

# CITY OF HIGH POINT

## AGENDA ITEM



**Title:** Major Amendment to Special Use Permit Case 96-08 (City of High Point)

**From:** Lee Burnette, Planning & Development  
Director

**Meeting Date:** February 16, 2015

**Public Hearing:** Yes

**Advertising Date:** February 4 & 11, 2015

**Advertised By:** Planning & Development

**Attachments:** A. Planning and Zoning Commission Recommendation  
B. Staff Report  
C. Special Use Permit 96-08

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### PURPOSE:

A request by the City of High Point to amend Special Use Permit Case 96-08 to add approximately 8.2 acres. The site is lying at the southwest corner of E. Kivett Drive and Kersey Valley Road.

### BACKGROUND:

Staff report and the Planning & Zoning Commission's recommendation is enclosed.

### BUDGET IMPACT:

There is no budget impact.

### RECOMMENDATION / ACTION REQUESTED:

A. On January 27, 2015, a public hearing was held before the Planning and Zoning Commission regarding-Major Amendment to SUP98-06. The Planning & Zoning Commission recommended *approval* of the amendment to SUP98-06 by a vote of 8-0.

B. Staff recommends *approval* of the amendment to SUP98-06 as outlined in the attached staff report.

## PLANNING AND ZONING COMMISSION RECOMMENDATION

### City of High Point

### Major Amendment to Special Use Permit Case 96-08

At its January 27, 2015 public hearing, the Planning and Zoning Commission reviewed a request to amend Special Use Permit Case 96-08. All members of the Commission were present. Mr. Herbert Shannon, Senior Planner, presented the amendment to SUP96-08 and recommended approval of the request as outlined in the staff report.

Speaking on behalf of Special Use Permit Case 96-08 was Mr. Robby Stone, Assistant Public Services Director for the City of High Point.

No one spoke in opposition of the request.

The Planning & Zoning Commission recommended ***approval*** of the amendment to SUP96-08, as recommend by staff, by a vote of 8-0.

**CITY OF HIGH POINT  
PLANNING AND DEVELOPMENT DEPARTMENT**

**STAFF REPORT  
MAJOR AMENDMENT TO SPECIAL USE PERMIT 96-08  
January 27, 2015**

<b>Request</b>	
<b>Applicant:</b> City of High Point	<b>Owner:</b> City of High Point
<b>Proposal:</b>	A request to amend Special Use Permit 96-08 (SUP96-08) to add approximately 8.2 acres.

<b>Site Information</b>	
<b>Location:</b>	Lying at the southwest corner of Kivett Drive and Kersey Valley Road.
<b>Tax Parcel Numbers:</b>	Guilford County Tax Parcels 0161052, 0161053, 0161078, 0161100, 0161102, 0161103, 0161105, 0161498, 0161505, 0161526 & 0161527.
<b>Site Acreage:</b>	Approximately 8.2 acres
<b>Current Land Use:</b>	Undeveloped
<b>Physical Characteristics:</b>	The site is undeveloped and has no noteworthy features.
<b>Water &amp; Sewer Proximity:</b>	A 16-inch City water line lies adjacent to the site along Kivett Drive and a 12-inch City water line lies adjacent to the site in a 100-foot segment of Kersey Valley Road.
<b>General Drainage and Watershed:</b>	The site drains in a southeasterly direction toward Kersey Valley Road and development is subject to the Randleman Lake General Watershed Area requirements. Engineered stormwater measures are required for multifamily and non-residential development with an impervious surface area that exceeds 50% or more of the site and for single family developments with a gross density of one-dwelling unit per acre or more.
<b>Overlay Districts</b>	Randleman Lake General Watershed Area (GWA)

<b>Adjacent Property Zoning and Current Land Use</b>			
<b>North:</b>	<b>RS-9</b>	Residential Single Family-9 District ( <i>City of High Point Extraterritorial Area</i> )	Single family dwellings
	<b>RS-40</b>	Residential Single Family-40 District	
<b>South:</b>	<b>AG</b>	Agricultural District	Municipal landfill
<b>East:</b>	<b>AG</b>	Agricultural District	Municipal landfill ( <i>across Kersey Valley Rd</i> )
<b>West:</b>	<b>AG</b>	Agricultural District	Municipal landfill

<b>Relevant Land Use Policies and Related Zoning History</b>	
<b>Land Use Plan Map Classification:</b>	The site has a Heavy Industrial land use designation. This classification includes the whole range of assembling, fabricating, and heavy manufacturing activities, some of which have significant environmental

	impacts or nuisance effects, as well as certain intense and large-scale, open land uses like wastewater treatment plants, landfills and quarries.
<b>Land Use Plan Goals, Objectives &amp; Policies:</b>	The following goal of the Land Use Plan are relevant to this request: Goal #5: Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources of the city and its planning area.
<b>Relevant Area Plan:</b>	Not applicable
<b>Community Growth Vision Statement</b>	This request is not in conflict with the Community Growth Vision Statement.
<b>Zoning History:</b>	<ul style="list-style-type: none"> <li>The Kersey Valley Landfill was first issued a Solid Waste Management Permit on October 28, 1980 and was annexed into the City's corporate limits on December 29, 1980.</li> <li>Additional approvals were granted in 1996 (SUP 96-08) to expand the landfill to the east side of Kersey Valley Road.</li> <li>In 2001, approximately 151 acres to the southeast of the landfill was annexed, granted a CU-AG District zoning and a Special Use Permit to allow a construction and demolition debris landfill.</li> <li>In March 2006, annexation, zoning and an amendment to SUP96-08 were approved to add 22.8 acres, lying at the southeastern corner of Kivett Drive and Kersey Valley Road, to the landfill. This increased the facility's total land area to approximately 142 acres.</li> </ul>

Transportation Information				
Adjacent Streets:	Name		Classification	Approx. Frontage
	Kivett Drive		Major Thoroughfare	530 ft.
	Kersey Valley Road		Local Street	975 ft.
Vehicular Access:	To be accessed from Kersey Valley Road			
Traffic Counts: (Average Daily Trips)	Kivett Drive		4,000 AADT	(NCDOT 2013 count)
	Kersey Valley Road		1,200 AADT	(NCDOT 2013 count)
Estimated Trip Generation:	No Information			
Traffic Impact Analysis:	Required		Comment	
	<u>Yes</u>	<u>No</u> X	None	
Pedestrian Access:	Development of the site is subject to the sidewalk requirements of the Development Ordinance.			

School District Information
Not applicable to this case.

Details of Proposal
The applicant is requesting an amendment to the existing Special Use Permit for a "Non-hazardous solid waste disposal facility" (municipal landfill) in order to add 8.2 acres to this facility. The site has a Heavy Industrial Land Use Plan designation and abuts the existing

landfill to the west, east and south. The land area associated with this request is currently undeveloped, but historically consisted of residential dwellings and a commercial use. The City has been purchasing properties along this segment of Kersey Valley Road, as they become available, for expansion of the landfill.

This proposed expansion would not be used for active waste disposal at this time, but would serve as an area to conduct accessory activities associated with the landfill. The Public Services Department has stated the most immediate use of this area will be for the stockpiling of topsoil. The proposed expansion would square up this portion of the property, will provide for more efficient use of the land and assist in extending the lifespan of the landfill. Previously adopted conditions in SUP 96-08 will remain in effect. The only change to the special use permit will be the inclusion of a description of this 8.2-acre area and a statement on the plan that it will be used to conduct accessory activities associated with the landfill.

### Findings

A special use is an additional use to those permitted by right in a zoning district. Such a use requires analysis for its potential impact on the proposed site and its impact on surrounding properties. The purpose of the Special Use Permit process is to allow the Planning and Zoning Commission and City Council an opportunity to perform this analysis.

Section 9-3-14 of the Development Ordinance requires that certain findings be made before a Special Use Permit may be approved. Based on the applicant's submittal and proposed conditions, as they existed on the date of this report, the Planning and Development Department offers the following comments relative to these required findings.

#### **That the use will not materially endanger the public health or safety if located where proposed; staff finds**

<b>Compliance</b>	<ul style="list-style-type: none"><li>❖ Staff has not identified any evidence that the requested expansion of SUP96-08 to add 8.2 acres will materially endanger the public health or safety. This site is adjacent to the existing landfill.</li><li>❖ Existing conditions pertaining to location and number of access points to Kivett Drive will remain as previously adopted.</li></ul>
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#### **That the use meets all required standards, conditions and specifications of the Development Ordinance, and any additional restrictions imposed pursuant to Section 9-3-14(d) *Greater Restrictions*; staff finds**

<b>Compliance</b>	<ul style="list-style-type: none"><li>❖ The proposed request meets or exceeds all ordinance requirements. All existing conditions of the Special Use Permit will apply to the proposed expansion.</li></ul>
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#### **That the use will not substantially injure the value of adjoining or abutting property, or that it is a public necessity; staff finds**

<b>Compliance</b>	<ul style="list-style-type: none"><li>❖ This proposal is not the initial introduction of this type of use in this area. Landfill activities were first introduced in this general area in the 1980's and subsequently expanded in 1996, 2001 and 2006.</li><li>❖ There is one single family dwelling adjacent to this area of expansion. If approved, the Development Ordinance requires a Type A planting yard be</li></ul>
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	<p>established next to this residential parcel. The Type A yard is the most stringent planting yard established by the Development Ordinance, it requires an average width of 50 feet and installation of 14 trees and 33 shrubs every 100 linear feet.</p> <p>❖ The provision for the safe disposal of solid waste materials is a public necessity. The proposed expansion would square up this portion of the landfill, free up other area of the facility for waste disposal activities and assist in extending the lifespan of this required public facility.</p>
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**That the location and character of the use shall be in harmony with the area in which it is located and in general conformity with the plan of development of the city and its environs; staff finds**

<b>Compliance</b>	<p>❖ The site has a Heavy Industrial land use map designation. Within the purpose and intent description of this land use category it notes that the Heavy Industrial designation is for activities such as wastewater treatment plants, landfills and quarries. Thus, the request is consistent with the land use plan.</p> <p>❖ The site abuts the city's corporate boundary on three sides and will allow for more efficient use of property within the City's planning area. This is in keeping with Goal #5 of the land use plan to "<i>Promote an urban growth pattern that occurs in an orderly fashion and conserves the land resources....</i>"</p>
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### **Recommendation**

#### **Staff recommends approval**

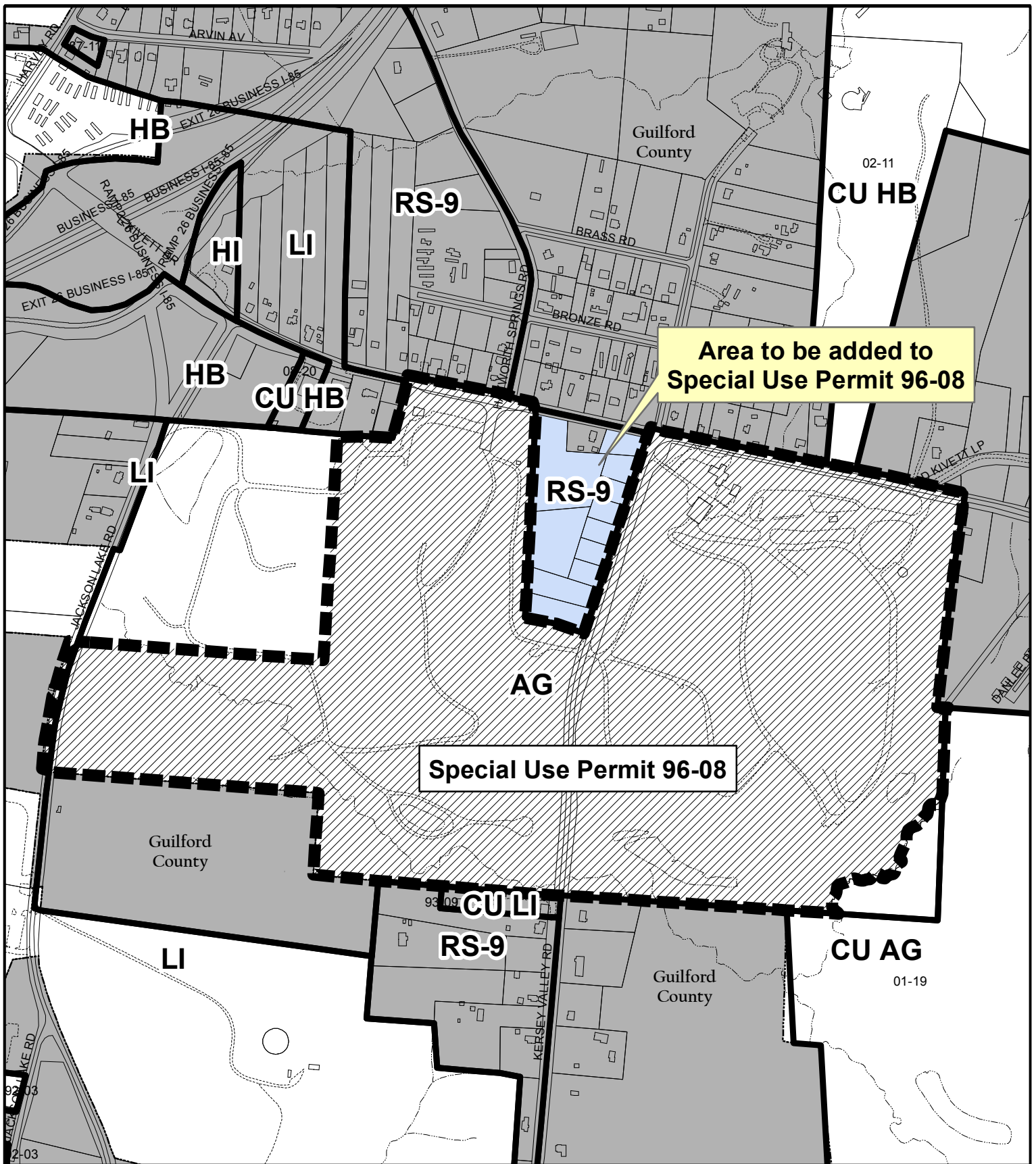
Based upon the conditions in the attached Special Use Permit and the preliminary findings of facts, staff finds that the request is generally consistent with the surrounding zoning and development in this area, and in compliance with the goals and objectives of the Land Use Plan.

Staff recommends approval to:

1. Amend Special Use Permit 96-08 to add approximately 8.2 acres; and
2. Amend the Special Use Permit site plan to depict the inclusion of this 8.2-acre area.

### **Report Preparation**

This report was prepared by Planning and Development Department staff member Herbert Shannon Jr. AICP, Senior Planner, and reviewed by Robert Robbins AICP, Development Services Administrator and Lee Burnette AICP, Director.



# **AMENDMENT TO SUP96-08**

(January 2015)

**Request:** To amend Special Use Permit 96-08 by adding approximately 8.2 acres.

**Existing Zoning Boundary**

**Subject Property Boundary**



**Planning & Development  
Department**

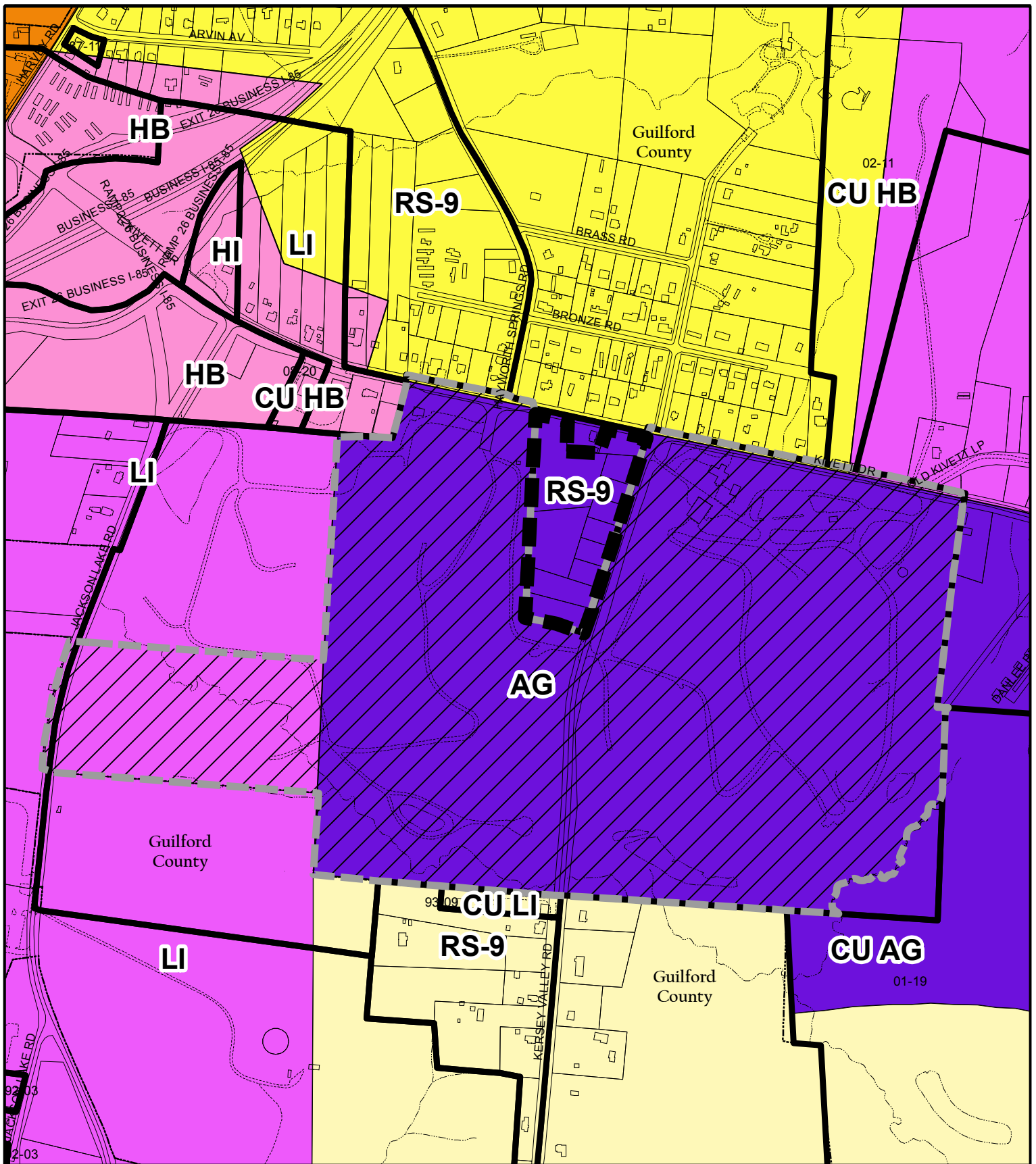
**City of High Point**

**Date: January 9, 2015**



**Scale: 1"=600'**

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2015/pz/Asup96-08.mxd



# AMENDMENT TO SUP96-08

## Land Use Plan

 Rural Development	 Local/Convenience Commercial
 Low-Density Residential	 Light Industrial
 Moderate-Density Residential	 Heavy Industrial

Planning & Development  
Department

City of High Point

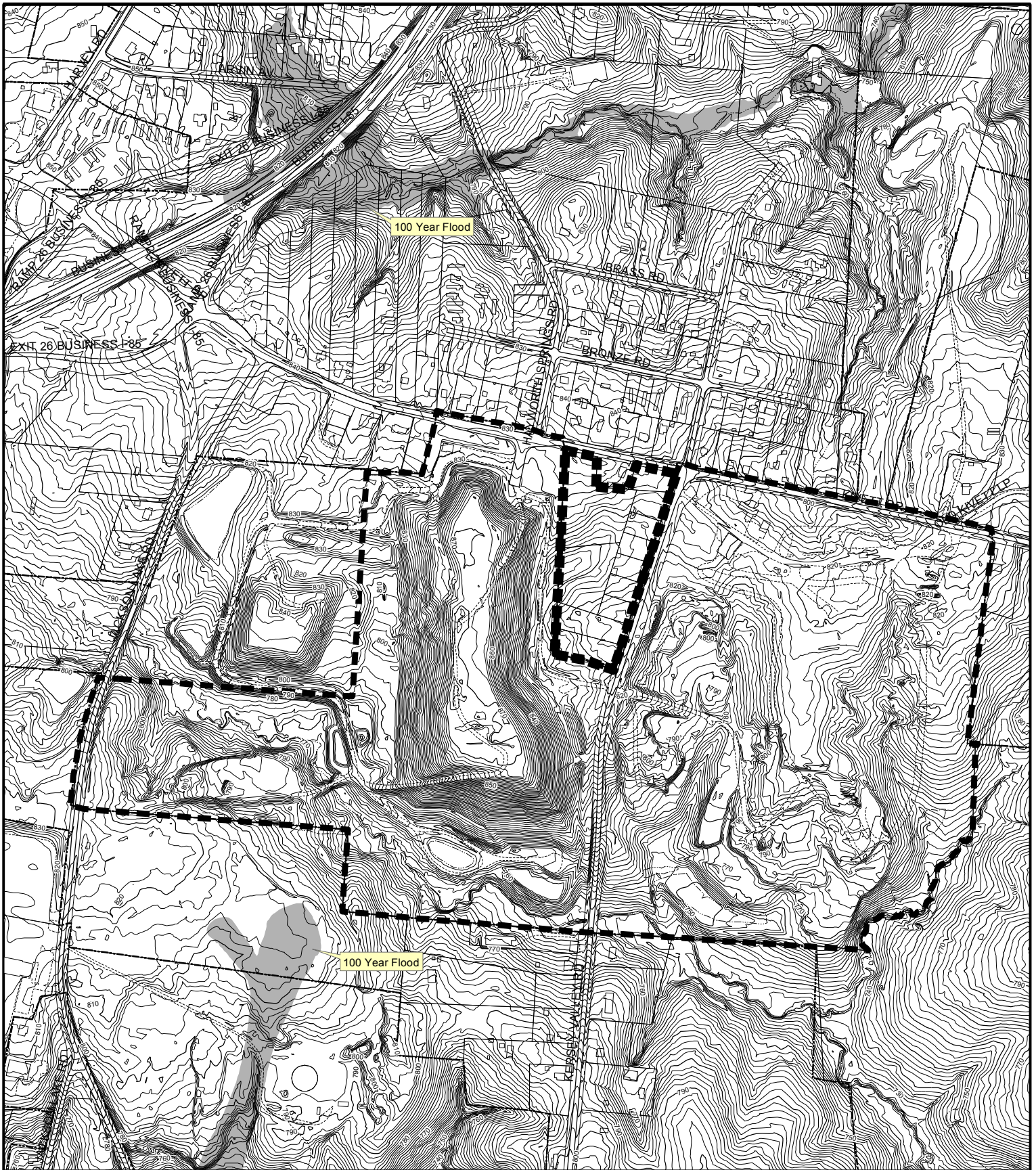
Date: January 23, 2015



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# AMENDMENT TO SUP96-08

## Topography

Subject Property Boundary - - - - -

Planning & Development  
Department

City of High Point

Date: January 16, 2015



Scale: 1"=600'

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**AMENDMENT TO SUP96-08**





**SPECIAL USE PERMIT 96-08**  
**CITY OF HIGH POINT, NORTH CAROLINA**

October 4, 1996.  
(Adopted)

**March 23, 2006**  
**(Major Amendment Adopted)**

**(Major Amendment)**

THE CITY OF HIGH POINT CITY COUNCIL, PURSUANT TO SECTION 9-3-14, SPECIAL USE PERMITS, OF THE CITY OF HIGH POINT DEVELOPMENT ORDINANCE, APPROVED A SPECIAL USE PERMIT AND SITE PLAN FOR THE FOLLOWING USE, SUBJECT TO THE FOLLOWING CONDITION(S):

Use: Nonhazardous solid waste facility (municipal landfill) on an approximately 141.7 **149.9** acre site in an Agricultural (AG) District.

Conditions:

1. The special use shall be subject to the provisions and requirements of the “Hydrogeology and Preliminary Design Report for the Kersey Valley Landfill – Phase 2, High Point, North Carolina : (prepared by G.N. Richardson & Associates, March 1996), and the “Design Report for the Kersey Valley Landfill – Phase 2, High Point, North Carolina” (also prepared by G.N. Richardson & Associates, March 1996) which constitute the operational plan for the facility. These standards are in accordance with several state criteria RCRA Subtitle D, 40 CFR 258 and North Carolina DEHNR Solid Management Rules 15A NCAC 13B as amended through March 2006.
2. That the landscape plan be amended to depict the western portion of the special use site, and that the plan note a requirement that existing vegetation be preserved and maintained within 50 feet of Jackson Lake Road.
3. That the City Department of Transportation will study the traffic movements on the roadways abutting the special use site to determine the need for turn lane(s) or other transportation improvements, and reports its finding with recommendations back to the City Council.
4. Access: One (1) point of access shall be allowed to E. Kivett Drive east of Kersey Valley Road. Old Kivett Loop shall be closed to public access, subject to the approval of a street closing request.
5. Turn Lanes: A right turn lane shall be installed at the access point on Kivett Drive.

6. Right of way dedication: The property owner shall dedicate a minimum of fifty (50) feet of right-of-way along the Kivett Drive frontage of the zoning site as measured from the existing centerline.
7. The City of High Point Director of Transportation and the North Carolina Department of Transportation (NCDOT) shall approve all construction and improvements.

DESCRIPTION OF PROPERTY: The property consists of approximately ~~141.7~~ **149.9** acres located on the east and west sides of Kersey Valley Road, and the east side of Jackson Lake Road, south of Kivett Drive, and is known as Guilford County Tax parcel(s) 0202910, 0202911, **0161052, 0161053, 0161078, 0161100, 0161102, 0161103, 0161105, 0161498, 0161505, 0161526 & 0161527.** The property has a municipal address of 3748 East Kivett Drive, High Point, North Carolina.

This Special Use Permit and approved site plan are perpetually binding upon the above-described property, unless subsequently amended as provided in the Development Ordinance or until a use otherwise permitted in the zoning district is established.

This Special Use Permit shall become void after eighteen (18) months from the date of City Council approval unless the Special Use authorized has begun. If the Special Use authorized is discontinued for a period exceeding eighteen (18) months or replaced by a use otherwise permitted in the zoning district, then the Special Use shall be deemed abandoned and this Special Use Permit shall be null and void and of no effect. If for any reason any condition imposed this Special Use Permit is found to be illegal or invalid, then this Special Use Permit shall be null and void and of no effect.

The issuance of this Special Use Permit authorizes the filing of an application for a building permit, site plan, subdivision or other development approval as required by the Development Ordinance.

SPECIAL USE PERMIT 96-08 AND THE ACCOMPANYING SITE PLAN WERE APPROVED BY THE CITY COUNCIL OF HIGH POINT, NORTH CAROLINA ON THE 16<sup>TH</sup> DAY OF FEBRYARY, 2015.

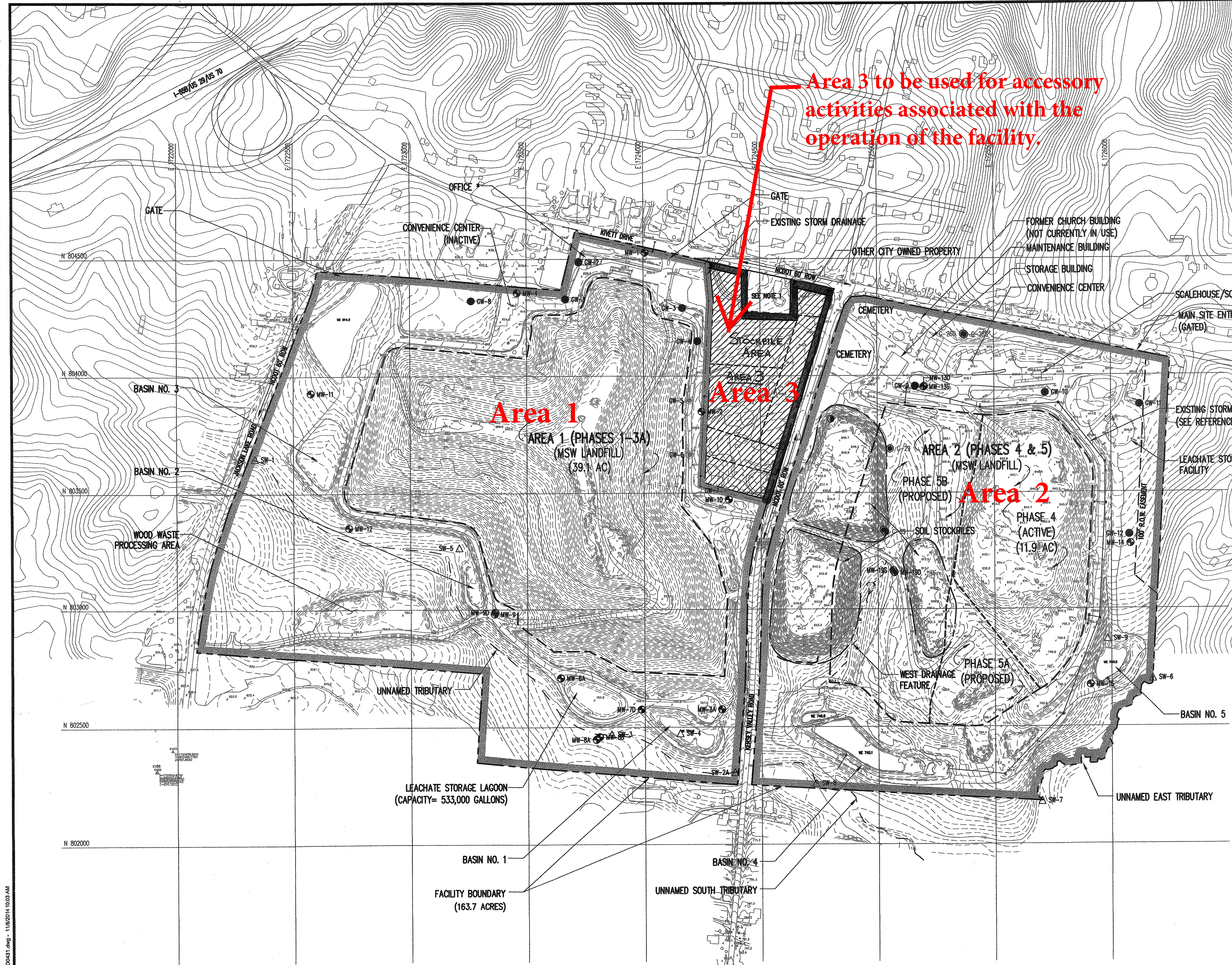
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Lisa B. Vierling  
City Clerk

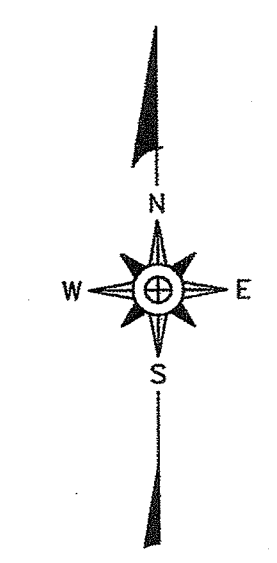
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Date





Area 3 to be used for accessory activities associated with the operation of the facility.



PREPARED FOR:

CITY OF HIGH POINT  
DEPARTMENT OF  
PUBLIC SERVICES  
HIGH POINT, NC

PREPARED BY:

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SEAL

PETER K. SCHAEFER  
11/1/14

SEAL

REV.	DATE	DESCRIPTION

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PROJECT TITLE:  
**KERSEY VALLEY MSW LANDFILL  
PHASES 5A & 5B  
AREA 1 PARTIAL CLOSURE  
CONSTRUCTION DRAWINGS**

DRAWING TITLE:  
**EXISTING  
CONDITIONS**

DESIGNED:	PROJECT NO:
P.K.S.	HP-POINT-13-5
DRAWN:	SCALE:
K.C.B.	AS SHOWN
APPROVED:	DATE:
PKS	NOV 2014
FILENAME:	HP-D0431
SHEET NUMBER:	DRAWING NUMBER:
2	S1

**FOR BIDDING**  
**NOT FOR CONSTRUCTION**

0 200' 400' 600'

**SAFETY NOTE:**  
Contractor shall be solely responsible for initiating, maintaining and supervising all safety precautions and programs in connection with the Work. Contractor shall comply with all applicable Laws and Regulations relating to the safety of persons or property, or to the protection of persons or property from damage, injury, or loss; and shall erect and maintain all necessary safeguards for such safety and protection.