DOCKET #: F1423

PROPOSED ZONING:
LB-S (Multiple Business and Office Uses; Retail and Wholesale Trade; Recreational Services, Indoor)

EXISTING ZONING:
LB-S

PETITIONER:
Karl Stimpson Builders, Inc., for property owned by Same

SCALE: 1" represents 400'
STAFF: Gould
GMA: 3
ACRE(S): 4.26
MAP(S): 594874
December 10, 2004

Karl Stimpson Builders, Inc.
P. O. Box 26
Pfafftown, NC  27040

RE:   ZONING MAP AMENDMENT F-1423

Dear Mr. Stimpson:

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
      Brad Coe, P. O. Box 36, Wallburg, NC  27373
MEETING DATE: _________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning map amendment of Karl Stimpson Builders, Inc. from LB-S to LB-S (Banking and Financial Services; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Veterinary Services; Arts and Crafts Studio; Furniture and Home Furnishing Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; and Recreation Services, Indoor): property is located on the southeast corner of Yadkinville Road and Pfaff Lane (Zoning Docket F-1423).

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 Karl Stimpson Builders, Inc.,
Docket F-1423

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 *LB-S (Offices, Miscellaneous; Professional
Office; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; Banking and
Financial Services; Services, Business B; and Recreation Services, Indoor)* to *LB-S (Banking
and Financial Services; Medical and Surgical Offices; Offices, Miscellaneous; Professional
Office; Services, Business A; Services, Personal; Veterinary Services; Arts and Crafts Studio;
Furniture and Home Furnishing Store; General Merchandise Store; Retail Store, Specialty or
Miscellaneous; and Recreation Services, Indoor)* the zoning classification of the following
described property:

   Tax Block 4633, Tax Lots 139, 140A, and 140B

Section 2. This Ordinance is adopted after approval of the site plan entitled *Karl
Stimpson Builders, 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 Karl Stimpson Builders, 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 Karl Stimpson Builders, 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 Karl Stimpson Builders, Inc. (Zoning Docket F-1423). 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 LB-S (Banking and Financial Services; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Veterinary Services; Arts and Crafts Studio; Furniture and Home Furnishing Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; and Recreation Services, Indoor), 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 LB-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. 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.
  b. Developer shall cordon off the proposed thirty (30) foot wide undisturbed bufferyard as shown on the site plan.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall obtain a driveway permit from NCDOT and make all road improvements and dedications of rights-of-way along Yadkinville Road in accordance with North Carolina Department of Transportation requirements and specifications.
b. As volunteered by the developer, all new buildings shall be substantially in compliance with the building materials and character of existing building on the site. Meeting this condition shall be confirmed by Planning staff. (See Exhibit “A”)

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Any storm water management devices shall be installed.

• OTHER REQUIREMENTS
  a. A total of two (2) freestanding monument type ground signs with a maximum copy area of thirty (30) square feet with a maximum height of six (6) feet will be permitted along the entire frontage of Yadkinville Road.
  b. All dumpsters shall be screened using materials and colors which match buildings on the site.
ZONING STAFF REPORT

DOCKET #  F-1423
STAFF:    Nancy Gould

Petitioner(s):  Karl Stimpson Builders, Inc.
Ownership:  Karl Stimpson Builders, Inc. and Karl A. Stimpson

REQUEST

From:  LB-S Limited Business District (Offices, Miscellaneous; Professional Office; Medical and Surgical Offices; Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Services, Business B; and Recreation Services, Indoor)
To:  LB-S Limited Business District (Banking and Financial Services; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Veterinary Services; Arts and Crafts Studio; Furniture and Home Furnishing Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; and Recreation Services, Indoor)

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

Acreage:  4.26 acres

LOCATION:

Street:  Southeast corner of Yadkinville Road and Pfaff Lane along Pinehill Drive.
Jurisdiction:  Forsyth County.

SITE PLAN

Proposed Use:  Multiple service and commercial uses.
Square Footage:  21,057 square feet total in 6 buildings of various sizes.
Building Height:  Single story.
Parking:  Required: 106 Spaces; Proposed:  117 spaces.
Bufferyard Requirements:  Type II buffer required adjacent to single family residentially zoned properties. Thirty foot-wide undisturbed buffer proposed adjacent to Pinehill Drive and Pfaff Lane along southern and western property lines, respectively. A fifteen foot (15') wide buffer is proposed along the eastern property line.
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.
PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Commercial buildings as shown on current site plan.
Adjacent Uses:
- North- Shopping Center, zoned HB-S.
- South- Single family homes, zoned RS-9.
- West- Single family homes, zoned RS-9.

GENERAL AREA

Character/Maintenance: Mixture. This area contains a mixture of older homes. Across Yadkinville Road are two shopping centers generally well maintained.
Development Pace: Moderate.

HISTORY

Relevant Zoning Cases:

Current Site:

1. F1416; LB-S (multiple commercial and services uses) to Site Plan Amendment (multiple commercial and service uses with the addition of Recreational Services, Indoor) approved November 9, 2004; (current site); 4.47 acres; Planning Board and staff recommended approval. (23,037 sq. ft., 7 buildings)

2. F-1341; LB-S (Office, Miscellaneous; Professional Office; Medical and Surgical Office; Retail Store, Specialty or Miscellaneous; Banking and Financial Services; and Service, Business B) to Site Plan Amendment; approved June 25, 2001; (current site); 4.47 acres; Planning Board and staff recommended approval. The amendment to the site plan showed the addition of a bank building and shifted a couple of buildings eastward. (23,037 sq. ft., 7 buildings)

3. F-881; R-6 (comparable to RS-20) to B-2-S (comparable to LB-S) (Offices; Stores or Shops, Retail [excluding convenience stores]; Services; Laundries, Dry Cleaning or Linen Supply Service; and Medical, Dental or Related Offices); approved August 22, 1988; (current site) 4.47 acres; Planning Board and staff recommended approval. (23,040 sq. ft., 8 buildings)

Other Sites

4. F-1395; RS-9 to LB-S (Food or Drug Store); withdrawn at the Planning Board November 13, 2003; southwest corner of Yadkinville Road and Spicewood Drive; 1.68 acres; staff recommended denial.
5. F-1360; HB-S (Multiple Business Uses) to HB-S (Multiple Business Uses; addition of Car Wash); approved March 11, 2002; north side of Yadkinville Road east of Transou Road; 1.78 acres; Planning Board and staff recommended approval.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Moderate. Except for a buffer adjacent to Pinehill Drive, most existing scrub trees on site will be removed for new development.

Topography: Property is graded and is relatively flat with a slight slope downward toward the northeast. A steep, twelve to fifteen foot high cut slope is located along the southern property line.

**TRANSPORTATION**

Direct Access to Site: Yadkinville Road.
Street Classification: Major Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
- Yadkinville Road between Transou Road and Grandview Club Road = 9,100/11,100
- Transou Road between Balsom Road and Yadkinville Road = 3,600/11,100

Trip Generation/Existing Zoning: LB-S: 2,370/1,000 x 265.21 (Bank w/Drive Through Trip Rate) = 629 trips + 20,677/1000 x 40.67 (Specialty Center Retail Trip Rate) = 840 trips; Total Trips per Day = 1469

Trip Generation/Proposed Zoning: LB-S: Same as existing.
Planned Road Improvements: Yadkinville Road from Reynolda Road to Northern Beltway; from 2 lanes to 3 lanes; 2021-2025

**CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods Area located within the Municipal Services Area.
Relevant Comprehensive Plan Recommendation(s): The Suburban Neighborhoods Area is appropriate for future commercial, residential and industrial development, and much of the future development should occur in this area.
Area Plan/Development Guide: This site is not within the boundaries of an area plan or development guide.

**ANALYSIS**

This property was first approved for a mixture of retail, service and office uses in 1988. However, convenience stores were to be specifically prohibited. According to previous staff analyses, the main site plan consideration was to keep an appropriate vegetative and topographic buffer between the commercial development and adjacent residential properties located south, east, and west of the site. Also important was maintaining a character and scale of development in keeping with the surrounding residential areas.
In 1995 the property was reclassified under the UDO from the former B-2-S zoning district to LB-S and retained the same array of commercial uses which excludes convenience stores. In 2001 “Banking and Financial Services” was added as a use along with minor site plan changes. Then in November of 2004, the additional use of “Recreation, Indoor” was added as a use along with additional minor site plan changes.

The current site plan shows less total building square footage and six buildings rather than seven. It is also a request to add additional uses allowed in the LB-S zoning district.

Planning staff believes that the current site plan adequately addresses the concerns of the initial rezoning in 1988 by maintaining an existing undisturbed buffer along the southern and western property lines. Additionally, the developer proposes a sixty-four foot (64’) building setback from the eastern property line with a type II bufferyard. Also, the existing buildings have a character that is complementary to the surrounding residential properties, and staff has recommended a condition as part of this rezoning request that all new buildings be of the same character in regards to brick and roof pitch.

Planning staff considers the proposed site plan and uses to be generally consistent with the original plan and therefore recommends approval.

**FINDINGS**

1. The proposed rezoning request adds additional uses allowed in the LB zoning district, decreases the total building square footage and number of buildings than previously approved. Staff believes that the requested changes are in keeping with the character and intensity of the original approval.

2. The original site plan requirement to provide an undisturbed vegetative buffer along the southern and western property line has been retained.

3. All other pertinent site plan conditions from the original approval have been retained.

**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. 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.
  b. Developer shall cordon off the proposed thirty (30) foot wide undisturbed bufferyard as shown on the site plan.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall obtain a driveway permit from NCDOT and make all road
     improvements and dedications of rights-of-way along Yadkinville Road in
     accordance with North Carolina Department of Transportation requirements and
     specifications.
  b. As volunteered by the developer, all new buildings shall be substantially in
     compliance with the building materials and character of existing building on the
     site. Meeting this condition shall be confirmed by Planning staff. *(See Exhibit
     “A”)*

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Any storm water management devices shall be installed.

• OTHER REQUIREMENTS
  a. A total of two (2) freestanding monument type ground signs with a maximum
     copy area of thirty (30) square feet with a maximum height of six (6) feet will be
     permitted along the entire frontage of Yadkinville Road.
  b. All dumpsters shall be screened using materials and colors which match buildings
     on the site.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site
plan meets all code requirements and recommends staff conditions.
SECOND: Paul Mullican
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 September 8 2004, the
subject property was in the name of Karl Stimpson Builders, Inc.

____________________________________
A. Paul Norby, AICP
Director of Planning