

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 13.

Date of Request: November 10, 2008

Date Request Received:

Board Meeting Date Requested: November 17, 2008

Board Meeting Date Assigned: November 17, 2008

Short Title: Special Use Permit- David Greer, Applicant and Owner, is requesting approval of a Special Use Permit to construct and operate a dry stack boat storage facility and to expand an existing marina.

- 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 applicant is requesting a Special Use Permit to construct and operate a dry stack boat storage facility and to expand an existing marina. The property is zoned R-20C, Residential Conventional Housing District, and FA, Flood Hazard Area. The project is located at 599 Lewis Road in Hampstead, NC.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hold a public hearing for a special use request.

CONTRACT TYPE

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

- 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
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

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: November 17, 2008

Case Number: 08-11-17-22

Applicant and Property Owner: David M. Greer

Land Use Proposed: The applicant is proposing to construct and operate a dry boat storage facility and marina expansion.

Property Record Number and Location: The property is identified by record numbers 4214-92-2869-0000, 4224-01-1908-0000, 4224-02-2039-0000, 4224-01-4874-0000, 4224-01-5894-0000, and 4224-02-5093-0000, and is located at 599 Lewis Road, off Sloop Point Loop Road, in Hampstead.

Zoning District of Property: The property to be developed consists of six parcels totaling 10.79 acres zoned R-20C, Residential Conventional Housing District (in the upland portion) and FA, Flood Hazard Area (near the waterway), and operation of a dry boat storage facility and marina expansion are permitted in this zone via Special Use Permit.

PROJECT HISTORY:

A Special Use Permit (SUP) was granted to the applicant on April 16, 2007 for the construction and operation of a dry boat storage facility and marina expansion on the property; however, in accordance to Section 15.4 Paragraph C of Pender County Zoning Ordinance, the granted SUP has expired and become void because a final zoning permit was not issued within 12 months of granting the SUP. Therefore, the applicant/property owner has re-applied for the Special Use Permit.

PROJECT DESCRIPTION:

The project will consist of a 200 unit dry boat storage facility on the property and the addition of 17 boat slips to the existing 18 slip marina adjacent to the Atlantic Intracoastal Waterway. The project also provides accommodations for member shower and dressing areas, bathrooms, pump-out stations, fueling stations and a general provisions store. The existing boat house and boat ramp will remain as will the fish house building. A wood frame dwelling and barn will be moved off-site and demolished respectively. The applicant is proposing a 30% ratio of parking spaces to dry units/wetslips resulting in seventy (70) 17' x 10' traditional parking spaces. In addition one hundred (100) 40' x 17' truck and trailer parking spaces are proposed. The hours of operation will be from 5 AM to 9 PM, seven days per week. It is anticipated that the facility will employ six employees during the peak season, with less during the off-season. Construction will include all activities associated with construction of the proposed dry-stack building, slips, parking lot, and all landscaping and buffers. The applicant proposes six "Best Management Practices" (BMP) to be utilized by the development; these have been incorporated into the SUP conditions (see Condition G12). The Department of Coastal Management publishes the BMP Manual for Marinas, which consists of environmentally friendly practices recommended by the state. In addition to the commercial site plan review required by Planning staff, all applicable CAMA, State, and Federal approvals must be obtained by the applicant before construction can begin.

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 R-20C, Residential Conventional Housing District, and FA, Flood Hazard Area, and a Dry Boat Storage Facility and Marina Expansion are permitted via Special Use Permit.
- D) 2005 Land Use Plan Compliance:** The property is classified as Urban Growth Area (on dry land) and Conservation 1 (in the AICWW). 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 the Lewis Marina and boatyard to the north and east (across Lewis Road). Residential homes and vacant land are adjacent to the southern and western boundaries of the property. The AICWW lies to the east of the property.
- F) Site Access Conditions:** The property has direct access to Lewis Road, which intersects Sloop Point Loop Road, providing ingress and egress to US Highway 17.
- 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. Unless otherwise approved by the Board of Adjustment, the project shall comply with all provisions of the Zoning Ordinance, including setback and height requirements.
 3. The following shall be submitted prior to issuance of the zoning permit as contained in the Commercial Site Plan Review Standards (as applicable):
 - a. Approval of a CAMA Major Permit for Marina Expansion
 - b. Approval of a current Sediment & Erosion Control Plan by NC Land Quality.
 - c. Approval of a current Stormwater Management Plan by NC Water Quality.
 - d. NCDOT Driveway permits for any new driveways to be constructed on Lewis Road.
 - e. Certification of a drainage plan by licensed professional on a form provided by the County.
 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. This will include parking and landscaping requirements that will be in compliance with Sections 13 and 14 of the Pender County Zoning Ordinance.
 5. Perimeter and security fencing shall be installed as shown on the site plan.
 6. A separate permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
 7. Hours of operation: 5 AM to 9 PM, seven days per week.
 8. 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).
 9. No junk, debris, trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
 10. With the exception of facility vehicles, equipment, and lifts, no outside storage of automobiles, boats, trailers, materials, merchandise, unlicensed or salvage equipment will be permitted on the site.
 11. All parking and access areas in the development shall be constructed and maintained to NCDOT secondary road standards (but are not required to be paved).
 12. The project shall utilize at least the following practices as contained in the NC BMP Manual for Marinas:
 - a. Use of a Dry Storage Facility.
 - b. The Dry Storage Facility shall be located out of the effective Flood Zone.
 - c. All accessory parking shall be located out of the effective Flood Zone and shall incorporate pervious surfaces, as is feasible.
 - d. The boat ramp shall be higher than the adjacent grade.
 - e. Roof water collectors carrying stormwater to infiltration systems shall be utilized on the Dry Storage Facility.
 - f. A self contained washdown area, with oil/water separator and recycling, shall be constructed out of the effective Flood Zone.

- 13. 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.
- 14. 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.
- 15. 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 17, 2008 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit for David M. Greer as described herein and James David Williams, Jr., Chairman to the Board, 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

11/17/2008
Date

ATTEST

11/17/2008
Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: 9/22/08

I. REQUIRED NAMES:

Applicant David M. Greer Owner same

Address PO Box 15813 Address _____

Wilmington, NC 28408 _____

Phone 443-4106 Fax 792-0808 Phone _____ Fax _____

Email _____ Email _____

Legal Relationship of Applicant to Property Owner: self

Consultant Name/Company Ø

Address _____

Phone _____ Fax _____

Email _____

[Signature]
(Signature of Applicant)

[Signature]
(Signature of Owner)

If owner is different from applicant, both signatures are required.

II. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

- Variance
- Appeal

Zoning:

- Text Amendment
- Map Amendment
- Special Use Permit

Plans:

- Planned Development
- Subdivision Preliminary Plat

RECEIVED

SEP 24 2008

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

Date 9/22/08 Application Fee 357.90

I. **PROJECT INFORMATION:** 4214.92.28629 / 4224.01.1908 / 4224.02.2039
Parcel ID #: 4224.01.4874 / 4224.01 / 5894 / 4224.02.5093 Total Property Acreage: 10.79
Zoning District: R-20C / FA Acreage to be Disturbed: _____
Property Location/Address: 599 LEWIS ROAD - off Sleep Point Loop Rd Hampstead
Describe activities to be undertaken on project site: 200 Unit dry Boat / 17 ~~000~~ Boats slip to existing slip Marina. With member showers - + dressing area. w/ exist boat slip/Ramp & Boat House

II. **REQUIREMENTS FOR ISSUING A SPECIAL USE PERMIT:**

1. The use requested is listed among the special uses in the district for which the application is made; or is similar in character to those listed in that district;
2. 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;
3. The proposed use shall not constitute a nuisance or hazard;
4. The requested use will be in conformity with the land use plan;
5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
6. 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;
7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
8. 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.

Any information the applicant wishes to submit to assist in making the above findings may be included as part of the Project Narrative or as a supplement labeled "Support Information-Required Findings" (max. 1 page).

**Please refer to Special Use Application Checklist for further requirements.*

III. **SIGNATURE OF OWNER & APPLICANT:**

[Signature]

(If owner is different from applicant, both signatures are required)

David Greer Construction
P.O. Box 15813
Wilmington, North Carolina 28408

March 12, 2007

Board of Commissioners,
Pender County
805 S. Walker Street
Burgaw, NC 28425

SUBJECT: Request for Special Use Permit to Expand the Existing Sloop Point Marina, 599 Lewis Road, Hampstead, NC

Dear Commissioners:

David Greer Construction, owner of the parcels referenced below, is asking the Board of Commissioners to favorably consider a Special Use Permit (SUP) to expand the existing Sloop Point Marina as described.

Project Site Information:

Owner/Developer/Applicant: David M. Greer
David Greer Construction
P.O. Box 15813
Wilmington, NC 28408

Parcels/Land Area/Zoning/Land Use/FIRM Zone:

1. 4214-92-2869-0000 – 6.28 ± A – Zoned R20-C – Urban Growth – X
2. 4224-01-1908-0000 – 0.71 ± A – Zoned FA – Urban Growth – X
3. 4224-02-2039-0000 – 0.56 ± A – Zoned FA – Urban Growth – X
4. 4224-01-4874-0000 – 1.02 ± A – Zoned FA – Urban Growth/Con I – X, AE, VE
5. 4224-01-5894-0000 – 0.28 ± A – Zoned FA – Urban Growth/Con I – X, AE, VE
6. 4224-02-5093-0000 – 1.94 ± A – Zoned FA – Urban Growth – X, AE, VE

Total Land Area: 10.79 ± Acres

Project Site Description (As Is):

The six tracts are part of an assemblage. Parcels 4224-01-4874-0000, 4224-01-5894-0000 0000 and 4224-02-5093-0000 have long standing histories

operating as marine facilities with wet slips, a boat ramp and a small boat building business. Currently there is a Major CAMA permit for a pier configuration of up to 18 wet slips and a boat ramp. There are four major improvements on the site: a 36 x 60 "boat house with attached windowed shed (to remain); a fish house with original masonry structure 25 x 30 and a newer attached frame wing 30 x 28 (to remain); a wood frame dwelling 28 X 45 (to be moved off site); and a barn 24 X 40 to be demolished. There is 448 feet of shoreline. Impacts by floodplains and Conservation Districts are either minimal or have no impact. CAMA has approved a shellfish closure of the area improved with the existing piers/docks/ramp. Please refer to the accompanying Twelve Oaks Marina Project Plan drawing. This plan details all land features, roads and land designations including land use, zoning, CAMA line of jurisdiction, the closure area and FIRM zones. It is noted that the Conservation I District runs below the mean high water line, east of the sites existing bulkhead line.

Project Plan:

It is the plan of David Greer Construction to expand the existing marine facility after obtaining the necessary entitlements from Pender County and North Carolina. The expansion will include a CAMA application to increase wet slips from eighteen (18) to thirty-five (35) within the designated closure footprint; operate a public access boat ramp available to Pender County residents; construct a two hundred (200) unit dry stack storage facility; a small ships store; bathrooms, showers and dressing areas for member users; a marine fueling station; a sanitary pump-out facility; a bilge pump with oil/water separator; and parking facilities for boat/trailer rigs and individual vehicle parking for the dry storage facility and wet slips consistent with county and industry requirements. The hours of operation will be Monday through Sunday, 5:00 AM to 9:00 PM. It is anticipated that there will be six employees during the summer season.

The tract has approximately 800 feet of frontage on both the northerly and southerly sides of Lewis Road, a state maintained road. The property itself will serve as its own buffer to the benefit of area residents. The project will utilize public water when available and on site wells. There are nine existing septic systems on the property. Some will be abandoned while others will be retained to service existing buildings and facilities. Any additional needs are unknown at this time. An above ground tank for the sanitary pump-out facility will be managed by a local hauler.

Our plans for expanding the marina incorporate many marina best practices adopted by North Carolina. These include: A. Expansion of the marina through the use of dry storage technology that promotes clean water practices by reducing the need for wet slips; B. Locating the storage facility in uplands; C. Locating all accessory parking in uplands incorporating infiltration stormwater management practices and pervious surfaces to reduce and, in most cases, eliminate runoff into the ICWW; D. Ensuring that the boat ramp rises above the adjacent grade so as to prevent stormwater from carrying pollutants into the ICWW; E. Installing roof water collectors that place stormwater into ground

infiltration systems; F. Constructing a self-contained wash-down area with separation, filtration and recycling capabilities in an upland area.

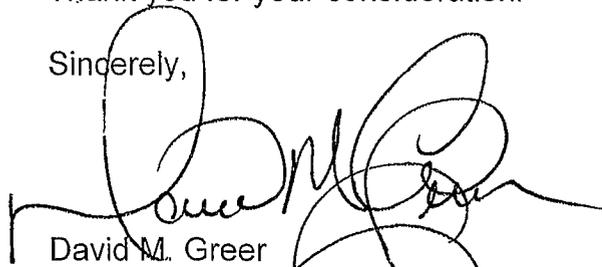
If approved by the Commissioners, we will immediately proceed with an application to amend the CAMA Major Permit consistent with this application. It is noted that this plan has been informally presented to CAMA officials. In addition, the project will obtain all necessary permits including a stormwater management plan, sediment and erosion control plan, NCDOT driveway permits, Environmental Health permits and submit a Commercial Development Site Plan as required by Pender County Ordinance.

All SUP requirements have been or will be met by David Greer Construction prior to obtaining a building permit. The expanded marina use:

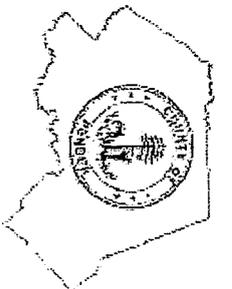
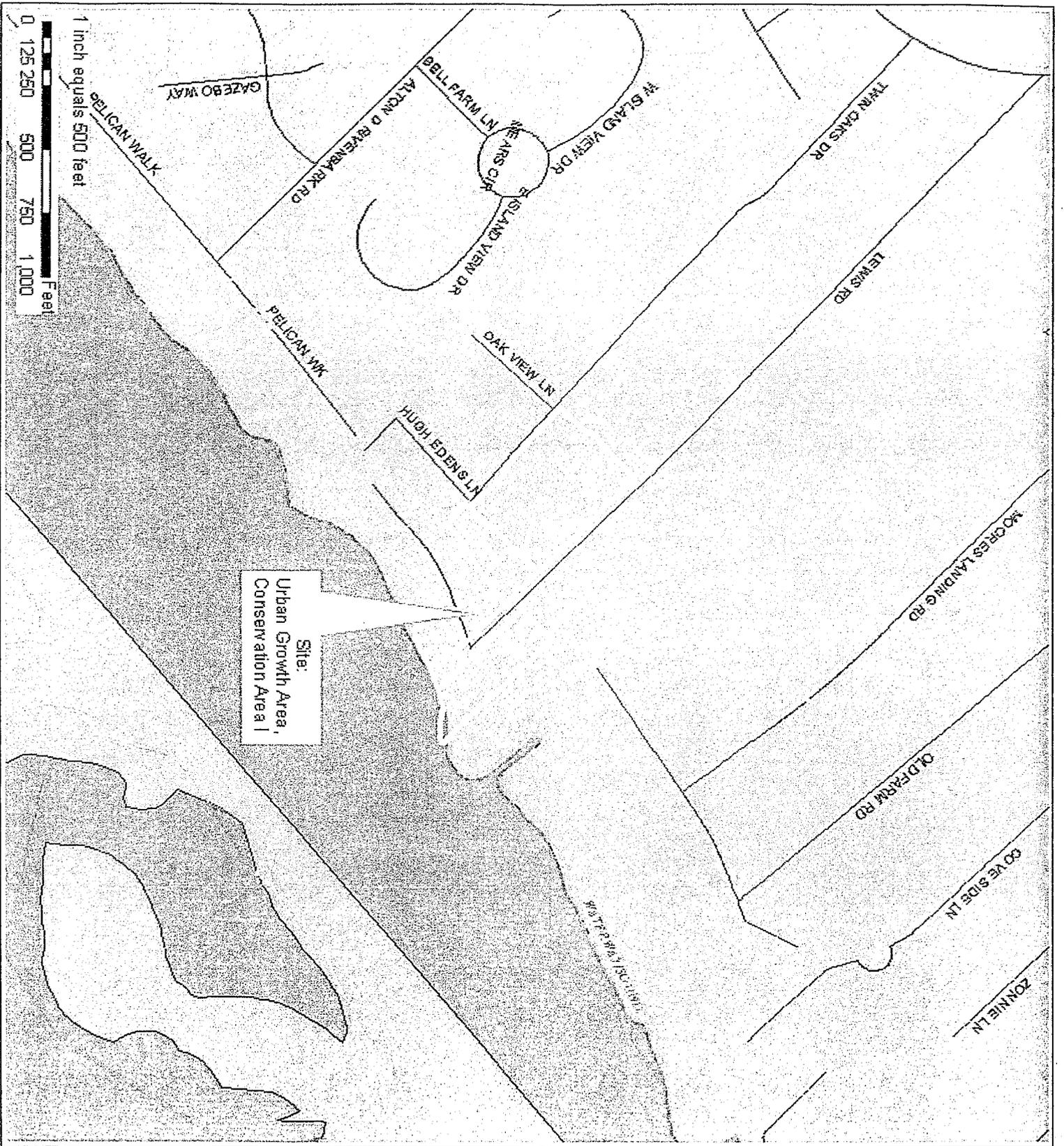
1. is listed among the special uses in the R-20 and FA zoning districts and;
2. is the same use as the abutting marina and boatyard;
3. will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
4. will not constitute a nuisance or hazard;
5. will be in conformity with the land use plan;
6. will include adequate utilities, access roads, drainage and sanitation facilities;
7. will provide ingress and egress designed to minimize any traffic congestion on Lewis Road;
8. will conform to the applicable regulations of the district in which it is located;
9. will not adversely affect surrounding uses and shall be placed on a lot sufficient in size to satisfy the space requirements of said use.

Thank you for your consideration.

Sincerely,



David M. Greer
President, David Greer Construction



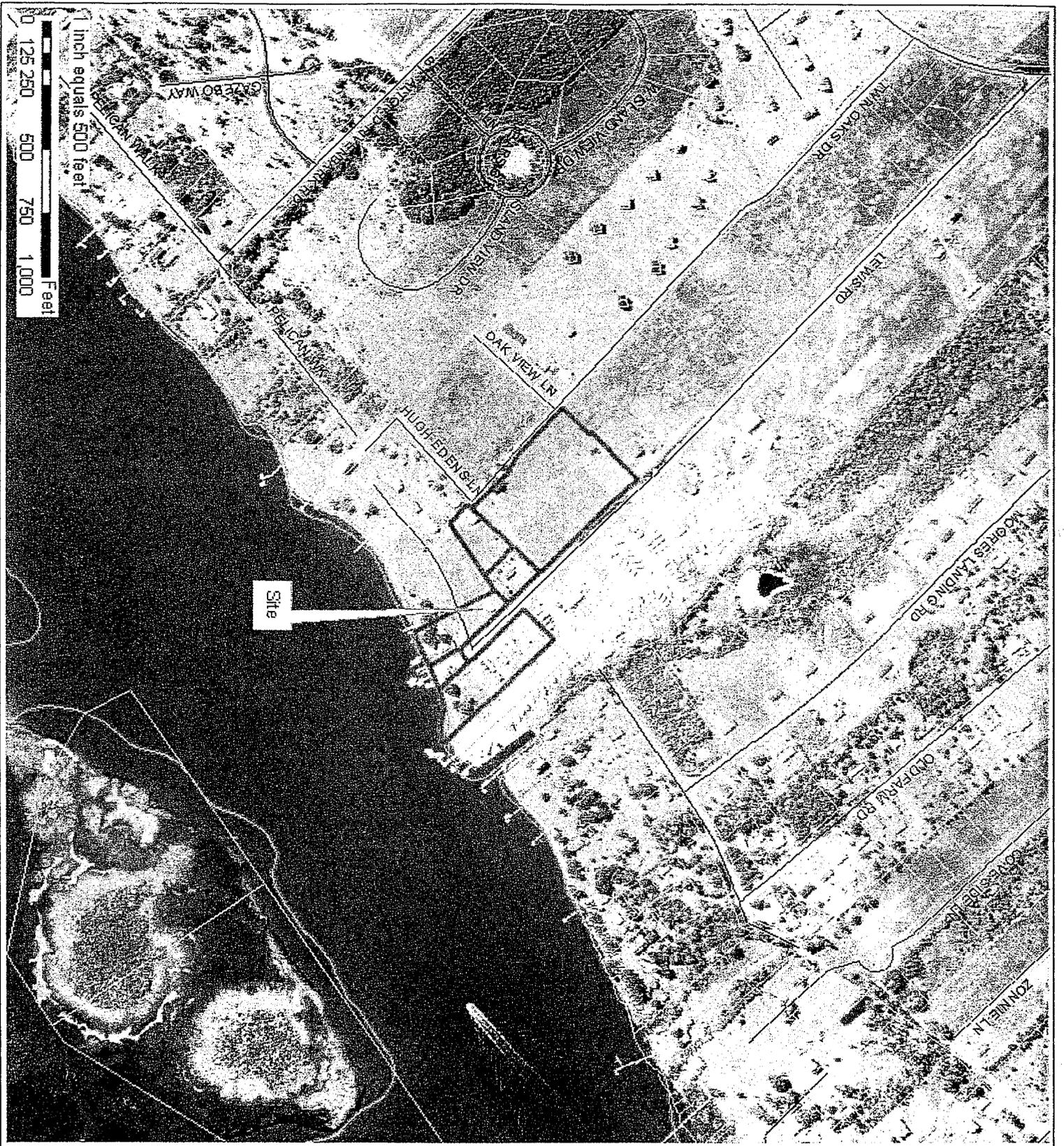
**Applicant -
David Greer
Construction**

Special Use Permit

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

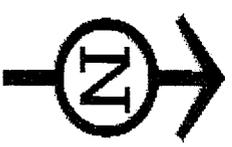


CAMA Land Use

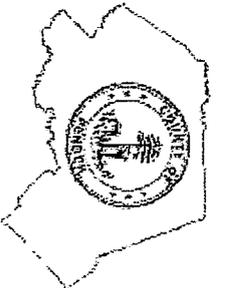
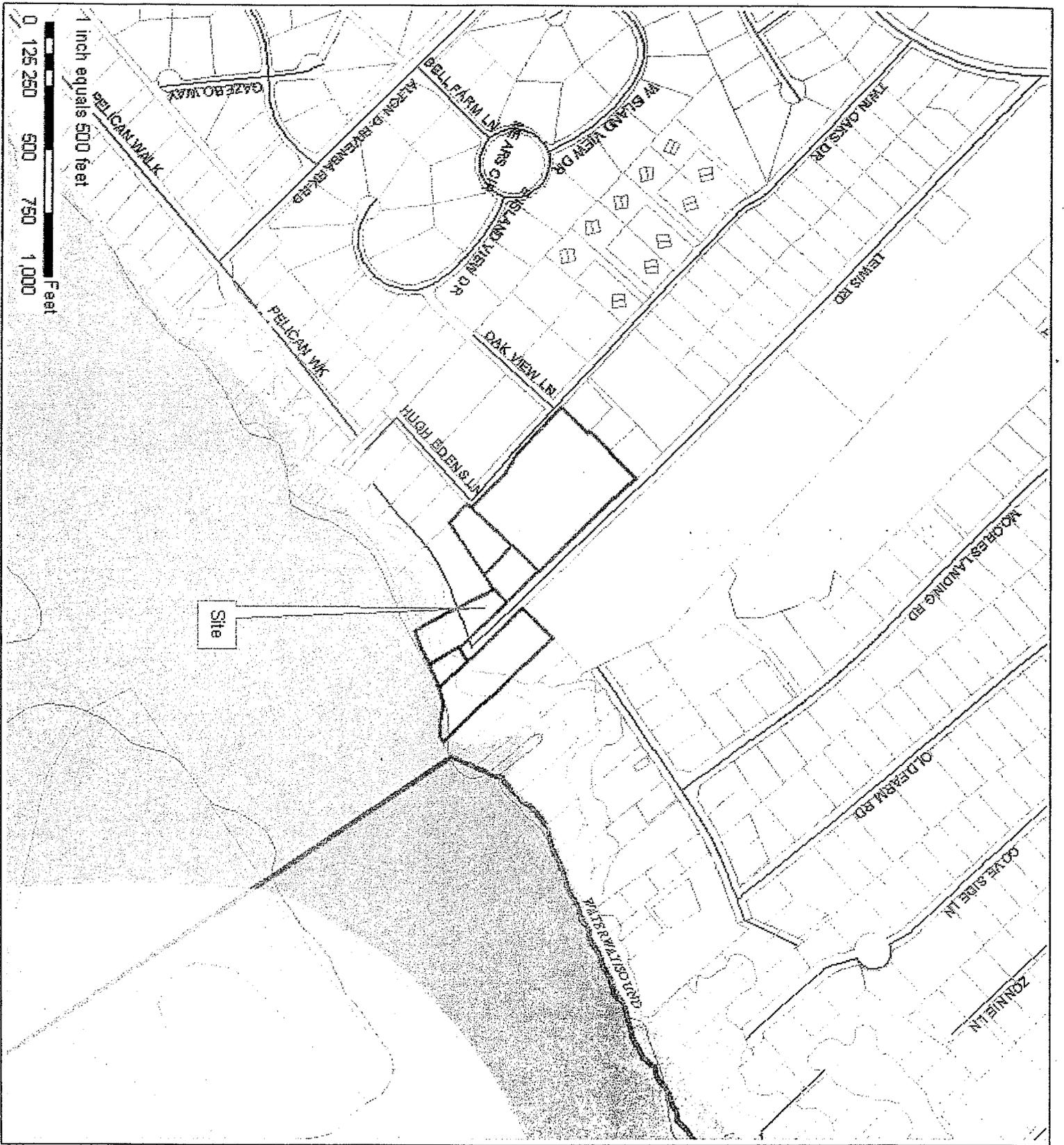


Applicant -
David Greer
Construction

Special Use Permit



Aerial Map



Applicant -
David Greer
Construction

Special Use Permit

| Flood | |
|-------|----------|
| | A |
| | AE |
| | AEFW |
| | SHADED X |
| | VE |



Flood Zones