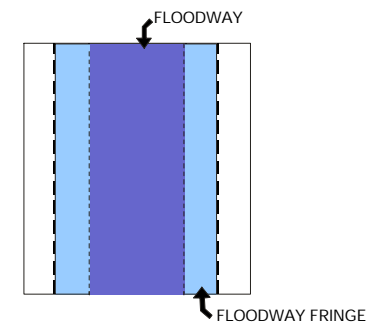


DOCKET #: F1296

PROPOSED ZONING:
LO

EXISTING ZONING:
RM12

PETITIONER:
Samuel G. Linville



SCALE: 1" represents 200'

STAFF:

GMA: 4A

ACRE(S): 0.9

MAP(S): 630818, 636818

April 19, 2000

Samuel G. Linville
13087 Old US Highway 52
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT F-1296

Dear Mr. Linville:

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
Ted Nifong, 787 Willow Oak Drive, Lexington, NC 27295

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Samuel G. Linville

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Samuel G. Linville from RM-12 to LO: property is located on the southwest corner of Main Street and Derende Street at the Forsyth/Davidson County line (Zoning Docket F-1296).

After consideration, the Planning Board recommended approval of the zoning map amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - GENERAL USE

Zoning Map Amendment of Samuel G. Linville,
Docket F-1296

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 RM-12 to LO the zoning classification of the
following described property:

BEGINNING at an existing iron pipe in the western right-of-way of US Hwy 52, aka South Main
Street, said iron being located 50 feet from the center of said highway and also being the
northeastern corner of Sam Linville (now or formerly), running thence with the western right-of-
way of South Main Street north 5E 00' 00" east 200.00 feet to an existing iron in the southern
right-of-way of "Derende Street", running thence with the southern right-of-way therefore north
86E 30' 00" west 300.00 feet to a point in the center of the creek; running thence with the center
of the creek as it meanders south 41E 57' 43" east 287.29 feet to a point in the northern line of the
aforereferenced Linville, thence running south 87E 30' 00" east 90.00 feet to the point and place
of beginning, containing 0.900 acres ±. It is the intention of this description to cover that portion
of Block 2710 Lot 203, Forsyth County, North Carolina, lying west of the right-of-way of South
Main Street, south of the right-of-way of Derende Street, and east of the centerline of the creek.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # F-1296
STAFF: Larry F. Weston

Petitioner(s): Samuel G. Linville
Ownership: Same

REQUEST

From: RM-12 Residential Multifamily District; maximum density 12 units/acre
To: LO Limited Office District

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: 1.85 acres

LOCATION

Street: South side of Derende Street, west of South Main Street near the Forsyth/Davidson County line.

Jurisdiction: Forsyth County.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently vacant.

Adjacent Uses:

- North - Service station/convenience store across Derende Street.
- East - Freight Company and small shopping center across South Main Street.
- South - Vacant land in Davidson County.
- West - Vacant land zoned RM-12.

GENERAL AREA

Character/Maintenance: A combination of well-maintained and moderately well-maintained business and residential uses.

Development Pace: Slow.

PHYSICAL FEATURES

Topography: Site is level.

Streams: Leak Creek forms the southwestern boundary of this triangular shaped parcel.

Constraints: Treatment of creek during and after development.

Floodplains: Flood levels have not been studied along this section of Leak Creek.

Compliance with Federal/State requirements for wetland/stream protection: Any piping or channelizing of Leak Creek for a distance greater than 100' will require a permit from the US Army Corps of Engineers prior to the issuance of a zoning permit.

Impact on Existing Features: Filling may affect storm water management and the flow of the small branch into which the site drains.

TRANSPORTATION

Direct Access to Site: Main Street and Derende Street.

Street Classification: Main Street - minor thoroughfare; Derende Street - unclassified.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Main Street north of the county line - 5,225/13,000 (1995 WSDOT count).

HISTORY

Relevant Zoning Cases:

1. F-1285; GI-S (Terminal, Freight) to GI-S (Terminal, Freight; and Landfill, LCID); approved March 13, 2000; east side of South Main Street, directly east of current site; 18.44 acres; Planning Board and staff recommended approval.
2. F-1249; LI to GI-S; approved March 8, 1999; east side of South Main Street and the north side of County Line Road along the Forsyth/Davidson County Line (same as #1 above); 18.44 acres; Planning Board and staff recommended approval.
3. F-1152; RM-12 to HB-S; approved August 12, 1996; north side of Derende Street, across from current site; 1.85 acres; Planning Board and staff recommended approval.
4. F-492; R-2 to B-3-S (Stores or shops, retail; Service station; Car wash; and Offices); approved November 20, 1978; northwest corner of Derende Street and South Main Street, across from current site; 1.25 acres; Planning Board and staff recommended approval.
5. F-393; R-5 to I-2; approved May 19, 1975; east side of South Main Street, across from Derende Street; 19 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 4A: Short-Range Growth.

Relevant Comprehensive Plan Recommendation(s): Stage development with the provision of roads, sewers, and other services; and cluster commercial service areas.

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

ANALYSIS

This site lies near the southern border of Forsyth County in an area which has a mixture of industrial, residential, and commercial zoning districts. The zoning across the county line in Davidson County includes rural agricultural and highway commercial districts. There is Highway Business and General Industrial zoning across Derende Street and South Main Street. Given this context, the proposed Limited Office district would have only a moderate impact with respect to permitted uses. Moderate density apartment uses are permitted by existing zoning. Approval of a change to Limited Office would appear to have little net effect.

This site has a low elevation and is bordered on the west by Leak Creek. Leak Creek is identified on the FEMA Flood Insurance Rate Maps as a flood prone creek, but the detailed study ends west of this site. The property will likely be filled when it is developed to avoid flooding on site. No special stream protection measures may be attached to the project, because the rezoning request is general use. Current regulations which would apply include erosion control measures during grading and construction, and, if any part of the creek is channelized or piped for a distance greater than 100', a permit from the US Army Corps of Engineers is required. Given the relatively small size of the parcel, potential runoff and other water quality impacts are not considered significant; however, other small scale developments done this same way in the future could have a more significant effect.

Derende Street, although identified as public right-of-way, is not State maintained. The property owner will have to work with NCDOT if State maintenance of the road is desired.

Vision 2005 recommends staging development with the provision of roads, sewers, and other services. The sewer service in this area is approximately one mile north of this site. The plan also recommends clustering commercial service areas. Although this is not a planned activity center, it has developed as a commercial service area. Extending business zoning along South Main Street is viewed by staff as a generally acceptable approach in this area.

However, staff is concerned that the lack of special use district zoning in this case does not afford enough protection concerning impacts to the stream. Protection measures under general use zoning are limited to erosion control. A special use zoning with a carefully prepared site plan could limit the portion of the site that would be disturbed and better help to minimize impacts on the stream (e.g., establishing setbacks off the stream).

FINDINGS

1. *Vision 2005* recommends the clustering of commercial service areas as well as the staging of development with the provision of roads, sewers, and other services.
2. This site is in an existing commercial service area situated on the Forsyth-Davidson County line.
3. Derende Street is not a state maintained street; development of the site with access on Derende would require some upgrading of its gravel surface.
4. This site is bordered on the west by Leak Creek; site development would require its elevation through grading and filling.
5. This request is for General Use zoning which does not afford protection concerning impacts to the stream.

STAFF RECOMMENDATION

Zoning: **DENIAL** of general use rezoning, as requested.

[*For information purposes only:* The petitioner's site is within the municipal services area of *Legacy's* growth management plan.]

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Dr. Ted Nifong, 787 Willow Oak Drive, Lexington, NC 27295

I have purchased this property from the person who initiated this rezoning request.

Staff did not have the advantage of the layout of the site.

We will have to initiate an erosion control plan.

The back portion of the property was backfilled. We will try to level out the property so our structure will be higher.

I'm not sure a special use request will change how we utilize the site.

Our plans will be to protect our business investment here and to move forward in an environmentally responsible fashion.

Time is an issue here and is part of the reason we chose general use.

AGAINST: None

WORK SESSION

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

Kerry Avant stated that staff indicated their concern was the creek and they would probably support a special use request. I have trouble understanding why we're pushing for special use zoning.

MOTION: Kerry Avant moved approval of the rezoning petition.

SECOND: John Bost

VOTE:

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

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Samuel G. Linville as of February 8, 2000.

A. Paul Norby, AICP
Director of Planning