



REQUEST FOR BOARD ACTION

ITEM NO. 22.

DATE OF MEETING: December 6, 2010

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

SHORT TITLE: Resolution to approve a Special Use Permit (SUP) for the operation of a Food and Beverage Store.

BACKGROUND: Yaser Abdelhamid, applicant, on behalf of William Knapp, 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 20390 US Highway 421, north of the intersection of Shiloh Road and US Highway 421. The property may be identified as Pender County PIN 2361-73-1877-0000. The property is currently zoned RA, Rural Agricultural, and uses in the NAICS Sector 445 are permitted via SUP in the RA 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.

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: December 6, 2010
Applicants: Yaser Abdelhamid
Property Owner: William Knapp
Case Number: SUP 10-12-06-12 Abdelhamid

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 Sector 445 – Food and Beverage Stores).

Property Record Number and Location: The subject property is located at 20390 US Highway 421, near Penderlea, NC. The property may be identified as Pender County PIN 2361-73-1877-0000.

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

PROJECT DESCRIPTION:

Yaser Abdelhamid, the applicant, is requesting approval of a Special Use Permit (SUP) for the operation of a food and beverage store in an existing building at 20390 US Highway 421, approximately 0.5 miles north of the intersection of US Highway 421 and Shiloh Road, near Penderlea. The applicant is proposing a convenience store that will sell miscellaneous prepackaged food and beverages items and ancillary merchandise. No on-site production or preparation of food or beverages is proposed.

The proposed store will be in an existing commercial building that has been previously used for a convenience store and most recently antique sales. As such, the installation of additional landscape buffers are not mandatory as per Section 7.1.2 of the Pender County Unified Development Ordinance.

Ingress and egress for the facility will be via an existing drive to US Highway 421. Prior to final zoning approval, a driveway permit will be required from NC DOT for the proposed additional use in addition to any driveway improvements required by the permit. On-site vehicle parking is proposed on an existing asphalt area in front of the building. In order to suffice the parking requirements prescribed in the Pender County Unified Development Ordinance, seven parking spaces must be delineated in accordance with Section 6.14.2.

The applicant's proposed hours of operation will be from 7am to 9pm, Mondays through Saturdays, and 8am to 9pm on Sundays.

The building features existing restroom facilities that are proposed for public use, which shall be subject to approval from Pender County Environmental Health.

The subject property does contain any Special Flood Hazard Areas or any Areas of Environmental Concern.

TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:

Cape Fear Council of Governments RPO

Applicant will need a driveway permit from NC DOT.

Four County Electric Company

No response.

NC DENR Division of Coastal Management

No comments/problems with proposal.

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

Applicant will need driveway permit from NC DOT for change of use.

NC DOT Transportation Planning Branch

No response.

NC Office of State Archaeology

No comments/problems with proposal.

NC Wildlife Resources Commission

No response.

Pender County Emergency Management

No response.

Pender County Environmental Health

No response.

Pender County Fire Marshall

No comments/problems with proposal.

Pender County Parks and Recreation

No comments/problems with proposal.

Pender County Public Library

No response.

Pender County Public Utilities

No comments/problems with proposal.

Pender County Schools

No comments/problems with proposal.

Pender County Sheriff's Department

No response.

Pender County Soil and Water Conservation District

No response.

Progress Energy Corporation

No response.

US Army Corps of Engineers

No response.

Wilmington Metropolitan Planning Organization

No comments/problems with proposal, as the proposal is 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 of Unified Development Ordinance) and revocation procedures (§3.10.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural, and uses defined under Sector 445 (Food and Beverage Stores) are permitted in the RA zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses.
- D. 2005 CAMA Land Use Plan Compliance:** The subject property is currently classified within a Rural Area. The proposed development is consistent with this classification, as the CAMA Land Use Plan states that Rural Areas provide for very low-density residential uses, home-based businesses, and other businesses traditionally associated with rural farm areas and extraction activities.
- E. 2010 Comprehensive Land Use Plan Compliance:** The subject property is currently classified within a Rural Growth area. The proposed land use is consistent with the *2010 Comprehensive Land Use Plan* as the plan states that limited non-residential uses are appropriate providing the location of the use has frontage and access to a major highway or secondary road, location at a major rural intersection, proximity to similar existing non-residential uses, and spatial separation from non-compatible uses such as existing residential development.
- F. Existing Land Use in Area:** The existing land use in the area is considerably rural and largely undeveloped. Very low-density single family residential occurs on Devane and Robert E. Lee Drives and General Pender Court across US Highway 421 from the subject site; however, an undeveloped 5.5 acre parcel is immediately across the highway from the subject site. The nearest residential structure, owned and occupied by the proposed store building's owner, is approximately 260 feet north of the proposed store building. An existing small equipment repair business is located approximately 700 feet north of the subject site, and large undeveloped tracts lie to the east of the site.
- G. Site Access Conditions:** The property has direct access to US Highway 421 via an existing driveway.
- H. Conditions To Consider In Issuing the Special Use Permit For This Project:**
1. The project shall comply with all requirements of the Pender County Unified Development Ordinance.
 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 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 effect for the duration of this permit
 6. The hours of operation shall be from 7am to 9pm, Mondays through Saturdays, and 8am to 9pm on Sundays.
 7. At a minimum, seven parking spaces shall be delineated on the existing asphalt/parking area in accordance with Section 6.14.2 of the Pender County Unified Development Ordinance prior to the issuance of final zoning approval.
 8. A driveway permit from NC DOT will be required prior to the issuance of final zoning approval.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

the Board hereby (approved, modified, denied) a special use permit for a food and beverage store, as described herein. 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 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.

**Pender County
Planning and Community Development**

805 S. Walker Street
Burgaw, NC 28425
(910) 259-1202 Phone
(910) 259-1259 Fax
www.PenderCountyNC.gov



SPECIAL USE PERMIT

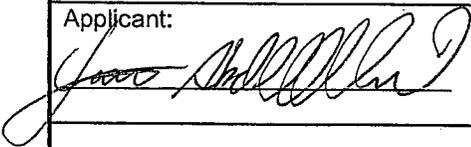
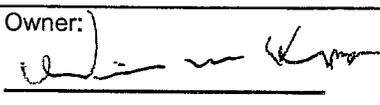
GENERAL

1. An applicant shall be required to schedule a pre-submittal meeting with the Administrator at least thirty (30) days prior to submission of an application.
2. Any information the applicant wishes to submit to assist in making the above findings may be included as part of the Project Narrative or as a supplement labeled "Support Information-Required Findings" (max. 1 page).
3. Where construction, location or relocation is proposed to be done upon a residence, place of business or place of public assembly, no permit required for electrical, plumbing, heating, air conditioning or other construction, location or relocation activity under any provision of general or special law shall be issued until an authorization for wastewater system construction has been issued under G.S. 130A-336 or authorization has been obtained under G.S. 130A-337(c).

APPROVAL STANDARDS

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 land use plan;
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.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 10-12-06-A	Date	10/25/10
Permit Fee	\$300.00	Receipt No.	101768
APPLICANT INFORMATION			
Applicant Name Yaser Abdelhamid		Owner Name William Knapp	
Address: 226 Southgate Rd. Wilmington, NC 28412		Address: 20450 Hwy 421 Willard, NC 28478	
Phone No: 910-279-2879		Phone No:	
Legal relationship of applicant to owner: Proposed tenant			
PROJECT INFORMATION			
Property Identification Number: 2361-73-1877-0000		Total property acreage: .54 acres	
Zoning District: RA		Acreage to be disturbed: none	
Project location and address: 20390 US Hwy 421			
Describe activities to be undertaken on project site: Convenience store (re-establishment)			
SIGNATURES			
Applicant: 	Date: 10/25/10	Owner: 	Date: 10/25/10
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. 1). 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 CHECKLIST

<input checked="" type="checkbox"/>	Signed application form
<input checked="" type="checkbox"/>	Application fee
<input type="checkbox"/>	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 type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input checked="" type="checkbox"/>	<p>Project Narrative--Written description of the project (<u>max of 3 pages</u>) including the following:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Location of the project and type of access to project site <input type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input type="checkbox"/> Description of all construction activities to be undertaken on the site <input type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input type="checkbox"/> List of all state and federal permits that will be required for the project <input type="checkbox"/> 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.
<input checked="" type="checkbox"/>	<p>Project Map(s)--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:</p> <ul style="list-style-type: none"> <input type="checkbox"/> 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. <input type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <input type="checkbox"/> 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. <input type="checkbox"/> 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. <input type="checkbox"/> Parking, loading areas, and access to the project (See Article 6, Pender County UDO) <input type="checkbox"/> Landscaping and buffering (See Article 7, Pender County UDO) <input type="checkbox"/> All signs to be located on the property (See Article 9, Pender County UDO) <input type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <input type="checkbox"/> 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. <input type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site. <input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted. <input type="checkbox"/> Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.
7. Applications including more than one acre of disturbed area should consult for additional requirements.	
8.	Application received by <u>BDA</u> Date <u>10/25/2010</u>
9.	Application completeness approved by <u>BDA</u> Date <u>10/25/2010</u>
10.	Date scheduled for public hearing <u>12/6/2010</u>

RETURN COMPLETED APPLICATION TO:

Pender County
 Planning & Community Development
 P.O. Box 1519
 Burgaw, NC 28425

Project Narrative

Property Owner: William Knapp

Property being leased to: Yaser Abdelhamid

Project Location: 20390 US Hwy 421
Willard, NC 28478

Current Use: None.

Proposed Use: Re-establish convenience store on Highway 421

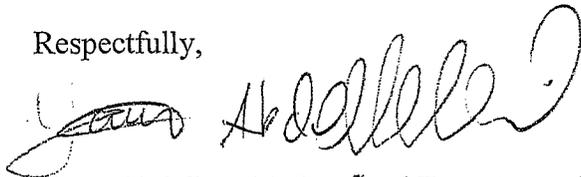
NAICS Codes applicable: 445 - Food and Beverage Stores

Background information and summary: The aforementioned project location currently has a commercial building on site. It is my understanding that in the 1970s to mid 1980s a store/grill was located within this building. However, this site has not been used as a convenience store for several years, but other activities at the facility have occurred i.e. indoor/outdoor flea market and an antique shop. It is my objective to re-establish the previous use as a convenience store to this site. I feel that because this particular area has minimal exposure to convenience stores, this would be an ideal location for a convenience store.

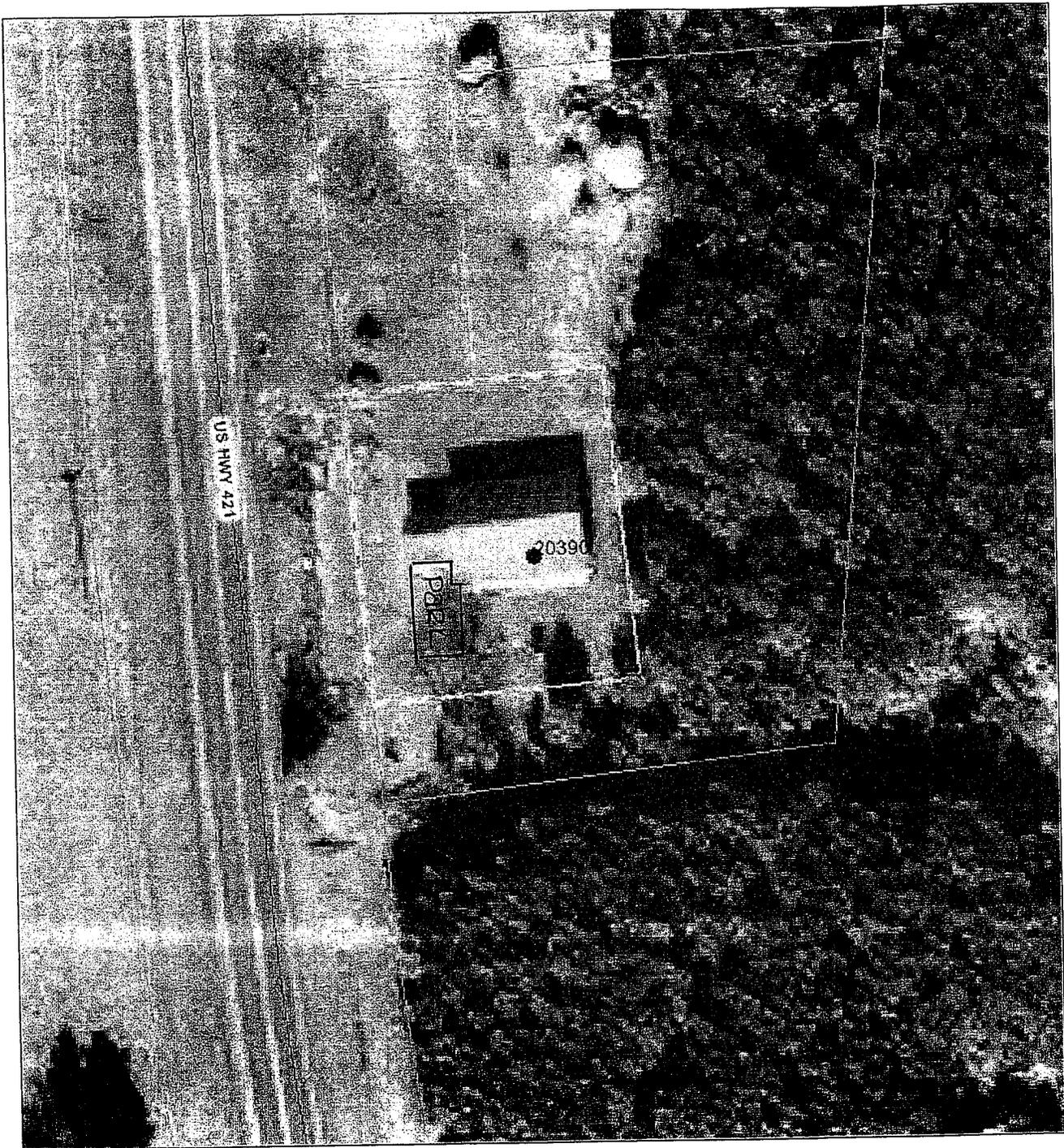
I would like to thank you for time and it is with sincere hopes that you would take my request into consideration.

Thank you in advance.

Respectfully,

A handwritten signature in black ink, appearing to read 'Yaser Abdelhamid', written in a cursive style.

Yaser Abdelhamid, Proposed Tenant
Ya-Ya Mini-Mart-2



1:60 feet

Pender County GIS



This map is prepared for the inventory of real property found within this jurisdiction, and is compiled from recorded deeds, plats, and other public records and data. Users of this map are hereby notified that the information is not a primary information source and should be consulted for the verification of the information contained on this map. Pender County assumes no legal responsibility for the information contained on this map.



Applicant:
Yaser Abdelhamid

Owner:
William Knapp

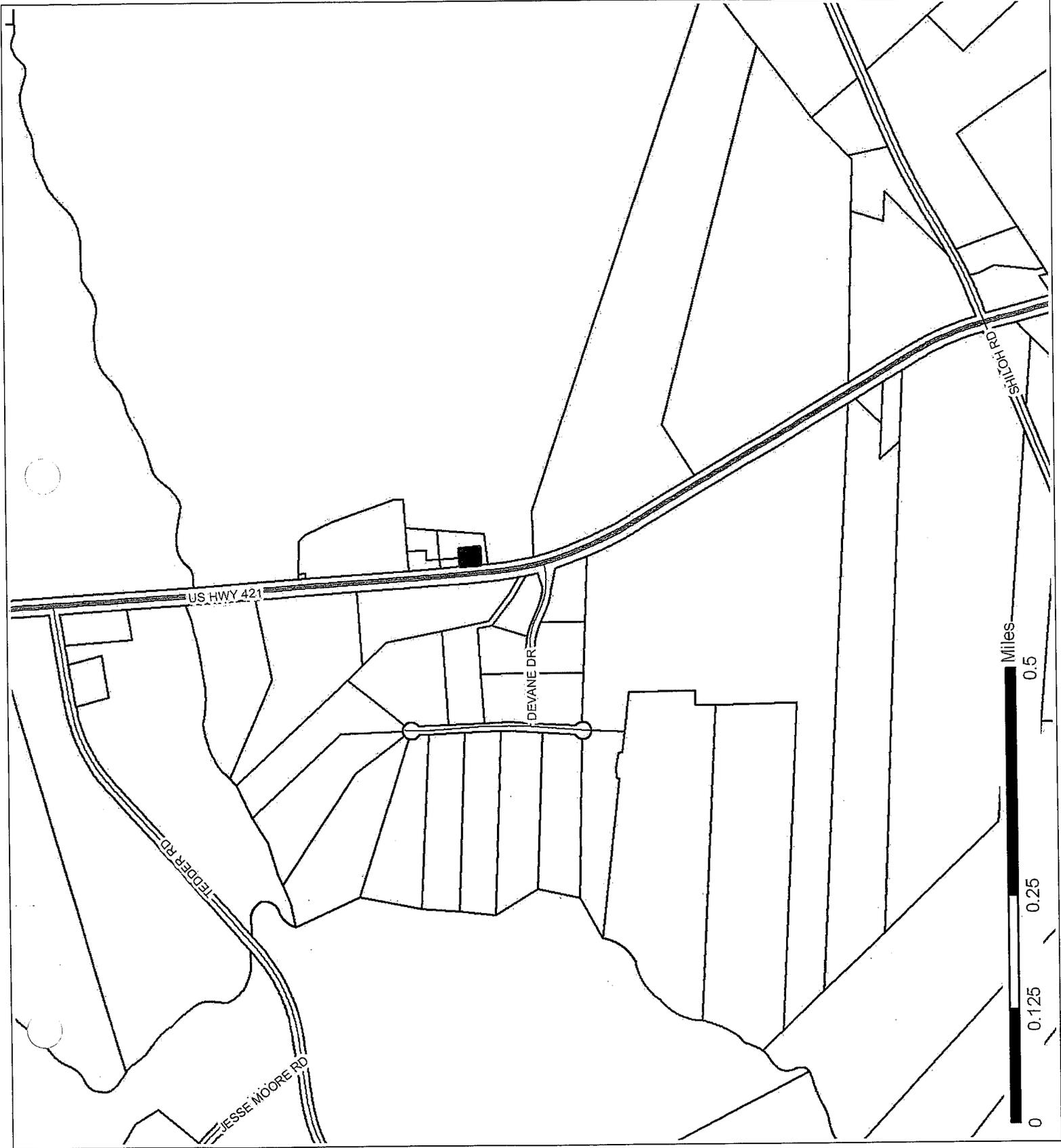
Special Use Permit
10-12-06-12
Abdelhamid

**Food and
Beverage Store**

Subject Parcel



Vicinity Map





Applicant:
Yaser Abdelhamid

Owner:
William Knapp

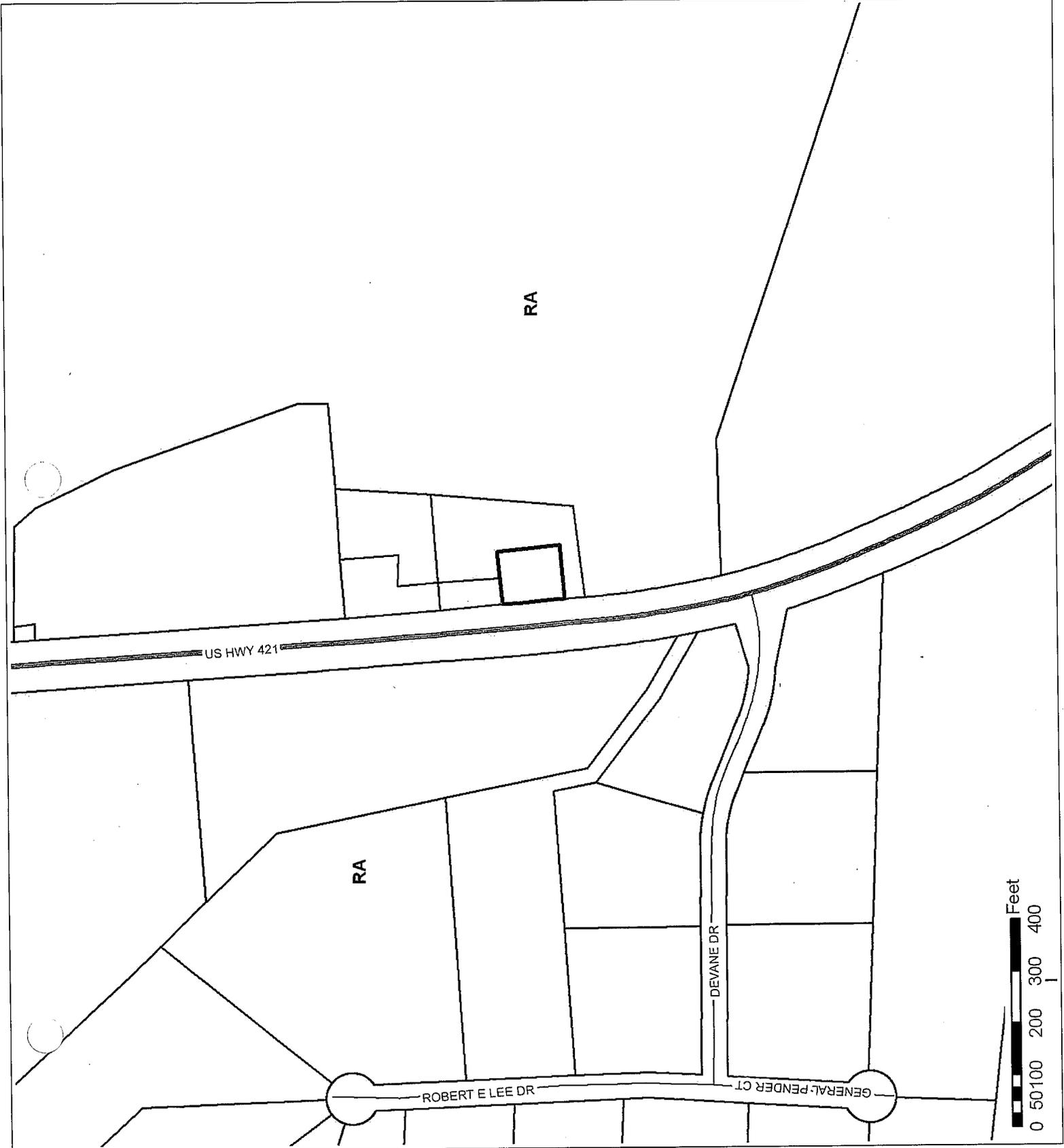
Special Use Permit
10-12-06-12
Abdelhamid

Food and Beverage Store

- Subject Parcel**
- 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 (MHP)
 - Residential Mixed (RMF)



Zoning





Applicant:
Yaser Abdelhamid

Owner:
William Knapp

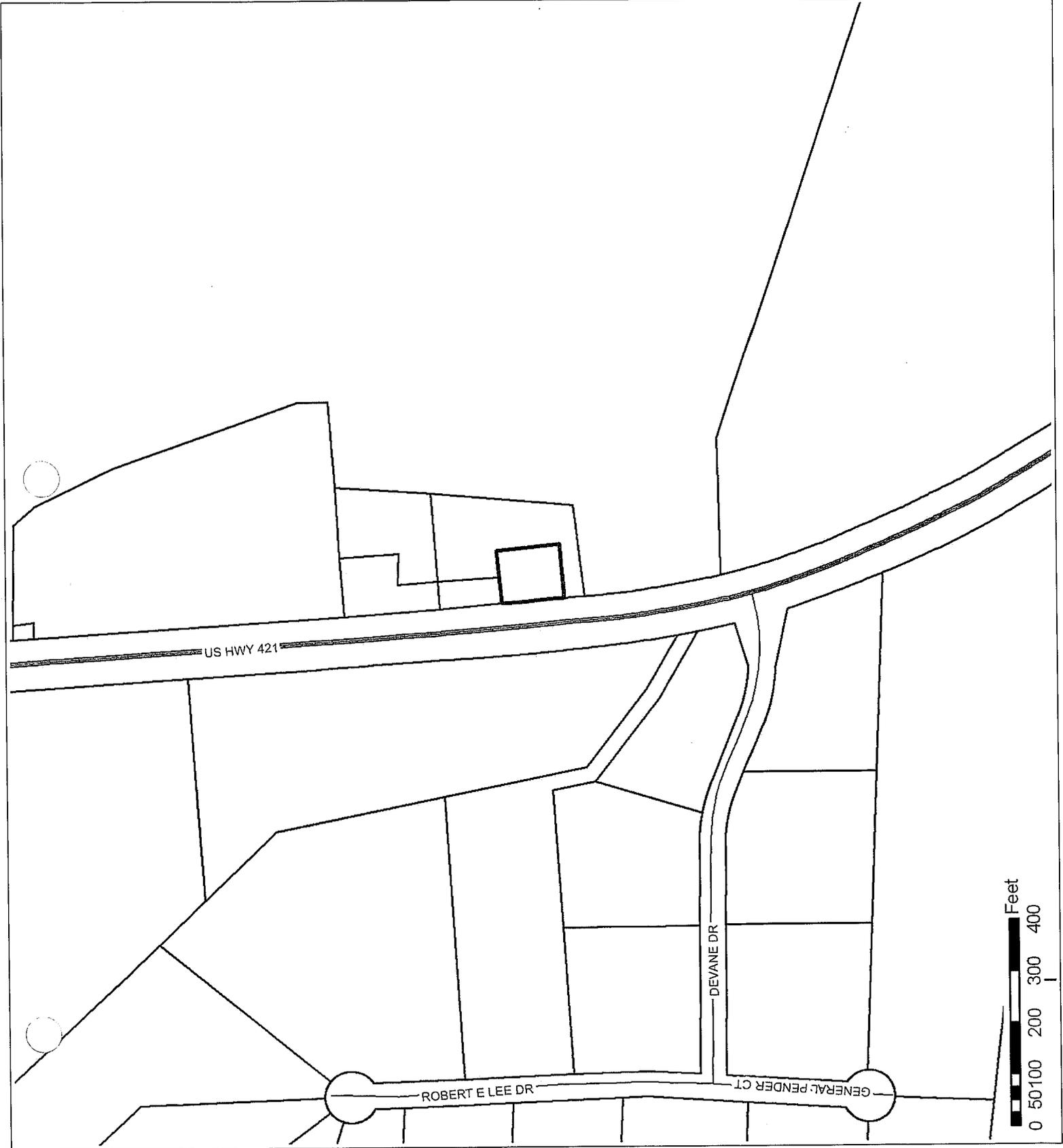
Special Use Permit
10-12-06-12
Abdelhamid

**Food and
Beverage Store**

-  Subject Parcel
-  Conservation Area I
-  Conservation Area II
-  Transition Areas
-  Urban Growth Areas
-  Rural Clusters
-  Rural Areas



CAMA Land Use





Applicant:
Yaser Abdelhamid

Owner:
William Knapp

Special Use Permit
10-12-06-12
Abdelhamid

**Food and
Beverage Store**

-  Subject Parcel
-  Municipal Boundaries
-  Municipal ETJ
- 2010 CLUP Classifications**
-  Conservation
-  Industrial
-  Mixed Use
-  Rural Growth
-  Suburban Growth



2010 LUP





Applicant:
Yaser Abdelhamid

Owner:
William Knapp

Special Use Permit
10-12-06-12
Abdelhamid

**Food and
Beverage Store**



Subject Parcel



2008 Aerial

