DOCKET #: W2779

PROPOSED ZONING:
RM5-S and NSB-S
(Multiple Business and Residential Uses)

EXISTING ZONING:
RM5-S and NSB-S
(Multiple Business and Residential Uses)

PETITIONER:
Glenn E. Swaim, Jr., et al, for property owned by Same

SCALE: 1" represents 800'
STAFF: Roberts
GMA: 3
ACRE(S): 181.54
MAP(S): 654850, 654854, 660850, 660854
June 22, 2005

Glenn E. Swaim, Jr. and others
5775 Stigall Road
Kernersville, NC  27284

RE:    SITE PLAN AMENDMENT W-2779

Dear Mr. Swaim and others:

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
     Barry Siegal, P. O. Box 19972, Greensboro, NC  27419
     Joe Jenkins, 308 Top Road Lane, Greensboro, NC  27455
     Robert Decker, 196 Townsend Drive, Winston-Salem, NC  27107
     Brenda Thrower, 4021 Brookshire Lane, Winston-Salem, NC  27107
     James Armani, 117 Townsend Drive, Winston-Salem, NC  27107
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 Site Plan Amendment of Glenn E. Swaim, Jr., Lynn Swaim, Zachary E. Swaim, David L. Swaim Family Trust, James V. Linville, and Ola S. Linville

SUMMARY OF INFORMATION:

Site Plan Amendment of Glenn E. Swaim, Jr., Lynn Swaim, Zachary E. Swaim, David L. Swaim Family Trust, James V. Linville, and Ola S. Linville from RM-5-S (Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Townhouse - Planned Residential Development) (TRACT ONE) and NSB-S (Shopping Center) (TRACT TWO) to RM-8-S (Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Townhouse - Planned Residential Development - Site Plan Amendment) (TRACT ONE) and NSB-S (Shopping Center - Site Plan Amendment) (TRACT TWO): property is located off the northwest corner of Kernersville Road and Linville Road (Zoning Docket W-2779).

PLANNING BOARD ACTION:

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

Site Plan Amendment of Glenn E. Swaim, Jr.,
Lynn Swaim, Zachary E. Swaim, David L. Swaim
Family Trust, James V. Linville, and Ola S. Linville,
Docket W-2779

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 granting a Site Plan Amendment for
property zoned RM-8-S (Residential Building, Single-Family; Residential Building, Duplex; and
Residential Building, Townhouse - Planned Residential Development - Site Plan Amendment)
(TRACT ONE) and NSB-S (Shopping Center - Site Plan Amendment) (TRACT TWO) and
described as follows:

Tract One (RM-8-S; 176.78 acres)

Beginning at a point on the northern 60 foot right of way for Kernersville Road, (said point being
S 58 deg. 14 min. 38 sec. W distance being 469.66 feet from the northwest intersection of
Kernersville Road and Townsend Drive), thence with the northern 60 foot right of way for
Kernersville Road S 57 deg. 52 min. 56 sec. W distance being 4.73 feet to a point, thence with a
curve to the right a chord bearing of S 60 deg. 25 min. 53 sec. W chord distance being 211.87
feet and having a radius of 2381.69 feet to a point, thence S 65 deg. 47 min. 28 sec. W distance
being 100.00 feet to a point, thence with the northern right of way for Kernersville Road S 68
deg. 07 min. 28 sec. W distance being 100.00 feet to a point, thence N 19 deg. 14 min. 57 sec.
W distance being 216.87 feet to a point, thence N 17 deg. 21 min. 35 sec. W distance being
105.00 feet to a point, thence N 15 deg. 36 min. 39 sec. W distance being 109.02 feet to a point,
thence S 70 deg. 49 min. 15 sec. W distance being 60.50 feet to a point, thence S 83 deg. 25 min.
15 sec. W distance being 174.60 feet to a point, thence S 82 deg. 09 min. 04 sec. W distance
being 907.38 feet to a point, thence with the eastern line of Dumont Acres as recorded in plat
book 19 page 122  N 06 deg. 24 min. 18 sec. W distance being 1492.73 feet to a point, thence N
06 deg. 30 min. 21 sec. W distance being 113.40 feet to a point, thence with the north line of
Mitz L. Bailey as recorded in deed book 1812 page 0809 S 83 deg. 49 min. 22 sec. W distance
being 214.58 feet to a point, thence with the eastern line of Dumont Acres as recorded in plat
book 19 page 122  N 06 deg. 24 min. 18 sec. W distance being 1492.73 feet to a point, thence N
06 deg. 30 min. 21 sec. W distance being 113.40 feet to a point, thence with the north line of
Mitz L. Bailey as recorded in deed book 1812 page 0809 S 83 deg. 49 min. 22 sec. W distance
being 214.58 feet to a point, thence with the eastern right of way for Dumont Drive, thence with
the northern line of William K.
Barker as recorded in deed book 2175 page 4541 S 82 deg. 41 min. 24 sec. W distance being 185.96 feet to a point, thence S 00 deg. 46 min. 47 sec. E distance being 75.21 feet to a point, thence N 89 deg. 56 min. 41 sec. W distance being 80.97 feet to a point, thence with the northern line of Archie F. Wooten as recorded in deed book 1273 page 1771 S 89 deg. 32 min. 49 sec. W distance being 1350.29 feet to a point in the eastern line of plat book 22 page 14, thence with the eastern line of lot 12 as recorded in said plat book 22 page 14 N 00 deg. 28 min. 13 sec. W distance being 282.29 feet to a point, thence N 00 deg. 28 min. 13 sec. W distance being 33.01 feet to a point, thence S 88 deg. 52 min. 11 sec. E distance being 119.69 feet to a point, thence with the northern line of G.L.C. Corporation as recorded in deed book 1747 page 1235 N 00 deg. 20 min. 43 sec. E distance being 700.33 feet to a point, thence with the line of Doris G. Floyd as recorded in deed book 0718 page 0284 N 00 deg. 44 min. 48 sec. E distance being 167.44 feet, thence N 89 deg. 24 min. 09 sec. W distance being 833.07 feet to a point, thence with the eastern line of Cecil G. Hunt as recorded in deed book 0764 page 0418 N 01 deg. 55 min. 54 sec. E distance being 586.00 feet to a point, thence N 00 deg. 33 min. 29 sec. E distance being 828.21 feet to a point being the southwestern most corner of William B. Linville as recorded in deed book 1752 page 0524, thence with the southern line of said William B. Linville S 83 deg. 05 min. 31 sec. E distance being 881.43 feet to a point in the western line of Hubbard Realty as recorded in deed book 1031 page 0002, thence with said Hubbard Realty S 01 deg. 24 min. 36 sec. E distance being 226.35 feet to a point, thence N 66 deg. 06 min. 02 sec. E distance being 799.56 feet to the center of Dumont Drive sanitary sewer out fall, thence with the center line of said out fall the following twelve calls:

1. S 25 deg. 33 min. 01 sec. E distance being 74.99 feet
2. S 82 deg. 44 min. 11 sec. E distance being 241.24 feet
3. S 08 deg. 52 min. 18 sec. E distance being 201.90 feet
4. S 19 deg. 14 min. 21 sec. W distance being 108.27 feet
5. S 23 deg. 38 min. 13 sec. E distance being 217.93 feet
6. S 04 deg. 19 min. 15 sec. E distance being 297.28 feet
7. S 22 deg. 53 min. 18 sec. E distance being 282.86 feet
8. S 11 deg. 02 min. 33 sec. E distance being 184.03 feet
9. S 30 deg. 07 min. 29 sec. E distance being 293.83 feet
10. S 29 deg. 46 min. 08 sec. E distance being 185.79 feet
11. S 49 deg. 37 min. 43 sec. E distance being 164.71 feet
12. S 32 deg. 19 min. 31 sec. E distance being 200.64 feet

Thence N 50 deg. 35 min. 08 sec. E distance being 96.42 feet to a point, thence S 64 deg. 27 min. 51 sec. E distance being 63.92 feet to a point, thence N 78 deg. 02 min. 45 sec. E distance being 78.76 feet, thence S 73 deg. 31 min. 11 sec. E distance being 166.03 feet to a point, thence with a curve to the right a chord bearing of S 30 deg. 09 min. 03 sec. W chord distance being 39.75 feet and having a radius of 83.00 feet to a point, thence S 28 deg. 30 min. 55 sec. E distance being 41.08 feet to a point, thence N 61 deg. 29 min. 05 sec. E distance being 308.48 feet to a point, thence N 68 deg. 08 min. 30 sec E distance being 212.69 feet to a point, thence with the southern line of the trustees of Saints Delight Primitive Baptist Church as recorded in deed book 0138 page 0090 N 89 deg. 19 min. 57 sec. E distance being 594.38 feet to a point, thence with the western line of Betty C. Deboard as recorded in deed book 1213 page 1597 S 00 deg. 07 min. 26 sec. W distance being 448.50 feet to a point, thence S 84 deg. 34 min. 46 sec. E distance being 409.23 feet to a point, thence with the west line of plat book 20 page 73 S 05 deg. 25 min. 14 sec. W distance being 165.00 feet to a point on the northwestern terminus of Brookshire Lane, thence S 12 deg. 11 min. 38 sec. W distance being 62.64 feet to a point on the southwestern
terminus of Brookshire Lane, thence S 06 deg. 37 min. 47 sec. E distance being 713.24 feet to a point, thence S 57 deg. 52 min. 56 sec. W distance being 402.65 feet to a point, thence S 02 deg. 25 min. 22 sec. W distance being 47.71 feet to a point, thence S 33 deg. 01 min. 52 sec. W distance being 30.49 feet to a point, thence with a curve to right a chord bearing of S 33 deg. 28 min. 29 sec. E chord distance being 107.51 feet having a radius of 660 feet to a point, thence with a curve the right a chord bearing of S 39 deg. 10 min. 57 sec. E chord distance being 151.63 feet having a radius of 500 feet to a point, thence S 30 deg. 27 min. 39 sec. E distance being 128.98 feet to the point and place of beginning containing 176.78 acres more or less.

Tract Two (NSB-S, 4.76 acres)

Beginning at a point near the northwest intersection of Kernersville Road and Townsend Drive, thence with the northern right of way for Kernersville Road S 59 deg. 19 min. 44 sec. W distance being 117.42 feet to a point, thence S 57 deg. 52 min. 56 sec. W distance being 352.27 feet to a point, thence N 30 deg. 27 min. 39 sec. W distance being 128.98 feet to a point, thence with a curve to the left a chord bearing of N 39 deg. 10 min. 57 sec. W chord distance being 151.63 feet having a radius of 500 feet to a point, thence with a curve to the left a chord bearing of N 33 deg 28 min. 29 sec. W chord distance being 107.51 feet having a radius of 660 feet to a point, thence N 33 deg. 01 min. 52 sec. E distance being 30.49 feet to a point, thence N 02 deg. 25 min. 22 sec. E distance being 47.71 feet to a point, thence N 57 deg. 52 min. 56 sec. E distance being 402.65 feet to a point along the west line of plat book 20 page 73, thence with the west line of plat book 20 page 73 S 06 deg. 37 min. 47 sec. E distance being 81.36 feet to a point, thence S 22 deg. 49 min. 46 sec. E distance being 59.77 feet to a point thence, N 64 deg. 38 min. 00 sec. E 161.93 feet to a point, thence with the north line of Townsend Knolls Section Two as recorded in plat book 20 page 73 S 05 deg. 13 min. 15 sec. E distance being 113.00 feet to a point, thence with the western right of way for Townsend Drive being a curve to the left a chord bearing of S 08 deg. 10 min. 13 sec. E chord distance being 32.00 feet and having a radius of 318.75 feet to a point, thence with a curve to the left a chord bearing of S 21 deg. 12 min. 34 sec. E chord distance being 112.53 feet and having a radius of 318.75 feet to a point, thence S 30 deg. 58 min. 15 sec. E distance being 50.00 feet to the point and place of beginning containing 4.76 acres more or less.

Section 2. This Ordinance is adopted after approval of the site plan entitled Vernon Farms and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, to Glenn E. Swaim, Jr., Lynn Swaim, Zachary E. Swaim, David L. Swaim Family Trust, James V. Linville, and Ola S. Linville.

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 Vernon Farms. 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 Glenn E. Swaim, Jr., Lynn Swaim, Zachary E. Swaim, David L. Swaim Family Trust, James V. Linville, and Ola S. Linville, (Zoning Docket W-2779). 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-8-S (Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Townhouse - Planned Residential Development - Site Plan Amendment) (TRACT ONE) and NSB-S (Shopping Center - Site Plan Amendment) (TRACT TWO), 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-8-S and NSB-S zoning districts of the Zoning Ordinance of the Unified Development Ordinances, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

TRACT ONE (RM-8-S)

- PRIOR TO THE ISSUANCE OF GRADING PERMITS
  a. Limits of grading along Saints Delight Branch defining the central drainage way of the property shall be flagged in the field.
  b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.
  c. Developer shall obtain a Watershed Permit from the Inspections Division meeting the Storm Water Quality Management Option requirement of UDO Section 3-6 of Chapter C.
  d. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources and the Army Corps of Engineers if required by the Erosion Control Officer.
  e. Developer shall provide a HEC-S or HEC-RAS study for floodway crossing.
f. Developer shall obtain a watershed permit.
g. After fifty percent (50%) buildout of the RM-8-S portion of the development, developer shall provide impervious surface calculations to the Erosion Control Officer as required to insure that the thirty percent (30%) maximum impervious cover limitation is not exceeded.
h. Developer shall permit the Planning staff to photo-document the extant structures and overall site prior to development.
i. Site plan shall include public street connection to Community Road; pedestrian connection between the attached housing of Tract One and the commercial area within Tract Two; street trees consistent with the approved plan (W-2529) and a connection between the proposed American Drive and Vernon Circle. NOTE: Said connection between American Drive and Vernon Circle shall be included unless developer can demonstrate to the City Engineer that due to either topography or rock such connection is prohibitive.
j. Developer shall submit a Traffic Impact Analysis to NCDOT and obtain a driveway permit.

**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 tentative building locations for multifamily units and all access and utility easements.
b. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Saints Delight Branch as shown on the approved Preliminary Site Plan. Planning staff shall approve the location of said greenway easement on final plat.
c. Developer shall establish negative access easements along all residential properties facing Kernersville Road on final plat.

**PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

a. Developer shall install road improvements on Kernersville Road, Linville Road and other locations as required by the Winston-Salem Department of Transportation and the North Carolina Department of Transportation.
b. Developer shall install sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
c. All required fire hydrants shall be installed in accordance with the city of Winston-Salem Fire Department.
d. Developer shall install all required storm water management devices.
e. Developer shall install traffic circle at intersection of River Farm Road and Washington Manor as shown on the site plan.
f. Developer shall provide the Inspections Division with an erosion control inspection report on a weekly basis during construction.
• OTHER REQUIREMENTS
  a. Signage for the RM-8-S residential portion of the project shall be limited to one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Linville Road and one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Kernersville Road.
  b. Dumont Drive shall terminate at its present location and shall not be extended into the Mt. Vernon development.

TRACT TWO (NSB-S):

• PRIOR TO THE ISSUANCE OF ANY PERMITS
  a. Overall building area shall not exceed 39,000 sf not including the Wilson-Stockton house.
  b. No building shall be taller than two stories.
  c. All buildings shall be designed with a common architectural theme and shall be constructed using consistent materials and colors as approved by Planning staff.
  d. All building shall have pitched roofs with a minimum roof pitch of 7:12.
  e. All parking shall be located to the side or rear of the buildings facing Kernersville Road.
  f. There shall be a minimum of six separate buildings with no individual building having more than 10,000 total building sf.
  g. Any building larger than 4,000 sf shall be set back a minimum of seventy-five (75) feet from the northern right-of-way of Kernersville Road.
  h. The existing historic structure (Wilson-Stockton house) shall remain and be adaptively and sensitively integrated into the overall site design and approved by Planning staff.
  i. As depicted on the site plan, some type of pedestrian-oriented common green and focal point shall be incorporated into the overall site design and approved by Planning staff.
  j. Impervious surface coverages shall not exceed sixty percent (60%).

• 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.
  b. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources and the Army Corps of Engineers.
  c. Developer shall provide a HEC-S or HEC-RAS study for floodway crossing.
  d. Developer shall obtain a watershed permit.
  e. Developer shall submit a Traffic Impact Analysis to NCDOT and obtain a driveway permit.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
  b. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show tentative building locations and all access and utility easements and pedestrian access easements.
  c. Developer shall establish negative access easements along Kernersville Road on final plat.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall install road improvements on Kernersville Road, and other locations as required by the Winston-Salem Department of Transportation and the North Carolina Department of Transportation.
  b. Developer shall install sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
  c. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  d. Developer shall install all required storm water management devices.
  e. Developer shall install bufferyards meeting type II plant material requirements along the entire length of the property facing Kernersville Road, which is the same as NC 150. Said plantings will be grouped in a naturalized, non-linear fashion whereby the space between trees shall be no closer than ten feet apart and no further than 70 feet apart.
  f. Developer shall install a minimum type III bufferyard along the entire length of the property adjacent to the west right-of-way of Townsend Drive.
  g. Convenient pedestrian connections shall be provided from the buildings to the residential area of the development.
  h. Site plan shall include pedestrian connection between the attached housing of Tract One and the commercial area within Tract Two.

• OTHER REQUIREMENTS
  a. Signage for the NSB-S portion of the project shall be limited to one monument sign with a maximum height of ten (10) feet along the frontage of Kernersville Road, and one monument sign with a maximum height of five (5) feet along the frontage of the main entrance drive on the west side of the NSB-S district.
ZONING STAFF REPORT

DOCKET # W-2779
STAFF: Gary Roberts

Petitioner(s): Glenn E. Swaim, Jr., Lynn Swaim, Zachary E. Swaim, David L. Swaim Family Trust, James V. Linville, and Ola S. Linville
Ownership: Same

REQUEST

From: Tract One: RM-5-S Residential Multifamily District; maximum density 5 units/acre (Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Townhouse - Planned Residential Development) and Tract Two: NSB-S Neighborhood Shopping Center Business District (Shopping Center)
To: Tract One: RM-8-S Residential Multifamily District; maximum density 5 units/acre (Residential Building, Single-Family; Residential Building, Duplex; and Residential Building, Townhouse - Planned Residential Development) and Tract Two: NSB-S Neighborhood Shopping Center Business District (Shopping Center)

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

Acreage: Tract One: 176.78 acres; Tract Two: 4.76 acres; Total: 181.54 acres

LOCATION:

Street: North side of Kernersville Road and southwest side of Linville Road.
Jurisdiction: City of Winston-Salem.
Ward: East.

SITE PLAN

Proposed Use: Tract One: Mixed density residential with single family and townhouse units
Tract Two: Neighborhood Shopping Center
Square Footage: Tract One: Not available; Tract Two: 39,000 sf, (shopping center).
Building Height: Tract One: 45 feet; Tract Two: 40 feet.
Density: Tract One: 3.84 units per acre.
Parking: Tract One - required: two spaces per unit plus one space per 200 sf of Clubhouse totaling (site plan is not clear); proposed: (site plan is not clear).
Tract Two - required: 174; proposed: 175.
Bufferyard Requirements: Tract One – 30 foot Type II bufferyard required around perimeter of Planned Residential Development.
Tract Two – 15 foot Type II bufferyard adjacent to RS-9 zoned properties.
PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Various older homes and accessory buildings, including the historically significant Wilson-Stockton House which is shown as to remain. Adjacent Uses: Northwest of this site is Salem Lake. The remainder of the surrounding area consists of various developed and undeveloped RS-9 and IP properties.

GENERAL AREA

Character/Maintenance: Generally well maintained single family residential dwellings. Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Several homes and out-buildings to be removed. The Wilson Stockton House is shown as to remain. Substantial grading required to accommodate improvements shown on site plan. Topography: Varied topography on this site. The site generally drains down into Saints Delight Branch, which feeds directly into Salem Lake.

Streams: Saints Delight Branch.

Vegetation/habitat: Some vegetation to the east and west of the stream, but the stream corridor area has very little vegetation.

Floodplains: Yes - Saints Delight Branch.

Natural Heritage Sites: The petition site is located adjacent to the Salem Lake Natural Area identified as being of regional significance in the Forsyth County National Heritage Inventory (Site #17).

Environmental Resources Beyond The Site: The northern boundary of the petition site is located approximately 500’ feet from the shoreline of Salem Lake, Winston-Salem/Forsyth County’s secondary water source. Saints Delight Branch which flows through the site and forms a portion of the eastern boundary flows directly into Salem Lake.

Water Supply Watershed: The site is located in the Salem Lake Watershed, a WS-III water supply watershed.

Compliance with Watershed Protection Regulations: The site is regulated under the Salem Lake Watershed Protection Ordinance. The applicant has elected to use the “storm water quality management” option which allows built upon area up to 30% of the site and requires the use of engineered storm water controls to control and filter site storm water runoff. The ordinance also requires vegetated stream buffers equal to the greater of 100 feet or the outer edge of the floodplain along all perennial watercourses. The petitioner is responsible for complying with all applicable watershed protection regulations. In approving plans for residential development in the Salem Lake Watershed, the City-County Planning Board must determine the following: 1) areas with impervious cover are designed and sited to minimize storm water runoff and limit concentrated storm water flow; and, 2) land disturbance is minimized, existing vegetated areas are retained to the maximum degree possible, and all undeveloped areas of the site will be re-vegetated to promote storm water infiltration.
Compliance with Federal/State requirements for wetland/stream protection: The petitioner is responsible for complying with all applicable Federal and State stream protection regulations.

Comments: Given the proximity of the site to Salem Lake, Winston-Salem/Forsyth County’s secondary water source, great care should be taken in the development of this site in order to minimize flooding and degradation of water quality. The site should be sensitively constructed to reduce the likelihood of nuisance flooding and should further be designed to provide large natural buffers on all streams to filter sediment and pollutants.

**TRANSPORTATION**

Direct Access to Site: Kernersville Road.
Street Classification: Kernersville Road – Major Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
- Kernersville Road between Linville Road and Robbins Road = 8,100/16,100

Trip Generation/Existing Zoning: RM-5-S and NSB-S
Tract One RM-5-S: As of this writing, petitioner is working toward clarifying the site plan data.
Tract Two NSB-S: 39,000/1,000 x 42.92 (Shopping Center Trip Rate) = 1,673.

Trip Generation/Proposed Zoning: RM-8-S and NSB-S
Tract One RM-8-S: As of this writing, petitioner is working toward clarifying the site plan data.
Tract Two NSB-S: 39,000/1,000 x 42.92 (Shopping Center Trip Rate) = 1,673.

Planned Road Improvements: Kernersville Road from High Point Road to Whicker Road; 2 lanes to 3 lanes; 2021 – 2025; regionally significant.

Sight Distance: Adequate.

Interior Streets: Public and private.
Traffic Impact Study recommended: NCDOT has requested a TIA.
Connectivity of street network: Proposed site plan illustrates an overall decrease in the internal and external connectivity.

Sidewalks: Proposed along many of the proposed public and private streets.
Traffic Calming: Traffic calming elements along main entrance off Kernersville Road been removed.
Transit: None.
Bicycle Route: None.

**HISTORY**

Relevant Zoning Cases:

1. W-2637; RM5-S (Multiple Residential Uses and Planned Residential Development) and NSB-S (Shopping Center) to Site Plan Amendment; approved August 5, 2003; north side of Kernersville Road and southwest side of Linville Road, included the current site; 244.52 acres; Planning Board recommended approval, staff recommended denial.
2. W-2529; RS-9 and MH to RM-5-S (Multiple Residential Uses and Planned Residential Development) and NSB-S (Shopping Center); approved March 4, 2002; north side of Kernersville Road and southwest side of Linville Road, included the current site; 244.52 acres; Planning Board recommended approval, staff recommended approval provided the Wilson-Stockton House be retained.

3. W-2526; RS-9 and MH to RM-5 and NSB-S (TWO PHASE); withdrawn January 10, 2002; north side of Kernersville Road and southwest side of Linville Road, included the current site; 244.5 acres; Planning staff recommended approval of the RM-5 portion of the site and denial of the NSB-S portion

HISTORIC RESOURCES REVIEW

Forsyth County Architectural Inventory Name/Number: The Wilson-Stockton House, Inventory #322, is located on the subject property. Built in the early 19th century, the two-story, hewn timber house features one original chimney with a lozenge design. Thomas J. Wilson, a non-Moravian, was selected to run the Salem Tavern in 1843, but he died before he began his duties. He rented the “house and plantation” to another family when he moved to Salem, so the Moravians allowed his wife and son to remain as keepers of the Tavern until 1944. In 1848, Wilson’s son sold the farm to William F. Stockton. In the 1920s the interior of the house was altered substantially, and in 1963 the front porch was added.

Comments: Pending additional research, the property has potential for either National Register listing or Local Historic Landmark designation. Demolition of the structure is discouraged. The approved March 4, 2002 site plan and the proposed site plan dated May 4, 2005 shows the house to remain. Staff requests the developer permit the Planning staff to photo-document the extant structures and overall site prior to development.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods, GMA 3.

Relevant Comprehensive Plan Recommendation(s): *Legacy* has as one of its goals to increase infill development within the municipal services area. Infill will reduce pressure for greenfield development on the suburban fringe and make the most efficient use of infrastructure (sewer, water, roads) and services already paid for by taxpayers. Infill development should be designed to be compatible with surrounding development so that it strengthens existing neighborhoods. *Legacy* also advocates for "traditional neighborhood development". Characteristics of that development type include a discernible neighborhood center, compact higher density development within walking distance of daily shopping needs, a variety of dwelling types, lot sizes and prices; narrow streets with rear access garages; a system of sidewalks and greenways creating a pedestrian circulation system.


Relevant Development Guide Recommendation(s): There should be an undisturbed stream buffer of either the FEMA designated floodplain or 100' (whichever is greater) on both
sides of the creek (Saints Delight Branch). Also, according to the plan, the subject property should be developed as rural residential (0-1 dwellings/acre), remain agricultural or remain as open space.

**GREENWAY/RECREATION/OPEN SPACE REVIEW**

Greenway Plan: No. Neither Legacy nor the Greenway Plan includes a specific proposal for a trail along Saints Delight Branch Creek. However, the Greenway Plan recommends that private developments connect to the greenway system when possible. There would be a benefit to having a greenway trail along this branch creek connect to the Salem Lake Trail. The developer has agreed to dedicate a (40) foot along Saints Delight Branch.

**WINSTON-SALEM/FORSYTH COUNTY SCHOOLS**

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 659 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 4/15/05</th>
<th>School Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2779</td>
<td>679</td>
<td>Sedge Garden Elementary</td>
<td>304</td>
<td>982</td>
<td>1,286</td>
<td>586</td>
</tr>
<tr>
<td></td>
<td>679</td>
<td>East Forsyth Middle</td>
<td>152</td>
<td>673</td>
<td>825</td>
<td>720</td>
</tr>
<tr>
<td></td>
<td>679</td>
<td>East Forsyth High</td>
<td>203</td>
<td>1,806</td>
<td>2,009</td>
<td>1,086-1,276</td>
</tr>
</tbody>
</table>

**ANALYSIS**

The current request consists of a RM-5-S to RM-8-S (Tract One) and a NSB-S to NSB-S (Tract Two) petition. Both tracts were initially rezoned in 2002 as a portion of a larger site (W-2529). Both tracts are essentially undeveloped and front on the north side of Kernersville Road. The entire 181.54 acre site is located within the Salem Lake WS III Water Supply Watershed.

The Planning Board and staff supported the original rezoning (W-2529) in large part because of the excellent design and land planning features that allowed the walkable integration of commercial and residential uses. A connected network of public streets with street trees, extensive sidewalks, inherent traffic calming features as well as well designed public greens, focal points and open spaces, established an atmosphere consistent with the recommendations for quality infill as found in Legacy. It should be noted that in 2003 a Site Plan Amendment was approved for the northeastern section of the overall project, which fronts on Linville Road. Staff recommended denial of that request due to the loss of several such design elements.
The current request essentially consists of three components: a relocation of some of the single family and multifamily/townhouse units; some associated reconfiguration and redesignation of the public/private street network; and some reconfiguration and redesignation of the open space features.

Although it is difficult to recount the unit-by-unit relocation involved, Planning staff is comfortable with the basic layout of the attached housing units. By moving the higher density units closer to places of employment found within Tract Two, residents of those units both young and old, could benefit by having the option of leaving the automobile parked for some activities.

Planning staff does have concern however with the associated changes to the circulation system. These concerns include: the general realignment of the main entrance off Kernersville Road which is now designated as a 31 foot wide collector street (such a street has less curvature to discourage cut through traffic); the elimination of the public street connection to Community Road in the southwestern section of Tract One; the elimination of the connection between the attached housing of Tract One and the commercial area within Tract Two; the elimination of the connection between the proposed American Drive and Vernon Circle; and the removal of the previously included street trees. At a minimum, Planning staff would like to see the latter four elements of the original approval plan reintegrated into the site plan. Staff does however applaud the public street connection to Brookshire Lane which was not shown on the original plan.

Regarding the open space features, a clubhouse and associated parking lot previously shown at the southern end of the traffic circle of River Farm Drive and Washington Manor Drive, has been relocated to one of the two neighborhood greens in the northwestern section of Tract One. The former location of said clubhouse is now shown as a pond. In addition the previously shown green in the southern portion of Tract One has been removed and a new building with a 30± space parking lot is shown in the general area.

The commercial square footage of Tract Two (NSB-S) is proposed to remain the same at 39,000 square feet and the Wilson-Stockton House is shown as to remain. Overall, Planning staff is supportive of the subject request with the attached conditions.

**FINDINGS**

1. The request consists of two tracts: Tract One is 176.78 acres from RM-5-S to RM-8-S and Tract Two is 4.76 acres from NSB-S (Shopping Center) to NSB-S (Shopping Center).

2. Tract One consists of a relocation and reconfiguration of the multifamily and single family residential components along with the associated street network and open space component.

3. Tract Two consists of the same commercial square footage of 39,000 without the internal connection to the multifamily section shown on the approved site plan of W-2529.
4. Planning staff supports the subject petition provided the following elements of the originally approved request are reintegrated into the site plan: public street connection to Community Road; vehicular and pedestrian connection between the attached housing of Tract One and the commercial area within Tract Two; and the connection between the proposed American Drive and Vernon Circle.

**STAFF RECOMMENDATION**

Zoning: **APPROVAL** provided the following site plan conditions, which reflect the intent of the original zoning, are adhered to.

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

**TRACT ONE (RM-8-S)**

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. Limits of grading along Saints Delight Branch defining the central drainage way of the property shall be flagged in the field.
  b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.
  c. Developer shall obtain a Watershed Permit from the Inspections Division meeting the Storm Water Quality Management Option requirement of UDO Section 3-6 of Chapter C.
  d. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources and the Army Corps of Engineers if required by the Erosion Control Officer.
  e. Developer shall provide a HEC-S or HEC-RAS study for floodway crossing.
  f. Developer shall obtain a watershed permit.
  g. After fifty percent (50%) buildout of the RM-8-S portion of the development, developer shall provide impervious surface calculations to the Erosion Control Officer as required to insure that the thirty percent (30%) maximum impervious cover limitation is not exceeded.
  h. Developer shall provide the Inspections Division with an erosion control inspection report on a weekly basis during construction.
  i. Developer shall permit the Planning staff to photo-document the extant structures and overall site prior to development.
  j. Site plan shall include public street connection to Community Road; vehicular and pedestrian connection between the attached housing of Tract One and the commercial area within Tract Two; street trees consistent with the approved plan (W-2529) and a connection between the proposed American Drive and Vernon Circle. Note: Said connection between American Drive and Vernon Circle shall be included unless developer can demonstrate to the City Engineer that due to either topography or rock such connection is prohibitive.
  k. Developer shall submit a Traffic Impact Analysis to NCDOT and obtain a driveway permit.
• 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 tentative building locations for multifamily units and all access and utility easements.
  b. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Saints Delight Branch as shown on the approved Preliminary Site Plan. Planning staff shall approve the location of said greenway easement on final plat.
  c. Developer shall establish negative access easements along all residential properties facing Kernersville Road on final plat.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall install road improvements on Kernersville Road, Linville Road and other locations as required by the Winston-Salem Department of Transportation and the North Carolina Department of Transportation.
  b. Developer shall install sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
  c. All required fire hydrants shall be installed in accordance with the city of Winston-Salem Fire Department.
  d. Developer shall install all required storm water management devices.
  e. Developer shall install traffic circle at intersection of River Farm Road and Washington Manor as shown on the site plan.

• OTHER REQUIREMENTS
  a. Signage for the RM-8-S residential portion of the project shall be limited to one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Linville Road and one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Kernersville Road.
  b. Dumont Drive shall terminate at its present location and shall not be extended into the Mt. Vernon development.

TRACT TWO (NSB-S):

• PRIOR TO THE ISSUANCE OF ANY PERMITS
  a. Overall building area shall not exceed 39,000 sf not including the Wilson-Stockton house.
  b. No building shall be taller than two stories.
  c. All buildings shall be designed with a common architectural theme and shall be constructed using consistent materials and colors as approved by Planning staff.
  d. All building shall have pitched roofs with a minimum roof pitch of 7:12.
  e. All parking shall be located to the side or rear of the buildings facing Kernersville Road.
  f. There shall be a minimum of six separate buildings with no individual building having more than 10,000 total building sf.
  g. Any building larger than 4,000 sf shall be set back a minimum of seventy-five (75) feet from the northern right-of-way of Kernersville Road.
h. The existing historic structure (Wilson-Stockton house) shall remain and be adaptively and sensitively integrated into the overall site design and approved by Planning staff.

i. As depicted on the site plan, some type of pedestrian-oriented common green and focal point shall be incorporated into the overall site design and approved by Planning staff.

j. Impervious surface coverages shall not exceed sixty percent (60%).

• 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.
  b. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources and the Army Corps of Engineers.
  c. Developer shall provide a HEC-S or HEC-RAS study for floodway crossing.
  d. Developer shall obtain a watershed permit.
  e. Developer shall submit a Traffic Impact Analysis to NCDOT and obtain a driveway permit.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
  b. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show tentative building locations and all access and utility easements and pedestrian access easements.
  c. Developer shall establish negative access easements along Kernersville Road on final plat.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall install road improvements on Kernersville Road, and other locations as required by the Winston-Salem Department of Transportation and the North Carolina Department of Transportation.
  b. Developer shall install sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
  c. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  d. Developer shall install all required storm water management devices.
  e. Developer shall install bufferyards meeting type II plant material requirements along the entire length of the property facing Kernersville Road, which is the same as NC 150. Said plantings will be grouped in a naturalized, non-linear fashion whereby the space between trees shall be no closer than ten feet apart and no further than 70 feet apart.
  f. Developer shall install a minimum type III bufferyard along the entire length of the property adjacent to the west right-of-way of Townsend Drive.
  g. Convenient pedestrian connections shall be provided from the buildings to the residential area of the development.
h. Site plan shall include vehicular and pedestrian connection between the attached housing of Tract One and the commercial area within Tract Two.

- OTHER REQUIREMENTS
  a. Signage for the NSB-S portion of the project shall be limited to one monument sign with a maximum height of ten (10) feet along the frontage of Kernersville Road, and one monument sign with a maximum height of five (5) feet along the frontage of the main entrance drive on the west side of the NSB-S district.

Gary Roberts presented the staff report. He noted that staff cannot certify that the site plan meets UDO requirements with regard to required open space and a couple other issues regarding the site plan data legend. He asked that if this plan is recommended for approval today, a condition be attached that prevents this request from being sent to City Council until Inspections staff and the petitioner have a site plan that does meet UDO requirements.

PUBLIC HEARING
FOR:

Barry Siegal, 3411-D W. Wendover Avenue, Greensboro, NC  27407
  • I represent the owners. Others are present to help answer any questions you may have.
  • The owners of this family home are trying to do something with it now. The uses they have come up with require additional land.
  • When this site plan had single family homes on it, it made sense to have single family connect to single family. Now that multifamily is there with private streets, that is another issue.
  • Who maintains these streets if they connect to public streets?
  • To have a public street run through a town home community really damages the integrity of that town home community. It takes away so much of the character, harmony, and appeal of the town home living.
  • Regarding the connectivity between the commercial and the town houses. That just doesn't make good sense. We would be agreeable to putting a pedestrian access to the commercial activity from the town houses.
  • There are some folks here in opposition today. They have concerns with the connectivity from Brookshire into their community which we are now showing at staff's recommendation. We would be very happy to not have that connection.
  • We think it makes much more sense to have single family back in that area instead of multifamily.

Joe Jenkins, 308 Top Road Lane, Greensboro, NC  27455
  • I am the division president of Centex Homes here in the Triad.
  • Referred to boards displaying samples of building styles.
  • Described the two types of communities which are added to the site plan today.
  • The multifamily development will be governed by a Homeowner's Association.
  • Private streets should not be maintained by a Homeowner's Association if they are a cut through between public roads. That is an undue burden on the Association when we put public traffic on private streets.
• The same would hold true for the connection to the commercial tract. We would be taking public traffic and putting it on private streets.
• We created a boulevard with this new plan which improves it significantly.
• We have some engineering issues with American Drive and Vernon Circle. The approximate rock depth in that area is about six feet. If we were to make that connection, based on the grading criteria, we'd have to excavate between six and eight feet. We don't feel it's economically feasible to do that.

AGAINST:

Robert Decker, 196 Townsend Drive, Winston-Salem, NC 27107
• On the screen you can see my driveway, my basketball court, and if you look in the far distance, though it's hard to tell in that picture, my boy is chained to that back tree in case this plan fails.
• I've served for the past seven years as the senior pastor of Triad Baptist Church across from Wal-Mart in Kernersville. I've also been a resident here for that same time.
• Thank you Planning Board for your service to this community. Your staff has been both helpful and courteous in our concerns. I'm hear today to represent the owners and residents of Townsend Drive. Asked them to stand. All the residents are here except two. One is deceased and the other is in an invalid state.
• We accept the current plan with one exception. We do not want the Vernon Farms development to tie Townsend Drive as a secondary access road into the development via Brookshire Lane.
• If this request is not feasible, then we oppose the rezoning amendment and request the original site plan to remain intact.
• This same request has been accepted for similar situations.
• We believe the currently approved access roads provide sufficient ability to meet the criteria for maximizing connectivity.
• We deeply desire to maintain the existing character of our long-standing community on Townsend Drive.
• Quoted statistics and described his perception of the impact of being connected to the new development.
• I have met with Mr. Siegal. We have whole-heartedly come to consensus that the amended plan can be accommodated without using Brookshire Lane and Townsend Drive as a secondary access road.
• Please put yourselves in our shoes.
• Submitted petition of those in opposition to the connection.

Brenda Thrower, 4021 Brookshire Lane, Winston-Salem, NC 27107
• I've lived here 22 years.
• I've only discovered today that the entrance to my residence which was a wooded pretty lane is now going to have a shopping center on the corner.
• Now you want to cut the street in front of my house through to this development.
• Please reconsider.
• We have a nice neighborhood. We should be able to enjoy it without having commercial use through our neighborhood.
• Does this connection really do a service to our community.
James Armani, 117 Townsend Drive, Winston-Salem, NC 27107

- When we looked for a house, we looked for a low traffic, dead-end road. So we bought this house.
- We have two young children and I figured if they want to ride their bikes on the road or whatever, they wouldn't have to contend with all the traffic.
- I've only been here two and a half years.
- It would be really bad for the character of our neighborhood.

**WORK SESSION**

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

1. Paul Norby clarified that staff has not worked behind the scenes to change plans for this site. He indicated that he vividly remembers the City Council meeting where the Council removed the connection spoken of today. Staff did not initiate the idea of Brookshire Lane being connected. It was submitted that way. We certainly always like connectivity, but at our visit to the site, we knew that would not work.

2. Dara Folan: What was the reason for shutting down Dumont? To me that connection makes the most sense. Paul Norby: Some of the same concern that you heard here from the folks on Townsend. Dara Folan: I guess originally this upper left quadrant was town homes so I could understand better why you don't want all the town homes' traffic going down Dumont, but now that it's single family up there... Could the petitioners go back and look at opening up Dumont? That makes much more sense to me. David Reed: There is a physical separation between the two sites which is not in the control of the petitioner.

3. Arnold King asked Barry Siegal about the feasibility of connecting to Community. The property under consideration today, although basically the same location, has different boundaries. Barry Siegal indicated that he would definitely lose a building if he had to make that connection.

4. If this request is denied, the original plan, including the connection to Community, would remain in effect.

5. Barry Siegal: We would be agreeable to providing a connection to the property line toward Community if the connection to Townsend was not required and the connection to the retail area was allowed to be pedestrian-friendly instead of an actual road, and that based upon rock studies we could use the configuration that we have shown here on American Drive rather than making the connection to the original one, we certainly are supportive of that and are prepared to amend our site plan.

6. Barry Siegal suggested the words "presents engineering difficulties" or "because of rock considerations" be used in lieu of "prohibitive" in the condition "j." under Tract One.
7. Carol Eickmeyer: So we need to add the pedestrian connection to the conditions.

8. Barry Siegal requested two changes to conditions: There is an item "h." for Tract One which requires a weekly erosion control report to Inspections prior to the issuance of grading permits. Since that is obviously in the wrong place, staff suggested it be moved to "Prior to Occupancy Permits". Mr. Siegal also questioned the wording about installation of sidewalks and stated that you can't install sidewalks until the units are constructed and drives are in place. Staff noted that is the standard wording and Inspections does work with petitioners to work in stages as the development is built.

MOTION: Carol Eickmeyer moved approval of the zoning map amendment with the Community Road connection intact, with the connection between the commercial and town homes changed to a pedestrian connection and that we close Brookshire Road and that we make the other changes to the conditions discussed.
SECOND: Clarence Lambe

VOTE:
   FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith
   AGAINST: None
   EXCUSED: None

SITE PLAN MOTION: Dara Folan certified that the site plan meets all code requirements and recommends staff conditions with the understanding that the site plan will not be sent to City Council until the Inspections Division certifies that it does meet UDO requirements which they're not in a position to do at this point.
SECOND: Paul Mullican

VOTE:
   FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith
   AGAINST: None
   EXCUSED: None

_______________________
A. Paul Norby, AICP
Director of Planning