

DOCKET #: F1470

PROPOSED ZONING:
LI-S (Building Contractor, General)

EXISTING ZONING:
RS-30

PETITIONER:
Danny W. Sell for property owned by others

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 5

ACRE(S): 0.56

MAP(S): 678882



September 15, 2006

Danny Sell
3075 Sell Road
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT F-1470

Dear Mr. Sell:

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, FAICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

- A. Public Hearing on Zoning Map Amendment Zoning Map Amendment of Danny W. Sell for property owned by Piney Grove Volunteer Fire Department from RS-30 to LI-S (Building Contractor, General): property is located on the northeast corner of Kerner Road and Vance Road (Zoning Docket F-1470).
- B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map.
- 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:- YES NO

SIGNATURE: _____ **DATE:** _____

County Manager

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Danny Sell, Docket F-1470

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 RS-30 to LI-S (Building Contractors, General) the zoning classification of the following described property:

Tax Block 5423, Tax Lot 104G

Section 2. This Ordinance is adopted after approval of the site plan entitled Danny W. Sell, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Danny Sell.

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 Danny W. Sell. 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 Danny Sell (Zoning Docket F-1470). 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 LI-S (Building Contractor, General), 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 LI-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 ANY PERMITS:**
 - a. Developer to obtain grading permit if disturbed area exceeds 10,000 sf.
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - a. Developer shall update driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit. If Grading Permit not required, must obtain Prior to the Issuance of Building Permits.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. All requirements of the NCDOT driveway permit shall be completed.
- **OTHER REQUIREMENTS:**
 - a. No freestanding signage shall be permitted (as volunteered by petitioner).
 - b. No outside storage of materials, equipment or machinery.
 - c. Vehicles stored at the site shall be limited to standard passenger sized cars/trucks/vans.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	F-1470		
Staff	Gary Roberts		
Petitioner(s)	Danny Sell		
Owner(s)	Piney Grove Volunteer Fire Department		
Subject Property	Tax Lot 104G / Tax Block 5423		
Type of Request	Special Use District rezoning from RS-30 to LI-S		
Proposal	<p>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 to LI-S Limited Industrial District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Building Contractors, General 		
Zoning District Purpose Statement	<p>The LI District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. The district is established to provide locations for industrial development in Growth Management Areas 1, 2, 3, and 4, and activity centers.</p>		
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 subject property is located within the GMA 5 Rural Area. The proposed LI District is not intended for GMA 5.		
GENERAL SITE INFORMATION			
Location	Northeast corner of Kerner Road and Vance Road		
Jurisdiction	Forsyth County		
Site Acreage	Approximately ± .56 acre		
Current Land Use	The existing structure is currently unoccupied and was previously used as the Piney Grove Volunteer Fire and Rescue Station.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-30	Single family home
	East	RS-30	Single family home
	South	RS-30	Single family homes
	Southwest	LB	Convenience store

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 proposed use is compatible with the existing convenience store which is located directly southwest of the subject property. However, the proposed use of Building Contractors, General is not considered a use that is compatible with single family homes which also surround the site.			
Physical Characteristics	The developed site has a gentle downward slope from the northern section of the site to the southeastern section of the site.			
Proximity to Water and Sewer	Public water is available to the subject property, however, public sewer is not.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not within the boundaries of a water supply watershed.			
Analysis of General Site Information	The developed property contains relatively gentle topography with no streams or wetlands, and poses no apparent development constraints.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Vance Road	Minor Thoroughfare	171'	1,800	11,100
Kerner Road	Minor Thoroughfare	247'	3,100	11,100
Proposed Access Point(s)	Site plan illustrates continued use of two of the three existing driveways onto Vance Road and Kerner Road. The existing gravel driveway off Vance Road will be removed.			
Planned Road Improvements	The Thoroughfare Plan recommends this section of Vance Road be constructed as two-lane cross section with wide shoulders.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-30</u> .56 acres x 43,560 / 30,000 = 1unit x 9.57 (SFR Trip Rate) =10 Trips per Day</p> <p><u>Proposed Zoning: LI-S</u> 2,562 sf / 1,000 x 11.57 (Single Tenant Office Building Trip Rate) 30 Trips per Day</p> <p>Note: The trip rate for Single Tenant Office Building was determined to be the most comparable rate as no specific rate is available for the proposed use of Building Contractors, General.</p>			
Sidewalks	No sidewalks are located within the general area.			
Traffic Impact Study (TIS)	No TIS is required			

Analysis of Site Access and Transportation Information	The site plan illustrates continued use of two of the three existing driveways onto Vance Road and Kerner Road. In order to minimize the impact on the adjacent residential properties along Kerner Road, staff recommends the existing 33' wide driveway be reduced in width.
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Obtain driveway permit from NCDOT
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	GMA 5 (Rural Area)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Legacy discourages rezonings to more intense districts in the Rural Area.
Relevant Area Plan(s)	The subject property is not within the boundaries of an area plan or development guide area.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(S)(4) - Is the requested action in conformance with Legacy?
Analysis of Conformity to Plans and Planning Issues	<p>The subject request involves the conversion of an existing structure which was previously used as a volunteer fire and rescue station. The site is located within Legacy's Rural Area (GMA 5) where rezonings to more intensive districts are not recommended. While the request is for only one use rather than a wide array of uses, the proposed use of Building Contractors, General is only allowed within the industrial districts (such as the proposed LI) or within the more intensive commercial districts (such as HB). The HB & LI districts are intense and thus the request is also contrary to the recommendations of Legacy.</p> <p>In addition to the GMA 5 issue, staff has concerns about introducing LI zoning at this location. Approval of this request would signal that other industrial or more intensive commercial zoning is appropriate for this area. The LI district is not intended for application in GMA 5. Legacy recommends concentrating commercial development in more focused and planned commercial centers. Approval of this request would run counter to this recommendation, in that it introduces a more intense zoning district in a part of the county that is currently (and envisioned to be) rural and residential in character and could have further consequences of encouraging other rezonings that could also be incompatible with the rural and residential environment around it. Uses for this property that would be more compatible with its surroundings would include a church, a day care, or some type of community center.</p>

Generalized Recommended Conditions		<u>BRIEF DESCRIPTION OF CONDITION(S):</u>				
		<ul style="list-style-type: none"> • Signage condition 				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1456	LB to GB-S	Approved 4-24-06	350' southwest	.86	Denial	Approval
F-132	R-6 to B-3 (converted to LB)	Approved 12-15-69	200' southwest	2.1	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	2,562 sf		Central portion of the site			
Parking	Required	Proposed	Layout			
	3 spaces	7 spaces	In front and rear of building			
Building Height	Maximum		Proposed			
	70'		1 story			
Impervious Coverage	Maximum		Proposed			
	90%		35.17			
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Chapter B, Section 2-1.4 (A) Limited Industrial District 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy policies:</i>		No			
	(B) <i>Environmental Ord.</i>		NA			
	(C) <i>Subdivision Regulations</i>		NA			
Analysis of Site Plan Compliance with UDO Requirements	The revised site plan meets the requirements of the UDO.					
REMAINING SITE PLAN ISSUES						
Issue			Status			
Reduce the driveway width on Kerner Road (Recommendation)			Petitioner would like to keep the driveway at its current width			

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request would allow the reuse of an existing non-residential structure.	The request would intensify the zoning in a rural part of the county which is not in conformance with <i>Legacy's</i> recommendations for GMA 5.
The limitation of the rezoning through special use district zoning with only one use, together with the conditions, could limit the precedent-setting nature of approval.	The request could negatively impact the adjacent single family homes.
	The request may encourage further commercial and industrial rezonings within the general area.
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.	
<u>PRIOR TO THE ISSUANCE OF ANY PERMITS:</u>	
a. Developer to obtain grading permit if disturbed area exceeds 10,000 sf.	
<u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u>	
a. Developer shall update driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit. If Grading Permit not required, must obtain Prior to the Issuance of Building Permits.	
<u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u>	
a. All requirements of the NCDOT driveway permit shall be completed.	
<u>OTHER REQUIREMENTS:</u>	
a. No freestanding signage shall be permitted (as volunteered by petitioner).	

STAFF RECOMMENDATION: DENIAL.

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.**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Danny Sell, 3075 Sell Road, Winston-Salem, NC 27105

- I've talked with the neighbors to see how they would receive this and there wasn't any opposition. In fact, they were grateful.
- We've tried to make all the recommendations the staff requested. We have limited uses and limited parking. We'll have a lot less traffic flow with this use.
- The only reason I object to the driveway in the front is that I don't want to have to disturb any more than I need to out there.
- I have requested two 8 x 20 storage units for the back area. The only thing that would be stored there would be stuff from within. It's not for outside use. The only vehicles which would be stored there would be passenger carrying vehicles. It wouldn't be cranes or fork lifts.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. Board members asked the petitioner if he was willing to offer as conditions that there would be no outdoor storage, equipment or vehicles other than standard smaller passenger vehicles. The petitioner was willing to stipulate those as conditions.
2. Paul Mullican: There won't be a change in the outside, this will be low intensity use and I think it's appropriate.

MOTION: Clarence Lambe moved approval of the zoning map amendment and site plan, certified that the site plan meets all code requirements and recommends staff conditions with two additional conditions: There shall be no outdoor storage of equipment and materials and vehicles other than passenger vehicles.

SECOND: Paul Mullican

VOTE:

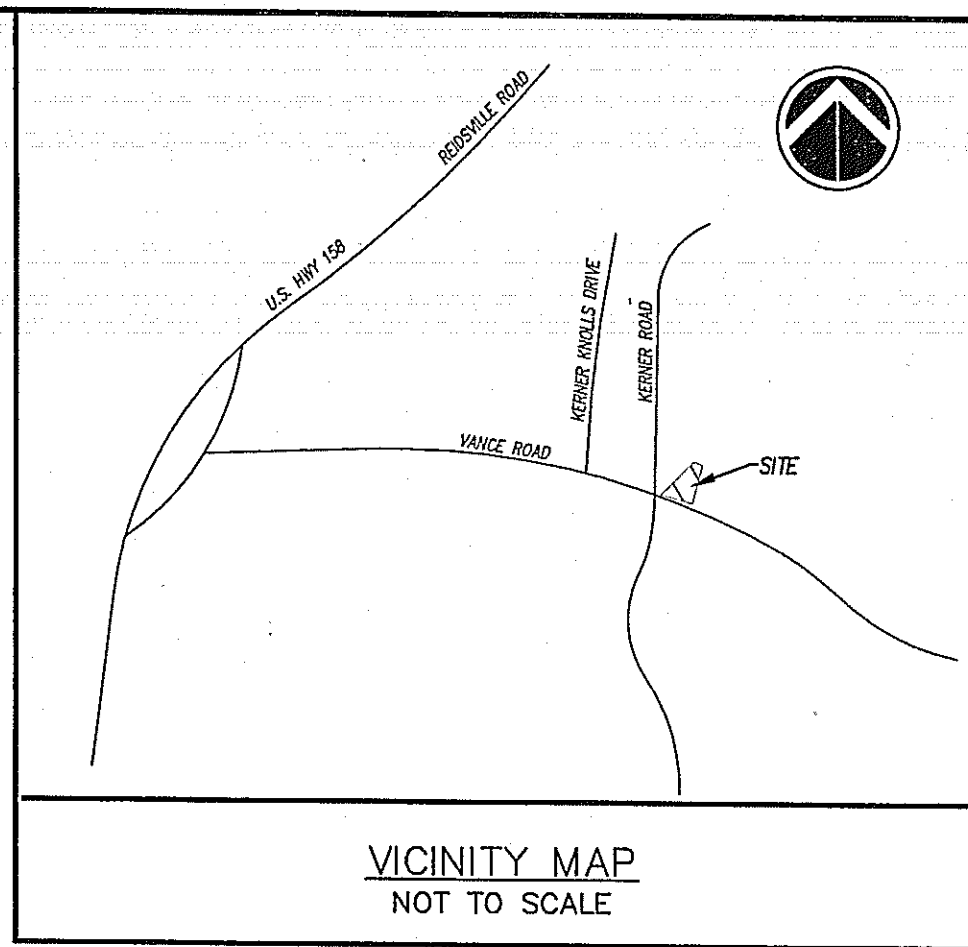
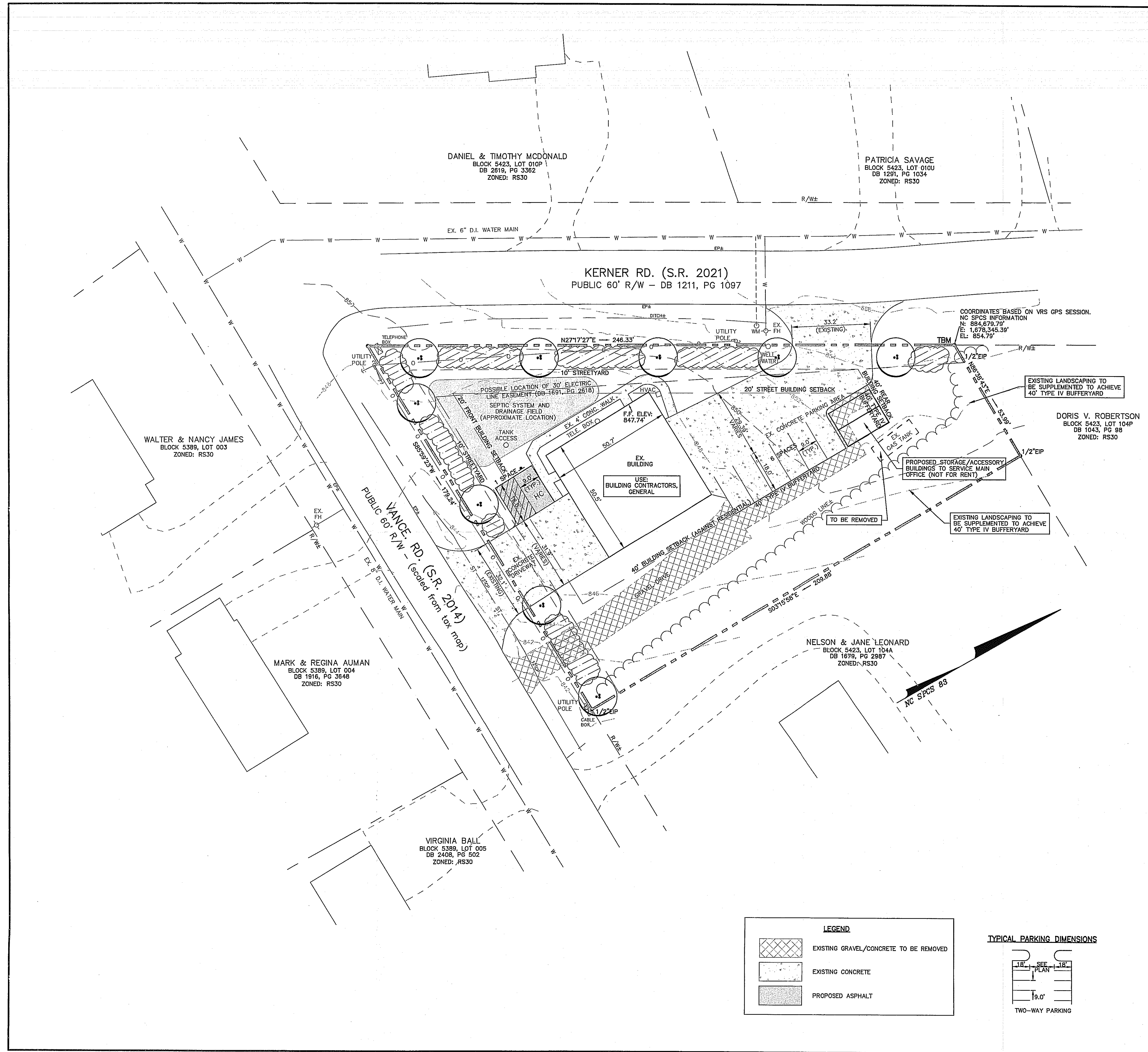
FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

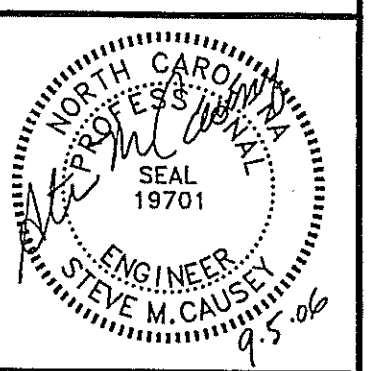
EXCUSED: None

According to information furnished on August 1, 2006 by the Office of the Tax Assessor, the subject property was in the name of Piney Grove Volunteer Fire Department.

A. Paul Norby, FAICP
Director of Planning



Allied Design, Inc.
 CIVIL ENGINEERING & LAND SURVEYING
 4720 KESTER MILL ROAD
 WINSTON-SALEM, NORTH CAROLINA 27103
 Phone: (336) 765-2377
 Fax: (336) 760-8886
 http://www.allied-ensurv.com



REZONING AND PRELIMINARY SITE PLAN
 FOR PLANNING BOARD REVIEW ONLY

DWS STRUCTURES, INC. - VANCE ROAD
 DANNY SELL
 FORSYTH COUNTY
 NORTH CAROLINA

PROJECT NO.: 06-020
 DRAWN BY: JMN
 CHECKED BY: SMC
 DATE: 07/31/06

NO.	DATE	DESCRIPTION
A	07/31/06	ISSUED FOR PRE-SUBMITTAL REVIEW
B	06/07/06	ISSUED FOR PLANNING BOARD REVIEW
C	06/09/06	REVISED PER PLANNING STAFF COMMENTS

REZONING AND PRELIMINARY SITE LAYOUT

SHEET
C1
 OF 1

SITE DATA
 PROPERTY OWNERS: TAX BLOCK 5423 LOT 104G
 DEED BOOK 1625 PAGE 2358
 PARCEL ID: 6878-84-3558
 PINEY GROVE VOLUNTEER FIRE DEPARTMENT
 1109 PINEY GROVE ROAD
 KERNERSVILLE, N.C. 27284
 PETITIONER: DWS STRUCTURES, INC.
 3075 SELL ROAD
 WINSTON-SALEM, N.C. 27105
 PH: (336) 595-4815 FAX: (336) 595-8100
 CONTACT: DANNY SELL
 ENGINEER/SURVEYOR: ALLIED DESIGN, INC.
 4720 KESTER MILL ROAD
 WINSTON-SALEM, N.C. 27103
 PH: (336) 765-2377 FAX: (336) 760-8886
 STEVE CAUSEY, P.E.

PARKING CALCULATIONS
 BUILDING CONTRACTORS, GENERAL: 1 SPACE/750 SF GFA
 2,562 SF GFA/750 = 3
 PARKING REQUIRED: 3 SPACES
 PARKING PROPOSED: 7 SPACES

- GENERAL NOTES**
- EXISTING SITE BOUNDARY, TOPOGRAPHIC, AND PLANIMETRIC INFORMATION TAKEN FROM SURVEY PROVIDED BY ALLIED LAND SURVEYING CO., P.A., DATED JULY 5, 2006.
 - ALL DEVELOPMENT SHALL CONFORM WITH THE FORSYTH COUNTY "UNIFIED DEVELOPMENT ORDINANCE".
 - ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, BACK OF CURB AND FACE OF BUILDING, UNLESS OTHERWISE NOTED. VERIFY ALL BUILDING DIMENSIONS WITH ARCHITECT PRIOR TO START OF CONSTRUCTION.
 - THE PURPOSE OF THIS SUBMITTAL IS TO REZONE THE PARCEL OF PROPERTY IDENTIFIED AS TAX BLOCK 5423 LOT 104G FROM RS-30 TO HB-S FOR BUILDING CONTRACTORS, GENERAL.
 - ONLY MINOR GRADING WILL BE REQUIRED FOR HANDICAP PARKING AREA. EXISTING TOPOGRAPHY SHOULD REMAIN APPROXIMATELY THE SAME.
 - JURISDICTION: FORSYTH COUNTY.

PROPOSED USES	
BUILDING CONTRACTORS, GENERAL	
ZONING	OFF-STREET PARKING
EXISTING ZONING: RS-30	PROPOSED USE(S): SEE ABOVE
PROPOSED ZONING: LI-S	PARKING CALCULATION: SEE ABOVE
TYPE OF REVIEW REQUESTED: REZONING & PRELIMINARY SITE PLAN APPROVAL	REQUIRED PARKING: SEE ABOVE SPACES
	PROVIDED PARKING: SEE ABOVE SPACES
SITE SIZE AND COVERAGES	BUFFERYARDS
TOTAL ACREAGE: 0.58 ± (FROM GEODATA) ACRE(S)	ADJOINING ZONING: RS30
SITE COVERAGES:	TYPE REQUIRED: TYPE IV (AGAINST RESIDENTIAL)
BUILDING TO LAND: 11.75 %	WIDTH PROVIDED: 40'
PAVEMENT TO LAND: 22.08 %	FENCE OPTION: YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
TOTAL IMPERVIOUS: 33.83 %	
OPEN SPACE: 66.17 %	
TOTAL: 100 %	BUILDING SETBACKS
BUILDING SQUARE FOOTAGE: 2,882± SQ FT	FRONT: 20'
BUILDING HEIGHT: 1 STORY (EXISTING)	REAR: 20'
	SIDE: 0.5'/12' (40' AGAINST RESIDENTIAL)
	STREET: 20'
INFRASTRUCTURE	DENSITY CALCULATIONS
WATER: YES PUBLIC: <input checked="" type="checkbox"/> PRIVATE: <input type="checkbox"/>	NUMBER OF UNITS OR LOTS: X UNITS/LOTS
SEWER: YES PUBLIC: <input checked="" type="checkbox"/> PRIVATE: <input type="checkbox"/>	DENSITY: X UNITS/ACRE OR LOTS/ACRE
STREETS: YES PUBLIC: <input checked="" type="checkbox"/> PRIVATE: <input type="checkbox"/>	

