



May 24, 2017

ARC HR5STP1001, LLC
c/o Akomea Poku-Kankam
919 E. Main Street, FL. 14
Richmond, VA 23219

Re: Zoning Petition F-1566

Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
Fax 336.748.3163
www.cityofws.org/planning

Dear Petitioner:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. You will be notified by the Board of Commissioners' Office of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

pc: Clerk to the Board of Commissioners, Forsyth County Government Center - 5th Floor, 201
N. Chestnut Street, Winston-Salem, NC 27101
Paul Patterson, 122 Clubview Drive, Mount Airy, NC 27030

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

- A. Public Hearing on Special Use District - No Site Plan zoning petition of ARC HR5STP1001, LLC from LB to GB-L (Outdoor Display Retail; Offices; Services, A; and Retail Store): property is located on the west side of Broad Street, south of Summit Street (Zoning Docket F-1566).
- B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina.
- C. Approval of Special Use District - No Site Plan Permit

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the special use district - no site plan request.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____
County Manager

COUNTY ORDINANCE -
SPECIAL USE DISTRICT - NO SITE PLAN

Zoning Petition of ARC HR5STP1001, LLC, Docket F-1566

AN ORDINANCE AMENDING THE
FORSYTH COUNTY ZONING ORDINANCE
AND THE OFFICIAL ZONING MAP OF
FORSYTH COUNTY, N.C.

BE IT ORDAINED by the Board of Commissioners of Forsyth County as follows:

Section 1. The Forsyth County Zoning Ordinance and the Official Zoning Map of the County of Forsyth, N.C. are hereby amended by changing from LB to GB-L (Outdoor Display Retail; Offices; Services, A; and Retail Store) the zoning classification of the following described property:

PIN# 6910-97-1522

Section 2. This Ordinance is adopted after approval of the Special Use District - No Site Plan Permit issued by the Board of Commissioners the _____ day of _____, 20__ to ARC HR5STP1001, LLC.

Section 3. The Board of Commissioners hereby directs the issuance of a Special Use District - No Site Plan Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be located on the property described in Section One above. Said Special Use District - No Site Plan Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

COUNTY

SPECIAL USE DISTRICT - NO SITE PLAN PERMIT

Issued by the Board of Commissioners

of Forsyth County, NC

The Board of Commissioners of Forsyth County, NC issues a Special Use District - No Site Plan Permit for the zoning petition of ARC HR5STP1001, LLC, (Zoning Docket F-1566). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Outdoor Display Retail; Offices; Services, A; and Retail Store, 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 GB-L zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles adjacent to residential zoning and along the Broad Street right-of-way.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Lighting shall be installed per approved lighting plan and certified by an engineer.
 - b. Developer shall install a Streetyard within the grassed area along Broad Street.
- **OTHER REQUIREMENTS:**
 - a. Freestanding signage shall be limited to one (1) six (6) foot high monument sign with a maximum copy area of thirty-six (36) square feet. Electronic Message Board Signs shall not be permitted.
 - b. The use of Outdoor Display Retail shall be further limited to exclude the subcategory uses of Mobile Home Dealers and Recreational Vehicle Dealers. The use of Services, A shall be further limited to exclude the subcategory uses of Garment Pressing and Agents for Laundries and Drycleaners, Coin-Operated Laundries and Cleaning, Drycleaning Plants, Except Rug, Carpet and Upholstery Cleaning, Equipment Rental and Leasing (only with inside storage of equipment), Miscellaneous Business Services, and Reupholstery and Furniture Repair.
 - c. The wooded area west of the existing parking area to the western property line shall remain undisturbed.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	F-1566
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	ARC HR5STP1001, LLC
Owner(s)	Same
Subject Property	PIN#6910-97-1522
Address	7880 Broad Street, Rural Hall
Type of Request	Special use limited no site plan rezoning from LB to GB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from LB (Limited Business) to GB-L (General Business – special use limited no site plan zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Outdoor Display Retail; Offices; Services, A; and Retail Store <p>NOTE: General, special use limited no site plan, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	<p>According to an email received from the buyer of the subject property, Paul Patterson: “I mailed out a letter on April 22, 2017 to 18 of the neighbors on Broad Street and intersecting streets. In my letter, I also stated that I would be at the property on April 27 and 28 from 10:00 am to 1:00 for anyone who wished to come by and ask questions. I only had Mrs. Hunsucker that owns the property to the north and her daughter Claudia come by in the two days. Mrs. Hunsucker said she had no problems with my plans and offered good luck to the re-zoning.”</p>
Zoning District Purpose Statement	<p>The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs 1, 2 and 3 and Metro Activity Centers.</p>
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>The subject property is located at the southern edge of a neighborhood commercial area which is zoned LB. While Planning staff does not generally see this area as accommodating “destination retail and service uses” as noted in the GB purpose statement, the site does front on a major thoroughfare and there are some relatively intense uses currently in operation directly adjacent to the site.</p>

GENERAL SITE INFORMATION				
Location	West side of Broad Street, south of Summit Street			
Jurisdiction	Forsyth County			
Site Acreage	± .73 acre			
Current Land Use	The site is currently developed with a one story, 2,006 square foot business building which was most recently used as a bank with drive-through service.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	LB	Motor vehicle Repair and Maintenance	
	East	LB	Convenience Store	
	South	RS9	Single family homes	
	West	RS9	Undeveloped property	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	The proposed uses are compatible with the commercial uses permitted on the adjacent properties which are zoned LB. However, the request would permit the use of Outdoor Display Retail. This use is currently not allowed in the LB district within the Suburban Neighborhoods GMA.			
Physical Characteristics	The partially developed site has a gentle to steep slope downward toward the west. The western portion of the site is heavily wooded.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	The site is developed with a modest size commercial building which is currently unoccupied. The western portion of the site is heavily wooded and includes some steep topography. Otherwise, the site appears to have no development constraints such as water supply watersheds or designated floodplains.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Broad Street	Major Thoroughfare	160'	10,000	15,800
Proposed Access Point(s)	Because this is a special use limited no site plan request with no access conditions, the exact location of access points is unknown. The site is currently accessed from Broad Street.			
Trip Generation - Existing/Proposed	Staff is unable to provide a detailed trip generation for either the existing general use zoning or the proposed special use limited no site plan zoning because there are no site plans.			

Sidewalks	Sidewalks are located along Broad Street.
Transit	Not available.
Analysis of Site Access and Transportation Information	The site has good access onto a major thoroughfare. In regard to potential trip generation, staff is unable to provide an accurate estimate because there is no site plan associated with this rezoning. However, the previous use of a bank with drive-through service is considered a relatively high trip generating use. Considering the relatively modest size of the subject property and the uses being proposed, it is reasonable to estimate that the potential trip generation would either be comparable to or less than the previous traffic generated by this site.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Promote quality design so that infill does not negatively impact surrounding development. • Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area. • Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. • Discourage inappropriate commercial encroachment into residential neighborhoods.
Relevant Area Plan(s)	<i>Rural Hall Area Plan Update (2016)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The recommended land use is for office/low-intensity commercial use.
Site Located Along Growth Corridor?	<p>The site is located along the Broad Street Growth Corridor where urban/suburban single-family residential form is recommended. This means that new buildings here should be compatible and reflect the character of a residential single family area with suburban/urban densities. While this plan’s land use recommendations help define the types of uses in an area (residential, commercial, industrial, etc.), growth corridor recommendations help to define the forms those uses should take in certain areas. Urban/suburban single-family residential form growth corridors should be developed for urban/suburban single-family residential and or/low-density attached multifamily residential up to eight units per acre.</p> <p>Specifically, the plan recommends the following for new buildings in this corridor section: Building setback – maximum building setback of 20 feet. Building height – generally no more than four stories in height on larger sites; one to two stories on smaller sites.</p>

	<p>Off-Street parking – parking should be screened.</p> <p>Driveways – minimize driveway cuts and connect adjacent parcels wherever possible.</p>
Site Located within Activity Center?	The site is not located within an activity center.
Other Applicable Plans and Planning Issues	<p>Planning staff reached out to the Town of Rural Hall for comments on this case as it is located within their Town limits. Staff received the following response: “The Town of Rural Hall is supportive of the request provided the petitioner agrees to the following: monument signage condition; provide additional plantings along the southern property line; further limit the use of Outdoor Display Retail by excluding the subcategory uses of Mobile Home Dealers and Recreational Vehicle Dealers; and further limit the use of Services, A by excluding the subcategory uses of Garment Pressing and Agents for Laundries and Drycleaners, Coin-Operated Laundries and Cleaning, Drycleaning Plants, Except Rug, Carpet and Upholstery Cleaning, Equipment Rental and Leasing (only with inside storage of equipment), Miscellaneous Business Services, and Reupholstery and Furniture Repair.” The petitioner has stated that they are agreeable to these recommended conditions.</p>
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?
	See comments below.
Analysis of Conformity to Plans and Planning Issues	<p>The subject request is to rezone a .73 acre developed lot from LB to GB-L. The proposed uses are: Outdoor Display Retail; Offices; Services, A; and Retail Store. Outdoor Display Retail is prohibited in the existing LB district within GMA 3 (Suburban Neighborhoods) because of the potential negative impacts associated with placing this use in close proximity to residential zoning.</p> <p>The site is located at the southern edge of a small commercial node which is surrounded by single family homes and a church. The previous use of the subject property was a bank with drive-through service. While this neighborhood commercial area is zoned LB, it does include a nonconforming Motor Vehicle, Repair and Maintenance business directly north of the site. Across Broad Street is located a Convenience Store.</p> <p>The area plan proposes office/low-intensity commercial use for the subject property given its close proximity to residential zoning. The proposed use of Outdoor Display Retail is not included within this category and <i>Legacy 2030</i> discourages inappropriate commercial</p>

encroachment into residential neighborhoods. However, it also recommends the reuse of existing sites and buildings in a manner that is compatible and complementary with the surrounding area.

The Town of Rural Hall supports the subject request provided the previously mentioned concerns regarding signage, screening, and additional use limitations are put into place. By addressing these concerns through conditions, the intent would be to minimize potential negative impacts of this request onto adjacent properties.

Planning staff sees the existing LB zoning in this commercial area as being overall more suitable than GB-L zoning. However, in consideration of several factors such as the modest size of this site, its previous use, and said intense adjacent commercial land uses, Planning staff is supportive of the request provided additional conditions are included beyond those recommended by the Town of Rural Hall. Regarding signage, in addition to the above mentioned monument signage limitation, staff recommends that no Electronic Message Board Signs be permitted. Staff also recommends the installation of a streetyard within the existing grassed islands along Broad Street and that a lighting condition be applied adjacent to residential zoning and along the Broad Street right-of-way. The petitioner has agreed to these conditions. The petitioner has also been made aware that if this rezoning request is approved, a 15' Type IV bufferyard will be required for installation adjacent to residential zoning.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1228	RS9 Special Use Permit for Expansion of Institutional Parking	Approved 5-11-1998	400' northeast	4.34	Approval	Approval
F-867	R6 to O2-S (NO-S)	Approved 11-23-1987	600' north	.31	Approval	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
<p>The Town of Rural Hall supports the subject request with the previously mentioned conditions.</p> <p>The petitioner has agreed to conditions regarding signage, lighting, further use limitations and streetyard plantings in order to soften the impact of the proposed uses.</p>	<p>Establishing GB zoning on the subject property, may establish a precedent for similar requests elsewhere in this commercial area.</p>

The request may facilitate the reuse of a commercial site which is currently unoccupied.	The request would allow for the use of Outdoor Display Retail which can have negative impacts on adjacent residential properties.
The site fronts along a major thoroughfare which is a growth corridor.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ul style="list-style-type: none"> a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles adjacent to residential zoning and along the Broad Street right-of-way. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> a. Lighting shall be installed per approved lighting plan and certified by an engineer. b. Developer shall install a Streetyard within the grassed area along Broad Street. • <u>OTHER REQUIREMENTS:</u> <ul style="list-style-type: none"> a. Freestanding signage shall be limited to one (1) six (6) foot high monument sign with a maximum copy area of thirty-six (36) square feet. Electronic Message Board Signs shall not be permitted. b. The use of Outdoor Display Retail shall be further limited to exclude the subcategory uses of Mobile Home Dealers and Recreational Vehicle Dealers. The use of Services, A shall be further limited to exclude the subcategory uses of Garment Pressing and Agents for Laundries and Drycleaners, Coin-Operated Laundries and Cleaning, Drycleaning Plants, Except Rug, Carpet and Upholstery Cleaning, Equipment Rental and Leasing (only with inside storage of equipment), Miscellaneous Business Services, and Reupholstery and Furniture Repair. c. The wooded area west of the existing parking area to the western property line shall remain undisturbed. 	

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR F-1566
MAY 11, 2017**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning petition with the conditions agreed to by the petitioner.

SECOND: Jason Grubbs

VOTE:

FOR: Melynda Dunigan, Jason Grubbs, Arnold King, Clarence Lambe, Chris Leak, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on May 24, 2017, the subject property was in the name of Inland American Street Portfolio, LLC. The name of this LLC was changed to ARC HR5STP1001, LLC on April 7, 2017.

A. Paul Norby, FAICP
Director of Planning and Development Services