



DOCKET #: F1365
 (Continued from
 5/9/02 CCPB meeting)

PROPOSED ZONING:
 PB-S (Multiple Uses)

EXISTING ZONING:
 RS20

PETITIONER:
 James Oakley and Diane Oakley

SCALE: 1" represents 200'

STAFF: Hall

GMA: 3

ACRE(S): 0.37

MAP(S): 654882



June 18, 2002

James Oakley and Diane Oakley
3265 Winthrop Street
Walkertown, NC 25051

RE: ZONING MAP AMENDMENT F-1365

Dear James Oakley and Diane Oakley:

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:

Zoning map amendment of James Oakley and Diane Oakley.

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:-

Zoning Map Amendment of James Oakley and Diane Oakley from RS-20 to PB-S (Residential Building, Single Family; Combined Use; Arts & Crafts Studio; Food & Drug Store; Retail Store, Specialty or Miscellaneous; Services, Personal; Offices, Miscellaneous; Professional Office.): property is located at 3265 Winthrop Street, west side of Winthrop Street, north of Friendly Road.

After consideration, the Planning Board recommended approval of the rezoning petition.

ATTACHMENTS:- X YES ___ NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of James Oakley and Diane Oakley, Docket
F-1365

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-20 to PB-S the zoning classification of the following described property:

Tax Lot 113B, Tax Block 2151.

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

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 The Place. 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 James Oakley and Diane Oakley (Zoning Docket F-1365). 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 (Residential Building, Single Family; Combined Use; Arts and Crafts Studio; Food and Drug Store; Retail Store, Specialty or Miscellaneous; Services, Personal; Offices, Miscellaneous; 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 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:

- **WITHIN 90 DAYS OF COUNTY COMMISSIONER APPROVAL:**
 - a. Developer shall provide a letter to the Inspections Division from the Health Department indicating the private sewer system is adequate for the change of use.
 - b. Developer shall record a cross parking agreement which meets the requirements of the Inspections Division.
 - c. Developer shall apply for a bufferyard variance from the Forsyth County Board of Adjustment.
 - d. Developer shall schedule a building review to determine that the building can meet commercial building standards.

ZONING STAFF REPORT

DOCKET # F-1365
STAFF: S. Chad Hall

Petitioner(s): James Oakley and Diane Oakley
Ownership: Same

CONTINUANCE HISTORY: The petition was continued at the May 9, 2002 Planning Board Public Hearing to allow the petitioner time to submit a site plan for special use consideration. A site plan was submitted and the following report relates to the special use district request.

REQUEST

From: RS-20 Residential Single Family District; maximum lot size 20,000 sf
To: PB-S Pedestrian Business District (Residential, Single Family; Combined Use; Arts and Crafts Studio; Food or Drug Store; Retail Store, Specialty or Miscellaneous; Services, Personal; Offices, Miscellaneous; Professional Offices)

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

Acreage: 0.37 acre

LOCATION

Street: West side of Winthrop Street south of Harley Drive.
Jurisdiction: County of Forsyth (within the town limits of Walkertown).

SITE PLAN

Proposed Use: Residential, Single Family; Combined Use; Arts and Crafts Studio; Food or Drug Store; Retail Store, Specialty or Miscellaneous; Services, Personal; Offices, Miscellaneous; Professional Offices
Square Footage: 1,543 Square Feet
Building Height: 40' Maximum
Parking: Required: 8; Proposed: 8; Layout: Leased from adjacent property
Bufferyard Requirements: 15' Type II adjacent to RS-20
Vehicular Use Landscaping Standards Requirements: Parking is off site.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family structure.

Adjacent Uses:

North -	Commercial zoned PB.
East -	Medium lot single family residential zoned RS-20.
South -	Medium lot single family residential zoned RS-20.
West -	Medium lot single family residential zoned RS-20.

GENERAL AREA

Character/Maintenance: Mix of single family residential and commercial uses.

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The site would remain largely intact.

Topography: There is an approximate change in elevation on the subject property of 6' (from an approximate elevation of 998' in the northeast down to an approximate elevation of 992' in the southwest).

Vegetation/habitat: The subject property is primarily developed but there is some existing vegetation in the southwest corner of the site.

Watershed: Site is within the boundaries of Salem Lake- WS-III.

Compliance with Watershed Protection Regulations: The subject property is located in the "Balance of the Watershed" area and thus may have 24% of the site impervious. Since there is no more impervious surface proposed and the project is under the 24% cap, the project is in conformance.

TRANSPORTATION

Direct Access to Site: Winthrop Street; Main Street; Harley Drive; Friendly Drive.

Street Classification: Winthrop Street - local; Main Street - major thoroughfare; Harley Drive - collector; Friendly Drive - collector.

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

Main Street between Old Hollow Road and Harley Drive: 9,700/16,100

Sight Distance: Good.

Sidewalks: None.

Bike: Route 18, Walkertown Connector, along Harley Drive; Route 25, along Main Street.

HISTORY

Relevant Zoning Cases:

1. F-1289; HB-S and RS-20 to LB-S (Food and Drug Store); approved April 24, 2000; northeast corner of NC 66 and Main Street; 1.97 acres; Planning Board and staff recommended approval.

2. F-1278; HB-S (Multiple Business Uses) and RS-20 to LB-S (Multiple Business Uses); northeast corner of NC 66 and Main Street; 1.97 acres; withdrawn December 9, 1999.
3. F-1211; RS-20 to PB-S (Motor Vehicle, Repair and Maintenance); approved February 9, 1999; southeast corner of Friendly Avenue and US 311; 0.34 acre; Planning Board recommended approval; staff recommended denial.
4. F-1154; RS-20 to LB; approved July 8, 1996; west side of Main Street north of intersection with Old Hollow Road/NC 66; 0.61 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Site directly abuts Walkertown's Town Center Growth Management Area to the north. *Legacy* recommends creating mixed use pedestrian friendly commercial areas. Concentrate the highest densities and mixed use development at City/Town centers, Metro activity Centers and along Urban Boulevards.

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

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: Walkertown.

Expressed Concern: As of this writing, staff has not received comments from the Town.

ANALYSIS

The subject site lies within the municipal limits of Walkertown. The site is zoned RS-20 within a neighborhood that has a mixture of zoning districts but is primarily residential in character near the site. The site is in the Salem Lake water supply watershed; maximum impervious coverage allowed is 24 percent or the existing coverage, whichever is greater.

Staff has consistently recommended against piecemeal rezonings in this area. Incremental zoning has a clear history of culminating in a development pattern that is visually unappealing and problematic from a traffic standpoint. However, with a special use district zoning, many of the concerns for business development in this area have been accommodated.

The request for special use rezoning preserves the existing structure on site, which is residential in scale and appearance. In addition, the limited uses addresses staff's concern over trip generation abutting a residential area. Staff is of the opinion that there is already sufficient parking adjacent to the subject property which would be utilized for the proposed use and the utilization of this parking will not further diminish the residential character in the area. The rezoning of this 0.37 acre tract to PB-S zoning may not have an overall detrimental effect on this area so long as a line of demarcation is set so that no further commercial development occurs to the south along Winthrop Street.

FINDINGS

1. The site is situated between RS-20 residential and commercial property zoned PB-S.
2. The site is consistent with *Legacy's* recommendation to create mixed-use, pedestrian friendly commercial areas.
3. The site abuts the Town Center Growth Management Area as indicated by *Legacy* for commercial development.
4. Special use district zoning addresses concerns regarding business expansion in this neighborhood.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

- **WITHIN 90 DAYS OF COUNTY COMMISSIONER APPROVAL:**
 - a. Developer shall provide a letter to the Inspections Division from the Health Department indicating the private sewer system is adequate for the change of use.
 - b. Developer shall record a cross parking agreement which meets the requirements of the Inspections Division.
 - c. Developer shall apply for a bufferyard variance from the Forsyth County Board of Adjustment.
 - d. Developer shall schedule a building review to determine that the building can meet commercial building standards.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Arnold King moved approval of the zoning map amendment and certified that the site plan meets all code requirements.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, Kennedy-Sloan, King, Powell
AGAINST: None

According to information furnished by the Tax Assessor, the subject property was in the name of James Oakley and Diane Oakley as of May 9, 2002.

A. Paul Norby, AICP
Director of Planning