DOCKET #: F1441

PROPOSED ZONING:
RS30

EXISTING ZONING:
RS40

PETITIONER:
Sheppard Run LLC for property owned by Kenneth J. Warren and India D. Warren

SCALE: 1" represents 600’

STAFF: King

GMA: 5

ACRE(S): 18.30

MAP(S): 678882
October 19, 2005

Kenneth J. Warren and India D. Warren
104 North Main Street
Kernersville, NC  27284

RE:    ZONING MAP AMENDMENT F-1441

Dear Mr. Warren and Ms. Warren:

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
       Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC  27103
       Ted Sharp, 3485 Sheppard Hill Road, Kernersville, NC  27284
       Ray Thomas, 116 South Cherry Street, Kernersville, NC  27284
       George Dixon, 3510 Sheppard Hill Road, Kernersville, NC  27284
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning Map Amendment of Kenneth J. Warren and
   India D. Warren from RS-40 to RS-30: property is located on the east side
   of Sheppard Hill Road north of Vance Road (Zoning Docket F-1441).

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

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended denial of the rezoning
petition.

ATTACHMENTS:-   X YES   ___ NO

SIGNATURE: ____________________________ DATE: ________________
County Manager
COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Kenneth J. Warren and India D. Warren, Docket F-1441

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

_________________________________

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

Section 1. The Zoning Ordinance of the Unified Development Ordinances of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from RS-40 to RS-30 the zoning classification of the following described property:

Tax Lots 6Y and 6Z Tax Block 5423

Section 2. This ordinance shall become effective upon adoption.
**CITY-COUNTY PLANNING BOARD STAFF**

**STAFF REPORT FOR: Docket # F-1441**

October 13, 2005

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### PETITION INFORMATION

<table>
<thead>
<tr>
<th><strong>Docket #</strong></th>
<th>F-1441</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff</strong></td>
<td>Aaron King</td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
<td>Kenneth J. Warren and India D. Warren</td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
<td>Same</td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
<td>Tax Lot 6Y and 6Z /Tax Block 5423</td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
<td>General Use Rezoning request from RS-40 to RS-30</td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-40 (Residential Single Family; 40,000 sf. lot size) to RS-30 (Residential Single Family; 30,000 sf. lot size).

**NOTE:** Both general and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.

### ZONING DISTRICT PURPOSE STATEMENT

The RS-30 District is primarily intended to accommodate single family detached dwellings on approximately three-quarter (0.75) acre lots in areas without access to public water and sewer services. This district is intended for application in Growth Management Areas 4 and 5. The district may also be applicable to older, larger lot development in Growth Management Areas 2 and 3 developed prior to the effective date of this ordinance.

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

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

The request is in conformance with the RS-30 purpose statement with the property being located within GMA 5. The property also does not have access to public sanitary sewer.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>East side of Sheppard Hill Road north of Vance Road</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jurisdiction</strong></td>
<td>Forsyth County</td>
</tr>
<tr>
<td><strong>Site Acreage</strong></td>
<td>Approximately ± 18.30 acres</td>
</tr>
</tbody>
</table>

**Current Land Use**

<table>
<thead>
<tr>
<th><strong>Surrounding Property Zoning and Use</strong></th>
<th><strong>Direction</strong></th>
<th><strong>Zoning District</strong></th>
<th><strong>Use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>RS-40</td>
<td>Single family homes</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>RS-30</td>
<td>Pine Knolls Golf Course/Single Family Homes</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>RS-40</td>
<td>Single family homes</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>RS-40</td>
<td>Single family homes</td>
</tr>
</tbody>
</table>

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?
from Chapter B, Article VI, Section 6-2.1(S) | Yes, both districts are designated for single family residential with the permitted uses in each district being very similar.

Physical Characteristics | The highest elevation (906 feet) is found within the western 1/3 of the property. From this point, the property slopes down to an average elevation of 850 to 860 feet. Hartle Creek, which flows north to Belews Lake, is located approximately 500 feet east of the petition site.

Proximity to Water and Sewer | The subject property does have access to public water, but does not have access to public sanitary sewer. There are no current plans by City-County Utilities to extend public sanitary sewer to this area.

Watershed and Overlay Districts | The subject property is not located within a water supply watershed.

Historic, Natural Heritage and/or Farmland Inventories | The Shepard Hill Road Forests and Beaver Pond, site #18 of the Forsyth County Natural Heritage Inventory, is located downstream of the petitioned site, approximately 1 mile north of the petitioned site at the end of Shepard Hill Road. The Forsyth County Natural Heritage Inventory, completed in 1998 with a grant from the NC Natural Heritage Program, identified 23 significant natural sites in Forsyth County. The Shepard Hill Road Forests and Beaver Pond site was identified as being of county significance due to the quality and size of its forested area and the wetlands and old beaver ponds on the site.

Analysis of General Site Information | The subject property is 18.3 acres in size and is currently heavily wooded with a mixture of mature trees and low growth vegetation. The topography of the site is relatively mild with one notable rise in elevation located within the western 1/3 of the property. There are no streams or wetlands located on the property. Since this is a general use request, it is not known what the property will be developed for, nonetheless the property poses no significant development issues.

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>Sheppard Hill Road</td>
<td>Local Road</td>
<td>+/- 730 feet</td>
<td>No counts available</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td></td>
<td>of frontage</td>
<td>for local roads</td>
<td></td>
</tr>
</tbody>
</table>

Proposed Access Point(s) | The subject property has public road frontage along the east side of Sheppard Hill Road.
| **Trip Generation - Existing/Proposed** | **Existing Zoning:** RS-40  
18.3 acres (RS-40) x \( \frac{43,560}{40,000} \) = 19 units x 9.57 (SFR Trip Rate) = 190 Trips per Day  
**Proposed Zoning:** RS-30  
18.3 acres (RS-30) x \( \frac{43,560}{30,000} \) = 26 units x 9.57 (SFR Trip Rate) = 254 Trips per Day |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sidewalks</strong></td>
<td>None existing</td>
</tr>
<tr>
<td><strong>Analysis of Site Access and Transportation Information</strong></td>
<td>Under the current zoning, the subject property can be developed for up to 19 single family homes. If this rezoning is approved, it would allow up to 26 single family homes to be built, which would generate a minor increase of 64 trips per day. The property is located in a rural part of the County with no transportation improvements planned at this time. If this property is rezoned to RS-30, it would signal that the entire area with access to Sheppard Hill Road should also be rezoned to RS-30, which would increase traffic on this long cul-de-sac more significantly.</td>
</tr>
</tbody>
</table>

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th><strong>Legacy GMA</strong></th>
<th>GMA 5 (Rural Area)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Relevant Legacy Recommendations</strong></td>
<td>• Legacy states that this area is intended to remain in very low density residential and agricultural uses for the Plan’s 15-year time horizon. Legacy also specifically discourages rezonings to more intense districts in the Rural Area.</td>
</tr>
<tr>
<td><strong>Relevant Area Plan(s)</strong></td>
<td>The subject property is not located within the boundaries of an area plan.</td>
</tr>
<tr>
<td><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</strong></td>
<td></td>
</tr>
</tbody>
</table>
(S)(3) - Have changing conditions substantially affected the area in the petition?  
No  
(S)(4) - Is the requested action in conformance with Legacy?  
No |
| **Analysis of Conformity to Plans and Planning Issues** | This request would allow 18.3 acres to be rezoned from RS-40 to RS-30. This rezoning request would not be consistent with Legacy’s recommendation that specifically discourages rezoning to a more intense zoning district in the Rural Area. The development pattern of the general area is mostly composed of AG and RS-40 zoning. More specifically, the development pattern along Sheppard Hill Road is composed of RS-40 zoning. RS-30 zoning would put more homes and the accompanying increase in traffic onto Sheppard Hill Road. Sheppard Hill Road is just under one mile in length (+/- 4,400 feet) and ends in a cul-de-sac. The majority of the property along this one mile cul-de-sac is undeveloped and contains the potential for more future development. This request would be more in line with the basic principles of sprawl, by increasing density in an area designated for rural development, especially in an area without the potential in the foreseeable future for public sewer. |
### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-586</td>
<td>R-6 to B-3-S</td>
<td>Approved August 24, 1981</td>
<td>South</td>
<td>4.2 acres</td>
<td>Denial</td>
</tr>
<tr>
<td>F-533</td>
<td>R-6 to B-3-S</td>
<td>Withdrawn at the October 11, 1979 Planning Board meeting</td>
<td>South</td>
<td>4.2 acres (same site as F-586)</td>
<td>NA</td>
</tr>
</tbody>
</table>

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request is in conformance with the RS-30 purpose statement.</td>
<td>Legacy specifically discourages more intense development to occur within GMA 5 putting more people further away from municipal services.</td>
</tr>
<tr>
<td>The uses allowed in both the RS-30 and RS-40 districts are the same.</td>
<td>The request would signal that RS-30 zoning would be appropriate for the remaining property located along Sheppard Hill Road.</td>
</tr>
<tr>
<td>RS-30 zoning is present to the east of the subject property.</td>
<td>City-County Utilities staff has confirmed that there are no future plans to extend public sanitary sewer to this area in which case the Health Department recommends a minimum 40,000 square foot lot size.</td>
</tr>
<tr>
<td></td>
<td>RS-30 zoning is not consistent with the development pattern of the area.</td>
</tr>
</tbody>
</table>

### STAFF RECOMMENDATION: DENIAL

**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.**

Aaron King presented the staff report.

**PUBLIC HEARING**
FOR:

Ray Thomas, 116 South Cherry Street, Kernersville, NC 27284
• I represent the petitioner.
• The uses for RS-40 and RS-30 are the same.
• We aren't talking about business activity - it's residential.
• The Utilities Commission often responds to situations rather than planning for them.
• The water situation is being addressed.
• Showed sites that are RS-30 and RS-40 non-conforming.
• This would be in conformance with the UDO.
• Shepherd Hill Road has recently been repaved.
• Larger tracts of land may come in and ask for RS-30, but we think you need to look at this particular parcel today and consider what it is next to.
• The Health Department will determine how many lots can be out here because of the septic systems.

Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC 27103
• There are quite a few single family homes on roughly one-acre lots that don't lend themselves to being reconfigured.

AGAINST:

George Dixon, 3510 Sheppard Hill Road, Kernersville, NC 27284
• The road has not been black-topped.
• We would like to leave this RS-40.
• There will be more traffic and the County will have to do something with that road. It will have to be widened.
• It was black-topped probably ten years ago.
• We would lose a lot of privacy.

WORK SESSION

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

1. The land's perkability is one of the constraints on the lot size.

2. If everything perks, RS-30 would allow seven more houses.

3. Carol Eickmeyer: Given that the Health Department's rules seem to go with RS-40, I don't think there's a good reason to change the lot size.

4. Clarence Lambe: It seems like we would want to get as much density as possible in a subdivision because of our concerns about sprawl. We're trying to cut down on the green space consumed by sprawl, cut down on the impervious surface cover. It just looks like this would be more in line with Legacy's desires to chew up less green space. Paul Norby: Legacy is trying to combat sprawl by
encouraging more compact development to be closer in. At the request of the Planning Board, we have met with the Utilities Commission and staff to establish procedures for carefully reviewing sewer extensions to avoid premature extensions into the Rural Area as defined in Legacy.

5. Arnold King: I don't think you're really changing the character between RS-40 and RS-30. And I don't think you're going to force the seven people to live closer to the city by denying this request. I think you're just going to force them to someplace else in the county.

6. Jerry Clark: I don't think this is a good use for this area.

7. Lavastian Glenn: Legacy is saying that we need to keep the density low in GMA 5 to stay rural and slow development.

7. Brenda Smith: I don't think the difference in the number of lots is significant enough to not allow the use of the land this way.

8. Dara Folan: I don't see a real justification to increase the density.

MOTION: Carol Eickmeyer moved denial of the zoning map amendment.
SECOND: Lavastian Glenn
VOTE:
   FOR: Clark, Curtis, Eickmeyer, Folan, Glenn
   AGAINST: King, Lambe, Mullican, Smith
   EXCUSED: None

Written Comments Submitted By Planning Board Members:

Carol Eickmeyer: I voted again changing the zoning since there is a requirement that the health department approves septic tanks for these lots. I could not see a reason to make a change.

Dara Folan: This is a GMA5 area and does not justify increased density. I believe Legacy would discourage this rezoning to a more intense district.

Lavastian Glenn: I think it's important to follow the plan for GMA5 for the area to remain low density. We should not approve a zoning change that would encourage sprawl.

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Kenneth Jeffrey Warren and India D. Warren as of August 29, 2005.

________________________
A. Paul Norby, AICP
Director of Planning