DOCKET #: F1431
PROPOSED ZONING: HB
EXISTING ZONING: RS20
PETITIONER: Bunce Buildings for property owned by Dearl and Betty Bunce

SCALE: 1" represents 200'
STAFF: Roberts
GMA: 5
ACRE(S): 1.16
MAP(S): 618898
June 22, 2005

Dear Mr. Bunce & Ms. Bunce:

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, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Beth Bunce, 212 Overbrook Drive, Lexington, NC 27292
MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Zoning Map Amendment of Dearl L. Bunce and Betty G. Bunce from RS-20 to HB: property is located on the east side of University Parkway across from Cross Baptist Church Road (Zoning Docket F-1431).

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map.

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 Dearl L. Bunce and Betty G. Bunce, Docket F-1431

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-20 to HB the zoning classification of the following described property:

Tax Block 4943, Tax Lots 017, 018, 019, 020A, 015B, and 016

Section 2. This ordinance shall become effective upon adoption.
**ZONING STAFF REPORT**

**DOCKET #**  F-1431  
**STAFF:**  Gary Roberts

**Petitioner(s):**  Dearl L. Bunce and Betty G. Bunce  
**Ownership:**  Same

**REQUEST**

From:  RS-20 Residential Single Family District; 20,000 sf minimum lot size  
To:  HB Highway Business District

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

**NOTE:**  This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

**Acreage:**  1.16

**LOCATION:**

Street:  East side of University Parkway across from Cross Baptist Church Road.  
Jurisdiction:  Forsyth County.

**PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site:  Single family dwelling.  
Adjacent Uses:  
- North:  Small scale business operations zoned HB.  
- South:  Single family dwellings zoned RS-20 and nonconforming businesses.  

**GENERAL AREA**

Character/Maintenance:  Well maintained single family dwellings with some small scale business operations along a major thoroughfare.  
Development Pace:  Slow to moderate.
HISTORY

Relevant Zoning Cases:

1. F-1346; RS-9 to IP-S (Club or Lodge; and Recreation Services, Outdoor); approved October 8, 2001; west side of University Parkway, north of Opal Drive; 5.08 acres; Planning Board and staff recommended approval.

2. F-1092; R-6 to HB-S (Golf Driving Range); approved October 9, 1995; eastern terminus Bray Street; 24.0 acres; Planning Board and staff recommended approval.

3. F-1091; R-6 to RM8-S (Residential Building, Multifamily); approved October 9, 1995; southeastern side of Bray Street east of University Parkway; 22.29 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No impact determined with general use request.
Topography: Gentle slope downward from the central section of the site to the northeastern section of the site.
Streams: No streams are located within or adjacent to the subject property.
Vegetation/habitat: Typical residential yard.
Water Supply Watershed: The site is not within a water supply watershed.

TRANSPORTATION

Direct Access to Site: University Parkway
Street Classification: Major Thoroughfare
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
University Parkway between the proposed Northern Beltway, located ±1/2 mile south, and Wall Street, located ±4,100 feet north = 13,000/16,100
Planned Road Improvements/Thoroughfare Plan: Four lane divided facility with bicycle and pedestrian accommodations.
Sidewalks: No sidewalks are located in the general area.
Transit: None.
Bicycle Route: Horizons Park Connector.

CONFORMITY TO PLANS

Growth Management Plan Area (Legacy): Rural Area (GMA 5)
Relevant Comprehensive Plan Recommendation(s): Legacy calls for commercial development to be focused at compact activity nodes.
Area Plan/Development Guide: The site is not within the boundaries of an area plan or development guide.
INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: Site is identified in the Rural Hall/Winston-Salem Annexation Agreement as being within an area Winston-Salem cannot annex.

Expressed Concern: The Town of Rural Hall is generally supportive of commercial development in the area of the subject property. They also would have no objection to seeing a special use petition rather than a general use petition on the subject property.

ANALYSIS

The subject request is to rezone 1.16 acres located on the eastern side of University Parkway from RS-20 to HB. Currently located on the site is a single family dwelling with an accessory building in the rear yard. The site is adjacent to single family dwellings located immediately to the east, south and west across University Parkway zoned RS-20 and RS-9. The northern border of the site adjoins small scale commercial uses zoned HB. It should also be noted that some of the RS-20 zoned property further to the south is utilized for commercial purposes which are apparently nonconforming.

University Parkway is a major thoroughfare which serves as a major radial route between downtown Winston-Salem and Rural Hall. Currently the section in front of the subject property is a two lane facility which carries approximately 13,000 cars per day. The ultimate recommended cross section is a four lane divided facility with bicycle and pedestrian accommodations.

The site is not within the boundaries of an area plan or development guide; however Legacy recommends that commercial development be focused at compact activity nodes. As a result of the above mentioned character of the surrounding area, Planning staff recognizes that the subject property is in a transitional area. However, staff sees the subject request as being in a pivotal location surrounded on three sides by single family residential. Approval of the subject HB general use request with all the uses allowed could negatively impact traffic flow along this State highway. Additionally without sensitivity in site design, the proposal could negatively impact adjacent single family homes in regards to off-site noise, lighting and visual character. Finally, it could lend support for similar general use commercial requests on other nearby properties, further compounding the negative impacts.

Planning staff could be supportive of a special use request preferably to a less intense zoning district which retains the existing structure and provides a higher degree of protection to the surrounding residential properties. However, staff sees the current request as being inconsistent with its surroundings on three sides and therefore recommends denial.

FINDINGS

1. Legacy calls for commercial development to be focused at compact activity nodes.

2. The site is not within the boundaries of an area plan or development guide.
3. The subject RS-20 to HB with all the possible allowed uses could have a detrimental impact to traffic flow along University Parkway/NC 66.

4. Without sensitivity in site design, the subject request could have negative impacts on the adjacent single family homes in regard to off-site noise, lighting and visual character.

5. The subject request could lend support to similar general use commercial requests on other nearby properties.

**STAFF RECOMMENDATION**

Zoning: **DENIAL**.

Gary Roberts presented the staff report.

**PUBLIC HEARING**

FOR:

D. L. Bunce, 414 Glenwood Drive, Lexington, NC 27292
- My wife and I bought this property a few months ago for business purposes.
- I appreciate the staff’s efforts as they sought to guide us.
- This appears to be a community in transition from residential to commercial.
- There are two existing businesses, one on each side of this site.
- We did send letters to nine adjoining property owners trying to inform them of our plans. We got back no responses, but in the process learned that only two owners lived on site. The rest were rentors.
- As far as I can understand, the City of Rural Hall has no objections to this type of business going here.
- We assure the City, Forsyth County, and Rural Hall that no illegitimate business would ever happen on this site as long as we had anything to do with it.
- We would appreciate your consideration.

Beth Bunce, 212 Overbrook Drive, Lexington, NC 27292
- It's our understanding that the City of Rural Hall has no problem with Highway Business zoning at this site.
- As was pointed out by the staff, adjacent to our property was General Use Highway Business zoning, so this is consistent with what we're seeking today.
- Offered copies of the letters which were sent to the surrounding property owners.

AGAINST: None
WORK SESSION

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

1. Obviously this area is in transition. This is a southern extension of the HB zoning already there. There appears to be no opposition from the adjacent owners, including the RS-20 area.

2. The buffering requirements between HB and the residential in the back are a type III bufferyard.

3. There's a great deal of elevation difference here with a fence running along the top of the slope.

4. A text amendment processed about a year ago took the use "Adult Establishment" out of the HB district. There are also spacing requirements from residences, churches, schools, etc. for Adult Establishments even in districts where the uses are allowed.

MOTION: Paul Mullican moved approval of the zoning map amendment.
SECOND: Clarence Lambe
VOTE:
   FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith
   AGAINST: None
   EXCUSED: None

Written comments submitted by Planning Board members:

Dara Folan: I could have voted either way on this vote. On the one hand, I agree with staff that Legacy calls for commercial development to be focused at activity nodes, and that approval of this request could encourage similar zoning requests in the future. On the other hand, the property directly to the north is zoned HB. With no opposition being voiced, I decided to vote for approval.

According to information furnished by the Office of the Tax Assessor as of April 26, 2005, the subject property was in the name of Vera V. Hawks.

A. Paul Norby, AICP
Director of Planning