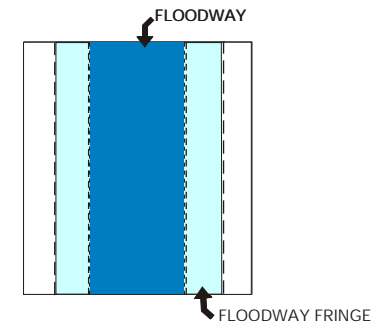


DOCKET #: W2598
 (continued from 1/9/03
 CCPB meeting)

PROPOSED ZONING:
 RM12-S (Residential
 Building, Multifamily)

EXISTING ZONING:
 RS9

PETITIONER:
 Chris Parr for property
 owned by others



SCALE: 1" represents 400'

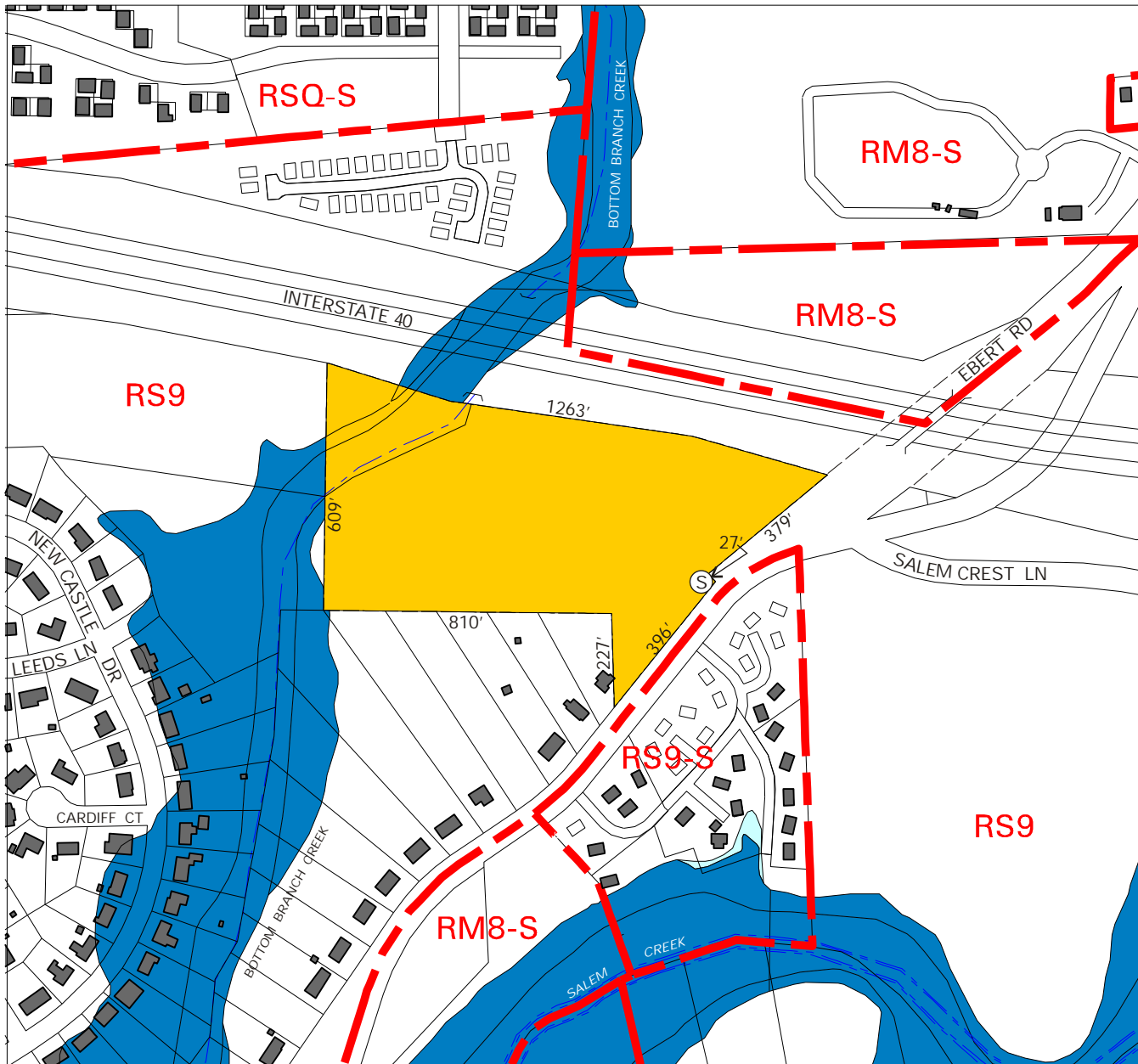
STAFF: Roberts

GMA: 3

ACRE(S): 12.44

MAP(S): 618842



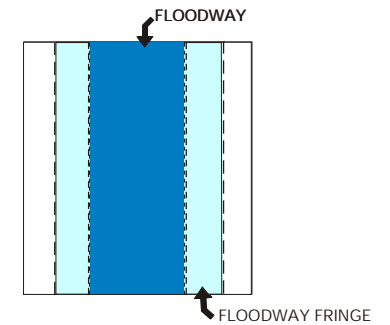


DOCKET #: W2598
 (continued from 1/9/03
 CCPB meeting)

PROPOSED ZONING:
 RM12-S (Residential
 Building, Multifamily)

EXISTING ZONING:
 RS9

PETITIONER:
 Chris Parr for property
 owned by others



SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRE(S): 12.44

MAP(S): 618842



March 19, 2003

Chris Parr
P. O. Box 4253
Greensboro, NC 27404

RE: ZONING MAP AMENDMENT W-2598

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
Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: March 19, 2003
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning map amendment of Chris Parr for property owned by Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel

SUMMARY OF INFORMATION:

Zoning map amendment of Chris Parr for property owned by Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel from RS-9 to RM-12-S (Residential Building, Multifamily): property is located on the northwest side of Ebert Road south of I-40 (Zoning Docket W-2598).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Chris Parr for property owned by Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel, Docket W-2598

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-12-S (Residential Building, Multifamily) the zoning classification of the following described property:

BEGINNING on an existing iron pin (the northeast corner of the tract herein described, Lot 9E of Block 3997) on the southern right-of-way line of Interstate Highway 40 at the intersection of the western right-of-way line of NCSR 2902 (Ebert Road, 135 foot wide right-of-way), a 5/8" rod with an NCDOT disk, said beginning iron being located north 18° 33' 07" west a distance of 138.38 feet from an existing iron pin, a 5/8" rod with an NCDOT disk on the eastern right-of-way line of NCSR 2902 (Ebert Road) at the intersection of Salem Crest Lane:

Thence with the western right-of-way of NCSR 2902 (Ebert Road) south 50° 19' 28" west a distance of 378.00 feet to an existing iron pin, a 5/8" rod with an NCDOT disk,

Thence south 39° 40' 32" east a distance of 35.00 feet to an existing iron pin, a 5/8" rod with an NCDOT disk,

Thence along a counter-clockwise curve having a radius of 649.41 feet, an arc length of 136.21 feet and a chord bearing and distance of south 44° 18' 57" west 135.96 feet to an iron pin set, a 3/4" conduit in the right-of-way line,

Thence south 38° 18' 26" west a distance of 190.88 feet to an iron pin set, a 3/4" conduit in the right-of-way line,

Thence leaving the right-of-way of NCSR 2902 (Ebert Road) and along a new line north $44^{\circ} 43' 37''$ west a distance of 68.83 feet to an iron pin set, a $3/4''$ conduit in the line of C. W. Myers Trading Post, Inc. (Lot 13 of Block 3898), said iron pin set being located north $02^{\circ} 13' 47''$ west a distance of 105.12 feet from an iron pin set in the right-of-way of NCSR 2902 (Ebert Road 60 foot right-of-way), the southeast corner of the C. W. Myers Trading Post, Inc. (Lot 13 of Block 3989),

Thence north $02^{\circ} 13' 47''$ west a distance of 122.97 feet with the east line of the C. W. Myers Trading Post, Inc. property to an existing iron pin (steel rod) the northeast corner of the C. W. Myers Trading Post, Inc. property (Lot 13 of Block 3989),

Thence north $89^{\circ} 27' 47''$ west a distance of 180.35 feet with the north line of the C. W. Myers Trading Post, Inc. property (Lot 13 of Block 3989) to an existing iron pin, a $1/2''$ pipe, the northeast corner of Toni Raines Faucette, D. B. 2214, Page 3280 (Lot 12 of Block 3989),

Thence north $89^{\circ} 27' 47''$ west (same bearing) a distance of 124.27 feet to an existing iron pin, a $1/2''$ pipe, the northeast corner of Stratford Investment Properties, Inc., D.B. 2146, Page 3309 (Lot 11 of Block 3989),

Thence north $89^{\circ} 27' 47''$ west (same bearing) a distance of 250.05 feet with the north lines of Stratford Investment Properties, Inc., D.B. 2146, Page 3309 (Lot 11 of Block 3989) and Jane L. Shepherd, D.B. 1720, page 1842 (Lot 10 of Block 3989) to an existing iron pin, a $1/2''$ pipe, the northeast corner of Deborah Ross, D.B. 1706, page 4042 (Lot 9 of Block 3989),

Thence north $89^{\circ} 27' 47''$ west (same bearing) a distance of 149.00 feet to an existing iron pin (steel rod) the southeast corner of properties of the City of Winston-Salem (a municipal corporation) D.B. 1117, page 120 (Lot 104A of Block 3926),

Thence north $00^{\circ} 34' 52''$ east with the east line of the City of Winston-Salem property, a distance of 277.17 feet to an iron pin set (a $3/4''$ conduit) in the south line of a 30' wide sanitary sewer easement, the southwest corner of Kenneth I. and Betty K. Zimmerman, D.B. 1949, page 792 (Lot 005J of Block 3997),

Thence continuing with the line of the City of Winston-Salem property (Lot 204B of Block 3926) north $00^{\circ} 34' 52''$ east (same bearing) for a distance of 344.33 feet to an iron pin set (a $3/4''$ conduit) in the south right-of-way line of Interstate Highway 40,

Thence south 80° 24' 14" east for a distance of 16.66 feet to an existing iron pin (a 5/8" rod) in the south right-of-way line of Interstate Highway 40,

Thence south 71° 15' 40" east for a distance of 302.65 feet to an iron pin set (a 3/4" conduit) in the south right-of-way line of Interstate Highway 40,

Thence south 81° 14' 30" east for a distance of 38.68 feet to an iron pin set (a 3/4" conduit) in the south right-of-way line of Interstate Highway 40 and in the center line of a 30' wide Sanitary Sewer Easement,

Thence south 81° 14' 30" east (same bearing) with the south line of Interstate Highway 40, a distance of 561.84 feet to an existing iron pin, a 5/8" rod with an NCDOT disk,

Thence south 74° 30' 43" east with the south line of Interstate Highway 40, a distance of 348.56 feet to an existing iron pin, a 5/8" rod with an NCDOT disk, being the point and place of BEGINNING.

Containing 12.53 acres as shown on a plat by Beeson Engineering, 503 High Street, Winston-Salem, North Carolina, by David A. Wiseman, PLS, L-3890, dated January 21, 2003, Job Number 02216.

Tax Block 3997, Tax Lot 005J and a portion of Lot 009E

Section 2. This Ordinance is adopted after approval of the site plan entitled Chris Parr for property owned by others 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 Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel.

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 Chris Parr for property owned by others. 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 Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel, (Zoning Docket W-2598). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for RM-12-S (Residential Building, 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-12-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Existing vegetative areas shown on the site plan to remain shall be cordoned off 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 submit a sealed engineer's detail of any retaining walls over 5 feet high.

- **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 shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Bottom Branch Creek . Planning staff shall approve the location of said greenway easement.

- c. Proposed driveway shall line up with Chateau Ridge Drive and the alignment shall be shown on the final plat.
- d. Developer shall establish negative access easements along Ebert Road on final plat.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements including but not limited to road widening, a transit stop, and sidewalk along Ebert Road to the specifications of the Winston-Salem Department of Transportation.
 - b. Developer shall provide handicap accessible ramps at all points where the sidewalks intersect with a vehicular travel way.
 - c. Developer shall provide fire apparatus turn around in compliance with the 2002 NC State Fire Prevention Code at the dead end of buildings A, B, and D.
 - d. All required fire hydrants shall be installed in accordance with the City Fire Department.
- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

ZONING STAFF REPORT

DOCKET # W-2598
STAFF: Gary Roberts

Petitioner(s): Chris Parr
Ownership: Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel

CONTINUANCE REQUEST

This case was continued from the January 9, 2003, Planning Board meeting to the March 13, 2003 meeting at the request of the petitioner.

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 square feet
To: RM-12-S Residential Multifamily District (Residential Building, Multifamily);
maximum density 12 units/acre

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

Acreage: 12.53 acres

LOCATION

Street: Northwest side of Ebert Road south of Interstate 40.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: 84 multifamily residential units in 4 buildings.
Building Height: Three story.
Density: 6.70 dwelling units per acre.
Parking: Required: 138 spaces; proposed: 142 spaces; layout: mixture of conventional off-street with some on-street (private) parking.
Bufferyard Requirements: 15 foot type II bufferyard.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is wooded, and undeveloped.
Adjacent Uses:

North -	I-40, and undeveloped property zoned RM8-S further north.
East -	Cluster homes zoned RS9-S and undeveloped land zoned RS-9.

Southwest - Single family subdivision (British Woods) zoned RS-9.
West - Undeveloped property zoned RS-9 and single family subdivision (British Woods) zoned RS-9 further west.

GENERAL AREA

Character/Maintenance: Well maintained single family and multifamily homes.
Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Clearing and grading over a significant portion of the site to accommodate proposed improvements shown on site plan.

Topography: Site slopes down 70 feet to the west.

Streams: Bottom Branch Creek crosses the northwest corner of the petitioner's site.

Vegetation/habitat: Site is heavily wooded.

Constraints: Westernmost portion of site has steep slopes and floodplain.

Floodplains: Bottom Branch Creek.

Watershed: The site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Ebert Road.

Street Classification: Ebert Road - major thoroughfare.

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

Ebert Road between Ebert Street and London Lane = 8,800/16,100

Trip Generation/Existing Zoning: RS-9.

$12.53 \times 43,560/9,000 = 61 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 584 \text{ Trips per Day.}$

Trip Generation/Proposed Zoning: RM-12-S.

$84 \text{ units} \times 6.59 \text{ (Multi-Family Trip Rate)} = 553 \text{ Trips per Day.}$

Interior Streets: Private.

Traffic Impact Study recommended: No TIS required or recommended.

Sidewalks: Proposed as conditions along Ebert Road. Shown along driveway connecting Ebert Road to housing units.

Traffic Calming: Interior private drive will utilize on street parking and a traffic circle.

Transit: Route 23 along Ebert Road.

Bike: Route 23, Idols Dam Connector, along Ebert Road.

HISTORY

Relevant Zoning Cases:

1. W-2545; RS-9 to RM-8-S (Residential Building, Multifamily); approved June 3, 2002; west side of Ebert Road north of Interstate 40; 5.57 acres; Planning Board and staff recommended approval.

2. W2520; RS-9 to RM-8-S (Residential Building, Multifamily); denied January 7, 2002; northwest side of Ebert Road south of Interstate 40, current site; 13.01 acres; Planning Board recommended approval, staff recommended denial.
3. W-2507; RS-9 to RM-12-S (Residential Building, Multifamily); withdrawn October 16, 2001; northwest side of Ebert Road south of Interstate 40, current site; 13.01 acres; Planning Board and staff recommended withdrawal.
4. W-2464; RS-9 to RM-8-S (Residential Building, Multifamily); approved May 24, 2001; west side of Ebert Road north of I-40 and south of Geneva Road; 20.75 acres; Planning Board and staff recommended approval.
5. W-2399; RS-9 to RSQ-S (Residential Building, Duplex); denied August 7, 2000; east side of Winslow Drive at its southern terminus; 0.83 acre; Planning Board and staff recommended approval.
6. W-2135; RS-9 to RM-12; approved March 3, 1997; north and south sides of Salem Crest Lane east of Ebert Road south of I-40; 5.83 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): The petitioner's site is located within the municipal services area in the suburban neighborhoods growth management area. *Legacy* encourages infill development at higher densities within the municipal services area. The infill should be designed to be compatible with the character of the surrounding neighborhood.

Area Plan/Development Guide: The site is not within the boundaries of an area plan or development guide.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: *Greenway Plan-Winston-Salem and Forsyth County (2002)*.

Greenway/Trail Name: Proposed Bottom Branch Creek.

Easement Requested: 40-foot greenway easement.

Side of Creek: East.

Comments/Status of Trail: The project site is traversed by Bottom Branch Creek, a tributary of Salem Creek. This creek was not identified in *Vision 2005* or *Legacy* for a greenway trail. However, the recently adopted *Greenway Plan* recommends that all creeks with identified floodplains be designated Greenway Corridors. Bottom Branch Creek falls in this category. Forty-foot easements are recommended along Greenway Corridors. Adjacent to this site is British Woods Park, which is city-owned open space. Bottom Branch Creek continues through the park. Multifamily residential development could benefit from a walking trail along the creek in this area.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 46 students to the system, as indicated by the following chart.

Project	Number Units	Schools	Projected Students from Project	2002-2003 Enrolled Students	2002-2003 Projected Students with Accumulated Totals since 4/24/02	School Capacity
Parr Apartments	48 two bedroom units	Bolton Elem	21	1042	1063	708
		Wiley Mid	11	1027	1038	842
		Parkland High	14	1431	1445	874-1192

ANALYSIS

The subject request is to rezone 13.01 acres located at the southwest corner of I-40 and Ebert Road from RS-9 to RM-12-S. The site is currently undeveloped and heavily wooded with a moderate slope downward toward Bottom Branch Creek which traverses the northwestern corner of the site. Interstate 40 borders the northern edge of the site. Cluster homes zoned RS-9-S and undeveloped land zoned RS-9 are located eastward across Ebert Road. Large lot, single family residences zoned RS-9 lie to the south and undeveloped property zoned RS-9, owned by the Winston-Salem Parks and Recreation Department, is located to the west.

The request represents the third attempt at multifamily zoning on the subject property within the last 16 months. W-2520, (RS-9 to RM-8-S) was denied and W-2507, (RS-9 to RM-12-S) was withdrawn. As restricted in the UDO, a request for the same zoning classification cannot be resubmitted for two years from the date of application if the last request was denied by the elected board. However, with a different zoning request, a new petition can be submitted after one year from the date of application. Hence, the UDO does permit this property, with comparable or less than eight unit per acre densities, to be legally considered under proposed RM-12-S zoning designation.

Staff notes that much of the controversy surrounding the previous rezonings centered on the increased traffic impacts of the proposed multifamily development. In contrast, the proposed RM-12-S zoning at 6.46 units per acre, is less intense in terms of traffic impacts than the current RS-9. Accordingly, the reduction in density satisfies staff’s concerns regarding traffic impacts.

The entrance to the proposed development is located directly across Ebert Road from Chateau Ridge Drive, (private). The 84 multifamily units are divided among four buildings and are centered around a traffic circle. The visual impact of the proposed project onto Ebert Road will

be minimal due to a combination of topography, building placement and retention of existing vegetation. Traffic is a significant concern for many of the residents of the Ebert Road/ London Lane area. It should therefore be noted that the proposed multifamily development would generate approximately 553 trips per day which is 50 trips less than what could be generated under the existing RS-9 zoning.

In addition to road improvements along Ebert Road, the Winston-Salem Department of Transportation, with concurrence of planning staff, is requesting that the developer provide a bus pull off and transit stop with a sidewalk along the frontage of Ebert Road. While the site plan does include a sidewalk on the northern side of the private driveway, the developer has not agreed to provide the needed link from the driveway to the transit stop. Staff views this improvement as a logical requirement related to the public health, safety and welfare and recommends this as a condition of site plan approval.

The site is not within the boundaries of an area plan or development guide. However it is located within the municipal services area which recommends increased densities provided the character is compatible with that of the surrounding neighborhood. The subject request, at a density of 6.46 dwelling units per acre, is only slightly above that permitted in the existing RS-9 district with less of a traffic impact. In addition, the visibility of the development from Ebert Road will be minimal. Staff therefore recommends approval of the request.

FINDINGS

1. *Legacy* encourages infill development at higher densities within the municipal services area.
2. The site is not within the boundaries of an area plan or development guide.
3. Request will generate less traffic than what is currently permissible under the existing RS-9 zoning.
5. Existing topographic and vegetative buffer along Ebert Road to remain.

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. Existing vegetative areas shown on the site plan to remain shall be cordoned off 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 submit a sealed engineer's detail of any retaining walls over 5 feet high.
- **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.
 - c. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Bottom Branch Creek . Planning staff shall approve the location of said greenway easement on final plat.
 - d. Proposed driveway shall line up with Chateau Ridge Drive.
 - e. Developer shall establish negative access easements along Ebert Road on final plat.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements including but not limited to road widening, a transit stop, bus shelter and sidewalk along Ebert Road to the specifications of the Winston-Salem Department of Transportation.
 - b. Developer shall provide handicap accessible ramps at all points where the sidewalks intersect with a vehicular travel way.
 - c. Developer shall provide fire apparatus turn around in compliance with the 2002 NC State Fire Prevention Code at the dead end of buildings A, B, and D.
 - d. All required fire hydrants shall be installed in accordance with the City Fire Department.
- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Chris Parr, 3614 Camden Falls Circle, Greensboro, NC 27410

We are leaving large areas of trees, including a buffer along I-40. That would not be done with a single family development.

This site is isolated. There are probably only two houses within sight of this project.

We are cutting at the top and filling at the bottom which will minimize views of the project from adjoining property and roads.

We moved the entrance to line up with Chateau Ridge Drive which gets it further away from I-40.

My plans for this site will produce less traffic than if it was developed single-family.

AGAINST:

Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103

Chris (Parr) does have a place here which is neat. It looks like this will be further from the road and doesn't look like it will be unattractive.

In the past few months, you and the Council have approved over 900 vehicle trips per day along Ardmore Road and at least half of those will use London Lane.

Of all the projects approved by the City, 37% of them are between Ebert Road and Old Salisbury Road.

In the County, 48% of the developments approved recently are in this area.

The City has acknowledge that Ebert Street north is a bottleneck and they have given it over to the State so they can get some work done on it in the future.

Please help us have a small area development plan in this area.

WORK SESSION

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

1. Philip Doyle: Traffic was the issue last time and we said RS-9 could go in there. This is less traffic than that would be under current zoning.
2. Dara Folan: I like how he's moved the access down away from I-40.

MOTION: Philip Doyle moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, Glenn, King, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning