

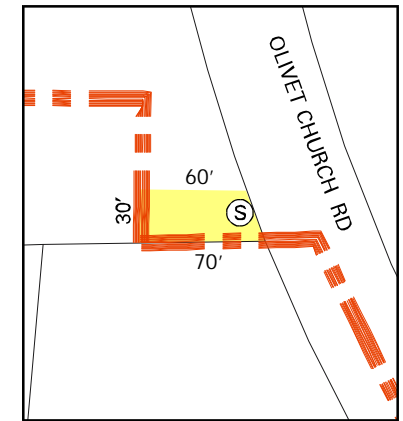


**DOCKET #:** F1330

**PROPOSED ZONING:**  
Special Use Permit  
to cross RS9 Zoning  
to access LB Zoning

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Floyd Lee Mock  
and Ruth P. Mock



**SCALE:** 1" represents 200'

**STAFF:** McGee

**GMA:** 4A

**ACRE(S):** 0.04

**MAP(S):** 594866

November 22, 2000

Floyd and Ruth Mock  
1620 Lewisville-Vienna Road  
Pfafftown, NC 27040

RE: ZONING MAP AMENDMENT F-1330

Dear Mr. & Mrs. Mock:

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  
George S. Thomas, 2000 W. First Street, Winston-Salem, NC 27104

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

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

Special Use Permit request of Floyd and Ruth Mock

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

**SUMMARY OF INFORMATION:-**

Special Use Permit request of Floyd and Ruth Mock to cross RS-9 zoning to access existing LB zoned property: property is located on the west side of Olivet Church Road north of Robinhood Road (Zoning Docket F-1330).

After consideration, the Planning Board recommended approval of the special use permit.

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

CITY ORDINANCE - SPECIAL USE PERMIT

Special Use Permit of Floyd and Ruth Mock, Docket F-1330

AN ORDINANCE ISSUING  
A SPECIAL USE PERMIT  
TO CROSS RS-9 ZONING  
TO ACCESS LB ZONING

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BE IT ORDAINED by the Board of Aldermen of the City of Winston-Salem as follows:

Section 1. The Board of Aldermen hereby makes an affirmative finding as follows, based upon the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Vision 2005*.

Section 2. The Winston-Salem Board of Aldermen hereby issues a special use permit to cross RS-9 zoning to access LB zoning in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to Floyd and Ruth Mock to be established on the following described property:

BEGINNING at a point located on the west right-of-way line of Olivet Church Road said point being the northeast corner of Lot 29D of Block 4618; thence proceeding from said point of beginning south 89° 41' 41" west 70.00 feet to a point; thence proceeding north 0° 18' 19" west 30.00 feet to a point; thence proceeding north 89° 41' 41" east 60.00 feet to a point located in Olivet Church Road; thence with the west right-of-way line of Olivet Church Road to the point and place of Beginning.

Section 3. This Ordinance is adopted after approval of the site plan entitled Mock Tire - Robinhood Road and identified as Attachment "A" of the Special Use Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Floyd and Ruth Mock.

Section 4. The Board of Aldermen hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Mock Tire - Robinhood Road. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.

COUNTY - SPECIAL USE PERMIT

SPECIAL USE PERMIT

Issued by the Board of County Commissioners  
of the County of Forsyth

The Board of County Commissioners of the County of Forsyth issues a Special Use Permit for the site shown on the site plan map included in this zoning petition of Floyd and Ruth Mock, (Zoning Docket F-1330). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit to cross RS-9 zoning to access LB zoning, approved by the Forsyth County Board of County Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Private access easement must be a minimum twenty-five (25) feet in width improved with a minimum twenty (20) foot wide all-weather surface to accommodate fire fighting equipment.
- **OTHER REQUIREMENTS**
  - a. Signage shall not be permitted within the private access easement located on residentially zoned land.
  - b. Any gate or chain across the drive shall set back a minimum of twenty (20) feet from the right-of-way of Olivet Church Road.

## ZONING STAFF REPORT

**DOCKET #** F-1330  
**STAFF:** Tony McGee

Petitioner(s): Floyd and Ruth Mock  
Ownership: Same

### **REQUEST**

Special Use Permit to cross RS-9 zoning to access LB zoning

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

Acreage: 0.04 acre

### **LOCATION**

Street: West side of Olivet Church Road north of Robinhood Road.  
Jurisdiction: Forsyth County.

### **SITE PLAN**

Proposed Use: Access road.  
Square Footage: N/A.  
Building Height: N/A.  
Density: N/A.  
Parking: N/A.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: None.

Adjacent Uses:

- North - Residential property owned by petitioners and zoned RS-9.
- East - Vacant RS9 property across Olivet Church Road.
- South - Residential structure zoned LB.
- West - LB zoned property owned by the petitioners.

### **GENERAL AREA**

Character/Maintenance: This area consists of several older commercial businesses and residential structures as well as a well maintained church. All business access is currently off Robinhood Road.

Development Pace: Slow to moderate.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: A gravel driveway has already been installed on the subject property; although it was not reflected on the previous rezoning.

Topography: Gradual slope.

Streams: None.

## **TRANSPORTATION**

Direct Access to Site: Olivet Church Road; Robinhood Road.

Street Classification: Olivet Church Road - minor thoroughfare; Robinhood Road - major thoroughfare.

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

Olivet Church Road between Robinhood Road and Spicewood Drive = 5,600/10,000

Robinhood road between Olivet Church Road and Meadowlark Drive = 11,000/12,500

Trip Generation/Existing Zoning: N/A

Trip Generation/Proposed Zoning: N/A

Planned Road Improvements: None.

Sidewalks: None.

Transit: None.

## **HISTORY**

Relevant Zoning Cases:

1. F-1259; RS-9 to LB; approved April 21, 1999; 1.019 acres; property is located approximately 160 feet off the north side of Robinhood Road west of Olivet Church Road and approximately 110 feet off the west side of Olivet Church Road north of Robinhood Road (adjacent to current project site; petitioned by same/current property owner); Planning Board and staff recommended approval.
2. F-1146; RS-9 to LB; approved February 12, 1996; 0.21 acre; property consisted of the smallest LB zoned tax lot along the south side of the current proposal at the western end of the existing LB zoning district on the north side of Robinhood Road (petitioned by the current/same property owner); Planning Board and staff recommended approval.
3. F-449; R-6 to B-3 (converted to LB in UDO); approved July 18, 1977; 1.1 acres; property consisted of the largest tax lot south of the petitioned property in the existing LB zoning district and petitioned by this same property owner; Planning Board recommended approval and the Planning staff recommended denial citing a fear of commercial strip zoning further out Robinhood Road.



## **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 4A - Short Range Growth.

Relevant Comprehensive Plan Recommendation(s): Development of commercial land uses at planned activity nodes; and adequate separation and buffering between commercial and residential developments.

Area Plan/Development Guide: This site does not lie within the boundaries of a development guide or area plan.

## **ANALYSIS**

The petitioner is requesting a Special Use Permit for the purpose of developing a commercial driveway entrance across RS-9 zoned property to access LB zoned property. The petitioner owns both the LB and the RS-9 zoned properties. The LB zoned property adjacent to the subject property was rezoned from RS-9 to LB in April of 1999. The owner could have requested rezoning of the subject property at that time.

Olivet Church Road intersects Robinhood Road at an awkward angle, impairing sight distance and making turning movements, particularly by trucks, difficult to make. Increased truck traffic associated with this Special Use Permit could also negatively impact Olivet Church Road (no current commercial property access) and the development of the RS-9 zoned property across Olivet Church Road. This property is currently undeveloped; however, commercial access at this point on Olivet Church Road could discourage residential development and encourage a request for rezoning to a commercial use.

According to Section 6-1.5(D) of the zoning ordinance of the UDO, the Planning Board must make a number of findings in support of a favorable recommendation.

## **FINDINGS OF FACT:**

1. The development is in conformity with *Vision 2005* as it relates to the specific area; No. This permit would not require that any buffering be installed adjacent to existing residentially zoned property, and it could introduce commercial traffic into residentially zoned areas.
2. Water and sewer are available in adequate capacity; Yes.
3. Where buildings greater than thirty-five (35) feet are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment; Yes. No buildings greater than 35 feet are proposed.

4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard; Yes.
5. General layout and design of this development meet all requirements of this ordinance; Yes.
6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.); Yes.
7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project; Yes.

In addition to these seven findings by the Planning Board, the Board of County Commissioners must make affirmative findings as follows to issue a special use permit [Section 6-1.5(F) of the *Zoning Ordinance* of the UDO]:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved; No. Commercial access at the point proposed could constitute a hazardous traffic situation.
2. That the use meets all required conditions and specifications; Yes.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; No. Granting this Special Use Permit as proposed without buffering could negatively impact the development of residentially zoned property to the east and north of the subject property.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Vision 2005*; No. This action could encourage the spread of commercial zoned property to the east and north of the subject property.

## **FINDINGS**

1. This petition is a request for a Special Use Permit for the purpose of developing a commercial access drive crossing residentially zoned property.

2. The site is located in GMA 4A: Urban Area, and the petition is not consistent with *Vision 2005* policies regarding buffering and protection of existing neighborhood areas.
3. The proximity of the site to residentially zoned property to the north and east suggest that the Special Use Permit request for the site is inappropriate at this location.
4. Introducing more truck traffic on Olivet Church Road could negatively impact the intersection of Olivet church and Robinhood Road.

### **STAFF RECOMMENDATION**

Special Use Permit: **DENIAL**.

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

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Private access easement must be a minimum twenty-five (25) feet in width improved with a minimum twenty (20) foot wide all-weather surface to accommodate fire fighting equipment.
- **OTHER REQUIREMENTS**
  - a. Signage shall not be permitted within the private access easement located on residentially zoned land.
  - b. Any gate or chain across the drive shall be set back a minimum of twenty (20) feet from the right-of-way of Olivet Church Road.

*[For information purposes only: The property is near the Robinhood West Activity Center. The center of this area is just west of this small business district at the intersection of Robinhood Road and the western leg of the Northern Beltway. Activity centers are anticipated to contain a variety of residential, commercial, industrial, recreational, and other uses developed in a coordinated manner with various transportation linkages.]*

Tony McGee presented the staff report.

### **PUBLIC HEARING**

FOR:

George Thomas, Bailey & Thomas, 2000 W. First Street, Winston-Salem, NC 27101  
Represent the Mocks.

Mr. Mock has been a good citizen of Forsyth County all his life.

All Mock stores are environmentally friendly and neat. We are proud of that.

Mr. Mock owns the four acres of property immediately to the north of this site. He is asking for a driveway that's 70 feet in length and 30 feet in width. The reason he's asking for that is that access to the warehouse from Robinhood Road is very tight for trucks which come to unload tires. It involves stopping on Robinhood and backing into the warehouse site with a jackknife turn. Mr. Mock is willing to put chains at both ends of this driveway to prevent others from trying to use it. We believe that is far safer than what is going on now on Robinhood Road. There is also a curve and slope to consider on Robinhood Road which contributes to poor sight distance.

The zoning Mr. Mock got earlier for the warehouse was general use zoning. That's why this wasn't included.

We urge you to give that every consideration.

Others are here to help answer any questions you may have.

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

The Mocks are respected business people. There is a very difficult turn at Olivet Church/Robinhood. These businesses have had this drive chained up for about 15 years. This area is designated in our comprehensive plan as an activity center. I think the community would better be served by the driveway than having small vehicles trying to make that turn. It makes sense for the community.

Floyd F. Mock, 1620 Lewisville-Vienna Road, Pfafftown, NC 27040

I have a good buffer between my two properties.

This has become a problem since they put 52-foot trucks on the road. The 48-foot trucks weren't a problem.

AGAINST: None

### **WORK SESSION**

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

1. Kerry Avant stated that he has a problem understanding how granting this is going to negatively impact the value of residential property to the north and east of this site.
2. Staff's primary concern for Olivet Church Road is creating a commercial access on the road which could open the door to more commercial use along Olivet Church Road.

MOTION: James Rousseau moved approval of the special use permit, certified that the site plan meets all code requirements, and recommended staff conditions.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Snelgrove, Williams

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Floyd Lee Mock and Ruth P. Mock as of August 11, 2000.

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A. Paul Norby, AICP  
Director of Planning