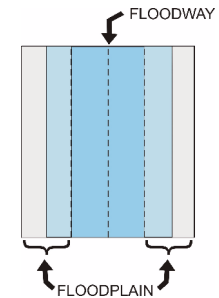


DOCKET #: F1477
(continued from 3/8/2007)

PROPOSED ZONING:
RS20-S (Residential Building, Single Family; and Planned Residential Development)

EXISTING ZONING:
AG

PETITIONER:
Imogene Comer, Karen Comer, James Martin, et al., for property owned by Same



SCALE: 1" represents 1000'

STAFF: King

GMA: 3

ACRES: 160

NEAREST BLDG: 100' south

MAP(S): 654830, 654834

F

April 25, 2007

Thomas E. Terrell, Jr.
Smith Moore, LLP
P. O. BOx 21927
Greensboro, NC 27420

RE: ZONING MAP AMENDMENT F-1477

Dear Mr. Terrell:

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, FAICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
James Comer and Imogene Comer, 2210 Jay Dee Drive, Winston-Salem, NC 27107
Karen Comer, 2230 Jay Dee Drive, Winston-Salem, NC 27107
James Martin, 2256 Union Cross Road, Winston-Salem, NC 27107
Mary Alice Vogler, 2233 Union Cross Road, Winston-Salem, NC 27107

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

- A. Public Hearing on Zoning Map Amendment of James Comer, Imogene Comer, Karen Comer, James Martin, and Mary Alice Vogler from AG to RS-20-S (Residential Building, Single Family; and Planned Residential Development): property is located on the southwest side of Sawmill Road, south of Union Cross Road (Zoning Docket F-1477).
- B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina.
- C. Approval of Special Use District Permit
- D. Approval of Site Plan

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 - SPECIAL USE

Zoning Petition of James Comer, Imogene Comer,
Karen Comer, James Martin, and Mary Alice Vogler,
Docket F-1477

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 RS-20-S (Residential Building, Single
Family; and Planned Residential Development) the zoning classification of the following
described property:

Beginning at a point in the centerline of Sawmill Road (S.R.# 2693) said point being the
northernmost corner of now or formerly James I. Comer and wife, Imogene Reed Comer as
described and recorded in deed book 980, page 342 in the Forsyth County Register of Deeds
Office (Forsyth County Tax Block 2635, Lot 19K); Thence with the center line of Sawmill Road
(S.R.# 2693) said Comer's eastern line, South 42 Degrees, 41 Minutes East, 483.50 feet, to a
point in the center of said Sawmill Road; Thence South 67 Degrees, 15 Minutes, 05 Seconds
West, 122.90 feet, to the northernmost corner of Tax Block 2635, Lot 103B; Thence with the
east line of Lot 103B as it curves to the left South 30 Degrees, 37 Minutes, 30 Seconds West, a
chord distance of 81.64 feet, to the southernmost corner of Tax Block 2635, Lot 103B, in the
eastern line of Tax Block 2625, Lot 19H; Thence South 4 Degrees, 34 Minutes West, 578.32
feet, to the southeasternmost corner of Tax Block 2635, Lot 19K; Thence with the southern line
of Tax Block 2635, Lot 19K, and the northern line of Lot 105, North 84 Degrees, 20 Minutes
West, 383.90 feet, to a point being the northwesternmost corner of Tax Block 2635, Lot 105;
Thence continuing with the south line of Tax Block 2635, Lot 19K, South 60 Degrees, 47
Minutes West, 496.70 feet, to the southernmost corner of Tax Block 2635, Lot 19K; Thence
continuing with the southern line of Tax Block 2635, Lot 19K, North 56 Degrees, 48 Minutes
West, 348.00 feet, to a point being the southwesternmost corner of Tax Block 2635, Lot 19K,
and the southernmost corner of Tax Block 2635, Lot 19H (property as described in deed book
1252, page 575 in said registry); Thence with the southern line of Tax Block 2635, Lot 19H,
North 44 Degrees, 28 Minutes West, 1276.30 feet, to the southwesternmost corner of Tax Block
2635, Lot 19H, and point being in the eastern line of Tax Block 2635, Lot 24K (that property

described in deed book 593, page 282 in said registry); Thence with the eastern line of Tax Block 2635, Lot 24K, South 2 Degrees, 24 Minutes West, 1858.10 feet, to the southeasternmost corner of Tax Block 2635, Lot 24K as described in deed book 593, page 282 in said registry; Thence with the southern line of Tax Block 2635, Lot 24K, North 84 Degrees, 22 Minutes West, 1336.00 feet, to a stone being the southwesternmost corner of said Tax Block 2635, Lot 24K; Thence with the western line of Tax Block 2635, Lot 24K, North 2 Degrees East, 2,900 feet, to the centerline of creek (Sawmill Branch); Thence with the centerline of said creek the following 5 calls, (1) North 81 Degrees, 46 Minutes, 30 Seconds East, 169.12 feet, to a point, (2) North 71 Degrees, 56 Minutes, 08 Seconds East, 54.19 feet, to a point, (3) North 82 Degrees, 32 Minutes East, 357.78 feet, to a point, (4) North 74 Degrees, 53 Minutes East, 100.00 feet, to a point, (5) South 26 Degrees, 10 Minutes, 41 Seconds East, 66.41 feet, to the northwesternmost corner of Tax Block 2635, Lot 23, point is described in deed book 593, page 282 as a stake at two maples on the north bank of creek, Swaim's corner; Thence with the northern line of Tax Block 2635, Lot 23, as described in deed book 593, page 282 as with the northern bank the following two calls, (1) South 74 Degrees East, 368.00 feet, to a point, (2) South 84 Degrees, 30 Minutes East, 294.00 feet, to the northeasternmost corner of Tax Block 2635, Lot 23, described as a bridge near the north edge of creek, D. C. Swaim's corner on J. D. Reed's line in deed book 593, page 282 in said registry; Thence with the western line of Tax Block 2635, Lot 19H, North 2 Degrees East, 122.91 feet, to a point marking the northwesternmost corner of Tax Block 2635, Lot 19H; Thence with the northern line of Tax Block 2635, Lot 19H, as described in deed book 1252, page 575 as North 86 Degrees, 53 Minutes East, 1030.70 feet, to a point in the western right-of-way of Sawmill Road (S.R.# 2693), the northeasternmost corner of Tax Block 2635, Lot 19H; Thence southeast along the western right-of-way of Sawmill Road (S.R.# 2693) to the northernmost corner of Tax Block 2635, Lot 14A; Thence continuing with the western right-of-way of Sawmill Road (S.R.# 2693) as described in deed book 1252, Page 573, South 34 Degrees, 22 Minutes East, 153.72 feet, to the southeastern corner of Tax Block 2635, Lot 14A and northeasternmost corner of Tax Block 2635, Lot 14D; Thence with the southern line of Tax Block 2635, Lot 14A, South 51 Degrees, 11 Minutes West, 96.76 feet, to the southwesternmost corner of Tax Block 2635, Lot 14A and the northeastern corner of Tax Block 2635, Lot 19G; Thence with the north line of Tax Block 2635, Lot 19G, South 51 Degrees, 11 Minutes West, 14.71 feet, to the northwesternmost corner of Tax Block 2635, Lot 19G; Thence with the western line of Tax Block 2635, Lot 19G; South 3 Degrees, 30 Minutes East, 612.47 feet, to the southwesternmost corner of Tax Block 2635, Lot 19G; Thence North 86 Degrees, 30 Minutes East, 12.00 feet, to the northwesternmost corner of Tax Block 2635, Lot 14C; Thence along the western line of Tax Block 2635, Lot 14C, as described as Tract II of deed book 1948, page 233 as South 4 Degrees, 09 Minutes East, 381.44 feet, to the southwesternmost corner of Tax Block 2635, Lot 14C, and a point in the northern line of Tax Block 2635, Lot 19K; Thence with the following three calls along the northern line of Tax Block 2636, Lot 19K, (1) South 87 Degrees, 16 Minutes, 45 Seconds East, 523.35 feet, (2) North 4 Degrees, 30 Minutes, 17 Seconds East, 133.98 feet, (3) South 86 Degrees, 34 Minutes, 21 Seconds East, 150.33 feet, to the point and place of beginning. This description was NOT written from a boundary survey and was taken from information (bearings taken directly from each separate deed - likely different bearing bases) found in the following deeds recorded in the Forsyth County Register of Deeds Office: deed book 980, page 342, deed book 1252, page 575, deed book 897, page 184, deed book 593, page 282, deed book 1948, page 233, deed book 1252, page 573.

Section 2. This Ordinance is adopted after approval of the site plan entitled James Comer, Imogene Comer, Karen Comer, James Martin, and Mary Alice Vogler/Saw Mill Creek, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to James Comer, Imogene Comer, Karen Comer, James Martin, and Mary Alice Vogler.

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 James Comer, Imogene Comer, Karen Comer, James Martin, and Mary Alice Vogler/Saw Mill Creek. 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 James Comer, Imogene Comer, Karen Comer, James Martin, and Mary Alice Vogler (Zoning Docket F-1477). 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-20-S (Residential Building, Single Family; and Planned Residential Development), approved by the Forsyth County Board of Commissioners the ____ day of _____, 20 ____" and signed, provided the property is developed in accordance with requirements of the RS-20-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 GRADING PERMITS:**
 - a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.
 - b. Developer shall flag the floodplain on site.
 - c. The property owner/developer contract with a qualified archaeologist (as determined by the North Carolina Office of State Archaeology) to conduct an archaeological investigation of the site, consisting of shovel tests in selected 1½' x 1½' squares, top 6" of soil.
 - d. If significant archaeological resources are identified during the investigation, the property owner/developer work with Planning Board staff, the contract archaeologist and the North Carolina Office of State Archaeology to mitigate the adverse impact of any ground-disturbing activities affecting those archaeological resources.
 - e. If any archaeological resources recovered become the property of the North Carolina Office of State Archaeology.
 - f. That the following photographic documentation be completed prior to any development on the site:

Overall views of entire property. This includes all undeveloped or agricultural land that is part of the property as a whole. The views should reflect the property

in its historic context or as it relates to the current landscape, including significant site features including streams, vegetation, and significant land contours.

The documentation must follow this format:

Two (2) copies of:

- 8x10 35mm black and white photographs and negatives for all views.
- Black and white contact sheets for all images.
- Color slides or digital images burned to a CD for all images.
- All contact sheets, photographs, and negatives in sleeves should be clearly and individually labeled with the property name, address, city, state, date, description of shot, view (ex. North, southwest).

Note: If slides are submitted, each should be individually numbered and identified with the aforementioned information on an index sheet.

Both copies should be submitted to the City-County Planning Board Department.

The copies will be archived as follows:

- One (1) set of all photographs, negatives, contact sheets and slides will be deposited with the Forsyth County Historic Resources Commission/City-County Planning Board.
 - One (1) set of all photographs, negatives, contact sheets and slides will be deposited with the North Carolina Room at the Forsyth County Public Library in Winston-Salem.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. If any lights are proposed for the amenities area, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 20' or less and no more than 0.5 foot-candles at the property line.
 - **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall complete all requirements of the NCDOT driveway permit.
 - b. If any lights are proposed for the amenities area, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 20' or less and no more than 0.5 foot-candles at the property line. Lighting shall be installed per approved lighting plan and certified by an engineer.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	F-1477		
Staff	Aaron King		
Petitioner(s)	James Comer, Imogene Comer, Karen Comer, James Martin, and Mary Alice Vogler		
Owner(s)	Same		
Subject Property	Tax Lots 14A, 19H, 19J, 19K, 23, and a portion of 24K, Tax Block 2635		
Type of Request	Special use rezoning from AG to RS-20-S for a 349 unit Planned Residential Development.		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from AG (Agricultural District) to RS-20-S (Residential Single Family; 20,000 sf lot size – Special Use Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Residential Building, Single Family and Planned Residential Development 		
Zoning District Purpose Statement	The RS-20 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 Growth Management Areas 2, 3, and 4.		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	<p>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the subject property is located within GMA 3 and has access to public water and sewer.</p>		
GENERAL SITE INFORMATION			
Location	Southwest side of Sawmill Road, south of Union Cross Road		
Jurisdiction	Forsyth County		
Site Acreage	Approximately ± 160 acres		
Current Land Use	The site contains one single family home with the remainder of the property undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	AG & RS-20	Scattered SF homes and undeveloped land
	East	AG & LI	Scattered SF homes, undeveloped land, and Union Cross Business Park
	South	AG & RS-20	SF homes, undeveloped land
	West	AG	Glenmore Creek subdivision (currently under

			construction)
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	Yes, the area is composed of single family homes and undeveloped land.		
Physical Characteristics	The highest elevation (+/- 880 feet) is located in the approximate middle of the property. The site slopes downward from that point on all sides, with its lowest elevation occurring at the northernmost portion of the site (+/- 790 feet). The site is also bordered by Sawmill Branch on its northern side, with a tributary of the creek running north/south through the site. Portions of the site along the creek are located in the floodway and the floodplain.		
Proximity to Water and Sewer	The subject property has access to public water and public sanitary sewer.		
Stormwater/ Drainage	The site plan proposes four stormwater ponds located within the common open space.		
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.		
Historic, Natural Heritage and/or Farmland Inventories	<u>Forsyth County Architectural Inventory Number/Name:</u> Friedland Country Congregation <u>Known Forsyth County Archaeological Site/Number:</u> 31FY1120 The Welch Site <u>National Register of Historic Places:</u> Property is located within the Friedland National Register Study List Historic District <u>Local Historic Landmark:</u> No		
	<p><u>Comments:</u> The subject property is located within the boundaries of the historic Friedland community, one of the three country congregations established by the Moravians in the late 18th century. Specifically, this property is located within the “lower tier” properties of Friedland (the Friedland Country Congregation area was laid out in “upper tier” and “lower tier” properties). In June 2004, a large portion of the lower tier area was placed on the Study List for the National Register of Historic Places, as it possesses the highest amount of integrity remaining in Friedland, and has been less impacted by development and transportation corridors than the upper tier. Specifically, the F-1477 subject property is located on one of the original tracts—the land is still in its original lot configuration from the original platting of Friedland. There is one identified archaeological site on the subject property – the Welch Site. The following is taken from <i>There Is None Like It: The South Fork Settlements and the Development of Colonial Wachovia</i> by Michael O. and Martha B. Hartley, Old Salem, Inc.</p> <p>The Welch Site (31FY1120)</p>		

This site is not typical of German practices as observed in this survey, in that it is located on a broad hilltop. A spring is found a short distance from the site, downslope to the south. It was pointed out by James Martin and Mary Alice Vogler, siblings who own the land on which this site is found. The location of the house is traditionally believed to have been associated with a family named “Welch.”

Direct evidence of the occupation was very faint, consisting of some suggestive depressions in the thick pasture that covers the hilltop where James Martin grazes cattle. A single shard of pearlware was found at the base of an old apple tree directly on top of the hill, the only place not heavily sodded over.

Note the following:

The historic tract on which this site lies is one of the most clearly preserved in the Friedland Town Lot, and as an individual holding is one of the largest relatively undisturbed historic tracts in Wachovia. The landforms on this tract are dramatic and offer a substantial landscape for further research. This lot remains in agriculture and is owned by descendants of the original settlers in the lower tier.

As such, historic resources staff strongly does not support the rezoning of this property and believes the existing AG zoning to be the appropriate land use for this site. However, if rezoning to RS-20-S is recommended, there should be conditions placed regarding the mitigation of significant historic landscape disturbance and destruction of archaeological resources, as this particular site has the potential to yield highly significant information. Recommended conditions should include the following provisions:

- That the property owner/developer contract with a qualified archaeologist (as determined by the North Carolina Office of State Archaeology) to conduct an archaeological investigation of the site, consisting of shovel tests in selected 1½' x 1½' squares, top 6" of soil;
- That if significant archaeological resources are identified during the investigation, the property owner/developer work with Planning Board staff, the contract archaeologist and the North Carolina Office of State Archaeology to mitigate the adverse impact of any ground-disturbing activities affecting those archaeological resources;
- That any archaeological resources recovered become the property of the North Carolina Office of State Archaeology; and,
- That the following photographic documentation be completed prior to any development on the site:

	<p>Overall views of entire property. This includes all undeveloped or agricultural land that is part of the property as a whole. The views should reflect the property in its historic context or as it relates to the current landscape, including significant site features including streams, vegetation, and significant land contours.</p> <p>The documentation must follow this format: Two (2) copies of:</p> <ul style="list-style-type: none"> ▪ 8x10 35mm black and white photographs and negatives for all views. ▪ Black and white contact sheets for all images. ▪ Color slides or digital images burned to a CD for all images. ▪ All contact sheets, photographs, and negatives in sleeves should be clearly and individually labeled with the property name, address, city, state, date, description of shot, view (ex. north, southwest). <p>Note: If slides are submitted, each should be individually numbered and identified with the aforementioned information on an index sheet.</p> <p>Both copies should be submitted to the City-County Planning Board Department.</p> <p>The copies will be archived as follows:</p> <ul style="list-style-type: none"> ▪ One (1) set of all photographs, negatives, contact sheets and slides will be deposited with the Forsyth County Historic Resources Commission/City-County Planning Board. ▪ One (1) set of all photographs, negatives, contact sheets and slides will be deposited with the North Carolina Room at the Forsyth County Public Library in Winston-Salem. ▪ The HRC also suggests that the documenting party retain one (1) complete set of all photographs, negatives, contact sheets and slides submitted for their own records.
<p>Analysis of General Site Information</p>	<p>The site contains 160 acres that are currently undeveloped and are part of the lower tier of the Friedland tract. The historic information listed above provides insight as to the significance of this property. Staff felt that attention should be paid to preserving view corridors and also addressing the historic Welch site located on this property. The revised site plan does a good job of addressing both of those concerns. The site does contain some significant changes in elevation and also a tributary of Sawmill Branch running through the site.</p>
<p>Generalized Recommended Conditions</p>	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Condition to flag the floodplain in the field • Condition for historical documentation

SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Sawmill Road	Local Road	+/- 788 feet	640	NA
Proposed Access Point(s)	The site plan proposes one access point onto Sawmill Road along with two stub connections to the Glenmore Creek subdivision to the west. Three other stub connections are shown to the adjacent properties to the east.			
Planned Road Improvements	None noted.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: AG</u> 160 acres (AG) x 43,560 / 40,000 = 174 units x 9.57 (SFR Trip Rate) = 1,665 Trips per Day</p> <p><u>Proposed Zoning: RS-20-S</u> 349 units x 9.57 (SFR Trip Rate) = 3,339 Trips per Day</p>			
Sidewalks	The site plan does propose sidewalks and street trees along the streets within the subdivision.			
Connectivity	The site has a connectivity index of 1.21.			
Traffic Impact Study (TIS)	Not required			
Analysis of Site Access and Transportation Information	<p>The proposed 349 unit subdivision will create an increase in traffic in this area. The estimated 3,339 trips per day are more than double the amount trips that could be expected under the existing AG zoning. Although the request will generate a significant increase in trip generation, the site is located within close proximity to two thoroughfares, Union Cross Road and Willard Road, which should be able to accommodate the increase in traffic. As a requirement of the NCDOT driveway permit, the developer will be required to install right and left turn lanes on Union Cross Road and Sawmill Road. The driveway permit will also require that Sawmill Road be resurfaced to accommodate the anticipated traffic.</p> <p>The internal circulation of the site is calculated at having a connectivity index of 1.21, which meets the standard (1.2) that the Forsyth County Board of County Commissioners (BOCC) recently adopted. The site does provide two connections to the existing Glenmore Creek subdivision to the west, along with two stub connections to the east. The internal streets will have sidewalks as required by the street standards. The subdivision will also have street trees which are not required under the street standards, but were volunteered by the petitioner. Staff commends the petitioner for exceeding minimum UDO requirements.</p>			
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Condition for NCDOT driveway permit 			

SCHOOL DISTRICT INFORMATION						
Schools Serving Zoning Site	Project Students From Project	2006-2007 Enrolled Students	2006-2007 Projected Students w/ Accumulated Totals	School Capacity	Number of Mobile Classrooms on Site	
Union Cross Elementary School	172	1333	1505	709	16	
Southeast Middle School	86	1070	1156	722	5	
Glenn High School	115	1841	1956	924-1222	13	
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA	GMA 3 (Suburban Neighborhoods)					
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Legacy recommendations related to residential development include: encourage a mixture of housing types in neighborhoods; encourage infill development; and allow higher density infill development at appropriate locations. 					
Relevant Area Plan(s)	The subject property is not within the boundaries of an area plan or development guide.					
Greenway Plan Information	A greenway easement will be required along Sawmill Branch along the northern property line.					
Amount of AG land rezoned since 12-31-94	1918.08 acres with a balance of 59,598.45 acres.					
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?					
	Yes					
	(S)(4) - Is the requested action in conformance with Legacy?					
Yes						
Analysis of Conformity to Plans and Planning Issues	The subject property is located in an area of the county that has begun to experience additional development pressure within the 5-10 years. A large portion of the land in this area is zoned AG and still retains a rural character. However, being located in GMA 3 (Suburban Neighborhoods) with municipal services available does support a change to zoning district which allows a higher density. Staff feels that this request is consistent with Legacy's recommendations for "allowing higher density at appropriate locations." Staff feels that the requested RS-20-S zoning district is a good compromise to bridge the gap between maintaining the existing rural character and allowing an increase in density.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1399	AG to RS-20-S	Denied 1/2/04	West	83.1	Approval	Approval

F-1363	RS-20 to MH-S	Approved 5/13/02	West	2.11	Approval	Approval
F-1175	AG to LI & LI-S	Approved 11/11/96	East	398.98	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Units (by type) and Density	349 single family homes at an overall density of 2.18 dwelling units per acre					
Parking	Required	Proposed		Layout		
	41 spaces for the swimming pool	54 spaces for the swimming pool		90° head-in		
Building Height	Maximum			Proposed		
	40 feet			1-2 stories		
Impervious Coverage	Maximum			Proposed		
	NA			NA		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 2-1.2(E) RS-20 District • Section 2-5.60 Planned Residential Development 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:		Yes			
	(B) Environmental Ord.		Yes			
	(C) Subdivision Regulations		Yes			
Analysis of Site Plan Compliance with UDO Requirements	<p>When this request was originally submitted for review, the requested zoning district was RS-15-S and the site plan proposed 384 units with a large amount of open space. Staff recommended revisions to the design of the open space to include attention to the historic character of the property, and also recommend a reduction in the number of units. The petitioners met with staff to discuss these concerns, and have since revised their site plan to address these issues. The first major change was the requested zoning district. The petitioner revised their requested zoning district from RS-15-S to RS-20-S and also reduced the number of proposed units from 384 to 349. The second change focused on the historic Welch site and how it relates to the subdivision. Without having knowledge of the specific location of the Welch site, the petitioners have designated approximately four acres as open space around the general location of this site. The third change focuses on the open space. The revised site plan provides more access points into the open space from the internal streets. It also provides a few “pocket parks” or smaller open space areas that are spread throughout the subdivision. Staff would like to commend the petitioner for the revisions that have been made to enhance the proposed subdivision and make it more in character with its surroundings.</p>					
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Lighting condition 					

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request is consistent with the recommendations of <i>Legacy</i> for “allowing higher densities at appropriate locations.”	The request will provide a significant increase in traffic for this area.
The petitioner did revise the request from RS-15-S to RS-20-S, which serves as a good compromise for this area.	Approval of this request would allow more intense development to occur on one of the original Friedland tracts.
The site design does allow for the Welch site to remain in open space.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, to reduce negative off-site impacts, or to provide historic documentation of unique site features lost through the development process.</p> <p><u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u></p> <ol style="list-style-type: none"> a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit. b. Developer shall flag the floodplain on site. c. The property owner/developer contract with a qualified archaeologist (as determined by the North Carolina Office of State Archaeology) to conduct an archaeological investigation of the site, consisting of shovel tests in selected 1½' x 1½' squares, top 6" of soil. d. If significant archaeological resources are identified during the investigation, the property owner/developer work with Planning Board staff, the contract archaeologist and the North Carolina Office of State Archaeology to mitigate the adverse impact of any ground-disturbing activities affecting those archaeological resources. e. If any archaeological resources recovered become the property of the North Carolina Office of State Archaeology. f. That the following photographic documentation be completed prior to any development on the site: <p>Overall views of entire property. This includes all undeveloped or agricultural land that is part of the property as a whole. The views should reflect the property in its historic context or as it relates to the current landscape, including significant site features including streams, vegetation, and significant land contours.</p> <p>The documentation must follow this format: Two (2) copies of:</p> <ul style="list-style-type: none"> ▪ 8x10 35mm black and white photographs and negatives for all views. ▪ Black and white contact sheets for all images. ▪ Color slides or digital images burned to a CD for all images. ▪ All contact sheets, photographs, and negatives in sleeves should be clearly and individually labeled with the property name, address, city, state, date, description of shot, view (ex. north, southwest). 	

Note: If slides are submitted, each should be individually numbered and identified with the aforementioned information on an index sheet.

Both copies should be submitted to the City-County Planning Board Department.

The copies will be archived as follows:

- One (1) set of all photographs, negatives, contact sheets and slides will be deposited with the Forsyth County Historic Resources Commission/City-County Planning Board.
 - One (1) set of all photographs, negatives, contact sheets and slides will be deposited with the North Carolina Room at the Forsyth County Public Library in Winston-Salem.
- g. The HRC also suggests that the documenting party retain one (1) complete set of all photographs, negatives, contact sheets and slides submitted for their own records.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- a. If any lights are proposed for the amenities area, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 20' or less and no more than 0.5 foot-candles at the property line.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. Developer shall complete all requirements of the NCDOT driveway permit.
- b. If any lights are proposed for the amenities area, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 20' or less and no more than 0.5 foot-candles at the property line. Lighting shall be installed per approved lighting plan and certified by an engineer.

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.**

PUBLIC HEARING- March 8, 2007

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning map amendment to April 12, 2007.

SECOND: Paul Mullican

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

PUBLIC HEARING - April 12, 2007

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Paul Mullican

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

According to information furnished by the Office of the Tax Assessor on January 8, 2007, the subject property was in the name of Mary Alice Martin Vogler, James Spaugh Martin, Imogene R. Comer, Karen Comer, James I. Comer, and James S. Martin.

A. Paul Norby, FAICP
Director of Planning

