



**DOCKET #:** F1340

**PROPOSED ZONING:**  
LI-S (Building Contractor, Heavy)

**EXISTING ZONING:**  
AG

**PETITIONER:**  
KENCO Grading, Inc.

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 5

**ACRE(S):** 2.26

**MAP(S):** 684894



May 23, 2001

James Kenneth and Sandra G. Prater  
7844 Belews Creek Road  
Belews Creek, NC 27009

RE: ZONING MAP AMENDMENT F-1340

Dear Mr. & Mrs. Prater:

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

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

Zoning map amendment of Kenco Grading, Inc.

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

Zoning map amendment of Kenco Grading, Inc. from AG to LI-S (Building Contractor, Heavy): property is located on the south side of Benefit Church Road (Zoning Docket F-1340).

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

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Kenco Grading, Inc.,  
Docket F-1340

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE COUNTY OF FORSYTH,  
NORTH CAROLINA

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

BEGINNING at a point in the southern right-of-way of Benefit Church Road, the  
northwestern corner of Block 5242 Lot 113 as described in Deed Book 2058, Page 2492,  
running thence with the southern right-of-way of Benefit Church Road north 81° 14' 00"  
east 149.38 feet to a point and north 76° 34' 00" east 108.17 feet to a point, thence with  
the line of Ralph Meredith south 4° 52' 07" west 433.08 feet to a point, thence on a "new"  
line north 85° 07' 53" west 263.68 feet to a point, thence with the line of Carl Freeman  
north 0° 45' 27" west 354.60 feet to the point and place of beginning, containing 2.258  
acres±, and being the northern portion of Block 5242 Lot 113, Forsyth County, North  
Carolina.

Section 2. This Ordinance is adopted after approval of the site plan entitled Kenco  
Grading, 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  
Kenco Grading, 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 Kenco Grading, 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 Kenco Grading, Inc. (Zoning Docket F-1340). 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, Heavy), 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:

**C PRIOR TO OCCUPANCY PERMITS**

- a. Developer shall build a minimum twenty (20) foot wide all weather surface road to the proposed building.

**C OTHER REQUIREMENTS**

- a. One freestanding ground sign shall be permitted along the frontage on Benefit Church Road. Said sign shall be limited to monument type with a maximum height of five (5) feet.

## **ZONING STAFF REPORT**

**DOCKET #** F-1340  
**STAFF:** Gary Roberts

Petitioner(s): Kenco Grading, Inc.  
Ownership: Same

### **REQUEST**

From: AG Agricultural District  
To: LI-S Limited Industrial District (Building Contractor, Heavy)

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

Acreage: 2.26 acres

### **LOCATION**

Street: South side of Benefit Church Road.  
Jurisdiction: Forsyth County.

### **SITE PLAN**

Proposed Use: Building Contractor, Heavy.  
Square Footage: 4,800 square feet.  
Building Height: 21 feet.  
Parking: Required: 12 spaces; proposed: 18 spaces.  
Bufferyard Requirements: Minimum width 15 foot type IV bufferyard required and provided along adjacent AG zoned property.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: None.

Adjacent Uses:

- North - Across Benefit Church Road is a small church and scattered single family homes, all zoned AG.
- East - Single family homes on very large lots in AG zoning.
- South - LCID landfill approved on January 13, 2000 (PBR 00-01).
- West - Wooded area. Further west along Piney Grove Road is a single family home zoned AG.

## **GENERAL AREA**

Character/Maintenance: Well maintained low density residential.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Regrading of a majority of site.

Topography: GIS maps indicate a grade change of approximately 20 feet sloping north to Benefit Church Road.

Vegetation/habitat: Grassy field.

Natural Heritage Sites: This site exists near Benefit Church Forest – a 110-acre forest located south of US 158 and extending south to Benefit Church Road - immediately northeast of the current site. It is primarily in private ownership, however Duke Power owns a narrow strip of land near the stream.

Farmland Preservation Sites: Most of Forsyth County's preserved farmland exists in the northeastern quadrant of the county. This site exists within a few miles of several preserved farmland parcels.

## **TRANSPORTATION**

Direct Access to Site: Benefit Church Road; Piney Grove Road.

Street Classification: Benefit Church Road - collector; Piney Grove Road - major thoroughfare.

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

Piney Grove Road between Freeman Road to Reidsville Road = 2,200/11,000

Trip Generation/Existing Zoning: AG

$2.26 \times 43,560/40,000 = 2 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 19 \text{ trips}$

Trip Generation/Proposed Zoning: LI-S

$4,800 \text{ sf}/1,000 \text{ sf} = 4.8 \times 11.57 \text{ (single tenant office rate)} = 55 \text{ trips}$

Bike: Route #17 along Piney Grove Road.

## **HISTORY**

Relevant Zoning Cases:

1. F-1310; RS-40 and AG to GI-S (Sanitary Landfill); denied August 14, 2000; north and south sides of Freeman Road at the Forsyth/Guilford line and south side of Benefit Church Road; 187.17 acres; Planning Board recommended denial staff recommended approval.
2. F-1306; AG to RS-40-S (Residential Building, Single Family); approved June 12, 2000; northwest side of Reidsville Road/US 158 northeast of Marion Pointe Drive; 24.2 acres; Planning Board and staff recommended approval.



3. F-1213; RS-20 to IP-S (Recreation Services, Outdoor); withdrawn February 23, 1998; off the west side of Vance Road north of its intersection with Piney Grove Road; 26.6 acres; Planning Board and staff recommended denial.

### **SPOT ZONE OPINION**

The County attorney is of the opinion that the subject request, if approved, would constitute an illegal spot zone.

### **CONFORMITY TO PLANS**

*Legacy* GMP Area: Rural Area.

Relevant *Legacy* Recommendation(s): The Rural Area is intended to remain in very low density agricultural and residential uses for the 2015 time horizon of *Legacy*.

Area Plan/Development Guide: None.

### **ANALYSIS**

The current request is to rezone a 2.26 acre tract which fronts along Benefit Church Road, from AG to LI-S, Building Contractor, Heavy. It should be noted that in January of 2000 approval was granted to operate a Land Clearing and Inert Debris Landfill (LCID) on the property immediately to the rear (south) of this site (PBR 00-01). However, due to the topography, this landfill, which is of a temporary and limited nature, is not visible from the road. Therefore the general character of the surrounding area is very low density residential and agricultural. A very small church does also exist just northwest of the site at the intersection of Piney Grove Road and Benefit Church Road.

*Legacy* categorizes this area as rural and recommends that it stay that way. No public water or sewer service is available, nor is such extension projected in the future.

The very nature of a heavy building contractors operation would significantly impact the solitude and natural appeal of this part of the county. Staff sees the request to be wholly inconsistent with the surrounding development pattern and the principles of the adopted comprehensive plan.

Staff has met with the Forsyth County Attorney who has issued the opinion that the subject request, if approved, would constitute an illegal spot zone.

### **FINDINGS**

1. *Legacy* classifies this area as rural and recommends for it to remain very low density agricultural and residential use.
2. The County Attorney has issued the opinion that the subject request, if approved, would constitute an illegal spot zone.

3. The proposed use of Building Contractor, Heavy, would have a significantly detrimental effect on the surrounding properties in terms of noise, traffic and appearance.
4. Staff could support no other uses of the property other than those currently permitted in the AG district.

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

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

#### **C PRIOR TO OCCUPANCY PERMITS**

- a. Developer shall build a minimum twenty (20) foot wide all weather surface road to the proposed building.

#### **C OTHER REQUIREMENTS**

- a. One freestanding ground sign shall be permitted along the frontage on Benefit Church Road. Said sign shall be limited to monument type with a maximum height of five (5) feet.

### **PUBLIC HEARING**

FOR:

Sandra Prater, 7844 Belews Creek Rd., Belews Creek, N.C. 27009

Owners of Kenco.

Would like to build a garage for personal use only.

We will have landscaping.

Will maintain and preserve the property.

AGAINST: None

### **WORK SESSION**

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

1. Avant asked the staff, why wouldn't a grading contractor be allowed to operate in AG? David Reed stated that it was classified to be an industrial use, so it is not considered an AG use. Kerry Avant stated that in reality, there isn't a whole lot of difference in grading equipment and farming equipment, from the standpoint of what is located there.
2. Steve Johnson stated that he did not agree. Regardless of the petitioner's intentions, the site could become very busy in the future.

MOTION: Schroeder moved denial of the zoning map amendment.

SECOND: Johnson

VOTE:

FOR: Avant, Doyle, Johnson, King, Powell, Schroeder, Williams

AGAINST: None

EXCUSED: None

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

SECOND: Johnson

VOTE:

FOR: Avant, Doyle, Johnson, King, Powell, Schroeder, Williams

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Collector, the subject property was in the name of Kenco Grading, Inc. as of March 28, 2001.

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A. Paul Norby, AICP  
Director of Planning