

## REQUEST FOR BOARD ACTION

ITEM NO. 17.

**DATE OF MEETING:** June 21, 2010

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

**SHORT TITLE:** Public Hearing & Special Use Permit (SUP) Request: Construction and Operation of a Shopping Center with Approximately 19,800 Square Feet of Leasable Space

**BACKGROUND:** The property is identified as PIN# 4215-22-7528-0000 and is located at the northwest intersection of US Highway 17, Old Whitfield Road and Sloop Point Road, in Hampstead, North Carolina. The Special Use Permit would allow the applicant to construct and operate a Shopping Center with approximately 19,800 Square Feet of leasable space, on one (1) tract of land totaling approximately 5.9 acres.

**SPECIFIC ACTION REQUESTED:** To hold a public hearing and consider the approval of a Special Use Permit the construction and operation of Shopping Center with approximately 19,800 Square Feet of leasable space.

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

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**SUMMARY:**

**Hearing Date:** June 21, 2010

**Applicant:** Talon Construction, Roy Pope

**Property Owner:** Eastern Outfitters Inc.

**Case Number:** SUP 10-06-21-06 Eastern Outfitters

**Land Use Proposed:** The applicant is requesting the approval of a Special Use Permit (SUP) for the construction and operation of a Shopping Center with approximately 19,800 Square Feet of leasable space.

**Property Record Number and Location:** The subject's property is located at the intersection of Old Whitfield Road and US Highway 17 in Hampstead NC and may be identified as PIN 4215-22-7528-0000.

**Zoning District of Property:** The property is currently zoned RT, Rural Transition District and the use of a Shopping Center is permitted via Special Use Permit. The property is proposed to be zoned GB, General Business District, in the Unified Development Ordinance (UDO); however this proposal is being reviewed under the current Zoning Ordinance and Zoning District.

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**PROJECT DESCRIPTION:**

The applicant, Roy Pope of Talon Construction, is requesting the approval of a Special Use Permit (SUP) for the operation and construction a Shopping Center with approximately 19,800 Square Feet of leasable space. The property consists one (1) tract totaling approximately 5.4 acres.

The proposed construction will include a 19,800 square foot building; consisting of five (5) units. Eastern Outfitters will be located in the 15,000 square feet (100' x 150') unit and the remaining four (4) units to be 1,200 square feet (20' x 60') each.

Ingress and egress for the project will utilize Old Whitfield Road; US Highway 17 will not be accessed directly. The North Carolina Department of Transportation (NC DOT) will require a driveway permit for the business.

The applicant is proposing hours of operation to be from 7 AM to 7 PM seven days a week, with extended hours during seasonal periods of the year. The total number of employees would average from 15-20 people depending on the time of year.

The applicant plans to utilize water supplied through Pender County Utilities; wastewater will handled by on-site septic system subject to review and approval from Pender County Utilities and Environmental Health, respectively.

A formal commercial site plan must be submitted and shall comply with all requirements in of § 9.14 of the Commercial Development Standards and Site Plan Review and parking/ landscaping requirements in §13 and §14 of the Pender County Zoning Ordinance. The site plan submitted with this application is considered conceptual and does not reflect any approvals or regulations in effect.

The property does not contain any Special Flood Hazard Areas or Areas of Environmental Concern. Based on review of available data, there are jurisdictional waters located within the property and a Department of the Army permit for the project was previously issued for impacts to these waters.

**Technical Review Committee (TRC) comments/concerns:**

**Pender County Utilities (PCU):**

Since the application has proposed Pender County Utilities for water service, the applicant will need to coordinate with PCU through the design phase. Depending on facility requirements, a PWS (Public Water Service) permit may be required, and appropriate capacity/tap fees will apply. An encroachment agreement from NCDOT will be required to run a waterline and/or service line under US 17.

**NC DOT:**

The NC Department of Transportation will require a Driveway Permit. The NC DOT is in the process of developing a contract to construct a "Super Street" at the intersection with US 17 and Old Whitfield and Sloop Point. The plan is to have this completed by late fall, 2010.

**Pender County Environmental Health (PCEH):**

Pender County Environmental Health Department has issued an Improvement Permit (IP) on this site. A plan has been submitted for the proposed Sewage Disposal System. It is only an Improvement Permit that has conditions that shall be met prior to the construction authorization issuance. Once the conditions are met and approved by EH Department the Construction Authorization (CA) may be issued.

**US ACE:** Based on review of available data, there are jurisdictional waters located within the property and a USACE permit for the project was previously issued for impacts to these waters

**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 currently zoned RT, Rural Transition District and the use of a Shopping Center is permitted via Special Use Permit, as prescribed by the Pender County Zoning Ordinance §8.9 Table of Permitted Uses. The Pender County Zoning Ordinance defines a shopping center as: two or more retail enterprises or a combination of retail and office or service uses in one building or group of buildings on a single zoning parcel.
- D. ***2005 Land Use Plan Compliance:*** The subject property is currently classified as Urban Growth Areas. The proposed development is consistent with this classification.
- E. ***Existing Land Use in Area:*** The land use pattern for the surrounding area is predominately residential. Specifically, the land uses are as follows: located to the north/northeast is low density residential and commercial. To the east low density residential and vacant. To the south is vacant and to the west is low density residential.
- F. ***Site Access Conditions:*** The property has direct access to US Highway 17 and Old Whitfield Road. The NC Department of Transportation will require a driveway permit.
- 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 in accordance with Section 16 of the Pender County Zoning Ordinance.
  3. The project shall comply with all requirements of the Pender County Zoning and Subdivision Ordinances.
  4. 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.
  5. 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

6. 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.
7. The hours of operation shall be from 7 AM to 7 PM seven days a week, with extended hours during seasonal periods of the year
8. All NC DOT requirements and improvements shall be met prior to issuance of final zoning.
9. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance.
10. No junk, debris trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site all debris shall be removed from the site prior to issuance of a zoning permit.
11. 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).
12. Review of this proposal will occur within the regulations prescribed in the Pender County Zoning Ordinance Adopted July 5, 1988, Codified with Corrections & Amendments as of February 2, 2009.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on June 21, 2010 the Pender County Board of Commissioners (approved, modified, denied) a special use permit for construction and operation of a Shopping Center, 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 \_\_\_\_\_ Blanchard \_\_\_\_\_ Brown \_\_\_\_\_ Rivenbark \_\_\_\_\_ Williams \_\_\_\_\_

\_\_\_\_\_  
**Jimmy T. Tate,**  
**Chairman** 06/21/2010  
Date

\_\_\_\_\_  
**ATTEST** 06/21/2010  
Date

### **15.3 Procedures for Reviewing Applications**

The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.

The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed. The Zoning Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing. All Special Use Permit applications must be presented to the Zoning Administrator for a determination of completeness. An appeal from a completeness determination may be had to the Board of Adjustment or Superior Court within twenty (20) days of the determination.

The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written findings that the following are fulfilled:

- A. The use requested is listed among the special uses in the district for which application is made; or is similar in character to those listed in that district;
- B. The requested use will not impair the integrity or character of the surrounding or adjoining districts, nor adversely affect the safety, health, morals, or welfare of the community or of the immediate neighbors of the property;
- C. The proposed use shall not constitute a nuisance or hazard.
- D. The requested use will be in conformity with the Pender County Land Use Plan and other official plans or policies adopted by the Board of County Commissioners;
- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion in the public roads; and
- G. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located;
- H. The proposed use shall not adversely affect surrounding uses and shall be placed on a lot of sufficient size to satisfy the space requirements of said use.

### **15.4 General Provisions Concerning Special Use Permits**

#### **B. Revocation**

In any case where the Special Use Permit or the conditions of a Special Use Permit have not been or are not being complied with, the Zoning Administrator may initiate a notice of violation for the provisions of this ordinance and the conditions of the Special Use Permit not in compliance or the Zoning administrator, may initiate notice of a public hearing to consider revocation of the permit by the Board of Commissioners or both actions may be initiated. Procedures for notice of such hearing shall be the same as procedures for consideration of an initial application for a Special Use Permit and the permittee shall be notified.

## Project Narrative for Eastern Outfitters, Inc. – Hampstead, NC

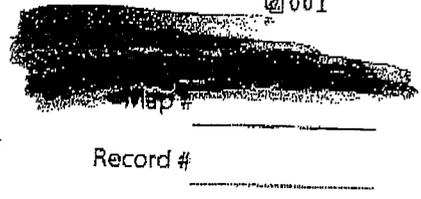
1. The project is located at the North corner of the intersection at U.S. Hwy 17 and Old Whitfield Road. Access to the site will be provided via turn lanes at the intersection in both directions of travel.
2. Retail establishment to include Four Seasons Sporting Goods. Comprehensive product selections in Hunting, Saltwater and Freshwater Fishing, Boating and Marine Supplies, Kayaks, Outdoor and Beach Apparel, Footwear, Outdoor Cooking and Camping and Golf Shop.  
Hours of Operation: 7 days/week, 10 – 13 hours per day. 15-20 employees on average.
3. Construction on the site will involve the erection of a 19,800 s.f. building and all the associated site work including soil & erosion control, grading, paving, curbing and landscaping. The work will be performed during daylight hours and the project duration should be approximately nine months.
4. The project will be served initially by a private septic system and public water.
5. Permits Required:
  - N.C. Department of Environment & Natural Resources Soil and Erosion Control
  - NCDOT Driveway Permit (Old Whitfield Road)
  - Storm Water

To the best of our knowledge there are no other state or federal permits required for the construction of this project.

6. The project is located at an existing intersection on U.S. Hwy. 17 and has an existing turn lane in the North & South bound lanes, therefore the effect on local traffic should be negligible. The retail sales outlet will not generate any noise above current levels and generally should have no negative impact on the adjacent properties and neighborhood. We would like to think the project would represent a visual improvement to the general area. The owners will make every effort to address and minimize any impact on the local area and respond to any concerns of the adjoining property owners & neighborhood.

Permit # 102931  
Page 1 Of 3

PENDER COUNTY HEALTH  
DEPARTMENT  
P.O. BOX 1209, BURGAW, NC 28425  
PHONE: (910) 259-1233



IMPROVEMENT PERMIT

NO BUILDING PERMIT IS TO BE ISSUED WITH THIS PERMIT

Article 11 N.C. General Statues Chapter 130 (GS 130A-336)

THIS PERMIT IS SUBJECT TO REVOCATION IF SITE PLANS OR INTENDED USE CHANGES

Owner/Agent Walter D. Giese / Emmert Sniff Date Feb. 29, 09

Address 609 Decator Road, Jacksonville, NC 28540

Site Location Hwy 17, North Hampstead, across from Hill Top Store

Subdivision private lot, attached map Lot No. Section/Block

System Type/Description III B LTAR .6 gpd/ft2

Daily Design Flow 960 gpd  Domestic Waste Water  Industrial Water

Trench Depth

Type Facility the Proposed Site is to serve retail / Eastern Outfitters 12000 sq. ft. Retail sales

Water Supply:  Private Well  Community Well  Public  Other

Distance From All Wells 100FT \*\*\*\*\*IN NO SITUATION LESS THAN 50\*\*\*\*\*

Additional Information Attached site plan and septic system specification for the intial system and repair area. Initial and repair septic system shall not be distrub. Area located for septic shall be baracaded off with fence barrie/silt fence prior to any construction on site. Storm water drainage plans must be approved by the permitting agency, prior to the construction authorization issuance. Final planning & zoning must be approved, and a copy provided to department prior to the CA issuance. Attached plan provided by Applied Resource Management PC shall be a part of the permit. Maintain 50 ft from any strom water drainage system/ponds.

SEE ATTACHED PAGES \_\_\_\_\_ OF \_\_\_\_\_ FOR SYSTEM LOCATION, ADDITIONAL SPECIFICATIONS AND ANY ADDITIONAL PERMIT CONDITIONS ARE A PART OF THIS IMPROVEMENT PERMIT AND OTHER IMPORTANT INSTALLATION INSTRUCTIONS.)

Signed [Signature] Date 2/29/09

# PLANNING AND COMMUNITY DEVELOPMENT

PLANNING • CODE ENFORCEMENT • BUILDING INSPECTIONS • CENTRAL PERMITTING



## APPLICATIONS COVER SHEET

Date Application Filed: May 3, 2010

### I. REQUIRED NAMES:

Applicant Talon Construction, Inc. Roy Pope Owner Eastern Outfitters, Inc. Jon King  
Address P.O. Drawer 148 Address 4819 Richlands Hwy.  
Smithfield, NC 27577 Jacksonville, NC 28540  
Phone 919-938-2500 Fax 919-938-2909 Phone 910-270-2823 Fax \_\_\_\_\_  
Email roy.talon@embargmail.com Email jon.king42@yahoo.com  
Legal Relationship of Applicant to Property Owner: General Contractor under Contract  
Consultant Name/Company Talon Construction, Inc.  
Address P.O. Drawer 148 Smithfield, NC 27577  
Phone 919-938-2500 Fax 919-938-2909  
Email roy.talon@embargmail.com

### II. AFFIDAVIT REGARDING OWNER - APPLICANT RELATIONSHIP:

Eastern Outfitters, Inc. Talon Construction, Inc.

I Jon King (owner) and Roy B. Pope (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 of Applicant)

(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:

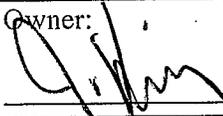
Planned Development Master Plan  
 Subdivision Preliminary Plat  
 Final Plat

# PLANNING AND COMMUNITY DEVELOPMENT

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## SPECIAL USE PERMIT APPLICATION

THIS SECTION FOR OFFICE USE		3 APF	
Application No.	SUP 10-06-21-05	Date	May 3, 2010
Permit Fee	309.40	Receipt No.	
APPLICANT INFORMATION			
Applicant Name Roy Pope - Talon Construction, Inc.		Owner Name Jon King - Eastern Outfitters, Inc.	
Address: P.O. Drawer 148 Smithfield, NC 27577		Address: 4819 Richlands Hwy. Jacksonville, NC 28540	
Phone No: 919-938-2500		Phone No: 910-270-2823	
Legal relationship of applicant to owner: General Contractor under Contract			
PROJECT INFORMATION			
Property tax record No. 4215-22-7528-0000		Total property acreage: 5.94	
Zoning Designation:		Acreage to be disturbed: 2.0	
Acreage to be used for project: 2.0			
Project location and address: North corner of the intersection of U.S. Hwy. 17 and old Whitfield Road			
Describe activities to be undertaken on project site: 15,000 s.f. of Retail Space with an additional 4,800 s.f. of Lease Space			
SIGNATURES			
Applicant: 	Date: 4-6-10	Owner: 	Date: 4/5/10
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>			