DOCKET #: W2934
(continued from 7/12/07)

PROPOSED ZONING:
RM18-S

EXISTING ZONING:
RS9

PETITIONER:
Timothy Cave for property owned by Same

SCALE: 1" represents 600'
STAFF: King
GMA: 3
ACRES: 10.23
NEAREST BLDG: 10' east
MAP(S): 618874
August 22, 2007

Timothy Cave  
1022 West First Street  
Winston-Salem, NC  27101

RE:  ZONING MAP AMENDMENT W-2934

Dear Mr. Cave:

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  
     Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
**ACTION REQUEST FORM**

**DATE:** August 22, 2007  
**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 Timothy Cave

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Timothy Cave from RS-9 to RM-18-S (Life Care Community): property is located on the south side of Indiana Avenue, across from Appomattox Drive (Zoning Docket W-2934).

**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 Timothy Cave, Docket W-2934

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 (Life
Care Community) the zoning classification of the following described property:

Tax Block 3453, Tax Lot 103

Section 2. This Ordinance is adopted after approval of the site plan entitled Timothy
Cave and identified as Attachment "A" of the Special Use District Permit issued by the City
Council the _____ day of _________________, 20___ to Timothy Cave.

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 Timothy Cave. 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 Timothy Cave, (Zoning Docket W-2934). 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 (Life Care Community), 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 Department; improvements include:
     • Install sidewalks along the frontage of Indiana Avenue
     • Widen Indiana Avenue 13’ from the centerline with curb and gutter.
     • Finalize design for gated entrance and turnaround.
  b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. A final plat shall be recorded in the office of the Register of Deeds.
  b. Lighting shall be installed per approved lighting plan and certified by an engineer.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.
  b. Developer shall install a concrete band to the specifications of the City of Winston-Salem Public Works Department at the intersection with Indiana Avenue to indicate the line between public/private streets.
  c. Developer shall complete all requirements of the City of Winston-Salem driveway permit.
  d. If any lighting is proposed, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 20’ or less and no more than 0.5 foot-candles at the property line.
CITY-COUNTY PLANNING BOARD
STAFF REPORT

PETITION INFORMATION

Docket # | W-2934
---|---
Staff | Aaron King
Petitioner(s) | Timothy Cave
Owner(s) | Same
Subject Property | Tax Lot 103, Tax Block 3453
Type of Request | Special use rezoning request from RS-9 to RM-18-S for a life care community.

Proposal

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to RM-18-S (Residential Multifamily; up to 18 du/ac – Special Use Zoning). The petitioner is requesting the following uses:
- Life Care Community

Continuance History

This request was continued from the June 14, 2007 and July 12, 2007 Planning Board meetings.

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 site is located within GMA 3 and has access to public water and sewer.

GENERAL SITE INFORMATION

Location | South side of Indiana Avenue, across from Appomattox Drive
Jurisdiction | City of Winston-Salem
Ward(s) | North
Site Acreage | Approximately ± 10.23 acres
Current Land Use | Single family home and undeveloped land

<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 homes</td>
</tr>
<tr>
<td>East</td>
<td>RM-18</td>
<td>Apartment buildings</td>
</tr>
<tr>
<td>South</td>
<td>RM-18 &amp; RS-9</td>
<td>Apartment buildings and undeveloped land</td>
</tr>
<tr>
<td>West</td>
<td>RS-9</td>
<td>Single family homes</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>
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<tr>
<td>---</td>
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</tr>
<tr>
<td></td>
<td>Yes, the request is located in an area that contains multifamily zoning. High-density multifamily zoning is located to the east, south, and northeast of the site. More specifically, the area already contains a similar use with the Salem Towne development, which is also a Life Care Community.</td>
<td></td>
</tr>
<tr>
<td>Physical Characteristics</td>
<td>The site slopes down from the northeast (+/− 870 ft.) to the southwest (+/− 830 ft.). There are no streams or wetlands located on the site.</td>
<td></td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
<td>The subject property has access to public water and public sanitary sewer.</td>
<td></td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
<td>A stormwater study will be required.</td>
<td></td>
</tr>
<tr>
<td>Natural Heritage Sites</td>
<td>Historic Bethabara, site #10 of the Forsyth County Natural Heritage Inventory, is located approximately 1/2 mile northwest and downstream of the petition site. The Forsyth County Natural Heritage Inventory, completed in 1998 with a grant from the NC Natural Heritage Program, identified 23 significant natural sites in Forsyth County. Historic Bethabara was identified in the Natural Heritage Inventory as being of countywide environmental significance due to quality of the forest, an extensive wetland area and the presence of historic natural features and plants. The Natural Heritage Inventory description for Historic Bethabara notes that further upstream development will continue to increase flooding in Historic Bethabara.</td>
<td></td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The subject property is not located within a water supply watershed.</td>
<td></td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>The subject property is 10.23 acres in size and is located between Indiana Avenue and the Norfolk Southern railroad tracks. The site has a mild topography with no streams or wetlands.</td>
<td></td>
</tr>
</tbody>
</table>
| Generalized Recommended Conditions | **BRIEF DESCRIPTION OF CONDITION(S):**  
• Condition for stormwater study |

### 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>Indiana Avenue</td>
<td>Minor Thoroughfare</td>
<td>1,166 feet</td>
<td>NA</td>
<td>16,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**: The site plan proposes one access point onto Indiana Avenue that would line up with Appomattox Drive.

**Planned Road Improvements**: The Thoroughfare Plan recommends that Indiana Avenue be constructed as a three land cross-section with curb and gutter and sidewalks.
| **Trip Generation - Existing/Proposed** | **Existing Zoning: RS-9**<br>10.23 x 43,560 / 9,000 = 49 units x 9.57 (SFR Trip Rate) = 469 Trips per Day | **Proposed Zoning: RM-18-S**<br>140 units x 2.15 (Congregate Care Facility Trip Rate) = 301 Trips per Day<br>40 units x 9.57 (SFR Trip Rate) = 383 Trips per Day | **Total Estimated Trips Per Day = 684** |
| **Sidewalks** | Sidewalks do not currently exist along Indiana Avenue, but have been requested by Interdepartmental Staff. Sidewalks are required on the proposed internal streets. |  |
| **Transit** | Route 44 runs along Indiana Avenue. |  |
| **Traffic Impact Study (TIS)** | Not required |  |
| **Analysis of Site Access and Transportation Information** | The site plan proposes a total of 180 dwelling units which is estimated to generate a total of 684 trips per day. Approval of this request would generate a small increase in trip generation over the 469 trips that could be expected with the existing RS-9 zoning. The site would be served by private streets with a gate being located at the entrance from Indiana Avenue. The interior of the site also proposes a parking lot which would serve the two congregate care buildings. Staff has recommended revisions to the parking lot configuration to provide a more efficient layout. The current site plan also does not provide a turnaround area in front of the gated entrance. Staff has recommended that a turnaround be provided. |  |
| **Generalized Recommended Conditions** | **BRIEF DESCRIPTION OF CONDITION(S):**<br>• Condition to obtain City of Winston-Salem driveway permit<br>• Condition to repair any damage to City streets<br>• Condition to delineate the line between public and private streets with a concrete band |  |
| **CONFORMITY TO PLANS AND PLANNING ISSUES** | **Legacy GMA**<br>GMA 3 (Suburban Neighborhoods) |  |
| **Relevant Legacy Recommendations** | Increased infill development could bring new opportunity and improved quality of life for residents within the Municipal Service Area (MSA), especially for neighborhoods within the city. Increased tax base, property values, jobs closer to home and increased investment and amenities in these neighborhoods are some of the potential benefits. |  |
| **Relevant Area Plan(s)** | **North Suburban Area Plan (2005)** |  |
| **Area Plan Recommendations** | • The North Suburban Area Plan (NSAP) recommends this site for high density residential development. This development should be integrated into the community, and should support and encourage walking. |  |
(S)(3) - Have changing conditions substantially affected the area in the petition?
No

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

### Analysis of Conformity to Plans and Planning Issues

The subject request is consistent with the general recommendations of *Legacy* and the specific recommendations of the *NSAP*. The project would provide an increase in the tax base and provide jobs at a location within the MSA, which is consistent with *Legacy*. The use of this site for high density residential is consistent with the recommendations of the *NSAP*. The proposed Life Care Community would be similar to the existing Salem Towne development located east of this site. Staff views this request as being compatible with the adopted area plan and also filling a need for a growing type of housing that is needed in the community.

### 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-2796</td>
<td>RS-9 &amp; LI to LI</td>
<td>Withdrawn at the 9/14/06 PB meeting, after being remanded by the City Council</td>
<td>East</td>
<td>12.63</td>
<td>Approval Denial (at 1st PB meeting)</td>
</tr>
<tr>
<td>W-2698</td>
<td>RM-8-S &amp; RM-12-S to RS-9-S</td>
<td>Approved 6/7/04</td>
<td>Northwest</td>
<td>20.39</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2335</td>
<td>RS-9 to RM-18-S</td>
<td>Approved 9/7/99</td>
<td>Northeast</td>
<td>0.7</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>18,118sf.</td>
<td>Approximate middle</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Units (by type) and Density</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>140 Congregate Care units at a density of 13.68 du/ac</td>
<td>180 units at an overall density of 17.59 du/ac</td>
<td></td>
<td></td>
</tr>
<tr>
<td>40 Single Family Homes at a density of 3.91 du/ac</td>
<td></td>
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<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>99 space</td>
<td>113 spaces</td>
<td>NA</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>2-stories</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>80%</td>
<td>39.75%</td>
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</tbody>
</table>
UDO Sections Relevant to Subject Request

- Section 2-1.2 (N) RM-18 District
- Section 2-5.44 Use Conditions

Complies with Chapter B, Article VII, Section 7-5.3

| Legacy policies: | Yes |
| Environmental Ord. | Yes |
| Subdivision Regulations | Yes |

Analysis of Site Plan Compliance with UDO Requirements

The site plan proposes a Life Care Community that will contain 40 detached units and 140 congregate care units, located in two buildings. The development will be gated and served by private streets. Common open space is shown around the perimeter of the site. Staff is awaiting revisions to the site plan to demonstrate compliance with the UDO (see Remaining Site Plan Issues below).

Generalized Recommended Conditions

BRIEF DESCRIPTION OF CONDITION(S):

- Lighting condition

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 consistent with Legacy and the NSAP.</td>
<td>The request would increase trip generation by 215 trips per day.</td>
</tr>
<tr>
<td>The proposed development would be consistent with surrounding uses in the area.</td>
<td>The site plan could provide more common open space located internal to the site.</td>
</tr>
<tr>
<td>Life care communities are a needed use.</td>
<td></td>
</tr>
<tr>
<td>The request would only generate an increase of 215 trips per day.</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 THE ISSUANCE OF GRADING PERMITS:

a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department; improvements include:
   - Install sidewalks along the frontage of Indiana Avenue
   - Widen Indiana Avenue 13’ from the centerline with curb and gutter.
   - Finalize design for gated entrance and turnaround.

b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

a. A final plat shall be recorded in the office of the Register of Deeds.

b. Lighting shall be installed per approved lighting plan and certified by an engineer.
**PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**

- a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.
- b. Developer shall install a concrete band to the specifications of the City of Winston-Salem Public Works Department at the intersection with Indiana Avenue to indicate the line between public/private streets.
- c. Developer shall complete all requirements of the City of Winston-Salem driveway permit.
- d. If any lighting is proposed, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 20' or less and no more than 0.5 foot-candles at the property line.

**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** - June 14, 2007

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved continuance of the zoning map amendment and site plan to July 12, 2007.

SECOND: Wesley Curtis

VOTE:

- FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican
- AGAINST: None
- EXCUSED: None

**PUBLIC HEARING** - July 12, 2007

FOR: None

AGAINST: None

**WORK SESSION**
MOTION: Paul Mullican moved continuance of the zoning map amendment and site plan to August 9, 2007.
SECOND: Clarence Lambe
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

PUBLIC HEARING - August 9, 2007

FOR: None
AGAINST: None

WORK SESSION

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

A. Paul Norby, FAICP
Director of Planning