



**DOCKET #:** F1538

**PROPOSED ZONING:**  
LB-L

**EXISTING ZONING:**  
LB-S

**PETITIONER:**  
John Stanley for property  
owned by Same

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 3

**ACRES:** 0.51

**NEAREST  
BLDG:** 67' northeast

**MAP(S):** 684842, 684846





March 20, 2013

John Stanley  
215 Lee Smith Lane  
Kernersville, NC 27284

Re: Zoning Map Amendment F-1538

Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163  
[www.cityofws.org/planning](http://www.cityofws.org/planning)

Dear Mr. Stanley:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. You will be notified by the Board of Commissioners' Office of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, FAICP  
Director of Planning

pc: Clerk to the Board of Commissioners, Forsyth County Government Center - 5th Floor,  
201 N. Chestnut Street, Winston-Salem, NC 27101  
John G. Wolfe III, 101 South Main Street, Kernersville, NC 27284

**City Council:** Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Wanda Merschel, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

**Forsyth County Commissioners:** Richard V. Linville, Chairman; Gloria D. Whisenhunt, Vice Chair; Mark Baker; Walter Marshall; David R. Plyler, Bill Whiteheart; Everette Witherspoon; County Manager: Dudley Watts, Jr.

**City-County Planning Board:** Arnold G. King, Chair; L. Wesley Curtis, Jr., AIA, Vice-Chair; Clarence R. Lambe, Jr.; Darryl Little; Barry A. Lyons; Lynne Mitchell; Paul W. Mullican; Brenda J. Smith; Allan Younger

**CityLink311**

Call 311 or 336-727-8000  
[citylink@cityofws.org](mailto:citylink@cityofws.org)



COUNTY ORDINANCE -  
SPECIAL USE DISTRICT - NO SITE PLAN

Zoning Petition of John Stanley, Docket F-1538

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

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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 LB-S (Services A and Services B) to LB-L (Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Offices; Services A; Veterinary Services; Recreation Services, Indoor; Adult Daycare Center; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Museum or Art Gallery; and Police or Fire Station) the zoning classification of the following described property:

PIN # 6884-76-1481

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 John Stanley.

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 known as John Stanley. 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 John Stanley, (Zoning Docket F-1538). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Offices; Services A; Veterinary Services; Recreation Services, Indoor; Adult Daycare Center; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Museum or Art Gallery; and Police or Fire Station, 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 THE ISSUANCE OF ANY PERMITS:**
  - a. Developer shall obtain a driveway permit from the NCDOT. Required improvements include:
    - Dedicate 40' of right-of-way from the center line of NC 66.
  - b. Any freestanding signage 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.
  - c. As volunteered by the petitioner, the use of Services A shall be further limited by excluding: Coin-Operated Laundries and Cleaning; Dry Cleaning Plants, Except Rug; and Carpet and Upholstery Cleaning.
  - d. As volunteered by the petitioner, the use of Recreation Services, Indoor shall be further limited by excluding: Dance Studios and Physical Fitness Facilities.
  - e. As volunteered by the petitioner: No parking shall be allowed in front of the building with the exception of two (2) handicapped spaces.
  - f. No trees over 12" in caliper shall be removed from the site.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	F-1538
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	John Stanley
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN # 6884-76-1481
<b>Address</b>	1851 South Highway 66
<b>Type of Request</b>	Special use limited rezoning from LB-S to LB-L
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> LB-S (Limited Business - special use district – Services A and Services B) <b>to</b> LB-L (Limited Business - special use limited district). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Offices; Services A; Veterinary Services; Recreation Services, Indoor; Adult Daycare Center; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Museum or Art Gallery; and Police or Fire Station</li> </ul> <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.</p>
<b>Neighborhood Contact/Meeting</b>	The application indicates that the petitioners “Have talked with two neighbors with favorable response.” And that “Personal contact is being made with all surrounding property owners.”
<b>Zoning District Purpose Statement</b>	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 (Growth Management Areas) 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), 4 (Future Growth Area) and 5 (Rural Area).

<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 located within the Suburban Neighborhoods GMA and is close to residential areas. The site also has frontage on a major thoroughfare.			
<b>GENERAL SITE INFORMATION</b>				
<b>Location</b>	Northeast corner of NC 66 South and Gibson Park Drive			
<b>Jurisdiction</b>	Forsyth County			
<b>Site Acreage</b>	± .51 acre			
<b>Current Land Use</b>	Currently a 1,920 square foot building which was originally constructed as a church and most recently used as a photography studio is located on the site.			
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	GI-S	Above ground oil storage	
	East	RS20	Single family homes	
	South	RS20		
West	AG			
<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 compatible with the approved uses permitted on the adjacent property to the north zoned GI-S. The proposed uses are less compatible with the low-density residential uses permitted on the adjacent AG and RS20 zoned properties.			
<b>Physical Characteristics</b>	The developed site is essentially flat and includes numerous mature oak trees.			
<b>Proximity to Water and Sewer</b>	The site has access to public water but not to public sewer.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is located within balance area of the Oak Hollow Lake WS IV water supply watershed. For projects without a curb and gutter drainage system (as with the subject property) the maximum impervious coverage of the site is 36%.			
<b>Analysis of General Site Information</b>	The site is located within the water supply watershed of Oak Hollow Lake. The property owner is responsible for demonstrating compliance with the impervious surface limitations to the Inspections Division.			
<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>
NC 66	Major Thoroughfare	99'	9,800	15,300
Gibson Park Drive	Local Street	235'	NA	NA

<b>Proposed Access Point(s)</b>	The site is currently accessed from NC 66. The approved site plan indicates that a new driveway would be constructed onto Gibson Park Drive; however, that entrance has not been installed.
<b>Planned Road Improvements</b>	The <i>Comprehensive Transportation Plan</i> recommends a four lane cross section with a landscaped median, wide outside lanes, curb and gutter and sidewalks for this section of NC 66.
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: LB-S</u> 1,920 sf/1,000 x 11.57 (Single Tenant Office Building Trip Rate) = 22 Trips per Day  <u>Proposed Zoning: LB-L</u> 1,920 sf/1,000 x 9.11 (Church Trip Rate) = 17 Trips per Day
<b>Sidewalks</b>	There are no sidewalks located in the general area.
<b>Analysis of Site Access and Transportation Information</b>	The site is a corner lot with frontage on a major thoroughfare. The approved site plan included a condition that the developer shall dedicate 40' of right-of-way from the center line of NC 66. As per Geo Data, such a dedication never took place. Therefore, said condition is carried forward as part of this request.
<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>Promote new, convenient commercial and business services to support neighborhood needs.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>Union Cross/Southeast Forsyth County Area Plan</i> (2004)
<b>Area Plan Recommendations</b>	The site is located in an area shown on the proposed land use map for rural conservation subdivision. An update of this Area Plan is currently underway. This site is part of a larger area under consideration in the ongoing Area Plan update as a Special Land Use Condition Area with special conditions to be determined.
<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 Legacy?</b>
Yes	
<b>Analysis of Conformity to Plans and Planning Issues</b>	The subject property was originally developed as a church in 1966 and was rezoned to LB-S for the uses of Services A and Services B in 1986. The <i>Union Cross/Southeast Forsyth County Area Plan</i> recognized the existing land use as commercial; however, the recommended land use is rural conservation subdivision as it is located within the Oak Hollow Lake water supply watershed and currently has no access to public sewer. An update of this Area Plan is currently underway.



The proposed LB-L request would allow for some new uses including several institutional related uses. It would also remove some of the more intensive uses which are currently allowed under the umbrella of the Services A category. The petitioner has volunteered to limit signage and to limit parking in front of the building with the exception of two (2) handicapped spaces. The petitioner has also volunteered to further limit some of the uses permitted with the Services A and Recreation Services, Indoor uses. It should be noted that bufferyards will be required adjacent to the RS20 zoned property located to the rear of the site.

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-982	R6 (RS20) to I3-S (GI-S)	Approved 1-28-91	Directly north	1.16	Denial	Approval
F-774	R6 (RS20) to B3-S (LB-S)	Approved 3-24-86	Subject property	.56	Denial	Approval

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

Positive Aspects of Proposal	Negative Aspects of Proposal
<p>The site is already zoned LB-S and the request is consistent with the LB district purpose statement.</p> <p>The request includes multiple conditions pertaining to: signage, right-of-way dedication, location of parking, limitation of uses, and tree protection.</p>	<p>The request would place commercial zoning in close proximity to single family residential homes without a special use site plan.</p>

**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 THE ISSUANCE OF ANY PERMITS:**
  - a. Developer shall obtain a driveway permit from the NCDOT. Required improvements include:
    - Dedicate 40’ of right-of-way from the center line of NC 66.
  - b. Any freestanding signage 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.
  - c. As volunteered by the petitioner, the use of Services A shall be further limited by excluding: Coin-Operated Laundries and Cleaning; Dry Cleaning Plants, Except Rug; and Carpet and Upholstery Cleaning.
  - d. As volunteered by the petitioner, the use of Recreation Services, Indoor shall be further limited by excluding: Dance Studios and Physical Fitness Facilities.
  - e. As volunteered by the petitioner: No parking shall be allowed in front of the building with the exception of two (2) handicapped spaces.
  - f. No trees over 12” in caliper shall be removed from the site.

**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-1538  
MARCH 14, 2013**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved approval of the zoning map amendment.

SECOND: Wesley Curtis

VOTE:

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

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on March 20, 2013, the subject property was in the name of John R. Stanley.

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A. Paul Norby, FAICP  
Director of Planning