



DOCKET #: F1321
 (continued from August 10
 CCPB meeting)

PROPOSED ZONING:
 HB-S (Multiple Business
 Uses)

EXISTING ZONING:
 RS20

PETITIONER:
 A. David Willette

SCALE: 1" represents 200'

STAFF: Reed

GMA: 5

ACRE(S): 1.67

MAP(S): 594886

October 18, 2000

A. David Willette
103 Cheswyck Lane
Winston-Salem, N.C. 27104

RE: ZONING MAP AMENDMENT F-1321

Dear Mr. Willette:

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
Wade Peoples, 3405 Lakeview Drive, Pfafftown, NC 27040

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of A. David Willette

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of A. David Willette from RS-20 to HB-S (Building Contractors, General; General Merchandise Store; Services, Business A; and Services, Personal): property is located at the southwest corner of Transou Road and Reynolda Road/NC 67 (Zoning Docket F-1321)

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of A. David Willette, Docket F-1321

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 (Building Contractors, General; General Merchandise Store; Services, Business A; and Services, Personal) the zoning classification of the following described property:

All that parcel of land lying in Vienna Township, County of Forsyth and State of NC Containing 1.67 acres as shown on a survey dated: May 8, 2000 by Michael E. Gizinski, Registered Land Surveyor described as follows:

Beginning at an iron stake lying in the west right of way line of Transou Road, northeast corner of the property of Pfafftown Baptist Church (Deed Book 1537, Page 1085 - Tax Block 4747, Lot 503) and running thence north 49° 07' 29" west 387.01 feet to an iron stake; running thence north 28° 52' 10" east 131.27 feet to an iron stake; running thence north 85° 48' 50" east 105.77 feet to an iron stake; running thence south 55° 32' 50" east 180.51 feet to an iron stake; running thence south 22° 39' 20" east 95.13 feet to an iron stake; and running thence south 18° 21' 30" west 196.03 feet to the place of beginning - and being the greater part of Lot 29Q, Tax Block 4747. See Deed Book 1537, Page 1076, Forsyth County Registry.

Section 2. This Ordinance is adopted after approval of the site plan entitled A. David Willette, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to A. David Willette.

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 A. David Willette. 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 A. David Willette (Zoning Docket F-1321). 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 (Building Contractors, General; General Merchandise Store; Services, Business A; and Services, Personal), 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 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 GRADING PERMITS**
 - a. The property is located within the Yadkin River WS-IV State regulated water supply watershed. Developer must obtain a watershed permit from the City-County Inspections Division.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall have a septic system approved by the Forsyth County Health Department.

- **OTHER REQUIREMENTS**
 - a. One (1) freestanding monument sign shall be permitted with a maximum height of five (5) feet.

ZONING STAFF REPORT

DOCKET # F-1321
STAFF: David Reed

Petitioner(s): A. David Willette
Ownership: Same

CONTINUANCE HISTORY

The petition was continued from the August 10, 2000, Planning Board public hearing to allow petitioner time to meet with the neighbors.

REQUEST

From: RS-20 Residential Single Family District; minimum lot size 20,000 sf
To: HB-S Highway Business District (Building Contractors, General; General Merchandise Store; Services, Business A; and Services, Personal)

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

Acreage: 1.67 acres

LOCATION

Street: Southwest intersection of Transou Road and Reynolda Road.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Building Contractors, General; General Merchandise Store; Services, Business A; and Services, Personal.

Square Footage: 8,000 square feet.

Building Height: Single commercial story.

Parking: Required: 21 spaces; proposed: 21 spaces.

Bufferyard Requirements: A type III bufferyard is required adjacent to RS-20 zoning.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently vacant.

Adjacent Uses:

Northeast - Legally nonconforming restaurant zoned RS-20.
East - Retail store zoned LB-S.

Southeast - Single family homes.
South - Church.
West - Vacant wooded land (proposed path of northern beltway).
Northwest - Single family homes.

GENERAL AREA

Character/Maintenance: Well maintained homes and businesses.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site will be cleared for development.
Topography: Site slopes down slightly to the northwest.
Vegetation/habitat: Site is wooded.
Constraints: Right-of-way for the northern beltway, thoroughfare overlay setback for the beltway, and the Yadkin River Watershed.
Floodplains: None.
Water supply watershed: Yadkin River direct drainage area (WS IV)
Compliance with Watershed Protection Regulations: Developer would be required to meet the watershed requirements.

TRANSPORTATION

Direct Access to Site: Transou Road.
Street Classification: Transou Road - major thoroughfare; Reynolda Road - major thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Transou Road south of Reynolda Road - 4,200/10,000
Reynolda Road east of Transou Road - 11,000/16,100
Reynolda Road west of Transou Road - 9,100/11,000
Trip Generation/Existing Zoning: RS-20 1.67 ac/20,000 sf = 3 lots x 9.57 = 29 trips
Trip Generation/Proposed Zoning: HB-S 8,000 sf/1,000 sf = 8 x 40.67 (trip rate specialty retail center) = 326 trips
Planned Road Improvements: Northern Beltway adjoining the site on the west side with some improvements to Reynolda Road.
Sight Distance: Good.
Transit: Transit is not available at this time.

HISTORY

Relevant Zoning Cases:

1. F-988; R-5 to B-3-S (Stores or Shops, Retail); approved February 11, 1991; southeast corner of Reynolda Road/NC 67 and Transou Road/NC 65; 0.58 acre; Planning Board and staff recommended approval.

2. F-720; R-5 to B-3-S (Stores or Shops, Retail); denied February 11, 1985; southeast corner of Reynolda Road/NC 67 and Transou Road/NC 65; 0.97 acre; Planning Board and staff recommended approval.
3. F-467; R-5 to B-3; denied May 1, 1978; southwest side of Reynolda Road/NC 67 northwest of Transou Road; 7.0 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Policies for the rural area include limited residential and commercial development, retention of farming activities and preservation of the natural environment. The plan also recommends an activity center be developed at a point along the northern beltway. Preliminary planning indicates the subject interchange will not be a recommended location for an activity center.

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

ANALYSIS

The subject property is located at the intersection of Reynolda Road and Transou Road. Two of the other corners at the intersection are developed with commercial uses. One is legally nonconforming and the other is zoned LB-S. The proposed northern beltway will intersect with Reynolda Road on the western boundary of the subject site. When the beltway is developed, the site will be not only at the corner of Reynolda Road and Transou Road but will be at the corner of Reynolda Road and the Northern Beltway.

The building of beltways and the subsequent rezoning of land at beltway interchanges is a very interesting subject to study. The reason beltways are typically created as a transportation facility is to move longer distance traffic and relieve congestion; however, as communities approve rezoning requests for commercial developments around beltway interchanges, additional traffic congestion is drawn to the very road that was built to move traffic. Rezoning the land at beltway interchanges for commercial uses also contributes to the relocation of businesses out of established commercial areas closer in.

There are, however, some reasons to support some type of rezoning for the subject site. These reasons include the existing commercial uses at two of the other corners of Reynolda Road and Transou Road and the fact that the site is sandwiched between that intersection and the proposed beltway intersection. *Vision 2005* recommends an activity center be developed along the northern beltway, however, preliminary planning indicates the subject interchange will not be a recommended location for an activity center.

Staff recommends a zoning less intense than HB-S be pursued for the site, such as IP for the possible expansion of the church to the south, LO-S, or perhaps LB-S for a use that would be lower intensity and neighborhood serving.

FINDINGS

1. The subject property is located at the intersection of Reynolda Road and Transou Road and will be at the corner of Reynolda Road and the Northern Beltway.
2. Typically, beltways are created to move longer distance traffic and relieve congestion, however, as communities approve rezoning requests for commercial developments around beltway interchanges, additional traffic congestion is drawn to the very road that was built to move traffic.
3. There are some reasons to support some type of rezoning for the subject site.
4. Staff is concerned that the approval of the proposed zoning will set a precedent for other corner lots at the beltway interchanges.
5. Staff recommends a less intense zoning than HB-S be pursued for the site.

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 GRADING PERMITS**
 - a. The property is located within the Yadkin River WS-IV State regulated water supply watershed. Developer must obtain a watershed permit from the City-County Inspections Division.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall have a septic system approved by the Forsyth County Health Department.
- **OTHER REQUIREMENTS**
 - a. One (1) freestanding monument sign shall be permitted with a maximum height of five (5) feet.

[For information purposes only: The petitioner's site and the surrounding area are within the municipal services area and part of the suburban neighborhoods planning area of the Draft Legacy Comprehensive Plan. The policies for this planning area include concentrating commercial development at nodes and putting neighborhood serving commercial close to or within neighborhoods where practical.]

PUBLIC HEARING - August 10, 2000

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC, representing the applicant.

Mr. Willette owns 2/1/2 acres and is a cabinet builder.

Because of land required for the beltway, watershed requirements, and setback for the thoroughfare overlay along the beltway, the amount of land Mr. Willette can use has been reduced. He originally proposed a 17,400 sf building; but had to reduce that to a 8,000 sf building as currently shown on the site plan.

This type of business will produce very little traffic.

There are four existing businesses around the intersection.

He noted that this is not a place for homes to be built because the beltway connector will be coming through this area.

AGAINST:

Mr. Wade Peoples, 3405 Lakeview Drive, Pfafftown, NC 27040

He stated that he was not in opposition to the application but has concerns regarding the design and aesthetics of the site. The nature of the construction of the building could be a determining factor in his being in opposition to this application.

He lives in this area and owns property here.

He hopes that this request will help the area and not be an eyesore. He requested a continuance until the aesthetics or finish materials of the building could be seen.

WORK SESSION;

In response to a question, Mr. Gauss stated that the Planning Board does not usually consider architectural features of a plan. Until recently, the Planning Board could not consider architectural features; however a recent change in State law removed the prohibition.

(NOTE: Subsequent to the meeting, SB943 from the 1999 session, which amended local provisions for zoning, was reviewed. The act removed the prohibition on architectural features for all jurisdictions EXCEPT Forsyth County. The prohibition regarding architectural features as a part of site plan conditions would therefore still apply.)

Mr. Johnson stated that the Planning Board encourages petitioners to meet with the community to discuss these types of problems and concerns.

Concern was expressed whether the uses requested broader categories than just a cabinet shop; other, more intense uses could be built.

Mr. Calaway stated that he did not have plans or drawings here at the meeting, but had no problem meeting at another time with the neighbors to discuss the building plans and narrow down the type of use.

There being no further discussion regarding this matter the Board recommended a continuance to October 12, 2000.

MOTION: Kerry Avant moved to continue the case to October 12, 2000.

SECOND: John Bost

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - October 12, 2000

David Reed presented the staff report.

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

The property owners live in this area and have financial interest in land in this immediate area.

Highway and watershed have taken large chunks of this property.

Mr. Willette is a cabinet maker and would like a place for his store.

Submitted illustration of facade as proposed and volunteered that as part of the conditions for this case.

AGAINST:

Wade Peoples, 3405 Lake View Drive, Pfafftown, NC 27040

We are not opposed to the rezoning, but we are opposed to any building that is not beautiful. This is at an interchange to the beltway and should contribute to the beauty of the area. This diagram does not seem to address any of our concerns and would not improve the area.

We don't feel the community should suffer. What goes into this corner will set a precedent.

You can make great strides to beautify the community by your decision today.

WORK SESSION

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

1. Everything below the top of the building would be masonry, stucco, or brick.
2. It is conceivable that more than one business could be placed here. The building appears to be "flex space" and could accommodate multiple tenants.

3. The building is approximately 8,000 sf.
4. In response to a question, Tim Gauss indicated that State law does not authorize the Planning Board to attach conditions dealing with architectural details in Forsyth County's jurisdiction.
5. Kerry Avant asked what staff would see as an alternative use at this site. In response, David Reed indicated that this site is a small area in a tight situation, however, some other less intense non-residential zoning, such as LB-S or LO-S may be appropriate.

MOTION: Terry Powell 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: John Bost certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Terry Powell

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 A. David Willette as of June 28, 2000.

A. Paul Norby, AICP
Director of Planning