DOCKET #: W2771
(Continued from 5/12/05 CCPB meeting)

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

EXISTING ZONING:
RS-9

PETITIONER:
Henry C. White and Elton White for property owned by Same

SCALE: 1" represents 400'
STAFF: King
GMA: 3
ACRE(S): 12.32
MAP(S): 612854
June 22, 2005

Elton White
435 Ivy Yokley Road
Winston-Salem, NC  27107

RE:  ZONING MAP AMENDMENT W-2771

Dear Mr. White:

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
David Niblock, 110 Oakwood Street, Suite 300, Winston-Salem, NC  27103-1958
Walter Glenn Myers, 3370 Burke Mill Road, Winston-Salem, NC  27103
Roger Tise, 2110 Griffith Road, Winston-Salem, NC  27103
ACTION REQUEST FORM

DATE: June 22, 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 Henry C. White and Elton White

SUMMARY OF INFORMATION:

Zoning map amendment of Henry C. White and Elton White from RS-9 to RM-18-S (Residential Building, Multifamily): property is located on the west side of Griffith Road and south side of Burke Mill Road (Zoning Docket W-2771).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL  
FOR: UNANIMOUS  
AGAINST: NONE
SITE PLAN ACTION: CONFORMS
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Henry C. White and Elton White, Docket W-2771

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

_________________________________

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

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

Tax Block 3935, Tax Lots 8A and 101

Section 2. This Ordinance is adopted after approval of the site plan entitled Griffith Road Condominiums and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, to Henry C. White and Elton White.

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 Griffith Road Condominiums. 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 Henry C. White and Elton White, (Zoning Docket W-2771). 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:

• PRIOR TO THE ISSUANCE OF GRADING PERMITS
  a. 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.
  b. Developer shall obtain driveway permits from the Winston-Salem Department of Transportation.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. 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. Additional right-of-way shall be dedicated for the proposed Burke Mill realignment bond project
  b. Developer shall substantially comply with the submitted building elevations as shown on Exhibit A, as verified by Planning Staff.

• 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. Sidewalks shall be provided along the frontage of Griffith and Burke Mill Roads.
  b. Developer shall install curb and gutter along the frontage of Griffith Road.
  c. Developer shall install a 48’x40’ T-turnaround and also provide a Fire Department Connection within 100 feet of a hydrant.

• 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.
ZONING STAFF REPORT

DOCKET #    W-2771
STAFF:        Aaron King

Petitioner(s):  Henry C. White and Elton White
Ownership:  Same

REQUEST

From:  RS-9  Residential Single Family; 9,000 sf minimum lot size
To:  RM-18-S  Residential Multifamily District; maximum density 18 units/acre
(Residential Building, Multifamily)

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

Acreage: 12.32

CONTINUANCE HISTORY

This request was continued from the May 12, 2005 Planning Board meeting to the June 9, 2005 meeting.

LOCATION:

Street:  West side of Griffith Road and south side of Burke Mill Road.
Jurisdiction:  City of Winston-Salem.
Ward:  South.

SITE PLAN

Proposed Use:  Residential Building; Multifamily.
Square Footage:  101,233 square feet in fourteen, twelve unit buildings.
Building Height:  60 foot maximum in the RM18 district.
Density:  13.66 units per acre.
Bufferyard Requirements:  A type II bufferyard is required adjacent to all of the existing RS-9 zoning.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site:  There appears to be a single family house with a few accessory buildings located toward the western portion of the property and the site plan indicates a multifamily building partially on the site.
Adjacent Uses:
- East - Single family homes, zoned RS-9; multifamily building, zoned RS-9.
- Southeast - Single family homes, zoned RS-9.
- South - Single family homes, zoned RS-9.

GENERAL AREA

Character/Maintenance: Well maintained single family homes in the immediate area and more intense commercial and office uses to the north and northeast.
Development Pace: Moderate.

HISTORY

Relevant Zoning Cases:

1. W-2746; RS-9 to PB-S (Services, Personal); approved January 25, 2005; southwest corner of Griffith Road and Frontis Street; 0.52 acre; Planning Board and staff recommended approval.

2. W-2353; RS-9 to LB-S (multiple business uses); approved January 3, 2000; south side of Frontis Street between Stratford Road and Van Buren Street; 3.23 acres; Planning Board recommended denial, staff recommended approval.

3. W-2189; GB and HB-S (Multiple Business Uses) to GB-S [Restaurant (without drive–through service); and Hotel or Motel]; approved November 11, 1997; east side of Stratford Road between Frontis Street and Hanes Mall Boulevard; 4.61 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Topography: The subject property slopes from the north with an elevation of 874 feet to the south with an elevation of 810 feet.
Vegetation/habitat: A large portion of this site contains mature woodlands and low growth vegetation.
Water Supply Watershed: The subject property is not located within a water supply watershed.

TRANSPORTATION

Direct Access to Site: Griffith Road; Burke Mill Road.
Street Classification: Griffith Road – Minor Thoroughfare; Burke Mill Road – Minor Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
On Burke Mill Road between Stratford Road and Griffith Road = 4,900/16,100
Trip Generation/Existing Zoning: RS-9
12.32 acres (RS-9) x 43,560 / 9,000 = 60 units x 9.57 (SFR Trip Rate) = 574 Trips per Day
Trip Generation/Proposed Zoning: RM-18-S
168 units x 6.59 (Multifamily Trip Rate) = 1,107 Trips per Day
Planned Road Improvements/Thoroughfare Plan: Burke Mill Road connects S. Stratford and Hawthorne Roads and serves both residential and commercial development. A City bond-financed realignment of Burke Mill from Griffith Road to S. Stratford Road is currently awaiting construction.
Sight Distance: Good
Interior Streets: Private
Connectivity of street network: The current proposed network of interior streets provides a point of ingress/egress on both Griffith and Burke Mill Roads. The access point onto Burke Mill Road will be altered to coordinate with the realignment of Burke Mill Road. Staff has requested and emphasized the importance of having an east-west street connection from Griffith Road through the subject property to allow a connection to the large amount of undeveloped land to the west of this site.
Sidewalks: The site plan submitted with this request shows internal sidewalks throughout the development. Sidewalks along both public road frontages have been recommended.
Transit: Route 43 runs along Burke Mill Road adjacent to the subject property.
Traffic Impact Study: None is required by ordinance since this is a residential request; but the Public Works Department and WSDOT has requested a Traffic Impact Study be prepared. WSDOT has reviewed the TIS and finds it acceptable. WSDOT’s recommendations based on the TIS are reflected on the site plan.

CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): Legacy 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. Legacy also calls for infill development to be attractive to residents of the existing area.
Relevant Development Guide Recommendation(s): The South Stratford Road Development Guide recommends Low (0-5 DU/AC) and moderate (0-8 DU/AC) Residential on this site. This proposal represents a residential density of 13.6 du/ac.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 74 students to the system, as indicated by the following chart.
<table>
<thead>
<tr>
<th>Project</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 April 15, 2005</th>
<th>School Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>Griffith Road Condos</td>
<td>168</td>
<td>Ward Elementary School</td>
<td>34</td>
<td>821</td>
<td>855</td>
<td>596</td>
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<tr>
<td></td>
<td></td>
<td>Clemmons Middle School</td>
<td>17</td>
<td>1,156</td>
<td>1,173</td>
<td>768</td>
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<td></td>
<td></td>
<td>Parkland High School</td>
<td>23</td>
<td>1,431</td>
<td>1,454</td>
<td>865-1,146</td>
</tr>
</tbody>
</table>

**ANALYSIS**

The subject request is to rezone 12.32 acres of property located at the intersection of Griffith Road and Burke Mill Road from RS-9 to RM18-S (Residential Building, Multifamily). The majority of the property is currently undeveloped with only a single family home and small storage buildings. The site plan shows a multifamily building partially on the site.

This request was continued from the May 12, 2005 Planning Board meeting to allow the petitioner to explore three outstanding issues. The three issues were: to provide an east-west street connection from Griffith Road to the western property line, to submit a TIS for WSDOT review, and to resolve the apparent site conflict with the eastern property line running through an existing structure. As of the writing of this staff report, one of these issues has been addressed. The petitioner has submitted a TIS for WSDOT review; however, the other two issues remain outstanding.

This request would allow the subject property to be rezoned to RM18-S for the purpose of constructing fourteen multifamily buildings. The site plan indicates that access to the property will come via Griffith Road with an additional entrance located on Burke Mill Road. The project will be served by private streets with parking spaces located adjacent to the streets. A common recreation area has been provided along the entrance to the property along with an adequate network of internal sidewalks. The proposed multifamily buildings will be three stories in height with twelve units per building.

Although the *South Stratford Road Development Guide* recommends this site be developed with low or moderate residential, staff could support this higher density with a well designed site plan. The site plan as submitted does not allow a logical extension of traffic circulation to a larger mass of land to the west. Without such a connection, that area will likely have its sole access to Burke Mill Road in the vicinity of the railroad tracks and the intersection with Stratford Road. The concern and need for such a street connection to the larger undeveloped mass of land to the
west was discussed with the petitioners in the earlier informal meetings between the petitioner and staff prior to the filing of this rezoning application. Staff has also recommended that the site plan reflect a sidewalk network including public sidewalks along both public road frontages.

As mentioned above, staff could support a higher density at this location than what the South Stratford Road Development Guide recommends. With this higher density, however, it is important in the staff’s opinion for the site plan to reflect a mutually supportive relationship with surrounding development in this growing area. Staff recommends approval of this request, provided that the petitioner can provide an improved site layout with a street connection to the west and to resolve the encroachment issue on the eastern property line. (NOTE: Prior to the June 9, 2005 Planning Board hearing, the petitioner provided an east-west public access easement through the property and resolved the building encroachment issues on the eastern property line. This resolves the staff concerns about the proposal.)

FINDINGS

1. The subject request would rezone 12.32 acres from RS-9 to RM18-S for the purpose of constructing 14 multifamily buildings, with a density of 13.6 dwelling units/acre.

2. The South Stratford Road Development Guide recommends Low (0-5 DU/AC) and Moderate (0-8 DU/AC) residential on this site.

3. The site plan as currently submitted provides no opportunity for access to the larger land mass to the west from Griffith Road.

4. The subject property is partially located within the approved path of the Burke Mill realignment project.

STAFF RECOMMENDATION

Zoning: **APPROVAL**

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 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.
  b. Developer shall obtain driveway permits from the Winston-Salem Department of Transportation.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. 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. Additional right-of-way shall be dedicated for the proposed Burke Mill realignment bond project.
b. Developer shall substantially comply with the submitted building elevations as shown on Exhibit A, as verified by Planning Staff.

• PRIOR TO THE SIGNING OF PLATS
  c. 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.
  d. Developer must build or bond public streets to City of Winston-Salem, public street standards.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  c. Sidewalks shall be provided along the frontage of Griffith and Burke Mill Roads.
  d. Developer shall install curb and gutter along the frontage of Griffith Road.
  c. Developer shall install a 48’x40’ T-turnaround and also provide a Fire Department Connection within 100 feet of a hydrant.

• 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 overhead utility lines. Plan shall be submitted to the Inspections Division of the City of Winston-Salem for approval.

PUBLIC HEARING - May 12, 2005

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved continuance of the zoning map amendment and site plan to June 9, 2005.
SECOND: Jimmy Norwood
VOTE:
  FOR: Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
  AGAINST: None
  EXCUSED: None

PUBLIC HEARING - June 9, 2005

Aaron King presented the staff report.

FOR:

David Niblock, 110 Oakwood Drive, Suite 300, Winston-Salem, NC 27103-1958
  • I represent the petitioner.
  • We feel this proposal is consistent with the Legacy plan as well as the South Stratford Road development area.
• We've worked very closely with staff on this project.
• We feel we've met and exceeded as determined by Ordinance, all of the requirements of the staff and we appreciate all of their comments and their cooperation.
• We've called two meetings of the neighbors. I believe two gentlemen are here today with their concerns which are some right-of-way issues and some view issues. With the exception of those two concerns, there was no formal opposition. In fact, the one consistent comment was that everyone would sure be happy when the Burke Mill realignment took place so there can be relief at the intersection of Burke Mill Road and Griffith Road.
• The first meeting had a lot of people present. The second meeting did not have many which we hoped was a good sign, reflecting that we had addressed their concerns.
• Of course we are required to do the Type II buffer as well. On the southern side of Mr. Tise's property there will be a recreation area which is shown on the site plan. We hope those will meet his needs.
• David Hampton was present on behalf of the petitioner to answer questions if there were any.

AGAINST:

Walter Glenn Myers, 3370 Burke Mill Road, Winston-Salem, NC  27103
• We own the store on the corner of Burke Mill and Griffith Road. We also own a house near this site.
• How will this area handle the extra traffic until the By-Pass is completed?
• There is building underway already on both sides of Griffith Road. Traffic is already backed up every morning.
• We don't need more traffic.

Roger Tise, 2110 Griffith Road, Winston-Salem, NC  27103
• I live on a site that adjoins and backs up to this site. I am the only owner-occupied property that adjoins this property.
• All the pictures are very nice, but they fail to include mine which is probably the most impacted from this.
• I'm not anti-progress and I'm not opposed to someone else selling a piece of property for someone else to develop.
• Mr. Niblock attempted to address my concerns and that was very thoughtful and kind. But that wasn't the extent of my concerns. My concern is the congestion. There may have been an impact study done, but every morning my wife and I do an impact study there. We cannot get out of our driveway now. We have to back around on our lawn and then come out with a vengeance and an attitude. And more and more development is being proposed.
• Almost every time I try to turn into my driveway, I nearly get rear-ended. There is a traffic problem, regardless of what the planners, engineers, and studies say. That road is already over-worked at peak hours.
• I'm concerned that people in this proposed development will use my lawn to access the corner store.
WORK SESSION

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

1. The building elevations submitted with the request are included as part of the approval.

2. In response to Mr. Myers' question about when traffic provisions would be added to this area, staff indicated that any improvements shown on the site plan would have to be completed before Certificates of Occupancy were issued.

3. The Board discussed the traffic, the Transportation Impact Statement, and the expected realignment of Burke Mill Road.

4. Carol Eickmeyer: Unfortunately the people in opposition were here first, but don't own the surrounding property. It's one of those property rights issues. It will be a pretty major change and won't be pleasant.

5. Dara Folan: As usual, I'm going to note that this is going to further over-burden our school system.

MOTION: Clarence Lambe moved approval of the zoning map amendment.
SECOND: Paul Mullican
VOTE:
  FOR: Clark, Folan, King, Lambe, Mullican, Smith
  AGAINST: Eickmeyer
  EXCUSED: None

SITE PLAN MOTION: Dara Folan certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jerry Clark
VOTE:
  FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith
  AGAINST: None
  EXCUSED: None

____________________
A. Paul Norby, AICP
Director of Planning