

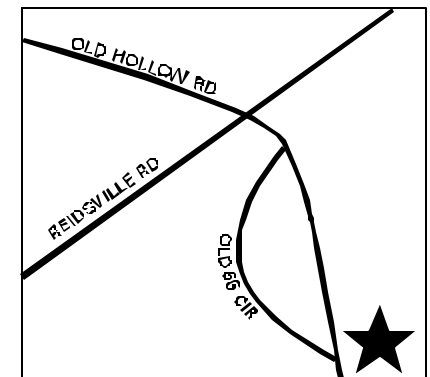
**DOCKET #:** F1374

**PROPOSED ZONING:**  
 LB-S (Motor Vehicle, Repair and Maintenance; Services, Personal; Restaurant, without Drive Through)

**EXISTING ZONING:**  
 LB-S

**PETITIONER:**  
 Sidney B. Walters and  
 Carrie M. Walters

**Location Map:**



**SCALE:** 1" represents 200'

**STAFF:** Gallaway

**GMA:** 4

**ACRE(S):** 0.46

**MAP(S):** 666874

October 23, 2002

Sidney B. Walters and Carrie Walters  
3865 Old Hollow Road  
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT F-1374

Dear Mr. Walters and Ms. Walters:

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  
Raymond D. Thomas, 116 S. Cherry Street, Kernersville, NC 27284

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:**  
\_\_\_\_\_

**SUBJECT:-**

Zoning map amendment of Sidney B. Walters and Carrie Walters

**COUNTY MANAGER-S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

Zoning map amendment of Sidney B. Walters and Carrie Walters from RS-20 and LB-S to LB-S [Restaurant (without drive-through service); Motor Vehicle, Repair and Maintenance; and Services, Personal]; property is located on the east side of NC 66 north of Old Valley School Road (Zoning Docket F-1374).

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

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Sidney B. Walters and Carrie Walters, Docket F-1374

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE COUNTY OF FORSYTH,  
NORTH CAROLINA

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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 and LB-S [Restaurant (without drive-through service); Restaurant (with drive-through service); ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture or Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; and Retail Store, Specialty or Miscellaneous] to LB-S [Restaurant (without drive-through service); Motor Vehicle, Repair and Maintenance; and Services, Personal] the zoning classification of the following described property:

Tax Block 5421, Tax Lot 17A

Section 2. This Ordinance is adopted after approval of the site plan entitled Sidney B. Walters and Carrie Walters, and identified as Attachment A of the Special Use District Permit

issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_,  
20\_\_\_\_ to Sidney B. Walters and Carrie Walters.

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 Sidney B. Walters and Carrie Walters. 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 Sidney B. Walters and Carrie Walters (Zoning Docket F-1374). 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 [Restaurant (without drive-through service); Motor Vehicle, Repair and Maintenance; and Services, Personal], 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 OCCUPANCY PERMITS**
- a. Obtain a driveway permit for the North Carolina Department of Transportation (NCDOT).
  - b. Variance(s) must be obtained from the Zoning Board of Adjustment for the encroachment of a proposed parking space into the required bufferyard and, if necessary, for the encroachment of an existing propane tank.
- ? **OTHER REQUIREMENTS**
- a. Any new signage to be limited to a five (5) foot high monument sign.

## ZONING STAFF REPORT

**DOCKET #** F-1374

**STAFF:** Suzy Gallaway

Petitioner(s): Sidney B. Walters and Carrie M. Walters

Ownership: Same

### **REQUEST**

From: LB-S Limited Business District [converted from B-3-S: Restaurant (without drive-through service); Restaurant (with drive-through service); ABC Store; Building Material Supply; Convenience Store; Food or Drug Store; Furniture or Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; and Retail Store, Specialty or Miscellaneous]

To: LB-S Limited Business District [Restaurant (without drive-through service); Motor Vehicle, Repair and Maintenance; and Services, Personal]

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

Acreage: 0.45 acre

### **LOCATION**

Street: East side of NC 66 north of Old Valley School Road.

Jurisdiction: Forsyth County.

### **SITE PLAN**

Proposed Use: Restaurant (without drive-through service); Motor Vehicle, Repair and Maintenance; and Services, Personal.

Square Footage: 1,620 sf (plus garage underneath).

Building Height: Single story with garage underneath.

Parking: Required: 23 spaces; proposed: 23 spaces.

Bufferyard Requirements: Type IV where adjacent to residential zoning.

Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Existing commercial building and parking.



Adjacent Uses:

- North -Single family home, zoned RS-20.
- East - Single family home, zoned RS-20.
- South -Single family home, zoned RS-20.
- Southwest - Commercial structure, zoned LB-S.

**GENERAL AREA**

Character/Maintenance: Well-maintained single family homes and neighborhood-serving businesses.

Development Pace: Slow.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site is developed with existing commercial building and parking.

Topography: There is an approximate change in elevation on the subject property of 16' (from an approximate elevation of 950' in the west down to an approximate elevation of 934' in the northeast).

Vegetation/habitat: This is the redevelopment of an existing site with little existing/remaining vegetation.

Watershed: Site is not within the boundaries of a water supply watershed.

**TRANSPORTATION**

Direct Access to Site: Old Hollow Road (NC 66).

Street Classification: Old Hollow Road (NC 66)- major thoroughfare.

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

Old Hollow Road (NC 66) between Old Valley School Road and Airport Connector = 9,100/11,100

Trip Generation/Proposed Zoning: LB-S

2 Chairs x 3 customers per hour x 8 hours per day = 48 Trips per Day (Barbershop Estimate)

1 Bay x 12.48 (Automobile Care Center/Saturday) = 12 Trips per Day

Bike: Route 25, Kernersville Lake Park Connector, along Old Hollow Road (NC 66).

**HISTORY**

Relevant Zoning Cases:

1. F-700; R-6 to B-3-S (Stores or Shops, Retail); approved September 10, 1984; west side of NC 66 south of Old 66 Circle; 1.2 acres; Planning Board recommended approval, staff recommended denial.

2. F-466; B-3-S to B-3-S (Eating Establishments; Stores or Shops, Retail); approved April 20, 1978; east side of NC 66 north of Old Valley School Road (current site); 0.46 acre; Planning Board and staff recommended approval.
3. F-408; R-6 to B-3; withdrawn November 10, 1975; west side of NC 66 south of Old Valley School Road; 1.0 acre; no recommendation made at time of withdrawal.

### **CONFORMITY TO PLANS**

GMP Area (*Legacy*): Future Growth Area (GMA 4).

Relevant Comprehensive Plan Recommendation(s): Future Growth Areas identified on the Growth Management Plan Map do not have sewer and other facilities that would make them suitable for more intense development. There is a need to provide services in these areas as they grow and *Legacy* says that commercial development should be at clustered nodes rather than strung out along highway corridors.

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

### **ANALYSIS**

The current request is to rezone just under one half acre from LB-S to LB-S. The present LB-S zoning classification does not allow Motor Vehicle, Repair and Maintenance or Services, Personal. It currently allows numerous retail uses which are eliminated in the subject request at this location. The property was rezoned originally in 1978 to allow for some retail uses and in the early 1980's restaurant uses were added. With the adoption of the UDO in 1995 the originally approved uses were converted to the uses as listed in the UDO. The current request is for far fewer uses than allowed in the current zoning. The proposed uses are not inappropriate for the area.

There were significant pre-existing site plan problems which staff has worked out with the site plan preparer. The access driveway to the rear portion of the property did not meet the required width. There is a gas tank in the required buffer. The drive also extended into the buffer. Staff could not recommend approval for a special use zoning request when the site plan did not meet minimum UDO requirements, however, after staff met with the site planner, the site plan was redesigned to meet minimum requirements. One exception is the existing gas tank and a proposed parking space which are shown in the bufferyard. The petitioner may pursue a variance from the Zoning Board of Adjustment for these items.

### **FINDINGS**

1. The current request is to rezone just under one half acre from LB-S to LB-S.
2. The current request is for fewer uses than allowed in the current zoning.

3. Staff could not recommend approval for a special use zoning request until the site plan was redesigned to meet UDO requirements.
4. The requested uses are acceptable, and staff is supportive of the rezoning.

### **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 OCCUPANCY PERMITS**

- a. Obtain a driveway permit for the North Carolina Department of Transportation (NCDOT).
- b. Variances must be obtained from the Zoning Board of Adjustment for the encroachment of an existing propane tank and a proposed parking space into the required bufferyard.

? **OTHER REQUIREMENTS**

- a. Any new or replacement signage to be limited to a five (5) foot high monument sign.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

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

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Sidney B. Walters and Carrie Walters as of September 4, 2002.

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A. Paul Norby, AICP  
Director of Planning