

DOCKET #: F1513

PROPOSED ZONING:
HB-S (Two Phase)

EXISTING ZONING:
HB-S (Two Phase)

PETITIONER:
Leonard Development
LLC for property owned
by Same

SCALE: 1" represents 400'

STAFF: King

GMA: 3

ACRES: 5.14

**NEAREST
BLDG:** 5' north

MAP(S): 624818



July 22, 2009

Leonard Development, LLC
c/o Judy Hartman, Manager
182 Mallard Landing Blvd. N
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT F-1513

Dear Ms. Hartman:

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 the Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

Attachment

pc: County Manager's Office

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning map amendment of Leonard Development, LLC from HB-S (TWO PHASE) to HB-S [Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Restaurant (without drive-through service); Restaurant (with drive-through service); Building Contractors, General; Services, Business A; Services, Business B; and Services, Personal – TWO PHASE]; property is located on the east side of Peters Creek Parkway/NC 150, across from Friedburg Church Road (Zoning Docket F-1513).
- 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 Leonard Development, LLC, Docket F-1513

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

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 HB-S (TWO PHASE) to HB-S [Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Restaurant (without drive-through service); Restaurant (with drive-through service); Building Contractors, General; Services, Business A; Services, Business B; and Services, Personal – TWO PHASE] the zoning classification of the following described property:

PIN #s 6822-50-9453 and 6822-60-0123

Section 2. This Ordinance is adopted after approval of the site plan entitled South Lake Business Park, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Leonard Development, 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 South Lake Business Park. 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 Leonard Development, LLC (Zoning Docket F-1513). 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 HB-S [Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Restaurant (without drive-through service); Restaurant (with drive-through service); Building Contractors, General; Services, Business A; Services, Business B; and Services, Personal – TWO PHASE]", 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 HB-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:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.
 - b. Developer shall obtain all necessary permits (including stormwater) from the NC Division of the Environment and Natural Resources (DENR).
 - c. Developer shall maintain a 30' stream buffer as shown on the site plan and cordon off the stream buffer as shown on the site plan. This area shall be retained and not disturbed. Vegetation in this area shall be protected from grading encroachment in accordance with UDO requirements.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. Developer shall record a final plat in the Office of the Register of Deeds.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. All required improvements of the NCDOT driveway permit shall be completed.
 - b. Developer shall record a negative access easement across the frontage of Peters Creek Parkway.
 - c. All NCDENR requirements shall be completed.
- **OTHER REQUIREMENTS:**
 - a. The required streetyard for Tract I shall be designed and installed to match the existing streetyard located on the daycare property directly south of the subject property.
 - b. Signage shall be limited to one (1) monument sign for the entire Two-Phase development with a maximum height of fifteen (15) feet.
 - c. If the use Services, Business B is located on Tract I, the use shall be further restricted to prohibit any outdoor storage.
 - d. Phase II development shall require approval of Final Development Plan(s) by the CCPB.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	F-1513
Staff	Aaron King
Petitioner(s)	Leonard Development, LLC
Owner(s)	Same
Subject Property	PIN #s 6822-50-9453 and 6822-60-0123
Address	Adjacent to 1290 Hartman Plaza Drive
Type of Request	Special Use Two-Phase rezoning
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB-S (Highway Business, Special Use Zoning) Two-Phase to HB-S (Highway Business, Special Use Zoning) Two-Phase. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Restaurant without drive-through service; Restaurant with drive-through service; Building Contractors, General; Services, Business A; Services, Business B; and Services, Personal
Zoning District Purpose Statement	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	Yes, the subject property is currently zoned HB-S Two-Phase and is located along a major thoroughfare.
GENERAL SITE INFORMATION	
Location	East side of Peters Creek Parkway/NC 150, across from Friedburg Church Road
Jurisdiction	Forsyth County
Site Acreage	Approximately ± 5.14 acres
Current Land Use	Undeveloped land

Surrounding Property Zoning and Use	Direction	Zoning District		Use
	North	RS-9		Single family homes, undeveloped land, and daycare center
	East			
	South	RA-3 (Davidson County Zoning)		
West	HB-S & LB-S		Gas station	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	Yes, the commercial uses requested are consistent with the development pattern along Peters Creek Parkway.			
Physical Characteristics	The northwest portion of the site has a relatively flat topography and then drops down approximately twenty-five feet to another flat area along the eastern portion of the site.			
Proximity to Water and Sewer	The subject property will be served by public water and sanitary sewer.			
Stormwater/ Drainage	No known issues			
Watershed and Overlay Districts	The subject property is not located in a water supply watershed.			
Analysis of General Site Information	The subject property has been graded and some infrastructure has been installed; however, no buildings have been constructed. This request does not propose any significant changes to the previously approved HB-S Two-Phase site plan.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Peters Creek Parkway	Major Thoroughfare	+/- 188 feet	14,000	42,200
Proposed Access Point(s)	The proposed site plan proposes one access drive that serves the entire development. No additional driveway cuts onto Peters Creek Parkway are proposed.			
Planned Road Improvements	The Thoroughfare Plan recommends this section of Peters Creek Parkway be constructed as a four lane highway with raised median, curb and gutter, and sidewalks.			
Trip Generation - Existing/Proposed	Since this is a Two-Phase request, staff is unable to provide a trip generation estimate.			
Sidewalks	None existing, none proposed.			
Transit	No			
Traffic Impact Study (TIS)	Not required			

Analysis of Site Access and Transportation Information	Staff does not anticipate any negative transportation impacts from this request.					
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA	GMA 3 (Suburban Neighborhoods)					
Relevant Area Plan(s)	The subject property is not located within the boundaries of an area plan or development guide.					
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?					
	No					
	(S)(4) - Is the requested action in conformance with Legacy?					
Yes						
Analysis of Conformity to Plans and Planning Issues	The subject request is to add the uses: Restaurant with Drive-Through Service; Restaurant without Drive-Through Service; and Building Contractor, General to the list of permitted uses. These uses have been approved by the Board of County Commissioners in the past but were inadvertently left off the list of uses in the most recent case F-1419. This request does not propose any uses that have not been previously approved.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1419	HB-S & HB-S to HB-S Two-Phase	Approved 10/11/04	Includes subject property	7.14	Approval	Approval
F-1327	HB-S Two-Phase & RS-9 to HB-S	Approved 11/13/00	Subject property	5.14	Approval	Approval
F-764	R-6 to B-3-S	Approved 2/10/86	Subject property	4.85	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.3(I) HB District 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:		Yes			
	(B) Environmental Ord.		NA			
	(C) Subdivision Regulations		NA			
Analysis of Site Plan Compliance with UDO Requirements	The site plan submitted with this request essentially mirrors the plan approved by the Board of County Commissioners in 2004. The site plan as submitted does meet minimum UDO requirements.					

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The site is already zoned HB-S Two-Phase.	
The additional proposed uses have been approved in the past.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>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.</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ul style="list-style-type: none"> a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit. b. Developer shall obtain all necessary permits (including stormwater) from the NC Division of the Environment and Natural Resources (DENR). c. Developer shall maintain a 30’ stream buffer as shown on the site plan and cordon off the stream buffer as shown on the site plan. This area shall be retained and not disturbed. Vegetation in this area shall be protected from grading encroachment in accordance with UDO requirements. • <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ul style="list-style-type: none"> a. Developer shall record a final plat in the Office of the Register of Deeds. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> a. All required improvements of the NCDOT driveway permit shall be completed. b. Developer shall record a negative access easement across the frontage of Peters Creek Parkway. c. All NCDENR requirements shall be completed. • <u>OTHER REQUIREMENTS:</u> <ul style="list-style-type: none"> a. The required streetyard for Tract I shall be designed and installed to match the existing streetyard located on the daycare property directly south of the subject property. b. Signage shall be limited to one (1) monument sign for the entire Two-Phase development with a maximum height of fifteen (15) feet. c. If the use Services, Business B is located on Tract I, the use shall be further restricted to prohibit any outdoor storage. d. Phase II development shall require approval of Final Development Plan(s) by the CCPB. 	

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.**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with changes noted by staff at the public hearing.

SECOND: Paul Mullican

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

According to information furnished on July 16, 2009 by the Office of the Tax Assessor, the subject property was in the name of Leonard Development, LLC.

A. Paul Norby, FAICP
Director of Planning

CITY-COUNTY PLANNING BOARD
SITE PLAN LEGEND

TRACT 1, 2, & 3

SITE DATA	
PIN #	6822-50-9453
PIN #	6822-60-0123
Tax Lots	001 & 003
Block	3874A, Southfork Township
PB	48, PG 53
Forsyth County, North Carolina	
ZONING	
Existing Zoning:	HB-S (2 Phase)
Proposed Zoning:	HB-S (2 Phase)
Type of Review Requested:	REZONING - TO CHANGE
THE LIST OF PERMITTED USES TO INCLUDE PREVIOUSLY APPROVED USES:	
(i.e. Rezoning, Planning Board Review, Preliminary Subdivision Approval, etc.)	
SITE SIZE AND COVERAGES	
Total Acreage:	5.319 acres
Site Coverages:	
Building to Land	N/A
Pavement to Land	N/A
Open space	N/A
TOTAL TO BE COMPLETED WITH SITE PLAN SUBMITTALS	
INFRASTRUCTURE	
Water:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
Sewer:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
Streets:	<input checked="" type="checkbox"/> Public <input type="checkbox"/> Private
BUFFER YARDS (if applicable)	
Adjoining Zoning:	RS-9 & HB-S
Type Required:	TYPE III BUFFER YARD @ RS-9
Width Provided:	15' MINIMUM Ft
Fence Option:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
REFERENCE ZONING DOCKETS	
DOCKET F-764	
DOCKET F-1327	
DOCKET F-1419	

OWNER

LEONARD DEVELOPMENT L.L.C.
182 N. MALLARD LANDING BLVD.
CLEMMONS, N.C. 27012
PHONE (336) 408-4353
FAX (336) 764-4925
EMAIL jjhartman1@aol.com

PURPOSE STATEMENT:

To establish HB-S (2 Phase) UDO uses for Tracts 1, 2, and 3 as stated below.

PROPOSED USES:

HB-S - ABC store; building material supply; convenience store; food or drug store; furniture and home furnishings store; general merchandise store; hardware store; nursery, lawn and garden supply store, retail; retail store, specialty or miscellaneous; club or lodge; restaurant (without drive-through service); restaurant (with drive-through service); offices; miscellaneous; professional office; banking and financial services; building contractors, General; medical and surgical offices; Services, business A; Services, business B (outdoor storage component prohibited on Tract 1 only); and Services, personal.

ADDITIONAL CONDITIONS:

- 1) A driveway permit for the project entrance was issued by NCDOT on October 26, 2001. The entrance is constructed in accordance with said permit and approved by NCDOT except for striping the right turn lane. The NCDOT requires that the turn lane striping be accomplished at the time any additional tract is developed. In addition, NCDOT requires that prior to approval of the Phase 2 Site Plan for any of Tracts 1, 2, or 3 that the plans be reviewed and approved by NCDOT and an updated driveway permit be issued.
- 2) Both driveways to the existing Daycare facility are less than 150 feet from the NC Hwy 150 right-of-way, therefore the T-turnaround rule is not currently applicable. A T-turnaround shall be shown at the time the Phase 2 Site Plan for any of Tracts 1, 2, or 3 are approved.

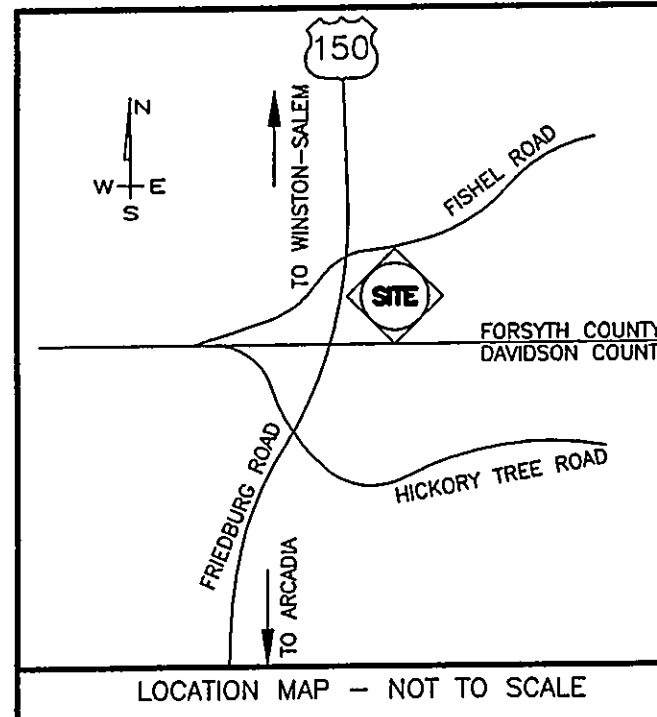
CASE NO. F-1513 "REVISED"

FINAL DEVELOPMENT PLAN

SCALE: 1" = 50'	SOUTH LAKE BUSINESS PARK FORSYTH COUNTY, N.C.	
REVISIONS:	DEVELOPER JUDY H. HARTMAN, TRUSTEE 9468 HIGHWAY 150 NORTH CLEMMONS, N.C. 27012 764-1600	SHEET NO. 1 OF 1
	GUPTON & ASSOCIATES P.A. ENGINEERS-PLANNERS-SURVEYORS 2200 SILAS CREEK PKWY. - SUITE 2B WINSTON-SALEM, N.C. 27103 723-2459 guptonpa@guptoncompanies.com	
DRAWN BY: BSH	SURVEYED BY:	PROJECT NO.
DESIGNED BY: HBG	DATE: 6/30/09	11517-09D
APPROVED BY: HBG		

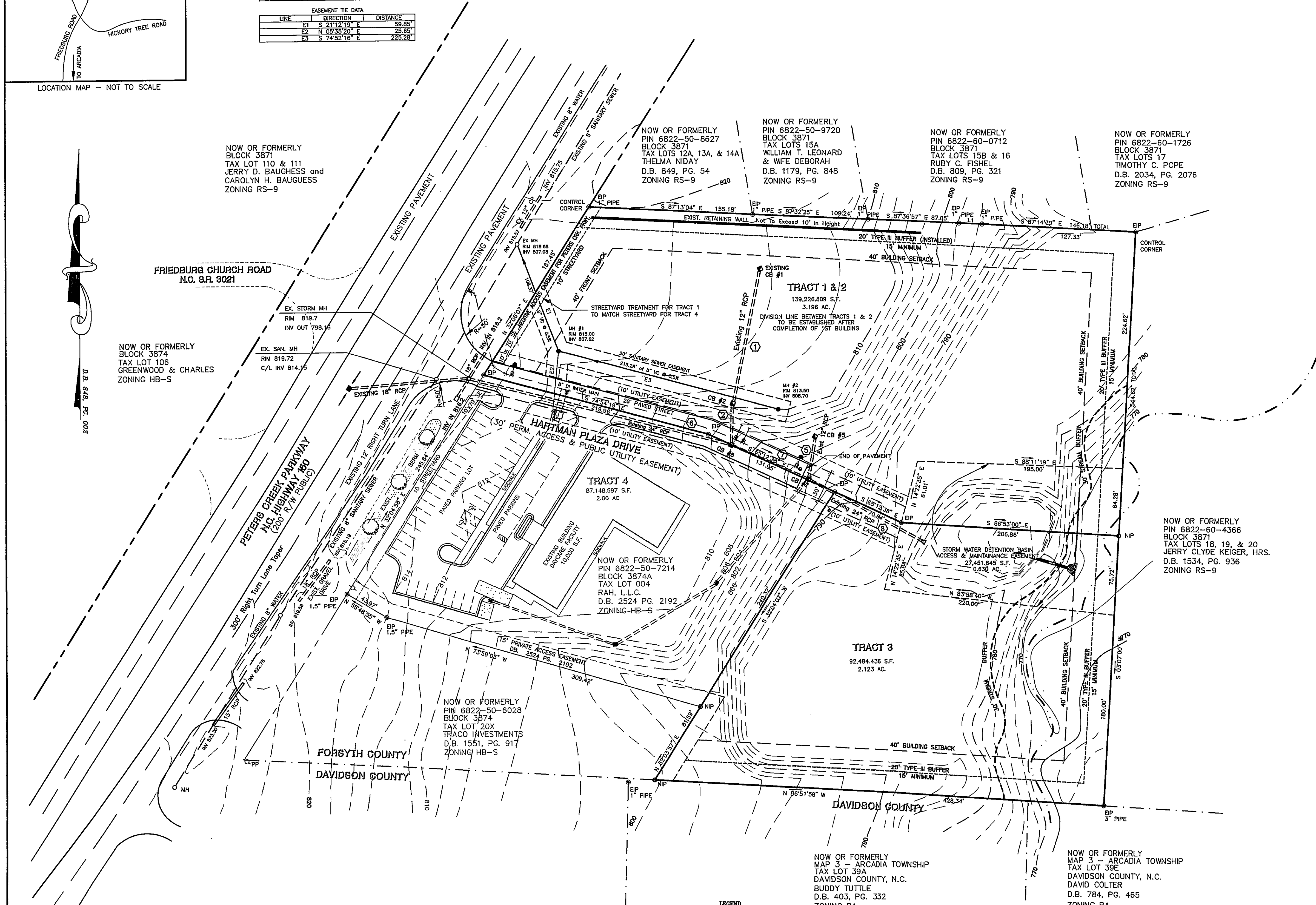
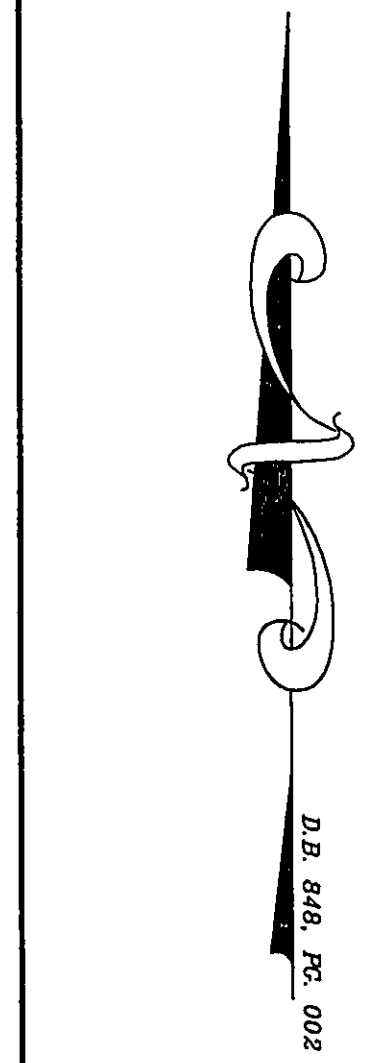


ZONING File Copy



PROPERTY LINE DATA		
LINE	DIRECTION	DISTANCE
L1	S 87°34'39" E	21.85'

EASEMENT TIE DATA		
LINE	DIRECTION	DISTANCE
E1	S 21°12'19" E	59.85'
E2	N 05°13'20" E	24.65'
E3	S 72°52'16" E	225.28'



LEGEND

- PROPERTY LINE
- BUILDING FOOTPRINT
- RIGHT OF WAY LINE
- LINE FROM DEED OR PLAT
- EXISTING IRON PIN (#4 REBAR UNLESS OTHERWISE NOTED)
- NEW IRON PIN (#4 REBAR UNLESS OTHERWISE NOTED)
- NEW NO POINT SET
- POWER POLE
- HYD HYDRANT
- TB TRAFFIC SIGN BOX
- TV CABLE TV PED.
- TELR TELEPHONE PED.
- LP LIGHT POLE
- WM WATER METER
- CO SEWER CLEAN-OUT
- YI YARD INLET
- CB CATCH BASIN
- MH MANHOLE
- PP POWER POLE

