February 25, 2015

Arthur L. and Diane J. Kibler
P. O. Box 7
Belews Creek, NC  27009

Re:  Zoning Petition F-1549

Dear Mr. and Ms. Kibler:

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
Thomas W. Prince/Eric Moser, P. O. Box 367, Kernersville, NC  27285
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _________________ AGENDA ITEM NUMBER: _____

SUBJECT:-

A. Public Hearing on zoning petition of Arthur L. and Diane J. Kibler from RS40 to GI: property is located on the west side of Belews Lake Drive, south of NC 65 (Zoning Docket F-1549).

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

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 Arthur L. and Diane J. Kibler, Docket F-1549

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 RS40 to GI the zoning classification of the following described property:


Section 2. This ordinance shall become effective upon adoption.
CITY-COUNTY PLANNING BOARD
STAFF REPORT

PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1549</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr., AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Arthur L. and Diane J. Kibler</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Portion of PIN #6980-48-6271</td>
</tr>
<tr>
<td>Address</td>
<td>The subject property does not have an address assignment.</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General use rezoning from RS40 to GI</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS40 (Residential, Single Family district - 40,000 sf minimum lot size) to GI (General Industrial district).</td>
</tr>
</tbody>
</table>

**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>
<tbody>
<tr>
<td>Zoning District Purpose Statement</td>
<td>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.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Although the site is located within GMA 5, the subject property, along with the adjacent properties, have a history of industrial zoning.</td>
</tr>
</tbody>
</table>

GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of Belews Lake Drive, south of NC 65</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± .92 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The site is currently undeveloped.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>GI</td>
<td>Undeveloped property</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>GI</td>
<td>Undeveloped property</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>GI</td>
<td>Undeveloped property</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>GI</td>
<td>Undeveloped property</td>
</tr>
<tr>
<td><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</strong></td>
<td>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? Yes, the uses permitted within the proposed GI district are compatible with the uses permitted on the adjacent GI zoned properties.</td>
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</tr>
<tr>
<td><strong>Physical Characteristics</strong></td>
<td>The undeveloped site has a gentle slope downward to the southwest. A freshwater pond, which is diked or impounded, is located directly west of the subject property.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Proximity to Water and Sewer</strong></td>
<td>Public water and sewer are not available to the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Stormwater/Drainage</strong></td>
<td>No known issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Watershed and Overlay Districts</strong></td>
<td>The site is not located within a water supply watershed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Analysis of General Site Information</strong></td>
<td>The site appears to possess no development constraints such as designated floodplains, watersheds, or steep slopes.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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>Belews Lake Drive</td>
<td>Local Street</td>
<td>0’</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

Because this is a general use request, the exact location of access points is unknown. The site has an approved special use permit to access Belews Lake Drive located approximately 700’ to the west.

**Trip Generation - Existing/Proposed**

- **Existing Zoning:** RS40
  
  \[40,016 \text{ sf} = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 10 \text{ Trips per Day}\]

- **Proposed Zoning:** GI
  
  No trip generation is available for the proposed general use zoning district which has no site plan.

**Sidewalks**

There are no sidewalks located in the general area.

**Analysis of Site Access and Transportation Information**

On July 28, 2014 a special use permit was approved by the Forsyth County Commissioners to access the subject residential property across GI zoned property (F-1546). If the subject request is approved, said special use permit will no longer be necessary. Staff foresees no transportation related issues associated with this request.

**CONFORMITY TO PLANS AND PLANNING ISSUES**

**Legacy GMA**

Growth Management Area 5 - Rural Area

**Relevant Legacy Recommendations**

- Limit road building
- Do not extend sewer, except to address documented public health concerns
- Encourage subdivisions that conserve open space and rural vistas
- Do not rezone property to more intense districts

**Relevant Area Plan(s)**

*Northeast Rural Area Study (2012)*
### Area Plan Recommendations
- The *Northeast Rural Area Study* does not include site specific recommendations. However, the study generally recommends minimizing the rezoning of land to more intensive residential development. The plan also encourages rurally-compatible design and landscaping of residential development to minimize the impact of new developments on the community’s rural and scenic character.

### 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.

### 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?
  - See comments below

### Analysis of Conformity to Plans and Planning Issues
The subject property, along with many other properties in the general area, was zoned for industrial use during the comprehensive County zoning in 1967. In 2014, the site was rezoned to RS40 for residential use; however, the site remains undeveloped. Although the site is within the Rural Growth Management Area, where rezonings to more intensive districts are typically not encouraged, this site is unique because it has a history of industrial zoning and is surrounded by other GI zoned properties. The GI district has a minimum contiguous area of five acres. This requirement is met in light of said adjacent properties. Planning staff supports this 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></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Staff</td>
</tr>
<tr>
<td>F-1546</td>
<td>GI to RS40 and SUP for access</td>
<td>Approved 7-28-14</td>
<td>Included current site</td>
<td>1.33</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1540</td>
<td>RS40 to GI</td>
<td>Approved 10-28-13</td>
<td>100’ east of current site</td>
<td>1.3</td>
<td>Approval</td>
</tr>
<tr>
<td>F-895</td>
<td>I3 (GI) to R6 (RS40)</td>
<td>Approved 7-25-88</td>
<td>100’ east of current site</td>
<td>1.3</td>
<td>Approval</td>
</tr>
<tr>
<td>Positive Aspects of Proposal</td>
<td>Negative Aspects of Proposal</td>
<td></td>
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<td>-----------------------------------------------------------------</td>
<td>------------------------------------------------------------------------------------------------</td>
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</tr>
<tr>
<td>The site has a history of industrial zoning.</td>
<td>The request would expand industrial zoning in the Rural Area Growth Management Area of Forsyth County.</td>
<td></td>
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</tr>
<tr>
<td>The proposed GI zoning is compatible with the zoning pattern in the general area.</td>
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<tr>
<td>The site is surrounded by GI zoning.</td>
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**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.
SECOND:  Paul Mullican
VOTE:
  FOR:  Melynda Dunigan, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican, Brenda Smith, Allan Younger
  AGAINST:  None
  EXCUSED:  None

According to information furnished by the Office of the Tax Assessor on March 4, 2015, the subject property was in the name of Arthur L. Kibler and Diane Jeanne Kibler.

A. Paul Norby, FAICP
Director of Planning and Development Services
DOCKET #: F1549

PROPOSED ZONING:
GI

EXISTING ZONING:
RS40

PETITIONER:
Arthur L. and Diane J. Kibler
for property owned by Same

Property included in zoning request
500' mail notification radius. Property not in zoning request

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 5

ACRES: 0.92

NEAREST BLDG: 385' west

MAP(S): 6980.01
EXISTING RS40 USES ALLOWED
Forsyth County Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Agricultural Production, Crops
Agricultural Production, Livestock
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
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)
Bed and Breakfast
Borrow Site
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
Park and Shuttle Lot
Recreational Vehicle Park
Riding Stable
Shooting Range, Outdoor
Transmission Tower

Uses Allowed in RS40

Revised 4/28/2014
EXISTING RS40 USES ALLOWED
Forsyth County Jurisdiction Only

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Landfill, Land Clearing/Inert Debris, greater than 2 acres
Parking, Off-Site, for Multifamily or Institutional Uses
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Academic Biomedical Research Facility
Adult Establishment
Agricultural Production, Crops
Agricultural Production, Livestock
Animal Feeding Operation
Animal Shelter, Public
Arts and Crafts Studio
Asphalt and Concrete Plant
Banking and Financial Services
Building Contractors, General
Building Contractors, Heavy
Building Materials Supply
Bulk Storage of Petroleum Products
Child Care, Drop-In
Church or Religious Institution, Community
Church or Religious Institution, Neighborhood
Correctional Institution
Fish Hatchery
Fuel Dealer
Golf Course
Government Offices, Neighborhood Organization, or Post Office
Kennel, Indoor
Kennel, Outdoor
Manufacturing A
Manufacturing B
Manufacturing C
Motor Vehicle, Body or Paint Shop
Motor Vehicle, Rental and Leasing
Motor Vehicle, Repair and Maintenance
Motor Vehicle, Storage Yard
Offices
Park and Shuttle Lot
Parking, Commercial
Police or Fire Station
Postal Processing Facility
Recreation Facility, Public
Recreation Services, Indoor
Recreation Services, Outdoor
Recycling Center
Recycling Plant
Restaurant (with drive-through service)
Restaurant (without drive-through service)
School, Vocational or Professional
Services A
F-1549 ATTACHMENT B
PROPOSED GI USES ALLOWED
Forsyth County Jurisdiction Only

Services B
Shooting Range, Indoor
Signs, Off-Premises
Solid Waste Transfer Station
Storage and Salvage Yard
Storage Services, Retail
Storage Trailer
Terminal, Bus or Taxi
Terminal, Freight
Testing and Research Lab
Transmission Tower
Utilities
Veterinary Services
Warehousing
Wholesale Trade A
Wholesale Trade B

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Airport, Private
Heliport
Landfill, Construction and Demolition
Landfill, Land Clearing/Inert Debris, 2 acres or less
Landfill, Land Clearing/Inert Debris, greater than 2 acres
Meat Packing Plant
Motor Vehicle Dismantling and Wrecking Yard

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Airport, Public
Borrow Site
Dirt Storage
Helistop
Landfill, Sanitary
Shooting Range, Outdoor

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Hazardous Waste Management Facility
Mining, Quarry, or Extractive Industry
Shelter for Homeless
USES ALLOWED UNDER PROPOSED “SERVICES, A”

SERVICES, A. An establishment primarily engaged in providing a service(s) to business and individuals. All merchandise and rental equipment is stored inside enclosed buildings. Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

7212 Garment Pressing and Agents for Laundries and Drycleaners
7215 Coin-Operated Laundries and Cleaning
7216 Drycleaning Plants, Except Rug
7217 Carpet and Upholstery Cleaning
722 Photographic Studios, Portrait
723 Beauty Shops
724 Barber Shops
725 Shoe Repair and Shoeshine Parlors
729 Miscellaneous Personal Services
73 Mailing, Reproduction, Commercial Art and Photography
735 Equipment Rental and Leasing (only with inside storage of equipment)
737 Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
738 Miscellaneous Business Services
762 Electrical Repair Shops
763 Watch, Clock, and Jewelry Repair
764 Reupholstery and Furniture Repair
7699 Uses from SIC 7699 primarily engaged in providing repair and other services to business and individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.
USES ALLOWED UNDER PROPOSED “SERVICES, B”

SERVICES, B. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. Services B includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 721 Laundry, Cleaning, and Garment Services Except those listed under Services A
- 7312 Outdoor Advertising Services
- 734 Services to Dwellings and Other Buildings
- 735 Equipment Rental and Leasing (with outside storage of equipment)
- 7623 Refrigeration Service and Repair
- 7692 Welding Repair
- 7694 Armature Rewinding Shops
- 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith or gunsmith shops, and septic tank or sewer cleaning services, but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.