

**CASE #10-07-GCPL-02667-HI-SP
SPECIAL USE PERMIT FOR MINING/QUARRYING**

Nature of the Request

This is a Special Use Permit request with the following use condition:

1. MMM will develop the Property in accordance with the Site Plan attached hereto and incorporated herein, subject to the possible relocation of the crushing plant or part of the crushing plant onto the Property as the pit develops.
2. MMM will obtain and maintain a North Carolina Mining Permit covering the Property and the uses proposed at all times during the operation of the quarry on the Property and the reclamation of the site. Once the Mining Permit is issued by the State, MMM shall be allowed to commence site work and berm construction. A copy of that Mining Permit will be provided to the County Manager once it is issued by the State of North Carolina.
3. Applicant will obtain the appropriate permissions from NC DOT to construct and relocate Riverdale Drive to the new location shown on the Site Plan and on the aerial photograph attached. Relocation and construction shall be at the sole expense of Applicant, and shall be completed, accepted by NC DOT and opened to traffic prior to the commencement of actual mining (removal of rock) on the Property.
4. After construction of relocated Riverdale Drive, Applicant will follow County and State procedures to close the portions of existing Riverdale Drive and Kivett Loop that are in the area to be mined.
5. Prior to the commencement of site work, Applicant will obtain any required storm water permits from the State of North Carolina and will comply with the requirements of said permits.
6. Applicant will fence the perimeter of the quarry pit on the Property with a six (6) foot high fence.

7. All mining, loading and processing activities on the Property will be screened from view from existing adjoining public roads. Earthen berms of a minimum height of 20' and minimum width of 100' shall be constructed in phases and in locations as shown on the attached Site Plan. All berms will be sloped no steeper than 2:1 and will be grassed and landscaped. There shall be a buffer area of at least 25' between the berms and the public road right-of-way; this 25' may include vegetated areas and access roads for maintenance of the berms and erosion control structures.

8. At the conclusion of mining, the Property will be reclaimed in accordance with the requirements on the N.C. Mining Act and the Mining Permit for the Property.

District Description: The CU-HI, district for this property is intended to accommodate mining and quarrying, including related and supporting activity

Property Specifics

Applicant/property owner: Martin Marietta

Property location: West side of Riverdale Drive north of Kivett Drive in Jamestown Township

Legal description: Guilford County Tax Maps, 0161023-24 & 26, 0161033-36, 0161042 & 43, and 0161045-49, ± 49.75 acres. Lower Randleman Watershed.

Character of the Area

Existing Land Use(s) on the Property: Residential and vacant

Surrounding Uses:

North: Vacant Industrial

South: Across Kivett Road, Low Density Residential

East: Across Riverdale Road, Quarry

West: Vacant/ Low Density Residential

Historic Properties: There is a one-inventoried historical property nearby - Castle McCulloch, which is approximately 1000' west of this request. No cemeteries are shown to be on this property but efforts should be made to rule out the potential of unknown gravesites.

Infrastructure and Community Facilities

Emergency Response:

Fire Protection District: Pinecroft-Sedgefield

Miles from Fire Station: Approximately 1.5 miles

Water and Sewer Services:

Provider: Private Septic Systems and Wells

Within Service Area: Yes (High Point)

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: There is no current Average Daily Totals (ADT) available for Old Kivett Loop, a two-lane Local Collector Street. There are traffic counts for two nearby intersections. One is the intersection of Kivett Drive and Riverdale - 2000 trips per day and the second is Kivett Drive and Kersey Valley - 2300 trips per day.

Proposed Improvements: Closure of exiting Riverdale Road and future realignment are proposed and will be paid at the applicant's expense. Additional driveway permits will be approved by NCDOT.

Projected Traffic Generation: It is anticipated that 304 trips will be added per day to nearby roads.

ENVIRONMENTAL ASSESSMENT

Topography: Soil Types include: Enon fine sandy loam, 2 to 6% slopes, (EnB), Enon fine sandy loam, 6 to 10% slopes, (EnC), Enon fine sandy loam, 10 to 15% slopes, (EnD).

Regulated Floodplain/Wetlands: Regulatory (100-yr) floodplain encroaches approximately 50' into the property along the most northern property **line**.

Streams and Watershed: A perennial stream exists along the most northern property line. The submitted site plan also shows a stream beginning on the western half of the combined properties and running along the northwestern property line. The property lies within the Lower Randleman Lake Watershed, both partially in the watershed critical area (Tiers 3 & 4), and the general watershed area.

Land Use Analysis

Land Use Plan: Southern Guilford Area Plan

Plan Recommendation: Agricultural/Industrial

Consistency: The northern portion of this request is consistent the Plan. The southern portion of the request is compatible with the adjacent quarry. To the west, once the Riverdale Road realignment is complete, properties will be further buffered from the proposed quarry reducing impacts.

Considerations

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. The proposed use requires a Special Use Permit under the Development Ordinance;
2. The proposed conditions meet or exceed the development standards and all required conditions and specifications found in the Development Ordinance;
3. That either the use as proposed, or the use as proposed subject to such additional conditions as the owner may propose or the Planning Board may impose, is consistent with the purposes of the District and compatible with surrounding uses;
4. The Special Use Permit shall be granted when each of the following Findings of Fact have been made by the Planning Board:
 - a) That the use will not materially endanger the public health or safety if located where proposed and developed according to the plan submitted;
 - b) That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and
 - c) 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 in general conformity with the plan of development of the Jurisdiction and its environs.

After reviewing the proposed development plan for this proposal, staff offers the following facts for consideration by the Planning Board: This is a request for approval of a Special Use Permit for an expansion of the Martin Marietta Mining facility. The property is located on the west side of Riverdale Drive north of Kivett Drive, and that: 1. The use is represented by an "S" in the column in the permitted use schedule of the Guilford County Development Ordinance, and 2. A site plan for this request was submitted and given conditional approval by the county's Technical Review Committee (TRC) on August 3, 2010. Findings of Fact under Section 3-13.4 are required for the Special Use Permit.

GUILFORD COUNTY PLANNING BOARD
ORDER OF BUSINESS - SPECIAL USE PERMIT REQUESTS

1. Case is called and introduced by Secretary, Planning Board.
2. Chairman swears all those who will speak, including attorneys, as follows (each person with left hand on Bible and raising right hand): Do you promise to tell the truth, the whole truth, and nothing but the truth, so help you God? Reply: I do.
3. Proponent presents his testimony and/or exhibits first, then opposition. **No time limitation for proponent(s)/opponent(s).**
4. Planning Board may ask questions, and parties may ask questions of one another. Planning Board should refrain from expressing opinions on the issue until all evidence is submitted and case is being discussed among Board members.
5. Vote to approve the request must be by majority (five or more votes).
6. The request will be approved or denied, and appropriate findings will be made in accordance with the Development Ordinance.
7. If the Planning Board desires, in appropriate cases the hearing may be continued to a time certain, at which time the Board may render its decision and findings.

**GUILFORD COUNTY PLANNING BOARD
APPROVAL OF SPECIAL USE PERMIT**

After considering the evidence presented in regard to the application for this special use permit, I move that this Board find from the credible evidence that the special use permit should be approved, subject to the site plan and all applicable conditions and in support of this decision, the Board makes the following findings:

1. The proposed use requires a special use permit under the Development Ordinance.
2. The proposed conditions meet or exceed the development standards found in the Development Ordinance.
3. The use as proposed and/or agreed to, and/or as the Planning Board imposed, is consistent with the purposes of the District and compatible with surrounding uses.
4. The use will not materially endanger the public health or safety if located where proposed and developed according to the plan.
5. The use meets all required conditions and specifications.
6. The use will not substantially injure the value of adjoining or abutting property, or the use is a public necessity.
7. 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 this jurisdiction and its environs.

THEREFORE, I move that this request for a special use permit, with all applicable conditions and subject to the site plan and applicable law, be **APPROVED**.

**GUILFORD COUNTY PLANNING BOARD
DENIAL OF SPECIAL USE PERMIT**

After considering the evidence presented in regard to the application for this special use permit, I move that this Board find from the credible evidence that the special use permit should be denied and in support of this decision, the Board makes the following findings, as indicated by an X:

- 1. The proposed use requires a special use permit under the Development Ordinance.
- 2. The proposed conditions do not meet or exceed the development standards found in the Development Ordinance.
- 3. The use as proposed and/or agreed to, and/or as the Planning Board imposed, is not consistent with the purposes of the District and not compatible with surrounding uses.
- 4. The use will materially endanger the public health or safety if located where proposed and developed according to the plan.
- 5. The use does not meet all required conditions and specifications.
- 6. The use will substantially injure the value of adjoining or abutting property, and the use is not a public necessity.
- 7. The location and character of the use, if developed according to the plan submitted, will not be in harmony with the area in which it is to be located and in general conformity with the plan of development of this jurisdiction and its environs.

THEREFORE, I move that this request for a special use permit is **DENIED**.