

June 21, 2018

**BRIEFING
DRAFT**

Item # 2 A+B

**Zoning Map Amendment
F-1577**

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

- A. Public Hearing on Zoning Map Amendment Weidl Properties, LLC from AG to RS20: Property is Located on the East Side of Chickasha Drive, North of Robinhood Road (Zoning Docket F-1577)
- B. Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

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

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____
County Manager



May 23, 2018

Weidl Properties, LLC
2806 Reynolda Road #172
Winston-Salem, NC 27106

Re: Zoning Petition F-1577

Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
Fax 336.748.3163
www.cityofws.org/planning

Dear Petitioner:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. You will be notified by the Board of Commissioner’s Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning and Development Services

pc: Clerk to the Board of Commissioners Forsyth County Government Center, 5th Floor, 201 N. Chestnut Street, Winston-Salem, NC 27101
Alex Carter, 503 High Street, Winston-Salem, NC 27101
Bob Alsup, 940 Kenleigh Circle, Winston-Salem, NC 27106
Bob Biskeborn, 1475 Chickasha Drive, Pfafftown, NC 27040



City Council: Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

County Commissioners: David R. Plyler, Chairman; Don Martin, Vice Chair, Fleming El-Amin; Ted Kaplan; Richard V. Linville; Gloria D. Whisenhunt; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair, Chris Leak, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Clarence R. Lamb, Jr.; Johnny Sigers; Brenda J. Smith

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Weidl Properties, LLC, Docket F-1577

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 RS20 the zoning classification of the following described property:

PIN# 5896-09-0291

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	F-1577		
Staff	Gary Roberts, Jr. AICP		
Petitioner(s)	Weidl Properties, LLC		
Owner(s)	Same		
Subject Property	PIN# 5896-09-0291		
Address	The undeveloped site does not have an address assignment.		
Type of Request	General use rezoning from AG to RS20		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from AG (Agricultural – 40,000 sf minimum lot size) to RS20 (Residential, Single Family – 20,000 sf minimum lot size).</p> <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.</p>		
Neighborhood Contact/Meeting	See Attachment C for a summary of the petitioner’s neighborhood outreach.		
Zoning District Purpose Statement	The RS20 District is primarily intended to accommodate single family detached dwellings in suburban areas and may also be applicable to older, large lot development constructed prior to the effective date of this Ordinance. The district is established to promote orderly development in areas where public water is available. This district is intended for application in GMAs 2, 3 and 4.		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the subject property is located in a suburban setting within GMA 3. The site is also served with public water service and it is adjacent to other RS20 zoned property.</p>		
GENERAL SITE INFORMATION			
Location	East side of Chickasha Drive, north of Robinhood Road		
Jurisdiction	Forsyth County		
Site Acreage	± 10.01 acres		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	AG	Undeveloped property and a single family home
	East	AG & RS20	Undeveloped property and single family homes
	South	AG	Single family homes
	West	AG	Undeveloped property and a single family home

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	Yes, the uses allowed in the proposed RS20 district are the same as the uses permitted on the adjacent RS20 zoned properties and similar to the uses permitted on the adjacent AG zoned properties.					
Physical Characteristics	The southern third of the site is cleared pastureland. The northern two thirds is heavily wooded and has some steeper topography sloping downward toward the northeast.					
Proximity to Water and Sewer	The site has access to public water service but not to public sewer service.					
Stormwater/ Drainage	No known issues.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The subject property is located in a low-density residential setting. Public water service is available; however, public sewer is not available. The site does include some steep topography on the northeastern portion. There are no designated floodplains or watersheds on the site.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1450	AG to RS20-S	Approved 5-8-2006	2,500' to the northwest	38.53	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Chickasha Drive	Minor Thoroughfare	944'	1,300	15,300		
Proposed Access Point(s)	Because this is a general use request, the exact location of access points is unknown. The site is currently accessed from Chickasha Drive.					
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: AG</u> 10.01 acres / 40,000sf = 10 homes x 9.57 (SFR Trip Rate) = 96 Trips per Day</p> <p><u>Proposed Zoning: RS20</u> 10.01 acres / 20,000sf = 21 homes x 9.57 (SFR Trip Rate) = 201 Trips per Day</p>					
Sidewalks	There are no sidewalks located in the general area.					
Analysis of Site Access and Transportation Information	Staff notes that the beltway is proposed to be located approximately 900' to the east of the subject property and a future interchange with Robinhood Road is proposed approximately 3,000' to the south. Otherwise, staff not foresee any transportation related issues associated with this request.					

CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Encourage development in areas with existing infrastructure before extending infrastructure farther. • Encourage a mixture of residential densities and housing types through land use recommendations. • Protect and conserve agricultural land in Forsyth County.
Relevant Area Plan(s)	<i>West Suburban Area Plan (2012) West Suburban Area Plan Update</i> (Planning Board recommended adoption on April 12, 2018)
Area Plan Recommendations	<ul style="list-style-type: none"> • The property is shown on the Proposed Land Use Map for low-density residential use (0-5 dwelling units per acre on the existing plan) and 0-8 dwelling units per acre on the draft update plan.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Comments from the Town of Lewisville	The Town of Lewisville has stated that they are interested in discussing annexation with the developer.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone an undeveloped 10 acre tract from AG to RS20. The site is located within a pocket of AG zoned land which is primarily surrounded by single family residential zonings which allow smaller lots (See Attachment D). These districts range from RS9 to RS30. The site is also located within the Suburban Neighborhoods Growth Management Area where AG zoned property is typically not located. Finally, as noted previously, the site is adjacent to other RS20 zoned property and it is served with public water service.</p> <p>In consideration of all of these factors, staff recommends approval of the request.</p>
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The site is located within the Suburban Neighborhoods GMA.	The site does not have access to public sewer service.
The site is served with public water service.	

The site is adjacent to other RS20 zoned property.	
The request is consistent with the purpose statement of the proposed RS20 district.	
Staff sees no negative transportation related issues related to this request.	

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; **final recommendations** on projects are made by the City-County Planning Board, with **final decisions** being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR F-1577
MAY 10, 2018**

PUBLIC HEARING

FOR: Alex Carter, 503 High Street, Winston-Salem, NC 27101

- The jurisdiction for Lewisville is just to the west of the proposed site. Lewisville has a plan that they just posted that shows the existing zoning. Our site is in the center surrounded by AG, RS20, RS9, RS30, and the transportation corridor.

Lewisville's future land use map showing how the area has been forecasted and planned for residential use was also presented.

AGAINST: Bob Alsup, 940 Kenleigh Circle, Winston-Salem, NC 27106

- My family has owned land off of Chickasha Drive for 50 years, soon to be the fourth generation.
- I greatly respect all of your comments, but I profoundly disagree with the comment on the handling of traffic. The bottom line is I respect the development, but we are in a major crunch handling traffic. Now we have 60 more acres going on Glad Acres, with 92 proposed units. We have a new middle school going up at the previously mentioned site. I use this as an opportunity to ask that we consider whether we are headed in the right direction. Have we really thought through where the traffic is going?
- From the point of view of those of us who live on Chickasha Drive, the question is: Can Chickasha handle more development? It is already a cut-through. The average speed isn't 45, it's probably between 45 and 70. People speed, there's road rage, there are short tempers, there's huge backup at the Vienna Elementary School at pickup and drop-off and now we're going to increase the numbers and density of traffic.
- My message is simply to say there will be change and people need places to live, but we really have not adapted to the safety, the access of schools, the access of work, and the access of town. When are we going to address some of that? I went to the meeting of Glad Acres at the Town of Lewisville and it was not addressed.
- If nothing else, it made me read the *Legacy 2030* Plan and the county Farmland Protection Plan and the themes are unbelievably redundant: Safety, quality of life, balanced development, balanced agriculture with our day-to-day city and workday lives, and safety of children.

Bob Biskeborn, 1475 Chickasha Drive, Pfafftown, NC 27040

- My wife and I live immediately south of the property and have been impacted heavily.
- There is a huge population of wildlife in the area. The deer cross the road to go to the lake to drink, and with all the traffic and development, that will be disrupted. The coyotes have kept the deer population very manageable. One neighbor that could not be here tonight has spent years feeding the wildlife. It is an amazing theater to watch out there.
- There is an equestrian center nearby and their concern is that if the deer population decreases, coyotes will start attacking their horses.
- The alligator turtle, which is on the endangered species' list, also lives there.
- Traffic has overwhelmed the area with another new school. When parents pick up their children, they just park in the road. There was an occasion where emergency vehicles were not able to get through that area because of the cars parked in the road.
- They widened Chickasha 12 inches and raised the speed limit 10 miles per hour. Since widening the road, traffic is 55-60 miles an hour now. To add more traffic onto that road would be a huge problem.

Jerry Loflin, 5856 Tomahawk Road, Winston-Salem, NC 27106

- Our property has been in the family for 170 years and we would like to keep it that way.
- My biggest concern is the creek branch there, it slopes upwards in the middle of this property that drops down to a lower level, and I'm concerned about runoff and what is going to happen with all the septic tanks. What's going to happen to that branch and water in the creek, along with the animals that were mentioned?
- I don't have a problem with low residential. I wish they would consider not putting that much up there. Traffic is heavy density everywhere out there.

WORK SESSION

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

- It was noted that the dark green areas shown on Lewisville's map as Conservation Areas would be conserved as buffers along streams.
- Note was made that the *West Suburban Area Plan* could include such areas for conservation of wildlife.
- Chris Murphy reminded the Board that a lot of the areas discussed are in the UDO and off limits for development because they are floodplains and that there are associated buffer areas with the streams. Including such recommendations is something that could be looked at more closely in the future.
- Generally, wildlife corridors are maintained in rural areas by the requirements, although corridors are often more narrow and sometimes not connected.
- There is a real need for conservation, but Growth Management Areas and area plans are in place for a reason. It's difficult to tell a developer they can't rely on those plans. Our zoning process shouldn't be used to restrict a property owner's use if they meet the requirements.

- *Legacy* talks about preserving the rural character of the county, but we don't have current tools to do that. The updated comprehensive plan should include specific tools to protect wildlife corridors and preserve the agricultural land we have left.
- Chris Murphy stated that while this property is zoned agricultural, it is not in the rural area in *Legacy's* Growth Management Plan -- it is in GMA3. It was felt RS20 would be most appropriate here due to the fact there is no sewer available and there would be 0-5 units per acre.

MOTION: Brenda Smith moved approval of the zoning petition.

SECOND: Arnold King

VOTE:

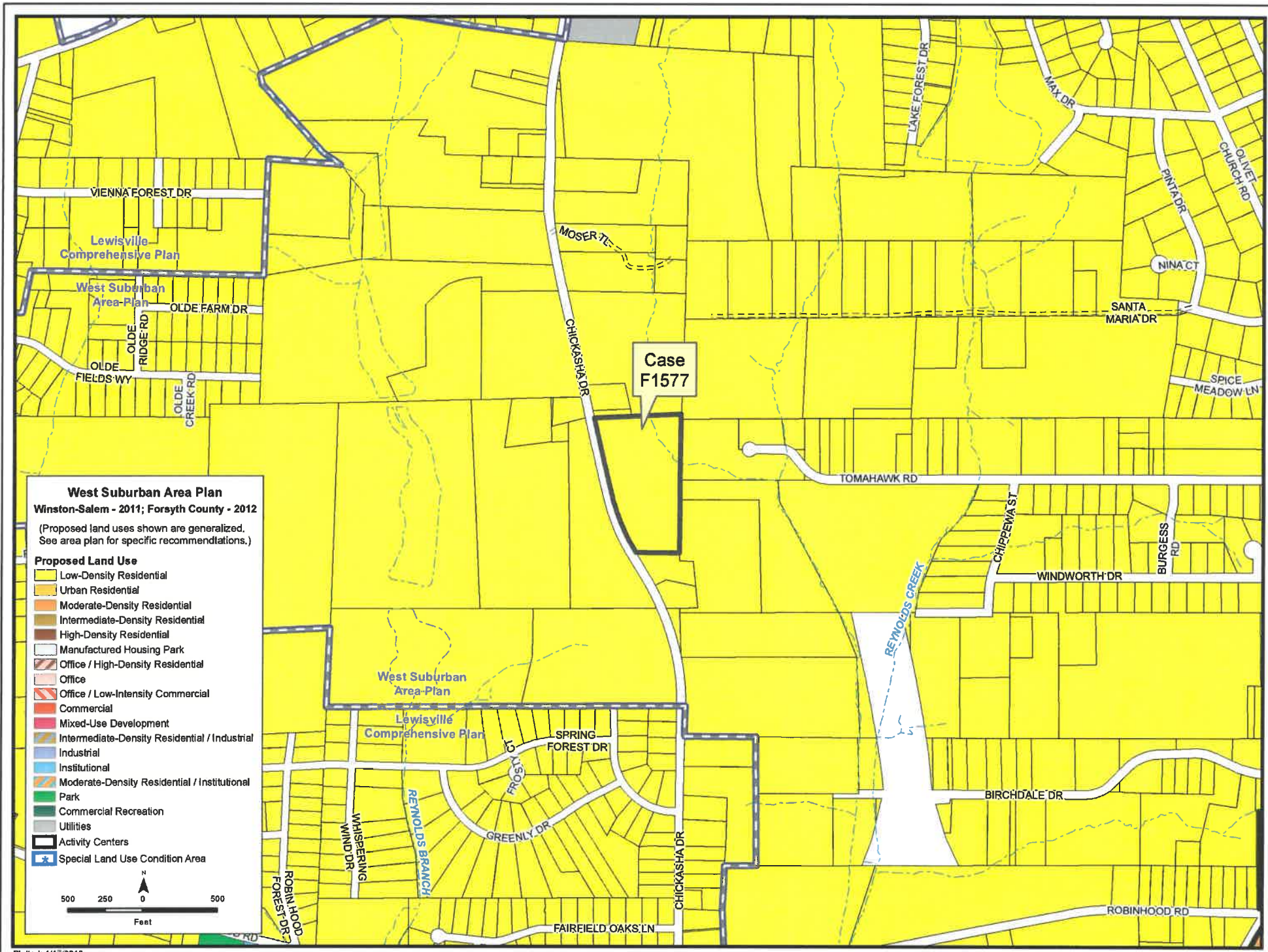
FOR: Melynda Dunigan, Jason Grubbs, Arnold King, Chris Leak, Johnny Sigers, Brenda Smith

AGAINST: None

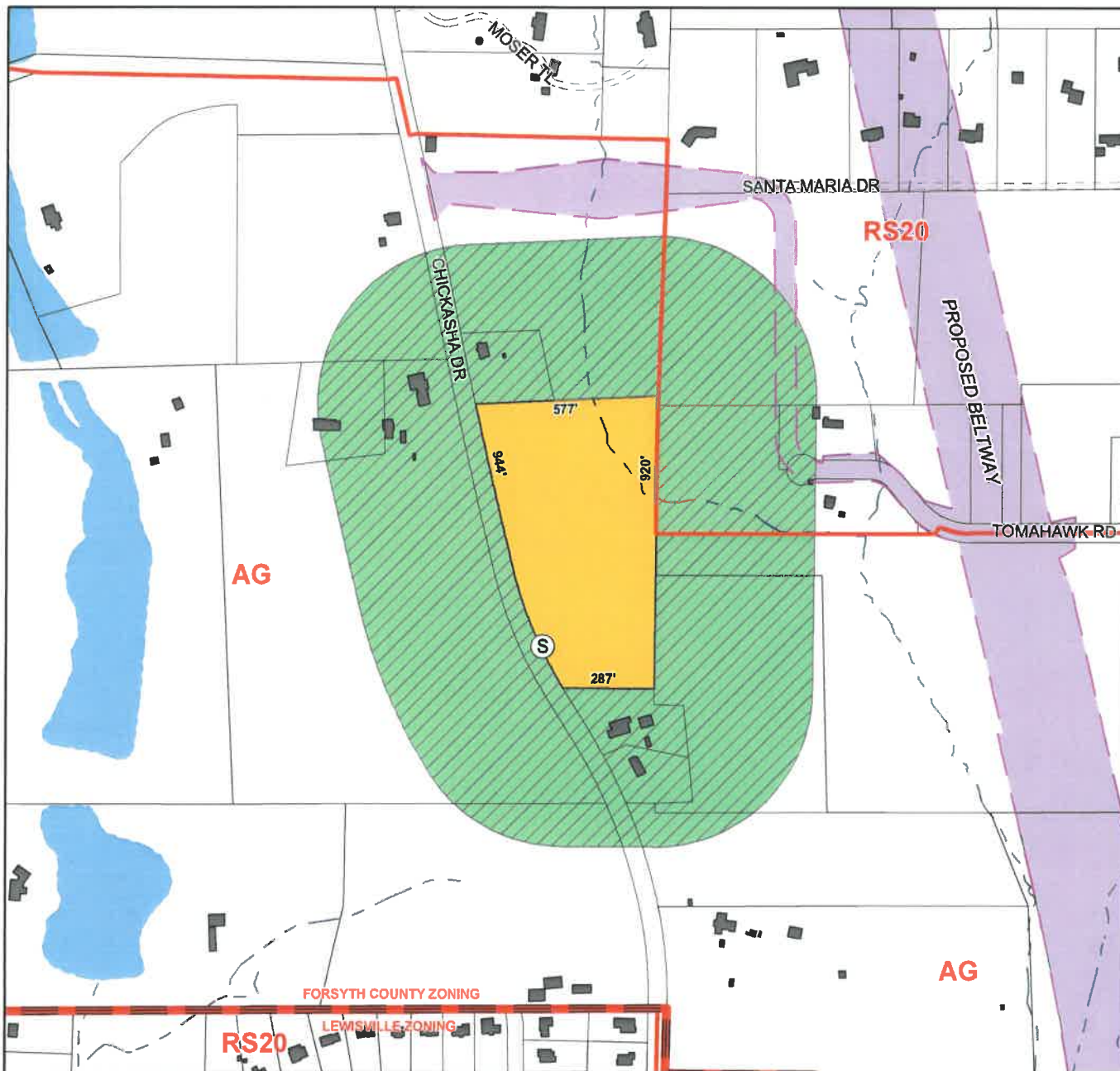
EXCUSED: None

A. Paul Norby, FAICP

Director of Planning and Development Services



Plotted: 4/17/2018




DOCKET #: F1577

PROPOSED ZONING:
RS20

EXISTING ZONING:
AG

PETITIONER:
Weidl Properties, LLC

 Property included in zoning request.

 500' mail notification radius. Property not in zoning request.

SCALE: 1" represents 500'

STAFF: Roberts

GMA: 3

ACRES: 10.01

NEAREST BLDG: 91' south

MAP(S): 5886.02, 5896.01



F-1577 ATTACHMENT A
EXISTING USES ALLOWED IN THE AG ZONING DISTRICT
Forsyth County Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Adult Day Care Home
Agricultural Production, Crops
Agricultural Production, Livestock
Agricultural Tourism
Animal Feeding Operation
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Fish Hatchery
Kennel, Outdoor
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private
Transmission Tower (see UDO)

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Cemetery
Church or Religious Institution, Community
Golf Course
Landfill, Land Clearing/Inert Debris, 2 acres or less
Library, Public
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

Borrow Site
Campground (F)
Child Day Care, Large Home
Dirt Storage
Fishing, Fee Charged
Habilitation Facility A
Manufactured Home, Class A
Manufactured Home, Class B
Manufactured Home, Class C
Nursing Care Institution

F-1577 ATTACHMENT A
EXISTING USES ALLOWED IN THE AG ZONING DISTRICT
Forsyth County Jurisdiction Only

Park and Shuttle Lot
Recreational Vehicle Park
Riding Stable
Shooting Range, Outdoor
Special Events Center
Transmission Tower

**USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED
BODY (E)**

Access Easement, Private Off-Site⁵
Landfill, Land Clearing/Inert Debris, greater than 2 acres

⁵*SUP not required if requirements of Section [B.2-5.2\(A\)](#) are met*

F-1577 ATTACHMENT B
PROPOSED USES ALLOWED IN THE RS20 ZONING
DISTRICT
Forsyth County Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Adult Day Care Home
Agricultural Production, Crops
Agricultural Production, Livestock
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private
Transmission Tower (see UDO)

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Church or Religious Institution, Community
Golf Course
Library, Public
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

Bed and Breakfast
Borrow Site
Child Day Care, Large Home
Dirt Storage
Fishing, Fee Charged
Habilitation Facility A
Kennel, Outdoor
Landfill, Land Clearing/Inert Debris, 2 acres or less
Manufactured Home, Class A
Manufactured Home, Class B
Nursing Care Institution
Park and Shuttle Lot
Riding Stable³
Shooting Range, Outdoor
Special Events Center
Transmission Tower

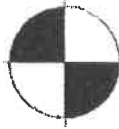
F-1577 ATTACHMENT B
PROPOSED USES ALLOWED IN THE RS20 ZONING
DISTRICT
Forsyth County Jurisdiction Only

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED
BODY (E)

Landfill, Land Clearing/Inert Debris, greater than 2 acres
Access Easement, Private Off-Site⁵
Parking, Off-Site, for Multifamily or Institutional Uses

³See Section [B.2-5.67](#)

⁵SUP not required if requirements of Section [B.2-5.2\(A\)](#) are met



BEESON & CARTER, PA.
CIVIL ENGINEERS LAND SURVEYORS
LAND PLANNING

May 1, 2018

City of Winston Salem/Forsyth County Planning
C/O Gary Roberts
Via Email: garyr@cityofws.org

RE: CHICKASHA (F-1577) COMMUNITY OUTREACH

Mr. Roberts –

A mailer was prepared and sent via regular mail on April 16, 2018 to all property owners within 500' of the proposed rezoning site. The letter contained background information regarding the proposed rezoning request, general information about the rezoning process (available on the planning website), and an email address for receiving comments.

As of May 1, 2018, we have received no comments supporting or opposing the proposed rezoning.

A sample letter and copy of the response letter received is attached for your records.

Sincerely,

Alex Carter, PE

CC: Wield Properties, LLC
Encl: Sample letter & List

F-1577 Attachment C

First Name	Last Name	Current Owner Address	City	State	Zip
Larry	Sult	1590 Chickasha DR	Pfafftown	NC	27040
Alfred	Guarino	1596 Chickasha DR	Pfafftown	NC	27040
Harold	Conrad	735 Sandy Bluff Dr SW	Supply	NC	28462
Katherine	Loafman	5856 Tomahawk Rd	Winston-Salem	NC	27106
Ernest	Hensley	5865 Tomahawk Rd	Winston-Salem	NC	27106
Thelma	Boose	902 Meadowlark Drive	Winston-Salem	NC	27106
Henry	Yarbrough	1405 Chickasha DR	Pfafftown	NC	27040
Robert	Biskeborn	1475 Chickasha DR	Pfafftown	NC	27040
Brian	Redding	1455 Chickasha DR	Pfafftown	NC	27041
Robert	Alsup	940 Kenleigh Cir	Winston-Salem	NC	27106
Richard	Saylor	P O BOX 1034	Cedar Crest	NM	87008



April 16, 2018

Larry Sult
1590 Chickasha DR
Pfafftown, NC 27040

RE: INFORMATION ON PROPOSED REZONING CASE #F-1577

Dear Larry Sult:

Neighborhood outreach is a requirement for rezoning or site plan amendment requests filed where the subject property is located within 500' of residentially zoned property. I am reaching out to you today to provide background information and offer an opportunity to present comments on the above mentioned proposed rezoning case located within 500' of your property.

BACKGROUND

The rezoning proposal is for a 10.01+/- acre property from AG to RS20. The purpose of the RS20 district is primarily intended to accommodate single family detached dwellings in suburban areas. The district is established to promote orderly development in areas where public water is available. This district is intended for application in GMAs 2, 3 and 4.

You can find mapping and planning staff information regarding the site by going to the City of Winston Salem website (cityofws.org) and entering "F-1577" in the search bar. This information is generally posted around the 15th of each month.

COMMENTS

Please send all comments you may have to Chickasha2018@gmail.com. We will summarize all comments received and provide them to the planning staff at least eight (8) days prior to the scheduled Planning Board meeting.

Additional information provided by City of Winston Salem planning staff regarding the rezoning process is included. Please read over this information and direct any questions you may have to the contact listed on the information sheet.

Thank you and we look forward to hearing your comments,

Beeson & Carter, PA for
Weidl Properties, LLC

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