



REQUEST FOR BOARD ACTION

ITEM NO. 27.

DATE OF MEETING: May 18, 2009

REQUESTED BY: Benjamin Andrea, Planner I, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit – Parking/Storage of Operable, Licensed Motor Vehicles

BACKGROUND: The project location is located at 14711 US Highway North, Hampstead, North Carolina.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for Parking/Storage of Operable, Licensed Motor Vehicles.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: May 18, 2009
Case Number: SUP 09-05-18-14 Stroud Engineering
Applicant: Stroud Engineering, P.A.
Property Owner: Martin Ventures XIV

Land Use Proposed: The applicant is proposing to construct and operate a commercial trucking facility.

Property Record Number and Location: The property is identified by record number 3235-73-0982-0000 and is located at 7965 US Highway 117, Rocky Point.

Zoning District of Property: The property is zoned B-2, Business District (Highway).

PROJECT DESCRIPTION:

The applicant is proposing the construction and operation of a commercial trucking facility. The project will consist initially of a storage area of licensed, operable motor vehicles, with a future building on the site to house an office for the company, as well as space for inside storage and minor repair and routine maintenance of the company's trucks and trailers. Parking and storage of licensed, operable motor vehicles is currently permitted within the B-2 zoning district by special use permit. The other proposed uses (Office Only, Single Unit, Business, Government Services, & Professional Activities; Storage of Merchandise, Materials, or Equipment On Site Inside an Enclosed Building, Excluding Salvage; Automobile, Truck, & Small Machinery Repair) are permitted by right in the B-2 zoning district.

The property is currently a 5.91 acre tract identified by PIN 3235-73-0982-0000. Pending approval of this SUP request, 2.50 acres of the western portion of the tract will be subdivided and sold to Jerry Gore Trucking for this project.

The property currently hosts a vacant residential structure fronting US Highway 117. The portion to be subdivided and utilized for this project is currently undeveloped. The property to the north (across Porter's Lane Road) hosts the Rocky Point Volunteer Fire Department. Adjoining property to the south and east consists of high volume retail services, and the adjoining property to the west to the proposed project hosts the St. Matthews Missionary Baptist Church. There is significant existing mature vegetation along the boundary of the proposed project site and the church.

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 is zoned B-2, Business District (Highway). Parking/Storage of Operable, Licensed Motor Vehicles is permitted in the B-2 zoning district by special use permit. The other proposed uses (Office Only, Single Unit, Business, Government Services, & Professional Activities; Storage of Merchandise, Materials, or Equipment On Site Inside an Enclosed Building, Excluding Salvage; Automobile, Truck, & Small Machinery Repair) are permitted by right in the B-2 zoning district.
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies the subject property as Urban Growth Area. Under the current CAMA Land Use Plan, 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.

E) Existing Land Use in Area: The property to the south of exists of high-volume retail sales and services, and the property to the north hosts the Rocky Point Volunteer Fire Station, as well as an abandon structure. The property to the west hosts a church. The parcel for the proposed project is undeveloped aside from an existing abandon residential structure on the eastern portion of the property, which will become a new parcel pending the approval of the special use permit. The Rocky Point Post Office is directly across US Highway 117 from the existing parcel.

F) Site Access Conditions: The property has direct access to Porters Lane Road for ingress and egress. The proposed Porters Lane Road entrance/exit will be approximately 680 feet from US Highway 117.

G) Conditions Governing Special Use Permit Approval:

1. The project shall comply with and be maintained in accord with all provisions of all applicable sections of Pender County Ordinances and all state and federal regulations.
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. Storage and disposal of parts, chemicals, and salvage used and generated on site is must comply with all local, state, and federal regulations.
4. No stopping or parking of vehicles shall occur on Porters Lane Road, specifically near the Rocky Point Volunteer Fire Station.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on May 18, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the construction and operation of a commercial trucking facility, 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
5/18/2009
Date

ATTEST
5/18/2009
Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: _____

I. REQUIRED NAMES:

Applicant Stroud Engineering, PA Owner Martin Ventures XIV

Address 102-D Cinema Drive Address 100 Windlass Drive
Wilmington, N.C. 28403 Wilmington, N.C. 28409

Phone (910)815-0775 Fax (910)815-0593 Phone (910)790-5955 Fax _____

Email JFentress@stroudengineer.com Email _____

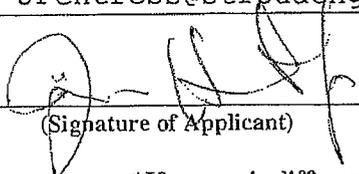
Legal Relationship of Applicant to Property Owner: Project Engineer

Consultant Name/Company Stroud Engineering, PA

Address 102D Cinema Drive Wilmington, N.C. 28403

Phone (910)815-0775 Fax (910)815-0593

Email JFentress@stroudengineer.com



(Signature of Applicant)

See Application

(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

FEE SCHEDULE FOR BOARD HEARINGS

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$125.00	
Appeal	\$150.00	
Zoning:		
Text Amendment	\$200.00	
Map Amendment	\$200.00 & \$10.00 per acre over 5 acres	
Special Use Permit	\$200.00 & \$10.00 per acre over 5 acres	\$200.00
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$400.00 & \$3.00 per acre over 200 ft.	
SUP, Mining Borrow Pit	\$400.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$800.00 & \$10.00 per acre over 5 acres	
Plans:		
Planned Development Master Plan	\$10.00 per acre with a min. of \$50.00	
Preliminary Plat	\$10.00 per lot/parcel with a min. of \$125.00	
Final Plat	\$5.00 per lot/parcel with a min. of \$50.00	
	Total Fees Due:	

Attachments Included with Application:
(Please include # of copies)

CD 2 Plan Sets Other Documents/Reports

Please list documents included: 2 24X36 Plan Sets, 20 11X17 Sets, Project Narrative
List of Adjoiners with Envelopes, Fee Check

Method of Payment: Cash
 Credit Card, We accept VISA and MasterCard only.
 Check, Ck. # ()

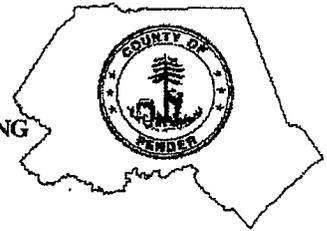
For Office Use Only:

Receipt # _____

Received By: _____ Date: _____

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.	09-05-18-14	Date	4/6/09
Permit Fee	\$200	Receipt No.	084566
APPLICANT INFORMATION			
Applicant Name Stroud Engineering, P.A.		Owner Name Martin Ventures, XIV Rocky Point, LLC	
Address: 102 D Cinema Drive Wilmington, NC 28403		Address: 100 Windlass Drive Wilmington, NC 28409	
Phone No: 910-815-0775		Phone No: 910-790-5955	
Legal relationship of applicant to owner: Project Engineer			
PROJECT INFORMATION			
Property tax record No. 3235-73-0982-0000		Total property acreage: 5.92	
Zoning Designation: B2		Acreage to be disturbed: 0.92	
Acreage to be used for project: 2.5			
Project location and address: 7965 US Hwy. 117 S. in Rocky Point, NC			
Describe activities to be undertaken on project site: SEE NARRATIVE			
SIGNATURES			
Applicant:		Date: 4/3/2009	Owner:
			Date: 4-3-09
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 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). 5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing. 			

**TRUCKING FACILITY SPECIAL USE PERMIT NARRATIVE
FOR
MARTIN VENTURES XIV ROCKY POINT, LLC**

Stroud Engineering
PW-849
April 3, 2009

Project Summary

The owner is proposing to construct a commercial trucking facility on approximately 2.50 acres of land located off Porter's Lane Road and U.S. Highway #117 near Rocky Point, NC in Pender County. The proposed facility will be used as an office and for maintenance and storage of multi-axle commercial trucks. Pender County requires operable commercial vehicles of 6 or more wheels to obtain a Special Use Permit. This submittal is fashioned to address the requirements of the Pender County Special Use Permit application.

Site Description

The trucking facility is located approximately 480 feet west of the intersection of U.S. Highway #117 and Porters Lane Road. The topography of the proposed site has small variance, and is sparsely vegetated with small trees. The site contains no wetlands or other areas of environmental concerns. The site drains to the Northeast Cape Fear River via Turkey Creek, which is classified as C, Sw. The property is zoned B-2 by Pender County. The CAMA Land Use classification is Urban Growth Areas.

Permits Required

Permits will be solicited from Pender County for sewer, NCDOT for driveway improvements on Porters Lane Road (NCSR 1416), and NCDENR for stormwater and erosion control.

Adjoining Property

Adjoining property to the north is primarily undeveloped B-2. Property to the south and east is composed of high volume retail services. The adjoining property to the west of the proposed site is zoned RT.

Soils

Soils in the project area are mapped in the Pender County Soil Survey as Rains fine sandy loam. These soils are typically poorly drained soils on uplands. The slopes typically range from 0% to 2%.

Potential Impacts

The proposed project will be constructed with minimal environmental impacts. Pender County Utilities will provide sewer service to site. Site design will minimize and control surface water runoff. Vegetated and distance buffers will reduce noise pollution. The site is ideal location for the proposed use due to its proximity to U.S. Highway #117 and it's accessibility to surrounding areas. The proposed project will generate much needed jobs to the area.

SUPPORTING INFORMATION-REQUIRED FINDINGS

A. *The use is listed among special uses in the district for which application is made; or is similar in character to those listed in that district.*

Commercial trucking facilities are allowed in B-2 zones by Special Use per the Pender County Zoning Ordinance.

B. *The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, morals, or welfare of the community or of the immediate neighbors of the property;*

The requested use will enable the development of the subject property in a manner which is consistent with trends of adjacent uses. The development will contribute to the economic viability of the surrounding commercial district.

C. *The proposed use shall not constitute a nuisance or hazard.*

Measures will be taken to reduce or eliminate sights, and sounds which can accompany trucking facilities. These measures, paired with setbacks and vegetative screening will mitigate nuisances possibly associated with such facilities. Drainage design will reduce storm water runoff.

D. *The requested use will be in conformity with the land use plan;*

The requested use will enable the development of the subject property in a manner which is consistent with the Pender County Land Use Plan. The subject property is identified as urban growth area.

E. *Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;*

The site is afforded public water and may be afforded sewer by Pender Utilities. The site is situated near the intersection of NC highways 117 and 210 and is in close proximity to I-40. All of these routes are ideally suited for the proposed use.

F. *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; and*

Driveway connectivity to Porters Lane Road will be provided. Porters Lane Road has two points of connectivity to NC 117, offering multiple routes for ingress and egress.

G. *That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located;*

Proposed improvements associated with the trucking facility will be compliant with all local, state, and federal regulations.

H. *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.*

Due consideration has been given to soil characteristics, topography, and proximity to adjacent properties in determining the size and location of the site. State and County guidelines created to minimize impacts to adjacent properties and public health will be adhered to.

Environmental Health PENDER COUNTY, North Carolina

P. O. Box 1209
Burgaw, NC 28425

Environmental Health
910-259-1233



EXISTING SEPTIC APPROVAL

Page # 1

<u>Zoning Determination</u>	<u>Existing Septic Approval</u>	Permit# : 090480	Fee : 125.00
JP	3/27/09 LEWIS	Issued Date : 04032009	Code Violation:
		Issued By : LK12	GEO PIN# : 33136999340000
		EH - File# : 522032	
		EHS ASSIGNED LEWIS	

Permitted Use

Home occupation - daycare

Description of Work

Shaun's Learning Center (Daycare)

Applicant: MCKOY ROBRITA KASHANNA
S ALLIGATOR LANE 402
WILLARD NC

Work Phone: 9102856337
Home Phone:
Fax :

Relationship of Applicant to Owner:

Owner : MCKOY ROBRITA KASHANNA
S ALLIGATOR LANE 402
WILLARD NC

Work Phone:
Home Phone:
Fax :

SITE ADDRESS : 4025 ALLIGATOR LANE
 Subdivision : WELSH LANDING
 Section/Block : Lot: 15 Deed Book/Page:
 Township : UNION Plat Bk. & Page #:

WATER SUPPLY : N/A SEWER SERVICE N/A/vate Septic

Directions to Site:

4025 Alligator Ln.

Requirements

STRUCTURE TYPE (MH, HOUSE, COMMERCIAL, OTHER-EXPLAIN) - DWMH
 ORIGINAL SYSTEM OWNER - ARCHIE MCGIRT
 DATE INSTALLED - 04/07/2000
 ORIGINAL SYSTEM RECORD TANK GALLONS - 900
 ORIGINAL SYSTEM RECORD DRAIN FIELD SQ/FT - 600
 ORIGINAL RESIDENCE USE # OF BEDROOMS - 3
 SYSTEM LOCATION (FRONT OR BACK) - FRNT
 APPLICATION TYPE (REPAIR, MH RELOCATE, BLDG. ADD, OR OTHER) - OTHER
 ISSUE RESIDENCE USE # OF BEDROOMS - 3
 ISSUE FOR OTHER (EXPLAIN) - AT HOME DAYCARE

Conditions

Approval for 8 children afterschool care.

Notes

-Daycare/after school program for five children or less permitted by right in B-2. If more than 5 children in future, SUP is required. - per B. Andrea

tc: Ben

Environmental Health PENDER COUNTY, North Carolina

P. O. Box 1209
Burgaw, NC 28425

Environmental Health
910-259-1233

Page # 2



EXISTING SEPTIC APPROVAL

<u>Zoning Determination</u>	<u>Existing Septic Approval</u>	Permit# : 090480	Fee : 125.00
JP	LEWIS	Issued Date : 04032009	Code Violation:
3/27/09	4/30/09	Issued By : LK12	GEO PIN # : 33136999340000
		EH - File # : 522032	
		EHS ASSIGNED LEWIS	

At the time of inspection no visible signs of malfunction were evident. However, since this is a subsurface sewage disposal system, it is impossible for this office to determine if any unauthorized modifications or misuse has occurred.

No warranty or guarantee is implied or expressed and future performance of this system is not assured by the Pender County Health Department.

Failing to maintain a properly operating septic tank system is considered a public health hazard and a violation of North Carolina State Laws and Rules Governing Sanitary Sewage Collection (Article 11 NC General Status Chapter 130A). Should the system malfunction or fail in the future, it shall be the responsibility of the owner to apply for a Permit for the repair of the system.

Dwelling shall be located a minimum of five (5) ft. from any part of septic system and repair area.

Permit valid for twelve (12) months from date of issuance

Signed:

Title:

EHS

Date:

4/30/09

Application/ Permit- Reconnection/ Change of Use/ Additional Structure

Note: Any reconnection, change of use, building addition or accessory structure or permanent foundation must receive approval from the Pender County Health Department.

ADJOINING PROPERTY OWNERS

- | | |
|---|---|
| <p>1. Food Lion
3235-73-0671-0000
P.O. Box 1330.2110
Executive Suite
Salsbury, NC 28145
Property Address:
US Hwy 117
Rocky Point, NC 28457</p> | <p>5. Lodge
3235-64-7135-0000
Porters Lane
Rocky Point, NC 28457
Property Address:
Same</p> |
| <p>2. St. Matthews Missionary Baptist:
3235-63-6615-0000
152 Arlington Ave.
Rocky Point, NC 28457
Property Address:
Same</p> | <p>6. Henry Smith
3235-64-3945-0000
1349 Porters Lane Rd.
Rocky Point, NC 28457
Property Address:
Same</p> |
| <p>3. Martin Ventures XIV Rocky Point, LLC
3235-73-0982-0000
100 Windlass Dr.
Wilmington, NC 28409
Property Address:
7965 US Hwy 117
Rocky Point, NC 28457</p> | <p>7. Herbert C. Richardson Sr.
3235-64-8397-0000
P.O. Box 164
Wilmington, NC 28457
Property Address:
7865 US Hwy 117S
Rocky Point, NC 28457</p> |
| <p>4. Rocky Point Volunteer Fire Dpt.
3235-64-8291-0000
P.O. Box 192
Rocky Point, NC 28457
Property Address:
Porters Lane
Rocky Point, NC 28457</p> | |