



DOCKET #: F1521

PROPOSED ZONING:
RS30

EXISTING ZONING:
MH-S and RS30

PETITIONER:
Annette Lowery
for property owned
by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRES: 0.71

NEAREST BLDG: 30' north

MAP(S): 642886



May 19, 2010

Annette Lowery
5520 Remington Point Drive
Walkertown, NC 27051

RE: ZONING MAP AMENDMENT F-1521

Dear Ms. Lowery:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Carla Holt, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

Attachment

pc: Carla Holt, County Manager's Office
John D. Rierson, 5524 Remington Point Drive, Walkertown, NC 27051
Jim Gardner, 5521 Remington Point Drive, Walkertown, NC 27051

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Annette Lowery, Docket F-1521

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 MH-S (Manufactured Home Class A; Manufactured Home Class B; Manufactured Home Class C; Manufactured Home Class D; and Residential Building, Single Family) and RS-30 to RS-30 the zoning classification of the following described property:

PIN #6848-48-9608

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	F-1521		
Staff	Gary Roberts Jr. AICP		
Petitioner(s)	Annette Lowery		
Owner(s)	Same		
Subject Property	PIN #6848-48-9608		
Address	5520 Remington Point Drive		
Type of Request	General use rezoning from MH-S and RS-30 to RS-30		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from MH-S (Manufactured Housing District; 10,000 sf minimum lot size; Manufactured Home Class A, B, C & D; and Residential Building, Single Family) and RS-30 Residential, Single Family; 30,000 sf minimum lot size) to RS-30 (Residential, Single Family; 30,000 sf minimum lot size).</p> <p>NOTE: Both general, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.</p>		
Zoning District Purpose Statement	The RS-30 District is primarily intended to accommodate single family detached dwellings on approximately three-quarter (0.75) acre lots in areas without access to public water and sewer services. This district is intended for application in GMAs 4 and 5. The district may also be applicable to older, larger lot development in GMAs 2 and 3 developed prior to the effective date of this Ordinance.		
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 subject property and surrounding properties are developed in a single family residential manner located within GMA 3.		
GENERAL SITE INFORMATION			
Location	West side of Remington Point Drive, south of Remington Ridge Road		
Jurisdiction	Forsyth County		
Site Acreage	± .71 acre		
Current Land Use	A site built single family home is located on the site.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	MH-S	Single family home
	East	MH-S & RS-30	Single family homes
	South	RS-20 & RS-30	Single family homes
	West	RS-20	Undeveloped property

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	Yes, the uses permitted in the proposed RS-30 District are essentially the same as those permitted in the surrounding single family residential zoning districts.			
Physical Characteristics	The site has a gentle to moderate slope downward to the northwest.			
Proximity to Water and Sewer	Public water is available; however, public sewer is not available to the site.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not within a water supply watershed.			
Analysis of General Site Information	The site lacks access to public sewer. Otherwise it appears to possess no constraints and is suitable for development within the proposed RS-30 district.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Remington Point Drive	Local street	155'	NA	NA
Proposed Access Point(s)	Because this is a general use request with no site plan, the exact location of any future access points is unknown; however, the site does have a driveway on Remington Point Drive.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: MH-S & RS-30</u> 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day <u>Proposed Zoning: RS-30</u> 1 unit x 9.57 (SFR Trip Rate) = 10 Trips per Day			
Analysis of Site Access and Transportation Information	Staff does not anticipate any negative transportation impacts from this request.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	Growth Management Area 3 – Suburban Neighborhoods			
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Legacy recommendations related to residential development include: encourage a mixture of housing types in neighborhoods; encourage infill development; and allow higher density infill development at appropriate locations. Legacy notes that manufactured housing can help fill a need for affordable housing in this community. 			
Relevant Area Plan(s)	Walkertown Area Plan, 2006			
Area Plan Recommendations	<ul style="list-style-type: none"> The subject property is recommended for low density residential. 			

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 <i>Legacy</i>?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The subject property was rezoned in 1986 as part of a larger subdivision that contained a mixture of manufactured and site built homes. Because the only two uses allowed in said special use zoning were for Manufactured Homes and Residential Building, Single Family, the property owners within this development are currently not allowed any of the other uses typically permitted in other residential areas. These uses may be permitted as a use by right or by an appointed or elected body, and are as follows:</p> <p><u>USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)</u> 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</p> <p><u>USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)</u> 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</p> <p><u>USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)</u> Bed and Breakfast; Borrow Site; Child Day Care, Large Home; Dirt Storage; Fishing, Fee Charged; Habilitation Facility A; Kennel, Outdoor; 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</p> <p><u>USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)</u> Access Easement, Private Off-Site; Parking, Off-Site, for Multifamily or Institutional Uses; Family Group Home A; Child Day Care, Small Home; and Child Day Care, Large Home.</p>

		Planning staff believes this residential area should be afforded the same land use opportunities as other surrounding single family areas. The request is consistent with the <i>Walkertown Area Plan</i> which recommends low density residential for this area.				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-812	R-6 to R7-S (MH-S)	11-24-86	Included current site	45	Approval	Approval
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
The request is consistent with the recommendations of <i>Legacy</i> .			The request only addresses one lot within a 47 lot MH-S zoned neighborhood.			
The request is consistent with the recommendations of the <i>Walkertown Area Plan</i> .						
The request is consistent with the proposed RS-30 District purpose statement.						

STAFF RECOMMENDATION: Approval

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

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Annette Lowery, 5520 Remington Point Drive, Walkertown, NC 27051

- I want to get my entire property zoned to RS-30 instead of having it split between the two zoning districts.

AGAINST:

John D. Rierson, 5524 Remington Point Drive, Walkertown, NC 27051

- They are having opposition to this because there is inadequate parking. Their driveway is only long enough to get two vehicles into it.
- We have a peaceful, quiet neighborhood.

- I work alternating shifts so I am concerned about being able to sleep due to the potential noise.
- A lot of people turn around at this cul-de-sac and they won't be able to do so if this passes.
- I totally oppose this and ask you to consider my opposition.

Jim Gardner, 5521 Remington Point Drive, Walkertown, NC 27051

- Mr. Gardner distributed some photos and letters of opposition.
- My wife and I are opposed to this.
- Recently traffic has increased on this site and people have been parking along the road due to the lack of parking on-site.
- Parking these vehicles on the road is an inconvenience to me as I attempt to access my property.
- The increase in traffic has resulted in people trying to turn around and leaving tracks and destroying my yard.
- We do have public water.
- Read letter from Robert Lunford who delivers the Winston-Salem Journal newspaper in this area. He is opposed to the request because vehicles in the street make it difficult for him to deliver the newspapers.
- Read letter from Mr. Miles who is also opposed to this request due to traffic problems.

WORK SESSION

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

1. Since this is a general use request, the Planning Board considered all of the uses allowed in RS-30 zoning, discussing restrictions for those uses as well as impacts on surrounding properties. However, since the primary concern of neighbors focuses on the particular use of day cares, the Planning Board and staff spent some time explaining the differences in small and large home day cares and the restrictions which apply to each.
2. The community is currently having problems with parking along Remington Point Drive and is concerned about traffic worsening.
3. Wesley Curtis: Zoning in the area is a mixture of MH-S and RS-30. Most of the land which has access through Remington Point Drive is zoned MH-S. However, Remington Point Drive also provides access to two RS-30 zoned properties at the southern end of it. Because of that access to the RS-30 properties, I can support this request.
4. Clarence Lambe: A variety of uses in neighborhoods is helpful to people in the area. A family could live in a home like this and still have eight children.

MOTION: Clarence Lambe moved approval of the zoning map amendment.

SECOND: Wesley Curtis

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Darryl Little, Barry Lyons, Paul Mullican, Brenda Smith

AGAINST: None

According to information provided by the Office of the Tax Assessor on May 14, 2010, the subject property was in the name of Annette Lowery.

A. Paul Norby, FAICP
Director of Planning