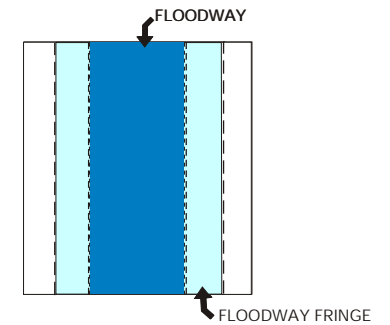


**DOCKET #:** F1389

**PROPOSED ZONING:**  
RS40

**EXISTING ZONING:**  
AG

**PETITIONER:**  
Ronald Pegram and  
Belews Creek Fire and Rescue



**SCALE:** 1" represents 1000'

**STAFF:** Galloway

**GMA:** 5

**ACRE(S):** 61.00

**MAP(S):** 678902



July 23, 2003

Ronald Pegram and Belews Creek Fire and Rescue  
c/o Tim Shields  
2825 Bethel Church Road  
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT F-1389

Dear Mr. Shields:

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  
Henry Murray, 6590 Kernersville Road, Belews Creek, NC 27009  
Joe Martin, 8112 Belews Creek Road, Belews Creek, NC 27009  
Gregory M. Ontko, 8011 Homestead Farm Road, Belews Creek, NC 27009  
Richard Larrimore, Sr. 8228 Fulp Mill Road, Belews Creek, NC 27009  
Sharon Thomas, 7600 Belews Creek Road, Belews Creek, NC 27009  
Lee Hewitt, 7755 Belews Creek Road, Belews Creek, NC 27009  
Hillary Wilson Douglas, Jr., 8225 Fulp Mill Road, Belews Creek, NC 27009



COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Ronald Pegram and Belews  
Creek Fire and Rescue, Docket F-1389

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

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

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

BEGINNING at an iron stake located at the northern right-of-way line of Fulp Mill Road SR#  
1966 being the SW Corner of Lot 13L of Tax Block 5237; thence north 02° 33' 03" east 793.02  
feet to an iron stake being the northeast corner of Lot 13Z of Tax Block 5237; thence south 85°  
05' 01" west 415.69 feet along the northern property line of Lot 13Z of Tax Block 5237 to a new  
iron stake; thence north 13° 16' 36" west 405.86 feet to a new iron stake within Lot 13L of Tax  
Block 5237; thence south 86° 41' 25" west 524.49 feet to a new iron stake within the eastern  
right-of-way of Belews Creek Road SR #1965; thence along the eastern right-of-way of Belews  
Creek Road following a 729.28 foot radius, chord north 09° 14' 13" west 188.59 feet to a point  
along the right-of-way; thence continuing along the eastern right-of-way of Belews Creek Road  
following a 446.48 foot radius, chord north 09° 21' 50" east 135.88 feet to an iron stake being the  
northwest corner of Lot 13L of Tax Block 5237; thence south 86° 01' 00" east 1,590.14 feet to  
an aluminum pipe set within the western property line of Lot 12 of Tax Block 5237 being the  
northeast corner of Lot 13L of Tax Block 5237; thence north approximately 126 feet to a stone  
being the northwest corner of Lot 12 of Tax Block 5237 and the southwest corner of Lot 14 of  
Tax Block 5237; thence north approximately 986 feet to a stone being the northwest corner of  
Lot 14 of Tax Block 5237; thence east approximately 694 feet to a point being the northeast  
corner of Lot 14 of Tax Block 5237; thence south approximately 2,286 feet to the northern right-  
of-way line of Fulp Mill Road being the southeast corner of Lot 12 of Tax Block 5237; thence  
following the northern right-of-way line of Fulp Mill Road south 79° west approximately 670

feet to an iron rebar stake being the southwest corner of Lot 12 of Tax Block 5237 and southeast corner of Lot 13L of Tax Block 5237; thence continuing along the right-of-way of Fulp Mill Road south  $85^{\circ} 30' 26''$  west 457.28 feet to the point of beginning being the southwest corner of Lot 13L of Tax Block 5237.

The above being a compilation of a recent survey by Land Design Surveying Company dated 4/4/2001 around Lot 13L and a meets and bounds description used to transfer title of Lots 12 and 14 to Ronald W. Pegram.

Being Tax Block 5237, Tax Lots 12, 14, and a portion of 13L and consisting of \_\_\_\_\_ acres.

Section 2. This ordinance shall become effective upon adoption.

## ZONING STAFF REPORT

**DOCKET #** F-1389

**STAFF:** Suzy Gallaway

Petitioner(s): Ronald Pegram and Belews Creek Fire and Rescue

Ownership: Same

### **REQUEST**

From: AG (Agricultural)

To: RS-40 (Residential, Single Family)

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 61.0 acres

### **LOCATION:**

Street: North side of Fulps Mill Road and east side of Belews Creek Road.

Jurisdiction: Forsyth County.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Site is vacant.

Adjacent Uses:

North-	Vacant property, zoned RS-30.
East-	Three manufactured homes in an approved subdivision, zoned RS-40-S.
South-	Vacant property, zoned AG.
West-	Vacant property, zoned AG.

### **GENERAL AREA**

Character/Maintenance: Very rural in character, minimal, scattered development.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Because this is a general use petition, the impact of this proposal on existing features cannot be determined.

Topography: From its highest to lowest points, the subject property experiences an elevation change of approximately 110 feet. Its highest point is 872.2 feet in the west-central section of the property. The elevation falls to about 810 feet at the southern boundary of the site and to a low of about 760 feet at the point where the two tributaries on the site intersect.

Streams: Two tributaries to Belews Creek traverse the site and intersect in the northeastern section of the property.

Vegetation/habitat: The site is almost entirely vegetated, with the exception of a small portion of land in the southwestern most corner.

Floodplains: There are no floodplains on the subject property. A floodway is located about 2,500 feet from the eastern boundary of the site.

Natural Heritage Sites: The West Belews Creek Swamps and Forest are about ½ mile to the west of the subject property. This is an area of slopes, hilltops, and alluvial bottomlands along West Belews Creek. It is a mostly forested site with wetlands in the northern part of the area.

Farmland Preservation Sites: Six farmland preservation sites are within about a 2-mile distance of the subject property. While not directly on or adjacent to the subject property, they further reflect the rural character of this area.

Environmental Resources Beyond The Site: Because this is a general use petition, the impact of this proposal to environmental resources beyond the site cannot be determined.

Water Supply Watershed: The subject property is not located in a water supply watershed.

## **TRANSPORTATION**

Direct Access to Site: Fulps Mill Road; Belews Creek Road

Street Classification: Fulps Mill Road – Local Road; Belews Creek Road – Minor Thoroughfare

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

Belews Creek Road between Goodwill Church Road and Crim Road = 1,300/11,100

## **HISTORY**

Relevant Zoning Cases:

1. F-1076; I-3 and R-6 to R-6; east side of Deer Hill Road; approved April 11, 1994; 37.04 acres; Planning Board and staff recommended approval.
2. F-900; R-6 to R-6-S (PRD; Residential Buildings, Single Family; Manufactured Homes); north side of Fulps Mill road east of Belews Creek Road (adjacent on the east to current site); approved September 26, 1988; 81.73 acres; Planning Board and staff recommended approval.

3. F-482; R-6 to R-5; east side of Belews Creek Road on north and south sides of Deer Hill Road; denied October 16, 1978; 100.0 acres; Planning Board recommended denial, staff recommended approval.

### **CONFORMITY TO PLANS**

GMP Area (*Legacy*): Rural Area (GMA 5).

Relevant Comprehensive Plan Recommendation(s): The overall goal in *Legacy* for the Rural Area is preservation of farmland, open space, and rural character. One of the recommendations in the Plan to achieve this goal is to encourage open space subdivision developments.

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

### **ANALYSIS**

The current request is to rezone 61 acres from AG to RS-40. The site is in an area with a mixture of agricultural uses as well as large lot single family homes and subdivisions. It is also located in what *Legacy* indicates as the Rural Growth Management Area of the county. Staff encourages the retention of agricultural property, as it is a dwindling resource. Staff also realizes that not every site is ideal for agricultural uses, and that there are other factors to consider.

This site is located adjacent to other AG property as well as RS-30 zoned property and RS-40-S zoned property. Staff is of the opinion that this site is unlikely to be utilized as agricultural land as it is heavily wooded, and would need to be cleared. The site also has rough topography making fields or pasture even less likely. The Utilities Department has run public water up Belews Creek Road, terminating at Belews Lake, so it is available to this site. Throughout the northeast corner of the county there is a proliferation of AG zoning and few public water connections. The exception is the area north of Goodwill Church road and east of Belews Creek Road. Closer to the lake there are more subdivisions likely due to the desirability of living along or near the water. In this limited context, staff is not as concerned with agricultural preservation as with the rest of the northeast quadrant. Gravity sewer is not intended to service the northeast quadrant.

Staff would like to emphasize the importance of the retention of agricultural land in the remainder of the northeast quadrant of the county. Staff will be working on a Rural Development Policy in the work program for next year. There are also open space subdivision guidelines coming before the Planning Board in the near future.

Both AG and RS-40 zoning currently allow subdivisions to be developed. In a conventional AG subdivision lots would be required to be at least 40,000 square feet and 150 feet wide. RS-40 subdivisions would also require 40,000 square foot lots, but at 100 feet wide. If developed as a Planned Residential Development, AG requires an allocation of 35% open space and RS-40 requires 25% open space. The developer would also be expected to adhere to the Memorandum of Understanding between the Home Builders Association and the County Commissioners to limit the clearing of trees and other provisions for development.



Staff is of the opinion that this particular site is appropriate to rezone from AG to RS-40. It is in the section of the northeast quadrant near Belews Lake that has seen more subdivision development. Also, given that the site would be difficult to be utilized for agricultural and is contiguous to non-AG zoning, RS-40 may be more appropriate.

### **FINDINGS**

1. The current request is to rezone 61 acres from AG to RS-40.
2. Both AG and RS-40 zoning currently allow subdivisions to be developed.
3. Site would have access to public water, but not gravity sewer.
4. Retention of the areas generally in the northeastern part of the County for agricultural zoning is important.
5. This site is not particularly well suited to agriculture due to its topography, wooded nature and location adjacent to other non-AG residential zoning.
6. The developer would also be expected to adhere to the Memorandum of Understanding agreement between the Home Builders Association and the County Commissioners with the development of any type of subdivision.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

Suzy Gallaway presented the staff report.

### **PUBLIC HEARING**

FOR:

Tim Shields, 2825 Bethel Church Road, Kernersville, NC 27284

I'm here representing the fire department.

Someone bought 4.5 acres for a fire station.

There's quite a lot of non-residential property in this area.

We want to preserve as much "prime" agricultural land as possible, but just because land is being farmed doesn't mean it's "prime" agricultural land.

This is the lowest intensity use of any of your cases today.

It is a reasonable use with higher density uses around it.

Henry Murray, 6590 Kernersville Road, Belews Creek, NC 27009

This area is zoned AG. It is certainly not as suitable for farming as some of the property around here. The property across Fulps Mill Road is owned by my family and is being farmed.

There's a lot of property in the area that is already zoned more restrictively than this site. I hate to see people saddled with property they can't use.

Joe Martin, 8112 Belews Creek Road, Belews Creek, NC 27009

I think this would be a feasible thing for our community. I've walked this land several times and it is not suitable for apartments.

We need to be able to sell this property.

AGAINST:

Gregory M. Ontko, 8011 Homestead Farm Road, Belews Creek, NC 27009

Submitted petition of 64 homeowners closest to this project who are against this proposal.

We choose not to live in PRDs and cluster homes. That's why we choose to live here.

They are asking to put 60 homes here.

There's no community involvement in the fire department or in this. They know there would be almost unanimous opposition to these plans.

There are creeks that run out of our area into Belews Lake. There are currently sewage problems in these creeks and they will worsen with more development.

*Legacy* strongly opposes this type of development in this area and urges protection of existing land.

We need to protect large lot zoning to help protect agriculture.

We choose to live in a rural area for a quality of life. We ask you to help us sustain it.

This was agricultural until the fire department came in.

Storm water is an issue here. We don't need more.

Traffic is a problem.

Richard Larrimore, Sr. 8228 Fulp Mill Road, Belews Creek, NC 27009

I know this land better than anyone here. It isn't suitable for farming or housing. Submitted petition of those in opposition to this request.

Sharon Thomas, 7600 Belews Creek Road, Belews Creek, NC 27009

I live directly across from Fulp Mill Road which is a small country road. My concern is safety.

## **WORK SESSION**

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

1. Dara Folan: You could put a subdivision there now, correct? Paul Norby: That's correct. The difference is lot width.
2. John Bost: RS-40 you could make it more attractive. Paul Norby: It depends on your perspective.

3. Jimmy Norwood: I have a problem with the Fire Department saying they bought it and want to sell it. It doesn't matter to me, developing it will be difficult anyway. If you go RS-40, you give up wider lots and open space.
4. The Fire Department is a tax exempt entity. If the land is sold, the value won't change, but it is likely that the purchaser will not be a tax-exempt entity which will increase the tax base.
5. Philip Doyle: The tough terrain is going to put whoever develops this property in the position of having to go with a planned residential development (PRD) instead of a standard lot pattern.
6. There are some environmental areas here which it would be beneficial to protect. The only way to do that and allow the property owner to develop as needed is probably a PRD.
7. The few hardwood trees are valuable assets and should be protected.

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Doyle, Folan, Glenn, King, Lambe

AGAINST: Eickmeyer, Norwood

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on June 6, 2003, the subject property was in the name of Ronald Pegram and Belews Creek Fire and Rescue.

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A. Paul Norby, AICP  
Director of Planning