October 22, 2003

Wachovia Bank NA Trustee,
Constance F. Gray and M. Fraser Gray
100 North Main Street
Winston-Salem, NC  27150

RE:  ZONING MAP AMENDMENT F-1392

Dear Sir:

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
     Graham Bennett, 1540 Silas Creek Parkway, Winston-Salem, NC  27127
     James M. McChesney, III, 3600 Country Club Road, Winston-Salem, NC  27104
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________________  AGENDA ITEM NUMBER: _______

SUBJECT:--
Public Hearing on zoning map amendment of Wachovia Bank of NC, NA Trustee, Constance F. Gray and M. Fraser Gray from RS-9 and RS-9-S to MU-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices; Hospital or Health Center; Neighborhood Organization; Police or Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO PHASE]: property is located on the west and east sides of Meadowlark Drive between Robinhood Road and Country Club Road (Zoning Docket F-1392).

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

Approval of Special Use District Permit

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 Wachovia Bank NA Trustee, Constance F. Gray and M. Fraser Gray, Docket F-1392

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 and RS-9-S (Planned Residential Development) to MU-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation
Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices; Hospital or Health Center; Neighborhood Organization; Police or Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO PHASE] the zoning classification of the following described property:

<table>
<thead>
<tr>
<th>Tax Block</th>
<th>Tax Lot(s)</th>
</tr>
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<tbody>
<tr>
<td>4619</td>
<td>005</td>
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<tr>
<td>4620</td>
<td>1C, 1D, 4A, 6A, 25, 35D</td>
</tr>
<tr>
<td>4429</td>
<td>037</td>
</tr>
<tr>
<td>4525</td>
<td>35B</td>
</tr>
<tr>
<td>4620</td>
<td>1D</td>
</tr>
</tbody>
</table>

Section 2. This Ordinance is adopted after approval of the site plan entitled Wachovia Bank of NC, NA /Brookberry Farm, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the ______ day of ___________________, 20_____ to Wachovia Bank of NC NA Trustee, Constance F. Gray and M. Fraser Gray.

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 Wachovia Bank of NC, NA /Brookberry 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.
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 Wachovia Bank of NC NA Trustee, Constance F. Gray and M. Fraser Gray (Zoning Docket F-1392). 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 MU-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care,
Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices; Hospital or Health Center; Neighborhood Organization; Police or Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO PHASE], 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 MU-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. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
  b. Existing trees to remain shall be cordoned off as shown on the site plan.
  c. No trees shall be cut prior to erosion control devices being installed and approved. Limits of creek disturbance shall not exceed 150 linear feet. If disturbance exceeds 150 linear feet, a state water quality permit will be required.
  d. Provide professional quality 35mm black and white photographs (8”x10”) and color slides of the site, including the 2-story circa 1910 Conrad House, 3 small bungalow cottages, barns and associated farm outbuildings, and landscape elements (including the graveyard). Photographs of all exterior building/structure elevations, exterior architectural details, and landscape vistas shall be provided. Provide professional archival quality video of the overall site, including built and landscape elements. Documentation, by all methods described above, of the Gray House and all outbuildings/support structures directly associated with the Gray House will be provided at such time that ownership of the portion of the tract including the house is transferred rather than at time of initial grading permits. 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. Note: With regard to the graveyard on the property, the petitioner shall follow the North Carolina General Statutes (NCGS 14-148 and 14-149; NCGS 65-13).
  e. Developer shall obtain a driveway permit from the North Carolina Department of Transportation (NCDOT). NCDOT will require additional road improvements based on the discussions described in the staff report analysis and consistent with the Traffic Impact Analysis submitted by the petitioner.
PRIOR TO SIGNING OF FINAL PLAT
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 Planned Residential Development open space standards. Roads shall be built to City of Winston-Salem Public Works street standards.
b. Within Land Bay II, developer shall dedicate a forty (40) foot wide greenway easement to the City of Winston-Salem or Forsyth County along Reynolds Creek between the proposed loop road and the proposed right-of-way of the Northern Beltway.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS
a. On site fire hydrant locations shall be approved by the City of Winston-Salem Fire Department or the Forsyth County Fire Department in writing to the Inspections Division.
b. Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show lots, common areas, private access easements and public utilities.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department or the Forsyth County Fire Department.

OTHER REQUIREMENTS
a. Land Bays I, II, III, IV, and VII will be allowed one freestanding entrance monument sign at each main entrance. These signs will be subject to Forsyth County/Winston Salem Unified Development Ordinances section 3.2 regulations for residential development with a maximum height of eight (8) feet. Within Land Bays I, II, III, IV, and VII neighborhood identification signage, directional signage, amenity area identification signage and any other necessary signage will be allowed, with a maximum height of six (6) feet.
b. Land Bays V and VI will be allowed one freestanding entrance monument at each entrance onto Meadowlark Drive. These signs will be subject to Forsyth County/Winston Salem Unified Development Ordinance section 3.2 regulations for mixed-use development with a maximum height of twelve (12) feet. Within Land Bays V and VI neighborhood identification signage, directional signage, amenity area identification signage and any other necessary signage will be allowed, with a maximum height of six (6) feet.
c. The +/- 54 acre lake shown on the plan is for illustrative purposes. The size of the lake may be reduced as the design process with state and federal regulatory agencies moves forward. The lake may also be removed altogether if determined by the owner. The area of the lake shall remain as permanent open space and recreational area regardless of the results of the regulatory process.
d. Street and sidewalk standards within the proposed development are subject to any potential revisions of the Winston-Salem Street Standards.
The following volunteered conditions are required PRIOR TO OCCUPANCY PERMITS:

- **VOLUNTEERED CONDITIONS**

**LAND BAY I** –

1. Minor modifications to the lot layout, total number of lots, design of the lots, and design and uses within the Village Center may be approved by Planning Staff.

2. The Village Center will contain any mixture of the uses shown on sheet 2 (Village Center Plan). The intent of the Village Center is to provide services for the residents of the Brookberry community only. The Village Center will contain community recreation areas and centers for the residents of the community. The majority of the services and recreation opportunities in the Village Center will be contained within the existing barn complex located on the site. Any additional buildings constructed in this area will maintain the character of the existing buildings with building elevations and materials approved by Planning Staff prior to Building Permits. Parking in the Village Center will be provided to meet all provisions of Forsyth County/Winston Salem *Unified Development Ordinances*, as final uses are determined.

3. Shared parking and cross access easements are permitted.

4. Maximum number of single-family and twin home units will not exceed 365 units.

5. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.

6. A minimum of two (2) interconnecting public street connections will be made to Meadowlark Drive pending Department of Transportation review.

7. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property. A connecting stub street will be provided to parcel 2 in the Northeast.

8. Land Bay 1 will contain a mixture of lot sizes. The lot sizes will be mixed throughout the Land Bay.

9. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.

10. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay I. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.

11. Street trees will be provided along both sides of the street at a maximum of 60 feet on center along the major loop road through Land Bay I, as indicated on the Master Plan. Any areas where tree save is within 15 feet of the roadway or site conditions prevent, street tree planting may be suspended to allow for existing trees to remain.

12. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.
13. Buffers to adjoining properties shall be provided per the Winston-Salem/Forsyth County Unified Development Ordinances.

LAND BAY II –
1. Minor modifications to the lot layout, total number of lots, and design of the lots may be approved by Planning Staff.
2. Maximum number of single-family, twin home and multi-family units will not exceed 150 units.
3. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property. A connecting stub street will be provided to the North.
4. Land Bay II will contain a mixture of lot sizes. The lot sizes will be mixed throughout the Land Bay.
5. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.
6. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.
7. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay II. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.
8. Street trees will be provided along both sides of the street at a maximum of 60 feet on center along the major loop road through Land Bay II, as indicated on the Master Plan. Any areas where tree save is within 15 feet of the roadway or site conditions prevent, street tree planting may be suspended to allow for existing trees to remain.
9. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have a cut-offs to direct light downward and limit light above the horizontal plane.
10. Buffers to adjoining properties shall be provided per the Winston-Salem/Forsyth County Unified Development Ordinances. A minimum 100’ buffer will be provided from the right-of-way for the future Northern Beltway. Should the Northern Beltway not be constructed and be removed from the TIP, a minimum of two (2) stub streets shall be provided to the West. Developer shall demonstrate a good faith effort to provide a pedestrian connection within NCDOTs proposed Northern Beltway stream crossing of Reynolds Creek.

LAND BAY III –
1. Minor modifications to the lot layout, total number of lots, and design of the lots may be approved by the Planning Staff.
2. Maximum number of single-family and twin home units will not exceed 300 units.
3. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property. A connecting street stub will be provided on the south western and south central portion of the property and to Woodspring Drive to the East as shown on the plan.

4. Land Bay III will contain a mixture of lot sizes. The lot sizes will be mixed throughout the Land Bay.

5. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.

6. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.

7. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay III. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.

8. Street trees will be provided along both sides of the street at a maximum of 60 feet on center along the major loop road through Land Bay III, as indicated on the Master Plan. Any areas where tree save is within 15 feet of the roadway or site conditions prevent, street tree planting may be suspended to allow for existing trees to remain.

9. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.

10. Buffers to adjoining properties shall be provided per the Winston-Salem/Forsyth County Unified Development Ordinances. A minimum 100’ buffer will be provided from the right-of-way for the future Northern Beltway. Should the Northern Beltway not be constructed and be removed from the TIP, a minimum of two (2) stub streets shall be provided to the West.

**LAND BAY IV - TWO PHASE**

1. The Final Development Plan shall be consistent with the following conditions:

2. Maximum number of single-family, twin home, duplex, and multi-family units will not exceed 385 units or a density of 12.0 units per acre. However should the proposed Robinhood Road area MAC, as identified in Legacy, be relocated the maximum density of Land Bay IV shall be four (4) units per acre.

3. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property. A connecting street stub will be provided for Parcel (1) on the Northern portion of the property and to Lyndale Drive to the West.

4. Land Bay IV will contain a mixture of lot sizes and/or product types. The lot sizes will be mixed throughout the Land Bay.

5. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.
6. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.

7. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay IV. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.

8. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.

9. Buffers to adjoining properties shall be provided per the Winston-Salem/Forsyth County Unified Development Ordinances.

LAND BAY V - TWO PHASE
1. The Final Development Plan shall be consistent with the following conditions:
2. Maximum allowable square footage for Business and Personal Services Uses shall be 40,000 square feet.
3. Maximum allowable square footage for Institutional and Public Uses shall be 40,000 square feet.
4. Maximum allowable square footage for Retail and Wholesale Trade Uses shall be 40,000 square feet.
5. Maximum allowable square footage for Recreational Uses shall be 40,000 square feet.
6. The mixture of uses between Business and Personal Services Uses, Institutional and Public Uses, Retail and Wholesale Trade Uses and Recreational Uses will not exceed the maximum square footage stated for each use above. The total combined square footage allowable for the non-residential portion of Land Bay V shall not exceed 40,000 square feet. The square footages for each use may be mixed in any combination.
7. Maximum number of Residential Units including single-family, twin home, duplex, and multifamily units will not exceed 840 units or a density of 12.0 units per acre of the entire Land Bay V area.
8. The maximum square footages and number of residential units may be reduced.
9. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.
10. A minimum of two (2) uses will be provided within Land Bay V.
11. A minimum of 20 percent of the land area for Land Bay V will be devoted to multifamily housing.
12. On street parallel and angled parking may be provided along all streets. All parking will meet all applicable standards of the Forsyth County/Winston Salem Unified Development Ordinances.
13. With the exception of on-street parking, vehicles will be parked behind or between buildings, never between buildings and the roadway curb, nor closer to the street then the abutting building elevations nearest the street.
14. Buildings will be placed adjacent to roadways with a maximum setback of 10’ from the right-of-way. The architectural front elevations and main building entrances will face major roads.
15. Streets will link in an informal grid network and be part of and contribute to the pedestrian system of walkways and open space amenities. The use of dead end streets will be limited and only used where topography or other site conditions dictate.
16. No single building shall exceed 40,000 square feet. Buildings that do not share walls and are linked together by awnings, covered walkways, trellises or other architectural means may be counted as separate structures.
17. Buildings shall have a maximum of 4 stories.
18. Buildings located in such a manner as to terminate an axis or site line shall have architectural features or be designed in such a way as to visually reinforce the axis.
19. Shared parking and cross access easements are permitted.
20. Dumpster and/or trash compactor locations can be added as necessary. Dumpsters and/or trash compactors shall be screened per the Forsyth County/Winston Salem Unified Development Ordinances section 3-4.6.
21. Sidewalks, with a minimum 5 feet width, will be provided along both sides of all public streets throughout Land Bay V.
22. Street trees will be provided along both sides of all public streets at a maximum of 60 feet on center, throughout Land Bay V, as indicated on the Master Plan.
23. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.
24. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property.
25. A connecting street stub will be provided on the Northern and southwestern portion of the Land Bay V.

LAND BAY VI - TWO PHASE
1. The Final Development Plan shall be consistent with the following conditions:
2. 300,000 sf of Retail, Wholesale Trade, and service uses will be permitted only if the Metro Activity Center (MAC) as identified in Legacy is relocated to the Shallowford interchange with the Northern Beltway. Otherwise non-residential development shall be limited to a maximum of 100,000 sf of retail and service uses and a maximum of 200,000 sf of office uses.
3. If multi-family residential units are provided, the number of units will be determined by reducing the allowable square footage of Retail and Wholesale Trade Uses by 500 square feet and/or reducing the allowable square footage of Business and Personal Services Uses/Institutional and Public Uses/Recreational Uses by 1000 square feet for each residential unit allowed. If a total of 300,000 square feet is used for Business and Personal Services Uses, Institutional and Public Uses, Retail and Wholesale Trade Uses and Recreational Uses no residential units will be allowed unless provided above the ground floor retail and provided with adequate parking.
4. Maximum allowable square footage for Institutional and Public Uses shall be 150,000 square feet.
5. Maximum allowable square footage for Recreational Uses shall be 100,000 square feet.
6. The mixture of uses between Business and Personal Services Uses, Institutional and Public Uses, Retail and Wholesale Trade Uses and Recreational Uses will not exceed the maximum square footage stated for each use above. The total combined square footage allowable for the non-residential portion of Land Bay VI shall not exceed 300,000 square feet. The square footages for each use may be mixed in any combination.
7. Maximum number of Residential Units, to be all multi-family units, will not exceed 360 units or a density of 12.0 units per acre of the entire Land Bay VI area.
8. The maximum square footages and number of residential units may be reduced.
9. On street parallel and angled parking may be provided along all streets. All parking will meet all applicable standards of the Forsyth County/Winston Salem Unified Development Ordinances.
10. Buildings will be placed lining Meadowlark Drive in such a manner as to screen parking areas behind the buildings. Any parking visible from Meadowlark Drive will be screened with landscaping, walls, or fences or a combination of any or all of the treatments.
11. No single building shall exceed 80,000 square feet. Buildings that do not share common walls and are linked together by awnings, covered walkways, trellises or other architectural means may be counted as separate structures.
12. Buildings shall have a maximum of 4 stories.
13. Buildings located in such a manner as to terminate an axis or site line shall have architectural features or be designed in such a way as to visually reinforce the axis.
14. Shared parking and cross access easements are permitted.
15. Dumpster and/or trash compactor locations can be added as necessary. Dumpsters and/or trash compactors shall be screened per the Forsyth County/Winston Salem Unified Development Ordinances section 3-4.6.
16. Sidewalks, with a minimum 5 feet width, will be provided along both sides of all public streets throughout Land Bay VI.
17. Street trees will be provided along both sides of the main street at a maximum of 60 feet on center, throughout Land Bay VI, as indicated on the Master Plan.
18. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have a cut-offs to direct light downward and limit light above the horizontal plane.
19. A connecting street stub will be provided for Parcel (61) on the Southern portion of Land Bay VI and to the public park to the East.

LAND BAY VII - TWO PHASE
1. The Final Development Plan shall be consistent with the following conditions:
2. A minimum of two (2) connecting street stubs will be provided to adjoining properties.
3. Density not to exceed 8 units/acre overall, with multifamily units being placed along the eastern portion of site nearest the proposed Beltway, and single family units in western portion of property.
4. Land Bay VII will be accessed from Ketner Road on the western boundary of the property.
5. Land Bay VII may contain a mixture of lot sizes and/or product types.
6. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.

7. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay VII. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.

8. Street trees will be provided along both sides of the major street or streets at a maximum of 60 feet on center. Any areas where tree save is within 15 feet of the roadway or site conditions prevent, street tree planting may be suspended to allow for existing trees to remain.

9. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.

10. Buffers to adjoining properties shall be provided per the Winston-Salem Zoning Ordinance.
ZONING STAFF REPORT

DOCKET # F-1392
STAFF: Gary Roberts

Petitioner(s): Wachovia Bank of NC, NA Trustee, Constance F. Gray and M. Fraser Gray
Ownership: Same

CONTINUANCE REQUEST

The petitioners were granted a second continuance from the September 11, 2003 Planning Board meeting to the October 9, 2003 meeting in order to continue working with staff on various site plan and transportation issues. No further continuances may be granted. The petition was initially continued from the August 14, 2003 meeting to the September 11, 2003, Planning Board meeting.

REQUEST

From: RS-9 and RS-9-S (Planned Residential Development)
To: MU-S Mixed Use District [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices; Hospital or Health Center; Neighborhood Organization; Police or Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO PHASE]

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

Acreage: 795± acres
LOCATION:

Street: West and east sides of Meadowlark Drive between Robinhood Road and Country Club Road.
Jurisdiction: Forsyth County.

SITE PLAN

Land Bay I:
Proposed Use: Low density residential with some limited retail, and institutional/recreational use via adaptive reuse of the existing barn complex.
Square Footage: 5,000 sf max. retail area; 10,000 sf max. institutional and public uses and 25,000 sf max. recreational uses.
Building Height: 60' maximum.
Density: 365 units within 244 acres = 1.5 du/acre
Parking: Required: Two spaces per dwelling unit.
Bufferyard Requirements: None required.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

Land Bay II:
Proposed Use: Low density residential.
Square Footage: Not available, (150 residential units).
Building Height: 60' maximum.
Density: 150 units within 103 acres = 1.5 du/acre
Parking: Required: Two spaces per dwelling unit.
Bufferyard Requirements: None required.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

Land Bay III:
Proposed Use: Low density residential.
Square Footage: Not available, (150 residential units).
Building Height: 60' maximum.
Density: 300 units within 192 acres = 1.6 du/acre
Parking: Required: Two spaces per dwelling unit.
Bufferyard Requirements: None required.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

Land Bay IV (TWO PHASE):
Proposed Use: Low to high density residential.
Square Footage: Not available, (385 residential units).
Building Height: 60' maximum.
Density: 385 units within 33 acres = 12 du/acre
Parking: Required: Two spaces per dwelling unit.
Bufferyard Requirements: To be determined through Final Development Plan review.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.
Land Bay V (TWO PHASE):
Proposed Use: Mixture of residential and nonresidential uses.
Square Footage: 40,000 sf maximum of either retail, service, institutional or recreational uses.
Building Height: 60' maximum.
Density: 840 units within 71 acres = 12 du/acre
Parking: Required: Two spaces per dwelling unit.
Bufferyard Requirements: To be determined through Final Development plan review.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

Land Bay VI (TWO PHASE):
Proposed Use: Potential mixture of residential uses with substantial amount of non-residential uses.
Square Footage: 300,000 sf maximum of either retail, office, service, institutional and/or recreational uses.
Building Height: 60' maximum.
Density: 360 units within 30 acres = 12 du/acre
Parking: Required: Two spaces per dwelling unit.
Bufferyard Requirements: To be determined through site plan review.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

Land Bay VII (TWO PHASE):
Proposed Use: Low to medium density residential.
Square Footage: Not available, (60 single family residential units).
Building Height: 60' maximum.
Density: 976 units within 122 acres = 8 du/acre
Parking: Required: Two spaces per dwelling unit.
Bufferyard Requirements: To be determined through site plan review.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Five single family homes along with numerous barns and accessory structures.
Adjacent Uses:

<table>
<thead>
<tr>
<th>Direction</th>
<th>Description</th>
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</thead>
<tbody>
<tr>
<td>North-</td>
<td>Low density residential zoned RS-20.</td>
</tr>
<tr>
<td>East-</td>
<td>Low density residential and Meadowlark Elementary and Middle Schools zoned RS-20.</td>
</tr>
<tr>
<td>Southeast-</td>
<td>Meadowlark Park multifamily development zoned RM-12.</td>
</tr>
<tr>
<td>South-</td>
<td>Low density residential zoned RS-9 and an undeveloped shopping center zoned HB-S.</td>
</tr>
<tr>
<td>Southwest-</td>
<td>Low density residential and Forsyth Country Day School zoned RS-20 and IP-S.</td>
</tr>
<tr>
<td>West-</td>
<td>Low density residential zoned RS-9, RS-9-S and RS-20.</td>
</tr>
<tr>
<td>Northwest-</td>
<td>Low density residential zoned RS-20.</td>
</tr>
</tbody>
</table>
GENERAL AREA

Character/Maintenance: Gradually suburbanizing area with an elementary school, multifamily residential and multiple small scale commercial uses located to the south and southeast. Development Pace: Slow to moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed lake would remove significant amount of vegetation and negatively impact existing topographical features and habitats. However, as stated in the master plan, this area will be set aside as open space regardless of whether the lake is built.

Topography: Because of its size and location along two creek beds, the subject property has significant and varied changes in its topography. The subject property’s highest elevation is ± 889 feet in the northeast section of the property (Land Bay I). Its lowest elevation is ± 721 feet in the southeast corner of the property (Land Bay VI). Some steep slopes are present along the creeks and near the existing estate.

Streams: Two major creeks, Reynolds Creek and Bashavia Creek (per Topographical Map 594862) traverse through the length of the subject property. Additionally, at the southeastern most section of the property (Land Bay VI), Muddy Creek is less than about 750 feet from the property boundary.

Vegetation/habitat: The subject property has some large amounts of vegetation in the central section of the property around Reynolds Creek (Land Bay II), the northwestern section of the property (Land Bay VII), and the southern section of the property (Land Bay III). Otherwise the property has small areas of vegetation, including many large hardwood specimens, mixed in with significant areas of open space.

Floodplains: Two floodplains affect the subject property. The floodplain of Reynolds Creek moves from the northwest section, through the center, and down to the southern section of the property. Also, the most southeastern section of the property (Land Bay VI) is in the Muddy Creek floodplain.

Wetlands: Multiple wetlands are located on the subject property. Three wetlands are located in the northeastern section of the site (Land Bay I). Two wetlands are located in Land Bay VII. A wetland is located in the central section of the subject property (Land Bay II) and within the central sections of the site (Land Bays I, II, III). Clemmons and Winston-Salem West Quads.

Natural Heritage Sites: 63 foot high White Oak Treasure Tree is located within Land Bay I.

Farmland Preservation Sites: None.

Environmental Resources Beyond The Site: The proposed project does not pose any significant threat to 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 master plan appears to preserve the existing wetlands. The petitioner will remain responsible for complying with all federal and state wetland and stream protection regulations.
TRANSPORTATION

Direct Access to Site: Meadowlark Drive; Beachamp Road; Lyndale Drive; Ketner Road and Woodspring Drive.
Indirect Access to Site: Country Club Road.
Street Classification: Meadowlark Drive – Minor Thoroughfare; Beachamp Road Local Road; Lyndale Drive – Local Road; Ketner Road – Local Road; Woodspring Drive – Local Road; Country Club Road - Major Thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Meadowlark Drive between Country Club Road and Robinhood Road = 11,000/11,100
Country Club Road between Meadowlark Drive and Philips Bridge Road = 9,800/18,500

Trip Generation/Existing Zoning: RS-9-S and RS-9
540 dwellings x 9.57 (SFR Trip Rate) = 5,167 trips + 18 x 40.63 (Golf Course Trip Rate) = 731 trips + 107.24 acres of RS-9 x 43,560/9,000 = 823 units x 9.57 (SFR Trip Rate) = 7,876 Trips per Day = 13,774 Total Trips

Trip Generation/Proposed Zoning: MU-S Calculations for Land Bays I, II, III and for Two Phase Land Bays IV, V, VI and excluding VII west of proposed Northern Beltway: 24,656 total trips.

Planned Road Improvements: Northern Beltway (R2247) – I-40 to US 52, new 4 lane freeway, regionally significant, 2005-2014; Country Club Road – Phillips Bridge Road to Beltway, from 2 lanes to 3 lanes, not regionally significant, 2012-2025; Shallowford Road – US 421 to Beltway from 2 lanes to 3 lanes, not regionally significant, 2005-2014.
Robinhood Road – Shattalon Drive to Northern Beltway; from 2 lanes to 3 lanes; not regionally significant; 2015-2020.

Interior Streets: Extensive network of public streets within all land bays.
Traffic Impact Study recommended: Yes. A TIS was submitted and has been reviewed by NCDOT.

Connectivity of street network: Excellent internal and external connectivity, east-west connectivity is hindered by the proposed Northern Beltway.

Sidewalks: No sidewalks are currently provided on the subject property or within the surrounding area. However, the subject request does include the provision of sidewalks to varying degrees within each land bay, (see Analysis section).

Traffic Calming: The proposed interconnected, curvilinear street network has inherent traffic calming characteristics.

Transit: None.
Bicycle Route: Route 2, Yadkin County Connector, along Country Club and Shallowford Roads.

HISTORY

Relevant Zoning Cases:

1. F-1300; RS-9 to NO-S (Professional Office; and Medical and Surgical Offices); approved June 26, 2000; west side of Beauchamp Road, north of Meadowlark Drive; 0.67 acre; Planning Board recommended approval, staff recommended denial.
2. F-1219; RM-12 to HB-S (Shopping Center); approved March 9, 1998; northeast corner of Country Club Road and Meadowlark Drive; 15.51 acres; Planning Board and staff recommended approval.

3. F-1084; B-3, R-5 and R-6 to B3-S (Golf Driving Range); approved September 12, 1994; north side of Country Club Road, west of Meadowlark Drive; 13.64 acres; Planning Board and staff recommended approval.

4. F-936; R-6 to R6-S (PRD); approved August 14, 1989; western side of Meadowlark Drive, between Country Club Road and Robinhood Road, portion of current site; 687.76 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* promotes compact pedestrian oriented neighborhoods that contain a mixture of housing types and prices and that include neighborhood serving commercial development, as well as public spaces and other amenities. *Legacy* also recommends the development of compact, mixed-use centers for retail, office, civic and residential activity. One of these centers, the Robinhood West Metro Activity Center (MAC), is located at the intersection of Robinhood Road and the western leg of the Northern Beltway. Up to 500 acres in size, these activity centers draw from a regional market and are intended to focus commercial activity and provide an alternative to “strip commercial” development. Staff work to further define the exact location and extent of the Robinhood Road MAC has identified the southeastern quadrant of the Robinhood Road/Western Beltway interchange, adjacent to the proposed Brookberry Farm development, as the most promising location for this activity center.

Plan/Development Guide: The subject property is not within the boundaries of an area plan or development guide.

Other (including plans of other agencies): Land Bay VII is within Lewisville’s future annexation area. The Town recommends that a maximum density of four (4) dwelling units per acre rather than the proposed 10 dwelling units per acre be approved for this portion of the subject property.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: Greenway Plan – Winston-Salem and Forsyth County.
Greenway/Trail Name: Reynolds Creek.
Easement Requested: 40 feet.
Side of Creek: Both sides.
Parks/Open Space Designation: No public parks are proposed within the subject property. The eastern portion of the site is adjacent to a future 36.77 acre city park which adjoins Muddy Creek.
Comments: The proposed Reynolds Creek greenway trail would extend southward to Tomahawk Creek and ultimately the Muddy Creek trail, linking Lewisville to Winston-Salem.

HISTORIC RESOURCES REVIEW

Known Historic Resources: Yes.
Forsyth County Architectural Inventory Number/Name: Brookberry Farm.
Known Forsyth County Archaeological Site/Number: Unidentified graveyard is located within Land Bay II or III.
National Register of Historic Places: Brookberry Farm has been determined eligible for the National Register.
Local Historic Landmark: No.
Historic District: No.
Comments: The following information is excerpted from the Historic Architectural Resources Survey Report, Phase II Intensive, Winston-Salem Northern Beltway, at which time Brookberry Farm was determined to be eligible for the National Register of Historic Places.

Description

Brookberry Farm consists of significant historic architectural and landscape elements, and exemplifies the American country house movement of the 20th century.

Of the several buildings which stand on the property, the oldest is the circa 1910 Conrad house, a two-story I-house with asbestos siding, two-over-two sash windows, and a hipped roof porch with battered posts on brick piers. Three small bungalow cottages also stand on the property. One dates from the 1920s, the second one was constructed around 1940, and Bowman Gray, Jr., constructed the third around 1950. Gray constructed numerous barns on the property in the early 1950s, including one comprised of a Quonset hut on a high concrete block foundation. Gray also built a concrete block milking parlor. Gray’s barns were used for his dairy operation, but were later used for horses and beef cattle.

The largest building is Gray’s house, started in 1948 and completed the following year. The two-story brick house is composed of a central T-shaped block with one-and-a-half-story rectangular wings set at an angle on the main block’s front corners. Brick chimneys stand on the main block’s three gable ends. A four-bay garage occupies the lower level of the north wing. A one-story wing also extends off the main block’s south elevation. This wing houses an indoor swimming pool. The pastoral landscape, much of which is still actively used as pastureland and for cultivation, is the site’s most notable landscape feature.
**Historical Background**

Bowman Gray, Jr., president of R.J. Reynolds, began assembling the farm’s nearly 1,000 acres in the late 1940s. Gray began building the main house in 1948 and completed it in 1949. He and his family lived here until his death in 1969. Gray ran a dairy of Golden Guernseys, but sold the Guernseys and began handling Charlaís beef cattle in the 1960s. Today, much of the land is leased for pastureland and crops.

In the Winston-Salem area, the Graylyn and Reynolda House estates serve as examples of the country house movement. The country house movement generally ends with the Great Depression or the outbreak of World War II at the latest, but because people continued to smoke R. J. Reynolds Tobacco Company’s cigarettes throughout hard economic times and the war, Bowman Gray, Jr., as that company’s post-war president, was able to amass acreage and construct his own country home.

**Evaluation**

Brookberry Farm is eligible for the National Register as the house, grounds, pastures, and dairy-related buildings survive as important examples of the country house movement and the Colonial Revival style during the post-World War II period.

In summary, Brookberry Farm is one of the most historically significant properties in Forsyth County, possessing an outstanding visual landscape and strong complement of architectural resources. As such, development should be sensitive to the Farm’s unique built and landscape environment. Additionally, the use of investment tax credits for National Register properties could be a financial incentive in the adaptive reuse of this important property.

Staff recommends adding a condition that the petitioner retain an historic preservation consultant to document the site, which would include 8”x10” black and white photographs and archival quality video. Historic Resources staff would be available to provide information on what specific elements of the site should be documented. Such documentation would become part of the archival files of the Forsyth County Historic Resources Commission.

The proposed site plan retains Mr. Gray’s country house, the cemetery, and a majority of the structures within the existing barn complex.
WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 3,501 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 4/15/03</th>
<th>School Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brookberry</td>
<td>3,610</td>
<td>Meadowlark ES 1,616</td>
<td>721</td>
<td>2,337</td>
<td>719</td>
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<td>Meadowlark MS 808</td>
<td>1,115</td>
<td>1,923</td>
<td>800</td>
<td></td>
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<tr>
<td></td>
<td></td>
<td>West Forsyth HS 1,077</td>
<td>2,243</td>
<td>3,320</td>
<td>1,560-1,882</td>
<td></td>
</tr>
</tbody>
</table>

Staff understands that the petitioner has been in contact with the Winston-Salem/ Forsyth County School System regarding the potential impacts of the Brookberry development on existing schools which would serve the additional school age population. Staff notes that, while the total build-out of Brookberry would substantially impact the schools, the development would actually generate fewer children than might otherwise occur from development of a comparable amount of RS-9 zoned development which generally exists elsewhere in the vicinity of Brookberry.

ANALYSIS

The subject request is to rezone 795 acres from RS-9 and RS9-S to MU-S. The property is located generally south of Robinhood Road, north of Country Club Road and both the east and west sides of Meadowlark Drive. The northern section of Reynolds Creek traverses almost the entire north-south axis of the site and the western portion of the property is divided by the proposed Northern Beltway.

The subject property, also known as Brookberry Farm, was the former residence of Bowman Gray, Jr., president of R.J. Reynolds, until his death in 1969. The site is primarily undeveloped with the exception of the Mr. Gray’s former “country house” along with four additional single family homes and an assortment of barns and other accessory buildings.

In 1989, 687± acres of the site was rezoned in order to accommodate a Planned Residential Development (PRD) consisting of an 18 hole golf course and 540 single family homes. The existing plan is essentially a conventional suburban subdivision with in excess of 30 dead end streets, no real mixture of uses or housing types, no historic preservation and no sidewalks or street trees. Obviously, this proposed development never materialized.

The vast majority of the surrounding properties are large lot, single family uses zoned either RS-9 or RS-20. The multifamily development of Brookberry Park, zoned RM-12, is located adjacent to the southeastern portion of the site. Adjacent to the apartments on the corner of
Country Club Road and Meadowlark Drive is an unbuilt, previously approved shopping center zoned HB-S. Meadowlark Elementary and Middle Schools are located across Meadowlark Drive from the subject property and Forsyth Country Day School, zoned IP, is located to the southwest within Lewisville’s town limits.

Legacy identifies a Metro Activity Center (MAC), at the intersection of Robinhood Road and the western leg of the Northern Beltway. MACs are compact, mixed-use centers for retail, office, civic and residential activity. The southern periphery of the Robinhood West MAC includes the northern edge of the subject property. The significant degree of commercial square footage included within the southeastern portion of the subject request has raised a question regarding the optimum location of this activity center and whether or not the MAC should more appropriately be located near the beltway interchange with Country Club Road instead of its current location. However, staff emphasizes the subject request should be evaluated within the context of the current MAC location as identified in Legacy.

As can be expected with such a large amount of acreage associated with the Brookberry development traffic impacts have been a significant consideration of the zoning request. As required under the UDO, the developer has submitted a traffic impact analysis which has been reviewed by the NC DOT and the Winston-Salem DOT. Both believe that the initial traffic impacts of the residential portions of the development, Land Bays I, II, and III can be accommodated with phased improvements at access points onto Meadowlark Drive. For this to work, however, the petitioner has also agreed to several key stub connections to the north toward Robinhood Road via Lyndale Drive, and to the south toward Country Club Road via a potential extension of Sims Drive. These connections along with other stub connections to adjacent properties are intended to diffuse the traffic volumes and ultimately make it easier for Brookberry traffic to access the Northern Beltway interchanges at Robinhood Road and Shallowford Road in the future.

Related to the second phases of development, i.e., Land Bays IV, V, VI, and VII, the traffic impact study will have to be updated to reflect the specific impacts of those developments. At the time of the Final Development Plan review, additional roadway improvements will be required of the developer consistent with the impacts of those phases.

The proposed development is divided into seven (7) separate areas referred to as land bays, (see Site Plan section). Staff’s review of the subject request is therefore structured accordingly.

Land Bay I – is the largest of the seven areas and includes the retention of the three existing ponds and construction of a new 54± acre lake which extends into Land Bays II and III. The site plan illustrates retention of the existing barn complex for an adaptive reuse into a mixture of recreational, institutional and/or retail uses with a maximum of 40,000 square feet of non-residential uses. The residential component consists of single family and twin home units on a variety of lot sizes with an overall low density of 1.5 dwelling units per acre. For comparison, conventional RS-9 zoning allows up to 4.84 units/acre. The public street network demonstrates an excellent response to the varying terrain while achieving an above average degree of internal connectivity. Some proposed streets are single loaded, having lots only on one side, thus
enabling the provision of several small neighborhood greens and enlarged medians. Other such
street sections afford the public full visual access to the above mentioned water bodies. The use
of conventional cul-de-sacs, which increase the delivery costs of public services, is extremely
limited. Shorter block lengths with connected streets, particularly in combination with
sidewalks, also aid in building social capital. While the proposed ratio for sidewalk to linear feet
of street can also include trails and is less extensive than what exists in most pre World War II
neighborhoods, staff welcomes at least some degree of pedestrian accommodation especially
given that no sidewalks are required in current UDO regulations. The proposed ratio is .5 linear
feet of sidewalks and/or pedestrian trails per one (1) linear foot of street. Street trees are
proposed at 60 foot on center along both sides of the major loop road which extends into Land
Bays II and III. Staff does have some concern regarding the proposed lake i.e. water quality due
to minimal depth and loss of natural open space; however, staff defers to DENR water quality
experts to determine the viability of this proposed amenity. Staff also recommends that a stub
street connection be provided to the adjoining lot # 23. The petitioner’s site plan preparer
however believes that such connection is not viable due to topographic constraints. This street
could eventually connect with Wall Ridge Road. In an effort to deliver a public realm (i.e.
streets), which are more walker friendly, the petitioner has agreed to some limitations regarding
protruding garages which are front accessed. Unless restricted such front accessed garages can
substantially compromise the functionality and aesthetic appeal of residential neighborhoods as
an environment that encourages human interaction.

Land Bay II – is essentially the same as Land Bay I in regard to its proposed design,
development conditions and mixture of residential lot sizes. However, no non-residential uses are
requested. The petitioner has agreed to provide a minimum of two stub streets to Land Bay VII
to the west in the event the Northern Beltway is not constructed. While this is good contingency
planning, staff recommends that a pedestrian greenway connection be included within the
beltway’s stream crossing of Reynolds Creek. While the logistics of integrating such an
improvement with NCDOT’s culvert design may be challenging, there will be long term benefits
by interconnecting the eastern section of the proposed development to the western portion.

Land Bay III – is essentially the same as Land Bay II in regard to its proposed design,
development conditions and mixture of residential lot sizes. The above mentioned former
residence of Bowman Gray Jr. is located on this portion of the site along with an unidentified
graveyard both of which are proposed to be retained. Staff’s only additional recommendation is
the provision of a street stub to the south, (lot 68), which could eventually connect to Beachamp
Road.

Land Bay IV - is a TWO PHASE request for residential use. The conditions include a
connection onto existing Lyndale Drive and an additional stub to the north. The proposed
maximum density is 12 units per acre provided said MAC stays in the existing Robinhood Road
area. The same ratio of .5 linear feet of sidewalks and/or pedestrian trails per one (1) linear foot
of street as noted with Land Bays I, II, and III would be applicable here. No conditions regarding
street trees have been volunteered. Land Bay IV will be subject to a Final Development Plan
review.
**Land Bay V** – is a TWO PHASE request with the site plan being shown for illustrative purposes only. Staff notes, however, that the Final Development Plan review will be in substantial compliance with the illustrative plan as a condition volunteered by the petitioner. This area is located at the convergence of Meadowlark Road and Beachamp Road. This area is considerably more urban in form than the previous Land Bays. The residential density increases to a maximum of 12 dwelling units per acre and up to 40,000 square feet of non-residential uses are requested. Consequently, the petitioner proposes a greater degree of sidewalks and street trees by volunteering these elements on both sides of all public streets. The volunteered conditions also include on street parking with bulk parking to the side or rear of the buildings and building orientation requirements.

**Land Bay VI** – is a TWO PHASE request with the site plan being shown for illustrative purposes only. This area is located on the eastern side of Meadowlark Drive just south of the Meadowlark Elementary and Middle Schools. The petitioner is requesting that Land Bay VI be the most intensively developed of all seven (7) land bays. Up to 300,000 square feet of retail is proposed. Staff is supportive of 300,000 sf of retail space only if current Metro Activity Center adopted in Legacy located at the interchange of the proposed Northern Beltway and Robinhood Road is officially relocated to the interchange at Shallowford Road. Otherwise, staff will support only 100,000 sf of commercial and 200,000 sf of office uses. The petitioner has agreed to this limitation. Multifamily residential at a density of up to 12 dwelling units per acre is also requested. A sliding scale based upon reducing the wholesale or retail square footage by 500 square feet or other non-residential uses by 1,000 square per dwelling unit is proposed. Such a reduction in non-residential square footage is not required if the residential units are provided above ground floor retail. The same extensive sidewalk and street tree conditions as volunteered in Land Bay V are proposed for Land Bay VI. Upon a request by staff, the developer has also included a connection to both the undeveloped HB-S site located directly to the south and to the future city park which adjoins the northern and eastern border of Land Bay VI and extends to Muddy Creek. This in turn could provide an indirect connection from Land Bay VI to Meadowlark Elementary School without the use of Meadowlark Drive. Staff welcomes the opportunity for vertically mixed uses, sidewalks and street trees and good external connectivity, however the proposed intensity of the non-residential uses is excessive for the area if the MAC remains at Robinhood Road. Even though the approved shopping center on the adjacent HB-S site has not been developed, the traffic within the area is already a significant concern for the area residents.

**Land Bay VII** – is a TWO PHASE request for residential use. This area is located on the western side of the proposed Northern Beltway and is accessed from Ketner Road. The proposed maximum density is eight (8) dwelling units per acre. Land Bay VII is within the future annexation area of the Town of Lewisville. The Town recommends a maximum density of only four (4) dwelling units per acre be approved if the MAC remains at Robinhood Road. Staff recommends a compromise of eight (8) dwelling units per acre with multifamily development positioned closer to the Beltway and lower density residential in the western portion of the tract. The petitioner proposes the same sidewalk and street tree conditions as noted in Land Bays I, II and III.
In summary, staff sees the subject request as a significant improvement over not only the existing zoning but also what is typically developed within the RS-9 general use district. Preservation of the historic barn complex and Gray home, excellent internal and good external street connectivity, a mixture of both residential types and basic land uses, coupled with a modest yet above average degree of sidewalks and street trees, characterize the subject request as solid attempt to create a cohesive, highly livable neighborhood.

**FINDINGS**

1. *Legacy* promotes compact pedestrian oriented neighborhoods that contain a mixture of housing types and prices and that include neighborhood serving commercial development, as well as public spaces and other amenities. *Legacy* also identifies a Metro Activity Center at the intersection of Robinhood Road and the western leg of the Northern Beltway.

2. The subject property is not within the boundaries of an area plan or development guide.

3. The subject MU-S request is generally compatible with the surrounding development pattern with the exception of the nonresidential component of Land Bay VI.

4. Staff supports the requested rezoning for Land Bays I, II, III, IV, V and VII and could support the 300,000 sf of commercial square footage request for Land Bay VI only if the MAC is relocated at some future time.

**STAFF RECOMMENDATION**

Zoning:
- First and Second Phase: **APPROVAL for Land Bays I, II, and III.**
- First Phase of Two Phase: **APPROVAL for Land Bays IV, V, VI and VII.**

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. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
  b. Existing trees to remain shall be cordoned off as shown on the site plan.
  c. No trees shall be cut prior to erosion control devices being installed and approved. Limits of creek disturbance shall not exceed 150 linear feet. If disturbance exceeds 150 linear feet, a state water quality permit will be required.
d. Provide professional quality 35mm black and white photographs (8”x10”) and color slides of the site, including the 2-story circa 1910 Conrad House, 3 small bungalow cottages, barns and associated farm outbuildings, the Gray House, all outbuildings associated with the Gray House, and landscape elements (including the graveyard). Photographs of all exterior building/structure elevations, exterior 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. Note: With regard to the graveyard on the property, the petitioner shall follow the North Carolina General Statutes (NCGS 14-148 and 14-149; NCGS 65-13).

e. Developer shall obtain a driveway permit from the North Carolina Department of Transportation (NCDOT). NCDOT will require additional road improvements based on the discussions described in the staff report analysis and consistent with the Traffic Impact Analysis submitted by the petitioner.

- **PRIOR TO SIGNING OF FINAL PLAT**
  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 Planned Residential Development open space standards.
  b. Roads shall be built to City of Winston-Salem Public Works construction standards

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. On site fire hydrant locations shall be approved by the City of Winston-Salem Fire Department or Forsyth County Fire Department in writing to the Inspections Division.
  b. Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show lots, common areas, private access easements and public utilities.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department or Forsyth County Fire Department.

- **OTHER REQUIREMENTS**
  a. Land Bays I, II, III, IV, and VII will be allowed one freestanding entrance monument sign at each main entrance. These signs will be subject to Forsyth County/Winston Salem *Unified Development Ordinances* section 3.2 regulations for residential development with a maximum height of eight (8) feet. Within Land Bays I, II, III, IV, and VII neighborhood identification signage, directional signage, amenity area identification signage and any other necessary signage will be allowed, with a maximum height of six (6) feet.
b. Land Bays V and VI will be allowed one freestanding entrance monument at each entrance onto Meadowlark Drive. These signs will be subject to Forsyth County/Winston Salem Unified Development Ordinance section 3.2 regulations for mixed-use development with a maximum height of twelve (12) feet. Within Land Bays V and VI neighborhood identification signage, directional signage, amenity area identification signage and any other necessary signage will be allowed, with a maximum height of six (6) feet.

c. The +/- 54 acre lake shown on the plan is for illustrative purposes. The size of the lake may be reduced as the design process with state and federal regulatory agencies moves forward. The lake may also be removed altogether if determined by the owner. The area of the lake shall remain as permanent open space and recreational area regardless of the results of the regulatory process.

d. Street and sidewalk standards within the proposed development are subject to any potential revisions of the Winston-Salem Street Standards Policy.

The following volunteered conditions are required PRIOR TO OCCUPANCY PERMITS:

- **VOLUNTEERED CONDITIONS**

**LAND BAY I –**

1. Minor modifications to the lot layout, total number of lots, design of the lots, and design and uses within the Village Center may be approved by Planning Staff.

2. The Village Center will contain any mixture of the uses shown on sheet 2 (Village Center Plan). The intent of the Village Center is to provide services for the residents of the Brookberry community only. The Village Center will contain community recreation areas and centers for the residents of the community. The majority of the services and recreation opportunities in the Village Center will be contained within the existing barn complex located on the site. Any additional buildings constructed in this area will maintain the character of the existing buildings with building elevations and materials approved by Planning Staff prior to Building Permits. Parking in the Village Center will be provided to meet all provisions of Forsyth County/Winston Salem Unified Development Ordinances, as final uses are determined.

3. Shared parking and cross access easements are permitted.

4. Maximum number of single-family and twin home units will not exceed 365 units.

5. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.

6. A minimum of two (2) interconnecting public street connections will be made to Meadowlark Drive pending Department of Transportation review.

7. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property. A connecting stub street will be provided to parcel 2 in the Northeast.

8. Land Bay 1 will contain a mixture of lot sizes. The lot sizes will be mixed throughout the Land Bay.
9. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.

10. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay I. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.

11. Street trees will be provided along both sides of the street at a maximum of 60 feet on center along the major loop road through Land Bay I, as indicated on the Master Plan. Any areas where tree save is within 15 feet of the roadway or site conditions prevent, street tree planting may be suspended to allow for existing trees to remain.

12. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.

13. Buffers to adjoining properties shall be provided per the Winston-Salem/Forsyth County Unified Development Ordinances.

LAND BAY II –

1. Minor modifications to the lot layout, total number of lots, and design of the lots may be approved by Planning Staff.

2. Maximum number of single-family, twin home and multi-family units will not exceed 150 units.

3. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property. A connecting stub street will be provided to the North.

4. Land Bay II will contain a mixture of lot sizes. The lot sizes will be mixed throughout the Land Bay.

5. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.

6. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.

7. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay II. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.

8. Street trees will be provided along both sides of the street at a maximum of 60 feet on center along the major loop road through Land Bay II, as indicated on the Master Plan. Any areas where tree save is within 15 feet of the roadway or site conditions prevent, street tree planting may be suspended to allow for existing trees to remain.

9. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.
10. Buffers to adjoining properties shall be provided per the Winston-Salem/Forsyth County Unified Development Ordinances. A minimum 100’ buffer will be provided from the right-of-way for the future Northern Beltway. Should the Northern Beltway not be constructed and be removed from the TIP, a minimum of two (2) stub streets shall be provided to the West. Developer shall demonstrate a good faith effort to provide a pedestrian connection within NCDOT’s proposed Northern Beltway stream crossing of Reynolds Creek.

**LAND BAY III –**

1. Minor modifications to the lot layout, total number of lots, and design of the lots may be approved by the Planning Staff.

2. Maximum number of single-family and twin home units will not exceed 300 units.

3. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property. A connecting street stub will be provided on the south western and south central portion of the property and to Woodspring Drive to the East as shown on the plan.

4. Land Bay III will contain a mixture of lot sizes. The lot sizes will be mixed throughout the Land Bay.

5. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.

6. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.

7. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay III. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.

8. Street trees will be provided along both sides of the street at a maximum of 60 feet on center along the major loop road through Land Bay III, as indicated on the Master Plan. Any areas where tree save is within 15 feet of the roadway or site conditions prevent, street tree planting may be suspended to allow for existing trees to remain.

9. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.

10. Buffers to adjoining properties shall be provided per the Winston-Salem/Forsyth County Unified Development Ordinances. A minimum 100’ buffer will be provided from the right-of-way for the future Northern Beltway. Should the Northern Beltway not be constructed and be removed from the TIP, a minimum of two (2) stub streets shall be provided to the West.
**LAND BAY IV - TWO PHASE**

1. The Final Development Plan shall be consistent with the following conditions:
2. Maximum number of single-family, twin home, duplex, and multi-family units will not exceed 385 units or a density of 12.0 units per acre. However should the proposed Robinhood Road area MAC, as identified in Legacy, be relocated the maximum density of Land Bay IV shall be four (4) units per acre.
3. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property. A connecting street stub will be provided for Parcel (1) on the Northern portion of the property and to Lyndale Drive to the West.
4. Land Bay IV will contain a mixture of lot sizes and/or product types. The lot sizes will be mixed throughout the Land Bay.
5. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.
6. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.
7. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay IV. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.
8. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.
9. Buffers to adjoining properties shall be provided per the Winston-Salem/Forsyth County Unified Development Ordinances.

**LAND BAY V - TWO PHASE**

1. The Final Development Plan shall be consistent with the following conditions:
2. Maximum allowable square footage for Business and Personal Services Uses shall be 40,000 square feet.
3. Maximum allowable square footage for Institutional and Public Uses shall be 40,000 square feet.
4. Maximum allowable square footage for Retail and Wholesale Trade Uses shall be 40,000 square feet.
5. Maximum allowable square footage for Recreational Uses shall be 40,000 square feet.
6. The mixture of uses between Business and Personal Services Uses, Institutional and Public Uses, Retail and Wholesale Trade Uses and Recreational Uses will not exceed the maximum square footage stated for each use above. The total combined square footage allowable for the non-residential portion of Land Bay V shall not exceed 40,000 square feet. The square footages for each use may be mixed in any combination.
7. Maximum number of Residential Units including single-family, twin home, duplex, and multifamily units will not exceed 840 units or a density of 12.0 units per acre of the entire Land Bay V area.
8. The maximum square footages and number of residential units may be reduced.
9. A maximum of 10% of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.
10. A minimum of two (2) uses will be provided within Land Bay V.
11. A minimum of 20 percent of the land area for Land Bay V will be devoted to multi-family housing.
12. On street parallel and angled parking may be provided along all streets. All parking will meet all applicable standards of the Forsyth County/Winston Salem Unified Development Ordinances.
13. With the exception of on-street parking, vehicles will be parked behind or between buildings, never between buildings and the roadway curb, nor closer to the street then the abutting building elevations nearest the street.
14. Buildings will be placed adjacent to roadways with a maximum setback of 10’ from the right-of-way. The architectural front elevations and main building entrances will face major roads.
15. Streets will link in an informal grid network and be part of and contribute to the pedestrian system of walkways and open space amenities. The use of dead end streets will be limited and only used where topography or other site conditions dictate.
16. No single building shall exceed 40,000 square feet. Buildings that do not share walls and are linked together by awnings, covered walkways, trellises or other architectural means may be counted as separate structures.
17. Buildings shall have a maximum of 4 stories.
18. Buildings located in such a manner as to terminate an axis or site line shall have architectural features or be designed in such a way as to visually reinforce the axis.
19. Shared parking and cross access easements are permitted.
20. Dumpster and/or trash compactor locations can be added as necessary. Dumpsters and/or trash compactors shall be screened per the Forsyth County/Winston Salem Unified Development Ordinances section 3-4.6.
21. Sidewalks, with a minimum 5 feet width, will be provided along both sides of all public streets throughout Land Bay V.
22. Street trees will be provided along both sides of all public streets at a maximum of 60 feet on center, throughout Land Bay V, as indicated on the Master Plan.
23. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.
24. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property.
25. A connecting street stub will be provided on the Northern and southwestern portion of the Land Bay V.
LAND BAY VI - TWO PHASE

1. The Final Development Plan shall be consistent with the following conditions:
2. 300,000 sf of Retail, Wholesale Trade, and service uses will be permitted only if the Metro Activity Center (MAC) as identified in Legacy is relocated to the Shallowford interchange with the Northern Beltway. Otherwise non-residential development shall be limited to a maximum of 100,000 sf of retail and service uses and a maximum of 200,000 sf of office uses.
3. If multi-family residential units are provided, the number of units will be determined by reducing the allowable square footage of Retail and Wholesale Trade Uses by 500 square feet and/or reducing the allowable square footage of Business and Personal Services Uses/Institutional and Public Uses/Recreational Uses by 1000 square feet for each residential unit allowed. If a total of 300,000 square feet is used for Business and Personal Services Uses, Institutional and Public Uses, Retail and Wholesale Trade Uses and Recreational Uses no residential units will be allowed unless provided above the ground floor retail and provided with adequate parking.
4. Maximum allowable square footage for Institutional and Public Uses shall be 150,000 square feet.
5. Maximum allowable square footage for Recreational Uses shall be 100,000 square feet.
6. The mixture of uses between Business and Personal Services Uses, Institutional and Public Uses, Retail and Wholesale Trade Uses and Recreational Uses will not exceed the maximum square footage stated for each use above. The total combined square footage allowable for the non-residential portion of Land Bay VI shall not exceed 300,000 square feet. The square footages for each use may be mixed in any combination.
7. Maximum number of Residential Units, to be all multi-family units, will not exceed 360 units or a density of 12.0 units per acre of the entire Land Bay VI area.
8. The maximum square footages and number of residential units may be reduced.
9. On street parallel and angled parking may be provided along all streets. All parking will meet all applicable standards of the Forsyth County/Winston Salem Unified Development Ordinances.
10. Buildings will be placed lining Meadowlark Drive in such a manner as to screen parking areas behind the buildings. Any parking visible from Meadowlark Drive will be screened with landscaping, walls, or fences or a combination of any or all of the treatments.
11. No single building shall exceed 80,000 square feet. Buildings that do not share common walls and are linked together by awnings, covered walkways, trellises or other architectural means may be counted as separate structures.
12. Buildings shall have a maximum of 4 stories.
13. Buildings located in such a manner as to terminate an axis or site line shall have architectural features or be designed in such a way as to visually reinforce the axis.
14. Shared parking and cross access easements are permitted.
15. Dumpster and/or trash compactor locations can be added as necessary. Dumpsters and/or trash compactors shall be screened per the Forsyth County/Winston Salem Unified Development Ordinances section 3-4.6.
16. Sidewalks, with a minimum 5 feet width, will be provided along both sides of all public streets throughout Land Bay VI.
17. Street trees will be provided along both sides of the main street at a maximum of 60 feet on center, throughout Land Bay VI, as indicated on the Master Plan.
18. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.

19. A connecting street stub will be provided for Parcel (61) on the Southern portion of Land Bay VI and to the public park to the East.

**LAND BAY VII - TWO PHASE**

1. The Final Development Plan shall be consistent with the following conditions:
2. A minimum of two (2) connecting street stubs will be provided to adjoining properties.
3. Density not to exceed 8 units/acre overall, with multifamily units being placed along the eastern portion of site nearest the proposed Beltway, and single family units in western portion of property.
4. Land Bay VII will be accessed from Ketner Road on the western boundary of the property.
5. Land Bay VII may contain a mixture of lot sizes and/or product types.
6. All streets will be interconnected unless site conditions require the use of a cul-de-sac. The use of cul-de-sacs will be limited and only used where topography or other site conditions dictate.
7. Sidewalks and/or pedestrian trails, with a minimum width of 5 feet, will be provided at a one-foot of roadway to one-half foot of sidewalk ratio throughout Land Bay VII. The pedestrian system will be designed in such a manner as to promote pedestrian travel throughout the community and link all public areas together with a series of walking and jogging connections.
8. Street trees will be provided along both sides of the major street or streets at a maximum of 60 feet on center. Any areas where tree save is within 15 feet of the roadway or site conditions prevent, street tree planting may be suspended to allow for existing trees to remain.
9. Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.
10. Buffers to adjoining properties shall be provided per the Winston-Salem Zoning Ordinance.

**PUBLIC HEARING** - August 14, 2003

FOR:  None

AGAINST:  None.

**WORK SESSION**

MOTION: Philip Doyle moved continuance of the zoning map amendment and site plan to September 11, 2003.
SECOND: Jimmy Norwood
VOTE:

FOR:  Bost, Clark, Doyle, Eickmeyer, Folan, King, Norwood
AGAINST:  None
EXCUSED:  None

PUBLIC HEARING  - September 11, 2003

FOR:  None
AGAINST:  None

WORK SESSION

MOTION:  Philip Doyle moved continuance of the zoning map amendment and site plan to
October 9, 2003.
SECOND:  Jimmy Norwood
VOTE:
  FOR:  Bost, Doyle, Eickmeyer, Folan, King, Lambe, Norwood
  AGAINST:  None
  EXCUSED:  None

PUBLIC HEARING  - October 9, 2003

Gary Roberts presented the staff report.

FOR:

Patty Bauch, 896 Buttonwood, Winston-Salem, NC  27104 asked some questions about the
rezoning process and how transportation impacts are considered for rezoning cases.

AGAINST:  None

WORK SESSION

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

1. Philip Doyle:  Regarding the condition about historical documentation.  I want to make
sure there are specific requirements so the petitioner does not have to deal with this
condition indefinitely.

2. Philip Doyle:  Will the sidewalks be dedicated to the City with the streets?  Staff
indicated they would be dedicated to the City.  In addition, the street trees are in the right-
of-way and would be maintained by the City.  Although this sounds like a large number
of trees, in comparison to the number of trees already maintained by the City, this will
not add significantly to the work load.
3. Dara Folan: I am concerned about the impact on school system. Would the petitioner please address the school situation?

Jim McChesney, 2756 Windsor Road, Winston-Salem, NC and Gene Miller, Assistant Superintendent of the Winston-Salem/Forsyth County Schools spoke together.

Jim McChesney: Gene and I have met several times and will continue to work together. The two Meadowlark schools are on property that was previously part of Brookberry.

Gene Miller: We predict about 3,500 students in this development. About 1,600 of those will be elementary students. We’ve asked Jim to consider working with us to acquire 16-20 acres to build an elementary school. They have not volunteered to give us the land, which would be our first option, but will work with us to consider reduced price and we’d like to build the school to complement the development. Mr. Martin (Superintendent of the school system) is aware of this.

Jim McChesney: We expect it will take 12-20 years to buildout this plan. We won’t suddenly have 3,500 students in this area tomorrow.

Gene Miller: It will take 3-5 years to get a school planned, built, and ready to open.

MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions as noted by staff.
SECOND: Jerry Clark
VOTE:
  FOR: Bost, Clark, Doyle, Eickmeyer, Folan, Glenn, King, Lambe, Norwood
  AGAINST: None
  EXCUSED: None

According to information furnished on July 7, 2003 by the Office of the Tax Assessor, the subject property was in the name of Wachovia Bank NA Trustee and Custodian of Constance F. Gray. An authorization for Wachovia Bank, N.A. to act on behalf of Constance F. Gray is on file.

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A. Paul Norby, AICP
Director of Planning