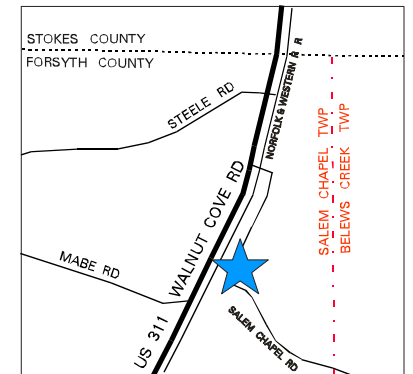


DOCKET #: F1288

PROPOSED ZONING:
RS40

EXISTING ZONING:
AG

PETITIONER:
Bullard Enterprises, Inc.



Location Map

SCALE: 1" represents 500'

STAFF: D. Reed

GMA: 5

ACRE(S): 69.41

MAP(S): 660910

March 22, 2000

Bullard Enterprises, Inc.
c/o James A. Bullard II and J. Albert Bullard
4015 Old Hollow Road
Kernersville, NC 27284-8994

RE: ZONING MAP AMENDMENT F-1288

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
Albert Bullard, 5211 Pine Hall Road, Walkertown, NC 27051

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Bullard Enterprises, Inc.

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Bullard Enterprises, Inc. for three separate tracts of land as follows:

Tract 1: Rezoning from AG to RS-40: property is located on the west side of Walnut Cove Road/US 311 south of Salem Chapel Road (Zoning Docket F-1288).

Tract 2: Rezoning from AG to RS-40: property is located on the southwest side of Salem Chapel Road and on the eastern side of the Norfolk and Western Railroad right-of-way (Zoning Docket F-1288).

Tract 3: Rezoning from AG to RS-40: property is located on the northeast side of Salem Chapel Road west of Walnut Cove Road/US 311 (Zoning Docket F-1288).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

-

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Bullard Enterprises, Inc., Docket
F-1288

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-40 the zoning classification of the following described property:

Tract 1

BEGINNING at a concrete monument at the southwest corner of property of James A. Johnson; thence with the south line of property of said Johnson and continuing across U. S. Highway No. 311 and Norfolk and Western Railroad rights-of-way south 52E 07' 42" east 419.18 feet to an iron stake in the east right-of-way of said railroad and the west line of Salem Chapel Christian Church property; thence with property of said church the following courses and distances: south 32E 01' 25" west 258.0 feet to an iron stake in the east right-of-way of said railroad, south 61E 59' 04" east 185.43 feet to an iron stake, south 64E 30' east 109.78 feet to an iron stake continuing south 64E 30' east 313.62 feet to a point, north 25E 05' east 143.71 feet to a concrete monument, continuing north 25E 05' east 182.12 feet to an iron stake, north 37E 09' 58" west 251.30 feet to an iron stake and north 13E 10' 35" west 193.91 feet to an iron stake in a south line of property of Ernest M. Fulp; thence with property of said Fulp the two following courses and distances: south 89E 26' 28" east 333.75 feet to an iron stake and north 03E 32' 18" east 550.93 feet to an iron stake in the south line of property of Grady Ziglar; thence with said south line south 65E 01' east 134.6 feet to an iron stake in a branch; thence with property of said Ziglar and the center of the branch the three following courses and distances: south 07E 49' east 99.28 feet to an iron stake (old) on the westerly side of the branch, south 50E 59' east 96.4 feet to an iron stake in the branch and south 40E 56' east 159.49 feet to an old iron stake in the branch and in the west line of property of Ernest M. Fulp; thence with property of said Fulp the three following courses and

distances: south 10E 39' 25" west 308.86 feet to an iron stake, south 21E 43' 11" east 740.01 feet to a concrete monument and south 22E 05' 53" east 855.38 feet to a concrete monument, the northwest corner of property of Henry Frank Reid; crossing Salem Chapel Road, south 13E 57' 33" west 836.0 feet to an old stake, the northeast corner of property of Mrs. Rosa P. Marshall; thence with the north line of property of said Marshall north 66E 04' 56" west 2,190.0 feet to an iron stake in the east line of property of Elizabeth V. Grubbs; thence with said line of Grubbs north 10E 46' 23" east 1,172.63 feet to an old iron stake, a southeast corner of property of Ernest M. Fulp; thence with the east line of said Fulp north 11E 13' 56" east 414.84 feet to the place of BEGINNING. SAVE AND EXCEPT THE FOLLOWING: 3,800 square feet conveyed to the Trustees of Salem Chapel United Church of Christ, Deed Book 1498, Page 385, 2.370 acres conveyed to Billy Gene East and wife, Sheila Dawn Hill East, Deed Book 1641, Page 1412, 0.10 acre conveyed to Clarence R. Kiger, Deed Book 1710, Page 399, and 0.07 acre conveyed to Clarence R. Kiger and wife, Rosanella R. Kiger, Deed Book 1713, Page 2296, Forsyth County Registry.

Tract 2

All right, title and interest of the Grantor, if any, in a triangular shaped parcel of land, being more particularly described as follows: BEGINNING at a concrete monument marking a southeast corner of property owned by the Trustees of Salem Chapel Christian Church as described in a Quitclaim Deed recorded in Book 1135, Page 1708, Forsyth County Registry, said concrete monument being located south 25E 05' west 182.12 feet from an iron stake marking the northeast corner of said church property; run thence with a southern line of said church property north 89E 11' 28" west 344.03 feet to an iron stake; thence south 64E 30' east 313.62 feet to a point; thence north 25E 05' east 143.71 feet to a concrete monument, the point and place of BEGINNING, containing 0.517 acre, more or less.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # F-1288
STAFF: David Reed

Petitioner(s): Bullard Enterprises, Inc.
Ownership: Same

REQUEST

From: AG Agricultural District
To: RS-40 Residential Single Family District; minimum lot size 40,000 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: 69.41 acres

LOCATION

Street: Northeast side of Salem Chapel Road west of Walnut Cove Road/US 311.
Jurisdiction: Forsyth County.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Three single family homes are on the north side of Salem Chapel Road; the rest of the site is vacant.

Adjacent Uses:

North - Church and agricultural land.
East - Vacant wooded land.
South - Vacant wooded land and one manufactured home.
West - Scattered single family homes and agricultural land.
All surrounding land is zoned AG.

GENERAL AREA

Character/Maintenance: Rural wooded and agricultural land.
Development Pace: Slow.

PHYSICAL FEATURES

Topography: Site has rough topography draining towards the southeast into Lick Creek.

Streams: A tributary of Lick Creek exists on the north end of the site.

Vegetation/habitat: Most of the site is wooded with hardwoods; some of the site is in agricultural use.

Constraints: Rough topography.

Impact on Existing Features: Potential clearing of the wooded areas.

TRANSPORTATION

Direct Access to Site: Salem Chapel Road and Walnut Cove Road/US 311.

Street Classification: Walnut Cove Road/US 311 - major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): US 311 south of Mabe Road - 3,400/11,500; north of Salem Chapel Road - 3,400/11,500.

HISTORY

Relevant Zoning Cases:

1. F-1263; AG to AG-S (Residential Building, Single Family; and Manufactured Home, Class A); approved June 28, 1999; southeast side of Gauldin Road, east of Pine Hall Road; 15.78 acres; Planning Board and staff recommended approval.
2. F-1190; RS-40 to MH; approved April 14, 1997; west side of Walnut Cove Road/U.S. 311, between Stoney Point Drive and Clifton Wood Drive (private); 0.90 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): The plan recommends limited residential and commercial development; retention of farming activities; and preservation of the natural environment.

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

ANALYSIS

The subject property is located in a rural part of the county near the Stokes County line. The site contains 69.41 acres and has some steep topography in places. Much of the site is wooded. The surrounding area is rural and agricultural in character with a few scattered single family homes, cultivated fields, and vacant wooded areas. The area is suited to the purpose statement of the AG zoning district which includes preserving the rural character of portions of the county and accommodating uses of an agricultural nature.

Generally, properties which were mapped to AG were agriculturally viable properties which either participated in the tax deferred program for bona fide farms or were in an area near such properties. Some AG properties also include, or are near farms, which are part of Forsyth County's farmland preservation program. Under this program the County purchases the development rights from qualifying farms to restrict future non-farm development. Although AG properties are intended to support and encourage agricultural activities, the zoning district also permits single family residential development with a minimum lot size of 40,000 square feet.

The site lies within Growth Management Area 5 (Rural Area) of the *Vision 2005* Land Use Map. One of the objectives for the Rural Area is to encourage open space subdivision design, a technique where houses are physically grouped on part of a tract of land, leaving the remainder of the site undeveloped. The design technique, which can be achieved using the UDO Planned Residential Development (PRD) option, allow the same density as a conventional subdivision while protecting prime farmland, environmentally sensitive lands, important vistas or other features on the site. The PRD regulations do require certain design elements which make it more complicated than traditional subdivision, however, the advantage can well be worth it.

Because the site is completely surrounded by AG zoning and is in a truly rural area, staff is concerned that an approval of the proposed change would set a precedent for other conversions from AG to RS-40. Staff recommends that the property not be rezoned from AG to RS-40 and encourage the petitioners to further explore the PRD option as an alternative to rezoning.

FINDINGS

1. The subject property is located in a rural part of the county near the Stokes County line.
2. The area is suited to the purpose statement of the AG zoning district.
3. The site lies within Growth Management Area 5 (Rural Area) of the *Vision 2005* Land Use Map.
4. One of the objectives for the Rural Area is to encourage open space subdivision design which can be achieved using the UDO Planned Residential Development (PRD) option.
5. Staff is concerned that an approval of the proposed change would set a precedent for other conversions from AG to RS-40.
6. Staff recommends that the property not be rezoned from AG to RS-40 and encourage the petitioners to further explore the PRD option as an alternative to rezoning.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

[For information purposes only: The draft Legacy plan recommends the preservation of farmland, open space and rural character within the Rural Area.]

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Albert Bullard, 5211 Pine Hall Road, Walkertown, NC 27052

We are the owners of the property.

I was surprised the staff recommended denial. The only reason we applied for the rezoning is that this area will not be agricultural land. It will end up being residential.

We feel the RS-40 is appropriate and will meet our needs.

The minimum size of the lots is still the same; the only change is the minimum amount of road frontage.

The size of these lots is going to be substantially larger than 40,000 sf.

This is way out in the country and to try to have a Homeowner's Association in this area would not float too much.

We paid to try to get it zoned into something it's going to be anyway eventually.

AGAINST: None

WORK SESSION

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

1. The petitioners were focused on developing a subdivision on this site.
2. Kerry Avant stated that we've got someone who doesn't want to go with more streets and who wants large lots. That would help minimize urban sprawl.

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: James Rousseau

VOTE:

FOR: Avant, Rousseau

AGAINST: Bost, Johnson, Powell, Schroeder, Snelgrove, Williams

EXCUSED: None

MOTION FAILED.

MOTION: Kem Schroeder moved denial of the zoning map amendment.

SECOND: Terry Powell

VOTE:

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

AGAINST: Avant, Rousseau

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Bullard Enterprises, Inc. as of January 31, 2000.

A. Paul Norby, AICP
Director of Planning