



REQUEST FOR BOARD ACTION

ITEM NO. 19.

DATE OF MEETING: April 20, 2009

REQUESTED BY: Benjamin Andrea, Planner I, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit – Gun Sales

BACKGROUND: The project location is located at 14711 US Highway 17 North, Hampstead, North Carolina.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for Gun Sales.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: April 20, 2009
Case Number: 09-03-16-06
Applicant: Glenn Nester
Property Owner: Ruppert Piver

Land Use Proposed: The applicant is proposing retail sales of firearms, in accordance with a Federal Firearms License, within Coastal Cash Exchange, an existing retail facility on the property.

Property Record Number and Location: The property is identified by record number 3282-87-9390-0000 and is located at 14711 US Highway 17, Hampstead.

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

PROJECT DESCRIPTION:

The applicant is requesting approval of a Special Use Permit for retail gun sales within Coastal Cash Exchange, an existing business on a 0.24 acre parcel located on the northwest corner of the intersection of US Highway 17 and Peanut Road in Hampstead.

The applicant is proposing no changes in the existing business hours of 9am to 7pm Monday through Friday, 9am to 5pm on Saturday, and 1pm to 5pm on Sunday. The applicant has indicated that no changes to the existing building will be needed other than the installation of steel reinforced concrete vault on the interior of the existing building. The applicant has stated that two to three employees will be on hand during normal business hours (*Please see applicant's narrative*).

The applicant has indicated a commitment to safety and security. Currently the building is secured by a Sentinel Security system with door entry sensors, glass break sensors, motion detectors, surveillance cameras, and a battery back-up. The applicant has also indicated that the firearms will be stored in existing safes during non-business hours until the installation of the aforementioned vault (*Please see applicant's narrative*).

The applicant has indicated that the request should not have any adverse effect on the community or adjacent properties, as the request is merely to add a product line to an existing business. The applicant has also indicated that there are currently three existing firearms retailers within a two-mile radius of Coastal Cash Exchange that have been operating for several years (*Please see applicant's narrative*).

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), and retail sale of firearms is permitted by Special Use Permit in this district.
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies the subject property as Urban Growth Area. Under the current CAMA Land Use Plan, this land classification provides for the continued development of areas provided with water and/or sewer services or where the county is actively engaged in planning these community services. These areas also have excellent access to the regional

transportation system for a mixture of more intensive commercial or industrial or job creating uses and a range of residential land uses and housing types. The applicants request is consistent with the current CAMA Land Use Plan.

E) Existing Land Use in Area: The property consists of an existing business (Coastal Cash Exchange), and the neighboring parcels all contain commercial development.

F) Site Access Conditions: The property has direct access to both US Highway 17 and Peanut Road for ingress and egress.

G) Conditions Governing Special Use Permit Approval:

1. The project shall comply with and be maintained in accord with all provisions of all applicable sections of Pender County Ordinances and all state and federal regulations.
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. 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 requirements that will be in compliance with Sections 13 and 14 of the Pender County Zoning Ordinance. (Buffers are to be consistent with §14.7 E - *Buffers Required for the B-2 Highway Business District.*)
4. Hours of operation shall be limited to 9am to 7pm Monday through Friday, 9am to 5pm Saturday, and 1pm to 5pm on Sunday, as consistent with the existing hours for Coastal Cash Exchange.
5. The Special Use Permit for Retail Sale of Firearms shall run solely with the tenant, Coastal Cash Exchange. If and when Coastal Cash Exchange leaves the property, the Special Use Permit shall immediately become null and void.

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 retail gun sales, 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



SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.	09-04-20-08	Date	3/6/2009
Permit Fee	\$200	Receipt No.	08558
APPLICANT INFORMATION			
Applicant Name Glenn Nestor		Owner Name Ruppert L. Piver	
Address: 14711 US Highway 17 N Hampstead, NC 28443		Address: 1256 Country Club Dr. Hampstead, NC 28443	
Phone No: 910-270-9277		Phone No: 910-270-4229	
Legal relationship of applicant to owner: <u>tenant</u>			
PROJECT INFORMATION			
Property tax record No. <u>3282-87-9390-0000</u>		Total property acreage: <u>.024</u>	
Zoning Designation: <u>B2</u>		Acreage to be disturbed: <u>none</u>	
Acreage to be used for project: <u>none</u>			
Project location and address: <u>14711 US Highway 17 N, Hampstead NC 28443</u> <u>Corners of Peanut Rd & Hwy 17 N</u>			
Describe activities to be undertaken on project site: <u>Retail sales of firearms in accordance with</u> <u>Federal Firearms License</u>			
SIGNATURES			
Applicant: 	Date: 3-6-09	Owner: 	Date: 3-5-09
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 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). 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. 			

Coastal Cash Exchange
14711 US Highway 17 N
Hampstead, NC 28443
(910) 270-1895

Project Narrative – Gun Sales:

Coastal Cash Exchange is currently operating a second hand retail store at 14711 US Highway 17 North in Hampstead. We will be acquiring our Federal Firearms License (FFL) and intend to engage in the buying, selling, and trading of firearms under a Class 1 license. We will use a portion of the existing building to deal in firearms. No construction or additions will be made to this existing facility.

Firearm sales, buys, and trades will be conducted during our existing normal business hours of 9 am to 7 pm Monday through Friday, 9:00 am to 5:00 pm Saturday, 1:00 pm to 5:00 pm Sunday. Two (2) to three (3) employees will be on-hand at most times during normal business hours.

The only permit required is our Federal Firearms License (FFL) which will be in effect by the middle of March. A copy of the license will be available for the April 20th County Commissioner's meeting.

Safety and security is a top priority in the addition of this product line to our business. The building is currently monitored by Sentinel Security with a wireless, battery back-up security system. All doors have entry sensors, the glass is protected by glass break sensors, and numerous motion detectors are located throughout the store. A surveillance camera system is operational 24/7 and is recorded offsite. All guns will be secured after business hours in safes or a steel reinforced concrete vault to be built at a later date. Permits will be pulled for the vault as needed.

We do not expect this project will have any adverse effect on the community or adjacent properties. We are an existing business, adding a product line that has been heavily requested by our customers. There are three (3) existing firearms retailers within a two (2) mile radius of our location that have engaged in the business for several years.