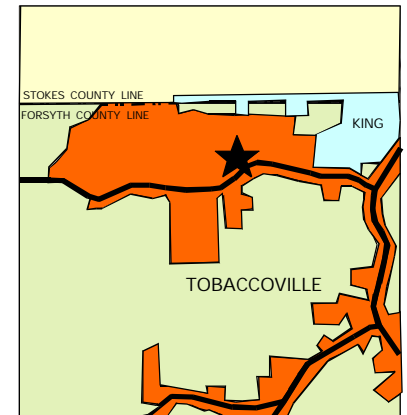


DOCKET #: F1293
 (Continued from 03-09-00
 CCPB Meeting)

PROPOSED ZONING:
 RS20

EXISTING ZONING:
 RS20 and AG

PETITIONER:
 William C. McGee,
 Kathryn McGee,
 and W.C. McGee, Jr.



Location Map

SCALE: 1" represents 400'

STAFF: G. Simmons

GMA: 5

ACRE(S): 37.87

MAP(S): 588910, 588914

DRAFT ZONING STAFF REPORT

DOCKET # F-1293

STAFF: Glenn Simmons

Petitioner(s): Katheryn H. McGee, and William C. McGee and wife Diane B. McGee

Ownership: Same

CONTINUANCE HISTORY March 9, 2000 to April 13, 2000.

The Village of Tobaccoville passed a resolution recommending denial of this zoning request.

REQUEST

From: AG Agriculture District; minimum lot size 40,000 square feet.

To: RS-20 Residential Single Family District; minimum lot size 20,000 square feet.

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

Acreage: 37.87 acres

LOCATION

Street: North side of Spainhour Mill Road opposite Snyder Farm Road.

Jurisdiction: Forsyth County; part of the site lies within the Village of Tobaccoville.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Two residential structures and two outbuildings.

Adjacent Uses:

- North - Vacant and sparsely developed rural residential development; zoned AG.
- East - Vacant and sparsely developed rural residential development with newer residential homes located on the north side of Spainhour Mill Road; zoned AG and RS-20.
- South - Vacant and sparsely developed rural residential development with newer residential homes located on the south side of Spainhour Mill Road and smaller lot homes located on east and west sides of Snyder Farm Road; zoned AG and RS-20.
- West - Vacant and sparsely developed rural residential development with a newer residential subdivision located on Greenmeadow drive, south of Spainhour Mill Road; zoned AG.

GENERAL AREA

Character/Maintenance: Well-maintained rural residential homes located along Spainhour Mill Road and conventional subdivision homes located off Greenmeadow Drive south of Spainhour Mill Road.

Development Pace: Slow to moderate.

PHYSICAL FEATURES

Topography: Site is generally level to moderately rolling.

Vegetation/habitat: Mixed hardwoods and evergreen trees.

Impact on Existing Features: N/A

TRANSPORTATION

Direct Access to Site: Spainhour Mill Road (SR 1604).

Street Classification: Not classified.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
2,158/12,000.

Trip Generation/Proposed Zoning: AG, Maximum 41 units or 391 trips per day; RS- 20, Maximum 82 units or 779 trips per day. 388 additional trips per day generated from proposed zoning request.

Planned Road Improvements: None proposed.

Sight Distance: Adequate but somewhat limited due to vehicular access located on inside of curve on Spainhour Mill Road.

HISTORY

Relevant Zoning Cases:

Note: There are no relevant zoning cases in the vicinity of this proposal, however the present AG and RS-20 zoning classifications became effective in January 1995 with the adoption of the *Unified Development Ordinances* (UDO) and the associated countywide zoning reclassification. Prior to adoption of the UDO, the former R-6 residential zoning classification permitted 20,000 square foot lots (comparable to the proposed RS-20 zoning).

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Retention of farming activities and preservation of the natural environment with limited residential and commercial development.

Area Plan/Development Guide: This site is not within the boundary of a development guide or area plan. The Village is currently in the early stages of working with the State's Division of Community Assistance to develop a long-range comprehensive plan for the community.

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: Village of Tobaccoville.

Expressed Concern: The Village Manager was contacted by planning staff to receive a zoning opinion from the Village Council regarding the current zoning request. Manager Kerry McDuffie provided a copy of the Village of Tobaccoville resolution recommending denial of the RS-20 zoning request.

ANALYSIS

The current request is a proposal to rezone 37.87 acres of existing AG zoned property to RS-20. The property is located along Spainhour Mill Road at the northwestern edge of the Village of Tobaccoville.

Most of the current property lies just outside the village limits and was reclassified from the former R-6 zoning designation to AG in January of 1995 with adoption of the *Unified Development Ordinances*. 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.

Properties located adjacent to the current site are within the Tobaccoville village limits although most of the property lies within an unincorporated area of Forsyth County. These properties along Spainhour Mill Road, including a portion of the current site, were reclassified from the former R-6 zoning to RS-20 in accordance with UDO policies which supported the RS-20 within incorporated boundaries of rural communities. This policy was based partially on the premise that higher density residential development was consistent with incorporated community objectives to provide cost-effective delivery of various municipal services.

Although staff continues to support the AG district, we also acknowledge the current site's location adjacent to the Village of Tobaccoville and the existing character of other RS-20 zoned properties in the vicinity. The property also has direct access to Spainhour Mill Road which is one of the principal transportation corridors in Tobaccoville. To this extent, staff considers the proposed rezoning to be consistent with UDO and *Vision 2005* policies to support moderately

higher residential zoning along primary transportation corridors where the cost-effective delivery of municipal services makes future annexation viable. Staff also considers the current proposal to be consistent with Tobaccoville's history of supporting residential subdivision growth along primary transportation corridors by virtue of subdivision annexations. Although Tobaccoville's Strategic Plan adopted in 1997 calls for the retention of rural character and the preservation of open space, planning staff believes that the existing character of residential subdivisions in the area and the availability of supporting infrastructure are important factors in staffs' zoning recommendation.

FINDINGS

1. The property is located contiguous to other RS-20 zoned properties and has good access to Spainhour Mill Road, one of the principal transportation corridors in Tobaccoville.
2. The UDO reclassified properties within the incorporated boundaries of Tobaccoville to RS-20 in 1995 on the basis that moderately higher density residential development is consistent with the mission of municipalities to provide efficient, cost-effective delivery of municipal services.
3. The property is located on Spainhour Mill Road near other RS-20 zoned residential subdivisions and would be a suitable candidate for annexation if the property were subdivided.
4. RS-20 zoning is consistent with previous actions of the Village of Tobaccoville to extend corporate limits to include developed residential properties contiguous to primary transportation corridors.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

PUBLIC HEARING - March 9, 2000

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved continuance of the zoning map amendment to April 13, 2000.

SECOND: James Rousseau

VOTE:

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

AGAINST: None

EXCUSED: None

Boyce Shore, Mayor of Tobaccoville, representing residents of Tobaccoville

Residents are here prepared to speak because they didn't hear this petition would be continued. People got off work to come. Some who had been here earlier had to leave. We just want the record to reflect that people were here in opposition to the petition.

PUBLIC HEARING - April 13, 2000

Glenn Simmons presented the staff report.

FOR:

W. C. McGee, 6102 Arden Drive, Clemmons, NC 27012

Even though I live in Clemmons, my mother lives on this property and it was my home as a child.

A portion of the property is in Tobaccoville. My mother lives on that portion. There is another house just outside the Village boundaries.

The thing I've read in *Legacy* that indicates we should go forward with this is the statement that we should be willing to use land at higher densities at the fringes. It also says we should preserve farmland. This is not farmland. We have even received a letter from US Department of Agriculture stating that this land is not appropriate for farming.

This land is close to many industries and businesses.

We think it would be proper for this entire acreage to be zoned RS-20.

AGAINST:

Myron Marion, P. O. Box 2361, King, NC 27021

I'm here to represent some citizens in our community because we have concerns about this property.

Vision 2005 recommends this area remain rural in character.

We have several large farms in this immediate area, including active farms.

We feel this rezoning will impact our property since we have large lots.

The *Legacy* plan calls for this area to remain rural in character. That matches the recommendation of *Vision 2005*.

The neighbors have voiced their opposition.

We would like the opportunity to plan our future growth before more changes are implemented.

We have plenty of development occurring in this area which will offer enough housing for this area's needs.

Even the children can see the impacts of this sprawl because they understand that the deer and birds will disappear if we do this.

We are concerned about the drain on the area's resources such as water supply.

Phillip Hauser, 3609 Spainhour Mill Road, Tobaccoville, NC 27050

I agree with him. I live right there.

Boyce Shore, 3650 Rolling Hill Drive, Tobaccoville, NC 27050

I am here representing the Village of Tobaccoville as the mayor.

We have been working to make your jobs easier. After a zoning case six years ago, we sought out advice from Pete Brunstetter and Jim Yarbrough regarding how we could have more input into zoning issues.

We have been annexing in larger chunks instead of "spider" format. We are working on long term plans for our town's development and need time to complete that before more changes are made. We are trying to determine what would be the best growth pattern for our area.

We are not opposed to this use, but to more actions being taken while we are still trying to get our feet on the ground.

Tobaccoville is not interested in money; we are interested in quality of life and community character.

Tobaccoville has had no involuntary annexation.

I think there should be more homework.

WORK SESSION

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

1. John Bost stated that he honors the work that Tobaccoville is doing and wondered if we can't offer some time through continuance or withdrawal that would allow more communication to occur.
2. In response, Mr. McGee indicated King would be happy to provide water for this site. As to withdrawing, the petition has already been continued 30 days. I'd like another 30 days to talk with my friends in Tobaccoville. I'm not willing to withdraw, but am not in a hurry.
3. Mr. Shore indicated any extra time would be welcome because it affords the opportunity for more discussion and likely more consensus.
4. Steve Johnson stated that he doesn't see any compelling reason at this point to rezone this site and leave the area open for development, regardless of whether or not Tobaccoville has a plan. It's a more or less speculative rezoning to hopefully make the property more marketable and I don't think that's a good enough reason.
5. Steve Johnson stated that the RS-20 was a last minute concession because of the development patterns along those highways there, but the area is definitely rural in character and higher density development would not be appropriate at this time. In addition, more intense development would probably tax the infrastructure even if the City of King is saying that they would extend water.

MOTION: John Bost moved continuance of the rezoning petition for one month.
SECOND: Kerry Avant.

MOTION: John Bost amended his motion to continue the request for two months.
SECOND: Mr. Avant did not second the amendment.
AMENDED MOTION FAILED.

After further discussion during which the petitioner indicated his agreement to withdraw at this time, Steve Johnson made the following motion:

SUBSTITUTE MOTION: Steve Johnson moved approval of petitioner's request for withdrawal and consideration of waiving all or a portion of the fees when the petitioner brings the petition back.

SECOND: Terry Powell

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Williams

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning