DOCKET #: W2703

PROPOSED ZONING:
RM8-S (Residential Building, Multifamily)

EXISTING ZONING:
RS9

PETITIONER:
Chris Parr for property owned by Multiple Owners

SCALE: 1" represents 600'  
STAFF: Roberts  
GMA: 3  
ACRE(S): 27.41  
MAP(S): 618890, 624890
June 23, 2004

Chris Parr for property owned by others
P. O. Box 4253
Greensboro, NC  27404

RE:    ZONING MAP AMENDMENT W-2703

Dear Mr. Parr:

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
Timothy T. Chrysikos, et al, c/o Jackie H. Chrysikos, P. O. Box 2187, King, NC  27021-2187
James Michael Lewey, 4600 Bartwood Drive, Raleigh, NC  27613
Graham Enterprises, 3510 Buena Vista Road, Winston-Salem, NC  27106-5736
Samuel G. Wooten, 6625 Baker Street, Rural Hall, NC  27045-9609
John Beeson, 503 High Street, Winston-Salem, NC  27101
Terry Mohn, 5421 Nita Drive, Winston-Salem, NC  27105
William Lackey, 5525 Alma Drive, Winston-Salem, NC  27105
William Slocum, 5520 Lewey Lane, Winston-Salem, NC  27105
James Oakes, 110 Angel Oaks Court, Winston-Salem, NC  27105
Thomas and Audrey Mickem, 5515 Angel Oaks Drive, Winston-Salem, NC  27105

W-2703 June 04
DATE: June 23, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:


SUMMARY OF INFORMATION:


PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: CLARK, FOLAN, GLENN, KING, MULLICAN, NORWOOD
AGAINST: EICKMEYER, LAMBE, SMITH
SITE PLAN ACTION: CONFORMS
CITY ORDINANCE - SPECIAL USE


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-8-S (Residential Building, Multifamily) the zoning classification of the following described property:

Tax Block 2048, Tax Lots 6H, 207D, 4E, 203, 5G, 5D

Section 2. This Ordinance is adopted after approval of the site plan entitled Legacy Park at University Parkway and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of __________________, to Chris Parr for property owned by Timothy T. Chrysikos, et al, in care of Jackie H. Chrysikos, James Michael Lewey, Graham Enterprises, and Samuel G. Wooten.

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 Legacy Park at University Parkway. 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 Chris Parr for property owned by Timothy T. Chrysikos, et al, in care of Jackie H. Chrysikos, James Michael Lewey, Graham Enterprises, and Samuel G. Wooten, (Zoning Docket W-2703). 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, 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-8-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 of the City of Winston-Salem.
  b. Developer shall either open or petition to close the remaining unopened portion of Noel Drive.

• 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.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  b. All required storm water devices shall be installed.
• OTHER REQUIREMENTS
  a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet at the entrance into the development.
ZONING STAFF REPORT

DOCKET #   W-2703
STAFF:     Gary Roberts

Petitioner(s):  Chris Parr

REQUEST

From:   RS-9 Single Family Residential District, (9,000 sf minimum lot size)
To:     RM-8-S Multifamily Residential District, (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: 27.50 acres

LOCATION:

Street: Southeastern corner of Noel Drive and Nita Drive.
Jurisdiction: City of Winston-Salem.
Ward: Northeast.

SITE PLAN

Proposed Use: 220 unit multifamily development.
Building Height: Three stories.
Density: 8.03 dwelling units per acre.
Parking: Required: 378 spaces; Proposed: 378 spaces; layout: mixture of parallel spaces along a private street and parking lots behind the buildings.
Bufferyard Requirements: 30 foot type II bufferyard adjacent to RS-9.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is undeveloped.
Adjacent Uses:
   North-   Single family homes zoned RS-9.
   South-   Three single family homes zoned RS-9 and a Shopping Center zoned HB-S.
   West-    Single family homes zoned RS-9 and a Day Care Center zoned RM-8-S.
GENERAL AREA

Character/Maintenance: Well maintained single family homes to the west, north and east along with a new, large scale commercial shopping center to the south.
Development Pace: Moderate.

HISTORY

Relevant Zoning Cases:

1. W-2338; HB-S (Shopping Center) and RS-9 to HB-S (Shopping Center; and Theater, Indoor); approved September 7, 1999; north side of Hanes Mill Road across from North Summit Square Boulevard; 49.92 acres; Planning Board recommended approval, staff recommended denial.

2. W-2260; RS-9 and LB to RM8-S (Child Day Care Center); approved October 5, 1998; south side of Noel Drive east of University Parkway; 1.15 acres; Planning Board and staff recommended approval.

3. W-2234; RS-9 to RM8-S (Residential Building, Multifamily); denied August 3, 1998; south side of Old Hollow Road/NC 66, between Windy Hill Drive and Angel Oaks Drive, 1,400 feet east of current site; 20.39 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan appears to preserve a significant amount of existing vegetation on the subject property however the area is not designated as “Existing Vegetation to Remain”.

Topography: The subject property experiences a total elevation change of approximately 90 feet, rising from about 860 feet along the stream up to about 950 feet in the western-most section of the site.

Streams: A perennial stream crosses diagonally through the central section of the subject property.

Vegetation/habitat: The subject property is almost completely covered with existing vegetation.

Floodplains: Floodway Fringe from Mill Creek Tributary lies about 1,200 feet to the southeast of the subject property.

Wetlands: A wetland is identified about 200 feet to the southeast of the subject property.

Environmental Resources Beyond The Site: The proposed site plan does not appear to significantly impact environmental resources beyond the site.

Water Supply Watershed: The subject property is not located in a water supply watershed.
TRANSPORTATION

Direct Access to Site: Noel Drive; Nita Avenue; Lewey Lane; Belle Avenue; Street
Classification: Noel Drive – Local Road; Nita Avenue – Local Road; Lewey Lane –
Local Road; Belle Avenue – Local Road.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
University Parkway between Hanes Mill Road and Stanleyville Road = 21,000 / 32,200
Trip Generation/Existing Zoning: RS-9
27.41 x 43,560 / 9,000 = 132 units x 9.57 (SFR Trip Rate) = 1,263 Trips per Day
Trip Generation/Proposed Zoning: RM8-S
220 units x 6.59 (Multi-Family Trip Rate) = 1,449 Trips per Day
Planned Road Improvements: Developer proposes to close rather than improve the platted
unopened right-of-way for Noel Drive from Nita Avenue to Lewey Lane.
Interior Streets: Private.
Connectivity of street network: Poor external connectivity with only one private access point.
Sidewalks: No sidewalks exist in the general area, developer proposes sidewalks within a
portion of the proposed development.
Transit: Routes 10 and 44 at University Parkway and Hanes Mill Road.
Bicycle Route: None.

CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): Legacy promotes infill development and
increased residential densities where appropriate and when done in a way that is
compatible with the pattern of surrounding development.
Area Plan/Development Guide: None – located within the North Suburban Area Plan study
area, which is still in progress, with no land use recommendations at this time.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a
total of 52 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 4/15/04</th>
<th>School Capacity</th>
</tr>
</thead>
<tbody>
<tr>
<td>F-2703</td>
<td>220</td>
<td>Gibson Elementary</td>
<td>24</td>
<td>734</td>
<td>758</td>
<td>627</td>
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<tr>
<td></td>
<td></td>
<td>Northwest MS</td>
<td>12</td>
<td>985</td>
<td>997</td>
<td>842</td>
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<tr>
<td></td>
<td></td>
<td>North Forsyth HS</td>
<td>16</td>
<td>1,823</td>
<td>1,839</td>
<td>1,217-1,592</td>
</tr>
</tbody>
</table>
ANALYSIS

The subject request is to rezone 27.50 acres of undeveloped property from RS-9 to RM8-S in order to construct 220 multifamily residential units. The site is located at the southeastern intersection of Noel Drive and Nita Avenue and is also east of University Parkway and directly north of and behind the Wal-Mart Super Center on Hanes Mill Road.

Said shopping center was rezoned to HB-S in 1999 and now consists of over 390,000 square feet. The subject property is, however, accessed from and more oriented to the single family neighborhoods located to the north, east and west. The single point of access is proposed to be from the intersection of Noel Drive and Nita Avenue. An unnamed perennial stream, which is a tributary to Mill Creek, divides the site. The nine, three story apartment buildings are situated on the eastern half of the site below the southern terminus of Alma Drive and Belle Avenue.

Legacy promotes infill development and increased residential densities in the suburban neighborhoods where appropriate and when done in a way that is compatible with the surrounding development pattern. The site is located within the North Suburban Area Plan study area, however, the plan is still in progress with no land use recommendations available at this time.

Staff expressed concern regarding the development opportunity for the subject property within the Staff Report of the previously mentioned HB-S petition. It was recommended at that time to integrate both sites into a mixed use development with pedestrian and vehicular linkages. That opportunity was lost when said shopping center was approved as a stand alone project with access only onto Hanes Mill Road. Staff therefore has reservations about increasing the residential density for the current site considering the sole access is through the adjoining single family development pattern and offers no direct access to shopping, services and traffic arterials. As noted previously, the buildings are located on the eastern portion of the site. While there is some degree of grade separation between the properties located to the north, the massing of the proposed structures is incompatible with the surrounding single family homes. Additionally, rather than preserving the existing mature vegetation within the required 30 foot perimeter buffer, the proposed grading plan shows the removal of much of this tree cover along the eastern edge of the site.

Expounding upon the limited access concerns, because connectivity to the south was cut off, residents within the proposed development would have to either make a left turn onto University Parkway from Noel Drive or access the traffic signal at University Parkway and Stanleyville Road via Nita Avenue in order to access the commercial establishments along University and Hanes Mill Road. Furthermore, a platted unopened right-of-way, which would connect Noel Drive to Alma Drive, Belle Avenue and Lewey Lane, forms the northern border of the site. The City Code requires developers to either petition to close or improve and dedicate to the City when building adjacent to such rights-of-way. Due to the myriad of public and private benefits resulting from a connected network of streets, staff has strong concerns with a proposed street pattern which ignores said platted connections and forces the entire project to utilize only one point of egress and ingress. Staff could support lower density single family residential development, which connects to and inter relates with the adjacent established neighborhood.
FINDINGS

1. **Legacy** promotes infill development and increased residential densities where appropriate and when done in a way that is compatible with the pattern of surrounding development.

2. The site is located within the **North Suburban Area Plan** study area, which is still in progress, with no land use recommendations at this time.

3. The opportunity to integrate higher density residential development on the subject property with the commercial establishments to the south has been lost with the decision on W-2338 to not allow for connected mixed use development oriented to the south.

4. The proposed 220 unit multifamily project has limited provisions for access and is incompatible with the adjoining single family neighborhoods in regard to building mass and density.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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 of the City of Winston-Salem.
  b. Developer shall petition to close the remaining unopened portion of Noel Drive.

- **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.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  b. All required storm water devices shall be installed.

- **OTHER REQUIREMENTS**
  a. Signage shall be limited to one (1) monument sign with a maximum height of five (6) feet at the entrance into the development.
Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

John Beeson, 503 High Street, Winston-Salem, NC  27101
  • This is a very clear issue.
  • We have a developer who has done two projects in Winston-Salem. He overcame neighbor's objections and has a very nice development which is almost completed.
  • He has a history of developing and trying to meet some obligations. We've disturbed less than half the site in grading and clearing.
  • That seems to be a tremendous objective of what I'm now hearing.
  • The denial of access to the Wal-Mart site on Hanes Mill Road was done several years ago and is something over which we have no control.
  • If this is not multifamily, we could put 133 single family homes on this site.
  • As an engineer, my design says I could put 95-100 homes there. It would require complete grading and clearing, but under RS-9, I could do it.
  • It would require connections to all the surrounding streets.
  • We cannot physically build the extension of Noel in the right-of-way that is dedicated due to topography.
  • We can work out the issues that remain.
  • We are disturbing about half the site, about half of which will go back to green and leave us with less than 25% of impervious surface.
  • We could probably tie Alma to Lewey and tie in Belle.
  • Alma could be tied into this site, but I don't like facing a riot.

Chris Parr, Parr Construction, P. O. Box 4253, Greensboro, NC  27404
  • If single family development goes into this site, all roads will be connected.
  • With this plan, there would be 10-12 homes that would be able to see this site.
  • We think this is a good plan.
  • As we've seen already with the car wash, anything up there will be opposed.
  • We had a good meeting. They are a nice group of people.
  • I thought having a larger buffer and consolidating the buildings to the south of the property would be the best plan for the neighbors.
  • We do have a site plan for 95 single family homes.
  • There was no possibility of compromise with the neighborhood. It was their way or no way.
  • I thought we could work with the neighbors, but they weren't open to discussions.
  • There needs to be some new apartments in the area which is why I'm pursuing it.
AGAINST:

Terry Mohn, 5421 Nita Drive, Winston-Salem, NC  27105
• Submitted petition with 105 signatures opposed to the rezoning.
• Speaking on behalf of Stanleyville Citizens Alliance.
• We did suggest that the developers look at single family homes. We are not opposed to development.
• We don't oppose the development in and of itself. It is the density and mass.
• This is a very attractive, multi-ethnic, eclectic neighborhood. It works well next to Wal-Mart. However, we don't think this works with the community.
• A good portion of the traffic from King and Rural Hall travel these roads.
• The traffic is terrible on Stanleyville Drive and University Parkway in this area.
• There is a day care on Noel Drive. It works well with the neighborhood.

William Lackey, 5525 Alma Drive, Winston-Salem, NC  27105
• I'm adjacent to this site.
• I'm opposed to this.
• Single family development would be fine with me. Multifamily I do oppose.

William Slocum, 5520 Lewey Lane, Winston-Salem, NC  27105
• I'm opposed to these three-story apartments.
• This is a very nice, family area.
• We strongly oppose this multifamily development.
• I don't believe anyone at our neighboring meeting was in favor of multifamily.
• In response to a request by the speaker, approximately 15 citizens stood in opposition to this request.

James Oakes, 110 Angel Oaks Court, Winston-Salem, NC  27105
• I'm a real estate agent.
• Apartments are not going to help our area.
• Houses in this area take a little bit longer to sell because Wal-Mart is there.
• Apartments will only hurt our home values more.

WORK SESSION

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

• Access to the Wal-Mart site south of it was denied during the 1999 zoning for the Wal-Mart site.
• Lavastian Glenn: Is it the combination of only having one access point to a private road with the density? Gary Roberts: Staff doesn't have a problem with multifamily on the western end of this site near University, but it's the location of the buildings farther to the east, the massing and the density, that combine with lack of access to the south which creates the problem.
• The petitioner looked at other options, but has had success with other developments by leaving so much green space. Consolidating buildings does have advantages because it leaves much more green, open space.
• Paul Norby: This property made the most sense for multifamily development if it hooked through the HB-S site south of this site. However, with access only from the north, multifamily does not seem appropriate since it's total orientation is to the single family subdivision.
• Paul Mullican: The limited access bothers me. The petitioners noted that they are not opposed to providing access to Alma Drive; they simply knew that the neighbors would not want that.
• Dara Folan: I think this is a close vote for me. I like saving so many trees.
• Carol Eickmeyer: This is one place where I would vote against the neighbors because I can't even believe you would think it's better to have single family than to have green space and fewer access points.
• Jimmy Norwood: I see on the plan a "possible" pool and heard Mr. Parr say probable tennis courts. Will they be there or not?
• The words "proposed" or "possible" will be removed from the site plan.

MOTION: Dara Folan moved denial of the zoning map amendment.
SECOND: Jerry Clark.
VOTE:
  FOR: Clark, Eickmeyer, Glenn, King, Norwood
  AGAINST: Folan, Lambe, Mullican, Smith
  EXCUSED: None

SITE PLAN MOTION: Carol Eickmeyer certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jerry Clark

  • Clarence Lambe: I think connectivity is extremely important.
  • Brenda Smith: I felt with more connectivity and the things that were offered, it would be a more approvable site plan.

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

More discussion between Planning Board members ensued concerning whether a more connected site plan would merit more positive consideration of the rezoning request.
MOTION: Clarence Lambe moved to reconsider all motions which were made today regarding this request.
SECOND: Paul Mullican.
VOTE:
FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
AGAINST: None
EXCUSED: None

• Brenda Smith to petitioner: You would be willing to put connectivity into Alma Drive?
• John Beeson: Yes. I would like some flexibility, so possibly we could just say "to be located somewhere on the north side to Alma, Belle, Lewey" or "another connection to existing streets"
• Jimmy Norwood: Do we want it to tie into Alma and Belle and Lewey?
• Brenda Smith: That would dilute the traffic impact.

MOTION: Jimmy Norwood moved approval of the zoning map amendment with the access to public streets along the northeast corner as shown and with the addition of a six-foot high wood fence along the northeast perimeter to a total length of 1,500 feet, and with the streets being made public; and with the existing vegetation shown on the site plan outside the grading areas to remain with the exception of areas needed for utilities. A revised site plan must be received with these changes shown before the request can be sent to the City Council.
SECOND: Brenda Smith
VOTE:
FOR: Eickmeyer, Lambe, Norwood, Smith
AGAINST: Clark, Folan, Glenn, King, Mullican

Arnold King: I will caution the neighbors that you need to be careful what you ask for.

THE MOTION FAILED.

MOTION: Carol Eickmeyer moved denial of the zoning request.
SECOND: Lavastian Glenn
VOTE:
FOR: Clark, Folan, Glenn, King, Mullican, Norwood
AGAINST: Eickmeyer, Lambe, Smith

SITE PLAN MOTION: Paul Mullican moved approval of the site plan with connections to Alma, Lewey, and Belle and with the addition of a six-foot high wood fence along the northeast perimeter to a total length of 1,500 feet, and with the streets being made public; and with the existing vegetation shown on the site plan outside the grading areas to remain with the exception of areas needed for utilities. A revised site plan must be received with these changes shown before the request can be sent to the City Council.
SECOND: Carol Eickmeyer
VOTE:
   FOR: Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith
   AGAINST: Clark, Glenn

Written Comments from Planning Board Members:

Carol Eickmeyer: We amended the site plan to require additional street connectivity which is public - I think saving the greenery is more important than spreading out single family homes on the space - don't do the apartments without the connectivity.

Dara Folan: I voted against the current proposal, but would support multifamily housing here with less massing to the east of the property.

Lavastian Glenn: I voted against the petition because of the density with only one access street. I would support multifamily because its needed with a lower density, additional access points and positioned closer to the northern point of the property (Stanleyville Drive). I really had to lean on staff judgment that the petition is poor land use.

____________________________
A. Paul Norby, AICP
Director of Planning