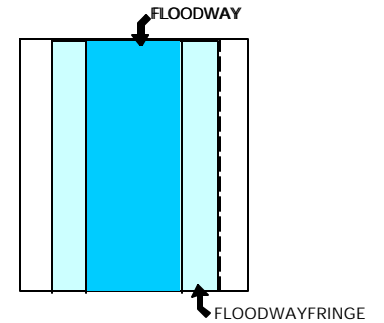


DOCKET #: F1369
 (continued from 8/8/02
 CCPB meeting)

PROPOSED ZONING:
 HB-S (Motor Vehicle
 Paint and Body Shop)

EXISTING ZONING:
 RS20

PETITIONER:
 Christopher M. Hedgecock, Sr.



SCALE: 1" represents 200'

STAFF: Roberts

GMA: 4

ACRE(S): 1.14

MAP(S): 684826



October 23, 2002

Christopher M. Hedgecock, Sr.
3911 N. Main Street
High Point, NC 27265

RE: ZONING MAP AMENDMENT F-1369

Dear Mr. Hedgecock:

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
David Montgomery, 3903 North Main Street, High Point, NC 27265
Alfred Scott, 108 Maury Drive, High Point, NC 27265

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Christopher M. Hedgecock, Sr.

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Christopher M. Hedgecock, Sr. from RS-20 to HB-S (Motor Vehicle, Paint and Body Shop): property is located on the southeast corner of High Point Road and Trulite Church Road (Zoning Docket F-1369).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Christopher M. Hedgecock, Sr.,
Docket F-1369

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 HB-S (Motor Vehicle, Paint and Body Shop) the zoning classification of the following described property:

Tax Block 5610, Tax Lots 21A and 21B

Section 2. This Ordinance is adopted after approval of the site plan entitled Christopher M. Hedgecock, Sr., and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Christopher M. Hedgecock, Sr.

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 Christopher M. Hedgecock, Sr. 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 Christopher M. Hedgecock, Sr. (Zoning Docket F-1369). 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 (Motor Vehicle, Paint and Body Shop), 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 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:

C WITHIN 90 DAYS OF APPROVAL BY THE COUNTY COMMISSIONERS

- a. Developer shall install all required bufferyards.
- b. Developer shall secure a building permit to bring building(s) up to commercial code.

C OTHER REQUIREMENTS

- a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

ZONING STAFF REPORT

DOCKET # F-1369
STAFF: Gary Roberts

Petitioner(s): Christopher M. Hedgecock Sr.
Ownership: Same

CONTINUANCE HISTORY

The subject petition was originally a general use request and was continued from the August 8, 2002 Planning Board meeting in order to allow the petitioner to consider a special use request. The petition was amended from proposed HB to proposed HB-S.

REQUEST

From: RS-20 Residential Single Family District; minimum lot size 20,000 sf
To: HB-S Highway Business District (Motor Vehicle, Paint and Body Shop)

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

Acreage: 1.14 acres

LOCATION

Street: Southeast corner of High Point Road and Trulite Church Road.
Jurisdiction: County of Forsyth.

SITE PLAN

Proposed Use: Motor Vehicle, Paint and Body Shop.
Square Footage: 4,475 square feet.
Building Height: One story.
Parking: Required: 12 spaces; proposed: 12 spaces.
Bufferyard Requirements: 15 foot type III adjacent to RS-20.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family residential structure and outbuildings.
Adjacent Uses:
North - Large lot single family residential zoned RS-20.
East - High Point Hebrew Cemetery zoned RS-20.

South - Medium lot single family residential zoned RS-20. Southwest- Trulite Baptist Church zoned RM-12 and RS-20.
West - Oakview Barber Shop zoned LB.

GENERAL AREA

Character/Maintenance: Mix of single family residential, institutional and light commercial uses in good maintenance.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minimal impact proposed on site plan.

Topography: Site slopes slightly downward toward the east:

Vegetation/habitat: Sparse, subject property is developed and the rear portion of the lot has recently been graded.

Watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: High Point Road; Trulite Church Road.

Street Classification: High Point Road - major thoroughfare; Trulite Church Road - local road.

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

High Point Road between Horneytown Road and Guilford County Line = NC/11,100

Horneytown Road between High Point Road and Davidson County Line = 3,000/11,100

Trip Generation/Existing Zoning: RS-20

1.17 x 43,560/20,000 x 9.57 (SFR Trip Rate) = 19 Trips per Day

Trip Generation/Proposed Zoning: HB-S

4 bays x 12.48 (Automobile Care Center/Saturday) = 49 Trips per Day

Sidewalks: None.

Transit: None.

Bike: None.

HISTORY

Relevant Zoning Cases:

1. F-1359; AG to HB; approved March 11, 2002; south side of High Point Road between Barney Road and Mowery Drive, 3,600 feet northwest of current site; 2.61 acres; Planning Board and staff recommended approval.
2. F-1299; RS-20 to HB-S (Multiple Business Uses); approved May 22, 2000; southwest side of High Point Road, west of Skeet Club Road, ±2,300 feet southeast of current site; 1.25 acres; Planning Board and staff recommended approval.

3. F-1280; RS-20 to LB; withdrawn at March 9, 2000 Planning Board meeting; southwest side of High Point Road, west of Skeet Club Road, ±2,300 feet southeast of current site; 1.68 acres; Planning staff recommended denial.
4. F-1268; HB and RS-20 to HB; approved September 13, 1999; northeast side of High Point Road/US 311, west of Skeet Club Road, ±2,300 feet east of current site; 8.21 acres; Planning Board and staff recommended approval.
5. F-1077; R-6 to B-3-S (Motor Vehicle, Repair and Storage); approved July 11, 1994; southwest side of Trulite Church Road terminus, 400 feet southwest of current site; 1.49 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Future Growth Area (GMA 4).

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for business development to be focused at activity nodes rather than stretching along highway corridors. These developments should be designed to encourage pedestrian activity.

Area Plan/Development Guide: *US 311 Area Plan* (CCPB adopted in 1984); the *Horneytown/Old US 311 Development Assessment* (City of High Point and CCPB adopted in 1991).

Relevant Development Guide Recommendation(s): The *US 311 Area Plan* recommends that the subject property remain as low-density (0-4 units/acre) residential (see pages 29-30). The plan states that the Old US 311 and NC 66 intersection is the low-scale service and commercial area and that such uses should be contained in this area. The basic objective is to ensure that Old US 311 between Horneytown and Guilford County does not become a 'commercial strip'. The *Horneytown/Old US 311 Development Assessment* recommends that the subject property be developed for public/institutional uses.

ANALYSIS

The subject request is to rezone 1.14 acres located on the southeast corner of High Point Road and Trulite Church Road from RS-20 to HB-S. The property is located just north of the Davidson County line and west of Rich Fork Creek in the southeastern corner of Forsyth County.

Currently located on the site is a single family residence with multiple rear yard accessory buildings. The proposed site plan retains the existing single family residence and locates the Motor Vehicle, Paint and Body Shop in the rear yard. Across High Point Road are other single family residences zoned RS-20. To the southeast and south is the High Point Hebrew Cemetery and undeveloped property zoned RS-20. Across Trulite Church Road is the Oakview Barber Shop zoned LB and the Trulite Baptist Church zoned RM-12 and RS-20.

Legacy calls for business development to be pedestrian oriented and focused at activity nodes rather than stretching along highway corridors. The site is located within the *US 311 Area Plan* which recommends the property remain low density residential. The plan also recommends that low-scale service and commercial activities be located to the northeast at the intersection of Old

US 311 and NC 66. The *Horneytown/Old US 311 Development Assessment* recommends public/institutional uses for the site which would provide for expansions to the adjacent church and cemetery uses.

The requested HB-S zoning for a Motor Vehicle, Paint and Body Shop, represents a significant departure from the existing and projected land use for this site. The above mentioned planning documents do not recommend strip commercial zoning in this area and staff has consistently recommended against similar requests of this nature. Strip commercial development results in an inefficient, unattractive and unsafe pattern of land development.

While the site is situated between a cemetery, a church and a barber shop, approval of high intensity commercial zoning at this location would undermine not only the future viability of the proposed commercial activity center; but also the viability of the surrounding single family and institutional properties. In addition, such an approval would open the door for similar petitions for neighboring properties. Staff is therefore unable to support the subject request and recommends denial.

FINDINGS

1. *Legacy* calls for business development to be focused at activity nodes rather than stretching along highway corridors.
2. The *US 311 Area Plan* recommends the property remain low density residential. The *Horneytown/Old US 311 Development Assessment* recommends public/institutional uses for the site.
3. The subject HB-S request would draw activity away from the nearby planned commercial node and negatively impact the adjacent single family residences.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

C WITHIN 90 DAYS OF APPROVAL BY THE COUNTY COMMISSIONERS

- a. Developer shall install all required bufferyards.
- b. Developer shall secure a building permit to bring building(s) up to commercial code.

C OTHER REQUIREMENTS

- a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

PUBLIC HEARING - August 8, 2002

Gary Roberts presented the staff report. (The petition at that time was for HB General Use Zoning.)

FOR:

Chris Hedgecock, 3911 North Main Street, High Point, NC 27265

The new Hwy 311 has diverted all the traffic.

We have several industries within a mile and a quarter of my property. There are also quite a few businesses within a half mile in each direction of my property.

David Montgomery, 3903 North Main Street, High Point, NC 27265

Right beside Mr. Hedgecock is a barbershop. There are about four businesses within a couple hundred yards of him. There's a fence around his site and you can't even tell when he's operating.

AGAINST: None

WORK SESSION

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

1. The request is for general use Highway Business zoning. This would allow a very large number of uses, many of which are inappropriate for this area. The request is being made because an illegal operation was cited, the petitioner ceased operation, and is now wanting rezoning to be allowed to operate legally. Since it is likely that the petitioner has specific operating plans, special use business zoning would allow the petitioner to identify the intended use of the property. It would also allow the uses to be limited and conditions to be placed on the site plan, both of which would be crucial in protecting the community in the future.
2. In response to a question by the Planning Board about whether the petitioner had understood the difference between special and general use zoning, staff noted that the original request was for special use district zoning, but within five days of submittal, the petitioner requested the change to general use zoning. In such cases, where the case has not yet been submitted for advertisement, a request for change or withdrawal is usually honored. Therefore staff processed this request for general use district zoning.

The Planning Board asked the petitioner if he would consider changing his request to special use district zoning if the Planning Board continued the request until the September 12 public hearing. However, the Planning Board made it clear that special use district zoning did not guarantee either staff or Planning Board approval.

The petitioner indicated he would consider such a change.

MOTION: Arnold King moved continuance of the zoning map amendment and site plan to October 10, 2002 with the only additional fees charged to the petitioner being the difference between general and special use district zoning and advertising fees.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

PUBLIC HEARING - October 10, 2002

Gary Roberts presented the staff report.

FOR:

Christopher Hedgecock, 3911 N. Main Street, High Point, NC 27265

We're trying to get a small body shop today.

This is just a small shop behind a house.

Showed photographs of streets.

We're not talking a very big body shop. We're talking a one-man show. We'll have two work bays, a paint booth, and a fan shop.

I have signatures of those who don't mind this rezoning, including all the adjoining neighbors. Submitted petition.

It's already there. All those businesses in the photographs are already within a mile of this site.

AGAINST: None

WORK SESSION

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

1. The petitioner is aware that what is shown on the site plan is what will have to be in place on the site. Any changes must be approved by staff or the Planning Board and Board of Commissioners.
2. The front house could be converted to commercial uses also as long as they fell under the category Motor Vehicle, Paint and Body Shop. No other uses would be allowed.
3. Arnold King - There's no opposition to this request, the back yard is fenced in, it's neat looking, I can't see this commercial going any further because the cemetery is going to stop it and it's already on the other side of the street.

4. Dara Folan noted that his vote to deny the zoning request was that it is contrary to *Legacy* recommendations. He concurred with staff report.

MOTION: Arnold King moved approval of the zoning map amendment, certifies that the site plan meets all code requirements and recommends staff conditions.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood

AGAINST: Folan

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Christopher Mark Hedgecock, Sr. as of June 26, 2002.

A. Paul Norby, AICP
Director of Planning