November 17, 2015

North Point Pentecostal Holiness Church
5225 High Point Road
High Point, NC  27265

Re: Zoning Petition F-1557

Dear Petitioner:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. You will be notified by the Board of Commissioners’ Office of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning and Development Services

pc:  Clerk to the Board of Commissioners, Forsyth County Government Center - 5th Floor, 201 N. Chestnut Street, Winston-Salem, NC  27101
     Vulcan Construction Materials, LLC, 4401 N. Patterson Avenue, Winston-Salem, NC 27105
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________ AGENDA ITEM NUMBER: _____

SUBJECT:-

A. Public Hearing on zoning petition of North Point Pentecostal Holiness Church and Vulcan Lands, Inc. from AG to GI-S (Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant) (Tract 1) and from GI-S to AG (Tract 2): property is located on the north side of High Point Road, east of Mowery Drive (Zoning Docket F-1557)

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina.

C. Approval of Special Use District Permit

D. Approval of Site Plan

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

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

ATTACHMENTS:-  X YES  ___NO

SIGNATURE: ___________________________ DATE: _____________

County Manager
COUNTY ORDINANCE - GENERAL USE

Zoning Petition of North Point Pentecostal Holiness
Church and Vulcan Lands, Inc., Docket F-1557, Tract 2

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 to AG the zoning classification of the following described property:

A portion of PIN # 6882-58-2876 containing 0.745 acres, as depicted on the survey titled: "East Forsyth Quarry" drawn by Philip R. Bailey and dated November 3, 2015.

Section 2. This ordinance shall become effective upon adoption.
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of North Point Pentecostal Holiness Church and Vulcan Lands, Inc., Docket F-1557, Tract 1

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 AG to GI-S (Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant) the zoning classification of the following described property:

A portion of PIN # 6882-58-4862 containing 0.336 acres, as depicted on the survey titled: "East Forsyth Quarry" drawn by Philip R. Bailey and dated November 3, 2015.

Section 2. This Ordinance is adopted after approval of the site plan entitled East Forsyth Quarry, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _________________, 20____ to North Point Pentecostal Holiness Church and Vulcan Lands, Inc.

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 East Forsyth Quarry. 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.
SPECIAL USE DISTRICT PERMIT

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 North Point Pentecostal Holiness Church and Vulcan Lands, Inc. (Zoning Docket F-1557). 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 (Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant), 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 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:

• PRIOR TO THE ISSUANCE OF GRADING PERMITS
  a. Developer shall obtain all necessary mining permits from the North Carolina Division of Environment and Natural Resources (DENR).
## CITY-COUNTY PLANNING BOARD
### STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1557</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>North Point Pentecostal Holiness Church and Vulcan Lands, Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>A portion of PIN #s 6882-58-4862 and 6882-58-2876</td>
</tr>
<tr>
<td>Address</td>
<td>5225 High Point Road</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning from AG to GI-S (Tract 1) and general use rezoning from GI-S to AG (Tract 2)</td>
</tr>
</tbody>
</table>
| Proposal | The petitioner is requesting to amend the Official Zoning Maps for the subject property from AG (Agricultural district – 40,000 sf minimum lot size) to GI-S (General Industrial – special use zoning) and from GI-S (General Industrial – special use zoning - Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant) to AG (Agricultural district – 40,000 sf minimum lot size). The petitioner is requesting the following uses in the proposed GI-S district:
  - Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant

**NOTE:** General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered. |

<table>
<thead>
<tr>
<th>Neighborhood Contact/Meeting</th>
<th>The application indicates that no neighborhood meeting has been held.</th>
</tr>
</thead>
</table>
| Zoning District Purpose Statement | The GI District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties. The district is established to provide locations for major developments in GMAs 1, 2 and 3.

The AG District is primarily intended to accommodate uses of an agricultural nature. The district is also intended to accommodate scattered non-farm residences on large tracts of land, but is not intended for residential subdivisions with small lots. The district is intended for application in GMAs 4 and 5 and is established for the following purposes:

(a) To preserve the rural character of portions of the county and encourage the continued use of land for agricultural, forest, and open space purposes. |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R) | (b) To discourage scattered commercial and industrial land uses;  
(c) To concentrate urban development in and around existing urbanized areas and proposed Metro Activity Centers, thereby preventing premature conversion of farmland into urban uses; and,  
(d) To discourage any use which may create premature public infrastructure and service demands. |
|---|---|
| General Site Information | (R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?  
Yes, Tract 1 (proposed for GI-S zoning) is adjacent to a large area zoned GI-S and Tract 2 (proposed for AG zoning) is adjacent to AG zoning. |
| Location | North side of High Point Road, east of Mowery Drive |
| Jurisdiction | Forsyth County |
| Site Acreage | Tract 1: .34 acre and Tract 2: .75 acre |
| Current Land Use | Tract 1 is currently used for parking and an accessory building for the North Point Pentecostal Holiness Church. Tract 2 is undeveloped. |
| Surrounding Property Zoning and Use |  
| **Direction** | **Zoning District** | **Use** |
| North | GI-S | Vulcan Quarry |
| East | AG & HB | North Point Pentecostal Holiness Church & AAA Self Storage |
| South | AG & HB | North Point Pentecostal Holiness Church & single family home |
| West | GI-S | Vulcan Quarry |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R) | (R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?  
The proposed uses of Mining, Quarry, or Extractive Industries; and Asphalt and Concrete Plant for Tract 1 are identical to the uses permitted on the adjacent GI-S zoned property. The uses permitted within the proposed AG district for Tract 2 are identical with the uses permitted on the adjacent AG zoned site. |
| Physical Characteristics | The site has variable topography. |
| Proximity to Water and Sewer | Neither public water nor sewer is provided by the City/County Utility Commission to the subject property. |
| Stormwater/Drainage | No known issues. |
| Watershed and Overlay Districts | The site is located within the balance area of the Abbotts Creek WS III Water Supply Watershed. |
| Analysis of General Site Information | Nonresidential properties within the balance area of the Abbotts Creek WS III Water Supply Watershed are limited to a maximum built-upon area of twenty-four percent (24%). In regard to Tract 1, the subject request is in compliance with said requirement in that the proposed site |
plan shows a reduction in the amount of impervious coverage with the removal of an existing accessory building and a portion of the parking area for the North Point Pentecostal Holiness Church. Tract 1 will become part of the required buffer yard. In regard to any potential development of Tract 2, the developer shall be responsible for complying with said built-upon limitations.

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>High Point Road</td>
<td>Major Thoroughfare</td>
<td>None</td>
<td>1,700</td>
<td>15,800</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td>Tract 1 is adjacent to property owned by Vulcan Lands, Inc. whose quarry is accessed from NC 66. Tract 2 is adjacent to property owned by North Point Pentecostal Holiness Church whose site is accessed from High Point Road.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trip Generation - Existing/Proposed</td>
<td>The proposed rezoning may allow the adjacent church to expand which may result in some increased trips on High Point Road.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td>There are no sidewalks located in the general area.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit</td>
<td>Not available</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of Site Access and Transportation Information</td>
<td>Staff does not anticipate any transportation related issues associated with the subject request.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy 2030 GMA</th>
<th>Growth Management Area 4 - Future Growth Area</th>
</tr>
</thead>
</table>
| Relevant Legacy 2030 Recommendations | • Recognize the scarcity of good industrial land and promote the wisest economic use of those limited resources to generate needed jobs and create wealth for our community.  
• Protect planned industrial areas by following the recommendations of the Planning Department's industrial sites study, area plans, and other development guides.  
• Explore mechanisms such as industrial zoning for industrial land protection. |
| Relevant Area Plan(s) | Southeast Forsyth Area Plan Update (2013) |
| Area Plan Recommendations | • Areas within the zoning request are shown for no change from institutional and industrial land use on Map. 9 – Proposed Land Use. |
| Site Located Along Growth Corridor? | The site is not located along a growth corridor. |
| Site Located within Activity Center? | The site is not located within an activity center. |
| Addressing | There are no addressing or street naming concerns at this time. |
**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)**

- **(R)(3) - Have changing conditions substantially affected the area in the petition?**
  - No

- **(R)(4) - Is the requested action in conformance with Legacy 2030?**
  - Yes

**Analysis of Conformity to Plans and Planning Issues**
The request consists of two tracts. Tract 1 (which currently includes an accessory building for the church and a small portion of its parking area) is proposed for rezoning from AG to GI-S to allow for an expansion of the adjacent quarry. Tract 2 (currently undeveloped and directly west of the church sanctuary) is proposed for rezoning from GI-S to AG. Consistent with the current zoning, The Southeast Forsyth Area Plan Update recommends no change in use for either tract. However, Planning staff sees the subject request as a relatively minor adjustment or fine tuning of the boundaries of the Vulcan quarry which would also allow for a potential expansion of the church. Legacy 2030 supports the sensitive expansion of industrial activities in order to generate needed jobs and create wealth for the community. Planning staff supports the request.

### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-1544</td>
<td>LI to GB-L</td>
<td>Approved 11-11-13</td>
<td>900' southeast</td>
<td>7.22</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1382</td>
<td>AG &amp; GI-S to GI-S</td>
<td>Approved 6-23-03</td>
<td>Included portion of current site</td>
<td>190.59</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

- **UDO Sections Relevant to Subject Request**
  - Chapter B, Article II, Section 2-1.4 (C) General Industrial district
  - Chapter B, Article II, Section 2-5.52 Mining, Quarry, or Extractive Industries Use Conditions
  - Chapter C, Article IV Watershed Protection

- **Complies with Chapter B, Article VII, Section 7-5.3**
  - **(A) Legacy 2030 policies:** Yes
  - **(B) Environmental Ord.:** Yes
  - **(C) Subdivision Regulations:** NA

- **Analysis of Site Plan Compliance with UDO Requirements**
The proposed site plan for the GI-S portion of the request consists of a 25 foot wide mining permit buffer and a 50 foot wide zoning setback. The existing accessory building for North Point Pentecostal Holiness Church and a small portion of its parking lot will need to be removed in order to accommodate this buffer and setback area. The church will need to insure that minimum parking requirements of the UDO are complied with once said spaces are removed.
CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request will allow for an expansion of the existing quarry.</td>
<td>The area plan does not recommend a change in zoning.</td>
</tr>
<tr>
<td>The request may allow for an expansion of the existing church.</td>
<td></td>
</tr>
<tr>
<td>It is not anticipated that the request will have a significant impact on traffic.</td>
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<tr>
<td>The request is consistent with the purpose statement of both the GI and the AG zoning districts.</td>
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</table>

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. Developer shall obtain all necessary mining permits from the North Carolina Division of Environment and Natural Resources (DENR).

**STAFF RECOMMENDATION:** Approval

**NOTE:** These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**
PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning petition and certified that the site plan (including staff recommended conditions) meets all code requirements if the petition is approved.
SECOND: Paul Mullican
VOTE:
  FOR: George Bryan, Melyn da Dunigan, Tommy Hicks, Arnold King, Clarence Lambe, Paul Mullican, Brenda Smith, Allan Younger
  AGAINST: None
  EXCUSED: None

According to information furnished by the Office of the Tax Assessor on November 17, 2015, the subject property was in the name of North Point Pentecostal Holiness Church and Vulcan Lands, Inc.

____________________________
A. Paul Norby, FAICP
Director of Planning and Development Services
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Agricultural Production, Crops
Agricultural Production, Livestock
Agricultural Tourism
Animal Feeding Operation
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Fish Hatchery
Kennel, Outdoor
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private
Transmission Tower (see UDO)

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Cemetery
Church or Religious Institution, Community
Golf Course
Landfill, Land Clearing/Inert Debris, 2 acres or less
Library, Public
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Borrow Site
Campground
Child Day Care, Large Home
Dirt Storage
Fishing, Fee Charged
Habilitation Facility A
Manufactured Home, Class A
Manufactured Home, Class B
Manufactured Home, Class C
Nursing Care Institution
EXISTING AND PROPOSED AG USES ALLOWED
Forsyth County Jurisdiction Only

Park and Shuttle Lot
Recreational Vehicle Park
Riding Stable
Shooting Range, Outdoor
Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Landfill, Land Clearing/Inert Debris, greater than 2 acres
**INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE**  
Project Case Number: F-1557

**PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS**  
Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrase. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

|-----------------------------|-----------------------------------|------------------------|

**PROJECT DESCRIPTION:**  
North side of High Point Road, east of Mowery Drive

<table>
<thead>
<tr>
<th>NCDOT- Phone # - 336.747.7900 Email: <a href="mailto:warcher@ncdot.gov">warcher@ncdot.gov</a></th>
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</thead>
<tbody>
<tr>
<td>No comments</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>WSDOT- Phone # - 336.747.6872 Email: <a href="mailto:conniej@cityofws.org">conniej@cityofws.org</a></th>
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</thead>
<tbody>
<tr>
<td>No comments</td>
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<table>
<thead>
<tr>
<th>City Engineer- Phone # - 336.747.6846 Email: <a href="mailto:albertcg@cityofws.org">albertcg@cityofws.org</a></th>
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</thead>
<tbody>
<tr>
<td>No comments</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Inspections (Zoning)- Phone # - 336.727.2626 or 336.747.7427 Email: <a href="mailto:donnagb@cityofws.org">donnagb@cityofws.org</a> or <a href="mailto:desmonde@cityofws.org">desmonde@cityofws.org</a></th>
</tr>
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<tbody>
<tr>
<td>• Label public right-of-way</td>
</tr>
<tr>
<td>• Label any buildings to be removed</td>
</tr>
<tr>
<td>• Label “25-ft Mining Permit Buffer” using UDO terminology (minimum bufferyard)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Erosion Control - Phone # - 336.747.7453 Email: <a href="mailto:matthewo@cityofws.org">matthewo@cityofws.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>No Comment</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Stormwater Division- Phone # - 336.747.6961 Email: <a href="mailto:josephf@cityofws.org">josephf@cityofws.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>No comments</td>
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<thead>
<tr>
<th>Fire (County)- Phone # - 336.703-2550 Email: <a href="mailto:smithbj@forsyth.cc">smithbj@forsyth.cc</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>No comments</td>
</tr>
</tbody>
</table>
Utilities- Phone #: 336.747.7309 Email: jackf@cityofws.org
No comments.

Planning- Phone #: 336.747.7043/747.7068 Email: aaronk@cityofws.org
Note existing building to be removed on site plan.

Street Names/Addresses - 336.747.7048 Email: benfs@cityofws.org
No comments