



August 28, 2013

Hall Lane Properties LLC
4716 Hilltop Road
Greensboro, NC 27407

Re: Zoning Petition F-1542

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

Dear Mr. Griffin:

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 and Development Services

pc: Clerk to the Board of Commissioners, Forsyth County Government Center - 5th Floor,
201 N. Chestnut Street, Winston-Salem, NC 27101
Dave Pokela, 701 Green Valley Road, Suite 100, Greensboro, NC 27408
Thomas H. Johnson, Jr., 4141 Parklake Avenue, Suite 200, Raleigh, NC 27607

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; Wanda Merschel, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

Forsyth County Commissioners: Richard V. Linville, Chairman; Gloria D. Whisenhunt, Vice Chair; Mark Baker; Walter Marshall; David R. Plyler, Bill Whiteheart; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair; L. Wesley Curtis, Jr., AIA, Vice-Chair; Clarence R. Lambe, Jr.; Darryl Little; Barry A. Lyons; Lynne Mitchell; Paul W. Mullican; Brenda J. Smith; Allan Younger

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COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Hall Lane Properties LLC, Docket F-1542

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE COUNTY OF FORSYTH,
NORTH CAROLINA

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

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from LI-S (Building Contractors, Heavy) to LI-S (Building Contractors, Heavy and Transmission Tower) the zoning classification of the following described property:

PIN #6803-30-5080

Section 2. This Ordinance is adopted after approval of the site plan entitled AT&T #174-427, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Hall Lane Properties LLC.

Section 3. The Board of Commissioners hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as AT&T #174-427. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

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

COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Hall Lane Properties LLC (Zoning Docket F-1542). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for LI-S (Building Contractors, Heavy and Transmission Tower), 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 LI-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances* of the County Code, the Erosion Control Ordinance, and other applicable laws. No conditions are included for this request.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	F-1542
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Hall Lane Properties LLC
Owner(s)	Same
Subject Property	PIN #6803-30-5080
Address	2851 Hall Lane
Type of Request	Special use rezoning from LI-S to LI-S
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from LI-S (Limited Industrial district-Building Contractors, Heavy) to LI-S (Limited Industrial district). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Building Contractors, Heavy and Transmission Tower
Neighborhood Contact/Meeting	<p>According to an email received from the petitioner’s representative: “This past Thursday, August 1, at 6 pm, I held a community meeting on the rezoning application to allow towers as a use at the Hall Lane site. We held the community meeting at the Fraternity Church of the Brethren, which is located very close to the site. A list of attendees is attached. None of those in attendance opposed the rezoning or the tower. They simply had some questions which I believe I answered to their satisfaction. Those in attendance generally agreed that wireless service needed to be improved in the area. A couple of the attendees, who were immediately adjoining property owners, commented that they would have liked to have the tower on their property. If you need any more detail, please let me know. The meeting was a good one but uneventful.”</p>
Zoning District Purpose Statement	<p>The LI District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. The district is established to provide locations for industrial development in This district is intended for application in GMAs (Growth Management Areas) 1 (Center Cities), 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), 4 (Future Area) and Metro Activity Centers.</p>
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	Yes, the site is currently zoned LI-S and is located within GMA 3.
GENERAL SITE INFORMATION	
Location	East side of Fraternity Church Road across from Canter Lane
Jurisdiction	Forsyth County
Site Acreage	± 6.98 acres

Current Land Use	The site is currently used for a building contractors operation.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RS9	Undeveloped	
	East	RS9	Single family home	
	South	RS9	Single family homes	
	West	RS9	Single family homes	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	The proposed uses are not fully compatible with the low density residential uses permitted on the adjacent RS9 zoned properties. However, the existing use of Building Contractors, Heavy is significantly more intense that the newly proposed use of Transmission Tower.			
Physical Characteristics	The site has a gentle to moderate slope downward to the northeast.			
Proximity to Water and Sewer	Neither public water nor public sewer is directly available to the site.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Historic, Natural Heritage and/or Farmland Inventories	While the subject property is located within the Hope/Fraternity NC National Register Study List district, it is a noncontributing resource in that district. Therefore Historic Resources staff does not recommend that conditions be placed upon the zoning petition.			
Analysis of General Site Information	Although the site has neither public water or sewer available, the proposed transmission tower will not require these utilities.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Fraternity Church Road	Minor Thoroughfare	31'	4,000	15,800
Hall Lane	Private street	1,131'	NA	NA
Proposed Access Point(s)	The site has access onto Fraternity Church Road via Hall Lane.			
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a three lane section with wide outside lanes, curb and gutter, and sidewalks for Fraternity Church Road.			
Trip Generation - Existing/Proposed	The proposed transmission tower will not generate a noticeable increase in traffic.			
Sidewalks	There are no sidewalks located in the general area.			

Analysis of Site Access and Transportation Information	The site has access onto a minor thoroughfare and the proposed new use of Transmission Tower will have a negligible impact on the number of trips to the site.					
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA	Growth Management Area 3 – Suburban Neighborhoods					
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area. • Discourage inappropriate commercial encroachment into neighborhoods. 					
Relevant Area Plan(s)	<i>Southwest Suburban Area Plan (2009)</i>					
Area Plan Recommendations	<ul style="list-style-type: none"> • The <i>Southwest Suburban Area Plan</i> recognizes the existing industrial use of the subject property. Additional industrial development is not recommended in the plan for this area, due to the historic resources in the vicinity. Expansion of the existing use is not recommended by the plan, and single-family residential development is identified as the ideal use of the site. 					
Addressing	The address assignment for the new cell tower is 2863 Hall Lane.					
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?					
	No					
	(R)(4) - Is the requested action in conformance with Legacy?					
						Yes
Analysis of Conformity to Plans and Planning Issues	<p>The subject request would add the use of Transmission Tower to the existing LI-S zoned site. The site plan shows a new 195' monopole tower.</p> <p>The site is located within the Hope/Fraternity NC National Register Study List district and therefore the <i>Southwest Suburban Area Plan</i> does not recommend additional industrial development in the area. There is also a lack of water and sewer availability in the area.</p> <p>The request would not expand the boundaries of said LI-S zoning nor will it generate any additional noise or create a noticeable change in vehicle trips to and from the site. While the proposed tower will have some visual impact on the surrounding area, staff notes that a monopole, particularly one of this height, is less intrusive than a lattice type tower of a greater height. Planning staff supports the request.</p>					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1156	RS9 to LI-S	Approved 9-23-96	Current site	7.07	Denial	Approval
F-1035	R6 to B3-S (LB-S)	Approved 9-28-92	250' northwest	1.09	Denial	Denial

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Square Footage	Square Footage	Placement on Site
	4,079 sf existing + 230 sf proposed = 4,309	Central portion
Parking (for proposed Transmission Tower)	Required	Proposed
	1 space	1 space
Building Height	Maximum	Proposed
	70'	1 story existing building and a proposed 195' Transmission Tower
Impervious Coverage	Maximum	Proposed
	90%	7.65%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.4 Limited Industrial District Chapter B, Article II, Section 2-5.79 Transmission Tower Use Conditions 	
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:	Yes
	(B) Environmental Ord.	NA
	(C) Subdivision Regulations	NA
Analysis of Site Plan Compliance with UDO Requirements	The site plan includes the existing contractor's building along with the proposed transmission tower. The site plan meets the requirements of the UDO.	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
The request would not expand the limits of the existing LI-S zoning.		The proposed transmission tower will have some visual impact on the surrounding residentially zoned properties.
The request would add only one new use.		
The request would result in a negligible increase in traffic.		
The proposed transmission tower is less than 200' tall and is a monopole.		
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL		
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.		
No conditions included for this request.		

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-1542
AUGUST 8, 2013**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning petition and certified that the site plan meets all code requirements if the petition is approved.

SECOND: Lynne Mitchell

VOTE:

FOR: Wesley Curtis, Arnold King, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

According to information furnished on August 28, 2013 by the Office of the Tax Assessor, the subject property is in the name of Hall Lane Properties LLC.

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