DOCKET #: F1285

PROPOSED ZONING: Gi-S (Terminal, Freight; and Landfill, LCID)

EXISTING ZONING: Gi-S (Terminal, Freight)

PETITIONER: Carr Rental and Leasing, LLC

SCALE: 1" represents 400'

STAFF: R. Grubbs

GMA: 4A

ACRE(S): 18.44

MAP(S): 636818
February 23, 2000

William B. Carr, Sr.
Carr Rental & Leasing, LLC
13120 Old US Hwy 52
Winston-Salem, NC   27107

RE:    ZONING MAP AMENDMENT F-1285

Dear Mr. Carr:

           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
Zoning map amendment of Carr Rental & Leasing, LLC from GI-S (Terminal, Freight) to GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, Greater Than Two Acres): property is located at the northeast corner of South Main Street and County Line Road; and along the Forsyth/Davidson County line (Zoning Docket F-1285).

After consideration, the Planning Board recommended approval of the rezoning petition.
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Carr Rental & Leasing, LLC,
Docket F-1285

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 GI-S (Terminal, Freight) to GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, Greater Than Two Acres) the zoning classification of the following described property:

Beginning at a point on the Forsyth County/Davidson County line inside the right-of-way of Main Street; thence along Main Street, north 5° 55' east 576.32 feet to a point over Leak Creek, the southwestern corner of Lot 16 of Tax Block 2712; thence up Leak Creek with Lot 16, north 78° 24' east 1,214.15 feet to a point in the line of Lot 5-J of Tax Block 2712; thence with Lots 5-J, 107-F, 107-E, 107-D, and 107-L of Tax Block 2712 south 5° 15' a666.48 feet to a point, the northeastern corner of Lot 15-A of Tax Block 2712; thence with Lot 15-A, north 86° 56' west 210 feet to a point and south 5° 5' 15" west 210 feet to a point on the northern right-of-way of County Line Road on the Forsyth County/Davidson County line; thence with the right-of-way of County Line Road and the county line, north 87° 15' west 105.85 feet, north 87° 05' west 170.64 feet, north 87° 11' 20" west 227.75 feet, north 87° 15' west 123.88 feet, and north 87° 11' west 331.62 feet to the place of beginning and containing 18.44 acres more or less. The above described property lying in Broadbay Township, Forsyth County, North Carolina is Lots 15-C, 15-E, and 15-F of Tax Block 2712.
Section 2. This Ordinance is adopted after approval of the site plan entitled Carr Rental & Leasing, LLC, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _________________, 19_____ to Carr Rental & Leasing, LLC.

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 Carr Rental & Leasing, LLC. 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.
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 Carr Rental & Leasing, LLC (Zoning Docket F-1285). 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 (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, Greater Than Two Acres), approved by the Forsyth County Board of Commissioners the _____ day of ______________, 19 ____" 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 have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, a storm water management plan shall be submitted and approved by the Public Works Department.
  b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas, including the undisturbed buffer area shown along the south side of Leak Creek. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  c. For the use of the site as a Landfill, Land Clearing/Inert Debris (LCID), developer shall obtain erosion control, grading and zoning permits from the Inspections Division of the City of Winston-Salem and a permit from the North Carolina Department of Environment and Natural Resources (DENR).
PRIOR TO USING THIS PROPERTY FOR A LCID LANDFILL
a. Developer shall file a reclamation plan for the reuse of this property with the Inspections Division.
b. Developer shall record either a final plat or a deed in the office of the Register of Deeds showing or identifying the portion of this property which has been used as a "Land Clearing and Inert Debris Landfill".
c. Security gate or other access barrier device required in UDO Section 2-5.37(C) of the Zoning Ordinance shall be installed.
d. All required signage at the entrance shall be installed per State requirements for an LCID landfill.
e. A type III buffer yard shall be installed in accordance with Section 2-5.37(E) of the Zoning Ordinance where the landfill is located within 100 feet of the property line as shown on the site plan.
f. A twenty (20) foot all weather surface road shall be installed to the landfill site per the County Fire Department.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR THE FREIGHT TERMINAL
a. Developer shall install a ten (10) foot streetyard along the frontage of the property on Main Street. All other required interior parking lot landscaping shall also be installed either inside the new parking areas or on the perimeter of the parking lot areas as shown on the site plan.
b. If required, all storm water management devices shall be installed.

OTHER REQUIREMENTS
a. One freestanding ground sign shall be permitted on Main Street and one on County Line Road. Said signs shall be limited to five (5) foot monument signs with a maximum copy area of thirty-six (36) square feet each.
b. For the LCID landfill, applicant may accept only waste consistent with the definition of “Landfill, Land Clearing and Inert Debris” landfill contained in the UDO.
c. The LCID landfill does not have to be enclosed in a fence in accordance with Section 2-5.37(D) since the block around this property is not over 50% developed.
ZONING STAFF REPORT

DOCKET # F-1285
STAFF: Ronald B. Grubbs

Petitioner(s): Carr Rental & Leasing, LLC
Ownership: Same

HISTORY

This property was zoned GI-S (Terminal, Freight) by the Forsyth County Board of Commissioners on March 8, 1999. The petitioner has requested an amendment to this previous zoning to allow another use "Landfill, Land Clearing/Inert Debris, greater than 2 acres".

REQUEST

From: GI-S General Industrial District (Terminal, Freight)
To: GI-S General Industrial District (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, greater than 2 acres)

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

Acreage: 18.44 acres

LOCATION

Street: East side of South Main Street and the north side of County Line Road along the Forsyth/Davidson County Line.
Jurisdiction: Forsyth County.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: There are no structures on the project site. The southern half of the property has tractor trailers stored at two separate locations along Main Street and County Line Road.
Adjacent Uses:
- North - Vacant RS-9 zoned property.
- East - Several conventional homes and manufactured homes on the north side of County Line Road and Andy's Drive zoned MH.
- South - Small strip shopping center zoned HC or Highway Commercial (Davidson County Zoning) and conventional homes and manufactured homes on the south side of County Line Road zoned RA-3 or Rural Agricultural 3 (Davidson County Zoning).
West - Convenience store across Main Street zoned HB-S, vacant RM-12 zoned land, and a single family subdivision zoned RS-9.

GENERAL AREA


PHYSICAL FEATURES

Topography: The southern half of this property which is currently being used for the storage of tractor trailers has two tiers along the north side of Main Street and County Line Road. The first tier at the corner of Main Street is relatively flat at the same elevation as those two streets. The second storage lot at the eastern end of the property on the north side of County Line Road is elevated above the other corner lot. The remainder of the property has not been graded and generally slopes to the northwest corner of the property.

Streams: This site lies along the southern side of Leak Creek. Leak Creek is identified on the FEMA Flood Insurance Rate Maps as a flood prone creek, but the detailed study ends west of this site across Main Street (no floodway or floodway fringe area is mapped on the project site).

Vegetation/habitat: Some of the natural vegetation has been removed on most of the northern portion of this property. The larger trees have been removed with only the underbrush remaining in this portion of the property.

Constraints: Portions of the site may need to be filled to be developed since some of this property lies along bottom land on the south side of Leak Creek.

Impact on Existing Features: Filling may affect flooding in the area.

TRANSPORTATION

Direct Access to Site: Main Street and County Line Road.

Street Classification: Main Street is a minor thoroughfare; County Line Road is not otherwise classified and would be a local residential/commercial collector street.

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

South Main Street (approximately one mile north of site at Jones Road) - 7,400/13,000.

HISTORY

Relevant Zoning Cases:

1. F-1249; LI to GI-S (Terminal, Freight); approved March 8, 1999; current site; 14.88 acres; Planning Board and staff recommended approval.
2. F-1152; RM-12 to HB-S (Multiple Business Uses); approved 8-12-96; located on the north side of Derende Street west of Main Street directly behind the convenience store approved in the zoning petition listed in 3. below; 1.85 acres; Planning Board and staff recommended approval.

3. F-492; R-2 to B-3-S (Stores or shops, retail; Service station; Car wash; and Offices) (converted to HB-S in UDO); approved November 20, 1978; northwest corner of Derende Street and South Main Street, across Main Street from the current site to the west; 1.25 acres; Planning Board and staff recommended approval.

4. F-393; R-5 to I-2 (converted to LI in UDO); approved May 19, 1975; property consisted of the current site; 19 acres; Planning Board and staff recommended approval.

**CONFORMITY TO PLANS**

GMP Area (Vision 2005): Area 4A: Short-Range Growth.
Relevant Comprehensive Plan Recommendation(s): Stage development with the provision of roads, sewers, and other services; and cluster commercial service areas.
Area Plan/Development Guide: This site is not within the boundaries of a development guide or an area plan.

**ANALYSIS**

The project was rezoned to GI-S (Terminal, Fright) by the Forsyth County Board of County Commissioners on March 8, 1999. This existing northern half of the front of this property on Main Street has a low topography and requires substantial fill to be used as a parking lot for tractor trailers. The petitioner now requests that this area be used as a Landfill, Land Clearing/Inert Debris (LCID) area for that needed fill. This new use needs to be added to the existing Special Use District Zoning.

LCID's only allow materials to be used, such as stumps and other debris from land clearing operations, that are inert. Other landfills such as "Construction and Demolition (C & D)" use materials that are solid such as building materials, concrete, asphalt, etc.

LCID's have required state and local permits as well as many other conditions for development in the UDO. When land is filled and used as an LCID, documents that identify that use of the property must be recorded in the office of the Register of Deeds. Construction of buildings on these sites would be restricted. Restricting this area on this property from buildings would not be a problem since this part of the property is to be used for the storage of tractor trailers and no buildings are planned.
Filling parts of this property with land clearing and inert debris would not be detrimental to this site. This fill must observe the thirty (30) foot buffer along Leak Creek and a one hundred (100) foot setback from the northern property line as shown on the site plan. Since substantial filling must be done to develop this part of the property, the use of land clearing and inert debris material will not be any more detrimental than the use of normal fill dirt materials. That type of fill material will not interfere with any construction of buildings on this property since this part of the site is limited to parking of tractor trailers only according to the site plan.

**FINDINGS**

1. *Vision 2005* recommends the clustering of commercial service areas as well as the staging of development with the provision of roads, sewers, and other services. Sewer service is not readily available to this site and is currently located approximately 2 1/2 miles to the northwest.

2. The property has already been approved for GI-S (Terminal, Freight). Adding the use of LCID and allowing land clearing and inert debris instead of the use of normal fill dirt materials would not pose any environmental problems on this property. Proper stream buffers and setbacks are shown on the site plan.

3. If this site is developed according to the site plan and the conditions for development of both the Freight Terminal and LCID, this rezoning should not be detrimental to this area.

**STAFF RECOMMENDATION**

Zoning: **APPROVAL.**

Site Plan Recommendation: 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 have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, a storm water management plan shall be submitted and approved by the Public Works Department.

  b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas, including the undisturbed buffer area shown along the south side of Leak Creek. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

  c. For the use of the site as a Landfill, Land Clearing/Inert Debris (LCID), developer shall obtain erosion control, grading and zoning permits from the Inspections Division of the City of Winston-Salem and a permit from the North Carolina Department of Environment and Natural Resources (DENR).
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  c. The LCID landfill does not have to be enclosed in a fence in accordance with Section 2-5.37(D) since the block around this property is not over 50% developed.

PUBLIC HEARING

FOR: None

AGAINST: None
WORK SESSION

MOTION: Kem Schroeder moved approval of the zoning map amendment and certifies that the site plan meets all code requirements. Staff conditions should apply.
SECOND: John Bost
VOTE:
    FOR: Avant, Bost, Johnson, Powell, Schroeder, Stewart, Williams
    AGAINST: None
    EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Carr Rental and Leasing, LLC, as of December 28, 1999.

_____________________
A. Paul Norby, AICP
Director of Planning