

DOCKET #: F1509

PROPOSED ZONING:
Special Use Permit

EXISTING ZONING:
RS20

PETITIONER:
Bullard Enterprises Inc, for
property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 4

ACRES: .071

**NEAREST
BLDG:** 115' east

MAP(S): 666874

F

February 25, 2009

Bullard Enterprises, Inc.
c/o James Bullard
P. O. Box 659
Walkertown, NC 27051

RE: SPECIAL USE PERMIT F-1509

Dear Mr. Bullard:

The attached report of the Planning Board to the 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 Board will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

pc: County Manager's Office

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

- A. Public Hearing on Special Use Permit of Bullard Enterprises, Inc. to access an HB zoned site through RS-20 zoning; property is located on the west side of Old Valley School Road, north of Old Hollow Road (Zoning Docket F-1509).
- B. Approval of Special Use Permit
- C. Approval of Site Plan

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the special use permit.

ATTACHMENTS:- X YES ___ NO

SIGNATURE: _____ **DATE:** _____

County Manager

COUNTY ORDINANCE - SPECIAL USE PERMIT

Special Use Permit of Bullard Enterprises, Inc.,
Docket F-1509

AN ORDINANCE ISSUING A SPECIAL USE
PERMIT FOR ACCESS TO AN HB ZONED
SITE THROUGH RS-20 ZONING

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

Section 1. The Board of Commissioners hereby makes an affirmative finding as follows,
based upon the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

Section 2. The Forsyth County Board of Commissioners hereby issues a special use permit for access to an HB zoned site through RS-20 zoning in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to Bullard Enterprises, Inc. to be established on the following described property:

Beginning at a point in the northern line of Bonnie F. Redmon (Tax PIN 6867-76-1364) as recorded in Deed Book 1256, Page 535, Forsyth County Registry, said point being S. 59°58'14" W. a distance of 46.06 feet from an existing 1/2" iron pipe (bent) marking the southeast corner of Bullard Enterprises, Inc. (Tax PIN 6867-76-1514) as recorded in Deed Book 1761, Page 3991, Forsyth County Registry; thence, along the centerline of a Proposed 30 foot wide Exclusive-Use Access Easement the following four (4) courses and distances: (1) along a curve to the left, having a radius of 61.94 feet, an arc length of 57.58 feet, a chord bearing and distance of S. 61°59'00" E. 55.52 feet to a point; (2) along a curve to the right, having a radius of 86.01 feet, an arc length of 25.33 feet, a chord bearing and distance of S. 80°10'36" E. 25.24 feet to a point at the proposed right-of-way line of Old Valley School Road (S.R. 2024); (3) along a curve to the right, having a radius of 86.01 feet, an arc length of 14.32 feet, a chord bearing and distance of S. 66°58'21" E. 14.30 feet to a point: and (4) S. 62°12'15" E. a distance of 6.33 feet to a point in the

southeastern line of said Bonnie F. Redmon property, said point being S. 27°27'14" W. a distance of 148.95 feet from a point at the northeast corner of said Bonnie F. Redmon property and in the southern line of Virginia B. Lawson, Trustee (Tax PIN 6867-76-3782) as recorded in Deed Book 2783, Page 322, Forsyth County Registry; as shown on map entitled "Map For Bullard Enterprises, Inc." as prepared by Triad Land Surveying, PC, last revised January 9, 2009, having Job No. 13615-4. PIN 6867-76-1514, CROSSING TAX PIN 6867-76-1364

Section 3. This Ordinance is adopted after approval of the site plan entitled Bullard Enterprises, Inc. and identified as Attachment "A" of the Special Use Permit issued by the Board of Commissioners the _____ day of _____, ____ to Bullard Enterprises, Inc.

Section 4. The Board of Commissioners hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Bullard Enterprises, Inc.. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE PERMIT

SPECIAL USE PERMIT

Issued by the Board of Commissioners
of Forsyth County

The Board of Commissioners of Forsyth County issues a Special Use Permit for the site shown on the site plan map included in this zoning petition of Bullard Enterprises, Inc., (Zoning Docket F-1509). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit for access to an HB zoned site through RS-20 zoning, approved by the Forsyth County Board of Commissioners the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE ZONING PERMITS:**
 - a. Developer shall obtain a driveway permit from NCDOT. Required improvements include:
 - Dedication of right-of-way as shown on plan.
 - Existing driveway to adjacent single family home on same PIN to be closed and served from new drive.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION				
Docket #	F-1509			
Staff	Gary Roberts Jr., AICP			
Petitioner(s)	Bullard Enterprises, Inc			
Owner(s)	Same			
Subject Property	Portion of Tax PIN# 6867-76-1364			
Type of Request	Special Use Permit to access an HB zoned site through RS-20 zoning			
GENERAL SITE INFORMATION				
Location	West side of Old Valley School Road, north of Old Hollow Road			
Jurisdiction	Forsyth County			
Site Acreage	± .071			
Current Land Use	The site is undeveloped while the remainder of PIN# 6867-76-1364 contains an existing single family house.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	HB	Business uses	
	East	RS-20	Single family homes	
	South	RS-20	Single family homes	
	West	RS-20	Single family homes	
Physical Characteristics	The site is relatively flat and maintained as a residential yard.			
Proximity to Water and Sewer	Public water is available to the site; however, no public sewer is available.			
Storm water/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not within a water supply watershed.			
Analysis of General Site Information	The site has no apparent development constraints.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Old Valley School Road	Minor Thoroughfare	30'	3,800	11,100
Proposed Access Point(s)	The proposed access easement would provide a connection to a lot which fronts on Old Hollow Road from Old Valley School Road.			
Trip Generation - Existing/Proposed	The installation of a new driveway will not in itself generate additional traffic.			
Sidewalks	No sidewalks are located within the general area.			
Analysis of Site Access and Transportation Information	The proposed commercial access drive on property zoned RS-20 necessitates a Special Use Permit. See comments under the Other Applicable Plans and Planning Issues section below.			

Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Obtain NCDOT driveway permit.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 4, Future Growth Area
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • The purpose of designating Future Growth Areas is to identify land that will eventually become urban while discouraging the premature development of this unserved land (page 41) • Provide public facilities and services and rezone land for urban uses in the Future Growth Areas only when the Municipal Services Area Approaches full development (page 41). • Protect residential areas from inappropriate commercial and industrial encroachment. (p. 123)
Relevant Area Plan(s)	<i>Walkertown Area Plan (2006)</i>
Area Plan Recommendations	The <i>Walkertown Area Plan</i> recommends the subject property for low-density (up to 5 du/ac) residential use.
Town of Walkertown Recommendation	The Town of Walkertown Planning Board at their January 6, 2009 meeting recommended approval of the subject Special Use Permit request.
Other Applicable Plans and Planning Issues	<p>For Special Use Permits (SUP) requiring approval by the Elected Body, certain findings have to be met. Findings of the Planning Board accompanying a favorable recommendation shall include:</p> <p><u>Planning Board Findings:</u></p> <ol style="list-style-type: none"> 1. The development is in conformity with <i>Legacy</i>. (<i>Yes</i>) <i>Legacy</i> does not include specific recommendations relevant to the subject request other than the protection of residential areas from inappropriate commercial and industrial encroachment. Due to the specific location of the driveway in relation to the adjacent single family homes; the minimal anticipated traffic volume; and the resulting benefit of improved circulation and access management in the general area, staff does not envision the request as being inconsistent with <i>Legacy</i>. 2. Water and sewer service are available in adequate capacity. (<i>No water or sewer will be needed for access drive</i>) 3. Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment. (<i>No buildings are proposed</i>) 4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard. (<i>Yes</i>) 5. General layout and design of the development meet all requirements of this Ordinance. (<i>Yes</i>)

	<p>6. Adequate, safe and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc) and service vehicles and personnel (sanitation, postal delivery, etc). <i>(Yes)</i></p> <p>7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project. <i>(See "SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL" section below)</i></p> <p>The Elected Body shall issue a Special Use Permit only when the Elected Body makes an affirmative finding as follows:</p> <p><u>Elected Body Findings:</u></p> <ol style="list-style-type: none"> 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. <i>(Yes)</i> 2. That the use meets all required conditions and specifications. <i>(Yes)</i> 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, <i>(Yes)</i> 4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with <i>Legacy</i>. <i>(Yes)</i> <i>Legacy</i> does not include specific recommendations relevant to the subject request other than the protection of residential areas from inappropriate commercial and industrial encroachment. Due to the specific location of the driveway in relation to the adjacent single family homes; the minimal anticipated traffic volume; and the resulting benefit of improved circulation and access management in the general area, staff does not envision the request as being inconsistent with <i>Legacy</i>.
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Analysis of Conformity to Plans and Planning Issues	Planning staff suggests that the request complies with the required Special Use Permit Findings as noted above.
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RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1507	RS-20 to LB-L	Withdrawn at 1-8-09 P. B mtg.	Included current site	1.65	Denial	Withdrawn
F-236	R-6 to B-3 (HB)	Approved 5-22-72	Directly north	1.75	Denial	Denial

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Height	Maximum	Proposed
	40 feet	No buildings are proposed
Impervious Coverage	Maximum	Proposed
	NA	NA
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.2 (E) RS-20 District Chapter B, Article VI, Section 6-1.5 Special Use Permits Authorized by the Elected Body 	
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:	Yes
	(B) Environmental Ord.	NA
	(C) Subdivision Regulations	NA
Analysis of Site Plan Compliance with UDO Requirements	The site plan complies with the requirements of the UDO.	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal	Negative Aspects of Proposal	
Proposal would provide an alternative access point to an existing commercial establishment.	Commercial vehicle traffic <i>may</i> negatively impact some of the immediately adjacent single family homes.	
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 ZONING PERMITS:</u> <ol style="list-style-type: none"> Developer shall obtain a driveway permit from NCDOT. Required improvements include: <ul style="list-style-type: none"> Dedication of right-of-way as shown on plan. Existing driveway to adjacent single family home on same PIN to be closed and served from new drive. 		

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.**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the Special Use Permit, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jerry Clark

VOTE:

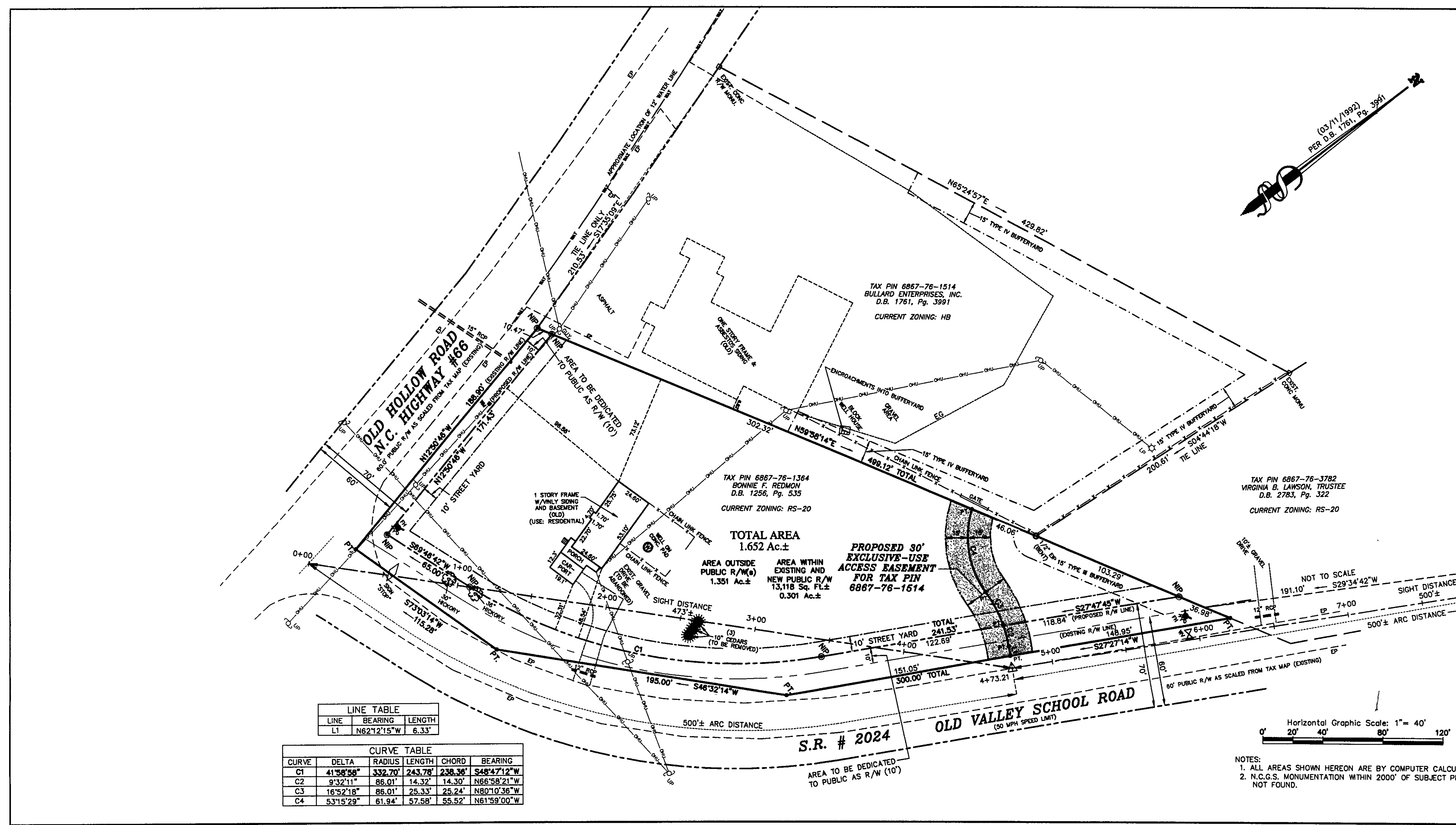
FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican

AGAINST: None

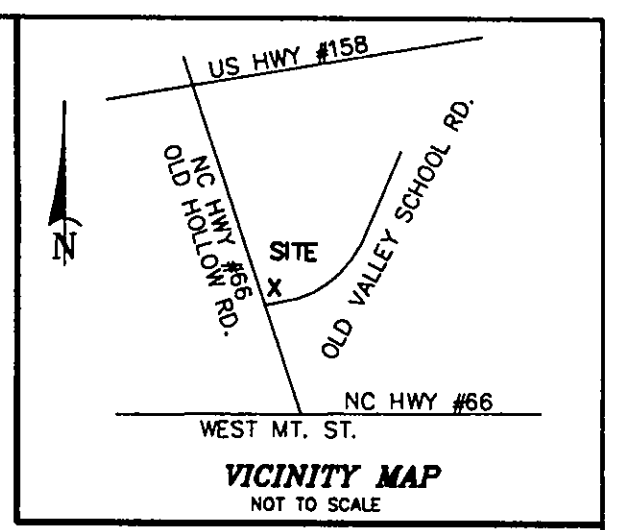
EXCUSED: None

According to information furnished by the Office of the Tax Assessor on February 10, 2009, the subject property was in the name of Bullard Enterprises, Inc.

A. Paul Norby, FAICP
Director of Planning



ZONING EXISTING ZONING: RS-20 PROPOSED ZONING: NOT APPLICABLE TYPE OF REVIEW REQUESTED: PROPOSED ACCESS EASEMENT APPROVAL	OFF-STREET PARKING PROPOSED USE(S) PARKING CALCULATIONS: REQUIRED PARKING: SPACES PARKING PROVIDED: SPACES
SITE SIZE AND COVERAGE TOTAL ACREAGE: _____ ACRE(S) SITE COVERAGE: _____ % BUILDING AND PAVEMENT TO LAND: _____ % OPEN SPACE: _____ % TOTAL: 100 % BUILDING SQUARE FOOTAGE: _____ SQ.FT. BUILDING HEIGHT: _____ STORY	OFF-STREET LOADING REQUIRED LOADING/UNLOADING SPACES: LOADING/UNLOADING SPACES PROVIDED: FT. X FT. BUFFERYARDS ADJOINING ZONING: RS-20 AND HB TYPE REQUIRED: TYPE III WIDTH REQUIRED: 15 FENCE OPTION: YES X NO
INFRASTRUCTURE WATER: X PUBLIC PRIVATE SEWER: X PUBLIC X PRIVATE STREETS: X PUBLIC PRIVATE	DENSITY CALCULATIONS NUMBER OF LOTS: _____ LOT DENSITY: _____ LOT(S)/ACRE
WATERSHED CALCULATIONS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED WATERSHED AREA	
PROPERTY INFORMATION BEING TAX PIN 6867-76-1364 TAX MAP 666874, BLOCK 5421, LOT 36A ADDRESS: 4029 OLD HOLLOW ROAD KERNERSVILLE, NC 27284 PURPOSE STATEMENT TO PROVIDE ACCESS TO TAX PIN 6867-76-1514 (CURRENTLY ZONED HB) ACROSS TAX PIN 6867-76-1364 (CURRENTLY ZONED RS-20) FROM OLD VALLEY SCHOOL ROAD (S.R. 2024)	

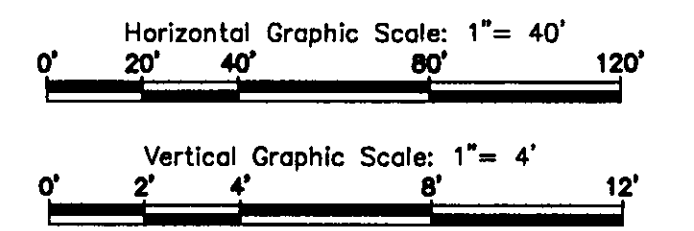
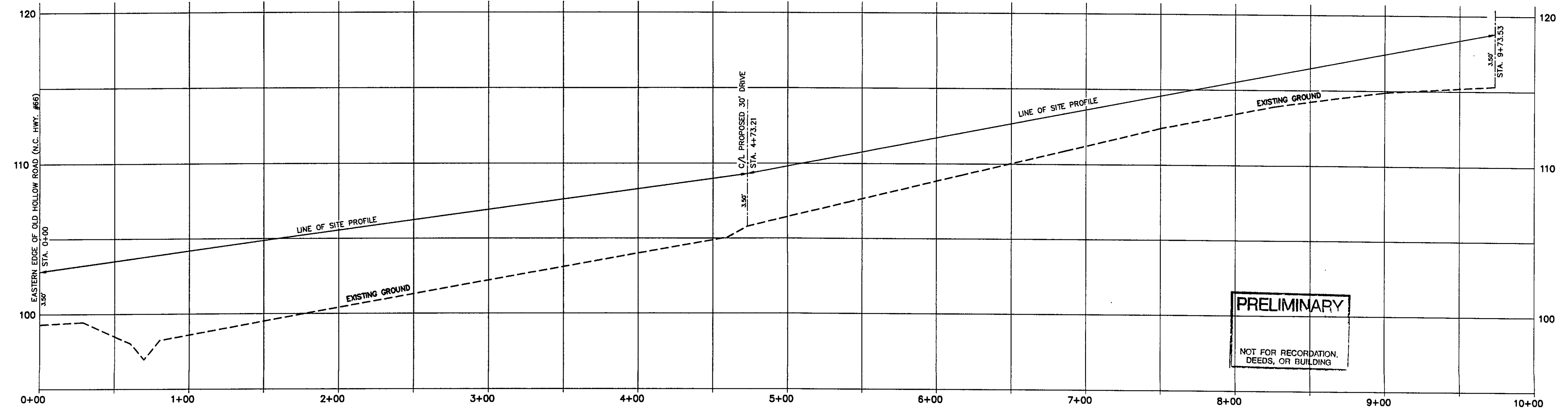


LINE TABLE		
LINE	BEARING	LENGTH
L1	N62°12'15"W	6.33'

CURVE TABLE					
CURVE	DELTA	RADIUS	LENGTH	CHORD	BEARING
C1	41°58'58"	332.70'	243.78'	238.36'	S48°47'12"W
C2	9°32'11"	86.01'	14.32'	14.30'	N66°58'21"W
C3	16°52'18"	86.01'	25.33'	25.24'	N80°10'36"W
C4	53°15'29"	61.94'	57.58'	55.52'	N61°59'00"W



NOTES:
 1. ALL AREAS SHOWN HEREON ARE BY COMPUTER CALCULATION.
 2. N.C.G.S. MONUMENTATION WITHIN 2000' OF SUBJECT PROPERTY NOT FOUND.



- LEGEND
- UP - UTILITY POLE
 - EP - EXISTING IRON PIPE
 - NIP - NEW IRON PIPE
 - ER - EXISTING IRON ROD
 - CI - CURB INLET
 - TBC - TOP BACK OF CURB
 - FH - FIRE HYDRANT
 - CB - CATCH BASIN
 - YI - YARD INLET
 - CO - CLEAN OUT
 - LP - LIGHT POLE
 - P/L - PROPERTY LINE
 - R/W - RIGHT-OF-WAY
 - EP - EDGE OF PAVING
 - WM - WATER METER
 - CM - CONCRETE MONUMENT
 - NTS - NOT TO SCALE
 - MH - MAN HOLE
 - GI - GRATE INLET
 - RCP - REINF. CONC. PIPE



REVISED 01/09/09 BY WTS: CHANGES PER CITY/COUNTY PRE-SUBMITTAL SITE PLAN REVIEW COMMENTS.
 REVISED 12/31/08 BY WTS TO: ADD SITE DISTANCE PROFILE AND CHANGE TO LARGER BORDER.
 REVISED 12/16/08 BY BIC TO: ADD ADDITIONAL SITE DATE, SHOW PROPOSED DRIVE, ADD PROPOSED NEW R/W LINE, SHOW NEW LOCATION OF STREET YARDS, REVISE ACREAGES.

I, CERTIFY THAT ON AUGUST 14th, 2008, WE SURVEYED THE PROPERTY SHOWN ON THIS PLAN.
 PRELIMINARY - NOT FOR CONSTRUCTION
 P.L.S.

MAP FOR BULLARD ENTERPRISES, INC.				
SCALE	TOWNSHIP	COUNTY	STATE	DATE
AS SHOWN	KERNERSVILLE	FORSYTH	N.C.	8/22/2008
BEING TAX PIN 6867-76-1364				
AS RECORDED IN D.B. 1256, PAGE 535				
SURVEYED BY: JT, SM	TRIAD LAND SURVEYING, P.C.			JOB NO. ...
MAPPED BY: BIC, WTS	OFFICE: 935 EAST MOUNTAIN ST., SUITE H, KERNERSVILLE, N.C., 27284	FAX: 993-9554	13615-4	

OWNER: BONNIE F. REDMON
 P.O. BOX 104
 COLFAX, NC 27235
 DEVELOPER: BULLARD ENTERPRISES, INC.
 4015 OLD HOLLOW ROAD
 KERNERSVILLE, NC 27284
 CONTACT: ALBERT BULLARD
 TEL: 336-830-1994
RECEIVED
 FEB 07 2009
 DATE OF SUBMITTAL: JANUARY 12, 2009
 Ratio of Precision = 1:10,000+