

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 29

Date of Request: August 6, 2007

Date Request Received: August 6, 2007

Board Meeting Date Requested: August 20, 2007

Board Meeting Date Assigned: August 20, 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 hold a special use permit hearing 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
 - Grant or
- 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
Date Rec'd: Not Available
 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 an Auto and Boat Sales Lot

SUBJECT: **CASE NO:** 07-08-20-27
PROPERTY RECORD NO: 3293-43-8297-0000, 3293-43-8253-0000, and 3293-43-7189-0000.
APPLICANT: Sandy F Shirley
OWNER: Jason Shirley

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 1000 sq ft vinyl sided building will be utilized for the sales office. The existing building will be power washed and a new metal roof will be installed. The existing wrap around deck will be replaced with new boards and the existing handicap access ramp will be redone. Handrails will be custom designed and anodized aluminum will be incorporated with the wood. Existing water, sewer, and electric connections will be used for the office building. Lot will be professionally landscape by a company out of Hampstead, NC. Gravel will be added to the existing gravel which is used to drive on and handicap spaces will be added. 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 August 20, 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 8-20-07
Date

ATTEST 8-20-07
Date

**PENDER COUNTY
SPECIAL USE PERMIT APPLICATION FORM
THIS SECTION FOR OFFICE USE**

Application No.		Date	
Permit Fee		Receipt No.	

APPLICANT INFORMATION	
Applicant Name: <u>Sandy Shirley</u>	Owner Name: <u>Jason Shirley</u>
Address: <u>7B Bahama Dr Wrightsville Beach 28480</u>	Address: <u>2605 Hwy 97 Wendell NC 27591</u>
Phone No: <u>(910) 795-9212</u>	Phone No: <u>(919) 539-0081</u>
Legal relationship of applicant to owner: <u>Sister</u>	

PROJECT INFORMATION	
Property tax record No. <u>07121 / 07124</u>	Total acreage
Zoning Designation: <u>B2</u>	In property: <u>.80</u>
Acreage to be used for project: <u>.80</u>	Acreage to be disturbed:
Project location and address: <u>10290 US Hwy 17 Hampstead NC 28443</u>	
Describe activities to be undertaken on project site: <u>display lot for new boats and display lot for autos</u>	

SIGNATURES			
Applicant:	Date:	Owner:	Date:
<u>Sandy Shirley</u>	<u>7-8-07</u>	<u>Jason Shirley</u>	<u>7-18-07</u>

NOTICE TO APPLICANT
<ol style="list-style-type: none"> 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).

Project Narrative:

Location: 16290 Us Hwy 17, Hampstead NC 28443

If traveling down 17, the property is located on the right beside of Hampstead furniture. The zoning for this particular property is B-2 commercial as are all adjacent properties.

There is an existing building already on site.

The following is the location report we received from the commercial real estate appraisal firm in Wilmington, NC.

“DESCRIPTION OF THE IMMEDIATE NEIGHBORHOOD”

The subject neighborhood is an emerging commercial corridor that can be characterized as one in transition. The subject neighborhood is the corridor along US 17, from Washington Acres Road on the south, to its intersection with Sloop Point Loop Road on the north. This neighborhood is rapidly transitioning from older single family homes and vacant forestland to commercial uses. Most of this growth has been initiated over the last 10 years.

There have been several new retail/office centers that have come on-line in this neighborhood over the last seven years such as Dollar General, Spring Branch Junction Phase 2 and Atlantic Eye Associates. Several stand-alone uses have also been developed in this area such as Port City Java, US 17 14115, Coastal Car Wash, ABC Store and Scotchman.

These new uses are broken down in the following chart:

<u>Property</u>	<u>Year Built</u>	<u>Size (SF)</u>
Port City Java	2004 & 2005	1,580
Dollar General	2003	13,240
Spring Branch Junction Phase 2	2003	8,250
US 17 14115	2001	3,600
Coastal Car Wash	2001	3,200
ABC Store	2001	2,400
Atlantic Eye Associates	2000	5,000
Scotchman	2000	<u>2,400</u>
Total Square Footage		39,670
Vacant Space (SF)		<u>4,700</u>
Total Absorbed Space (SF)		81,570
Average Annual Absorption (SF)		13,595

Based on the information in the chart above, we have determined that approximately 81,570 square feet of new retail/office space has been absorbed in this neighborhood over the last six years. This equates to an absorption rate of approximately 13,595 square feet per year.

Older retail uses in this neighborhood include Coastal Landing, Custom Fit Flooring, Celebrations, Hampstead Furniture, Bo Sue's Ice Cream Shoppe, Registers of Hampstead Auto Collision, J&J's Village Café, Fingertips Salon, My Front Porch, Hampstead Florist, Hampstead Crossing, Action Kitchens Baths and Floors, Bellamy Transmission, Amoco, Hardees, Hess, BP, Hampstead Station, Beds Plus, Hair Jam, J. H. Lea & Sons Fish House, Hampstead Crossing, Martha Ann Motel, Seafood World, Golden Shears, Waterworks, Morris Housing Center, Clayton Homes, Twice Goods Thrift Shop, Mini Storage on the Green, Southern Asphalt and Cypress Pond Nursery,

Physical characteristics of the neighborhood include rolling topography, open ditches for storm drainage along the thoroughfares and soil characteristics that are generally favorable for development. Water service is provided by Pender County and sewer service is provided by private septic systems.

US 17 is the major coastal north-south connector in Pender County. This road consists of two lanes in each direction with turn lanes or traffic lights at major intersections. It connects the Wilmington Area to the south with the Jacksonville Area to the north. US 17 also intersects NC 210, the major east-west connector in this area.

The new US 17 Bypass is located near the intersection of Futch Creek Road and US 17 and is known as I-140. I-140 from Market Street (US 17) to I-40 is now open, from I-40 to Castle Hayne is now open, from Castle Hayne to US 421 is now open and from US 421 to US 17 in Brunswick County just north of its intersection with Highway 87 is expected to open 2010. This will have a very positive impact on the subject neighborhood by reducing commuting times to Downtown Wilmington from 35+ minutes to 15-20 minutes.

In summary, the property is located in a growing transitional area that is heavily influenced by its close proximity to area beaches and retirement communities. Based on the projected growth of Coastal Pender County, this neighborhood should continue to see a consistent level of growth for years to come."

Also according to the Pender Times, plans have already been made for both a Harris Teeter and a Wal-Mart within five miles of this location.

Type of access to site:

Property has one way concrete entrance leading off of US Hwy 17 in addition to a concrete exit leading onto US Highway 17. There is an existing concrete barrier that lines this driveway. It is easy access onto and off of 17. Views to the North and South have no obstruction.

Detailed Description of the activities to be undertaken on this site:

Use:

Our new idea of a boat & automotive sales lot may corner the market in the Hampstead area. Just imagine going out looking for a brand new universal boat that can be used for fishing, tubing, recreational cruising, sunning & fun. It's perfect, Carolina blue with plenty of seating, it has a matching top to provide shade for the wife and a bow large enough for your daughter to lay out and tan, custom signature seats and an oversized live well for the man of the family to put that tournament winning bass in, decked out with polished aluminum trim rails and rod holders and enough compartments and cubby holes to store everything. Now consider you need a nice truck or SUV to load up the family and fishing gear, tubes & floats, a couple of coolers and don't forget the sunscreen. We offer the only boat sales location where an individual can come in and pick out the perfect boat and a pre-owned vehicle say a Ford F250 Lariat Crew Cab 4wd with a power stroke diesel obviously with a towing package and extended warranty, pre-wired lights and trailer brake that hooks up directly to their new boat. But that's not all! Their F250 can have polished aluminum bed rails, rod holders on the front and polished cooler tray rails on the diamond plated tool box to match their boat exactly. That beautiful Carolina blue color on the boat can be transformed into a custom decal set and installed on the truck. The end result is an affordable recreational Ford F250 that appears to have been designed for the sole purpose of pulling your new boat. All the colors and accessories on the boat are duplicated and highlighted on the truck. This is my vision and given the chance it will be awesome.

The automotive side of this business will offer pre-owned vehicles in the three year old range with our main focus on trucks and SUV's. Most of our trucks will be full size extended cab or crew cab (4Dr), 2wd and 4wd mainly Ford, Dodge & Chevy, but some V8 Dakotas and Toyota Tundras as well. We will carry SUV's with the emphasis on Navigators, Expeditions, Durangos, Suburbans and Tahoe's mostly 3rd seat 4x4 but some 2wd versions with the Toyota Land Cruisers and Sequoias, etc. I am fond of the full size American made trucks and SUV's because of their past history of dependability and durability. We will try to match family's up with vehicles well equipped to handle their needs in reference to towing packages, (what size boat), seating (how many in family) and affordability (price range) so their desired use for the vehicle will match their expectations. Just imagine at Gore Marine & Auto Inc. we will cover all your boating and towing needs.

When choosing a line of boats to sell in the Hampstead area only a Carolina built boat would do. Riddick Bay Runner boats was founded three years ago by a small business man in the hopes of producing one of the finest flat bottom skiffs on the east coast. Now three years later the Morehead, and South Carolina Riddick bay dealers sell an average of 200 boats a year. In a flat bottom skiff we will be offering a 20 ft. and a 22ft. boat perfect for Inter-coastal waterway usage in the 25-35 thousand dollar range. In taking on Riddick bay we have signed an agreement to be the only dealer with in a 50 mile radius. The builders of Riddick Bay have also recently unveiled a new 24foot v bottom that is being sold in the excess of 70,000 dollars. The ability to bring this amount of tax revenues to the Hampstead area can only be a plus. With the recent fluctuations in fuel prices

most boats are not fuel economy friendly leaving consumers scared to own. All boats sold by our dealership are equipped with state of the art Yamaha 4-Stroke technology, which are more environmentally safe and fuel friendly. All boats and vehicles will be mechanically maintained in our Raleigh location leaving our Hampstead location showcase only.

Hours of operation: Normal business hours of 9am until 5pm Monday thru Friday unless by appointment.

Number of employees: Three.

Detailed description of all construction activities to be undertaken on the site.

We will upgrade the existing office building on the site. It is approx 1000 square feet with vinyl siding. We will power wash the outside of the building leaving a clean pastel yellow color. We would like to replace the roof and instead of shingles add an energy efficient metal roof, color silver. There is a deck that is on the front of the building that raps around the side, this includes a handicap ramp. We would like to replace existing boards with new ones and redo the ramp to assure easy access. The handrails will be custom designed and anodized aluminum will be incorporated with the wood. The lot will be professionally landscaped by a company who is out of Hampstead, NC. Gravel will be added atop the existing gravel which is used to drive on and handicap space will be added in the parking area. No new construction will take place, only upgrades.

Describe type of utilities that will serve project and status of approval from Environmental Health.

There is existing water, sewer, and electricity on site. We have a private septic tank and water is provided by the county. Electricity is paid to the local provider.

List all state and federal permits that will be required for the project.

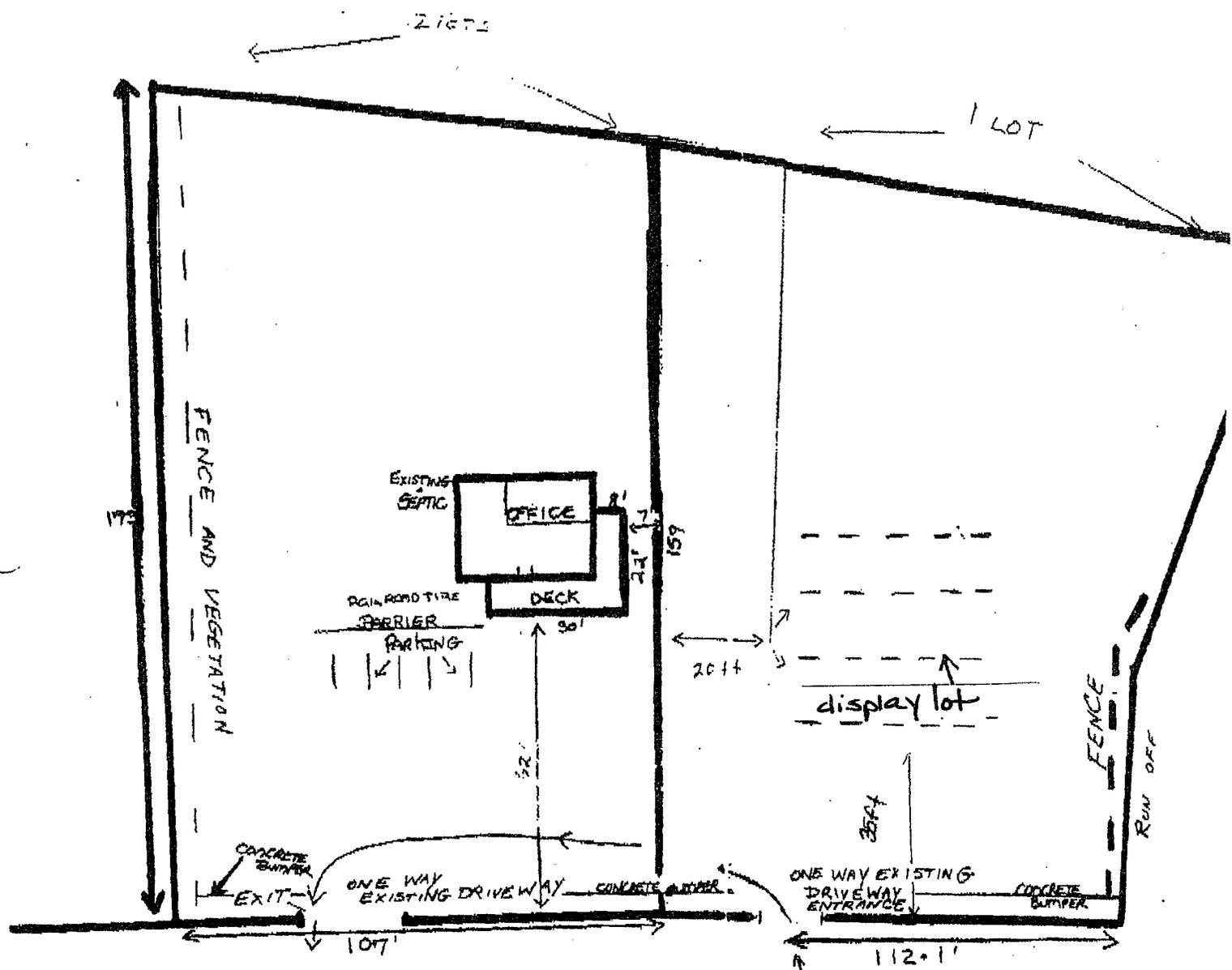
No state or federal permits in addition to required license' are needed. We are required to have a dealer's license which we have been cleared for as soon as special permit is issued.

Describe any potential impacts on the community or adjacent properties such as traffic, noise, ect. And explain efforts to mitigate these impacts. Positive benefits the project will provide for the community and/or neighbors of the project.

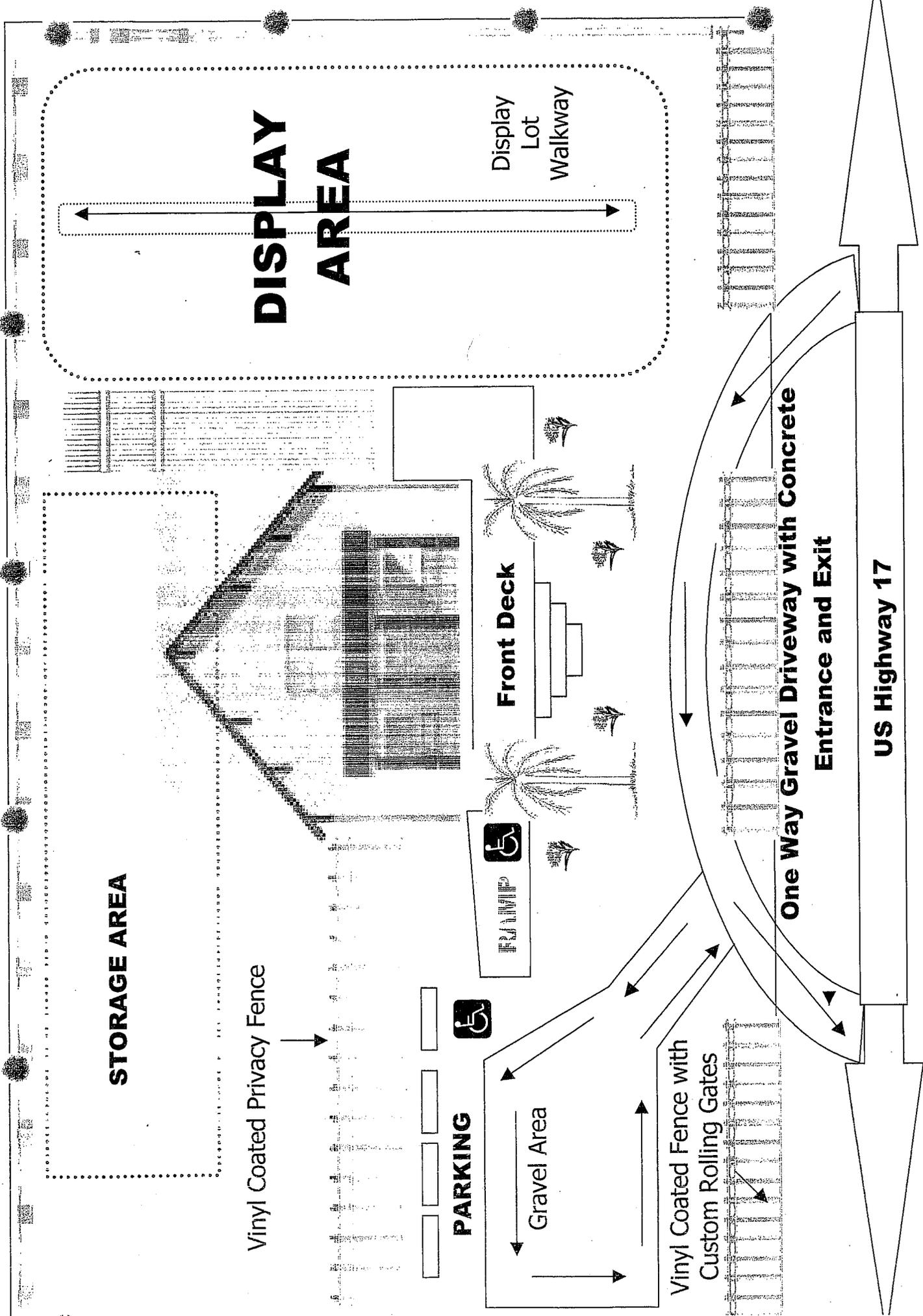
Our lot sits adjacent to 10,000 square foot furniture store, Hampstead furniture. Adjacent lots are zoned highway business and so no impact of residents as far as surrounding properties. The two properties to the left of ours are currently up for sale on the commercial market. Paul Grimsley, Century 21, who owns property adjacent to the left will speak on our behalf and is excited about our new venture and sees it as a positive beside his property. We have a meeting with Mr. Friarmark and Mr. Wilson to discuss concerns they may have as well. The issue of traffic has been addressed by the one-way-in one-way-out concrete driveway with barriers that is on the property. This has been a car dealership in the past and there have been no known problems. Since we are only a display lot, noise will not be an issue. Pollution will also not be an issue for the reason above stated.

We will be a new business in the area which will be an expansion of growth in the community. We will have a positive impact on the tax base. Our business may bring in customers for the business around our location as well. Additional revenue will be generated for the Hampstead area and county as well as the local business owners. We will carry a quality line of products that will serve the community as it is located near the water. Another Riddick dealer will not be allowed within 50 miles and so if you want Riddick, Hampstead is where you will have to come.

#3



← US. HWY 17 →
 TO JACKSONVILLE TO WILMINGTON



DISPLAY AREA

Display Lot Walkway

STORAGE AREA

Vinyl Coated Privacy Fence

Front Deck

RAMP

PARKING

Gravel Area

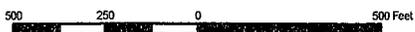
Vinyl Coated Fence with Custom Rolling Gates

One Way Gravel Driveway with Concrete Entrance and Exit

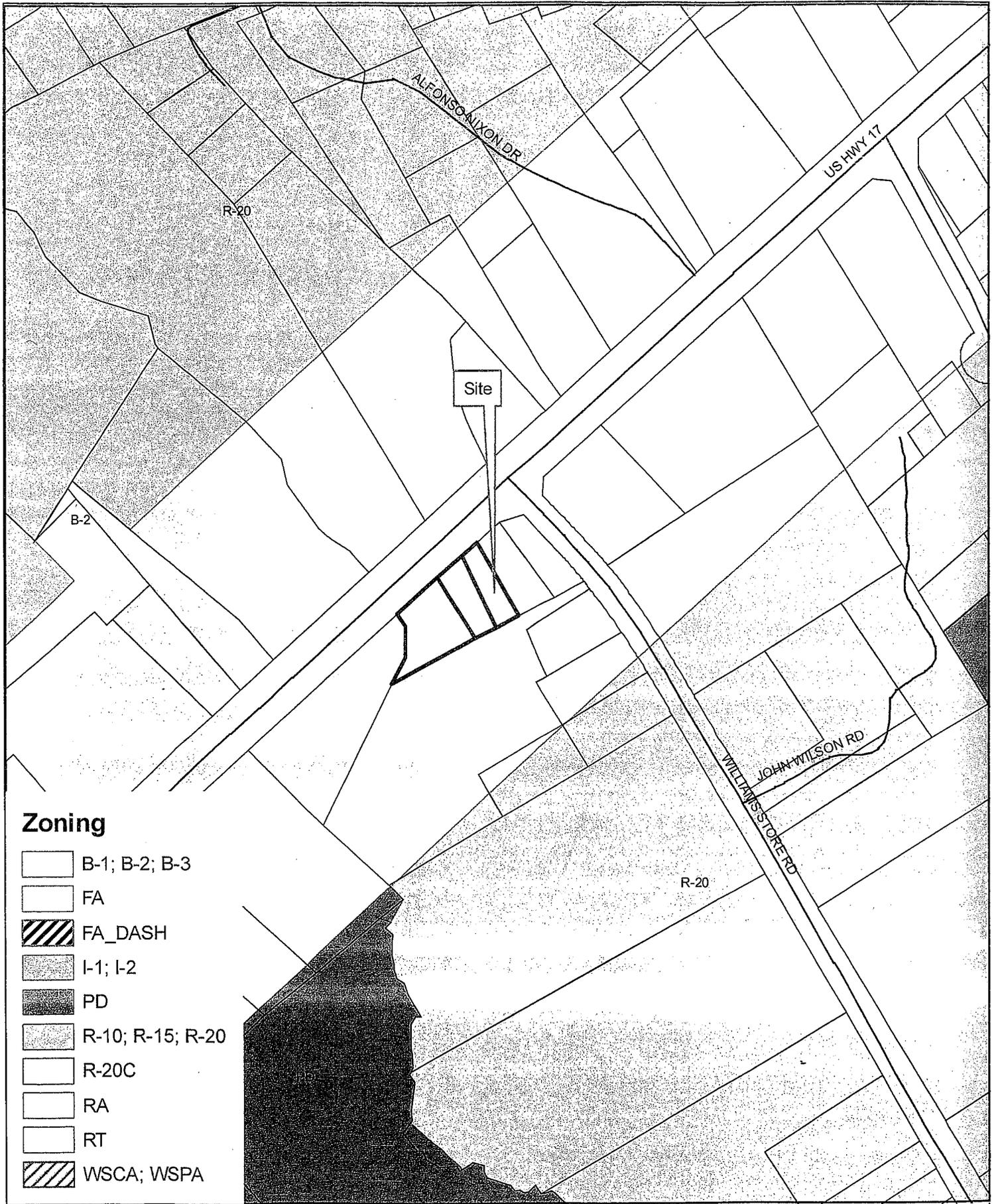
US Highway 17



1 inch equals 500 feet



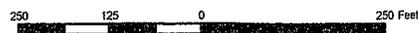
Shirley Auto and Boat Sales SUP
Vicinity Map



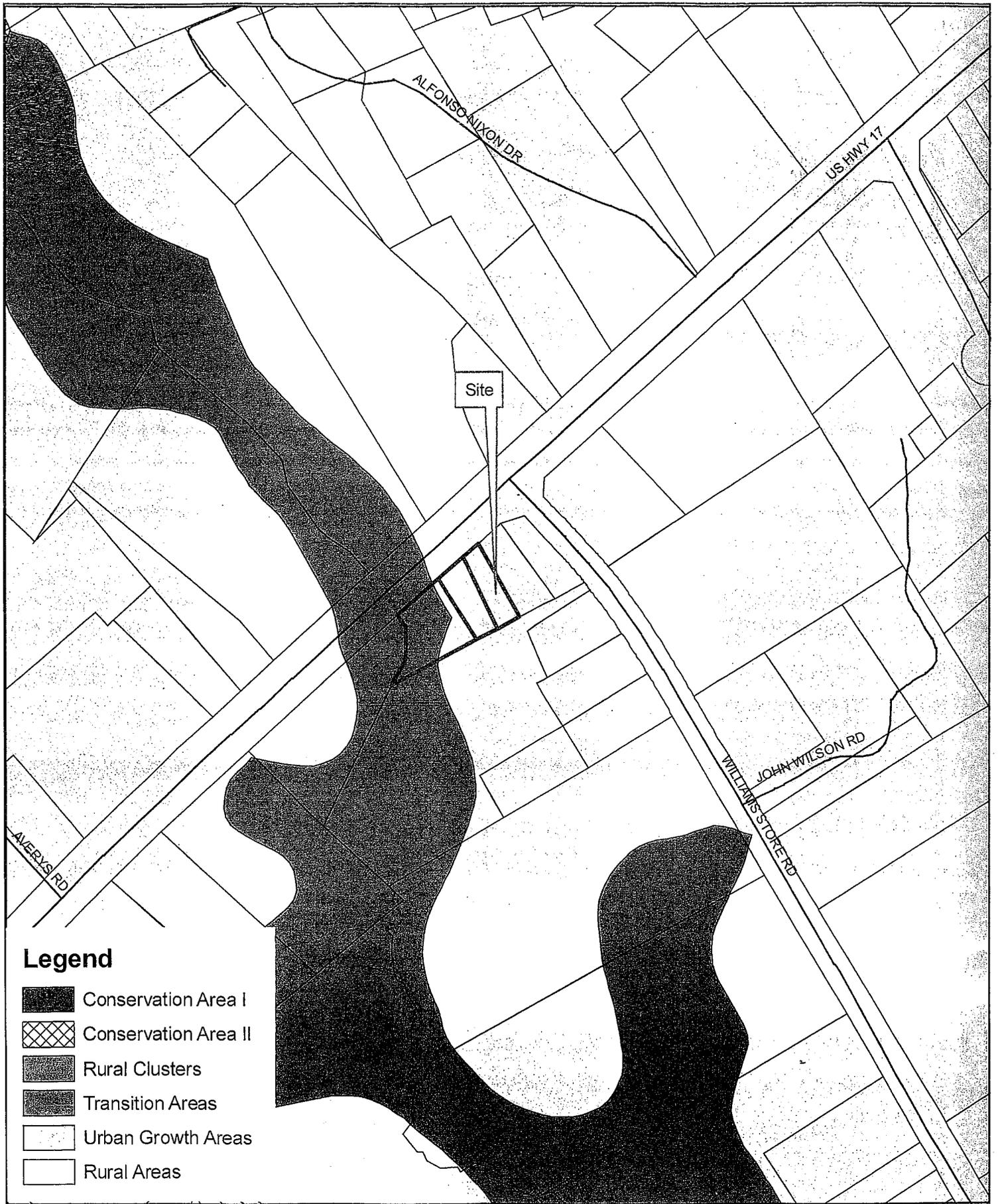
Zoning

- B-1; B-2; B-3
- FA
- FA_DASH
- I-1; I-2
- PD
- R-10; R-15; R-20
- R-20C
- RA
- RT
- WSCA; WSPA

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

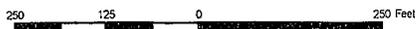
1 inch equals 250 feet



Shirley Auto and Boat Sales SUP
Land Use (2005)



1 inch equals 250 feet



Shirley Auto and Boat Sales SUP
Orthos Map (2003)