DOCKET #: F1460

PROPOSED ZONING:
Tract 1 - GI-S
Tract 2 - GI-S

EXISTING ZONING:
AG

PETITIONER:
Martin Marietta Materials, Inc.,
Walter B. Hunt, and Rebecca
Ann Sells Hunt for property
owned by Same

SCALE: 1" represents 800'

STAFF: Roberts

GMA: 4

ACRE(S): 122.81, 4 Tracts

MAP(S): 672830, 672834
DOCKET #: F1460

PROPOSED ZONING:
Tract 3 - GI-S
Tract 4 - GI-S

EXISTING ZONING:
AG

PETITIONER:
Martin Marietta Materials, Inc.,
Walter B. Hunt, and Rebecca
Ann Sells Hunt for property
owned by Same

SCALE: 1" represents 800'

STAFF: Roberts

GMA: 4

ACRE(S): 122.81, 4 Tracts

MAP(S): 672826
April 19, 2006

Martin Marietta Materials, Inc.
c/o Donald M. Moe
P. O. Box 30013
Raleigh, NC  27622

RE:   ZONING MAP AMENDMENT F-1460

Dear Mr. Moe:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc:  Jane Cole, County Manager's Office
     Raymond D. Thomas, Colonial Square, 116 S. Cherry Street, Suite C, Kernersville, NC 27284
     Walter Bruce Hunt and Rebecca Ann Sells Hunt, 228 N. Main Street, Randleman, NC 27317
MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning Map Amendment of Martin Marietta Materials, Inc. for property owned by same and Walter Bruce Hunt and Rebecca Ann Sells Hunt from AG to GI-S (Mining, Quarry, or Extractive Industry): property is located on the south side of US 311 between Hastings Road and High Point Road (Zoning Docket F-1460).

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map.

C. Approval of Special Use District Permit

D. 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 rezoning petition.

ATTACHMENTS:-       X YES       __ NO

SIGNATURE: ________________________________ DATE: _______________

County Manager
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Martin Marietta Materials, Inc. for property owned by same and Walter Bruce Hunt and Rebecca Ann Sells Hunt, Docket F-1460

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 AG to GI-S (Mining, Quarry, or Extractive Industry) the zoning classification of the following described property:

TRACT 1

Tax Block 5618, Tax Lots 127 and 128

TRACT 2

BEGINNING at an iron, the northeast corner of the property of Robert S. McCollem as described in deed recorded in Book 1637 at Page 256, Forsyth County Registry; thence from said beginning point along McCollem's north line North 86 degrees 30 minutes 00 seconds West 856.87 feet to a point; thence North 02 degrees 46 minutes 52 seconds East 474.65 feet to an iron; thence South 86 degrees 22 minutes 26 seconds West 1483.87 feet to an iron; thence South 02 degrees 46 minutes 52 seconds West 474.65 feet; thence North 86 degrees 43 minutes 10 seconds 10 seconds West 607.47 feet to the point and place of BEGINNING and being Tax Lot 32A and a portion of Tax Lot 33A. Tax Block 5602.

TRACT 3

Tax Block 5602, Tax Lots 41, 42, and 114
TRACT 4

BEGINNING at an iron in the western edge of a 100-foot power transmission line right-of-way; thence from said beginning point along the western edge of said right-of-way South 29 degrees 10 minutes 17 seconds West 385.32 feet; thence North 85 degrees 33 minutes 07 seconds West 2481.39 feet; thence North 30 degrees 56 minutes 33 seconds East 438.06 feet; thence North 47 degrees 56 minutes 40 seconds East 747.04 feet; thence along the meanderings of a creek in a northeasterly direction, the center of the creek being the actual property line, a distance of 777.10 feet; thence North 89 degrees 10 minutes 53 seconds East 883.86 feet; thence South 88 degrees 41 minutes 16 seconds West 300.12 feet; thence South 86 degrees 33 minutes 13 seconds East 669.32 feet; thence South 35 degrees 49 minutes 13 seconds West 1257.72 feet; thence North 85 degrees 29 minutes 34 seconds West 91.11 feet to the point and place of BEGINNING and being a portion of Tax Lot 2, Tax Block 5602B.

Section 2. This Ordinance is adopted after approval of the site plan entitled Martin Marietta Materials, Inc. for property owned by same and Walter Bruce Hunt and Rebecca Ann Sells Hunt, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _________________, 20____ to Martin Marietta Materials, Inc. for property owned by same and Walter Bruce Hunt and Rebecca Ann Sells Hunt.

Section 3. 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 Martin Marietta Materials, Inc. for property owned by same and Walter Bruce Hunt and Rebecca Ann Sells Hunt. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. 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 Martin Marietta Materials, Inc. for property owned by same and Walter Bruce Hunt and Rebecca Ann Sells Hunt (Zoning Docket F-1460). 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 Industry), 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 ISSUANCE OF ANY PERMITS:
  a. Developer shall obtain all necessary Mining Permits from the NC Division of the Environment and Natural Resources (DENR).
  b. Obtain a Watershed Permit from the Inspections Division.

• PRIOR TO THE ISSUANCE OF GRADING PERMITS:
  a. Obtain a driveway permit from the NCDOT.
PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1460</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Martin Marietta Materials, Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same and Walter Bruce Hunt and Rebecca Ann Sells Hunt</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lots 127 and 128 / Tax Block 5618; Tax Lots 32A, 33A, 41, 42, and 114 / Tax Block 5602; and a portion of Tax Lot 2 / Tax Block 5602B</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use District rezoning from AG to GI-S to expand an existing rock quarry, Salem Stone Quarry.</td>
</tr>
</tbody>
</table>

Proposal

The petitioner is requesting to amend the Official Zoning Maps for the subject property from AG Agricultural District; 40,000 sf minimum lot size to GI-S General Industrial District. The petitioner is requesting the following uses:

- (Mining, Quarry, or Extractive Industry)

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 Growth Management Areas 1, 2, and 3.

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

Yes

GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>South side of US 311 between Hastings Road and High Point Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 118.14 acres in 4 tracts</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The 4 tracts are undeveloped</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>AG and GI-S</td>
<td>US 311 and the Salem Stone Quarry</td>
</tr>
<tr>
<td>East</td>
<td>AG and GI-S</td>
<td>Salem Stone Quarry, undeveloped property and single family homes</td>
</tr>
</tbody>
</table>

F-1460 April 2006
### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

The proposed rock quarry expansion is compatible with the existing quarry operation. The southern most portion of the subject request (Tracts 3 and 4) will provide new areas for blasting and quarrying activities. The southern and western borders of this area will consist of a 250’ wide berm which will be between 30’ and 50’ tall. The eastern border is adjacent to a Duke Power right-of-way. Nevertheless, it is anticipated that the proposed expansion will have some negative impact in regard to noise and potential vibration on the surrounding low density residential development.

### Physical Characteristics

The majority of the four tracts is heavily wooded and has variable topography. The site generally drains south into Spargeon Creek which borders and traverses the site. Spargeon Creek, also shown as a wetland on the USGS Quad map, flows south to Lake Thom-A-Lex in Davidson County.

The petitioner is responsible for complying with all State and Federal wetland and stream protection regulations, including securing appropriate permits from the NC Department of Environment and Natural Resources, the NC Division of Waters Quality, and the US Army Corp of Engineers for any stream and wetlands impact.

### Proximity to Water and Sewer

No public water or sewer is available to the site.

### Watershed and Overlay Districts

Site is located in the Abbotts Creek Watershed, a WS-III protected water supply which provides water for the cities of Thomasville and Lexington in Davidson County. This site is regulated under the Forsyth County Watershed Protection Ordinance. The petitioner is responsible for complying with all applicable watershed protection regulations.

### Amount of AG land rezoned since 12-31-94

1,799.94 acres with a balance of 59,716.59 acres.

### Analysis of General Site Information

The subject request would allow for the further extraction and processing of a natural resource (stone) which is a necessary component of most construction and development activities. This type of operation is very location specific depending on where the resource can most practically be obtained, processed and distributed.

Due to the proposed stream crossings and the site being located within a water supply watershed, the petitioner will be responsible to obtaining all necessary local, state and federal permits.

### Generalized Recommended Conditions

**BRIEF DESCRIPTION OF CONDITION(S):**

- Obtain Mining Permit from NCDENR
- Obtain Watershed Permit
SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>US 311</td>
<td>Freeway</td>
<td>1,383’</td>
<td>19,000</td>
<td>63,600</td>
</tr>
<tr>
<td>High Point Road</td>
<td>Major Thoroughfare</td>
<td>No direct frontage</td>
<td>±1,700</td>
<td>11,100</td>
</tr>
<tr>
<td>(via existing adjacent quarry)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hastings Road</td>
<td>Local street</td>
<td>488’</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**: High Point Road via the existing adjacent quarry.

**Planned Road Improvements**: The Thoroughfare Plan recommends High Point Road be improved to a three lane cross section with wide outside lanes, curb and gutter and sidewalks.

**Trip Generation - Existing/Proposed**:

- **Existing Zoning**: AG
  - 118.14 acres x 43,560 / 40,000 = 128 units x 9.57 (SFR Trip Rate)
  - 1,225 Trips per Day

- **Proposed Zoning**: GI-S
  - No comparable trip generation rate available for quarries.

**Sidewalks**: No sidewalks are located within the general area.

**Transit**: None

**Traffic Impact Study (TIS)**: No TIS is required

**Analysis of Site Access and Transportation Information**: Access to the subject property will be through the existing quarry thus utilizing the existing access onto High Point Road. No new points of access are proposed.

**Generalized Recommended Conditions**:

- **BRIEF DESCRIPTION OF CONDITION(S):**
  - Update driveway permit with NCDOT.

CONFORMITY TO PLANS AND PLANNING ISSUES

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

**Relevant Legacy Recommendations**: *Legacy* recommends protecting residential areas from inappropriate commercial and industrial encroachment. *Legacy* also recommends expanding existing large and small business to provide a broad range of employment opportunities.

**Relevant Area Plan(s)**: Union Cross/Southeast Forsyth County Area Plan, 2004

**Area Plan Recommendations**: The *Union Cross/Southeast Forsyth County Area Plan* recommends allowing for the expansion of existing quarries within property currently owned by the mining companies to discourage expansion beyond those limits and any requests for new quarries.

However, it should be noted that the Board of County Commissioners adopted the plan with the clarification that “…it is not the intent of the County to sanction, adopt or require the adoption of these voluntary or optional initiatives which may or may not be consistent with the Legacy...”
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

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

No

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

Yes

Analysis of Conformity to Plans and Planning Issues

The site is located within the Union Cross/Southeast Forsyth County Area Plan which was adopted in 2004. The plan recommends allowing for the expansion of existing quarries within property currently owned by the mining companies. Some of the acreage of the subject request has been recently purchased by the petitioner.

In order to minimize the impact of the subject request along Hastings Road, staff recommends the removal of the western most ±450’ portion of Tract 2. The site plan shows this area to be used for a ±60’ high berm consisting of stockpile and overburden. While the auditory impacts of this particular activity will obviously be less than the impacts associated with blasting, staff is concerned with the potential precedent of extending GI-S zoning onto this roadway which is otherwise predominantly zoned AG. As shown on the revised site plan, the petitioner has agreed to this recommendation.

It should be noted that the subject operation will have to comply with the amended hours of operation for quarries as per UDO-91. This text amendment, adopted in 2002, prohibits drilling, blasting and crushing activities on Sundays and all other days before 7 am and after 6pm.

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-1217</td>
<td>GI-S and AG to GI-S</td>
<td>Approved 1-12-98</td>
<td>Adjoins site</td>
<td>238</td>
<td>Staff Approval</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CCPB Approval</td>
</tr>
<tr>
<td>F-1178</td>
<td>AG to GI-S (Asphalt and Concrete Plant)</td>
<td>Approved 12-16-96</td>
<td>Adjoins overall quarry site</td>
<td>3.72</td>
<td>Staff Denial</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CCPB Denial</td>
</tr>
<tr>
<td>F-1067</td>
<td>R-6 and R-5 to I-2-S, converted to GI-S (Mining, Quarry, or Extractive Industry)</td>
<td>Approved 1-10-94</td>
<td>Adjoins site</td>
<td>190.62</td>
<td>Staff Approval</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CCPB Approval</td>
</tr>
</tbody>
</table>

RELEVANT ZONING HISTORIES
# SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Impervious Coverage</th>
<th>No buildings are proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Square Footage</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Maximum</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>24% in WS III</td>
<td>.3% (for total 404.5 acre quarry)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Section 2-1.4 (C) General Industrial District</strong></td>
</tr>
<tr>
<td><strong>Section 2-5.52 Use Conditions for Mining, Quarry, or Extractive Industry uses</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Chapter B, Article VII, Section 7-5.3</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(A) Legacy policies:</em> See comments above</td>
</tr>
<tr>
<td><em>(B) Environmental Ord.</em> Pending State and Local permits</td>
</tr>
<tr>
<td><em>(C) Subdivision Regulations</em> NA</td>
</tr>
</tbody>
</table>

## Analysis of Site Plan Compliance with UDO Requirements
Site plan meets UDO requirements.

## CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request will allow for the expansion of an operation which processes a natural resource which is a necessary component of most construction and development activities.</td>
<td>The subject request will allow the expansion of an operation which is characterized by noise, vibration and truck traffic.</td>
</tr>
<tr>
<td>Request proposes no new points of access.</td>
<td></td>
</tr>
<tr>
<td>The surrounding development pattern is agricultural and low density residential thus minimizing the degree of off site impacts.</td>
<td></td>
</tr>
</tbody>
</table>

## SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

**PRIOR TO ISSUANCE OF ANY PERMITS:**

- Developer shall obtain all necessary Mining Permits from the NC Division of the Environment and Natural Resources (DENR).
- Obtain a Watershed Permit from the Inspections Division.

**PRIOR TO THE ISSUANCE OF GRADING PERMITS:**

- Obtain a driveway permit from the NCDOT.
- Remove western ±450’portion of Tract 2 which fronts on Hastings Road.

## STAFF RECOMMENDATION: APPROVAL.

**NOTE:** These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions 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.**
PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Paul Mullican
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

According to information furnished on February 28, 2006 by the Office of the Tax Assessor, the subject property was in the name of Martin Marietta Materials, Inc., Walter Bruce Hunt, and Rebecca Ann Sells Hunt.

A. Paul Norby, AICP
Director of Planning