

# STAFF SUMMARY OF **S19-01** SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY	
<b>Case Number:</b> S19-01	
<b>Request:</b> Special Use Permit in order to develop a private cemetery	
<b>Applicant:</b> Benjamin Rivenbark	<b>Property Owner(s):</b> Jack Carlisle
<b>Location:</b> 8640 River Road	<b>Acreage:</b> 15.44
<b>PID(s):</b> R08400-002-005-001	<b>Comp Plan Place Type:</b> Conservation
<b>Existing Land Use:</b> Residential/Vacant	<b>Proposed Land Use:</b> Cemetery
<b>Current Zoning:</b> R-15, Residential	



SURROUNDING AREA		
	LAND USE	ZONING
<b>North</b>	Vacant	R-15
<b>East</b>	Single-Family Residential	R-15
<b>South</b>	Single-Family Residential	R-15
<b>West</b>	Vacant/Open Water	R-15



**ZONING HISTORY**

<b>April 15, 1971</b>	Initially zoned R-15 (Zone 4)
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**COMMUNITY SERVICES**

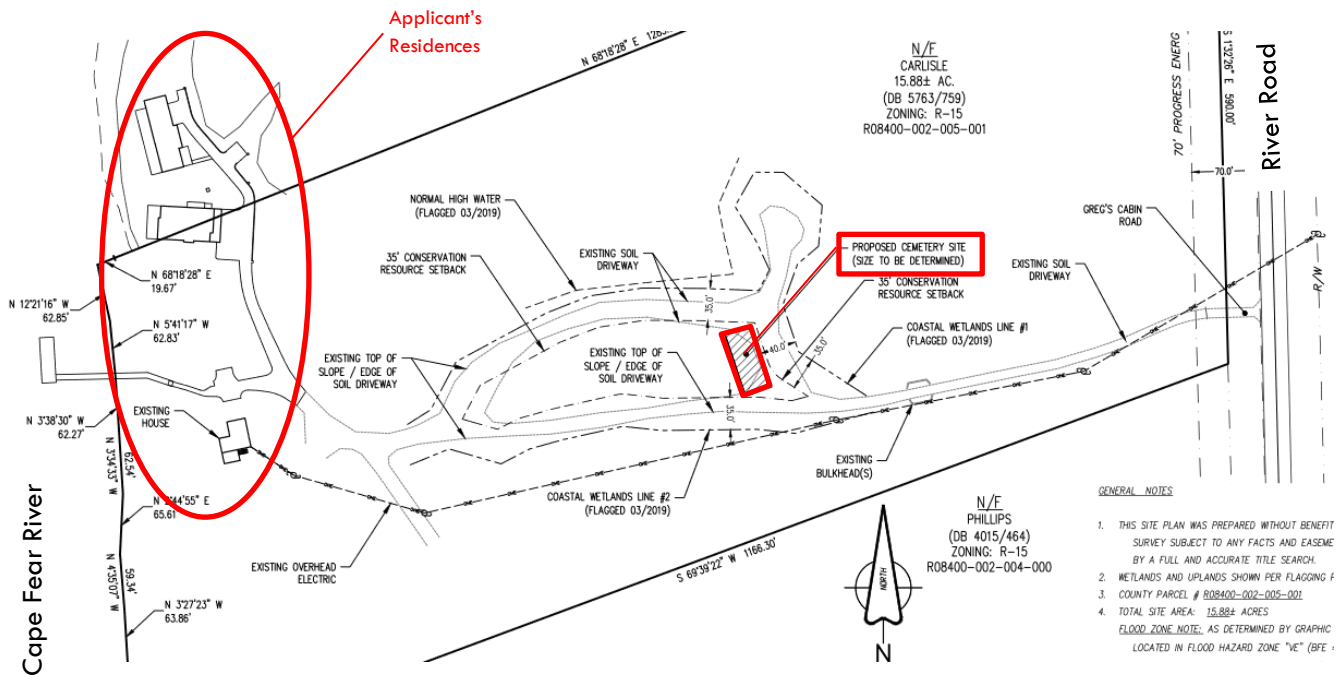
<b>Water/Sewer</b>	Water and Sewer is not proposed for this use
<b>Fire Protection</b>	New Hanover County Fire Services, New Hanover County Southern Fire District, New Hanover County Federal Point Station
<b>Schools</b>	Carolina Beach Elementary, Murray Middle, and Ashley High School
<b>Recreation</b>	Snows Cut Park, Veterans Park

**CONSERVATION, HISTORIC, & ARCHAEOLOGICAL RESOURCES**

<b>Conservation</b>	The parcel contains areas of maritime salt thicket and brackish marsh; however, the cemetery site itself is located on an upland pine forest area.
<b>Historic</b>	No known historic resources
<b>Archaeological</b>	No known archaeological resources

## Proposed Site Plan

- The application is proposing to develop a private cemetery to be located on a parcel with an existing single family dwelling. The proposed cemetery is intended only for members of the owner's family or close friends and will not offer burial plots for sale or any other services to the general public. The size of the cemetery area will be approximately 35' x 45' on an upland area of the property enclosed with a perimeter fence. The property owner maintains two single-family dwelling units on the parcel directly to the north of the subject parcel, and the parcel to the south is also developed with one single family dwelling. The parcels in the immediate vicinity contain large expanses of coastal wetlands that limit the potential for additional higher-intensity development.
- The North Carolina Cemetery Commission has provided the applicant with documentation stating that the proposed cemetery will not be subject to the agency's regulations due to its size and scope. The applicant intends to employ funeral professionals for all interments and use modern techniques including sealed caskets, burial vaults, and grave liners to minimize potential environmental impacts.



Proposed Site Plan

## TRANSPORTATION

- Access will be provided via an existing private driveway to River Road. The cemetery location is approximately 550' west of the intersection of the private driveway and River Road.
- The proposed use is not expected to generate any additional trips in the area or have any impact to traffic on the nearby road network due to the cemetery being restricted to family members and close friends.

## ENVIRONMENTAL

- The site lies within a VE Special Flood Hazard Area. There are no specific provisions in the Flood Damage Prevention Ordinance or National Flood Insurance Program regulations that address the development of cemeteries in Special Flood Hazard Areas. However, general requirements for development other than buildings and structures in the VE zone require an analysis from a registered design professional that finds that the development will not cause any harmful diversion of floodwaters or wave runup and reflection that would increase damage to adjacent structures. The applicant intends to use anchoring techniques to prevent potential flotation and lateral movement of the interments during potential inundation by floodwaters.
- The upland area where the cemetery is proposed does not contain wetlands and no impact to wetland species is anticipated. Due to the proximity to marsh areas, the site is designated as a Coastal Area Management Act (CAMA) Area of Environmental Concern (AEC) and a CAMA minor permit will be required prior to any land disturbance on the site.
- The site is located within an area designated as a Significant Natural Heritage Area known as the Doctor Point Hammocks. This area is characterized by an embayment which is nearly cut off from the Cape Fear River by a narrow sand levee, with expanses of coastal wetlands and several small upland areas referred to as hammocks. The hammocks have no specific protection status, and the proposed cemetery is not anticipated to have any environmental impacts to the Natural Heritage Area due to its limited size and scope.
- The subject property lies within the Cape Fear River watershed.
- The upland area of the site where the cemetery is proposed contains Dorovan soils, according to the Soil Survey for New Hanover County.

## 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.



<b>Future Land Use Map Place Type</b>	Conservation
<b>Place Type Description</b>	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.
<b>Analysis</b>	A major goal of the Conservation place type is to protect natural resources by limiting development. While the Comprehensive Plan does not specifically address this type of use, the proposed private cemetery would limit future higher intensity development on the site and could assist in protecting the natural environment.
<b>Consistency Recommendation</b>	The proposed private cemetery is generally <b>CONSISTENT</b> with the 2016 Comprehensive Plan because it will limit future development and associated impacts on natural resources in a Conservation area.

## PLANNING BOARD ACTION

The Planning Board considered this application at their June 6, 2019 meeting, and recommended approval (7-0) of the application with the following conditions:

1. Interments shall use modern techniques including sealed caskets, burial vaults, or grave liners to minimize potential environmental impacts.
2. No plots shall be available for sale to the general public.

## 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 quasi-judicial 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 New Hanover County South Fire Service District.
- B. Access to the site will be provided by an existing private driveway from River Road, which is an NCDOT maintained roadway.
- C. The subject site does not host any known cultural, archaeological, or environmental resources.
- D. The proposed use will not generate any additional vehicular trips and is not anticipated to have any impact on the surrounding transportation network.
- E. The applicant intends to employ funeral professionals for all interments and use modern techniques including sealed caskets, burial vaults, and grave liners to minimize potential environmental impacts.
- F. The applicant intends to use anchoring techniques to prevent potential flotation and lateral movement of the interments during potential inundation by floodwaters.

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

- A. Cemeteries are allowed by Special Use Permit in the R-15, Residential zoning district.
- B. The NC Cemetery Commission has provided documentation that states that the proposal does not fall under their jurisdiction to regulate to the size and scope of the project.
- C. An analysis from a registered design professional stating that the development will not cause any harmful diversion of floodwaters or wave runup and reflection that would increase damage to adjacent structures will be required prior to development per the Flood Damage Prevention Ordinance.
- D. A CAMA Minor Permit will be required prior to any land disturbance on the site.

**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 location of the proposed cemetery is in a residential area currently developed with very low density on the west side of River Road.
- B. The nearest residential structures range from approximately 550' - 950' to west and south of the proposed cemetery. To the east, across River Road, the proposed cemetery is over 1,000' to the nearest residential structures.
- C. Predominant land uses in the immediate vicinity of the subject site are residential, vacant or conservation space.
- D. No evidence has been submitted that this project will substantially injure the value of adjoining or abutting 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 Comprehensive Land Use Plan for New Hanover County.**

- A. The site currently is developed with one single-family dwelling unit, and is generally located adjacent to a low density residential area with large areas of conservation resources. The nearest residential structures range from approximately 550' - 950' to west and south of the proposed cemetery. To the east, across River Road, the proposed cemetery is over 1,000' from the nearest residential structures.
- B. The site is classified as Conservation by the 2016 Comprehensive Land Use Plan. The Conservation placetype 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. A major goal of the Conservation place type is to protect natural resources by limiting development. While the Comprehensive Plan does not specifically address this type of use, the proposed private cemetery would limit future higher intensity development on the site and could assist in protecting the natural environment. The proposed private cemetery is generally **CONSISTENT** with the 2016 Comprehensive Plan because it will limit future development and associated impacts on natural resources in a Conservation area.