



## REQUEST FOR BOARD ACTION

ITEM NO. 26

**DATE OF MEETING:** May 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 an RV Park.

**BACKGROUND:** Claude Harry Fowler, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the operation of an RV Park (NAICS Sector 7212). The subject property is located on Fowler Lane near Currie and is identified by Pender County PIN 2293-04-9247-0000. The property is currently zoned RA, Rural Agricultural District, and an RV Park is permitted via Special Use Permit in this district.

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**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for the operation of an RV Park.

**RESOLUTION**

**RESOLUTION:** NOW, THEREFORE, BE IT RESOLVED, that on May 21, 2012 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of an RV Park (NAICS Sector 7212) 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 5/21/12  
Date

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\_\_\_\_\_  
ATTEST 5/21/12  
Date

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

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**SUMMARY:**

**Hearing Date:** May 21, 2012  
**Applicant:** Claude Harry Fowler  
**Property Owner:** Same  
**Case Number:** SUP 10708

**Land Use Proposed:** The applicant is proposing the operation of an RV park (NAICS Sector 7212).

**Property Record Number and Location:** The subject property is located on Fowler Lane near Currie and is identified by Pender County PIN 2293-04-9247-0000.

**Zoning District of Property:** The property is currently zoned RA, Rural Agricultural District, and an RV Park is permitted via Special Use Permit in this district.

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**PROJECT DESCRIPTION:**

The applicant is requesting approval of the subject proposal on Fowler Lane near Currie. Currently, the site functions as E & H Mobile Home Park. The existing park has 15 available mobile home lots, and as such, several services are already established, such as community well, individual septic tanks, electric connections, street lights, trash removal, and landscaping. The mobile home park currently does not have any tenants; upon final zoning for the RV Park, the use of the property as a mobile home park will be discontinued and no other manufactured home used for residential purposes will be permitted within the boundary of the RV Park.

All services will be re-evaluated for the proposal to accommodate a 30 space RV park; should improvements be warranted they will be required prior to final zoning approval. Additionally, the site will be designed to meet all requirements in Section 5.3.9.B, Recreational Vehicle Parks, of the Pender County Unified Development Ordinance.

Access to the site will be provided via an existing point of ingress and egress to US Highway 421.

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

Staff did not receive any responses from the Technical Review Committee for this request.

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**EVALUATION:**

- A. **Public Notifications:** Advertisements for the proposal have been placed in the *Pender - Topsail Post & Voice*. 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 RV Parks and Recreational Camps are permitted via Special Use Permit with development standards in this district.
- D. **2005 CAMA Land Use Plan Compliance:** The subject property is currently classified within Rural Area Classification, which 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 a Suburban Growth area within the US Highway 421 Small Area boundary. 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.*

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*Policy 10A.1.8 – The County shall seek to foster a travel and tourism (including ecotourism) industry that is compatible with a high quality of life as a means to facilitate diversification in the local economy.*

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

- F. **Existing Land Use in Area:** The site is bordered to the immediate north and northeast with existing commercial developments, with vacant land immediately to the south. Across US Highway 421, a low density, single-family manufactured home community is present. These three land uses lie within a general area of vacant land.
- G. **Site Access Conditions:** The property has direct access to US Highway 421, subject to approval from 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 Development Ordinance, specifically Section 5.3.9.B, Recreational Vehicle Parks.
  - 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. 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 10708	Date	MARCH 22, 2012
Application Fee	\$ 300.00	Receipt No.	116744
Pre-Application Conference	MARCH 1, 2012	Hearing Date	MAY 21, 2012

### SECTION 1: APPLICANT INFORMATION

Applicant's Name:	CLAUDE HARRY FOWLER	Owner's Name:	SAME
Applicant's Address:	116 FOWLER LANE	Owner's Address:	SAME
City, State, & Zip	Corrie N.C	City, State, & Zip	SAME
Phone Number:	910-231-4291	Phone Number:	SAME

Legal relationship of applicant to land owner:

### SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	2293-04-9247-0000	Total property acreage:	3.9
Zoning Classification:	RIA	Acreage to be disturbed:	0
Project Address :	FOWLER LANE	NAICS Code:	
Description of Project Location:	Established MOBILE HOME PARK (E & H - MHP) 4175 Hwy 421 OLD Address (FOWLER LANE NEW ADDRESS)		
Describe activities to be undertaken on project site:	Change MHP to (RV PARK) FOWLER LANE		

### SECTION 3: SIGNATURES

Applicant's Signature	Claude Harry Fowler	Date:	3-22-2012
Owner's Signature	Claude Harry Fowler	Date:	3-22-2012

### NOTICE TO APPLICANT

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"/> <b>General</b> / Fees: \$300 + \$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> <b>Tower over 75 Feet</b> / Fees \$500 <input type="checkbox"/> <b>Minor Revisions</b> / Fees \$100 <input type="checkbox"/> <b>Mining</b> Fees \$750			<b>Total Fee Calculation:</b> \$ 300.00 <b>Application#:</b> 10708 <b>Date of Hearing:</b> 5/21/12		
<b>Attachments Included with Application: (Please include # of copies)</b>					
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
<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 # 1810	
Application received by: 			Date: 3/22/12		
Application completeness approved by: 			Date: 3/22/12		

### Special Use Permit Checklist

<input type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input type="checkbox"/>	Application fee
<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 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</b> --Written description of the project ( <u>max of 3 pages</u> ) including the following: <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 type="checkbox"/>	<b>Project Map(s)</b> --Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable</u> scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following: <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 7, Pender County UDO)</li> <li><input type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO)</li> <li><input type="checkbox"/> All signs to be located on the property (See Article 10, 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	

Name of established park E & H Mobile Home Park

Name of the new park 421 RV Park

- Address - Fowler Lane
  - Spaces - 15 spaces as Mobile Home Park change to 30 spaces for RV Park
  - Water - Established Community Well
  - Sewer - Established Existing Septic Tanks
  - Electric - Established Individual Basis
  - Street Lights - Provided by Progress Energy
  - Landscaping - Established
  - Trash Established - Collection by park owner, individual's aluminum cans picked up three times a week, all waterproof and rodent proof.
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Names & Addresses of Neighboring Parcels

Thomas D Pahel  
612 Dandridge Drive  
Fayetteville, North Carolina 28403  
Pin - 2293-13-1948-0000

Pender Properties LLC  
P.O. Box 1139  
Wallace, North Carolina 29466-1139  
Pin - 2283-81-4928-0000

Coastal Power and Electric  
4235 US Highway 421  
Currie, North Carolina 28435  
Pin - 2293-04-4487-0000

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