

July 19, 2018

Item # 2 A-D

ZONING MAP AMENDMENT

F-1578

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of R.H. Johnson Construction Co., Docket F-1578

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 HB-S to LO-S (Bed and Breakfast; Church or Religious Institution; Neighborhood; Combined Use; Family Group Home A; Family Group Home B; Government Offices; Neighborhood Organization; or Post Office; Library; Public; Museum or Art Gallery; Offices; Police or Fire Station; Recreation Facility; Public; Residential Building; Duplex; Residential Building; Single Family; Residential Building; Twin Home; Swimming Pool; Private; Transmission Tower; Utilities; Adult Day Care Center; Child Care; Sick Children; Child Day Care Center; Group Care Facility A; Planned Residential Development; Residential Building; Multifamily; Residential Building; Townhouse; Access Easement; Private Off-Site), the zoning classification of the following described property:

A portion of PIN 6829-38-6101 lying in the Town of Rural Hall, County of Forsyth, State of North Carolina, described in Deed Book 001460 Page 00311, further described as commencing from an existing axle, found on the western side of said property, and having North Carolina State Plane Coordinates E:1623312' N:898490';thence, N 43° 30' 49" E for a distance of 495.31 feet to the Point of Beginning; thence, N 89° 17' 56" E for a distance of 512.51 feet to a point; thence, S 01° 44' 35" E for a distance of 1422.67 feet to a point; thence, S 89° 48' 08" W for a distance of 783.26 feet to a point; thence, N 03° 01' 58" E for a distance of 1207.68 feet to a point; thence S 87° 46' 35" E for a distance of 156.95 feet to a point; thence, N 01° 46' 46" E for a distance of 218.65 feet to the point of beginning, containing 994,416 sq. ft. or 22.82 acres.

Section 2. This Ordinance is adopted after approval of the site plan entitled R.H. Johnson Construction Co., and identified as Attachment A of the Special Use District Permit issued by

the Forsyth County Board of Commissioners the _____ day of _____, 20____
to R.H. Johnson Construction Co.

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 R.H. Johnson Construction Co. 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 R.H. Johnson Construction Co. (Zoning Docket F-1578). 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 LO-S (Bed and Breakfast; Church or Religious Institution; Neighborhood; Combined Use; Family Group Home A; Family Group Home B; Government Offices; Neighborhood Organization; or Post Office; Library; Public; Museum or Art Gallery; Offices; Police or Fire Station; Recreation Facility; Public; Residential Building; Duplex; Residential Building; Single Family; Residential Building; Twin Home; Swimming Pool; Private; Transmission Tower; Utilities; Adult Day Care Center; Child Care; Sick Children; Child Day Care Center; Group Care Facility A; Planned Residential Development; Residential Building; Multifamily; Residential Building; Townhouse; Access Easement; Private Off-Site), 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 LO-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances* of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - a. Developer shall obtain a driveway permit from NCDOT.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall install all requirements of the NCDOT driveway permit.
 - b. Developer shall record the thirty (30) foot wide access easement shown on the site plan which connects the subject property to Bray Street.



June 19, 2018

Christopher Johnson for
R.H. Johnson Construction Co.
86 Wood Avenue
Asheville, NC 28803

Re: Zoning Petition F-1578

Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
Fax 336.748.3163
www.cityofws.org/planning

Dear Petitioner:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners. You will be notified by the Board of Commissioner’s Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning and Development Services

pc: Clerk to the Board of Commissioners Forsyth County Government Center, 5th Floor, 201 N. Chestnut Street, Winston-Salem, NC 27101
Katherine E. Ross, 301 Fayetteville Street, Suite 1400, Raleigh, NC 27601



Call 311 or 336-727-8000
citylink@cityofws.org

City Council: Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

County Commissioners: David R. Plyler, Chairman; Don Martin, Vice Chair, Fleming El-Amin; Ted Kaplan; Richard V. Linville; Gloria D. Whisenhunt; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair, Chris Leak, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Clarence R. Lambe, Jr.; J... Brenda J. Smith

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	F-1578
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	R.H. Johnson Construction Co.
Owner(s)	Same
Subject Property	Portion of PIN# 6829-38-6101
Address	The new address will be 240 Bray Street.
Type of Request	Special use rezoning from HB-S to LO-S
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB-S (Highway Business – special use – Recreation Services, Outdoor) to LO-S (Limited Office – special use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Bed and Breakfast; Church or Religious Institution, Neighborhood; Combined Use; Family Group Home A; Family Group Home B; Government Offices, Neighborhood Organization, or Post Office; Library, Public; Museum or Art Gallery; Offices; Police or Fire Station; Recreation Facility, Public; Residential Building, Duplex; Residential Building, Single Family; Residential Building, Twin Home; Swimming Pool, Private; Transmission Tower; Utilities; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Group Care Facility A; Planned Residential Development; Residential Building, Multifamily; Residential Building, Townhouse; Access Easement, Private Off-Site
Neighborhood Contact/Meeting	See Attachment A for a summary of the petitioner’s neighborhood outreach.
Zoning District Purpose Statement	The LO District is primarily intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so this district may serve as a transition between residential districts and commercial districts. This district is intended for application in GMAs 2 and 3.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>The subject property is located within the Rural Growth Management Area (GMA 5) where no public sewer is available. It is also located beyond the terminus of a residentially developed local street. Therefore, this is not a typical location for the LO district. However, in light of the current HB-S zoning, Planning staff advised the petitioner to consider a less intensive zoning, such as LO-S, which would still accommodate their initial development need which is for a Transmission Tower.</p>

GENERAL SITE INFORMATION						
Location	East of the intersection of University Parkway and Bray Street					
Jurisdiction	Forsyth County					
Site Acreage	± 22.83 acres					
Current Land Use	The site is currently undeveloped.					
Surrounding Property Zoning and Use	Direction	Zoning District		Use		
	North	RS20		Single family homes and undeveloped property		
	East	RS20		Single family homes and undeveloped property		
	South	RS20		Undeveloped property		
	West	RM8-S		Undeveloped property		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	Considering the relatively remote location of the subject property and depending upon how some of the proposed uses may be specifically designed on a future site plan, the proposed uses are generally compatible with the residential uses permitted on the adjacent properties.					
Physical Characteristics	The majority of the site is covered with low level vegetation and has a gentle slope downward to the north.					
Proximity to Water and Sewer	Public water serves Bray Street which is located to the west of the site (although water service will not be needed for the proposed Transmission Tower). There is no public sewer service located in the general area.					
Stormwater/ Drainage	See comments below.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The undeveloped site is characterized by favorable topography and it is not impacted by any regulatory floodplains or watersheds. However, according to the proposed site plan, the site is traversed by three underground drainage pipes ranging from 30" to 84" in diameter and according to the <i>Rural Hall Area Plan Update</i> , the subject property was previously used as a landfill.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1563	HB-S & RS30-S to HB-L	Approved 11-14-16	±700' to the northwest	30.08	Approval	Approval
F-1092	RS20 to HB-S	Approved 10-9-1995	Current site	24	Approval	Approval

F-1091	RS20 to RM8-S	Approved 10-9-1995	Directly west of current site	22.29	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Bray Street	Local Street	None	NA	NA		
Proposed Access Point(s)	The site will be accessed by a 30' wide access easement which will connect to Bray Street.					
Trip Generation - Existing/Proposed	The proposed Transmission Tower will not generate a noticeable increase in traffic as only occasional service vehicles will access the site.					
Sidewalks	There are no sidewalks located in the general area.					
Analysis of Site Access and Transportation Information	The proposed access easement will traverse across the RM8-S zoned property located directly to the west. This site is in the same ownership as the subject property. While some of the proposed uses (with an approved site plan) may generate additional traffic in the area, the proposed transmission tower will have a negligible impact on the number of trips to and from the site.					
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Parking	Required	Proposed	Layout			
	1 space	1 space	The parking space is directly adjacent to the west side of the fenced tower area			
Impervious Coverage	Maximum		Proposed			
	75%		1%			
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (B) Limited Office District Chapter B, Article II, Section 2-5.79 Transmission Tower Use Conditions 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy 2030 policies:		Legacy 2030 has no relevant recommendations pertaining to Transmission Towers.			
	(B) Environmental Ord.		NA			
	(C) Subdivision Regulations		NA			
Analysis of Site Plan Compliance with UDO Requirements	The site plan proposes a 265' lattice Transmission Tower in the southeastern corner of the subject property. The required six foot security fence and Type III bufferyard are shown surrounding the compound at the base of the tower. The minimum setback of the proposed tower from any occupied single family home is tower height (265 feet in this case) plus an additional 20 feet. While there are currently no single family homes close to this portion of the subject property, the tower is shown at a minimum of 285' from all property lines. The closest single family home is located approximately 700' to the northeast. Also, while photosimulations depicting the tower within					

	its surrounding context are not required in this case, the petitioner has provided them (see Attachment B). The proposed site plan complies with the requirements of the UDO.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 5 - Rural Area
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • <i>Legacy 2030</i> has no relevant recommendations pertaining to Transmission Towers.
Relevant Area Plan(s)	<i>Rural Hall Area Plan Update</i> (2016)
Area Plan Recommendations	<ul style="list-style-type: none"> • A former landfill was located on the subject property which considerably limits its potential use. • Prohibit the development of structures on the part of the site which was a landfill. • Allow the rezoning of the property to a zoning district which allows for comprehensive low-density attached residential development on the remainder of the site.
Site Located Along Growth Corridor?	The site is located approximately 1,800 feet to the east of University Parkway which is a growth corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	<i>Legacy 2030</i> has no relevant recommendations pertaining to Transmission Towers.
Analysis of Conformity to Plans and Planning Issues	The request is to rezone a 22.83 undeveloped tract which is currently zoned HB-S for a golf driving range, to LO-S. The site plan is designed to accommodate a 265' tall lattice Transmission Tower. Other residential and nonresidential uses (which are allowed in the LO district) are included in the request as well.
	According to the <i>Rural Hall Area Plan Update</i> , the subject property was previously used as a landfill and as noted previously, the site is traversed by multiple, large underground drainage pipes. Both of these factors, along with its limited access, impact the development potential of this property. The site was rezoned from RS20 to HB-S in 1995 at the same time the adjacent site located directly to the west was rezoned to RM8-S for a multifamily residential development. Both sites remain undeveloped.

Given the current HB-S zoning designation and said developmental constraints of the site, Planning staff sees the subject request as reasonable. Staff notes that because the site plan is designed only to accommodate a Transmission Tower, future development of the site for any of the other requested uses would require a site plan amendment approved by the County Commissioners. In closing, staff also notes that the request is the result of the need to relocate an existing lattice tower which is located nearby. This existing tower is being purchased by NCDOT to make room for the Northern Beltway. Staff recommends approval of the request.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The proposed LO-S zoning is less intense than the existing HB-S zoning.	The proposed transmission tower will have some visual impact on the surrounding properties.
Approval of this request will facilitate the replacement of an existing tower being removed by the Northern Beltway.	
The proposed transmission tower should allow for improved cell phone service in the general area.	

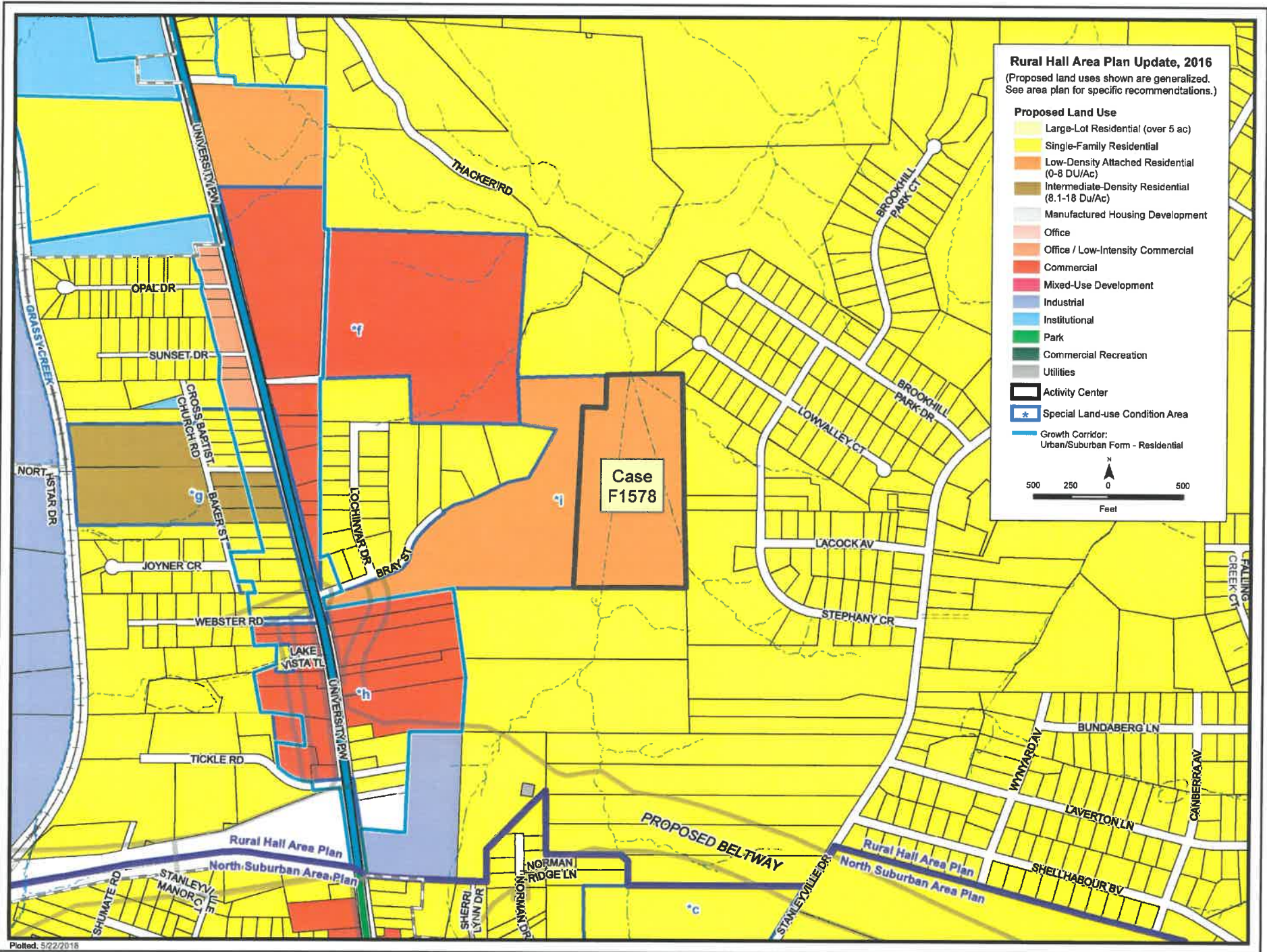
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

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

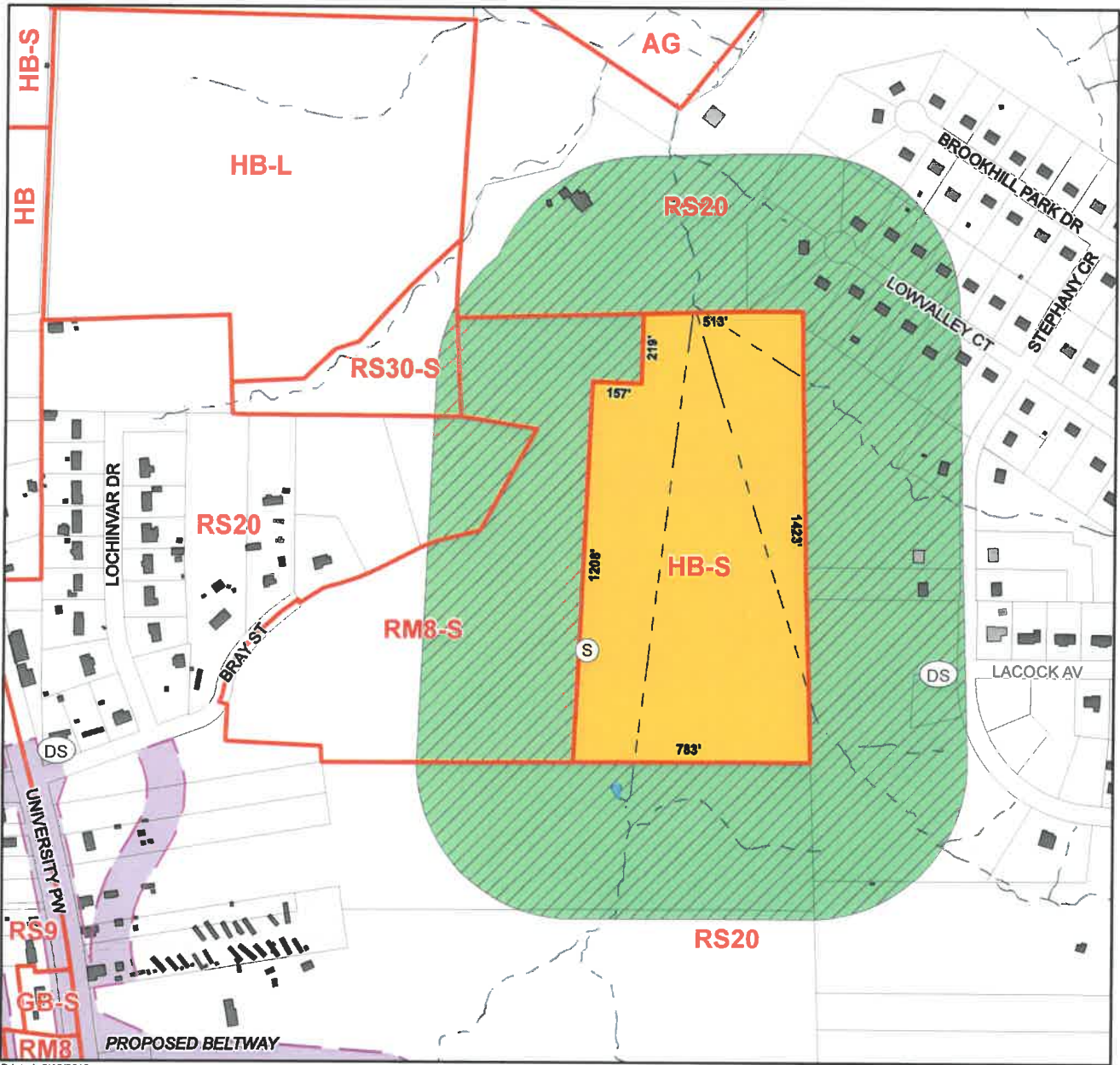
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - a. Developer shall obtain a driveway permit from NCDOT.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall install all requirements of the NCDOT driveway permit.
 - b. Developer shall record the thirty (30) foot wide access easement shown on the site plan which connects the subject property to Bray Street.

STAFF RECOMMENDATION: Approval

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



Plotted: 5/22/2018



Printed: 5/16/2018

DOCKET #: F1578

PROPOSED ZONING:
LO-S

EXISTING ZONING:
HB-S

PETITIONER:
R. H. Johnson Construction Co.

- Property included in zoning request.
- 500' mail notification radius. Property not in zoning request.

SCALE: 1" represents 500'

STAFF: Roberts

GMA: 5

ACRES: 22.83

NEAREST BLDG: 96' northeast

MAP(S): 6829.01



MULLIGAN SITE PHOTOGRAPHY MAP



F-1578 Photo Simulations

Existing View



**CROWN
CASTLE**

MULLIGAN 830699

210 Bray St., Rural Hall, NC 27045

**265FT. SELF SUPPORT
TOWER SIMULATION**

View #1 from Stephany Circle
approximately 790ft. east of site

Existing View



**CROWN
CASTLE**

MULLIGAN 830699

210 Bray St., Rural Hall, NC 27045

**265FT. SELF SUPPORT
TOWER SIMULATION**

View #2 from Low Valley Court
approximately 1,350ft. northeast of site

Existing View



**CROWN
CASTLE**

MULLIGAN 830699

210 Bray St., Rural Hall, NC 27045

**265FT. SELF SUPPORT
TOWER SIMULATION**

View #3 from University Parkway
approximately 2,810ft. northwest of site



 **CROWN
CASTLE**
MULLIGAN 830699
210 Bray St., Rural Hall, NC 27045
**265FT. SELF SUPPORT
TOWER SIMULATION**
View #4 from Bray Street
approximately 1,450ft. west of site

Existing View



**CROWN
CASTLE**

MULLIGAN 830699

210 Bray St., Rural Hall, NC 27045

**265FT. SELF SUPPORT
TOWER SIMULATION**

View #5 from Stephany Circle
approximately 790ft. east of site

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR F-1578
JUNE 14, 2018**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning petition and certified the site plan (including staff recommended conditions) meets all UDO requirements if the petition is approved.

SECOND: Chris Leak

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Clarence Lambe, Chris Leak, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services

INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1578

PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests, Subdivisions, and Planning Board Review items; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

PROJECT CASE NUMBER: F-1578 **PROJECT TITLE:** R.H. Johnson Construction Co. **DATE:** May 30, 2018

PROJECT DESCRIPTION: East of the intersection of University Parkway and Bray Street

NCDOT (Wright Archer)- Phone # - 336.747.7900 Email: warcher@ncdot.gov

NCDOT driveway permit required. Encroachment agreement needed for any utility ties within right-of-way.

WSDOT (Jeff Fansler)- Phone # - 336.747.6883 Email: jeffreygf@cityofws.org

Engineering (Al Gaskill)- Phone # - 336.747.6846 Email: albertcg@cityofws.org

No Comments

Inspections - Phone # - Aaron King - 336.747.7068 Email: aaronk@cityofws.org

Erosion Control (Matt Osborne)- Phone # - 336.747.7453 Email: matthewo@cityofws.org

If the proposed project creates more than 10,000 sq. feet of land disturbance, an Erosion Control/Grading Permit will be required prior to the start of work. In order to obtain this permit you must submit a professionally designed Erosion and Sedimentation Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form for review and approval. Please submit the plan through the electronic plan review portal at the following link: <https://winston-salem.idtplans.com/secure/>

Stormwater Division (Joe Fogarty)- Phone # - 336.747.6961 Email: josephf@cityofws.org

County Fire- (Tony Stewart)- Phone # - 336.703.2562 Email: stewaraj@forsyth.cc

1. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

2. Dead-end fire apparatus access roads in excess of 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (The one shown does not meet the intent of the code)

INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: F-1578

Utilities (Todd Lewis)- Phone # - 336.747.6842 Email: toddl@cityofws.org

No Comments

Sanitation (Johnnie Taylor)- Phone # - 336.748.3080 Email: johnniet@cityofws.org

Planning (Aaron King)- Phone # - 336.747.7068 Email: aaronk@cityofws.org

Staff recommends removing some of the proposed land uses that don't make sense for this location.

Street Names/Addresses (Matt Hamby) -336. 747.7074 Email: hambyme@mapforsyth.org

Street Names/Addresses (Stacy Tolbert) -336. 747.7497 Email: tolbersy@mapforsyth.org

Address issued: 240 Bray St.

Forsyth County Health Department - 336.703-3110 Email: rakescd@forsyth.cc

Vegetation Management -336.748.3020 Email: keithf@cityofws.org

Gary Roberts

From: Ross, Katherine E. <katherineross@parkerpoe.com>
Sent: Wednesday, June 06, 2018 8:02 AM
To: Gary Roberts
Cc: Pickens, Bryce (Bryce.Pickens@crowncastle.com)
Subject: Outreach Written Summary- Crown Castle Bray Street Rezoning/Zoning Docket F-1578 (BU# 830699)

Gary,

This correspondence constitutes the Neighborhood Meeting/Outreach Written Summary required by Section 6-2.1(H) of the Ordinance. On May 23, 2018 from 6:30 p.m. to 7:30 p.m., we held a neighborhood meeting at the Rural Hall Library Auditorium located at 7125 Broad Street, Rural Hall, NC 27045. We contacted a total of 69 surrounding property owners by mailing letters to them 14 days in advance of the meeting. Four people attended the meeting. In addition, we received calls from two other people, one of whom we spoke with, and the other whose call we returned, but have not spoken with them to-date. We discussed several topics with the attendees and caller, including: the proposed tower location on the property; screening; fencing; the tower appearance from different viewpoints using the photosimulations submitted with the rezoning application; security at the tower site; traffic; the current zoning classification of the property and associated permitted uses; ownership of the property; impact of the proposed tower on radio and television signals; the proposed tower's impact on property taxes; and how the subject property was selected for the proposed tower. We addressed their questions to the best of our ability.

Thank you for your time and attention to this matter. Please let us know if you need any additional information, or confirm that this Neighborhood Meeting/Outreach Written Summary is complete.

Thank you,
Katherine

Katherine Ross
Partner



PNC Plaza | 301 Fayetteville Street | Suite 1400 | Raleigh, NC 27601
Office: 919.835.4671 | Mobile: 919.667.7130 | Fax: 919.834.4564 | [vcard](#) | [map](#)

Visit our website at
www.parkerpoe.com

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F-1578 ¹ Attachment A