

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 14.

Date of Request: November 4, 2008

Date Request Received:

Board Meeting Date Requested: November 17, 2008

Board Meeting Date Assigned: November 17, 2008

Short Title: Special Use Permit Amendment- John E. Bradshaw Applicant, On Behalf Of Betty Smith, Owner, Is Requesting An Amendment Of A Current Special Use Permit (03-11-17-28) For The Operation Of Boat Sales And Repair.

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 an amendment to a special use permit to operate boat sales and repair located at 19240 US Hwy 17, south and east of the intersection of Sloop Point Loop Road and US Hwy 17

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hear a public hearing on a Special Use Permit amendment.

CONTRACT TYPE

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

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

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:** 03-11-17-28R**Applicant:** John E. Bradshaw III**Property Owner:** Betty Smith

Land Use Proposed: The applicant is proposing to amend the current Special Use Permit (SUP) for this property to allow for boat sales and repair. As a condition of the current SUP for this property, if boat or other vehicle sales are to be permitted on this site, the conditions of the current SUP must be amended to reflect that or other activities.

Property Record Number and Location: The property is identified by record number 4204-63-5656-0000 and is located at 19240 U.S. Hwy 17, Hampstead, NC.

Zoning District of Property: The property is zoned PD, Planned Development District, and boat dealers and sales are permitted in this zone.

PROJECT DESCRIPTION:

The applicant is requesting to amend an existing special use permit to operate boat sales and repair lot. A special use permit was issued 11-17-2003 to allow for a used car sales lot. At the time, the property was zoned B-2, Business District (Highway) which required a special use permit. Through a county wide zoning change, the property was changed from a B-2 classification to PD, Planned Development District. The uses of boat dealers and boat repair are both permitted in the PD District, however, as a condition of the original special use permit, to allow for boat sales and repair, an amendment must be granted.

The applicant is proposing no significant changes to the property. It is stated through the applicant's narrative and submitted site plan that the existing office building on site will remain. Minor repairs will be done to enhance the character of the business, such as, fresh paint, addition of new fencing, and enhancement of the existing landscaping. The hours of operation will remain similar to the approved existing SUP conditions. The applicant is requesting hours of operation to be from 8:30 a.m. – 5:00 pm. Monday through Friday, 9:00 a.m. – 2:00 p.m. Saturdays, and closed on Sundays or by appointment only.

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.
- 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:** The property zoned PD, Planned Development District, and boat dealers and repair are permitted (see attached zoning map).
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies this property as Urban Growth Areas with limited Conservation II areas. According to the current operation and proposal, the impacted areas would be located within the Urban Growth Area classification, not affecting any Conservation Areas. The proposed development is consistent with this classification.
- E) Existing Land Use in Area:** The properties to the north and south are both vacant. There are a few single-family residences bordering the parcel, not adjacent to the impacts of this development. There is dense

existing vegetation along the rear of the property. The properties across US Hwy 17 are Holly Shelter Game Land and Pinnacle Parkway Subdivision.

F) Site Access Conditions: Access to the site will be provided via an existing driveway off of US Hwy 17.

G) Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:

1. All conditions of final zoning set forth by the Pender County Zoning Ordinance must be met prior to issuance of final zoning permit.
2. A separate Zoning Permit must be obtained for any proposed signs. Signs shall be in accord with Section 16 of the Pender County Zoning Ordinance.
3. No outside storage of unlicensed materials, merchandise or salvage equipment will be permitted on the site.
4. Storage of vehicles (boats) are only allowed in conjunction with boat repairs.
5. 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).
6. Hours of operation will be limited to 9 a.m. to 6 p.m., Monday- Saturday.
7. There shall be no repair or dismantling of vehicles or equipment on the site outside an approved permitted and enclosed building.
8. Display of merchandise shall at all times be located at least 20' from the US Hwy 17 right of way line. This area shall be utilized only for landscape purposes. Merchandise display will only be allowed in the display areas shown on the approved and signed final site plan.
9. A physical barrier to include a decorative fence 3' in height or other equivalent barrier to include continuous shrubs at least 3' in height approved by the Zoning Administrator shall be installed and permanently maintained at the boundary of the 10' setback line and no merchandise shall be located in this area, including the right of way.
10. Any fencing, other than wooden stockade, shall be permanently screened from any right of way, utilizing any combination of vegetative buffers.
11. All areas of the site shall be stabilized with either gravel, paving or seeded on a schedule, with a permanent warm season grass approved by the NCAES or other certified landscape or horticultural specialist. Temporary cool season grass seeding shall be installed along the front buffer and display area until permanent grass cover is established. The grassed areas on the permitted area of the site shall be maintained at a height not to exceed six inches. The grassed areas of the site shall be maintained with a 98% coverage. The required stabilization shall be completed and required coverage obtained within 90 days of issuance of a zoning permit. As option to this condition the applicant may prepare a sediment and erosion control plan in accord with the NC Sediment and Control regulations and obtain approval of the plan from the Land Quality Division of the NC Dept. of Environment and Natural Resources.
12. No junk, debris trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building. All debris shall be removed from the site prior to issuance of a zoning permit.
13. 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.
14. The project shall be developed in accord with the provisions of the Pender County Zoning Ordinance and the applicant's final revised site plan as approved by the Zoning Administrator and the conditions contained in this permit.

ITEM NO: _____

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 the operation of a boat sales and repair lot, 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



SPECIAL USE PERMIT APPLICATION

Date 10/3/08 Application Fee \$ 50.00

I. PROJECT INFORMATION:

Parcel ID #: 4204-63-5656-0000 Total Property Acreage: 9.19

Zoning District: PD Acreage to be Disturbed: _____

Property Location/Address: 19240

Describe activities to be undertaken on project site: BOAT SERVICE, STORAGE, SALES

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.

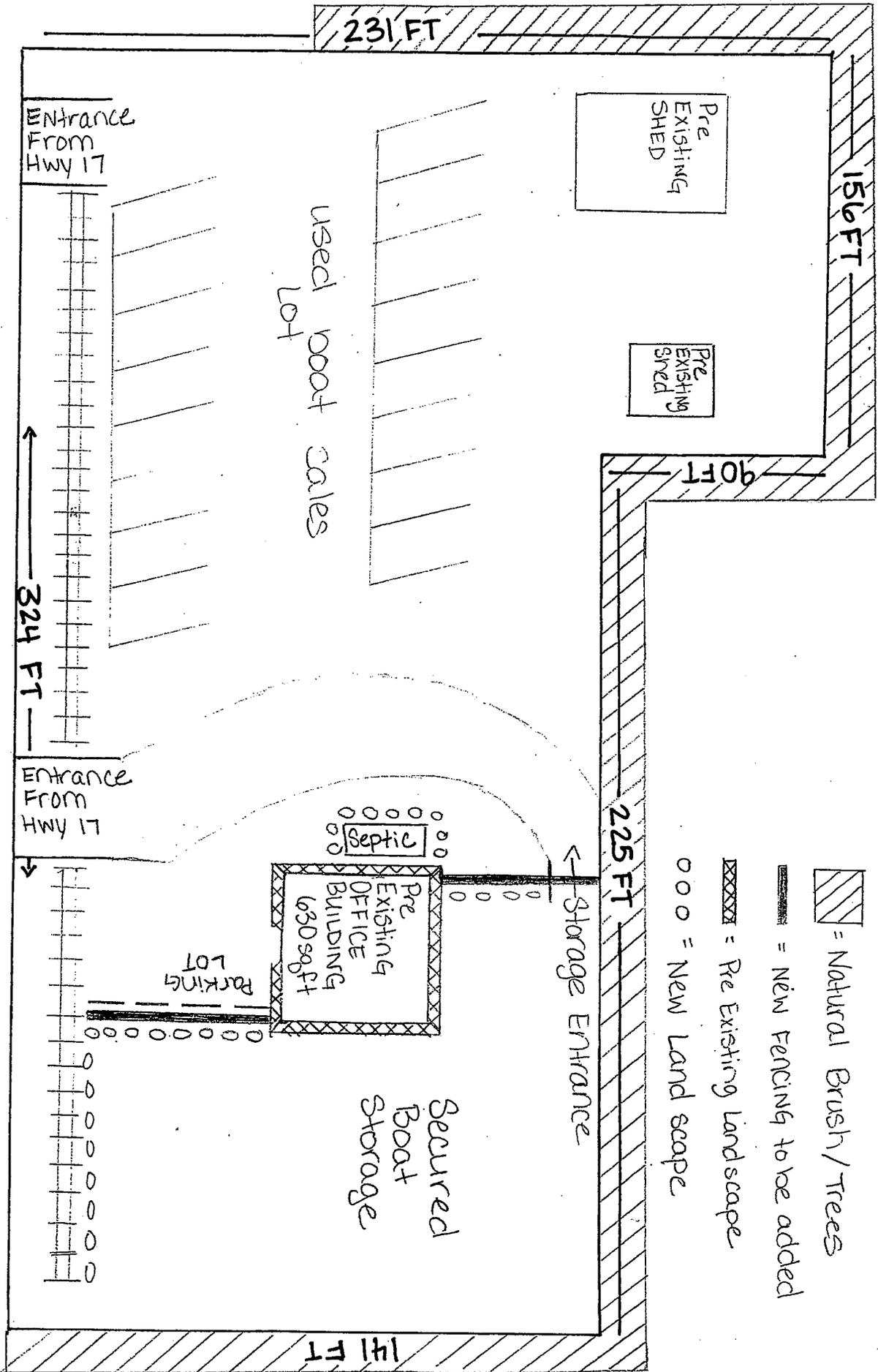
Any information the applicant wishes to submit to assist in making the above findings may be included as part of the Project Narrative or as a supplement labeled "Support Information-Required Findings" (max. 1 page).

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

III. SIGNATURE OF OWNER & APPLICANT:

[Signature] Joseph D. Smith POA for Betty M. Smith
(If owner is different from applicant, both signatures are required)

US HWY 17 NORTH



INTRODUCED BY: Johnny Sutton DATE: November 17, 2003 ITEM NO: 21.**Special Use Permit- Automobile Dealers & Sales (Used)**

SUBJECT: **CASE NO:** 03-11-17-28
PROPERTY RECORD NO: 17586
APPLICANT: Tom Charles White
OWNER: Betty M. Smith

ACTION REQUESTED: Approval of Special Use Permit for Used Car Sales Lot.**HISTORY/BACKGROUND:**

Project Location: The project is located on the east side of US Hwy 17, approximately 450 feet south of Sloop Point Loop Road. (See attached location map).

Project Description: The applicant is requesting a special use permit to open a used car lot. The proposed site is located on a 9.19-acre tract that was previously used as a mobile home sales lot, RNR Home Sales. A 24' x 33' office, and two accessory buildings already exist on the site and will be used in the operation of the used car sales lot. The hours of operation will be from 9 a.m. to 6 p.m. Monday-Friday and 10 a.m. to 3 p.m. on Saturdays. The operation will employ 1 person. (See attached applicant project narrative)

Project History: The property was previously used as a mobile home sales lot, RNR Home Sales.

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. (See certification attached)

B) Zoning Ordinance Compliance: This property is zoned B-2, and Automobile Dealers & Truck Sales (Wholesale & Retail, New & Used) is permitted by Special Use Permit in the B-2 zone. Please note that the property will be zoned PD-Planned Development on 11-17-03.

C) Land Use Plan Compliance: This property is classified as Limited Transition and the proposal is not inconsistent with the 1991 Land Use Plan.

D) 20/20 Growth Management Policies: This project is not immediately adjacent to other existing commercial uses, although there is a convenience store just north of the site. A convenience store is typically considered a neighborhood type business, an auto sales lot is not. The 20/20 Policies encourage commercial development to occur as an expansion of existing commercial areas. This property was previously used as a commercial site and has been zoned B-2 for some time previously. If this permit is issued the 20/20 Policies definitely require careful consideration of landscaping and buffers.

E) Existing Land Use In Area: The property was previously used as a mobile home sales lot, vacant land uses surround the property on the north, south and west sides. Existing residential uses are located to the northeast of the site.

F) Site Access Conditions: The site has direct access to US Hwy 17 via 2 existing driveways.

G) Conditions To Consider In Issuing A Special Use Permit For This Project:

1. The following must be submitted before issuance of a final zoning permit:
 - a. Driveway permit from NCDOT for Licensed Contractor and Ancillary Storage for Business.
 - b. Construction Authorization Approval from Environmental Health for the project site must be provided prior to a zoning permit being issued.
 - c. Landscape plan or revised site plan indicating plant type and spacing for interior landscaping and buffers (Type A).
 - d. The conditions of this permit are based on the assumption that less than one acre of land will actually be disturbed and the property will not be subject to storm water and sedimentation control

- requirements. The revised site plan will reflect the actual disturbed area. If more than an acre is determined to be disturbed, the permit will be subject to revision.
- e. Revised site plan showing location size & type of proposed refuse collection containers along with notes on type disposal.
 2. A separate Zoning Permit must be obtained for any proposed signs. Signs shall be in accord with Section 16 of the Pender County Zoning Ordinance.
 3. No outside storage of materials, merchandise or unlicensed or salvage equipment will be permitted on the site.
 4. A certification shall be provided by a registered professional to include the following:
 - a. that the site has drainage to a natural outlet by easement or public drainage facility,
 - b. the site is provided adequate drainage to accommodate the ten year, one hour storm event without flooding or substantial ponding of water on the site,
 - c. the site drainage will accommodate discharge of water from upland areas of the site for the same storm event,
 - d. discharge of storm water from the site for the ten year, one hour storm event will not cause flooding of any areas down stream of the storm water discharge point on the site.
 5. 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).
 6. Hours of operation will be limited to 9 a.m. to 6 p.m., Monday- Saturday.
 7. There shall be no repair or dismantling of vehicles or equipment on the site outside an approved permitted and enclosed building.
 8. Display of merchandise shall at all times be located at least 20' from the US Hwy 17 right of way line. This area shall be utilized only for landscape purposes. Merchandise display will only be allowed in the display areas shown on the approved and signed final site plan.
 9. A physical barrier to include a decorative fence 3' in height or other equivalent barrier to include continuous shrubs at least 3' in height approved by the Zoning Administrator shall be installed and permanently maintained at the boundary of the 10' setback line and no merchandise shall be located in this area.
 10. All areas of the site shall be stabilized with either gravel, paving or seeded on a schedule, with a permanent warm season grass approved by the NCAES or other certified landscape or horticultural specialist. Temporary cool season grass seeding shall be installed along the front buffer and display area until permanent grass cover is established. The grassed areas on the permitted area of the site shall be maintained at a height not to exceed six inches. The grassed areas of the site shall be maintained with a 98% coverage. The required stabilization shall be completed and required coverage obtained within 90 days of issuance of a zoning permit. As option to this condition the applicant may prepare a sediment and erosion control plan in accord with the NC Sediment and Control regulations and obtain approval of the plan from the Land Quality Division of the NC Dept. of Environment and Natural Resources.
 11. No junk, debris trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building. All debris shall be removed from the site prior to issuance of a zoning permit.
 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.
 13. The project shall be developed in accord with the provisions of the Pender County Zoning Ordinance and the applicant's final revised site plan as approved by the Zoning Administrator and the conditions contained in this permit.
 14. The only vehicles permitted on the site outside an enclosed building, will be automobiles and pickup trucks. No other equipment will be permitted on the site outside an enclosed building.
 15. If boat or other vehicle sales are to be permitted on this site the conditions of this permit must be amended to reflect that or other activities.

MANAGER'S RECOMMENDATION:

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on November 17, 2003, the Pender County Board of Commissioners considered a Special Use Permit for a Used-Car Sales for Tom White as described herein and Dwight Strickland, Chairman, or Andy Hedrick, County Manager/ Clerk to the Board, are authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

AMENDMENTS:

MOVED Williams SECONDED Holland

APPROVED X DENIED _____ UNANIMOUS _____

YEA VOTES: Strickland ___ Williams X Holland X Meadows X Rivenbark X

Dwight Strickland
Dwight Strickland,
Chairman

11-17-03
Date

Andy Hedrick
Andy Hedrick, County Manager/Clerk

11-17-03
Date

Special Use Permit Project Narrative:

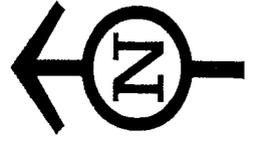
Property Location: 19240 US Hwy 17 North / Hampstead, NC 28443
PIN#: 4204-63-5656-0000
Owner: Betty Smith
Business Name to be placed on the property: Rpm Marine LLC
Business Owner: John E Bradshaw, III
Contact Number: (910) 270-4460 / (910) 232-2085

1. Rpm Marine is a locally owned and operated boat repair shop offering: Parts, Used Boat Sales, Boat Repair, Detailing, and Storage. Employees rang from 3 to 8 depending on the season. Our hours of operation are: Monday through Friday 8:30 until 5pm, Saturday 9 until 2 and Sundays Closed or by appointment only. The property access is directly off of US Hwy 17.
2. There will be no construction to the sight, however some improvements will be made to the effect of; Fresh paint on pre-existing office structure to allow a more professional and clean road side appearance, adding to pre-existing fence to allow a secure area for boat storage, cleaning existing flowers beds and adding new plants and fresh mulch.
3. NO utilities will require approval from Environmental Health.
4. NO federal permits will be required for projects. We are only cleaning existing structures.
5. Potential impact to the area will remain the same as the former car lot business; however we will present a more professional and clean appearance. Rpm Marine was started by a local Hampstead resident, who was born, raised and grew up as a loyal member to the community. Rpm Marine has supplied local Hampstead Residence for over 8 years now with a professional and honest boat repair service.



Applicant -
John E. Bradshaw III

Special Use Permit
Amendment
03-11-17-28R



VICINITY MAP





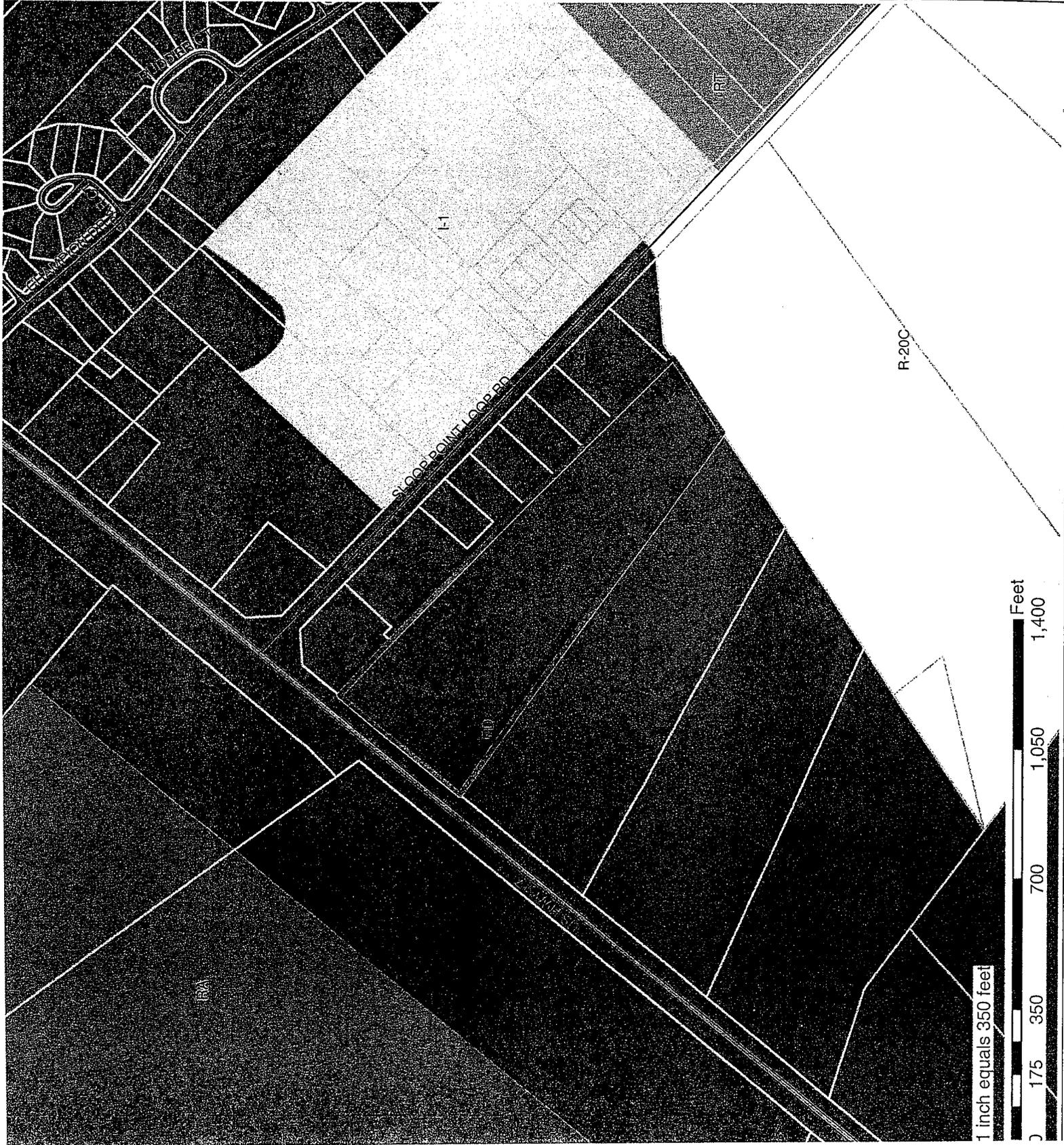
Applicant -
John E. Bradshaw
03-11-17-28R

Special Use Permit Amendment

	Bradshaw_SUP
	Zoning
	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



ZONING MAP





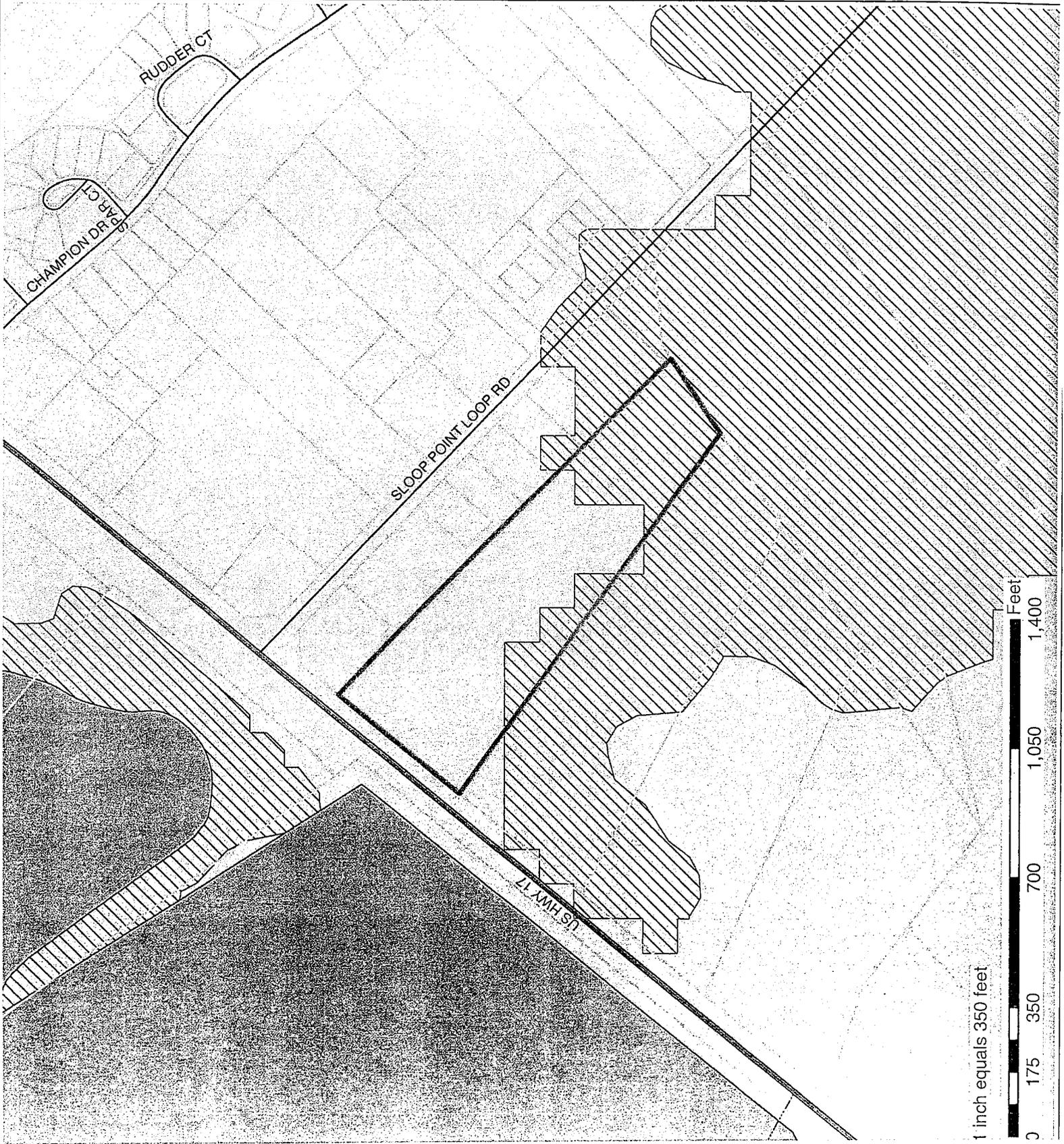
Applicant -
John E. Bradshaw III

Special Use Permit
Amendment
03-11-17-28R

CAMA Land Use	
	Bradshaw_SUP
	Conservation Area I
	Conservation Area II
	Transition Areas
	Urban Growth Areas
	Rural Clusters
	Rural Areas



CAMA Land Use





Applicant -
John E. Bradshaw III

Special Use Permit
Amendment
03-11-17-28R



Aerial Map

