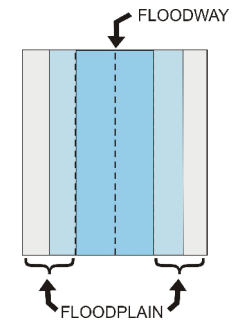


DOCKET #: W3056

PROPOSED ZONING:
RM18-S

EXISTING ZONING:
RS9

PETITIONER:
Bethany Pointe LLC
for property owned
by The Sherwood Company



SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRES: 0.54

NEAREST BLDG: 8' southeast

MAP(S): 618874



March 17, 2010

Bethany Pointe, LLC
3924 Browning Place, Suite 1
Raleigh, NC 27609

RE: ZONING MAP AMENDMENT W-3056

Dear Sirs:

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, FAICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
The Sherwood Company, c/o Bruce Hubbard, 1598 Westbrook Plaza Drive, #200,
Winston-Salem, NC 27103
Ashley Webb, 2200 Silas Creek Parkway, Suite 2B, Winston-Salem, NC 27103
Mack Roebuck, 1180 Edgebrook Drive, Winston-Salem, NC 27106

ACTION REQUEST FORM

DATE: March 17, 2010
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Bethany Pointe, LLC for property owned by The Sherwood Company

SUMMARY OF INFORMATION:

Zoning map amendment of Bethany Pointe, LLC for property owned by The Sherwood Company from RS-9 to RM-18-S (Residential Building, Multifamily; and Residential Building, Townhouse): property is located on the northeast side of Bethabara Road, southeast of Indiana Avenue (Zoning Docket W-3056).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Bethany Pointe, LLC for property owned by The Sherwood Company, Docket W-3056

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-18-S (Residential Building, Multifamily; and Residential Building, Townhouse) the zoning classification of the following described property:

PIN #6817-86-4647

Section 2. This Ordinance is adopted after approval of the site plan entitled Bethany Pointe and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20___ to Bethany Pointe, LLC for property owned by The Sherwood Company.

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 Bethany Pointe. 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 Bethany Pointe, LLC for property owned by The Sherwood Company, (Zoning Docket W-3056). 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-18-S (Residential Building, Multifamily; and Residential Building, Townhouse), 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-18-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 obtain a driveway permit from City of Winston-Salem Public Works.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. All required improvements of the City of Winston-Salem driveway permit shall be completed.

- **PRIOR TO SIGNING FINAL PLAT:**
 - a. Right-of-way dedication along Bethabara Road 35' from centerline.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. Record final plat in the office of the Register of Deeds

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-3056		
Staff	Gary Roberts, Jr. AICP		
Petitioner(s)	Bethany Pointe, LLC		
Owner(s)	The Sherwood Company		
Subject Property	PIN #6817-86-4647		
Address	2065 Bethabara Road		
Type of Request	Special use rezoning from RS-9 to RM-18-S for the purpose of providing access to an adjacent 3.62 acre RM-18 zoned site.		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Building, Single Family; 9,000 sf minimum lot size) to RM18-S (Residential, Multifamily; 18 units per acre maximum density). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> Residential Building, Multifamily; and Residential Building, Townhouse 		
Zoning District Purpose Statement	The RM-18 District is primarily intended to accommodate multifamily uses at a maximum overall density of eighteen (18) units per acre. This district is appropriate for Growth Management Areas 1 and 2, and may be suitable for Growth Management Area 3 and Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available and the site has direct access to a minor or major thoroughfare.		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes, the site is within the Suburban Neighborhoods GMA 3 and is located along a Minor Thoroughfare.		
GENERAL SITE INFORMATION			
Location	Northeast side of Bethabara Road, southeast of Indiana Avenue		
Jurisdiction	City of Winston-Salem		
Ward(s)	North		
Site Acreage	± .54 acre		
Current Land Use	Site is undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RM-18	Undeveloped
	East	RM-18	Multifamily residential
	South	RS-9	Undeveloped and single family homes
	West	RS-9	Single family home

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	Yes			
Physical Characteristics	The site has a moderate slope downward to Bethabara Road and is partially wooded with no known streams or wetlands.			
Proximity to Water and Sewer	Public water and sewer are available			
Stormwater/ Drainage	<p>The site plan includes a wet detention pond. This pond along with a second, off-site pond approximately 110' to the west, are intended to serve the adjacent RM-18 zoned site, which will be accessed by the subject property.</p> <p>This site will not be subject to a stormwater review. However, when development is proposed on the adjacent parcel the entire development will be subject to a stormwater study requirement.</p>			
Watershed and Overlay Districts	The site is not within a water supply watershed.			
Analysis of General Site Information	The site appears to possess no development constraints and to be suitable for the proposed improvements.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Bethabara Road	Minor Thoroughfare	159'	6,000	18,500
Proposed Access Point(s)	Bethabara Road			
Planned Road Improvements	The Comprehensive Transportation Plan recommends Bethabara Road be improved to a 3 lane section with bike (wide outside lane) and pedestrian (sidewalk) accommodations.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9</u> $.54 \times 43,560 \text{ sf} / 9,000 = 2 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 19 \text{ Trips per day}$</p> <p><u>Proposed Zoning: RM18-S</u> No trips are anticipated until the proposed driveway connects to future multifamily units.</p>			
Sidewalks	Because the request does not include a new building, sidewalks are not required along Bethabara Road. However, said sidewalk is recommended along with a lateral sidewalk and planting strip beside the proposed access drive.			
Transit	Route 44 along Bethabara Road			

Analysis of Site Access and Transportation Information	The proposed access drive is designed to serve a future 48 unit multifamily development which is currently zoned RM-18 and located directly to the north of the subject property. Transportation and Planning staffs recommend sidewalks along the frontage of Bethabara Road and the proposed access drive.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 3, Suburban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Legacy recommends that in order to utilize the land in the Municipal Services Area (MSA) more effectively, a housing mix that includes more compact, higher density forms of residential development should be encouraged. It proposes that the overall density of development in the MSA be significantly increased. (p. 35) • Legacy notes that encouraging infill, redevelopment, and reuse of vacant or underutilized parcels within developed areas increases densities. (p. 51)
Relevant Area Plan(s)	<i>North Suburban Area Plan, 2005</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The site is designated for low-density residential use.
Addressing	The adjacent RM-18 zoned site will need street names for the future apartment buildings. The “e” in Pointe is not allowed in the street name, however, Point without the “e” is allowed with the addition of a street type on the end.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The subject request would allow the site to serve as an access to a future 48 unit multifamily development. The site plan also includes a wet detention pond which would serve said development.</p> <p>The <i>North Suburban Area Plan</i> recommends low density residential for the site. The property directly north is currently zoned RM-18 as are the apartments directly east. Said undeveloped property to the north does have frontage onto Indiana Avenue; however, due to sight distance and topography, that frontage may not serve as an acceptable point of access. By permitting an access drive on the subject property, the future infill development of the adjacent site will be less problematic and potentially safer.</p> <p>Staff notes that approval of a multifamily development on the adjacent site will require a Planning Board Review.</p>

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2934	RS-9 to RM18-S	Approved 9-17-07	600' north	10.23	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Impervious Coverage	Maximum			Proposed		
	80%			21.7%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.2 (N) RM-18 District 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy policies:</i>		Yes			
	(B) <i>Environmental Ord.</i>		NA			
	(C) <i>Subdivision Regulations</i>		NA			
Analysis of Site Plan Compliance with UDO Requirements	The site plan complies with the requirements of the UDO. It should be noted that the tree planting and preservation requirements as well as the stormwater requirements associated with this relatively small site will be required for the development of the adjacent RM-18 zoned site.					
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
Provides a safer access point for the multifamily site to the north.			The <i>NSAP</i> recommends low density residential for the subject property.			
The request is consistent with the purpose statement of the proposed RM-18 District.						
The request will facilitate residential infill development of an adjacent undeveloped RM-18 zoned site.						
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL						
The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.						
<ul style="list-style-type: none"> <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> Developer shall obtain a driveway permit from City of Winston-Salem Public Works. <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ol style="list-style-type: none"> All required improvements of the City of Winston-Salem driveway permit shall be completed. <u>PRIOR TO SIGNING FINAL PLAT:</u> <ol style="list-style-type: none"> Right-of-way dedication along Bethabara Road 35' from centerline. <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ol style="list-style-type: none"> Record final plat in the office of the Register of Deeds 						

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Ashley Webb, Gupton & Associates, 2200 Silas Creek Parkway, Suite 2B, Winston-Salem, NC 27103

- This is part of a greater common development, with the proposed apartment complex in back of it.
- The only development on this parcel proposed for rezoning is the drive to get into the rear of the site where the main apartment buildings will be.
- There are also plans for a stormwater detention pond to catch the run off from the site behind it.
- This should not cause any drainage problems because that is the natural way that the drainage flows from the rear of the site to the front.
- We have complied with some of the recommendations from the Planning Staff to put in the sidewalk and the street trees along this portion of the drive.
- For the future we potentially have three road frontages, two on Bethabara and one on Indiana.
- Indiana would probably cause some safety concerns if we chose to place the drive coming out on Indiana which leaves the two on Bethabara Road.
- The preference would be to put the driveway access farther away from the intersection of Bethabara Road and Indiana Avenue for safety reasons.
- This will create more room to grade in the drive and add in some street trees, and it will also allow for getting sidewalks put in for pedestrian circulation.

AGAINST:

Mack Roebuck, 1180 Edgebrook Drive, Winston-Salem, NC 27106

- I represent the Old Town Neighborhood Association and we do not want to see any more apartments in our neighborhood.
- I understand planning on the other side of the railroad tracks doesn't bother us as much but we would like to try to control the growth.
- There are a number of single family residents on this side and we would like to keep that the flavor of the neighborhood.

- We feel like we keep getting one by one apartment buildings and multi-unit dwellings that we feel is deteriorating to the neighborhood.
- We have had five unusually dry years and Manorcus Creek and Mill Creek are prone to flooding and they confluence just down from here.
- I know they have retention ponds but these just kind of slow the water enough before it takes off again as opposed to right now where there is forest land and makes it slower soaking in.
- I would like to remind you that Bethabara Park has to scrape the mud off of the greenway every couple of months depending on how big the rain is.
- If we put more and more surfaces that drain off faster they are going to have to do that more frequently.
- There are also six houses that are not part of the Old Town Neighborhood Association but are on Linda's Circle in the Windsor Forest Neighborhood that haven't flooded recently but it's only because we have had five years of drought.
- I know that building an apartment here is going to add to tax base but you have been subtracting from tax base down stream over on Mill Creek where those apartments have flooded and a couple of those buildings have been totally removed.
- I think the whole thing needs to be reconsidered about having another apartment building built right here.
- We would rather see something that is not so paved over and roofed over. Cluster homes or something like that would be a much better alternative.

WORK SESSION

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

1. Lynne Mitchell: Could the other parcel of property where they are going to put a detention pond be used for a driveway there? Would DOT approve it? It was actually zoned RS-9 and the back portion of that lot is zoned RM-18 but they would need to rezone it for that but this is a better property because it is further from the intersection.
2. Clarence Lambe: Is one driveway sufficient? The cut off for fire is 100 units where you need to have two driveways and they show 48 units. Yes, one driveway meets code. Could probably not have a full access driveway on Indiana Avenue.
3. Lynne Mitchell: Clearing up confusion about flooding, amendments were made to the stormwater requirements are supposed to control both quantity and quality are at a much higher standard now than before. The stormwater controls have been upgraded in response to flooding around the city.
4. Paul Mullican: The stormwater controls have been reinforced over the years. It has really been studied and I understand the concerns.

5. Clarence Lambe: The post development impact from stormwater runoff can not produce any more than it does right now. The rate of run off can not be any greater than it is right now predevelopment. The way that is controlled is by making the petitioner hire engineers to design detention ponds.
6. Brenda Smith: They have to have a stormwater permit to meet the requirements.
7. Paul Norby: When the site plan for the entire site is viewed, that will include reviewing how the stormwater needs to be handled.
8. Wesley Curtis: The important thing for me is that the main site is already zoned RM-18, the issue is access. You don't want to close off a better access to make a client go in a direction that may potentially be hazardous. That is why I seconded the motion. Safety is important.

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

SECOND: Wesley Curtis

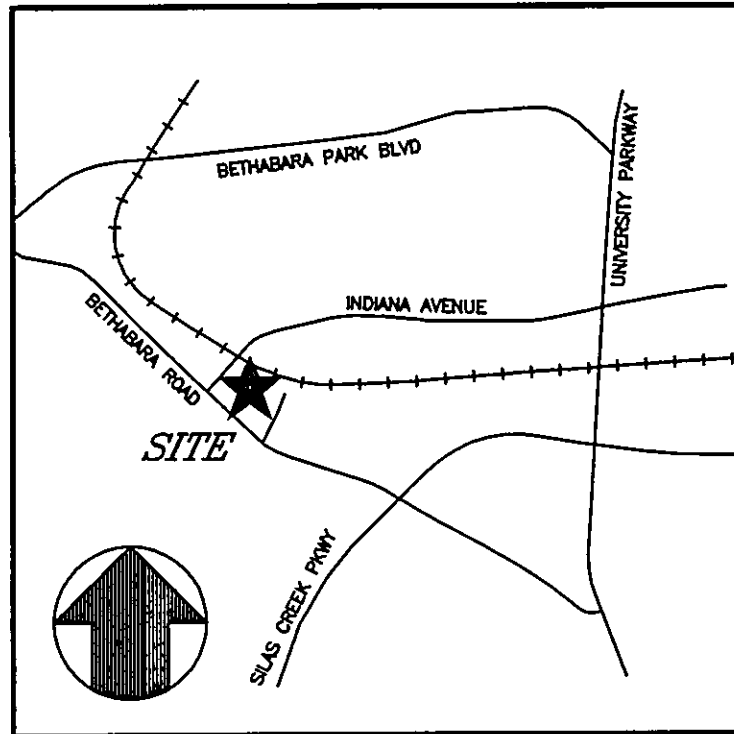
VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning



LOCATION MAP - NOT TO SCALE

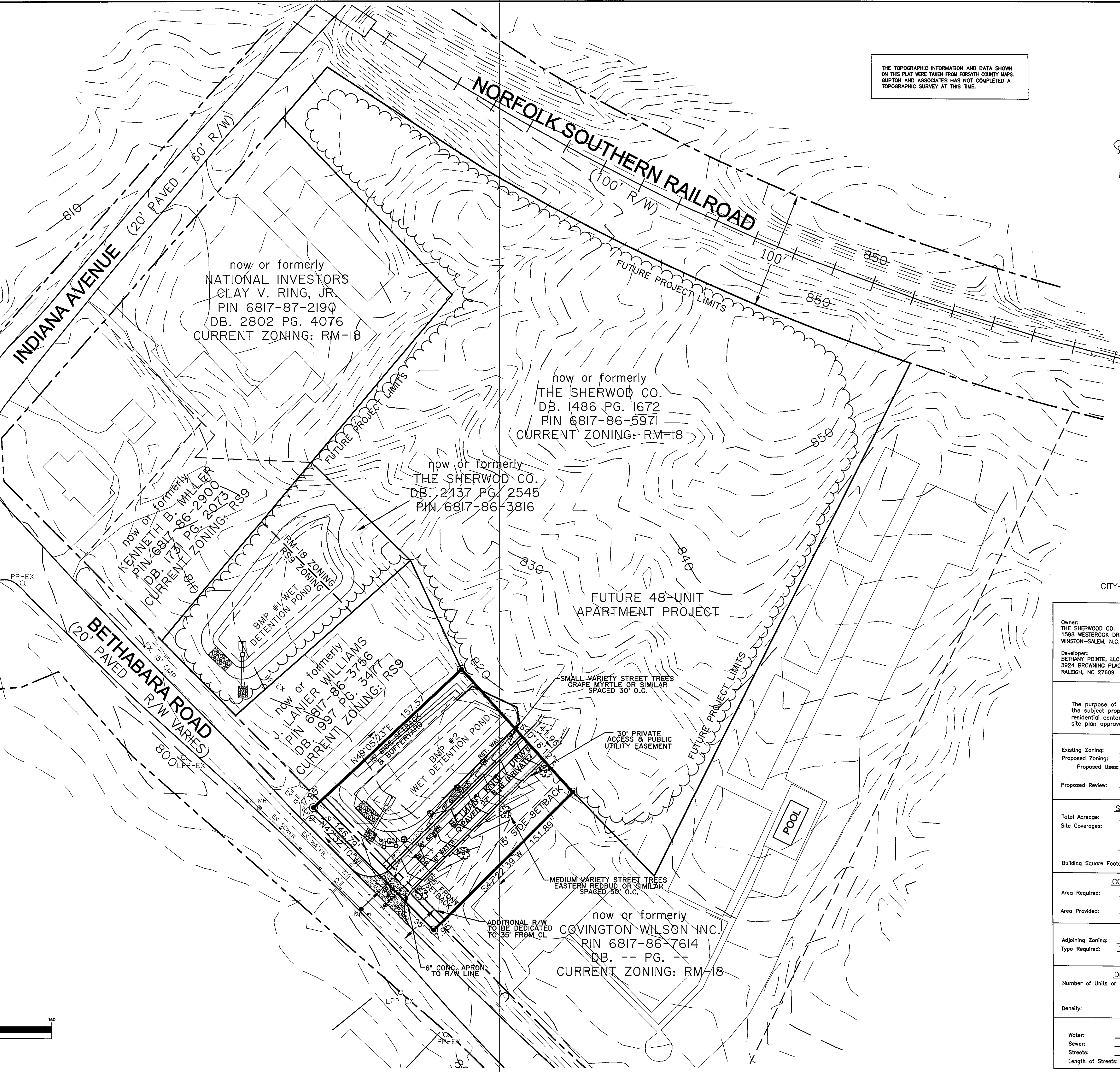


THE TOPOGRAPHIC INFORMATION AND DATA SHOWN ON THIS PLAN WERE TAKEN FROM FORSYTH COUNTY MAPS. GUPTON AND ASSOCIATES HAS NOT COMPLETED A TOPOGRAPHIC SURVEY AT THIS TIME.

LEGEND

- PROPERTY LINE
- BUILDING FOOTPRINT
- RIGHT OF WAY LINE
- LINE FROM DEED OR PLAT
- EXIST. WATER LINE
- EXIST. SAN. SEWER LINE
- EXIST. STORM DRAIN
- PROP. STORM DRAIN
- OVERHEAD POWER LINES
- GAS MAIN
- FIBER OPTIC / TELEPHONE
- TV CABLE
- N/P NOW OR FORMERLY
- STORM DRAIN PIPE NUMBER
- PROPOSED SPOT ELEVATION
- EXISTING IRON PIN
- NEW IRON PIN
- NO POINT SET
- POWER POLE
- HYD. HYDRANT
- TB TRAFFIC SIGN BOX
- TV CABLE TV PED.
- TELE. TELEPHONE PED.
- LP LIGHT POLE
- WM WATER METER
- CO SEWER CLEAN-OUT
- YI YARD INLET
- TI TEROAT INLET
- CB CATCH BASIN
- MH MANHOLE

MAGNETIC



**CITY-COUNTY PLANNING BOARD
SITE PLAN LEGEND**

SITE DATA	
Owner: THE SHERWOOD CO. 1598 WESTBROOK DR. APT. 200 WINSTON-SALEM, N.C. 27103	PIN #: 6817-86-4647
Developer: BETHANY POINTE, LLC. 3924 BROWNING PLACE, SUITE 1 RALEIGH, NC 27609	Site Address: Bethabara Road Forsyth County, NC City of Winston-Salem Jurisdiction Not in a Water Supply Watershed
PURPOSE STATEMENT	
The purpose of this plan is to illustrate the intended use of the subject property as a portion of a future multifamily residential center, in order to gain rezoning to RM-18(S) and site plan approval.	
ZONING	
Existing Zoning: RS9	Proposed Zoning: RM-18-S
Proposed Uses: Residential, Multifamily Residential, Townhouse	
Proposed Review: Rezoning w/ Site Plan Approval (i.e. Rezoning, Planning Board Review, Subdivision, etc.)	
SITE SIZE AND COVERAGES	
Total Acreage: 0.53± acres	
Site Coverages:	
Building to Land	0 SF 0.0%
Pavement to Land	5,015 SF 94.6%
Open Space	18,072 SF 78.3%
TOTAL	23,087 SF 100%
Building Square Footage: 00	Building Height: N/A
COMMON RECREATION AREAS	
Area Required: 0 SF (100 SF x 0 units)	
Area Provided: 0 SF	
BUFFERYARDS (if applicable)	
Adjoining Zoning: RS9	Type Required: Type II
	Width Provided: 15'
DENSITY CALCULATIONS (if applicable)	
Number of Units or Lots: 0 multifamily units	
Density: 0 Units / Acre or Lots / Acre	
INFRASTRUCTURE	
Water: X PUBLIC	PRIVATE
Sewer: X PUBLIC	PRIVATE
Streets: PUBLIC	X PRIVATE
Length of Streets: 183	Linear Feet (Private)

Gupton and Associates P.A.
ENGINEERS-PLANNERS-SURVEYORS

2200 SILAS CREEK PKWY., SUITE 2B
WINSTON-SALEM, N.C. 27103
336-723-2658 FAX 336-914-4625
E-MAIL: guptonpa@guptonpa.com

BETHANY POINTE
BETHABARA ROAD

OWNER-DEVELOPER
BETHANY POINTE, LLC.
3924 BROWNING PLACE, SUITE 1
RALEIGH, NC 27609 919-755-0558
Fax: 919-755-0515 Email: pendergraph@thepercoss.com

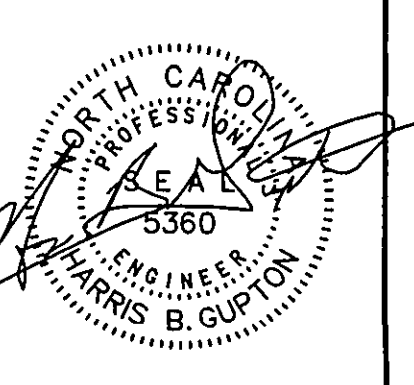
PROGRESS DRAWINGS
GOVERNMENTAL PERMITS APPLIED FOR
DO NOT USE FOR CONSTRUCTION

SCALE: 1" = 40'

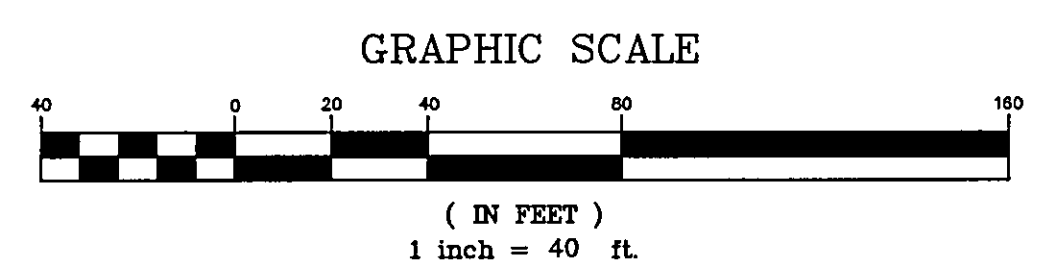
REVISIONS:

2/4/10	UPDATE
3/16/10	UPDATE

SURVEYED BY: CRH
DRAWN BY: ASW
DESIGNED BY: ASW
APPROVED BY: HBG



RECEIVED
SHEET TITLE: MAR 18 2010 @ 1:30
PRELIMINARY REZONING PLAN
1 OF 1
DATE: 1/21/10
PROJECT NO: 12449-10D



Lead Projects: 20A11246.dwg/SITE.dwg, 3/16/2010 12:51:48 PM, Ashley

W-3056 Revised File Copy