

BRIEFING  
DRAFT

Item # **2**

November 14, 2016

ZONING MAP AMENDMENT

F-1563

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** November 14, 2016      **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A.      Public Hearing on Special Use District - No Site Plan Petition of 4S Properties, LLC from HB-S and RS30-S to HB-L (Car Wash; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Outdoor Display Retail; Parking, Commercial; Recreational Vehicle Park; and Retail Store): Property is Located East of University Parkway, Across from Sunset Drive (Zoning Docket F-1563)
  
- B.      Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina
  
- C.      Approval of Special Use District - No Site Plan Permit

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

See attached staff report.

After consideration, the Planning Board recommended approval of the special use district - no site plan request.

**ATTACHMENTS:-**      X   YES            \_\_\_ NO

**SIGNATURE:** \_\_\_\_\_                              **DATE:** \_\_\_\_\_  
County Manager

COUNTY ORDINANCE -  
SPECIAL USE DISTRICT - NO SITE PLAN

Zoning Petition of 4S Properties, LLC, Docket F-1563

AN ORDINANCE AMENDING THE  
FORSYTH COUNTY ZONING ORDINANCE  
AND THE OFFICIAL ZONING MAP OF  
FORSYTH COUNTY, N.C.

---

BE IT ORDAINED by the Board of Commissioners of Forsyth County as follows:

Section 1. The Forsyth County Zoning Ordinance and the Official Zoning Map of the County of Forsyth, N.C. are hereby amended by changing from HB-S and RS30-S to HB-L (Car Wash; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Outdoor Display Retail; Parking, Commercial; Recreational Vehicle Park; and Retail Store) the zoning classification of the following described property:

Beginning at a Point, said point being the northwest corner of PIN 6829-29-4136; running thence with the north line of said PIN, S89° 17' 15"E 1326.70 feet to a planted stone, the northeast corner of said PIN; thence, with the east line of said PIN S 00° 51' 25"W 666.86 feet to a point in the east line, said point lying distant N 00° 51' 25"E 35.54 feet from an iron stake at the southernmost corner of the property of Mary Thacker Carter and Gartie H. Carter as is described in Deed Book 996 Page 97; thence following six (6) new lines, namely: S 45° 03' 58"W 155.02 feet; thence, S 45° 24' 49"W 84.32 feet; thence, S 40° 59' 55"W 252.52 feet; thence, S 70° 30' 37"W 81.55 feet; thence, S 45° 11' 08"W 136.40 feet; thence, S 85° 30' 29"W 232.66 feet to a point in the west line of said PIN; thence, with said PIN, N 04° 21' 26"W 235.42 feet to an iron stake, the northeast corner of the Luis Hernandez property as is described in Deed Book 2554 Page 3235; thence with the north line of said Hernandez, S 85° 44' 19"W 576.55 feet to an iron stake, the westernmost corner of said PIN; thence, with the west line of said PIN N 00° 59' 48"E 992.36 feet to the Place of Beginning, and containing 30.08 acres, more or less, from the property of 4S Properties, LLC, as recorded in Deed Book 2843 Page 2901, and being a portion of Forsyth County Tax PIN 6829-29-4136, a portion of the G.T. Baker Place, as is shown on a plat recorded in Plat Book 10 Page 166 of the Forsyth County Register of Deeds Office, also known as portions of Lot 029 of Forsyth County Tax Block 4944.

The above-referenced courses and distances are from a survey by Regional Land Surveyors dated July 2008 and referenced to NCGS Grid North, NAD83 (NSRS2007).

Section 2. This Ordinance is adopted after approval of the Special Use District - No Site Plan Permit issued by the Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to 4S Properties, LLC.

Section 3. The Board of Commissioners hereby directs the issuance of a Special Use District - No Site Plan Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be located on they property described in Section One above. Said Special Use District - No Site Plan Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.



October 26, 2016

4S Properties, LLC  
6725 University Parkway  
Rural Hall, NC 27045

Re: Zoning Petition F-1563

Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163  
[www.cityofws.org/planning](http://www.cityofws.org/planning)

Dear Petitioner:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. You will be notified by the Board of Commissioners' Office of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, FAICP  
Director of Planning

pc: Clerk to the Board of Commissioners, Forsyth County Government Center - 5th Floor, 201 N. Chestnut Street, Winston-Salem, NC 27101



City Council: Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Derwin I. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

Forsyth County Commissioners: David R. Plyler, Chairman; Don Martin, Vice Chair; Ted Kaplan; Richard V. Linville; Walter Marshall; Gloria D. Whisenant; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair; Allan Younger, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Tommy Hicks; Clarence R. Lambc, Jr.; Darryl Little; Paul W. Mullican; Brenda J. Smith

COUNTY

SPECIAL USE DISTRICT - NO SITE PLAN PERMIT

Issued by the Board of Commissioners

of Forsyth County, NC

The Board of Commissioners of Forsyth County, NC issues a Special Use District - No Site Plan Permit for the zoning petition of 4S Properties, LLC, (Zoning Docket F-1563). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Car Wash; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Outdoor Display Retail; Parking, Commercial; Recreational Vehicle Park; and Retail Store, approved by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the HB-L zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of twenty-five (25) feet or less and no more than 0.5 foot-candles at the property line.
  - b. Petitioner shall obtain the closure of the platted unopened right-of-way which abuts the western border of the site.
  - c. The only permitted use on the easternmost seven hundred fifty (750) feet of the subject property (as delineated by a Registered Surveyor) shall be Parking, Commercial. This is the area which was previously zoned RS30-S.
  - d. The primary access to the site shall be through PIN 6829-19-3495. The existing access to the site from "No Name Street" shall be for emergency purposes only.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Lighting shall be installed per approved lighting plan and certified by an engineer.
  - b. Any new chain link fencing shall be black vinyl coated similar to the existing fencing.
  - c. Developer shall install a minimum of two hundred (200) linear feet of opaque fence which has a minimum height of six (6) feet in the vicinity of the existing house located on PIN 6829-28-0626.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	F-1563
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	4S Properties, LLC
<b>Owner(s)</b>	Same
<b>Subject Property</b>	Portion of PIN# 6829-29-4136
<b>Address</b>	The site does not currently have an address assignment.
<b>Type of Request</b>	Special use limited no site plan rezoning from HB-S and RS30-S to HB-L
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> HB-S (Highway Business – special use zoning - Recreational Vehicle Park; and Outdoor Display Retail) and RS30-S (Residential, Single Family, 30,000 sf minimum lot size – special use zoning - Recreational Vehicle Park) <b>to</b> HB-L (Highway Business – special use limited no site plan zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Car Wash; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Outdoor Display Retail; Parking, Commercial; Recreational Vehicle Park; and Retail Store</li> </ul> <p><b>NOTE:</b> General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
<b>Neighborhood Contact/Meeting</b>	The application indicates that no neighborhood meeting has been held.
<b>Zoning District Purpose Statement</b>	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs 2, 3 and 4.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<p><b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes, the site is located in GMA 3; it is adjacent to HB-S zoned property; and a portion of the subject property is presently zoned HB-S.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	East of University Parkway, across from Sunset Drive
<b>Jurisdiction</b>	Forsyth County
<b>Site Acreage</b>	±30.08 acres



<b>Current Land Use</b>	The subject property is presently undeveloped. The southwestern portion of the site was previously used as a manufactured housing development.			
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	AG	Undeveloped property	
	East	AG	Undeveloped property and a single family home	
	South	RS20 & RS30-S	Undeveloped property and a single family home	
	West	HB-S	Bill Plemmons RV World	
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	The proposed commercial uses are compatible with the uses permitted on the adjacent HB-S zoned property and less compatible with the uses permitted on the adjacent AG and residentially zoned properties.			
<b>Physical Characteristics</b>	The majority of the site is covered with mature trees. The site has variable topography generally characterized by gentle to steep slopes downward toward the southeast and toward a ravine which traverses the northern portion of the site.			
<b>Proximity to Water and Sewer</b>	The site has no access to public sewer and it is approximately 160' from a public water line.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.			
<b>Analysis of General Site Information</b>	The subject property is undeveloped and heavily wooded. It includes some steep slopes. While public water is nearby, there is no public sewer located within the general vicinity of the site.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>Average Daily Trip Count</b>	<b>Capacity at Level of Service D</b>
University Parkway	Major Thoroughfare	No direct frontage	12,000	19,500
No Name Road	Platted, unopened right-of-way	+/- 30'	NA	NA
<b>Proposed Access Point(s)</b>	See comments below in the Analysis of Site Access and Transportation Information section.			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: RS30-S and HB-S</u> 30.08 acres x 74.38 (Campground/Recreational Vehicle Park Trip Rate) = 2,237 Trips per Day  <u>Proposed Zoning: HB-L</u> Staff is unable to provide an accurate trip generation for the proposed zoning which has no site plan.			



<b>Sidewalks</b>	There are no sidewalks located in the general area.
<b>Analysis of Site Access and Transportation Information</b>	<p>The site is currently accessed through a platted, unopened/unnamed right-of-way that connects to University Parkway. In order to minimize traffic impacts on any nearby residential uses, the petitioner has agreed to a condition that this access would be used for emergency purposes only and that the primary access to the subject property would be through the adjacent Bill Plemmons RV World site which is zoned HB and HB-S.</p> <p>Said recreational dealership is in the same ownership as the subject property. Currently, a second unopened right-of-way divides the subject property from the existing dealership. The petitioner has agreed to a condition that this right-of-way be closed prior to the issuance of any building permits on the subject property.</p>
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 5 - Rural Area
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Encourage the reuse of vacant and underutilized commercial and industrial sites.</li> <li>• Discourage inappropriate commercial encroachment into neighborhoods.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>Rural Hall Area Plan Update (2016)</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The subject property which is located east of the Bill Plemmons RV World site, was once intended to become a recreational vehicle park but plans never developed.</li> <li>• Consider expansion of the existing RV World operation to the east within the boundaries of this Special Land Use Condition Area (SLUCA). If such an expansion were to occur, substantial natural buffers between the development and adjoining residentially-zoned property to the north, east and south would be necessary to prevent negative impacts on the residential character of the surrounding area. Any fencing should be designed and located to minimize impacts on surrounding uses. Additionally, this plan does not recommend the expansion of retail or repair uses into the far eastern portion of the SLUCA, but recognizes that other uses, such as storage of recreational vehicles may be appropriate here if appropriately designed.</li> <li>• Encourage the comprehensive redevelopment of commercial properties in the area to include fewer curb cuts, improved parking areas and buffering of neighboring residential uses.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The subject property is located approximately 400' east of University Parkway which is a growth corridor.

<b>Site Located within Activity Center?</b>	The site is not located within an activity center.
<b>Comments from the Town of Rural Hall</b>	The Town of Rural Hall does not object to the subject request.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>In 2008 the subject property was part of a larger rezoning which represented a major expansion of the Bill Plemmons recreational vehicle dealership which is located directly west of the site. The approved additions (which have not been constructed) included a 30,000 square foot building addition and the creation of a 330 space recreational vehicle park.</p> <p>The subject request would remove the site plan associated with the previous rezoning of this property to allow for greater flexibility in the development of this site. The request does include the addition of some more intense auto-related uses than were included in the approved zoning. However, consistent with the recommendations of the area plan, only the use of Parking, Commercial would be allowed on the eastern portion of the subject property which is currently zoned RS30-S. Also, the primary entrance into the subject property would be from within the existing dealership site and not from the adjacent graveled right-of-way which now serves the site.</p> <p>Due to the specific location of where said existing access connects to the subject property, the installation of the required bufferyard in this area will be constrained. The petitioner will need to apply for a bufferyard variance from the Zoning Board of Adjustment. In order to provide some degree of screening between any future commercial activity and the adjacent single family home, the petitioner has agreed to provide an opaque fence with a minimum height of six (6) feet around the area which is closest to the adjacent single family home. The lighting condition, which was a part of the previously approved zoning, will be carried forward. The Town Manager for the Town of Rural Hall has been contacted and has stated that the Town does not oppose the current request. Planning staff recommends approval.</p>

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1504	HB-S, MH, and RS20 to HB-S and RS30-S	Approved 10-27-08	Included current site	44.06	Approval	Approval
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
The request is consistent with the recommendations of the <i>Rural Hall Area Plan Update</i> .			The site has no access to public sewer.			
Approximately half of the site is currently zoned HB-S.						
The Town of Rural Hall does not object to the subject request.			The request extends commercial zoning deeper into a residentially zoned area.			
Request would allow for the expansion of an existing business.						
The topography along the perimeter of the site provides a natural buffer to the adjacent residentially zoned property.						
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL						
<p>The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.</p> <ul style="list-style-type: none"> <li>• <b><u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u></b> <ol style="list-style-type: none"> <li>a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of twenty-five (25) feet or less and no more than 0.5 foot-candles at the property line.</li> <li>b. Petitioner shall obtain the closure of the platted unopened right-of-way which abuts the western border of the site.</li> <li>c. The only permitted use on the easternmost seven hundred fifty (750) feet of the subject property (as delineated by a Registered Surveyor) shall be Parking, Commercial. This is the area which was previously zoned RS30-S.</li> <li>d. The primary access to the site shall be through PIN 6829-19-3495. The existing access to the site from "No Name Street" shall be for emergency purposes only.</li> </ol> </li> <li>• <b><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></b> <ol style="list-style-type: none"> <li>a. Lighting shall be installed per approved lighting plan and certified by an engineer.</li> <li>b. Any new chain link fencing shall be black vinyl coated similar to the existing fencing.</li> <li>c. Developer shall install a minimum of two hundred (200) linear feet of opaque fence which has a minimum height of six (6) feet in the vicinity of the existing house located on PIN 6829-28-0626.</li> </ol> </li> </ul>						

**STAFF RECOMMENDATION: Approval**

**NOTE:** These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

---

**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR F-1563  
OCTOBER 13, 2016**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

During discussion by the Planning Board, the following points were made:

George Bryan asked if the nearby buildings are residences because he noticed there was no neighborhood meeting. Has there been any contact from neighbors to staff about this request? Aaron King responded that he had not heard from neighbors.

Melynda Dunigan asked about the fence mentioned in the staff report and was it for the house which was closest to the property line? Aaron King stated that it is and the purpose is to have that condition in case the petitioner ever requested a bufferyard variance. Melynda Dunigan then asked if the neighbor had been contacted and if they knew what kind of fence would be required and were they okay with it? Gary Roberts stated that the applicant has stated to staff that they are in agreement. Gary Roberts noted that he had one call but once he had explained the case, he had not heard anything back from him or other residents.

MOTION: Paul Mullican moved approval of the zoning petition.

SECOND: Allan Younger

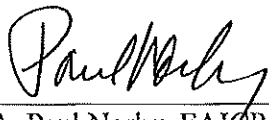
VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Darryl Little, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

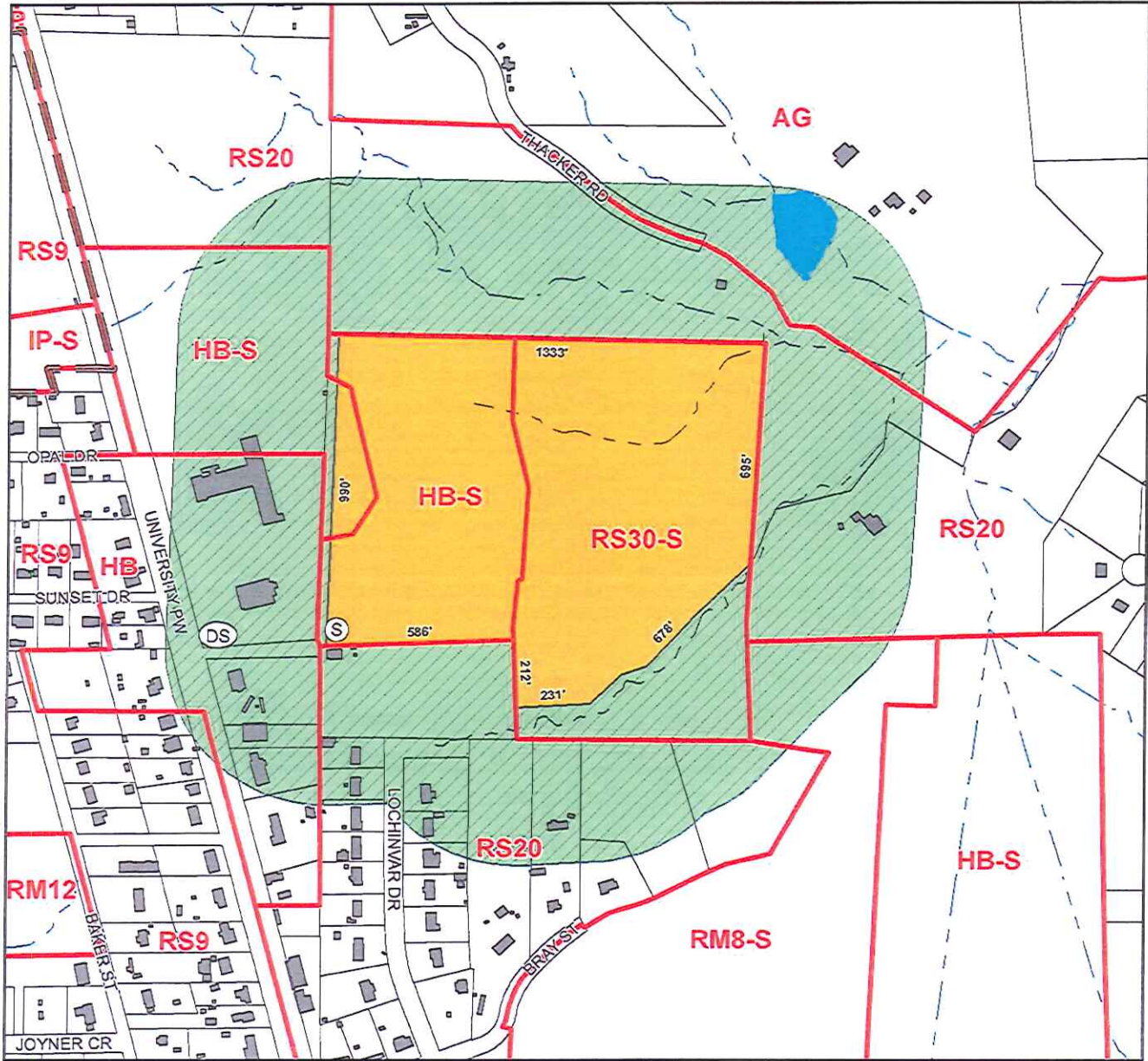
EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of 4S Properties, LLC as of October 26, 2016.



---

A. Paul Norby, FAICP  
Director of Planning and Development Services




DOCKET #: F1563

PROPOSED ZONING:  
HB-L

EXISTING ZONING:  
HB-S, RS30-S

PETITIONER:  
4S Properties LLC for property owned by same

 Property included in zoning request.

 500' mail notification radius. Property not in zoning request.

SCALE: 1" represents 500'

STAFF: Roberts

GMA: 5

ACRES: 30.08

NEAREST BLDG: 0' south

MAP(S): 6829.01



Printed: 9/15/2016



