



REQUEST FOR BOARD ACTION

ITEM NO. 19

DATE OF MEETING: October 26, 2015

REQUESTED BY: Megan O'Hare, Senior Planner, Planning & Community Development

SHORT TITLE: Resolution Requesting Approval of a Special Use Permit (SUP) for the Operation of a Vegetative Recycling Center.

BACKGROUND: Four Points Recycling, LLC., applicant, on behalf of Stacy Hollis Family LTD. Partnership, owner, is requesting approval of a Special Use Permit for the operation of a vegetative recycling center (NAICS 562219; Other Nonhazardous Waste Treatment and Disposal). The property is zoned GB, General Business zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; NAICS 562219, Other Nonhazardous Waste Treatment and Disposal is permitted via Special Use Permit in the GB, General Business zoning district. The subject property is located at 25540 US HWY 17 and may be further identified by Pender County PIN 4226-97-4215-0000.

SPECIFIC ACTION REQUESTED: To Hold a Public Hearing and Consider the Approval of a Special Use Permit for vegetative recycling center.

RESOLUTION

NOW, THEREFORE BE IT RESOLVED by the Pender County Board of Commissioners that:

on October 26, 2015 the Pender County Board of Commissioners (approved, modified, denied) a Special Use Permit request 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: Williams ___ Brown ___ McCoy ___ Piepmeyer ___ Keith ___

J. David Williams, Jr., Chairman 10/26/2015
Date

ATTEST 10/26/2015
Delivered Date

PLANNING STAFF REPORT

Special Use Permit

SUMMARY:

Hearing Date: October 26, 2015
Applicant: Four Points Recycling, LLC.
Property Owner: Stacy Hollis Family, Ltd.
Case Number: 11409

Land Use Proposed: Four Points Recycling, LLC., applicant, on behalf of Stacy Hollis Family LTD. Partnership, owner, is requesting approval of a Special Use Permit for the operation of a vegetative recycling center (NAICS 562219; Other Nonhazardous Waste Treatment and Disposal).

Property Record Number and Location: The subject property is located \pm 1,250 feet northeast from the intersection of US HWY 17 and Shepards Road (SR 153). There is one (1) tract associated with this request and is located on US HWY 17. The subject property may be further identified by Pender County PIN 2255-88-3624-0000.

Zoning District of Property: The subject property is zoned GB, General Business zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; NAICS 562219, Other Nonhazardous Waste Treatment and Disposal is permitted via Special Use Permit in the GB, General Business zoning district.

PROJECT DESCRIPTION:

Four Points Recycling, LLC., applicant, on behalf of Stacy Hollis Family LTD. Partnership, owner, is requesting approval of a Special Use Permit for the operation of a vegetative recycling center (NAICS 562219; Other Nonhazardous Waste Treatment and Disposal). The property is zoned GB, General Business zoning district and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; NAICS 562219, Other Nonhazardous Waste Treatment and Disposal are permitted via Special Use Permit in the GB, General Business zoning district. The property is located at 25540 US HWY 17 and may be further identified by Pender County PIN 4226-97-4215-0000.

The \pm 2.6 acre subject parcel is currently vacant. Other Nonhazardous Waste Treatment and Disposal comprises of establishments primarily engaged in (1) operating nonhazardous waste treatment and disposal facilities (except landfills, combustors, incinerators and sewer systems or sewage treatment facilities) or (2) the combined activity of collecting and/or hauling of nonhazardous waste materials within a local area and operating waste treatment or disposal facilities (except landfills, combustors, incinerators and sewer systems, or sewage treatment facilities). The project proposal includes piling, processing, and recycling vegetative debris such as limbs and branches into wood chips and clippings. According to the applicant's submitted narrative, the customers and residents will be able to dispose of their vegetative waste on-site. Debris will be handled by loaders, excavators, and a grinder.

Hours of Operation

The facility will be in operation from 8:00am to 5:00pm, Monday through Friday according to the applicant's submitted narrative. There will be a maximum of two (2) employees on-site at a time.

Landscape and Buffers

All landscape and buffers are to be approved in accordance with Section 8.2.8, Project Boundary Buffer of the Pender County Unified Development Ordinance. The applicant shows twenty-five (25) foot vegetative berms on the submitted site plan which are not in compliance with current ordinance regulations because they do not specify a specific buffer type, however all buffers will be examined at Site Development Plan submittal.

All commercial or uses other than residential uses (excluding industrial uses) in the Residential Districts shall provide a Buffer A along all street boundaries. A Buffer C is required along all boundaries adjacent to single family residential uses or residential lots with a parcel size of less than one (1) acre and when a single family structure is within fifty (50) feet of the boundary of the development. A Buffer B is required along all other non-street boundaries (Attachment 1).

Driveway Access

The applicant is showing access via an adjacent drive from US HWY 17 and is subject to review and approval by the NCDOT through a driveway permit which may be required at the Site Development Plan submittal.

Utilities

The applicant is not proposing a public water connection to Pender County Utilities or a private septic system. Restroom accommodations will be provided by a portable restroom facility. All review and approvals for any future private water and sewer services are subject to review of the Pender County Utilities Department.

Environmental

There are no Special Flood Hazard Areas located on the property. However, freshwater forested/shrub National Wetlands Inventory (NWI) wetlands are shown on-site. Any development would require possible delineation, impacts permit, and approval from The US Army Corps of Engineers at site development submittal.

The subject property has obtained Yard Waste Notification permit through the North Carolina Division of Environmental Quality (NCDEQ). A Yard Waste Notification is required for facilities that are less than two (2) acres in size, do not process more than 6,000 cubic yards of waste and finished material per three month period, and only accept what is considered “Type I” waste. Yard waste is defined in G.S. 130A-290 as yard trash and land clearing debris which includes stumps, limbs, leaves, grass, and untreated wood. Permit number YWN-71-008 was issued for this site on October 9, 2014.

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 federal, state, and local 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	OI	IT	GI	EC
MISCELLANEOUS USES											
Other Nonhazardous Waste Treatment and Disposal	562219						S			S	

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; as well as a sign advertising the public hearing was placed on the subject property.
- 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 GB, General Business zoning district, and according to the Pender County Unified Development Ordinance §5.2.3 Table of Permitted Uses; Other Nonhazardous Waste Treatment and Disposal via Special Use Permit in the GB, General Business zoning district.
- D. 2010 Comprehensive Land Use Plan Compliance:** The subject property is classified as Rural Growth and Suburban Growth in the 2010 Comprehensive Land Use Plan.

The Mixed Use land use classification designates locations where a mixture of higher density/intensity uses is to be encouraged. Mixed Use areas should be characterized by physically and aesthetically unified developments containing a mixture of commercial, office, institutional, and high- and medium-density residential uses, arranged in a walkable, compact, pedestrian and transit friendly manner.

Mixed Use areas are intended to help reduce sprawl by concentrating a mix of uses in convenient locations; by promoting an efficient sustainable pattern of land uses, and by providing most of the goods and services needed by residents in a coordinated, concentrated manner. Mixed Use areas are intended to reduce the number and length of auto trips by placing higher-density housing close to shopping and employment center. They also should function to improve the quality of life for residents living in higher density housing by placing daily conveniences, shops, and employment within walking distance

- a. The SUP request may be supported by two policies within the 2010 Comprehensive Land Use Plan:
 - i. **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
 - ii. **Policy 2F.1.1** – Ensure adequate capacity and proper management of solid waste, including reducing, reusing, and recycling materials.

This SUP request does not conflict with any goals and policies in the 2010 Pender County Comprehensive Land Use Plan.

- E. Existing Land Use in Area:** The subject parcel is bordered by vacant wooded properties to the north, south, east, and west.
- F. Site Access Conditions:** The applicant is showing access via an existing adjacent driveway and is subject to review and approval by the NCDOT through a driveway permit which may be required at the Site Development Plan submittal.
- 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 Developed Ordinance.
 - 2. 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.
 - 3. The applicant shall meet all other local, state and federal regulations.

4. 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.
5. Any expansions of debris collection areas shall necessitate a revision of the approved permit.
6. The facility must enter into an agreement with adjacent property owners to maintain the private access road.
7. The facility shall operate under the proposed hours of operation of 8:00am to 5:00pm, Monday through Friday.

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 11409	Date	6-12-15
Application Fee	\$ 300.00	Receipt No.	151461
Pre-Application Conference	-	Hearing Date	7-27-15
SECTION 1: APPLICANT INFORMATION			
Applicant's Name:	Four Points Recycling, LLC	Owner's Name:	Carroll Raynor <i>Stacy Hollis Family LTD</i>
Applicant's Address:	462 Holly Shelter Rd	Owner's Address:	922 Hwy. 17 S.
City, State, & Zip	Jacksonville, NC 28540	City, State, & Zip	Surf City, NC 28445
Phone Number:	910-346-2047	Phone Number:	910-333-5961
Legal relationship of applicant to land owner: Tenant			
SECTION 2: PROJECT INFORMATION			
Property Identification Number (PIN):	4226-97-4215-0000	Total property acreage:	2.34
Zoning Classification:	GB	Acreage to be disturbed:	NA
Project Address :	25540 Hwy 17., Holly Ridge, NC		NAICS Code: 113310
Description of Project Location:	At the Pender & Onslow County Line		
Describe activities to be undertaken on project site:	Will be taking in debris for recycling.		
SECTION 3: SIGNATURES			
Applicant's Signature	<i>Carroll Raynor</i>	Date:	6/11/15
Owner's Signature	<i>Stacy Hollis Family Limited Partnership President</i>	Date:	6/11/15
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 checked="" 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: \$ 300.00 Application#: 11409 Date of Hearing: 7-27-15			
Attachments Included with Application: (Please include # of copies)							
CD /other digital version	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	Plan Sets 20	# of large 2	# of 11X17 20	Other documents/Reports	<input type="checkbox"/> Y <input checked="" type="checkbox"/> N	
Payment Method:		Cash : <input type="checkbox"/> \$ _____		Credit Card: <input type="checkbox"/> Master Card <input type="checkbox"/> Visa		Check: <input checked="" type="checkbox"/> Check # 3271	
Application received by: <i>Pat O'Neil</i>				Date: 6-12-15			
Application completeness approved by:				Date:			

Special Use Permit Checklist

<input checked="" type="checkbox"/>	Signed Application Form (Both Applicant and Owner)
<input checked="" 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 checked="" 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 type="checkbox"/> Location of the project and type of access to project site <input type="checkbox"/> Detailed description of the activities to be undertaken on the site, including hrs. of operation, # of employees, etc. <input type="checkbox"/> Description of all construction activities to be undertaken on the site <input type="checkbox"/> Describe type of utilities that will serve project and status of approval from applicable providers <input type="checkbox"/> List of all state and federal permits that will be required for the project <input type="checkbox"/> Applicant <u>must specifically address the 8 written findings</u> for Special Use Permit approval which are identified on page 1 of this application and in the Pender County Unified Development Ordinance (Section 3.12.3.G.). 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. 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 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 type="checkbox"/> Access from the site and/or project boundaries to the nearest publicly maintained road. <input type="checkbox"/> Location of any existing structures or uses on the property and within 50' of the property. <input type="checkbox"/> Location of the project boundaries if they do not coincide with the property boundaries. <input 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 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 type="checkbox"/> Parking, loading areas, and access to the project (See Article 7, Pender County UDO) <input type="checkbox"/> Landscaping and buffering (See Article 8, Pender County UDO) <input type="checkbox"/> All signs to be located on the property (See Article 10, Pender County UDO) <input type="checkbox"/> Pedestrian walks, area lighting and flood lighting. <input 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 type="checkbox"/> Drainage plan and/or direction of flow of runoff from the project and site. <input type="checkbox"/> After review by the Planning and Community Development Department, additional information may be required to be submitted. <input 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

**Four Points Convenience Site #3
Pender County, NC**

FPCS #3 is a 2.34 Acre tract on the east side of Hwy 17, on the Onslow Pender County Line. The site is over 1500Ft from any dwelling, on the east side is woodlands, on the south side is a large commercial tract not used, one undeveloped residential lot, a creek on the north side & Hwy 17 to the west. The site will stay completely mulched at all times with no exposed soil. There are no existing structures or proposed structures at this time.

The proposed project will consist of vegetation debris such as limb, laps, tops, clippings & wood chips being stock piled, processed and recycled. Equipment shall consist of loader, excavator & a grinder. This will allow residents & customers to dispose of vegetative materials properly per stated codes & serve as vegetative debris convenience site. It will have access via Hwy 17 on a 60' ROW at an existing permitted entrance.

The site shall be buffered by vegetative berms except for the roadway. ROW shall be stoned as would any construction entrance not to create any sediment leaving the site. Materials shall be ground and used as boiler fuel & colored mulch. The grinder or the equipment to be used will not create noise loud enough to be heard by any close dwelling. The following site permit has been granted and the Yard Notification Number from NCDENR is YWN -71-008 & has been in place since October 9, 2014. Hours of operation will be 6:30AM – 6:00PM. No utilities will be needed to serve the property. Portable toilets will be used to serve the one or two employees.

RECEIVED

JUN 12 2015

PENDER PLANNING DEPT.



Applicant:
Four Points Recycling, LLC.

Owner:
Stacy Hollis Family, Ltd.

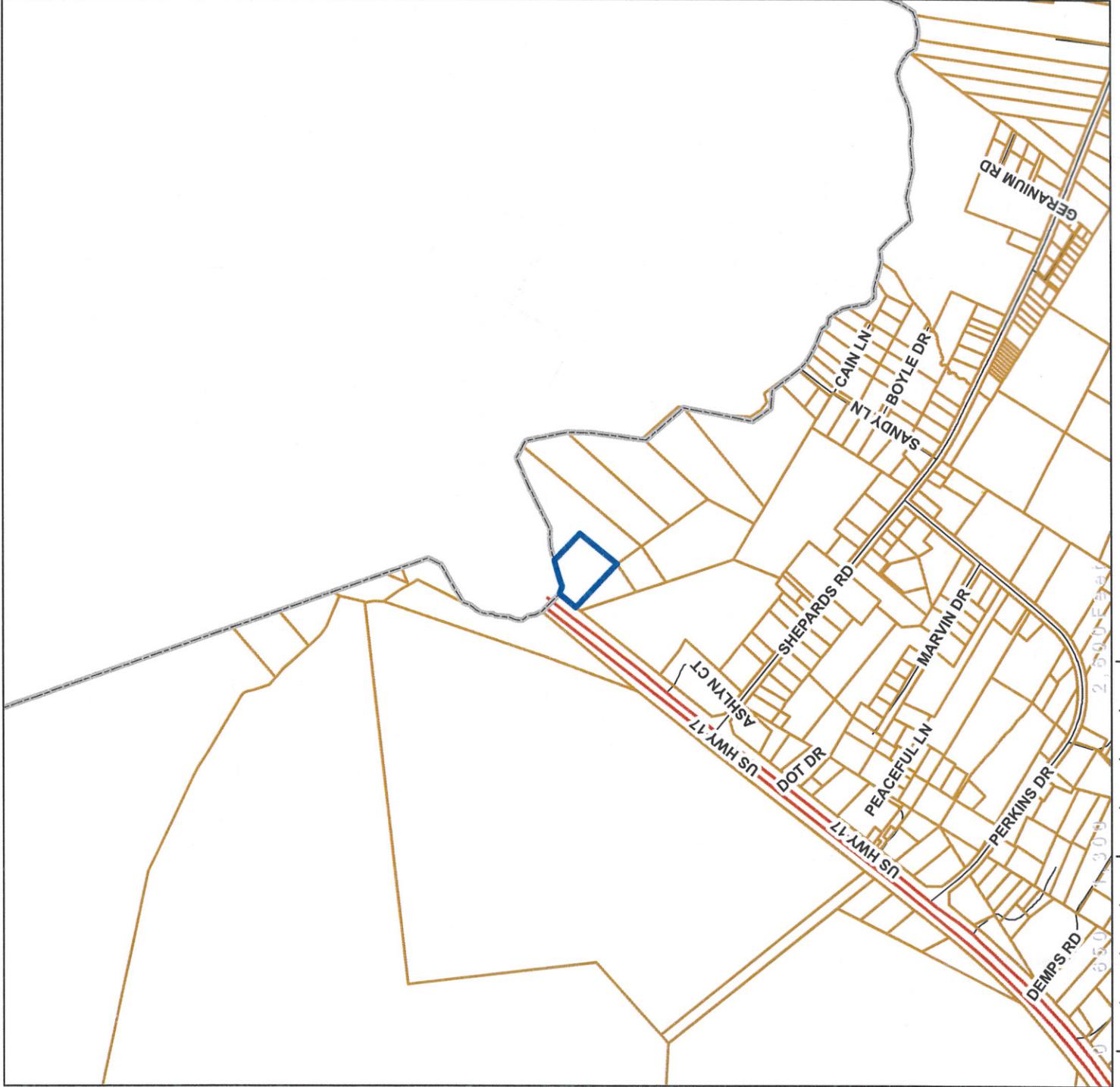
Special Use Permit:
#111409

Legend

 Subject Property



Vicinity





Applicant:
Four Points Recycling, LLC.

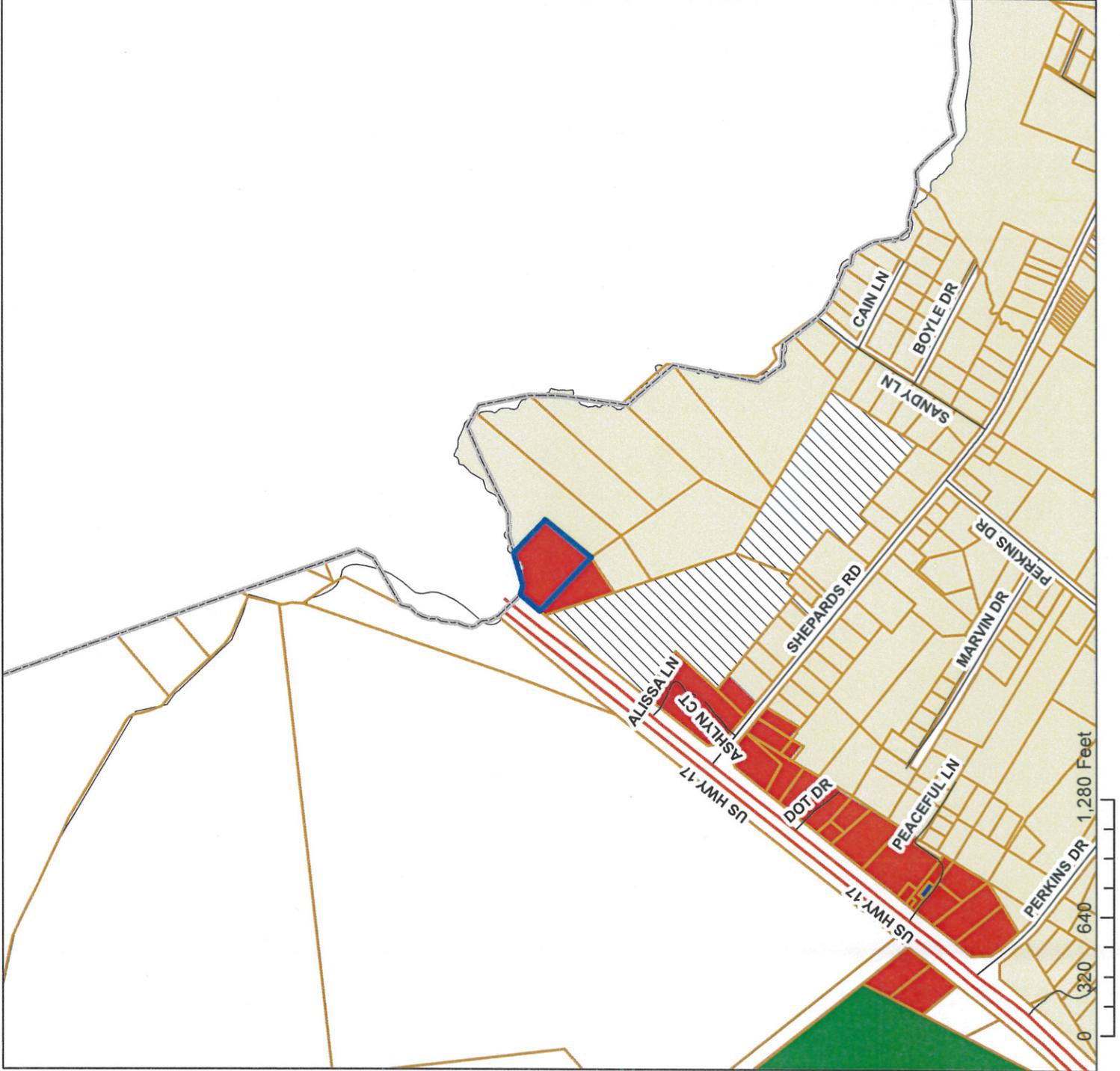
Owner:
Stacy Hollis Family, Ltd.

Special Use Permit:
#11409

- Legend**
- UDO Zoning
- EC, Environmental Conservation
 - GB, General Business
 - GI, General Industrial
 - Incorporated
 - IT, Industrial Transition
 - MH, Manufactured Housing
 - O&I, Office & Institutional
 - PD, Planned Development
 - RA, Rural Agricultural
 - RA-Conditional Zoning 1
 - RP, Residential Performance
 - Subject Property



Current Zoning





Applicant:
Four Points Recycling, LLC.

Owner:
Stacy Hollis Family, Ltd.

Special Use Permit:
#11409

Legend

Future Land Use

-  Industrial
-  Mixed Use
-  Office, Institutional, Business
-  Rural Growth
-  Suburban Growth
-  Subject Property



Future Land Use





Applicant:
Four Points Recycling, LLC.

Owner:
Stacy Hollis Family, Ltd.

Special Use Permit:
#11409

Legend

 Subject Property



2012 Aerial

