

Motion and
Statement of Consistency with Comprehensive Plan
F-1538

I move that the following statement be adopted in support of a **Motion to Approve** Zoning Map Amendment F-1538:

The proposed special use zoning map amendment with its added conditions is consistent with the Legacy Comprehensive Plan and the Union Cross/Southeast Forsyth County Area Plan and is reasonable and in the public interest because:

1. the site is already zoned LB-S and the proposed No Site Plan rezoning would remove some of the more intensive uses which are currently allowed under the Services A and Recreation Services, Indoor categories;
2. the petitioner has also volunteered to limit signage and parking in the front of the building with the exception of two handicapped spaces and bufferyards will be required adjacent to the RS20 zoned property located east of the site; and
3. the proposed use of the subject property is compatible with the approved uses permitted on adjacent GI-S zoned property to the north.

Based on the foregoing Statement, I move adoption of F-1538.

Second:

Vote:

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: April 22, 2013 **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Special Use District - No Site Plan for John Stanley from LB-S (Services A and Services B) to LB-L (Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Offices; Services A; Veterinary Services; Recreation Services, Indoor; Adult Daycare Center; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Museum or Art Gallery; and Police or Fire Station): property is located on the northeast corner of NC 66 South and Gibson Park Drive (Zoning Docket F-1538)
- B. Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina
- C. Approval of Special Use District - No Site Plan Permit

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the special use district - no site plan.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____
County Manager

COUNTY ORDINANCE -
SPECIAL USE DISTRICT - NO SITE PLAN

Zoning Petition of John Stanley, Docket F-1538

AN ORDINANCE AMENDING THE
FORSYTH COUNTY ZONING ORDINANCE
AND THE OFFICIAL ZONING MAP OF
FORSYTH COUNTY, N.C.

BE IT ORDAINED by the Board of Commissioners of Forsyth County as follows:

Section 1. The Forsyth County Zoning Ordinance and the Official Zoning Map of the County of Forsyth, N.C. are hereby amended by changing from LB-S (Services A and Services B) to LB-L (Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Offices; Services A; Veterinary Services; Recreation Services, Indoor; Adult Daycare Center; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Museum or Art Gallery; and Police or Fire Station) the zoning classification of the following described property:

PIN # 6884-76-1481

Section 2. This Ordinance is adopted after approval of the Special Use District - No Site Plan Permit issued by the Board of Commissioners the _____ day of _____, 20__ to John Stanley.

Section 3. The Board of Commissioners hereby directs the issuance of a Special Use District - No Site Plan Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as John Stanley. Said Special Use District - No Site Plan Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

COUNTY

SPECIAL USE DISTRICT - NO SITE PLAN PERMIT

Issued by the Board of Commissioners

of Forsyth County, NC

The Board of Commissioners of Forsyth County, NC issues a Special Use District - No Site Plan Permit for the zoning petition of John Stanley, (Zoning Docket F-1538). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Offices; Services A; Veterinary Services; Recreation Services, Indoor; Adult Daycare Center; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Museum or Art Gallery; and Police or Fire Station, 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-L zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
 - a. Developer shall obtain a driveway permit from the NCDOT. Required improvements include:
 - Dedicate 40' of right-of-way from the center line of NC 66.
 - b. Any freestanding signage shall be limited to one monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
 - c. As volunteered by the petitioner, the use of Services A shall be further limited by excluding: Coin-Operated Laundries and Cleaning; Dry Cleaning Plants, Except Rug; and Carpet and Upholstery Cleaning.
 - d. As volunteered by the petitioner, the use of Recreation Services, Indoor shall be further limited by excluding: Dance Studios and Physical Fitness Facilities.
 - e. As volunteered by the petitioner: No parking shall be allowed in front of the building with the exception of two (2) handicapped spaces.
 - f. No trees over 12" in caliper shall be removed from the site.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	F-1538
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	John Stanley
Owner(s)	Same
Subject Property	PIN # 6884-76-1481
Address	1851 South Highway 66
Type of Request	Special use limited rezoning from LB-S to LB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from LB-S (Limited Business - special use district – Services A and Services B) to LB-L (Limited Business - special use limited district). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Offices; Services A; Veterinary Services; Recreation Services, Indoor; Adult Daycare Center; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices, Neighborhood Organization, or Post Office; Museum or Art Gallery; and Police or Fire Station <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	The application indicates that the petitioners “Have talked with two neighbors with favorable response.” And that “Personal contact is being made with all surrounding property owners.”
Zoning District Purpose Statement	The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in GMAs (Growth Management Areas) 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), 4 (Future Growth Area) and 5 (Rural Area).

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?			
	Yes, the site is located within the Suburban Neighborhoods GMA and is close to residential areas. The site also has frontage on a major thoroughfare.			
GENERAL SITE INFORMATION				
Location	Northeast corner of NC 66 South and Gibson Park Drive			
Jurisdiction	Forsyth County			
Site Acreage	± .51 acre			
Current Land Use	Currently a 1,920 square foot building which was originally constructed as a church and most recently used as a photography studio is located on the site.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	GI-S	Above ground oil storage	
	East	RS20	Single family homes	
	South	RS20		
West	AG			
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	The proposed uses are compatible with the approved uses permitted on the adjacent property to the north zoned GI-S. The proposed uses are less compatible with the low-density residential uses permitted on the adjacent AG and RS20 zoned properties.			
Physical Characteristics	The developed site is essentially flat and includes numerous mature oak trees.			
Proximity to Water and Sewer	The site has access to public water but not to public sewer.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is located within balance area of the Oak Hollow Lake WS IV water supply watershed. For projects without a curb and gutter drainage system (as with the subject property) the maximum impervious coverage of the site is 36%.			
Analysis of General Site Information	The site is located within the water supply watershed of Oak Hollow Lake. The property owner is responsible for demonstrating compliance with the impervious surface limitations to the Inspections Division.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
NC 66	Major Thoroughfare	99'	9,800	15,300
Gibson Park Drive	Local Street	235'	NA	NA

Proposed Access Point(s)	The site is currently accessed from NC 66. The approved site plan indicates that a new driveway would be constructed onto Gibson Park Drive; however, that entrance has not been installed.
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a four lane cross section with a landscaped median, wide outside lanes, curb and gutter and sidewalks for this section of NC 66.
Trip Generation - Existing/Proposed	<u>Existing Zoning: LB-S</u> 1,920 sf/1,000 x 11.57 (Single Tenant Office Building Trip Rate) = 22 Trips per Day <u>Proposed Zoning: LB-L</u> 1,920 sf/1,000 x 9.11 (Church Trip Rate) = 17 Trips per Day
Sidewalks	There are no sidewalks located in the general area.
Analysis of Site Access and Transportation Information	The site is a corner lot with frontage on a major thoroughfare. The approved site plan included a condition that the developer shall dedicate 40' of right-of-way from the center line of NC 66. As per Geo Data, such a dedication never took place. Therefore, said condition is carried forward as part of this request.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 3 – Suburban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Promote new, convenient commercial and business services to support neighborhood needs.
Relevant Area Plan(s)	<i>Union Cross/Southeast Forsyth County Area Plan</i> (2004)
Area Plan Recommendations	The site is located in an area shown on the proposed land use map for rural conservation subdivision. An update of this Area Plan is currently underway. This site is part of a larger area under consideration in the ongoing Area Plan update as a Special Land Use Condition Area with special conditions to be determined.
Addressing	There are no addressing or street naming concerns.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy?
Yes	
Analysis of Conformity to Plans and Planning Issues	The subject property was originally developed as a church in 1966 and was rezoned to LB-S for the uses of Services A and Services B in 1986. The <i>Union Cross/Southeast Forsyth County Area Plan</i> recognized the existing land use as commercial; however, the recommended land use is rural conservation subdivision as it is located within the Oak Hollow Lake water supply watershed and currently has no access to public sewer. An update of this Area Plan is currently underway.

The proposed LB-L request would allow for some new uses including several institutional related uses. It would also remove some of the more intensive uses which are currently allowed under the umbrella of the Services A category. The petitioner has volunteered to limit signage and to limit parking in front of the building with the exception of two (2) handicapped spaces. The petitioner has also volunteered to further limit some of the uses permitted with the Services A and Recreation Services, Indoor uses. It should be noted that bufferyards will be required adjacent to the RS20 zoned property located to the rear of the site.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-982	R6 (RS20) to I3-S (GI-S)	Approved 1-28-91	Directly north	1.16	Denial	Approval
F-774	R6 (RS20) to B3-S (LB-S)	Approved 3-24-86	Subject property	.56	Denial	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
<p>The site is already zoned LB-S and the request is consistent with the LB district purpose statement.</p> <p>The request includes multiple conditions pertaining to: signage, right-of-way dedication, location of parking, limitation of uses, and tree protection.</p>	<p>The request would place commercial zoning in close proximity to single family residential homes without a special use site plan.</p>

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
 - a. Developer shall obtain a driveway permit from the NCDOT. Required improvements include:
 - Dedicate 40' of right-of-way from the center line of NC 66.
 - b. Any freestanding signage shall be limited to one monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
 - c. As volunteered by the petitioner, the use of Services A shall be further limited by excluding: Coin-Operated Laundries and Cleaning; Dry Cleaning Plants, Except Rug; and Carpet and Upholstery Cleaning.
 - d. As volunteered by the petitioner, the use of Recreation Services, Indoor shall be further limited by excluding: Dance Studios and Physical Fitness Facilities.
 - e. As volunteered by the petitioner: No parking shall be allowed in front of the building with the exception of two (2) handicapped spaces.
 - f. No trees over 12" in caliper shall be removed from the site.

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR F-1538
MARCH 14, 2013**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment.

SECOND: Wesley Curtis

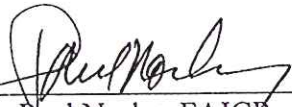
VOTE:

FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

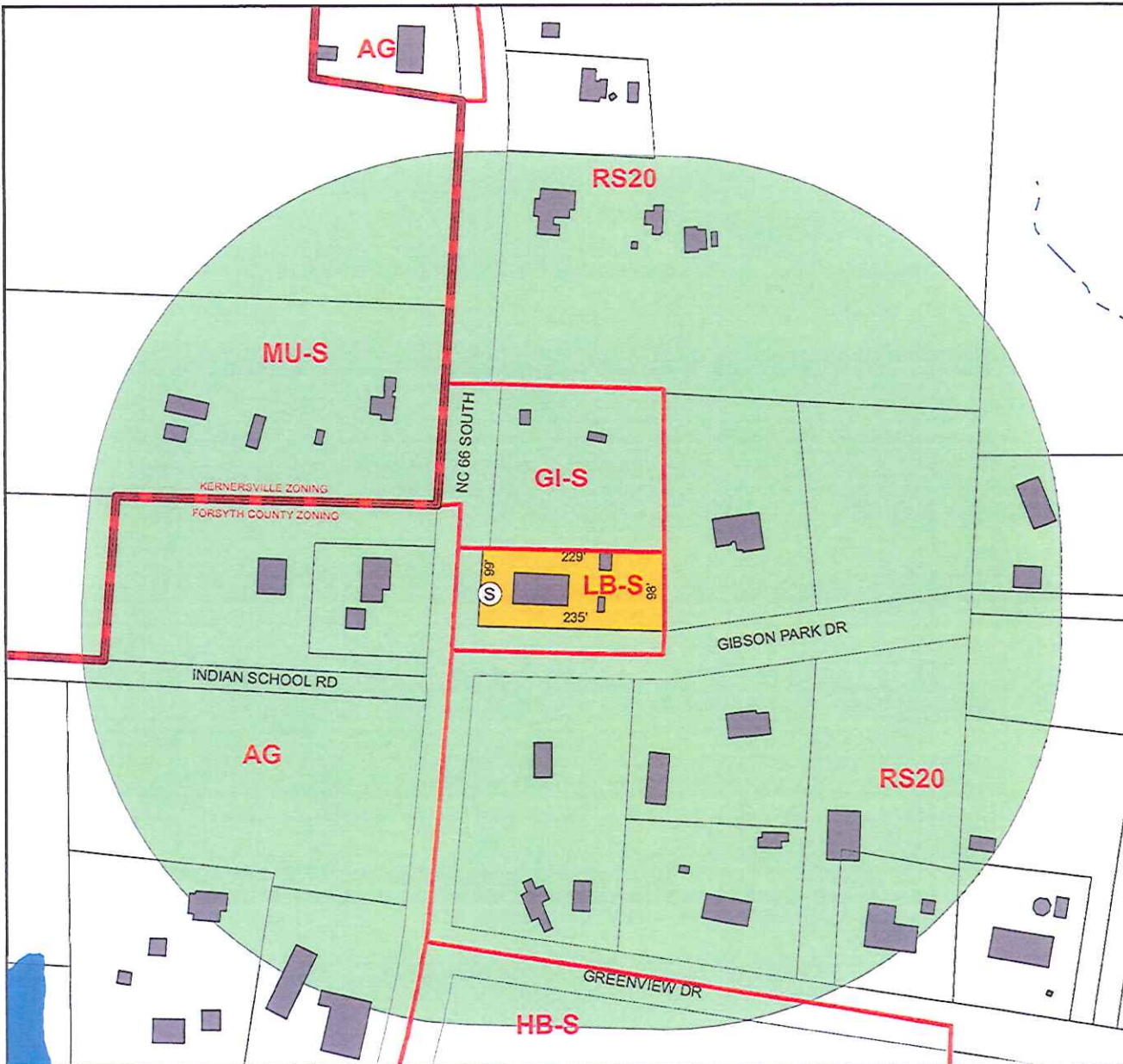
AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on March 20, 2013, the subject property was in the name of John R. Stanley.



A. Paul Norby, FAICP
Director of Planning



DOCKET #: F1538

PROPOSED ZONING:
LB-L

EXISTING ZONING:
LB-S

PETITIONER:
John Stanley for property
owned by Same

 Subject property

 500' notification radius

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

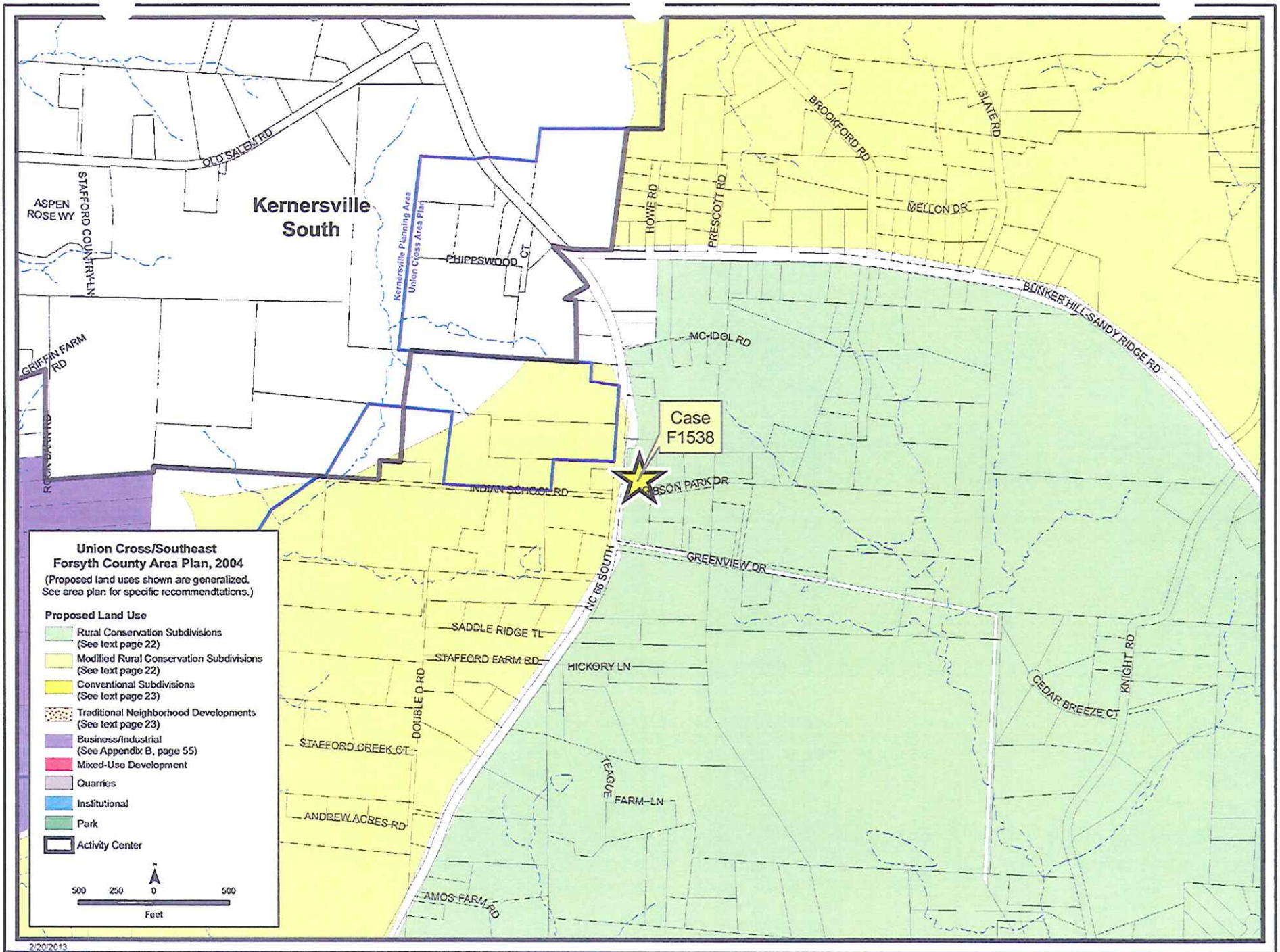
ACRES: 0.51

**NEAREST
BLDG:** 67' northeast

MAP(S): 684842, 684846



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2/20/2013