



DOCKET #: F1404

PROPOSED ZONING:
NB-S (Multiple Uses)

EXISTING ZONING:
RS40

PETITIONER:
Vernon L. Sheets
for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 5

ACRE(S): 0.92

MAP(S): 654890

March 24, 2004

Vernon L. Sheets
140 Sheets Trail
Germanton, NC 27019

RE: ZONING MAP AMENDMENT F-1404

Dear Mr. Sheets:

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 Vernon L. Sheets from RS-40 to NB-S (Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; and Food or Drug Store): property is located on the west side of Walnut Cove Road south of Stoney Point Road (Zoning Docket F-1404).
- 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, certified that the site plan meets all code requirements and recommends staff conditions.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

County Manager

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Vernon L. Sheets, Docket F-1404

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-40 to NB-S (Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; and Food or Drug Store) the zoning classification of the following described property:

Tax Block 5155, Tax Lot 21F

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

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 Vernon L. Sheets. 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 Vernon L. Sheets (Zoning Docket F-1404). 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 NB-S (Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; and Food or Drug Store), 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 NB-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. Obtain a driveway permit from NCDOT.

? **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. Developer shall remove the B & B Racing off-premises sign.
- b. Bufferyard and streetyard trees shall be of a large variety as defined in UDO Section 3-4.10 except where such trees would interfere with overhead utility lines.

ZONING STAFF REPORT

DOCKET # F-1404
STAFF: Gary Roberts

Petitioner(s): Vernon L. Sheets
Ownership: Same

REQUEST

From: RS-40 Single Family Residential District, minimum lot size 40,000 sf
To: NB-S Neighborhood Business District (Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; and Food or Drug Store)

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

Acreage: 0.92 acre

LOCATION:

Street: West side of Walnut Cove Road midway between the two connections of Stoney Point Road with Walnut Cove Road.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Multiple uses.

Square Footage: 1,120 sf existing, 1,200 sf proposed expansion.

Building Height: One story.

Parking: Required: 12 spaces; Proposed: 12 spaces.

Bufferyard Requirements: 15 foot type II bufferyard adjacent to RS-40.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Small structure previously used for commercial purposes.

Adjacent Uses:

North -	Single family residential zoned RS-40.
East -	Single family residential zoned RS-40.
South -	Single family residential zoned RS-40.
West -	Single family home and B&B Racing zoned RS-40.

GENERAL AREA

Character/Maintenance: Moderately to well maintained single family homes in a semi-rural setting.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

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

Topography: Moderate slope downward from the eastern section to the southwest corner of the site.

Streams: No streams are on or adjacent to the subject property.

Vegetation/habitat: Some vegetation lies on the southwestern section of the subject property.

Natural Heritage Sites: Camp Betty Hastings Forests (Natural Heritage Site #4) is located approximately 200 feet to the west of the subject property. Camp Betty Hastings Forests is about a 450± acre area of dissected slopes and ridge tops that support quality examples of Dry Oak-Hickory Forest, Piedmont Monadnock Forest, Mesic Mixed Hardwood Forest, and a Piedmont/Mountain Semipermanent Impoundment (a marshy backwater area). It is cited as a large block of forested habitat that is uncommon in the county and that also is important for its various forms of wildlife. Additionally, the northern edge of North Walkertown Forests (Natural Heritage Site #14) lies about one-half mile from the subject property. This proposal does not appear to directly impact these sites.

Farmland Preservation Sites: A Farmland Preservation site is located less than a mile from the subject property, to the west of Camp Betty Hastings Forests and across Camp Betty Hastings Road. This proposal does not directly impact this site.

Environmental Resources Beyond The Site: The proposed site plan does not appear to directly impact the environmental resources beyond the site.

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

TRANSPORTATION

Direct Access to Site: Walnut Cove Road; Stoney Point Road.

Street Classification: Walnut Cove Road – Major Thoroughfare; Stoney Point Road – Local Road.

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

Walnut Cove Road between Grubbs Road and Walkertown Bypass = 4,800 / 11,100

Trip Generation/Existing Zoning: RS-40

$0.92 \times 43,560/40,000 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 9 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: NB-S

$2,320/1,000 \times 40.67 \text{ (Specialty Retail Trip Rate)} = 94 \text{ Trips per Day}$

Planned Road Improvements: #R-2712 Rebuild Walnut Cove Railroad Bridge (2001-2004); US 311 Bypass (Walkertown By-pass) – Old Walkertown Road to Walnut Cove Road; new 2 lane facility (2021-2025).

HISTORY

Relevant Zoning Cases:

1. F-1267; LB to HB; approved September 13, 1999; southwest corner of Walnut Cove Road and Clifton Wood Drive (private); 1.95 acres; Planning Board and staff recommended approval.
2. F-960; R-6 to R-7; denied April 23, 1990; east side of Stoney Point Road east of Walnut Cove Road, 400 feet southeast of current site; 1.39 acres; Planning Board recommended denial, staff recommended approval.
3. F-959; R-6 to R-7; denied April 23, 1990; east side of Stoney Point Road east of Walnut Cove Road, 400 feet northeast of current site; 1.52; Planning Board recommended denial, staff recommended approval.
4. F-185; R-6 to B-3; withdrawn at the March 1, 1971 County Commissioners meeting; west side of Walnut Cove Road approximately 2 miles north of Walkertown and 100 feet north of current site; 2.48 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Rural Area (GMA 5).

Relevant Comprehensive Plan Recommendation(s): The goal for the Rural Area is to preserve farmland, open space and rural character. Commercial development should be limited, clustered at crossroad locations and primarily provide goods and services needed by rural residents of the area.

Area Plan/Development Guide: The site is not within the boundaries of an area plan or development guide.

SPOT ZONE OPINION

The County Attorney has issued an opinion that rezoning of this site, if approved, would constitute a legal spot zone. The neighborhood Business (NB) zoning district anticipates neighborhood serving uses within or nearby residential development, and this consideration forms the basis of the County Attorney's view. Neighborhood protections and community benefits provided by this district in the *Unified Development Ordinances* (UDO) support the compatibility of the petition with *Legacy* and substantiates the rezoning as a legal spot zone.

ANALYSIS

The subject request is to rezone a 0.92 acre lot located on the west side of Walnut Cove Road from RS-40 to NB-S. Currently located on the property is a 1,120 square foot structure built in 1948. Historically this building has been utilized for commercial purposes, however its non-conforming status has been lost. The last occupant operated a landscaping business from the premises.

The surrounding development pattern is primarily low density residential along a major thoroughfare. The Norfolk Southern Railroad runs parallel along the eastern side of US 311/Walnut Cove Road. The general vicinity is zoned RS-40 and is located within *Legacy's* Rural Area. The primary goal for commercial development within the Rural Area is that it should be limited, clustered at crossroad locations and primarily provide goods and services needed by rural residents of the area.

The subject NB-S request is not situated at a crossroad location. However, it would reuse an existing commercial building and it would provide a limited degree of goods and/or services for the residents of the surrounding area. The relatively narrow list of requested uses could help to meet some of the daily convenience needs of the surrounding populace. The NB district itself has a building size limitation of 2,500 square feet along with a maximum lot size and spacing requirement intended to accommodate small scale, non-residential opportunities without disrupting the character of the neighborhood.

The developer has worked with NCDOT and will reduce the existing driveway connection to a more manageable width as well as provide the required street yard. All additional parking, with the exception of the handicap space, will be surfaced with gravel in order to better maintain rural character. The developer will also use large variety trees for all required plantings. Planning staff recommends approval.

FINDINGS

1. The goal for *Legacy's* Rural Area is to preserve farmland, open space and rural character. Commercial development should be limited, clustered at crossroad locations and primarily provide goods and services needed by rural residents of the area.
2. The site is not within the boundaries of an area plan or development guide.
3. The subject property has historically been utilized for nonconforming commercial purposes and the proposed NB-S request would allow for such a continuance along with a reasonable expansion.

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 BUILDING PERMITS**

- a. Obtain a driveway permit from NCDOT.

? **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. Developer shall remove the B & B Racing off-premises sign.
- b. Bufferyard and streetyard trees shall be of a large variety as defined in UDO Section 3-4.10 except where such trees would interfere with overhead utility lines.

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: Jimmy Norwood

VOTE:

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

AGAINST: None

EXCUSED: None

According to information furnished on January 29, 2004 by the Office of the Tax Assessor, the subject property was in the name of Vernon Lee Sheets.

A. Paul Norby, AICP
Director of Planning