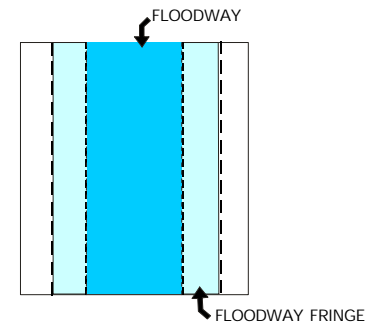


DOCKET #: W2520

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

EXISTING ZONING:
RS9

PETITIONER:
Adams Egloff Avant
Properties LLC, for
property owned by others



SCALE: 1" represents 600'

STAFF: Hughes

GMA: 3

ACRE(S): 13.01

MAP(S): 618842



December 19, 2001

Adams, Egloff, Avant Properties, LLC
c/o Kerry Avant
4505 Country Club Road, Suite 200
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2520

Dear Mr. Avant:

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
Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103
Charles Honeycutt, 1656 Ebert Street, Winston-Salem, NC 27103

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 Adams Egloff Avant Properties, LLC for property owned by Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel

SUMMARY OF INFORMATION:

Zoning map amendment of Adams Egloff Avant Properties, LLC for property owned by Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel from RS-9 to RM-8-S (Residential Building, Multifamily): property is located at the southwest corner of Ebert Road and I-40 (Zoning Docket W-2520).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: BOST, CLARK, DOYLE, KING, NORWOOD
AGAINST: POWELL, SCHROEDER, SNELGROVE
EXCUSED: AVANT
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Adams Egloff Avant Properties, LLC for property owned by Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel, Docket W-2520

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

Tax Block 3997, Tax Lot 9E, 5J

Section 2. This Ordinance is adopted after approval of the site plan entitled Adams Egloff Avant Properties, LLC and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Adams Egloff Avant Properties, LLC for property owned by Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel.

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 Adams Egloff Avant Properties, 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 Adams Egloff Avant Properties, LLC for property owned by Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel, (Zoning Docket W-2520). 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 Board of Aldermen 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. Limits of grading along the stream defining the western edge of the property shall be flagged 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 Salem Crest Lane.
- 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 on Ebert Road to the specifications of the Winston-Salem Department of Transportation.
 - b. Developer shall install sidewalks along Ebert Road to the specifications of the Winston-Salem Department of Transportation.
 - c. Developer shall establish a transit stop along Ebert Road.
 - d. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
 - e. Developer shall install curb and gutter and turn lanes along Ebert Road to the specifications of the City of Winston-Salem Department of Transportation.
 - f. Developer shall widen Ebert Road to the specifications of the City of Winston-Salem Department of Transportation.
- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.
 - b. Minimum 48 feet by 40 feet T-type turnarounds are required at the end of Glenbrook Way as shown on the site plan per the Winston- Salem Fire Department.

ZONING STAFF REPORT

DOCKET # W-2520

STAFF: Suzy Hughes

Petitioner(s): Adams Egloff Avant Properties, LLC

Ownership: Kenneth I. Zimmerman, Betty K. Zimmerman, Irene Kimel, and Ruth T. Kimel

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf

To: RM-8-S (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: 13.01 acres

LOCATION

Street: West side of Ebert Road south of Interstate 40.

Jurisdiction: City of Winston-Salem.

Ward: South.

SITE PLAN

Proposed Use: Residential Building, Multifamily.

Building Height: 45 feet.

Density: 7.69 units per acre.

Parking: Required: 200; proposed: 243.

Bufferyard Requirements: 15 foot type II along residential zoning.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is wooded, with no structures present.

Adjacent Uses:

North - I-40, and vacant property zoned RM-8-S further north.

East - Cluster homes zoned RS-9-S and vacant land zoned RS-9.

Southwest - Single family subdivision (British Woods) zoned RS-9.

West - Vacant 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: Site would have to be cleared and graded.
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; Salem Crest Lane; I-40 runs adjacent to the north but does not provide access.
Street Classification: Ebert Road - major thoroughfare; Salem Crest Lane - local.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Interstate 40 between Hanes Mall and Peters Creek = 77,000 / 95,900
Ebert Road between Ebert Street and London Lane = 11,000/12,000
Trip Generation/Existing Zoning: RS-9
 $13.01 \times 43,560/9,000 = 62 \text{ lots} \times 9.57 \text{ (SFR Trip Rate)} = 593 \text{ trips per day}$
Trip Generation/Proposed Zoning: RM-8-S
 $100 \text{ units} \times 6.59 \text{ (Low Rise Apt Trip Rate)} = 659 \text{ trips per day}$
Transit: Route # 23 along Ebert Road and Salem Crest Lane.
Bike: Route #23 along Ebert Road.

HISTORY

Relevant Zoning Cases:

1. W-2507; RS-9 to RM-12-S (Residential Building, Multifamily); withdrawn October 16, 2001; current site; 13.01 acres; Planning Board and staff recommended withdrawal.
2. 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.
3. 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.

4. 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.
5. W-2112; RS-9 to RM-8-S (Residential Building, Multifamily); approved December 2, 1996; northwest corner of Falcon Point Drive and Penny Lane; 6.81 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods

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 a development guide or an area plan.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: Draft *Greenway Plan*.

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 completed draft *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. The draft *Greenway Plan* has not been adopted.

ANALYSIS

The petitioner has submitted a request to rezone 13.01 acres from RS-9 to RM-8-S (Residential Building, Multifamily). There are 100 units shown within 25 buildings, for a density of 7.69 units per acre. This site was the subject of a previous rezoning request (W-2507), which proposed RM-12-S zoning. That petition was withdrawn at the October 16, 2001 Planning Board Public Hearing so the petition could submit the subject RM-8-S request.

The area generally consists of a mixture of single family and multifamily residential uses and zoning districts. On May 24, 2001, a RM-8-S multifamily development (Zoning Docket W-2464) was approved by the Board of Aldermen just north of I-40 on the west side of Ebert. The

current petition is located adjacent to I-40 on the south side of the highway. Although locations along major thoroughfares are sometimes considered suitable for multifamily development, such areas may alternatively be developed for single family uses. In this context staff does not presume that all sites located next to major thoroughfares are unsuited for single family developments. Indeed, throughout the county many new single family residential developments are located along major thoroughfares.

Legacy calls for infill development at higher densities within the municipal services area. *Legacy* also states that such infill should be compatible with the existing neighborhood and address the concerns of existing residents in the area.

In this area, traffic is a major concern. The proposed RM-8-S zoning would increase the potential number of average daily trips from 593 (possible under the current RS-9 zoning) to 659 trips per day (with the proposed RM-8-S). Strong citizen concern about traffic problems in the area from neighborhoods adjacent to Ebert Road was voiced during the Board of Aldermen meeting for the nearby case W-2464 (north of I-40). With current traffic volumes along Ebert Road at 11,000 vehicles per day, the capacity of the road (12,000 vehicles per day) has nearly been reached. This does not include additional traffic that will be generated by the RM-8-S zoning approved in W-2464. That multifamily zoning will generate approximately 1,100 new trips per day. Staff stated in the report for W-2507 (RM-12-S previously submitted and then withdrawn for this site) that staff "may alternatively support a properly designed RM-8 zoning request which does not generate more traffic than the current RS-9." This current proposal, as submitted, has a greater traffic generation figure than the current RS-9 (66 vehicle trips per day; 11% increase.)

Recognizing the existence of other multifamily zoning in the area, staff is generally supportive of multifamily zoning at the current location. Staff is mindful, however, not to promote additional traffic volumes beyond that which might otherwise occur under the existing RS-9. Staff reiterates the point that RM-8 zoning may be supported if it produced traffic generations at or below those of the current RS-9. Since the current request exceeds those generations staff cannot support the request for rezoning.

FINDINGS

1. *Legacy* encourages infill development at higher densities within the municipal services area.
2. There is a mixture of multifamily and single family residential uses in the area.
3. There is currently a traffic congestion problem on Ebert Road and certain nearby streets which connect with Ebert Road.
4. Staff may support a request that would not increase traffic counts greater than the current RS-9 zoning.

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. Limits of grading along the stream defining the western edge of the property shall be flagged 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.

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- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.
 - b. Minimum 48 feet by 40 feet T-type turnarounds are required at the end of all parking lots except the first two as shown on the site plan per the Winston-Salem Fire Department.

Suzy Hughes presented the staff report.

PUBLIC HEARING

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

No one is upset with multifamily. No one is upset with RM-8-S. The only problem we have is traffic. I believe that's what I'm hearing.

The prior submittal was for 18 buildings, three-story units - this has lesser number of units.

We're actually talking about a decrease in traffic per my impression of our discussion with City DOT, relative to amount of traffic which could be generated under the existing RS-9 zoning.

AGAINST:

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

I represent the British Woods Neighborhood Association.

A lot of my comments have been covered by the Planning staff.

Some of the wind has been knocked out of my sails by the attorney for the developer.

I feel like I'm between two groups of experts.

My argument was to be against traffic.

Traffic on Winslow is already almost twice the desired rate.

I urge you to honor staff's recommendation and deny this request.

Charles Honeycutt, 1656 Ebert Street, Winston-Salem, NC 27103

Anytime there's development in the area where this site is located, it affects Ebert.

The career center adds considerable traffic - school buses and students.

This is going to add traffic to Ebert.

WORK SESSION

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

1. Kem Schroeder - we look at benefit accruing to property owner and developer, but somewhere in there we have to look at the detriment to those in the area who bought RS-9 believing it would stay RS-9. We've put an incredible burden on these neighborhoods by allowing so much multifamily. I'm amazed that there continues to be a market for housing in these high-traffic areas.
2. Steve Snelgrove - it's not whether this is going to happen; it's when. Do you put this in first or fix the traffic first? We have to be concerned about equity and image we portray when a member has asked to recuse himself about this.

3. Planning staff noted that traffic generated for condominium units may be less than a comparable number of apartment units, but there is no guarantee or means to enforce a requirement that condominium units be built. Ms. Schroeder noted that a requirement which restricted a condominium owner from leasing it to another party would be illegal in a court of law and would be unenforceable. For that reason, traffic must be calculated based on legal, enforceable conditions.

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: Philip Doyle

VOTE:

FOR: Bost, Clark, Doyle, King, Norwood

AGAINST: Powell, Schroeder, Snelgrove

EXCUSED: Avant

SITE PLAN MOTION: John Bost

SECOND: Philip Doyle

VOTE:

FOR: Bost, Clark, Doyle, King, Norwood

AGAINST: Powell, Schroeder, Snelgrove

EXCUSED: Avant

A. Paul Norby, AICP
Director of Planning