



## REQUEST FOR BOARD ACTION

ITEM NO. 15.

**DATE OF MEETING:** August 20, 2012

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

**SHORT TITLE:** Public Hearing and Resolution Authorizing Approval of a Special Use Permit (SUP) for a Seafood Market (NAICS 445220).

**BACKGROUND:** Francesca Faircloth, applicant and owner, is requesting approval of a Special Use Permit (SUP) for a seafood market. The subject property is located at 15931 NC Highway 210 in Rocky Point and is identified by Pender County PIN 3224-69-8258-0000. The property is currently zoned RP, Residential Performance District, and a seafood market is permitted via Special Use Permit in this district.

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

**RESOLUTION**

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED,** that

on August 20, 2012 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of a seafood market 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 8/20/12  
Date

\_\_\_\_\_  
ATTEST 8/20/12  
Date

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

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**SUMMARY:**

**Hearing Date:** August 20, 2012

**Applicant:** Francesca Faircloth

**Property Owner:** Same

**Case Number:** 10763

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**Land Use Proposed:** Francesca Faircloth, applicant and owner, is requesting approval of Special Use Permit (SUP) for the operation of a seafood market (NAICS 445220).

**Property Record Number and Location:** The subject property may be identified as Pender County PIN 3224-69-8258-0000 and is located at 15931 NC Highway 210 in Rocky Point.

**Zoning District of Property:** The property is currently zoned RP, Residential Performance and food and beverage stores are permitted in this district via Special Use Permit.

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**PROJECT DESCRIPTION:**

The applicant is proposing an additional principal use of the retail sale of seafood on-site at 15931 NC Highway Rocky Point. An additional 12 x 14 square foot structure is located on the property which consists of the storage and vending areas for the business.

Business hours are from 10 AM to 7 PM, seven days per week, or by other arrangement between customers if necessary. The applicant and owners are the only two employees on-site.

Access to the site is provided via an existing driveway; the additional proposed use is subject to review and approval by NCDOT.

Prior to the issuance of final zoning approval, a site development plan must be submitted and approved in accordance with applicable provisions of the Pender County UDO. A part of this review will include compliance with Article 8, Landscaping and Buffering as prescribed the Pender County Unified Development Ordinance. In addition, all other applicable permits must be obtained including inspections and health department regulations.

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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 revision and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. *Unified Development Ordinance Compliance:*** The property is currently zoned RP, Residential Performance District, and food and beverage stores 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 classified as Urban Growth Area in the 2005 CAMA Land Use Plan. A small are on the southern boundary of the property is classified as Conservation I; all development on the property is located outside of the Conservation I classification.
- E. *2010 Comprehensive Land Use Plan Compliance:*** The subject property is classified as Suburban Growth in the *2010 Comprehensive Land Use Plan*. The Suburban Growth classification states that locational criteria for non-residential uses include frontage and access to a major State highway or secondary road, location at a major intersection, proximity to similar uses, and spatial separation from non-compatible uses such as existing residential development. The request meets the locational criteria of frontage on a major state highway.

The SUP request is supported by goals and policies within the *2010 Comprehensive Land Use Plan*:

- *Policy 1A.1.5 – The County supports a pro-business/pro-growth attitude, balance by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*
- *Policy 4B.1.4- New development within the Rocky Point small area should be compatible with residential uses.*

Additionally, the SUP request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.

- F. *Existing Land Use in Area:*** The existing land use in the area is single-family residential interspersed with vacant properties.
- G. *Site Access Conditions:*** The property has direct access to NC Highway 210 via an existing driveway; the additional use will be subject to review and approval by NCDOT.

**H. *Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:***

1. 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 24 months.
2. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
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 effect for the duration of this permit.
5. Hours shall be from 10 AM to 7 PM, seven days per week, or by other arrangement by customer and owner.
6. Employees shall be limited to the applicant and property owners of the site.
7. The project shall be developed and maintained in accord with the conditions contained in this permit. 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.
8. 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

## APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 10763	Date	7/6/12
Application Fee	\$ 300.00	Receipt No.	121182
Pre-Application Conference	6/28/12	Hearing Date	8/20/12
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Francesca Faircloth	Owner's Name:	Francesca Faircloth
Applicant's Address:	15931 NC Hwy 210	Owner's Address:	—
City, State, & Zip	Rocky Point NC 28457	City, State, & Zip	—
Phone Number:	(910) 465-2986	Phone Number:	465-2986
Legal relationship of applicant to land owner: SELF			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3224-69-80 <sup>2</sup> 58	Total property acreage:	1.61 Acres
Zoning Classification:	RP	Acreage to be disturbed:	n/a
Project Address :	15931 NC 210, Rocky Point	NAICS Code:	445220
Description of Project Location:	Coming from Burgaw go down 17 to Road in Rocky Point, turn left on Hwy 210 go down about 2.5 miles and on the left before u get to chesapeake		
Describe activities to be undertaken on project site:	We just want to sell our fresh seafood that my husband catches on our boats out of our yard.		
SECTION 3: SIGNATURES			
Applicant's Signature	Francesca Faircloth	Date:	7-2-12
Owner's Signature	Francesca Faircloth	Date:	7-2-12
NOTICE TO APPLICANT			
<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>			

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> 10763 <b>Date of Hearing:</b> 8/20/12		
<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	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N
<b>Payment Method:</b>		<b>Cash :</b>		<b>Credit Card:</b>		<b>Check:</b>
		<input type="checkbox"/> \$ _____		<input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<input checked="" type="checkbox"/> Check # 1013
Application received by:			Ashley D. Brank			Date: 7/6/12
Application completeness approved by:						Date: 7/25/12

### 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"/>	<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 <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:</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 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	

Hello,

My Name is Fran Faircloth  
My Husband and I have been selling  
Seafood For 14 years and we have  
been selling seafood in this same  
spot for about 8 years. My Husband  
is a Commercial Fisherman who  
catches all of our fresh seafood.  
Until now we have never had a  
problem selling here until I put a  
sign up advertising our business  
which is (Faircloth Seafood). Then  
we believe one of our fellow fishermen  
who was jealous of us called  
yall and made a complaint that we  
had a sign up to try and shut us  
down. We have a very good name  
built here for our selves for our fresh  
seafood and we never bother anyone.  
We have all the licence we need through  
the Marine Fisheries and would very  
much so like to continue selling  
our seafood at the listed address.  
We thank u very much for your understanding.

Thanks  
from  
Faircloth



Scale: 1:100



PIN: 3224-69-8258-0000  
 NAME: FAIRCLOTH JASON WAYNE et al  
 ADDR: 15931 NC HWY 210  
 CITY: ROCKY POINT  
 STATE: NC  
 ZIP: 28457  
 PROPERTY ADDRESS: 15931 NC HWY 210  
 PROPERTY DESCRIPTION: TR B PB 46/80  
 FAIRCLOTH DIV  
 DATE: 11/2/2004

DEED: 2512/285  
 PLAT: 00460080  
 ACCOUNT: 871227.000000  
 TOWNSHIP: 103  
 TNSH DESC: ROCKY POINT  
 ACRES: 1.61  
 LAND VALUE: \$22,620.00  
 BUILDING VALUE: \$48,128.00  
 TOTAL VALUE: \$70,748.00  
 DEFERRED VALUE: \$0.00  
 SUBDIVISION: Null

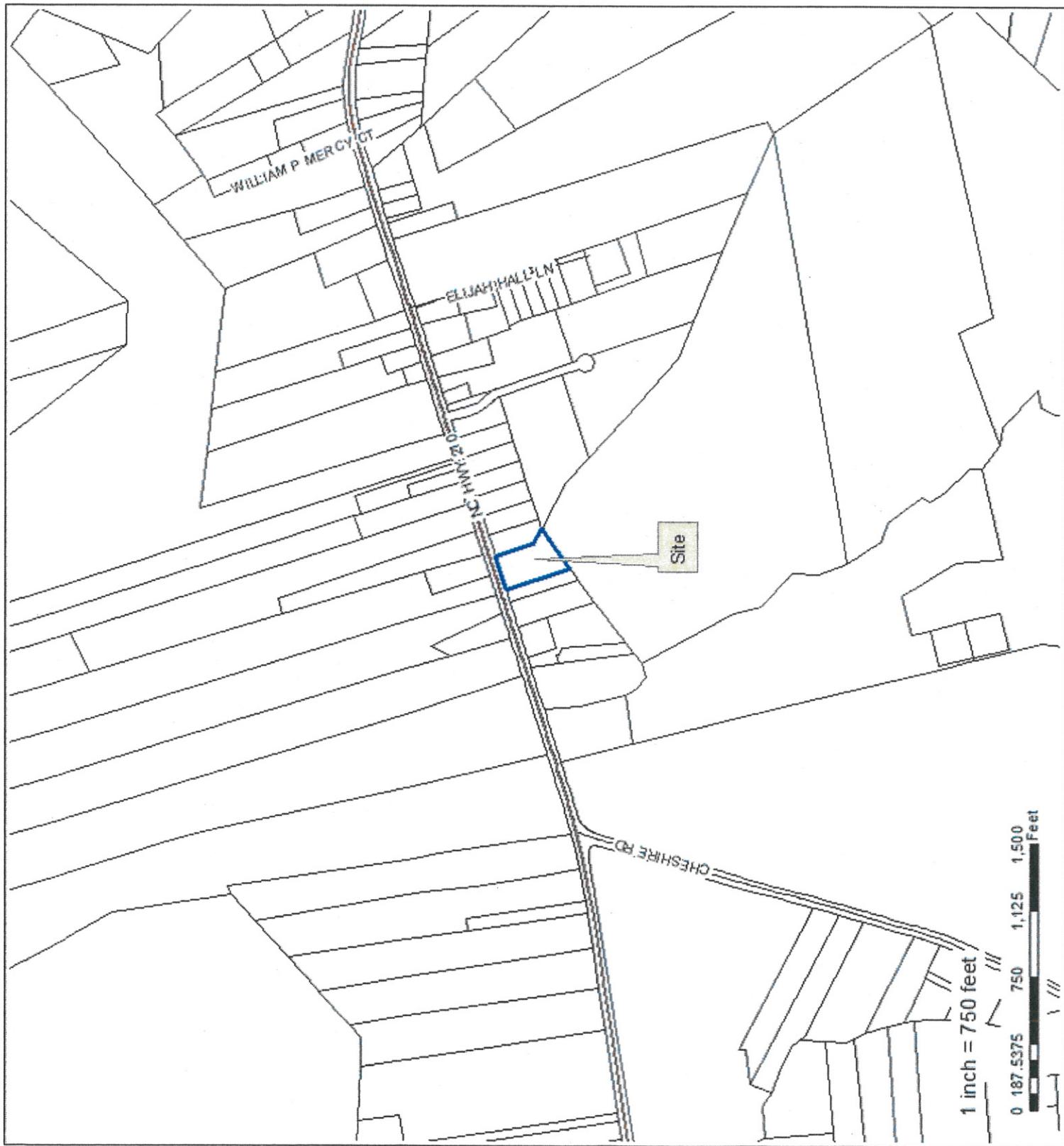


**Applicant and Owner:**  
Francesca Faircloth

**Special Use Permit**  
Case # 10763



**Vicinity Map**





**Applicant and Owner:**

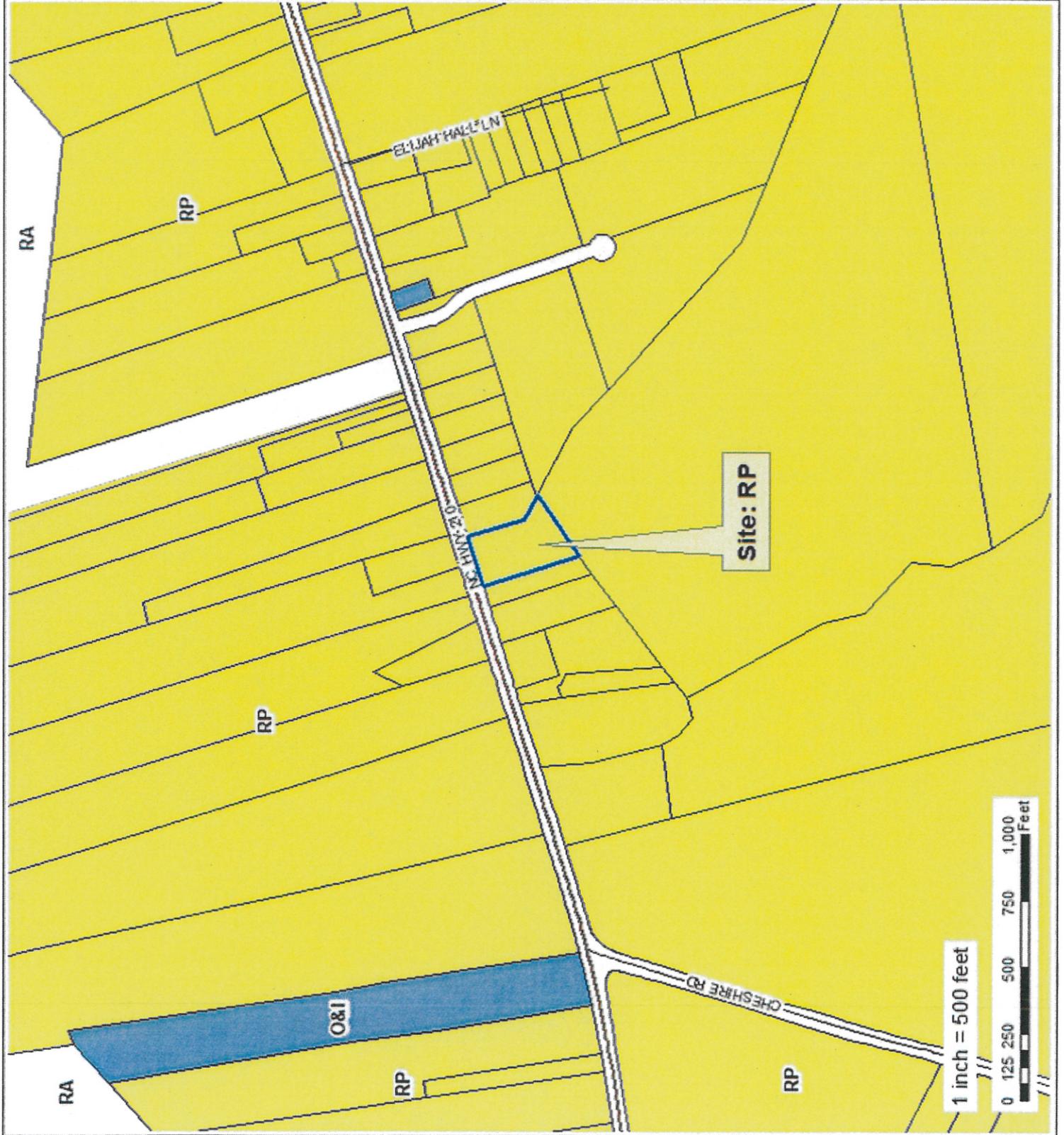
**Francesca Faircloth**

**Special Use Permit  
Case # 10763**

Zoning Classification	
UDO Zoning	
	General Business (GB)
	General Industrial (GI)
	Industrial Transition (IT)
	Office & Institutional (OI)
	Rural Agricultural (RA)
	Planned Development (PD)
	Residential Performance (RP)
	Environmental Conservation (EC)
	Incorporated Areas (INCORP)
	Manufactured Home Park (MH)
	Residential Mixed (MF)



**Zoning Map**





**Applicant and Owner:**

**Francesca Faircloth**

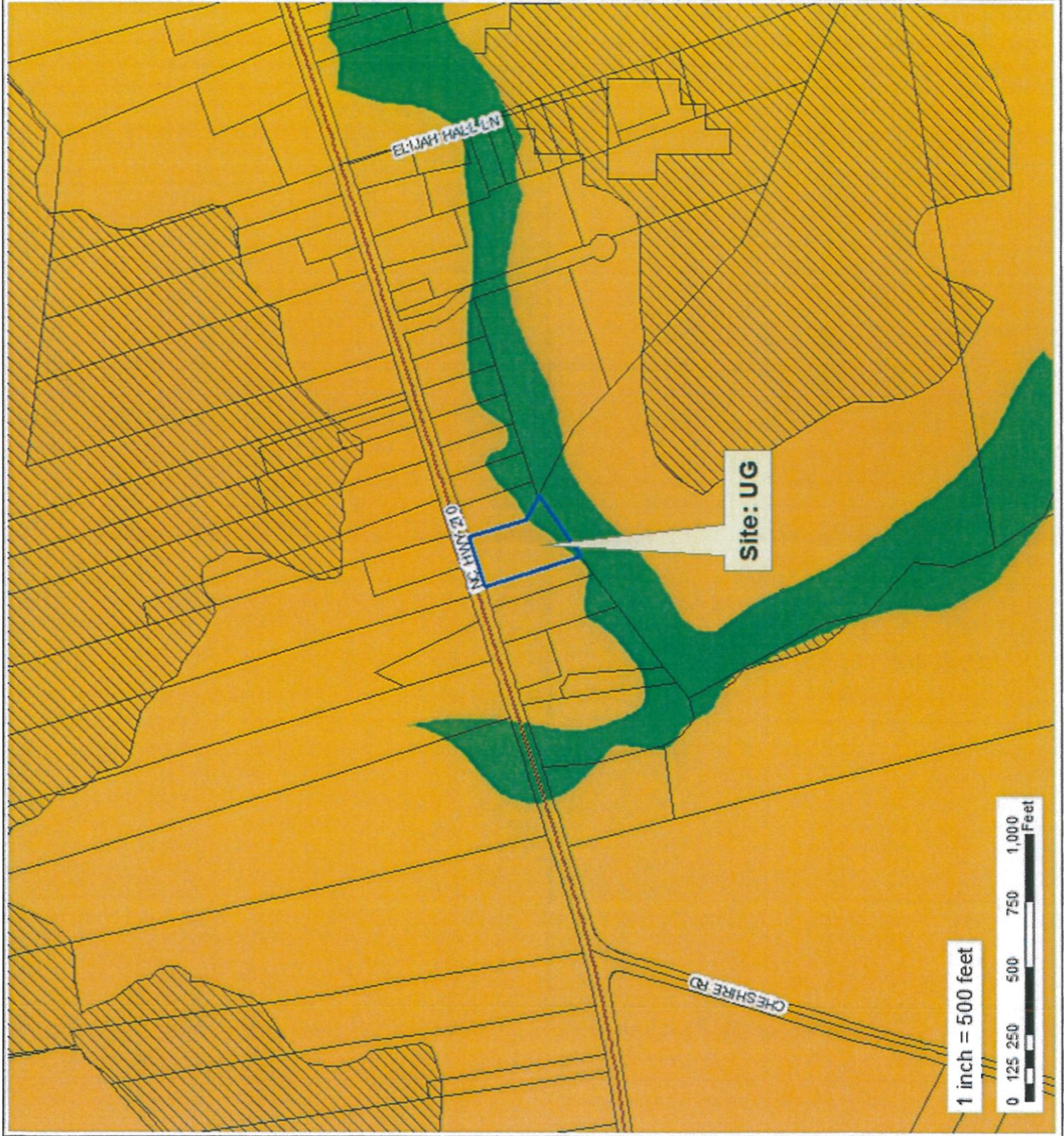
**Special Use Permit  
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**Legend**

-  Conservation Area I
-  Conservation Area II
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



**CAMA Land Use**





**Applicant and Owner:**

**Francesca Faircloth**

**Special Use Permit  
Case # 10763**

Legend	
Rocky Point	LU_Name
	Conservation
	Industrial
	Mixed Use
	Office, Institutional, Business
	Rural Growth
	Suburban Growth



# Future Land Use Map





**Applicant and Owner:**

**Francesca Faircloth**

**Special Use Permit  
Case # 10763**



**2010 Orthos**





