



**DOCKET #:** F1496

**PROPOSED ZONING:**  
LB-L

**EXISTING ZONING:**  
LB-L

**PETITIONER:**  
Sarah J. Key for property  
owned by Same

**SCALE:** 1" represents 400'

**STAFF:** Roberts

**GMA:** 3

**ACRES:** 1.19

**NEAREST  
BLDG:** 1' east

**MAP(S):** 594862

**F**

February 20, 2008

Sarah J. Key  
5316 Robinhood Road  
Winston-Salem, NC 27106-9760

RE: ZONING MAP AMENDMENT F-1496

Dear Ms. Key:

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: Jane Cole, Forsyth County Government Center - 5th Floor, 201 N. Chestnut Street,  
Winston-Salem, NC 27101  
Arpi Nagy, 2001 Hidden Cobblestone Road, Winston-Salem, NC 27106



COUNTY ORDINANCE -  
SPECIAL USE DISTRICT - NO SITE PLAN

Zoning Petition of Sarah J. Key, Docket F-1496

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- L (Medical and Surgical Offices; Professional Office; Offices, Miscellaneous; Services, Personal; Child Day Care Center; Church or Religious Institution, Neighborhood; Library, Public; Police or Fire Station; and Neighborhood Organization) to LB-L (Medical and Surgical Offices; Professional Office; Offices, Miscellaneous; Services, Personal; Child Day Care Center; Church or Religious Institution, Neighborhood; Library, Public; Police or Fire Station; Neighborhood Organization; and Banking and Financial Services) the zoning classification of the following described property:

Tax Lots 23A and 23B, Tax Block 4618

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 Sarah J. Key.

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 Sarah J. Key. 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 Sarah J. Key, (Zoning Docket F-1496). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Medical and Surgical Offices; Professional Office; Offices, Miscellaneous; Services, Personal; Child Day Care Center; Church or Religious Institution, Neighborhood; Library, Public; Police or Fire Station; Neighborhood Organization; and Banking and Financial Services, 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 BUILDING PERMITS:**
  - a. Proposed off-street parking shall be located behind the building.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall record a 25 foot wide cross access easement adjacent to the southern bufferyard to connect with the two adjoining properties to the east and west.
  - b. Developer shall install a sidewalk along the frontage of Robinhood Road.
- **OTHER REQUIREMENTS:**
  - a. Freestanding signage shall be limited to one six foot monument sign with a maximum area of 36 square feet.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	F-1496		
<b>Staff</b>	<a href="#">Gary Roberts, AICP</a>		
<b>Petitioner(s)</b>	Sarah J. Key		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	Tax Lots 23A & 23B / Tax Block 4618		
<b>Type of Request</b>	Special Use District- No Site Plan rezoning request from LB-L to LB-L to add the use of Banking and Financial Services.		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> LB-L Limited Business - Special Use District – No Site Plan Zoning <b>to</b> LB-L Limited Business – Special Use District – No Site Plan Zoning. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Medical and Surgical Offices; Professional Office; Offices, Miscellaneous; Services, Personal; Child Day Care Center; Church or Religious Institution, Neighborhood; Library, Public; Police or Fire Station; Neighborhood Organization; and Banking and Financial Services</li> </ul>		
<b>Zoning District Purpose Statement</b>	<p>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 Growth Management Areas 2, 3, 4, and 5.</p>		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	Yes		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	South side of Robinhood Road, west of Olivet Church Road		
<b>Jurisdiction</b>	Forsyth County		
<b>Site Acreage</b>	Approximately ±1.19 acres		
<b>Current Land Use</b>	Single family home with associated accessory buildings.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	LB	Small scale commercial use
	East	RS-9	Single family home
	South	RS-9	Undeveloped property

	West	IP	Neighborhood scale church and two transmission towers	
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	The previously approved and proposed uses are compatible with the adjacent church and commercial uses across the street although somewhat less compatible with the single family residential zoning located to the east and south.			
<b>Physical Characteristics</b>	The site is wooded with a gentle to moderate slope downward toward the west.			
<b>Proximity to Water and Sewer</b>	Public water is available to the site. While public sewer is not currently available, it will be brought within close proximity of the site upon development of nearby Robinhood Village. The petitioner is investigating the feasibility of obtaining an easement across the property of said development and extending a public line along Robinhood Road.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Analysis of General Site Information</b>	If public sewer cannot be accessed, suitable soils must be available for on-site sewer assimilation. Otherwise, the site appears to be adequate for development under the proposed LB-L District.			
<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>
Robinhood Road	Major Thoroughfare	222'	11,000	18,500
<b>Proposed Access Point(s)</b>	The subject special use limited - no site plan request has no site plan depicting the access point(s).			
<b>Planned Road Improvements</b>	Robinhood Road is recommended as a four lane divided major thoroughfare with raised median, curb and gutter, standard inside lanes, and widened outside curb lanes with sidewalks.			
<b>Trip Generation - Existing/Proposed</b>	<p>Because there is no site plan associated with the subject request, no specific trip generation numbers are available for the existing or proposed LB-L zoning. However, for comparative purposes, the following trip generation numbers are based upon a potential development scenario of an 8,000 sf building being located on the site.</p> <p><u>Existing Zoning: LB-L</u> 8,000 / 1,000 x 36.13 (Medical-Dental Trip Rate) = 289 Trips per Day</p> <p><u>Proposed Zoning: LB-L</u> 8,000 / 1,000 x 246.49 (Drive in Bank Trip Rate) = 1,972 Trips per Day</p>			
<b>Sidewalks</b>	No sidewalks are located in the general area; however, sidewalks will be installed along the north side of Robinhood Road and Olivet Church Road as per the 2005 MU-S rezoning. Sidewalks are also recommended along both sides of Robinhood Road in the Thoroughfare Plan and the Northwest Community Activity Center recommendations, see below. A			

	sidewalk condition was included on the original LO-L petition for the subject property.
<b>Connectivity</b>	A condition for a cross access easement to connect with the two adjoining properties to the east and west was included in the original petition, F-1491.
<b>Analysis of Site Access and Transportation Information</b>	Because the specific use of the property is unknown, it is difficult to estimate the impacts to the transportation network. The site has direct access to a major thoroughfare. However, as is shown in the Trip Generation section above, the proposed use of Banking and Financial Services could generate approximately 1,972 trips per day as compared with approximately 289 trips per day under the current zoning based upon a 8,000 sf building. This represents a traffic increase of almost 7 times over what could be expected under the present zoning.
<b>Generalized Recommended Conditions</b>	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b> <ul style="list-style-type: none"> <li>• See previously adopted sidewalk and cross access easement conditions below.</li> </ul>
<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 economic development which is compatible with existing residential neighborhoods and other business developments. (p. 77)</li> <li>• Protect residential areas from inappropriate commercial and industrial encroachment.(p. 123)</li> </ul>
<b>Relevant Area Plan(s)</b>	The subject property is not located within the boundaries of an area plan or development guide; however, the site does lie within the Northwest Community Activity Center (CAC), as adopted by the Forsyth County Commissioners in 2005.
<b>Northwest Community Activity Center Recommendations</b>	<ul style="list-style-type: none"> <li>• This site is located in the support area for the Northwest CAC.</li> <li>• The recommended uses for this support area include residential, institutional, and public uses <u>but does not include the newly requested use of Banking and Financial Services.</u></li> <li>• Designs within CACs should emphasize careful attention to building placement, walkability, parking design and location, urban open space, etc.</li> </ul>
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(3) - Have changing conditions substantially affected the area in the petition?</b>
	A 34-acre mixed use development located ±200' northeast of the site was approved in 2005. Also a 795-acre mixed use development located ±900' south was approved in 2003. Both projects are currently under construction.
	<b>(S)(4) - Is the requested action in conformance with Legacy?</b>
	No, see comments below.
<b>Analysis of Conformity to Plans and Planning Issues</b>	The subject property is located within the support area of the Northwest Community Activity Center (CAC), as adopted by the Forsyth County Commissioners in 2005. The area north of Robinhood Road between Attanook Road and Olivet Church Road was designated as the core of the CAC. A CAC is smaller in scale than a MAC and is characterized by a concentrated center of activity consisting of interactive residential,



commercial and employment uses for the surrounding community. Designs within CACs should emphasize careful attention to building placement, walkability, parking design and location, urban open space, etc.

The recently approved uses for the site include several low and moderate intensity non residential uses including Medical and Surgical Offices (see F-1491). While the specifically recommended uses within said support area do not include this Medical and Surgical Offices, Planning staff was comfortable with the requested uses because approximately half of the site was already zoned LB general use. The petitioner also volunteered to place the off-street parking to the rear of the proposed building consistent with the pedestrian oriented site design recommendations of the CAC.

However, the current request includes the use of Banking and Financial Services which is not recommended as a support area use due to its intensity. This use would have a significantly greater impact from a traffic generation standpoint than any of the currently approved uses. In addition, should a bank be approved and constructed on this site there would be little justification to deny additional high traffic generating requests for the adjacent properties to the east along Robinhood Road.

For something as intense as the Banking and Financial Services use being proposed, it would be better for that to be located within the mixed use development that was deliberately planned and approved for such uses on the north side of Robinhood Road (F-1417A).

**Generalized Recommended Conditions**

**BRIEF DESCRIPTION OF CONDITION(S):**

- See previously adopted parking placement and signage conditions below

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1491	RS-9 & LB to LB-L	Approved 12-17-07	Subject property	1.19	Approval	Approval
F-1476	RS-9 & LB to IP	Approved 3-26-07	Directly west	11.7	Approval	Approval
F-1417A	RS-9 to MU-S	Approved 9-12-05	200' north	34.14	Approval	Approval
F-1392	RS9-S & RS9 to MU-S TWO PHASE	Approved 11-10-03	900' south	795	Approval	Approval

**UDO Sections Relevant to Subject Request**

- Chapter B, Article II, Section 2-1.3 (G) Limited Business District

<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
Proposal is in the general vicinity of the Northwest Community Activity Center.	Request is inconsistent with the adopted Northwest Community Activity Center Plan
	Request would permit a use which could generate almost 7 times the traffic that would be generated under the current zoning.
	Approval of this request may place more development pressure for similarly intensive uses on the properties to the east of the site along the south side of Robinhood Road.
<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>	
<p>The following proposed conditions are volunteered by the petitioner and/or recommended by Planning staff 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"> <li>• <b><u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. Proposed off-street parking shall be located behind the building.</li> </ul> </li> <li>• <b><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. Developer shall record a 25 foot wide cross access easement adjacent to the southern bufferyard to connect with the two adjoining properties to the east and west.</li> <li>b. Developer shall install a sidewalk along the frontage of Robinhood Road.</li> </ul> </li> <li>• <b><u>OTHER REQUIREMENTS:</u></b> <ul style="list-style-type: none"> <li>a. Freestanding signage shall be limited to one six foot monument sign with a maximum area of 36 square feet.</li> </ul> </li> </ul>	

**STAFF RECOMMENDATION: DENIAL**

**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.**

Gary Roberts presented the staff report.

## **PUBLIC HEARING**

FOR:

Arpi Nagy, 2001 Hidden Cobblestone Road, Winston-Salem, NC 27106

- I represent the Keys.
- Traffic at this point on Robinhood is already very congested.
- There is an exclusivity contract for the shopping center which does not allow more than one bank on the premises. At present, BB&T has the only contract to be on this site. A lot of people do not bank with BB&T, so they will have to leave the shopping center, drive to PeaceHaven Road where other banks are located, and then return.
- This just increases the amount of traffic on an already heavily traveled road.
- Neighbors would like to have another bank in this immediate area.

AGAINST: None

## **WORK SESSION**

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

1. Brenda Smith: I don't think this would generate traffic. It would be traffic that is going by and stops to use this service.
2. Carol Eickmeyer: I think staff makes a good point about the course of development here and this is already a terrible intersection.
3. Brenda Smith: If there's only going to be one bank allowed on the MU-S site, where can you put something like this?
4. Lynne Mitchell: Three miles to the east are seven free-standing banks and one in Harris Teeter.
5. Lynne Mitchell: Part of planning is sticking with the plan. I appreciate staff's summary of the history and think we need to stick with the plan. I'm concerned about the precedent this sets.
6. Clarence Lambe asked Transportation staff for relevant information from the TIS prepared for Robinhood Village. Connie Curtis stated that the TIS from a few years ago showed an accounting for 3% future growth along these roads from development happening in the general area.
7. Arnold King: Our average trip count on Robinhood is 11,000. Our Capacity on Robinhood is 18,500. Is further improvement of Robinhood Road on the Thoroughfare Plan? Connie Curtis noted that the Thoroughfare Plan does recommend that Robinhood Road be widened to a four-lane median-divided highway. However, the Transportation Improvement Plan does not have any projects that would put that into place. There will be a high percentage of drive-

by traffic, but that will probably not be more than 50% of the traffic generated by this site.

8. Carol Eickmeyer: I think the impact of the Brookberry development when it finally gets built is going to make this area like a Stratford Road.
9. Clarence Lambe: This is the problem I have with plans which are parcel specific. This is really close to the core. The impact would be identical and staff would support this request there.
10. Brenda Smith: If this were on the north side of the road it would be within the core of the plan. David Reed noted that the parcels directly across from the site zoned for business were included in the core because they were already zoned for business.
11. Paul Norby reminded the Board of the reasons the MAC was moved down to Country Club and that the request for this specific area was that it be much less intense than a MAC. Citizen input given to staff during the community meetings leading up to this change even preferred a smaller center than a community level which we recommended.

MOTION: Carol Eickmeyer moved denial of the zoning map amendment.

SECOND: Lynne Mitchell

VOTE:

FOR: Jerry Clark, Carol Eickmeyer, Arthur King, Lynne Mitchell

AGAINST: Arnold King, Clarence Lambe, Brenda Smith

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on January 7, 2008, the subject property was in the name of Sarah J. Key.

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A. Paul Norby, FAICP  
Director of Planning

Site as it relates to  
 Community Activity  
 Center approved  
 by BOCC in  
 January 2005

