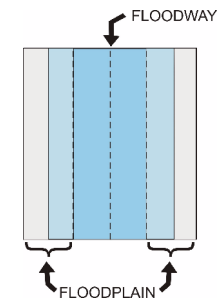


**DOCKET #:** F1472  
(continued from 10/12/2006)

**PROPOSED ZONING:**  
LI

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Tetra Investment Group  
Twelve LLC for property  
owned by Same



**SCALE:** 1" represents 400'

**STAFF:** King

**GMA:** 3

**ACRE(S):** 3.9

**MAP(S):** 606830



November 20, 2006

Tetra Investment Group Twelve, LLC  
c/o Ryan Bednar  
315 East Chatham Street, Suite 200  
Cary, NC 27511

RE: ZONING MAP AMENDMENT F-1472

Dear Mr. Bednar:

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, FAICP  
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office  
Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103  
Robert Disher, 2470 W. Clemmons Road, Winston-Salem, NC 27127  
Bailey Cobbs, 109 Bridgewood Lane, Advance, NC 27006

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on Zoning Map Amendment of Tetra Investment Group Twelve, LLC from RS-9 to LI: property is located on the south side of Clemmons ville Road, west of Griffith Road; (Zoning Docket F-1472).
  
- 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 Tetra Investment Group  
Twelve, LLC, Docket F-1472

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-9 to GI the zoning classification of the following described property:

Tax Block 3889, Tax Lots 34H & 34K

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD DRAFT  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	F-1472		
<b>Staff</b>	Aaron King		
<b>Petitioner(s)</b>	Tetra Investment Group Twelve, LLC		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	Tax Lots 34H and 34K, Tax Block 3889		
<b>Continuance History</b>	The request was continued from the October 12, 2006 Planning Board meeting to allow the petitioner to revise their request from GI to LI.		
<b>Type of Request</b>	General use rezoning request from RS-9 to LI.		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS-9 (Residential Single Family; 9,000 sf. lot size) <b>to</b> LI (Limited Industrial).</p> <p><b>NOTE:</b> Both general 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>		
<b>Zoning District Purpose Statement</b>	The LI District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. The district is established to provide locations for industrial development in Growth Management Areas 1, 2, 3, and 4, and activity centers.		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<p><b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>The subject property is located within GMA 3. LI zoning is more appropriate at this location, due to its potential to limit adverse impacts to adjacent properties.</p>		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	South side of Clemmons Road, west of Griffith Road		
<b>Jurisdiction</b>	Forsyth County		
<b>Site Acreage</b>	Approximately ± 3.9 acres		
<b>Current Land Use</b>	Undeveloped land		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS-9	Single family homes
	East	GI	Industrial buildings
	South	GI	Undeveloped land
	West	RS-9	Single family home

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	The request is compatible with the GI property to the east and south.			
<b>Physical Characteristics</b>	The site slopes down from the north and south (+/- 734 ft.) toward the middle of the property (+/- 718 ft.). A tributary of Salem Creek runs east/west through the middle of the property. The National Wetlands Inventory Map (Winston-Salem West Quad Sheet) identifies the pond on the site as a PUSCh (Palustrine, Unconsolidated Shore, Seasonally Flooded, Diked/Impounded wetland).			
<b>Proximity to Water and Sewer</b>	The subject property has access to public water and public sanitary sewer.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The subject property is not located within a water supply watershed.			
<b>Analysis of General Site Information</b>	The subject request contains 3.9 acres located on the south side of Clemmonsville Road. The site is relatively flat and contains a pond that has been drained. The request poses no site development issues.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Clemmonsville Road	Major Thoroughfare	+/- 159 feet	12,000	16,100
<b>Proposed Access Point(s)</b>	Since this is a general use request, the exact location of access points is unknown. The subject property does have public road frontage on Clemmonsville Road as well as frontage onto an approved subdivision street crossing the subject property into the GI property to the south.			
<b>Planned Road Improvements</b>	The Thoroughfare Plan recommends that Clemmonsville Road be constructed as a three lane cross section with sidewalks and curb and gutter.			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: RS-9</u> $3.9 \times 43,560 / 9,000 = 18 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 70 \text{ Trips per Day}$  <u>Proposed Zoning: LI</u> No trip generation numbers are available for general use LI zoning.			
<b>Sidewalks</b>	None existing			
<b>Transit</b>	No			
<b>Traffic Impact Study (TIS)</b>	Not required			

<b>Analysis of Site Access and Transportation Information</b>	Since this is a general use request, it is difficult for staff to evaluate the transportation impacts associated with this request. The subject property, along with GI zoned property to the south, received preliminary subdivision approval from the Planning Board on February 9, 2006. The subdivision plan shows a public road running north-south through the subject property and into the industrial subdivision.					
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>						
<b>Legacy GMA</b>	GMA 3 (Suburban Neighborhoods)					
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>Legacy recommends promoting economic development which is compatible with existing residential neighborhoods and adjoining business developments. It recommends protecting residential areas from inappropriate commercial and industrial encroachment.</li> </ul>					
<b>Relevant Area Plan(s)</b>	The subject property is not located within the boundaries of a development guide or area plan.					
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(3) - Have changing conditions substantially affected the area in the petition?</b>					
	No					
	<b>(S)(4) - Is the requested action in conformance with Legacy?</b>					
No						
<b>Analysis of Conformity to Plans and Planning Issues</b>	The subject request is consistent with Legacy's recommendation for promoting economic development. When this request was originally submitted for GI zoning, staff was concerned about the intensity of many of the uses in the GI district and therefore recommended LI zoning. As mentioned in the LI purpose statement above, the district is "primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties." Staff remains concerned about the future of property located between the subject property and Clemmons Road. If it is not incorporated into the larger Salem Creek Industrial Park design, it basically becomes an island of property zoned RS-9 that is surrounded on three sides by industrial zoning.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1236	Special Use Permit to cross RS-9 property	Approved July 13, 1998	East	2.66	Approval	Approval
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 2-1.4(A) LI District</li> </ul>					

<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	<b>(A) Legacy policies:</b>	Yes
	<b>(B) Environmental Ord.</b>	NA
	<b>(C) Subdivision Regulations</b>	NA
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>		
<b>Positive Aspects of Proposal</b>		<b>Negative Aspects of Proposal</b>
The request would allow for the expansion of a future industrial park.		The request gives no assurances as to how adjacent residents will be protected from potential negative impacts such as noise, lighting, etc.
The request is consistent with <i>Legacy's</i> recommendation for promoting economic development.		Approval of the request would create a pocket of RS-9 property surrounded by industrial zoning.

**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.**

**PUBLIC HEARING - October 12, 2006**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved continuance of the zoning map amendment to November 9, 2006.

SECOND: Paul Mullican

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

**PUBLIC HEARING - November 9, 2006**

Aaron King presented the staff report.



FOR:

Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103

- I apologize for last month's submission for GI. The theory was it would be consistent with adjacent zoning and part of the subdivision. After talking with staff, we can appreciate the concerns and gladly change the request to LI.
- The configuration and size of the property and the streams and storm water retention pond restrict the use of most of this lot anyway. I think we can only yield about 1 or 2 half-acre lots in that area as it's subdivided anyway.
- I understand that some of the adjoining property owners are here today. We did meet with them after the rezoning request submittal. As we understand it, their primary concerns were the intense use of the subdivision in general and the nature of the use of the subject property and surrounding property, most specifically the road because it's the public right-of-way that will adjoin their property rather than the particular uses on this property. The subdivision road was approved in February of this year.
- The petitioner is here today in case you have questions of him.
- In response to a question from a Board member, Mr. Causey explained where they are in planning the project, how the number of lots would be reduced to one or two, and where the public right-of-way would be located.

Ryan Bednar, 315 E. Chatham Street, Cary, NC 27511

- I'm here representing the developer and would be glad to answer any questions the Board members may have.

AGAINST:

Robert Disher, 2470 W. Clemmons Road, Winston-Salem, NC 27127

- My wife and I have resided here for about 20 years and this property has not been used during that time.
- Our property is west of this. There is a deeded easement which runs right along their property. There's a creek in the back that runs across.
- We're not against development and business. Our concern is that this will create a hardship for us. We will have business on three sides around us.
- There's a curve in the road here and every year we call several times a year for a wreck. Trucks use this as an alternative for Hwy 158. We're concerned about the traffic.
- I wish the owners had spent a little more time with us beforehand. It would have helped us tremendously in our future plans. Our plans were to sell this house when we got older.
- If they start developing this, there will be a significant amount of noise, dust, and traffic. It will really limit the market for our home.

Bailey Cobbs, 109 Bridgewood Lane, Advance, NC 27006

- We live across the street from the subject property.
- We moved from our house and began renting it out.
- When we put it on the market, we had no serious interest in purchasing it because of the many zoning changes in the surrounding area. Who wants to live next to a plant or distribution center?

- We sold the house to our daughter for her second home.
- Please require them to purchase our property for at least \$145,000 to allow us to not be financially damaged by the current and future zoning decisions.
- Because of all the spot zoning around us, our house will be worth less.
- Please put yourself in our position.
- Our property is the cornerstone of our financial strength.

## **WORK SESSION**

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

1. This is a general use request, but Ronnie Grubbs stated that a buffer would not be required unless something was developed on that lot adjoining the Disher's property. That is currently planned to be vacant property.
2. The Board discussed access to the site. The street will have to be there and the Disher's will have dust and noise regardless of what is eventually built here.

MOTION: Carol Eickmeyer moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Arthur King

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: Brenda Smith

According to information furnished by the Office of the Tax Assessor on September 8, 2006, the subject property was in the name of Tetra Invest Group Twelve LLC.

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A. Paul Norby, FAICP  
Director of Planning