

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 14.

Date of Request: September 4, 2007

Date Request Received: September 4, 2007

Board Meeting Date Requested: September 17, 2007

Board Meeting Date Assigned: September 17, 2007

**Short Title:** Zoning Map Amendment, Jonathan Arnn, (5.0001 Acres On Us Highway 17).

- Request Status:**
- Request is proceeding to Board of Commissioners
  - More information is needed – see attached
  - Request on hold – no further information needed
  - Other:

**Background:** The proposal consists of rezoning one tract totaling 5.0001 acres from RT, Rural Transition District to B-2, Highway Business District.

**Specific Action Requested:** The Board of Commissioners is requested to hear a rezoning of a tract of land totaling 5.0001 acres.

(Administrative Use Only)

Requested by: Planning Staff  
Department: Planning Department  
Title: Planning  
Contact Phone: 910.259.1202  
Contact Fax: 910.259.3735

## CONTRACT TYPE

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
  - Federal Grantor
  - State Grantor
  - Grant or
- County as Grantor
  - County Funds
  - Other Funds:
- Revision
- For Equipment

**PURCHASING** Budgeted Item:  Yes  No  
Date Rec'd:  Reviewed and Approved  
 Comments on Reverse

Date Sent:

Signed:

**ATTORNEY**  Reviewed and Approved  
Date Rec'd:  Legal Problem(s)  
 Comments on Reverse

Date Sent:

Signed:

**FINANCE** Sufficient Funds  Available  
Date Rec'd  Not Available  
 Budget Amendment Necessary  
 Budgeted Amendment is Attached  
 Comments on Reverse

Date Sent:

Signed:

**CLERK** Signature(s) Required:  
 Board Chairman/County Manager  
 Other:

Date Rec'd Approved by Board:  Yes  No  
At meeting on

**INTRODUCED BY:** Planning Staff **DATE:** September 17, 2007 **ITEM NO:** \_\_\_\_\_

**TITLE:** Zoning Map Amendment, Jonathan Arnn (5.0001 acres off US Highway 17 N)

**SUBJECT: PROPERTY PARCEL ID NOs:** 4215-44-6382-0000

**APPLICANT:** Jonathan B Arnn

**OWNER:** Donald Charland

**ACTION REQUESTED:** Applicant is requesting one tract totaling 5.0001 acres be rezoned from RT, Rural Transition District to B-2, Highway Business District.

**HISTORY/BACKGROUND:**

**Location of Property:** The property is located on the east side of US Highway 17 N, in Hampstead, NC. (See attached vicinity map).

**Description of Proposal:** The proposal consists of rezoning one tract totaling 5.0001 acres from RT, Rural Transition District to B-2, Highway Business District.

**EVALUATION:**

- A) Public Notifications:** Public Notice of the proposal for map change has been advertised in the Pender Post and Topsail Voice and adjacent property owners have been given written notice of the request.
- B) Existing Zoning in Area:** The property is bordered to the north, south and west across US HWY 17 N with land zoned RT. Bordering the back of the property to the east is land zoned PD planned development district.
- C) Existing Land Use in Area:** A unit of the existing building is currently being used for parts and service for motorcycles. The property is surrounded by single family home to the north. To the East of the property there is a field with a pond followed by wooded land cover. To the South of the property there are commercial retail buildings of Benjamin Moore and DDT outlet Furniture. Directly across US HWY 17 N to the west there are approximately 10 mobile homes along Whitus Dr.
- D) 2005 Land Use Plan Compliance:** The 2005 Land Use Plan classifies this property as Urban Growth Area. This rezoning request is consistent with the 2005 Land Use Plan (See attached CAMA Land Use map).
- E) Zoning Ordinance Compliance:** Section 5.3 of the Zoning Ordinance provides for standards that shall be followed by the Planning Board before a favorable recommendation of approval for rezoning can be made. The proposed rezoning does meet the standards of Section 5.3 of the Zoning Ordinance (See Section 5.3 attached).
- F) Summary & Staff Recommendation:** The proposal consists of rezoning 5.0001 acres of land from RT, Rural Transitional to B-2, Highway Business District. The request complies with the criteria set forth in Section 5.3 of the Zoning Ordinance. The request is consistent with the 2005 CAMA Land Use Plan. Therefore, staff recommends that the request be approved.
- G) Pender County Planning Board Recommendation:** The Pender County Planning Board, at its September 11, 2007 meeting voted 5-1 to recommend denial of the rezoning request. This recommendation by the Pender County Planning Board was made citing spot zoning as the adjacent and surrounding properties are zoned RT, Rural Transition District.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on September 11, 2007, the Pender County Board of Commissioners (approved, modified, denied) a rezoning request for one tract totaling 5.001 acres for Jonathan Arnn , as described herein and F.D. Rivenbark, Chairman to the Board, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

**AMENDMENTS:**

**MOVED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**APPROVED** \_\_\_\_\_ **DENIED** \_\_\_\_\_ **UNANIMOUS** \_\_\_\_\_

**YEA VOTES:** Rivenbark \_\_\_ Blanchard \_\_\_ Brown \_\_\_ Tate \_\_\_ Williams \_\_\_

\_\_\_\_\_  
**F. D. Rivenbark,**  
**Chairman**

9-11-07  
**Date**

\_\_\_\_\_  
**ATTEST**

9-11-07  
**DATE**



# Pender County Planning Department

805 South Walker Street  
Burgaw, North Carolina 28425

Phone (910) 259-1202

Fax (910) 259-1295

Email: [planning1@pender-county.com](mailto:planning1@pender-county.com)

## PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date <u>8-10-07</u>	Application Fee <u>\$200.00</u>	Receipt No. _____
Application No. _____	Postage Fee <u>\$30.72</u>	Receipt No. <u>072201</u>

### I. PROPERTY INFORMATION:

Record #: 4215-44-6382-0000 Current Zoning District: RT  
 Tax Map #: \_\_\_\_\_ Requested Zoning District: B2  
 Lot #: \_\_\_\_\_ Acreage to Be Rezoned: 5.0001  
 Total Acreage of Tract: 5.0001  
 Property Location: 21758 HWY 17 NORTH HAMPSTEAD NC. 28443  
 Reason for Rezoning: REQUIRED FOR MOTORCYCLE SALES

### II. REQUIRED NAMES:

Applicant <u>JONATHAN B ARNN</u>	Owner <u>DONALD CHARLAW</u>
Address <u>306 PECAN CT</u>	Address <u>PO. Box 1262</u>
<u>HAMPSTEAD, NC. 28443</u>	<u>SNEADS FERRY, NC</u>
Phone <u>910-270-8799</u> Fax <u>910-329-7433</u>	Phone <u>910-279-6315</u> Fax <u>270-770-7</u>
	<u>28460</u>
Email <u>Underground@combarqmail.com</u>	Email <u>DKCHARLAW@aol.com</u>

Legal Relationship of Applicant to Property Owner: TENANT

### III. SIGNATURE OF OWNER & APPLICANT:

[Signature] [Signature]  
 (If owner is different from applicant, both signatures are required)

# Pender County Planning Department

805 South Walker Street  
Burgaw, North Carolina 28425



Phone (910) 259-1202  
Fax (910) 259-1295  
Email: [planning1@pender-county.com](mailto:planning1@pender-county.com)

## PLANNING BOARD APPLICATION FOR ZONING MAP AMENDMENT

Date <u>8-10-07</u>	Application Fee \$ <u>200.00</u>	Receipt No. _____
Application No. _____	Postage Fee \$ <u>30.72</u>	Receipt No. <u>072201</u>

### I. PROPERTY INFORMATION:

Record #: 4215-44-6641-0000 Current Zoning District: RT  
 Tax Map #: \_\_\_\_\_ Requested Zoning District: B2  
 Lot #: \_\_\_\_\_ Acreage to Be Rezoned: 5,0001  
 Total Acreage of Tract: 5,0001  
 Property Location: 21758 HWY 17 NORTH HAMPSTEAD NC. 28443  
 Reason for Rezoning: REQUIRED FOR MOTORCYCLE SALES

### II. REQUIRED NAMES:

Applicant <u>JONATHAN B ARNN</u>	Owner <u>DONALD CHARLAND</u>
Address <u>306 PECAN CT</u>	Address <u>P.O. Box 1262</u>
<u>HAMPSTEAD N.C. 28443</u>	<u>SNEADS FERRY, NC</u>
Phone <u>910-270-8796</u> Fax <u>910 329 7433</u>	Phone <u>910-279-6315</u> Fax <u>270-770-7</u>
<u>28460</u>	
Email <u>underground@embarqmail.com</u>	Email <u>DONCHARLAND@AOL.COM</u>

Legal Relationship of Applicant to Property Owner: \_\_\_\_\_

TENANT

### III. SIGNATURE OF OWNER & APPLICANT:

[Signature] [Signature]

(If owner is different from applicant, both signatures are required)

**UNDERGROUND MOTORCYCLE WORKS, LLC**

21758 U.S. Highway 17 North  
Hampstead, North Carolina 28443  
(910) 329-7433  
e-mail: underground@embarqmail.com

August 9, 2007

Pender County Planning Department  
805 South Walker Street  
Burgaw, North Carolina 28425

Re: Underground Motorcycle Works, LLC  
Application for Zoning Map Amendment

Dear Sir/Madam:

Underground Motorcycle Works, LLC is a full service motorcycle shop which provides parts, service and retail merchandise. Since its inception, many of its customers have requested Underground Motorcycle Works to broker their cycles.

As a result of these customer requests, Jonathan Arnn, owner of Underground Motorcycle Works, LLC, has agreed to explore the possibility of selling pre-owned motorcycles. He has completed Carolina's Independent Automobile Dealer's Association training course, which is the only course recognized by the North Carolina License and Theft Bureau.

The shop is currently located in a small shopping center with two other retail shops. All of the shop owners rent their space from Donald Charland, the owner of the shopping center. The addition of motorcycle sales to Underground Motorcycle Works should not alter the environment for any of the shop owners or residents in the area. The motorcycles will be kept inside the shop and for all intents and purposes, there will be no change to the current surroundings.

Page Two  
August 9, 2007  
Pender County Planning Department

I respectfully request your consideration of this application for zoning change. If any additional information should be required, please do not hesitate to contact Jonathan Arnn at the above-stated telephone number.

Sincerely,



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Jonathan Arnn, Owner  
Underground Motorcycle Works, LLC

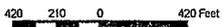


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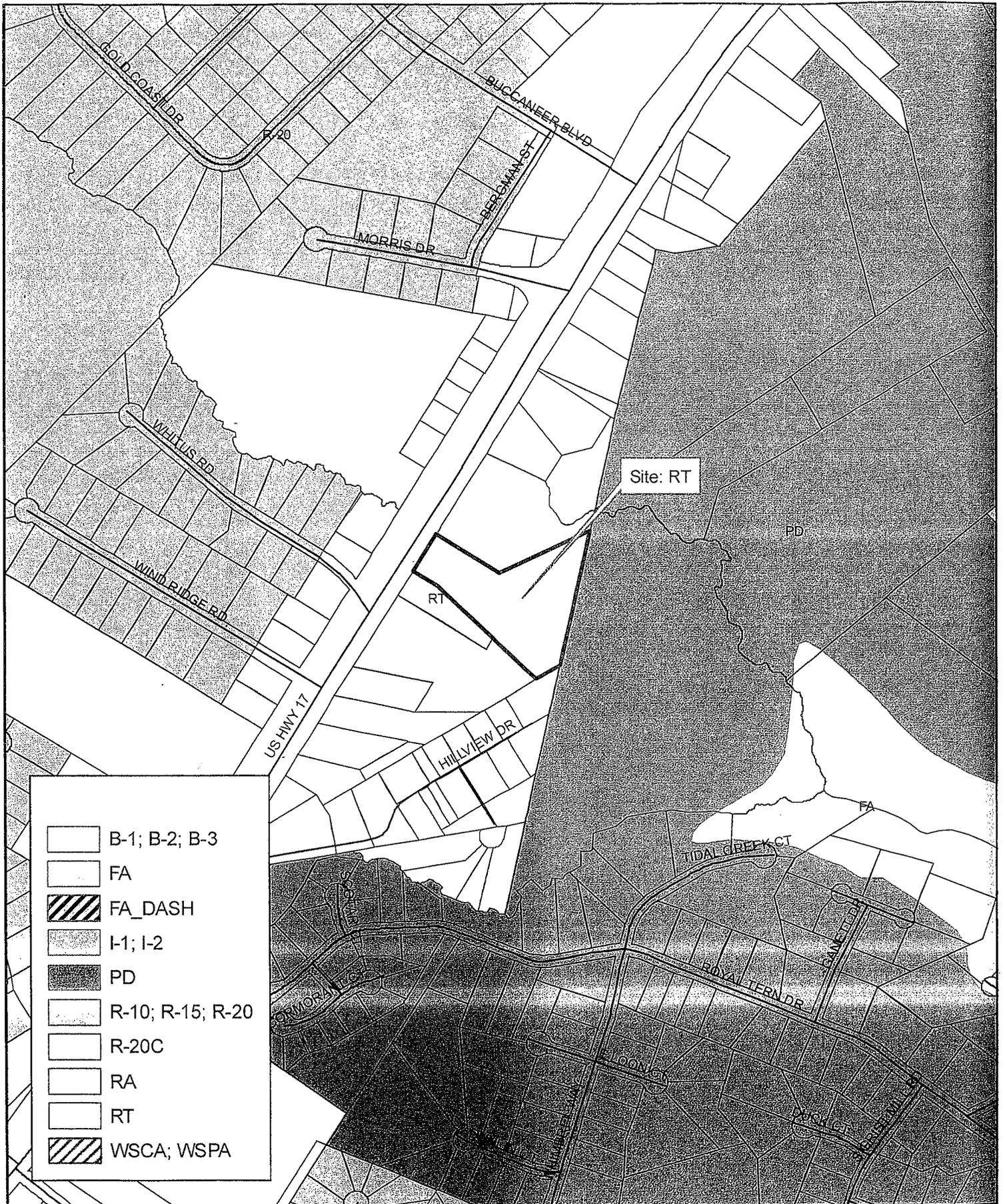
Donald Charland, Owner  
Topsail Landing Shopping Center



1 inch equals 900 feet

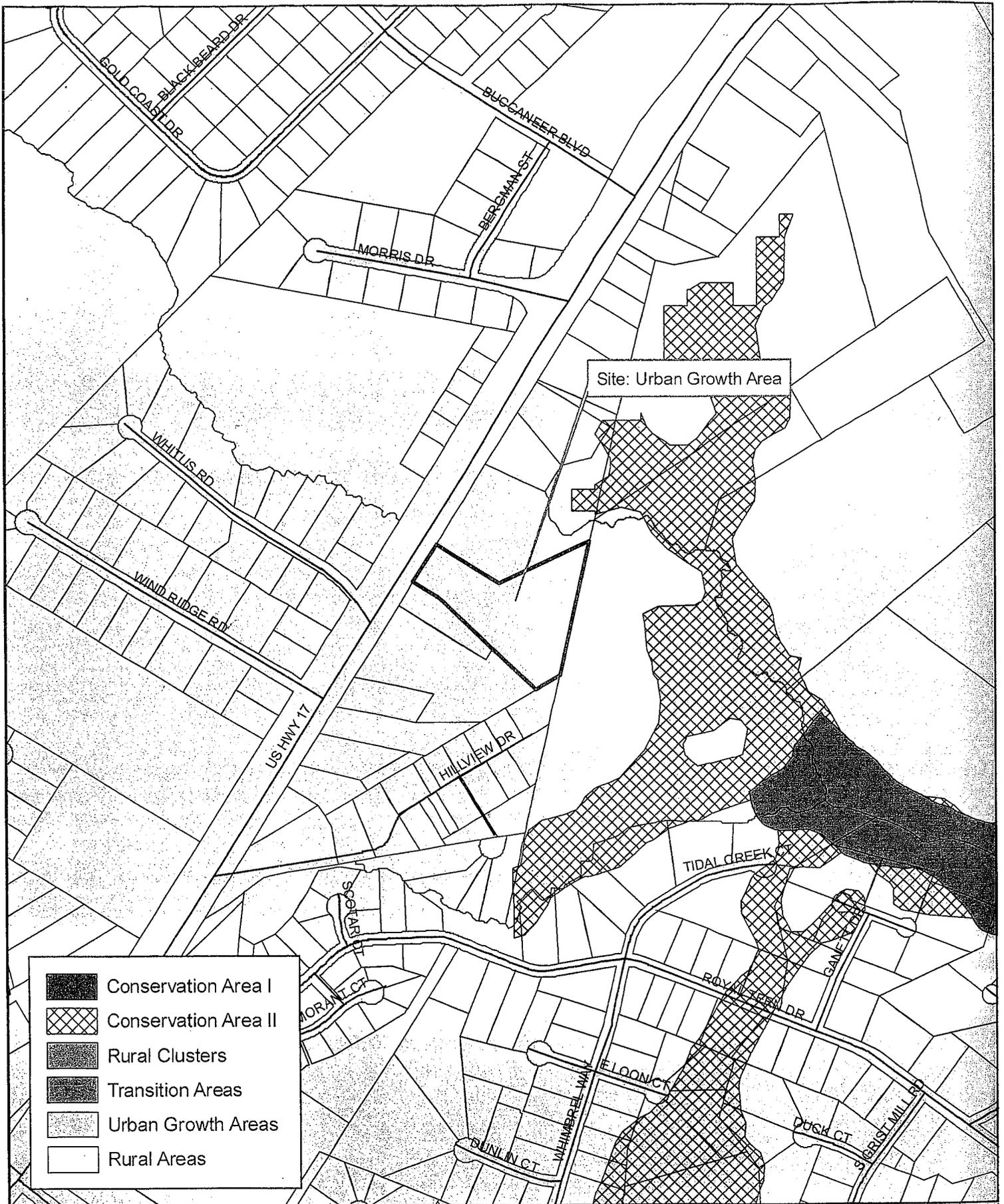


## Rezoning - Jonathan Arnn Vicinity Map



1 inch equals 500 feet  
 240 120 0 240 Feet

# Rezoning - Jonathan Zoning Map



Site: Urban Growth Area

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

1 inch equals 500 feet  
 250 125 0 250 Feet

Rezoning - Jonathan Arnn  
 CAMA Land Use



Site

1 inch equals 500 feet

250 125 0 250 Feet

Rezoning - Jonathan Arnn  
Orthos (2003)