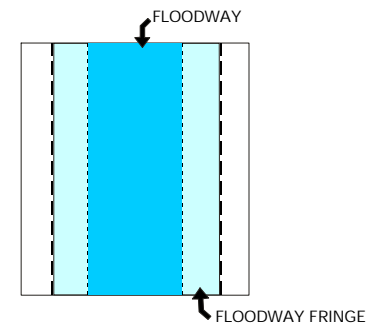


**DOCKET #:** F1302

**PROPOSED ZONING:**  
GI-S (Multiple Uses)

**EXISTING ZONING:**  
GI-S (Multiple Uses)

**PETITIONER:**  
Carr Rental and Leasing



**SCALE:** 1" represents 400'

**STAFF:** D. REED

**GMA:** 4A

**ACRE(S)** 18.44

**MAP(S)::** 636818

May 24, 2000

William B. Carr, Sr. and  
Carr Rental and Leasing, LLC  
13120 Old US Hwy 52  
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT F-1302

Dear Mr. Carr:

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

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

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

**SUBJECT:-**

Zoning map amendment of Carr Rental and Leasing, LLC

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

**SUMMARY OF INFORMATION:-**

Zoning map amendment of Carr Rental and Leasing, LLC from GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, Less Than Two Acres) to GI-S (Terminal, Freight; Landfill, Land Clearing/Inert Debris, Less Than Two Acres; and Transmission Tower): property is located at the northeast corner of South Main Street and County Line Road; and along the Forsyth/Davidson County line (Zoning Docket F-1302).

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

**ATTACHMENTS:-**     YES             NO

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

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Carr Rental and Leasing, LLC,  
Docket F-1302

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 GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, Less Than Two Acres) to GI-S (Terminal, Freight; Landfill, Land Clearing/Inert Debris, Less Than Two Acres; and Transmission Tower) the zoning classification of the following described property:

Beginning at a point on the Forsyth County/Davidson County line inside the right-of-way of Main Street; thence along Main Street, north 5E 55' east 576.32 feet to a point over Leak Creek, the southwestern corner of Lot 16 of Tax Block 2712; thence up Leak Creek with Lot 16 north 78E 24' east 1,214.15 feet to a point in the line of Lot 5J of Tax Block 2712; thence with Lots 5J, 107F, 107E, 107D, and 107L of Tax Block 2712, south 5E 15' west 666.48 feet to a point, the northeastern corner of Lot 15A of Tax Block 2712; thence with Lot 15A, north 86E 56' west 210 feet to a point and south 5E 5' 15" west 210 feet to a point on the northern right-of-way of County Line Road on the Forsyth County/Davidson County line; thence with the right-of-way of County Line Road and the county line, north 87E 15' west 105.85 feet, north 87E 05' west 170.64 feet, north 87E 11' 20" west 227.75 feet, north 87E 15' west 123.88 feet and north 87E 11' west 331.62 feet to the place of beginning and containing 18.44 acres more or less. The above described property lying in Broadbay Township, Forsyth County, North Carolina is Lots 15C, 15E, 15F of Tax Block 2712.

Section 2. This Ordinance is adopted after approval of the site plan entitled Carr Rental and Leasing, LLC, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ to Carr Rental and Leasing, 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 Carr Rental and Leasing, LLC. 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 Carr Rental and Leasing, LLC (Zoning Docket F-1302). 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 GI-S (Terminal, Freight; Landfill, Land Clearing/Inert Debris, Less Than Two Acres; and Transmission Tower), approved by the Forsyth County Board of Commissioners the \_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_" and signed, provided the property is developed in accordance with requirements of the GI-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. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, a storm water management plan shall be submitted and approved by the Public Works Department.
- b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas, including the undisturbed buffer area shown along the south side of Leak Creek. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
- c. For the use of the site as a Landfill, Land Clearing/Inert Debris (LCID), developer shall obtain erosion control, grading and zoning permits from the Inspections Division of the City of Winston-Salem and a permit from the North Carolina Department of Environment and Natural Resources (DENR).

**C PRIOR TO USING THIS PROPERTY FOR A LCID LANDFILL**

- a. Developer shall file a reclamation plan for the reuse of this property with the Inspections Division.
- b. Developer shall record either a final plat or a deed in the office of the Register of Deeds showing or identifying the portion of this property which has been used as a "Land Clearing and Inert Debris Landfill".
- c. Security gate or other access barrier device required in UDO Section 2-5.37(C) of the Zoning Ordinance shall be installed.
- d. All required signage at the entrance shall be installed per State requirements for an LCID landfill.
- e. A type III bufferyard shall be installed in accordance with Section 2-5.37(E) of the Zoning Ordinance where the landfill is located within 100 feet of the property line as shown on the site plan.
- f. A twenty (20) foot all weather surface road shall be installed to the landfill site per the County Fire Department.

**C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS FOR THE FREIGHT TERMINAL**

- a. If required, all storm water management devices shall be installed.

**C PRIOR TO THE ISSUANCE OF BUILDING PERMITS FOR THE TRANSMISSION TOWER**

- a. Developer shall install a ten (10) foot streetyard along the frontage of the property on Main Street. All other required interior parking lot landscaping shall also be installed either inside the new parking areas or on the perimeter of the parking lot areas as shown on the site plan.
- b. Existing freestanding ground sign shall be removed. One freestanding ground sign shall be permitted on Main Street and one on County Line Road. Said signs shall be limited to five (5) foot monument signs with a maximum copy area of thirty-six (36) square feet each.
- c. Developer shall record an easement acceptable to the Information Services (IS) Division of the City of Winston-Salem and Management Information Systems (MIS) Department of Forsyth County for future equipment and conduit access to this tower. No equipment or conduit access shall be permitted to this tower by either the City of Winston-Salem or Forsyth County without the tower owner's review and approval.
- d. FAA approval shall be obtained.
- e. State Plane Coordinates of the location of the tower shall be provided to the Planning staff.
- f. This 250 foot tall 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 FOR THE TRANSMISSION TOWER**

- a. All required conditions in the *Unified Development Ordinances* (UDO) for this use (Section 2-5.70) shall be met.
- b. Road to the tower site must be at least a twenty (20) foot all-weather surface road and shall be constructed to the tower site.

**C OTHER REQUIREMENTS**

- a. For the LCID landfill, applicant may accept only waste consistent with the definition of “Landfill, Land Clearing and Inert Debris” landfill contained in the UDO.
- b. The LCID landfill does not have to be enclosed in a fence in accordance with Section 2-5.37(D) since the block around this property is not over 50% developed.



## ZONING STAFF REPORT

**DOCKET #** F-1302

**STAFF:** David Reed

Petitioner(s): Carr Rental & Leasing, LLC

Ownership: Same

### **HISTORY**

This property was zoned GI-S (Terminal, Freight) by the Forsyth County Board of Commissioners on March 8, 1999, and GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, greater than 2 acres) on March 13, 2000. The petitioner has requested an amendment to these previous zonings to allow another use "Transmission Tower".

### **REQUEST**

From: GI-S General Industrial District (Terminal, Freight; and Landfill, Land Clearing/ Inert Debris, greater than 2 acres)

To: GI-S General Industrial District (Terminal, Freight; Landfill, Land Clearing/ Inert Debris, greater than 2 acres; and Transmission Tower)

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

Acreage: 18.44 acres

### **LOCATION**

Street: East side of South Main Street and the north side of County Line Road along the Forsyth/Davidson County Line.

Jurisdiction: Forsyth County.

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

Existing Structures on Site: There are no structures on the project site. The southern half of the property has tractor trailers stored at two separate locations along Main Street and County Line Road.

Adjacent Uses:

North - Vacant RS-9 zoned property.

East - Several conventional homes and manufactured homes on the north side of County Line Road and Andy's Drive zoned MH.

- South - Small strip shopping center zoned HC or Highway Commercial (Davidson County Zoning) and conventional homes and manufactured homes on the south side of County Line Road zoned RA-3 or Rural Agricultural 3 (Davidson County Zoning).
- West - Convenience store across Main Street zoned HB-S, vacant RM-12 zoned land, and a single family subdivision zoned RS-9.

## **GENERAL AREA**

Character/Maintenance: A combination of moderately maintained business and residential uses.  
Development Pace: Slow.

## **PHYSICAL FEATURES**

Topography: The southern half of this property which is currently being used for the storage of tractor trailers has two tiers along the north side of Main Street and County Line Road. The first tier at the corner of Main Street is relatively flat at the same elevation as those two streets. The second storage lot at the eastern end of the property on the north side of County Line Road is elevated above the other corner lot. The remainder of the property has not been graded and generally slopes to the northwest corner of the property.

Streams: This site lies along the southern side of Leak Creek. Leak Creek is identified on the FEMA Flood Insurance Rate Maps as a flood prone creek, but the detailed study ends west of this site across Main Street (no floodway or floodway fringe area is mapped on the project site).

Vegetation/habitat: Some of the natural vegetation has been removed on most of the northern portion of this property. The larger trees have been removed with only the underbrush remaining in this portion of the property.

Constraints: Portions of the site may need to be filled to be developed since some of this property lies along bottom land on the south side of Leak Creek.

Impact on Existing Features: Filling may affect flooding in the area.

## **TRANSPORTATION**

Direct Access to Site: Main Street and County Line Road.

Street Classification: Main Street is a minor thoroughfare; County Line Road is not otherwise classified and would be a local residential/commercial collector street.

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

South Main Street (approximately one mile north of site at Jones Road) - 7,400/13,000.

Transit: Transit is not available at this time.

## **HISTORY**

### Relevant Zoning Cases:

1. F-1296; RM-12 to LO; pending County Commission hearing; southwest corner of South Main Street and Derende Street; 0.9 acre; Planning Board recommended approval, staff recommended denial.
2. F-1285; LI to GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris; greater than 2 acres); approved March 13, 2000; current site; 18.44 acres; Planning Board and staff recommended approval.
3. F-1249; LI to GI-S (Terminal, Freight); approved March 8, 1999; current site; 18.44 acres; Planning Board and staff recommended approval.
4. F-492; R-2 to B-3-S (Stores or shops, retail; Service station; Car wash; and Offices) (converted to HB-S in UDO); approved November 20, 1978; northwest corner of Derende Street and South Main Street, across Main Street from the current site to the west; 1.25 acres; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): Stage development with the provision of roads, sewers, and other services; and cluster commercial service areas.

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

## **ANALYSIS**

The subject site was rezoned to GI-S (Terminal, Fright) by the Forsyth County Board of County Commissioners on March 8, 1999 and rezoned to GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, greater than 2 acres) on March 13, 2000. The transmission tower use is now proposed to be added to the existing Special Use District Zoning.

*Vision 2005* recommends the clustering of commercial service areas as well as the staging of development with the provision of roads, sewers, and other services. Sewer service is not readily available to this site and is currently located approximately 2 ½ miles to the northwest.

The property has already been approved for GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, greater than 2 acres). Adding the use of Transmission Tower would be compatible with the other approved uses. A site plan condition in the previous case required a streetyard be installed along Main Street. That condition has been tied to the issuance of building permits for the proposed tower to help insure a timely installation of the streetyard.

## **FINDINGS**

1. *Vision 2005* recommends the clustering of commercial service areas as well as the staging of development with the provision of roads, sewers, and other services. Sewer service is not readily available to this site and is currently located approximately 2 ½ miles to the northwest.
2. The property has already been approved for GI-S (Terminal, Freight; and Landfill, Land Clearing/Inert Debris, greater than 2 acres). Adding the use of Transmission Tower would be compatible with the other approved uses.
3. If this site is developed according to the site plan and the conditions for development of the Freight Terminal, LCID Landfill, and Transmission Tower, this rezoning should not be detrimental to this area.

**STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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

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**C OTHER REQUIREMENTS**

- a. For the LCID landfill, applicant may accept only waste consistent with the definition of "Landfill, Land Clearing and Inert Debris" landfill contained in the UDO.
- b. The LCID landfill does not have to be enclosed in a fence in accordance with Section 2-5.37(D) since the block around this property is not over 50% developed.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Steve Johnson moved approval of the zoning map amendment, certifies that the site plan meets all code requirements and recommends staff conditions.

SECOND: Norman Williams.

VOTE:

FOR: Bost, Johnson, King, Powell, 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 Carr Rental and Leasing, LLC as of April 4, 2000.

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A. Paul Norby, AICP  
Director of Planning