

Motion and  
Statement of Consistency with Comprehensive Plan  
F-1542

I move that the following statement be adopted in support of a *Motion to Approve* Zoning Map Amendment F-1542:

The proposed special use zoning map amendment is consistent with the Legacy Comprehensive Plan and is reasonable and in the public interest because:

1. the zoning request would add only one new use, Transmission Tower, which will be a less than 200 foot tall monopole; and
2. the zoning request would not expand the boundaries of the current Limited Industrial-Special Use (LI-S) zoning nor will it generate any additional noise or traffic; and
3. the proposed added Transmission Tower use to the subject property is less intense than the currently approved Building Contractors, Heavy use, and is consistent with the purpose statement of the requested zoning district; and
4. the proposed site plan meets the requirements of the UDO.

Based on the foregoing Statement, I move adoption of F-1542.

Second:

Vote:

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

**MEETING DATE:** September 23, 2013      **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A.    Public Hearing on Zoning Petition of Hall Lane Properties LLC from LI-S (Building Contractors, Heavy) to LI-S (Building Contractors, Heavy and Transmission Tower): Property is Located on the East Side of Fraternity Church Road Across from Canter Lane (Zoning Docket F-1542)
- B.    Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina
- 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:-**     YES          \_\_\_ NO

**SIGNATURE:** \_\_\_\_\_      **DATE:** \_\_\_\_\_  
County Manager

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Hall Lane Properties LLC, Docket F-1542

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 LI-S (Building Contractors, Heavy) to LI-S (Building Contractors, Heavy and Transmission Tower) the zoning classification of the following described property:

PIN #6803-30-5080

Section 2. This Ordinance is adopted after approval of the site plan entitled AT&T #174-427, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to Hall Lane Properties LLC.

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 AT&T #174-427. 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 Hall Lane Properties LLC (Zoning Docket F-1542). 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 Contractors, Heavy and Transmission Tower), 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. No conditions are included for this request.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	F-1542
<b>Staff</b>	Gary Roberts, Jr. AICP
<b>Petitioner(s)</b>	Hall Lane Properties LLC
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN #6803-30-5080
<b>Address</b>	2851 Hall Lane
<b>Type of Request</b>	Special use rezoning from LI-S to LI-S
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> LI-S (Limited Industrial district-Building Contractors, Heavy) <b>to</b> LI-S (Limited Industrial district). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Building Contractors, Heavy and Transmission Tower</li> </ul>
<b>Neighborhood Contact/Meeting</b>	<p>According to an email received from the petitioner's representative: "This past Thursday, August 1, at 6 pm, I held a community meeting on the rezoning application to allow towers as a use at the Hall Lane site. We held the community meeting at the Fraternity Church of the Brethren, which is located very close to the site. A list of attendees is attached. None of those in attendance opposed the rezoning or the tower. They simply had some questions which I believe I answered to their satisfaction. Those in attendance generally agreed that wireless service needed to be improved in the area. A couple of the attendees, who were immediately adjoining property owners, commented that they would have liked to have the tower on their property. If you need any more detail, please let me know. The meeting was a good one but uneventful."</p>
<b>Zoning District Purpose Statement</b>	<p>The LI District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. The district is established to provide locations for industrial development in This district is intended for application in GMAs (Growth Management Areas) 1 (Center Cities), 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), 4 (Future Area) and Metro Activity Centers.</p>
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>
	Yes, the site is currently zoned LI-S and is located within GMA 3.
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	East side of Fraternity Church Road across from Canter Lane
<b>Jurisdiction</b>	Forsyth County
<b>Site Acreage</b>	± 6.98 acres

<b>Current Land Use</b>	The site is currently used for a building contractors operation.			
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	RS9	Undeveloped	
	East	RS9	Single family home	
	South	RS9	Single family homes	
	West	RS9	Single family homes	
<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>			
	The proposed uses are not fully compatible with the low density residential uses permitted on the adjacent RS9 zoned properties. However, the existing use of Building Contractors, Heavy is significantly more intense that the newly proposed use of Transmission Tower.			
<b>Physical Characteristics</b>	The site has a gentle to moderate slope downward to the northeast.			
<b>Proximity to Water and Sewer</b>	Neither public water nor public sewer is directly 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>Historic, Natural Heritage and/or Farmland Inventories</b>	While the subject property is located within the Hope/Fraternity NC National Register Study List district, it is a noncontributing resource in that district. Therefore Historic Resources staff does not recommend that conditions be placed upon the zoning petition.			
<b>Analysis of General Site Information</b>	Although the site has neither public water or sewer available, the proposed transmission tower will not require these utilities.			
<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>
Fraternity Church Road	Minor Thoroughfare	31'	4,000	15,800
Hall Lane	Private street	1,131'	NA	NA
<b>Proposed Access Point(s)</b>	The site has access onto Fraternity Church Road via Hall Lane.			
<b>Planned Road Improvements</b>	The <i>Comprehensive Transportation Plan</i> recommends a three lane section with wide outside lanes, curb and gutter, and sidewalks for Fraternity Church Road.			
<b>Trip Generation - Existing/Proposed</b>	The proposed transmission tower will not generate a noticeable increase in traffic.			
<b>Sidewalks</b>	There are no sidewalks located in the general area.			

<b>Analysis of Site Access and Transportation Information</b>	The site has access onto a minor thoroughfare and the proposed new use of Transmission Tower will have a negligible impact on the number of trips to the site.					
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>						
<b>Legacy GMA</b>	Growth Management Area 3 – Suburban Neighborhoods					
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>• Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area.</li> <li>• Discourage inappropriate commercial encroachment into neighborhoods.</li> </ul>					
<b>Relevant Area Plan(s)</b>	<i>Southwest Suburban Area Plan (2009)</i>					
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The <i>Southwest Suburban Area Plan</i> recognizes the existing industrial use of the subject property. Additional industrial development is not recommended in the plan for this area, due to the historic resources in the vicinity. Expansion of the existing use is not recommended by the plan, and single-family residential development is identified as the ideal use of the site.</li> </ul>					
<b>Addressing</b>	The address assignment for the new cell tower is 2863 Hall Lane.					
<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 Legacy?</b>					
	Yes					
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The subject request would add the use of Transmission Tower to the existing LI-S zoned site. The site plan shows a new 195' monopole tower.</p> <p>The site is located within the Hope/Fraternity NC National Register Study List district and therefore the <i>Southwest Suburban Area Plan</i> does not recommend additional industrial development in the area. There is also a lack of water and sewer availability in the area.</p> <p>The request would not expand the boundaries of said LI-S zoning nor will it generate any additional noise or create a noticeable change in vehicle trips to and from the site. While the proposed tower will have some visual impact on the surrounding area, staff notes that a monopole, particularly one of this height, is less intrusive than a lattice type tower of a greater height. Planning staff supports the request.</p>					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1156	RS9 to LI-S	Approved 9-23-96	Current site	7.07	Denial	Approval
F-1035	R6 to B3-S (LB-S)	Approved 9-28-92	250' northwest	1.09	Denial	Denial

<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>		
<b>Building Square Footage</b>	<b>Square Footage</b>	<b>Placement on Site</b>
	4,079 sf existing + 230 sf proposed = 4,309	Central portion
<b>Parking (for proposed Transmission Tower)</b>	<b>Required</b>	<b>Proposed</b>
	1 space	1 space
<b>Building Height</b>	<b>Maximum</b>	<b>Proposed</b>
	70'	1 story existing building and a proposed 195' Transmission Tower
<b>Impervious Coverage</b>	<b>Maximum</b>	<b>Proposed</b>
	90%	7.65%
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Chapter B, Article II, Section 2-1.4 Limited Industrial District</li> <li>Chapter B, Article II, Section 2-5.79 Transmission Tower Use Conditions</li> </ul>	
<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	(A) <i>Legacy</i> policies:	Yes
	(B) <i>Environmental Ord.</i>	NA
	(C) Subdivision Regulations	NA
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The site plan includes the existing contractor's building along with the proposed transmission tower. The site plan meets the requirements of the UDO.	
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>		
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>	
The request would not expand the limits of the existing LI-S zoning.	The proposed transmission tower will have some visual impact on the surrounding residentially zoned properties.	
The request would add only one new use.		
The request would result in a negligible increase in traffic.		
The proposed transmission tower is less than 200' tall and is a monopole.		
<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>		
The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.		
<b>No conditions included for this request.</b>		

**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-1542  
AUGUST 8, 2013**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved approval of the zoning petition and certified that the site plan meets all code requirements if the petition is approved.

SECOND: Lynne Mitchell

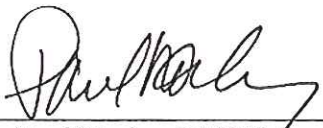
VOTE:

FOR: Wesley Curtis, Arnold King, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

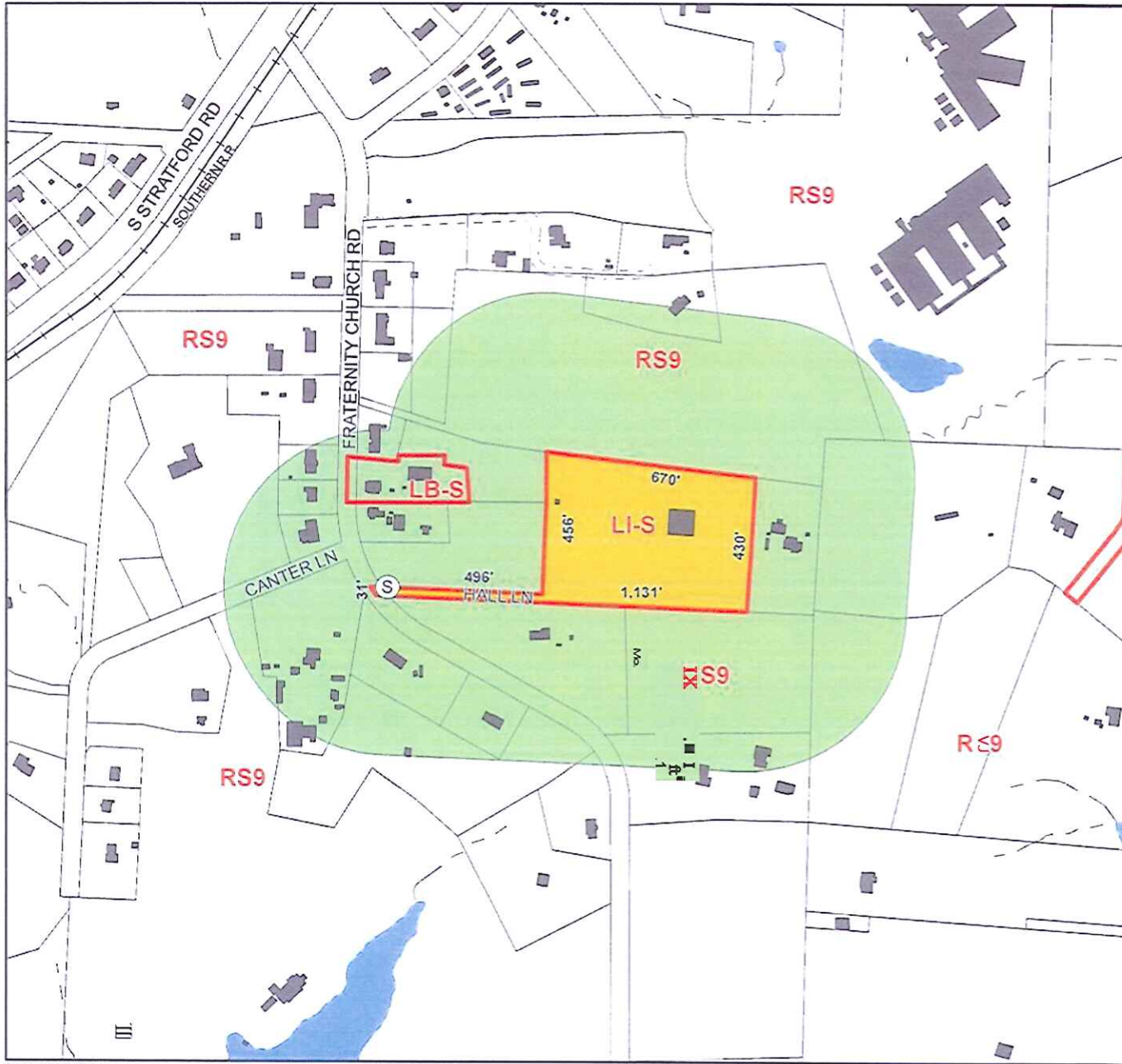
AGAINST: None

EXCUSED: None

According to information furnished on August 28, 2013 by the Office of the Tax Assessor, the subject property is in the name of Hall Lane Properties LLC.



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



Printed: 07/10/2013


DUCKET #: F1542

PROPOSED ZONING:  
LI-S

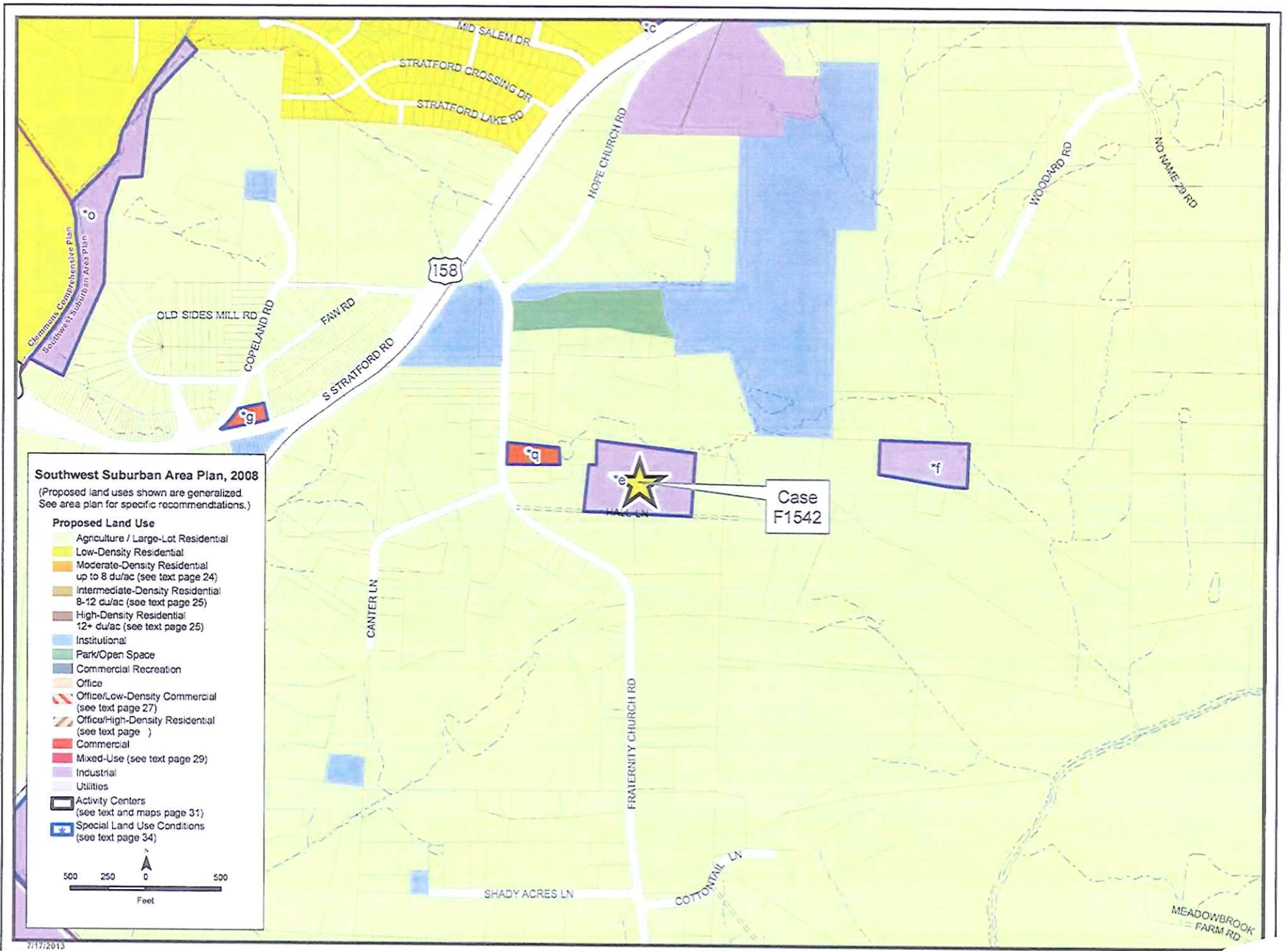
EXISTING ZONING:  
LI-S

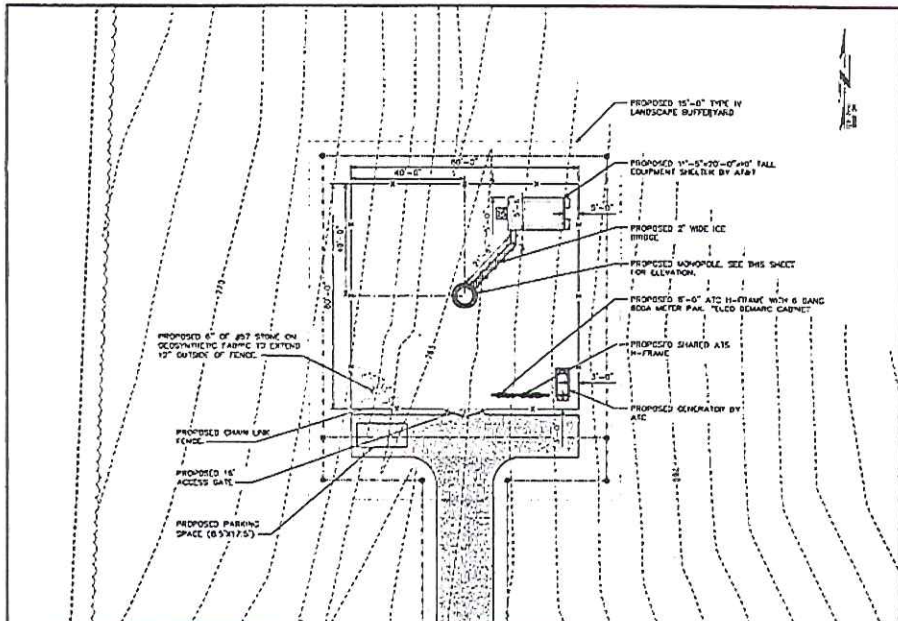
PETITIONER:  
Hall Lane Properties, LLC for  
property owned by Same

1" represents 500'

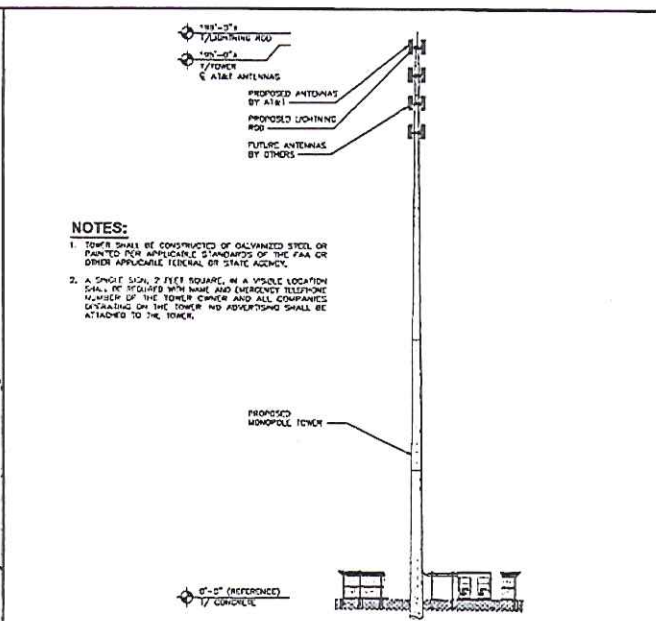


MAP(S):

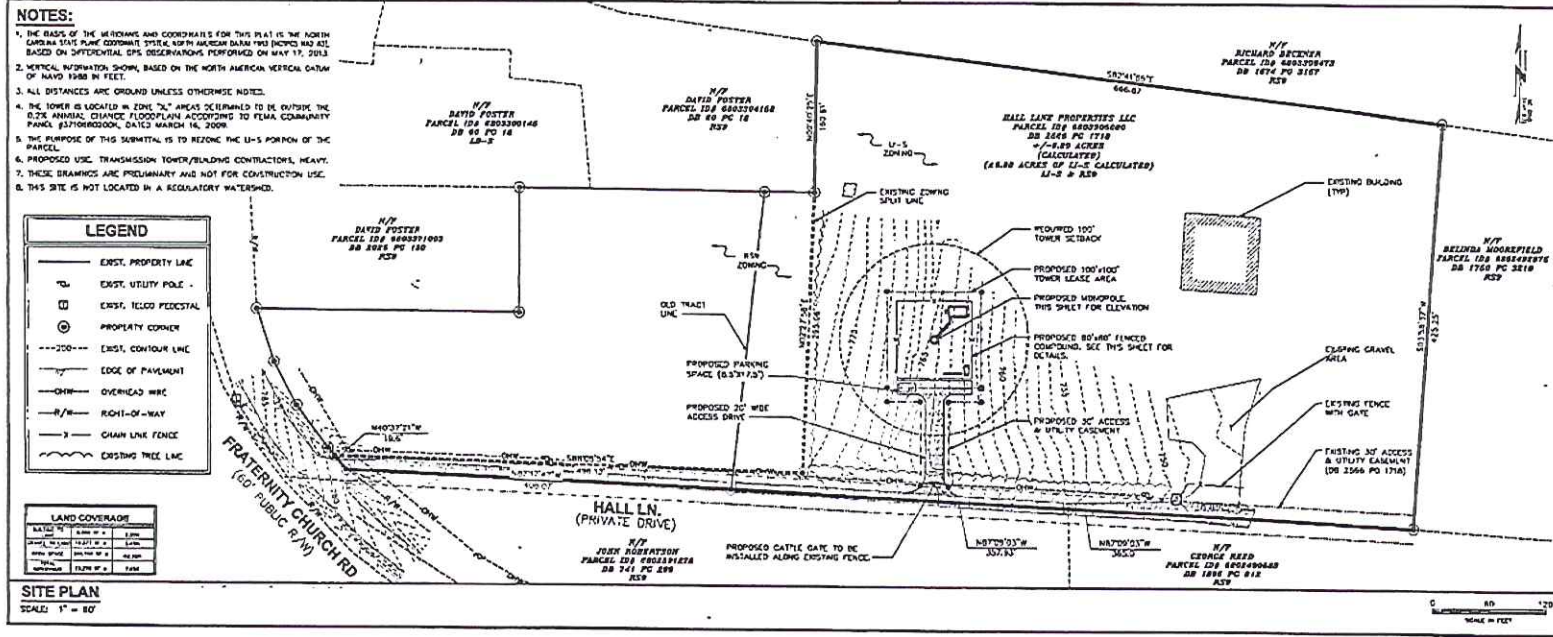




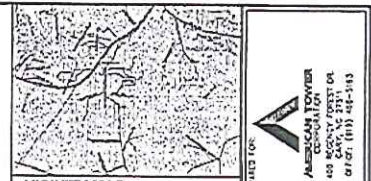
**COMPOUND DETAIL**  
SCALE: 1" = 20'



**TOWER ELEVATION**  
SCALE: 1" = 20'



**SITE PLAN**  
SCALE: 1" = 50'



**VICINITY MAP**  
SCALE: N.T.S.

**SITE DATA**

**JURISDICTION:**  
FORSYTH COUNTY

**PROPOSED USE:**  
TRANSMISSION TOWER BUILDING CONTRACTORS, HEAVY

**ZONING:**  
DISTRICT: U-5  
PROPOSED: U-5 WITH TRANSMISSION TOWER

**SITE ACREAGE:**  
0.30 ACRES ±

**BUILDING DATA:**  
230 S.F., 10 FT IN HEIGHT

**WATERSHED:**  
SITE IS LOCATED OUTSIDE OF ANY REGULATORY WATERSHED.

**SITE COVERAGE:**

LAND COVERAGE		
BUILDING TO LAND	6,899 SF ±	2.20%
DRYVAY TO LAND	16,577 SF ±	5.43%
OPEN SPACE	290,765 SF ±	92.35%
<b>TOTAL IMPROVEMENTS</b>	<b>23,276 SF ±</b>	<b>7.63%</b>

**INFRASTRUCTURE:**

WATCH: N/A  
SCOP: N/A  
ROAD: N/A

**PARKING:**

N/A

**SETBACKS:**

TOWER HEIGHT

**BUFFERYARD:**

ADJOINING TOWNSHIP REQUIRED: PCS TYPE IV  
WITH PROVIDED: 15'

**STREETYARD:**

N/A

**PIN #:**

PORTION OF: 6803306060

**PURPOSE STATEMENT:**

TO PARTIALLY REZONE THE PARCEL TO HAVE A TRANSMISSION TOWER AS AN ALLOWABLE USE

**GENERAL INFORMATION**

**SITE PLAN PREPARER:**

NAME: TOWER ENGINEERING PROF.  
ADDRESS: 3709 JUNCTION BOULEVARD  
CITY, STATE, ZIP: RALEIGH, NC 27609  
CONTACT: BOB T. CANNITNEY  
PHONE: (704) 978-3332  
EMAIL: BRCANNITNEY@TEPROF.PART

**CIVIL ENGINEER:**

NAME: TOWER ENGINEERING PROF.  
ADDRESS: 3709 JUNCTION BOULEVARD  
CITY, STATE, ZIP: RALEIGH, NC 27609  
CONTACT: KIMBERLY S. BARTON  
PHONE: (704) 978-3332

SEAL: [Professional Engineer Seal]

**SHEET TITLE:**  
SITE PLAN & TOWER ELEVATION

**REGION:**  
3

**SHEET NUMBER:**  
C-1

**TOP SHEET:**  
3

PLANS PREPARED BY:  
AMERICAN TOWER CORPORATION  
400 EAST WYOMING ST.  
CARY, NC 27513  
OFFICE: (919) 447-5113

PLANS PREPARED BY:  
TOWER ENGINEERING PROFESSIONAL CORPORATION  
3709 JUNCTION BOULEVARD  
RALEIGH, NC 27609  
OFFICE: (704) 978-3332  
N.C. LICENSE 10714

PROJECT INFORMATION:  
AT&T # 174-477  
ATC # 280383  
FAW RD  
2003 HALL LN.  
FORSYTH COUNTY, NC 27427  
(FORSYTH COUNTY)

SCALE: 1" = 50'

R-1542 Revised File Copy

# INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1542

## PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrase. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

PROJECT CASE NUMBER: F-1542 PROJECT TITLE: AT&T #174-427 DATE: July 24, 2013

PROJECT DESCRIPTION: East side of Fraternity Church Road across from Canter Lane


NCDOT- Phone # - 336.747.7900 Email: [skjones@ncdot.gov](mailto:skjones@ncdot.gov)

No comments

\_\_\_\_\_  
Signature


WSDOT- Phone # - 336.747.6872 Email: [conniec@cityofws.org](mailto:conniec@cityofws.org)

No comments

  
\_\_\_\_\_  
Signature

City Engineer- Phone # - 336.747.6846 Email: [albertcg@cityofws.org](mailto:albertcg@cityofws.org)

No comments

  
\_\_\_\_\_  
Signature

City Streets Division- Phone # - 336.734.1550 Email: [robbys@cityofws.org](mailto:robbys@cityofws.org)

\_\_\_\_\_  
Signature

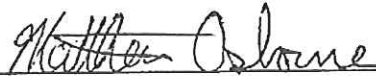
Inspections (Zoning)- Phone # - 336.727.2626 Email: [jeffv@cityofws.org](mailto:jeffv@cityofws.org)

Show and label 25' cross access easement from Fraternity Church Road to the tower; 1 parking space is required; Correct parking legend and show one space on plan that is 8.5' X 17.5' Must have 26' area to back into.

  
\_\_\_\_\_  
Signature

Erosion Control - Phone # - 336.727.2388 Email: [matthewo@cityofws.org](mailto:matthewo@cityofws.org)

An Environmental Grading and Erosion Control permit will be required if more than 10,000 sq. ft. of area is disturbed during construction. An Erosion and Sedimentation Control Plan should be submitted for review at least 30 days prior to the intended start date of construction.

  
\_\_\_\_\_  
Signature

Stormwater Division- Phone # - 336.747.6961 Email: [josephf@cityofws.org](mailto:josephf@cityofws.org)

No comments

# INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1542

Signature

Fire (City)- Phone # - 336. 734.1290 Email: [douglasc@cityofwfsfire.org](mailto:douglasc@cityofwfsfire.org)  
Fire (County)- Phone # - 336.703-2550 Email: [smithbj@forsyth.cc](mailto:smithbj@forsyth.cc)

Signature

Utilities- Phone # - 336.747.7499 Email: [mikep@cityofws.org](mailto:mikep@cityofws.org)  
No comments

Signature

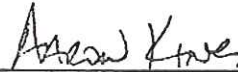
 FOR MIKE PATTON

Sanitation- Phone # - 336.748.3080 Email: [randallb@cityofws.org](mailto:randallb@cityofws.org)  
No comments

Signature

Planning- Phone # - 336.747.7043/747.7068 Email: [aaronk@cityofws.org](mailto:aaronk@cityofws.org)  
Add the use Building Contractors, Heavy to the site plan.

Signature



Forsyth County Health Department - 336.703-3110 Email: [rakescd@forsyth.cc](mailto:rakescd@forsyth.cc)

Signature

Vegetation Management -336.748.3020 Email: [keithf@cityofws.org](mailto:keithf@cityofws.org)

Signature

Street Names/Addresses -336.747.7048 Email: [benfs@cityofws.org](mailto:benfs@cityofws.org)  
The address assignment for the new cell tower is 2863 Hall Ln.

Signature

Any comments from internal teams? (HRC/CAC)