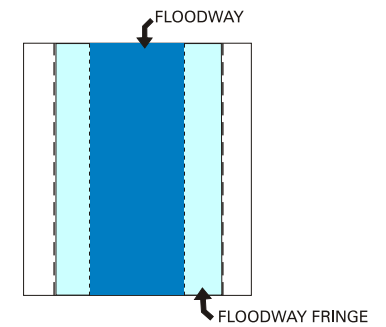


DOCKET #: W2419

PROPOSED ZONING:
City RS9

EXISTING ZONING:
County RS9

PETITIONER:
City of Winston-Salem
for property owned by
Adams Egloff Avant
Properties, LLC



SCALE: 1" represents 400'

STAFF: Hughes

GMA: 3

ACRE(S): 50.75

MAP(S): 594838

September 20, 2000

Mr. Bryce Stuart
City of Winston-Salem
P.O. Box 2511
Winston-Salem, N.C. 27102

RE: ZONING MAP AMENDMENT W-2419

Dear Mr. Stuart:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Adams, Egloff, Avant Prop. LLC, 150 Charlois Blvd., Apt. 5-224, Winston-Salem, N.C.
27103

ACTION REQUEST FORM

DATE: September 20, 2000
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Winston-Salem for property owned by Adams Egloff Avant Properties, LLC

SUMMARY OF INFORMATION:

Zoning map amendment of Winston-Salem for property owned by Adams Egloff Avant Properties, LLC from County RS-9 to City RS-9; property is located on the east side of Muddy Creek Between Peace Haven Road and 1-40 (Zoning Docket W-2419)

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Winston-Salem for Property
owned by Adams Egloff Avant Properties, LLC.,
Docket W-2419

AN ORDINANCE AMENDING THE WINSTON-
SALEM
CITY ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF THE CITY OF
WINSTON-SALEM, N.C.

BE IT ORDAINED by the Board of Aldermen of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of
the City of Winston-Salem, N.C. are hereby amended by changing from County RS-9 to City RS-
9 the zoning classification of the following described property:

BEGINNING at an iron stake in the southern right of way line of Peace Haven Road, said iron stake marking the northeastern corner of K. Partnership, Deed Book 1751, page 1796, Forsyth County Registry; and running thence with the southern right of way line of Peace Haven Road, the following five (5) courses and distances: North 54 deg. 49' 07" East 129.67 feet to a right of way monument; north 36 deg. 14' 44" West crossing a right of way monument, at 24.50 feet, a total distance of 25.00 feet to a computed point; North 54 deg. 44' 54" East 295.79 feet to a new iron pin; North 51 deg. 46' 35" East a chord measurement of 443.75 feet to a new iron pin; and North 48 deg. 48' 16" East 118.73 feet to a new iron pin marking the northwestern corner of J. Wilson and Katherine S. Sparks, Deed Book 1952, page 39 Forsyth County Registry; running thence with Sparks, the following three (3) courses and distances: South 15 deg. 20' 17" East 134.91 feet to an existing iron pin; south 19 deg. 38' 24" East 502.46 feet to an existing iron pin; and South 87 deg. 17' 14" East 615.27 feet to an existing iron pin marking the southwestern corner of Richard T. Pucket, Deed Book 1806, page 3003, and the northwestern corner of Ruth L. Brewer, Deed Book 1429, page 888, Forsyth county Registry; running thence with Brewer, the following six (6) courses and distances: South 01 deg. 21' 00" East 216.02 feet to an eliciting iron pin; North 62 deg. 50' 00" East 210.00 feet to a new iron pin; 83 deg. 09' 27" East 135.00 feet to an existing iron; South 00 deg. 00' 15" East 614.57 feet to an existing iron; South 87 deg. 35' 25" East 216.52 feet to an existing iron pin; and South 00 deg. 49' 11" West 218.21 feet to a new iron pin in the northern right of way line of Interstate 40; running thence with the northern right of way line of Interstate 40, the following six (6) courses and distances: South 55 deg. 37' 14" West 501.32 feet to a right of way monument; South 55 deg. 39' 06" West 696.64 feet to a right of way disk; North 34 deg. 46' 19" West 12.93 feet to a right of way disk: South 55 deg. 38' 45" West 485.16 feet to a right of way disk; North 33 deg. 45' 08" West 9.88 feet to a right of way disk; and South 55 deg. 38' 45" West 35.00 feet to a computed point in the eastern line of

K Partnership; running thence with the eastern line of K Partnership, the following seven (7) courses and distances in or near Muddy Creek (the centerline of Muddy Creek in the actual property line): North 17 deg. 43' 42" West 518.95 feet to a computed point; North 16 deg. 18' 18" West 403.79 feet to a computed point; North 19 deg. 52' 17" West 147.01 feet to a computed point; North 08 deg. 50' 42" West 234.90 feet to a computed point; North 22 deg. 04' 17" West 263.24 feet to a computed point; North 26 deg. 42' 25" West 235.70 feet to a computed point; and running thence North 29 deg. 50' 16" West 272.35 feet to the point and place of Beginning, containing 64.102 acres, more or less, according to a survey entitle "Salem Development Venture, LLC", dated June 1, 1999, prepared by Otis A. Jones Surveying Co., Inc., bearing Job No. 10019-4. Also being known and designated as a portion of Tax Lot 72K, Block 3899, Clemmons Township, Forsyth County Tax Records.

See Estate File No. 98 E. 1856, Forsyth County Clerk of Superior Court.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2419

STAFF: Suzanne Hughes

Petitioner(s): City of Winston-Salem

Ownership: Adams Egloff Avant Properties, LLC

REQUEST

From: County RS-9 Residential Single Family District; minimum lot size 9,000 sf

To: City RS-9 Residential Single Family District; minimum lot size 9,000 sf

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: 50.75 acres

LOCATION

Street: East side of Muddy Creek between Peace Haven Road.

Jurisdiction: City of Winston-Salem.

Ward: Annexation petition pending, closest ward is Southwest.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: *Vision 2005*.

Greenway/Trail Name: Muddy Creek .

Easement Requested: 40 feet

Side of Creek: East

Is site designated for parks/open space? No.

Comments/Status of Trail: See subdivision 99030 and PBR99-16 for this parcel of land.

Condition required dedication of 40-foot greenway easement along Muddy Creek, centered on the existing 20-foot sewer easement. Additionally 10-foot pedestrian easements from end of each cul-de-sac to the greenway easement are required.

ANALYSIS

Currently there is an annexation petition pending before the Board of Aldermen for approximately 64 acres, which includes the property in this rezoning request. The current project site contains 50.75 acres; the adjoining zoning lot described in zoning docket W-2420 is also being petitioned for annexation. The property is located along the east side of Muddy Creek between Peace Haven Road and I-40.

This proposal will not change the permitted uses of the subject property, but will reclassify this newly incorporated property (once finalized) from its present Forsyth County zoning classification to the equivalent City of Winston-Salem zoning classification. The two zoning classifications are equivalent; there are no changes in development rights or constraints.

The property owner was notified of this zoning classification change by certified mail and the certified receipt is on file in the zoning docket.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

[For information purposes only: The draft Legacy plan identifies the area within which the project lies as the Suburban Neighborhoods area of the Municipal Services Area. A variety of urban and suburban development is appropriate.]

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Norman Williams

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning