DOCKET #: F1497

PROPOSED ZONING:
RM8-S

EXISTING ZONING:
RS9

PETITIONER:
BSC Holding Inc. for property owned by others for property owned by Sandra Shugart, et al; Carl W Dresser; and Josifae Dresser

SCALE: 1" represents 700'

STAFF: King

GMA: 3

ACRES: 28.16

NEAREST BLDG: 80' east

MAP(S): 594862
March 26, 2008

BSC Holding, Inc. for property owned by Sandra Shugart; Wayne Shugart; Michael Pearsall; Meda Pearsall; Milton Crotts; Carl W Dresser; and Josifae Dresser
P. O. Box 8306
Greensboro, NC  27419

RE:    ZONING MAP AMENDMENT F-1497

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, FAICP
Director of Planning

Attachment

pc:    Jane Cole, County Manager's Office
       Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC  27101
       Jason Kobisky, 1030 Wild Dogwood Lane, Winston-Salem, NC  27106
       Richard Harris, 188 Brooks Landing Drive, Winston-Salem, NC  27106
       Nancy Sherrill, 170 Ashton Place Circle, Winston-Salem, NC  27106
       John Hedin, 120 Wild Spruce Court, Winston-Salem, NC  27106
       Steve Calaway, 1330 Ashley Square, Winston-Salem, NC  27103
       Becky Nelson, 940 Wild Dogwood Lane, Winston-Salem, NC  27107
       Harvey Amour, 205 Ashton Place Circle, Winston-Salem, NC  27106
SUBJECT:-

A. Public Hearing on zoning map amendment of BSC Holding, Inc. for property owned by Sandra Shugart; Wayne Shugart; Michael Pearsall; Meda Pearsall; Milton Crotts; Carl W Dresser; and Josifae Dresser from RS-9 to RM-8-S (Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; and Residential Building, Single Family): property is located on the south side of Robinhood Road, east of Meadowlark Drive

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map of the County of Forsyth, North Carolina.

C. Approval of Special Use District Permit

D. 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:-  X YES   ___ NO

SIGNATURE:  ________________________________  DATE:  ______________

County Manager
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of BSC Holding, Inc. for property owned by Sandra Shugart; Wayne Shugart; Michael Pearsall; Meda Pearsall; Milton Crotts; Carl W Dresser; and Josifae Dresser, Docket F-1497

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, Multifamily; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; and Residential Building, Single Family) the zoning classification of the following described property:

Beginning at an existing 1” iron pipe in the eastern line of Lot 75 of “I. A. Harper Development” as recorded in Plat Book 8, Page 205, Forsyth County Registry, said 1” iron pipe being N. 00º38’00” E. 54.77 feet from an existing angle iron marking the southeast corner of Lot 76 of said “I. A. Harper Development”; thence, along the eastern lines of Lots 75, 74 and 73, N. 00º37’04” E. 155.48 feet to an existing axe marking the northeast corner of Lot 73 of said “I. A. Harper Development”; thence, along the eastern lines of Lots 72, 71, 70, 69, 68, 67, 66, 65 and 64 of said “I. A. Harper Development”, N. 00º46’27” E. crossing an existing 3/4” iron pipe marking the common corner between Lots 64 and 65 of said “I. A. Harper Development” at 628.31 feet for a total distance of 717.07 feet to an existing stone; thence N. 00º09’41” E. 36.53 feet to an existing stone; thence a new line within the said Dresser property; N. 14º40’09” E. a distance of 438.13 feet to a new 3/4” iron pipe set in the southern right-of-way line of Robinhood Road (60’ wide right-of-way) and the northern line of the said Dresser property; thence the following two (2) courses and distances along said right-of-way line: (1) along a curve to the right, having a radius of 1345.66 feet, an arc length of 23.56 feet, a chord of S. 87º06’13” E. 23.56 feet to an existing 3/4” iron pipe; and (2) continuing along said curve having an arc length of 100.14 feet, a chord of S. 84º28’12” E. 100.12 feet to a new 3/4” iron pipe in the western line of the Sandra C. Shugart property as recorded in Deed book 998, Page 253; thence with said western line, N. 00º28’42” E. 30.22 feet to a non-monumented point within said Robinhood Road; thence within the right-of-way of said
Robinhood Road the following three (3) courses and distance: (1) along a curve to the right, having a radius of 1438.30 feet, an arc length of 353.91 feet, a chord of S. 75°41’36” E. 353.02 feet to a non-monumented point; (2) S. 68°38’39” E. 751.52 feet to a non-monumented point, said point being N. 67°46’41” W. 897.52 feet from N.C.G.S. Control Monument “Fleetwood” (having N.A.D. 83 grid coordinates, N=864,871.91 feet, E=1,599,838.79 feet); and (3) S. 53°11’16” W. 44.20 feet to an existing 1” iron pipe in the southern right-of-way line of said Robinhood Road; thence, along the western lines of Crescent Media Properties, LLC property as recorded in Deed Book 2730, Page 627, Forsyth County Registry, the following three (3) courses and distances: (1) S. 22°59’16” W. 313.04 feet to an existing 1” iron pipe; (2) S. 51°37’27” W. 656.55 feet to an existing stone with hole punch; and (3) S. 01°25’57” W. 506.75 feet to an existing stone with hole punch in the northern line of Lot 13 of “Ashton” as recorded in Plat Book 39, Page 191, Forsyth County Registry; thence, along the northern lines of Lots 13, 14, 15, Common Area, and 26 of said “Ashton”, N. 68°29’40” W. 647.94 feet to the point and place of Beginning, containing 28.155 Acres more or less, as shown on survey entitled “Map For Barry Siegal”, as prepared by Triad Land Surveying, P.C., dated December 10, 2007 and revised February 1, 2008, having Job No. 13476-4.

Section 2. This Ordinance is adopted after approval of the site plan entitled Robinhood Manor, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of ________________, 20____ to BSC Holding, Inc. for property owned by Sandra Shugart; Wayne Shugart; Michael Pearsall; Meda Pearsall; Milton Crotts; Carl W Dresser; and Josifae Dresser.

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 Robinhood Manor. 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

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 BSC Holding, Inc. for property owned by Sandra Shugart; Wayne Shugart; Michael Pearsall; Meda Pearsall; Milton Crotts; Carl W Dresser; and Josifae Dresser (Zoning Docket F-1497). 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; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; and Residential Building, Single Family), approved by the Forsyth County Board of Commissioners the _____ day of ________________, 20 ____" and signed, provided the property is developed in accordance with requirements of the 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 ISSUANCE OF ANY PERMITS:**
  a. Developer shall flag wetland areas and 15’ stream buffers in the field to the satisfaction of the Inspections Division.
  b. Approval of this request by the BOCC will serve to void the Planning Board’s preliminary subdivision approval for this site that was granted on March 8, 2007 and known as subdivision file # 07037.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit. Developer shall dedicate 45’ of right-of-way from the centerline of Robinhood Road along the site’s frontage.
  b. Developer shall submit sealed drawings to the Inspections Division for any retaining wall over five feet in height.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Record final plat in the office of the Register of Deeds.
  b. If any lighting is proposed, an engineered lighting plan shall be submitted to
     Inspections for the proposed lighting demonstrating the use of full-cut off fixtures,
     light height @ 25' or less and no more than 0.5 foot-candles at the property line.
  c. Proposed buildings shall be constructed in substantial conformance with the
     submitted building elevations.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All requirements of the NCDOT driveway permit shall be completed.
  b. Lighting shall be installed per approved lighting plan and certified by an engineer.

• OTHER REQUIREMENTS:
  a. Any freestanding signage shall be limited to one monument sign with a maximum
     height of six feet.
CITY-COUNTY PLANNING BOARD
STAFF REPORT

PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>F-1497</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>BSC Holding, Inc</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Sandra Shugart; Wayne Shugart; Michael Pearsall; Meda Pearsall; Milton Crotts; Carl W Dresser; and Josifae Dresser</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 13, Tax Block 4635 and a portion of Tax Lot 101, Tax Block 4638</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning</td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to RM-8-S (Residential Multifamily; 8 du/ac – Special Use Zoning). The petitioner is requesting the following uses:

- Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; and Residential Building, Single Family

**Zoning District Purpose Statement**

The RM-8 District is primarily intended to accommodate duplexes, townhomes, multifamily, and other low intensity multifamily uses at a maximum overall density of eight (8) units per acre. This district is appropriate for Growth Management Areas 2 and 3.

**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)**

(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

Yes, the site is located in GMA 3 (Suburban Neighborhoods).

GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>South side of Robinhood Road, east of Meadowlark Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Forsyth County</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 28.16 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Undeveloped land</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-9</td>
<td>Scattered SF homes</td>
</tr>
<tr>
<td>East</td>
<td>RS-9 &amp; RM-8-S</td>
<td>Undeveloped land &amp; multifamily units</td>
</tr>
<tr>
<td>South</td>
<td>RS-9</td>
<td>SF homes</td>
</tr>
<tr>
<td>West</td>
<td>RS-9</td>
<td>Scattered SF homes and undeveloped land</td>
</tr>
</tbody>
</table>
### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

The majority of the property in the area is zoned RS-9 with the exception of the RM-8-S zoning located directly east of the subject property. Staff believes that the request would be compatible with the surrounding land uses just as the existing RM-8-S site is compatible with other existing land uses.

### Physical Characteristics

The site contains a challenging topography with its highest elevations located along the western and central portions of the site, sloping downward toward the streams that traverse the property. The National Wetlands Inventory Map (Winston-Salem West Quad Sheet) shows a pond on the adjacent property (at the northwest corner of the petition site) as a PUBHh (Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded) wetland.

### Proximity to Water and Sewer

The subject property will be served by public water and public sanitary sewer.

### Stormwater/Drainage

A stormwater study will be required with this request.

### Watershed and Overlay Districts

The subject property is not located within a water supply watershed.

### Analysis of General Site Information

The subject property contains various development constraints such as wetlands, streams, and a challenging topography. The site plan indicates that the northern ¼ of the property will remain wooded with the multifamily buildings being clustered south of this area. Due to the unfavorable topography, several retaining walls are needed to accommodate the proposed site layout.

### Generalized Recommended Conditions

**BRIEF DESCRIPTION OF CONDITION(S):**

- Condition to flag stream buffers and wetlands in the field
- Condition for sealed drawings of retaining walls

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Robinhood Road</td>
<td>Major Thoroughfare</td>
<td>+/- 1,204 feet</td>
<td>10,000</td>
<td>16,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

The site plan proposes one primary access point onto Robinhood Road with a secondary emergency access point also onto Robinhood Road.

**Planned Road Improvements**

The Thoroughfare Plan recommends that this section of Robinhood Road be constructed as a four-lane divided cross section with a raised median and curb and gutter and sidewalks.

**Trip Generation - Existing/Proposed**

- **Existing Zoning: RS-9**
  
  \[ \text{28.16 acres} \times 43,560 \div 9,000 = 136 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 1,301 \text{ Trips per Day} \]

- **Proposed Zoning: RM-8-S**

  \[ \text{224 units} \times 6.59 \text{ (MFR Trip Rate)} = 1,476 \text{ Trips per Day} \]
<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>Sidewalks are provided along the internal private streets. Interdepartmental staff has recommended that sidewalks be provided along Robinhood Road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Traffic Impact Study (TIS)</td>
<td>Not required</td>
</tr>
<tr>
<td>Analysis of Site Access and Transportation Information</td>
<td>The site plan submitted with this request proposes 224 multifamily units to be located on 28.16 acres. The site has over 1,200 feet of frontage along Robinhood Road, where the primary and emergency access points will be located. The main entrance to the development will be via a public road which will be stubbed into the adjacent property to the southeast (PIN # 5896-94-2132) allowing for future connectivity. Although the site to the southeast currently contains four large radio transmission towers, staff believes it would be wise for long range planning purposes to have the public street stub into this large 44 acre tract, should it redevelop for residential uses in the future. That site currently does not have enough frontage on Robinhood Road to accommodate a public street connection. Staff also has recommended that the petitioner provide a private street stub to the west. The subject request will generate approximately 1,476 trips per day, which is comparable to the 1,301 trips per day that could be expected if the site were developed for single family homes under the existing zoning. The proposed site plan does provide sidewalks along the internal private roads. Interdepartmental staff has also recommended that sidewalks be provided along the frontage of Robinhood Road.</td>
</tr>
</tbody>
</table>
| Generalized Recommended Conditions                                       | **BRIEF DESCRIPTION OF CONDITION(S):**  
  • Condition for NCDOT driveway permit |

**SCHOOL DISTRICT INFORMATION**

Staff has requested estimates of the impact to the schools, however, as of this writing, the WS/FC school system has not provided any estimates.

**CONFORMITY TO PLANS AND PLANNING ISSUES**

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>GMA 3 (Suburban Neighborhoods)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td>• Suburban neighborhoods have the most undeveloped land where much of the future residential, commercial and industrial development should occur. This area is appropriate for future urban or suburban development.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>The subject property is not located within the boundaries of an area plan or development guide.</td>
</tr>
</tbody>
</table>
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S) | (S)(3) - Have changing conditions substantially affected the area in the petition?  
  Yes |
|                                   | (S)(4) - Is the requested action in conformance with *Legacy*?  
  Yes |
Analysis of Conformity to Plans and Planning Issues

Staff views this request as being consistent with the recommendations of Legacy, which recognizes the Suburban Neighborhoods growth management area as the location for the majority of future residential, commercial, and industrial development. The subject property is located within a rapidly developing portion of the County. The general area is composed of single family homes, multifamily units zoned RM-8-S, and further to the northwest, the Robinhood Road Community Activity Center (CAC).

### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-1496</td>
<td>LB-L to LB-L</td>
<td>Pending</td>
<td>West</td>
<td>1.19</td>
<td>Denial</td>
<td>West</td>
<td>1.19</td>
<td>Denial</td>
</tr>
<tr>
<td>F-1491</td>
<td>RS-9 &amp; LB to LB-L</td>
<td>Approved 12-17-07</td>
<td>West</td>
<td>1.19</td>
<td>Approval</td>
<td>Approval</td>
<td>1.19</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1476</td>
<td>RS-9 &amp; LB to IP</td>
<td>Approved 3-26-07</td>
<td>West</td>
<td>11.7</td>
<td>Approval</td>
<td>Approval</td>
<td>11.7</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1417A</td>
<td>RS-9 to MU-S</td>
<td>Approved 9-12-05</td>
<td>Northwest</td>
<td>34.14</td>
<td>Approval</td>
<td>Approval</td>
<td>34.14</td>
<td>Approval</td>
</tr>
<tr>
<td>F-1220</td>
<td>RS-9 to RM-8-S</td>
<td>Approved 2/9/98</td>
<td>East</td>
<td>9.01</td>
<td>Approval</td>
<td>Approval</td>
<td>9.01</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>152,024 sf (Total)</td>
<td>Various locations</td>
<td>224 multifamily units at an overall density of 7.95 dwelling units per acre</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Units (by type) and Density Parking</td>
<td>411 spaces</td>
<td>417 spaces</td>
<td>90° head-in</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td>Maximum</td>
<td>Proposed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>45 feet</td>
<td>2-3 stories</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum</td>
<td>Proposed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>70%</td>
<td>33.63%</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**UDO Sections Relevant to Subject Request**

- Section 2-1.2(L) RM-8 District

**Complies with Chapter B, Article VII, Section 7-5.3**

- (A) *Legacy policies:* Yes
- (B) *Environmental Ord.* Yes
- (C) *Subdivision Regulations* NA

**Analysis of Site Plan Compliance with UDO Requirements**

The site plan proposes a gated multifamily development that will contain 224 units distributed among 26 buildings. The proposed buildings will range in height from two to three stories. The northernmost ¼ of the site will retain a significant amount of vegetation and will also contain amenities for the residents. The site will be developed with a private street network with 90° on-street parking. Although this development is being proposed as a gated community, the petitioner has provided a public street stub to the large 44 acre tract to the south. Staff also
recommends a private stub street stub to the west. The petitioner has placed two-story buildings along the adjacent property to the south. The site plan indicates that approximately 50 feet of existing vegetation will remain along the southern property line in an attempt to mitigate impacts from this development. Staff believes that the petitioner has adequately treated the southern property line in order to provide additional screening in excess of minimum UDO requirements. Staff has also recommended a sign condition that would allow signage on this site to be compatible with future development that may occur along this portion of Robinhood Road that is currently governed by the City of Winston-Salem’s sign ordinance.

### Generalized Recommended Conditions

**BRIEF DESCRIPTION OF CONDITION(S):**
- Sign condition
- Lighting condition
- Condition to void current preliminary subdivision approval

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request is consistent with the recommendations of Legacy.</td>
<td>Residents may be concerned about compatibility with surrounding single family neighborhoods.</td>
</tr>
<tr>
<td>Trip generation for this request is comparable to what could be expected under the existing RS-9 zoning.</td>
<td>This request represents an increase in intensity from the existing RS-9 zoning pattern.</td>
</tr>
<tr>
<td>The site is adjacent to existing RM-8-S zoning.</td>
<td></td>
</tr>
</tbody>
</table>

### SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

**PRIOR TO ISSUANCE OF ANY PERMITS:**

a. Developer shall flag wetland areas and 15’ stream buffers in the field to the satisfaction of the Inspections Division.

b. Approval of this request by the BOCC will serve to void the Planning Board’s preliminary subdivision approval for this site that was granted on March 8, 2007 and known as subdivision file # 07037.

**PRIOR TO THE ISSUANCE OF GRADING PERMITS:**

a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit. Developer shall dedicate 45’ of right-of-way from the centerline of Robinhood Road along the site’s frontage.

b. Developer shall submit sealed drawings to the Inspections Division for any retaining wall over five feet in height.
PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Record final plat in the office of the Register of Deeds
  b. If any lighting is proposed, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 25' or less and no more than 0.5 foot-candles at the property line.
  c. Proposed buildings shall be constructed in substantial conformance with the submitted building elevations.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All requirements of the NCDOT driveway permit shall be completed.
  b. Lighting shall be installed per approved lighting plan and certified by an engineer.

OTHER REQUIREMENTS:
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.

STAFF RECOMMENDATION: APPROVAL

NOTE: These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.

Aaron King presented the staff report.

PUBLIC HEARING

FOR:

Doug Stimmel, 601 North Trade Street, Suite 200, Winston-Salem, NC 27101
  • My firm is the land planner for this project.
  • There appears to be a lot of misinformation about this project out there right now.
  • I only wish the number of folks who are here today would have been at the neighborhood meeting that we set up. I wish that after we met with the presidents of the Century Oaks and Ashton Place Homeowners Associations, they had opted for a neighborhood meeting for their associations.
  • Mr. Stimmel described the site and the merits of the project in detail.
  • All our roads are private roads.
  • We've been working with Dr. & Mrs. Wright to allow their use of some of our land to continue and to minimize impacts on their property.
  • The four residents in Ashton Place who are most impacted by the project are 240 feet from the nearest building.
  • If this site is developed as single family, the building set-back is 25 feet. Our nearest home to any existing buildings surrounding this site is 125 feet.
We've gone to great lengths to be a good neighbor in scale, distance, and buffer.
This is not a typical multifamily development. It's geared toward empty-nesters, young professionals, and retirees. In a similar development, Granite Ridge, they have 64 three-bedroom units and only 32 children in the development. We project 15 in this development because we have half as many three-bedroom units. If this site were developed as single-family, there would be approximately 87 children in the development.
Please listen to the facts.
We had a neighborhood meeting and sent out 341 letters to the invitation and met on January 30th with the presidents of the Neighborhood Associations and Dr. Wright. They contacted me on February 22nd and said they would see us at this meeting because there wasn't enough time to get a meeting together. We then set up our own meeting and invited 341 addresses. Out of those, we only had 31 house-holds and 45 individuals present.
AGAINST:

Jason Kobisky, 1030 Wild Dogwood Lane, Winston-Salem, NC 27106
• Provided statistical package which he also reviewed.
• Asked those in opposition to stand.
• Because we have jobs and other business in our lives, we delegate responsibility for attending these meetings and reporting back to us. That also results in not having an overcrowding at the meetings.
• I represent Century Oaks. We got in touch with 80% of our households and all of them signed the petition in opposition to this request.
• There is currently a vacancy rate of 7% in this area in apartments. If this continues, apartment owners will have to reduce their requirements for occupants and take whomever they can get. This will result in people who don't have vested interest in their property. I have a 30-year mortgage and am invested in this property for the rest of my life.
• Crime rates in apartment complexes tend to be higher. Within a one-mile radius of our community, there is a zero percent rate of crime within the last year.
• Within 0.25 mile radius of Granite Ridge which the petitioner referred to, it was astounding how many incidents there have been within the last 12 months. Half of those incidents have been within Granite Ridge itself. How can they say security is not an issue?
• I just moved in last July and now I'm facing this issue.
• History proves that single family living appreciates in value while apartment complexes depreciate the value.
• Expansion that destabilizes or weakens existing communities is not growth.
• Just think if this was your back yard or your investment. With that being said, we plead for your help.
• Please keep this land zoned single family.

Richard Harris, 188 Brooks Landing Drive, Winston-Salem, NC 27106
• I'm a member of the Brooks Landing Homeowners Association.
• Our association asked for input from our 61 owners as to the impact they felt would be brought about by this property rezoning. 70% signed a petition opposing this rezoning.
• The opposition was principally along the lines of dropping a large number of rental properties into a single family neighborhood.
• Secondarily was a concern for the traffic that will be added by this development.
• Traffic on Robinhood Road is already bad. A shopping center is opening soon at Meadowlark and that will further increase the traffic. In addition, there are more residences being constructed in this area.
• One of my major issues is the impact of drainage and flooding. A number of our homesites abut Muddy Creek floodplain. Muddy Creek already flows out of its banks on occasion.
• Increasing the impervious surface cover will only be adding to that problem.

Nancy Sherrill, 170 Ashton Place Circle, Winston-Salem, NC  27106
• I'm here to represent the residents of Ashton Place.
• Mr. Stimmel said that only 31 people came to his meeting, but there are only 26 houses in Ashton Place. Of those, Mr. Wright and the president of our homeowners association had already met with him.
• We wish that this remain RS-9 single family.
• Our primary concerns are about being able to maintain the community we currently have and also about traffic issues.
• We downsized to move to Ashton Place when our children were grown, as many in our community have done. There are very few younger couples in our neighborhood.
• Our choice in moving to Ashton was because the lots are smaller and the homes are smaller. We have a common area (a park) in the center of our development. We believe our community adds to the Legacy plan which you have endorsed.
• However, in most of the plans you see for planned communities, you don't see apartments right next to expensive homes. You see other things that buffer between those uses. That's not in this plan.
• Our concern is that our neighborhood be preserved. We are concerned about our property values. We are concerned because our neighborhood is a well-maintained area. We feel safe in this neighborhood.
• We are concerned that the sense of safety which we have will not be maintained because of the issue of crime which seems to exist around apartments.
• We are concerned about the buildings that Mr. Stimmel plans to put up. As shown by the pictures of Granite Ridge, it is trashy at times. There is a web-site in Greensboro that allows people to rate apartment complexes there. Granite Ridge is noted as having been very attractive at first, but having gone downhill. Comments include that trash bins are overflowing and trash is not picked up regularly.
• The other issue is traffic. I've lived here seven years. The change in traffic is incredible.
• Of special concern to me is the safety of children who live at this development.
• Right now there is a school bus stop at the entrance to Brooks Landing. If this development is approved, there will have to be a second stop added.
• We urge you to vote against the change in rezoning.

John Hedin, 120 Wild Spruce Court, Winston-Salem, NC  27106
• We're all part of the 20,000 people who were just annexed into the City of Winston-Salem so we've just had a really big tax hike. We have overcrowded schools already and I don't see anything happening to relieve that congestion.
• If we're going to leave a Legacy, let's leave a Legacy of well-planned growth with roads to match development.

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
• Dr. Wright appreciates the efforts to gain his favor. He has not agreed to anything and remains opposed to the site.
• Mr. Amour's comments related to Legacy and the need to preserve open space.
• The average tree on this site is too large for me to reach around.
• A number of streams on this site all flow down towards Brooks Landing.
• I've met with these neighborhoods five times and they are very solidly against this project.

Becky Nelson, 940 Wild Dogwood Lane, Winston-Salem, NC 27107
• I'm particularly concerned about traffic, crime rate and overcrowding.
• The people who owned the radio tower property may not object to this, but they don't live there. The land is vacant.
• I want to know how they plan to attract the young professionals, etc. I don't think it will happen.

WORK SESSION

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

1. Lynne Mitchell: It's difficult to look at transitions - both between business and residential and between residential types. Traffic is a concern. The current zoning versus the proposed change results in a very minor difference in traffic. I'd like to think that all our children would have an opportunity to go to a high performing school as the schools are in this area. However, the number of children would actually be less under the proposed plan than under the existing zoning. I support increased density. I love the idea that someone could walk to the activity center that's being constructed. The more diverse communities, the healthier our community. I appreciate your input.

2. Carol Eickmeyer: There are a couple of things that concern me about this and they have to do with the overall development of the area. Frankly I'm not opposed to multifamily housing in an area like this. We have approved a number of projects in this area, but that's where the rub is. I'd like us to slow development down in this area so we can see how Robinhood Village and some other things that are already approved for this area impact the area. I don't know why this is the time to be building anything. There simply isn't money available to widen Robinhood Road or improve our school system. It isn't that we don't take these things seriously. It's that as a community we have not designated funds for these things. By approving this we may make things even worse than they are already.

3. Paul Mullican: Under the existing zoning, they could go in and put a subdivision on this property right now. That would have approximately the same impact on the roads. A subdivision would have more impact on the school system. People thrive on growth and I don't think we can stop it.
4. Brenda Smith: How does the open space for this compare with what a PRD would have? Staff responded that the proposed plan has more open space than the 15% required for an RS-9 PRD.

5. Arthur King: This is another tough case. I understand the concerns of the neighbors, but we also have an activity center already designated here and multifamily housing is one of the elements that typically serves as a transition for that type of development. It's unfortunate that granting zoning requests gets in the way of people who are already comfortable where they are, and yet it's important to take into consideration the overall interests of the community. In spite of my reservations, I'll be voting in favor of this proposal.

6. Jerry Clark: Several years ago I sat in the audience while a developer proposed putting a multifamily development across the street from me. Since then, the developer has built single-family rental homes. I don't even know they are there other than seeing the structures. They have had almost no impact on our area. It just depends on how the developer does the site.

7. Wesley Curtis: I think the developer has done a good job of putting in a package and trying to look at all the concerns he sees whether it's sidewalks, the scale of the structures, the setbacks, working with the neighbors that are closest to the development, trying to achieve as much open space as possible, and to concentrate the open area in an area where the community can take advantage of it. It's too bad we don't have an area plan for this area. So I think slowing down development in this area would be beneficial for everyone. Frankly this could work well as a transition, but I think we need more time for everyone to absorb this. At this time I will vote against the development.

8. Brenda Smith: How does this fit in with the CAC (Community Activity Center)? It would be good to know how this will work with that. The board discussed the various intensities that multifamily development can be. This particular request is under eight units/acre.

9. Carol Eickmeyer: This would be a better impact if it were not so intense.

10. Lynne Mitchell: People aren't going to like what I'm going to say, but I didn't hear or read people's concerns about the scale. The concerns were about the type of people who might live there. People are people. You are no more or less a person because you live in an apartment. That really does not sit well with me.

11. Arnold King: We have a plan before us that has less impact on traffic and on schools than the current plan. If we had an area plan, it would probably support this type use this close to the activity center.

MOTION: Carol Eickmeyer moved denial of the zoning map amendment.
SECOND: Wesley Curtis
VOTE:

FOR: Wesley Curtis, Carol Eickmeyer, Brenda Smith
AGAINST: Jerry Clark, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican
EXCUSED: None

Motion failed.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Lynne Mitchell
VOTE:

FOR: Jerry Clark, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican
AGAINST: Wesley Curtis, Carol Eickmeyer, Brenda Smith
EXCUSED: None

Written comments submitted by Planning Board members:

Wesley Curtis: In the absence of an area plan and with strong opposition to multifamily, I did not support this case. The proposal was a good one. I think without overall study, such as an area plan, haphazard growth will occur. We need to halt changes in zoning until plan is completed or a project is presented with strong neighborhood support.

Carol Eickmeyer: Against this project. I favor multifamily in this area. However, the density of this project (even though it is less dense than it could be) is too dense for this area at this time. The cumulative effect of development in this area is unknown right now. I suspect that there are many problems that will result from such intense development without supporting infrastructure or support institutions.

Paul Mullican: 1) Out of all the people who spoke against this development, no one told us anything concrete. 2) The lay of this site is very challenging. Needs to be graded and built on by one developer and builder. 3) Good area for mixed use development. 4) Planning staff approved!

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A. Paul Norby, FAICP
Director of Planning
102 Letters, E-mails, and Faxes were received expressing opposition to this rezoning request.

In addition, petitions were submitted with the signatures of 230 persons expressing opposition to this rezoning request.

All items received regarding this rezoning request are on file in the City-County Planning Board offices, Design & Development Review Team, Room 225, Bryce A. Stuart Municipal Building, 100 East First Street, Winston-Salem, NC 27101 and are available for review. A copy of each item has also been submitted to the Board of Commissioners Office of Forsyth County, North Carolina.