DOCKET #: F1439

PROPOSED ZONING:
RM12-S

EXISTING ZONING:
RM12-S and RS9

PETITIONER:
George W. Sparks
Construction Co. for property owned by Same

SCALE: 1” represents 600’
STAFF: Roberts
GMA: 3
ACRE(S): 21.54
MAP(S): 612902
October 19, 2005

George W. Sparks Construction Co.
c/o Jack L. Sparks, President
P. O. Box 846
Clemmons, NC  27012

RE:   ZONING MAP AMENDMENT F-1439

Dear Mr. Sparks:

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
      Robert Wilson, 175 Davidson Hwy, Concord, NC  28027
      Scott Roach, 152 E. Main Street, Forest City, NC  28043
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning Map Amendment of George W. Sparks Construction Co. from RS-9 and RM-12-S to RM-12-S (Residential Building, Multifamily): property is located on the east side of Bethania-Rural Hall Road north of Perth Road (Zoning Docket F-1439).

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 George W. Sparks Construction Co., Docket F-1439

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE COUNTY OF FORSYTH,
NORTH CAROLINA

BE IT ORDAINED by the Board of County Commissioners of the County of Forsyth as follows:

Section 1. The Zoning Ordinance of the Unified Development Ordinances of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from RS-9 and RM-12-S (Residential Building, Multifamily) to RM-12-S (Residential Building, Multifamily) the zoning classification of the following described property:

Tax Lots 17B, 18, 19B, 20C, and 21 Tax Block 4936

Section 2. This Ordinance is adopted after approval of the site plan entitled George W. Sparks Construction Co./Summerwood Apt. Homes, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the ______ day of _________________, 20_____ to George W. Sparks Construction Co.

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 George W. Sparks Construction Co./Summerwood Apt. Homes. 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 George W. Sparks Construction Co. (Zoning Docket F-1439). 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 RM-12-S (Residential Building, Multifamily), 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 RM-12-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 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. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show tentative building locations for multifamily units and all access, utility and greenway easements. Said greenway easement shall be 40’ in width shall run along one side of the unnamed branch which traverses the center of the subject property and flows into Grassy Creek.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Developer shall install all improvements a per driveway permit.
  b. All required fire hydrants shall be installed in accordance with the County Fire Department.
c. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.

d. Developer shall install all required storm water management devices.
## PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1439</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>George W. Sparks Construction Co.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 17B, 18, 19B, 20C, and 21 /Tax Block 4936</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Rezoning to RM-12-S for a 152 unit multifamily development</td>
</tr>
</tbody>
</table>

### Proposal
The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 Residential Single Family District; 9,000 sf minimum lot size and RM-12-S Residential Multifamily District; approved maximum density of 11.02 units per acre to RM-12-S Residential Multifamily District; maximum 12 units per acre (proposed 7.05 units per acre). The petitioner is requesting the following uses:

- Residential Building, Multifamily

### Zoning District Purpose Statement
The RM-12 District is primarily intended to accommodate multifamily uses at a maximum overall density of twelve (12) units per acre. This district is appropriate for Growth Management Areas 1, 2, and 3.

### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

<table>
<thead>
<tr>
<th>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
</tr>
</tbody>
</table>

## GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>East side of Bethania-Rural Hall Road across from Northridge Park Drive.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County within the Town of Rural Hall’s corporate limits</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 21.55 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Site is undeveloped</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td>Direction</td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</td>
</tr>
</tbody>
</table>

### Applicable Rezoning

<table>
<thead>
<tr>
<th>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other</th>
</tr>
</thead>
</table>
Consideration from Chapter B, Article VI, Section 6-2.1(S) properties in the vicinity?
The proposed multifamily units are transitional with the industrial uses located across Bethania-Rural Hall Road. The proposed two story units are generally compatible with the single family homes which they back up to. The majority of the subject property was rezoned to multifamily residential in 1984 after the adjacent single family homes were in place.

Physical Characteristics
The site is currently undeveloped and primarily covered with mature vegetation. The property has a moderate to steep slope downward toward a branch located in the east central section of the site. Grassy Creek is located approximately 500 feet east of the site.

Proximity to Water and Sewer
Public water and sewer are directly available to the site.

Storm water/Drainage
The proposed grading shows the site will drain to the east into said branch which traverses the site. The Inspections Division recommends the developer prepare a storm water management study.

Watershed and Overlay Districts
The site is not within a water supply watershed.

Analysis of General Site Information
The site is suitable for the proposed development.

Recommended Conditions
PRIOR TO THE ISSUANCE OF GRADING PERMITS:
• Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.

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>Bethania-Rural Hall Road</td>
<td>Major Thoroughfare</td>
<td>1,018’</td>
<td>12,000</td>
<td>18,500</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td>Bethania-Rural Hall Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planned Road Improvements</td>
<td>None</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Trip Generation - Existing/Proposed
Existing Zoning: RM-12-S and RS-9
28 single family units x 9.57 (SFR Trip Rate) = 268 Trips per Day + 208 multifamily units x 6.59 (Multifamily Trip Rate) = 1,371 Trips per Day for the RM-12-S portion + 2.58 acres of RS-9 @ 9.57 trips per unit = 115 Trips per Day = 1,754 total Trips per Day

Proposed Zoning: RM-12-S
152 units x 6.59 (Multifamily Trip Rate) = 1,002 Trips per Day

Sidewalks
No sidewalks are currently located adjacent to the subject property. Sidewalks are proposed along a majority of the Bethania-Rural Hall Road frontage of the site. Staff recommends the provision of a sidewalk along
the entire frontage in accordance with the Thoroughfare Plan.

**Transit**
None available at this time

**Connectivity**
The proposal shows one private driveway entrance onto Bethania-Rural Hall Road with no external connectivity.

**Traffic Impact Study (TIS)**
No TIS was required

**Analysis of Site Access and Transportation Information**
The majority of the site was originally rezoned to multifamily residential in 1984 and again in 1992. Both previous rezonings included an east/west public street which traversed the site as per the Thoroughfare Plan. While that proposed roadway has since been removed from the Thoroughfare Plan, and is no longer reflected on the current site plan, staff recommends a secondary, emergency access be provided to the site to serve the proposed 152 multifamily units.

**Recommended Conditions**
PRIOR TO THE ISSUANCE OF GRADING PERMITS:
- Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.

**SCHOOL DISTRICT INFORMATION**

<table>
<thead>
<tr>
<th>Schools Serving Zoning Site</th>
<th>Projected Students From Project</th>
<th>2005-2006 Enrolled Students</th>
<th>2005-206 Projected Students w/ Accumulated Totals</th>
<th>School Capacity</th>
<th>Number of Mobile Classrooms on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rural Hall ES</td>
<td>21</td>
<td>621</td>
<td>642</td>
<td>527</td>
<td>N/A</td>
</tr>
<tr>
<td>Northwest MS</td>
<td>11</td>
<td>951</td>
<td>962</td>
<td>826</td>
<td>N/A</td>
</tr>
<tr>
<td>North Forsyth HS</td>
<td>14</td>
<td>1,543</td>
<td>1,557</td>
<td>1,099-1,548</td>
<td>N/A</td>
</tr>
</tbody>
</table>

**CONFORMITY TO PLANS AND PLANNING ISSUES**

*Legacy GMA*
Suburban Neighborhoods (GMA 3)

**Relevant Legacy Recommendations**
*Legacy* recommends higher density infill development at appropriate locations.

**Area Plan Recommendations**
The site is not within the boundaries of an area plan or development guide.

**Thoroughfare Plan Information**
The Thoroughfare Plan recommends the addition of sidewalks along Bethania-Rural Hall Road.

**Greenway Plan Information**
The Greenway Plan identifies a greenway along Grassy Creek located ±500’ east of the subject property. Staff recommends that a 40’ greenway easement be provided along one side of the unnamed branch which traverses the center of the subject property and flows into Grassy Creek.

**Other Applicable Plans and Planning Issues**
The Town of Rural Hall Bicycle and Pedestrian Facilities Plan which recommends a wider shoulder along Bethania-Rural Hall Road.

**Applicable Rezoning Consideration**
(S)(3) - Have changing conditions substantially affected the area in the petition?

No
(S)(4) - Is the requested action in conformance with Legacy?

See comments below.

Analysis of Conformity to Plans and Planning Issues

The majority of the site was originally zoned for a mixture of multifamily and townhouse units in 1984. The site was later rezoned in 1992 again with a mixture of multifamily and single family residential at an overall density of 11.02 units per acre. The current request would reduce the density to 7.05 units per acre however the current request no longer reflects a mixture of housing types.

The proposed request is generally consistent with the development principles of Legacy. The property is located within the corporate limits of the Town of Rural Hall. Written comments from the Town are attached.

## 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>
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<tbody>
<tr>
<td></td>
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<tr>
<td>F-1032</td>
<td>R-2-S (Residential Building, Multifamily) to R-2-S (PRD)</td>
<td>Approved 8-24-92</td>
<td>Included majority of current site</td>
<td>18.87</td>
<td>Approval</td>
</tr>
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<tr>
<td>F-716</td>
<td>R-6 to R-2-S</td>
<td>Approved 12-17-84</td>
<td>Included majority of current site</td>
<td>18.87</td>
<td>Approval</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-581</td>
<td>R-5 to R-2-S, converted to RM-12-S (Residential Building, Multifamily)</td>
<td>Approved 10-26-81</td>
<td>800’ east of site</td>
<td>19.1</td>
<td>Approval, Denial</td>
</tr>
</tbody>
</table>

## SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Units (by type) and Density</th>
<th>7.05 dwelling units per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>238 spaces</td>
</tr>
<tr>
<td>Proposed</td>
<td>238 spaces</td>
</tr>
<tr>
<td>Layout</td>
<td>90º along private drives</td>
</tr>
<tr>
<td>Building Height</td>
<td>Maximum</td>
</tr>
<tr>
<td>Proposed</td>
<td>45’</td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum</td>
</tr>
<tr>
<td>Proposed</td>
<td>75%</td>
</tr>
<tr>
<td>Proposed</td>
<td>23%</td>
</tr>
</tbody>
</table>

UDO Sections Relevant to Subject Request:

- Chapter B, Article II, Section 2-1.2 (M) RM-12 Residential Multifamily District
Complies with Chapter B, Article VII, Section 7-5.3

(A) Legacy policies:
See comments above

(B) Environmental Ord.
Yes

(C) Subdivision Regulations
N/A

Analysis of Site Plan Compliance with UDO Requirements
The revised site plan complies with the requirements of the UDO.

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 lower the previously approved density in an area adjacent to a significant amount of single family residential.</td>
<td>Request removes the mixture of housing types included within the previous approved site plans for the site.</td>
</tr>
<tr>
<td>The site plan currently includes only one entrance to serve the proposed 152 multifamily residential units.</td>
<td></td>
</tr>
</tbody>
</table>

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

PRIOR TO 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. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

a. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show tentative building locations for multifamily units and all access, utility and greenway easements. Said greenway easement shall be 40’ in width shall run along one side of the unnamed branch which traverses the center of the subject property and flows into Grassy Creek.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

a. Developer shall install all improvements a per driveway permit.

b. All required fire hydrants shall be installed in accordance with the County Fire Department.

c. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.

d. Developer shall install all required storm water management devices.

e. Developer shall provide an emergency vehicular connection to Farrington Lane.

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

FOR: None

AGAINST: None

WORK SESSION

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

1. Staff indicated that the Town of Rural Hall has stated that they do not feel an emergency access to the subdivision to the north of this site is necessary. Carol Eickmeyer expressed concern that local municipalities and Forsyth County could be sued if the lack of such access ever resulted in severe injury or fatality due to the primary access being blocked.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions without condition "e". SECOND: Paul Mullican

VOTE:
  FOR: Curtis, Clark, Folan, Glenn, King, Lambe, Mullican, Smith
  AGAINST: Eickmeyer
  EXCUSED: None

Written Comments Submitted By Planning Board Members:

Carol Eickmeyer: I voted against this subdivision because it only has one access point for city services and emergency vehicles. It would have been possible to have another emergency access. I do not understand why one would put 152 dwelling units in a place with only one access when there's a choice.

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of George W. Sparks Construction Co. as of September 9, 2005.

__________________________
A. Paul Norby, AICP
Director of Planning