



(Continued from
the 12-09-99 and
01-13-00 CCPB Meetings)

DOCKET #: F1276

PROPOSED ZONING:
HB-S (Multiple Business
and Office Uses - TWO PHASE)

EXISTING ZONING:
AG

PETITIONER:
Alfred L. Scott and
Rachel Scott

SCALE: 1" represents 400'

STAFF: L. Weston

GMA: 5

ACRE(S): 10.97

MAP(S): 684826

February 23, 2000

Alfred L. and Rachel Scott
108 Mowery Drive
High Point, NC 27265

RE: ZONING MAP AMENDMENT F-1276

Dear Mr. & Mrs. Scott:

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
Abigaile Pittman, AICP, 210 Louise Avenue, High Point, NC 27262
John P. Kennett, Jr., 2901 Hwy 66 S, Kernersville, NC 27284
Johnsie and David Powell, 2920 Hwy 66 S., Kernersville, NC 27284
Kathy & Bernard Bruce, 2921 Hwy 66 S., Kernersville, NC 27284

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Alfred L. Scott and Rachel Scott

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Alfred L. Scott and Rachel Scott for a parcel consisting of two tracts as shown on a site plan submitted from AG to HB-S (Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Speciality or Miscellaneous; Adult Day Care Center; Child Day Care Center; Church or Religious Institution, Neighborhood; Banking and Financial Services; Health Services, Miscellaneous; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Veterinary Services; Building Materials Supply; Implement Sales and Service; Outdoor Display Retail; Wholesale Trade A; Building Contractors, General; Body or Paint Shop; Storage Services, Retail; and Warehousing - TWO PHASE): property is located on the west side of Highway 66 South across from Thomas Road and northeast side of High Point Road across from Barney Road (Zoning Docket F-1276).

After consideration, the Planning Board recommended denial of the rezoning petition and certifies that the site plan meets all code requirements. If the petition is approved, staff recommendations should apply.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Alfred L. and Rachel Scott,
Docket F-1276

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 the zoning of two tracts of land as follows:

Tract 1: from AG to HB-S (Food or Drug Store; Furniture or Home Furnishings
Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden
Supply; Restaurant (without drive-through service); Retail Store, Specialty or
Miscellaneous; Banking and Financial Services; Health Services, Miscellaneous;
Medical and Surgical Offices; Offices, Miscellaneous; Professional Office;
Services, Business A; Services, Personal; Veterinary Services; Adult Day Care
Center; Child Day Care Center; and Church or Religious Institution,
Neighborhood)

Tract 2: from AG to HB-S (Retail Material Supply; Implement Sales and
Service; Outdoor Display, Retail; Wholesale Trade, A; Building Contractors,
General; Body or Paint Shop; Services, Business A; Services, Business B;
Storage Services, Retail; Warehousing; Church or Religious Institution,
Neighborhood)

The zoning lot containing Tracts 1 and 2 is described as follows: BEGINNING at an iron stake
on the northeast side of Winston-Salem - High Point Road, US Highway 311, said stake being
distant north 47° 43' west 602.50 feet from the intersection of the Winston-Salem - High Point
Road and the Kernersville - Bunker Hill Road, said stake being also at the southwest corner on

said road of a lot described in Deed recorded in Book 524, Page 80, and running thence from said beginning point north 14° 6' west 390.55 feet to an iron pipe; thence south 84° 30' east along the line of Lot No. 2 524.8 feet to an iron stake in the west margin of the Kernersville-Bunker Hill Road; thence with west margin of said road north 13° 25' east 200 feet to an iron stake; thence north 13° 15' east 378.4 feet to a point; thence north 76° 11' west along the southern property line of the property of Fletcher Vaden 486.6 feet to a point, an iron pin in the eastern property line of Ms. J. J. Idol; thence along the eastern line of Ms. J. J. Idol and the eastern line of Homer Wood, south 5° 45' west 100 feet to an iron stake; thence north 85° west with Idol's line 351.4 feet to an iron stake in Idol's line, corner of Lot No. 3; thence with line Lot No. 3 south 552 feet to an iron stake, in line of Lot No. 3, corner of Lot NO. 2; thence south 5° 21' east 316.65 feet to an iron stake in Wood's line; thence along the northeast side of said US Highway No. 311 south 47° 43' east 119.75 feet to the BEGINNING, containing 10.97 acres, more or less. For back reference see Book 1920, Book 285 and Book 2086, Book 213. Forsyth County Registry.

Section 2. This Ordinance is adopted after approval of the site plan entitled Alfred Scott, Inc., and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 19____ to Alfred L. and Rachel Scott.

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 Alfred Scott, Inc. 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 Alfred L. and Rachel Scott (Zoning Docket F-1276). The site shall be developed in accordance with the plan for the uses approved for Tracts 1 and 2 as approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for HB-S (Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Speciality or Miscellaneous; Adult Day Care Center; Child Day Care Center; Church or Religious Institution, Neighborhood; Banking and Financial Services; Health Services, Miscellaneous; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Veterinary Services; Building Materials Supply; Implement Sales and Service; Outdoor Display Retail; Wholesale Trade A; Building Contractors, General; Body or Paint Shop; Storage Services, Retail; and Warehousing - TWO PHASE), approved by the Forsyth County Board of Commissioners the ____ day of _____, 19 ____" 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 ANY PERMITS**
 - a. This petition is a TWO PHASE petition that requires Final Development Plans to be approved by the City-County Planning Board prior to the issuance of any permits. The City-County Planning Board reserves the right to add any reasonable conditions to said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b). The following are general conditions for those areas:
 1. Only one (1) driveway shall be permitted on Hwy 66 South/Sandy Ridge Road and one (1) driveway on North Main Street at the locations shown on the site plan. Each parcel shall have interconnected drives and parking lots.
 2. Signage for each parcel shall be limited to one (1) five (5) foot free-standing monument sign with a maximum copy area of twenty (20) square feet.
 3. If public water is available within one thousand (1000) feet of any portion of this property, developer shall extend public water into the property and install fire hydrants in accordance with the County Fire Department.
 4. All sites must be evaluated and approved by the Forsyth County Health Department for the installation of septic systems.
 5. Storm water management will be required. One (1) master planned facility may be preferred for the entire property instead of smaller separate facilities for each parcel.
 6. Abbotts Creek Watershed (WS-III) regulations will govern the development of all parcels. Watershed permits will be required.
 7. Based on the proposed uses for this property and the projected traffic generation, the NCDOT may require road improvements (turn lanes) on either North Main Street or Hwy 66 South/Sandy Ridge Road.

ZONING STAFF REPORT

DOCKET # F-1276
STAFF Larry F. Weston

Petitioner(s): Alfred L. Scott and Rachel Scott
Ownership: Same

CONTINUANCE HISTORY

This petition was initially before the Planning Board at its November 11, 1999, meeting. It was continued to January 13, 2000, and then to February 10, 2000, to allow time to meet with neighbors, prepare a site plan, and resubmit as a special use district petition.

REQUEST

From: AG Agricultural District

To: HB-S Highway Business District (Multiple Business Uses - TWO PHASE):

Tract 1: Food or Drug Store; Furniture or Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Health Services, Miscellaneous; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Veterinary Services; Adult Day Care Center; Child Day Care Center; and Church or Religious Institution, Neighborhood

Tract 2: Retail Material Supply; Implement Sales and Service; Outdoor Display, Retail; Wholesale Trade, A; Building Contractors, General; Body or Paint Shop; Services, Business A; Services, Business B; Storage Services, Retail; Warehousing; Church or Religious Institution, Neighborhood

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

Acreage: 10.97 acres

LOCATION

Street: West side of NC 66 across from Thomas Road and northeast side of North Main Street across from Barney Road.

Jurisdiction: Forsyth County.

PROPERTY SITE/IMMEDIATE AND GENERAL AREA

Existing Structures on Site and General Character of Surrounding Area: There are two (2) single family residences located along the NC 66 frontage of the site. The remainder of the site is vacant. The surrounding area contains a mixture of low density residential and moderate to high density commercial uses.

Adjacent Uses:

North - Vacant land zoned AG and the Vulcan Quarry zoned GI-S and AG.

East - Single family residences zoned RS-20.

South - Single family residences zoned AG and commercial businesses zoned HB.

West - Self storage facility zoned HB and vacant land zoned AG.

TRANSPORTATION

Direct Access to Site: NC 66 and High Point Road.

Street Classification: Both are major thoroughfares.

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

NC 66 (Hornetown Road) south of High Point Road - 2,500/10,500

High Point Road west of NC 66 - 4,600/11,000

US 311 west of NC 66 - 18,000/54,000

Planned Road Improvements: No road improvements are planned.

Transit: No.

Bike: Route 24

HISTORY

1. F-1268; RS-20 and HB to HB; approved September 13, 1999; approximately 3/4 mile east of current site on north side of US 311/High Point Road; 8.21 acres; Planning Board and staff recommended approval.
2. F-793; B-3-S (Wholesale Storage, Sales or Storage; and Stores or Shops, Retail) to B-3 (converted to HB in UDO); approved July 7, 1986; adjoins current site on western border; 7.5 acres; Planning Board and staff recommended approval.
3. F-695; R-6 to B-3-S TWO PHASE; approved June 11, 1984; same site as in #2 above; Planning Board and staff recommended approval.
4. F-688; R-6 to I-3-S (converted to GI-S in UDO); approved April 24, 1984; southeast corner of NC 66 and (new) Highway 311; 6.97 acres; Planning Board and staff recommended approval.
5. F-591; R-6 to I-3-S (converted to GI-S in UDO); approved November 23, 1981; southwest corner of NC 66 and (new) Highway 311; 3.27 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Staging of development with the provision of roads, sewers and other services; clustered commercial service areas; local convenience stores, farm supply stores, and certain other rural serving commercial development are the only commercial uses encouraged in these areas (GMP Area 4B); areas of future highway commercial development should be limited in length and separated from other highway commercial uses by transition areas; only commercial uses requiring high accessibility or otherwise unsuited for shopping center style development should be allowed to locate in a linear fashion.

Area Plan/Development Guide: This site is located within the boundaries of the *Horneytown Area Plan* which has been adopted by both High Point and Forsyth County. The Projected Land Use Plan identifies the frontage of this zoning lot on NC 66 as being recommended for office zoning. The plan does not project a change in use along High Point Road.

ANALYSIS

The request is to rezone a 10.97 acre tract of land from AG to HB-S, with multiple business uses specified. The petition is a TWO PHASE request, which does not identify building locations and other future development details. When it was originally submitted as a general use Highway Business (HB) petition, staff recommended denial, and suggested that uses be identified and that they be limited on the Highway 66 side frontage of the site.

The site is currently developed with several single family residences, but is largely vacant. Two (2) of these homes are located on the eastern portion of the property along NC 66; the other is located along High Point Road. The entire site is zoned AG.

The petitioner has requested that a two-phase special use HB district be approved. Other rezoning cases approved in the immediate area have been special use cases. F-793 involved a petition that had been approved as a special use request in 1984 and then expanded to general use zoning in 1986. The asphalt plant rezoning cases north of the site were special use zoning petitions that were approved after considerable public comment.

There is a mixture of existing land uses along these sections of High Point Road and NC 66; however NC 66 has a much more residential character, despite the proximity of business zoning and uses at the intersection of NC 66 and High Point Road. These uses around the intersection include various retail businesses, heavy industrial uses and scattered single family homes. Expanding the commercial zoning on the High Point Road frontage could have a much different effect than the same action on NC 66.

The TWO PHASE petition consists of two tracts, both identifying high intensity retail uses. Tract 1, on the NC 66 side of the site across from Delray Avenue and Thomas Street, includes uses such as General Merchandise Store; Hardware Store; Food or Drug Store; and Furniture and Home Furnishings Store. Staff has recommended maintaining low intensity residential zoning on NC 66 along the portion of the site now identified as Tract 1.

Tract 2, with frontage on High Point Road and at the northwest intersection of NC 66 and High Point Road, identifies uses such as Outdoor Display Retail; Body or Paint Shop; Building Contractors, General; Building Materials Supply; and Storage Services, Retail.

Vision 2005 recommends that "areas of future highway commercial development should be limited in length and separated from other highway commercial uses by transition areas." The extent of such potentially intensive commercial zoning proposed for both Tract 1 and Tract 2 in the new special use petition does not respond to staff's original concern for the protection of the existing residences in the area, particularly those on the NC 66 side of the site.

Staff has suggested alternative zoning possibilities for this site that, in its opinion, could promote the interests of retail or service needs of the neighborhood as well as preservation of the existing residential scale and character when necessary. For example, limited business uses that maintain the residential character on NC 66 were offered as an example of uses that might be supportable. Office development was suggested, and has been proposed for Tract 1, but the TWO PHASE nature of the request does not allow staff to see the scale of development that would be proposed. This would not occur until final development plans were submitted, and those plans would not normally be subject to elected body approval unless specifically required in the initial rezoning approval.

It was hoped that a sensitive application and site plan, coupled with special use district permit conditions that protect adjoining property owners from undue impacts, could provide a transition from the high intensity commercial HB zoning on the west to the low density AG zoning along NC 66. Unfortunately, no such petition has been presented. The combination of potentially high intensity uses and the lack of detail inherent in a TWO PHASE petition does not offer the protection and assurances that the staff has sought.

Local residents have been significantly affected by past zoning changes in the immediate area. Staff strongly believes that development in this area is possible when carried out in a way that does not erode neighborhood residents' right to peaceful enjoyment of their living space. Preservation of low density residential zoning on NC 66 is one way to ensure maintenance of this environment, even when some limited development is permitted along High Point Road.

FINDINGS

1. This rezoning is not consistent with the recommendations of *Vision 2005*.
2. This rezoning is also inconsistent with the recommendations in the *Horneytown Area Plan*.

3. Rezoning this entire site to HB-S - TWO PHASE with the intense uses proposed would be detrimental to this area.
4. The existing mixture of residential and commercial uses in this neighborhood requires a more sensitive and staged approach to development.
5. There continue to be other zoning alternatives that could better protect the interests of existing neighborhood residents while also permitting responsible development to occur.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

- **PRIOR TO THE ISSUANCE OF ANY PERMITS**
 - a. This petition is a TWO PHASE petition that requires Final Development Plans to be approved by the City-County Planning Board prior to the issuance of any permits. The City-County Planning Board reserves the right to add any reasonable conditions to said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b). The following are general conditions for those areas:
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 2. Signage for each parcel shall be limited to one (1) five (5) foot free-standing monument sign with a maximum copy area of twenty (20) square feet.
 3. If public water is available within one thousand (1000) feet of any portion of this property, developer shall extend public water into the property and install fire hydrants in accordance with the County Fire Department.
 4. All sites must be evaluated and approved by the Forsyth County Health Department for the installation of septic systems.
 5. Storm water management will be required. One (1) master planned facility may be preferred for the entire property instead of smaller separate facilities for each parcel.
 6. Abbotts Creek Watershed (WS-III) regulations will govern the development of all parcels. Watershed permits will be required.
 7. Based on the proposed uses for this property and the projected traffic generation, the NCDOT may require road improvements (turn lanes) on either North Main Street or Hwy 66 South/Sandy Ridge Road.

[For information purposes only: The draft *Legacy* plan identifies the proposed zoning lot as lying on the border between the "Rural" and "Future Growth" areas. The Future Growth area recognizes the potential for development in these areas, and calls for them to eventually become urbanized. Legacy also notes that "development in these areas will be discouraged until the Municipal Services Area is more fully developed". In the Rural area the draft *Legacy* plan indicates that "this area is to remain in very low density residential and agricultural uses for the 20-year time horizon of the comprehensive plan."]

Larry Weston presented the staff report.

PUBLIC HEARING

FOR:

Abigaile Pittman, 210 Louise Avenue, High Point, NC 27262

In response to the concerns expressed at the first hearing, we have worked to address those concerns.

We have tried to put the more intense uses at the rear of the site.

It seems there are still staff concerns about some of the uses in Tract 1.

Offered limitation on uses allowed.

Tract 1 would exit across from Delray.

Tract 2 would only access North Main Street.

We hope these revisions address the majority of the concerns from nearby residents.

Other HB and LI Districts are around this intersection. This is a developing commercial node.

Tract 2 is already completely gravel and has been that way for some time.

In addition to the residential uses, there are also business and commercial uses.

Development pressures will soon be approaching this corridor.

Submitted photographs.

AGAINST:

John P. Kennett, Jr., 2901 Hwy 66 S, Kernersville, NC 27284

Architect in High Point. Live in house across NC 66 from this site.

I spoke last time. I represent most of the residents along NC 66 and some along Delray Avenue.

Our main concern is that this is a residential neighborhood.

We have a lot of kids living on Delray.

We are concerned that Delray will be used for cut-through traffic if this development is approved.

The RVs are not visible from NC 66. That's why we would like things to stay the way they are. Tract 1 serves as a buffer.

At the last meeting, it was suggested that the owner have conversations with the residents. There has been no communication between them and us. We still feel we are not being heard from.

We are concerned about the impact this would have on our property values.

Johnsie and David Powell, 2920 Hwy 66 S., Kernersville, NC 27284

We haven't heard a word from Mr. Scott. Right after the last meeting, he went in and started clearing the site.

If you rezone this HB, it will destroy our neighborhood.

We see the lighting from the RV park and therefore can't see the sky at night.

Day cares produce traffic.

We've all worked real hard for what we have out there. We want to be able to sit out in the yard.

I have no doubt that if he gets approval for this, he will develop every square inch he can.

We are a small community, but we're taxpayers for Forsyth County. Mr. Scott lives outside Forsyth County.

Kathy & Bernard Bruce, 2921 Hwy 66 S., Kernersville, NC 27284

Basically what has been said is what I had planned on saying.

We've been here a year and a half and have worked hard to make it a nice home.

We are concerned about traffic.

If Mr. Scott could consider widening his driveway where it currently is instead of putting in another access, we would appreciate it.

WORK SESSION

During discussion by the Planning Board, the following point was made:

Terry Powell noted that the Planning Board made a reasonable request that the petitioner talk to the neighborhood. They haven't done that, even with opportunity to do so.

MOTION: Terry Powell moved denial of the zoning map amendment and certifies that the site plan meets all code requirements. Staff conditions should apply.

SECOND: Kem Schroeder

VOTE:

FOR: Avant, Bost, Johnson, Powell, Schroeder, Stewart, Williams

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Alfred L. and Rachel Scott as of January 10, 2000.

A. Paul Norby, AICP
Director of Planning