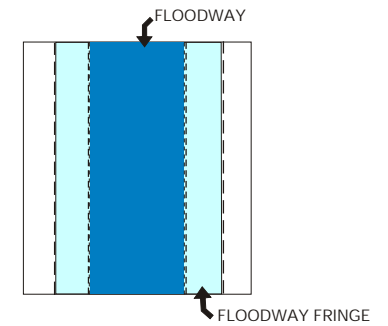


DOCKET #: F1382

PROPOSED ZONING:
 GI-S (Mining, Quarry,
 or Extractive Industry;
 and Asphalt and
 Concrete Plant)

EXISTING ZONING:
 AG

PETITIONER:
 Vulcan Lands, Inc.
 and Diana Sue Foust



SCALE: 1" represents 1000'

STAFF: Roberts

GMA: 4

ACRE(S): 190.59

MAP(S): 678826, 678830,
 684826, 684830



DRAFT ZONING STAFF REPORT

DOCKET # F-1382
STAFF: Gary Roberts

Petitioner(s): Vulcan Lands Inc. and Diana Sue Foust
Ownership: Same

REQUEST

From: AG Agricultural District and GI-S General Industrial District, (Asphalt and Concrete Plant)
To: GI-S General Industrial District, (Mining, Quarry or Extractive Industry and Asphalt and Concrete Plant)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 190.59 acres

LOCATION:

Street: South side of US 311 between NC 66 and Pine Meadow Drive.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Quarry and concrete plant.
Square Footage: 8,235 sf.
Building Height: 45 feet.
Parking: Required: 28 spaces; Proposed: 33 spaces.
Bufferyard Requirements: Type IV bufferyard adjacent to AG zoning.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Small offices and other accessory structures associated with the existing quarry operation.

Adjacent Uses:

- North- US 311 and undeveloped property zoned AG.
- Northeast- US 311 interchange with NC 66.
- East- Single family homes zoned RS-20.
- Southeast- Neighborhood church, self storage buildings and an automotive related business all zoned AG or HB.
- South- Single family residences zoned AG and MH.
- West- Single family residences and undeveloped property zoned AG.

GENERAL AREA

Character/Maintenance: Mixture of large and small lot residential uses with some business uses in good to average maintenance.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Significant removal of vegetation and excavation.

Topography: Extreme variations in topography due to the nature of the existing quarrying operation.

Streams: Cuddybum Branch, a tributary to Abbotts Creek crosses the western portion of the subject property.

Vegetation/habitat: Some vegetation remains around the perimeter of the current excavation area, especially in the southern portion of the subject property.

Floodplains: There is FEMA regulated floodway and floodway fringe on the subject property along Cuddybum Branch.

Wetlands: There is a wetland near the southern property line of the subject property (across from the Manufactures home park), as per the Kernersville Quad. This wetland is a Palustrine, Unconsolidated Shore, Seasonally Flooded, Diked/Impounded wetland.

Natural Heritage Sites: The subject property is not located on or near any Natural Heritage sites.

Farmland Preservation Sites: The subject property is not located on or near and Farmland Preservation sites.

Environmental Resources Beyond The Site: The proposed project does not impact any environmental resources beyond the site.

Water Supply Watershed: The subject property is located within the Abbotts Creek WS-III Water Supply Watershed.

Compliance with Watershed Protection Regulations: The proposed project does comply with the applicable water supply watershed regulations.

Compliance with Federal/State requirements for wetland/stream protection: The wetland near the southern property line is not shown on the site plan. Perhaps this wetland has already been removed. If so, the owner/developer will need to ensure that the removal was performed consistent to Federal and State laws governing such removal. If the wetland has not been removed, it should be shown on the plans; if it is proposed for removal as a result of this expansion, all necessary State and Federal permits should be secured prior to its removal. The proposed project is in compliance with all stream protection regulations.

TRANSPORTATION

Direct Access to Site: Horneytown Road

Street Classification: Horneytown Road – Major Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Horneytown Road between US 311 and Davidson County = 3,000/11,100

High Point Road between Curry Road and Horneytown Road = 1,700/11,100

US 311 between NC 66 and High Point Road = 18,000/63,600

Trip Generation/Existing Zoning: AG

$190.59 \times 43,560 / 40,000 = 207 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 1,980 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: GI-S

Historical records provided by the petitioner indicate that fewer than 130 trips per day are generated by the current operation. Substantial increases beyond current levels are not anticipated.

Planned Road Improvements: NC 66 is scheduled to be widened to a three lane section with bike lanes and sidewalks (not within current TIP).

Traffic Impact Study recommended: No TIS is required or recommended.

Sidewalks: None existing in area.

Transit: None existing in area.

Bicycle Route: Route 24, Union Cross Connector, along High Point Road.

HISTORY

Relevant Zoning Cases:

1. F-1359; AG to HB; approved March 11, 2002; south side of High Point Road between Barney Road and Mowery Drive, southeast of current site; 2.61 acres; Planning Board and staff recommended approval.
2. F-1276; AG to HB-S (Multiple Uses); withdrawn March 13, 2000; west side of Hwy. 66 across from Thomas Road and northeast of North Main Street across from Barney Road, adjacent to southeastern border of subject property; 10.97 acres; Planning Board and staff recommended denial.
3. F-695; R-6 to B-3-S [Warehousing (storage) and Storage Services, Retail] TWO PHASE; approved June 11, 1984; north side of High Point Road, west of NC 66, adjacent to southern border of subject property; 7.5 acres; Planning Board and staff recommended approval.
4. F-591; R-6 to I-3-S (Manufacturing, Asphalt Plant); approved November 23, 1981; southwest corner of NC 66 and new US 311, portion of subject property; 3.7 acres; Planning Board recommended approval, staff recommended denial.
5. F-307; R-6 to R-7; approved July 16, 1973; southeast corner of Hillside Drive and High Point Road, across High Point Road from subject property; 5.5 acres; Planning Board recommended approval, staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Future Growth Area (GMA 4).

Relevant Comprehensive Plan Recommendation(s): *Legacy* does not identify any sites for

development as stone quarries. Stone quarries are specialized land uses that must be located where the resource is and with good access to their market due to the significant cost of transportation for this bulk commodity.

Area Plan/Development Guide: The *US 311 Area Plan* (1984), the *Horneytown/Old US 311 Development Assessment* (1991) and the *Union Cross/Southeast Forsyth County Area Plan* (under consideration).

Relevant Development Guide Recommendation(s): The *US 311 Area Plan* recognizes that the property is unsuitable for much development and states that expansion is acceptable. The *Horneytown/Old US 311 Development Assessment* recommends that the quarries continue in existence but provide no guidance as to future expansions. The draft version of the *Union Cross/Southeast Forsyth County Area Plan* recommends that existing quarries be allowed to expand onto properties currently owned by the mining companies but discourage expansion beyond those limits and any requests for new quarries.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: Greenway Plan – Winston-Salem and Forsyth County.

Greenway/Trail Name: Cuddybum – a branch of Abbotts Creek.

Easement Requested: 40 ft.

Side of Creek: Both sides.

Comments/Status of Trail: The Greenway Plan recommends that 40 ft easements be obtained along all creeks with an identified floodplain for use as trails and/or open space.

Although a priority trail along Cuddybum Creek is not identified in the plan for construction by 2015, greenway easements should be secured for future use.

ANALYSIS

The subject request is to rezone 190.59 acres from GI-S and AG to GI-S in order to expand an existing quarry operation and construct a new concrete plant. The property is located on the south side of US 311 between NC 66 and Pine Meadow Drive within the Abbotts Creek WS-III Water Supply Watershed.

The surrounding properties include a mixture of uses. Manufactured homes zoned MH and large lot single family residences zoned AG adjoin the site to the south and west along High Point Road and Pine Meadow Drive. US 311 borders the entire northern edge of the site. Across Horneytown Road (NC 66) from the existing GI-S portion of the site is an asphalt plant also zoned GI-S. Scattered single family homes, a neighborhood church zoned AG and a self storage facility zoned HB are located directly southeast of the subject property.

The petitioner originally received a Special Use Permit from the Zoning Board of Adjustment in 1974 to operate a quarry on a portion of the subject property. Numerous other approvals have been granted, including a one time, 25% expansion of the operation as a legally nonconforming use within the former R-6 District in 1994. The current request would enable the petitioner to quarry the northern area of the site along US 311 which is now used for processing (crushing) and stockpiling. The processing and stockpiling operation would be relocated to the

southwestern corner of the site after a 25-65 foot high earthen berm is constructed along High Point Road.

The request also includes the construction of a concrete plant within the currently zoned GI-S portion of the site in the northeastern corner near US 311 and NC 66. It should be noted that the existing GI-S zoning would permit a concrete plant at this location which was previously developed with an asphalt plant. The only access into the site would remain on Horneytown Road. In addition, by rezoning the entire site to GI-S, the operation would lose its nonconforming status and therefore would have to comply with all UDO conditions including the recently amended hours of operation for quarry drilling, blasting and crushing activities (UDO-91).

The site is located within an area covered by two adopted area plans and one draft area plan. The *US 311 Area Plan* recognizes that the property is unsuitable for much development and states that expansion is acceptable. The *Horneytown/Old US 311 Development Assessment* recommends that the quarries continue in existence but provide no guidance as to future expansions. The draft version of the *Union Cross/Southeast Forsyth County Area Plan* recommends that existing quarries be allowed to expand onto properties currently owned by the mining companies but discourage expansion beyond those limits and any requests for new quarries. While some of the subject property is not actually owned by Vulcan Lands, Inc., it has been under lease since 1975.

In order to open the northern section of the quarry along US 311, the secondary crushing stations and screening towers will be relocated to the southern section of the site. While such a relocation would place these structures closer to the residential area located on the south side of High Point Road, the petitioner plans to construct the above mentioned berm in order to mitigate the audio and visual impacts.

Because the site falls under the NC Mining Act, the slope revegetation requirements of the UDO, are not applicable. However, the petitioner has agreed to hydro-seed the berm with a mixture of large variety trees, shrubs and grasses. The berm will not completely screen the equipment from all view points along High Point Road, however, over time the proposed tree cover will provide additional buffering.

Regarding the stone crushing and sorting activities, the petitioner plans to enclose the screening towers similar to the Vulcan Materials Company site on Patterson Avenue. Such enclosures help to contain the noise associated with this activity. In addition, the primary crushing station which creates the most noise, will be relocated to a site which is approximately 75 feet lower in elevation than its existing location. The petitioner has submitted a sound survey which indicates the proposed changes should not increase the quarry sound reaching the community and should reduce it in the area that is currently receiving the most noise.

It should be noted the various measures taken to mitigate the negative impacts of the proposed expansion should also negate the justification for additional requests for other intense uses on surrounding properties.

In summary, stone quarries are specialized land that must be located where the resource is. Due to the significant cost of transportation for this bulk commodity, good transportation access and convenient proximity to the end user are additional considerations in determining a suitable location for such an operation. In evaluating the unique characteristics of the subject request, it is staff's opinion that the proposed expansion is practical from a site specific and geographic standpoint and that it is consistent with the adopted and pending area plans. Staff notes that our support for the proposed quarry expansion depends upon the petitioner's certified demonstration that the proposed crushing and loading operations will not adversely affect adjacent residential neighbors regarding noise, dust or other operational nuisances.

FINDINGS

1. Due to the specialized nature of quarry operations *Legacy* does not identify the location of new sites or the expansion of existing operations.
2. Existing and draft area plans generally support the proposed expansion and zoning.
3. The request would enable continued quarrying and related activities to take place within the same general proximity thus precluding the need to establish a new operation in a different area of the community.
4. Reasonable measures are included to minimize the impacts of the requested operation on the surrounding properties.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall obtain all necessary mining permits from the North Carolina Division of Environment, Health and Natural Resources.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. A type II bufferyard is required adjacent to RS-7 zoning.
 - b. Developer shall dedicate five feet of additional right-of-way along the entire frontage of NC 66 Horneytown Road.
 - c. Developer shall dedicate a 40-foot greenway easement along Cuddybum Branch. Said easement can be conditional that the easement becomes available when quarry operations are completed.
 - d. Developer shall close the spur of Old High Point Road which terminates in the southern portion of the subject property.
 - e. Developer shall enclose screening towers.
 - f. Developer shall install all berms shown on site plan and hydro seed with a mixture of large variety trees, shrubs and grasses or provide a performance bond

to ensure completion of said improvements within one year after the issuance of the Certificate of Occupancy.

- **OTHER REQUIREMENTS**

- a. One additional freestanding monument type sign shall be permitted with a maximum height of 5 feet.