

December 19, 2016

**BRIEFING  
DRAFT**

Item # **Z ABC+D**

ZONING MAP AMENDMENT

F-1561

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** December 19, 2016 **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on Zoning Petition of Thelma Niday and Niday Family, LLC from RS9 to GB-S (Offices; Outdoor Display, Retail; Retail Store; Services, A; and Services, B): Property is Located on the East Side of Peters Creek Parkway, South of Fishel Road (Zoning Docket F-1561)
- 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 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 Thelma Niday and Niday Family, LLC, Docket F-1561

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE COUNTY OF FORSYTH,  
NORTH CAROLINA

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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 RS9 to GB-S (Offices; Outdoor Display, Retail; Retail Store; Services, A; and Services, B) the zoning classification of the following described property:

PIN# 6822-50-8627

Section 2. This Ordinance is adopted after approval of the site plan entitled Thelma Niday and Niday Family, LLC, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to Thelma Niday and Niday Family, LLC.

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 Thelma Niday and Niday Family, LLC. 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 Thelma Niday and Niday Family, LLC (Zoning Docket F-1561). 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 GB-S (Offices; Outdoor Display, Retail; Retail Store; Services, A; and Services, B), 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 GB-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 cordon off the undisturbed area shown on the site plan along the northeastern property line. This area shall be retained and not disturbed. Vegetation in this area shall be protected from grading encroachment in accordance with UDO requirements.
  - b. Developer shall obtain a driveway permit from NCDOT/City of Winston-Salem; additional improvements may be required prior to issuance of driveway permit.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall complete all requirements of the driveway permit.
  - b. Lighting shall be installed per approved lighting plan and certified by an engineer.
- **OTHER REQUIREMENTS:**
  - a. Freestanding signage shall not exceed six (6) feet in height and thirty six (36) square feet in maximum copy area.
  - b. Any new chain link fencing shall be black vinyl coated similar to the existing fencing.

November 30, 2016

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](http://www.cityofws.org/planning)

Niday Family LLC  
c/o Joyce Brandon  
135 HL Frank Ln. Apt 2  
Lexington, NC 27295

Re: Zoning Petition F-1561

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  
Mark Kelly, 157 Yadkin Valley Road, Suite 100, Advance, NC 27006  
Luke Dickey, Stimmel Associates, Suite 200, 601 N. Trade Street, Winston-Salem, NC  
27101  
Harris Gupton, PO Box 306, Tobaccoville, NC 27050

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	F-1561		
<b>Staff</b>	Gary Roberts, Jr. AICP		
<b>Petitioner(s)</b>	Thelma Niday and Niday Family, LLC		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	PIN# 6822-50-8627		
<b>Address</b>	5265 Peters Creek Parkway		
<b>Type of Request</b>	Special use rezoning from RS9 to GB-S		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS9 (Residential, Single Family; 9,000 sf minimum lot size) <b>to</b> GB-S (General Business – special use zoning).</p> <ul style="list-style-type: none"> <li>• Offices; Outdoor Display, Retail; Retail Store; Services, A; and Services, B</li> </ul>		
<b>Continuance History</b>	The request was continued from the September 8, 2016 Planning Board meeting to the November 10 meeting in order to convert the proposed district from GB to GB-S.		
<b>Neighborhood Contact/Meeting</b>	See Attachment B.		
<b>Zoning District Purpose Statement</b>	The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs 1, 2 and 3 and Metro Activity Centers.		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	Yes, the site is located in an activity center within GMA 3 (Suburban Neighborhoods) and has frontage onto a major thoroughfare.		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	East side of Peters Creek Parkway, south of Fishel Road		
<b>Jurisdiction</b>	Forsyth County		
<b>Site Acreage</b>	± .77 acre		
<b>Current Land Use</b>	An unoccupied, modest sized commercial building is currently located on the site.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	Northeast	RS9	Single family homes
	South	RM18-S	Undeveloped property
	West	HB-S	Accessory building sales

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	The uses permitted within the proposed GB-S request are compatible with the commercial uses located to the west.			
<b>Physical Characteristics</b>	The site is predominately cleared and is relatively flat.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.			
<b>Analysis of General Site Information</b>	The triangular site is relatively small and has a 40 foot building setback (adjacent to residential zoning) along two sides. Otherwise, the site appears to have no development constraints such as steep slopes, regulatory floodplains, or water supply watersheds.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>Average Daily Trip Count</b>	<b>Capacity at Level of Service D</b>
Peters Creek Parkway	Major Thoroughfare	258'	21,000	31,600
<b>Proposed Access Point(s)</b>	The proposed site plan shows one access point onto Peters Creek Parkway.			
<b>Planned Road Improvements</b>	The <i>Comprehensive Transportation Plan</i> recommends sidewalks along Peters Creek Parkway.			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: RS9</u> $.77 \times 43,560 / 9,000 = 3 \text{ lots} \times 9.57 \text{ (SFR Trip Rate)} = 29 \text{ Trips per Day.}$  <u>Proposed Zoning: GB-S</u> $890 / 1,000 \times 44.32 \text{ (Specialty Retail Center Trip Rate)} = 39 \text{ Trips per Day.}$			
<b>Sidewalks</b>	There are no sidewalks located in the general area; however, the proposed multifamily development to the south will be required to install sidewalk along their frontage on Peters Creek Parkway.			
<b>Transit</b>	Route 13 runs along Peters Creek Parkway and Stafford Village Boulevard located approximately 2.5 miles to the north.			
<b>Analysis of Site Access and Transportation Information</b>	Staff would prefer to see a larger grouping of lots which would allow for coordinated access. However, Peters Creek Parkway is a major thoroughfare which has ample capacity. The proposed site plan shows the driveway to be in the same general location as is the existing access.			

<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 – Suburban Neighborhoods
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>Promote activity centers as compact, mixed-use areas supporting walking and transit use and providing services and employment close to residences.</li> <li>Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>South Suburban Area Plan</i> (2011)
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>Activity Center: The subject property is located in the Oliver’s Crossing Community Activity Center.</li> <li>The area plan recommends commercial land use for the subject property.</li> <li>Comprehensively redeveloped if possible.</li> <li>Development should include pedestrian-oriented design features with sidewalk and street connections to adjacent parcels.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The site is located along the Peters Creek Parkway (NC 150) Growth Corridor.
<b>Site Located within Activity Center?</b>	The site is located within the Oliver’s Crossing Activity Center.
<b>Addressing</b>	There are no addressing or street naming issues.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	The site directly south of the subject property has recently been rezoned from HB-S to RM18-S (F-1559) for 66 multifamily units.
	<b>(R)(4) - Is the requested action in conformance with Legacy 2030?</b>
	See comments below.
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The subject request is to rezone .77 acre of property from RS9 to GB-S. The site contains a modest sized, unoccupied commercial structure which was built in 1962. A request to rezone the site from residential to commercial was denied in 1969 (F-126). The structure has been used as a nonconforming beauty salon.</p> <p>The property is located within the boundaries of the <i>South Suburban Area Plan</i> (2011) and the recommended land use is commercial. The site is further located within the Oliver’s Crossing Activity Center and it is located along the Peters Creek Parkway Growth Corridor.</p> <p>While Planning staff would prefer a more comprehensive assemblage of properties as opposed to smaller, more incremental rezonings in this area, the subject request would not preclude the potential redevelopment</p>



of this site in the future. The site is adjacent to residential zoning on two sides; however, the proposed site plan includes measures to minimize potential negative impacts on said properties. These measures include conditions for: lighting, retention of existing vegetation along the northeastern property line; monument signage; opaque fencing along the southern property line; and black vinyl coated chain link fencing.

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1559	HB-S to RM18-S	Approved 4-11-16	Directly south	5.36	Approval	Approval
W-3170	LB-S & RS9 to HB-S	Approved 4-1-13	Directly west	.68	Approval	Approval
F-126	R6 to B2 (GB)	Denied 10-6-1969	Subject property	.76	Denial	Denial

**SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS**

Building Square Footage	Square Footage	Placement on Site
	890	Fronting on Peters Creek Parkway
Parking	Required	Proposed
	1 space	5 spaces
Building Height	Maximum	Proposed
	60'	One story
Impervious Coverage	Maximum	Proposed
	NA	61.9%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> <li>Chapter B, Article II, Section 2-1.3 (J) General Business District</li> </ul>	
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy 2030</i> policies:	Yes
	(B) <i>Environmental Ord.</i>	NA
	(C) <i>Subdivision Regulations</i>	NA
Analysis of Site Plan Compliance with UDO Requirements	The site plan proposes the reuse of the existing 890 square foot structure and the formalization of a modest amount of parking and a larger area for outdoor display.	

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

Positive Aspects of Proposal	Negative Aspects of Proposal
The site fronts on a major thoroughfare which is also a growth corridor.	The site is adjacent to residential zoning on two sides.
The area plan recommends commercial land use for the site.	The request is for a relatively small parcel which is not comprehensively designed with other adjacent properties.
The site is located within the Oliver's Crossing Activity Center.	

The proposed site plan includes measures such as an opaque fence, monument sign, and a lighting condition which will help to minimize potential impacts onto adjacent residentially zoned properties.

The request would not generate a significant amount of traffic.

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall cordon off the undisturbed area shown on the site plan along the northeastern property line. This area shall be retained and not disturbed. Vegetation in this area shall be protected from grading encroachment in accordance with UDO requirements.
  - b. Developer shall obtain a driveway permit from NCDOT/City of Winston-Salem; additional improvements may be required prior to issuance of driveway permit.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall complete all requirements of the driveway permit.
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- **OTHER REQUIREMENTS:**
  - a. Freestanding signage shall not exceed six (6) feet in height and thirty six (36) square feet in maximum copy area.
  - b. Any new chain link fencing shall be black vinyl coated similar to the existing fencing.

**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.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR F-1561  
SEPTEMBER 8, 2016**

Gary Roberts presented the staff report.

**PUBLIC HEARING**

FOR:

Mark Kelly, 418 Yadkin Valley Road, Advance, NC 27006

- Mark Kelly expressed that the property previously was in bad shape; meaning run down and drug infested. After buying the property, Mr. Kelly stated he cleaned it up and made it ready to use as office space. He also stated that he reached out to the Fisher family and William T. Leonard, who are located north of the property and says they are happy the property is being cleaned up.

AGAINST:

Harris Gupton, PO Box 306, Tobaccoville, NC 27050

- Harris Gupton stated he was speaking for the developers of the property immediately to the south which was rezoned earlier this year for apartments. He further stated that Gupton Engineering is in the process of designing the final site plans for the apartments. The purpose of this project is designed for working families and children. This gives people a nice place to live and raise their families. He stated he thinks it's inappropriate to change the zoning on this property to a General Business Zone and it will be defeating the purpose of what we are trying to accomplish.

**WORK SESSION**

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

Paul Mullican asked, if the neighborhood had a meeting about the General Use Zoning request? Aaron King stated that attachment C in the Agenda Book is an email sent from the petitioner stating he tried to contact the owner/developer via telephone and did not get a response. Mr. Kelly then left a message with his contact information.

Board members discussed with the applicant whether he would like to consider a more restrictive zoning request such as GB-L or GB-S to limit the uses and /or provide a site plan showing how the site would be planned and buffered in relation to the apartments. Mr. Kelly stated he would be agreeable to a continuance to go in that direction.

MOTION: Paul Mullican moved the zoning petition to be continued to November 10, 2016.

SECOND: Allan Younger

VOTE:

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

AGAINST: None

EXCUSED: None

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR F-1561  
NOVEMBER 10, 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 bufferyard and how this site would link up with the adjacent proposed multifamily development. Gary Roberts noted that since the staff report was written, the petitioners have indicated that a survey was done and showed the building to be located outside the bufferyard. A variance will not be needed. Aaron King responded that the fence should be on the inside of the bufferyard. Staff showed and explained the proposed layout of the approved multifamily development next to this site.

Melynda Dunigan expressed concern about this use being compatible with the multifamily next to it. Due to the approval of rezoning for multifamily next to this site, she feels the area plan no longer accurately reflects the current conditions for this area and with current conditions, this site might be suggested as a more transitional use rather than this intensity of commercial. I don't feel Outdoor Display Retail is an appropriate use.

MOTION: Clarence Lambe moved approval of the zoning petition and certified that the site plan (including staff recommended conditions) meets all code requirements if the petition is approved.

SECOND: Paul Mullican

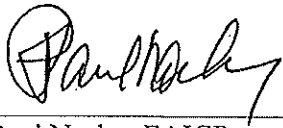
VOTE:

FOR: George Bryan, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican, Allan Younger

AGAINST: Melynda Dunigan

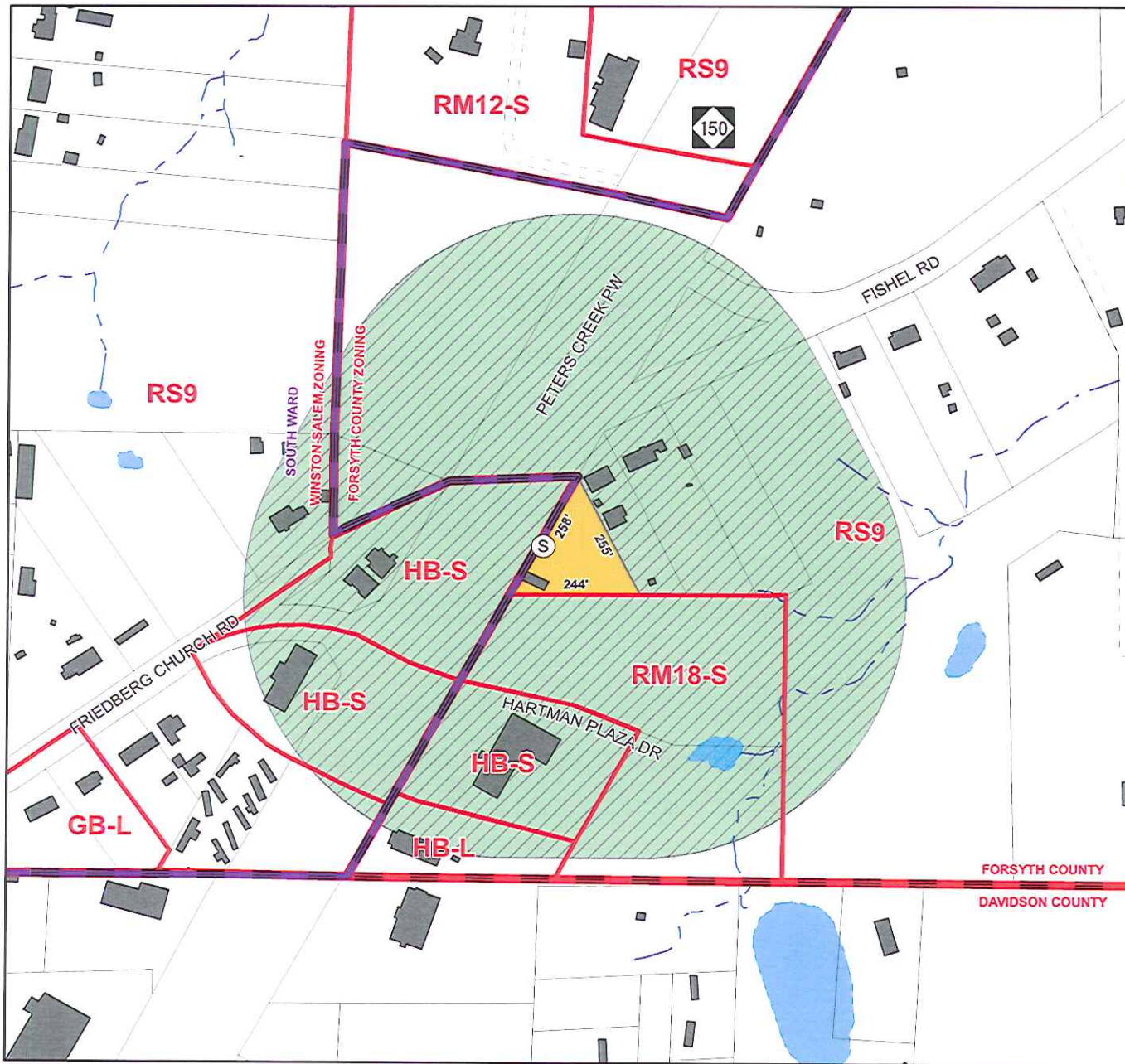
EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Thelma Niday and Niday Family LLC as of November 30, 2016.

A handwritten signature in black ink, appearing to read "Paul Norby". The signature is written in a cursive style with a large initial "P".

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

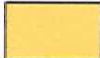




**DOCKET #:** F1561  
 (Continued from 9/8/16)

**PROPOSED ZONING:**  
 GB-S

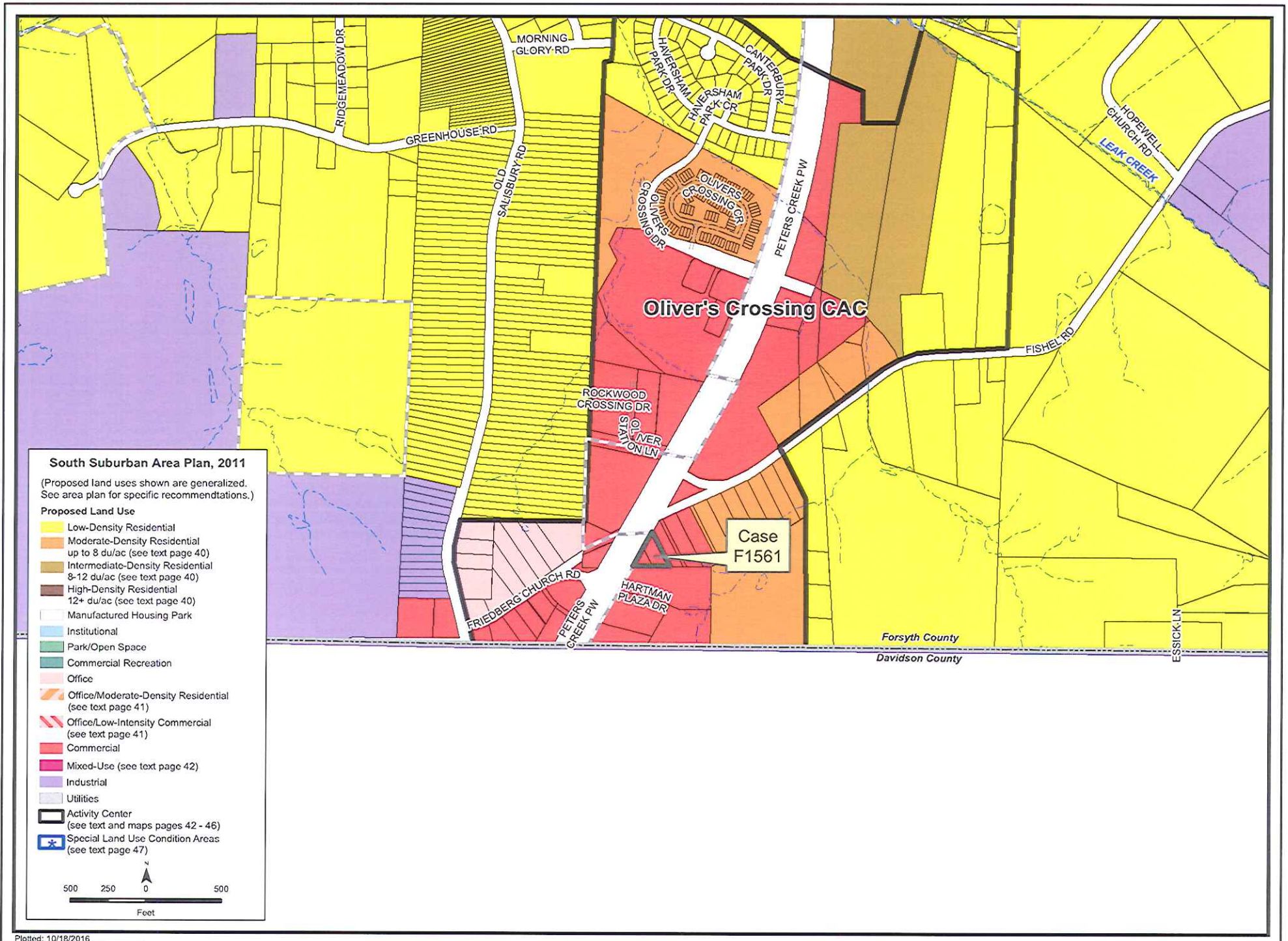
**EXISTING ZONING:**  
 RS9

**PETITIONER:**  
 Thelma Niday and Niday  
 Family LLC

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

- SCALE:** 1" represents 300'
- STAFF:** Roberts 
- GMA:** 3
- ACRES:** 0.77
- NEAREST BLDG:** 4' northeast
- MAP(S):** 6822.04

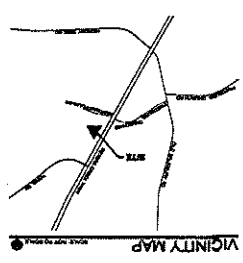
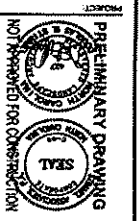
Printed: 10/13/2016







LANDMARK ARCHITECTURE  
 444 N. HARRIS STREET, SUITE 100  
 WILSON, NC 27157  
 WWW.LANDMARKARCHITECTURE.COM



**SITE DATA**

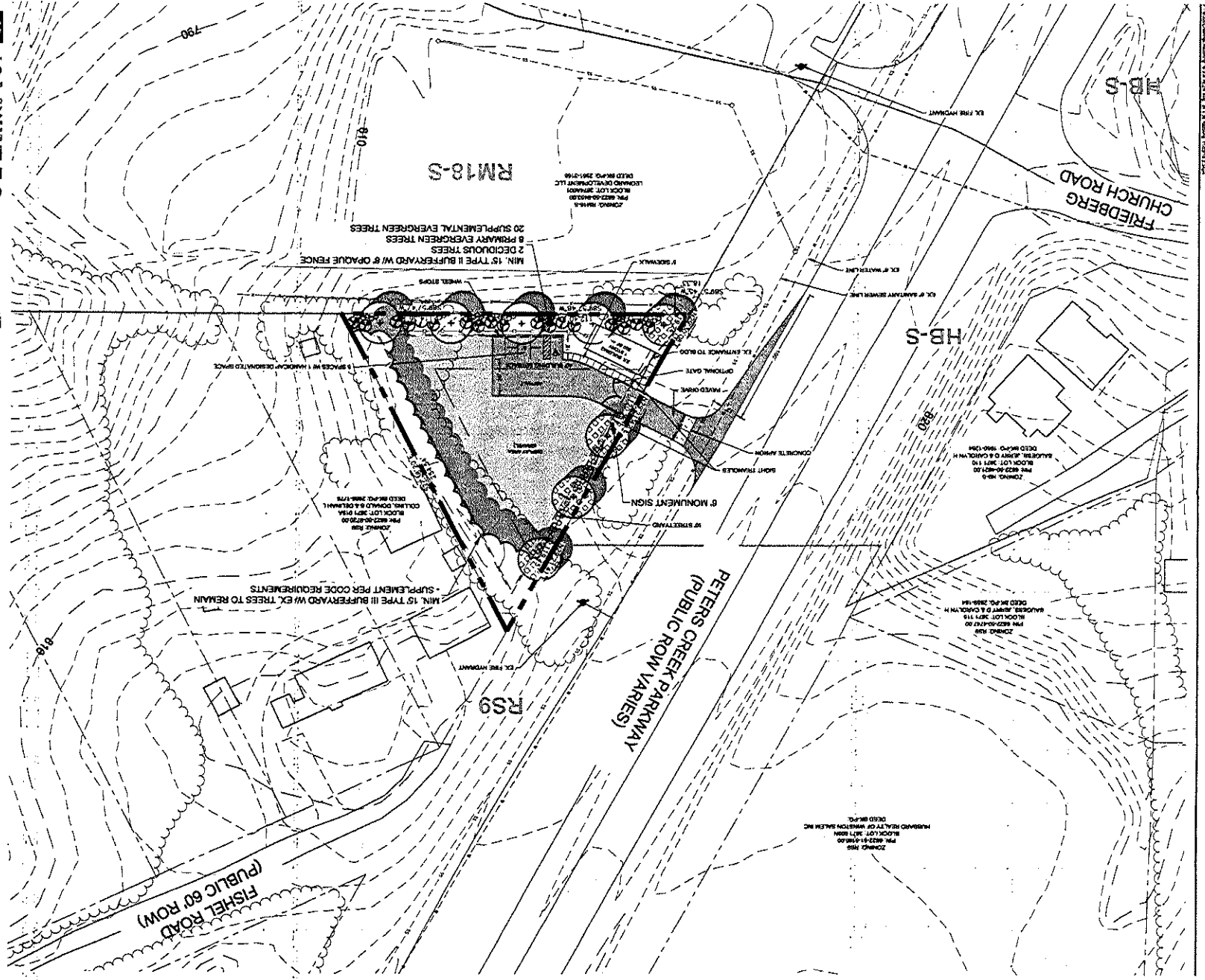
Address: 5265 PETERS CREEK PARKWAY, FISHEL ROAD, FISHEL ROAD, WILSON, NC 27157  
 The purpose of this project is to provide a site plan for the proposed development.  
 Applicant: Stimmel  
 Prepared by: Stimmel  
 Date: 05/27/2018

Category	Value
Total Area	2.77 Acres ±
Open Space	2.17 Acres ±
Building Footprint	0.60 Acres ±
Site Coverage	21.7%
Impervious Area	0.60 Acres ±
Impervious Ratio	21.7%
Stormwater Management	See Notes
Other	See Notes

**NOTES**

1. All dimensions are shown in feet and inches.  
 2. All dimensions are shown to the centerline of the road.  
 3. All dimensions are shown to the edge of the property.  
 4. All dimensions are shown to the centerline of the driveway.  
 5. All dimensions are shown to the edge of the driveway.  
 6. All dimensions are shown to the centerline of the sidewalk.  
 7. All dimensions are shown to the edge of the sidewalk.  
 8. All dimensions are shown to the centerline of the parking lot.  
 9. All dimensions are shown to the edge of the parking lot.  
 10. All dimensions are shown to the centerline of the building footprint.  
 11. All dimensions are shown to the edge of the building footprint.  
 12. All dimensions are shown to the centerline of the site boundary.  
 13. All dimensions are shown to the edge of the site boundary.  
 14. All dimensions are shown to the centerline of the easement.  
 15. All dimensions are shown to the edge of the easement.

**GREENLIGHT LEASING - 5265 PETERS CREEK PKWY**  
 SHEET TITLE  
 SHEET NO. 18-008  
 PLAN  
 REZONING  
 RZN-1  
 PREPARED BY: Stimmel  
 DATE: 05/27/2018



F-1561 ATTACHMENT A  
**EXISTING RS9 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  
Limited Campus Uses  
Planned Residential Development  
School, Private  
School, Public  
Utilities

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

Bed and Breakfast  
Child Day Care, Large Home  
Habilitation Facility A  
Manufactured Home, Class A  
Park and Shuttle Lot  
Transmission Tower

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

Access Easement, Private Off-Site  
Parking, Off-Site, for Multifamily or Institutional Uses



143613 Dandby Ridge Court, Middleburg, VA 23113 • office: (804) 272-2009 • fax: (804) 367-5809

October 28, 2016

Mr. Arnold King, Chairman  
Planning Board Members  
City-County Planning Board  
City of Winston-Salem  
101 N. Main Street  
Winston-Salem, NC 27101

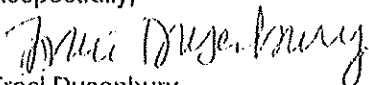
Dear Mr. King and Planning Board Members:

I wanted to write you concerning Docket F-1561. As you may remember, my development company and affiliates were involved in the rezoning of the parcel adjacent to this site on Hartman Plaza earlier this year to a Multifamily Residential designation-RM18-S. Your Board unanimously supported our rezoning. Forsyth County subsequently also unanimously supported the rezoning on April 11, 2016. We are planning to purchase that property from Ms. Hartman soon and will be building apartment homes on that property. This is already approved and construction will be underway hopefully by the end of the year.

It is my understanding that the request has been changed to rezone this adjacent parcel to allow for Offices; Outdoor Display, Retail (car sales); Retail Store; Services A and Services B. We are very strongly opposed to rezoning to allow for Outdoor Display, Retail (car sales) and Services B beside of our residential units, as well as 7212, 7215, 7216, and 7217 in Services A. These apartment homes will have working professionals, families and children living here. With these allowable uses allowing used car lots and mechanic's and noisy repair shops or drycleaners/laundry facilities, I believe this would be very detrimental to our community and residents. We have had many environmental issues on our properties when there are drycleaners/laundry facilities adjacent (even contaminating our soil and underground water for 30 feet) and the other uses are noisy and not complimentary and we would never have pursued this property for our use, if those had been located there. We do agree with Offices, Retail Store and Services A, except for laundries/drycleaners and drycleaning plants 7212, 7215, 7216, 7217. If the Applicant is not willing to limit the use to these uses, we do not support the rezoning and urge you to deny the request. Rezoning to all of the classifications requested, which allows so many things, would be detrimental to our future residents and their children. While we are open to certain businesses and services, we would prefer the specified classifications, which could be complementary to our development. We do not want there to be a negative impact on our development and the quality of life for our future residents. We are trying to provide high-quality rental living and this could dramatically influence our lease-up and retention of residents seeking a nice, safe residential community to call home.

Thank you for your consideration of our concerns. If you would like to discuss, you may reach me at (919) 741-9328 or [tdusenbury@halconcompanies.com](mailto:tdusenbury@halconcompanies.com).

Respectfully,

  
Traci Dusenbury



HALCON COMPANIES LLC  
HALCON DEVELOPMENT LLO  
HALCON PROPERTIES LLC

F-1561 Attachment B

# INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1561

## PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests, Subdivisions, and Planning Board Review items; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

**PROJECT CASE NUMBER:** F-1561 **PROJECT TITLE:** Thelma Niday and Niday Family LLC **DATE:** October 26, 2016

**PROJECT DESCRIPTION:** East side of Peters Creek Parkway, south of Fishel Road

**NCDOT (Wright Archer)- Phone # - 336.747.7900 Email:** warcher@ncdot.gov

NCDOT driveway permit is required. A 100 foot right slip turn lane 0'-12'. Size for driveway pipe.

**WSDOT (Connie James) - Phone # - 336.747.6872 Email:** conniej@cityofws.org

No Comment

**Engineering (Al Gaskill) - Phone # - 336.747.6846 Email:** albertcg@cityofws.org

1. City/NCDOT driveway permits req'd. R/W in City.
2. Concrete apron req'd.

**Inspections - Phone # - Aaron King - 336.747.7068 Email:** aaronk@cityofws.org

Show 10'x70' sight triangles and make sure sign is not located within; Tree save not required in the County; Bufferyard variance required where building encroaches.

**Erosion Control (Matt Osborne)- Phone # - 336.747.7453 Email:** matthewo@cityofws.org

An Environmental Grading and Erosion Control Permit will be required if more than 10,000 square feet is to be disturbed during any potential construction. An Erosion and Sedimentation Control plan must be submitted and approved before the permit can be issued. Please submit this plan at least 30 days prior to the intended start date of construction.

**Stormwater Division (Joe Fogarty)- Phone # - 336.747.6961 Email:** josephf@cityofws.org

No comments

**County Fire- (Tony Stewart)- Phone # - 336.703.2562 Email:** stewaraj@forsyth.cc

No comments received prior to meeting

# INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1561

**Utilities (Jack Fitzgerald)- Phone # - 336.747.7309 Email: [jackf@cityofws.org](mailto:jackf@cityofws.org)**

Existing water and/or sewer connections will require evaluation for compliance with backflow preventer requirements, connection serviceability, and/or termination at the main.

All water connections must have a backflow preventer. All water meters purchased through the City of Winston-Salem.

**Sanitation (Randy Britton)- Phone # - 336.748.3080 Email: [randallb@cityofws.org](mailto:randallb@cityofws.org)**

No Comment

**Planning (Aaron King)- Phone # - 336.747.7068 Email: [aaronk@cityofws.org](mailto:aaronk@cityofws.org)**

Sign condition limited to 6'/36sf; Lighting condition; Staff recommends where chain link fencing is proposed that it be black vinyl coated.

**Street Names/Addresses (Matt Hamby) -336. 747.7074 Email: [hambyme@mapforsyth.org](mailto:hambyme@mapforsyth.org)**

Address is 5265 Peters Creek Pkwy