

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 20

Date of Request: November 5, 2007

Date Request Received: 11/6/07

Board Meeting Date Requested: November 19, 2007

Board Meeting Date Assigned: 11/19/07

**Short Title:** To Approve A Special Use Permit For A Boat Access Facility.

**Request Status:**

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

**Background:** Applicant is requesting approval of a Special Use Permit for a boat access facility. The property is zoned FA, Flood Hazard District and is located on lots 17-22 Mallard Bay Road in Hampstead, NC.

(Administrative Use Only)

**Specific Action Requested:** The Board of Commissioners is requested to hold a public hearing for the submitted Special Use Permit.

**CONTRACT TYPE**

Requested by: Planning Staff  
Department: Planning  
Title: N/A  
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**

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

Date Sent:

Signed:

**ATTORNEY**

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

Date Sent:

Signed:

**FINANCE**

Date Rec'd: Sufficient Funds  Available  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 for Water Access Facility**

**SUBJECT:**    **CASE NO:** 07-03-19-09  
**PROPERTY RECORD NO:** 4213-15-9264-0000,4213-25-0138-0000,4213-25-1100-0000,  
4213-25-1073-0000,4213-24-2945-0000,4213-24-3818-0000  
**APPLICANT:** BDG, LLC  
**OWNER:** PCCB Partnership (lot 17 Mallard Bay), Glenn & Jane Ives (lot 18-22 Mallard Bay)

**ACTION REQUESTED:** Approval of a special use permit for the construction of a boat ramp/launch and 38 private slips with 38 private parking spaces on lots 17-22 in Mallard Bay Subdivision.

**HISTORY/BACKGROUND:**

**Project Location:** The property is located on Lots 17-22 on Mallard Bay road in Mallard Bay Subdivision, Hampstead. (See attached vicinity map).

**Project Description:** The project will consist of a boat ramp/launch and 38 private boat slips with 38 private parking spaces to be located on lots 17-22 of Mallard Bay Subdivision totaling 2.82 acres of land. The project consists of 6 lots and 614 ft of road frontage along Mallard Bay Road and 723 frontage on recently dredged deep water unnamed canal in Hampstead. 15-20 (10x40 trailer parking) parking spaces are currently planned to be donated to Pender County along with some docking and/or boat slips for loading and unloading. A children's playscape area will also be donated to Pender County. The parking area will remain a grassy area with designated parking spaces for a low environmental impact project with entire area left as pervious.

The 2.82 acre parcel consists of 5 cleared lots (18-22) and lot 17 which is improved with a house (which will be demolished). The land will be used for a boat launch at the eastern side of the 6 lots, 38 boat slips, and a parking area. The parking areas will be grass and stone dust.

Current property owners of Mallard Bay Road, Mallard Drive, Drake Road, Teal Circle, Crane Point, Sommerset, Harbour Village Drive, Dogwood Circle, Lakeview Drive, Harbour Village Marina, and other name residents would have access to launch boats, kayaks, and watercraft with special permit. Onsite parking (for these special permit holders) would not be provided. They would have to launch their boat and park back on their own property. The special boat launch permit will need to be displayed in their vehicle in order to launch their boats. (subject to local, state, federal agency restrictions) The hours of operation for the boat launch will be from dawn to dusk.

**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. Special Use Permit signs were posted on or near the proposed site.
- B) Basis for Granting SUP:** See attachment A for approval procedures (15.3 of Zoning Ordinance) and revocation procedures (15.4b of Zoning Ordinance).
- C) Zoning Ordinance Compliance:** This property is zoned FA, Flood Hazard District, and a boat access facility is permitted via special use permit.
- D) Land Use Plan Compliance:** This property is classified as Rural Area with areas of Conservation I and II lands that correspond with flood zones and wetlands, respectively. This request is consistent with the 2005 Land Use Plan (See attached CAMA Land Use map).
- E) Existing Land Use in Area:** The property is bordered by Mallard Bay Rd and Harbour Village Marina on the south side, an unnamed recently dredged canal with boat slips and ½ acre community area with boat ramp on the north side, Mallard Road on the East side, and Mallard Bay Drive and the intracoastal waterway on the west side.

F) **Site Access Conditions:** Access to the site is provided via Mallard Bay Road which feeds to Country Club Drive.

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. Any suspension of the approved use for a continuous 180 days, without hardship, shall result in this permit, and subsequent zoning permits, becoming void.
3. A commercial site plan application shall be submitted to Pender County Planning Department for review and approval before any final zoning permit or building permits may be issued.
4. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance.
5. A separate Permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
6. 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).
7. No junk, debris, trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
8. With the exception of temporary parking of vehicles and boat trailers; no outside storage of automobiles, materials, merchandise or unlicensed or salvage equipment will be permitted on the site.
9. 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 of receipt of the notice of violation.
10. 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.
11. 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.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on November 19, 2007, the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit for BDG, LLC 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 \_\_\_ Tate \_\_\_ Williams \_\_\_

\_\_\_\_\_  
11-19-2007  
**Date**  
**Chairman**

\_\_\_\_\_  
11-19-2007

\_\_\_\_\_  
**DEPUTY CLERK** \_\_\_\_\_ **DATE** \_\_\_\_\_

PENDER COUNTY  
SPECIAL USE PERMIT APPLICATION FORM

THIS SECTION FOR OFFICE USE

Application No.	07-11-19-33	Date	9/14/07
Permit Fee	298 <sup>99</sup> / <sub>100</sub>	Receipt No.	Hand written

APPLICANT INFORMATION

Applicant Name	<del>Jeff Beaudou</del> BDG LLS	Owner Name	PCCB Partnership (lot 17) 17 Milled Bay & Jane Ives (lot 18) - 22 Milled Bay see ATTACHED
Address:	411 Lakeview Drive Hampstead NC 28443	Address:	See ATTACHED.
Phone No:	910-547-3781	Phone No:	
Legal relationship of applicant to owner:			

PROJECT INFORMATION

Property tax record No.		Total acreage	2.82
Zoning Designation:		In property:	2.82
Acreage to be used for project:	2.82	Acreage to be disturbed:	0
Project location and address:	Lots 17-22 Milled Bay Rd.		
Describe activities to be undertaken on project site:	Gravel Parking & Boat Ramp		

SIGNATURES

Applicant:	Jeff Beaudou	Date:	9/14	Owner:	Jeff Beaudou	Date:	9/14
	Jeff Beaudou		9/14		Jeff Beaudou		9/14

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).

Packet delivered week of 9/17. w/ \$200.00 Fee.



area with boat ramp on the North side, Mallard Rd on the East side, and Mallard Bay Drive and the intercoastal waterway on the West Side. This project is consistent with area land uses and is located in very close proximity to an intercoastal marina with a private boat ramp and an association common area with canal front private boat ramp.

- (2) **Description of Activities:** The 2.82 acre parcel consists of 5 cleared lots (18-22) and Lot 17 which is improved with a house (which will be demolished). The land will be used for a boat launch at the eastern side of the 6 lots, 38 boat slips, and a parking area (See Exhibit A). The parking areas will be grass and stone dust.

**SPECIAL NOTE TO AREA PROPERTY OWNERS AND OTHERS:**

**(A) LOCAL RESIDENT PARKING:** Current property owners of Mallard Bay Road, Mallard Drive, Drake Road, Teal Circle, Crane Point, Sommerset, Harbour Village Drive, Dogwood Circle, Lakeview Drive, Harbour Village Marina, and other named residents would have access to launch boats, kayaks, and watercraft with a special permit. Onsite parking (for these special permit holders) would not be provided. They would have to launch their boat and park back on their own property. The special boat launch permit will need to be prominently displayed in their vehicle in order to launch their boats. (Subject to local, state, federal agency restrictions)

**(B) COUNTY PARKING:** At the present, 15 - 20 - 10x40 trailer parking spaces will be donated to Pender County and many more local residents would have access to launch their boat but would be required to park back at their nearby place of residence.

- (3) **Hours of operation Boat Launch:** Dawn to Dusk.

(4) **Rules and Regulations:**

**Prohibited:**

- **GENERAL:** Failure to obey any instruction or signs regulating use of the access area.
- Leave any vehicle, trailer, boat or other obstruction where it will impede the use of the boat ramp.
- Use the area: Primarily for the launching and recovery of boats. Also to view and enjoy the canal-front Landscaped area
- Operate any vessel within 50 yards of the ramp at a speed greater than "No Wake" speed.
- Possess loaded firearms on the access area.
- Operate a vehicle on any boat access area in a manner so as to endanger life or property.
- Deposit any debris or refuse anywhere on the grounds of the area.
- Conduct any special event, such as fishing tournament weigh-in, without first obtaining a letter of authorization from the Division of Engineering Services. This permit must be available for inspection by wildlife enforcement officers during the event
- Park in handicapped space without displaying handicapped plate or sign.

**(5) Construction Activities:**

The 6 lots will be leveled with additional fill and stone dust, compacted, and sod will be added where-ever possible. The perimeter of lots bordering Mallard Bay drive will be bermed with a mound of dirt (similar to a nearby subdivision – Emerald Ridge) with Seagrass planted on top of the mound so as to hide the Parking area. The canal front will be excavated to build boat slips in accordance with all CAMA requirements, a bulk head will be added directly adjacent to the canal (same as neighboring Harbour Village Marina), and floating docks will be added to build boat slips. In addition, landscaping with benches, plantings, and a children's play-center area will be added. A boat ramp will be added at the eastern side of the 6 lots (located on the current lot 22) with all safety features required by Pender County and CAMA. (See Exhibit A). The remaining land will be grass and stone dust with designated parking spaces.

**NOTE:** All state and local level requirements required to be followed. (CAMA, Marine Fisheries, and Pender County).

**(6) Utilities to serve the project:** Electric and Well currently existing on lot 17. The home on lot 17 will remain as a temporary construction office and removed from property as one of the final steps of the project.

**(7) State and Federal Permits Required:** Pender County and Cama.

**(8) Project Impacts:** The impacts will be minimal with some added traffic to this relatively small site.

**(9) Benefits of the Project:**

- More area residents will have access to a boat launch and deep water dredged canal access out to the intercoastal.
- Increasing Water access: 15-20 parking spaces and a children's playscape area donated to Pender County. Many more residents located in nearby neighborhoods will be able to launch their boats and park back at their places of residence.
- Future Canal dredging will be handled by the Mallard Bay Yatch Club and/or Pender County
- Beautifully landscaped with a berm (mound of dirt) and seagrass plantings along Mallard Bay Road to hide the yacht club parking area, Creek side sitting benches, playscape for kids, and a dock for loading and unloading belongings.
- The berm will help hide the parking lot in a park-like fashion.

- Maintaining more open space and pervious surfaces to assist with water absorption for storm water run-off. The alternative is more paved surfaces, more run-off, and more flooding. Low Environmental impact project.
- Canal front landscaped beautifully with 2 – 3 sitting benches walking distance for many area residents.
- Hours of operation for Boat Launch: Dawn to Dusk.
- This project is consistent with area land uses and is located in very close proximity to an (1) intercoastal marina and (2) private boat slips with a boat ramp on the other side of the canal.
- All Mallard Bay Drive neighborhoods will be given the first right of refusal to buy a private deeded boat slip (This will be a limited time offer only).
- **KEY BENEFIT:** This project will become a GEM in the Mallard Bay community and only enhance property values by giving those without water access the opportunity to launch their boat and enjoy the local waters.



Expanded View of Area:



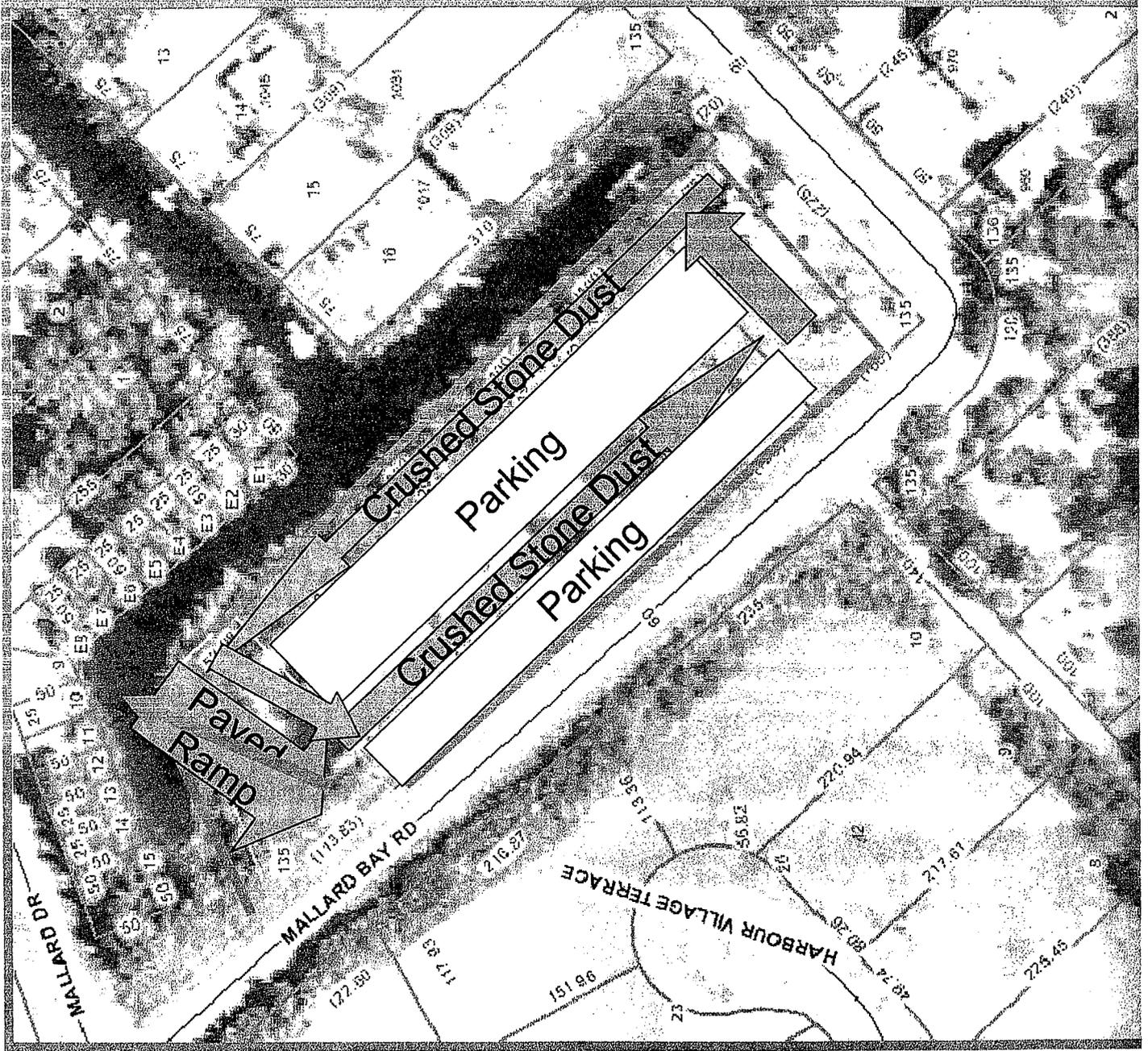


Exhibit A

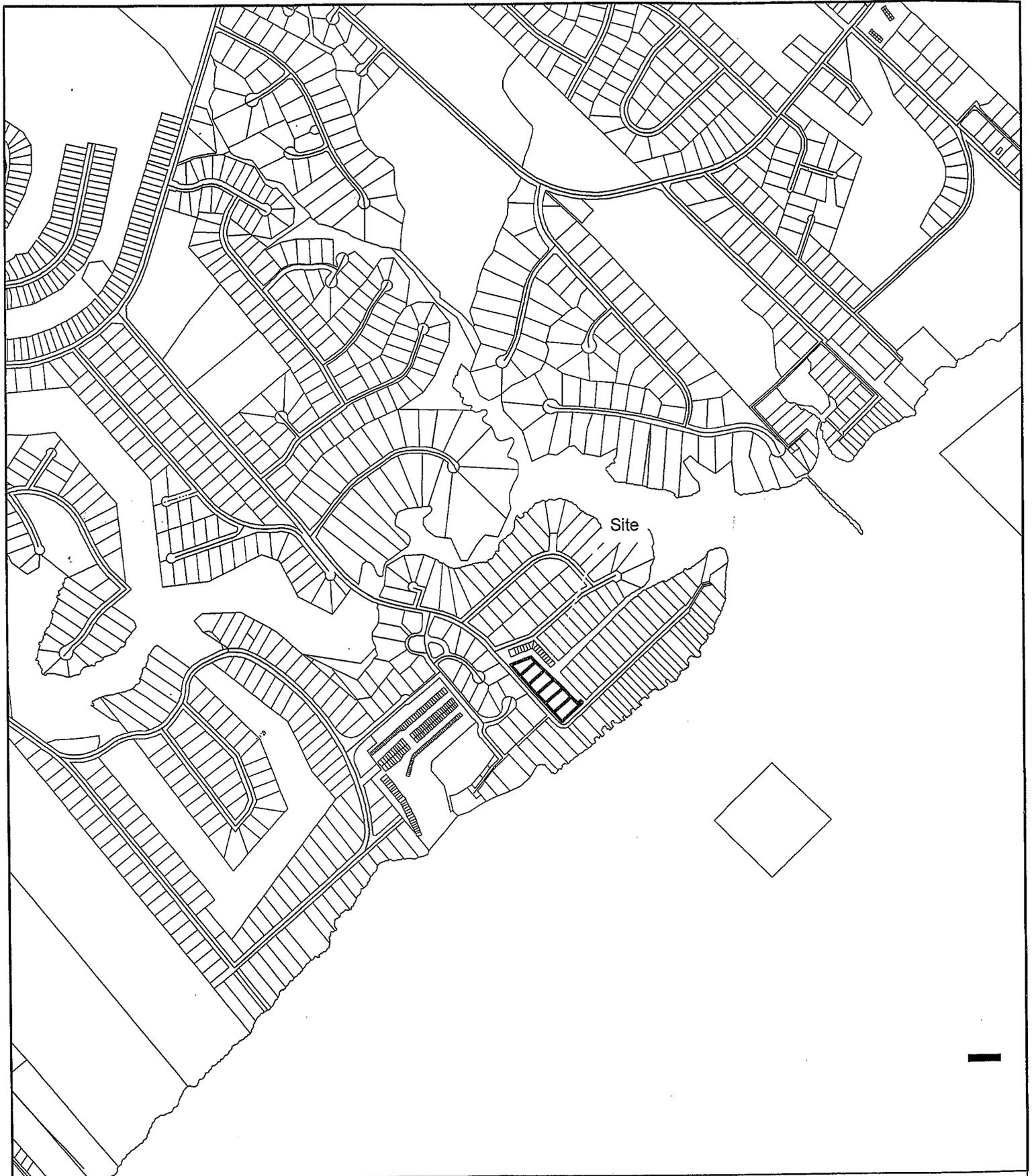
Exhibit A continued: Similar to be built Boat Ramp





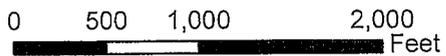
Exhibit A continued:



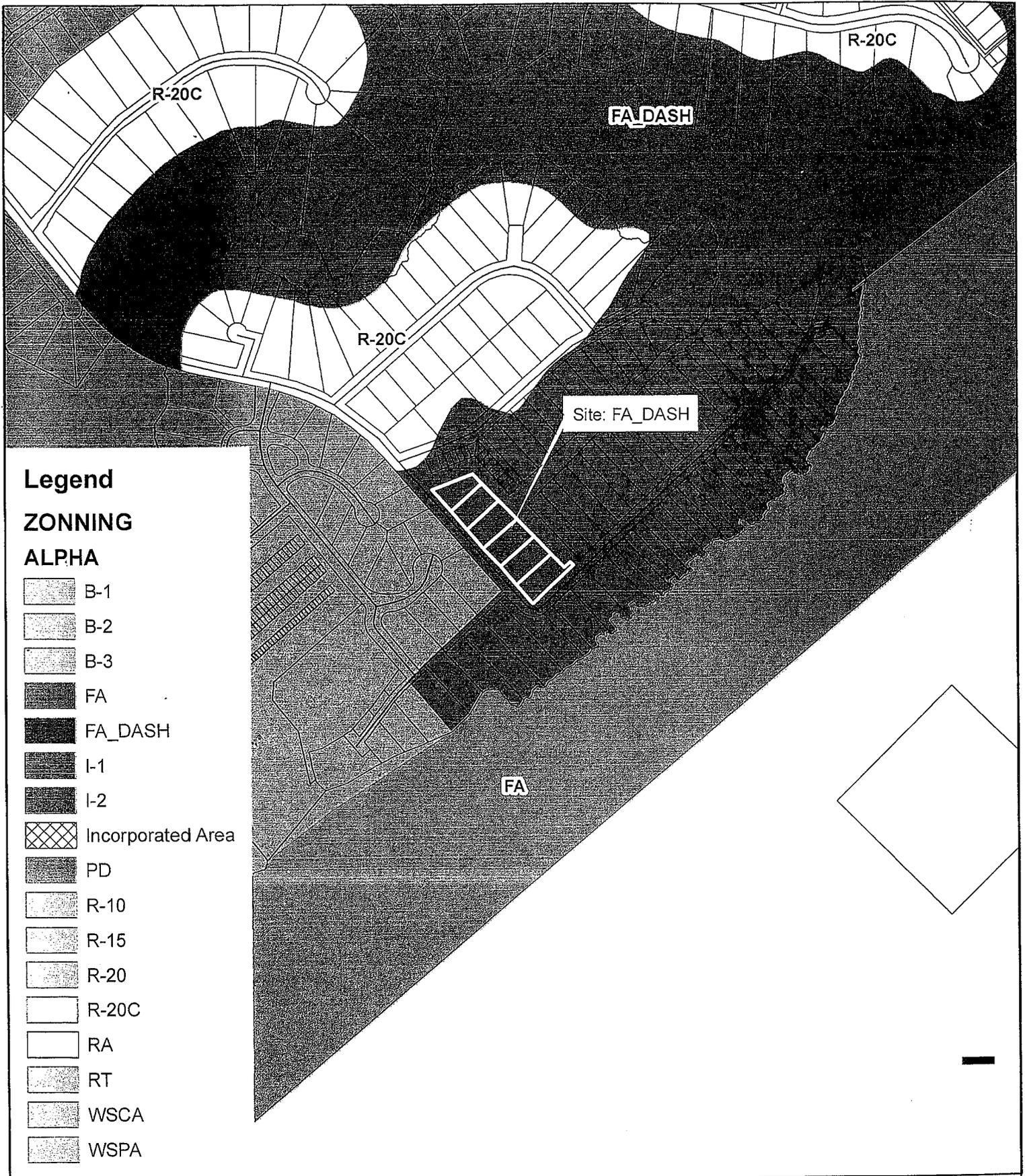


Site

1 inch equals 1,000 feet



BDG, LLC  
Boat Ramp- SUP  
Vicinity

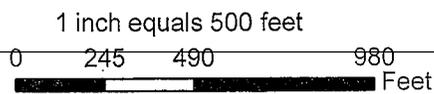


**Legend**

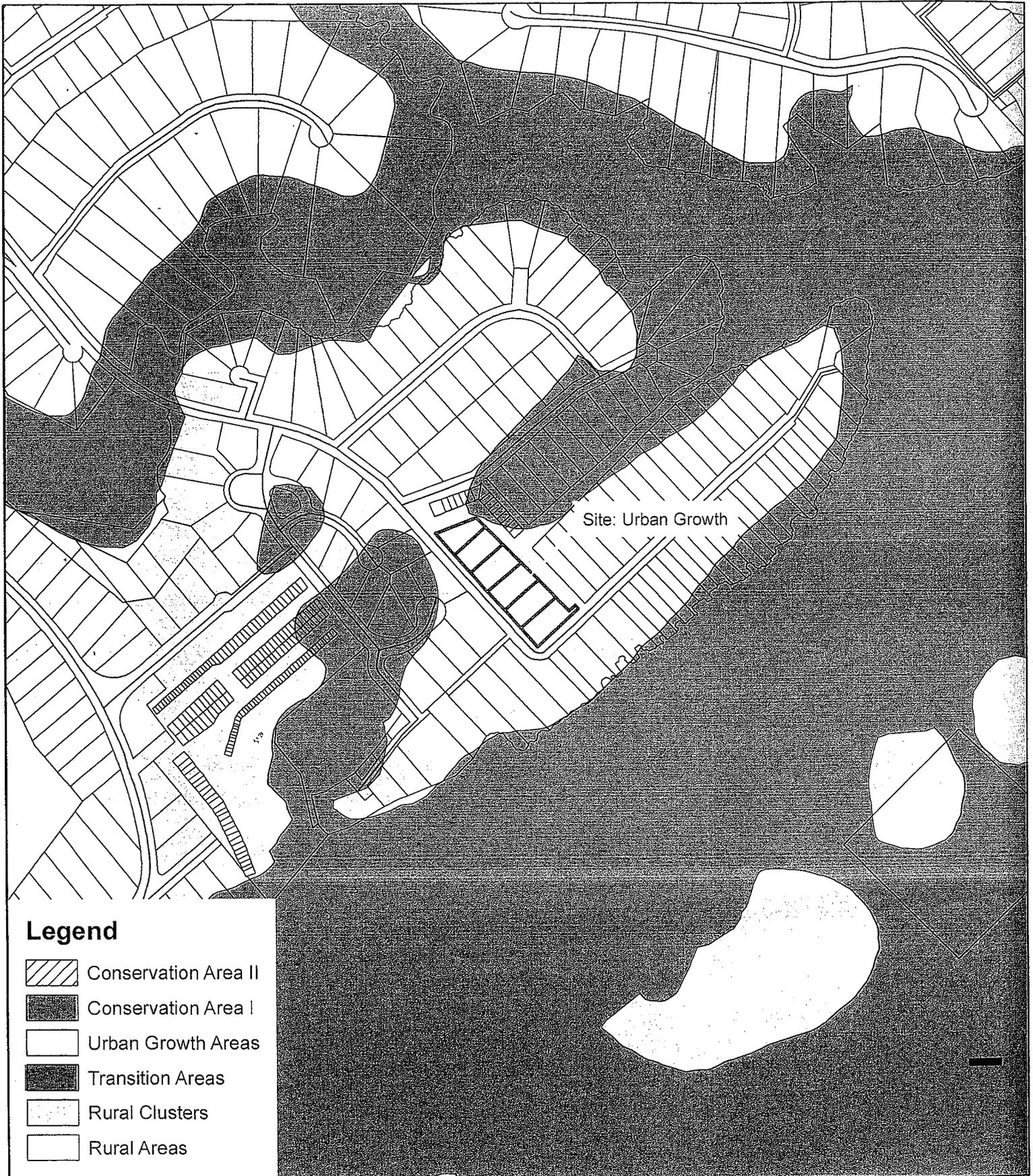
**ZONNING**

**ALPHA**

-  B-1
-  B-2
-  B-3
-  FA
-  FA\_DASH
-  I-1
-  I-2
-  Incorporated Area
-  PD
-  R-10
-  R-15
-  R-20
-  R-20C
-  RA
-  RT
-  WSCA
-  WSPA



BDG, LLC  
 Boat Ramp- SUP  
 Zoning



BDG, LLC  
 Boat Ramp- SUP  
 CAMA Land Use



1 inch equals 1,000 feet  
0 500 1,000 2,000  
Feet

BDG, LLC  
Boat Ramp- SUP  
Ortho (2003)