REQUEST FOR BOARD ACTION

ITEM NO. 19.

DATE OF MEETING: March 17, 2014

REQUESTED BY: Ed McCarthy, Planner II, Planning & Community Development

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for the Operation of a Canoe and Kayak Rental Facility with Guide Service.

BACKGROUND: Phillip Andrews, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the operation of a Canoe and Kayak Rental Facility with Guide Service (NAICS Industry Code 713990). The subject property is located at 6928 Stag Park Road in Burgaw, NC. The property may be identified as Pender County PIN 3247-89-0337-0000. The property is currently zoned RP, Residential Performance District, and uses in the NAICS Sector 713990 are permitted via SUP in the RP zoning district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for a Canoe and Kayak Rental Facility with Guide Service.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

The Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of a canoe and kayak rental facility with guide service (NAICS Industry Codes 713990) 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: Williams ___ McCoy ___ Brown___ Tate ___ Ward ___

_____ 3/17/14
Chairman Date

_____ _3/17/14__
ATTEST Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: March 17, 2014
Applicant: Phillip Andrews
Property Owner: Phillip Andrews
Case Number: SUP 11125

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit for the operation of a Canoe and Kayak Rental Facility with Guide Service (NAICS Sector 713990).

Property Record Number and Location: The subject property is located at 6928 Stag Park Road, near Burgaw, NC. The property may be identified as Pender County PIN 3247-89-0337-0000.

Zoning District of Property: The property is currently zoned RP, Residential Performance, and uses in the NAICS Sector 713990 are permitted via SUP in the RP zoning district.

PROJECT DESCRIPTION:

History

This request was tabled from the August 15, 2011 meeting in order for the applicant to address concerns from adjacent landowners regarding the request. The applicant's proposal was then unanimously approved at the September 19, 2011 Board of County Commissioners meeting. As a result of the applicant not having obtained final zoning within two (2) years of the Special Use Permit approval, the permit officially expired on September 19, 2013.

Phillip Andrews, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the operation of a Canoe and Kayak Rental Facility with Guide Service (NAICS Industry Code 713990). The subject property is located on an approximately 12.5 acre tract at 6928 Stag Park Road in Burgaw, NC.

The applicant is proposing construction of a 30' x 40' (1,200 square feet) building which will consist of the rental office, storage of supplies, restroom facilities, and a snack bar. The property is located adjacent to Cypress Creek, a tributary which flows from this location for approximately ¼ mile until reaching the NE Cape Fear River. Canoe and kayak access will offer the opportunity to access these waterbodies for recreational use; launches will be provided at Cypress Creek, pending issuance of applicable local, state, and federal permitting requirements. In addition, the applicant proposes to offer guide services to prospective clients who paddle, hunt, and fish.

Ingress and egress to the facility will be provided directly via Stag Park Road from a gravel drive totaling approximately 400 feet in length. A driveway permit from NCDOT will be required to access Stag Park Road prior to final zoning approval. A vehicle parking area is proposed in front of the main structure. Parking, landscaping, and buffering will be reviewed to ensure compliance with each applicable section of the Pender County Unified Development Ordinance.

The applicant's proposed hours of operation will be from 1 hour before to 1 hour after daylight, or approximately 5 AM to 9 PM during peak season. It is anticipated that there will be 3 employees working on site.

A portion of the subject property adjacent to Cypress Creek is located within the AE Special Flood Hazard Area. As such, a floodplain development permit shall be obtained and applicable building code requirements followed for any proposed development within the floodplain. However, the main structure, parking, and driveway areas are all proposed to be located outside of the flood zone.

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 RP, Residential Performance, and uses defined under Sector 713990 (Canoe, Kayak Rental and Guide Services) are permitted in the RP zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses. A text amendment allowing the approval of these uses via Special Use Permit was adopted by the Board of Commissioners on June 27, 2011.

D. ***2005 CAMA Land Use Plan Compliance:*** The subject property contains three CAMA Land Use Classifications. The majority of the property is classified as Rural Cluster, with a small area of Rural Area and Conservation Area I in the vicinity of the floodplain. The main facility is located within the Rural Cluster area, and is consistent with this classification as the CAMA Land Use Plan states that home-based businesses, neighbor service and retail businesses are compatible uses within this classification. Proposed access points to Cypress Creek and the NE Cape Fear River are located within Conservation Area I. These points are consistent with this classification as Conservation I allows for public or private open spaces or uses requiring water access.

E. ***2010 Comprehensive Land Use Plan Compliance:*** The subject property is currently classified as 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 7A.1 *– Ensure adequate, appropriately located parks, recreation, and open spaces to serve the needs of Pender County residents and visitors.*

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

There do not appear to be any goals and/or policies which conflict with the proposed land use. In addition to these goals and policies, the need for increased recreational opportunities is detailed in the *2010 Pender County Comprehensive Parks and Recreation Master Plan.*

F. ***Existing Land Use in Area:*** The existing land use in the area is generally low density, single-family residential with areas of agricultural use. One institutional use, New Pike Creek AME Church, lies south approximately ¼ mile.

G. ***Conditions To Consider In Issuing the Special Use Permit For This Project:***

1. All applicable local, state, and federal permits must be obtained prior to final zoning approval.
2. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.

3. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
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 1 hour before to 1 hour after daylight, or approximately 5 AM to 9 PM, depending on season.
6. All access to this facility will be from Stag Park Road. No part of the business, operations, customer traffic or access will use any portion of Oxbow Landing Road or any property other than Tract 3 of Map Book 42, page 28 of the Pender County Registry.
7. All lighting for this business will face inward and down toward the structure and parking lot and shall not face toward the residential property located to the east or the north of this property. Lighting for the structure and parking lot shall be limited to security lighting outside of the hours of operation for the business.
8. The structure and lighted parking lot will be within three hundred feet of the edge of the Stag Park Road right-of-way.

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.

Deadline: 1/31/2014
Meeting: 3/17/2014

Pender County
Planning and Community Development

Planning Division
805 S. Walker Street
PO Box 1519
Burgaw, NC 28425

Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

SPECIAL USE PERMIT APPLICATION

GENERAL

1. An applicant shall be required to schedule a pre-submittal meeting with the Administrator at least thirty (30) days prior to submission of an application.
2. Any information the applicant wishes to submit to assist in making the above findings may be included as part of the Project Narrative or as a supplement labeled "Support Information-Required Findings" (max. 1 page).
3. Where construction, location or relocation is proposed to be done upon a residence, place of business or place of public assembly, no permit required for electrical, plumbing, heating, air conditioning or other construction, *location or relocation activity under any provision of general or special law* shall be issued until an authorization for wastewater system construction has been issued under G.S. 130A-336 or authorization has been obtained under G.S. 130A-337(c).

APPROVAL STANDARDS

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.

Conditions and Guarantees - Prior to the granting of any special use, the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the special use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that conditions stipulated in connection therewith are being and will be complied with.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP	Date	1-27-14
Application Fee	$ 300.00	Receipt No.	
Pre-Application Conference		Hearing Date	3-17-14

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Frances and Philip Andrews	Owner's Name:	Frances and Philip Andrews
Applicant's Address:	6928 Stag Park Rd	Owner's Address:	Same
City, State, & Zip	Burgaw NC 28425	City, State, & Zip	Same
Phone Number:	279-3492 cell 910 259-5155 Farm	Phone Number:	Same
Legal relationship of applicant to land owner:	one and the Same		

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3247-89-0337-0000	Total property acreage:	~~12.5 AC~~ 12.5 AC
Zoning Classification:	RP	Acreage to be disturbed:	~~5 AC.~~ 5 AC.
Project Address :	Stag Park Rd.	NAICS Code:	713990
Description of Project Location:	open pasture Bordered by wood land runs along Cypress Creek.		
Describe activities to be undertaken on project site:	Construction of Canal, Kayak and row boats rental facilities including storage, launch area on Cypress Crk. We will provide parking, restrooms, retail supplies. Food Service Provided.		

SECTION 3: SIGNATURES

Applicant's Signature	Philip Andrews	Date:	Jan. 27, 2014
Owner's Signature	Philip Andrews	Date:	Jan 27, 2014

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

☑ **General/** Fees: $300 +$10 per acre over 5 acres, Max. of $5,000 ☐ **Tower over 75 Feet/** Fees $500 ☐ **Minor Revisions /**Fees $100 ☐ **Mining** Fees $750	**Total Fee Calculation: $** 300.00 **Application#:** **Date of Hearing:** 3-17-14

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

Payment Method:	**Cash :** ☑ $ 300.00	**Credit Card:** ☐ Master Card ☐ Visa	**Check:** ☐ Check # _____

Application received by:		Date: 1-27-14
Application completeness approved by:		Date: 1-27-14

Special Use Permit Checklist

11/25

- ☑ Signed Application Form (Both Applicant and Owner)
- ☑ Application fee
- ☑ 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
- ☑ One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
- ☑ Project Narrative--Written description of the project (max of 3 pages) including the following:
  - ☑ Location of the project and type of access to project site
  - ☑ Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.
  - ☑ Description of all construction activities to be undertaken on the site
  - ☑ Describe type of utilities that will serve project and status of approval from applicable providers
  - ☑ List of all state and federal permits that will be required for the project
  - ☑ Applicant must specifically address the 8 written findings for Special Use Permit approval which are identified on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.12.3.G.). 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. The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.
- ☑ 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:
  - ☐ 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.
  - ☐ Access from the site and/or project boundaries to the nearest publicly maintained road.
  - ☐ Location of any existing structures or uses on the property and within 50' of the property.
  - ☐ Location of the project boundaries if they do not coincide with the property boundaries.
  - ☐ 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.
  - ☐ 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.
  - ☐ Parking, loading areas, and access to the project (See Article 7, Pender County UDO)
  - ☐ Landscaping and buffering (See Article 8, Pender County UDO)
  - ☐ All signs to be located on the property (See Article 10, Pender County UDO)
  - ☐ Pedestrian walks, area lighting and flood lighting.
  - ☐ 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.
  - ☐ Drainage plan and/or direction of flow of runoff from the project and site.
  - ☐ After review by the Planning and Community Development Department, additional information may be required to be submitted.
  - ☐ 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

JAN. 26 2014

The Andrews Family purposes to build a facility from which we will rent canoes, electric launches, Kayaks. We will also offer guide services and supplies to perspective clients who paddle, hunt and fish. We will cater to wildlife enthusists. Our hours of operation are from one hour before dawn to nine pm. We will have a total of three employees. The facility will be accessable from Stag Park Rd between ox bow Landing and Cypress Creek. Launching will be from Cypress Creek.

We will provide safe parking, storage, rentals, restrooms and supplies to support these activities. There will be water and sewer. All required state and county permits will be obtained before any construction will begin, which May 1st is the target date. Federal Permits do not pretain. Potential impact to the neighbors and surrounding parcels will be low. Noise will be low due to the nature of the business. Northeast Cape Fear Outfitters, the purposed name, should be a positive impact to the citizens of North Carolina and particularly Pender county residence offering much needed access to The Northeast Cape Fear.

In turn awarness will increase as more people learn of our natural resourses and become interested in helping protect our ever evolving eco sytem and the Cape Fear River Basin.

Respectfully Submitted,

Fran and Phil Andrews

1/26/14

We have read county approval standards and our 30x40 office and storage barn will not negitively impact the surrounding area. We own 12.5 acres around facility with a border of woodlands. There is already a driveway off of Stag PARK RD in place.

Property Owners

- Hayden Baldwin
  263 Oxbow Landing Rd.
  Burgaw, N.C. 28425

- Alton Chafin
  44 Broadwater Ln.
  Burgaw, N.C. 28425

- Kent Harrell
  217 Oxbow Landing Rd.
  Burgaw, N.C. 28425

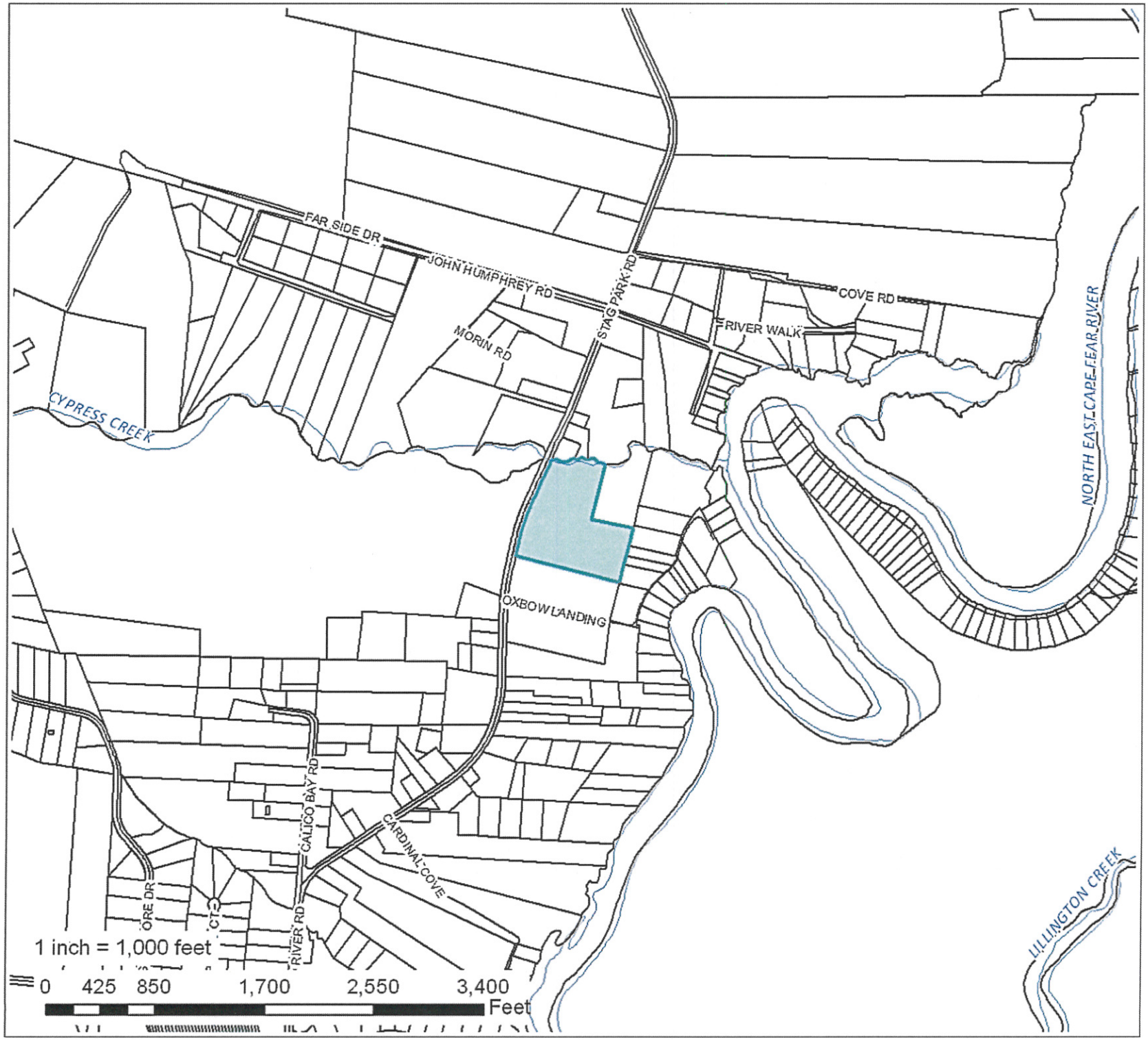
- ~~Louis Faircloth Heir~~
  349 Oxbow Landing Rd.
  Burgaw, NC 28425

- Stacy Kirk
  347 Oxbow Landing Rd.
  Burgaw, N.C. 28425

- Man Bowen
  318 Oxbow Landing Rd.
  Burgaw, N.C. 28425

Property Owners (Cont.)

Austin Williams
505 S. McNeil St.
Burgaw, N.C. 28425



Applicant:
Phillip Andrews

Owner:
John P. Andrews

PIN:
3247-89-0337-0000

Subject Property

N

Vicinity Map

Applicant:
Phillip Andrews

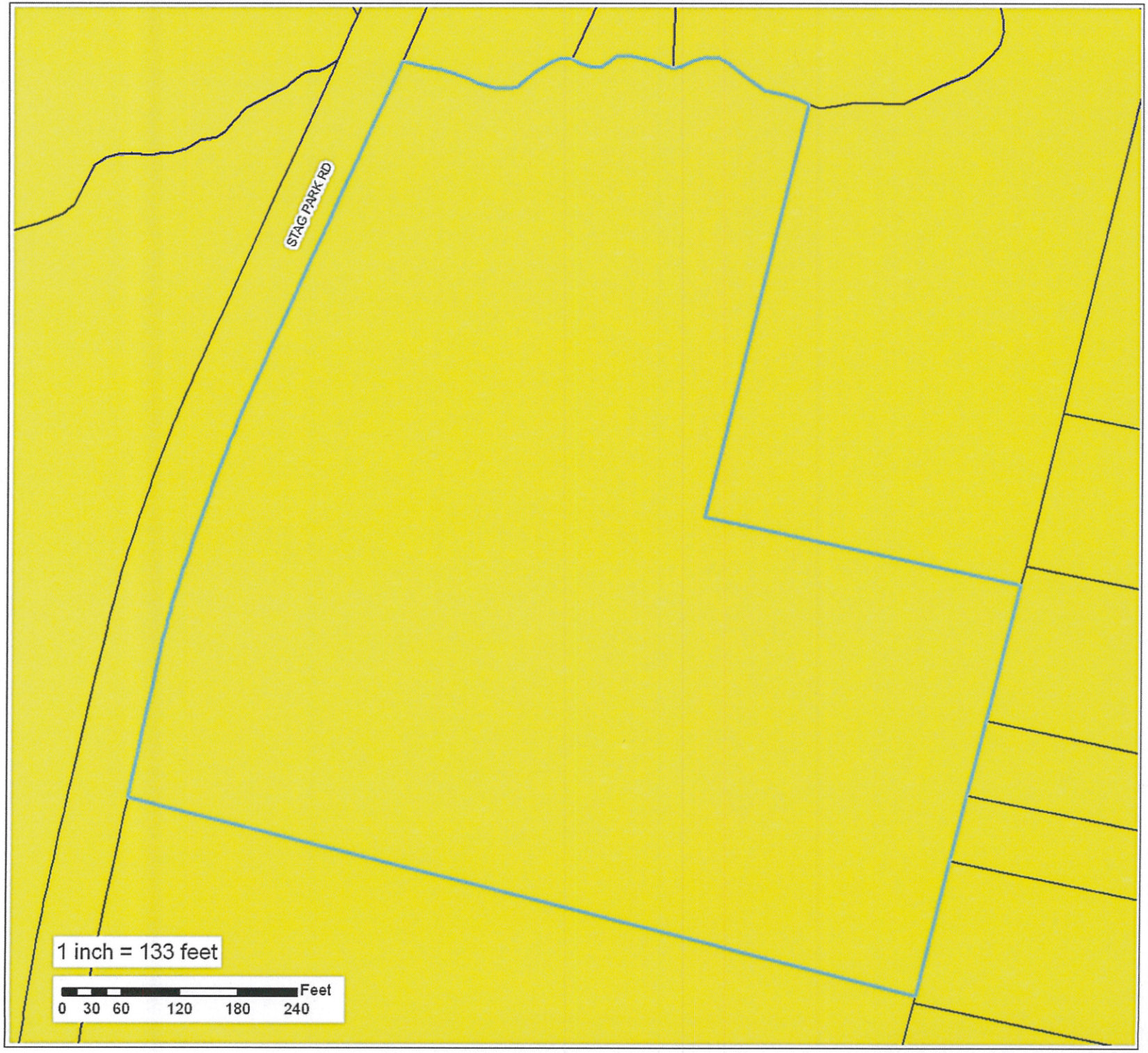
Owner:
John P. Andrews

PIN:
3247-89-0337-0000

Subject Property
Zoning Classification
- 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)

N

Zoning



Applicant:
Phillip Andrews

Owner:
John P. Andrews

PIN:
3247-89-0337-0000

Subject Property

Future Land Use

- Conservation
- Industrial
- Mixed Use
- Rural Growth
- Suburban Growth

N

2010 Comprehensive Future Land Use

Applicant:
Phillip Andrews

Owner:
John P. Andrews

PIN:
3247-89-0337-0000

Tax Parcels Selection

N

2012 Aerial