DOCKET #: W2719

PROPOSED ZONING:
RS9-S (Residential Building, Single Family; Planned Residential Development)

EXISTING ZONING:
RS12

PETITIONER:
Charles E. Nicholson, Ruby N. Easter, Glenda N. Elles, Peggy N. Thomas and Kenneth I. Childress for property owned by Same

SCALE: 1" represents 600'

STAFF: Gallaway

GMA: 3

ACRE(S): 19.14

MAP(S): 612878, 612882
August 25, 2004

Charles E. Nicholson
469 Ft. Fisher Blvd. N.
Kure Beach, NC  28449

RE:   ZONING MAP AMENDMENT W-2719

Dear Mr. Nicholson:

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
Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC  27101
Kristine Rose, 5035 Williamsburg Road, Winston-Salem, NC  27106
Ronnie Shoemate:  5103 Selena Street, Winston-Salem, NC  27106
John Mikolaitis, 5368 Kingswell Drive, Winston-Salem, NC  27106
James Perkins, 5085 Hutchins Street, Winston-Salem, NC  27106
Amanda Burchett, 5376 Kingswell Drive, Winston-Salem, NC  27106
Beverly Orender, 4987 Pinewood Court, Winston-Salem, NC  27106
Chris Holmes, 5383 Kingswell Drive, Winston-Salem, NC  27106
# ACTION REQUEST FORM

<table>
<thead>
<tr>
<th>DATE:</th>
<th>August 25, 2004</th>
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<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
</tr>
</tbody>
</table>

## COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Charles E. Nicholson, Ruby N. Easter, Glenda N. Elles, Peggy N. Thomas and Kenneth I. Childress

## SUMMARY OF INFORMATION:

Zoning map amendment of Charles E. Nicholson, Ruby N. Easter, Glenda N. Elles, Peggy N. Thomas and Kenneth I. Childress from RS-12 to RS-9-S (Residential Building, Single Family; and Planned Residential Development): property is located at the southern terminus of Murray Road and western terminus of Independence Road (Zoning Docket W-2719).

## PLANNING BOARD ACTION:

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
</tr>
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<tbody>
<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
</tr>
<tr>
<td>AGAINST:</td>
<td>NONE</td>
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<tr>
<td>SITE PLAN ACTION:</td>
<td>CONFORMS</td>
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</table>
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-12 to RS-9-S (Residential Building, Single Family; and Planned Residential District) the zoning classification of the following described property:

Tax Block 3456, Tax Lot 23

Section 2. This Ordinance is adopted after approval of the site plan entitled Charles E. Nicholson, Ruby N. Easter, Glenda N. Elles, Peggy N. Thomas and Kenneth I. Childress/LPT Development and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _______ day of __________________, to Charles E. Nicholson, Ruby N. Easter, Glenda N. Elles, Peggy N. Thomas and Kenneth I. Childress.

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 Charles E. Nicholson, Ruby N. Easter, Glenda N. Elles, Peggy N. Thomas and Kenneth I. Childress/LPT Development. 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.
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 Charles E. Nicholson, Ruby N. Easter, Glenda N. Elles, Peggy N. Thomas and Kenneth I. Childress, (Zoning Docket W-2719). 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 RS-9-S (Residential Building, Single Family; and Planned Residential Development), approved by the Winston-Salem City Council the _____ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of the RS-9-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.

- **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 and utilities.

- **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. Additional improvements will be required by the City DOT when driveway permits are issued.

- **OTHER REQUIREMENTS**
  a. Developer may have one entrance sign. Said sign shall be a monument type with a maximum height of six (6) feet and a maximum copy area of 18 square feet.
ZONING STAFF REPORT

DOCKET # W-2719
STAFF: David Reed/Glenn Simmons

Petitioner(s): Charles E. Nicholson, Ruby N. Easter, Glenda N. Elles, Peggy N. Thomas and Kenneth I. Childress
Ownership: Same

REQUEST

From: RS-12
To: RS-9-S (Residential Building, Single Family; and Planned Residential Development)

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

Acreage: 19.14 acres

LOCATION:

Street: Southern terminus of Murray Road and western terminus of Independence Road
Jurisdiction: City of Winston-Salem
Ward: North

SITE PLAN

Proposed Use: Planned Residential Subdivision of Single Family homes
Density: 4.49 Units per acre
Bufferyard Requirements: 30 foot Type II bufferyard around perimeter of subdivision where adjacent lots have greater square footage

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family home and accessory structures.
Adjacent Uses:
    North- Single family residential, zoned RS-12
    East-  Single family residential, zoned RS-12
    South- Single family residential, zoned RS-12
    West-  Single family residential, zoned RS-12

GENERAL AREA

Character/Maintenance: Well-maintained single family homes
Development Pace: Slow
HISTORY

Relevant Zoning Cases:

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

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

3. W-2281; RS-12 to RS-7; approved January 4, 1999; south side of Hutchins Street across from Selena Street; 1.3 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan will remove much of the existing vegetation, but significant amounts appear to be preserved along the periphery of the development and in the proposed common space.

Topography: The subject property experiences a total elevation change of approximately 58 feet, rising from about 838 feet along the site’s western border up to about 896 feet in the site’s northeastern corner.

Streams: Bethabara Branch, a perennial stream, lies about 550 feet west of the subject property.

Vegetation/habitat: The subject property is mostly covered with existing vegetation, except for some parts of the site’s eastern section.

Floodplains: The western border of the property lies about 500 feet from the Bethabara Branch floodplain.

Natural Heritage Sites: The subject property is about ½ mile from parts of Historic Bethabara.

Environmental Resources beyond the Site: The proposed site plan should not impact environmental resources beyond the site.

Water Supply Watershed: The site does not lie within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Murray Road; Independence Road; Shattalon Drive; Bethabara Road

Street Classification: Murray Road – Local Road; Independence Road – Local Road; Shattalon Drive – Minor Thoroughfare; Bethabara Road – Minor Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Shattalon Drive between Murray Road and Bethabara Road = 10,000/11,100
Bethabara Road between Shattalon and Bethabara Park Boulevard = 3,300/16,100

Trip Generation/Existing Zoning: RS-12: 19.14 x 43,560/12,000 = 69 lots x 9.57 (SFR Trip Rate) = 660 Trips per Day

Trip Generation/Proposed Zoning: RS-9-S: 86 units x 9.57 (SFR Trip Rate) = 823 Trips per Day
Planned Road Improvements: Shattalon Drive between Reynolda Road and University Parkway from 2-3 lanes to 3 lanes; 2005-2014
Sidewalks: None existing on adjacent streets
Transit: Route 16 along Bethabara Road; Route 44 along Bethabara Road and Shattalon Drive

CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods (GMA 3)
Relevant Comprehensive Plan Recommendation(s): Legacy recommends residential infill development at higher densities, where appropriate, to make such development attractive to developers. Infill development makes use of land that already has a full complement of services and infrastructure and removes pressure for development on the rural fringe. Infill development should be done in such a way that it is an asset to existing surrounding neighborhoods.
Area Plan/Development Guide: Polo-Reynolda Area Plan (adopted in 1985), also located within the North Suburban Small Area Plan area (Please note that the North Suburban Area Plan has not been adopted – all land use recommendations are preliminary at this time.)
Relevant Development Guide Recommendation(s): The Polo-Reynolda Area Plan recommends that the subject property be developed for low-density (0-5 units/acre) residential uses.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 84 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>
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<tr>
<td>W-2719</td>
<td>86</td>
<td>Old Town ES</td>
<td>39</td>
<td>760</td>
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<td></td>
<td></td>
<td>Hanes MS</td>
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<td>657</td>
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<td>801</td>
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<tr>
<td></td>
<td></td>
<td>North Forsyth HS</td>
<td>26</td>
<td>1987</td>
<td>2013</td>
<td>1217-1592</td>
</tr>
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</table>

ANALYSIS

The current request is to rezone 19.14 acres from RS-12 to RS-9-S (Residential Building, Single Family and Planned Residential Development). The site is located central to an existing single family residential area. Currently the site is developed with a single family home and is heavily vegetated. The current proposal is to develop the site with one single family subdivision according the planned residential development (PRD) standards. 86 Lots are proposed, with an overall density of 4.49 units per acre. 2.13 acres of common area are proposed in addition to sidewalks and street trees.
Although the lot sizes in the proposed subdivision are smaller than those in the surrounding subdivision, staff is of the opinion this is a good example of infill development. The existing infrastructure supports density at the requested rate. The development will also allow for the connectivity of residential streets in the area, which are currently not built. Staff notes that the purpose of an interconnected street network is to disburse traffic in a manner which minimizes the need for any single street to bear the brunt of increased traffic generation and to allow for improved delivery of services such as mail and emergency services. Staff believes the proposed site plan allows for appropriate vehicular interconnectivity without encouraging cut-through or unwarranted traffic. As a result of the availability of infrastructure in combination with the design of the plan, staff is recommending approval.

FINDINGS

1. The site is located central to an existing single family residential area.

2. The current proposal is to develop the site with a single family subdivision according the planned residential development (PRD) standards.

3. 2.13 acres of common area are proposed in addition to sidewalks and street trees.

4. The existing infrastructure supports density at the requested rate.

5. The development will allow for the connectivity of residential streets in the area, some of which are currently not built.

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.

- 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 and utilities.

- 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. Additional improvements will be required by the City DOT when driveway permits are issued.
• OTHER REQUIREMENTS
  a. Developer may have one entrance sign. Said sign shall be a monument type with a maximum height of six (6) feet and a maximum copy area of 18 square feet.

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101
  • This is a single family request.
    Because this is a PRD (Planned Residential Development), there are a lot of design features which you wouldn't have with a standard subdivision.
  • There is a condition that we do stormwater management.
  • The homes that will be constructed here will be sold for around $130,000 to $170,000 which is above the standard home in the surrounding area.
  • This is a good example of infill for the neighborhood.
  • This land will be developed because Mr. & Mrs. Nicholson have passed away and their family wants to sell the property. It's a question really of whether it will be RS-12 zoning with a typical no-frills subdivision or a RS-9 PRD with a lot of design features, amenities, and better things for the neighborhood.
  • With the change in zoning, the neighborhood gets the opportunity to speak. If it is developed under RS-12, there is no opportunity for them to speak.
  • Under the existing RS-12 zoning, we would be required to connect every street.
  • We met with the neighbors and we very much want to work with them. They have legitimate concerns.
  • The primary concern is the many street connections. There are numerous connections
  • We can live with or without some of these connections. We feel the Murray Road connection is the most important access to our site and for safety reasons, we would like a secondary access as well.
  • Distributed letter from Colonial Estates stating their support for the project and their concern over the connection to Independence.

Kristine Rose, 5035 Williamsburg Road, Winston-Salem, NC 27106
  • Speaking on behalf of the Colonial Estates residents.
  • The Colonial Estates neighborhood is adjacent to this site on the east side.
  • We'd like to thank the developer and Mr. Stimmel for hosting a drop-in session for the neighborhood. They were very gracious in answering our questions and helping us understand what had been proposed.
  • I'd like to thank the City Planning staff and Transportation staff for working with us about our concerns about the connector to Independence Road.
  • We like our trees and our wildlife, but we understand that development will occur. Given that, we feel this is a very tasteful design which is well-thought out with many trees and sidewalks and would fit well with the current serene setting.
Because of that we endorse this site plan with one modification and that is the connector to Independence Road. We request that connection not be made.

This issue is critical to the residents in Colonial Estates. We worked with DOT about a potential modification to the roads. However, that turned out to be unacceptable to the people who live on Independence.

When the connector on Independence Road was open, there were many mailbox posts broken off, a car overturned, etc. It was a safety issue for children.

AGAINST:

Ronnie Shoemate: 5103 Selena Street, Winston-Salem, NC 27106
- Naturally my concern is the dead-end street off Selena Street, which would tie into the proposed development. It has been my concern since we bought the house three years ago. We bought the house because of the cul-de-sac. We were told that the 18 acres adjoining this site had been in the family for years and would probably never be developed.
- We fell in love with the place. We still love it.
- This is an absolutely gorgeous development plan, one of the better ones I've seen. I'm a paint contractor and work in a lot of developments.
- Please consider the dead end at Selena. To get to Selena you have to come off Pinewood and weave back into the interior of this residential neighborhood to get to the proposed site. Pinewood, which is off Bethabara, has a City right-of-way at the end of it which would carry you straight into the site under consideration today. Please take Pinewood straight in instead of having to wiggle over Luther Green to Selena.
- I've called my Council member and not gotten a call back.
- I understand the connection to Murray Road and would understand a connection to Pinewood.

John Mikolaitis, 5368 Kingswell Drive, Winston-Salem, NC 27106
- I've lived here about 15 years.
- I like the woods.
- I came out here dead-set against this request. I didn't get to go last Thursday night. But to be honest, after looking at it, with the buffer right behind my house, I can probably live with that.
- I'd like to reference one thing about Colonial Estates. Since they closed off the through-way (barricaded the west terminus of Independence Road), they all come down Kingswell Drive and cut through to Bethabara Drive so I'm not sympathetic to that.
- I've kind of had a change of mind listening to this. It looks like a pretty good plan.

James Perkins, 5085 Hutchins Street, Winston-Salem, NC 27106
- I live at Pinewood Court, one of the stub streets to be connected to the new development.
- This street I live on is very narrow. There's only two houses behind me, one being my neighbor that lives across the street.
- If they open that up, a lot of the traffic we see going down Kingswell will probably start taking a short-cut through this new development and coming through Pinewood Court.
- The development sounds good except for opening this street.
Amanda Burchett, 5376 Kingswell Drive, Winston-Salem, NC 27106
• Robert Cleveland from Colonial Estates does not live in my neighborhood. This development would barely interfere with anything Colonial Estates has going for them. So, I don't understand why it matters to them. It isn't their back yard that is going to be dug up.
• A smaller buffer concerns me. It would be 15 with this request and 30 under the existing status. (Staff notes that a minimum 30 foot wide type II bufferyard is required.)
• The noise and my privacy are my concerns along with the devaluation of my house.
• Just leave the number of houses at 69 as allowed in the current RS-12 zoning and let us have our peace. It's just greed to put in more houses.
• I don't understand how you can tear down all those trees and there not be a floodplain for those families. That's very disturbing.
• Submitted petition of those in opposition to this request.

Beverly Orender, 4987 Pinewood Court, Winston-Salem, NC 27106
• There are two Pinewoods in the neighborhood which people are getting confused. There's Pinewood Court and Pinewood Drive. Pinewood Court only has two homes on it. I work night shift also. I won't get any sleep if Pinewood Court is connected. The woman across the street also works night shift. It would be different if I worked days. This will change my whole life.

Chris Holmes, 5383 Kingswell Drive, Winston-Salem, NC 27106
• My question is about the zoning and site plan. I was wondering if there is another opportunity to speak before the site plan decision.

WORK SESSION

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

1. Part of Pinewood Drive is an unimproved "paper" street and Selena has pavement already. Connections can be made to Selena without the developer having to make improvements off-site.
2. The houses along Kingswell Drive are zoned RS-9 which is the same density zoning that is being requested in this case.
3. A standard RS-12 development would not require any buffer.
4. The requirement with all subdivisions is to stub their streets to the edge of the property so that when the adjoining property is developed, the street can be connected. By having interconnected streets, you're able to be more efficient with school buses, mail delivery, garbage pickup, police and fire services without having to go out to a major street. The more connections you have, the more dispersed the traffic is.
5. Staff is mindful of the importance of interconnectivity. They are also mindful of not creating cut-through situations. The streets on this particular site plan are not designed to be through connections, but to tie in where they would require multiple turns that discourages cut-through traffic.
6. The developer appears to have thoroughly and carefully addressed the needs for interconnectivity.

7. The City does have a traffic-calming policy for new developments. That is something the surrounding neighbors could pursue.

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

MOTION: Dara Folan moved approval of the site plan, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Clarence Lambe
VOTE:
   FOR:  Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith
   AGAINST: None
   EXCUSED: None

________________________
A. Paul Norby, AICP
Director of Planning