



DOCKET #: F1378

PROPOSED ZONING:
LI-S (add Transmission
Tower to uses)

EXISTING ZONING:
LI-S

PETITIONER:
The Dare Company, LLC/Motorola

SCALE: 1" represents 600'

STAFF: Gallaway

GMA: 5

ACRE(S): 25.39

MAP(S): 588894, 588890



December 18, 2002

The Dare Company, LLC/Motorola
c/o Frank M. Tharpe, Jr.
8118 Reynolda Road
Pfafftown, NC 27040

RE: ZONING MAP AMENDMENT F-1378

Dear Mr. Tharpe:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Ron Graham, Room 700, Hall of Justice, Winston-Salem, NC 27101
Steve Wood, 8098 Reynolda Road, Pfafftown, NC 27040

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

Zoning map amendment of The Dare Company, LLC/Motorola

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of The Dare Company, LLC/Motorola from LI-S (Manufacturing B; Outdoor Display Retail; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Offices, Miscellaneous; and Professional Office - TWO PHASE) to LI-S (Manufacturing B; Outdoor Display Retail; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Offices, Miscellaneous; Professional Office; and Transmission Tower - TWO PHASE): property is located on the south side of NC 67 between Joyce Norman Road and Vienna-Dozier Road (Zoning Docket F-1378).

After consideration, the Planning Board recommended approval of the rezoning petition.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of The Dare Company, LLC/Motorola,
Docket F-1378

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 (Manufacturing B; Outdoor Display Retail; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Offices, Miscellaneous; Professional Office; and Transmission Tower - TWO PHASE) to (Manufacturing B; Outdoor Display Retail; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Offices, Miscellaneous; Professional Office; and Transmission Tower - TWO PHASE) the zoning classification of the following described property:

Tax Block 4749, Tax Lot 011U

Section 2. This Ordinance is adopted after approval of the site plan entitled The Dare Company, LLC/Motorola, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to

The Dare Company, LLC/Motorola.

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 The Dare Company, LLC/Motorola. 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 The Dare Company, LLC/Motorola (Zoning Docket F-1378). 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 (Manufacturing B; Outdoor Display Retail; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Offices, Miscellaneous; Professional Office; and Transmission Tower - TWO PHASE), 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, and the following conditions be met:

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. This property lies within the Yadkin River WS-IV State Regulated Watershed. Developer shall obtain a Watershed Permit from the Erosion Control Officer prior to the issuance of grading permits.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. FAA approval shall be obtained.
- b. State Plane Coordinates of the location of the tower shall be provided to the Planning staff.

- c. This 450 foot tall self supported tower shall be developed to allow co-location of at least two (2) additional cellular phone carriers. Verification of this requirement shall be made to the Inspections Division by affidavit submitted by the licensed Project Engineer for the transmission tower site or shown on a structural plan sealed by a licensed Professional Engineer (PE).

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required conditions in the *Unified Development Ordinances* (UDO) for this use (Section 2-5.70) shall be met.

C OTHER REQUIREMENTS

- a. The approved site plan and all pertinent conditions of rezoning petition F-1199 shall also apply to this rezoning.

ZONING STAFF REPORT

DOCKET # F-1378
STAFF: Suzy Gallaway

Petitioner(s): The Dare Company, LLC
Ownership: Same

REQUEST

From: LI-S Limited Industrial District (Manufacturing B; Outdoor Display Retail; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Offices, Miscellaneous; and Professional Office - TWO PHASE)
To: LI-S Limited Industrial District (Manufacturing B; Outdoor Display Retail; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Offices, Miscellaneous; Professional Office; and Transmission Tower - TWO PHASE)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 25.39 acres

LOCATION

Street: South side of NC 67 between Joyce Norman Road and Vienna-Dozier Road.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Transmission Tower in addition to other existing uses
Parking for Transmission Tower: required: 1; proposed: 1
Bufferyard Requirements: Tower buffer requirements apply.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Tower site is within the existing Spevco Industrial Facility zoned LI-S.

GENERAL AREA

Character/Maintenance: Commercial and industrial uses in combination with single family homes in a very rural setting.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site is developed, however tower will be 450 feet high.

Topography: There is an approximate change in elevation on the subject property of 69' (from an approximate elevation of 981' in the north down to and approximate elevation of 912' in the southwest).

Streams: There are several tributaries to Fries Creek including one that runs along the southern property line.

Vegetation/habitat: There is some scattered existing vegetation in the southwest portion of the site.

Watershed: Yadkin River (WS-IV).

Compliance with Watershed Protection Regulations: The existing site plan (zoning docket F-1199) reveals that there is available impervious surface held in reserve for the subject property. The applicant must include revised impervious surface calculations for the entire site as a result of the project to ensure that accurate accounting is continued.

Compliance with Federal/State requirements for wetland/stream protection: The site is in compliance.

TRANSPORTATION

Direct Access to Site: Reynolda Road; Joyce Norman Road; Vienna-Dozier Road.

Street Classification: Reynolda Road - major thoroughfare; Joyce Norman Road - local road; Vienna-Dozier Road - minor thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Reynolda Road between Vienna-Dozier Road and Joyce Norman Road = 6,100/13,000

Vienna-Dozier Road between Tobaccoville Road and Waller Road = 1,700/11,100

No trip generation rates available for Transmission Towers.

HISTORY

Relevant Zoning Cases:

1. F-1199; LI-S (Manufacturing B; Outdoor Display Retail; Motor Vehicle Storage Yard; Motor Vehicle Repair and Maintenance; Professional Offices; and Offices, Miscellaneous -TWO PHASE) to Site Plan Amendment; approved July 28, 1997; current site; 25.39 acres; Planning Board and staff recommended approval
2. F-1177; LI-S (Manufacturing B; Outdoor Display Retail; Motor Vehicle Storage Yard; Motor Vehicle Repair and Maintenance; Professional Offices; and Offices, Miscellaneous-TWO PHASE) to Site Plan Amendment; withdrawn January 13, 1997; current site; 25.39 acres; Planning Board recommended denial, staff recommended approval.

3. F-1065; R-6 to I-2-S (Offices; Manufacturing: (2); and Motor Vehicle Sales, Repair or Storage - TWO PHASE); approved December 6, 1993; current site; 25.39 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Rural Area (GMA 5).

Relevant Comprehensive Plan Recommendation(s): Discourage rezonings to more intense districts in the Rural Area.

Area Plan/Development Guide: *Village of Tobaccoville Village Development Guidelines* (adopted in 2000/2001).

Relevant Development Guide Recommendation(s): The site is not within the Village of Tobaccoville, however it is within the future growth area. The "Tobaccoville Land Use Plan" in the *Village of Tobaccoville Village Development Guidelines* recommends that the subject property be developed as "rural/agricultural residential" areas. However, it also contains a map showing the existing zoning in the area. On this map, the subject property is zoned LI-S. The request is to add another use to the property.

ANALYSIS

The subject rezoning request for a Transmission Tower was submitted as part of the Winston-Salem/Forsyth County 800-MHZ Trunked Radio System. The radio systems currently used by public safety agencies in Winston-Salem and Forsyth County are based on technology that is over 20 years old. In November 1999, the Citizen Efficiency Review Committee released its report with the recommendation that "...the City and County design and install without delay an 800/900 MHZ public safety radio system." The voters of Winston-Salem approved a bond referendum in November 2000 to pay for the City's share of the system.

The county-wide radio coverage that is required for public safety will be obtained by the strategic placement of eight new transmission towers, located throughout the city and county, each averaging 400-feet in height. County-wide coverage utilizing existing and/or lower-height towers would considerably increase the complexity and cost of the system.

Staff is of the opinion that the tower is a needed public service. The site is located close to a fire department, making it a good asset for the emergency communications system. Lighting on the tower which is required by the FAA is proposed to be a flashing white light during the day and will switch automatically to a red light at dusk.

This site has been previously approved for all other listed uses, with the exception of the Transmission Tower use. The existing site plan conditions and permitted uses will still be in place with an approval of this additional use.

There is an existing tower north across Highway 67 measuring roughly 300 feet which is for private use. Staff for the Radio System Project approached that property owner about replacing the private tower with a shared tower but the property owner declined. Because of the public need for the tower, staff recommends approval of the rezoning.

FINDINGS

1. The subject rezoning request for a Transmission Tower was submitted as part of the Winston-Salem/Forsyth County 800-MHZ Trunked Radio System.
2. Staff is of the opinion that the tower is a needed public service.
3. Because of the public need for the tower, staff recommends approval of the rezoning.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. This property lies within the Yadkin River WS-IV State Regulated Watershed. Developer shall obtain a Watershed Permit from the Erosion Control Officer prior to the issuance of grading permits.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. FAA approval shall be obtained.
- b. State Plane Coordinates of the location of the tower shall be provided to the Planning staff.
- c. This 450 foot tall self supported tower shall be developed to allow co-location of at least two (2) additional cellular phone carriers. Verification of this requirement shall be made to the Inspections Division by affidavit submitted by the licensed Project Engineer for the transmission tower site or shown on a structural plan sealed by a licensed Professional Engineer (PE).

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required conditions in the *Unified Development Ordinances* (UDO) for this use (Section 2-5.70) shall be met.

C OTHER REQUIREMENTS

- a. The approved site plan and all pertinent conditions of rezoning petition F-1199 shall

also apply to this rezoning.
Suzy Gallaway presented the staff report.

PUBLIC HEARING

FOR:

Reed Jarvis, 3000 Aviation Drive, Winston-Salem, NC 27105

Forsyth County Fire Administrator.

This is a joint Winston-Salem/Forsyth County project for emergency services communications system.

This is one of eight towers in this system. This particular tower is critical to our system.

It is designed to give us 95% coverage inside structures, which is desperately needed.

AGAINST:

Steve Wood, 8098 Reynolda Road, Pfafftown, NC 27040

I'm an adjoining property owner. I was not aware of the history involved relative to the choice of the tower site.

There are some other property owners here, although no one else has signed up to speak.

My concerns are the value of the property, the view, the quality of life, and the invasion into the primary residential environment.

There is already one tower there.

While we understand the need for the tower, we are concerned about a tower farm in the area.

Has the City and County exhausted it's options for tower sites in the area?

I ask you not to approve this request.

WORK SESSION

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

1. Jerry Clark - what is the number of additional towers you would need to have if you didn't have this tower? Mr. Jarvis - we would have to completely redesign the system. We couldn't simply replace one tower of this system. The trunking computer system at each tower is \$1.5 million.
2. Kerry Avant - why is this different than other cell towers? David Reed - this particular site did not have the use "transmission tower" so it had to go through rezoning to add a use.
3. Mr. Jarvis - the other tower is not tall enough. We volunteered to build a taller tower

and co-locate with them, but they chose not to work with us. We did check out other sites, but the towers have to be able to "see" each other and there didn't seem to be other options.

4. Arnold King - I sympathize with the neighbor's concerns, but feel this is necessary.

MOTION: Arnold King moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, Glenn, King, Powell

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Dare Company, LLC as of November 5, 2002.

A. Paul Norby, AICP
Director of Planning