

Motion and  
Statement of Consistency with Comprehensive Plan  
F-1549

I move that the following statement be adopted in support of a **Motion to Approve** Zoning Map Amendment F-1549:

The proposed general use zoning map amendment for property owned by Arthur L. and Diane J. Kibler, to rezone property from RS-40 (Residential, Single Family District; 40,000 square foot minimum lot size) to GI (General Industrial District), is consistent with the recommendations of the Legacy Comprehensive Plan and the adopted Northeast Rural Area Study, and is reasonable and in the public interest because:

1. The subject property has a history of industrial zoning in that in 2014, it was rezoned from GI to RS40;
2. The subject property is totally surrounded by GI zoned property with a minimum contiguous area of five acres; and
3. The uses permitted on the proposed GI zoned property are more compatible with uses permitted on other GI zoned properties surrounding the site and less compatible with the uses permitted on the current single family residential zoned property.

Based on the foregoing Statement, I move adoption of F-1549.

Second:

Vote:

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

**MEETING DATE:** March 23, 2015      **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:-**     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

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

A portion of PIN # 6980-48-6271, as depicted on the survey titled: "Site Plan for special use permit Arthur L. Kibler and Diane J. Kibler," drawn by Land Solutions and dated August 5, 2013.

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	F-1549		
<b>Staff</b>	Gary Roberts, Jr. AICP		
<b>Petitioner(s)</b>	Arthur L. and Diane J. Kibler		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	Portion of PIN #6980-48-6271		
<b>Address</b>	The subject property does not have an address assignment.		
<b>Type of Request</b>	General use rezoning from RS40 to GI		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS40 (Residential, Single Family district - 40,000 sf minimum lot size) <b>to</b> GI (General Industrial district).</p> <p><b>NOTE:</b> 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.</p>		
<b>Neighborhood Contact/Meeting</b>	The application indicates that no neighborhood meeting has been held.		
<b>Zoning District Purpose Statement</b>	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.		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<p><b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Although the site is located within GMA 5, the subject property, along with the adjacent properties, have a history of industrial zoning.</p>		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	West side of Belews Lake Drive, south of NC 65		
<b>Jurisdiction</b>	Forsyth County		
<b>Site Acreage</b>	± .92 acre		
<b>Current Land Use</b>	The site is currently undeveloped.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	GI	Undeveloped property
	East	GI	Undeveloped property
	South	GI	Undeveloped property
	West	GI	Undeveloped property

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	Yes, the uses permitted within the proposed GI district are compatible with the uses permitted on the adjacent GI zoned properties.			
<b>Physical Characteristics</b>	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.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are not available to the site.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.			
<b>Analysis of General Site Information</b>	The site appears to possess no development constraints such as designated floodplains, watersheds, or steep slopes.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Belews Lake Drive	Local Street	0'	N/A	N/A
<b>Proposed Access Point(s)</b>	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.			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: RS40</u> 40,016 sf = 1 unit x 9.57 (SFR Trip Rate) = 10 Trips per Day  <u>Proposed Zoning: GI</u> No trip generation is available for the proposed general use zoning district which has no site plan.			
<b>Sidewalks</b>	There are no sidewalks located in the general area.			
<b>Analysis of Site Access and Transportation Information</b>	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.			
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>				
<b>Legacy GMA</b>	Growth Management Area 5 - Rural Area			
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>• Limit road building</li> <li>• Do not extend sewer, except to address documented public health concerns</li> <li>• Encourage subdivisions that conserve open space and rural vistas</li> <li>• Do not rezone property to more intense districts</li> </ul>			
<b>Relevant Area Plan(s)</b>	<i>Northeast Rural Area Study (2012)</i>			

<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The <i>Northeast Rural Area Study</i> 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.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The site is not located along a growth corridor.
<b>Site Located within Activity Center?</b>	The site is not located within an activity center.
<b>Addressing</b>	There are no addressing or street naming concerns.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>(R)(4) - Is the requested action in conformance with <i>Legacy</i>?</b>
	See comments below
<b>Analysis of Conformity to Plans and Planning Issues</b>	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**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1546	GI to RS40 and SUP for access	Approved 7-28-14	Included current site	1.33	Approval	Approval
F-1540	RS40 to GI	Approved 10-28-13	100' east of current site	1.3	Approval	Approval
F-895	I3 (GI) to R6 (RS40)	Approved 7-25-88	100' east of current site	1.3	Approval	Approval

<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The site has a history of industrial zoning.	The request would expand industrial zoning in the Rural Area Growth Management Area of Forsyth County.
The proposed GI zoning is compatible with the zoning pattern in the general area.	
The site is surrounded by GI zoning.	

**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.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR F-1549  
FEBRUARY 12, 2015**

**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

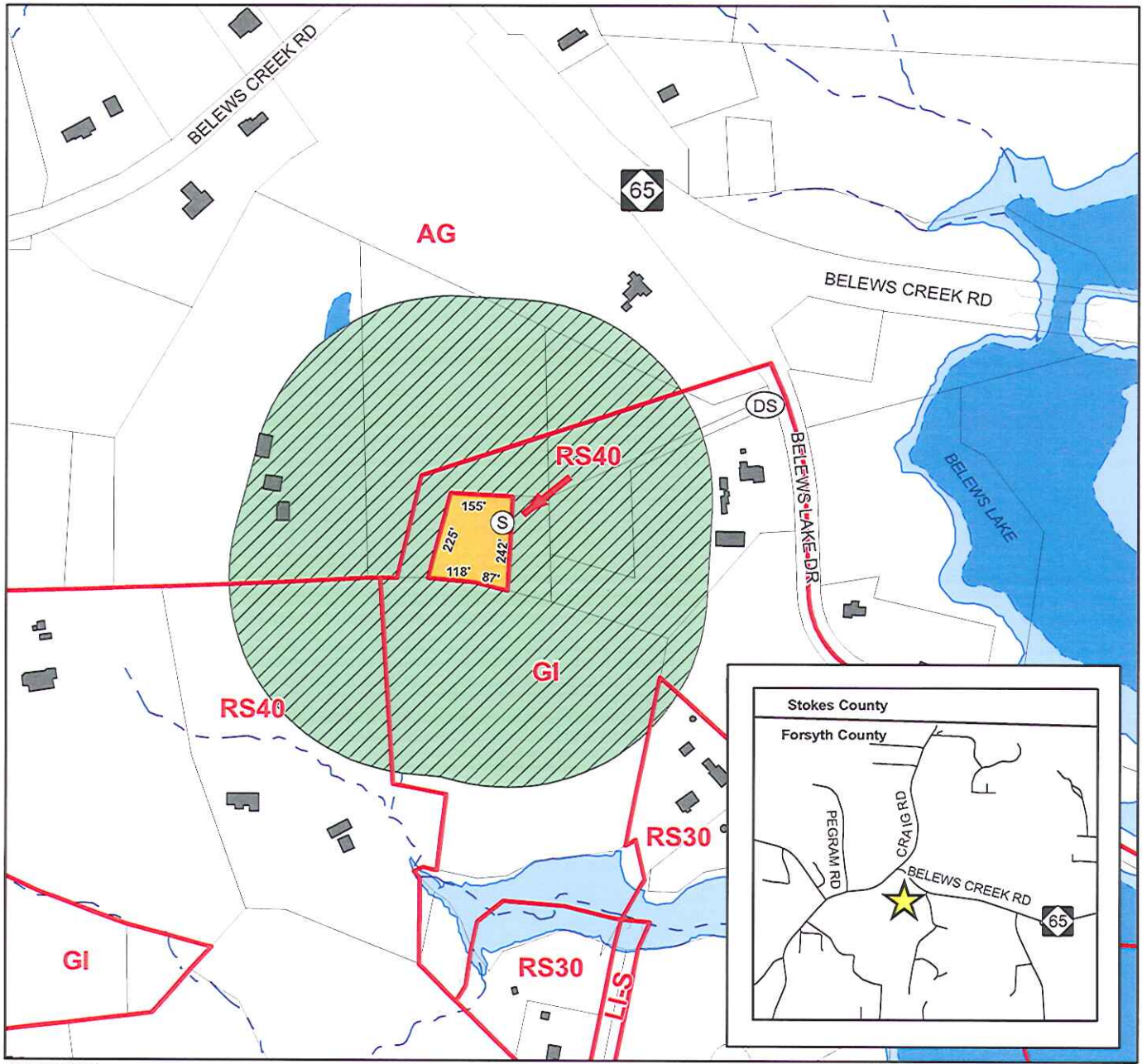
EXCUSED: None

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.

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





Printed: 1/28/2015

**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



F-1549 ATTACHMENT A  
**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

F-1549 ATTACHMENT A  
**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

**F1549 ATTACHMENT B**  
**PROPOSED GI USES ALLOWED**  
Forsyth County Jurisdiction Only

**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

F1549 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

**F-1549 ATTACHMENT C**  
**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
- 733 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.

**W-1549 ATTACHMENT D**  
**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.