DOCKET #: F1532

PROPOSED ZONING:
NB

EXISTING ZONING:
RS9

PETITIONER:
Ralph Sides
for property owned by
Nan & Pop of Forsyth Co. LLC

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 3

ACRES: 0.76

NEAREST BLDG: 100' north

MAP(S): 606830

Printed: 5/14/2012
June 20, 2012

Ralph E. Sides
2557 W. Clemmonsville Road
Winston-Salem, NC 27127

RE: Zoning Map Amendment F-1532

Dear Mr. Sides:

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,

[Signature]

For A. Paul Norby, FAICP
Director of Planning

cc: Clerk to the Board of Commissioners, Forsyth County Government Center - 5th Floor, 201 N. Chestnut Street, Winston-Salem, NC 27101
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _______________ AGENDA ITEM NUMBER: __

SUBJECT:

A. Public hearing on zoning map amendment of Ralph Sides for property owned by Nan & Pop of Forsyth Co. LLC from RS9 to NB: property is located on the southeast corner of Clemmonsville Road and Woodard Road (Zoning Docket F-1532).

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina.

COUNTY MANAGER’S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning petition.

ATTACHMENTS:- X YES ___ NO

SIGNATURE: ___________________________ DATE: _______________

County Manager
COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Ralph Sides for property owned by
Nan & Pop of Forsyth Co. LLC, Docket F-1532

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 RS9 to NB the zoning classification of the
following described property:

PIN #6803-63-9851

Section 2. This ordinance shall become effective upon adoption.
CITY-COUNTY PLANNING BOARD
STAFF REPORT

PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1532</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Ralph Sides</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Nan &amp; Pop of Forsyth Co. LLC</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #6803-63-9851</td>
</tr>
<tr>
<td>Address</td>
<td>2548 and 2550 Clemmons ville Road</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General Use rezoning from RS9 to NB</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family District; 9,000 sf minimum lot size) to NB (Neighborhood Business District). NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use request, all uses in the District must be considered.</td>
</tr>
<tr>
<td>Neighborhood Contact/Meeting</td>
<td>The application indicates that at the time of filing, no neighborhood/community meeting had been held.</td>
</tr>
<tr>
<td>Zoning District Purpose Statement</td>
<td>The NB District is primarily intended to accommodate very low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists. This district is intended for application in GMAs (Growth Management Areas) 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), 4 (Future Area) and 5 (Rural Area).</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the site has a history of commercial use and is located within a residential area along a major thoroughfare.</td>
</tr>
</tbody>
</table>

GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Southeast corner of Clemmons ville Road and Woodard Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± .76 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>A 1,728 sf commercial building constructed in 1948 (which has lost its legally nonconforming status) along with a single family home, are currently located on the site.</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td>Direction</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</th>
<th>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Due to the relatively small size of the subject property and the limited scale of uses and square footage allowed in the proposed NB District, the uses can be seen as being neighborhood serving.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Physical Characteristics</th>
<th>The site has a moderate slope downward to the northeast.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water and sewer are available to the site.</td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
<td>No known issues.</td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The site is not located within a water supply watershed.</td>
</tr>
</tbody>
</table>

| Analysis of General Site Information | The site has no apparent constraints and appears to be suitable for development within the proposed NB District. |

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clemmonsvoile Road</td>
<td>Major Thoroughfare</td>
<td>164'</td>
<td>9,900</td>
<td>15,300</td>
</tr>
<tr>
<td>Woodard Road</td>
<td>Collector Street</td>
<td>265'</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Access Point(s)</th>
<th>Because this is a General Use request with no site plan, the exact location of access points is unknown. The vehicular access to the site is currently from Clemmonsvoile Road and Woodard Road.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Planned Road Improvements</th>
<th>The Comprehensive Transportation Plan recommends a three lane cross section with wide outside lanes, curb and gutter and sidewalks along this section of Clemmonsvoile Road.</th>
</tr>
</thead>
</table>
| Trip Generation - Existing/Proposed | Existing Zoning: RS9  
.76 acre / 9,000sf = 3 units x 9.57 (SFR Trip Rate) = 29 Trips per Day  
Proposed Zoning: NB  
No trip generation is available for the proposed general use zoning which has no site plan. |
| Sidewalks | There are no sidewalks located in the general area. |
| Transit | Route 19 runs along Stratford Road approximately 1,550’ northwest. |
Presently, the access to Clemmonsville Road consists of a continuous driveway apron across most of the frontage. This access will likely need to be reconfigured to meet current standards. This will be determined upon application for a driveway permit which is required when there is a change of use. Otherwise, the site has good access and staff does not anticipate any negative transportation impacts from this request.

**CONFORMITY TO PLANS AND PLANNING ISSUES**

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 3 – Suburban Neighborhoods</th>
</tr>
</thead>
</table>
| Relevant Legacy Recommendations | - Encourage convenient commercial services to support neighborhood needs.  
- Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area. |
| Relevant Area Plan(s) | **Southwest Suburban Area Plan (2008)** |
| Area Plan Recommendations | - The subject property is identified as a special land use condition site in the **Southwest Suburban Area Plan**. The plan identifies the site as zoned RS9 and the commercial building as being unoccupied. The plan states that low-intensity commercial or office development would be appropriate at this location, with either NO or NB zoning. |
| Other Applicable Plans and Planning Issues | Comments from the Inspections Division: If there is a change of use (or if no use has been established in the structure), permits will be required to establish the use. |

**Addressing**

| Applicable | There are no address number or street naming concerns. |
| 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 Legacy? | Yes |

**Analysis of Conformity to Plans and Planning Issues**

The request is to rezone the subject property from RS9 to NB. The site is currently improved with a modest sized commercial building which has lost its legally nonconforming status. A single family home is also located on the site.

The **Southwest Suburban Area Plan** specifically identifies this property and recommends either low-intensity commercial or office development with either NO or NB zoning. The proposed NB District would not constitute an illegal spot zone and staff sees this as being a neighborhood serving commercial request.

**RELEVANT ZONING HISTORIES**

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-1444</td>
<td>RS9 to GB-S</td>
<td>Approved 12-5-05</td>
<td>950’ northwest</td>
<td>1.44</td>
<td>Approval</td>
</tr>
</tbody>
</table>

**Staff**

**CCPB**
### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The NB District is considered neighborhood serving.</td>
<td>The request would establish commercial zoning in close proximity to single family homes.</td>
</tr>
<tr>
<td>The request is consistent with the Southwest Suburban Area Plan.</td>
<td></td>
</tr>
<tr>
<td>The request is consistent with the recommendations of Legacy.</td>
<td></td>
</tr>
<tr>
<td>Allows the reuse of a commercial structure.</td>
<td></td>
</tr>
</tbody>
</table>

**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-1532
JUNE 14, 2012

PUBLIC HEARING

FOR: None
AGAINT: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment.
SECOND: Wesley Curtis
VOTE:
  FOR: Wesley Curtis, Arnold King, Clarence Lambe, Lynne Mitchell, Paul Mullican,
       Brenda Smith, Allan Younger
  AGAINST: None
  EXCUSED: None

According to information furnished on June 18, 2012 by the Office of the Tax Assessor, the
subject property was in the name of Nan & Pop of Forsyth, LLC.

[Signature]
A. Paul Norby, FAICP
Director of Planning
EXISTING RS9 USES ALLOWED
Forsyth County Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Agricultural Production, Crops
Agricultural Production, Livestock
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Church or Religious Institution, Community
Golf Course
Library, Public
Limited Campus Uses
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Bed and Breakfast
Child Day Care, Large Home
Habilitation Facility A
Landfill, Land Clearing/Inert Debris, 2 acres or less
Manufactured Home, Class A
Park and Shuttle Lot

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses

Uses Allowed in RS9
Revised 3/17/2011
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Agricultural Production, Crops
Agricultural Production, Livestock
Arts and Crafts Studio
Child Care, Drop-In
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Combined Use
Convenience Store
Food or Drug Store
Government Offices, Neighborhood Organization, or Post Office
Library, Public
Motor Vehicle, Repair and Maintenance
Museum or Art Gallery
Offices
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Restaurant (without drive-through service)
Retail Store
Services A
Veterinary Services

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Adult Day Care Center
Child Day Care, Large Home
Limited Campus Uses
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Banking and Financial Services
Bed and Breakfast
Borrow Site
Child Care, Sick Children
Child Day Care Center
Dirt Storage
Landfill, Land Clearing/Inert Debris, 2 acres or less
Park and Shuttle Lot
USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site