



REQUEST FOR BOARD ACTION

ITEM NO. 7.

DATE OF MEETING: May, 19, 2014

REQUESTED BY: Ed McCarthy, Planner II, Planning & Community Development

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

BACKGROUND: Nikkia Sharpless, applicant and owner, is requesting approval of a Special Use Permit (SUP) for the operation of a Hair Salon (NAICS Industry Code 8121 Personal Care Services). The property is currently zoned RP, Residential Performance District, and NAICS Sector 8121 uses are permitted via SUP in the RP zoning district. The subject property is located at 36 Old Savannah Road in Burgaw, NC 28425 and may be identified as Pender County PIN 3321-20-7113-0000.

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

RESOLUTION

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

The Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of a Hair Salon (NAICS Industry Codes 8121) 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: Williams ___ McCoy ___ Brown ___ Tate ___ Ward ___

Chairman 5/19/2014
Date

ATTEST 05/19/2014
Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: May 19, 2014
Applicant: Nikkia Sharpless
Property Owner: Nikkia Sharpless
Case Number: SUP 11161

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit for the operation of a Hair Salon (NAICS Sector 8121).

Property Record Number and Location: The subject property is located 36 Old Savannah Road along the northwest intersection US Highway 117 and Old Savannah Road, Burgaw There is one tract associated with this requesting totaling 0.66 acres and may be identified by Pender County PIN 3321-20-7113-0000.

Zoning District of Property: The property is currently RP, Residential Performance; according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; the operation of a Hair Salon (NAICS Sector 8121) is permitted via Special Use Permit in the RP, Residential Performance zoning districts.

PROJECT DESCRIPTION:

Nikkia Sharpless, applicant and owner, is requesting approval of Hair Salon, to be located at 36 Old Savannah Road, Burgaw, NC 28425, on a 0.66 acre site. Two single family structures are currently located on the subject property.

According to the narrative, the applicant is proposing to place an approximately 600 sq. ft structure on site, that will utilize septic and well, which will be subject to review and approval by Pender County Environmental Health. The applicant's proposed structure will replace an existing manufactured home, currently on site, while the easternmost structure will remain on site. The proposed hours of operation are as follows:

Monday-Friday: 8:00 a.m.-6:00 p.m. and Saturday: 6:00 a.m.-2:00 p.m.

Access is being proposed directly onto Old Savannah Road and will be reviewed by the North Carolina Department of Transportation (NCDOT) prior to approval.

Prior to the issuance of final zoning approval, a site development plan must be submitted and approved in accordance with applicable provisions of the Pender County Unified Development Ordinance. In addition, all other applicable permits and approvals must be obtained including inspections and health department regulation compliance.

EVALUATION:

- A. *Public Notifications:*** Advertisements for the proposal have been placed in the *Pender-Topsail Post & Voice*. Adjacent property owners were notified by first class mail; as well as a sign advertising the public hearing was placed on the subject property.
- 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 RP, Residential Performance, and uses defined under Sector 8121 (Personal Care Services) are permitted in the RP zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses.
- D. *2010 Comprehensive Land Use Plan Compliance:*** The subject property is currently classified as a Suburban 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. The SUP request may be supported by a policy within the *2010 Comprehensive Land Use Plan*:

Policy 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.

There do not appear to be any goals and/or policies which conflict with the proposed land use.

- E. *Existing Land Use in Area:*** The existing land use to the north and west consists of single family residential uses. The parcels to the south and east appear to be participating in the State of North Carolina's Present Use Value Program.
- F. *Conditions To Consider In Issuing the Special Use Permit For This Project:***
 - 1. All applicable local, state, and federal permits must be obtained prior to final zoning approval.
 - 2. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
 - 3. 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.
 - 4. Only the area(s) designated for the Hair Salon use and associated structures shall be required to comply with the Unified Development Ordinance (UDO) Landscaping requirements.

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.

Pender County Planning and Community Development

Planning Division
805 S. Walker Street
PO Box 1519
Burgaw, NC 28425



Phone: 910-259-1202
Fax: 910-259-1295
www.pendercountync.gov

SPECIAL USE PERMIT APPLICATION

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

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.

Conditions and Guarantees - Prior to the granting of any special use, the Board of Commissioners may stipulate such conditions and restrictions upon the establishment, location, or construction, maintenance, and operation of the special use as it deems necessary for the protection of the public and to secure compliance with the standards and requirements specified in this ordinance. In all cases in which special uses are granted, the Board of Commissioners shall require such evidence and guarantees as it may deem necessary to assure that conditions stipulated in connection therewith are being and will be complied with.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 11161	Date	4-4-14
Application Fee	\$ 300.00	Receipt No.	140832
Pre-Application Conference	2-18-14	Hearing Date	5/19/2014
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Nikkia Sharpless	Owner's Name:	Nikkia Sharpless
Applicant's Address:	2272 Murray Town Rd.	Owner's Address:	2272 Murray Town Rd.
City, State, & Zip	Burgaw, NC 28425	City, State, & Zip	Burgaw, NC 28425
Phone Number:	(910) 297-7939	Phone Number:	(910) 297-7939
Legal relationship of applicant to land owner:			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3321-20-7113-0000	Total property acreage:	.6de
Zoning Classification:	RP	Acreage to be disturbed:	
Project Address :	36 Old Savannah Rd. Burgaw, NC 28425	NAICS Code:	
Description of Project Location:	North on Hwy 117, left on Old Savannah Rd.		
Describe activities to be undertaken on project site:	Project site will be utilized for a hair salon.		
SECTION 3: SIGNATURES			
Applicant's Signature	Nikkia Sharpless	Date:	4-4-14
Owner's Signature	Nikkia Sharpless	Date:	4-4-14
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> 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

<input type="checkbox"/> General/ Fees: \$300 +\$10 per acre over 5 acres, Max. of \$5,000 <input type="checkbox"/> Tower over 75 Feet/ Fees \$500 <input type="checkbox"/> Minor Revisions / Fees \$100 <input type="checkbox"/> Mining Fees \$750		Total Fee Calculation: \$ Application#: Date of Hearing:
Attachments Included with Application: (Please include # of copies)		
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets # of large # of 11X17 Other documents/Reports <input type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash: <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa
Application received by: _____		Date: _____
Application completeness approved by: _____		Date: 9-9-14

Special Use Permit Checklist

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" type="checkbox"/>	Application fee
<input checked="" 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)
<input checked="" type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input type="checkbox"/>	Project Narrative--Written description of the project (max of 3 pages) including the following: <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"/> Applicant <u>must specifically address the 8 written findings</u> for Special Use Permit approval which are identified on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.12.3.G.). 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. 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"/>	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: <input checked="" 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 checked="" type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input checked="" type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input checked="" type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <input checked="" 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 checked="" 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 checked="" type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO) <input checked="" type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO) <input checked="" type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO) <input checked="" type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <input checked="" 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 checked="" 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 checked="" type="checkbox"/> 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

Print Form

To: Pender County Planning and Zoning

From: Nikkia Sharpless

Re: Narrative / Proposal

Date: 03/07/2014

I, Nikkia Sharpless am here by submitting my narrative for the proposed property and business usage of the building for a one-owner hair salon at the location on 36 Old Savannah Road, Burgaw, N.C. 28425. The building that will be utilized is an existing structure. It will be placed on the exact lot of a now existing structure that will be removed. The new building has the same dimensions as the current building. This building will be used for a one-owner hair salon with business hours as follows: Monday through Friday, 8:00am to 6:00pm and Saturday, 6:00am to 2:00pm. Utility services are provided by Duke Energy/Progress which will be transferred upon completion. This business will not propose any adverse affects to the surrounding properties in any way nor impair the integrity or character of the surrounding and adjoining districts. This project will not adversely affect the safety, health, morals, or welfare of the community or the immediate neighbors of the property and does not constitute a nuisance or hazard.

The building is in conformity with the Pender County Land use Plan and other official plans and policies. The building and lot does have adequate utilities, access roads, drainage, sanitation and other necessary facilities. There are current and proper measures for ingress and egress in place to minimize traffic congestion in/to the public roads. The special use in all respects does conform to the applicable regulations of the district in which it is located and does not adversely affect the surrounding uses and will be placed on a lot of sufficient size to satisfy the space requirements of said use.
