



## REQUEST FOR BOARD ACTION

ITEM NO. 20.

**DATE OF MEETING:** March 18, 2013

**REQUESTED BY:** Ashley Moncado, Planner II, Planning & Community Development

**SHORT TITLE:** Resolution to Approve a Special Use Permit (SUP) for the Operation of a Trade and Technical School (6115), School and Instruction Facility (6116), and Shooting Range (71399).

**BACKGROUND:** ALASTAR TDS, applicant, on behalf of Wildlife Timber Corporation, owner, is requesting approval of a Special Use Permit for the operation of a trade and technical school (6115), school and instruction facility (6116), and shooting range (71399) for law enforcement and military training purposes. The property is located at 33637 NC Highway 210, Currie, and may be identified by Pender County PIN 2244-75-9045-0000. The property is zoned as RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses, trade and technical schools, school and instruction facilities, and shooting ranges 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.

**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 trade and technical school, school and instruction facility, and shooting range, 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: Brown \_\_\_ McCoy \_\_\_ Tate \_\_\_ Ward \_\_\_ Williams \_\_\_

\_\_\_\_\_ 3/18/13  
Chairman  
Date

\_\_\_\_\_ 3/18/13  
ATTEST Date

**PLANNING STAFF REPORT**  
**Special Use Permit**

---

**SUMMARY:**

**Hearing Date:** March 18, 2013  
**Applicant:** ALASTAR TDS  
**Property Owner:** Wildlife Timber Corporation  
**Case Number:** 10870

---

**Land Use Proposed:** ALASTAR TDS, applicant, on behalf of Wildlife Timber Corporation, owner, is requesting approval of a Special Use Permit for the operation of a trade and technical school (6115), school and instruction facility (6116), and shooting range (71399) for law enforcement and military training purposes.

**Property Record Number and Location:** The subject property is located at 33637 NC Highway 210 in Currie approximately one mile south of NC Highway 210 and two miles east of the Bladen County line. The property may be identified by Pender County PIN 2244-75-9045-0000. There is one tract associated with this request totaling 381.5 acres; however, the proposed use will only occupy 26.5 acres.

**Zoning District of Property:** The property is currently zoned RA, Rural Agricultural district, which permits a trade and technical school (6115), school and instruction facility (6116), and shooting range (71399) with an approved Special Use Permit.

---

**PROJECT DESCRIPTION:**

ALASTAR TDS, applicant, on behalf of Wildlife Timber Corporation, owner, is requesting approval of a Special Use Permit for the operation of a trade and technical school (6115), school and instruction facility (6116), and shooting range (71399) in the RA, Rural Agricultural district. The proposed use will include the operation of a regional training facility including a shooting range and driving course for military, medical, and law enforcement training purposes. The applicant is proposing the construction of two structures for office and training use along with the construction of four shooting ranges onsite. Currently the site is vacant. The proposed use will utilize 26.5 acres of the 381.5 acre parcel.

The proposed facility will provide training facilities for local, state, and federal law enforcement and rescue agencies, military units, and private entities. Based on the proposed use, the applicant has stated in the narrative that hours of operation will occur from dawn to dusk, as well as after dusk for specialized training. In order to avoid any disturbance to adjacent properties, the applicant is proposing to locate the facility within the center of the wooded area of the tract to mitigate any disturbance.

Future access along NC Highway 210 will be subject to review and approval from NCDOT. Additionally, based on the size of disturbance, the site will be required to obtain a Stormwater Permit and Sediment and Erosion Control Plan prior to the issuance of a building permit.

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*. A part of this review will include compliance with *Article 8, Landscaping and Buffering*, as prescribed in the *Pender County Unified Development Ordinance*. In addition, all other applicable permits and approvals must be obtained including, but not limited to, building inspection and health department regulation compliance.

---

**UNIFIED DEVELOPMENT ORDINANCE – SECTION 5.2.3, TABLE OF PERMITTED USES**

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OI	IT	GI	EC
<b>Sector 61: EDUCATIONAL SERVICES</b>											
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P		P	P		
<b>Sector 71: ARTS, ENTERTAINMENT, AND RECREATION</b>											
All Other Amusement & Recreation Industries	71399	S				P	P		P		

**NORTH AMERICAN INDUSTRY CLASSIFICATION SYSTEM (NAICS)**

**6115 Technical and Trade Schools**

- 611519 Security guard training
- 611519 Police training schools
- 611519 Fire fighter training schools
- 611692 Driver training schools

**6116 Other Schools and Instruction**

- 611699 Survival training instruction
- 611699 CPR (cardiac pulmonary resuscitation) training and certification
- 611699 Life guard training

**713990 All Other Amusement and Recreation Industries**

- 713990 Shooting ranges

**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. Additionally, a public notification sign has been placed on the property.
- B. Basis for Granting SUP:** See Attachment A for approval procedures (§3.12.3 of the *Unified Development Ordinance*) and revision and revocation procedures (§3.12.4 of the *Unified Development Ordinance*).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural District, which permits trade and technical schools (6115), school and instruction facilities (6116), and shooting ranges (71399) with an approved Special Use Permit, as prescribed in the *Pender County Unified Development Ordinance, Section 5.2.3 Table of Permitted Uses*.
- D. 2010 Comprehensive Land Use Plan Compliance:** The subject property is classified as Rural Growth in the *2010 Comprehensive Land Use Plan*.
  1. 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.
  2. Requests classified as Rural Growth shall include major job-creating activities that are compatible with farms, forestry and very low-density development are appropriate.

3. Development within Rural Growth areas should be limited to only those types of land uses and development intensities that can be accommodated by services typical in non-urban areas, e.g., private on-site water supply (or public water, as available) and on-site septic systems.

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

- **Goal 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.

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

- E. Existing Land Use in Area:** The existing land use in the area is low density single-family residential interspersed with vacant properties.
- F. Site Access Conditions:** The proposed use will have direct access to NC Highway 210 with the use of an easement on the adjacent property located north of the site. The new access will be subject to review and approval by the NCDOT.

**G. Conditions To Consider In Issuing A Revision of the Special Use Permit For This Project:**

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 24 months.

1. The project shall comply with all requirements of the Pender County Unified Developed Ordinance.
2. A separate permit must be obtained for any proposed signs in accordance with *Article 10* of the *Pender County Unified Development Ordinance*.
3. 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.
4. 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.
5. The usage and storage of explosives, ammunition, weapons, and any other hazardous materials or exercises shall be stored, maintained, and performed in compliance with any and all applicable local, state and federal regulations.

---

**TECHNICAL REVIEW COMMITTEE (TRC) RESPONSES:**

**Cape Fear Council of Governments RPO**

*This proposed use should require nothing more than a driveway permit from DOT.*

**Four County Electric Company**

*No response*

**NC DENR Division of Coastal Management**

*No response*

**NC DENR Division of Forestry**

*No response*

**NC DENR Division of Land Resources**

*It appears the disturbance will be over 26 acres and will therefore need an erosion and sedimentation control plan.*

**NC DENR Division of Waste Management**

*No response*

**NC DENR Division of Water Quality**

*No response*

**NC DOT Division of Highways**

*Appears a driveway permit will be required.*

**NC DOT Transportation Planning Branch**

*No response*

**NC Office of State Archaeology**

*No response*

**NC Wildlife Resources Commission**

*No response*

**Pender County Building Inspections**

*No response*

**Pender County Emergency Management**

*No response*

**Pender County Environmental Health**

*No response*

**Pender County Fire Marshall**

*No response*

**Pender County Parks and Recreation**

*No response*

**Pender County Public Library**

*No response*

**Pender County Public Utilities**

*No response*

**Pender County Schools**

*No response*

**Pender County Sheriff's Department**

*No response*

**Pender County Soil and Water Conservation District**

*Soil & Water sees no problem as long as DENR & COE are okay with project.*

**Progress Energy Corporation**

*No response*

**US Army Corps of Engineers**

*No response*

**Wilmington Metropolitan Planning Organization**

*The location for the Special Use Permit case 10870 is outside the WMPO boundary, therefore, I will not be commenting on the plan for the WMPO.*

## Attachment A

### **3.12.3 Procedures for Reviewing Applications**

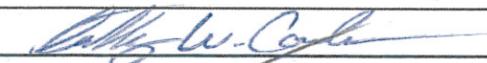
- G. The Board of Commissioners shall approve, modify, or deny the application for a Special Use Permit. In approving a Special Use Permit, the Board of Commissioners, with due regard to the nature and state of all adjacent structures and uses in the district within same is located, shall make written 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. After a public hearing has been held, the Board of Commissioners may revoke the Special Use Permit upon finding any of the following:
- 1) That the approval was obtained by fraud.
  - 2) That the use for which such approval was granted is not being executed.
  - 3) That the use for which such approval was granted has ceased to exist or has been suspended for one year.
  - 4) That the permit granted is being, or recently has been exercised contrary to the terms or conditions of such approval.
  - 5) That the permit granted is in violation of an Ordinance or Statute.
  - 6) That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance.
- C. Expiration - 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. The Administrator may provide one extension of the expiration date by no more than 6 months, for complex projects requiring major state or federal permits, upon receipt of a written request for such extension by the applicant detailing the reasons for delay in completion of the requirements for the Zoning Approval.
- H. Revisions - Major revisions to a Special Use Permit must be submitted to the Board of Commissioners. All legal notice and application fee requirements must be met for major revisions. Revisions that are considered minor revisions to an approved Special Use Permit

may be reviewed and approved by the Administrator after basic submission requirements have been completed. All revisions approved by the Administrator must meet the original conditions of the permit as approved by the County Commissioners and current provisions of the Zoning Ordinance. The addition of an accessory structure less than 1000 sq. ft., addition of parking or other ancillary facilities or uses or the addition of similar product lines are examples of revisions that may be considered minor revisions.

## APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP 10870	Date	2-4-13
Application Fee	\$ 510.00	Receipt No.	
Pre-Application Conference		Hearing Date	3-18-13
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	ALASTAR TDS-C LLC.	Owner's Name:	Wildlife Timber Corp David A. Esposito Pres
Applicant's Address:	2020 CAPITAL DRIVE	Owner's Address:	5229 Mason Barr Harbor Dr Wilmington NC 28409
City, State, & Zip	WILMINGTON, NC 28405	City, State, & Zip	Wilmington NC 28405
Phone Number:	910 690 0331	Phone Number:	910-612-3795
Legal relationship of applicant to land owner: Lease <input checked="" type="checkbox"/>			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	2244-75-9045-0000	Total property acreage:	381.5 acres
Zoning Classification:	EA RA	Acreage to be disturbed:	26.5 acres
Project Address :		NAICS Code:	
Description of Project Location:	Law Enforcement, First Responder, Military Training South West of Currie, NC and just off Hwy 210		
Describe activities to be undertaken on project site:	Law Enforcement, First Responder, and Military Training		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	30 JAN 2013
Owner's Signature		Date:	2/1/13
NOTICE TO APPLICANT			
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on the Special Use Checklist.</li> <li>2. Applicant or agent authorized in writing must attend the public hearing.</li> <li>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.</li> <li>4. Applicant may wish to review the required findings for approval of a Special Use Permit found on page 1 of this application</li> <li>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.</li> </ol>			

Office Use Only					
<input checked="" type="checkbox"/> <b>General/</b> Fees: \$300 +\$10 per acre over 5 acres, Max. of \$5,000					<b>Total Fee Calculation: \$</b> 50.00
<input type="checkbox"/> <b>Tower over 75 Feet/</b> Fees \$500					<b>Application#:</b> 10870
<input type="checkbox"/> <b>Minor Revisions /</b> Fees \$100					<b>Date of Hearing:</b> 3-18-13
<input type="checkbox"/> <b>Mining</b> Fees \$750					
Attachments Included with Application: (Please include # of copies)					
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets	# of large	# of 11X17 20	Other documents/Reports <input checked="" type="checkbox"/> Y <input type="checkbox"/> N
<b>Payment Method:</b>	<b>Cash :</b> <input type="checkbox"/> \$ _____	<b>Credit Card:</b> <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		<b>Check:</b> <input checked="" type="checkbox"/> Check # _____	
Application received by:	Ashley Mmcade				Date: 2-4-13
Application completeness approved by:	Ashley Mmcade				Date: 2-4-13

### Special Use Permit Checklist

<input type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input type="checkbox"/>	Application fee
<input 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 type="checkbox"/>	One business size envelope legibly addressed with first class postage for each of the adjacent property owners on the above list.
<input type="checkbox"/>	<b>Project Narrative</b> --Written description of the project (max of 3 pages) including the following: <ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Location of the project and type of access to project site</li> <li><input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc.</li> <li><input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site</li> <li><input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers</li> <li><input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project</li> <li><input checked="" 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.</li> </ul>
<input type="checkbox"/>	<b>Project Map(s)</b> --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"> <li><input checked="" 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.</li> <li><input checked="" type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road.</li> <li><input checked="" type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property.</li> <li><input checked="" type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries.</li> <li><input checked="" 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.</li> <li><input checked="" 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.</li> <li><input checked="" type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO)</li> <li><input type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO)</li> <li><input checked="" type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO)</li> <li><input type="checkbox"/> Pedestrian walks, area lighting and flood lighting.</li> <li><input checked="" 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 &amp; known or designated wetlands on the site.</li> <li><input type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site.</li> <li><input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted.</li> <li><input type="checkbox"/> Two full size and twenty reduced size (max. 11"x17") copies of this map(s) shall be submitted.</li> </ul>
<b>RETURN COMPLETED APPLICATION TO:</b> Pender County Planning & Community Development P.O. Box 1519 Burgaw, NC 28425	