

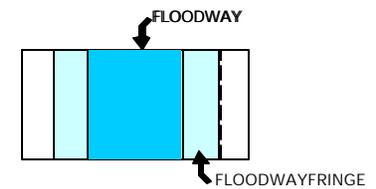
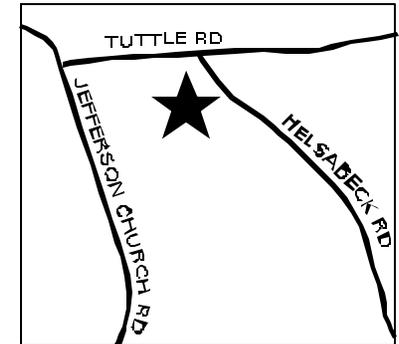
DOCKET #: F1375

PROPOSED ZONING:
RS20

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



October 23, 2002

B-N Partners
P. O. Box 492
King, NC 27021

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

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: 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:- X YES ___ NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - GENERAL 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 the zoning classification of the following described property:

Tax Block 4971, Tax Lot 8G

Section 2. This ordinance shall become effective upon adoption.

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

REQUEST

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

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: 12.5

LOCATION

Street: Southwest side of Helsabeck Road south of Tuttle Road.
Jurisdiction: Forsyth County.

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 clear-cut for

development.

Topography: There is an approximate change in elevation on the subject property of 82' (from an approximate elevation of 1020' 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 a water supply watershed.

TRANSPORTATION

Direct Access to Site: Helsabeck Road; Tuttle Road; Jefferson Church Road.

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

Jefferson Church Road between Tuttle Road and Moore Road = 2,400/16,100

Sidewalks: None.

Transit: None.

Bike: None.

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: King is adjacent to the subject property.

Expressed Concern: King voices no opposition and makes no recommendations.

ANALYSIS

The current request is to rezone 12.5 acres from AG to RS-20. 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 stub connection 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 the subject property to Helsabeck Road as well as Tuttle Road.

The site abuts the King municipal limits on its western edge. Water is available to the site and sewer is approximately a half mile away from the subject property. King has voiced that they have no concerns regarding this rezoning petition.

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. Those facilities will eventually be provided in a planned and managed way and the Future Growth Area will eventually become more urban and densely developed. *Legacy*, however, does discourage development in Future Growth Management Areas until the Municipal Services Area is more fully developed and, should development occur, then it is encouraged that public sewerage be installed.

Staff has no major concerns regarding the rezoning of this specific tract of land. However, there is a growing concern 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 AG District is not intended for residential subdivisions with small lots and it is recommended that lot sizes be a minimum of 40,000 square feet. This is an attempt to acknowledge and help retain rural character while still permitting development.

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). Furthermore, if rezoned and developed, those large tracts of land forever forfeit their potential to be utilized as active farmland. In this particular case, being that the subject property is mostly vegetated, the loss of this AG classification isn't as crucial as it may be in other areas. However, the likely loss of the existing vegetation presents another concern.

To summarize, regarding this particular rezoning request, staff does not see any immediate detrimental effects other than the potential loss of trees at the time of development which, without preservation requirement through Ordinance, would be lost anyway. In addition, the continued loss of AG land is of a concern and should be monitored for appropriateness of

rezoning requests in the future. Furthermore, it is encouraged that development within Growth Management Area 4 be required to extend sewer services if at all possible. However, due to the location of the subject property and its proximity to an existing residential neighborhood with a similar development pattern, staff's concerns are mitigated.

FINDINGS

1. The site is within the AG District and is located adjacent to an existing residential subdivision.
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 general concerns about the rezoning of AG lands and the general development pattern in these areas.
6. Due to the proximity of similar development and other existing RS-20 zoning in the area, staff sees the rezoning as compatible with the surrounding area.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Arnold King

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 Aliene T. Essick, et al, and Delmer D. Tuttle Heirs as of September 9, 2002.

A. Paul Norby, AICP
Director of Planning

NOTE: On the day of the hearing, two hours after the hearing was held, we received a fax from the following people stating their opposition to the request. However, since the petition was not received prior to the hearing, the Planning Board had no way of knowing of their opposition at the time of the hearing.