

January 24, 2001

Paul G. Freer and Teresa Freer
2174 Harper Road
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT F-1333

Dear Mr. & Mrs. Freer

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
Zachary T. Bynum, 3400 Healy Drive, Winston-Salem, NC 27103
Tony Johnson, 2180 Harper Road, Clemmons, NC 27012
Robert Harper, 1985 Harper Road, Clemmons, NC 27012
Harry Luther, 2184 Harper Road, Clemmons, NC 27012
Grace Hepler, 1879 Harper Road, Clemmons, NC 27012

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Paul G. Freer and Teresa Freer

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Paul G. Freer and Teresa Freer from RS-40 to RS-20: property is located on the west side of Harper Road approximately 1,800 feet north of Bullard Road (Zoning Docket F-1333).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Paul G. Freer and Teresa Freer,
Docket F-1333

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-20 the zoning classification of the
following described property:

Beginning at an iron pipe in the right-of-way of Harper Road, said iron pipe being the northeast
corner of Tax Lot 28D Block 4427 and adjoining Tax Lot 27R Block 4427; thence with the
following courses and distances south 24° 25' 45" east 205.85 feet chord distance with a radius
of 720.00 feet to an iron rebar; thence south 30° 20' 10" east 78.56 feet chord distance with a radius
of 3,220.00 feet to an iron rebar; thence south 31° 03' 40" east 226.18 feet to an existing iron
rebar; thence with the adjoining Tax Lot 28C Block 4427 the following distance south 64° 11'
15" west 156.64 feet to an existing iron rebar; thence south 70° 19' 50" west 83.69 feet to an
existing iron rebar; thence south 71° 01' 25" west 86.43 feet to an existing iron rebar; thence
south 06° 33' 50" east 135.95 feet to a 1/2" existing iron rebar; thence with the adjoining Tax Lot
108G Block 4427 the following distance north 03° 00' 20" east 725.85 feet to a stone; thence
with the adjoining Tax Lot 27R Block 4427 the following distances south 89° 42' 15" west
222.20 feet to a point; thence with the adjoining Tax Lot 27R Block 4427 south 86° 12' 00"
229.14 feet to the point and place of BEGINNING. Being informally known as Tax Lot 28D
Block 4427 of the Forsyth County Tax Office containing 5.35 acres±.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # F-1333
STAFF: Suzy Hughes

Petitioner(s): Paul G. Freer and Teresa Freer
Ownership: Same

REQUEST

From: RS-40 Residential Single Family District; minimum lot size 40,000 sf
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: 5.35 acres

LOCATION

Street: West side of Harper Road approximately 1,800 feet north of Bullard Road.
Jurisdiction: Forsyth County.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is vacant.

Adjacent Uses:

North -	RS-40 zoning; single family home.
East -	RS-40 zoning; vacant.
South -	RS-40 zoning; single family home.
West -	RS-40 zoning; vacant.

GENERAL AREA

Character/Maintenance: Well-maintained single family homes sparsely located surrounding site.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site is currently undeveloped.
Topography: Fairly flat.
Streams: None.

Vegetation/habitat: Primarily grassy vegetation with some trees toward the eastern edge of the site.

Constraints: Minor.

Is the project in a Water Supply Watershed: Yadkin River WSIV.

Compliance with Watershed Protection Regulations: Residential lots without curb and gutter shall be at least 13,500 sf or not exceed an average density of 3 units/40,000 sf or not exceed 36% built upon area. Residential lots with curb and gutter shall be at least 20,000 sf or not exceed an average density of 2 units/40,000 sf or not exceed 24% built upon area. SIDA is not available for this project because Forsyth County only grants SIDA for non-single family developments.

TRANSPORTATION

Direct Access to Site: Harper Road.

Street Classification: Minor Thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Harper Road between Styers Ferry and Peace Haven Roads = 2,600/11,000

HISTORY

There are no relevant zoning histories.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 5: Rural.

Relevant Comprehensive Plan Recommendation(s): The objectives for the Rural Area include limited residential and commercial development, retention of farming activities and preservation of the natural environment.

Area Plan/Development Guide: *Clemmons Area Development Guide* (1998) (adopted by Village of Clemmons).

Relevant Development Guide Recommendation(s): This site lies within a single family residential area in the *Clemmons Area Development Guide*.

ANALYSIS

The petitioner has requested a rezoning of 5.35 acres from RS-40 to RS-20. The site is surrounded by RS-40 zoning. There is no history of surrounding properties being rezoned to higher intensity uses. This rezoning would likely set a precedent in the area with other properties seeking higher intensity also.

The site is located within the Village of Clemmons annexation area. The Village of Clemmons supports RS-15 Zoning for residential area within the Village limits. Due to the future likelihood of this property being annexed by Clemmons, staff supports the current petition of RS-20.

FINDINGS

1. The petitioner has requested a rezoning of 5.35 acres from RS-40 to RS-20.
2. This rezoning would likely set a precedent in the area with other properties seeking higher intensity also.
3. The site is located within the Village of Clemmons annexation area.
4. The Village of Clemmons supports RS-15 Zoning for residential areas within the Village.
5. Staff supports the current petition of RS-20.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

[For information purposes only: The draft Legacy plan: the updated growth management map designates this area Suburban Neighborhoods. In these areas, the plan calls for increased residential densities, where appropriate, a mix of housing types and prices and access to daily shopping needs.]

Suzy Hughes presented the staff report.

PUBLIC HEARING

FOR:

Zachary T. Bynum, 3400 Healy Drive, Winston-Salem, NC 27103

I represent the Freers.

Clemmons does support even smaller zoning lot sizes for this area.

There are several other developments in the general area which are zoned RS-20.

There has been some opposition to this. I'll address what I understand about it. Some of the opposition seems to be concern about whether septic systems would be applied here.

This is not a huge increase in use based on what would be allowed right now. The proposed use is still the same category as the allowed use.

This won't change the character of the area.

The water tables in this area will support this request.

I understand traffic is a concern. Mr. Freer has checked with the Department of Transportation. There is still plenty of capacity in this area. I don't think traffic is a viable concern.

I don't think this change would cause anybody any detriment.

AGAINST:

Tony Johnson, 2180 Harper Road, Clemmons, NC 27012

I live directly south of the property, adjacent to it.

We do not oppose the property owner's freedom to use his property. Currently five houses could be placed on the site. This rezoning would allow 10-11 houses, which is a drastic change.

There is no RS-20 in this area.

When you drive down Teague Road, you see houses on acre lots and small farms, not 10 houses on five acres.

We feel the cart is being put before the horse.

Septic problems: The reason the large lot surrounding this site on the west is not developed is that it would not perk.

Traffic is a problem because Harper Road is used as a cut-through. In fact, cars miss the curve at this site and crash into the fence surrounding his horse pasture. One time a horse was killed by a car missing this curve. Recently a dog was killed.

Robert Harper, 1985 Harper Road, Clemmons, NC 27012

I'm against this request. I've lived here since Harper Road was a dirt road. This is a hazardous road. Since Lewisville-Clemmons Road is the second-most hazardous road in Forsyth County after I-40, drivers use Harper Road to avoid Lewisville-Clemmons Road.

Harry Luther, 2184 Harper Road, Clemmons, NC 27012

Thank you for the opportunity to address the reasons why this rezoning request should be denied.

Smaller lots indicate smaller houses which can lower the value of other homes in the area. If Paul Freer were residing next to this site, he would not want this next to him.

Ardmore Road has become a residential Hanes Mall Boulevard. We don't want that to happen here.

Read statement from Grace Hepler, 1879 Harper Road, Clemmons, NC 27012, which included the following points: We are not in Clemmons yet. The house he just sold had to have major septic work. Mr. Freer has other ways to make money. One man wants to profit to the detriment of everyone in the neighborhood.

WORK SESSION

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

1. Steve Johnson - this area has always had septic problems and until the infrastructure is in place to deal with the issue, I think this density is inappropriate. This is a heavily wooded farmland community and this would be totally out of character. This isn't in the Village of Clemmons right now and isn't likely to be in the foreseeable future.

2. Kem Schroeder - We need to be mindful of a precedent-setting decision that this could be creating. We need to be mindful of the need for very definite reasons to change RS-40 to RS-20.

MOTION: Steve Johnson moved denial of the zoning map amendment.

SECOND: Terry Powell

VOTE:

FOR: Bost, Johnson, Powell, Rousseau, Schroeder, Snelgrove

AGAINST: Avant, King

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Paul G. Freer and Teresa B. Freer as of December 4, 2000.

A. Paul Norby, AICP
Director of Planning