DOCKET: W2825
(Continued from 12/9/05 & 1/12/06 CCPB meeting)

PROPOSED ZONING:
RM-12-S (Multiple Uses)

EXISTING ZONING:
RM-12-S (Congregate Care Facility)

PETITIONER:
MJM Realty Company LLC
for property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRE(S): 1.43

MAP(S): 636858
February 22, 2006

MJM Realty Company, LLC
c/o James J. Salters
517 Franklin Street
Hampstead, NY 11550

RE: ZONING MAP AMENDMENT W-2825

Dear Mr. Salters:

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, AICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103
Wally Renor, 9600 Manly Thompson Lane, Charlotte, NC 28216
Jeannette Terry, 1028 Addison Avenue, Winston-Salem, NC
Harold Hairston, 3140 Shaftesbury Lane, Winston-Salem, NC 27105
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>February 22, 2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Map Amendment of MJM Realty Company, LLC

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of MJM Realty Company, LLC from RM-12-S to RM-12-S (Residential Building, Single-Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; and Residential Building, Multifamily): property is located on the west side of New Walkertown Road south of Addison Avenue (Zoning Docket W-2825).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS
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 RM-12-S (Nursing Care Institution; Congregate Care Facility; and Life Care Facility) to RM-12-S (Residential Building, Single-Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; and Residential Building, Multifamily) the zoning classification of the following described property:

Tax Block 2494, Tax Lot 009

Section 2. This Ordinance is adopted after approval of the site plan entitled MJM Realty Company, LLC/Rainer-Salter VII Town Homes and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20___ to MJM Realty Company, 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 MJM Realty Company, LLC/Rainer-Salter VII Town Homes. 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 MJM Realty Company, LLC, (Zoning Docket W-2825). 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-12-S (Residential Building, Single-Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; and 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-12-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 ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from WSDOT.
  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.

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

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.
  b. Developer shall install all required storm water management devices.
  c. Developer shall install a six foot high vinyl coated chain link fence 0.5' inside the entire northern property line as shown on site plan.

• **PRIOR TO SIGNING OF FINAL PLAT**
  a. Plat shall meet all applicable requirements of UDO 142 and UDO 148.
<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2825</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>MJM Realty Company, LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 9 / Tax Block 2494</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use rezoning from RM-12-S to RM-12-S</td>
</tr>
</tbody>
</table>

**Proposal**

The subject request was continued from the December 8, 2005 Planning Board meeting to the January 12, 2006 Planning Board meeting and then to the February 9, 2006 Planning Board meeting in order for the petitioner to meet with an adjacent property owner.

The petitioner is requesting to amend the Official Zoning Maps for the subject property **from** RM-12-S Residential, Multifamily District (Nursing Care Institution; Congregate Care Facility; and Life Care Facility) **to** RM-12-S Residential, Multifamily District; maximum density of 12 units per acre. The petitioner is requesting the following uses:

- Residential Building, Single-Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; and Residential Building, Multifamily

**Zoning District Purpose Statement**

The RM-12 District is primarily intended to accommodate multifamily uses at a maximum overall density of twelve (12) units per acre. This district is appropriate for Growth Management Areas 1, 2, and 3.

**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

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of New Walkertown Road south of Addison Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>East</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 1.43</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Site is developed with an unoccupied, 20 bed congregate care facility.</td>
</tr>
</tbody>
</table>

### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-9</td>
<td>Single family residential</td>
</tr>
<tr>
<td>East</td>
<td>IP</td>
<td>Cemetery</td>
</tr>
<tr>
<td>South</td>
<td>RS-9 &amp; HB</td>
<td>311 Meat and Produce Market</td>
</tr>
<tr>
<td>West</td>
<td>RS-9 and RM12-S</td>
<td>Undeveloped and multifamily residential</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Yes</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Physical Characteristics</td>
<td>Site is currently developed with a ±4,860sf structure which is proposed for removal. The site has a gentle to moderate slope downward from the west to the east. The southwestern and eastern edges of the site drop down steeply to 10th Street and New Walkertown Road respectively.</td>
<td></td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water and sewer are available to the site.</td>
<td></td>
</tr>
<tr>
<td>Storm water/Drainage</td>
<td>The Inspections Division recommends the developer prepare a storm water management study.</td>
<td></td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The site is not within a water supply watershed.</td>
<td></td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>Site is suitable for the proposed improvements.</td>
<td></td>
</tr>
<tr>
<td>Generalized Recommended Conditions</td>
<td>BRIEF DESCRIPTION OF CONDITION(S):</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Developer shall obtain a grading permit.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>• Developer shall submit a storm water management study.</td>
<td></td>
</tr>
</tbody>
</table>

### 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>New Walkertown Road</td>
<td>Major Thoroughfare</td>
<td>302’</td>
<td>15,000</td>
<td>34,600</td>
</tr>
<tr>
<td>10th Street</td>
<td>Local Street</td>
<td>415’</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

| Proposed Access Point(s) | 10th Street |
| Planned Road Improvements | The recommended cross section for New Walkertown Road as per the Thoroughfare Plan is a four-lane divided median with widened outside lanes and sidewalks. |

### Trip Generation - Existing/Proposed

| Existing Zoning: RM12-S |
| 20 beds x 2.15 (Congregate Care Facility Trip Rate) |
| = 43 Trips per Day |

| Proposed Zoning: RM12-S |
| 16 units x 6.59 (Multifamily Trip Rate) = 105 Trips per Day |

### Sidewalks

| Existing along New Walkertown Road and 10th Street |

### Transit

| Route 1 Eastway Shopping Center further northeast and southwest of subject property along New Walkertown Road. |

### Analysis of Site Access and Transportation Information

| Access to the site is adequate. |
### Generalized Recommended Conditions

<table>
<thead>
<tr>
<th>BRIEF DESCRIPTION OF CONDITIONS:</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Obtain a driveway permit from WSDOT.</td>
</tr>
</tbody>
</table>

### SCHOOL DISTRICT INFORMATION

<table>
<thead>
<tr>
<th>Schools Serving Zoning Site</th>
<th>Project Students From Project</th>
<th>2005-2006 Enrolled Students</th>
<th>2005-2006 Projected Students w/ Accumulated Totals</th>
<th>School Capacity</th>
<th>Number of Mobile Classrooms on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ashley ES</td>
<td>7</td>
<td>442</td>
<td>449</td>
<td>411</td>
<td>2</td>
</tr>
<tr>
<td>Winston-Salem Prep</td>
<td>4</td>
<td>487</td>
<td>491</td>
<td>740</td>
<td>0</td>
</tr>
<tr>
<td>Atkins HS</td>
<td>5</td>
<td>570</td>
<td>575</td>
<td>1,200</td>
<td>0</td>
</tr>
</tbody>
</table>

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Urban Neighborhoods (GMA2)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td><em>Legacy</em> recommendations related to residential development include: encourage a mixture of housing types in neighborhoods; encourage infill development; and allow higher density infill development at appropriate locations. <em>Legacy</em> also calls for infill development to be attractive to residents of the existing area and that neighborhoods be interconnected.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>East Winston Area Plan (1987)</td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>This site is recommended for high density multifamily residential use (0-20 DU/AC). In addition, the Area Plan recommends encouraging developers to utilize a variety of densities, site layouts, and housing types so that various segments of the housing market will be attracted to East Winston.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>(S)(3) - Have changing conditions substantially affected the area in the petition?</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>(S)(4) - Is the requested action in conformance with <em>Legacy</em>?</td>
<td>Yes</td>
</tr>
<tr>
<td>Analysis of Conformity to Plans and Planning Issues</td>
<td>The subject request is consistent with <em>Legacy</em> in that it is an appropriate location for a well designed, higher density residential use than what is currently located on the site. The <em>East Winston Area Plan</em> also recommends high density residential for the subject property.</td>
</tr>
<tr>
<td>Generalized Recommended Conditions</td>
<td>BRIEF DESCRIPTION OF CONDITION(S):</td>
</tr>
<tr>
<td></td>
<td>• Freestanding signage shall be limited to one sign with a maximum height of 6’</td>
</tr>
</tbody>
</table>
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-2722</td>
<td>Special Use Permit for Institutional Parking in RS-9</td>
<td>Approved 10-4-04</td>
<td>2,000’ northeast</td>
<td>8.36</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2277</td>
<td>RM8-S to RS-9 and RM12-S</td>
<td>Approved 12-7-98</td>
<td>Directly south and northwest</td>
<td>4.29</td>
<td>Approval</td>
</tr>
<tr>
<td>W-1063</td>
<td>R-4 to R-2-S converted to RM12-S (Nursing Care Institution; Congregate Care Facility; and Life Care Community)</td>
<td>Approved 10-17-83</td>
<td>Current site</td>
<td>1.4</td>
<td>Approval</td>
</tr>
</tbody>
</table>

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

| Units (by type) and Density Parking | 16 Townhouse units, 8.4 units per acre |
| Building Height                     |                                      |
| Maximum                              | Proposed                               |
| 32                                   | 33                                     |
| 45’                                  | 45’                                    |

| Impervious Coverage                  | Maximum                               | Proposed |
|                                     | 75%                                   | 53%      |

| UDO Sections Relevant to Subject Request | • Chapter B, Article II, Section 2-1.2 (M) RM-12 District |

Complies with Chapter B, Article VII, Section 7-5.3
(A) Legacy policies: Yes
(B) Environmental Ord. Yes
(C) Subdivision Regulations N/A

Analysis of Site Plan Compliance with UDO Requirements
The site plan is in compliance with the requirements of the UDO.

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>Request would allow for the construction of a higher density residential use on a suitable infill site which is located along a Major Thoroughfare and near a bus route.</td>
<td></td>
</tr>
</tbody>
</table>

W-2825 February 2006 8
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

PRIOR TO ISSUANCE OF GRADING PERMITS:
   a. Developer shall obtain a driveway permit from WSDOT.
   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.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
   a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.
   b. Developer shall install all required storm water management devices.
   c. Developer shall install a six foot high vinyl coated chain link fence 0.5' inside the entire northern property line as shown on site plan.

PRIOR TO SIGNING OF FINAL PLAT:
   a. Plat shall meet all applicable requirements of UDO 142 and UDO 148.

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 - December 8, 2005

FOR:

Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103
   • We feel this is a good use for the property and an improvement for the area.
   • We hope to be able to work out the site retaining wall.
   • We are trying to work out some of the walls and hopefully reduce the amount shown on the plan.

AGAINST:

Jeannette Terry, 1028 Addison Avenue, Winston-Salem, NC 27101
   • I'm opposed to this because my property is right beside it.
   • I'm concerned about safety.
• This area is mostly senior citizens.
• My property is already below this level, so these taller buildings will be visually imposing.
• With single family housing, you can pretty much tell who is in your neighborhood and if a strange car is there. With multifamily housing, that's almost impossible.

WORK SESSION

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

1. The Board asked the petitioner to meet with the area residents before the next meeting.
2. Ms. Terry indicated she would be concerned about having shrubbery near her house because anyone could hide in it and be undetected.
3. We need more multifamily housing which is owner occupied, especially in this area.
4. The Board tries to stress to every developer that they should contact the neighbors and communicate with them prior to this meeting.
5. Lavastian Glenn noted that the same time and care which go into developments in west portion of Winston-Salem should be given to developments in the east portion of Winston-Salem.

MOTION: Wesley Curtis moved continuance of the zoning map amendment to January 12, 2006.
SECOND: Dara Folan
VOTE:
   FOR: Clark, Curtis, Eickmeyer, Folan, Glenn, King, Lambe, Smith
   AGAINST: None
   EXCUSED: None

PUBLIC HEARING - January 12, 2006

Gary Roberts presented the staff report. Staff noted that the petitioner met with the neighbors and minutes from that meeting were included in the Planning Board packets. The revised site plan was received after the agenda book was printed and has not gone through the interdepartmental review. The revised site plan includes two notes regarding the north portion of the property. They are: "Bufferyard landscaping shall be maintained to discourage crime. Shrubs and tree heights and spreads shall be maintained to allow visibility to prevent concealment." and regarding the slope of the property, "Site grade and drainage along northern property boundary shall be provided to ensure runoff from the proposed site drains toward 10th Street and not drain onto adjacent properties."
FOR:

Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103
The bufferyard language came directly from the Liberty Street Development Guide guidelines. The primary concern of the opposition was that bushes and shrubs and trees allow someone to hide and subsequently attack from a concealed position.

AGAINST:

Jeannette Terry, 1028 Addison Avenue, Winston-Salem, NC 27101
- I did meet with Mr. Causey and he agreed to keep the trees at least five feet from the ground because I told him I was afraid.
- My main concern today was drainage because the back part of it would drain down toward 10th Street, but the north end would drain to my yard.
- The elevation of this property is still a concern because the site is already elevated and adding two story building(s) will not fit in with the neighborhood.
- We still think this is too many apartments for this site.

WORK SESSION

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

1. In regard to elevation of the site as it related to Walkertown Road, the petitioner indicated they could lower the site a few feet, but without soil borings to determine what is underground, we can't pledge to specifics. The petitioners have pledged to lower the site as much as possible.

2. Fencing was discussed, but fencing has to be screened from the adjoining property which would defeat the purpose of the fence in this case.

3. The Board would like to see what the buffer will actually look like and would like the petitioner to get more input from more of the neighbors.

4. The bufferyard is an ordinance requirement and could only be waived by the Board of Adjustment with reasons such as topographical difficulties.

5. The buffer could be installed by the petitioner to meet the code and the petitioner could then install a higher fence on Ms. Terry's property for her sense of security.

MOTION: Carol Eickmeyer moved continuance of the zoning map amendment and site plan to February 9, 2006.
SECOND: Dara Folan
VOTE:

FOR: Clark, Curtis, Eickmeyer, Folan, Glenn, King, Smith
AGAINST: None
EXCUSED: None
PUBLIC HEARING - February 9, 2006

Gary Roberts presented the staff report.

FOR:

Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103
  We did meet with the neighbors, one of whom was Ms. Terry.
  We decided to move one of the buildings over about 16 feet, which has the effect of
  removing the unit closest to Ms. Terry.
  We also decided to lower the site by two feet near New Walkertown Road.
  The developer agreed to the security fencing along the eastern boundary.

Wally Renor, 9600 Manly Thompson Lane, Charlotte, NC 28216
  I'm the developer.
  I'm a Winston-Salem native and want to be able to give something back to my
  community.

AGAINST:

Jeannette Terry, 1028 Addison Avenue, Winston-Salem, NC
  I've been opposed to this since it started. It's a safety issue for me.
  People in our neighborhood feel the same way I do. It's a safety issue for our senior
  citizens.
  They're pushing me out of my home. I'm going to have to get another place to stay.
  You don't know what type of people you will have in apartments.
  I appreciate all the changes they've made, but it's wearing on me and I can't handle it.
  We'd like to see single family homes there.

Harold Hairston, 3140 Shaftesbury Lane, Winston-Salem, NC 27105
  This property is right around areas which are old traditional neighborhoods. They have
  older people living in them.
  US 311 is a major thoroughfare. US 311 and US 158 are the only ways in and out. This
  area is already too dense for these roads.

WORK SESSION

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

  1. This is a good area for this type of transition housing.
  2. The developer has gone to great lengths to work with the neighborhoods.
  3. Several board members expressed their understanding of Ms. Terry's concern.
MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Clarence Lambe
VOTE:
   FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith
   AGAINST: None
   EXCUSED: None

_______________________
A. Paul Norby, AICP
Director of Planning