

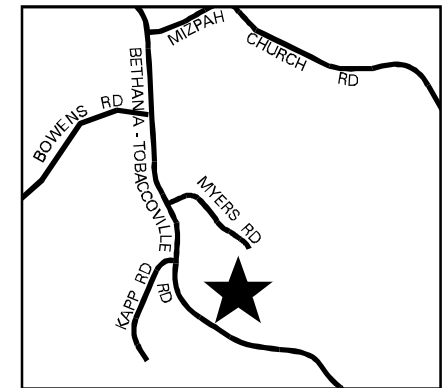
DOCKET #: F1352
 (Continued from 12/13/01
 CCPB meeting)

PROPOSED ZONING:
 PB-S (Multiple Uses)

EXISTING ZONING:
 RS20

PETITIONER:
 Lamar S. Taft

Location Map:



SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 4.91

MAP(S): 600894



February 19, 2002

Lamar S. Taft
2560 Warwick Road
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT F-1352

Dear Ms. Taft:

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

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
R. Brandt Deal, 2990 Bethesda Place, Winston-Salem, NC 27103
Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
Sophie Cody, 2533 Reynolds Drive, Winston-Salem, NC 27104
William Carr, 2821 Wesleyan Lane, Winston-Salem, NC 27106
Geneva Perkins, 6140 Doral Road, Pfafftown, NC 27040
David Ferrell, 979 Ridge View Avenue, Winston-Salem, NC 27127
Jimmy Wall, 6405 Kapp Street, Pfafftown, NC 27040
Douglas Wall, 6415 Kapp Road, Pfafftown, NC 27040
Kenneth Brannock, 5917 Bethania-Tobaccoville Road, Pfafftown, NC 27040
Joseph C. Jones, Jr., 5921 Bethania-Tobaccoville Road, Bethania, NC 27010
Lois V. Walker, 2600 Waughtown Street, Winston-Salem, NC 27107
Julia S. Chandler, 1819 Robinhood Road, Winston-Salem, NC 27104

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Lamar S. Taft

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Lamar S. Taft from RS-20 to PB-S [Residential Building, Single Family; Stadium, Coliseum, or Exhibition Building; Restaurant (without drive-through service); Recreation Services, Indoor; Recreation Services, Outdoor; Hotel or Motel; Retail Store, Specialty or Miscellaneous]: property is located on the northeast side of Bethania-Tobaccoville Road across from and south of Kapp Road (Zoning Docket F-1352).

After consideration, the Planning Board recommended approval of the rezoning petition, certified that the site plan meets all code requirements and recommends staff conditions.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Lamar S. Taft, Docket F-1352

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 RS-20 to PB-S [Residential Building, Single
Family; Stadium, Coliseum, or Exhibition Building; Restaurant (without drive-through service);
Recreation Services, Indoor; Recreation Services, Outdoor; Hotel or Motel; Retail Store,
Specialty or Miscellaneous] the zoning classification of the following described property:

BEGINNING at a stone located at the northeast corner of the property (northwest corner of Lot
15H, Tax Block 4974); thence from said beginning point with Taft's line, south 34° 39' west
318.6 feet to a stone located in the northern line of Bethania-Tobaccoville Road, State Road
1611; thence north 55° 21' west 115.5 feet to an EIP; thence south 32° 42' west 32.35 feet to the
centerline of said road; thence with centerline of said road, north 52° 38' 34" west 254.77 feet;
thence with centerline of said road, north 51° 59' 56" west 60.31 feet; thence with centerline of
said road, north 51° 59' 56" west 60.31 feet; thence with centerline of said road, north 50° 11'
03" west 60.31 feet; thence with centerline of said road, north 48° 23' west 60.07 feet; thence
with centerline of said road, north 44° 57' 59" west 48.38 feet; thence north 39° 40' east 332.5
feet; thence south 53° 30' 05" east 608.26 feet to stone at point and place of BEGINNING,
containing 4.91 acres, more or less, all based on information taken from a survey by Thomas A.
Riccio and Associates.

Section 2. This Ordinance is adopted after approval of the site plan entitled Lamar S. Taft, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Lamar S. Taft.

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 Lamar S. Taft. 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 Lamar S. Taft (Zoning Docket F-1352). 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 PB-S [Residential Building, Single Family; Stadium, Coliseum, or Exhibition Building; Restaurant (without drive-through service); Recreation Services, Indoor; Recreation Services, Outdoor; Hotel or Motel; Retail Store, Specialty or Miscellaneous]", 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 PB-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 submit a sealed engineered detail of all retaining walls over 5 feet in height.
 - b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall obtain septic permit from the Forsyth County Health Department.
 - b. On site fire hydrant locations shall be approved by the Forsyth County Fire Department in writing to the Inspections Division.
 - c. Access drive in front of proposed conference hall as shown on the site plan must be a minimum of 20 feet in width per the Forsyth County Fire Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All fire hydrants required by the County Fire Department shall be installed.

- **OTHER REQUIREMENTS**
 - a. Development shall be permitted one freestanding five (5) foot high monument sign, with a maximum copy area of eighteen (18) square feet.
 - b. As volunteered by developer, new construction will substantially comply with the architectural renderings as evidenced by Exhibit A.

ZONING STAFF REPORT

DOCKET # F-1352

STAFF: Gary Roberts

Petitioner(s): Lamar S. Taft

Ownership: Same

CONTINUANCE REQUEST

This petition was initially heard at the December 13, 2001, Planning Board meeting at which time it was continued to February 14, 2002. Since the December 13, 2001, Planning Board meeting, the site plan has been redesigned and has been granted a Certificate of Appropriateness (COA) by the Historic Properties Commission (HPC).

REQUEST

From: RS-20 Residential Single Family District; minimum lot size 20,000 sf

To: PB-S Pedestrian Business District [Residential Building, Single Family; Stadium, Coliseum, or Exhibition Building; Restaurant (without drive-through service); Recreation Services, Indoor; Recreation Services, Outdoor; Hotel or Motel; Retail Store, Specialty or Miscellaneous]

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 4.91 acres

LOCATION

Street: East side of Bethania-Tobaccoville Road across from Kapp Road.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Banquet and conference center.

Square Footage: 11,025 square feet.

Building Height: Existing structure is two story; proposed structure is one story, 42 +/- feet.

Parking: Required: 55; proposed: 55.

Bufferyard Requirements: Type II adjacent to RS-20.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Two story farmhouse and accessory buildings listed as a Historic Landmark on the National Register of Historic Places.

Adjacent Uses:

- North - Undeveloped land zoned RS-20.
- East - Undeveloped land zoned RS-20.
- South - Single family residence zoned RS-20.
- West - Farm buildings zoned RS-20.

GENERAL AREA

Character/Maintenance: Well maintained residences in a large lot/semi-rural setting.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minimal other than change of visual character.

Topography: Moderate slope downward to the west.

Vegetation/habitat: There is very little existing tree cover on the site. The small amount of wooded area is being preserved throughout the project. A majority of the development site was an agricultural field.

Water Supply Watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Bethania-Tobaccoville Road.

Street Classification: Major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Bethania-Tobaccoville Road between High Cliff Road and Northern Beltway = No Count/11,100

Trip Generation/Existing Zoning: RS-20

$4.91 \times 43,560/20,000 = 10 \text{ lots} \times 9.57 \text{ (SFR Trip Rate)} = 95 \text{ trips per day}$

Trip Generation/Proposed Zoning: PB-S

$11,025/1,000 \times 89.95 \text{ (Quality Restaurant Trip Rate)} = 991 \text{ trips per day}$

Sidewalks: None.

Transit: None.

HISTORY

Relevant Zoning Cases:

1. F-1309; RM-12, AG and RS-20 to MU-S (Planned Residential Development); approved July 7, 2000; north side of Turfwood Drive and south side of Mizpah Church Road west of Bethania-Rural Hall Road, 3,000 feet east of current site; 342 acres; Planning Board and staff recommended approval.
2. F-958; R-5 to R-6-S (Manufactured homes not in a manufactured home park; Dwellings, Single-Family), UDO conversion to MH-S; southwest side of Myers Road, 700 feet northeast of current site; 1.4 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for compact, pedestrian-oriented neighborhoods that contain a mixture of residential and neighborhood-serving commercial development.

Area Plan/Development Guide: The subject property is located just outside of the Village of Tobacoville's *Village Development Guide [2000]* area of focus.

Relevant Development Guide Recommendation(s): The Village of Tobacoville's *Village Development Guide* does include a "Neighborhood Village Center (NVC)" node (Tobacoville Land Use Plan map) within 200' of the subject property. The property may have been included had Tobacoville's Growth Area Boundary permitted. The NVC designation states that there should be limited commercial development for grocery stores, offices and specialty stores, etc., which serve the surrounding neighborhood. The recommended commercial development should be located at the intersection of predominant roads. The proposed small banquet and conference center use falls within the scope of the recommended uses for an NVC (specialty shop/use for surrounding area). However, since the guide is not applicable in this area, this information is provided just as an advisement.

Thoroughfare Plan: Metropolitan Transportation Improvement Program # R-2247, Northern Beltway Project from I-40 to US 52. Construction 2002-2006. The project affects the northern corner of the larger original tax lot, but would not directly impact the proposed development.

HISTORIC RESOURCES REVIEW:

In 1988, the Samuel B. Stauber Farm was listed on the National Register of Historic Places, and the following year, it was designated by ordinance a Forsyth County Local Historic Landmark. The Stauber Farm is significant in the history of Forsyth County because it is one of the finest remaining representatives of a prosperous mid-19th century farmstead, complete with

outbuildings and a high degree of integrity of setting. Occupied in 1852 by Samuel Benjamin Stauber, the farm is strongly associated with Forsyth County's rural agrarian development during the mid-to-late 19th century. Architecturally, the Greek Revival style farmhouse is an excellent example of rural Forsyth County's mid-19th century frame residential structures.

SPOT ZONE OPINION

The County attorney is of the opinion that the subject request, if approved, would not constitute an illegal spot zone.

ANALYSIS

The subject request is to rezone a 4.91 acre tract on the east side of Bethania-Tobaccoville Road just south of Kapp Road from RS-20 to PB-S. The site is located in a relatively rural, unsewered area and surrounded by other RS-20 zoning. Said tract includes the two story house and surrounding outbuildings of a historic farmstead which dates to the early 1850's. The property was placed on the National Register of Historic Places in 1988.

The requested PB-S designation would allow the petitioner to construct a 3,456 square foot structure which could be used for banquets, receptions, conferences and other planned social and business events. The existing main house would also be used in conjunction with these activities for overnight guest accommodations and a gift shop.

Following the Planning Board's initial review, the applicant elected to alter the site plan by relocating the proposed new building and parking lot further to the north outside of the historic landmark boundary. The primary access point was also relocated approximately 300 feet further south down Bethania-Tobaccoville Road. On January 16, the Historic Properties Commission granted a Certificate of Appropriateness for the relocated driveway which remained within said landmark boundaries and a proposed rail fence proposed to extend along Bethania-Tobaccoville Road.

Staff's initial recommendation was for denial, citing concerns of prematurity and physical location in relation to the proposed "Neighborhood Village Center" as identified in the Village of Tobaccoville Comprehensive Plan. Issues of scale, increased traffic and the isolated or stand-alone nature of the request were also mentioned. However, upon further analysis in response to the amended site plan, staff views the current request in an overall positive light.

In its evaluation, staff had extensive deliberation on both the overall potential benefits and detriments of the proposed request to the subject property *and* surrounding properties. While the site now serves as a significant cultural amenity to the community, approval of the current petition would open up the use and enjoyment of the property to a broader range of users. In addition the open field to the southeast of the existing principle structure would remain largely undisturbed thus protecting rural character.

It is staff's opinion that the petition represents a creative way of further preserving and enhancing a rural historic property. However, good judgement and caution should be exercised in any future attempt to use this case to justify other non-residential requests in the area. The numerous individual variables and conditions related to the particular property at hand cannot be automatically inferred to other more conventional requests. Again, in summary, staff sees the current request as possessing enough unique characteristics as to warrant a recommendation for approval.

FINDINGS

1. *Legacy* calls for compact, pedestrian-oriented neighborhoods that contain a mixture of residential and neighborhood-serving commercial development.
2. The subject request is near the boundaries of the Neighborhood Village Center as recommended in Tobaccoville's *Village Development Guide*, but is outside Tobaccoville's jurisdiction.
3. The subject request is generally respectful of the surrounding rural and low density residential properties.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall submit a sealed engineered detail of all retaining walls over 5 feet in height.
 - b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall obtain septic permit from the Forsyth County Health Department.
 - b. On site fire hydrant locations shall be approved by the Forsyth County Fire Department in writing to the Inspections Division.
 - c. Access drive in front of proposed conference hall as shown on the site plan must be a minimum of 20 feet in width per the Forsyth County Fire Department.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All fire hydrants required by the County Fire Department shall be installed.

- **OTHER REQUIREMENTS**

- a. Development shall be permitted one (1) freestanding (5) foot high monument sign, with a maximum copy area of eighteen (18) square feet.
- b. As volunteered by developer, new construction will substantially comply with the architectural renderings as evidenced by Exhibit A.

PUBLIC HEARING - December 13, 2001

FOR: None

AGAINST: The Planning Board explained the situation to opponents who were present. After the explanation, there were no opponents who chose to speak against the request for continuance.

WORK SESSION

MOTION: Kem Schroeder moved continuance of the zoning map amendment and site plan to February 14, 2002.

SECOND: Terry Powell

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

PUBLIC HEARING - February 14, 2002

Gary Roberts presented the staff report.

FOR:

Brandt Deal, 2090 Bethesda Place, Winston-Salem, NC 27103

I represent the petitioner and have several people with me.

The Tafts have owned this property for 16 years. It was a dilapidated piece of property back then.

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

This is a beautiful farmstead. Just across the road is a large working farm with animals.

There are delightful trees, plants, flowers, herbs.

The Tafts agree to all conditions in the staff report.

You can tell this is a labor of love. It's a gorgeous place inside and out.

To share the expense of operating this farmstead and to share its beauty, they want to build a "conference center" - a misnomer.

The categories are enough to scare anyone to death. We probably have subdivisions on the agenda today that will have larger single-family homes than this facility.

The Tafts own 70-75 acres which mostly surround this property.

Five people stood in support of this petition.

My grandfather stayed at an inn in this location in the early 1900s and put their animals in the little house.

Sophie Cody, 2533 Reynolds Drive, Winston-Salem, NC 27104

This property would have been lost. The Tafts saved the property.

William Carr, 2821 Wesleyan Lane, Winston-Salem, NC 27106

It would be difficult to count the number of people who have been able to enjoy the farm since the Tafts took over.

It would be wonderful to have a permanent facility with provisions that are needed.

This change would allow many more people to enjoy this farm.

Geneva Perkins, 6140 Doral Road, Pfafftown, NC 27040

I live on adjoining property. This is a big improvement to the entire community.

David Ferrell, 979 Ridge View Avenue, Winston-Salem, NC 27127

We've worked with the Tafts on this site for a long time and this would be a wonderful addition.

AGAINST:

Jimmy Wall, 6405 Kapp Street, Pfafftown, NC 27040

I am one of the closest neighbors. From what I'm hearing, this is very impressive, but the truth's not coming out.

I hear a lot of noise, a lot of late night hollering and hooping, the racket.

We've had to call the police about loud music. This is a residential section. We don't need a business out here.

Parties include drinking and that leads to a lot of noise. I can lay in my bed and hear the booms.

Rezoning this will come back to haunt the neighbors.

The Tafts are fine people. But they aren't neighbors; they are business people.

I've lived here through all of this. It was down, but it wasn't as down, as bad as what I've heard. I know the people who lived here before.

I hope y'all will turn this down, considering the neighbors.

Douglas Wall, 6415 Kapp Road, Pfafftown, NC 27040

I've lived across the street from this property for the last 32 years.

It's not anything directed toward the Tafts. It's not them. They aren't inconsiderate people. It's the people they rent their facility to. Anytime you rent property, it's possible for them to create problems.

We don't want this rezoning.

Kenneth Brannock, 5917 Bethania-Tobaccoville Road, Pfafftown, NC 27040

I live near this property. During the summertime, I've heard the loud music. It doesn't bother me a great deal since I'm not immediately next to the site.

However, there are two other concerns I have. Some of the parties can be wild and involve alcohol. I'm concerned about the danger that can impose on those of us who drive on this road.

I ask you not to pass this.

Joseph C. Jones, Jr., 5921 Bethania-Tobaccoville Road, Bethania, NC 27010

Please deny the rezoning. The people the Tafts rent the property to don't have any interest in preserving the area.

WORK SESSION

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

1. Kem Schroeder - I certainly understand the complaints of the neighbors. This is a wonderful asset to the community. Everyone is in agreement that the Tafts have done a great job in maintaining and improving this property. I expect they have subsidized it a great deal. They have given great attention to detail, trying to locate this as far back in the woods as possible to minimize the impact on the neighbors. I know it will blend in well with the property. I don't think this is going to return to a single family residential property or farm.
2. Philip Doyle - If there's any kind of problem, the Sheriff's office or Inspections can enforce that. That's true of any problem.
3. Terry Powell - we're also talking about an adaptive reuse which involves a mixed use.
4. Arnold King - Perhaps with this rezoning, we can get some of the noise inside and provide some parking as well.
5. Jerry Clark - Moving the facility to the rear of the property will definitely help the noise.

MOTION: Kem Schroeder moved approval of the zoning map amendment.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Clark, Doyle, King, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Kem Schroeder certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Clark, Doyle, King, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Lamar S. Taft as of November 7, 2001.

A. Paul Norby, AICP
Director of Planning