

Project Overview

#2040179

Project Title: Russell Street Recycling
Application Type: 5.3) Special Use Permit
Workflow: Staff Review

Jurisdiction: City of Fayetteville
State: NC
County: Cumberland

Notice Regarding Special Use Permit Procedural Process

Special Use Permit

Dear Applicant,

Thank you for applying for a Special Use Permit with the City of Fayetteville. The City Council's decision shall be based on written and sworn oral evidence presented at the evidentiary hearing. This application **MUST BE COMPLETE**, thorough responses must be provided. Incomplete applications and responses will not be accepted. The procedures you **MUST** follow are found in the Unified Development Ordinance (UDO) Sections 30-2.C.7., Special Use Permit, and 30-2.B.14., Public Evidentiary Hearing Procedures.

Pursuant to Section 30-2.C.7.d.7.a.2 of the UDO, the Special Use Permit shall automatically expire if a Building Permit for the development authorized by the Special Use Permit is not obtained within one year after the date of issuance or if the development authorized by the Special Use Permit is discontinued and not resumed for a period of one year, unless otherwise specified by City Council.

If you have any additional questions, please contact the Planning & Zoning Division at 910-433-1612 to speak with a Professional Planner.

If you would like a copy of the above text, you can [download a copy here](#).

Please enter your full name in the space below to confirm your acknowledgement of the above statement and to confirm that you are the owner or owner's representative and you have the authority to apply for this permit.

Enter Your Full Name Here: Sidney Wiswell

Project Location

Project Address or PIN: 610 E RUSSELL ST (0437915580000) **Zip Code:** 28301

Please see checklist for instructions for multiple buildings on a single parcel submittals

Is it in Fayetteville? A Fayetteville mailing address does not mean it is in the jurisdictional boundaries of the city. If you're not sure, click this link: [Cumberland County Tax Office GIS system](#)

E911 Addressing confirmation, please ensure that new developments have an address assigned by Cumberland County E911 before submitting. There may be delays and penalties for not doing so.

GIS Verified Data

Project Address: 610 E RUSSELL ST

Written Description of Special Use

Is the proposed project for a cell tower?: No

A) Provide a written description of the proposed special use, including summary of existing uses and the proposed use/activity in detail. :

The applicant is requesting to use the property for a Salvage and Junkyard as that use is defined in the City of Fayetteville Unified Development Ordinance (the UDO). The proposed facility will be used to accept discarded materials including but not limited to scrap metal, paper and wood (the Proposed Salvage Yard). The Proposed Salvage Yard will collect these materials and then separate and process them so they can be baled, sold, handled, recycled, and/or reintroduced as raw material for the production of new goods. The Proposed Salvage Yard will provide environmental and economic benefits by conserving natural resources, saving energy, and reducing landfill waste.

B) Please provide a description of the Zoning District designations and existing uses on adjacent properties, including across the street.:

The property is currently zoned Heavy Industrial (HI). Adjacent properties are zoned for HI, Limited Commercial (LC), Community Commercial (CC), Downtown 2 (DT-2), and Mixed Residential 5 (MR5). The adjacent properties are primarily used for commercial and industrial purposes, including an auto parts store, a moving business, a window tinting service, and an electrician. To the southeast of the property are some residences. The applicant will follow all UDO regulations to ensure proper buffering.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 1 - The special use complies with all applicable standards, conditions, and specifications in this Ordinance, including in Section 30-4.C, Use-Specific Standards;:

The Proposed Salvage Yard is a permitted use in the HI zoning district with a special use permit. See Table 30.4A. The Proposed Salvage Yard will comply with all applicable standards in the UDO, including the use specific standards outlined in Article 30-4.C.5 (e)(6) and the development standards in Article 30-5. A site plan/concept plan showing the layout and compliance with UDO setbacks is attached as Exhibit A.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 2 - The special use will be in harmony with the area in which it is located;:

The location and character of the proposed use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located. The Property is zoned Heavy Industrial which is established and intended to accommodate heavy manufacturing, assembly, fabrication, processing, distribution, storage, research and development, and other industrial uses that may be large-scale or otherwise have extensive exterior movement of vehicle, materials, and goods, and greater potential for adverse environmental and visual impacts. See UDO Sec. 30-3.E.9. The Proposed Salvage Yard will be located in an area with other commercial and industrial uses.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e.

You may upload additional pages

Finding Number 3 - The special use will not materially endanger the public health or safety if located where proposed and developed according to the plan as submitted and approved;:

The Proposed Salvage Yard will not materially endanger the public health and safety. The property is not currently in use, so it tends to attract unhoused individuals and can be a target for vandalism. By developing the property into a needed and viable business, the property will benefit the public health and safety.

The Proposed Salvage Yard will also provide significant environmental and economic benefits by conserving natural resources, saving energy, and reducing landfill waste. It will also support the economy through job creation and providing a place to bring salvage materials.

The Proposed Salvage Yard will fully comply with all relevant environmental standards and regulations to mitigate its impacts. The Proposed Salvage Yard will not accept, process or handle any toxic chemicals or materials.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 4 - The special use is in general conformity with the City's adopted land use plans and policies;:

The location and character of the proposed use, if developed according to the plan submitted, will be in general conformity with the plan of development of Fayetteville and its ordinances.

As described above, the UDO permits the Proposed Salvage Yard in the HI zoning district with a special use permit. In addition, according to the 2040 Comprehensive Plan and Future Land Use Map, the property is located in the Industrial/Employment (EC) zone. EC is described in the plan as being for high intensity nonresidential uses with high impact or likelihood for nuisance. This zoning designation and FLUM designation both contemplate uses such as the Proposed Salvage Yard.

The Proposed Salvage Yard will comply with the following policies in the 2040 Comprehensive Plan and Future Land Use Map:

2.1 Encourage economic development in designated areas.

LU 2.3 Coordinate with Fayetteville Cumberland County Economic Development Corporation

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 5 - The special use will not substantially injure the value of the abutting land, or the special use is a public necessity; and:

The Proposed Salvage Yard is consistent with other uses in the area and will not cause a decrease in value; in fact, developing the property for an operating business will enhance its value. Competent, material, and substantial evidence will be presented at the evidentiary hearing that will establish the Proposed Salvage Yard will not substantially injure the value of adjoining property. The Applicant is sensitive to the placement of the Proposed Salvage Yard on the property, and the project is designed to minimize impacts and provide appropriate buffers and setbacks.

Please indicate, in detail, how the proposed special use meets the following standard. Be thorough in your response, as it shall be used as written evidence in the evidentiary hearing, per Special Use Standards 30-2.C.7.e. You may upload additional pages

Finding Number 6 - The special use complies with all other relevant City, State, and Federal laws and regulations?:

The Applicant will comply with all applicable city, state, and federal regulations.

Primary Contact Information

Project Owner

Robin Tatum
Russell Street, LLC
150 Fayetteville Street, Suite 2800
Raleigh, NC 27601
P:919.821.6784
rtatum@smithlaw.com

Indicate which of the following project contacts should be included on this project: Attorney,Engineer

Project Contact - Attorney

Sidney Wiswell
Smith Anderson
150 Fayetteville Street, Suite 2300
Raleigh, NC 27601
P:919-838-2054
swiswell@smithlaw.com

NC State Electrical Contractor #1 License Number:

NC State Electrical Contractor #2 License Number:

NC State Electrical Contractor #3 License Number:

NC State Mechanical Contractor's #1 License Number:

NC State Mechanical Contractor's #2 License Number:

NC State Mechanical Contractor #3 License Number:

NC State Plumbing Contractor #1 License Number:

NC State Plumbing Contractor #2 License Number:

Project Contact - Agent/Representative

Sidney Wiswell
Smith Anderson
150 Fayetteville Street, Suite 2300
Raleigh, NC 27601
P:919-838-2054
swiswell@smithlaw.com

As an unlicensed contractor, I am aware that I cannot enter into a contract that the total amount of the project exceeds \$40,000. :

Project Contact - Engineer

Rusty Norris
ELM Site Solutions
PO Box 27624
Raleigh, NC 27624
P:9197923733
rnorris@elmsitesolutions.com

NC State General Contractor's License Number: