

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: October 17, 2016
Applicant: Phoebe Griffen Hood
Property Owner: Phoebe Griffen Hood
Case Number: 356-2016

Land Use Proposed: Phoebe Griffen Hood, applicant and owner, is requesting approval of a Special Use Permit for the operation of a bed and breakfast inn (NAICS 721191).

Property Record Number and Location: The subject property is located on the east side of Mallard Bay Road (SR 1566). There is one (1) tract associated with this request totaling ±0.25 acres. The subject property is located at 960 Mallard Bay Road (SR 1566) and may be further identified by Pender County PIN: 4213-24-3697-0000.

Zoning District of Property: The subject property is zoned RP, Residential Performance zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; NAICS 721191 (Bed and Breakfast Inns), a Bed and Breakfast Inn is permitted via Special Use Permit in the RP, Residential Performance zoning district.

Project Description:

Phoebe Griffen Hood, applicant and owner, is requesting approval of a Special Use Permit for the operation of a bed and breakfast inn (NAICS 721191). The ±0.25 acre subject parcel is occupied by a private residence currently operating a bed and breakfast inn. The applicant lives on-site and maintains the inn. According to the applicant's submitted narrative, the inn consists of two rooms and one bathroom for guest use, with a rental period of two (2) to seven (7) days at a time. The applicant and owner is the only employee on site. Breakfast is the only food service provided to guests. No additions to the existing residential structure are proposed.

Hours of Operation

The applicant's proposed hours of operation are twenty-four (24) hours a day, with year round availability.

Landscape and Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide a Buffer A along all street boundaries. A Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development. A Buffer B is required along all other non-street boundaries. All buffers will be examined at Site Development Plan submittal.

Driveway Access

Ingress and egress to the facility is provided directly via Mallard Bay Road (SR 1566) from an existing gravel drive. All projects connecting to state maintained roads are subject to review and approval by the NCDOT through a driveway permit which may be required at the Site Development Plan submittal.

Parking

A bed and breakfast establishment requires one (1) space per guest room plus two (2) for the owner/manager of the establishment based on parking standards found in Section 7.10 of the Pender County Unified Development Ordinance. Based on the applicant's submitted narrative, four (4) spaces are required for the proposed use. All parking requirements shall be examined at Site Development Plan submittal.

Utilities

The subject property is serviced by Pender County Utilities water service. Wastewater is treated by an on-site septic system. All review and approvals for private wastewater services are subject to review of Pender County Environmental Health.

Environmental

A portion of the subject property adjacent to the Atlantic Intracoastal Waterway is located within the AE Special Flood Hazard Area. As such, a floodplain development permit shall be obtained and applicable Flood Damage Prevention Ordinance requirements followed for any proposed future development within the floodplain. The main structure, parking, and driveway areas are all currently located inside the flood zone. A CAMA permit may be required prior to construction for any structure or development located within a designated Area of Environmental Concern.

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 Unified Development Ordinance. In addition, all other applicable federal, state, and local permits and approvals must be obtained including inspections and health department regulation compliance.

		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
MISCELLANEOUS USES											
Bed and Breakfast Inns	721191	S	S		S	P	P				

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; as well as a sign advertising the public hearing was placed on the subject property.
- B. Basis for Granting SUP:** See Attachment 1 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 properties are currently zoned RP, Residential Performance zoning district, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Bed and Breakfast Inns are permitted via Special Use Permit in the RP, Residential Performance zoning district.
- D. 2010 Comprehensive Land Use Plan Compliance:** The subject property is classified as Mixed Use and Conservation in the 2010 Comprehensive Land Use Plan. The Conservation area is located directly adjacent to the Atlantic Intracoastal Waterway.

The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner

Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance.

Conservation areas are areas that are owned in fee simple or have protective easements. These areas represent areas of special significance and unique 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). Conservation areas are comprised primarily of Holly Shelter Game Land (48,000 acres) and Angola Bay Game Land (35,783 acres). 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 SUP request may be supported by the following goals and policies within the 2010 Comprehensive Land Use Plan:

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

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.

This 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 is generally low density, single-family residential to the north, south, and west. The Atlantic Intracoastal Waterway borders the property on the east.
- F. Site Access Conditions:** Ingress and egress to the facility is provided directly via Mallard Bay Road (SR 1566) from an existing gravel drive. All projects connecting to state maintained roads are subject to review and approval by the NCDOT through a driveway permit which may be required at the Site Development Plan submittal.
- 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. Parking for guests shall be limited to on the subject property and not located in any right-of-way.
 6. Food and beverage services shall only be provided to guests of the bed and breakfast inn.

Attachment 1

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.