

COUNTY OF CLEVELAND, NORTH CAROLINA
AGENDA FOR THE BOARD OF ADJUSTMENT MEETING

August 29, 2019

4:00 PM

Call to order and Establishment of a Quorum

Invocation and Pledge of Allegiance

Approval of Minutes

Minutes from the July 25 2019 Board of Adjustment Meeting

Cases

Case 19-11: Request for a Conditional Use Permit to operate a Recreational Vehicle (RV)
Park at 2452 Brookfield Drive

Miscellaneous Business

Adjournment

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Minutes

Department:

Agenda Title: Minutes from the July 25 2019 Board of Adjustment Meeting

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 7-25-2019_BOA_minutes.pdf	Minutes



MINUTES
CLEVELAND COUNTY BOARD OF ADJUSTMENT
Commission Chambers – County Administrative Building
311 East Marion St., Shelby, North Carolina
Regular Meeting - 4:00 p.m.
July 25, 2019

Members Present

Jeff Ward, Chairman
Joyce Coleman, Vice Chairman*
Bobby Watson
Paul Aulbach
Doug Lawing

Members Absent

Tommy Brooks
Thomas Fletcher

Others Present

Chris Martin, Senior Planner
Henry Earle, Planner
Anna Parker, Clerk
Elliott Engstrom, County Attorney
Cynthia & Nile Wilson, Applicant
John Murray
Brenda Ivester
Mark & Kathy Smith
Rebecca Barnette
Keith & Wanda Laugheter
Kenneth & Barbara Bumgardner
Don & Patricia Carroll
Robert Bolin
Stuart Gilbert, City of Kings Mtn.
Chris Callipher
Lawrence Humphries

*Left at 4:50 pm due to an emergency

CALL TO ORDER AND ESTABLISH QUORUM

Chairman Ward called the meeting to order at 4:00 pm. He determined quorum was present.

PLEDGE OF ALLEGIANCE AND INVOCATION

Joyce Coleman led the Invocation and **Chairman Ward** led the Pledge of Allegiance.

Chairman Ward reminded the audience that the Board is here to listen to evidence, not hearsay, regarding this case. Due to the number of audience members wishing to speak, he may need to impose a three-minute time limit. When people speak, they need to address the Board, not each other in the audience.

APPROVAL OF FEBRUARY 28, 2019 AND MAY 30, 2019 MINUTES

Paul Aulbach made a motion to approve the February 28, 2019 and May 30, 2019 Minutes. It was seconded by Bobby Watson and unanimously carried.

CASE #19-10. CONDITIONAL USE PERMIT: FIREARM TRAINING FACILITY

Applicant: Cynthia and James Nile Wilson, Jr.

Location: 142 Reep Rd.

Parcel #s: 55884 & 55885

Chris Martin was sworn in to present the Staff Report. Many uses require a Conditional Use Permit (CUP) and the Board must determine if the application is complete and if it meets the four criteria. He said the applicant, James Nile Wilson, Jr. and Cynthia Wilson have submitted an application and a site plan for a firearm training and instructional facility at 142 Reep Rd. The property consists of two adjoining parcels that total about five acres off of the dead end Reep Rd. in the Oak Grove area. The applicant has provided documents showing he is an FFL Holder, has EMT training, taken a Pistol Fundamentals course, is certified as an instructor by the NRA, and he has 12 to 13 letters of reference including three from adjoining property owners. The site plan shows the residence, the adjoining properties, and the area of the facility south of the residence which the applicant will review further. A Firearm Training and Instructional facility is allowed with a CUP since it falls into the Recreational Use according to Zoning Table of Uses. It is live fire training. The house on the front is the applicant's residence. The site plan shows a berm and the facility on the southern end of the property and the residence is on the northern end as shown on the GIS aerial projection. There are structures to the right but Mr. Martin was unsure what they are.

Chairman Ward opened the Public Hearing at 4:10 pm.

James Nile Wilson, Jr. of 142 Reep Rd. was sworn in. He is 52 years old and has lived there for 17 years. He has been training all his life- he is also a justice academy instructor, is an avid shooter, and has trained Delta Force, Rangers, SWAT teams, private security, and licensed security. This facility is private, not public, for law enforcement. He has a son-in-law is in law enforcement. Mr. Ward stated his credentials are not in doubt.

Mr. Wilson showed the facility building on the aerial photo. He stated the GIS lines are off a little and the surveyed site plan is the accurate depiction of his property line. The building on the left is within his property line which is not depicted accurately on Web GIS. Public safety is his goal. The people that come to his facility go through rigorous training. He has been working with the NRA for a year to improve and is in constant communication with them. The berms are 12 to 15 feet high, and they are adding backers eight foot over the berm. There are gates to the property that are shut so no one can get in or out during a class. Line of fire is to the South toward the berm. They have a ten-foot tall line of berms on the east of the property. They will add to the right of the property as well. They shoot straight forward, not to the left or right. There are tires with sand in the seams on all three sides for a safety precaution. Most of the work is 20 yards in and some to 40 yards in. They do a lot of pistol work. They follow the Standard Operating Procedure (SOP) in the handbook. The instructor to student ratio is 1 to 2 and sometimes 1 to 3. Concealed Carry is one to one instructor to student. Instructors consist of combat vets, SWAT teams, Law Enforcement, and contract security, and licensed private security. Their facility is hidden so it won't affect adjoining property values. It is kept clean. The site is in harmony working with local law enforcement, and they want to work with the BOA to be in harmony with the community.

Bobby Watson asked if the facility is in operation now. Mr. Wilson said they have ceased operations, but they plan to operate on the weekends, mostly Saturdays from 9 am to 4 pm or 5 pm. He said they receive requests for evening low-light training, but they don't offer that. Chairman Ward asked if there will be any long rifles, since they have a fifty-yard firing line. Mr. Wilson said no, not in training. There will only be personal rifle use for him and his son, but not for the business or classes. The shooting will be 40 to 50 yards or closer in, with mostly pistols and transitions. They will be firing during training. They will have side berms that are 6 foot-high with 10 feet high of round hay bales stacked behind them.

Mr. Wilson showed on the aerial a storage unit, a manufactured home his cousin lives in, and a camper on the property, as well as other residences around their property. They shoot down in a hole below any of the structures, downward. One residence is about 75 feet in elevation from the site and the next house is about 90 feet in elevation.

Chairman Ward asked if there will be any skip. Mr. Wilson said that is why they are adding backers. They use frangible rounds (a special type of copper) or lead base so it disintegrates. They do not allow steel core. They keep the soil at a 7.5 PH by putting lime out two times a year and will test the soil if needed for lead by sending samples to Asheville. They do not shoot enough lead for it to not organically dissipates; the lead organically dissipates through the soil. There is good PH in the soil- it is sandy clay and the area does not PERC on the lower area.

Mr. Wilson went into more detail on the southern part of the property aerial- it shows Potts Creek on the south end of their property line, and a field below the creek on an adjoining property. The next house is about 90 feet in elevation and is south about 1670 feet from the training facility. It is owned by Donald and Patricia Carroll who are present at the meeting. The manufactured home that Mr. Wilson's cousin lives in is not on the Wilson's property, but the facility storage container is. The GIS lines are off and the survey is an accurate portrayal of the buildings and property lines. Mr. Martin stated that the GIS property line layer is not always accurate.

Mr. Aulbach pointed out the back portion of the property is 807 feet from the road. Mr. Wilson said yes, and only the back 400 feet is live fire.

Chris Callipher of 9500 Quail Hollow Lane in Charlotte was sworn in. He has worked with Nile (Mr. Wilson) six or seven months. He has seven years in Special Operations, five deployments in Iraq and Afghanistan, and has worked with many units including Delta, Seals, Green Berets, etc. He currently trains police officers, DOCs, and security officers. He is licensed to do contract work. The training for law enforcement and DOCs doesn't have access what Nile offers. He has been to Nile site and safety is the number one feature. There is more trainer and range officer to student ratio than anywhere else. He has not seen a better system. There is

nothing around that allows access to this type of training. Their hit ratio within ten feet is below 10% so they need this training. Indoor range training is not good enough; it is to work on the fundamentals only. They learn under fire situations and getting their heart rate up; and there is not a service like this within 100 miles from Charlotte. There is none with the same safety record. Mr. Callipher stated that in his expert opinion, safety is number one at the site.

Elliott Engstrom stated that he believes Mr. Callipher has qualified himself as an expert to present his expert opinion. Chairman Ward agreed.

Mr. Wilson reviewed the “shoot house” usage. They use simunition guns with non-lethal rounds. The public is not allowed participate; any participants must be at a high caliber like himself or Mr. Callipher. They are not using live ammo, but they could. The walls are 6” thick with pea gravel based on an old design from Quantico. This simunition training is for professionals only. It is teaching how to handle stress induced situations. It is open aired and closed at the back. When using live fire, it is well regulated. When the heart rate reaches 145 beats per minute, you lose motor and thinking skills. When you reach 175 beats a minute you lose auditory. They start with blank rounds and move up to simunition (non-lethal) rounds which hurt. Most of their work is with pistols. Everyone must complete a two-hour class first. The shoot house is for those who are trained only, such as law enforcement, not the public.

Mr. Lawing asked if they go through a checklist with every trainee. Mr. Wilson said yes, it is strictly regulated. Everything is inspected and they follow a standard SOP, without compromise.

Mr. Ward asked if anyone would like to speak against the case.

Robert Bolin of 135 Cricket Ln. was sworn in. He has multiple businesses and rental properties in Kings Mountain. As a business owner, he is concerned with safety of customers, employees, and neighbors. He showed video footage on the projection screen from DefCon Delta (the Applicant’s website). In the video he pointed out a pole with a meter base nearby the shooting area, with someone running and shooting, and bullets hitting an old car on the site. He is worried about misfire into the woods. He showed four car tires on the side. He pointed out the targets- they are only foot and a half below the berm. There is an open field with cattle across the creek. He is concerned about bullets in the creek contaminating it with lead. On another video from the website, he showed someone on the site driving a car slowly and firing across another person out of the car. They are not shooting toward a berm. There the power and a meter to the right of them. There is another video footage showing someone shooting through the front windshield glass in a car on the site. He is concerned about ricochet. He said there is only about 400 square feet of range space here. At the Cleveland County Range there are 87 acres. Another video showed someone shooting at the door panel of a car from inside the vehicle and also through the glass of the car door. The fourth video showed the shoot house. He is concerned with someone tripping and misfiring. There are no inspections required like in a restaurant. The berms at the

Cleveland County range are over 20 feet tall. The berms here are up to eight feet tall. He is concerned about someone running and tripping while firing. Mr. Bolin said the range is active starting as early as at 8:30 am with shooting. He stated he was in the military.

Chairman Ward stated at this time (4:50 pm), Board member Joyce Coleman needed to leave unexpectedly due to an emergency. Since Ms. Coleman cannot be present to vote, it means that 3 of remaining 4 members need to vote in favor for this CUP to pass. He wants Mr. Wilson, the Applicant, to decide if he wants to proceed or have the Board postpone the meeting until there is a full Board.

Mr. Wilson said he would like for the Board to postpone the decision to the next meeting.

Mr. Engstrom stated that if there are different Board members present for that meeting, it would be fair to start the testimony over again, but there is no statute he can think of that requires it. Since Joyce Coleman is no longer here to listen to evidence, it would be best to stop hearing testimony at this time and to present it at the next meeting date. Mr. Martin said the next scheduled meeting is Thursday August 29th.

Paul Aulbach made the motion to postpone the hearing to the August 29th meeting at 4:00 pm. The motion was seconded by Bobby Watson and unanimously carried.

MISCELLANEOUS BUSINESS

There is no miscellaneous business for review.

ADJOURNMENT

Chairman Ward entertained a motion to adjourn.

Doug Lawing made the motion to adjourn the meeting. The motion was seconded by Bobby Watson and unanimously carried to adjourn at 4:54 pm.

ATTEST:

Jeff Ward, Chairman

Anna Parker, Clerk

COUNTY OF CLEVELAND, NORTH CAROLINA

AGENDA ITEM SUMMARY

Case 19-11

Department:

Agenda Title: Case 19-11: Request for a Conditional Use Permit to operate a Recreational Vehicle (RV) Park at 2452 Brookfield Drive

Agenda Summary:

Proposed Action:

ATTACHMENTS:

File Name	Description
<input type="checkbox"/> 19-11_Staff_Report.pdf	Staff Report
<input type="checkbox"/> 19-11_Site_Plan.pdf	Site Plan
<input type="checkbox"/> 19-11_Zoning_Map_2452_Brookfield_Drive.pdf	Zoning Map
<input type="checkbox"/> 19-11_Aerial_Map_2452_Brookfield_Drive.pdf	Aerial Map
<input type="checkbox"/> 19-11_Future_Land_Use_Map_2452_Brookfield_Drive.pdf	Future Land Use Map

STAFF REPORT

To: Cleveland County Board of Adjustment
Date: August 9, 2019
From: Chris Martin, Senior Planner
Via: Henry Earle, Planner
Subject: Conditional Use Permit Application 19-11

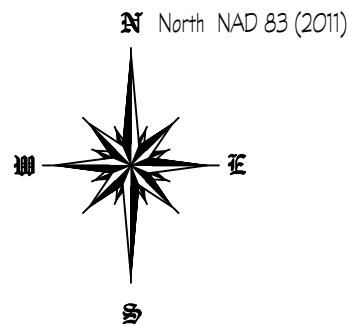
Summary Statement: Milk and Honey Farms, LLC is requesting a Conditional Use Permit to develop property for use as a Recreational Vehicle (RV) park. The company has submitted a completed application and a site plan proposing twenty (20) RV sites to be conducted in two (2) phases.

Review: The property for consideration is parcel 5126 located at 2452 Brookfield Drive. The zoning is Residential and the surrounding zoning is Restricted Residential to the North and Residential to the East, West and South. The surrounding area consists of residential uses. There are mostly single family dwellings along Brookfield Drive, along with a manufactured park to the southwest.

Recreational Parks are a compliant use in the Residential zoning district with the issuance of a Conditional Use Permit from the Board of Adjustment.

When issuing conditional use permits, the Board must consider the following four findings:

1. Will not materially endanger the public health or safety;
2. Will not substantially injure the value of adjoining or abutting property;
3. Will be in harmony with the area in which it is to be located; or
4. Will be in general conformity with the land use plan, thoroughfare plan, or other plans Adopted by the County Commissioners.



GENERAL NOTES

1. NO TITLE SEARCH BY LATTIMORE AND PEELER SURVEYING.
2. PROPERTY SHOWN SUBJECT TO EASEMENTS OF RECORD.
3. UNDERGROUND UTILITIES HAVE NOT BEEN LOCATED.
4. NO FEATURES LOCATED OTHER THAN THOSE SHOWN.
5. NC DOT R/W'S ARE APPROXIMATE UNLESS OTHERWISE NOTED.
6. ALL DISTANCES ARE HORIZONTAL GROUND DISTANCES UNLESS OTHERWISE NOTED.
7. IF THIS MAP DOES NOT HAVE AN ORIGINAL SIGNATURE IS NOT VALID.

NOTES:

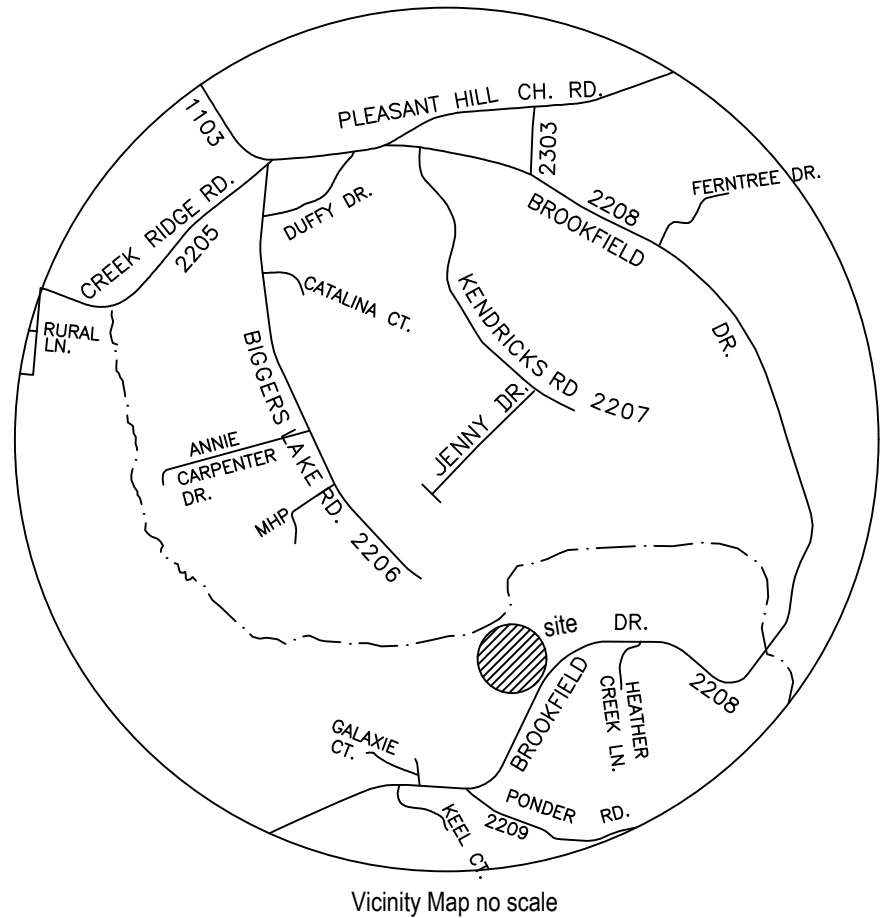
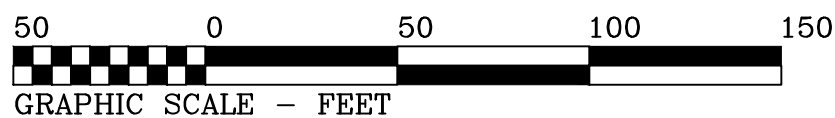
- NO BOUNDARY SURVEY WAS DONE TO CREATE THIS SITE PLAN
- BUFFER AREAS ARE PROPOSED

PLAN DETAILS:

PHASE 1: 10 SITES
PHASE 2: 10 SITES

SITE PLAN FOR RV PARK

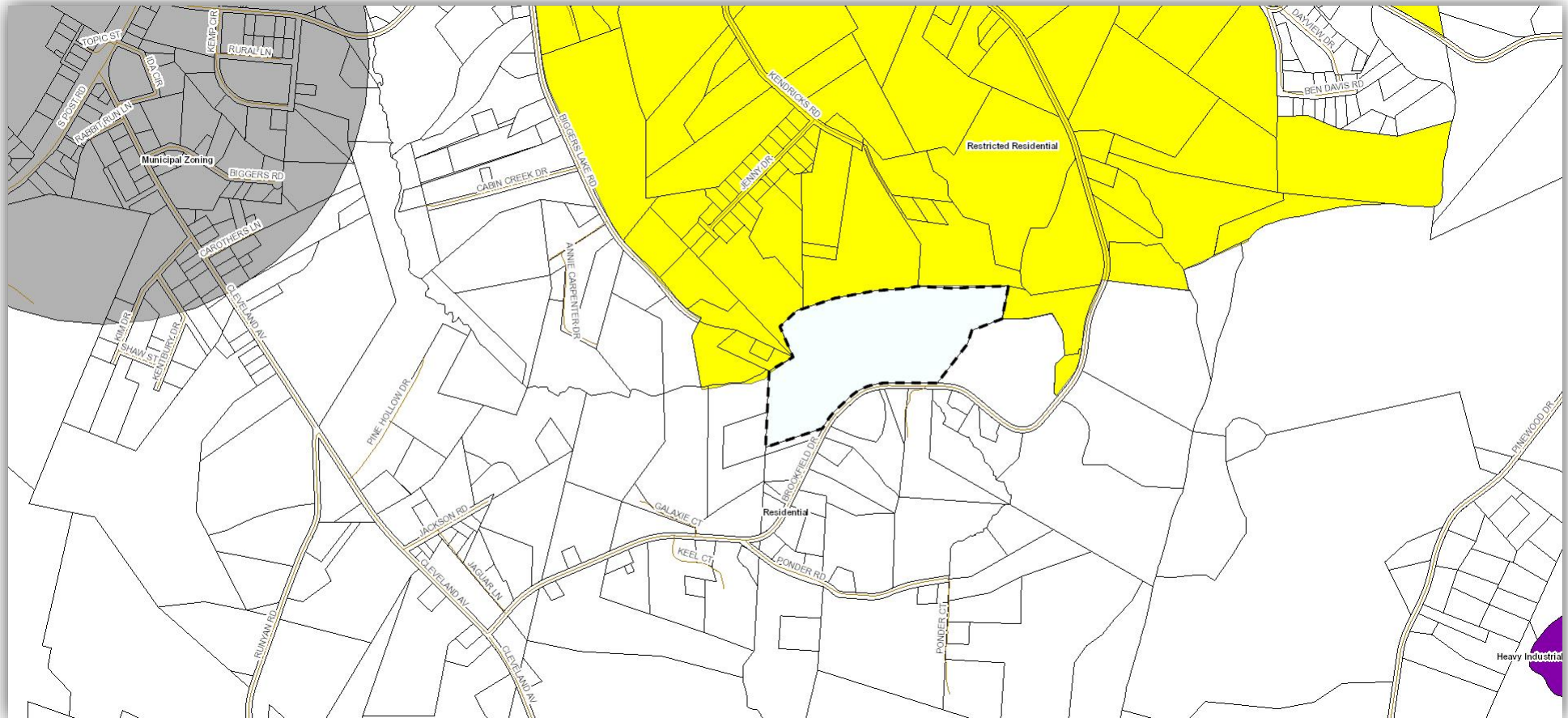
SURVEY FOR		MICHAEL GULLATTE	
PROPERTY ADDRESS: 2442 BROOKFIELD DRIVE			
TAX MAP REFERENCE: 3170-1-34U		DEED REFERENCE; 1661-355	
COUNTY: CLEVELAND	TOWNSHIP: NO. 3	NORTH CAROLINA	
SCALE 1"= 75'	CITY:	DATE: JULY 16, 2019	
LATTIMORE & PEELER SURVEYING		C.F. 3170134G D.F. 3170134	
105 LONDON ROAD LAWNDALE, NORTH CAROLINA	28090	(704) 538-3443	DRAWING #19-130B



Vicinity Map no scale

LEGEND	
	SURVEYED BOUNDARY LINES
	LINES NOT SURVEYED
	RIGHT OF WAY LINE
	FENCE LINE
	ELECTRIC LINE
	BURIED ELECTRIC LINE
	WATER LINE
	GAS LINE
	SAN. SEWER LINE
	TELEPHONE LINE
	HYDRANT
	GAS METER
	WATER METER
	POWER POLE
	TELEPHONE BOX
	NEW IRON PIN (NIP)
	EXISTING IRON PIN (EIP)
	UNMONUMENTED POINT
	MAG NAIL
	CONCRETE MONUMENT
	R.R. SPIKE SET
	R.R. SPIKE FOUND
	(F) = FOUND
	(S) = SET
	STONE
	TREE
	WELL

Case # 19-11 CUP for 2452 Brookfield Drive RV Park
Zoning Map, Parcel #5126 48.09 acres



Case # 19-11 CUP for 2452 Brookfield Drive RV Park
Aerial Map, Parcel #5126 48.09 acres



**Case # 19-11 CUP for 2452 Brookfield Drive RV Park
Future Land Use Map, Parcel #5126 48.09 acres**

