



## REQUEST FOR BOARD ACTION

ITEM NO. 20.

**DATE OF MEETING:** December 6, 2010

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

**SHORT TITLE:** Resolution to Approve a Special Use Permit (SUP) for the Construction and Operation of a Photography Studio (NAICS Sector 541921 – Photography Studios).

**BACKGROUND:** Thomas Henn, applicant, on behalf of Tony Blanton & Barbara Brigman, owners, are requesting approval of a Special Use Permit (SUP) for the construction and operation of a Photography Studio (NAICS Industry Code 541921). The subject property is located approximately 1/3 of a mile north of Saps Road and Highlands Drive in Hampstead, NC, and may be identified as PIN 3284-72-6426-0000. The property is currently zoned RA, Rural Agricultural District, and uses in the NAICS Sector 54 are permitted via SUP in the RA zoning district.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for the construction and operation of Photography Studio.

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

---

**SUMMARY:**

**Hearing Date:** November 15, 2010

**Applicant:** Thomas Henn

**Property Owner:** Tony Blanton & Barbara Brigman

**Case Number:** SUP 10-12-06-11 Henn

**Land Use Proposed:** The applicant is requesting the approval of a Special Use Permit (SUP) for the construction and operation of a Photography Studio (NAICS Sector 541921 – Photography studios, portrait).

**Property Record Number and Location:** The subject property is located approximately 1/3 of a mile north of Saps Road and Highlands Drive in Hampstead, NC. The property may be identified as PIN 3284-72-6426-0000.

**Zoning District of Property:** The property is currently zoned RA, Rural Agricultural District, and uses in the NAICS Sector 54 (Professional, Scientific & Technical Services) are permitted via SUP in the RA zoning district.

---

**PROJECT DESCRIPTION:**

The applicant, Thomas Henn, is requesting the approval of a Special Use Permit (SUP) for the construction and operation of Photography Studio. This proposal would consist of developing one (1) tract totaling 5.01 acres.

The applicant is proposing the construction of a 1,500 sq. ft. photography studio. The building will have a reception area, photographic area with changing room, restroom facility and a client consulting area. At this time the number of employees will total 3, which includes the owner. The proposed hours of operations are from 9am to 5pm, Tuesday through Saturday.

The photography studio would be located behind a single family dwelling that will be constructed on the property. The single family dwelling is permitted-by-right in the RA, Rural Agricultural District and is not a part of the Special Use Permit application.

Access to the facility will be provided by a driveway entrance located on Hoover Road; subject to review and issuance of driveway permits by the NC Department of Transportation.

The applicant plans to utilize private wastewater and water supplied by Aqua Inc via the Castle Bay System due to the lack of county services. Before final zoning can be issued by Pender County all appropriate permits from North Carolina Department of Environment and Natural Resources for water and wastewater connections must be provided.

The subject property does not contain any Special Flood Hazard Areas or any known Areas of Environmental Concern.

Prior to the issuance of a zoning approval and building permits; a Major Site Development Plan must be submitted and approved, in accordance with Articles 3.5 and 3.9, a part of this review will include

compliance with Article 7 Landscaping and Buffering as prescribed the Pender County Unified Development Ordinance. The site plan submitted with this application is considered conceptual and does not reflect any approvals or regulations in effect.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GE	OI	IT	EC	EC
<b>Sector 54: PROFESSIONAL, SCIENTIFIC AND TECHNICAL SERVICES</b>											
Professional, Scientific, & Technical Services	54	S	S			P	P	P	P	P	

---

**TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:**

**Cape Fear Council of Governments RPO**  
*No response.*

**Four County Electric Company**  
*No response.*

**NC DENR Division of Coastal Management**  
*No response.*

**NC DENR Division of Forestry**  
*No response.*

**NC DENR Division of Land Resources**  
*No response.*

**NC DENR Division of Waste Management**  
*The Wilmington Regional Office of the Division of Waster Management (DWM) and Underground Storage Tanks (UST) Section has no concerns or objections to this project.*

**NC DENR Division of Water Quality**  
*No response.*

**NC DOT Division of Highways**  
*Applicant will need driveway permit from NC DOT.*

**NC DOT Transportation Planning Branch**  
*No response.*

**NC Office of State Archaeology**  
*No response.*

**NC Wildlife Resources Commission**  
*No response.*

**Pender County Building Inspections**  
*No response.*

**Pender County Emergency Management**

*No response.*

**Pender County Environmental Health**

*No response.*

**Pender County Fire Marshall**

*No response.*

**Pender County Parks and Recreation**

*No comments on this SUP.*

**Pender County Public Library**

*No response.*

**Pender County Public Utilities**

*County water is not available at this location.*

**Pender County Schools**

*No response.*

**Pender County Sheriff's Department**

*No response.*

**Pender County Soil and Water Conservation District**

*No comment.*

**Progress Energy Corporation**

*No response.*

**US Army Corps of Engineers**

*No response.*

**Wilmington Metropolitan Planning Organization**

- 1. The adopted Coastal Pender Collector Street Plan does not appear to offer any specific guidance relevant to this particular request.*
- 2. The site plan does not contain the specific information necessary in order to provide a detailed review of the parking and circulation pattern.*
- 3. A driveway permit will need to be requested through NCDOT to obtain access to SR 1569 (Hoover Road).*
- 4. Show sight distance triangles at the site driveway and maintain required clearance.*
- 5. Previous corridor routes have been considered in the immediate vicinity which would have impact to this property to accommodate the future Hampstead Bypass (NCDOT R-3300). Per the most current NCDOT map of Alternate Study Corridors for the future Hampstead Bypass (NCDOT R-3300) this property does not appear to be impacted by corridors currently being studied.*

---

**EVALUATION:**

- A. Public Notifications:** Advertisements for the proposal have been placed in the *Topsail Voice* and *The Pender Post*. Adjacent property owners were notified by first class mail.
- B. Basis for Granting SUP:** See attachment A for approval procedures (§3.10.3 of Unified Development Ordinance) and revocation procedures (§3.10.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural District, and uses defined under Sector 7221 (Full Service Restaurant) are permitted in the RA zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses.
- D. 2005 CAMA Land Use Plan Compliance:** The subject property is currently classified within the Urban Growth Area and Conservation II Area. The proposed development is consistent with this classification, as the 2005 CAMA Land Use Plan.
- E. 2010 Comprehensive Land Use Plan Compliance:**
1. The subject property is currently classified within the Suburban Growth area. The proposed land use is compliant with the Suburban Growth Area land use designation, as the 2010 Comprehensive Land Use Plan calls for areas classified as Suburban Growth to contain areas include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon.
  2. Comprehensive Land Use Plan Policies:
    - i. **Growth Management**  
*Policy 1A.1.2 Encourage development in areas where the necessary infrastructure – roads, water, sewer, and schools are available, planned or can be most cost effectively provided and extended to serve existing and future development.*
- F. Existing Land Use in Area:** The land uses adjacent to the applicant's proposal are vacant wooded tracts. However, the entrance to Castle Bay Subdivision is approximately 2,000 feet to the south, which is a moderate density residential planned development.
- G. Site Access Conditions:** The property has direct access to Hoover Road.
- H. Conditions To Consider In Issuing 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 in accordance with Article 9 of the Pender County Unified Development Ordinance.
  3. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
  4. 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.
  5. 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
  6. The project shall be developed and maintained in accord with the conditions contained in this permit.
  7. Prior to the issuance of a zoning approval and building permits; a Major Site Development Plan must be submitted and approved, in accordance with Articles 3.5 and 3.9, a part of this review will include compliance with Article 7 Landscaping and Buffering as prescribed the Pender County Unified Development Ordinance.
  8. The hours of operation shall be Tuesday through Saturday 9AM to 5 PM.
  9. No junk, debris, trash, or inoperable vehicles, recycled or salvaged materials shall be stored on the site. All debris shall be removed from the site prior to issuance of a zoning permit.
  10. Review of this proposal will occur within the regulations prescribed in the Pender County Unified Development Ordinance, Adopted June 21, 2010.
  11. Appropriate permits from North Carolina Department of Environment and Natural Resources for water and wastewater connections.

- 12. Verification from existing utility providers that service extensions are available.
- 13. Other applicable local, state, and federal permits as required

**RESOLUTION**

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on December 6, 2010 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the construction and operation of a Photography Studio (NAICS Sector 541921 – Photography Studios), as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

**AMENDMENTS:**

MOVED \_\_\_\_\_ SECONDED \_\_\_\_\_

APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ UNANIMOUS

YEA VOTES: Brown \_\_\_ Rivenbark \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_  
Chairman 12/6/10  
Date

\_\_\_\_\_  
ATTEST Date

## Attachment A

### **3.10.3 Procedures for Reviewing Applications**

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. 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.
- C. 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.
- D. The 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.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. 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:
  - 1. 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;
  - 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 Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
  - 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.

### **3.10.4 General Provisions Concerning Special Use Permits**

- 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 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 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.



EX-B



**Owner:**  
Tony Blanton &  
Barbara Brigman

**Applicant:**  
Thomas Henn

**SUP 10-12-06-11**  
Henn

**Photography Studio**  
NAICS Sector 541921

**Legend**

- Subject Property



**VICINITY MAP**





**Owner:**  
 Tony Blanton &  
 Barbara Brigman

**Applicant:**  
 Thomas Henn

**SUP 10-12-06-11**  
 Henn

**Photography Studio**

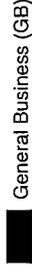
**NAICS Sector 541921**

**Legend**

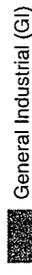


Subject Property

**Zoning Classification**



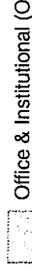
General Business (GB)



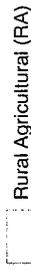
General Industrial (GI)



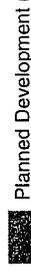
Industrial Transition (IT)



Office & Institutional (OI)



Rural Agricultural (RA)



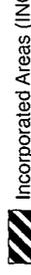
Planned Development (PD)



Residential Performance (RP)



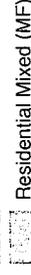
Environmental Conservation (EC)



Incorporated Areas (INCORP)



Manufactured Home Park (MH)



Residential Mixed (MF)



**ZONING MAP**





**Owner:**  
Tony Blanton &  
Barbara Brigman

**Applicant:**  
Thomas Henn

**SUP 10-12-06-11**  
Henn

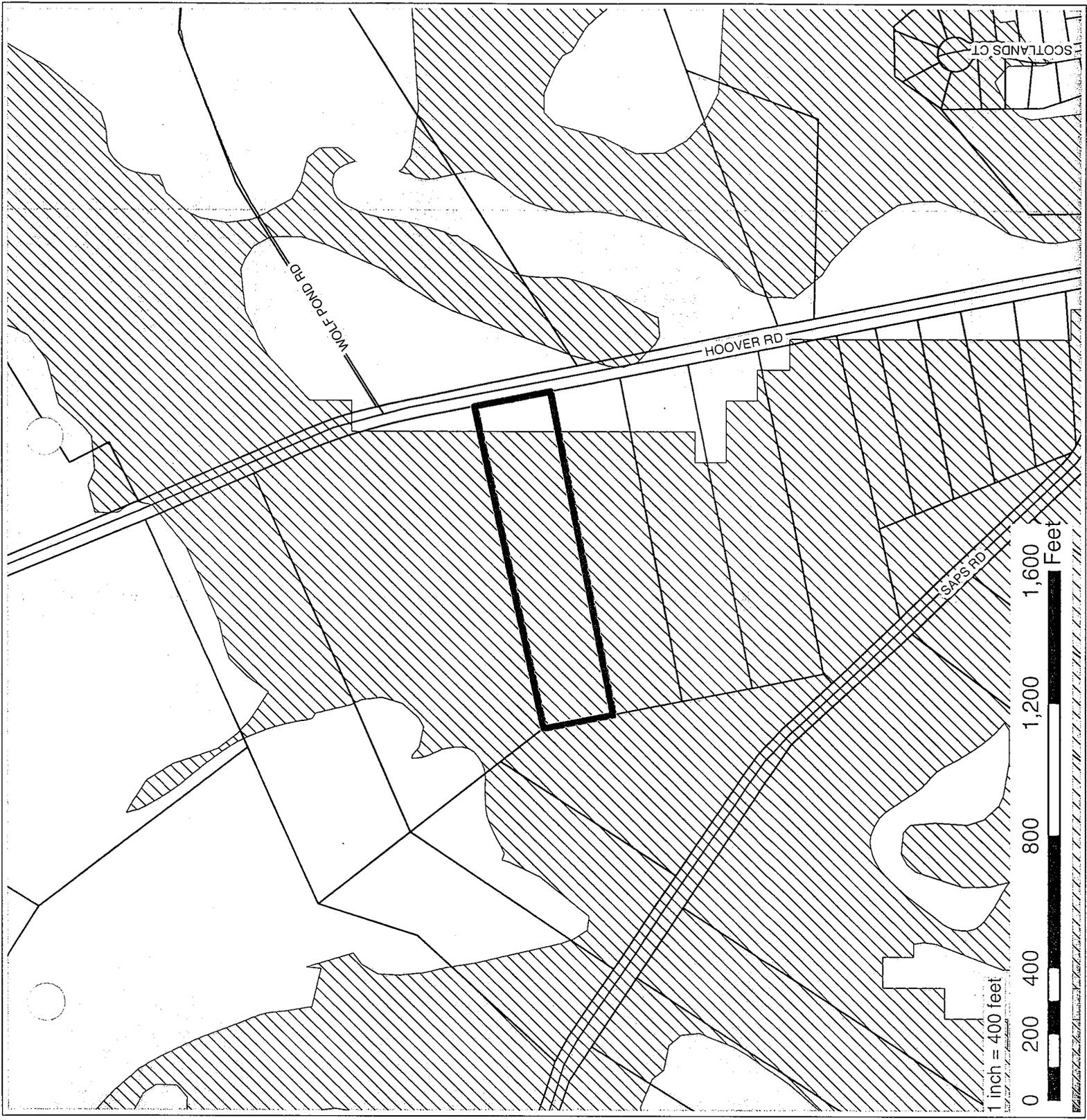
**Photography Studio**  
**NAICS Sector 541921**

**Legend**

-  Subject Property
-  Future Land Use (CAMA)
-  Conservation Area I
-  Conservation Area II
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



**CAMA (2005)**  
**LAND USE MAP**





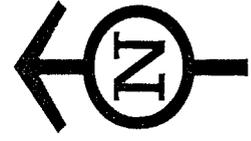
**Owner:**  
Tony Blanton &  
Barbara Brigman

**Applicant:**  
Thomas Henn

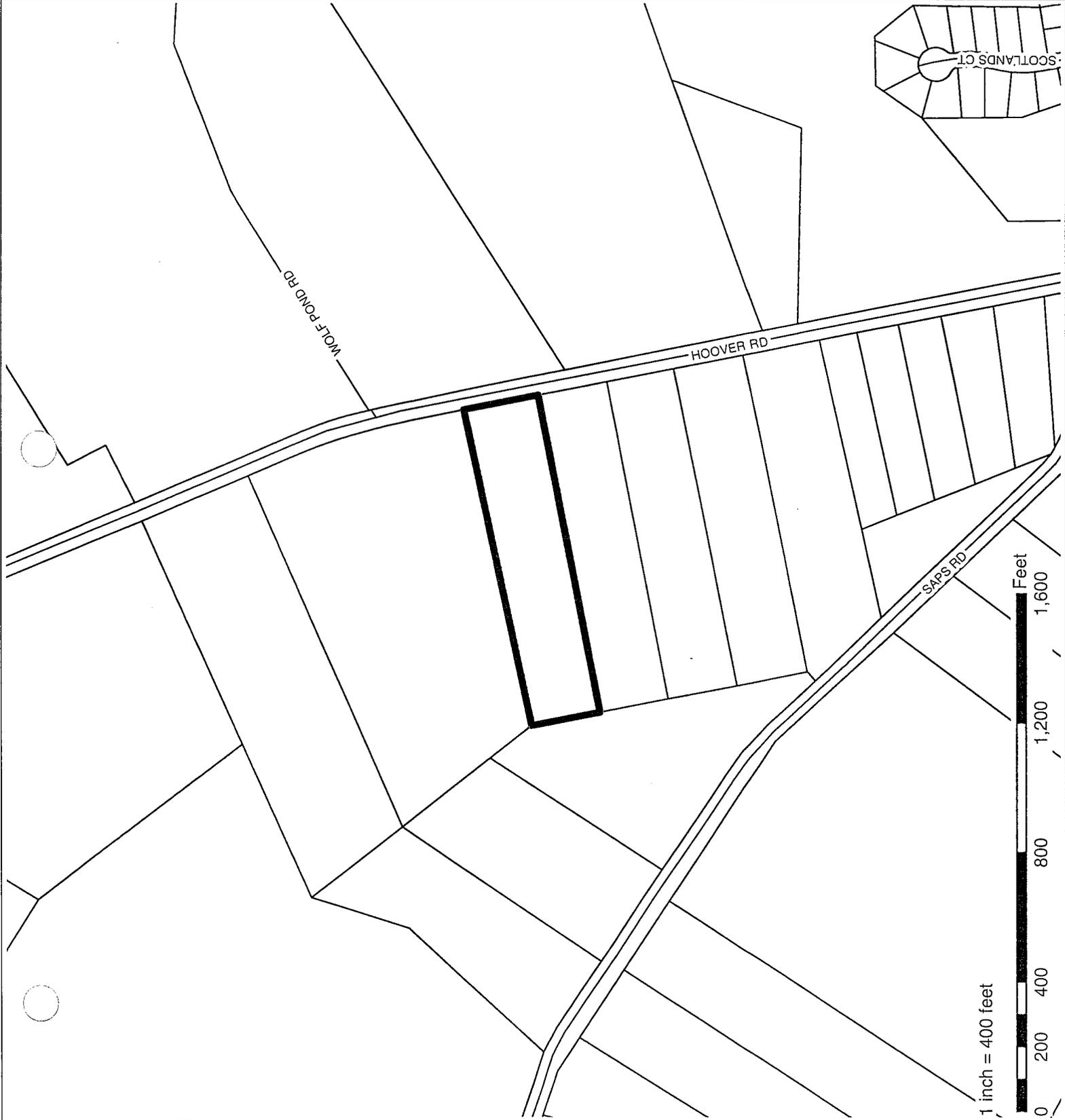
**SUP 10-12-06-11**  
Henn

**Photography Studio**  
**NAICS Sector 541921**

	Subject Property
	<b>Future Land Use</b>
	Conservation
	Mixed Use
	Suburban Growth



**2010 Comprehensive**  
**Future Land Use**





Owner:  
Tony Blanton &  
Barbara Brigman

Applicant:  
Thomas Henn  
SUP 10-12-06-11  
Henn

Photography Studio  
NAICS Sector 541921

Legend  
Subject Property



Aerial Map

