DOCKET #: F1410

PROPOSED ZONING:
RM8-S (Residential
Building: Single
Family, Duplex, Twin Home,
and Townhouse; PRD)

EXISTING ZONING:
RS20

PETITIONER:
George Sowers for
property owned
by Multiple Owners

SCALE: 1" represents 700'

STAFF: Gallaway

GMA: 3

ACRE(S): 69.14

MAP(S): 660878, 660882
May 26, 2004

George Sowers  
3286 Frye Bridge Road  
Clemmons, NC  27012

RE:  ZONING MAP AMENDMENT F-1410

Dear Mr. Sowers:

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  
Dot Duggins, Walkertown Council Member, 3936 Justin Brook Lane, Walkertown, NC  27051  
Kevin Davie, Allied Designs, 4720 Kester Mill Road, Winston-Salem, NC  27103  
Marilyn Martin, 2733 Martin Street, Walkertown, NC  27051  
Donald Andrew, 7118 Hunting Brook Court, Walkertown, NC  27051
FORSYTH COUNTY  
BOARD OF COMMISSIONERS

MEETING DATE: ________________________  AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on zoning map amendment of George Sowers from RS-20 to RM-8-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; and Residential Building, Townhouse): property is located north of Old Hollow Road at the eastern terminus of Ruxton Drive (Zoning Docket F-1410).

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map.

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 George Sowers, Docket F-1410

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-20 to RM-8-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; and Residential Building, Townhouse) the zoning classification of the following described property:

Tax Block 5171, Tax Lots 5B, 5C, 5J & 205M

Section 2. This Ordinance is adopted after approval of the site plan entitled Whitehall Village, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of ________________, 20_____ to George Sowers.

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 Whitehall Village. 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 George Sowers (Zoning Docket F-1410). 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, Single Family; Residential Building, Duplex; Residential Building, Twin Home; 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.

• **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 obtain a driveway permit from NCDOT.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. All required fire hydrants shall be installed in accordance with the County Fire Department.
ZONING STAFF REPORT

DOCKET #  F-1410
STAFF:     Suzy Gallaway

Petitioner(s): George Sowers
Ownership:  TWP Properties LLC, c/o Phillip W. Martin CPA; Janie L. Pierce & Nancy L.
            Carmichael; Edna S. Cude; and Jane P. Blackburn & W. B. Marshall

REQUEST

From:  RS-20 Single Family Residential District, 20,000 sf minimum lot size
To:  RM-8-S Multifamily Residential District (Residential Building, Single Family;
      Residential Building, Duplex; Residential Building, Twin Home; 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:  69.16 acres

LOCATION:

Street:  North of Old Hollow Road at the eastern terminus of Ruxton Drive.
Jurisdiction:  Forsyth County.

SITE PLAN

Proposed Use:  Mixture of Single Family, Duplex, Twin Home and Townhouse units.
Building Height:  40 foot maximum.
Density:  3.15 units per acre.
Parking:  Required: 436 spaces; proposed: 436 spaces.
Bufferyard Requirements:  30 foot type II bufferyard.
Vehicular Use Landscaping Standards Requirements:  UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site:  Site is vacant.
Adjacent Uses:
      North-  Vacant property, zoned RS-20.
      East-   Single family homes, zoned RS-20.
      South-  Single family home, zoned RS-20.
      West-   Single family homes, zoned RS-20.
GENERAL AREA

Character/Maintenance: Single family subdivisions near the Walkertown business district; additionally large tracts of vacant land to the north.

Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. F-1366; RM-12 and RS-9 to RM-8-S and LO-S; approved July 8, 2002; east and west sides of Rocky Branch Road, south of Old Hollow Road; 68.01 acres; Planning Board recommended approval, staff recommended denial.

2. F-1353; LB-S and RS-20 to LB-S; approved February 25, 2002; northeast corner of Old Hollow Road and Main Street (Walkertown); 2.64 acres; Planning Board and staff recommended approval.

3. F-1154; RS-20 to LB; approved July 8, 1996; west side of Main Street (Walkertown) north of Old Hollow Road; 0.60 acre; Planning Board and staff recommended approval.

4. F-1112; RM-12 to LO-S; approved May 22, 1995; northwest corner of Darrow Road and Poindexter Street; 3.06 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan will remove significant amounts of vegetation. However, over 400,000 square feet of open space is shown, much of this along West Belews Creek. A large amount of the existing vegetation in this open space is to remain.

Topography: The subject property experiences an overall elevation change of 108.6 feet, rising from 884.8 feet along the north-central border of the site near West Belews Creek up to 993.4 feet in the south-central section of the site.

Streams: West Belews Creek runs along the northern border of the subject property. An intermittent stream that feeds into West Belews Creek also crosses the north-central section of the property.

Vegetation/habitat: The subject property is almost completely covered with vegetation. However, a portion of the central section of this property has been cleared of its vegetation.

Wetlands: A PUBHh (Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded wetland lies just to the east of the subject property. Walkertown Quad Natural Heritage Sites: North Walkertown Forests are a little less than a mile from the subject property. However, this proposal should not directly impact this Natural Heritage Site.

Environmental Resources Beyond the Site: The proposed site plan should not significantly impact 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 protection regulations.

**TRANSPORTATION**

Direct Access to Site: Old Hollow Road; Ruxton Drive; Lakawanna Drive; Dempsey Drive
Street Classification: Old Hollow Road – Major Thoroughfare; Ruxton Drive – Local Road; Lakawanna Drive – Local Road; Dempsey Drive – Local Road

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
  - Old Hollow Road between Darrow Road and Reidsville Road = 13,000/14,600
  - Darrow Road between Reidsville Road and Old Hollow Road = 7,200 (1998 Count)/14,600

Trip Generation/Existing Zoning: RS-20: 69.14 x 43,560/20,000 = 150 units x 9.57 (SFR Trip Rate) = 1,435 Trips per Day
Trip Generation/Proposed Zoning: RM-8-S: 218 units x 9.57 (SFR Trip Rate) = 2,086 Trips + 88 units x 6.59 (Multi-Family Trip Rate) = 579 Trips; Total Trips per Day = 2,665

Planned Road Improvements: Old Hollow Road from Healy Drive to Reidsville Road; from 2 lanes to 3 lanes; 2005 – 2014. Darrow Road from Reidsville Road to Old Hollow Road; from 2 lanes to 3 lanes; 2021 – 2025.

Traffic Impact Study recommended: No
Sidewalks: None existing. Staff recommends sidewalks to be built to the Town of Walkertown Standards.
Bicycle Route: Route 25, Kernersville Lake Park Connector, along Old Hollow Road.

**CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): The goal in the Building Better Neighborhoods chapter of *Legacy* is for “New and revitalized neighborhoods that offer a variety of quality housing types, convenience to services and shopping, and foster a strong sense of community.” *Legacy* goes on to say that these developments should have a connected street system and a system of sidewalks and greenways that create a pedestrian circulation system.

Area Plan/Development Guide: Site is within the Walkertown Small Area Plan area, which is currently being developed.
Relevant Development Guide Recommendation(s): The Walkertown Small Area Plan process has not progressed to the point where land use recommendations have been made.

**INTEGRATED AREA COMMENTS**

Incorporated Jurisdiction: Adjacent to the Town of Walkertown.
Expressed Concern: The Town of Walkertown is aware of the rezoning request and expressed they would like to remain neutral on this request.
WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 212 students to the system, as indicated by the following chart.

<table>
<thead>
<tr>
<th>Project</th>
<th>Number Units</th>
<th>Schools</th>
<th>Projected Students from Project</th>
<th>2003-2004 Enrolled Students</th>
<th>2003-2004 Projected Students with Accumulated Totals since 4/15/01</th>
<th>School Capacity</th>
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<tr>
<td>White-hall Village</td>
<td>218</td>
<td>Walkertown ES</td>
<td>98</td>
<td>49</td>
<td>900 647</td>
<td>998 696</td>
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<td>65</td>
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<td>670 504</td>
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</tbody>
</table>

ANALYSIS

The current request is to rezone just over 69 acres from RS-20 to RM-8-S (Single Family, Duplex, Twin Home, Townhouse and Planned Residential Development). According to the site plan as submitted the development would include 130 single family lots and 88 Duplex, Twin Home or Townhouse units. The entire site is requested to be a Planned Residential Development, which means that open space is required to be dedicated in the development. Within the development just under 9.5 acres of open space is proposed.

The site is bordered on two sides by single family subdivisions developed in the 1960’s and 1970’s. North of the site is a vacant tract of RS-20 property fronting on Sullivantown Road in Walkertown. South of the site is a single family home fronting on Old Hollow Road. That single family home would be removed for a public street leading into the proposed project, should the project be approved.

Although the zoning surrounding the site is predominantly RS-20, staff believes the proposed location is an appropriate site for a development with higher density. The density of the proposed project is 3.15 units per acre, whereas RS-20 lots are approximately half an acre or 2 units per acre. The site is close to several services and also has water and sewer available. Within walking distance are an elementary school, a middle school, a public library, a drug store, grocery store, physician’s office, restaurants and churches as well as other retail services.

A large portion of Walkertown lies within the Salem Lake Water Supply Watershed, which substantially limits the percentage of impervious surfaces as a condition of development. The current site does not lie within the watershed thereby making development more environmentally friendly without the strict watershed restrictions for development.
As shown on the current site plan the developer is proposing 100-foot stream buffers along West Belews Creek. Also there are street trees and sidewalks in the townhouse, duplex and twin home section of the project. Staff has communicated to the developer a desire for street trees and sidewalks (on at least one side of all roads) in the single family section also. Centrally located within development is a common green with access for pedestrians. The other common spaces within the development are also accessible via pedestrian access easements. The developer is also proposing a vehicular connection to Ruxton Drive as well as a stub connection to the RS-20 property north of the site. Staff has requested the developer also show a stub connection to the property south of the development.

The proposed development would bring a variety of housing types to the Walkertown area as well as many amenities currently not found within other developments in the area. The variety of housing types in combination with amenities and accessibility to area services makes this location and project to be viewed favorably by staff. Therefore, staff would recommend approval of the request.

**FINDINGS**

1. The proposed location is an appropriate site for a development with higher density than that of the surrounding developments due to the existence of many services, private and public.

2. The petition proposes a variety of amenities not currently found in other developments in the area.

3. Staff commends the proposed amenities and has consulted the developer requesting street trees and sidewalks be included in both sections of the development.

4. The proposed development would bring a variety of housing types to the Walkertown area.

5. The site is accessible and close to several public and private services in the area.

**STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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

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

a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.
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 obtain a driveway permit from NCDOT.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

a. All required fire hydrants shall be installed in accordance with the County Fire Department.

Clarence Lambe was recused from consideration of this item.

Suzy Gallaway presented the staff report.

PUBLIC HEARING

FOR:

Dot Duggins, Walkertown Council Member, 3936 Justin Brook Lane, Walkertown, NC 27051

- The Council has considered this proposal and we do not object.
- This fits the Legacy plan perfectly.
- Mr. Sowers has gone above and beyond the requirements. He has gone overboard to meet with citizens surrounding this site, making himself available at our convenience.

Kevin Davie, Allied Designs, 4720 Kester Mill Road, Winston-Salem, NC 27103

- One of the challenges we dealt with was that the area plan for this area is under development so we didn’t know if we were meeting what the area plan would eventually recommend.
- Although we aren’t within Walkertown’s limits, we are surrounded on three sides and this definitely feels like Walkertown, so we made every effort to involve the Town and the residents.
- Trip generation calculations may have included 218 total units plus an additional 88 multifamily when in fact we’ve got 130 single family units and 88 multifamily units. So the trip generation counts are a little bit lower than what you see in this draft report.
- We have provided the connection to Ruxton which is existing. Other connections were considered, but Dempsey is unimproved on both sides and the residents are requesting it be abandoned.
- Two tracts are interior and are not included in this plan because it appears that would create a parallel situation with Oak Hollow that might feel too much like a short-cut.
- The Garys were kind enough to come to our office and talk with us about what they might expect. We drove along Hanes Mall Boulevard and looked at the good and the bad. Basically the other homes are further away or are separated by a natural buffer (creek and draw). The exception is the Garys’ home which is on our side of the draw. We’ve increased that to a type IV bufferyard and included a note that if we have to remove any of the trees in the buffer, we will install a privacy fence. We also turned a few units to get them a little further out of the Garys’ sight line.
AGAINST:

Marilyn Martin, 2733 Martin Street, Walkertown, NC
- While Ms. Duggins is in favor of this project, our Council has bent over backwards to not say that they are in favor of the project. They have remained neutral on this.
- Mr. Sowers has done what he said he would. He's held meetings and explained things to us, but my concern is the traffic coming out on Highway 66.
- There are several other developments going in at this area. Traffic is almost at a standstill.
- I want to see Walkertown grow, but I would like to see them grow with a plan.
- I also have environmental concerns about the drainage.

Donald Andrew, 7118 Hunting Brook Court, Walkertown, NC 27051
- I own property near this site.
- I'm not as much opposed to it as I am wanting answers to some questions.
- I'm concerned about traffic.

WORK SESSION

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

1. Sidewalks and street trees are located in the multifamily portion of the site, and staff has requested that both sidewalks and street trees be in the single family section as well. Walkertown has adopted a higher standard for sidewalks and they are also discussing the inclusion of street trees. Those would need to be included for the streets to be up to an acceptable standard to be annexed into Walkertown.
2. The Board asked the developer to consider adding sidewalks in the single family area even if this area is not annexed into Walkertown before development.
3. The developers have done a good job with the layout of this AND talking with the neighbors.

MOTION: Dara Folan moved approval of the zoning map amendment.
SECOND: Paul Mullican
VOTE:
- FOR: Clark, Eickmeyer, Folan, Glenn, King, Mullican, Norwood, Smith
- AGAINST: None
- EXCUSED: Clarence Lambe

Written Comments by Planning Board Members:

Carol Eickmeyer: I voted in favor of this change. However, developer should be encouraged to put in the recommended sidewalks - in anticipation of requirement of Walkertown - There was some discussion on this - and some confusion.
According to information furnished by the Office of the Tax Assessor on March 1, 2004, the subject property was in the name of TWP Properties LLC, c/o Phillip W. Martin CPA; Janie L. Pierce & Nancy L. Carmichael; Edna S. Cude; and Jane P. Blackburn & W. B. Marshall.

A. Paul Norby, AICP
Director of Planning