DOCKET #: W2755

PROPOSED ZONING:
RM12-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Townhouse)

EXISTING ZONING:
RS9 and LB

PETITIONER:
Centex Homes for property owned by Ollie James Shouse, and John W. James, Jr., Trustee

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRE(S): 25.73

MAP(S): 618882
March 23, 2005

Centex Homes
556 Arbor Hill Road, Suite L
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT W-2755

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, AICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Joe Jenkins, 308 Topwater Lane, Greensboro, NC 27455
Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC 27106
Iring Weidl, 4305 Alcoa Court, Winston-Salem, NC 27106
Jack Cornett, 4115 James Street, Winston-Salem, NC 27106
Paul McGill, 940 Partridge Lane, Winston-Salem, NC 27106
J. W. Lane, Jr., 1112 Horsepie Road, Richmond, VA 23229
Lesley Bailey, 2099 Tenney Lane, Winston-Salem, NC 27106
ACTION REQUEST FORM

DATE: March 23, 2005
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Centex Homes for property owned by Ollie J. Shouse and John W. James, Jr. Trustee

SUMMARY OF INFORMATION:

Zoning map amendment of Centex Homes for property owned by Ollie J. Shouse and John W. James, Jr. Trustee from RS-9 and LB to RM-12-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; and Residential Building, Townhouse): property is located on the west side of Bethania Station Road and the southern side of Shattalon Drive (Zoning Docket W-2755).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: CLARK, GLENN, KING, LAMBE, MULLICAN, SMITH
AGAINST: EICKMEYER
EXCUSED: NORWOOD
SITE PLAN ACTION: CONFORMS
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 LB to RM-12-
S (Residential Building, Single Family; Residential Building, Duplex; Residential Building,
Twin Home; Residential Building, Multifamily; and Residential Building, Townhouse) the
zoning classification of the following described property:

Tax Block 3457 Tax Lots 10A, 10B, 11C, 11E, 11F, and 11H
Tax Block 3453 Tax Lot 29E

Section 2. This Ordinance is adopted after approval of the site plan entitled Shattalon
Drive Townhomes and identified as Attachment "A" of the Special Use District Permit issued by
the City Council the ______ day of __________________, to Centex Homes for property
owned by Ollie J. Shouse and John W. James, Jr. Trustee.

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 Shattalon Drive Townhomes. 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 Centex Homes for property owned by Ollie J. Shouse and John W. James, Jr. Trustee, (Zoning Docket W-2755). 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, 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-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 THE ISSUANCE OF GRADING PERMITS
  a. Developer shall permit the Planning staff to photo-document the extant structures and overall site prior to development.
  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.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall obtain driveway permits from the Winston-Salem Department of Transportation and the North Carolina Department of Transportation; additional improvements such as widenings and sidewalks along Shattalon Drive and widening along Bethania Station Road will be required.
  b. Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show lots, common areas, public streets, easements, and utilities.
  c. Developer shall substantially comply with the submitted building elevations as shown on Exhibit A.
• PRIOR TO THE SIGNING OF PLATS
  a. All documents including covenants, restrictions, and homeowners’ association agreements shall be recorded in the office of the Register of Deeds. Final plats must show common open space declarations.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall provide at least one transit stop as determined by the Winston-Salem Transit Authority.
  b. Developer shall install a three-foot (3’) high berm and ten-foot (10’) streetyard along the frontage of Shattalon Drive and Bethania Station Road.

• OTHER REQUIREMENTS
  a. Trees within street yards, bufferyards and motor vehicle parking areas shall be of a large variety as defined in UDO Section 3-4.10, where no conflict occurs with over head utility lines. Plan shall be submitted to the Inspections Division of the City of Winston-Salem for approval.
  b. Developer shall install a break-away gate or other similar emergency service access device between the parking area and James Street.
ZONING STAFF REPORT

DOCKET #  W-2755
STAFF:       Gary Roberts

Petitioner(s): Centex Homes
Ownership:  Ollie J. Shouse and John W. James, Jr., Trustee

REQUEST

From: RS-9 Single Family Residential District; 9,000 sf minimum lot size and LB
Limited Business District
To:   RM-12-S Multifamily Residential District; maximum density 12 units/acre
(Residential Building, Single Family; Residential Building, Duplex; Residential
Building, Twin Home; Residential Building, Multifamily; and Residential
Building, Townhouse)

Both general and special use district zoning were discussed with the applicant(s) who decided to
pursue the zoning as requested.

Acreage: 25.73

LOCATION:

Street: West side of Bethania Station Road and south side of Shattalon Drive.
Jurisdiction: City of Winston-Salem.
Ward: North.

SITE PLAN

Proposed Use: 240 unit townhouse development.
Building Height: 40 foot maximum.
Density: 9.33 dwelling units per acre.
Parking: Required: 480 spaces; Proposed: 528 spaces; layout: 90º head-in along private drives.
Bufferyard Requirements: 20 foot Type II bufferyard adjacent to RS-9 and RS-12.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Farmhouse and accessory buildings.
Adjacent Uses:

North- Single family homes zoned RS-9.
Northeast- West Town Eatery and Express and a convenience store zoned LB.
East- Undeveloped property, small scale industrial uses and multifamily
residential zoned LI and RMU.
Southeast- Undeveloped property zoned LO.
South- Undeveloped property and single family homes zoned RS-12.
West- Undeveloped property and single family homes zoned RS-12.

GENERAL AREA

Character/Maintenance: Mixture of well maintained single family homes with multifamily residential, and small scale commercial and industrial uses along Bethania Station Road.
Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. W-2743; RS-9-S (Residential Building, Single Family; and Planned Residential Development) to Site Plan Amendment; approved January 3, 2005; southern terminus of Murray Road south of Kingswell Drive; 19.14 acres; Planning Board recommended approval, staff recommended denial.

2. W-2719; RS-12 to RS-9-S (Residential Building, Single Family, and Planned Residential Development); approved September 7, 2004; southern terminus of Murray Road south of Kingswell Drive, same site as W-2743; 19.14 acres; Planning Board and staff recommended approval.

3. W-2641; RS-12 to RS-9; denied July 19, 2004; northwest corner of Hutchins Street and Pinewood Drive; 0.51 acre; Planning Board recommended approval, staff recommended denial.

4. W-2421; RS-9 to RS-7; denied October 2, 2000; west side of Pinewood Drive north of Bethabara Road; 0.73 acre; Planning Board and staff recommended denial.

5. W-948; R-5 to R2-S (Dwellings, Multifamily); denied August 16, 1982; west side of Bethania Station Road at the southern terminus of James Street, included portion of current site; 10.96 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Significant removal of vegetation and grading to accommodate improvements shown on site plan.
Topography: Moderate slope downward from the western portion of the site to the eastern portion.
Vegetation/habitat: Large areas of mature woods are located on the site.
Wetlands: None.
Environmental Resources Beyond the Site: This proposal should not impact environmental resources beyond the site.
Water Supply Watershed: The property is not located in a water supply watershed.
TRANSPORTATION

Direct Access to Site: Shattalon Drive and Bethania Station Road.
Street Classification: Shattalon Drive- Minor Thoroughfare; Bethania Station Road – Minor Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Shattalon Drive between Murray Road and Bethania Station Road = 10,000/16,100
Bethania Station Road between Bethabara Park Boulevard and Shattalon Drive = 6,600/14,600
Trip Generation/Existing Zoning: LB and RS-9
No trip rate available for .17 acre of LB as the property is vacant; 25.56 x 43,560 /9,000 = 123 units x 9.57 (SFR Trip Rate) = 1,177 Trips per Day
Trip Generation/Proposed Zoning: RM-12-S
240 units x 6.59 (Multifamily Trip Rate) = 1,582 Trips per Day
Planned Road Improvements/Thoroughfare Plan: The 2002 Thoroughfare Plan recommends that both sections of Shattalon Drive and Bethania Station Road, adjacent to the subject property, be widened to a three-lane, urban cross-section with bicycle and pedestrian accommodation.
Sight Distance: Adequate.
Interior Streets: Private drives. Staff recommends a public street extension of James Street to connect with Bethania Station Road.
Connectivity of street network: Excellent internal connectivity.
Sidewalks: No sidewalks are located within the general area. Sidewalks are proposed along both sides of all interior driveways and recommended along the frontages of Shattalon Drive and Bethania Station Road.
Transit: Route 44 along Shattalon Drive and Bethania Station Road.
Bicycle Route: None.

CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods, GMA 3
Relevant Comprehensive Plan Recommendation(s): Legacy recommendations related to residential development include encourage mixture of housing types in neighborhoods; encourage infill development; and allow higher density infill development at appropriate locations. Legacy specifically states that street connectivity between residential streets would distribute total traffic, ease congestion, and make movement easier for all modes of transportation. Legacy calls for infill development to be attractive to residents of the existing area.
Area Plan/Development Guide: The Draft North Suburban Area Plan, which has yet to be adopted by the City Council, recommends a mixed use development that blends into the surrounding single-family, multifamily, and commercial uses. The plan states that a development which effectively incorporates urban design principles could combine neighborhood-scale commercial uses with moderate density residential uses to improve these streetscapes and the larger neighborhood’s functionality. The plan also contains specific design recommendations for multifamily developments, including a connected
street network; the use of public streets; parking lots placed to the side or rear of buildings; the use of on-street or parallel parking; limited use of head-in parking; and a pedestrian network.

**HISTORIC RESOURCES REVIEW**

Comments: Although this site was not surveyed in Forsyth County’s 1982 official inventory of historic properties, staff understands the property possesses what is more than likely an early 20th century farmstead, featuring a main house with a full complement of outbuildings. When properties are listed on the official inventory Planning staff typically recommends a condition that the petitioner provide photo-documentation of the extant structures and overall site prior to development. Because this site is not listed on the inventory, Planning staff will perform the documentation as per condition a. under PRIOR TO THE ISSUANCE OF GRADING PERMITS.

**WINSTON-SALEM/FORSYTH COUNTY SCHOOLS**

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 233 students to the system, as indicated by the following chart.

<table>
<thead>
<tr>
<th>Project Number</th>
<th>Number Units</th>
<th>Schools</th>
<th>Projected Students from Project</th>
<th>2004-2005 Enrolled Students</th>
<th>2004-2005 Projected Students with Accumulated Totals since 4/15/04</th>
<th>School Capacity</th>
</tr>
</thead>
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<tr>
<td>W-2755</td>
<td>240</td>
<td>Gibson ES</td>
<td>107</td>
<td>957</td>
<td>1,064</td>
<td>627</td>
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<tr>
<td></td>
<td></td>
<td>Hanes MS</td>
<td>54</td>
<td>701</td>
<td>755</td>
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<td></td>
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<td>72</td>
<td>2,210</td>
<td>2,282</td>
<td>1,099-1,458</td>
</tr>
</tbody>
</table>

**ANALYSIS**

The subject request is to rezone 25.73 acres located on the southern side of Shattalon Drive and the western side of Bethania Station Road from RS-9 and LB to RM-12-S in order to accommodate a 240 unit townhouse development. Currently the site is predominantly wooded with the exception of a farmhouse and associated accessory buildings which access onto Bethania Station Road. The surrounding property is a mixture of single and multifamily residential uses along with small scale commercial and industrial uses which are located along Bethania Station Road.

The property is located within the *Draft North Suburban Area Plan*. The Planning Board recommended approval of this plan at their February 10, 2005 meeting, however the document has yet to be reviewed and adopted by any of the elected bodies. The draft plan recommends a
mixed use development that blends into the surrounding single family, multifamily, and commercial uses. The plan also contains specific design recommendations for multi-family developments, including a connected street network; the use of public streets; parking lots placed to the side or rear of buildings; the use of on-street or parallel parking; limited use of head-in parking; and a pedestrian network.

In light of said recommendations of the draft plan, staff notes that although the subject request does not include a mixture of uses, an existing restaurant and convenience store are within walking distance of the site directly to the northeast. In accordance with the adopted Thoroughfare Plan and the “pedestrian network” goal of said draft plan, staff recommends that sidewalks be provided along the frontages of both Shattalon Drive and Bethania Station Road.

The site plan illustrates an orderly alignment of the proposed townhomes along a very well connected internal network of private drives. One entrance into the site will be provided along each of the above mentioned minor thoroughfares. The proposed density is 9.33 units per acre. Staff sees moderate density residential infill as being an appropriate use for the subject property. The submitted building elevations, see Exhibit A, warrant alternative compliance from the building triangulation requirements of the UDO.

Regarding the more specific design elements of the site plan, again staff applauds the formal arrangement of the buildings along the proposed drives. This approach, along with additional “street” trees, sidewalk adjustments and the proposed architecture, should result in a more spatially defined and orderly streetscape than is often seen in multifamily and townhouse developments. Staff notes however, that consistent with said draft area plan, the preferred design would incorporate public streets with parallel or angled parking as opposed to private drives with 90' head-in parking. Nevertheless, because the plan has yet to be adopted by the Winston-Salem City Council, its use in evaluating current rezoning requests is limited. Staff does recommend that a public street be extended through the site which would link James Street with Bethania Station Road. James Street currently dead-ends into the subject property. It has no turnaround and was obviously platted to continue in a logical fashion as the area around it develops. While the subject property is technically not a subdivision, a single family development of significantly less density would be required to make this connection. Planning staff recommends that James Street be connected to the new development. While the scale of the proposed townhouses is generally compatible with that of the existing single family homes along James Street, it has been suggested to the developer that a limited mixture of single family homes or duplexes within this portion of the site may result in a smoother blending between the existing and the proposed residential building types. Planning staff recommends approval provided this public street connection is made.

**FINDINGS**

1. *Legacy* encourages street connectivity between residential streets; a mixture of housing types in neighborhoods; and higher density infill development at appropriate locations.
2. The Draft North Suburban Area Plan, which has yet to be adopted by the City Council, recommends a mixed use development that blends into the surrounding single-family, multi-family, and commercial uses. The Plan also contains specific design recommendations for multifamily developments, including a connected street network; the use of public streets; parking lots placed to the side or rear of buildings; the use of on-street or parallel parking; limited use of head-in parking; and a pedestrian network.

3. The subject request is generally compatible with the surrounding development pattern.

4. The submitted building elevations warrant alternative compliance with the building triangulation requirements of the UDO.

5. Staff recommends a public street connection from James Street to Bethania Station Road.

**STAFF RECOMMENDATION**

Zoning: **APPROVAL** provided a public street connection is made from James Street to Bethania Station Road.

Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. Developer shall permit the Planning staff to photo-document the extant structures and overall site prior to development.
  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.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. Developer shall obtain driveway permits from the Winston-Salem Department of Transportation and the North Carolina Department of Transportation; additional improvements such as widenings and sidewalks along both Shattalon Drive and Bethania Station Road will be required.
  b. Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show lots, common areas, public streets, easements, and utilities.
  c. Developer shall substantially comply with the submitted building elevations as shown on Exhibit A.

- **PRIOR TO THE SIGNING OF PLATS**
  a. All documents including covenants, restrictions, and homeowners’ association agreements shall be recorded in the office of the Register of Deeds. Final plats must show common open space declarations.
  b. Developer must build or bond public streets to City of Winston-Salem, public street standards.
• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall provide at least one transit stop as determined by the Winston-Salem Transit Authority.
  b. Developer shall install a three-foot (3') high berm and ten-foot (10') streetyard along the frontage of Shattalon Drive and Bethania Station Road.

• OTHER REQUIREMENTS
  a. Trees within street yards, buffeyards and motor vehicle parking areas shall be of a large variety as defined in UDO Section 3-4.10, where no conflict occurs with over head utility lines. Plan shall be submitted to the Inspections Division of the City of Winston-Salem for approval.

Jimmy Norwood was excused from consideration of this request.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Joe Jenkins, 308 Topwater Lane, Greensboro, NC  27455
  • I'm the division president of Centex Homes and also the applicant.
  • Discussed the housing style, the homeowners association, the buyer profile and the nuts and bolts of the development plan itself.
  • We would ask for your approval without the street connection.
  • We also ask you to waive the condition that we improve Bethania Station Road for the entire frontage of our property.

Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC  27106
  • We appreciate staff's working with us on the rezoning. I think the only issue we have now is with the connectivity with James Street. We certainly understand all the reasons for connectivity. We feel we've provided adequate ingress/egress within the site and we really don't want to impose the traffic on James Street. It is probably not up to the current City standard as far as pavement section and structure.
  • Discussed specific concerns about the roads and routes.

AGAINST:

Iring Weidl, 4305 Alcoa Court, Winston-Salem, NC  27106
  • I want things to stay the way they are.
  • This is a narrow street.
  • It's not made for a lot of traffic.

Jack Cornett, 4115 James Street, Winston-Salem, NC  27106
  • James Street is too narrow for more traffic.
WORK SESSION

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

1. If connectivity were required, James Street would not have to be improved by the developer. The narrow width is actually a benefit to the residents because cars slow down when roads are narrower.
2. The recommendation to connect to James Street was made two weeks ago when we met with the developers, so they had an opportunity to explore that option.
3. Lavastian Glenn: I would support connectivity except that it appears that the lower portion of this plan would have to be totally reworked.
4. If this street is not made public, the homeowners' association would control the gate. A public access easement would be an option.
5. A dispersed traffic pattern is a goal of interconnectivity. Funneling everyone to one road leads to long waits at traffic signals. Having less and less connections leads to situations like London Lane where there's only one connection in that area. More connectivity spreads traffic out. The Subdivision Regulations require James Street to be built to where it is and it's very clear: "All subdivisions shall dedicate right-of-way and construct stub streets to any adjoining properties to facilitate traffic circulation within the context of the overall transportation network." If a dead-end was wanted at the end of James Street, they could have stopped the road several houses back and made pie-shaped lots there.
6. Carol Eickmeyer: So basically this site plan isn't actually meeting the UDO standards? David Reed: We've applied that language to single family subdivisions generally. This is a subdivision of land and those standards do apply to James Street. It was intended for James Street to go through. So I would say, "Yes, those standards should apply."
7. Carol Eickmeyer asked the petitioner if they would consider continuing this for a month and submitting a site plan with a connection? The petitioner indicated he would prefer a denial because he would lose a significant number of units and he has difficulties making the connections work.
8. The board extensively discussed the connectivity.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements, recommends staff conditions, and that the following additional conditions apply: the connection to James Street will not be required, however a break-away gate will be installed (a device that gives emergency services access to James Street); and there should be no sidewalks required along Bethania Station Road.

SECOND: Paul Mullican

VOTE:

FOR: Clark, Glenn, King, Lambe, Mullican, Smith
AGAINST: Eickmeyer
EXCUSED: Norwood
Written Comments by Planning Board Members:

Carol Eickmeyer: Against this change because of the lack of connectivity with James Street and because we have eliminated the side walks - *Legacy* recommends connectivity and walkable neighborhoods.

_______________________
A. Paul Norby, AICP
Director of Planning