

**BRIEFING
DRAFT**

May 24, 2018

Item # 3

Special Use Permit

F-1575

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

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: YES NO

SIGNATURE: _____ **DATE:** _____

County Manager



April 25, 2018

Elizabeth Tucker
7301 Watkins Ford Road
Kernersville, NC 27284

Re: Special Use Permit F-1575

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.cityofws.org/planning

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

pc: 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

CityLink311

Call 311 or 336-727-8000
citylink@cityofws.org

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 Taylor, 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.

City-County Planning Board: Arnold G. King, Chair; Chris Leak, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Clarence R. Lambe, Jr.; Johnny Sigers; Brenda J. Smith

**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:

Section 1. 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**

PETITION 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 Ford Road		
Type of Request	<p>County Commissioners special use permit request for the development of a Land Clearing and Inert Debris (LCID) Landfill.</p> <p>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 below.</p>		
GENERAL SITE INFORMATION			
Location	North side of Watkins Ford Road, west of Teague Lane		
Jurisdiction	Forsyth County		
Site Acreage	± 18.28 acres		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	AG	Single family home
	East	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	The site is currently undeveloped, with a substantial downward grade from the perimeter of the site towards the northern-central portion where the LCID will be located. The northern portion of the site is heavily wooded. The southern half of the property is cleared. A wooded strip of varying width is located on the eastern property line		
Proximity to Water and Sewer	Public water and sewer are available to the site.		
Stormwater/ Drainage	No requirement.		
Watershed and Overlay Districts	The site is located within the Abbotts Creek WSIII Water Supply 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.		

SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Watkins Ford Road	Minor Thoroughfare	756'	2,100	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 sidewalks along Watkins Ford Road			
Analysis of Site Access and Transportation Information	A 20' graveled access road will provide access to the LCID landfill. Staff recommends a condition prohibiting truck traffic into the abutting properties.			
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS				
Building Square Footage	Square Footage		Placement on Site	
	600'		Eastern-central portion of the site	
Parking	Required	Proposed	Layout	
	2 spaces	2 spaces	90' head-in	
Building Height	Maximum		Proposed	
	40'		One story	
Impervious Coverage	Maximum		Proposed	
	24%		2.48%	
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.2 (B) AG District Chapter B, Article II, Section 2-5.41 Landfill, Land Clearing and Inert Debris (LCID) Chapter B, Article VI, Section 6-1.5 Special Use Permits Authorized by the Elected Body 			
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy 2030 policies:	Yes		
	(B) Environmental Ord.	Yes		
	(C) Subdivision Regulations	N/A		
Analysis of Site Plan Compliance with UDO Requirements	The site plan depicts a 6.5 acre LCID landfill area. The site plan illustrates the required 100' setback from the abutting residentially zoned properties. A 600 square foot accessory office will be place at the curve of the proposed drive close to the central eastern property line. Site access will be provided by a 20' wide gravel drive emptying onto Watkins Ford Road. The site plan shows the required security fencing, access gate, and signage to be installed along the southern property line next to Watkins Ford Road. The site plan meets the requirements of the UDO.			

CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 3 -Suburban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> 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)	<i>Southeast Forsyth County Update (2013)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> 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	<p>The Board of Commissioners shall issue a special use permit only when the Board of Commissioners makes an affirmative finding as follows (<i>Planning staff comments in italics</i>):</p> <p>Board of Commissioners Findings:</p> <ol style="list-style-type: none"> 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. (<i>Yes</i>). That the use meets all required conditions and specifications. (<i>Yes, the subject request will meet the minimum requirements of the UDO</i>). That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, (<i>Planning staff does not have the expertise to make property value determinations</i>). 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</i>. (<i>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 recommendations of <i>Legacy 2030</i> .	The request may place industrial traffic in close 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.
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- **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 final decisions 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

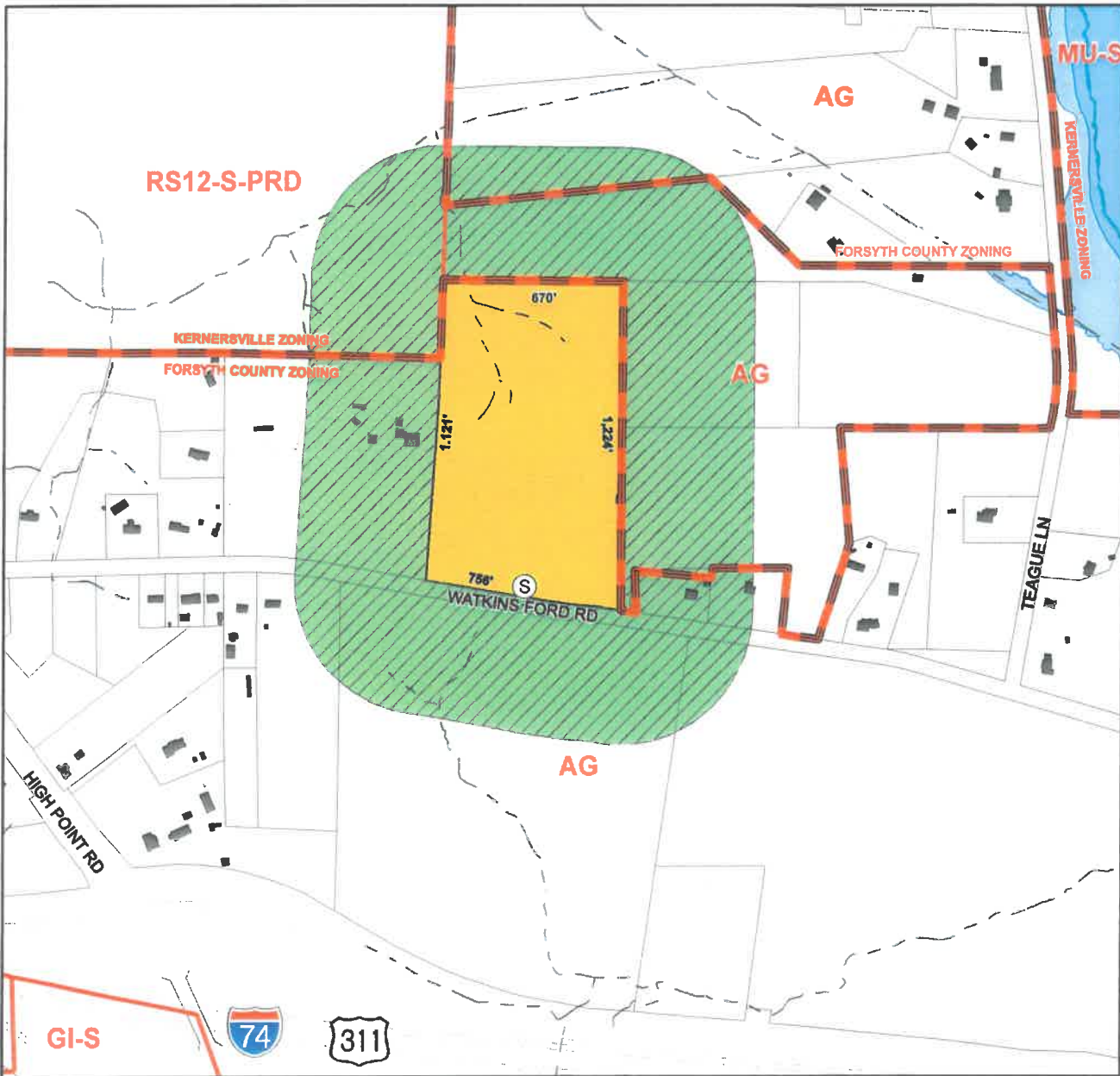
VOTE:

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




DOCKET #: F1575

PROPOSED ZONING:
Special Use Permit for LCID
Greater Than Two Acres

EXISTING ZONING:
AG

PETITIONER:
Elizabeth Tucker (Tanner
Boyles LCID)

 Property included
in zoning request.

 500' mail notification
radius. Property not
in zoning request.

SCALE: 1" represents 600'

STAFF: Wilson

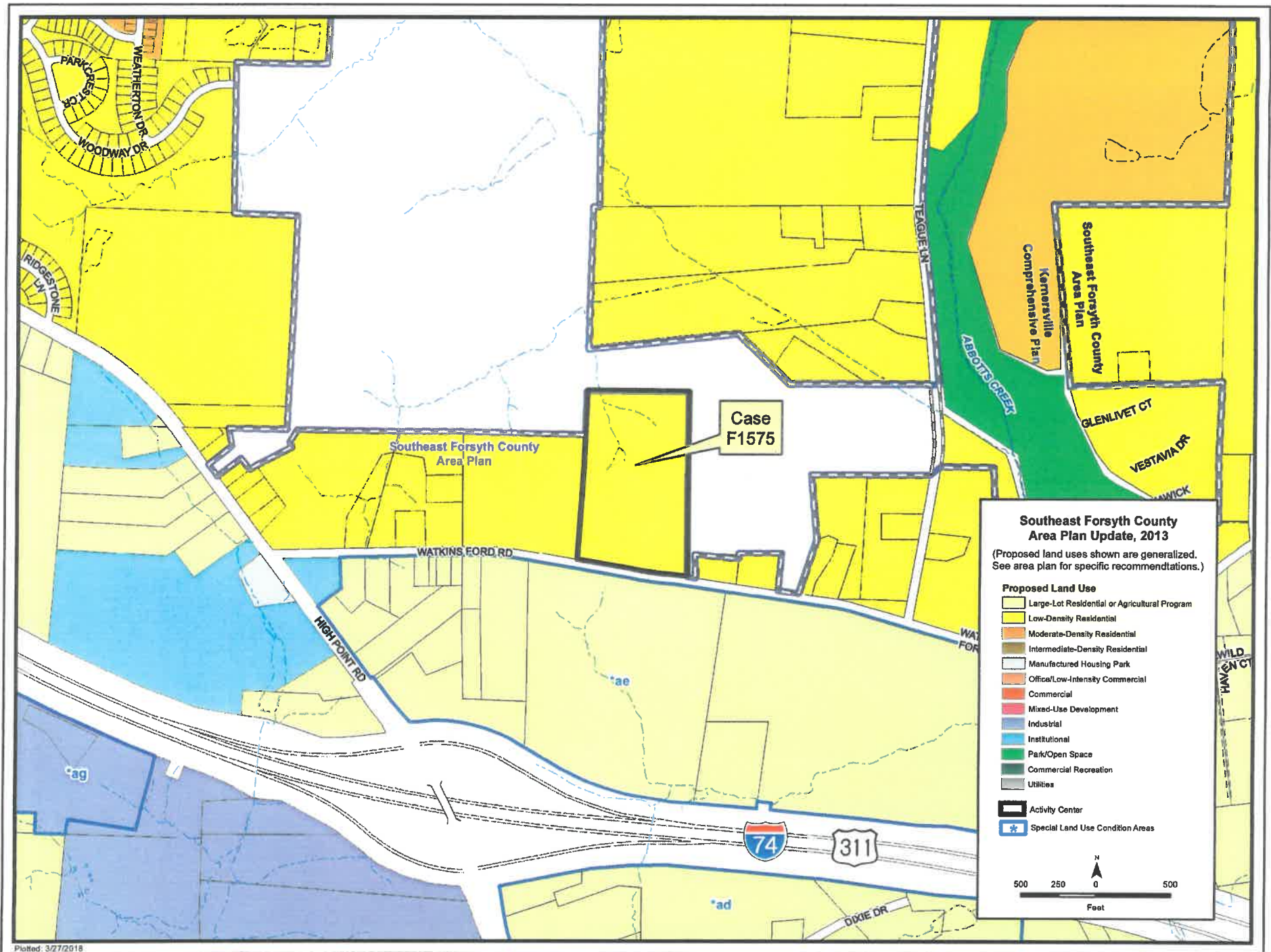
GMA: 3

ACRES: 18.28

**NEAREST
BLDG:** 67' west

MAP(S): 6873.01, 6873.02





Case F1575

Southeast Forsyth County Area Plan

Kernersville Comprehensive Plan
 Southeast Forsyth County Area Plan

74 311

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: Land Clearing and Inert Debris Landfill greater than 2 acres in an AG zoning district. Requires a Special Use Permit from the Forsyth County Board of Commissioners
- 3) ACREAGE: 18.28
- 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: coeфор@gmail.com
- 7) OWNER AND/OR AGENT: Same
- 8) **CONDITIONS:** (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).
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F-1575 Tanner Boyles LCID



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

Phone: 336-747-7068

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

Erosion Control

General Issues

2. Erosion Control Plan Needed

City of Winston-Salem
Matthew Osborne
336-747-7453
matthewo@cityofws.org
3/14/18 10:22 AM
01.04) Special Use
Permit - 2

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 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
matthewo@cityofws.org
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 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]

Fire/Life Safety

17045.pdf [5 redlines] (Page 1)

7. 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

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

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

Any gate shall be approved by this office.

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

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.

Health Department

General Issues

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.
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.

IDTP

17045.pdf [7 redlines] (Page 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

MapForsyth Addressing Team

General Issues

5. Addressing & Street Naming

MapForsyth Address issued for LCID Landfill: 7301 Watkins Ford Rd.
Stacy Tolbert
3367477497
tolbersy@forsyth.cc
3/14/18 1:02 PM
01.04) Special Use
Permit - 2

NCDOT

General Issues

14. NCDOT Comments

NCDOT Division 9 NCDOT driveway permit required.
Victoria Kildea Gate needs to be located 75' from edge of pavement.
336-747-7900
vrkildea@ncdot.gov
3/27/18 9:07 AM
01.04) Special Use
Permit - 2

Planning

General Issues

16. Conditions

City of Winston-Salem Staff will recommend a condition to install a sign on western property line stating " no
Bryan Wilson through truck traffic."
336-747-7042
bryandw@cityofws.org
3/27/18 10:17 AM
01.04) Special Use
Permit - 2

Utilities

General Issues

4. General Comment

City of Winston-Salem
Charles Jones
336-727-8000
charlesj@cityofws.org
3/14/18 10:28 AM
01.04) Special Use
Permit - 2

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.

WSDOT

17045.pdf [7 redlines] (Page 1)

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