



## REQUEST FOR BOARD ACTION

ITEM NO: 18.

**DATE OF MEETING:** June 18, 2012

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

**SHORT TITLE:** Resolution to Approve a Special Use Permit (SUP) for the Operation of a Recreation Vehicle (RV) Park.

**BACKGROUND:** John Silvia, applicant and owner, is requesting approval of a Special Use Permit (SUP) to allow the expansion of an existing Recreation Vehicle (RV) Park. The property is zoned RA, Rural Agricultural District and the operation of an RV Park (NAICS Sector 7212) is permitted with design standards via Special Use Permit in this district. The subject property is located along the south side of Ashton Road just to the east of Little Kelly Road in Rocky Point and may be identified as Pender County PIN 3216-56-5573-0000.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for the construction and operation of an RV Park in the RA, Rural Agricultural District.

**RESOLUTION NOW, THEREFORE, BE IT RESOLVED**, that on June 18, 2012 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit request for the construction and operation of an RV Park in the RA, Rural Agricultural District, as described herein. The Chairman and/or the County Manager is authorized to execute any documentation necessary to implement this resolution.

AMENDMENTS:

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

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

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

\_\_\_\_\_  
George R. Brown, Chairman

06/18/2012  
Date

\_\_\_\_\_  
ATTEST

06/18/2012  
Date

**PLANNING STAFF REPORT**  
**Zoning Map Amendment**

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**SUMMARY:**

**Hearing Date:** June 18, 2012  
**Case Number:** 10725- Silvia (SUP)  
**Applicant:** John Silvia  
**Property Owner:** Same

**Land Use Proposed:** John Silvia, applicant and owner, is requesting approval of a SUP for the construction and operation of a Recreational Vehicle Park (NAICS Sector 7212). This would be an expansion allowing six (6) additional campsites to the existing Rocky Point Camp Ground.

**Property Record Numbers, Acreage, and Location:** The property is located on the south side of Ashton Road just to the east of Little Kelly Road in Rocky Point and may be identified as Pender County PIN 3216-56-5573-0000. There is one (1) tract totaling 2.37 acres associated with this request.

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

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**DESCRIPTION:**

The Rocky Point Camp Ground was originally opened in the early 1980's and predates zoning regulations in Pender County. The subject tract is adjacent to the existing park and according to the Pender County Unified Development Ordinance, Section 3.20.2 A; all new recreational vehicle parks and *additions or alterations to existing parks must be in accordance with this ordinance.*

The applicant is proposing the addition of six campsites to one (1) tract totaling 2.37 acres. No new campsites are proposed at this time in the existing boundary of the Rocky Point Campground.

The property is located on the south side of Ashton Road, east of Little Kelly Road in Rocky Point and may be identified as Pender County PIN 3216-56-5573-0000. There is currently a convenience food store with a grill restaurant located in an existing building on the subject property.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 72: ACCOMMODATIONS AND FOOD SERVICES</b>											
RV Parks and Recreational Camps	7212	SD					SD				

Access to the facility will be provided via existing driveway along Ashton Road; the North Carolina

Department of Transportation (NC DOT) will not require a driveway permit at this time.

The Pender County Unified Development Ordinance defines Recreational Vehicles (RV) in Appendix A as a vehicle, which is:

- 1) Built on a single chassis;
- 2) 400 square feet or less when measured at the largest horizontal projection;
- 3) Designed to be self-propelled or permanently towable by a light duty truck; and
- 4) Designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Currently, the Rocky Point Campground has thirty-nine (39) existing campsites that utilize a community wastewater facility and a community well. Pender County Utilities (PCU) will require connection to the PCU Water Distribution System for the new campsites. All wastewater disposal methods must be approved by Pender County Environmental Health.

The campground also includes the following amenities: fishing, basketball and volleyball courts, picnic area, outdoor pool and a campfire/fire pit. The campground offers a laundry and separate male/female restroom facilities.

The addition of six (6) new campsites will require 7,840.8 ft<sup>2</sup> of open space to be dedicated.

The subject property is not located within the AE Special Flood Hazard Area (SFHA).

Prior to the issuance of zoning approval; 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.

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## EVALUATION:

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the *Pender - Topsail Post & Voice*. Adjacent property owners have been given written notice of the request, as well as a sign placed on the subject property.
- 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 (§5.3.9.B of Unified Development Ordinance).

**D) 2005 CAMA Land Use Plan Compliance:** The 2005 CAMA Land Use Plan classifies the subject property as Transitional Area. The Transitional Area land classification provides for areas of more intensive community development where the county is making plans to develop public services, particularly water and sewer services, and where access to transportation is excellent. Development will include residential uses, commercial and office uses, and employment uses, such as manufacturing and distribution that can take advantage of the services and transportation access available. This area is planned for *moderate net density* for residential development. This density is dependent upon the types and levels of services that are available.

**E) 2010 Comprehensive Land Use Plan Compliance:** This property is located in the Rocky Point Study Area and the 2010 Comprehensive Land Use Plan classifies the subject property as Mixed Use, which is a land use classification designating locations where a mixture of higher density/intensity uses are to be encouraged. The following goals and policies within this plan support the rezoning request:

i. ***Small Area (Rocky Point) Goal 4B.1:*** *The primary goal of the Rocky Point Small Area Plan is to accommodate higher density mixed use growth in and around the I-40 / US 117 and NC 210 intersections. Coordinating future growth with already planned projects within the area will be of prime importance. Large scale developments should expect to be supported by public utilities and closely evaluated through coordinated development plan review. Commercial, office and mixed used infill is expected to occur along the major highway corridors, particularly close to major intersections.*

ii. ***Small Area (Rocky Point) Policy 4B.1.4:*** *New development within the small area should be compatible with existing residential uses.*

iii. ***Growth Management Policy 1A.1.5:*** *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.*

**F) Existing Land Use in Area:** The existing land use in the area includes low density residential and vacant tracts to the north. Along the eastern and southern boundary is an existing travel trailer park and to the west is low density residential

**G) Site Access Conditions:** The property has direct access to Ashton Road via an existing driveway.

**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, 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.
6. Pender County Utilities (PCU) will require connection to the PCU Water Distribution System for the new campsites.

7. Recreational Vehicle Parks, campgrounds and or travel trailer parks are designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel or seasonal use; temporary occupancy.

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

**Cape Fear Council of Governments RPO**

*No response.*

**Four County Electric Company**

*No response.*

**NC DENR Division of Coastal Management**

*No response.*

**NC DENR Division of Forestry**

*No response.*

**NC DENR Division of Land Resources**

*No response.*

**NC DENR Division of Waste Management**

*No response.*

**NC DENR Division of Water Quality**

*No response.*

**NC DOT Division of Highways**

*No comments on this one.*

**NC DOT Transportation Planning Branch**

*No response.*

**NC Office of State Archaeology**

*No response.*

**NC Wildlife Resources Commission**

*No response.*

**Pender County Building Inspections**

*No response.*

**Pender County Emergency Management**

*No response.*

**Pender County Environmental Health**

*No response.*

**Pender County Fire Marshal**

*No response.*

**Pender County Parks and Recreation**

*Parks and Recreation has no comments about this request.*

**Pender County Public Library**

*No response.*

**Pender County Public Utilities**

*After reviewing the location of the proposed campsites, and comparing to the location of existing waterline (along Ashton Rd); the applicant will be required to connect to the PCU Water Distribution System for these new campsites based on the Water and Sewer Ordinance. The applicant should make application for the connection at the Pender County Utilities Office in Burgaw.*

**Pender County Schools**

*This project does not appear to pose any problems for Pender County Schools.*

**Pender County Sheriff's Department**

*No response.*

**Pender County Soil and Water Conservation District**

*Soil and Water sees no problem with request*

**Progress Energy Corporation**

*No response.*

**US Army Corps of Engineers**

*No response.*

**Wilmington Metropolitan Planning Organization**

*The site is just outside the current WMPO boundary, so I do not have any comments for this property.*

## 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.

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### **3.20 RECREATIONAL VEHICLE PARK**

#### **3.20.1 Intent**

- A. Proposed recreational vehicle parks of three (3) acres or more are required to apply for a Special Use Permit. Upon approval of the Special Use Permit by the Board of County Commissioners, the applicant may proceed with the preparation of a Major Site Development Plan.

#### **3.20.2 Review**

- A. All new recreational vehicle parks and additions or alterations to existing parks must be in accordance with this ordinance.
- B. All recreational vehicle park proposals shall be waived from the Master Development Plan review process.
- C. Completed site plan, application, fees, and other required data must be submitted 45 days before a scheduled Board of County Commissioners meeting.
- D. When required submission material is submitted as noted above, it shall be placed on the next scheduled Board of County Commissioners agenda, if applicable.
- E. Recreational vehicle parks must meet all requirements prescribed in Section 5.3.9.B, Recreational Vehicle Park and Section 6.3, Major Site Development Plan.
- F. The Administrator shall forward the Special Use Permit to the Technical Review Committee for review. The Committee shall make recommendations to the Administrator concerning whether the proposal meets the requirements of any Pender County codes or Ordinances and other State or Federal regulations as appropriate within ten (10) business days. Upon Major Site Development Plan submittal, the Administrator shall forward the site plan to the Technical Review Committee for additional review.
- G. The Administrator shall determine and provide comments to the applicant whether the proposed recreational park is in conformance with applicable sections of this Ordinance.
- H. Approval of the major site development plan shall expire within two years of the approval date unless final zoning have been obtained for construction.
- I. The Administrator shall periodically inspect the site during construction to ensure that the site plan requirements are met.
- J. The site plan shall be reviewed and approved or disapproved and notice of action taken provided to the applicant within 30 working days of completed submission. The signed original will be provided to the applicant and a signed copy will be filed accordingly.
- K. Final Zoning Approval shall not be issued for any use or site requiring a site plan until all requirements shown on the approved site plan have been met and all improvements shown on the site plan have been provided.

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**5.3.9. B Recreational Vehicle Park**

- 1) All recreational vehicle parks shall be at least three (3) acres in size.
- 2) Every space shall consist of a minimum of 2,000 square feet.
- 3) All recreational vehicle parks must adhere to the following dimensional requirements:

Minimum Structure Separation for Recreational Vehicles	10 feet
Minimum Separation from Other Structures	20 feet
Minimum Exterior Property Boundary Setback	20 feet

- 4) Within a recreational vehicle park, one commercial grade trailer may be used as an administrative office.
- 5) Each park shall provide a central structure or structures that will supply separate toilet facilities and showers for both sexes, to be maintained and kept in good repair at all times.
- 6) Establishments of a commercial nature including food stores and coin operated laundry may be permitted in recreational vehicle parks subject to the following conditions:
  - a. Such establishments shall be located, intended, and designed to serve only the trade or service needs of persons residing in the park.
  - b. Establishments shall be subordinate to the use and character of the park.
  - c. Access to the commercial establishment must be from interior streets.
  - d. Signs serving the commercial use inside the park shall be limited to twenty (20) square feet in area, non-illuminated, and shall be attached to the establishment.
  - e. Off street parking for commercial establishments shall be provided at a ratio of one (1) space for every 400 square feet of gross floor area.
- 7) No individual sites may be permitted within the jurisdiction of a Special Flood Hazard Area, but may be set aside for passive open space.
- 8) Recreational vehicle parks may allow for designated tent only camping sites.
- 9) Permanent parking and storing of a recreational vehicle shall not be permitted in the park.
- 10) No manufactured home used for residential purposes shall be permitted in a recreational vehicle park.
- 11) The operator of a recreational vehicle park shall keep an accurate register containing a list and description of all homes located in the park and owner thereof.
- 12) All parks shall adhere to Article 8, Landscaping and Buffering.
- 13) Recreational vehicle parks must meet open space requirements per Section 7.6, Open Space.
- 14) A safe, adequate, and convenient water supply and connection must be provided for each park space.
- 15) At least one (1) sewage dumping station must be provided along with connections to each individual space. Sewage dumping stations shall be approved by the Pender County Health Department.
- 16) Park owners shall make arrangements for a private vendor or other sources to collect refuse, either from individual spaces or from centrally located dumpster sites. All dumpster locations are to be fenced and screened from view. Individual refuse receptacles shall be waterproof and rodent proof.
- 17) The location and dimensions of all proposed and existing rights-of-way, utility or other easements, riding trails, pedestrian or bicycle paths, natural buffers, and areas if any to be dedicated to public use with the purpose of each stated shall be referenced on the site plan.

- 18) No individual recreational vehicle space shall have direct access to a public maintained road.
- 19) All streets must be constructed of all-weather material and shall be sixteen (16) feet wide and within a designated twenty four (24) feet wide right of way. Recreational vehicle parks shall have direct access to a public maintained road.
- 20) All parks shall have a certificate of approval by the Pender County Addressing Coordinator for all proposed road names.
- 21) Soil suitability analysis indicating the suitability of the property for individual septic tanks or an Improvement Authorization Permit for each lot unless community sewer is available and a conditioned approval for connection is submitted. The soil suitability analysis of the property shall also indicate the suitability of the soil for the type structures proposed.
- 22) All parks proposing to utilize a community water or community waste water system must provide approval from DENR, a Stormwater Management Plan, and approval from the Division of Coastal Management if the park is located in an area of environmental concern. Additionally, the applicant shall provide a certification that the community water system and/or community waste water system will be owned, operated, and maintained by a community system as defined in this Ordinance.