



CITY OF DURHAM | DURHAM COUNTY
NORTH CAROLINA



MAJOR SPECIAL USE PERMIT REPORT

Meeting Date: August 1, 2011

Reference Name	1017 South Hoover Road Recycling Center (M1100001)	Jurisdiction	City
Request	A major special use permit for the operation of a recycling center processing demolition and construction debris, replacing a recycling center processing household recyclables granted by previously approved major special use permit M99-1.		
Site Characteristics	Tier:	Urban	
	Use:	Recycling Center (household recyclables)	
	Zoning:	Industrial (I)	
	Overlays:	F/J-B	
	Size:	25.886 acres	
Applicant	A-1 Sandrock, Inc., Mr. Ronnie Petty	Submittal Date	March 7, 2011
Location	1017 South Hoover Road, on the south side of South Hoover Street, east of Angier Avenue, south of Ashe Street, and west of US Highway 70		
PIN(s)	0841-17-01-5302		
Recommendations	Staff will make a recommendation following the hearing		

A. Summary

Mr. Ronnie Petty, on behalf of A-1 Sandrock, Incorporated, requests a Major Special Use Permit to operate a recycling center to process demolition and construction debris. The current site was granted a Major Special Use Permit for a recycling center by the City Council (case M99-1, see a copy of the order in Attachment #4, and the approved site plan, D98-869, in Attachment #9). This proposal would modify the current use permit's Conditions of Approval number 7 (as shown on the approved site plan, number 4 on page 2 of the order; please see Attachment #'s 4 and 9) by changing the specified materials to be processed from household recyclables to demolition and construction debris. The proposal would utilize the same 35,000 square foot combined floor area of Building #5, and the office / weigh station space in Building #1 as was labeled by the previously approved permit (see Attachment #9).

The existing recycling center use is to remain, but the materials to be recycled are proposed to be changed. All activities associated with the use on site are proposed to be carried out within the building, with the exception of trucks bringing in the demolition and construction debris to process, and carrying out the resulting recycled products. No outdoor storage is proposed. No site changes are proposed. No modification to the approved site plan unless additional conditions are approved by the Council that would impact the site design.

The applicant proposes additional changes to the Conditions of Approval of the current use permit, reflective primarily of the change in materials processed. Some M99-1 Conditions of Approval have been omitted. See Attachment #'s 8a – the applicants proposed conditions of approval, with staff commentary, and 8b – the M99-1 Conditions of Approval, as shown on the approved site plan D98-869 for comparison and staff notes.

B. Summary of the Issues

1. The request involves a proposed change of materials to be processed for recycling. Approved use permit M99-1 Condition of Approval # 7 specifies the materials to be processed as household recyclables. The request proposes to change the materials to demolition and construction debris. All processing and storage is proposed to be done within the building. With the proposed change in the types of materials to be processed, a reduction in the possibility of noxious odors could be expected. Potential effects of the use on adjacent properties with the change in materials processed would be anticipated to otherwise remain the same as with the approved processing household recyclables.
2. The request also proposes to remove M99-1 Conditions of Approval #'s 2 (regarding the maintenance of the main access, Hoover Road, and the secondary Ashe Street access, driving surfaces to hold 75,000 lb), 3 (regarding the installation of a four-foot green coated wire fence and landscape screen adjacent to the Railroad Row along the length of the northern property line along Hoover Road), 4 (regarding sound baffling or further enclosing the portion of the building housing the bailing equipment), and 6 (regarding maintenance of a noise decibel level in compliance with the City's current and future noise ordinance). See Attachments 8a (Applicant's proposed Conditions of Approval, including Staff commentary) and 8b (M99-1 Conditions of Approval as shown on the approved site plan, which are the same as on the Order, but without the number error found on the Order.)
3. M99-1 Conditions of Approval #'s 2 (regarding maintenance of the main and secondary access road paving weight carrying capacity) and 3 (regarding the

green coated fence and landscape screen installation) should remain on any revised use permit approved by City Council.

4. M99-1 Condition of Approval #4 (regarding sound baffling or further enclosing the portion of the building housing the bailing equipment) may still need to be included on any revised use permit approved by City Council, depending on whether or not the bailing equipment will still be used in the proposed materials application.
5. Omission of M99-1 Condition of Approval #6 (regarding maintenance of a noise decibel level in compliance with the City's current and future noise ordinance) may or may not be appropriate, in that it may be redundant to M99-1 condition #10, (which specifies that the applicant comply with the City's noise ordinance) which is proposed to be retained.
6. The landscape screen required in M99-1 Order Condition of Approval #3, (regarding the green coated fence and landscape screen installation) and shown on site plan case D98-869 (see Attachment #'s 4 and 9) is not present on the site. Planning will require that this be installed prior to issuance of any Certificate of Occupancy.
7. Per staff site visit, the 32 parking spaces shown in the western corner of the approved site plan D98-869 (see Attachment # 9) are currently utilized for storage of another tenants' equipment and materials. These items must be removed from this area, and the area maintained as vehicular parking. Planning will require that this work be completed prior to issuance of any Certificate of Occupancy.
8. An added Condition of Approval, stating that required solid waste handling facilities shall be located within the building, should be included on any revised use permit order approved by the City Council.

C. Section 3.9.8: Criteria for Approval

1. Section 3.9.8A General Findings

Applications for major special use permits shall be approved only if the Governing Body finds that the use as proposed, or the use as proposed with conditions, is:

1. In harmony with the area and not substantially injurious to the value of properties in the general vicinity;
2. In conformance with all special requirements applicable to the use;
3. Will not adversely affect the health or safety of the public; and

4. Will adequately address the review factors identified below.

If City Council fails to find conformance with the conditions listed above, or makes findings which are inconsistent with those conditions listed above, then the proposed permit must be denied.

Staff analysis and conclusion. The Council should consider the information provided in the Staff analysis and conclusions for the following review Factors when making determinations on the General Findings.

2. Section 3.9.8B Review Factors

Section 3.9.8B requires consideration of the review factors shown below:

a. Circulation:

Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, bicycle, mass transit and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe.

Staff analysis and conclusion. The site is served by a main access point from South Hoover Road. The driveway crosses an existing railroad right-of-way and tracks. No changes are proposed to the site access. A secondary access point, a gravel drive off Ashe Street, to the east of the site (see Attachments #6 and 8), provides emergency vehicle access to the site in the event the main access point from Hoover Road is blocked.

The following circulation Infrastructure Impacts are provided by the Transportation Department:

Infrastructure Impacts

Road Impacts

NCDOT will construct the East End Connector (TIP U-0071) as a freeway to freeway connection between US Highway 70 Bypass and NC 147 to the east of this site. No right-of-way impacts to this parcel are proposed, however the access for this site will be revised with a proposed interchange at US Highway 70 and Ashe Street to the north of the site. Right-of-way acquisition for this project is currently scheduled to begin in fall 2011, with construction expected to start in summer 2013.

Affected Segments	S. Miami Blvd.	Angier Ave.	US 70
Existing Roadway Capacity (LOS D) (ADT)	11,400	11,400	34,900
Roadway Capacity (LOS D) w/ U-0071	11,400	11,400	55,300
Latest Traffic Volume (AADT)	6,400	4,300	40,000
Traffic Generated by Present Designation (average 24 hour)	*175		
Traffic Generated by Proposed Designation (average 24 hour)	**175		
Committed Transportation Elements			

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009);

S. Miami Boulevard: 2-lane major city/county roadway without left-turn lanes

Angier Avenue: 2-lane major city/county roadway without left-turn lanes

US 70 (existing): 4-lane undivided class I arterial with left-turn lanes

US 70 (with U-0071): 6-lane divided class I arterial with left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT traffic count map

***Assumption (Max Use of Existing Zone) – 25.9 acres of heavy industrial**

****Assumption (Max Use of Proposed Zoning) – 25.9 acres of heavy industrial**

Transit Impacts

Transit service is provided within ¼ mile of the site along Angier Avenue via DATA Route #2.

There are two DATA bus stops are at the intersection of South Hoover Road and Angier Avenue. One is on the southbound side of Angier Avenue, north of Hoover Road and the railroad tracks, while the other is on the northbound side of Angier Avenue, south of Hoover Road and the railroad tracks. There is no existing public sidewalk along the site's South Hoover Road frontage.

b. Parking and Loading:

Location of off-street parking and loading areas.

Staff Analysis and Conclusion. 35 vehicle parking spaces were required, based on the applicant-provided anticipated number of employees, for the use at this site on site plan D98-869 and major special use permit B99-1, with 39 provided. There are 39 vehicle parking spaces provided, as labeled on the site plan. In the response to Review Factor #2 – Parking and Loading, the applicant states that there will be four to ten employees employed at the facility.

The parking spaces labeled on the approved site plan are currently being used by another tenant of the site for equipment and material storage. These items must be removed from the parking spaces, and the spaces maintained for vehicular parking. This work is to be completed prior to issuance of any Certificate of Occupancy. Any relocation of the parking spaces, and use of the current spaces for outdoor storage, would require submittal and approval of a new use permit and site plan.

Loading and unloading operations are proposed to take place within the building. Staff recommends that this be made a Condition of Approval of any order granted by the City Council.

The existing approved parking spaces appear to be sufficient for the continued recycling center use. When maintained for vehicular parking, the Parking and Loading Review Factor approved by the previous major special use permit and site plan would remain unchanged. The proposed staffing intensity of four to ten employees established by the change in materials being processed (demolition and construction debris) would be anticipated to have less effect on adjacent properties than the currently conditioned household recyclables materials.

c. Service Entrances and Areas:

Locations of refuse and service areas with particular reference to ingress and egress of service vehicles.

Staff Analysis and Conclusion. A free-standing dumpster is shown on the original site plan, located on the northwestern-most corner of the existing concrete pad internal to the site, screened from the adjacent properties and the right-of-way by the existing building and surrounding vegetation. No exterior dumpster facility is proposed by this applicant. The applicant proposes to engage a private company to provide a dumpster and trash

removal service. The dumpster is proposed to be located within the building, as shown on the plot plan (see Attachment 11).

d. Lighting

Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area.

Staff Analysis and Conclusion. Existing pole light fixtures were utilized for required exterior lighting on the original approved site plan. These fixtures were located during the site visit. The applicant proposes no changes in exterior lighting, and proposes no site changes that would require additional exterior lighting.

e. Signs

Appropriateness of signs considering location, color, height, size, and design within the context of other property in the area.

Staff Analysis and Conclusion. The site has an existing free-standing sign, which the applicant proposes to reuse. Signs are regulated by UDO Article 11, and sign permits are issued in a separate process managed by City – County Inspections. The sign will be required to meet Ordinance standards.

f. Utilities

Location and availability of utilities.

Staff Analysis and Conclusion. The site is supplied by existing water, sanitary sewer, and electrical services. The applicant states that the existing utilities are sufficient for their requirements, and that no changes to existing utilities are proposed or required.

g. Open Spaces

Location of required yards and other open spaces and preservation of existing trees and other natural features.

Staff Analysis and Conclusion. The existing buildings meet all current yard set-back requirements. No open space is required in the Industrial (I) district. No site changes are proposed. Existing vegetation will remain.

h. Environmental Protection

Preservation of tree cover, Durham Inventory Sites, floodplain, stream buffers, wetlands, steep slopes, open space and other natural features, and protection of water quality.

Staff Analysis and Conclusion. The site is within the F/J-B protected watershed. The existing 25.98 acre site contains 346,490 square feet (7.95 acres, or approximately 31%) impervious surface. No additional impervious surfaces are proposed. The eastern property line is adjacent to a pond and stream. No development activity is proposed in this area, or on the rest of the site. All recycling activities are proposed to be conducted inside the building, utilizing the existing development and impervious surfaces. No additional impacts are anticipated from the proposed change in materials to be recycled.

i. Screening, Buffering and Landscaping

Installation of screening, buffering, fencing and landscaping where necessary to protect adjacent property.

Staff analysis and conclusion. The planted screen required by Condition of Approval #3 of the current major special use permit (B99-1 - see Attachment #4) and shown on the approved site plan (D98-869 – see Attachment #9) was not found during the staff site visit. The screen is a requirement of the current major special use permit. It must be installed prior to re-occupancy of the recycling center use on the site. The rest of the site is screened from adjacent properties by existing vegetation, and no additional site improvements are proposed.

j. Effect on Adjacent Property

Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic.

Staff Analysis and Conclusion. The currently approved recycling center use was granted a major special use permit in 1999. Tidewater Fibre Corporation operated a recycling center processing household recyclables on the site from 1999 to mid-2009. The use permit runs with the land, unless voided or replaced. The portion of the site that housed the recycling center has been vacant since Tidewater stopped operations. The re-establishment of recycling center operations is permitted under the existing use permit. A new use permit is required because the applicant is proposing changes to the current use permit Conditions of Approval,

including (but not limited to) Condition #7 that specifies the materials to be processed for recycling (M99-1 specifies household recyclables. The applicant proposes recycling demolition and construction debris).

While the general use is unchanged, the proposed change in materials processed appears to provide at least one potentially reduced effect on adjacent properties. The proposed level of demolition and construction debris recycling staffing of four to ten employees would be expected to have less of a traffic impact than 35 employees labeled to operate household recyclables processing.

The existing use permit has a condition of approval regarding compliance with city noise ordinances. This condition is proposed to be maintained in the revised use permit Conditions of Approval.

The existing use permit has a condition of approval specifying a maximum number of truck trips per day. This condition is proposed to be maintained in the revised use permit Conditions of Approval.

The proposed use does not directly adjoin any residentially zoned or used property. The existing building that would house the proposed recycling of demolition and construction debris is the same building used for processing household recyclables.

The impact on adjacent properties by the proposed change in materials processed (to demolition and construction debris, from household recyclables) could be anticipated to be the same, or at possibly a reduced level, compared to the materials approved for processing with the M99-1 Order.

k. Compatibility

The level of general compatibility with nearby properties and impacted neighborhoods, including but not limited to the appropriateness of the scale, design, and use in relationship to other properties.

Staff Analysis and Conclusion. The properties adjacent to the site are all zoned Industrial (I), except for the along the eastern property line, which has Light Industrial (IL) zoning. The land along the northwestern property line is railroad and Hoover Road right-of-way. The band of zoning adjacent to this property line is Industrial (I). Adjacent to the northwestern boarder of this zoning is a band of Industrial Light (IL) zoning. This collective band of industrial zoned right-of-way is a minimum of 100 feet wide from the nearest residential zoning district.

The industrial surrounding the east, south and west sides of the site are owned by Borden Development Company, and are vacant. The two industrial properties across the street from the site contain commercial / warehouse and commercial / salvage yard development. Between them are two developed, residential, single family parcels that back up to Hoover Road, fronting on the end of the Owen Street cul-de-sac.

The buildings on the site are reported by Durham County Tax Administration public records as being built in 1965.

The recycling center approved with the existing use permit and site plan operated on the site from 1999 to 2009. Staff is not aware of any outstanding complaints regarding the operations of the facility during that time. The recycling center use remains the same, what is being proposed is that the conditions of the existing use permit be modified in order to change the materials being processed for recycling. The use is consistent with the use that has been in place since 1999. There are no proposed changes to the buildings or site, so the buildings and site are consistent with what has been in place on the site since the mid 1960's. Recycling centers are an allowed use in Industrial district, when granted a major special use permit. The proposed use is compatible with the zoning. No changes are proposed to the existing scale or design of the site.

I. Consistency with Policy

Consistency with the *Durham Comprehensive Plan* and applicable development tier guidelines, overlay purposes, and zoning district intent statements in Article 4, Zoning Districts.

Section 4.3.6 Industrial District Intent Statement

Industrial (I)

The I District is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the IL District. It is the intent of this district to provide an environment for industries that is unencumbered by nearby residential development.

The I District is used to implement the Comprehensive Plan within those areas shown as the Rural, Suburban or Urban Tiers.

Staff Analysis and Conclusion. The Comprehensive Plan – Future Land Use Map shows this site as industrial. The proposed use is allowed in industrial

districts with approval of a major special use permit. The proposed use is consistent with the Comprehensive Plan.

3. Other Factors

Any other review factors which the approving authority considers to be appropriate to the property in question.

Staff Analysis and Conclusion. No additional factors have been identified at this time.

D. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 600 feet of the site, and neighborhood groups registered with the City – County Planning Department located within 1,000 feet of the site, has been carried out in accordance with Section 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Ellerbee Creek Watershed Association
- Unity in the Community for Progress
- Fayetteville Street Planning Group
- Partners Against Crime- District 1
- Friends of Durham
- Inter-Neighborhood Council

E. Recommendation

No site changes are proposed, and no site plan is required.

F. Staff Contact

James D Morris, ASLA, Planner, 560-4137 ext. 28225 or
james.morris@durhamnc.gov

G. Attachments

1. Context Map
2. Aerial photo
3. Application and responses
4. M99-1 Major Special Use Permit Order
5. MSN-BING bird's-eye view looking out from site across South Hoover Road
6. Durham GIS 2021 GoMaps Aerial Photograph
7. MSN-BING bird's-eye view looking into the site from South Hoover Road
8. Conditions of Approval:

- a. Applicants' Proposed Conditions, with Staff commentary
 - b. M99-1 Conditions of Approval, as listed on the approved site plan D98-869 (the same as found on the M99-1 Order, except with numbering error corrected.)
9. Durham City Noise Ordinance
 10. Approved Site Plan D98-869
 11. Proposed Plot Plan superimposed onto the approved site plan
 12. Plot Plan