



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD**

Regular Meeting Agenda

NC Cooperative Extension – Agricultural Center
3309 Burlington Road, Greensboro NC 27405

January 11, 2023

6:00 PM

- A. Roll Call
- B. Agenda Amendments
- C. Approval of Minutes: December 14, 2022
- D. Rules and Procedures
- E. Continuance Requests
- F. Old Business

Legislative Hearing Item(s)

**CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979)
CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMENDED CONDITIONAL ZONING-HEAVY
INDUSTRIAL: 2103 BISHOP ROAD**

Located at 2103 Bishop Road (Guilford County Tax Parcel #141333 in Sumner Township), south of the intersection of Bishop Road with Vermont Drive and comprising approximately 7.05 acres.

The request is to Conditionally Zone the subject parcel from CZ-HI (ref. Case #20-09-GCPL-07186) to amend the current conditions. The current Development Condition of the property is: there shall be no landfill activities on the property for the adjacent LCID and C&D landfills. The applicant proposes to remove this current Development Condition and include the following Use Condition:

1. All uses allowed in the HI zoning district shall be prohibited except solid waste transfer station and recycling facilities.

The proposed rezoning is partially consistent with the Southern Area Plan recommendation of Heavy Industrial (HI) and Light Industrial (LI), thus if approved an Area Plan amendment for the LI portion to HI will be required.

Information for **CONDITIONAL REZONING CASE #22-10-PLBD-00024** can be viewed by scrolling to the January 11, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>.

CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI, CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD

Located at 2075 ZZ Bishop Road (Guilford County Tax Parcel #234575 in Sumner Township), approximately 100 feet from the terminus of Concord Church Road and comprises approximately 14.73 acres.

This is a request to conditionally rezone property from AG to CZ-HI with the following:

Use Conditions: Use limited to C & D (Construction and Demolition (C & D) Debris) Landfill, Major and accessory uses.

Development Conditions: 1) No access to Concord Church Road except for emergency purposes; and 2) Height of the facility shall not exceed 185 feet.

The proposed rezoning is inconsistent with the Southern Area Plan recommendation of Rural Residential and Agricultural; thus, if approved, an Area Plan amendment to Heavy Industrial (HI) is required.

Information for **CONDITIONAL REZONING CASE #22-10-PLBD-00023** can be viewed by scrolling to the January 11, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>

Evidentiary Hearing Item(s)

SPECIAL USE PERMIT CASE #22-10-PLBD-00025: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL, MAJOR AND ACCESSORY USES ON CONDITIONAL ZONING-HEAVY INDUSTRIAL (CZ-HI) ZONED PROPERTY: 2111 BISHOP ROAD

Located at 2111 Bishop Road (Guilford County Tax Parcel #141332 and includes Tax Parcel #234575 located at 2075 ZZ Bishop Road in Sumner Township) and comprises approximately 86.7 acres.

Tax Parcel #141332 is currently under a Special Use Permit (Ref Case #31-01 SP and amendment Case 18-08-GCPL-04985 SP) for a Major Land Clearing and Inert Debris (LCID) Landfill, a Major Construction and Demolition Debris (C&D) Landfill, and Sandrock Mining Operation.

This request is for a Special Use Permit for a Major Construction and Demolition Debris Landfill with the following conditions: (1) 30-foot buffer along parcels 141335 and 141336 shall remain as undisturbed vegetative buffer; and (2) Access from Concord Church Road shall be for emergency access only (not for day-to-day operations) and this access will be gated and locked; Facility height (i.e. height of landfill) shall be limited to 185 feet. Subject properties are currently zoned CZ-HI (Ref Case #30-01) and pending zoning CZ-HI (Ref Case #22-10-PLBD-00023). The request would extend the C&D landfill operation to Parcel #234575. This request includes an associated Sketch Site Plan.

Information for **SPECIAL USE PERMIT CASE #22-10-PLBD-00025** can be viewed by scrolling to the January 11, 2023 Agenda Packet at <https://www.guilfordcountync.gov/our-county/planning-development/boards-commissions/planning-board>. A copy of the associated Sketch Site Plan also can be found at the above address under "Meeting Case Information."

G. New Business

Non-Legislative Hearing Item(s)

None

Legislative Hearing Item(s)

None

H. Other Business

Comprehensive Plan Update

I. Adjourn

(Insert Color Paper)

**GUILFORD COUNTY PLANNING AND DEVELOPMENT
PLANNING BOARD MEETING MINUTES**

**NC Cooperative Extension – Agricultural Center
3309 Burlington Road, Greensboro NC 27405**

December 14, 2022, 6:00 PM

A. Roll Call

The following Board members were in attendance in person for this meeting:

James Donnelly, Chair; Sam Stalder; Jason Little; Dr. Nho Bui; David Craft; Ryan Alston; and Guy Gullick

The following Board member was not in attendance at this meeting:

Cara Buchanan

The following staff members were in attendance in-person for this meeting:

J. Leslie Bell, Planning and Development Director; Oliver Bass, Senior Planner; Aaron Calloway, Planner I; Jessie Baptist, Administrative Officer; and Robert Carmon, Fire Inspections Chief

B. Agenda Amendments

Mr. Bell asked if Continuance Requests (Item E), could be moved up on the agenda just after Approval of Minutes.

Mr. Gullick moved to approve the change in the Agenda, seconded by Mr. Alston. The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Stalder, Little, Bui and Alston. Nays: None.)

C. Approval of Minutes: November 9, 2022

Mr. Bell asked that Page 6, 2nd paragraph be changed (for clarification) to read: "Mr. Alston moved to approve the UDO text amendments as submitted by staff (including the Consistency Statement)."

Mr. Little moved to approve the minutes of the 11/9/22 meeting as amended, for clarification, seconded by Mr. Craft. The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Stalder, Little, Bui and Alston. Nays: None.)

D. Continuance Requests

Mr. Bell asked that the following Items be continued: **Case #22-11-PLBD-00029** – Methodist Road. Based on information that has been received this week and in order to review this new information and work through that (which may have an impact on the staff's recommendation) he is asking that this case be continued to the February 2023 meeting.

Mr. Craft moved to continue **Case #22-11-PLBD-00029**, to the February 2023 meeting, seconded by Mr. Gullick. Mr. Gullick stated that he would like to make some comments on this. His understanding is that there was a community meeting and during this meeting, what the community heard was that this parcel only would qualify for water and sewer, if it were Light Industrial. He has received a lot of phone calls about this matter. With just a little bit of research, what they found out was, this parcel qualified for water and sewer for Mixed Use Development, which is what it is slated for in the Comprehensive Plan. For those reasons, he cannot imagine that the Board would want to move forward with this request without giving all of the parties' time to do their research and come up with accurate facts to make an educated decision.

After this discussion, the Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Stalder, Little, Bui and Alston. Nays: None.)

Mr. Bell stated that at the back wall [in the common area] there are some contact information sheets for people to fill out so that they can be informed of additional information and future meeting(s).

At this time, several people from the audience left the room.

Mr. Bell indicated that there is another continuance request for **Case #22-10-PLBD-00023 – 2103 Bishop Road; [Case #22-10-PLBD-00024 – 2103 Bishop Road]; and, 22-10-PLBD-00025 – 2111 Bishop Road**. Under separate communication, there is a petition regarding those two [of these] cases. The applicants have their legal representative here this evening.

Chair Donnelly asked about the outcome of a community meeting or other information regarding these cases.

Tom Terrell, legal representative for the applicant(s), stated that he represents A-1 Sandrock, owned by Ronnie and Jenny Petty. The Pettys have spoken to, personally, every single adjoining owner and they have an understanding of what is being proposed tonight. They have met the burden of reaching out to those who would be affected. Somebody, who saw the sign, immediately jumped to some conclusions that there would be truck traffic on Concord Church Road. They (The Pettys) did not know about the stir on social media until Sunday of this week. He has found a post on Facebook from somebody that says, "Church family and Summit community, this is the agenda for the meeting to rezone Doggett Construction property at the end of Concord Church Road, and to allow Industrial access to the vehicles down Concord Church Road for the extension of their dump. This would mean increased commercial traffic, dump trucks and other heavy vehicles barreling up and down that road." That is just part of it, and then asking everybody to come here to fill the room to send the message that there cannot be trucks on Concord Church Road. Nobody who sent that message out to social media called him, nobody called the staff or tenants, and they made assumptions and rang the alarm bell. He would emphasize again, that these are not neighbors who adjoin this site. He has seen the petition and there are people who, under any circumstance, would not be on the notification list for this. Their engineer from Raleigh is here tonight for a Special Use Permit, there is also an appraiser in attendance, because this requires a modification of a Solid Waste Permit, they have to have a Court Reporter here, because the recording of this meeting has to go to the Division of Solid Waste. He has presented a piece of paper that answers the question --- Mr. Petty has tried his best to speak to members in this community to say that - 1) the existing permit says, "No Access to Concord Church Road." That condition is repeated in the rezoning application and the Special Use Permit. The image provided, shows that there is no actual access to Concord Church Road. There is no physical

connection between these properties and Concord Church Road and because it is prohibited by law, it would have no access and DOT would not grant a driveway permit. The only reason, the only purpose that could be served by a continuance, is for them to say exactly what he has just said here, that there is no access to Concord Church Road. He believes that this has now been made very clear and they should have had the opportunity to tell that to neighbors, who should have reached out to him. There are times when neighbors have a duty to reach out to find out the facts before a developer communicates with them. He asked that the Board go ahead and have the hearings tonight.

Mr. Gullick asked if someone that is not an adjoining property owner has contacted his office, would he speak to them? Mr. Terrell responded that he absolutely would speak to them. He stated that he answers every call that comes in on his cell phone and to his office. Mr. Gullick asked if this change in zoning would move the dump closer to this neighborhood? Mr. Terrell responded that this is not a dump, it is a construction and demolition debris landfill facility. It will bring it slightly closer, yes. It is a facility that is already in place, and everybody knows that it is there. Mr. Gullick stated that if it is coming closer to this neighborhood, it seems that it would have been good to have a neighborhood meeting, just so this issue would not have happened. Mr. Terrell responded that if anyone had reached out to him and asked questions two weeks ago, he and Mr. Petty had already agreed that they would have been glad to meet with them. Nobody was reaching out to them and they did not know that there were issues. Mr. Gullick stated that most of the duty falls on Mr. Terrell, as the professional. Mr. Terrell pointed out again, that every adjoining parcel owner knew about this. Mr. Stalder asked who was the owner of the land that is in between the terminus of Concord Church Road and the parcel being rezoned. Mr. Ronald Petty said it was owned by Mr. Doggett. Mr. Terrell stated that it is not part of the landfill property.

There upon, Mr. Gullick moved to continue all three cases associated with the Special Use Permit and the Bishop Road rezonings [including case 22-10-PLBD-00024] to the January 11, 2023 meeting, seconded by Mr. Alston. The Board voted 7-0 in favor of the motion. (Ayes: Donnelly, Gullick, Craft, Stalder, Little, Bui and Alston. Nays: None.)

At this time, many people left the meeting room. Mr. Bell again indicated that at the back wall [in the common area] there are some contact information sheets for people to fill out so that they can be informed of additional information and future meeting(s).

E. Rules and Procedures

Chair Donnelly provided information to everyone present regarding the Rules and Procedures followed by the Guilford County Planning Board.

F. Old Business

None

G. New Business

Non-Legislative Hearing Item(s)

Planning Board Review and Comment (SL 2021-121 (HB489))

UNIFIED DEVELOPMENT ORDINANCE (UDO) TEXT AMENDMENT CASE #22-11-PLBD-00030.

This Unified Development Ordinance (UDO) to Article 8., Section 8.5.B.2.g.1(b).iv Table referencing Development Type and Fire Apparatus Access Streets in accordance with SL 2021-121 (HB489) such that the UDO shall not require an automatic sprinkler system in one- or two-family dwelling residential developments where there are fewer than 100 dwelling units on a single public or private apparatus road with access from one direction.

As a result, Article 8, Section 8.5.B.2.g.1(b).iv Table that references Development Type, Fire Apparatus Access Streets...shall be amended accordingly, as per information provided by staff.

Mr. Bell explained the proposed text amendment.

Chair Donnelly asked if there was anyone in the audience who wished to speak either in favor or in opposition to the request.

There being no speakers, the public hearing was closed by unanimous vote.

Mr. Craft moved to approve the text amendments as presented in the staff report (including the Consistency Statement), **Case #22-11-PLBD-00030**, Unified Ordinance Article 9, seconded by Dr. Bui. The Board voted 7-0 in favor of the motion and the text amendments were approved by unanimous vote. (Ayes: Donnelly, Dr. Bui, Craft, Gullick, Alston, Stalder, Lewis. Nays: None.)

Chair Donnelly stated that this now would go to the Guilford County Commissioners for inclusion in the UDO.

Legislative Hearing Item(s)**CONDITIONAL ZONING CASE #22-10-PLBD-00027: RS-40, RESIDENTIAL, SINGLE-FAMILY TO CZ-LB, CONDITIONAL ZONING-LIMITED BUSINESS: 5426 CHURCH STREET**

Located at 5426 Church Street (Guilford County Tax Parcel #139647 in Center Grove Township), is approximately 580 feet from the southeast intersection of Archergate Road and comprises approximately 1.58 acres. This is a request to Conditionally Zone the subject parcel from RS-40 to CZ-LB with the following: Use Conditions: (1) Uses shall be limited to those permitted under the Business, Professional, and Personal Services Category listed as a) Office (General); b) Medical or Professional Office; c) Personal Service; d) Bank or Finance without Drive-through; and e) Insurance Agency (Carriers and On-Site Claims Inspections). Development Conditions: 1) The existing residential structure located on the property shall remain in substantially the same form; and 2) No Drive-through use shall be permitted. The proposed Conditional Zoning is inconsistent with the Northern Lakes Area Plan recommendation of AG, Rural Residential, thus if approved, an area plan amendment to Light Commercial (LC) is required. **(APPROVED)**

Oliver Bass stated that this is a request to conditionally zone the subject parcel, which is approximately 1.58 acres.. Mr. Bass presented maps of the area and the staff report with a recommendation to approve the request.

Chair Donnelly asked if there was anyone in the audience who wished to speak in favor of this request.

Marc Isaacson, attorney representing the applicants, introduced another member of their existing legal team, Nick Blackwood. He then turned the presentation over to Mr. Blackwood.

Nick Blackwood, attorney representing the applicant, Matt Millaway, stated that Mr. Millaway wants to locate his local real estate agency on the subject property in the existing residential structure. This would be more of an office/home conversion use rather than the introduction of intense commercial use to the property. These types of conversions are currently seen throughout the County. There is an existing LB zoning district less than ½ mile north of the subject property. This application has been conditioned to specifically tailor the uses to what the applicant plans to do on the property. This would also eliminate a lot of the commercial uses that are allowed under the LB zoning district to keep it in compliance with other uses in the immediate area. They have added a condition that the applicant is going to preserve the existing residential feel of the house located on the property. The proposed uses will have a very small impact on the surrounding area, with two employees on-site during the day and roughly two clients per week on the site. This would provide a reduction in traffic in this area. There is also a substantial amount of tree coverage on the site which would buffer this property from the adjoining properties. In response to a question concerning signage on the property, Mr. Blackwood stated that there would probably be a small, free-standing sign in compliance with the Ordinance. Mr. Blackwood also responded to a question concerning fencing on the property and stated that there is no existing fence on the property. There is a Type A buffer requirement, which would be adhered to. Mr. Bass confirmed there is a minimum 30' buffer requirement.

Chair Donnelly asked if there was anyone in the audience who wished to speak in opposition of this request. No one came forward to speak.

There being no further speakers, the public hearing was closed by unanimous vote.

Mr. Craft moved that in regard to Conditional Zoning **Case #22-10-PLBD-00027**, that the request be approved and that this approval also amends the Northern Lakes Area Plan recommendation from AG, Rural Residential to Light Commercial, which allows a Limited Business district. The zoning map amendment and associated Northern Lakes Area Plan amendment are based on the changes in the conditions of the Northern Lakes area. It will allow a LB business with conditions on the parcel to allow additional services for residents of the area. The amendment is reasonable and in the public interest because it will create additional opportunities for services to nearby residents, which is the intent of the LB district as described in the UDO. It will include a 30-foot Type A buffer between the LB and the rest of the adjacent zoning districts and preserve the residential character of the property. Motion was seconded by Mr. Gullick. The Board voted 7-0 in favor of the motion and the request was approved by unanimous vote. (Ayes: Donnelly, Dr. Bui, Gullick, Craft, Alston, Stalder, Lewis. Nays: None.)

REZONING CASE #22-11-PLBD-00028: AG, AGRICULTURAL, TO RS-30, RESIDENTIAL: 3199 ZZ STILLWELL ROAD AND 8325 ZZ WITTY ROAD

Located at 3199 ZZ Stillwell Road and 8325 ZZ Witty Road (Tax Parcel #138839 and a portion of #136449 in Center Grove Township), is approximately 3,950 feet northeast of the intersection of Lake Brandt Road and Stillwell Road, and comprises approximately 142.476 acres. This is a request to rezone the entirety of Guilford County Tax Parcel #138839 and an 81.22-acre portion of Tax Parcel #136449 from AG, Agricultural, to RS-30, Residential. The remaining 12.51 acres of property

in the southern portion of Tax Parcel #136449 are to remain zoned AG. The proposed rezoning is consistent with the Northern Lakes Area Plan recommendation of AG, Rural Residential; therefore, if the request is approved, no plan amendment would be required. **(APPROVED)**

Aaron Calloway stated that these properties are located at 3199 ZZ Stillwell Road and 8325 ZZ Witty Road, Tax Parcels #138839 and a portion of #136449 in Center Grove Township. The properties are approximately 142.476 acres. This is a request to rezone the entirety of Guilford County Tax Parcel #138839 and an 81.22-acre portion of Tax Parcel #136449 from AG, Agricultural, to RS-30, Residential. The remaining 12.51 acres of property in the southern portion of Tax Parcel #136449 are to remain zoned AG. There will be minor impacts to the public school facilities based on the potential number of lots that could be constructed. However, even at fully built out, none of the assigned schools will exceed stated capacities based on the current enrollment numbers. These properties are located within the Summerfield Fire District with the closest station being 1.4 miles away. The properties will be served by well and septic systems. The existing transportation conditions for these properties is tenuous, neither of the parcels have direct access to public or a private road. Any proposed improvements would require DOT driveway permit. The proposed rezoning is consistent with the Northern Lakes Area Plan recommendation of AG, Rural Residential; therefore, if the request is approved, no plan amendment would be required. Staff recommends approval of the request, though the issue of access will need to be worked out prior to any subdivision or development of these properties.

Chair Donnelly asked if someone could comment on the limited access for the properties. Mr. Calloway responded that it would depend on the development path that the property owner or developer decides. With this much land, if it becomes a major subdivision, it would have to extend NC DOT engineered roads onto the properties so it would be sufficiently served by the residents. That would be speculation on the eventual development. However, as they are, at bare minimum to access the lots for any sort of new development it would have to have access going to these parcels at this present time.

Chair Donnelly asked if there was anyone wishing to speak either in favor or in opposition to the request to please come forward.

Marsh Prouse, attorney representing the co-applicants, 380 Noland Street, Suite 700, Winston-Salem, NC, stated that they are NC Limited Liability Companies with about 142 acres and one of these companies owns about 82 acres and the other owns about 60 acres. The name of the entities is Haw River Estates, LLC. and Westover Terrace II, LLC. His clients are negotiating for sale of this property to the State of North Carolina for inclusion in the Haw River State Park. There are some figures that have been negotiated and to support those figures, the properties need to be rezoned to their highest and best use, which would be the RS-30 designation. The plan is for the properties to become part of the State Park and if the properties are rezoned, that should facilitate those efforts. If it is not rezoned, his clients will not be able to get the same price for the properties that they are anticipating and that could throw a monkey-wrench in the negotiations for the inclusion of this property in the State Park. Even if the plans were just for Light Residential development, there is a favorable recommendation from staff. He was not aware of any opposition, and he would certainly be available to answer questions from the people who are in attendance this evening. In regard to access to the properties, if this becomes part of the State Park, there may be corridor access to it from the Haw River, the idea that it is very limited may be a good thing to the extent that the property is currently in a conserved state and would be a

conservation area. If this were to be developed for rural residential, then his clients a related parties to one of the adjacent property owners on Stillwell Road and there could be an easement negotiation for access there. The same goes with Witty Road with logical access points. He pointed out that this request is consistent with the Northern Lakes Area Plan and he would now like to hear from the people in the Board members and audience members. They are respectfully asking for approval of this request.

Mr. Little asked if there is a legal designation of a “conserved state” on this property. Mr. Prouse responded that he meant that it is undisturbed and undeveloped property. There is no Conservation Easement on the properties.

Chair Donnelly asked for clarification on the maps shown. Mr. Calloway explained where the properties are located in regard to the Haw River.

Chair Donnelly asked if there was anyone in the audience who wished to speak at this time.

Van Styers, local resident, stated that he is not really opposed, he just had some questions for the applicant’s attorney. His family owns approximately 95% of the property on Stillwell Road on the left side of that road. On the right side are different tracts of land where there are 5 – 20 acres of land with houses built on them. His concern is that this could have something to do with the Haw River Park, and his concern is if it is rezoned to RS-30, which would allow for building homes on ¾ acre lots, there could conceivably built 75 – 80 houses there. This would create a lot of traffic flow down this road. He does not yet understand why it has to be zoned RS-30 and the park plan falls through, then there will be a housing development there. The only access he sees to get into this property is from one of the other lots. Marty Kotis owns Tract “E”, and Tract “A” and is going to buy Tract “B”. Tract “B” is landlocked, even though it has an address for Witty Road, there is no access to Witty Road. The only access is through Stillwell Road so there could be some issues there.

Marsh Prouse, attorney representing the applicant, stated that any residential sites would have to be clustered because all of the property could not be used because of the topography and the wetlands. There potentially could be 75 – 80 single family homes there. The traffic study requirements are not triggered by this request, so he really does not know at this time how many trips would be generated per day. They are trying to make this property into a park for the State, and if people oppose it, they are saying they want it to stay a park but not be a designated park. The access concerns are understandable, but they feel that based on the anticipated impacts, the fact that this is consistent with the Comprehensive Plan for this area, and a favorable staff recommendation, he feels that this is the right zoning for these properties. He suspects that the access would be off Witty Road, which would make more sense. This is a speculative rezoning as there are no plans at this time for residential use on these properties.

Aaron Calloway stated that there are two types of zoning cases here; the Conventional zone cases and the Conditionally zoned cases, which are cases where it is the Board’s prerogative to review the request with explicit uses in mind. However, this case is a conventional zone case which means that they cannot consider any one specific use, they have to just look at all the possible uses that could be placed on the property.

Mr. Styers stated that he has talked to a Civil Engineer and he said that development for residential would create about 10 traffic patterns per house, per day. If there are 75 houses built, that would create 750 trips up and down that road. That is what his concern is about.

Mr. Bell stated that because this is a Conventional zoning request, it's to look at the feasibility of all the uses in the RS-30 zoning district because this is not conditional and that may be something that the applicants represented and indicated. But he wanted to inform the Board that they must look at the suitability of this particular property for all of the uses listed in the RS-30 zoning district because it is not conditional.

Mr. Gullick stated that is this plan for the State Park did not go through and the properties were to be developed as RS-30 Residential, there would still have to be a Traffic Impact Study done. This is not the last step before any plan goes through. Mr. Calloway responded that before any sort of development or change of use of the property will require permits and it would have to go through the legal process. There will be several substantial hoops they will have to go through before any development or plans could start.

Mr. Styers stated that he is not opposed to the State Park idea, he is just interested in what is going to happen going down this road in this area.

Allen Clayton, 8327 Witty Road, stated that his property faces the subject property. He is really interested in the access points that are planned for the property if it is rezoned to RS-30 and do the access requests have to come back to this Board for approval? Aaron Calloway responded that he speculates that some platting would have to occur, and during the re-platting process, depending on the pathway development, it would go to the Technical Review Committee (TRC) and NC DOT is part of that Board. He does feel that NC DOT will be involved in this process. Mr. Clayton asked if any of that would require a roadway going across his property. Mr. Calloway stated that they would have to compensate him for any property that would be accessed.

Barbara Clayton, 2321 Bonney Lane, stated that they are just concerned about how this would impact their property, which is next door to it. They are not opposed to what they are doing, but they just want some clarification. Her property has been in the family for a hundred years and they don't feel that they need to give them access to Witty Road. They currently farm the land and they are concerned about the water run-off if there are a lot of building lots created on the property. She thinks a park would be okay, but not building lots.

Marsh Prouse returned to the podium and stated that he feels that he is stuck between a rock and a hard place because this is not a conditional use rezoning and the situation is unusual because they are trying to turn the area into a park. They have no power of eminent domain and cannot just take property from someone else. Any access point would have to be achieved through a voluntary sale or conveyance or negotiated easement.

There being no further speakers, the public hearing was closed by unanimous vote.

Board Discussion:

Mr. Craft stated that he does not feel that this is an unreasonable request to rezone AG land to RS-30 or RS-40, if 75 houses were to go on this property, there would be a need for 2 access roads, and that is something that the applicant will have to deal with.

Mr. Alston moved that in **Case # 22-11-PLBD-00028**, the request be approved because the requested action is reasonable and in the public interest because it is consistent with the AG Rural Residential land use designation with the zoning and land uses on adjacent parcels. The requested zoning allows flexibility in future subdivision design, including clustering of lots, which is necessary on these properties due to severe environmental encumbrances. Once the access issues are resolved, the requested rezoning will give the property owner the flexibility to develop these parcels while maintaining sensitive environmental areas. The requested action is consistent with the recommendation of the Northern Lakes Area Plan, the RS-30 zoning is included as an anticipated district in the Rural Residential designation, seconded by Mr. Gullick. The Board voted 6-1 in favor of the motion and the request was approved. (Ayes: Donnelly, Dr. Bui, Gullick, Alston, Craft, Lewis. Nays: Stalder.)

H. Other BusinessComprehensive Plan Update

Mr. Bell stated that the contract is signed. Meetings scheduled with stakeholders and steering committee members are forthcoming upon finalization and members will be notified of the date(s).

Election of Chair and Vice Chair

Mr. Gullick nominated Mr. Donnelly to continue to fill the position of Chair, seconded by Mr. Alston. After nominations were closed, the Board voted 7-0 in favor of the motion and the request was approved by unanimous vote. (Ayes: Donnelly, Dr. Bui, Gullick, Alston, Standley, Craft, Lewis. Nays: None.)

Dr. Bui nominated Mr. Gullick to fill the position of Vice Chair, seconded by Mr. Craft. After nominations were closed, the Board voted 7-0 in favor of the motion and the request was approved by unanimous vote. (Ayes: Donnelly, Dr. Bui, Gullick, Alston, Standley, Craft, Lewis. Nays: None.)

I. Adjourn

There being no further business before the Board, the meeting adjourned at 7:45 p.m.

The next scheduled meeting is January 11, 2023.

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(Insert Color Paper)



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Planning Board
Conditional Zoning
Application

PLBO

Date Submitted: 10/13/2022 Fee \$500.00 Receipt # 1307-2022 Case Number ~~22-00034~~ 22-10-PLBO - 00034

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. A pre-application meeting with Planning staff is required. Scheduling for the Planning Board agenda will be based on the determination of a complete application submittal.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the ~~CZ-CU~~ CZ-HI zoning district to the CZ-HI zoning district. Said property is located at 2103 Bishop Road in Summer Township; Being a total of: +/- 7.05 acres. *NO CONDITIONS ARE PROPOSED*

Further referenced by the Guilford County Tax Department as:

| | |
|---------------------------------|--------------------|
| Tax Parcel # <u>1 4 1 3 3 3</u> | Tax Parcel # _____ |
| Tax Parcel # _____ | Tax Parcel # _____ |
| Tax Parcel # _____ | Tax Parcel # _____ |

Additional sheets for tax parcels are available upon request.

Check One:

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

Check One:

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Conditional Zoning Requirements:

- Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information is required for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO). Use Restrictions cannot be illustrated by site plan
- Zoning Conditions. Use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Planning Board
Conditional Zoning
Application

Use Conditions

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance (UDO): All uses allowed in the HI zoning district shall be prohibited except solid waste transfer station and recycling *facilities*

- 1) _____
- _____
- 2) _____
- _____
- 3) _____
- _____
- 4) _____
- _____

Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

- 1) _____
- _____
- 2) _____
- _____
- 3) _____
- _____
- 4) _____
- _____

YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING

A Conditional Zoning Application must be signed by current property owner(s).

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

Respectfully Submitted,

A-1 Sandrock, Inc.

Thomas E. Terrell, Jr.

Property Owner Signature

By:

Owner/ Representative/ Applicant Signature (if applicable)

Name

2091 Bishop Road, Greensboro, NC 27406

Name

230 N. Elm St. Greensboro, NC 27401

Mailing Address

Mailing Address

City, State and Zip Code

336-207-6052

ronniepetty@asandrockinc.com

City, State and Zip Code

336-847-2000

tterrell@foxrothschild.com

Phone Number

Email Address

Phone Number

Email Address

CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979) CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMENDED CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2103 BISHOP ROAD

Property Information

Located at 2103 Bishop Road (Guilford County Tax Parcel #141333 in Sumner Township), south of the intersection of Bishop Road with Vermont Drive and comprises approximately 7.05 acres.

Zoning History of Denied Cases: There is no history of denied cases.

Nature of the Request

The request is to Conditionally Zone the subject parcel from CZ-HI (ref. Case #20-09-GCPL-07186) to amend the current conditions. The current Development Condition of the property is: there shall be no landfill activities on the property for the adjacent LCID and C&D landfills. The applicant proposes to remove this current Development Condition and include the following Use Condition:

1. All uses allowed in the HI zoning district shall be prohibited except solid waste transfer station and recycling facilities.

District Descriptions

The **HI, Heavy Industrial** is intended to accommodate a broad range of heavy industrial uses including manufacturing, wholesaling, fabrication, resource extraction and specialized industrial operations that may create adverse impacts on incompatible uses including residential or sensitive habitats. Development should have access to arterial streets and highways.

The **CZ, Conditional Zoning District** is hereby established as a companion district for every district established in Section 4-2. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process apply.

Character of the Area

The adjacent properties to the west and south are similarly zoned for heavy industrial uses. The property to the northwest is a recycling center, and the property to the south, which is the subject of Special Use Permit Case #22-10-PLBD-00025 (Tax Parcel #141332), has been used as a quarry and landfill. Both are under the same property owner. The northern adjacent property is zoned RS-40, Single-Family Residential, and is undeveloped. Between the access for Tax Parcel #141332 and Tax Parcel #141335 which is zoned HI and used for asphalt production, is a parcel also zoned RS-40. Tax Parcel #141349, 0.21 of an acre, is isolated inside of Tax Parcel #141333 (the subject parcel), and is zoned RS-40. The lot is vacant and designated as Heavy Industrial under the Southern Area Plan (2016).

Existing Land Use(s) on the Property: The property is used for solid waste disposal (non-hazardous).

Surrounding Uses:

- North: Undeveloped and wooded
- South: Heavy Industry
- East: Heavy Industry
- West: Heavy Industry

Historic Properties: There are no inventoried Historic Properties located on or near the property.

Cemeteries: No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites

Infrastructure and Community Facilities

Public School Facilities: No anticipated impact.

Emergency Response:

- Fire Protection District: Pinecroft-Sedgefield
- Miles from Fire Station: Approximately 0.9 of a mile

Water and Sewer Services:

- Provider: Private Septic Systems and Wells
- Within Service Area: No
- Feasibility Study or Service Commitment: No

Transportation:

- Existing Conditions: Bishop Road is classified as a Local Street with an AADT of 1,300 vehicles per the 2020 NCDOT traffic count.
- Proposed Improvements: Subject to NCDOT Driveway permit.
- Projected Traffic Generation: Undetermined.

Environmental Assessment

Topography: Gently sloping, moderately sloping and steeply sloping.

Regulated Floodplain/Wetlands:

There are no mapped wetlands on the property. There is no regulated floodplain on the property.

Streams and Watershed:

There are no mapped streams on the property. The property is located in the Randleman Lake (Deep River) WS-IV Water Supply Watershed, in the General Watershed Area.

Land Use Analysis

Land Use Plan: Southern Area Plan (2016)

Plan Recommendation: The property is split nearly evenly between Heavy Industrial (HI) and Light Industrial (LI)

Consistency: The proposed rezoning is partially consistent with the Southern Area Plan

The Heavy Industrial (HI) designation is intended to recognize land depicted as industrial on the original Plan or land currently zoned Heavy Industrial (HI) that is or could be developed under the HI standards of the Guilford County Development Ordinance

The Light Industrial (LI) designation is intended to recognize land depicted as industrial on the original Plan or land currently zoned Light Industrial (LI) that is or could be developed under the LI standards of the Guilford County Development Ordinance.

Recommendation

Staff Recommendation: Staff recommends approval of the conditional zoning with the proposed use condition (all uses allowed in the HI zoning district shall be prohibited except solid waste transfer station and recycling facilities) and removing the existing development condition included as part of rezoning case (20-09-GCPL-07186).

The requested Conditional Zoning-HI is reasonable and in the public interest because the property already is Conditionally Zoned Heavy Industrial. Particularly, the subject parcel is associated with a larger debris and recycling complex which includes adjacent lots. Completion of said complex will ensure a necessary and orderly venue for various forms of solid waste for the public not likely to disturb populated areas.

Area Plan Amendment Recommendation:

The proposed rezoning is partially consistent with the Southern Area Plan recommendation of Heavy Industrial (HI) and Light Industrial (LI), thus if approved an Area Plan amendment for the LI portion to HI will be required.

(This page intentionally left blank.)

TABLE OF PERMITTED USES FOR LI ZONING DISTRICT

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Section Article 9 - Environmental Regulations
 P = Use by Right D = Individual Development Standards Apply - See Article 5 S = Individual Development Standards per Article 5 Apply & Special Use Permit Required
 Strikethrough Text = Excluded uses proposed by applicant

| Use Category | Use Type | WCA Prohibited Use | HI |
|--|--|--------------------|----|
| Agriculture/Animal Services | Animal Services (Livestock) | | P |
| | Animal Services (Other) | | P |
| | Horticultural Specialties | | P |
| Group Living/Social Service | Homeless Shelter | | D |
| Recreation and Entertainment | Adult-Oriented Establishments | | S |
| | Outdoor Recreation | | D |
| | Athletic Fields | | P |
| | Go-cart Raceway | | P |
| | Public Park (including Public Recreation Facility) | | D |
| | Shooting Range, Indoor | | D |
| Civic, Educational, and Institutional | Place of Worship | | P |
| | Vocational, Business or Secretarial School | | P |
| | Correctional Institution | | S |
| | Daycare Centers in Residence (In-Home) (12 or Less) | | D |
| | Emergency Services | | P |
| | Government Office | | P |
| | Post Office | | P |
| Business, Professional, and Personal Services | Advertising, Outdoor Services | | P |
| | Boat Repair | X | P |
| | Building Maintenance Services | | P |
| | Furniture Stripping or Refinishing (including Secondary or Accessory Operations) | X | P |
| | Kennels or Pet Grooming | | P |
| | Landscaping and Horticultural Services | X | P |
| | Pest or Termite Control Services | X | P |
| | Research, Development or Testing Services | | P |
| Retail Trade | Automobile Rental or Leasing | X | P |
| | Automobile Repair Services | X | P |
| | Car Wash | X | P |
| | Building Supply Sales (with Storage Yard) | | P |
| | Convenience Store (with Gasoline Pumps) | X | P |
| | Equipment Rental and Repair, Heavy | X | P |
| | Equipment Rental and Repair, Light | | P |
| | Fuel Oil Sales | X | P |
| | Manufactured Home Sales | | P |
| | Motor Vehicle, Motorcycle, RV or Boat Sales (New and Used) | X | P |
| Food Service | Service Station, Gasoline | X | P |
| | Bar Private Club/Tavern | | P |
| Funeral and Internment Services | Restaurant (Without Drive-thru) | | P |
| Transportation, Warehousing, and Who | Cemetery or Mausoleum | | D |
| | Wholesale Trade-Heavy | | P |
| | Wholesale Trade-Light | | P |
| | Automobile Parking (Commercial) | | P |
| | Automotive Towing and Storage Services | X | D |
| | Equipment Rental and Leasing (No Outside Storage) | | P |
| | Equipment Rental and Leasing (with Outside Storage) | | P |
| | Equipment Repair, Heavy | X | P |
| | Equipment Repair, Light | | P |
| | Tire Recapping | | P |
| | Truck Stop | X | P |
| | Truck and Utility Trailer Rental and Leasing, Light | X | P |
| | Truck Tractor and Semi-Rental and Leasing, Heavy | X | P |
| | Truck Washing | X | P |
| | Beneficial Fill Area | | D |
| | Bus Terminal and Service Facilities | X | P |
| | Courier Service, Central Facility | | P |
| | Courier Service Substation | | P |
| | Heliprot | X | P |
| | Moving and Storage Service | | P |
| | Railroad Terminal or Yard | X | P |
| Communication or Broadcasting Facility | | P | |
| Wireless Communication Tower | Wireless Communication Tower – Stealth Camouflage Design | | D |
| | Wireless Communication Tower – Non-Stealth Design | | D |

TABLE OF PERMITTED USES FOR LI ZONING DISTRICT

X = Prohibited in the WCA. For details on prohibited uses in the WCA, see Section Article 9 - Environmental Regulations
 P = Use by Right D = Individual Development Standards Apply - See Article 5 S = Individual Development Standards per Article 5 Apply & Special Use Permit Required
 Strikethrough Text = Excluded uses proposed by applicant

| Use Category | Use Type | WCA Prohibited Use | HI |
|------------------------------------|--|--------------------|----|
| Utilities and Communication | Small Cell Wireless Tower | | S |
| | Radio or TV Station | | P |
| | Utilities, Major | | S |
| | Utilities, Minor | | P |
| | Solar Collectors Principal | | S |
| | Taxi Terminal | X | P |
| | Utility Company Office | | P |
| | Utility Equipment and Storage Yards | | P |
| | Construction or Demolition Debris Landfill, Major | | S |
| | Construction or Demolition Debris Landfill, Minor | | D |
| | Junk/Salvage Yard | | P |
| | Land Clearing & Inert Debris Landfill, Major | X | S |
| | Land Clearing & Inert Debris Landfill, Minor | | D |
| | Refuse and Raw Material Hauling | X | P |
| | Recycling Facilities, Outdoors | | P |
| | Resource Recovery Facilities | | P |
| | Waste Transfer Stations | | P |
| | Septic Tank Services | X | P |
| | Sewage Treatment Plant | X | P |
| | Solid Waste Disposal (Non-Hazardous) | X | S |
| Waste-Related Uses | Hazardous and Radioactive Waste (Transportation, Storage and Disposal) | X | S |
| General Industrial | Trucking or Freight Terminal | X | P |
| | Warehouse (General Storage, Enclosed) | | P |
| | Warehouse (Self-Storage) | | P |
| | Laundry or Dry-Cleaning Plant | X | P |
| | Petroleum & Petroleum Products | X | P |
| | Welding Shops | X | P |
| Manufacturing | Manufacturing Heavy | | S |
| | Manufacturing Light | | P |
| Mining Uses | Mining | X | S |
| | Quarrying | X | S |
| Special Events | Temporary Events/Uses | | D |



GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD

September 13, 2018

Ronald Eugene Sr & Betty B Petty
3011 County Clare Rd
Greensboro, NC 27409

Thomas Terrell
300 N Greene St
Greensboro, NC 27401

CONDITIONAL ZONING CASE # 18-08-GCPL-04979

Following a public hearing on September 12, 2018 requesting a Conditional Rezoning of the property located on the south side of the Bishop Road and Viewmont Drive intersection in Sumner Township, being Guilford County Tax Parcel #0141333, #0141345, #0141344, #0141328 & #0141339 and approximately 2.38 Acres, the Guilford County Planning Board approved the request to rezone this property from **RS-40 & HI** to **CZ-HI** with the following conditions:

Development Conditions:

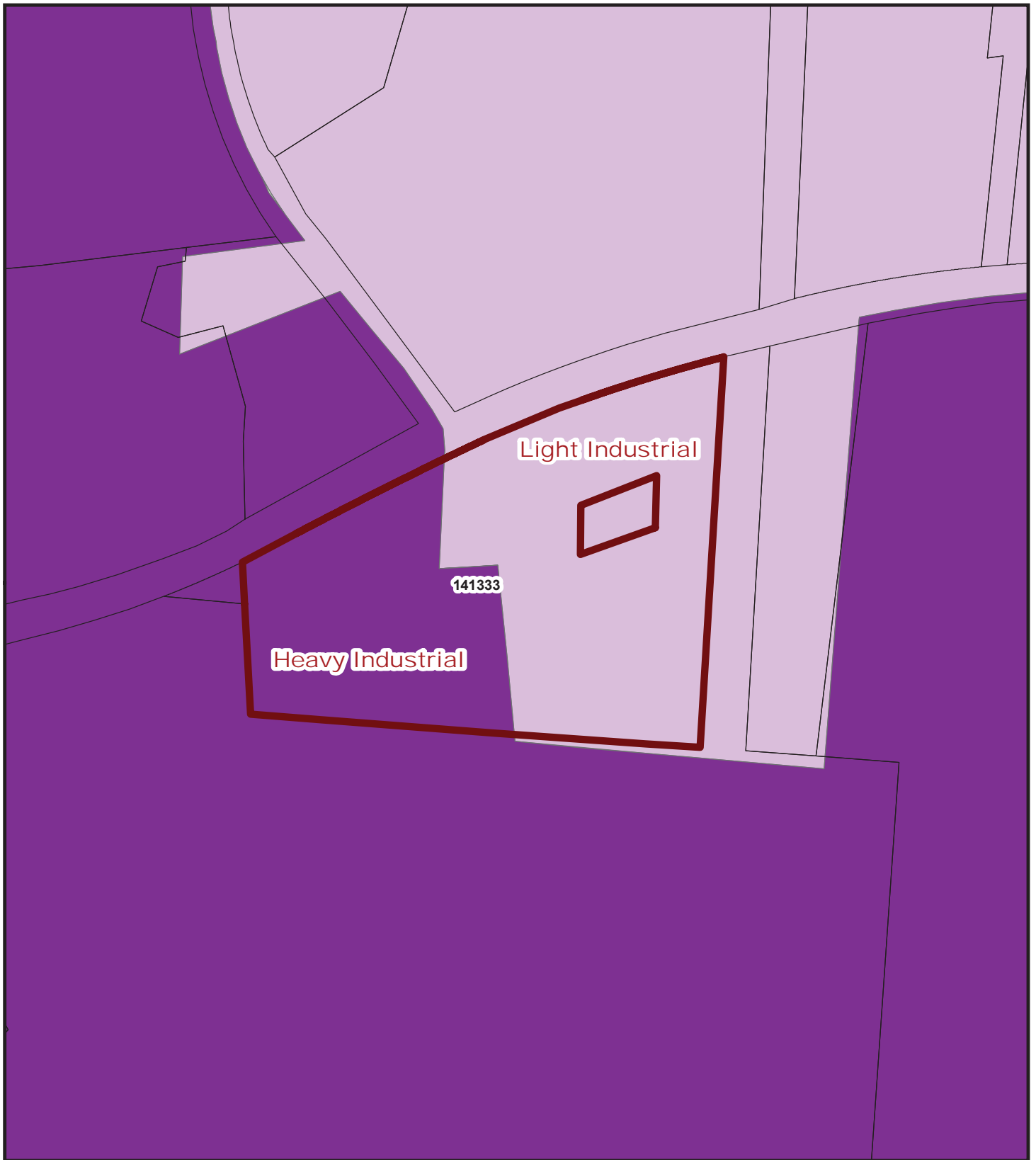
1. There shall be no landfill activities on this property for the adjacent LCID and C&D landfills.

This decision is final unless it is appealed by 5:00 pm on September 27, 2018. If appealed, you will be notified by the Clerk to the Board of County Commissioners of the place, date, and time of the public hearing.

Very truly yours,

Leslie P. Eger, Secretary
Guilford County Planning Board

2103 Bishop Rd Future Land Use Classifications

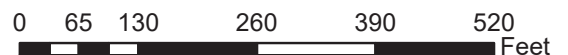


Disclaimer: While every effort is made to keep information provided over the internet accurate and up-to-date, Guilford County does not certify the authenticity or accuracy of such information. No warranties, express or implied, are provided for the records and/or mapping data herein, or for their use or interpretation by the User.

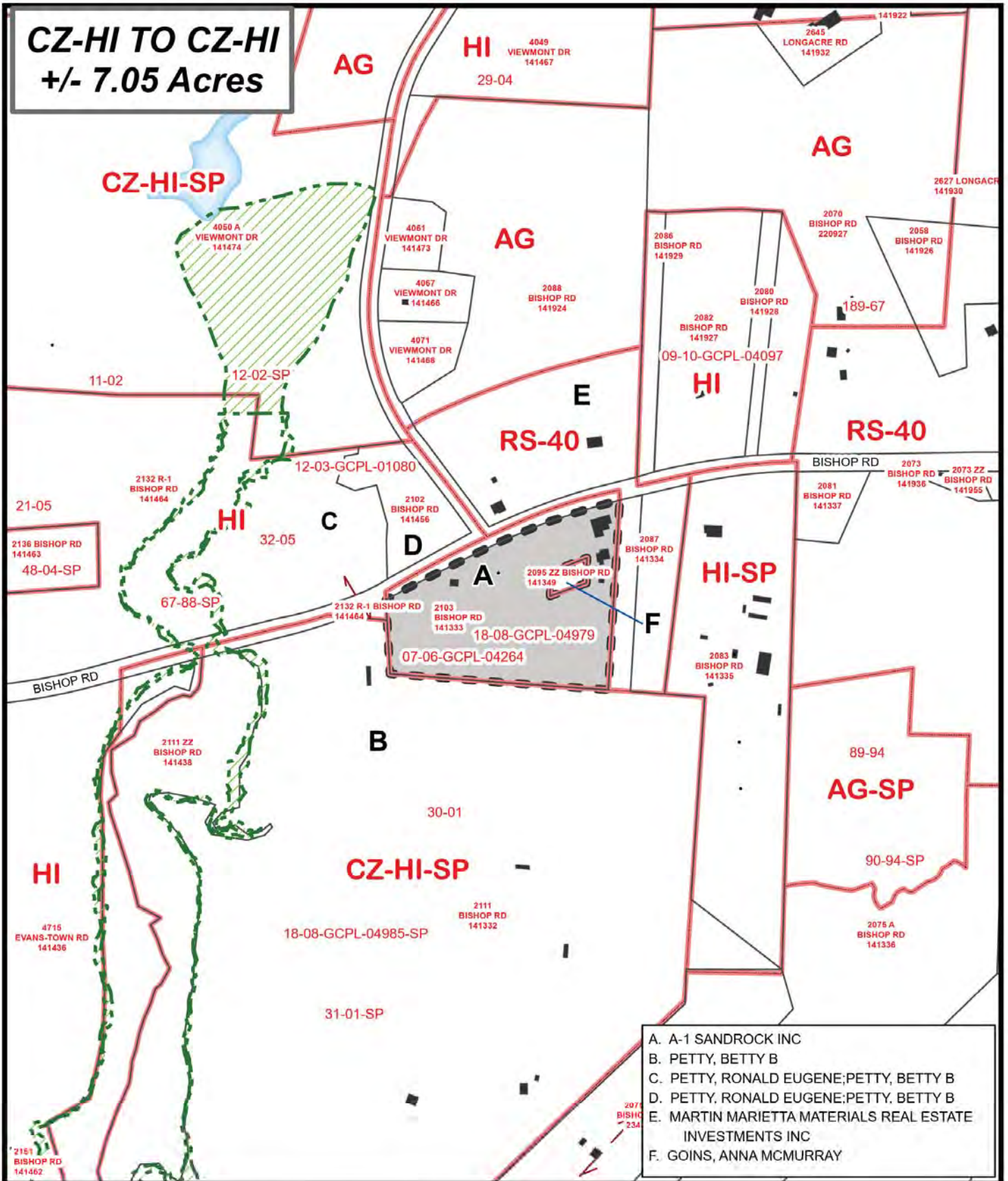
Map Scale

1 in = 200 ft

Date: 11/18/2022



**CZ-HI TO CZ-HI
+/- 7.05 Acres**



- A. A-1 SANDROCK INC
- B. PETTY, BETTY B
- C. PETTY, RONALD EUGENE;PETTY, BETTY B
- D. PETTY, RONALD EUGENE;PETTY, BETTY B
- E. MARTIN MARIETTA MATERIALS REAL ESTATE INVESTMENTS INC
- F. GOINS, ANNA MCMURRAY

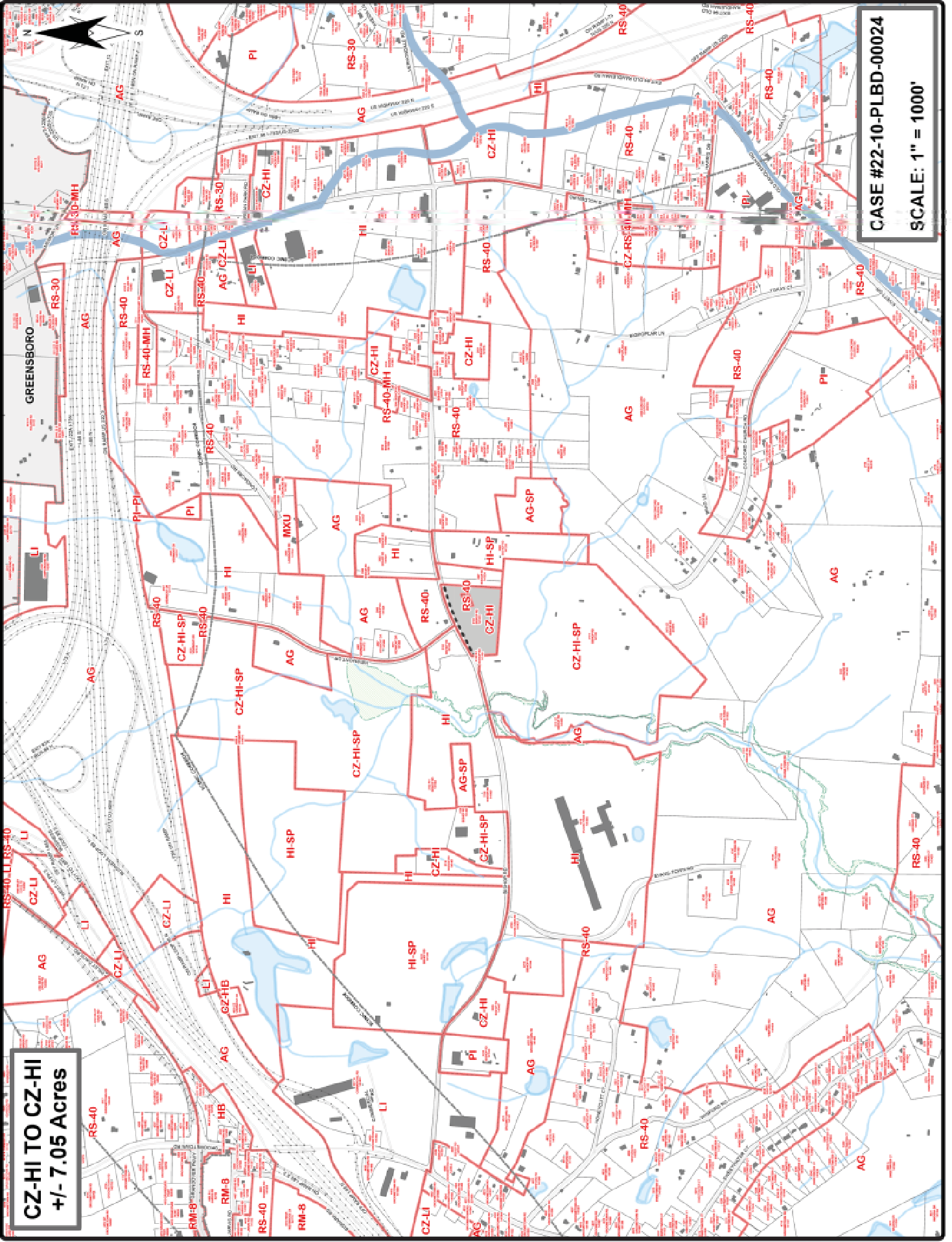


JURISDICTION:
GUILFORD COUNTY
 Guilford County
 Planning & Development
 Department

Rezoning Case #
RZ-22-10-PLBD-00024
Scale: 1" = 400'

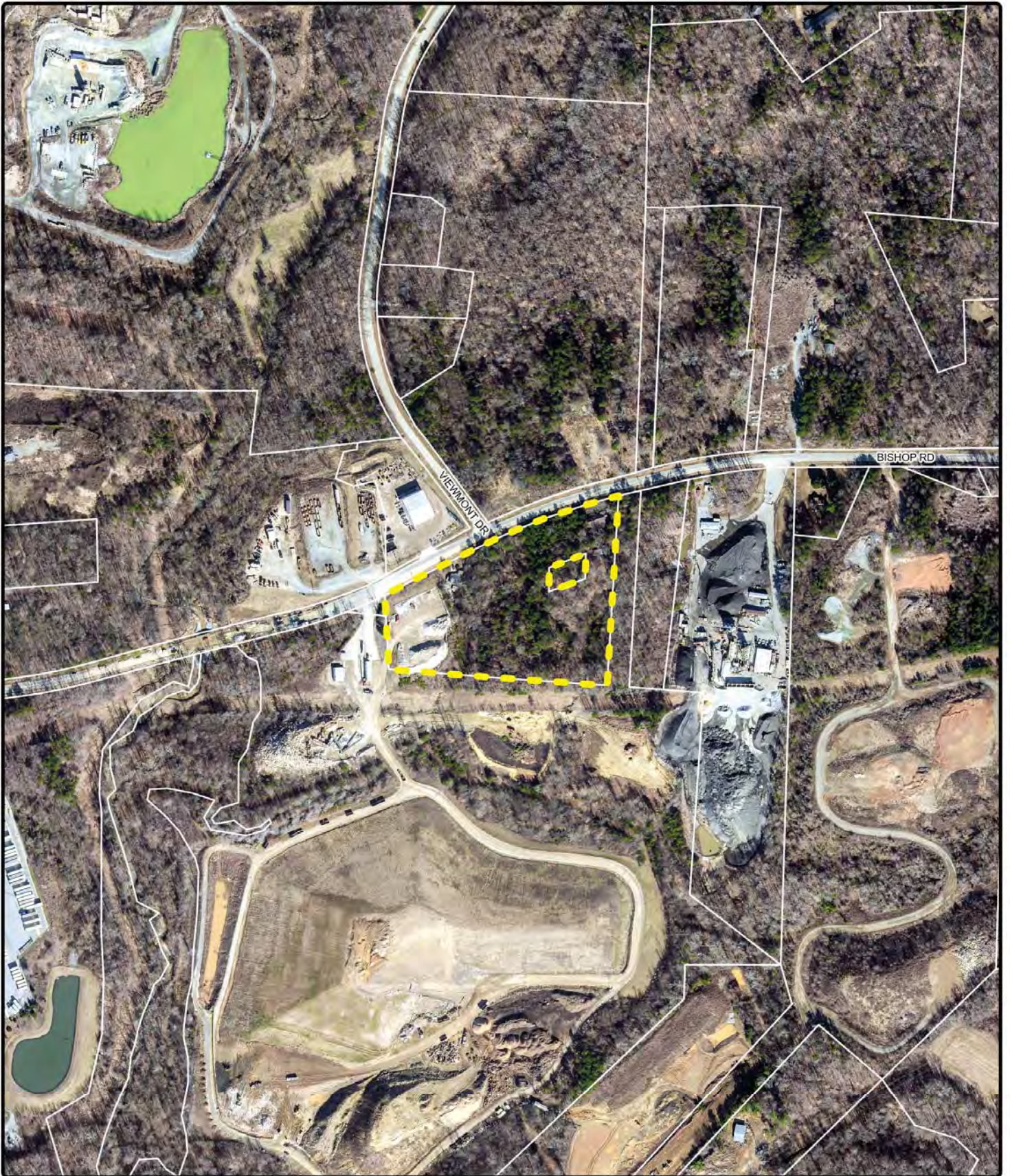
Map:
 141333





**CZ-HI TO CZ-HI
+/- 7.05 Acres**

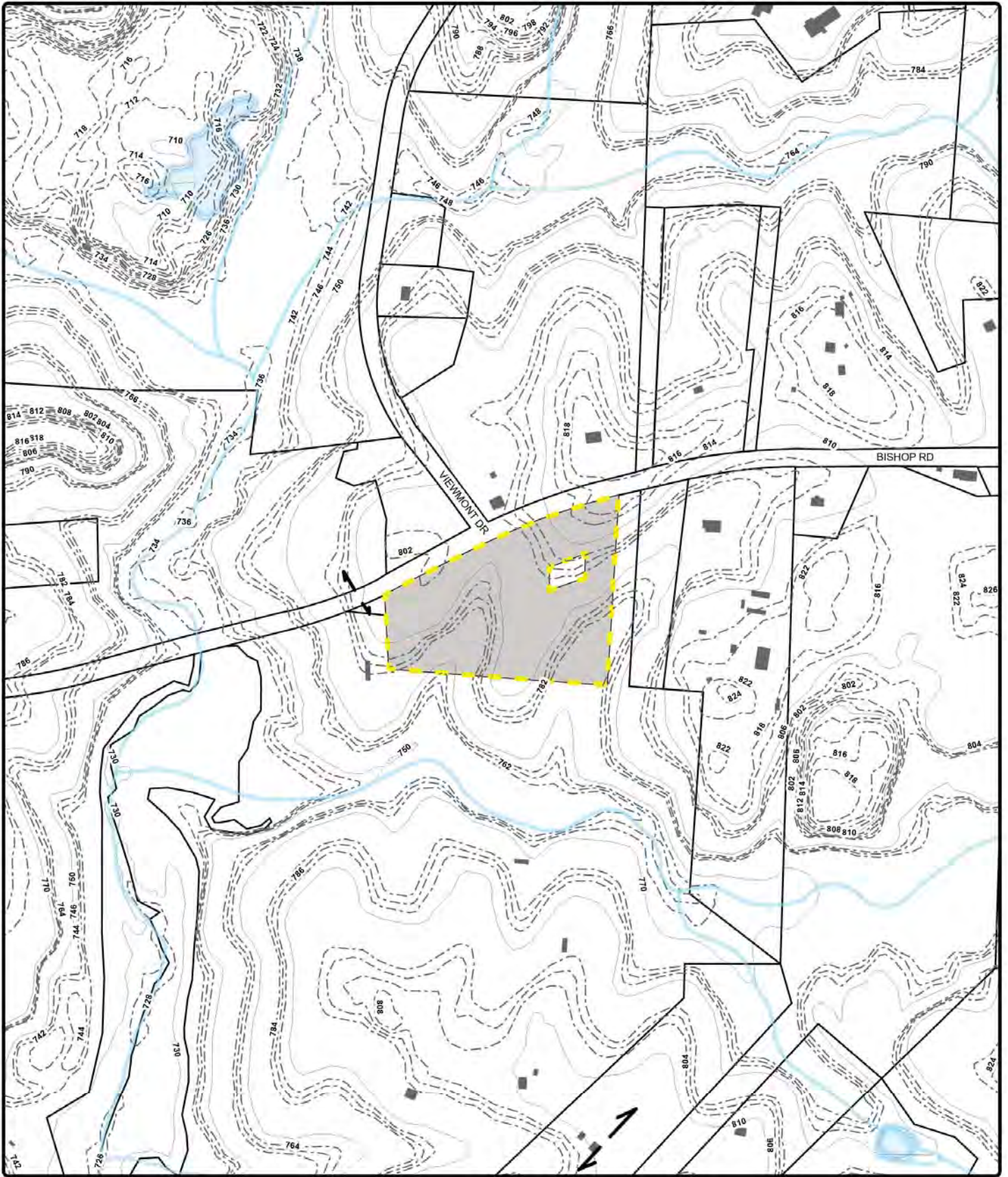
CASE #22-10-PLBD-00024
SCALE: 1" = 1000'



CASE #22-10-PLBD-00024

Scale: 1" = 400'





CASE #22-10-PLBD-00024

Scale: 1" = 400'



**CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979) CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMMENDED
CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2103 BISHOP ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

| Zoning | Plan Consistency | Decision |
|---------------|-------------------------|-----------------|
| Approve | Consistent | #1 |
| Deny | Inconsistent | #2 |
| Approve | Inconsistent | #3 |
| Deny | Consistent | #4 |

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CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979) CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMMENDED CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2103 BISHOP ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION # 1
APPROVE-CONSISTENT
NO PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Parcel #141333 from CZ-HI to CZ-HI Amended because:

- 1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

- 2. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979) CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMMENDED CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2103 BISHOP ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #2
DENY-INCONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Parcel #141333 from CZ-HI to CZ-HI Amended because:

- 1. The amendment **is not** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is not consistent.]

- 2. The amendment **is not** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979) CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMMENDED CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2103 BISHOP ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3
APPROVE-INCONSISTENT
PLAN AMENDMENT**

I move to **Approve** this zoning map amendment located on Guilford County Parcel #141333 from CZ-HI to CZ-HI Amended because:

1. This approval also amends the **Southern Area Plan**. [Applicable element of Comp Plan]
2. The zoning map amendment and associated **Southern Area Plan** amendment are based on the following change(s) in condition(s) in the **Southern Area Plan**:
[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]

3. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

CONDITIONAL ZONING CASE #22-10-PLBD-00024: FROM CZ-HI (ref. CASE #18-08-GCPL-04979) CONDITIONAL ZONING-HEAVY INDUSTRIAL TO CZ-HI AMMENDED CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2103 BISHOP ROAD

**GUILFORD COUNTY PLANNING BOARD
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4
DENY-CONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning map amendment located on Guilford County Parcel #141333 from CZ-HI to CZ-HI Amended because:

1. The amendment **is not** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** consistent but not in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

(Insert Color Paper)

AMENDED BY Applicant 11/16/22 *OB*



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Planning Board
Conditional Zoning
Application

Date Submitted: 10/11/22 Fee \$500.00 Receipt # 01308-222 Case Number 22-10-PLAD-00023

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. A pre-application meeting with Planning staff is required. Scheduling for the Planning Board agenda will be based on the determination of a complete application submittal.

Pursuant to Section 3.5.M of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to rezone the property described below from the AZ AG ^{*OB 11/16/22*} zoning district to the CZ-HI-SR ^{*OB 11/26/22*} zoning district.

Said property is located at the terminus of Concord Church Road and southeast of A-1 Sandrock Landfill in Sumner Township; Being a total of: 14.732 acres.

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 2 3 4 5 7 5 (portion) Tax Parcel # _____
Tax Parcel # _____ Tax Parcel # _____
Tax Parcel # _____ Tax Parcel # _____

Additional sheets for tax parcels are available upon request.

Check One:

- The property requested for rezoning is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for rezoning is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached.

Check One:

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Conditional Zoning Requirements:

- Zoning Sketch Plan. A sketch plan illustrating proposed conditions and other pertinent information is required for all conditional rezoning requests. Sketch elements not illustrating proposed conditions are subject to subdivision and site plan review. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- Zoning Conditions. Use and/or development conditions must be provided. Complete Page 2 of this application. Refer to uses as listed in Table 4-3-1 of the Unified Development Ordinance (UDO).



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Planning Board
Conditional Zoning
Application**

Use Conditions

Uses of the property shall be limited to the following uses as listed in Article 4, Table 4-3-1 of the Unified Development Ordinance

(UDO):

1) No access to Concord Church Road except for emergency purposes

2) Height of the facility shall not exceed 185 feet

3) This zoning is independent from 141333 zoning. Need to be specific on the type of facility this refers to. Move to development conditions

4) Use limited to CRD land fill (major) and accessory uses TO BE considered development conditions

agreed TET, Jr.
use limited to CRD land fill (major) and accessory uses TET, Jr. 11/16/22

TO BE considered development conditions TET, Jr. 11/16/22

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

1) _____

2) _____

3) _____

4) _____

YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE PUBLIC HEARING

A Conditional Zoning Application must be signed by current property owner(s).

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

Respectfully Submitted,

Bishop Partners, LLC

Property Owner Signature

By: W Barry Ozyth

Name
7820 Little Pond Lane

Mailing Address
Summerfield, NC 27358

City, State and Zip Code
336 681-3333

Phone Number Email Address

A-1 Sandrock, Inc.

Owner/ Representative/ Applicant Signature (if applicable)

By: R.P.E. Petty

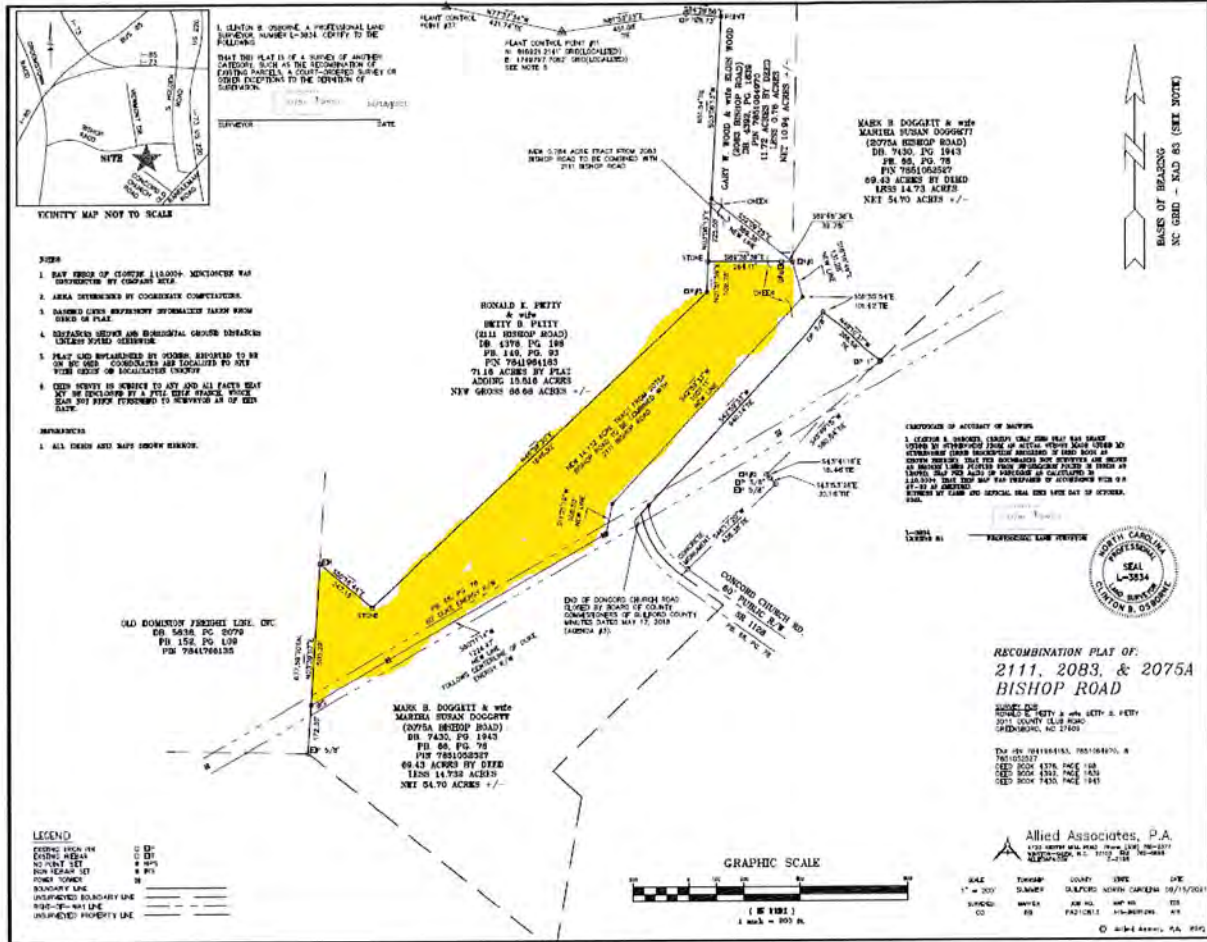
Name
2606 Phoenix Drive, Suite 518

Mailing Address
Greensboro, NC 27406

City, State and Zip Code
336-207-6052 ronniepetty@a1sandrockinc.com

Phone Number Email Address

Exhibit A



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Exhibit B

BEGINNING at a point located in the northern margin of the 60' right of way Concord Church Road where it intersects with the western margin of the 60' right of way of Tokay Court; running thence along the northern margin of the 60' right of way of Concord Church Road, the following courses and distances: North 68° 05' 44" West 262.94 feet; North 55° 09' 17" West 712.11 feet and North 62° 20' 08" West 198.27 feet to a point located in the northern margin of the 60' right of way of Concord Church Road and the southeastern margin of property now or formerly Brooks Revocable Living Trust (See Deed Book 6603, Page 883, Guilford County Registry); thence along the eastern margin of Brooks Revocable Living Trust, the following courses and distances: North 00° 04' 33" West 645.76 feet, North 84° 57' 48" West 211.91 feet, North 05° 04' 07" East 140.47 feet and South 47° 39' 33" West 87.49 feet to a point located in the northeastern line of property now or formerly Sammy J. Seagraves (See Deed Book 6679, Page 1348, Guilford County Registry); thence along the northern line of Sammy Seagraves, South 47° 19' 06" West 248.40 feet to a point located in the northeastern line of property now or formerly Billy and Georgia Seagraves (See Book 3776, Page 638, Guilford County Registry); thence along the northern line of Billy Seagraves, South 50° 40' 02" West 261.67 feet to a point located in the northeastern line of property now or formerly Rodney and Michelle Stone (See Deed Book 5496, Page 234, Guilford County Registry); thence along the northern line of Stone and continuing along the western line of Stone the following courses and distances: North 59° 27' 09" West 299.61 feet, South 25° 46' 02" West 210.71 feet and South 25° 37' 46" West 210.43 feet to a point located in the northern margin of the 60' right of way of Concord Church Road; thence continuing along the northern margin of the 60' right of way of Concord Church Road, North 61° 16' 28" West 371.29 feet to a point located in the southeastern margin of property now or formerly John and Ellen Fields (See Deed Book 5466, Page 1108, Guilford County Registry); thence along the eastern margin of Fields, the following courses and distances: North 48° 48' 36" East 290.90 feet, North 32° 20' 11" East 701.96 feet, North 43° 54' 32" West 100.06 feet, North 69° 27' 18" West 135.24 feet and North 33° 52' 51" West 182.68 feet to a point located in the eastern margin of property now or formerly Truman Doggett (See Deed Book 4503, Page 1776, Guilford County Registry); thence along the eastern margin of Doggett, North 49° 01' 50" East 511.20 feet to a point located in the southern margin of an unopened and undedicated 60' street named Kelly Drive; thence along the southern margin of the unopened and undedicated 60' street named Kelly Drive, South 86° 41' 58" East 51.96 feet to a point located in the southeastern margin of Bishop Road Properties (See Deed Book 5344, page 135, Guilford County Registry); thence along the southern margin of Bishop Road Properties, South 86° 41' 58" East 239.93 feet to a point located in the southern margin of Sandra and Fay Herbin (See Deed Book 3218, page 368, Guilford County Registry); thence along the southern margin of Herbin, South 86° 43' 00" East 269.71 feet to a point located in the southern margin of property now or formerly Jacqueline Dukes Williams (See Deed Book 3875, page 1226, Guilford County Registry); thence along the southern margin of Williams, the following courses and distances: South 85° 25' 21" East 197.07 feet to a point, North 05° 04' 00" East 206.19 feet to a point, North 74° 42' 29" East 394.17 feet to a point located in the western margin of property now or formerly Sharon Hill Woods (See Deed Book 4362, Page 765, Guilford County Registry); thence along the western line of Woods, the following courses and distances: South 13° 29' 50" West

319.59 feet to a point, South 06° 41' 58" West 620.13 feet to a point, South 06° 48' 56" West 206.01 feet to a point, South 83° 41' 19" East 364.32 feet to a point, South 02° 47' 09" West 175.21 feet to a point and South 22° 20' 08" East 99.23 feet to a point and South 22° 20' 08" East 44.87 feet to a point located in the northwestern margin of the 60' right of way of Tokay Court; thence along the western margin of the 60' right of way of Tokay Court, South 22° 20' 08" East 249.25 feet to a point located in the northeastern margin of property now or formerly Lisa Miller (Sec Deed Book 5086, Page 1434, Guilford County Registry); thence along the boundary lines of the Miller property, the following courses and distances: South 67° 44' 31" West 111.50 feet to a point, South 07° 47' 14" East 160.16 feet and North 67° 39' 35" East 151.64 feet to a point located in the western margin of the 60' right of way of Tokay Court; thence along the 60' right of way of Tokay Court, the following courses and distances: South 22° 21' 07" East 335.50 feet to a point, South 10° 45' 52" East 175.63 feet to a point, South 06° 47' 38" East 98.68 feet to a point and South 06° 03' 38" East 178.59 feet to the point and place of BEGINNING and containing 56.73 acres more or less, as shown on survey by Joseph G. Stutts, PLLC, dated August 17, 2010 and entitled "Survey For Bessie B & Steve Cook".

CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI, CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD

Property Information

Located at 2075 ZZ Bishop Road (Guilford County Tax Parcel #234575 in Sumner Township), approximately 100 feet from the terminus of Concord Church Road and comprises approximately 14.73 acres.

Zoning History of Denied Cases: There is no record of denied case.

Nature of the Request

This is a request to conditionally rezone property from AG to CZ-HI with the following:

Use Conditions: Use shall be limited to C & D (Construction and Demolition (C & D) Debris) Landfill, Major and accessory uses.

Development Conditions: 1) No access to Concord Church Road except for emergency purposes; and 2) Height of the facility shall not exceed 185 feet.

District Descriptions

The **AG district** is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - "agritourism" - may be permitted. The minimum lot size of this district is 40,000 square feet.

The **HI district** is intended to accommodate a broad range of heavy industrial uses including manufacturing, wholesaling, fabrication, resource extraction and specialized industrial operations that may create adverse impacts on incompatible uses including residential or sensitive habitats. Development should have access to arterial streets and highways.

The **CZ, Conditional Zoning District** is established as a companion district for every district established in Section 4-2. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process apply.

Character of the Area

This request is in a heavily industrialized area south of the subject parcel with uses that include A-1 Sandrock Landfill, an asphalt plant, and a truck terminal along Bishop Road. The area south of the request consists of low-density single-family residentially subdivided lots along Concord Church Road.

Existing Land Use(s) on the Property:

The subject parcel is undeveloped. A Duke Energy easement runs along the southern boundary.

Surrounding Uses:

North: A-1 Sandrock Landfill operation

South: Although the southern portion of the lot has an LCID landfill, the portion that fronts Concord Church Road is primarily undeveloped.

East: An asphalt plant

West: Undeveloped

Historic Properties: There are no inventoried Historic Properties located on or near the property.

Cemeteries: No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

Infrastructure and Community Facilities

Public School Facilities: No anticipated impact to public school facilities. No residential development is permitted in the requested zoning.

Emergency Response:

Fire Protection District: Pinecroft-Sedgefield FPSD

Miles from Fire Station: Approximately 0.8 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: No

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Bishop Drive is a Minor Thoroughfare under the Greensboro MPO Collector Street Plan. NCDOT 2019 Traffic Volume Count reported 4500 AADT near the Groometown Road intersection.

Proposed Improvements: The Greensboro MPO Collector Street Plan proposes an extension that would connect Viewpoint Drive to Kivett Drive that could impact subject property if implemented.

Projected Traffic Generation: Not available.

Environmental Assessment

Topography: Gently sloping and moderately sloping.

Regulated Floodplain/Wetlands:

There is no regulated floodplain on the property. There are no mapped wetlands on the property.

Streams and Watershed:

There are multiple mapped streams on the property. The property is located in the Randleman Lake (Deep River) WS-IV Water Supply Watershed in the General Watershed Area.

Land Use Analysis

Land Use Plan: Southern Area Plan

Plan Recommendation: Agricultural and Rural Residential

Consistency:

The proposed zoning is inconsistent with the recommendation of the Southern Area Plan. These designations primarily support agricultural and low-density residential uses. Typical uses in the HI district are not among those anticipated within these land use designations.

Recommendation

Staff Recommendation: Staff recommends approval.

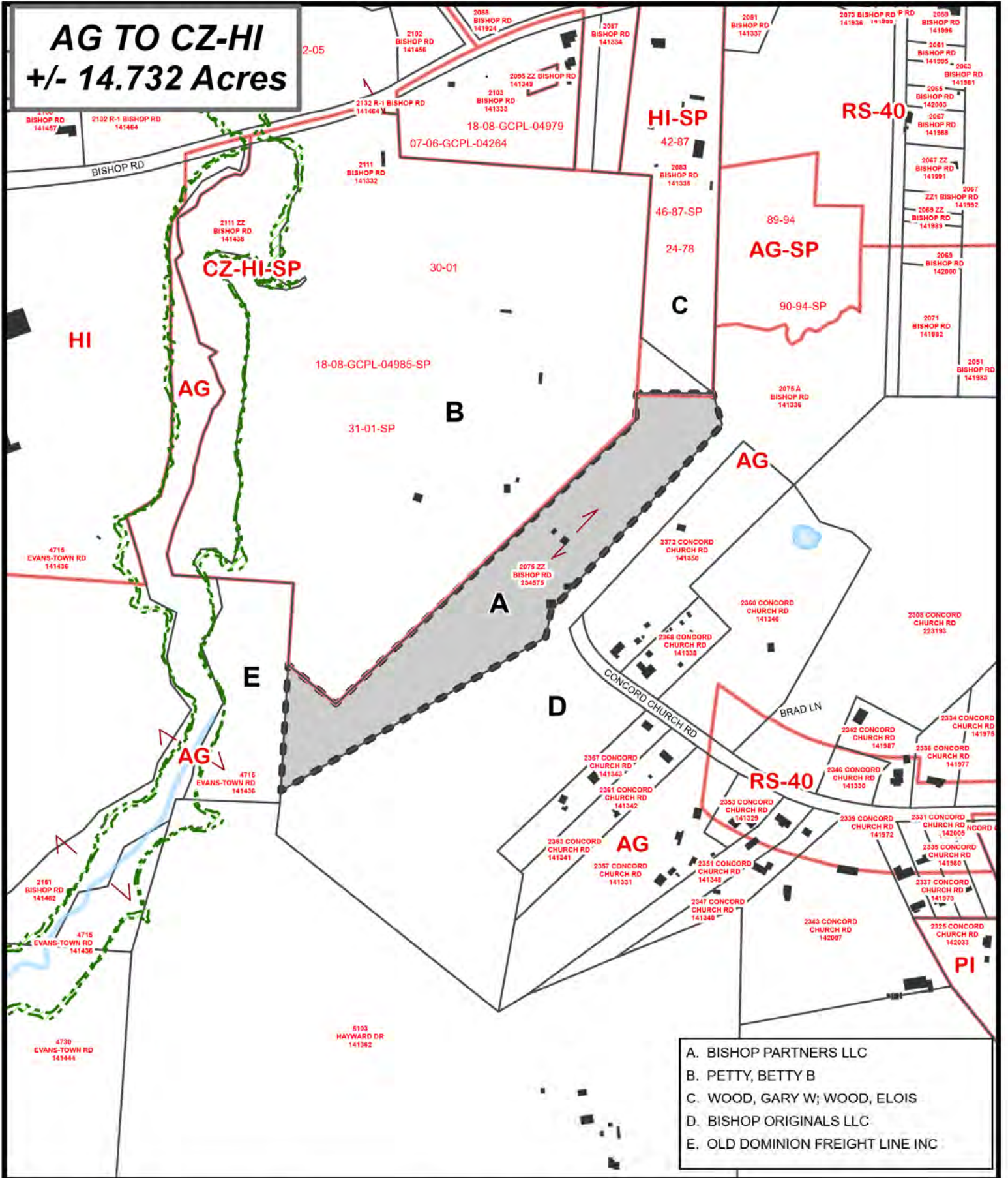
Although inconsistent with the area plan recommendations, the requested action is reasonable and in the public interest because it is basically an extension of the Conditional Zoning for the A-1 Sandrock operation immediately north. Both parcels are under the same ownership and the request proposes similar zoning conditions. The proposed use is similar to other uses to the south of the subject parcel. A minimum 50-foot Type A buffer is required along the adjacent residentially-zoned properties pursuant to the Guilford County Unified Development Ordinance. Additionally, access to the landfill site from Concord Church Road is restricted under the proposed development conditions. Finally, C & D landfills provide a means to properly dispose of waste-related material.

Area Plan Amendment Recommendation:

The proposed rezoning is inconsistent with the Southern Area Plan recommendation of Rural Residential and Agricultural; thus, if approved, an Area Plan amendment to Heavy Industrial (HI) is required.

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AG TO CZ-HI +/- 14.732 Acres



- A. BISHOP PARTNERS LLC
- B. PETTY, BETTY B
- C. WOOD, GARY W; WOOD, ELOIS
- D. BISHOP ORIGINALS LLC
- E. OLD DOMINION FREIGHT LINE INC

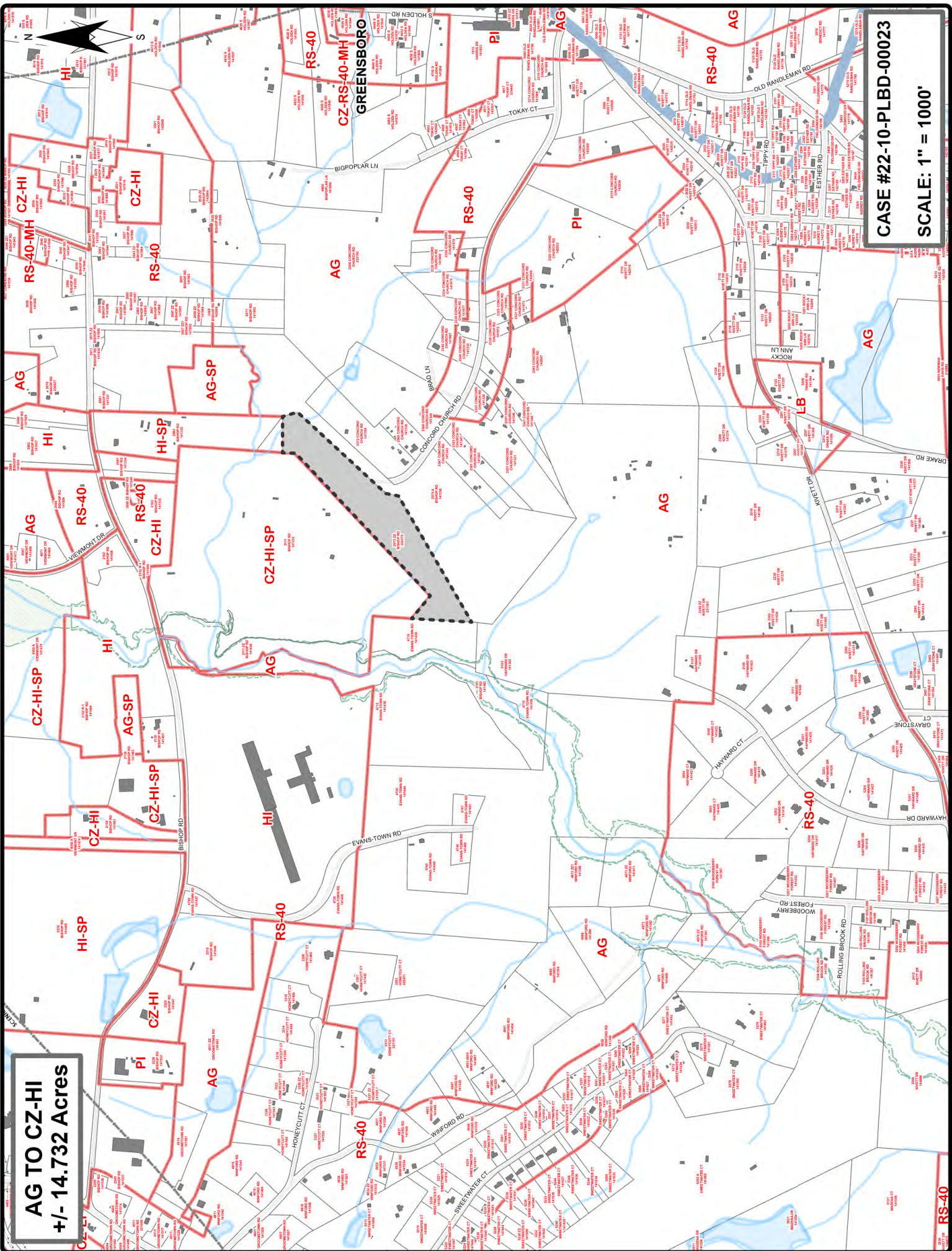


JURISDICTION:
GUILFORD COUNTY
 Guilford County
 Planning & Development
 Department

Rezoning Case #
RZ-22-10-PLBD-00023
Scale: 1" = 500'

Map:
 234575





AG TO CZ-HI
+/- 14.732 Acres

CASE #22-10-PLBD-00023
SCALE: 1" = 1000'

GREENSBORO



RS-40



BISHOP RD

BRAD LN

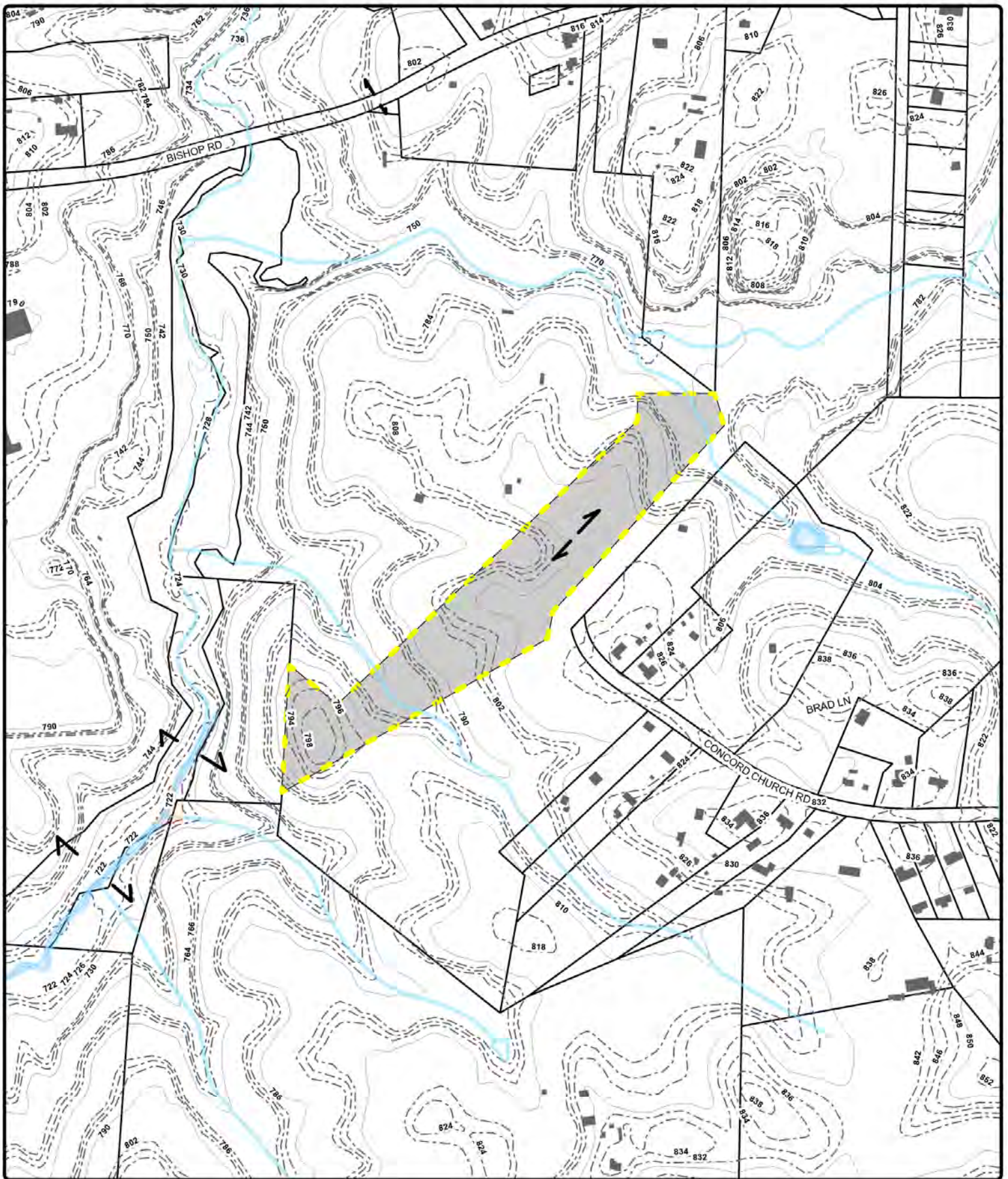
CONCORD CHURCH RD



CASE #22-10-PLBD-00023

Scale: 1" = 500'





CASE #22-10-PLBD-00023

Scale: 1" = 500'



**CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI,
CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

| Zoning | Plan Consistency | Decision |
|---------------|-------------------------|-----------------|
| Approve | Consistent | #1 |
| Deny | Inconsistent | #2 |
| Approve | Inconsistent | #3 |
| Deny | Consistent | #4 |

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**CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI,
CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION # 1
APPROVE-CONSISTENT
NO PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #234575, from AG to CZ-HI because:

1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

**CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI,
CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #2
DENY-INCONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #234575, from AG to CZ-HI because:

1. The amendment **is not** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is not consistent.]

2. The amendment **is not** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

**CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI,
CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #3
APPROVE-INCONSISTENT
PLAN AMENDMENT**

I move to **Approve** this zoning amendment located on Guilford County Tax Parcel #234575, from AG to CZ-HI.

1. This approval also amends the **Southern Area Plan**. [Applicable element of Comp Plan]
2. The zoning map amendment and associated **Southern Area Plan** amendment **are** based on the following change(s) in condition(s) in the **Southern Area Plan**:
[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]

3. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

**CONDITIONAL ZONING CASE #22-10-PLBD-00023: FROM AG, AGRICULTURAL TO CZ-HI,
CONDITIONAL ZONING-HEAVY INDUSTRIAL: 2075 ZZ BISHOP ROAD**

**GUILFORD COUNTY PLANNING BOARD
ZONING AMENDMENT STATEMENT OF CONSISTENCY**

**DECISION #4
DENY-CONSISTENT
NO PLAN AMENDMENT**

I move to **Deny** this zoning amendment located on Guilford County Tax Parcel #234575, from AG to CZ-HI because:

- 1. The amendment **is** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

- 2. The amendment **is** consistent but not in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

(Insert Color Paper)

AMENDED BY APPLICANT 11/16/22



GUILFORD COUNTY
PLANNING AND DEVELOPMENT

Planning Board
Special Use Permit
Application

Date Submitted: 10/7/22 Fee \$526.00 Receipt # REC-001306-2022 Case Number 22-10-PLBD-00025

Application amended on (includes \$26 recording fee)

Provide the required information as indicated below. Pursuant to the Unified Development Ordinance (UDO), this application will not be processed until application fees are paid; the form below is completed and signed; and all required maps, plans and documents have been submitted to the satisfaction of the Enforcement Officer. Additional sheets for tax references and signature blocks are available upon request.

Pursuant to Section 3.5.Q of the Unified Development Ordinance (UDO), the undersigned hereby requests Guilford County to authorize a Special Use Permit for the property described as being located See Exhibits A and D, attached

in Summer Township; Being a total of: 86.676 acres. The property is in

the ~~HI-SP and AG~~ Zoning District. The proposed use(s) is (are) Receipt, recycling and landfilling of solid waste- Construction and Demolition Landfill, Major

Further referenced by the Guilford County Tax Department as:

Tax Parcel # 1 4 1 3 3 2

Tax Parcel # 2 3 4 5 7 5

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Tax Parcel # _____

Additional sheets for tax parcels are available upon request.

Check One:

- The property requested for a Special Use Permit is an entire parcel or parcels as shown on the Guilford County Tax Map.
- The property requested for a Special Use Permit is a portion of a parcel or parcels as shown on the Guilford County Tax Map; a written legal description of the property and/or a map are attached with dimensions and bearings.

Check One:

- Public services (i.e. water and sewer) are not requested or required.
- Public services (i.e. water and sewer) are requested or required; the approval letter is attached.

Check One:

- The applicant is the property owner(s)
- The applicant is an agent representing the property owner(s); the letter of property owner permission is attached.
- The applicant has an option to purchase or lease the property; a copy of the offer to purchase or lease to be submitted if the owner's signature is not provided (financial figures may be deleted).

Special Use Permit Requirements:

- Site Plan.** A site plan illustrating conditions related to the request and compliance with applicable development standards must be attached for all Special Use Permit requests. Refer to Appendix 2, Map Standards of the Unified Development Ordinance (UDO).
- Special Use Conditions.** Development conditions may be provided, list on following page. Refer to uses as listed in Table 4-3-1 of the Guilford County Development Ordinance. If conditions are not proposed, indicate 'not applicable'.
- Review Factor.** Applicant must demonstrate that the review factors listed in section 3.5.Q.3(g) of the UDO are adequately addressed.



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

**Planning Board
Special Use Permit
Application**

Please address the following and be prepared to present as sworn or affirmed testimony and evidence for the scheduled quasi-judicial hearing:

1. A written application was submitted and is complete in all respects.
2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based the following:
See Exhibit B, attached

3. The use, a CIDF facility and MSW transfer station, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications. This is based on the following:
See Exhibit B, attached

4. That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs. This is based on the following:
See Exhibit B, attached

5. The use will not substantially injure the value of adjoining or abutting property or the use is a public necessity. This is based on the following:
See Exhibit B, attached



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**

Planning Board
Special Use Permit
Application

Development Conditions

Development of the property shall occur in accordance with the following standards and requirements in addition to those specified in the Unified Development Ordinance (UDO):

- 1) 30-foot buffer along parcels 141335 and 141336 shall remain as undisturbed vegetative buffer
- 2) Access from Concord Church Road shall be for emergency access only (not for day-to-day operations) and this access will be gated and locked.
- 3) Facility height (i.e. height of landfill) shall be limited to 185 feet.
- 4) Tom Terrell 11/16/22
- 5)
- 6)
- 7)
- 8)

YOU OR SOMEONE REPRESENTING YOU MUST BE PRESENT AT THE EVIDENTIARY HEARING

A Special Use Permit Application must be signed by the current property owner(s).

I hereby agree to conform to all applicable laws of Guilford County and the State of North Carolina and certify that the information provided is complete and accurate to the best of my knowledge. I acknowledge that by filing this application, representatives from Guilford County Planning and Development may enter the subject property for the purpose of investigation and analysis of this request.

Respectfully Submitted,

Betty B. Petty
Property Owner Signature

Betty B. Petty

Name
3011 County Clare Road

Mailing Address
Greensboro, NC 27409

City, State and Zip Code

336 706-1401

Phone Number

Email Address

Thomas E. Terrell, Jr.
Owner/ Representative/Applicant Signature (if applicable)
Thomas E. Terrell, Jr.

Name
PO Box 21927

Mailing Address
Greensboro, NC 27420

City, State and Zip Code

336-847-2000

Phone Number

tterrell@foxrothschild.com

Email Address

Additional sheets for conditions and signatures are available upon request.

Exhibit A
A-1 Sandrock, Inc.
Special Use Permit Application

Tracts and Owners

Owner: Betty B. Petty
Acreage: 63.27
Parcel: 141332
Property Address: 2111 Bishop Road

Owner: Betty B. Petty
Acreage: 0.784
Parcel: A portion of parcel 141335, such larger portion containing 11.72 acres. Note – this 0.784 acreage was combined with the above parcel 141332 by Combination Deed.

Owner: Bishop Partners, LLC
Acreage: 14.732
Parcel: A portion of parcel 234575, such larger portion containing 69.43 acres. Note – this 14.732 acres will be acquired by A-1 Sandrock, Inc. by Exchange Agreement. Once this parcel is acquired and the SUP has been issued, A-1 Sandrock will file a recombination plat to combine all three parcels into one tract.

Exhibit B
A-1 Sandrock, Inc.
Special Use Permit Application

A-1 Sandrock, Inc., presents the following evidence that its application will meet the Guilford County standards for issuance of a Special Use Permit (SUP), with additional evidence to be presented at the hearing before the Planning Board:

1. A written application was submitted and is complete in all respects.

The Applicant submits that all required materials have been submitted.

2. The use will not materially endanger public health and safety if located where proposed and developed according to the plan proposed.

A. Public Health

This facility will only receive the materials it would be licensed to receive under NCAC 15A Chapter 13B for Construction and Demolition Debris materials. Commonly referred to as a "C&D," debris from construction or demolition waste consists of inert debris or organic materials (trees, leaves, stumps, dirt) from job clearing sites which are the same organic materials that exist in our yards and the forests that we hunt and hike in.

The "inert debris" consists of materials that do not decompose or react when they come into contact with water or other materials. The N.C. statutory definition is: "Inert debris" means solid waste which consists solely of material that is virtually inert and that is likely to retain its physical and chemical structure under expected conditions of disposal." N.C. Gen. Stat. § 130A-290(a)(14). By State law, these materials may only include the following, which are materials all of us are exposed to in our homes, churches, businesses, and schools: wood, asphalt, concrete, gypsum, metals, bricks, glass, and plastics.

The State of North Carolina has already determined that C&D facilities, if properly constructed and operated according to issued permits, are not materially dangerous to public health. In fact, there are dozens of active C&D facilities in the State of North Carolina that have been permitted and operate safely. The legal presumption is that the state will properly perform its job and require the applicant to demonstrate that it meets all state requirements.

Guilford County has already determined in previous hearings that this facility will not materially endanger public health and safety, and no changes have occurred in the

ownership or operation of this facility to enable the county find differently. At the hearing on the SUP, A-1 will provide a list of the extensive rules established by the State of North Carolina to ensure that C&D facilities are not a danger to public health and safety. These rules were adopted with input from the staff at the NC Department of Environmental Quality and vetted through public comment. Among the staff at NCDEQ involved in solid waste regulations are health care professionals, environmental engineers, groundwater specialists, and engineers specializing in the construction of solid waste facilities.

B. Public Safety

All landfill facilities of every kind, including C&D facilities, are required to meet stringent state regulations related to operations and maintenance. The regulations vary, depending upon the type of facility. There is nothing about the operation of a C&D facility that poses a material danger to the public. In fact, the public is not invited into this fenced-in facility.

There will not be sufficient additional traffic generated by this added land to trigger a traffic impact study. Instead, NCDOT will monitor site distances for driveway access during the driveway permitting process.

3. The use meets all required conditions and specifications.

The applicant affirms it has met all setback and other requirements established by ordinance. Should a deficiency be noted, the Applicant will immediately amend the site plan. The Applicant also notes that this provision is controlled by staff at the hearing stage and as well as at the permitting stage. If all requirements now existing are not met, no permit will be issued.

If NCDEQ requires minor changes to the site plan presented to the Guilford County Planning Board, those changes must be approved by the Guilford County Planning Department to ensure that they comply with Guilford County regulations. If they do not, then no building permits will be issued.

4. The location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the jurisdiction and its environs.

When Guilford County adopted its most recent zoning ordinance and allowed C&D facilities in HI zoning districts in the Table of Permitted Uses, it made a legislative determination that such facilities are harmonious and compatible with other uses within the district.

“Harmony” is not to be confused with similarity of appearance or function. For example, a residential home, a high school, and a police station are in no ways similar, yet they all exist by right in the same zoning districts in most counties in this state. Harmony addresses whether the proposed use prevents another use from performing its purpose. For example, a loud airport would be inharmonious next to a nursing home.

Regarding the general character of this area, the following uses are established in this area: the A-1 Sandrock facility itself, which has been long been located at this site; a quarry; a large freight terminal; an asphalt plant; regional MSW transfer facility; and other miscellaneous trucking and other industrial uses.

The Guilford County Land Use Plan Map shows this site to be best used for industrial purposes.

5. The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.

A-1 Sandrock presented a market Impact Study by a local licensed N.C. appraiser when the facility was last expanded. She used methods that complied with the requirements of the Uniform Standards of Professional Appraisal Practice, including a paired sales analysis to compare the sales of properties adjacent to landfills with sales of comparable properties farther from the same landfill but within the same market and time frame. This study not only looked at C&D facilities but at other forms of waste disposal to determine if more impactful facilities (e.g., MSW with their heavier traffic, odor, perception of pollution, etc.) impact property values. It concludes from objective sales data that the market does not show diminution in value of adjoining properties caused by a C&D facility. She will present an updated study for the next hearing.

In the absence of any material changes since the last time the county issued A-1 Sandrock an SUP for this facility, the previous decisions operates as *res judicata* (binding precedent) on this board. (See, for example, *Mt. Ulla Historical Society v. Rowan County*).

Exhibit C

S I T E P L A N

EXHIBIT C

REV. A

SUBJECT PROPERTIES

PENDING

DATE: _____ P.E. BORN: _____

GENERAL INFORMATION

SUBJECT PROPERTIES ARE IN LOWER RANDELMAN LAKE W-IV TRANSFER STATION BUA = 49% (HIGH DENSITY OPTION) CUL-DE-SAC (L-1) BUA = 4% (LOW DENSITY OPTION) STORMWATER CONTROLS TO BE PLANNED ACCORDINGLY

MR. RONNIE E. PETTY, III - OWNER/OPERATOR
A-1 SANDROCK, INC.
GREENSBORO, NC 27408 TEL: 336-855-4195

TRANSFER STATION SITE (2103 BISHOP ROAD)
PIN 784197724 (OLD) 141333 (NEW)
DEED DATE 1/16/2019 GUILFORD COUNTY, NC
DEED BOOK 8119 DEED PAGE 1173
TAX MAP 7.06 ACRES (8.92 AC PER SURVEY)
ZONING HI

DOGGETT SITE ADDITION (2076A BISHOP ROAD)
FROM PIN 785165227 (OLD) 234476 (NEW)
DEED DATE XXXXX GUILFORD COUNTY, NC
DEED BOOK 7483 DEED PAGE 1943
DEED BOOK 66 PLAT PAGE 76
TAX MAP 14.72 ACRES
ZONING HI-SP

WOOD SITE ADDITION (2083 BISHOP ROAD)
FROM PIN 785166470 141333 (NEW)
DEED DATE 3/6/1996 GUILFORD COUNTY, NC
DEED BOOK 482 DEED PAGE 1058
TAX MAP 0.73 ACRES

COLLE SITE (2111 BISHOP ROAD)
PARCEL NUMBER 73205-0186-0079A-W-007
PIN 784196163 (OLD) 141332 (NEW)
DEED DATE 1/2/2016 GUILFORD COUNTY, NC
DEED BOOK 4370 DEED PAGE 0108
PLAT BOOK 149 DEED PAGE 93

TAX MAP 71.1 ACRES
MIRRELLAND 25.5
MIRRELAND 3.5
ZONING HI W/ SPECIAL LSE

SITE LOCATION DATA
LATITUDE 36.62745 N
LONGITUDE -78.64638 E

EXISTING PERMIT INFORMATION:
NC SOLID WASTE PERMIT 41-17 (REV. 01/13/03)
NC STORMWATER PERMIT NC0260458

ALL INVOLVED PROPERTIES ARE IN SUMMER TWP.
CONDITIONAL ZONING CASES 30-32 AND 22-10-2480-0003 APPLY FOR THE PROPOSED SFP.
PROPOSED DEVELOPMENT CONDITIONS INCLUDE:
A) EXISTING DEVELOPMENT TO REMAIN.
B) HEIGHT OF THE FACILITY SHALL NOT EXCEED 185 FEET.

SYMBOLS AND LINES LEGEND

- DASHED LINE: EASTING ROADWAYS
- SOLID LINE: EDGE OF WASTE FOOTPRINT
- DASHED LINE WITH SPACES: MISE BERM BASE FOOTPRINT
- SOLID LINE WITH SPACES: BILT FENCE
- DASHED LINE WITH SPACES: FACILITY BOUNDARY
- SOLID LINE WITH SPACES: 100-YEAR FLOODPLAIN
- DASHED LINE WITH SPACES: COLONIAL PIPELINE/EASEMENT
- SOLID LINE WITH SPACES: 50' RIPARIAN BUFFER
- DASHED LINE WITH SPACES: SANITARY SEWER EASEMENT
- DASHED LINE WITH SPACES: DIVERSION BERM/CANAL
- DASHED LINE WITH SPACES: GROUNDWATER MONITORING WELL

SITE PLAN NOTES

1. ORIGINAL BOUNDARY SURVEY BY OWENS LEE, P.L.S. (CA. 2001)
2. GRADE SURVEYS AND PARTIAL EXISTING WASTE FOOTPRINT BY ALLED ASSOCIATES, PA (CLINT OSBORNE, P.L.S.)
3. PERMETER CONTOURS BASED ON EARLIER SURVEYS BY BOTH A & B. CONTROL MEASURES FOR THE CDFE HERE ORIGINALLY PERMITTED CONSISTENT WITH FORMER MINING PERMIT 47.22.
4. A & B CONTROL MEASURES FOR THE CDFE HERE ORIGINALLY PERMITTED DIV. OF ENERGY, MINERALS AND NATURAL RESOURCES
5. E & B CONTROL MEASURES FOR THE TRANSFER STATION SITE WERE PERMITTED IN 2018 FOR CONDO GRADING PERMIT
6. WASTE SUPPLY WATERBODIES: LOWER RANDELMAN LAKE W&A GENERAL WATERBODIES AREA (GWA) DEVELOPMENT RESTRICTIONS MAY APPLY
7. NEAREST TIER 3 OR TIER 4 WCA IS 2.3 MILES SOUTH
8. APPLICATIONS FOR NCOOT AND POTW ACCESS ARE UNDER REVIEW

SITE DEVELOPMENT NOTES

1. RECYCLING CENTER/TRANSFER STATION
NEW PROPERTY IS ZONED HI
GROSS FLOOR AREA (GFA) IS 26,000 SF. OR 3,144 SF/AC
IMPERVIOUS AREA IS 3.98 AC OR 49% OF 8.0 AC PROPERTY
RECYCLING OF CONSTRUCTION AND DEMOLITION (C&D) WASTES AND MUNICIPAL SOLID WASTE (MSW) TRANSFER IS PLANNED
THIS FACILITY IS NOT A POTENTIAL RECOVERY FACILITY (MRF) FOR MSW WASTES. NO RAILLINE LINE IS PLANNED
2. COLLE EXPANSION
CURRENTLY UNDER REVIEW BY NC DEQ SOLID WASTE SECTION
IMPERVIOUS AREA IS 4.11 AC OR 5.13% OF 80.08 AC PROPERTY
EXPANSIONS WILL BE BRING THE WASTE FOOTPRINT TO 36,614 AC
NO CHARGES TO THE CDFE WASTE STREAM WILL OCCUR
THE FACILITY WILL HAVE AN EXPECTED 20-YEAR OPERATIONAL LIFE
THE OPERATOR WILL MAINTAIN STORMWATER MEASURES AND TREATMENT FACILITY AND TREATMENT PLANT AS WELL AS A MIN 30-YEAR POST-CLOSURE PERIOD PER NCDEQ REGULATIONS

SCALES AND LINES LEGEND

SCALE: AS NOTED
INCHES TO FEET
DATE: OCT 2022
SCALE: 1" = 200'
DATE: OCT 2022

SCALE

SCALE IN FEET 1"=150'



PROPOSED COLLE EXPANSION WITHIN NEW FACILITY BOUNDARY

NEW TRACT FROM 2083 BISHOP ROAD

200-FT NCOOT BUFFER

200-FT RIPARIAN BUFFER

CONVENTIONAL SOIL SLOPE

NEW BOUNDARIES BASED ON SURVEYS PERFORMED BY ALLED ASSOCIATES, PA

RIAPARIAN BUFFER NOTE (APPLIES TO BOTH SIDES OF STREAM):
ZONE 1 - 30' NEAREST STREAM, REMAINS UNDISTURBED
ZONE 2 - 20' OUTER 300' W/ MINDED USE ONLY

FOR ZONING REVIEW ONLY
NOT FOR FULL TRC SUBMITTAL
DO NOT USE FOR CONSTRUCTION

SCALE IN FEET 1"=150'

REVISION: _____ DATE: _____

Engineering of NC Inc 40

Engineering of NC Inc 40
7700 Summit Blvd, Suite 100
Charlotte, NC 28217
P (704) 944-1100
F (704) 944-0222
www.gelinc.com

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ENVIRONMENTAL • ENGINEERING • SURVEYING

PROJECT NAME: A-1 SANDROCK INDUSTRIAL TRAINING 2002
DRAWING TITLE: F1 - FACILITY PLAN W/ NEW TRACTS
SCALE: AS NOTED
DATE: OCT 2022

LOCAL GOVT APPROVALS:
PLAN COVER SHEET
SITE LAYOUT
UTILITY
SITE CONTROL
LANDSCAPING
GRADING
WATERBODIES
OTHER

DESIGNED BY: [Signature]
CHECKED BY: [Signature]
DATE: OCT 2022

PROPOSED FACILITY PLAN IMPROVEMENTS SPECIAL USE PERMIT
NC SOLID WASTE PERMIT 41-17-CDLF-2008, GUILFORD COUNTY

Exhibit E

BEGINNING at a point located in the northern margin of the 60' right of way Concord Church Road where it intersects with the western margin of the 60' right of way of Tokay Court; running thence along the northern margin of the 60' right of way of Concord Church Road, the following courses and distances: North 68° 05' 44" West 262.94 feet; North 55° 09' 17" West 712.11 feet and North 62° 20' 08" West 198.27 feet to a point located in the northern margin of the 60' right of way of Concord Church Road and the southeastern margin of property now or formerly Brooks Revocable Living Trust (See Deed Book 6603, Page 883, Guilford County Registry); thence along the eastern margin of Brooks Revocable Living Trust, the following courses and distances: North 00° 04' 33" West 645.76 feet, North 84° 57' 48" West 211.91 feet, North 05° 04' 07" East 140.47 feet and South 47° 39' 33" West 87.49 feet to a point located in the northeastern line of property now or formerly Sammy J. Seagraves (See Deed Book 6679, Page 1348, Guilford County Registry); thence along the northern line of Sammy Seagraves, South 47° 19' 06" West 248.40 feet to a point located in the northeastern line of property now or formerly Billy and Georgia Seagraves (See Book 3776, Page 638, Guilford County Registry); thence along the northern line of Billy Seagraves, South 50° 40' 02" West 261.67 feet to a point located in the northeastern line of property now or formerly Rodney and Michelle Stone (See Deed Book 5496, Page 234, Guilford County Registry); thence along the northern line of Stone and continuing along the western line of Stone the following courses and distances: North 59° 27' 09" West 299.61 feet, South 25° 46' 02" West 210.71 feet and South 25° 37' 46" West 210.43 feet to a point located in the northern margin of the 60' right of way of Concord Church Road; thence continuing along the northern margin of the 60' right of way of Concord Church Road, North 61° 16' 28" West 371.29 feet to a point located in the southeastern margin of property now or formerly John and Ellen Fields (See Deed Book 5466, Page 1108, Guilford County Registry); thence along the eastern margin of Fields, the following courses and distances: North 48° 48' 36" East 290.90 feet, North 32° 20' 11" East 701.96 feet, North 43° 54' 32" West 100.06 feet, North 69° 27' 18" West 135.24 feet and North 33° 52' 51" West 182.68 feet to a point located in the eastern margin of property now or formerly Truman Doggett (See Deed Book 4503, Page 1776, Guilford County Registry); thence along the eastern margin of Doggett, North 49° 01' 50" East 511.20 feet to a point located in the southern margin of an unopened and undedicated 60' street named Kelly Drive; thence along the southern margin of the unopened and undedicated 60' street named Kelly Drive, South 86° 41' 58" East 51.96 feet to a point located in the southeastern margin of Bishop Road Properties (See Deed Book 5344, page 135, Guilford County Registry); thence along the southern margin of Bishop Road Properties, South 86° 41' 58" East 239.93 feet to a point located in the southern margin of Sandra and Fay Herbin (See Deed Book 3218, page 368, Guilford County Registry); thence along the southern margin of Herbin, South 86° 43' 00" East 269.71 feet to a point located in the southern margin of property now or formerly Jacqueline Dukes Williams (See Deed Book 3875, page 1226, Guilford County Registry); thence along the southern margin of Williams, the following courses and distances: South 85° 25' 21" East 197.07 feet to a point, North 05° 04' 00" East 206.19 feet to a point, North 74° 42' 29" East 394.17 feet to a point located in the western margin of property now or formerly Sharon Hill Woods (See Deed Book 4362, Page 765, Guilford County Registry); thence along the western line of Woods, the following courses and distances: South 13° 29' 50" West

319.59 feet to a point, South 06° 41' 58" West 620.13 feet to a point, South 06° 48' 56" West 206.01 feet to a point, South 83° 41' 19" East 364.32 feet to a point, South 02° 47' 09" West 175.21 feet to a point and South 22° 20' 08" East 99.23 feet to a point and South 22° 20' 08" East 44.87 feet to a point located in the northwestern margin of the 60' right of way of Tokay Court; thence along the western margin of the 60' right of way of Tokay Court, South 22° 20' 08" East 249.25 feet to a point located in the northeastern margin of property now or formerly Lisa Miller (Sec Deed Book 5086, Page 1434, Guilford County Registry); thence along the boundary lines of the Miller property, the following courses and distances: South 67° 44' 31" West 111.50 feet to a point, South 07° 47' 14" East 160.16 feet and North 67° 39' 35" East 151.64 feet to a point located in the western margin of the 60' right of way of Tokay Court; thence along the 60' right of way of Tokay Court, the following courses and distances: South 22° 21' 07" East 335.50 feet to a point, South 10° 45' 52" East 175.63 feet to a point, South 06° 47' 38" East 98.68 feet to a point and South 06° 03' 38" East 178.59 feet to the point and place of BEGINNING and containing 56.73 acres more or less, as shown on survey by Joseph G. Stutts, PLLC, dated August 17, 2010 and entitled "Survey For Bessie B & Steve Cook".

SPECIAL USE PERMIT CASE #22-10-PLBD-00025: CONSTRUCTION AND DEMOLITION DEBRIS LANDFILL, MAJOR AND ACCESSORY USES ON CONDITIONAL ZONING-HEAVY INDUSTRIAL (CZ-HI) ZONED PROPERTY: 2111 BISHOP ROAD

Property Information

Located at 2111 Bishop Road (Guilford County Tax Parcel #141332 and includes Tax Parcel #234575 located at 2075 ZZ Bishop Road in Sumner Township) and comprises approximately 86.7 acres.

Zoning History of Denied Cases: There is no history of denied cases.

Nature of the Request

Tax Parcel #141332 is currently under a Special Use Permit (Ref Case #31-01 SP and amendment Case 18-08-GCPL-04985 SP) for a Major Land Clearing and Inert Debris (LCID) Landfill, a Major Construction and Demolition Debris (C&D) Landfill, and Sandrock Mining Operation.

This request is for a Special Use Permit for a Major Construction and Demolition Debris Landfill with the following conditions: (1) 30-foot buffer along parcels 141335 and 141366 shall remain as undisturbed vegetative buffer; and (2) Access from Concord Church Road shall be for emergency access only (not for day-to-day operations) and this access will be gated and locked; Facility height (i.e. height of landfill) shall be limited to 185 feet. Subject properties are currently zoned CZ-HI (Ref Case #30-01) and pending zoning CZ-HI (Ref Case #22-10-PLBD-00023). The request would extend the C&D landfill operation to Parcel #234575. This request includes an associated Sketch Site Plan.

Character of the Area

This request is in a heavily industrialized area along Bishop Road. Several waste-related industries are concentrated in the area. These uses include a landfill operation, a solid waste transfer station, and a solid waste collection contractor. Other industrial uses in the area include an asphalt plant and a trucking terminal facility. The area south of the subject parcels on Concord Church Road consists of single-family dwellings on subdivided lots, which are separated by Duke Energy 60-foot easement per Plat Book 66, Page 78 in the Register of Deeds.

Existing Land Use(s) on the Property: Tax Parcel 141332 is currently operating under a Special Use Permit for a Major Land Clearing and Inert Debris (LCID) Landfill, a Major Construction and Demolition Debris (C&D) Landfill, and Sandrock Mining Operation. Tax Parcel 234575 is currently undeveloped. Duke Energy transmission line runs south of the subject parcel.

Surrounding Uses:

North: A solid waste transfer station, A-1 Landfill maintenance building, a closed LCID site, a solid waste collection company, and similar industrial uses.

South: Undeveloped and single-family lots along Concord Church Road
East: An asphalt plant and undeveloped land
West: Undeveloped land and a trucking terminal

Historic Properties: There are no inventoried Historic Properties located on or near the property.

Cemeteries: No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

Infrastructure and Community Facilities

Emergency Response:

Fire Protection District: Pinecroft-Sedgefield FPSD

Miles from Fire Station: Approximately 0.8 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells, public water and sewer are not available.

Within Service Area: No

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Bishop Drive is a Minor Thoroughfare under the Greensboro MPO Collector Street Plan. NCDOT 2019 Traffic Volume Count reported 4500 AADT near the Groometown Road intersection.

Proposed Improvements: The Greensboro MPO Collector Street Plan proposes an extension that connects Viewpoint Drive to Kivett Drive that could impact subject property if implemented. New site plans are subject to an NCDOT driveway permit.

Projected Traffic Generation: Not available.

Environmental Assessment

Topography: Nearly flat, gently sloping, moderately sloping and steeply sloping.

Regulated Floodplain/Wetlands:

There is regulated floodplain on the property, including 100-year floodplain. There are no mapped wetlands on the property.

Streams and Watershed:

There are multiple streams running throughout the property. The property is located in the Randleman Lake (Deep River) WS-IV Water Supply Watershed in the General Watershed Area.

Land Use Analysis

Land Use Plan: Southern Area Plan

Plan Recommendation: Heavy Industrial

The Heavy Industrial recommendation is designated to recognize land depicted as Industrial on the original Area Plan or land currently zoned Heavy Industrial (HI) that is or could be developed under the HI standards of the Guilford County Development Ordinance.

Consistency:

Contingent on the rezoning of Parcel 234575 the site is consistent with the recommendation of the Southern Area Plan.

Review Factors: Article 3.Q.G from the Guilford County UDO

The applicant shall demonstrate that the review factors listed below have been adequately addressed.

1. Circulation: Number and location of access points to the property and the proposed structures and uses, with particular reference to automotive, pedestrian safety, traffic flow and control, and access in case of emergency: **Per the submitted sketch plan and proposed conditions in this application, access will be from Bishop Drive. Access from Concord Church Road will be restricted to emergency service vehicles. An NCDOT commercial driveway permit will be required during the official commercial site plan review process.**
2. Parking and Loading: Location of off-street parking and loading areas: **Parking for a Major Construction and Demolition Debris Landfill is subject to TABLE 6-1-1: PARKING REQUIREMENTS of the Guilford County UDO, which requires a minimum of 1 space per 2500 sf (GFA) for waste-related industrial uses. Upon receiving a plan review application for a use subject to this Subsection, the Planning & Development Director is authorized to apply the off-street parking standard applicable to the use or establish the off-street parking requirements by reference to standard parking resources published by the National Parking Association or the American Planning Association**
3. Service Entrances and Areas: Locations of refuse and service areas with adequate access for services vehicles: **Locations of service areas will be reviewed to allow for adequate access for all service vehicles at TRC when the official site plan is submitted for review per 6.1 in the Guilford County UDO.**
4. Lighting: Location of lighting with reference to spillage & glare, motorist & pedestrian traffic safety, and compatibility with other property in the area: **A lighting plan will be reviewed at TRC when the official site plan is submitted for review per 6.3 of the Guilford County UDO.**
5. Utilities: Location and availability of utilities (public or private): **Septic evaluation will be regulated by the Guilford County Environmental Health Department upon site plan review by TRC. Utility easements will be reviewed at TRC.**
6. Open Spaces: Location of required street yards and other open spaces and preservation of existing trees and other natural features (where applicable): **Landscaping requirements will be reviewed by TRC for compliance with Article 6.2 of the Guilford County UDO.**

7. Environmental Protection: Provisions to protect floodplains, stream buffers, wetlands, watersheds, open space and other natural features: **Environmental regulations will be reviewed by Guilford County's Watershed/Stormwater Division at TRC to meet all environmental regulations per Article 9 of the Guilford County UDO.**

8. Landscaping, Buffering & Screening: Installation of landscaping, fencing or berming for the purpose of buffering and screening where necessary to provide visual screening where appropriate: **A minimum 50-foot Type A buffer is required along adjacent residentially-zoned properties pursuant to the Guilford County UDO. A 200' NCDEQ buffer is shown on the submitted sketch plan.**

9. Effect on Nearby Properties: Effects of the proposed use on nearby properties, including, but not limited to, the effects of noise, odor, lighting, and traffic: **Lighting plan requirements will be required and reviewed at TRC per Article 6.3 of the Guilford County UDO.**

10. Compatibility: The general compatibility with nearby properties, including but not limited to the scale, design, and use in relationship to other properties: **Major Construction and Demolition Debris Landfill is similar to surrounding uses in the area along Bishop Drive and HI-zoned properties are required to have landscape buffers around the entire perimeter of the facility.**

Staff Comments

During consideration of a Special Use Permit, the Planning Board must determine that the following Findings of Fact have been satisfied based upon relevant and credible evidence presented during the hearing:

1. A written application was submitted and is complete in all respects;
2. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
3. The use, Major Construction and Demolition Debris Landfill, subject to the submitted Sketch Site Plan along with the following proposed conditions: (1) 30-foot buffer along parcels shall remain as undisturbed vegetative buffer; and (2) Access from Concord Church Road shall be for emergency access only (not for day-to-day operations) and this access will be gated and locked. incorporated into the site plan; Facility height (i.e. height of landfill) shall be limited to 185 feet, for which the Special Use Permit is sought, is in conformance with all special requirements applicable to this use. The use meets all required conditions and specifications;
4. That the location and character of the use, if developed according to the plan submitted, will be in harmony with the area in which it is to be located and is in general conformity with the plan of development of the Jurisdiction and its environs; and
5. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity.

After reviewing the proposed development plan for this request, staff offers the following for

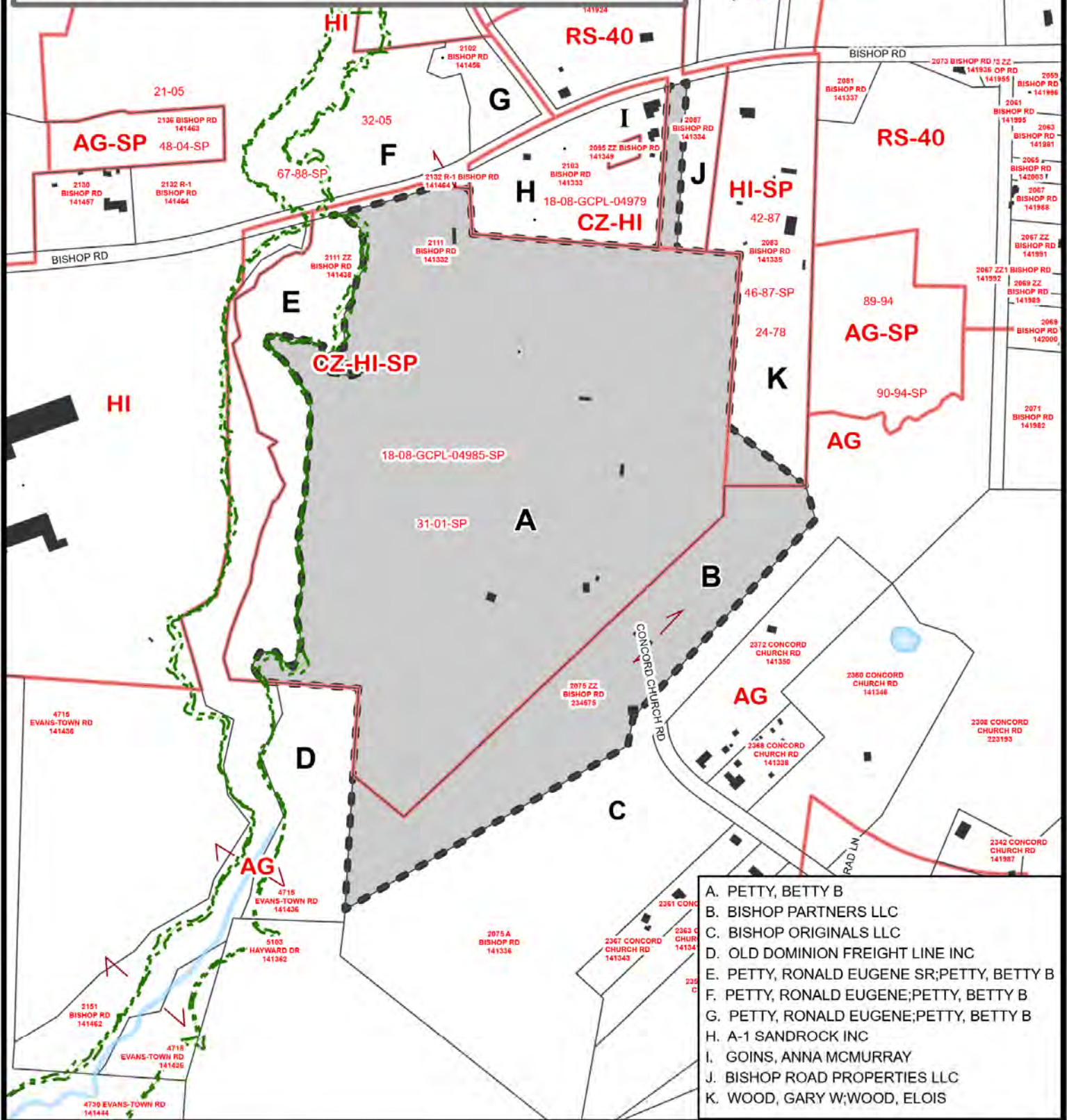
Planning Board consideration:

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Unified Development Ordinance (GCUDO).
2. The development shall proceed in conformity with all amended plans and design features submitted as part of the Special Use Permit Application and kept on file by the Guilford County Planning and Development Department.
3. The development shall proceed upon approval of plan and design features by the Technical Review Committee (TRC), illustrating conditions related to the request and applicable development standards.
4. Added conditions if applicable.
5. If the specified conditions addressed in this Special Use Permit are violated, the permit shall be revoked, and the use will no longer be allowed. Only by reapplying to the Planning Board for another Special Use Permit and receiving its approval can the use be again permitted.

DRAFT

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**CZ-HI-SP (Ref Case #18-08-GCPL-04985) to
CZ-HI-SP: C&D Landfill and Recycling Facility
+/- 86.676 Acres**



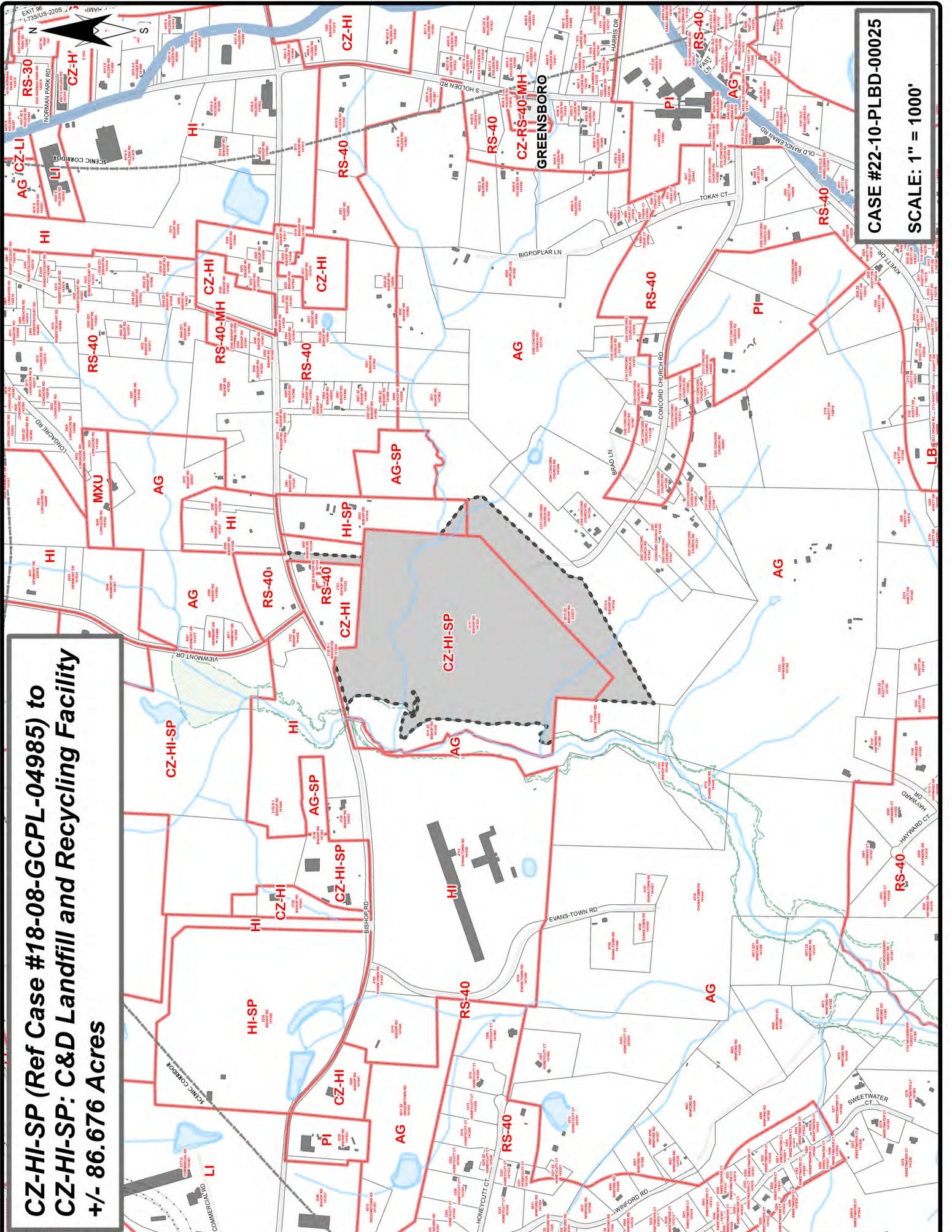
JURISDICTION:
GUILFORD COUNTY
Guilford County
Planning & Development
Department

Rezoning Case #
SUP-22-10-PLBD-00025
Scale: 1" = 500'

Map:
141332 & 234575



**CZ-HI-SP (Ref Case #18-08-GCPL-04985) to
CZ-HI-SP: C&D Landfill and Recycling Facility
+/- 86.676 Acres**



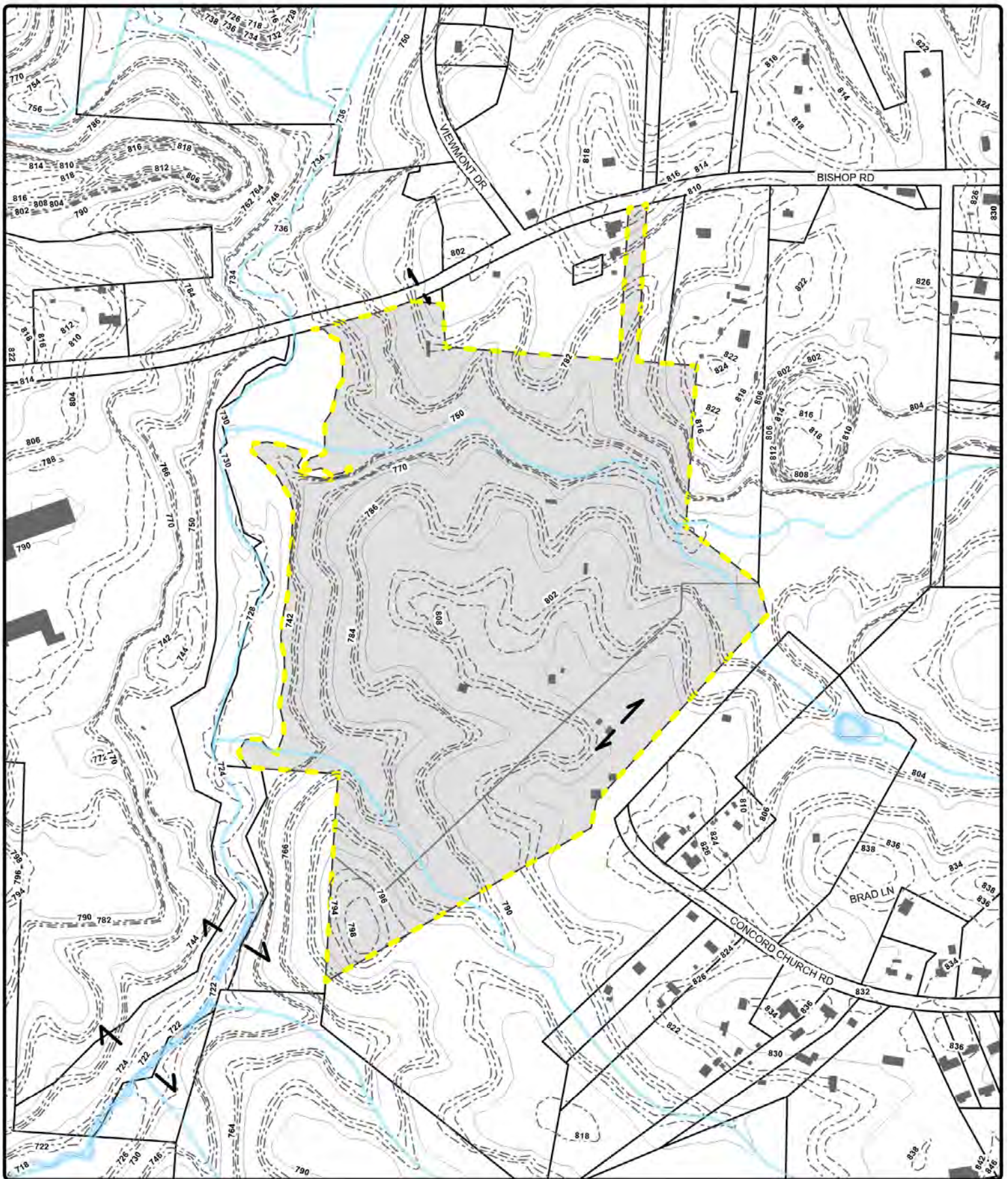
CASE #22-10-PLBD-00025
SCALE: 1" = 1000'



CASE #22-10-PLBD-00025

Scale: 1" = 500'





CASE #22-10-PLBD-00025

Scale: 1" = 500'





SUBMITTAL SUMMARY REPORT (22-10-PLBD-00025) FOR GUILFORD COUNTY

| | | | |
|--------------------------|--|---------------------|--------|
| PERMIT ADDRESS: | 2111 BISHOP RD GREENSBORO, NC 27406 | PARCEL: | 141332 |
| APPLICATION DATE: | 10/13/2022 | SQUARE FEET: | 0 |
| EXPIRATION DATE: | | VALUATION: | \$0.00 |

DESCRIPTION: A-1 SANDROCK - SUP FOR CONSTRUCTION AND DEMO LANDFILL; PORTION OF PARCEL WAS EXTRACTED FROM ADJACENT PARCEL 141335 WHICH IS UNDER A SUP FOR ASPHALT PLANT.

| CONTACTS | NAME | COMPANY | ADDRESS |
|-----------|----------------|--------------------|---|
| Applicant | THOMAS TERRELL | FOX ROTHSCHILD LLP | |
| Attorney | THOMAS TERRELL | FOX ROTHSCHILD LLP | |
| Billing | RONNIE PETTY | A-1 SANDROCK, INC | 2606 PHOENIX DR 518 GREENSBORO, NC 27406 |
| Owner | BETTY PETTY | | |

| SUBMITTAL | STARTED | DUE | COMPLETE | STATUS |
|---------------------------|------------|------------|------------|--------------------|
| Sketch Plan Review v.1 | | | | Not Received |
| Sketch Plan Review v.1 | | | | Not Received |
| Sketch Plan Review v.1 | 10/25/2022 | 10/31/2022 | 11/16/2022 | Revise & Re-Submit |
| Sketch Plan Review v.2 | 11/16/2022 | 11/16/2022 | | In Review |
| Planning Board Review v.1 | | | | Not Received |

SUBMITTAL DETAILS

| Sketch Plan Review v.1 | | | | |
|--|---|------------|------------|------------------------------|
| ITEM REVIEW NAME (DEPARTMENT) | ASSIGNED TO | DUE | COMPLETE | STATUS |
| Building (Building/Inspections) | Jim Lankford | 10/31/2022 | 11/16/2022 | Revise and Resubmit - No TRC |
| <i>Comments</i> | "revise and resubmit" entered by Obass to allow closeout of Review of V2. | | | |
| Environmental Health Review (Environmental Health) | Jason Shelton | 10/31/2022 | 11/16/2022 | Revise and Resubmit - No TRC |
| <i>Comments</i> | Health has higher review priority. Entered "revise and resubmit" based on comments to allow other reviewers to update review status . | | | |
| Environmental Services Review (Solid Waste) | Clyde Harding | 11/16/2022 | 11/16/2022 | Revise and Resubmit - No TRC |
| <i>Comments</i> | "revise and resubmit" entered by Obass to allow closeout of Review of V2. | | | |
| Fire Review (Fire Marshal) | Michael Townsend | 10/31/2022 | 11/16/2022 | Revise and Resubmit - No TRC |
| <i>Comments</i> | "revise and resubmit" entered by Obass to allow closeout of Review of V2. | | | |
| Planning (Planning/Zoning) | Oliver Bass | 10/31/2022 | 11/16/2022 | Revise and Resubmit - No TRC |
| <i>Comments</i> | <ol style="list-style-type: none"> 1. A triangular portion of Parcel 141335 was added to the main parcel (Parcel #141332). A special use permit for the asphalt plant requires a 30-foot buffer along side and rear of Parcel 141335. This 30-ft buffer between adjacent Parcel 141336 should remain if the SUP is approved. Consider adding as a development condition. 2. The proposed use provided in application should be as listed in the UDO Permitted Use Table (Construction and Demolition Landfill, Major, and Recycling Facility). 3. Indicate boundary of Type D (5') Planting Yard. 4. Add development conditions approved under current Conditional Zoning Cases 30-01 and 22-10-PLBD-00023 as development conditions for the proposed SUP. Proposed development conditions include: 1) No access to Concord Church Road except for emergency purposes; and 2)Height of the facility shall not exceed 185 feet. 5. If the SUP is approved, a formal major site plan must be submitted and approved. Site plan must illustrate compliance with approved conditions and the UDO, including the associated development standards under Section 5.15.A. Add conditions to site plans. 6. Appropriate staff must determine that sketch site plan is sufficient for Planning Board review with the SUP | | | |
| Watershed Review (Watershed) | Brent Gatlin | 12/09/2022 | 11/16/2022 | Revise and Resubmit - No TRC |
| <i>Comments</i> | | | | |

SUBMITTAL SUMMARY REPORT (22-10-PLBD-00025)

11/1/22 Watershed Comments on SUP and exhibits for 11/1/22 TRC Meeting (Revise & Resubmit):

Exhibit F1 Overall Facility Plan:

1. Revise Site Plan Note 6 to: "Water Supply Watershed: Lower Randleman Lake WS-IV, General Watershed Area (GWA). Development restrictions may apply."
2. Add 50' Riparian Buffer Detail to plan.
3. Show and label both 30' Zone 1 and 20' Zone 2 of the 50' Riparian Buffer at streams.
4. Clarify info for the device labeled as "Permitted Stormwater Basin" which appears to be a Sediment Basin for erosion control purposes based on record 2003 Site Plan. This device was not permitted by Guilford County as a permanent Stormwater Control Measure. Recommend revising label to "Sediment Basin".
5. Provide approval documentation (approved plan & permit/letter) related to the referenced "NC Stormwater Permit NCG020458".
6. There is a potential wetland in the Proposed CDLF Expansion area according to 2003 Site Plan Application plan set titled "A-1 Sandrock C & D Landfill Phase 1 Through 4" signed/sealed 1/28/2003 by David Garrett, PE, Engineering & Geology and stamped approved by Guilford County 7/29/2003.
 - a. Show jurisdictional wetland or provide USACE determination / documentation stating otherwise.
7. Add the "Drainageway and Open Space" area recorded at floodplain with plat PB 149 PG 093.
8. It appears retaining walls are proposed on eastern / northeastern side of landfill in close proximity to stream and stream buffer. Label these features.
 - a. [Advisory Comment]: Detailed plans with proposed grades and limits of disturbance with be required with Site Plan submission. Must clearly demonstrate how impacts to buffers and streams will be avoided with wall construction, or appropriate permits obtained for impacts prior to Site Plan approval.
9. [Advisory Comment]: 401 & 404 Permitting maybe required from NCDEQ & USACE pending impacts to streams, wetlands or other water bodies of the US. Permits required prior to Site Plan and grading permit approval.
10. [Advisory Comment]: A Watershed Development Plan (WDP) will be required for review with Site Plan submission to the County. The CDLF site will be low-density and the Transfer Station site will be high-density based on reported BUA info. Stormwater Control Measure will be required at Transfer Station site to treat stormwater runoff from all BUA. General WDP Checklist attached.
11. [Advisory Comment]: No fill is allowed in the 100-year Floodplain per Guilford County UDO Section 9.3.P.1.p.
12. [Advisory Comment]: Floodplain Development Permit is required from Guilford County prior to any development or land disturbance within the 100-year Floodplain.
 - a. The Existing Sediment Basin on west side of site is in close proximity to the 100-year Floodplain. If Sediment Basin requires modifications or maintenance with work extending into 100-year Floodplain, then the Owner must obtain a Floodplain Development Permit prior to work.
13. [Advisory Comment]: Buffer Authorization from Guilford County will be required prior to Site Plan approval, if needed pending proposed impacts / extents of work.

Exhibit F2 Transfer Station Plan:

14. [Advisory Comment]: Below are to be addressed with Site Plan & Watershed Development Plan submission for the Transfer Station.
 - a. Add "SCM Maintenance & Access Easement" from ROW to and around the permanent Stormwater Control Measure.
 - b. Add Drainage along storm piping discharging ROW runoff through the site from Bishop Rd to the south.
 - c. See Comments 1 to 3.
15. [Advisory Comment]: Easements to be recorded after Site Plan approval and prior to TCO.
16. See [Advisory Comments] 9 to 13 which also apply to the Transfer Station.

REVIEW SESSION FILES: 1-App -00025 Exh E-Property Description.pdf
 1-App -00025.pdf
 A-1 Master Drawing MSE 2020 exhibit F1 (1)-C.pdf

| REVIEWER | MARKUP | DATE/TIME | FILE NAME | PG # |
|----------------|---|--------------------|--|------|
| OBass | Add development conditions listed in the CZ application here. | 10/31/2022 6:53 pm | 1-App -00025.pdf | 3 |
| OBass | List proposed use as presented in UDO Use Table: Construction or Demolition Debris Landfill, Major | 10/31/2022 6:56 pm | 1-App -00025.pdf | 1 |
| K Brent Gatlin | Approximate Location of Delineated Wetlands shown on 2003 Site Plan. Applicant to verify status of wetlands. USACE determination and permit maybe required. | 10/31/2022 9:01 pm | A-1 Master Drawing MSE 2020 exhibit F1 (1)-C.pdf | |

Sketch Plan Review v.2

| ITEM REVIEW NAME (DEPARTMENT) | ASSIGNED TO | DUE | COMPLETE | STATUS |
|---|------------------|------------|----------|-----------|
| Building (Building/Inspections) | Jim Lankford | 11/16/2022 | | In Review |
| Environmental Services Review (Solid Waste) | Clyde Harding | 11/16/2022 | | In Review |
| Fire Review (Fire Marshal) | Michael Townsend | 11/16/2022 | | In Review |

SUBMITTAL SUMMARY REPORT (22-10-PLBD-00025)

| | | | |
|------------------------------|--------------|------------|-----------|
| Planning (Planning/Zoning) | Oliver Bass | 11/16/2022 | In Review |
| Watershed Review (Watershed) | Brent Gatlin | 12/09/2022 | In Review |

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GUILFORD COUNTY
PLANNING AND DEVELOPMENT DEPARTMENT

June 14, 2001

Ronald Eugene Petty
2142 Bishop Road
Greensboro, NC 27406

Dave Southard
Evans Engineering
P.O. Box 10285
Greensboro, NC 27407

Charles L. White
221 Commerce Place
Greensboro, NC 27401

RE: CASE #31-01-SP

Gentlemen:

Following a public hearing on June 13, 2001 and after carefully considering all the evidence presented regarding the application for a Special Use Permit for a Major Land Clearing and Inert Debris (LCID) Landfill, a Major Construction and Demolition Debris (C&D) Landfill, and Sandrock Mining Operation, the Guilford County Planning Board found from the credible evidence that the Special Use Permit should be approved for the following property:

Located on the south side of Bishop Road (SR 1116) approximately 800 feet west of Viewmont Road (SR 1125) in Sumner Township. Being Guilford County Tax Map 3-185, Block 739-W, Parcel 7, approximately 70.2 acres. Lower Randleman Lake Watershed.

The approval of the Special Use Permit is subject to the following conditions:

1. The height of landfill not to exceed 150 feet above existing grade.
2. Access from Concord Church Road limited to police/fire/EMT/ambulance vehicles only.
3. The Newman Log Cabin shall be buffered or protected from landfill operations.
4. A site access study must be completed prior to final site plan approval with recommendations from the study incorporated into the site plan.

This decision is final unless it is appealed in writing to the Clerk to the Board of County Commissioners within fifteen (15) days of the June 13, 2001 Planning Board public hearing. If appealed, you will be notified by the Clerk to the Board of County Commissioners of the place, date, and time of the public hearing.

Very truly yours,

Mark E. Kirstner, Secretary
Guilford County Planning Board

/1

cc: Effie Varitimidis, Clerk to Board of County Commissioners
Post Office Box 3427 • Greensboro, North Carolina 27402
Telephone: (336) 373-3334



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT
PLANNING BOARD**

September 13, 2019

Ronald Eugene Sr & Betty B Petty
3011 County Clare Rd
Greensboro, NC 27409

Thomas Terrell
300 N Greene St
Greensboro, NC 27401

SPECIAL USE PERMIT CASE #18-08-GCPL-04985

Following a public hearing on September 12, 2018 and after carefully considering all the evidence presented regarding the application for a Special Use Permit for the property located on the south side of Bishop Road, at its intersection with Viewmont Drive in Sumner Township, being Guilford County Tax Parcel #0141438 & #0141332, approximately 71.16 Acres, the Guilford County Planning Board found from the credible evidence that the Special Use Permit to amend the height of an existing Landfill should be approved and subject to the following conditions:

Development Conditions:

1. The height of the landfill shall not exceed 185 feet above existing grade.

This decision is final unless it is appealed by 5:00 pm on September 27, 2018. If appealed, you will be notified by the Clerk to the Board of County Commissioners of the place, date, and time of the public hearing.

Very truly yours,

Leslie P. Eger, Secretary
Guilford County Planning Board