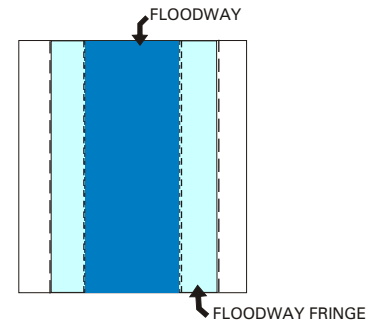


DOCKET #: F1364
 (Continued from 4/11/02
 CCPB meeting)

PROPOSED ZONING:
 RM8-S (Residential
 Building, Multifamily;
 Residential Building,
 Townhouse)

EXISTING ZONING:
 RS9

PETITIONER:
 Centex Homes for
 property owned by others



SCALE: 1" represents 600'

STAFF: Hall

GMA: 3

ACRE(S): 28.8

MAP(S): 588850, 588854,
 594850, 594854



May 22, 2002

Centex Homes
556 Arbor Hill Road, Suite L
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT F-1364

Dear Sirs:

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
Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
Allen Davenport, 678 Fillgate Drive, Winston-Salem, NC 27104
Mr. Thomas Litchard, 6030 Woodcove Road, Winston-Salem, NC 27104
Mr. Wayne J. Gilley, 6015 Woodcove Drive, Winston-Salem, NC 27104

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Centex Homes for property owned by Clint F. Bodford, Martha Bodford, and CTMA LLC

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Centex Homes for property owned by Clint F. Bodford, Martha Bodford, and CTMA LLC from RS-9 to RM-8-S (Residential Building, Townhouse): property is located on the east side of Styers Ferry Road across from Woodcove Drive (Zoning Docket F-1364).

After consideration, the Planning Board recommended approval of the rezoning petition.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

—

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Centex Homes for property owned by Clint F. Bodford, Martha Bodford, and CTMA LLC, Docket F-1364

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-9 to RM-8-S (Residential Building, Townhouse) the zoning classification of the following described property:

Beginning at the Southwest corner of Tax Lot 105 and continuing along Styers Ferry Road N 11° 06' 35" E 472.21' to a point; Thence continuing along Styers Ferry Road N 15° 16' 16" point; Thence adjoining the property of Longco, Inc., Tax Lot 402 Block 4429 the next following calls:

N 87° 51' 33" E 53.54' to a point;
S 70° 31' 24" E 43.49' to a point;
S 52° 05' 13" E 131.82' to a point;
S 78° 36' 17" E 65.80' to a point;
S 58° 19' 58" E 125.72' to a point;
S 53° 22' 43" E 46.10' to a point;
S 66° 58' 47" E 126.58' to a point;
S 40° 24' 34" E 48.59' to a point;
S 67° 22' 16" E 244.31' to a point;
S 64° 01' 54" E 69.88' to a point;
S 39° 42' 40" E 126.99' to a point;
S 17° 05' 05" E 110.01' to a point;
S 47° 45' 15" E 149.83' to a point;
N 82° 52' 50" E 66.96' to a point;
S 60° 38' 40" E 128.53' to a point;
S 83° 46' 30" E 512.34' to a point;

Thence along the branch at Tax Lot 105 Block 4429 S 25° 05' 52" W 342.55' to a point; Thence adjoining the Nottingham Subdivision N 87° 54' 50" W 1866.53' to the point and place of beginning being informally known as Tax Lot 104 and a portion of Tax Lot 105 Block 4429.

Section 2. This Ordinance is adopted after approval of the site plan entitled Fox Ridge Centex Homes, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Centex Homes for property owned by Clint F. Bodford, Martha Bodford, and CTMA 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 Fox Ridge Centex Homes. 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 Centex Homes for property owned by Clint F. Bodford, Martha Bodford, and CTMA LLC (Zoning Docket F-1364). 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 RM-8-S (Residential Building, Townhouse), 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 RM-8-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 grading along the stream defining the northern edge of the property shall be flagged in the field.
 - b. Developer shall obtain a DENR water quality permit.
 - c. Developer shall stabilize slopes within 15 days of achieving final grade.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
 - b. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show tentative building locations and all access and utility easements.
 - c. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Tomahawk Creek. Planning staff shall approve the location of said greenway easement. Easement shall be shown on final plat.
 - d. Developer shall establish negative access easements along Styers Ferry Road. Easement shall be shown on final plat.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements on Styers Ferry Road to the

specifications of the NCDOT. A driveway permit is required.

- b. All required fire hydrants shall be installed in accordance with the County Fire Department.
- c. Landscape plantings shall be installed at locations as shown on the approved site plan. All plants shown on the site plan shall meet the minimum size requirement of UDO Section 3-5.3 (B).

- **OTHER REQUIREMENTS**

- a. Signage shall be limited to two (2) monument signs with a maximum height of five (5) feet.

ZONING STAFF REPORT

DOCKET # F-1364

STAFF: S. Chad Hall

Petitioner(s): Centex Homes

Ownership: Clint F. Bodford, Martha Bodford; CMTA LLC

CONTINUANCE HISTORY: The petition was continued from the April 11, 2002 Planning Board Public Hearing to allow the petitioner time to work out site plan design issues with the staff. The petitioner has met with the neighborhood and staff to discuss the issues. Substantial site plan improvements have been made in response to staff suggestions and staff now believes that the current plan adequately addresses staff's concerns with respect to the compatibility issue.

REQUEST

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

To: RM-8-S Residential Multifamily District; maximum density eight units/acre
(Residential Building, Townhouse)

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

Acreage: 28.8 acres

LOCATION

Street: East side of Styers Ferry Road across from Woodcove Drive and Hollow Wood Court.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: 124 Residential Building, Townhouse units

Square Footage: 140,105.

Building Height: 45-foot maximum.

Density: 4.29du/acre.

Parking: Required: 217; proposed: 283 (garages and driveways).

Bufferyard Requirements: Type II against RS-9.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Property is currently undeveloped.

Adjacent Uses:

- North - Tomahawk Creek and L.A. Reynold's Garden Showcase zoned HB-S.
- East - Vacant land zoned RS-9.
- South - Single family residences zoned RS-9.
- West - Single family residences zoned RS-9.

GENERAL AREA

Character/Maintenance: Well-maintained single family homes and low intensity highway business.

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site is undeveloped and includes some sensitive environmental restraints.

Topography: There is an approximate change in elevation on the subject property of 100' (from elevation 828' in the southwest down to elevation 728' along the creek on the northern property line). The site plan shows a considerable amount of grading adjacent to the creek.

Streams: Reynolds Creek and Tomahawk Creek define the northern edge of the property.

Vegetation/habitat: The subject property is mostly vegetated.

Floodplains: There is FEMA regulated floodplain on the subject property (both floodway and floodway fringe). Any fill placed within the floodway fringe must meet the requirements of the UDO (only half of the distance between the limits of the floodway fringe and the floodway may be filled).

Wetlands: A portion of Reynolds Creek is designated as an R4SBCx wetland (riverine, intermittent, streambed, seasonally flooded, excavated). Wetland proposed to remain undisturbed.

Watershed: Site is not within the boundaries of a water supply watershed.

Compliance with Federal/State requirements for wetland/stream protection: May need permits for wetland disturbance. Sedimentation and Erosion Control plan must be submitted and followed. Must meet all federal, state and local requirements regarding development within a floodplain.

Comments: May need a Section 404 permit from the Army Corp of Engineers and a Wetlands/401 Certification from the North Carolina Department of Environment and Natural Resources, Division of Water Quality for any work within the wetlands. Per UDO, the developer is responsible for securing all necessary State and/or Federal permits. Compliance with the State and local Erosion Control provisions will be required for this project. Site plan does not show encroachment into flood plain or wetland areas.

TRANSPORTATION

Direct Access to Site: Styers Ferry Road; Shallowford Road; Remington Drive; Phillips Bridge Road.

Street Classification: Styers Ferry Road - major thoroughfare; Shallowford Road - minor thoroughfare; Remington Drive - collector; Phillips Bridge Road - minor thoroughfare.

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

Styers Ferry Road between Phillips Bridge Road and Shallowford Road = 6,200/11,100

Shallowford Road between Styers Ferry Road and proposed Northern Beltway = 6,000/11,100

Phillips Bridge Road between Country Club Road and Styers Ferry Road = 2,100/11,100

Trip Generation/Existing Zoning: RS-9

28.8 acres x 43,560/9,000 = 139 units x 9.57 (SFR Trip Rate) = 1,330 trips per day

Trip Generation/Proposed Zoning: RM-8-S

124 units proposed x 6.63 (Apt. Trip Rate) = 822 trips per day

Sight Distance: Good.

Interior Streets: Public.

Connectivity of street network: The site plan shows two public street connections to Styers Ferry Road and a public street extension of Fillgate Drive from existing single family residential to subject property.

HISTORY

Relevant Zoning Cases:

1. F-1187; RS-9 to RM-8-S (Nursing Care Institution); withdrawn at February 24, 1997 Board of Commissioners meeting; east side of Styers Ferry Road across from Hollow Wood Court and also along south side of Reynolds Creek; 9.56 acres; Planning Board and staff recommended approval.
2. F-866; B-3-S and R-6 to B-3-S (multiple business uses); approved November 23, 1987; east side of Styers Ferry Road south of Country Club Road; 37.10 acres; Planning Board and staff recommended approval. NOTE: This is the L.A. Reynolds Garden Center immediately north of the current site.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* encourages infill development, at higher densities where appropriate, within the Municipal Services Area. However, *Legacy* also states that infill should be compatible with the existing neighborhood and address the concerns of existing residents in the area.

Area Plan/Development Guide: Site is not within the boundaries of a development guide or an area plan.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: *Legacy*; Draft Greenway Plan.

Greenway/Trail Name: Tomahawk Creek Trail.

Easement Requested: 40 feet.

Side of Creek: South side.

Comments/Status of Trail: It is intended that this proposed trail will connect neighborhoods located along the trail to Lewisville's town center to the west and also link these neighborhoods to the Muddy Creek trail to the east via the proposed Reynolds Creek Trail, thus linking Lewisville and Winston-Salem by a walking and biking trail.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 32 students to the system, as indicated by the following chart.

Project	Number Units	Schools	Projected Students from Project	2001-2002 Enrolled Students	2001-2002 Projected Students with Accumulated Totals since 4/24/01	School Capacity
Fox Ridge Townhouses	124	Meadowlark Elem	15	811	826	660
		Meadowlark Mid	7	1235	1242	825-930
		West Forsyth High	10	1351	1361	874-1192

ANALYSIS

The current request is to rezone 28.8 acres from RS-9 to RM-8-S (Residential Building, Townhouse). The site is situated on the east side of Styers Ferry Road opposite a single family residential neighborhood. The site is also situated between a single family residential neighborhood to the south and an HB-S zoned landscape nursery and garden center to the north across Tomahawk Creek.

The site falls into a transitional area between single family detached dwelling units and a Highway Business zoning classification. However, Tomahawk creek, along the northern boundary of the site, creates a natural buffer between the relatively low intensity use of the HB-S district and the subject property. Due to that natural separation, the subject property could be viable as a continuation of single family zoning. However, *Legacy* generally supports infill development at higher densities within the municipal services area. *Legacy* also states that infill should be compatible with the existing neighborhood and address the concerns of existing residents in the area.

The site plan shows that environmentally sensitive areas of the site will be substantially preserved. Tomahawk Creek converges with Reynolds Creek along the eastern edge of the subject property, providing migration and habitat for a variety of species of wildlife. The preservation of the environmentally sensitive areas is an asset to the site. The proposed site plan shows a greenway connection along the entire length of the property adjacent to Tomahawk Creek. Staff notes that the interior of the site would be cleared extensively for the proposed townhome development; however, substantial clearing would also likely occur with single family development on this tract as well.

Staff is supportive of the proposed two points of access onto Styers Ferry from the site as well as a connection to a stub to the south from Fillgate Drive which would help disperse traffic.

Given the location of the property between Highway Business and single family residential uses, staff is generally supportive of the proposed RM-8-S zoning as a transitional land use. The overall density of the project at 4.16 units per acre is equal to or less than the current RS-9 zoning which could support single family densities up to 4.84 units per acre. On this basis, traffic and other impacts associated with the proposed townhouse development should be significantly less than the current RS-9 zoning.

Staff is concerned, however, about how the design and site plan of the proposed townhomes relates to the established single family neighbors. Specifically, staff is concerned about the design and layout of the rear buildings and their proximity to the single family neighbors, and the need to better define interior streetscape spaces and courtyards. Additionally, large variety street trees and other landscape material would be beneficial in keeping with the mature wooded character of the surrounding area. Based on staff recommended revisions to the current site plan, which reduces the number and scale of proposed townhome buildings and the proposed addition of landscape plantings, staff now believes that these issues have been adequately addressed.

FINDINGS

1. The site is situated between a residential neighborhood and a relatively low-intensity highway business use.
2. The site is an appropriate location for infill, as recommended by *Legacy*.
3. The townhouse use at 4.16 units per acre density is a good transition between HB-S north of the property and RS-9 to the south.
4. The site plan provides for a greenway easement along Tomahawk Creek.

5. The site plan incorporates the preservation of sensitive environmental areas, as recommended by *Legacy*.
6. The site plan illustrates multiple connections to Styers Ferry Road and a connection from Fillgate Drive, dispersing traffic, as recommended by *Legacy*.
7. Staff could generally support an appropriately designed townhome development which addresses compatibility issues.
8. With staff recommended revisions, staff believes that the proposed site plan adequately addresses compatibility issues with the established neighborhood to the south.

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 grading along the stream defining the northern edge of the property shall be flagged in the field.
 - b. Developer shall obtain a DENR water quality permit.
 - c. Developer shall stabilize slopes within 15 days of achieving final grade.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
 - b. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show tentative building locations and all access and utility easements.
 - c. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Tomahawk Creek. Planning staff shall approve the location of said greenway easement. Easement shall be shown on final plat.
 - d. Developer shall establish negative access easements along Styers Ferry Road. Easement shall be shown on final plat.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements on Styers Ferry Road to the specifications of the NCDOT. A driveway permit is required.
 - b. All required fire hydrants shall be installed in accordance with the County Fire Department.
- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to two (2) monument signs with a maximum height of five (5) feet.

PUBLIC HEARING - April 11, 2002

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

Represent Centex Homes.

This is a proposal for 120 townhouse units for sale.

This is a rough site.

Centex Homes is going to develop this property either as the proposed townhouse development or under existing zoning.

The proposed townhouse development brings less impact than a traditional single family neighborhood. Under the proposed plan, buildings would be consolidated and more green space would be provided.

We would like to not have to connect to Fillgate. Neighbors would like us not to connect. We think an emergency access between the two neighborhoods would be the best solution.

Each townhouse will have a garage.

In reviewing the staff report, you think you're going to get a recommendation for approval until you get to the very last line.

There is little effect on traffic, streets, schools, transportation. It will provide housing for people who need housing.

Centex creates a Homeowners Association and controls that until there's 75% occupancy rate.

This design is environmentally sensitive to the wetlands.

AGAINST:

Allen Davenport, 678 Fillgate Drive, Winston-Salem, NC 27104

Mr. Davenport asked those who were present in opposition to this request to stand. A approximately 30 people stood in opposition to this request.

The only thing we did agree with Centex Homes on was that we don't want a connection at Fillgate Drive. We don't want to see traffic directed through our neighborhood.

Displayed photographs of the neighborhood.

This is a challenging area to develop because of the contours of the land. Our developer did a very nice job.

We saw samples of houses that Centex was proposing. The biggest thing that jumped out at us was that the buildings are six-unit buildings. This is an unappealing approach to housing and reminds you of mini-warehouse self-storage units.

There's very little space between buildings. With this type of arrangement, change in elevation is difficult.

My house is on higher ground so I could see directly into people's houses.

This proposal involves severe grading of a property that could be developed in a very attractive manner. Flattening out the land doesn't take advantage of the contours of the land or the view.

This site, if developed as proposed, will be very visible and noticeable to traffic and neighbors.

Mr. Thomas Litchard, 6030 Woodcove Road, Winston-Salem, NC 27104

Why did the transportation advisory committee recommend a six-lane builtway to take traffic off this road if it wasn't overburdened already? Traffic backs up on this road.

If this development comes in here, we will have to move out. The place will not be livable.

Mr. Wayne J. Gilley, 6015 Woodcove Drive, Winston-Salem, NC 27104

I'm in total agreement with the previous two speakers.

My major concern is traffic. We're talking about two more "T" intersections. This road is a major cut-through. Increasing traffic by 300 automobiles here and 300 there creates a problem. I think the priority should be the roads.

WORK SESSION

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

Kerry Avant - If the property is developed, a lot of the things you are objecting to are going to happen anyway, but there wouldn't be a public forum for you to comment on. The one plus to this proposal versus the currently allowed single family is that traffic would be less under this proposal. This type of home-ownership usually creates less trips per day than single family with a comparable number of units.

Kerry Avant - I agree with the neighborhood that connecting Fillgate Drive (in this particular situation) will create a cut-through. I would be in favor of some type of emergency connection.

In response to a question by John Bost, Jeff Jackson, 556 Arbor Hill Road, Kernersville, NC 27284, representing Centex, stated that this particular product serves a portion of the market which is underserved in this area at this time. We look at traffic implications and school implications.

Jimmy Norwood - I think the elements we don't like on this plan are caused by the topography of the land which we can't resolve. This plan seems to have a lot of elements that support *Legacy*. It has common space and a traditional neighborhood look. We aren't architectural police and therefore can't say whether it's in keeping with what's going on there already.

In response to a question by Jimmy Norwood, Chad Hall stated that the plan has many positive aspects. The primary concern of staff was the transition zone. The use is not necessarily of concern, but the way it's being implemented is of concern. Glenn Simmons added that the petitioner did not feel they could go to another type of unit.

John Bost asked if a continuance would be helpful. Steve Calaway indicated that the developer was willing.

Terry Powell - if we want to develop townhomes in and near neighborhoods, this is an ideal situation to work.

MOTION: John Bost moved continuance of the zoning map amendment and site plan to May 9, 2002.

SECOND: Terry Powell

VOTE:

FOR: Avant, Bost, Clark, King, Norwood, Powell

AGAINST: None

EXCUSED: None

PUBLIC HEARING - May 9, 2002

PUBLIC HEARING

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

I'm here on behalf of Centex Homes.

The mass of the buildings along the south line have been reduced, more in keeping with the homes on the south.

The people who live south of this site feel like their streets are minimal at best. They feel that additional traffic would be detrimental. I suggest that we leave a way for emergency ingress/egress and utility easements. I don't think it's best for this particular neighborhood to the south to have the connection.

Substantial vegetation has been added to the perimeter of the site. The retaining wall has been reduced in height. We've talked about a safety fence along the top of the retaining wall.

AGAINST:

Mark Hogan, 805 Ellington Drive,

Most mornings we have a backup on Styers Ferry Road going all the way back to Phillips Bridge.

You have to ask how many people will be leaving this property in the morning. I think first of all you are going to create a traffic nightmare.

Fillgate is a very tranquil environment. The beltway has put a distressful atmosphere in

this area. This area has a tremendous number of kids. The 20 mph speed limits are rarely adhered to.

Steve Steelman, 681 Fillgate Drive, last property right before the proposed plan

If you open up Fillgate, one of the things that is going to be changing any with the beltway coming through, is that Remington Drive is going to be blocked off at Styers Ferry.

Philips Bridge Road will be reconfigured to join Styers Ferry where Remington is now.

We just had our streets redone in the past couple of years. They are only tar and gravel. I don't think they could hold up to too much more traffic.

I strongly recommend that Fillgate not be cut through.

Al Davenworth, 678 Fillgate Drive

My house is adjacent to the property in question.

When we moved here 10 years ago, we thought the cut through would go to similar housing as is currently in our neighborhood. We feel this will create a negative impact on our neighborhood.

We know *Legacy* calls for multifamily between commercial and single family, but the commercial is L A Reynolds Garden Showcase which isn't a tremendous impact on single family and there is also a creek which separates us. We ask you to deny the zoning so this land can be used as single family, not multifamily.

WORK SESSION

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

Planning Board members asked Mr. Causey questions during the work session. His comments are below.

Steve Causey, Allied Design, 4720 Kester Mill Rd., Winston-Salem, NC 27103

In decreasing the foot print of the building, it allowed them to relax the grades where they had previously had retaining walls. They softened the slopes and are providing more natural slopes and eliminated about 80 linear feet of wall on the eastern end, near Fillgate Drive. The height, at the highest point, was probably not reduced any on that eastern end, maybe a foot or two minimum. Basically, adjacent to the Davenport Property is where most of the wall was eliminated. There is a maximum height of 10 feet for the entire wall. There will be some type of metal type rail or fencing atop the wall. When asked about the grade and what level the 10 feet was above, Mr. Causey replied that it was on the apartment side of the property. It basically slopes from the rear yard of the townhome building and then the retaining wall begins at the back of the yard, up to its full height maximum of 10 feet. The 10 feet is on the apartment side. There is actually approximately 20 + feet from the top of the wall to the adjoining property owner.

Staff is now recommending approval with the cut-through, based on the changes the petitioner made. The changes were not submitted until after the agenda books were

mailed.

DOT didn't have significant concerns with the curve on Styers Ferry Road.

Arnold King - The proposed zoning has less trips than the existing zoning.

John Bost - It seems the primary opposition is traffic and this actually provides less traffic. I think as much as can be, the site plan has been softened.

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood, Powell

AGAINST: None

EXCUSED: Doyle

SITE PLAN MOTION: John Bost certified that the site plan meets all code requirements and recommends staff conditions with the cut-through on Fillgate as staff has recommended.

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood, Powell

AGAINST: None

EXCUSED: Doyle

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Clint F. Bodford, Martha Bodford, and CMTA, LLC as of March 5, 2002.

A. Paul Norby, AICP
Director of Planning