

REQUEST FOR BOARD ACTION

ITEM NO. 22.

DATE OF MEETING: October 19, 2009

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

SHORT TITLE: Resolution to approve a Special Use Permit – Indoor/outdoor recreation establishment, privately operated.

BACKGROUND: The property is identified by record number 3284-85-0550-000L and is located at 66 Misty Lakes Drive, along the east side of Hoover Road (S.R. 1569), Hampstead, NC 28443. The applicant is proposing to accommodate birthday parties, weddings, after school events and summer camps.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of an indoor/outdoor recreation establishment, privately operated.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: October 19, 2009
Case Number: 09-10-19-21 Shingleton
Applicant: Joseph Shingleton
Property Owner: Same

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the operation of an indoor/outdoor recreation establishment, privately operated, to accommodate birthday parties, weddings, after school events and summer camps.

Property Record Number and Location: The property is identified by record number 3284-85-0550-000L and is located at 66 Misty Lakes Drive, along the east side of Hoover Road (S.R. 1569), Hampstead, NC.

Zoning District of Property: The property is zoned RA, Rural Agricultural District, and an Indoor/Outdoor Recreation Establishment; Privately Operated is permitted via Special Use Permit.

PROJECT DESCRIPTION:

The applicant is requesting approval to establish an indoor/outdoor recreation establishment, privately operated, for the purpose of providing summer camps, after school care, birthday parties, weddings, and other functions (see applicant's narrative). The special use area dedicated to the site would be approximately 5 acres of a 58.54 acre tract. Indoor facilities would be located within the applicant's home, which is an existing \pm 4,000 square ft. structure at 66 Misty Lakes Drive, off Hoover Road in Hampstead, NC. The applicant may have to provide for handicapped access to the structure and also, the use would be reviewed through Pender County's Environmental Health and Inspections Departments.

Ingress and egress for the project will utilize the existing Hoover Road (S.R. 1569) and immediate access will be provided via Misty Lakes Drive and the applicant's existing drive way. An NCDOT driveway permit will not be required for this facility. Parking will be provided as shown on the applicant's site plan and according to the Pender County Zoning Ordinance; approximately 20 spaces would need to be provided. The surrounding acreage of the property contains a man made pond to be utilized for water activities.

The proposed hours of operation will be from 9:00am to 6:00pm Monday through Saturday, with the possibility of hosting a wedding event, in such case; the applicant is proposing to be operational no later than 10:00pm. The number of employees will initially be two, but increased business may warrant the need for additional employees.

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 RA, Rural Agricultural District, and an Indoor/Outdoor Recreation Establishment; Privately Operated 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 II according to the 2005 CAMA Land Use Plan. The proposed use and special use permit application are not inconsistent with the CAMA Land Use Plan.
- E) **Existing Land Use in Area:** The properties surrounding the proposed project are either vacant or contain residential densities classified as *very low net density development*. There are single family residences to the north and northwest.
- F) **Site Access Conditions:** The property has an existing driveway and access to Misty Lakes Drive (private) which has direct access to Hoover Road.
- 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. A separate permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
 3. 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).
 4. The project shall comply with all requirements of the Pender County Zoning and Subdivision Ordinances.
 5. 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.
 6. 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.
 7. 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 October 19, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for an indoor/outdoor recreation establishment, privately operated 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.

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS _____

YEA VOTES: Tate ___ Brown ___ Blanchard ___ Rivenbark ___ Williams ___

Jimmy T. Tate,
Chairman

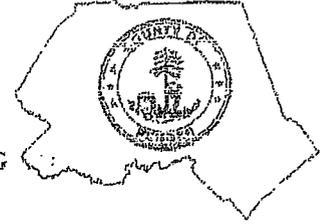
10/19/2009
Date

ATTEST

10/19/2009
Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: 9/3/2009

I. REQUIRED NAMES:

Applicant JOSEPH SHINGLETON Owner SAME
 Address 66 MISTY LAKE DR Address SAME
 Phone 270 4070 Fax _____ Phone SAME Fax _____
 Email JOSEPH.SHINGLETON@YAHOO.COM Email SAME
 Legal Relationship of Applicant to Property Owner: SAME
 Consultant Name/Company O/A
 Address SAME
 Phone SAME Fax _____
 Email SAME

II. AFFIDAVIT REGARDING OWNER - APPLICANT RELATIONSHIP:

I JOSEPH SHINGLETON (owner) and SAME (applicant) hereby affirm that an appropriate contractual relationship permitted by the appropriate NC State Codes exists between said Owner and Applicant. Owner and Applicant also affirm that if the owner requests that the application be terminated, staff will comply with Owner's request.

[Signature]
 (Signature of Applicant)

[Signature]
 (Signature of Owner)

III. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

Variance
 Appeal

Zoning:

Text Amendment
 Map Amendment
 Home Occupation
 Special Use Permit
 Vested Rights Determination

Plans:

Planned Development Master Plan
 Subdivision Preliminary Plat
 Final Plat

PLANNING AND COMMUNITY DEVELOPMENT



PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING

FEE SCHEDULE

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$250.00	
Appeal	\$250.00	
Zoning:		
Zoning Determination Letter	\$15.00	
Text Amendment	\$250.00	
Map Amendment	\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter	
Vested Rights Determination	\$250.00	
Home Occupation	\$25.00	
Special Use Permit	\$300.00 & \$10.00 per acre over 5 acres; max of \$5,000.00	\$ 300.00
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$500.00	
SUP, Mining Borrow Pit	\$750.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$1,000.00 plus \$5.00 per acre	
Plans:		
Planned Development Master Plan	\$500.00 plus \$10/acre for the first 100 acres; \$5/acre thereafter	
Preliminary Plat	\$500.00 & \$10/lot/residential unit for the first 100 lots/units; \$5 per lot/unit thereafter	
Final Plat	\$250.00 & \$10/lot/residential unit for the first 100 lots/units; \$5/lot/unit thereafter	
Total Fees Due:		\$ 300.00

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

CD Plan Sets Other Documents/Reports

Method of Payment: Cash
 Credit Card, We accept VISA and MasterCard only.
 Check, Ck. # (547)

For Office Use Only:

Receipt # 084636

Received By: *K. M. B.* Date: _____

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.	SUP 09-10-19-21	Date	9/3/2009
Permit Fee	\$ 300.00	Receipt No.	084636
APPLICANT INFORMATION			
Applicant Name JOSEPH SHINGLETON		Owner Name SAME	
Address: 66 MISTY LAKES DR HAMPSTEAD, NC 28443		Address:	
Phone No: 910 270 4070		Phone No:	
Legal relationship of applicant to owner: SAME			
PROJECT INFORMATION			
Property tax record No. 32842505500000		Total property acreage: 58.54	
Zoning Designation: RA		Acreage to be disturbed: N/A	
Acreage to be used for project: 5 ACRES			
Project location and address: 66 MISTY LAKES DR, HAMPSTEAD, NC 28443			
Describe activities to be undertaken on project site: AFTER SCHOOL CARE SUMMER CAMP, BIRTHDAY PARTIES, WEDDINGS			
SIGNATURES			
Applicant: JOSEPH SHINGLETON	Date: 9-3-09	Owner: [Signature]	Date: 9-3-09
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. 			

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</u> scale. 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 <u>KMB</u> Date <u>9/3/09</u>
	9. Application completeness approved by <u>KMB</u> Date <u>9/3/09</u>
	10. Date scheduled for public hearing <u>10-19-2009</u>

Project Narrative

Location of project and type of access:

The project location is at 66 Misty Lakes Dr., located almost to the end of Hoover road in Hampstead on the right. The access is a dirt driveway on Misty Lakes Dr., which can easily be seen on project map.

Detailed description of the activities:

We hope or seek to operate a summer camp and after school care center for youth. From time to time, we also hope to have birthday parties, weddings, receptions, scout activities, and other water related recreational activities. We will be closed on Sundays, and will have hours of operation for summer camp from 9am to 3pm and after school activities (during school year) from 2:30pm to 6pm. There is a possibility that we may operate in the evening if we have a wedding reception, but we will not be operating past 10 pm. There will be no smoking or drinking on the premises. At this point we will only have 2 employees (myself and my wife) and hope to retain the right to hire employees in the future if needs be.

Construction activities on site:

Currently, there are no planned construction activities on the site. Down the road, we hope to build bathroom facilities, showers, and a room for recreation activities.

Utilities that will serve project:

Currently, we use the utilities of our home.

State and Federal permits required:

Because we operate less than 4 hours a day for children 5 years of age and older, and our summer camp is seasonal (less than 4 months out of the year), from our research, we do not know of any state or federal permits that are required. We have tried to do due diligence and have researched and spoken to all necessary parties to establish certainty of our exemption. We are not

aware of any State and Federal permits that are required.

Potential impacts the project will have on adjacent properties and any positive benefits:

Most of our business conducted will be during the school year during after school hours (from 2:30 pm to 6:00pm) with birthday parties mostly on Saturdays from time to time. So far, we have had a few birthday parties at our home with 50 participants and the accompanying traffic, and we have run summer camp activities at our home a few weeks during the summer. We have had 20 paid kids (for the whole summer) for summer camp with the accompanying traffic, but anticipate and hope we have more participation in this program in the future. So far, we have 8 after school kids max with the accompanying traffic, and we hope to have more kids enroll in this after school program. We do not believe we will want to have more than twenty-five or thirty kids on our premises at a time, but would like to have permission to have more if needs be.

We will run an alcohol and smoke free operation--no drinking or smoking will be allowed on the property.

Kids are sometimes noisy. Because we are 400 feet off the main road, hopefully the noise will be minimal.

Positives: our business will provide a safe environment for kids, and gives parents additional positive options for their children. Children can come and feed our cow and goats, play with the bunnies, gather eggs, swim, and enjoy the outdoors after school and during the summer.

My wife and I have clean criminal histories, and we believe we can provide an optimal environment for kids to spend their after school hours and summer hours. We have had very positive feedback from parents who have had their children at our camp.

Also, we have provided a service to our community by allowing children to attend our camp free of charge whose parents have struggled during these difficult times. Also, we have provided free of charge field trip access to our camp for handicapped individuals.