



REQUEST FOR BOARD ACTION

ITEM NO: 20

DATE OF MEETING: September 15, 2014

REQUESTED BY: Megan O'Hare, Planner II, Planning & Community Development

SHORT TITLE: Public Hearing and Resolution Requesting Approval of a Revision to a Special Use Permit (SUP) for the Expansion of an Existing Marina; more specifically the Expansion of a Dry Dock Boat Storage Facility.

BACKGROUND: B&M Holdings, LLC, applicant and owner, is requesting approval of a revision to an existing Special Use Permit (SUP) at the Scotts Hill Marina originally issued April 17, 2000 and revised on March 18, 2013 to allow dry-dock storage of boats; this revision will increase dry dock storage facilities. The original Special Use Permit was reviewed and approved under the 1988-2010 Pender County Zoning Ordinance. The property is located at 2570 Scotts Hill Loop Road (SR 1571), at the intersection of Simmons Road (SR 1581) and Scotts Hill Loop Road (SR 1571), in Scotts Hill and may be identified by PIN 3280-26-2979-0000. There is one (1) tract associated with this request totaling approximately ±5.7 acres. The property is currently zoned RP, Residential Performance District; however it was zoned RA, Rural Agricultural, in April 2000 when the initial SUP was issued and R-20C, Residential Conventional Housing District, when the SUP was revised in August 2006. According to the Pender County Zoning Ordinance § 8.9 Table of Permitted Uses; marinas were permitted via Special Use Permit (SUP) in the both the RA, Rural Agricultural and R-20C, Residential Conventional Housing District. In the Pender County Unified Development Ordinance marinas (commercial) are permitted in conjunction with a Master Development Plan in the RP, Residential Performance zoning district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Revision to an existing Special Use Permit.

PLANNING STAFF REPORT
Special Use Permit 10151-R2

SUMMARY:

Hearing Date: September 15, 2014

Applicant: B&M Holdings, LLC

Property Owner: B&M Holdings, LLC

Case Number: 10151-R2

Land Use Proposed: B&M Holdings, LLC, applicant and owner, is requesting approval of a revision to an existing Special Use Permit (SUP) originally issued April 17, 2000; the revision will expand the dry-dock storage of boats at the existing Scotts Hill Marina. The original Special Use Permit was reviewed and approved under the 1988-2010 Pender County Zoning Ordinance.

Property Record Number and Location: The property is located at 2570 Scotts Hill Loop Road (SR 1571), at the intersection of Simmons Road (SR 1581) and Scotts Hill Loop Road (SR 1571), in Scotts Hill and may be identified by Pender County PIN 3280-26-2979-0000. There is one (1) tract associated with this request totaling approximately ±5.7 acres.

Zoning District of Property: The property is currently zoned RP, Residential Performance District; however it was zoned RA, Rural Agricultural, in April 2000 when the initial SUP was issued and R-20C, Residential Conventional Housing District, when the SUP was revised in August 2006. According to the Pender County Zoning Ordinance § 8.9 Table of Permitted Uses, marinas were permitted via Special Use Permit (SUP) in the both the RA, Rural Agricultural District and R-20C Residential Conventional Housing District. In the Pender County Unified Development Ordinance marinas (commercial) are permitted in conjunction with a Master Development Plan in the RP, Residential Performance zoning district.

Project History:

As defined in the Pender County Zoning Ordinance, marinas are any publicly or privately owned dock, basin, or wet boat storage facility constructed to accommodate more than five boats and providing any of the following services: permanent or transient docking spaces, dry storage, fueling facilities, haul-out facilities or repair services. Excluded from this definition are boat ramp facilities that allow access and/or temporary docking only and none of the preceding services.

The current use of a marina, Scotts Hill Marina, was established sometime in the late 1950's or early 1960's. The marina was destroyed by Hurricane Fran in 1996 with the reconstruction of the facility completed late 1998.

The original SUP for Scotts Hill Marina was issued on April 17, 2000 (SUP 04-17-00). The purpose of the SUP was to increase the total number of wet slips at the existing Scotts Hill

Marina from 60 to 98 slips. The SUP was approved unanimously by the Pender County Board of Commissioners on April 17, 2000.

The SUP was revised in August 2006 (SUP 06-08-21-11). At the time of the SUP hearing in August 2006, the existing facility only had sixty-nine (69) floating wet slips and a floating dock for six to eight (6-8) vessels. This revision was to add thirty-four (34) new temporary (day) wet slips, which brought the total to one hundred twenty-four (124), approved wet slips. The SUP Revision was approved unanimously by the Pender County Board of Commissioners on August 21, 2006.

This same Special Use Permit (SUP 10151-R) was then revised for a second time in March 2013. The revision included; the construction of metal racking system to allow for the dry storage of marine vessels along three (3) areas; the total area for the dry dock storage was approved not to exceed 4,000 square feet and not to exceed thirty-five (35) feet in height, nor have any roofs. On March 18, 2013 the revision request was unanimously approved by the Pender County Board of Commissioners.

On September 18, 2013 an Administrative Approval was granted for this site as an amendment to the SUP from March 2013 (SUP-1011-R), to include four (4) dry docking areas, an amendment to the site plan, while still remaining under 4,000 square feet for dry dock storage facilities consistent with the original approval.

This request to revise the SUP is to include the addition of dry dock storage facilities and must be heard by the Board of Commissioners as per the Pender County Zoning Ordinance Section 3.12.4. The applicant is requesting the addition of 5,860 square feet of dry dock storage to the existing facility known as Scotts Hill Marina.

PROJECT DESCRIPTION:

B&M Holdings, LLC, applicant and owner, is requesting approval of a revision to an existing Special Use Permit (SUP) originally issued April 17, 2000 (SUP 04-17-00), revised in August 2006 (SUP 06-08-21-11) and March 2013 (SUP 10151-R). The current request is to increase the dry-dock storage of boats at the existing Scotts Hill Marina.

The existing marina is located on ±5.7 acres and currently includes fifty-eight (58) leased wet slips, a floating dock for 6 to 8 transient (day) boats, an office and a convenience store, a maintenance and repair shop, three (3) dry dock storage areas and a clubhouse. At this time the applicant is proposing 5,860 square feet of additional dry dock storage, no other modifications are proposed.

According to the applicant's submittal and site drawing, five (5) metal racking systems are requested for approval which would allow for the dry storage of marine vessels. For the additional dry dock storage requested, the applicant will not exceed 5,860 square feet according to the submittal. The dry storage system would not exceed thirty-five (35) feet in height, nor would the racks have roofs.

According to the submitted narrative Scotts Hill Marina currently has two (2) employees working on weekdays and up to five (5) people on weekends during summer months. The marina hours of operation will be:

- Summer Months hours of operation: 6am-7pm Sunday - Thursday and 6am - 8pm on Friday and Saturday.
- Winter Months hours of operation: 6am - 6pm Sunday - Thursday and 6am - 7pm on Friday and Saturday.

The applicant does note that this is a seasonal business with November through February being the slowest months, and weekends most busy during the summer months. The dry dock storage expansion in this Special Use Permit application will be utilized between 8am and 5pm according to the applicant. These hours of operation are the same as previously approved SUPs for the site as current activity will not be changing.

Driveway Access

Access to the facility will be provided via two (2) existing driveways Scotts Hill Loop Road (SR 1571). The North Carolina Department of Transportation may require a driveway permit with this expansion, all approvals will be contingent upon NCDOT evaluation.

Utilities

The Scotts Hill Marina is proposing to utilize the existing onsite well for potable water, and individual on-site septic system, both subject to review and approval from Pender County Environmental Health. The addition of free standing boat dry dock storage racks will not require additional utilities as the structure has no power and current lighting will be utilized.

Areas of Environmental Concern

The subject property is located within the AE Special Flood Hazard Area (SFHA) and the VE Coastal Flood Zone along the Intracoastal Waterway, according to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 3720328000K, Panel Number 3280. Any new development must comply with the National Flood Insurance Rate Program (NFIP) in accordance with the Pender County Flood Damage Prevention Ordinance.

This area is within the Division of Coastal Management Outstanding Resource Waters area. Any modification of the site or expansion from existing development will require a CAMA Major Permit, subject to review and approval by the Division of Coastal Management.

Prior to the issuance of zoning approval and building permits; a commercial site plan review must be submitted and approved in accordance with the Pender County Zoning Ordinance. All previous approvals for the site were under the Pender County Zoning Ordinance, as this SUP was originally approved under this document, and are valid per Section 1.11.2 of 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.

The development proposed with this SUP revision (the addition of 5,860 square feet of dry dock storage) does not require additional parking and landscaping on the subject parcel per the Pender

County Zoning Ordinance Section 14.3 (Attachment C), as this development is considered the addition of accessory structures not triggering buffer requirements. However, the applicant is willing to provide for a C-1 type buffer between the proposed development in this SUP 10151-R2 and Simmons Drive to mitigate potential noise associated with the dry dock storage facility. This condition is for consideration by the Board of County Commissioners.

All applicable local, state and federal permits must be obtained prior to the construction and operation of the facility. With the exception of the addition of the dry dock storage, as previously described, all other conditions of Case Number 10151-R (as well as SUP 04-17-00 and SUP 06-08-21-11) shall remain in effect; with any modification or revision to this permit requiring Pender County Board of Commissioners review and approval.

EVALUATION:

- A. *Public Notifications:*** Public Notice of the proposal for Public Hearing has been advertised in the Pender-Topsail Post and 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 B for approval procedures (§15.3 of the Pender County Zoning Ordinance) and revocation, expiration and revision procedures (§15.4b, c, and h of the Pender County Zoning Ordinance).
- C. *Zoning Ordinance Compliance:*** The property is currently zoned RP, Residential Performance District; however it was zoned RA, Rural Agricultural, in April 2000 when the initial SUP was issued and R-20C, Residential Conventional Housing District, when the SUP was revised in August 2006. According to the Pender County Zoning Ordinance § 8.9 Table of Permitted Uses, marinas are permitted via Special Use Permit (SUP) in the both the RA, Rural Agricultural District and R-20C Residential Conventional Housing District.
- D. *2010 Comprehensive Land Use Plan Compliance:*** The 2010 Comprehensive Land Use Plan classifies the subject property as Conservation, which are considered areas of special significance and have unique environmental characteristics that make them worthy of preservation. Current conservation areas are typically owned by Federal or State agencies or private conservation groups and are often designated as Areas of Environmental Concern (AECs). In Pender County the Conservation areas are comprised primarily of the Holly Shelter Game Land and the Angola Bay Game Land. Other major conservation areas are located in Coastal Pender along the Intracoastal Waterway and major streams leading to the waterway, along the Black and Cape Fear Rivers in western Pender County, and along the Northeast Cape Fear River.

The 2010 Comprehensive Land Use Plan does state that public and private uses that require water access and cannot function elsewhere are appropriate in conservation areas, which may be applicable to this request.

The following goals and policies within this plan may be relevant to the proposed Special Use Permit request:

- i) *Growth Management Goal 1A.1:*** Manage the physical growth and development of Pender County by promoting more intensive land uses in key locations identified for such growth while preserving and protecting the unique physical character and social

assets of the predominant rural lifestyle and coastal environment that makes the County a unique place to live.

- (1) **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
- ii) **Public Access Management Goal 7D.1:** Pender County will support expansion of public access locations based on CAMA Site Classification Standards, through public and private actions as a high priority.
 - (1) **Policy 7.D.1.6:** Design and operate all facilities in a manner that minimizes any negative impacts on water quality and that minimizes any conflicts with other natural resources and surrounding land uses and where feasible, providing for universal accessibility.
- iii) **Economic Development 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.
 - (1) **Policy 10A.1.11** Support maritime-related industries by exploring opportunities to make commercial fishing more profitable and viable.

The Special Use Permit (SUP) request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.

- E. **Existing Land Use in Area:** The existing land use in the area includes single family residential dwellings. Along the eastern boundary of the project is the Intracoastal Waterway. To the south and west of the project is also comprised of single family residential properties.
- F. **Site Access Conditions:** Access to the facility will be provided via two (2) existing driveways along Scotts Hill Loop Road (SR 1571).
- G. **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 12 months.
 2. Prior to the issuance of zoning approval and building permits; a commercial site plan review must be submitted and approved per the Pender County Zoning Ordinance, as this SUP was originally approved under this document before any final zoning permit or building permits are issued.
 3. Any existing signs on the property shall be in accordance with Section 15 of the Pender County Zoning Ordinance; any new signs shall be in accordance with Article 9 of the Pender County Unified Development Ordinance.
 4. Hours of Operation: Summer Months: 6AM to 7PM Sunday – Thursday and 6AM to 8 PM on Friday and Saturday. Winter Months: 6 AM to 6 PM Sunday-Thursday and 6 AM to 7 PM on Friday and Saturday.
 5. Any flood or spotlights shall be oriented away from the street. Such lights shall be oriented away from adjacent properties or shielded to prevent direct light from shining on such properties. This provision does not apply to normal area lights (non-directional).

6. No junk, debris, trash, or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside a completely enclosed building.
7. With the exception of boats and boat trailers; no outside storage of automobiles, materials, merchandise or unlicensed or salvage equipment will be permitted on the site.
8. 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.
9. 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
10. The expansion of the dry dock facilities shall be developed and maintained in accord with the applicant's final revised site plan as approved by the Zoning Administrator, the Pender County Zoning Ordinance, and the conditions contained in this permit.
11. The project shall comply with all requirements of the Pender County Zoning Ordinance, Adopted July 1, 1988, and Codified with Correction and Amendments as of February 2, 2009 for previously approved site plans and the previously approved Special Use Permit with amendments. Any new development on site, included in this SUP (10151-R2) revision must comply with the Pender County Zoning Ordinance as this project is vested per Section 1.11.2 of the Pender County Unified Development Ordinance
12. All applicable local, state and federal permits must be obtained prior to the construction.
13. Any new development within the "AE" or "VE" Special Flood Hazard Area (SFHA) will need to comply with the National Flood Insurance Rate Program (NFIP) in accordance with the Pender County Flood Damage Prevention Ordinance.
14. With the exception of the additional facilities of dry dock storage, as previously described, all other conditions of Case Number 10151(SUP 04-17-00 and SUP 06-08-21-11) shall remain in effect; with any modification or revision to this permit requiring Pender County Board of Commissioners review and approval.
15. Along adjacent boundaries to the proposed dry dock expansion, a C-1 Buffer shall be required prior to issuance of final zoning.

Attachment A

Pender County Unified Development Ordinance

1.11.2 Approvals Granted Before Effective Date

Building permits, variances, special use permits, subdivision plans, site plan approvals, and other similar development approvals that are valid the day before the effective date of this Ordinance will remain valid until their expiration date. Development may be completed in accordance with such approvals even if such building, development or structure does not fully comply with provisions of this Ordinance. If building is not commenced and diligently pursued in the time allowed under the original approval or any extension granted, then the building, development or structure must meet the standards of this Ordinance in effect at the time of re-application.

- A. Projects which are currently valid under the provisions of the previously approved development ordinance(s) may be eligible for one extension for a period of time not to exceed twelve (12) months. The extension request shall be submitted to the Administrator within ten (10) calendar days of expiration of the original approval time frame.
- 1) The following criteria must be met prior to the consideration of an extension under the provisions of this Ordinance:
 - a. The project must be classified within the PD, Planned Development District as shown on the Pender County Zoning Map at time of original approval.
 - b. The project must have a valid, approved Master Plan and/or Preliminary Plat.
 - c. The overall project area must contain at least 350 acres.
 - 2) Projects meeting the standards outlined in 1.11.2 A.1 must submit the following items for the Administrator's review and approval. The Administrator may have up to 10 business days to provide comment and/or disposition:
 - a. Proof of complete permitting application and fees paid to a local, state, or federal permitting agency
 - b. Narrative explaining the request, adequately demonstrating that a good faith effort has been made to comply with the original time allotment, including an outline of steps to be taken for project advancement within the time expansion.

Attachment B

Pender County Zoning Ordinance

15.3 Procedures for Reviewing Applications

The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.

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. 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. The Zoning 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. All Special Use Permit applications must be presented to the Zoning Administrator for a determination of completeness. An appeal from a completeness determination may be had to the Board of Adjustment or Superior Court within twenty (20) days of the determination.

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:

- A. 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;
- B. 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;
- C. The proposed use shall not constitute a nuisance or hazard.
- D. 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;
- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
- F. 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; and
- G. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located;
- H. 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.

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 Zoning 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 Zoning 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.

After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:

- 1) That the approval was obtained by fraud.
- 2) That the use for which such approval was granted is not being executed.
- 3) That the use for which such approval was granted has ceased to exist or has been suspended for six months.
- 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
- 5) That the permit granted is in violation of an ordinance or statute.
- 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.

C. Expiration

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 after the Notice of Approval of the Special Use Permit has been served on the applicant. The Zoning Administrator may provide up to two extensions of the expiration date by no more than 6 months each, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the zoning permit.

H. Revisions

Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit may be reviewed and approved by the Planning Director after basic submission requirements have been completed. All revisions approved by the Planning Director must meet the original conditions of the permit as approved by the Board of Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions (Rev. 01.20.04).

Attachment C

14.3 Buffers Required for Permits

It is hereby required in the business, planned development and industrial districts and for non-residential uses in other zoning districts that when;

- 1) a new principal structure is built, or
- 2) an existing principal structure is expanded sufficiently to increase its interior square footage by twenty-five percent (25%) or more, in any one or more expansions or
- 3) a change in use from residential related to office, service, commercial or industrial, or from office, service or commercial to industrial; a planted buffer strip must be provided along all front, side and rear property lines, in accordance with this Section, before a Certificate of Occupancy may be issued.

<u>A. Buffers Required for All Non Residential Uses (Excludes Industrial Uses) in All Residential Districts, (Includes the RA & RT Districts)</u> - Residential uses in Residential Districts are not required to have buffers, except as required for mobile home parks, Multi-family and Planned Developments. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide the following buffers: Uses in these districts that require a special use permit will in addition, provide other buffers as specified in the special use permit.	
Location of Buffer for Non Residential Uses in the “R” Districts	Type Buffer
Along all street boundaries of the Development	Buffer A
Along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than 1 acre and <i>when</i> a single family structure is within 50’ of the boundary of the development	Buffer C
Along all other non street boundaries	Buffer B

A. Buffer "C" This buffer is designed to provide a high density screen primarily along non street boundary lines to provide buffer and separation between different categories of uses such as commercial adjacent to residential uses or other non residential uses adjacent to high density single family residential uses. The requirements for buffer "C" shall be met by any one of the following:

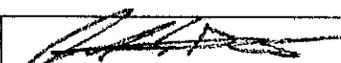
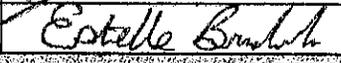
C-1) 10 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence and 2 canopy trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

C-2) 15 foot wide strip with a 6 foot high wood stockade, basket weave, or other solid wood fence or an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree, 4 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

C-3) 20 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years and 1 canopy tree or 3 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet, or

C-4) 25 foot wide strip with an evergreen hedge that will provide a continuous screen at least 6' high within 4 years, 2 understory trees and a grass cover of at least 98 % coverage (except within 4 feet of the base of any tree), per 100 linear feet.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUB 10151-R2	Date	8/1/2014
Application Fee	\$ 307	Receipt No.	
Pre-Application Conference	7/10/2014	Hearing Date	9/15/2014
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	BPM Holdings LLC	Owner's Name:	ESTELLE BRADSHAW
Applicant's Address:	233 INLET DR.	Owner's Address:	233 INLET DR. WILMINGTON, NC 28411
City, State, & Zip	WILMINGTON, NC 28411	City, State, & Zip	
Phone Number:	910-686-0896	Phone Number:	910-232-2085 (JEB)
Legal relationship of applicant to land owner:	JEB - SON / MANAGER		
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3280-26-2979-0000	Total property acreage:	5.7 acres
Zoning Classification:	RP, Residential Performance	Acreage to be disturbed:	
Project Address :	2570 SCOTTS HILL LOOP RD	NAICS Code:	
Description of Project Location:	NORTH WEST SIDE OF PROPERTY		
Describe activities to be undertaken on project site:	CONSTRUCTION OF BEAR DRY STORAGE RACKS		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	7/31/14
Owner's Signature		Date:	7/31/14
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: \$ Application #: Date of Hearing:		
Attachments Included with Application: (Please include # of copies)						
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large	# of 11X17	Other documents/Reports	<input type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:		Cash:		Credit Card:		Check:
		<input type="checkbox"/> \$ _____		<input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<input checked="" type="checkbox"/> Check # <u>1138</u>
Application received by: <u>Megan O'Hare</u>					Date: <u>8/7/2014</u>	
Application completeness approved by: <u>Megan O'Hare</u>					Date: <u>8/7/2014</u>	

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 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 checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project <input type="checkbox"/> Applicant <u>must specifically address the 8 written findings</u> 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.
<input 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 checked="" 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 checked="" type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input checked="" type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input checked="" type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <input checked="" 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 checked="" 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 checked="" type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO) <input checked="" type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO) <input checked="" type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <input checked="" 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 checked="" 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 checked="" 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

B & M HOLDINGS LLC
2570 SCOTTS HILL LOOP RD
WILMINGTON, NC 28411

PROJECTIVE NARRATIVE

The proposed project is the construction of additional boat dry storage racks on the northern corner of our property located at 2570 Scotts Hill Loop Rd. The racks we are looking to build are the same material, will be the same height and have the same appearance as the racks we constructed last year and finished this year. With the growth in the Pender county and surrounding counties, and lack of water access, there is a need for boat storage. Dry storage is a very efficient way to provide the community with storage and access to the water without requiring or disturbing a large area of land.

The project is located at Scotts Hill Marina, which is located a 2570 Scotts Hill Loop Road. The marina is accessible from Hwy 17 from both the north and south entrance of Scotts Hill Loop Road. The marina is located on the east side of Scotts Hill Loop Road, approx 1.7 miles from Hwy 17.

Activities on the property created by boat dry storage would be the storage of customers boat, the removal and retrieval of the boats from the racks with a marine forklift and the launching of the boats on a trailer using the boat ramp that is on the property. These activities are the same ones that currently take place on the property and have for many years. The proposed project will not create anything that is not already actively taking place. Hours of operation are as follows: Summer months 6 am-7 pm Sunday - Thursday, and 6am- 8pm Friday and Saturday. Winter months 6am-6pm Sunday-Thursday and 6am- 7pm Friday -Saturday., excluding Thanksgiving, Christmas, New Years etc. Please note this is a seasonal business and November thru February there is very little activity. During the summer seasonal months most business activity takes place on Saturday and Sunday. The dry storage employs 2 people during the weekdays, and up to 4 or 5 people on weekends during seasonal months.

Construction will consist on some minor land grading. Engineered foundation rods are put into the ground at a pre determined depth to support the concrete foundation. The foundation squares (approx. 18x18) are poured and will support the rack legs. There is one concrete foundation for each leg of the boat rack. The racks are an engineered structure that simply bolts together and treated lumber is bolted to the racks to support the boats. A gravel driveway will provide the driving area for the forklift.

No utilities are required for this project. This is a free standing structure with no power, all lighting currently on the property will not interfere with this project.

A cama permit will be required for this project, as well as building permits from Pender County.

This project is allowed on the property stated above with a special use permit. The same use is currently in place under an existing special use permit.

The boat racks are contained on the marina property. This project will be surrounded by a fence and landscaped according to Pender County guidelines. Being that all activities are contained on the marina property no safety or welfare problems could cause problems for the community and immediate neighbors.

This project will not cause any hazards, it will be a fenced in area providing security and will only be accessible by approved personal. No nuisance will be created for the community, this has been a marina since the 1950's, the marina has been operating under the same conditions listed above for

many years. Business hours for the dry rack are 8 to 5 and being this is a seasonal business 4 to 5 months of the year there is very little activity.

Utilities, access to the property, drainage, etc. is already in place and has proven to be adequate. Any additional drainage needed will be addressed when the easement permit is obtained.

The marina has a large entrance and during peak months staff is there to keep traffic flow smooth and to prevent congestion into public areas.

All regulations of the district will be met.

This project will not adversely affect surrounding uses. This is an extension of a use currently being used on the property.

In closing, water access is very hard to find in Pender County. Pender County is a growing area and people are moving here due to the benefits the coast has to offer. As a marina it is hard to provide a service to a growing area when you have limited space. This dry storage addition will allow the marina to offer additional storage and access to the local waterways. This is a benefit for the community and families moving to the area needing water access. This is also a benefit to the county by providing a large tax revenue. The marina is a focal point of the community and is always listed as an asset when property is being bought or sold in the community. This project will allow us to continue to offer public access to the community and surrounding neighbors for many years to come.