



REQUEST FOR BOARD ACTION

ITEM NO. 28.

DATE OF MEETING: October 21, 2013

REQUESTED BY: Ed McCarthy, Planner II, Planning & Community Development

SHORT TITLE: Resolution to Approve a Special Use Permit (SUP) for the Use of Other Schools and Instruction Operation.

BACKGROUND: Alastar TDS-C, applicant, on behalf of Wildlife Timber Corp., owner(s), is requesting approval of a Special Use Permit for Other Schools and Instruction (NAICS 6115/6116) Business (Case Number: 11025). The property is located approximately 3,100 feet southeast of the intersection of Bethel Church Road and NC Highway 210 and may be identified as Pender County PIN 2244-75-9045-0000. The property is zoned RA, Rural Agricultural, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Other Schools and Instruction (NAICS 6115/6116) is 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 (SUP) for a (school and instruction business).

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 the use of a (School and Instruction Business), 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 ___

Chairman 10/21/2013

Date

ATTEST 10/21/2013
Date

PLANNING STAFF REPORT
Special Use Permit

SUMMARY:

Hearing Date: October 21, 2013
Applicant: Alastar TDS-C
Property Owner: Wildlife Timber Corp.
Case Number: 11025

Land Use Proposed: Alastar TDS-C, applicant, on behalf of Wildlife Timber Corp., owner(s), is requesting approval of a Special Use Permit for a School and Instruction Business.

Property Record Number and Location: The property is located approximately 3,100 feet southeast of the intersection of Bethel Church Road and NC Highway 210 and may be identified as Pender County PIN 2244-75-9045-0000.

Zoning District of Property: The property is currently zoned RA, Rural Agricultural, and Other Schools and Instruction (NAICS 6115/6116) is permitted via SUP in the RA zoning district.

Project History:

During the March 18, 2013 Board of County Commissioner's meeting, ALASTAR TDS-C, applicant, on behalf of Wildlife Timber Corporation, owner, was denied approval of a Special Use Permit (Case Number 10870) for the operation of a trade and technical school (6115), school and instruction facility (6116) and shooting range (NAICS 71399) for first responder, law enforcement and military training purposes. The application was denied on the basis that it would impair the integrity or character of the surrounding or adjoining districts and properties, and would also affect the safety, health, morals, and welfare of the community or of the immediate neighbors of the property.

The Findings of Fact stated (03/18/2013):

"There was no evidence to show that safety risks associated with an outdoor shooting range would be mitigated. The project is located in a low-density, quiet area of the county, and the presence of live ammunition being fired would significantly disrupt the health, safety, morals and welfare of the immediate neighbors and surrounding community. Among other things, testimony was given from a citizen who presently resides in the immediate vicinity of the property and who has previously lived adjacent to a shooting range and was stated that in her prior residential location the property values declined, wildlife had been affected, and the surrounding properties were having a hard time being sold. This testimony was persuasive that the operation of the proposed shooting range would impair the integrity and character of the neighborhood."

PROJECT DESCRIPTION:

Presently, Alastar TDS-C, applicant, on behalf of Wildlife Timber Corp., owner(s), is requesting approval of a Special Use Permit for a "First Responder/Military Training Facility", to include activities classified under, Technical and Trade School (NAICS 6115)/Other Schools and

Instruction (NAICS 6116) on 1 acre of an approximately 381.50 acre parcel, which houses one manufactured home structure. The subject property is located approximately 3,100 feet southeast of the intersection of Bethel Church Road and NC Highway 210 and may be identified as Pender County PIN 2244-75-9045-0000.

The applicant is proposing to construct a 6,000 sq. ft structure within the 1 acre boundary, to utilize as a classroom facility. Similarly, the applicant will utilize the existing 2,200 sq. ft open air shed for storage purposes. According to the applicant’s narrative, “The training area will be available to the aforementioned groups from 7 a.m.-11 p.m., Monday-Friday with the majority of use between the hours of 7 a.m. and 7 p.m. The estimated number of employees is 15-20.”

The application details the following activities to occur on site:

“First aid (NAICS 6116), photography (NAICS 6115), observation (NAICS 6115), interview techniques (NAICS 6115), breaching techniques (including mechanical and thermal; which encompasses Halligan tools, sledge hammers, man portable torches, saws and other cutting devices), (NAICS 6115), indoor tactical marksmanship (Simunition “Non-Lethal Rounds/Marking Rounds/Training Rounds”) (NAICS 6115), defensive tactics (NAICS 6116), weapons maintenance (NAICS 6115), and off road vehicle recovery (NAICS 6115)”.

In reviewing the 2012 Orthoimagery, it appears that the closest “external” residential structure is located approximately 0.3 miles from the eastern property line.

All proposed Simunition (Non-Lethal Ammunition/Marking Rounds/Training Rounds) discharge will occur indoors within the 1 acre boundary, as delineated on the map.

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. In addition, all other applicable permits and approvals must be obtained including inspections and health department regulation compliance.

Use Type	Ref NAICS	Zoning Districts									
		RA	RP	RM	MH	PD	GB	OF	IT	GI	EC
Sector 61: Educational Services											
Technical and Trade Schools	6115	S				P	P	P	P	P	
Other Schools and Instruction	6116	S				P		P	P		

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. A sign advertising the meeting was also placed on site.
- B. Basis for Granting SUP:** See attachment A for approval procedures (§3.12.3 of Unified Development Ordinance) and revocation procedures (§3.12.4 of Unified Development Ordinance).
- C. Unified Development Ordinance Compliance:** The property is currently zoned RA, Rural Agricultural, and Technical and Trade Schools/Other Schools and Instruction is permitted in

the RA zoning district by Special Use Permit, as prescribed by the Pender County Unified Development Ordinance §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*. 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.

The SUP request may be supported by a policy within the *2010 Comprehensive Land Use Plan*:

- **Policy 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.*

- E. Existing Land Use in Area:** The subject property's borders to the north and northeast are adjacent to two tracts participating in the state's present use value program and are 328.73 and 159.22 acres, respectively. The property directly to the east is a 397.60 acre parcel which houses one single family residential home. The properties bordering the southern and western boundaries of the subject parcel are all participating in the state's present use value program.

- F. Site Access Conditions:** The proposed use plans to access to NC Highway 210 via access easement. The access connection to NC Highway 210 will be subject to review and approval by the NCDOT.

G. Conditions To Consider In Issuing the Special Use Permit For This Project:

1. The project shall comply with all requirements of the Pender County Unified Development Ordinance.
2. As prescribes in Section 3.12.4.C of the Pender County of the UDO; 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.
3. 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.
4. The applicant shall meet all other local, state and federal regulations.
5. 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.
6. Hours of operation will run from 7 a.m.-11 p.m., Monday through Sunday.
7. A 50' buffer, to include Type C vegetation must be identified and remain intact around all activities on-site from adjacent parcels or ROWs, which includes future project expansions.

Attachment A

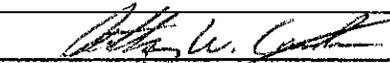
3.12.3 Procedures for Reviewing Applications

- A. The special uses, as specified in the various districts, may be established only after review and approval by the Board of Commissioners.
- B. The Board of County Commissioners, acting in a quasi-judicial manner and setting, shall hear evidence from the applicant and any interested members of the public.
- C. The Board of Commissioners shall hold a public hearing on the application for a Special Use Permit within sixty (60) days after the completed application is filed.
- D. The Administrator shall cause notice of the hearing to be published once a week for two successive calendar weeks. The notice shall be published for the first time not less than ten (10) nor more than twenty-five (25) days before the date fixed for the hearing.
- E. All Special Use Permit applications must be presented to the Administrator for a determination of completeness.
- F. An appeal from a completeness determination may be made to the Board of Adjustment within twenty (20) days of the determination.
- 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.

APPLICATION FOR SPECIAL USE PERMIT

THIS SECTION FOR OFFICE USE			
Application No.	SUP	Date	
Application Fee	\$	Receipt No.	
Pre-Application Conference		Hearing Date	
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Alastar TDS-C	Owner's Name:	Wildlife Timber Corp.
Applicant's Address:	2020 Capital Dr	Owner's Address:	5224 Masonboro Harbor Dr.
City, State, & Zip	Wilmington, NC 28405	City, State, & Zip	Wilmington, NC 28409
Phone Number:	910 690 0331	Phone Number:	910-799-0110
Legal relationship of applicant to land owner: Leasee			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	2244-75-9045-0000	Total property acreage:	381.50
Zoning Classification:	RA	Acreage to be disturbed:	1
Project Address :	33637 NC HWY 210 Canetuck, NC		NAICS Code: 6116
Description of Project Location:	Upland / Wooded		
Describe activities to be undertaken on project site:	Listed in project narrative		
SECTION 3: SIGNATURES			
Applicant's Signature		Date:	5 SEPT 2013
Owner's Signature		Date:	9/5/2013
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 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: \$ 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	
Payment Method: Cash: <input type="checkbox"/> \$ _____		Credit Card: <input type="checkbox"/> MasterCard <input type="checkbox"/> Visa		Check: <input type="checkbox"/> Check # _____			
Application received by:		<i>L. M. Keith</i>				Date: 9.5.13	
Application completeness approved by:		<i>L. M. Keith</i>				Date: 9.5.13	

Special Use Permit Checklist

<input type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input 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 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 checked="" type="checkbox"/> Location of the project and type of access to project site <input checked="" type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input checked="" type="checkbox"/> Description of all construction activities to be undertaken on the site <input checked="" type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input checked="" type="checkbox"/> List of all state and federal permits that will be required for the project <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 (this item must be addressed by the applicant). 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 readable 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 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. <input checked="" type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input checked="" type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input checked="" type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <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. <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. <input checked="" type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO) <input checked="" type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO) <input checked="" type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO) <input checked="" type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <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 & known or designated wetlands on the site. <input checked="" type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site. <input checked="" type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted. <input checked="" 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	

**Narrative for Alastar TDS-C SPU Application:
6116 - Other Schools and Instruction**

The address referenced for this Special Use Permit application is 33637 NC Hwy 210 on parcel (PIN# 2244-75-9045-0000). It is south west of Currie, NC, approximately 1 mile south of NC Highway 210, 2.3 miles west of Canetuck Road, and 1.5 miles north of Keith Rd. Access to the property is gained via an unimproved road with an easement granted through the property adjacent to the north. The proposed uses within this application are allowed via special use permit on this property by the Pender County Uniformed Development Ordinance (UDO).

The project will utilize one acre of the parcel and provide a site for local, state, and federal law enforcement agencies, rescue and fire, military units, and private entities to gain advanced skills training relevant to their professions. Material includes but is not limited to, first aid, photography, observation, interview techniques, breaching techniques, indoor tactical marksmanship (close quarters combat), defensive tactics, weapons maintenance, and off road vehicle recovery. The training area will be available to the aforementioned groups from 7am-11pm, Monday – Friday with the majority of use between the hours of 7am and 7pm. The estimated number of employees is 15-20.

A metal building (6,000 sq ft) will be constructed, to all applicable codes to provide classroom facility.

All construction will be in compliance with Pender County UDC and all other governing agencies standards, regulations and requirements.

Power is supplied to the property by Four County Electric Membership Corp. Water will be supplied by the Pender County Water and Sewer Department. Sewer will be constructed onsite.

The necessary/applicable permits include sediment and erosion control permit, and any applicable permits for storm water runoff by the NC Division of Water Quality. All other permits will be addressed in our Major Site Plan and be in accordance with the Pender County UDO and all other local, state and federal regulations, codes, and requirements.

No negative impact to the community or neighbors can be identified as none of the activities will expose adjacent landowners to any nuisance or danger. Increase in traffic to the site will typically be less than 30 vehicles per day. The 2012 NC DOT AADT (traffic volume) Map shows the annual average daily traffic count on HWY 210 in the vicinity of Currie Township as 2800. Our facility will only increase that number by approximately 30 vehicles daily, a mere .01% increase. Drivers will be required to drive at 15 mph or less on the access road to insure safety and keep dust to a minimum.

This facility will not only require new, locally provided construction, but also bring new jobs and business to Pender County. Surrounding businesses can expect increased revenues in the range of tens of thousands per month. The project will link the professional development of law enforcement, first responders, and military to Pender County and south eastern North Carolina. Our project will be the highest quality training facility in this part of the nation. We intend on offering access to our project to the area's local agencies. Our communities will benefit greatly from better trained and more qualified first responders.