Motion and Statement of Consistency with Comprehensive Plan F-1557

I move that the following statement be adopted in support of a *Motion to Approve* Zoning Map Amendment F-1557:

The proposed general use and special use zoning map amendments as petitioned by North Point Pentecostal Holiness Church and Vulcan Land, Inc. to rezone properties from Agricultural (AG) to Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant (GI-S) (Tract 1) and from GI-S to AG (Tract 2), are consistent with the recommendations of the Legacy Comprehensive Plan and the Southeast Forsyth County Area Plan Update, and are reasonable and in the public interest because:

- 1. The rezoning requests will allow for an expansion of the existing quarry; and
- 2. The rezoning requests may allow for an expansion of the existing church; and
- 3. The rezoning requests are consistent with the purpose statements of both the GI and the AG zoning districts, where applicable, and the uses permitted under the proposed zoning classifications are compatible with uses permitted on other properties in the vicinity.

Based on the foregoing Statement, I move adoption of F-1557. Second:

Vote:

FORSYTH COUNTY

BOARD OF COMMISSIONERS

MEE'	TING DATE: December 21, 2015 AGENDA ITEM NUMBER:
SUBJ	ECT:-
A.	Public Hearing on Zoning Petition of North Point Pentecostal Holiness Church and Vulcan Lands, Inc. From AG to GI-S (Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant) (Tract 1) and From GI-S to AG (Tract 2): Property is Located on the North Side of High Point Road, East of Mowery Drive (Zoning Docket F-1557)
B.	Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina
C.	Approval of Special Use District Permit
D.	Approval of Site Plan
COU	NTY MANAGER'S RECOMMENDATION OR COMMENTS:-
SUMI	MARY OF INFORMATION:-
See at	tached staff report.
After	consideration, the Planning Board recommended approval of the rezoning petition.
ATTA	ACHMENTS:- X YES NO
SIGN	ATURE: DATE:
	County Manager

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of North Point Pentecostal Holiness Church and Vulcan Lands, Inc., Docket F-1557, Tract 2

AN ORDINANCE AMENDING THE FORSYTH COUNTY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE COUNTY OF FORSYTH, NORTH CAROLINA

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

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from <u>GI-S</u> to <u>AG</u> the zoning classification of the following described property:

A portion of PIN # 6882-58-2876 containing 0.745 acres, as depicted on the survey titled: "East Forsyth Quarry" drawn by Philip R. Bailey and dated November 3, 2015.

Section 2. This ordinance shall become effective upon adoption.

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of North Point Pentecostal Holiness
Church and Vulcan Lands, Inc., Docket F-1557, Tract 1

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE COUNTY OF FORSYTH,
NORTH CAROLINA

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

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from <u>AG</u> to <u>GI-S (Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant)</u> the zoning classification of the following described property:

A portion of PIN # 6882-58-4862 containing 0.336 acres, as depicted on the survey titled: "East Forsyth Quarry" drawn by Philip R. Bailey and dated November 3, 2015.

Section 2. This Ordinance is adopted after approval of the site plan entitled East Forsyth Quarry, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to North Point Pentecostal Holiness Church and Vulcan Lands, Inc.

<u>Section 3</u>. The Board of Commissioners hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as <u>East Forsyth Quarry</u>. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

<u>Section 4</u>. This Ordinance shall be effective from and after its adoption.

COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of North Point Pentecostal Holiness Church and Vulcan Lands, Inc. (Zoning Docket F-1557). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for GI-S (Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant), approved by the Forsyth County Board of Commissioners the _____ day of _____, 20 ____ " and signed, provided the property is developed in accordance with requirements of the GI-S zoning district of the Zoning Ordinance of the Unified Development Ordinances of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

PRIOR TO THE ISSUANCE OF GRADING PERMITS

a. Developer shall obtain all necessary mining permits from the North Carolina Division of Environment and Natural Resources (DENR).

CITY-COUNTY PLANNING BOARD STAFF REPORT

	PETITION INFORMATION
Docket#	F-1557
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	North Point Pentecostal Holiness Church and Vulcan Lands, Inc.
Owner(s)	Same
Subject Property	A portion of PIN #s 6882-58-4862 and 6882-58-2876
Address	5225 High Point Road
Type of Request	Special use rezoning from AG to GI-S (Tract 1) and general use rezoning from GI-S to AG (Tract 2)
Proposal	The petitioner is requesting to amend the Official Zoning Maps for the subject property <u>from</u> AG (Agricultural district – 40,000 sf minimum lot size) <u>to</u> GI-S (General Industrial – special use zoning) and <u>from</u> GI-S (General Industrial – special use zoning - Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant) <u>to</u> AG (Agricultural district – 40,000 sf minimum lot size). The petitioner is requesting the following uses in the proposed GI-S district: • Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant
	NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.
Neighborhood Contact/Meeting	The application indicates that no neighborhood meeting has been held.
Zoning District Purpose Statement	The GI District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties. The district is established to provide locations for major developments in GMAs 1, 2 and 3.
	The AG District is primarily intended to accommodate uses of an agricultural nature. The district is also intended to accommodate scattered non-farm residences on large tracts of land, but is not intended for residential subdivisions with small lots. The district is intended for application in GMAs 4 and 5 and is established for the following purposes: (a) To preserve the rural character of portions of the county and encourage the continued use of land for agricultural, forest, and open space purposes.

	(b) To disco	ourage scattered commercia	l and industrial land uses;		
Contract State (September 1997)	(c) To concentrate urban development in and around existing				
	urbanized areas	urbanized areas and proposed Metro Activity Centers, thereby			
	preventing premature conversion of farmland into urban uses; and,				
	(d) To discourage any use which may create premature public				
	infrastructure and service demands.				
Applicable	(R)(1) - Is the	proposal consistent with th	ne purpose statement(s) of		
Rezoning		coning district(s)?			
Consideration			adjacent to a large area zoned		
from Chapter B,	GI-S and Tract	2 (proposed for AG zoning)) is adjacent to AG zoning.		
Article VI,					
Section 6-2.1(R)					
		AL SITE INFORMATIO			
Location	<u> </u>	igh Point Road, east of Mov	wery Drive		
Jurisdiction	Forsyth County				
Site Acreage	Tract 1: .34 acre and Tract 2: .75 acre				
Current		ntly used for parking and an			
Land Use	North Point Pentecostal Holiness Church. Tract 2 is undeveloped.				
Surrounding	Direction	Zoning District	Use		
Property Zoning	North	GI-S	Vulcan Quarry		
and Use	East	AG & HB	North Point Pentecostal		
			Holiness Church & AAA		
	6 .1	AC 0 IID	Self Storage		
	South	AG & HB	North Point Pentecostal		
			Holiness Church & single		
	West	GI-S	family home		
Auglianila	TO A STORY OF THE		Vulcan Quarry		
Applicable Rezoning	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other				
Consideration	properties in the		es permitted on other		
from Chapter B,		ses of Mining, Quarry, or E	xtractive Industries: and		
Article VI,			identical to the uses permitted		
Section 6-2.1(R)	on the adjacent GI-S zoned property. The uses permitted within the		<u> </u>		
	proposed AG district for Tract 2 are identical with the uses permit		- :		
	the adjacent AG		•		
Physical		iable topography.			
Characteristics		· ·			
Proximity to	Neither public v	vater nor sewer is provided	by the City/County Utility		
Water and Sewer		the subject property.			
Stormwater/	No known issue	·s.			
Drainage					
Watershed and	ļ		of the Abbotts Creek WS III		
Overlay Districts	Water Supply W				
Analysis of	_	_	e area of the Abbotts Creek		
General Site		~	l to a maximum built-upon		
Information	area of twenty-four percent (24%). In regard to Tract 1, the subject				
	request is in cor	npliance with said requirem	ent in that the proposed site		

	plan shows a red	luction in the an	nount of impo	ervious coverage with the
				d a portion of the parking
	area for the Nort	h Point Penteco	stal Holiness	Church. Tract 1 will
	become part of t	he required buf	feryard. In re	gard to any potential
	development of	Tract 2, the dev	eloper shall b	e responsible for
	complying with			
SITE	ACCESS AND I	TRANSPORT <i>A</i>	ATION INEC	DRMATION
Street Name	Classification	Frontage	ADT	Capacity/LOS D
			Count	
High Point Road	Major	None	1,700	15,800
	Thoroughfare			
Proposed Access	Tract 1 is adjace	nt to property o	wned by Vul-	can Lands, Inc. whose
Point(s)	quarry is accesse	ed from NC 66.	Tract 2 is adj	acent to property owned by
	North Point Pent	tecostal Holines	s Church who	ose site is accessed from
	High Point Road			
Trip Generation -				nt church to expand which
Existing/Proposed	may result in sor	······································		
Sidewalks	There are no side	ewalks located i	in the general	area.
Transit	Not available			
Analysis of Site	1		nsportation re	elated issues associated with
Access and	the subject reque	est.		
Transportation				
Information				
mana kesiku dedikukaan manakisi seksenan mengapakin manakisa.	NEORMITY TO	// // // // // // // // // // // // // // // // // //		
Legacy 2030 GMA	Growth Manager			
Relevant	Recognize the scarcity of good industrial land and promote the			
Legacy 2030	1			ources to generate needed
Recommendations		ate wealth for o		
			~	ving the recommendations
	;	* *	's industrial s	ites study, area plans, and
	ł	pment guides.		
	·-	chanisms such a	s industrial zo	oning for industrial land
.	protection.	d. 4 D1 T1.	. 1.4. (2012)	
Relevant Area	Southeast Forsyt	n Area Pian Up	paate (2013)	
Plan(s) Area Plan	A 1,1 *	.1 .	. 1	C 1 C
Recommendations				n for no change from
				ap. 9 – Proposed Land Use.
Site Located	The site is not lo	cated along a gi	rowin corrido	г.
Along Growth Corridor?				
Site Located	The site is not lo	coted within on	activity cente	ar .
DIC POLITICA	1110 2110 12 1101 10	caicu wiiiiiii all	activity CCIII	41.
within Activity		***************************************	,	
within Activity		***************************************		
within Activity Center? Addressing	There are no add			cerns at this time.

	Αī	mli	cab	le		
	Contract Contract	1000	Name of the State of	V V SALK STO		
	555W 1532	1.65	iing	20 TO 100		
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1	300	250.00				

(R)(3) - Have changing conditions substantially affected the area in the petition?

No

Yes

(R)(4) - Is the requested action in conformance with Legacy 2030?

Analysis of Conformity to Plans and Planning Issues The request consists of two tracts. Tract 1 (which currently includes an accessory building for the church and a small portion of its parking area) is proposed for rezoning from AG to GI-S to allow for an expansion of the adjacent quarry. Tract 2 (currently undeveloped and directly west of the church sanctuary) is proposed for rezoning from GI-S to AG. Consistent with the current zoning, The *Southeast Forsyth Area Plan Update* recommends no change in use for either tract. However, Planning staff sees the subject request as a relatively minor adjustment or fine tuning of the boundaries of the Vulcan quarry which would also allow for a potential expansion of the church. *Legacy 2030* supports the sensitive expansion of industrial activities in order to generate needed jobs and create wealth for the community. Planning staff supports the request.

RELEVANT ZONING HISTORIES Decision & Case Request Direction Acreage Recommendation Date from Site Staff **CCPB** F-1544 LI to GB-L 900' 7.22 Approved Approval Approval 11-11-13 southeast AG & GI-S to Included 190.59 F-1382 Approved Approval Approval GI-S 6-23-03 portion of current site

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

UDO Sections Relevant to Subject Request

- Chapter B, Article II, Section 2-1.4 (C) General Industrial district
- Chapter B, Article II, Section 2-5.52 Mining, Quarry, or Extractive Industries Use Conditions
- Chapter C, Article IV Watershed Protection

Complies with Chapter B, Article VII, Section 7-5.3

Ζ.	1			
	(A) Legac	cy 2030 policies:	Yes	
	(B) Envir	onmental Ord.	Yes	
Sec. 10 10 10 10 10 10 10 10 10 10 10 10 10	(C) Subdi Regulatio		NA	

Analysis of Site Plan Compliance with UDO Requirements The proposed site plan for the GI-S portion of the request consists of a 25 foot wide mining permit buffer and a 50 foot wide zoning setback. The existing accessory building for North Point Pentecostal Holiness Church and a small portion of its parking lot will need to be removed in order to accommodate this buffer and setback area. The church will need to insure that minimum parking requirements of the UDO are complied with once said spaces are removed.

CONCLUSIONS TO ASSIS	ST WITH RECOMMENDATION
Positive Aspects of Proposal	Negative Aspects of Proposal
The request will allow for an expansion of	The area plan does not recommend a change in
the existing quarry.	zoning.
The request may allow for an expansion of	
the existing church.	
It is not anticipated that the request will	
have a significant impact on traffic.	
The request is consistent with the purpose	
statement of both the GI and the AG	
zoning districts.	

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 THE ISSUANCE OF GRADING PERMITS

a. Developer shall obtain all necessary mining permits from the North Carolina Division of Environment and Natural Resources (DENR).

STAFF RECOMMENDATION: Approval

<u>NOTE:</u> These are staff comments only; <u>final recommendations</u> on projects are made by the City-County Planning Board, with <u>final decisions</u> 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 PUBLIC HEARING MINUTES FOR F-1557 NOVEMBER 12, 2015

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning petition and certified that the site plan (including staff recommended conditions) meets all code requirements if the petition is approved.

SECOND: Paul Mullican

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Clarence Lambe,

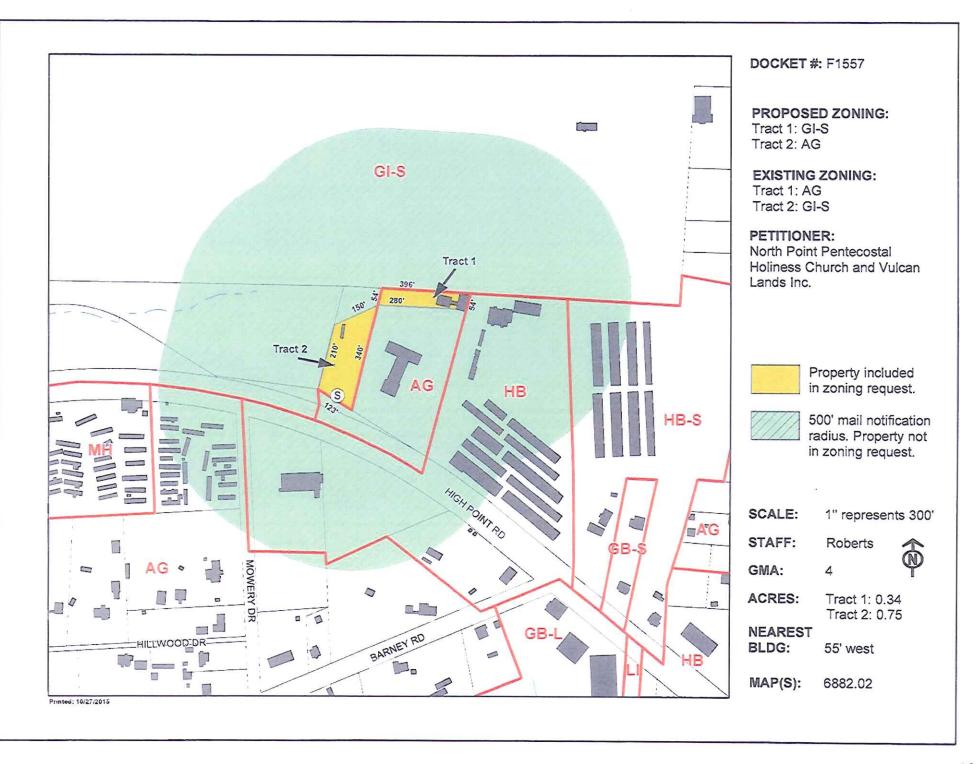
Paul Mullican, Brenda Smith, Allan Younger

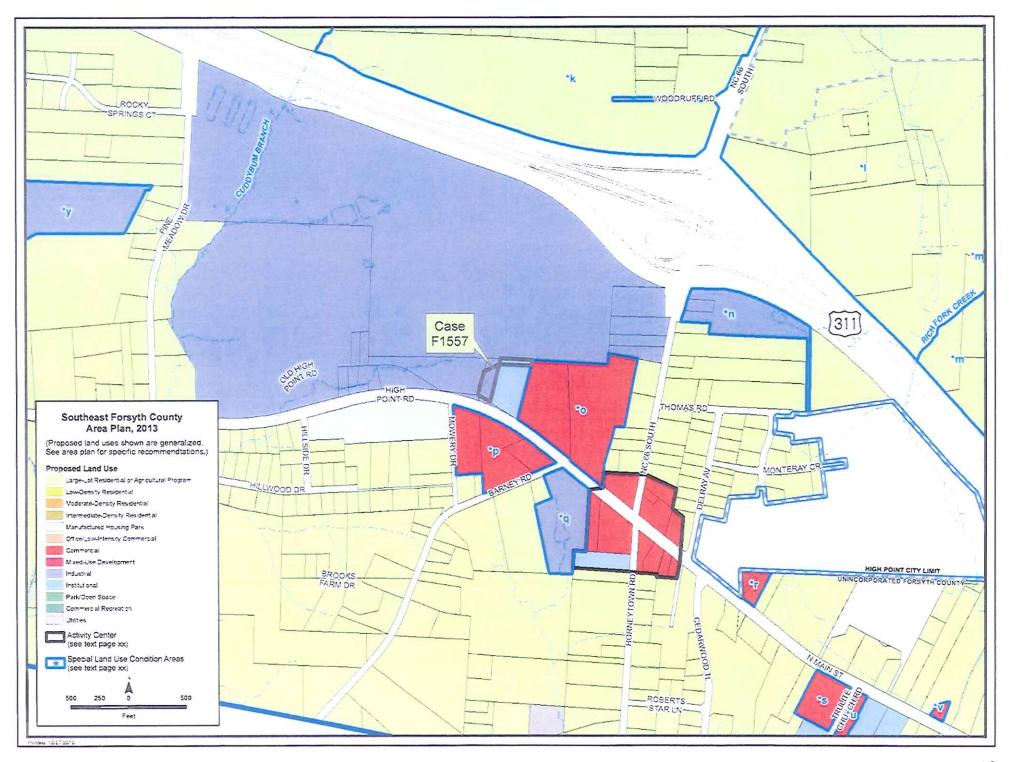
AGAINST: None EXCUSED: None

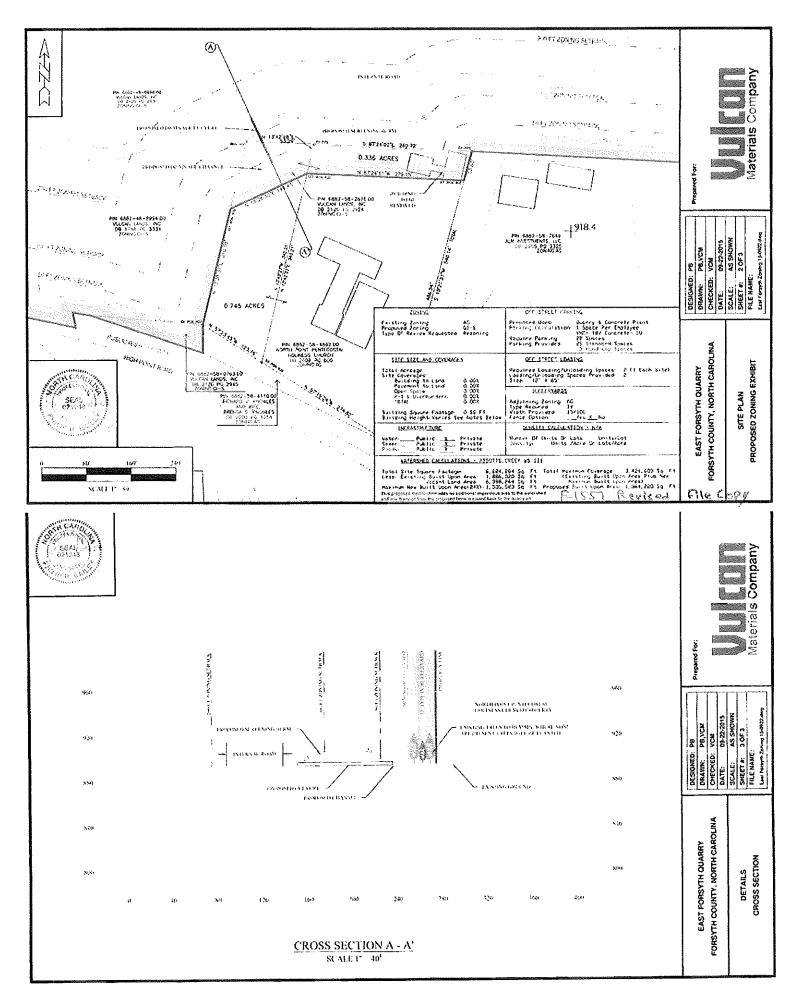
According to information furnished by the Office of the Tax Assessor on November 17, 2015, the subject property was in the name of North Point Pentecostal Holiness Church and Vulcan Lands, Inc.

A. Paul Norby, FAICP

Director of Planning and Development Services







F-1557 ATTACHMENT A

EXISTING AND PROPOSED AG USES ALLOWED

Forsyth County Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Adult Day Care Home

Agricultural Production, Crops

Agricultural Production, Livestock

Agricultural Tourism

Animal Feeding Operation

Child Day Care, Small Home

Church or Religious Institution, Neighborhood

Family Group Home A

Fish Hatchery

Kennel, Outdoor

Police or Fire Station

Recreation Facility, Public

Residential Building, Single Family

Swimming Pool, Private

Transmission Tower (see UDO)

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Cemetery

Church or Religious Institution, Community

Golf Course

Landfill, Land Clearing/Inert Debris, 2 acres or less

Library, Public

Planned Residential Development

School, Private

School, Public

Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

Borrow Site

Campground

Child Day Care, Large Home

Dirt Storage

Fishing, Fee Charged

Habilitation Facility A

Manufactured Home, Class A

Manufactured Home, Class B

Manufactured Home, Class C

Nursing Care Institution

Uses Allowed in AG Revised 6/24/2015

F-1557 ATTACHMENT A EXISTING AND PROPOSED AG USES ALLOWED

Forsyth County Jurisdiction Only

Park and Shuttle Lot Recreational Vehicle Park Riding Stable Shooting Range, Outdoor Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)

Access Easement, Private Off-Site
Landfill, Land Clearing/Inert Debris, greater than 2 acres

Uses Allowed in AG Revised 6/24/2015

INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1557

PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrase. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

PROJECT CASE NUMBER: F-1557 PROJECT TITLE: East Forsyth Quarry DATE: October 28, 2015
PROJECT DESCRIPTION: North side of High Point Road, east of Mowery Drive
NCDOT- Phone # - 336.747.7900 Email: warcher@ncdot.gov No comments
WSDOT- Phone # - 336.747.6872 Email: conniej@cityofws.org
No comments
City Engineer- Phone # - 336.747.6846 Email: albertcg@cityofws.org No comments
Inspections (Zoning)- Phone # - 336.727.2626 or 336.747.7427 Email: donnagb@cityofws.org or desmondc@cityofws.org
 Label public right-of-way Label any buildings to be removed
Label "25-ft Mining Permit Buffer" using UDO terminology (minimum bufferyard)
Erosion Control - Phone # - 336.747.7453 Email: matthewo@cityofws.org No Comment
Stormwater Division- Phone # - 336.747.6961 Email: josephf@cityofws.org No comments
Fire (County)- Phone # - 336.703-2550 Email: smithbj@forsyth.cc No comments

INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1557

Utilities- Phone # - 336.747.7309 Email: jackf@cityofws.org
No comments.
Planning- Phone # - 336.747.7043/747.7068 Email: <u>aaronk@cityofws.org</u>
Note existing building to be removed on site plan.
Street Names/Addresses -336.747.7048 Email: benfs@cityofws.org
No comments