DOCKET #: W3056

PROPOSED ZONING: RM18-S

EXISTING ZONING: RS9

PETITIONER: Bethany Pointe LLC for property owned by The Sherwood Company

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRES: 0.54

NEAREST BLDG: 8' southeast

MAP(S): 618874
March 17, 2010

Bethany Pointe, LLC  
3924 Browning Place, Suite 1  
Raleigh, NC  27609

RE:  ZONING MAP AMENDMENT W-3056

Dear Sirs:

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

Sincerely,

A. Paul Norby, FAICP  
Director of Planning

pc:  City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC  27102  
The Sherwood Company, c/o Bruce Hubbard, 1598 Westbrook Plaza Drive, #200, Winston-Salem, NC  27103  
Ashley Webb, 2200 Silas Creek Parkway, Suite 2B, Winston-Salem, NC  27103  
Mack Roebuck, 1180 Edgebrook Drive, Winston-Salem, NC  27106
<table>
<thead>
<tr>
<th>ACTION REQUEST FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DATE:</strong> March 17, 2010</td>
</tr>
<tr>
<td><strong>TO:</strong> The Honorable Mayor and City Council</td>
</tr>
<tr>
<td><strong>FROM:</strong> A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Bethany Pointe, LLC for property owned by The Sherwood Company

**SUMMARY OF INFORMATION:**

Zoning map amendment of Bethany Pointe, LLC for property owned by The Sherwood Company from RS-9 to RM-18-S (Residential Building, Multifamily; and Residential Building, Townhouse): property is located on the northeast side of Bethabara Road, southeast of Indiana Avenue (Zoning Docket W-3056).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Bethany Pointe, LLC for property owned by The Sherwood Company, Docket W-3056

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

_________________________________

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

    Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS-9 to RM-18-S (Residential Building, Multifamily; and Residential Building, Townhouse) the zoning classification of the following described property:

    PIN #6817-86-4647

    Section 2. This Ordinance is adopted after approval of the site plan entitled Bethany Pointe and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _______ day of __________________, 20___ to Bethany Pointe, LLC for property owned by The Sherwood Company.

    Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the Unified Development Ordinances for a development to be known as Bethany Pointe. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

    Section 4. This Ordinance shall be effective from and after its adoption.
CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

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

The City Council of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Bethany Pointe, LLC for property owned by The Sherwood Company, (Zoning Docket W-3056). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription:
"Attachment A, Special Use District Permit for RM-18-S (Residential Building, Multifamily; and Residential Building, Townhouse), approved by the Winston-Salem City Council the ______ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of the RM-18-S zoning district of the Zoning Ordinance of the Unified Development Ordinances, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

• **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. All required improvements of the City of Winston-Salem driveway permit shall be completed.

• **PRIOR TO SIGNING FINAL PLAT:**
  a. Right-of-way dedication along Bethabara Road 35’ from centerline.

• **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Record final plat in the office of the Register of Deeds
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3056</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr., AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Bethany Pointe, LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>The Sherwood Company</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #6817-86-4647</td>
</tr>
<tr>
<td>Address</td>
<td>2065 Bethabara Road</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning from RS-9 to RM-18-S for the purpose of providing access to an adjacent 3.62 acre RM-18 zoned site.</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Building, Single Family; 9,000 sf minimum lot size) to RM18-S (Residential, Multifamily; 18 units per acre maximum density). The petitioner is requesting the following uses: Residential Building, Multifamily; and Residential Building, Townhouse</td>
</tr>
<tr>
<td>Zoning District Purpose Statement</td>
<td>The RM-18 District is primarily intended to accommodate multifamily uses at a maximum overall density of eighteen (18) units per acre. This district is appropriate for Growth Management Areas 1 and 2, and may be suitable for Growth Management Area 3 and Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available and the site has direct access to a minor or major thoroughfare.</td>
</tr>
</tbody>
</table>

#### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)

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

Yes, the site is within the Suburban Neighborhoods GMA 3 and is located along a Minor Thoroughfare.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Northeast side of Bethabara Road, southeast of Indiana Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>North</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± .54 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Site is undeveloped.</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td></td>
</tr>
<tr>
<td>Direction</td>
<td>Zoning District</td>
</tr>
<tr>
<td>North</td>
<td>RM-18</td>
</tr>
<tr>
<td>East</td>
<td>RM-18</td>
</tr>
<tr>
<td>South</td>
<td>RS-9</td>
</tr>
<tr>
<td>West</td>
<td>RS-9</td>
</tr>
</tbody>
</table>
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?
---|---
| Yes

Physical Characteristics | The site has a moderate slope downward to Bethabara Road and is partially wooded with no known streams or wetlands.

Proximity to Water and Sewer | Public water and sewer are available

Stormwater/Drainage | The site plan includes a wet detention pond. This pond along with a second, off-site pond approximately 110’ to the west, are intended to serve the adjacent RM-18 zoned site, which will be accessed by the subject property.

This site will not be subject to a stormwater review. However, when development is proposed on the adjacent parcel the entire development will be subject to a stormwater study requirement.

Watershed and Overlay Districts | The site is not within a water supply watershed.

Analysis of General Site Information | The site appears to possess no development constraints and to be suitable for the proposed improvements.

| SITE ACCESS AND TRANSPORTATION INFORMATION |
|---|---|---|---|
| Street Name | Classification | Frontage | ADT Count | Capacity/LOS D |
| Bethabara Road | Minor Thoroughfare | 159’ | 6,000 | 18,500 |

Proposed Access Point(s) | Bethabara Road

Planned Road Improvements | The Comprehensive Transportation Plan recommends Bethabara Road be improved to a 3 lane section with bike (wide outside lane) and pedestrian (sidewalk) accommodations.

Trip Generation - Existing/Proposed | Existing Zoning: RS-9

.54 x 43,560 sf / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per day

Proposed Zoning: RM18-S

No trips are anticipated until the proposed driveway connects to future multifamily units.

Sidewalks | Because the request does not include a new building, sidewalks are not required along Bethabara Road. However, said sidewalk is recommended along with a lateral sidewalk and planting strip beside the proposed access drive.

Transit | Route 44 along Bethabara Road
<table>
<thead>
<tr>
<th>Analysis of Site Access and Transportation Information</th>
<th>The proposed access drive is designed to serve a future 48 unit multifamily development which is currently zoned RM-18 and located directly to the north of the subject property. Transportation and Planning staffs recommend sidewalks along the frontage of Bethabara Road and the proposed access drive.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CONFORMITY TO PLANS AND PLANNING ISSUES</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Legacy GMA</strong></td>
<td>Growth Management Area 3, Suburban Neighborhoods</td>
</tr>
</tbody>
</table>
| **Relevant Legacy Recommendations** | • *Legacy* recommends that in order to utilize the land in the Municipal Services Area (MSA) more effectively, a housing mix that includes more compact, higher density forms of residential development should be encouraged. It proposes that the overall density of development in the MSA be significantly increased. (p. 35)
  • *Legacy* notes that encouraging infill, redevelopment, and reuse of vacant or underutilized parcels within developed areas increases densities. (p. 51) |
| **Relevant Area Plan(s)** | *North Suburban Area Plan, 2005* |
| **Area Plan Recommendations** | • The site is designated for low-density residential use. |
| **Addressing** | The adjacent RM-18 zoned site will need street names for the future apartment buildings. The “e” in Pointe is not allowed in the street name, however, Point without the “e” is allowed with the addition of a street type on the end. |
| **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*? Yes |
| **Analysis of Conformity to Plans and Planning Issues** | The subject request would allow the site to serve as an access to a future 48 unit multifamily development. The site plan also includes a wet detention pond which would serve said development.

The *North Suburban Area Plan* recommends low density residential for the site. The property directly north is currently zoned RM-18 as are the apartments directly east. Said undeveloped property to the north does have frontage onto Indiana Avenue; however, due to sight distance and topography, that frontage may not serve as an acceptable point of access. By permitting an access drive on the subject property, the future infill development of the adjacent site will be less problematic and potentially safer.

Staff notes that approval of a multifamily development on the adjacent site will require a Planning Board Review. |
### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2934</td>
<td>RS-9 to RM18-S</td>
<td>Approved 9-17-07</td>
<td>600’ north</td>
<td>10.23</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>80%</td>
<td>21.7%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Chapter B, Article II, Section 2-1.2 (N) RM-18 District</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with</th>
<th>(A) Legacy policies:</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Environmental Ord.</td>
<td>NA</td>
<td></td>
</tr>
<tr>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of Site Plan Compliance with UDO Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site plan complies with the requirements of the UDO. It should be noted that the tree planting and preservation requirements as well as the stormwater requirements associated with this relatively small site will be required for the development of the adjacent RM-18 zoned site.</td>
</tr>
</tbody>
</table>

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

#### Positive Aspects of Proposal
- Provides a safer access point for the multifamily site to the north.
- The request is consistent with the purpose statement of the proposed RM-18 District.
- The request will facilitate residential infill development of an adjacent undeveloped RM-18 zoned site.

#### Negative Aspects of Proposal
- The NSAP recommends low density residential for the subject property.

### 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 City of Winston-Salem Public Works.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. All required improvements of the City of Winston-Salem driveway permit shall be completed.

- **PRIOR TO SIGNING FINAL PLAT:**
  a. Right-of-way dedication along Bethabara Road 35’ from centerline.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Record final plat in the office of the Register of Deeds
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.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Ashley Webb, Gupton & Associates, 2200 Silas Creek Parkway, Suite 2B, Winston-Salem, NC 27103
• This is part of a greater common development, with the proposed apartment complex in back of it.
• The only development on this parcel proposed for rezoning is the drive to get into the rear of the site where the main apartment buildings will be.
• There are also plans for a stormwater detention pond to catch the run off from the site behind it.
• This should not cause any drainage problems because that is the natural way that the drainage flows from the rear of the site to the front.
• We have complied with some of the recommendations from the Planning Staff to put in the sidewalk and the street trees along this portion of the drive.
• For the future we potentially have three road frontages, two on Bethabara and one on Indiana.
• Indiana would probably cause some safety concerns if we chose to place the drive coming out on Indiana which leaves the two on Bethabara Road.
• The preference would be to put the driveway access farther away from the intersection of Bethabara Road and Indiana Avenue for safety reasons.
• This will create more room to grade in the drive and add in some street trees, and it will also allow for getting sidewalks put in for pedestrian circulation.

AGAINST:

Mack Roebuck, 1180 Edgebrook Drive, Winston-Salem, NC 27106
• I represent the Old Town Neighborhood Association and we do not want to see any more apartments in our neighborhood.
• I understand planning on the other side of the railroad tracks doesn’t bother us as much but we would like to try to control the growth.
• There are a number of single family residents on this side and we would like to keep that the flavor of the neighborhood.
• We feel like we keep getting one by one apartment buildings and multi-unit dwellings that we feel is deteriorating to the neighborhood.
• We have had five unusually dry years and Manorcus Creek and Mill Creek are prone to flooding and they confluence just down from here.
• I know they have retention ponds but these just kind of slow the water enough before it takes off again as opposed to right now where there is forest land and makes it slower soaking in.
• I would like to remind you that Bethabara Park has to scrape the mud off of the greenway every couple of months depending on how big the rain is.
• If we put more and more surfaces that drain off faster they are going to have to do that more frequently.
• There are also six houses that are not part of the Old Town Neighborhood Association but are on Linda’s Circle in the Windsor Forest Neighborhood that haven’t flooded recently but it’s only because we have had five years of drought.
• I know that building an apartment here is going to add to tax base but you have been subtracting from tax base down stream over on Mill Creek where those apartments have flooded and a couple of those buildings have been totally removed.
• I think the whole thing needs to be reconsidered about having another apartment building built right here.
• We would rather see something that is not so paved over and roofed over. Cluster homes or something like that would be a much better alternative.

WORK SESSION

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

1. Lynne Mitchell: Could the other parcel of property where they are going to put a detention pond be used for a driveway there? Would DOT approve it? It was actually zoned RS-9 and the back portion of that lot is zoned RM-18 but they would need to rezone it for that but this is a better property because it is further from the intersection.

2. Clarence Lambe: Is one driveway sufficient? The cut off for fire is 100 units where you need to have two driveways and they show 48 units. Yes, one driveway meets code. Could probably not have a full access driveway on Indiana Avenue.

3. Lynne Mitchell: Clearing up confusion about flooding, amendments were made to the stormwater requirements are supposed to control both quantity and quality are at a much higher standard now than before. The stormwater controls have been upgraded in response to flooding around the city.

4. Paul Mullican: The stormwater controls have been reinforced over the years. It has really been studied and I understand the concerns.
5. Clarence Lambe: The post development impact from stormwater runoff can not produce any more than it does right now. The rate of run off can not be any greater than it is right now predevelopment. The way that is controlled is by making the petitioner hire engineers to design detention ponds.

6. Brenda Smith: They have to have a stormwater permit to meet the requirements.

7. Paul Norby: When the site plan for the entire site is viewed, that will include reviewing how the stormwater needs to be handled.

8. Wesley Curtis: The important thing for me is that the main site is already zoned RM-18, the issue is access. You don’t want to close off a better access to make a client go in a direction that may potentially be hazardous. That is why I seconded the motion. Safety is important.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Wesley Curtis
VOTE:
FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
AGAINST: None
EXCUSED: None

A. Paul Norby, FAICP
Director of Planning