



**DOCKET #:** F1311

**PROPOSED ZONING:**  
HB-S (Multiple  
Business Uses)

**EXISTING ZONING:**  
RS40

**PETITIONER:**  
Mark A. White and Mary White

**SCALE:** 1" represents 200'

**STAFF:** G. Simmons

**GMA:** 5

**ACRE(S):** 1.87

**MAP(S):** 654902

June 14, 2000

Mark Anthony White and wife,  
Mary Alice White  
7610 Hwy 311, N  
Walnut Cove, NC 27052

RE: ZONING MAP AMENDMENT F-1311

Dear Mr. & Mrs. White:

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  
Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

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

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

**SUBJECT:-**

Zoning petition of Mark A. White and Mary White

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

**SUMMARY OF INFORMATION:-**

Zoning petition of Mark A. White and Mary White from RS-40 to HB-S (Fuel Dealer; General Merchandise Store; Motor Vehicle Repair and Maintenance; and Storage Services, Retail): property is located on the northwest side of Walnut Cove Road/U.S. 311 north of Dennis Road (Zoning Docket F-1311).

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

**ATTACHMENTS:-**     YES         NO

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

\_\_\_\_\_

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Mark A. White and Mary White,  
Docket F-1311

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE COUNTY OF FORSYTH,  
NORTH CAROLINA

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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-40 to HB-S (Fuel Dealer; General Merchandise Store; Motor Vehicle Repair and Maintenance; and Storage Services, Retail) the zoning classification of the following described property:

All that parcel of land lying in Salem Chapel Township, County of Forsyth and State of North Carolina containing 1.87 acres, more or less, and being Lots 6, 7B and 8B of Tax Block 5121 and being described according to survey by Michael E. Gizinski dated May 2000 as follows:

Beginning at an iron stake lying in the northwest right-of-way line of US Highway #311, northeast corner of the property of R. E. Morgan (Block 5121, Lot 5) and running thence north 47° 21' 06" west 467.84 feet to an iron stake; running thence north 24° 04' east 105.57 feet to an iron stake; running thence south 47° 20' 39" east 336.73 feet to an iron stake; running thence north 42° 39' 15" east 200.03 feet to an iron stake; running thence south 47° 19' 54" east 164.69 feet to an iron stake lying in the northwest right-of-way line of US Highway No. 311; and running thence with the northwest right-of-way line of US Highway No. 311, south 42° 38' 22" west 300.00 feet to the place of beginning.

Tax Block 5121, Lots 6, 7B, and 8B.

Section 2. This Ordinance is adopted after approval of the site plan entitled Mark A. White and Mary White, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ to Mark A. White and Mary White.

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 Mark A. White and Mary White. 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 Mark A. White and Mary White (Zoning Docket F-1311). 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 HB-S (Fuel Dealer; General Merchandise Store; Motor Vehicle Repair and Maintenance; and 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 HB-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:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Septic permit from Health Department shall be obtained prior to grading.
  - b. 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.
  
- **OTHER REQUIREMENTS**
  - a. One (1) new freestanding monument sign shall be permitted with a maximum height of five (5) feet.

## **ZONING STAFF REPORT**

**DOCKET #** F-1311  
**STAFF:** Glenn Simmons

Petitioner(s): Mark A. White and Mary White  
Ownership: Same

### **REQUEST**

From: RS-40 Residential Single Family District; minimum lot size 40,000 sf  
To: HB-S Highway Business District (Fuel Dealer; General Merchandise Store; Motor Vehicle Repair and Maintenance; and 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: 1.87 acres

### **LOCATION**

Street: Northwest side of Walnut Cove Road/US 311 north of Dennis Road.  
Jurisdiction: Forsyth County.

### **SITE PLAN**

Proposed Use: Fuel Dealer; General Merchandise Store; Motor Vehicle Repair and Maintenance; and Storage Services, Retail.

Square Footage: Existing 4,671 sf block building for tire and fuel sales; and proposed additional two mini-storage buildings totaling 7,300 sf (92 storage units).

Building Height: One story.

Parking: Required: 29 spaces; proposed: 29 spaces.

Bufferyard Requirements: Type III bufferyard required adjacent to residentially zoned properties.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

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

Existing Structures on Site: Single concrete block building used as tire/automotive store facing US 311; southwestern portion of site is cleared.

Adjacent Uses:

North - Rural residential single family homes fronting on the west side of US 311 (Walnut Cove Road) interspersed with wooded undeveloped and agricultural land; zoned RS-40.

- East - Manufactured homes and single family homes located on the east side of US 311 and Norfolk Southern Railway interspersed with wooded undeveloped and agricultural land; zoned RS-40.
- South - Manufactured homes and single family homes located along US 311 interspersed with wooded undeveloped and agricultural land; zoned RS-40.
- West - Manufactured homes and single family homes located on the east side of Dennis Road interspersed with wooded undeveloped and agricultural land; zoned RS-40.

**GENERAL AREA**

Character/Maintenance: The area is characterized by undeveloped wooded and cultivated undeveloped tracts of land with moderately well maintained single family conventional and manufactured dwellings located along US 311 and secondary roads. Except for the current site, no other business uses are located in the area.

Development Pace: Slow.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Existing block building to remain. Area proposed for mini-storage units is already cleared.

Topography: Relatively flat with a slight slope downward toward the rear of the site.

Streams: None.

Vegetation/habitat: Recently cleared.

Constraints: No major constraints.

Natural Heritage Sites: The sixty acre Grubb Road Lake Wetland is located approximately one mile southeast of the petitioner's site where Grubb Road crosses Lick Creek. The petitioner's site is located in a separate watershed and so development of the site should not affect the wetland to the east.

Farmland Preservation Sites: One of the tracts in Forsyth County's farmland preservation program is located on Walnut Cove Road several miles north of the petitioner's site.

**TRANSPORTATION**

Direct Access to Site: Walnut Cove Road/US 311.

Street Classification: Major thoroughfare.

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

US 311 from Lake Woussicket Road - Stokes Co. Line - 4,400/11,000

Trip Generation/Existing Zoning: RS-40 1.87 ac /40,000 sf. = 2 lots x 9.55 trip rate = 19 trips/day

Trip Generation/Proposed Zoning:

Mini-warehouses .28 (trip rate per storage unit on an average weekday) x 92 units = 26 new trips/day



Planned Road Improvements: No.  
Sight Distance: Good.  
Transit: No.

## **HISTORY**

Relevant Zoning Cases:

1. F-976; R-6 to B-3-S (Welding or other metal working); approved September 24, 1990; south side of Grubb Road between Dennis - Walnut Cove Road/US 311 and Pine Hall Road; 0.75 acre; Planning Board and staff recommended denial. Note: The County Attorney issued an opinion that this case constituted an illegal spot zone
2. F-856; R-6 to B-3-S (Motor vehicles, repair or storage); approved September 28, 1987; south side of Walls Lake Road, west of Dennis - Walnut Cove Road and north of Stoney Point Road; 0.62 acre; Planning Board and staff recommended denial. Note: The County Attorney issued an opinion that this case constituted an illegal spot zone

## **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 5: Rural.

Relevant Comprehensive Plan Recommendation(s): The objectives for the rural growth management area include limited residential and commercial development, retention of farming activities and preservation of the natural environment.

Area Plan/Development Guide: None.

## **ANALYSIS**

The current request is a proposal to rezone 1.87 acres from existing RS-40 to HB-S to allow an existing, legally non-conforming auto service and fuel dealer to operate with 92 proposed new mini-storage units. The site plan also shows the proposed addition of a new canopy over existing fuel pumps. The property is located on the west side of US 311 in a rural residential area of Forsyth County and is generally isolated from other business development. Norfolk Southern Railway runs parallel to US 311 and is located immediately opposite the current site on the east side of US 311. Several manufactured homes and other residential structures, located east of the railway, are served by a gravel road which connects across the railway to US 311 approximately 800 feet south of the site.

While the existing, legally non-conforming auto service business may be a convenience for some people living in this otherwise rural area of Forsyth County, staff is concerned that a change to HB-S zoning with retail storage units will promote additional inappropriate zoning requests nearby. Especially given that the existing business has the potential for a one time, 25% expansion under the provisions of the UDO, staff sees no need, or community benefit, in approving the HB-S request.

As of this writing, staff is awaiting a legal opinion from the County Attorney regarding whether or

not this case constitutes an illegal spot zone. Staff notes that two other business zoning requests in the area, cited under the "relevant history" section of this report, did receive a spot zone determination.

### **FINDINGS**

1. The property is located in a rural residential area of Forsyth County.
2. The property is currently operating as an auto service center and fuel dealer as a legally non-conforming use and is permitted a one time expansion of 25% under the current UDO.
3. Although the existing non-conforming use may provide convenient auto-related services in the area, a change to a commercial zoning with the addition of mini-storage units may establish an undesirable precedent for more commercial development.
4. The zoning is inconsistent with the objectives of Growth Management Area 5 as defined in *Vision 2005* (limited commercial uses; preservation of the natural environment).
5. Previous business zoning requests in the area received a determination from the County Attorney that they constituted an illegal spot zone.

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

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

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Septic permit from Health Department shall be obtained prior to grading.
  - b. 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.
- **OTHER REQUIREMENTS**
  - a. One (1) new freestanding monument sign shall be permitted with a maximum height of five (5) feet.

[For information purposes only: The draft *Legacy* plan indicates the petitioner's site is located in the Rural Area on *Legacy's* growth management map. The objectives for this planning area are much the same as the *Vision 2005* plan - limited residential and commercial development, retention of farming activities and preservation of the natural environment. Commercial development should occur in nodes at crossroads areas and house local serving establishments.]

Glenn Simmons presented the staff report.

## **PUBLIC HEARING**

FOR:

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

I represent Mr. & Mrs. White. Mr. White basically operates a tire repair business.

There are right many houses in this area for it to be a rural area.

This is a strong agricultural area. Most of the other people work in Winston-Salem and travel by car.

Limited commercial development is permitted in rural areas. This business fits that category.

No one was present in opposition to this request. There is no one opposed to what we are doing.

AGAINST: None

## **WORK SESSION**

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

1. The current use is a legal nonconforming use. Staff sees no problem with that. It is entitled to a 25% expansion. It is the expansion of more than 25% that prompts this request.
2. Kerry Avant stated that in rural areas there are needs for some types of business. This is one of those.
3. Arnold King stated that he saw the site and no neighbors are here in opposition to it.

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

SECOND: Arnold King

VOTE:

FOR: Avant, King, Rousseau, Williams

AGAINST: Powell, Schroeder, Snelgrove

EXCUSED: None

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

SECOND: Arnold King

VOTE:

FOR: Avant, King, Rousseau, Williams

AGAINST: Powell, Schroeder, Snelgrove

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Mark A. White and Mary B. White as of April 27, 2000.

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A. Paul Norby, AICP  
Director of Planning