DOCKET #: F1454
(Continued from 2/9/06 CCPB meeting)

PROPOSED ZONING:
RS15-S (Planned Residential Development [PRD])

EXISTING ZONING:
RS-40

PETITIONER:
Jade Associates Inc.
for property owned by
Wayne Eugene Ellingham
and Louise S. Ellingham

SCALE: 1" represents 800'
STAFF: Roberts
GMA: 3
ACRE(S): 31.77
MAP(S): 576830, 576834
March 22, 2006

Wayne Eugene Ellingham and Louise S. Ellingham
1650 S. Peace Haven Road
Clemmons, NC  27012

RE:   ZONING MAP AMENDMENT F-1454

Dear Mr. Ellingham & Ms. Ellingham:

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 Jade Associates for property owned by Wayne Eugene Ellingham and Louise S. Ellingham from RS-40 to RS-15-S (Residential Building, Single Family; and Planned Residential Development): property is located on the north and south sides of Peace Haven Road east of Lasater Road (Zoning Docket F-1454).

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 ORDINANCE - SPECIAL USE

Zoning Petition of Jade Associates for property owned by Wayne Eugene Ellingham and Louise S. Ellingham, Docket F-1454

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 to RS-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, 202 and 312

Section 2. This Ordinance is adopted after approval of the site plan entitled Jade Associates, Inc./Havenbrook, 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 for property owned by Wayne Eugene Ellingham and Louise S. Ellingham.

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, Inc./Havenbrook. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated therein.

Section 4. This Ordinance shall be effective from and after its adoption.
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 for property owned by Wayne Eugene Ellingham and Louise S. Ellingham (Zoning Docket F-1454). 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 ANY PERMITS:**
  a. Developer shall complete a study of the public sewer system to determine if there is adequate capacity.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from NCDOT.
  b. Developer shall obtain a watershed permit.
  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.
• 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.
CITY-COUNTY PLANNING BOARD STAFF  
STAFF REPORT FOR: Docket # F-1454  
March 9, 2006

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1454</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Jade Associates</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Wayne Eugene Ellingham and Louise S. Ellingham</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lots 4B, 6A, 6D, 202, and 312 / Tax Block 4234</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use District rezoning to RS15-S for a 68 unit single family Planned Residential Development</td>
</tr>
</tbody>
</table>

**Proposal**

The subject request was continued from the February 9, 2006 Planning Board meeting to the March 9, 2006 Planning Board meeting in order for the petitioner to work with the Utilities Department on obtaining adequate public sewer capacity. 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 need to make to the system.

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

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

**Zoning District**

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 ± 31.77 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The site is primarily undeveloped with the exception of a few single family homes and associated accessory buildings.</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td></td>
</tr>
<tr>
<td>Direction</td>
<td>Zoning District</td>
</tr>
<tr>
<td>North</td>
<td>RS-40</td>
</tr>
<tr>
<td>East</td>
<td>RS-15 and RS-40</td>
</tr>
<tr>
<td><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</strong></td>
<td>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

| **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 backyard of single family homes located within the Village of Clemmons corporate limits. Therefore the Village recommends that a storm water management study be completed. More specifically, the Village recommends 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. |

| **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 site is adjacent to the Village of Clemmons which has recommended that a storm water management study be required. 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. However, a more fundamental concern with the request pertains to the lack of sewer capacity in the area. The petitioner has been advised that until the necessary upgrades are made to the Clemmons Pump Station #5, no additional connections will be approved. 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 need to make to the system, prior to the issuance of building permits, in accordance with the requirements of the Utilities Department. |

| **Generalized Recommended** | BRIEF DESCRIPTION OF CONDITION(S):
- Developer shall obtain a grading permit. |
Conditions

- Developer shall obtain a watershed permit.
- Developer shall provide a storm water management study.
- Developer shall upgrade the public sewer capacity.

### 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>1,633’</td>
<td>5,100</td>
<td>18,000</td>
</tr>
<tr>
<td>Lakefield Drive</td>
<td>Local Street</td>
<td>50’</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Lasater Road</td>
<td>Minor Thoroughfare</td>
<td>237’</td>
<td>1,700</td>
<td>11,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

Peace Haven Road, Lakefield Drive and Lasater Road

**Planned Road Improvements**

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

**Trip Generation - Existing/Proposed**

- Existing Zoning: RS-40
  
  \[
  31.77 \text{ acres} \times 43,560 \text{ sf} / 40,000 \text{ sf} = 34 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 325 \text{ Trips per Day}
  \]

- Proposed Zoning: RS15-S
  
  \[
  68 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 651 \text{ Trips per Day}
  \]

**Sidewalks**

No sidewalks are located in the general area however sidewalks are recommended along Peace Haven Road as per the Thoroughfare Plan.

**Transit**

Not available

**Connectivity**

The proposed street pattern demonstrates good internal and external connectivity.

**Analysis of Site Access and Transportation Information**

Access to the subject property is adequate. The southeastern tract will connect onto Lakefield Drive as an extension of the Meadow Glen subdivision. The southwestern tract will not be connected to the southeastern tract due to the previously platted street layout of Meadow Glen. The southwestern tract will access directly onto Peace Haven Road and includes two stubs to the west. The northern tract will utilize two private access easements onto Peace Haven Road and Lasater Road.

**Generalized Recommended Conditions**

- Developer shall obtain a driveway permit from NCDOT.

### SCHOOL DISTRICT INFORMATION

<table>
<thead>
<tr>
<th>Schools Serving Zoning Site</th>
<th>Project Students From Project</th>
<th>2005-2006 Enrolled Students</th>
<th>2005-2006 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>30</td>
<td>1,026</td>
<td>1,056</td>
<td>625</td>
<td>10</td>
</tr>
<tr>
<td>Meadowlark MS</td>
<td>15</td>
<td>1,201</td>
<td>1,216</td>
<td>702</td>
<td>7</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><em>Legacy</em> 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.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td><em>Clemmons Area Development Guide, (CADG, 1998)</em></td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>The <em>CADG</em> 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. The Village recommends that a storm water management study be completed as the site drains into the backyard of single family homes located within the Village limits.</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</td>
</tr>
<tr>
<td>(S)(4) - Is the requested action in conformance with <em>Legacy</em>?</td>
<td>See comments below.</td>
</tr>
<tr>
<td>Analysis of Conformity to Plans and Planning Issues</td>
<td>The proposed request is consistent with the <em>CADG</em> which recommends single family residential development for the subject property. However, <em>Legacy</em> 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. Staff recommends the petitioners make acceptable arrangements for the necessary capacity upgrades, as per the requirements of the Utilities Department, before any requests for increased density are approved.</td>
</tr>
<tr>
<td>Generalized Recommended Conditions</td>
<td><strong>BRIEF DESCRIPTION OF CONDITION(S):</strong></td>
</tr>
<tr>
<td></td>
<td>• Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.</td>
</tr>
</tbody>
</table>

### 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-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>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

| Units (by type) | 2.14 single family units per acre (68 lots) |

F-1454 March 2006 9
<table>
<thead>
<tr>
<th>and Density Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40’</td>
<td>40’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>24% (with a curb and gutter drainage system)</td>
<td>Less than 24%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th>(A) Legacy policies:</th>
<th>See comments above.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(B) Environmental Ord.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>(C) Subdivision Regulations</td>
<td>Yes</td>
</tr>
</tbody>
</table>

| Analysis of Site Plan Compliance with UDO Requirements | The site plan meets UDO requirements. |

**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**

**PRIOR TO THE ISSUANCE OF ANY PERMITS:**

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

**PRIOR TO THE ISSUANCE OF GRADING PERMITS:**

- a. Developer shall obtain a driveway permit from NCDOT.
- b. Developer shall obtain a watershed permit.
- 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.

**PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

- a. Developer shall complete the necessary capacity upgrades to the public sewer system in accordance with the requirements of the Utilities Department.
- b. 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.

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 - February 9, 2006

FOR: None
AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning map amendment and site plan to March 9, 2005.
SECOND: Paul Mullican
VOTE:
   FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith
   AGAINST: None
   EXCUSED: None

PUBLIC HEARING - March 9, 2006

FOR: None
AGAINST: None

WORK SESSION

MOTION: Paul Mullican 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, Carol Eickmeyer, Arnold King, Clarence Lambe, Lynne Mitchell,
        Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

According to information furnished by the Office of the Tax Assessor on January 3, 2006, the
subject property was in the name of Wayne E Ellingham and Louise Ellingham.

_________________________
A. Paul Norby, AICP
Director of Planning