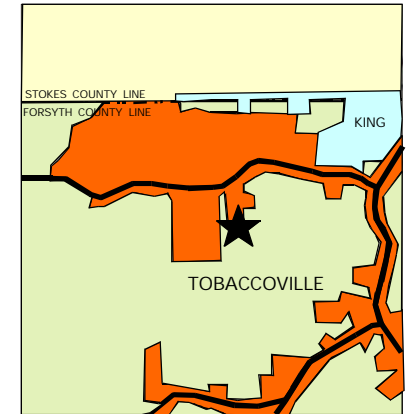


**DOCKET #:** F1295

**PROPOSED ZONING:**  
RS30

**EXISTING ZONING:**  
AG

**PETITIONER:**  
Sam C. Ogburn, Jr.



Location Map

**SCALE:** 1" represents 400'

**STAFF:** G. Simmons

**GMA:** 5

**ACRE(S):** 5.64

**MAP(S):** 588910

April 19, 2000

Sam C. Ogburn, Jr.  
100 South Marshall Street  
Winston-Salem, NC 27101

RE: ZONING MAP AMENDMENT F-1295

Dear Mr. Ogburn:

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

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

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

**SUBJECT:-**

Zoning map amendment of Sam C. Ogburn, Jr.

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

Zoning map amendment of Sam C. Ogburn, Jr. from AG to RS-30: property is located on the west side of Snyder Farm Road south of Spainhour Mill Road (Zoning Docket F-1295).

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

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

\_\_\_\_\_

COUNTY ORDINANCE - GENERAL USE

Zoning Map Amendment of Sam C. Ogburn, Jr.,  
Docket F-1295

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF THE  
COUNTY OF FORSYTH,  
NORTH CAROLINA

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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-30 the zoning classification of the  
following described property:

All that certain tract or parcel of land containing 5.4 acres more or less and shown on a survey for  
Tommy Swink by Steve Lineback, P.E., dated January, 1993, and revised June 20, 1994 and  
August 15, 1994 and being on Snyder Road in Forsyth County, North Carolina.

BEGINNING at a point, said point being located on the western right-of-way of Snyder Road and  
being located at the southeast corner of the property known as Tax Lot 15C Block 4723, from  
said point and place of beginning, and running with the western right-of-way line of Snyder  
Road, south 4E 54' 01" west 600 feet to a point in the northern right-of-way of the Southern  
Railway 100 foot right-of-way; thence with the northern right-of-way of Southern Railway along  
a curve to the right, a chord bearing and distance of south 64E 35' 26" west 386.89 feet to a point;  
thence with the property of Jerry Blevins, now or formerly, as recorded in Deed Book 1503 at  
page 1670, north 4E 38' 25" east 800 feet to a point; thence, with Tax Lot 15C, south 84E 17' 44"  
east 337.67 feet to the point and place of beginning and containing 5.4 acres more or less. And  
being known and designated at Lot 15D Tax Block 4723 as shown on the Forsyth County Tax  
Maps as they are currently constituted.

Section 2. This ordinance shall become effective upon adoption.

## ZONING STAFF REPORT

**DOCKET #** F-1295  
**STAFF:** Glenn Simmons

Petitioner(s): Sam C. Ogburn, Jr.  
Ownership: Same

### **REQUEST**

From: AG Agricultural District  
To: RS-30 Residential Single Family District; minimum lot size 30,000 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: 5.64 acres

### **LOCATION**

Street: West side of Snyder Farm Road south of Spainhour Mill Road.  
Jurisdiction: Forsyth County.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: No existing structures.

Adjacent Uses:

- North - Single family homes zoned RS-20.
- East - Wooded area zoned AG.
- South - Yadkin Valley Railroad. Further south is open and wooded land with a single family home zoned AG.
- West - Open fields, zoned AG with a larger residential subdivision (zoned RS-20) farther to the west.

### **GENERAL AREA**

Character/Maintenance: The area is rural residential in character with moderate density residential subdivided properties accessing off Spainhour Mill Road to the north.

Development Pace: Slow

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Farmland Preservation Sites: There are several farms in the Forsyth County Farmland Preservation program in the general area of this site.

Water Supply Watershed: The site is located within the Yadkin River direct drainage area (WS-IV).

## **TRANSPORTATION**

Direct Access to Site: Snyder Farm Road and Spainhour Mill Road.

Street Classification: Snyder Farm Road - unclassified (loose gravel surface); Spainhour Mill Road - minor thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):  
Snyder Farm Road south of Spainhour Mill Road - 90/not available  
Spainhour Mill Road west of Doral Drive - 3,500/12,000

## **HISTORY**

There are no relevant zoning cases in the vicinity of this proposal, however the present AG 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.

## **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): *Vision 2005* calls for limited residential and commercial development, retention of farming activities, and preservation of the natural environment in the rural area of the growth management plan. Since the plan was adopted, the Town of Tobaccoville has incorporated and town limits are near though not adjacent to this site.

Area Plan/Development Guide: None.

## **INCORPORATED AREA COMMENTS**

Incorporated Jurisdiction: Village of Tobaccoville.

Expressed Concern: The Village Manager was contacted by Planning staff. No written response has been received (please refer to the minutes of the April 13, 2000, meeting of the City-County Planning Board for remarks of the Mayor of Tobaccoville).

## **ANALYSIS**

The 5.6 acre parcel of land which is the subject of the current RS-30 zoning request is located on the west side of Snyder Farm Road approximately 1,700 feet south of Spainhour Mill Road. Snyder Farm Road has a loose gravel road bed surface. The property is situated in a transitional area between a large area of undeveloped rural land and more conventionally subdivided residential properties accessing off Spainhour Mill Road, which is one of Tobaccoville's main transportation corridors.

The property which lies just south of Tobaccoville's municipal limits 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 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.

Other properties which lie north of the current site along Spainhour Mill Road are within the Tobaccoville village limits. These properties were reclassified under the UDO from the former R-6 zoning to RS-20 in accordance with UDO policies which supported the RS-20 within incorporated boundaries of smaller municipalities. This policy was based partially on the premise that somewhat higher density residential development is consistent with State policy of promoting municipalities as the best way to provide cost-effective delivery of urban services. The current site lies near significant areas of conventional residential subdivisions which were part of Tobaccoville's original incorporation in 1991.

Although the property lies near other properties which are zoned for moderate density residential development, the current site is somewhat constrained by the loose gravel road which provides the only vehicular access to the site. For this reason staff is hesitant to support increased zoning densities at this location, in that the infrastructure serving the site is inadequate. Principally our concern is for establishing a zoning precedent which could exceed the capacity gravel road to accommodate larger amounts of traffic.

## **FINDINGS**

1. The property lies just outside and to the south of Tobaccoville's current municipal boundary.
2. The property is in a transitional area between large tracts of AG zoned land to the south and more conventionally subdivided, moderate density subdivisions to the north.

3. The property has vehicular access only via Snyder Farm Road, a loose gravel road approximately 1,700 feet from Spainhour Mill Road, which is the principal hard surface transportation corridor in the area.
4. Staff is concerned about establishing a precedent for higher density development along a gravel road with limited capacity to accommodate substantially increased traffic volumes.

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

[*For information purposes only:* The draft *Legacy* plan locates the petitioner's site in the future growth area of *Legacy's* growth management plan. Significant growth in this area is intended to take place only after additional infill development has occurred in the designated growth area (municipal services area), of the plan. The petitioner's site is on the edge of a large area in northwestern Forsyth County zoned to the AG district. The *Legacy* plan contains a number of recommendations aimed at preserving farmland, open space, and rural character.]

Glenn Simmons presented the staff report.

### **PUBLIC HEARING**

FOR:

Sam Ogburn, Jr., 100 S. Marshall St., Winston-Salem, NC 27101

I apologize for not signing up. I really expected this to be recommended for approval and was surprised to learn when I got here that staff recommended denial.

This is basically asking for one additional lot. That's not much.

My neighbors have RS-20 zoned land.

The road is paved to within a couple hundred feet of the site. Water is adequate to this site and tests have proven that sewer/septic is not a problem.

This State road dead ends into another 30 acres.

I own an 1890 farmhouse at the end of this road and I've worked for a year to return it to its 1890 state. I've done a lot to add to the neighborhood since I came into the picture.

I think the railroad is a natural barrier to stop development.

There's a large AG tract nearby that I do see staying agricultural because of its terrain.

The State does a good job of maintaining this road.

After discussion with David Reed about minimum requirements for AG and RS-30 districts, Mr. Ogburn indicated this request would mean two additional lots.



AGAINST:

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

I'm speaking more or less in opposition to another rezoning before we get our plan in place.

The Village of Tobaccoville has a policy that we pave all roads within our boundaries. I can see this being approved and the owner offering voluntary annexation, thereby getting his road paved at our expense.

I've had conversations with King about their provision of water. Since their system is overtaxed already, they would be glad to not provide water anywhere extra at this time.

### **WORK SESSION**

During discussion by the Planning Board, the following point was made:

Steve Johnson stated that he'd like to offer the petitioner the same chance Mr. McGee had to withdraw and come back later. The petitioner indicated none of the neighbors were here in opposition and two additional homes was a reasonable request and he would like to continue with the petition.

MOTION: Steve Johnson moved denial of the rezoning petition.

SECOND: Terry Powell

VOTE:

FOR: Bost, Johnson, Powell, Rousseau, Schroeder

AGAINST: Avant, King, Williams

EXCUSED: None.

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Sam C. Ogburn, Jr. as of February 25, 2000.

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A. Paul Norby, AICP  
Director of Planning