REQUEST FOR BOARD ACTION

ITEM NO. 18.

DATE OF REQUEST: January 7, 2009

REQUESTED BY: Planning Staff

SHORT TITLE: Resolution approving a Special Use Permit for a boat repair service.

BACKGROUND: The applicant is requesting approval to utilize a vacant commercial structure for the operation of a boat repair business. The project location has been previously used as a car repair service.

SPECIFIC ACTION REQUESTED: To approve a Special Use Permit for the operation of a boat repair service.

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PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: January 21, 2009
Case Number: 09-01-21-04
Applicant: J.F. Larsen
Property Owner: Larsen & Hales, LLC

Land Use Proposed: The applicant is proposing to operate a boat repair service in an existing commercial structure.

Property Record Number and Location: The property is identified by record number 4215-23-2795-0000 and is located at 21417 U.S. Hwy 17 N, Hampstead, NC.

Zoning District of Property: The property is zoned RT, Rural Transitional District.

PROJECT DESCRIPTION:

The applicant is requesting approval of a Special Use Permit for the operation of a boat repair facility. Currently, the property contains a vacant commercial structure located towards the rear (west) which would be utilized for the boat repair operation with no new construction to take place. The applicant plans to utilize the working "garage" portion of the structure for boat repairs while using the office portion for daily business and the sales of supplementary boating items (see applicant's narrative).

The project will use all existing utilities on the property to include traditional septic and well. There will be two employees with proposed operating hours to be from 8:00 a.m. – 5:00 p.m., with no daily schedule specified.

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 RT, Rural Transitional District, and boat repairs are permitted via Special Use Permit (see attached zoning map).

D) ***2005 Land Use Plan Compliance:*** The current CAMA Land Use Plan classifies this property as Urban Growth Areas. The proposed development is consistent with this classification.

E) ***Existing Land Use in Area:*** The parcel to the north is vacant commercial property with a single wide mobile home; to the south are three parcels, two being very low net residential and the third is vacant. The property across the US Hwy 17 Right of Way is the entrance to Pelican Reef 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 boats are only allowed in conjunction with boat repairs.

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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 8 a.m. to 5 p.m., daily.
7. There shall be no repair or dismantling of vehicles or equipment on the site outside an approved permitted and enclosed building.
8. Any fencing, other than wooden stockade, shall be permanently screened from any right of way, utilizing any combination of vegetative buffers.
9. 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.
10. 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.
11. 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.
12. 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.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on January 21, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the operation of boat repairs, as described herein, and Jimmy T. Tate, 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: Tate ____ **Brown** ____ **Blanchard** ____ **Rivenbark** ____**Williams** ____

_____ 1/21/2009
Jimmy T. Tate, **Date**
Chairman

_____ 1/21/2009
ATTEST **Date**

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

SPECIAL USE PERMIT APPLICATION

Date 12/1/08 Application Fee $200.—

I. PROJECT INFORMATION:

Parcel ID #: 4215-23-2795-0000 Total Property Acreage: .94 Ac

Zoning District: RT Acreage to be Disturbed: Ø

Property Location/Address: 21417 Hwy 17

Describe activities to be undertaken on project site: Existing metal building; Used to be an automotive repair shop; Now desire to be a boat repair service center.

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:

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

COMMUNITYDEVELOPMENT@PENDER-COUNTY.COM • 805 S. WALKER STREET, BURGAW, NC
PHONE: 910.259.1202 FAX: 910.259.1295

Project Narrative:

The property located at 21417 Hwy 17, Hampstead, NC has an existing metal building of about 1500 sq. ft. The proposed use of the property is by Special Use Permit for a boat repair service.

In the past, the building and property have served as an automotive repair shop, Christmas tree sales, and light construction warehouse.

The property is serviced by Progress energy, 400+ gal. Per day sewer, and has adequate frontage with ingress and egress on Hwy 17 South.

The tenant proposes a maximum of two employees with typical retail hours of 8:00AM to 5:00PM. The tenant does minor engine and boat repairs found ubiquitously in our area for local trade. In addition to said boat repairs, tenant will offer for sale those ancillary items needed for boating such as 2 cycle oil, drain plugs, anchor rope, etc.

No other permits are required all building permits have been completed and no land disturbance is required. Impacts to the surrounding areas are not noted as use is consistent with typical uses along Hwy 17 and in proximity to Lowe's Home improvement.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

On February 2, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the operation of boat repairs, as described herein, and Jimmy T. Tate, 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: Tate___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

_____ _____
Jimmy T. Tate, Chairman Date

_____ _____
ATTEST Date