DOCKET #: F1502

PROPOSED ZONING: HB-S

EXISTING ZONING: RS20

PETITIONER: Phillip K. Venable for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 4

ACRES: 0.77

NEAREST BLDG: 30' west

MAP(S): 666882
August 20, 2008

Phillip Kerry Venable  
6005 Reidsville Road  
Belews Creek, NC  27009  

RE:  ZONING MAP AMENDMENT F-1502  

Dear Mr. Venable:

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  
Kerry Venable II, 6005 Reidsville Road, Belews Creek, NC  27009  
David Bohanon, 5014 Sheffield Place Drive, Kernersville, NC  27284
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________________  AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on zoning map amendment of Phillip K. Venable from
RS-20 to HB-S (Professional Office; Services, Personal; Offices,
Miscellaneous; Non-Store Retailer; Services, Business A; Medical and
Surgical Offices; Health Services, Miscellaneous; and General
Merchandise Store): property is located on the southwest corner of Vance
Road and Venable Drive (Zoning Docket F-1502).

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 denial of the rezoning
petition.

ATTACHMENTS:-  X  YES  ___ NO

SIGNATURE: _________________________________  DATE: ________________

County Manager
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Phillip K. Venable, Docket F-1502

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 RS-20 to HB-S (Professional Office; Services, Personal; Offices, Miscellaneous; Non-Store Retailer; Services, Business A; Medical and Surgical Offices; Health Services, Miscellaneous; and General Merchandise Store) the zoning classification of the following described property:

Tax Lot 9C, Tax Block 5422

Section 2. This Ordinance is adopted after approval of the site plan entitled Phillip K. Venable, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _________________, 20____ to Phillip K. Venable.

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 Phillip K. Venable. 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 Phillip K. Venable (Zoning Docket F-1502). 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 HB-S (Professional Office; Services, Personal; Offices, Miscellaneous; Non-Store Retailer; Services, Business A; Medical and Surgical Offices; Health Services, Miscellaneous; and General Merchandise Store), 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 HB-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 BUILDING PERMITS**
  a. Developer shall obtain a driveway permit from the NCDOT; additional improvements may be required prior to issuance of driveway permit.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. All required improvements of the NCDOT driveway permit shall be completed.
CITY-COUNTY PLANNING BOARD
STAFF REPORT

PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1502</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Phillip K. Venable</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 9C, Tax Block 5422</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning to HB-S</td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-20 Residential, Single Family District; 20,000 sf minimum lot size to HB-S Highway Business District. The petitioner is requesting the following uses:

- Professional Office; Services, Personal; Offices, Miscellaneous; Non-Store Retailer; Services, Business A; Medical and Surgical Offices; and, Health Services, Miscellaneous

**Zoning District Purpose Statement**

The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.

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

(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

The request is consistent with the purpose statement of the proposed HB district in that it has good road access.

GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Southwest corner of Vance Road and Venable Drive (private)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± .77 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Single family residential</td>
</tr>
</tbody>
</table>

**Surrounding Property Zoning and Use**

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-20</td>
<td>Undeveloped</td>
</tr>
<tr>
<td>East</td>
<td>HB-S</td>
<td>Venable Drive</td>
</tr>
<tr>
<td>South</td>
<td>HB-S</td>
<td>Agricultural production</td>
</tr>
<tr>
<td>West</td>
<td>RS-20</td>
<td>Single family homes</td>
</tr>
</tbody>
</table>
The proposed uses are compatible with the approved uses on the HB-S zoned site to the south but are not typically compatible with the predominately low density rural residential character of general area.

**Physical Characteristics**
The site is currently developed and has a gentle to moderate slope downward to the south.

**Proximity to Water and Sewer**
Public water is available to the site.

**Stormwater/Drainage**
No known issues.

**Watershed and Overlay Districts**
The site is not located within a water supply watershed.

**Analysis of General Site Information**
The site has no known development constraints other than the lack of public sewer availability.

### 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>Vance Road</td>
<td>Minor Thoroughfare</td>
<td>220’</td>
<td>3,500</td>
<td>11,100</td>
</tr>
<tr>
<td>Venable Drive</td>
<td>Private street</td>
<td>193’</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
The site would retain its current access points onto Vance Road and Venable Drive.

**Trip Generation - Existing/Proposed**
- **Existing Zoning: RS-20**
  \[
  0.77 \times 43,560 \text{ sf} = 1 \text{ dwelling unit} \times 9.57 \text{ (SFR Trip rate)} = 10 \text{ Trips per Day}
  \]
- **Proposed Zoning: HB-S**
  \[
  2,725 \text{ sf} / 1,000 \times 36.13 \text{ (Medical-Dental Office Building Trip Rate)} = 98 \text{ Trips per Day}
  \]

**Sidewalks**
There are no sidewalks located in the general area.

**Traffic Impact Study (TIS)**
No TIS is required

**Analysis of Site Access and Transportation Information**
No change in the existing access is proposed; however, the request would generate additional traffic. A NCDOT driveway permit will be required.

**Generalized Recommended Conditions**
- **BRIEF DESCRIPTION OF CONDITION(S):**
  - Obtain driveway permit from NCDOT
<table>
<thead>
<tr>
<th><strong>CONFORMITY TO PLANS AND PLANNING ISSUES</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legacy GMA</strong></td>
</tr>
<tr>
<td><strong>Relevant Legacy Recommendations</strong></td>
</tr>
<tr>
<td><strong>Relevant Area Plan(s)</strong></td>
</tr>
<tr>
<td><strong>Area Plan Recommendations</strong></td>
</tr>
<tr>
<td><strong>Town of Walkertown Recommendation</strong></td>
</tr>
<tr>
<td><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</strong></td>
</tr>
<tr>
<td></td>
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<td></td>
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</tbody>
</table>

| **Analysis of Conformity to Plans and Planning Issues** | The subject request is to convert a one story single family home located in the Future Growth Area to a retail or office use. Legacy recommends protection of residential areas from inappropriate commercial and industrial encroachment and also defers specific land use recommendations to the small area plans. In 2006 the Forsyth County Board of Commissioners and the Town of Walkertown adopted the *Walkertown Area Plan* which recommends low density residential use for the subject property. The plan recommends concentrating business development within designated activity centers located within the corporate limits. Staff supports the recommendations of the *Walkertown Area Plan* and would recommend that commercial development in this area be steered toward the NC 66/US 158 Community Activity Center. It should be noted that in 2004 the Town of Walkertown approved 34.65 acres of HB-S TWO-PHASE Zoning on the northeast corner of US 158 and NC 66, in addition to the existing HB-S zoned property on the south side of NC 66. This site is approximately ½ mile southwest of the subject property.  
The subject property does adjoin an HB-S zoned site to the rear. However, due to the higher visibility of the subject property along Vance Road, should the site be rezoned, it would place more development pressure for similarly intensive uses on other properties in the general 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>
<th>Staff</th>
<th>CCPB</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-1165</td>
<td>RS-20 to HB-S TWO PHASE</td>
<td>Withdrawn at 9-14-06 Planning Board</td>
<td>600’ Northeast</td>
<td>3.68</td>
<td>Denial</td>
<td></td>
<td>Withdrawal</td>
</tr>
<tr>
<td>F-1155</td>
<td>RS-20 to HB-S</td>
<td>Approved 4-8-96</td>
<td>Directly south</td>
<td>5.5</td>
<td>Denial</td>
<td></td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Parking</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>2,725 sf</td>
<td>Central portion</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>8 spaces</td>
<td>8 spaces</td>
<td>In front</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’</td>
<td>One story</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>85%</td>
<td>17.9%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Chapter B, Article II, Section 2-1.3 (I) Highway Business District</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Chapter B, Article VII, Section 7-5.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Legacy policies: No</td>
</tr>
<tr>
<td>(B) Environmental Ord. NA</td>
</tr>
<tr>
<td>(C) Subdivision Regulations NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of Site Plan Compliance with UDO Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The revised site plan complies with the requirements of the UDO.</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>Site adjoins a larger HB-S zoned property.</td>
<td>Request is inconsistent with the <em>Walkertown Area Plan</em>.</td>
</tr>
<tr>
<td></td>
<td>Approval of this request may place more development pressure for similarly intensive uses on other properties in the general area.</td>
</tr>
<tr>
<td></td>
<td>Would place more intense development into GMA 4 before the Municipal Services Area is developed (<em>Legacy recommendation</em>).</td>
</tr>
</tbody>
</table>
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 BUILDING PERMITS**
  a. Developer shall obtain a driveway permit from the NCDOT; additional improvements may be required prior to issuance of driveway permit.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. All required improvements of the NCDOT driveway permit shall be completed.

**STAFF RECOMMENDATION: DENIAL**

**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:

Kerry Venable, 6005 Reidsville Road, Belews Creek, NC  27009
  - I've got a pretty simple deal here.
  - One good thing about what I'm wanting to do, you can see what it is. I don't want any changes.
  - There's no grading involved.
  - I have to put some parking spaces in, but there won't be any heavy grading.
  - I've dropped the General Merchandise Store use.
  - The only other thing I can think of putting there is a tobacco barn and I don't want to put that there.
  - This is 77 acres.
  - I've got a petition. I've talked to a lot of those folks.
  - This is over a mile from Walkertown city limits.
  - It's three-quarters of a mile from Walkertown Commons which they've got 44 permitted uses.
  - I'm 2,000 feet from Quality Oil over there which is a gas house.
  - We've not had any problems so far.
  - I have to have eight parking spaces.
  - The business will probably be open Monday through Friday, 8:00 AM to 5:00 P.M.
  - I don't see any difference in what we're asking for and residential. I'm sure my tenant is not going out and robbing anybody.
• Our family has owned this property since the early 1950s and I'll pass it on to my son. We have no intention of leaving the area.
• I have tried to talk to Mr. David Bohan. I've talked to his neighbors.
• None of my neighbors are in opposition. I didn't go around and get a list. I'm not going to put neighbor against neighbor, friend against friend.
• I just want to put the lightest use possible here.
• As you know, we don't need a McDonald's; there's one up the street. There's a thousand Bojangles in Walkertown.
• I own property beside it, around it.
• I think we have one lady in opposition and I'd like to know what she's in opposition to. I'd like to talk to her.

Kerry Venable II, 6005 Reidsville Road, Belews Creek, NC  27009
• This is where the Venables started in Forsyth County and our absolute intent is to keep it the same way it is as best we can because we have agriculture and we're trying to branch out.
• This has been a rental property and I'm sure a small, light business would be a whole lot less impact than some of the renters we've had there.
• I've got my real estate license and I've studied all the books and everything and looked around and I don't see any high impact around there.
• I think this would be the highest and best use for this particular piece of property.
• I think it would be a benefit for the community.

AGAINST:

David Bohanon, 5014 Sheffield Place Drive, Kernersville, NC  27284
• Thank you for your time to voice an opinion on this zoning request.
• I understand what it is as far as residential to HB-S.
• I've been told the building would be retained and used for one of eight commercial uses.
• As far as the petitioners in the area, the spaces highlighted in blue are the residents in the area who have put their names on the petition in opposition to this request.
• Sixty one residents of the area put their names on the petition indicating their opposition, concern about the rezoning and the impact on our area.
• First we are concerned that by changing this to commercial, there will be increased traffic. The increased traffic has the potential to negatively impact the safety of our children and our personal property.
• Secondly we are concerned that having commercial zoning in the middle of our residential zoning will negatively impact the property values of our residences.
• Third we are concerned that if this area is zoned commercial, it could lead to other property in the area being zoned commercial which we would be opposed to as well.
• As was mentioned as far as the planned use, this area here is planned for low density residential housing and approving this HB zoning would be in direct contradiction of the Walkertown Area Plan that was approved two years ago.
• In discussion with the residents of the area, I've been told the renters at this property have not treated it very well, causing Mr. Venable to reinvest money. I can understand how commercial renters would be much more cost effective for Mr. Venable.
• We hope there's a solution that would be acceptable to both the residents of the area and Mr. Venable.
WORK SESSION

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

1. Paul Mullican: I understand, but I really don't understand how we can vote in favor of this. I'd like to, but this is Walkertown's area and I feel they know the area better than we do and we have to give them our support. I agree with staff and will vote to deny this.

2. Brenda Smith: When you get out in the country, there's always some use wanting to move into the area. What's the impact going to be? Things have changed since y'all bought the farm, but it's hard to choose one way or the other. How does Legacy come into play with you have other property adjacent to it being used for commercial uses? Paul Norby: The impact of the Legacy plan is to have the surrounding area respect the residential character of the area.

3. Arnold King: I think by retaining the house they are retaining the residential character of the area. This won't strain the road network. Property is normally better maintained as a commercial property than as a rental residence. I don't think there's anything here that hurts property values in any way.

4. Wesley Curtis: I also try to support area plans because I think it's important to stick to what everyone's agreed to. We can't limit it beyond Medical and Surgical Offices, so if this person goes out of business, it could be anything within that use category.

5. In response to a question from the Board, Gary Roberts indicated that HB zoning is required for the use Health Services which is not allowed in LB.

6. Mr. Venable indicated he has limited the uses to the lowest impact he can. He stated that 99% of the opposition came out of Sheffield.

7. Inspections indicated to staff that Prosthetics would be classified as Medical and Surgical Offices which is allowed under NB and LB districts. However, it would be determined by whether or not the person is an MD. Services, Personal would be required for someone who is just fitting the prosthetics.

8. Parking requirements are based upon the use, not the district.

9. Carol Eickmeyer: I agree with Wesley Curtis that when there's a current area plan in use, we really ought to adhere to it. The other thing that makes me uncomfortable about this particular request is that even if we change it to HB-S, even thought we specify the uses, we've created significantly more frontage that's HB for this little intersection and I'm not sure the area is ready for that.
MOTION: Paul Mullican moved denial of the zoning map amendment.  
SECOND: Carol Eickmeyer  
VOTE:  
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arthur King, Lynne Mitchell, Paul Mullican  
   AGAINST: Arnold King, Brenda Smith  
   EXCUSED: None  

SITE PLAN MOTION: Paul Mullican certified that the site plan meets all code requirements and recommends staff conditions.  
SECOND: Jerry Clark  
VOTE:  
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Lynne Mitchell, Paul Mullican, Brenda Smith  
   AGAINST: None  
   EXCUSED: None  

According to information furnished on July 9, 2008 by the Office of the Tax Assessor, the subject property was in the name of Phillip K. Venable.

_________________________  
A. Paul Norby, FAICP  
Director of Planning
SITE PLAN FOR

PHILLIP KERRY VENABLE
PURPOSE
PROPOSED REZONING FROM RS-20 TO HB-S
NO PROPOSED GRADING CHANGE
JURISDICTION: FORSYTH COUNTY

PHILLIP KERRY VENABLE

PURPOSE
PROPOSED REZONING
FROM RS-20 TO HB-S
NO PROPOSED GRADING CHANGE
JURISDICTION: FORSYTH COUNTY

GRAPHIC SCALE

SITE PLAN FOR

PHILLIP KERRY VENABLE
PURPOSE
PROPOSED REZONING
FROM RS-20 TO HB-S
NO PROPOSED GRADING CHANGE
JURISDICTION: FORSYTH COUNTY

PHILLIP KERRY VENABLE

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PHILLIP KERRY VENABLE

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GRAPHIC SCALE