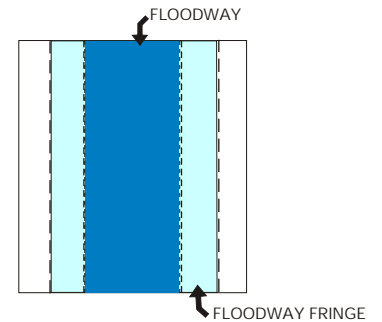


DOCKET #: W2637

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
RM-5-S and NSB-S

PETITIONER:
New Castle Investment Co.,
Inc. for property
owned by others



SCALE: 1" represents 1000'

STAFF: Hall

GMA: 3

ACRE(S): 244.52

MAP(S): 654850, 654854,
660850 and 660854



July 23, 2003

Doug Stimmel
601 N. Trade Street, Suite 200
Winston-Salem, NC 27101

RE: ZONING MAP AMENDMENT W-2637

Dear Mr. Stimmel:

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, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Barry Siegel, 3411 D West Wendover Avenue, Greensboro, NC 27407
Martha Hemrick, 4580 Emily Drive, Kernersville, NC 27284

ACTION REQUEST FORM

DATE: July 23, 2003
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Petition of New Castle Investment Co., Inc. for property owned by Glenn E. Swaim, Jr. et al., Lynn Swaim, David L. Swaim Family Trust, Zachary E. Swaim, James V. Linville, and Ola S. Linville

SUMMARY OF INFORMATION:

Site Plan Amendment of New Castle Investment Co., Inc. for property owned by Glenn E. Swaim, Jr. et al., Lynn Swaim, David L. Swaim Family Trust, Zachary E. Swaim, James V. Linville, and Ola S. Linville for RM-5-S and NSB-S zoned property: property is located on the north side of Kernersville Road and southwest side of Linville Road; property consists of ±244.52 acres and is Tax Lots 8A, 8B, 9B, 11D, 11F, 69B, 101, 102 and portions of 4B and 5, Tax Block 2615; Tax Lots 6-11, Tax Block 5674; Tax Lot 9H, Tax Block 2616 as shown on the Forsyth County Tax Maps and on a site plan on file in the office of the City-County Planning Board (Zoning Docket W-2637).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS (CHANGES TO CONDITIONS)

CITY ORDINANCE - SPECIAL USE

Zoning Petition of New Castle Investment Co., Inc. for property owned by Glenn E. Swaim, Jr. et al., Lynn Swaim, David L. Swaim Family Trust, Zachary E. Swaim, James V. Linville, and Ola S. Linville, Docket W-2637

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 RM-5-S and NSB-S to Site Plan Amendment the zoning classification of the following described property:

Tract 1

BEGINNING at an existing iron pipe in the southern right of way of Linville Road, said pipe also being the easternmost corner of the Linville Forest Church of Christ as described and recorded in Deed Book 1043, Page 421 in the Forsyth County Register of Deeds; THENCE with the southern right of way of Linville Road South 46 degrees 56 minutes 52 seconds East for a distance of 320.43 feet to an existing iron pipe; THENCE South 00 degrees 59 minutes 13 seconds West for a distance of 477.11 feet to an existing axle; THENCE South 01 degrees 01 minutes 34 seconds West for a distance of 352.77 feet to an existing iron pipe; THENCE South 89 degrees 28 minutes 29 seconds West for a distance of 384.78 feet to an iron rebar set; THENCE South 22 degrees 37 minutes 26 seconds West for a distance of 554.24 feet to an iron rebar set; THENCE North 89 degrees 20 minutes 04 seconds East for a distance of 593.85 feet to an iron rebar set; THENCE South 00 degrees 07 minutes 26 seconds West for a distance of 448.50 feet to an existing stone; THENCE South 84 degrees 34 minutes 46 seconds East for a distance of 409.23 feet to an existing iron pipe; THENCE South 05 degrees 25 minutes 14 seconds West for a distance of 165.00 feet to an iron rebar set; THENCE South 12 degrees 11 minutes 38 seconds West for a distance of 62.64 feet to an existing iron pipe; THENCE South 06 degrees 37 minutes 47 seconds East for a distance of 713.24 feet to a point; THENCE South 57 degrees 52 minutes 56 seconds West for a distance of 402.65 feet to a point; THENCE South 02 degrees 25 minutes 22 seconds West for a distance of 47.71 feet to a point; THENCE South 33 degrees 01 minutes 52 seconds West for a distance of 56.52 feet to a point; THENCE along a curve to the right having a radius of 435.00 feet and an arc length of 30.32 feet, being subtended by a chord of South 48 degrees 43 minutes 37 seconds East for a distance of 30.32 feet to a point; THENCE along a curve to the left having a radius of 1138.71 feet and an arc length of 79.94 feet, being subtended by a chord of South 46 degrees 44 minutes 04 seconds East for a

distance of 79.92 feet to a point; THENCE along a curve to the right having a radius of 401.65 feet and an arc length of 142.27 feet, being subtended by a chord of South 38 degrees 35 minutes 53 seconds East for a distance of 141.53 feet to a point; THENCE South 30 degrees 27 minutes 41 seconds East for a distance of 128.98 feet to a point in the northern right of way of Kernersville Road; THENCE South 57 degrees 52 minutes 56 seconds West for a distance of 4.73 feet to an iron rebar set; THENCE along a curve to the right having a radius of 2381.69 feet and a chord bearing of South 60 degrees 25 minutes 53 seconds West and a chord distance of 211.87 feet to an iron rebar set; THENCE South 65 degrees 47 minutes 28 seconds West for a distance of 100.00 feet to an iron rebar set; THENCE South 68 degrees 07 minutes 28 seconds West for a distance of 100.00 feet to an iron rebar set in the eastern right of way of Mae Trappe Drive; THENCE with said eastern right of way the following three (3) courses and distances: 1) North 19 degrees 14 minutes 57 seconds West for a distance of 216.87 feet to an iron rebar set; THENCE 2) North 17 degrees 21 minutes 35 seconds West for a distance of 105.00 feet to an iron rebar set; THENCE 3) North 15 degrees 36 minutes 39 seconds West for a distance of 109.02 feet to an iron rebar set; THENCE South 70 degrees 49 minutes 15 seconds West for a distance of 60.50 feet to an iron rebar set; THENCE South 83 degrees 25 minutes 15 seconds West for a distance of 174.60 feet to an existing iron pipe; THENCE South 00 degrees 08 minutes 38 seconds West for a distance of 125.55 feet to an existing iron pipe; THENCE South 89 degrees 59 minutes 28 seconds West for a distance of 137.66 feet to an iron rebar set; THENCE South 78 degrees 55 minutes 01 seconds West for a distance of 330.42 feet to an existing iron pipe; THENCE South 78 degrees 27 minutes 49 seconds West for a distance of 127.75 feet to an existing iron pipe; THENCE South 78 degrees 48 minutes 05 seconds West for a distance of 300.47 feet to an iron rebar set; THENCE North 06 degrees 24 minutes 18 seconds West for a distance of 1642.73 feet to an existing iron pipe; THENCE North 06 degrees 30 minutes 21 seconds West for a distance of 113.40 feet to an existing iron pipe; THENCE South 83 degrees 49 minutes 22 seconds West for a distance of 214.58 feet to an existing iron pipe; THENCE South 06 degrees 16 minutes 39 seconds East for a distance of 200.44 feet to an existing iron pipe; THENCE South 62 degrees 02 minutes 37 seconds West for a distance of 64.30 feet to an existing iron pipe; THENCE South 82 degrees 41 minutes 24 seconds West for a distance of 185.96 feet to an existing iron pipe; THENCE South 00 degrees 46 minutes 47 seconds East for a distance of 75.21 feet to an existing stone; THENCE North 89 degrees 56 minutes 41 seconds West for a distance of 80.97 feet to an existing iron pipe; THENCE South 89 degrees 32 minutes 49 seconds West for a distance of 1350.29 feet to an existing stone; THENCE North 00 degrees 28 minutes 40 seconds West for a distance of 282.29 feet to an existing iron pipe; THENCE North 00 degrees 24 minutes 28 seconds West for a distance of 33.01 feet to an existing iron pipe; THENCE South 88 degrees 52 minutes 11 seconds East for a distance of 119.69 feet to an existing iron pipe; THENCE North 00 degrees 20 minutes 43 seconds East for a distance of 700.33 feet to an existing iron pipe; THENCE North 00 degrees 44 minutes 48 seconds East for a distance of 167.44 feet to an existing iron rebar; THENCE North 89 degrees 24 minutes 09 seconds West for a distance of 833.07 feet to an iron rebar set; THENCE North 01 degrees 55 minutes 54 seconds East for a distance of 586.00 feet to an existing stone; THENCE North 00 degrees 33 minutes 29 seconds East for a distance of 828.21 feet to an existing iron pipe; THENCE South 83 degrees 05 minutes 31 seconds East for a distance of 881.43 feet to an existing iron pipe; THENCE South 01 degrees 25 minutes 32 seconds East for a distance of 226.81 feet to an existing stone; THENCE North 66 degrees 04 minutes 50 seconds East for a distance of 966.34 feet to an existing iron pipe; THENCE North

65 degrees 57 minutes 04 seconds East for a distance of 516.28 feet to an existing iron pipe; THENCE South 00 degrees 17 minutes 22 seconds East for a distance of 486.87 feet to an existing iron pipe; THENCE South 00 degrees 17 minutes 30 seconds East for a distance of 225.00 feet to an existing iron pipe; THENCE North 76 degrees 54 minutes 40 seconds East for a distance of 57.84 feet to an iron rebar set; THENCE South 13 degrees 06 minutes 19 seconds East for a distance of 258.05 feet to an existing angle iron; THENCE North 73 degrees 33 minutes 58 seconds East for a distance of 229.91 feet to an existing iron pipe; THENCE North 83 degrees 35 minutes 20 seconds East for a distance of 473.50 feet to an existing angle iron; THENCE South 13 degrees 04 minutes 56 seconds East for a distance of 128.84 feet to an existing iron pipe; THENCE North 83 degrees 33 minutes 56 seconds East for a distance of 591.09 feet to an existing iron pipe; THENCE North 49 degrees 12 minutes 40 seconds East for a distance of 121.98 feet to an existing iron pipe; THENCE North 40 degrees 47 minutes 46 seconds West for a distance of 128.01 feet to an existing iron pipe; THENCE North 49 degrees 11 minutes 35 seconds East for a distance of 200.03 feet to the point and place of BEGINNING. Together with and subject to covenants, easements, and restrictions of record. Said property contains 239.724 acres more or less.

Tract 2

BEGINNING at an iron rebar set in the northern right-of-way of Kernersville Road, said rebar also being the southeast corner of Lot 10 of Townsend Knolls Section Two as described and recorded in Plat Book 20, Page 73 of the Forsyth County Registry; THENCE with said northern right-of-way of Linville Road the following two (2) courses and distances: 1) south 59° 19' 44" west for a distance of 117.42 feet to an existing iron pipe; thence 2) south 57° 52' 56" west for a distance of 352.27 feet to a point; thence north 30° 27' 41" west for a distance of 128.98 feet to a point; thence along a curve to the left having a radius of 401.65 feet and an arc length of 142.27 feet, being subtended by a chord of north 38° 35' 53" west for a distance of 141.53 feet to a point; thence along a curve to the right having a radius of 1,138.71 feet and an arc length of 79.94 feet, being subtended by a chord of north 46° 44' 04" west for a distance of 79.92 feet to a point; thence along a curve to the left having a radius of 435.00 feet and an arc length of 30.32 feet, being subtended by a chord of north 48° 43' 37" west for a distance of 30.32 feet to a point; thence north 33° 01' 52" east for a distance of 56.52 feet to a point; thence north 02° 25' 22" east for a distance of 47.71 feet to a point; thence north 57° 52' 56" east for a distance of 402.65 feet to a point in the western line of Lot 12 of Townsend Knolls Section Two as referenced above; thence with the western lines of Lot 12 of said Townsend Knolls Section Two south 06° 37' 47" east for a distance of 81.36 feet to an existing iron pipe; thence south 22° 49' 46" east for a distance of 59.77 feet to an existing iron pipe; thence north 64° 38' 00" east for a distance of 161.93 feet to an iron rebar set; thence south 05° 13' 15" east for a distance of 113.00 feet to an iron rebar set; thence along a curve to the left having a radius of 318.75 feet and a chord bearing of south 08° 10' 13" east and a chord distance of 32.00 feet to an iron rebar set; thence continuing along said curve to the left having a radius of 318.75 feet a chord bearing of 21° 12' 34" east and a chord distance of 112.53 feet to an iron rebar set; thence south 30° 58' 15" east for a distance of 50.00 feet to the point and place of BEGINNING. Together with and subject to covenants, easements, and restrictions of record. Said property contains 4.794 acres, more or less.

Section 2. This Ordinance is adopted after approval of the site plan entitled New Castle Investment Co., Inc. for property owned by others/Mt. Vernon and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to New Castle Investment Co., Inc. for property owned by Glenn E. Swaim, Jr. et al., Lynn Swaim, David L. Swaim Family Trust, Zachary E. Swaim, James V. Linville, and Ola S. Linville.

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 New Castle Investment Co., Inc. for property owned by others/Mt. Vernon. 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 New Castle Investment Co., Inc. for property owned by Glenn E. Swaim, Jr. et al., Lynn Swaim, David L. Swaim Family Trust, Zachary E. Swaim, James V. Linville, and Ola S. Linville, (Zoning Docket W-2637). 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-5-S (Residential Building, Single Family; Residential Building, Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Residential Building, Multifamily; and Planned Residential Development) and NSB-S (Shopping Center) - Site Plan Amendment, 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-5-S and NSB-S zoning districts 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 St. Delight Branch 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.
 - c. Developer shall obtain a Watershed Permit from the Inspections Division meeting the Storm Water Quality Management Option requirement of UDO Section 3-6 of Chapter C.

- d. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
 - e. After fifty percent (50%) buildout of the RM-5-S portion of the development, developer shall provide impervious surface calculations to the Erosion Control Officer as required to insure that the thirty percent (30%) maximum impervious cover limitation is not exceeded.
 - f. Developer shall provide the Inspections Division with an erosion control inspection report on a weekly basis during construction.
- **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 St. Delight Branch 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 all residential properties facing Linville Road and Kernersville Road on final plat.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements on Kernersville Road, Linville Road and other locations as required by the Winston-Salem Department of Transportation and the North Carolina Department of Transportation.
 - b. Developer shall install sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
 - c. All required fire hydrants shall be installed in accordance with the city of Winston-Salem Fire Department.
 - d. Developer shall install all required storm water management devices.
 - e. Developer shall install traffic circle at intersection of River Farm Road and Washington Manor as shown on the site plan.
- **OTHER REQUIREMENTS**
 - a. Signage for the RM-5-S residential portion of the project shall be limited to one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Linville Road and one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Kernersville Road.
 - b. Dumont Drive shall terminate at its present location and shall not be extended into the Mt. Vernon development.
 - c. Emily Drive shall terminate at its present location and shall not be extended into the Mt. Vernon development.
 - d. Developer shall connect to right-of-way and shall construct street stub to connect to Longworth Drive via the existing right-of-way.

- e. Fire apparatus turnarounds must be provided in conformance with the 2002 North Carolina State Fire Prevention Code at the dead-end of Monument Lane and Silver Dollar Circle, dead-end of Hunting Creek Lane and Weenis Drive, dead-end of Royal Gift Lane and Pioneer Drive, dead-end of Culpepper Drive and Rappahainock Drive, and at the dead-end of Pioneer Drive.

ZONING STAFF REPORT

DOCKET # W-2637
STAFF: S. Chad Hall

Petitioner(s): New Castle Investment Co., Inc.
Ownership: Glenn E. Swaim, Jr. et al., Lynn Swaim, David L. Swaim Family Trust, Zachary E. Swaim, James V. Linville, and Ola S. Linville

REQUEST

From: RM-5-S (Residential Building, Single Family; Residential Building, Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Residential Building, Multifamily; and Planned Residential Development) and NSB-S (Shopping Center)
To: Site Plan Amendment (SPA)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 244.52 acres

LOCATION:

Street: North side of Kernersville Road and southwest side of Linville Road.
Jurisdiction: City of Winston-Salem.
Ward: East.

SITE PLAN

Proposed Use: Tract 1: RM-5-S Residential Multifamily District; maximum density five units/acre (Residential Building, Single Family; Residential Building, Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Residential Building, Multifamily; and Planned Residential Development)
Tract 2: NSB-S Neighborhood Shopping Center Business District (Shopping Center)

Square Footage: 39,000 sf (Shopping Center)

Building Height: 40'

Density: 3.43 (Residential)

Parking: Required: 1,867; Proposed: 2,002; layout: a majority of the parking is located in front of the commercial and multifamily buildings.

Bufferyard Requirements: 30' perimeter for Planned Residential Development.

Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Some existing structures on site to remain.

Adjacent Uses:

North-	Developed residential zoned RS-9.
East-	Developed residential zoned RS-9.
South-	Developed residential zoned RS-9 along Dumont Drive and Kernersville Road; Undeveloped land south of the SPA area is part of the original rezoning.
West-	Undeveloped land that was part of the original rezoning; beyond the original rezoning boundaries is sparse developed residential zoned RS-9.

GENERAL AREA

Character/Maintenance: The area is primarily residential in nature with well-maintained dwellings.

Development Pace: Moderate.

TRANSPORTATION

Direct Access to Site: Linville Road; Kernersville Road.

Street Classification: Linville Road – Major Thoroughfare; Kernersville Road – Major Thoroughfare.

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

Linville Road between Old Linville Road and Kernersville Road = 5,400/16,100

Kernersville Road between Linville Road and Robbins Road = 8,100/16,100

Trip Generation/Existing Zoning: RM-5-S and NSB-S

Tract 1: 541 units x 9.57 (SFR Trip Rate) = 5,177 + 308 units x 6.63 (Multifamily Trip Rate) = 2,042; Tract 1 Trips per day = 7,219

Trip Generation/Proposed Zoning: Site Plan Amendment

Tract 1: 581 units x 9.57 (SFR Trip Rate) = 5,560 + 241 units x 6.63 (Multifamily Trip Rate) = 1,597 Tract 1 Trips per Day = 7,175 Trips per Day

Planned Road Improvements: Kernersville Road from High Point Road to Whicker Road; 2 lanes to 3 lanes; 2021 – 2025; regionally significant.

Sight Distance: Good.

Interior Streets: Public.

Traffic Impact Study recommended: No.

Connectivity of street network: Within the development, street connectivity is adequate. There is poor connectivity to adjacent stub streets.

Sidewalks: None.

Traffic Calming: Traffic calming elements presented in the original approval have been removed.

Transit: None.

Bicycle Route: None.

ANALYSIS

The current request is a Site Plan Amendment for 70.03 acres within 239.72 acres of RM-5-S land. The site generally is located on the north side of Kernersville Road and southwest side of Linville Road. This site plan amendment is for land accessed from Linville Road and also abutting Emily Drive. Development in this area is primarily residential in character with a church located at the intersection of Emily Drive and Linville Road. The subject property is currently undeveloped.

The site plan amendment has two fundamental changes to the original plan. The first change is to switch Phase 1 and 2 of development. Originally, Phase 1 would have been the commercial and mixed residential component accessed off of Kernersville Road. The current request switches Phase 1 to the residential component near Emily Drive.

The second and more fundamental requested change is to deviate from 140 single-family (SF) units and 67 townhouses (total of 207 units) to a total of 180 SF units. Currently, there are no proposed changes to the other phases of development although the current petitioner does not control the land for the other phases. All of the proposed 180 units are to be placed on 55-foot wide lots.

Beyond the two primary changes in the plan, there are other elements absent from the present request that appeared in the previous approval. Many of these elements contributed to the overall atmosphere and common theme of the previous design. Such elements were traffic calming devices, public focal points and gathering spaces, and most of all, the presence of mixed residential housing choices.

On the original approval, as accessed off of Linville Road, the first sight into the neighborhood would have been of a community square with a focal element. This square also served as a traffic-calming device by preventing the continuous "speedway" from the intersection at Linville Road throughout the neighborhood. A second traffic-calming element, in the form of a roundabout, was to be located near the community center (located at the intersection of River Farm Drive and Washington Manor). In the current plan, both traffic-calming elements that also served as focal points are removed. There is concern that, should this site plan amendment be approved, it will set a precedent for eroding similar features from future phases, depleting the neo-traditional and community atmosphere from the overall project and changing the character of the entire tract into a large, standard subdivision adjacent to Salem Lake.

Within this site plan amendment for Phase 1 is the introduction of a new clubhouse and pool. There is concern that this, while being an amenity for Phase 1, will detract from the practicality of the original community center as a central gathering space for the entire development, thereby diminishing opportunities for interaction between peoples from different phases of development.

Another current aspect of the plan which prompts concern about the impact on the entire development, is the removal of the multifamily units from this initial phase. There were 67 multifamily units to be located near the terminus of Emily Drive and these units were nearly 400' from the northernmost property line. The site plan amendment has erased these multifamily

units and the proposed 32 single-family units in this area which now extends to the northern property line.

Almost all of the multifamily units proposed in the original design were sited into far corners of the overall site plan. Due to the higher density nature of multifamily as well as the potential mixture of resident demographics typically found in multifamily communities, these types of dwelling units function better near activity such as commercial areas or near community centers. Residents of those units both young and old could benefit from being located near places of employment and recreation and they are further benefited if they have the option of leaving the automobile parked while still being able to access said activities.

As presented, all vehicular traffic within the 70.03 acres of the site plan amendment would have one way in and one way out of this first phase of development. Upon the completion of the entire project, the tree lined drive of River Farm Road within this first phase will be the only access to Linville Road. Two other opportunities for connectivity exist, as it pertains to the site plan amendment.

A connection to Emily Drive would provide an alternative route to access Linville Road. Although the connection to Emily was taken out of the original plan by action of City Council, the nature of the development proposed has now changed to all single family. Standard subdivisions are required to be interconnected. Based on the proposed plan, taking this route would seem practical for only about ¼ of the 180 proposed single-family residents.

Another potential connection to the subject property could occur at the northern property line to a street stub right-of-way off of Longworth Drive. This connection was not entertained with the previous site plan due to the fact that no residential units were proposed within 400 foot of this northern property line. This distance was maintained on the original plan by not having housing cross over a natural draw, or large ditch. Now, the plan shows lots abutting this northern property line. Although the Site Plan Amendment is part of a special use zoning district, this phase as proposed is essentially a single family subdivision and consistency would suggest following all requirements of the adopted subdivision regulations including street connectivity.

In conclusion, the proposed site plan amendment does very little to uphold the intent of the approved rezoning. Many aspects originally proposed, that help to give the development identity and cohesion such as community focal points and/or gathering spaces, traffic calming devices and a central community facility have been eliminated. Furthermore, a mixture of housing types has been replaced with a homogeneous landscape of nearly identical lots, undermining opportunities for diversity and housing choice. The proposed site plan amendment represents a significant change in the character of the development that will likely impact the viability of the remainder of the acreage under the approved plan.

The Planning Board and staff supported the original rezoning (W-2529) with its commercial and multifamily components in large part because of the excellent design and land planning features that allowed the integration of uses, walkable streets, traffic calming, community focus areas, preserved open space and other elements. This proposed amendment raises the question as to whether the overall zoning is still the intent for this area.

FINDINGS

1. The site plan amendment proposes to switch Phase 1 and 2 of development.
2. The site plan amendment proposes to deviate from 140 SF units and 67 townhouses to 180 55-foot wide single-family lots.
3. The site plan amendment proposes the elimination of traffic calming devices, public focal points and gathering spaces, and multifamily units.
4. The current plan extends exclusively single-family lots to land abutting street right of way with Emily and Longworth Drives, which introduces the need for street interconnectivity.
5. The proposed site plan amendment may set a precedent for changes to other phases.
6. The proposed site plan amendment does not uphold the intent of the current zoning approval, which also allowed neighborhood commercial and other multi-family development.

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 St. Delight Branch 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.
 - c. Developer shall obtain a Watershed Permit from the Inspections Division meeting the Storm Water Quality Management Option requirement of UDO Section 3-6 of Chapter C.
 - d. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
 - e. After fifty percent (50%) buildout of the RM-5-S portion of the development, developer shall provide impervious surface calculations to the Erosion Control Officer as required to insure that the thirty percent (30%) maximum impervious cover limitation is not exceeded.
 - f. Developer shall provide the Inspections Division with an erosion control inspection report on a weekly basis during construction.

- **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 St. Delight Branch 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 all residential properties facing Linville Road and Kernersville Road on final plat.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements on Kernersville Road, Linville Road and other locations as required by the Winston-Salem Department of Transportation and the North Carolina Department of Transportation.
 - b. Developer shall install sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
 - c. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
 - d. Developer shall install all required storm water management devices.

- **OTHER REQUIREMENTS**
 - a. Signage for the RM-5-S residential portion of the project shall be limited to one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Linville Road and one (1) monument sign with a maximum height of five (5) feet at the entrance to the project on Kernersville Road.
 - b. Dumont Drive shall terminate at its present location and shall not be extended into the Mt. Vernon development.
 - c. The western terminus of Emily Drive shall be open to accommodate access to the subject property.
 - d. Developer shall connect to right-of-way and shall construct street stub to connect to Longworth Drive via the existing right-of-way.
 - e. Fire apparatus turnarounds must be provided in conformance with the 2002 North Carolina State Fire Prevention Code at the dead-end of Monument Lane and Silver Dollar Circle, dead-end of Hunting Creek Lane and Weenis Drive, dead-end of Royal Gift Lane and Pioneer Drive, dead-end of Culpepper Drive and Rappahainock Drive, and at the dead-end of Pioneer Drive.

Chad Hall presented the staff report.

PUBLIC HEARING

FOR:

Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101

This is a rare opportunity since I'm asking for less units instead of higher density.

This is a site plan amendment.

The amount of green space, open space, sidewalks, and street trees are all still there.

We believe the integrity of the plan is still there.

Folks on Emily Drive are here and support our proposal without access to Emily Drive.

We had to remove the roundabout at the east of this plan because we learned the area is wetlands.

Barry Siegel, 3411 D West Wendover Avenue, Greensboro, NC 27407

I represent New Castle Investment Co., Inc.

Market conditions indicate that multifamily is not a viable product, especially tucked into the back end of this project.

We feel multifamily should be best at commercial nodes.

We feel we need to be very sensitive to the people on Emily Drive. Many of them have been there many, many years. We feel there is still a compatibility issue. Emily Drive is 20' and certainly not built to City standards today. We think opening that up seriously impacts their quality of life.

We have the same issue on Longwood.

If the Planning Board feels there must be a connection, it would be best at Longworth which would impact fewer homes. You also have the church where there is a lot of traffic on Sunday mornings. We also recommend that connection to Emily Drive be permanently closed.

We still have a gathering place. We have chosen to put it up front. We personally feel it is far superior to have several amenity packages. We do have over 800 units.

Martha Hemrick, 4580 Emily Drive, Kernersville, NC 27284

Submitted petition against having Emily Drive open for public access.

Since the plan has 27 units fewer at Emily Drive, it makes sense not to open Emily Drive.

We have mostly older, brick homes which will not tie into the Mt. Vernon development.

We have a lot of small children in our development. Since we only have 12 houses on our street, the children sometimes even play in the street.

AGAINST: None

WORK SESSION

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

1. This is phase one. There may be more changes, but we don't know at this point. Marketability will help determine that. If there is a need for future changes, we will come to this board and propose those changes. We haven't asked that the amenity package for phase two be removed because we still think it's an important element there.

2. The previous developer apparently didn't investigate wetlands.
3. Carol Eickmeyer: Why was this approved in the first place? Was it because of the multi-purpose? Would it still have been approved? Philip Doyle and Arnold King stated that in their opinion the Board probably would have opted for this in the first place. Arnold King: They're decreasing the number of units; if we didn't need the connectivity with 207 units, why do we need it with 180 units?
4. John Bost: Does Longworth provide some of the benefits without the problems of Emily? Philip Doyle: We closed access to Emily Drive because of the multifamily.
5. Carol Eickmeyer: I want to be on record as expressing the need for connectivity and traffic calming.
6. After discussion about the southern roundabout shown on the original site plan, Mr. Siegel stated that the developers would like the flexibility to adjust the design of that roundabout, but could live with having that one.
7. Original plan will remain in file so that any future additional changes can be evaluated against that.

MOTION: Arnold King moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions without the requirement for connectivity.

SECOND: Philip Doyle

After further discussion, the following amended motion was made:

MOTION: Arnold King amended his motion to recommend approval of the zoning map amendment, certified that the site plan meets all code requirements, recommends staff recommendations without the requirement for connectivity to Emily Drive and required the southern traffic circle to be installed at the appropriate time with the developer and staff working out the details.

SECOND: Philip Doyle

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, Glenn, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning