



DOCKET #: F1307

PROPOSED ZONING:
NO-S (Professional Office)

EXISTING ZONING:
AG

PETITIONER:
C. Edwards and Company
for property owned by others

SCALE: 1" represents 200'

STAFF: G. Simmons

GMA: 5

ACRE(S): 0.48

MAP(S): 684846

May 24, 2000

Charles L. Edwards, President
C. Edwards & Co., Inc.
116 B S. Cherry Street
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT F-1307

Dear Mr. Edwards:

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
Gladys Phipps, 66 Phippswood Court, Kernersville, NC 27284
Jeff Hatling, Planning Director, Town of Kernersville, P. O. Box 4185, Kernersville, NC
27285
Helen Idol, 3827 Johnson Street, High Point, NC 27265
Nancy Chia, 55 Phippswood Court, Kernersville, NC 27284

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of C. Edwards and Company, Inc., for property owned by James Idol and Linda Idol

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of C. Edwards and Company, for property owned by James Idol and Linda Idol from AG to NO-S (Professional Office): property is located on the southwest side of NC 66 south of Old Salem Road; (Zoning Docket F-1307).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of C. Edwards & Co., Inc., for
property owned by James Idol and Linda Idol,
Docket F-1307

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 NO-S (Professional Office) the zoning
classification of the following described property:

BEGINNING at an iron stake in the western right-of-way of NC Highway 66, said iron stake
being the southeast corner of Lot no. 38 Tax Block 5643 and having NC Grid Coordinate of
north 849,057.57, east 1,685,886.68 and being located north 36E 56' 10" west 1,988.75 feet from
NCGS "Bunker" (NC Grid Coordinate of North 847,467.96, east 1,687,081.77; thence with the
southern line of Lot 38 north 89E 47' 39" west 148.22 feet to an iron stake, the southwest corner
of Lot 38 Tax Block 5643, and the southeast corner of Lot 5 Tax Block 5643C; thence north 20E
11' 08" west 150.07 feet to an iron stake, the northwest corner of Lot 38 Tax Block 5643 and the
southwest corner of Lot 39D Tax Block 5643; thence south 89E 56' 35" east 148.05 feet to an iron
stake in the western right-of-way of NC Highway 66; thence with the western right-of-way of
said Highway south 20E 09' 22" east 150.77 feet to the place of beginning and containing 0.480
acre more or less. The above described being generally known as Lot No. 38, Forsyth County
Tax Block 5643 and shown on a survey prepared by Brady Surveying Company on February 14,
2000.

Section 2. This Ordinance is adopted after approval of the site plan entitled C. Edwards & Co, 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 C. Edwards & Co., Inc.

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 C. Edwards & Co., 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 C. Edwards & Co., Inc., for property owned by James Idol and Linda Idol (Zoning Docket F-1307). 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 NO-S (Professional Office), 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 NO-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances* of the County Code, the Erosion Control Ordinance, and other applicable laws.

ZONING STAFF REPORT

DOCKET # F-1307

STAFF: Glenn Simmons

Petitioner(s): C. Edwards and Company, Inc.

Ownership: James E. Idol and Linda S. Idol

REQUEST

From: AG Agricultural District

To: NO-S Neighborhood Office District (Professional Office)

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

Acreage: 0.48 acre

LOCATION

Street: West side of NC 66 approximately 150 feet south of Old Salem Road.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Professional Office.

Square Footage: 1,739 square feet.

Building Height: Single Story.

Parking: Required: six spaces; Proposed: six spaces.

Bufferyard Requirements: Type II bufferyard required where rear parking is located adjacent to residentially zoned properties.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Existing single story brick frame structure to remain.

Adjacent Uses:

- North - Vacant AG and RS-20 residentially zoned property. Existing GB-S zoned property farther north on west side of NC 66.
- East - New Bishop McGuinness Catholic High School.
- South - Vacant AG zoned property.
- West - Vacant and sparsely developed RS-30 zoned property.

GENERAL AREA

Character/Maintenance: Generally rural residential in character, however, the area is transitioning into more intensive uses. Office and retail commercial uses have been approved farther north near the I-40 interchange and the new Bishop McGuinness High School is currently under construction on the east side of the Old Salem Road /NC 66 intersection.

Development Pace: Slow to moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Existing single story brick and vinyl siding structure proposed to be converted to a professional office.

Topography: Slopes gently downward from front to rear of site.

Streams: None

Vegetation/habitat: Generally open.

Constraints: No major constraints.

Is the project in a water supply watershed? Yes; Abbott's Creek watershed.

Compliance with Watershed Protection Regulations: Allowable development includes a low-density option at 2du/ac or 24% built-upon area or issuance of a special intense development allocation (SIDA) that would allow up to 70% built upon area without storm water controls.

TRANSPORTATION

Direct Access to Site: NC 66 South.

Street Classification: NC 66 South - major thoroughfare; Old Salem - minor thoroughfare; Bunker Hill-Sandy Ridge Road - minor 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

Old Salem Road - west of NC 66 - 1,800/9,000

Trip Generation/Existing Zoning: AG - $.48 \text{ ac}/40,000 = 1 \text{ lot} \times 9.55 = 9.55 \text{ avg. trips/day}$

Trip Generation/Proposed Zoning: $1,739 \text{ sf}/1,000 = 1.7 \times 11.01 = 19 \text{ avg. trips/day}$

Planned Road Improvements: None

Sight Distance: Adequate.

HISTORY

Relevant Zoning Cases:

1. F-1291; RS-20 to HB-S (Multiple office, and indoor recreation uses); pending consideration by County Commissioners; east side of NC 66, northeast of intersection of NC66 and Crews Farm Road; 13.41 acres; Planning Board and staff recommended approval.

2. F-1265; RS-20 to GB-S (Multiple business uses); approved September 13, 1999; northwest corner of Crews Farm Road and NC 66; 3.1 acres; Planning Board and staff recommended denial.
3. F-1239; RS-20 to GB-S (General Merchandise Store; Services, Business B; and Manufacturing A); northwest corner of Crews Farm Road and NC 66; withdrawn July 9, 1998;
4. 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): *Vision 2005* calls for limited residential and commercial development, retention of farming activities, and preservation of the natural environment. 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. The plan does not define a size or a mix of uses for these activity centers.

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

Relevant Development Guide Recommendation(s): The plan calls for comprehensive, mixed-use development focused near the I-40/US 66 interchange with no specific recommendation for the area south of Old Salem Road and west of US 66 that includes the petitioner's site.

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: Forsyth County.

Expressed Concern: Although the current request is located south of the Town of Kernersville, Jeff Hatling, Kernersville Planning Director, offers the following comments in anticipation that the area may someday be annexed into Kernersville:

1. The request does not conform to the *I-40/NC 66 Development Guide*;
2. Non-residential use would promote an urban sprawl development pattern;
3. NC 66 South is a major thoroughfare which needs to be protected from a multi-curb cut commercial strip;
4. The *Legacy* plan calls for this area to undertake an "Activity Center" planning process.

ANALYSIS

The current request is a proposal to rezone 0.48 acre of land from existing AG (Agriculture) to NO-S (Professional Offices). The property is located on the west side of NC 66 approximately 150 feet south of the intersection of Old Salem Road. The site is situated in an area which is

undergoing various land use changes, particularly farther north from the site nearer the I-40 interchange. The new Bishop McGuiness Catholic High School is currently under construction on the east side of NC 66 opposite the current site.

The NO-S request proposes to convert an existing single story, brick and vinyl sided residential structure into a professional office. Except for the addition of three new parking spaces, the site and the 1,740 sf structure will retain its existing residential character.

The property is also located within the Abbotts Creek, WS-III Water Supply Watershed. Under the watershed provisions only 24% of the currently vacant land area can be covered with new impervious materials. According to the petitioner's site plan, proposed new impervious development is substantially less than the 24% maximum allowed.

Although the property is located on an increasingly busy thoroughfare with new non-residential development either currently under construction or proposed for construction in the area, staff is concerned about the prospect of extending commercial development farther southward along NC 66. While staff may be supportive of a larger, more comprehensively planned mixed use development in the southwestern corner of the intersection of Old Salem Road and NC 66, staff is concerned that the proposed NO-S zoning may restrict the potential of such development and promote piecemeal, or leapfrog commercial development of the area. Unrestricted, such development creates traffic problems with multiple driveway cuts and other problems associated with commercial sprawl.

While the Neighborhood Office District is intended as transitional land use between established residential areas and encroaching commercial districts, it is typically better suited in situations where the boundaries between such uses are better defined than the current situation. In this respect staff believes the subject site is better suited for a more comprehensive approach to land development.

FINDINGS

1. The current request is a proposal to convert an existing single story residential structure into a 1,739 square foot professional office.
2. The property is located within an area which is undergoing various non-residential land use changes especially near the I-40 interchange.
3. The new Bishop McGuiness Catholic High School is currently under construction on the east side of NC 66 opposite the current site.
4. The site plan meets the requirements of Abbotts Creek, WS-III Water Supply Watershed.
5. The southwest corner of the intersection of NC 66 and Old Salem Road may be better suited for a more comprehensively planned mixed use development rather than piecemeal commercial development.

6. The NO zoning classification is generally better suited as a transitional land use where the boundaries between established commercial and residential districts are more precisely defined.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Staff certifies that **the site plan meets all code requirements**, and recommends no additional requirements.

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Charles L. Edwards, P. O. Box 2365, Kernersville, NC 27285

My street address is 2349 Heston Farm Drive, Kernersville, NC 27284

This would be an office for my small construction business. It would be for three employees. The property would retain its residential flavor and the only change in character would be to install the buffer requested by staff.

Read purpose statement for NO District.

The NO District is one of the most restrictive zoning districts, so if in the future someone wants to develop this site as part of a larger plan, it will be perfectly suited to adapt to that plan.

I ask that you vote for this request to preserve the residential flavor of the area and provide a transition between commercial and residential areas.

AGAINST:

Gladys Phipps, 66 Phippswood Court, Kernersville, NC 27284

I own property near this site. I feel this site should be preserved to be combined with the other land in this area which is available. In this area, there are two places which started out as offices and didn't last very long as offices. One is now a used car lot. If we start this piecemeal thing, it can spread on down. We don't want this piecemeal thing to continue down our way. The school is going to be built here and is nice.

Jeff Hatling, Planning Director, Town of Kernersville, P. O. Box 4185, Kernersville, NC 27285

Here to support Planning staff's recommendation.

Reviewed Kernersville's plan for NC 66 and I-40 and noted that the Town is adhering to the plan and hopes that will continue.

We are concerned about the piecemeal impacts and the leapfrog results on NC 66.

The northwest quadrant of Old Salem Road and NC 66 is recommended as an activity center.

We recommend denial.

WORK SESSION

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

Steve Johnson noted that with the school being built here and the potential for initiating piecemeal development, it is premature for us to approve this.

MOTION: Steve Johnson moved denial of the zoning map amendment.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Steve Johnson certifies that the site plan meets all code requirements.

SECOND: Kem Schroeder

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, 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 James Edsel Idol and Linda Idol as of April 4, 2000.

A. Paul Norby, AICP
Director of Planning