DOCKET #: F1459

PROPOSED ZONING:
RS-20

EXISTING ZONING:
RS-9

PETITIONER:
Gerald R. Wheeler and Rosemary A. Wheeler for property owned by Same

SCALE: 1" represents 800'

STAFF: King

GMA: 3

ACRE(S): 32

MAP(S): 594858, 594862, 600858, 600862
April 19, 2006

Gerald R. & Rosemary A. Wheeler
5095 Ashlyn Drive
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT F-1459

Dear Mr. Wheeler & Ms. Wheeler:

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 Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning Map Amendment of Gerald R. Wheeler and Rosemary A. Wheeler from RS-9 to RS-20: property is located at the eastern terminus of Ashlyn Drive along the western edge of Muddy Creek (Zoning Docket F-1459).

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map.

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 Gerald R. Wheeler and Rosemary A. Wheeler, Docket F-1459

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-9 to RS-20 the zoning classification of the following described property:

Tax Block 4620, Tax Lots 13A, 13B, 16C, 16G, 16H, 16J, 16L, and 17B

Section 2. This ordinance shall become effective upon adoption.
PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1459</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Gerald R. Wheeler and Rosemary A. Wheeler</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lots 13A, 13B, 16C, 16G, 16H, 16J, 16L, and 17B, Tax Block 4620</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General use rezoning request from RS-9 to RS-20</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to RS-20 (Residential Single Family; 20,000 sf lot size).</td>
</tr>
</tbody>
</table>

NOTE: Both general 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.

Zoning District Purpose Statement

The RS-20 District is primarily intended to accommodate single family detached dwellings in suburban areas and may also be applicable to older, large lot development constructed prior to the effective date of this Ordinance. The district is established to promote orderly development in areas where public water is available. 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)?

Yes, the site is located in GMA 3.

GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Eastern terminus of Ashlyn Drive along the western edge of Muddy Creek</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 32 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The site currently contains a metal warehouse building and is otherwise undeveloped.</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>Direction</strong></td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>West</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
</tbody>
</table>
| (S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? | Yes, both districts are single family residential districts and allow the majority of the same uses. The following uses are allowed in the RS-20 district (with a Special Use Permit from the Zoning Board of Adjustment) but not in the RS-9 district:  
• Manufactured Home, Class B  
• Kennel  
• Fishing, Fee Charged  
• Riding Stable  
• Shooting Range, Outdoor  
• Dirt Storage  
• Nursing Care Institution  
• Borrow Site  
• Transmission Tower | |

| Physical Characteristics | The site is relatively flat as it lies within the boundaries of the floodway and the floodplain. The easternmost +/- 21 acres of the site is located within the floodway, with the remaining +/- 11 acres located in the floodplain. The National Wetlands Inventory Map (Winston-Salem West Quad Sheet) shows an area in the southern portion of the petition site as a PF01A wetland (Palustrine, Forested, Broad-leafed Deciduous, Temporarily Flooded). The Forsyth County Soil Survey also shows extensive wetland indicative (Wehadkee) and hydric inclusive (Chewacla) soils in the floodplain on the petition site. The Petitioner is responsible for complying with all State and Federal requirements for stream and wetlands protection regulations. The Petitioner should contact the Army Corp of Engineers and NC Dept of Environment and Natural Resources prior to any land disturbing activity on the site. | |

| Proximity to Water and Sewer | The subject property has access to public water and public sanitary sewer. | |

| Stormwater/Drainage | No known issues. | |

| Watershed and Overlay Districts | The subject property is not located within the boundaries of a water supply watershed. | |

| Analysis of General Site Information | The subject property does contain some development constraints due to its location within the floodway and floodplain. Approximately 21 of the 32 acres are located within the floodway and cannot be built upon. The uses allowed in the RS-20 district are consistent with those allowed in the existing RS-9 district with the nine exceptions listed above. Further, the RS-20 density is preferable due to the environmental constraints of the site. | |
### 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>Ashlyn Drive</td>
<td>Local Road</td>
<td>+/- 81 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
The subject property has public road frontage along Ashlyn Drive.

**Planned Road Improvements**
None noted

**Trip Generation - Existing/Proposed**
(Houses cannot be constructed on the +/- 21 acres located within the floodway)

- **Existing Zoning:** RS-9
  
  11 acres (RS-9) x 43,560 / 9,000 = 53 units x 9.57 (SFR Trip Rate) = 509 Trips per Day

- **Proposed Zoning:** RS-20
  
  11 acres (RS-20) x 43,560 / 20,000 = 23 units x 9.57 (SFR Trip Rate) = 229 Trips per Day

**Sidewalks**
None existing on Ashlyn Drive

**Transit**
No

**Analysis of Site Access and Transportation Information**
The subject property has one access point onto Ashlyn Drive located on the northern portion of the site. Ashlyn Drive is currently a two-lane road with no curb & gutter or sidewalks. Since this is a general use request, staff is unable to evaluate a specific use for this property. If the property were developed for residential purposes, the proposed RS-20 zoning would generate less than half the trips that could be estimated under the existing RS-9 zoning.

### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**
GMA 3 (Suburban Neighborhoods)

**Relevant Legacy Recommendations**
- 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.

**Relevant Area Plan(s)**
The subject property is not located within the boundaries of an area plan or development guide.

**Greenway Plan Information**
The Muddy Creek Greenway is the longest proposed greenway for Winston Salem and Forsyth County. Development of the Muddy Creek Greenway is a top priority in the Greenway plan. In Phase I of the Muddy Creek Greenway, the trail is located on the west side of the creek which runs parallel to the petitioners property. Phase I of the greenway will provide a link between Country Club Road, Meadowlark Schools, Robinhood Road and Jefferson Elementary School.
### 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-1392</td>
<td>RS-9 &amp; RS-9-S to MU-S</td>
<td>Approved November 10, 2003</td>
<td>West</td>
<td>795 acres</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2657</td>
<td>RS-9 to RS-20-S</td>
<td>Approved November 3, 2003</td>
<td>Northeast</td>
<td>59.56 acres</td>
<td>Approval</td>
</tr>
<tr>
<td>W-675</td>
<td>R-6 to R-8</td>
<td>Approved December 4, 1978</td>
<td>East</td>
<td>308.06 acres</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### Conclusions to Assist with Recommendation

**Positive Aspects of Proposal**: This request is a down-zoning to a lower density residential district. RS-20 zoning would generate fewer trips per day if developed with single family homes. The subject property is located within an environmentally sensitive area that may benefit by having a less intensive zoning district in place.

**Negative Aspects of Proposal**: RS-20 allows uses with a SUP that may not be compatible with the surrounding area such as: Manufactured Home, Class B; Kennel; and Shooting Range, Outdoor.

**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.

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment.
SECOND: Jerry Clark
VOTE:
    FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
    AGAINST: None
    EXCUSED: None

According to information furnished on March 1, 2006 by the Office of the Tax Assessor, the subject property was in the name of Gerald R. and Rosemary A. Wheeler.

A. Paul Norby, AICP
Director of Planning