May 24, 2018 Item # 3 A-C

Motion Making Required Findings and Statement of Consistency with Comprehensive Plan F-1575

I move that the Board make the following four required findings based upon the material and competent evidence presented in Special Use Permit request of Elizabeth Tucker for a Land Clearing and Inert Debris (LCID) Landfill:

- 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- 2. That the use meets all required conditions and specifications;
- 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- 4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.

I further move that the following statement be adopted in support of a **Motion to Approve** the request for Special Use Permit, F-1575:

The proposed request for a Special Use Permit, with its added conditions, is in conformance with the general recommendations of the Legacy Comprehensive Plan, and it is reasonable and in the public interest because:

- 1. the Special Use Permit request could provide additional convenient fill area for other development projects in the area; and
 - 2. the Special Use Permit request appears to meet the four findings;

Based on the foregoing affirmative findings and Statement of Consistency with the Comprehensive Plan, I move that the Special Use Permit, Zoning Docket F-1575, be approved and further that the related Site Plan be approved.

Motion Making Required Findings and Statement of Consistency with Comprehensive Plan F-1575

I move that the following statement be adopted in support of a **Motion to Deny** the Special Use Permit, F-1575:

The Board is unable to make the four required findings based upon the material and competent evidence presented in the Special Use Permit request under F-1575 for a Land Clearing and Inert Debris (LCID), because the proposed use, if developed according to the application and plan submitted could substantially injure the value of adjoining or abutting residentially zoned property. Therefore, the Special Use Permit should be denied.

Based on the inability to make the four required findings and the Statement of Consistency with the Comprehensive Plan, I move that Zoning Docket F-1575 be denied, that issuance of the Special Use Permit be denied, and further that the Site Plan be denied.

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: May 24, 2018 AGENDA ITEM NUMBER: 3 A-C
SUBJECT:
A. Public Hearing on Special Use Permit Request of Elizabeth Tucker for a Land Clearing and Inert Debris (LCID) Landfill (F-1575)
B. Approval of Special Use Permit
C. Approval of Site Plan
COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:
SUMMARY OF INFORMATION:
See attached staff report.
After consideration, the Planning Board recommended Approval of the special use permit.
ATTACHMENTS: X YES NO
SIGNATURE: DATE:



Bryce A. Stuart Municipal Building 100 E. First Street P.O. Box 2511 Winston-Salem, NC 27102 CityLink 311 (336.727.8000) Fax 336.748.3163 www.cityofus.org/planning April 25, 2018

Elizabeth Tucker 7301 Watkins Ford Road Kernersville, NC 27284

Re: Special Use Permit F-1575

Dear Petitioner:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. You will be notified by the Board of Commissioners' Office of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, FAICP Director of Planning and Development Services

Clerk to the Board of Commissioners, Forsyth County Government Center - 5th Floor, 201 N.
 Chestnut Street, Winston-Salem, NC 27101
 Brad Coe, PO Box 36, Wallburg, NC 27373



City Council: Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Teylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

County Commissioners: David R. Plyler, Chairman; Don Martin, Vice Chair, Fleming El-Amin; Ted Kaplan; Richard V. Linville; Gloria D. Whisenhunt; Everette Witherspoon; County Manager: Dudley Watts, Jr.

DOCKET F-1575 SPECIAL USE PERMIT OF ELIZABETH TUCKER ISSUED BY THE FORSYTH COUNTY BOARD OF COMMISSIONERS

BE IT ORDAINED by the Board of Commissioners of Forsyth County as follows:

<u>Section 1</u>. The Board of Commissioners hereby makes an affirmative finding as follows, based upon the material and competent evidence presented at the public hearing:

- 1. That the use will not material endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
- 2. That the use meets all required conditions and specifications;
- 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
- 4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

Section 2. The Forsyth County Board of Commissioners hereby issues a special use permit for Land Clearing and Inert Debris Landfill greater than 2 acres in an AG zoning district in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to Tanner Boyles LCID to be established on the following described property:

PIN# 6873-46-7800

The site shall be developed in accordance with Attachment "A", provided the property is developed in accordance with requirements of the Zoning Ordinance of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

• PRIOR TO ISSUANCE OF ANY PERMITS:

- a. No permits for land clearing and inert debris landfills shall be approved until all plans, including plans for rehabilitation of sites, have been reviewed and approved by the North Carolina Department of Environmental Quality (NCDEQ).
- b. Record a final plat and rehabilitation/reuse plan in the office of the Register of Deeds.

• PRIOR TO ISSUANCE OF GRADING PERMITS:

- a. Developer shall obtain a driveway permit from the North Carolina Department of Transportation.
- b. Petitioner shall obtain a Watershed Permit from Erosion Control.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required improvements of NCDOT driveway permit shall be completed.
- b. All security fencing and security entry gate(s) shall be installed in substantial conformance with the approved site plan.

• OTHER REQUIREMENTS:

a. Developer shall prohibit truck traffic into abutting properties.

CITY-COUNTY PLANNING BOARD STAFF REPORT

STATE OF STA	PETI	TION INFORMATION			
Docket#	F-1575				
Staff	Bryan D. Wilson				
Petitioner(s)	Elizabeth Ann Tucker				
Owner(s)	Same				
Subject Property	PIN # 6873-46-	7800			
Address	7301 Watkins F				
Type of Request	County Commissioners special use permit request for the development of a Land Clearing and Inert Debris (LCID) Landfill. Approval of a special use permit depends upon an affirmative finding of all Findings of Fact as found in the Other Applicable Plans and Planning				
	Issues section b		Applicable Plans and Planning		
	1		ATTENDED TO THE PARTY OF THE PA		
Location		AL SITE INFORMATIO			
		atkins Ford Road, west of	reague Lane		
Jurisdiction Site Assessment		Forsyth County			
Site Acreage	± 18.28 acres				
Current Land Use	The site is currently undeveloped.				
Surrounding	Direction	Zanina District	LEAVE TO SERVICE TO SE		
Property Zoning	North	Zoning District	Use		
and Use	East	AG	Single family home		
and Use		AG	Undeveloped property and single family homes		
	South	AG	Undeveloped property(agricultural uses)		
	West	AG & RS12-S PRD	Undeveloped property and one single family home		
Physical Characteristics	from the perime the LCID will b wooded. The so	e located. The northern por	ubstantial downward grade northern-central portion where rtion of the site is heavily is cleared. A wooded strip of		
Proximity to	Public water and sewer are available to the site.				
Water and Sewer					
Stormwater/ Drainage	No requirement.				
Watershed and	The site is located within the Abbotts Creek WSIII Water Supply				
Overlay Districts	Watershed. A watershed permit will be required.				
Analysis of General Site Information	Due to the site's location, natural screening, and steep topography, the subject property lends itself well to the proposed Land Clearing and Inert Debris Landfill.				

Street Name	ACCESS AND T	Fronta		Married World		
			Da Ti Co	rage aily rip ount	Capacity at Level of Service D	
Watkins Ford Road	Minor Thoroughfare	756'		100	15,800	
Proposed Access Point(s)	Access will be provided by an existing gravel drive to Watkins Ford Road.					
Trip Generation - Existing/Proposed	No trip rate generation estimate is available for the proposed use.					
Sidewalks	There are no side	walks alo	ng Watkins	Ford R	oad	
Analysis of Site Access and Transportation Information		s a condit	ion prohibi	ting truc	ss to the LCID landfill. ck traffic into the abutting	
The second secon		The second second second	HE UDO			
Building Square Footage	600'	Square Footage		Placement on Site astern-central portion of the site		
	Required	D.	roposed	enual p		
Parking	2 spaces		spaces	Layout 90 head-in		
Building Height	Maximum Z spaces		spaces	Proposed		
Dunding Height		40°		One story		
Impervious	Maximum 24%		SINER HE		Proposed	
Coverage			PROBLEM CO.	2.48%		
UDO Sections Relevant to Subject Request	Inert Debris	article II, S (LCID) article VI,	Section 2-5.	41 Lan	G District adfill, Land Clearing and cial Use Permits Authorize	
Complies with	(A) Legacy 2030 policies: Yes					
Chapter B, Article VII, Section 7-5.3	(B) Environmental Ord.		Yes			
	(C) Subdivision Regulations		N/A			
Analysis of Site Plan Compliance with UDO Requirements	illustrates the req zoned properties. curve of the prop Site access will b Watkins Ford Ro access gate, and	uired 100 A 600 sq cosed drive be provided ad. The si signage to	' setback frou are foot acceptose to the domain and	om the accessory the central t	area. The site plan abutting residentially y office will be place at the al eastern property line. avel drive emptying onto required security fencing, the southern property line sets the requirements of the	

	DNFORMITY TO PLANS AND PLANNING ISSUES		
Legacy 2030 Growth Management Area	Growth Management Area 3 -Suburban Neighborhoods		
Relevant Legacy 2030 Recommendations	 Promote compatible infill development that fits with the context of its surroundings. Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods 		
Relevant Area Plan(s)	Southeast Forsyth County Update (2013)		
Area Plan Recommendations	• The most prevalent zoning in the plan area is the Agricultural (AG) District with 7,377 acres (p. 9).		
Site Located Along Growth Corridor?	No.		
Site Located within Activity Center?	No.		
Comprehensive Transportation Plan Information	The Comprehensive Transportation Plan recommends adding 5' of additional shoulder and a shared bike lane with no additional right-of-way requested.		
Other Applicable Plans and Planning Issues	The Board of Commissioners shall issue a special use permit only when the Board of Commissioners makes an affirmative finding as follows (Planning staff comments in italics):		
	 Board of Commissioners Findings: That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. (Yes). That the use meets all required conditions and specifications. (Yes, the subject request will meet the minimum requirements of the UDO). That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, (Planning staff does not have the expertise to make property value determinations). That the location and character of the use, if developed according to 		
	the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with <i>Legacy 2030. (Yes)</i> .		
Addressing	Address issued for LCID Landfill: 7301 Watkins Ford Rd.		
Comments from The Town of Kernersville	The Kernersville Planning Department was contacted regarding this case and provided no additional comments.		

Analysis of Conformity to Plans and Planning Issues The request for an elected body special use permit would allow for a Land Clearing and Inert Debris Landfill (LCID) to be operated on the subject property. This type of landfill is distinct from a Sanitary Landfill or a Construction and Demolition Landfill in that it is "...limited to receiving land clearing waste, concrete, brick, concrete block, uncontaminated soil, gravel and rock, untreated and unpainted wood, and yard trash."

The proposed use will not require the use of public water or sanitary sewer service. The site is bordered by similarly zoned Agricultural District property on all sides, excepting one property abutting the northeastern property line that is zoned RS12-S-PRD. The majority of the abutting properties lie within Town of Kernersville city limits. Kernersville Planning has declined comment regarding this case.

The site lies within the Abbots Creek WSIII watershed, and therefore will need to submit for both an erosion control plan and a watershed plan permit. Staff is recommending a condition prohibiting truck traffic into abutting properties. The developer illustrates a gate preventing access to the western property on the proposed site plan.

The steep inward sloping topography along with the natural screening of the existing woodland lend the site well to the proposed use. The proposed use and site plan are both in conformance with *Legacy 2030* recommendations and UDO requirements, therefore Planning staff is supportive of the request.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal		
The request is in conformance with the	The request may place industrial traffic in close		
recommendations of Legacy 2030.	proximity to existing homes.		
The special use permit request appears to			
meet findings 1, 2, and 4.			
The request would provide additional			
convenient fill area for other development			
projects in the area.			

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

PRIOR TO ISSUANCE OF ANY PERMITS:

- a. No permits for land clearing and inert debris landfills shall be approved until all plans, including plans for rehabilitation of sites, have been reviewed and approved by the North Carolina Department of Environmental Quality (NCDEQ).
- b. Record a final plat and rehabilitation/reuse plan in the office of the Register of Deeds.

PRIOR TO ISSUANCE OF GRADING PERMITS:

- a. Developer shall obtain a driveway permit from the North Carolina Department of Transportation.
- b. Petitioner shall obtain a Watershed Permit from Erosion Control.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required improvements of NCDOT driveway permit shall be completed.
- b. All security fencing and security entry gate(s) shall be installed in substantial conformance with the approved site plan.

OTHER REQUIREMENTS:

a. Developer shall prohibit truck traffic into abutting properties.

STAFF RECOMMENDATION: Approval

NOTE: These are staff comments only; a certification of compliance of the site plan with UDO requirements is made by the City-County Planning Board; with <u>final decisions</u> on the special use permit being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.

CITY-COUNTY PLANNING BOARD MINUTES FOR F-1575 APRIL 12, 2018

Aaron King presented the staff report.

WORK SESSION

MOTION: Clarence Lambe moved approval of the Planning Board Review for the site plan.

SECOND: Chris Leak

VOTE:

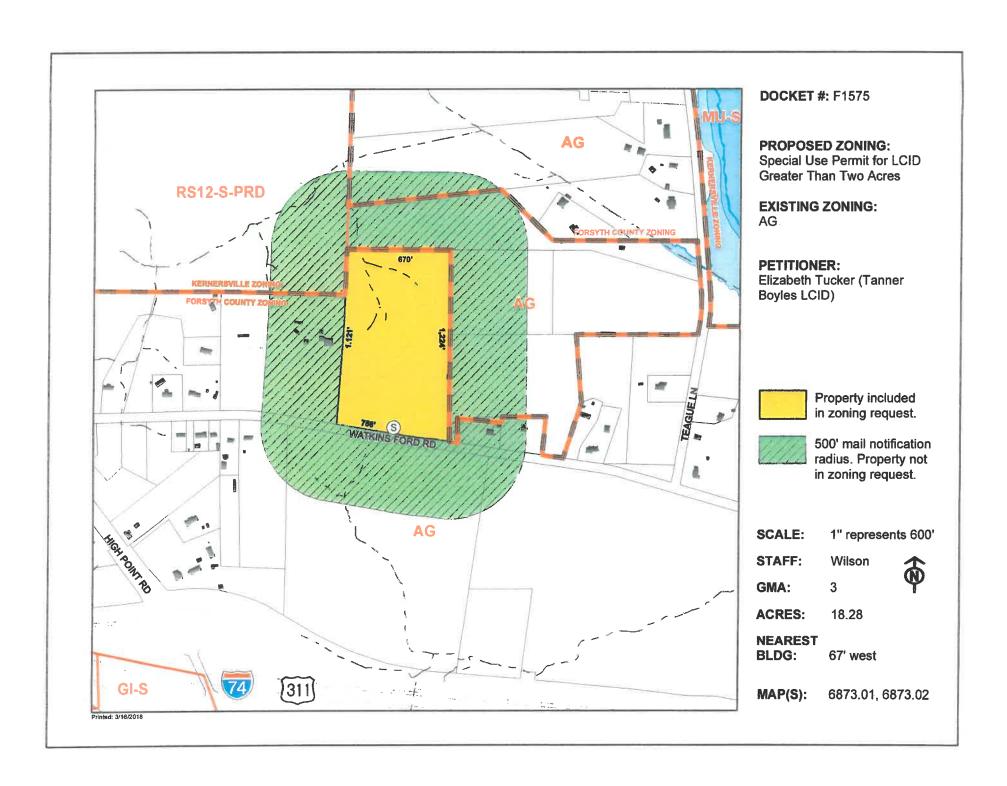
FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King,

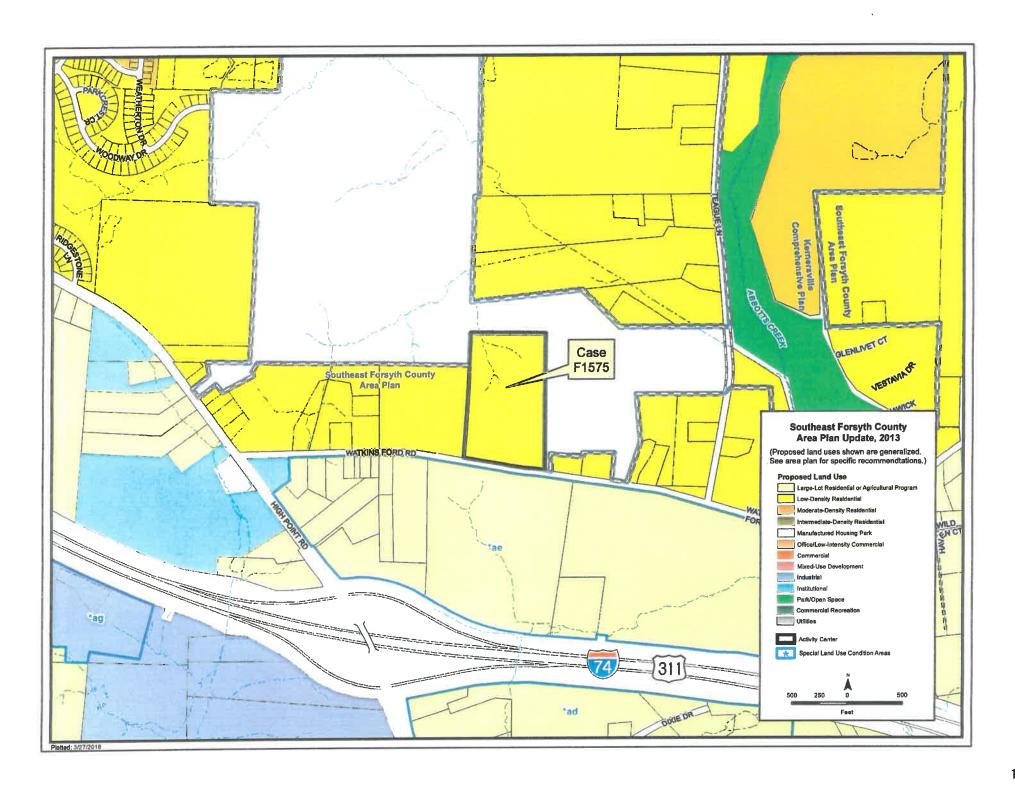
Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith

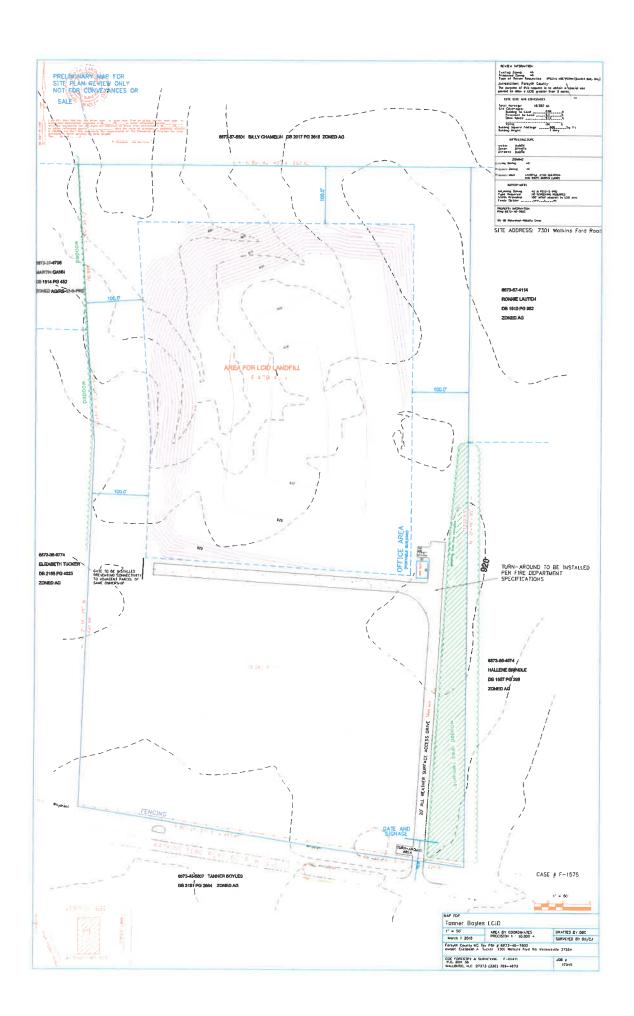
AGAINST: None EXCUSED: None

A. Paul Norby, FAICP

Director of Planning and Development Services







SITE PLAN REVIEW RECORD April 11, 2018, Planning Board Meeting

1) SITE PLAN TITLE AND NUMBER: Tanner Boyles LCID F-1575

- 2) TYPE OF DEVELOPMENT: <u>Land Clearing and Inert Debris Landfill greater than 2 acres in an AG zoning district</u>. Requires a Special Use Permit from the Forsyth County Board of Commissioners
- 3) ACREAGE: <u>18.28</u>
- 4) ZONING: Existing: AG
- 5) # UNITS/LOTS: N/A
- 6) SITE PLAN PREPARER: Coe Forestry & Surveying c/o Brad Coe

P.O. Box 36

Wallburg, N.C. 27373
PHONE: 336-769-4673
E-MAIL: coefor@gmail.com

- 7) OWNER AND/OR AGENT: Same
- 8) <u>CONDITIONS</u>: (These conditions are additional requirements for development. All other city or county code regulations still apply.)

PRIOR TO ISSUANCE OF ANY PERMITS:

- a. No permits for land clearing and inert debris landfills shall be approved until all plans, including plans for rehabilitation of sites, have been reviewed and approved by the North Carolina Department of Environmental Quality (NCDEQ).
- b. Record a final plat and rehabilitation/reuse plan in the office of the Register of Deeds.

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- b. All security fencing and security entry gate(s) shall be installed in substantial conformance with the approved site plan.

OTHER REQUIREMENTS:

a. Developer shall prohibit truck traffic into abutting properties.



Phone: 336-747-7068

F-1575 Tanner Boyles **LCID**

Bryce A. Stuart Municipal Building 100 East First Street, Suite 225 Winston-Salem, NC 27101 Fax: 336-748-3163



City of W-S Planning

Brad Coe Coe Forestry and Surveying P.O. Box 36 Wallburg, NC 27373

Project Name: F-1575 Tanner Boyles LCID

Jurisdiction: City of Winston-Salem

ProjectID: 188976

Wednesday, March 28, 2018

Please Provide "Instructions to Applicant for X1.04) Application for Special Use Permit

Open Issues: 14 These issues are currently being filtered

Stokeliofe Stofflice

Contact Reside

2. Erosion Control Plan Needed

Matthew Osborne

336-747-7453

3/14/18 10:22 AM 01.04) Special Use Permit - 2

City of Winston-Salem If the proposed project creates more than 10,000 sq. feet of land disturbance, an Erosion Control/Grading Permit will be required prior to the start of work. In order to obtain this permit you must submit a professionally designed Erosion and Sedimentation Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form matthewo@cityofws.org for review and approval. Please submit the plan through the electronic plan review portal at the following link:

https://winston-salem.idtplans.com/secure/

[Ver. 2] [Edited By Matthew Osborne]

3. Watershed Permit Needed

City of Winston-Salem

Matthew Osborne 336-747-7453

3/14/18 10:20 AM

01.04) Special Use Permit - 2

This project resides within the Lower Abbotts Creek Watershed Protection Area which is regulated per Winston-Salem/Forsyth Co. UDO, Chapter C, Article IV - Watershed Protection. As a result, an application for a Watershed Protection Permit must be submitted and approved prior to the start of work. The site plan must show all existing Built matthewo@cityofws.org Upon Area (BUA), all newly proposed BUA, and associated calculations noting both square footage of impervious cover, as well as percent of total parcel coverage. Furthermore, additional special provisions require that 50 foot undeveloped buffers (inner 30 feet undisturbed) must be shown and established on-site for all existing streams as outlined in the ordinance. Please submit the plan through the electronic plan review portal at the following link: https://winston-salem.idtplans.com/secure/ [Ver. 2] [Edited By Matthew Osborne]

Created with idtPlans Review 3/28/18

F-1575 Tanner Boyles LCID

Page 1 of 4

Fired the States

7. Cloud+ B

Forsyth County Fire Department

Access Road is greater than 150', need to add an approved turn around area. 503.2.5

Any gate shall be approved by this office.

Scott Routh

336-703-2560

routhcs@forsyth.cc

3/16/18 7:49 AM 01.04) Special Use

Permit - 2

8. Cloud+ B

Forsyth County Fire Department

Scott Routh

336-703-2560

routhcs@forsyth.cc

3/16/18 7:49 AM

01.04) Special Use Permit - 2

9. Cloud+ B

Forsyth County Fire Department

Scott Routh

336-703-2560

routhcs@forsyth.cc 3/16/18 7:49 AM

01.04) Special Use

Permit - 2

Herita Disprintation

Central lateres

10. Wastewater Application for office building

Forsyth County Health Department

Brock Turner

336-703-3134

turnerbh@forsyth.cc 3/20/18 11:32 AM

01.04) Special Use

Permit - 2

If the proposed office building will require a on-site septic system, then an application to the Forsyth County Health Department should be submitted.

There is no fire hydrant shown on the plans. One will need to be shown prior to any

building being put on the property to assure proper distance.

While reviewing the proposed LCID plan, the 100' setback from the property line should prevent any conflict with any other surrounding property of existing wells or septic systems.

lobis.

17045.pdf [7 redlines] [* age | 1

6 Callout B

City of Winston-Salem As per Use Condition 2-5.41 (D) no grading is allowed within the ist 100'.

Gary Roberts

336-747-7069

garyr@cityofws.org

3/14/18 2:54 PM

01.04) Special Use

Permit - 2

deren gallerentition alwestor leadly

Carrell Barres

5. Addressing & Street Naming

Address issued for LCID Landfill: 7301 Watkins Ford Rd. MapForsyth

Stacy Tolbert

3367477497

tolbersy@forsyth.cc

3/14/18 1:02 PM

01.04) Special Use

Permit - 2

Melaleh

विकासका विकासक

14. NCDOT Comments

NCDOT Division 9

Victoria Kildea

NCDOT driveway permit required. Gate needs to be located 75' from edge of pavement.

through truck traffic."

336-747-7900

vrkildea@ncdot.gov 3/27/18 9:07 AM

01.04) Special Use

Permit - 2

Plelalatinte

हिलानमा विकास

16. Conditions

City of Winston-Salem Staff will recommend a condition to install a sign on western property line stating " no

Bryan Wilson

336-747-7042

bryandw@cityofws.org

3/27/18 10:17 AM 01.04) Special Use

Permit - 2

SENTINE .

SHIPPER EDWING

4. General Comment

Charles Jones 336-727-8000

City of Winston-Salem Please be aware there is a 12" Water Main and a 20" Sanitary Sewer Force Main in the northern right-of-way of Watkins Ford Road. Do not disturb these lines.

charlesj@cityofws.org

3/14/18 10:28 AM 01.04) Special Use Permit - 2

W/SIDENT

11. Callout B

City of Winston-Salem Show Parking

Jeffrey Fansler 336-727-8000

jeffreygf@cityofws.org

3/21/18 4:16 PM 01.04) Special Use Permit - 2

12. Callout B

City of Winston-Salem Provide turnaround for when gate is closed

Jeffrey Fansler 336-727-8000

jeffreygf@cityofws.org

3/21/18 4:16 PM 01.04) Special Use Permit - 2

13. Callout B

City of Winston-Salem No Public Street

Jeffrey Fansler 336-727-8000

jeffreygf@cityofws.org

3/21/18 4:16 PM 01.04) Special Use Permit - 2