DOCKET #: F1428
(Continued from 3/10/05 and 4/14/05 CCPB meeting)

PROPOSED ZONING:
RS40-S (Residential Building, Single Family; Utilities)

EXISTING ZONING:
AG

PETITIONER:
Virginia Gail R. Maner & Barry P. Maner for property owned by Same

SCALE: 1" represents 400'
STAFF: Roberts
GMA: 4
ACRE(S): 20.11
MAP(S): 678830
May 25, 2005

Gail R. Maner & Barry P. Maner
2500 Pine Meadow Drive
Kernersville, NC  27284

RE:  ZONING MAP AMENDMENT F-1428

Dear Mr. & Mrs. Maner:

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
     Phil Searcy (Wells Jenkins), 155 Sunnynoll Court, Winston-Salem, NC  27106
     Larry Callahan, 2551 Renn Road, Kernersville, NC  27284
     Barry P. Maner, 125 Winterbury Place Trail, Kernersville, NC  27284
MEETING DATE: ________________________  AGENDA ITEM NUMBER: ______

SUBJECT:-

A. Public Hearing on Zoning map amendment of Virginia Gail R. Maner and Barry P. Maner from AG to RS-40-S (Residential Building, Single Family): property is located on the west side of Pine Meadow Drive north of High Point Road (Zoning Docket F-1428).

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 Virginia Gail R. Maner and Barry P. Maner, Docket F-1428

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 AG to RS-40-S (Residential Building, Single Family) the zoning classification of the following described property:

Tax Block 5617, Tax Lot 124

Section 2. This Ordinance is adopted after approval of the site plan entitled Virginia Gail R. Maner and Barry P. Maner, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _________________, 20_____ to Virginia Gail R. Maner and Barry P. Maner.

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 Virginia Gail R. Maner and Barry P. Maner. 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 Virginia Gail R. Maner and Barry P. Maner (Zoning Docket F-1428). 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-40-S (Residential Building, Single Family), 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-40-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; additional improvements may be required prior to issuance of driveway permit.
  b. Site is within the Abbotts Creek WS III Watershed. Petitioner shall obtain a Watershed Permit from the Inspections Division.

• PRIOR TO THE SIGNING OF PLATS
  a. All required fire hydrants shall be installed or bonded in accordance with the Forsyth County Fire Department.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall record a plat in the office of the Register of Deeds. Plat shall include a 40 foot wide greenway easement along the western border of lots 9, 10, and 11 along with a 20 foot pedestrian public access easement connecting Rocky Springs Court to said Greenway easement. Existing trees within said 40-foot easement are to remain with the exception of those to be removed in association with any future Greenway construction.
ZONING STAFF REPORT

DOCKET # F-1428
STAFF: Gary Roberts

Petitioner(s): Virginia Gail R. Maner and Barry P. Maner
Ownership: Same

REQUEST

From: AG Agricultural District; 40,000 sf minimum lot size
To: RS-40-S Residential Single Family District; minimum lot size 40,000 sf
(Residential Building, Single Family)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 20.11

CONTINUANCE HISTORY

The subject request was continued from the March 10, 2005 Planning Board meeting to the April 14 meeting and from the April 14 meeting to the May 12 meeting. Planning staff has not seen or heard of any changes to the proposal and the staff recommendation remains for denial.

LOCATION:

Street: West side of Pine Meadow Drive south of US 311.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: 16 lot single family subdivision.
Building Height: 40 foot maximum.
Density: 0.796 units per acre.
Bufferyard Requirements: No bufferyards required.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: One single family residence.
Adjacent Uses:
   North - Undeveloped property and single family residential along US 311 zoned AG.
   East - Vulcan Quarry and Concrete Plant zoned GI-S.
South - Undeveloped property and single family residential zoned AG.
West - Undeveloped property along Idlewild Road Branch and Abbotts Creek zoned AG.

GENERAL AREA

Character/Maintenance: Well maintained, low density residential with a large rock quarry located across Pine Meadow Drive.
Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. F-1382; AG and GI-S (Asphalt and Concrete Plant) to GI-S (Mining, Quarry or Extractive Industry; and Asphalt and Concrete Plant); approved June 23 2003; south side of US 311 between NC 66 and Pine Meadow Drive; 190.59 acres; Planning Board and staff recommended approval.

2. F-591; R-6 to I-3-S (Manufacturing, Asphalt Plant); approved November 23, 1981; southwest corner of NC 66 and new US 311; 3.7 acres; Planning Board recommended approval, staff recommended denial.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Removal of some vegetation and grading to accommodate proposed streets and house lots.
Topography: Moderate slope downward generally from the northern section of the site to the southern section.
Streams: Abbotts Creek and Idlewild Road Branch are located less than 300 feet to the west of the site.
Vegetation/habitat: Approximately half of the site consists of mature woods.
Floodplains: The 100 year floodplain of Abbotts Creek and Idlewild Road Branch are located within 50 feet of the western border of the site.
Environmental Resources Beyond The Site: The property is adjacent to a floodplain along Abbotts Creek. Care must be taken during and after the construction process to minimize detrimental effects to water quality or flood plain alteration.
Water Supply Watershed: Property is located within the WS-III Abbotts Creek Water Supply Watershed.
Compliance with Watershed Protection Regulations: The petitioner is responsible for complying with all applicable watershed protection regulations.
Amount of AG Zoned Land Rezoned to Other Districts Since the Creation of the AG District on December 31, 1994: 1,716.9 acres; Balance: 59,799.63 acres. Note: If F-1427 is approved the number would change to 1,754.26 with a balance of 59,762.27 acres.
TRANSPORTATION

Direct Access to Site: Pine Meadow Drive
Street Classification: Local street.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): No counts available for Pine Meadow Drive.
Trip Generation/Existing Zoning: AG
21 units x 9.57 (SFR Trip Rate) = 201 Trips per Day
Trip Generation/Proposed Zoning: RS-40-S
16 units x 9.57 (SFR Trip Rate) = 153 Trips per Day
Planned Road Improvements/Thoroughfare Plan: No improvements to Pine Meadow Drive are proposed.
Sight Distance: Adequate.
Interior Streets: Public.
Connectivity of street network: Good.
Sidewalks: No sidewalks are located in the general area.
Traffic Calming: None.
Transit: None.
Bicycle Route: None.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway/Trail Name: Abbotts Creek.
Easement Requested: 40 feet along the western border of the subject property.
Parks/Open Space Designation: The rear portion of this site, near Abbotts Creek and Idlewild Road Branch, is shown in an area that was generally indicated as a potential future park in the Union Cross/Southeast Forsyth County Area Plan, adopted in 2004. This is proposed as one of five potential parks with links to the greenway system recommended in the Plan. Although a potential park in this area is indicated on the draft Parks and Open Space Plan, the plan has not yet been through the public hearing and adoption process, and no funding that has been set aside for future parks.
Comments/Status of Trail: Unimproved, no money budgeted for construction.

CONFORMITY TO PLANS

GMP Area (Legacy): Future Growth Area, GMA 4.
Relevant Comprehensive Plan Recommendation(s): Legacy encourages neighborhoods to be pedestrian-friendly.
Area Plan/Development Guide: Union Cross/Southeast Forsyth County Area Plan, 2004
Relevant Development Guide Recommendation(s): The Union Cross/Southeast Forsyth County Area Plan, identifies the eastern portion of the site for “Rural Conservation Subdivision.” The western portion of the site, near the stream, is shown as part of a general area suggested for a future park location. For Rural Conservation Subdivisions, the Plan recommends: allowance of the same or slightly higher density and dwelling unit
potential as would be allowed for the property under conventional AG zoning, but clustering the units and lots so there would be 50% open space; open space can be common area or protected by an easement to a land trust; and areas to be left undeveloped could include prime farmland, wetland, floodplains, and stands of mature trees or scenic views.

**WINSTON-SALEM/FORSYTH COUNTY SCHOOLS**

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 16 students to the system, as indicated by the following chart.

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Units</th>
<th>Schools</th>
<th>Projected Students from Project</th>
<th>2004-2005 Enrolled Students</th>
<th>2004-2005 Projected Students with Accumulated Totals since 4/15/04</th>
<th>School Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-1428</td>
<td>16</td>
<td>Union Cross ES</td>
<td>7</td>
<td>1,021</td>
<td>1,028</td>
<td>709</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Southeast MS</td>
<td>4</td>
<td>1,189</td>
<td>1,193</td>
<td>722</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Glenn HS</td>
<td>5</td>
<td>1,836</td>
<td>1,841</td>
<td>924-1,222</td>
</tr>
</tbody>
</table>

**ANALYSIS**

The subject request is to rezone 20.11 acres located on the western side of Pine Meadow Drive from AG to RS-40-S in order to accommodate a 16 lot single family subdivision. The property is currently undeveloped with the exception of one single family house which would be incorporated into the proposed subdivision. The surrounding area is generally characterized by low density residential uses zoned AG. A large rock quarry for Vulcan Materials is located across Pine Meadow Drive and is zoned GI-S.

The site is located within the *Union Cross/Southeast Forsyth County Area Plan* which was adopted in 2004. The plan identifies the eastern portion of the site for “Rural Conservation Subdivision.” Rural Conservation Subdivisions are recommended to have a maximum density of 1 to 1.25 dwelling units per acre allowing the full development potential to be clustered so that 50% of the site retained as undeveloped open space. The plan also indicates a general area, including the western portion of the site, shown potentially for a future public park which would link with the future Abbotts Creek Greenway.

The proposed rezoning is for a conventionally designed RS-40 subdivision with no open space component. Public streets are proposed including stub streets to the north and south. No public sewer is available to the site and public water would be provided by Davidson Water, Inc. to the south. Such an extension must be approved by the City-County Utilities Commission and the County Commissioners following application for said extension. The minimum lot size
requirement of 40,000 square feet is the same for both the AG and the RS-40 districts. However, the existing AG district has a 150 foot minimum lot width requirement as compared to 100 feet within the proposed RS-40-S district. This 1/3 reduction in lot width would result in the houses being placed closer together which would create a more dense character for the street. Without the off setting open space, the more narrow lot pattern creates an environment out of keeping with the prevailing AG zoning and more rural surroundings, which the adopted area plan encourages for this area.

The rationale behind the rezoning request from AG to RS-40-S appears to be for the reduced lot width allowed in RS-40. It is staff’s position that the reduced lot width can be better addressed through a Planned Residential Development (PRD) request under existing AG zoning. Under the PRD provisions, there is no minimum lot size or width requirement and the site could potentially be developed with 21 lots provided the 35% open space component is met. This would achieve the narrower lots requested by the applicant, would provide a greater portion of open space preserved, and maintain a more cohesive zoning pattern in the area by retaining the AG zoning.

FINDINGS

1. The Union Cross/Southeast Forsyth County Area Plan identifies the eastern portion of the site, for “Rural Conservation Subdivision”.

2. Rural Conservation Subdivisions are recommended to allow for a slightly higher maximum density of 1 to 1.25 dwelling units per acre when 50% of the site retained as undeveloped open space. In lieu of that, the Plan recommends retention of AG zoning.

3. The proposed site plan preserves no open space.

4. The subject property could be developed under existing AG zoning as a PRD with no minimum lot width and 35% open space under the current zoning.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.
  b. Site is within the Abbots Creek WS III Watershed. Petitioner shall obtain a Watershed Permit from the Inspections Division.

- **PRIOR TO THE SIGNING OF PLATS**
  a. All required fire hydrants shall be installed or bonded in accordance with the Forsyth County Fire Department.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall record a plat in the office of the Register of Deeds. Plat shall include a 40 foot wide greenway easement along the western border of lots 9, 10, and 11 along with a 20 foot pedestrian public access easement connecting Rocky Springs Court to said Greenway easement. Existing trees within said 40-foot easement are to remain with the exception of those to be removed in association with any future Greenway construction.

SUMMARY STATEMENT OF CONDITIONS BASED UPON SPECIAL USE DISTRICT DESIGNATION

Planning staff has recommended the following condition which is beyond the minimum standards of the UDO: Existing trees within said 40-foot easement are to remain with the exception of those to be removed in association with any future Greenway construction.

PUBLIC HEARING - March 10, 2005

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning map amendment and site plan to April 14, 2005.
SECOND: Paul Mullican
VOTE:
  FOR: Clark, Eickmeyer, Glenn, King, Lambe, Mullican, Norwood, Smith
  AGAINST: None
  EXCUSED: None

PUBLIC HEARING - April 14, 2005

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved continuance of the zoning map amendment and site plan to May 12, 2005.
SECOND: Jerry Clark
VOTE:
FOR: Clark, Folan, Glenn, King, Mullican, Norwood
AGAINST: None
EXCUSED: None

Gary Roberts presented the staff report.

**PUBLIC HEARING - May 12, 2005**

FOR:

Larry Callahan, 2551 Renn Road, Kernersville, NC 27284
- There is one house already on this site. We are asking for 15 additional lots.
- It's my contention that if you build 21 houses (as we could if we followed staff's recommendation), you use up more land and open space than if you build 15 houses. Yes, your open land would be left in one larger chunk, but we don't want that.
- We want nice homes that are spread out to where the people can have a lot, not a postage stamp. We just want to build a quality home on 15 lots, not pack 21 homes on 7, 8, 10 acres of land.

Barry Maner, 125 Winterbury Place Trail, Kernersville, NC 27284
- I've had this property for several years.
- 21 houses is just too many for this site. I'd just like to see a whole lot less houses.
- We want people to have room for their houses.

AGAINST: None

**WORK SESSION**

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

1. The site could be developed as a PRD under AG zoning with 35% open space. The area plan recommends open space preservation subdivision of up to 50% open space. The submitted site plan does not designate any open space.

2. The area plan recommends developing under the present AG or going to an Open Space Preservation Subdivision.

3. Why do we have to rezone it? He's short a few feet frontage on lot width which has to be at least 150' for AG District and 100' for RS-40 District.

4. Clarence Lambe: We have a *Southeast Area Plan* which encourages conservation subdivisions. We also have the preservation of the current character of the neighborhoods to think about (part of staff analysis). A legitimate question to ask is whether this proposal is more like what is out there now or would a more tightly packed open subdivision be more like what is out there now? It's a novel kind of thing. I like the idea of conservation subdivisions for a number of
reasons, but I think that's the balancing that we have to do. If he were asking for the maximum number of lots he could get on the land, maybe we'd weigh it more heavily towards trying to go and design an open space subdivision. Since he's asked for a reduced number of lots which he could get by right, then he is maintaining lots and houses on lots probably more like the rural houses that are out there right now.

5. Brenda Smith: I don't see enough basis to deny their request for bigger lot sizes if that's the type of development that they desire to have instead of little bitty lots. It seems like it comes down to whether the open space is under the control of the Homeowner's Association or is it spread out and under the control of the individual lot owners. If it's a recommendation from the area plan, I don't think that's strong enough to say "you can't do this here."

6. Arnold King: I don't think we can insist that everything out there is rural conservation subdivision. Not everyone wants to live like that. Some folks do want an acre lot. I think the market will sort of drive it.

7. Paul Mullican: As rough as this piece of land is, that's another reason I like to see the larger lots. He's taking a rough piece of land and he's got to have something to work with.

8. Jimmy Norwood: If we have more units, we're going to have more students. That's something to think about. I'm concerned that if we break it up, it's gonna be squeezed tighter, so what you think is going to be open space is going to be faulty open space. If someone owns the gully on the west, they can do something with it. In Homeowner's Association ownership, it would not be quality open space.

9. Jerry Clark: Paul, what pressure would this put on the surrounding land to develop the same way? Paul Norby: Probably this going to RS-40-S would signal that it's okay for the other land in the vicinity to go RS-40-S. I don't think it signals any more intense zoning than that, but certainly it would signal to other folks that policy-wise, RS-40-S would probably be acceptable. Jerry Clark: Let's say someone comes up next to it and it's possible to put a PRD there, closer, smaller lots, right up next to this property, is that a problem? Paul Norby: No, I think the quality of the design is going to depend on what the nature of that tract is, where you locate the open space, and whether you are going to end up with the feel that you're still in a rural area. There are a lot of ways to answer that question. Some wouldn't give you that feel and some would.


11. Paul Norby: The area plan shows a potential district park in this area. Of course, we don't know whether or when or how that's going to take place.
12. Paul Norby: We're trying to encourage in the rural conservation area either staying as close as possible to the AG District zoning or utilizing the cluster subdivision model. Paul Norby: This request actually lowers the density but it gives him, with the product he wants to build, the flexibility for the lot width given that his approach is not to provide the shared open space.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Clarence Lambe
VOTE:
FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
AGAINST: None
EXCUSED: None

According to information furnished by the Office of the Tax Assessor on February 4, 2005, the subject property was in the name of Virginia Gail R. Manor and Barry P. Maner.

_______________________
A. Paul Norby, AICP
Director of Planning