

January 18, 2000

Emmett McCall  
McCall Doughton and Blancato PLLC  
Attorneys at Law  
633 West Fourth Street, Suite 150  
Winston-Salem, NC 27101

RE: ZONING TEXT AMENDMENT UDO-58

Dear Mr. McCall:

The attached report of the Planning Board to the City of Winston-Salem Board of Aldermen and Forsyth County Board of Commissioners is sent to you at the request of the Aldermen and Commissioners. You will be notified by Renee Rice, City Secretary and Jane Cole, Clerk to the County Commissioners of the date on which the respective boards will hear this petition.

Sincerely,

A. Paul Norby, AICP  
Director of Planning

pc: Renee Rice, City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102  
Jane Cole, Clerk to the County Commissioners, Hall of Justice, Suite 700, Winston-Salem, NC 27101

**ACTION REQUEST FORM**

**DATE:** January 18, 2000  
**TO:** The Honorable Mayor and Board of Aldermen  
**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on text amendment to the *Unified Development Ordinances* (UDO) of Hill Oil Company, Inc.

**SUMMARY OF INFORMATION:**

Text amendment proposed by Hill Oil Company, Inc. (UDO-58) to amend Article II "Definitions" of the UDO regarding the definition of "Fuel Dealer" to permit the retail sale of motor fuels.

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

## STAFF REPORT

**DOCKET #** UDO-58

**STAFF:** Ronald B. Grubbs

### REQUEST

Proposal submitted by G. Emmett McCall, attorney for Hill Oil Company to amend Article II of Chapter A "Definitions Ordinance" of the *Unified Development Ordinances* (UDO) regarding the definition of "Fuel Dealer".

### BACKGROUND

The current definition of "Fuel Dealer" reads, "An establishment primarily engaged in the retail sale of fuel oil (excluding retail sale of motor fuels), bottled gas, coal, wood, or other fuels." The petitioners in this case would like to delete the exception that does not allow for the sale of motor fuel.

The petitioners have been working with the Inspections Division concerning the construction of a fully automated (unmanned) motor fuel facility in one of the city's industrial parks. No other retail sales besides motor fuel is planned. Since motor fuel is excluded from the definition of Fuel Dealer, the only use in the UDO this facility could be classified is "Convenience Store". That definition did not exactly fit the applicant's desired activity since they do not plan to sell anything but motor fuel and the facility is to be without staff. In addition, semi-trailer trucks and industrial-related vehicles are intended to be served by the facility in addition to other vehicles, and locating the facility within or near industrially zoned areas is desirable. Fuel Dealers are allowed in industrial districts, while Convenience Stores are not allowed in any of the industrial zoning districts except the CI (Central Industrial) zoning district, located in the downtown.

### ANALYSIS

Most retail uses are currently excluded from industrial zoning districts in the UDO. This exclusion was an objective of the UDO because of the desire to protect industrially zoned land from conversion, often piecemeal, to retail or other business uses. These commercial uses would in turn compromise the viability of the larger tracts for industrial projects with job creation and revenue (and tax) generation potential.

In this case, staff is of the opinion that including the exclusive sale of motor fuel in the definition of "Fuel Dealer" would not be detrimental to the industrial zoning districts. Adding such a use to industrial areas would allow larger vehicles such as tractor trailers using diesel fuel the opportunity to refuel in the industrial park and not at other busy commercial areas. In addition, having a fuel facility in some of these industrial areas would allow employees the benefit of having access to motor fuel near their employment and may help reduce the need to go to other busy commercial areas for that commodity.

Removing the prohibition of motor fuels from the definition of Fuel Dealer should not encourage commercial establishments, such as a convenience store, in industrial areas. Industrial zoning districts in the UDO permit primarily industrial uses just as commercial zoning districts permit primarily commercial uses. Adding the "exclusive sale of motor fuels" in the definition of Fuel Dealer should sufficiently limit retail activity in industrial areas and also draw a clear distinction between this type of Fuel Dealer and a Convenience Store.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the proposed text amendment.

Ronnie Grubbs presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Steve Johnson moved approval of the zoning text amendment.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning

**AN ORDINANCE  
AMENDING CHAPTER A "DEFINITIONS ORDINANCE"  
OF THE *UNIFIED DEVELOPMENT ORDINANCES*  
REGARDING THE DEFINITION OF "FUEL DEALER"**

Be it ordained by the Board of Aldermen of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Article II "Definitions" of Chapter A is amended by revising the definition of "Fuel Dealer" by deleting in the first sentence "(excluding the retail sale of motor fuels)" and inserting the following new sentence after that first sentence in the definition:

"This definition shall also include an establishment for the exclusive sale of motor fuels."

Section 2. This ordinance shall become effective upon adoption.