

Pender County Planning and Community Development

Planning Division

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www.pendercountync.gov

American Legion Post 167 Special Use Permit

Case Number: SUP 2023-43

Application Type: Special Use Permit

Applicant: American Legion Post 167

Owners: Advance Design Build, LLC

Location: The subject properties are located between NC Hwy 210 and Peanut Road, approximately 600 feet East of the intersection of NC Hwy 210 and Peanut Road in the Topsail Township.

Property ID #(s): 3282-69-0669-0000, 3282-69-1881-0000

Description: Advance Design Build, LLC, applicant, on behalf of American Legion Post 167, owner, is requesting the approval of a Special Use Permit for a Civic and Social Organization under the 813410 NAICS Code that would allow for the construction of a 5,000 sq ft building with associated parking. The use is proposed within the RP, Residential Performance zoning district.

Current Zoning: RP, Residential Performance

Technical Review Committee Meeting

N/A

Board of County Commissioners Meeting

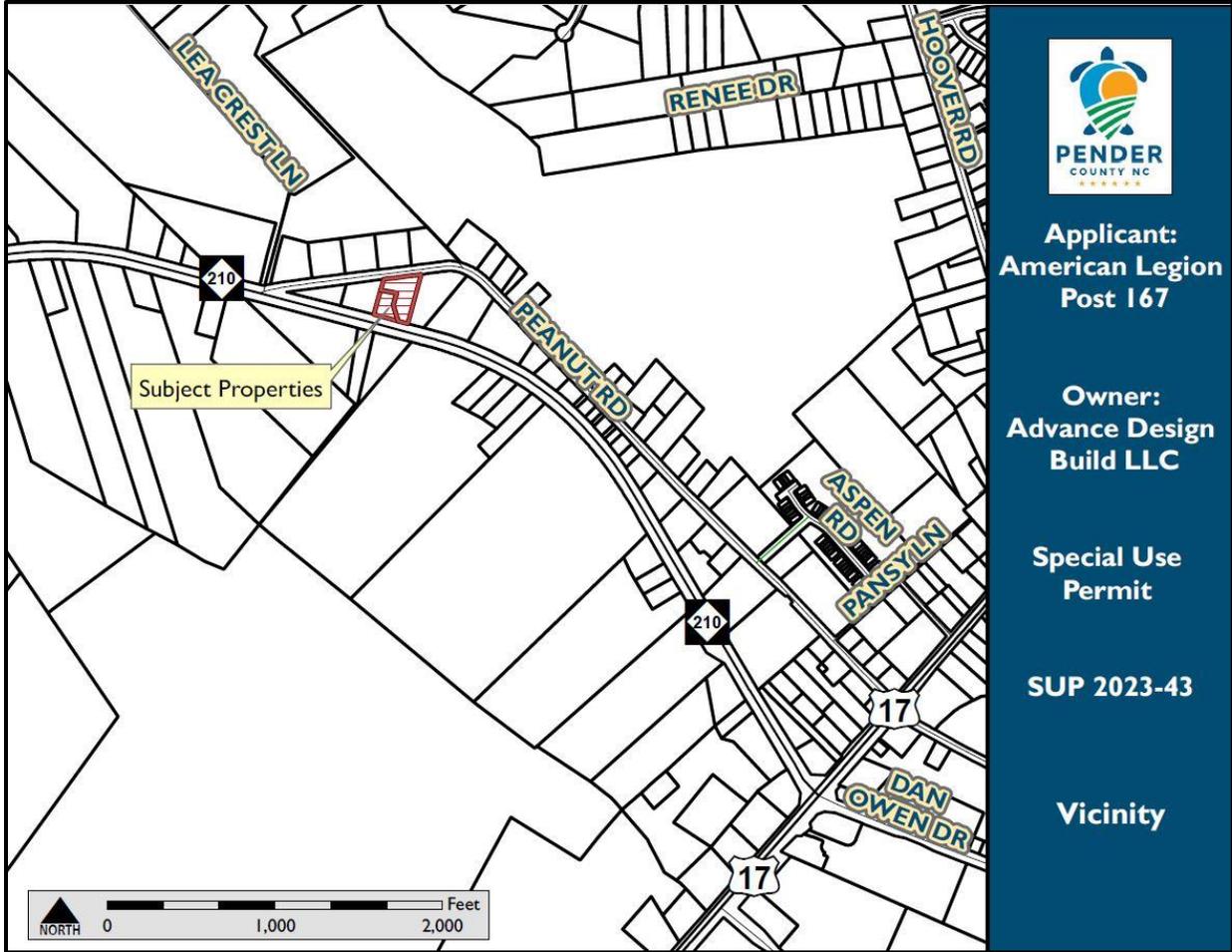
4/17/2023

Included: Application Materials, Application Package

STAFF REPORT FOR SUP 2023-43 SPECIAL USE PERMIT APPLICATION

APPLICATION SUMMARY	
Case Number	SUP 2023-43
Hearing Date	April 17, 2023 Board of County Commissioners
Applicant	American Legion Post 167
Property Owner	Advance Design Build LLC
Parcel Identification Number	3282-69-0669-0000, 3282-69-1881-0000
Acreage	1.26
Township	Topsail
Zoning District	RP, Residential Performance
Pender 2.0 Future Land Use Category	Medium Density Residential

SPECIAL USE PERMIT PROPOSAL
American Legion Post 167, applicant, on behalf of Advance Design Build LLC, owner, is requesting the approval of a Special Use Permit for a Civic and Social Organization under the 813410 NAICS Code that would allow for the construction of a 5,000 sq ft building with associated parking. The use is proposed within the RP, Residential Performance zoning district.
LOCATION
The subject properties are located between NC Hwy 210 and Peanut Road, approximately 600 feet East of the intersection of NC Hwy 210 and Peanut Road in the Topsail Township and may be further identified by PIN 3282-69-1881-0000 and 3282-69-0669-0000.



Applicant:
American Legion
Post 167

Owner:
Advance Design
Build LLC

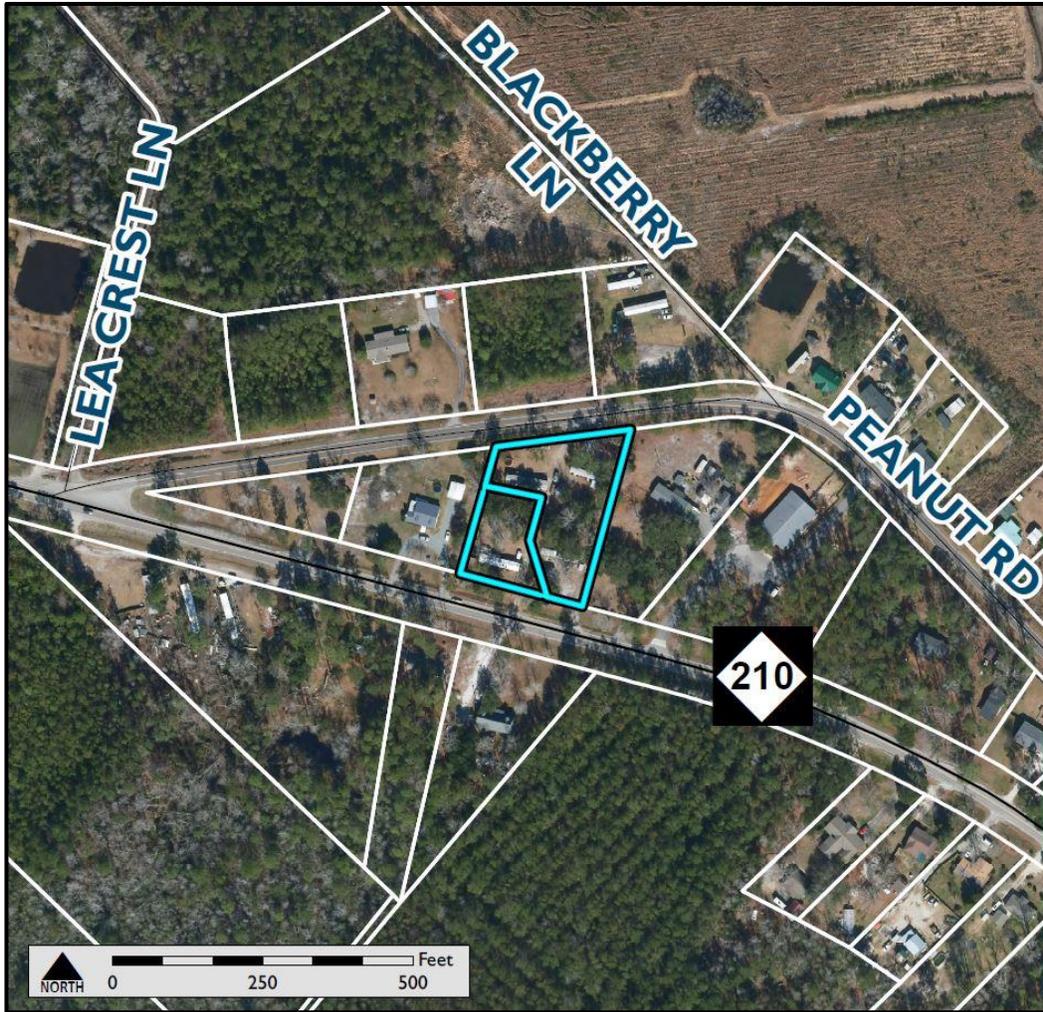
**Special Use
Permit**

SUP 2023-43

Vicinity

SPECIAL USE PERMIT PROPOSAL

The applicant, American Legion Post 167, is seeking to obtain a Special Use Permit in order to construct a 5,000 sq ft building with associated parking and utility infrastructure. According to the applicant's narrative, civic activities that would occur include events to mentor youth and sponsorship of wholesome programs in the nation's communities, advocating patriotism and honor, promoting strong national security, and continued devotion to fellow servicemembers and veterans. The proposed 5,000-sf building would be located between NC Hwy 210 and Peanut Road approximately 600 feet east of the intersection of NC Hwy 210 and Peanut Road.



Applicant:
American Legion
Post 167

Owner:
Advance Design
Build LLC

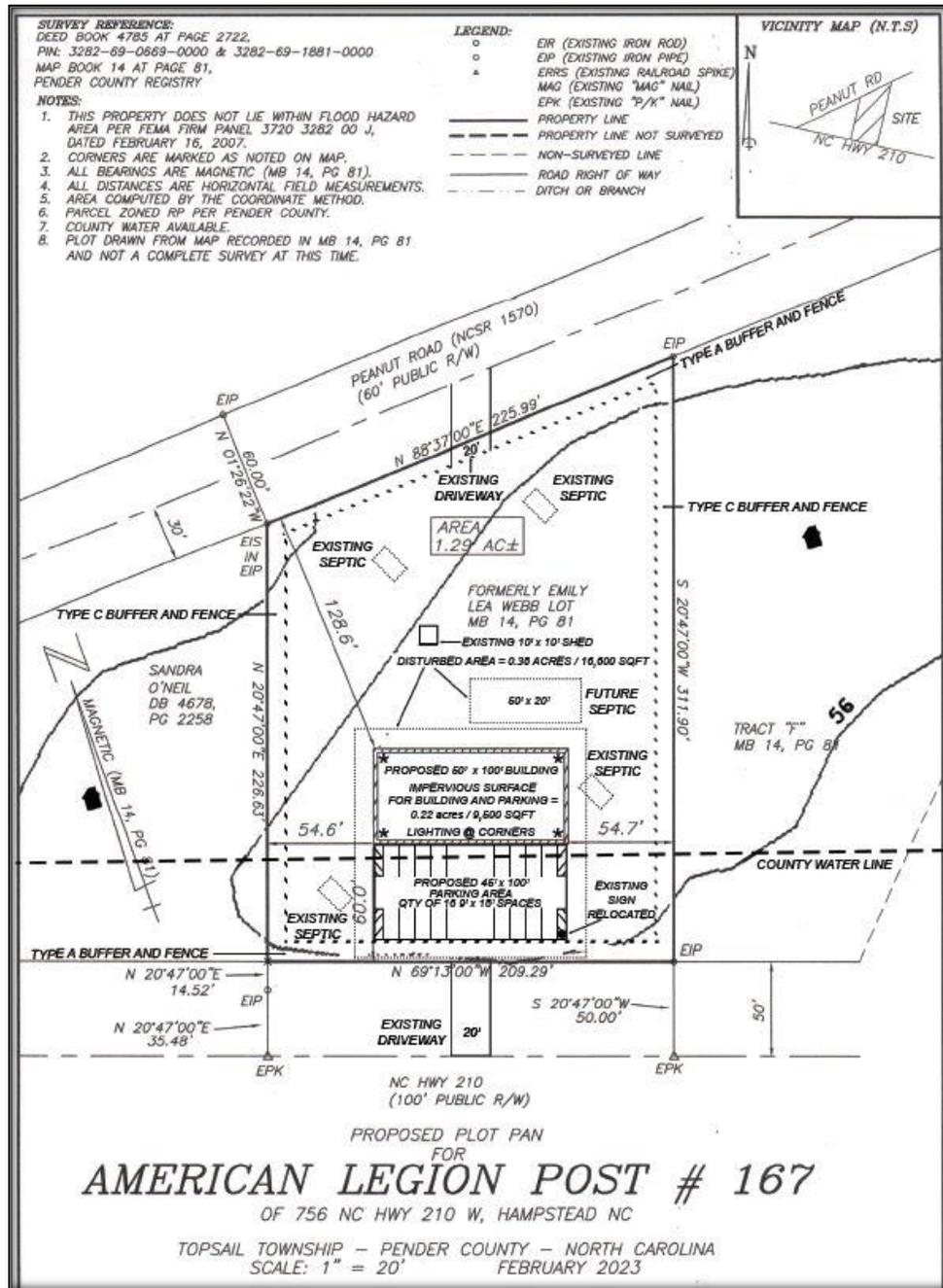
**Special Use
Permit**

SUP 2023-43

Aerial

According to the applicant's submitted narrative, the property would be primarily used during nightly gatherings of members between the hours of 7am-9pm, with average attendance of 6-12 persons, and occasional indoor events (e.g. fundraisers, holiday celebrations) in the building's event hall between the hours of 5pm to 10pm. The applicant has stated that the maximum event participation can be up to 120 people.

Below: Applicant's Site Plan (Attachment I)



Access

The site is accessed using both NC Hwy 210 and Peanut Road. Existing driveway access from both NC Hwy 210 and Peanut Road will be used per the applicant's site plan. Driveway Permit approval for the proposed project will be determined by NCDOT.

Traffic

A Traffic Impact Analysis (TIA) will be required if the proposed use is estimated to generate less than 100 trips in the morning and evening peak hours and less than 1,000 trips per day. It is unknown at this time whether or not a TIA will be required. Any road improvements will be to NCDOT standards.

NCDOT Average Annual Daily Traffic (AADT)

Road	Location	Volume	Capacity	V/C
NC 210	Between Lea Crest Lane and US 17	10,000	17,375	0.58

^{eat}Information based off **NCDOT Average Annual Daily Traffic (AADT) 2021**

Landscaping and Buffers

Commercial developments in residential districts are required to provide specific buffers along the certain parcel boundaries on the subject property. As proposed, the subject site will be required to meet the landscaping and buffering standards outlined in the table below. If approved, landscaping and buffering will be evaluated when a site-specific development plan is submitted. Given the size of the property and the size of the development the buffers are subject to change in accordance with Section 8.2.2, Location Exception.

Required Buffers	
Buffer Type	Location of Buffer
Type A	Along Southern property line (Hwy 210 Road Frontage)
Type C	Along Eastern property line
Type A	Along Northern property line (Peanut Road Frontage)
Type C	Along West property line

Signage

According to the applicant's narrative, American Legion Post 167 would repurpose its current sign and flagpole, located at 16660 US Highway 17. All proposed signage shall be required to be in conformance with the standards outline in Article 9 of the Unified Development Ordinance.

Utilities

The applicant is proposing to utilize an onsite septic system as the wastewater provider for the project and connect to Pender County Utilities (PCU) for water service. The electrical provider in the area is Duke Energy, however, all utilities will be further evaluated during the site development phase.

ENVIRONMENTAL CONCERNS	
Special Flood Hazard Areas	The subject property does not contain Special Flood Hazard Areas ¹ .
Wetlands	The subject properties do not contain wetlands ^{2,3} . No Jurisdictional Determination for the U.S. Army Corps of Engineers has been submitted by the applicant, which may not be required prior to any administrative approvals.
Areas of Environmental Concern	The subject property does not contain any Areas of Environmental Concern (AEC) ⁴ .

¹ According to the effective regulatory and preliminary Flood Insurance Rate Maps NC Flood Risk Information System (NC FRIS)

² According to the NC Division of Coastal Management (NC DCM)

³ According to the National Wetlands Inventory (NWI)

⁴ According to the North Carolina Department of Environmental Quality (NCDEQ)

EVALUATION

Basis for Granting SUP

Approval and revocation procedures for Special Use Permits are located in Sections 3.12.3 and 3.12.4 of the Pender County Unified Development Ordinance.

Zoning and Existing Land Use in Area

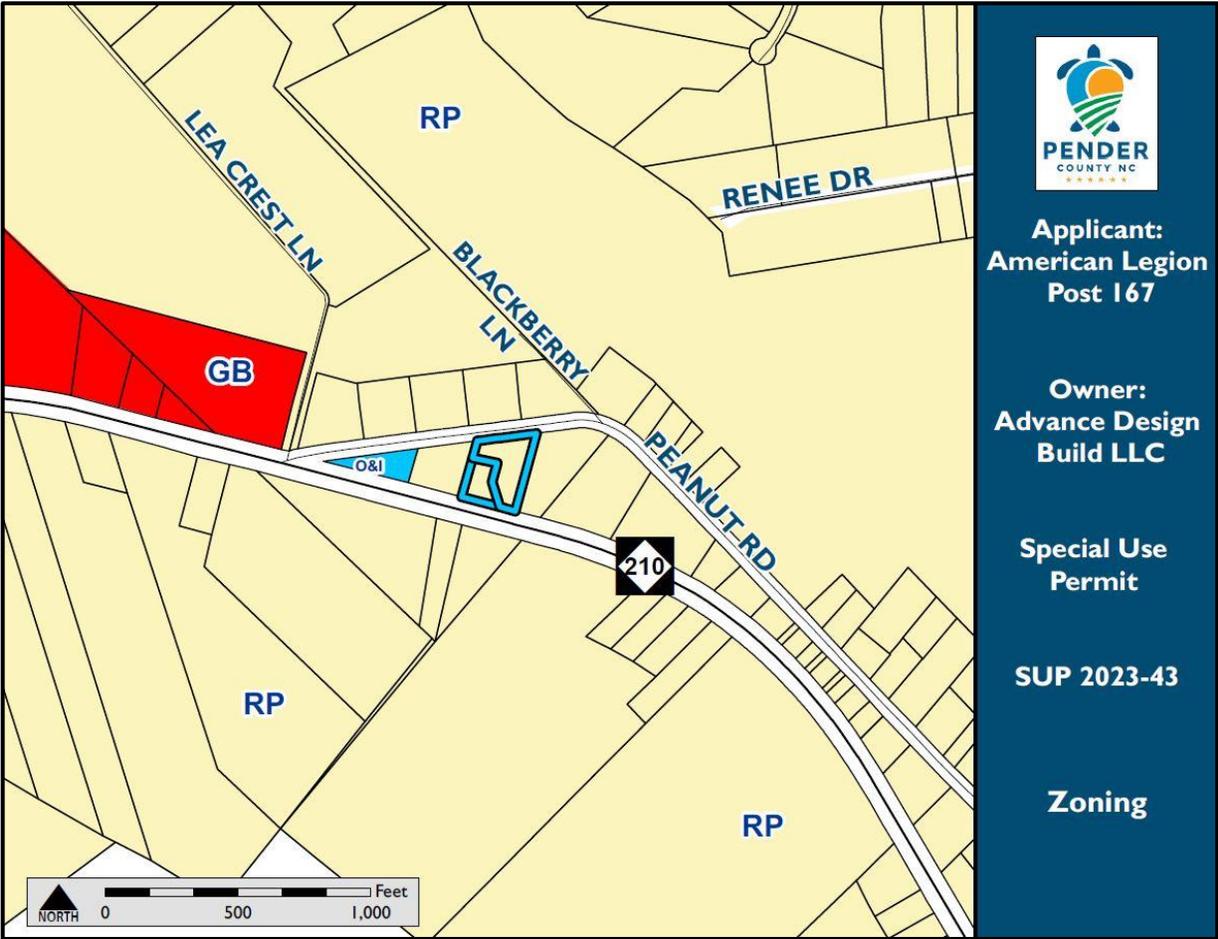
The subject property currently has one existing structure (10 ft x 10 ft storage shed), which will be demolished according to the applicant. Surrounding zoning consists of RP, Residential Performance and the surrounding land uses are primarily residential.

CHARACTERISTICS OF THE SURROUNDING AREA		
	LAND USE	ZONING
North	Residential	RP, Residential Performance
East	Residential	RP, Residential Performance
South	Residential, Undeveloped	RP, Residential Performance
West	Residential, Undeveloped	RP, Residential Performance; O&I, Office & Industrial

Unified Development Ordinance Compliance

The use, as proposed, is classified as Civic and Social Organizations under the 813410 NAICS Code. Civic and Social Organizations are permissible with a Special Use Permit in the RP, Residential Performance zoning district.

Below: Zoning Map of the Area



Applicant:
American Legion
Post 167

Owner:
Advance Design
Build LLC

**Special Use
Permit**

SUP 2023-43

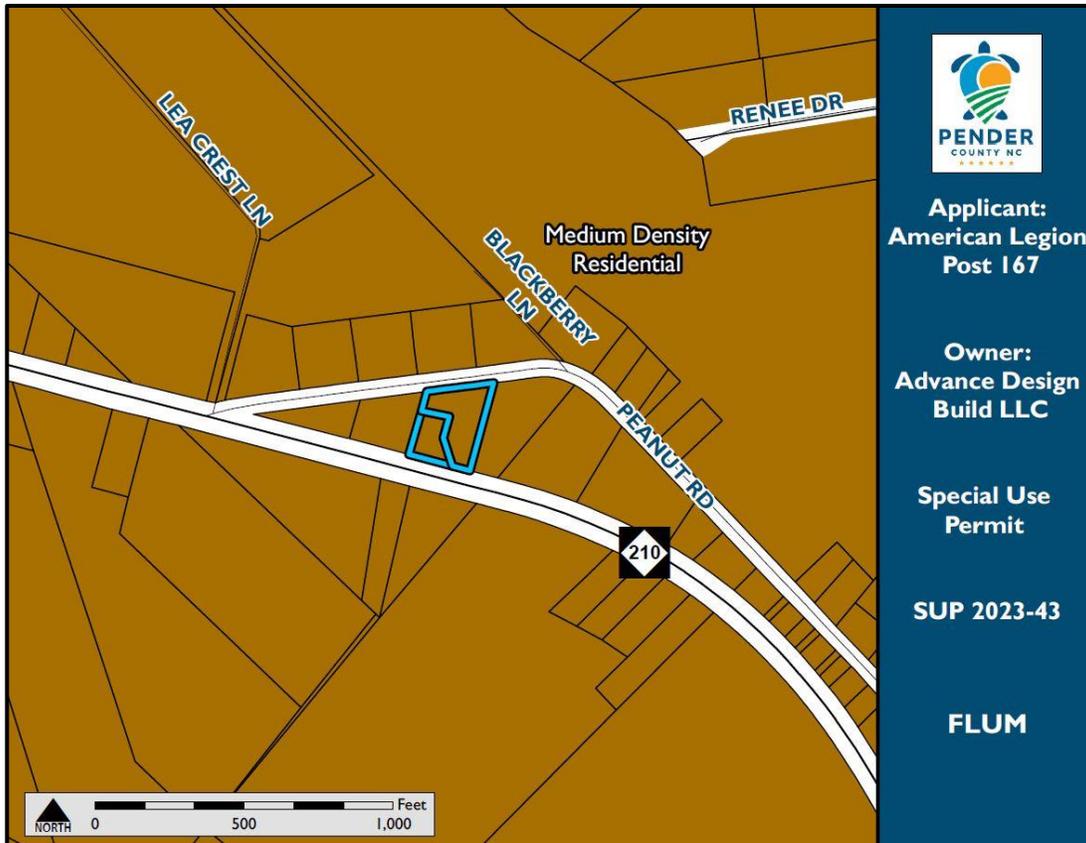
Zoning

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
Sector 81: Other Services, Except Public Administration											
Civic and Social Organizations		S	S			P	P	P			

Prior to issuance of final zoning approval, a site development plan must be submitted and approved in accordance with all applicable provisions of the Pender County Unified Development Ordinance. The site development plan shall be reviewed by members of the Pender County Technical Review Committee (TRC). Furthermore, the proposal is subject to all other applicable federal, state, and local permits and approvals.

Pender 2.0 Comprehensive Land Use Plan Compliance

The Pender 2.0 Comprehensive Land Use Plan designates the subject property as Medium Density Residential. The Medium Density Residential future land use category is established in areas with proximity to supporting services and a mixture of development types. Appropriate uses are single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Although this category is established to primarily include residential uses, some non-residential uses may be consistent if included within master planned communities with well-integrated neighborhood-scale commercial and office uses. The Pender 2.0 Comprehensive Land Use Plan defines “neighborhood scale” as development that conforms to the neighborhood fabric, and the footprint of neighborhood scale structures is typically limited to 15,000 square feet with parking facilities less than 20,000 square feet in area. Inappropriate uses for the Medium Density Residential future land use category are industrial and manufacturing uses, along with commercial office uses not located within a master planned community.



The proposed use is consistent with the Medium Density Residential future land use category. The Pender 2.0 Comprehensive Land Use Plan states that appropriate uses include single-family residences, duplexes, townhomes, community recreation and open space uses, and neighborhood-scale institutional uses such as religious and civic organizations. Large-scale or intense commercial establishments, multi-family development, and industrial operations are not appropriate.

The request was found to be consistent with the following policies which support the request as the proposed use is considered a neighborhood-scale institutional use.

Policy 5.1.B: Land Use Plan Consistency: The County generally requires that any official land use and development related actions (e.g. re-zonings, text amendments, and special use permits) remain consistent with the policies adopted in this plan and any other applicable plan. Any actions that are inconsistent with such plans shall require a statement from the Planning Board and Board of Commissioners approving such decisions, as to the in conditions taken into account in amending the Unified Development Ordinance to meet the development needs of the community, and why the action was reasonable and in the public interest.

Policy 5.1.C: Coordination with Infrastructure/Services: The County shall encourage development in areas where the necessary infrastructure – roads, water, sewer, broadband, and schools – is available, planned or can be most cost effectively provided and extended to serve existing and future development. Natural resource conservation should be considered.

Policy 5.1.K: Commercial Development: The County supports a wide range of commercial development, particularly those businesses that provide needed services to residents and visitors, provided that the impacts on traffic are minimized.

The proposed SUP is supported by the above policies because it has the potential to provide a small-scale commercial use that is identified as an appropriate land use in the Medium Density future land use classification as outlined in the Pender 2.0 Comprehensive Land Use Plan.

PROPOSED CONDITIONS

Conditions to Consider in Issuing a Special Use Permit for this Project

1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. The obligations imposed by this permit will be the responsibility of the property owner and shall continue in effect for the duration of this permit.
3. The applicant shall meet all other local, state, and federal regulations.
4. Any violations of the conditions of this permit, confirmed by the Zoning Administrator shall result in the pursuit of revocation actions pursuant to N.C.G.S. 160D-403(f), if not corrected within 30 days of receipt of the notice of violation.
5. Unless a request for additional time is granted or approved otherwise as a condition of the permit, a Special Use Permit shall expire and become void if final Zoning Approval has not been issued for the project within 24 months after the Notice of Approval of the Special Use Permit has been served on the applicant.

APPLICATION PACKAGE

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE

Application No.	SUP 2023-43	Date	3/3/2023
Application Fee	\$ 300	Invoice Number	00032276
Pre-Application Conference	N/A	Hearing Date	4/17/2023

SECTION 1: APPLICANT INFORMATION

Applicant's Name:	American Legion Post 167	Owner's Name:	American Legion Post 167
Applicant's Address:	16660 US Hwy 17 / PO Box 337	Owner's Address:	16660 US Hwy 17 / PO Box 337
City, State, & Zip	Hampstead, NC 28443	City, State, & Zip	Hampstead, NC 28443
Phone Number:	510-210-3661	Phone Number:	510-210-3661
Email Address:	pcordeiro@gmail.com	Email Address:	pcordeiro@gmail.com

Legal relationship of applicant to landowner:

SECTION 2: PROJECT INFORMATION

Property Identification Number (PIN):	3282-69-0669-0000 & 3282-69-1881-0000	Total property acreage:	1.26
Zoning Classification:	RP	Acreage to be disturbed:	0.48
Water Provider:	Pender County	Wastewater Provider:	Septic
Project Address:	756 NC Hwy 210	NAICS Code:	
Description of Project Location:	Lot between Peanut Rd and NC Hwy 210 in vicinity of daycare		
Describe activities to be undertaken on project site:	Erection of one 5,000 sqft building; 4,500 sqft parking; and septic system.		

SECTION 3: SIGNATURES

Applicant's Signature		Date:	03/03/2023
Applicant's Printed Name:	Phillip Cordeiro, Finance Officer	Date:	
Owner's Signature		Date:	
Owner's Printed Name:		Date:	

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

\$ 300 for the first 5 acres; \$10 per acre over 5 acres of the project area

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
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Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa	Check: <input type="checkbox"/> Check # _____
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Application received by:		Date:
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Application completeness approved by:		Date:
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PROJECT NARRATIVE

PROJECT NARRATIVE

Dear Honorable Commissioners and Planning Staff:

American Legion Post 167 of Hampstead very respectfully requests approval of a special use permit for Pender County parcel ID numbers 3282-69-1881-0000 (0.87 acres) and 3282-69-0669-0000 (0.39 acres) to operate our civic organization on this tract of land between Peanut Road and NC Highway 210.

As a high-level overview, the American Legion is the nation's largest wartime veterans service organization, committed to mentoring youth and sponsorship of wholesome programs in the nation's communities, advocating patriotism and honor, promoting strong national security, and continued devotion to our fellow servicemembers and veterans. American Legion Post 167 of Hampstead has been heavily involved in Pender County in the four decades since its founding in 1985, from sponsorship of American Legion youth, to sponsorship of the Boys Scouts, to participation in Wreaths Across America, to provision of military funeral honors to our honor local brothers in arms, and countless other charitable and civic efforts.

The events that precipitated the need for this project are as follows. For approximately the previous 8-9 years, Pender County has been gracious enough to allow the American Legion use its EMS building at 16660 US Highway 17 to operate our civic organization. However, in January of this year, Pender County EMS moved back into the building and informed the American Legion we would no longer be able to use most of building to operate our civic organization. Consequently, we no longer have a suitable facility to continue our charitable and civic work.

Fortunately, the good Lord sometimes takes with one hand and gives with the other. Also around January of this year, a very generous donor – and member of the American Legion – stepped forward and volunteered to donate the financial resources necessary to fund the purchase of land and construction of a building suitable for the organization's needs. Consequently, we are now in the position to find a new, permanent home for American Legion Post 167.

Regarding specific operations at the site of this special use permit application, our normal operations are as follows.

- Nightly gatherings of members between the hours of 7-9pm, with average attendance of 6-12 persons
- Occasional indoor events (e.g. fundraisers, holiday celebrations) in the building's event hall between the hours of 5pm to 10pm
- Maximum event participation of 120 persons

The organization held an initial meeting with planning staff on February 28, 2023, and will continue to work with staff as needed to meet all requirements of the county's development ordinance. Below are high-level details on the our current site plan.

- The two subject lots will be recombined into a single 1.26 acre lot
- The total disturbed area is anticipated to be no greater than approximately 0.38 acres / 16,600 sqft (120 ft x 130 ft for the proposed building and parking, and 50 ft x 20 ft for the proposed septic system)
- The total impervious surface is anticipated to be nor more than approximately 0.22 acres / 9,500 sqft
- The organization will work with county planning staff to complete the major site development process, as the building for this project will exceed 2,500 sqft
- The organization will comply with all local and state erosion control and stormwater regulations
- The site has access to county water, and will utilize a new private septic system; the site's current four septic systems will be properly disposed and filled
- The site will be accessed via the existing driveways to Peanut Road and NC Highway 210
- The change in elevation across the site is less than 2 feet, and there will be no major changes to topography
- The site currently has one existing structure (a 10 ft x 10 ft storage shed), which will be demolished on approximately May 15, 2023
- We will construct one 100 ft x 50 ft (5,000 sqft) building on the site
- We will absorb the cost of burying the one overhead power line on the lot
- We will preserve whatever mature vegetation on-site it can, and will plant additional vegetation as required by the county's development ordinance to maintain appropriate appearance and buffers
- We will repurpose its current sign and flagpole, located at 16660 US Highway 17
- We will place lighting on the corners of the new building, facing downward

The anticipated impact on the community (from traffic, light, noise, etc.) is negligible, as we anticipate that our organization will generate no more impact than four families living in the same space (as was the case in this parcel's previous use).

We sincerely appreciate your time, consideration, and service to our community.

Very respectfully submitted,

Andrew Pfeil
Post Commander
American Legion Post 167

SITE PLAN

SURVEY REFERENCE:
 DEED BOOK 4785 AT PAGE 2722,
 PIN: 3282-69-0669-0000 & 3282-69-1881-0000
 MAP BOOK 14 AT PAGE 81,
 PENDER COUNTY REGISTRY

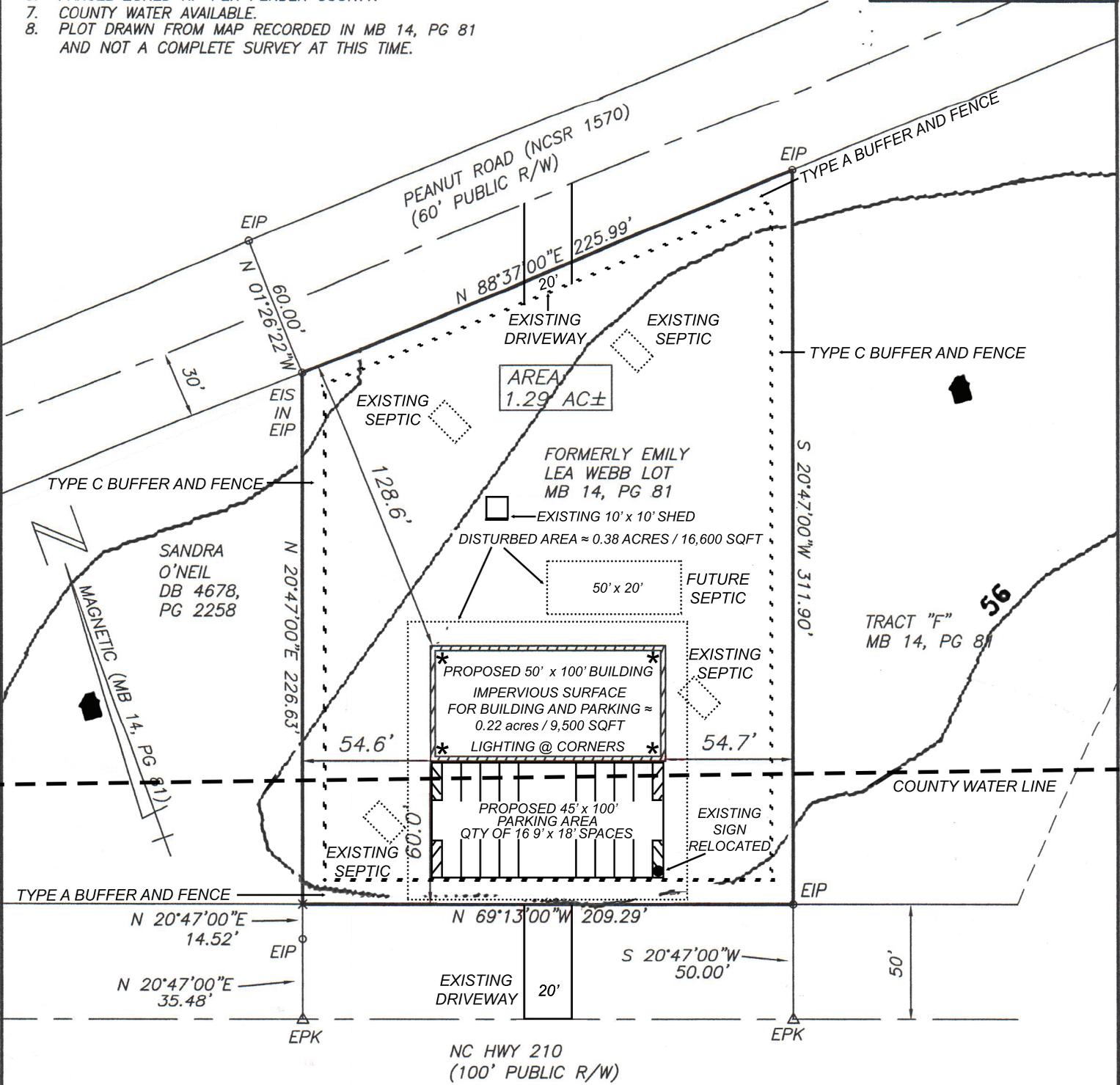
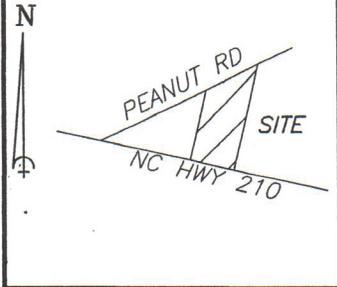
NOTES:

1. THIS PROPERTY DOES NOT LIE WITHIN FLOOD HAZARD AREA PER FEMA FIRM PANEL 3720 3282 00 J, DATED FEBRUARY 16, 2007.
2. CORNERS ARE MARKED AS NOTED ON MAP.
3. ALL BEARINGS ARE MAGNETIC (MB 14, PG 81).
4. ALL DISTANCES ARE HORIZONTAL FIELD MEASUREMENTS.
5. AREA COMPUTED BY THE COORDINATE METHOD.
6. PARCEL ZONED RP PER PENDER COUNTY.
7. COUNTY WATER AVAILABLE.
8. PLOT DRAWN FROM MAP RECORDED IN MB 14, PG 81 AND NOT A COMPLETE SURVEY AT THIS TIME.

LEGEND:

- EIR (EXISTING IRON ROD)
- EIP (EXISTING IRON PIPE)
- △ ERRS (EXISTING RAILROAD SPIKE)
- MAG (EXISTING "MAG" NAIL)
- EPK (EXISTING "P/K" NAIL)
- PROPERTY LINE
- - - PROPERTY LINE NOT SURVEYED
- - - NON-SURVEYED LINE
- ROAD RIGHT OF WAY
- - - DITCH OR BRANCH

VICINITY MAP (N.T.S)



PROPOSED PLOT PAN
 FOR
AMERICAN LEGION POST # 167
 OF 756 NC HWY 210 W, HAMPSTEAD NC

TOPSAIL TOWNSHIP - PENDER COUNTY - NORTH CAROLINA
 SCALE: 1" = 20' FEBRUARY 2023

I, Daniel H. Thompson, PLS, certify that this plat was drawn under my supervision from an actual field survey made under my supervision from information as noted hereon; that the boundaries not surveyed are clearly indicated as dashed lines; that the ratio of precision as calculated is 1:10,000+ and is correct to the best of my knowledge and belief. Witness my original Signature, License Number and Seal this 27th day of FEBRUARY, AD, 2023.

Daniel H. Thompson
 Daniel H. Thompson, PLS
 NC License No. L-2174

DANIEL H. THOMPSON, PLS
 THOMPSON SURVEYING CO., P.A.
 209 S. WALKER STREET
 BURGAW, NC 28425
 (910) 259-3427
 DANIEL H. THOMPSON, PLS
 NC LICENSE No. L-2174
 FIRM No. C-0235
 FILE: ALP167

