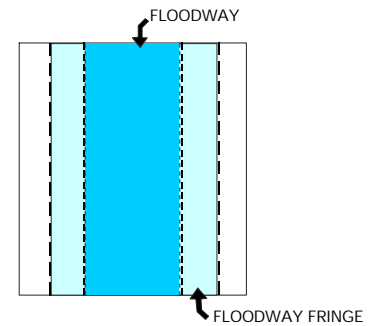


**DOCKET #:** W2518

**PROPOSED ZONING:**  
 MUS (Manufactured Housing Development; Child Day Care Center; PRD)

**EXISTING ZONING:**  
 MUS (Manufactured Housing Development; Child Day Care Center)

**PETITIONER:**  
 Autumn Oaks LLC



**SCALE:** 1" represents 600'

**STAFF:** Hughes

**GMA:** 3

**ACRE(S):** 75.28

**MAP(S):** 642838, 642842,  
 648838, 648842



December 19, 2001

Autumn Oaks, LLC  
c/o Grover Shugart, Jr.  
3015 Maplewood Avenue  
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT W-2518

Dear Mr. Shugart:

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

**ACTION REQUEST FORM**

**DATE:** December 19, 2001  
**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 Autumn Oaks, LLC

**SUMMARY OF INFORMATION:**

Zoning map amendment of Autumn Oaks, LLC from MU-S (Manufactured Housing Development and Child Day Care Center) to MU-S (Manufactured Housing Development; Child Day Care Center; and Planned Residential Development): property is located on the north and south sides of Fanning Road and the northeast side of Willard Road (Zoning Docket W-2518).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Autumn Oaks, LLC, Docket W-2518

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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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 MU-S (Manufactured Housing Development; and Child Day Care Center) to MU-S (Manufactured Housing Development; Child Day Care Center; and Planned Residential Development) the zoning classification of the following described property:

Tax Block 2626, Tax Lot 1F  
Tax Block 2605, Tax Lot 4A and 103B  
Tax Block 6391, Tax Lot A, B, C, D, 1-133, 500, and 501

Section 2. This Ordinance is adopted after approval of the site plan entitled Autumn Oaks, LLC and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Autumn Oaks, LLC.

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 Autumn Oaks, LLC. 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 Autumn Oaks, LLC, (Zoning Docket W-2518). 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 MU-S (Manufactured Housing Development; Child Day Care Center; and Planned Residential Development), 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 MU-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. All areas shown on the site plan as undisturbed areas shall be retained and not disturbed. These areas shall not be graded and shall be cordoned off. The area located on the north side of Fanning Road owned by this same developer shall not be disturbed as shown on the site plan.
  - c. Developer shall stake the maximum fill line in the floodplain.
- **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 Forsyth County Fire Department in writing to the Inspections Division.
  - c. As volunteered by the developer, all units must be owner occupied and must be less than ten (10) years old at the time of installation.
- **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. All internal streets in the development shall be constructed with a minimum of eight (8) inches of stone and two (2) inches of bituminous pavement or any other combination equivalent to the material standards of the Public Works Department of the City of Winston-Salem for public street construction. No street shall exceed a twelve percent (12%) slope at any location. All turnarounds at the end of streets shall be constructed to adequately allow for larger vehicles such as garbage and recycling trucks to turn around. A Professional Engineer (PE) shall verify in writing the construction materials of the streets and compliance with all of these other requirements.
    - c. Fire hydrants shall be installed in accordance with the City Fire Department. A break-away emergency gate shall also be installed on the emergency entrance off Willard Road. This gate shall be located far enough off Willard Road to allow vehicles to turn around. Gate shall be built to the specifications of the City Fire Department.
    - d. 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.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
    - a. Trees in all the undisturbed areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3). If required, developer shall augment new trees in these areas to meet the requirements for bufferyards in the UDO.
    - b. There shall be a greenway connection as shown on the site plan constructed from this development to the south property line to eventually tie into a public greenway trail along Fiddlers Creek as shown on the site plan.
- **OTHER REQUIREMENTS**
    - a. All dumpsters shall be adequately screened from any adjoining manufactured home lots and any adjoining property in accordance with UDO Section 3-4.5(B).
    - b. All required recreation areas must be located on sites with finished grades of five percent (5%) slope or less.
    - c. 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.
    - d. A minimum type II bufferyard must be installed on each lot where lot sizes within the PRD are less than the minimum lot size permitted in the adjoining residential zoning district.

## **ZONING STAFF REPORT**

**DOCKET #** W-2518  
**STAFF:** Suzy Hughes

Petitioner(s): Autumn Oaks, LLC  
Ownership: Same

### **REQUEST**

From: MU-S Mixed Use District (Manufactured Housing Development and Child Day Care Center)  
To: MU-S Mixed Use District (Manufactured Housing Development; Child Day Care Center; 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: 75.28 acres

### **LOCATION**

Street: North and south sides of Fanning Road and the northeast side of Willard Road.  
Jurisdiction: City of Winston-Salem.  
Ward: Southeast.

### **SITE PLAN**

Proposed Use: Manufactured Housing Development; Day Care Center; and Planned Residential Development.  
Square Footage: 9,000 square feet (Child Day Care Center).  
Density: 4.05 units/acre.  
Parking: Required: 25; proposed: 42  
Bufferyard Requirements: 50 foot type II along public roads, and 30 foot type II along other residential zoning.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Day Care Center structure.

Adjacent Uses:

North -	Hwy. 311.
East -	RS-9 zoning, Single Family Homes; and LI zoning, Industrial Park.
South -	RS-9 zoning, Single Family Homes.
West -	RS-9 zoning, Single Family Homes; and RM-12 zoning Nursing Home.

## **GENERAL AREA**

Character/Maintenance: Moderately to well maintained properties and structures.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site has been cleared for a previously approved project.

Topography: Southern portion of the property slopes from east to west. The property slopes from an approximate elevation of 888 along the central ridge to an elevation of 770 in the west (along the Fiddlers Creek tributary). The slope changes approximately 6% from east to west but the property is significantly steeper (15% slope) where it begins to fall off the ridge in the south, west and north portions of the proposed development area (falling off to the streams that surround the ridge).

Vegetation/habitat: There is a wooded/vegetative area surrounding the existing developed area of the site and along the stream corridors. These areas serve as wildlife corridors for native animal species and should be maintained to the greatest extent possible.

Floodplains: There is FEMA regulated floodplain on the subject property (both floodway and floodway fringe). Portions of the floodway fringe cross lots 140 through 146 of the proposed plan. These lots will need elevation certificates per the UDO. Further, since the proposed development is for manufactured homes, approved anchoring techniques will need to be used per the UDO. Any fill placed within the floodway fringe must meet the requirements of the UDO (only 1/2 of the distance between the limits of the floodway fringe and the floodway may be filled).

Wetlands: None (according to the National Wetlands Inventory Maps and the Forsyth County Soil Surveys located in the CCPB offices, there are no wetlands - the developer has shown wetlands on his plan, however)

Watershed: None.

Compliance with Federal/State requirements for wetland/stream protection: May need a Section 404 permit from the Army Corp of Engineers and a Wetlands/401 Certification from the North Carolina Department of Environment and Natural Resources, Division of Water Quality for any work within self-described wetlands. Per UDO, the developer is responsible for securing all necessary State and/or Federal permits. Since the wetlands in question are not part of the wetlands inventory, guidance from the Army Corp of Engineers or NCDENR, DWQ should be sought. Compliance with the State and local Erosion Control provisions will be required for this project. An Erosion Control stream buffer must be in place per the provisions of the UDO.

## **TRANSPORTATION**

Direct Access to Site: Willard Road; Interstate 40; Fanning Road.

Street Classification: Willard Road - minor thoroughfare; I-40 - freeway; Fanning Road - collector.



Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):  
Willard Road between Union Cross road and Selma Street = 2,500/11,100  
Interstate 40 between Thomasville Road and US 311 = 66,000 (1995 count)/95,900  
Trip Generation/Existing Zoning: MU-S  
285 units x 4.81 (Mobile Home Park Trip Rate) = 1,370 trips per day +  
9,000 sq ft/1,000 x 79.26 (Day Care Trip Rate) = 713 trips per day = 2,083 trips per day  
Trip Generation/Proposed Zoning: MU-S (PRD)  
Same as above

## **HISTORY**

Relevant Zoning Cases:

1. W-2191; RM-18 and RS-9 to MUS (Manufactured Housing Development; and Child Day Care Center); approved December 15, 1997; current site; 75.28 acres; Planning Board and staff recommended approval.
2. 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.
3. 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.
4. F-951; R-6 to I-2; approved January 22, 1990; southwest corner of Cole Road and US 311; 172 acres; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): Manufactured homes can provide affordable housing in our community and *Legacy* contains the following objective for the community to work towards: Provide a variety of quality housing types for all income levels and foster a climate that is hospitable to affordable housing development.

The following policy related to affordable housing is in *Legacy*: Encourage cost effective site design such as narrow streets, higher densities, clustered housing units, and narrow lot widths to encourage development of affordable housing.

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

Relevant Development Guide Recommendation(s): The *US 311 Area Plan* identifies this site for both low and moderate density residential development. The summary portion of the document relates that there are no problems in the area that need active solutions. Rather, the plan is implemented to "direct development to appropriate locations which accommodate a level of growth that is acceptable and desirable". The proposed project is being developed close to the urban services of Winston-Salem and appears to be consistent with the *US 311 Area Plan*.

## **ANALYSIS**

The subject petition is requesting PRD use be added to the already approved Manufactured Housing Development and Child Day Care Center uses in the MUS district. The addition of the PRD use would allow the lots within the development to be sold. The site contains approximately 75 acres. The number of proposed dwelling units is a maximum of 285 lots. The day care center will be a maximum of 9,000 square feet and accommodate approximately 100 children. In addition a clubhouse, office, pool, and two additional recreation areas are proposed. The petitioner has brought this request back in to the Planning Board to add the PRD use to the already approved Manufactured Housing Development and Child Day Care Center uses. The addition of the PRD use would allow the lots within the development to be sold.

The original rezoning request was approved in December 1997 and a Final Development Plan was approved November 1998. The proposed site plan contains no alterations from the previously approved Final Development Plan. The PRD use would allow the developer to sell the individual lots to home owners, thereby possibly increasing the sense of community and pride in the development.

The proposal is consistent with the *Legacy* recommendations of providing affordable housing. *Legacy* states that manufactured housing provides variety and offers affordable housing to the community. The site is identified in the *US 311 Area Plan* for low to moderate density housing. This project is consistent with the area plan recommendations.

The project is consistent with both *Legacy* and area plan recommendations, and is consistent with previously approved plans under construction. It increases the desirability of previously approved petitions by adding ownership potential to individual lots which is not possible under the current zoning.

## **FINDINGS**

1. The proposal is consistent with the *Legacy* recommendations of providing affordable housing.
2. The site is identified in the *US 311 Area Plan* for low to moderate density housing.
3. It increases the desirability of previously approved petitions by adding ownership potential to individual lots which is not possible under the current zoning.

## **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.
  - b. All areas shown on the site plan as undisturbed areas shall be retained and not disturbed. These areas shall not be graded and shall be cordoned off. The area located on the north side of Fanning Road owned by this same developer shall not be disturbed as shown on the site plan.
  - c. Developer shall stake the maximum fill line in the floodplain.
  
- **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 Forsyth County Fire Department in writing to the Inspections Division.
  - c. As volunteered by the developer, all units must be owner occupied and must be less than ten (10) years old at the time of installation.
  
- **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.
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  - b. There shall be a greenway connection as shown on the site plan constructed from this development to the south property line to eventually tie into a public greenway trail along Fiddlers Creek as shown on the site plan.
  
- **OTHER REQUIREMENTS**
  - a. All dumpsters shall be adequately screened from any adjoining manufactured home lots and any adjoining property in accordance with UDO Section 3-4.5(B).
  - b. All required recreation areas must be located on sites with finished grades of five percent (5%) slope or less.
  - c. 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.
  - d. A minimum type II bufferyard must be installed on each lot where lot sizes within the PRD are less than the minimum lot size permitted in the adjoining residential zoning district

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Kem Schroeder moved approval of the zoning map amendment.

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Kem Schroeder

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
 Director of Planning