

REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 21.

Date of Request: November 5, 2007

Date Request Received: 11/6/07

Board Meeting Date Requested: November 19, 2007

Board Meeting Date Assigned: 11/19/07

Short Title: Revision To A Previously Approved Special Use Permit To Allow For The Sale Of Motorcycles.

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

Background: Applicant is requesting approval of a revision to a previously approved Special Use Permit to allow for the sale of motorcycles. The property is zoned B-2, Highway Business District and is located at 21758 US Highway 17 in Hampstead, NC.

(Administrative Use Only)

Specific Action Requested: The Board of Commissioners is requested to hold a public hearing for the submitted Special Use Permit.

CONTRACT TYPE

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

- Renewal
- For Service(s)
- Intergovernmental – County as Grantee
 - Federal Grantor
 - State Grantor
 - Grantor
- 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: November 19, 2007

ITEM NO: 21

Revision to a Special Use Permit for Motorcycle sales

SUBJECT: CASE NO: 07-11-19-31
PROPERTY RECORD NO: 4215-44-6382-0000
APPLICANT: Jonathon Arnn
OWNER: Donald Charland

ACTION REQUESTED: Approval of a revision to a previously approved Special Use Permit to allow sales of motorcycles: Underground Motorcycle Works.

HISTORY/BACKGROUND:

Project Location: The property is located at 21758 US Hwy 17 in the Topsail Landing Shopping Center in Hampstead, NC, approximately a 1/2 mile north of Sloop Point Road.

Project Description: The applicant is requesting a revision to a previously approved Special Use Permit to sell motorcycles at Underground Motorcycle Works in the existing Topsail Landing shopping center. The property consists of 5 acres and is zoned B-2 Business District (Highway). Currently the shopping center has three tenants: Renegade Tobacco, NAPA Autoparts, and Underground Motorcycles. The motorcycle shop currently consists of mechanical and cosmetic service and repair, as well as NC Certified Motorcycle Inspections. The shop is owner operated with an additional employee. The hours of operation are from 8 am to 7 pm Monday through Friday, and 8 am to 5 pm on Saturdays. No further construction on the site is anticipated at this time. The same utility services already approved and utilized at the said site shall remain in place. All necessary permits needed to continue to operate this business shall remain in place expect for the "Dealer's License" which Mr. Jonathan Arnn will obtain from the Carolina Independent Dealer's Association upon being granted this Special Use Permit (this final permit will then allow/authorize Jonathan Arnn to become a motorcycle sales dealer). All parts, equipment, motorcycles, motorcycle repairs and/or displays will be inside the existing building.

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail. Special Use Permit signs were posted on or near the proposed site.
- B) Basis for Granting SUP:** See attachment A for approval procedures (15.3 of Zoning Ord.) and revocation procedures (15.4b of Zoning Ord.).
- C) Zoning Ordinance Compliance:** This property is zoned B-2, Business District (Highway); the sale of motorcycles is permitted via Special Use Permit (Section 8, Zoning Districts and Regs, of Zoning Ord.)
- D) Land Use Plan Compliance:** This property is classified as an Urban Growth Area. The request is consistent with the 2005 Land Use Plan.
- E) Existing Land Use in Area:** This project is located in an existing shopping center with compatible uses, tenants: Renegade Tobacco and NAPA Autoparts. The property is bordered by a mix of commercial and vacant land uses. 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.
- F) Site Access Conditions:** The property has direct access to US Hwy 17, which is a state maintained road.
- G) Conditions to Consider in Issuing a Special Use Permit for this Project:**
 - 1. 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.

2. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance.
3. A separate Permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
4. Hours of operation: Will be 8 am to 7 pm Monday through Friday, and 8 am to 5 pm on Saturdays.
5. No junk, debris, trash, recycled or salvaged materials, or inoperable vehicles shall be stored on the site outside a completely enclosed building.
6. No outside storage of materials, merchandise, or unlicensed or salvage equipment will be permitted on the site.
7. 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.
8. 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.
9. The project shall be developed and maintained in accord with the applicant's final revised site plan as approved by the Zoning Administrator, the Zoning Ordinance and the conditions contained in this permit.

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on November 19, 2007 the Pender County Board of Commissioners considered a Special Use Permit for Jonathon Arnn as described herein. The Chairman 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 ____

Chairman 11-19-2007
Date

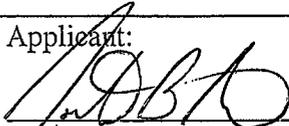
ATTEST 11-19-2007
Date

**PENDER COUNTY
SPECIAL USE PERMIT APPLICATION FORM**

THIS SECTION FOR OFFICE USE			
Application No.	07-11-19-31	Date	9/19
Permit Fee	726 ⁰⁵ /100	Receipt No.	072240

APPLICANT INFORMATION	
Applicant Name: Jonathan B. Arnn	Owner Name: DONALD CHARLAND
Address: 306 Pecan Ct. Hampstead, NC 28443	Address: P.O. Box 1809 HAMPSTEAD, NC 28443
Phone No: (910) 270-8796	Phone No: 910-279-6315
Legal relationship of applicant to owner: TENANT	

PROJECT INFORMATION	
Property tax record No. 4215 44 6382 0000	Total acreage 5.00
Zoning Designation:	In property:
Acreage to be used for project: 2.06	Acreage to be disturbed:
Project location and address: 21758 NC Hwy 17 N. Hampstead, NC 28443	
Describe activities to be undertaken on project site: MOTORCYCLE SALES, PARTS + SERVICE	

SIGNATURES			
Applicant: 	Date: 9-18-07	Owner: 	Date: 9-18-07

- | NOTICE TO APPLICANT |
|---|
| <ol style="list-style-type: none"> 1. Applicant must also submit the information described on page two of this form. 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 (p. 3). |

The Law Offices of

KEVIN E. HECKART

105 N. WRIGHT STREET
POST OFFICE BOX 1339
BURGAW, NORTH CAROLINA
28425-1339

Telephone: (910) 259-9200

Facsimile: (910) 259-9263

File: Underground Motorcycle Works, LLC

September 19, 2007

Pender County Planning Department
Attn: Jeffrey Jowett
805 South Walker Street
P.O. Box 1395
Burgaw, NC 28425

Re: "Project Narrative" To Accompany Application For Revision Of Existing Special Use Permit Previously Granted to Jonathan Arnn Of Underground Motorcycle Works

Dear Mr. Jowett:

Please consider this letter as Mr. Jonathan Arnn's "Project Narrative" to be included with and attached to his recently filed Application for a revised "Special Use Permit". In response to those specific concerns you have requested Jonathan to address under Paragraph 5 of the "Special Use Permit Application Checklist", please consider the following:

The subject site is located at 21758 U.S. Highway 17 North, Hampstead, North Carolina;

The activities to take place at said site shall include motorcycle and motorcycle equipment sales, service and repair;

That no further construction on the existing site is anticipated at this time;

That the same utility services already approved and utilized at said site shall remain in place;

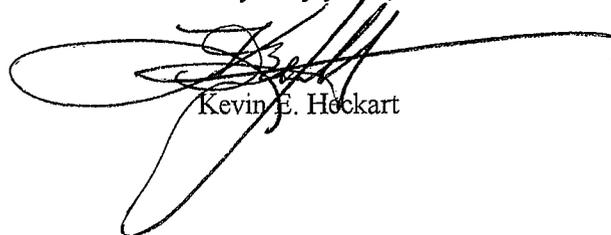
That all necessary permits needed to continue to operate this business have previously been disclosed and shall remain in place except for the "Dealer's License" which Jonathan will obtain from the Carolina Independent Dealer's Association upon being granted this Special Use Permit (this final permit will then allow/authorize Jonathan Arnn to become a motorcycle sales dealer);

That since all parts, equipment, motorcycles, motorcycle repairs and/or displays will be inside the existing site/building, no negative impacts are foreseen; and

That upon being granted a revised Special Use Permit, Jonathan will be allowed to sell motorcycles and, thereby, be of further assistance to his customers and members of the community.

If I may provide you with anything further by way of information and/or documentation, please do not hesitate to call. In the meantime, I remain

Very truly yours,



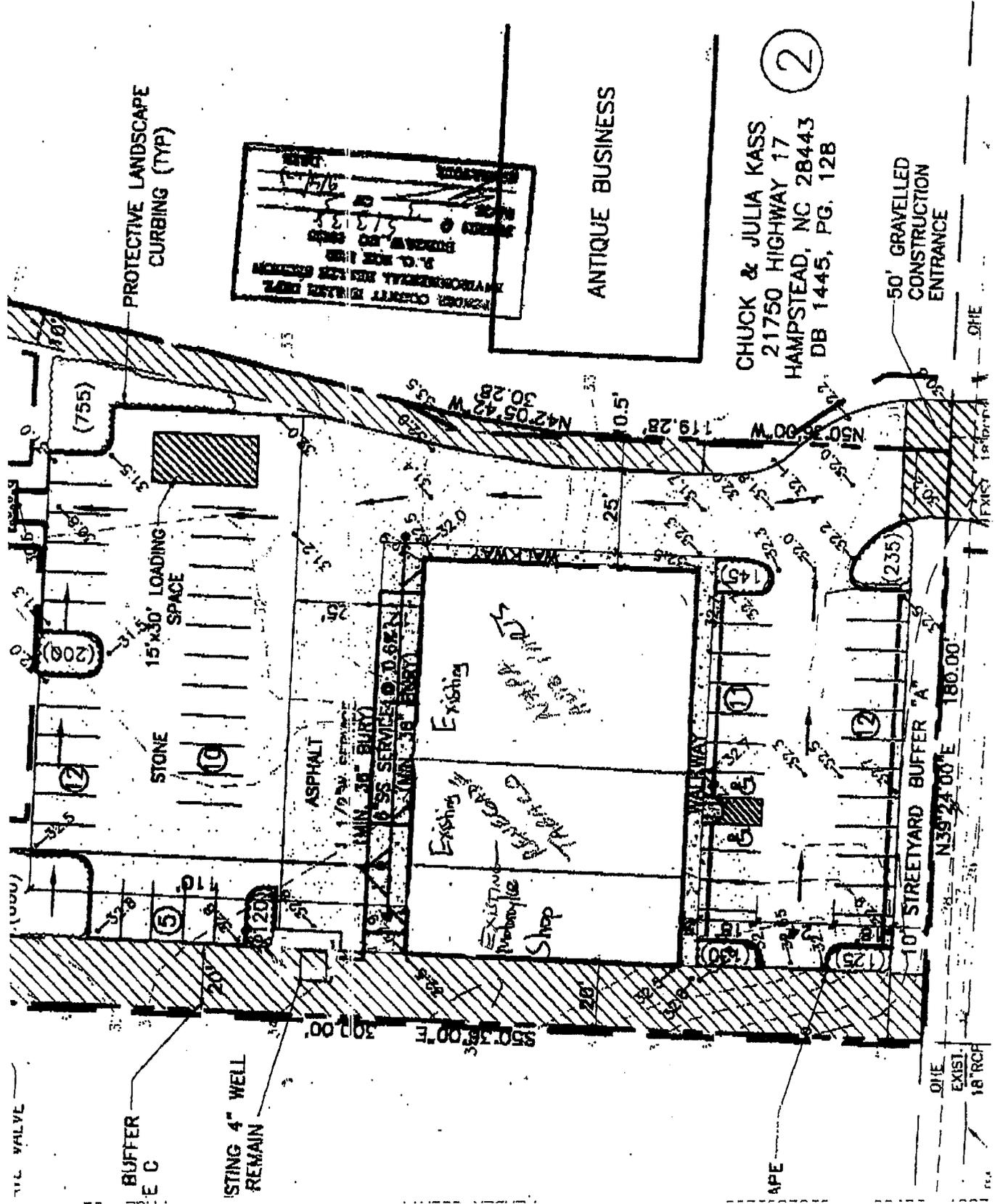
Kevin E. Heckart

cc: Jonathan Arnn

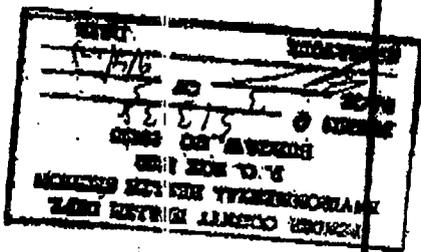
SEP 19 2007

RECEIVED

- SITE D,
- TOTAL AR
- DISTURBED
- ZONING
- BUILDING
- PARKING
- PARKING
- ASPHALT /
- CONCRETE
- CEMENT AND
- LANDSCAPE II
- LANDSCAPE I



PROTECTIVE LANDSCAPE CURBING (TYP)



ANTIQUE BUSINESS

CHUCK & JULIA KASS
 21750 HIGHWAY 17
 HAMPSTEAD, NC 28443
 DB 1445, PG. 128

2

50' GRAVELLED CONSTRUCTION ENTRANCE

ONE

BUFFER EC

EXISTING 4" WELL REMAIN

EXIST. 18" RCP

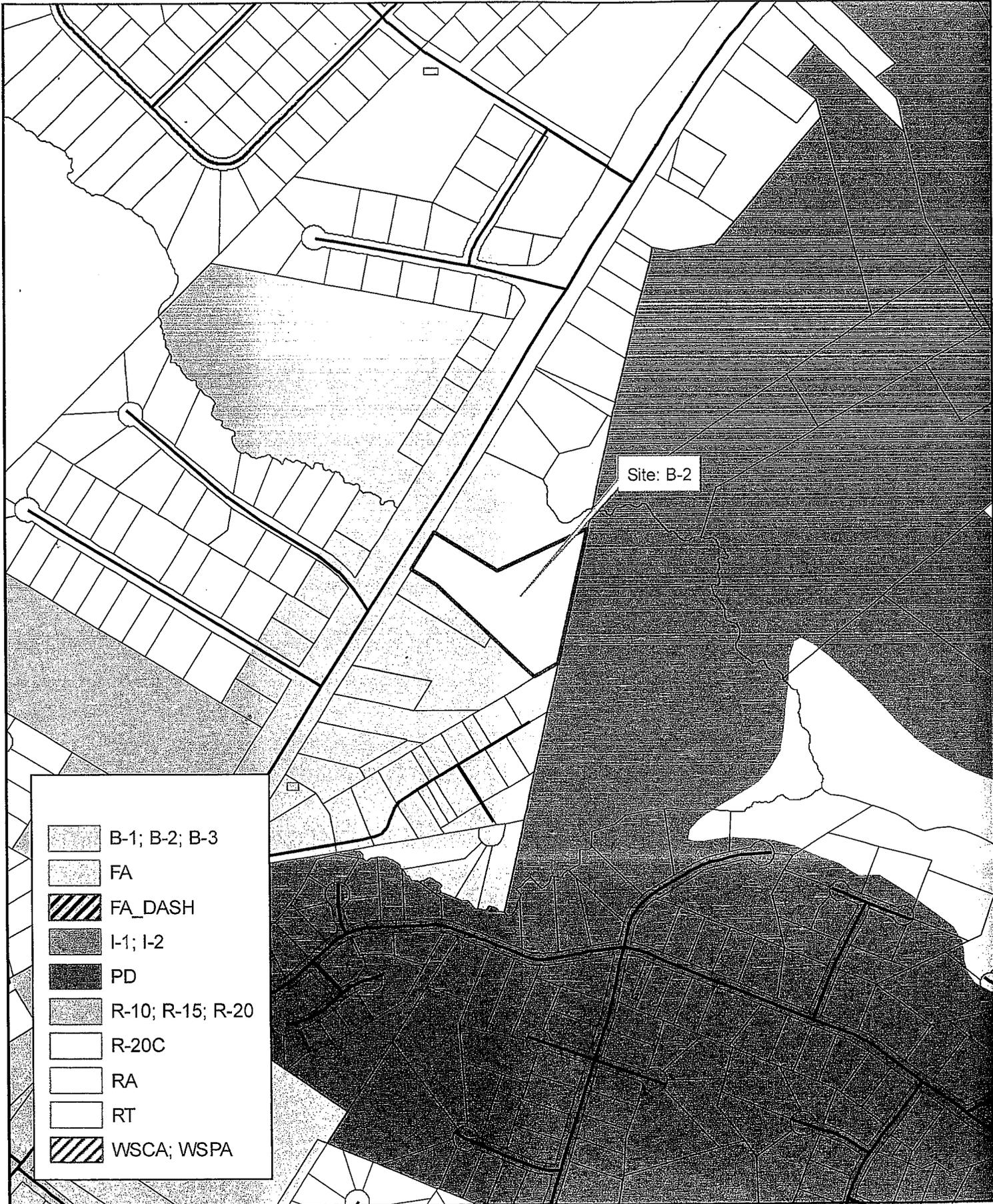


Site

1 inch equals 1,000 feet

0 500 1,000
Feet

Jonathan Arnn
Motorcycle sales- SUP
Vicinity

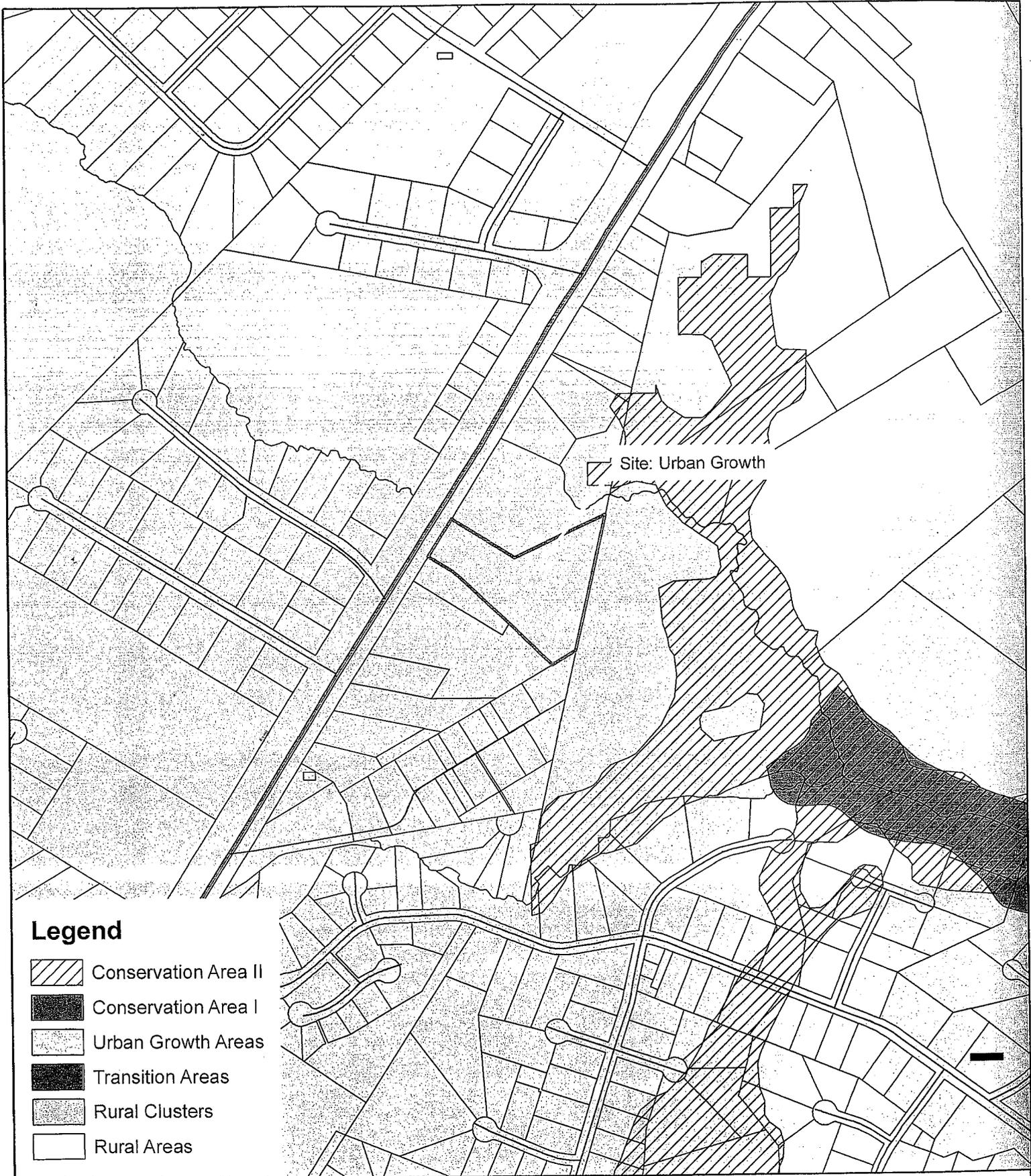


Site: B-2

-  B-1; B-2; B-3
-  FA
-  FA_DASH
-  I-1; I-2
-  PD
-  R-10; R-15; R-20
-  R-20C
-  RA
-  RT
-  WSCA; WSPA

1 inch equals 500 feet
 240 120 0 240 Feet

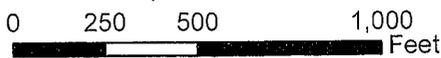
Special Use Permit - Jonathan Arnn
 Zoning Map



Legend

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

1 inch equals 500 feet



**Jonathan Arnn
Motorcycle sales- SUP
CAMA Land Use**



Site

1 inch equals 500 feet

250 125 0 250 Feet

Special Use Permit - Jonathan Arnn
Orthos (2003)