



DOCKET #: F1289

PROPOSED ZONING:
LB-S (Food or Drug Store)

EXISTING ZONING:
RS20

PETITIONER:
Upson and Baker
Properties for
property owned by others

SCALE: 1" represents 200'

STAFF: G. Simmons

GMA: 3 (Walkertown)

ACRE(S): 2.7

MAP(S): 654882

March 22, 2000

Upton and Baker Properties
for property owned by others
c/o Charles F. Baker, Ptn.
125 S. Elm Street, Suite 504
Greensboro, NC 27401

RE: ZONING MAP AMENDMENT F-1289

Dear Mr. Baker:

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
Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Upson and Baker Properties for property owned by Cora S. Thomas, Danny L. Thomas, and C. L. Fair

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Upson and Baker Properties for property owned by Cora S. Thomas, Danny L. Thomas, and C. L. Fair from RS-20 and HB-S (Motor Vehicle Sale, Repair, Rental, or Storage; Offices; Service Stations; and Eating Establishments) to LB-S (Food or Drug Store): property is located on the northeast corner of Old Hollow Road/NC 66 and Main Street (Walkertown) and on the south side of Ruxton Drive (Zoning Docket F-1289).

After consideration, the Planning Board recommended approval of the zoning map amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

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COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Upson and Baker Properties for property owned by Cora S. Thomas, Danny L. Thomas, and C. L. Fair, Docket F-1289

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 and HB-S (Motor Vehicle Sale, Repair, Rental or Storage; Offices; Service Stations; and Eating Establishments) to LB-S (Food or Drug Store) the zoning classification of the following described property:

All that parcel of land lying in Walkertown, NC containing 2.7 acres, more or less, and shown on the Forsyth County Tax Maps and known as Lots 1-13, 14-17, 58-60, and 61-68, Tax Block 3242 and described more particularly as follows: Beginning at an iron stake lying in the north right-of-way line of NC Highway 66, southwest corner of the property of C. M. Sheets (Tax Block 3242, Lot 18) and running thence with the north right-of-way line of NC Highway 66, north 65E 40' 19" west 122.83 feet to an iron stake; running thence with the north right-of-way line of NC Highway 66, north 65E 40' 19" west 222.00 feet to an iron stake; running thence with the north right-of-way line of NC Highway 66 on a curve to the right, north 37E 24' 29" west a chord distance of 152.25 feet to an iron stake (Delta = 56E 31' 39"; Radius = 160.76'; and Length = 158.60 feet) running thence with the northeast right-of-way line of NC Highway 66, north 09E 08' 39" west 51.17 feet to an iron stake lying in the south right-of-way line of Ruxton Street; running thence with the south right-of-way line of Ruxton Street north 78E 16' 37" east 308.29 feet to an iron stake and continuing with the south right-of-way line of Ruxton Street, south 65E 55' 51" east 227.73 feet to an iron stake; running thence south 24E 23' 30" west 150.58 feet to an iron stake; running thence south 65E 40' 59" east 29.86 feet to an iron stake; and running thence south 24E 08' 54" west 150.08 feet to the place of Beginning.

Section 2. This Ordinance is adopted after approval of the site plan entitled Eckerd Drug Store, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 19____ to Upson and Baker Properties for property owned by Cora S. Thomas, Danny L. Thomas, and C. L. Fair.

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 Eckerd Drug Store. 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 Upson and Baker Properties for property owned by Cora S. Thomas, Danny L. Thomas, and C. L. Fair (Zoning Docket F-1289).

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 LB-S (Food or Drug Store), 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 LB-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:

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall have a storm water management study 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.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. Developer shall have a septic system permit approved by the Forsyth County Health Department.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices shall be installed.
- b. Developer shall dedicate forty (40) feet of right-of-way from the centerline of the existing right-of-way of NC 66, in fee simple to the NCDOT, and thirty-five (35) feet of right-of-way from the centerline of the existing right-of-way of Main Street.

- c. Developer shall post a bond or make a payment in lieu of curb and gutter and sidewalk improvements along the entire frontage of this property on Old Hollow Road, Main Street, and Ruxton Street. Improvements shall be priced in accordance with North Carolina Department of Transportation specifications and costs shall be verified by the NCDOT. There shall be a minimum of a three (3) foot green space between the curb and the sidewalk. Internal sidewalk connections shall also be installed on the site as shown on the site plan.

C OTHER REQUIREMENTS

- a. One free-standing ground sign shall be permitted on Old Hollow Road/NC 66 and one free-standing ground sign shall be permitted on Main Street. Said signs shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.
- b. No storage trailers for storage of merchandise or retail sales purposes shall be permitted on the site.

ZONING STAFF REPORT

DOCKET # F-1289

STAFF: Glenn Simmons

Petitioner(s): Upson & Baker Properties, LLC

Ownership: Cora S. & Danny L. Thomas, and C. L. Fair

REQUEST

From: RS-20 Residential Single Family District; minimum lot size 20,000 square feet and HB-S Highway Business District (Multiple Uses)

To: LB-S Limited Business District (Food or Drug Store)

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

Acreage: 1.97 acres

LOCATION

Street: North side of Old Hollow Road (NC 66) east of the intersection with Main Street (US 311).

Jurisdiction: Town of Walkertown.

SITE PLAN

Proposed Use: Drug Store.

Square Footage: 10,908 s.f.

Building Height: One story.

Parking: 60 spaces shown @ 1 space per 200 s.f. floor area (55 required).

Bufferyard Requirements: Type III bufferyard (15 ft. width) required adjacent to RS-20 zoned property east of site.

Vehicular Use Landscaping Standards Requirements: Required for all surface parking areas.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: One story commercial structure used for car sales and older, two story residential structure.

Adjacent Uses:

North - Walkertown Branch Library and Walkertown Elementary School zoned IP (Institutional/Public).

- East - Single family property zoned RS-20 and small businesses zoned HB and HB-S.
- South - Shopping Center and Outparcel (drive-through restaurant) zoned Highway Business Special Use (HB-S).
- West - Developed Highway Business (HB) zoned property.

GENERAL AREA

Character/Maintenance: Moderate to well-maintained commercial retail to the west and south of the site. Moderate to well-maintained single family development east of the site. Institutional uses to the north of the site.

Development Pace: Slow to moderate.

PHYSICAL FEATURES

Topography: Site is generally level.

Vegetation/habitat: Mostly grass lawn.

Impact on Existing Features: Two (2) structures to be removed.

TRANSPORTATION

Direct Access to Site: Old Hollow Road (NC 66) / Ruxton Drive.

Street Classification: Old Hollow Road (NC 66) - major thoroughfare.

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

Main Street - 9,800/10,500 south of Sullivantown Road

Old Hollow Road - 11,000/10,500 east of Main Street

Trip Generation/Proposed Zoning: Food or Drug Store (LB-S) - $10,980 \text{ sf} / 1,000 = 11 \times 88.16 = 970$ trips per day. Most of these trips are already in the area. This pharmacy is moving from the shopping center across the street and will attract new turning movements that would have previously gone into the shopping center.

Planned Road Improvements: Widening Old Hollow Road (3-lanes) has been the Town of Walkertown's first priority for the past three years and was TAC's 6th countywide priority in 1998.

Sight Distance: Good.

HISTORY

Relevant Zoning Cases:

1. F-1278; HB-S (Multiple Business Uses) and RS-20 to LB-S (Multiple Business Uses); northeast corner of intersection of NC 66 and Main Street (current site); 1.97 acres; Withdrawn December 9, 1999.

2. HB-SF-1211; RS-20 to PB; approved February 9, 1999; southeast corner of Friendly Avenue and Main Street, adjacent to current site to the west; 0.34 acre; Planning Board and staff recommended approval (LB portion of request, current site, withdrawn).
3. F-1154; RS-20 to LB; approved July 8, 1996; west side of Main Street north of intersection with Old Hollow Road/NC 66 and northwest of current site; 0.61 acre; Planning Board and staff recommended approval.
4. F-1063; R-6 to B-3-S (Stores or shops, retail); approved December 6, 1993; southwest corner of Old Hollow Road and Morris Street; Planning Board recommended approval; staff recommended denial.
5. F-1052; R-6 to B-3; withdrawn June 28, 1993; southwest corner of Old Hollow Road and Morris Street; 0.436 acre; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): Separation and buffering of commercial, office, and industrial uses from residential areas. The goals of *Vision 2005* for commercial development are to provide convenient business locations that reduce travel and traffic, to protect neighborhood integrity, and to promote commercial development as a part of economic growth. The proposed development site is in a commercial area close to downtown Walkertown and across the community's major shopping center.

Redevelopment of this site would further the goals and objectives of *Vision 2005*.

Area Plan/Development Guide: This site is not within the boundary of a development guide or area plan.

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: Town of Walkertown.

Expressed Concern: "The Town supports this use and views this as an opportunity to improve traffic circulation at this intersection." (Personal communication with acting Town Manager Lynn McKinney, February 29, 2000.)

ANALYSIS

This petition is for property currently zoned RS-20 (Residential Single Family District, 20,000 square foot minimum lot size) and HB-S (Highway Business Special Use District) to be rezoned LB-S (Limited Business Special Use District [Food and Drug Store]). The property consists of one 1.97 acre tract. The property has 250' of frontage on Old Hollow Road (NC 66),

approximately 150' of frontage along Main Street, and approximately 430' of frontage along Ruxton Drive. The project site is located in a transitional area between existing highway business uses on Old Hollow Road and Main Street, institutional and public uses across Ruxton Drive to the north, and existing residential uses east of the property.

The current petition for LB-S zoning is compatible with adjacent uses and is, in staff's opinion, acceptable in view of the overall plan as submitted in the special use district zoning request. The property is at a prominent location in terms of visibility and traffic flow.

There is some concern on the part of staff that the proposed setbacks and vehicle service areas prevent this development from integrating well with adjacent uses. This is important due to the site being located between commercial, residential, library and school uses, which could be expected to generate pedestrian activity. The proposed site plan shows two (2) lanes to serve drive-through customers and two (2) additional loading and pass through lanes adjacent to institutional and residential properties. These vehicle areas increase the difficulty of safe and efficient pedestrian use of the development and surrounding area. Staff recommends that the site plan be revised to include both external and internal sidewalk connections, designed to mitigate pedestrian-vehicle conflicts to the degree possible.

However, in the context of the existing surrounding development and roads, this development is acceptable. The project should constitute a general improvement in regard to existing automobile circulation and driveway connection conflicts at the intersection of Old Hollow Road and Main Street. Multiple driveway access points to the site will be consolidated at appropriate locations. Roadway improvements along Old Hollow Road will make automobile circulation more efficient and safe. Walkertown management has expressed its support for this development.

FINDINGS

1. This parcel is located between residential, commercial and institutional uses.
2. The proposed development results in an acceptable transitional use between the HB use to the south and west of the site, institutional uses to the north of the site, and residential uses to the east.
3. Staff is comfortable with the proposal on the basis that it represents an overall improvement for the area and will have minimal negative impact on adjacent residential uses while buffering those residential uses from adjacent highway business uses.
4. The site plan should be revised to better accommodate pedestrian access.

STAFF RECOMMENDATION

Zoning: **APPROVAL.**

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

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall have a storm water management study 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.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. Developer shall have a septic system permit approved by the Forsyth County Health Department.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices shall be installed.
- b. Developer shall dedicate forty (40) feet of right-of-way from the centerline of the existing right-of-way of NC 66 in fee simple to the NCDOT, and thirty-five (35) feet of right-of-way, measured from the centerline of the existing right-of-way of Main Street.
- c. Developer shall post a bond or make a payment in lieu of curb and gutter and sidewalk improvements along the entire frontage of this property on Old Hollow Road, Main Street, and Ruxton Street. Improvements shall be priced in accordance with North Carolina Department of Transportation specifications and costs shall be verified by the NCDOT. There shall be a minimum of a three (3) foot green space between the curb and the sidewalk. Internal sidewalk connections shall also be installed on the site as shown on the site plan.

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- b. No storage trailers for storage of merchandise or retail sales purposes shall be permitted on the site.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: James Rousseau

VOTE:

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

AGAINST: None

EXCUSED: None

MOTION: John Bost certifies that the site plan meets all code requirements.

SECOND: James Rousseau

VOTE:

FOR: Avant, Bost, Johnson, 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 Cora S. Thomas & Danny L. Thomas and C. L. Fair as of January 10, 2000.

A. Paul Norby, AICP
Director of Planning