

CONDITIONAL ZONING CASE #CZ 22-04-GCPL-02623: 1731 ROCK CREEK DAIRY ROAD, WHITSETT. AGRICULTURAL (AG) TO CONDITIONAL ZONING - PLANNED DEVELOPMENT-RESIDENTIAL (CZ-PD-R) (AMENDED DUE TO ADDED CONDITIONS BY THE APPLICANT)

Property Information

Guilford County Parcel #107431, approximately 53.74 acres, is located on the east side of Rock Creek Dairy Road approximately 170 feet south of the intersection with Beechdale Court and located north of Mount Hope Church Road.

Zoning History of Denied Cases: There is no history of denied cases.

Nature of the Request

Consideration of this request was tabled at the May 11, 2022 Planning Board Meeting.

This request is to Conditionally Zone property from AG to CZ-PD-R with the following conditions:

- 1) Use Condition: Single-Family Detached Dwellings; and
- 2) Development Condition: Maximum 51 lots.

Following the May 11th Planning Board public hearing at which the item was tabled, the Applicant held a community meeting on May 26th, and as a result of input, added two further proposed Development Conditions that were added by the applicant at the Planning Board's July 13, 2022 regular meeting:

- 3) **Fifty (50)-foot buffer along Rock Creek Dairy Road to remain natural; and**
- 4) **The rule "No Parking on Any Subdivision Streets" to be included in Homeowners' Association documents.**

Comments listed in the attached Technical Review Committee (TRC) Memorandum have been addressed in a re-submitted Sketch Plan included with this request.

District Descriptions

The **AG, Agricultural District** is intended to provide locations for agricultural operations, farm residences, and farm tenant housing on large tracts of land. This district is further intended to reduce conflicts between residential and agricultural uses and preserve the viability of agricultural operations. Commercial agricultural product sales - "agritourism" - may be permitted. The minimum lot size of this district is 40,000 square feet.

The **PD-R, Planned Unit Development-Residential (District** is intended to accommodate all uses in any Residential District, Neighborhood Business (NB) and Limited Office (LO) districts on large tracts of land under unified ownership or control to be developed and improved as a whole in accordance with a Unified Development Plan.

The **CZ, Conditional Zoning District** is hereby established as a companion district for every district established in Section 4-2. All regulations which apply to a general use zoning district also apply to the companion conditional zoning. All other regulations which may be offered by the property owner and approved by the Jurisdiction as part of the rezoning process apply.

Character of the Area

This request is adjacent to RS-40-MH (Single-Family District w/Manufactured Housing Overlay) to the west and northeast. Otherwise, the area is adjacent to Agriculture (AG) zoning on the south and southeast and consists of large undeveloped or very low-density rural residential lots.

Existing Land Use(s) on the Property: The parcel is undeveloped.

Surrounding Uses:

North: Low density Manufactured-Housing & Rural Residential

South: Undeveloped

East: Undeveloped

West: Low density Manufactured-Housing & Rural Residential

Historic Properties: There are no inventoried Historic Properties located on or near the property.

Cemeteries: No cemeteries are shown to be located on this property, but efforts should be made to rule out the potential of unknown grave sites.

Infrastructure and Community Facilities

Public School Facilities:

Zoning Case				
Guilford County				
Schools Serving	Built Capacity 2021-22	2021-22 20th Day Enrollment	Mobile Classrooms	Estimated Additional Students
Nathanael Greene Elementary	418	251	0	14-16
Southeast Guilford Middle School	1032	835	13	7-9
Southeast Guilford High School	1542	1268	4	6-8
Remarks: With the implementation of General Statute 115C-301 mandating reduced K-3 class sizes, elementary schools will experience annual reductions in capacity through 2021-22. Elementary built capacity assumes reduced K-3 class sizes per applicable core academic classroom as of the stated year. Middle and high school built capacity assumes 30 students per core academic classroom.				

Emergency Response:

Fire Protection District: Mount Hope Fire District

Miles from Fire Station: Approximately 1.8 miles

Water and Sewer Services:

Provider: Private septic systems and wells

Within Service Area: No

Feasibility Study or Service Commitment: No

Transportation:

Existing Conditions: Rock Creek Dairy Road is a major thoroughfare under Greensboro's Comprehensive Transportation Plan. Traffic count not available at location.

Proposed Improvements: Subject to NCDOT Driveway permit

Projected Traffic Generation: Undetermined

Environmental Assessment

Topography: includes nearly flat, slightly sloping, moderately sloping and steeply sloping land.

Regulated Floodplain/Wetlands:

There are no mapped wetlands on the property. There is no regulated floodplain on the property.

Streams and Watershed:

The property is in **the Lake Mackintosh (WS-IV) Water-Supply Watershed**, in Tier 4 of the Watershed Critical Area. There is one mapped stream running south to north through the property.

Land Use Analysis

Land Use Plan: Rock Creek Area Plan (2016)

Plan Recommendation: Agricultural - Rural Residential (AGRR)

Consistency: The requested action of 51 single-family dwelling units is generally consistent with the Rock Creek Area Plan.

The Agricultural Rural Residential (AGRR) is designated to recognize land currently zoned, or recommended for future agriculture and residential. Anticipated land uses are those permitted in the Agriculture (AG), Residential Single-Family RS-30 & RS-40, Planned Unit Development- Residential (PD-R), and Rural Preservation (RPD) Zoning Districts.

Recommendation

Staff Recommendation: Staff recommends approval including the four proposed conditions.

The requested Conditional Zoning-PD-R is reasonable and in the public interest because it is adjacent to an RS-40-MH-zoned property with uses that are permitted in the RS-40-MH district. It provides opportunities for residential development under a Unified Development Plan.

Area Plan Amendment Recommendation:

The proposed Conditional Zoning-PD-R is generally consistent with the Rock Creek Area Plan land use classification of Agricultural-Rural Residential (AGRR) and thus, if approved, no plan amendment would be required.



GUILFORD COUNTY

MEMORANDUM

TO: Norris Clayton P.E, Hugh Creed Associate.

FROM: Guilford County Planning and Development Department
Oliver Bass, 336-641-3578

DATE: March 21, 2022

SUBJECT: MAJOR SUBDIVISION CASE # 21-12-GCPL-10434, 1731 Rock Creek Dairy Road Rezoning Sketch Plan.

On March 15, 2022, the Guilford County Technical Review Committee (TRC) determined that the above referenced rezoning sketch plan is generally consistent with the Guilford County and sufficient for submission with a PD-R rezoning application subject to the following comments.

Planning Comments: (Oliver Bass, 641-3578)

1. Label areas not contained as a residential lot or right-of-way as common areas and/or open space as such on the drawing.
2. Indicate minimum amount of required open space based on UDO standards in addition to amount provided.
3. Add case# to future submissions.

Building Comments: (Jim Lankford, 641-3321)

1. No comments.

Watershed Comments: (Brent Gatlin, 641-3753)

1. Add label to the WQCE area.
2. Add notes to plan:
 - a. *Jurisdictional streams, wetlands, and other waters of the U.S. are subject to USACE and NCDEQ regulations. Required approvals and permits must be obtained from USACE and NCDEQ prior to impacts to jurisdictional streams, wetlands and other waters of the U.S. The owner and contractor are responsible for ensuring all appropriate permits have been obtained prior to construction.*
 - b. *Buffer Authorization application must be approved by Guilford County (or NCDEQ for projects requiring their review of buffers) prior to land disturbance within a riparian buffer, unless the land disturbance is explicitly stated as an "Exempt" use in the Guilford County UDO and NCAC rules that apply.*
 - c. *Restore disturbed areas of riparian buffers to pre-construction vegetative and hydrologic conditions with*

comparable native vegetation as soon as practicable during construction. Tree plantings may occur during the dormant season. A one-time application of fertilizer may be used to establish vegetation.

d. Tree trimming and other vegetation management in Riparian Buffer Zone 2 (20') shall not result in impacts to vegetation in Riparian Buffer Zone 1 (30').

3. [Advisory Comment]: Each SFR lot will be limited to a maximum of 3500 sf BUA based on BUA evaluation selected by applicant for the development. No lot shall exceed this amount.
4. [Advisory Comment]: Road and Trail buffer impacts may require Buffer Authorization from County. Stream impacts may require 401/404 permits from NCDEQ/USACE.

Community Services Comments: (Clyde Harding, 336-641-3792)

1. No comments

GIS Addressing: (Martine Kamabu, 336-641-2337)

1. Street names will need to be approved by Addressing.

Environmental Health Comments: (John Nykamp, 641-4807)

ADVISORY NOTE: Off-site septic systems must comply with 15A NCAC 18A .1900 "SEWAGE TREATMENT AND DISPOSAL SYSTEMS" and IWWS 2016-01.

ADVISORY NOTE: Private Sewer Line Access and Maintenance Easement must be a minimum of 15' in width. The supply lines must be placed at least 5 feet from the edge of the easement; i.e. the middle 5 feet. The supply lines must also have a separation from each other that is equal to the diameter of the pipe. A fee of \$200 for each off-site septic area will be collected when the Improvement Permit is issued.

ADVISORY NOTE: If remote nitrification field areas are to be used, the specific areas must be shown on the map submitted to Environmental Health for Soil Evaluations.

ADVISORY NOTE: DUMT 10K gpd water system must comply with requirements of **Guilford County Well Rules**.

Fire Marshal: (Michael Townsend, 641-6541)

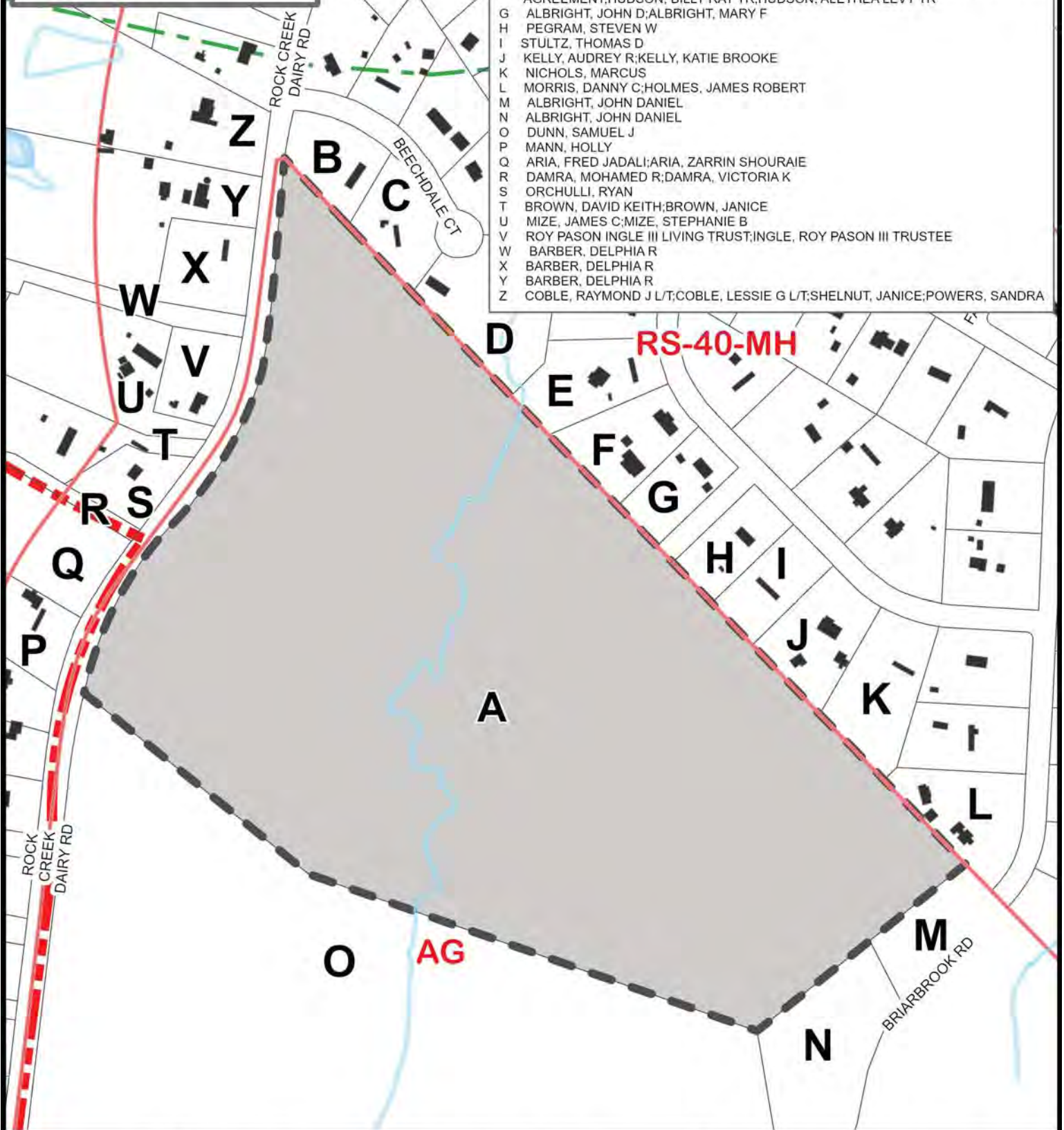
1. No comments

NC DOT Comments: (Bobby Norris, 487-0100)

1. Stub street connecting Clover Hill Road right of way width needs to be consistent.
2. Driveway permit(s) will be required.

AG TO CZ-PD-R +/-53.74 Acres

- A BUCHIREDDY, JYOTHI PRAKASH;LOKANADHAM, JEERAJA DASARI
- B CLARK, BRITTANY CAUTHREN;CLARK, SIMON LIVINGSTON
- C AARR INVESTMENTS LLC
- D BAUER, TERRY
- E HURLEY, GORDON FINLEY
- F THE BILLY RAY HUDSON AND ALETHEA LEVY HUDSON REVOCABLE LIVING TRUST AGREEMENT;HUDSON, BILLY RAY TR;HUDSON, ALETHEA LEVY TR
- G ALBRIGHT, JOHN D;ALBRIGHT, MARY F
- H PEGRAM, STEVEN W
- I STULTZ, THOMAS D
- J KELLY, AUDREY R;KELLY, KATIE BROOKE
- K NICHOLS, MARCUS
- L MORRIS, DANNY C;HOLMES, JAMES ROBERT
- M ALBRIGHT, JOHN DANIEL
- N ALBRIGHT, JOHN DANIEL
- O DUNN, SAMUEL J
- P MANN, HOLLY
- Q ARIA, FRED JADALI;ARIA, ZARRIN SHOURAIE
- R DAMRA, MOHAMED R;DAMRA, VICTORIA K
- S ORCHULLI, RYAN
- T BROWN, DAVID KEITH;BROWN, JANICE
- U MIZE, JAMES C;MIZE, STEPHANIE B
- V ROY PASON INGLE III LIVING TRUST;INGLE, ROY PASON III TRUSTEE
- W BARBER, DELPHIA R
- X BARBER, DELPHIA R
- Y BARBER, DELPHIA R
- Z COBLE, RAYMOND J L/T;COBLE, LESSIE G L/T;SHELNUT, JANICE;POWERS, SANDRA



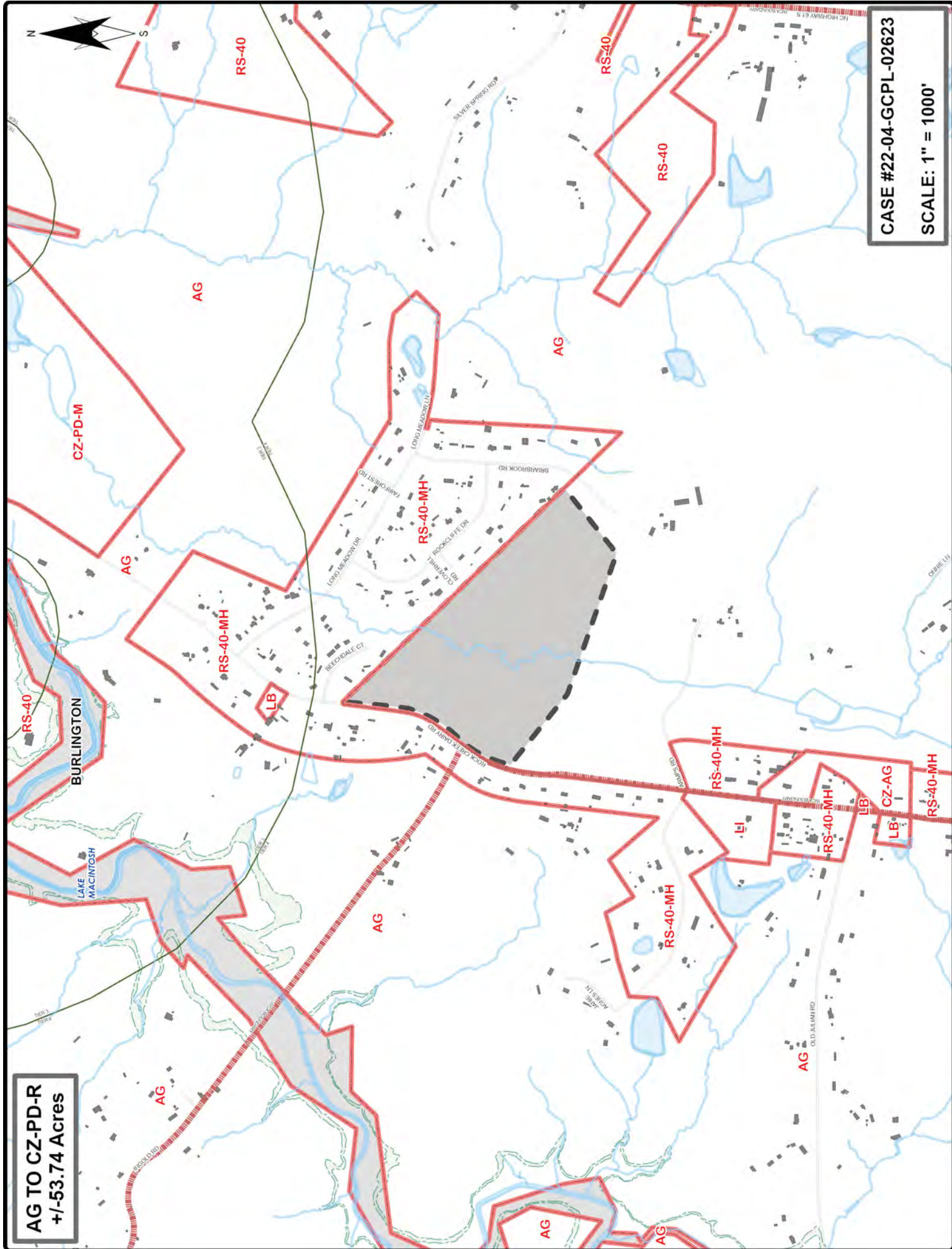
JURISDICTION:
GUILFORD COUNTY
Guilford County
Planning & Development
Department

Rezoning Case #
22-04-GCPL-02623
Scale: 1" = 350'

Map:
107431



AG TO CZ-PD-R
+/-53.74 Acres



CASE #22-04-GCPL-02623

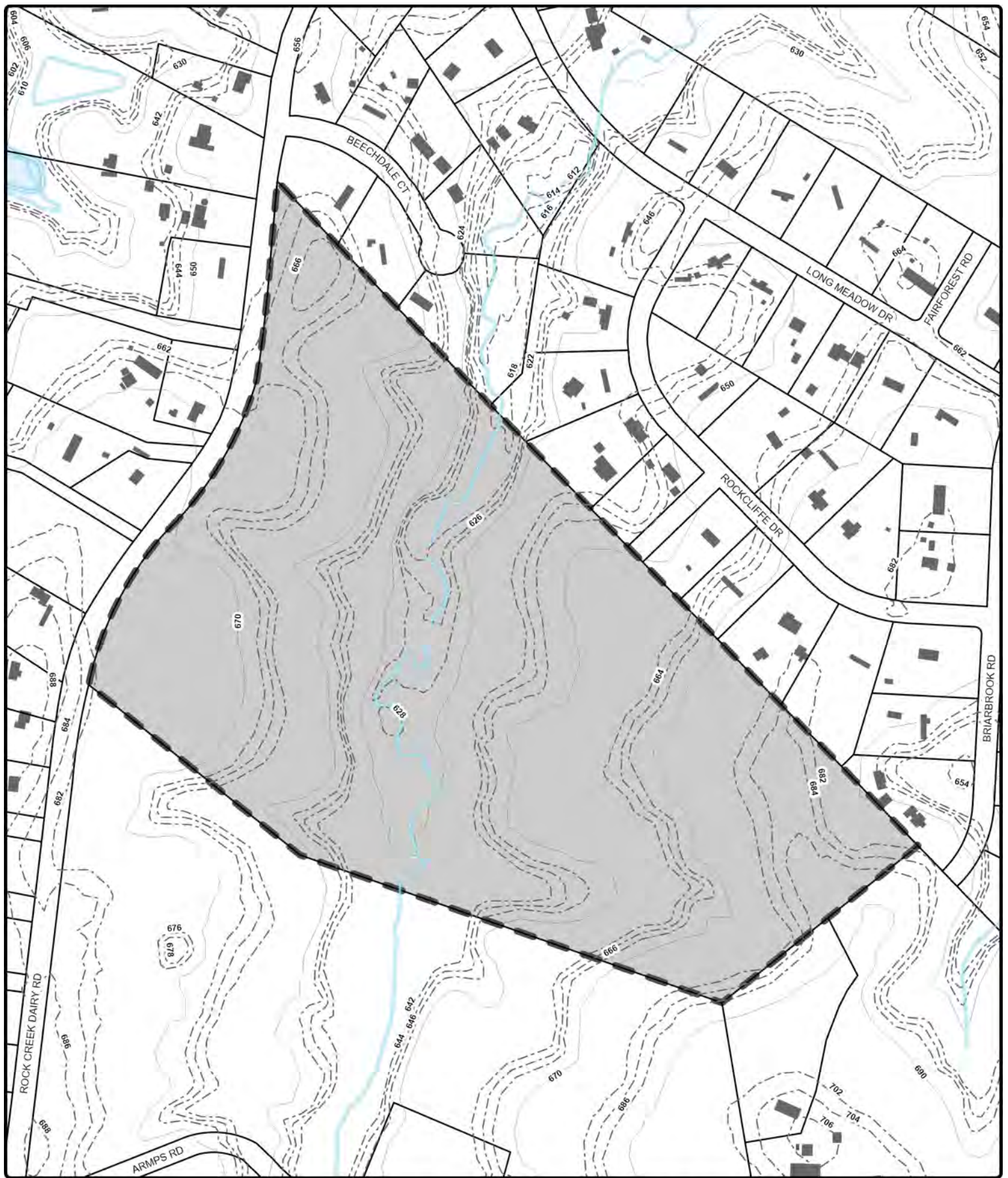
SCALE: 1" = 1000'



CASE #22-04-GCPL-02623

Scale: 1" = 350 '





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**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

DECISION MATRIX

Zoning	Plan Consistency	Decision
Approve	Consistent	#1
Deny	Inconsistent	N/A - #2
Approve	Inconsistent	N/A - #3
Deny	Consistent	#4

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**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

DECISION # 1
APPROVE-CONSISTENT
NO PLAN AMENDMENT

I move to **Approve** this zoning map amendment located on Guilford County Parcel #107431 from AG to CZ-PD-R because:

1. The amendment **is** consistent with applicable plans because:

[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** reasonable and in the public interest because:

[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

CONDITIONAL ZONING CASE CZ# 22-04-GCPL-02623: 1731 ROCK CREEK DAIRY ROAD, WHITSETT, NC; AGRICULTURAL (AG) TO CONDITIONAL ZONING - PLANNED DEVELOPMENT – RESIDENTIAL (CZ-PD-R) (**AMENDED DUE TO ADDED CONDITIONS BY THE APPLICANT**)

**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

DECISION #2
DENY-INCONSISTENT
NO PLAN AMENDMENT

I move to **Deny** this zoning map amendment located on Guilford County Parcel #107431 from AG to CZ-PD-R because:

1. The amendment **is not** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is not consistent.]

N/A

2. The amendment **is not** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

N/A

CONDITIONAL ZONING CASE CZ# 22-04-GCPL-02623: 1731 ROCK CREEK DAIRY ROAD, WHITSETT, NC; AGRICULTURAL (AG) TO CONDITIONAL ZONING - PLANNED DEVELOPMENT – RESIDENTIAL (CZ-PD-R) (**AMENDED DUE TO ADDED CONDITIONS BY THE APPLICANT**)

**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

DECISION #3
APPROVE-INCONSISTENT
PLAN AMENDMENT

I move to **Approve** this zoning map amendment located on Guilford County Parcel #107431 from AG to CZ-PD-R because:

1. This approval also amends the **Rock Creek Area Plan**. [Applicable element of Comp Plan]
2. The zoning map amendment and associated **Rock Creek Area Plan** amendment **are** based on the following change(s) in condition(s) in the **Rock Creek Area Plan**:
[Explanation of the change in conditions to meet the development needs of the community that were taken into account in the zoning amendment.]

N/A

3. The amendment **is** reasonable and in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]

N/A

CONDITIONAL ZONING CASE CZ# 22-04-GCPL-02623: 1731 ROCK CREEK DAIRY ROAD, WHITSETT, NC; AGRICULTURAL (AG) TO CONDITIONAL ZONING - PLANNED DEVELOPMENT – RESIDENTIAL (CZ-PD-R) (**AMENDED DUE TO ADDED CONDITIONS BY THE APPLICANT**)

**GUILFORD COUNTY BOARD OF COMMISSIONERS
ZONING MAP AMENDMENT STATEMENT OF CONSISTENCY**

DECISION #4
DENY-CONSISTENT
NO PLAN AMENDMENT

I move to **Deny** this zoning map amendment located on Guilford County Parcel #107431 from AG to CZ-PD-R because:

1. The amendment **is not** consistent with applicable plans because:
[Describe elements of controlling land use plans and how the amendment is consistent.]

2. The amendment **is** consistent but not in the public interest because:
[Factors may include public health and safety, character of the area and relationship of uses, applicable plans, or balancing benefits and detriments.]
