

**DOCKET #:** W2524

**PROPOSED ZONING:**

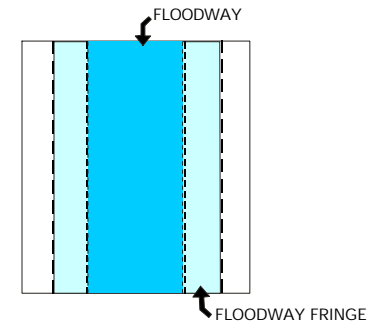
RM8-S  
(Residential Building, Multifamily, Residential Building Townhouse and PRD)

**EXISTING ZONING:**

RS9

**PETITIONER:**

C. W. Myers Trading Post



**SCALE:** 1" represents 600'

**STAFF:** Roberts

**GMA:** 3

**ACRE(S):** 34.9

**MAP(S):** 612838



January 23, 2002

C. W. Myers Trading Post, Inc.  
c/o W. Stew Myers  
2718 Liberty Street North  
Winston-Salem, NC 27105

RE: ZONING DOCKET W-2524

Dear Mr. Myers:

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  
Henry H. Isaacson, 101 West Friendly Avenue, Suite 400, Greensboro, NC 27401  
James Jones, 1641 Jonestown Road, Winston-Salem, NC 27103  
Dana Wooten, 2350 Bethel Church Road, 27103  
Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC  
Charlie Wall, 2630 Weymouth Road, Winston-Salem, NC 27103  
Randy Connellee, 155 Hampton Road, Winston-Salem, NC 27103

**ACTION REQUEST FORM**

**DATE:** January 23, 2002  
**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 Petition of C. W. Myers Trading Post, Inc.

**SUMMARY OF INFORMATION:**

Zoning map amendment of C. W. Myers Trading Post, Inc. from RS-9 to RM-8-S (Planned Residential Development): property is located on the east side of Griffith Road and north side of Hampton Road (Zoning Docket W-2524).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of C. W. Myers Trading Post, Inc.,  
Docket W-2524

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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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 (Planned Residential Development) the zoning classification of the following described property:

Tax Block 39343, Tax Lot 2D

Section 2. This Ordinance is adopted after approval of the site plan entitled Hampton Commons and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to C. W. Myers Trading Post, Inc.

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 Hampton Commons. 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 C. W. Myers Trading Post, Inc., (Zoning Docket W-2524). 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 (Planned Residential Development), 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 as shown on the approved site plan 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. As volunteered by the petitioner, any storm water outfall will be located so that the outflow will be directed into the existing stream on the property, not onto any adjoining property.
  - c. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
  - d. Any retaining wall greater than five (5) feet in height shall be designed and sealed by a Registered Professional Engineer.
  
- **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. Final plat shall include the dedication of right-of-way along Griffith Road to Winston-Salem DOT specifications.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. All required storm water management devices shall be installed.
  - b. Developer shall install road improvements on Griffith Road as required by the Winston-Salem Department of Transportation.
  - c. Install public fire hydrants in accordance with the City Fire Department and Utilities Department.
  - d. Developer shall install sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
- **ADDITIONAL CONDITIONS VOLUNTEERED BY PETITIONER**
  - a. All homes shall be offered for sale to the public in accordance with the definition for "Townhouse" as defined in the UDO.
  - b. There shall be a maximum of two hundred forty-one (241) units.
  - c. There shall be no trash compactor and no dumpster located on the property other than for the purpose of collecting and removing construction debris, unless required by the local jurisdiction.
  - d. Building construction shall consist of wood frame material with brick accents. (refer to attached Exhibit A)
  - e. No building shall exceed two stories in height as viewed from the front of the building (refer to attached Exhibit A)
  - f. In accordance with UDO Section 3-11.1 all outdoor lighting shall be so shielded and oriented as to cast no direct light onto adjacent property.
  - g. Private street lights shall be of "neo-traditional design" (refer to attached Exhibit B)
  - h. Developer will provide sidewalks along all internal streets upon which buildings front and along one side of all other internal streets as shown on the approved site plan.
  - i. Developer shall provide three inch (3") caliper large variety deciduous "street trees", as defined in UDO Section 3-4.10(A), a maximum of approximately sixty feet (60') apart along all connecting ("through") internal streets upon which there are no parking bays and in each peninsula in parking bays.
  - j. Developer shall provide a thirty foot (30') landscape buffer between the proposed development and the tree (3) existing single family lots along Griffith Road at double the required (Type II Bufferyard) planting rate.
  - k.. Developer shall establish a an undisturbed preservation area at the northeast corner of the property, consisting of approximately four (4) acres, in which no buildings or streets shall be constructed as shown on the approved site plan. Underground utility connections and storm drainage out-falls shall be allowed in this area as required.

- l. Developer shall construct a maximum of three (3) site access driveways from Hampton Road and one (1) from Griffith Road as shown on the approved site plan.
- m. Along the property's frontage on Griffith Road and Hampton Road, Developer shall dedicate such property, as necessary, to provide a thirty foot (30') right-of-way from the existing centerlines. Developer shall provide street improvements, thirteen feet (13') from centerline, along these frontages in conformance with Winston-Salem DOT standards and requirements in effect as of the date of this application.
- n. Developer shall provide a pool amenity to be located near the Griffith Road entrance prior to issuance of occupancy permits for the last building in the development.
- o. Subject to the approval of the Public Works Department of the City of Winston-Salem, the developer shall construct a five foot (5') wide sidewalk along the property's Hampton Road and Griffith Road frontages. Said improvements shall be completed prior to the issuance of occupancy permits for the last building in the development.

## ZONING STAFF REPORT

**DOCKET #** W-2524  
**STAFF:** Gary Roberts

Petitioner(s): C. W. Myers Trading Post, Inc.  
Ownership: Same

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 square feet  
To: RM-8-S Residential Multifamily District; maximum density 8 units/acre (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: 34.89 acres

### **LOCATION**

Street: East side of Griffith Road and north side of Hampton Road  
Jurisdiction: City of Winston-Salem.  
Ward: South.

### **SITE PLAN**

Proposed Use: 241 unit townhouse development.  
Building Height: 33.5 feet, two stories.  
Density: Seven dwelling units per acre.  
Parking: Required: 484 spaces; proposed: 553 spaces.  
Bufferyard Requirements: 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:

North - Single family residence zoned RS-9.  
Northeast - Bethel Methodist Church and associated cemetery zoned RS-9.  
East - Single family residences zoned RS-9.  
South - Single family residences and vacant lots zoned RS-9.  
West - Single family residences zoned RS-9.



## **GENERAL AREA**

Character/Maintenance: Well maintained single family homes on large lots.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Removal of vegetation and grading on approximately 85% of the site.

Topography: The topography ranges from a height of 860' in the northwest portion of the site to 736' in the southeast portion of the site. There are some steep slopes (20%-30%) in the north central portion of the site (adjacent to the creek). All of the site drains to a drainage swale running from the north towards to southeast, where it exits the property and drains into Salem Creek.

Streams: A tributary to Salem Creek.

Vegetation/habitat: Mixture of open field and woodlands.

Wetlands: There are none according to the National Wetlands Inventory and the Forsyth County Soil Surveys located in the CCPB offices. However, the applicant has indicated some on the site plan. The wetlands indicated are in an area that is to remain undisturbed throughout construction.

Water Supply Watershed: Site is not within the boundaries of a water supply watershed.

Compliance with Federal/State requirements for wetland/stream protection: May need a Section 404 permit from the Army Corp of Engineers and a Wetlands/401 Certification from the North Carolina Department of Environment and Natural Resources, Division of Water Quality for any work within self-described wetlands. Per UDO, the developer is responsible for securing all necessary State and/or Federal permits.

## **TRANSPORTATION**

Direct Access to Site: Hampton Road; Griffith Road.

Street Classification: Hampton Road - local; Griffith Road- minor thoroughfare.

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

Griffith Road between Burke Mill Road and Kimmel Drive Ext = 4,300 / 16,100

Trip Generation/Existing Zoning: RS-9

$34.9 \times 43,560 / 9,000 = 168 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 1,607 \text{ trips per day}$

Trip Generation/Proposed Zoning: RM-8-S

$242 \text{ units} \times 5.86 \text{ (Townhome Trip Rate)} = 1,418 \text{ trips per day}$

Connectivity of street network: Excellent internal and external connectivity.

Sidewalks: None existing along Griffith or Hampton Roads. Proposed for interior streets.

Transit: Route 18, along Griffith and Burke Mill Roads.

## **HISTORY**

Relevant Zoning Cases:

1. W-2505; RS-9 to RM-S (Child Day Care Center); denied December 17, 2001; adjoining western border of current site; 0.54 acre; Planning Board and staff recommended denial.
2. W-2381; RS-9 to RM-8-S (Residential Building, Multifamily); approved May 1, 2000; east side of Griffith Road south of Emsley Street; 1,100 feet south of current site; 39.34 acres; Planning Board and staff recommended approval.
3. W-2119; RS-9 to RM-8-S (Residential Building, Multifamily); withdrawn February 3, 1997; portion of current site; 14.73 acres; Planning Board recommended denial, staff recommended approval.
4. W-2091; RS-9 to LO; approved October 7, 1996; east side of Griffith Road, north of Griffith Plaza Drive; 0.97 acre; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): *Legacy* has as one of its goals to increase infill development within the municipal services area. Infill will reduce pressure for greenfield development on the suburban fringe and make the most efficient use of infrastructure (sewer, water, roads) and services already paid for by taxpayers. Infill development should be designed to be compatible with surrounding development so that it strengthens existing neighborhoods. *Legacy* also calls for a mix of housing types and affordability within neighborhoods.

Area Plan/Development Guide: *South Stratford Road Development Guide* (adopted in 1989).

Relevant Development Guide Recommendation(s): Subject property should be developed as a low density (0 to 5 units/acre) residential area. The proposed project exceeds the recommended density of the area plan.

## **ANALYSIS**

The current petition is a request to rezone a 34.89 tract located on the northeast quadrant of Griffith Road and Hampton Road from RS-9 to RM-8-S (Planned Residential Development). The proposal would allow for the construction of a 241 unit townhouse development on a site which is currently undeveloped. The subject property fronts on Griffith Road for approximately 200 feet and along Hampton Road for approximately 1,320 feet. The surrounding properties consist of large lot, single family residences and a church to the northeast, all zoned RS-9.

The site plan calls for public streets to enter the property off of Griffith Road and in three separate locations off of Hampton Road. Within the site is an interconnecting network of public streets and private drives with only three dead ends. The streetscape is proposed to consist of sidewalks and large variety street trees within a planting strip along both sides of all travelways. The requested street width is 24 feet with standard vertical curbing rather than rolled or valley

curbing. Two building types are proposed with one utilizing front loaded single garages and the other a combination of angled on street parking and head end parking for some units in a more conventional parking lot type layout.

During the November 8, 2001 Planning Board meeting, an adjoining rezoning petition (W-2505), was recommended for denial. One of the initial concerns regarding this request was the visibility issue of the proposed driveway location in relation to a significant change in vertical elevation immediately north of the site. The developer for the current petition voluntarily submitted a traffic study which addressed the proposed street connection onto Griffith Road. The study noted, and City DOT staff have confirmed, that said connection will not constitute a traffic hazard as it will be no more than 70 feet from the crest of the hill. This will allow motorists visibility over the hill in both directions.

The proposed development does include many "neo-traditional" design elements which when combined, can result in a much stronger sense of place. However, the *South Stratford Road Development Guide* recommends the subject property be developed in a low density residential fashion with a maximum density of five units per acre. The current request is for a density of seven units per acre. In consistent support of the development guide, staff recommends denial of the petition.

## **FINDINGS**

1. *Legacy* recommends a mix of housing types and advocates infill development which is designed to be compatible with existing development.
2. The *South Stratford Road Development Guide* recommends that the subject property be developed as a low density (0 to 5 units/acre) residential area. The proposed project exceeds the recommended density of the area plan.
3. The surrounding development pattern is one of low density residential.
4. Staff recommends retaining the existing 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 as shown on the approved site plan 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 water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
  - d. Any retaining wall greater than five (5) feet in height shall be designed and sealed by a Registered Professional Engineer.
- **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. Final plat shall include the dedication of right-of-way along Griffith Road to Winston-Salem DOT specifications.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
    - a. All required storm water management devices shall be installed.
    - b. Developer shall install road improvements on Griffith Road as required by the Winston-Salem Department of Transportation.
    - c. Install public fire hydrants in accordance with the City Fire Department and Utilities Department.
    - d. Developer shall install sidewalks as shown on the approved Preliminary Site Plan to the specification of the City of Winston-Salem Public Works Department.
- **OTHER REQUIREMENTS**
    - a. One monument sign is permitted along Griffith Road. Sign shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.
    - b. All building architecture shall substantially comply with the building materials and design as volunteered by the developer in attached "Exhibit A"
    - c. As volunteered by the developer all street trees as shown on the approved site plan shall be of the "large variety" as specified under Section 3-4.10 of the UDO.

Gary Roberts presented the staff report.

## **PUBLIC HEARING**

FOR:

Henry Isaacson, 101 W. Friendly Avenue, Greensboro, NC 27401

Attorney representing Portrait Homes.

Submitted and reviewed modified conditions.

These townhomes have proven very attractive.

While staff has recommended denial, it is based on the 1989 *South Stratford Road Development Guide*.

Traffic, schools, and storm water runoff drive density. As far as traffic is concerned, this would provide lower traffic generation than currently allowed. As far as schools are concerned, history of these townhomes in other districts indicates that about 13% of the homes have school-age children, so they won't dramatically impact schools. In terms of storm water runoff, we are committed to providing adequate storm water runoff control.

Legacy seems to support this request (gave several specific examples).

The 1989 *South Stratford Road Development Guide* is a guide.

There's excellent connectivity of streets in this development.

When a good development comes along, fits into the vision of Legacy, and compliments the area, that development should get the green light.

Submitted letter and petition supporting this request.

James Jones, 1641 Jonestown Road, Winston-Salem, NC 27103

I'm a member of the church adjoining this site. We think this would be a great enhancement to our community. We need some of these attractive things in the South Ward.

The *South Stratford Road Development Guide* was done in 1989. A lot has changed. The church has been here since 1814. We believe this is a good development.

Dana Wooten, 2350 Bethel Church Road, 27103

Pastor of Bethel United Methodist Church.

Have attended the meetings about this request. Many of our church members live in this area. We feel this would be a good addition to our community and ask that you approved this.

AGAINST:

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

I live about a mile from Griffith Road/Burke Mill Road intersection.

My main concern is safety at this intersection.

I'd like to hear more of a plan for this intersection. What is "contributing to needed improvements"?

Is there any connectivity to Mountainbrook? I've heard recently that you're supposed to have connectivity.

Is this in the path of the dreamland Pope Road extension?

Charlie Wall, 2630 Weymouth Road, Winston-Salem, NC 27103

I got my letter about this case last week. I've lived here 17 years. No one has contacted me to see how I feel about this, even though my property adjoins this site.

You seem to care more about the dead people than about me living next door to this side.

There's a ravine here and the runoff is going into the ravine

My biggest concern is hearing you tell the Board that you've met with us when I didn't know about any meeting until two days ago. I had a class and couldn't attend that meeting.

Randy Connellee, 155 Hampton Road, Winston-Salem, NC 27103

I bought this house a little while ago. I am totally against this request. I have two small children and there are numerous small children in the neighborhood. Our neighbors are literally cows.

I would not like to lose any of my ground as far as the expansion of the road.

**WORK SESSION:**

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

1. The first meeting at Bethel Church was for members of the church; the second meeting was for all adjoining property owners (as listed in the Planning Board office). We did ask people to notify their neighbors.
2. Steve Snelgrove noted to Board members that the Board has frequently continued a case when they would like to see more communication between neighbors and developers.
3. John Bost - I think the affordability of these townhouses should be considered.
4. Jimmy Norwood - These are townhomes and therefore could eventually be apartments.
5. Kerry Avant - Society has changed since 1989, *Legacy* has come into play, and I don't think there's any question that if the area plan were done today, it would be different. It may still limit this area to five, but a lot has changed.
6. Kerry Avant - I would remind the neighborhood that this property could be developed under the current zoning and have a much more significant impact on the neighborhood. To have a very good plan could be a significant benefit to the neighborhood.
7. Phil Doyle - The site plan has a lot of neat things that we don't normally see. A lot of time has been spent on the neighborhood concept internal to the site plan. The area plan is older than both *Legacy* and its predecessor, *Vision 2005*. The off-site improvements this far off the site is a great benefit.
8. Kerry Avant - Townhouse form of housing is very popular housing today. They aren't constructed the same way they were fifteen years ago. We need to embrace all types of housing in this community. It seems like every time the conversation comes around to it, the concern is that they could be rental.

9. Kem Schroeder - Knowing that the traffic generation will be less under this proposal, what aspect of higher density was staff concerned about with this request? Paul Norby responded that the proposed change is 40% higher density than the highest density shown in that area. There is a lot of land in that area which is not yet fully developed. This is a great design. However, given that we are not next to an activity center or major thoroughfare, we just aren't prepared to change this entire area to seven units/acre. We have to look at the bigger picture than just this tract of land.

MOTION: Kerry Avant moved approval of the zoning petition.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Snelgrove

AGAINST: Norwood, Schroeder

EXCUSED: None

SITE PLAN MOTION: Kerry Avant certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Powell, Snelgrove

AGAINST: Norwood, Schroeder

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning