



DOCKET #: F1320
 (continued from August 10
 CCPB meeting)

PROPOSED ZONING:
 LI-S (Building Contractor,
 General)

EXISTING ZONING:
 RS20

PETITIONER:
 John Henry Spainhour
 (J & S Realty, Inc.)

SCALE: 1" represents 400'

STAFF: Simmons

GMA: 4B

ACRE(S): 8.74

MAP(S): 612914

September 20, 2000

John Henry Spainhour
P.O. Box 839
102 W. King Street
King, N.C. 27021

RE: ZONING MAP AMENDMENT F-1320

Dear Mr. Spainhour:

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
Robert Sparks, P. O. Box 24296, Winston-Salem, NC, 27114
William H. Helsabeck, 2355 Mooreland Drive, Rural Hall, NC 27045
John Booth, 8810 Chipboard Road, Rural Hall, NC 27045

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of John Henry Spainhour (J & S Realty, Inc.) for property owned by R.S. Helsabeck Trust

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of John Henry Spainhour (J & S Realty, Inc.) for property owned by R.S. Helsabeck Trust from RS-20 to LI-S (Building Contractors, Heavy): property is located west of the intersection of Old Highway 52 and Chipboard Road (Zoning Docket F-1320).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

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COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of John Henry Spainhour (J & S Realty, Inc.) for property owned by R. S. Helsabeck Trust, Docket F-1320

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-20 to LI-S (Building Contractor, General) the zoning classification of the following described property:

Being a parcel of land in the County of Forsyth and State of North Carolina, in Bethania Township.

Beginning at a point, the southeast corner of said tract; said point being 51° 06 minutes 49 seconds west and a distance of 656.03 feet from the Northwest corner of Walter Bodenhamer tract, as described in DB 674, PG 084 - thence north 81° 21 minutes 22 seconds west 560.83 feet with the northern right of way of a proposed 60 foot dedicated street to a point, the southwest corner of said tract. Thence north 5° 00 minutes 00 seconds west, a distance of 660.54 feet to a point in the right of way of Yadkin Valley Railroad. Thence with the right of way south 89° 06 minutes 59 seconds east, a distance of 547.89 to a point in the right of way of 736.67 feet to the POINT OF BEGINNING. Containing 8.74 acres +/- and being Tax Block 4960, Lot 19.

Section 2. This Ordinance is adopted after approval of the site plan entitled John Spainhour and Sons Grading Company, Inc., and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to John Henry Spainhour (J & S Realty, Inc.) for property owned by R. S. Helsabeck Trust.

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 John Spainhour and Sons Grading Company, 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 John Henry Spainhour (J & S Realty, Inc.) for property owned by R. S. Helsabeck Trust (Zoning Docket F-1320). 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 (Building Contractor, General), approved by the Forsyth County Board of Commissioners the ____ day of _____, 20 ____" 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:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, developer shall provide on-site stormwater improvements on this property or the developer may be able to improve other existing stormwater management devices in this drainage area without having to make those improvements on this property.
- C **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Storm water management devices, if required shall be installed.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall construct a public street from Chipboard Road to the property to NCDOT industrial road standards.

C OTHER REQUIREMENTS

- a. One freestanding ground sign shall be permitted at the entrance to the site. Said sign shall be limited to monument type with a maximum height of five (5) feet and a maximum copy area of twenty (20) square feet.

ZONING STAFF REPORT

DOCKET # F-1320

STAFF: Glenn Simmons

Petitioner(s): John Henry Spainhour (J & S Realty, Inc.)

Ownership: Same

CONTINUANCE HISTORY: This Special Use District zoning petition was mistakenly advertised for the permitted use of "Building Contractors, General" instead of the correct designation of "Building Contractors, Heavy". Therefore, according to the legal requirements, this case was continued from the August 10, 2000 to the September 14, 2000 Planning Board public hearing to allow for proper public notification.

REQUEST

From: RS-20 Residential Single Family District; minimum lot size 20,000 sf

To: LI-S Limited Industrial District (Building Contractors, Heavy)

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

Acreage: 8.74 acres

LOCATION

Street: 1,000 feet west of the intersection of Old Highway 52 and Chipboard Road.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Building Contractor, Heavy.

Square Footage: 10,000 square foot shop.

Building Height: One story.

Density: N/A.

Parking: Required: 20 spaces @ 1 space per 500 sf ; Proposed: 21 spaces.

Bufferyard Requirements: Type IV bufferyard.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None.

Adjacent Uses:

North - Yadkin Valley Railway and undeveloped RS-20 zoned property. Further north and east is Old US 52.

- East - Undeveloped RS-20 zoned property; LB zoned property opposite Old US 52.
- South - Undeveloped RS-20 zoned property.
- West - Undeveloped RS-20 zoned property.

GENERAL AREA

Character/Maintenance: Area around site is largely undeveloped. Some rural residential uses are located off Old US 52 to north and some commercial, LB zoned property is on the east side of US 52 approximately 1,200 feet east of current site.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Existing wooded area to be cleared.

Topography: Site slopes gently downward from the north to the south.

Streams: None.

Vegetation/habitat: Wooded with mature evergreen and deciduous vegetation.

Constraints: No major constraints.

Floodplains: None.

TRANSPORTATION

Direct Access to Site: Chipboard Road via a proposed public right-of-way.

Street Classification: Local Street, unclassified; Old US 52 - major thoroughfare; NC 66 - major thoroughfare.

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

NC 66 north of Old US 52 - 5,800/11,000.

Trip Generation/Existing Zoning: RS-20 8.74 acres/20,000 sf = 19 lots x 9.57 (trip rate) = 182 trips

Trip Generation/Proposed Zoning: GI-S (Building Contractors, General) - 10,000 sf/1,000 sf = 10 x 4.96 (trip rate for warehousing) = 49.6 trips

Planned Road Improvements: None planned.

Sight Distance: Adequate; existing vegetation and railway crossing on inside of curve of Old US 52 partially restricts visibility at intersection of Chipboard Road and Old US 52.

Interior Streets: A 1,000 foot long public street is proposed to connect to the site from Chipboard Road.

HISTORY

Relevant Zoning Case:

F-246; R-6 (comparable to RS-20) to B-3 (comparable to LB); approved June 5, 1972; southeast corner of intersection of Old US 52 and NC 66 (approximately 1,200 feet east of current site); 5.0 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Policies for the long-range growth area include staging of development with the provision of roads, sewer, and other services and employment concentrations and major retail at defined activity nodes.

Area Plan/Development Guide: None.

ECONOMIC DEVELOPMENT

Prime Industrial Site: Site is identified as a prime industrial opportunity area in the *Industrial Sites Handbook*, but only if combined with other properties which provide vehicular access westward to US 52 /I-74.

Railroad Access: Yadkin Valley Railway is contiguous to the site, but the curved section of the railway does not allow a siding into the property.

ANALYSIS

This petition is a request to rezone 8.74 acres of land from RS-20 to LI-S (Building Contractors, Heavy). The property is located approximately 1,000 feet west of the intersection of Chipboard Road and Old US 52, just south of the Stokes County line. The developer proposes to provide vehicular access to the property via a new public street which would extend westward to the property approximately 1,100 feet from Chipboard Road. Site plan conditions require, if the LI-S zoning is approved, that the public street be built to NC Department of Transportation industrial road standards.

The property is generally located within a large, undeveloped area of RS-20 zoned property which is confined to the north and east by the Yadkin Valley Railway. The request is unusual in that the site is remote with respect to its visibility and vehicular access. Although LB zoned properties currently exist on the east side of US 52 at the intersection of US 52 and NC 66, the perception is that the property is even farther away from other commercial properties than the 1,200 foot distance may suggest. This sense of isolation is also true with respect to existing GI zoned properties located approximately one half mile south of the current site along the west side of Chipboard Road.

Although the property is visually isolated, staff is concerned about the prospect of zoning this property to a commercial use. In and of itself, this property, if developed for the heavy contractor uses, may not directly affect non-petitioning property owners in the area. However, if this property is zoned commercially, staff believes it will likely promote other industrial zonings in the area. Particularly with respect to the potentially large amount of heavy commercial traffic which could be generated from future industrial zonings in this area, staff is concerned that vehicular infrastructure is inadequate. The current intersection of Chipboard Road and Old US 52, near the access to the current property, is substandard especially when combined with the railroad crossing.

While this property was identified by Planning staff in 1991 as an industrial opportunity area, this designation was based on the assemblage of a very large tract of land which could be master planned and have vehicular access westward through other industrially zoned properties along the US 52 / I-74 corridor. Piecemeal commercial development without a coordinated plan to provide adequate vehicular access is, in staff's opinion, not acceptable at the current location.

Planning staff also asked the County Attorney for an opinion as to whether the property, if zoned to LI-S, would constitute an illegal spot zone. In her opinion the zoning would not be an illegal spot zone. This opinion was based on the presence of LB zoned property on the east side of Old US 52 and the undefined character of the undeveloped land tracts in the area.

FINDINGS

1. The proposal is a request to rezone 8.74 acres from RS-20 to LI-S to accommodate the "Building Contractors, Heavy" uses.
2. The property is proposed to be accessed via a new public street to be built to NC DOT industrial standards.
3. The property is visually and physically separated from other developed areas by the Yadkin Valley Railroad and large tracts of wooded properties in the same ownership as the petitioner.
4. The property has adequate access to Old US 52 via Chipboard Road, however existing roads and intersections in the area cannot support substantial increases in heavy commercial traffic.
5. If this zoning is approved, it will likely promote more industrial zoning requests in the area without the benefit of comprehensive land use or transportation planning.
6. Planning staff believes that any new industrial development in the area should be master planned eastward from existing industrially zoned land along the US 52 / I-74 corridor.
7. The zoning request is inconsistent with *Vision 2005*.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, developer shall provide on-site stormwater improvements on this property or the developer may be able to improve other existing stormwater management devices in this

drainage area without having to make those improvements on this property.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

a. Storm water management devices, if required shall be installed.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

a. Developer shall construct a public street from Chipboard Road to the property to NCDOT industrial road standards.

C OTHER REQUIREMENTS

a. One freestanding ground sign shall be permitted at the entrance to the site. Said sign shall be limited to monument type with a maximum height of five (5) feet and a maximum copy area of twenty (20) square feet.

[For information purposes only: According to the draft Legacy comprehensive plan, the petitioner's site and the surrounding area are outside the municipal services area of Legacy's growth management plan but in the future growth area. The plan directs growth to the Municipal Services Area but when it is more fully developed, it would be expanded to include areas identified for future growth. Until that time, growth would not be encouraged in future growth areas. Longer term, the future growth areas would develop to urban standards and possibly be incorporated into a nearby municipality.]

PUBLIC HEARING - August 10, 2000

David Reed requested a continuance due to the petition not being advertised properly.

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson made a motion to continue the case to September 14, 2000.

SECOND: James Rousseau

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - September 14, 2000

FOR:

Robert Sparks, P. O. Box 24296, Winston-Salem, NC 27114

We looked in Forsyth County and found this piece of property which will meet our needs. It is in *Vision 2005* and we have made numerous changes to meet staff's recommendations.

Mr. Spainhour's company presently employees about 40 employees. Mr. Spainhour would build his residence on this site as well as this business building.

We have met extensively with the neighbors there and haven't found much opposition with the exception of Mr. Helsabeck who has some concerns with the interchange rather than the overall plan.

If Mr. Spainhour does not get this rezoning, he will relocate his business elsewhere, not in Forsyth County.

Submitted map showing surrounding industrial and commercial properties.

AGAINST:

William Helsabeck, 2355 Moreland Drive, Rural Hall, NC 27045

I don't have a stronger opposition to Mr. Spainhour moving in here and setting up this industry than anyone else's opposition to an industry moving into a residential area. My concern is his access to this site. This intersection is highly dangerous. I'm almost certain the row of trees is on public right-of-way and could easily be removed to improve visibility.

There is a lot of congestion at this intersection.

My major concern is the congestion and how much that will be increased by inserting industrial uses. I feel this intersection should be changed and a stop-light installed.

This is an agricultural and residential area and I'd like to see it stay this way.

Once you begin inserting industrial zoning, more will come in.

John Booth, 8810 Chipboard Road, Rural Hall, NC 27045

My property borders the back side of this property. My concerns after thinking this over is opening the can to industrial development. Where does it stop? To approve this request now would just be the beginning of taking away our community.

WORK SESSION

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

1. Glenn Simmons noted the distinction between site plan review where the petitioner made changes to meet requirements and the zoning recommendation. He also noted that this site was identified as part of a larger approximately 1,000 acre site as a potential industrial site. Individual pieces were not designated as industrial zoning.
2. Although the volume of traffic would be greater under residential development, it would be smaller vehicles. Larger vehicles could block the railroad tracks as they waited at the intersection.
3. Terry Powell expressed concerns about piecemeal rezoning.

MOTION: Terry Powell moved denial of the zoning map amendment.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: Arnold King

EXCUSED: None

SITE PLAN MOTION: Terry Powell certifies that the site plan meets all code requirements and recommends staff conditions.

SECOND: Kerry Avant

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 Dr. R. S. Helsabeck, Charles Helsabeck POA, as of July 12, 2000. A contract to purchase, a copy of which is on file, indicates J & S Realty, Inc. and R. S. Helsabeck estate have agreed for J & S Realty, Inc. to purchase the property.

A. Paul Norby, AICP
Director of Planning