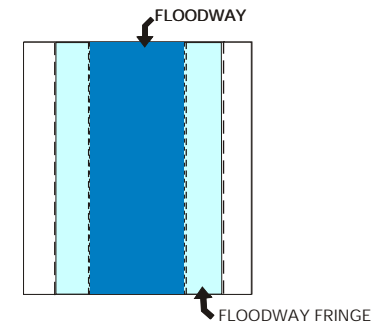


**DOCKET #:** F1396

**PROPOSED ZONING:**  
 RM8-S (Residential Building, Single Family; Residential Building, Townhouse; Residential Building, Multifamily; Planned Residential Development)

**EXISTING ZONING:**  
 RS9

**PETITIONER:**  
 Childrens Home, Inc.



**SCALE:** 1" represents 1000'

**STAFF:** Roberts

**GMA:** 3

**ACRE(S):** 119.65

**MAP(S):** 624822



September 24, 2003

The Children's Home, Inc.  
c/o James Long, Executive Director  
101 Reynolda Road  
Winston-Salem, NC 27104-3245

RE: ZONING MAP AMENDMENT F-1396

Dear Mr. Long:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP  
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office  
Kerry Avant, 4505 Country Club Road, Suite 200, Winston-Salem, NC 27104



COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of The Children's Home, Inc.,  
Docket F-1396

AN ORDINANCE AMENDING  
THE FORSYTH COUNTY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE COUNTY OF FORSYTH,  
NORTH CAROLINA

---

BE IT ORDAINED by the Board of County Commissioners of the County of Forsyth as follows:

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from RS-9 to RM-8-S (Residential Building, Single Family; Residential Building, Townhouse; Residential Building, Multifamily; and Planned Residential Development) the zoning classification of the following described property:

Tax Block 3870, Tax 2A and 2C

Section 2. This Ordinance is adopted after approval of the site plan entitled The Children's Home, Inc./Parkside, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ to The Children's Home, Inc.

Section 3. The Board of Commissioners 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 The Children's Home, Inc./Parkside. 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.

## COUNTY, SPECIAL USE DISTRICT PERMIT

### SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County  
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of The Children's Home, Inc. (Zoning Docket F-1396). 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, Single Family; Residential Building, Townhouse; Residential Building, Multifamily; and Planned Residential Development), approved by the Forsyth County Board of Commissioners 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* of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  - a. Limits of grading along Leak Creek defining the central drainageway 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.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. On site fire hydrant locations shall be approved by the County 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 for multifamily units and all access and utility easements.
  - c. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along north and south sides of Leak Creek and the eastern side of South Fork Muddy Creek as shown on the approved Preliminary Site Plan. Planning staff shall approve the location of said greenway easement on final plat.
  - d. Developer shall establish negative access easements along both frontages of Peters Creek Parkway where no street connection is shown on site plan and shown on final plat.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install road improvements on Peters Creek Parkway as required by the North Carolina Department of Transportation.
  - b. All required fire hydrants shall be installed in accordance with the Forsyth County Fire Department.
  - c. Developer shall install all required storm water management devices.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet at both the east and west entrance to the site on Peters Creek Parkway.

## **ZONING STAFF REPORT**

**DOCKET #** F-1396  
**STAFF:** Gary Roberts

Petitioner(s): The Childrens Home Inc.  
Ownership: Same.

### **REQUEST**

From: RS-9 Residential, Single Family District; minimum lot size 9,000 square foot  
To: RM-8-S Residential, Multifamily District; maximum density 8 units/acre  
(Residential Building, Single Family; Residential Building, Townhouse;  
Residential Building, Multifamily; 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: 119.65 acres

### **LOCATION:**

Street: East and west sides of Peters Creek Parkway along Leak Creek.  
Jurisdiction: Forsyth County.

### **SITE PLAN**

Proposed Use: 444 unit Single Family, Townhouse and Multifamily Planned Residential Development.  
Building Height: 45 foot maximum.  
Density: 3.71 dwelling units per acre.  
Parking: Required: 264 spaces. proposed: 285 spaces.  
Bufferyard Requirements: 30 foot type II bufferyard adjacent to RS-9.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

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

Existing Structures on Site: Site is currently undeveloped.

Adjacent Uses:

Northeast-	Undeveloped property zoned RS-9.
East-	Undeveloped floodplain of Leak Creek and large lot single family homes zoned RS-9.
Southeast-	Undeveloped floodplain of Leak Creek and large lot single family homes zoned RS-9.
South-	Single family homes under construction zoned RS-9.
Southwest-	Undeveloped floodplain of Leak Creek and large lot single family homes zoned RS-9.

West- Undeveloped floodplain of Leak Creek and South Fork Muddy Creek and large lot single family homes zoned RS-9.  
Northwest- Undeveloped floodplain of South Fork Muddy Creek and undeveloped HB-S property.

## **GENERAL AREA**

Character/Maintenance: Rural wooded area with floodplain accessed by major thoroughfare.  
Development Pace: Moderate.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Significant removal of vegetation and grading north of Leak Creek to accommodate improvements shown on proposed site plan.

Topography: Gentle to very steep slope generally sloping downward to Leak Creek in the central portion of the site and westward to South Fork Muddy Creek.

Streams: Leak Creek traverses the southern section of the subject property and intersects with South Fork Muddy Creek at the southwestern most corner of the subject property. South Fork Muddy Creek also forms the western boundary of the subject property.

Vegetation/habitat: Most of the site is heavily vegetated, with the exception of the most east-central section of the subject property. All vegetation to the north of Leak Creek appears to be removed on the site plan.

Floodplains: Significant portions of the subject property lie in floodway and floodway fringe areas of South Fork Muddy Creek and Leak Creek.

Wetlands: Leak Creek and a tributary of Leak Creek in the southern section of the property are classified as wetlands. Two additional wetlands located off site comprise the Natural Heritage Inventory Sites described below.

Winston-Salem West Quad

Natural Heritage Sites: The Friedburg Marsh is located about 1,000 feet to the west of the western border of the subject property and along the South Fork Muddy Creek floodplain. The site is 3 acres in size with enhancement plans of the North Carolina Department of Transportation's wetland mitigation program adding 2 to 3 acres. The Friedburg Marsh is regionally significant because of the size of the wetland, the complexity of its natural communities, and the presence of at least one listed rare and several uncommon species. According to the Natural Heritage Inventory, "this wetland is possibly the most significant in the county."

Farmland Preservation Sites: None

Environmental Resources Beyond The Site: South Fork Muddy Creek serves as the western border of the subject property and turns to run about 1,500 feet north of the northern border of the property.

Water Supply Watershed: The subject property is not located in a water supply watershed.

Compliance with Federal/State requirements for wetland/stream protection: The petitioner is responsible for federal and state stream regulations. Additionally, the petitioner must comply with UDO regulations concerning the floodway and floodway fringe.



## **TRANSPORTATION**

Direct Access to Site: Peters Creek Parkway.

Street Classification: Peters Creek Parkway – Major Thoroughfare.

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

Peters Creek Parkway between the Southern Beltway and Brighton Road =

13,000/32,400

Trip Generation/Existing Zoning: RS-9

$119.65 \times 43,560/9,000 = 579$  units  $\times 9.57$  (SFR Trip Rate) = 5,541

Trip Generation/Proposed Zoning: RM-8-S

$250$  units  $\times 9.57$  (SFR Trip Rate) = 2,392 trips +  $194$  units  $\times 6.59$  (Multi-Family Trip Rate) = 1,278 trips = 3,670 Trips per Day

Planned Road Improvements: R-2709 – Peters Creek Parkway between West Clemmonsville Road and Davidson County line; From 2 lane to 4 lane divided;

Interior Streets: Public streets with some private streets in the multifamily area. Numerous cul-de-sacs.

Connectivity of street network: Good external connectivity, poor internal connectivity.

Sidewalks: None.

Transit: None.

Bicycle Route: None.

## **HISTORY**

Relevant Zoning Cases:

1. F-1357; NSB-S to Site Plan Amendment; approved February 2, 2002; west side of Peters Creek Parkway north of Fishel Road; 14.99 acres; tie vote with Planning Board, and staff recommended approval.
2. F-1344; RS-9 to NSB-S (Shopping Center); approved August 13, 2001; east side of Peters Creek Parkway north of Fishel Road, adjoining southern edge of current site; 7.24 acres; Planning Board and staff recommended denial.
3. F-1325; RS-9 to RM8-S (Residential Building, Multifamily; Residential Building, Townhouse); approved November 13, 2000; west side of Peters Creek Parkway north of Fishel Road; 37.63 acres; Planning Board and staff recommended approval.
4. F-1182; RS-9 to RM12-S (Residential Building, Multifamily), approved January 27, 1997; west side of Peters Creek Parkway between South Fork Muddy Creek and Leak Creek; 22.69 acres; Planning Board and staff recommended approval.
5. F-1181; RS-9 to HB-S (Multiple uses including Golf Course Driving Range); approved January 27, 1997; west side of Peters Creek Parkway between South Fork Muddy Creek and Leak Creek, adjacent to the northern border of subject property; 28.79 acres; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* encourages a mix of housing types and prices in neighborhoods along with pedestrian connections and public spaces that foster a sense of community.

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

## **GREENWAY/RECREATION/OPEN SPACE REVIEW**

Greenway Plan: Yes. Greenway Plan: Winston-Salem and Forsyth County.

Greenway/Trail Name: Leak Creek and South Fork Muddy Creek Greenways.

Easement Requested: 40 feet.

Side of Creek: North and south sides of Leak Creek. East side of South Fork Muddy Creek.

## **ANALYSIS**

The subject request is to rezone 119± acres located on the east and west side of Peters Creek Parkway along Leak Creek from RS-9 to RM-8-S. The proposal includes a mixture of single family homes, townhouses and multifamily buildings with a total of 444 dwelling units.

The site is currently undeveloped and includes a significant degree of the floodway fringe area along Leak Creek and South Fork Muddy Creek. Peters Creek Parkway was improved to a four lane divided facility in the spring of 2002. The surrounding area is transitioning from rural to suburban in character as is evidenced by some of the nearby NSB-S, RM12-S and HB-S requests which have recently been approved.

The site plan shows a mixture of single family and multifamily residential units on the western side of Peters Creek Parkway and single family and townhouse units on the east side. The overall density is somewhat low at 3.71 dwelling units per acre, due to much of the land adjacent to Leak and South Fork Creeks being left in its natural, undeveloped state.

No development is proposed south of Leak Creek or within 900± feet of South Fork Muddy Creek. More formal common open space and recreational areas are shown in the form of three separate squares which are bordered on multiple sides by public streets. Sensitive grading and landscaping could further enable these areas to mature into heavily used public spaces and serve as unifying elements for the different housing types.

Presently, access to the sites will be from two right-in/right-out connections to Peters Creek Parkway. From a circulation standpoint, the site plan shows good external connectivity with a total of three stub streets to the north and one stub street to the east. In addition, the developer has agreed to provide one additional stub street to east. Staff notes that the stub connections to the north on both sides of Peters Creek Parkway may ultimately tie in to the median break at Brannigan Village Drive with the future development of the adjacent properties. Connectivity to the south and west is constrained by the two above mentioned creeks. Internally, however, the street network is somewhat lacking in that 14 dead ends are proposed. This layout does however

comply with current minimum ordinance allowances and illustrates the need to revise the Street Standards (currently in progress). This is also the case with sidewalks and street trees which are currently neither required nor included in the subject request.

The subject property is not within the boundaries of an area plan or development guide. *Legacy* encourages a mix of housing types and prices in neighborhoods along with pedestrian connections and public spaces that foster a sense of community. The density of the subject request is not out of character with that of the surrounding area and can be supported by the infrastructure currently in place. Regarding sidewalks, the petitioner has agreed to provide them along one side of the primary east/west street segment.

While the design of the proposed development could be greatly improved with a better street pattern, more extensive sidewalks, and street trees and vegetative buffering along Peters Creek Parkway, those revised standards for streets are not yet in place and the proposal does not involve higher densities or mixed land uses which might otherwise allow staff to ask for such provisions through Special Use District zoning.

## **FINDINGS**

1. *Legacy* encourages a mix of housing types and prices in neighborhoods along with pedestrian connections and public spaces that foster a sense of community.
2. The subject property is not within the boundaries of an area plan or development guide.
3. The density of the subject request is compatible with the character of the surrounding area and suitable infrastructure is currently in place.

## **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. Limits of grading along Leak Creek defining the central drainageway 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.
- **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 for multifamily units and all access and utility easements.

- c. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along north and south sides of Leak Creek and the eastern side of South Fork Muddy Creek as shown on the approved Preliminary Site Plan. Planning staff shall approve the location of said greenway easement on final plat.
  - d. Developer shall establish negative access easements along both frontages of Peters Creek Parkway where no street connection is shown on site plan and shown on final plat.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
    - a. Developer shall install road improvements on Peters Creek Parkway as required by the North Carolina Department of Transportation.
    - b. All required fire hydrants shall be installed in accordance with the city of Winston-Salem Fire Department.
    - c. Developer shall install all required storm water management devices.
  - **OTHER REQUIREMENTS**
    - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet at both the east and west entrance to the site on Peters Creek Parkway.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

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

1. Dara Folan: Is it normal to see that many cul-de-sacs? There's what, fourteen of them in there?
2. Glenn Simmons: It's probably not normal or not usual to see that many. It does fit in accordance with our current requirements for subdivision plans. I will mention that we are in the process now of looking at revisions to our subdivision streets standards that would limit the lengths of cul-de-sacs and suggest more internal connectivity. Our view on this was that the property was well suited for RM-8 densities at this location and we did not want to make an issue about our current standards. Our belief is that if our current standards need to change, we need to change the standards and not necessarily look at this particular tract individually.
3. Carol Eickmeyer: Is there any provision for public access to the greenways?
4. Glenn Simmons: Yes, there will be a greenway that will tie across property on both sides of Leak Creek and there will be public access.

MOTION: Clarence Lambe 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: Bost, Clark, Doyle, Eickmeyer, Folan, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

According to information furnished on August 5, 2003 by the Office of the Tax Assessor, the subject property was in the name of Children's Home, Inc.

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A. Paul Norby, AICP  
Director of Planning