



REQUEST FOR BOARD ACTION

ITEM NO. 2a.

DATE OF MEETING: February 21, 2012

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

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for the Operation of a General Construction Business Office with Storage and Fabrication Yard.

BACKGROUND: Seashore Builders, Inc., applicant, on behalf of Bertice L. Lanier, owner, is requesting approval of a Special Use Permit (SUP) for the operation of a general construction business office with storage and fabrication yard (NAICS Sectors 55, 321214, 321992, 332311). The subject property is located at 5930 NC Highway 50 in Maple Hill and may be identified by Pender County PIN 3393-14-7451-0000. The property is currently zoned GB, General Business District, and uses in these NAICS Sectors are permitted via SUP in the GB zoning district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for the operation of a general construction business office with storage and fabrication yard.

RESOLUTION

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that

on February 21, 2012 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of a general construction business office with storage and fabrication yard (NAICS Sectors 55, 321214, 321992, 332311) 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 2/21/12
Date

ATTEST 2/21/12
Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: February 21, 2011
Applicant: Seashore Builders, Inc.
Property Owner: Bertice L. Lanier
Case Number: SUP 10663

Land Use Proposed: The applicant is proposing the operation of a general construction business office with storage and fabrication yard (NAICS Sectors 55, 321214, 321992, 332311).

Property Record Number and Location: The subject property is located at 5930 NC Highway 50 in Maple Hill and may be identified by Pender County PIN 3393-14-7451-0000

Zoning District of Property: The property is currently zoned GB, General Business, and uses in these NAICS Sectors are permitted via SUP in the GB zoning district.

PROJECT DESCRIPTION:

The applicant is requesting approval of the subject proposal at 5930 NC Highway 50 in Maple Hill. The location will be used for the storage of building materials as well as for the fabrication of building components such as wood and light gauge metal wall panels and light gauge metal trusses. The location also serves as the management office for Seashore Builders.

The 2.4 acre site contains a two-story structure of approximately 1,980 square feet to serve as the management office, with an additional one-story 1,154 square foot structure to the rear of the office. A fabrication yard will be covered with gravel and fenced in and contain a 6,002 square foot shelter and storage area, with an additional 2,136 square foot garage.

Forklifts load and unload trucks in the fabrication yard for assembly and construction off-site. Other equipment commonly utilized includes, but may not be limited to, man lifts, nail guns, screw guns, boom truck, welding equipment, and compressors.

The business employs approximately 4 to 7 employees during regular business hours which are Monday through Saturday from 6:00 AM to 7:00 PM. Landscaping, buffering and parking will be provided on site as necessary consistent with requirements in the Pender County Unified Development Ordinance (UDO).

Ingress and egress for the facility will be via an entrance point from NC Highway 50 and an exit point to Old Maple Hill Road, subject to review and approval from NCDOT.

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

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

The applicant should contact DOT concerning a driveway permit.

Four County Electric Company

No response.

NC DENR Division of Coastal Management

This one appears to be located far from any creeks, streams, tributaries. If this is the case, I have no comments. If not, and any work would fall within 30' of the normal high water line of any tidal and/or navigable water body, the project would require a CAMA permit.

NC DENR Division of Forestry

No response.

NC DENR Division of Land Resources

No response.

NC DENR Division of Waste Management

No response.

NC DENR Division of Water Quality

No response.

NC DOT Division of Highways

Driveway permit will be required, Doug Racine is 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

This business is and has been operating at full force.

Pender County Emergency Management

No response.

Pender County Environmental Health

No response.

Pender County Fire Marshal

No response.

Pender County Parks and Recreation
No issues with or comments on this request.

Pender County Public Library
No response.

Pender County Public Utilities
No response.

Pender County Schools
No response.

Pender County Sheriff's Department
No response.

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
No response.

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 GB, General Business District, and a general construction business office is permitted by-right (NAICS Sector 55) while wood and metal product manufacturing (NAICS Sectors 321214, 321992, 332311) are permitted by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses. A text amendment was approved by the Board of Commissioners at the November 21, 2011 meeting to allow these three wood and metal product manufacturing uses to be permitted within the GB district via Special Use Permit.
- D. 2005 CAMA Land Use Plan Compliance:** The subject property is currently classified within a Rural Cluster Classification. Rural Cluster areas have traditionally been primarily residential. Home-based businesses, neighbor service and retail businesses may however also be compatible uses in this 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. In addition, the Plan notes that designation as a Suburban Growth area does not preclude the development of economic development sites considered important to the economic sustainability of Pender County. The proposed land use is also supported by the following goals and policies within the Plan:

Policy 1A1.5 – The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.

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.

There do not appear to be any goals or policies which conflict with the request.

- F. Existing Land Use in Area:** The existing land use in the project vicinity is generally low density single-family residential uses, with one government use, the Maple Hill Post Office, being located across the intersection between NC Highway 50 and Old Maple Hill Road.
- G. Site Access Conditions:** The property has direct access to NC Highway 50 and Old Maple Hill Road, a driveway permit for access to each road will be required by NCDOT.
- 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. Normal hours of operation shall be from 6:00 AM to 7:00 PM, Monday through Saturday with other hours during special circumstances.
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 10663	Date	1/6/12
Application Fee	\$ 300.00	Receipt No.	116699
Pre-Application Conference	7/26/11	Hearing Date	2/21/12
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Seashore Builders, Inc.	Owner's Name:	Bertice L. Lanier
Applicant's Address:	5930 NC Highway 50	Owner's Address:	5790 NC Highway 50
City, State, & Zip	Maple Hill, North Carolina 28454	City, State, & Zip	Maple Hill, North Carolina 28454
Phone Number:	(910) 259 3404 / (910) 259 3406 (Fax)	Phone Number:	(910) 340 2285
Legal relationship of applicant to land owner: Tenant			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	33931474510000	Total property acreage:	4.1
Zoning Classification:	General Business	Acreage to be disturbed:	0
Project Address :	5930 NC Highway 50, Maple Hill, NC 28454		NAICS Code: See Attached
Description of Project Location:	General Construction business office with storage and fabrication yard		
Describe activities to be undertaken on project site:	Storage of building materials for project located on board MCB Camp Lejeune, fabrication of wood and light gauge metal wall panels and light gauge metal trusses.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	1/5/2012
Owner's Signature		Date:	1-5-12
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 1. Applicant must also submit the information described on the Special Use Checklist. 2. Applicant or agent authorized in writing must attend the public hearing. 3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing. 4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application 5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing. 			

Office Use Only						
<input checked="" type="checkbox"/> General/ Fees: \$300 +\$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> Tower over 75 Feet/ Fees \$500 <input type="checkbox"/> Minor Revisions / Fees \$100 <input type="checkbox"/> Mining Fees \$750			Total Fee Calculation: \$ 300.00 Application#: 10663 Date of Hearing: 2/21/12			
Attachments Included with Application: (Please include # of copies)						
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large 2	# of 11X17 20	Other documents/Reports	<input type="checkbox"/> Y <input checked="" 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 # 96232	
Application received by: <i>[Signature]</i>			Date: 1/6/12			
Application completeness approved by: <i>[Signature]</i>			Date: 1/6/12			

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 checked="" type="checkbox"/>	Project Narrative --Written description of the project (<u>max of 3 pages</u>) 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 type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input 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 (<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.
<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 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 type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <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. <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. <input type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO) <input type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO) <input type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO) <input type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <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 & known or designated wetlands on the site. <input 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 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	

Print Form

PROJECT LOCATION: 5930 NC Highway 50
Maple Hill, North Carolina 28454

ACCESS: Entry and exit can be made from NC Highway 50 and also from Old Maple Hill Road. The primary entry point is from NC Highway 50 and the primary exit point is onto Old Maple Hill Road.

ACTIVITIES: The area is used for the storage of building materials and also for fabrication of building components such as wood and light gauge metal wall panels and light gauge metal trusses. Trucks are loaded and unloaded in this area by forklift. Other equipment that may be utilized, include but are not limited to, manlifts, nail guns, screw guns, boom truck, welding equipment and compressors.

Approximately four (4) to seven (7) employees will be present on the site during regular business hours which barring unforeseen circumstances will be Monday through Saturday from 6:00 AM to 7:00 PM

Noise will be kept at a minimum but cannot be avoided and will be generated by the use of the equipment described above. In an effort to mitigate noise we have changed all tools that are gas powered for tools that are electric or battery powered which is a substantial difference in noise level. In an effort to keep trash and debris at a minimum we utilize large construction dumpsters and have them emptied regularly. The area is fenced in which helps to prevent trash and debris from blowing onto neighboring properties.

Safety is very important and visitors are not allowed in the area without an escort by an employee of Seashore Builders, Inc. and everyone entering the area must wear high visibility clothing, hard hats, eye protection and hearing protection.

Since moving our business to this location, we have been warmly welcomed into the community and strive to be good neighbors. We have equipped the office building as well as the outer area with an alarm system which includes the use of video cameras. On several occasions, we have assisted the Pender County Sherriff's Department in obtaining vehicle descriptions or descriptions of suspects and stolen property by the use of these cameras. We have assisted the Maple Hill Fire Department on several occasions by providing wood for them to use for training purposes as well moving large items for them with our forklifts. We have assisted other members of the community as well. We purchase gas, diesel and incidental items at local businesses and purchase lunch for ourselves as well as visitors to our facility at local restaurants.

We have provided jobs for several residents of Pender County and the Maple Hill area as well as people from neighboring Duplin County. We will continue all efforts to employ and train local residents for future jobs that we may obtain.

The following NAICS Codes have been approved by the Pender County Planning Board which cover the current work taking place at this location and any future projects that we may undertake.

321214, 321992, 332311

PROPERTY OWNERS ADJACENT TO PROPERTY

Dean Cason

35 Old Maple Hill Road (mailing and physical)
Maple Hill, North Carolina 28454

Linda Wooten

6000 NC Highway 50 (physical)
Maple Hill, North Carolina 28454

Post Office Box 82 (mailing)

Maple Hill, North Carolina 28454

Mitchell and Tracy Wooten

65 Old Maple Hill Road (mailing and physical)
Maple Hill, North Carolina 28454

James and Iris Lemmonds

144 Old Maple Hill Road (mailing and physical)
Maple Hill, North Carolina 28454

Kenneth Lanier

5850 NC Highway 50 (physical)
Maple Hill, North Carolina 28454

2775 NC Highway 50 (mailing)

Maple Hill, North Carolina 28454