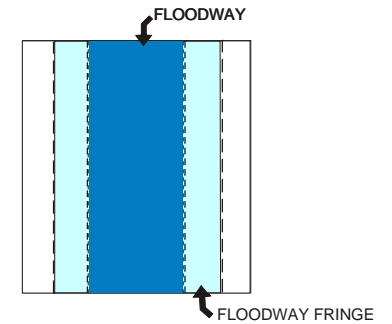


DOCKET #: F1409

PROPOSED ZONING:
RS40-S (Riding Stable)

EXISTING ZONING:
RS9

PETITIONER:
Cash A. Lovell III
and Parker Lovell
for property owned by Same



SCALE: 1" represents 400'

STAFF: Gallaway

GMA: 3

ACRE(S): 14.30

MAP(S): 612882, 618882



May 26, 2004

Cash A. Lovell III and Parker Lovell
2203 Winsted Street
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT F-1409

Dear Mr. Lovell and Ms. Lovell:

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

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Cash A. Lovell III and Parker Lovell, Docket F-1409

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 RS-40-S (Riding Stable; and Residential Building, Single Family) the zoning classification of the following described property:

Tax Block 3880, Tax Lots 018A and 018B

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

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 Cash A. Lovell III and Parker Lovell. 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 Cash A. Lovell III and Parker Lovell (Zoning Docket F-1409). 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 (Riding Stable; and Residential Building, Single Family), 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-S 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 conditions be met:

? **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

- a. On-site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
- b. Developer shall obtain a driveway permit from NCDOT.

? **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. All required fire hydrants shall be installed in accordance with the County Fire Department.

? **OTHER REQUIREMENTS**

- a. One (1) freestanding monument style sign with a five (5) foot height limitation.

ZONING STAFF REPORT

DOCKET # F-1409
STAFF: Suzy Gallaway

Petitioner(s): Cash A. Lovell III and Parker Lovell
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: RS-40-S Residential Single Family District; minimum lot size 40,000 sf (Riding Stable; Residential Building, Single Family)

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

Acreage: 14.35 acres

LOCATION:

Street: Southwest side of Darwick Road south of Glenshire Drive.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Riding Stable.
Square Footage: 37,500 sf.
Building Height: 14 ft.
Parking: Required: 20 Spaces; Proposed: 20 Spaces.
Bufferyard Requirements: None required.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Existing 15,500 sf building, two manufactured homes
Adjacent Uses:

North-	Single family homes, zoned RS-9.
East-	Single family subdivision, zoned RS-9.
South-	Single family subdivision, zoned RS-9.
West-	Single family subdivision, zoned RS-9.

GENERAL AREA

Character/Maintenance: There are several single family subdivisions built within the last 10 years and scattered farmsteads.

Development Pace: Rapid.

HISTORY

There are no relevant rezoning cases in this area.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan does not appear to significantly impact the site's existing physical features.

Topography: The subject property experiences an overall elevation change of approximately 36 feet, rising from about 730 feet in its western corner up to about 766 feet in its northeastern corner.

Streams: A branch that feeds into South Fork Muddy Creek lies about 300 feet from the western corner of the subject property.

Vegetation/habitat: Only small amounts of vegetation are on the subject property, mostly along the property's northwestern border. The proposed site plan indicates that this existing vegetation will remain.

Floodplains: Floodway fringe area from the branch lies a little over 200 feet from property's western corner.

Natural Heritage Sites: Friedburg Marsh is about 1 mile from the subject property. However, this proposal should not impact this Natural Heritage Site.

Environmental Resources Beyond the Site: The proposed site plan should not create negative impacts to environmental resources beyond the site.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Darwick Road; Spaugh Ridge Lane

Street Classification: Darwick Road – Minor Thoroughfare; Spaugh Ridge Lane – Local Road

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

Darwick Road between Ebert Road and Old Salisbury Road = 2,200/11,100

Trip Generation/Existing Zoning: RS-9: $14.30 \times 43,560/9,000 = 69 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 660 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RS-40-S: No trip generation rate available for riding stable, however this would likely be a less intense traffic generator than the possible rate under RS-9 zoning.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): One of the objectives of *Legacy* is to provide publicly and privately owned open space developed with facilities for active and/or passive recreation use. This proposal for a riding stable on 14+ acres of land seems to meet this objective.

Area Plan/Development Guide: Currently there is no area plan or development guide for this area.

HISTORIC RESOURCES REVIEW

Known Historic Resources: Friedberg Town Lot.

Comments: The western boundary line of the historic Friedberg Town Lot appears to fall on a small portion of, or directly adjacent to, the subject property. The Friedberg Town Lot is identified in a 2003 study of the three Moravian county congregations prepared by Michael O. Hartley and Martha B. Hartley. The study states that Friedberg was recognized as a fully organized Moravian congregation in the spring of 1773. Additionally, the study notes two properties, which appear to lie just to the northwest and southeast of the subject property as “Resources with Archaeological Potential.” They are listed in the report as follows:

#111: Elmwood Dairy, Alvin and Doretha Spach – double pen log barn, log smokehouse; Holsteins; house is bungalow, early 20th century

#112: House – 1½ story house, log?, additions, former Snyder Dairy?

ANALYSIS

The current rezoning request is to rezone 14.35 acres from RS-9 to RS-40-S (Riding Stable; and Residential Building, Single Family). In effect this is a downzoning of the property, as it exists currently. Under the existing zoning the property could potentially be developed into approximately 69 single family lots. The request, as submitted retains the rural quality of the property, with the only new development being that of an additional horse barn.

One of the objectives of *Legacy* is to provide publicly and privately owned open space developed with facilities for active and/or passive recreation use. The proposed riding stable on this site certainly meets that *Legacy* objective.

A small portion of the site does appear to lie on the western boundary of the historic Friedberg Town Lot. Also there are two sites noted to as being “resources with archeological potential” in a 2003 study prepared by Michael O. Hartley and Martha B, Hartley. One of the sites appears to be located north of the current site. The other possible archeological site is located immediately east of the current site. Staff is of the opinion that the proposal’s retention of rural character will also help preserve any potentially historic properties in the area.

Although there are several new subdivisions in the vicinity there are also several farms, some historical, as mentioned. Staff concludes that the request is compatible with the area as other similar uses are present in the area, and hopes the retention of this rural site will help preserve the others into the future.

FINDINGS

1. This is a downzoning of the property, as it exists currently. Under the existing zoning the property could potentially be developed into approximately 69 single family lots.
2. The project retains the rural quality of the property, with the only new development being that of an additional horse barn.
3. The proposed riding stable on this site meets the *Legacy* objective for facilities including active and/or passive recreation use.
4. The proposal's retention of rural character will also help preserve any potentially historic properties in the area.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

- ?
- PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
- a. On-site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
 - b. Developer shall obtain a driveway permit from NCDOT.
- ?
- PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
- a. All required fire hydrants shall be installed in accordance with the County Fire Department.
- ?
- OTHER REQUIREMENTS**
- a. One (1) freestanding monument style sign with a five (5) foot height limitation.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Lavastian Glenn

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on April 2, 2004, the subject property was in the name of Cash A. Lovell III and Parker Lovell.

A. Paul Norby, AICP
Director of Planning