



DOCKET #: F1412
 (Continued from 5/13/04
 CCPB meeting)

PROPOSED ZONING:
 RS20-S (Residential
 Building, Single Family; PRD)

EXISTING ZONING:
 AG and RS40

PETITIONER:
 Lynda W. Lockhart,
 Paul K. Davis,
 Benchmark Holdings, Inc.,
 and Davis Glen Properties,
 LLC, for property
 owned by Same

SCALE: 1" represents 600'

STAFF: Roberts

GMA: 4

ACRE(S): 44.96

MAP(S): 588814



June 23, 2004

Paul K. Davis
5175 Dock Davis Road
Clemmons, NC 27012-8785

RE: ZONING MAP AMENDMENT F-1412

Dear Mr. Davis:

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
Lynda W. Lockhart, 5025 Dock Davis Road, Clemmons, NC 27012-8783
Benchmark Holdings, Inc.,
Davis Glenn Properties, LLC, c/o Michael Amos, 131 Parris Avenue W, High Point, NC
27262
Woodrow B. Davis, et al, and Pamela Roth, 5000 Dock Davis Road, Clemmons, NC
27012-8784

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Zoning map amendment of Lynda W. Lockhart, Paul K. Davis, Benchmark Holdings, Inc. and Davis Glen Properties, LLC from AG and RS-40 to RS-20-S (Residential Building, Single Family; and Planned Residential Development): property is located on the south side of Dock Davis Road west of Hartman Farm Pond Road (private) (Zoning Docket F-1412).
- 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:- YES NO

SIGNATURE: _____ **DATE:** _____

County Manager

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Lynda W. Lockhart, Paul K. Davis, Benchmark Holdings, Inc. and Davis Glenn Properties, LLC, Docket F-1412

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 and RS-40 to RS-20-S (Residential Building, Single Family; and Planned Residential Development) the zoning classification of the following described property:

Beginning at the right-of-way of Dock Davis Road and the northwest corner of Tax Lot 106F Block 4203, and continuing along Tax Lot 106F Block 4203, the private drive of Hartman Farm Road the next five calls S 31° 14' 45" E 524.88' to a point in the common line of Tax Lot 106F Block 4203; Thence S 43° 44' 45" E 412.16' to a point in the common line of Tax Lot 106F Block 4203; Thence S 56° 14' 45" E 100.0' to a point in the common line of Tax Lot 106F Block 4203; Thence S 28° 44' 45" E 415.08' with a radius of 449.46' to a point in the common line of Tax Lot 106F Block 4203; Thence S 01° 14' 45" E 43.86' to a point in the common line of Tax Lot 106F Block 4203; Thence adjoining Tax Lot 123 Block 4203 S 62° 10' 32" W 227.79' to a point in the northwest corner of Tax Lot 123 Block 4203 and the northeast corner of Tax Lot 131 Block 4203; Thence along Tax Lot 131 Block 4203 and the proposed lot 14 N 04° 35' 00" E 155.41' to a point in the northeast corner of Tax Lot 131 Block 4203 and the north line of Tax Lot 131; Thence along the proposed lots 15, 16, 17 N 76° 39' 45" W 131.68' to a point in the northwest corner of Tax Lot 131 Block 4203; Thence along the proposed lots 19, 20, & 21 S 16° 23' 25" W 341.97' to a point in the northeast corner of Tax Lot 132 Block 4203; Thence continuing along Tax Lot 131 Block 4203 and the proposed lots 22, 23 and the common area #2 S 62° 45' 44" W 411.88' to a point in the common line of Tax Lot 131

Block 4203; Thence along the proposed lots 59 and 60 S 14° 48' 20" W 428.62' to a point in the common line of Tax Lot 131 Block 4203; Thence along the proposed lot 60 and common area #3 S 18° 24' 05" W 319.09' to a point in the common line of Tax Lot 131 Block 4203; Thence along Tax Lots 151, 150, 149B and 148 Block 4203E N 45° 00' 19" W 568.41' to a point in northernmost corner of Tax Lot 148 Block 4203E ; Thence along the northern line of Tax Lot 148 Block 4203E S 62° 47' 22" W 104.17' to a point in the common line of Tax Lot 22M Block 4203; Thence along the property of James D. Hartman Lot 22M Block 4203 N 02° 58' 06" E 559.54' to a point in the southeast corner of Tax Lot 22N Block 4203; Thence along the property of Robert Lee Hartman, Jr. Lot 22N Block 4203 N 02° 58' 06" E 341.11' to a point in the southeast corner of Tax Lot 22P Block 4203; Thence along Tax Lot 22P Block 4203 N 02° 58' 06" E 391.86' to a point being the northeast corner of Tax Lot 22P Block 4203; Thence along the common area #1 and Tax Lot 22P Block 4203 the next two calls N 84° 49' 20" W 33.21' to a point; Thence N 84° 50' 08" W 86.84' to a point adjoining the new proposed line of Tax Lot 106K Block ; Thence along the proposed new line of Woodrow B. Davis et al, through Tax Lot 106K Block 4203 the next two calls N 05° 09' 52" E 108.78' to a point; Thence N 36° 12' 02" W 266.71' to the point in the southern right-of-way of Dock Davis Road; Thence continuing along the southern right-of-way of Dock Davis Road N 67° 21' 50" E 161.60' with a radius of 686.07' to a point in the right-of-way of Dock Davis Road; Thence continuing along Dock Davis Road N 72° 35' 46" E 171.34' to a point in the southern right-of-way of Dock Davis Road; Thence N 66° 37' 29" E 319.47' with a radius of 1493.32' to a point in the right-of-way of Dock Davis Road; Thence continuing along Dock Davis Road the next two calls N 58° 40' 05" E 160.10' to a point; Thence N 58° 40' 12" E 118.78' to a point and place of beginning containing 44.96 acres +/-.

Section 2. This Ordinance is adopted after approval of the site plan entitled Woodmont, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Lynda W. Lockhart, Paul K. Davis, Benchmark Holdings, Inc. and Davis Glenn Properties, LLC.

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 Woodmont. 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 Lynda W. Lockhart, Paul K. Davis, Benchmark Holdings, Inc. and Davis Glenn Properties, LLC (Zoning Docket F-1412). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for RS-20-S (Residential Building, Single Family; and Planned Residential Development), approved by the Forsyth County Board of Commissioners the ____ day of _____, 20 ____" and signed, provided the property is developed in accordance with requirements of the RS-20-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. Limits of clearing for the entire site shall be flagged in the field.
 - b. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
 - c. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.

- **PRIOR TO THE SIGNING OF PLATS**
 - a. All documents including covenants, restrictions, and homeowner's association agreements shall be recorded in the office of the Register of Deeds.
 - b. All required fire hydrants shall be installed or bonded in accordance with the Forsyth County Fire Department. The cul-de-sac at the end of Oak Ridge Court shall be 80' in diameter.
 - c. Developer shall install or financially guarantee all curb and gutter streets and minimum five (5) foot wide sidewalks as shown on the revised site plan to the specification of the North Carolina Department of Transportation.

- d. Negative access easements along Dock Davis Road shall be recorded.
 - e. Developer shall install or financially guarantee large variety street trees along both sides of all streets at a maximum spacing of 60 feet on center.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall record a final plat in the office of the Register of Deeds.

ZONING STAFF REPORT

DOCKET # F-1412
STAFF: Gary Roberts

Petitioner(s): Lynda W. Lockhart, Paul K. Davis, Benchmark Holdings, Inc. and Davis Glen Properties, LLC
Ownership: Same

REQUEST

From: AG Agricultural District and RS-40 Single Family Residential District; 40,000 sf minimum lot size
To: RS-20-S Single Family Residential (Residential Building, Single Family; and Planned Residential Development)

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

Acreage: 44.96

CONTINUANCE HISTORY

The petitioner requested a continuance from the May 13, 2004 Planning Board meeting to the June 10, 2004 meeting in order address Planning staff concerns. As of this writing, staff has not received any additional site plans showing how the petitioner intends to address staff concerns.

LOCATION

Street: South side of Dock Davis Road west of Hartman Farm Pond Road (private).
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: 76 unit single family Planned Residential Development.
Building Height: 40 foot maximum.
Density: 1.69 dwelling units per acre.
Bufferyard Requirements: 30 foot Type II bufferyard adjacent to AG and RS-40 (when proposed lots are smaller than the minimum lot size of the adjacent property).
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is undeveloped with the exception of two single family homes shown as to be removed.

Adjacent Uses:

North-	Undeveloped property and large lot single family residential zoned RS-40.
East-	Undeveloped property and large lot single family residential zoned AG.
South-	Salem Glen golf course and subdivision zoned AG.
West-	Undeveloped property and large lot single family residential zoned RS-40 and AG.

GENERAL AREA

Character/Maintenance: Well maintained single family homes on large lots.

Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. F-1145; YR and AG to RS-20; withdrawn at Planning Board meeting on December 14, 1995; south side of Dock Davis Road and along the Forsyth /Davidson County line; 186.23 acres; Planning staff recommended the proposed development (Salem Glen) to take place under the existing zoning through the Planned Residential Development option.
2. F-1125; RS-40 to RS-20; approved September 25, 1995; west side of Hampton Road across from Frye Bridge Road; 60.89 acres; Planning Board and staff recommended denial.
3. F-423; R-6 to R-3-S (Club or Lodge, Private); approved July 6, 1976; east side of Hampton Road south of Dock Davis Road; 9.44 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan does not indicate how much of the existing vegetation is to remain. While it can perhaps be assumed that a large portion of the vegetation on the home sites will be removed, the proposed site plan preserves about 17 percent of the site as open space.

Topography: The subject property experiences an elevation change of approximately 118 feet, rising from about 702 feet in the southern-most corner of the site, up to about 820 feet along the northeastern border of the site.

Streams: The City-County Topographic Maps identify approximately seven unnamed intermittent streams on the subject property, all of which are identified on the proposed site plan.

Vegetation/habitat: The subject property is almost entirely covered with mature vegetation.

Environmental Resources Beyond The Site: Sediment pollution is an increasing problem along the Yadkin-Pee Dee River Basin due in part to the cumulative effects of land-disturbing developments in this region. Although the potential effects of new developments like this particular proposal are not necessarily noticeable individually, combined they can have considerable impacts on water quality. While this is truly a regional issue, it warrants mentioning here because land-disturbing activities associated with new residential development can contribute, albeit incrementally, to this problem.

Water Supply Watershed: The subject property is located in the Yadkin River WS-IV water supply watershed.

Compliance with Watershed Protection Regulations: The petitioner is responsible for complying with the appropriate WS-IV watershed regulations. The proposed subdivision complies with the watershed regulations in that the proposed density is less than two (2) units per 40,000 square feet.

TRANSPORTATION

Direct Access to Site: Dock Davis Road

Street Classification: Dock Davis Road – Minor Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Dock Davis Road between Idols and Hampton Roads = 670/11,100

Trip Generation/Existing Zoning: AG and RS-40

$44.96/43,560/40,000 = 48 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 459 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RS-20-S

$76 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 727 \text{ Trips per Day}$

Connectivity of street network: Poor internal connectivity and average external connectivity.

Sidewalks: No sidewalks are located in the general area, staff has requested the developer to consider some measure of sidewalks within the proposed development.

Bicycle Route: Route 23, Idols Dam Connector, along Dock Davis Road.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* promotes growth in the Future Growth Area that is timed with the provision of urban infrastructure and services.

Area Plan/Development Guide: Village of Clemmons, *Clemmons Area Development Guide (CADG)*, (1998).

Relevant Development Guide Recommendation(s): The *CADG* recommends the subject property be developed with one-half (1/2) acre lot single family residential uses. However, extension of utilities to the area that would support a higher density has not been planned.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 74 students to the system, as indicated by the following chart.

Project	Number Units	Schools	Projected Students from Project	2003-2004 Enrolled Students	2003-2004 Projected Students with Accumulated Totals since 4/15/04	School Capacity
F-1412	76	Clemmons ES	34	758	792	679
		Clemmons MS	17	1,131	1,148	758
		West Forsyth HS	23	2,263	2,286	1,707-1,980

ANALYSIS

The subject request is to rezone a 44.96 acre tract located on the south side of Dock Davis Road from AG and RS-40 to RS-20-S. The proposed single family, Planned Residential Development, PRD, consists of 76 dwelling units with a density of 1.69 units per acre. The property is primarily wooded and undeveloped with the exception of two residential structures, which are shown as to be removed on the site plan.

The surrounding area is primarily undeveloped and low density residential in character. All of the surrounding properties are similarly zoned either AG or RS-40. No RS-20 zoning is located in the general area. The closest comparable zoning to the proposed RS-20-S is located almost one half mile to the north. This property, which adjoins a large GI tract and is accessed from Idols Road, is zoned RS-15 and is within the Village of Clemmons corporate limits. While the density of the proposed project is relatively low, staff is concerned that the subject request would establish a density precedent for a much larger, now undeveloped, area which has a limited network of public streets to provide good access and circulation.

Secondly, the majority of the lot sizes within the proposed PRD are less than 20,000 square feet with many being less than 12,000 square feet. Such densities necessitate the provision of community sewer and preferably community water systems. The property is located within *Legacy's* Future Growth Area. The primary recommendation applicable to the subject property is that increased densities should be timed with the provision of urban infrastructure and services. Planning staff's policy has been to interpret that said infrastructure, particularly in regard to water and sewer, are intended to be *public* systems. While no public water is currently available in the general area, the Engineering Department is in the final stages of designing an 8" water line to serve Dock Davis Road. Upon obtaining signatures of a small number of remaining property owners, it is anticipated the line will be in place by the end of 2004. Sanitary sewer treatment, however, is to be provided by connecting onto an adjacent private sewer package

plant. The City-County Utilities Commission has no plans for extending public sewer into this area. The private plant is located within the Salem Glen private golf course community, located directly southwest of the subject property. Should problems arise regarding the future maintenance or capacity of this private plant, the residents of the proposed project would then likely look to the Utilities Commission for relief.

In summary, the proposed request would establish a precedent of higher density in a largely undeveloped portion of the county, which has a limited collector street network and no feasible opportunity for accessing public sewer service. Staff therefore recommends denial of the subject request.

FINDINGS

1. *Legacy* promotes growth in the Future Growth Area that is timed with the provision of urban infrastructure and services.
2. The intent of the Future Growth Area is to accommodate increased densities when *public* services are available.
3. The subject RS-20 PRD proposes to utilize an adjacent *private* package treatment plant for sewer service.
4. The request would establish a higher density precedent for the surrounding largely undeveloped, area which has a limited network of public streets to provide good access and circulation.

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. Limits of clearing for the entire site shall be flagged in the field.
 - b. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
 - c. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.
- **PRIOR TO THE SIGNING OF PLATS**
 - a. All documents including covenants, restrictions, and homeowner's association agreements shall be recorded in the office of the Register of Deeds.
 - b. All required fire hydrants shall be installed or bonded in accordance with the Forsyth County Fire Department. The cul-de-sac at the end of Oak Ridge Court shall be 80' in diameter.

- c. Developer shall install or financially guarantee all curb and gutter streets and minimum five (5) foot wide sidewalks as shown on the revised site plan to the specification of the North Carolina Department of Transportation.
 - d. Negative access easements along Dock Davis Road shall be recorded.
 - e. Developer shall install or financially guarantee large variety street trees along both sides of all streets at a maximum spacing of 60 feet on center.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall record a final plat in the office of the Register of Deeds.

PUBLIC HEARING - May 13, 2004

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved continuance of the zoning map amendment to June 10, 2004.

SECOND: Paul Mullican

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

PUBLIC HEARING - June 10, 2004

Gary Roberts presented the staff report.

FOR:

Steve Frucht, 1040 Keswick Lane, Clemmons, NC 27012

- I'm the developer of this project.
- The ability to get the private sewer is one of the things that makes this possible. We used *Legacy* to try and help us design this the best way.
- I think the plan we have is consistent with *Legacy*.
- We've included sidewalks and trees.
- It should serve well.

Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC 27103

- There did seem to be a concern from staff about transportation. There is currently a very low use of the roads, so this should be okay.
- The overall density is not too far from the Salem Glen density. There are cluster homes and even townhomes in Salem Glen.

- The golf course is a large portion of the project and not necessarily common space.
- Apparently Salem Glen was submitted as RS-20, but once their plans were finalized, they could meet the AG District requirements.
- Regarding the layout, we are left with two long cul-de-sacs, the result of trying to preserve the more sensitive environmental areas.
- One of the reasons we felt this was feasible was the growth management area plan and the Clemmons area plan, both of which seemed to support this. I think the issue was whether or not public infrastructure was available. However, private infrastructure is available and public water should be available shortly.

AGAINST: None

WORK SESSION

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

- Paul Mullican - how does a private sewer system work? How is it controlled? Gary Roberts - all systems have to meet State standards. Salem Glen has capacity to handle this new development.
- This case was continued to allow staff to work with the petitioners. As a result, several improvements were made including sidewalks and large variety street trees.
- Paul Mullican - the main concern I had is about the sewer system and they've answered those questions. I feel the sewer system will work now.
- Jerry Clark - will this be precedent-setting? Paul Norby - Certainly that is a possibility. There's also the possibility that enough land would be gathered to provide their own sewage system.
- Jimmy Norwood - was there any discussion with Davidson County since they are so close? Paul Norby - Typically we talk with other counties when we straddle the boundary.
- Arnold King - we don't think public facilities will be out there so if it's going to be developed this is our only method of developing.
- Brenda Smith - capacity has to be considered; don't think we should prohibit development due to lack of facilities when the State agency responsible for monitoring the facility is comfortable.
- Dara Folan - I would not have supported this the first time, but with the changes made during discussions with staff, I feel good about this. I appreciate the developer's efforts in working with staff.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Brenda Smith

VOTE:

FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith

AGAINST: Glenn

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on , the subject property was in the names of Lynda W. Lockhart; Paul K. Davis; Woodrow B. Davis, et al, and Pamela Roth; and Davis Glen Properties, LLC. NOTE: Benchmark Landings, Inc. has a contract to purchase from Woodrow B. Davis, et al, and Pamela Roth.

A. Paul Norby, AICP
Director of Planning

