December 15, 2015

Old Richmond Evangelical Methodist Church Inc
c/o Michael Smitherman
4450 Tobaccoville Road
Tobaccoville, NC 27050

Re: Zoning Petition F-1558

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
MEETING DATE: ___________________ AGENDA ITEM NUMBER: _____

SUBJECT:-

A. Public Hearing on zoning petition of Old Richmond Evangelical Methodist Church, Inc. from RS20 and AG to IP: property is located on the south side of Tobaccoville Road, west of Doral Drive; (Zoning Docket F-1558).

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:-  X YES  ___ NO

SIGNATURE: ___________________ DATE: ________________

County Manager
COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Old Richmond Evangelical Methodist Church, Inc., Docket F-1558

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 and AG to IP the zoning classification of the following described property:

A portion of PIN # 5990-37-9022, as depicted on the survey titled: "Old Richmond Evangelical Methodist Church, Inc." drawn by Randall G. Kale and dated November 4, 2015.

Section 2. This ordinance shall become effective upon adoption.
# CITY-COUNTY PLANNING BOARD
## STAFF REPORT

## PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1558</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Old Richmond Evangelical Methodist Church, Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Portion of PIN #5990-37-9022</td>
</tr>
<tr>
<td>Address</td>
<td>4450 Tobaccoville Road</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General use rezoning from RS20 and AG to IP</td>
</tr>
</tbody>
</table>

**Proposal**: 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) and AG (Agricultural – 40,000 sf minimum lot size) to IP (Institutional and Public district).

**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.

**Neighborhood Contact/Meeting**: According to the petitioner, a letter has been mailed to all the property owners within the 500’ mailing notification area, notifying said owners of the proposed rezoning.

**Zoning District Purpose Statement**: The IP District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas.

**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 currently used for institutional purposes (a neighborhood scale church) and the site is located adjacent to a residential area.

## GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>South side of Tobaccoville Road, west of Doral Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± 16.77 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Currently, Old Richmond Evangelical Methodist Church (neighborhood scale) is located on the subject property. It was constructed in 2013.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>RS20</td>
<td>Undeveloped property and single family homes</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>RS20 and AG</td>
<td>Undeveloped property</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>AG</td>
<td>Undeveloped property and single family homes</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>RS20 and AG</td>
<td>Undeveloped property and single family homes</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? The uses permitted in the proposed IP district are generally compatible with the low density residential uses permitted on the surrounding RS20 and AG zoned properties.</td>
<td></td>
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<td>---</td>
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</tr>
<tr>
<td>Physical Characteristics</td>
<td>Mill Creek Number Three, along with its associated 100 year floodplain, runs along the southwestern border of the site. The site has a moderate slope downward toward said stream and the undeveloped portion of the site is a combination of woods and grassland.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water is available; however, public sewer is not available to the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
<td>No known issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The site is not located within a water supply watershed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>The site is the location of the Old Richmond Evangelical Methodist Church. The southwestern border of the site is impacted by a small stream and its regulatory floodplain. The subject property is not served with public sewer.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tobaccoville Road</td>
<td>Major Thoroughfare</td>
<td>450'</td>
<td>5,100</td>
<td>13,800</td>
</tr>
</tbody>
</table>

| Proposed Access Point(s) | Because this is a general use rezoning request with no site plan, the exact location of access points is unknown. The site does have access on Tobaccoville Road. |
| Trip Generation - Existing/Proposed | Existing Zoning RS20 and AG: $22,014 \text{ sf} / 1,000 \times 9.11 \text{ (Church Trip Rate)} = 200 \text{ Trips per Day.}$ The proposed zoning to IP should have no significant impact on the estimated trip generation. |
| Sidewalks | There are no sidewalks located in the general area. |
| Analysis of Site Access and Transportation Information | The site has good access with frontage on a major thoroughfare which has excess capacity. Staff does not anticipate any transportation related issues with the subject request. |

### CONFORMITY TO PLANS AND PLANNING ISSUES

- **Legacy 2030 GMA** Growth Management Area 4 – Future Growth Area
- **Relevant Legacy 2030 Recommendations**
  - Neighborhoods should be protected from inappropriate residential, commercial, industrial and institutional encroachment.
- **Relevant Area Plan(s)** *Tobaccoville Area Plan Update (2013)*
- **Area Plan Recommendations**
  - The area plan recommends Low-Density Residential for the subject property.
<table>
<thead>
<tr>
<th>Site Located Along Growth Corridor?</th>
<th>The site is not located along a growth corridor.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Located within Activity Center?</td>
<td>The site is not located within an activity center.</td>
</tr>
<tr>
<td>Other Applicable Plans and Planning Issues</td>
<td>According to an email from the Tobacoville Village Manager, Dan Corder on November 23, 2015, the Village of Tobacoville is supportive of the subject request.</td>
</tr>
<tr>
<td>Addressing</td>
<td>There are no addressing or street naming concerns at this time.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(3) - Have changing conditions substantially affected the area in the petition? The subject church was built after the land use inventory for the area plan was completed. (R)(4) - Is the requested action in conformance with Legacy 2030? Yes</td>
</tr>
<tr>
<td>Analysis of Conformity to Plans and Planning Issues</td>
<td>The subject request is to rezone an existing neighborhood scale church (seating capacity of 600 persons or less) located on 16.77 acres, from RS20 and AG to IP. Both of the existing zoning districts as well as the proposed IP district allow neighborhood scale churches as a use by right. The following list of uses are allowed in the proposed IP district but not allowed in the existing RS20 and AG districts:</td>
</tr>
<tr>
<td></td>
<td>• Child Care, Drop-In</td>
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<td></td>
<td>• Funeral Home</td>
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<tr>
<td></td>
<td>• Government Offices, Neighborhood Organization, or Post Office</td>
</tr>
<tr>
<td></td>
<td>• Habilitation Facility A</td>
</tr>
<tr>
<td></td>
<td>• Habilitation Facility B</td>
</tr>
<tr>
<td></td>
<td>• Habilitation Facility C</td>
</tr>
<tr>
<td></td>
<td>• Hospice and Palliative Care</td>
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<td></td>
<td>• Museum or Art Gallery</td>
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<td></td>
<td>• Academic Biomedical Research Facility</td>
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<td>• Adult Day Care Center</td>
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<td></td>
<td>• Child Care Institution</td>
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<tr>
<td></td>
<td>• Child Care, Sick Children</td>
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<tr>
<td></td>
<td>• Child Day Care Center</td>
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<tr>
<td></td>
<td>• Family Group Home B</td>
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<td></td>
<td>• School, Vocational or Professional</td>
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<td>• Club or Lodge</td>
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<td>• College or University</td>
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<td>• Family Group Home C</td>
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<td></td>
<td>• Recreation Services, Indoor</td>
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<td></td>
<td>• Recreation Services, Outdoor</td>
</tr>
</tbody>
</table>
Additionally, Electronic Message Board signs are allowed in the IP district but not in the existing RS20 and AG districts.

The *Tobaccoville Area Plan Update* recommends low density residential land use for the site, as opposed to institutional, because at the time the existing land use survey was taken, the church was not built. Had the church been in existence at the time of the inventory, the recommended land use would have been institutional.

The proposed IP district is a common zoning classification for institutional uses such as schools and churches. The site is located along a major thoroughfare and it is in close proximity to the Tobaccoville Village Hall which is also zoned IP. Planning staff recommends approval of the request.

### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
<td></td>
<td></td>
<td>Staff</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>CCPB</td>
</tr>
<tr>
<td>F-1469</td>
<td>RS20 &amp; AG</td>
<td>Approved 10-23-06</td>
<td>500' northeast</td>
<td>2.74</td>
<td>Approval</td>
</tr>
<tr>
<td></td>
<td>to IP</td>
<td></td>
<td></td>
<td></td>
<td>Approval</td>
</tr>
<tr>
<td>F-1312</td>
<td>AG to RS20- S</td>
<td>Approved 9-11-00</td>
<td>Directly southwest</td>
<td>37.45</td>
<td>Approval</td>
</tr>
<tr>
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<td></td>
<td></td>
<td></td>
<td>Approval</td>
</tr>
</tbody>
</table>

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site is currently used for a neighborhood scale church.</td>
<td>The proposed IP district allows a much larger sign (than what is permitted in RS20 and AG zoning) while also having no restrictions on the rate of change for Electronic Message Board signs.</td>
</tr>
<tr>
<td>The site fronts along Tobaccoville Road which is a major thoroughfare and has excess capacity.</td>
<td></td>
</tr>
<tr>
<td>The request is consistent with the purpose statement of the IP district.</td>
<td></td>
</tr>
<tr>
<td>The site is close to another IP zoned property (Tobaccoville Village Hall).</td>
<td></td>
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</tbody>
</table>

**STAFF RECOMMENDATION:** Approval

**NOTE:** These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**
PUBLIC HEARING

FOR:  None

AGAINST:  None

WORK SESSION

MOTION:  Clarence Lambe moved approval of the zoning petition.
SECOND:  Paul Mullican

VOTE:
  FOR:  George Bryan, Melynda Dunigan, Tommy Hicks, 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 on December 15, 2015, the subject property was in the name of Old Richmond Evangelical Methodist Church Inc.

A. Paul Norby, FAICP
Director of Planning and Development Services
DOCKET #: F1558

PROPOSED ZONING:
IP

EXISTING ZONING:
AG and RS20

PETITIONER:
Old Richmond Evangelical Methodist Church Inc.

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

SCALE: 1" represents 500'
STAFF: Roberts
GMA: 4
ACRES: 16.77
NEAREST BLDG: 84' west
MAP(S): 5990.01
RS20 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
- 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
EXISTING RS20 AND AG USES ALLOWED
Forsyth County Jurisdiction Only

RS20 Uses Continued:
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

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)

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
Uses Allowed in RS20 and AG

Revised 6/24/2015
EXISTING RS20 AND AG USES ALLOWED
Forsyth County Jurisdiction Only

AG Uses Continued:
Manufactured Home, Class A
Manufactured Home, Class B
Manufactured Home, Class C
Nursing Care Institution
Park and Shuttle Lot
Recreational Vehicle Park
Riding Stable
Shooting Range, Outdoor
Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Landfill, Land Clearing/Inert Debris, greater than 2 acres
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Cemetery
Child Care, Drop-In
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Funeral Home
Golf Course
Government Offices, Neighborhood Organization, or Post Office
Habilitation Facility A
Habilitation Facility B
Habilitation Facility C
Hospice and Palliative Care
Library, Public
Museum or Art Gallery
Nursing Care Institution
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private
Transmission Tower (see UDO)
Utilities

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Academic Biomedical Research Facility
Adult Day Care Center
Child Care Institution
Child Care, Sick Children
Child Day Care Center
Child Day Care, Large Home
Church or Religious Institution, Community
Family Group Home B
Park and Shuttle Lot
Planned Residential Development
School, Private
School, Public
School, Vocational or Professional
PROPOSED IP USES ALLOWED
Forsyth County Jurisdiction Only

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING
BOARD OF ADJUSTMENT (A)
Club or Lodge
College or University
Family Group Home C
Recreation Services, Indoor
Recreation Services, Outdoor
Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED
BODY (E)
Access Easement, Private Off-Site
Animal Shelter, Public