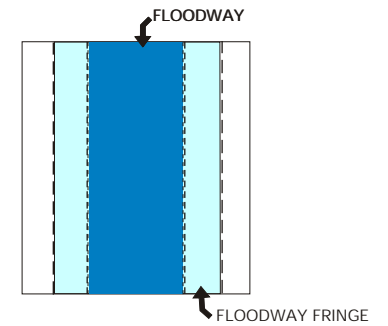


DOCKET #: F1379

PROPOSED ZONING:
RS9

EXISTING ZONING:
AG and RS20

PETITIONER:
Lewis Rothrock, Johnny
Rothrock, Johnny Metts,
Jewel Metts, and Stephen
Carlson



SCALE: 1" represents 600'

STAFF: Roberts

GMA: 3

ACRE(S): 47.02

MAP(S): 648830, 648834



January 22, 2003

Charles F. Freeman
670 Trotters Ridge Lane
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT F-1379

Dear Mr. Freeman:

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
James D. Cude, 4228 Thomasville Road, Winston-Salem, NC 27107
Gerald Wood, 4039 Langden Road, Winston-Salem, NC 27107
Lynda K. Waller, 4145 Langden Road, Winston-Salem, NC 27107
Tim Carmichael, 4360 Maranda Road, Winston-Salem, NC 27107
Jewell Elium, 4141 Furman Drive, Winston-Salem, NC 27107
R. G. Seagraves, 4226 Langden Road, Winston-Salem, NC 27107
Mark Gough, 4104 Langden Drive, Winston-Salem, NC 27107

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

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

SUBJECT:-

Zoning map amendment of Lewis F. Rothrock, Johnny Rothrock, John M. Metts,
Jewel Metts, and Stephen C. Carlson

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Lewis F. Rothrock, Johnny Rothrock, John M. Metts,
Jewel Metts, and Stephen C. Carlson from AG and RS-20 to RS-9: property is
located on the southwest side of Thomasville Road northeast of Willard Road
(Zoning Docket F-1379).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Lewis F. Rothrock, Johnny Rothrock, John M. Metts, Jewel Metts, and Stephen C. Carlson, Docket F-1379

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-20 to RS-9 the zoning classification of the following described property:

Tax Block 2651, Tax Lot 21, 22E, 22F, and 24

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # F-1379
STAFF: Gary Roberts

Petitioner(s): Johnny Rothrock, Lewis F. Rothrock, John M. Metts, Jewel Metts and Stephen C. Carlson
Ownership: Same

REQUEST

From: AG Agricultural District and RS-20 Residential Single Family District
To: RS-9 Residential Single Family District; minimum lot size 9,000 square feet

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: 47.02 acres

LOCATION

Street: Southwest side of Thomasville Road west of Willard Road.
Jurisdiction: County of Forsyth.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is undeveloped.

Adjacent Uses:

- North - Large lot single family residential and the South Fork Muddy Creek zoned AG.
- Northeast - Large lot single family residential zoned AG.
- East - Single family residential zoned RS-20.
- South - Single family residential zoned RS-20.
- Southwest - Undeveloped property zoned AG.
- West - Undeveloped property zoned AG. (in Farmland Preservation Program)
- Northwest - Agricultural property zoned AG.

GENERAL AREA

Character/Maintenance: Mix of undeveloped property and medium to large lot residential uses in good maintenance.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No impacts determined with general use request.

Topography: Moderate to steep slope downward to the north/northwest along South Fork Muddy Creek.

Streams: South Fork Muddy Creek crosses the property along its northern-most border.

Vegetation/habitat: The subject property is mostly vegetated.

Floodplains: Yes - there is floodway/floodway fringe of South Fork Muddy Creek along the northern-most property line.

Wetlands: The WS East Quad shows that there are Palustrine, Forested, Broad-leafed/deciduous, temporarily flooded wetlands (PFO1A) within the bottom of South Fork Muddy Creek along the northern-most property line.

Farmland Preservation Sites: The subject property is adjacent to and southeast of a 106-acre farm which is in the County's Farmland Preservation program. In 1987 the County paid the owner \$111,250 for a 25-year lease to keep the farm in grain production.

Environmental Resources Beyond The Site: Since the proposed rezoning is for general use, the environmental impacts are unknown. However, great care should be used to ensure adequate buffers adjacent to South Fork Muddy Creek for water quality purposes. Additionally, the developer should provide adequate buffers from the Farmland Preservation site to the west/northwest.

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

Amount of AG 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: Thomasville Road; Furman Drive.

Street Classification: Thomasville Road - major thoroughfare; Furman Drive - local road.

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

Thomasville Road between Willard Road and Union Cross Road = 8,900/16,100

Willard Road between Thomasville Road and Union Cross Road = 1,100/11,000

Sight Distance: N/A without subdivision plan.

Sidewalks: None.

Transit: None.

Bike: None.

HISTORY

Relevant Zoning Cases:

1. F-1371; AG and RS-20 to RS-9; withdrawn November 11, 2002; western terminus of Furman Drive and northern terminus of Luck Drive, portion of current site; 39.73 acres; Planning Board and staff recommended denial.

2. F-1363; RS-20 to MH-S (Residential Building, Single Family; and Manufactured Home, Class A); approved May 13, 2002; northeast side of Thomasville Road, northeast of Southland Avenue, 1,700 feet east of current site; 2.11 acres; Planning Board and staff recommended approval.
3. F-1332; AG to HB-S (Multiple Business Uses) and RM-8-S (Residential Building, Townhouse); approved February 12, 2001; southwest side of Thomasville Road /NC 109, north of the Davidson County line on both sides of Rex Road and 3,000 feet southeast of current site; 20.01 acres; Planning Board recommended approval and staff recommended denial.
4. F-1303; LB to HB-S (Storage Services, Retail); approved June 12, 2000; southwest side of Thomasville Road between Maranda Road and Rex Road, 2,500 feet southeast of current site; 1.07 acres; Planning Board and staff recommended approval.
5. F-888; B-3-S (Outdoor Display Retail) and R-6 to B-2-S (Stores or shops, retail); approved July 11, 1988 however overturned by the North Carolina Supreme Court in 1991; interior intersection of Thomasville Road and Willard Road, 800 feet southeast of current site; 0.58 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Growth Management Area (GMA 3).

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for development at increased densities in the suburban growth area where suitable infrastructure and services are available. *Legacy* also calls for environmentally sensitive development and protection of streams, farmland and open space along with greater connectivity between residential streets.

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

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: Yes.

Greenway/Trail Name: South Fork Muddy Creek.

Easement Requested: 40 feet.

Side of Creek: South side.

ANALYSIS

The subject request is to rezone 47.02 acres located on the southwestern side of Thomasville Road west of Willard Road from AG and RS-20 to RS-9. The site is also accessed from the western terminus of Furman Drive and from Luck Drive, (a platted unopened street).

The property is currently undeveloped and heavily wooded with a substantial degree of topographic variation. The northern portion of the site abuts the South Fork Muddy Creek and consequently includes some floodplain and wetland areas. Large lot residential uses zoned AG also adjoin the site to the north and northeast. Undeveloped property and agricultural land included within the County's Farmland Preservation program, lie to the west and northwest and are zoned AG. Single family homes on half acre, RS-20 lots abut the site to the south. Public water service is available and sanitary sewer runs along the South Fork Muddy Creek adjacent to the site and along Vernon Branch approximately 700 feet to the southwest.

In October of 2002, the Planning Board heard F-1371, a similar request to RS-9 for a portion of this site which did not include a 7.3 acre AG zoned parcel which now connects the subject property to Thomasville Road. While the previous request represented a four-fold increase in potential dwelling units, it had very limited accessibility and lacked increasingly common neighborhood elements such as sidewalks, street trees, and common open space. The Planning Board and staff recommended denial and the petition was subsequently withdrawn.

With the addition of said 7.3 acre parcel, the current request opens the door for multiple points of access. Among the numerous benefits of an interconnected network of streets are dispersion rather than a concentration of traffic, along with greatly enhanced convenience and response time for neighborhood residents and service providers.

The subject property does not lie within the boundaries of a development guide or area plan, however, it does fall within the southeastern edge of the Suburban Growth Management Area (GMA 3) as described in *Legacy*. Where suitable infrastructure and services are available, increased development densities are recommended. Although much of the surrounding area remains somewhat rural and low density in character, staff does see residential densities higher than allowed under the current AG and RS-20 zoning would allow, as being suitable in this area. However, staff sees "suitable infrastructure and services" as being more inclusive than public water, sanitary sewer and access to paved roads. While the limited accessibility of the site has adequately been addressed, the general use request does not assure a good transition from surrounding subdivisions, nor does it address the adjoining farmland or South Fork Muddy Creek. Additionally, the request makes no provisions for sidewalks, street trees or formal open space which are all elements which become increasingly important as density is increased. Staff recommends a well-designed special use PRD which could ensure sensitivity to the neighboring properties as well as the environmental resources. While staff may support densities similar to or greater than the adjacent RS-20, it may be difficult to have a well-designed transitional special use request and still achieve the overall density of RS-9 zoning.

Several recent examples where such developments have been successful include: Hawks Nest on Doral Drive (F-1370, AG and RS-20 to RS-30-S); Glenn Village on Glenn Hi Road (F-1337, AG and RS-20 to RS-15-S PRD); and Glenn Meadow on Glenn Hi Road (F-1339, AG to RS-15-S PRD).

There is no other RS-9 property in the immediate vicinity of the subject property and therefore no local precedent for this degree of intensification. Staff recommends denial of the current general use request.

FINDINGS

1. *Legacy* calls for environmentally sensitive development and protection of streams, farmland and open space along with greater connectivity between residential streets.
2. The site is not within the boundaries of a development guide or area plan.
3. General use request differs from a previous petition by directly connecting onto Thomasville Road.
4. The petition represents a four fold increase in residential density without accommodating the existing development pattern in the area or the environmental resources.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

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

There is no disgrace in filing a general use zoning petition in Forsyth County. We went through two years of UDO hearings saying we were going to put enough controls on the various districts that we would not have to design a whole subdivision to bring a zoning change.

When we were here before, Mr. Freeman was told that access was basically the problem. If we got access to a major thoroughfare (Thomasville Road), that maybe some of his problems would go away. He went out and contracted to buy an additional seven acres. He has a right to access to that roadway, so the access problem is solved.

Legacy calls for increased density in suburban growth areas where suitable services are available: water, sewer, and access. It does not say, "*Legacy* calls for increased density where you have urban trees and sidewalks." If the ordinance meant to say that, it should have said that.

The State has said there is adequate room for turn-lanes, excel and decel areas. Traffic is dispersed.

We have water and sewer.

We want a traditional subdivision with regular lots. We do not want clusters which is what you have to do when you use the land in the floodplain to achieve your density.

We would be glad to talk about accommodating your trees, Gary, and the space, but we do not want to spend the engineering money to totally design a subdivision when it may or may not be approved.

AGAINST:

James D. Cude, 4228 Thomasville Road, Winston-Salem, NC 27107

This is no better than what you had before. In fact it's worse. The NCDOT says this is fine. Why wouldn't they let the school bus stop on this hill several years ago? They said the hill was too dangerous.

Safety is the big issue.

In response to a request by the speaker, approximately 30 people stood in opposition to this request.

Gerald Wood, 4039 Langden Road, Winston-Salem, NC 27107

Displayed photographs of area.

I don't think any of these folks would object if you put another traditional neighborhood like ours on this site. But they're putting another Autumn Oaks here.

The County paid to buy farmland out here. Now they're putting over 200 houses next to it.

Lynda K. Waller, 4145 Langden Road, Winston-Salem, NC 27107

I also speak for my parents who are elderly and reside at 4152 Langden Road.

I was reading *Legacy* today. It suggests maintaining the character of neighborhood. This proposal is definitely not maintaining the neighborhood. We would like to remain a neighborhood as opposed to a development. We don't have a problem with building more houses, we have a problem with slamming houses onto a site in a manner that destroys the neighborhood. What's going to happen to the deer? Where will they go?

Tim Carmichael, 4360 Maranda Road, Winston-Salem, NC 27107

I agree with what's been said.

Jewell Ellum, 4141 Furman Drive, Winston-Salem, NC 27107

I don't object to development. But this sudden change to high density is a breach of trust. Hwy 109 was never built for heavy traffic.

R. G. Seagraves, 4226 Langden Road, Winston-Salem, NC 27107

It's all been said already.

Mark Gough, 4104 Langden Drive, Winston-Salem, NC 27107

What they are proposing does not fit the profile of the neighborhood. I've been to where Mr. Freeman lives just to see where he lives.

Our homes were built for the individuals who would be living there, not from cookie cutter molds.

WORK SESSION

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

1. Philip Doyle: Steve Calaway is correct that access was an issue last time and that RS-9 is a legitimate request. But he is also right that you may never be able to get a subdivision plan approved without the right access.
2. Arnold King: I have a problem with this much density out there myself. I'm surprised DOT would even talk about an access off 109. That's a dangerous place. Gary Roberts talked with Robert McMath of NCDOT and confirmed that it was a workable location.
3. Dara Folan: Last time the whole discussion focussed on access. The only issue was needing access onto 109.

MOTION: Arnold King moved denial of the zoning map amendment.

SECOND: Dara Folan

VOTE:

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

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Stephen Christopher Carlson, Lewis F. Rothrock, and Johnny Rothrock as of December 5, 2002.

A. Paul Norby, AICP
Director of Planning