DOCKET #: F1456

PROPOSED ZONING:
GB-S (Storage Services, Retail)

EXISTING ZONING:
LB

PETITIONER:
Joe D. Clark and Susan S. Clark for property owned by Same

SCALE: 1" represents 200'
STAFF: King
GMA: 4
ACRE(S): 0.86
MAP(S): 672882, 678882
March 22, 2006

David and Susan Clark  
104 Ben Nevis Drive  
Kernersville, NC  27284

RE:  ZONING MAP AMENDMENT F-1456

Dear Mr. & Mrs. Clark:

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  
Don Nielsen, 100 N. Cherry Street, Winston-Salem, NC  27106  
Joe Clark, 575 Brookside Court, Kernersville, NC  27284  
S. M. Albance Salvatory Malvano, 1740 Round Hill Circle, Kernersville, NC  27284
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning Map Amendment of Joe D. Clark and Susan S. Clark from LB to GB-S (Storage Services, Retail): property is located on the west side of Kerner Road south of Vance Road (Zoning Docket F-1456).

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map.

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 - SPECIAL USE

Zoning Petition of Joe D. Clark and Susan S. Clark,  
Docket F-1456

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 LB to GB-S (Storage Services, Retail) the zoning classification of the following described property:

Tax Block 5423, Tax Lot 12K

Section 2. This Ordinance is adopted after approval of the site plan entitled Joe D. Clark and Susan S. Clark, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of ________________, 20____ to Joe D. Clark and Susan S. Clark.

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 Joe D. Clark and Susan S. Clark. 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 Joe D. Clark and Susan S. Clark (Zoning Docket F-1456). 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 GB-S (Storage Services, Retail), 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 GB-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 a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
   a. All requirements of the NCDOT driveway permit shall be completed.
   b. Developer shall install the security fence to the interior side of the bufferyard with plantings going on the outside of the fence.
   c. Building colors shall be a shade of off-white, with the doors being dark blue or green.

OTHER REQUIREMENTS:
   a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
   b. As volunteered by the petitioner, all on site lighting shall be a maximum of 9 feet tall and shall be wall mounted and designed not to cast direct light on adjacent properties.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th><strong>Docket #</strong></th>
<th>F-1456</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff</strong></td>
<td>Aaron King</td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
<td>Joe D. Clark and Susan S. Clark</td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
<td>Same</td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
<td>Portion of Tax Lot 12K Tax Block 5423</td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
<td>Special use rezoning request from LB to GB-S for two mini-storage buildings.</td>
</tr>
</tbody>
</table>
| **Proposal** | The petitioner is requesting to amend the Official Zoning Maps for the subject property from LB (Limited Business) to GB-S (General Business – Special Use Zoning). The petitioner is requesting the following uses:  
  - Storage Services, Retail |

### Zoning District Purpose Statement
The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in Growth Management Areas 1 (City/Town Centers), 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), and activity centers.

### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)
(S)(I) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
The subject property is located near the intersection of two minor thoroughfares which would provide good access to the site. However, this request is not in harmony with the remainder of the purpose statement. The site is also located in GMA 4 (Future Growth Area) which is not consistent with the GB purpose statement.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>West side of Kerner Road south of Vance Road</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jurisdiction</strong></td>
<td>Forsyth County</td>
</tr>
<tr>
<td><strong>Site Acreage</strong></td>
<td>Approximately ± 0.86 acres</td>
</tr>
<tr>
<td><strong>Current Land Use</strong></td>
<td>Undeveloped land</td>
</tr>
</tbody>
</table>

### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-30</td>
<td>Undeveloped land; convenience store</td>
</tr>
</tbody>
</table>
### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

<table>
<thead>
<tr>
<th></th>
<th>East</th>
<th>South</th>
<th>West</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>RS-30</td>
<td>RS-30</td>
<td>RS-30</td>
</tr>
<tr>
<td>Uses</td>
<td>Single family homes</td>
<td>Single family homes</td>
<td>Scattered single family homes</td>
</tr>
</tbody>
</table>

The proposed use would be compatible with the existing convenience store to the north, but may create some unwanted impacts for adjacent residents to the west, south, and east concerning lighting, noise, and appearance.

### Physical Characteristics

The subject property is relatively flat and contains no streams or wetlands.

### Proximity to Water and Sewer

The proposed use will not require water or sewer services.

### Stormwater/Drainage

The site plan indicates that finished grades will mirror existing grades.

### Watershed and Overlay Districts

The subject property is not located within a water supply watershed.

### Analysis of General Site Information

The subject request involves 0.86 acres of land located near the southwest intersection of Kerner and Vance Roads. The site is undeveloped and contains some mature trees. The property contains a gentle topography with no streams or wetlands, and poses no development constraints.

### 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>Kerner Road</td>
<td>Minor Thoroughfare</td>
<td>+/- 183 feet</td>
<td>3,100</td>
<td>11,100</td>
</tr>
<tr>
<td>Vance Road</td>
<td>Minor Thoroughfare</td>
<td>NA</td>
<td>3,100</td>
<td>11,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

The proposed site plan indicates one access point onto Kerner Road.

**Planned Road Improvements**

The Thoroughfare Plan recommends that Kerner Road be constructed as a three-lane cross section with curb and gutter and sidewalks.

**Trip Generation - Existing/Proposed**

Existing Zoning: LB

No trip generation available for general use zoning.

Proposed Zoning: GB-S

9,500 / 1,000 x 2.5 (Mini-Warehouse Trip Rate) = 23 Trips per Day

**Sidewalks**

None existing or proposed

**Traffic Impact Study (TIS)**

Not required

**Analysis of Site Access and Transportation Information**

The proposed site plan indicates that there will be one access point onto Vance Road. Internal circulation will consist of one-way drive aisles between and around the two storage buildings. Five parallel parking spaces are shown adjacent to the southernmost building with one...
handicapped space at the southeast corner of the property. The two proposed self-storage buildings will generate an estimated 23 trips per day.

### Generalized Recommended Conditions

<table>
<thead>
<tr>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Obtain NCDOT driveway permit</td>
</tr>
</tbody>
</table>

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>GMA 4 (Future Growth Area)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td>• Revitalize and concentrate development in downtowns and existing commercial centers, maximizing the density in these areas rather than promoting growth at the suburban fringe. (p.26)</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>The subject property is not located within the boundaries of an area plan or development guide.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>(S)(3) - Have changing conditions substantially affected the area in the petition?</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>(S)(4) - Is the requested action in conformance with Legacy?</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Analysis of Conformity to Plans and Planning Issues</td>
<td>The subject request is not in conformance with the recommendations of Legacy and is also inconsistent with the intent of the GB district. Staff does acknowledge the existing LB zoning and some of the more intense uses that can be developed by right. Some of these uses would not be desirable for this area and may also cause unwanted impacts to surrounding residents. However, staff has concerns about introducing GB zoning at this location. Approval of this request would signal that other GB zoning is appropriate for this area. The GB district is not intended for application in GMA 4 (except for activity centers), and furthermore this property is located less than 300’ south of the GMA 5 (Rural Area) boundary. Legacy recommends concentrating commercial development in more focused and planned commercial centers. Approval of this request would run counter to this statement, in that it introduces a more intense zoning district in a part of the county that is currently (and envisioned to be) rural and residential in character. Staff acknowledges that convenience commercial in small amounts can be helpful to an area; however placing a more general service use such as mini-warehouses so close to a residential environment could create some incompatibility that would be harmful.</td>
</tr>
</tbody>
</table>

### 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-132</td>
<td>R-6 to B-3</td>
<td>Approved 12-15-69</td>
<td>Includes subject property</td>
<td>2.1 acres</td>
<td>NA</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
</table>

F-1456 March 2006 7
| Square Footage | 9,500 sf | Approximate middle |
| Parking       |          |                  |
| Building Height |         |                  |
| Required      | Proposed | Layout          |
| 5 spaces      | 6 spaces | NA              |
| Parking       |          |                  |
| Maximum       | Proposed |                  |
| 60 feet       | 1-story  |                |
| Impervious Coverage |   |                  |
| Maximum       | Proposed |                  |
| 100%          | 95%      |                |
| UDO Sections Relevant to Subject Request | | |
| • Section 2-1.3(J) GB District | | |
| Complies with |         |                  |
| Chapter B, Article VII, Section 7-5.3 | | |
| (A) Legacy policies: | No | |
| (B) Environmental Ord. | Yes | |
| (C) Subdivision Regulations | NA | |
| Analysis of Site Plan Compliance with UDO Requirements | | |
| The site plan submitted with this request proposes two self-storage buildings that are 5,700 and 3,800 square feet respectively. Staff is awaiting revisions to the site plan to clarify circulation and parking issues. Staff has recommended that the petitioner provide a “fence upgrade” and also to use earth tones for the proposed buildings. | | |
| Generalized Recommended Conditions | BRIEF DESCRIPTION OF CONDITION(S): | |
| • Signage condition | | |
| • Lighting condition | | |
| CONCLUSIONS TO ASSIST WITH RECOMMENDATION | | |
| Positive Aspects of Proposal | Negative Aspects of Proposal | |
| The request would provide a use that is less intensive than some of the uses allowed in the existing LB district. | The request would intensify the zoning in a rural part of the county. |
| The use provides a service that residents sometimes desire. | The request is not in conformance with Legacy. |
| Trip generation for this use is minimal. | Approval of this request would signal that GB zoning is appropriate for this area. |
| | The proposed self-storage units may produce unwanted impacts to surrounding residents. |
| SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL | | |
PRIOR TO THE ISSUANCE OF GRADING PERMITS:
  a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All requirements of the NCDOT driveway permit shall be completed.
  b. Developer shall install the security fence to the interior side of the bufferyard with plantings going on the outside of the fence.
  c. Building colors shall be a shade of off-white, with the doors being dark blue or green.

OTHER REQUIREMENTS:
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
  b. As volunteered by the petitioner, all on site lighting shall be a maximum of 9 feet tall and shall be wall mounted and designed not to cast direct light on adjacent properties.

STAFF RECOMMENDATION: DENIAL.

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.

Clarence Lambe was recused from discussion and consideration of this request due to a potential conflict of interest.

Aaron King presented the staff report.

PUBLIC HEARING

FOR:

Don Nielsen, 100 N. Cherry Street, Winston-Salem, NC  27106
  • I represent the petitioners.
  • Right now this property is zoned LB general use zoning.
  • There is a small convenience store which has been here for a long time. It does a good business.
  • The Clarks have thought long and carefully about how they can use the back part of the property, which is currently vacant, without disrupting the neighborhood.
  • Under the existing zoning, there are many more intense uses to which they would be entitled by right. Those uses include ABC Store, Restaurant, Bank, Car Wash, Motor Vehicle Repair and Maintenance, Church and Animal Shelter. All of these uses could be done without coming back before the Planning Board, however all present issues which would be of concern to the neighbors and the Clarks.
• The Clarks are proposing a small self-storage facility intended for residential storage, not a large, commercial serving facility. It is low traffic, low intensity, low lights. They are proposing a 9,500 square foot facility which is about one-quarter the size of an average self-storage facility.
• The staff report says it may generate 23 trips a day on a road which can handle 11,000 trips per day and is well under capacity. Industry data tells us the average will probably be about 5 trips a day.
• It will be fenced.
• It will be well-buffered.
• The lights will be no higher than 9 feet and will be directed away from the neighbors.
• The primary issue with staff is with the rezoning, not the use. That's a valid concern, but in this case it puts form over substance. What's going on the ground is more important than the label it gets.
• Staff is rightly concerned about precedent, but I'm not sure that a special use zoning for a single small, low-intensity use in an existing business zone really sets a precedent. However, if it does set a precedent, it's for lower-intensity zoning.

Joe Clark, 575 Brookside Court, Kernersville, NC  27284
• We're a family owned company and have been on this corner for over 26 years.
• We renovated the property out here to preserve a family, rural, neighborhood setting.
• We have 18 employees. That's not a huge number, but they depend on us staying in business. We need to develop this land to keep them employed.
• We looked at many uses but just didn't feel they would be in the best interest of the neighborhood or us.
• Our primary concern is the neighbors. I sent letters out to neighbors before I even approached the planning staff. We solicited the neighbors concerns and redid the plans several times to make sure we met those concerns and preserved the character of the area.
• Their concerns specifically were dust from a gravel parking lot, light shining onto their property, loitering, hours of operation, and possible trash getting into their yards.
• 9,500 sf is very small compared to the three facilities within five miles of the site which are 20,000-30,000 sf.
• The colors are off-white with dark blue and dark green doors to soften the impact.
• The buildings are approximately 8' 6" tall with a six foot perimeter fence and the plantings around those (type III bufferyard).
• The lights are shoebox, sconce design to shine down and across the front of the building and not to the neighbors' yard.
• Putting trees on the outside of the fence should catch dust and trash and add to the security of the site.
• We look at self-storage as a service. These are mature neighborhoods and the occupants have simply outgrown their space and need somewhere to put stuff without having to drive down busy Vance and Kerner Roads to get someplace else.
• I believe the LB classification more accurately described this use - it's moderately intense neighborhood shopping and service close to residential areas. I feel this describes our project very well.

AGAINST:
S. M. Albance Salvatory Malvano, 1740 Round Hill Circle, Kernersville, NC  27284
• We just want to know what is going on. All we've seen is the sign. We're not familiar with anything that's been brought forward. No one has sent out a notice to us and we just would like to know where this is going to be.

WORK SESSION

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

1. The petitioner agreed to meet with the opposition in another room and explain to her what the request was. After said discussion, the petitioner returned to indicate that Ms. Malvano had been upset to not receive notification like the adjoining property owners had, would like some more information which they would be providing to her, and had chosen to leave the building rather than return upstairs to the meeting.
2. They could put much more intense uses on the site as it is currently zoned.
3. Mini-storage is likely to fit in better than other options.
4. Mr. Clark met with the neighbors.
5. It's a small complex.
6. This is a service for the neighborhood.
7. Lynne Mitchell expressed concern about adding a storage building to a service station in a rural area because it sends the message that expanding commercial services in the area is appropriate.
8. Brenda Smith indicated she feels this is probably the best use for this site.
9. This is an outlying area. We understand the need for such uses as convenience stores in this type area. However, when you signal that GB-S is okay, there may be other GB uses that come into this area. Is this really what we want to introduce to this area?
10. The conditioner has done a good job of adding conditions and trying to keep this as low-key as possible.
11. In staff's opinion this type of use should be closer in, in more densely populated areas.
12. There may be plenty of support for this use in this immediate area.
13. If we were going to just put in a GB-S instead of agricultural or residential zoning, we probably wouldn't do it. But this is already zoned for a more intense use.
14. Why is mini-storage not allowed in LB? LB is intended to be a very low intensity use allowed right up against residential zoning. Since mini-storage can be done in so many sizes and shapes, a large facility could be a negative influence on a residential area. Arnold King suggested that a size limit be added, with possible design guidelines, that would allow the smaller facilities in LB.
15. On the surface, approving this might seem like the wrong decision because it introduces GB to the area. However, this request is very specific and very clear and will actually protect the community from the more intense uses currently allowed under existing zoning.
MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Arnold King
VOTE:
  FOR: Jerry Clark, Carol Eickmeyer, Arnold King, Paul Mullican, Brenda Smith
  AGAINST: Lynne Mitchell
  EXCUSED: Clarence Lambe

Written comments submitted by Planning Board members:

Carol Eickmeyer: Because of the limited, very specific use and the design conditions - even though I usually support staff and don't generally approve of more intense use in such rural setting.

Paul Mullican: Going from LB to GB-S which is for warehouses, low impact. Developer met with neighbors, no opposition, using type III buffer. Zoning now (LB) could have more intense type business. Liquor store, etc.

According to information furnished by the Office of the Tax Assessor on February 1, 2006, the subject property was in the name of Joe David Clark and Susan S. Clark.

A. Paul Norby, AICP
Director of Planning