DOCKET #: F1421

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

EXISTING ZONING:
AG

PETITIONER:
Robert Y. Tucker and
Jonnie H. Tucker
for property owned by Same

SCALE: 1" represents 1000'

STAFF: Roberts

GMA: 3

ACRE(S): 18.00

MAP(S): 660838, 660842
        666838, 666842
December 10, 2004

Robert Y. Tucker and Jonnie H. Tucker
3175 Temple School Road
Winston-Salem, NC  27107

RE:  ZONING MAP AMENDMENT F-1421

Dear Mr. Tucker and Ms. Tucker:

    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
    Doug Stimmel, 601 N. Trade Street, Winston-Salem, NC  27101
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________________  AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning map amendment of Robert Y. Tucker and Jonnie H. Tucker from AG to LI-S [(Arts and Crafts Studio; Building Materials Supply; Wholesale Trade, A; Wholesale Trade, B; Banking & Financial Services; Building Contractors, General; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle, Rental & Leasing; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care (Drop-In); Child Care (Sick Children); Child Day Care Center; College or University; Government Offices; Hospital or Health Center; Police or Fire Station; Post Office; Postal Processing Facility; Schools, Vocational or Professional; Manufacturing A; Manufacturing B; Broadcast Studio; Helistop; Park & Shuttle Lot; Parking, Commercial; and Transmission Tower - TWO PHASE)] : property is located on the north side of Temple School Road, west of Union Cross Road (Zoning Docket F-1421).

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 Robert Y. Tucker and Jonnie H. Tucker, Docket F-1421

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 LI-S [(Arts and Crafts Studio; Building Materials Supply; Wholesale Trade, A; Wholesale Trade, B; Banking & Financial Services; Building Contractors, General; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle, Rental & Leasing; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care (Drop-In); Child Care (Sick Children); Child Day Care Center; College or University; Government Offices; Hospital or Health Center; Police or Fire Station; Post Office; Postal Processing Facility; Schools, Vocational or Professional; Manufacturing A; Manufacturing B; Broadcast Studio; Helistop; Park & Shuttle Lot; Parking, Commercial; and Transmission Tower - TWO PHASE)] the zoning classification of the following described property:

Tax Block 5626 Tax Lot 201
Section 2. This Ordinance is adopted after approval of the site plan entitled Robert Y. Tucker and Jonnie H. Tucker/Alliance Science and Technology Park, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the ______ day of _________________, 20_____ to Robert Y. Tucker and Jonnie H. Tucker.

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 Robert Y. Tucker and Jonnie H. Tucker/Alliance Science and Technology Park. 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.
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 Robert Y. Tucker and Jonnie H. Tucker (Zoning Docket F-1421). 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 [(Arts and Crafts Studio; Building Materials Supply; Wholesale Trade, A; Wholesale Trade, B; Banking & Financial Services; Building Contractors, General; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle, Rental & Leasing; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care (Drop-In); Child Care (Sick Children); Child Day Care Center; College or University; Government Offices; Hospital or Health Center; Police or Fire Station; Post Office; Postal Processing Facility; Schools, Vocational or Professional; Manufacturing A; Manufacturing B; Broadcast Studio; Helistop; Park & Shuttle Lot; Parking, Commercial; and Transmission Tower - 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 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 ANY LAND DISTURBING ACTIVITY**
  a. Grading permits must be issued by the North Carolina Department of Environment and Natural Resources (DENR) since this is a construction project of an agency of the City of Winston-Salem.
b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

c. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- OTHER REQUIREMENTS
  a. The Final Development Plan shall be reviewed by City-County Planning staff in accordance with the initial site plan, volunteered conditions, and portions of the *Southeast Forsyth County/Union Cross Area Plan*, Design Guidelines for New Business Parks (see Exhibit A.)

- VOLUNTEERED CONDITIONS
  a. Where loading docks are located closer than 300 feet to adjacent residential properties, additional landscaping, berming, or other site improvements will be required as necessary to meet the intent of the *Southeast Forsyth County/Union Cross Area Plan* guidelines, and approved by Planning Staff.
ZONING STAFF REPORT

DOCKET #  F-1421
STAFF:      Gary Roberts

Petitioner(s): Robert Y. Tucker and Jonnie H. Tucker
Ownership:  Same

REQUEST

From: AG Agricultural District; 40,000 sf minimum lot size
To: LI-S Limited Industrial District [(Arts and Crafts Studio; Building Materials Supply; Wholesale Trade, A; Wholesale Trade, B; Banking & Financial Services; Building Contractors, General; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle, Rental & Leasing; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care (Drop-In); Child Care (Sick Children); Child Day Care Center; College or University; Government Offices; Hospital or Health Center; Police or Fire Station; Post Office; Postal Processing Facility; Schools, Vocational or Professional; Manufacturing A; Manufacturing B; Broadcast Studio; Helistop; Park & Shuttle Lot; Parking, Commercial; and Transmission Tower - TWO PHASE)]

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

Acreage: ±18 acres

LOCATION:

Street: North side of Temple School Road, west of Union Cross Road.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Business Park.
Square Footage: To be determined with second phase.
Building Height: 70 foot maximum.
Parking: Required: To be determined with second phase through site plan review.
Bufferyard Requirements: 50 foot type IV where adjacent to residential zoning.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.
PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family residence and associated outbuildings.

Adjacent Uses:
- North- Undeveloped property zoned AG.
- East- Agricultural property zoned LI-S.
- South- Single family home and accessory agricultural buildings zoned AG.
- West- Agricultural property zoned LI-S.

GENERAL AREA

Character/Maintenance: Rural farmland interspersed with residential subdivisions.
Development Pace: Slow to moderate.

HISTORY

Relevant Zoning Cases:

1. F-1400; AG to RM-8-S (Planned Residential Development; Residential Building, Single Family; Residential Building, Duplex; Residential Building, Multifamily; Residential Building, Twin Home; and Residential Building, Townhouse); approved April 12, 2004; north side of High Point Road east side of Union Cross Road; 87.06 acres; Planning Board and staff recommended approval.

2. F-1391; AG and RS-20 to LI-S (Multiple Uses - TWO PHASE); approved September 8, 2003; north and south sides of Temple School Road north of High Point Road and west of Union Cross Road; 190.44 acres; Planning Board and staff recommended approval.

3. F-1339; AG and RS-20 to RS-15-S (Residential Building, Single Family; and Planned Residential Development); approved June 25, 2001; 43.14 acres; south side of Glenn Hi Road west of Witwould Lane and west of Valjean Lane; Planning Board and staff recommended approval.

4. F-1337; RS-20 to RS-15-S (Residential Building, Single Family; and Planned Residential Development); approved April 12, 2001; 1.32 acres; south side of Glenn Hi Road east of Yeaton Glen Drive; Planning Board and staff recommended approval.

5. F-1334; AG to RS-15-S (Residential Building, Single Family; and Planned Residential Development); approved February 26, 2001; 56.0 acres; south side of Glenn Hi Road east of Yeaton Glen Drive; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The submitted site plan is part of a TWO PHASE proposal and does not indicate any initial impacts on the site’s existing physical features. The site appears to be arable agricultural land.
Topography: Overall, the subject property’s elevation changes by approximately 32 feet, rising from about 920 feet in the northwestern section of the site up to about 952 feet in the central section of the site.

Streams: An intermittent stream that feeds into Swaim Creek to the northwest begins in the northwest section of the subject property.

Vegetation/habitat: No significant vegetation is located on the subject property.

Floodplains: None.

Wetlands: No wetlands are located on the subject property. Identified wetlands are located on the adjacent existing LI-S parcels.

Natural Heritage Sites: None.

Farmland Preservation Sites: None.

Environmental Resources Beyond The Site: The proposed request does not appear to add significant impacts to the potential development already approved on the surrounding properties.

Water Supply Watershed: The subject property is not located in a water supply watershed.

Amount of AG Zoned Land Rezoned to Other Districts Since the Creation of the AG District on December 31, 1994: 1,696.9 acres; Balance: 59,819.63 acres. Note: If F-1420 is approved the number would change to 1,698.9 with a balance of 59,817.63 acres.

TRANSPORTATION

Direct Access to Site: Temple School Road.

Street Classification: Temple School Road – Collector Road.

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

- No counts available for Temple School Road
- Trip Generation/Existing Zoning: AG
  43,560 x 18 acres/40,000 = 19 units x 9.57 (SFR Trip Rate) = 181 Trips per Day
- Trip Generation/Proposed Zoning: LI-S
  18 acres x 149.79 (Business Park Trip Rate by acre) = 2,696 Trips per Day

Planned Road Improvements: None

Interior Streets: Proposed public street bisects the site.

Traffic Impact Study recommended: A TIS was previously prepared for the larger business park; an additional study is not required for the subject request.

Connectivity of street network: Proposed public street stubs to the adjacent LI-S zoned property.

Sidewalks: Proposed along the northern side of the proposed public street.

Transit: None.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): The economic development goal in Legacy is to “attract environmentally sensitive new businesses and expand existing large and small businesses to provide a broad range of employment opportunities and a high quality of life for people living and working in Forsyth County.” In order to meet that goal the plan recommends that the community recognize the scarcity of “greenfield” industrial
sites and promote the wisest economic use of those limited resources. The plan also recommends that economic development be compatible with existing residential neighborhoods and that all development be done in an environmentally sensitive way.

Relevant Development Guide Recommendation(s): The Union Cross/Southeast Forsyth County Area Plan recommends the subject property be developed as part of a comprehensive business park, utilizing the recommended design guidelines for business parks contained in the plan.

ECONOMIC DEVELOPMENT

Prime Industrial Site: The subject site is between two tracts of the existing 190 acre Alliance Science and Technology Park. Although this site is not formally included in the Industrial Sites Handbook (1990), it has been evaluated as a potential industrial site for several years. Public water is currently available and public sewer is currently available along Swaim Creek.

Available Infrastructure: Public water and sewer service is currently available nearby and can be provided with relative ease to the site. The site has good access to US 311 and I-40 via Union Cross Road.

ANALYSIS

This petition is to rezone 18 acres from AG to LI-S (TWO PHASE). The property, which is currently used for agricultural purposes, is located on the north side of Temple School Road, west of Union Cross Road. The surrounding development pattern is primarily undeveloped and agricultural in character. However, recent large scale, industrial rezoning activity on adjoining properties, testifies to the transitional nature of the general area.

In 2003, over 190 acres on both the north and south sides of Temple School Road were rezoned to LI-S (TWO PHASE) in order to accommodate the proposed Alliance Science and Technology Park (F-1391). As a part of Planning staff’s review for this initial rezoning, staff analyzed not only the localized land use impacts of the proposed business park but also the strategic economic needs of all of Forsyth County. Specifically, the following factors were evaluated: Forsyth County’s industrial site needs; the suitability of the proposed location; and the effectiveness of the proposed site plan in mitigating various impacts to adjacent neighbors and the surrounding area.

Based upon a detailed analysis, staff recommended approval of said rezoning and noted that it should be considered the first installment of an even larger business park. The subject property is sandwiched between two portions of the above mentioned business park which has already been zoned LI-S. The site plan shows a continuation of the proposed public street which runs east and west thus connecting said two existing LI-S properties.
The site is identified in the *Southeast Forsyth County/Union Cross Area Plan* as part of a larger comprehensive business park. Based upon the land use recommendations contained within the plan, once the business park zoning in its entirety is established, it would not set a precedent for other commercial uses in the area beyond the boundaries as identified in the plan.

This plan has been submitted as an LI-S (TWO PHASE) project with the requested provision that the second phase site plan be approved at the staff level. The conditions attached to the previously approved, large scale rezoning, would also be applicable to the subject property. These include adherence to most if not all of the Design Guidelines for New Business Parks found within the *Southeast Forsyth County/Union Cross Area Plan*. Special design features will be utilized in order to address those guidelines that cannot practically be met on this site.

Staff recommends approval of this request as being consistent with the both the adopted area plan and the previously approved LI-S (TWO PHASE) zoning which was designated on the adjoining parcels.

**FINDINGS**

1. The request proposes an 18 acre addition to the existing 190± acre, undeveloped Alliance Science and Technology Park.

2. New business park sites in large consolidated tracts are considered a strategic economic need by county economic development leaders and by Planning staff.

3. The Union Cross area, and specifically the subject site, embodies many key criteria of quality industrial development, i.e., large acreage, good topography, good transportation access and central Triad location. Public water and sewer are available to the site.

4. A large, comprehensively planned business park site offers opportunities to address many issues such as traffic, storm water management, open space retention and other concerns which are more difficult to address if the same property and acreage were to be developed piecemeal.

**STAFF RECOMMENDATION**

Zoning: **APPROVAL.**

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

* PRIOR TO ANY LAND DISTURBING ACTIVITY
  a. Grading permits must be issued by the North Carolina Department of Environment and Natural Resources (DENR) since this is a construction project of an agency of the City of Winston-Salem.
b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

c. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

? OTHER REQUIREMENTS
a. The Final Development Plan shall be reviewed by City-County Planning staff in accordance with the initial site plan, volunteered conditions, and portions of the Southeast Forsyth County/Union Cross Area Plan, Design Guidelines for New Business Parks (see Exhibit A.).

? VOLUNTEERED CONDITIONS
a. Where loading docks are located closer than 300 feet to adjacent residential properties, additional landscaping, berming, or other site improvements will be required as necessary to meet the intent of the Southeast Forsyth County/Union Cross Area Plan guidelines, and approved by Planning Staff.

PUBLIC HEARING
FOR: None

AGAINST: None

WORK SESSION
MOTION: Clarence Lambe 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, Mullican, Norwood, Smith
AGAINST: None
EXCUSED: None

According to information furnished by the Office of the Tax Assessor on October 28, 2004, the subject property was in the name of Robert York Tucker and Jonnie H. Tucker.

_____________________________
A. Paul Norby, AICP
Director of Planning