



## REQUEST FOR BOARD ACTION

ITEM NO. 22.

**DATE OF MEETING:** August 15, 2011

**REQUESTED BY:** Kenneth Vafier, Senior Planner, Planning & Community Development

**SHORT TITLE:** Resolution to Approve a Special Use Permit (SUP) for the Construction and Operation of an Office and Outdoor Storage of Merchandise, Materials and Equipment.

**BACKGROUND:** Earl. A Goesswein, Jr., applicant, on behalf of Julius and Bonnie Townsend, owners, is requesting approval of a Special Use Permit (SUP) for the the construction and operation of an office and outdoor storage of merchandise, materials and equipment (NAICS Sector 55). The subject property is located at 250 Harrison Creek Road, northwest of Hampstead, NC. The property may be identified as Pender County PIN 3263-90-7694-0000. The property is currently zoned RA, Rural Agricultural District, and uses in the NAICS Sector 561110 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 an office and outdoor storage of merchandise, materials and equipment.

**RESOLUTION**

**RESOLUTION:** NOW, THEREFORE, BE IT RESOLVED, that on August 15, 2011 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the construction and operation of an office and outdoor storage of merchandise, materials and equipment (NAICS Sector 561110) 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 Date 8/15/11

\_\_\_\_\_  
ATTEST 8/15/11  
Date

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

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**SUMMARY:**

**Hearing Date:** August 15, 2011  
**Applicant:** Earl A. Goesswein, Jr.  
**Property Owner:** Julius and Bonnie Townsend  
**Case Number:** SUP 10014

**Land Use Proposed:** The applicant is proposing the construction and operation of an office and outdoor storage of merchandise, materials and equipment (NAICS Sector 55).

**Property Record Number and Location:** The subject property is located at 250 Harrison Creek Road, northwest of Hampstead, NC. The property may be identified as Pender County PIN 3263-90-7694-0000.

**Zoning District of Property:** The property is currently zoned RA, Rural Agricultural, and uses in the NAICS Sector 561110 are permitted via SUP in the RA zoning district.

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**PROJECT DESCRIPTION:**

The applicant is requesting approval of the subject proposal at 250 Harrison Creek Road, approximately 1,000 feet south of the intersection with Island Creek Road, northwest of Hampstead. The location will serve as the management office, equipment storage area, and maintenance area for a utility construction company. Currently, a 5,000 square feet one-story metal building lies on-site. This existing structure will house management offices as well as material storage.

In addition, a separate 4,000 square foot structure will be constructed for indoor equipment storage and maintenance. Other improvements to the site will include clearing approximately .82 acre to accommodate the new structure as well as an enclosed gravel parking area for the equipment and truck storage. A 20' wide area of natural vegetation will remain to provide a buffer between the storage area and Harrison Creek Road. Additional landscaping and buffering, consistent with requirements in the Pender County Unified Development Ordinance (UDO) will be installed around the perimeter of the existing structure and all new construction.

Ingress and egress for the facility will be via an existing drive with direct access to Harrison Creek at two points. A new access point to a proposed gravel storage yard will be constructed, subject to approval by NCDOT. There will be no direct customer traffic at the site.

The applicant's proposed hours of operation will be from 7 AM to 5-7 PM Monday through Friday with occasional work on Saturdays. Employees will arrive by 7:30 AM and depart with the equipment by 8 AM, returning between 5-7 PM. Occasionally, equipment will be left in the field overnight rather than returned to the site.

The subject property does contain any Special Flood Hazard Areas or any Areas of Environmental Concern.

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

**Cape Fear Council of Governments RPO**

*It would appear that all the applicant would need in terms of transportation approval is a driveway permit from DOT.*

**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**

*I have reviewed the subject permit application and supporting documents and I found no UST issues of concern.*

**NC DENR Division of Water Quality**

*No response.*

**NC DOT Division of Highways**

*Due to property change of use a driveway permit is required. Doug Racine or Daniel Jones will be the contact, 910-346-2040.*

**NC DOT Transportation Planning Branch**

*No response.*

**NC Office of State Archaeology**

*No response.*

**NC Wildlife Resources Commission**

*No response.*

**Pender County Building Inspections**

*Sounds like a great idea.*

**Pender County Emergency Management**

*No response.*

**Pender County Environmental Health**

*No response.*

**Pender County Fire Marshal**

*No response.*

**Pender County Parks and Recreation**

*No response.*

**Pender County Public Library**

*No response.*

**Pender County Public Utilities**

*Water is available on Harrison Creek Rd. If a building permit is required, the applicant will be required to connect to County Water.*

**Pender County Schools**

*No response.*

**Pender County Sheriff's Department**

*No comments.*

**Pender County Soil and Water Conservation District**

*Soil & Water sees no problem with this request*

**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. *Driveway permits will need to be requested through NCDOT to obtain access to SR 1573 (Harrison Creek Road).*
4. *Provide sight distance triangles at the site driveway and maintain required clearance.*
5. *Corridor routes for the future Hampstead Bypass (NCDOT R-3300) have been considered in the immediate vicinity of this property. Per the most current NCDOT map of Alternate Study Corridors this property appears to be located within corridors currently being studied.*

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**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 revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. **Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural, and storage of merchandise, materials or equipment as well as management of companies (NAICS Sector 55) 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 an Urban Growth Area. The proposed development is consistent with this classification, as the CAMA Land Use Plan states that more intensive commercial and industrial or job creating uses are compatible with this land use classification.
- E. **2010 Comprehensive Land Use Plan Compliance:** The subject property is currently classified within a Suburban Growth area. The proposed land use is consistent with the *2010 Comprehensive Land Use Plan* as the plan states that limited non-residential uses are appropriate providing the location of the use has frontage and access to a major 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. The proposed land use is also supported by the following goals and policies within the Plan:

*Goal 10A.1 – Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.*

*Policy 10A.1.6 – New and expanding industries and businesses shall be encouraged to 1) diversify the local economy, 2) train and utilize a more highly skilled labor force and 3) increase per capita income.*

- F. **Existing Land Use in Area:** The existing land use in the area is generally residential or undeveloped land. The site is bordered by vacant land on all immediate site boundaries. To the west of the site, 7 single-family homes exist within Maplewood Subdivision; there is a natural wooded buffer which extends approximately 320' between the site and the nearest residence in this subdivision. Island Creek Baptist Church lies approximately 300 feet to the southeast of the proposed site.
- G. **Site Access Conditions:** The property has direct access to Harrison Creek Road via an existing driveway. A second access point to the road is proposed; each access point will be subject to review and approval by NCDOT for access to Harrison Creek Road.
- H. **Conditions To Consider In Issuing the Special Use Permit For This Project:**
1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
  2. 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.
  3. A separate permit must be obtained for any proposed signs in accordance with Article 10 of the Pender County Unified Development Ordinance.
  4. 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
  5. The hours of operation shall be from 7AM to 5-7 PM, Mondays through Friday??
  6. All applicable local, state, and federal permits shall be obtained prior to final zoning approval.

## 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.

## APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 10014	Date	July 1, 2011
Application Fee	\$ 300.00	Receipt No.	109606
Pre-Application Conference	6/2/11	Hearing Date	August 15, 2011
<b>SECTION 1: APPLICANT INFORMATION</b>			
Applicant's Name:	Earl A. Goesswein Jr.	Owner's Name:	JULIUS R TOWNSEND BONNIE S TOWNSEND
Applicant's Address:	203 Hickory Ln	Owner's Address:	220 GREGORY RD WILMINGTON NC 28405
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	
Phone Number:	910-270-4540	Phone Number:	910-395-5097
Legal relationship of applicant to land owner:			
<b>SECTION 2: PROJECT INFORMATION</b>			
Property Identification Number (PIN):	3263-90-7694-0000	Total property acreage:	3.73
Zoning Classification:	RA, Rural Agricultural	Acreage to be disturbed:	.82
Project Address :	250 Harrison Creek Road		NAICS Code: 561110
Description of Project Location:			
Describe activities to be undertaken on project site:	Office (NAICS 561110) and outside storage of merchandise, materials & equipment		
<b>SECTION 3: SIGNATURES</b>			
Applicant's Signature	<i>Earl A. Goesswein Jr.</i>	Date:	6/27/11
Owner's Signature	<i>Julius R Townsend Bonnie S Townsend</i>	Date:	6-28-11
<b>NOTICE TO APPLICANT</b>			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Special Use Checklist.</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 found on page 1 of this application</li> <li>5. <b>Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.</b></li> </ol>			

<b>Office Use Only</b>					
<input checked="" type="checkbox"/> <b>General/ Fees:</b> \$300 + \$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> <b>Tower over 75 Feet/ Fees</b> \$500 <input type="checkbox"/> <b>Minor Revisions /Fees</b> \$ 100 <input type="checkbox"/> <b>Mining Borrow Pit/Fees</b> \$750 <input type="checkbox"/> <b>Mining Other/ Fees</b> \$1000 + \$5 per acre			<b>Total Fee Calculation:</b> \$ 300.00 <b>Application#:</b> SVP 10014 <b>Date of Hearing:</b> 8.15.2011		
<b>Attachments Included with Application: (Please include # of copies)</b>					
CD /other digital version	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets 15	# of large 2	# of 11X17 15	Other documents/Reports <input type="checkbox"/> Y <input checked="" type="checkbox"/> N
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<b>Check:</b> <input checked="" type="checkbox"/> Check # 300.00 2724	
Application received by:		Ashley Frank			Date: 7.1.11
Application completeness approved by:		Ashley Frank			Date: 7/1/11

### SPECIAL USE PERMIT CHECKLIST

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input checked="" 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"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input type="checkbox"/>	<b>Project Narrative--Written description of the project (max of 3 pages) including the following:</b> <ul style="list-style-type: none"> <li><input type="checkbox"/> Location of the project and type of access to project site</li> <li><input type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li><input type="checkbox"/> Description of all construction activities to be undertaken on the site</li> <li><input type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers</li> <li><input type="checkbox"/> List of all state and federal permits that will be required for the project</li> <li><input 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 (<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>
<input checked="" type="checkbox"/>	<b>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 readable 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:</b> <ul style="list-style-type: none"> <li><input 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.</li> <li><input type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road.</li> <li><input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property.</li> <li><input type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries.</li> <li><input 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.</li> <li><input 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.</li> <li><input type="checkbox"/> Parking, loading areas, and access to the project (See Article 6, Pender County UDO)</li> <li><input type="checkbox"/> Landscaping and buffering (See Article 7, Pender County UDO)</li> <li><input type="checkbox"/> All signs to be located on the property (See Article 9, Pender County UDO)</li> <li><input type="checkbox"/> Pedestrian walks, area lighting and flood lighting.</li> <li><input 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 &amp; known or designated wetlands on the site.</li> <li><input type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site.</li> <li><input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted.</li> <li><input type="checkbox"/> Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.</li> </ul>
<b>RETURN COMPLETED APPLICATION TO:</b> Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425	

## Project Narrative

The project is located as shown on the property map just south of NC 210 on SR #1573. It is located on a triangular shaped tract of land containing 3.73 acres and known as Tract X James D. Herring land. Already located on this site is a one-story metal building.

The location will be the management office and a equipment storage for the applicant, a utility construction company. It will have a shop on site to service the equipment. No customer traffic will take place.

Preliminary activities on site: The site will be cleared up to the tree line on the western border, to the left of the existing building. Approximately .82 acre of the woodland will be cleared. A fenced and gravel parking area for the equipment/trucks will be constructed. There will be a 20' treeline border facing Harrison Creek Road (SR #1573) to shield the view of the equipment/truck parking area from Harrison Creek Road. The existing driveway will be re-graveled. An additional 4,000 square foot building will be erected to the rear and to the west of the existing building for equipment storage and maintenance. The front of the existing building will be re-landscaped to include irrigation and sod.

Charter Communications is one of the applicant's customers. Charter Communications will extend its service to reach the proposed facility at the applicant's cost. This will allow Charter Communications' service to be available for all of the properties in between.

Hours of operation: The hours of operation will be 7:00 a.m. to 5-7:00 p.m. Employees will arrive between 7:00 and 7:30 a.m., load up for the work to be done that day and leave by 8:00 a.m. Only management will stay in the office throughout the day. The crews will return between 5-7:00 p.m. Sometimes the equipment is left in the field overnight and not returned to the site.

Noise: The noise created by this operation will be no more than that of the typical noise generated by trucks and utility equipment. The noise level will be acceptable.

Utilities: All utilities, including septic and water will be on site. Electric power is available to the site from Four County EMC. Drainage is adequate or will be made so.

Economic Impact: The applicant's current location is in New Hanover County. The move to Pender County will bring 22 jobs to Pender County (most of which will be filled by existing employees who choose to move to Pender County). The anticipated cost of new construction will be \$\_\_\_\_\_ which will be added to the tax valuation for this property.

Compliance with Zoning Ordinance: The property is currently zoned RA. The proposed use is a permitted use with a special use permit. The classification is office and outside storage of merchandise, materials and equipment. (NAICS 561110).

The requested use is not anticipated to impair the integrity or character of the surrounding properties. It will not adversely affect the safety, health, morals or welfare of the community nor the immediate neighbors of the property. The use will not constitute a nuisance or a hazard. The requested use is in conformity with the Pender County Land Use Plan and other official plans or policies adopted by Pender County.

Other items: The site is a total of 3.73 acres and only .82 acre will be disturbed. The balance of the property will remain wooded and uncleared.

The owner, **Julius R. Townsend**, is a Pender County native. He purchased Coastal Gypsum Floors in 1988 and ran the business for 10 years, renting the property site for use of the building located on the property. In 1998 the applicant purchased the property and building and ran the business until he retired in 2000. His son, **Jeffrey Townsend**, took over the business and has run the business from 2000 until now. The existing property and existing building functioned as the warehouse and office and was used to prepare bids for projects, to invoice customers, and to pay bill.

The applicant has a contract to purchase the property contingent upon rezoning.

Duane and Karma Maples  
PO Box 444  
Hampstead, NC 28443

Daisy morgan  
C/O Mary Ann Barhouse  
406 Bryan St  
Garner, NC 27529

Shirley Silver  
PO Box 273  
Avon, NC 27915

D & J Properties of Hampstead LLC  
1777 Kings Landing Rd  
Hampstead, NC 28443

Cameron Company Limited Partner  
PO Box 3649  
Wilmington, NC 28406