

June 14, 2000

Billy C. Myers
8573 Lasater Road
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT F-1315

Dear Mr. Myers:

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

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning petition of Billy C. Myers

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning petition of Billy C. Myers from RS-40 to RS-15-S (Planned Residential Development): property is located on the east side of Lasater Road south of Hawkins Road and at the western terminus of Glengarriff Road (Zoning Docket F-1315).

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

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COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Billy C. Myers, Docket F-1315

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-40 to RS-15-S (Planned Residential
Development) the zoning classification of the following described property:

BEGINNING at the northwest corner of Tax Lot 36 Block 4234 said corner in the right-of-way
of Lasater Road; thence north 88° 18' 43" east 1,748.02 feet to a point; thence south 03° 08' 19"
west 759.01 feet to a point; thence south 88° 26' 16" west 1,715.26 feet to a point; thence with
the right-of-way of Lasater Road north 03° 19' 50" east 368.41 a chord with a radius of 3,142.76;
thence north 00° 29' 05" west 50.0 feet; thence north 01° 44' 45" west 88.29 a chord with a
radius of 3,142.76; thence north 02° 10' 20" west 247.47 feet to the point and place of
BEGINNING. Being informally known as Lot 36 Block 4234 containing 30.46 acres ± per tax
records.

Section 2. This Ordinance is adopted after approval of the site plan entitled Village Trace,
and identified as Attachment A of the Special Use District Permit issued by the Forsyth County
Board of Commissioners the _____ day of _____, 19____ to Billy C. Myers.

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 Village Trace. 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 Billy C. Myers (Zoning Docket F-1315). 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-15-S (Planned Residential Development), approved by the Forsyth County Board of Commissioners the _____ day of _____, 19 ____" and signed, provided the property is developed in accordance with requirements of the RS-15-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. Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show lots, common areas, private access easements and public utilities.
 - b. The property is located within the Yadkin River WS-IV State regulated water supply watershed. Developer must obtain a watershed permit from the City-County Inspections Division.

- **PRIOR TO THE SIGNING OF FINAL PLATS**
 - a. Negative access easements shall be recorded for all lots (including common areas) contiguous to Lasater Road.
 - b. All documents including covenants, restrictions, and homeowners association agreements shall be recorded in the office of the Register of Deeds. Final plats must show a total common open space dedication of twenty-five percent in accordance with the Village of Clemmons' PRD open space standards.

- c. Developer shall show a building envelope on each lot within the recorded plat and show the maximum corresponding square footage of impervious surfaces allowed on each lot. Said declaration shall be clearly and prominently displayed on the recorded plats. The total amount of impervious coverage for the entire tract shall not exceed 24%.
 - d. Developer must dedicate forty-five (45) feet of right-of-way from the west side of the existing centerline of Lasater Road to the North Carolina Department of Transportation.
- **PRIOR TO OCCUPANCY PERMITS**
 - a. Public water and sewer shall be installed in accordance with the City-County Utilities Commission.
 - b. Fire hydrants shall be installed in accordance with the Forsyth County Fire Department.
 - c. A minimum type II bufferyard must be installed where lot sizes within the PRD are less than the minimum lot size permitted in the adjoining residential zoning district.
 - d. Developer shall install left and right turn lanes on Lasater Road at the project entrance in accordance with North Carolina Department of Transportation.
 - e. Developer must build all roads with curb and gutter and meet all other roadway construction standards of the Village of Clemmons.
 - f. Developer must petition for annexation into the Village of Clemmons.
- **OTHER REQUIREMENTS**
 - a. Developer may have one entrance sign located on Lasater Road. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.
 - b. All construction traffic shall use the project entrance located on Lasater Road as the construction entrance. Construction access from Glengarriff Road shall be prohibited.

ZONING STAFF REPORT

DOCKET # F-1315
STAFF: Glenn Simmons

Petitioner(s): Billy C. Myers
Ownership: Same

REQUEST

From: RS-40 Residential Single Family District; minimum lot size 40,000 sf
To: RS-15-S Residential Single Family District; minimum lot size 15,000 sf (Planned Residential Development)

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

Acreage: 30.46 acres

LOCATION

Street: East side of Lasater Road across from Hawkins Road and at the western terminus of Glengarriff Road.

Jurisdiction: Although the property lies within the Village of Clemmons' area of annexation consideration as indicated in the *Clemmons Area Development Guide* (CADG), the property lies within the Forsyth County zoning jurisdiction.

SITE PLAN

Proposed Use: Single Family Dwelling, Planned Residential Development.

Density: 2.63 units per acre.

Parking: Required: Two spaces per unit.

Bufferyard Requirements: Type II peripheral bufferyard is required adjacent to RS zoned properties where lots internal to the PRD are smaller than the minimum lot size allowed on adjacent RS zoned properties.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Well maintained single family home and freestanding outbuildings with access off Lasater; largely vacant field. Other outbuildings located to the center and rear of the property.

Adjacent Uses:

- North - Single family homes on larger lots zoned RS-40 facing both side of Lasater Road . Waterford subdivision located farther north zoned RS-20 within the Clemmons Village Limits.
- East - Single family homes within Waterford Subdivision zoned RS-20 in Clemmons.
- South - Single structure, and other single family homes in a rural residential setting located on larger lots.
- West - Large lot rural residential structures.
- Northwest - Center Grove Baptist Church zoned RS-40.

GENERAL AREA

Character/Maintenance: Well maintained homes in a rural residential setting transitioning into conventional subdivisions.

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Existing commercial truck sales lot and assorted outbuilding to be removed. Existing single family structure located on Lasater Road to be removed.

Topography: Property has a high point in the upper center of the property and slopes gently to moderately downward to the south and east.

Streams: None

Vegetation/habitat: Site is largely clear of vegetation. There is a small hardwood stand located in the north central portion of the site and scattered mixed deciduous and evergreen trees located along the southern edge of the property.

Constraints: No major constraints.

Floodplains: None

Is the project in a protected water supply watershed? Yes; direct drainage to the Yadkin River WS-IV Water Supply Watershed.

Compliance with Watershed Protection Regulations: Yes; Planned Residential Development (PRD) site plan shows compliance.

TRANSPORTATION

Direct Access to Site: Lasater Road.

Street Classification: Minor thoroughfare.

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

Lasater Road - Peace Haven Road to Styers Ferry Road 1,600/9,000

Trip Generation/Existing Zoning: RS-40 - 30.46 ac/40,000 = 33 lots x 9.55 trip rate = 315 new trips

Trip Generation/Proposed Zoning: RS-15 (PRD) 80 lots x 9.55 = 764 new trips

Planned Road Improvements: No.
Sight Distance: Good.
Interior Streets: All public streets.
Traffic Impact Study recommended: No.
Connectivity of street network: Adequate.
Sidewalks: No; however, interior pedestrian trails as part of the PRD meet Village of Clemmons PRD standards.
Traffic Calming: No
Transit: No

HISTORY

F-1221; AG and RS-40 to C-S (Church or Religious Institution, Community Scale); approved March 23, 1998; southwest corner of Lasater Road and Center Grove Church Road.; 37 acres; Planning Board and staff recommended approval.

Note: Prior to the adoption of the UDO in 1995 much of the area was zoned R-5, a single family zoning classification which allowed RS-15 densities with availability of water and sewer services.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): The objectives for the Rural Growth Management Area include limited residential and commercial development, retention of farming activities and preservation of the natural environment.

Area Plan/Development Guide: *Clemmons Area Development Guide* (1998).

Relevant Development Guide Recommendation(s): The *Clemmons Area Development Guide* (CADG) calls for most of the northwestern study area of the guide, including the petitioner's site, to be single family residential development. The vision for this residential development (page 10) is for ". . . tree-lined streets, efficient, effective and safe transportation connections, greenways and other forms of open space which contribute to a park-like setting."

Thoroughfare Plan: No new roads planned.

INCORPORATED AREA COMMENTS

Incorporated Jurisdiction: The Village of Clemmons anticipates annexing the property since it is contiguous to the Village of Clemmons limits along the east property line.

Expressed Concern: The Clemmons Village Manager has requested that the proposed subdivision meet all the requirements of Clemmons' newly adopted subdivision and PRD standards.

ANALYSIS

The current RS-15-S proposal is a request to subdivide 80 lots as part of a 30-acre Planned Residential Development (PRD). The property is located on the east side of Lasater Road in a rapidly developing residential area at the western edge of the Village of Clemmons' corporate limits. The property is contiguous on the east to the Waterford subdivision with proposed access onto Glengarriff Road. Currently, a legally nonconforming motor vehicle sales lot is located on the property. If the zoning is approved, this use would be eliminated.

The property is located within the Yadkin River WS-IV Water Supply Watershed which generally limits conventional residential development densities to no more than three units per acre without curb and gutter streets, or two units per acre with curb and gutter streets. However, under the provision of a PRD, the developer has the option to base improvements not on unit densities, but on impervious coverage amounts. Under this scenario, impervious surfaces may not exceed 24% with curb and gutter streets or 36% without curb and gutter. The current proposal specifies curb and gutter streets with a maximum impervious coverage amount of 22.85%. Proposed development density is 2.63 units per acre. Impervious coverage amounts will be monitored through the issuance of individual building permits which must show the location of impervious improvements within a predefined building envelope recorded with the plat of each property sold.

While the property is adjacent to the north, south, and west by largely undeveloped RS-40 zoned land, the site exists within a broader area generally planned for future residential subdivisions. Particularly with the availability of water and sewer service within the Blanket Bottom Creek basin, several properties in the area have recently been granted RS-15 zoning classifications.

If developed, Planning staff anticipates that this property will be annexed into the Village of Clemmons. For this reason staff asked the developer, and the developer agreed, to adhere to all development standards recently adopted by the Village of Clemmons. Such provisions require the installation of curb and gutter streets and the installation of sidewalks, or in the case of PRD's, pedestrian trails with a ratio of one linear foot of pedestrian pathway per one linear foot of street system. The Village also requires PRD's to have a minimum of 25% common open space. The current County standard for open space within PRD's in RS-15 zoning is only 10%.

Although the proposed RS-15-S PRD shows lot sizes somewhat smaller than the RS-20 zoned properties located east of the current site, staff believes that the current request is largely consistent with *Clemmons Area Development Guide* (CADG) and with the urbanizing character of other developments within the Blanket Bottom Creek Basin.

FINDINGS

1. The property is located within a rapidly urbanizing area within the Blanket Bottom Creek sewer service area.

2. The property is adjacent to the Village of Clemmons limits and is expected to be annexed into the Village.
3. The Village of Clemmons expects the property to develop under the Village's newly adopted PRD standards which among other things require curb and gutter streets, sidewalks or other pedestrian trails, and a minimum of 25% common open space.
4. The property is located within the Yadkin River WS-IV Water Supply Watershed and is limited to a maximum impervious area of 24%.
5. Although the proposed lots are smaller than the adjacent RS-20 zoned property to the east, the project is consistent with the Clemmons Area Development Guide (CADG) and with the character of other residential PRD's developed within the Blanket Bottom Creek sewer service area.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

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PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved approval of the zoning map amendment.

SECOND: James Rousseau

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Steve Johnson certified that the site plan meets all code requirements and recommended staff conditions.

SECOND: James Rousseau

VOTE:

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

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in

the name of Billy C. Myers as of April 5, 2000.

A. Paul Norby, AICP
Director of Planning