

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 26.

Date of Request: January 7, 2008

Date Request Received:

Board Meeting Date Requested: January 22, 2008

Board Meeting Date Assigned: January 22, 2008

**Short Title:** Brad Vogel, Owner, is Requesting A Special Use Permit For General Retail Merchandise Stores In The Rural Transition, Rt District

- Request Status:**
- Request is proceeding to Board of Commissioners
  - More information is needed – see attached
  - Request on hold – no further information needed
  - Other:

**Background:** The applicant and owner Brad Vogel of Heartline Medical and Heartline Health and Nutrition is requesting a Special Use Permit for General Retail Merchandise Store in the Rural Transition, RT District. The property is located on a 1 acre tract on US Highway 17 in Hampstead, between Royal Tern Drive (Pelican Reef Subdivision) and Hill View Drive.

(Administrative Use Only)

**Specific Action Requested:** The Board of Commissioners is requested to hold special use permit hearing for a General Retail Merchandise Stores In The Rural Transition, RT District .

## CONTRACT TYPE

Requested by: Planning Staff  
Department: Planning Department  
Title: Planning  
Contact Phone: 910.259.1202  
Contact Fax: 910.259.3735

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
  - Federal Grantor
  - State Grantor
  - Grantor
- County as Grantor
  - County Funds
  - Other Funds:
- Revision
- For Equipment

**PURCHASING** Budgeted Item:  Yes  No  
Date Rec'd:  Reviewed and Approved  
 Comments on Reverse

Date Sent: Signed:

**ATTORNEY**  Reviewed and Approved  
Date Rec'd:  Legal Problem(s)  
 Comments on Reverse

Date Sent: Signed:

**FINANCE** Sufficient Funds  Available  
Date Rec'd  Not Available  
 Budget Amendment Necessary  
 Budgeted Amendment is Attached  
 Comments on Reverse

Date Sent: Signed:

**CLERK** Signature(s) Required:  
 Board Chairman/County Manager  
 Other:

Date Rec'd Approved by Board:  Yes  No  
At meeting on

INTRODUCED BY: Planning Staff

DATE: January 22, 2008

ITEM NO: \_\_\_\_\_

**Special Use Permit for General Retail Merchandise Stores**

**SUBJECT:** CASE NO: 08-01-22-02  
**PROPERTY RECORD NO:** No Parcel Number (has not be assigned yet)  
**APPLICANT:** Brad Vogel  
**OWNER:** Same

**ACTION REQUESTED:** Approval of Special Use Permit General Retail Merchandise Store.

**HISTORY/BACKGROUND:**

**Project Location:** The property is located on a 1 acre tract on US Highway 17 in Hampstead, between Royal Tern Drive (Pelican Reef Subdivision) and Hill View Drive.

**Project Description:** The applicant and owner Brad Vogel of Heartline Medical and Heartline Health and Nutrition is requesting a Special Use Permit for General Retail Merchandise Store in the RT, Rural Transition District. This property was recently subdivided and is currently under contract with Mr. Vogel. It has not been assigned a parcel number. Heartline Medical is a Accredited DME (Durable Medical Equipment) that ships medical supplies via UPS as well as providing supplies for local home health care agencies, physicians and local residential. Heartline Health and Nutrition is a vitamin retail store. Both uses, along with offices for 3 employees would be housed in a commercial building that would be constructed on the property. The applicant would be relocating the existing business (Heartline Medical and Heartline Health and Nutrition) from 14679 US Highway 17, in the Crest Gym Plaza in Hampstead. This business has been in Hampstead since 2004. The future building would be utilizing an existing on site septic tank system. No 18 wheeled vehicles would be involved with the shipping of the medical supplies.

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail. Special Use Permit signs were posted on or near the proposed site.
- B) Basis for Granting SUP:** See attachment A for approval procedures (15.3 of Zoning Ordinance.) and revocation procedures (15.4b of Zoning Ordinance.).
- C) Zoning Ordinance Compliance** This property is zoned RT, Rural Transition District. General retail Merchandise Stores are permitted in the RT, Rural Transition District via Special Use Permit. (Section 8.9, Zoning Districts and Regulations, of PCZO.)
- D) Land Use Plan Compliance:** This property is classified as Urban Growth Area. In the 2005 CAMA Future Land Use Plan, Urban Growth Area is described as a mixture of more intensive commercial, industrial and residential land uses. This use of General Retail Merchandise Store is consistent with the 2005 CAMA Land Use Plan.
- E) Existing Land Use in Area:** This project is located along US Highway 17 in Hampstead. The adjacent properties are vacant to the north, west and south. To the east across US Highway 17 is Pelican Reef Subdivision.
- F) Site Access Conditions:** The property has direct access to US Highway 17, which is a major thoroughfare.
- G) Conditions to Consider in Issuing a Special Use Permit for this Project:**
  - 1. Unless approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void, if a final zoning permit has not been issued for the project within 12 months.
  - 2. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance.

3. A separate Permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
4. The PIN or Parcel Id must be added to this document before permits will be released.
5. No junk, debris, trash, recycled or salvaged materials, or inoperable vehicles shall be stored on the site outside a completely enclosed building.
6. No outside storage of materials, merchandise, or unlicensed or salvage equipment will be permitted on the site.
7. No parking or storage of vehicles not associated with the business
8. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in this permit becoming void, if not corrected within 30 days of receipt of the notice of violation.
9. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in affect for the duration of this permit.
10. The project shall be developed and maintained in accord with the applicant's final revised site plan as approved by the Zoning Administrator, the Zoning Ordinance and the conditions contained in this permit.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on January 22, 2008 the Pender County Board of Commissioners (approved modified, denied) a Special Use Permit for Brad Vogel as described herein and James David Williams Jr., Chairman, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

**AMENDMENTS:**

**MOVED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_ **DENIED** \_\_\_\_\_ **UNANIMOUS** \_\_\_\_\_

**YEA VOTES:** Williams \_\_\_\_\_ Tate \_\_\_\_\_ Blanchard \_\_\_\_\_ Brown \_\_\_\_\_ Rivenbark \_\_\_\_\_

\_\_\_\_\_  
**James David Williams Jr.**  
**Chairman**

\_\_\_\_\_  
**Date**

\_\_\_\_\_  
**ATTEST**

01-22-2008  
**Date**

PENDER COUNTY  
SPECIAL USE PERMIT APPLICATION FORM

THIS SECTION FOR OFFICE USE

Application No.	08-01-22-02	Date	12/7/07
Permit Fee	200 + 15.64 (Mailings)	Receipt No.	077100

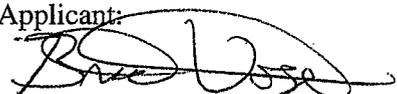
APPLICANT INFORMATION

Applicant Name: Brad Vogel	Owner Name: Brad Vogel
Address: 74679 US HWY 17N Hampstead NC 28443	Address: _____
Phone No: 910 620-303445	Phone No: 910 270-2200
Legal relationship of applicant to owner: Same person	

PROJECT INFORMATION

Property tax record No. _____	Total acreage: 1 Acre
Zoning Designation: RT	In property: _____
Acreage to be used for project: 1 Acre	Acreage to be disturbed: _____
Project location and address: Pass Sloop point Rd Adjacent to Royal fern drive (Pelican Reef)	
Describe activities to be undertaken on project site: - Retail Office / Sales " General Retail Merchandise store "	

SIGNATURES

Applicant: 	Date: 12-7-07	Owner: _____	Date: _____
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NOTICE TO APPLICANT

1. Applicant must also submit the information described on page two of this form.
2. Applicant or agent authorized in writing must attend the public hearing.
3. Once the public hearing has been advertised, the case will be heard unless the applicant withdraws the application or unless the Board of Commissioners or other authorized person agrees to table or delay the hearing.
4. Applicant may wish to review the required findings for approval of a Special Use Permit (p. 3).

2004

My name is Brad Vogel and I am a Hampstead resident and owner of Heartline Medical and Heartline Health and Nutrition right here in Hampstead. I currently operate out of the buildings in back of the Crest Gym Plaza, which I own. I have been operating these businesses for the past 3 years.

Heartline Medical is an Accredited DME (Durable Medical Equipment) company that ships medical supplies via UPS. Heartline Health and Nutrition is a vitamin and herb retail store. I provide supply's for local home health agencies, physicians and residents of Hampstead and the surrounding areas. We are the ONLY medical supply company in the Hampstead area and a great asset to the community.

I would like to secure a special us permit to build a new commercial building directly fronting US Highway 17 across from the main entrance of Pelican Reef. I will operate Heartline Health and Nutrition in one half of the store and the other half will house Heartline Medical. Included in this space will be offices for myself and employees (currently 3) and a small amount of warehouse space.

All shipments to and from my business (current and proposed) are by UPS. Local traffic to my store is minimal. No heavy equipment (18 wheelers / semis) is involved in the delivery or shipment of my supplies. I do not need any special licenses outside my normal durable medical equipment permit I renew each year every year through the applicable NC Board.

I will be utilizing an existing, on site septic system for my minimal waster water needs. I look forward to getting this project started in earnest. I appreciate your cooperation and look forward to continuing to serve the people of Hampstead and Pender County.

Thank you.



General Retail Merchandise Store  
 Special use Permit  
 Brad Vogel



1 inch equals 2,000 feet



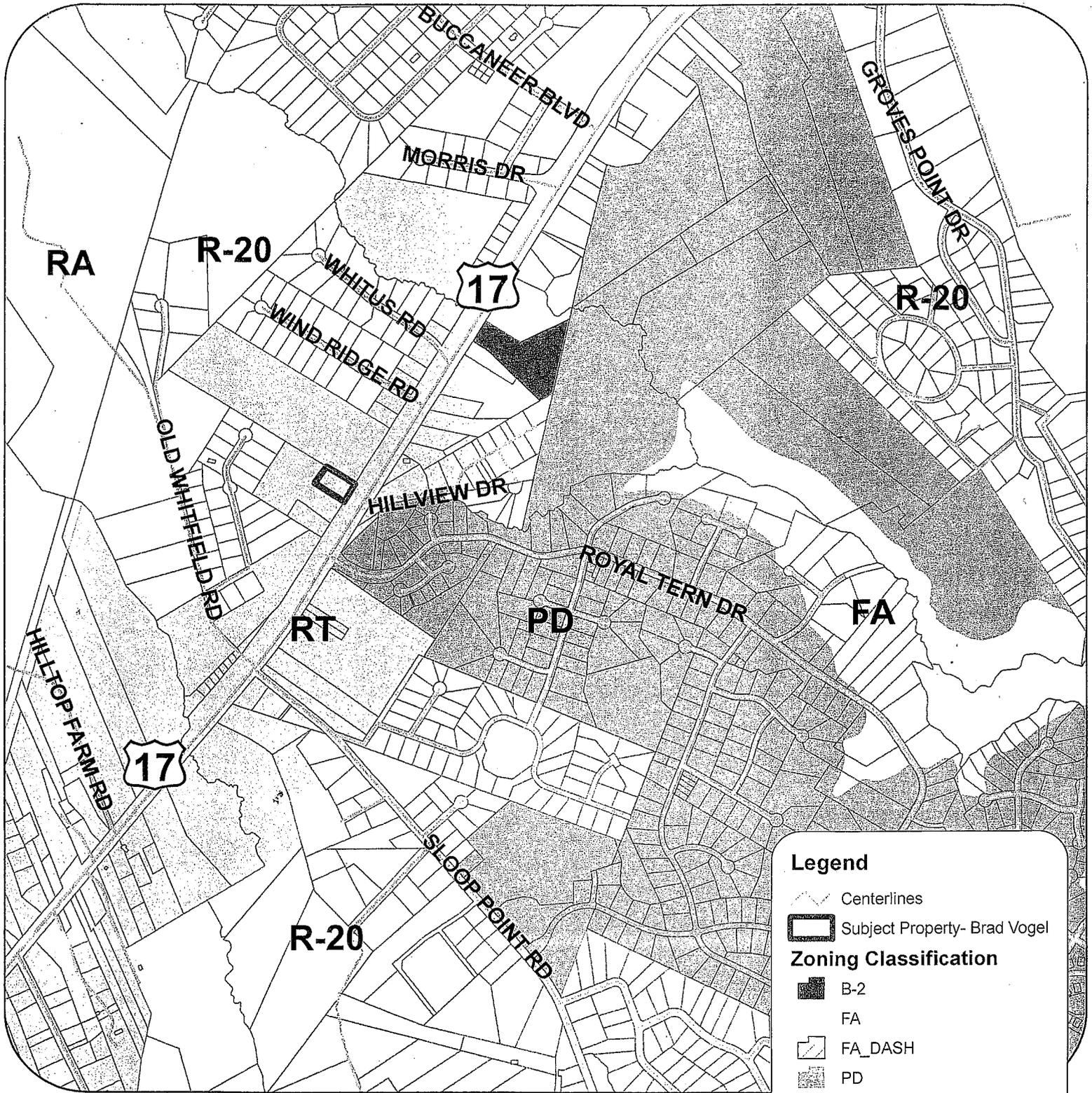
**Legend**

Centerlines



**Special Use Permit  
 General Retail Merchandise Store  
 Brad Vogel**

*Vicinity Map*



**Legend**

- Centerlines
- Subject Property- Brad Vogel

**Zoning Classification**

- B-2
- FA
- FA\_DASH
- PD
- R-10
- R-15
- R-20
- RA
- RT

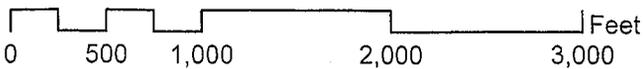
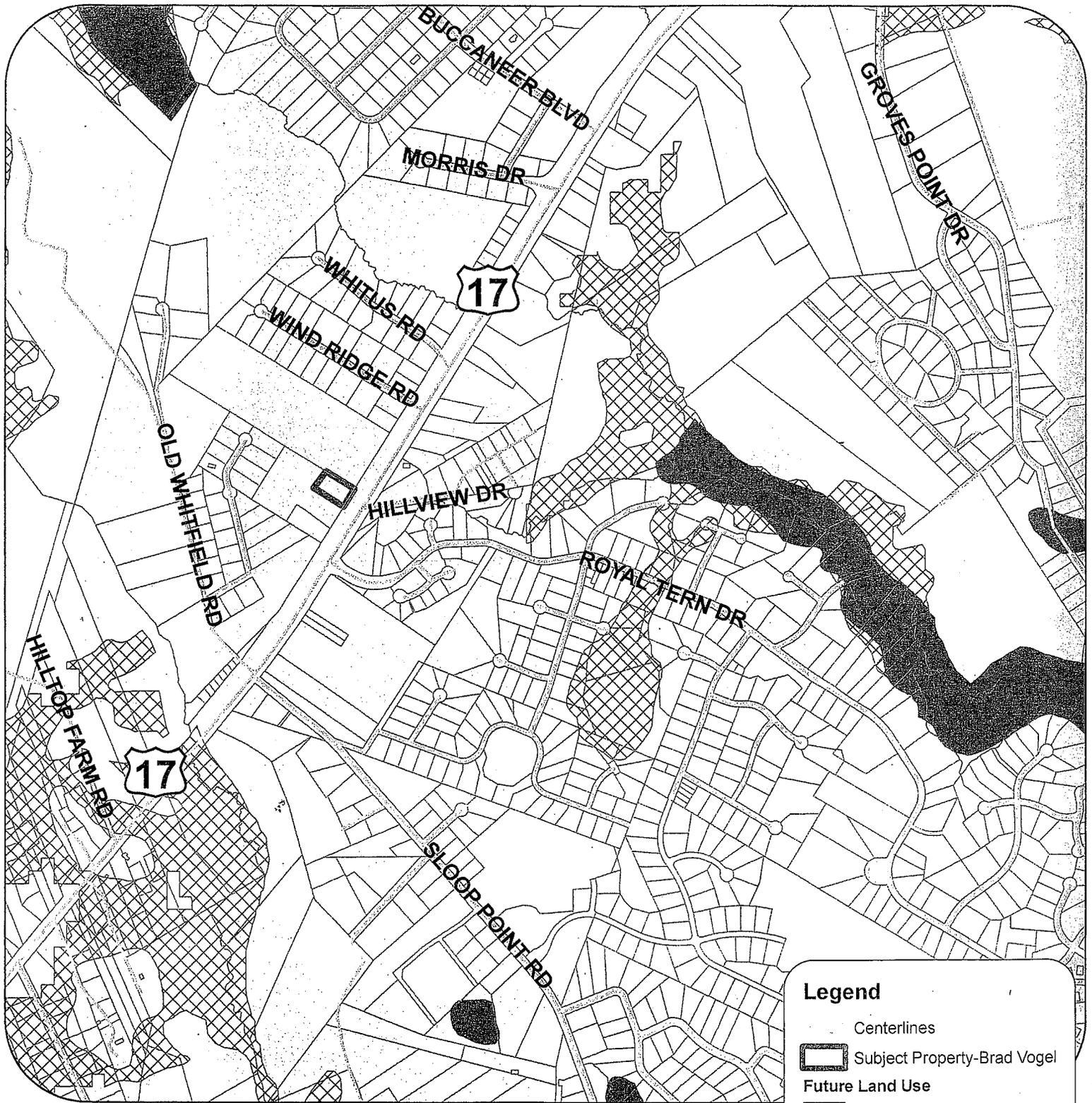


1 inch equals 1,000 feet



**Special Use Permit  
General Retail Merchandise Store  
Brad Vogel**

*Zonina Man*



1 inch equals 1,000 feet



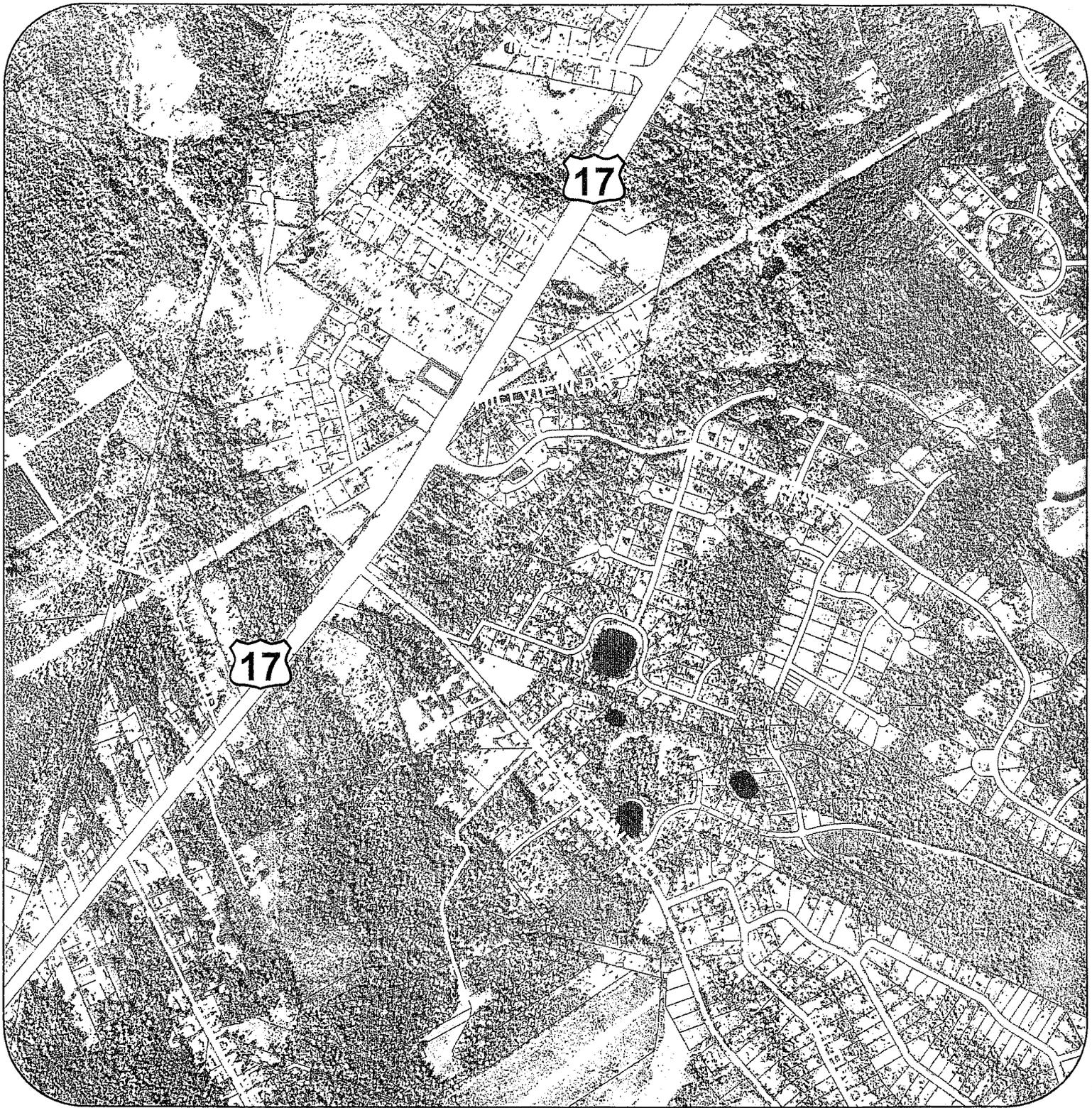
**Legend**

- Centerlines
-  Subject Property-Brad Vogel
- Future Land Use**
-  Conservation Area I
-  Conservation Area II
-  Rural Clusters
-  Transition Areas
-  Urban Growth Areas
-  Rural Areas



**Special Use Permit  
General Retail Merchandise Store  
Brad Vogel**

*CAMA 2005 Future Land Use*



1 inch equals 1,000 feet



**Legend**

Centerlines



Subject Property-Brad Vogel



**Special Use Permit  
General Retail Merchandise Store  
Brad Vogel**

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