DOCKET #: F1424
(Continued from 12/9/04 CCPB meeting)

PROPOSED ZONING:
PB-S (Multiple Business and Office Uses) - TWO PHASE

EXISTING ZONING:
HB and RS-9

PETITIONER:
Zackary L. Rothrock and Glenda S. Rothrock for property owned by Same

SCALE: 1" represents 400’
STAFF: Marchant
GMA: 3
ACRE(S): 1.09
MAP(S): 588854
January 25, 2005

Zachary L. Rothrock  
4385 Styers Ferry Road  
Winston-Salem, NC  27104

RE:  ZONING MAP AMENDMENT F-1424

Dear Mr. Rothrock:

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  
     Glenda S. Rothrock, 4389 Styers Ferry Road, Winston-Salem, NC  27104
MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning map amendment of Zachary L. Rothrock and Glenda S. Rothrock from HB & RS-9 to PB-S [Offices, Miscellaneous; Services, Business A; Building Contractors, General; Non-Store Retailer; Professional Office; Medical & Surgical Offices - TWO PHASE]: property is located on the southwest corner of Styers Ferry Road and Lura Road (Zoning Docket F-1424).

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:-   X YES      ___NO

SIGNATURE: ______________________________ DATE: _______________

County Manager
COUNTY ORDINANCE - SPECIAL USE
Zoning Petition of Zachary L. Rothrock and
Glenda S. Rothrock, Docket F-1424

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 HB & RS-9 to PB-S [Offices, Miscellaneous; Services, Business A; Building Contractors, General; Non-Store Retailer; Professional Office; Medical & Surgical Offices - TWO PHASE] the zoning classification of the following described property:

Tax Block 4459, Tax Lots 1 and 2

Section 2. This Ordinance is adopted after approval of the site plan entitled Zachary L. Rothrock and Glenda S. Rothrock, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of __________________, 20____ to Zachary L. Rothrock and Glenda S. Rothrock.

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 Zachary L. Rothrock and Glenda S. Rothrock. 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 Zachary L. Rothrock and Glenda S. Rothrock (Zoning Docket F-1424). 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 PB-S [Offices, Miscellaneous; Services, Business A; Building Contractors, General; Non-Store Retailer; Professional Office; Medical & Surgical Offices - TWO PHASE], 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 PB-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 GRADING PERMITS**
  a. Driveway permit shall be issued by the North Carolina Department of Transportation. NCDOT reserves the right to require improvements prior to issuance of driveway permits.
  b. Developer shall have a storm water management plan submitted for review by the Erosion Control Officer.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. A sidewalk along Styers Ferry Road shall be constructed if Styers Ferry Road has curb and gutter, otherwise a payment in-lieu of construction shall be made in accordance with WSDOT requirements.
• OTHER REQUIREMENTS
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
  b. Any lighting of the parking lot shall use full cut-off “shoebox” lighting fixtures not higher than 15 feet above grade to help protect nearby residential properties from excessive light pollution.
  c. Chain link fencing (unless having black or green vinyl cladding), razor ribbon, and barbed wire shall not be used on the proposed fence.
ZONING STAFF REPORT

DOCKET #   F-1424
STAFF:     Bret Marchant

Petitioner(s): Zachary L. Rothrock and Glenda S. Rothrock
Ownership:   Same

REQUEST

From:   HB and RS-9
To:     PB-S (Offices, Miscellaneous; Services, Business A; Building Contractors, General; Non-Store Retailer; Professional Office; and Medical & Surgical Offices – TWO PHASE)

Both general and special use district zoning were discussed with the applicants who decided to pursue the zoning as requested.

Acreage: 1.09 acres total (0.57 acres in Phase I)

LOCATION:

Street:  Southwest corner of Styers Ferry Road and Lura Road
Jurisdiction: Forsyth County

SITE PLAN

Proposed Use: Offices, Miscellaneous; Services, Business A; Building Contractors, General; Non-Store Retailer; Residential, Single-Family; Professional Office; Medical & Surgical Offices – TWO PHASE.
Square Footage: 4,830 sq ft in Phase I.
Building Height: 40 ft maximum height.
Parking: Required: 17 spaces; Proposed: 18 Spaces Layout: Parking is located to the rear and side of the proposed building along Lura Road.
Bufferyard Requirements: Type III required adjacent to RS-9 zoning.
Vehicular Use Landscaping Standards Requirements: UDO requirements apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Two single-family residential structures are located on the subject property, one on each phase of the development.
Adjacent Uses:
North and West – Well-maintained single-family residences are located north, northwest and west of the subject property.
Northeast – A single-family structure that has been converted for use as a hair salon and an insurance office is located northeast of the subject property across Lura Road.

East – Single-family residential structures are located east of the subject property across Styers Ferry Road.

Southeast – LA Reynolds Garden Showcase is located southeast of the subject property across Styers Ferry Road.

South – An 11.8 acre parcel of land zoned RS9 is located south of the subject property.

**GENERAL AREA**

Character/Maintenance: The general area is a mixture of mostly well-maintained single-family residences, neighborhood commercial and office uses, and larger-scale commercial uses. Some industrial uses are located along Country Club Road near the intersection of Meadowlark Drive.

Development Pace: Moderate to High.

**HISTORY**

Relevant Zoning Cases:

1. F-1364; RS-9 to RM-8-S; approved June 24, 2002; east of Styers Ferry Road across from Woodcove Drive and Hollow Wood Court; Planning Board and Staff recommended approval.

2. F-1273; HB and RS-9 to HB; approved October 26, 1999; off the northeast side of Shallowford Road across from Jeannine Drive; Planning Board and Staff recommended approval.

3. F-1208; HB and RS-9 to HB; approved September 8, 1997; west side of Fath Road south of Country Club Road/Styers Ferry Road; Planning Board and Staff recommended approval.

4. F-866; B-3-S and R-6 to B-3-S (multiple business uses); approved November 23, 1987; east side of Styers Ferry Road south of Country Club Road; Planning Board and Staff recommended approval. This site is now the HB-S site southeast of the subject property.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The proposed site plan will increase impervious surface on the site and remove some existing vegetation, particularly in the second phase of this development.

Topography: The subject property’s elevation changes approximately 28 feet, rising from about 744 feet in the southwestern corner of the site up to about 772 feet in the north-central section of the site.
Streams: Tomahawk Creek is located about 400 feet south of the subject property.  
Vegetation/habitat: Significant vegetation covers the southwest section of the subject property.  
Floodplains: Floodway Fringe area from Tomahawk Creek just overlaps with the southwestern section of the subject property.  
Wetlands: None.  
Natural Heritage Sites: None.  
Farmland Preservation Sites: None.  
Environmental Resources Beyond The Site: The proposed site plan does not appear to considerably impact environmental resources beyond the site.  
Water Supply Watershed: The subject property is not located in a water supply watershed.  
Compliance with Federal/State requirements for wetland/stream protection: The petitioner is responsible for complying with all Federal and State stream protection regulations.  

**TRANSPORTATION**  
Direct Access to Site: Lura Road; Styers Ferry Road; Country Club Road; Shallowford Road  
Street Classification: Lura Road – Local Road; Styers Ferry Road – Major Thoroughfare; Country Club Road – Major Thoroughfare; Shallowford Road – Major Thoroughfare  
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):  
Styers Ferry Road between Shallowford and Phillips Bridge Roads = 8,000/11,100  
Country Club Road between Meadowlark Drive and Shallowford Road = 11,000/16,100  
Shallowford Road between Styers Ferry Road and the Northern Beltway = 6,000/11,100  
Trip Generation/Existing Zoning: HB and RS-9  
0.74 x 43,560/9,000 = 3 units x 9.57 (SFR Trip Rate) = 28 Trips + 1 unit (existing house) x 9.57 (SFR Trip Rate) = 9 Trips; Total Trips per Day = 37  
Trip Generation/Proposed Zoning: PB-S  
4,830/1,000 x 36.13 (Medical/Dental Office Trip Rate) = 174 Trips per Day  
Planned Road Improvements: Country Club Road between Phillips Bridge Road and the Northern Beltway; from 2 lanes to 3 lanes; 2021-2025.  
Traffic Impact Study recommended: No.  
Sidewalks: None.  
Transit: None.  
Bicycle Route: Route 2, Yadkin County Connector, along Country Club and Shallowford Roads.  

**CONFORMITY TO PLANS**  
GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).  
Relevant Comprehensive Plan Recommendation(s): An area northeast of the petitioner’s site is being considered for the relocation of the Robinhood Road West Metro Activity Center. *Legacy* recommends that new commercial development be clustered at activity nodes rather than stretched out along transportation corridors. The design of a site should accommodate pedestrians as well as the automobile. Most parking should be to the side or rear of a site where possible and buildings should face the street. Where commercial development is part of a larger activity center, the development should be connected and integrated into the overall plan of development for the area.
Area Plan/Development Guide: None - the area is within the study area for the Northwest MAC relocation. The Planning Board recommended in favor of relocating the MAC from Robinhood Road to Country Club Road. The Board of County Commissioners has not yet taken action on the Northwest MAC relocation.

Relevant Development Guide Recommendation(s): The subject property is within the core area of the relocated MAC. Recommended design considerations should be incorporated into the site design.

ANALYSIS

This petition is to rezone 1.09 acres of land at the southwest corner of Styers Ferry Road and Lura Road from RS-9 and HB to PB-S (Offices, Miscellaneous; Services, Business A; Building Contractors, General; Non-Store Retailer; Residential, Single-Family; Professional Office; Medical & Surgical Offices - TWO PHASE)

Approximately a little more than half of the parcel identified as Phase I on the submitted site plan and one-quarter of the entire property is currently zoned HB. The existing single-family structure in Phase I is located entirely in the section of the property zoned HB. The rest of the subject property is zoned RS-9.

The subject property is not within an area plan area. However, the property is within the core area of the future Northwest Metro Activity Center, if relocated (see map to the right). While the Board of County Commissioners has not yet taken action on the Northwest MAC relocation, staff asked the petitioner to consider developing the site in a manner consistent with the MAC recommendations.
Developments in MACs, as detailed in *Legacy* and in the *Metro Activity Center Design Guidelines*, must adhere to certain design elements if the MAC is to be ultimately successful. Some of these design elements include:

- Sidewalks and pathways that encourage pedestrian movement;
- Buildings located close to the street to create a sense of place;
- Locating parking to the rear or side of primary structures; and
- Buildings with display windows along the street to enhance the pedestrian environment.

Incorporating these design elements in this proposal is crucial not only for the function of this site but also because it can serve as precedent for future developments in this area. A large portion of this area has significant potential for new development. This potential will only increase as the Northern Beltway is constructed. Throughout the planning process for the MAC’s relocation, the public has expressed concern about seeing this area develop in ways similar to Forsyth County’s existing suburban commercial centers. Some comments specifically mentioned the need to develop guidelines that future developments must meet.

The site plan as currently submitted incorporates most of the MAC’s recommended design elements, specifically locating the building close to the street and placing the parking to the rear and side of the main structure. The Winston-Salem Department of Transportation is requesting a payment-in-lieu of construction that will go toward the construction of a sidewalk along Styers Ferry Road. Sidewalks are important transportation infrastructure elements, particularly for property zoned Pedestrian Business.

Additionally, the petitioner should be commended for working with staff to modify their site plan to better conform to the *MAC Design Guidelines*. Such cooperation by developers is essential to the overall success of the MAC.

**FINDINGS**

1. Approximately a little more than half of the parcel identified as Phase I on the submitted site plan and one-quarter of the entire property is already zoned HB.

2. The property is within the study area for the Northwest Metro Activity Center (MAC) relocation.

3. Developments in MACs, as detailed in *Legacy* and in the *Metro Activity Center Guidelines*, must adhere to certain design elements if the MAC is to be ultimately successful.

4. The site plan as currently submitted incorporates most of the MAC’s recommended design elements.

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1 Adopted by the City-County Planning Board on January 30, 2003.
5. The petitioner should be commended for working with staff to modify their site plan to better conform to the *MAC Design Guidelines*.

**STAFF RECOMMENDATION**

Zoning: **APPROVAL**.
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. Driveway permit shall be issued by the North Carolina Department of Transportation. NCDOT reserves the right to require improvements prior to issuance of driveway permits.
  b. Developer shall have a storm water management plan submitted for review by the Erosion Control Officer.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. A sidewalk along Styers Ferry Road shall be constructed if Styers Ferry Road has curb and gutter, otherwise a payment in-lieu of construction shall be made in accordance with WSDOT requirements.

- **OTHER REQUIREMENTS**
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
  b. Any lighting of the parking lot shall use full cut-off “shoebox” lighting fixtures not higher than 15 feet above grade to help protect nearby residential properties from excessive light pollution.
  c. Chain link fencing (unless having black or green vinyl cladding), razor ribbon, and barbed wire shall not be used on the proposed fence.

**PUBLIC HEARING** - December 9, 2004

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Dara Folan moved continuance of the zoning map amendment and site plan to January 13, 2005 with the waiver of all fees, including advertising fees, since they petitioner is continuing the petition to change requested districts at staff's request.

SECOND: Jerry Clark
VOTE:
  FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
  AGAINST: None
  EXCUSED: None

PUBLIC HEARING - January 13, 2005

FOR: None
AGAINST: None

WORK SESSION

MOTION: Jerry Clark moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Dara Folan
VOTE:
  FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Norwood, Smith
  AGAINST: None
  EXCUSED: None

According to information furnished on November 4, 2004 by the Office of the Tax Assessor, the subject property was in the name of Glenda S. Rothrock and Zackary L. Rothrock.

____________________
A. Paul Norby, AICP
Director of Planning