



REQUEST FOR BOARD ACTION

ITEM NO. 21.

DATE OF MEETING: December 6, 2010

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

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for the Operation of a Food and Beverage Store (NAICS Sector 445).

BACKGROUND: Molly T. Rousey, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the operation of a Food and Beverage Store (NAICS Industry Code 445). The subject property is located at 5000 Point Caswell Road, Atkinson, NC, and may be identified as PIN 2257-64-4774-0000. The property is currently zoned RP, Residential Performance District, and uses in the NAICS Sector 445 are permitted via SUP in the RP zoning district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for a Food and Beverage Store (NAICS Sector 445).

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: December 6, 2010
Applicant: Molly T. Rousey
Property Owner: Molly and Charles Rousey
Case Number: SUP 10-12-06-13 Rousey

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the operation of a Food and Beverage Store (NAICS Industry Code 445).

Property Record Number and Location: The subject property is located at 5000 Point Caswell Road, Atkinson, NC, and may be identified as PIN 2257-64-4774-0000.

Zoning District of Property: The property is currently zoned RP, Residential Performance District, and uses in the NAICS Sector 445 are permitted via SUP in the RP zoning district.

PROJECT DESCRIPTION:

The applicant and owner, Molly Rousey, is requesting the approval of a Special Use Permit (SUP) for the operation of food and beverage store to be located at the existing Copper-Guinea Farm.

The business would be incorporated into an existing structure on the property with the only construction taking place would be the replacement of existing stairs and the addition of a handicap ramp. "Rooks Depot" would focus on the sale of produce and goods from area farmers.

Currently the market/bakery has been operating with the Community Supported Agriculture Program, partnering with local famers to provided fresh produce seasonally to residents outside of Pender County. This proposal will allow the sales of the products within the Pender County area.

Access to the facility will be provided by an existing driveway entrance, on Point Caswell Road; the NC Department of Transportation will not require a driveway permit for this use. However, future development will need to be evaluated by the NC DOT.

The applicant's proposed hours of operation for the food and beverage market will be on Tuesday, Thursday and Saturday from 7am to 7pm.

The applicant plans to utilize an existing traditional on-site septic system and private well; both subject to review and approval from Pender County Environmental Health.

The subject property does not contain any Special Flood Hazard Areas or any known Areas of Environmental Concern.

Prior to the issuance of zoning approval and building permits; a Major Site Development Plan must be submitted and approved in accordance with Articles 3.5 and 3.9, a part of this review will include compliance with Article 7 Landscaping and Buffering as prescribed the Pender County Unified Development Ordinance. The site plan submitted with this application is considered conceptual and does not reflect any approvals or regulations in effect.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

No response.

Four County Electric Company

No response.

NC DENR Division of Coastal Management

No comments regarding this project.

NC DENR Division of Forestry

No response.

NC DENR Division of Land Resources

No response.

NC DENR Division of Waste Management

No response.

NC DENR Division of Water Quality

No response.

NC DOT Division of Highways

NC DOT will not require a driveway permit for this use.

NC DOT Transportation Planning Branch

No response.

NC Office of State Archaeology

No response.

NC Wildlife Resources Commission

No response.

Pender County Building Inspections

No response.

Pender County Emergency Management

No response.

Pender County Environmental Health

No response.

Pender County Fire Marshall

No response.

Pender County Parks and Recreation

No response.

Pender County Public Library

No response.

Pender County Public Utilities

County water is not available at this location (no comment).

Pender County Schools

This project should not be any problem for Pender County Schools.

Pender County Sheriff's Department

No response.

Pender County Soil and Water Conservation District

No comment.

Progress Energy Corporation

No response.

US Army Corps of Engineers

No response.

Wilmington Metropolitan Planning Organization

This development occurs outside of the WMPO area.

EVALUATION:

- A. *Public Notifications:*** Advertisements for the proposal have been placed in the *Topsail Voice* and *The Pender Post*. Adjacent property owners were notified by first class mail.
- B. *Basis for Granting SUP:*** See attachment A for approval procedures (§3.10.3-4 of Unified Development Ordinance) and revocation procedures.
- C. *Unified Development Ordinance Compliance:*** The property is currently zoned RP, Residential Performance District, and uses defined under Sector 445 (Full Service Restaurant) are permitted by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance, Article 5.2.3 Table of Permitted Uses.
- D. *2005 CAMA Land Use Plan Compliance:*** The subject property is currently classified within the Rural Cluster Area. The proposed development is consistent with this classification, as the 2005 CAMA Land Use Plan supports home-based businesses, neighborhood service and retail businesses located within the Rural Cluster area.
- E. *2010 Comprehensive Land Use Plan Compliance:***
1. The subject property is currently classified within the Suburban Growth area. The proposed land use is compliant with the Suburban Growth Area land use designation, as the 2010 Comprehensive Land Use Plan calls for areas classified as Suburban Growth to include medium-high density residential (single-family site-built and modular homes); limited non-residential uses - commercial, office, or public/institutional - meeting locational criteria. The Suburban Growth land use classification identifies those areas of Pender County where significant residential growth is expected to occur within the planning horizon
 2. Comprehensive Land Use Plan Policies:
 - i. **Agricultural Preservation**
Policy 8.A.1.4 Encourage agri-tourism business and on-site sale of agricultural products and related services.
 - ii. **Economic Development**
Policy 10A.1.4 Support agricultural extension efforts to support existing farming operations and to expand agri-business opportunities.
- F. *Existing Land Use in Area:*** The existing land uses in the area are composed of: the Pender County Convenience Center to the north, to the east and south, low-density single family residential, and active farm lands and a cemetery to the west.
- G. *Site Access Conditions:*** The property has direct access to Point Caswell Road via an existing driveway.
- H. *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. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
 3. A separate permit must be obtained for any proposed signs in accordance with Article 9 of the Pender County Unified Development Ordinance.
 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 conditions contained in this permit.
 7. Prior to the issuance of a zoning approval and building permits; a Major Site Development Plan must be submitted and approved, in accordance with Articles 3.5 and 3.9, a part of this review will include compliance with Article 7 Landscaping and Buffering as prescribed the Pender County Unified Development Ordinance.
 8. The hours of operation shall be Tuesday, Thursday and Saturday 7 AM to 7 PM.
 9. 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.

10. Review of this proposal will occur within the regulations prescribed in the Pender County Unified Development Ordinance, Adopted June 21, 2010.
11. Other applicable local, state, and federal permits as required.

RESOLUTION

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on December 6, 2010 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of a Food and Beverage Store (NAICS Sector 445), as described herein, and the Chairman/County Manager is authorized to execute any/all documents necessary to implement this resolution.

AMENDMENTS:

MOVED _____ SECONDED _____

APPROVED _____ DENIED _____ UNANIMOUS

YEA VOTES: Brown ___ Rivenbark ___ Tate ___ Ward ___ Williams ___

Chairman 12/6/10
Date

ATTEST Date

Attachment A

3.10.3 Procedures for Reviewing Applications

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. 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.
- C. 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.
- D. The 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.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- G. 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:
 - 1. 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;
 - 2. 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;
 - 3. The proposed use shall not constitute a nuisance or hazard;
 - 4. 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;
 - 5. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided;
 - 6. 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;
 - 7. That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located; and
 - 8. 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.

3.10.4 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 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 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.

"ROOKS DEPOT" AT COPPER-GUINEA FARM, Atkinson, NC

Whole Grain Bakery and Market owned by Molly and Charles Rousey

Copper-Guinea Farm is family owned and operated, located at 5000 Point Caswell Road in Atkinson, NC. The proposed idea is to open "Rooks Depot," a bakery and market to the public. Products offered would include freshly milled organic whole grain baked goods, breads, baking mixes, "Salad Fork Entrée Kits," produce and goods from area farmers and producers, and hot and cold beverages. Customers would have the opportunity to purchase wholesome local food in an area where high quality fare is not conveniently available. The setting of the property is locally known as the former Rooks community and is bordered by the old Yadkin Valley Railroad to the east. Our family home was built in the 1840's and the space where the bakery and market are planned was added in the early 1900's. The property was once a hub for its' neighbors, where public roads once ran through and Rooks Depot stood for passengers to board twice daily trips that ran from the Yadkin Valley of Tennessee to Wilmington. The train depot was opened in 1911 and closed once the railroad was taken out of service. In addition, the property included a post office, livery stables, a blacksmith shop and the family home took in boarders.

Our bakery has been certified through the North Carolina Department of Agriculture since April 2009. We have obtained certifications from ServSafe, NC State University FDA/USDA Better Process Control School and attended the first tier course in Good Agricultural Practice Training. The farm and bakery have operated seasonally in conjunction with our Community Supported Agriculture Program since 2009, offering sustainably grown produce, breads and baked goods, as well as our line of spices and signature "Salad Fork" salad dressing. Our farm has partnered with area local farms to provide families in the Wilmington area with weekly boxes of produce and farm made goods during the spring season. The proposed bakery and market is an extension of an existing business that would make our goods locally available to the surrounding community.

The property is bordered to the north by the local convenience center (trash dump) that operates from 7 to 7 on Tuesdays, Thursdays and Saturdays. We plan to be open during these days and times to take advantage of the existing traffic flow. The nature of our business does not lend itself to noise or factors that would in any way impact adjacent properties. The buffer of wooded areas on our north, east and south property lines further add a barrier to neighbors. The entrance to the shop utilizes the existing driveway and utilities serving the bakery include gas, electric, septic and well water. There is no proposed construction other than replacing entrance steps and building a handicap ramp to the bake shop entrance. The overall impact of this project would serve the community favorably by providing customers with local wholesome fare and connection to the historic integrity of the property.



Applicant & Owners:
Molly and Charles
Rousey

SUP 10-12-06-13
Rousey
Food/Beverage Store

NAICS Sector 445

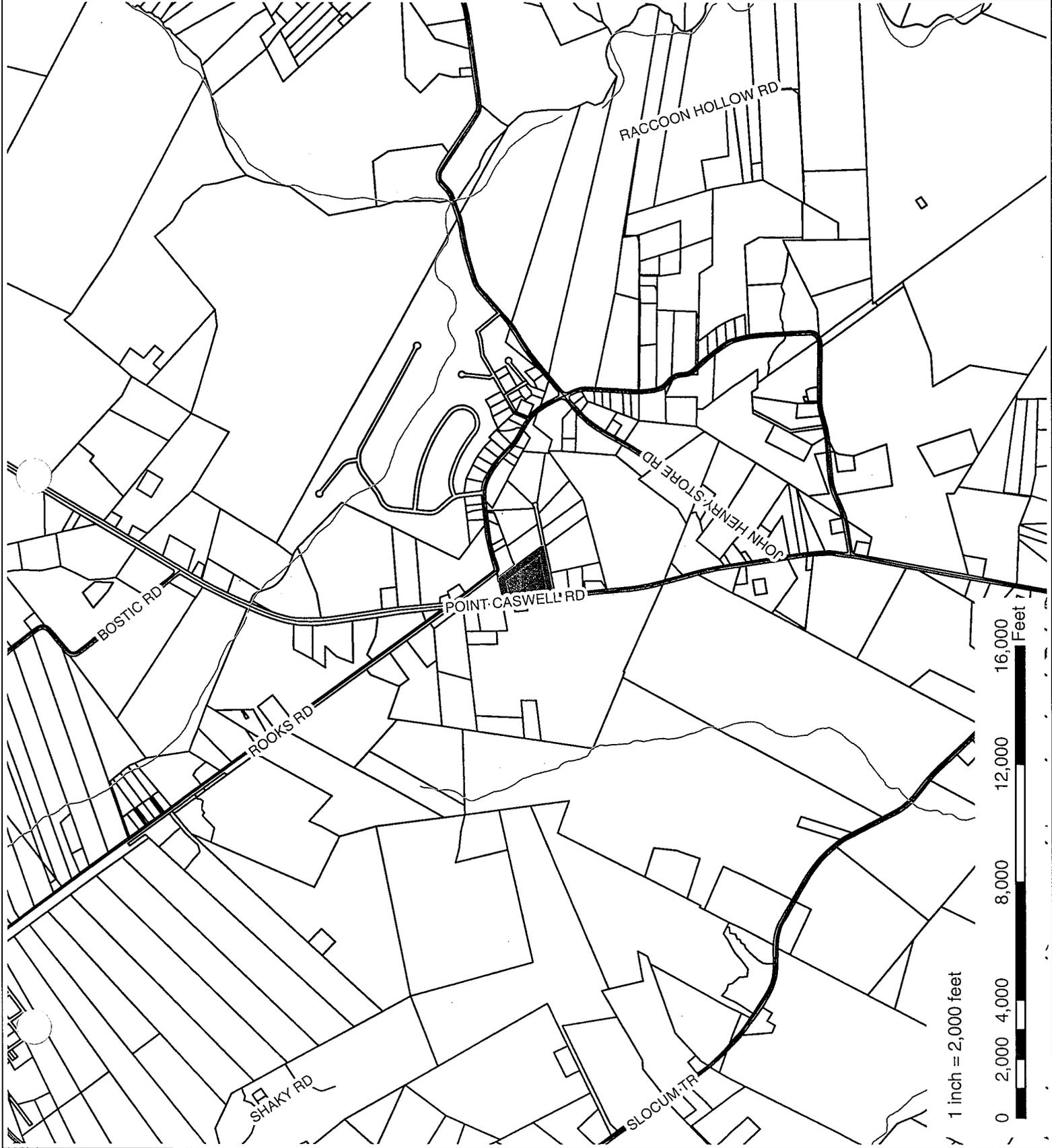
Legend



Subject Property



VICINITY MAP





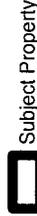
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**Rousey
Food/Beverage Store**

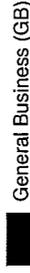
NAICS Sector 445

Legend

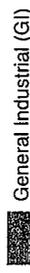


Subject Property

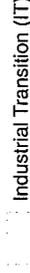
Zoning Classification



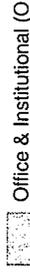
General Business (GB)



General Industrial (GI)



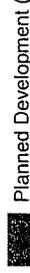
Industrial Transition (IT)



Office & Institutional (OI)



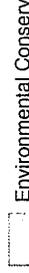
Rural Agricultural (RA)



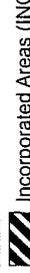
Planned Development (PD)



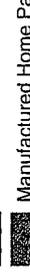
Residential Performance (RP)



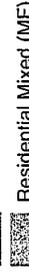
Environmental Conservation (EC)



Incorporated Areas (INCORP)



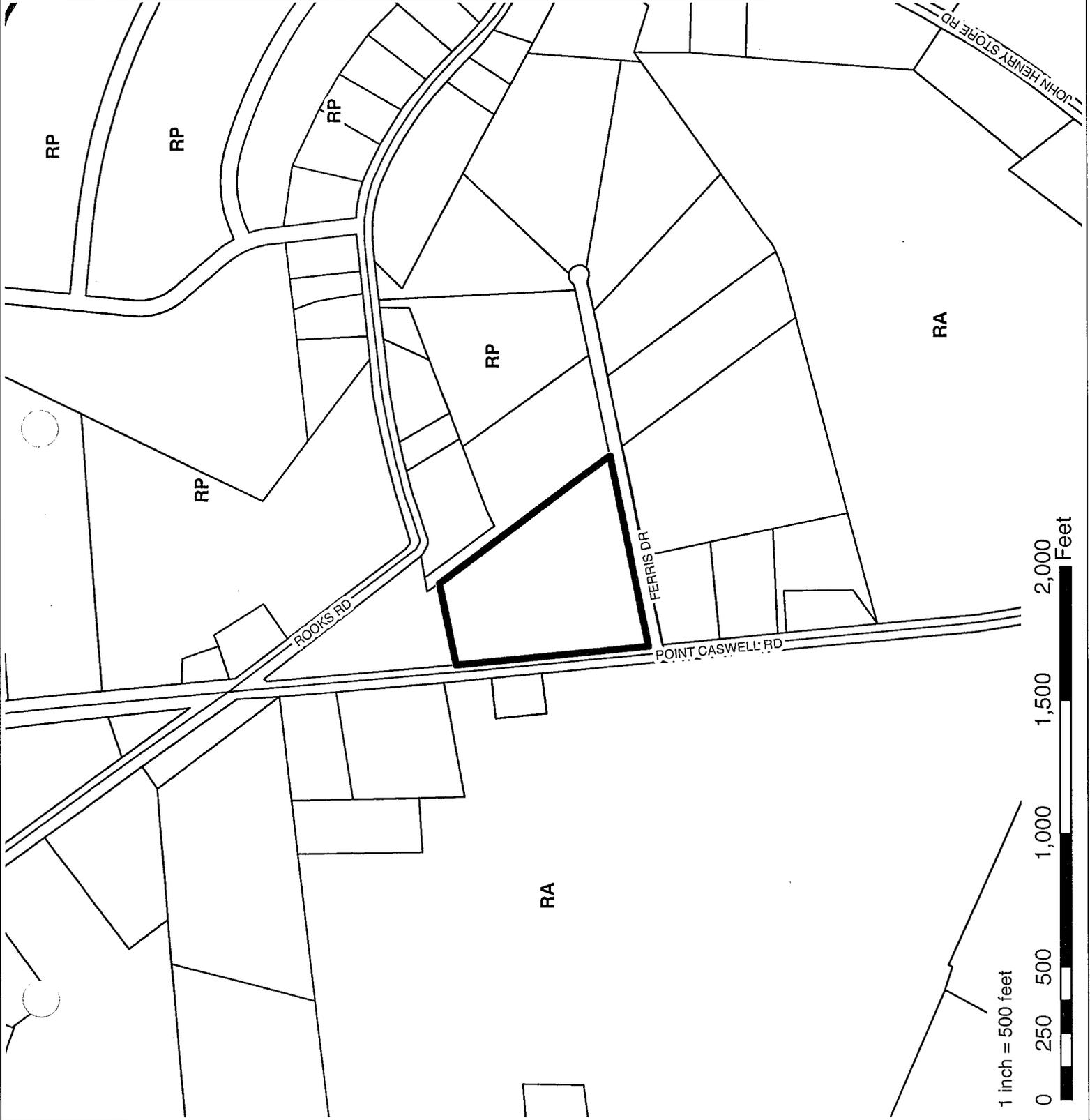
Manufactured Home Park (MH)



Residential Mixed (MF)



ZONING MAP





Applicant & Owners:
Molly and Charles
Rousey

SUP 10-12-06-13
Rousey
Food/Beverage Store

NAICS Sector 445

Legend

-  Subject Property
-  Future Land Use (CAMA)
-  Conservation Area I
-  Conservation Area II
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



CAMA (2005)
LAND USE MAP



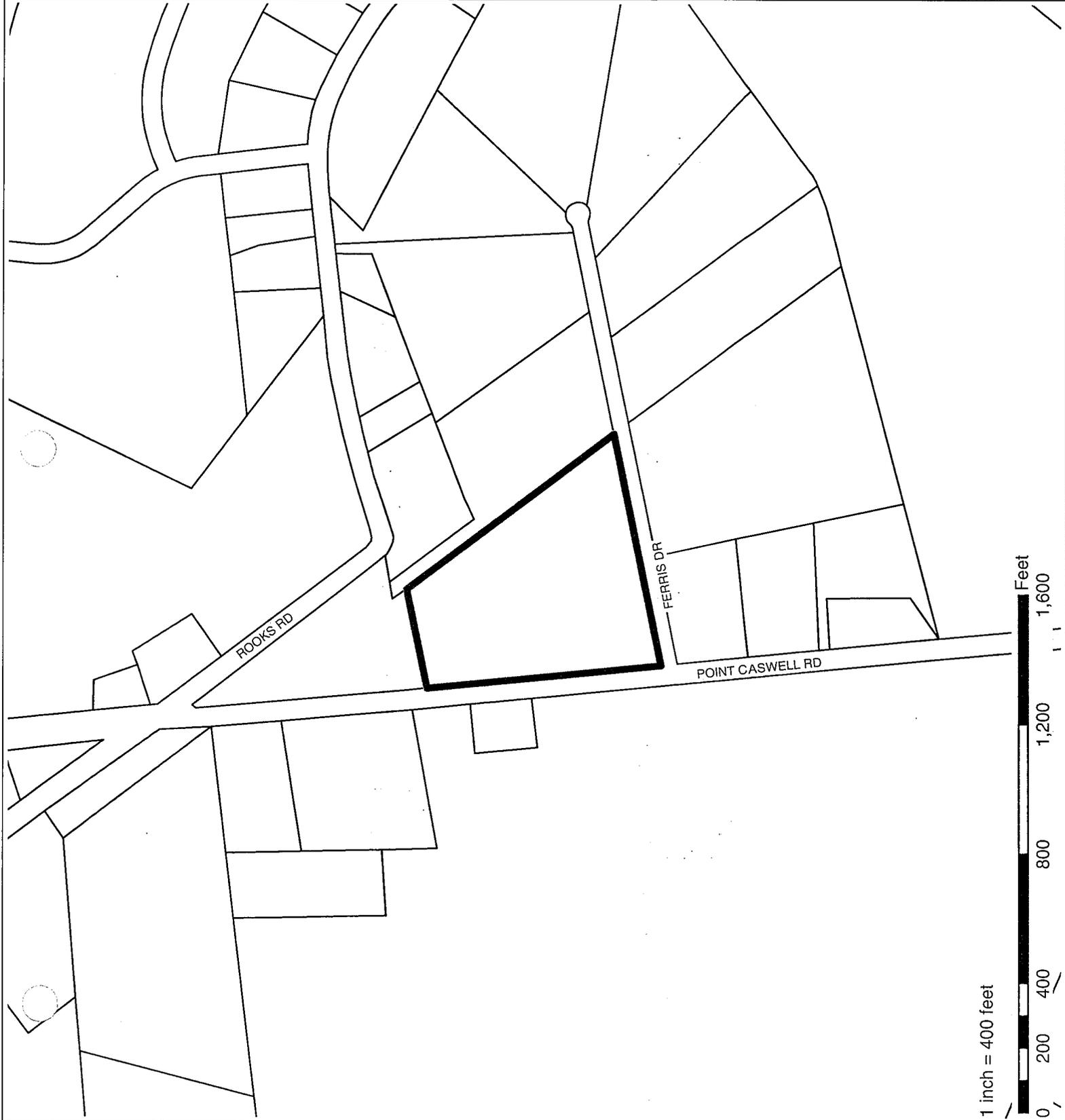


Applicant & Owners:
Molly and Charles
Rousey

SUP 10-12-06-13
Rousey
Food/Beverage Store

NAICS Sector 445

	Subject Property
	Future Land Use
	Conservation
	Industrial
	Mixed Use
	Rural Growth
	Suburban Growth



1 inch = 400 feet



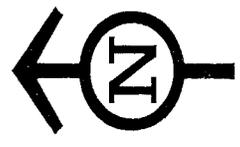
2010 Comprehensive
Future Land Use



Applicant & Owners:
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SUP 10-12-06-13
Rousey
Food/Beverage Store
NAICS Sector 445

Legend
Subject Property



Aerial Map

