

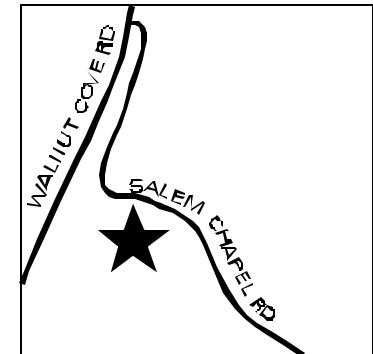
DOCKET #: F1373

PROPOSED ZONING:
 RS40-S
 (Residential Building,
 Single Family, and
 Manufactured Housing, Class A)

EXISTING ZONING:
 RS40

PETITIONER:
 Jones C. Abernethy, III and
 Martha C. Abernethy

Location Map:



SCALE: 1" represents 400'

STAFF: Roberts

GMA: 5

ACRE(S): 4.0

MAP(S): 660910



October 23, 2002

Jones C. Abernethy III and Martha C. Abernethy
2945 Buena Vista Road
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT F-1373

Dear Mr. Abernethy and Ms. Abernethy:

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
Leonard B. Smith, 7651 Salem Chapel Road, Walnut Cove, NC 27052
Jon Connerton, 2700 Reynolda Road, Winston-Salem, NC 27106
Bill Topping, 7640 Salem Chapel Road, Walnut Cove, NC 27052
James & Carol Clark, P. O. Box 483, Walnut Cove, NC 27052
Angela Mitchell, 7653 Salem Chapel Road, Walnut Cove, NC 27052

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Jones C. Abernethy III and Martha C. Abernethy

COUNTY MANAGER-S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Jones C. Abernethy III and Martha C. Abernethy from RS-40 to RS-40-S (Residential Building, Single Family; and Manufactured Home, Class A): property is located on the south side of Salem Chapel Road east of Walnut Cove Road. (Zoning Docket F-1373).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Jones C. Abernethy III and Martha C. Abernethy, Docket F-1373

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 RS-40 to RS-40-S (Residential Building, Single Family and Manufactured Home, Class A) the zoning classification of the following described property:

Tax Block 5228, Tax Lots 211-214

Section 2. This Ordinance is adopted after approval of the site plan entitled Jones C. Abernethy III and Martha C. Abernethy, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Jones C. Abernethy III and Martha C. Abernethy.

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 Jones C. Abernethy III and Martha C. Abernethy. 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 Jones C. Abernethy III and Martha C. Abernethy (Zoning Docket F-1373). 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-40-S (Residential Building, Single Family and Manufactured Home, Class A), 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-40 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 condition be met:

? OTHER REQUIREMENTS

- a. Developer shall consolidate driveways onto Salem Chapel Road with a maximum of two.

ZONING STAFF REPORT

DOCKET # F-1373

STAFF: Gary Roberts

Petitioner(s): Jones C. Abernethy III and Martha C. Abernethy

Ownership: Same

REQUEST

From: RS-40 Residential Single Family District

To: RS-40-S Residential Single Family District (Residential Building, Single Family;
and Manufactured Home, Class A)

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

Acreage: 3.91 acres

LOCATION

Street: South side of Salem Chapel Road east of Walnut Cove Road.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Residential Building, Single Family and Manufactured Home, Class A.

Square Footage: 12,000 square feet total, (3,000 square feet per dwelling unit).

.Building Height: Two stories.

Density: 0.98 dwelling units per acre.

Parking: Required: 8 spaces; proposed: 8 spaces.

Bufferyard Requirements: No bufferyard required.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is undeveloped.

Adjacent Uses:

North -Undeveloped property zoned RS-40.

East - Single family residential zoned RS-40.

South -Undeveloped property zoned AG.

West -Undeveloped property zoned RS-40.

Northwest - Single family residential zoned RS-40.

GENERAL AREA

Character/Maintenance: Rural area with scattered large lot residential uses in good maintenance.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minimal grading to accommodate improvements shown on site plan.

Topography: Gradual slope downward to the south.

Vegetation/habitat: The majority of the site is cleared with some mature vegetation along the southern edge.

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

TRANSPORTATION

Direct Access to Site: Salem Chapel Road; Walnut Cove Road.

Street Classification: Salem Chapel Road - collector; Walnut Cove Road - major thoroughfare.

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

Walnut Cove Road between Mabe Road and Stokes County Line = 3,600/11,100

Sidewalks: None.

Transit: None.

Bike: None.

HISTORY

Relevant Zoning Cases:

1. F-1311; RS-40 to HB-S (Fuel Dealer; General Merchandise Store; Motor Vehicle, Repair and Maintenance; and Storage Services, Retail); approved July 10, 2000; northwest side of Walnut Cove Road north of Dennis Road; 1.87 acres; Planning Board recommended approval, staff recommended denial. Note: The County Attorney issued an opinion that this case constituted an illegal spot zone.
2. F-1288; AG to RS-40; approved April 24, 2000; northeast and southwest side of Salem Chapel Road, west of Walnut Cove Road, included current site; 69.41 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* recommends that a variety of quality housing types, including manufactured homes, be encouraged to increase the supply of affordable housing.

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

ANALYSIS

The request is rezone 3.91 acres located on the southwest side of Salem Chapel Road from RS-40 to RS-40-S. The site plan shows the property being subdivided in order to accommodate four Class A, Manufactured Homes. The land is currently undeveloped and predominantly cleared.

The surrounding development pattern is rural with some scattered site built and manufactured single family residences zoned AG and RS-40. In 2000, the current site along with adjoining property totaling 69.4 acres was rezoned from AG to RS-40. Consistent with the intent of the Rural Growth Management Area, staff recommended against the request and suggested the petitioners pursue a Planned Residential Development (PRD) in order to protect some of the natural features of the site and better preserve the rural character of the area. The property was, however, rezoned in April of that year and two sites within the property have since been approved for Class A Manufactured Homes by the Zoning Board of Adjustment.

While staff would prefer an improvement to the appearance criteria for Class A Manufactured Homes and does have some concern with the concentration of any type of affordable housing, the subject request is reasonable in light of its scale and relative compatibility with the surrounding area.

FINDINGS

1. *Legacy* recommends that a variety of quality housing types, including manufactured homes, be encouraged to increase the supply of affordable housing.
2. Site is not within the boundaries of an area plan or development guide.
3. Petition is for Manufactured Homes, Class A which would provide affordable housing in the area.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

? OTHER REQUIREMENTS

- a. Developer shall consolidate driveways onto Salem Chapel Road with a maximum of two.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Jones Abernethy, 2945 Buena Vista Road, Winston-Salem, NC 27106

Manufactured homes are in conformity with the district. They are also in conformity with what has been built out there in the last eight or ten years. Submitted photographs.

The pattern of using manufactured housing on Salem Chapel Road has already been established. It was established before I got here. I have six approved petitions from the Zoning Board of Adjustment indicating manufactured houses have been approved in this area. Submitted those for the record.

The lots are already platted. It is not an increase in density. Staff's concern was that driveways be shared. You'll note that we have two units sharing a driveway.

There are no landscaping requirements, however landscaping is shown on the site plan and will be installed as shown.

Submitted two letters from adjacent property owners supporting this request.

Volunteered some restrictive covenant conditions.

I think what we're proposing conforms with the neighborhood and is identical to the neighborhood.

AGAINST:

Leonard B. Smith, 7651 Salem Chapel Road, Walnut Cove, NC 27052

I was probably one of the first people to purchase property over there.

The only question I had was about the quality of homes to be built in the area. I was told nothing less than a modular home. I live in a single-wide that the building's under construction in the back. I had to sign notarized papers that the trailer would be pulled off the property when the building was completed. That's recorded. I do not like the idea of a trailer park at the entrance to my house that's now being built.

There were no signs on Salem Chapel Road that this would be a trailer park.

Jon Connerton, 2700 Reynolda Road, Winston-Salem, NC 27106

I bought two acres on Salem Chapel Road with the express understanding that there would be no mobile homes put in there. There are other properties in the area that would allow mobile homes to be put in. I didn't buy two acres to have mobile homes put in and have my recently purchased land devalued.

Bill Topping, 7640 Salem Chapel Road, Walnut Cove, NC 27052

I live directly adjacent to the property in question.

I'm very close to Mr. Bullard. I'm also the president of Key Homes, Inc. on Patterson Avenue. I make my living selling double-wides, single-wides, and manufactured housing. I also make my living selling modular housing.

Three manufactured home permits have been granted for this immediate area. When a client of mine applied for one, his application was rightfully denied. Everyone who bought here understood that the rest of the homes would be site built or modular housing. Now this request is to add more manufactured homes.

I make my living selling manufactured homes and I know they will devalue the surrounding properties.

My understanding is that there can be a maximum of three manufactured homes before the zoning on this site has to be changed to what this gentleman is asking us to change it to.

Angela Mitchell, 7653 Salem Chapel Road, Walnut Cove, NC 27052

This will devalue our home.

WORK SESSION

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

1. RS-40 allows manufactured housing with a special use permit.
2. Kerry Avant - if this use is approved, this may open the door for more requests for similar manufactured homes.
3. Philip Doyle - I think it's a good way to do subdivision plan, double-wide layout, making use of shared driveways and such. It's just the wrong place.

MOTION: Philip Doyle moved denial of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: John Bost

VOTE:

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

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Jones C. Abernethy III and Martha C. Abernethy as of September 9, 2002.

A. Paul Norby, AICP
Director of Planning