



TOWN OF ATLANTIC BEACH BOARD OF ADJUSTMENT AGENDA Monday, October 19, 2020 – 6:00PM

1. Call to Order
2. Excuse Absent BOA Members (if needed)
3. Approval of June 15, 2020 Minutes
4. SUP-20-1 Public Safety/Admin Complex – *Chase Cullipher of The Cullipher Group, agent for the Town of Atlantic Beach, requests a Special Use Permit to establish the new Public Safety/Administration Complex at 125 West Fort Macon Road in place of the existing Town Hall, Police Department, Fire Department, and former Public Works Department facilities.*
 - A. Opening remarks and swearing in of witnesses
 - B. Public Hearing
 - a. Staff Presentation
 - b. Applicant Presentation
 - c. Other Presentation(s)
 - C. Board of Adjustment Discussion and Evaluation
5. Other Business
6. Adjournment

Section 18.2.4.R. Special Use Permit Review Procedure

1. Applicability

Uses identified as requiring a special use permit in Table 18.4.1.G, Principal Use Table, shall only be approved as a special use permit in accordance with the procedures and standards of this section. A special use permit is a use that may be appropriate in a zoning district, but because of its nature, extent, and external effects, requires special consideration of its location, design, and methods of operation before it can be deemed appropriate in the district and compatible with its surroundings.

2. Special Use Permit Procedure

a. Pre-Application Conference

Optional (see Section 18.2.3.C, Pre-Application Conference).

b. Neighborhood Meeting

Optional (see Section 18.2.3.D, Neighborhood Meeting).

c. Application Submittal and Acceptance

i. Applicable (see Section 18.2.3.F, Application Submittal and Acceptance).

ii. An application shall be submitted only by the landowner(s), and shall include a site plan.

d. Staff Review and Action

i. Applicable (see Section 18.2.3.G, Staff Review and Action).

ii. The UDO Administrator shall prepare a staff report and provide a recommendation on whether or not the application complies with the requirements in this Ordinance. In cases where the application does not comply, the staff report may identify ways in which the application could be modified to comply.

e. Public Notification

Applicable (see Section 18.2.3.H, Public Notification).

f. Review and Action by Decision-making Body

i. Applicable (see Section 18.2.3.L, Review and Action by Decision-making Body, and Section 18.2.3.J, Quasi-Judicial Public Hearing Procedure).

ii. The BOA, after the conclusion of a quasi-judicial public hearing, shall decide the application in accordance with Section 18.2.4.R.3, Special Use Permit Review Standards. The decision shall be the one of the following:

a). Approval of the special use permit as proposed;

b). Approval of a revised special use permit; or

c). Denial of the special use permit.

3. Special Use Permit Review Standards

A special use permit shall be approved if the applicant demonstrates the proposed special use:

a. Will not materially endanger the public health or safety if located where proposed;

b. Complies with all required standards, conditions, and specifications of this Ordinance, including Article 18-4: **Use Standards, or is considered to be the use type, "Government facility, major";**

c. Will not substantially injure the value of the abutting land, or the special use is a public necessity;

d. Will be in harmony with the area in which it is to be located; and

e. **Is in general conformity with the Town's adopted policy guidance.**

4. Conditions of Approval

Applicable (see Section 18.2.3.M, Conditions of Approval).

5. Effect

a. Applicable (see Section 18.2.3.O, Effect of Development Approval).

b. A special use permit and the associated site plan approval are perpetually binding and run with the land, unless amended.

Section 18.2.4.R. Special Use Permit Review Procedure

- c. An action invalidating a condition of approval for any reason shall render the special use permit null and void.
6. Amendment
 - a. Minor Changes
 - i. The BOA may approve a minor change to a special use permit requested by the applicant without a public hearing, upon receipt of a report from the TRC on the proposed minor change.
 - ii. A minor change includes changes to conditions of a special use permit or associated site plan which will result in equal or better performance of the conditions and that do not alter the objectives and purposes of the special use.
 - iii. In granting a minor change, the BOA may require such conditions as will address the objectives of the requirements or conditions changed.
 - b. Material Changes are Amendments
 - i. Material changes to a special use permit or to an associated site plan that alter the objectives and purposes of the requirements or conditions of the special use constitute an amendment to the special use permit.
 - ii. An amendment includes but is not limited to:
 - a). Boundary changes;
 - b). Use changes; and
 - c). Increases in density or intensity of development.
 - iii. Amendments of a special use permit may only be reviewed and considered in accordance with the procedures and standards established for its original approval.
7. Expiration
 - a. Unless otherwise stated in the special use permit approval, a special use shall expire and become null and void 18 months after the date of issuance if an initial inspection for the development approved has not been passed or an applicant has not requested an extension.
 - b. If development approved with a special use permit is discontinued for a period exceeding 12 months, or if a special use is replaced by a use otherwise permitted by right in the zoning district, the special use permit approval is deemed abandoned and the approval is null and void.
8. Appeal
 - a. Any decision by the BOA shall be subject to Superior Court of Carteret County review by proceedings in the nature of certiorari.
 - b. Petitions for review must be filed with the Clerk of Court within 30 days of the date of the decision is filed in the office of Planning, Zoning, and Inspections.

Staff Report – SUP-20-1 Public Safety Admin Complex Board of Adjustment meeting Oct 19, 2020

Application Details:

Date of Application: September 21, 2020

Applicant: Chase Cullipher of The Cullipher Group PA

Property Owner: Town of Atlantic Beach

Address: 125 West Fort Macon Road

Zoning District: CIR Sub-Zone B Flood Zone: AE6, Shaded X, and X

Description: Chase Cullipher of The Cullipher Group, agent for the Town of Atlantic Beach, requests a Special Use Permit to establish the new Public Safety/Administration Complex at 125 West Fort Macon Road in place of the existing Town Hall, Police Department, Fire Department, and former Public Works Department facilities.

Special Use Permit Review Procedure:

- ✓ Pre-application Conference – September 18, 2020
- ✗ Neighborhood Meeting – not conducted per se, but the project has been discussed at several prior Council meetings
- ✓ Submit Application – September 21, 2020
- ✓ Staff Review
- ✓ Public Notification – September 28, 2020
 - 21 days prior to public hearing
 - Letters sent to abutting properties
 - Sign posted on site
- ☐ Board of Adjustment Review and Decision – October 19, 2020

Staff Review of the Required Findings Checklist:

According to the UDO Section 18.2.4.R.3, a special use permit shall be approved if the applicant demonstrates the proposed special use:

1. Will not materially endanger the public health or safety if located where proposed;

The same current facilities are located where proposed. The redevelopment of current facilities will increase the ability of the public safety departments (Fire and Police) to serve the community, so this proposed special use will enhance public health and safety.

2. Complies with all required standards, conditions, and specifications of this Ordinance, including Article 18-4: **Use Standards, or is considered to be the use type, “Government facility, major”;**

This special use is considered to be the use type, “Government facility, major”. There are several sections of district-specific and development standards that are not met by this proposed special use, but they are mostly no more nonconforming than the current use.

3. Will not substantially injure the value of the abutting land, or the special use is a public necessity;

The special use is a public necessity, but also the redevelopment of the current use at the current site with new buildings may increase the value of abutting land.

4. Will be in harmony with the area in which it is to be located; and

The continued use of the location for the Town’s Public Safety and Administration facilities will continue to be in harmony with the area. Additionally, the Commercial Circle (CIR) zoning district is, “... established to preserve and protect the traditional core of the Town as the primary civic, business, **and cultural destination for visitors and residents.**” This civic facility complies with this guidance.

5. **Is in general conformity with the Town’s adopted policy guidance.**

This special use is the result of years of collaborative work by Town Council and Staff to create a comprehensive facility that better serves the community. Staff confirms that this is conforming with the Town’s policies and initiatives.

Report Completed by: Michelle Eitner, Director of Planning and Zoning

SUP-20-1 Atlantic Beach Public Safety & Administration Complex – UDO Compliance Matrix

#	Component	Reference	Notes
1	Applicability	§18.3.5.B.1.	<ul style="list-style-type: none"> • “The CIR district is established to preserve and protect the traditional core of the Town as the primary civic, business, and cultural destination for visitors and residents.” • Project is the redevelopment of the primary civic facility of the town. • “Development in the CIR district shall take place only in accordance with the standards in this table and other relevant standards of this Ordinance.” • Project is designed to comply with MHI district and other relevant standards.
2	Lot Size	§18.3.5.B.2.	<ul style="list-style-type: none"> • No minimum lot area for uses served by sanitary sewer • Project will be served by the private wastewater treatment plant at the Circle • No lot size requirements apply.
3	Density	§18.3.5.B.2.	<ul style="list-style-type: none"> • Maximum residential density = 50 units • Project does not include residential units • No density requirements apply.
4	Floor Area Ratio	§18.3.5.B.2. §18.3.5.B.7.a.	<ul style="list-style-type: none"> • The maximum allowable amount of floor area calculation: 51,566sf (lot size) X 0.6 (2 story bldg. floor area multiplier) = 30,940sf, or 15,470sf per story • Total building area = 20,820sf (parking areas, like the fire truck bays, do not count towards the gross floor area calculation) • Project meets FAR requirements.
5	Impervious Surface Coverage	§18.3.5.B.2. §18.6.1	<ul style="list-style-type: none"> • Lots that are subject to a State stormwater management permit have no impervious surface coverage limitations. • Lot currently has 50,212sf of impervious coverage (83.7%) • Project proposes 48,913sf of impervious coverage (81.5%) • State stormwater permit exemption allows redevelopment of the site in accordance with the submitted plans – cannot exceed the existing 50,211.72 square feet of built-upon area. • Project meets impervious surface coverage and stormwater management requirements.
6	Setbacks	§18.3.5.B.2.	<ul style="list-style-type: none"> • Street setbacks in CIR are based on the type of roadway – major or minor. • Street setbacks from West Fort Macon Road, a major roadway, are a minimum of 0ft and a maximum of 15ft. The building is set back approximately 90ft at the main entrance facing West Fort Macon Road. This exceeds the maximum setback. This allows for parking spaces and the driveways necessary for the Fire Department truck bays. • Street setbacks from South Kinston Avenue and West Bogue Boulevard, minor roadways, are a minimum of 10ft and a maximum of 25ft. The building is set back approximately 16ft off South Kinston Avenue. This meets the setback requirement. The building is set back approximately 40ft off West Bogue Boulevard. This exceeds the maximum setback. This allows for parking spaces and the “sallyport”, a necessary component of the Police Department.

SUP-20-1 Atlantic Beach Public Safety & Administration Complex – UDO Compliance Matrix

#	Component	Reference	Notes
7	Building Height	§18.3.5.B.2. §18.3.5.B.7.c.	<ul style="list-style-type: none"> • Maximum building height in Subzone B of CIR= 55 feet • Architect's plans show the highest Finished Roof Elevation (FRE) of 48'11". • There is approximately a maximum height of 4ft of fill under the structure to create an even Finished Floor Elevation (FFE) of 13ft. This 4ft of fill is added to the structure height for a total of 52'11". • The building height meets requirements.
8	Building Design	§18.5.9	<ul style="list-style-type: none"> • Building is architecturally and functionally designed with the front façade (Town Hall entrance) facing the primary public street (West Fort Macon Rd). • Ground-mounted mechanical equipment and solid waste & recycling storage are located in the side yard and in the front yard of West Bogue Boulevard and are not screened. • Building façade materials have not been specified. • Building massing is reduced through the use of architectural articulation and building wings. • A parapet wall is provided to screen the roof-mounted mechanical equipment on top of the sallyport.
9	Building Orientation & Entry	§18.3.5.B.7.d. §18.5.9	<ul style="list-style-type: none"> • Building facades are generally parallel/perpendicular to the street. • Building entrances face the public streets – main entrance faces West Fort Macon Road and incorporates an entryway transition (recess). • At least 75% of one level must be occupied by non-residential uses. The building is 100% nonresidential. • Building orientation and entry meets requirements.
10	Building Articulation	§18.3.5.B.7.e. §18.5.9	<ul style="list-style-type: none"> • Building facades must incorporate features that emphasize visual interest, such as projections, recesses, balconies, building wings, or distinctive entry features. This building provides these features on each façade. • Facades facing West Fort Macon Road must provide these features across the first three stories. The first floor provides an entryway, but the second story hosts only windows. • Facades facing other streets must provide these features across the first 1 ½ stories. This is provided on the South Kinston Avenue façade, but not the West Bogue Boulevard façade. • Articulation is provided, but is not complete on the West Fort Macon Road and West Bogue Boulevard facades.
11	Building Fenestration	§18.3.5.B.7.f. §18.5.9	<ul style="list-style-type: none"> • At least 50% of the ground-floor front façade and 25% of the ground-floor of other street-facing facades must be visually permeable. This has not been calculated by the applicant. • As the building was designed with ample windows and natural light in mind, and the innate permeability of fire truck garage doors, this requirement may be met.

SUP-20-1 Atlantic Beach Public Safety & Administration Complex – UDO Compliance Matrix

#	Component	Reference	Notes
12	Landscaping	§18.3.5.B.7.g. §18.5.4.	<ul style="list-style-type: none"> • No existing vegetation is claimed for credit with this project. • Planting strips along the street must be at least 5'-wide and include ground cover, shrubs, and street trees between the street and sidewalk. • Planting strips have been provided at the West Fort Macon Road frontage, but is on the inside of the sidewalk, rather than being between the street and sidewalk. • Street trees may be no more than 8ft from the edge of the street and must be provided at one per 40ft of frontage at no more than 50ft apart. • The trees along West Fort Macon Road do not meet this requirement due to location of the sidewalk on the street-side of the planting strip and the width of the fire truck driveways. • The frontage of South Kinston Avenue and West Bogue Boulevard do not provide planting strips, but do provide periodic landscaping islands with trees between the perpendicular parking spaces and between the parking spaces and the building. • Perimeter buffer landscaping is required in addition to CIR district landscaping standards – this project does not abut another zoning district, so this requirement does not apply.
13	Solid Waste and Screening	§18.3.5.B.7.g. §18.5.6. §15-21	<ul style="list-style-type: none"> • Dumpsters and utility structures that are visible from the street or adjacent property line must be screened with 90% opacity, either with fencing or plantings. • The roll-out carts at the southeast corner along West Bogue Boulevard are not proposed to be screened. • The utility structures (generator, propane tank, etc.) at the east side of the property are not proposed to be screened.
14	Sidewalks	§18.3.5.B.7.h. §18.5.2.F	<ul style="list-style-type: none"> • Sidewalks are required for all new development and must be at least 8'-wide along West Fort Macon Road and at least 6'-wide for South Kinston Avenue and West Bogue Boulevard. • There are no sidewalks proposed along South Kinston Avenue or West Bogue Boulevard due to perpendicular parking along these streets. • The sidewalk along West Fort Macon is only 5'-wide and does not extend the full length of frontage due to fire truck driveways.
15	Driveways	§18.3.5.B.7.h. §18.5.2.D	<ul style="list-style-type: none"> • Driveways must be at least 50ft apart from other driveways and from intersections. • The drive aisle for the front parking lot, the fire truck driveways, and sallyport driveway are closer than 50ft to other driveways and intersections.

SUP-20-1 Atlantic Beach Public Safety & Administration Complex – UDO Compliance Matrix

#	Component	Reference	Notes
16	Parking	§18.3.5.B.7.h. §18.5.3.	<ul style="list-style-type: none"> • Parking is required at a ratio of 1 per 300sf of gross floor area of nonresidential uses in the CIR district (GFA does not include enclosed off-street parking areas like the fire truck bays) • There is 20,819.78sf of gross floor area within the building, which requires 70 (69.4) parking spaces. • For reference, this use type in other districts would have to provide one space per vehicle (23) and one space per employee (40) for a total of 63 spaces. As the five fire/EMS vehicles will be stored inside the bays and one police vehicle inside the sallyport, this would require a balance of 57 spaces. As this project is within the CIR district, CIR parking requirements control. • There are currently 44 parking spaces on the site now (front and back parking lots – not including unimproved parking behind the fenced area or on-street parking spaces) • The site plan only provides 41 parking spaces in the front parking lot and perpendicular parking spaces along South Kinston Avenue and West Bogue Boulevard. • Parking space configuration for the 14 spaces in the front lot shows 9'x18', which is consistent with "compact space" measurements. The 27 other parking spaces meet regular parking space size requirements. • This exceeds the allowable 25% provision of compact spaces (14 compact out of 41 total is 34%). • The 27 perpendicular parking spaces along South Kinston Avenue and West Bogue Boulevard are configured such that they encroach on and back out into a public street, which is not permitted. (The site currently has parking spaces that encroach on and back out onto these streets.) • Handicap parking spaces are required at a 1 per 25 ratio, and one-sixth of provided handicap parking spaces must be van accessible. • Two handicap parking spaces are provided, both of which are van-accessible spaces. This meets the handicap parking requirement. • The parking spaces are proposed to be paved with either asphalt (along the street) or light duty concrete (within the front parking lot). • The parking lot is proposed to be graded in accordance with state stormwater permit redevelopment exemption plan, which allows current drainage patterns. • Markings and curbs/wheel stops are proposed as necessary. • No exterior lighting plan has been provided other than the lighting proposed within the landscaping plan. • No bicycle racks are shown on plan. One bicycle parking space is required for each vehicle parking space.
17	Open Space	§18.3.5.B.7.j.	<ul style="list-style-type: none"> • Open space required at 15% (7,734.9sf) of the tract of land (51,566sf) and may not include area within required setbacks, landscaping, or access/circulation. • No open space is shown on the plan.

SUP-20-1 Atlantic Beach Public Safety & Administration Complex – UDO Compliance Matrix

#	Component	Reference	Notes
18	Fences and Walls	§18.5.7	<ul style="list-style-type: none"> The proposed retaining wall is within property lines. There are no proposed fences. The retaining wall exceeds the 4'-tall allowed height, as it is used to account for additional elevation for the fire truck bays to avoid flooding issue that occurs in current fire truck bays.
19	Exterior Lighting	§18.5.8	<ul style="list-style-type: none"> A lighting plan for the landscaping has been provided and meets requirements. A plan for exterior lighting of the building, parking areas, and security lighting has not been provided.
20	Signage	§18.5.10	<ul style="list-style-type: none"> Signage has not been finalized for this development, but will be provided for the Fire Department, Town Hall, Boardroom, and Police Department entryways. Other incidental signage (parking, directional, etc.) will be installed throughout the development as needed. Governmental signage erected and maintained by the Town are exempt from the requirements of the signage ordinance section.
21	Stormwater and Land Disturbance	§18.6.1 §18.2.4.M	<ul style="list-style-type: none"> State Stormwater Permit Exemption – Redevelopment Project No. SW8 200512 provides stormwater management through redevelopment of existing built-upon areas. There is currently 50,211.72sf of impervious area on site and only 48,913sf proposed on the site plan. The remainder of impervious coverage ("built-upon area" in state permit) is reserved for future use if needed. State Letter of Approval for the erosion and sedimentation control plan has been provided. These state-approved plans exempt the project from Town stormwater and land disturbance ordinances.
22	Flood Damage Prevention	§18.6.3	<ul style="list-style-type: none"> Area nearest to West Fort Macon Road is within the AE6 flood zone. This area is proposed to have parking areas, driveways, landscaping, and a sidewalk. Remainder of property, including the principal building and accessory storage building, are within the Shaded X flood zone. This project is compliant with the flood damage prevention ordinance.



THE CULLIPHER GROUP, P.A.
ENGINEERING & SURVEYING SERVICES

SPECIAL USE PERMIT REQUEST NARRATIVE
for
Town of Atlantic Beach
Public Safety Building

The Cullipher Group, P.A. (TCG) is requesting a Special Use Permit for the Town of Atlantic Beach Public Safety Building. This development will house the Town's Fire Dept., Police Dept., Planning Dept. and Municipal staff. This development is considered a "Government Facility, Major" project by definition and is allowed within the property zoned Circle B with a Special Use Permit. Since the proposed use is identical to the existing use, it does not have an adverse effect to the abutting land values, the public's safety or health or the harmony of the area.

The special use permit is necessary due to the Circle Zoning District requirements not being met by this development. The Circle Zoning requires buildings to be nearer to the street right-of-ways to increase pedestrian connectivity and commercial development. It requires higher parking than proposed in this site plan due to the large number of people who frequent the area. And, it requires unique things such as Maximum Floor Area Ratios (FAR) and Building Articulation that would make the development of the Public Safety Building difficult on this site.

If there are any questions or comments please contact Chase Cullipher using the information below.

Sincerely,

Charles M. Cullipher, P.E.

License #: 037378

252-773-0090

chase@tcgpa.com

HESTRON PLAZA TWO
151-A NC HWY 24
MOREHEAD CITY, NC 28557
(252) 773-0090



TOWN OF ATLANTIC BEACH PLANNING & ZONING DEPARTMENT
125 WEST FORT MACON ROAD ATLANTIC BEACH, NC 28512

CASE NUMBER:

SPECIAL USE PERMIT INFORMATION

Applicant's Name: Charles M. Cullipher
Mailing Address: 151A NC HWY 24 MHC
Primary Telephone: 252-773-0090
Primary E-mail: chase@tcgpa.com

Owner's Name: David Walker, Town Manager
Mailing Address: PO Box 10 Atlantic Beach
Primary Telephone: 252-726-2121
Primary E-mail: townmanager@atlanticbeach-nc.com

Special Use Permit Address: 125 W. Fort Macon Rd.

Zoning District: CIR-B
Flood Zone: AE6 and Shaded X
Lot Size (sq. ft.): 51,566
CAMA/USACE?: No
Septic/Sewer: Sewer
Impervious %: Redevelopment Exclusion
Height Limit: 55'

Front Setback: Varies
Side Setbacks: 0'
Rear Setback: 0'
Existing Use: Town Public Safety & Admin Building
Proposed Use: New Town Public Safety & Admin Building
PIN: Varies. See attached.
Deed Bk/Pg: Varies. See attached.

Briefly describe the proposed use: This is for the same use as the site is currently developed for; The Town of Atlantic Beach's Public Safety and Municipal Government Building

PLEASE RESPOND TO THE FOLLOWING STATEMENTS. CONFIRM COMPLIANCE WITH FACTUAL EXPLANATION.

Will the proposed special use materially endanger the public health or safety if located where proposed?
No it will not endanger health or safety due to the existing use being the same as the proposed use.

Does the proposed special use comply with all required standards, conditions, and specifications of this Ordinance?
Yes it does because the use is considered type "Government facility, major" and by it's definition meets the ordinance.

Will the proposed special use substantially injure the value of abutting land, or is the special use a public necessity?
It will not injure the value of abutting land and it is also a public necessity.

Will the proposed special use be in harmony with the area in which it is to be located?
Yes as the proposed use is the same as the existing use.

Is the proposed special use in general conformity with the Town's adopted policy guidance?
Yes, it meets several policies and the special use request is due to some unique Circle District zoning ordinances.

APPLICATION REQUIREMENT	INCLUDED: Y or N or N/A	SUBMITTED & APPROVED
Fee for special use permit application, as required in the current fee schedule	N/A	
Applicant name and contact information (with authorized agent information, if applicable)	Y	
A written description of the special use, demonstrating compliance with review standards	Y	
A written description of proposed development, including detail on use type, density, number of residential units, floor area, lot coverage, and the configuration of features required in Article 18.5.	Y	
Nine sets of site plans (full size/24"X36" required for site development, tabloid size/11"X17" for re-use of existing structures) addressing the following items (some items can be combined on certain pages of site plans):	Y	
Vicinity map at a scale of at least 1in:400ft and encompassing at least one-fourth mile in radius of the site, including existing streets, existing water courses, flood hazard areas, and existing land use on the site and in the area surrounding the site	Y	
Ownership information and zoning district designation for site and surrounding properties	Y	
Existing site features and topography	Y	
Proposed topographic contours, if land disturbance is proposed (provide externally-approved sedimentation and erosion control documentation)	Y	
Site plan of development including schedule of building uses, by type, showing the number of bedrooms, number of units, height, and floor area	Y	
Floor plan of areas dedicated to the special use, including outdoor areas and storage	Y	
Proposed property line survey with acreage, dimensional, and residential density data	Y	
Stormwater drainage plan with location of all existing and proposed drainage facilities necessary to serve the site, including easements (provide externally-approved stormwater permit documentation)	Y	
Location of all existing and proposed utilities including electrical, water, sewage, telephone and gas facilities, including easements (provide documentation)	Y	
Lighting plan including number and type of lights, with wattage/foot-candles	Y	
Parking areas and buffer, landscaping and screening devices/areas	Y	
Proposed schedule of development for each phase of the project showing anticipated start completion dates and affected areas/structures for each phase, if including phased development	N/A	
Information regarding compliance with CCHD, CAMA, US ACOE, or other agencies	Y	
Other information as requested by the UDO Administrator or Board of Adjustment	N/A	

PROCEDURE TIMELINE	Anticipated Date	Date Completed	Staff Responsible
Pre-application meeting:			
Application received:			
Date signs posted:			
Date letters mailed:			
Date of BOA meeting:			
Date decision delivered			



TOWN OF ATLANTIC BEACH PLANNING & ZONING DEPARTMENT
 125 WEST FORT MACON ROAD ATLANTIC BEACH, NC 28512

CASE NUMBER:

APPOINTMENT OF AGENCY

Type of Application: Special Use Permit

Application Address: 125 W. Fort Macon Rd.

I, David Walker, Town Manager, owner of property located in the Town of Atlantic Beach at 125 W. Fort Macon Rd. in Carteret County Deed Book See attached Page , and having PIN# Multiple, See Attached., do hereby appoint as my representing agent Charles M. Cullipher, PE to represent me in the application indicated above and authorize him/her to act as my agent in all matters formal and informal relating to the Town of Atlantic Beach procedures for such requested actions. I authorize him/her to receive and submit all official correspondence with the understanding, however, that as the owner of the property I must sign any and all affidavits and statements that may be required for approvals of the request.

Applicant's Name: Charles M. Cullipher, PE
 Mailing Address: 125 W. Fort Macon Rd.
 Primary Telephone: 252-773-0090
 Primary E-mail: chase@tcgpa.com
 SIGNATURE: *Charles M. Cullipher*
 DATE: 9/21/2020

Owner's Name: David R. Walker, Town Manager
 Mailing Address: 125 W. Fort Macon Rd.
 Primary Telephone: 252-726-2121
 Primary E-mail: townmanager@atlanticbeach-nc.com
 SIGNATURE: *David R. Walker*
 DATE: 9/21/20



TOWN OF ATLANTIC BEACH
PLANNING AND INSPECTIONS
PO BOX 10 - 125 WEST FORT MACON ROAD
ATLANTIC BEACH, NORTH CAROLINA

CASE NUMBER:

SUP-20-1

****CERTIFICATION OF SIGN POSTING****

Property Owner's Name: Town of Atlantic Beach (David Walker, Town Manager)

Property Owner's Telephone: 252-726-2121

Property Owner's Email: townmanager@atlanticbeach-nc.com

Applicant's Name: The Cullipher Group (Chase Cullipher, PE)

Applicant's Telephone: 252-773-0090

Applicant's Email: chase@tcgpa.com

THIS IS TO CERTIFY THAT ON THIS DATE A SIGN NOTIFYING THE PUBLIC OF A PLANNING & ZONING INITIATIVE HAS BEEN POSTED CONSPICUOUSLY ON THE PROPERTY BELOW:

Project Title: Public Safety & Administration Complex

Project Property Address: 125 W. Ft Macon Rd (Kinston Avenue side)

Property Posted By: Michelle Eitner

DATE POSTED:
9/28/2020

I certify that the information provided in this Certification of Sign Posting is true and accurate is in conformance with the requirements of the Town of Atlantic Beach, North Carolina.

Michelle Eitner 9/28/20
NAME DATE



PLANNING & INSPECTIONS DEPARTMENT

Post Office Box 10, Atlantic Beach, NC 28512

(252) 726-4456

Fax (252) 726-7043

Michelle Shreve Eitner
planner2@atlanticbeach-nc.com

September 28, 2020

SPECIAL USE PERMIT HEARING NOTIFICATION

Dear Atlantic Beach Property Owner,

You are receiving this letter because according to the tax records of Carteret County you own property near 125 West Fort Macon Road (current Town Hall, Police Department, Fire Department, and former Public Services Department buildings). Chase Cullipher of The Cullipher Group, agent for the Town of Atlantic Beach, requests a Special Use Permit to establish the new Public Safety/Administration Complex at 125 West Fort Macon Road. While this property currently hosts the public safety and administration facilities for the Town, redevelopment of this use type requires a Special Use Permit in accordance with the Unified Development Ordinance.

The site plan can be found on the back of this letter, on our website at www.atlanticbeach-nc.com, and at Town Hall during business hours.

The public hearing will take place during the Board of Adjustment meeting at 6:00PM on October 19, 2020 in the Town Hall Boardroom at 125 West Fort Macon Road. The public is invited to attend.

Please contact the Planning Department at (252) 726-4456 or planner2@atlanticbeach-nc.com with questions.

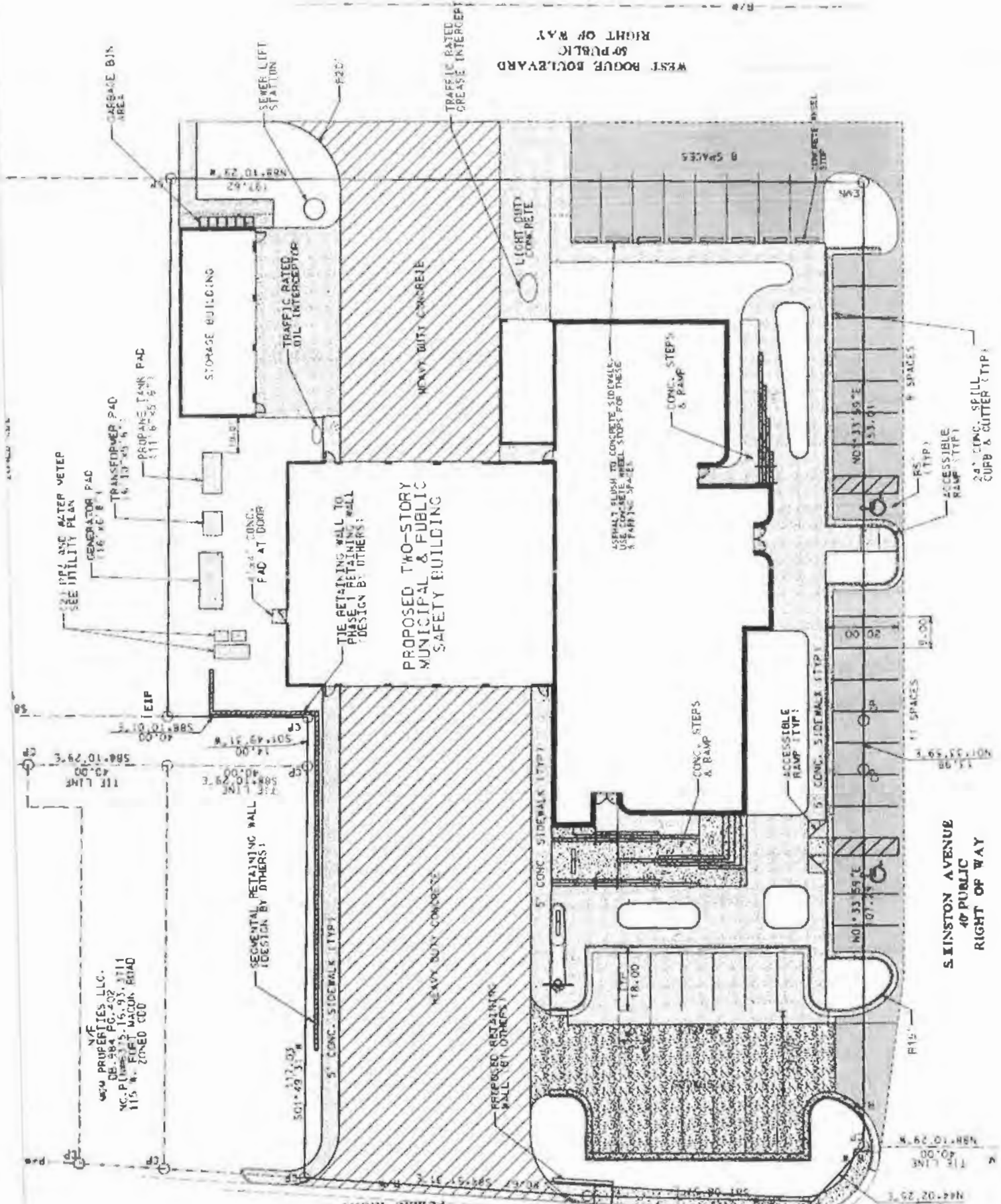
Best,

Michelle Shreve Eitner, CZO

Planning and Development Director

WEST FORT MACON ROAD (N. HWY. 50)
 VARIABLE WIDTH
 PUBLIC RIGHT OF WAY

V.F. PROPERTIES, LLC.
 DB-20-16-02
 VC-P (10-15-16-97-111)
 115 N. FORT MACON ROAD
 ZONED COO



WEST ROOPE BOULEVARD
 60' PUBLIC
 RIGHT OF WAY

S INKSTON AVENUE
 40' PUBLIC
 RIGHT OF WAY

24" CONC. SPILL CURB & GUTTER (TYP.)

ASPHALT FLUSH TO CONCRETE SIDEWALK
 USE CONC. CURB & GUTTER FOR THESE
 3 PARKING SPACES

PROPOSED TWO-STORY
 MUNICIPAL & PUBLIC
 SAFETY BUILDING

TIE RETAINING WALL TO
 PHASE 1 RETAINING WALL
 (DESIGN BY OTHERS)

SEGMENTAL RETAINING WALL
 (DESIGN BY OTHERS)

STORAGE BUILDING

SEWER LIFT STATION

WASTE BIN

SEE UTILITY PLAN
 FOR WATER METER

GENERATOR PAD
 (16' x 6')

TRANSFORMER PAD
 (16' x 10')

PROPANE TANK PAD
 (11' x 25')

TRAFFIC RATED OIL INTERCEPTOR

F20'

HEAVY DUTY CONCRETE

LIGHT DUTY CONCRETE

CONC. STEPS & RAMP

CONC. STEPS & RAMP

ACCESSIBLE RAMP (TYP.)

5' CONC. SIDEWALK (TYP.)

5' SPACES

5' SPACES

5' SPACES

5' SPACES

5' SPACES

5' SPACES

5' SPACES

5' SPACES

5' SPACES

5' SPACES

5' SPACES

5' SPACES



TOWN OF ATLANTIC BEACH
PLANNING AND INSPECTIONS
PO BOX 10 – 125 WEST FORT MACON ROAD
ATLANTIC BEACH, NORTH CAROLINA

CASE NUMBER:

SUP-20-1

****CERTIFICATION OF MAILING****

Property Owner's Name: Town of Atlantic Beach (David Walker, Town Manager)
Property Owner's Telephone: 252-726-2121
Property Owner's Email: townmanager@atlanticbeach-nc.com

Applicant's Name: The Cullipher Group (Chase Cullipher, PE)
Applicant's Telephone: 252-773-0090
Applicant's Email: chase@tcgpa.com

THIS IS TO CERTIFY THAT ON THIS DATE A LETTER SPECIFYING THE DATE, TIME, PLACE AND NATURE OF A PUBLIC HEARING TO BE CONDUCTED BY THE TOWN OF ATLANTIC BEACH BOARD OF ADJUSTMENT HAS BEEN MAILED REGARDING THE PROPERTY DESCRIBED BELOW:

Project Title: Public Safety & Admin Complex
Project Property Address: 125 W Ft Macon Rd
Letters Mailed By: Michelle Eutner & Julian Griffie

DATE MAILED:

9/28/2020

(MAILING LIST ATTACHED)

I certify that the information provided in this Certification of Mailing is true and accurate is in conformance with the requirements of the Town of Atlantic Beach, North Carolina.

Michelle Eutner

NAME

9/28/2020

DATE

Owner	Physical Address	Mailing Address	Mailing City	Mailing State	Mailing Zip
GTG PROPERTIES LLC	200 W BOGUE BLVD	402 SANDFIDDLER COURT	MOREHEAD CITY	NC	28557
ISLAND INN OF ATLANTIC BCH LLC	215 W FORT MACON RD	215 WEST FORT MACON ROAD	ATLANTIC BEACH	NC	28512
KING STEWART I ETUX BETTY JEAN	201 W BOGUE BLVD	201A WEST BOGUE BOULEVARD	ATLANTIC BEACH	NC	28512
MENNELLA NICHOLAS P	201 W FT MACON RD	PO BOX 429	ATLANTIC BEACH	NC	28512
MGM PROPERTIES LLC	115 W FT MACON RD	PO BOX 279	MARSHVILLE	NC	28103
MGM PROPERTIES LLC	108 W BOGUE BLVD	PO BOX 279	MARSHVILLE	NC	28103
ON THE BEACH INC	114 W FT MACON RD	PO BOX 2289	CAROLINA BEACH	NC	28428
OSBORNE TWO LLC	122 W FT MACON RD	137 BOWEN STREET	ATLANTIC BEACH	NC	28512
SHAUL & MEIR LEVY PARTNERSHIP	200 W FT MACON RD	666 BROADWAY 8TH FLOOR	NEW YORK	NY	10012
STARFIELD INVESTMENTS LLC	115 W BOGUE BLVD	PO BOX 10	PINE LEVEL	NC	27568
STARFIELD INVESTMENTS LLC	111 W BOGUE BLVD	PO BOX 10	PINE LEVEL	NC	27568
TOWN OF ATLANTIC BEACH	125 W FORT MACON RD	PO BOX 10	ATLANTIC BEACH	NC	28512
WINN DONALD EDWARD	119 W BOGUE BLVD	4600 COUNTRY CLUB RD #104G	MOREHEAD CITY	NC	28557
WINN DONALD EDWARD	117 W BOGUE BLVD	4600 COUNTRY CLUB RD #104G	MOREHEAD CITY	NC	28557



NORTH CAROLINA
Environmental Quality

ROY COOPER
Governor

MICHAEL S. REGAN
Secretary

BRIAN WRENN
Director

June 30, 2020

Town of Atlantic Beach
Attn: David R. Walker, Town Manager
PO Box 10
Atlantic Beach, NC 28512

**Subject: Stormwater Permit Exemption – Redevelopment Project
Atlantic Beach Public Safety Building
Project Number SW8 200512
Carteret County**

Dear Mr. Walker:

On May 21, 2020, the Wilmington Regional Office of the Division of Energy, Mineral and Land Resources (DEMLR) received a complete request to exempt the subject proposed redevelopment project from Stormwater Management Permit requirements. Staff review of the plans and supporting documentation has determined that the project proposes activities that are exempted from State Stormwater permitting requirements as set forth in the stormwater rules under Title 15A NCAC 2H.1000, as amended.

Therefore, the director of the DEMLR is hereby providing confirmation that the subject project is exempted from State Stormwater permitting requirements under the following conditions:

- 1) The project must be constructed as shown on the plans submitted to this Office.
- 2) The total proposed built-upon area of 48,913 square feet does not exceed the existing built-upon area of 50,211.72 square feet. The 48,913 square feet of built-upon area allocated to this 51,566 square foot project area includes 46,447 square feet of proposed built-upon area and 2,466 square feet of built-upon area allocated for future improvements.
- 3) The proposed stormwater control, sheetflow, provides equal protection of surface waters as the existing stormwater control, which is sheetflow.

Under Section .1019(2) of the stormwater rules, the entire common plan of development must be permitted. Therefore, any future development or changes to the proposed development, including, but not limited to, the relocation of built-upon area and the construction of additional built-upon area, will require approval or a Stormwater Management permit application and permit issuance from the DEMLR prior to any construction. Construction of additional development or changes to the proposed development prior to receipt of the required approval or failure to maintain compliance with the exemption conditions, are violations of Title 15A NCAC 2H.1000, and may result in the initiation of appropriate enforcement action.

Please keep in mind that this determination does not affect your legal obligation to obtain other permits and approvals, which may be required by Federal, State, or local government agencies, rule or law. If you have any question, or need additional information concerning this matter, please contact Kellie Norris at 910-796-7215.

Sincerely,

For Brian Wrenn, Director
Division of Energy, Mineral and Land Resources

DES/kn: \\Stormwater\Permits & Projects\2020\200512 Exemption\2020 06 permit 200512

cc: Charles M. Cullipher, P.E., The Cullipher Group
Town of Atlantic Beach Building Inspections
Wilmington Regional Office Stormwater File





NORTH CAROLINA
Environmental Quality

ROY COOPER

Governor

MICHAEL S. REGAN

Secretary

BRIAN WRENN

Director

June 30, 2020

**LETTER OF APPROVAL WITH MODIFICATIONS AND
PERFORMANCE RESERVATIONS**

Town of Atlantic Beach
ATTN: David R. Walker, Town Manager
PO Box 10
Atlantic Beach, NC 28512

RE: Project Name: Town of Atlantic Beach – Town Hall Renovation
Acres Approved: 1.38
Project ID: CARTE-2020-021
County: Carteret
City: Atlantic Beach
Address: NC Highway 58
River Basin: White Oak
Stream Classification: HQW
Submitted By: Charles M. Cullipher, PE, The Cullipher Group, P.A.
Date Received by LQS: June 18, 2020
Plan Type: Institutional

Dear Mr. Walker:

This office has reviewed the subject erosion and sedimentation control plan and hereby issues this Letter of Approval with Modifications and Performance Reservations. A list of the modifications and reservations is attached. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129. Should the plan not perform adequately, a revised plan will be required (G.S. 113A-54.1)(b).

As of April 1, 2019, all new construction activities are required to complete and submit an electronic Notice of Intent (eNOI) form requesting a Certificate of Coverage (COC) under the NCG010000 Construction General Permit. After the form is reviewed and found to be complete, you will receive a link with payment instructions for the \$100 annual permit fee. After the fee is received, you will receive the COC via email. You MUST obtain the COC prior to commencement of any land disturbing activity. The eNOI form may be accessed at deq.nc.gov/NCG01. Please direct questions about the eNOI form to Annette Lucas at Annette.lucas@ncdenr.gov or Paul Clark at Paul.clark@ncdenr.gov. If the owner/operator of this project changes in the future, the new responsible party is required to apply for his/her own COC.



Title 15A NCAC 4B .0118(a) and the NCG01 permit require that the following documentation be kept on file at the job site:

1. The approved E&SC plan as well as any approved deviation.
2. The NCG01 permit and the COC, once it is received.
3. Records of inspections made during the previous 12 months.

Also, this letter gives the notice required by G.S. 113A-61.1(a) of our right of periodic inspection to insure compliance with the approved plan.

North Carolina's Sedimentation Pollution Control Program is performance-oriented, requiring protection of existing natural resources and adjoining properties. If, following the commencement of this project, it is determined that the erosion and sedimentation control plan is inadequate to meet the requirements of the Sedimentation Pollution Control Act of 1973 (North Carolina General Statute 113A-51 through 66), this office may require revisions to the plan and implementation of the revisions to ensure compliance with the Act.

Acceptance and approval of this plan is conditioned upon your compliance with Federal and State water quality laws, regulations, and rules. In addition, local city or county ordinances or rules may also apply to this land-disturbing activity. This approval does not supersede any other permit or approval.

Please note that this approval is based in part on the accuracy of the information provided in the Financial Responsibility Form, which you provided. This permit allows for a land-disturbance, as called for on the application plan, not to exceed the approved acres. Exceeding the acreage will be a violation of this permit and would require a revised plan and additional application fee. You are requested to file an amended form if there is any change in the information included on the form. In addition, it would be helpful if you notify this office of the proposed starting date for this project. Please notify us if you plan to have a preconstruction conference.

Your cooperation is appreciated.

Sincerely,

Rhonda Hall

Rhonda Hall
Assistant Regional Engineer
Land Quality Section

Enclosures: Modifications Required for Approval
NPDES NCG01 Fact Sheet

cc: Charles M. Cullipher, PE, The Cullipher Group, P.A.
151-A Hwy 24, Morehead City, NC 28557

Wilmington Regional Office file

MODIFICATIONS AND PERFORMANCE RESERVATIONS

Project Name: Town of Atlantic Beach – Town Hall Renovation

Project ID: CARTE-2020-021

County: Carteret

1. This plan approval shall expire three (3) years following the date of approval, if no land-disturbing activity has been undertaken, as is required by Title 15A NCAC 4B .0129.
2. The developer is responsible for the control of sediment on-site. If the approved erosion and sedimentation control measures prove insufficient, the developer must take those additional steps necessary to stop sediment from leaving this site (NCGS 113A-57(3)). Each sediment storage device must be inspected after each storm event (NCGS 113A-54.1(e)). Maintenance and/or clean out is necessary anytime the device is at 50% capacity. All sediment storage measures will remain on site and functional until all grading and final landscaping of the project is complete (15A NCAC 04B .0113).
3. Any and all existing ditches on this project site are assumed to be left undisturbed by the proposed development unless otherwise noted. The removal of vegetation within any existing ditch or channel is prohibited unless the ditch or channel is to be regarded with side slopes of 2 horizontal to 1 vertical or less steep (15A NCAC 04B .0124 (d)). Bank slopes may be mowed, but stripping of vegetation is considered new earth work and is subject to the same erosion control requirements as new ditches (NCGS 113A-52(6)).
4. The developer is responsible for obtaining any and all permits and approvals necessary for the development of this project prior to the commencement of this land disturbing activity. This could include our agency's Stormwater regulations and the Division of Water Resources' enforcement requirements within Section 401 of the Clean Water Act, the U.S. Army Corps of Engineers' jurisdiction of Section 404 of the Clean Water Act, the Division of Coastal Management's CAMA requirements, the Division of Solid Waste Management's landfill regulations, the Environmental Protection Agency and/or The U.S. Army Corps of Engineers jurisdiction of the Clean Water Act, local County or Municipalities' ordinances, or others that may be required. This approval cannot supersede any other permit or approval; however, in the case of a Cease and Desist Order from the Corps of Engineers, that Order would only apply to wetland areas. All highland would still have to be in compliance with the N.C. Sedimentation Pollution Control Act.
5. If any area on site falls within the jurisdiction of Section 401 or 404 of the Clean Water Act, the developer is responsible for compliance with the requirements of the Division of Water Resources (DWR), the Corps of Engineers and the Environmental Protection Agency (EPA) respectively. Any erosion control measures that fall within jurisdictional wetland areas must be approved by the aforementioned agencies prior to installation. The Land Quality Section must be notified of a relocation of the measures in question to the transition point between the wetlands and the uplands to assure that the migration of sediment will not occur. If that relocation presents a problem or contradicts any requirements of either DWR, the Corps, or the EPA, it is the responsibility of the developer to inform the Land Quality Section regional office so that an adequate contingency plan can be made to assure sufficient erosion control remains on site. Failure to do so will be considered a violation of this approval (NCGS 113A-54.1(b)).

Letter of Approval with Modifications and Performance Reservations

Town of Atlantic Beach

June 30, 2020

Page 4 of 4

6. Any borrow material brought onto this site must be from a legally operated mine or other approved source. Any soil waste that leaves this site can be transported to a permitted mine or separately permitted construction sites without additional permits under NCGS 74-49(7)(d). Disposal at any other location would have to be included as a permit revision for this approval.
7. This permit allows for a land disturbance, as called for on the application plan, not to exceed 1.38 acres. Exceeding that acreage will be a violation of this permit and would require a revised plan and additional application fee. Any addition in impervious surface, over that already noted on the approved plan, would also require a revised plan to verify the appropriateness of the erosion control measures and stormwater retention measures (NCGS 113A-54.1(b)).
8. The construction detail for the proposed silt fence requires reinforcing wire and **steel** posts a maximum of eight (8) feet apart. Omission of the reinforcing wire is a construction change that necessitates more posts for support, i.e., the spacing distance needs to be reduced to no greater than six (6) feet apart (E&SC Planning & Design Manual 6.63, Rev. 6/06).
9. Sediment storage basins have not been provided on this site. It is proposed that silt fencing be used for sediment retention. If this proves to be inadequate, the developer must take those additional steps necessary to stop sediment from leaving this site and a revised Soil and Erosion Control Plan will be required to be submitted (NCGS 113A-57(3)).
10. A graveled construction entrance must be located at each point of access and egress available to construction vehicles during the grading and construction phases of this project. Access and egress from the project site at a point without a graveled entrance will be considered a violation of this approval. Routine maintenance of the entrances is critical (113A-54.1(b)).
11. As a condition of the NPDES General Stormwater Permit (NCG010000), the financially responsible party shall comply with the NCG01 Ground Stabilization And Materials Handling requirements that became effective April 1, 2019. The NCG01 Ground Stabilization And Materials Handling standard detail can be printed from the deq.nc.gov/NCG01 website.
12. As a condition of the NPDES General Stormwater Permit (NCG010000), the financially responsible party shall comply with the NCG01 Self-Inspection, Recordkeeping and Reporting requirements that became effective April 1, 2019. The NCG01 Self-Inspection, Recordkeeping and Reporting standard detail can be printed from the deq.nc.gov/NCG01 website.
13. As a part of routine monitoring of the approved land-disturbing activity, the financially responsible party shall assure inspections of the area covered by the approved plan after each phase of the plan has been completed and after establishment of temporary ground cover in accordance with North Carolina General Statute 113A-54.1(e).

Ref: G.S. 113A-54.1 through G.S. 113A-57
Sections 15A NCAC 04A.0101 through 15A NCAC 04E.0504
General Permit NCG 010000 NPDES for Construction Activities