DOCKET #: F1471
(continued from 11/9/2006)

PROPOSED ZONING:
RS15-S (PRD)

EXISTING ZONING:
RS15-S (PRD) and RS40

PETITIONER:
Jade Associates III
LLC for property owned
by Jade Associates III
LLC and L. Ray Allgood

SCALE: 1" represents 600'
STAFF: Roberts
GMA: 3
ACRE(S): 29.55
MAP(S): 576834
December 20, 2006

Jade Associates III, LLC
P. O. Box 4062
Winston-Salem, NC  27115-4062

RE:  ZONING MAP AMENDMENT F-1471

Dear Sir:

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, FAICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
SUBJECT:-


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

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 approval of the rezoning petition.

ATTACHMENTS:-  X  YES  ___  NO

SIGNATURE:  ________________________________  DATE:  ________________

County Manager
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 Jade Associates III, LLC and Trustees for the Lewis Ray Allgood Trust (Zoning Docket F-1471). 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 RS-15-S (Residential Building, Single Family; and Planned Residential Development), 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 RS-15-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 GRADING PERMITS:
  a. Developer shall obtain a driveway permit from NCDOT.
  b. Developer shall obtain a watershed permit. 30’ stream buffer to be flagged in the field.
  c. The developer shall submit a storm water management study for review by the Village of Clemmons. The developer may incorporate any recommendations provided by the Village of Clemmons into the final plan.
  d. Developer shall contact the Army Corp of Engineers and NC Department of Environment and Natural Resources prior to any land disturbing activity on the site.
  e. Developer shall complete a study of the public sewer system to determine if there is adequate capacity.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Developer shall record a final plat in the Office of the Register of Deeds. Plat shall include a negative access easement along Lasater Road and on both sides of Peace Haven Road.
• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Developer shall install sidewalks along Peace Haven Road.
  b. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.
  c. Developer shall install all storm water management devices.
  d. Developer shall install all requirements of the driveway permit.
  e. Developer shall complete the necessary capacity upgrades to the public sewer system in accordance with the requirements of the Utilities Department.
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Jade Associates III, LLC and Trustees for the Lewis Ray Allgood Trust, Docket F-1471

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-40 and RM-15-S (Residential Building, Single Family and Planned Residential Development) to RM-15-S (Residential Building, Single Family and Planned Residential Development) the zoning classification of the following described property:

Tax Block 4234, Tax Lots 4B, 6A, 6D, 10E, 202, and 312

Section 2. This Ordinance is adopted after approval of the site plan entitled Jade Associates III, LLC and L. Ray Allgood, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of ________________, 20____ to Jade Associates III, LLC and Trustees for the Lewis Ray Allgood Trust.

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 Jade Associates III, LLC and L. Ray Allgood. 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.
### CITY-COUNTY PLANNING BOARD
### STAFF REPORT

#### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1471</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Wayne Eugene Ellingham, Louise S. Ellingham, Philip B. Blackwood, and Kelly S. Blackwood</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lots 4B, 6A, 6D, 202, 312 and 10E / Tax Block 4234</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use District rezoning from RS15-S and RS-40 to RS15-S for a 62 unit single family Planned Residential Development</td>
</tr>
</tbody>
</table>

**Proposal**

The subject request was continued from the October 12, 2006 Planning Board meeting to the November 9, 2006 Planning Board meeting and then to the December 14, 2006 Planning Board meeting at the request of the petitioner. A revised site plan which meets UDO requirements has been received.

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS15-S PRD and RS-40 Residential, Single Family District; 40,000 sf minimum lot size to RS-15-S PRD. The petitioner is requesting the following uses:

- (Residential Building, Single Family; and Planned Residential Development)

**Zoning District Purpose Statement**

The RS-15 District is primarily intended to accommodate low to moderate density single family detached dwellings in suburban and urban areas. This district is intended for application in Growth Management Areas 2 and 3.

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

Yes

#### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>North and south sides of Peace Haven Road east of Lasater Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 30.22 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The majority of this site is primarily undeveloped with the exception of a few single family homes and associated accessory buildings.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-40</td>
<td>Single family homes and undeveloped property</td>
</tr>
<tr>
<td>East</td>
<td>RS-15 and RS-40</td>
<td>Single family homes and undeveloped property</td>
</tr>
</tbody>
</table>
### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

<table>
<thead>
<tr>
<th></th>
<th>South</th>
<th>RS-15 and RS-40</th>
<th>Single family homes and undeveloped property</th>
</tr>
</thead>
<tbody>
<tr>
<td>West</td>
<td>RS-40</td>
<td>Single family homes and undeveloped property</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

### Physical Characteristics

The subject property contains some mature woodlands and has a moderate slope downward toward the south. The pond on the southwestern tract is shown as a wetland on the National Wetlands Inventory Map. The site plan indicates that the dam for this pond may be removed or modified. Another pond is located directly adjacent to the tract on the north side of Peace Haven Road. The petitioner is responsible for complying with all State and Federal requirements for wetlands protection and should contact the Army Corp of Engineers and NC Department of Environment and Natural Resources prior to any land disturbing activity on the site.

### Proximity to Water and Sewer

Public water is available to the site. Public sewer is also available provided upgrades are made to the Clemmons Pump Station #5.

### Storm water/Drainage

The site drains into the backyards of single family homes located within the Village of Clemmons corporate limits. Therefore during the previous rezoning, F-1454, which included a majority of the subject property, the Village recommended that a storm water management study be completed. More specifically, the Village recommended that any additional runoff created by the project that is above the current runoff values should be required to be maintained on site for the 2, 10, and 25 year storm event. This was included as a rezoning condition.

### Watershed and Overlay Districts

The site is located in the Yadkin River direct drainage area, an area regulated as a WS-IV Water Supply Watershed.

### Analysis of General Site Information

The majority of the subject property was recently rezoned from RS-40 and RS15-S PRD to RS15-S PRD (F-1454 and F-1464). The current request no longer includes the ±7.34 acre Meadow Glen portion, which is currently under construction, but adds ±5.6 acres of RS-40 zoned property located on the north and south corners of the intersection of Peace Haven Road and Lasater Road.

In regard to public sewer, the petitioner has been advised no further capacity is available until upgrades are made to the system. As a condition of the above mentioned rezoning case, a capacity study has been submitted by the petitioner and reviewed by the Utilities Department. Both parties have agreed to the necessary improvements which the petitioner will make to the system, prior to the issuance of occupancy permits, in accordance with the requirements of the Utilities Department.
The site is adjacent to the Village of Clemmons. A condition on the previous rezoning was included pertaining to storm water management. In addition, due to the existing impounded pond on the site, the Army Corp of Engineers and NC Department of Environment and Natural Resources should review the request prior to the issuance of any permits.

**Generalized Recommended Conditions**

<table>
<thead>
<tr>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Developer shall obtain a grading permit.</td>
</tr>
<tr>
<td>• Developer shall obtain a watershed permit.</td>
</tr>
<tr>
<td>• Developer shall provide a storm water management study.</td>
</tr>
<tr>
<td>• Developer shall upgrade the public sewer capacity.</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>Peace Haven Road</td>
<td>Minor Thoroughfare</td>
<td>2,086’</td>
<td>5,100</td>
<td>18,000</td>
</tr>
<tr>
<td>Lasater Road</td>
<td>Minor Thoroughfare</td>
<td>937’</td>
<td>1,700</td>
<td>11,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s):** Peace Haven Road and Lasater Road

**Planned Road Improvements:** The Thoroughfare Plan recommends that sidewalks be provided along Peace Haven Road and bike lanes be provided along Lasater Road.

**Trip Generation - Existing/Proposed:**

- **Existing Zoning:** RS15-S and RS-40
  
  5.6 acres (RS-40) x 43,560 sf / 40,000 sf = 6 units + 55 units (RS15-S) = 61 units x 9.57 (SFR Trip Rate) = 584 Trips per Day

- **Proposed Zoning:** RS15-S
  
  62 units x 9.57 (SFR Trip Rate) = 593 Trips per Day

**Sidewalks:** No sidewalks are located in the general area however sidewalks were required along the southern side of Peace Haven Road as per the Thoroughfare Plan on the previous rezoning. Transportation staff recommends a sidewalk along the northern side of Peace Haven Road. Sidewalks are also volunteered along one side of the streets within the “Havenbrook” section south of Peace Haven Road consistent with the approved plan.

**Transit:** Not available

**Connectivity:** See comments below

**Analysis of Site Access and Transportation Information:** In accordance with the Subdivision Regulations and in order to facilitate greater connectivity and minimize dead-end streets it is recommended that a stub street be provided to the south for Havenbrook Lane.

**Generalized Recommended Conditions**

<table>
<thead>
<tr>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Developer shall obtain a driveway permit from NCDOT.</td>
</tr>
</tbody>
</table>
### SCHOOL DISTRICT INFORMATION

<table>
<thead>
<tr>
<th>Schools Serving Zoning Site</th>
<th>Projected Students From Project</th>
<th>2006-2007 Enrolled Students</th>
<th>2006-2007 Projected Students w/ Accumulated Totals</th>
<th>School Capacity</th>
<th>Number of Mobile Classrooms on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Southwest ES</td>
<td>28</td>
<td>984</td>
<td>1,012</td>
<td>625</td>
<td>10</td>
</tr>
<tr>
<td>Meadowlark MS</td>
<td>14</td>
<td>1,167</td>
<td>1,181</td>
<td>702</td>
<td>7</td>
</tr>
<tr>
<td>West Forsyth HS</td>
<td>19</td>
<td>2,109</td>
<td>2,128</td>
<td>1,511-1,774</td>
<td>11</td>
</tr>
</tbody>
</table>

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>GMA 3 (Suburban Neighborhoods)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td>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 also recommends that new streets in residential areas must be designed to accommodate all users. Greater connectivity between residential streets would distribute the total traffic, ease congestion and make movement easier for all modes of transportation.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>Clemmons Area Development Guide, (CADG, 1998)</td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>The CADG recommends single family residential for the subject property.</td>
</tr>
<tr>
<td>Other Applicable Plans and Planning Issues</td>
<td>Site is adjacent to the Village of Clemmons. During the previous rezoning, the Village recommended that a storm water management study be completed as the site drains into the backyards of single family homes located within the Village limits. This study was then included as a required condition, see condition “c.” under Prior to the Issuance of Grading Permits.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>(S)(3) - Have changing conditions substantially affected the area in the petition? No (S)(4) - Is the requested action in conformance with Legacy? See comments below.</td>
</tr>
</tbody>
</table>
Analysis of Conformity to Plans and Planning Issues

The proposed request is consistent with the CADG which recommends single family residential development for the subject property. However, Legacy recommends allowing increased densities in the Suburban Neighborhoods GMA only when services are available. Practically all of the proposed lots will be less than 20,000 sf and therefore require public sewer service. Currently, there is no additional sewer capacity in the general area. However, as required as a condition under the previously mentioned rezoning (F-1454) the petitioners have made acceptable arrangements for the necessary capacity upgrades, as per the requirements of the Utilities Department.

The proposed site plan includes 14 lots within the Havenbrook section which back up to Peace Haven Road and Lasater Road. In order to minimize the visual impact which the rear of these lots may have on said streets, it is recommended that a buffer be provided along said streets at the rear lot line.

Generalized Recommended Conditions

BRIEF DESCRIPTION OF CONDITION(S):

- Signage shall be limited to two (2) monument signs with a maximum height of six (6) feet.

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>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Staff</td>
</tr>
<tr>
<td>F-1464</td>
<td>RS-40 and RS15-S PRD to RS15-S PRD</td>
<td>Approved</td>
<td>Included majority of current site</td>
<td>32.95</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1454</td>
<td>RS-40 to RS15-S PRD</td>
<td>Approved 4-24-06</td>
<td>Included majority of current site</td>
<td>31.77</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1405</td>
<td>RS-40 to RS-15</td>
<td>Approved 4-12-04</td>
<td>Adjoins southeastern portion of site</td>
<td>27.35</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1315</td>
<td>RS-40 to RS15-S PRD</td>
<td>Approved 7-24-00</td>
<td>±900’ north</td>
<td>30.46</td>
<td>Approval</td>
</tr>
</tbody>
</table>

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Units (by type) and Density</th>
<th>2.05 single family units per acre (62 lots)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building Height</td>
<td>Maximum</td>
</tr>
<tr>
<td>40’</td>
<td></td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum</td>
</tr>
<tr>
<td>24% (with a curb and gutter drainage system)</td>
<td>Less than 24%</td>
</tr>
</tbody>
</table>
| UDO Sections Relevant to Subject Request | • Chapter B, Article II, Section 2-1.2 (F) RS-15 Single Family Residential District;  
• Chapter B, Article II Section 2-5.58 Planned Residential Development;  
• Chapter D Subdivision Regulations |
|-----------------------------------------|----------------------------------------------------------------------------------|
| Complies with Chapter B, Article VII, Section 7-5.3 | (A) Legacy policies: See comments above.  
        (B) Environmental Ord. Yes  
        (C) Subdivision Regulations Yes |
| Analysis of Site Plan Compliance with UDO Requirements | The revised site plan complies with the requirements of the UDO. |

### REMAINING SITE PLAN ISSUES

<table>
<thead>
<tr>
<th>Issue</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide buffer along rear property lines of the lots within Havenbrook which back up to Peace Haven Road and Lasater Road. (recommendation)</td>
<td>The petitioner does not wish to incorporate these recommendations into the revised site plan</td>
</tr>
<tr>
<td>Provide a stub street to the south from Havenbrook Lane. (recommendation)</td>
<td></td>
</tr>
<tr>
<td>Convert Haven Bluff Lane from a private access easement to a public street and provide a stub street to the east. (recommendation)</td>
<td>The petitioner has reconfigured this portion of the site with private access easement from Peace Haven Road as opposed to Lasater Road.</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>Request would allow the continuance of the adjacent RS-15 development pattern.</td>
<td>Request would permit the creation of lot sizes which require public sewer in an area which has no additional sewer capacity available at this time.</td>
</tr>
</tbody>
</table>

### SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

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 GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from NCDOT.
  b. Developer shall obtain a watershed permit. 30’ stream buffer to be flagged in the field.
  c. The developer shall submit a storm water management study for review by the Village of Clemmons. The developer may incorporate any recommendations provided by the Village of Clemmons into the final plan.
d. Developer shall contact the Army Corp of Engineers and NC Department of Environment and Natural Resources prior to any land disturbing activity on the site.

e. Developer shall complete a study of the public sewer system to determine if there is adequate capacity.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Developer shall record a final plat in the Office of the Register of Deeds. Plat shall include a negative access easement along Lasater Road and on both sides of Peace Haven Road.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Developer shall install sidewalks along the south side of Peace Haven Road.
  b. Signage shall be limited to two (2) monument signs, one on each side of Peace Haven Road, with a maximum height of six (6) feet.
  c. Developer shall install all storm water management devices.
  d. Developer shall install all requirements of the driveway permit.
  e. Developer shall complete the necessary capacity upgrades to the public sewer system in accordance with the requirements of the Utilities Department.

**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** - October 12, 2006

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved continuance of the zoning map amendment and site plan to November 9, 2006.
SECOND: Paul Mullican
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Clarence Lambe,
        Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

PUBLIC HEARING - November 9, 2006

FOR: None
AGAINST: None

WORK SESSION

MOTION: Jerry Clark moved continuance of the zoning map amendment and site plan to
        December 14, 2006.
SECOND: Paul Mullican
VOTE:
   FOR: Jerry Clark, Carol Eickmeyer, Arnold King, Arthur King, Lynne Mitchell, Paul
        Mullican
   AGAINST: None
   EXCUSED: None

PUBLIC HEARING - December 14, 2006

FOR: None
AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment, 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, Clarence
        Lambe, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None
According to information furnished by the Office of the Tax Assessor on September 11, 2006, the subject property was in the name of Jade & Associates III, LLC and L. Ray Allgood.

A. Paul Norby, FAICP
Director of Planning