



DOCKET #: F1385

PROPOSED ZONING:
RS20

EXISTING ZONING:
LI-S

PETITIONER:
Roser D. Bennett
Construction, Inc. and NEICO

SCALE: 1" represents 400'

STAFF: Galloway

GMA: 4

ACRE(S): 8.74

MAP(S): 612914



June 25, 2003

Roger D. Bennett Construction, Inc.
P. O. Box 1376
King, NC 27021

RE: ZONING MAP AMENDMENT F-1385

Dear Mr. Bennett:

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

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____

AGENDA ITEM NUMBER: _____

SUBJECT:-

- A. Public Hearing on Zoning Map Amendment of Roger D. Bennett Construction, Inc. from LI-S to RS-20: property is located on the west side of Chipboard Road at the intersection of Old US 52 (Zoning Docket F-1385).

- 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 approval of the rezoning petition.

ATTACHMENTS:- X YES NO

SIGNATURE: _____ **DATE:** _____
County Manager

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Roger D. Bennett Construction, Inc., Docket F-1385

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 LI-S (Building Contractor, Heavy) to RS-20 the zoning classification of the following described property:

Being a parcel of land in the County of Forsyth and State of North Carolina, in Bethania Township.

Beginning at a point, the southeast corner of said tract; said point being 51° 06 minutes 49 seconds west and a distance of 656.03 feet from the Northwest corner of Walter Bodenhamer tract, as described in DB 674, PG 084 - thence north 81° 21 minutes 22 seconds west 560.83 feet with the northern right of way of a proposed 60 foot dedicated street to a point, the southwest corner of said tract. Thence north 5° 00 minutes 00 seconds west, a distance of 660.54 feet to a point in the right of way of Yadkin Valley Railroad. Thence with the right of way south 89° 06 minutes 59 seconds east, a distance of 547.89 to a point in the right of way of 736.67 feet to the POINT OF BEGINNING. Containing 8.74 acres +/- and being a portion of Tax Block 4960, Lot 19.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # F-1385
STAFF: Suzy Gallaway

Petitioner(s): Roger D. Bennett Construction, Inc. and NEICO, Inc.
Ownership: Same

REQUEST

From: LI-S (Limited Industrial-Building Contractor, Heavy)
To: RS-20 (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: 8.74 acres

LOCATION:

Street: Off the west side of Chipboard Road at the intersection of Old US 52
Jurisdiction: Forsyth County

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is vacant.

Adjacent Uses:

- North- Yadkin Valley Railway and undeveloped RS-20 zoned property.
- East- Undeveloped RS-20 zoned property, LB zoned property opposite Old US 52
- South- Undeveloped RS-20 zoned property
- West- Undeveloped RS-20 zoned property

GENERAL AREA

Character/Maintenance: Area around site is largely undeveloped. Some rural residential uses are located off Old US 52 to the north and some commercial, LB zones property is on the east side of US 52.

Development Pace: Slow

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

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

Topography: There is an approximate change in elevation on the subject property of 40' (from an approximate elevation of 1030' in the southeast down to an approximate elevation of 990' along the creek in the northwest portion of the site.

Streams: A tributary to Muddy Creek crosses the northwest portion of the site.

Vegetation/habitat: The subject property is mostly vegetated.

Environmental Resources Beyond The Site: Since the proposed rezoning is to a general use, impacts 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: Chipboard Road

Street Classification: Local Street

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): No count available

Planned Road Improvements: Rural Hall Loop from Tobacoville Road to NC 66

HISTORY

Relevant Zoning Cases:

1. F-1320; RS-20 to LI-S (Building Contractor, Heavy); approved January 8, 2001; current site; 8.74 acres; Planning Board and staff recommended denial.
2. F-246; R-6 to B-3; approved June 5, 1972; southeast corner of intersection of Old US 52 and NC 66; 5.0 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Rezoning the petitioner's site from an industrial zoning district to RS-20 is in concert with *Legacy* goals for the Future Growth Area. Those goals include that the coordination of infrastructure such as sewer and roads, be present with more intense development.

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 8.74 acres from LI-S (Building Contractor, Heavy) to RS-20. The property had been RS-20 until January 2001, when the previous owners had sought and obtained LI-S zoning. Planning Board and staff had recommended denial in that request.

Although there are some non-residential uses within a half mile of the site, staff is of the opinion that residential zoning is more appropriate at this site than the existing LI-S. Most of the properties in the immediate area are residentially zoned. Access to the site is poor due to the alignment of the railroad crossing with the two intersecting roads. Staff contends such access is difficult with the existing industrial zoning as large trucks would experience difficulties with turning movements over the railroad at the intersection with Old US 52. Cars and regular sized trucks would not experience the same difficulties as they typically can turn and accelerate with more ease than large trucks.

Staff is of the opinion that restoration of the zoning to RS-20 will re-instill stability to the residential area, which had been made tenuous by the alteration to industrial. Due to the aforementioned benefits of this rezoning to the area, staff recommends approval.

FINDINGS

1. The current request is to rezone 8.74 acres from LI-S (Building Contractor, Heavy) to RS-20.
2. Residential zoning is more appropriate at this site than the existing LI-S.
3. Most of the properties in the immediate area are residentially zoned.
4. Cars and regular sized trucks would not experience the same difficulties as large trucks because they typically can turn and accelerate with more ease than large trucks.
5. Restoration of the zoning to RS-20 will re-instill stability to the residential area

STAFF RECOMMENDATION

Zoning: **APPROVAL.**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

According to information furnished on March 12, 2003 by the Office of the Tax Assessor, the subject property was in the name of Roger D. Bennett Construction Co.

A. Paul Norby, AICP
Director of Planning