



Town of Southern Shores

5375 N. Virginia Dare Trail, Southern Shores, NC 27949

Phone 252-261-2394 / Fax 252-255-0876

www.southernshores-nc.go

November 8, 2017

COUNCIL MEETING-5:30 P.M.-PITTS CENTER

1. Opening

- A. Call Meeting to Order (all citizens interested in offering Public Comment are reminded to sign up.)
- B. Pledge of Allegiance
- C. Moment of Silence
- D. Amendments to / Approval of Agenda
- E. Consent Agenda
 - i. Council Meeting Minutes for October 3, 2017 **TAB 1**

2. Staff Reports

- A. Town Planner
- B. Police Chief
- C. Fire Chief, Southern Shores Volunteer Fire Department
- D. Town Manager's Report
- E. Town Attorney's Report

3. Board Reports

- A. Report of Planning Board on Consideration of Town Code Regulation of Storm Water Management
- Planning Board Chairman

3. General Public Comment (Limit: 3 minutes per speaker.)

(Note: All matters heard or considered by the Council are subject to possible action by the Council.)

4. Old Business

5. New Business

- A. Quasi-Judicial Land-Use Matter: Consideration of Conditional Use Permit, CUP-17-02; application submitted by Soundside Subs IV, LLC to open a Jersey Mike's Subs restaurant in the Marketplace shopping center located at 5500 N. Croatan Hwy. **TAB 2**
 - i. Receive Recommendation of Planning Board – Planning Board Chairman
 - ii. Public Hearing on CUP-17-02
 - iii. Quasi-Judicial Council Deliberation
- B. Consideration of FY 17-18 Secured Capital Project Construction Bids for Palmetto Lane Capital Improvement Project – per Council Directive of July 11, 2017 **ENVELOPE PROVIDED IN BOOKS**

6. General Public Comment (Limit: 3 minutes per speaker.)

7. Other Business

- A. Mayor's Comments & Responses
- B. Council Member's Comments & Responses

8. Adjourn

TAB 1

COUNCIL WILL RECEIVE MINUTES BY EMAIL



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PLANNING BOARD GENERAL APPLICATION FORM TOWN OF SOUTHERN SHORES, NC 27949

Date: 9/13/17 Filing Fee: \$300 Receipt No. 903276 Application No. CLP-17-0

NOTE: The Planning Board will follow the specific provisions of the Zoning Ordinance Chapter 36. Article X Administration and Enforcement, Section 36-299.

Please check the applicable Chapter/Article:

- Chapter 30. Subdivisions-Town Code
- Chapter 36. Article VII. Schedule of District Regulations. Section 36-207 C-General Commercial District
- Chapter 36. Article IX. Planned Unit Development (PUD)
- Chapter 36. Article X. Administration and Enforcement, Section 36-299 (b) Application for Building Permits and Site Plan Review other than one and two family dwelling units *
- Chapter 36. Article X. Section 36-300-Application for Permit for Conditional Use
- Chapter 36. Article X. Section 36-303 Fees
- Chapter 36. Article X. Section 36-304-Vested Rights
- Chapter 36. Article XIV. Changes and Amendments

Certification and Standing: As applicant of standing for project to be reviewed I certify that the information on this application is complete and accurate.

Applicant

Name: Soundside Subs IV, LLC
 Address: PO Box 666
Nags Head, NC 27959
 Phone: 252-564-4342 Email: shaun@soundsidesubs.com

Applicant's Representative (if any)

Name: Shaun Houman (Managing Member)
 Agent, Contractor, Other (Circle one)
 Address: 2665 S. Compass Ln
Nags Head, NC 27959
 Phone: 252-564-4342 Email: shaun@soundsidesubs.com

Property Involved: Southern Shores Martin's Point (Commercial only)

Address: 5577-B N. Croatan Hwy Zoning district _____

Section _____ Block _____ Lot _____ Lot size (sq.ft.) _____

Request: Site Plan Review Final Site Plan Review Conditional Use Permitted Use
 PUD (Planned Unit Development) Subdivision Ordinance Vested Right Variance

Change To: Zoning Map Zoning Ordinance

Signature

Date

* Attach supporting documentation and twelve copies of the site plan.

STAFF REPORT

To: Southern Shores Town Council
Date: November 1, 2017
Case: CUP-17-02
Prepared By: Wes Haskett, Town Planner/Code Enforcement Officer

GENERAL INFORMATION

Applicant: Soundside Subs IV, LLC
P.O. Box 606
Nags Head, NC 27959

Requested Action: Conditional Use Permit application to open a Jersey Mike's Subs restaurant in the Marketplace shopping center.

PIN #: 986720717057
Location: 5500 N. Croatan Hwy.
Zoning: C, General Commercial

Existing Land Use: "Commercial"

Surrounding Land Use & Zoning:

North- Residential; RS-1, Single-family Residential District

South- U.S. Hwy. 158, Town of Kitty Hawk

East- Commercial; C, General Commercial District

West- Commercial; C, General Commercial District

Physical Characteristics: Developed (Marketplace shopping center)

Applicable Regulations: Town Zoning Ordinance: Article III, Interpretation and Definition of Terms; Article IV, Application of Regulations; Article VI, General Provisions; Article VII, Schedule of District Regulations; Article X, Administration and Enforcement.

ANALYSIS

The applicant seeks a Conditional Use Permit to open a Jersey Mike's restaurant at 5500 N. Croatan Hwy. The proposed restaurant is to be located in the Marketplace shopping center which currently contains adequate parking spaces to meet the minimum parking requirements for the proposed use and the existing uses. Restaurants are permitted uses in the C, General Commercial zoning district provided that a Conditional Use Permit is granted by the Town Council following a recommendation made by the Town Planning Board. In granting any Conditional Use Permit, the Town Council may prescribe appropriate conditions and safeguards in conformity with Article X, Administration and Enforcement. Before granting any Conditional Use Permit, the Town Council shall make affirmative findings that:

- a. The applicant has met the requirements of the applicable provisions of the Town Chapter pertaining to Zoning, Subdivision Chapter, and all other applicable Ordinances.
- b. That the use as proposed will conform with the Town's Land Use Plan,

and will be compatible with the area in which it is to be located, if developed in accordance with the conditions specified in the Chapter and additionally required by the Town Council as authorized by the Chapter.

- c. That the use will not materially endanger the public health and safety if located where proposed and developed according to the plan submitted.
- d. That the use as proposed will not overburden the Town Volunteer Fire Department fire-fighting capabilities and the County water supply capacity to the Town, as said facilities and capabilities will exist on the completion date of the conditional use for which the application is made.

RECOMMENDATION

The Land Use Plan identifies this area as Commercial in the C, General Commercial zoning district which is consistent with the proposed use. All applicable regulations of the Town Zoning Ordinance and all of Town Staff's concerns that apply to this application have been identified. The Town Planning Board unanimously (5-0) recommended approval of the application with the following condition included:

1. The applicant must strictly abide by all requirements of the Town Code and must also strictly comply with all other applicable local, State, and Federal requirements.

September 12, 2017

To: The Town of Southern Shores Planning Board

Re: Request for Approval of Conditional Use Permit – Jersey Mike's Subs
Marketplace Shopping Center (adjacent to Starbucks)
5597-B North Croatan Highway
Southern Shores, NC 27949

To Whom This May Concern:

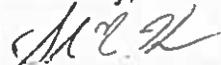
This request is for the issuance of a Conditional Use Permit to allow for a Jersey Mike's Subs to occupy the current vacant space in which Rita's Ice was located (adjacent to Starbucks) within the Marketplace Shopping Center. The address of this location is 5597-B N. Croatan Hwy, Southern Shores, NC 27949.

This request is being initiated by Soundside Subs IV, LLC dba Jersey Mike's Subs which is owned and operated by Lynwood P. Evans and Shaun R. Hayman, both locals of the Outer Banks. Jersey Mike's Subs is a franchised quick service restaurant that currently has approximately 1,500 locations open, or under development, throughout the United States. We pride ourselves in offering a top quality product and unmatched service to our customers. Although Jersey Mike's is primarily known for the food we serve; we take great pride in being a part of the communities in which we serve, as well. The Jersey Mike's culture of "Giving Back" is very much a part every franchisee's philosophy and business plan. Since opening our locations in Elizabeth City and Nags Head in October 2013 and April 2014, respectively; we have donated in excess of \$50,000 collectively to the nearby schools and other various local non-profits. We are currently in the process of opening a location in Moyock.

Our plan is to lease the space that was formerly Rita's Ice and make all necessary improvements to convert it to a 39 seat Jersey Mike's Subs Restaurant. Building improvements shall include, but may not be limited to, making the restrooms current ADA compliant, replacing and adding tonnage to the current HVAC on top of the roof, upgrading the electrical service to the unit, adding an underground Piedmont Natural Gas line to extend from the existing line adjacent to Croatan Highway to the Marketplace, adding new hoods and fans along with all new equipment necessary to operate a Jersey Mike's Subs. The interior design and finishes will all be brought up to Jersey Mike's standards. We anticipate employing approximately 14-16 employees, with an average of 4-6 working simultaneously. We will be open year round, with hours of operation from 10:00 AM to 9:00 PM Monday through Sunday. Based on historical data, our Nags Head location has modified hours of operation on Sunday evenings by closing at 7:00 PM during the offseason; this will likely be the case in Southern Shores.

We hope that you will allow us to be a part of your community and that you will take all of the aforementioned information into consideration when making the decision whether or not to grant us a Conditional Use Permit. Please call me with any questions or concerns that I may be able to address at 252-564-4748. Thank you very much for your time and consideration.

Sincerely,



Shaun R. Hayman (Managing-Member)
Soundside Subs IV, LLC



NORTH CAROLINA

Department of the Secretary of State

CERTIFICATE OF EXISTENCE (Limited Liability Company)

I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify that

SOUNDSIDE SUBS IV, LLC

is a limited liability company duly formed under the laws of the State of North Carolina, having been formed on the 18th day of May, 2017, with its period of duration being Perpetual.

I FURTHER certify that the said limited liability company's articles of organization are not suspended for failure to comply with the Revenue Act of the State of North Carolina; that the said limited liability company is not administratively dissolved for failure to comply with the provisions of the North Carolina Limited Liability Company Act; and that the said limited liability company has not filed articles of dissolution as of this date of this certificate.



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 31st day of May, 2017.

Elaine F. Marshall

Secretary of State



NORTH CAROLINA

Department of the Secretary of State

To all whom these presents shall come, Greetings:

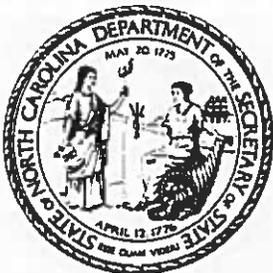
I, Elaine F. Marshall, Secretary of State of the State of North Carolina, do hereby certify the following and hereto attached to be a true copy of

ARTICLES OF ORGANIZATION

OF

SOUNDSIDE SUBS IV, LLC

the original of which was filed in this office on the 18th day of May, 2017.



Scan to verify online.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal at the City of Raleigh, this 18th day of May, 2017.

Elaine F. Marshall

Secretary of State

State of North Carolina
Department of the Secretary of State

Limited Liability Company
ARTICLES OF ORGANIZATION

Pursuant to §57D-2-20 of the General Statutes of North Carolina, the undersigned does hereby submit these Articles of Organization for the purpose of forming a limited liability company.

1. The name of the limited liability company is: Soundside Subs IV, LLC
(See Item 1 of the Instructions for appropriate entity designation)
2. The name and address of each person executing these articles of organization is as follows: (State whether each person is executing these articles of organization in the capacity of a member, organizer or both. Note: This document must be signed by all persons listed.)

Name	Address	Capacity
<u>Shaun R. Hayman</u>	<u>2605 S Compass Ln, Nags Head, NC 27959</u>	<u>Member / Organizer</u>

3. The name of the initial registered agent is: Shaun R. Hayman

4. The street address and county of the initial registered agent office of the limited liability company is:

Number and Street 2605 S Compass Ln
City Nags Head State: NC Zip Code: 27959 County: Dare

5. The mailing address, if different from the street address, of the initial registered agent office is:

Number and Street P.O. Box 606
City Nags Head State: NC Zip Code: 27959 County: Dare

6. Principal office information: (Select either a or b.)

a. The limited liability company has a principal office.

The principal office telephone number: 252-564-4748

The street address and county of the principal office of the limited liability company is:

Number and Street: 2605 S Compass Ln
City: Nags Head State: NC Zip Code: 27959 County: Dare

The mailing address, if different from the street address, of the principal office of the company is:

Number and Street: P.O. Box 606

City: Nags Head State: NC Zip Code: 27959 County: Dare

b. The limited liability company does not have a principal office.

7. Any other provisions which the limited liability company elects to include (e.g., the purpose of the entity) are attached.

8. (Optional): Listing of Company Officials (See instructions on the importance of listing the company officials in the creation document.)

Name	Title	Business Address

Privacy Redaction

9. (Optional): Please provide a business e-mail address:
The Secretary of State's Office will e-mail the business automatically at the address provided above at no cost when a document is filed. The e-mail provided will not be viewable on the website. For more information on why this service is offered, please see the instructions for this document.

10. These articles will be effective upon filing, unless a future date is specified:

This is the 10 day of May, 20 17.

Signature

Shaun R. Hayman - Member / Organizer

Type or Print Name and Title

The below space to be used if more than one organizer or member is listed in Item #2 above.

NOTE:

1. Filing fee is \$125. This document must be filed with the Secretary of State.

CORPORATIONS DIVISION
(Revised December 2016)

P.O. Box 29622
3

RALEIGH, NC 27626-0622
(Form L-01)

☰ Search By Name, Address, Parcel, etc..

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Leaflet

**MARKETPLACE SHOPPING CENTER - SOUTHERN SHORES, NC
PARKING CALCULATION - CURRENT**

Tenant	Shop	Unit	Size	Use Category - KL	Parks Required	Seats	Employees	Doctors
Vacant 1	5531	1	3,750	General Office	19			
Scott Team Realty	5535	2	1,177	General Office	8		4	
Shun Xing Chinese Restaurant	5537	3	1,177	Restaurant	2	0	2	
Food Lion #1274	5539	4	52,265	Grocery	105			
Dollar Tree	5545	5	10,007	Retail	51			
CVS	5547	6	11,200	Retail	56			
Midkiff - Bonnie's Bagels	5549	7	2,907	Restaurant	26	42	12	
OBX Hospital	5551	8, 9, 10	5,333	Clinic	17		12	1
Vacant 2	5557	11	1,070	Retail	6			
New Image Hair Salon	5559	12	1,011	Retail	6			
The UPS Store	5561	13	1,787	Retail	9			
OBX Urgent Care - Vidant	5565	14, 15	4,842	Clinic	19		9	2
Coastal Rehabilitation	5567	16	2,702	General Office	16		4	
Affordable Optical Lease	5569	17	1,560	Clinic	13		3	2
Vacant 3	5571	18	1,348	General Office	9		4	
Vacant 4	5573	19	1,046	Retail	6			
Vacant 5	5575	20	1,287	Clinic	6		1	1
Vacant 6	5579	21	1,820	Retail	10			
Vacant 7	5581	22	1,080	Restaurant	13	20	6	
Vacant 8	5583	23	1,080	Retail	6			
Vacant 9	5585	24	1,290	Retail	7			
Charter Communications	5587	25	2,040	Retail	11			
Tidewater Skin Care	5589	26	2,000	Clinic	12		7	1
Cosmo's Pizza	5591	27	1,393	Restaurant	22	44	7	
Vacant 10	5593	28	1,470	Retail	8			
Vacant 11	5593A	29	1,514	Retail	8			
Vacant 12	5595	30	5,100	Retail	26			
A Wireless	5597C	31	1,747	Retail	9			
Jersey Mikes (Proposed)	5597B	32	1,626	Restaurant	20	39	7	
Starbucks	5597A	33	1,747	Restaurant	15	22	7	
East Carolina Bank	Outparcel				0			
TOTAL REQUIRED					541			

Put in guess for placeholder

Anticipate higher number of employees during first week of operation
17 total but guessing it's 6-7 at largest shift

SURVEY SHOWS 587 SPACES CURRENTLY

	Ratio Per SF GLA	Seats	Employees	Doctors
Clinic			1 per 1	5 per 1
General Office	1 per 200sf GLA		1 per 2	
Grocery or Appliance	1 per 500sf GLA			
Restaurant		1 per 3	1 per 1	
Retail (all others)	1 per 200sf GLA			

Note: Any fraction of a space is required to count as a whole space

County of Dare, North Carolina

*Owner and Parcel information is based on current data on file and was last updated on September 08 2017

Primary (100%) Owner Information:

SOUTHERN SHORES OWNER, LLC
610 E MOREHEAD ST STE 100
CHARLOTTE NC 28202

Parcel Information:

Parcel: 022510000 PIN: 986720717057
District: 20- SOUTHERN SHORES
Subdivision: SUBDIVISION - NONE
LotBlkSect: LOT: BLK: SEC:
Multiple Lots: -
PlatCabSlide: PL: E SL: 443 Units: 0
Deed Date: 10/22/2014
BkPg: 1982/0893
Parcel Status: ACTIVE



Property Use: RETAIL

5500 N CROATAN HWY

BUILDING USE & FEATURES Tax Year Bldg Value: \$5,475,600 Next Year Bldg Value: \$5,475,600

Building Use: SHOPPING CNT W/ANCHOR

Exterior Walls:

Actual Year Built: 1986

Full Baths:

Half Baths:

Bedrooms:

Heat-Fuel:

Heat-Type:

Finished sqft for building 1:

Air Conditioning:

Total Finished SqFt for all bldgs:

MISCELLANEOUS USE Tax Year Misc Value: \$211,200 Next Year Misc Value: \$211,200

Misc Bldg a: (PA1) PAVING ASPHALT PARKING Year Built: 1986 sqft: 320000

LAND USE Tax Year Land Value: \$2,623,500 Next Year Land Value: \$2,623,500

Land Description : 20-Commercial Highway Primary

TOTAL LAND AREA: 18.1156 acres

Tax Year Total Value: \$8,310,300 Next Year Total Value: \$8,310,300

*Values shown are on file as of September 08 2017