

DOCKET #: F1453

PROPOSED ZONING:
 LB-S (Multiple Business
 Uses)

EXISTING ZONING:
 RS-9

PETITIONER:
 Gregory Todd Gentle and
 Lachell S. Gentle for
 property owned by Same

SCALE: 1" represents 400'

STAFF: King

GMA: 3

ACRE(S): 0.822

MAP(S): 630822, 636822



February 22, 2006

Todd G. Gentle
314 Greenfield Drive
Lexington, NC 27295

RE: ZONING MAP AMENDMENT F-1453

Dear Mr. Gentle:

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

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Map Amendment of Gregory Todd Gentle and Lachell S. Gentle from RS-9 to LB-S [Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Banking and Financial Services; and Non-Store Retailer]: property is located on the southwest corner of South Main Street and Fishel Road (Zoning Docket F-1453).
- 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:- YES NO

SIGNATURE: _____ **DATE:** _____

County Manager

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Gregory Todd Gentle
and Lachell S. Gentle, Docket F-1453

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-9 to LB-S [Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Banking and Financial Services; and Non-Store Retailer] the zoning classification of the following described property:

Beginning at a new iron pipe set in the eastern line of Douglas Spach (DB 1235 PG 106), said beginning point being located north 03° 35' 30" east 20.52 feet from his southeastern corner, running thence with his eastern line north 03° 35' 55" east 211.38 to an existing iron in the southern right-of-way of Fishel Road (SR 2983), running thence with the southern right-of-way thereof south 83° 20' 47" east 172.04 feet to a new iron pipe in the western right-of-way of Old US Hwy 52 (aka South Main Street), running thence with the western right-of-way thereof south 02° 51' 03" west 202.16 feet to a new iron pipe, thence on a "new" line to the petitioner north 86° 25' 20" west 174.44 feet to the point and place of beginning, containing 0.822 acres, more or less.

Section 2. This Ordinance is adopted after approval of the site plan entitled Gregory Todd Gentle and Lachell S. Gentle, and identified as Attachment A of the Special Use District

Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Gregory Todd Gentle and Lachell S. Gentle.

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 Gregory Todd Gentle and Lachell S. Gentle. 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 Gregory Todd Gentle and Lachell S. Gentle (Zoning Docket F-1453). 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 [Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Banking and Financial Services; and Non-Store Retailer], 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 obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of occupancy permit.
 - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall install sidewalks along the frontage of South Main Street and Fishel Road to the specifications of the City of Winston-Salem Public Works Department.
 - b. All requirements of the NCDOT driveway permit shall be completed.
 - c. Developer shall record a sidewalk easement along both road frontages.

- **OTHER REQUIREMENTS:**

- a. No drive-through shall be permitted for the use: “Banking and Financial Services.”
- b. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
- c. All on-site lighting shall be a maximum of 18 feet tall and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties.

**CITY-COUNTY PLANNING BOARD STAFF
STAFF REPORT FOR: Docket # F-1453
February 9, 2006**

PETITION INFORMATION	
Docket #	F-1453
Staff	Aaron King
Petitioner(s)	Gregory Todd Gentle and Lachell S. Gentle
Owner(s)	Same
Subject Property	Portion of Tax Lot 104, Tax Block 2710
Type of Request	Special use rezoning request from RS-9 to LB-S for a restaurant and dry cleaning business.
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to LB-S (Limited Business – Special Use Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Banking and Financial Services; and Non-Store Retailer
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 Growth Management Areas 2, 3, 4, and 5.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	<p>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the subject property is located within GMA 3 and located at the intersection of two minor thoroughfares.</p>
GENERAL SITE INFORMATION	
Location	Southwest corner of South Main Street and Fishel Road
Jurisdiction	Forsyth County
Site Acreage	Approximately ± 0.82 acres
Current Land Use	Vacant commercial building

Surrounding Property Zoning and Use	Direction	Zoning District		Use
	North	RS-9		Church
	East	RM-8-S; RS-9		Undeveloped land
	South	RS-9		Undeveloped land
	West	RS-9		Single family home
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	The adjacent property to the west and south is zoned RS-9. The westernmost 1/3 of the subject property is to remain undeveloped providing additional space between the existing single family home and the proposed commercial building.			
Physical Characteristics	The property slopes down gently from the northeast corner to the southwest corner, experiencing an elevation change of +/- 10 feet.			
Proximity to Water and Sewer	The subject property will be served by public water and public sanitary sewer.			
Stormwater/ Drainage	The proposed site plan indicates that stormwater will drain into an existing ditch along the South Main Street frontage and onto the adjacent property to the south.			
Watershed and Overlay Districts	The subject property is not located within the boundaries of an area plan or development guide.			
Analysis of General Site Information	The subject property is 0.82 acres in size and is located at the southwest corner of South Main Street and Fishel Road. The site currently contains an existing commercial building and associated parking area. The proposed site plan mirrors the existing site conditions and retains the existing structure. The property contains a gentle topography that slopes down toward the southwest corner. The site contains no streams or wetlands and poses no development issues.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>			
	<ul style="list-style-type: none"> • Submit stormwater study for review 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
South Main Street	Minor Thoroughfare	+/- 202 feet	7,800	16,100
Fishel Road	Minor Thoroughfare	+/- 172 feet	1,500	11,100
Proposed Access Point(s)	The site plan indicates one access point onto each road frontage.			
Planned Road Improvements	The Thoroughfare Plan recommends that South Main Street and Fishel Road be constructed as a three lane cross section with curb and gutter and sidewalks.			

Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9</u> 0.82 acres (RS-9) x 43,560 / 9,000 = 3 units x 9.57 (SFR Trip Rate) = 28 Trips per Day</p> <p><u>Proposed Zoning: LB-S</u> 1,054 / 1,000 x 130.34 (High Turnover Sit-Down Restaurant Trip Rate) = 137 Trips per Day</p> <p>742 / 1,000 x 31.54 (Comparable Trip Rate) = 23 Trips per Day</p> <p style="text-align: center;">Total Estimated Trips Per Day = 160</p>
Sidewalks	The site plan proposes sidewalks along both road frontages.
Traffic Impact Study (TIS)	Not required.
Analysis of Site Access and Transportation Information	The site plan for this request shows one access point onto each road frontage with a circular traffic flow around the building. One existing driveway cut onto South Main Street will be closed as part of this request. The site plan also proposes sidewalks along both road frontages. Trip generation estimated for this rezoning is approximately 160 trips per day, a minor increase over the 28 trips per day that is estimated under the existing RS-9 zoning.
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Obtain NCDOT driveway permit • Install sidewalks along both road frontages
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	GMA 3 (Suburban Neighborhoods)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • <i>Legacy</i> designates this area as an appropriate location for future commercial growth. <i>Legacy</i> further supports infill and reuse of existing structures, and encourages a mixture of uses in the area.
Relevant Area Plan(s)	The subject property is not located within the boundaries of an area plan or development guide.
Other Applicable Plans and Planning Issues	The subject property is occupied by a structure that <u>had</u> a nonconforming history in the past. The Board of Adjustment approved/renewed Special Use Permits to allow the structure to be used for vacuum cleaner sales and service during the 1990's. Near the end of the decade the subject property lost it's nonconforming status by being abandoned for a period of one year. The property currently has no nonconforming status.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(S)(4) - Is the requested action in conformance with Legacy?
	Yes
Analysis of Conformity to	The subject property does comply with the recommendations of <i>Legacy</i> and does make use of an existing commercial building. Staff feels that

Plans and Planning Issues	the reuse of this building for neighborhood serving commercial is a good use of the property. Staff recognizes the nonconforming history of the site and feels that this is a more reasonable request than the previous attempted rezoning on this property to LI-S.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1401	RS-9 to RM-8-S	Approved March 22, 2004	East	10.08	Approval	Approval
F-1345	RS-9 to LI-S	Withdrawn-August 30, 2001	Included Subject Property	2.19	Denial	Denial
F-654	R-5 to B-3-S	Approved August 8, 1993	South	0.74	Denial	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	1,796 sf.		Approximate middle			
Parking	Required	Proposed		Layout		
	18 spaces	19 spaces		Various locations		
Building Height	Maximum			Proposed		
	40 feet			One-story		
Impervious Coverage	Maximum			Proposed		
	75%			45%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 2-1.3(G) LB District • Section 2-5.49 Use Conditions – (Medical and Surgical Offices) 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:		Yes			
	(B) Environmental Ord.		Yes			
	(C) Subdivision Regulations		NA			
Analysis of Site Plan Compliance with UDO Requirements	The site plan submitted with this request does meet UDO requirements. Staff is awaiting minor revisions that would clarify the traffic circulation on the site.					
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Restriction of drive-through for the use “Banking and Financial Services” • Sign condition • Lighting condition 					

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request is in conformance with the recommendations of <i>Legacy</i> .	The request may encourage other commercial zoning in the area.
The request makes good use of an existing vacant commercial building.	
The uses requested are neighborhood serving.	
The proposed site plan leaves the westernmost 1/3 of the site as a “grassed area,” helping to buffer the adjacent resident.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p><u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u></p> <ul style="list-style-type: none"> a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of occupancy permit. b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. <p><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></p> <ul style="list-style-type: none"> a. Developer shall install sidewalks along the frontage of South Main Street and Fishel Road to the specifications of the City of Winston-Salem Public Works Department. b. All requirements of the NCDOT driveway permit shall be completed. c. Developer shall record a sidewalk easement along both road frontages. <p><u>OTHER REQUIREMENTS:</u></p> <ul style="list-style-type: none"> a. No drive-through shall be permitted for the use: “Banking and Financial Services.” b. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet. c. All on-site lighting shall be a maximum of 18 feet tall and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties. 	

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.**

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: Paul Mullican

VOTE:

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

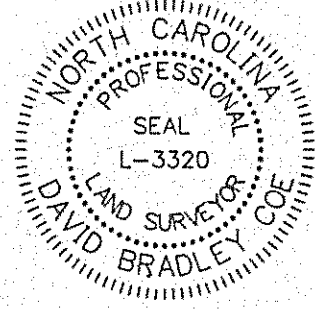
AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on January 6, 2006, the subject property was in the name of Gregory Todd Gentle and Lachell S. Gentle.

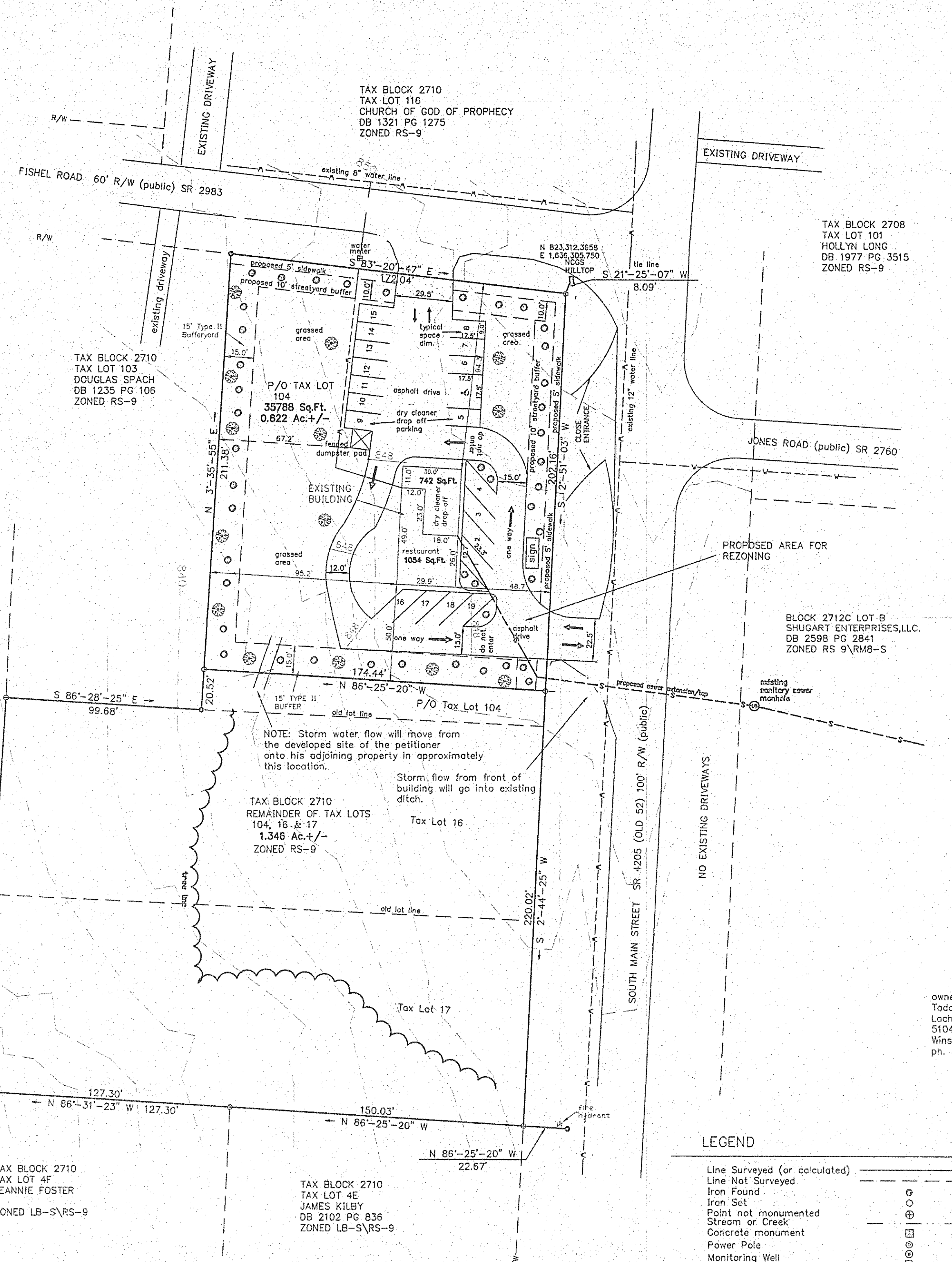
A. Paul Norby, AICP
Director of Planning

THIS MAP IS SUBJECT TO ANY EASEMENTS OR RIGHTS-OF-WAY OF RECORD PRIOR TO THE DATE OF THIS MAP WHETHER VISIBLE OR NOT



Preliminary-Not for construction

PRELIMINARY MAP NOT FOR CONVEYANCES SALES OR RECORDATION



TAX BLOCK 2710
TAX LOT 110A
HERMAN MORRISON
DB 1822 PG 884
ZONED RS-9

TAX BLOCK 2710
TAX LOT 4F
JEANNIE FOSTER
ZONED LB-S\RS-9

TAX BLOCK 2710
TAX LOT 4E
JAMES KILBY
DB 2102 PG 836
ZONED LB-S\RS-9

TAX BLOCK 2710
REMAINDER OF TAX LOTS
104, 16 & 17
1.346 Ac. +/-
ZONED RS-9

TAX BLOCK 2710
TAX LOT 116
CHURCH OF GOD OF PROPHECY
DB 1321 PG 1275
ZONED RS-9

TAX BLOCK 2710
TAX LOT 103
DOUGLAS SPACH
DB 1235 PG 106
ZONED RS-9

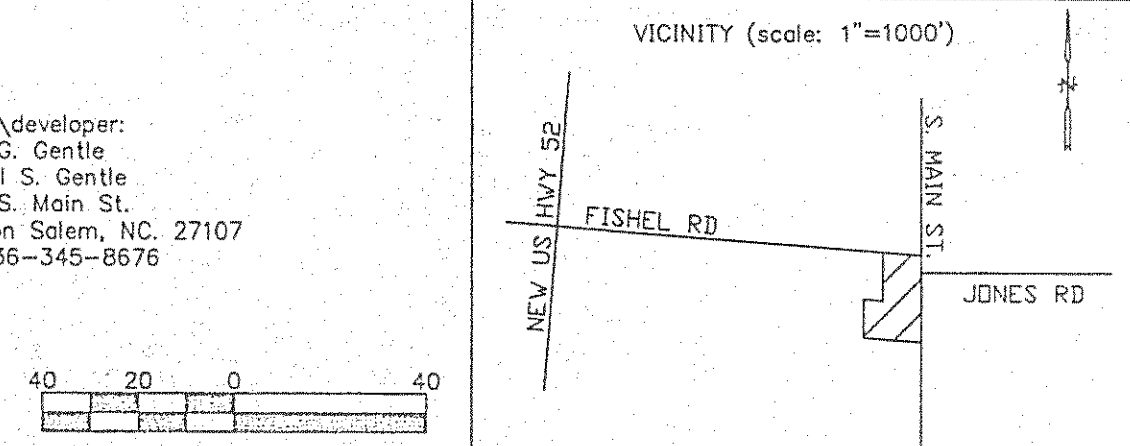
TAX BLOCK 2708
TAX LOT 101
HOLLYN LONG
DB 1977 PG 3515
ZONED RS-9

BLOCK 2712C LOT B
SHUGART ENTERPRISES, LLC.
DB 2598 PG 2841
ZONED RS 9\RM8-S

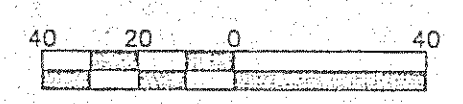
NOTE: Storm water flow will move from the developed site of the petitioner onto his adjoining property in approximately this location.

Storm flow from front of building will go into existing ditch.

ZONING	
Existing Zoning:	RS 9
Proposed Zoning:	LB-S
Type of Review Requested:	REZONING(special)
PROPOSED USES: FOOD OR DRUG STORE FURNITURE OR HOME FURNISHINGS GENERAL MERCHANDISE HARDWARE STORE RESTAURANT(W/O DRIVE THROUGH) RETAIL(SPECIALTY OR MISC.) MEDICAL OFFICE OFFICES(MISC.) PROFESSIONAL OFFICE BUSINESS SERVICES "A" SERVICES, PERSONAL BANKING & FINANCIAL SERVICE(NO DRIVE THRU) NON STORE RETAILER	
JURISDICTION: FORSYTH CO. (City of Winston Salem Annex area "E")	
PURPOSE STATEMENT: The petitioner requests the rezoning of the northern portion of his property (see map) from RS 9 to LB-S.	
CONDITIONS: No drive through allowed. Sign must not be over 6' Sight lighting must be shoebox type & 18' max height	
SITE SIZE AND COVERAGES	
Total Acreage:	0.822 Ac. +/- 35788 Sq.Ft.
Site Coverages:	
Building to Land	5 %
Pavement to Land	40 % 14599 Sq.Ft.
Open Space	55 %
TOTAL	100 %
Building Square Footage:	1788 Sq.Ft. +/- Sq. Ft.
Building Height	1 STORY
INFRASTRUCTURE	
Water:	PUBLIC
Sewer:	PUBLIC
Streets:	N/A
OFF-STREET PARKING	
Proposed Use RESTAURANT 1054 Sq.Ft.	
Parking Calculation:	1 Spaces \ 75 sq.ft.
Required Parking:	14 spaces
Parking Provided:	14 spaces + 1 handicap
OFF-STREET PARKING	
Proposed Use DRY CLEANING DROP OFF 742 Sq.Ft.	
Parking Calculation:	1 Spaces \ 200 sq.ft.
Required Parking:	4 spaces
Parking Provided:	5 spaces
BUFFERYARDS	
Adjoining Zoning:	RS 9
Type Required:	TYPE II
Width Provided:	15'
Fence Option:	yes <input checked="" type="checkbox"/> no
TYPE II BUFFERYARD REQUIREMENTS	
2 deciduous trees; 8 primary evergreen plants; 20 supplemental evergreen shrubs per 100 linear feet	



owner/developer:
Todd G. Gentle
Lachell S. Gentle
5104 S. Main St.
Winston Salem, NC. 27107
ph. 336-345-8676



LEGEND	
Line Surveyed (or calculated)	---
Line Not Surveyed	---
Iron Found	○
Iron Set	○
Point not monumented	⊕
Stream or Creek	---
Concrete monument	⊗
Power Pole	⊙
Monitoring Well	⊕
U/G/P Vault	⊗

SITE PLAN FOR	
Gentle Business Building	
1" = 40'	AREA BY COORDINATES
6 DEC 2005	PRECISION 1 : 10,000 +
FORSYTH CO. NC. TAX MAP 636822 TAX BLOCK 2710 TAX LOTS 104 REF: DB 2580 PG 3869	
COE FORESTRY & SURVEYING P.O. BOX 36 WALLBURG, NC 27373 ph/fax (336) 769-4673	JOB # 2004241/2001130