

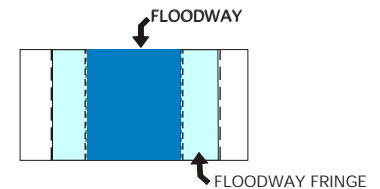
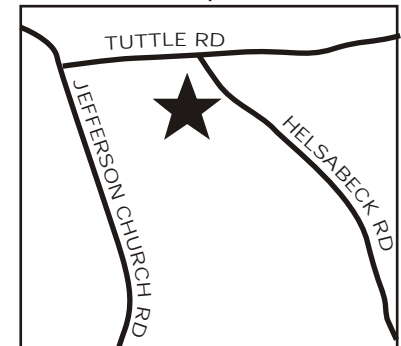
DOCKET #: F1375
(remanded from BOCC)

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

EXISTING ZONING:
AG

PETITIONER:
B & N Partners for property
owned by others

Location Map:



SCALE: 1" represents 400'

STAFF: Hall

GMA: 4

ACRE(S): 13.5

MAP(S): 606910, 606914



January 22, 2003

B & N Partners
406 Harvey St.
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT F-1375

Dear Sirs:

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 Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of B & N Partners for property owned by Aliene T. Essick, et al, and Delmore D. Tuttle Heirs

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of B & N Partners for property owned by Aliene T. Essick, et al, and Delmore D. Tuttle Heirs from AG to RS-20-S (Residential Building, Single Family): property is located on the southwest side of Helsabeck Road south of Tuttle Road (Zoning Docket F-1375).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of B & N Partners for property owned by Aliene T. Essick, et al, and Delmore D. Tuttle Heirs, Docket F-1375

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 RS-20-S the zoning classification of the following described property:

Tax Block 4971, Tax Lot 8G

Section 2. This Ordinance is adopted after approval of the site plan entitled B & N Partners for property owned by others, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to B & N Partners for property owned by Aliene T. Essick, et al, and Delmore D. Tuttle Heirs.

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 B & N Partners for property owned by others. 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 B & N Partners for property owned by Aliene T. Essick, et al, and Delmore D. Tuttle Heirs (Zoning Docket F-1375). 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), 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 BUILDING PERMITS**
 - a. Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show lots, common areas, public streets and utilities.
 - b. On site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install large variety street trees along both sides of all proposed streets spaced a minimum of 40 and a maximum of 60 feet apart.
 - b. Developer must build or bond public streets to NCDOT public street construction standards.
 - c. Developer shall obtain a driveway permit from the North Carolina Department of Transportation (NCDOT). NCDOT may require additional road improvements.
 - d. All required fire hydrants shall be installed in accordance with the County of Forsyth Fire Department.

- **OTHER REQUIREMENTS**

- a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.
- b. There will be a vehicular connection made between the subject development and Madison View Court that abuts the property on the west.
- c. An approved turnaround shall be installed at the end of Reynold's Way. The turnaround shall be a T-Type turnaround at least 48' wide and 40' long or an 80' diameter cul-de-sac.

ZONING STAFF REPORT

DOCKET # F-1375

STAFF: S. Chad Hall

Petitioner(s): B & N Partners

Ownership: Aliene T. Essick, et al and Delmore D. Tuttle heirs

CONTINUANCE HISTORY

This case was remanded from the November 25, 2002, Board of County Commissioners meeting in order for the petitioner to submit a site plan under a Special Use rezoning petition. The purpose for the special use application is to address issues through site plan conditions related to interconnectivity between the subject property and the adjacent Jefferson Valley subdivision to the west.

REQUEST

From: AG Agricultural District

To: RS-20-S Residential Single Family District; minimum lot size 20,000 sf

Both general and special use district zoning were discussed with the applicant(s). The petitioner pursued a general use district zoning; the Board of County Commissioners requested a special use district zoning.

Acreage: 13.5

LOCATION

Street: Southwest side of Helsabeck Road south of Tuttle Road.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Single Family Subdivision.

Building Height: 40' max.

Density: 1.62 dwelling units per acre (du/a).

Bufferyard Requirements: None.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently undeveloped.

Adjacent Uses:

- North - Existing residential zoned RS-20.
- East - Undeveloped land zoned AG.
- South - Undeveloped land zoned AG.
- West - Existing residential within King municipal limits zoned R-20.

GENERAL AREA

Character/Maintenance: Well maintained single family homes.

Development Pace: Slow to moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The site is primarily vegetated and will most likely be graded for development.

Topography: There is an approximate change in elevation on the subject property of 82' (from an approximate elevation of 1,020' in the north down to an approximate elevation of 938' in the south).

Streams: A tributary to Muddy Creek crosses the southern portion of the subject property.

Vegetation/habitat: The subject property is mostly vegetated.

Floodplains: None.

Watershed: Site is not within the boundaries of a water supply watershed.

Environmental Resources Beyond the Site: No direct impacts.

Amount of AG zoned land rezoned to other districts since the creation of the AG District on December 31, 1994: 1,300.84 acres; Balance: 60,215.69 acres.

TRANSPORTATION

Direct Access to Site: Helsabeck Road; Tuttle Road.

Street Classification: Helsabeck Road - local road; Tuttle Road - minor thoroughfare.

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

Tuttle Road between Old US 52 and Jefferson Church Road = 1,600/11,100

Trip Generation/Existing Zoning: AG

$13.5 \times 43,560/40,000 = 14 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 133 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RS-20-S

$13.5 \times 43,560/20,000 = 29 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 277 \text{ Trips per Day}$

Interior Streets: Public.

Connectivity of street network: Very poor without connection to Madison View Court.

Although the plan illustrates a street stub to the east for future connectivity, all traffic from the subject property or future developments to the east will only have access to Helsabeck Road. By providing a connection to Madison View Court, as well as other

connections to future developments to the east, daily services (emergency response, school buses, postal services) and alternate trip patterns would allow residents and service providers to have access to Tuttle Road without having to access Helsabeck Road.

Sidewalks: None existing.

HISTORY

Relevant Zoning Cases:

1. F-1224; RS-20 to MH; approved May 4, 1998; north side of Tuttle Road between Old US 52 and Southern Railroad; 1.3 acres; Planning Board and staff recommended denial.
2. F-1103; RS-20 to MH; approved April 10, 1995; north side of Weigh Station Road, east of Old Highway 52; 1.4 acres; Planning Board recommended denial and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Future Growth Areas identified on the Growth Management Plan Map do not currently have sewer and other facilities that would make them suitable for more intense development. However, those facilities will be provided in a planned and managed way and the Future Growth Area will eventually become more urban and densely developed.

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: The subject property is located within an area that may be annexed in the future by Rural Hall. King, to the west, is adjacent to the subject property. An annexation agreement separates King jurisdiction from Rural Hall at the western property line of the subject property.

Expressed Concern: Rural Hall has expressed that not having the connection creates a “natural barrier” between Rural Hall’s jurisdiction and King’s jurisdiction and wishes for the connection to not be required. King acknowledges that they do not have a legitimate voice in this rezoning petition, but nonetheless has expressed an opinion that they would prefer to see the connection retained between the Jefferson Valley subdivision and the subject property for reasons pertaining to both safety and convenience.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 22 students to the system, as indicated by the following chart.

Project	Number Units	Schools	Projected Students from Project	2002-2003 Enrolled Students	2002-2003 Projected Students with Accumulated Totals since 4/24/01	School Capacity
Moore Estates Single Family	22	Rural Hall Elem	10	689	699	725
		Northwest Mid	5	1151	1156	904
		North Forsyth High	7	1593	1600	1098-1504

ANALYSIS

The current request is to rezone 13.5 acres from AG to RS-20-S. The site is located on the southwest side of Helsabeck Road south of Tuttle Road. In this area, a majority of the undeveloped land west of Helsabeck Road is zoned AG. Across Helsabeck Road, most of the land is zoned RS-20. A street stub from the Jefferson Valley subdivision to the east via Madison View Court would allow for a connected street system that would then provide access from both the subject property and the existing subdivision to Helsabeck Road as well as Tuttle Road. This connection would have been required by virtue of the Subdivision Regulations of the UDO if the original general use petition had been approved. The Board of County Commissioners has remanded this petition from a general use petition to a special use petition so that a condition may be added to insure that this particular street connection not occur.

Staff notes that vehicular interconnectivity is a long-standing requirement of the County’s subdivision regulations. Inasmuch as subdivisions are routinely approved by the Planning Board with stub street connections to adjacent residential neighborhoods, staff has come to regard such connections as fundamental to the subdivision process. Indeed, over the years since the regulation was adopted hundreds of interconnected streets have been reviewed and approved in a manner which achieved the purpose of providing safe and efficient access to neighborhoods while lessening traffic impacts to arterial streets. In this context staff offers the following observations and recommendations as part of this zoning petition.

The subject property is within the Rural Hall area of annexation consideration per an annexation agreement with the Town of King. The site abuts the King municipal limits on its western edge. Public water is available to the site from King and sewer is approximately one half mile away from the subject property. King Planning has stated that they would prefer to see the connection retained between the Jefferson Valley subdivision and the subject property for reasons pertaining

to both safety and convenience. Rural Hall has expressed that not having the connection creates a “natural barrier” between Rural Hall’s jurisdiction and King’s jurisdiction and wishes for the connection to not be required.

The site lies within Growth Management Area 4 (Future Growth Area) as identified on the Growth Management Plan Map in the *Legacy* development guide. These areas do not currently have sewer and other facilities that would make them suitable for more intense development. As those facilities will ultimately be provided the Future Growth Area will eventually become more urban and densely developed. *Legacy*, however, does discourage denser development in Future Growth Management Areas until the Municipal services are more fully developed.

Staff has no major concerns regarding the rezoning of this specific tract of land, other than the loss of the street connection. However, there has been some concern expressed regarding the practice of the rezoning of land from AG. The AG District is primarily intended to accommodate uses of an agricultural nature and scattered non-farm residences on large tracts of land. The use of this particular site is not for agricultural purposes, and the site represents a somewhat narrow “wedge” of AG zoned land surrounded mostly by smaller lot residential zoning. As such, this does not appear to have great public value in retaining as AG zoning.

Generally, the rezoning to RS-20 from AG doubles the permitted density (per the existing zoning classification) and is typically done so in order to develop at the highest possible density without sewer (20,000 square feet minimum lot size). The likely loss of the existing vegetation on site presents a concern and staff would like to see that loss supplemented with street trees.

Staff is greatly concerned about losing the connection to the Jefferson Valley Subdivision. The public purpose of interconnected streets has been established both through the adopted comprehensive plan as well as through the standards for subdivision design established in the adopted UDO. Connectivity offers many benefits for the greater community. Some of these benefits are, but not limited to, the following:

- An interconnected network of streets absorbs and diffuses traffic rather than concentrating it.
- All streets within the public system are used more efficiently as the demand is balanced, rather than the overuse of some streets and the underuse of others.
- Potential aid in emergency response time/evacuation and ability to reach an emergency.
- Enables more efficient delivery of other vital public and private services (mail, school buses, sanitation, etc.).
- Facilitates the looping of water lines, which improves water flow and reduces water quality problems and “water hammers” at dead end lines.
- Offers the traveler a choice of multiple routes, thereby adding convenience and variety to daily trips.

- Greatly enhances the mobility of people who walk or ride a bike, including those who are too young, old, or poor to use an automobile.
- Improves social interaction between neighbors, thereby improving the overall sense of community and civic awareness.

The proposed site plan illustrates a street stub (Reynold's Way) to the east abutting undeveloped land in the same manner that the Jefferson Valley subdivision has provided a stub street connection to the subject property via Madison View Court. It is foreseeable that Reynold's Way will connect to another subdivision to the east, unless that connection is eliminated as well. Without the connection to the west to Madison View Court, Reynold's Way will only allow for traffic to access onto Helsabeck Road. Any services such as mail delivery, school buses, meter readers, sanitation, and so forth would have to access both Helsabeck Road and Tuttle Road to get from the subject property to the Jefferson Valley subdivision. This required action is not only inconvenient, but also inefficient. The connection would reduce trip lengths for services and time spent in vehicles delivering those services. Furthermore, allowing alternate traffic patterns may reduce stacking at the one and only intersection into and out of a neighborhood, which may reduce the number of idling vehicles, therefore helping reduce the total amount of vehicular emissions. While this last concern may seem insignificant for this particular petition, the cumulative effect of idling vehicles (and other factors) across the county and greater region has prompted Air Quality Action Alert Days during the summer months.

Staff's concern regarding losing the connection to Madison View Court extends beyond traffic dispersion or the long-term concern for air quality; the connection is pertinent to the general health, safety, and welfare of the neighborhood. Any development having just one way in and one way out presents a situation where an accident or fallen tree or power line at or near the intersection of that only road into the development could prohibit emergency access into or evacuation out of the development.

In summary, staff would like to see an effort by the petitioner to protect as many trees as possible and/or indicate new tree plantings along the street or within yards to offset the loss of existing vegetation. Although the staff is generally supportive of the RS-20 land use classification and density, the loss of the ability to connect subdivision streets is of great concern, and staff would not recommend the rezoning without the connection.

FINDINGS

1. The site is within the AG District and is located adjacent to an existing residential subdivision; the AG land is surrounded on most sides by smaller lot residential zoning.
2. The site abuts the King municipal limits; King has voiced no opposition to this petition.

3. The site lies within Growth Management Area 4 and does not currently have access to sewer.
4. *Legacy* discourages development in Future Growth Management Areas until the Municipal Services Area is more fully developed and, should development occur, public sewerage should be extended.
5. Staff has a general concern regarding the loss of vegetation, especially mature trees, on any site. Street trees will help supplement that loss.
6. Eliminating the street connection to the west will have an adverse affect on the general health, safety, and welfare of the public living within or serving the subject property.

STAFF RECOMMENDATION

Zoning: **DENIAL**, unless the vehicular connection to Madison View Court is made.

Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **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 lots, common areas, public streets and utilities.
 - b. On site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install large variety street trees along both sides of all proposed streets spaced a minimum of 40 and a maximum of 60 feet apart.
 - b. Developer must build or bond public streets to NCDOT public street construction standards.
 - c. Developer shall obtain a driveway permit from the North Carolina Department of Transportation (NCDOT). NCDOT may require additional road improvements.
 - d. All required fire hydrants shall be installed in accordance with the County of Forsyth Fire Department.
- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.
 - b. There will be a vehicular connection made between the subject development and Madison View Court that abuts the property on the west.

- c. An approved turnaround shall be installed at the end of Reynold's Way. The turnaround shall be a T-Type turnaround at least 48' wide and 40' long or an 80' diameter cul-de-sac.

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

When this case came to the Planning Board as a general use, it was approved unanimously as was a subdivision plan to go with it. At the Commissioners meeting there was one point of contention. No one in the room wanted a connection. The Commissioners asked me to bring it back as a special use case and I agreed.

AGAINST:

Kelie Sprinkle, 9521 Jefferson Valley Drive, Rural Hall, NC 27045

I sent a fax last time expressing opposition to this case, but couldn't get to this meeting because of my work schedule. I also have a list of 28 names of people opposed to this request.

Everyone has their own selfish reasons for wanting to keep the wooded area. We don't want it connected because of the traffic and the noise. There are many reasons. Where will all the deer go? How long is it going to be until all the agricultural areas, forests, and play areas are gone?

Stacey Rothrock, 985 Hamilton Ridge Lane, Rural Hall, NC 27045

We have a quiet environment because we chose to live in this environment. I don't want to see houses out my back door.

They are talking about putting twenty-some houses. That is almost doubling the size of the development we are in now.

My main concern is protection for wildlife.

We don't need any additional traffic.

WORK SESSION

MOTION: Dara Folan moved approval of the zoning map amendment certified that the site plan meets all code requirements and recommends staff conditions, with the connection.

SECOND: Terry Powell

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

AGAINST: Glenn

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Aliene T. Essick, et al and Delmore D. Tuttle Heirs as of September 9, 2002.

A. Paul Norby, AICP
Director of Planning