



REQUEST FOR BOARD ACTION

ITEM NO. 31.

DATE OF MEETING: July 23, 2012

REQUESTED BY: Kenneth Vafier, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for a Cottage Occupation.

BACKGROUND: Robert Josleyn, applicant and owner, is requesting approval of a Special Use Permit (SUP) for a cottage occupation consisting of the small scale manufacturing of bullets and loading of small arms ammunition for legal sale to individuals and retail stores. The subject property is located at 807 Old Maple Hill Road N. in Maple Hill and is identified by Pender County PIN 3393-37-6637-0000. The property is currently zoned RA, Rural Agricultural District, and a cottage occupation is permitted via Special Use Permit with development standards in this district.

SPECIFIC ACTION REQUESTED: To hold a public hearing and consider the approval of a Special Use Permit for the operation of a cottage occupation consisting of the small scale manufacturing of bullets and loading of small arms ammunition for legal sale to individuals and retail stores.

RESOLUTION

RESOLUTION: NOW, THEREFORE, BE IT RESOLVED, that on July 23, 2012 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit (SUP) for the operation of a cottage occupation 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: Brown ___ Rivenbark ___ Tate ___ Ward ___ Williams ___

Chairman 7/23/12
Date

ATTEST 7/23/12
Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: July 23, 2012

Applicant: Robert Josleyn

Property Owner: Same

Case Number: 10748

Land Use Proposed: Robert Josleyn, applicant and owner, is requesting approval of Special Use Permit (SUP) for the operation of a Cottage Occupation consisting of the small scale manufacturing of bullets and loading of small arms ammunition for legal sale to individuals and stores to be located within an existing ±768 square foot accessory (detached) building.

Property Record Number and Location: The subject property may be identified as Pender County PIN 3393-37-6637-0000 and is located at 807 Old Maple Hill Road North in Maple Hill.

Zoning District of Property: The property is currently zoned RA, Rural Agricultural and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses, Cottage Occupations are permitted with design standards via Special Use Permit in this district.

PROJECT DESCRIPTION:

The applicant is requesting a Special Use Permit for a Cottage Occupation. According to the Pender County Unified Development Ordinance, Cottage Occupations are permitted within the RA, Rural Agricultural District with design standards via Special Use Permit in this district. Mr. Josleyn would like to manufacture bullets and loading of small arms ammunition for legal sale to individuals and stores. Appendix A of the Pender County Unified Development Ordinance defines Cottage Occupations as:

A use conducted for the generation of revenue in an accessory structure located on the same lot or tract as a dwelling. The use must: be clearly incidental and secondary to the use of the property for residential purposes; not change the character of the structure or area; or have any exterior evidence of the occupation. Cottage Occupations are intended to be limited to low intensity uses that produce or repair a product, but can be operated in such a way that they do not adversely affect adjacent properties.

According to §5.3.3.B of the UDO; *Cottage Occupations shall be permitted in zoning districts as indicated in Section 5.2.3 Table of Permitted Uses, via Special Use Permit. The following criteria must be met in order to apply for the cottage occupation*

- 1) *The use must be clearly incidental and secondary to the use of the property for residential purposes.*
- 2) *The use shall not change the character or area of the structure or have any exterior evidence of the occupation.*
- 3) *The floor area of the cottage occupation cannot exceed the total floor area of the primary residence.*

- 4) *No cottage occupation shall be permitted which creates objectionable noise, dust, smoke, odor, glare, or traffic attraction greater than that of other residential properties in the vicinity.*
- 5) *Workers not living on the property shall be limited to three (3) persons per day.*
- 6) *Proposed Cottage Occupation permits in the GB, General Business district, shall not expand or increase the existing non-conforming use or structure.*

According to the Pender County Tax Records; the total square footage of the residence as shown on the applicant’s site plan is 2,260 square feet for the total square feet (TSF); the detached garage is shown as 768 square feet for the TSF.

Access to the facility will be provided via existing gravel driveway, maintain by the applicant, accessing Old Maple Hill Road (NCSR1620). The facility would not be open to the public.

The applicant’s proposed hours of operation are from Monday through Saturday, 7:00 AM until 7:00 PM. At this time only one (1) employee, Mr. Josleyn, is proposed.

The subject property is not located within the Special Flood Hazard Area (SFHA).

Prior to the issuance of zoning approval and building permits; a Site Development Plan must be submitted and approved in accordance with Articles 3.6 and 6.3. A part of this review will include compliance with Article 8, Landscaping and Buffering as prescribed the Pender County Unified Development Ordinance. The site plan submitted with this application is considered conceptual and does not reflect any approvals, regulations in effect or any additional conditions imposed on this SUP.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
ACCESSORY USES AND STRUCTURES											
Cottage Occupations		SD	SD	SD		SD	SD				

EVALUATION:

- A. Public Notifications:** Advertisements for the proposal have been placed in the *Topsail Voice* and *The Pender Post/Topsail*. Adjacent property owners were notified by first class mail.
- B. Basis for Granting SUP:** See attachment A for approval procedures (§3.12.3 of Unified Development Ordinance) and revision and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural District, and Cottage Occupations are permitted by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance, Section 5.2.3 Table of Permitted Uses.
- D. 2005 CAMA Land Use Plan Compliance:** The subject property contains three types of land use classifications found in the 2005 CAMA Land Use Plan, including Rural Areas, and Conservation Areas II.
- E. 2010 Comprehensive Land Use Plan Compliance:** The subject property is classified entirely as Rural Growth in the *2010 Comprehensive Land Use Plan*. The Rural Growth land use classification defines those areas of the County where urban services such as public water and sewer are not expected to be provided, this limiting any surrounding residential development to low density. Incompatible residential and non-residential land uses in Rural Growth areas can be accommodated through spatial separation from existing residential development; the project area of the quarry on the subject property is surrounded from existing development to the east and southeast by significant buffer areas, and the areas to the southwest and north are undeveloped and are under permanent conservation restrictions.

The SUP revision request is also supported by goals and policies within the *2010 Comprehensive Land Use Plan*:

- **Policy 1A.1.5** – *The County supports a pro-business/pro-growth attitude, balance by a concern for preserving the natural assets and quality of life factors that make the area attractive to visitors and permanent residents alike.*
- **Goal 10A.1** – *Promote economic development which meets the needs of the County for expanding the non-residential tax base and providing well-paying jobs.*

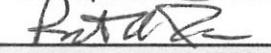
Additionally, the SUP request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.

- F. Existing Land Use in Area:** The existing land uses in the area are composed of: large vacant tracts to the west and south, with low density residential uses to the east and north.
- G. Site Access Conditions:** The property has access to Old Maple Hill Road (NCSR1620) via an existing 30 foot access easement as shown in Map Book 0046, Page 0047.

H. *Conditions To Consider In Issuing A Revision of the 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 Pender County Unified Developed Ordinance.
3. A separate permit must be obtained for any proposed signs in accordance with Article 10 of the Pender County Unified Development Ordinance.
4. 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.
5. The obligations imposed by this permit will be the responsibility of the property owner and operator and shall continue in effect for the duration of this permit
6. The project shall be developed and maintained in accord with the conditions contained in this permit. Prior to the issuance of a zoning approval and building permits; a Site Development Plan must be submitted and approved, in accordance with Articles 3.6 and 6.3.
7. No junk, debris, trash, or inoperable vehicles, recycled or salvaged materials shall be stored on the site. All debris shall be removed from the site prior to issuance of a zoning permit
8. No display of products shall be visible from the street.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 10740	Date	6/7/12
Application Fee	\$ 300.00	Receipt No.	116781
Pre-Application Conference	DECEMBER 16, 2011	Hearing Date	JULY 23, 2012
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Robert Josley	Owner's Name:	Robert Josley
Applicant's Address:	807 Old Maple Hill Road N.	Owner's Address:	807 Old Maple Hill Road N.
City, State, & Zip	Maple Hill, NC 28454	City, State, & Zip	Maple Hill, NC 28454
Phone Number:	Home 910-259-4244, Mobile 910-934-1257	Phone Number:	Home 910-259-4244, Mobile 910-934-1257
Legal relationship of applicant to land owner: Self			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	3393-37-6637-0000	Total property acreage:	4.85
Zoning Classification:	RA	Acreage to be disturbed:	0
Project Address :	807 Old Maple Hill Road N., Maple Hill, NC 28454		NAICS Code: 332992
Description of Project Location:	Rural, mostly forested		
Describe activities to be undertaken on project site:	Small scale manufacture of bullets and loading of small arms ammunition for legal sale to individuals and stores.		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	6-7-2012
Owner's Signature		Date:	6-7-2012
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 checked="" 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: \$ 300.00 Application#: 10748 Date of Hearing: 6/7/12					
Attachments Included with Application: (Please include # of copies)						
CD /other digital version	<input type="checkbox"/> Y <input type="checkbox"/> N	Plan Sets	# of large 2	# of 11X17 20	Other documents/Reports	<input checked="" type="checkbox"/> Y <input type="checkbox"/> N
Payment Method:	Cash : <input type="checkbox"/> \$ _____	Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____		
Application received by: <i>[Signature]</i>		Date: 6/7/12				
Application completeness approved by: <i>[Signature]</i>		Date: 6/7/12				

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 checked="" type="checkbox"/>	Project Narrative --Written description of the project (max of 3 pages) including the following: <ul style="list-style-type: none"> <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"/> 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 (<u>this item must be addressed by the applicant</u>). 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 <u>readable</u> 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: <ul style="list-style-type: none"> <input 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 type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <input 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 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 type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO) <input type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO) <input type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO) <input type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <input 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 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 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	

Project Narrative for Pender Bullets and Shot, LLC

I would like to start a small business at 807 Old Maple Hill Road North in Maple Hill, NC in an existing non-residential structure. The business will be for the manufacture of cast bullets and loaded ammunition on a small scale. There will be one owner / employee and there are no plans to conduct sales of the products on the property. I expect hours of operation to be 7:00 AM – 7:00 PM Monday through Saturday. The property is accessed via one gravel driveway that leads from Old Maple Hill Road North. Electrical service from Four County is a 200 amp panel. All equipment will be powered by 110 VAC.

Casting

The casting process will be conducted on a hand operated machine with a 40 pound capacity pot. Once cooled, I will sort the cast bullets for quality control, then size and lube them on another machine. I will then count, inspect again for quality, and package them in cardboard boxes and plastic bags for distribution or stage them to be assembled into loaded ammunition.

Sizing and Lubricating

The machine used to size and lubricate the cast bullets will have a small electric motor that runs a collator and a heating element to heat a wax based lubricant. This machine is hand operated by pulling a handle to actuate a ram that pushes the bullets through a die that sizes them and applies lubricant to the bullets' grooves. A possible upgrade to this machine will be to attach an air compressor that pressurizes the lubricant and actuates a ram for partial automation.

Shot Production

I plan on producing #8 shot with a machine that melts the lead alloy allowing it to pass through drippers into a basin of water and coolant. The coolant is reusable and will need to be replenished occasionally due to evaporation. The shot will be collected periodically during the work day and spread on a table for air drying. After drying, the shot must be sieved, tumbled with powdered graphite to prevent clumping, weighed, and packaged in 10 and 25 pound cloth bags for distribution.

Waste

Any dross or other scrap produced that is unsuitable for casting bullets or making shot will be collected in a metal container for recycling. The container will be covered from the elements, not in contact with wood or bare ground.

Project Narrative for Pender Bullets and Shot, LLC

Loaded Ammunition

I intend to produce loaded ammunition on a hand operated progressive loading press like those used by re-loaders to make their own ammunition. The specific model I have selected for the business is designed to produce commercial quality ammunition. It will have a small electric motor to collate and feed the empty cases. Ammunition will be produced in lots to ensure consistency and save time on setup of the machine. I will inspect the ammunition, count, and package it in cardboard boxes for distribution. I plan on using both cast bullets that I produce and jacketed bullets that I can purchase in bulk.

Powder

Smokeless propellant used in the loading process will be stored in its original factory containers and placed in a metal locker away from ignition sources since it is very flammable, but not explosive. Unused powder will be returned to its factory container at the end of the day to protect it from moisture.

Primers

Primers will be stored in their original boxes away from ignition sources and protected from shock. When needed, they will be loaded into the primer tube. The capacity of the primer tube on the loading machine is limited to 100 primers. There is shielding around the primer tube on the machine to prevent injury to the operator and damage to the surroundings in the event of an accidental detonation.

Federal and State Permits and Taxes

In order to sell ammunition or components for ammunition I must obtain a Type 6 Federal Firearms License (FFL). This will require me to pass a background check and attend a face to face interview with a Bureau of Alcohol, Tobacco, Firearms, and Explosives (BATFE) Agent. I will also be required to pay a fee of \$30.00 every 3 years for initial and renewal for the license.

In order to conduct sales I have obtained a Federal Employer Identification Number (EIN). I will have also obtained a State EIN. In addition to taxes on the income produced, I will pay a Firearms and Ammunition Excise Tax.

Project Narrative for Pender Bullets and Shot, LLC

Impact on Surrounding Properties

The project will have no hazardous runoff, smoke, fumes, dust or other emissions. There will be no distracting glare or shine. Traffic will not be increased since I do not wish to have customers visit. Some noise will be produced by various small electric motors that will cycle on and off for collators and an air compressor that will also cycle on and off occasionally. This noise will be much less than that produced by farm machinery, chainsaws, and peacocks common to the area. I am very respectful of my neighbors and I do not intend to produce conditions that aggravate them.

Special Use Permit Map for Pender Bullets and Shot, L.L.C.

- The following map shows the boundaries of the property on which the business it to be located with a 100' scale and north arrow.
 - Access to the property is an owner maintained gravel drive depicted in the map.
 - The property is 4.85 acres, but the project will be confined to the existing 24'X32' building with an attached shed roof extension on the west end.
 - Immediately around the existing building the landscaping consists of mown grass bordered by trees on the north, west and south. An adjacent property to the east is a residential lawn.
 - Drainage is to the south to a ditch on the property line then east to the ditch by Old Maple Hill Road North.
 - There is a floodlight located on the east end of the shop and no walkways.
 - The only utilities planned currently, is the electrical panel located on the east end of the shop next to a walk in door with a meter base serviced by Four County.
 - The parking and loading area will be next to the garage door on the south side of the building and traffic will consist mainly of a personally owned pickup used for bringing materials in and products out.
 - There are no ponds or waterways located on the property.
 - There are no plans to put signs on the property unless required as there are no plans to conduct sales there.
- The map was obtained online from Bingmaps and is current regarding existing trees and structures on the property.

Map of Pender Bullets and Shot

North

Josleyn Residence at
807 Old Maple Hill Rd N.

Electrical Panel

Property line with no ditch

Intended location for
Pender Bullets and Shot, LLC

Adams
825 Old Maple Hill Rd N.
(Currently Unoccupied)

Property line

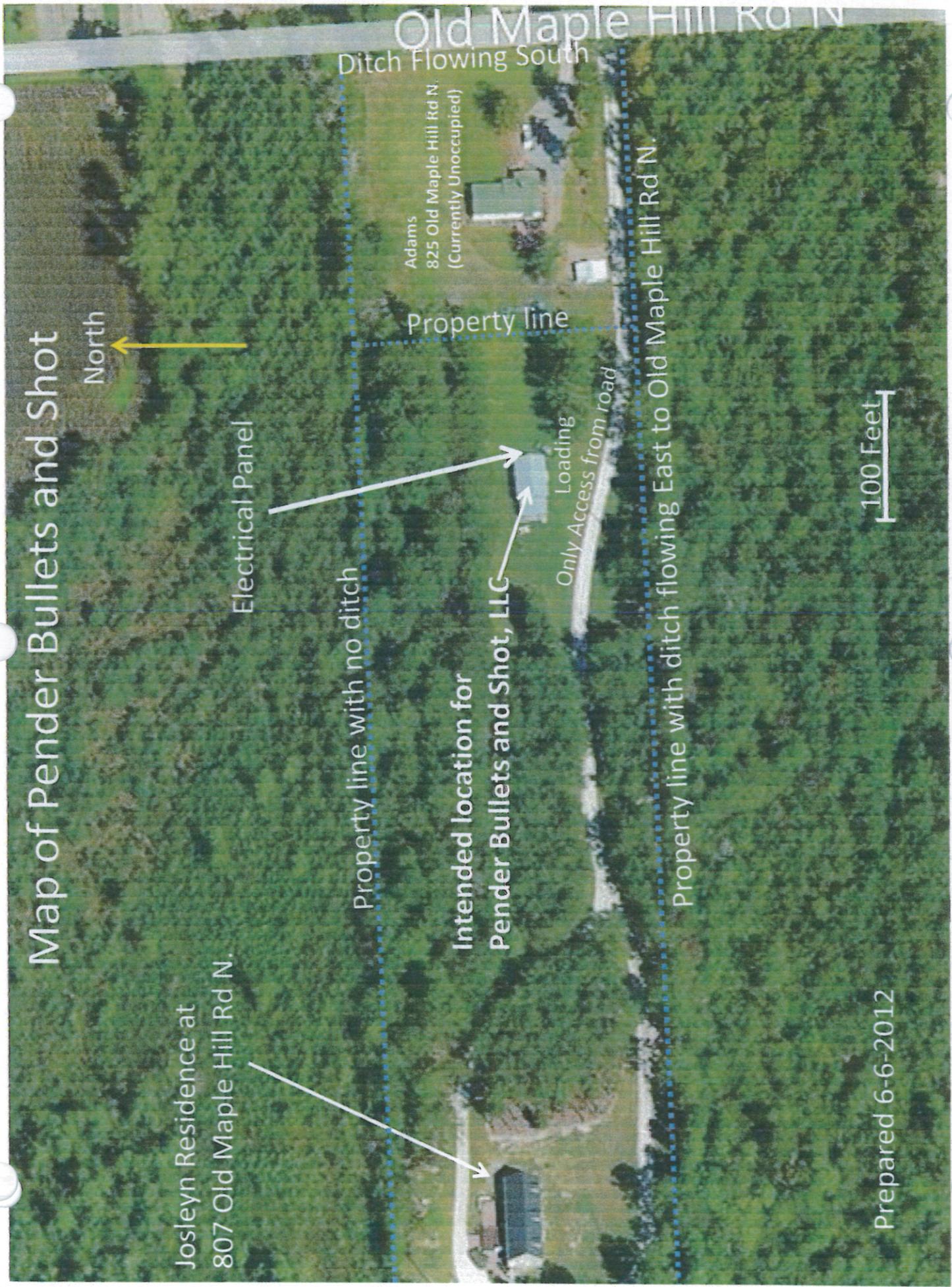
Only Access from road

Property line with ditch flowing East to Old Maple Hill Rd N.

100 Feet

Prepared 6-6-2012

Old Maple Hill Rd N
Ditch Flowing South





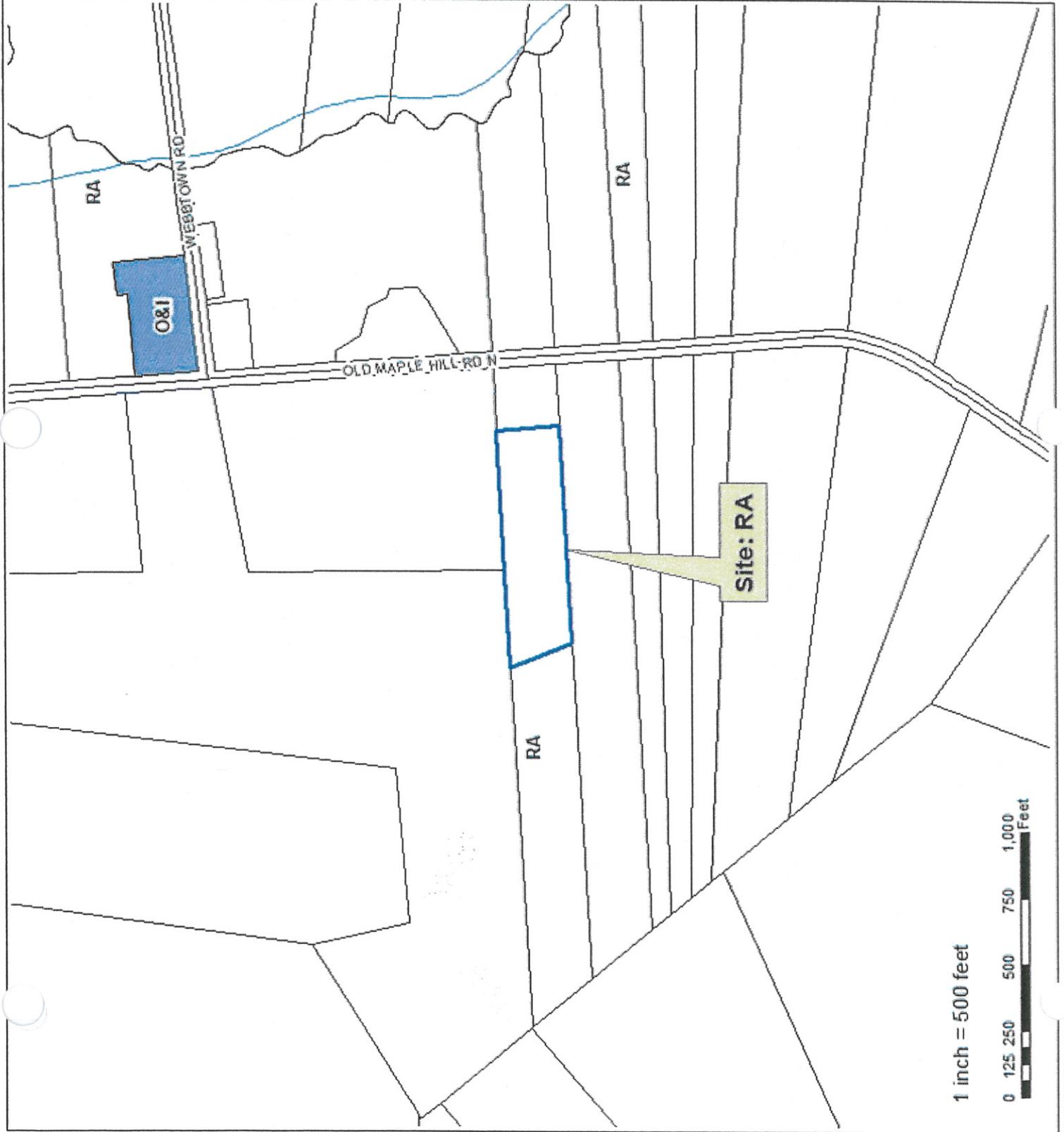
Applicant and Owner:
Robert Josleyn

Special Use Permit
Case # 10748

Zoning Classification	
UDO Zoning	
General Business (GB)	[Orange square]
General Industrial (GI)	[Grey square]
Industrial Transition (IT)	[Light blue square]
Office & Institutional (OI)	[Blue square]
Rural Agricultural (RA)	[White square]
Planned Development (PD)	[Purple square]
Residential Performance (RP)	[Yellow square]
Environmental Conservation (EC)	[Green square]
Incorporated Areas (INCORP)	[Black and white diagonal lines]
Manufactured Home Park (MH)	[Dark green square]
Residential Medium Density (MF)	[Light green square]



ZONING MAP



1 inch = 500 feet





Applicant and Owner:

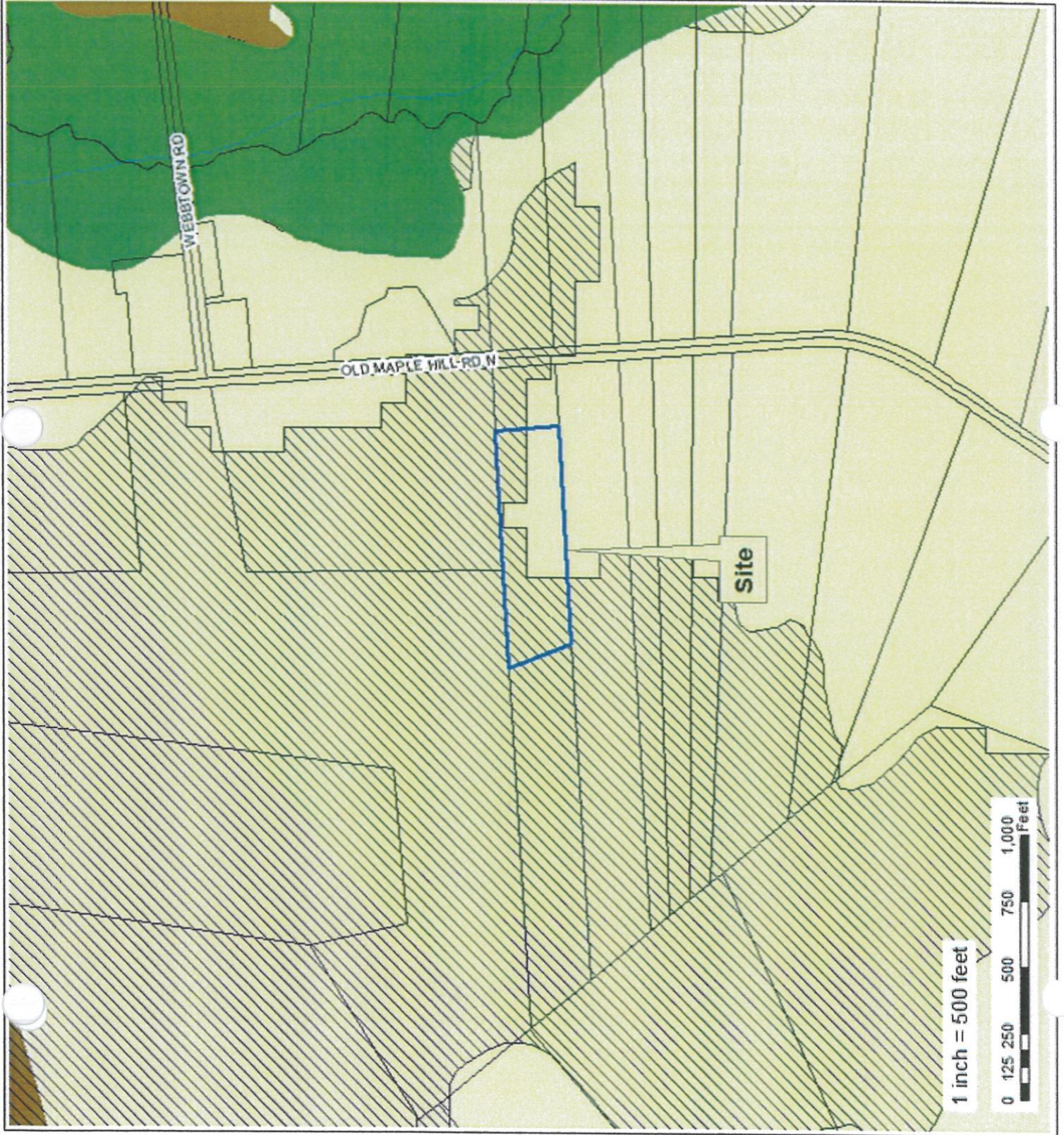
Robert Josley

**Special Use Permit
Case # 10748**

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



CAMA Land Use





Applicant and Owner:

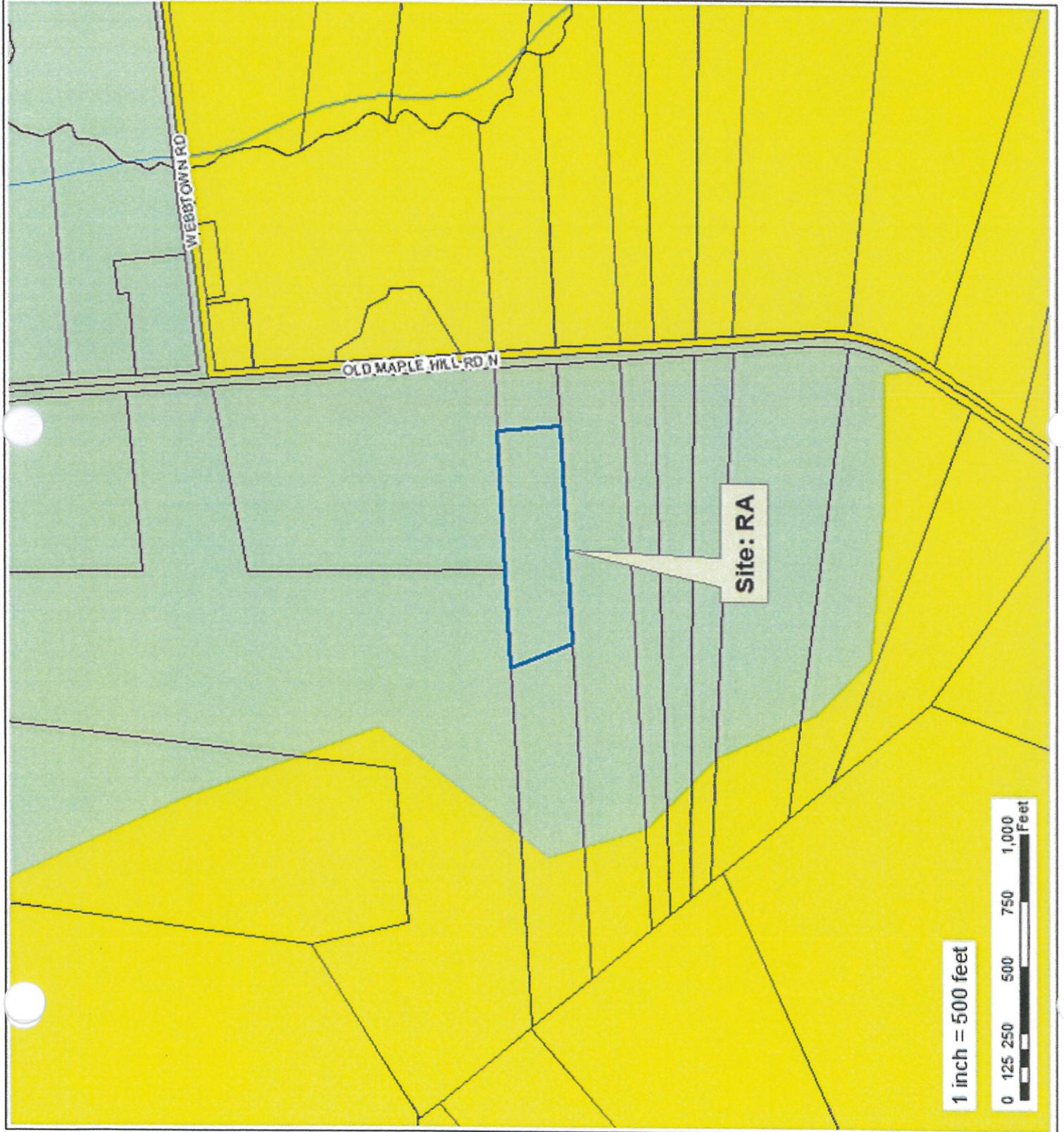
Robert Josleyn

**Special Use Permit
Case # 10748**

Legend	
Future Land Use	
LU	
	Conservation
	Industrial
	Mixed Use
	Rural Growth
	Suburban Growth



**LAND USE
MAP**





Applicant and Owner:

Robert Josley

**Special Use Permit
Case # 10748**



2010 Orthos

