



DOCKET #: F1291
 (Continued from 03-09-00
 CCPB Meeting)

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

EXISTING ZONING:
 RS20

PETITIONER:
 Brown Investment
 Properties for
 property owned by others

SCALE: 1" represents 400'

STAFF: L. Weston

GMA: 4B

ACRE(S): 13.41

MAP(S): 684846

April 19, 2000

Brown Investment Properties
attn: Tripp Brown/Mike Reynolds
440 West Market Street
Greensboro, NC 27402

RE: ZONING MAP AMENDMENT F-1291

Dear Mr. Brown and Mr. Reynolds:

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
Chester Brown, Jr., P. O. Box 930, Greensboro, NC 27402

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Brown Investment Properties for property owned by Betty Smith Crews, Trustee and Craig Ray Crews, Trustee

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Brown Investment Properties for property owned by Betty Smith Crews, Trustee and Craig Ray Crews, Trustee from RS-20 to HB-S (Recreational Services, Indoor; Medical and Surgical Offices; Medical or Dental Laboratory; Professional Office; and Offices, Miscellaneous - TWO PHASE): property is located on the east side of NC 66 north of Old Salem Road (Zoning Docket F-1291).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Map Amendment of Brown Investment Properties for property owned by Betty Smith Crews, Trustee and Craig Ray Crews, Trustee, Docket F-1291

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 HB-S (Recreational Services, Indoor; Medical and Surgical Offices; Medical or Dental Laboratory; Professional Office; and Offices, Miscellaneous - TWO PHASE) the zoning classification of the following described property:

BEGINNING at a new iron pipe in the eastern right-of-way of NC Highway 66, said point also being a northwest corner of now or formerly Glen D. Hart (DB. 1408, PG. 504); thence with the eastern right-of-way of NC Highway 66 north 18E 46' 46" west, 63.62 feet to an existing iron pipe; thence continuing with a curve to the right having a radius of 836.19 feet an arc length of 237.58 feet and a chord bearing a distance of north 10E 38' 24" west 236.78 feet to an existing iron pipe; thence continuing north 02E 26' 19" west 230.42 feet to an existing iron pipe, said point being a southwest corner of now or formerly Gorrell Glen Cruise (DB. 1136, PG. 856); thence with the southern line of now or formerly Gorrell Glen Cruise south 84E 54' 26" east 446.16 feet to an existing iron pipe, said point being a southeast corner of now or formerly Gorrell Glen Cruise; thence with a eastern line now or formerly Gorrell Glen Cruise north 07E 55' 44" west 127.74 feet to an existing iron pipe, said point being a northeast corner of now or formerly Gorrell Glen Cruise, said point also being a southeast corner of now or formerly Alexander Alley (DB. 739, PG. 06), said point further being described as a southwest corner of now or formerly Alexander Alley (DB. 1657, PG. 4057); thence with the southern line of now or

formerly Alexander Alley south 84E 58' 59" east 618.10 feet to an existing stone; thence with a western line of now or formerly Alexander Alley south 04E 02' 09" west 168.60 feet to an existing iron pipe, said point being a southwest corner of now or formerly Alexander Alley, said point also being the northwest corner now or formerly Glen D. Hart (DB. 1947, PG. 569); thence with the western line of now or formerly Glen D. Hart south 04E 28' 28" west 442.79 feet to an existing iron pipe, said point being a northeast corner of now or formerly Glen D. Hart (DB. 1408, PG. 504); thence with the northern line of Glen D. Hart north 86E 40' 37" west 923.65 feet to the point and place of beginning. The above described property contains 575,423± square feet (D.M.D.) or 13.21± acres (D.M.D.) Also known as Tax Lots 36H and 36K, Tax Block 5643.

Section 2. This Ordinance is adopted after approval of the site plan entitled Brown-Kernersville, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 19____ to Brown Investment Properties for property owned by Betty Smith Crews, Trustee and Craig Ray Crews, Trustee.

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 Brown-Kernersville. 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 map amendment of Brown Investment Properties for property owned by Betty Smith Crews, Trustee and Craig Ray Crews, Trustee (Zoning Docket F-1291). 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 HB-S (Recreational Services, Indoor; Medical and Surgical Offices; Medical or Dental Laboratory; Professional Office; and Offices, Miscellaneous - 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:

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. This property lies within the Oak Hollow Lake WS-IV State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.
- b. 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. Lot shall be approved by the Forsyth County Health Department for the installation of septic systems.
- b. Developer shall contact the North Carolina Department of Transportation to coordinate any improvements needed to NC 66 South.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All lots along NC 66 South must have a negative access easement shown on the final plats.
- b. All roadway improvements required by NCDOT for Phase One development shall be completed to NC DOT specifications.
- c. A driveway stub connection from the main private entrance drive to the north property line shall be installed as shown on the approved site plan.

Note: The following conditions relate to the Two Phase portion of the rezoning.

C 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. The only driveways allowed onto the public streets are those shown on the site plan. Each tract shall have interconnected drives and parking lots.
 2. Signage for each tract shall be limited to one (1) five (5) foot freestanding monument sign with a maximum copy area of twenty (20) square feet.
 3. A sidewalk must be shown along NC 66 on the Phase Two site plan for Lot One and built prior to the issuance of occupancy permits.

ZONING STAFF REPORT

DOCKET # F-1291

STAFF: Larry F. Weston

Petitioner(s): Brown Investment Properties

Ownership: Betty Smith Crews, Trustee and Craig Ray Crews, Trustee

CONTINUANCE HISTORY: This petition was initially scheduled to be heard on March 9, 2000. It was continued to April 13, 2000 at the request of the petitioner to allow time to consider site plan modifications recommended by staff. The present petition represents an amended request. This petition was also modified to include a request for a Special Intense Development Allocation (SIDA) to permit impervious coverage of the site up to 70%.

REQUEST

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

To: HB-S Highway Business District (Recreational Services, Indoor; Medical and Surgical Offices; Medical or Dental Laboratory; Professional Office; Offices, Miscellaneous - TWO PHASE)

This request also includes a Special Intense Development Allocation (SIDA) within the Oak Hollow WS IV Watershed.

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

Acreage: 13.21 acres

LOCATION

Street: East side of Highway 66 South across from Crews Farm Road.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use:

Lot 1: Recreational Services, Indoor; Medical and Surgical Offices; Medical and Dental Laboratory; Professional Office; and Offices, Miscellaneous.

Lot 2: Recreational Services, Indoor; Medical and Surgical Offices; Medical and Dental Laboratory; Professional Office; and Offices, Miscellaneous.

Square Footage: 11,458 square feet in Phase One building.

Building Height: One story.

Parking: Forty-six (46) parking spaces required; fifty-eight (58) parking spaces provided.

Bufferyard Requirements: Type III bufferyard required adjoining residentially zoned land on the north, east and south.

Vehicular Use Landscaping Standards Requirements: UDO standards will apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: The site contains one single family structure, but is primarily vacant.

Adjacent Uses:

- North - Vacant land and single family dwellings zoned RS-20.
- East - Vacant land zoned RS-20.
- South - Vacant land to be developed for new Bishop McGuiness High School; zoned RS-30.
- West - Land zoned GB-S and approved for multiple business uses; other land zoned RS-20 west of NC 66.

GENERAL AREA

Character/Maintenance: This immediate area is characterized by single family residences. There is a large highway interchange (I-40 and NC 66) approximately one quarter mile north of the site. The current site is located in a transitional area between the commercial uses and activity generated by this transportation node, and the generally rural residential/agricultural uses to the south along NC 66.

Development Pace: Moderate.

PHYSICAL FEATURES

Topography: The site slopes gradually downward away from NC 66 toward the east.

Streams: A small stream encroaches on the front and back end of the site, but is not considered a development constraint.

Vegetation/habitat: None.

Constraints: This site is within the Oak Hollow Watershed WS-IV State regulated watershed and is limited to 24% newly built upon area. The requested SIDA would permit new impervious coverages up to 70%.

Impact on Existing Features: Moderate; substantial clearing and grading will be required for development of all phases.

TRANSPORTATION

Direct Access to Site: NC 66.

Street Classification: NC 66 - major thoroughfare.

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

NC 66 north of Old Salem Road -- 9,500/22,000

NC 66 south of Bunker Hill-Sandy Ridge Road -- 7,300/10,500

Sight Distance: Good.

Interior Streets: A private drive will serve the development. A negative access easement along NC 66 is proposed by staff as a condition of site plan approval.

HISTORY

There are only two zoning cases in the immediate area within the Forsyth County zoning jurisdiction. Several rezonings have been approved by Kernersville near the I-40/NC66 interchange. The Forsyth County cases are listed below:

1. F-1265; RS-20 to GB-S (Multiple business uses); approved September 13, 1999; directly across NC 66 South ; 3.1 acres; Planning Board and staff recommended denial.
2. F-1101; RS-30 to HB-S (Storage Services, Retail); denied April 10, 1995; approximately 1 ½ miles south of current site on the west side of NC 66; 5.45 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 5: Rural.

Relevant Comprehensive Plan Recommendation(s): The intersection of I-40 and NC 66 is identified as a future activity center in the plan. These are areas of concentrated mixed use development with employment and services at their core; uses are oriented to and functionally linked with each other.

Area Plan/Development Guide: *Interstate 40/NC 66 Development Guide*.

Relevant Development Guide Recommendation(s): The area plan recommends that this area be developed for office use. To protect NC 66 as a safe thoroughfare, the plan recommends that the area be developed as one, two or three projects.

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: The site is located approximately 100 feet south of the Kernersville zoning jurisdiction boundary, and at one point touches the boundary.

Expressed Concern: The Kernersville Planning Director was provided with a copy of the zoning request. He expressed concern about the original "Food and Drug Store" and the "Recreation Services, Indoor" uses on the east side of NC 66. He also indicated that all roads and public improvements should conform to Town of Kernersville standards, and that if public water and sewer were to be incorporated into the development the property owner would need to submit a valid petition for annexation prior to building permit submittal.

ANALYSIS

This proposal is to rezone approximately 13.41 acres from RS-20 to HB-S for the development of various office and indoor recreational uses in a TWO PHASE approach. The proposed first phase of the development would consist of one building containing approximately 11,500 square feet. NC 66, a major thoroughfare with a mixture of commercial, non-conforming, residential, and agricultural uses, serves as a connector from US 311 to I-40. The road also serves as an entrance into Kernersville. This immediate area has few visible commercial uses and is residential and agricultural in character; however a business zoning was approved in late 1999 for property across NC 66, and there are commercial uses on the west side of NC 66 to the north at the intersection with I-40. The Town of Kernersville has expressed concern over the potential establishment of intense retail commercial uses at this location.

Planning staff has also expressed a concern that commercial retail uses are inappropriate in this area, despite the fact that another intense zoning district (GB-S) with multiple business uses was approved in September 1999 directly across NC 66. Staff notes that the *Interstate 40/NC 66 Development Guide* recommends office use for this location, as a transition between the residential area to the south and the more intense commercial development around the I-40/NC 66 interchange further north. As a result of staff's concerns, and through discussions with the petitioner regarding scale and intensity of commercial use, the most intensive use — Food or Drug Store — has been removed from the current petition. The level of office uses remaining in this petition does not pose a significant conflict and is generally supported by the I-40/NC66 Development Guide.

This is a rural residential/agricultural area (GMP Area 5), and commercial zoning, except for clearly defined neighborhood serving retail uses, should not be located in this type area since it directly conflicts with *Vision 2005*. With the deletion of the Food or Drug Store use, the petition more closely conforms to staff's view of how this site should be developed. But for the Medical or Dental Laboratory use, the petition would not need the Highway Business (HB) zoning district that is requested, and may well have submitted a Limited Business (LB) district rezoning request.

Staff's issue with HB zoning has been the potential for contributing to the spread of commercial zoning along Highway 66 South with no logical stopping point. In this case most of the uses proposed are office-related (including the Medical or Dental Laboratory use) and the one other use - Recreation Services, Indoor - has been voluntarily restricted by the petitioner to two SIC codes (#7991 and #7991, which specify sports club and physical fitness facility uses). Because of these special circumstances and through fruitful discussions between the petitioner and both Planning Board staff and Kernersville Planning staff, staff believes that this particular HB-S rezoning petition can be supported.

Staff anticipates that the overall site design, when completed, will conform to the requirements for activity centers as envisioned in the *Vision 2005* plan. Elements such as the relationship of its layout to surrounding parcels, vehicular connections between lots, and pedestrian walkways between parcels will strengthen the site plan considerably. Staff has urged the petitioner to build

in the flexibility that permits integration of this project with subsequent development proposals. The petitioner has been supportive of this approach and expects to integrate this development into the overall pattern for surrounding area.

The site exists in the Oak Hollow Lake Watershed and extensive commercial development should not be encouraged in a watershed area. Under state watershed WS IV development standards, this site would be allowed no more than 24% new built upon area. The first phase has a built upon area of 0.86 acres, leaving only 2.4 acres in the "impervious envelope". Any more than a 24% total would exceed the watershed limitations. Accordingly, the petitioner has requested a Special Intense Development Application (SIDA) from the Forsyth County Board of Commissioners to allow new built upon area impervious coverages up to 70%.

Under the provisions of the UDO, SIDA requests must meet two tests. First, a project must qualify under a points system to screen unworthy projects from consideration. The points systems specifically rewards projects for varying levels of capital investment, infrastructure support, environmental conservation, as well as other basic planning objectives. In staff's opinion this project meets the minimum three hundred point threshold for this first test. Secondly, staff's recommendation and the Commissioner's decision to approve or deny the request must be based five findings of fact. The following is a list of the five findings and planning staff's evaluation and recommendation regarding each (Section 4-5.2(D) of Chapter C "Environmental Ordinance" of UDO):

1. *The proposed project is in conformance with the adopted comprehensive plan (Vision 2005).* Yes. Although the project is at the southern edge of the I-40/NC66 Activity Center, the current location is supported by the I-40/NC 66 Development Guide for office development.
2. *The proposed project land use and site design are compatible with the general character of the area and surrounding uses.* Yes. The current site is located in a transitional area between residential and institutional uses to the south and more intensive retail commercial uses farther north at the I-40 interchange with NC 66.
3. *The proposed project provides a significant economic benefit to the community by creating or retaining jobs, increasing the property tax base, or assisting industry to grow and or remain in Forsyth County; or, the project meets an identified community need such as the provision of community facilities, retail businesses or personal services, or affordable housing.* Yes. The mixed use concept of the I-40/NC 66 Activity Center of Vision 2005 and the I-40/NC 66 Development Guide both support office uses at this location.
4. *The proposed project does not pose a threat to the environment, especially water quality, and appropriate steps have been taken to minimize any potential negative environmental impacts.* Staff concurs that the project "does not pose a threat to the environment" and that appropriate steps are shown on the site plan "to minimize any potential negative environmental impacts".

5. *The proposed project has good transportation access, including proximity to major roads and/or rail lines.* Yes. The site is located on a major thoroughfare and is proximate to the I-40/NC 66 interchange.

If the SIDA is approved, State watershed calculation criteria will require that 8.81 acres be allocated from the Oak Hollow Lake Watershed SIDA of the total 115 acres available.

FINDINGS

1. This request proposes office, office-related, and limited service uses are appropriate in this developing transitional neighborhood.
2. The petition is consistent with *Vision 2005* and the *I-40/NC 66 Development Guide* which supports office level uses at the current location..
3. This proposal, if approved, would limit the incremental spread of strip commercial zoning along Highway 66 South between I-40 and US 31, because of the specific uses and restrictions included in this special use district petition.
4. This site is within the Oak Hollow Lake Watershed and will require a SIDA grant in order for impervious coverages to exceed 24%.
5. Planning staff supports the SIDA request on the basis that the project qualifies under the points provisions and meets the five findings required under the UDO.

STAFF RECOMMENDATION

Special Intense Development Allocation: **APPROVAL**

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. This property lies within the Oak Hollow Lake WS-IV State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.
- b. 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.

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- b. Developer shall contact the North Carolina Department of Transportation to coordinate any improvements needed to NC 66 South.

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Note: The following conditions relate to the Two Phase portion of the rezoning.

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- 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 tract shall be limited to one (1) five (5) foot freestanding monument sign with a maximum copy area of twenty (20) square feet.
 - 3. A sidewalk must be shown along NC 66 on the Phase Two site plan for Lot One and built prior to the issuance of occupancy permits.

[For information only: In the draft Legacy plan this site is located within the municipal services area (designated growth area). The intersection of I-40 and NC 66 is identified as a metro activity center in the plan. Metro activity centers have a core area with a mix of uses including commercial, office, institutional and high density residential surrounded by a support area of higher density residential. They have a radius of about ½ mile so that walking to destinations within the activity center is encouraged.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved approval of the rezoning petition.

SECOND: Kerry Avant

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Steve Johnson certified that the site plan meets all code requirements, and staff recommendations should apply.

SECOND: Kerry Avant

VOTE:

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

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Betty Smith Crews Trustee and Craig Ray Crews Trustee as of January 28, 2000.

A. Paul Norby, AICP
Director of Planning