

NEW HANOVER COUNTY

DEPARTMENT OF PLANNING & LAND USE
 230 Government Center Drive, Suite 110
 Wilmington, North Carolina
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 planningdevelopment.nhcgov.com



SPECIAL USE PERMIT Application

Applicant/Agent Information	Property Owner(s) <i>If different than Applicant/Agent</i>	
Name Frank Braxton	Owner Name Preservation Point Partnership LLC	
Company Coastal Land Design PLLC	Owner Name 2	
Address P.O. Box 1172	Address 9827 Cogdill Road, Suite 1	
City, State, Zip Wilmington, NC 28402	City, State, Zip Knoxville, TN 37932	
Phone 910-254-9333 X-3	Phone 800-675-1800	
Email fbraxton@cldeng.com	Email logue@11C14VEST.COM	
Subject Property Information		
Address/Location 1505 Castle Hayne Road		
Parcel Identification Number(s) R04100-001-002		
Total Parcel(s) Acreage 129.3 Acres (7.45 Ac Island)		
Existing Zoning and Use(s) R-15 CUD Vacant		
Future Land Use Classification Conservation/Recreation		
Application Tracking Information <i>(Staff Only)</i>		
Case Number E17-09	Date/Time received: 10/10/2019	Received by: BS

Proposed Use(s) & Written Description

Please list the proposed use or uses of the subject property, and provide the purpose of the Special Use Permit and a description of the project (please provide additional pages if needed).

The San Souci Island is proposed as part of the Amenity Facilities for the Preservation Point Performance
Subdivision. In addition to the upland Amenity Area, the Island will be connected to the mainland by a 10 feet
wide Boardwalk allowing pedestrian and golf cart access. The Island's development will include an open air
Pavilion, walking/driving paths, Pickleball Courts and a miniature golf course. In addition to the recreational
facilities, a 98 Slip Community Boating Facility is proposed.

Traffic Impact Worksheet

Please provide the estimated number of trips generated for the proposed use(s) based off the most recent version of the Institute of Transportation Engineers (ITE) Trip Generation Manual. A Traffic Impact Analysis (TIA) must be completed for all proposed developments that generate more than 100 peak hour trips, and the TIA must be included with this application.

Conservation/Recreation
ITE Land Use:

Trip Generation Variable (gross floor area, dwelling units, etc.): NA

AM Peak Hour Trips: 0

PM Peak Hour Trips: 0

CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT

For each of the four required conclusions listed below, include or attach a statement that explains how any existing conditions, proposed development features, or other relevant facts would allow the Board of County Commissioners to reach the required conclusion, and attach any additional documents or materials that provide supporting factual evidence. The considerations listed under each required conclusion are simply those suggested to help the applicant understand what may be considered in determining whether a required conclusion can be met. You should address any additional considerations potentially raised by the proposed use or development.

1. The use will not materially endanger the public health or safety if located where proposed and approved.

Considerations:

- Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersections with curb cuts
- Provision of services and utilities, including sewer, water, electrical, garbage collections, fire protection
- Soil erosion and sedimentation
- Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater
- Anticipated air discharges, including possible adverse effects on air quality

The proposed use is a low intensity private recreational amenity and a Community Boating Facility to be developed as part of the Preservation Point Performance Residential Subdivision. As a waterfront development, a North Carolina Major CAMA Permit will be required. A Major CAMA Permit includes an intense review by Local, State and Federal Agencies. The proposed Boating and Recreational Uses are in-keeping with the allowed uses within the Conservation classification as outlined in both the CAMA Land Use and Comprehensive Plans. The proposed Boating Facility will prohibit the sale or storage of gasoline products and no food sales will be allowed. The proposed private restrooms will be served by a well and individual septic system, each requiring approval by the County's Environmental Health Department. Fire protection will be provided by the County Fire Services via a dry-standpipe system and an equipped ATV. The proposed Island Development will be owned, operated and maintained by the Preservation Point Homeowner's Association.

2. The use meets all required conditions and specifications of the Zoning Ordinance.

The proposed San Souci Island Development is allowed in the R-1.5 Zoning District as a Special Use Permit and subject to the applicable Supplemental Conditions. The proposed Community Boating Facility will only provide boat slips for residential lots within the Preservation Point Subdivision. In accordance with the CAMA Land Use Plan, the County Comprehensive Plan and the Zoning Ordinance, commercial activities or gasoline sales are prohibited. Additionally, the waterfront development and access will be addressed within the required Major CAMA Permit.

CRITERIA REQUIRED FOR APPROVAL OF A SPECIAL USE PERMIT

(continued)

3. The use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)
- Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or County as a whole as to justify it regardless of its impact on the value of adjoining property

The adjoining and/or abutting properties are either part of the Preservation Point Development or undevelopable marsh areas. The San Souci Island Amenity is part of the Preservation Point Subdivision and included in the required Active Open Space. The intended residential use is consistent with the surrounding residential properties. The new development should have a positive impact on the area's future land values.

4. 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 New Hanover County Comprehensive Land Use Plan.

Considerations:

- The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved (i.e. buffers, hours of operation, etc)
- Consistency with the Comprehensive Plan's goals, objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its locational standards

The proposed use is considered a low intensity recreational amenity for a single family residential subdivision. The County's CAMA Land use and Comprehensive Plans classify the property as Conservation. Low intensity recreation and non-commercial marinas are permitted within the Conservation Classification. Additionally, the R-15 Zoning District allows both the private recreation and the Community Boating Facility under prescribe conditions. As part of the Proposed Preservation Point Suidivision, the entire development is a continuation of the existing community's residential charachtor and consistent with the existing residential zoning.

APPLICATION REQUIREMENTS

Staff will use the following checklist to determine the completeness of your application. Please verify all of the listed items are included and confirm by initialing under "Applicant Initial". If an item is not applicable, mark as "N/A". Staff will confirm if an application is complete within five business days of submittal. Applications must be complete in order to process for further review.

Required Information	Applicant Initial or N/A	Staff Initial or N/A
1 Complete Special Use Permit application.	JFB	
2 Application fee – (\$500; \$250 if application pertains to a residential use (i.e. mobile home, duplex, family child care home).	JFB	GHS
3 Traffic Impact Analysis (for uses that generate more than 100 peak hour trips).	NA	NA
4 <u>Site Plan including the following elements:</u> <ul style="list-style-type: none"> • Tract boundaries and total area, location of adjoining parcels and roads. • Proposed use of land, structures and other improvements. For residential uses, this shall include number, height and type of units and area to be occupied by each structure and/or subdivided boundaries. For non-residential structures, this shall include approximate square footage and height of each structure, an outline of the area it will occupy and the specific purpose for which it will be used. • Development schedule including proposed phasing. • Traffic and Parking Plan to include a statement of impact concerning local traffic near the tract, proposed right-of-way dedication, plans for access to and from the tract, location, width and right-of-way for internal streets and location, arrangement and access provision for parking areas. • All existing and proposed easements, reservations, required setbacks, rights-of-way, buffering and signage. • The one hundred (100) year floodplain line, if applicable. • Location and sizing of trees required to be protected under Section 62 of the Zoning Ordinance. • The approximate location of US Army Corps of Engineers Clean Water Act Section 404 and Rivers and Harbors Act Section 10 Wetlands, and wetlands under jurisdiction of the NC Department of Environmental Quality. • Any additional conditions and requirements, which represent greater restrictions on development and use of the tract than the corresponding General Use District regulations or other limitations on land which may be regulated by Federal or State law or Local Ordinance. • Any other information that will facilitate review of the proposed change (Ref. Article VII, as applicable). 	JFB	GHS
5 1 hard copy of ALL documents AND 8 hard copies of the site plan. Additional hard copies may be required by staff depending on the size of the document/site plan.	JFB	GHS
6 1 PDF digital copy of ALL documents AND plans.	JFB	GHS

ACKNOWLEDGEMENT AND SIGNATURES

By my signature below, I understand and accept all of the conditions, limitations and obligations of the Special Use Permit for which I am applying. I understand that the existing official zoning map is presumed to be correct. I understand that I have the burden of proving that the proposal meets the four required conclusions. I certify that this application is complete and that all information presented in this application is accurate to the best of my knowledge, information, and belief.

Authority for Appointment of Agent Form

If applicable, I also appoint the applicant/agent as listed on this application to represent me and make decisions on my behalf regarding this application during the review process. The applicant/agent is hereby authorized on my behalf to:

1. Submit an application including all required supplemental information and materials;
2. Appear at public hearings to give representation and commitments; and
3. Act on my behalf without limitations with regard to any and all things directly or indirectly connected with or arising out of this application.

S. Rye
Signature of Property Owner(s)

SCOTT RYE
Print Name(s)

J. Frank Braxton
Signature of Applicant/Agent

J. Frank Braxton
Print Name

NOTE: Form must be signed by the owner(s) of record. If there are multiple property owners a signature is required for each owner of record.

***The land owner or their attorney must be present for the application at the public hearings.**

If an applicant requests delay of consideration from the Planning Board or Board of County Commissioners before notice has been sent to the newspaper (approximately 2-3 weeks before the hearing), the item will be calendared for the next meeting and no fee will be required. If delay is requested after notice has been sent to the newspaper, the Board will act on the request at the scheduled meeting and are under no obligation to grant the continuance. If the continuance is granted, a fee in accordance with the adopted fee schedule as published on the New Hanover County Planning website will be required.

For Staff Only			
Application Received:	Completeness Determination Required By (date):	Determination Performed on (date):	Planning Board Meeting:
10/10/2019	10/17/2019	10/16/2019	11/07/2019