



DOCKET #: F1332

PROPOSED ZONING:

Parcel 1 and 3: HB-S (Multiple Uses) and Parcel 2 and 4: RM8-S (Townhouse)

EXISTING ZONING:

AG

PETITIONER:

Keystone Group, Inc.

SCALE: 1" represents 400'

STAFF: Simmons

GMA: 4B

ACRE(S): Parcel 1: 10.35
Parcel 2: 7.93
Parcel 3: 1.34
Parcel 4: 2.28

MAP(S): 654830



December 20, 2000

Keystone Group, Inc.
c/o Scott Wallace
5710K-203 High Point Road
Greensboro, NC 27107

RE: ZONING MAP AMENDMENT F-1332

Dear Mr. Wallace:

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
Brian Deck, P. O. Box 154, Thomasville, NC 27361

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Public hearing on zoning map amendment of Keystone Group, Inc. for property owned by Kenneth A. and Geneva Reid

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Keystone Group, Inc. for property owned by Kenneth A. and Geneva Reid from AG to HB-S [Multiple Business Uses - TWO PHASE (see ordinance for complete list)] and RM-8-S (Residential Building, Townhouse): property is located on the southwest side of Thomasville Road/NC 109 north of the Davidson County line and on both sides of Rex Road (Zoning Docket F-1332).

After consideration, the Planning Board recommended denial 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 Keystone Group, Inc. for
property owned by Kenneth A. and Geneva Reid,
Docket F-1332

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 AG to **Parcel 1 (Lots 1 and 2);** HB-S Highway Business District Convenience Store; Food or Drug Store; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Services, Business A; Services, Personal; Recreation Services, Indoor; Restaurant (without drive-through service); and Retail Store, Specialty or Miscellaneous], **Parcel 1 (Lots 3, 4, and 5);** HB-S Highway Business District [ABC Store (liquor); Arts & Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales & Service; Motorcycle Dealer; Nursery, Lawn & Garden Supply Store, Retail; Outdoor Display Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking & Financial Services; Building Contractors, General; Car Wash; Funeral Home; Health Services, Misc.; Kennel; Medical or Dental Lab; Medical & Surgical Offices; Motor Vehicle, Rental & Leasing; Motor Vehicle, Repair & Maintenance; Non-Store Retailer; Offices, Miscellaneous;

Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing & Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices; Habilitation Facility C; Hospital or Health Center; Library, Public; Museum or Art Gallery; Police or Fire Station; Post Office; School, Vocational or Professional; Broadcast Studio; Transmission Tower; and Utilities - TWO PHASE]; **Parcel 2 (Lot 7)**; HB-S Highway Business District [ABC Store (liquor); Convenience Store; Food or Drug Store; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Motorcycle Dealer; Nursery, Lawn & Garden Supply Store, Retail; Outdoor Display Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Banking & Financial Services; Car Wash; Funeral Home; Medical & Surgical Offices; Motor Vehicle, Rental & Leasing; Motor Vehicle, Repair & Maintenance; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices; Library, Public; Museum or Art Gallery; Police or Fire Station; School, Vocational or Professional; and Utilities - TWO PHASE] and **Parcel 3 (Lot 3) and Parcel 4 (Lot 8)** RM-8-S (Residential Dwelling, Townhouse) the zoning classification of the following described property:

Parcel 1

STARTING at a point at the Northeast corner of Parcel 3 and common boundary being the Western Right-of-Way of NC 109 (Thomasville Rd.); running thence from said starting point a curve South 43° 22' 15" East 288.32 feet (chord) 288.35 feet (length) with a radius of 5,965.17 feet to a point; thence a curve South 41° 50' 03" East 31.37 feet (chord) 31.37 (length) with a radius of 5,965.17 feet to a point, thence South 41° 41' 01" East 434.05 feet to a point; thence

South 41° 39' 46" East 199.65 feet a point; thence South 41° 00' 46" East 98.87 feet to a point; thence South 39° 29' 46" East 98.18 feet to a point; thence South 37° 31' 46" East 38.66 feet to a point; thence North 88° 15' 37" West 126.21 feet to a point; thence North 88° 15' 37" West 152.56 feet to a point; thence North 88° 15' 37" West 353.68 feet to a point; thence North 88° 03' 44" West 456.76 feet to a point that point being the common boundary of Parcel 3; thence North 03° 17' 55" East 414.14 feet to a point; thence North 32° 55' 36" East 65.90 feet to a point; thence North 02° 13' 00" West 166.85 feet to a point; thence North 16° 00' 06" East 168.86 feet to a point; thence North 45° 14' 39" East 85.00 feet to a point; that point being the place of beginning; being all or part of Block 2636 Lot 009; comprising of ±10.35 acres.

Parcel 2

STARTING at a point at the Northwest corner of Block 2636 Lot 009 and common boundary being at the intersection of the Eastern Right-of-Way of Rex Road and the Western Right-of-Way of NC 109 (Thomasville Rd.); running thence from said starting point South 48° 56' 14" East 254.67 feet to a point; thence a curve South 48° 47' 03" East 30.33 feet (chord) with a radius of 5965.17 feet to a point, that point being the common boundary of Parcel 3; thence South 21° 58' 50" West 165.05 feet to a point; thence a curve North 74° 02' 10" West 43.34 feet (chord) with a radius of 225.00 feet to a point; thence a curve North 73° 55' 54" West 147.20 feet (chord) with a radius of 750.00 feet to a point; thence North 68° 18' 00" West 66.98 feet to a point; that point being the common boundary of the Eastern Right-of-Way of Rex Road; thence a curve North 19° 39' 59" East 216.82 feet (chord) 216.86 feet (length) with a radius of 3,054.82 feet to a point; thence North 18° 13' 17" East 61.82 feet to a point; that point being the place of beginning; being all or part of Block 2636 Lot 009; comprising of _1.34 acres.

Parcel 3

STARTING at a point at the Northeast corner of Parcel 2 and common boundary being the Western Right-of-Way of NC 109 (Thomasville Rd.); running thence from said starting point a curve South 46° 42' 03" East 404.95 feet (chord) 405.03 feet (length) with a radius of 5,965.17 feet to a point, that point being the common boundary of Parcel 1; thence South 45° 14' 39" West 85.00 feet to a point; thence South 16° 00' 06" West 168.86 feet a point; thence South 02° 13' 00" East 166.85 feet to a point; thence South 32° 55' 36" West 65.90 feet to a point; thence South 03° 17' 55" West 414.14 feet to a point, that point being the common boundary of Parcel 1; thence North 88° 03'44" West 298.52 feet to a point; thence North 03° 17' 55" East 948.26 feet; thence North 87° 48'14" West 239.51 feet to a point; that point being the common boundary of the Eastern Right-of-Way of Rex Road; thence a curve North 24° 54' 11" East 64.77 feet (chord) with a radius of 620.50 feet to a point; thence a curve North 22° 03' 08" East 216.82 feet (chord) 37.54 feet (length) with a radius of 3054.82 feet to a point; that point being the Southwest corner of Parcel 2; thence South 68° 18' 00" East 66.98 feet; thence a curve South 73° 55' 54" East 147.20 feet (chord) with a radius of 750.00 feet to a point; thence a curve South 74° 02' 10" East 43.34 feet (chord) with a radius of 225.00 feet to a point; North 21° 58' 50" East 165.05 feet to a point; that point being the place of beginning; being all or part of Block 2636 Lot 009; comprising of ±7.93 acres.

Parcel 4

STARTING at a point at the Northeast corner of Block 2636 Lot 012E; running thence from said starting point South 52° 53' 06" East 142.05 feet to a point; thence South 56° 41' 47" East 221.74 feet to a point, that point being the Western Right-Of-Way of Rex Road; thence following the Right-Of-Way of Rex Road a curve South 20° 48' 29" West 167.35 feet (chord) with a radius of 2,994.82 feet to a point; thence a curve South 26° 23' 18" West 88.01 (chord) with a radius of 560.50 feet to a point; thence North 87° 50' 49" West 248.32 feet to a point; thence North 06° 20' 03" East 436.07 feet to a point; that point being the place of beginning; being all or part of Block 2636 Lot 012E; comprising of ±2.28 acres.

Section 2. This Ordinance is adopted after approval of the site plan entitled Wallburg Landing, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Keystone Group, Inc. for property owned by Kenneth A. and Geneva Reid.

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 Wallburg Landing. 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 Keystone Group, Inc. for property owned by Kenneth A. and Geneva Reid (Zoning Docket F-1332). 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 **Parcel 1 (Lots 1 and 2)**; HB-S Highway Business District Convenience Store; Food or Drug Store; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Services, Business A; Services, Personal; Recreation Services, Indoor; Restaurant (without drive-through service); and Retail Store, Specialty or Miscellaneous], **Parcel 1 (Lots 3, 4, and 5)**; HB-S Highway Business District [ABC Store (liquor); Arts & Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales & Service; Motorcycle Dealer; Nursery, Lawn & Garden Supply Store, Retail; Outdoor Display Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking & Financial Services; Building Contractors, General; Car Wash; Funeral Home; Health Services, Misc.; Kennel; Medical or Dental Lab; Medical & Surgical Offices; Motor Vehicle, Rental & Leasing; Motor Vehicle, Repair & Maintenance; Non-Store Retailer; Offices,

Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing & Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices; Habilitation Facility C; Hospital or Health Center; Library, Public; Museum or Art Gallery; Police or Fire Station; Post Office; School, Vocational or Professional; Broadcast Studio; Transmission Tower; and Utilities - TWO PHASE]; **Parcel 2 (Lot 7);** HB-S Highway Business District [ABC Store (liquor); Convenience Store; Food or Drug Store; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Motorcycle Dealer; Nursery, Lawn & Garden Supply Store, Retail; Outdoor Display Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Banking & Financial Services; Car Wash; Funeral Home; Medical & Surgical Offices; Motor Vehicle, Rental & Leasing; Motor Vehicle, Repair & Maintenance; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices; Library, Public; Museum or Art Gallery; Police or Fire Station; School, Vocational or Professional; and Utilities - TWO PHASE] and **Parcel 3 (Lot 3) and Parcel 4 (Lot 8)** RM-8-S (Residential Dwelling, Townhouse), 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 and RM-8-S zoning

districts 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 have a storm water management plan submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall dedicate forty-five (45) feet of right-of-way from centerline along the entire frontage of the property on NC 109 (Thomasville Road) in fee simple to the North Carolina Department of Transportation.
 - b. On-site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
 - c. Developer shall record a negative access easement along the entire frontage of Thomasville Road and Rex Road at all locations except the driveways to the site as shown on the site plan.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices shall be installed.
 - b. All required fire hydrants shall be installed in accordance with the County Fire Department.
 - c. All required roadway improvements to Thomasville Road shall be completed to the specifications of the North Carolina Department of Transportation.
 - d. Developer shall install five (5) foot wide sidewalks as shown on the site plan with a minimum five (5) foot separation from the back of curb.
 - e. Said sidewalks may be installed in phases as the property is developed.

- **OTHER REQUIREMENTS**
 - a. A maximum of five (5) free standing monument signs with a maximum height of five (5) feet shall be allowed along the entire frontage of Thomasville Road.
 - b. Lots 3, 4, 5, and 7 are TWO PHASE areas that required a Final Development Plan to be approved by the City-County Planning Board. The City-County Planning Board reserves the right to add any reasonable conditions said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b).
 - c. Lots 3,4,5, and 7 shall be internally served with vehicular access via proposed private drives at locations shown on the Phase One site plan.
 - d. Forsyth County Commissioners acknowledge that public water service will be provided by Davidson County.

ZONING STAFF REPORT

DOCKET # F-1332

STAFF: Glenn Simmons

Petitioner(s): Keystone Group, Inc.

Ownership: Kenneth A. and Geneva Reid

REQUEST

From: AG Agricultural District

To: **Parcel 1 (Lots 1 and 2)**; HB-S Highway Business District [Convenience Store; Food or Drug Store; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Services, Business A; Services, Personal; Recreation Services, Indoor; Restaurant (without drive-through service); and Retail Store, Specialty or Miscellaneous]
Parcel 1 (Lots 3,4, and 5) and Parcel 2 (Lot 7); HB-S Highway Business District (TWO PHASE) [ABC Store (liquor); Arts & Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Fuel Dealer; Furniture & Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales & Service; Motorcycle Dealer; Nursery, Lawn & Garden Supply Store, Retail; Outdoor Display Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking & Financial Services; Building Contractors, General; Car Wash; Funeral Home; Health Services, Misc.; Hotel or Motel; Kennel; Medical or Dental Lab; Medical & Surgical Offices; Motor Vehicle, Rental & Leasing; Motor Vehicle, Repair & Maintenance; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Storage Yard; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Signs, Off-Premises; Storage Services, Retail; Testing & Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Shooting Range, Indoor; Theater, Indoor; Adult Day Care Center; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Dirt Storage; Government Offices; Habilitation Facility C; Hospital or Health Center; Library, Public; Museum or Art Gallery; Police or Fire Station; Post Office; School, Vocational or Professional; Broadcast Studio; Transmission Tower; and Utilities] and
Parcel 3 (Lot 3) and Parcel 4 (Lot 8) RM-8-S Residential Multifamily District; maximum density 8 units/acre (Residential Dwelling, Townhouse)

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

Acreage:

RM-8-S (Parcels 3 and 4): 9.80 acres

HB-S (Parcels 1 and 2): 10.21 acres

Total: 20.01 acres

LOCATION

Street: Southwest side of Thomasville Road/NC 109 north of the Davidson County line and on both sides of Rex Road.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: See list above.

Square Footage: Three buildings totaling 18,883 sf are shown in lots 1 and 2 of proposed HB-S portion of development; Phase Two portion of proposed HB-S (lots 3, 4, 5 and 7) to be determined in final development site plan. 70 townhome units are proposed in RM-8-S portion of development.

Building Height: One story commercial structures shown in HB-S portion; two story townhomes shown in RM-8-S portion.

Density: 6.8 units per acre shown in RM-8-S portion.

Parking: Required: varies according to use; proposed: 53 spaces shown on lots 1 and 2 of HB-S portion plan.

Bufferyard Requirements: Type III bufferyard required where proposed HB-S adjoins single family zoned property; type II bufferyard required where proposed RM-8-S adjoins single family zoned property.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None. Site is currently wooded with mixed hardwoods and evergreen trees.

Adjacent Uses:

Northeast -

Across Thomasville Road is single family residential development zoned RS-20.

South of Parcel 1 and 2 -

Shopping Center in Davidson County zoned CS (Community Shopping District).

West of Parcel 2 and south of Parcels 3 and 4 -

Large lot single family residential area and pasture land zoned AG.

West of Parcel 4 -

Single family area zoned RS-20.

Northwest of Parcel 3 and north of Parcel 4 -

Shell Service Station zoned LB.

Further northwest of the site are small commercial and retail uses, including a self-storage facility. All are zoned LB.

GENERAL AREA

Character/Maintenance: The area consists of a wide variety of single family homes, underdeveloped LB zoned property, newer retail commercial and industrial development and rural pastureland.

Development Pace: Slow to moderate with most of the newer development occurring south of the Davidson County line.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Substantial impact is expected from the proposed new development.

Topography: Site slope moderately downward away from Thomasville Road.

Streams: No perennial streams.

Vegetation/habitat: Mixed evergreen and deciduous vegetation.

Constraints: Steep terrain will make grading for proposed development difficult in places.

Floodplains: None.

Wetlands: None.

TRANSPORTATION

Direct Access to Site: Thomasville Road/NC 109 and Rex Road.

Street Classification: Thomasville Road - major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Thomasville Road from Willard Road to Davidson County line - 8,800/12,500

Trip Generation/Existing Zoning: AG

(Lot 1) $1.75 \times 43,560/40,000 = 1 \text{ du} \times 9.57$ (SFR trip rate) = 9.57 trips

Trip Generation/Proposed Zoning: HB-S

(Lot 1) $4,140/1,000 \times 845.60$ (gas station w/convenience store trip rate) = 3,501 trips

(Lot 2) $15,383/1,000 \times 40.67$ (specialty retail center trip rate) = 625 trips

(Lots 3, 4, 5 and 7) no information available at this time

Trip Generation/Proposed Zoning: RM-8

(Lot 6) $56 \text{ units} \times 5.86$ (Residential Condo/Townhome trip rate) = 328 trips

(Lot 8) $14 \text{ units} \times 5.86$ (Residential Condo/Townhome trip rate) = 82 trips

Total trip rate (excluding Lots 3, 4, 5 and 7) = 4,536 trips

Planned Road Improvements: TIP #R-2568 - Widen Thomasville Road to multi-lanes, part on new location. Construction - part in FY 2005, part beyond FY 2008. Note: as of this date NC DOT is uncertain whether or not this portion of NC 109 will be upgraded or bypassed.

Sight Distance: Good.

Interior Streets: All interior streets are proposed to be private.

HISTORY

Relevant Zoning Cases:

1. F-1303; LB to HB-S (Storage Services, Retail); approved June 12, 2000; southwest side of Thomasville Road between Maranda Road and Rex Road, 1.07 acres; Planning Board and staff recommended approval.
2. F-1171; RS-20 and LB to LB; approved October 28, 1996; southeast side of Thomasville Road approximately 500 feet northwest of Rex Road (current site); 1.07 acres; Planning Board and staff recommended approval.
3. F-184; R-5 to B-3; approved March 1, 1971; southwest side of Thomasville Road approximately 200 feet northwest of Miranda Road; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 4B: Long-Range Growth.

Relevant Comprehensive Plan Recommendation(s): The plan recommends that shopping centers should not be located in GMA's 4B and 5. The plan also recommends that shopping centers be compatible with adjacent land uses, utilizing landscaping buffers, setbacks, a smooth transition in building heights, consistent architectural design, and limited signage.

Area Plan/Development Guide: None applicable.

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: None.

Note: Although the site does not lie within an incorporated area, it does lie adjacent to the unincorporated community of Wallburg just south of the Davidson County line. The Davidson County Planning Director states that the community wishes to minimize the growth of strip commercial development along Thomasville Road. Further he notes that the existing shopping center is zoned for uses to serve the local community in a manner similar to Forsyth County's Neighborhood Shopping Center Business District. Such districts are not intended to promote additional highway oriented commercial zoning in areas surrounding them.

ANALYSIS

The proposed 20.01 acre zoning request consists of 10.21 acres of HB-S (multiple commercial uses) and 9.8 acres of RM-8-S multifamily, townhomes. Three of the five tracts proposed for HB-S zoning are presented as a TWO PHASE petition whereby a second phase, final development plan must be approved prior to future development. The HB-S portion of the plan consists of a broad array of commercial uses selected from the permitted use table for Highway Business zoning.

The site has substantial frontage along the southwest side of Thomasville Road and is generally located between a small to medium size shopping center, adjacent to the southern portion of the site at the Davidson county line and underdeveloped LB zoned land north of the site along Thomasville Road. Well maintained single family homes are located on large lots opposite the property along Thomasville Road.

The petitioner has presented the site plan as a mixed-use development with internal vehicular connections proposed between the multifamily residential and commercial portions of the project. The plan proposes to limit vehicular access to Thomasville Road to three locations. In this context all vehicular access will be provided by internal connections via private drives. A fourth driveway is proposed to connect with the existing shopping center located immediately south of the site.

Although the site plan has merit with respect to the manner in which it consolidates vehicular circulation, the overall plan fails, in staffs' judgement, to achieve the objectives of a true mixed-use development. Proposed commercial structures appear primarily oriented to the highway and little attention is given to promoting pedestrian connections between commercial buildings and the residential portion of the development. No sidewalks or other pedestrian amenities are shown in either the commercial or residential areas.

Staff is also concerned about the large number of proposed commercial uses which appear to be incompatible with the purported mixed-use concept. Such uses include Motorcycle Dealer; Building Contractors, General; Motor Vehicle, Body and Paint Shop; Motor Vehicle Storage Yard; Recreational Services, Outdoor; Signs, Off-premises (billboards) and several other questionable uses. Particularly, as proposed in the TWO PHASE portion of the request, staff is concerned that current and future site plan conditions may not be able to compensate for inherent use incompatibilities.

Moreover, staff is concerned that HB-S zoning and conventional strip commercial development as proposed along Thomasville Road will unnecessarily hasten the demise of well maintained residential homes opposite the site and promote additional highway oriented, strip commercial development in the area. Especially given the existing underdeveloped LB zoning located northwest of the property along Thomasville Road, staff is concerned that commercial development at the current location will promote more requests for HB conversions in this area. This concern has been previously expressed by staff in earlier HB zoning requests in this general area LB zoning.

Also at this time it is unclear as to whether or not this portion of Thomasville Road will be upgraded to multiple lanes or by-passed with future NC Department of Transportation improvements. According to the Davidson County Planning Director, many local residents prefer that the Wallburg community be by-passed thus to avoid the complications and pressures of large amounts of commercial traffic and development along this portion of Thomasville Road.

Further he notes that the existing shopping center, immediately south of the current site, is zoned for uses to serve the local community in a manner similar to Forsyth County's Neighborhood Shopping Center Business District. Such districts are not intended to promote additional highway oriented commercial zoning in areas surrounding them.

Although the current proposal offers some benefit to the area by assembling a large tract of land for comprehensive development, staff believes the plan falls short of our expectations for a true mixed use project. In our final analysis Planning staff believes that the proposed HB-S and RM-8-S zonings are inappropriate for the location within Growth Management Area 4B and are, at best, premature with respect to the uncertain timing and location of Thomasville Road transportation improvements.

In subsequent conversations with the petitioner, staff understands that the petitioner intends to eliminate some of the more intensive highway business uses initially asked for in his petition and further intends to provide internal sidewalk connections in an effort to address staffs' concerns regarding the deficiency of internal pedestrian circulation. Staff does not anticipate, however, that such concessions will alter our recommendations.

FINDINGS

1. The proposal is a combined RM-8-S and HB-S zoning request of which a portion of the HB-S is presented as a TWO PHASE petition.
2. The property is generally located between an area of existing underdeveloped LB zoning to the north and an existing shopping center just south of the Davidson County line.
3. Well maintained, single family properties, zoned RS-20, are located opposite the current site on the east side of Thomasville Road.
4. The North Carolina Department of Transportation plans to improve Thomasville Road, but specifics regarding relocation versus widening at this location are currently unknown.
5. Staff considers the proposed multifamily and commercial zoning to be inconsistent with the existing character of the area.
6. Although limited driveway connections to Thomasville Road and internal vehicular connections provide a benefit, the purported mixed-use aspect of the site plan fails to meet staffs' expectations of a true mixed-use development.
7. *Vision 2005* recommends that shopping centers not be located within Growth Management Areas 4B and 5.
8. Staff is concerned about the precedent that this project may establish to encourage other inappropriate HB commercial zoning along this portion of Thomasville Road.

STAFF RECOMMENDATION

Zoning: **DENIAL of HB-S.**
DENIAL of RM-8-S.

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 have a storm water management plan submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall dedicate forty-five (45) feet of right-of-way from centerline along the entire frontage of the property on NC 109 (Thomasville Road) in fee simple to the North Carolina Department of Transportation.
 - b. On-site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
 - c. Developer shall record a negative access easement along the entire frontage of Thomasville Road and Rex Road at all locations except the driveways to the site as shown on the site plan.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices shall be installed.
 - b. All required fire hydrants shall be installed in accordance with the County Fire Department.
 - c. All required roadway improvements to Thomasville Road shall be completed to the specifications of the North Carolina Department of Transportation.
 - d. Developer shall install five (5) foot wide sidewalks as shown on the site plan along Thomasville Road with a minimum five (5) foot separation from the back of curb.
 - e. Said sidewalks may be installed in phases as the property is developed.

- **OTHER REQUIREMENTS**
 - a. A maximum of five (5) free standing monument signs with a maximum height of five (5) feet shall be allowed along the entire frontage of Thomasville Road.
 - b. Lots 3, 4, 5, and 7 are TWO PHASE areas that required a Final Development Plan to be approved by the City-County Planning Board. The City-County Planning Board reserves the right to add any reasonable conditions said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b).
 - c. Lots 3,4,5, and 7 shall be internally served with vehicular access via proposed private drives at locations shown on the Phase One site plan.

- d. Forsyth County Commissioners acknowledge that public water service will be provided by Davidson County. NOTE: Subsequent discussions with City-County Utilities Commission indicates that water service can be provided to the site by City-County Utilities, therefore this condition should be eliminated.

[For information purposes only: The draft Legacy plan encourages higher density residential development where appropriate and the fined grained mixing of commercial and residential uses. The plan also promotes transit and pedestrian friendly design in these mixed-use developments.]

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Scott Wallace, president of Keystone, 5710K-203 High Point Road, Greensboro, NC 27407

We will purchase this property contingent on us getting the zoning requested.

This proposal is in an area which is often overlooked for development.

We feel we've done a very successful job in creating a mixed use. We consider this neo-traditional.

We will remove the two dilapidated houses and build approximately 70 townhomes which will be for sale, not rent.

We will develop the property in a very professional manner.

We expect our development to increase surrounding property values.

Staff has worked very diligently and patiently with us. They have been very helpful.

We believed by working so closely with staff that we had their recommendation for approval and were surprised by their recommendation of denial. The main issue seemed to be the extensive list of uses. We reviewed that list and took out many of the uses which seemed to be objectionable.

There will be no access to any of our lots directly to NC 109.

I personally knocked on all the doors on NC 109 to explain what we were trying to do with this proposal. No one was unhappy. They were happy to have services provided nearby.

It seems our only opposition is staff.

We are immediately adjacent to the shopping center in Davidson County which has a wide range of permitted uses.

Forsyth County has made a large investment to extend sewer to this area. This is an opportunity to reap benefits from that extension.

We have an internally road system with no access directly to NC 109 from any of our lots.

We are bearing the responsibility to get the grade down to a manageable level.

We've limited our monument signs along NC 109 to five feet maximum height.

Lot 7 is limited to uses permitted in a LB District with the addition of Restaurant.

We spent four days talking with people and a lot of them were excited about having services in their neighborhood, especially restaurants.
This will enhance southeast Forsyth County by providing many benefits
We have clustered our commercial with the other commercial in this area, as *Vision 2005* requests.
We think we have worked real hard to provide a quality development.

AGAINST: None

WORK SESSION

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

1. Staff suggested that a true mixed-use development might be appropriate here with the proposed expansion of NC 109. Subsequent to our preliminary discussion with the developer, however, staff learned from NCDOT officials that planned improvements to NC 109 are incomplete and may not in fact include multiple lanes at this location. Staff considers improvements to NC 109 to be a major factor as to whether or not a mixed use development would be appropriate at this location.
2. Staff specified the need for pedestrian connections, etc. and stated that until the actual site plan is available for review, staff cannot state that a project will automatically be accepted just because a variety of uses are provided.
3. Characteristics of mixed use developments may vary depending on their location, such as in an urban environment versus a rural environment. There is not a "one size fits all" of mixed uses for every situation.
4. Across NC 109 is a wide variety of well maintained single family homes. Unless this development orients into itself, it is setting up a situation where properties on the other side of the street will want to consider commercial use of their property. NC 109 may not even be improved at this location to support this type of development.
5. Staff is looking for a mixed use development that allows the single family homes across NC 109 to remain without the potential of negative impacts of commercial development opposite them.
6. Staff still sees a number of uses in the changed list of uses which are still of great concern and do not seem to contribute to a mixed development.

7. Arnold King; There are a variety of uses already down the road from this site. I think this is a good plan and there's no one here in opposition.
8. Steve Snelgrove: I think it's close to being a plan which will enhance the neighborhood.
9. Kerry Avant: The part of this plan that is attractive to me is how they've limited the access. That is a great plan to me. Steve Snelgrove: I agree.
10. Doug Stimmel: There are still residential walks throughout here, mostly in the TWO PHASE sections. We fully anticipate having interaction when it's fully developed. Kem Schroeder: You really have nothing in the major portion of your residential for pedestrian. Scott Wallace: We typically put in trails and there is no need for additional sidewalks. We have trails made of stepping stones and bark trails. Steve Snelgrove: Do you have any plans to provide pedestrian access across NC 109 to access neighborhood across the street? Doug Stimmel: You wouldn't want to cross it. It's dangerous. Scott Wallace: Trails would be primarily behind the units because our residents use them for walking their pets.
11. Scott Wallace: We are developing the lot and constructing the townhomes. We most likely will be constructing the small shopping village on lot 2 and may or may not be constructing other commercial buildings. Steve Snelgrove asked the petitioner if he would be willing to continue this case to consider redirecting the commercial uses? Paul Norby indicated staff's concern over the list of uses as proposed.
12. Glenn Simmons: What we think is acceptable is probably outside what the petitioner feels is marketable.
13. Kerry Avant: Given the location of this site, I'm not sure the uses would be inappropriate in this situation.
14. Kem Schroeder asked the petitioner again if he would be willing to continue this request for a month to discuss the Board's concerns with staff. He indicated a reluctance to do so.

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

SECOND: Terry Powell

VOTE:

FOR: Bost, Johnson, Powell, Schroeder, Snelgrove

AGAINST: Avant, King, Rousseau, Williams

EXCUSED: None

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

SECOND: Terry Powell

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Snelgrove, Williams

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Kenneth A. Reid, et al, and Geneva Reid as of October 17, 2000. A contract to purchase between the petitioners and the property owners is pending.

A. Paul Norby, AICP
Director of Planning