



**REQUEST FOR BOARD ACTION**

ITEM NO. 17.

**DATE OF MEETING:** April 20, 2009

**REQUESTED BY:** Ashley Frank, Planner II, Planning and Community Development

**SHORT TITLE:** Resolution approving a Special Use Permit for an Entertainment Establishment, Bar (Not including Adult Entertainment).

**BACKGROUND:** This is a request for the approval of a Special Use Permit for the operation of an Entertainment Establishment Bar (Not including Adult Entertainment). The property is located at 21754 US Highway 17 North, in the Topsail Landing Shopping Center in Hampstead.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for the operation of an Entertainment Establishment Bar (Not including Adult Entertainment).

**PLANNING STAFF REPORT**  
**Special Use Permit**

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**SUMMARY:**

**Hearing Date:** April 20, 2009  
**Case Number:** SUP 09-04-20-07  
**Applicant:** Allen B. Williams  
**Property Owner:** Donald and Joan Charland

**Land Use Proposed:** The applicant is requesting approval of a Special Use Permit for the operation of an Entertainment Establishment Bar. (Not including Adult Entertainment).

**Property Record Number and Location:** The property is identified by record number 4215-44-6382-0000 and is located at 21754 Us Highway 17 North in the Topsail Landing Shopping Center in Hampstead.

**Zoning District of Property:** The property is zoned B-2, Business District (Highway).

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**PROJECT DESCRIPTION:**

The applicant is requesting approval of a Special Use Permit for the operation of an Entertainment Establishment Bar (Not including Adult Entertainment). The Topsail Landing Center is currently the location of Underground Motorcycles and Napa Auto Parts; this establishment would be in the vacant unit in the center of the building (see applicant's narrative and site map).

The property consists of 5 acres located on the east of US Highway 17, approximately 200 feet north of the intersection of Whitus Road.

**EVALUATION:**

- 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.
- 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:** The property is zoned B-2, Business District (Highway). Entertainment Establishment Bar (Not including Adult Entertainment) are permitted in the B-2, Business District via Special Use Permit (see attached zoning map).
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies the subject property as Urban Growth Area.
- E) Existing Land Use in Area:** Currently the surrounding land use is as follows: to the north is vacant, west across US Highway 17 is single family residential, to the west and south is commercial businesses (Napa Auto, Underground Motorcycles and Coastal Paint and Interiors).
- F) Site Access Conditions:** The property has direct access to US Highway 17.
- G) Conditions Governing Special Use Permit Approval:**
  - 1. All conditions of final zoning set forth by the Pender County Zoning Ordinance must be met prior to issuance of final zoning permit.
  - 2. A separate Zoning Permit must be obtained for any proposed signs. Signs shall be in accord with Section 16 of the Pender County Zoning Ordinance.
  - 3. All permits must be acquired through all applicable agencies prior to the issuance of final zoning.
  - 4. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance. This will include parking and landscaping

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requirements that will be in compliance with Sections 13 and 14 of the Pender County Zoning Ordinance.

- 5. The project shall be developed in accord with the provisions of the Pender County Zoning Ordinance and the applicant's final revised site plan as approved by the Zoning Administrator and the conditions contained in this permit.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED,** that on April 20, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for operation of an Entertainment Establishment Bar (Not including Adult Entertainment), as described herein, and Jimmy T. Tate, Chairman to the Board, 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:** Tate \_\_\_ Brown \_\_\_ Blanchard \_\_\_ Rivenbark \_\_\_ Williams \_\_\_

\_\_\_\_\_  
 Jimmy T. Tate,  
 Chairman

4/20/2009  
 Date

\_\_\_\_\_  
 ATTEST

4/20/2009  
 Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: 1/29/09 (Amended 3/3/2009)

I. REQUIRED NAMES:

Applicant	<u>Allen B. Williams</u>	Owner	<u>DONALD CHARLAND</u>
Address	<u>217 Dogwood LN (W) Hampstead, NC 28443</u>	Address	<u>P.O. Box 1262 SNEADS FERRY NC 28460</u>
Phone	<u>270-9225</u> Fax <u>0</u>	Phone	<u>910-279-6315</u> Fax <u>910-270-7707</u>
Email	<u>0</u>	Email	<u>DONCHARLAND @ AOL.COM</u>

Legal Relationship of Applicant to Property Owner: \_\_\_\_\_

Consultant Name/Company n/a

Address n/a

Phone n/a Fax n/a

Email n/a

Allen B Williams  
(Signature of Applicant)

D Charland  
(Signature of Owner)

\*If owner is different from applicant, both signatures are required.\*

II. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

Variance  
 Appeal

Zoning:

Text Amendment  
 Map Amendment  
 Special Use Permit

Plans:

Planned Development  
 Subdivision Preliminary Plat

# FEE SCHEDULE FOR BOARD HEARINGS

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$125.00	
Appeal	\$150.00	
<b>Zoning:</b>		
Text Amendment	\$200.00	
Map Amendment	\$200.00 & \$10.00 per acre over 5 acres	
Special Use Permit	\$200.00 & \$10.00 per acre over 5 acres	
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$400.00 & \$3.00 per acre over 200 ft.	
SUP, Mining Borrow Pit	\$400.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$800.00 & \$10.00 per acre over 5 acres	
<b>Plans:</b>		
Planned Development Master Plan	\$10.00 per acre with a min. of \$50.00	
Preliminary Plat	\$10.00 per lot/parcel with a min. of \$125.00	
Final Plat	\$5.00 per lot/parcel with a min. of \$50.00	
<b>Total Fees Due:</b>		

**Attachments Included with Application:**  
(Please include # of copies)

\_\_\_ CD \_\_\_ Plan Sets \_\_\_ Other Documents/Reports

Please list documents included: \_\_\_\_\_

- \* scan map
- \* map copies
- \* Applicant Signatures
- \*

**Method of Payment:** \_\_\_ Cash  
 \_\_\_ Credit Card, We accept VISA \_\_\_ and MasterCard \_\_\_ only.  
 Check, Ck. # (1650)

For Office Use Only:

Receipt # Issued in Hampstead  
 Received By: Dorley D Frank Date: amended 3/6/09

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



**SPECIAL USE PERMIT APPLICATION**

THIS SECTION FOR OFFICE USE			
Application No.	SUP 09031607	Date	1/29/09 (Amended 3.8.09)
Permit Fee	\$ 200.00	Receipt No.	
APPLICANT INFORMATION			
Applicant Name Allen B. Williams		Owner Name Donald & Joan Charland	
Address: 217 Dogwood Lane (W) Hampstead, NC 28443		Address: PO Box 1262 Sneeds ferry NC 28460	
Phone No: 270.9225		Phone No:	
Legal relationship of applicant to owner: <u>tenant</u>			
PROJECT INFORMATION			
Property tax record No. <u>425.44.6382</u>		Total property acreage: <u>existing</u>	
Zoning Designation: <u>B-2</u>		Acreage to be disturbed: <u>0</u>	
Acreage to be used for project: <u>5.001</u>			
Project location and address: <u>TOPSAIL Landing shopping center</u> <u>21754 US Hwy 17 (N) Hampstead</u>			
Describe activities to be undertaken on project site: <u>Centertainment establishments, Bar Cabaret, DISCO, &amp; adult</u>			
SIGNATURES			
Applicant: <u>Allen B. Williams</u>	Date: <u>3/3/09</u>	Owner: <u>D Charland</u>	Date: <u>3-3-09</u>
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on page two of this form.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>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.</li> <li>4. Applicant may wish to review the required findings for approval of a Special Use Permit (p. 3).</li> <li>5. Permit will become void after 12 months if a final zoning permit is not obtained, unless specifically requested at the time of public hearing.</li> </ol>			

## SPECIAL USE PERMIT APPLICATION CHECKLIST

✓	1.	Signed application form
✓	2.	Application fee
✓	3.	Legible list of all property owners adjacent to the property upon which the use is to be located. The list shall include the mailing address & physical address of these property owners (The application will not be advertised for public hearing until the list is accurate & complete--the list maybe compiled from the public PC terminal in the Pender County Tax Office).
✓	4.	One business size envelope legibly addressed with <b>first class</b> postage for each of the adjacent property owners on the above list.
✓	5.	<p><b>Project Narrative</b>--Written description of the project (max of 3 pages) including the following:</p> <ul style="list-style-type: none"> <li>• Location of the project and type of access to project site</li> <li>• Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li>• Description of all construction activities to be undertaken on the site.</li> <li>• Describe type of utilities that will serve project and status of approval from Environmental Health.</li> <li>• List of all state and federal permits that will be required for the project</li> <li>• Describe any potential impacts the project will have on the community or adjacent properties such as traffic, noise, etc. and explain efforts to mitigate these impacts (<u>this item must be addressed by the applicant</u>). The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.</li> </ul>
✓	6.	<p><b>Project Map(s)</b>--Map or maps of the special use project site with boundaries of the project if less than the parcel boundaries. This map or maps shall be drawn to a <u>readable</u> scale. The scale shall be not more than 200' to the inch. The map shall display an accurate bar graph scale, date prepared, north arrow and the author of the map. This map(s) shall show the following:</p> <ul style="list-style-type: none"> <li>• Boundaries of the property upon which the special use will be located, the acreage in the property and project site, with a north arrow and bar graph.</li> <li>• Access from the site and/or project boundaries to the nearest publicly maintained road.</li> <li>• Location of any existing structures or uses on the property and within 50' of the property.</li> <li>• Location of the project boundaries if they do not coincide with the property boundaries.</li> <li>• Existing and proposed structures, other on-site improvements, and location of all activities associated with the use, location of well, septic tank, and/or other utilities.</li> <li>• Boundary of all clearing, grading, and/or land disturbing activities on the site and the calculated acreage of all land disturbing activities on the site.</li> <li>• Existing and proposed fencing, vegetative screening and buffers (Must comply with Sect.16, Sect. 13.3 C., and Sect. 8.6 D., E., F. &amp; G. of the Zoning Ord.).</li> <li>• Parking, loading areas, landscaping and access (Must comply with Section 13 of the Zoning Ord.).</li> <li>• All signs to be located on the property (Must comply with Sect. 15 of the Zoning Ord.)</li> <li>• Pedestrian walks, area lighting and flood lighting.</li> <li>• Existing natural features of the site including, wooded areas, tree lines, ponds, streams, other water bodies or ditches on or adjacent to the site, designated flood hazard areas &amp; known or designated wetlands on the site.</li> <li>• Drainage plan and/or direction of flow of runoff from the project and site.</li> <li>• After review by the Planning and Community Development Department, additional information may be required to be submitted.</li> <li>• Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.</li> </ul>
n/a	7.	Applications including more than one acre of disturbed area should consult for additional requirements.
	8.	Application received by <u>Ashley A Frank</u> Date <u>3/31/2009</u>
	9.	Application completeness approved by _____ Date _____
	10.	Date scheduled for public hearing <u>April 20, 2009</u>

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Bigs

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11x17

*Allen B. Williams  
217 Dogwood Lane West  
Hampstead, NC 28443  
910-270-9225 (Home)  
910-233-6152 (Cell)*

March 3, 2009

PENDER COUNTY COMMISSIONERS

My name is Allen B. Williams. My address is 217 Dogwood Lane West, Hampstead, NC 28443. I have built custom homes for 31 years and am currently retired. I have been a resident of Pender County for 22 years. I have one son who currently lives in Hampstead with his wife Melissa and their two children, Caley and Abigail. As a resident of Hampstead for many years, I continue to see rapid growth in this area. Due to the fact that Hampstead is such a nice community, we are growing by leaps and bounds. Many of our residents have moved here from other states because of the fact that Hampstead and the surrounding areas is such a nice place to live.

I would like to propose putting in a small community bar/billiard establishment in the Topsail Landing Shopping Center located at 21754 Hwy. 17 North, Hampstead, NC. Presently Napa Auto Parts occupies the South end of the building and Underground Motorcycle Works occupies the North end of the building. I propose to lease the vacant unit between these two businesses. The established access to the shopping center is easily accessible from Highway 17. There is a turning lane directly across from the shopping center.

I propose that the establishment would operate 7 days a week. Hours of operation would be from 2:00 pm until 2:00 am. There would possibly be nights that the establishment would close before 2:00am. Due to the fact that I would like this to be a small business, my intent is to employ fewer than 3 employees.

The outside appearance of the building would stay the same as it is currently. As in the past, there would still be an operating business, just not the same business. To conform with the other businesses in the shopping center as it is presently, a revised sign will be installed above the front door with the establishment name. Also the shopping center sign in front of the building would have the business name added along with the existing two businesses and the shopping center name. Both of these signs will be within good taste and appearance. My plans for the inside of the building will include a bar along with 15 bar stools and (4) pool tables. I plan to construct one additional bathroom to accommodate both men and women. The floor will be left as is. The floor is presently a dark green tile.

The present septic system is well equipped to support the water and septic discharge from the building without any impact to the current soil or property. All outside lighting will stay the same as present. No upgrade to the existing electrical wiring will be needed.

This type of business will require a Special Use Permit from Pender County, a Sales and Use Tax Permit and a Business Permit. It will also require a State Liquor License and a beer and wine license.

Due to the location of this business, I believe there will be no potential impact on the traffic in this area. There are no stop signs, stop lights or traffic congestion in this location. The highway that runs in front of the shopping center is consist of four lanes with a crossover in the median. This will alleviate any potential traffic problems when entering or exiting the shopping center. There are approximately 25 existing parking spaces at the location. I feel that this will be more than adequate parking without impacting the adjoining business in the shopping center. They generally get most of their business in the day hours and the majority of my business will be after 4:00 pm. Even with that said, there is currently a generous amount of parking for all businesses. Due to the fact that I anticipate this to be only a small gathering place to unwind and play a game of pool, I feel the noise will be held to a minimum. It will not be a "nightclub" atmosphere. All inside noise will be contained within the establishment. NO outside trash or bottles will be allowed. All trash and bottles will be contained inside. All trash containers will be located in the back of the building as they always have. There will be a separate container for recyclables.

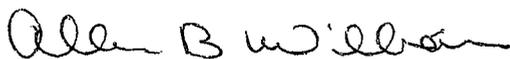
I have spoken with the two owners of the adjoining businesses and they have no objections to this proposed business operating next door to them. They are much in favor of it and think that it could possibly help increase their sales.

Pender County would benefit the tax revenue from this type of business. It would keep our residents purchasing locally rather than going to neighboring counties. It would bring in income to a landlord that could possibly continue to have a vacant building on their hands for some time. I would also be employing personnel that may have to travel to Wilmington or who may be unemployed during these faltering economical times.

If issued the Special Use Permit by Pender County, I vow to keep this a small and reputable establishment. I vow this business will be a clean, and appealing to the patrons as well as to the community. My only wish is to enhance Hampstead, North Carolina.

Please feel free to call me with any questions or concerns that you may have. My home number is 910-270-9225 and my cell number is 910-233-6152.

Sincerely,



Allen B. Williams