



## REQUEST FOR BOARD ACTION

ITEM NO. 13.

**DATE OF MEETING:** March 15, 2010

**REQUESTED BY:** Ashley Frank, Planner II, Planning & Community Development

**SHORT TITLE:** Resolution to Approve a Special Use Permit for the Operation of an Automobile, Truck & Small Machinery Repair Station.

**BACKGROUND:** The property is identified by record number 3214-29-4466-0000 and is located at 318 Cricket Drive off NC Highway 210 Rocky Point, NC. The Special Use Permit would allow the applicant to construct and operate an Automobile, Truck & Small Machinery Repair station, on one (1) tract of land totaling approximately 10.35 acres.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for the construction and operation an Automobile, Truck & Small Machinery Repair station.

**PLANNING STAFF REPORT**  
**Special Use Permit**

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**SUMMARY:**

**Hearing Date:** March 15, 2010  
**Case Number:** 10-03-15-02 Brown  
**Applicant:** Rance Brown  
**Property Owner:** Same

**Land Use Proposed:** Rance Brown, applicant and owner, is requesting the approval of a Special Use Permit (SUP) for the operation of an Automobile, Truck & Small Machinery Repair Station.

**Property Record Number and Location:** The property is identified by record number 3214-29-4466-0000 and is located at 318 Cricket Drive off NC Highway 210 Rocky Point, NC.

**Zoning District of Property:** The property is zoned RT, Rural Transition, an Automobile, Truck & Small Machinery Repair Station is permitted via Special Use Permit.

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**PROJECT DESCRIPTION:**

The applicant is requesting the approval of a Special Use Permit (SUP) for the operation of an Automobile, Truck & Small Machinery Repair station, on one (1) tract of land totaling approximately 10.35 acres. The applicant will construct and utilize a 50'x 90' (4,500 square foot) warehouse (See applicant's site plan). All repairs would take place inside the enclosed building with no outside storage of parts. The applicant currently resides in the home located on the property.

The applicant is proposing ingress and egress for the project to utilize NC Highway 210 via a 30 foot recorded access easement (see Map Book 0033 Page 0044); the N.C. Department of Transportation will require a driveway permit.

The proposed hours of operation will be from 8 AM to 5 PM Monday through Saturday. The applicant states the business would require 3 family employees with the possibility to expand as the business grows.

The project would utilize water service provided by an on-site private well, and individual on-site septic system, subject to review and approval from Pender County Environmental Health.

The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Zoning Ordinance and also Parking and Landscaping requirements as prescribed in Sections 13 and 14.

The property does not contain FEMA Special Flood Hazard Areas as shown on the effective Flood Insurance Rate Map (FIRM) dated February 16, 2007. The property does not contain coastal wetlands; however the Army Corps of Engineers (ACE) would recommend a delineation of the property to identify any possible federal jurisdictional wetlands prior to construction.

## 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 RT, Rural Transitional, operation of an Automobile, Truck & Small Machinery Repair station is permitted via Special Use Permit (SUP), as prescribed by the Pender County Zoning Ordinance §8.9 Table of Permitted Uses.
- D) 2005 Land Use Plan Compliance:** The subject property is currently classified as Urban Growth Areas as defined in the Pender County 2005 CAMA Land Use Plan. The Special Use Permit application appears to be consistent with the CAMA Land Use Plan. Urban Growth Areas is defined as: 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. It is focused on the Rocky Point area and the Highway 17 Corridor.
- E) Existing Land Use in Area:** The land use pattern for the surrounding area is residential. Specifically, the land uses are as follows: located to the north is low density residential and vacant land. To the east is mostly vacant with low density residential. To the south is low density residential and vacant and to the west is low density residential.
- F) Site Access Conditions:** The property has access via Cricket Drive, a private road and by a 30 foot access easement onto NC Highway 210. The NC Department of Transportation will require a driveway permit for access onto NC Highway 210.
- 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 reduce 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.
  8. The hours of operation will be from 8:00 AM to 5:00 PM Monday through Saturday.
  9. The following shall be submitted prior to issuance of the zoning permit as contained in the Commercial Site Plan Review Standards:
    - a. Certification of a drainage plan by licensed professional on a form provided by the County.
    - b. Appropriate permits issued by the North Carolina Department of Transportation for site access.
    - c. Appropriate permits and inspections from the Pender County Environmental Health Department.
    - d. Sediment & Erosion Control Plans as approved by Land Quality (with letter of approval) with a copy to Pender County planning.

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- e. Storm water management plan as approved by the Water Quality Division with a letter of approval sent to Pender County Planning.
- 10. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Zoning Ordinance and also Parking and Landscaping requirements as prescribed in Sections 13 and 14.
- 11. No junk, debris, trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside an approved bin.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on March 15, 2010 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit for operation of an Automobile, Truck & Small Machinery Repair Station, 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 \_\_\_\_ Blanchard \_\_\_\_ Brown \_\_\_\_ Rivenbark \_\_\_\_ Williams \_\_\_\_

\_\_\_\_\_  
Jimmy T. Tate,  
Chairman

03/15/2010  
Date

\_\_\_\_\_  
ATTEST

03/15/2010  
Date

## Attachment A

### 15.3 Procedures for Reviewing Applications

The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.

The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed. The Zoning Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing. All Special Use Permit applications must be presented to the Zoning Administrator for a determination of completeness. An appeal from a completeness determination may be had to the Board of Adjustment or Superior Court within twenty (20) days of the determination.

The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:

- A. The use requested is listed among the special uses in the district for which application is made; or is similar in character to those listed in that district;
- B. 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;
- C. The proposed use shall not constitute a nuisance or hazard.
- D. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
- 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
- G. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located;
- 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.

## 15.4 General Provisions Concerning Special Use Permits

### A. Compliance With Other Codes

Granting of a Special Use Permit does not exempt the applicant from complying with all of the requirements of building codes and other ordinances.

### B. Revocation

In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Zoning Administrator may initiate a notice of violation for the provisions of this ordinance and the conditions of the Special Use Permit not in compliance or the Zoning Administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified.

After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:

- 1) That the approval was obtained by fraud.
- 2) That the use for which such approval was granted is not being executed.
- 3) That the use for which such approval was granted has ceased to exist or has been suspended for six months.
- 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
- 5) That the permit granted is in violation of an ordinance or statute.
- 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

### C. Expiration

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 after the Notice of Approval of the Special Use Permit has been served on the applicant. The Zoning Administrator may provide up to two extensions of the expiration date by no more than 6 months each, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the zoning permit.

# PLANNING AND COMMUNITY DEVELOPMENT

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## APPLICATIONS COVER SHEET

Date Application Filed: 1/29/2010

### I. REQUIRED NAMES:

Applicant BROWN, RANCE S Owner SAME  
Address 318 CRICKET DR Address \_\_\_\_\_  
ROCKY POINT NC 28457  
Phone 910 675 9935 Fax \_\_\_\_\_  
Email RSNAWNB44@AOL.COM Email \_\_\_\_\_  
Legal Relationship of Applicant to Property Owner: SELF  
Consultant Name/Company NA  
Address \_\_\_\_\_  
Phone \_\_\_\_\_ Fax \_\_\_\_\_  
Email \_\_\_\_\_

### II. AFFIDAVIT REGARDING OWNER - APPLICANT RELATIONSHIP:

I RANCE S. BROWN (owner) and \_\_\_\_\_ (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.

Rance S. Brown  
(Signature of Applicant)

Rance S. Brown  
(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

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## FEE SCHEDULE

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$250.00	
Appeal	\$250.00	
<b>Zoning:</b>		
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	\$353.00
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	
<b>Plans:</b>		
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	
<b>Total Fees Due:</b>		<b>\$ 353.00</b>

**Attachments Included with Application:**

(Please include # of copies)

CD  Plan Sets  Other Documents/Reports *staff scanned docs*

Method of Payment:

Cash *\$353.00*  
 Credit Card, We accept VISA \_\_\_ and MasterCard \_\_\_ only.  
 Check, Ck. # ( )

For Office Use Only:

Receipt # *099405*

Received By: *Ashley J*

Date: *1/29/2010*

# PLANNING AND COMMUNITY DEVELOPMENT

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## SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.	SUP 10 03 1501	Date	1/29/10
Permit Fee	\$ 353.00	Receipt No.	099405
APPLICANT INFORMATION			
Applicant Name BROWN, RANCE S		Owner Name SAME	
Address: 318 CRICKET DR ROCKY POINT NC 28457		Address:	
Phone No: 910 675 9935		Phone No:	
Legal relationship of applicant to owner: SELF			
PROJECT INFORMATION			
Property tax record No.	39211	Total property acreage:	10.35
Zoning Designation:	RT	Acreage to be disturbed:	2.0 ±
Acreage to be used for project: 2.0			
Project location and address:			
Describe activities to be undertaken on project site: AUTO REPAIR, USED ENGINE/TRANSMISSION RE-SALE			
SIGNATURES			
Applicant:	Date:	Owner:	Date:
Rance S. Brown	1/26/10	Rance S. Brown	1/26/10
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on page two of this form.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>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.</li> <li>4. Applicant may wish to review the required findings for approval of a Special Use Permit (p. 3).</li> <li>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.</li> </ol>			

## SPECIAL USE PERMIT APPLICATION CHECKLIST

✓	1. Signed application form
✓	2. Application fee <u>353.00</u>
✓	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 <b>first class</b> postage for each of the adjacent property owners on the above list.
5.	<p><b>Project Narrative</b>--Written description of the project (<u>max of 3 pages</u>) including the following:</p> <ul style="list-style-type: none"> <li>• Location of the project and type of access to project site</li> <li>• Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li>• Description of all construction activities to be undertaken on the site.</li> <li>• Describe type of utilities that will serve project and status of approval from Environmental Health.</li> <li>• List of all state and federal permits that will be required for the project</li> <li>• 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.</li> </ul>
6.	<p><b>Project Map(s)</b>--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:</p> <ul style="list-style-type: none"> <li>• 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.</li> <li>• Access from the site and/or project boundaries to the nearest publicly maintained road.</li> <li>• Location of any existing structures or uses on the property and within 50' of the property.</li> <li>• Location of the project boundaries if they do not coincide with the property boundaries.</li> <li>• 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.</li> <li>• 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.</li> <li>• Existing and proposed fencing, vegetative screening and buffers (Must comply with Sect.16, Sect. 13.3 C., and Sect. 8.6 D., E., F. &amp; G. of the Zoning Ord.).</li> <li>• Parking, loading areas, landscaping and access (Must comply with Section 13 of the Zoning Ord.).</li> <li>• All signs to be located on the property (Must comply with Sect. 15 of the Zoning Ord.)</li> <li>• Pedestrian walks, area lighting and flood lighting.</li> <li>• 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 &amp; known or designated wetlands on the site.</li> <li>• Drainage plan and/or direction of flow of runoff from the project and site.</li> <li>• After review by the Planning and Community Development Department, additional information may be required to be submitted.</li> <li>• Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.</li> </ul>
X	7. Applications including more than one acre of disturbed area should consult for additional requirements.
	8. Application received by <u>Donna Frank</u> Date <u>1/29/2010</u>
	9. Application completeness approved by <u>Donna Frank</u> Date <u>1/29/2010</u>
	10. Date scheduled for public hearing

## **EAST COAST POWERTRAIN**

### **Building site:**

2 ACRE PLOT OF PRIVATE LAND OFF OF HIGHWAY 210, APPROXIMATELY ¼ MILE WEST OF LITTLE KELLY RD. ACCESSED BY A THIRTY FOOT EASEMENT ON HIGHWAY 210. PROPERTY LIES 415 FEET FROM HIGHWAY 210.

### **Building Description:**

A WAREHOUSE STYLE STEEL BUILDING WITH TWO OVERHEAD DOORS AND TWO WALK-IN DOORS. WITH OFFICE AND REPAIR AREA IN FRONT. WAREHOUSE STORAGE IN BACK. APPROXIMATE SIZE 50' X 90'. WITH CONCRETE FLOORING.

### **Description of activities:**

ALL ASPECTS OF CAR AND TRUCK REPAIR INCLUDING, NORTH CAROLINA STATE INSPECTION. PURCHASE OF AUCTIONED VEHICLES FOR REUSE OF ENGINES AND TRANSMISSIONS FOR RESALE. REBUILT USED ENGINES AND TRANSMISSIONS FOR RESALE. TWO ONSITE DUMPSTERS FOR SCRAP METALS. WASTE OIL DRUMS FOR RECLAMATION. ENGINE COOLANT RECYCLING MACHINE AND WASTE OIL BURNING FURNACES FOR HEAT.

8AM- 5PM- BUSINESS HOURS, 6 DAYS A WEEK, WITH 3 FAMILY EMPLOYEES INCLUDING MYSELF.

### **Description of construction activities:**

SITE TO BE CLEARED OF EXISTING TREES. DITCH LINE TO BE CLEARED OUT TO MAIN ROAD . A CONCRETE FOUNDATION WILL BE LAID WITH DRAIN LINES INSTALLED. SEPTIC AND/OR WELL TO BE INSTALLED AT APPROVED LOCATIONS. GRAVEL DRIVE TO BUILDING AND PARKING.

### **State and federal permits:**

STATE LAND CLEARING PERMIT, LOCAL BUILDING PERMITS, PERK TEST, BUSINESS LICENSE AND DEALERS LICENSE.

## **Utilities and Environmental Health:**

ELECTRICITY AND WATER, WHETHER FROM A WELL OR COUNTY. AS FOR ENVIRONMENTAL, WE WILL BE RECYCLING IN EVERY ASPECT POSSIBLE. FROM USING WASTE OIL IN A FURNACE TO RECYCLING ENGINE COOLANT TO BE RESOLD AT A LESSER COST. ANY TIRES THAT ARE NOT REUSABLE WILL BE TAKEN TO THE COUNTY WASTE CENTER.

## **Potential impacts:**

GIVEN THE HOURS OF OPERATION STATED ABOVE THE NOISE WOULD BE MINIMAL AS IT WILL BE DROWNED OUT BY DAILY TRAFFIC ON HIGHWAY 210. BASICALLY NOTHING MORE THAN AIR TOOLS THAT WILL BE USED INSIDE THE BUILDING. TRAFFIC SHALL NOT BE A NUSANCE AS WE WILL BE USING OUR DEEDED EASMENT. THE BUILDING WILL BARELY BE WITHIN VEIW OF THE ROAD AS WE PLAN TO HAVE A TREE LINE BOARDERING THE FRONT OF THE BUSINESS.

THE POSITIVE ADVANTAGES OF THIS BUSINESS WILL BE TO HELP THE COMMUNITY IN A TIME OF ECONOMIC CRISIS. WE PLAN TO HAVE THE MOST COMPETITIVE PRICING ANYWHERE WITHIN AND AROUND THE EXISTING COMMUNITY. WE HOPE TO BE ABLE TO HELP EVERYONE LOWER THE COST OF MAINTENANCE ON THEIR AUTOMOBILE. WHICH ALLOWS THE CUSTOMER TO SAVE MONEY THAT IS NEEDED IN TODAYS WORLD.

TO PROVIDE A REDUCED COST OF QUALITY USED ENGINES AND TRANSMISSIONS TO ALL REPAIR FACILITIES IN AND AROUND EASTERN NORTH AND SOUTH CAROLINA, AT THE SAME TIME, REDUCING SALVAGE AND INSURANCE YARD WASTE, AND THE IMPACT OF WASTE OILS AND FUELS TO REACH SURROUNDING GROUNDS AND WATERS.