REQUEST FOR BOARD ACTION

ITEM NO. 21

DATE OF MEETING: September 15, 2014

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

SHORT TITLE: Public Hearing and Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Convenience Store and Flea Market.

BACKGROUND: Pete Pridgen, applicant and owner, is requesting approval of a Special Use Permit for the operation of a country general store (NAICS 445) and flea market (NAICS 453). The subject property is located along the north side of NC HWY 210 approximately 694' feet east of the intersection of NC HWY 210 and Morgan Road (SR1102), Currie, NC and may be identified by Pender County PIN 2254-59-7891-0000. The property is zoned RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; country general stores and flea markets are permitted via Special Use Permit in the RA zoning district.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Special Use Permit for a Country General Store (NAICS 445) and Flea Market (NAICS 453).

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 country general store and flea market, 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: Williams___ McCoy ___ Brown___ Tate ___ Ward ___

_____ 9/15/2014

J. David Williams, Jr., Chairman Date

_____ 09/15/2014

ATTEST Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: September 15, 2014
Applicant: Pete Pridgen
Property Owner: Pete Pridgen
Case Number: 11231

Land Use Proposed: The applicant is requesting the approval of a Special Use Permit (SUP) for the operation of a country general store (NAICS 445) and flea market (NAICS 453).

Property Record Number and Location: The subject property is located along the north side of NC HWY 210 approximately 694' feet east of the intersection of NC HWY 210 and Morgan Road (SR1102), Currie, NC and may be identified by Pender County PIN 2254-59-7891-0000.

Zoning District of Property: The property is zoned RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; country general stores (NAICS 445) and flea markets (NAICS 453) are permitted via Special Use Permit in the RA zoning district.

HISTORY:

The Black River Mini Market was originally opened in 1960, according to (Exhibit 1). The building has not been leased however, since 2012. As such, the store has been vacant for more than six (6) months and is required to be approved by the Board of County Commissioners per the Unified Development Ordinance (UDO).

PROJECT DESCRIPTION:

Pete Pridgen, applicant and owner, is requesting approval of a Special Use Permit for the operation of a country general store (NAICS 445) and flea market (NAICS 453).

The subject property is located along the north side of NC HWY 210 approximately 694' feet east of the intersection of NC HWY 210 and Morgan Road (SR1102), Currie, NC and may be identified by Pender County PIN 2254-59-7891-0000. The property is zoned RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses country general stores (NAICS 445) and flea markets (NAICS 453) are permitted via Special Use Permit in the RA zoning district.

The proposed 1.75 acre tract is currently occupied by the Black River Mini Market structure but is not currently in use. The flea market is proposed to be placed on the western portion of the site, per (Exhibit 2). The applicant's narrative states that the hours of operation will be: Monday-Sunday; from 7 a.m.-9p.m. This development will be required to comply with all landscaping and buffering requirements, per the Pender County UDO. The vast majority of the existing site is covered with existing vegetation, with the exception of the front lot line.

Driveway Access
Access is obtained directly onto NC HWY 210 and is subject to review and approval by the NCDOT.

Utilities
The site is served by on-site septic and well.

Areas of Environmental Concern
The entire subject parcel is located within the Special Flood Hazard Area (SFHA), AE. According to the 2007 Flood Insurance Rate Maps (FIRMs), Map Number 370224400K, Panel Number 2244. Any new development must comply with the National Flood Insurance Rate Program (NFIP) in accordance with the Pender County Flood Damage Prevention Ordinance.

With the exception of an outdoor flea market that would consist of a table placed on the lot, no additional external modifications are proposed for the site.

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.

		Zoning Districts									
Use Type	Ref NAICS	RA	RP	RM	MH	PD	CB	OI	IT	GI	EC
MISCELLANEOUS USES											
Food and Beverage Stores	445	S	S			P	P		P		
Miscellaneous Store Retailers	453	S				P	P				

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 RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; country general stores and flea markets are permitted via Special Use Permit in the RA zoning district.

D. ***2010 Comprehensive Land Use Plan Compliance:*** The subject property is classified as Rural Growth in the *2010 Comprehensive Land Use Plan*. The Rural Growth land use classification defines those areas of Pender County where urban services, i.e., public water and sewer services, are not expected to be extended within the planning horizon. Rural

Growth areas are where preservation of agricultural operations is a primary concern and where conflicts between agricultural and non-agricultural uses are to be discouraged.

a. The SUP request may be supported by a policy within the *2010 Comprehensive Land Use Plan:*

   i. ***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*

b. The SUP request is in conflict with a policy within the 2010 Comprehensive Land Use Plan:

   i. ***Policy 9A.1.4*** *– Consistently use updated FEMA Flood Insurance Rate Maps (FIRMs) when reviewing proposed new development to discourage development within of near flood prone areas*

E. Existing Land Use in Area: The subject parcel is bordered by a number of residential properties and one vacant tract.

F. Site Access Conditions: The proposed use will have direct access onto NC HWY 210. The site's access will be subject to review and approval by the NCDOT.

G. *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, specifically use standards outlined in Section 5.3.12.Q, Telecommunication Facilities.
2. 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.
3. The applicant shall meet all other local, state and federal regulations.
4. 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.

<u>Attachment A</u>

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.

Exhibit 1

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP	Date	8-1-14
Application Fee	$ 300.00	Receipt No.	141881
Pre-Application Conference	7-30-14	Hearing Date	9-15-14

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	Eugene Pete Pridgen	Owner's Name:	Same As Applicant
Applicant's Address:	292 Long Bluff Rd	Owner's Address:	
City, State, & Zip	Currie, NC 28435	City, State, & Zip	
Phone Number:	910.231.4380	Phone Number:	

Legal relationship of applicant to land owner: Owner of property

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	2254-59-7891-0000	Total property acreage:	1.75 acres
Zoning Classification:	RA	Acreage to be disturbed:	N/A
Project Address :	32530 NC Hwy 210 - Currie, NC - 28435	NAICS Code:	
Description of Project Location:	Resume operation of existing store.		
Describe activities to be undertaken on project site:	Re-open existing convenient store (no gas pumps to be installed), hours of operation Monday - Sunday from 7am to 9pm.		

SECTION 3: SIGNATURES

Applicant's Signature	Eugene Pete Pridgen	Date:	July 30, 2014
Owner's Signature	Eugene Pete Pridgen	Date:	July 30, 2014

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: $** 300.00 **Application#:** **Date of Hearing:** 9-15-14

Attachments Included with Application: (Please include # of copies)

CD /other digital version	☐ Y ☐ N	Plan Sets	# of large	# of 11X17	Other documents/Reports	☐ Y ☐ N

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

Application received by:		Date:
Application completeness approved by:		Date: 8-1-14

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 ☐ Applicant must specifically address the 8 written findings 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.
☐	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

Print Form

July 14, 2014

Planning Board for Pender County

Post Box 1519

Burgaw, North Carolina 28425

Regarding special use permit for store on Hwy 210

Dear Planning Board,

In 1960, Black River Mini Market was open as a convenient store on Hwy 210 in Currie, North Carolina. Through the years, the store had a restaurant inside, gas pumps, and other amenities for a store. While I operated the store for the first 15 years, I found it beneficial to lease the store to others. However, between finding a stable tenant for the store and the deteriorating health of my wife, I haven't leased the building since 2012. Not knowing that I had to keep the store operating to keep it in good standards for the zoning, I closed the store to take care of my wife until she passed away. I am requesting to re-open the store and to do that I have to have a special use permit.

The store is in a rural agriculture county zone and will remain a store. There are no gas pumps now and I don't want gas pumps. The store will be opened Monday thru Sunday; from 7 am to 9 pm. Re-opening the store will not affect the neighboring properties or create a hazard. The store is located directly on Hwy 210 and doesn't have a negative impact for traffic driving Hwy 210. The store has been in existence since 1960 and is built on almost two acres of land. There are no plans now or in the future to add on to the store or to change what is there right now.

If anyone wants to come look at the store, feel free to come by.

Have a nice day.

Eugene Pridgen

Eugene Pridgen

I have Read & Understood the 8 Review Criteria.

Eugene Pridgen