Quasi-Judicial Process: The audience should refrain from clapping, booing or shouts of approval or disagreement. To avoid potential legal ramification and possible overturning of a decision by the Courts, a public hearing must be fair in three respects: form, substance and appearance.
Quasi-Judicial Process

Time limits will be observed:

• Staff – 10 minute presentation.
• Applicant – 15 minute presentation (unless time extended by consensus of Board).
• Public Comment – 3 minutes per speaker, 5 minutes if speaking on behalf of a group.
• Applicant Rebuttal and Closing Staff Comments – 10 minutes each.
Agenda Item #4
Application #3179

Special Exception in the AC

Rayonier Atlantic Timber Company/
Matthews Design Group

QUASI-JUDICIAL
Application #3179
Special Exception in the AC

Request for soil extraction (borrow pit) use.

AC District allows soil extraction as a Special Exception use, subject to conditions.

Pit to be accessed from County Road 13.

Minimum distance of 200 feet to nearest residential use.

Excavation activity will last between 18 and 24 months.

Legal description for wetland for Administrative Future Land Use Map amendment received.
Application #3179
Special Exception in the AC

RECOMMENDATION: The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have been met and therefore approves the Special Exception for Soil Extraction (borrow pit) located on Parcels #31-11-30-0000-01050-0000 and 32-11-30-0000-02020-0000, subject to the following conditions:
1. the Special Exception runs with the land;
2. owner or contractor to obtain all permits prior to commencement of work;
3. the use shall be limited to 7 a.m. to 6 p.m. Monday through Saturday;
Application #3179
Special Exception in the AC

RECOMMENDATION (continued):
4. the parcels shall remain under single ownership;
5. a minimum 50 foot wide perimeter buffer shall be maintained adjacent to the parcel boundary lines within which no activity shall take place;
6. applicant shall obtain an Administrative Future Land Use Amendment (to correct the Conservation Future Land Use designation) prior to commencement of any activity on the site;
7. Applicant to provide necessary access improvements – consisting at a minimum of installation of a paved driveway connection to County Road 13 and paved shoulder apron edge opposite the driveway and along County Road 13, with other improvements as determined by the County Development Engineer at the time of right-of-way permit application for the driveway permits – within the public right-of-way to ensure safe traffic movement on and off County Road 13, with no damage to pavement and/or drainage flow; and
Application #3179
Special Exception in the AC

RECOMMENDATION (continued):

8. any damage to County Road 13 directly resulting from and in close proximity to this use shall be the responsibility of the owner/operator.
Application #3179
Special Exception in the AC

ALTERNATIVE RECOMMENDATION: The Planning and Development Board finds that all the special exception criteria as listed in the guidelines at Land Development Code Section 3.07.03.F have not been met and therefore denies the request for a Special Exception for Soil Extraction (borrow pit) located on Parcel #31-11-30-0000-01050-0000 and #32-11-30-0000-02020-0000.
Agenda Item #5
Application #3189

Variances in the C-2 and R-1 Districts

Hammock Harbour, LLC/
Robert Million

QUASI-JUDICIAL
Application #3189
Variances in the C-2 and R-1

These are before-the-fact variance requests.
Height variance request is to increase the maximum height from 40 feet to 58 feet, an 18 foot variance.
Setback variance request is to reduce the rear setback from 50 feet to 35 feet, a 15 foot variance.
Height variance for new boat storage building, rear setback variance for new restaurant building.
Applicant’s justification for variances is County’s imposed setbacks from February 21, 2000 Board of County Commissioners approval of Newcastle Future Land Use amendment and rezoning (#2087).
Application #3189
Variances in the C-2 and R-1

Planning Board is not to mediate use.
Parcel use established through C-2 zoning, Board action, and Planning Director’s determination that boat storage is less intense use than boat manufacturing.

Director’s determination may be appealed.
Site plan subject to Technical Review Committee approval following any variances.
Variances may be appealed.
RECOMMENDATION: The Planning and Development Board finds that all variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have not been met and therefore denies the following variances for 5658 North Oceanshore Boulevard (Parcel #40-10-31-3150-00000-0420):

1. 18 foot variance from the 40 foot maximum building height; and

2. 15 foot variance from the minimum 50 foot rear setback.
ALTERNATIVE RECOMMENDATION: The Planning and Development Board finds that all the variance criteria as listed in the guidelines at Land Development Code Section 3.07.03.E have been met and therefore approves the variances at 5658 North Oceanshore Boulevard (Parcel #40-10-31-3150-00000-0420).
Staff Comments
Board Comments
Public Comments
Adjournment