



**DOCKET #:** F1305

**PROPOSED ZONING:**  
Special Use Permit

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Norfolk & Southern Railway Co.

**SCALE:** 1" represents 200'

**STAFF:** G. Simmons

**GMA:** 4B

**ACRE(S):** 0.86

**MAP(S):** 654862

May 24, 2000

Steve C. McCurdy  
Norfolk Southern Railway Company  
521 E. Morehead Street, Suite 560  
Charlotte, NC 28202

RE: ZONING MAP AMENDMENT F-1305

Dear Mr. McCurdy:

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  
Marshall Horton, 1753 Enterprise Road, Lexington, NC 27295  
Harold Day, 750 Walkertown-Guthrie Road, Winston-Salem, NC 27101

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

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

**SUBJECT:-**

Special Use Permit of Norfolk Southern Railway Co.

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

**SUMMARY OF INFORMATION:-**

Special Use Permit of Norfolk Southern Railway Co. for access through a RS-9 Zoning District to a LI-S Zoning District: property is located northeast of Walkertown-Guthrie Road, north of West Mountain Street (Zoning Docket F-1305).

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

**ATTACHMENTS:-**     YES             NO

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

\_\_\_\_\_

COUNTY ORDINANCE - SPECIAL USE  
PERMIT

Special Use Permit of Norfolk Southern Railway  
Co., Docket F-1305

AN ORDINANCE ISSUING  
A SPECIAL USE PERMIT  
FOR INSTITUTIONAL PARKING IN A  
RS-9 ZONING DISTRICT

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

Section 1. The Board of Commissioners 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 Forsyth County Board of Commissioners hereby issues a special use permit to Norfolk Southern Railway Co. in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for access through a RS-9 zoning district to a LI-S zoning district to be established on the following described property:

An easement or right-of-way over, upon and across a parcel of land situate, lying, and being of Forsyth County, North Carolina, and being more particularly described as wit:

BEGINNING at a point being the intersection of the easterly boundary of Walkertown-Guthrie Road and the original center line of the Norfolk Southern Railway Company's main track go northwestwardly along said easterly boundary of Walkertown-Guthrie Road, a distance of 170 feet more or less, to a point on the northerly property line of the Norfolk Southern Railway Company, said point being the true point of beginning for the herein described parcel of land,

thence, north 56E 56' 51' east 155.12 feet to iron, thence north 61E 24' 34" east 337.30 feet to an iron, thence south 02E 22' 15" west a distance of 25 feet to a point, thence, southwestwardly along said northerly property line, at all points being 155.00 feet northwestwardly from, as measured normal to, said original centerline of main track, a distance of 335 feet, more or less, to a point, said point being the northwest corner of that property acquired from E. B. & Rora Whicker by Norfolk Southern Railway Company (Grantor successor by name change) as described in Deed Book 86, Page 584, of the county records thence, northwestwardly along said easterly boundary of Walkertown-Guthrie Road a distance of 25 feet, more or less, to the point of beginning.

Said piece of parcel of land containing 0.19 of an acre, more or less. A portion of Tax Lot 17B, Tax Block 3259.

Section 3. This Ordinance is adopted after approval of the site plan entitled Attic Plus, Inc. and identified as Attachment "A" of the Special Use Permit issued by the Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, to Norfolk Southern Railway Co.

Section 4. The Board of Commissioners 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 Attic Plus, Inc. 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 Commissioners  
of Forsyth County

The Board of Commissioners of Forsyth County issues a Special Use Permit for the site shown on the site plan map included in this petition of Norfolk Southern Railway Co. (Zoning Docket F-1305). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit for access through a RS-9 zoning district to a LI-S zoning district, approved by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_" and signed, provided the property is developed in accordance with requirements of Section 6-1.5[F] of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

**C 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.

**C OTHER REQUIREMENTS**

- a. Signage shall not be permitted within the private access easement located on residentially zoned land.

## **ZONING STAFF REPORT**

**DOCKET #** F-1305  
**STAFF:** Glenn Simmons

Petitioner(s): Norfolk & Southern Railway Co.  
Ownership: Same

### **REQUEST**

Special Use Permit from the Forsyth County Commissioners to permit vehicular access to a proposed retail storage facility through residentially zoned property. The proposed retail storage facility is a companion LI-S zoning request (Docket # F-1304) which is otherwise landlocked from public road access. The current special use permit consists of a twenty-five foot wide private easement which is intended to connect the proposed LI-S site to Walkertown-Guthrie Road which is located approximated 500 feet west of the property. If the proposed LI-S zoning for the retail storage units is approved, the current special use permit would be required for its operation under the requirements of the UDO.

Acreage: 0.86 acre

### **LOCATION**

Street: East side of Walkertown-Guthrie Road, northwest of West Mountain Street.  
Jurisdiction: Walkertown.

### **SITE PLAN**

Proposed Use: Vehicular access easement.  
Bufferyard Requirements: None.

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

Existing Structures on Site: None.

Adjacent Uses:

North -	Vacant land zoned RS-9.
East -	Property zoned RS-9 and subject of petition F-1304
South -	Norfolk & Southern Railway line.
West -	Single family homes across Walkertown-Guthrie Road zoned RS-9.

### **GENERAL AREA**

Character/Maintenance: Moderately well maintained residential area.  
Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Minor.

Topography: Site is level.

Vegetation/habitat: Site is clear.

Constraints: 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

Staff note: Trip generation data taken from companion LI-S zoning request (F-1304)

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**

Staff notes no relevant similar cases.

## **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 Special Use Permit request for vehicular access across residentially zoned properties and the associated zoning petition for LI-S zoning, but has not received a response as of the time of this writing.

## ANALYSIS

This Special Use Permit proposal is to provide a 25 wide private vehicular access easement to serve a proposed retail storage facility (F-1304) through residentially zoned property. The easement is intended to connect the proposed storage facility to Walkertown-Guthrie Road located approximately 500 feet west of the facility. A Special Use Permit is required under provisions of the UDO whenever primary vehicular access is proposed to operate through a zoning district which does not permit the use being accessed. In this instance, the current RS-9 zoning district through which the proposed easement traverses does not permit the use "Storage Services, Retail" as defined under the UDO.

For the Special Use Permit to be approved, seven Findings of Fact must be favorably addressed by the Planning Board and the Forsyth County Board of Commissioners as follows (Section 6-1.5 of the UDO):

Section 6-5.1 (D) Findings:

1. The development is in conformity with *Vision 2005* as it relates to the specific area; **No**. *Vision 2005* identifies the future use of the petitioner's site and a large area surrounding it as rural residential/agricultural/open. *Vision 2005* also supports the preservation of stable neighborhood areas.
2. Water and sewer are available in adequate capacity; **Yes**. Both public water and sewer are available at this site.
3. Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment. **N/A**
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**. Access to and through the site is adequate to meet the anticipated traffic demands of the proposed retail storage facility.
5. General layout and design of the development meet all requirements of this Ordinance; **Yes**.

6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on 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 the seven finding above, the Board of County Commissioners must make an affirmative finding on the following four issues. Based on the Planning Board's findings above, the staff makes the following recommendations on the four legally required findings:

Section 6-1.5(F) Findings:

1. 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. Traffic accessing onto Walkertown/Guthrie Road near its intersection with West Mountain Street and the railroad lines could create a hazardous 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**. Staff is concerned that the proposed access easement and the associated commercial traffic that the easement is intended to carry may adversely affect the stability of residential properties located along Walkertown-Guthrie Road.
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 located and in general conformity with *Vision 2005*. **No**.

**SUMMARY FINDINGS (PER STAFF ANALYSIS)**

1. The proposed Special Use Permit to provide commercial access through a residential zoning district is required under the UDO to serve the companion LI-S (F-1304) zoning as presented.
2. The proposed access easement which is intended to serve a retail storage facility is inconsistent with the residential character of Walkertown-Guthrie Road.
3. If approved the easement and associated LI-S zoning proposal may promote more commercial interest in an otherwise residential area.

4. The proposed LI-S zoning district if approved might be better served with vehicular access through the Peddycord Industrial Park located immediately east of the proposed retail storage facility.

### **STAFF RECOMMENDATION**

Special Use Permit: **DENIAL**

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

#### **C 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.

#### **C OTHER REQUIREMENTS**

- a. Signage shall not be permitted within the private access easement located on residentially zoned land.

*[For information purposes only: The growth management map in the 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 investment, 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 special use permit with staff recommendations.

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 Southern Railroad as of January 31, 2000.

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A. Paul Norby, AICP  
Director of Planning