

Motion and
Statement of Consistency with Comprehensive Plan
F-1552

I move that the following statement be adopted in support of a *Motion to Approve* Zoning Map Amendment F-1552:

The proposed Special Use District – No Site Plan zoning petition of W&W Joint Ventures from RS-20 (Residential, Single Family; 20,000 square foot minimum lot size) to LB-L (Limited Business) with its added conditions is not consistent with the Legacy Comprehensive Plan or the Southeast Suburban Area Plan, however, it is reasonable and in the public interest because:

1. the petitioner has changed the proposed zoning district from HB-L (Highway Business-Limited) to LB-L (Limited Business) – special use-no site plan zoning, to remove the use of Restaurant (with drive-through service), which reduces the potential negative impact on nearby residences;
2. the subject property is located close to a major thoroughfare in Growth Management Area 3 (Suburban Neighborhoods) and the proposed zoning map amendment is consistent with the purpose statement of the requested LB-L (Limited Business) Zoning District and intended for application in Growth Management Areas 2, 3, 4, and 5;
3. the proposed rezoning is adjacent to and compatible with commercially developed property directly to the south;
4. while the proposed rezoning site is less compatible with the residential and institutional uses on the adjacent properties to the north, east, and west, the list of proposed uses is limited to office and low intensity commercial uses; and
5. the subject property is relatively small and mostly paved and has previously been used for a non-residential purpose.

Based on the foregoing Statement, I move adoption of F-1552.

Second:

Vote:

Motion and
Statement of Consistency with Comprehensive Plan
F-1552

I move that the following statement be adopted in support of a **Motion to Deny** Zoning Map Amendment F-1552:

The proposed Special Use District – No Site Plan zoning petition of W&W Joint Ventures from RS-20 (Residential, Single Family; 20,000 square feet minimum lot size) to LB-L (Limited Business) with its added conditions is not consistent with the Legacy Comprehensive Plan or the Southeast Suburban Area Plan, therefore, it is not reasonable or in the public interest because:

1. the proposed LB-L (Limited Business) – special use-no site plan zoning represents a potential negative impact to nearby residences to the north, east, and west by introducing additional commercial zoning in the area;
2. the subject property is relatively small and is limited by setback requirements; and
3. the proposed rezoning is not compatible with the residential and institutional uses on the adjacent properties and approval of this request may lead to additional commercial rezoning in this area;

Based on the foregoing Statement, I move denial of F-1552.

Second:

Vote:

COUNTY ORDINANCE -
SPECIAL USE DISTRICT - NO SITE PLAN

Zoning Petition of W & W Joint Ventures, Docket F-1552

AN ORDINANCE AMENDING THE
FORSYTH COUNTY ZONING ORDINANCE
AND THE OFFICIAL ZONING MAP OF
FORSYTH COUNTY, N.C.

BE IT ORDAINED by the Board of Commissioners of Forsyth County as follows:

Section 1. The Forsyth County Zoning Ordinance and the Official Zoning Map of the County of Forsyth, N.C. are hereby amended by changing from RS20 to LB-L (Combined Use; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (without drive-through service); Retail Store; Bed and Breakfast; Funeral Home; Offices; Services A; Veterinary Services; Adult Day Care Center; Child Care, Drop-In; Child Day Care Center; Government Offices, Neighborhood Organization, or Post Office; and Museum or Art Gallery) the zoning classification of the following described property:

PIN# 6853-60-6659

Section 2. This Ordinance is adopted after approval of the Special Use District - No Site Plan Permit issued by the Board of Commissioners the _____ day of _____, 20__ to W & W Joint Ventures.

Section 3. The Board of Commissioners hereby directs the issuance of a Special Use District - No Site Plan Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be located on they property described in Section One above. Said Special Use District - No Site Plan Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

COUNTY

SPECIAL USE DISTRICT - NO SITE PLAN PERMIT

Issued by the Board of Commissioners

of Forsyth County, NC

The Board of Commissioners of Forsyth County, NC issues a Special Use District - No Site Plan Permit for the zoning petition of W & W Joint Ventures, (Zoning Docket F-1552). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Combined Use; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (without drive-through service); Retail Store; Bed and Breakfast; Funeral Home; Offices; Services A; Veterinary Services; Adult Day Care Center; Child Care, Drop-In; Child Day Care Center; Government Offices, Neighborhood Organization, or Post Office; and Museum or Art Gallery, 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 LB-L zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO ISSUANCE OF BUILDING PERMITS:**
 - a. Access to this site shall be through the existing access onto Thomasville Road through the adjacent Sheetz property. No new direct access onto Thomasville Road shall be permitted for the subject property.
 - b. Freestanding signage for the subject property shall be limited to one monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	F-1552
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	W & W Joint Ventures
Owner(s)	Same
Subject Property	PIN #6853-60-6659
Address	Geo Data lists the site as having a Zachary Street address.
Type of Request	Special use district – no site plan rezoning from RS20 to LB-L.
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS20 (Residential, Single Family; 20,000 sf minimum lot size) to LB-L (Limited Business – special use – no site plan zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Combined Use; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (without drive-through service); Retail Store; Bed and Breakfast; Funeral Home; Offices; Services A; Veterinary Services; Adult Day Care Center; Child Care, Drop-In; Child Day Care Center; Government Offices, Neighborhood Organization, or Post Office; and Museum or Art Gallery <p>NOTE: General, special use – no site plan, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Continuance History	The request was continued from the June 11, 2015 Planning Board meeting to the July 9 meeting in order to allow the petitioner to change the proposed district from HB-L to LB-L and to remove the use of Restaurant (with drive-through service).
Neighborhood Contact/Meeting	The petitioner has stated that they have spoken to the owners of the adjacent Sheetz convenience store and Cornerstone Baptist Church about the proposed rezoning.
Zoning District Purpose Statement	The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in GMAs 2, 3, 4 and 5.

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	The site is located close to a major thoroughfare within GMA 3 (Suburban Neighborhoods). The site is also adjacent to a commercially developed site directly to the south. However, the site does not have direct frontage on Thomasville Road that is wide enough for access, and therefore can only be accessed through other property.

GENERAL SITE INFORMATION

Location	Off the east side of Thomasville Road, north of Gumtree Road		
Jurisdiction	Forsyth County		
Site Acreage	± .74 acre		
Current Land Use	A paved parking area associated with a previous commercial land use on an adjacent site, is currently located on the site.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS20	Parking area for Cornerstone Baptist Church
	East	RS20	Accessory building for Cornerstone Baptist Church
	South	CS (Davidson County – Commercial Shopping District)	Sheetz convenience store
	West	IP	Cornerstone Baptist Church

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?
	The proposed office and low intensity commercial uses are compatible with the commercial uses permitted on the site directly to the south. However, they are less compatible with the residential and institutional uses permitted on the adjacent properties located to the north, east, and west.

Physical Characteristics	The site has a gentle slope downward toward the south.
Proximity to Water and Sewer	Davidson County public water is available to the site and public sewer is located nearby across Thomasville Road.
Stormwater/ Drainage	No known issues.
Watershed and Overlay Districts	The site is not located within a water supply watershed.

Analysis of General Site Information	The site has been improved in the past for the use of a parking lot. The lot is relatively narrow and is further constrained by the forty (40) foot building setback (from residentially zoned property) which would apply to the site if it is rezoned as requested.
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SITE ACCESS AND TRANSPORTATION INFORMATION

Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Thomasville Road	Major Thoroughfare	None	9,700	15,800

Proposed Access Point(s)	See comments below in the Analysis section.
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS20</u> .74 acre / 20,000sf = 1 unit x 9.57 (SFR Trip Rate) = 10 Trips per Day</p> <p><u>Proposed Zoning: LB-L</u> No trip generation is available for the proposed special use district - no site plan zoning.</p>
Sidewalks	There are no sidewalks located in the general area.
Analysis of Site Access and Transportation Information	The petitioner states that there is a recorded easement across the adjacent Sheetz convenience store site which provides access to the subject property onto Thomasville Road. The petitioner has agreed to a condition that no new access onto Thomasville Road shall be permitted for the subject property.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 3 - Suburban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Discourage inappropriate commercial encroachment into neighborhoods. • Encourage attractive parking design and more efficient use of parking. • Promote quality design so that infill does not negatively impact surrounding development.
Relevant Area Plan(s)	<i>Southeast Suburban Area Plan (2010)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The proposed Land Use Map shows the property for Institutional Use.
Site Located Along Growth Corridor?	The site is located along the Thomasville Road Growth Corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Comments from Davidson County and the Town of Wallburg.	According to an email received from Guy Cornman, Planning Director for Davidson County on May 27, 2015: "...I did speak to Mayor Allen Todd with the Town of Wallburg. His take on the subject property under consideration for rezoning was that the parcel was extremely small and would be crowded with another commercial use. He thought it would best be suited for additional parking for the adjoining church or perhaps some accessory use to the Church activities which I believe would be allowed under the current zoning."
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy?
	No

**Analysis of
Conformity to
Plans and
Planning Issues**

The proposed special use – no site plan rezoning request is for a .74 acre undeveloped site to be rezoned from RS20 to LB-L. The request is for the uses which fall within the category of Office/Low Intensity Commercial uses.

The *Southeast Suburban Area Plan* recommends institutional land use for the site. The subject property is adjacent to property owned by the Cornerstone Baptist Church on three sides. The proposed Office/Low Intensity Commercial uses are considered less impactful than many of the more auto related commercial uses. The proposed uses would serve as transitional uses between the adjacent convenience store and the surrounding residential and institutional uses.

The request also includes the previously mentioned access condition along with a sign condition. Considering the past use of the site as a parking lot, and its proximity to said convenience store, Planning staff is supportive of the request. Planning staff notes that it would not be supportive of further commercial rezoning requests on adjacent properties to the north and east.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1332	AG to RM8-S & HB-S	Approved 2-12-01	200' west	20.01	Denial	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The site is adjacent to CS Commercial Shopping District (Davidson County zoning) and IP zoned land.	Approval of this request may lead to additional commercial rezoning requests in this area.
The request is for office and low intensity commercial uses.	
There will be no direct access onto Thomasville Road.	The site is relatively small and is limited by setback requirements.
The majority of the site is paved and has been used previously as a parking lot.	

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

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.

- **PRIOR TO ISSUANCE OF BUILDING PERMITS:**
 - a. Access to this site shall be through the existing access onto Thomasville Road through the adjacent Sheetz property. No new direct access onto Thomasville Road shall be permitted for the subject property.
 - b. Freestanding signage for the subject property shall be limited to one monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.

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.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR F-1552
JUNE 11, 2015**

Gary Roberts stated that after discussions with staff, the petitioner has filed a request for a less intense zoning district and would therefore like to continue this for one month.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning petition to July 9, 2105.

SECOND: Paul Mullican

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Clarence Lambe,
Darryl Little, Allan Younger

AGAINST: None

EXCUSED: None

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR F-1552
JULY 9, 2015**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

Melynda Dunigan: This request for LB-L is more reasonable than the previous request for HB. However, the area plan calls for IP which is more appropriate. LB-L would open the door for more commercial rezoning which would encroach on surrounding neighborhoods. The staff report states that the petitioner has met with owners of property on either side but not with residents in the area. Yet we have gotten two letters of opposition from residents so the petitioner should also have met with the neighbors.

MOTION: Clarence Lambe moved approval of the zoning petition.

SECOND: Paul Mullican

VOTE:

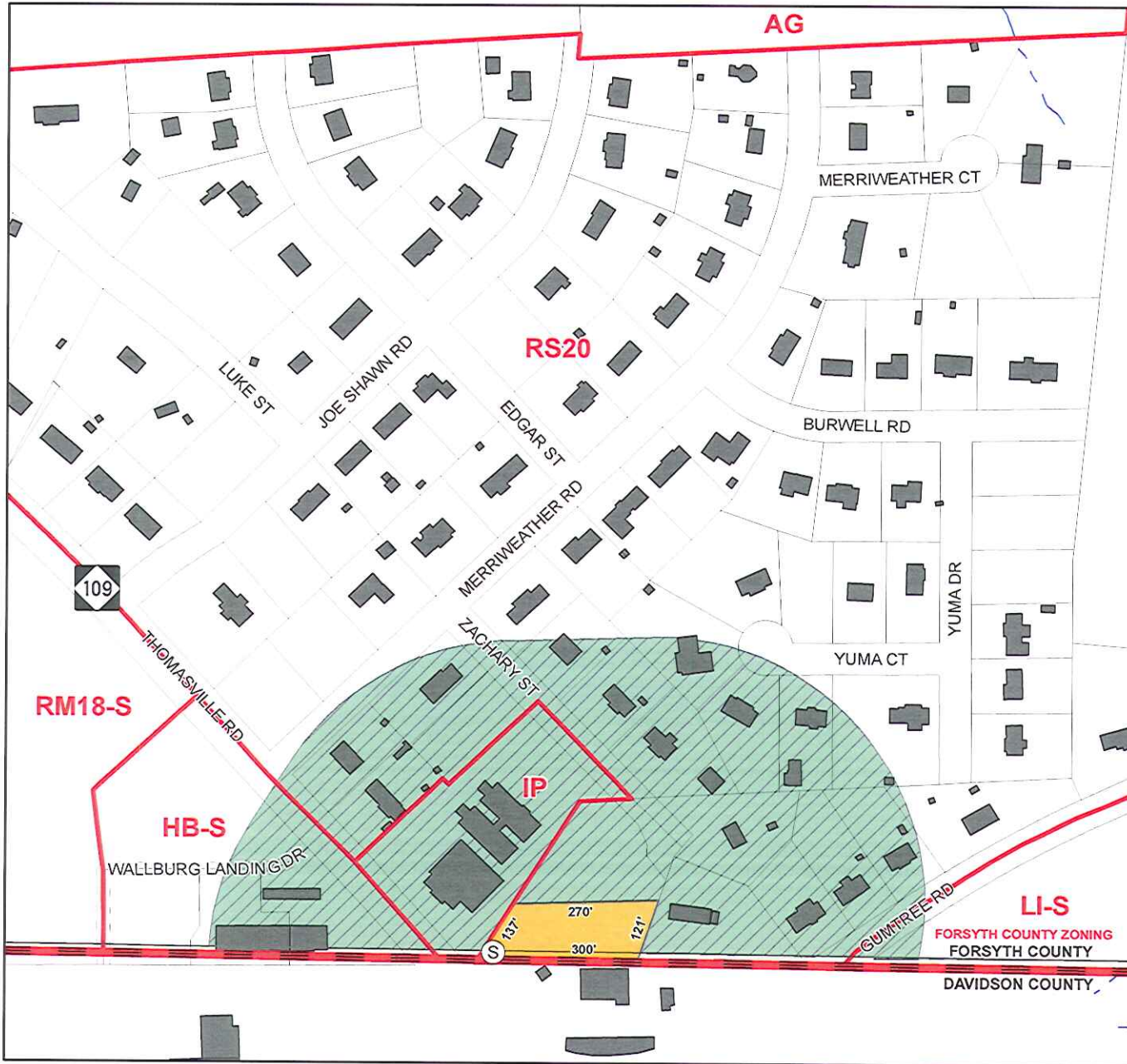
FOR: Arnold King, Clarence Lambe, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: Melynda Dunigan

EXCUSED: None

According to information furnished by the Tax Assessor on July 22, 2015, the subject property was in the name of W & W Joint Ventures.

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




DOCKET #: F1552
 (Continued from 6/11/2015)

PROPOSED ZONING:
 LB-L

EXISTING ZONING:
 RS20

PETITIONER:
 W and W Joint Ventures

 Property included in zoning request.

 500' mail notification radius. Property not in zoning request.

SCALE: 1" represents 300'

STAFF: Roberts

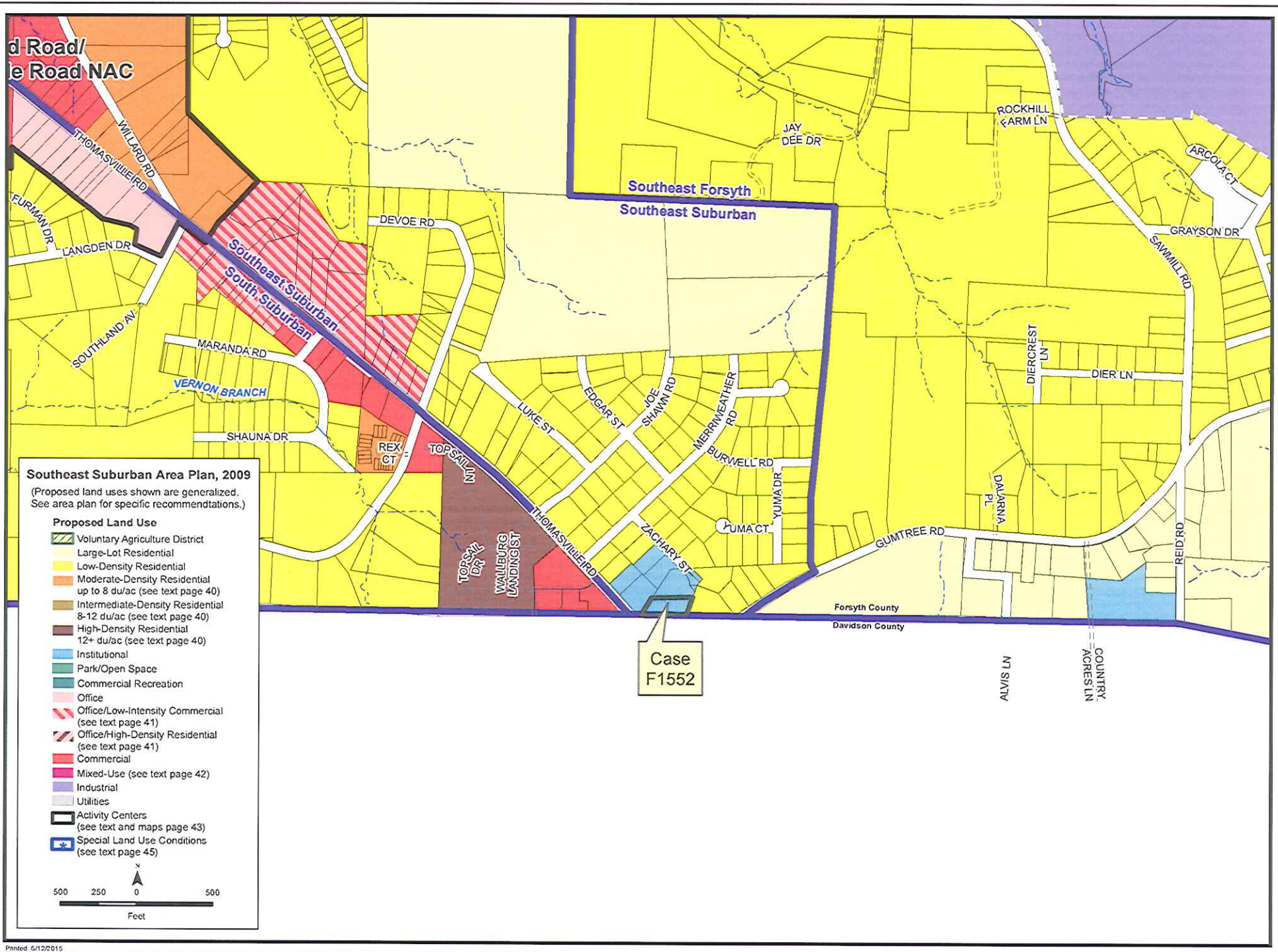
GMA: 3

ACRES: 0.74

NEAREST BLDG: 10' south

MAP(S): 6853.04





F-1552 ATTACHMENT A
EXISTING RS20 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
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)

Church or Religious Institution, Community
Golf Course
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
Kennel, Outdoor
Landfill, Land Clearing/Inert Debris, 2 acres or less
Manufactured Home, Class A
Manufactured Home, Class B
Nursing Care Institution
Park and Shuttle Lot
Riding Stable
Shooting Range, Outdoor
Transmission Tower

F-1552 ATTACHMENT A
EXISTING RS20 USES ALLOWED
Forsyth County Jurisdiction Only

**USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED
BODY (E)**

Landfill, Land Clearing/Inert Debris, greater than 2 acres
Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses

F-1552 ATTACHMENT B
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.

From: David Redmond <davidsguitar1@yahoo.com>

Sent: Wednesday, July 8, 2015 7:00 PM

To: Aaron King

Subject: Rezoning

I and my neighbors are opposed to the zoning request docket f-1552. I'm not sure if anyone from the neighborhood will make it to the meeting tomorrow, but we don't want any more noise and traffic out here. It's already getting to be like New York City. I doubt any of you would want all this in your front yards either. It would probably ruin our property values as well. Thanks,

David

From: Michael Welch [<mailto:mwelch5561@gmail.com>]
Sent: Thursday, July 09, 2015 2:33 PM
To: Aaron King
Subject: Zoning F-1552

Hi,

My name is Michael Welch I am at 4525 Zachary St Winston Salem NC 27107. I am AGAINST the F-1552 that is going to be in front of my house and there is already too much commercial stuff, and traffic in front of my house I do not want it.

Thanks,
Michael Welch