

Motion to Approve Zoning Map Amendment, Docket F-1588, and
Statement of Consistency with Comprehensive Plan

I move that the Zoning Map Amendment and Issuance of Special Use District-No Site Plan Permit, Docket F-1588, be **approved** on the basis of the following:

The proposed zoning map amendment—as petitioned by Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group, LLC; Wanda Kearney; and William Kearney—to rezone 12.48 acres of property from AG, RS40, LI, and LI-S to LI-L (Limited Industrial—Special Use—No Site Plan), as set forth in the attached County Ordinance which is incorporated herein by reference, and the issuance of the proposed special use district-no site plan permit are consistent with the recommendations of the Legacy Comprehensive Plan and are reasonable and in the public interest because

1. The subject property is surrounded by properties zoned LI and LI-S, and is bordered on three sides by the Union Cross Business Park, and the uses allowed under the proposed zoning for the subject property are permitted on the portion of the property already zoned LI and would be consistent with the industrial uses permitted on the adjacent and nearby properties;
2. The property has direct access to Wallburg Road, a major thoroughfare with ample capacity; and
3. The subject property is located in Growth Management Area 3 which is suitable for LI-L zoning; the Southeast Forsyth County Area Plan Update recommends industrial use for the subject property; and the rezoning would meet Legacy recommendations to promote compatible infill industrial development consistent with the surrounding area.

Second:

Vote:

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: December 19, 2019

AGENDA ITEM NUMBER: 1A-1C

SUBJECT:-

- A. Public Hearing on Zoning Petition of Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group, LLC; Wanda Kearney and William Kearney from AG, RS40, LI and LI-S to LI-L (Academic Biomedical Research Facility; Academic Medical Center; Agricultural Production, Crops; Arts and Crafts Studio; Banking and Financial Services; Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Kennel, Indoor; Manufacturing A; Manufacturing B; Micro-Brewery or Micro-Distillery; Offices; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services, A; Services, B; Signs, Off-Premises; Special Events Center; Storage Services, Retail; Testing and Research Lab; Transmission Tower; Utilities; Warehousing; Wholesale Trade A; Wholesale Trade B; Child Care, Sick Children; Child Day Care Center; Solid Waste Transfer Station; Access Easement, Private Off-Site): Property is located on the West Side of Wallburg Road, South of Business Park Drive (F-1588)
- 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

COUNTYMANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:-

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

ATTACHMENTS:- X YES NO

SIGNATURE: _____
CountyManager

DATE: December 16, 2019

COUNTY ORDINANCE -
SPECIAL USE DISTRICT - NO SITE PLAN

Zoning Petition of Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group, LLC; Wanda Kearney; and William Kearney, Docket F-1588

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 AG, RS40, LI, and LI-S to LI-L (Academic Biomedical Research Facility; Academic Medical Center; Agricultural Production, Crops; Arts and Crafts Studio; Banking and Financial Services; Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Kennel, Indoor; Manufacturing A; Manufacturing B; Micro-Brewery or Micro-Distillery; Offices; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services, A; Services, B; Signs, Off-Premises; Special Events Center; Storage Services, Retail; Testing and Research Lab; Transmission Tower; Utilities; Warehousing; Wholesale Trade A; Wholesale Trade B; Child Care, Sick Children; Child Day Care Center; Solid Waste Transfer Station; Access Easement, Private Off-Site) the zoning classification of the following described property:

Being all those certain tracts or parcels of land located in Abbotts Creek Township, Forsyth County, North Carolina and being all of the following Eight (8) Tax Pin: (1) 6863-35-8122.00, (2) 6863-35-6204.00, (3) 6863-35-7319.00, (4) 6863-35-9460.00, (5) 6863-45-0563.00, (6) 6863-45-0682.00, (7) 6863-45-0773.00 and (8) 6863.-35-6676.00 and being more particularly described as follows:

BEGINNING at an existing 1" iron pipe having localized NC Grid NAD 83/2011 coordinates of Northing 835,051.33 feet, Easting 1,663,987.63 feet on the westerly Right-of-Way line of SR

2691 Wallburg Road (Public R/W, width varies) and being the southeast corner of the within described tract and being a common corner of Forsyth County Development Corporation (Tax Pin: 6863-34-6824.00) and William Carey and Wanda Stone Kearney (Tax Pin: 6863-35-8122.00);

THENCE N 87°41'57" W, a total distance of 313.05 feet (crossing an existing 5/8" iron pipe at 10.54 feet) to an existing 5/8" iron pipe being a common corner of said William Carey and Wanda Stone Kearney (Tax Pin: 6863-35-8122.00) and Forsyth County Development Corporation (Tax Pin: 6863-34-6824.00);

THENCE N 87°45'37" W, 297.90 feet to an existing angle iron pipe being a common corner of said property, said Forsyth County Development Corporation (Tax Pin: 6863-34-6824.00) and Liberty Hardware Mfg. Corp (Tax Pin: 6863-25-6574.00);

THENCE N 02°17'04" E, 438.03 feet to an existing 1" iron pipe being a common corner of said property and said Liberty Hardware Mfg. Corp (Tax Pin: 6863-25-6574.00) and Squier Properties, LLC (Tax Pin: 6863-35-6676.00)

THENCE N 02°19'01" E, 307.00 feet to an existing 1" iron pipe being a common corner of Squier Properties, LLC (Tax Pin: 6863-35-6676.00 and Liberty Hardware Mfg. Corp (Tax Pin: 6863-25-6574.00) and Union Cross Park Association (Tax Pin: 6863-35-4834.00);

THENCE S 87°06'52" E, 36.27 feet to an existing 3/4" iron pipe being a common corner of Squier Properties, LLC (Tax Pin: 6863-35-6676.00) and Union Cross Park Association (Tax Pin: 6863-35-4834.00);

THENCE S 87°03'28" E, 46.87 feet to an existing 3/4" iron pipe being a common corner of Squier Properties, LLC (Tax Pin: 6863-35-6676.00) and said Union Cross Business Park Association (Tax Pin: 6863-35-6884.00);

THENCE S 87°05'19" E, 314.58 feet to an existing 3/4" iron pipe being a common corner of said Union Cross Park Association (Tax Pin: 6863-35-6884.00) and Squier Properties, LLC (Tax Pin: 6863-35-6676.00);

THENCE S 87°00'59" E, 34.14 feet to an existing 3/4" iron pipe being a common corner of said Union Cross Business Park Association (Tax Pin: 6863-35-0805.00) and Squier Properties, LLC (Tax Pin: 6863-35-6676.00)

THENCE S 87°07'43" E, 117.53 feet to an existing 3/4" iron pipe being a common corner of said Union Cross Business Park Association (Tax Pin: 6863-35-0805.00) and Squier Properties, LLC (Tax Pin: 6863-35-6676.00) and Wallburg Property Group (Tax Pin: 6863-45-0773.00);

THENCE S 87°04'55" E, 306.91 feet to an existing 3/4" iron pipe in the Wallburg Road Right-of-Way and being a common corner of Wallburg Property Group (Tax Pin: 6863-45-0773.00) and Union Cross Business Park Association (Tax Pin: 6863-45-0805.00);

THENCE with the Right-of-Way of Wallburg Road the following seven (7) calls:

(1) S 20°49'06" W, 128.78 feet to an existing 5/8" iron pipe;

- (2) S 20°30'26"W, 93.12 feet to an existing 5/8" iron pipe;
- (3) S 20°46'10" W, 101.09 feet to an existing 1/2" iron pipe;
- (4) S 20°42'43" W, 157.47 feet to an existing 1 1/4" iron pipe;
- (5) S 20°20'15" W, 31.35 feet to an existing 5/8" iron pipe
- (6) S 20°53'37" W, 147.70 feet to an existing 5/8" iron pipe;
- (7) S 20°46'15" W, 115.88 feet to the **POINT OF BEGINNING** containing 543,715 Square Feet or 12.482 Acres more or less.

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 Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group, LLC; Wanda Kearney; and William Kearney.

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

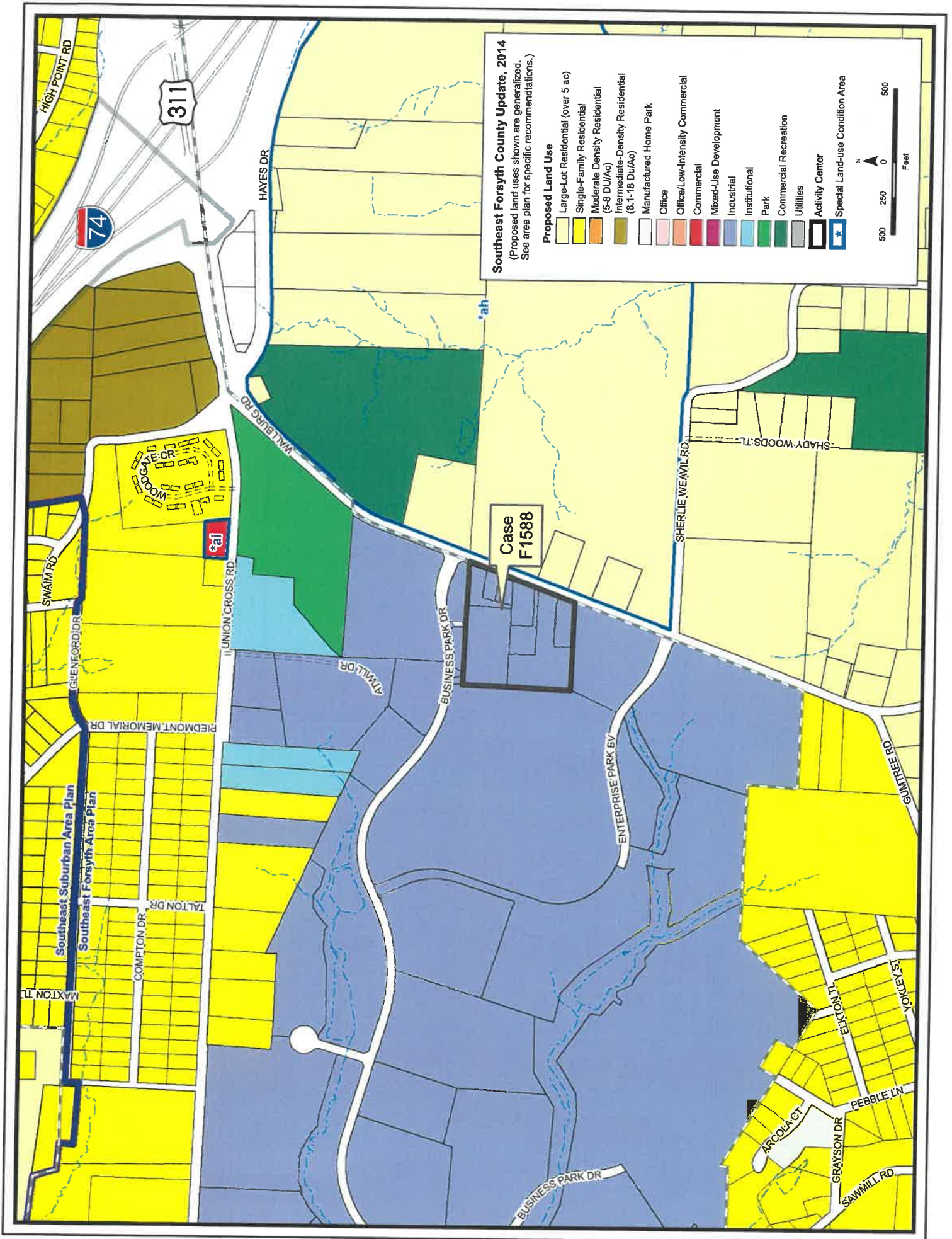
of Forsyth County, NC

The Board of Commissioners of Forsyth County, NC issues a Special Use District - No Site Plan Permit for the zoning petition of Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group, LLC; Wanda Kearney; and William Kearney, (Zoning Docket F-1588). The site shall be developed in accordance with the conditions approved by the Board and the following uses: (Academic Biomedical Research Facility; Academic Medical Center; Agricultural Production, Crops; Arts and Crafts Studio; Banking and Financial Services; Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Kennel, Indoor; Manufacturing A; Manufacturing B; Micro-Brewery or Micro-Distillery; Offices; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services, A; Services, B; Signs, Off-Premises; Special Events Center; Storage Services, Retail; Testing and Research Lab; Transmission Tower; Utilities; Warehousing; Wholesale Trade A; Wholesale Trade B; Child Care, Sick Children; Child Day Care Center; Solid Waste Transfer Station; Access Easement, Private Off-Site), 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:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. The proposed building plans shall meet the design and material requirements as specified in the Union Cross Protective Covenants, and all HVAC equipment shall be screened from view of Wallburg Road, as verified by Planning staff.
 - b. All utilities on the site shall be underground.
 - c. Any access from Wallburg Road shall be approved by NCDOT, including location and required improvements to Wallburg Road, and shall not be permitted without the issuance of a driveway permit from NCDOT.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Freestanding signage shall be limited to one (1) monument sign along Wallburg Road with a maximum height of eight (8) feet and a maximum copy area of seventy five (75) square feet.
 - b. Chain link fencing shall not be visible from any public right-of-way.
 - c. Buildings shall be constructed in substantial conformance with approved building elevations.
 - d. All conditions of any driveway permit issued by NCDOT for development of the subject property shall be met.

- **OTHER REQUIREMENTS:**
 - a. Developer shall install a thirty (30)-foot wide landscaped area on a six (6)-foot berm along the frontage of Wallburg Road. Required plantings shall include three (3) deciduous trees and fourteen (14) Primary Evergreen Plants per 100 linear feet, except where driveway access is permitted from Wallburg Road.



DOCKET #: F1588

PROPOSED ZONING:
LI-L

EXISTING ZONING:
AG, LI, LI-S, and RS40

PETITIONER:

Front Street Wallburg, LLC,
John Hodges, Jr.,
Wallburg Property Group, LLC,
Wanda Kearney, and
William Kearney

Property included
in zoning request.

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

SCALE: 1" represents 600'

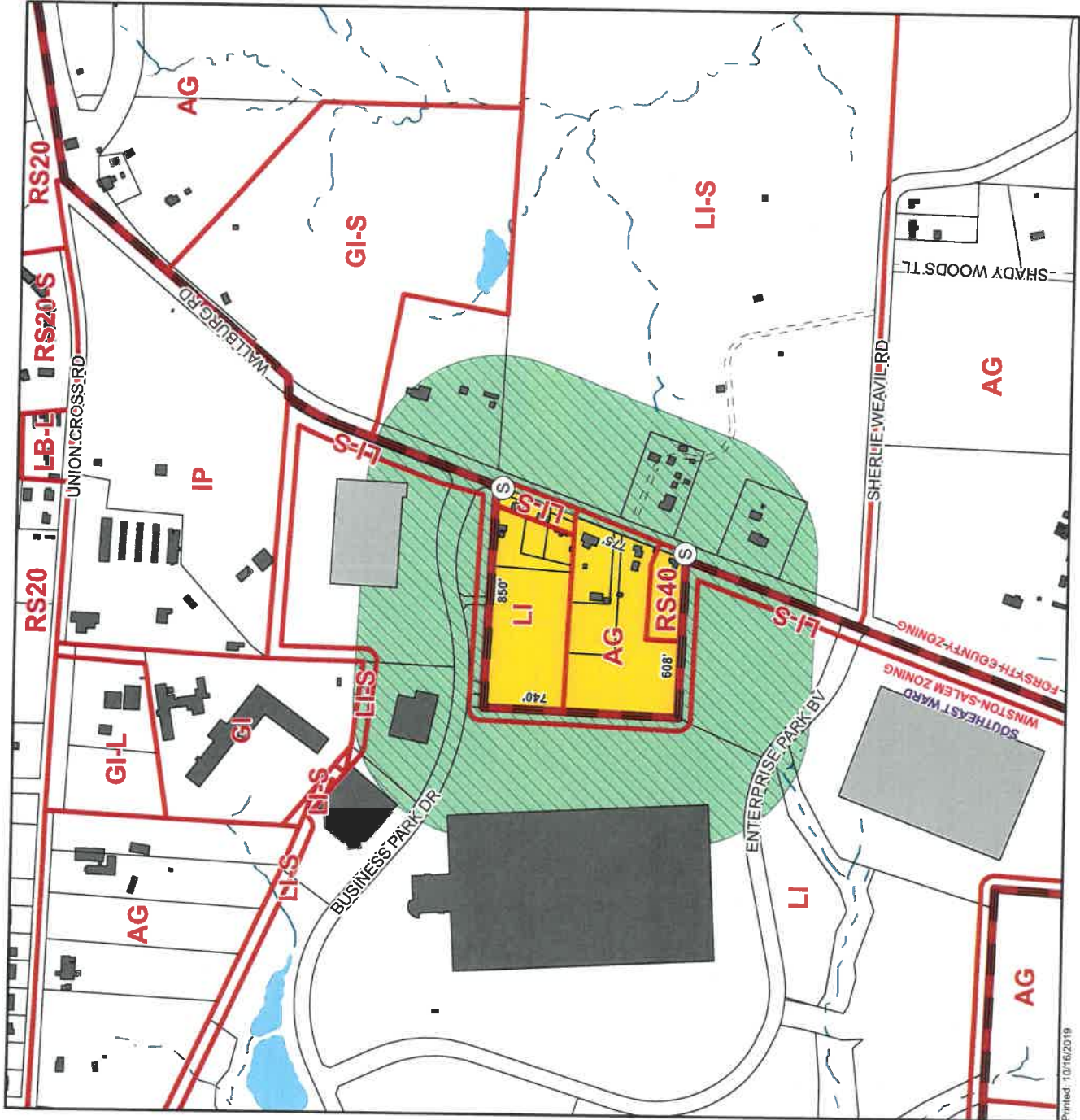
STAFF: Roberts

GMA: 3

ACRES: 12.48

**NEAREST
BLDG:** 153' east

MAP(S): 6863.01



Printed: 10/16/2019



November 29, 2019

Stimmel Associates PA
Attn: Luke Dickey
601 North Trade Street, Suite 200
Winston-Salem, NC 27101

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-1588

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 Commissioner's Office of the date on which the Commissioners will hear this petition.

Sincerely,

Aaron King
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
Front Street Wallburg LLC, 206 West Fourth Street, Winston-Salem, NC 27101
John W. Hodges, 1484 Hampton Plaza Drive, Kernersville, NC 27284
Wallburg Property Group LLC, 2152 Stone Ridge Pl, Winston-Salem, NC 27107
William & Wanda Kearney, 4074 Wallburg Road, Winston-Salem, NC 27107



City Council: Mayor Allen Joines; 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; Annette Scipio, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

County Commissioners: David R. Plyler, Chairman; Don Martin, Vice Chair, Fleming El-Amin; Ted Kaplan; Richard V. Linville; Tonya McDaniel; Gloria D. Whisenhunt; Manager: Dudley Watts, Jr.

County

City-County Planning Board: Chris Leak, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Clarence R. Lambe, Jr.; Johnny Sigers; Brenda J. Smith; Jack Steelman

**NOTICE OF PUBLIC HEARING BEFORE THE
CITY-COUNTY PLANNING BOARD OF FORSYTH COUNTY
AND WINSTON-SALEM, NORTH CAROLINA ON
REZONING REQUESTS AND RELATED MATTERS**

Notice is hereby given in accordance with the requirement of applicable law that the City-County Planning Board will hold a public hearing in the Arnold G. King Public Meeting Room on the fifth floor of the Bryce Stuart Municipal Building, 100 East First Street, Winston-Salem, North Carolina, at 4:30 P.M. on November 14, 2019 on the following rezoning and related matters:

1. Zoning petition of Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group. LLC; Wanda Kearney; and William Kearney from AG, RS40, LI, and LI-S to LI-L (Academic Biomedical Research Facility; Academic Medical Center; Agricultural Production, Crops; Arts and Crafts Studio; Banking and Financial Services; Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Kennel, Indoor; Manufacturing A; Manufacturing B; Micro-Brewery or Micro-Distillery; Offices; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services, A; Services, B; Signs, Off-Premises; Special Events Center; Storage Services, Retail; Testing and Research Lab; Transmission Tower; Utilities; Warehousing; Wholesale Trade A; Wholesale Trade B; Child Care, Sick Children; Child Day Care Center; Solid Waste Transfer Station; Access Easement, Private Off-Site): property is located on the west side of Wallburg Road, south of Business Park Drive; property consists of ±12.48 acres and is PINs 6863-35-8122; 6863-35-6204; 6863-35-7319; 6863-35-9460; 6863-45-0563; 6863-45-0682; 6863-45-0773; and a portion of PIN 6863-35-6676 as shown on the Forsyth County Tax Maps (Zoning Docket F-1588).

NOTE: TIME LIMIT FOR SPEAKERS: Speakers in favor and speakers in opposition of rezoning requests or related public hearing matters shall be limited to twelve (12) minutes total speaking time for each side. All speakers should register prior to the meeting. Registration will begin at 4:00 P.M. inside the Public Meeting Room.

The City of Winston-Salem does not discriminate on the basis of race, sex, color, age, national origin, religion or disability in its employment opportunities, programs, services or activities.

All requests for appropriate and necessary auxiliary aids and services must be made within a reasonable time prior to the hearing to the Director of Planning and Development Services at (336) 747-7061.

BY DIRECTION OF THE CITY-COUNTY PLANNING BOARD

Aaron King
Director of Planning and Development Services

Please publish once in the JOURNAL on **Thursday**, October 31, 2019.

BOLD HEADING- Single Column

Please submit one (1) copy of the affidavit of publication and your charges to the City-County Planning Board.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	F-1588
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group, LLC; Wanda Kearney; and William Kearney
Owner(s)	Same
Subject Property	PINs 6863-35-8122; 6863-35-6204; 6863-35-7319; 6863-35-9460; 6863-45-0563; 6863-45-0682; 6863-45-0773; and a portion of PIN 6863-35-6676
Address	4050, 4056, 4068, 4070, 4074, and 4080 Wallburg Road
Type of Request	Special Use – No Site Plan rezoning from AG, RS40, LI, and LI-S to LI-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from AG (Agricultural), RS40 (Residential, Single Family – 40,000 square foot minimum lot size), LI (Limited Industrial), and LI-S (Limited Industrial – Special Use – Manufacturing A) to LI-L (Limited Industrial – Special Use – No Site Plan). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Academic Biomedical Research Facility; Academic Medical Center; Agricultural Production, Crops; Agricultural Production, Livestock; Animal Shelter, Public; Arts and Crafts Studio; Banking and Financial Services; Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Fish Hatchery; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Kennel, Indoor; Kennel, Outdoor; Manufacturing A; Manufacturing B; Micro-Brewery or Micro-Distillery; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Offices; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services, A; Services, B; Signs, Off-Premises; Special Events Center; Storage Services, Retail; Terminal, Bus or Taxi; Testing and Research Lab; Transmission Tower; Utilities; Warehousing; Wholesale Trade A; Wholesale Trade B; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Landfill, Construction and Demolition; Landfill, Land Clearing/Inert Debris, 2 acres or less; Landfill, Land Clearing/Inert Debris, greater than 2 acres; Borrow Site; Dirt Storage; Helistop; Landfill, Sanitary; Solid Waste Transfer Station; Access Easement, Private Off-Site; and Shelter for the Homeless

	NOTE: General Use, Special Use – No Site Plan, and Special Use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.		
Neighborhood Contact/Meeting	Neighborhood outreach is not required for the subject request.		
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 within GMA 3, along a major thoroughfare, and is surrounded by LI-S zoning.		
GENERAL SITE INFORMATION			
Location	West side of Wallburg Road, south of Business Park Drive		
Jurisdiction	Forsyth County		
Site Acreage	± 12.48 acres		
Current Land Use	There are six single-family homes and associated accessory buildings located on the site.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	LI-S	Bufferyard
	East	LI-S	Single-family home and farmland
	South	LI-S	Bufferyard
	West	LI-S	Bufferyard
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 proposed LI uses are identical to the uses permitted on the existing LI portion of the site, and they are compatible with the industrial uses permitted on the adjacent and nearby LI-S and LI properties.		
Physical Characteristics	The site has a gentle to moderate slope downward toward the southwest. The undeveloped portion includes a mixture of grassed area and mature trees.		
Proximity to Water and Sewer	Public water is located within Wallburg Road. Public sewer is located within Business Park Drive, approximately 100 feet to the north.		
Stormwater/ Drainage	No known issues.		
Watershed and Overlay Districts	The site is not located within a water supply watershed; however, the property across Wallburg Road is located within the Abbotts Creek WS III Water Supply Watershed.		

Analysis of General Site Information	The site is partially developed with six single-family homes and has generally favorable topography. The site is not located within a water supply watershed, nor does it lie within a designated floodplain. Public sewer service is not directly available to the site.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1586	LI-S Site Plan Amendment	Approved 8/8/2019	Directly east	96.13	Approval	Approval
F-1483	AG to LI and LI-S	Approved 6/25/2007	Included a portion of subject property	5.68	Approval	Approval
F-1175	AG to LI and LI-S	Approved 11/11/1996	Directly north, west, and south	398.98	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Wallburg Road	Major Thoroughfare	775 feet	12,000	15,800		
Proposed Access Point(s)	The site currently has multiple driveways from Wallburg Road. Two access points along the northern edge of the site from Business Park Drive have been approved but not constructed. Although this is a Limited Use request with no site plan, the petitioner has proposed a condition granting access from Wallburg Road. (See additional comments below in the analysis section.)					
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a three-lane cross section with wide outside lanes, curb and gutter, and sidewalks for Wallburg Road.					
Trip Generation - Existing/Proposed	<u>Existing and Proposed Zoning:</u> Because there is no site plan associated with the majority of the existing zoning, nor with the proposed zoning, staff is unable to estimate the existing or proposed trip generation.					
Sidewalks	A sidewalk is currently located along the west side of Wallburg Road north of the site from Business Park Drive toward Union Cross Road. Sidewalks will be provided along the opposite side of Wallburg Road in association with a recently approved rezoning (F-1586).					
Transit	Transit is not available in the vicinity of the subject property.					
Analysis of Site Access and Transportation Information	This site fronts along a major thoroughfare with ample capacity. The recent LI-S rezoning across Wallburg Road included a condition to improve Wallburg Road to a three-lane section with curb and gutter, as well as other intersection improvements in the general area. Sidewalk would be provided along the eastern side of the road. That request also					

	included an access from Wallburg Road, directly across from the subject property and located approximately midway between Business Park Drive and Sherlie Weavil Road. The petitioners for this request are also requesting access from Wallburg Road, and they have agreed to a condition to align said access with the approved location on the opposite side of the street. NCDOT would prefer this site utilize the approved connections to Business Park Drive from the north. They have further stated that if access from Wallburg Road is granted, it would be right-in/right-out with a median through the entire section. Such access may also affect the location of and movements allowed at the access for the parcels across the street.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 3 – Suburban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Encourage reuse of vacant and underutilized commercial and industrial sites. • Continue to improve the transportation and utilities infrastructure that support the needs of existing and prospective manufacturers and distributors. • Continue to support the creation of infill business/industrial parks like the Winston-Salem Business Park on Lowery Street and the Brookwood Business Park off Liberty Street near Smith Reynolds Airport.
Relevant Area Plan(s)	<i>Southeast Forsyth County Area Plan Update (2014)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The area plan recommends industrial use for the subject property.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is not located within an 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?
	Yes, a large scale, industrial rezoning was recently approved directly across Wallburg Road from the subject property (F-1586).
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	Yes
Analysis of Conformity to Plans and Planning Issues	The proposed rezoning to LI-L is consistent with the industrial land use recommendation of the <i>Southeast Forsyth County Area Plan Update</i> . This recommendation is based upon the site's proximity to the Union Cross/ US 311/I-74 interchange and its adjacency on three sides to the

	<p>Union Cross Business Park.</p> <p>The request includes a condition which would continue the same berming and landscaping treatment along the Wallburg Road frontage as installed along the perimeter of the adjacent Union Cross Business Park. This will help to visually screen potential large-scale industrial developments from public view. While no building elevations were submitted, the petitioners have agreed to a condition similar to one approved for the LI-S site across Wallburg Road. Likewise, to minimize visual impacts, a signage condition is recommended.</p>
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CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
<p>The request is consistent with the recommendations of <i>Legacy</i> and the <i>Southeast Forsyth Area Plan Update</i>.</p> <p>The site is located along a major thoroughfare with extra capacity and is within close proximity to an interstate interchange.</p> <p>The site is surrounded by LI-S zoning.</p> <p>The request includes conditions regarding building appearance, landscaping along Wallburg Road, and signage.</p>	<p>The request would generate additional traffic in the area.</p>

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are based upon interdepartmental review comments and are intended to ensure compliance with established standards and/or reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. The proposed building plans shall ensure that no exposed concrete block or prefabricated metal shall be used, and all HVAC equipment shall be screened from view of Wallburg Road, as verified by Planning staff.
 - b. All utilities on the site shall be underground.
 - c. Any access from Wallburg Road shall be approved by NCDOT, including location and required improvements to Wallburg Road, and shall not be permitted without the issuance of a driveway permit from NCDOT.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Freestanding signage shall be limited to one (1) monument sign along Wallburg Road with a maximum height of eight (8) feet and a maximum copy area of seventy five (75) square feet.
 - b. Chain link fencing shall not be visible from any public right-of-way.
 - c. Buildings shall be constructed in substantial conformance with approved building elevations.
 - d. All conditions of any driveway permit issued by NCDOT for development of the subject property shall be met.

- **OTHER REQUIREMENTS:**
 - a. Developer shall install a thirty (30)-foot wide landscaped area on a six (6)-foot berm along the frontage of Wallburg Road. Required plantings shall include three (3) deciduous trees and fourteen (14) Primary Evergreen Plants per 100 linear feet, except where driveway access is permitted from Wallburg Road.

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; **final recommendations** are made by the City-County Planning Board, and **final action** is taken by the appropriate Elected Body, who may approve, deny, continue, or request modifications to any proposal. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE PROPOSAL IS CONSIDERED BY THE PLANNING BOARD AND/OR THE ELECTED BODY.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR F-1588
NOVEMBER 14, 2019**

Desmond Corley presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jack Steelman recommended that the Planning Board find that the request is consistent with the comprehensive Plan.

SECOND: Clarence Lambe

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Jack Steelman moved approval of the zoning petition with changes in proposed uses and conditions.

SECOND: Clarence Lambe

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services

USES ALLOWED IN THE EXISTING AG, RS40 AND LI ZONING DISTRICTS

Forsyth County Jurisdiction Only

AG Uses:

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

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

Manufactured Home, Class B
Manufactured Home, Class C
Nursing Care Institution
Park and Shuttle Lot
Recreational Vehicle Park
Riding Stable
Shooting Range, Outdoor
Special Events Center
Transmission Tower

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

Access Easement, Private Off-Site⁵
Landfill, Land Clearing/Inert Debris, greater than 2 acres

⁵*SUP not required if requirements of Section [B.2-5.2\(A\)](#) are met*

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Cemetery
Church or Religious Institution, Community
Golf Course
Landfill, Land Clearing/Inert Debris, 2 acres or less)
Library, Public
Planned Residential Development
School, Private
School, Public
Utilities

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

Borrow Site
Campground
Child Day Care, Large Home
Dirt Storage
Fishing, Fee Charged
Habilitation Facility A
Manufactured Home, Class A

USES ALLOWED IN THE EXISTING AG, RS40 AND LI ZONING DISTRICTS

Forsyth County Jurisdiction Only

RS40 Uses:

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
Kennel, Outdoor
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private
Transmission Tower (see UDO)

Manufactured Home, Class C
Nursing Care Institution
Park and Shuttle Lot
Recreational Vehicle Park
Riding Stable³
Shooting Range, Outdoor
Special Events Center
Transmission Tower

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

Access Easement, Private Off-Site⁵
Landfill, Land Clearing/Inert Debris, greater than 2 acres
Parking, Off-Site, for Multifamily or Institutional Uses

³See Section [B.2-5.67](#) ⁵SUP not required if requirements of Section [B.2-5.2\(A\)](#) are met

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Cemetery
Church or Religious Institution, Community
Golf Course
Landfill, Land Clearing/Inert Debris, 2 acres or less
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
Campground
Child Day Care, Large Home
Dirt Storage
Fishing, Fee Charged
Habilitation Facility A
Manufactured Home, Class A
Manufactured Home, Class B

USES ALLOWED IN THE EXISTING AG, RS40 AND LI ZONING DISTRICTS

Forsyth County Jurisdiction Only

LI Uses:

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

Academic Biomedical Research Facility
Academic Medical Center
Agricultural Production, Crops
Agricultural Production, Livestock
Animal Shelter, Public
Arts and Crafts Studio
Banking and Financial Services
Building Contractors, General
Building Contractors, Heavy
Building Materials Supply
Child Care, Drop-In
Church or Religious Institution, Community
Church or Religious Institution, Neighborhood
College or University
Fish Hatchery
Fuel Dealer
Government Offices, Neighborhood Organization, or Post Office
Hospital or Health Center
Kennel, Indoor
Kennel, Outdoor
Manufacturing A
Manufacturing B
Micro-Brewery or Micro-Distillery
Motor Vehicle, Body or Paint Shop
Motor Vehicle, Rental and Leasing
Motor Vehicle, Repair and Maintenance
Motor Vehicle, Storage Yard
Offices
Park and Shuttle Lot
Parking, Commercial
Police or Fire Station
Postal Processing Facility
Recreation Facility, Public
Recreation Services, Indoor
Recycling Center
School, Vocational or Professional Services, A
Services, B

Signs, Off-Premises
Special Events Center
Storage Services, Retail
Terminal, Bus or Taxi
Testing and Research Lab
Transmission Tower
Utilities
Warehousing
Wholesale Trade A
Wholesale Trade B

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Adult Day Care Center
Child Care, Sick Children
Child Day Care Center
Landfill, Construction and Demolition
Landfill, Land Clearing/Inert Debris, 2 acres or less
Landfill, Land Clearing/Inert Debris, greater than 2 acres

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

Borrow Site
Dirt Storage
Helistop
Landfill, Sanitary
Solid Waste Transfer Station

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

Access Easement, Private Off-Site⁵
Shelter for Homeless

⁵*SUP not required if requirements of Section [B.2-5.2\(A\)](#) are met*

F1588 (S) FRONT STREET WALLBURG LLC 206 WEST FOURTH ST WINSTON SALEM NC 27101	F1588 (S) HODGES JOHN W 1484 HAMPTON PLAZA DR KERNERSVILLE NC 27284	F1588 (S) KEARNEY WANDA STONE KEARNEY WILLIAM CAREY 4074 WALLBURG RD WINSTON SALEM NC 27107
F1588 (S) KEARNEY WILLIAM C KEARNEY WANDA S 4226 SHERLIE WEAVIL RD WINSTON SALEM NC 27107	F1588 (S) WALLBURG PROPERTY GROUP LLC 2152 STONE RIDGE PL WINSTON-SALEM NC 27107	F1588 (N) COX CAROL DEAN 125 PRESTWICK LN RURAL HALL NC 27045
F1588 (N) FORSYTH COUNTY DEVELOPMENT CORPORATION 1080 W 4TH ST WINSTON SALEM NC 27101	F1588 (N) FRONT STREETWALLBURG LLC 206 WEST FOURTH STREET WINSTON SALEM NC 27101	F1588 (N) GCP115 BUSINESS PARK LLC 1801 5TH AVE N STE 300 BIRMINGHAM AL 35203
F1588 (N) HAYES LYNN CLODFELTER 103 HAVENSTRAAT ST KERNERSVILLE NC 27284	F1588 (N) LIBERTY HARDWARE MFG CORP PO BOX 4900, DEPT 720 SCOTTSDALE AZ 85261	F1588 (N) LYNDON STEEL COMPANY LLC 1947 UNION CROSS RD WINSTON SALEM NC 27107
F1588 (N) MOTSINGER INEZ W HAYES LYNN CLODFELTER 5686 MEDALIST COLUMBUS OH 43230	F1588 (N) SILVER OAK PROPERTIES LLC 3300 OLD LEXINGTON RD WINSTON-SALEM NC 27107	F1588 (N) UNION CROSS BUSINESS PRK ASSOC 1080 W 4TH ST WINSTON-SALEM NC 27101
F1588 (N) WEAVER INVESTMENTS COMPANY 324 W WENDOVER AVE, STE 300 GREENSBORO NC 27408		

November 4, 2019

Dear Neighbor,

Front Street Capital (the developer that purchased the former Medline property) is requesting to rezone approximately 12-acres on the west side of Wallburg Road from Light Industrial (LI), Light Industrial – Special (LI-S), Residential Single Family (RS-40), and Agriculture (AG) to Light Industrial – Limited (LI-L). The property is bounded by Union Cross Business park to the north, west, south, and Wallburg Road to the east. The Southeast Forsyth County Area Plan has the proposed property designated for Light Industrial uses. The zoning has added a condition to extend a landscape buffer along Wallburg Road matching the existing landscaping of Union Cross Business Park. Any future requested curb cuts on Wallburg Road will be reviewed and approved by NCDOT. A site plan is not required for the Light Industrial – Limited zoning request.

If you have any questions regarding the proposed zoning request, please contact Luke Dickey with Stimmel Associates at (336) 723-1067.



Sincerely,



Luke A. Dickey
Vice President
Stimmel Associates, PA

LANDSCAPE ARCHITECTURE CIVIL ENGINEERING LAND PLANNING

(For publication in the WS Journal Legal Section on December 5 and December 12, 2019)

NOTICE OF PUBLIC HEARING

NOTICE is hereby given that the Board of Commissioners will hold a public hearing in the Commissioners' Meeting Room on the fifth floor of the Forsyth County Government Center, 201 N. Chestnut Street, Winston-Salem, North Carolina at 2:00 p.m. on December 19, 2019 on the following:

Zoning Petition of Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group, LLC; Wanda Kearney and William Kearney from AG, RS40, LI and LI-S to LI-L (Academic Biomedical Research Facility; Academic Medical Center; Agricultural Production, Crops; Arts and Crafts Studio; Banking and Financial Services; Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Kennel, Indoor; Manufacturing A; Manufacturing B; Micro-Brewery or Micro-Distillery; Offices; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services, A; Services, B; Signs, Off-Premises; Special Events Center; Storage Services, Retail; Testing and Research Lab; Transmission Tower; Utilities; Warehousing; Wholesale Trade A; Wholesale Trade B; Child Care, Sick Children; Child Day Care Center; Solid Waste Transfer Station; Access Easement, Private Off-Site): Property is located on the West Side of Wallburg Road, South of Business Park Drive. Property consists of ±12.48 Acres and is PIN#s 6863-35-8122, 6863-35-6204, 6863-35-7319, 6863-35-9460, 6863-45-0563, 6863-45-0682, 6863-45-0773 and a portion of PIN # 6863-35-6676 as shown on the Forsyth County Tax Maps and on a Site Plan on File in the Office of the City-County Planning Board (Zoning Docket F-1588).

All persons interested in the proposed amendment are invited by the Board of Commissioners of Forsyth County to attend this public hearing and present their views.

FORSYTH COUNTY BOARD OF COMMISSIONERS
Ashleigh M. Sloop, Clerk to the Board

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: December 19, 2019

AGENDA ITEM NUMBER: _____

SUBJECT:-

- A. Public Hearing on Zoning Petition of Front Street Wallburg, LLC; John Hodges, Jr.; Wallburg Property Group, LLC; Wanda Kearney and William Kearney from AG, RS40, LI and LI-S to LI-L (Academic Biomedical Research Facility; Academic Medical Center; Agricultural Production, Crops; Arts and Crafts Studio; Banking and Financial Services; Building Contractors, General; Building Contractors, Heavy; Building Materials Supply; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; College or University; Fuel Dealer; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Kennel, Indoor; Manufacturing A; Manufacturing B; Micro-Brewery or Micro-Distillery; Offices; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Postal Processing Facility; Recreation Facility, Public; Recreation Services, Indoor; Recycling Center; School, Vocational or Professional; Services, A; Services, B; Signs, Off-Premises; Special Events Center; Storage Services, Retail; Testing and Research Lab; Transmission Tower; Utilities; Warehousing; Wholesale Trade A; Wholesale Trade B; Child Care, Sick Children; Child Day Care Center; Solid Waste Transfer Station; Access Easement, Private Off-Site): Property is located on the West Side of Wallburg Road, South of Business Park Drive (F-1588)
- 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

COUNTYMANAGER'S RECOMMENDATION OR COMMENTS:

SUMMARY OF INFORMATION:-

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

ATTACHMENTS:- X YES NO

SIGNATURE: _____
CountyManager

DATE: _____