

## REQUEST FOR BOARD ACTION

ITEM NO. 16

**DATE OF MEETING:** November 16, 2009

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

**SHORT TITLE:** Special Use Permit: Request for an Indoor/Outdoor Recreation Establishment, Privately Operated, and Furniture, Outdoor & Play Equipment with Outside Display or Storage of Storage, Located at 2365 NC Hwy 210 W., Hampstead, NC.

**BACKGROUND:** Armand T. Daniel, Jr., applicant, on behalf of APPA Enterprises, owner, is requesting approval of a Special Use Permit for an Indoor/Outdoor Recreation Establishment, Privately Operated and Furniture, Outdoor & Play Equipment with Outside Display or Storage. The property is zoned RT, Rural Transitional, and is located at 2365 NC Hwy 210 W., Hampstead, NC. The property may be identified as PIN #3273-70-8929-0000.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit for an Indoor/Outdoor Recreation Establishment, Privately Operated and Furniture, Outdoor & Play Equipment with Outside Display or Storage.

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

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**SUMMARY:**

**Hearing Date:** November 16, 2009  
**Case Number:** 09-11-16-23 Daniel  
**Applicant:** Armand T. Daniel, Jr.  
**Property Owner:** APPA Enterprises Inc.

**Land Use Proposed:** The applicant is requesting the approval of a Special Use Permit (SUP) for the operation of an indoor/outdoor recreation establishment, privately operated, along with furniture, outdoor play equipment with outside display or storage. The SUP would allow the demonstration of various types of playground equipment, synthetic turf and putting greens at the current location. The site would also be used to accommodate birthday parties.

**Property Record Number and Location:** The property is identified by record number 3273-70-8929-0000 and is located at 2365 NC Highway 210 West, Hampstead, NC.

**Zoning District of Property:** The property is zoned RT, Rural Transition, and the uses of Indoor/Outdoor Recreation Establishment; Privately Operated, and Furniture, Outdoor & Play Equipment with Outside Display or Storage is permitted via Special Use Permit.

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**PROJECT DESCRIPTION:**

The applicant is requesting the approval of a Special Use Permit (SUP) for the operation of an indoor/outdoor recreation establishment, privately operated, along with furniture, outdoor play equipment with outside display and storage. These uses would be to allow the demonstration of playground equipment, synthetic turf and putting greens at the current location (See applicant's narrative). The uses would be located inside the existing 22,500 square foot warehouse, along with outside displays to be located in the side yard (See applicant's site plan). The outside displays would allow the costumers to "test" the equipment. The special use is located on the entire 5.69 acre tract.

Ingress and egress for the project will utilize NC Highway 210 West; the N.C. Department of Transportation is not requiring road improvement for the propose use at this time. The subject property is located along a possible corridor to for the N.C. Department of Transportation, TIP Project R-3300 (Coastal Pender Bypass). The Wilmington Metropolitan Planning Organization has reviewed the project and finds "the proposed improvements will not have a significant impact on the ultimate feasibility of the Hampstead Bypass - especially since a preferred alignment has not been selected."

The proposed hours of operation will be from 10:00 am to 6:00 pm Monday through Saturday and 1:00 pm to 5:00 pm on Sundays. The new uses will require the addition of two employees, but increased business may warrant the need for additional employees.

Currently water service is provided by an on-site private well and would be subject to the review and approval from Pender County Environmental Health. The current business utilizes water service provided by an on-site private well, and individual on-site septic system, subject to review and approval from Pender County Environmental Health.

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.

**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, the uses of Indoor/Outdoor Recreation Establishment; Privately Operated, and Furniture, Outdoor & Play Equipment with Outside Display or Storage is permitted 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 Special Use Permit area contains the classifications of Urban Growth and Conservation Area II according to the 2005 CAMA Land Use Plan. The special use permit application appears to be generally consistent with the CAMA Land Use Plan.
- E) Existing Land Use in Area:** The properties surrounding are as follows: located to the north and east is low net density single family residential use, to the south is vacant and to the west is commercial uses.
- F) Site Access Conditions:** The property has an existing driveway with direct access to NC Highway 210 West.
- G) Conditions To Consider In Issuing A Revision of the 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. A separate permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
  3. Any flood or spotlights shall be oriented away from the street. Such lights shall also be oriented away from adjacent properties or shielded to reduce direct light from shining on such properties. This provision does not apply to normal area lights (non-directional).
  4. The project shall comply with all requirements of the Pender County Zoning and Subdivision Ordinances.
  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.
  8. The hours of operation will be from 10:00am to 6:00pm Monday through Saturday and 1:00 pm to 5:00 pm on Sundays.

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

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on November 16, 2009 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for operation of an indoor/outdoor recreation establishment, privately operated, along with furniture, outdoor & play equipment with outside display or storage, 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.

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

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

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

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

11/16/2009  
**Date**

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

11/16/2009  
**Date**

**PLANNING AND COMMUNITY DEVELOPMENT**

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



**APPLICATIONS COVER SHEET**

Date Application Filed: October 1, 2009

**I. REQUIRED NAMES:**

Applicant <u>Armand T. Daniel, Jr.</u>	Owner <u>APPA Enterprises</u>
Address <u>8624 Bald Eagle Lane</u>	Address <u>2365 Hwy. 210 West</u>
<u>Wilmington, NC 28411</u>	<u>Hampstead, NC 28443</u>
Phone <u>686-0232</u> Fax _____	Phone <u>270-9090</u> Fax <u>270-0084</u>
Email <u>armanddaniel2@yahoo.com</u>	Email <u>denterprise@bellsouth.net</u>
Legal Relationship of Applicant to Property Owner: _____	<u>Owner and President</u>
Consultant Name/Company <u>N/A</u>	_____
Address _____	_____
Phone _____	Fax _____
Email _____	_____

**II. AFFIDAVIT REGARDING OWNER – APPLICANT RELATIONSHIP:**

I APPA Enterprises (owner) and Armand T. Daniel (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.

[Signature]  
(Signature of Applicant)

APPA Enterprises by [Signature]  
(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	
<b>Zoning:</b>		
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	\$307.00
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	
<b>Plans:</b>		
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	
<b>Total Fees Due:</b>		<b>\$307.00</b>

**Attachments Included with Application:**

(Please include # of copies)

n/a Scan  CD  Plan Sets  Other Documents/Reports

**Method of Payment:**

Cash  
 Credit Card, We accept VISA  and MasterCard  only.  
 Check, Ck. # ( )

**For Office Use Only:**

Receipt # \_\_\_\_\_

Received By: Doherty KB

Date: 10/1/2009

# PLANNING AND COMMUNITY DEVELOPMENT

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## SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE			
Application No.	09-11-16-22 SUP	Date	10/1/2009
Permit Fee	\$ 307.00	Receipt No.	
APPLICANT INFORMATION			
Applicant Name Armand T. Daniel, Jr.		Owner Name APPA Enterprises	
Address: 8624 Bald Eagle Lane Wilmington, NC 28411		Address: 2365 Hwy. 210 West Hampstead, NC 28443	
Phone No: 910-686-0232		Phone No: 910-270-9090	
Legal relationship of applicant to owner: Owner and President.			
PROJECT INFORMATION			
Property tax record No. 3273-70-8929-0000		Total property acreage: 5.69 acres	
Zoning Designation: RT		Acreage to be disturbed: none	
Acreage to be used for project: 5.69			
Project location and address: 2365 Hwy. 210 West, Hampstead, NC 28443  2 miles West of Hwy. 17 on Hwy. 210 West			
Describe activities to be undertaken on project site: Demonstration of playground equipment and synthetic turf,  putting greens and birthday parties			
SIGNATURES			
Applicant: 	Date: 9-30-09	Owner: APPA Ent by	Date: 9-30-09
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 <input checked="" type="checkbox"/>
	2. Application fee <input checked="" type="checkbox"/>
	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). <input checked="" type="checkbox"/>
	4. One business size envelope legibly addressed with <b>first class</b> postage for each of the adjacent property owners on the above list. <input checked="" type="checkbox"/>
	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"> <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. <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"> <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>
	7. Applications including more than one acre of disturbed area should consult for additional requirements.
	8. Application received by <u>[Signature]</u> Date <u>10/1/09</u>
	9. Application completeness approved by <u>[Signature]</u> Date _____
	10. Date scheduled for public hearing <u>11/16/2009</u>



APPA ENTERPRISES  
2365 Highway 210 West  
Post Office Box 685  
Hampstead, NC 28443  
910-270-9090 Tel.  
910-270-0084 Fax



September 9, 2009

Dear Pender County Officials,

Our company, APPA Enterprises, has been operating with a Special Use Permit for "Apparel Manufacturing", at 2365 Hwy. 210 West since 2001, primarily in the needlework craft business. For the last few years this business has been in decline and we have struggled to find other product lines to maintain volume. Our business now is primarily playground equipment from the PlayNation company and putting greens from the X-Grass company. These products are sold from our sales office in Ogden on Market Street and we use the Hampstead location for storage of equipment and supplies.

We would like to continue operating our craft business under the SUP of "Apparel Manufacturing" and plan to do this with 2 employees. In addition, to make better use of our warehouse facility in Hampstead, we would like to request 2 new SUP's "Indoor and Outdoor Recreation Establishment, Privately Owned" and "Furniture, Outdoor and Play Equipment with outside display or storage of merchandise, equipment or materials," so that we can put up some indoor/outdoor displays to promote our playground equipment and putting greens. Our intention is to offer birthday parties so that parents and kids can come and use our equipment and hopefully purchase some for their own backyards.

We expect to have an average of 6 parties a week with between 12 and 24 people at each party lasting about 2 hours each. These parties would primarily be done on weekends and all food involved would be catered by pizza companies. We also would expect some daily use of the facilities by individual customers wanting to play and demo the equipment. We estimate this usage to be 15 to 20 prospects a day during the week. All of this activity will require 2 employees so that we can operate all 3 categories of our business with 4 employees.

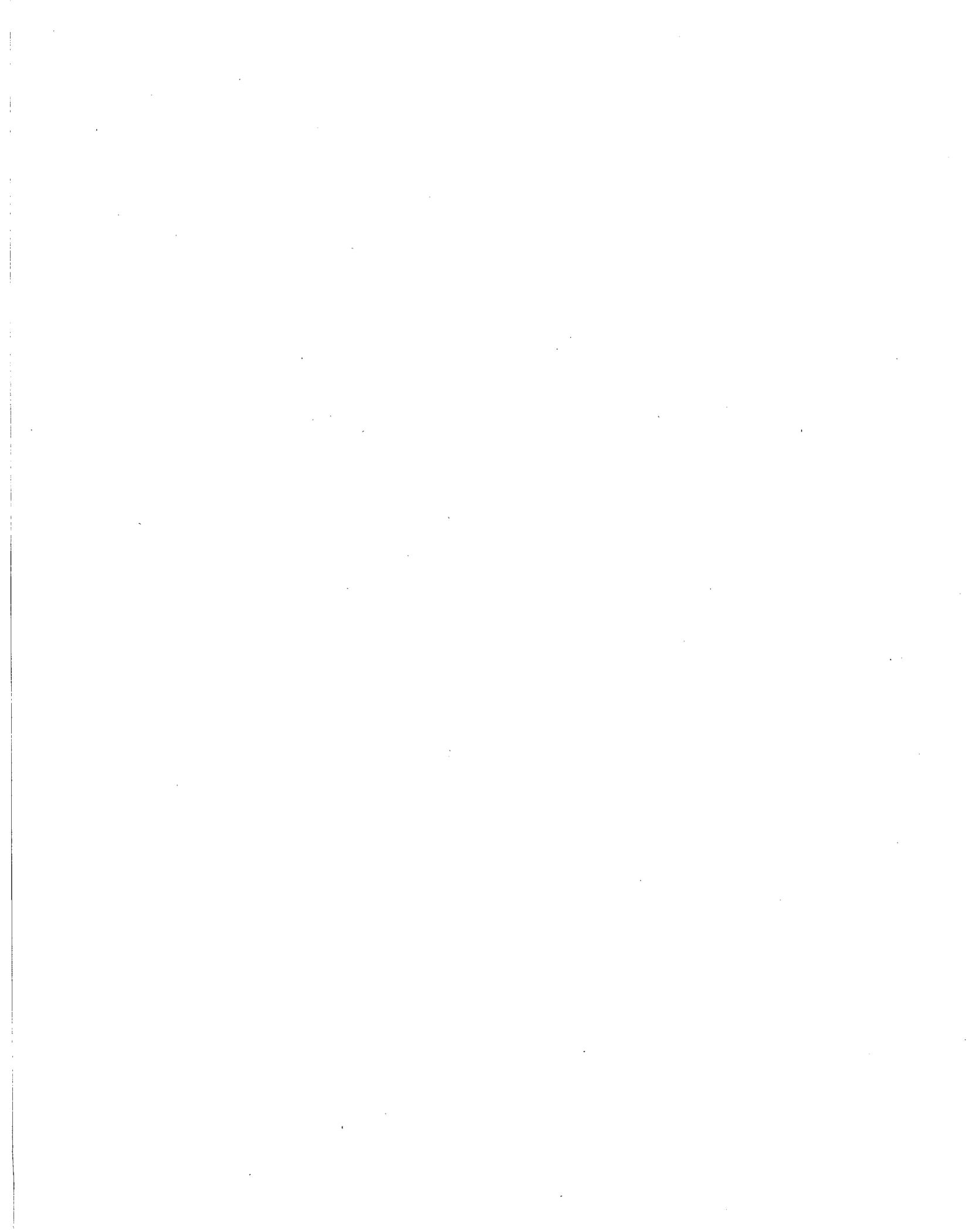
Approval of this plan will require us to invest \$75,000.00 and hire 2 additional employees.

Sincerely,

A handwritten signature in black ink, appearing to read "Armand T. Daniel, Jr.", is written over the word "Sincerely,".

Armand T. Daniel, Jr.

ATDjr:pd



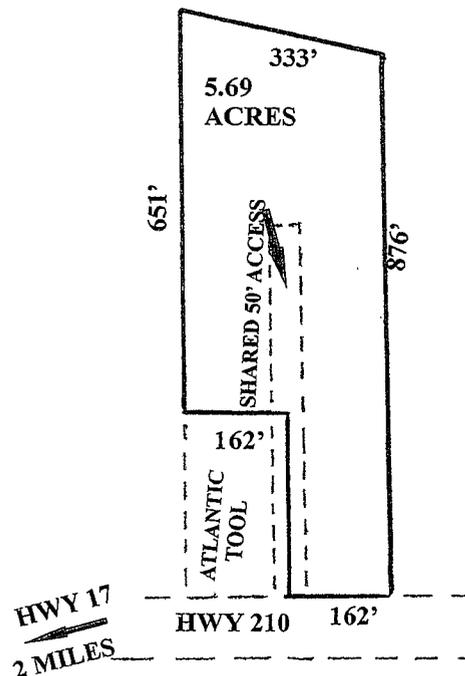
# 2365 Hwy 210

## THE BUILDING

- 22,500 Total Square Feet
- Metal Construction - 2002
- Electric - 400 Amps/240 V.
  
- Office - 3375 Square Feet
  - Heat Pump HVAC
  - 2 Washrooms and Full Kitchenette
  - Includes Fully Finished Work Room of 1350 sq. ft.
  
- Warehouse - 19,125 Square Feet
  - 16' Ceiling at Eave
  - Drive-in Loading (10' x 12')
  - Two Dock Level Loading Doors with Levelers (10' x 10')
  - Suspended Forced Air Gas Heat
  - Ventilation Fans
  - Vapor Lighting
  - Decked Attic Adds 1600 sq.ft. Storage
  - Four Washrooms
  
- Storm Water System In Place

## THE SITE

- 5.69 Acres
- 162' Frontage
- Zoned RT (Special Use Permit)
- Septic System and Well (County Water Due 2006)
- Tax Parcel 0-120-9-1
- Deed Book 1683 Page 78



## SALE OFFERING

**\$1,350,000**

## LEASE OFFERING

**\$5.50/SQ.FT.**

### CREATIVE PROPERTIES, INC.

15894 Hwy 17  
P.O. Box 56  
Hampstead, NC 28443  
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(910) 270-5110 FAX

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**270-5100**

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However, any prospective purchaser is urged to independently confirm its accuracy and completeness.



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WILMINGTON, NC 28401  
910/251-2211 FAX: 910/251-2218

# SALE OR LEASE OFFICE/WAREHOUSE FACILITY



**2365 Hwy. 210**  
**Hampstead, North Carolina**

This attractive building offers 22,500 square feet of quality warehouse and office space on a 5.69 acre commercial lot. Options include outright purchase of the whole facility or lease of up to 17,000 square feet, creating potential to serve a wide variety of business uses.

**Call Mike Nadeau**  
**910-270-5100**

**Commercial & Investment Real Estate Specialists**

email: [creative@creativeproperties.biz](mailto:creative@creativeproperties.biz)  
[www.creativeproperties.biz](http://www.creativeproperties.biz)

