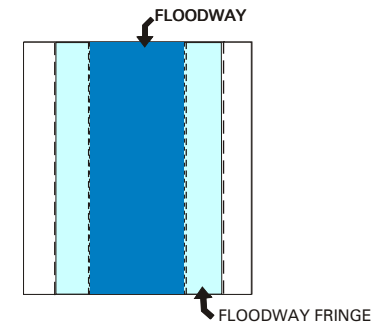


DOCKET #: F1399
 (continued from 11/13/03
 CCPB meeting)

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

EXISTING ZONING:
 AG

PETITIONER:
 Eastwood Development
 Corporation for
 property owned by others



SCALE: 1" represents 600'

STAFF: Hall

GMA: 3

ACRE(S): 84.3

MAP(S): 648830, 648834,
 654830, 654834



December 17, 2003

Mr. Jack Joyce, Project Manager
Eastwood Development Corporation
c/o Peter Tatge, ESP Associates, PA
P. O. Box 7030
Charlotte, NC 28241

RE: ZONING MAP AMENDMENT F-1399

Dear Mr. Joyce:

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
Jim Hundley, P. O. Drawer 2086, High Point, NC 27261
Peter Tatge, ESP Associates, 2857 Westport Road, Charlotte, NC 28208
Brock LaForte, 2857 Westport Road, Charlotte, NC 28208
Michael (Mo) Hartley, Director of Archaeology at Old Salem, Drawer F, Salem Station,
Winston-Salem, NC 27108
Watt Dufour, 3145 Willard Road, Winston-Salem, NC 27107
Ronnie Charles, 2370 Union Cross Road, Winston-Salem, NC 27107

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Public Hearing on Zoning map amendment of Eastwood Development Corporation from AG to RS-20-S (Residential Building, Single Family; and Planned Residential Development): property is located on the east side of Willard Road between Southland Drive and South Fork Muddy Creek (Zoning Docket F-1399).

Ordinance Amending the Forsyth County Zoning Ordinance and Official Zoning Map

Approval of Special Use Zoning Permit

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 Eastwood Development Corporation, Docket F-1399

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:

Tax Block 2649 Tax Lot 9A
Tax Block 2635 Tax Lots 3B, 5A, 4A, and 4B save and except the following:

Tax Lot 4A: Beginning at an existing railroad spike in the northern margin of the right-of-way for Thomasville Road, said existing railroad spike being the northwesternmost corner of the property of Vulcan Lands Inc. (Book 2196, Page 3217) (“Vulcan”); thence along and with the northern margin of the right-of-way for Thomasville Road north 47° 20’ 36” west 40.51 feet to an existing railroad spike in the northern margin of the right-of-way for Thomasville Road; thence north 46° 38’ 20” east 267.20 feet to an existing iron pin #4 rebar; thence south 47° 04’ 31” east 53.00 feet to an existing iron pin #4 rebar in the line of Vulcan; thence along and with the property of Vulcan the following two (2) courses and distances: (1) south 55° 58’ 58” west 136.40 feet to an existing 3/4” bolt; and (2) south 42° 30’ 05” west 133.58 feet to an existing railroad spike in the northern margin of the right-of-way for Thomasville Road, said existing railroad spike being the point and place of beginning, containing 0.24 acre (10,352.34 square feet), more or less, the same being shown and designated as “Exception Tract 1” on the survey.

Tax Lot 4B: Beginning at a 1/2” existing iron pipe in the northern margin of the right-of-way for Thomasville Road, said 1/2” existing iron pipe being the northwesternmost corner of the property of Barbara S. Head (Book 2284, Page 3682) (“Head”); thence along and with the northern margin of the right-of-way for Thomasville Road north 47° 20’ 36” west 109.94 feet to

an existing railroad spike in the northern margin of the right-of-way for Thomasville Road, said existing railroad spike being a corner with the property of Virginia E. Shelton (Book 1188, Page 60) ("Shelton"); thence along and with the property of Shelton the following two (2) courses and distances: (1) north 42° 30' 05" east 133.58 feet to an existing 3/4" bolt; and (2) north 55° 58' 58" east 136.40 feet to an existing iron pin #4 rebar; thence south 47° 04' 31" east 97.63 feet to a 1/2" existing iron pipe in the line of Connie Moore Jones (Book 2275, Page 4509) ("Jones"); thence along and with the property of Jones and continuing along and with the property of Head south 46° 40' 23" west 266.50 feet to the point and place of BEGINNING, containing 0.68 acre (29,714.44 square feet), more or less, the same being designated as "Exception Tract 2" on the Survey.

Section 2. This Ordinance is adopted after approval of the site plan entitled Eastwood Development Corporation, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Eastwood Development Corporation.

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 Eastwood Development Corporation. 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 Eastwood Development Corporation (Zoning Docket F-1399). 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. Limits of filling within the South Fork Muddy Creek floodplain shall be flagged in the field.
 - b. Limits of clearing for the entire site shall be flagged in the field.
 - c. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
 - d. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, a storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
 - e. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.

- **PRIOR TO THE SIGNING OF PLATS**
 - a. All documents including covenants, restrictions, and homeowners association agreements shall be recorded in the office of the Register of Deeds.

- b. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along the South Fork Muddy Creek as shown on the approved Preliminary Site Plan. Planning staff shall approve the location of said greenway easement.
 - c. All required fire hydrants shall be installed or bonded in accordance with the Forsyth County Fire Department. Fire apparatus turnarounds must be provided with the 2002 North Carolina State Fire Prevention Code at the dead-end of Arrowcrest Place and Redfern Place.
 - d. Fire apparatus turnarounds must be provided with the 2002 North Carolina State Fire Prevention Code at the dead-end of Arrowcrest Place and Redfern Place.
 - e. Developer shall install or bond all streets and sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department. In lieu of making these improvements, developer may agree to bond them.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall record a final plat in the office of the Register of Deeds.
 - **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Willard Road.

ZONING STAFF REPORT

DOCKET # F-1399
STAFF: S. Chad Hall

Petitioner(s): Eastwood Development Corporation
Ownership: Same

REQUEST

From: AG Agricultural District
To: RS-20-S Residential Single Family District; minimum lot size 20,000 sf
(Residential Building, Single Family; and Planned Residential Development)

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

Acreage: 83.1 acres

LOCATION:

Street: East side of Willard Road between Southland Drive and South Fork Muddy Creek.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: 167 unit Planned Residential Development.
Building Height: 40' Max.
Density: 2.1 units per acre
Parking: Required: 360; proposed: 360
Bufferyard Requirements: 30' type II abutting AG, RS-20, LB-S, and MH-S per PRD regulations.
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Two structures on site would be removed per the proposed plan.
Adjacent Uses:

North:	South Fork Muddy Creek borders the property; additional AG zoned land is farther north.
East:	Undeveloped AG land
South:	Developed RS-20 and MH-S zoned properties
Southwest:	Developed RS-20 zoned properties
West:	Developed RS-20 and sparsely developed AG zoned land.

GENERAL AREA

Character/Maintenance: The area is comprised of, predominantly, well maintained single-family residences on moderately sized lots zoned RS-20.

Development Pace: Moderate.

HISTORY

Relevant Zoning Cases:

1. F-1379; AG and RS-20 to RS-9; denied February 24, 2003; southwest side of Thomasville Road west of Willard Road; 47.02 acres; Planning Board and staff recommended denial.
2. F-1363; RS-20 to MH-S (Residential Building, Single Family; and Manufactured Home, Class A); approved May 13, 2002; northeast side of Thomasville Road, northeast of Southland Avenue; 2.11 acres; Planning Board and staff recommended approval.
3. F-888; B-3-S (Outdoor Display Retail) and R-6 to B-2-S (Stores or shops, retail); approved July 11, 1988 however overturned by the North Carolina Supreme Court in 1991; interior intersection of Thomasville Road and Willard Road; 0.58 acre; Planning Board and staff recommended approval.
4. F-509; R-6 to B-3-S (Used Car Sales); approved June 4, 1979; interior intersection of Thomasville Road and Willard Road; .20 acre; Planning Board and staff recommended denial.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The site is mostly vegetated and some clearing will occur for development of the property. However, the site plan does illustrate over 40% common open space, much of which is to be left in its natural state. Additionally, the plan shows minimal encroachment into the floodplain.

Topography: The subject property experiences many significant elevation changes. Overall, the property's elevation changes from low of about 776 feet along South Fork Muddy Creek up to a high of 890 feet in the southwest corner of the property. The property also has some areas of steep elevation change. The portion of the property to the east of the creek branch has less elevation change than the portion of the property to the west of that branch.

Streams: South Fork Muddy Creek traverses along the northern border of the subject property. A creek branch also crosses diagonally across the property from the southeast to the north-central sections of the property.

Vegetation/habitat: The subject property is covered almost entirely with vegetation, except for a small portion in the west-central section of the property. Some of this vegetation will be preserved in the common open space, as designated in the site plan.

Floodplains: Floodway and floodway fringe areas lie within the subject property along South Fork Muddy Creek. A significant portion of floodway fringe area lies within the subject property, but the site plan proposes to retain nearly all flood prone areas in an undisturbed state.

Wetlands: One designated wetland (PUBHh – Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded) lies just to the south of the property line in the southeastern section of the subject property. The proposed site plan does not appear to affect this wetland (Winston-Salem East).

Natural Heritage Sites: None

Farmland Preservation Sites: The subject property is less than a mile east from a property in the farmland preservation program that is bisected by South Fork Muddy Creek (parcel #5).

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 following all federal and state requirements concerning wetland and stream protection.

Amount of AG Zoned Land Rezoned to Other Districts Since the Creation of the AG District on December 31, 1994: 1,565.78 acres; Balance: 59,950.75 acres.

TRANSPORTATION

Direct Access to Site: Willard Road; Thomasville Road.

Street Classification: Willard Road - Minor Thoroughfare; Thomasville Road - Major Thoroughfare.

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

Willard Road between Thomasville and Union Cross Roads = 1,100/11,100

Thomasville Road between Willard Road and Davidson County Line = 9,700/16,100

Thomasville Road between Willard and Union Cross Roads = 8,900/16,100

Trip Generation/Existing Zoning: AG

83.1 acres x 43,560 / 40,000 = 90 units x 9.57 (SFR Trip Rate) = 861 Trips per Day

Trip Generation/Proposed Zoning: RS-20-S

167 units x 9.57 = 1,598 Trips per Day

Planned Road Improvements: Thomasville Road from I-40 to Davidson County Line; Regionally Significant; STIP # R-2568; from 2 lanes to 4 lanes divided; 2005-2014. Specific roadway improvements at current location are not known at this time.

Sight Distance: Good.

Interior Streets: Public.

Traffic Impact Study recommended: No.

Connectivity of street network: Good, given topographic features.

Sidewalks: None existing. Sidewalks are proposed (along with street trees) along all major roads of the proposed development. A proposed pedestrian connection would link the sidewalk system.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): *Legacy* proposes more compact development within the municipal services area where services, including sewer and water, are available. The plan also recognizes the importance of preserving some green spaces in areas that are more intensively developed.

Area Plan/Development Guide: None.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: Site is identified on the Winston-Salem and Forsyth County Greenway Plan - 2015.

Greenway/Trail Name: South Fork Muddy Creek.

Easement Requested: 40 feet.

Side of Creek: South.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 163 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 4/15/03	School Capacity
Glenmore Creek	167	Hall-Woodard ES	75	538	613	495
		Hill MS	38	477	515	490
		Glenn HS**	50	1,662	1,712	970-1,288

** Caleb’s Creek development is not included in this total

ANALYSIS

The subject petition was continued from the November 13, 2003 Planning Board public hearing to allow time for more research to be done regarding the historic value of the property and surrounding properties. Attached is a memorandum with staff’s findings.

The request is to rezone 83.1 acres of land in Forsyth County from AG to RS-20-S (Residential Building, Single Family; and Planned Residential Development). The property is located on the east side of Willard Road between Southland Drive and South Fork Muddy Creek. A majority of the zoning in this area of the County is AG, with some RS-20 and an occasional business zoning district located along Thomasville Road.

The site is located in the Suburban Neighborhoods Growth Management Area (GMA 3) that proposes more compact development within the municipal services area where services, including sewer and water, are available. The plan also recognizes the importance of preserving some green spaces in areas that are more intensively developed. Public sewer and water is available to the subject property.

The subject property is approximately $\frac{3}{4}$ of a mile west of the boundaries of the Southeast Forsyth County/Union Cross Area Plan. In that plan, the lands that roughly follow the routing of South Fork Muddy Creek are recommended to be in a Rural Conservation Modified District that will allow the maximum density possible so long as 50% open space is provided. While not within the boundaries of the area plan, the proposed plan closely follows that suggested development pattern.

The proposed site plan illustrates 167 single-family lots clustered within two “villages” with lot sizes near and above 9,000 square feet. Clustering to lots of this size in this area of the County is possible with the availability of sewer. The density of the proposed development is the same as a conventional RS-20 subdivision, but double the density available by right for the current AG zoned property. The plan, however, illustrates 167 units as opposed to 180 units that would be permissible in an RS-20 district.

In exchange for the added density being proposed, the plan volunteers several amenities. Street trees are proposed on all streets and the major streets are to have a sidewalk on one side. The sidewalks from each village are linked through a common open space area by a pedestrian connection. The common area between the villages preserves a good portion of existing vegetation and, by default, also protects a creek branch. This branch feeds into South Fork Muddy Creek, which has a large amount of floodplain along the northern portion of the proposed plan. Twelve to thirteen lots appear, based on the plan, to have minimal encroachment into the floodplain, even though the Ordinance will allow fill and development of up to 50% of it. Additionally, a 40' greenway easement has been volunteered along South Fork Muddy Creek. All in all, the proposed plan will provide over 40% open space, much of which is to be undisturbed while providing street trees and sidewalks. By comparison, the Ordinance requires 15% open space in an RS-20 PRD while not requiring any sidewalks or street trees.

Based on the site plan, only one initial point of access to the subject property is provided by way of Willard Road. Two street stubs are provided to the east for connections to potential future development. Access to Thomasville Road was explored with NCDOT officials, but deemed less than desirable due to the intersection alignment of Willard Road at Thomasville Road. Due to the vast floodplain to the north, street stubs in that direction are not feasible due to street construction cost factors and, more so, to environmental impacts. The few lots to the west of the proposed development are already developed and will most likely not develop further. While Planning staff is concerned about having only one way in and one way out of the proposed development, there seems to be no viable option for alternate or secondary access at this time.

Instead, Planning staff views the proposed project as the first piece of the puzzle of an eventual connected street pattern through future subdivision developments to the east. With public infrastructure such as water and sewer in place, staff foresees future residential developments that would have outlets to Willard Road through the current site as well as other connections to Thomasville Road.

In summary, the proposed plan offers many amenities such as street trees, sidewalks, and a greenway easement. In exchange for doubling the density from the underlying zoning, over 40% common open space is being proposed, protecting a small stream. Additionally, minimal encroachment into the floodplain is illustrated, according to the site plan. Staff has consistently requested multiple connections to developments, but recognizes that there are several constraints that prohibit more than one connection at this point in time. Staff applauds the plan for its preservation elements and also for the volunteered amenities that will be provided to the residents and also cites the site plan as a positive example of an open space subdivision, possibly setting a positive precedent for future subdivisions for both this area and elsewhere in the County.

FINDINGS

1. The site is located in the Suburban Neighborhoods Growth Management Area that proposes more compact development while preserving “green spaces”.
2. Public sewer and water is available to the subject property, permitting clustering of housing.
3. The density of the proposed development is the same as a conventional RS-20 subdivision.
4. The proposed plan volunteers many amenities such as street trees, sidewalks, pedestrian connections, and a greenway easement.
5. The plan proposes minimal encroachment into the floodplain of South Fork Muddy Creek.
6. Access to the subject property is limited due to natural constraints as well as existing lot patterns in 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. Limits of filling within the South Fork Muddy Creek floodplain shall be flagged in the field.

- b. Limits of clearing for the entire site shall be flagged in the field.
 - c. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
 - d. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, a storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
 - e. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.
- **PRIOR TO THE SIGNING OF PLATS**
 - a. All documents including covenants, restrictions, and homeowners association agreements shall be recorded in the office of the Register of Deeds.
 - b. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along the South Fork Muddy Creek as shown on the approved Preliminary Site Plan. Planning staff shall approve the location of said greenway easement.
 - c. All required fire hydrants shall be installed or bonded in accordance with the Forsyth County Fire Department. Fire apparatus turnarounds must be provided with the 2002 North Carolina State Fire Prevention Code at the dead-end of Arrowcrest Place and Redfern Place.
 - d. Fire apparatus turnarounds must be provided with the 2002 North Carolina State Fire Prevention Code at the dead-end of Arrowcrest Place and Redfern Place.
 - e. Developer shall install or bond all streets and sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
 - **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall record a final plat in the office of the Register of Deeds.
 - **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Willard Road.

PUBLIC HEARING - November 13, 2003

Chad Hall presented the staff report.

FOR:

Jim Hundley, P. O. Drawer 2086, High Point, NC 27261

- We have a number of people here who are registered to speak, but planned to speak only if you have questions for them.
- Introduced the other team members.

Peter Tatge, ESP Associates, 2857 Westport Road, Charlotte, NC 28208

- Presented photos.
- We have a good plan. We've had a number of meetings with staff. We had a neighborhood meeting back in October and had 12-15 people attend. We are still in active discussion with them and working to meet their concerns.
- The project complies with *Legacy*.
- This will be a good addition to the community.
- We have looked at traffic and our traffic engineer will talk about that in a moment.
- We would ask for your favorable recommendation on this.

Brock LaForte, 2857 Westport Road, Charlotte, NC 28208

- We did not do a complete traffic study, but I was brought on board to look at traffic. I gathered all traffic counts in the area. The roads in this area are not close to capacity.
- If you look at existing traffic, Willard Road has 1,100 cars and can handle 11,000. This project is not going to make a significant difference.
- Thomasville Road is proposed for road improvements and eventually widening.

Jim Hundley, P. O. Drawer 2086, High Point, NC 27261

- As our first foray into Forsyth County, we have found this to be a very enjoyable experience, not only working with the Planning staff but getting to meet many of the fine neighbors in this neighborhood.

AGAINST:

Michael (Mo) Hartley, Director of Archaeology at Old Salem, Box F, Salem Station, Winston-Salem, NC 27108

- The tract considered for rezoning today is located in Historic Friedland, one of the six communities established before the revolutionary war by the Moravians of Wachovia.
- In August, my department concluded a sixteen-month study on Friedland, Friedburg and Hope, the three country congregations which with the three towns of Salem, Bethabara and Bethania were the Wachovia system built by the Moravians in the Colonial period.
- Brought copy of report.
- Salem, Bethabara and Bethania are already recognized as National Historic Landmarks. The Southern Country congregations, including Friedland, have the same merit. Because they are rural communities, laid out in farm lots oriented to their church and school, they are not easy to see or understand.
- This site is in the heart of the lower tier of Historic Friedland where an important group of historic lots and archaeological sites survive today. After 230 years, these lots are very much intact on the current tax maps.
- This is one of the most significant historic landscapes we have found in Forsyth County and in the Wachovia Tract.
- This area merits detailed planning and study that does not currently exist.
- The Planning Board has expressed the need for better planning to prevent sprawl into rural areas. This is an opportunity to address that situation.

- Our community can grow without destroying our historic resources.
- It is my opinion that approving this zoning will significantly impact this area and set a precedent for further development.

Watt Dufour, 3145 Willard Road, Winston-Salem, NC 27107

- My wife and I live on 11 acres bordering this site.
- My concerns are traffic impact. The impact of this proposal could raise the traffic count to 3,000 on Willard Road.
- This would produce more traffic accidents and faster deterioration of the road.
- The only entrance to this site is in an “S” curve.
- Southbound US 109 turning onto Willard Road will result in more congestion at a very sharp turn.
- A few houses is fine, but 180 is a lot of houses to put in this area.

Mary Alice Vogler gave her time to Mr. Charles.

Ronnie Charles, 2370 Union Cross Road, Winston-Salem, NC 27107

- I’m here to represent my community and property owners in this area. Four farms adjoin this site. As you enter this area, you quickly begin to see farms and large lot residences.
- Cattle still roam our pastures and bottom land and tobacco is still actively farmed.
- Slow-moving farm machinery still uses our roads and moves through our community.
- If Winston-Salem didn’t annex us, they didn’t expect intense development in this area.
- Read list of concerns.
- This project does not fit the nature of our community.
- In response to a request by the speaker, approximately 35 people stood to show their opposition to this request.

WORK SESSION

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

1. A traffic impact study (TIS) was not required because it is a residential project. The TIS text amendment which the Planning Board recommended limited the requirement to commercial development. Recently, traffic impact studies have been submitted for a couple of residential projects, however those projects are considerably larger than this one.
2. It was noted that the total number of students listed in the staff report was incorrect. Instead of 3,501, the correct estimate of additional students as a result of this development is 175.
3. The Historic Resource Commission just received this study last week. There has been no study to determine if these lands would be historically designated.
4. Under current zoning the site could be developed much more extensively than is proposed on this site plan.

5. Local historic property regulations only address structures and not lot platting.
6. The conclusion from this initial study is that there is stuff of merit in this area. There may be further studies of this area.
7. Historic Districts which do not contain historic structures can be created. However, that is very new ground.
8. This appears to be a moment where we need to stop and review the situation more closely.
9. The developer currently owns this property. He will develop it either as 91 units on one-acre lots as is currently approved for this site, or according to this plan which preserves 43% open space.
10. A lot of the open space is a ravine.
11. There would be a homeowner's association.
12. The open space and buffer should remain intact, but the rear to rear lots line will have to be graded.
13. There is no proposed connection at the intersection of Willard, Southland, and Thomasville Road because NCDOT didn't want one.
14. Questions which the Planning Board would like addressed at the next meeting:
 - What is the historic value of the open space.
 - Can this new report have a positive impact on this zoning request?
 - How many people in this area would be willing to put restrictions on their property for 50 years or whatever?
 - What percentage of owners and acreage in the 500-600 acres are willing to put limitations that would restrict them from selling their property for anything other than what it is currently in use for?

MOTION: John Bost moved continuance of the zoning map amendment and site plan to December 11, 2003.

SECOND: Carol Eickmeyer

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - December 11, 2003

Chad Hall updated the Planning Board on the findings of staff made at the request of the Planning Board since the November 13, 2003 meeting.

NOTE: The Public Hearing was held and closed on November 13, 2003. The Planning Board was in work session when the motion for continuance was made.

The Planning Board agreed to give each side 5 minutes to address any new information.

FOR:

Jim Hundley, 1912 East Chester Drive, High Point, NC 27265

- We really don't have a lot of new information for you.
- I spoke with Mr. Hartley but didn't come away with any new ideas on what could be done.
- However, he referred me to Ronnie Charles. We met with Mr. Charles and several other members of the community. We had a very open, candid meeting.
- There are a few minor things that we could agree upon, but in general, we were miles apart.
- We considered reducing the number of units to 145-150. However, the amenities were based on the number of units and could only be included because of the number of units.
- Neighbors are looking to preserve heritage. As I look at this project, it's apparent to me that this project is much more compatible with the development along Thomasville Road than is farmland which bottoms out here.
- This development could be a buffer for the area.
- We believe this project will be of more value to the economy and the community.
- We request your approval.

AGAINST:

Watson DuFour, 3145 Willard Road, Winston-Salem, NC 27107

- We've been trying to get educated over the last 30 days. I'd like to make a recommendation: Please leave the zoning AG. That allows development of 90 homes and the open space is comparable.
- Regarding the area plan, 2009 is a long time to wait for an area plan. I would request that the Planning Board increase the priority of the area plan for this area.
- *Legacy* does not afford protection for this area. We ask this Board to provide time for our neighborhood to investigate means to preserve our rural heritage.

Michael Hartley, Drawer F, Salem Station, Winston-Salem, NC 27108

- Referred to memo indicating staff's findings.
- This is a planning issue requiring City-County leadership.

- If the zoning system cannot recognize, address, and provide for such significance, then rezoning becomes a risky and a dangerous business because it reflects a significance that the plan and the system doesn't provide for.
- Any resolution will require careful thought, innovative thought, and time spent on a very real problem.

WORK SESSION

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

1. The AG District requires 35% open space. This plan leaves 43%.
2. Jimmy Norwood: I am still concerned about the historic value of the land. However, staff has done an excellent job and based on what they have brought back, I support this request.
3. John Bost: I agree with Mr. Norwood, and what is being requested here is probably best suited per *Legacy*. At the same time, I don't feel the system is accommodating and allowing the flexibility needed to review a project with this level of historic character.
4. Paul Norby: Having 43% open space and two units/acre in a suburban area is very low density for a suburban area. I really think the folks in this area could learn from how Bethania did their preservation because Bethania has been designated as a national register site and recently as a National Landmark site. All the preservation they've done there has, to date, been without the benefit of a local district. They have done that themselves by putting conservation easements, deed restrictions, on their properties to prevent development. I really think conservation easements may be the fastest way to provide protection for this area.
5. John Bost: I pushed for the continuance in hopes that we would have some indications that the neighbors were proceeding with conservation efforts. I haven't heard that.
6. Carol Eickmeyer: What options do we have with the area plan schedule? Paul Norby: You can review the area plan schedule (adopted by the Board in September 2003) and decide if you want to change it.
7. Arnold King: This property stayed on the market for six years. It is in a suburban area, utilities are accessible, and it is unusual that it would be on the market that long.
8. There's nothing to keep this from being developed right now in a much less desirable manner.
9. Carol Eickmeyer: It's a very good plan. I think the residents are asking for some help in keeping the area from going this way. I hope that means the residents are willing to step up to the plate and do some work on it. We haven't exactly heard that. Paul Norby: Staff would be happy to provide some contact with the Bethania folks who worked to get their area recognized historically.
10. Paul Mullican: We have more control with this plan than if the zoning is left as AG. Any time you have a plan, you have more control over it.

11. Jerry Clark: This is a tough thing to make a decision on. America is starting to lose her history. But the Planning Board is between a rock and a hard place because the petitioner can already do some things out there which impact the historic nature and value of the land.
12. John Bost: I want to make sure we have given adequate indication that the community needs to do something if they want to preserve this area. I feel we have make that as plain as possible.
13. Carol Eickmeyer: Let's discuss the area plan schedule at our next work session.

MOTION: Jimmy Norwood moved approval of the zoning map amendment.

SECOND: Arnold King

VOTE:

FOR: Bost, Clark, Folan, King, Mullican, Norwood

AGAINST: Eickmeyer

EXCUSED: None

SITE PLAN MOTION: Jimmy Norwood certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jerry Clark

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, King, Mullican, Norwood

AGAINST: None

EXCUSED: None

Written Comments From the Planning Board:

Carol Eickmeyer: This needs to receive serious consideration. The plan is very good. I could approve the plan, but this is an important piece of history and we need to think about it.

According to information furnished on December 12, 2003 by the Office of the Tax Assessor, the subject property was in the name of Eastwood Development Corporation.

A. Paul Norby, AICP
Director of Planning

MEMORANDUM

TO: City-County Planning Board
FROM: A. Paul Norby, Planning Director
DATE: December 4, 2003
RE: F1399

During your deliberations for case F1399 at the November Planning Board Public Hearing, you requested additional information concerning how an agricultural/rural/historic district could work with current state enabling legislation and the UDO. You wanted to know how it would/could protect the archeological assets and the “rural-ness” of the area surrounding and including the subject property and how it would fit into the overall processes for historic preservation currently implemented by the Historic Resources Commission. Additionally, you wanted to know if it made sense in the context of the overall growth strategy for Forsyth County to make the Friedland area a “Rural” area on the Growth Management Plan contained in *Legacy* (thus removing it from its current designation of “Suburban Neighborhoods” within the Municipal Services Area). In response, staff offers comments in three sections; first, we will address the type of district that could be established and the protection provided by each; second, we will address the implications of amending *Legacy*, if desired. Finally, a third alternative is offered which depends on “grass roots” efforts to place conservation restrictions on properties in the Friedland area by all of the property owners.

Historic Preservation Component

Friedland is one of the 3 Moravian country congregations established in the late 18th century. As such, it is one of the most significant historic rural areas remaining in Forsyth County. Various historic preservation tools are available to address areas such as Friedland, though none are without inherent difficulties.

National Register:

Creation of a National Register of Historic Places district in Friedland would be a logical next step in studying the area. The National Register would provide an inventory of properties in the Friedland, set boundaries that are justifiable, and provide a thorough description of the history, integrity, and significance of the area. However, while National Register listing is an honor, will provide beneficial recognition of Friedland, creates investment tax credit options, and will provide a measure of protection from intrusive federally and state-financed projects, it will not prohibit private development. The National Register has no impact on what a private property owner may do with their property, so long as no federal or state funding is involved. Thus, a property can undergo rezoning or be developed under existing zoning as permitted by the UDO, despite the presence of a National Register District.

Local Historic District:

Under current state enabling legislation, a locally zoned historic district could be considered in Friedland. This would be based upon the historical and cultural significance of the area, combined with the physical integrity of archaeological sites, rural landscapes and viewsheds based on the historic platting of the land. The process to create local historic districts is established in the UDO (Chapter B, Article IV, Section 4-5.3), and that process would be used to create a rural historic district such as Friedland. Ultimately, the

creation of a locally zoned historic district follows the same procedure as any rezoning petition. The item would come before the Planning Board as a public hearing – the Planning Board’s recommendation would then go before the elected body in a public hearing, where the final decision would be made. As part of the process to recommend the creation of a district, the Historic Resources Commission would have to oversee the preparation and adoption of design review guidelines for that district. Once the district is adopted, all decisions of the Commission must then be based upon those guidelines. In summary, the tools for establishing and implementing a local historic district in Friedland are already in place in the UDO.

However, while the establishment and start-up processes are the same, in actuality, a locally zoned historic district in Friedland might not achieve the results desired by residents and property owners who wish no or little development. There are two different types of local historic districts permitted in North Carolina. The first of these is a separate use historic district. Old Salem and Bethabara are the only districts in the State utilizing this type of district. With separate use historic district zoning, permitted uses are established for the area – the process works just as any other zoning classification. Such districts are typically used for museum-quality areas. Realistically, the creation of a separate use historic district in a rural area would be extremely difficult to achieve as most property owners do not want uses restricted as much as separate use zoning typically establishes.

The other type of historic district is the overlay district - 99% of the local historic districts in North Carolina are historic overlay districts. This type of zoning retains the underlying zoning, yet lays the design review process over it. For instance, if a McDonald’s restaurant is permitted in the zoning, the historic district regulations could not prohibit its establishment, but could regulate the design of the building and site. For urban neighborhoods (where typically one finds historic districts) overlay zoning works well. However, in a rural setting, an overlay may not have the desired results. For instance, if the underlying zoning permitted a certain density subdivision, the historic district regulations could not prohibit its development. According to the State Historic Preservation Office, it may not even allow the historic preservation commission to approve or deny the subdivision plat, until it is actually going forward to be constructed. In such an overlay district, the development of an archaeological site could be denied. Also, historic overlay zoning could require that buildings in a subdivision meet the design guidelines and be located on lots in such a manner that the impact is lessened. Yet it will not, as a whole, completely diminish the impact of a subdivision on rural land. Such can only be achieved by requiring cluster design in the underlying zoning – or to downzone the land to create a literal agricultural district. In North Carolina, there is currently only one locally zoned rural historic overlay district, the Oak Ridge Historic District located in Guilford County. Development in that district has not been prohibited. In fact, a shopping center has been established on formerly rural, undeveloped land, and a new CVS pharmacy is currently under construction in the district.

Conclusion:

As outlined above, there are three (3) preservation options that are available that could provide some level of preservation for the subject property and the surrounding archeological/rural assets. None of them, however, are perfect and/or would prevent the type of development project that is proposed in case F1399. The option that affords the greatest level of protection – the separate use historic district – does not appear likely given the sheer size of the area, the diverse mix of property owners in the Friedland area, and the restrictive nature of the district. The National Register Designation provides the least protection for development with private funding sources – as is the case with F1399 – and thus offers no protection in this instance (it does limit development when State and/or Federal funds are being used [i.e., road projects, HUD projects, etc.]). The last option – an historic overlay district – would require any petitioner for development to apply for a Certificate of Appropriateness permit that must be reviewed by the local Historic Resources Commission for consistency with the design guidelines.

Legacy Component

Legacy, the comprehensive plan for Forsyth County and all of its municipalities, contains a Growth Management Plan that recommends generalized development patterns for the next fifteen (15) years for the entire County. This plan shows the subject property in case F1399 as falling within the Municipal Services Area boundary in the Suburban Neighborhoods category.

In order to minimize sprawl and maximize the community's return for existing public investments, all areas that were served by municipal-like services (both water and sewer) were designated for more intense growth and in-fill development. These Municipal Services Areas were further subdivided into three (3) categories – City/Town Centers, Urban Neighborhoods and Suburban Neighborhoods. The subject property for F1399 is at least nine (9) miles from any property designated as a Rural Area in *Legacy*. Also, a small area plan has been developed for the southeastern portion of the County. This draft plans recommends conservation-type developments be encouraged in parts of the Future Growth Area through the subdivision process. The proposed subdivision layout in case F1399 has some similarities to what was recommended for the southeastern part of the County, in that it sets aside 43% open space, which is close to the 50% open space recommended in the plan.

The idea has been mentioned that *Legacy* might be amended to designate the Friedland area as Rural. However, it may not look as logical on the Growth Management Plan map unless a much larger area is also designated as Rural Area. According to *Legacy*, the Rural Area is located outside of the Future Growth Area and beyond that area that can be provided with public sewerage and other services in a cost-effective manner. The subject property in case F1399 does not meet this definition for Rural Area as shown in *Legacy*.

In conclusion, I would recommend against amending the Growth Management Plan map to designate the Friedland area as Rural, since utilities are readily available to this area, and there is no logical connection to any other Rural Area already indicated on the map.

A “Grass-Roots” Model of Conservation

Perhaps the most effective tool is available to the property owners of the area, who could initiate action themselves to preserve the historic rural nature of the area. The property owners could agree to act in unison to place conservation easements on their property, restricting development in any way they see fit. These restrictions could be mapped as to the portions of tracts that would remain undeveloped, allowing for development to be minimized and placed where it has the least visual impact on the open character of the land. Once recorded, the restrictions would run with the land and be applicable to subsequent owners. Additionally, there are financial benefits available to property owners for placing voluntary conservation easements on their properties. Similar restrictions have been used to retain the historic open spaces in the Bethania community, in the northern portion of the Wachovia tract.