DOCKET #: F1529

PROPOSED ZONING:
RS40

EXISTING ZONING:
RS15-S

PETITIONER:
Jade Associates III LLC
for property owned by Same

SCALE: 1" represents 400'

STAFF: King

GMA: 3

ACRES: 11.23

NEAREST BLDG: 35' east

MAP(S): 576834
August 22, 2012

Jade Associates III, LLC
c/o G. Alan Jones
10 West 32nd Street
Winston-Salem, NC 27105

Re: Zoning Map Amendment F-1534

Dear Mr. Jones:

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

Sincerely,

A. Paul Norby, FAICP
Director of Planning

pc: Clerk to the Board, 201 North Chestnut Street, Winston-Salem, NC 27101
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ___________________ AGENDA ITEM NUMBER: _____

SUBJECT:-

A. Public Hearing on Zoning Map Amendment of Jade Associates III, LLC from RS15-S (Residential Building, Single Family and Planned Residential Development) to RS40: property is located on the northeast corner of Peace Haven Road and Lasater Road (Zoning Docket F-1534).

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 Jade Associates III, LLC, Docket F-1534

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE
COUNTRY 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 RS15-S (Residential Building, Single Family and Planned Residential Development) to RS40 the zoning classification of the following described property:

PIN #’s 5883-05-5586 and 5883-05-2545

Section 2. This ordinance shall become effective upon adoption.
<table>
<thead>
<tr>
<th>PETITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket #</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
</tr>
<tr>
<td><strong>NOTE:</strong> 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.</td>
</tr>
<tr>
<td><strong>Neighborhood Contact/Meeting</strong></td>
</tr>
<tr>
<td><strong>Zoning District Purpose Statement</strong></td>
</tr>
<tr>
<td><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GENERAL SITE INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
</tr>
<tr>
<td><strong>Jurisdiction</strong></td>
</tr>
<tr>
<td><strong>Site Acreage</strong></td>
</tr>
<tr>
<td><strong>Current Land Use</strong></td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
</tr>
<tr>
<td>-----------------------------------</td>
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</table>

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<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</th>
<th>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes, the surrounding area is composed of residential single family zoning.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Physical Characteristics</th>
<th>The property appears to drain toward a lake located on the adjacent property to the east. The site is currently undeveloped and contains a substantial amount of existing vegetation.</th>
</tr>
</thead>
</table>

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<thead>
<tr>
<th>Proximity to Water and Sewer</th>
<th>The site has access to public water; however, access to public sewer appears to be non-existent at this time.</th>
</tr>
</thead>
</table>

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<thead>
<tr>
<th>Stormwater/Drainage</th>
<th>No known issues.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Watershed and Overlay Districts</th>
<th>The site is located in the Yadkin River Direct Drainage Area, a WS-IV protected water supply watershed. This site is regulated under the Forsyth County Watershed Protection Ordinance. The petitioner is responsible for complying with all applicable watershed protection regulations which include minimum lot size, average density or built upon area limitations and stream buffers on major streams.</th>
</tr>
</thead>
</table>

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<thead>
<tr>
<th>Analysis of General Site Information</th>
<th>The subject property consists of slightly more than eleven acres of undeveloped, wooded land. The site has a fairly rough topography that will make development of the site somewhat challenging; however, it does appear suitable for large residential lots where minimal grading would be required.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>SITE ACCESS AND TRANSPORTATION INFORMATION</th>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Lasater Road</td>
<td>Minor Thoroughfare</td>
<td>590’</td>
<td>1,400</td>
<td>13,800</td>
</tr>
<tr>
<td></td>
<td>Peace Haven Road</td>
<td>Minor Thoroughfare</td>
<td>936’</td>
<td>1,400</td>
<td>13,800</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Proposed Access Point(s)</th>
<th>Since this is a general use request, the exact location of access points is unknown. Staff encourages the consolidation of driveway cuts onto the existing public roads.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Planned Road Improvements</th>
<th>The Comprehensive Transportation Plan recommends Peace Haven and Lasater Roads be constructed as two-lane facilities with curb &amp; gutter, sidewalks, and bike lanes.</th>
</tr>
</thead>
</table>
| Trip Generation - Existing/Proposed | Existing Zoning: RS15-S  
7 lots x 9.57 (Single Family Trip Rate) = 66 Trips per Day |
|------------------------------------|------------------------------------------------------------------|
| Proposed Zoning: RS40  
11.23 x 43,560/40,000 = 12 lots x 9.57 (Single Family Trip Rate) = 114 | Trips per Day |
| Sidewalks | None existing |
| Analysis of Site Access and Transportation Information | Staff does not anticipate any negative transportation impacts from this request. Staff does encourage the petitioner to work with NCDOT to develop an access plan that minimizes driveway cuts onto the existing public roads. |

**CONFORMITY TO PLANS AND PLANNING ISSUES**

**Legacy GMA**  
Growth Management Area 3 (Suburban Neighborhoods)

**Relevant Legacy Recommendations**
- Manage growth and development to reduce sprawl, create a more compact and balanced urban development pattern and preserve open space and rural character.

**Relevant Area Plan(s)**  
*Clemmons 2030 Comprehensive Plan* (not adopted by the Board of County Commissioners)

**Area Plan Recommendations**
- The site is designated in the *Clemmons Comprehensive Plan* for cluster residential development. Cluster residential areas serve as a transitional area between rural preservation and neighborhood residential uses. Appropriate development includes single-family detached residential units designed in a suburban-style cluster pattern at a minimum of 2 units per acre.

**Other Applicable Plans and Planning Issues**
- The Village of Clemmons has no objection to this request.

**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)**

(R)(3) - Have changing conditions substantially affected the area in the petition?  
No

(R)(4) - Is the requested action in conformance with Legacy?  
Yes

**Analysis of Conformity to Plans and Planning Issues**
- Staff views the subject request as being consistent with the recommendations of Legacy and the *Clemmons Comprehensive Plan*. The site was previously zoned RS40 and that district is still prevalent in the surrounding area.

**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>F-1471</td>
<td>RS40 &amp; RS15-S to RS15-S</td>
<td>Approved 3/26/07</td>
<td>Included subject property</td>
<td>30.22</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1464</td>
<td>RS40 to RS15-S</td>
<td>Approved 8/14/06</td>
<td>Included subject property</td>
<td>32.95</td>
<td>Approval</td>
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<tr>
<td>F-1454</td>
<td>RS40 to RS15-S</td>
<td>Approved 4/24/06</td>
<td>Included subject property</td>
<td>31.77</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 was originally zoned RS40.</td>
<td>Without a site plan, driveway cuts onto surrounding public roads cannot be limited.</td>
</tr>
<tr>
<td>The request is consistent with the recommendations of Legacy and the Clemmons Comprehensive Plan.</td>
<td></td>
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<tr>
<td>RS40 zoning is compatible with the surrounding area.</td>
<td></td>
</tr>
<tr>
<td>Trip generation is comparable with the existing zoning.</td>
<td></td>
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<tr>
<td>The existing RS15-S site plan already depicted lots larger than 40,000sf for this site.</td>
<td></td>
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**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 map amendment.
SECONDE:  Wesley Curtis
VOTE:
    FOR:  Wesley Curtis, Arnold King, Clarence Lambe, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
    AGAINST:  None
    EXCUSED:  None

According to information furnished by the Office of the Tax Assessor on August 22, 2012, the subject property was in the names of Jade & Associates III, LLC and Jade Associates III, LLC.

A. Paul Norby, FAICP
Director of Planning
DOCKET #: F1534

PROPOSED ZONING: RS40

EXISTING ZONING: RS15-S

PETITIONER: Jade Associates III LLC for property owned by Same

- **Subject property**
- **500' notification radius**

**SCALE:** 1" represents 400'

**STAFF:** King

**GMA:** 3

**ACRES:** 11.23

**NEAREST BLDG:** 35' east

**MAP(S):** 576834
PROPOSED RS40 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
- Kennel, Outdoor
- Police or Fire Station
- Recreation Facility, Public
- Residential Building, Single Family
- Swimming Pool, Private

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
- Child Day Care, Large Home
- Dirt Storage
- Fishing, Fee Charged
- Habilitation Facility A
- 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 in RS40
Revised 3/17/2011
USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Landfill, Land Clearing/Inert Debris, greater than 2 acres
Parking, Off-Site, for Multifamily or Institutional Uses