DOCKET #: F1433

PROPOSED ZONING:
LO-S (Professional Office; and Offices, Miscellaneous)

EXISTING ZONING:
AG

PETITIONER:
Ray & Sallie Edwards
Real Estate, LP,
for property owned by Same

SCALE: 1" represents 600'
STAFF: King
GMA: 4
ACRE(S): 3.00
MAP(S): 684830
May 25, 2005

Ray & Sallie Edwards Real Estate LP
2334 English Road
High Point, NC  27262

RE:    ZONING MAP AMENDMENT F-1433

Dear Mr. & Mrs. Edwards:

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
       Chris Edwards, 2334 English Road, High Point, NC  27262
       Ruth McHenry, Davis Martin Powell Esq., 6415 Old Plank Road, High Point, NC  27265
       W. C. Idol, 600 Barney Road, High Point, NC  27265
       Harris Maready, 9766 Creekwood Forest Drive, Kernersville, NC  27284
       Ed Kingdon, 2766 Highway 66 S, Kernersville, NC  27284
       Kenneth Carroll, 9729 Woodruff Road, Kernersville, NC  27284
       Walter Wilson, 9796 Woodruff Road, Kernersville, NC  27284
A. Public Hearing on Zoning map amendment of Ray & Sallie Edwards Real Estate, LP from AG to LO-S (Offices Miscellaneous; and Professional Office): property is located on the west side of NC 66 north of US 311 (Zoning Docket F-1433).

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

C. Approval of Special Use District Permit

D. Approval of Site Plan

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board vote resulted in a tie.

ATTACHMENTS:-  X  YES  ___ NO

SIGNATURE:  ___________________________  DATE:  ________________

County Manager
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Ray & Sallie Edwards Real Estate, LP, Docket F-1433

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 LO-S (Offices, Miscellaneous; and Professional Office) the zoning classification of the following described property:

Tax Block 5613, Tax Lot 3C

Section 2. This Ordinance is adopted after approval of the site plan entitled Ray & Sallie Edwards Real Estate, LP, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of ________________, 20_____ to Ray & Sallie Edwards Real Estate, LP.

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 Ray & Sallie Edwards Real Estate, LP. 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 Ray & Sallie Edwards Real Estate, LP (Zoning Docket F-1433). 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 LO-S (Offices, Miscellaneous; and Professional Office), 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 LO-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. Driveway permit shall be issued by the North Carolina Department of Transportation.
  b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  c. This property lies within the Abbotts Creek State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall dedicate new right-of-way in fee simple to the North Carolina Department of Transportation for future widening of NC 66, as required by the North Carolina Department of Transportation.

• OTHER REQUIREMENTS
  a. One freestanding ground sign shall be permitted. Said sign shall be limited to a monument type with a maximum height of five feet.
ZONING STAFF REPORT

DOCKET #  F-1433
STAFF:  Aaron King

Petitioner(s):  Ray and Sallie Edwards Real Estate, LP
Ownership:  Same

REQUEST

From:  AG  Agricultural District
To:  LO-S  Limited Office District (Professional Office; and Offices, Miscellaneous)

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

Acreage: 3.0

LOCATION:

Street:  West side of NC 66 north of U.S. 311.
Jurisdiction:  Forsyth County.

SITE PLAN

Proposed Use: Professional Office; Offices, Miscellaneous
Square Footage:  8,836 sf.
Building Height:  24 feet.
Parking:  Required: 30 spaces; Proposed: 30 spaces
Bufferyard Requirements: Type II bufferyard adjacent to AG zoning district

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family residence.
Adjacent Uses:
   North-  Single family residence, zoned AG; industrial property zoned LI-S located further north.
   East-  Single family residence/farm, zoned AG.
   South-  Vacant property, zoned AG.
   West-  Single family residences, zoned AG.

GENERAL AREA

Character/Maintenance:  Well-maintained residential and agricultural uses.
Development Pace:  Slow
PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Existing structures would be removed, site would be graded and paved and developed with a larger structure. The site plan indicates a number of existing trees on the site would be saved, and the western portion of the property would be left in its natural state.

Topography: There is an approximate change in elevation on the subject property of 14’ (from an approximate elevation of 940’ in the east along NC 66 down to an approximate elevation of 926’ along the tributary to Cuddybum Branch).

Streams: An intermittent stream/tributary to Cuddybum Branch is located in the western portion of the subject property.

Vegetation/habitat: The subject property is mostly vegetated. The area immediately surrounding the existing structures is cleared.

Environmental Resources Beyond The Site: The proposed improvements on the subject property do not threaten environmental resources beyond the site.

Water Supply Watershed: The subject property is located within the Abbotts Creek WS-III water supply watershed, which places a limitation of no more than 24% impervious surface on the site.

Compliance with Watershed Protection Regulations: The subject property is in compliance with WS-III water supply watershed regulations; proposed impervious cover is 19.7%.

Compliance with Federal/State requirements for wetland/stream protection: The proposed project is in compliance with all Federal and State requirements for stream protection.

TRANSPORTATION

Direct Access to Site: NC 66 South; US 311; Woodruff Road.
Street Classification: NC 66 South – Major Thoroughfare; US 311 – Freeway; Woodruff Road – Local Street.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
- NC 66 South between US 311 and Payne Road = 9,200/16,100
- US 311 between High Point Road and NC 66 = 18,000/63,600

Trip Generation/Existing Zoning: AG
- 3 x 43,560/40,000 = 3 units x 9.57 (SFR Trip Rate) = 28 Trips per Day

Trip Generation/Proposed Zoning: LO-S
- 8,836 /1,000 x 11.01 (General Office) = 97 Trips per Day

HISTORY

Relevant Zoning Cases:

1. F-1380; AG to LO-S (Professional Office); denied May 27, 2003; west side of NC 66 north of US 311; (current site) 3.0 acres; Planning Board and staff recommended denial.
2. F-1069; I-2-S (Manufacturing or Processing 2; Fabrication or Assembly) to I-2-S (Motor Vehicles; Agricultural Implements or Heavy Machinery Sale, Repair, Rental or Storage); denied February 28, 1994; west side of NC 66 between US 311 and Creekwood Drive; 9.48 acres; Planning Board and staff recommended denial (Illegal spot zoning opinion rendered).

3. F-1016; R-6 to B-3-S (Offices, Services; and Storage Yards); approved January 13, 1992; at the western terminus of Creekwood Forest Drive, west of NC 66 and north of US 311; 2.39 acres; Planning Board and staff recommended denial (Illegal spot zoning opinion rendered).

4. F-984; B-3-S (Motor Vehicles, Repair or Storage) to I-2-S (Manufacturing or Processing 2; Fabrication or Assembly); approved December 17, 1990; west side of NC 66 between US 311 and Creekwood Drive; 9.48 acres; Planning Board recommended approval, staff recommended denial (Illegal spot zoning opinion rendered).

5. F-758; R-6 to B-3-S (Motor Vehicle, Repair or Storage); approved November 25, 1985; west side of NC 66 between US 311 and Creekwood Drive; 9.48 acres; Planning Board and staff recommended denial (Illegal spot zoning opinion rendered).

**CONFORMITY TO PLANS**

GMP Area (*Legacy*): Future Growth Area (GMA 4)

Relevant Comprehensive Plan Recommendation(s): *Legacy* states that areas identified as Future Growth Areas do not currently have sewer or other facilities. Due to their location and/or their proximity to towns, major roads and other public investments, the Growth Management Plan calls for them to eventually become urban.

Area Plan/Development Guide: *Union Cross Area Plan*

Relevant Development Guide Recommendation(s): The Union Cross Area Plan recommends Rural Conservation Subdivision for this site.

**SPOT ZONE OPINION**

The County Attorney has reviewed this petition and is of the opinion that this request does not constitute an illegal spot zoning.

**ANALYSIS**

The current request is to rezone 3.0 acres from AG (Agricultural) to LO-S (Professional Offices; and Offices, Miscellaneous). The property is located in a mostly residential and very rural area of the county. It is north of US 311 on the west side of NC 66. The petitioner purchased the residential property in November of 2001. The petitioner contacted staff in April of 2002 and spoke with more than one person as to whether such a request might be supported by staff. One
of the staff members followed up with the petitioner after the discussion and indicated that staff would likely not support non-residential zoning at this location. It is worth noting that this current request is the exact same request that was presented in 2003. The only change in this request is the additional use (Offices, Miscellaneous) that is being requested.

The site is identified in the Airport Area Plan, approved by the Planning Board in 2003. It is also located in the US 311 Area Plan, adopted in 1984 and the Horneytown/Old US 311 Development Assessment, adopted in 1991. As the site is located within the High Point Planning Area, it is also identified in the High Point Land Use Plan. In all of the previously mentioned area plans the site is identified as low-density residential. It is not suggested in any of these plans that any other use would be appropriate. These plans do recommend that the large parcel across NC 66 be developed sometime in the future (with the availability of sewer) as a planned business park. The recommendation of a business park is intended to cluster office and industrial uses, so as to avoid a haphazard development pattern and to impact neighboring residential and agricultural uses as little as possible. Business parks are intended to be well buffered and developed under specific standards and should not be used as a precedent for the rezoning of individual, scattered residential properties for non-residential uses.

North of the site beyond another two residential properties is a property zoned LI-S. It was originally rezoned in 1985, despite a denial recommendation from the Planning Board and a comment by the County Attorney that the courts may consider such a case as an illegal spot zoning. Northwest of the LI-S property is a property zoned HB-S, approved in 1992 also with a recommendation of denial by the Planning Board and recommendation by the County Attorney that it may also be considered a spot zone by the courts. Another ¾ mile north on NC 66 is a property zoned LB in 1970, also with a recommendation by the County Attorney that it could be considered an illegal spot-zoning.

Surrounding the site are numerous residential homes, and several large farms. Between the current site and the LI-S property is a new single-family structure, built in 1996. Also, along Woodruff Road to the west of the site are many other single-family structures.

South of US 311 is the Horneytown area. The area is a known activity center in the community with a variety of business uses, is reflected as an activity center in the adopted plans, and has property already zoned for such uses as proposed here.

The site plan is a well-designed plan with sensitivity given towards retaining trees on the property. The petitioner worked closely with staff to develop the site plan and meet concerns of staff regarding location of parking and retention of vegetation.

Arguments in favor of the rezoning would include the proximity of the site to the interchange of US 311 and NC 66, the nearby LI-S zoned property already developed about 600 feet to the north, and the anticipation in various plans that there someday may be a planned business park east of the site on the other side of NC 66. Also, the proposed site plan shows a good effort to keep the building and parking relatively low-key and to retain much of the existing vegetation and trees on the site.
However, none of the existing adopted plans support even limited development of scattered businesses along NC 66 in this area. The direction of those plans, and the discussion with citizens concerning the Union Cross Area Plan, all support public policies that attempt to retain a rural or a very low-density residential character along NC 66 between US 311 and I-40. Approving this request would encourage additional such changes along NC 66 and result in a significantly different “business strip” character of land use along the highway in that area.

For these reasons, although the staff agrees that the site plan is well done, the larger implications of rezoning more land to business uses on a lot by lot basis merit a staff recommendation of denial.

FINDINGS

1. The property is located in a mostly residential and rural area of the county.
2. In each of the three approved area plans the site is identified as remaining low-density residential.
3. The activity center south of US 311 or near I-40 would be an appropriate location for the proposed use.
4. Approval would encourage additional rezonings to miscellaneous business uses that would create a completely different character than that envisioned in plans for the area.

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. Driveway permit shall be issued by the North Carolina Department of Transportation.
  b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  c. This property lies within the Abbotts Creek State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall dedicate new right-of-way in fee simple to the North Carolina Department of Transportation for future widening of NC 66, as required by the North Carolina Department of Transportation.
• OTHER REQUIREMENTS
  One freestanding ground sign shall be permitted. Said sign shall be limited to a monument type with a maximum height of five feet.

SUMMARY STATEMENT OF CONDITIONS BASED UPON SPECIAL USE DISTRICT DESIGNATION
The petitioner has proposed a number of features in the site plan concerning building elevations, building setbacks, the location of parking, and the retention of trees that go beyond the minimum standards of the UDO. Planning staff has recommended the following condition which is beyond the minimum standards of the UDO: Signage shall be limited to a 6 foot high monument sign.

Aaron King presented the staff report.

Clarence Lambe recused himself from this case.

PUBLIC HEARING

FOR:

Chris Edwards, 2334 English Road, High Point, NC 27262
  • Distributed copies of the front rendering of proposed building. We do want to make that a condition of the rezoning. This is what we intend to do.
  • We've tried to make this look more like a residential use.
  • We have six of us that work there on a daily basis so this is not a high use, high traffic type of use. We have three local district managers that come in a couple of times a week and one in Raleigh who would probably come in once a month.
  • We're keeping better than an acre undisturbed in the back. We will have nice side yards with landscaping.
  • We're set back from the road.
  • We intend to add some good sized trees and keep every tree we possibly can. You'll see some circled trees on the plan. Some of those are mature hard woods. We want to incorporate those into the plan.
  • Quoted from the staff report concerning the good quality of the site plan.
  • This is a low density, one-story building where we do our book-keeping and accounting.
  • I do believe there will be additional pressure for development in this area. I contend that we would be a good transition use to buffer the north from the developing area.
  • We worked with staff. That's why we haven't changed this. The wording in the one change that it would be some other type of office, we have no intention of any change other than what we proposed before. That change was made at staff's recommendation.
• Please make your decision based on the merits of this case. Any future requests for rezoning would have to come through this Board and decisions will be based on those merits.
• We intend to be good neighbors. We have tried to talk to most of the neighbors. We understand their concerns and feel we've done everything we can to minimize any impact to the neighborhood.
• We're only planning to develop one of these three acres. The other two acres will remain trees or grass.

Ruth McHenry, Davis Martin Powell Esq., 6415 Old Plank Road, High Point, NC 27265 is the engineer for the company and would be happy to answer any questions.

AGAINST:

W. C. Idol, 600 Barney Road, High Point, NC 27265
• I own and operate a farm across the road from this site. I also lease and operate Vulcan Materials property which is south and adjacent to this property.
• I have been in many zoning meetings over the years and I am well impressed with your diligence and concern on every issue that's been brought before you today.
• Asked those in opposition to the request to stand.
• In our view, nothing has changed since two years ago. Those here today in opposition to this request represent roughly 265 acres surrounding this three acres.
• It's very important that we work very hard to maintain as much as we can of our community.
• If you deviate from the Union Cross Area Plan now, it really shakes our community.
• Most of the pictures staff showed you speak very well of what's going on here. Most of that land has been in my family since 1757.

Harris Maready, 9766 Creekwood Forest Drive, Kernersville, NC 27284
• My property is diagonally behind this site.
• I am pro-business. We are not against folks. We have the rock quarry.
• The pictures you saw earlier tell a good story.
• You really don't see much land like this anymore. You have red dirt, plowed fields, planted fields, and large stately houses.
• The elevation Mr. Edwards showed earlier is a beautiful building. It fits somewhere - just not in my neighborhood.
• I've been selling land all my life. I know there are plenty of industrial sites which are not full.
• Even though my neighbors and I have worked hard all our lives to maintain our homes, they just would not look good in an industrial park next to a block building.
Ed Kingdon, 2766 Highway 66 S, Kernersville, NC  27284
• My property is just north of this site. I built my house here in 1996 knowing the zoning in the area and with full intentions of having a rural area for my family with farmland nearby. That's still my desire. I'd like to see this remain this way.
• This is a very large building. I have concerns about there being no limits on the number of employees allowed here.
• It will have to be serviced by a well and septic. From the looks of the drawing, the septic system is going to have to be towards the front of the property, towards 66. That's also where my well is.
• I appreciate what the board did last time and ask for your consideration to support the denial of the property.

Kenneth Carroll, 9729 Woodruff Road, Kernersville, NC  27284
• My property is directly behind Mr. Edwards.
• We moved from Greensboro to be out in the country.
• I think this is an awfully big building for six employees.
• The miscellaneous use really bothers me.
• Please keep it the way it is.

Walter Wilson, 9796 Woodruff Road, Kernersville, NC  27284
• I'm across from the Maready's, kind of diagonally to the north and west of this site.
• No doubt this gentleman would be a very good neighbor.
• His site plan looks very good.
• But this area has just been country.
• The area plan for this area designated this corner to remain green space. The other three corners of US 311 and US 66 are designated for some type of business use. This corner is the only one not zoned for business.
• It's nothing against the Edwards. It's just that commercial doesn't belong here.

WORK SESSION

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

1. Brenda Smith: The road is the major dividing line between two uses. A lot of the time you'll see a corridor along the road when you've got business uses and then residential behind. How does that kind of pattern fit here where you've got frontage right across the street from a compatible use? Paul Norby: We would envision with a business park it would be comprehensively planned so you had a front planting or buffer area so it wouldn't be a harsh transition from one side of the street to the other. Another consideration is that generally, Highway 66 is a ridgeline that divides two different watershed areas. So to the east the proposed land use is a higher, more suburban kind of density. To the west is the lower density Abbott's Creek Watershed Area in which watershed regulations have to be developed.
2. This site would be an office for book-keeping, storing records, etc. The request is for a 8,800 square foot building. The petitioner displayed the floor plan for the building. The Planning Board cannot regulate the number of people allowed here. The interior could be redesigned, property sold, and many more people start working here. Parking spaces will restrict the number of people here.

3. Dara Folan: I think this is a very beautiful building, but given the area plan which was adopted just over a year ago, I don't see any reason why I should change my vote from two years ago.

4. Paul Mullican: I understand what you're saying and it is really rural. I don't understand how the LI got approved. I have a real problem approving this because it is really rural. I'm for all business people, and they run a super business. I really hate to deny this.

5. Brenda Smith: I was looking at the planned use across the road which seems more compatible and the two frontages, but it's not there yet.

6. Arnold King: I'm inclined to support him. You can put three houses out there right now. If I lived out there, I'd much rather have a building that looked like this sitting back in the woods than three houses. There's a huge buffer in the back. There'd be no traffic at nights or on weekends. This is not a high intensity use. There's be less traffic with this use than what would currently be allowed out there now.

7. Paul Mullican: He has shown us what he's going to do. It's very low impact.

8. Arnold King: The only way you will know it's a business is the six-foot sign out front.

9. Lavastian Glenn: I'm inclined to vote against it because the area plan calls for it to be low density residential and I think we need to try to uphold the area plan that sets out the vision for the area. It's not about being against A Cleaner World and their business. It's just about trying to have some formality to the process and keeping in line with the vision we're trying to develop these neighborhoods.

10. Arnold King: I was on that area plan committee and there's some problems with that area plan. That doesn't sway me.

11. The purple areas indicated on the area plan represent the five areas in the plan designated for business parks. As part of that plan, there are some guidelines as to how those parks will be planned.

12. Staff considers Hwy 66 to be a logical dividing line because it's a watershed boundary and physical feature between one form of land use and another.
13. Paul Mullican: It seems to me that when you have a major highway (like US 311) and you have an intersection right there, that you know it's going to become business or commercial area. It happens everywhere.

14. Arnold King: This isn't as intense as you would normally see in an intersection like this. It would normally be restaurants, service stations, etc. This is a very low intensity use.

15. Carol Eickmeyer: I think going with the area plan's suggestion that this is rural conservation and residential is important to stay with. As the neighbors have pointed out, the commercial piece up the street is not the same use as it was when it was approved. There's no guarantee that someday there won't be 30 people here. In fact we hope that he grows so much that he needs all these other district managers.

16. Jimmy Norwood: The area plan is a recommendation. If houses are put here, it's not going to be a rural area. It's going to be a suburban neighborhood.

17. Arnold King: I'm just thinking of what I would want if I lived next door.

18. Two years ago when this was being considered, the area plan was in draft form. There were also some other plans in there (like the US 311 plan) which also didn't support this area going to a business category. The present area plan was not the first plan for this area.

19. Jerry Clark: This is the second request for this same use by the same people. Is there some special reason the petitioner keeps coming back to this particular area? The petitioner indicated that when his father bought the property, there was an understanding that there would not be a problem with this request because of the proximity to US 311, there's going to be an interstate coming through here, it's a central location for our family. The proposed CAC area is already priced at commercial prices.

20. Jerry Clark: We never get easy ones, do we. I just seconded this and yet I can see why he's requesting this. This is going to be a hot area of the county anyway. If we have a plan, even if we didn't vote for it, how do we go against the plan?

21. Arnold King: I don't anticipate a hot bed of commercial at 311 and 66 right now. It's going to be more up 66 at I-40.

22. Lavastian Glenn: Would staff please speak to the issue of the well and septic system being in the same area? David Reed: It's something that's allowed by the Health Department and they simply get the permits from the Health Department.
MOTION: Dara Folan moved denial of the zoning map amendment.
SECOND: Jerry Clark
VOTE:
   FOR: Clark, Eickmeyer, Folan, Glenn
   AGAINST: King, Mullican, Norwood, Smith
   EXCUSED: Lambe

SITE PLAN MOTION: Paul Mullican certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jerry Clark
VOTE:
   FOR: Clark, Eickmeyer, Folan, Glenn, King, Mullican, Norwood, Smith
   AGAINST: None
   EXCUSED: Lambe

Written Comments Submitted by Planning Board Members:

Carol Eickmeyer: I voted against rezoning because the area plan suggests that this stay rural conservation - There are 265 rural acres surrounding this site. There is no compelling reason to change the zoning today.

Lavastian Glenn: There is an approved area plan in place that clearly identifies this site to remain low-density residential. The neighbors are also not happy with the impact of the neighboring LI-S. I feel strongly that its important for the Planning Board and elected body to fairly utilize and honor existing area plans that citizens helped to create to guide new development in their community.

According to information furnished by the Office of the Tax Assessor on April 5, 2005, the subject property was in the name of Ray and Sallie Edwards Real Estate, LP.

____________________
A. Paul Norby, AICP
Director of Planning
May 25, 2005

Ray & Sallie Edwards Real Estate LP
2334 English Road
High Point, NC  27262

RE:  ZONING MAP AMENDMENT F-1433

Dear Mr. & Mrs. Edwards:

    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
     Chris Edwards, 2334 English Road, High Point, NC  27262
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     Walter Wilson, 9796 Woodruff Road, Kernersville, NC  27284
MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning map amendment of Ray & Sallie Edwards Real Estate, LP from AG to LO-S (Offices Miscellaneous; and Professional Office): property is located on the west side of NC 66 north of US 311 (Zoning Docket F-1433).

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 vote resulted in a tie.

ATTACHMENTS:-  X  YES  ___  NO

SIGNATURE: __________________________________________  DATE: ________________

County Manager
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Ray & Sallie Edwards Real Estate, LP, Docket F-1433

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 LO-S (Offices, Miscellaneous; and Professional Office) the zoning classification of the following described property:

Tax Block 5613, Tax Lot 3C

Section 2. This Ordinance is adopted after approval of the site plan entitled Ray & Sallie Edwards Real Estate, LP, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of ________________, 20_____ to Ray & Sallie Edwards Real Estate, LP.

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 Ray & Sallie Edwards Real Estate, LP. 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 Ray & Sallie Edwards Real Estate, LP (Zoning Docket F-1433). 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 LO-S (Offices, Miscellaneous; and Professional Office), 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 LO-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. Driveway permit shall be issued by the North Carolina Department of Transportation.
  b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  c. This property lies within the Abbotts Creek State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall dedicate new right-of-way in fee simple to the North Carolina Department of Transportation for future widening of NC 66, as required by the North Carolina Department of Transportation.

• OTHER REQUIREMENTS
  a. One freestanding ground sign shall be permitted. Said sign shall be limited to a monument type with a maximum height of five feet.
ZONING STAFF REPORT

DOCKET #  F-1433
STAFF:  Aaron King

Petitioner(s):  Ray and Sallie Edwards Real Estate, LP
Ownership:  Same

REQUEST

From:  AG  Agricultural District
To:  LO-S  Limited Office District (Professional Office; and Offices, Miscellaneous)

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

Acreage: 3.0

LOCATION:

Street:  West side of NC 66 north of U.S. 311.
Jurisdiction:  Forsyth County.

SITE PLAN

Proposed Use: Professional Office; Offices, Miscellaneous
Square Footage:  8,836 sf.
Building Height:  24 feet.
Parking: Required: 30 spaces; Proposed: 30 spaces
Bufferyard Requirements: Type II bufferyard adjacent to AG zoning district

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family residence.
Adjacent Uses:
  North-  Single family residence, zoned AG; industrial property zoned LI-S located further north.
  East-  Single family residence/farm, zoned AG.
  South-  Vacant property, zoned AG.
  West-  Single family residences, zoned AG.

GENERAL AREA

Character/Maintenance: Well-maintained residential and agricultural uses.
Development Pace:  Slow
PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Existing structures would be removed, site would be graded and paved and developed with a larger structure. The site plan indicates a number of existing trees on the site would be saved, and the western portion of the property would be left in its natural state.

Topography: There is an approximate change in elevation on the subject property of 14’ (from an approximate elevation of 940’ in the east along NC 66 down to an approximate elevation of 926’ along the tributary to Cuddybum Branch).

Streams: An intermittent stream/tributary to Cuddybum Branch is located in the western portion of the subject property.

Vegetation/habitat: The subject property is mostly vegetated. The area immediately surrounding the existing structures is cleared.

Environmental Resources Beyond The Site: The proposed improvements on the subject property do not threaten environmental resources beyond the site.

Water Supply Watershed: The subject property is located within the Abbotts Creek WS-III water supply watershed, which places a limitation of no more than 24% impervious surface on the site.

Compliance with Watershed Protection Regulations: The subject property is in compliance with WS-III water supply watershed regulations; proposed impervious cover is 19.7%. Compliance with Federal/State requirements for wetland/stream protection: The proposed project is in compliance with all Federal and State requirements for stream protection.

TRANSPORTATION

Direct Access to Site: NC 66 South; US 311; Woodruff Road.

Street Classification: NC 66 South – Major Thoroughfare; US 311 – Freeway; Woodruff Road – Local Street.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
- NC 66 South between US 311 and Payne Road = 9,200/16,100
- US 311 between High Point Road and NC 66 = 18,000/63,600

Trip Generation/Existing Zoning: AG
3 x 43,560/40,000 = 3 units x 9.57 (SFR Trip Rate) = 28 Trips per Day

Trip Generation/Proposed Zoning: LO-S
8,836 /1,000 x 11.01 (General Office) = 97 Trips per Day

HISTORY

Relevant Zoning Cases:

1. F-1380; AG to LO-S (Professional Office); denied May 27, 2003; west side of NC 66 north of US 311; (current site) 3.0 acres; Planning Board and staff recommended denial.
2. F-1069; I-2-S (Manufacturing or Processing 2; Fabrication or Assembly) to I-2-S (Motor Vehicles; Agricultural Implements or Heavy Machinery Sale, Repair, Rental or Storage); denied February 28, 1994; west side of NC 66 between US 311 and Creekwood Drive; 9.48 acres; Planning Board and staff recommended denial (Illegal spot zoning opinion rendered).

3. F-1016; R-6 to B-3-S (Offices, Services; and Storage Yards); approved January 13, 1992; at the western terminus of Creekwood Forest Drive, west of NC 66 and north of US 311; 2.39 acres; Planning Board and staff recommended denial (Illegal spot zoning opinion rendered).

4. F-984; B-3-S (Motor Vehicles, Repair or Storage) to I-2-S (Manufacturing or Processing 2; Fabrication or Assembly); approved December 17, 1990; west side of NC 66 between US 311 and Creekwood Drive; 9.48 acres; Planning Board recommended approval, staff recommended denial (Illegal spot zoning opinion rendered).

5. F-758; R-6 to B-3-S (Motor Vehicle, Repair or Storage); approved November 25, 1985; west side of NC 66 between US 311 and Creekwood Drive; 9.48 acres; Planning Board and staff recommended denial (Illegal spot zoning opinion rendered).

CONFORMITY TO PLANS

GMP Area (Legacy): Future Growth Area (GMA 4)
Relevant Comprehensive Plan Recommendation(s): Legacy states that areas identified as Future Growth Areas do not currently have sewer or other facilities. Due to their location and/or their proximity to towns, major roads and other public investments, the Growth Management Plan calls for them to eventually become urban.

Area Plan/Development Guide: Union Cross Area Plan
Relevant Development Guide Recommendation(s): The Union Cross Area Plan recommends Rural Conservation Subdivision for this site.

SPOT ZONE OPINION

The County Attorney has reviewed this petition and is of the opinion that this request does not constitute an illegal spot zoning.

ANALYSIS

The current request is to rezone 3.0 acres from AG (Agricultural) to LO-S (Professional Offices; and Offices, Miscellaneous). The property is located in a mostly residential and very rural area of the county. It is north of US 311 on the west side of NC 66. The petitioner purchased the residential property in November of 2001. The petitioner contacted staff in April of 2002 and spoke with more than one person as to whether such a request might be supported by staff. One
of the staff members followed up with the petitioner after the discussion and indicated that staff would likely not support non-residential zoning at this location. It is worth noting that this current request is the exact same request that was presented in 2003. The only change in this request is the additional use (Offices, Miscellaneous) that is being requested.

The site is identified in the Airport Area Plan, approved by the Planning Board in 2003. It is also located in the US 311 Area Plan, adopted in 1984 and the Horneytown/Old US 311 Development Assessment, adopted in 1991. As the site is located within the High Point Planning Area, it is also identified in the High Point Land Use Plan. In all of the previously mentioned area plans the site is identified as low-density residential. It is not suggested in any of these plans that any other use would be appropriate. These plans do recommend that the large parcel across NC 66 be developed sometime in the future (with the availability of sewer) as a planned business park. The recommendation of a business park is intended to cluster office and industrial uses, so as to avoid a haphazard development pattern and to impact neighboring residential and agricultural uses as little as possible. Business parks are intended to be well buffered and developed under specific standards and should not be used as a precedent for the rezoning of individual, scattered residential properties for non-residential uses.

North of the site beyond another two residential properties is a property zoned LI-S. It was originally rezoned in 1985, despite a denial recommendation from the Planning Board and a comment by the County Attorney that the courts may consider such a case as an illegal spot zoning. Northwest of the LI-S property is a property zoned HB-S, approved in 1992 also with a recommendation of denial by the Planning Board and recommendation by the County Attorney that it may also be considered a spot zone by the courts. Another ¾ mile north on NC 66 is a property zoned LB in 1970, also with a recommendation by the County Attorney that it could be considered an illegal spot-zoning.

Surrounding the site are numerous residential homes, and several large farms. Between the current site and the LI-S property is a new single-family structure, built in 1996. Also, along Woodruff Road to the west of the site are many other single-family structures.

South of US 311 is the Horneytown area. The area is a known activity center in the community with a variety of business uses, is reflected as an activity center in the adopted plans, and has property already zoned for such uses as proposed here.

The site plan is a well-designed plan with sensitivity given towards retaining trees on the property. The petitioner worked closely with staff to develop the site plan and meet concerns of staff regarding location of parking and retention of vegetation.

Arguments in favor of the rezoning would include the proximity of the site to the interchange of US 311 and NC 66, the nearby LI-S zoned property already developed about 600 feet to the north, and the anticipation in various plans that there someday may be a planned business park east of the site on the other side of NC 66. Also, the proposed site plan shows a good effort to keep the building and parking relatively low-key and to retain much of the existing vegetation and trees on the site.
However, none of the existing adopted plans support even limited development of scattered businesses along NC 66 in this area. The direction of those plans, and the discussion with citizens concerning the Union Cross Area Plan, all support public policies that attempt to retain a rural or a very low-density residential character along NC 66 between US 311 and I-40. Approving this request would encourage additional such changes along NC 66 and result in a significantly different “business strip” character of land use along the highway in that area.

For these reasons, although the staff agrees that the site plan is well done, the larger implications of rezoning more land to business uses on a lot by lot basis merit a staff recommendation of denial.

**FINDINGS**

1. The property is located in a mostly residential and rural area of the county.

2. In each of the three approved area plans the site is identified as remaining low-density residential.

3. The activity center south of US 311 or near I-40 would be an appropriate location for the proposed use.

4. Approval would encourage additional rezonings to miscellaneous business uses that would create a completely different character than that envisioned in plans for the area.

**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. Driveway permit shall be issued by the North Carolina Department of Transportation.
  b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  c. This property lies within the Abbots Creek State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. Developer shall dedicate new right-of-way in fee simple to the North Carolina Department of Transportation for future widening of NC 66, as required by the North Carolina Department of Transportation.
• OTHER REQUIREMENTS
One freestanding ground sign shall be permitted. Said sign shall be limited to a monument type with a maximum height of five feet.

<table>
<thead>
<tr>
<th>SUMMARY STATEMENT OF CONDITIONS BASED UPON SPECIAL USE DISTRICT DESIGNATION</th>
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<tbody>
<tr>
<td>The petitioner has proposed a number of features in the site plan concerning building elevations, building setbacks, the location of parking, and the retention of trees that go beyond the minimum standards of the UDO. Planning staff has recommended the following condition which is beyond the minimum standards of the UDO: Signage shall be limited to a 6 foot high monument sign.</td>
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</tbody>
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Aaron King presented the staff report.

Clarence Lambe recused himself from this case.

PUBLIC HEARING

FOR:

Chris Edwards, 2334 English Road, High Point, NC 27262
• Distributed copies of the front rendering of proposed building. We do want to make that a condition of the rezoning. This is what we intend to do.
• We've tried to make this look more like a residential use.
• We have six of us that work there on a daily basis so this is not a high use, high traffic type of use. We have three local district managers that come in a couple of times a week and one in Raleigh who would probably come in once a month.
• We're keeping better than an acre undisturbed in the back. We will have nice side yards with landscaping.
• We're set back from the road.
• We intend to add some good sized trees and keep every tree we possibly can. You'll see some circled trees on the plan. Some of those are mature hard woods. We want to incorporate those into the plan.
• Quoted from the staff report concerning the good quality of the site plan.
• This is a low density, one-story building where we do our book-keeping and accounting.
• I do believe there will be additional pressure for development in this area. I contend that we would be a good transition use to buffer the north from the developing area.
• We worked with staff. That's why we haven't changed this. The wording in the one change that it would be some other type of office, we have no intention of any change other than what we proposed before. That change was made at staff's recommendation.
• Please make your decision based on the merits of this case. Any future requests for rezoning would have to come through this Board and decisions will be based on those merits.
• We intend to be good neighbors. We have tried to talk to most of the neighbors. We understand their concerns and feel we've done everything we can to minimize any impact to the neighborhood.
• We're only planning to develop one of these three acres. The other two acres will remain trees or grass.

Ruth McHenry, Davis Martin Powell Esq., 6415 Old Plank Road, High Point, NC 27265 is the engineer for the company and would be happy to answer any questions.

AGAINST:

W. C. Idol, 600 Barney Road, High Point, NC 27265
• I own and operate a farm across the road from this site. I also lease and operate Vulcan Materials property which is south and adjacent to this property.
• I have been in many zoning meetings over the years and I am well impressed with your diligence and concern on every issue that's been brought before you today.
• Asked those in opposition to the request to stand.
• In our view, nothing has changed since two years ago. Those here today in opposition to this request represent roughly 265 acres surrounding this three acres.
• It's very important that we work very hard to maintain as much as we can of our community.
• If you deviate from the Union Cross Area Plan now, it really shakes our community.
• Most of the pictures staff showed you speak very well of what's going on here. Most of that land has been in my family since 1757.

Harris Maready, 9766 Creekwood Forest Drive, Kernersville, NC 27284
• My property is diagonally behind this site.
• I am pro-business. We are not against folks. We have the rock quarry.
• The pictures you saw earlier tell a good story.
• You really don't see much land like this anymore. You have red dirt, plowed fields, planted fields, and large stately houses.
• The elevation Mr. Edwards showed earlier is a beautiful building. It fits somewhere - just not in my neighborhood.
• I've been selling land all my life. I know there are plenty of industrial sites which are not full.
• Even though my neighbors and I have worked hard all our lives to maintain our homes, they just would not look good in an industrial park next to a block building.
Ed Kingdon, 2766 Highway 66 S, Kernersville, NC 27284
  • My property is just north of this site. I built my house here in 1996 knowing the zoning in the area and with full intentions of having a rural area for my family with farmland nearby. That's still my desire. I'd like to see this remain this way.
  • This is a very large building. I have concerns about there being no limits on the number of employees allowed here.
  • It will have to be serviced by a well and septic. From the looks of the drawing, the septic system is going to have to be towards the front of the property, towards 66. That's also where my well is.
  • I appreciate what the board did last time and ask for your consideration to support the denial of the property.

Kenneth Carroll, 9729 Woodruff Road, Kernersville, NC 27284
  • My property is directly behind Mr. Edwards.
  • We moved from Greensboro to be out in the country.
  • I think this is an awfully big building for six employees.
  • The miscellaneous use really bothers me.
  • Please keep it the way it is.

Walter Wilson, 9796 Woodruff Road, Kernersville, NC 27284
  • I'm across from the Maready's, kind of diagonally to the north and west of this site.
  • No doubt this gentleman would be a very good neighbor.
  • His site plan looks very good.
  • But this area has just been country.
  • The area plan for this area designated this corner to remain green space. The other three corners of US 311 and US 66 are designated for some type of business use. This corner is the only one not zoned for business.
  • It's nothing against the Edwards. It's just that commercial doesn't belong here.

WORK SESSION

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

1. Brenda Smith: The road is the major dividing line between two uses. A lot of the time you'll see a corridor along the road when you've got business uses and then residential behind. How does that kind of pattern fit here where you've got frontage right across the street from a compatible use? Paul Norby: We would envision with a business park it would be comprehensively planned so you had a front planting or buffer area so it wouldn't be a harsh transition from one side of the street to the other. Another consideration is that generally, Highway 66 is a ridgeline that divides two different watershed areas. So to the east the proposed land use is a higher, more suburban kind of density. To the west is the lower density Abbott's Creek Watershed Area in which watershed regulations have to be developed.
2. This site would be an office for book-keeping, storing records, etc. The request is for a 8,800 square foot building. The petitioner displayed the floor plan for the building. The Planning Board cannot regulate the number of people allowed here. The interior could be redesigned, property sold, and many more people start working here. Parking spaces will restrict the number of people here.

3. Dara Folan: I think this is a very beautiful building, but given the area plan which was adopted just over a year ago, I don't see any reason why I should change my vote from two years ago.

4. Paul Mullican: I understand what you're saying and it is really rural. I don't understand how the LI got approved. I have a real problem approving this because it is really rural. I'm for all business people, and they run a super business. I really hate to deny this.

5. Brenda Smith: I was looking at the planned use across the road which seems more compatible and the two frontages, but it's not there yet.

6. Arnold King: I'm inclined to support him. You can put three houses out there right now. If I lived out there, I'd much rather have a building that looked like this sitting back in the woods than three houses. There's a huge buffer in the back. There'd be no traffic at nights or on weekends. This is not a high intensity use. There's be less traffic with this use than what would currently be allowed out there now.

7. Paul Mullican: He has shown us what he's going to do. It's very low impact.

8. Arnold King: The only way you will know it's a business is the six-foot sign out front.

9. Lavastian Glenn: I'm inclined to vote against it because the area plan calls for it to be low density residential and I think we need to try to uphold the area plan that sets out the vision for the area. It's not about being against A Cleaner World and their business. It's just about trying to have some formality to the process and keeping in line with the vision we're trying to develop these neighborhoods.

10. Arnold King: I was on that area plan committee and there's some problems with that area plan. That doesn't sway me.

11. The purple areas indicated on the area plan represent the five areas in the plan designated for business parks. As part of that plan, there are some guidelines as to how those parks will be planned.

12. Staff considers Hwy 66 to be a logical dividing line because it's a watershed boundary and physical feature between one form of land use and another.
13. Paul Mullican: It seems to me that when you have a major highway (like US 311) and you have an intersection right there, that you know it's going to become business or commercial area. It happens everywhere.

14. Arnold King: This isn't as intense as you would normally see in an intersection like this. It would normally be restaurants, service stations, etc. This is a very low intensity use.

15. Carol Eickmeyer: I think going with the area plan's suggestion that this is rural conservation and residential is important to stay with. As the neighbors have pointed out, the commercial piece up the street is not the same use as it was when it was approved. There's no guarantee that someday there won't be 30 people here. In fact we hope that he grows so much that he needs all these other district managers.

16. Jimmy Norwood: The area plan is a recommendation. If houses are put here, it's not going to be a rural area. It's going to be a suburban neighborhood.

17. Arnold King: I'm just thinking of what I would want if I lived next door.

18. Two years ago when this was being considered, the area plan was in draft form. There were also some other plans in there (like the US 311 plan) which also didn't support this area going to a business category. The present area plan was not the first plan for this area.

19. Jerry Clark: This is the second request for this same use by the same people. Is there some special reason the petitioner keeps coming back to this particular area? The petitioner indicated that when his father bought the property, there was an understanding that there would not be a problem with this request because of the proximity to US 311, there's going to be an interstate coming through here, it's a central location for our family. The proposed CAC area is already priced at commercial prices.

20. Jerry Clark: We never get easy ones, do we. I just seconded this and yet I can see why he's requesting this. This is going to be a hot area of the county anyway. If we have a plan, even if we didn't vote for it, how do we go against the plan?

21. Arnold King: I don't anticipate a hot bed of commercial at 311 and 66 right now. It's going to be more up 66 at I-40.

22. Lavastian Glenn: Would staff please speak to the issue of the well and septic system being in the same area? David Reed: It's something that's allowed by the Health Department and they simply get the permits from the Health Department.
MOTION: Dara Folan moved denial of the zoning map amendment.
SECOND: Jerry Clark
VOTE:
  FOR: Clark, Eickmeyer, Folan, Glenn
  AGAINST: King, Mullican, Norwood, Smith
  EXCUSED: Lambe

SITE PLAN MOTION: Paul Mullican certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jerry Clark
VOTE:
  FOR: Clark, Eickmeyer, Folan, Glenn, King, Mullican, Norwood, Smith
  AGAINST: None
  EXCUSED: Lambe

Written Comments Submitted by Planning Board Members:

Carol Eickmeyer: I voted against rezoning because the area plan suggests that this stay rural conservation - There are 265 rural acres surrounding this site. There is no compelling reason to change the zoning today.

Lavastian Glenn: There is an approved area plan in place that clearly identifies this site to remain low-density residential. The neighbors are also not happy with the impact of the neighboring LI-S. I feel strongly that its important for the Planning Board and elected body to fairly utilize and honor existing area plans that citizens helped to create to guide new development in their community.

According to information furnished by the Office of the Tax Assessor on April 5, 2005, the subject property was in the name of Ray and Sallie Edwards Real Estate, LP.

____________________
A. Paul Norby, AICP
Director of Planning