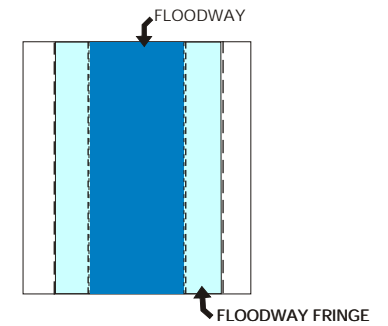


DOCKET #: W2610

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
RM12-S

PETITIONER:
Kavanagh Associates, LLC



SCALE: 1" represents 400'

STAFF: Gallaway

GMA: 3

ACRE(S): 15.71

MAP(S): 618874



DRAFT ZONING STAFF REPORT

DOCKET #: W-2610

STAFF: Suzy Gallaway

Petitioner(s): Kavanagh Associates, LLC

Ownership: Same

REQUEST

From: RM-12-S (Residential Building, Townhouse)

To: Site Plan Amendment

Acreage: 15.71 acres

LOCATION:

Street: West side of University Parkway north of Bethabara Road

Jurisdiction: City of Winston-Salem

Ward: North Ward

SITE PLAN

Proposed Change: Eliminate sidewalk requirement along University Parkway

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently being developed as the Deacon Ridge Multifamily Development.

Adjacent Uses:

North- Commercial Uses, zoned GB

Northeast- Commercial Uses, zoned GB

Southeast- Single Family Residences, zoned RS-9

South- Single Family Residences, zoned RS-9

West- Several Multifamily developments, zoned RM-12-S and RM-18-S

GENERAL AREA

Character/Maintenance: Mixture of uses in immediate area

Development Pace: Moderate

ANALYSIS

The current Site Plan Amendment request is to revise the originally approved condition requiring a sidewalk along University Parkway. The sidewalk was a required condition as part of site plan approval of the original zoning request. The sidewalk was originally proposed to be located

behind the ditch line due to lack of curb along University Parkway. Subsequent construction plans showed a problem with the location of the sidewalk due to steep slope. The developer then proposed locating the sidewalk inside the ditch line, but NCDOT determined that curb and gutter would be required if sidewalks were installed inside the ditch line. The developer agreed to that, but NCDOT then stated that it requires pavement milling and overlay of the travel lane if curb and gutter is installed.

The petitioner agrees to building a sidewalk, and installing curb and gutter but finds the pavement overlay and milling of the travel lane to be unexpected and unreasonable expenses. The petitioner has sought out other options, none of which has proven acceptable. They investigated locating the sidewalk at the top of the slope, but this would interfere with Homeowner Association policies. They also looked at building the sidewalk in the slope with a retaining wall, but found this to be cost prohibitive. Another option the petitioner considered was payment in lieu, but there is no adopted City policy currently, which would facilitate payment in lieu. Therefore, the petitioner feels that building a sidewalk under the existing conditions is unjustified.

Staff is of the opinion that a sidewalk along University Parkway is a critical link between the Residential, Campus, Institutional, and Commercial uses in the area. University Parkway is a high-speed road. Pedestrians currently travel alongside the road through the grass, as can be observed by a well-worn path. A sidewalk would greatly increase the safety of these pedestrians and allow better access between residential and nearby commercial development. Some neighbors in the area have also expressed interest as to when the sidewalk would be built.

Staff acknowledges there are topographic constraints with this sidewalk that are atypical of many projects. These constraints pose an unexpected expense to the developer, which appear to result largely from NCDOT policies combined with the developer's miscalculation as to the feasibility of construction. However, staff is of the opinion that the original condition is a valid condition and a public safety necessity.

FINDINGS

1. The current Site Plan Amendment request is to revise the originally approved condition requiring a sidewalk along University Parkway.
2. Construction plans developed after the original site plan was approved showed a problem with the location of the sidewalk due to a steep slope within the NCDOT right-of-way.
3. The petitioner has sought out other options, none of which has proven agreeable to the NCDOT or the petitioner.
4. Staff is of the opinion that a sidewalk along University Parkway is a critical link between the Residential, Campus, Institutional, and Commercial uses in the area.
5. Staff is of the opinion that the original condition is a valid condition and a public safety necessity.

STAFF RECOMMENDATION

Site Plan Amendment: **DENIAL**.

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

- a. Developer shall have a stormwater management plan submitted for review by the Public Works Department of the City of Winston-Salem. If all stormwater from the proposed development discharges on site, or via a permanent drainage easement into a 100-year floodplain, a stormwater management plan review by the Public Works Department will not be required. If required, a stormwater management plan submitted to the Public Works Department for review shall be approved prior to the issuance of grading permits. All required stormwater management devices shall be installed prior to the issuance of building permits.
- b. All areas shown on the site plan not to be graded shall be retained and not disturbed including a one hundred (100) foot undisturbed buffer area along Bethabara Road. These areas shall be cordoned off prior to the issuance of grading permits. Trees in all these 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 prior to the issuance of occupancy permits. No grading or improvements shall be allowed within the one hundred (100) year floodplain of Monarcas Creek.
- c. 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 tentative building locations and all access and utility easements.
- d. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along the entire frontage of the property on Monarcas Creek. Location of said greenway easement shall be approved by the Planning staff and shall be shown on the final plat.
- f. Developer shall construct the driveway on University Parkway as an extension of Adair Crest Lane thirty (30) feet in width. Developer shall make the following improvements to University Parkway - construct a twelve (12) foot deceleration lane with curb and gutter for a distance of 150 feet from the beginning of driveway north radius; construct a 250-foot ribbon paved taper; overlay both southbound lanes of University Parkway with one-inch asphalt from the driveway south radius northward to the beginning of taper (approximately 500 feet); and dedicate ten (10) feet additional right-of-way along the entire frontage on University Parkway and construct a five (5) foot concrete sidewalk in the newly dedicated right-of-way along the entire frontage. Sidewalk shall be so designed to provide easy pedestrian access from the northern end of sidewalk to the shoulder of University Parkway. Developer shall also widen Bethabara Road with a right turn/ deceleration lane with curb and gutter and a sidewalk along the entire frontage on Bethabara Road. All these improvements shall be completed to the specifications of the Public Works Department of the City of Winston-Salem and NCDOT on University Parkway and the Public Works Department of the City of Winston-Salem on Bethabara Road prior to the issuance of occupancy permits.

- g. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division prior to the issuance of building permits. All required fire hydrants shall be installed in accordance with the City Fire Department prior to the issuance of occupancy permits.
- h. Developer shall replant the cut slopes between University Parkway and the buildings located along that road with naturalized plantings in accordance with UDO Chapter C Section 7-7.3(B) prior to the issuance of occupancy permits for those affected buildings. The landscaping plan for this area shall be approved by the City's Landscape Inspector prior to the issuance of building permits.
- i. All required recreation areas must be located on sites with finished grades of five percent (5%) slope or less.
- j. All signs shall be monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Arnold King moved withdrawal of the zoning map amendment and site plan.

SECOND: Jerry Clark

VOTE:

FOR: Avant, Clark, Doyle, Folan, Glenn, King

AGAINST: None

EXCUSED: Bost

A. Paul Norby, AICP
Director of Planning