

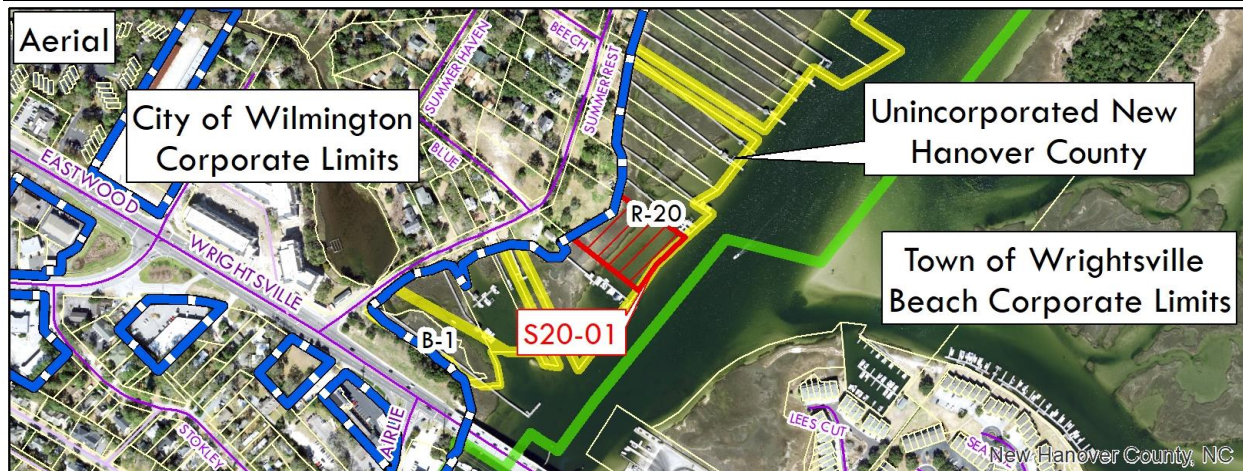
STAFF SUMMARY OF **S20-01** SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY	
Case Number: S20-01	
Request:	
SUP to develop a community boating facility consisting of 8 boat slips	
Applicant:	Property Owner(s):
Amy Schaefer of Lee Kaess, PLLC	Parkside WF Investors, LLC
Location:	Acreage:
200 block of Summer Rest Road	Approx. 1.41 (parcel within unincorporated area)
PID(s):	Comp Plan Place Type:
R05714-003-003-000	Conservation
Existing Land Use:	Proposed Land Use:
Developed (private)	Community Boating Facility
Current Zoning:	
R-20	



SURROUNDING AREA		
	LAND USE	ZONING
North	Marshland, Single-Family Residential	R-20 (Unincorporated County), R-20 (City of Wilmington)
East	Intracoastal Waterway, Single-Family Attached	R-2 (Town of Wrightsville Beach)
South	Intracoastal Waterway	G-1 (Town of Wrightsville Beach)

West	Single-Family Residential	R-20 (City of Wilmington)
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ZONING HISTORY	
December 15, 1969	Initially zoned R-20 (Area 2)

COMMUNITY SERVICES	
Water/Sewer	Water and sewer is available from the CFPUA.
Fire Protection	City of Wilmington Station 9, Wrightsville Beach Fire District
Schools	Wrightsville Beach Elementary, Noble Middle, and Laney High School
Recreation	Airlie Gardens, Summer Rest Trail

CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES	
Conservation	Salt marsh is present within the site which is subject to the Conservation Resources standards. Piers, docks, and boating facilities may be constructed within these conservation areas provided they comply with state and federal regulations. The applicant has obtained a CAMA Major Permit which allows for the construction of the boating facility.
Historic	No known historic resources
Archaeological	No known archaeological resources

ZONING CONSIDERATION AND PROPOSED SITE PLAN

- The proposed facility is located in the Summer Rest community, near the C. Heide Trask Bridge to Wrightsville Beach. It is located within both unincorporated New Hanover County and in the City of Wilmington corporate limits. The dock and the western portion of the intracoastal waterway are within the unincorporated limits, while the access is located within the City of Wilmington.
- The proposal would allow for 8 boat slips to be added to an existing pier to be used by residents of the abutting Summer Rest community. A community boating facility is a private, non-profit facility with no commercial activities permitted. Each boat slip must be reserved for the homeowners to purchase within Summer Rest.
- A proposed boating facility that serves 5 or more residential units is classified as a community boating facility and is required to obtain a Special Use Permit.
- This proposed facility consists of an approximate 6-foot-wide, 440-foot-long pier and gazebo that have been constructed. However, the 8 proposed boat docks have not been completed at this time. Although not planned at this time, boat lifts are permitted.
- The driveways for the homeowners who own slips will serve as required parking for the community boating facility.
- The existing subdivision to the west is located within land in the City of Wilmington corporate limits, zoned R-20, and therefore, it is not included within this SUP application.
- The proposed community boating facility must obtain applicable permits from the NC Division of Coastal Management and the US Army Corps of Engineers.



Above: Map highlighting the property included within the SUP application and the adjacent subdivision.



Looking east towards Wrightsville Beach.



Looking west towards Summer Rest

TRANSPORTATION

- The existing Summer Rest Road, which is maintained by the City of Wilmington, provides access to the subject property and the proposed facility.
- As the community boating facility is a private facility, with no commercial activities being permitted, it is not expected to generate any additional trips outside of those generated by the existing subdivision.

ENVIRONMENTAL

- The entire subject property is located within a Special Flood Hazard Area, specifically the AE and VE flood zones.
- Per the Classification of Soils in New Hanover County for Septic Tank Suitability, soils on the property consist of Class I (suitable/slight limitation) and Class IV (unsuitable) soils.
- The property is within the Intracoastal Waterway (SA;Hqw) watershed.

2016 COMPREHENSIVE LAND USE PLAN

The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.



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The New Hanover County Future Land Use Map provides a general representation of the vision for New Hanover County's future land use, as designated by place types describing the character and function of the different types of development that make up the community. These place types are intended to identify general areas for particular development patterns and should not be interpreted as being parcel specific.

Future Land Use Map Place Type	Conservation
Place Type Description	Covers areas of natural open space and is intended to protect the natural environment, water quality, and wildlife habitats that serve the public through environmental education, low-impact recreation, and in their natural beauty. In these areas, increased density would be discouraged, and low impact development methods would be required. Such requirements place limits on development to ensure the protection of resources.

<p>Analysis</p>	<p>The proposed boating facility is located in the Summer Rest single-family neighborhood located to the north of the Wrightsville Beach bridge, the remainder of which is within the City of Wilmington's planning jurisdiction. It is adjacent to the Intracoastal Waterway and other residential developments with boating facilities similar to those proposed.</p> <p>The intent of the Conservation place type is to highlight areas where development and land uses may need to be limited in order to protect natural resources. Lower impact uses such as environmental education and recreation are indicated to be appropriate in such areas.</p> <p>The proposed community boating facility would allow private property owners to access public water ways through a shared boating facility instead of individual boating docks. Development is limited to that shared boating facility thus keeping with the low-impact recreational uses indicated for this place type.</p>
<p>Consistency Recommendation</p>	<p>The proposed community boating facility is generally CONSISTENT with the goals of the 2016 Comprehensive Plan because provides for low-impact recreation along the Intracoastal Waterway where other similar boating facilities are located.</p>

STAFF PRELIMINARY CONCLUSIONS AND FINDINGS OF FACT:

Staff has conducted an analysis of the proposed use and the information provided as part of the application package and has created preliminary findings of fact for each of the conclusions required to be reached to approve the special use permit request. These preliminary findings of fact and conclusions are based solely on the information provided to date, prior to any information or testimony in support or opposition to the request that may be presented at the upcoming public hearing at the Board meeting.

Conclusion 1: The Board must find that the use will not materially endanger the public health or safety where proposed and developed according to the plan as submitted and approved.

- A. The subject property is located in the City of Wilmington Station 9 Fire Services District, and the community boating facility, and its access, must comply with City Fire Services' standards. The community boating facility is required to have extinguishers located on the dock as the fire protection system.
- B. The community boating facility will not be used for commercial purposes and the sale or storage of gasoline products is prohibited.
- C. All structures must comply with the county's Flood Damage Prevention Ordinance.
- D. The community boating facility must be reviewed and obtain applicable permits from the NC Division of Coastal Management and the US Army Corps of Engineers.

Conclusion 2: The Board must find that the use meets all required conditions and specifications of the Zoning Ordinance.

- A. Community boating facilities are allowed by Special Use Permit in the R-20 zoning district.
- B. The facility complies with the standards for Community Boating Facilities in Section 4.3.3.G.1 of the Unified Development Ordinance.
- C. A CAMA Major Permit for the Boating Facility has been issued.

Conclusion 3: The Board must find that the use will not substantially injure the value of adjoining or abutting property or that the use is a public necessity.

- A. The community boating facility is a private, non-profit facility with no commercial activities being permitted. The boat slips can only be purchased by the homeowners within the existing subdivision.
- B. The property owner will file a declaration of covenants recorded at the New Hanover Register of Deeds which restricts the right of use of the facility to those residential lots or units within the Summer Rest community area.
- C. There are several other piers in the immediate area of the proposed community boating facility.
- D. No evidence has been submitted that this project will decrease the property values of adjacent or nearby properties.

Conclusion 4: The Board must find that the location and character of the use if developed according to the plan as submitted and approved will be in harmony with the area in which it is to be located and in general conformity with the plan of development for New Hanover County.

- A. The site is classified as Conservation by the 2016 Comprehensive Land Use Plan. The Conservation place type is intended to protect the natural environment, water quality, and wildlife habitats that serve the public through environmental education, low-impact recreation, and in their natural beauty. The proposal generally aligns with the intent of the Conservation land use classification because it provides for low-impact recreation in a limited area.

EXAMPLE MOTIONS

Example Motion for Approval:

Motion to approve, as the Board finds that this application for a Special Use Permit meets the four required conclusions based on the findings of fact included in the Staff Report.

[**OPTIONAL**] Note any additional findings of fact related to the four required conclusions.

[**OPTIONAL**] Note any conditions be added to the development:

[List Conditions]

Example Motion for Denial:

Motion to recommend denial, as the Board **cannot** find that this proposal:

1. Will not materially endanger the public health or safety;
2. Meets all required conditions and specifications of the Zoning Ordinance;
3. Will not substantially injure the value of adjoining or abutting property;
4. Will be in harmony with the area in which it is to be located and in general conformity with the Comprehensive Land Use Plan for New Hanover County.

[State the finding(s) that the application does not meet and include reasons why it is not being met]