



REQUEST FOR BOARD ACTION

ITEM NO. 31.

DATE OF MEETING: July 20, 2009

REQUESTED BY: Kyle M. Breuer, Planner II, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit – Marina

BACKGROUND: The property is identified by record number 3291-06-5909-0000 and is located along the east side of Hughes Road, approximately 500' north of Anna Court, Hampstead, N.C. The project is an expansion to an already established boat access and slip facility.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of the addition of four (4) additional boat slips to an already approved (5) slip private facility.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: July 20, 2009

Case Number: 09-07-20-17 Stroud

Applicant: Stroud Engineering, P.A.

Property Owner: The Land Company of Pender, L.L.C.

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the addition of four additional boat docking slips to an existing boat access facility, defined in the Pender County Zoning Ordinance as a "Marina."

Property Record Number and Location: The property is identified by record number 3291-06-5909-0000 and is located along the east side of Hughes Road, approximately 500' north of Anna Court, Hampstead, N.C.

Zoning District of Property: The property is zoned R-20C, Residential Conventional District, and a "Marina" is permitted via Special Use Permit.

PROJECT DESCRIPTION:

The applicant is requesting approval to add four (4) additional boat slips to an existing boat access facility located along Hughes Road, Hampstead, NC. The parcel in question is approximately 2.2 acres, in which the proposed slips are to be located directly adjacent to the existing slips on the tract. The new slips are to serve the residents of Graystone development and are not proposed to serve the general public for sale or lease. The facility is proposing no additional parking to service the additional slips. Commercial site plan compliance will be reviewed prior to a final zoning permit being issued, in reference to parking and landscape buffering.

This project will require the applicant to amend the current CAMA Major Permit for the addition of the (4) slips. Currently there is an existing community shelter, boat ramp and five (5) docks. It is also proposed that there will be no increase in impervious surfaces, therefore not requiring other state permits for stormwater and sediment and erosion control. Current access is provided via Hughes Road (S.R. 1603), a verification from NCDOT will be required stating requirements for the additional slips.

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 project location is zoned R-20C, Residential Conventional District, and a marina is permitted via a special use permit (see attached zoning map).
- D) 2005 Land Use Plan Compliance:** The Special Use Permit area contains the classifications of Urban Growth and Conservation Area I according to the 2005 CAMA Land Use Plan. In addition to local policies that do not permit new development in floodways and in the Hydric soils, the county will not knowingly issue permits or approve developments that are under its jurisdiction that conflict with the CRC use standards for estuarine and public trust waters. As examples, only public or private open space or uses that require water access and that cannot function elsewhere are appropriate in the Conservation I classification.
- E) Existing Land Use in Area:** The adjacent property to the west and east (across Mill Creek) contain single-family structures, the property directly adjacent to the north is the Washington Acres Homeowners

Association community access, then single-family structures. Property south of the proposal is mainly vacant with a couple of single-family structures.

F) *Site Access Conditions:* The property has an existing driveway; however evaluation from the NCDOT will be necessary prior to County permitting.

G) *Conditions To Consider In Issuing A Revision of the 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 applicant shall submit a copy of their required CAMA Permit to the Planning Department before a Zoning Permit is granted for the boat slips.
3. Use of the boat slips shall be restricted to members of the Graystone Home Owners' Association only. Commercial use of the boat slips shall be prohibited.
4. A separate permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
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. The project shall comply with all requirements of the Pender County Zoning and Subdivision Ordinances.
7. 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.
8. 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.
9. 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 July 20, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for a marina 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

7/20/2009

Date

7/20/2009

Date

ATTEST

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.	09-07-20-17	Date	5/29/2009
Permit Fee	\$ 200.00	Receipt No.	084588
APPLICANT INFORMATION			
Applicant Name Stroud Engineering, PA		Owner Name The Land Company of Pender, LLC	
Address: 102-D Cinema Dr. Wilmington, NC 28403		Address: P.O. Box 1069 Hampstead, NC 28443	
Phone No: 910-815-0775		Phone No:	
Legal relationship of applicant to owner: Consulting Engineer			
PROJECT INFORMATION			
Property tax record No. 3291-06-5909-000		Total property acreage: 2.2	
Zoning Designation: R-20C		Acreage to be disturbed: 0	
Acreage to be used for project: 0.44			
Project location and address: Site is located on the east side of Hughes Raod 500 North of Anna Court.			
Describe activities to be undertaken on project site: Project is for construction of four new boat docks and lifts.			
SIGNATURES			
Applicant:	Date:	Owner:	Date:
	5/29/2009		5/29/2009
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. 			

SPECIAL USE PERMIT APPLICATION CHECKLIST

	1. Signed application form
\	2. Application fee
\	3. Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete--the list maybe compiled from the public PC terminal in the Pender County Tax Office).
\	4. One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
\	5. <u>Project Narrative</u> --Written description of the project (<u>max of 3 pages</u>) including the following: <ul style="list-style-type: none"> • Location of the project and type of access to project site • Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. • Description of all construction activities to be undertaken on the site. • Describe type of utilities that will serve project and status of approval from Environmental Health. • List of all state and federal permits that will be required for the project • Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.
\	6. <u>Project Map(s)</u> --Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable scale</u> . The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following: <ul style="list-style-type: none"> • Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph. • Access from the site and/or project boundaries to the nearest publicly maintained road. • Location of any existing structures or uses on the property and within 50' of the property. • Location of the project boundaries if they do not coincide with the property boundaries. • Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities. • Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site. • Existing and proposed fencing, vegetative screening and buffers (Must comply with Sect.16, Sect. 13.3 C., and Sect. 8.6 D., E., F. & G. of the Zoning Ord.). • Parking, loading areas, landscaping and access (Must comply with Section 13 of the Zoning Ord.). • All signs to be located on the property (Must comply with Sect. 15 of the Zoning Ord.) • Pedestrian walks, area lighting and flood lighting. • Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas & known or designated wetlands on the site. • Drainage plan and/or direction of flow of runoff from the project and site. • After review by the Planning and Community Development Department, additional information may be required to be submitted. • Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.
	7. Applications including more than one acre of disturbed area should consult for additional requirements.
	8. Application received by _____ Date _____
	9. Application completeness approved by _____ Date _____
	10. Date scheduled for public hearing _____

MARINA SPECIAL USE PERMIT NARRATIVE
FOR
THE LAND COMPANY OF PENDER, LLC

Stroud Engineering
PW-707
May 12, 2009

Project Summary

The Land Company of Pender, LLC is proposing to construct four (4) additional boat docking slips on a 2.2 acre tract on Hughes Road in southeastern Pender County. The slips are proposed to be located directly adjacent existing slips on this parcel. The new slips are proposed to be used by the residents of Graystone development on a first come first serve basis. There is adequate existing parking to support the new slips. No additional parking is being requested. The area is currently lighted by one overhead light. Individual slips will not be lighted. The new slips will be constructed within the riparian corridor and setbacks from the adjoining property.

Site Description

The new slips will be located adjacent the tidal channel on the easterly side of a 2.2 acre tract on Hughes Road. The new slips will be constructed between the existing slips and the riparian setback adjacent Lot 31 Long Pointe Estates. The site has an existing community shelter, boat ramp and five (5) docks as well as parking. The site drains to Topsail Sound which is classified SA/ORW. The property is zoned R-20C in Pender County and appears in a FA-Dash zone. The CAMA Land Use classification is Urban Growth.

Permits Required

The Land Company of Pender, LLC will solicit to have the existing CAMA Major permit modified to address the additional slips. The proposed work is not increasing impervious surfaces therefore no other permits are required.

Adjoining Property

Adjoining property is zoned R-20C. Approximately half of the adjoining lots are occupied by dwellings. The others remain undeveloped. All of the adjoining lots fronting the tidal channel have a boat dock. The property immediately to the north is the existing boat ramp for residents of Washington Acres.

Potential Impacts

The proposed slips will not negatively affect the adjoining property. They will have a positive impact by allowing a reduction of congestion in the area of the boat ramp and channel by allowing boaters to leave their boats long term in individual slips. The area is currently used by local residents and will continue for the same purpose.