

ATTACHMENT 3

Rev. 04/2010



Durham City-County Planning Department



MINOR AND MAJOR SPECIAL USE PERMIT (SUP) APPLICATION

(A Pre-submittal conference must be held prior to submission)

Tracking Information (Staff Only)

| | | |
|-----------------------|---------------------------|---------------|
| Case Number: M1100001 | Date/Time rec'd: 3.7.2011 | Rec'd by: Jmi |
|-----------------------|---------------------------|---------------|

About this Application

ONLY COMPLETE APPLICATIONS CAN BE ACCEPTED

Minor special use permits are heard by the Board of Adjustment as a quasi-judicial public hearing. *Major special use permits* are heard by the Governing Body (City Council if City, Board of Commissioners if County) as a quasi-judicial public hearing.

Submittal: Applications are due by noon on the submittal deadline date. Deadlines are discussed at the pre-submittal meeting and are available online at <http://www.durhamnc.gov/departments/planning/boa/>. Applications should be submitted in-person, and fees are due at time of submittal.

The application is a form of written testimony, and used both to show how Ordinance considerations are addressed and to provide evidence that the required findings for approval can be made. In addition to the application materials, the applicant may provide any other written, drawn or photographed material to support his/her request and as permitted by the Board of Adjustment or Governing Body, as applicable. Any such additional material submitted will become part of the application, and as such cannot be returned.

Attendance at the hearing is required. Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. The applicant has the **burden of proof** and must provide sufficient evidence in order for the required findings to be made. The public hearing will allow the applicant, proponents, opponents and anyone else the opportunity to testify in regards to the request. An application may be approved, approved with conditions, continued for more information, or denied. **Decisions can be appealed to Superior Court within 30 days.**

Contact Information: If you have any questions, please contact the City-County Planning Department at 560-4137 between 8:00 a.m. and 5:00 p.m. on weekdays.

| Application Requirements | Applicant Initial | Staff Initial |
|---|-------------------|-----------------|
| Record of the pre-submittal meeting (copies provided at the meeting) | RP | [Signature] |
| Fee | RP | [Signature] |
| Completed application and responses: ORIGINAL signatures required | RP | [Signature] |
| SITE PLAN (full size and 11x17 already submitted for review) or PLOT PLAN, as determined at pre-submittal meeting | RP | [Signature] |
| Responses to general findings and review factors: Section 3.9.8A and B of the UDO | RP | [Signature] |
| Responses to Additional Findings and/or Review Factors, as applicable | RP | N/A [Signature] |
| Responses to Limited Use Standards, as applicable | RP | N/A [Signature] |
| Floorplan, as applicable | RP | N/A [Signature] |
| Elevations, as applicable | RP | N/A [Signature] |
| Note: Additional supporting documents may also be submitted | | |

| Property Information | |
|--|--|
| Site Address: <u>1017 S. Hoover Rd</u> | PIN(s): <u>0841-17-01-5302</u> |
| Zoning District(s): <u>I</u> | PID(s): <u>130555</u> |
| Overlay District(s): <u>F/S-13</u> | SUP Type: <input type="checkbox"/> Minor (msup) <input checked="" type="checkbox"/> Major (MSUP) |
| Current Use: <u>Recycling Center (Tidewater)</u> | <input checked="" type="checkbox"/> City <input type="checkbox"/> County <input type="checkbox"/> Both |

| Property Owner | |
|---|---|
| Name(s) (Print): <u>Michael Benedetto</u> | Telephone: <u>757-222-2173</u> |
| Contact Person: <u>Michael Benedetto</u> | Email: <u>mbenedetto@tfcrecycling.com</u> |
| <u>Michael Benedetto</u> Owner Signature | <u>3/4/11</u> Date |

| Applicant | |
|--|--|
| Name(s): <u>Ronnie Petty by A-1 Sandrock Inc</u> | |
| Contact Person: <u>Mike McFeeley</u> | Telephone: <u>336 855-8195</u> |
| Address: <u>2091 Bishop Rd</u> | Fax: <u>336 855-8164</u> |
| City/State/ZIP: <u>Greensboro NC 27406</u> | Email: <u>ronnie@arc-recycling.com</u> |
| <i>I certify that all of the information presented by me in this application is accurate to the best of my knowledge, information, and belief.</i> | |
| <u>Ronnie E. Petty</u> Applicant Signature | <u>3/7/11</u> Date |

| Agent (if different than applicant) | |
|--|---|
| Name: <u>John Tucker, PE</u> | |
| Contact Person: <u>John</u> | Telephone: <u>(919)567-0483</u> |
| Address: <u>P.O. Box 297</u> | Fax: |
| City/State/ZIP: <u>Fuquay Varina, NC 27526</u> | Email: <u>johnwak@johnntuckerpe.com</u> |

~~*~~ See Attached Document

Case # M1100001

Complete and respond to the following with an attachment (suggested), or in the space provided:

Applicant's Name: I, Ronald E. Petty, do hereby petition the City of Durham/County of Durham for a Special Use Permit to allow the following:

Section 3.9.8 of the UDO: Criteria for Approval of Major and Minor Special Use Permits

A. General Findings

Applications for minor or major special use permits shall be approved only if the Board of Adjustment or Governing Body, as applicable, 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;

Applicant's Response:

2. In conformance with all special requirements applicable to the use;

Applicant's Response:

3. Will not adversely affect the health or safety of the public; and

Applicant's Response:

4. Will adequately address the review factors identified below.

Applicant's Response:

B. Review Factors

The applicant shall demonstrate that the review factors listed below have been adequately addressed.

1. 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.

Applicant's Response:

2. Parking and Loading

Location of off-street parking and loading areas.

Applicant's Response:

3. Service Entrances and Areas

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

Applicant's Response:

4. Lighting

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

Applicant's Response:

5. Signs

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

Applicant's Response:

6. Utilities

Location and availability of utilities.

Applicant's Response:

7. Open Spaces

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

Applicant's Response:

8. 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.

Applicant's Response:

9. Screening, Buffering and Landscaping

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

Applicant's Response:

10. 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.

Applicant's Response:

11. 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.

Applicant's Response:

12. Consistency with Policy

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

Applicant's Response:

13. Other Factors

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

NOTE: Please address the requirements of any applicable "Limited Use Standards" or other special requirements of the use as an attachment of the application.

Read and sign below:

In granting a Minor or Major Use Permit, conditions may be placed to assure that adequate mitigation measures are associated with the use. The conditions shall become part of the special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of the Ordinance. Furthermore, Special Use Permits shall become null and void in any of the following cases (Section 3.9.13 of the UDO):

- A. If a site plan is not approved within 12 months of the date of permit approval.
- B. If an approved site plan or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
- D. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.



Applicant Signature

3/7/11

Date

Applicant's Name: I, **Ronald E. Petty**, do hereby petition the City of Durham/County of Durham for a Special Use Permit to allow the following:

The applicant proposes to operate a recycling center on the subject property. The facility will recycle construction and demolition debris. A recycling center is a Special Use allowed under Section 5.2.7E.

Section 3.9.8 of the UDO: Criteria for Approval of Major and Minor Special Use Permits

A. General Findings

Applications for minor or major special use permits shall be approved only if the Board of Adjustment or Governing Body, as applicable, 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;

Applicant's Response: The planned use of the application is for a recycling and processing center, similar to that has been previously approved, and is to be located in an industrial zoned area of the City. The planned use for the city is in harmony with the area; currently adjoining a railroad track on the northwest side with vacant industrial land adjoining on the west, south and east sides. Other industrial uses include a small textile manufacturing plant a sign plant and a concrete plant. Residential properties exist to the north and south of the site, but do not directly adjoin the site.

All loading and unloading operations will be conducted inside the existing building. No improvements are proposed for the site itself.

Existing vegetation and topography located around the site limit views to the building and outdoor areas.

2. In conformance with all special requirements applicable to the use;

Applicant's Response: The building and site will be in compliance with all local and state laws and requirements of the approved site plan dated February 15, 1999.

The site is enclosed with a security fence and security service provides protection 24 hrs per day, 7 days per week.

All unloading, tipping, sorting and product transfer areas are located inside the building. No liquid or hazardous waste are permitted.

3. Will not adversely affect the health or safety of the public; and

Applicant's Response: The proposed use will not affect the Health or Safety of the public, the project will not be accessible to the general public. The site is enclosed with a fence and a security service is provided 24 hours per day, 7 days per week. Material to be recycled will be unloaded inside the building, sorted and transported out. No recycling activities will be conducted outdoors.

The project will use existing parking areas for employees and visitors. These areas are located outside of the recycling area and are accessible in a safe and healthy manner.

4. Will adequately address the review factors identified below.

Applicant's Response: Please see the responses below:

B. Review Factors

The applicant shall demonstrate that the review factors listed below have been adequately addressed.

1. 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.

Applicant's Response: The site will be accessible from one driveway location on S Hoover Road. The site will be limited to 75 trucks per day. This access point and a fire lane located adjacent to the building provide access to the structure in case of fire or other emergencies.

There is no sidewalk along S. Hoover Street.

Mass Transit is within ¼ mile of the site along Angier Avenue, Bus Route 2. Bicycle parking will be provided on site.

2. Parking and Loading

Location of off-street parking and loading areas.

Applicant's Response: The project will use the existing parking areas shown on the previously approved site plan. With 4 to 10 employees, 37 existing spaces will be more than sufficient.

3. Service Entrances and Areas

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

Applicant's Response: The location of the tipping floor and service area are located inside the building and do not affect circulation of the public streets. The tipping floor is located in the south west corner of the building, which is well away from the public right of way. There is sufficient room to maneuver trucks for loading and unloading without interfering with the public street.

The applicant will engage a private company to provide a dumpster for trash. The dumpster will be located inside the building outside of public view and covered to avoid contact with stormwater.

4. Lighting

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

Applicant's Response: The site will utilize the existing lighting has was previously approved.

5. Signs

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

Applicant's Response: The project will use the current sign location and frame. The lettering will be changed to match the name of the business. The sign will meet the stands of the Durham Sign Ordinance in regards to size, height and landscape.

6. Utilities

Location and availability of utilities.

Applicant's Response: The utilities are provided by an existing water service, existing sewer service and existing electrical lines. These services are adequate in size and no modifications are required.

7. Open Spaces

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

Applicant's Response: The approved site plan meets all side/street yard requirements and setback and open space requirements.

8. 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.

Applicant's Response: All recycling activity will be conducted indoors. No modifications to the site are required. Therefore, there will be no impacts to streams, floodplains, wetlands, buffers or other natural features.

9. Screening, Buffering and Landscaping

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

Applicant's Response: The approved site plan meets the requirements for screening buffering and landscaping. All recycling activities will be conducted indoors, no modifications to the site are required.

10. 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.

Applicant's Response: The proposed use will not affect the adjoining properties in relationship to noise, odor, lighting or traffic. Other than the type of material that is recycled, the proposed use is virtually identical to the previously approved use. The proposed traffic count is the same; the material will be processed inside the building as the previous use; the existing lighting will be used; odor is not a concern since construction debris is generally inorganic; the project will comply with the City of Durham Noise Ordinance just as the previous use did.

The project site is bounded on the northwest by a railroad right of way and vacant industrial zoned property on all other sides. All recycling activity will be conducted inside the existing buildings. The area of the recycling activity is located over 800 feet from any residential district. The existing approved lighting will be used. Traffic for this use is minimal. Company owned trucks will pick up materials from clients and bring them to the facility for processing. The facility is not intended for use by the general public.

11. 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.

Applicant's Response: The proposed use is compatible with the nearby properties and is a permitted use in an Industrial Zoned area. The project will use an existing building and all recycling activities will be conducted indoors. There will be no outdoor storage required for this use. No modifications to the site are required, therefore there are minimal environmental impacts.

12. Consistency with Policy

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

Applicant's Response: The proposed project meets the Comprehensive plan, the zoning district as outlined in Article 4: Zoning Districts.

13. Other Factors

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

NOTE: Please address the requirements of any applicable "Limited Use Standards" or other special requirements of the use as an attachment of the application.

Conditions of Approval

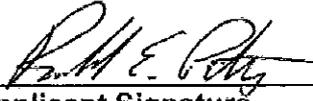
1. The facility will receive, sort and recycle construction and demolition debris as defined in 15A NCAC 13B.0532 DEFINITIONS FOR C&DLF FACILITIES:

"C&D solid waste" means solid waste generated solely from the construction, remodeling, repair, or demolition operations on pavement and buildings or structures. C&D waste does not include municipal and industrial waste that may be generated by the on-going operations at buildings or structures.
2. The hours of operation will be from 6:30 AM to 7:30 PM Monday through Friday with sorting, tipping and bailing occurring only between the hours of 8:00 AM and 6:30 PM. Saturday hours shall be 8:00 AM to 4:00 PM.
3. That any future changes to chapter eleven of the Durham City Code regarding noise levels or any changes to the zoning code regarding noise levels of non-residential uses adjacent to residential use be applicable to this site.
4. The site is to be served by no more than 75 truck trips per day.
5. That no hazardous material or waste be recycled or handled on-site with exception of materials or waste that may be generated by the servicing of trucks and other vehicles in this recycling business.
6. That the applicant will comply with the noise ordinance of the city, "Part II – Code of Ordinances, Chapter 26, Environment, Litter, Vandalism and Pollution, Article II – Noise, Section 26-23 – Generally", which may be amended from time to time.

FOR ALL APPLICATIONS, PLEASE READ AND SIGN BELOW:

In granting a Minor or Major Use Permit, conditions may be placed to assure that adequate mitigation measures are associated with the use. The conditions shall become part of the special use permit approval. Violations of any of the conditions shall be treated in the same manner as other violations of the Ordinance. Furthermore, Special Use Permits shall become null and void in any of the following cases (Section 3.9.13 of the UDO):

- A. If a site plan is not approved within 12 months of the date of permit approval.
- B. If an approved site plan or building permit expires.
- C. If a building permit is not issued within two years of the date of approval, in cases where a site plan is not required.
- D. If a substantial violation of the conditions of the permit, as determined by the Planning Director or designee occurs. The addition of language to the special use permit regarding such voiding shall not be required.



Applicant Signature

5/6/2011
Date