



**DOCKET #:** F1327

**PROPOSED ZONING:**  
 HB-S (Multiple Business Uses)

**EXISTING ZONING:**  
 HB-S (Multiple Business Uses - TWO PHASE) (Tract 1) & RS9 (Tract 3)

**PETITIONER:**  
 Judy H. Hartman, Trustee

**SCALE:** 1" represents 200'

**STAFF:** Reed

**GMA:** 4B

**ACRE(S):** 5.318

**MAP(S):** 624818

October 18, 2000

Judy H. Hartman, Trustee  
9468 Highway 150 North  
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT F-1327

Dear Ms. Hartman:

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 Judy H. Hartman, Trustee

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

Zoning map amendment of Judy H. Hartman, Trustee from HB-S (ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Club or Lodge; Fraternity or Sorority; Restaurant (without drive-through service); Restaurant (with drive-through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Building Contractors, General; and Building Contractors, Heavy; Services, Business A; Services, Business B; and Services, Personal - TWO PHASE) and RS-9 to HB-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Office; Retail Store, Specialty or Miscellaneous; ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services, Business B; and Services, Personal): property is located on the east side of Peters Creek Parkway/NC 150 across from Friedburg Church Road (Zoning Docket F-1327).

After consideration, the Planning Board recommended approval of the zoning map amendment, certified that the site plan meets all code requirements and recommended staff conditions.

**ATTACHMENTS:-**      X   YES            \_\_\_ NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Judy H. Hartman, Trustee, Docket F-1327

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 HB-S (ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Club or Lodge; Fraternity or Sorority; Restaurant (without drive-through service); Restaurant (with drive-through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Building Contractors, General; and Building Contractors, Heavy; Services, Business A; Services, Business B; and Services, Personal - TWO PHASE) and RS-9 to HB-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Office; Retail Store, Specialty or Miscellaneous; ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General

Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services, Business B; and Services, Personal) the zoning

classification of the following described property:

BEGINNING at an iron in the east right-of-way margin of Peters Creek Parkway said iron being the northwest corner of Tax Lot 111, Block 3874 owned by Judy H. Hartman, Trustee U. A. D. 11/24/97 as recorded in Deed Book 1977, Page 3237 in the Office of Register of Deeds, Forsyth County, North Carolina; thence from point of Beginning and running with the south line of Tax Lots 12A, 13A and 14A, Block 3871 owned by Thelma Niday as recorded in Deed Book 849, Page 54, Forsyth County Registry, south  $87^{\circ} 13' 04''$  east 155.18 feet to an iron, thence running with the south line of Tax Lot 15A, Block 3871 owned by William T. Leonard and wife Deborah as recorded in Deed Book 1179, Page 848, Forsyth County Registry, south  $87^{\circ} 32' 25''$  east 109.24 feet to an iron, thence running with the south line of Tax Lots 15B and 16, Block 3871 owned by Ruby C. Fishel as recorded in Deed Book 809, Page 321 in the Forsyth County Registry and with the south line of Tax Lot 17, Block 3871 owned by Timothy C. Pope as recorded in Deed Book 2034, Page 2076 in the Forsyth County Registry, south  $87^{\circ} 36' 57''$  east 87.05 feet to an iron, thence south  $87^{\circ} 34' 39''$  east 21.85 feet to an iron, thence south  $87^{\circ} 14' 39''$  east 146.18 feet to an iron, said iron being the northwest corner of Tax Lot 18, Block 3871 owned by Jerry Clyde Keiger, Heirs and recorded in Deed Book 1534, Page 936 Forsyth County Registry, thence with said Keiger line south  $03^{\circ} 07' 00''$  west 544.62 feet to an iron in the north line of Tax Lot 39E, Map 3 owned by David Colter as recorded in Deed Book 784, Page 465 in the Office of Register of Deeds, Davidson County, North Carolina, thence with the said north line of Colter and with the north line of Tax Lot 39A, Map 3 owned by Buddy Tuttle as recorded in Deed Book 403, Page 332 in the Davidson County Registry, north  $86^{\circ} 51' 58''$  west 427.97 feet to an iron, said iron being the southeast corner of Tax Lot 20X, Block 3874 owned by Traco Investments as recorded in Deed Book 1551, Page 917 in the Office of Register of Deeds, Forsyth County, North Carolina, thence with the Traco line north  $31^{\circ} 49' 53''$  east 81.44 feet to an iron, said iron being the southeast corner of Tax Lot 110, Block 3874 owned by Crosstree Group, LLC as recorded in Deed Book 1967, Page 2671 in the Forsyth County Registry, thence with the east line of Crosstree north  $32^{\circ} 05' 31''$  east 240.31 feet to an iron in the centerline of a 30-foot access and utility easement, said iron being the northeast corner of said Crosstree property, thence running with the centerline of said 30-foot access and utility easement, said centerline being the common property line between Crosstree and Hartman, north  $65^{\circ} 12' 38''$  west 132.04 feet to a point, thence north  $74^{\circ} 54' 19''$  west 219.96 feet to an iron in the east right-of-way margin of Peters Creek Parkway, thence with the east right-of-way margin of Peters Creek Parkway north  $32^{\circ} 06' 07''$  east 187.45 feet to the point and place of BEGINNING. Containing 5.318 acres.

Section 2. This Ordinance is adopted after approval of the site plan entitled Hartman Plaza - Tracts 2 and 3, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to Judy H. Hartman, 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 Hartman Plaza - Tracts 2 and 3. 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 Judy H. Hartman, Trustee (Zoning Docket F-1327). 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 (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Office; Retail Store, Specialty or Miscellaneous; ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services, Business B; 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 FOR THE FUTURE PHASE**
  - 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.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. On site fire hydrants will be required in locations approved by the Forsyth County Fire Department.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install an enhanced streetyard along N.C. 150 which includes 125 percent of the minimum number of required plantings.
  - b. Developer shall install a right turn lane as shown on the site plan to the specifications of the North Carolina Department of Transportation.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of fifteen (15) feet to be shared with the adjacent site to the north which also shares a common driveway.



## **ZONING STAFF REPORT**

**DOCKET #** F-1327  
**STAFF:** David Reed

Petitioner(s): Judy H. Hartman, Trustee  
Ownership: Same

### **REQUEST**

From: HB-S Highway Business District (ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Club or Lodge; Fraternity or Sorority; Restaurant (without drive-through service); Restaurant (with drive-through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Retail Store, Specialty or Miscellaneous; Club or Lodge; Building Contractors, General; and Building Contractors, Heavy; Services, Business A; Services, Business B; and Services, Personal - TWO PHASE) and RS-9 Residential Single Family District; minimum lot size 9,000 sf

To: HB-S Highway Business District (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Medical and Surgical Office; Retail Store, Specialty or Miscellaneous; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Club or Lodge; Services, Business A; Services, Business B; 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: 5.318 acres

### **LOCATION**

Street: On the east of Peters Creek Parkway/NC Hwy 150 at the intersection of Peters Creek Parkway and Friedburg Church Road.

Jurisdiction: Forsyth County.

### **SITE PLAN**

Proposed Use: Multiple business and office uses and a sports club.  
Square Footage: 14,200 square feet.  
Building Height: Two story.

Parking: Required: 117 spaces; proposed: 117 spaces.

Bufferyard Requirements: A type III bufferyard is required adjacent to RS-9 zoning.

Vehicular Use Landscaping Standards Requirements: Staff recommends an enhanced street yard along the NC 150 right-of-way.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: None; part of site is graded and remainder is wooded.

Adjacent Uses:

North - Single family home and small office, both zoned RS-9.

East - Vacant wooded land.

South - Vacant land zoned HB-S and vacant land zoned LI in Davidson County.

Southwest - Graded site currently zoned HB-S and currently submitted as a final development plan, docket F-764.

West - Business uses zoned HB-S and LB-S.

### **GENERAL AREA**

Character/Maintenance: Well maintained business and residential uses.

Development Pace: Slow.

### **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Minor.

Topography: Site slopes down to the southeast.

Vegetation/habitat: Site is partially wooded.

### **TRANSPORTATION**

Direct Access to Site: Peters Creek Parkway/NC 150; Friedburg Church Road.

Street Classification: Peters Creek Parkway NC 150 - major thoroughfare; Friedburg Church Road - minor thoroughfare.

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

Peters Creek Parkway - south of Friedburg Church Road - 12,700/12,500

Friedburg Church Road - southwest of Peters Creek Parkway - No Count/11,000

Trip Generation/Existing Zoning: HB-S (Multiple Business Uses - Two Phase)

No site plan information available.

Trip Generation/Proposed Zoning: HB-S (Multiple Business Uses)

$23,400 \text{ sf}/1,000 \text{ sf} = 23.4 \times 264.21$  (trip rate for a bank with drive thru) = 6,183 trips

Planned Road Improvements: State Transportation Improvement Program Project #R-2709,

Widen Peters Creek Parkway to multi-lane facility from existing multi-lane section south to Davidson County Line.

Sight Distance: Good.

Interior Streets: Private.

Transit: Transit is not available at this time.

## **HISTORY**

Relevant Zoning Cases:

1. F-1209; RS-9 to LB-S (Outdoor Display Retail); approved ; northwest corner of Peters Creek Parkway/NC 150 and Friedberg Church Road, northwest of the current site; 0.50 acre; Planning Board and staff recommended approval.
2. F-1185; RS-9 to HB-S (Outdoor Display Retail); approved February 10,1997; west side of Peters Creek Parkway/NC 150 north of Friedberg Church Road; 6.18 acres; Planning Board and staff recommended approval.
3. F-1160; RS-9 to GB; approved July 8, 1996; 0.89 acre; west side of intersection of Friedberg Church Road and Old Salisbury Road; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): Stage development with the provision of public services, such as sewer and roads adequate to support the growth; cluster commercial areas; concentrate retail and employment centers at activity nodes; separate and buffer commercial from residential uses. Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

## **ANALYSIS**

The subject site is a single tax lot currently zoned HB-S in part and RS-9 in part. The portion zoned HB-S is part of a TWO PHASE rezoning which was approved on February 10, 1986. Another portion of the TWO PHASE zoning site is currently going through the Final Development Plan process (Zoning Docket F-764). Both sites would use a single shared driveway.

The portion of the site zoned RS-9 is at the rear of the site and would include one 5,000 square foot building and two parking lots. The remainder of that portion of the site is reserved for open space and storm water detention.

The widening project for NC 150 (State Transportation Improvement Program Project #R-2709) does not include a median break at the entrance to the site and the petitioners are aware of that.

Staff is of the opinion that the consolidated development plan and shared driveway is in keeping with sound planning principles. Also, the increased development potential of the site is affected by the right-in/right-out only traffic movements off NC 150 due to the median (with no cut) that will be installed during the NC 150 widening project.

## **FINDINGS**

1. The subject site is currently zoned HB-S in part and RS-9 in part.
2. The portion zoned HB-S is part of a TWO PHASE rezoning which was approved on February 10, 1986.
3. Another portion of the TWO PHASE zoning site is currently going through the Final Development Plan process (Zoning Docket F-764). Both sites would use a single shared driveway.
4. Staff is of the opinion that the consolidated development plan and shared driveway is in keeping with sound planning principles.
5. The increased development potential of the site is affected by the right-in/right-out only traffic movements of NC 150.

## **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS FOR THE FUTURE PHASE**
  - 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.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. On site fire hydrants will be required in locations approved by the Forsyth County Fire Department.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install an enhanced streetyard along N.C. 150 which includes 125 percent of the minimum number of required plantings.
  - b. Developer shall install a right turn lane as shown on the site plan to the specifications of the North Carolina Department of Transportation.
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of fifteen (15) feet to be shared with the adjacent site to the north which also shares a common driveway.

[For information purposes only: The draft *Legacy* plan indicates the site is located in the Suburban Neighborhoods Area of the MSA (Metropolitan Statistical Area) where much of future residential, commercial and industrial development should occur.]

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: Steve Johnson

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Kerry Avant certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Steve Johnson

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 Judy E. Hartman Trustee as of September 5, 2000.

---

A. Paul Norby, AICP  
Director of Planning