DOCKET #: F1495
(continued form 2/14/2008)

PROPOSED ZONING:
LB-S

EXISTING ZONING:
LB-S and RS30

PETITIONER:
Pradip Thakkar and Rajni Patel for property owned by Same

SCALE: 1" represents 500'
STAFF: Roberts
GMA: 5
ACRES: 1.00
NEAREST BLDG: 4' west
MAP(S): 630894
April 23, 2008

Pradip Thakkar and Rajni Patel
5948 Germanton Road
Winston-Salem, NC  27105

RE:  ZONING MAP AMENDMENT F-1495

Dear Mr. Thakkar and Mr. Patel:

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:  Jane Cole, Forsyth County Government Center - 5th Floor, 201 N. Chestnut Street, Winston-Salem, NC  27101
Gene and Michelle Pack, 4100 Grubbs Road, Winston-Salem, NC  27105
A. Public Hearing on zoning map amendment of Pradip Thakkar and Rajni Patel from LB-S (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; and Retail Store, Specialty or Miscellaneous) and RS-30 to LB-S (Motor Vehicle, Repair and Maintenance; 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; Services, Business A; Professional Office; Offices, Miscellaneous; Recreation Services, Indoor; and Services, Personal): property is located on the west side of Germanton Road, south of Pebblebrook Road (Zoning Docket F-1495).

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 Permit

D. 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 rezoning petition.

ATTACHMENTS:-  X  YES  ___  NO

SIGNATURE:  ______________________________ DATE:  ________________
County Manager
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Pradip Thakkar and Rajni Patel, Docket F-1495

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 LB-S (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; and Retail Store, Specialty or Miscellaneous) and RS-30 to LB-S (Motor Vehicle, Repair and Maintenance; 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; Services, Business A; Professional Office; Offices, Miscellaneous; Recreation Services, Indoor; and Services, Personal) the zoning classification of the following described property:

BEGINNING at a point at the southeast corner of Pradip Thakkar and Rajni Patel (Tax Block 4951, Tax Lot 11B, Pin# 6839-06-6314) and the northeast corner of Pradip Thakkar and Rajni Patel (Tax Block 4951, Tax Lot 301, Pin# 6839-06-6346) and in the western right-of-way of Germanton Road (NC Hwy 8) and following the western right-of-way of Germanton Road (NC Hwy 8) S 18° 31’ 45” W 309.23 feet to an iron placed at the northeast corner of Larue O. Hall (Tax Block 4951, Tax Lot 10K, Pin# 6839-06-4128) and the southeast corner of Pradip Thakkar and Rajni Patel (Tax Block 4951, Tax Lot 10R, Pin# 6839-06-6314), thence along the northern line of Larue O. Hall (Tax Block 4951, Tax Lot 10K, Pin# 6839-06-4128) N 81° 29’ 28” W 123.40 feet to an iron pipe found at the southwest corner of Pradip Thakkar and Rajni Patel (Tax Block 4951, Tax Lot 301, Pin# 6839-06-6346) and the southeast corner of Pradip Thakkar and Rajni Patel (Tax Block 4951, Tax Lot 10R, Pin# 6839-06-6314), thence along the western line
Section 2. This Ordinance is adopted after approval of the site plan entitled Internet Coffee Shop, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of __________________, 20_____ to Pradip Thakkar and Rajni Patel.

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 Internet Coffee Shop. 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 Pradip Thakkar and Rajni Patel (Zoning Docket F-1495). 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 LB-S (Motor Vehicle, Repair and Maintenance; 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; Services, Business A; Professional Office; Offices, Miscellaneous; Recreation Services, Indoor; 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 LB-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 BUILDING PERMITS:
  a. Prior to occupancy of the lower level in the accessory building, developer shall name access easement if required by the Address Coordinator.
  b. If any new lighting is proposed, the developer shall submit a photometric plan prepared by a qualified professional demonstrating the use of full-cut off fixtures, light height at 25’ or less and no more than ½ foot candle of light at the property line.
  c. Petitioner shall obtain a driveway permit from NCDOT.
  d. Petitioner shall obtain a Grading Permit.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Certification from a qualified professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition.
**CITY-COUNTY PLANNING BOARD**
**STAFF REPORT**

<table>
<thead>
<tr>
<th>PETITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket #</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
</tr>
</tbody>
</table>
| **Proposal** | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-30 Residential, Single Family District; 30,000 sf minimum lot size and LB-S Limited Business District (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; and Retail Store, Specialty or Miscellaneous) to LB-S Limited Business District. The petitioner is requesting the following uses:  
- Motor Vehicle, Repair and Maintenance; 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; Services, Business A; Professional Office; Offices, Miscellaneous; Recreation Services, Indoor; and Services, Personal |
| **Continuance History** | The request was continued from the February 14, 2008 Planning Board meeting to the April 10, 2008 meeting in order to convert the requested district from LB-L to LB-S. |
| **Zoning District Purpose Statement** | The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in Growth Management Areas 2, 3, 4, and 5. |
| **Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)** | (S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?  
The proposal is consistent with the purpose statement of the LB District in that the site provides a business location to serve the nearby neighborhoods and it fronts along Germanton Road which is a major thoroughfare. |
### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of Germanton Road, south of Pebblebrook Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± .99 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>A convenience store is currently located on the site along with a two story 2,154 sf accessory building.</td>
</tr>
</tbody>
</table>

#### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-30</td>
<td>Single family homes</td>
</tr>
<tr>
<td>East</td>
<td>“</td>
<td>“</td>
</tr>
<tr>
<td>South</td>
<td>“</td>
<td>“</td>
</tr>
<tr>
<td>West</td>
<td>“</td>
<td>“ and pet cemetery</td>
</tr>
</tbody>
</table>

#### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

The site is directly adjacent to existing single family homes; however, the proposed non-residential uses are generally no more intensive that the currently approved uses which include Convenience Store and Food or Drug Store.

#### Physical Characteristics

The site has a gentle to moderate slope downward toward the southwest corner of the site.

#### Proximity to Water and Sewer

No public sewer is available to the site. The Health Department has requested that the nitrification field and repair area be shown on the site plan in order to verify there is no conflict with the parking and or display area. Public water is available.

#### Analysis of General Site Information

The site itself poses no known development constraints other than the unavailability of public sewer service and the need to preserve the nitrification field and repair area.

### 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>Germanton Road</td>
<td>Major Thoroughfare</td>
<td>309’</td>
<td>6,700</td>
<td>11,100</td>
</tr>
</tbody>
</table>

#### Proposed Access Point(s)

Germanton Road currently provides three access points to the site.

#### Trip Generation - Existing/Proposed

**Existing Zoning: RS-30 & LB-S**

\[
\text{.24 x 43,560 / 30,000} = 0 \text{ residential units} + \\
8 \times 542.6 \times (\text{Per Fueling Station Convenience Market with Gasoline Pumps Trip Rate}) = 4,341 \text{ Trips per Day} + 2,154/1,000 \times 40.67 \times (\text{Specialty Retail Center Trip Rate}) = 88 \text{ Trips per Day} = 4,429 \text{ Total Trips per Day}
\]

**Proposed Zoning: LB-S**

\[
8 \times 542.6 \times (\text{Per Fueling Station Convenience Market with Gasoline Pumps Trip Rate}) = 4,341 \text{ Trips per Day} + 2,154/1,000 \times 40.67 \times (\text{Specialty Retail Center Trip Rate}) = 88 \text{ Trips per Day} = 4,429 \text{ Total Trips per Day}
\]
### Sidewalks
There are no sidewalks in the general area.

### Transit
Transit is not available.

### Analysis of Site Access and Transportation Information
Currently the site has three driveway connections onto Germanton Road. Staff recommends the southern most driveway be named This driveway serves the lower level which is not visible from Germanton Road. When easements are named a private street sign is installed to identify said easement.

### Generalized Recommended Conditions
**BRIEF DESCRIPTION OF CONDITION(S):**
- Obtain driveway permit from NCDOT
- Condition to name access easement

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 5, (Rural Areas)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Relevant Legacy Recommendations</strong></td>
<td><strong>Infill and Redevelopment:</strong> Permit services near where people live including places of worship and other institutions in a manner that is compatible with surrounding uses, and provide retail and service uses within walking and bicycling distance of neighborhoods. (p.148)</td>
</tr>
<tr>
<td><strong>Relevant Area Plan(s) Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</strong></td>
<td>The site is not within the boundaries of an area plan or development guide.</td>
</tr>
<tr>
<td><strong>(S)(3) - Have changing conditions substantially affected the area in the petition?</strong></td>
<td>No</td>
</tr>
<tr>
<td><strong>(S)(4) - Is the requested action in conformance with Legacy?</strong></td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Analysis of Conformity to Plans and Planning Issues
The subject rezoning request includes no expansion to the existing building square footage. The request does allow for some additional uses and the expansion of the parking area which is proposed on the portion which is currently zoned RS-30. Staff sees the request as a reasonable expansion of a neighborhood serving, multi-use establishment. Planning staff recommends a lighting condition in order to minimize the impact on the surrounding residential properties.

The request was evaluated by the County Attorney who is of the opinion that the proposed rezoning, if challenged, would not be considered by the courts to be an illegal spot zoning based on current case law.

### 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-611</td>
<td>R-6 to B-3-S (LB-S)</td>
<td>Approved 7-26-82</td>
<td>Current site</td>
<td>Current site</td>
<td>Approval</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th></th>
<th>Staff</th>
<th>CCPB</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Recommendation</strong></td>
<td>Approval</td>
<td>Approval</td>
</tr>
<tr>
<td>Building Square Footage</td>
<td>Square Footage</td>
<td>Placement on Site</td>
</tr>
<tr>
<td>-------------------------</td>
<td>----------------</td>
<td>------------------</td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>4,715 total sf</td>
<td>Multiple locations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>23 spaces</td>
<td>30 spaces</td>
<td>Central portion of the site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60'</td>
<td>25'</td>
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<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75%</td>
<td>60.3 %</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Legacy policies: Yes</td>
</tr>
<tr>
<td>(B) Environmental Ord. NA</td>
</tr>
<tr>
<td>(C) Subdivision Regulations NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of Site Plan Compliance with UDO Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The revised site plan complies with the requirements of the UDO.</td>
</tr>
</tbody>
</table>

**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>Request would permit additional commercial uses at this neighborhood serving location.</td>
<td>Request would further intensify a business in the Rural growth management area which is not served by public sewer service.</td>
</tr>
</tbody>
</table>

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

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.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Prior to occupancy of the lower level in the accessory building, developer shall name access easement if required by the Address Coordinator.
  b. If any new lighting is proposed, the developer shall submit a photometric plan prepared by a qualified professional demonstrating the use of full-cut off fixtures, light height at 25’ or less and no more than ½ foot candle of light at the property line.
  c. Petitioner shall obtain a driveway permit from NCDOT.
  d. Petitioner shall obtain a Grading Permit.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Certification from a qualified professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition.

**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 regarding continuance request - February 14, 2008

FOR: None
AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning map amendment to April 10, 2008.
SECOND: Jerry Clark
VOTE:
   FOR: Jerry Clark, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Brenda Smith
   AGAINST: None
   EXCUSED: None

PUBLIC HEARING - April 10, 2008

FOR: None
AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Arthur King
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

According to information furnished on March 5, 2008 by the Office of the Tax Assessor, the subject property was in the name of Pradip Thakkar and Rajni Patel.

A. Paul Norby, FAICP
Director of Planning