



Planning

Major Special Use Permit (MSUP) and Transportation Special Use Permit (TSUP) Application

City-County Planning Department

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Application Guide and Submittal Portal: <https://dsc.durhamnc.gov/264>

Application Questions: BOA@durhamnc.gov | 919-560-4137

PROJECT INFORMATION:

Application Type:	<input checked="" type="checkbox"/> MSUP	<input type="checkbox"/> TSUP	<input type="checkbox"/> Both
Site Address:	70001 N Roxboro Road		Total Site Area (In acres): 287.723
Zoning District(s):	RR		Zoning Overlay(s): M/LR-A
Jurisdiction:	<input type="checkbox"/> City	<input checked="" type="checkbox"/> County	<input type="checkbox"/> Both
PIN(s):	0826-76-11-2656 among many others		Development Tier(s): Rural
Current Use(s):	Undeveloped residential		Proposed Use(s): Residential
TIA prepared by:	N/A		Associated Site Plan Case Number: D2100325

Project Name: Mason Farms Conservation Subdivision

APPLICATION REQUIREMENTS (INCLUDE LIST NUMBER IN ATTACHMENT NAME WITH SUBMITTAL)

This application is a form of written testimony and is used to provide evidence that the required findings for approval can be made. The applicant has the burden of proof and must provide sufficient evidence in order for the required findings to be made.

NOTE: Attendance at the Governing Board hearing (City Council, if City jurisdiction, Board of County Commissioners, if County jurisdiction) is required. Applicants may represent themselves or may be represented by someone appropriate for quasi-judicial public hearings. Decisions can be appealed to Superior Court within 30 days.

1. Documentation of the Pre-submittal Meeting (Required)	4. Floor Plan, Elevations, and Site Plan, as applicable
2. Payment Receipts	(Additional supporting documents may be requested by the Case Planner and/or may be provided by the applicant)
3. For MSUPs: Responses to General Findings and Review Factors (UDO Section 3.9.8A and B), Additional Findings and/or Review Factors (if applicable), and Responses to Limited Use Standards (if applicable)	
For TSUPs: Responses to General Findings and Review Factors (UDO Section 3.3.8) and Traffic Impact Analysis (TIA)	

ACKNOWLEDGEMENTS AND PETITIONS

I, the undersigned, acknowledge that the application is complete and that all information included is accurate to the best of my knowledge. Applications are considered accepted only after they have been determined to be complete according to paragraph 3.2.4 of the Unified Development Ordinance, not upon submission.

	Owner	Applicant	Agent (if applicable)
Name:	Karen Hansen	Thomas Perdue, PE	
Firm:	III CRE SPV 1 LLC	MacConnell and Associates, PC	
Phone:	561-544-4400	919-467-1239	
Email:	legal@avmltd.com	thomas.perdue@macconnellandassoc.com	
Address:	777 Yamato Rd, Suite 300, Boca Raton, FL 33444	601 Cascade Pointe Lane, Suite 103, Cary, NC 27513	
Digital Signature:			

Date Signed:	12-23-21	12/23/21	
All applications:	<p>In granting a Major Special Use Permit or Transportation Special Use Permit request, the Governing Body may prescribe reasonable and appropriate conditions provided that the conditions are reasonably related to the request. The conditions shall become part of the approval. Violations of any of the conditions shall be treated in the same manner as other violations of the Ordinance.</p> <p>Furthermore, Special Use Permits shall become null and void in any of the following cases (Section 3.9.14 of the UDO):</p> <p>A. If a site plan or architectural review, as applicable, is not approved within 12 months of the date of permit approval.</p> <p>B. If an approved site plan, architectural review application, or building permit expires.</p> <p>C. If a building permit is not issued within two years of the date of approval, in cases where a corresponding site plan or architectural review is not required.</p> <p>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.</p> <p>Digital Signature: _____ Date Signed: _____</p>		
For MSUPs:	<p>I, _____, hereby petition the City of Durham/County of Durham for a Major Special Use Permit to allow use of the property as described in material submitted with this request.</p> <p>Digital Signature _____ Date Signed: _____</p>		
For TSUPs:	<p>I, _____, hereby petition the City of Durham/County of Durham for a Transportation Special Use Permit to allow use of the property as described in material submitted with this request.</p> <p>Digital Signature: _____ Date Signed: _____</p>		
RESPONSES REQUIRED (PLACE RESPONSES IN A SEPARATE WORD DOCUMENT FOR SUBMITTAL)			
Major Special Use Permit Responses:	<p>General Findings: Applications for minor or major special use permits shall be approved only if the Board of Adjustment finds that the use as proposed, or the use as proposed with conditions, is:</p> <ol style="list-style-type: none"> 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 <p>Review Factors: The applicant shall demonstrate that the review factors listed below have been adequately addressed:</p> <ol style="list-style-type: none"> 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. 2. Parking and Loading: Location of off-street parking and loading areas. 3. Service Entrances and Areas: Locations of refuse and service areas with particular reference to ingress and egress of service vehicles. 4. Lighting: Locations of exterior lighting with reference to glare, traffic safety, economic effect and compatibility with other property in the area. 5. Signs: Appropriateness of signs considering location, color, height, size, and design within the context of other property in the area. 6. Utilities: Location and availability of utilities. 7. Open Spaces: Location of required yards and other open spaces and preservation of existing trees and other natural features 8. Environmental Protection: Preservation of tree coverage, Durham Inventory Sites, floodplain, stream buffers, wetlands, steep slopes, open space, and other natural features, and protection of water quality. 9. Screening, Buffering, and Landscaping: Installation of screening, buffering, fencing, and landscaping where necessary to protect adjacent property. 		

	<p>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.</p> <p>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.</p> <p>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.</p> <p>13. Other Factors: Any other factors that the approving authority considers to be appropriate to the property in question.</p> <p>Also address Limited Use Standards, as applicable</p>
<p>Transportation Special Use Permit:</p>	<p>General Findings: <i>Before any Transportation Special Use Permit shall be granted, the Governing Body must find that satisfactory evidence has been provided for the following. The site plan, application, and testimony at the hearing must provide sufficient evidence for the Governing Body to determine that these general findings and review factors have been adequately and appropriately addressed.</i></p> <ol style="list-style-type: none"> 1. The traffic generated by the development and associated improvements to the street system will not have a significant adverse impact on the surrounding area. Significant adverse impact shall include: <ol style="list-style-type: none"> a. Substantial increases in traffic on local residential streets such that the majority of the traffic is not associated with the residential properties which front on the street; or b. The need to widen local residential streets which would detract significantly from the character or basic function of the nearby streets. 2. Adequate provisions have been made for safe and efficient vehicular circulation, parking and loading, and pedestrian access; 3. The traffic generated by the proposed development and any proposed improvements to the street system will not have a significant adverse impact on the environment. Significant adverse impacts shall include but not be limited to undue concentration of air pollutants, or excessive noise or vibrations; and 4. The traffic generated by the development can be accommodated by the existing or funded transportation system, or adequate traffic mitigation measures have been proposed as part of the development application. Proposed mitigation measures shall become conditions of the special use permit. The adopted level of service for the adjacent roadways may be considered in making this determination but shall not be the sole factor considered by the governing body.

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MacCONNELL & Associates, P.C.
"Engineering Today For Tomorrow's Future"

Application Responses
December 27, 2021

Permittee: III CRE SPV 1, LLC

Project: Mason Farms Conservation Subdivision – Major Special Use Permit

Project No.: A90101.00

The Mason Farms Conservation Subdivision is a proposed 142-lot single-family home subdivision that will utilize a community water and wastewater system. A community wastewater system requires a Major Special Use Permit approval prior to Site Plan approval. MacConnell and Associates, PC (M&A) is providing the following responses to the Major Special Use Permit Application for the wastewater system:

Review Factor #1: Circulation

Access points to all parts of the wastewater system will be available during emergency situations. Traffic flow and control is not an issue since public access is not provided. Bicycle, mass transit, and pedestrian safety are not applicable to the wastewater system.

Review Factor #2: Parking and Loading

One to two parking spots will be available for service vehicles at the wastewater treatment plant and at each cluster of collection system pump tanks. Loading will not be an issue for the wastewater system.

Review Factor #3: Service Entrances and Areas

The wastewater treatment plant will have one access point from Preston Andrews Road. This will be a maintenance access and will not be open to the public. Clusters of collection system pump tanks are located in several places throughout the subdivision. Each cluster will have its own access point that is not available to the public. Access to the drain fields is provided via existing farm roads and open spaces.

Review Factor #4: Lighting

The wastewater treatment plant will have one area light that will have directional shielding. This light will be located a minimum 100' from property lines and will not impact off-site properties.

Review Factor #5: Signs

Signs will be attached to access gates to the wastewater treatment plant and collection system pump tank clusters. These signs will be utilitarian in style, metal, and approximately 2'x2'. Additionally, signs will be posted on 4"x4" posts around the edges of the drain fields identifying their boundary. These signs will also be utilitarian in style, metal, and approximately 2'x2'. These signs will be light-reflective, but not lit.

Review Factor #6: Utilities

The subdivision will have a community wastewater and community water system. Power will be provided by Duke Energy.

Review Factor #7: Open Spaces

The wastewater system meets all setback requirements and does not have any open space requirements. Existing vegetation will remain as allowable during construction and operation.

Review Factor #8: Environmental Protection

The wastewater system and development meets all requirements for environmental protection.

Review Factor #9: Screening, Buffering, and Landscaping:

The wastewater treatment plant meets all setbacks for development. It is also located in an area that is at least 300' from adjacent properties. The majority of the treatment system is underground. Portions of the treatment system that are aboveground are less than 18" aboveground with the exception of control panel posts. Chain-link fencing will be provided, but will not provide screening protection. The drain fields are all underground and will not be seen by off-site properties. The wastewater system is not expected to visually impact off-site properties.

Review Factor #10: Effect on Adjacent Property:

The proposed treatment system does not have a history of odor problems. The wastewater system also does not contain noise-making equipment. Minimal lighting is provided with directional

shielding. One vehicle may access the site weekly; therefore, traffic will not be an issue. The wastewater system is not expected to effect off-site properties.

Review Factor #11: Compatibility

The wastewater collection and treatment system will be contained on-site and will not impact off-site properties. The disposal fields have been researched thoroughly by Licensed Soil Scientists and modeled by a Professional Hydrogeologist. Impacts to off-site disposal fields of residential properties is not expected.

Review Factor #12: Consistency with Policy

The wastewater treatment system is consistent with the Site Plan and is a similar technology to the surrounding development.

Review Factor #13: Other Factors

No other factors are of concern for the wastewater system.