

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 30.

Date of Request: June 25, 2007

Date Request Received: June 25, 2007

Board Meeting Date Requested: July 9, 2007

Board Meeting Date Assigned: July 9, 2007

Short Title: Approval Of A Special Use Permit To Operate An Auto And Boat Sales Lot

- Request Status:
- Request is proceeding to Board of Commissioners
  - More information is needed – see attached
  - Request on hold – no further information needed
  - Other:

Background: The project will consist of a car and boat lot for the display and sale of autos and boats. The property consists of three parcels totaling .79 acres and is zoned B-2, Highway Business District with Sandy F Shirley, applicant, and Margarete Maldonado ET AL, owner.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to approve special use permit for an auto and boat sale lot.

### CONTRACT TYPE

Requested by: Planning Staff  
Department: Planning Department  
Title: Planning  
Contact Phone: 910.259.1202  
Contact Fax: 910.259.3735

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
  - Federal Grantor
  - State Grantor
  - Grantor
- County as Grantor
  - County Funds
  - Other Funds:
- Revision
- For Equipment

**PURCHASING** Budgeted Item:  Yes  No  
Date Rec'd:  Reviewed and Approved  
 Comments on Reverse

Date Sent: Signed:

**ATTORNEY**  Reviewed and Approved  
Date Rec'd:  Legal Problem(s)  
 Comments on Reverse

Date Sent: Signed:

**FINANCE** Sufficient Funds  Available  Not Available  
Date Rec'd:  Budget Amendment Necessary  
 Budgeted Amendment is Attached  
 Comments on Reverse

Date Sent: Signed:

**CLERK** Signature(s) Required:  
 Board Chairman/County Manager  
 Other:

Date Rec'd Approved by Board:  Yes  No  
At meeting on

**Special Use Permit To Operate A Sale Lot for Autos and Boats**

**SUBJECT:**      **CASE NO:** 07-07-16-21  
**PROPERTY RECORD NO:** 3293-43-8297-0000, 3293-43-8253-0000, and 3293-43-7189-0000.  
**APPLICANT:** Sandy F Shirley  
**OWNER:** Margarete Maldonado, et al.

**ACTION REQUESTED:** Approval to operate an Auto and Boat Sales Lot.

**HISTORY/BACKGROUND:**

**Project Location:** The project site is located at 16290 US Highway 17, just south of Williams Store Road, in Hampstead, NC (see attached location map).

**Project Description:** The project will consist of a car and boat lot for the display and sale of autos and boats. The property consists of three parcels totaling .79 acres and is zoned B-2, Highway Business District. An existing building will be utilized for the sales office. Existing water, sewer, and electric connections will be used for the office building. The applicant will be required to install buffers and parking consistent with the Zoning Ordinance regulations. The hours of operation are proposed from 9 a.m. to 5 p.m. Monday through Friday. There will be three employees to operate the business (See project description).

**EVALUATION:**

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail. (See certification attached)
- B) Basis for Granting SUP:** See attachment A for approval procedures (15.3 of Zoning Ord.) and revocation procedures (15.4b of Zoning Ord.).
- C) Zoning Ordinance Compliance:** This property is Zoned B-2, Highway Business District, and an Auto & Boat Sales Lot is permitted by Special Use Permit.
- D) Land Use Plan Compliance:** This property is classified as Urban Growth Area and Conservation I Area. This request is consistent with the 2005 CAMA Land Use Plan. (See attached 2005 CAMA Land Use Plan).
- E) Existing Land Use In Area:** Hampstead Furniture borders the property to the South and East. Single family dwellings are located to the north and east of the proposed project. The surrounding area is generally a mix of commercial, residential, and vacant land uses.
- F) Site Access Conditions:** The property has direct access to US Highway 17 a state maintained road.
- G) Conditions To Consider In Issuing A Special Use Permit For This Project:**
  - 1. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
  - 2. Sale items shall be limited to automobiles, boats, boat trailers and applicable accessory items.
  - 3. No junk, debris trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
  - 4. No project activity shall commence on the site including clearing and grading until a Final Zoning Permit has been issued.
  - 5. The business must submit a copy of their car dealer license and all other applicable licenses and state/federal permits prior to obtaining a final zoning permit
  - 6. Hours of operation will be limited to 9 a.m. to 5 p.m., Monday- Friday.
  - 7. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance. This will include parking and landscaping requirements that will be in compliance with Sections 13 and 14 of the Pender County Zoning Ordinance.
  - 8. Merchandise display will only be allowed in the display areas shown on the approved and signed final site plan.

9. Any flood or spotlights shall be oriented away from the street. Such lights shall also be oriented away from adjacent properties or shielded to prevent direct light from shining on such properties. This provision does not apply to normal area lights (non-directional).
10. The project shall be developed and maintained in accord with the applicant's final revised site plan as approved by the Zoning Administrator, the Zoning Ordinance and the conditions contained in this permit
11. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days or receipt of the notice of violation.
12. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on July 16, 2007 the Pender County Board of Commissioners considered a Special Use Permit for Sandy F. Shirley as described herein and F.D. Rivenbark, Chairman, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

**AMENDMENTS:**

MOVED \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_ **DENIED** \_\_\_\_\_ **UNANIMOUS** \_\_\_\_\_

**YEA VOTES:** Rivenbark \_\_\_ Blanchard \_\_\_ Brown \_\_\_ Williams \_\_\_ Tate \_\_\_

\_\_\_\_\_  
**F.D. Rivenbark,**  
**Chairman**

7-09-07  
**Date**

\_\_\_\_\_  
**ATTEST**

7-09-07  
**Date**

## **Attachment A: Basis for Granting Special Use Permit**

### **15.3 Procedures for Reviewing Applications**

The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.

The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed. The Zoning Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing. All Special Use Permit applications must be presented to the Zoning Administrator for a determination of completeness. An appeal from a completeness determination may be had to the Board of Adjustment or Superior Court within twenty (20) days of the determination.

The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:

- A. The use requested is listed among the special uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
- C. The proposed use shall not constitute a nuisance or hazard.
- D. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads; and
- G. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located;
- H. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

## 15.4 General Provisions Concerning Special Use Permits

### B. Revocation

In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Zoning Administrator may initiate a notice of violation for the provisions of this ordinance and the conditions of the Special Use Permit not in compliance or the Zoning Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified.

After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:

- 1) That the approval was obtained by fraud.
- 2) That the use for which such approval was granted is not being executed.
- 3) That the use for which such approval was granted has ceased to exist or has been suspended for six months.
- 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
- 5) That the permit granted is in violation of an ordinance or statute.
- 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

**PENDER COUNTY  
SPECIAL USE PERMIT APPLICATION FORM**

**THIS SECTION FOR OFFICE USE**

Application No.	07-07-16-21	Date	6/7/2007
Permit Fee	\$200.00	Receipt No.	072147

**APPLICANT INFORMATION**

Applicant Name	Sandy F Shirley	Owner Name	Jason C Shirley
Address:	73 Bahama Dr Wrightsville Beach NC 28480	Address:	2605 Hwy 97 Wendell NC 27591
Phone No:	910-795-9212	Phone No:	919-539-0084
Legal relationship of applicant to owner:	Sister		

**PROJECT INFORMATION**

Property tax record No.	07121/07124	Total acreage	
Zoning Designation:	B2	In property:	.80
Acreage to be used for project:	.80	Acreage to be disturbed:	0
Project location and address:	16290 US Hwy 17 Hampstead NC 28443		
Describe activities to be undertaken on project site:	Display lot for automobile and boat sales.		

**SIGNATURES**

Applicant:	Date:	Owner:	Date:
	5-9-07		5-9-07

**NOTICE TO APPLICANT**

1. Applicant must also submit the information described on page two of this form.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing.
4. Applicant may wish to review the required findings for approval of a Special Use Permit (p. 3).

Margarette Maldonado  
16290 US HWY 17N  
Hampstead, NC 28443  
(910) 264 3136

To Pender County Planning Dept.  
(910) 259-1403  
FAX (910) 259-3735

**"ATTENTION "**  
**Michael Herold**

6/24/07

Dear Sir,

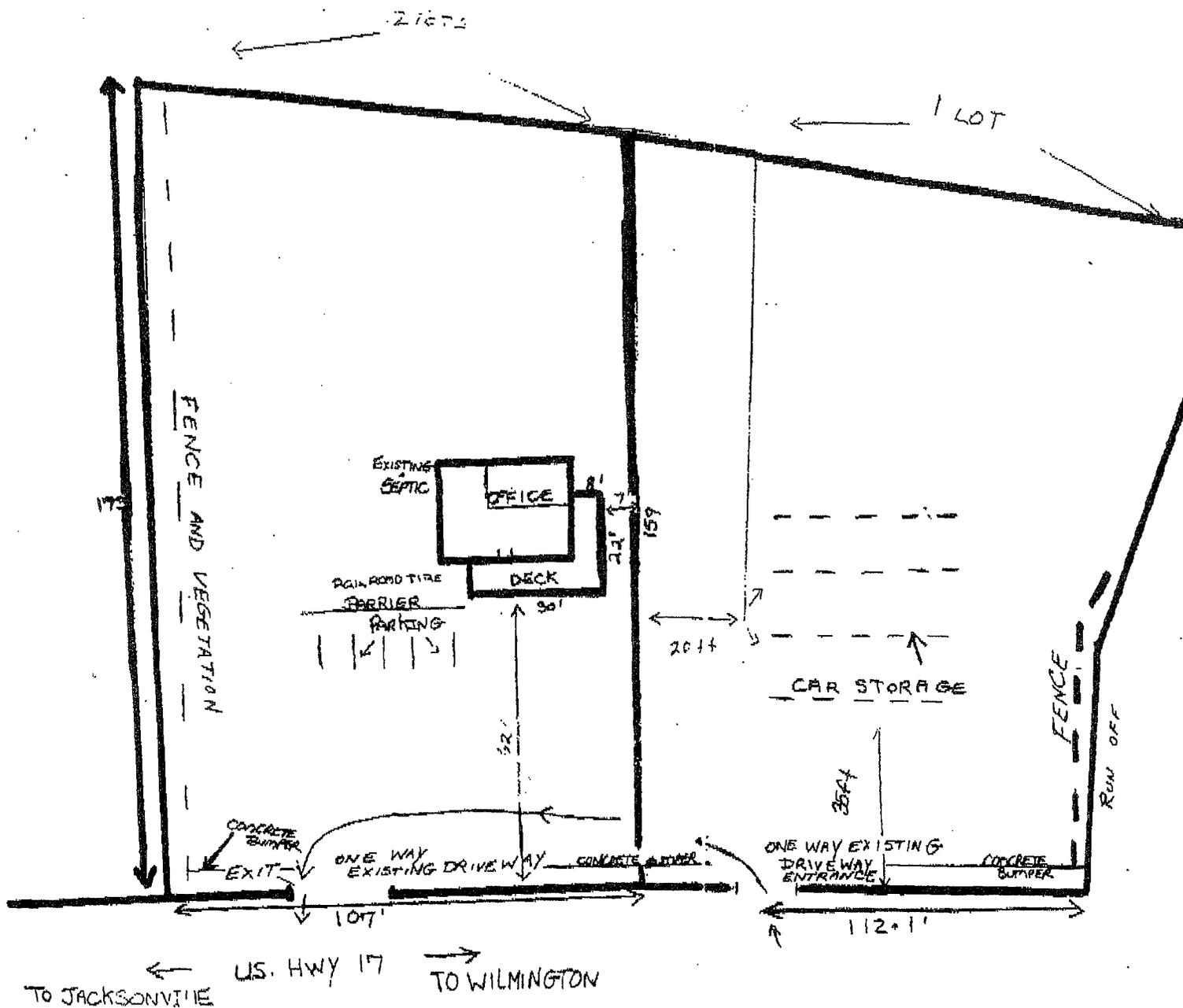
I am HEREBY GRANTING PERMISSION to Mr. Jason Shirley to use the property located @ 16290 US HWY 17N for the sales of automobiles and boats. Mr. Jason is purchasing the above property with the contingency of obtaining a special use permit.

*Margarette Maldonado*

## 5. Project Narrative:

- Location
  - 16290 US Hwy 17  
Hampstead NC 28443
- Type of access to project site
  - Property has one way concrete entrance leading off of US Hwy 17 in addition to a concrete exit leading onto US Hwy 17.
- Detailed description of the activities to be undertaken on this site
  - Retail sales office and display lot of automobiles and boats.
  - Hours of Operation - Normal Business Hours of 9:00 a.m. until 5:00 p.m. Monday thru Friday.
  - Number of Employees - Three.
- Detailed description of all construction activities to be undertaken on the site
  - Minor esthetic upgrades to existing building on property
- Describe type of utilities that will serve project and status of approval from Environmental Health.
  - Pre-existing water, sewer, and electricity for office building
- List of all state and federal permits that will be required for the project.
  - No state or federal permits in addition to required licenses' are needed
- Describe any potential impacts will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts. Positive benefits the project will provide for the community and/or neighbors of the project.
  - Lot sits adjacent to a 10,000 square foot furniture store. Adjacent lots are zoned highway business and will not impact residents. The issue of traffic has been addressed by one-way-in, one-way-out concrete drive.
  - New business in the area will be expansion of growth in community; will have positive impact on the tax base. Attract potential customers to the area which will generate additional revenue for town, local business, and county. Members of community will have access to our quality line of products.

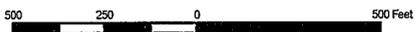
#3



← TO JACKSONVILLE      US. HWY 17      → TO WILMINGTON

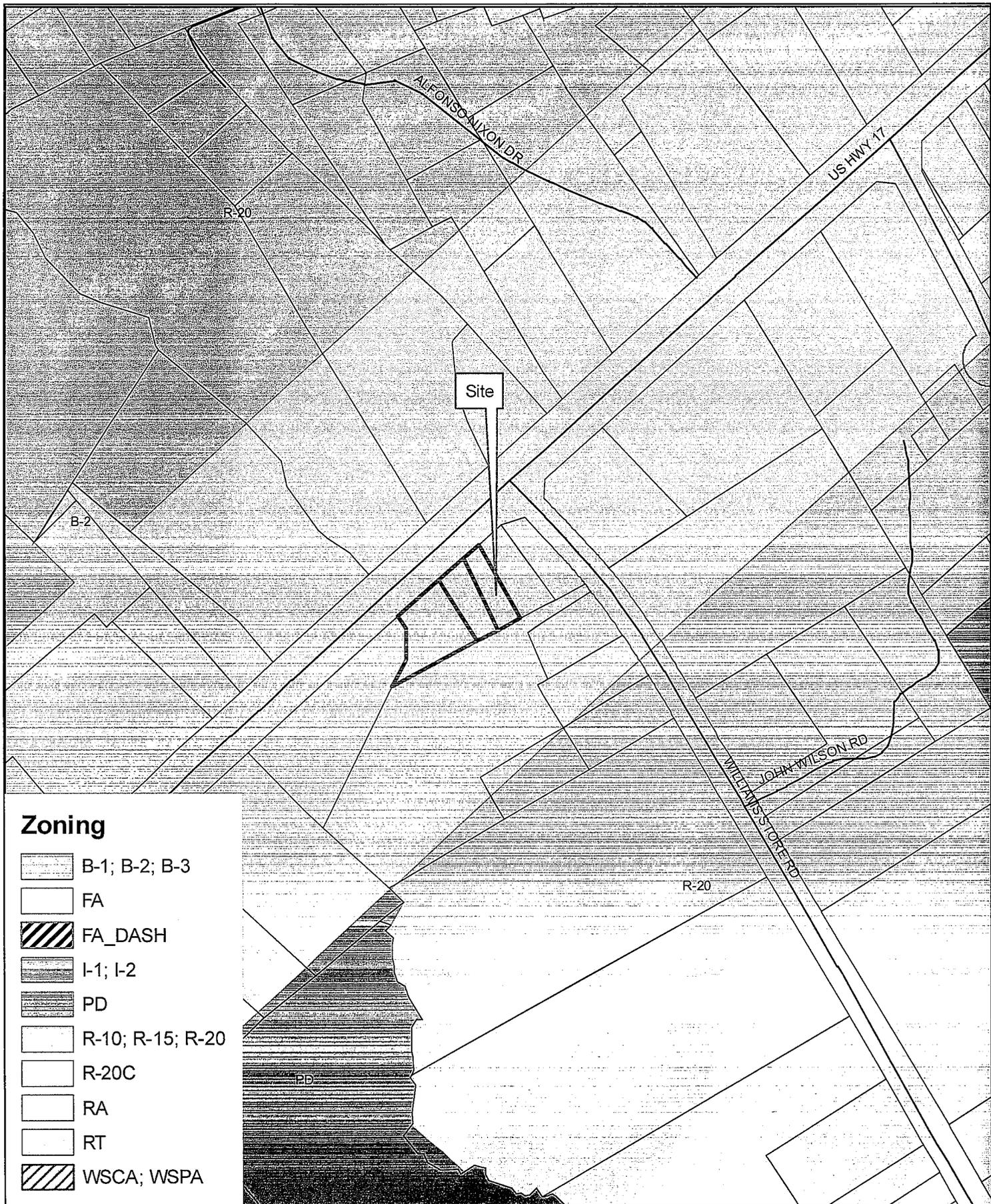


1 inch equals 500 feet



# Shirley Auto and Boat Sales SUP

## Vicinity Map

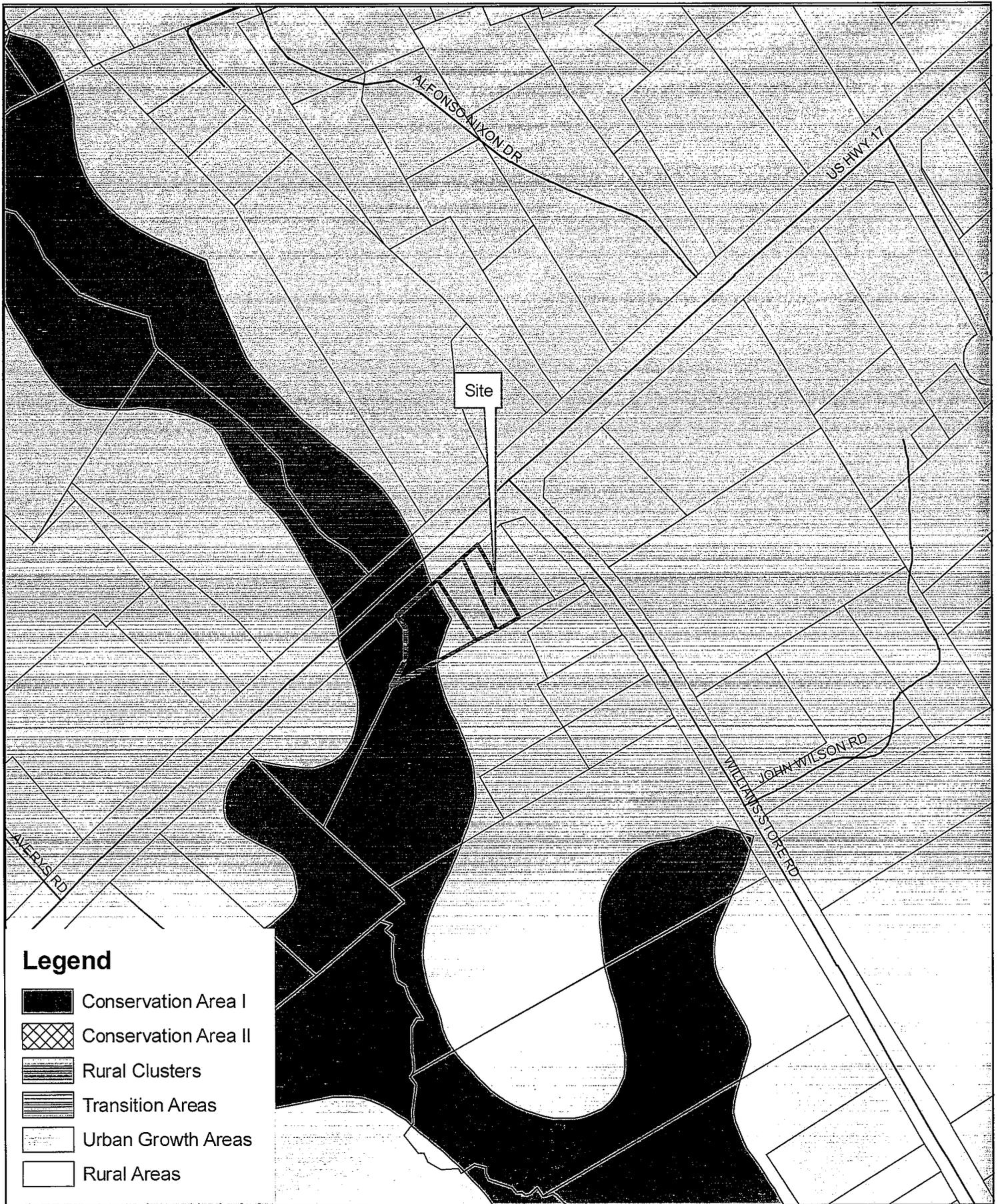


1 inch equals 250 feet



Shirley Auto and Boat Sales SUP

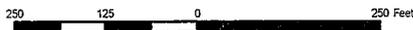
Zoning



**Legend**

-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas

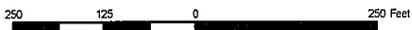
1 inch equals 250 feet



Shirley Auto and Boat Sales SUP  
Land Use (2005)



1 inch equals 250 feet



Shirley Auto and Boat Sales SUP  
Orthos Map (2003)