

DOCKET #: W2715

PROPOSED ZONING:
Special Use Permit
Concrete or Asphalt Plant

EXISTING ZONING:
GI

PETITIONER:
Seven M, LLC for
property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRE(S): 9.15

MAP(S): 642838



August 25, 2004

Seven M LLC
c/o Henry Batten
3823 Raleigh Street
Charlotte, NC 28299

RE: SPECIAL USE PERMIT W-2715

Dear Mr. Batten:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Dan E. Brewer, PE, Chas. H. Sells, Inc., 128 Overhill Drive, Ste. 105, Mooresville, NC
28117
David Mous, P. O. Box 5247, Charlotte, NC 28299

ACTION REQUEST FORM

DATE: August 25, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Special Use Permit of Seven M, LLC

SUMMARY OF INFORMATION:

Special Use Permit of Seven M, LLC for Asphalt and Concrete Plant in a GI zoning district: property is located on the south side of I-40 northeast of Thomasville Road (Zoning Docket W-2715).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE PERMIT

Special Use Permit of Seven M LLC,
Docket W-2715

AN ORDINANCE ISSUING A SPECIAL USE
PERMIT FOR ASPHALT AND CONCRETE
PLANT IN A GI ZONING DISTRICT

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The City Council 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 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*.

Section 2. The Winston-Salem City Council hereby issues a special use permit for Asphalt and Concrete Plant in a GI Zoning District in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to Seven M LLC to be established on the following described property:

Tax Block 2663, Tax Lot 103

Section 3. This Ordinance is adopted after approval of the site plan entitled Seven M LLC and identified as Attachment "A" of the Special Use Permit issued by the City Council the _____ day of _____, to Seven M LLC.

Section 4. The City Council hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Seven M LLC. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE PERMIT

SPECIAL USE PERMIT

Issued by the City Council
of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use Permit for the site shown on the site plan map included in this zoning petition of Seven M LLC, (Zoning Docket W-2715). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit for Asphalt and Concrete Plant in a GI Zoning District, approved by the Winston-Salem City Council the _____ day of _____, 19____" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Department.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall remove any salvage or building materials stored on the site.
 - b. All required fire hydrants shall be installed in accordance with the City Fire Department.
- **OTHER REQUIREMENTS**
 - a. Driveway shall be a minimum of 20 feet in width.
 - b. Outdoor lighting shall be designed so as not to cast direct light onto any adjacent property owners or motorists.

ZONING STAFF REPORT

DOCKET # W-2715
STAFF: Gary Roberts

Petitioner(s): Seven M, LLC
Ownership: Same

REQUEST

Special Use Permit to operate an Asphalt and Concrete Plant in the GI District

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

Acreage: 9.15

LOCATION:

Street: South side of I-40, northeast of Thomasville Road.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

SITE PLAN

Proposed Use: Concrete Plant.
Building Height: 70'/unlimited.
Parking: Required: 7 spaces; Proposed: 10 spaces.
Bufferyard Requirements: 50 foot Type IV bufferyard, with 6 foot security fence, around the entire perimeter of the site.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Several small utility buildings associated with the current tractor trailer storage area and pallet refurbishing uses.

Adjacent Uses:

North-	I-40/US 311.
Northeast –	Undeveloped property zoned RS-9.
South-	Multiple industrial operations zoned LI-S, LI and GI.
Southwest-	Convenience store zoned HB

GENERAL AREA

Character/Maintenance: Mixture of moderately to well maintained commercial and industrial operations.

Development Pace: Slow to moderate.

TRANSPORTATION

Direct Access to Site: None; proposed access is onto Thomasville Road/SR 109, via a Special Use Permit, (W-2716).

Street Classification: Thomasville Road – Major Thoroughfare.

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

Thomasville Road between I-40/US 311 and Teague Road = 17,000 / 16,100

Trip Generation/Existing Zoning: No trip generation available based on existing use.

Trip Generation/Proposed Zoning: No trip generation rates available for proposed use.

Planned Road Improvements: R2568: Thomasville Road from I-40 to Davidson County; from 2 lanes to 4 lanes divided; regionally significant; 2005-2014.

ANALYSIS

The request is for a Special Use Permit to operate a Concrete Plant on a 9.15 acre tract zoned GI. The site is located on the south side of I-40/US 311 northeast of Thomasville Road. Currently located on the site is a tractor trailer storage area and a pallet refurbishing operation.

Until the recent adoption of UDO-112, Asphalt and Concrete Plants were a permitted use in the GI district. This use is now allowed within the GI district only upon the issuance of a Special Use Permit by the Elected Body. In addition to the standard Findings of Fact normally associated with the approval of Special Use Permits, these uses must also meet the new setback, bufferyard and access use conditions which were added as a result of UDO-112. These conditions, as listed under Chapter B, Section 2-5, are: All buildings and operations shall be at least 100 feet from any adjacent property and 500 feet from any school, library or church zoning lot or from any property zoned RS, RM, AG, YR, IP or C; 50 foot wide undisturbed, (augmented if necessary), type IV bufferyard with six (6) foot security fencing; and access to a major or minor thoroughfare or a route approved by WSDOT or NCDOT.

The proposed request complies with these new use conditions of said recent text amendment. Based upon the following findings as required by the UDO, and compliance with said use conditions, staff supports the subject Special Use Permit request.

FINDINGS OF FACT

According to Section 6-1.5(D) of the zoning ordinance of the UDO, the Planning Board must make the following findings in support of a favorable recommendation.

1. The development is in conformity with *Legacy* as it relates to the specific area; Planning Staff: Yes. *Legacy recommends promoting economic development which is compatible with existing residential neighborhoods and other business developments.*
2. Water and sewer are available in adequate capacity; Yes.

3. Where buildings greater than thirty-five (35) feet are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment; Yes. *Site plan proposes adequate access for aerial fire-fighting equipment.*
4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard; Yes. *The requested access is onto Thomasville Road which is a major thoroughfare. While this facility is currently operating above capacity, the left turn lane and deceleration lane, to be required by NCDOT as a condition of the required driveway permit, should facilitate safe ingress and egress to the site. In addition, Thomasville Road is on the TIP to be widened from a two lane facility to a four lane divided facility between 2005 and 2014.*
5. General layout and design of this development meet all requirements of this ordinance; Yes.
6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.); Yes.
7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project; Yes. *See list of conditions under the STAFF RECOMMENDATION section.*

In addition to these seven findings by the Planning Board, the Winston-Salem City Council must make affirmative findings as follows to issue a special use permit [Section 6-1.5(F) of the *Zoning Ordinance* of the UDO]:

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; Yes.
2. That the use meets all required conditions and specifications; Yes.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; Yes.
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*; Yes.

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 ANY PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall remove any salvage or building materials stored on the site.
 - b. All required fire hydrants shall be installed in accordance with the City Fire Department.

- **OTHER REQUIREMENTS**
 - a. Driveway shall be a minimum of 20 feet in width.
 - b. Outdoor lighting shall be designed so as not to cast direct light onto any adjacent property owners or motorists.

MOTION: Paul Mullican moved approval of the special use permit, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Clarence Lambe

VOTE:

FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

MOORESVILLE, NORTH CAROLINA

CONCRETE SUPPLY

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SURVEY BY CHAS. H. SELLS DONE ON MAY 18, 2004

LANDSCAPING REQUIREMENTS:
 50' TYPE 4 BUFFER (3 DECIDUOUS TREES & 14 PRIMARY EVERGREEN PLANTS PER 100)
 TOTAL DECIDUOUS TREES PROPOSED: 16
 TOTAL PRIMARY EVERGREEN PLANTS PROPOSED: 62

SITE LIGHTING NOTE:
 OUTDOOR LIGHTING SHALL BE LOCATED SO AS NOT TO CAST DIRECT LIGHT ONTO ANY ADJACENT PROPERTY OWNERS OR MOTORISTS.

LANDSCAPING REQUIREMENTS:
 HANDBICAP SPACES PROVIDED: 1
 PARKING SPACES REQUIRED: 1
 PARKING PROVIDED: 10 SPACES
 SPACE PER EMPLOYEE (7) = 7 SPACES

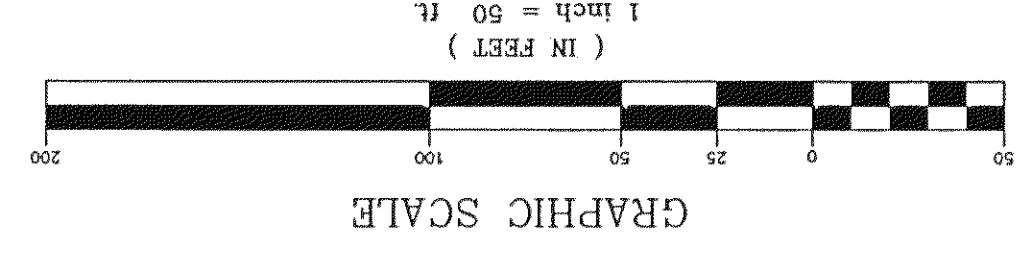
MAXIMUM BUILDING HEIGHT: 70'/UNLIMITED
 BUILDING SETBACKS:
 FRONT: 100'
 SIDE: 100'
 REAR: 100'

PARCEL ID: 6844-21-9870
 PROPERTY ADDRESS: 195 APAC STREET
 PROPOSED USE: CONCRETE PLANT
 PROPERTY IS ZONED G1

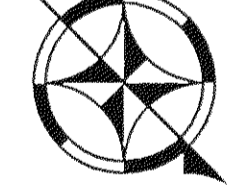
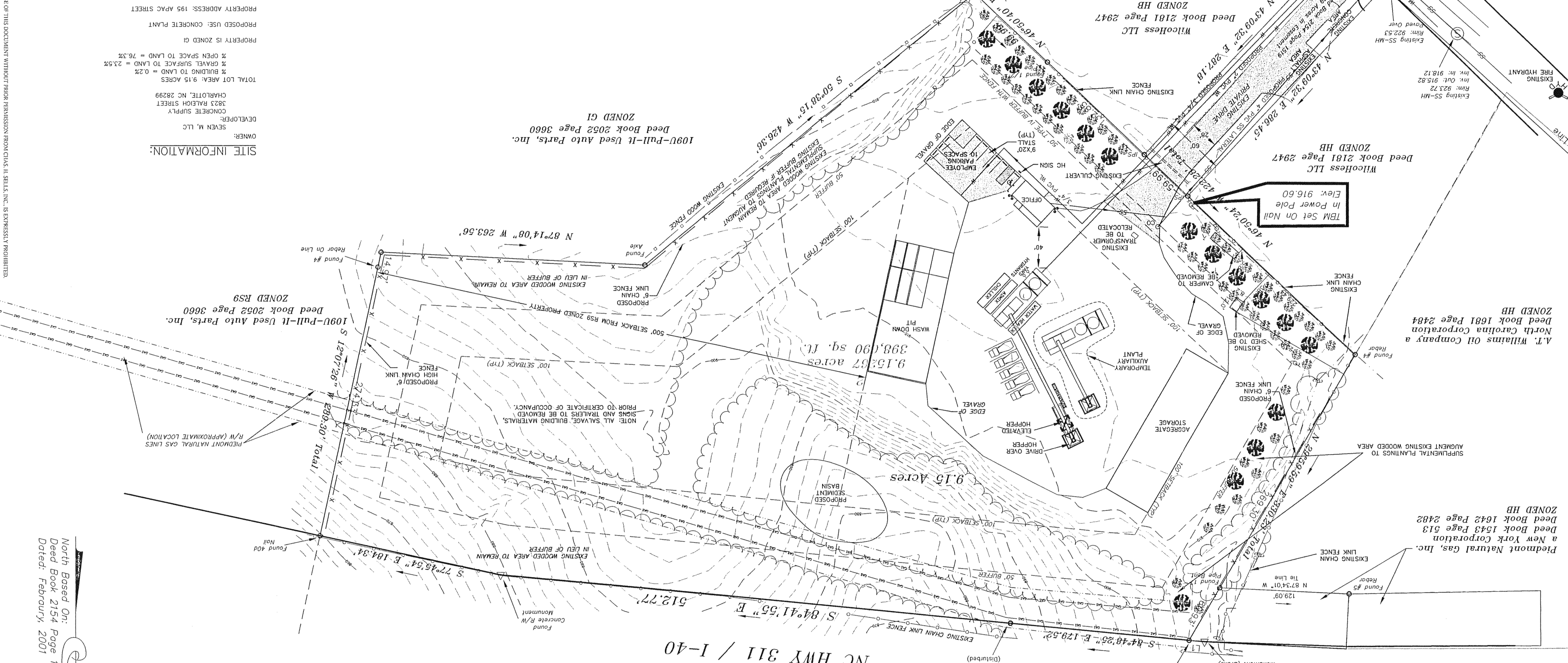
TOTAL LOT AREA: 9.15 ACRES
 $\frac{7}{8}$ BUILDING TO LAND = 0.27
 $\frac{7}{8}$ GRAVEL SURFACE TO LAND = 23.5%
 $\frac{7}{8}$ OPEN SPACE TO LAND = 76.5%

DEVELOPER:
 SEVEN M, LLC
 3823 RALEIGH STREET
 CHARLOTTE, NC 28299

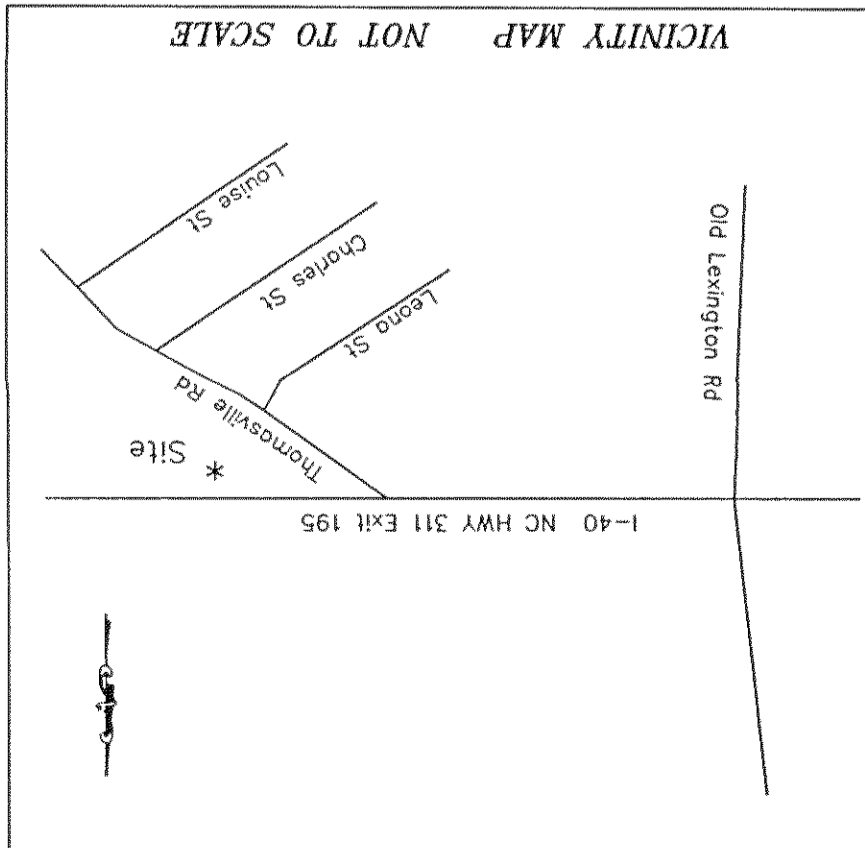
SITE INFORMATION:
 OWNER:
 SEVEN M, LLC
 CONCRETE SUPPLY
 3823 RALEIGH STREET
 CHARLOTTE, NC 28299
 DEVELOPER:
 SEVEN M, LLC



- SITE PLAN GENERAL NOTES:**
1. ALL DIMENSIONS ARE TO FACE OF CURB, EDGE OF PAVEMENT OR GRAVEL AREA, OR FACE OF BUILDING UNLESS OTHERWISE NOTED.
 2. ALL IMPROVEMENTS AND CONSTRUCTION SHALL BE IN ACCORDANCE WITH CITY AND STATE STANDARDS.
 3. ANY DISCREPANCIES FOUND IN THE FIELD SHALL BE CALLED TO THE ATTENTION OF THE OWNER OR ENGINEER PRIOR TO PROCEEDING WITH WORK.
 4. PRIOR TO BEGINNING ANY DEMOLITION, GRADING OR CONSTRUCTION, THE GENERAL CONTRACTOR SHALL VERIFY THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED FROM ALL RELEVANT AUTHORITIES.
 5. GENERAL CONTRACTOR SHALL MAINTAIN THE SITE IN A MANNER SO THAT WORKMEN AND PUBLIC SHALL BE PROTECTED FROM INJURY.
 6. ALL SIGNS, PAVEMENT MARKINGS, AND OTHER TRAFFIC CONTROL DEVICES SHALL CONFORM TO THE MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.



North Based On:
 Deed Book 2154 Page 1519
 Dated: February, 2001



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