

BK: R 8106

PG: 317-321

RECORDED:

11-21-2018

01:38:12 PM

BY: CANDICE M. STATON
DEPUTY-GB



2018081038

GUILFORD COUNTY, NC

JEFF L. THIGPEN
REGISTER OF DEEDS

NC FEE \$26.00

PICK UP PLAN & DEV FOLDER



**GUILFORD COUNTY
PLANNING AND DEVELOPMENT**
400 W. Market St.
P. O. Box 3427
Greensboro, NC 27402
(336) 641-3334

SPECIAL USE PERMIT

On September 12, 2018 the Guilford County Planning Board met and held a quasi-judicial hearing to consider the following application:

Case Number: 18-08-GCPL-04985
Applicant: Betty B. & Ronald Eugene Sr. Petty
Tax Parcel Number(s): 0141438 & 0141332
Request: Amend an existing Special Use Permit on an existing Landfill to allow the original height of 150 feet to be raised to 185 feet.
Zoning District: CU-HI-SP
Intent: The HI, Heavy Industrial District, is primarily intended to accommodate a wide range of assembling, fabricating and manufacturing activities. The district is established for the purpose of providing appropriate locations and development regulations for uses which may have significant environmental impacts or require special

measures to ensure compatibility with adjoining properties.

Property Location: Located on the south side of Bishop Road, just at its intersection with Viewmont Drive in Sumner Township.

Surrounding Uses: North: Vacant and Industrial
South: Industrial
East: Vacant and Industrial
West: Industrial

The application was submitted to Guilford County Planning and Development on **August 1, 2018** and appeared before the Guilford County Planning Board on **September 12, 2018**.

The applicant is proposing to amend an existing **Special Use Permit** of an existing Landfill on approximately 71.26 Acres from the original height of **150 feet to 185 feet** at the above-referenced location. The Guilford County Future Land Use Plan designates the subject parcel as **Heavy Industrial & Light Industrial**. The proposed use is only permissible in the **HI Zoning District** with a Special Use Permit approval by the Guilford County Planning Board.

SECTION 1 – FINDINGS: Having heard all the evidence and arguments presented at its regular meeting on **September 12, 2018**, the **Planning Board** determines that subject to the conditions imposed below, the following findings are made:

1. A written application was submitted and is complete in all respects.
2. That the use **will/will not** materially endanger the public health or safety if located where proposed and developed according to the plan submitted. This conclusion is based on sworn testimony and evidence submitted during the quasi-judicial hearing which shows the following:
 - a. **There was a previous Special Use Permit issued in 2001 for this use on this site;**
 - b. **There is an existing Landfill and there is no evidence that increasing the height will have any additional impact on public health.**
3. The use, **to raise the height of landfill to 185 feet from 150 feet of the**, 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 sworn testimony and evidence submitted during the quasi-judicial hearing which shows the following:
 - a. **The updated Major LCID, Major Construction and Demolition Debris Landfill, and Sandrock Mining Operation are represented by an "S" in the Guilford County Development Ordinance table of permitted uses;**

- b. The site plan provides the general location and how the use will be arranged on the property;
 - c. The formal site plan approval process will be followed if the Special Use Permit is approved;
 - d. This finding was addressed In the existing Special Use Permit issued for the use on this site.
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 sworn testimony and evidence submitted during the quasi-judicial hearing which shows the following:
 - a. Sanitary landfills are allowed in HI (Heavy Industrial) subject to receipt of a Special Use Permit;
 - b. The area has a number of neighboring HI zoned properties;
 - c. This finding was addressed In the existing Special Use Permit issued for the use on this site.
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 sworn testimony and evidence submitted during the quasi-judicial hearing which shows the following:
 - a. The Market Impact Study states that there is no negative impact on the property from the increase in the height.

SECTION 2 – CONDITIONS: Now, therefore, the application to make use of the above described property for the purpose indicated is hereby **approved and granted**, subject to all applicable provisions of the Guilford County Development Ordinance, this permit, and the following special conditions which the Planning Board finds to be in the public interest.

1. The development of the parcel shall comply with all regulations as specified in the Guilford County Development Ordinance (GCDO).
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. 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 their approval can the use be again permitted.

SECTION 3 – VESTED RIGHTS: Approval of this permit confers upon the right to develop with the type and intensity of use as herein described and as shown on the approved site plan. Vested rights are hereby established pursuant to Section 3-16 of the Guilford County Development Ordinance.

SECTION 4 – SEVERABILITY AND RECORDATION: Invalidation of any one or more of these conditions shall not adversely affect the balance of said conditions, which shall remain in full force and effect.

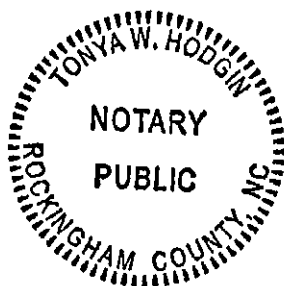


Frankie Jones, Chairperson
Guilford County Planning Board

STATE OF NORTH CAROLINA
COUNTY OF GUILFORD

I, the undersigned, Notary Public for said State and County certify that Frankie Jones, personally came before me this day and acknowledged Frankie Jones as the Chairperson of the Guilford County Planning Board, a political subdivision of the State of North Carolina and Chair of the Guilford County Planning Board and that by authority duly given and as the act of the County, the foregoing instrument was signed in its name by him as its Chairperson of the Guilford County Planning Board.

WITNESS my hand and notarial seal this 14th day of November, 2018.



(Official Seal)

Tonya W. Hodgins

Tonya W. Hodgins, Notary Public

My Commission Expires: 9-21-19

