

BRIEFING
DRAFT

April 24, 2017

Item # 2

ZONING MAP AMENDMENT

F-1565

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: April 24, 2017 **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Petition of Alfred Wai Kong Ma From RS20 to NB: Property is Located on the East Side of NC 66 South, North of High Point Road (Zoning Docket F-1565)

- B. Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina

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 - GENERAL USE

Zoning Petition of Alfred Wai Kong Ma, Docket F-1565

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 RS20 to NB the zoning classification of the following described property:

PIN# 6882-67-6864

Section 2. This ordinance shall become effective upon adoption.



March 22, 2017

Alfred Wai Kong Ma
1821-A Johnson Street
High Point, NC 27262

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

Re: Zoning Petition F-1565

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 and Development Services

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



Call 311 or 336-727-8000
citylink@cityofws.org

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; John C. Larson, 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. Whisenand; Evrette Witherspoon; County Manager: Dudley Watts, 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-1565		
Staff	Gary Roberts, Jr. AICP		
Petitioner(s)	Alfred Wai Kong Ma		
Owner(s)	Same		
Subject Property	PIN# 6882-67-6864		
Address	2945 Highway 66 South		
Type of Request	General use rezoning from RS20 to NB		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS20 (Residential, Single Family – 20,000 sf minimum lot size) to NB (Neighborhood Business).</p> <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. With a General use, all uses in the District must be considered.</p>		
Neighborhood Contact/Meeting	The application does not indicate if a neighborhood meeting has been held.		
Zoning District Purpose Statement	<p>The NB District is primarily intended to accommodate low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district should demonstrate pedestrian oriented design through elements such as on-street parking, façade articulation, storefront display windows, awnings and building entrances facing the street. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists. This district is intended for application in GMAs 2, 3, 4 and 5.</p>		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the subject property is a modest sized lot which is located between NB-S and HB zoned property, along a major thoroughfare and it is within GMA 4 (Future Growth Area).</p>		
GENERAL SITE INFORMATION			
Location	East side of NC 66 South, north of High Point Road		
Jurisdiction	Forsyth County		
Site Acreage	± .14 acre		
Current Land Use	A one story, single family home is currently located on the site.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	NB-S	Hair salon
	East	HB	Tucker's Grill

	South	HB	Tucker's Grill
	West	HB	Auto sales
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?		
	Yes, the uses permitted within the proposed NB district are compatible with the uses permitted on the adjacent NB-S and HB zoned properties.		
Physical Characteristics	The site has a gentle slope downward to the east.		
Proximity to Water and Sewer	There is no public sewer service available to the site. Public water service is provided by the City of High Point.		
Stormwater/ Drainage	No known issues.		
Watershed and Overlay Districts	The site is located within the Oak Hollow WS III water supply watershed. New built-upon area (impervious coverage) is limited to 24% of the lot size.		
Analysis of General Site Information	The subject property is of a relatively modest size and it currently has no access to public sewer service. The site is also located within the Oak Hollow watershed which includes limits on the amount of new impervious coverage.		
SITE ACCESS AND TRANSPORTATION INFORMATION			
Street Name	Classification	Frontage	Average Daily Trip Count
	Capacity at Level of Service D		
NC 66 South	Major Thoroughfare	80'	NA
	NA		NA
Proposed Access Point(s)	Because this is a general use request, the exact location of access points is unknown. The site is currently accessed from NC 66 South.		
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS20</u> 1 unit x 9.57 (SFR Trip Rate) = 10 Trips per Day <u>Proposed Zoning: NB</u> Staff is unable to provide an accurate trip generation for the proposed general use zoning because there is no site plan.		
Sidewalks	There are no sidewalks located in the general area.		
Analysis of Site Access and Transportation Information	Staff does not foresee any transportation related issues associated with this request.		
CONFORMITY TO PLANS AND PLANNING ISSUES			
Legacy 2030 Growth Management Area	Growth Management Area 4 – Future Growth Area		

Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area. • Support the improvement and redevelopment of older commercial sites. 					
Relevant Area Plan(s)	<i>Southeast Forsyth County Area Plan Update (2013)</i>					
Area Plan Recommendations	<ul style="list-style-type: none"> • Provide localized commercial services to neighborhoods in the Activity Center. • This activity center is not recommended for the expansion of uses with outdoor displays such as recreational vehicle sales, automobile sales, and repair and mini self-storage units such as those currently located outside this activity center to the west. • These more intense retail uses are generally not recommended for expansion beyond their present configuration. 					
Site Located Along Growth Corridor?	The site is not located along a growth corridor.					
Site Located within Activity Center?	The site is located within the Horneytown Road / High Point Road Activity Center.					
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 2030?					
	Yes					
Analysis of Conformity to Plans and Planning Issues	The subject request is to rezone a relatively small parcel from RS20 to NB. The site is adjacent to NB-S zoned property to the north and HB zoned property to the east, south, and west. The site is located within the Horneytown Road / High Point Road Activity Center where commercial land use is recommended as per the <i>Southeast Forsyth County Area Plan Update</i> . Staff sees the request as being consistent with the commercial land use recommendation of said area plan, compatible with the surrounding land uses, and consistent with the purpose statement of the proposed NB district. Staff recommends approval.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1466	RS20 to NB-S	Approved 8-14-06	Directly north	.87	Approval	Approval
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
The request is consistent with the commercial land use recommendation of the <i>Southeast Forsyth County Area Plan Update</i> .			Redevelopment of the site using the existing structure may pose some code compliance challenges in regard to the NB district's requirement for parking to be located to the side			

The site is surrounded by HB and NB-S zoned properties.	or rear of the principal building.
The request is consistent with the proposed NB district purpose statement.	

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-1565
MARCH 9, 2017**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning petition.

SECOND: Paul Mullican

VOTE:

FOR: George Bryan, Melynda Dunigan, Arnold King, Clarence Lambe, 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 Ma Alfred Wai Kong as of March 22, 2017.

A. Paul Norby, FAICP
Director of Planning and Development Services




DOCKET #: F1565

PROPOSED ZONING:
NB

EXISTING ZONING:
RS20

PETITIONER:
Alfred Wai Kong Ma

 Property included in zoning request.

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

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 4

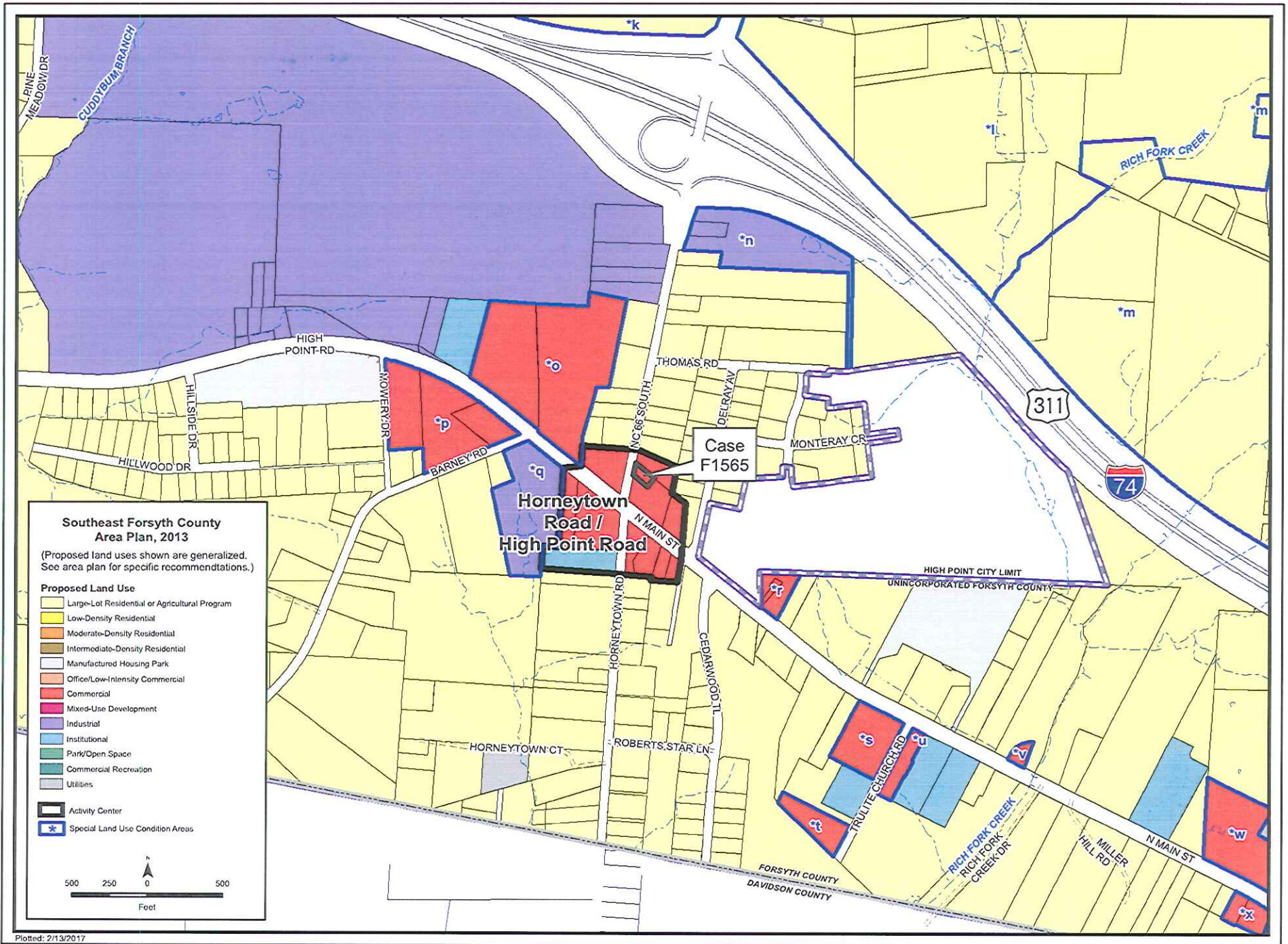
ACRES: 0.14

NEAREST BLDG: 0' south

MAP(S): 6882.02



Printed: 2/8/2017



Case F1565

Horneytown Road / High Point Road

311

74

HIGH POINT CITY LIMIT
UNINCORPORATED FORSYTH COUNTY

FORSYTH COUNTY
DAVIDSON COUNTY

F-1565 ATTACHMENT A
EXISTING RS20 USES ALLOWED
Forsyth County Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Adult Day Care Home
Agricultural Production, Crops
Agricultural Production, Livestock
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private
Transmission Tower (see UDO)

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Church or Religious Institution, Community
Golf Course
Library, Public
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

Bed and Breakfast
Borrow Site
Child Day Care, Large Home
Dirt Storage
Fishing, Fee Charged
Habilitation Facility A
Kennel, Outdoor
Landfill, Land Clearing/Inert Debris, 2 acres or less
Manufactured Home, Class A
Manufactured Home, Class B
Nursing Care Institution
Park and Shuttle Lot
Riding Stable
Shooting Range, Outdoor
Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)

Landfill, Land Clearing/Inert Debris, greater than 2 acres
Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses

F-1565 ATTACHMENT B
PROPOSED NB USES ALLOWED
Forsyth County Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Adult Day Care Home
Agricultural Production, Crops
Agricultural Production, Livestock
Arts and Crafts Studio
Child Care, Drop-In
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Combined Use
Convenience Store
Food or Drug Store
Furniture and Home Furnishings Store
Government Offices, Neighborhood Organization, or Post Office
Library, Public
Motor Vehicle, Repair and Maintenance
Museum or Art Gallery
Offices
Police or Fire Station
Recreation Facility, Public
Recreation Services, Indoor
Residential Building, Duplex
Residential Building, Single Family
Residential Building, Twin Home
Restaurant (without drive-through service)
Retail Store
Services A
Veterinary Services

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Child Day Care, Large Home
Limited Campus Uses
Residential Building, Townhouse
Residential Building, Multifamily
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

Banking and Financial Services
Bed and Breakfast
Child Care, Sick Children
Child Day Care Center

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)

Access Easement, Private Off-Site

F-1565 ATTACHMENT C
USES ALLOWED UNDER PROPOSED “SERVICES, A”

SERVICES, A. An establishment primarily engaged in providing a service(s) to business and individuals. All merchandise and rental equipment is stored inside enclosed buildings. Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 7212 Garment Pressing and Agents for Laundries and Drycleaners
- 7215 Coin-Operated Laundries and Cleaning
- 7216 Drycleaning Plants, Except Rug
- 7217 Carpet and Upholstery Cleaning
- 722 Photographic Studios, Portrait
- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair and Shoeshine Parlors
- 729 Miscellaneous Personal Services
- 733 Mailing, Reproduction, Commercial Art and Photography
- 735 Equipment Rental and Leasing (only with inside storage of equipment)
- 737 Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
- 738 Miscellaneous Business Services
- 762 Electrical Repair Shops
- 763 Watch, Clock, and Jewelry Repair
- 764 Reupholstery and Furniture Repair
- 7699 Uses from SIC 7699 primarily engaged in providing repair and other services to business and individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.

(I)
RE: F-1565

Attention: Gary Roberts

Writer lives on

Singlewide

DIN 6882-685104

I received your letter
today about the zoning request
& I do not drive & cannot
attend the meeting
However I would like to
know about this etc. up
the road certain men were
forced to sell their property
When these people sold
their property, supposedly it
was for business purposes
The me home that have
been empty for awhile is being
worked on & I was told
that a single man bought it
For years in this neighborhood
an old wealthy rich man wanted
to buy all the property he
owned in this neighborhood etc.

(1)

(H)

It was tried that he would
do anything to get what he
wanted etc. Several years ago
petitions were made up to
keep his storage business out of
our neighborhood

There were several meetings
on this & he came in
here anyway etc.

Lots of people were harassed &
they were scared into selling
their property & it was
the rich guy that bought
their property etc.

I see him the back part
of my property & he was
planning to be dishonest but
I stayed in behind his lawyer etc.

I've been harassed here also
& refused to sell. It's not
right for rich people to come in
& take our homes away from
us etc.

(2)

(III)

~ I asked the rich guy ~
~ Why? ~ he wanted to own ~
~ this whole neighborhood ~ ~?
~ His reply ~ He wanted to leave ~
~ it to his only son ~ ~ ~
~ His only son spent some time ~
~ in prison for dope ~
~ I kept getting threats to ~
~ sell my place ~ which I don't
~ want to sell ~ etc. ~
~ I've lived here in this ~ ~
~ neighborhood ~ all ~ my life ~
~ This rich man is in his ~
~ middle 40's ~ How can anyone ~
~ have such a love for money? ~ etc. ~
~ You rich people that force ~
~ people to sell ~ to get richer ~
~ etc. ~ This is not right ~ etc. ~
~ I hope that ~ "God" will ~
~ stop you rich people from taking ~
~ our homes away from us ~ so ~
~ that you can get richer ~ etc. ~
~ (3) ~

RECEIVED
MAR 03 2017

(IV) (Write name)

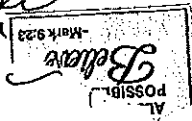


~ Lots of lies were made exp
~ on me ~ but I ignored it ~
~ & ~ try not to believe anyone, etc ~
~ "Thank you very much" in
~ for reading my letter ~
~ "So greatly appreciated" ~

~ "Sincerely" ~

~ "Nancy Hall" ~

P.S. ~ "I hope & pray that ~
~ "God" will stop you ~
~ from + ... in ~
~ projects etc. ~



~ "Blessed Be!" ~