that shows the property for which the conditional use is sought. The map shall contain the following information:

- a. The names of owners of record of adjoining properties.
- b. The location and names of all adjacent street rights-of-way.
- c. The total area of the property.
- d. The location of all existing buildings on the property.

(2) Plans and specifications showing the methods by which the property owner will comply with the conditions specified for the conditional use, as well as with all other mandatory regulations for the district in which the proposed development is located. The plans shall contain the following information, if applicable:

- a. The location, size, designation, and directional features of all parking spaces (including handicapped), driveways, and curb cuts.
- b. An accurate depiction of the project to scale, including a layout design for any proposed buildings that includes length, width, height, placement of building on lot, and building envelope indicating the setbacks required in this article.
- c. Any required or proposed buffering or landscaping plans.
- d. If the property is to be developed in phases, a proposed phasing schedule; proposed phases are to be noted on the plans.
- e. Any other information deemed necessary by the development services department.

(3) The application which shall be accompanied by a filing fee in accordance with a schedule of fees adopted by the town council.

(Ord. of 6-12-2001, ch. 1, § 9.1(B); Ord. of 8-14-2001, § 3; Ord. of 9-11-2001(1), § 3; Ord. of 5-13-2003, § 3) Sec. 18-223. Steps to be taken in a conditional use application other than unified tract developments.

(a) The planning board shall review each conditional use request, and recommend the following:

- (1) Approval;
- (2) Approval with conditions;
- (3) Denial.

(a1) When deciding on conditional use permits, the planning board and the town council shall follow quasi-judicial procedures.

(b) The owner of the property under consideration and all owners of property within 100 feet of the property subject to the conditional use application shall be mailed notice of the filing by first class mail at least ten, but not more than 25 days prior to the date of the initial planning board review. The property will also be posted at least ten, but not more than 25 days with a sign describing the date and time of the hearing. The planning board shall have 45 days from the date on which the request is initially reviewed to make a recommendation to the town council. If the planning board fails to submit a recommendation within a 45-day period, it shall be deemed to have made a favorable recommendation unless a longer time period is granted by the town council.

(c) The town council, after receiving a recommendation from the planning board, shall hold a public hearing on the conditional use request. When deciding on conditional use permits, the town council shall follow quasi-judicial procedures. No vote greater than a majority shall be required for the issuance of permits. Every decision of the town council shall be subject to review of the superior court in the nature of certiorari in accordance G.S. 160A-388. Notice of such hearing shall be mailed to the applicants by first class mail at least ten, but not more than 25 days prior to the hearing date. The following procedures shall govern the public hearing and the decision to grant or deny the conditional use permit:

(1) All persons shall be sworn before presenting evidence to the town council.

(2) All persons shall offer only competent material and substantial evidence in any presentation to the council. Competency shall be determined by the council in its decision.

(3) All persons participating in the hearing shall have an opportunity to cross examine adverse witnesses and to inspect any evidence presented.

(4) The applicant shall be allowed the opportunity to offer competent evidence in explanation or rebuttal to objecting participants.

(5) Following the presentation of all evidence both for and against the application for conditional use permit, the council will render its decision on the application and will state its reasons for approving or disapproving the application.

(6) The town council, in granting the permit, must find that all of the following four factors exist:

a. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved by issuance of the conditional use permit.

b. The use meets all required conditions and specifications.

c. The use will not substantially injure the value of adjoining property, or that the use is a public necessity.

d. The location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity to the land use plan.

(Ord. of 6-12-2001, ch. 1, § 9.1(C); Ord. of 8-14-2001, § 3; Ord. of 5-13-2003, § 3; Amend. of 2-8-2005; Amend. of 12-13-2005(1); Amend. of 3-11-2014(3))

Sec. 18-224. Additional conditions.

(a) The planning board may recommend and the town council may approve additional conditions on an application in order to ensure that the use will be compatible with the use and/or development of properties in the general neighborhood. Such conditions may include, but not be necessarily limited to, the following:

- (1) Use regulations;
- (2) Special yards and space dimensions;
- (3) Fences and walls;
- (4) Street or utility dedications or improvements;
- (5) Parking spaces;
- (6) Vehicular access points;
- (7) Landscaping improvements and maintenance;
- (8) Maintenance of grounds;
- (9) Noise and vibration limits;
- (10) Regulations concerning time for certain activities;
- (11) Time period within which the proposed use shall be developed;
- (12) Provision of recreational space and facilities.

(b) The conditions in subsection (a) of this section may be in addition to and supplement the special provisions contained in section 18-226 provided such conditions are reasonable and appropriate conditions and safeguards.

(Ord. of 6-12-2001, ch. 1, § 9.1(D); Ord. of 5-13-2003, § 3; Amend. of 12-13-2005(1))

Sec. 18-226. Special provisions for conditional uses.

Special provisions for conditional uses are as follows:

(15)

Dwellings in principal business.

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

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



October 13, 2014

Dear Adjacent Property Owner,

This notice is to inform you that Johnson & Tanner LLC has submitted to the Town of Oak Island an application requesting review and consideration of for a Conditional Use Permit to build a dwelling in the principle business which is an airplane hangar located at the Cape Fear Regional Jet Port.

The Planning Board will consider this application at their regular monthly meeting of September 18, 2014 at 10a.m. in the Council chambers at 4601 E. Oak Island Dr.

By ordinance, the Town is required to notify all adjacent property owners with 100 feet of the subject property of the application, date, and time of the hearing.

The Planning Board shall consider the application presented at the hearing prior to forwarding a recommendation to the Town Council for final consideration. Prior to making a final decision on the matter, the Town Council shall hold an evidentiary hearing to receive public comment pertinent to the application.

Please do not hesitate to contact me at 910-201-8054 if you have any questions or would like to review the application.

Sincerely;

Josh Crook
Planning & Zoning Adminisdinator
Town of Oak Island