

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 20.

Date of Request: May 5, 2008

Date Request Received: May 7, 2008

Board Meeting Date Requested: May 19, 2008

Board Meeting Date Assigned: May 19, 2008

Short Title: Special Use Permit- Ray Blackburn, Applicant, On Behalf Of Linda Williamson, Owner, Is Requesting A Special Use Permit For An Indoor Kennel.

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 property consists of 12.15 acres and is zoned RT, Rural Transitional District. The proposed development will consist of an indoor kennel and a comprehensive veterinarian office (veterinarian office is permitted by right in the RT, Rural Transitional District)

Specific Action Requested: The Board of Commissioners is requested to hear a Special Use Permit for Indoor Kennel. The property is zoned RT, Rural Transitional District. The property is located at 1955 NC Highway 210 East, between Brickyard Road and Rowan Road in Hampstead, North Carolina

Requested by: Planning Staff
Department: Planning Department
Title: Planning
Contact Phone: 910.259.1202
Contact Fax: 910.259.1295

(Administrative Use Only)

CONTRACT TYPE

- 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 for an Indoor Kennel

SUBJECT: CASE NO: 08-05-19-10
PROPERTY RECORD NO: 3272-99-6894-0000
APPLICANT: Ray Blackburn, Attorney for Topsail Humane Society
OWNER: Linda Williamson

ACTION REQUESTED: Approval of Special Use Permit for an Indoor Kennel

HISTORY/BACKGROUND:

Project Location: The property is located at 1955 NC Highway 210 East, between Brickyard Road and Rowan Road in Hampstead, North Carolina.

Project Description: Ray Blackburn, applicant, on behalf of Linda Williamson owner, is requesting a special use permit for an Indoor Kennel. The property consists of 12.15 acres and is zoned RT, Rural Transitional District. Approximately .97 acres will be disturbed during construction. The proposed development will consist of an indoor kennel and a comprehensive veterinarian office (veterinarian office is permitted by right in the RT, Rural Transitional District). The proposed building will be 425 feet off of NC Highway 210, with direct access provided via 20 foot driveway. Disturbance will take place only to create the proposed facility and parking areas. The existing natural vegetation buffer will be preserved. The site has a proposed 5,000 square foot indoor kennel, 5,000 square foot veterinarian office and 21 parking spaces. The hours of operation for the facility are proposed to be from Monday thru Saturday 8 AM until 6 PM and Sunday 1 PM until 5 PM. The projected number of employees will be ten (10), the majority of which will be part time.

A) Public Notifications: Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent and abutting property owners were notified by certified 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 RT, Rural Transitional District; an indoor kennel is permitted via Special Use Permit: (Section 8, Zoning Districts and Regulations, of Zoning Ordinance). In the Pender County Zoning Ordinance, Section 15 Special Uses number 5 letter D gives a specific definition of Indoor Kennel (both section 8.9 and section 15.5 are attached).

D) Land Use Plan Compliance: This property is classified as Urban Growth Areas, with areas that fall in the Conservation II Overlay. The use of an Indoor Kennel is in compliance with the 2005 CAMA Land Use Plan. The definition of Urban Growth Areas and Conservation II:

- UGA: This land classification provides for the continued development of areas provided with water and/or sewer services or where the county is actively engaged in planning these community services. These areas also have excellent access to the regional transportation system for a mixture of more intensive commercial and industrial or job creating uses and a range of residential land uses and housing types. It is focused on the Rocky Point area and the Highway 17 Corridor.
- UGA: This area is planned for *high net density* for residential development. This density is dependent upon the types and levels of services that are available.
- CII: The Conservation II classification is established as an overlay that applies policies which restrict development in all of the non-conservation land classes. The classification includes areas where new development may impact public health or areas where there are significant development limitations that are addressed by building and site development standards, density limits, impervious surface limits, and other methods to mitigate or to minimize the impact of development.
- CII: The following specific land features are included in this classification: Non-coastal wetlands and Water supply watersheds
- CII: While limitations in this land use classification may be less severe than Conservation I, land uses and development in Conservation II present significantly elevated risks to public health or they have the potential to negatively impact the values of the resources located here. Development activity within this zone also has direct and secondary impacts that influence water quality. And finally, development within this zone affects scenic values and habitat that are so important to the overall quality of life in the county.
- CII: The county allows *limited net density* residential development in the Conservation II overlay.

E) Existing Land Use in Area: Along NC Highway 210, adjacent to the proposed project is single family residential, abutting to the east moving south, is agricultural vacant land (blueberry farm and bee houses), with a single family home. Moving south to west is vacant land, west to north is single family residential.

F) Site Access Conditions: The property has direct access to NC Highway 210, which is DOT maintained.

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. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance.
3. A separate Permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
4. No junk, debris, trash, recycled or salvaged materials, or inoperable vehicles shall be stored on the site outside a completely enclosed building.
5. No outside storage of materials, merchandise, or unlicensed or salvage equipment will be permitted on the site.
6. Must meet all conditions set forth in the Pender County Zoning Ordinance, section 15.5, D:
Kennels, Indoor
 - 1) The building housing the animals shall be completely enclosed and insulated to protect adjacent residences from noise and the facility shall be constructed and maintained to avoid odor and other objectionable characteristics from affecting adjacent properties.
 - 2) The facility shall have approval from all state and/or federal agencies required for the facility for water, waste water, water quality and other permitting requirements.
 - 3) The facility shall meet the minimum access requirements of the Zoning Ordinance.
 - 4) The facility must be located on a site that contains a minimum 2 acres.
 - 5) The facility shall meet all buffer and landscape requirements of the Zoning Ordinance Section 14.
 - 6) The facility shall provide for a secure installation of a minimum 6 ft. high chain link or equivalent safety fencing around all outside areas where animals are maintained.
 - 7) All facilities on the site, where animals are maintained or allowed, outside an enclosed, insulated building, shall be setback a minimum of 50 ft. from any property line and 100 ft. from any existing residential structure, except the structure occupied by the owner and/or attendant.
 - 8) The waste water disposal system for all human and animal occupants of the facility must receive approval through the Environmental Health Section of the Pender County Health Department.
 - 9) The facility should not be located in a flood hazard area, if so it shall be flood proofed or elevated above flood elevation.
 - 10) Hours of operation would be Monday thru Saturday 8 AM to 6 PM and Sunday 1PM to 5PM
7. 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.
8. 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 May 19, 2008, the Pender County Board of Commissioners considered a Special Use Permit for Topsail Humane Society as described herein. (James David Williams Jr., 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: Williams _____ Tate _____ Blanchard _____ Brown _____ Rivenbark _____

James David Williams Jr., Chairman

05/19/2007
Date

ATTEST

05/19/2007
Date

Form Effective: 10/16/00 Rev. 6-27-01

Page 1 of 3

FENDER COUNTY
SPECIAL USE PERMIT APPLICATION FORM

THIS SECTION FOR OFFICE USE

Application No.	08-05-19-10	Date	April 4, 2008
Permit Fee	246.89	Receipt No.	001854

APPLICANT INFORMATION

Applicant Name: <u>Ray Blackburn</u>	Owner Name: <u>Linda Williamson</u>
Address: <u>712 Country Club Dr. Hampstead, NC 28443</u>	Address: <u>416 Lakeshore Dr Lexington NC 27292</u>
Phone No: <u>910-270-2022</u>	Phone No: _____
Legal relationship of applicant to owner: <u>Agent For Topcail Humane Society</u>	

PROJECT INFORMATION

Property tax record No. <u>3272-99-6894-0000</u>	Total acreage
Zoning Designation: <u>RT</u>	In property: <u>12.13</u>
Acreage to be used for project: <u>3 Acres</u>	Acreage to be disturbed: <u>2.5 to 3 Acres</u>
Project location and address: <u>3272-99-6894-0000 Hwy 210 w Between Rowan + Brickyard</u>	
Describe activities to be undertaken on project site: <u>Det. Facility / Indoor Kennel</u>	

SIGNATURES

Applicant: <u>[Signature]</u>	Date: <u>4-4-08</u>	Owner: <u>Linda Williamson</u>	Date: <u>3/25/08</u>
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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 (1.3).

RECEIVED

MAR 27 2008

FENDER PLANNING DEPT.

To Whom It May Concern:

The location of the property is 1955 Highway 210 East, access to the project is via Highway 210 which is a main thoroughfare through Pender County.

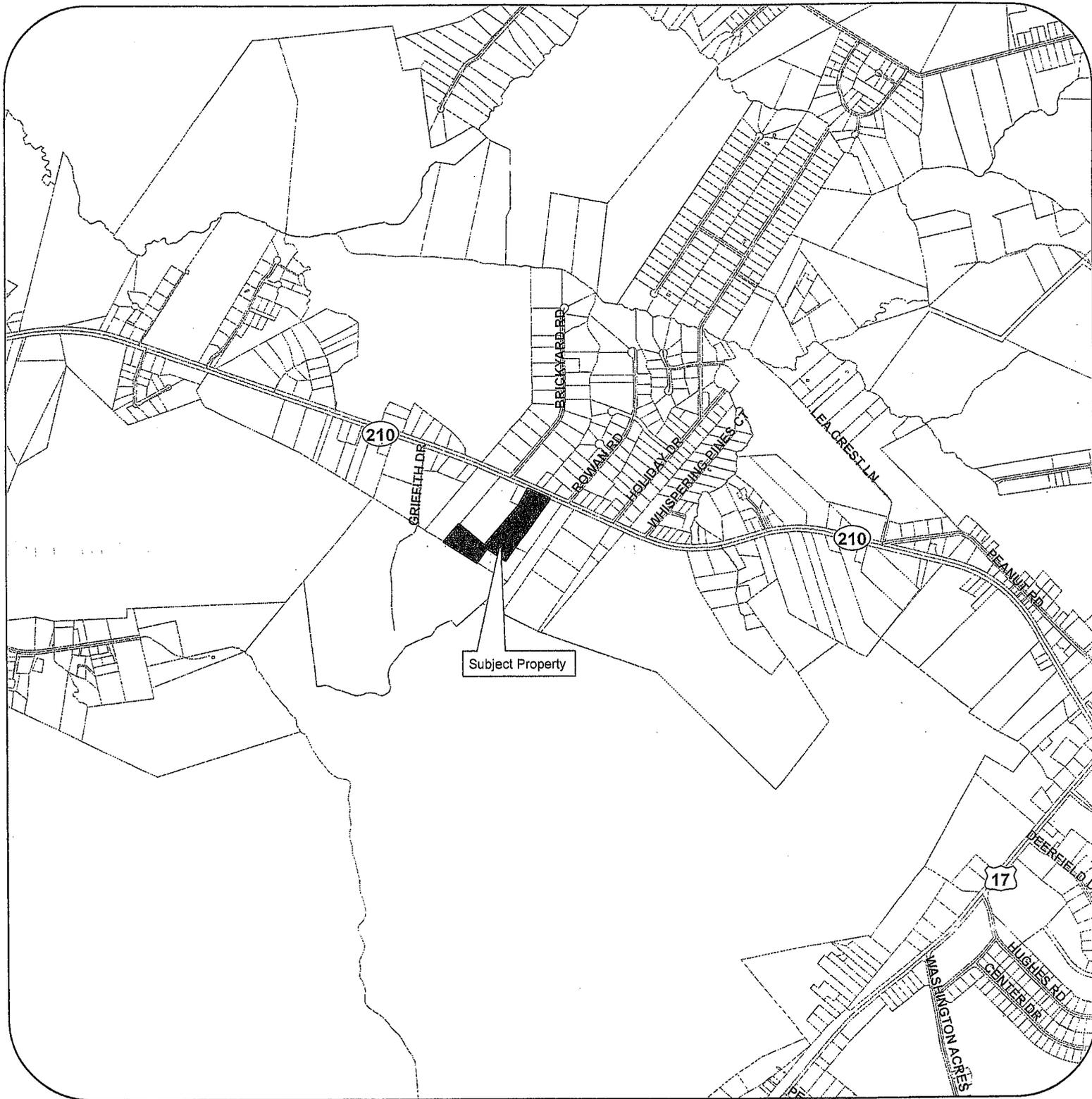
The use of the property would be for an adoption center for Topsail Humane Society, Inc. and a veterinarian office housed under one roof. Hours of operation are projected to be from 8AM until 6PM, Monday thru Saturday, and 1PM until 5PM on Sunday.

The approximate number of employees will be 10, most of which will be part time. The veterinarian office will provide comprehensive medical care for animals in the surrounding community as well as the animals in Topsail Humane Society's adoption program. Topsail Humane Society itself will find permanent homes for the lost, stray and abandoned pets in Pender County. We will do this through our program in the community as well as our work with Pender County Animal Control. Topsail Humane Society will also benefit the Pender County area by helping to eliminate the unwanted pet population through an aggressive spay/neuter program.

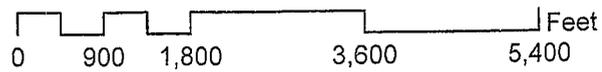
Site clearing to be very limited and typical general construction to meet North Carolina Department of Agriculture standards for rescue adoption centers. The site will be served by county water, there will be an engineered onsite waste water disposal system that will need to be approved by the county and/or state. Progress Energy will provide electricity to the project.

The anticipated impact on the community will be a minimal increase in traffic and there will be some dog barking. In addition to keeping all of the animals inside the building during the night, Topsail Humane Society is working with Petfinder.com, United States Humane Society and the American Humane Society to complete a facility design that will minimize barking or other noise. This is a three part plan. Part A, is a shelter design that will minimize eye contact between the animals, Part B is to clear only the amount of natural vegetation absolutely necessary, so as to have an attractive and natural noise buffer, Part C is to use newly developed products in the construction of the building to further minimize sound.

Topsail Humane Society believes it will be an asset to its neighboring community not only because of the attractive building and surrounding area's but because of the free service it offers to all Pender County residents by caring for the unwanted pets in Pender County while locating permanent homes for the animals.



Subject Property



1 inch equals 2,000 feet

Legend

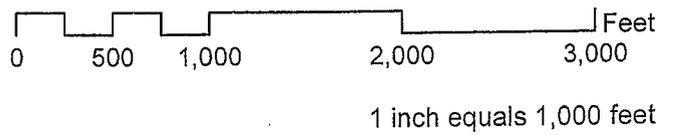
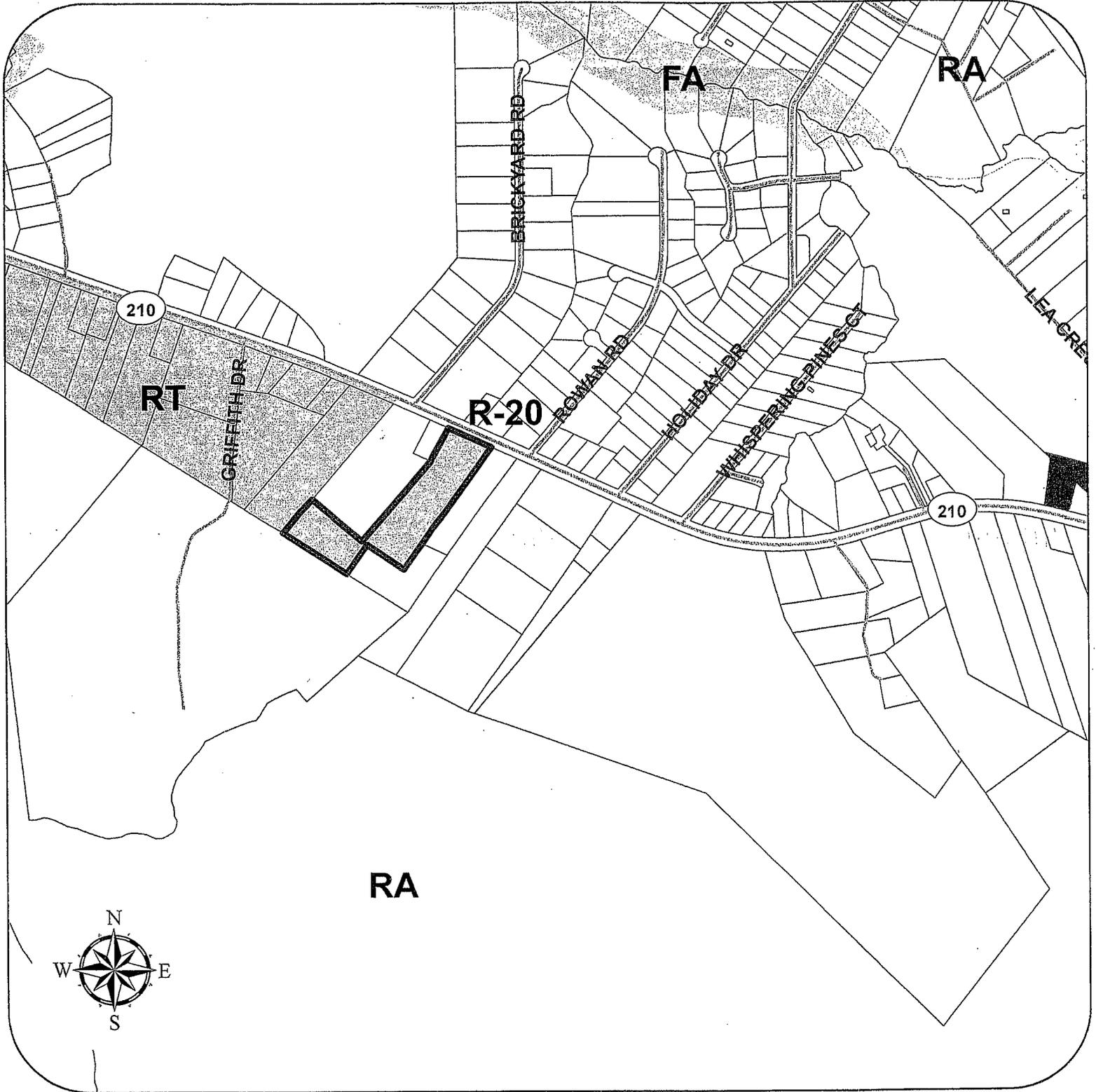
-  Centerlines
-  Topsail Humane Society



**Special Use Permit
Indoor Kennel
Topsail Humane Society**

Vicinity Map



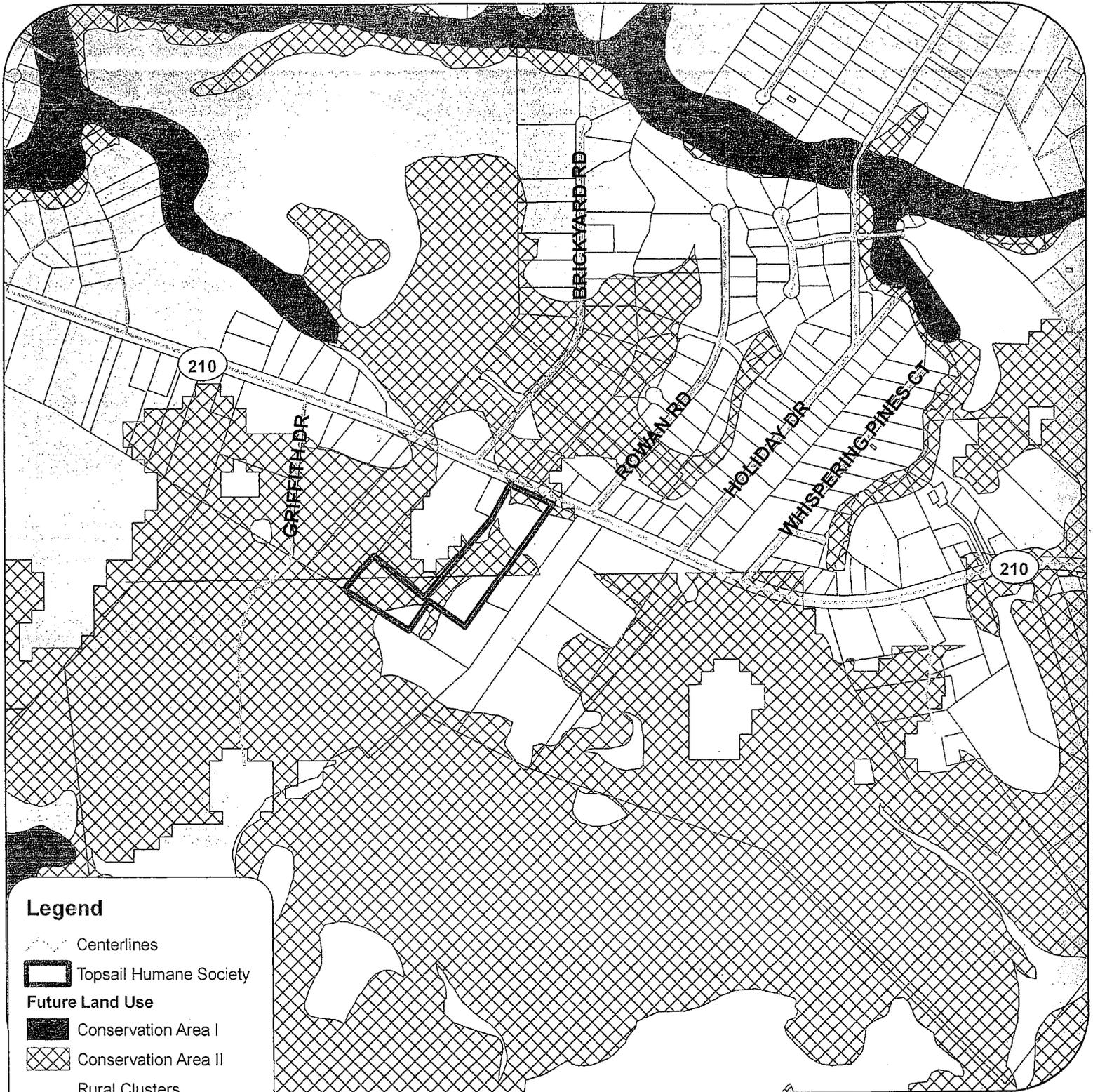


**Special Use Permit
Indoor Kennel
Topsail Humane Society**

Zoning Map

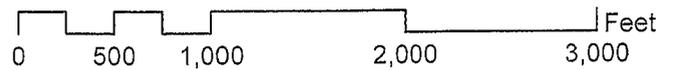
Legend

- Centerlines
- Topsail Humane Society
- Zoning Classification**
- B-1
- FA
- R-20
- RA
- RT



Legend

-  Centerlines
-  Topsail Humane Society
- Future Land Use**
-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas

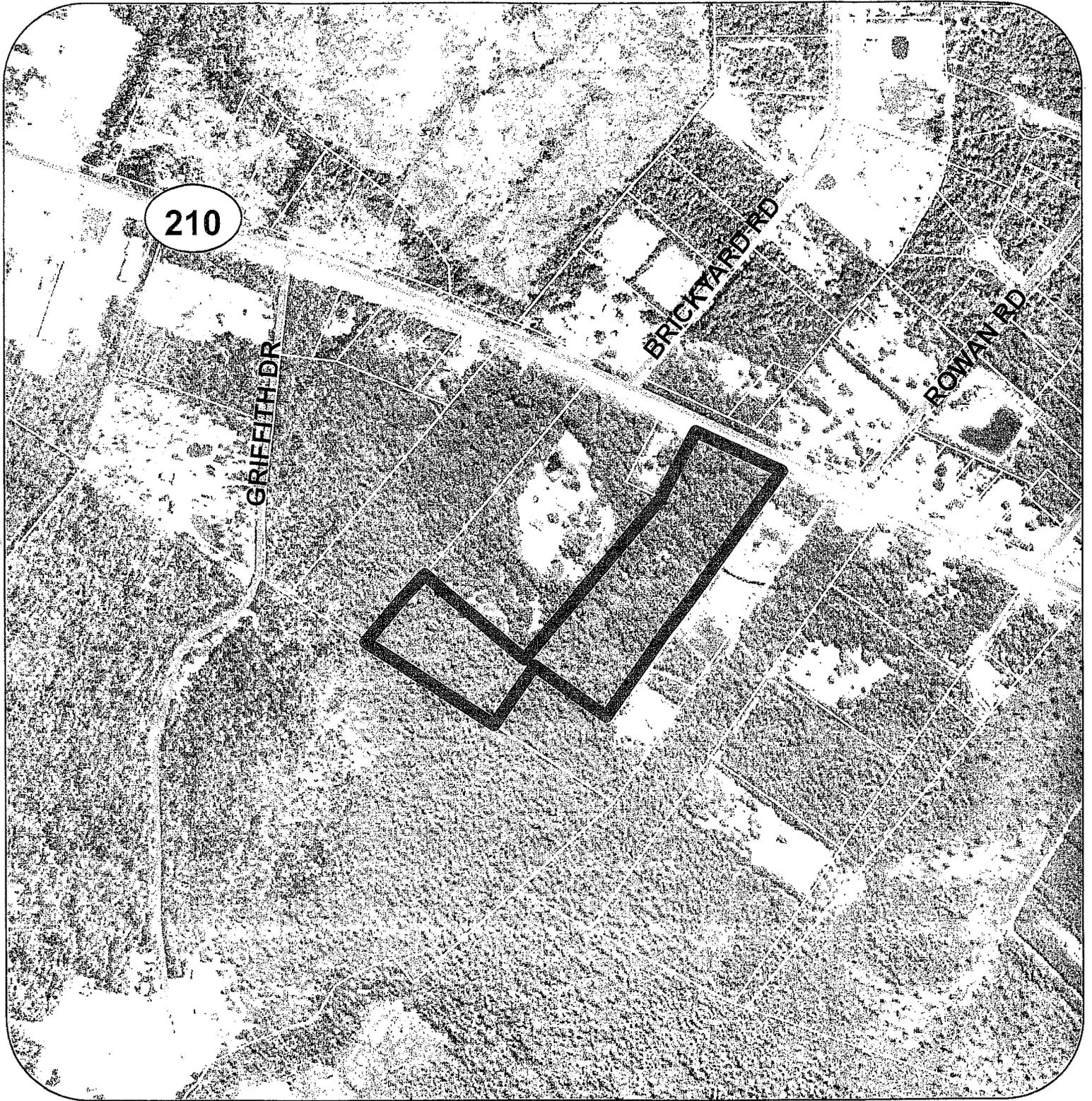


1 inch equals 1,000 feet



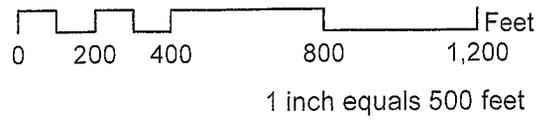
**Special Use Permit
Indoor Kennel
Topsail Humane Society**

Future Land Use



Legend

-  Centerlines
-  Topsail Humane Society



**Special Use Permit
Indoor Kennel
Topsail Humane Society**

2006 Color Orthos