

Motion and  
Statement of Consistency with Comprehensive Plan  
F-1558

I move that the following statement be adopted in support of a *Motion to Approve* Zoning Map Amendment F-1558:

The proposed general use zoning map amendment, as petitioned by Old Richmond Evangelical Methodist Church, Inc. to rezone property from RS-20 (Residential, Single Family District – 20,000 square foot minimum lot size) and AG (Agricultural – 40,000 sf minimum lot size) to IP (Institutional and Public District), is consistent with the recommendations of the Legacy Comprehensive Plan and the adopted Tobaccoville Area Plan Update (2013), and is reasonable and in the public interest because:

1. The subject property is currently used for institutional purposes (a neighborhood scale church) and is compatible with the low density residential uses permitted on the surrounding RS-20, AG and IP zoned properties; and
2. The zoning request is consistent with the purpose statement of the IP district.

Based on the foregoing Statement, I move adoption of F-1558.

Second:

Vote:

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

**MEETING DATE:** January 11, 2016 **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

- A. Public Hearing on Zoning Petition of Old Richmond Evangelical Methodist Church, Inc. From RS20 and AG to IP: Property is Located on the South Side of Tobaccoville Road, West of Doral Drive (Zoning Docket F-1558)
- 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

COUNTY ORDINANCE - GENERAL USE

Zoning Petition of Old Richmond Evangelical  
Methodist Church, Inc., Docket F-1558

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 RS20 and AG to IP the zoning classification of the following described property:

A portion of PIN # 5990-37-9022, as depicted on the survey titled: "Old Richmond Evangelical Methodist Church, Inc." drawn by Randall G. Kale and dated November 4, 2015.

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	F-1558		
<b>Staff</b>	Gary Roberts, Jr. AICP		
<b>Petitioner(s)</b>	Old Richmond Evangelical Methodist Church, Inc.		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	Portion of PIN #5990-37-9022		
<b>Address</b>	4450 Tobaccoville Road		
<b>Type of Request</b>	General use rezoning from RS20 and AG to IP		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS20 (Residential, Single Family – 20,000 sf minimum lot size) and AG (Agricultural – 40,000 sf minimum lot size) <b>to</b> IP (Institutional and Public district).</p> <p><b>NOTE:</b> 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>		
<b>Neighborhood Contact/Meeting</b>	According to the petitioner, a letter has been mailed to all the property owners within the 500' mailing notification area, notifying said owners of the proposed rezoning.		
<b>Zoning District Purpose Statement</b>	The IP District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas.		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<p><b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes, the site is currently used for institutional purposes (a neighborhood scale church) and the site is located adjacent to a residential area.</p>		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	South side of Tobaccoville Road, west of Doral Drive		
<b>Jurisdiction</b>	Forsyth County		
<b>Site Acreage</b>	± 16.77 acres		
<b>Current Land Use</b>	Currently, Old Richmond Evangelical Methodist Church (neighborhood scale) is located on the subject property. It was constructed in 2013.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS20	Undeveloped property and single family homes
	East	RS20 and AG	Undeveloped property
	South	AG	Undeveloped property and single family homes
	West	RS20 and AG	Undeveloped property and single family homes
<b>Applicable Rezoning</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other</b>		

<b>Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>properties in the vicinity?</b>			
	The uses permitted in the proposed IP district are generally compatible with the low density residential uses permitted on the surrounding RS20 and AG zoned properties.			
<b>Physical Characteristics</b>	Mill Creek Number Three, along with its associated 100 year floodplain, runs along the southwestern border of the site. The site has a moderate slope downward toward said stream and the undeveloped portion of the site is a combination of woods and grassland.			
<b>Proximity to Water and Sewer</b>	Public water is available; however, public sewer is not available to the site.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.			
<b>Analysis of General Site Information</b>	The site is the location of the Old Richmond Evangelical Methodist Church. The southwestern border of the site is impacted by a small stream and its regulatory floodplain. The subject property is not served with public sewer.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Tobaccoville Road	Major Thoroughfare	450'	5,100	13,800
<b>Proposed Access Point(s)</b>	Because this is a general use rezoning request with no site plan, the exact location of access points is unknown. The site does have access on Tobaccoville Road.			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning RS20 and AG:</u> 22,014 sf / 1,000 x 9.11 (Church Trip Rate) = 200 Trips per Day. The proposed zoning to IP should have no significant impact on the estimated trip generation.			
<b>Sidewalks</b>	There are no sidewalks located in the general area.			
<b>Analysis of Site Access and Transportation Information</b>	The site has good access with frontage on a major thoroughfare which has excess capacity. Staff does not anticipate any transportation related issues with the subject request.			
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>				
<b>Legacy 2030 GMA</b>	Growth Management Area 4 – Future Growth Area			
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Neighborhoods should be protected from inappropriate residential, commercial, industrial and institutional encroachment.</li> </ul>			
<b>Relevant Area Plan(s)</b>	<i>Tobaccoville Area Plan Update (2013)</i>			
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The area plan recommends Low-Density Residential for the subject property.</li> </ul>			

<b>Site Located Along Growth Corridor?</b>	The site is not located along a growth corridor.
<b>Site Located within Activity Center?</b>	The site is not located within an activity center.
<b>Other Applicable Plans and Planning Issues</b>	According to an email from the Tobaccoville Village Manager, Dan Corder on November 23, 2015, the Village of Tobaccoville is supportive of the subject request.
<b>Addressing</b>	There are no addressing or street naming concerns at this time.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	The subject church was built after the land use inventory for the area plan was completed.
	<b>(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	The subject request is to rezone an existing neighborhood scale church (seating capacity of 600 persons or less) located on 16.77 acres, from RS20 and AG to IP. Both of the existing zoning districts as well as the proposed IP district allow neighborhood scale churches as a use by right.
	<p>The following list of uses are allowed in the proposed IP district but not allowed in the existing RS20 and AG districts:</p> <ul style="list-style-type: none"> <li>• Child Care, Drop-In</li> <li>• Funeral Home</li> <li>• Government Offices, Neighborhood Organization, or Post Office</li> <li>• Habilitation Facility A</li> <li>• Habilitation Facility B</li> <li>• Habilitation Facility C</li> <li>• Hospice and Palliative Care</li> <li>• Museum or Art Gallery</li> <li>• Academic Biomedical Research Facility</li> <li>• Adult Day Care Center</li> <li>• Child Care Institution</li> <li>• Child Care, Sick Children</li> <li>• Child Day Care Center</li> <li>• Family Group Home B</li> <li>• School, Vocational or Professional</li> <li>• Club or Lodge</li> <li>• College or University</li> <li>• Family Group Home C</li> <li>• Recreation Services, Indoor</li> <li>• Recreation Services, Outdoor</li> </ul>

Additionally, Electronic Message Board signs are allowed in the IP district but not in the existing RS20 and AG districts.

The *Tobaccoville Area Plan Update* recommends low density residential land use for the site, as opposed to institutional, because at the time the existing land use survey was taken, the church was not built. Had the church been in existence at the time of the inventory, the recommended land use would have been institutional.

The proposed IP district is a common zoning classification for institutional uses such as schools and churches. The site is located along a major thoroughfare and it is in close proximity to the Tobaccoville Village Hall which is also zoned IP. Planning staff recommends approval of the request.

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1469	RS20 & AG to IP	Approved 10-23-06	500' northeast	2.74	Approval	Approval
F-1312	AG to RS20-S	Approved 9-11-00	Directly southwest	37.45	Approval	Approval

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

Positive Aspects of Proposal	Negative Aspects of Proposal
The site is currently used for a neighborhood scale church.	The proposed IP district allows a much larger sign (than what is permitted in RS20 and AG zoning) while also having no restrictions on the rate of change for Electronic Message Board signs.
The site fronts along Tobaccoville Road which is a major thoroughfare and has excess capacity.	
The request is consistent with the purpose statement of the IP district.	
The site is close to another IP zoned property (Tobaccoville Village Hall).	

**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-1558  
DECEMBER 10, 2015**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved approval of the zoning petition.

SECOND: Paul Mullican

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Clarence Lambe,  
Darryl Little, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

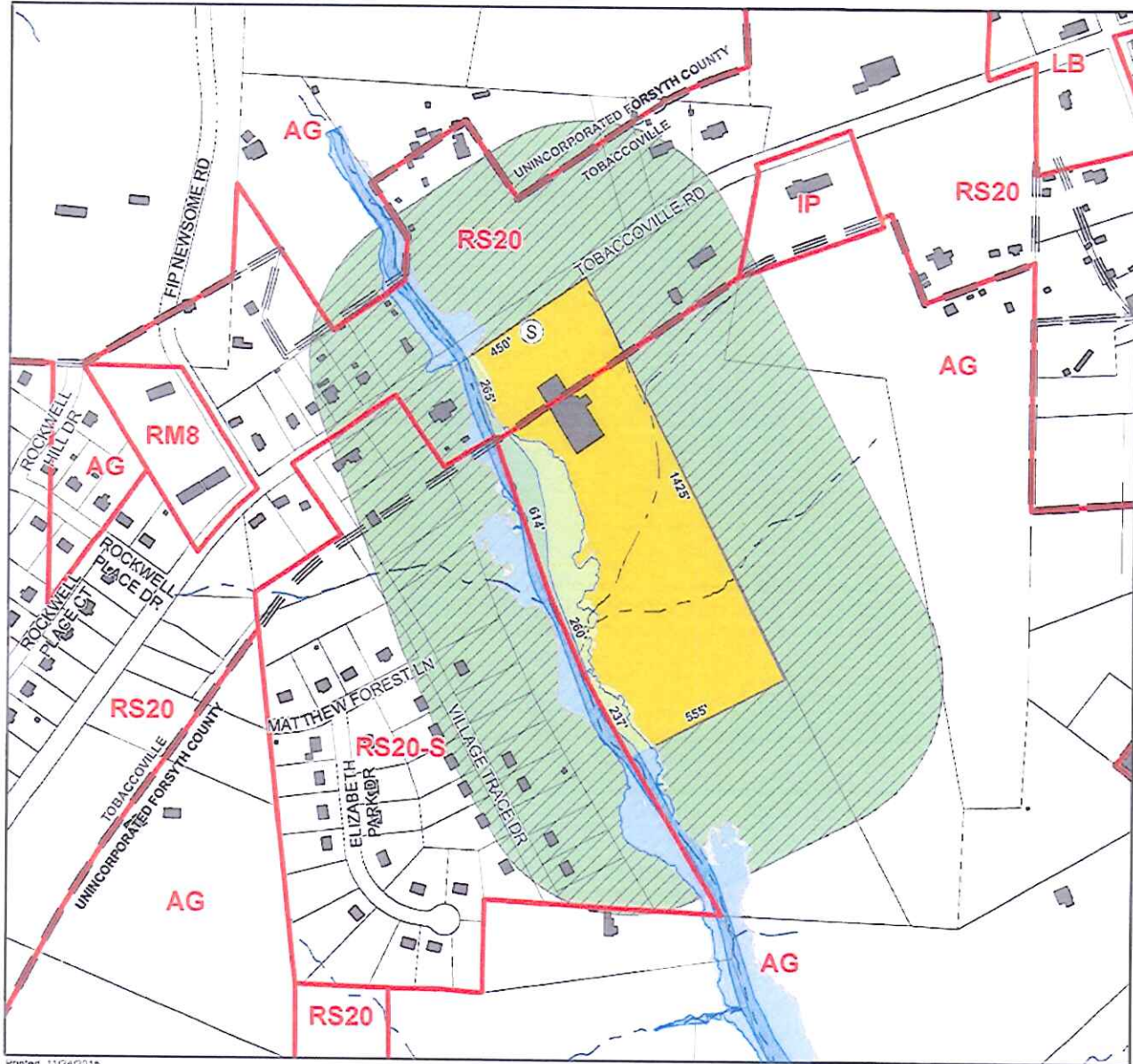
According to information furnished by the Office of the Tax Assessor on December 15, 2015,  
the subject property was in the name of Old Richmond Evangelical Methodist Church Inc.



---

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





DOCKET #: F1558

PROPOSED ZONING:  
IP

EXISTING ZONING:  
AG and RS20

PETITIONER:  
Old Richmond Evangelical  
Methodist Church Inc.

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

SCALE: 1" represents 500'

STAFF: Roberts

GMA: 4

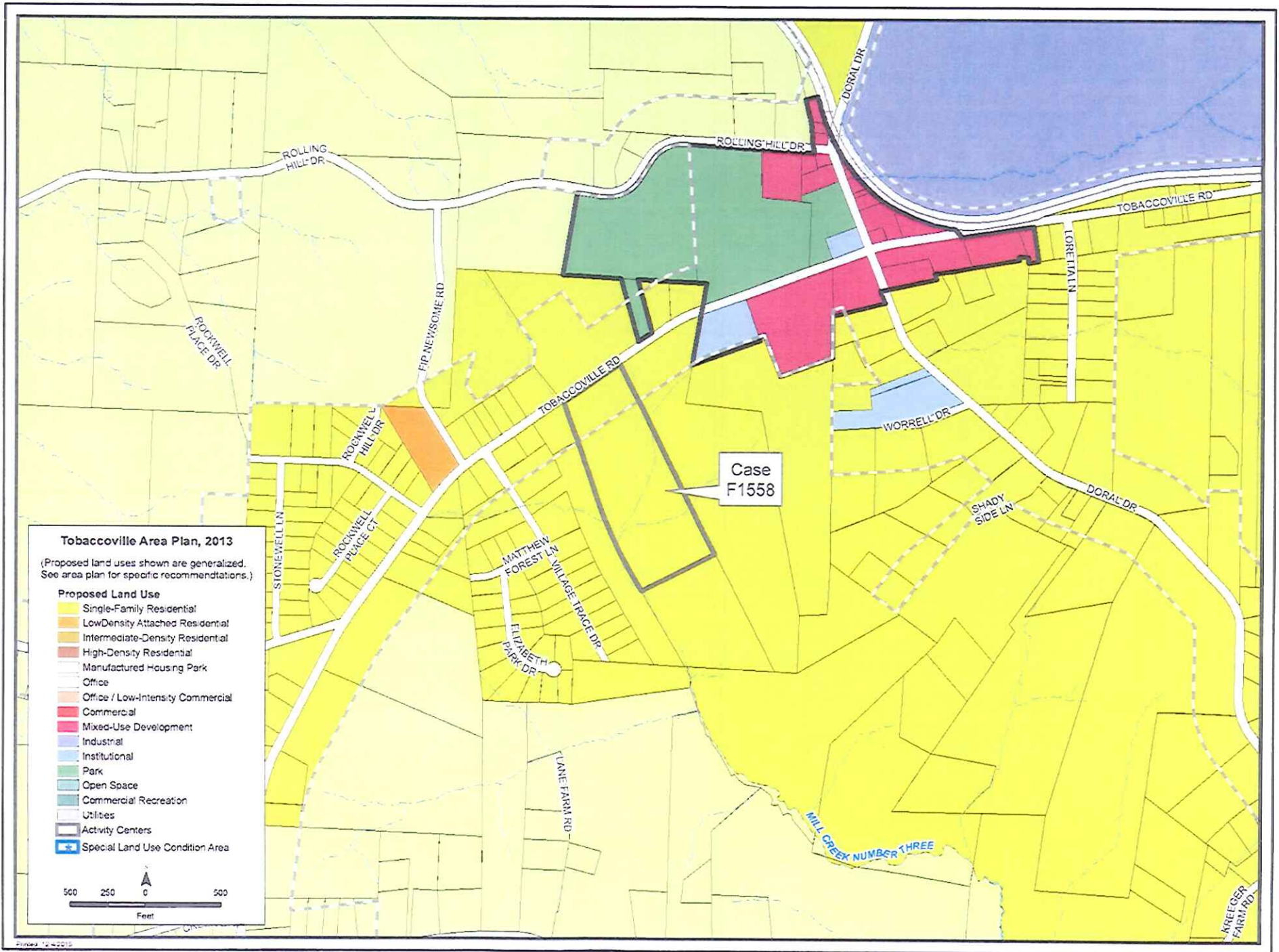
ACRES: 16.77

NEAREST BLDG: 84' west

MAP(S): 5990.01



Printed: 11/24/2015





F-1558 ATTACHMENT A  
**EXISTING RS20 AND AG USES ALLOWED**  
Forsyth County Jurisdiction Only

**RS20 Uses:**

**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 Stable  
Shooting Range, Outdoor  
Transmission Tower

F-1558 ATTACHMENT A  
**EXISTING RS20 AND AG USES ALLOWED**  
Forsyth County Jurisdiction Only

**RS20 Uses Continued:**

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

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

**AG Uses:**

**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  
Child Day Care, Large Home  
Dirt Storage  
Fishing, Fee Charged  
Habilitation Facility A

Uses Allowed in RS20 and AG

Revised 6/24/2015

**F-1558 ATTACHMENT A**  
**EXISTING RS20 AND AG USES ALLOWED**  
**Forsyth County Jurisdiction Only**

**AG Uses Continued:**

Manufactured Home, Class A  
Manufactured Home, Class B  
Manufactured Home, Class C  
Nursing Care Institution  
Park and Shuttle Lot  
Recreational Vehicle Park  
Riding Stable  
Shooting Range, Outdoor  
Transmission Tower

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

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

**F-1558 ATTACHMENT B**  
**PROPOSED IP USES ALLOWED**  
**Forsyth County Jurisdiction Only**

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

Cemetery  
Child Care, Drop-In  
Child Day Care, Small Home  
Church or Religious Institution, Neighborhood  
Family Group Home A  
Funeral Home  
Golf Course  
Government Offices, Neighborhood Organization, or Post Office  
Habilitation Facility A  
Habilitation Facility B  
Habilitation Facility C  
Hospice and Palliative Care  
Library, Public  
Museum or Art Gallery  
Nursing Care Institution  
Police or Fire Station  
Recreation Facility, Public  
Residential Building, Single Family  
Swimming Pool, Private  
Transmission Tower (see UDO)  
Utilities

**USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)**

Academic Biomedical Research Facility  
Adult Day Care Center  
Child Care Institution  
Child Care, Sick Children  
Child Day Care Center  
Child Day Care, Large Home  
Church or Religious Institution, Community  
Family Group Home B  
Park and Shuttle Lot  
Planned Residential Development  
School, Private  
School, Public  
School, Vocational or Professional

**F-1558 ATTACHMENT B**  
**PROPOSED IP USES ALLOWED**  
**Forsyth County Jurisdiction Only**

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

Club or Lodge  
College or University  
Family Group Home C  
Recreation Services, Indoor  
Recreation Services, Outdoor  
Transmission Tower

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

Access Easement, Private Off-Site  
Animal Shelter, Public