



DOCKET #: F1414

PROPOSED ZONING:
RS12-S (Residential Building,
Single Family)

EXISTING ZONING:
RS20

PETITIONER:
C & H of the Triad,
LLC for property owned by Same

SCALE: 1" represents 400'

STAFF: Gallaway

GMA: 4

ACRE(S): 6.46

MAP(S): 660842



June 23, 2004

C & H of the Triad, LLC
c/o Mike G. Foltz, President
1211 Quail Drive
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT F-1414

Dear Mr. Foltz:

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, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Michael Green, P. O. Box 539, Lexington, NC 27293
Phyllis Mendel, 723 Coliseum Drive, Winston-Salem, NC 27106
Hilda Barry, 4163 Glenn Hi Road, Winston-Salem, NC 27107
Betty Jones, 4162 Glenn Hi Road, Winston-Salem, NC 27107

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of C & H of the Triad, LLC,
Docket F-1414

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 RS-20 to RS-12-S (Residential Building, Single Family) the zoning classification of the following described property:

Tax Block 5622, Tax Lot 101

Section 2. This Ordinance is adopted after approval of the site plan entitled Shaw Hills, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to C & H of the Triad, LLC.

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 Shaw Hills. 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 C & H of the Triad, LLC (Zoning Docket F-1414). 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-12-S (Residential Building, Single Family), 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-12-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. Driveway permit shall be issued by the North Carolina Department of Transportation
 - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
 - c. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
 - d. If required, developer shall obtain a permit from the US Army Corps of Engineers for the removal of the wetlands on the property.

- **PRIOR TO THE SIGNING OF PLATS**
 - a. Negative access easements shall be shown on the final plat for lot 15 along Glenn Hi Road once Shaw Hills Court is built.
 - b. Developer shall dedicate five (5) feet of new right-of-way in fee simple to the Winston-Salem Department of Transportation (WSDOT) or NCDOT whichever is applicable.

- c. Developer shall install a minimum of five (5) foot wide sidewalk along one side of the proposed Shaw Hills Court. Shaw Hills Court shall be constructed to the City of Winston-Salem Public Street Standards. Sidewalks shall be located at the edge of or as close as practicable to the right-of-way.
- d. Developer shall install large variety street trees every 40-60 feet on center on both sides of the street.
- e. All required fire hydrants shall be installed in accordance with the City Fire Department.
- f. Developer will use best efforts to obtain sidewalk easement along Glenn Hi Road for lots 15 and 16 and, if obtained, shall install a minimum of five (5) foot wide sidewalk along entire frontage of Glenn Hi Road.

ZONING STAFF REPORT

DOCKET # F-1414
STAFF: Suzy Gallaway

Petitioner(s): C & H of the Triad, LLC
Ownership: Same

REQUEST

From: RS-20
To: RS-12-S (Residential Building, Single Family)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 6.46 acres

LOCATION:

Street: South side of Glenn Hi Road east of Yeaton Glen Drive
Jurisdiction: Forsyth County

SITE PLAN

Proposed Use: Residential Building, Single Family
Density: 2.48 Units per acre
Bufferyard Requirements: None required

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family home and accessory buildings.

Adjacent Uses:

North-	Single Family homes, zoned RS-9
East-	Single Family Planned Residential Development, zoned RS-15-S
South-	Single Family subdivision, zoned RS-20
West-	Single Family subdivision, zoned RS-20

GENERAL AREA

Character/Maintenance: Well-maintained single family homes
Development Pace: Moderate

HISTORY

Relevant Zoning Cases:

1. F-1339; AG and RS-20 to RS-15-S (Residential Building, Single Family, PRD); approved June 25, 2001; south side of Glenn Hi Road west of Witwoud Lane and west of Valjean Lane; 43.14 acres; Planning Board and staff recommended approval.
2. F-1337; RS-20 to RS-15-S (Residential Building, Single Family and PRD); approved May 14, 2001; south side of Glenn Hi Road east of Yeaton Glen Drive; 57.78 acres; Planning Board and staff recommended approval.
3. F-1334; AG to RS-15-S (Residential Building, Single Family and PRD); approved February 26, 2001; south side of Glenn Hi Road east of Yeaton Glen Drive; 56.59 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan should not significantly impact the site's existing physical features.

Topography: The subject property experiences a total elevation change of approximately 30 feet, rising from about 895 feet in the southeastern corner of the site (at the pond) up to about 925 feet near the property's northern border along Glenn Hi Road.

Vegetation/habitat: A small amount of significant vegetation remains along the southern edge of the subject property

Wetlands: A PUBHh (Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded) wetland is identified on the southeastern section of the subject property. The proposed site plan indicates that this wetland is to be removed. *Winston-Salem East Quad*

Environmental Resources Beyond The Site: The proposed site plan should not significantly impact environmental resources beyond the site.

Water Supply Watershed: The subject property is not located in a water supply watershed.

Compliance with Federal/State requirements for wetland/stream protection: The petitioner is responsible for complying with all Federal and State wetland and stream protection regulations, especially as the existing wetland area is to be removed.

TRANSPORTATION

Direct Access to Site: Glenn Hi Road; Yeaton Glen Drive

Street Classification: Glenn Hi Road – Minor Thoroughfare; Yeaton Glen Drive – Local Road

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Glenn Hi Road between High Point Road and Oak Grove Road = 3,300/11,100

Trip Generation/Existing Zoning: RS-20: $6.46 \times 43,560/20,000 = 14 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 133 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RS-12-S: 16 units x 9.57 (SFR Trip Rate) = 153 Trips per Day

Planned Road Improvements: U2579A – Northern Beltway (Eastern Leg); from Business I-40 to US 311; new 4 lane freeway; 2005-2014; Regionally Significant

CONFORMITY TO PLANS

GMP Area (*Legacy*): Future Growth Area (GMA 4)

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for the coordinated provision of services as new development that takes place in the Future Growth Area. The petitioner’s site is located on a minor thoroughfare and has sewer service available. *Legacy* also calls for increased residential densities where it is compatible with surrounding development.

Area Plan/Development Guide: *Union Cross/Southeast Forsyth County Area Plan* (adopted in 2004)

Relevant Development Guide Recommendation(s): The *Union Cross/Southeast Forsyth County Area Plan* recommends that the subject property be developed for single-family subdivisions utilizing similar densities and design patterns as the surrounding area. Given its location within the “Suburban Neighborhoods” area of the growth management plan map from *Legacy*, the availability of water/sewer, and the RS-9 zoning across Glenn Hi Road, the RS-12-S rezoning request is consistent with it’s surroundings.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 16 students to the system, as indicated by the following chart.

Project	Number Units	Schools	Projected Students from Project	2003-2004 Enrolled Students	2003-2004 Projected Students with Accumulated Totals since 4/15/04	School Capacity
Shaw Hills F-1414	16	Hall Woodward Elementary	7	571	578	419
		Hill Middle	4	525	529	421
		Glenn High	5	1769	1774	1074-1405

ANALYSIS

The current request is to rezone 6.46 acres from RS-20 to RS-12-S. Approximately 13 or 14 lots could be developed under the existing zoning requirements. With the proposed request 15 single family lots could be developed. Existing zoning would allow a density of approximately 2.01 units per acre. The current request proposes 2.48 units per acre.

Generally, this proposal is consistent with other developments along Glenn Hi Road, which have developed at higher densities with the extension of sewer service up Swaim Creek. The proposed development would utilize this sewer as well. Staff notes that the area to the north of Glenn Hi Road was mapped to RS-9 with the adoption of the UDO in 1995, while most properties south of Glenn Hi Road were mapped at lower densities acknowledging the lack of sewer service at that time.

There have been several rezoning requests on the south side of Glenn Hi Road recently. As municipal services have come to the area, farming has declined and residential uses have increased. Acknowledging these changes staff has been supportive of the previous requests north of Swaim Creek to rezone properties from AG and RS-20 to higher densities. Again, in the current request staff is of the opinion the request for a slightly higher density is reasonable.

Staff has conferred with the petitioner and requested site plan changes to adhere to the amenities offered in recent rezonings along Glenn Hi Road. The petitioner has agreed to sidewalks along one side of the proposed street as well as large variety street trees every 40-60 feet.

FINDINGS

1. Existing zoning would allow a density of approximately 2.01 units per acre. The current request proposes 2.48 units per acre.
2. Generally, this proposal is consistent with other developments along Glenn Hi Road, which have developed at higher densities with the extension of sewer service up Swaim Creek.
3. The petitioner has agreed to provide a sidewalk along one side of the proposed street as well as large variety street trees every 60 feet on both sides of the street.
4. The request is consistent with the adopted plan and the surrounding character of the area.

STAFF RECOMMENDATION

Zoning: **APPROVAL.**

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Driveway permit shall be issued by the North Carolina Department of Transportation
 - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
 - c. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
 - d. Developer shall obtain a permit from the US Army Corps of Engineers for the removal of the wetlands on the property.

- **PRIOR TO THE SIGNING OF PLATS**
 - a. Negative access easements shall be shown on the final plat for lot 15 along Glenn Hi Road once Shaw Hills Court is built.
 - b. Developer shall dedicate five (5) feet of new right-of-way in fee simple to the Winston-Salem Department of Transportation (WSDOT) or NCDOT whichever is applicable.
 - c. Developer shall install a minimum of five (5) foot wide sidewalk along entire frontage of Glenn Hi Road and one side of the proposed Shaw Hills Court. Shaw Hills Court shall be constructed to the City of Winston-Salem Public Street Standards. Sidewalks shall be located at the edge of the right-of-way.
 - d. Developer shall install large variety street trees every 40-60 feet on center on both sides of the street.
 - e. All required fire hydrants shall be installed in accordance with the City Fire Department.

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Phyllis Mendel, 723 Coliseum Drive, Winston-Salem, NC 27106

- I thank the petitioner and staff for working together to make this plan better.
- This is a win-win situation. It benefits everyone. We have agreed to curb and gutter, sidewalk on one side of street, and trees on both sides of streets.
- Under "Prior to Issuance of Grading Permits", staff has asked that we get a permit from the US Army Corps of Engineers to close the pond that currently exists on the property. The US Army Corps of Engineers tells us that permits aren't required for under 10 feet

depth unless there is a manmade dam on it. Our wetlands are only 5-6 feet deep. Please change the condition to say a permit would only be required if required by the US Army Corps of Engineers.

- When we first purchased the property, we got a minor subdivision approval where lots 15 and 16 were severed from the rest of the property. Immediately following that, both lots were put under contract. So any conditions that require us to do something to the lots we already have under contract is outside our ability to agree to.
- In one case it's a negative access easement where the contracted purchaser has agreed to the easement. However, until such time as our street is available, they need to maintain access onto Glenn Hi Road.
- We're trying to work it out to achieve what you want by negotiation with the owners of the lots we've already contracted on.
- There is a slope in the front yard of Lot 15 and 16. We ask that requirements for sidewalks on those lots be removed from the conditions because the sidewalks would be below the topography of the front yards.
- When we submitted our preliminary plan, we had left 15 & 16 off our plan because we understood they were taken care of in the minor subdivision approval. We were asked to incorporate those lots (by staff). We can't commit to sidewalks along Glenn Hi Road for lots 15 and 16 because we're under contract as they currently are plotted.

Michael Green, P. O. Box 539, Lexington, NC 27293

DOT said to use this map. (NOTE: Map of beltway corridor was shown to the Board.)

AGAINST:

Hilda Barry, 4163 Glenn Hi Road, Winston-Salem, NC 27107

- In response to a request by the speaker, five people raised their hands to indicate their opposition to this rezoning.
- We are concerned about the safety because of the proximity to the Yeaton Glen

Development.

- We are requesting that you deny the rezoning.

Betty Jones, 4162 Glenn Hi Road, Winston-Salem, NC 27107

- My property adjoins the northeast corner of this site.
- I would like this to remain RS-20 because that's what most of the houses are in this area. Traffic is terrible out here and there has been a lot of development along Glenn Hi Road.
- The road going into this development will be a public road. It's very close to the next public road.
- A few less houses and a few less cars would make a difference.
- I don't object to the development.

WORK SESSION

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

- There is a discrepancy on the maps that DOT is using and the GEOData system is using. Staff will work to get that corrected.
- All the conditions (sidewalks on one side of the street, large variety street trees on both sides of the street, developer shall use their best efforts to negotiate a sidewalk easement along Glenn Hi Road and to construct it if it is obtained, negative access easement to Glenn Hi Road on Lot 15 after access is available through Shaw Hills Court and before signing of final plats; and with "if required" added to the wetlands condition) volunteered by the petitioner should become conditions.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions and sidewalks on one side of the street, large variety street trees on both sides of the street, developer shall use their best efforts to negotiate a sidewalk easement along Glenn Hi Road and to obtain a negative access easement to Glenn Hi Road on Lot 15 after access is available through Shaw Hills Court and before signing of final plats; and with "if required" added to the wetlands condition.

SECOND: Dara Folan

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

According to information furnished on May 6, 2004 by the Office of the Tax Assessor, the subject property was in the name of C & H of the Triad, LLC.

A. Paul Norby, AICP
Director of Planning

