



**DOCKET #:** F1325

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

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Adams Egloff Avant  
Properties, LLC

**SCALE:** 1" represents 400'

**STAFF:** Hughes

**GMA:** 4B

**ACRE(S):** 37.63

**MAP(S):** 624822

October 18, 2000

Adams Egloff Avant Properties, LLC  
c/o Kerry Avant  
150 Charlois Blvd.  
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT F-1325

Dear Mr. Avant:

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  
Doug Stimmel, 305 West 4th Street, Winston-Salem, NC 27101

**FORSYTH COUNTY  
BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

Zoning map amendment of Adams Egloff Avant Properties, LLC, for property owned by Graham H. Rights, et al, and Barbara W. Aker

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

Zoning map amendment of Adams Egloff Avant Properties, LLC, for property owned by Graham H. Rights, et al, and Barbara W. Aker from RS-9 to RM-8-S (Residential Building, Multifamily; and Residential Building, Townhouse): property is located on the west side of Peters Creek Parkway/NC 150 (Zoning Docket F-1325).

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

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Adams Egloff Avant Properties, LLC, for property owned by Graham H. Rights, et al, and Barbara W. Aker, Docket F-1325

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE COUNTY OF FORSYTH,  
NORTH CAROLINA

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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, Multifamily; and Residential Building, Townhouse) the zoning classification of the following described property:

Tract 2: STARTING at a point at the southwest corner of Block 3871 Lot 006H; running thence from said starting point north 04° 34' 01" east 1,773.30 feet to a point; thence south 58° 32' 01" east 1,358.14 feet to a point; thence south 18° 39' 24" west with an arc of 1,354.26 feet and a radius of 5,630.00 feet to a point; thence north 76° 31' 22" west 12.0 feet to a point; thence north 76° 31' 22" west 317.75 feet to a point; thence north 76° 32' 20" west 463.56 feet to a point; that point being the place of beginning; being all or part of Block 3871 Lot 006H; comprising of 1,639,162.8 square feet or ±37.63 acres.

Section 2. This Ordinance is adopted after approval of the site plan entitled Oliver's Crossing, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to Adams Egloff Avant Properties, LLC, for property owned by Graham H. Rights, et al, and Barbara W. Aker.

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 Oliver's Crossing. 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 Adams Egloff Avant Properties, LLC (Zoning Docket F-1325). 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, Multifamily; and 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. 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.
  - b. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. On site fire hydrants will be required in locations approved by the Forsyth County Fire Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install turn lanes on N.C. 150 to the specifications of the North Carolina Department of Transportation.
  
- **PRIOR TO THE SIGNING OF FINAL PLATS**
  - a. Development is located within the City Street Construction Area. All streets shall be constructed to the specifications of the Public Works Department of the City of Winston-Salem.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of fifteen (15) feet.

## ZONING STAFF REPORT

**DOCKET #** F-1325  
**STAFF:** Suzanne Hughes

Petitioner(s): Adams Egloff Avant Properties, LLC  
Ownership: Graham H. Rights, et al, and Barbara W. Aker

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: RM-8-S Residential Multifamily District; maximum density 8 units/acre  
(Residential Building, Multifamily; and 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: 37.63 acres

### **LOCATION**

Street: West side of Peters Creek Parkway/Highway 150 north of Fishel Road.  
Jurisdiction: Forsyth County.

### **SITE PLAN**

Proposed Use: Multifamily/Townhouses.  
Building Height: 38 feet.  
Density: 6.43 dwelling units per acre.  
Parking: Required: 452; proposed: 493.  
Bufferyard Requirements: Type II adjoining RS-9 zoning.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: None, site is heavily wooded.

Adjacent Uses:

- North - Heavily wooded area zoned RS-9.
- East - Across Peters Creek Parkway is a small graded site and a large wooded area, both zoned RS-9.
- South - Business property zoned HB-S.
- West - Residential property along Old Salisbury Road zoned RS-9.



## **GENERAL AREA**

Character/Maintenance: Heavily wooded area.

Development Pace: Moderate.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site is heavily wooded.

Topography: Site is hilly.

Streams: Chitty Branch runs north of the site.

Vegetation/habitat: Site is heavily wooded.

Constraints: There are no major constraints.

## **TRANSPORTATION**

Direct Access to Site: Peters Creek Parkway; Old Salisbury Road (west); and Fishel Road (south and east).

Street Classification: Peters Creek Parkway - major thoroughfare; Old Salisbury Road - minor thoroughfare; Fishel Road - minor thoroughfare.

Trip Generation/Existing Zoning: RS-9

$63.95 \text{ ac} \times 43,560 \text{ sf} = 2,785,662 \text{ sf} / 9,000 = 309 \text{ lots} \times 9.57 \text{ (trip rate)} = 2,957 \text{ new trips}$

Trip Generation/Proposed Zoning: RM-8-S

Single Family - 77 units  $\times 9.57 \text{ (trip rate)} = 737 \text{ new trips}$

Multifamily Apartments - 156 units  $\times 6.63 \text{ (trip rate)} = 1,034 \text{ new trips}$

Townhouses - 86  $\times 5.86 \text{ (trip rate)} = 504 \text{ new trips}$

Total New Trips = 2,275

Planned Road Improvements: State Transportation Improvement Program Project #R-2709, Widen Peters Creek Parkway to multi-lane facility from existing multi-lane portion to Davidson County Line.

## **HISTORY**

Relevant Zoning Cases:

1. F-1182; RS-9 to RM-12-S (Residential Building, Multifamily); approved December 18, 1996; 375 feet off the west side of Peters Creek Parkway/NC 150 between South Fork Muddy Creek and Leak Creek, 2,500 feet south of the Bridgeton Road intersection with Peters Creek Parkway/NC 150; 22.69 acres; Planning Board and staff recommended approval.
2. F-1122; RS-9 to RM-8-S (Child Day Care Center); approved September 11, 1995; west side of Pleasant Fork Church Road south of Clemmons Road; 0.38 acre; Planning Board and staff recommended approval.

3. W-1976; RS-9 to RM-8-S (Child Day Care Center); approved August 7, 1995; southwest corner of Clemmonsville Road and Pleasant Fork Church Road; 0.64 acre; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 4B: Long-Range Growth.

Relevant Comprehensive Plan Recommendation(s): Separation and buffering of commercial, office, and industrial uses from residential areas; staging of public services and facilities with private development; provision of a variety of housing types, costs, and locations.

Area Plan/Development Guide: None.

### **ANALYSIS**

The proposed rezoning consists of 37.63 acres to be rezoned from RS-9 to RM-8-S. The property will access Peters Creek Parkway via a new public street. There will be a mixture of public and private streets within the proposed development. A type III bufferyard is required adjacent to RS-9 zoned property.

This site meets the recommendations in the comprehensive plan, particularly in regard to providing a variety of housing and adequate infrastructure and services in the area. Peters Creek Parkway will be able to handle the additional trips generated by this use since it is proposed to be widened to a four-lane divided highway. Traffic generation figures also indicate less traffic to be generated from the proposed project than would be allowed under existing zoning. The project site is appropriate for the location of multifamily housing, which offers variety to housing opportunities in the county.

### **FINDINGS**

1. The proposed rezoning consists of 37.63 acres to be rezoned from RS-9 to RM-8-S.
2. The property will access Peters Creek Parkway via a new public street.
3. This site meets the recommendations in the comprehensive plan.
4. The provision of multifamily housing offers variety to housing opportunities in the county.
5. The project site is appropriate for the location of multifamily housing.

## **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. 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.
  - b. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. On site fire hydrants will be required in locations approved by the Forsyth County Fire Department.
  
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- **PRIOR TO THE SIGNING OF FINAL PLATS**
  - a. Development is located within the City Street Construction Area. All streets shall be constructed to the specifications of the Public Works Department of the City of Winston-Salem.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of fifteen (15) feet.

*[For information purposes only: The draft Legacy plan indicates that the site is located in the Suburban Neighborhoods Area of the MSA (Metropolitan Statistical Area) where much of future residential, commercial and industrial development should occur (p. 19). One of the goals of the Growth Management Plan is higher development densities within the MSA particularly along proposed Urban Boulevards and at proposed Activity Centers. Peters Creek Parkway is a proposed Urban Boulevard. Multifamily residential development is therefore appropriate at this location (p. 22, 24).]*

## **PUBLIC HEARING**

FOR: None

AGAINST: None

## **WORK SESSION**

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

SECOND: Norman Williams

VOTE:

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

AGAINST: None

EXCUSED: Avant

SITE PLAN MOTION: Steve Johnson Staff certified that the site plan meets all code requirements, and recommends staff conditions.

SECOND: Norman Williams

VOTE:

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

AGAINST: None

EXCUSED: Avant

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Graham H. Rights, et al, and Barbara W. Aker as of August 31, 2000.

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A. Paul Norby, AICP  
Director of Planning