



REQUEST FOR BOARD ACTION

ITEM NO. 19.

DATE OF MEETING: August 15, 2011

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

SHORT TITLE: Resolution to Approve a Major Revision to an Existing Special Use Permit (SUP) to Allow Additional Use for the Operation of Vehicle Rentals (NAICS Industry Code 53) and to Amend the Current Conditions of the Approved SUP.

BACKGROUND: Todd Thrower, applicant, on behalf of James Turner, owner, is requesting approval of a major revision to an existing Special Use Permit (SUP) issued August 18, 1997. The SUP was initially issued for the construction and operation of mini-storage warehouses, excluding office use. This revision will include the addition of an office to the existing site, amending the landscaping and buffers, as well as the addition of vehicle rentals, specifically U-Haul Truck and Trailer Rentals (NAICS Industry Code 53). The subject property is located at 6015 NC Highway 53 East, Burgaw, NC, and may be identified as PIN 3341-53-7144-0000. The property is currently zoned RA, Rural Agricultural District, and uses in the NAICS Sector 53 are permitted via SUP in the RA District.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a major revision to an existing Special Use Permit.

RESOLUTION

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on August 15, 2011 the Pender County Board of Commissioners (approved, modified, denied) a Resolution to approve a major revision to an existing Special Use Permit (SUP) to allow the additional use of the operation of vehicle rentals (NAICS Industry Code 53) and to amend the current conditions of the approved SUP, 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 ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

Chairman 08/15/2011
Date

ATTEST 08/15/2011
Date

PLANNING STAFF REPORT

Special Use Permit

SUMMARY:

Hearing Date: August 15, 2011

Applicant: Todd Thrower

Property Owner: James R. Turner

Case Number: 10033

Land Use Proposed: Todd Thrower, applicant, on behalf of James Turner, owner, is requesting approval of a major revision to an existing Special Use Permit (SUP) issued August 18, 1997. The SUP was initially issued for the construction and operation of mini-storage warehouses, excluding office use. This revision will include the addition of an office to the existing site, amending the landscaping and buffers, as well as the addition of vehicle rentals, specifically U-Haul Truck and Trailer Rentals (NAICS Industry Code 53).

Property Record Number and Location: The subject property is located at 6015 NC Highway 53 East Burgaw, NC, and may be identified as PIN 3341-53-7144-0000.

Zoning District of Property: The property is currently zoned RA, Rural Agricultural, and uses in the NAICS Sector 53 are permitted via SUP in the RA District.

Project History: The Special Use Permit application was submitted as a result of a zoning violation. On March 21, 2011, a Notice of Violation was issued for the operation of a flea market and truck/trailer rentals without a Special Use Permit.

The initial SUP Public Hearing was held on June 27, 2011. The Pender County Board of County Commissioners (BOC) directed staff to research an existing 1997 SUP that was issued for the location. The public hearing was tabled until a more detailed review could be conducted.

At the July 11, 2011 Board of Commissioners meeting, staff updated the BOC on the current conditions onsite. The current SUP conditions are as follows:

- One (1) forty foot (40') driveway
- No office to be located on the site
- Install a six foot (6') security fence around the perimeter of the property
- Install sufficient interior light on the site
- Provided a gate and lock system sufficient for egress and ingress
- Red tips shall be planted 5 feet (5') apart on the outside of the fence along the perimeter of the property and shall be maintained to provide screening
- The building Inspector shall submit a letter stating whether restroom facilities are required by law
- The applicant shall meet all other local, state and federal regulations

In order to meet the 1997 SUP conditions prescribed by the Pender County Board of Commissioners on August 18, 1997, the existing SUP will require a major revision. Please reference the amended conditions within the evaluation of this report.

PROJECT DESCRIPTION:

The applicant, Todd Thrower, is requesting a major revision of the August 18, 1997 Special Use Permit (SUP). The SUP allowed for the construction and operation of mini-storage warehouses; this revision will allow for an office to be located on site and the additional use of vehicle rentals (U-Haul truck and trailer rentals).

The current use of mini-storage warehouses was approved on August 18, 1997; the initial approval allowed for the construction of three 2,600 square foot buildings. The construction was approved to take place in two phases; the first phase consisting of two buildings, which is complete. Phase Two would consist of the addition of the third building.

The applicant would like to revise the SUP to allow for a business office located on site within the storage units and the additional use of U-Haul truck and trailer rentals. The office improvement and additional use would both require a restroom facility according to 2009 NC Building Code.

All landscaping and buffer requirements must be met prior to the issuance of final zoning approval. This includes a 6 foot wooden privacy fence along the rear property line, as discussed at the July 11th, 2011 Board of Commissioners Meeting and a screening hedge along the perimeter of the exterior of the fence of the side and front property lines, which is a condition set forth in the existing SUP issued on August 18, 1997.

Access to the facility will be provided via existing driveway along NC Highway 53 East; the North Carolina Department of Transportation (NC DOT) may require a driveway permit for the addition of the new use.

The applicant's proposed hours of operation for U-Haul Truck and Trailer rentals will occur seven days a week from 8am to 7pm. Staff is proposing Monday thru Saturday 8am to 7pm and Sundays 1pm to 5pm. All trucks and trailers will be stored within the fencing of the property in a designated 40' x 60' and 20' x 50' parking area, respectively.

The subject property is located within the AE Special Flood Hazard Area (SFHA) along the Northeast Cape Fear River, according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 37200334100J, Panel Number 3341. Any new development must comply with the National Flood Insurance Rate Program (NFIP) in accordance with the Pender County Unified Development Ordinance, Article 9, Flood Damage Prevention.

Prior to the issuance of zoning approval and building permits; a Site Development Plan must be submitted and approved in accordance with Articles 3.6 and 6.3. A part of this review will include compliance with Article 8, 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, regulations in effect or any additional conditions imposed on this SUP.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 53: REAL ESTATE & RENTAL & LEASING											
Real Estate and Rental and Leasing	53	S	S				P				

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 (§3.12.3 of Unified Development Ordinance) and revision and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural, and uses defined under Sector 53 (Vehicle Rental) are permitted by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance, Section 5.2.3 Table of Permitted Uses.
- D. 2005 CAMA Land Use Plan Compliance:** The subject property is currently classified within the Rural Area. This land classification provides for agricultural and forestry operations that are key to the preservation of the county's rural landscape and that remain a major part of the county's economic base. This proposal may not be consistent with this classification, as the 2005 CAMA Land Use Plan, the Rural Area provides for very low-density residential uses, home-based businesses; other businesses traditionally associated with rural farm areas and extraction activities.
- E. 2010 Comprehensive Land Use Plan Compliance:** The subject property is currently classified within the Rural Growth area. The Rural Growth land use classification identifies those areas of Pender County where urban service, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural Growth areas are where preservation of agriculture operations is a primary concern and where conflicts between agriculture and non-agriculture uses are to be discouraged. Location criteria for non-residential uses in Rural Growth areas include frontage and access to a major State highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.
1. Comprehensive Land Use Plan Policies:
 - i. **Hazard Mitigation**
Policy 9A.1.4 Consistently use updated FEMA Flood Insurance Rate Maps (FIRMs) when reviewing proposed new development to discourage development within or near flood prone areas.
- F. Existing Land Use in Area:** The existing land uses in the area are composed of: a timber/forestry tract to the north, low density residential towards the east and south and agricultural (blueberry farms) to the west.
- G. Site Access Conditions:** The property has direct access to NC Highway 53 East via an existing driveway.
- H. Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:**
1. One forty foot (40') driveway to access the project
 2. ~~No office to be located on the site.~~ **An office may be located onsite meeting all 2009 NC Building Code requirements including but not limited to a restroom facility.**
 3. Install a six foot (6') security fence around the perimeter of the property, **with 6 foot privacy fencing installed along the rear property line.**
 4. Install sufficient interior light on the site.
 5. Provide a gate and lock system sufficient for ingress and egress.

6. ~~Red tips shall be planted 5 feet apart on the outside of the fence along the perimeter of the property and shall be maintained to provide screening.~~ All landscaping and buffer requirements must be met prior to the issuance of final zoning as outlined in Article 8 of the Pender County Unified Development Ordinance (UDO). This includes a six foot (6') wooden privacy fence along the rear property line and a screening hedge along the perimeter of the fence on the side and front property lines.
7. ~~The building Inspector shall submit a letter stating whether restroom facilities are required by law.~~ The addition of an office and vehicle rentals shall require a restroom facility and meet all applicable 2009 NC Building Code regulations.
8. The applicant shall meet all other local, state and federal regulations.
9. 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.
10. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
11. A separate permit must be obtained for any proposed signs in accordance with Article 10 of the Pender County Unified Development Ordinance.
12. 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.
13. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in effect for the duration of this permit
14. The project shall be developed and maintained in accord with the conditions contained in this permit.
15. Prior to the issuance of a zoning approval and building permits; a Site Development Plan must be submitted and approved, in accordance with Articles 3.6 and 6.3.
16. All future development must comply with the Flood Damage prevention, Article 9 of the Pender County Unified Development Ordinance.
17. No renting of booth/table space for public sale of merchandise on property.
18. Retail sale of merchandise is prohibited on the property
19. The hours of operation shall be seven days a week 8am to 7pm Monday through Saturday and Sunday 1 pm to 5pm.
20. 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.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

The proposed activity level increases will not need any action from DOT.

Four County Electric Company

No response.

NC DENR Division of Coastal Management

No comment.

NC DENR Division of Forestry

No response.

NC DENR Division of Land Resources

No response.

NC DENR Division of Waste Management

No DWM-UST Section issues or concerns.

NC DENR Division of Water Quality

No response.

NC DOT Division of Highways

No comments.

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 problems with this SUP.

Pender County Environmental Health

No response.

Pender County Fire Marshall

No response.

Pender County Parks and Recreation

No issues with this request.

Pender County Public Library

No response.

Pender County Public Utilities

No comment.

Pender County Schools

This project should not be any problem for Pender County Schools.

Pender County Sheriff's Department

No response.

Pender County Soil and Water Conservation District

No problem with this request.

Progress Energy Corporation

No response.

US Army Corps of Engineers

No response.

Wilmington Metropolitan Planning Organization

This development occurs outside of the WMPO area.

Attachment A

3.12.3 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.

3.12.4 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.

H. Revisions - Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit may be reviewed and approved by the Administrator after basic submission requirements have been completed. All revisions approved by the Administrator must meet the original conditions of the permit as approved by the County Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions.

INTRODUCED BY: John Bauer, County Manager **DATE:** 8-18-1997 **ITEM#:** 6

**SPECIAL USE PERMIT: MARION JOHNSON: MINI-STORAGE WAREHOUSE
USE: N.C. HWY. 53 EAST**

RESOLUTION: Resolution Recommending the Approval of a Special Use Permit request submitted by Marion Johnson, landowner, to operate mini-warehouses located on the south side of N.C. Highway 53 East, between River Trail and Old Ramsey Road. The property consists of approximately 32,000 square feet and is zoned Rural Agricultural.

SUBJECT AREA: Community Development

ACTION REQUESTED: First, conduct a public hearing to consider the request mentioned above. Second, to recommend approval of the request mentioned above.

HISTORY/BACKGROUND: According to the survey map submitted, the owner proposes a total of 3 units. Each unit measures 20' x 130'. The units will be located 40 feet from the front property line, 20 feet from the side and 30 feet from the rear property line. Each unit will be 20' apart. The site will be developed in phases. Two units shall be constructed in the first phase. The remaining unit will be constructed in the second phase.

According to the applicant:

1. Security lights will be installed;
2. An entrance shall be installed near the center of the property;
3. Red tips shall be planted along adjacent properties and a chain link fence shall be installed along the entire property; and
4. Crushed stone will be placed around all buildings for driving.

EVALUATION:

I. According to the Pender County Zoning Ordinance, as amended, Subsection 8.9, Table of Permitted Uses, the operation mini-warehouse storage center requires a Special Use Permit in a Rural Agricultural District.

II. According to Section 12.3, Procedures for Reviewing Applications, the Planning Board shall approve, modify, or deny the application of a Special Use Permit. In approving a Special Use Permit the Planning Board, with due regard to the nature and state of all adjacent structures and uses in the district with 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;

Mini warehouses require a Special Use Permit in a Rural Agricultural Zoning District.

B. The requested use will not impair the integrity or character of the surrounding or adjoining districts, not adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;

This is a residential area. If proper fencing, buffers, and lighting are installed, the visual impact of the mini-warehouses would be decreased.

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

Restrictions on time of operation and entry could reduce the impact of traffic and/or noise that may be created by the users during evening and morning hours.

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

According to the Land Use Plan the property is classified as Rural.

The Land Use Plan defines Rural as follows:

Rural

- a. **Purpose.** The rural class is to provide for agriculture, forestry, mineral extraction and other allied uses traditionally associated with an agrarian region. Other land uses, due to their noxious or hazardous nature and negative impacts on adjacent uses, may also be appropriate here if sited in a manner that minimizes their negative effect on surrounding land uses or natural resources. Examples include energy generating plants, refining plants, airports, sewage treatment facilities, fuel storage tanks and other industrial type uses. Very low density dispersed residential uses on large lots with on-site water and sewer are consistent with the intent of the rural class. Development in this class should be as compatible with resource production as possible.
- b. **Description and characteristics.** Areas meeting the intent of this classification are appropriate for or presently used for agriculture, forestry, mineral extraction and other uses, that due to their hazardous or noxious nature, should be located in a relatively isolated and undeveloped area. Very low density dispersed, single family residential uses are also appropriate within rural areas where lot sizes are large and where densities do not require the provision of urban type services. Private septic tanks and wells are the primary on-site services available to support residential development, but fire, rescue squad and sheriff protection may also be available. Population densities will be very low.

The Land Classification Map is for general use only.

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

1. **According to the Pender County Zoning Ordinance: Signs must be in accordance with Section 15.9 Signs Permitted in the Business Districts and Non-Residential Uses in the Rural Agricultural District.**
2. **The owner should submit:**
 - a. **diagram showing office and restroom facilities,**
 - b. **traffic flow diagram; and**

c. septic tank approval, if required.

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;

Providing two driveways for the use would alleviate some potential traffic problems.

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

- 1. If the site will require grading, the Department of Environmental Management should be contacted.**
- 2. The property is located in a flood hazard area. If approved, the owner must also comply with all flood ordinance requirements.**

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.

The site is small. Allowing for a greater front yard setback and setback between buildings and reducing the request to two units would decrease congestion on site.

After approval by the Planning Board, or upon appeal after denial by the Planning Board, the request shall be submitted to the Board of Commissioners for final approval. No Special Use Permit shall be issued until after review, and approval by the Board of Commissioners.

III. PLANNING STAFF ACTION

1. Install a 6' high security fence around the building.
2. Two driveways should be installed to serve the property. Submit a letter from the North Carolina Department of Transportation concerning approval of the driveway cuts and intersections with N. C. Highway 53 East.
3. Install sufficient interior lighting on the site.
4. Provide a gate and lock system sufficient for ingress and egress.
5. Red tips shall be planted along the boundaries of the property.
6. The Building Inspector shall submit a letter stating whether restroom facilities are required by law. If so, the applicant shall submit septic tank approval prior to operating the facility.
7. The applicant shall meet all other local, state, and federal regulations.



IV. PLANNING BOARD ACTION

The Planning Board unanimously approved the request for a Special Use Permit submitted by Marion Johnson to operate mini-warehouses located on the south side of N.C. Highway 53 East, with the following conditions:

1. Install a 6' high security fence around the perimeter of the property.
2. Two driveways should be installed to serve the property. Submit a letter from the North Carolina Department of Transportation concerning approval of the driveway cuts and intersections with N. C. Highway 53 East.

- 3. Install sufficient interior lighting on the site.
- 4. Provide a gate and lock system sufficient for ingress and egress.
- 5. Red tips shall be planted 5' apart on the outside of the fence, along the perimeter of the property, and shall be maintained to provide screening.
- 6. The Building Inspector shall submit a letter stating whether restroom facilities are required by law.
- 7. The applicant shall meet all other local, state, and federal regulations.
- ~~8. Create an office on site for the use:~~

MANAGER'S RECOMMENDATION: Recommends approval.

JB
Initials

RESOLUTION: NOW THEREFORE BE IT RESOLVED that on August 18, 1997, the Pender County Board of Commissioners approved a Special Use Permit request submitted by Marion Johnson to operate a mini-warehouse on N. C. Hwy 53 East, with the conditions as approved by the Planning Board.

MOTION Justice SECONDED Holland

APPROVED X DENIED UNANIMOUS

VOTE: SIMPSON ✓ JUSTICE ✓ HOLLAND ✓ STRICKLAND ✓ RIVENBARK ✓

AMENDMENTS:

J. H. Bauer
Attested 8/18/97
Supmarion

Cleveland Simpson
Chairman 8/18/97

RECEIVED
AUG 26 1997
Pender Planning Dept.

Marion Johnson SUP file

RECEIVED
AUG 20 1997
Pender Planning Dept.

PENDER COUNTY INSPECTION DEPARTMENT
919-259-1201
NOTICE OF DISCREPANCIES

Angela,

Marion Johnson does not need restroom's
at 6017 N.C. Hwy 53 East for mini
storage building's.

8-20-97 Ray D Brown
Building OFFICIAL (DATE)

Mins. from BOCC 8.18.1997

extent of what the county can do. He noted a vegetative swale down the property line could work. Mr. Warlick verified that Mr. Bauer would be the "middle man." Ms. Justice appreciated the Commissioners being willing to hear this matter and stated we would certainly "move on it."

CONSENT AGENDA

There were five (5) items on the consent agenda. Mr. Simpson read the items aloud for the benefit of the Board and the audience. There were no questions or comments. Upon motion by Ms. Justice and second by Mr. Holland, the Board unanimously approved the following items on the consent agenda:

1. Approval of Minutes: Regular Board Meeting - August 4, 1997.
2. Resolution Approving Tax Releases & Tax Refunds to the Individuals Whose Names Are Listed.
3. Resolution Approving Legal Services Contract for FY97-98 for \$3000.
4. Resolution Approving Two (2) HAP Purchase Orders for FY97-98: \$7,438.56.
5. Resolution Approving \$5,400 Purchase order for Ground Maintenance Contract: Pender County Housing.

PUBLIC HEARINGS & RESOLUTIONS/ORDINANCES

*Item Number Six would be a Public Hearing & Resolution Recommending the Approval of a Special Use Permit Request Submitted by Marion Johnson, Landowner, to Operate Mini-Warehouses Located on the South Side of N.C. Highway 53 East, Between River Trail & Old Ramsey Road. Mr. Simpson read aloud the agenda item and opened the public hearing at 7:45 p.m. Mr. Bauer noted that based on the joint meeting with the Planning Board, Mr. Thurman would conduct the quasi-judicial hearing on this special use permit request. Mr. Thurman swore in Jan Dawson. Ms. Dawson gave a brief history of the special use permit request. She noted the owner proposed a total of three (3) units, each unit 20' x 130' in length, and there would be a twenty foot (20') distance between each unit, as well as from the property lines. She noted the construction would be done in phases and red tips would be planted along the adjoining property lines. Ms. Dawson noted the Planning Board had unanimously approved the special use permit request with the conditions included in the agenda packet. She noted there was no public opposition to this request. Ms. Justice asked about the 40' minimum setback required. She asked if that is what the Planning Board recommended and Ms. Dawson responded that is what the Planning Board discussed. Mr. Thurman swore in Mr. Marion Johnson. Ms. Justice was concerned about the lot being small. She commented there are three (3) buildings instead of two (2). Mr. Johnson stated he was originally going to build four (4) but the Planning Board cut it back to three (3). Ms. Justice asked about it being in a flood zone. She was concerned that the entire lot was covered with gravel except where buildings are. The public hearing closed at 7:55 p.m. Mr. Holland stated this proposed special use permit was in his neighborhood

See next page

and that they're glad he's putting the mini-warehouses up. A discussion ensued with respect to driveways. Mr. Johnson said one (1) driveway would be better per N.C. DOT comments. Ms. Justice moved and Mr. Holland seconded approving the special use permit request, subject to meeting all of the Planning Board's conditions, incorporated therein. There then ensued a discussion with respect to whether or not the office would be on-site or off-site. Thereupon, Ms. Justice withdrew her motion. Ms. Justice moved again for her motion to approve the special use permit request with the conditions of: 1) one forty foot (40') driveway; 2) no office being located on the site; and 3) all of the conditions of the Planning Board being incorporated within the approval. Mr. Holland seconded the motion and Item Number Six was unanimously approved. With respect to **findings on this special use permit request**, based upon the Board's resolution and approval, the Board, by its action, incorporated the written findings that were fulfilled pursuant to Section 12.3 Procedures for Reviewing Applications. These findings are listed in the agenda item under the Evaluation section contained on pages one, two and three of this agenda item.

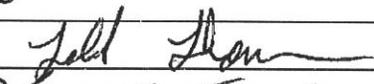
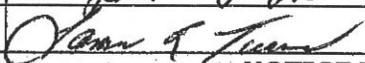
Item Number Seven would be a Public Hearing & Ordinance: Text Amendment: Pender County Zoning Ordinance Text: Reduce Minimum Chord Distance at Right-of-Way Line for Cul-de-Sacs in RA, R-15, R-20 Zoning Districts. The public hearing opened at 8:00 p.m. Ms. Dawson explained the existing ordinance addresses RA, R-15, R-20 and it is currently inconsistent. She noted the Planning Board and staff desired to make their own requirements more consistent, thereby having the minimum chord length at the right-of-way line for cul-de-sacs being thirty feet (30') in all districts. There was no opposition at the Planning Board meeting with respect to this proposal. The public hearing closed at 8:02 p.m. There was no further discussion conducted by the Commissioners. Upon motion by Mr. Holland and second by Ms. Justice, the Board unanimously approved Item Number Seven.

Item Number Eight would be a Public Hearing & Ordinance: Adding Road Names & Numbered Ranges. Mr. Simpson read aloud the agenda item. He opened the public hearing at 8:03 p.m. Mr. Bauer commented we take this action every year in naming new road names, state road additions and numbered ranges. He noted it was important to annually update our records for the E-911 system, and there was the comment made that roads bearing family names were recorded prior to lots being sold and there was no opposition to these names. Mr. Strickland asked whether No. 11 (Madison Hales Lee Drive) would fit on one (1) sign? The public hearing closed at 8:05 p.m. Upon motion by Ms. Justice and second by Mr. Rivenbark, the Board unanimously approved Item Number Eight. A break was taken at 8:06 p.m. and the Board reconvened at 8:20 p.m.

Item Number Nine would be a Public Hearing with respect to the conduct of the Hazard Mitigation Grant Program (HMGP). The public hearing was opened by Mr. Simpson at 8:20 p.m. Mr. Bauer noted this program was funded through FEMA. He noted only property owners who live in a flood zone who suffered damage during Fran or property which lies below federally established flood levels were eligible to apply for this grant program. If the county, through the federal monies, acquires these properties, then the county would own the land and would have to maintain it thereafter. Mr. Bauer noted the county was in a position to serve as a "conduit" on this program and to take applications and submit them to FEMA by their imposed deadline of August 22, 1997. He noted the deadline for citizens to submit applications was 5:00 p.m. Thursday, August 21, 1997. Mr. Bauer

Case # 10033

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 11-06-20-01	Date	MAY 5, 2011
Application Fee	\$ 300.00	Receipt No.	107569
Pre-Application Conference	5/3/2011	Hearing Date	JUNE 20, 2011
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Todd Thrower	Owner's Name:	JAMES R. TURNER
Applicant's Address:	1303 Shelter Creek Dr	Owner's Address:	1031 Shelter Creek Dr
City, State, & Zip	Burgaw, N.C. 28425	City, State, & Zip	Burgaw NC 28425
Phone Number:	910-259-5096	Phone Number:	910-259-9962
Legal relationship of applicant to land owner: Lease & purchase contract			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3341-53-7144-0000	Total property acreage:	.70 Acres
Zoning Classification:	RA	Acreage to be disturbed:	0 53/454
Project Address:	6015 Hwy 53E Burgaw N.C.	NAICS Code:	53/53
Description of Project Location:	Todd's mini Storage and haul		53/454
Describe activities to be undertaken on project site:	Rent haul trucks & trailers, and sell non store goods		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	5/4/11
Owner's Signature		Date:	5/4/11
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> Applicant must also submit the information described on the Special Use Checklist. Applicant or agent authorized in writing must attend the public hearing. 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. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing. 			

Office Use Only			
<input checked="" type="checkbox"/> General/ Fees (\$300) + \$10 per acre over 5 acres, Max. of \$5,000	Total Fee Calculation: \$ 300.00		
<input type="checkbox"/> Tower over 75 Feet/ Fees \$500	Application#: SUP 11-06-20-01		
<input type="checkbox"/> Minor Revisions / Fees \$ 100	Date of Hearing: June 20, 2011		
<input type="checkbox"/> Mining Borrow Pit/ Fees \$750			
<input type="checkbox"/> Mining Other/ Fees \$1000 + \$5 per acre			
Attachments Included with Application: (Please include # of copies)			
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets 20	# of large 0 8.5x 11 20
			Other documents/Reports <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input checked="" type="checkbox"/> Check # 12760
Application received by:	Ashley D. Frank		Date: 5.5.11
Application completeness approved by:	Ashley D. Frank		Date: 5.5.11

SPECIAL USE PERMIT CHECKLIST

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Application fee
<input checked="" type="checkbox"/>	<input type="checkbox"/>	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)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Project Narrative --Written description of the project (max of 3 pages) including the following: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> Location of the project and type of access to project site <input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site <input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project <input checked="" type="checkbox"/> 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 (this item must be addressed by the applicant). The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Project Map(s) --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"> <input checked="" type="checkbox"/> 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. <input checked="" type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input checked="" type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input checked="" type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <input checked="" type="checkbox"/> 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. <input checked="" type="checkbox"/> 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. <input checked="" type="checkbox"/> Parking, loading areas, and access to the project (See Article 6, Pender County UDO) <input checked="" type="checkbox"/> Landscaping and buffering (See Article 7, Pender County UDO) <input checked="" type="checkbox"/> All signs to be located on the property (See Article 9, Pender County UDO) <input checked="" type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <input checked="" type="checkbox"/> 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. <input checked="" type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site. <input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted.
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.

RETURN COMPLETED APPLICATION TO:

Pender County Planning & Community Development
P.O. Box 1519
Burgaw, NC 28425

Pender County zoning and inspections

Special use Permit Written description

1: Rental of Uhaul trucks and trailers.

Location will be front of property behind the fenced in area.

All paper work will be done in storage facility office.

There will be no employees this will be owner run

Hours of operation are 8 am to 7 pm seven days a week current storage facility is 24 hour day access

We are currently using the drive way that's been in place for 15 years. Uhaul trucks come in and out of this facility to drop off and pick up goods even if I don't rent these trucks. There are 10,000 other storage facilities throughout the U.S. that rent uhaul trucks in the same fashion. There was a dealership on site at this location for years and never caused a problem to the community. This is not a big dealership we maintain on average two to four trucks and two or three trailers. This service would benefit the Burgaw area because currently we do not have a location that is open all weekend when people in our community do the most moving. This also helps because I don't have to put up a bunch of big signs to advertise my storage facility since uhaul advertises for me on the internet.. Uhaul would not cause my neighbors any problems this business will be in the front of the property so trucks would only crank and leave and return. There would be no difference in noise to the area we are located on a major highway with plenty of highway noise. No trucks will be rented after 7Pm in the evening .

Renting of this equipment would not need any additional utilities We are willing to build a privacy fence on back of property since neighbor in back seems to have problems with everything that goes on at this facility and seeks out the county with every issue. WE have about fifty feet of woods between this property and the neighbors home I would think this would be a good buffer. The neighbors to the sides that are closer have no problems and say they don't hear the trucks. There is no noise to speak of at this facility. The storage doors opening and closing are louder than a truck cranking and leaving the property. Uhaul customers are only on the property for an average of five minutes. We don't have any lines of people or any parking issues.

Trucks will be parked in Front of property in fenced in area parking area is 40x60. Trailers will be parked in front of property in fenced in area parking area is 20x50. No uhaul equipment should ever be stored in the back of the property.

2. We need the ability to have non store sales.

As with any Storage facility when customers abandon property and when we have to foreclose on rental units we need to be able to sell the merchandise according to state law. As of now with the zoning the way it is it appears we do not have the ability to sell stuff of f of this property. This would keep a storage facility from operating as per state law. This has been called a flea market by the county planning and community development office. We do have sales of used merchandise some from the foreclosure of building and some stuff has been collected threw the years. These sales are usually in storage buildings. With all merchandise being stored on site and all is put away in a storage building and locked by 5 o'clock pm. There have never been more than five or six people here at a time and customers usually do not stay longer than 5 min or so. WE do not rent merchant tables or rent tents for merchants. We do rent a limited number of storage units that's does have these sales. These units are contained to one building on the inside of the property. All sales never start before 8am and are over by 5pm . This does not draw large crowds nor do we have a lot of traffic. I cant see where this has an impact on the community. Some of my neighbors do attend these sales. We have never caused a disturbance to our neighbors . You cant see these sales from the neighbors yards they are blocked by the buildings.

To Whom it may concern

My name is Joseph Peterson. I live at 39 River trail right next door to the storage buildings. I have lived there going on eleven years the buildings were there when I bought my property. Its not any kind of inconvenience to me because I would not even know they were there unless I looked.

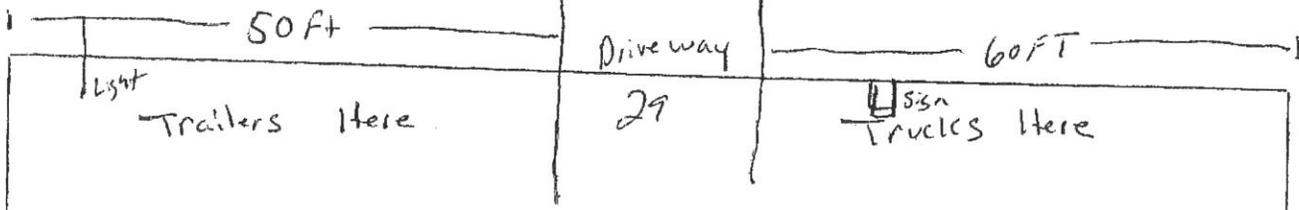
Them having yard sales and renting Haul trucks does not bother me. I don't understand why the person that is complaining is doing so . Because there is a wooded buffer between the storage building and houses and a chain link fence. There should not be any complaints as far as im concerned. My home is the closest the storage buildings .

A handwritten signature in cursive script that reads "Joseph Peterson". The signature is written in black ink and is positioned above the printed name.

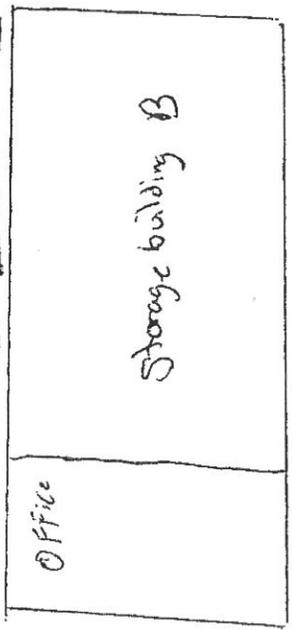
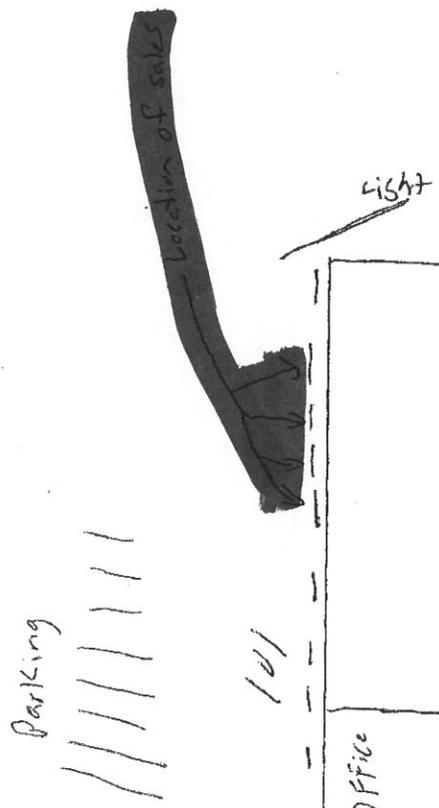
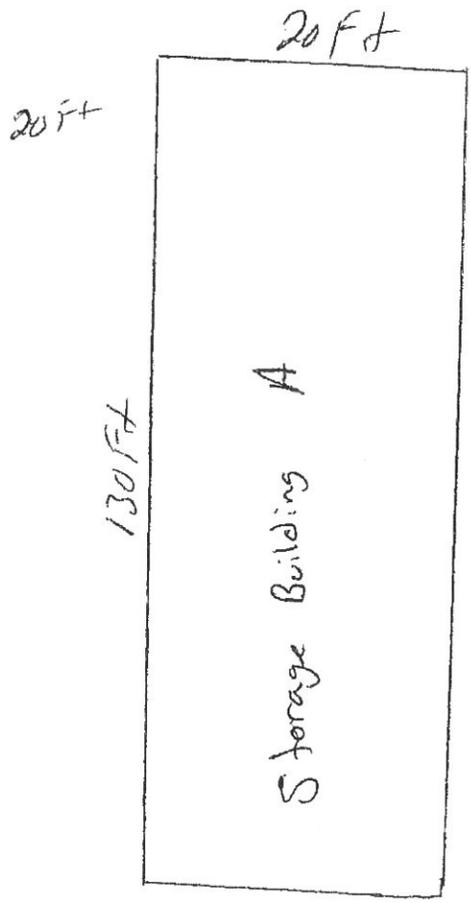
Joseph Peterson



Hwy 53 E



212 FT



215

150 FT

Light