



REQUEST FOR BOARD ACTION

ITEM NO. 23.

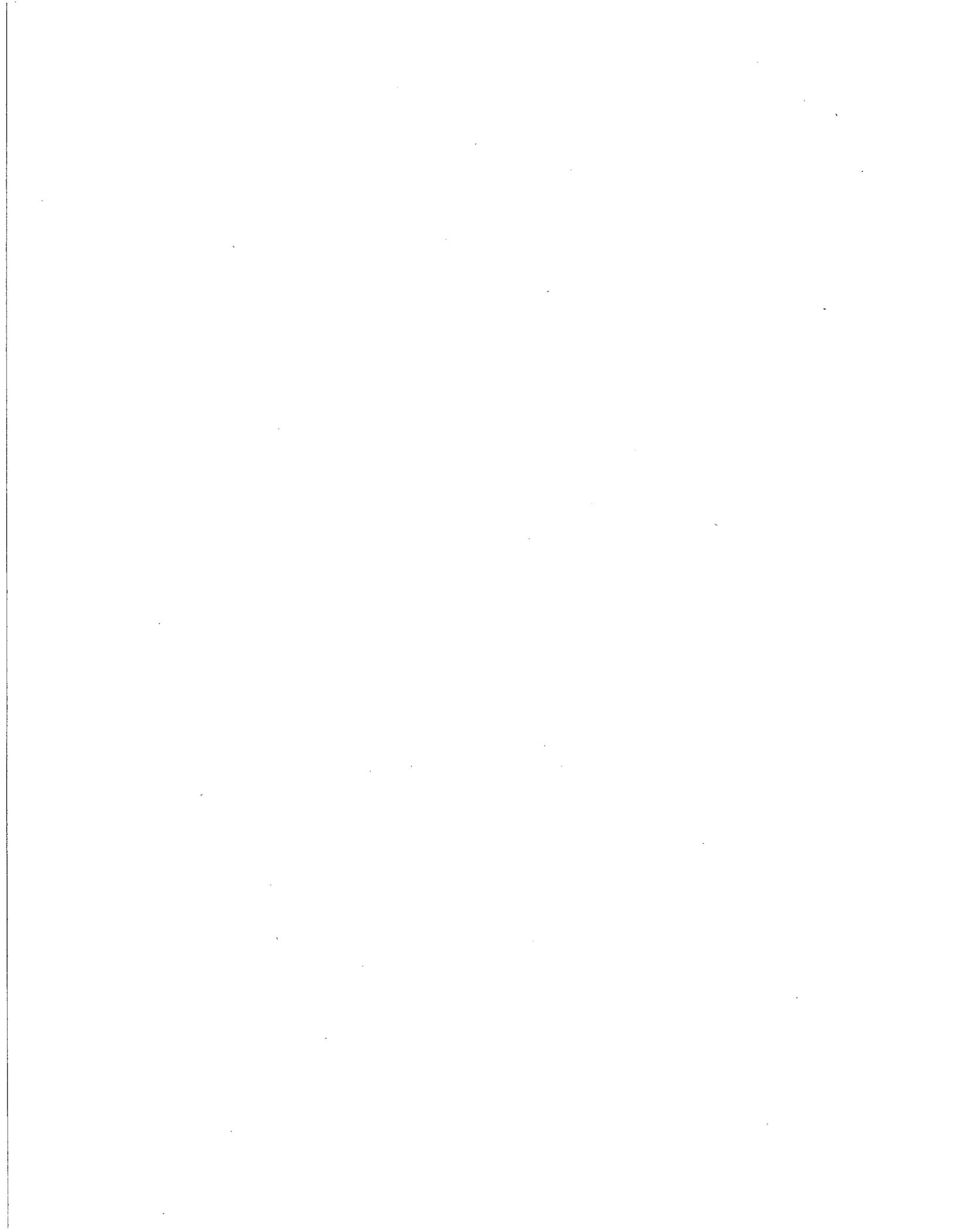
DATE OF MEETING: October 19, 2009

REQUESTED BY: Ashley Frank, Planner Staff, Planning & Community Development

SHORT TITLE: Resolution to approve a Special Use Permit – Commercial Kitchen/Restaurant.

BACKGROUND: Lawrence Church, applicant and owner, is requesting approval of a Special Use Permit for a commercial kitchen/ restaurant in an existing Farmer's Market. The property is zoned RT, Rural Transitional and is located at 21572 US Highway 17 in Hampstead, North Carolina. The subject property may be identified as PIN # 4215-33-9539-0000.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for a commercial kitchen/ restaurant.



PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: October 19, 2009
Case Number: SUP 09-10-19-22 Church
Applicant: Lawrence Church
Property Owner: Same

Land Use Proposed: Lawrence Church, applicant and owner, is requesting approval of a Special Use Permit for a restaurant/commercial kitchen facility.

Property Record Number and Location: The project is located at 21572 US HWY 17, in Hampstead, NC and may be identified as PIN # 4215-33-9539-0000.

Zoning District of Property: The property is zoned RT, Rural Transitional.

PROJECT DESCRIPTION:

The applicant is proposing the operation of a restaurant/commercial kitchen to be located inside an existing farmers market, known as Coastal Farm Market. The facility would be located in an existing 1260 square ft. building at 21572 US HWY 17 in Hampstead, NC.

The proposed hours of operation will be from 9:00am to 6:00pm Monday through Saturday. The number of employees would be two.

The applicant would be required to meet the regulations as prescribed in § 9.14, Commercial Development Standards of the Pender County Zoning Ordinance and would be to subject the review and approval from Pender County Environmental Health. Coastal Farm Market is provided water through Pender County Utilities.

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 RT, Rural Transitional. Restaurants are permitted in the RT, Rural Transitional District via Special Use Permit (SUP) as prescribed by the Pender County Zoning Ordinance §8.9 Table of Permitted Uses.
- D) 2005 Land Use Plan Compliance:** The current CAMA Land Use Plan classifies the subject property as Urban Growth. 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 and industrial or job creating uses and a range of residential land uses and housing types. It is focused on the Rocky Point area and the Highway 17 Corridor. This area is planned for *high net density* for residential development. This density is dependent upon the types and levels of services that are available. The applicant's proposed use is consistent with the Urban Growth CAMA Land Use Plan classification.

- E) *Existing Land Use in Area:* The existing land use for the subject property is as follows: to the north a commercial business, to the east is low net density residential, to the south is vacant and to the west are single family residences.
- F) *Site Access Conditions:* The property has direct access to US Highway 17 via an existing driveway. The NC DOT Transportation will require a Change of Use Driveway permit for the additional use of the commercial kitchen/take-out restaurant.
- 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. 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.
 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 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.
 5. 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.
 6. 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.
 7. 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 October 19, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for the operation of a commercial kitchen/restaurant in an existing business, 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

10/19/2009
 Date

 ATTEST

10/19/2009
 Date

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



APPLICATIONS COVER SHEET

Date Application Filed: August 21, 2009

I. REQUIRED NAMES:

Applicant <u>Lawrence Church</u>	Owner <u>Lawrence Church</u>
Address <u>315 Osprey Point Dr</u>	Address <u>315 Osprey Point Dr</u>
<u>Sneads Ferry N.C. 28460</u>	<u>Sneads Ferry N.C. 28460</u>
Phone <u>302-521-3029</u> Fax <u>none</u>	Phone <u>302-521-3029</u> Fax <u>none</u>
Email <u>none</u>	Email <u>none</u>

Legal Relationship of Applicant to Property Owner: _____

Consultant Name/Company _____

Address _____

Phone _____ Fax _____

Email _____

II. AFFIDAVIT REGARDING OWNER - APPLICANT RELATIONSHIP:

Lawrence Church (owner) and Lawrence Church (applicant) hereby affirm that an appropriate contractual relationship permitted by the appropriate NC State Codes exists between said Owner and Applicant. Owner and Applicant also affirm that if the owner requests that the application be terminated, staff will comply with Owner's request.

Lawrence Church
(Signature of Applicant)

Lawrence Church
(Signature of Owner)

III. TYPE OF APPLICATION:

(Please check one)

Board of Adjustment:

- Variance
- Appeal

Zoning:

- Text Amendment
- Map Amendment
- Home Occupation
- Special Use Permit
- Vested Rights Determination

Plans:

- Planned Development Master Plan
- Subdivision Preliminary Plat
- Final Plat

PLANNING AND COMMUNITY DEVELOPMENT

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FEE SCHEDULE

Board of Adjustment:	Applicable Fees:	Fee Calculation:
Variance	\$250.00	
Appeal	\$250.00	
Zoning:		
Zoning Determination Letter	\$15.00	
Text Amendment	\$250.00	
Map Amendment	\$500.00 for first 5 acres; \$10/acre thereafter up to 1,000 acres; \$5/acre thereafter	
Vested Rights Determination	\$250.00	
Home Occupation	\$25.00	
Special Use Permit	\$300.00 & \$10.00 per acre over 5 acres; max of \$5,000.00	1 Acre \$300.00
SUP, Part of AEC	\$300.00 & \$10.00 per acre over 5 acres	
SUP, Tower over 75 ft.	\$500.00	
SUP, Mining Borrow Pit	\$750.00 & \$10.00 per acre over 5 acres	
SUP, Mining other	\$1,000.00 plus \$5.00 per acre	
Plans:		
Planned Development Master Plan	\$500.00 plus \$10/acre for the first 100 acres; \$5/acre thereafter	
Preliminary Plat	\$500.00 & \$10/lot/residential unit for the first 100 lots/units; \$5 per lot/unit thereafter	
Final Plat	\$250.00 & \$10/lot/residential unit for the first 100 lots/units; \$5/lot/unit thereafter	
Total Fees Due:		300.00

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

CD Plan Sets Other Documents/Reports

(Scan a copy)

Method of Payment: Cash
 Credit Card, We accept VISA and MasterCard only.
 Check, Ck. # (398)

For Office Use Only:

Receipt # 091748 (Issued in Hampstead)

Received By: Ashley D. Frank

Date: 8/21/2009

PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.		Date	8/21/2009
Permit Fee	300.00	Receipt No.	# 091748
APPLICANT INFORMATION			
Applicant Name Lawrence Church		Owner Name Lawrence Church	
Address: 315 Osprey Point Dr Sneads Ferry N.C. 28460		Address: 315 Osprey Point Dr Sneads Ferry N.C. 28460	
Phone No: 302-521-3029		Phone No: 302-521-3029	
Legal relationship of applicant to owner:			
PROJECT INFORMATION			
Property tax record No. 42153395390000		Total property acreage: 1.0	
Zoning Designation:		Acreage to be disturbed: 0	
Acreage to be used for project:			
Project location and address: 21572 US Hwy 17 N Hampstead N.C. 28443			
Describe activities to be undertaken on project site: See attached page			
SIGNATURES			
Applicant:	Date:	Owner:	Date:
<i>Laurenal Church</i>	8-20-09	<i>Laurenal Church</i>	8-20-09
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. 			

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 first class postage for each of the adjacent property owners on the above list.
✓	5. <u>Project Narrative</u> --Written description of the project (<u>max of 3 pages</u>) including the following: <ul style="list-style-type: none"> • Location of the project and type of access to project site • Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. • Description of all construction activities to be undertaken on the site. • Describe type of utilities that will serve project and status of approval from Environmental Health. • List of all state and federal permits that will be required for the project • 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.
✓	6. <u>Project Map(s)</u> --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: <ul style="list-style-type: none"> • 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. • Access from the site and/or project boundaries to the nearest publicly maintained road. • Location of any existing structures or uses on the property and within 50' of the property. • Location of the project boundaries if they do not coincide with the property boundaries. • 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. • 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. • Existing and proposed fencing, vegetative screening and buffers (Must comply with Sect.16, Sect. 13.3 C., and Sect. 8.6 D., E., F. & G. of the Zoning Ord.). • Parking, loading areas, landscaping and access (Must comply with Section 13 of the Zoning Ord.). • All signs to be located on the property (Must comply with Sect. 15 of the Zoning Ord.) • Pedestrian walks, area lighting and flood lighting. • 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 & known or designated wetlands on the site. • Drainage plan and/or direction of flow of runoff from the project and site. • After review by the Planning and Community Development Department, additional information may be required to be submitted. • Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.
n/a	7. Applications including more than one acre of disturbed area should consult for additional requirements.
	8. Application received by <u>Ashley Frank</u> Date <u>8/21/09</u>
	9. Application completeness approved by <u>Ashley Frank</u> Date <u>8/21/09</u>
	10. Date scheduled for public hearing

Attached Page

We would like to add a commercial kitchen in the existing Farm Market building so we can serve food to go only. The store hours are from 9:00 a.m. to 6:00 p.m six days a week with two employees.

We will abide by any Environmental Health rules and regulations.

We will use 8 ft by 23 ft of existing building of 1260sq feet. The building has existing bathroom and a three bay sink.