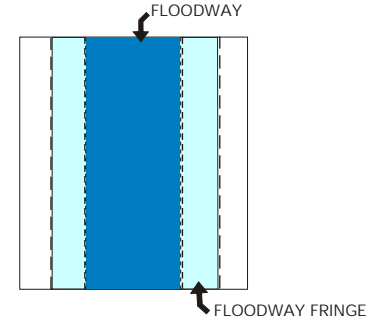


DOCKET #: W2600

PROPOSED ZONING:
 RM5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Homes)

EXISTING ZONING:
 RS9

PETITIONER:
 Bertha R. Adams and Cora Clargo



SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRE(S): 21

MAP(S): 648842



January 22, 2003

Duke Holdings & Management, Inc.
P. O. Box 1842
Vero Beach, FL 32961-1842

RE: ZONING MAP AMENDMENT W-2600

Dear Sirs:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Bertha Rising Adams, 2335 Elizabeth Ave, Winston-Salem, NC 27103-3622
Cora Rising Clargo, 2570 Renn Road, Kernersville, NC 27284
Nancy Byrum, 1836 Flat Rock St, Winston-Salem, NC 27107
Sande Ervin, 3060 Cedar Creek Drive, Kernersville, NC 27284
Carlos Ervin, 2265 Fanning Court, Winston-Salem, NC 27107

ACTION REQUEST FORM

DATE: January 22, 2003
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Bertha R. Adams and Cora Clargo

SUMMARY OF INFORMATION:

Zoning map amendment of Bertha R. Adams and Cora Clargo from RS-9 to RM-5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; and Residential Building, Twin Home): property is located on the south side of Fanning Road east of Willard Road (Zoning Docket W-2600).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, BOST, DOYLE, KING, NORWOOD
AGAINST: CLARK, FOLAN, GLENN, POWELL
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Bertha R. Adams and Cora Clargo, Docket W-2600

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 Board of Aldermen 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-5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; and Residential Building, Twin Home) the zoning classification of the following described property:

Tax Block 2605, Tax Lots 2A and 2D

Section 2. This Ordinance is adopted after approval of the site plan entitled Bertha R. Adams and Cora Clargo and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Bertha R. Adams and Cora Clargo.

Section 3. The Board of Aldermen 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 Bertha R. Adams and Cora Clargo. 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 Board of Aldermen
of the City of Winston-Salem

The Board of Aldermen 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 Bertha R. Adams and Cora Clargo, (Zoning Docket W-2600). 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-5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; and Residential Building, Twin Home), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the RM-5-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.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall record a final plat in the office of the Register of Deeds prior to the issuance of building permits. Final plat shall show lots and all access and utility easements.
 - b. On site fire hydrant locations shall be approved by the Winston-Salem Fire Department in writing to the Inspections Division.

- **PRIOR TO THE SIGNING OF FINAL PLATS.**
 - a. Developer shall widen both sides of Fanning Road with curb and gutter from the eastern end of the development westward to Willard Road to the specifications of the Public Works Department of the City of Winston-Salem.
 - b. An approved fire apparatus turn around must be provided in compliance with the 2002 NC State Fire Prevention Code at the eastern dead end of Fanning Hills Lane.
 - c. The cul-de-sac on Fanning Hills Road and Fanning Hills lane must be at least 80 foot in diameter.
 - d. Fire hydrants shall be installed in accordance with the City Fire Department.
 - e. All documents including covenants, restrictions, and home owners association agreements shall be recorded in the office of the Register of Deeds. Final plats must show common open space declarations.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Trees in all the common areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3) with the exception of the development of recreational amenities and utility easements. If required, developer shall augment new trees in these areas to meet the requirements for bufferyards in the UDO.
 - b. Developer shall install street trees along both sides of all streets at 40-60 foot on center spacing using large variety specimens as defined in UDO Section 3-4.10.

- **OTHER REQUIREMENTS**
 - a. One sign shall be permitted on Fanning Road. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

ZONING STAFF REPORT

DOCKET # W-2600
STAFF: Gary Roberts

Petitioner(s): Bertha R. Adams and Cora Clargo
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 square feet
To: RM-5-S Residential Multifamily District (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; and Residential Building, Twin Home)

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

Acreage: 21.1 acres

LOCATION

Street: South side of Fanning Road east of Willard Road.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

SITE PLAN

Proposed Use: 105 dwelling units including single family, twin home, duplex and townhouse units.

Building Height: 40 foot maximum.

Density: 5 dwelling units per acre.

Parking: Required: 210 spaces @ 2 spaces per unit; proposed: 210 spaces.

Bufferyard Requirements: A type II bufferyard is required adjacent to RS-9 zoning.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Dilapidated residential structure and associated accessory buildings.
Adjacent Uses:

North - US 311 across Fanning Road.
East - Single family homes and undeveloped property zoned RS-9.
Southeast - Centre 311 Industrial Park zoned LI.

South - Autumn Oaks manufactured housing subdivision zoned MU-S.
West - Autumn Oaks manufactured housing subdivision zoned MU-S.

GENERAL AREA

Character/Maintenance: Site built and manufactured single family residences moderately to well maintained.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Substantial removal of vegetation and grading to accommodate improvements shown on site plan.

Topography: There is an approximate change in elevation on the subject property of 96' (from an approximate elevation of 906' in the northeast down to an approximate elevation of 810 in the southwest. The proposed development plan involves a significant amount of fill in the southern portion of the project.

Streams: There is a tributary to Fiddler's Creek in the south/southwest portion of the subject property.

Vegetation/habitat: Mostly vegetated.

Water Supply Watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Fanning Road; Fanning Court.

Street Classification: Fanning Road - collector road; Fanning Court - local road.

Trip Generation/Existing Zoning: RS-9

$21 \times 43,560/9,000 = 101 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 966 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RM-5-S

$59 \times 9.5 \text{ (SFR Trip Rate)} = 564 \text{ Trips} + 46 \times 6.59 \text{ (Multifamily Trip Rate)} = 303 \text{ Trips} = 867 \text{ Total Trips per Day}$

Planned Road Improvements: Portion of Fanning Court to be improved to City of Winston-Salem standards as some of the proposed structures will front onto said street.

Traffic Impact Study recommended: No TIS required or recommended.

Connectivity of street network: Site plan includes one stub street to the east and two culs-de-sac. Petitioner agrees to convert internal street pattern into a continuous block thereby eliminating one of the dead ends.

Sidewalks: None.

Transit: None.

Bike: None.

HISTORY

Relevant Zoning Cases:

- 1: W-2591; MU-S (Manufactured Housing Development: Child Day Care Center; and Planned Residential Development) to Site Plan Amendment; pending action by Board of Aldermen; north and south sides of Fanning Road and northeast of Willard Road, adjacent to western side of current site; 75.28 acres; Planning Board recommended denial and staff recommended approval.
2. W-2191; RM-18 and RS-9 to MU-S (Manufactured Housing Development; and Child Day Care Center); approved December 15, 1997; north and south sides of Fanning Road and northeast side of Willard Road, adjacent to western side of current site; 75.28 acres; Planning Board and staff recommended approval.
3. F-1094; I-2 to R-6; approved November 14, 1994; south side of Fiddlers Creek and off the northeast side of Willard Road between Union Cross Road and Chaucer Lane; 7.0 acres; Planning Board and staff recommended approval.
4. W-1823; R-6 to I-2; approved November 14, 1994; south side of US 311, west of the terminus of Centre Park Boulevard and east of the terminus of Fanning Road; 32.54 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* encourages increased housing densities in areas that have the appropriate services and a mix of housing types and prices in new developments.

Area Plan/Development Guide: *US 311 Area Plan* (1984).

Relevant Development Guide Recommendation(s): The "New I-40 & Ridgewood Road" portion of the US 311 Corridor Land Use Plan (page 24) in the *US 311 Area Plan* recommends that the subject property be developed with low-density (0-4 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 102 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
Fanning Hills	105	Hall-Woodward Elementary	47	562	609	475
		Hill Middle	24	470	494	490
		Glenn High	31	1667	1698	972-1312

ANALYSIS

The subject request is to rezone 21 acres located on the south side of Fanning Road from RS-9 to RM-5-S. The property is currently wooded and undeveloped with the exception of a dilapidated residential structure and its associated accessory buildings. Directly north of the subject property, across Fanning Road, is the I-40/US 311 interchange. Large lot single family residences and undeveloped property zoned RS-9 lie to the east. Further southeast of the site is the Centre 311 Industrial Park zoned LI. The Autumn Oaks manufactured housing subdivision, zoned MH-S, is located to the south and west. The site plan includes a combination of attached and detached housing types fronting along new public streets. The total number of proposed units is 105 which equates to a density of five units per acre. The *US 311 Area Plan* adopted in 1984, recommends that the subject property be developed with low-density residential, (0-4 units/acre). Under the current RS-9 zoning, up to 4.8 dwelling units per acre could be accommodated by using the Planned Residential Development (PRD) option.

The street network consists of one stub street to the east, a continuous interior block and on cul-de-sac. No opportunities for interconnectivity were provided by the adjacent Autumn Oaks development to the south and west. 3.57 acres across the 68 foot Duke Power easement in the southwestern corner of the site, is being proposed to remain as common open space. In addition, and consistent with one of the approved conditions of a similar RS-9 to RM-5-S request (W-2585 on McGregor Road), the petitioner has agreed to provide street trees along both sides of all new and improved streets. The proposed traffic count is actually less than what could be developed under the existing RS-9 zoning. Staff welcomes the proposed mixture of housing types and the provision of street trees and recommends approval.

FINDINGS

1. *Legacy* encourages increased housing densities in areas that have the appropriate services and a mix of housing types and prices in new developments.
2. The *US 311 Area Plan* recommends that the subject property be developed with low-density (0-4 units/acre) residential uses.
3. Request includes mixture of housing types with public streets and street trees.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
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- a. Trees in all the common areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3) with the exception of the development of recreational amenities and utility easements. If required, developer shall augment new trees in these areas to meet the requirements for bufferyards in the UDO.
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- **OTHER REQUIREMENTS**

- a. One sign shall be permitted on Fanning Road. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR: None. NOTE: The petitioner was present earlier in the afternoon. However, staff did not realize there was opposition present on this case and believed it would be presented as an additional consent item. Due to this misunderstanding, staff informed the petitioner that they did not believe there was a need for her to stay at the hearing and she left the meeting.

AGAINST:

Nancy Byrum, 1836 Flat Rock St, Winston-Salem, NC 27107

This is adjacent to Autumn Oaks. I think there is some confusion today because people seem to be thinking that this is directly associated with Autumn Oaks.

We are very concerned about the traffic on Willard Road which is a very narrow, hilly, curvy road. It makes 109 look like a major thoroughfare.

Adding traffic from 500 families will be a major impact.

I don't think most of the neighbors have been consulted about this.

Sande Ervin, 3060 Cedar Creek Drive, Kernersville, NC 27284

We're very concerned about the number of townhomes on the back sections.

This development is not connected with Autumn Oaks or the Fanning Road area. It seems to be encapsulated by itself.

We already have apartments on the other hill, and we really object to the number of townhomes being added here.

Carlos Ervin, 2265 Fanning Court, Winston-Salem, NC 27107

I'm concerned about the roads and the traffic.

If the trailer park is full and this development is full, I don't see how the neighborhood can handle it. There will be just too much traffic.

We aren't a big neighborhood, but we have several acres per lot and we like it.

WORK SESSION

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

1. Fanning Court is publicly maintained down to the property line. There is a sign there saying, "End of City Maintenance". It will be dedicated to the City and improved to City standards.

MOTION: Terry Powell moved continuance of the zoning map amendment and site plan to February 13, 2003.

SECOND: Jerry Clark

2. Philip Doyle: I don't think we should continue because I don't see anything the petitioner needs to defend. I was going to make a motion to approve. I don't know what happened with the Aldermen with that other case, but all the opponents of that other case were talking about the housing quality. Unbeknownst to me, right next door was a higher end housing quality type moving upscale, so I think this developer is answering the opponents of that case. Staff was satisfied with the site plan and type of development. Dump trucks coming through the back of that adjacent mobile home park is an Inspections issue.

3. Arnold King: I almost agree with you. But I don't feel comfortable with the process we're going through. I had calls about why Autumn Oaks was on our 2:00 o'clock Planning Board hearing.

SUBSTITUTE MOTION: Philip Doyle submitted a substitute motion and moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the additional requirement of street trees and providing the flexibility to add recreation equipment and trails.

SECOND: John Bost

VOTE:

For: Avant, Bost, Doyle, King, Norwood

Against: Clark, Folan, Glenn, Powell

A. Paul Norby, AICP
Director of Planning