

November 14, 2016

BRIEFING
DRAFT

Item #

1

ZONING MAP AMENDMENT

F-1562

COUNTY ORDINANCE -
SPECIAL USE DISTRICT - NO SITE PLAN

Zoning Petition of TJMK, LLC, Docket F-1562

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 HB-S to LI-L (Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Church or Religious Institution, Neighborhood; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Manufacturing A; Manufacturing B; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Offices; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services A; Terminal, Bus or Taxi; Testing and Research Lab; and Warehousing) the zoning classification of the following described property:

PIN# 6883-72-4587

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 TJMK, LLC.

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 located on the property described in Section One above. 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 TJMK, LLC, (Zoning Docket F-1562). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Church or Religious Institution, Neighborhood; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Manufacturing A; Manufacturing B; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Offices; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services A; Terminal, Bus or Taxi; Testing and Research Lab; and Warehousing, 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 LI-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:

- **OTHER REQUIREMENTS:**
 - a. All outdoor storage of equipment or materials shall be located to the rear of the building.
 - b. Any freestanding signage shall be limited to one (1) monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
 - c. The existing streetyard plantings between the two (2) driveways along Highway 66 shall be maintained per UDO Section 3.4.
 - d. An undisturbed one hundred (100) foot wide Type IV bufferyard shall be maintained along the western property line and a forty (40) foot wide undisturbed Type IV bufferyard shall be maintained along the northern and southern property lines in accordance with UDO Section 3.5.
 - e. The site lies within the Abbotts Creek Regulated Watershed. Any new development on the site shall be consistent with Chapter C of the UDO.



October 26, 2016

TJMK, LLC
306 Pineview Drive
Kernersville, NC 27284

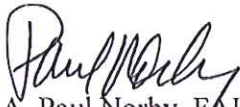
Re: Zoning Petition F-1562

Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
Fax 336.748.3163
www.cityofws.org/planning

Dear Petitioner:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. You will be notified by the Board of Commissioners' Office of the date on which the Commissioners will hear this petition.

Sincerely,


A. Paul Norby, FAICP
Director of Planning

pc: Clerk to the Board of Commissioners, Forsyth County Government Center - 5th Floor, 201 N. Chestnut Street, Winston-Salem, NC 27101



City Council: Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity
Forsyth County Commissioners: David R. Plyler, Chairman; Don Martin, Vice Chair; Ted Kaplan; Richard V. Linville; Walter Marshall; Gloria D. Whisenbunt; Everette Witherspoon; County Manager: Dudley Wates, Jr.
City-County Planning Board: Arnold G. King, Chair; Allan Younger, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Tommy Hicks; Clarence R. Lambe, Jr.; Darryl Little; Paul W. Mullican; Brenda J. Smith

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	F-1562
Staff	Amy Crum
Petitioner(s)	TJMK, LLC
Owner(s)	same
Subject Property	PIN #6883-72-4587
Address	2750 Highway 66 South, Kernersville
Type of Request	Rezoning – Special Use – No Site Plan
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB-S to LI-L. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Church or Religious Institution, Neighborhood; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Manufacturing A; Manufacturing B; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Offices; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services A; Terminal, Bus or Taxi; Testing and Research Lab; Warehousing <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 no neighborhood meeting was held.
Zoning District Purpose Statement	The LI District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. The district is established to provide locations for industrial development in GMAs 1, 2, 3 and 4 and Metro Activity Centers.
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 in GMA 4 and is across Highway 66 from property within High Point’s jurisdiction that is zoned and used for Light Industrial. Furthermore, the site was previously zoned LI-S prior to 1995.
GENERAL SITE INFORMATION	
Location	West side of Highway 66 South, north of Highway 311
Jurisdiction	Forsyth County
Site Acreage	± 9.22 acres
Current Land Use	Commercial building previously used for the sell and lease of new and used trucks.

Surrounding Property Zoning and Use	Direction	Zoning District		Use
	North	AG		Undeveloped land, single-family residential
	East	LI (High Point Jurisdiction) & RS20		Industrial building, single-family residential
	South	AG		Undeveloped land
	West	AG		Single-family residential
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 uses being requested are compatible with the LI zoned property directly across Highway 66 and the undeveloped land to the south. While there are five single-family homes adjacent to the site, four of them are located to the rear of the property and significantly buffered from the building. The last residence is located across Highway 66 and north of existing industrial property.			
Physical Characteristics	The property is currently developed with a one-story, 22,000 square foot industrial building. Approximately five acres of the site is undeveloped and vegetated. There is a slight grade change to the rear of the property.			
Proximity to Water and Sewer	The site is not serviced by municipal water or sewer. The closest water main is located approximately ¼ mile north at the intersection of Highway 66 South and Moore Farm Drive. The closest sewer line within the county is located in Kernersville along Abbotts Creek.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	WS III - Abbotts Creek Watershed			
Historic, Natural Heritage and/or Farmland Inventories	The property is not registered as a local or national historic property or located within a local or national register district. The property is not a Natural Heritage site or located near a Natural Heritage site. The property is not part of or adjacent to property within the Forsyth County Farmland Preservation Program.			
Analysis of General Site Information	The property is currently developed with a one-story building. Parking is located in the front and rear of the property. The majority of the site is undeveloped and vegetated. The site is located within the Abbotts Creek Watershed which regulates the built upon area to no more than 24% of the site. The site is serviced through a septic system and well.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Highway 66 South	Expressway	490'	9,900	N/A
Proposed Access Point(s)	The property is accessed from Highway 66 South.			
Planned Road Improvements	No road improvements for Highway 66 South have been budgeted for funding. However, the NC 66-Skeet Club Road Connector has been proposed in the <i>Comprehensive Transportation Plan</i> .			

Trip Generation - Existing/Proposed	<p><u>Existing Zoning: HB-S</u> 22,750 SF x 33.34/1000 SF (New Car Sales Trip Rate) = 758 Trips per Day</p> <p><u>Proposed Zoning: LI-L</u> Staff is unable to provide an accurate trip generation for the proposed zoning which has no site plan.</p>
Sidewalks	There are no sidewalks along Highway 66 within the vicinity of the site.
Transit	There is no transit service in the area.
Traffic Impact Study (TIS)	A traffic impact study was not required as part of the request.
Analysis of Site Access and Transportation Information	<p>The property is currently accessed directly off of Highway 66 which is designated as an expressway through the High Point Metropolitan Planning Organization (HPMPO). The rezoning request will not change the current access to the site.</p> <p>No immediate road improvements are planned for Highway 66 but the NC 66-Skeet Club Road Connector has been proposed for the area. The site does not have access to pedestrian, bicycle, or transit amenities.</p>
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	GMA 4 (Future Growth Area)
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Encourage reuse of vacant and underutilized commercial and industrial sites (p. 57) • Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area (p. 141) • Support the improvement and redevelopment of older commercial sites (p. 54)
Relevant Area Plan(s)	<i>Southeast Forsyth County</i> (Adopted 2013)
Area Plan Recommendations	<ul style="list-style-type: none"> • The site was a Special Land Use Condition Area in the area plan due to its industrial use. Existing vegetation on the property between the industrial structure and single-family homes to the west on Woodruff Road. It was recommended that the site was zoned adequately for its current use and expansion of the current use on the site may be appropriate with buffering to adjoining single-family homes (p. 36) • Industrial uses should be consolidated at existing locations as well as the development of possible new industrial sites (p. 30) • New and redeveloped industrial uses should be designed in a manner that makes them compatible with nearby residential uses (p. 30)
Site Located Along Growth Corridor?	No
Site Located	No

within Activity Center?	
Comments from City of High Point	Staff contacted the City of High Point concerning the rezoning. Their comments are included as an attachment to the report.
Comprehensive Transportation Plan Information	The site is located along a section of Highway 66 that is within the High Point Metropolitan Planning Organization (HPMPO) jurisdiction. The HPMPO <i>Comprehensive Transportation Plan</i> lists Highway 66 as an expressway that needs improvement.
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 <i>Legacy 2030</i>?
Yes	
Analysis of Conformity to Plans and Planning Issues	<p>Prior to the 1995 rezoning of the property, the site was zoned light industrial. By returning to this original zoning, the proposal supports the recommendations of <i>Legacy 2030</i> and the <i>Southeast Forsyth County Area Plan</i> by consolidating industrial uses at an existing location and reusing an underutilized building that is compatible with the surrounding area. Staff does recommend that the petitioner consider removing the use Motor Vehicle Storage Yard.</p> <p>Staff recommends approval of the proposal with conditions.</p>

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1139	Rezoning from LI-S to HB-S	Approved, 12/18/95	Subject property	9.22	Approval	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The property was zoned LI-S prior to the 1995 rezoning to HB-S.	The proposed request would place industrial uses in close proximity to single-family homes.
The request is in conformance with the recommendations of <i>Legacy 2030</i> and <i>Southeast Forsyth County Area Plan</i> .	
Further expansion of the industrial use on the site will be limited given its location in the Abbotts Creek Regulated Watershed.	

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.

- **OTHER REQUIREMENTS:**

- a. All outdoor storage of equipment or materials shall be located to the rear of the building.
- b. Any freestanding signage shall be limited to one (1) monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
- c. The existing streetyard plantings between the two (2) driveways along Highway 66 shall be maintained per UDO Section 3.4.
- d. An undisturbed one hundred (100) foot wide Type IV bufferyard shall be maintained along the western property line and a forty (40) foot wide undisturbed Type IV bufferyard shall be maintained along the northern and southern property lines in accordance with UDO Section 3.5.
- e. The site lies within the Abbotts Creek Regulated Watershed. Any new development on the site shall be consistent with Chapter C of the UDO.

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-1562
OCTOBER 13, 2016**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

Melynda Dunigan asked about the appearance provisions recommended for this area during the Heart of the Triad planning process. Staff explained that the recommendations in the plan address standards for new development. Since the existing building is being used, the facade is not addressed. However, conditions were added to protect the existing substantial vegetation along NC 66 and also to require outdoor storage to be placed behind the building.

MOTION: Paul Mullican moved approval of the zoning petition.

SECOND: Allan Younger

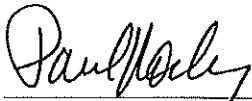
VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Darryl Little, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of TJMK, LLC as of October 26, 2016.



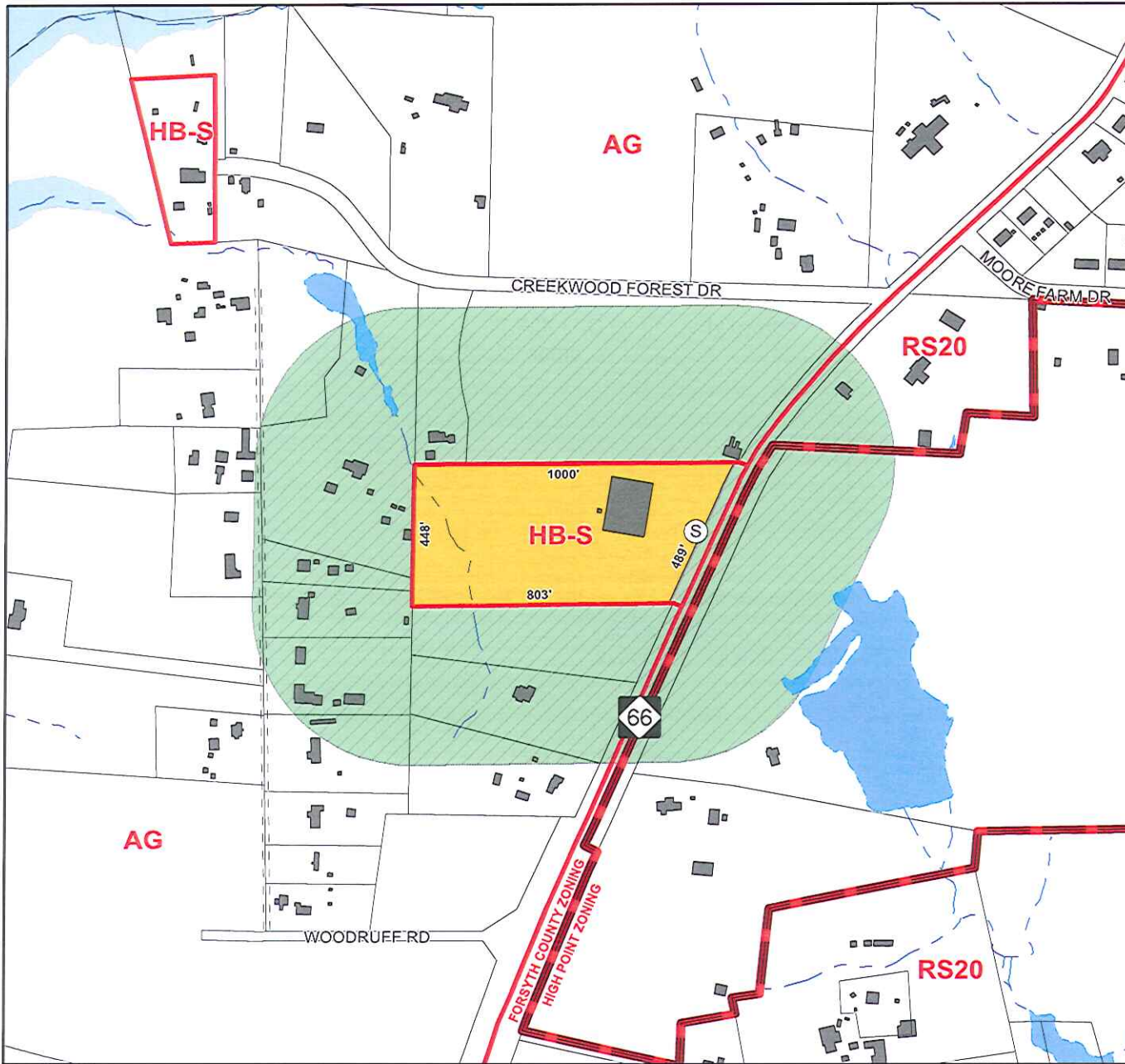
A. Paul Norby, F/ICP

Director of Planning and Development Services

In regards to your request for input on a proposed rezoning at 2750 Highway 66 South, the City of High Point Planning & Development Department offers the following comments for your consideration:

1. This site is within the City of High Point's Planning Area and eligible to be annexed by High Point under our annexation agreement with the Town of Kernersville. Property along the west side of Highway 66 South is currently classified as Future Growth Area on the City's Adopted Land Use Map as City utilities have not been established along the west side of this road corridor. At the time a request is made for City of High Point utilities to serve the west side of Highway 66 South, the City's will amend its adopted Land Use Map to classify property along the west side of this street as Restricted Industrial. This is the same land use classification the City has established for property lying on the east side of Highway 66 South. The Restricted Industrial land use classification is intended to accommodate office, warehouse, research and development, distribution, and light manufacturing or assembly uses on larger sites and in unified developments.
2. This portion of the City's Planning Area was studied in detail as part of the Heart of the Triad plan and the City's NW Area Plan which was adopted by the City Council in 2011. The City's land use classification for this area is based on the Heart of the Triad findings, which classifies this area as "Business Center". This classification is intended to accommodate a wide variety of employment uses including office, research, corporate park, industrial and related uses. Development within the Business Center Area should feature coordinated design including the provision of physical features that promote visual interest and an appearance of quality. Front facades would not consist of, or appear to be, metal or vinyl siding or plain concrete block. No loading docks would be located on the front building façade, and all would be screened. Lighting and signage will be strictly controlled, and no outside storage will be permitted.
3. City services have been extended to serve property along the east side of Highway 66 South (Polo facility). The Polo facility was annexed by the City of High Point in 2014 and granted a Conditional Zoning Light Industrial (CZ-LI) District. This zoning approval restricted the intensity of allowable industrial uses and includes conditions to ensure development of the site will be consistent with the Restricted Industrial land use classification and the Business Center classification noted in the Heart of the Triad plan.
4. Please review any development of this site in accordance with the Heart of the Triad plan. If you wish to know the zoning conditions and development standards the City adopted on the property along the east side of Highway 66 South (Polo site - Conditional Zoning Ordinance 14-01), we would be glad to send you a copy.

If you have any questions, please feel free to contact Mr. Herbert Shannon, Senior Planner with the City of High Points Planning & Development Department at (336) 883-3309.




DOCKET #: F1562

PROPOSED ZONING:
LI-L

EXISTING ZONING:
HB-S

PETITIONER:
TJMK LLC for property owned
by same

 Property included
in zoning request.

 500' mail notification
radius. Property not
in zoning request.

SCALE: 1" represents 500'

STAFF: Crum

GMA: 4

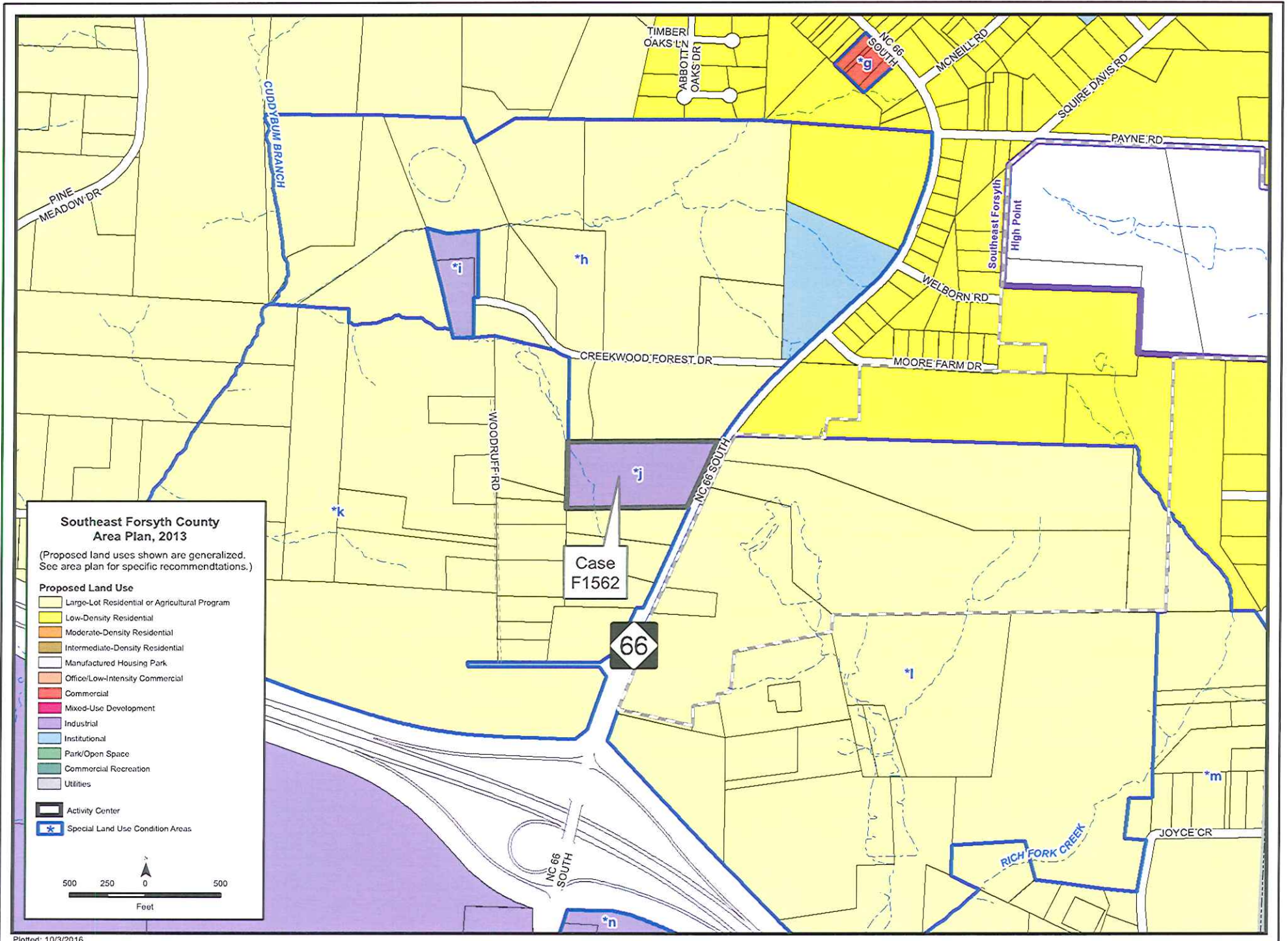
ACRES: 9.22

**NEAREST
BLDG:** 0' west

MAP(S): 6883.04



Printed: 9/30/2016



**Southeast Forsyth County
Area Plan, 2013**

(Proposed land uses shown are generalized.
See area plan for specific recommendations.)

Proposed Land Use

- Large-Lot Residential or Agricultural Program
- Low-Density Residential
- Moderate-Density Residential
- Intermediate-Density Residential
- Manufactured Housing Park
- Office/Low-Intensity Commercial
- Commercial
- Mixed-Use Development
- Industrial
- Institutional
- Park/Open Space
- Commercial Recreation
- Utilities

Activity Center

Special Land Use Condition Areas

500 250 0 500
Feet

Plotted: 10/3/2016