

DOCKET #: F1415

PROPOSED ZONING:
NO-S (Professional Office; and Offices, Misc.)

EXISTING ZONING:
AG

PETITIONER:
Leighton Edwards Realty, Inc., for property owned by Same

SCALE: 1" represents 400'

STAFF: Gallaway

GMA: 3

ACRE(S): 0.48

MAP(S): 684846



June 23, 2004

Leighton Edwards Realty, Inc.
c/o Charles E. Edwards, President
4320 Kernersville Road
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT F-1415

Dear Mr. Edwards:

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

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____

AGENDA ITEM NUMBER: _____

SUBJECT:-

- A. Public Hearing on zoning map amendment of Leighton Edwards Realty, Inc. from AG to NO-S (Offices, Miscellaneous; and Professional Office): property is located on the west side of NC 66 south of Old Salem Road (Zoning Docket F-1415).
- 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 Leighton Edwards Realty, Inc.,
Docket F-1415

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 AG to NO-S (Offices, Miscellaneous; and Professional Office) the zoning classification of the following described property:

Tax Block 5643, Tax Lot 38

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

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 Leighton Edwards Realty, Inc. 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 Leighton Edwards Realty, Inc. (Zoning Docket F-1415). 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 NO-S Offices, Miscellaneous; and Professional office), 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 NO-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. Developer shall obtain a driveway permit from NCDOT.
 - b. Developer shall remodel the existing structure in substantial compliance with the building elevation as shown on Exhibit A.

- **OTHER REQUIREMENTS**
 - a. If access is provided from the north, south, or west, developer shall connect to that access and enter into a mutually agreeable access easement with the adjoining property owner.
 - b. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.

ZONING STAFF REPORT

DOCKET # F-1415
STAFF: Suzy Gallaway

Petitioner(s): Leighton Edwards Realty, Inc.
Ownership: Same

REQUEST

From: AG Agricultural District
To: NO-S Neighborhood Office District (Professional Office; and Offices, Miscellaneous)

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

Acreage: 0.48 acre

LOCATION:

Street: West side of NC 66 South and south of Old Salem Road
Jurisdiction: Forsyth County

SITE PLAN

Proposed Use: Professional Office; and Offices, Miscellaneous
Square Footage: 1,739 sf
Building Height: Single Story
Parking: Required: 5 Spaces; Proposed: 5 Spaces
Bufferyard Requirements: Fifteen foot Type II where parking is adjacent to residential zoning.
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single Family home
Adjacent Uses:
North- Single Family home, zoned AG
East- Bishop McGinnis Catholic High School, zoned RS-30
South- Single Family home, zoned AG
West- Single Family homes, zoned AG and RS-20

GENERAL AREA

Character/Maintenance: Mixture of uses
Development Pace: Moderate

HISTORY

Relevant Zoning Cases:

1. F-1307; AG to NO-S (Professional Office); withdrawn June 26, 2000 at the County Commissioners meeting; west side of NC 66 south of Old Salem Road (current site); 0.48 acre; Planning Board and staff recommended denial.
2. F-1291; RS-20 to HB-S (Multiple Uses); approved May 8, 2000; east side of NC 66 across from Crews Farm Road; 13.21 acres; Planning Board and staff recommended approval.
3. F-1265; RS-20 to GB-S (Multiple Uses); approved September 13, 1999; northwest corner of NC 66 and Crews Farm Road; 3.1 acres; Planning Board and staff recommended denial.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan does not significantly impact the site's existing physical features.

Topography: The subject property experiences only a slight change in elevation, rising from about 964 feet in the northwestern section of the site up to about 966 in the eastern section of the site.

Vegetation/habitat: Some amount of significant vegetation lies on the northeastern section of the site.

Environmental Resources Beyond The Site: The proposed site plan should not significantly impact environmental resources beyond the site.

Water Supply Watershed: The subject property is located in the WS-III Abbotts Creek water supply watershed.

Compliance with Watershed Protection Regulations: The petitioner is responsible for complying with all appropriate watershed protection regulations.

TRANSPORTATION

Direct Access to Site: NC 66; Old Salem Road

Street Classification: NC 66 – Major Thoroughfare; Old Salem Road – Major Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

NC 66 between Old Salem Road and Bunker Hill-Sandy Ridge Roads = 9,700 / 16,100

Old Salem Road between NC 66 and Teague Lane = 2,200 / 11,100

Trip Generation/Existing Zoning: AG: $.48 \times 43,560 / 40,000 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 9$
Trips per Day

Trip Generation/Proposed Zoning: NO-S: $1,739 / 1,000 \times 11.01 \text{ (General Office Trip Rate)} = 19$
Trips per Day

Bicycle Route: Route 16, Sedge Garden Connector, along Old Salem Road, north of site.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3)

Relevant Comprehensive Plan Recommendation(s): *Legacy* placed the Kernersville South Metro Activity Center at I-40 and NC 66. Further work as part of the Union Cross Area Plan located the activity center in the southwestern quadrant of the interchange, identified parcel specific boundaries for the activity center, sited the commercial core area and developed a set of design guidelines for this mixed-use pedestrian friendly development. The petitioner's site is located within the commercial core of the activity center, intended for a mix of multi-story buildings that would create an urban "town center" environment. The proposed use, a neighborhood office, does not have the scale and intensity that was intended for a metro activity center core area.

Area Plan/Development Guide: *Union Cross/Southeast Forsyth County Area Plan* (adopted in 2004)

Relevant Development Guide Recommendation(s): The *Union Cross/Southeast Forsyth County Area Plan* recommends that the subject property be developed in a comprehensive manner as part of the recommended Metro Activity Center (MAC).

INCORPORATED AREA COMMENTS

Although the current request is located west and south of the Town of Kernersville, Jeff Hatling, Kernersville Planning Director, offers the following comments, recommending denial, in anticipation that the area will likely be annexed into Kernersville:

- The 0.46 acre site is located in the ¼ mile core of the *NC 66/Old Salem Road Metro Activity Center Guidelines*. Within the central core of the *Guidelines*, it states "high concentration of buildings and activities should be located in the core area with a gradual transition out toward lower density uses." This site is a low-density use and does not conform to the *Guidelines* as set forth by City-County Planning, and approved by the Forsyth County Board of Commissioners.
- NC 66 is a major thoroughfare and needs to be protected from a development pattern that would generate multiple curb cuts from a commercial strip serving numerous small lots.

ANALYSIS

The current request is to rezone just under a half acre from AG to NO-S (Offices, Miscellaneous and Professional Office). On the site is an existing single family home proposed to be converted into an office. With the exception of adding parking, the building and site will retain its residential character.

Although the property is located on an increasingly busy thoroughfare with new non-residential development across NC 66 South, staff is concerned about the prospect of extending commercial development farther south along NC 66 South in such a piecemeal manner. The site is located in the core of what has been identified as a Metro Activity Center (MAC). A Metro Activity Center would be expected to have a much greater scale and intensity than the proposed conversion to

office. Staff may be supportive of efforts to bring in much larger assembled tracts in a comprehensive manner for retail, office or multifamily uses, but is concerned this proposal would hamper the intentions of a MAC.

Additionally, this request, if approved could promote leapfrog commercial development, causing traffic problems, an unbalanced development pattern and strip commercial sprawl.

If the request as presented were to be approved, staff would recommend that it be recognized as a temporary use of the property until such time that comprehensive redevelopment could occur.

FINDINGS

1. The building and site will retain its residential character.
2. Staff is concerned about the prospect of extending commercial development farther south along NC 66 South in such a piecemeal manner.
3. The site is located in the core of what has been identified as a Metro Activity Center (MAC).
4. A Metro Activity Center would be expected to have a much greater scale and intensity than the proposed conversion to office.
5. Staff may be supportive of efforts to bring in much larger assembled tracts in a comprehensive manner for retail, office or multifamily uses.

STAFF RECOMMENDATION

Zoning: **DENIAL.**

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

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall obtain a driveway permit from NCDOT.

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Chuck Edwards, 4320 Kernersville Road, Kernersville, NC 27284

- This area will be developed. To develop this as a larger (more comprehensive planned) unit would take years. There are ten property owners who would have to be willing to sell at the same time.
- The closest sewer line is one mile away.

- I am very much receptive to a master plan for this corner.
- The property will look the same except for changes depicted on the artist's rendering.
- Traffic will not be negatively impacted.
- This property will stay the same and will look the same.
- I plan to use this as an office.
- Would you like to have your house with a busy, dangerous road out front?
- NO is intended for very low density uses in converted single family homes.
- This property meets all the UDO requirements.
- I think this is a temporary use.
- The building rendering is part of the submittal.
- We would be happy to provide 20' cross access easement along all three sides.

AGAINST: None

WORK SESSION

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

- The Board discussed ways to provide alternate access to this site and surrounding sites.
- Until such access is installed, the bufferyard shown on the site plan must be installed and maintained.
- Dara Folan: I have concerns about strip commercial developing out here. This is a small lot in the middle of a big AG area.

MOTION: Carol Eickmeyer moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with a mutually agreeable stub to the west, south, or north should it become available and with the building elevation "Exhibit A" included as part of the site plan.

SECOND: Jimmy Norwood

VOTE:

FOR: Clark, Eickmeyer, King, Lambe, Mullican, Norwood, Smith

AGAINST: Folan, Glenn

EXCUSED: None

Mr. Folan indicated that he would support the site plan if the vote had been separate.

Written Comments Made by Planning Board Members:

Dara Folan: I voted against this proposal because I believe if approved this rezoning would encourage leapfrog commercial development and strip commercial sprawl. In addition, the Kernersville Planning Director also recommended denial in anticipation of the property's likely annexation into Kernersville.

Lavastian Glenn: I voted against the petition because of the concern for the potential strip commercial development being encouraged piece by piece - down NC 66.

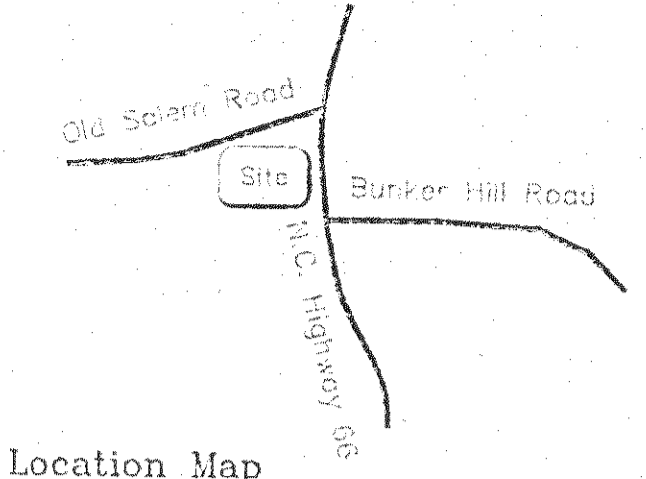
According to information furnished on May 10, 2004 by the Office of the Tax Assessor, the subject property was in the name of Leighton Edwards Realty, Inc.

A. Paul Norby, AICP
Director of Planning

SITE PLAN LEGEND	
ZONING Existing Zoning: AG Proposed Zoning: NO-S Type of Review Requested: Rezoning	OFF-STREET PARKING (if applicable) Proposed Use(s): Office, (Professional) Parking Calculation: 1 Space/300 GFA Required Parking: 5 Spaces Parking Provided: 5 Spaces
SITE SIZE AND COVERAGES Total Acreage: 0.450 Acres± Site Coverages: Building to Land: 9.0% Pavement to Land: 2.4% Gravel to Land: 16.7% Open Space: 71.9% TOTAL: 100.00% Building: 1739 Sq. Ft.± Building Height - 1 Story	INFRASTRUCTURE Water: Public Sewer: Private Streets: Public BUFFERYARDS (if applicable) Adjoining Zoning: AG Type Required: Type II Width Provided: 15'
WATERSHED CALCULATIONS	
Total Site Square Footage: 19,399 Sq. Ft. Less: Existing Built Upon Area: 5,685 Sq. Ft. Vacant Land Area: 15,221 Sq. Ft. Maximum New Built Upon Area: 3,653 Sq. Ft. WS-IV Balance of Watershed: -35% if no curb and gutter -24% with curb and gutter WS-III and WS-IV: -24% Reservoir Protection Area	House: 1739 Sq. Ft. 2 Conc. Pads: 347 Sq. Ft. Existing Gravel: 3187 Sq. Ft. Additional Gravel: 227 Sq. Ft. Proposed Built Upon Area: 5,500 Sq. Ft. (Existing Built Upon Area Plus New Maximum Built Upon Area) 9,338 Sq. Ft.

Legend

Iron Found	○
Iron Placed	□
Catch Basin	⊠
Utility Pole	⊙
Aerial Utility Line	—AU—
Fence	—X—
Light Pole	☆
Water Line	—W—
Handicap Parking	♿



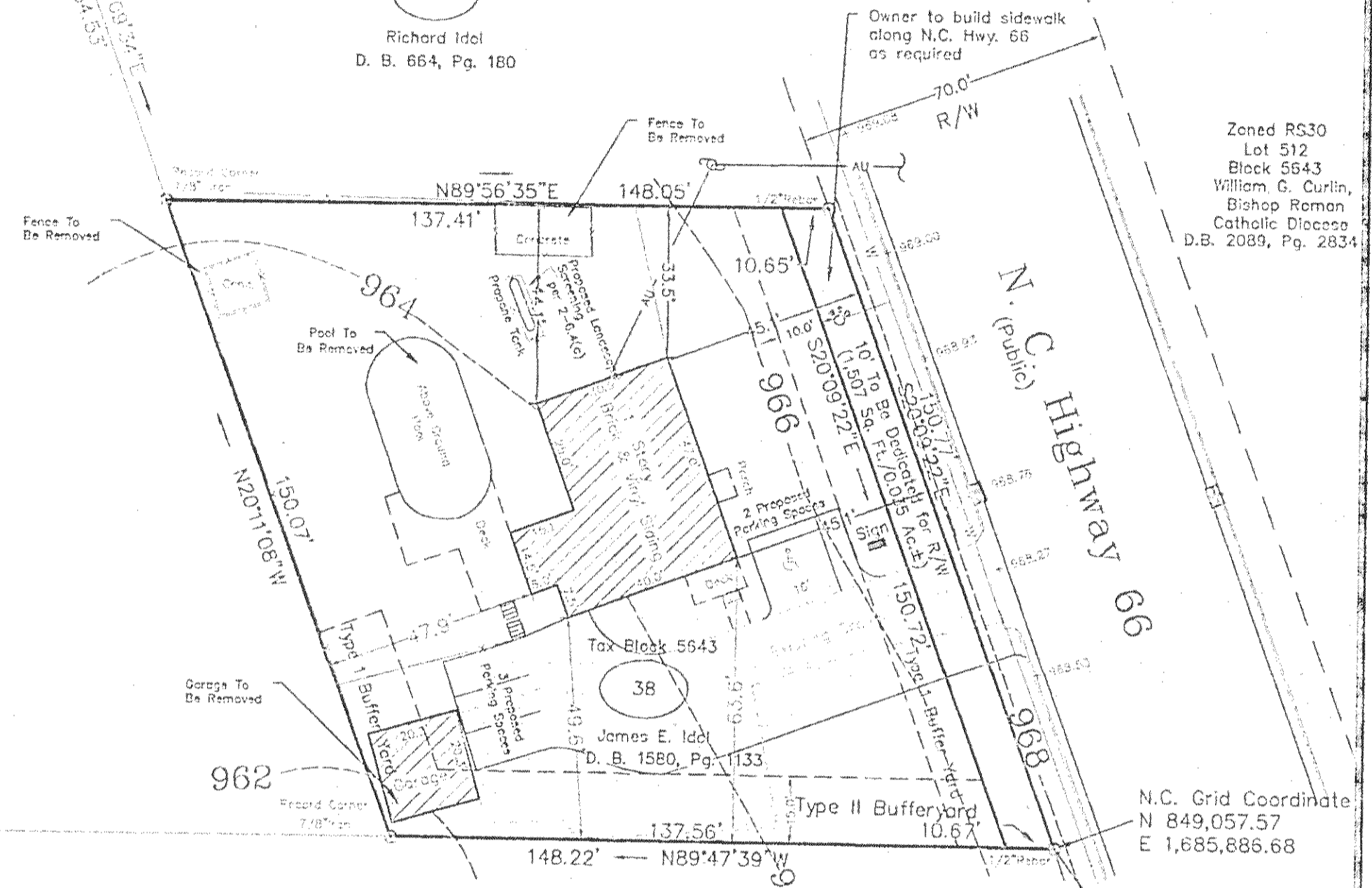
Old Salem Road
(Public)

Zoned AG
Lot 5
Tax Block 5643C
Richard Idol
D. B. 1761, Pg. 3105

John G. Wolfe, III, Trustee
P.B. 36, Pg. 48

Zoned AG
Tax Block 5643
39D
Richard Idol
D. B. 664, Pg. 180

Zoned RS30
Lot 512
Block 5543
William G. Curlin,
Bishop Roman
Catholic Diocese
D.B. 2089, Pg. 2834

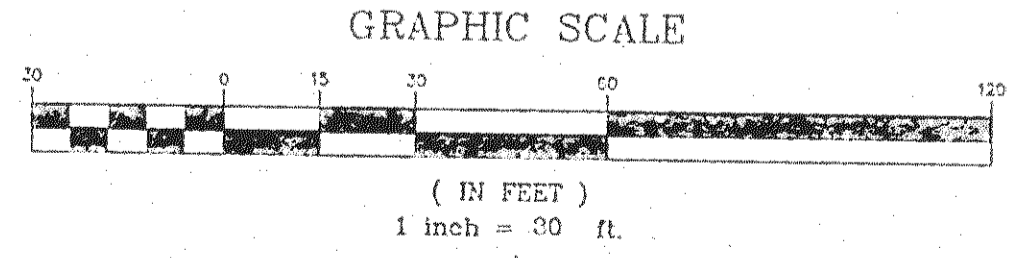


Zoned AG
Tax Block 5643
40B
Ben Stafford Heirs
D.B. 223, Pg. 278

19,399 Sq. Ft.± to New R/w
0.445 Acres± to New R/w
Site Plan
C. Edwards & Company
Abbotts Creek Township
Forsyth County, North Carolina
Date: February 14, 2000
Owner & Developer: C. Edwards & Company
P.O. Box 2365
Kernersville, N. C. 27285

Being lot no. 38, Tax Block 5643
Deed Book 1580, Pg. 1133

NCGS "Bunker" NAD 83
North 847,467.96
East 1,687,081.77
NGVD 29
Combined Factor 0.9999339



Brady
Surveying
Company, P.A.
2990 Bethesda Place, Suite 601-B
Winston-Salem, North Carolina 27103
(336) 760-2716

- Notes:**
- 1) This property is subject any easements, agreements, or rights-of-way of record prior to the date of this map.
 - 2) Field survey was completed on February 14, 2000.
 - 3) This survey is of an existing parcel or parcels of land and does not create a new street or change an existing street.
 - 4) This survey was performed without the benefit of an Attorney's Title Opinion.
 - 5) Topographic survey taken from aerial maps.
 - 6) Proposed grades to match existing grades.

W. Mad...
Professional Land Surveyor
L-2578
NORTH CAROLINA
PROFESSIONAL
LAND SURVEYOR
SEAL
MAX BRADY, JR.
L-2578

E-1415
Dwg. No. 0006
DAVID