REQUEST FOR BOARD ACTION

ITEM NO. 19.

DATE OF MEETING: May 21, 2012

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

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for the Operation of a Sweepstakes Center.

BACKGROUND: Gold Mine Investments Inc., applicant, of behalf of Richard E. Hazel et. al, owner, is requesting approval of a Special Use Permit for the operation of a sweepstakes center at 16647 US Highway 17, Hampstead. The property may be identified by Pender County PIN 3293-64-0729-0000 and is currently zoned GB, General Business, and internet sweepstakes businesses are permitted via SUP in the GB zoning district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for a Sweepstakes Center.

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 sweepstakes center, 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 ___ Tate ___ Rivenbark ___ Ward ___ Williams ___

_____ 5/21/2012
Chairman Date

_____ _____
ATTEST Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: May 21, 2012
Applicant: Gold Mine Investments Inc.
Property Owner: Richard E. Hazel, et. al
Case Number: 10717

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the operation of a Sweepstakes Center, as defined in the Pender County UDO:

SWEEPSTAKES CENTER: A business enterprise, whether principal or accessory, where persons may play games on on-site machines/terminals/computers that reveal the results of sweepstakes or similar contests associated with the on-site purchase of internet time, phone time, office supply or other retail good; and where redeemable cash sweepstakes awards (government issued coins and bills in hand) in amounts of $10.00 or more may be received. This definition does not apply to any game or process prohibited by N.C.G.S. § 14-304 through 14-309 or to any game regulated by the North Carolina Education Lottery Commission.

Property Record Number and Location: The subject property is located at 16641 US Highway 17, Hampstead and is identified by Pender County PIN 3293-64-0729-0000.

Zoning District of Property: The property is currently zoned GB, General Business, and sweepstakes centers are permitted via SUP in the GB zoning district.

PROJECT DESCRIPTION:

Gold Mine Investments Inc., applicant, on behalf of Richard E. Hazel et al, owner, is requesting approval of a Special Use Permit for the operation of a Sweepstakes Center within an existing commercial building at 16647 US Highway 17, Hampstead, within the commercial development known as Coastal Landing.

The applicant is proposing the Sweepstakes Center use in addition to providing related services including fax, copy, and internet access. The proposed hours are from 12pm to 12am, Monday through Saturday, and 1pm to 12am on Sunday. The applicant has indicated that there will be three employees and a manager for the business, with the expected average number of patrons to be between 5 and 10.

The applicant has indicated that several security precautions will be taken, including the installation of an alarm system and security cameras.

The proposed use would be located in a unit within an existing commercial facility that features a total of four units. Three units are currently occupied by an existing business, a pool and spa supply and installation company. The facility features 24 parking spaces including one van-accessible space for handicapped persons. The site has direct access to US Highway 17 via an existing driveway.

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 (§3.12.3 of Unified Development Ordinance) and revocation procedures (§3.12.4 of Unified Development Ordinance).

C. ***Unified Development Ordinance Compliance:*** The property is currently zoned GB, General Business, and sweepstakes centers are permitted in the GB 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 as Urban Growth Area, which allows for intense commercial and job-creating uses.

E. ***2010 Comprehensive Land Use Plan Compliance:*** The subject property is currently classified within a Mixed Use area. The proposed land use is consisted with the *2010 Comprehensive Land Use Plan* as the plan states that Mixed Use areas are should concentrate a mix of uses including commercial, office, institutional, and medium to high density residential uses. The SUP request also is supported by Goal 7A.1of the 2010 Land Use Plan:

Goal 1A.1.5 *– The County supports a pro-business/pro-growth attitude, balanced by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*

Additionally, the SUP request does not conflict with any goals and policies in the 2010 LUP.

F. ***Existing Land Use in Area:*** The subject site is in a commercial area of Hampstead, surrounded by existing commercial uses including Future Homes, Oak Tree Center, America Tool and Tractor, Empire Graphics/Landmark Audio and Video/Anchor Psychological and Counseling Services, and across US Highway 17, Midway Tire and Battery. Some single family residential uses are in the vicinity of the subject site and accessed from St. Johns Church Road, the closest being approximately 130 feet away. One institutional use, St. Johns AME Church, is located north of the subject site but should not be adversely affected by the proposal.

G. ***Site Access Conditions:*** The property has direct access to US Highway 17 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 Developed 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 affect for the duration of this permit

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 issues/concerns noted with request.

NC DENR Division of Forestry
No response.

NC DENR Division of Land Resources
No response.

NC DENR Division of Waste Management
No comment.

NC DENR Division of Water Quality
No response.

NC DOT Division of Highways
No issues/concerns noted with request.

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 issues/concerns noted with request.

Pender County Emergency Management
No response.

Pender County Environmental Health
Application for an Existing System Authorization will need to be made to EH. We will have to determine the capacity of the existing septic system, determine the design wasteflow of whatever is currently being used in the building then determine the additional wasteflow that is being proposed by the applicant for the internet gaming business.

Be advised that if there is not enough capacity in the existing septic system, the Authorization will have to be denied until capacity is increased. The design flow calculations are based on state guidelines. We will need additional information from the applicant to determine the design flow. Catering in food will

increase the flow. For 10 gaming seats, 4 employees and catered food you are looking at an additional design flow of at least 250gpd, maybe more, so it could be an issue.

Pender County Fire Marshall
No response.

Pender County Parks and Recreation
No issues/concerns noted with request.

Pender County Permitting/Floodplain Administrator
No response.

Pender County Public Library
TRC email deleted without being read.

Pender County Public Utilities
No issues/concerns noted with request.

Pender County Schools
No response.

Pender County Sheriff's Department
No response.

Pender County Soil and Water Conservation District
No issues/concerns noted with request.

Progress Energy Corporation
No response.

US Army Corps of Engineers
No response.

Wilmington Metropolitan Planning Organization
The applicant should ensure there is adequate parking at the location based upon their usage.

Attachment A

3.12.3 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.

3.12.4 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.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 10717	Date	4/10/2012
Application Fee	$ 300.00	Receipt No.	
Pre-Application Conference	3/21/2012	Hearing Date	5/21/2012

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Gold Mine Investments Inc.	Owner's Name:	Kathy Hazel
Applicant's Address:	16647 Hwy 17 North	Owner's Address:	321 Grandview
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Sneads Ferry, NC 28460
Phone Number:	910-389-1188	Phone Number:	910-620-1145

Legal relationship of applicant to land owner: Leasee

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3293-64-0729-0000	Total property acreage: 1.4	
Zoning Classification:	General Business	Acreage to be disturbed: 0	
Project Address :	16647 Hwy 17 N Hampstead, NC 28443	NAICS Code:	sweepstakes center
Description of Project Location:	One level strip center known as Coastal Landing. Business will be located in the northern most unit which is 2000 sq ft.		
Describe activities to be undertaken on project site:	This business will operate as a Internet Cafe/Sweepstakes. Business will provide fax, copy and internet access.		

SECTION 3: SIGNATURES

Applicant's Signature	[signature] President	Date:	4-6-12
Owner's Signature	Kathy L. Hazel	Date:	3.22.12

NOTICE TO APPLICANT

1. Applicant must also submit the information described on the Special Use Checklist.
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 found on page 1 of this application
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.**

Office Use Only	
☒ **General/** Fees: $300 +$10 per acre over 5 acres, Max. of $5,000 ☐ **Tower over 75 Feet/** Fees $500 ☐ **Minor Revisions** /Fees $100 ☐ **Mining** Fees $750	**Total Fee Calculation: $** 300 **Application#:** 10717 **Date of Hearing:** 5/21/12

Attachments Included with Application: (Please include # of copies)						
CD/other digital version	☐ Y ☒ N	Plan Sets	# of large N/A	# of 11X17 N/A	Other documents/Reports	☐ Y ☒ N

Payment Method:	Cash :	Credit Card:	Check:
	☐ $_____	☐ Master Card ☐ Visa	☒ Check # _____

Application received by:	BODE	Date: 4/10/2012
Application completeness approved by:	BOD	Date: 4/10/2012

Special Use Permit Checklist

☐	Signed Application Form (Both Applicant and Owner)
☐	Application fee
☐	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
☐	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
☐	Project Narrative--Written description of the project (max of 3 pages) including the following: ☐ 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 applicable providers ☐ 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 (this item must be addressed by the applicant). The applicant may also wish to describe any positive benefits the project will provide for the community and/or neighbors of the project.
☒	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 readable 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: ☐ 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. ☐ Parking, loading areas, and access to the project (See Article 7, Pender County UDO) ☐ Landscaping and buffering (See Article 8, Pender County UDO) ☐ All signs to be located on the property (See Article 10, Pender County UDO) ☐ 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.

RETURN COMPLETED APPLICATION TO:
Pender County Planning & Community Development
P.O. Box 1519
Burgaw, NC 28425

Pender County Planning and Community Development

Project Narrative

The physical location of the business will be 16647 Hwy 17 North, Hampstead, NC 28443, also known as Coastal Landing. The property is zoned General Business. The access to the site is from Hwy 17.

The type of business will be a legally operated internet café (sweepstakes) business. Business hours of operation will be from 12pm to 12am 6 days per week and 1pm to 12am on Sundays. There will be 3 employees hired and one manager for the business. There will be an average customer base of 5 – 10 people at any one time. Customers will be given free snacks and soft drinks. Each week a local restaurant in Pender County will be chosen to cater food to the patrons in the business. There will be an alarm system installed which will be connected directly to the Sheriff's Department. Security cameras will be placed inside the facility which can be monitored from an off-site location as well as on-site.

There will be no construction needed other than a couple room dividers inside.

The utilities used on site will be: water, electric, trash service, high speed internet.

A Special Use Permit from Pender County will be required to operate this business.

We can for see no negative impacts with this project. There is sufficient parking available with easy access off Hwy 17. There will be no alcohol or drugs allowed on this premises. This business will be professionally run and kept clean and well maintained at all times.

The positive aspects for the local community will be a creation of more jobs for the residents of the county and utilizing the local restaurants to cater food for the patrons of the business. It will also provide a service not only to locals in the community but also travelers and vacationers in the area that need internet access, fax and copy service while in transit.

Regards,

Gold Mine Investments Inc.