

Motion and
Statement of Consistency with Comprehensive Plan
F-1568

I move that the following statement be adopted in support of a **Motion to Approve** Zoning Map Amendment F-1568:

The proposed general use zoning map amendment, as petitioned by Richard Sheets and Gary Sheets, to rezone an 18.94 acre piece of property from RS-40 (Residential Single Family; 40,000 square foot lot size) to RS-20 (Residential Single Family; 20,000 square foot lot size), is consistent with the recommendations of the Legacy Comprehensive Plan, and is reasonable and in the public interest because:

1. The proposed RS20 zoning classification is compatible with the zoning and lotting pattern on adjacent properties located to the east and south; and
2. The zoning request is consistent with the purpose statement of the requested RS20 zoning district; and the subject property is served with public water and sewer; and
3. The subject property fronts on a minor thoroughfare and any major subdivision activity proposed for the site in the future, will require approval by the City County Planning Board.

Based on the foregoing Statement, I move adoption of F-1568.

Second:

Vote:

Motion and
Statement of Consistency with Comprehensive Plan
F-1568

I move that the following statement be adopted in support of a **Motion to Deny** Zoning Map Amendment F-1568:

The proposed general use zoning map amendment, as petitioned by Richard Sheets and Gary Sheets to rezone an 18.94 acre piece of property from RS-40 (Residential, Single Family District – 40,000 square foot lot size) to RS20 (Residential Single Family; 20,000 square foot lot size), is consistent with the recommendations of the Legacy Comprehensive Plan, however, it is not reasonable or in the public interest because:

1. The zoning change could double the potential traffic in the vicinity;
and
2. There is no site plan associated with the rezoning request.

Based on the foregoing Statement, I move denial of F-1568.

Second:

Vote:

**FORSYTH COUNTY
BOARD OF COMMISSIONERS**

MEETING DATE: October 12, 2017

AGENDA ITEM NUMBER: 2 A&B

SUBJECT:-

- A. Public Hearing on Zoning Petition of Richard Sheets and Gary Sheets From RS40 to RS20: Property is Located on the East Side of Lasater Road, North of Rossmore Road (Zoning Docket F-1568).
- B. Ordinance Amending the Forsyth County Zoning Ordinance and the Official Zoning Map of the County of Forsyth, North Carolina.

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:- YES NO

SIGNATURE: _____ **DATE:** October 11, 2017
County Manager

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Richard Sheets and Gary Sheets, Docket F-1568

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 RS40 to RS20 the zoning classification of the following described property:

PIN# 5883-18-6962

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	F-1568		
Staff	Aaron King		
Petitioner(s)	Richard Sheets and Gary Sheets		
Owner(s)	Same		
Subject Property	PIN # 5883-18-6962		
Address	8741 Lasater Road		
Type of Request	General use rezoning		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS40 (Residential Single Family; 40,000sf lot size) to RS20 (Residential Single Family; 20,000sf lot size).</p> <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.</p>		
Neighborhood Contact/Meeting	Attachment A includes a summary of the applicant's outreach efforts.		
Zoning District Purpose Statement	The RS20 District is primarily intended to accommodate single family detached dwellings in suburban areas and may also be applicable to older, large lot development constructed prior to the effective date of this Ordinance. The district is established to promote orderly development in areas where public water is available. This district is intended for application in GMAs 2, 3 and 4.		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes, the subject property is located within GMA 3 and has access to public water and sewer.		
GENERAL SITE INFORMATION			
Location	East side of Lasater Road, north of Rossmore Road		
Jurisdiction	Forsyth County		
Site Acreage	± 18.94 acres		
Current Land Use	The site is primarily undeveloped with the exception of an existing single family home and an associated accessory building.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS40	Scattered single family homes and undeveloped land
	East	RS20	Single family homes
	South	RS20	Single family homes
	West	AG & C-S	Single family home; undeveloped land; and a

				church
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	Yes, the majority of the surrounding area is currently residentially zoned.			
Physical Characteristics	The site contains a variable topography with the eastern portion of the site sloping downward toward an existing creek.			
Proximity to Water and Sewer	The site has access to public water and sewer.			
Stormwater/ Drainage	Concerns about stormwater runoff in the general area were raised by residents of the Waterford subdivision when F-1545 was being considered in 2014.			
Watershed and Overlay Districts	The site is located within the Yadkin River WSIV Water Supply Watershed. The minimum lot size for new residential developments is 20,000 sf or under the Maximum Built-upon Area option, impervious surface coverage cannot exceed 24% of the total acreage.			
Analysis of General Site Information	The subject property is 18.94 acres in size and is primarily undeveloped. Any future development on the site is subject to the Yadkin River watershed requirements.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Lasater Road	Minor Thoroughfare	497'	1,400	13,800
Proposed Access Point(s)	Since this is a general use request, the exact location of access points is unknown. The site does have public road frontage on Lasater Road and any potential subdivision would be required to connect to Kilrush Road to the south.			
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a two lane cross section with bike lanes and sidewalks for this portion of Lasater Road.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS40</u> 18.94 acres = 20 lots x 9.57 (Single Family Trip Rate) = 192 Trips per Day <u>Proposed Zoning: RS20 (if developed for single family lots)</u> 18.94 acres = 41 lots x 9.57 (Single Family Trip Rate) = 393 Trips per Day			
Sidewalks	There are no sidewalks along this section of Lasater Road.			
Analysis of Site Access and Transportation Information	The subject property has direct access to Lasater Road and also has access to Kilrush Road to the south. Should this site develop as a subdivision, a vehicular connection to the south would be required. Lasater Road appears to have excess capacity to accommodate any additional traffic that may be generated from this site.			
CONFORMITY TO PLANS AND PLANNING ISSUES				

Legacy 2030 Growth Management Area	Growth Management Area 3 (Suburban Neighborhoods)
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Encourage development in areas with existing infrastructure before extending infrastructure further. (pg. 180) • Increase connectivity by linking existing and proposed streets to form a network that provides multiple routes for pedestrians, bicyclists and drivers (pg. 181)
Relevant Area Plan(s)	<i>Clemmons Comprehensive Plan</i> (2010)
Area Plan Recommendations	<ul style="list-style-type: none"> • The Proposed Land Use Map shows the properties for Cluster Subdivisions (pg. 11) • Appropriate development includes single-family detached residential units designed in a suburban-style cluster pattern at a minimum of two units per acre. (pg. 15) • Cluster subdivisions employ smaller minimum lot size requirements in exchange for commonly protected open space that serves the entire development (pg. 15)
Site Located Along Growth Corridor?	No
Site Located within Activity Center?	No
Comments from the Village of Clemmons	“We always require special use zoning requests through the Village. I’m not sure how we would comment on a general use site due to the nature of not being able to require conditions. My assumption is they are coming back to you at a later date for a subdivision review. I can imagine our biggest concern is going to be stormwater.”
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	The Harper Road pump station was constructed in 2015 which allowed for increased access to public sewer in this general area.
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The subject request would rezone 18.94 acres from RS40 to RS20. The site is primarily undeveloped; however, it is served with public water and sewer and fronts on Lasater Road which is a minor thoroughfare.</p> <p>The site is located within <i>Legacy’s 2030</i> Suburban Neighborhoods Growth Management Area where good design is encouraged as a tool and incentive for increased residential densities. The property is also located within the water supply watershed of the Yadkin River which includes limitations on the intensity of development in order to maintain the water quality of this regional resource. The <i>Clemmons Comprehensive Plan</i> recommends the subject property for cluster</p>

residential development with single family detached homes at a *minimum* density of two units per acre. Finally, the site abuts the Waterford neighborhood (which is zoned RS20) to the south and east.

Planning staff sees the proposed RS20 district as being generally consistent with the density recommendations of the *Clemmons Comprehensive Plan* and compatible with the development pattern of the properties located to the south and east. Staff recommends approval of the request.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1545	RS40 to RS15-S	Approved 8/11/14	South	29.47	Approval	Approval
F-1534	RS15-S to RS40	Approved 9-10-12	300' southeast	11.23	Approval	Approval
F-1471	RS40 & RS15-S to RS15-S	Approved 3-26-07	300' southeast	30.22	Approval	Approval

UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.2(E) RS20 District 	
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy 2030</i> policies:	Yes
	(B) <i>Environmental Ord.</i>	NA
	(C) Subdivision Regulations	NA

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The proposed RS20 district is consistent with the zoning and lotting pattern on the adjacent properties located to the east and to the south.	There is no site plan associated with the request.
The subject property is served with public water and sewer.	
The site is located in GMA 3 and fronts on a minor thoroughfare.	
Any major subdivision activity proposed for the site in the future, will require approval by the City County Planning Board.	
The request is consistent with purpose statement of the RS20 district.	

STAFF RECOMMENDATION: APPROVAL

NOTE: These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body,

who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR F-1568
AUGUST 10, 2017**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning.

SECOND: George Bryan

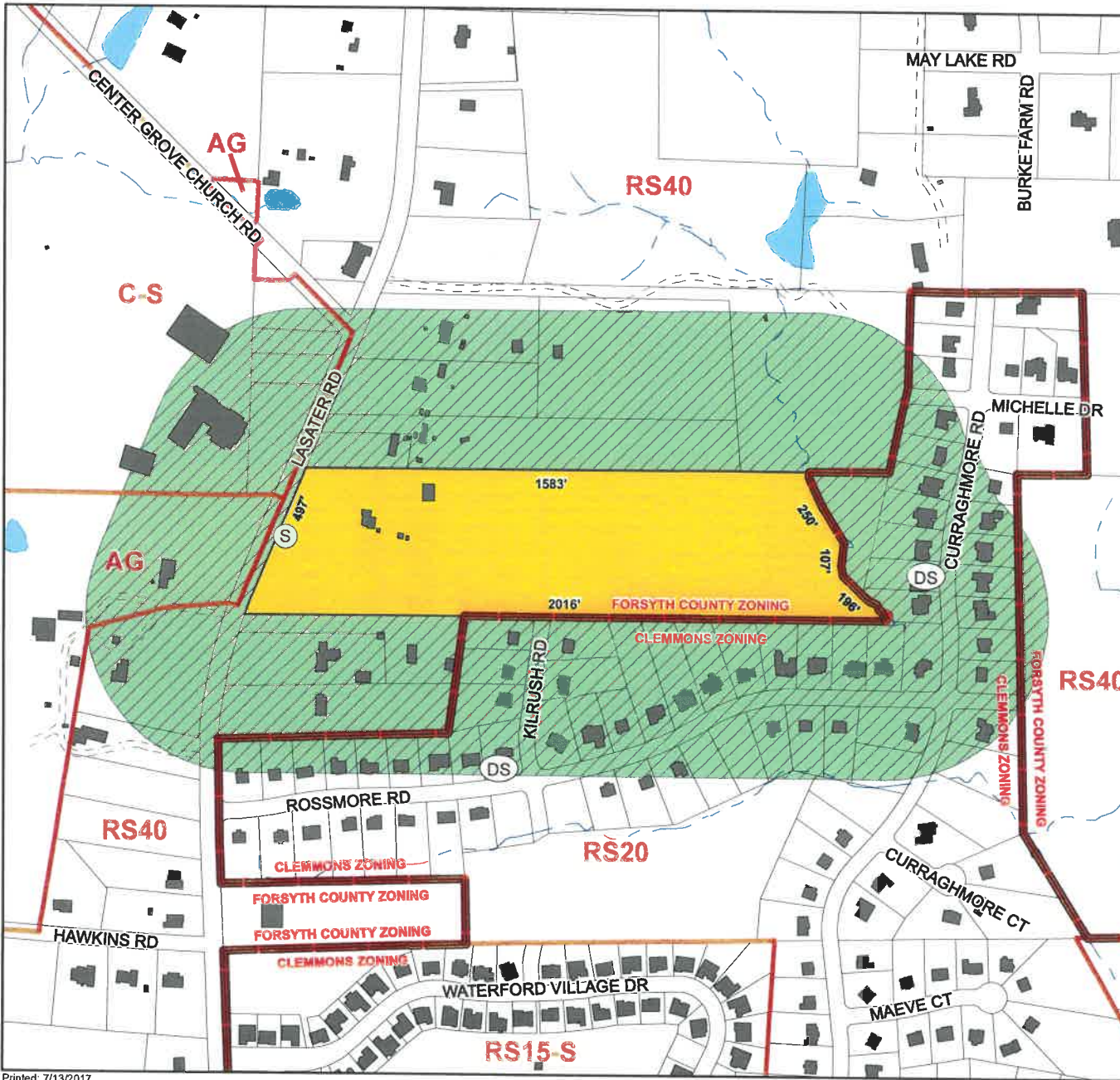
VOTE:

FOR: George Bryan, Melynda Dunigan, Arnold King, Clarence Lambe, Chris Leak,
Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services




DOCKET #: F1568

PROPOSED ZONING:
RS20

EXISTING ZONING:
RS40

PETITIONER:
Richard Sheets and Gary Sheets

 Property included in zoning request.

 500' mail notification radius. Property not in zoning request.

SCALE: 1" represents 500'

STAFF: King

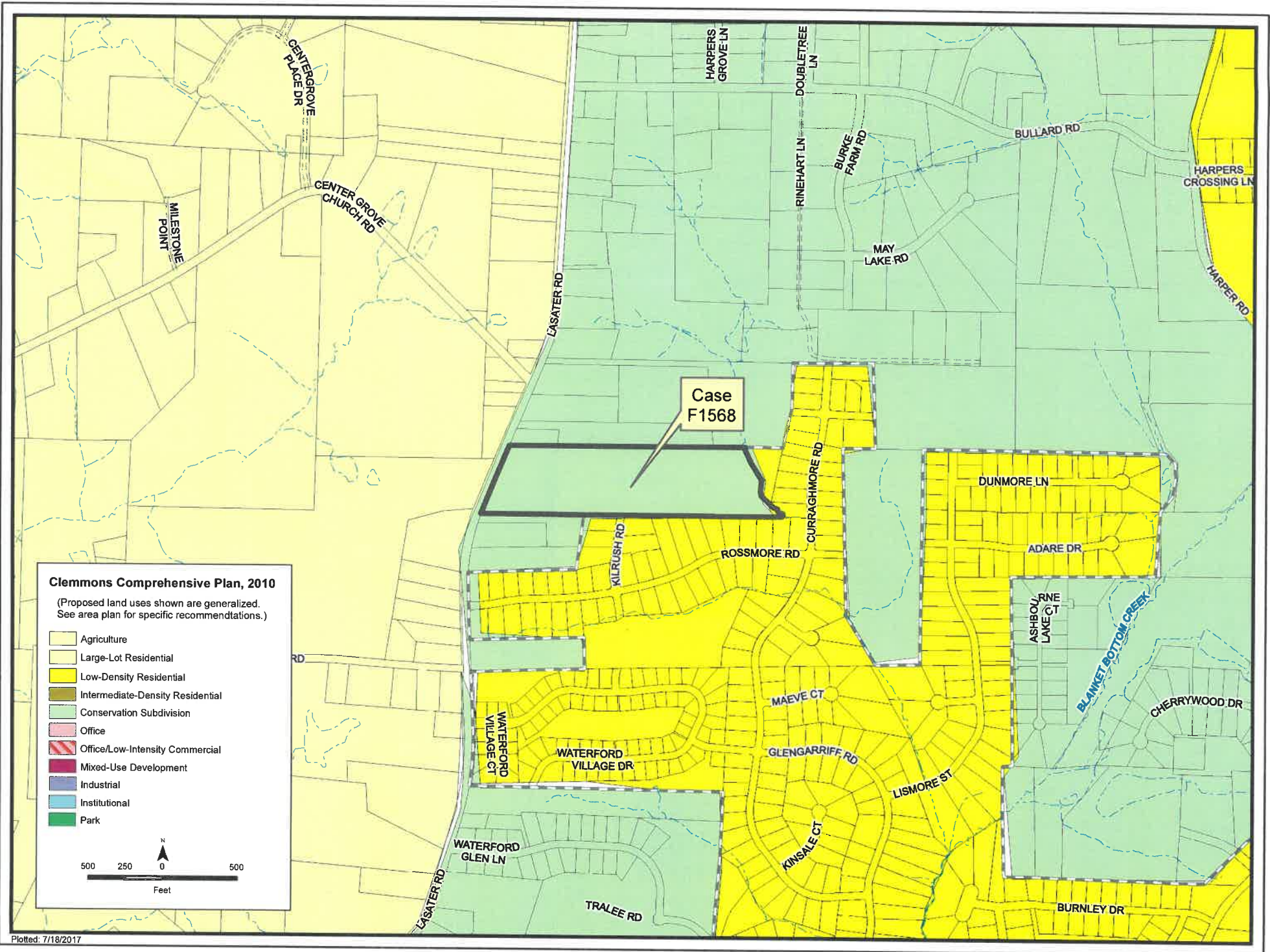
GMA: 3

ACRES: 18.94

NEAREST BLDG: 19' north

MAP(S): 5883.01





Plotted: 7/18/2017

F-1568 ATTACHMENT B
EXISTING RS40 USES ALLOWED
Forsyth County Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Adult Day Care Home
Agricultural Production, Crops (F)
Agricultural Production, Livestock (F)
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Kennel, Outdoor (F)
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private
Transmission Tower (see UDO) (F)

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Cemetery
Church or Religious Institution, Community
Golf Course
Landfill, Land Clearing/Inert Debris, 2 acres or less (F)
Library, Public
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

Bed and Breakfast
Borrow Site
Campground (F)
Child Day Care, Large Home
Dirt Storage
Fishing, Fee Charged
Habilitation Facility A
Manufactured Home, Class A
Manufactured Home, Class B (F)
Manufactured Home, Class C (F)
Nursing Care Institution
Park and Shuttle Lot
Recreational Vehicle Park
Riding Stable³

F-1568 ATTACHMENT B
EXISTING RS40 USES ALLOWED

Forsyth County Jurisdiction Only

Shooting Range, Outdoor (F)
Special Events Center
Transmission Tower (F)

**USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED
BODY (E)**

Access Easement, Private Off-Site⁵
Landfill, Land Clearing/Inert Debris, greater than 2 acres (F)
Parking, Off-Site, for Multifamily or Institutional Uses

³See Section [B.2-5.67](#)

⁵SUP not required if requirements of Section [B.2-5.2\(A\)](#) are met

**SUMMARY OF MEETING
ARDEN COMMUNITIES – LASATER ROAD SUBDIVISION
8741 LASATER ROAD, ZONING DOCKET F-1568
NEIGHBORHOOD MEETING
Thursday 6:30 p.m., July 20, 2017
Jerry Long YMCA, Clemmons**

A neighborhood meeting was held with the neighbors adjoining the property located at 8741 Lasater Road. Meeting invitations were mailed by the petitioner to the neighbors within a 500-foot radius of the property. A summary of the meeting follows:

The meeting began at 6:30 p. m. In attendance were: the property Owners, Gary and Richard Sheets; Milt Rhodes representing Arden Communities; and Steve Causey representing Allied Design, Inc. A copy of a conceptual subdivision plan was available for review. The only neighbor showed up at 7:20 p. m., Mr. John Ehrhardt from 2069 Rossmore Road.

Mr. Ehrhardt was advised that the rezoning application had been filed for General Use rezoning – the same zoning as the adjoining property. The intended use of the property is for a single-family residential subdivision. Mr. Ehrhardt was advised that the Planning Board public hearing is scheduled for August 10, 2017. After the planning board, the rezoning request should be heard at the County Commissioners meeting on the second Monday of the subsequent month – depending on the Commissioners schedule. Links to the City/County Planning Board website were provided that would show the Planning Board calendar and the status of the re-zoning request.

The home sizes and values were discussed. Examples of other Arden Communities project were discussed and referenced. The location of Mr. Ehrhardt home in relation to the subject property was determined on the plan. Drainage patterns and concerns were discussed.

The meeting was concluded at 7:30 p.m.

ARDEN COMMUNITIES – LASATER ROAD SUBDIVISION

The re-zoning has been filed with the City/County Planning Board. You can review the status of the re-zoning request at the City/County Planning Board's website found at the address below:

<http://www.cityofws.org/Departments/Planning/Zoning-and-Subdivision/Monthly-Zoning>

The Planning Board Calendar can also be found at the City/County Planning Board's site at the address below:

http://www.cityofws.org/Portals/0/pdf/planning/ccpb/misc/CCPB_Calendar_2017.pdf?ver=2016-10-17-100740-870