



Staff Report 05/12/2016

Owner:
David Mitchell

Applicant:
Charles Robinson

Parcel ID:
Portions of
0319 02009
0326 01001

Location:
Townsville Landing
Road

Current Zoning:
(AR) Agricultural
Residential

Public Hearing:
05/12/2016

Prepared by:
Amy Sandidge

Description of Variance Request:

The applicant is requesting a conditional use permit to allow an auto/truck repair facility to be located within the Agricultural Residential zoning district.

Exhibits as follows:

- Exhibit 1.** Application
- Exhibit 2.** Justification
- Exhibit 3.** Proposed Property Survey
- Exhibit 4.** Site Photos
- Exhibit 4.** Conditional Use Permit check sheet

DRAFT Findings of Fact

1. The request is for a conditional use permit to allow an auto/boat repair-sales-storage facility to be located within the Agricultural Residential zoning district.
2. The property is owned by David Mitchell and is identified as tax parcel 0319 02009. A final address will be requested if the Conditional Use Permit is approved.
3. The property consists of 70+/- acres. A final survey will be provided if the Conditional Use Permit is approved.
4. This is a major subdivision and will require final plat approval from the Planning Board.
5. The adjoining property owners were notified on April 29, 2016.
6. The property was posted on April 29, 2016.

Staff Comments

The applicant is proposing to develop and operate an auto and marine repair and storage center in the AR (agricultural residential) zoning classification which allows a vehicle/boat sales, rental and repair service facility with a conditional use permit.

The applicant is considering purchasing 75 acres from the owner, the 75 acres is part of a larger tract. The final sale is contingent upon the applicant being approved for the requested Conditional Use Permit, which is the reason finalized surveys have not been completed at this time. Staff suggests that a condition of approval be that this survey be recorded prior to the CUP being issued. Staff also recommends that an E911 address be obtained prior to the CUP being issued.

While this area is characterized as a mix of residential and agricultural property, the general location and size of this property would provide adequate distance to separate the business use from existing residential properties. In the interest of public safety and the consideration of adjacent property owners, the zoning ordinance requires outdoor storage to maintain a buffer that conceals the materials from public view. This requirement is found in section 4.15 of the zoning ordinance and requires a minimum 8' fence with a compact evergreen hedge to shield any storage operations from view. The applicant will be required to submit full plans including site and building plans for final review by staff.

Additionally the zoning ordinance limits the number of unlicensed or unregistered vehicles allowed on site. As a commercial garage the applicant would be limited to 10 such vehicles and/or boats on the property.

Staff Recommended Conditions:

1. A final survey be presented and recorded prior to releasing the CUP.
2. An E911 address will be obtained prior to releasing the CUP.
3. A screened buffer will be utilized meeting the zoning ordinance requirements.

- | | |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <ol style="list-style-type: none">4. The easement accessing the property will be developed according to the private access easement standards.5. A road maintenance agreement will be completed prior to releasing the CUP. |
|--|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



Vance COUNTY

NORTH CAROLINA

Conditional Use Permit Application

Vance County Planning & Development Department

156 Church Street, Suite 3
Henderson, NC 27536
Ph: (252) 738-2080
Fax: (252) 738-2089

For Administrative Use Only:

Case #	
Fee Paid	
BOA Date	

Property Owner Information

Property Owner: David J. Mitchell II
 Mailing Address: PO Box 1482
 City: Oxford State: NC Zip Code: 27565
 Phone #: (252) 213-3570 Fax #: () -
 E-mail Address: _____

Applicant Information

Applicant: Charles Robinson
 Mailing Address: PO Box 772
 City: Henderson State: NC Zip Code: 27536
 Phone #: (252) 213-4443 Fax #: (252) 431-1091
 E-mail Address: Charles@steeltcreekmarina.net

Property Information *For multiple properties please attach an additional sheet.*

Property Address: _____
 Tax Map Number: _____ PIN (parcel identification #): _____
 Type of Petition: _____
 Existing Zoning: AR Proposed Zoning: _____
 Acreage: 75 Road Frontage: 100 ft
 Existing Use: FARM

Deed Reference

- Metes and bounds description attached
- Site plan/sketch of proposal attached



Vance COUNTY

NORTH CAROLINA

Conditional Use Permit Application

Vance County Planning & Development Department

Statement of Justification

1. Application is hereby made for the following use: *Please explain below:*

Home with Auto and Marine Repair/SMAs/Storage,
and service. Home will be separate from
Shop AREA. Shop AREA will be out of public
View

2. The intent is to : *Check all that apply:*

- Construct a new structure for a conditional use;
- Repair the existing structure for the conditional use;
- Alter and/or expand the existing structure for the conditional use;
- Other

3. The following requirements have been provided: *Check all that apply:*

- Site plan;
- Property description;
- NC DOT entrance permit (if applicable);

4. Additional information:

In order to issue a Conditional Use Permit, the Board shall consider each of the following conditions, and based on the evidence presented at the hearing(s) make findings in regards to each and must find that the issuance of the Conditional Use Permit is in the best interest of the county.

A. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located.

Yes No

B. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health or safety;

Yes No



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C. The use or development complies with all required regulations of the Zoning Ordinance and all applicable specific conditions and specifications;

Yes No

D. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of adjoining or abutting property, or that use or development is a public necessity;

Yes No

E. The use or development will be in harmony with the area in which it is located and will be in general conformity with the plan of development of the County.

Yes No

Property Owners Signature

David Mitchell II

Please sign in blue or black ink

Date

4/25/16

Applicants' Signature

[Signature]

Please sign in blue or black ink

Date

4/25/16

This plat is subject to all easements, agreements and rights of way of record prior to the date of this plat.

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT THEREFORE NECESSARILY INDICATE ALL ENCUMBRANCES ON THE PROPERTY.

NOTE: Area computed by Coordinate Method



To the east of my subdivision, the Survey of 1988 includes about 2500 feet of a line of measurement.

NOTE: All distances are horizontal unless otherwise shown.
 ALL OF THE FOLLOWING PROPERTY ARE UNDER THE CONTROL, OWNERS UNLESS OTHERWISE NOTED: MARYLAND POWER SYSTEM

- LEGEND**
- SP Existing iron pipe found
 - SB Iron pipe found
 - ES Existing iron spike found
 - MS Iron pipe found
 - EP Existing iron nail found
 - MP Iron nail found
 - LS Existing rebar found
 - MSB Iron rebar found
 - ESB Existing railroad spike found
 - MSB Iron railroad spike found
 - ESB Existing concrete monument found
 - MSB Existing nail found
 - TS at bench mark on
 - CS Corner point
 - MS at least bearing lines
 - MS Right of way
 - MS Utility lines
 - MSF Iron or aluminum
 - MSL separate no. found

I, David J. Mitchell, certify that this plat was prepared under my supervision from an original field survey made under my supervision from notes retained at my office at the date of this plat and that I am a duly licensed and qualified land surveyor in the State of North Carolina and that I am duly sworn in accordance with the laws of this State and that I am duly sworn in accordance with the laws of this State and that I am duly sworn in accordance with the laws of this State.

Robert C. Cawthorne, P.L.S. 1-2481

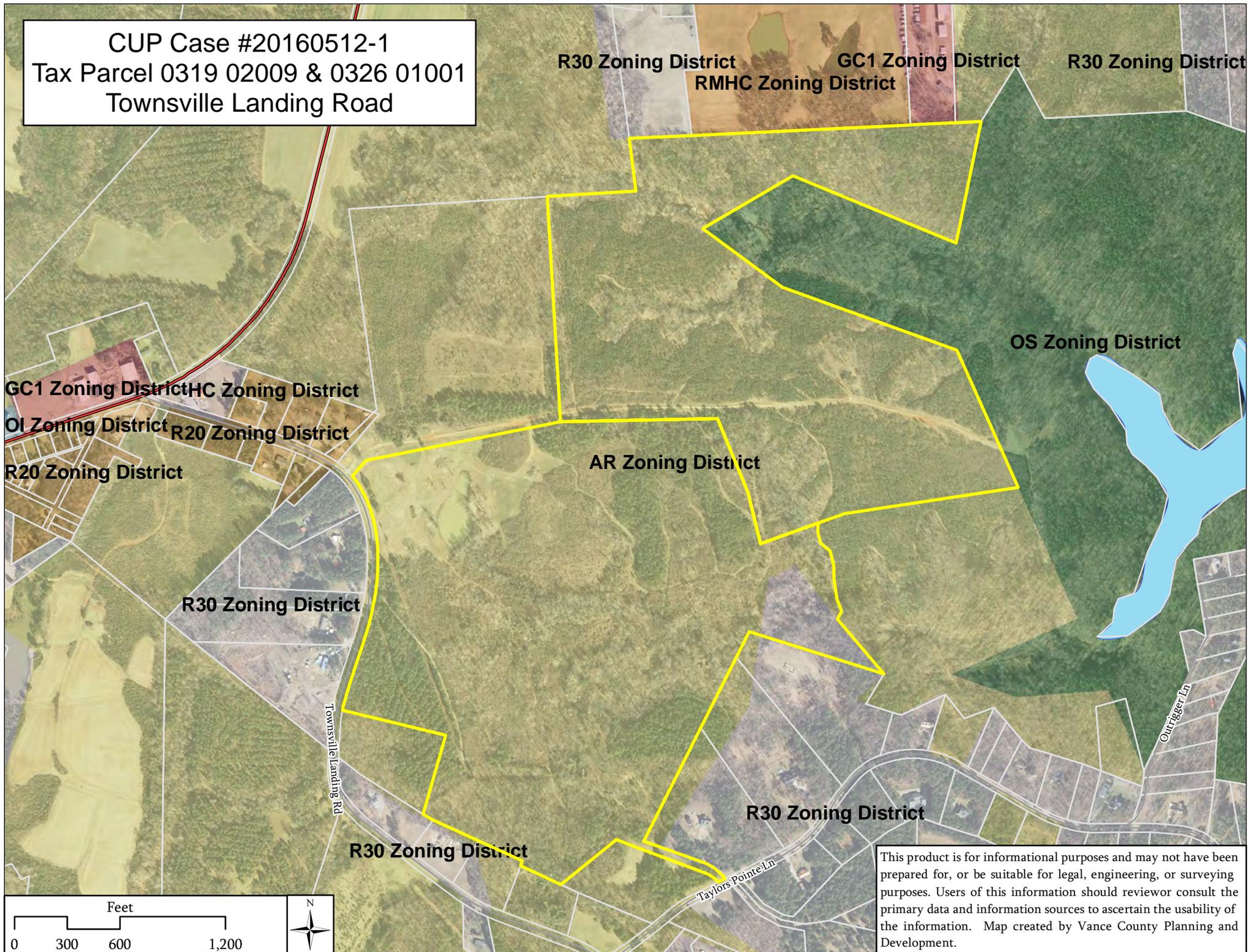
PRELIMINARY SURVEY OR PROPOSAL NOT FOR SALES, CONVEYANCES OR RECORDATION

U.S.A. BUDDY BLAND RESUBDIVISION (OVER LOTS) TRACT MAP A-1038

SURVEY FOR
DAVID J. MITCHELL, II
 FILE # 9-16-22-81
PRELIMINARY SURVEY
 OR
PROPOSAL NOT FOR SALES, CONVEYANCES OR RECORDATION

CAWTHORNE & ASSOCIATES
 Registered Land Surveyors, P.A.
 License No.: C-0378
 822 Dabney Drive
 Henderson, North Carolina 27536
 Phone # 252-492-0641 Fax # 252-492-2846

CUP Case #20160512-1
Tax Parcel 0319 02009 & 0326 01001
Townsville Landing Road



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information. Map created by Vance County Planning and Development.



Looking east into the property



Looking east into the property

Use Type	AR	R30	R20	R10	RMHC	HC	GCI	LI	IM	EIA	OI	OS	WOZ	Parking-Loading
COMMERCIAL USBS														
Agricultural Support and Services (see Definitions)	P	CU	X	X	X	P	P	P	X	X	X	CU	CU	Parking: 1/25 SF Loading: 1.5/ bay
Bed and Breakfast/Country Inn	P	P	CU	CU	X	P	P	X	X	X	X	P	P	Parking: 1 per room + 2 extra spaces for facility Loading: N/A
Animal Hospitals-Veterinary Clinics	P	P	CU	X	X	P	P	P	X	CU	CU	P	P	Parking: 3/1,000 SF Loading: 1/ 30,000 SF
Kennels	P	X	X	X	X	P	P	P	X	X	X	P	P	Parking: 1 per 300 SF + 1 per 3 stalls Loading: 1 40 stalls
Commercial Lodging (Motels, Hotels)	CU	CU	X	X	X	P	P	X	X	CU	CU	CU	CU	Parking: 1/room + 2 extra spaces for facility Loading: 2 per 40,000 SF
Retail	X	X	X	X	X	P	P	CU	X	X	X	CU	CU	Parking: 4/1,000 SF Loading: 1/ 30,000 SF
Shopping Center	X	X	X	X	X	P	P	X	X	X	X	X	CU	Parking: 1/200 SF Loading: 1 per 25,000 SF
Gas Stations	X	X	X	X	X	P	P	P	X	CU	CU	X	CU	Parking: 1 per 1,000 SF + 1 per pump station Loading: 1/ 20,000 SF
Alcohol Sales (ABC Store)	X	X	X	X	X	P	P	P	X	X	X	CU	X	Parking: 4/1,000 SF Loading: N/A
Office	X	X	X	X	X	P	P	P	P	P	P	X	CU	Parking: 4/1,000 SF Loading: 1/33,000 SF
Lumber Yards and Building Supplies Sales	CU	X	X	X	X	P	P	P	X	X	X	CU	CU	Parking: 4 per 1,000 SF Loading: 2 per 30,000 SF
Vehicle/Boat Sales, Rental, and Service (repairs)	CU	X	X	X	X	P	P	P	X	X	X	CU	CU	Parking: 1/15 vehicles on lot

313.7.7 Private Access Easement

313.7.7.1 Ownership - A private access easement and the improvements therein may be held in:

- a) Common ownership (e.g. Home Owner's Association) by those properties fronting on and/or having access to such road, or
- b) Individual ownership of the property owner of the lot of record from which a minor subdivision is created, provided that the individual owner shall be responsible for the construction and perpetual maintenance of the access drive required to be constructed within the easement. (See Section 404.3.6 for maintenance documents required at time of minor subdivision application.)

313.7.7.2 Minimum right-of-way width required: Twenty-five (25) feet.

313.7.7.3 Maximum Number of Lots permitted to have access: Four (4)

313.7.7.4 Construction Standard: An access drive shall be constructed in accordance with Sections 263.8.3 above and:

- a) The minimum width of the access drive shall be twelve (12) feet of vehicular travel surface, and
- b) There shall be at least one stable shoulder five (5) feet in width.

Conditional Use Permit Check Sheet

1. The use requested is among those listed as an eligible conditional use in the district in which the subject property is located.

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				

2. The use or development is located, designed and proposed to be operated so as to maintain or promote the public health or safety.

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				

3. The use or development complies with all required regulations of the Zoning Ordinance and all applicable specific conditions and specifications.

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				

4. The use or development is located, designed and proposed to be operated so as to maintain or enhance the value of adjoining or abutting property, or that the use is a public necessity;

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				

5. The use or development will be in harmony with the area in which it is to be located and will be in general conformity with the plan of development of the County.

	True	False		True	False		True	False	TOTAL
Brummitt:	<input type="checkbox"/>	<input type="checkbox"/>	Johnson:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 1:	<input type="checkbox"/>	<input type="checkbox"/>	
Haley:	<input type="checkbox"/>	<input type="checkbox"/>	Shaw:	<input type="checkbox"/>	<input type="checkbox"/>	Alternate 2:	<input type="checkbox"/>	<input type="checkbox"/>	
Harvin:	<input type="checkbox"/>	<input type="checkbox"/>	Stainback:	<input type="checkbox"/>	<input type="checkbox"/>				