DOCKET #: W2893

PROPOSED ZONING:
RM18-S (Residential Building, Multifamily)

EXISTING ZONING:
RS9 and RM18-S

PETITIONER:
Alaris Village Apartments LLC and Emmit E. Clayton Jr. for property owned by Same

SCALE: 1" represents 600'

STAFF: King

GMA: 3

ACRE(S): 28.71

MAP(S): 618878, 618882

Printed: 9/13/2006
October 25, 2006

Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC
4712 Shattalon Drive
Winston-Salem, NC  27106

RE: ZONING MAP AMENDMENT W-2893

Dear Mr. Clayton:

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
Bill Dunn, 404 N. Eugene Street, Greensboro, NC  27401
# ACTION REQUEST FORM

**DATE:** October 25, 2006  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

## COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Map Amendment of Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC

## SUMMARY OF INFORMATION:

Zoning Map Amendment of Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC from RS-9 and RM-18-S (Residential Building, Multifamily) to RM-18-S (Residential Building, Multifamily): property is located on the west side of University Parkway, north of Bethabara Park Boulevard (Zoning Docket W-2893).

## 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 Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC, Docket W-2893

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 and RM-18-S (Residential Building, Multifamily) to RM-18-S (Residential Building, Multifamily) the zoning classification of the following described property:

Tax Block 3452, Tax Lots 2, 3, 4, and 5M

Section 2. This Ordinance is adopted after approval of the site plan entitled Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20___ to Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC.

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 Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC. 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 Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC, (Zoning Docket W-2893). 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), 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:

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

• PRIOR TO ISSUANCE OF GRADING PERMITS:
  a. Developer shall obtain a driveway permit from Winston-Salem Engineering Division and NCDOT; additional improvements including a sidewalk along University Parkway may be required prior to issuance of driveway permit
  b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
  c. Developer shall flag the 50% fill line in the flood fringe.
  d. Developer shall submit appropriate documentation to FEMA for a Letter of Map Revision based on the proposed fill within the floodplain of Leak Fork Creek.
  e. Developer shall submit sealed drawings to the Inspections Division for any retaining wall over five feet in height.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Developer shall record a tentative plat in the office of the Register of Deeds. Final plat shall show tentative building locations for multifamily units and all access and utility and greenway easements. Greenway easement shall be 40’ in width from the top of the bank of Leak Fork Creek.
• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Developer shall install all improvements as per driveway permit.
  b. All required fire hydrants shall be installed in accordance with the City Fire Department.
  c. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.
  d. Developer shall install all required storm water management devices.
  e. Developer shall provide a sidewalk along the site frontage of University Parkway.
  f. Developer shall coordinate with WSTA for the location of a bus stop.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2893</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Emmit E. Clayton, Jr. and Alaris Village Apartments, LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lots 2-4 and 5M, Tax Block 3452</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning request from RS-9 and RM-18-S to RM-18-S.</td>
</tr>
</tbody>
</table>
| Proposal      | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family) and RM-18-S (Residential Multifamily; up to 18 units per acre) to RM-18-S (Residential Multifamily; up to 18 units per acre). The petitioner is requesting the following uses:  
- Residential Building, Multifamily |

### Zoning District Purpose Statement

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 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.

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

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

Yes, the subject property is located in GMA 3 and has access to public water and sewer. The site is also located on a major thoroughfare.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of University Parkway, north of Bethabara Park Boulevard</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>Approximately ± 28.71 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Undeveloped land</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RM-8 &amp; HB-S</td>
<td>Undeveloped land &amp; multifamily units</td>
</tr>
<tr>
<td>East</td>
<td>HB</td>
<td>Small scale business and undeveloped property across University Parkway</td>
</tr>
<tr>
<td>South</td>
<td>RM-18</td>
<td>Multifamily residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-9</td>
<td>Undeveloped land</td>
</tr>
</tbody>
</table>
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)  

<table>
<thead>
<tr>
<th>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, the site is adjacent to RM-8 and RM-18 zoned property.</td>
</tr>
</tbody>
</table>

Physical Characteristics  
The site is currently undeveloped and heavily wooded. The property has a moderate to steep slope downward from the southeastern portion of the site to the northwestern portion of the site along Leak Fork Creek (a tributary of Mill Creek) which forms the northern boundary of the petition site. Approximately 40% of the site is within the FEMA designated 100-year floodplain. There have been documented flooding problems affecting residential property downstream from the site.

Proximity to Water and Sewer  
The subject property has access to public water and public sanitary sewer.

Stormwater/Drainage  
A stormwater study will be required prior to the issuance of grading permits.

Watershed and Overlay Districts  
The subject property is not located within a water supply watershed.

Analysis of General Site Information  
The subject property contains a challenging topography that slopes down severely from south to north. The northern portion of the site is bounded by Leak Fork Creek and associated floodplain/floodway. The proposed site plan will allow for site design that will require somewhat less grading and less retaining walls to be installed. As part of the original approval, a HEC-RAS (Hydrologic Engineering Center’s River Analysis System) study was completed and has been reviewed by the Inspections Division. The results of this study indicate that the proposed development will not result in a measurable increase in flood elevation downstream.

Generalized Recommended Conditions  
**BRIEF DESCRIPTION OF CONDITION(S):**

- Condition for stormwater study
- Condition to flag the 50% fill line in the field
- Submit Letter of Map Revision for fill in floodplain to FEMA.
- Condition requiring sealed drawings for retaining walls be submitted to the Inspections Division
- Condition to install all stormwater devices

SITE ACCESS AND TRANSPORTATION INFORMATION  

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>University Parkway</td>
<td>Major Thoroughfare</td>
<td>+/- 713 feet</td>
<td>39,000</td>
<td>45,000</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Planned Road Improvements</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

The site plan proposes one access point onto University Parkway, located near the northeast corner of the site.

The Thoroughfare Plan recommends that University Parkway be constructed as a six-lane divided cross section with sidewalks and curb and gutter.
| **Trip Generation - Existing/Proposed** | Existing Zoning: RS-9 & RM-18-S  
374 units x 6.59 (MFR Trip Rate) = 2,465 Trips per Day  
Proposed Zoning: RM-18-S  
284 units x 6.59 (MFR Trip Rate) = 1,871 Trips per Day |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sidewalks</strong></td>
<td>None existing along University Parkway. Sidewalks are provided within the site.</td>
</tr>
<tr>
<td><strong>Transit</strong></td>
<td>Route 10 along University Parkway.</td>
</tr>
<tr>
<td><strong>Traffic Impact Study (TIS)</strong></td>
<td>Not required.</td>
</tr>
<tr>
<td><strong>Analysis of Site Access and Transportation Information</strong></td>
<td>The request would reduce the estimated trip generation from 2,465 to 1,871 trips per day. The site plan also moves the access point to this development further north from its currently approved location.</td>
</tr>
</tbody>
</table>
| **Generalized Recommended Conditions** | **BRIEF DESCRIPTION OF CONDITION(S):**  
- Condition for driveway permit  
- Condition requiring sidewalk be installed along University Parkway  
- Condition to coordinate with WSTA for a bus stop |
| **SCHOOL DISTRICT INFORMATION** | **SCHOOL DISTRICT INFORMATION**  
**Schools Serving Zoning Site**  
| Gibson Elementary School | 46  
| 2006-2007 Enrolled Students | 910  
| 2006-2007 Projected Students w/ Accumulated Totals | 956  
| School Capacity | 626  
| Number of Mobile Classrooms on Site | 5  
| Hanes Middle School | 23  
| 2006-2007 Enrolled Students | 697  
| 2006-2007 Projected Students w/ Accumulated Totals | 720  
| School Capacity | 705  
| Number of Mobile Classrooms on Site | 0  
| North Forsyth High School | 31  
| 2006-2007 Enrolled Students | 1465  
| 2006-2007 Projected Students w/ Accumulated Totals | 1496  
| School Capacity | 1165-1546  
| Number of Mobile Classrooms on Site | 7  |
| **CONFORMITY TO PLANS AND PLANNING ISSUES** | **CONFORMITY TO PLANS AND PLANNING ISSUES**  
**Legacy GMA** | GMA 3 (Suburban Neighborhoods)  
**Relevant Legacy Recommendations** | **Legacy** recommends higher density infill development at appropriate locations.  
**Relevant Area Plan(s)** | **North Suburban Area Plan (2005)**  
**Area Plan Recommendations** | The site is located in an area recommended for high density residential use with recommended design guidelines for multifamily design that create developments that are integrated into the community and that support and encourage walking. A significant portion of this property is located in the floodplain. All development on this site should be concentrated in the part of the tract outside of the floodplain. |
### Greenway Plan Information

The Greenway Plan identifies a future greenway along Leak Fork Creek. A condition for dedication of a 40’ greenway easement was approved when the majority of this property was rezoned to RM-18-S.

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

(S)(3) - Have changing conditions substantially affected the area in the petition?

No

(S)(4) - Is the requested action in conformance with *Legacy*?

Applicable

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

The request is in conformance with the recommendations of *Legacy* and the *North Suburban Area Plan (NSAP)*. The NSAP recommends this site be developed for multifamily residential, which is consistent with the RM-18-S zoning that currently exists on the majority of the property. This request would rezone a small sliver of property along University Parkway to RM-18-S and allow for revisions to the existing site plan.

### 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-2808</td>
<td>RS-9 to RM-18-S</td>
<td>Approved 12/19/05</td>
<td>Includes the subject property</td>
<td>29.1 acres</td>
<td>Approval Approval</td>
</tr>
<tr>
<td>W-1987</td>
<td>RS-9 to HB-S (Multiple Uses)</td>
<td>Approved 11-20-95</td>
<td>Directly northeast</td>
<td>13.3</td>
<td>Approval Approval</td>
</tr>
<tr>
<td>W-1223</td>
<td>R-4 to R-2-S converted to RM-18-S</td>
<td>Approved 2-4-85</td>
<td>Directly north</td>
<td>27.24</td>
<td>Approval Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Unit Type</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td>114,514 sf.</td>
<td>Various locations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>Units (by type) and Density</td>
<td>510 spaces</td>
<td>522 spaces</td>
<td>90º head-in</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>60 feet</td>
<td>47 feet</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>80%</td>
<td>25%</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Section 2-1.2(N) RM-18 District</td>
</tr>
</tbody>
</table>
## Legacy Policies

<table>
<thead>
<tr>
<th>Complies with Chapter B, Article VII, Section 7-5.3</th>
<th>(A) Legacy policies:</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(B) Environmental Ord.</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
</tr>
</tbody>
</table>

## Analysis of Site Plan Compliance with UDO Requirements

The site plan proposes a layout with one access point located near the northeast corner of the site. The development will be served by private streets with head-in parking. The majority of the buildings are arranged in a line on the north side of the road with three buildings located on the south side of the street. Staff is awaiting minor revisions to the site plan.

## Generalized Recommended Conditions

<table>
<thead>
<tr>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Condition requiring a tentative plat be recorded</td>
</tr>
<tr>
<td>• All fire hydrants to be installed</td>
</tr>
<tr>
<td>• Sign condition</td>
</tr>
</tbody>
</table>

## CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request is in conformance with the recommendations of Legacy and the NSAP.</td>
<td>Single point of access for the property.</td>
</tr>
<tr>
<td>The addition of the RS-9 zoned property allows for more flexibility in site design.</td>
<td></td>
</tr>
</tbody>
</table>

## SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

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

**PRIOR TO ISSUANCE OF GRADING PERMITS:**

a. Developer shall obtain a driveway permit from Winston-Salem Engineering Division and NCDOT; additional improvements including a sidewalk along University Parkway may be required prior to issuance of driveway permit.

b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

c. Developer shall flag the 50% fill line in the flood fringe.

d. Developer shall submit appropriate documentation to FEMA for a Letter of Map Revision based on the proposed fill within the floodplain of Leak Fork Creek.

e. Developer shall submit sealed drawings to the Inspections Division for any retaining wall over five feet in height.

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

a. Developer shall record a tentative plat in the office of the Register of Deeds. Final plat shall show tentative building locations for multifamily units and all access and utility and greenway easements. Greenway easement shall be 40’ in width from the top of the bank of Leak Fork Creek.
PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

a. Developer shall install all improvements as per driveway permit.
b. All required fire hydrants shall be installed in accordance with the City Fire Department.
c. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.
d. Developer shall install all required storm water management devices.
e. Developer shall provide a sidewalk along the site frontage of University Parkway.
f. Developer shall coordinate with WSTA for the location of a bus stop.

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.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment.
SECOND: Paul Mullican
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

A. Paul Norby, FAICP
Director of Planning