



DOCKET #: F1304

PROPOSED ZONING:
LI-S (Storage Services, Retail)

EXISTING ZONING:
RS9

PETITIONER:
David S. Vanhoy

SCALE: 1" represents 400'

STAFF: G. SIMMONS

GMA: 4B

ACRE(S): 6.50

MAP(S): 654862

May 24, 2000

Marshall Horton and Attic Plus, Inc.
1753 Enterprise Road
Lexington, NC 27295

RE: ZONING MAP AMENDMENT F-1304

Dear Mr. Horton:

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
David S. Vanhoy, 4 Spanish Oak Circle, Greensboro, NC 27409-2737
Harold Day, 750 Walkertown-Guthrie Road, Winston-Salem, NC 27101

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Marshall Horton and Attic Plus, Inc. for property owned by David S. Vanhoy

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Marshall Horton and Attic Plus, Inc. for property owned by David S. Vanhoy from RS-9 to LI-S (Storage Services, Retail): property is located off the northeast side of Walkertown-Guthrie Road, north of West Mountain Street (Zoning Docket F-1304).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Marshall Horton and Attic Plus, Inc. for property owned by David S. Vanhoy,
Docket F-1304

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 RS-9 to LI-S (Storage Services, Retail) the zoning classification of the following described property:

BEGINNING at a poplar tree on the north side of US Highway #421 and railroad H. Peddycord's corner, running thence north 1E 30' east 1,122 feet to iron; thence south 88E 30' east 222.4 feet to a stake; thence south 9E 30' east 310.2 feet to poplar; thence south 1E 30' east 654.06 feet to a stake on the edge of railroad right-of-way; thence south along edge of right-of-way 62E west 330 feet to place of beginning, containing 6.9 acres more or less, as surveyed by J. E. Ellerbe, C. E. July 14, 1948. See Deed Book 149, Page 79. Tax Lot 3, Block 3267.

Section 2. This Ordinance is adopted after approval of the site plan entitled Attic Plus, Inc., and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 19____ to Marshall Horton and Attic Plus, Inc. for property owned by David S. Vanhoy.

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 Attic Plus, Inc. 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 Marshall Horton and Attic Plus, Inc. for property owned by David S. Vanhoy (Zoning Docket F-1304). 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 (Storage Services, Retail), 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 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 BUILDING PERMITS

- a. On-site fire hydrant locations shall be approved by the Forsyth County Fire Department in writing to the City-County Inspections Division.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required fire hydrants shall be installed in accordance with the County Fire Department.
- b. Developer shall meet other County Fire Department requirements needed to accommodate fire fighting equipment.
- c. 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.

C OTHER REQUIREMENTS

- a. All lighting shall be of the "shoebox" type or otherwise shielded not to cast direct light onto adjacent residential properties.
- b. Signage shall not be permitted within the private access easement located on residentially zoned land.

ZONING STAFF REPORT

DOCKET # F-1304
STAFF: Glenn Simmons

Petitioner(s): Marshall Horton and Attic Plus, Inc.
Ownership: David S. Vanhoy

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: LI-S Limited Industrial District (Storage Services, Retail)

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

Acreage: 6.5 acres

LOCATION

Street: Off the northeast side of Walkertown-Guthrie Road, north of West Mountain Street.
Jurisdiction: Walkertown (Forsyth County Planning and Zoning Jurisdiction).

SITE PLAN

Proposed Use: Retail storage units and associated office.
Square Footage: 29,600 square feet of storage units (153 units) and 600 square feet of office.
Building Height: One story.
Parking: Required: seven spaces, Proposed: seven spaces
Bufferyard Requirements: Type IV bufferyard required adjacent to RS-9 zoned properties.
Vehicular Use Landscaping Standards Requirements: UDO standards apply

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None. Site is low lying and wooded.

Adjacent Uses:

- North - Industrial park zoned LI.
- East - Bowhunter's Paradise Store and industrial park, both zoned LI.
- South - Norfolk & Southern Railway line between site and West Mountain Street; property to immediate south zoned RS-9. Further south is East Forsyth High School zoned IP.
- West - Single family homes zoned RS-9.

GENERAL AREA

Character/Maintenance: Moderately well maintained single family homes along Walkertown-Guthrie Road.

Development Pace: Slow to moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Front third of property will be substantially graded for new development.

Topography: Property slopes moderately to steeply downward from the southeast to the northwest corners of the property.

Streams: Unnamed ephemeral stream located in rear third of property.

Vegetation/habitat: Mostly wooded.

Constraints: Moderate to steep terrain will require substantial grading of front portion of site.

Floodplains: None.

TRANSPORTATION

Direct Access to Site: Walkertown-Guthrie Road, West Mountain Street (areawide access), Hastings Hill Road (areawide access).

Street Classification: Walkertown-Guthrie Road - minor thoroughfare; West Mountain Street - major thoroughfare; Hastings Hill Road - minor thoroughfare.

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

Walkertown-Guthrie Road - north of West Mountain Street - 3,700/11,500

West Mountain Street - east of Walkertown Guthrie Road - 9,200/12,000

West Mountain Street - east of Hastings Hill Road - 8,200/12,000

Trip Generation/Existing Zoning: RS-9

$6.5 \text{ ac.}/9,000 = 31 \text{ lots} \times 9.55 = 296 \text{ avg. trips/day}$

Trip Generation/Proposed Zoning:

$30,200 \text{ sf}/1,000 = 30.2 \times 2.5 = 76 \text{ avg. trips/day}$

Planned Road Improvements: 1999 Transportation Needs Request lists as # 8 priority to widen West Mountain Street from Linville Road to Hopkins Road to three lanes with bicycle and sidewalk accommodations.

Sight Distance: Fair at Walkertown-Guthrie Road via proposed access easement.

Connectivity of street network: Access is better provided from adjoining industrial park - Peddycord Park Street.

Bike: WS/FC route 15 runs along West Mountain Street. WS/FC route 16 runs along Hastings Hill Road.

HISTORY

Relevant Zoning Cases:

1. W-1515; R-6 (comparable to RS-9) to I-2-S (Services; storage yards; and offices) (comparable to LI-S); approved July 5, 1988; north side of West Mountain Street approximately 700 feet northeast of Hastings Hill Road. 4.31 acres; Planning Board recommended approval and staff recommended denial.
2. F-1148; RS-9 to GI-S (Manufacturing C); approved February 26, 1996; approximately 800 feet west of Walkertown - Guthrie Road and approximately 800 feet north of West Mountain Road; 2.32 acres; Planning Board and staff recommended approval.
3. F-911; R-6 (comparable to RS-9) to R-2 (comparable to RM-12); denied December 21, 1981; south side of West Mountain Street opposite Walkertown - Guthrie Road; 18.32 acres; Planning Board and staff recommended denial.
4. F-909; R-6 (comparable to RS-9) to I-2 (comparable to LI); approved May 17, 1982; north side of West Mountain Street approximately one half mile east of Hastings Hill Road; 17 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 4B: Long-Range Growth.

Relevant Comprehensive Plan Recommendation(s): The long-range growth area is defined by the outer boundaries of the drainage basins sewerable by gravity and represents the boundaries of long-range urban development in Forsyth County. The plan states that Real Estate Research Corporation has projected a need for an additional 1,224 acres of industrial land between 1984 and 2005.

Area Plan/Development Guide: *Salem Lake Watershed Area Plan* (1986).

Relevant Development Guide Recommendation(s): The area plan identifies the future use of the petitioner's site and a large area surrounding it as rural residential/agricultural/open.

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: Town of Walkertown.

Expressed Concern: The Town of Walkertown was contacted by staff regarding the current zoning petition and the associated Special Use Permit (F-1305) for vehicular access across residentially zoned properties, but has not received a response as of the time of this writing.

ANALYSIS

The current request is a proposal to rezone 6.5 acres of RS-9 zoned property to LI-S to permit 153 retail storage units. The site is located on the north side of Norfolk and Southern Railroad and is adjacent on the east to the Peddycord Industrial Park (zoned LI) and developed residentially zoned land to the west. Since the property does not have public street frontage, a twenty-five foot wide vehicular access easement is proposed to connect to Walkertown-Guthrie Road which is located approximately 500 feet west of the site. The proposed easement traverses RS-9 zoned property.

According to the UDO, private vehicular access to the retail storage use is not permitted through RS-9 zoned property without approval of a Special Use Permit for such access. Therefore, the petitioner is also asking for a Special Use Permit (Docket #F-1305) for access through the residentially zoned property as a companion petition to the current LI-S zoning proposal.

The property is also located within the Salem Lake WS-III Water Supply Watershed and is restricted to a maximum of 24 percent impervious coverage. According to the proposed site plan, the petitioner intends to meet the requirement by developing only the front portion of the site, and leaving the rear two-thirds of the property undeveloped. The proposed impervious coverage is 23 percent.

Although the property is contiguous to the Peddycord Industrial Park on the east, staff is concerned about the proximity of the property to established residential homes which front onto Walkertown-Guthrie Road west of the property. Staff is also concerned that the proposed vehicular access easement to Walkertown-Guthrie Road, through RS-9 zoned land, may erode the residential character along Walkertown-Guthrie Road and encourage other non-residential development in the area.

The proposed site plan mitigates some of the potential impacts to existing residences by developing only the southern end of the tract closest to the railroad, but staff is still concerned that the project, particularly with the proposed access easement to Walkertown-Guthrie Road, is not consistent with the residential character of the area. Staff believes that the site might more appropriately be developed with vehicular access through the Peddycord Industrial Park.

FINDINGS

1. The property is located on the north side of Norfolk and Southern Railroad and is adjacent to LI zoned property to the east and RS-9 zoned property to the west.
2. The property does not have direct access to a public street.
3. The developer proposes a 25 foot wide access easement through RS-9 zoned property to access Walkertown-Guthrie Road located approximately 500 feet west of the site.

4. A Special Use Permit to access the storage units through RS-9 zoned land is proposed as a necessary companion request to the current LI-S zoning proposal.
5. Walkertown-Guthrie Road is residential in character with established residences facing Walkertown-Guthrie Road.
6. The property is located within the Salem Lake WS-III Water Supply Watershed which limits impervious cover to 24 percent.
7. Staff is concerned about the potential impacts of the proposed development, and associated access easement, on the existing residential character of Walkertown-Guthrie Road.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. On-site fire hydrant locations shall be approved by the Forsyth County Fire Department in writing to the City-County Inspections Division.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required fire hydrants shall be installed in accordance with the County Fire Department.
- b. Developer shall meet other County Fire Department requirements needed to accommodate fire fighting equipment.
- c. 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.

C OTHER REQUIREMENTS

- a. All lighting shall be of the "shoebox" type or otherwise shielded not to cast direct light onto adjacent residential properties.
- b. Signage shall not be permitted within the private access easement located on residentially zoned land.

[For information purposes only: The draft Legacy plan identifies the petitioner's site and the land east of Walkertown-Guthrie Road and north of West Mountain Street as a future growth area. The plan defines these areas as not currently having sewer or other facilities and services to support urban development. However, because of their potential to be served efficiently and/or their proximity to towns, major roads and other public investments, the growth management plan calls for them to eventually become urban.]

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Marshall Horton, 163 Country Circle, Advance, NC 27009

We are approximately 500 feet off Walkertown-Guthrie Road. We would love to have direct access across the railroad, but you can imagine how difficult that is to obtain.

We have a letter from the developer of the industrial park to the east stating clearly that access through that property is not an option.

We're only developing 23-24%. We aren't touching the beautiful stand of hardwoods. We're just clearing the gully of small pine trees. It will be gated. If you rent from us, you have an access code. You can access the property when you want to, but no one can follow you in.

The only issue we've had with this is access. It will be a hard surface road adequate for fire-fighting equipment.

Rosemary McGuire, Realtor, no address

We've had this property listed for two years. It's taken us this long to get a 25' easement instead of the original 15' easement from the railroad.

AGAINST:

Harold Day, 750 Walkertown-Guthrie Road, Winston-Salem, NC 27101

I'm on the Board of Directors for the Fire Department out there. I'm concerned about what will be stored here.

I'm concerned about traffic. I leave before 7:00 a.m. If you leave after that, you don't get out. Traffic is heavy. We have a church down the road which has a day school with high attendance. If it's not adding but 20 cars a day, that's going to make a difference. The railroad crossing does have arms on it. That's going to make a difference.

There's no provision for septic here.

WORK SESSION

During discussion by the Planning Board, the following point was made:

Kerry Avant stated that it seems that the use is not a bad use. The property has been vacant for two years.

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Johnson, King, Snelgrove, Williams

AGAINST: Powell, Schroeder

EXCUSED: None

SITE PLAN MOTION: Kerry Avant certified that the site plan meets all code requirements and recommended staff conditions.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Johnson, King, Snelgrove, Williams

AGAINST: Powell, Schroeder

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of David S. Vanhoy as of January 31, 2000.

A. Paul Norby, AICP
Director of Planning