

# REQUEST FOR BOARD ACTION / CONTRACT CONTROL FORM

Tracking Number: 20

Date of Request: March 3, 2008

Date Request Received:

Board Meeting Date Requested: March 17, 2008

Board Meeting Date Assigned: March 17, 2008

Short Title: Special Use Permit – James R. Faircloth

Request Status:

Background: 16.17 acres zoned RA, Rural Agricultural District

- Request is proceeding to Board of Commissioners  
 More information is needed – see attached  
 Request on hold – no further information needed  
 Other:

Specific Action Requested: The Board of Commissioners is requested to hear a Special Use Permit for salvage yard/scrap processing. The property is zoned RA, Rural Agricultural District and is located at 16222 US Highway 421, approximately 1.6 miles northwest of the intersection of US Highway 421 and NC Highway 53 in Burgaw, NC.

(Administrative Use Only)

## CONTRACT TYPE

Requested by: Planning Staff  
Department: Planning Department  
Title: Planning  
Contact Phone: 910.259.1202  
Contact Fax: 910.259.1295

- Renewal  
 For Service(s)  
 Intergovernmental – County as Grantee  
 County as Grantor
- Revision  
 For Equipment  
 Federal Grantor  
 State Grantor  
 Grantor  
 County Funds  
 Other Funds:

**PURCHASING** Budgeted Item:  Yes  No  
Date Rec'd:  Reviewed and Approved  
 Comments on Reverse

Date Sent:

Signed:

**ATTORNEY**  Reviewed and Approved  
Date Rec'd:  Legal Problem(s)  
 Comments on Reverse

Date Sent:

Signed:

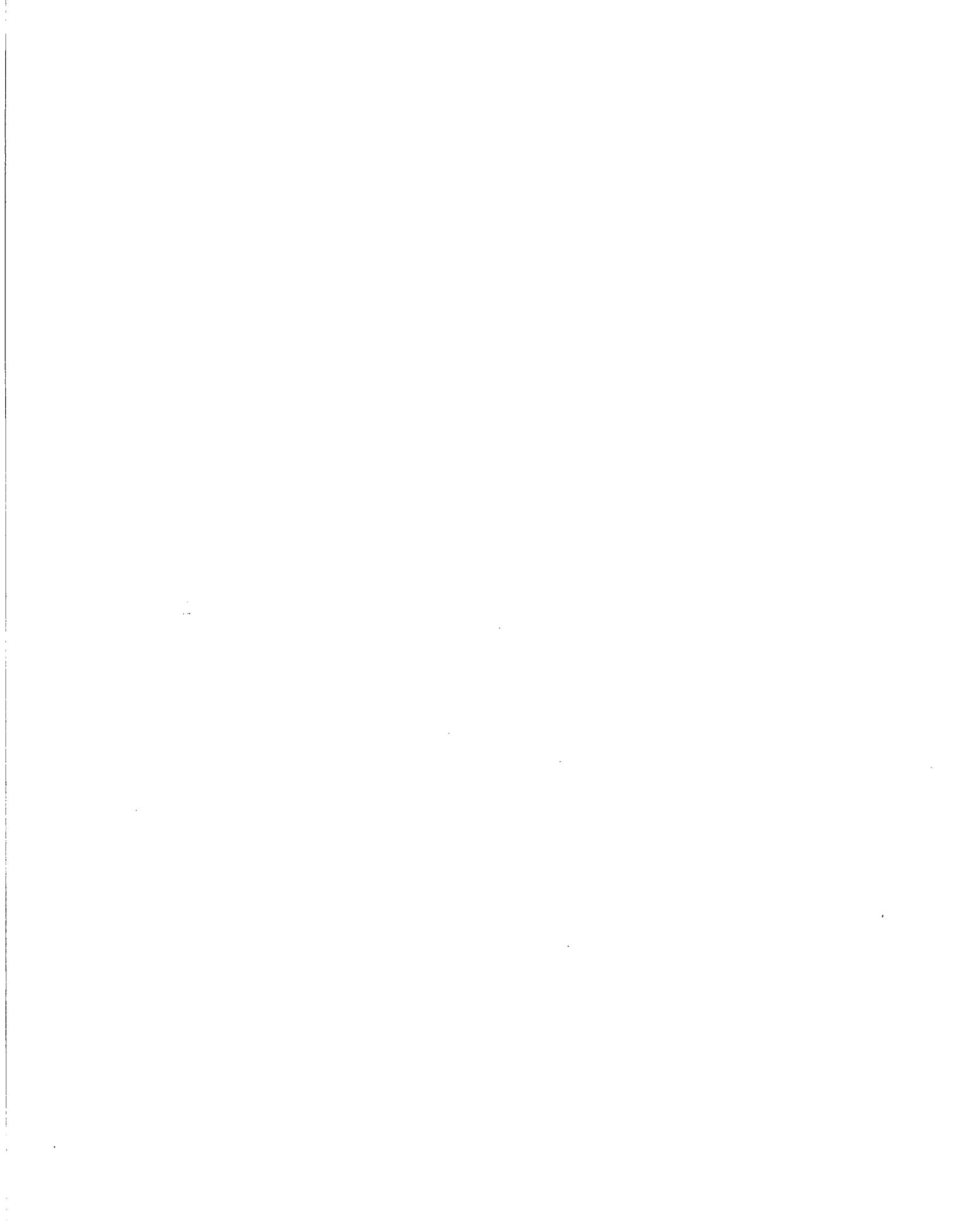
**FINANCE** Sufficient Funds  Available  
Date Rec'd:  Not Available  
 Budget Amendment Necessary  
 Budgeted Amendment is Attached  
 Comments on Reverse

Date Sent:

Signed:

**CLERK** Signature(s) Required:  
 Board Chairman/County Manager  
 Other:

Date Rec'd Approved by Board:  Yes  No  
At meeting on



**Special Use Permit for Salvage Yard/Scrap Processing**

**SUBJECT:**      **CASE NO:** 08-03-17-08  
**PROPERTY RECORD NO:** 2279-54-3549-0000  
**APPLICANT:** James R. Faircloth  
**OWNER:** Same

**ACTION REQUESTED:** Approval of Special Use Permit for the operation of salvage and scrap metal processing.

**HISTORY/BACKGROUND:**

**Project Location:** The property is located approximately 1.6 miles northwest of the intersection of NC Highway 53 W and US Highway 421. The property address is 16222 US 421 N, Burgaw, NC. (See attached vicinity map).

**Project Description:** The project consists of the operation of salvage and scrap metal processing. The proposed project is located on 16.17 acres. Currently there is a single-family dwelling located on the south side of the property which will be utilized for restrooms. The project will utilize the homeowners as the only employees. According to the site plan, a separate area (northwest) will be utilized for the accumulation of the metal to be processed. Large collection bins will be located on the working site for collection and sorting of the goods. When these bins are full, the applicant will place them on a truck and haul them away. Access will be provided to the site via US Hwy 421, and according to the applicant's narrative, two (2) – three (3) truck loads will be brought in or hauled off on an average working day. The hours of operation are proposed to be seven days a week from 7:00 a.m. – 7:00 p.m.

**EVALUATION:**

- A) Public Notifications:** Advertisements for the proposal have been placed in the Topsail Voice and Pender Post. Adjacent property owners were notified by first class mail. Special Use Permit signs were posted on or near the proposed site.
- B) Basis for Granting SUP:** See attachment A for approval procedures (15.3, Zoning Ordinance) and revocation procedures (15.4, B, Zoning Ordinance).
- C) Zoning Ordinance Compliance:** This property is zoned RA, Rural Agricultural District, and *Salvage Yard, Junkyards, Scrap Processing* are permitted via Special Use Permit.
- D) Land Use Plan Compliance:** This property is classified as Rural Area. *The Pender County Future Land Use Plan* describes *Rural Area* to allow home-based businesses. The northwest corner of the property is classified as Conservation Area I. The placement of bins will be crucial for the protection of this area from any deposits that may leak from the accumulation of scrap metal (See attached CAMA Land Use map).
- E) Existing Land Use in Area:** The property is in a rural area. There are some single family homes to the south, there is farmland to the north and west, across from US Highway 421.
- F) Site Access Conditions:** The property has direct access to US Highway 421 for ingress and egress.
- G) Conditions To Consider In Issuing A Special Use Permit For This Project:**
  - 1. 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 12 months.
  - 2. The following shall be submitted prior to issuance of the zoning permit as contained in the Commercial Site Plan Review Standards:
    - a. Approval of a current Sediment & Erosion Control Plan by NC Land Quality, if applicable.
    - b. Approval of a current Stormwater Management Plan by NC Water Quality, if applicable.
    - c. Certification of a drainage plan by licensed professional on a form provided by the County.
  - 3. The project shall comply with all requirements of the Commercial Development Standards and Site Plan Review, Section 9.14 of the Pender County Ordinance. This will include parking and landscaping requirements that will be in compliance with Sections 13 and 14 of the Pender County Zoning Ordinance.

4. A separate Permit must be obtained for any proposed signs. Signs shall be in accordance with Section 16 of the Pender County Zoning Ordinance.
5. Hours of operation, all seasons:
  - 7:00 a.m. – 7:00 p.m. Seven days a week.
6. Any flood or spotlights shall be oriented away from the street. Such lights shall also be oriented away from adjacent properties or shielded to prevent direct light from shining on such properties. This provision does not apply to normal area lights (non-directional).
7. No junk, debris, trash or inoperable vehicles, recycled or salvaged materials shall be stored on the site outside an approved bin.
8. All access areas leading into the development shall be constructed and maintained to NCDOT secondary road standards.
9. 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.
10. The project shall be developed and maintained in accord with the applicant's final revised site plan as approved by the Zoning Administrator, the Zoning Ordinance and the conditions contained in this permit.

**RESOLUTION: NOW, THEREFORE, BE IT RESOLVED**, that on March 17, 2008, the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit for James R. Faircloth as described herein and James David Williams, Jr., Chairman, is authorized to execute the order implementing this resolution and provide notice to the applicant of the action taken herein.

**AMENDMENTS:**

MOVED \_\_\_\_\_ **SECONDED** \_\_\_\_\_

APPROVED \_\_\_\_\_ **DENIED** \_\_\_\_\_ **UNANIMOUS** \_\_\_\_\_

**YEA VOTES:** Williams \_\_\_ Tate \_\_\_ Blanchard \_\_\_ Brown \_\_\_ Rivenbark \_\_\_

\_\_\_\_\_  
**James David Williams, Jr.,**  
**CHAIRMAN** 3/17/08  
DATE

\_\_\_\_\_  
**DEPUTY CLERK** 3/17/08  
DATE

**PENDER COUNTY  
SPECIAL USE PERMIT APPLICATION FORM**

THIS SECTION FOR OFFICE USE			
Application No.	08-03-17-08	Date	1-29-2008
Permit Fee	\$ 200.00	Receipt No.	077147

APPLICANT INFORMATION	
Applicant Name <u>James R. Faircloth &amp; wife, Donna L. Faircloth</u> Address: <u>16222 Highway 421, Burgaw, NC 28425</u>	Owner Name <u>Same</u> Address: _____
Phone No: <u>910-283-7708</u>	Phone No: <u>Same</u>
Legal relationship of applicant to owner: <u>Self</u>	

PROJECT INFORMATION	
Property tax record No. <u>2279-54-3549-0000</u> Zoning Designation: <u>RA</u> Acreage to be used for project: <u>5+</u>	Total acreage In property: <u>16.17</u> Acreage to be disturbed: <u>None initially.</u> Disturbance of additional acreage will be only with expansion.
Project location and address: <u>West side of US 421, 16222 US 421 North, Burgaw, NC</u>	
Describe activities to be undertaken on project site: <u>Temporary storage and collection of scrap metal</u>	

SIGNATURES			
Applicant: ✓ <u>James R. Faircloth</u> James R. Faircloth ✓ <u>Donna L. Faircloth</u> Donna L. Faircloth	Date: <u>1/24/08</u>	Owner: ✓ <u>James R. Faircloth</u> James R. Faircloth ✓ <u>Donna L. Faircloth</u> Donna L. Faircloth	Date: <u>1/24/08</u>

NOTICE TO APPLICANT
<ol style="list-style-type: none"> <li>1. Applicant must also submit the information described on page two of this form.</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(p. 3).</li> </ol>

JAMES R. FAIRCLOTH and wife,  
DONNA L. FAIRCLOTH

SPECIAL USE PERMIT

PROJECT NARRATIVE

**Project Location and Access:** The project is located on the west side of US 421 north of NC 53 between Ward's Corner and A. B. Grocery. The property has direct access to US 421.

**Project Height/Building Background and Info:** Current zoning: RA. Site acreage: 16.17 acres (see zoning and property map attached.) The site contains the principal residence of the applicants. The total site contains approximately 16.17 acres and is tree lined on all sides (see aerial of site attached). The site to be permitted contains approximately five (5) acres.

**Project Description:** The applicants propose to use a portion of the site for the temporary storage and collection of scrap metal. Large bins will be located on the site in which collected scrap metal will be sorted and placed in each bin, according to the type of metal. When a sufficient amount of metal has accumulated, it will be loaded into smaller bins on the applicant's truck and taken to the site where scrap metal is purchased.

**Construction Activities on the site:** The project will require no permanent construction on the site.

**Hours of operation:** 7:00 a.m. to 7:00 p.m.

**Site Utilities:** No utilities *per se* are required for the operation of the project. The home of the applicant is serviced by a well and septic system.

**State and Federal permits required:** None.

**Description of impact on the community:** There should be no significant impact or effect on the community. The operation of the project entails no significant noise, no environmental pollution, and no visual pollution. The area where the project is to be located will be entirely buffered by extensive vegetation on all sides. The applicants are the only employees involved in the operation.

**Zoning compliance with Section 15.3 "Procedures for Reviewing Special Use Permits:"** Section 15.3 of the Ordinance requires that findings shall be made that eight requirements have been fulfilled prior to approval of a special use permit. Each requirement has been reviewed and it has been found that the proposal complies with this section of the Zoning Ordinance. The eight requirements and a response indicating fulfillment and compliance are:

- A. **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:**

**Response indicating compliance:** Salvage yards, junk yards, scrap processing is a permitted use by special use permit in the RA district. This project would fall into that category.

- B. 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:**

**Response indicating compliance:** The site has direct access to US 421 and will not require trucks to pass through any residential area to reach the project site. The site is insulated and isolated from surrounding properties by a vegetative buffer, and is not visible from US 421. Unless one travels up the access road to the site, one will not know that the project is there.

- C. The proposed use will not constitute a nuisance or hazard:**

**Response indicating compliance:** It is not anticipated that the project will create a nuisance or hazard. The project is not visible from any adjoining property or from US 421 and the traffic to and from the project site will be no more than twice or three times daily. It will not exceed the normal traffic to and from the residence of the applicants. Minimal noise will be caused by the operation at the project site.

- D. 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:**

**Response indicating compliance:** The Pender County Land Use and Future Land Use Plan map have been reviewed and found to be consistent with this project. The project is located in an Urban Growth Area. The Land Use Plan and the description of Urban Growth Areas calls "for a mixture of more intensive commercial and industrial or job creating uses in a range of residential land uses and housing types." The project is consistent with the Land Use Plan and compliments its policies and the Future Land Use Plan map classifications.

- E. Adequate utilities, access roads, drainage, sanitation or other necessary facilities have been or are being provided:**

**Response indicating compliance:** No utilities or sanitation facilities are needed for the project. There is an adequate access road from US 421 to the project. In close proximity to the project is the personal residence of the applicant, and that residence has an existing well and septic tank that are functioning properly. There has been no history or evidence of drainage or flooding problems on the site, and impervious surfaces will be minimally increased. Adequate facilities are available at the site.

- F. That adequate measures have been or will be taken to provide ingress and egress so designed as to minimize the traffic congestion of the public roads:**

**Response indicating compliance:** An existing driveway provides access. NCDOT will be contacted to determine the necessity of any additional permits.

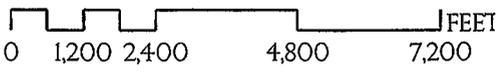
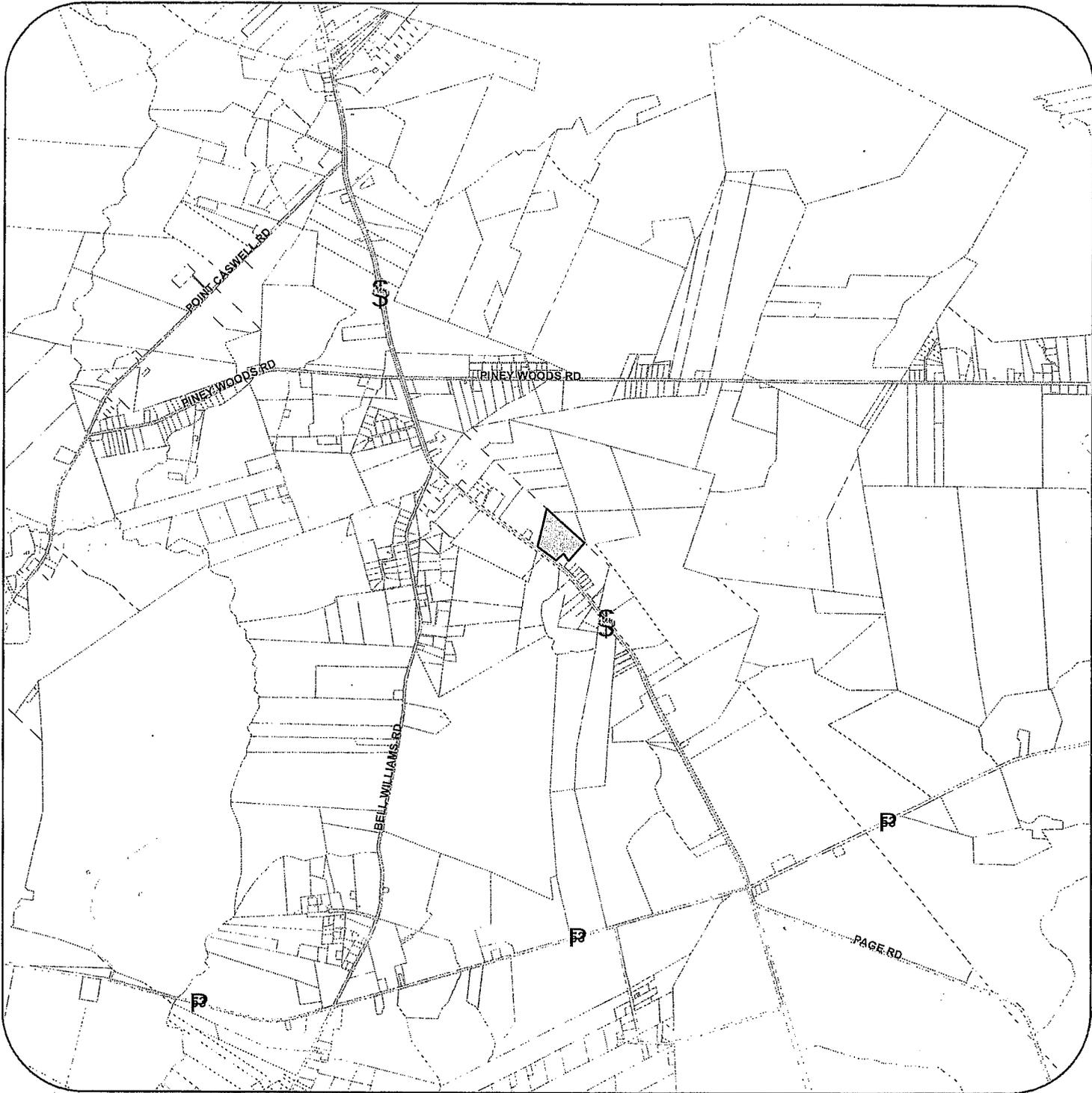
- G. **That the special use shall, in all other respects, conform to the applicable regulations of the district in which it is located:**

**Response indicating compliance:** No new building construction will be done on the site and the special use permit provisions are all that is known for compliance with the Ordinance requirements. An application for a zoning permit will be filed upon approval of the special use permit.

- H. **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:**

**Response indicating compliance:** The site is of ample size to accommodate the project and to allow for adequate screening and insulation from adjoining properties and US 421. The applicants themselves live on the site and are generally available to avoid any conceivable disturbances or other undesirable activities.

**Applicants' background information:** The applicants are long-time residents of Pender County. The applicants have been engaged in the collection of scrap metal on a part-time basis for some time. However, the collection of the scrap metal on a site where it can be separated prior to delivery to the purchase site provides greater efficiency and economy which is necessary to make the enterprise a profitable venture. It is anticipated that this operation may serve Pender County by collection of scrap metal at the Pender County landfill sites, to avoid having these metals unnecessarily dumped into the landfills. No items containing contaminants, such as batteries, will be collected.



1 INCH EQUALS 3,057 FEET

**Legend**

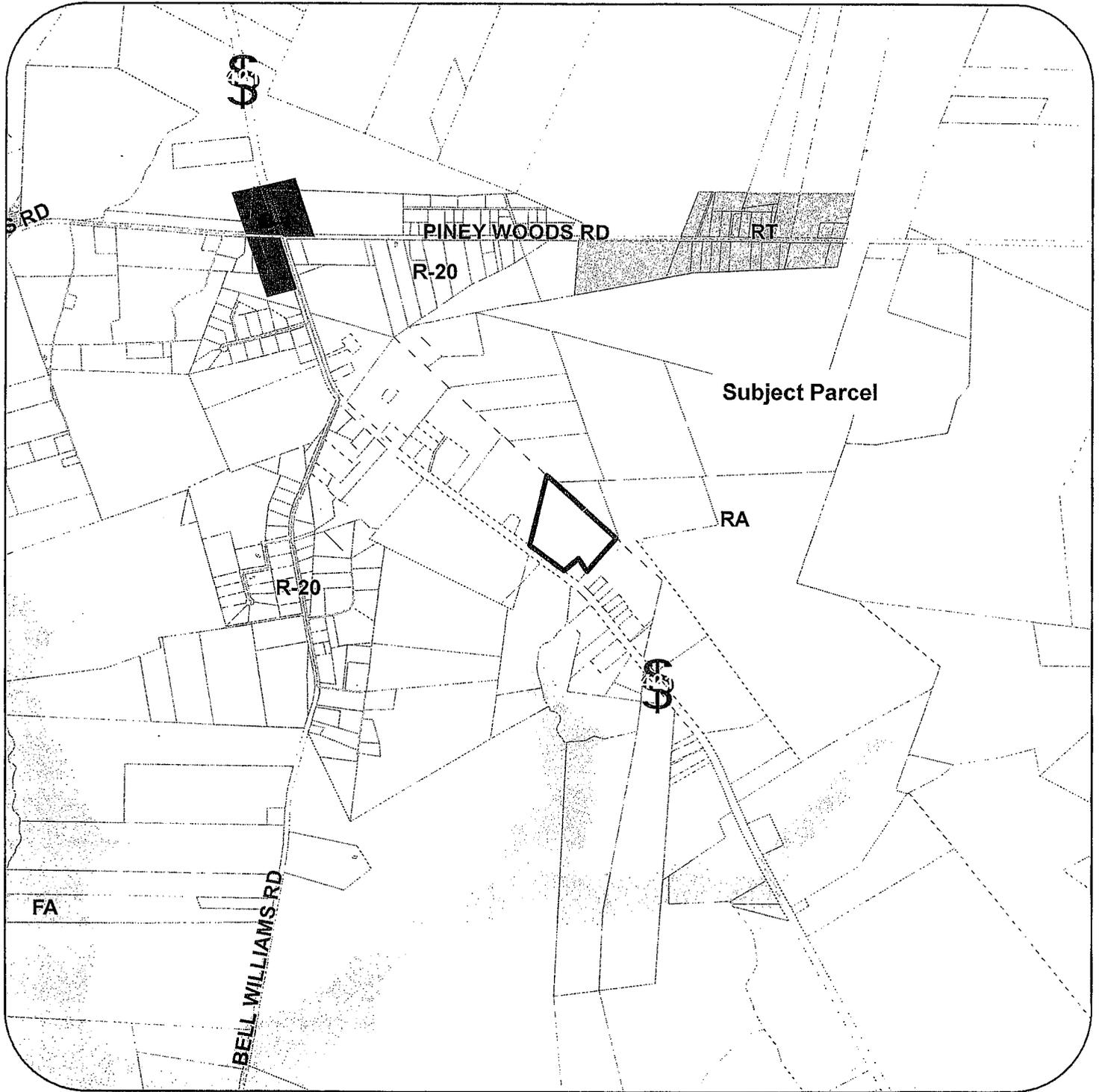
-  James R. Faircloth
-  Centerlines
-  TAXPAR~1



**SPECIAL USE PERMIT  
 JAMES R. FAIRCLOTH  
 SALVAGE/SCRAP PROCESSING**

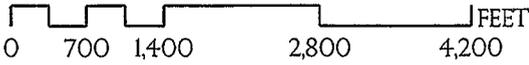
*Vicinity Map*





**Legend**

- James R. Faircloth
- Centerlines
- TAXPAR-1
- Zoning Classification**
- ALPHA**
- B-1
- B-2
- FA
- FA\_DASH
- PD
- R-10
- R-15
- R-20
- RA
- RT

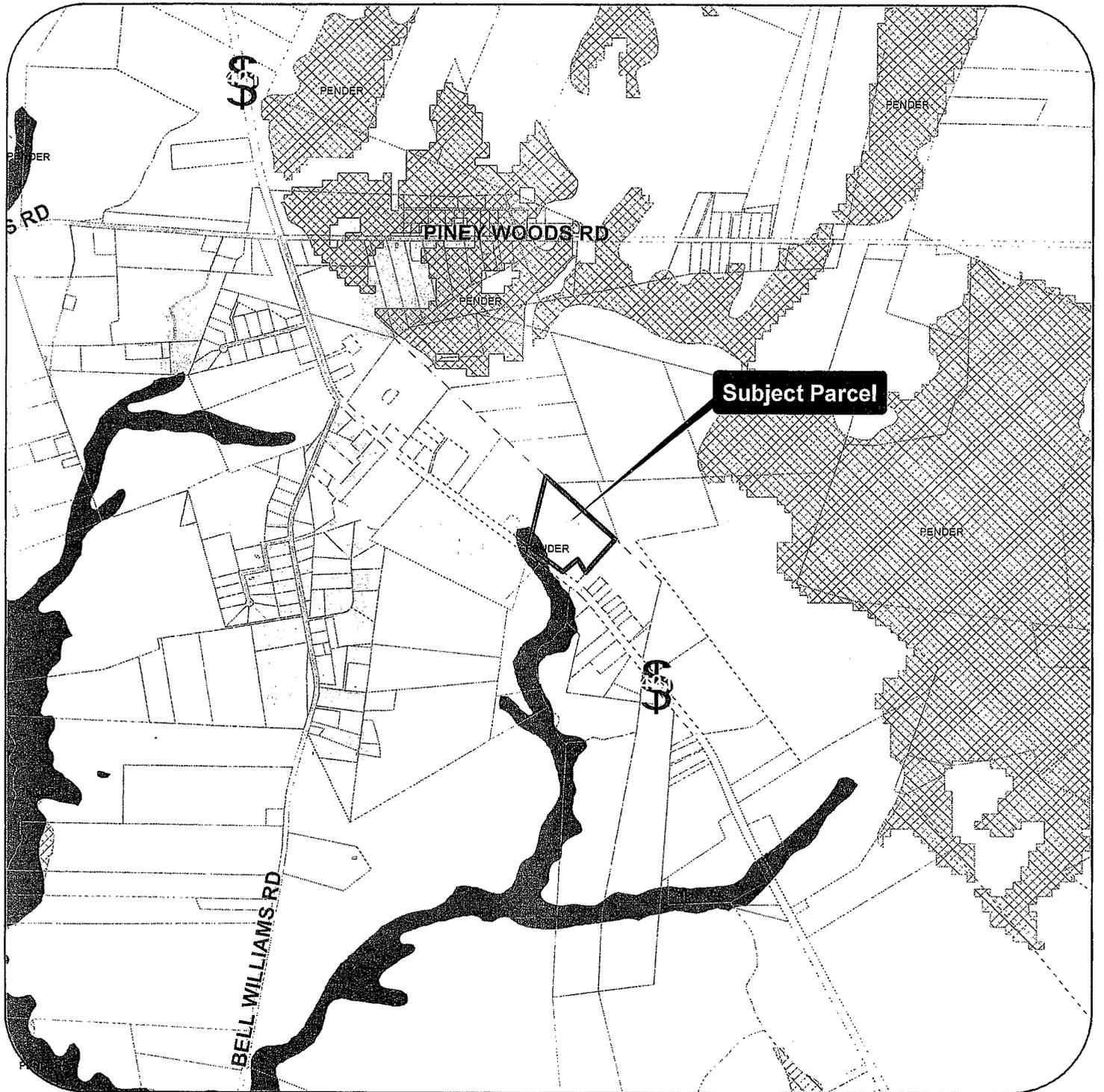


1 INCH EQUALS 1,667 FEET

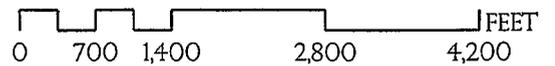
**SPECIAL USE PERMIT  
 JAMES R. FAIRCLOTH  
 SALVAGE/SCRAP PROCESSING**

*ZONING MAP*





- Legend**
- TAXPAR-1
  - James R. Faircloth
  - Centerlines
  - Rural Areas
  - TAXPAR-1
  - Conservation Area I
  - Conservation Area II
  - Rural Clusters
  - Transition Areas
  - Urban Growth Areas
  - Rural Areas

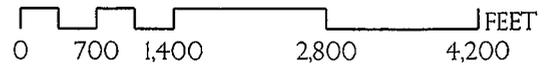
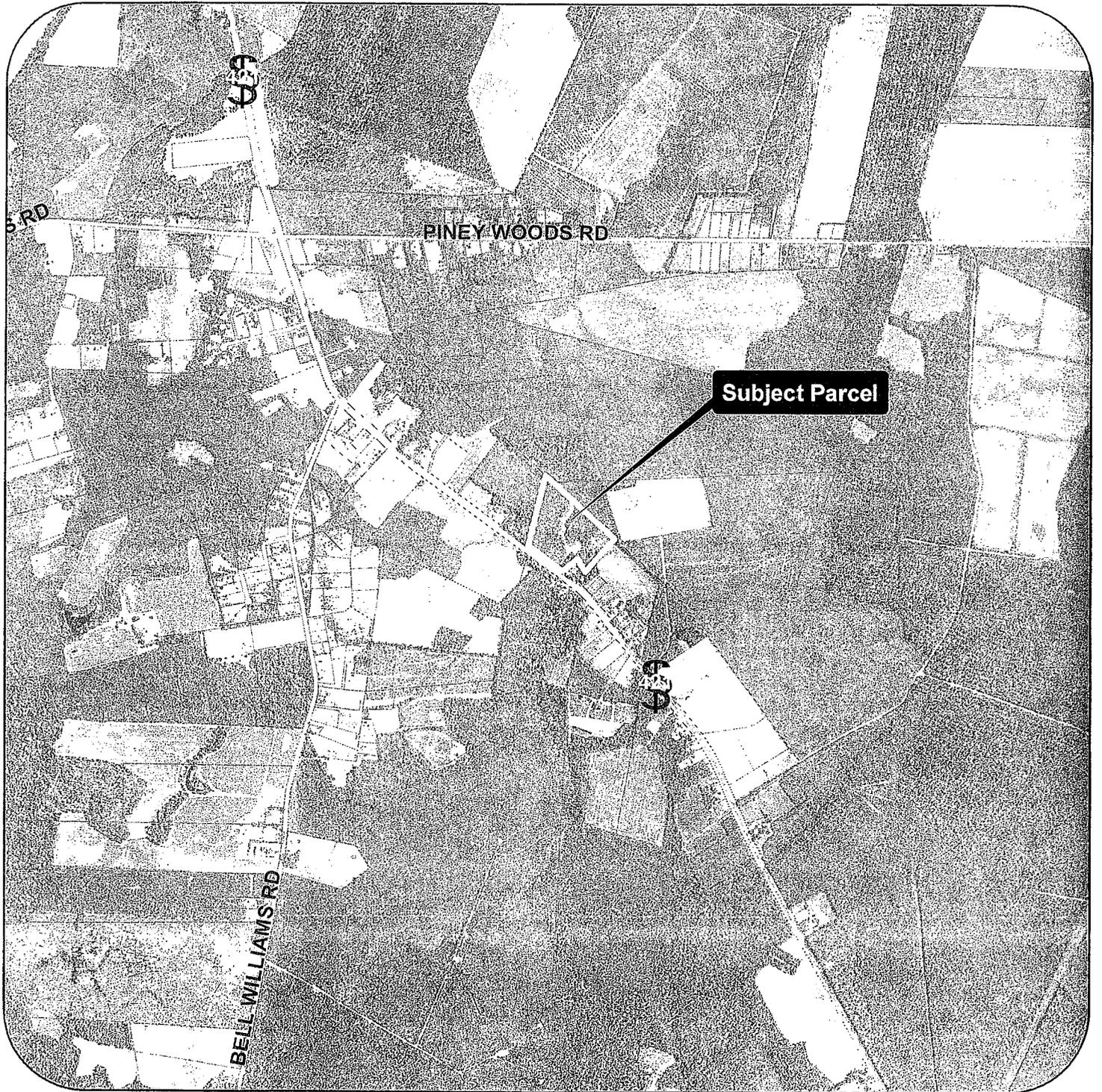


1 INCH EQUALS 1,667 FEET

**SPECIAL USE PERMIT  
 JAMES R. FAIRCLOTH  
 SALVAGE/SCRAP PROCESSING**

*CAMA LAND USE*





1 INCH EQUALS 1,667 FEET



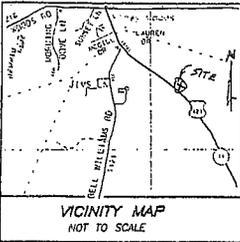
**SPECIAL USE PERMIT  
 JAMES R. FAIRCLOTH  
 SALVAGE/SCRAP PROCESSING**

*AERIAL*



**Legend**

- TAXPAR-1
- Centerlines
- James R. Faircloth
- naip\_1-1\_1n\_s\_nc141\_2006\_1.sid
- RGB
- Red: Band\_1
- Green: Band\_2
- Blue: Band\_3



**SURVEY REF:**  
 DEED BOOK 2725, PAGE 015  
 PIN 2279-54-3549-0000  
 ALSO SEE  
 MAP BOOK 29, PAGE 107

**NOTES:**

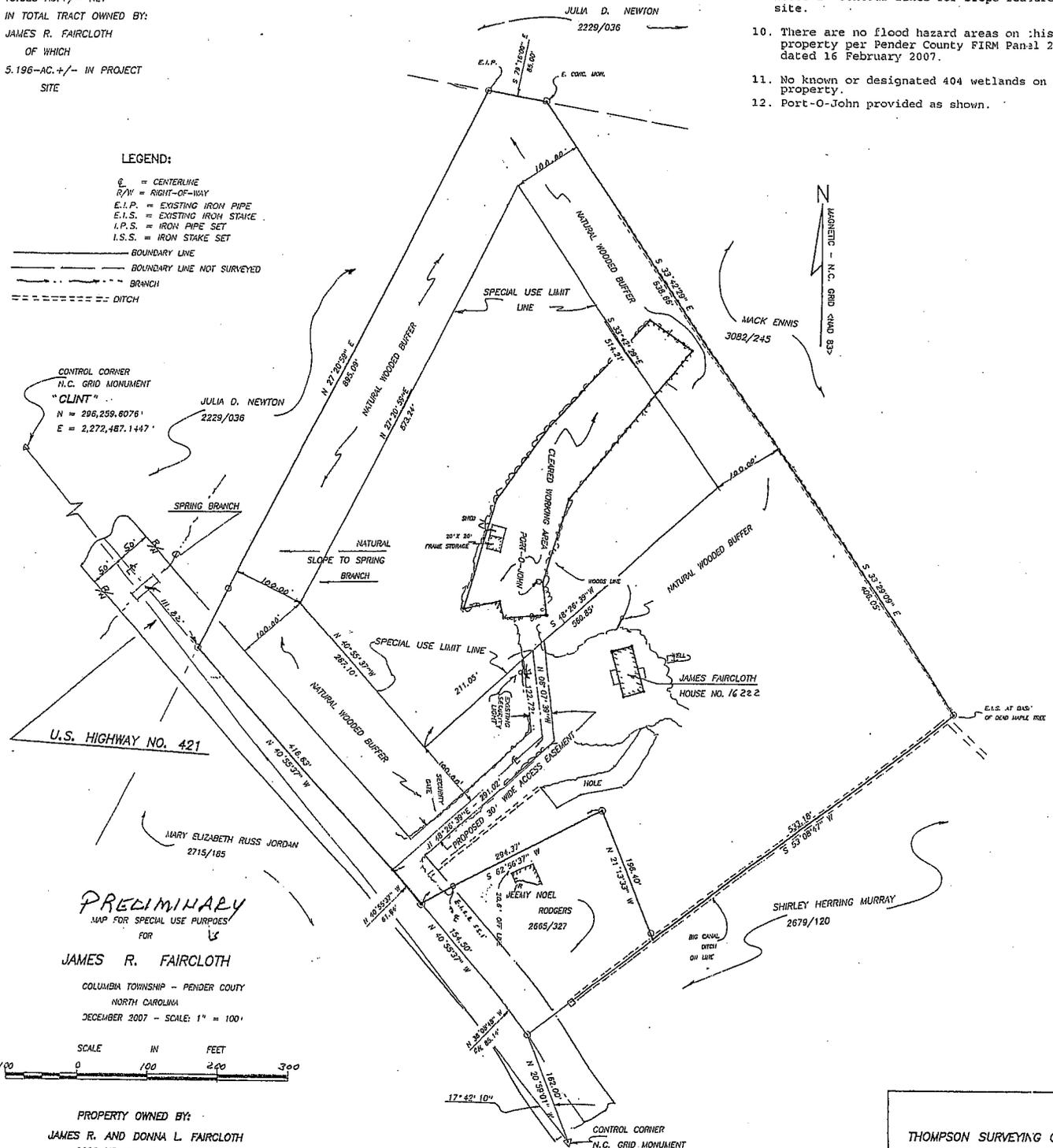
- 0.968-acres more or less in existing cleared work area. 0.12-acres more or less is outside of proposed Special Use limit lines leaving 0.848-acres in existing work area.
- Property is zoned RA.
- Access gate is located as shown. No other fencing proposed.
- Natural vegetative screening and buffers are as shown with planted cedar type shrubbery at entrance to work site area.
- No proposed signs to be located on property.

- Proposed 2 employees (Including the owner) with parking to be located in the cleared work site area for employee and business vehicles with no designated site for each vehicle.
- There will be no pedestrian walks.
- No flood lights proposed with 1 existing security light near entrance to site as shown.
- No area to be paved - natural drainage is to Spring Branch as shown, so minimal run-off will occur with filtration occurring before entrance to branch. See Pender County G.I.S. NCDOT 2' contour lines for slope features of site.
- There are no flood hazard areas on this property per Pender County FIRM Panel 2279 dated 16 February 2007.
- No known or designated 404 wetlands on this property.
- Port-O-John provided as shown.

**AREAS:**  
 15.325-AC. +/- NET  
 IN TOTAL TRACT OWNED BY:  
 JAMES R. FAIRCLOTH  
 OF WHICH  
 5.196-AC. +/- IN PROJECT  
 SITE

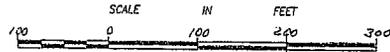
**LEGEND:**

- C = CENTERLINE
- R/W = RIGHT-OF-WAY
- E.I.P. = EXISTING IRON PIPE
- E.I.S. = EXISTING IRON STAKE
- I.P.S. = IRON PIPE SET
- I.S.S. = IRON STAKE SET
- BOUNDARY LINE
- BOUNDARY LINE NOT SURVEYED
- BRANCH
- DITCH



**PRELIMINARY**  
 MAP FOR SPECIAL USE PURPOSES  
 FOR

**JAMES R. FAIRCLOTH**  
 COLUMBIA TOWNSHIP - PENDER COUNTY  
 NORTH CAROLINA  
 DECEMBER 2007 - SCALE: 1" = 100'



**PROPERTY OWNED BY:**  
 JAMES R. AND DONNA L. FAIRCLOTH  
 16222 US HWY. 421 N  
 BURGAW, N.C. 28425

**THOMPSON SURVEYING CO., P.A.**  
 111 E. FREMONT STREET  
 BURGAW, N.C. 28425  
 910-259-3427  
 DANIEL H. THOMPSON - NCFLS NO. L-2174