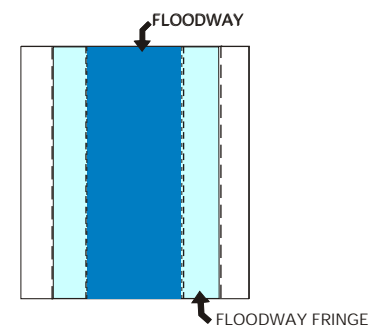


**DOCKET #:** W2657

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

**EXISTING ZONING:**  
 RS9

**PETITIONER:**  
 Chris Hilton for property owned by others



**SCALE:** 1" represents 800'

**STAFF:** Hall

**GMA:** 3

**ACRE(S):** 59.56

**MAP(S):** 600862



October 22, 2003

Chris Hilton  
P. O. Box 26  
Pfafftown, NC 27040

RE: ZONING MAP AMENDMENT W-2657

Dear Mr. Hilton:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, AICP  
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102  
Stimmel Associates, P.A., 601 N. Trade Street, #200, Winston-Salem, NC 27101  
John Allen, 105 Pine Top Drive, Winston-Salem, NC 27104  
Steve Pearson, 184 Brooks Landing Drive, Winston-Salem, NC 27106

**ACTION REQUEST FORM**

**DATE:** October 22, 2003  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Petition of Chris Hilton for property owned by Margaret L. Kolb Family Ltd. Partnership and VANCO, Inc.

**SUMMARY OF INFORMATION:**

Zoning map amendment of Chris Hilton for property owned by Margaret L. Kolb Family Ltd. Partnership and VANCO, Inc. from RS-9 to RS-20-S (Residential Building, Single Family; Planned Residential Development; and Riding Stable): property is located on the south side of Robinhood Road and west side of Winewood Boulevard (Zoning Docket W-2657).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** BOST, CLARK, DOYLE, FOLAN, KING, LAMBE,  
NORWOOD  
**AGAINST:** EICKMEYER, GLENN  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Chris Hilton for property owned by Margaret L. Kolb Family Ltd. Partnership and VANCO, Inc., Docket W-2657

AN ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM, N.C.

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BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS-9 to RS-20-S (Residential Building, Single Family; Planned Residential Development; and Riding Stable) the zoning classification of the following described property:

Tax Block 3414      Tax Lots 107A, 107C, 501, 304D, 511K

Section 2. This Ordinance is adopted after approval of the site plan entitled Chris Hilton for property owned by others/Dreamcatcher Farm and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to Chris Hilton for property owned by Margaret L. Kolb Family Ltd. Partnership and VANCO, Inc.

Section 3. The City Council 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 Chris Hilton for property owned by others/Dreamcatcher Farm. 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.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the City Council  
of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Chris Hilton for property owned by Margaret L. Kolb Family Ltd. Partnership and VANCO, Inc., (Zoning Docket W-2657). 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; Planned Residential Development; and Riding Stable)", approved by the Winston-Salem City Council 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*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
  - a. Developer shall flag maximum fill line in the floodplain. These areas shall be protected from grading encroachment.
  - b. The developer shall acquire and record all necessary easements indicated on the site plan.
  - c. Driveway permit shall be issued by the North Carolina Department of Transportation.
  - d. If the Hauser-Pratt House is moved from its current foundation the developer shall provide professional quality 35mm black and white photographs (8"x10") and color slides of the site. Photographs of all exterior building/structure elevations, exterior and interior architectural details, and landscape vistas shall be provided. Provide professional archival quality video of the overall site, including built and landscape elements. Planning staff will be available to determine specific elements of the site to be documented and will certify compliance with this condition to the Inspections Division. All documentation shall become part of the archival files of the Forsyth County Historic Resources Commission.

- **PRIOR TO THE SIGNING OF FINAL PLATS**
  - a. All documents including covenants, restrictions, and homeowners association agreements shall be recorded in the office of the Register of Deeds prior to signing final plats. Final plats must show a total common open space dedication in accordance with PRD open space standards.
  - b. Roads shall be built to City of Winston-Salem Public Works construction standards
  - c. Developer shall dedicate a 40' wide greenway easement on the east side of Muddy Creek.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. On-site fire hydrant locations shall be approved by the City 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 lots, common areas, private access easements and public utilities.
  - c. Emergency access control system shall be approved by the City of Winston-Salem Fire Department.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall complete any improvements as determined by the North Carolina Department of Transportation. All streets shall be built to City of Winston-Salem street standards.
  - b. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) freestanding monument sign at the driveway on Robinhood Road with a maximum height of five (5) feet.

## ZONING STAFF REPORT

**DOCKET #** W-2657  
**STAFF:** S. Chad Hall

Petitioner(s): Chris Hilton  
Ownership: Margaret L. Kolb Family Ltd. Partnership and VANCO, Inc.

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: RS-20-S Residential Single Family District; minimum lot size 20,000 sf (Residential Building, Single Family; Planned Residential Development; and Riding Stables)

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

Acreage: 59.56 acres

### **LOCATION:**

Street: South side of Robinhood Road and west side of Winewood Boulevard.  
Jurisdiction: City of Winston-Salem.  
Ward: West.

### **SITE PLAN**

Proposed Use: Residential Building, Single Family; Planned Residential Development; and Riding Stables  
Building Height: Undefined single family residences with single story stable.  
Density: 0.537 Dwelling Units per Acre  
Parking: Required: 77; Proposed: 91  
Bufferyard Requirements: Minimum 30' wide Type II abutting RS-9  
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

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

Existing Structures on Site: There are two primary structures shown on the site plan to be retained. The first is a dwelling off of Winewood Boulevard and the other is the historic Hauser-Pratt home; while being retained, this home is labeled as being moved (see Historic Resources Review).

Adjacent Uses:

North -	Sparsely developed RS-9 zoned land.
East -	Sparsely developed RS-9 zoned land.
South -	Moderately developed RS-9 zoned land.
West -	Moderately developed RS-9 zoned land also referred to as Century Oaks.

## **GENERAL AREA**

Character/Maintenance: The area is somewhat rural in appearance.

Development Pace: Slow to moderate.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The site plan illustrates a significant amount of existing vegetation to be retained.

Topography: The subject property experiences an elevation change from about 730 feet in the western border of the property along Muddy Creek up to 793.5 feet in the north-central section of the property. Additionally, the property's elevation rises to about 814 feet in the southern section of the subject property just to the west of Winewood Boulevard.

Streams: Muddy Creek forms the western border of the subject property. Additionally, Milhaven Creek traverses through the south-central section of the property.

Vegetation/habitat: The subject property is heavily vegetated in most areas, except for an area just to the east of Muddy Creek.

Floodplains: Floodway and floodway fringe areas are located in the subject property along Muddy Creek and Milhaven Creek.

Wetlands: An area along Milhaven Creek on the subject property is identified as a PFO1A (Palustrine, Forested, Broad-Leaved, Deciduous, Temporary Flooded) wetland. Another area also on the subject property just to the south of Milhaven Creek and to the north of Buttonwood Drive is identified as a PSS1A (Palustrine, Scrub-Shrub, Broad-Leaved, Deciduous Temporary Flooded) wetland. Winston-Salem West Quad.

Natural Heritage Sites: None.

Farmland Preservation Sites: None.

Environmental Resources Beyond The Site: The proposed site plan does not appear to impact any environmental resources beyond the site.

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

Compliance with Federal/State requirements for wetland/stream protection. The petitioner is responsible for complying with all Federal and State wetland and stream regulations.

## **TRANSPORTATION**

Direct Access to Site: Robinhood Road; Millhaven Road; Buttonwood Drive

Street Classification: Robinhood Road – Major Thoroughfare; Millhaven Road – Minor Thoroughfare; Buttonwood Drive – Local Road

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

Robinhood Road between Robinhood Circle and Speaks Farm Road = 9,500/14,600

Robinhood Road between Speaks Farm Road and Meadowlark Road = 10,000/  
14,600

Trip Generation/Existing Zoning:  $59.56 \times 43,560/9,000 = 288 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 2,756 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RS-20-S

$31 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 296 \text{ Trips (No Trip Rate Available for Horse Riding Stable)}$



Planned Road Improvements: Robinhood Road between Shattalon Drive and the Northern Beltway from 2 lanes to 3 lanes; 2015 - 2020

Sight Distance: Good.

Interior Streets: Private with optional gates for access.

Traffic Impact Study recommended: No.

Connectivity of street network: There are no external connections proposed.

Sidewalks: None existing or proposed.

Transit: None.

Bicycle Route: None.

## **HISTORY**

Relevant Zoning Cases:

1. F-1220; RS-9 to RM-8-S; approved February 9, 1998; south side of Robinhood Road across from Fleetwood Circle; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for environmentally sensitive development that respects natural areas and enhances the quality of our built environment. That includes integrating natural areas (including streams and floodplains) into the site design of development projects and ensuring that these areas are protected during construction.

Area Plan/Development Guide: *Robinhood Road Area Plan* (adopted in 1986)

Relevant Development Guide Recommendation(s): The *Robinhood Road Area Plan* recommends that the subject property be developed for low-density residential uses (0-5 units/acre). The plan further recommends the dedication of a greenway easement along Muddy Creek.

## **GREENWAY/RECREATION/OPEN SPACE REVIEW**

Greenway Plan: Greenway Plan – Winston-Salem And Forsyth County 2015.

Greenway/Trail Name: Muddy Creek; Milhaven Creek.

Easement Requested: 40 ft.

Side of Creek: East side of Muddy Creek.

Comments/Status of Trail: The Muddy Creek Greenway Trail is identified as a priority trail in the Greenway Plan. Funding is available to commence construction of the trail at Country Club Road in 2004. The Plan identifies Milhaven Creek as a greenway connector, connecting the Muddy Creek Trail with development to the east.

## **HISTORIC RESOURCES REVIEW**

Known Historic Resources: Yes.

Forsyth County Architectural Inventory Number/Name: 333/Hauser-Pratt House.

National Register of Historic Places: National Register Study List Property.

Comments: Located on this site is the Hauser-Pratt House, one of Forsyth County's most significant early-mid 19<sup>th</sup> century properties. Tradition maintains that Michael Hauser built the house in the early 19th century, but the house was subsequently owned by John Pratt (1834-1888). The house retains many important architectural features, such as its Greek Revival-style interior woodwork. The Hauser-Pratt House is eligible for the National Register of Historic Places, and has been placed on the Study List for the National Register. It is one of Forsyth County's most notable historic resources, and its retention is highly recommended. Staff understands that the petitioner does plan to retain the house and incorporate it into the development, but plans to relocate and reorient it on the property. While relocation of historic resources is not a preferred preservation strategy, it is preferable to demolition, particularly in the instance of a property as important as the Hauser-Pratt House. If the house is relocated, staff recommends documentation of the property on its original site prior to its relocation. Such documentation would include:

- Professional quality 35mm black and white photographs (8"x10") of the house, site, and any remaining outbuildings. Photographs of all exterior building/structure elevations, exterior and interior architectural details, shall be provided.
- Professional quality 35mm color slides of the site, to include all elements listed above.
- Measured drawings of the house and its additions are highly Recommended.

Historic Resource staff will be available to determine specific elements of the site to be documented.

All documentation should become part of the archival files of the Forsyth County Historic Resources Commission.

## **ANALYSIS**

The current request is to rezone 59.56 acres from RS-9 to RS-20-S (Residential Building, Single Family; Planned Residential Development; and Riding Stables). The site is located on the south side of Robinhood Road and west side of Winewood Boulevard (recently renamed to Buttonwood Drive).

Currently located on the subject property is the residence of one of the land owners. This home site is to be retained. The zoning around the subject property is all RS-9.

Also located on this site is the Hauser-Pratt House, one of Forsyth County's most significant early-mid 19<sup>th</sup> century properties. Tradition maintains that Michael Hauser built the house in the early 19th century, but the house was subsequently owned by John Pratt (1834-1888). The house retains many important architectural features, such as its Greek Revival-style interior woodwork. The Hauser-Pratt House is eligible for the National Register of Historic Places and has been placed on the Study List for the National Register. It is one of Forsyth County's most notable

historic resources and its retention is highly recommended. Staff understands that the petitioner does plan to retain the house but relocate and reorient it on the property. While relocation of historic resources is overall not a recommended strategy, it is preferable to demolition, particularly in the instance of a property as important as the Hauser-Pratt House. Staff does recommend retaining the house in its current location and adjusting the site design to accommodate the historic dwelling. Staff would advise, should the house be moved, tax credits might not be able to be obtained. However, should the petitioner decide to move forward with moving the house, staff would like for the petitioner to provide documentation of the property on its original foundation prior to its relocation.

Another site design concern of staff is the relationship of the dwellings to each other as seen across Beech Cove Lane. As seen from the proposed street, the observer would be looking at the front of homes on one side of the street and the rear of homes on the other side of the street. Staff has been informed that this relationship is desired by the petitioner to provide for as many “view lots” as possible, providing views of the floodplain area. Staff’s concern is, based on the site plan, that there seems to only about 12’ of topographical fall between the assumed finish floor elevation of the upper homes (along Kolb Court) to the lower homes (twelve feet is the typical dimension from one finished floor to another). Once the roof is added, views from these upper level homes may be limited.

An alternate to the proposed design would be to rotate the homes that currently front onto Kolb Court 180 degrees so they face onto Beech Cove Road, creating a consistent streetscape with a front-facing-front relationship. With the homes rotated, the need for Kolb Court diminishes, with the potential to reduce development costs. It also removes impervious surface from the plan. With this done, the homes on either side of the Beech Cove Road would have some extent of “open space” as seen from the rear of their homes. A key benefit would be the potential to leave the historic structure on its existing foundation in this area as well. Although this measure could displace two homes to provide adequate room around the Hauser-Pratt house; there appears to be ample room on site to relocate those homes to a new location of comparable quality.

Another staff concern is that the proposal does not accommodate the Greenway Plan as it relates to the proposed trail along Muddy Creek. Additionally, a greenway connector is proposed along Milhaven Creek, which bisects the southern portion of the site. The proposed site plan indicates a fence around the full perimeter of the subject property, thus eliminating the possibility of both the greenway and the greenway connector. It appears to be possible to move the fence line inward 40’ on the east side of Muddy Creek to provide for that greenway trail without significantly impacting the proposed site plan. In order to use Milhaven Creek as a greenway connector, the proposed fence line would need to be moved to a location north of the creek. This would result in a substantial change to the proposed site plan, as there is pasture space proposed on each side of the creek. As of this writing the developer is unwilling to modify the proposed site plan to accommodate either of the two greenways identified in the adopted Greenway Plan.

According to the North Carolina Department of Natural Resources (Water Quality Division), it is not illegal in this state for animals to be *in* any creeks. However, any defecation in a body of water creates a water quality violation. In order for the event to be fined, it would have to be documented and proved via a water quality test. DENR recommends that animals be fenced out of any creeks and be provided with another source of water (even if pumped from the creek). Additionally, DENR recommends that fencing be a minimum of 25’ from creek banks and it is

preferred that there actually be a 100' grass buffer between the creek banks and any animal activity so that any animal waste runoff has a "filter zone". Potentially the DENR water quality recommendations could work in concert with the greenway recommendations, should the developer choose to accommodate the requests.

Despite the aforementioned concerns and recommendations, Planning staff must commend the petitioner for limiting and clustering development on the property while preserving a majority of the site as open space. Further, staff notes that the proposed reduction in density from existing RS-9 to RS-20 substantially reduces the potential number of homes and associated development impacts which might otherwise occur under the existing RS-9 zoning.

In summary, given that the proposed site plan does not protect the Hauser-Pratt house in its current location, and instead moves it to an area of double fronted lots, and because the site plan does not provide for adequate greenway connections and trails, or create a uniform streetscape, Planning staff cannot be supportive of this request in its current configuration.

### **FINDINGS**

1. The current request to rezone from RS-9 to RS-20-S is a significant decrease in the number of units that could be developed by right.
2. The Hauser-Pratt House, one of Forsyth County's most significant early-mid 19<sup>th</sup> century properties, is located on the subject property and is to be retained, but moved.
3. The area in which the house is to be moved has been planned as an area of double fronted lots, which could be redesigned for more efficiency without the need to move the house.
4. A proposed fence around the subject property would prohibit a greenway connector as called for by the adopted Greenway Plan; a greenway trail is illustrated along Muddy Creek.

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

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

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
  - a. Developer shall flag maximum fill line in the floodplain. These areas shall be protected from grading encroachment.
  - b. The developer shall acquire and record all necessary easements indicated on the site plan.
  - c. Driveway permit shall be issued by the North Carolina Department of Transportation.
  - d. If the Hauser-Pratt House is moved from its current foundation the developer shall provide professional quality 35mm black and white photographs (8"x10") and color slides of the site. Photographs of all exterior building/structure elevations,

exterior and interior architectural details, and landscape vistas shall be provided. Provide professional archival quality video of the overall site, including built and landscape elements. Planning staff will be available to determine specific elements of the site to be documented and will certify compliance with this condition to the Inspections Division. All documentation shall become part of the archival files of the Forsyth County Historic Resources Commission.

- **PRIOR TO THE SIGNING OF FINAL PLATS**
  - a. All documents including covenants, restrictions, and homeowners association agreements shall be recorded in the office of the Register of Deeds prior to signing final plats. Final plats must show a total common open space dedication in accordance with PRD open space standards.
  - b. Roads shall be built to City of Winston-Salem Public Works construction standards
  - c. Developer shall dedicate a 40' wide greenway easement on the east side of Muddy Creek.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. On-site fire hydrant locations shall be approved by the City 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 lots, common areas, private access easements and public utilities.
  - c. Emergency access control system shall be approved by the City of Winston-Salem Fire Department.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall complete any improvements as determined by the North Carolina Department of Transportation. All streets shall be built to City of Winston-Salem street standards.
  - b. All required fire hydrants shall be installed in accordance with the City Fire Code.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) freestanding monument sign at the driveway on Robinhood Road with a maximum height of five (5) feet.

Chad Hall presented the staff report, noting that staff now recommends approval due to changes made to the site plan by the petitioner.

After the publication of the draft staff report, several subsequent conversations with the petitioner took place regarding staff concerns. A greenway easement along Muddy Creek was added to the site plan. Staff re-examined the need for the greenway connector along Milhaven Creek and deemed it as not being vital to upholding the integrity of the Greenway Plan. Staff still preferred to see the Hauser-Pratt House to remain in its current location but realized preserving it in that location would require a substantial redesign of the property. With the addition of the greenway easement along Muddy Creek and considering that this down zoning of the property also incorporated the preservation of a significant historic house, staff changed their recommendation to **APPROVAL**.

## **PUBLIC HEARING**

FOR:

Bill Petree, 601 N. Trade Street, Winston-Salem, NC 27101

- I appreciate Chad working with us on this site plan and on conditions.
- We do look at this as a down-zoning of the property. 288 units could be placed on this site now, although 220 is probably a more realistic number due to the floodplain. This is 31 homes and 55 acres of this land will be open space.
- The intention is for most of the horses to belong to people living in this development.
- The property owners are doing this to keep control of the density.
- In response to a request from Mr. Petree, four people stood to show their support for this request.

Chris Hilton, 1028 Beecher Lane, Winston-Salem, NC

- I'm building a house there.
- These will be high quality horses, such as thoroughbreds.
- There won't be manure sitting around.
- Manure is a valuable commodity for use as a component in commercial fertilizer. There will be a plan in place to get rid of it.
- There could be boarders (horses).

AGAINST:

John Allen, 105 Pine Top Drive, Winston-Salem, NC 27104

- Commend the developers and owners for developing a plan with a lot of open space. We greatly appreciate that.
- We support the greenway as an asset to our community. It needs to be maintained and preserved.
- There will be riding trails throughout the property. If fencing went around the boundaries of the property, that would open the creeks to horse manure.
- The average amount of manure generated by a horse is 45 pounds per horse per day (EPA website).
- There'll be a lot of clean up activity all over the farm.
- There's an earthen dam on Mill Creek. The dam creates the 9.65 acre lake. There are a few homes which are going to be built in the 50% floodplain.
- I believe construction of homes downstream of the earthen dam will raise the classification of the dam to the highest level, "C". This will mean much more stringent requirements for the dam even though it is not on the property under consideration today. There should be a thorough exam of this issue.
- If the dam were breached, homes and possibly lives would be a risk. A qualified, structural engineer should review this. Bill Maready owns the dam. The lake is beautiful and if he were required to drain it because of concerns of homeowners, it would be a significant loss to community.

Steve Pearson, 184 Brooks Landing Drive, Winston-Salem, NC 27106

- I was concerned mainly about the stables to begin with, but they've answered most of my questions.
- Is access going to be only from Robinhood Road?

### **WORK SESSION**

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

1. Carol Eickmeyer expressed concerns about the impact of horse manure on the environment. Staff noted that it had checked on the environmental impact of horses and were informed by the State Department of Natural Resources that horse manure is not automatically considered an environmental problem unless there are 75 or more horses in one location. Horse manure deposit in the stream would still be prohibited, but enforcement could be cumbersome.
2. Carol Eickmeyer: Who is responsible for the dam? Philip Doyle answered that Bill Maready, the owner of the property on which the dam is situated, is responsible for the dam.
3. Milhaven Creek access flows into Muddy Creek. The petitioner should consider restricting access to the Greenway for horses.
4. Philip Doyle: If we are concerned about the impact of horses on watercourses, we should tell the County Commissioners we are concerned about horses at Tanglewood.
5. Carol Eickmeyer: I also need to go on record that just because something exists somewhere else in the County doesn't mean it needs to be allowed again.
6. Arnold King: I'm not sure we have a bad experience to learn from. I haven't heard of any problems.

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Bost, Clark, Doyle, Folan, King, Lambe, Norwood

AGAINST: Eickmeyer, Glenn

EXCUSED: None

SITE PLAN MOTION: Philip Doyle certified that the site plan meets all code requirements and recommends staff recommendations as amended.

SECOND: Jimmy Norwood

VOTE:

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

AGAINST: None

EXCUSED: None

Written Comments by Planning Board members:

Carol Eickmeyer: I voted against this one because the Board said that the dam (earthen one on Maredy's property) was his problem not those downstream. I also am disappointed that the greenway (Milhaven Creek greenway connector) is not being protected. What's the point of a greenway system that can be closed off by development? The other issue is that this neighborhood by fencing the property effectively removes a community asset - the Millhaven Creek - from the community. Whether this is good water stewardship or not, this is not good stewardship of a community resource.

---

A. Paul Norby, AICP  
Director of Planning