

DOCKET #: W2526

PROPOSED ZONING:

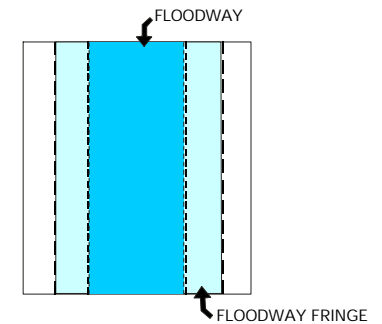
Tract One: RM5-S
(Multiple Uses);
Tract Two: NSB-S
(Shopping Center - Two Phase)

EXISTING ZONING:


Tract One: RS9 and MH;
Tract Two: RS9

PETITIONER:

Westminster Homes, Inc.
for property owned by others



SCALE: 1" represents 800'

STAFF: Simmons 

GMA: 3

ACRE(S): Tract One: 229.61;
Tract Two: 14.91

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

DRAFT ZONING STAFF REPORT

DOCKET # W-2526

STAFF: Glenn Simmons

Petitioner(s): Westminster Homes, 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: Tract 1: RS-9 Residential Single Family District; minimum lot size 9,000 sf and MH
Manufactured Housing Development District

Tract 2: RS-9 Residential Single Family District; minimum lot size 9,000 sf

To: Tract 1: RM-5-S Residential Multifamily District; maximum density 5 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 -
TWO PHASE)

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

Acreage: Tract 1: 229.61 acres

Tract 2: 14.91 acres

Total: 244.52 acres

LOCATION

Street: Property is located on the north side of Kernersville Road and southwest side of Linville Road (Tract 1) and on the north side of Kernersville Road (Tract 2).

Jurisdiction: City of Winston-Salem.

Ward: East.

SITE PLAN

Proposed Use: Tract 1: Mixed density single family, multifamily quadraplex and townhome units
and Tract 2: Shopping Center - TWO PHASE.

Square Footage: Not available.

Building Height: Not available.

Density: Tract 1: 3.57 units per acre.

Parking: Tract 1: Required: Two spaces per unit plus one space per 200 sf of Clubhouse totaling 1,659; proposed: 1,749. Tract 2: Required: One space per 200 sf of Shopping Center; proposed: not available.

Bufferyard Requirements: Tract 1: Type II bufferyard where single family lots smaller than 9,000 sf abut RS-9 zoned properties.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Various older homes and out buildings.

Adjacent Uses: North of this site is Salem Lake. The remainder of the surrounding area consists of various developed and undeveloped RS-9 zoned properties.

GENERAL AREA

Character/Maintenance: Generally well maintained single family residential homes.

Development Pace: Slow to moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Several homes and out building to be removed. Moderate grading consistent with single family home development is expected in residential (Tract 1) portion of the request. An unspecified amount of grading may result in the NSB-S (Tract 2) portion of the site.

Topography: Lots of varied topography on this site. There are three prominent knolls on the site. All of the property drains from these knolls into the St. Delight Branch, which feeds directly into Salem Lake.

Streams: St. Delight Branch.

Vegetation/habitat: Some vegetation to the east and west of the stream, but the stream corridor area has very little vegetation.

Floodplains: Yes - St. Delight Branch.

Wetlands: None.

Natural Heritage Sites: Salem Lake Natural Area (Site #17 on the Forsyth County Natural Heritage Inventory Sites Map).

Farmland Preservation Sites: None.

Development impacts beyond the site: Increased impervious coverage and associated grading will require special design and management considerations to minimize degradation to water quality.

Water Supply Watershed: Property is located within the Salem Lake (WS-III watershed).

Compliance with Watershed Protection Regulations: The applicant has chosen the "storm water quality management" option from the UDO. As a result, a storm water quality management permit per Section 3-6 of the UDO must be issued by the Zoning Officer prior to any development activity. All of the development must comply with the full

requirements of Article III of the UDO, including having no more than 30% impervious surface in both the residential and nonresidential portions of the project. Lastly, the Planning Board must determine and ensure the following:

- That the impervious surface areas are designed and sited to minimize storm water runoff and limit concentrated storm water flow; **and**
- That all land disturbance is minimized, that all existing vegetation areas are retained, to the maximum degree possible, and that all undeveloped but disturbed areas of the site will be revegetated to promote storm water infiltration.

Compliance with Federal/State requirements for wetland/stream protection: There are no wetlands on the site. The stream on the site does contain floodway and floodplain. All federal, state and local regulations pertaining to floodway and floodplains must be met for this project (Article II of the UDO). Any floodway or floodplain modification must be approved by FEMA. Compliance with the State and local Erosion Control provisions will be required for this project. An Erosion Control stream buffer must be in place per the provisions of Article III and Article VII of the UDO. Additionally, the watershed regulations mentioned in the previous section are state requirements. The maximum allowed impervious coverage for the entire 244.5 acre site (tracts 1 and 2) must not exceed 30% with storm water controls. Maximum impervious coverage for the NSB-S (tract 2) portion of the site must not exceed 75%.

Comments: Great care should be taken with this project, if approved. The site should be thoughtfully constructed to reduce the likelihood of nuisance flooding and should further be designed to provide large natural buffers for all streams (water quality filters). Any lots containing floodway fringe (floodplain) must meet the additional requirements of Section 2-3 of the UDO. Per Section 3-7.3(A) of the UDO, a 100' buffer from the edge of the streambank on both sides of the stream, or the outer edge of the FEMA designated floodplain, whichever is greater, must be preserved. Prior to approval, the impervious surface calculations for the commercial area must be modified to comply with the 30% cap for the storm water quality management option in this WS-III watershed.

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):

Trip Generation/Existing Zoning: RS-9 & MH: $244.52 \times 43,560/9,000 = 1,183$ units \times 9.57 (SFR Trip Rate) = 11,321

Trip Generation/Proposed Zoning: RM-5-S

Tract 1: 491×9.57 (SFR Trip Rate) = 4,698 + 208×6.63 (Townhome/Apt Trip Rate) = 1,379 + 120×6.63 (Apt Trip Rate) = 795 Tract 1 Trips Per Day = 6,872

Tract 2: $100,000/1,000 \times 42.92$ (Shopping Center Trip Rate) = 4,292

Total Trip Rate Tracts 1 & 2 = 11,164

Planned Road Improvements: None proposed. Developer to make improvements as required by NCDOT and Winston-Salem DOT.

Sight Distance: Adequate.

Interior Streets: All streets except parking drives for quadraplex and townhome units are proposed to be public.

Traffic Impact Study recommended: NCDOT will require a traffic study prior to the issuance of driveway permits for any phase of development. Newly adopted UDO requirements is for commercial developments only. A traffic impact analysis will be required under the UDO for the final development plan for the NSB-S (TWO PHASE) shopping center; however, NCDOT's requirement would be applicable before then.

Connectivity of street network: Developer has proposed primary public street connections to Linville and Kernersville Roads. Secondary access points are proposed to Dumont Drive, Community Road and Emily Drive.

Sidewalks: Developer proposes extensive sidewalk connections throughout the residential (Tract 1) portion of the project. The TWO PHASE tract 2 portion of the site does not specify the locations of sidewalk. If the NSB-S portion of the plan is approved, the locations of sidewalks will be determined during the Final Development Plan review.

Traffic Calming: Developer has shown a circuitous street network which should function to minimize cut through traffic and minimize the risk of vehicular speeding . Streets proposed are generally narrower than typical subdivision streets, which should also calm traffic. The developer has also shown several roundabouts and interior parks with terminal vistas to slow traffic.

Transit: None.

Bike: None.

NOTE: The developer has proposed a public greenway easement along St. Delight Branch which may ultimately connect to the Salem Greenway Trail. Once connected, this greenway extension would provide a significant recreational benefit to the area.

HISTORY

Relevant Zoning Cases:

1. W-2375; RS-9 to HB-S (Multiple Business Uses); withdrawn April 13, 2000; northeast corner of Kernersville Road and Linville Road; 2.8 acres; Planning staff recommended denial.
2. W-1962; RS-9 to HB-S (Multiple Business Uses); approved August 7, 1995; southeast side of Kernersville Road/NC150 between Linville Road and Oak Grove Road; 0.72 acre; Planning Board and staff recommended approval.
3. W-1849; B-3 to I-2; withdrawn November 1, 1993; northwest side of Kernersville Road/NC150 adjacent to current site; 1.1 acres; Planning Board and staff recommended denial.
4. F-902; R-5 to B-3-S (Eating establishment); denied October 10, 1988; southwest corner of Kernersville Road and Motsinger Drive; 0.98 acre; Planning Board recommended approval, and staff recommended denial.

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 advocates for traditional neighborhood development. Characteristics of that development type include a discernible neighborhood center, compact higher density development within walking distance of daily shopping needs, a variety of dwelling types, lot sizes and prices; narrow streets with rear access garages; a system of sidewalks and greenways creating a pedestrian circulation system.

Area Plan/Development Guide: *Salem Lake Watershed Area Plan* (adopted in 1986).

Relevant Development Guide Recommendation(s): There should be an undisturbed stream buffer of either the FEMA designated floodplain or 100' (whichever is greater) on both sides of the creek (St. Delight Branch). Also, according to the plan, the subject property should be developed as rural residential (0-1 dwellings/acre), remain agricultural or remain as open space.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: No. Neither *Legacy* nor the *Draft Greenway Plan* include a specific proposal for a trail along St. Delight Branch Creek. However, the *Draft Greenway Plan* recommends that private developments connect to the greenway system when possible. There would be a benefit to having a greenway trail along this branch creek connect to the Salem Lake Trail, provided that it is a public trail.

HISTORIC RESOURCES REVIEW:

Known historic resources? Yes.

Forsyth County Architectural Inventory Number/Name: 322/Wilson-Stockton House.

Comments: The Wilson-Stockton House appears to be located on the subject property. Built in the early 19th century, the two-story, hewn timber house features one original chimney with a lozenge design. Thomas J. Wilson, a non-Moravian, was selected to run the Salem Tavern in 1843, but he died before he began his duties. He rented the "house and plantation" to another family when he moved to Salem, so the Moravians allowed his wife and son to remain as keepers of the Tavern until 1844. In 1848, Wilson's son sold the farm to William F. Stockton. In the 1920s the interior of the house was altered substantially, and in 1963 the front porch was added. Pending additional research, the property has potential for either National Register listing or Local Historic Landmark designation. Demolition of the property is discouraged.

ANALYSIS

The current zoning requests consist of two proposals. Tract one is a request to rezone 229.6 acres from RS-9 and a small portion of MH to RM-5-S (Planned Residential Development) to allow a mixture of single family residential homes, townhomes and quadraplex multifamily units. Tract two is a request to rezone 14.9 acres of RS-9 to NSB-S TWO PHASE (Shopping Center). Tract one has frontage on the north side north side of Kernersville Road and on the west side of Linville Road. Tract two has frontage only on Kernersville Road. The entire 244.5 acre site (tracts one and two) is located within the Salem Lake WS III Water Supply Watershed and is subject to an overall impervious coverage limitation of 30%.

TRACT ONE

The larger RM-5-S portion of the proposal consists of 491 single family lots, 208 townhome units, and 120 multifamily quadraplex units. The project incorporates a well designed network of interior public streets which works to balance the requirements for internal vehicular connectivity and the demands for watershed protection. The street system employs a number of traffic calming devices which include generally narrower streets, roundabouts, and streets with terminal vistas into small parks and open spaces. Several streets are located adjacent to larger tracts of open space which border St. Delight Creek, a tributary to Salem Lake.

The developer is also proposing a well defined and integrated pedestrian network of sidewalks and greenway trails. Such vehicular and pedestrian design features should enhance the qualities of a unified residential neighborhood and advance many of the recommendations of quality infill development as recommended in *Legacy*. The proposal also will provide for the extension of a public greenway trail which may ultimately connect to the larger Salem Lake Greenway system. This will provide residents of the proposed RM-5-S project, as well as other residents in the area direct access to the Salem Lake greenway. The overall density of tract one is 3.57 units per acre which is substantially less than the 4.84 units per acre presently allowed in the RS-9 zoning district.

Since the project is located within the Salem Lake WS-III Water Supply Watershed, considerable attention must be given to the protection of water quality. The applicant has chosen the "storm water quality management" option from the UDO. As a result, a storm water quality management permit per Section 3-6 of the UDO must be issued by the Zoning Officer prior to any development activity. All of the development must comply with the full requirements of Article III of the UDO, including having no more than 30% impervious surface in both the residential and nonresidential portions of the project. Lastly, the Planning Board must determine and ensure the following:

1. That the impervious surface areas are designed and sited to minimize storm water runoff and limit concentrated storm water flow; **and**
2. That all land disturbance is minimized, that all existing vegetation areas are retained, to the maximum degree possible, and that all undeveloped but disturbed areas of the site will be revegetated to promote storm water infiltration.

To achieve this standard the developer has proposed various storm water ponds and stream

buffers in addition to the thirty percent limitation on impervious coverage. It should be noted that the open space along the St. Delight Creek is substantially in excess of the stream buffer width required in the UDO.

With respect to traffic generation, staff anticipates that fewer trips will be generated under the proposed RM-5-S than might otherwise be generated under the present RS-9 zoning. Not only will there be fewer overall units (819 versus 1,111 units which could be developed under the existing RS-9) but the data also show that fewer trips per day will be generated from the multifamily units than from single family households. The net result is a 40% **decrease** in traffic generation, 6,872 trips per day under the proposed RM-5-S versus 11,341 trips per day under the existing RS-9. Nonetheless, because of the large size of the proposed development, the North Carolina Department of Transportation will require a traffic impact analysis prior to the issuance of access permits to the State's highway system. Various turn lanes and other improvements to Linville and Kernersville Roads will likely be required on the basis of that study.

Of particular interest to staff is the need to create a coherent pedestrian oriented streetscape, especially given the narrowness of some of the single family lots. Staff is concerned that a large number of projecting, front loaded garages may compromise the pedestrian character of the development. Ideally rear alleys would address this need. However, in lieu of alleys, staff would like to see some substantial limitation on the number or percentage of single family homes with projecting garages.

As part of the overall consideration for vehicular circulation, Planning staff was particularly interested in the inter-connectivity of streets in this project to adjacent residential streets. Recognizing the engineering and capacity limitations of some of the existing stub connections into the property, planning staff worked with the developer to provide adequate connections without encouraging undesirable cut through traffic. Under these circumstances routine services such as mail delivery, emergency access, and school bus service can occur between this project and adjacent residential neighborhoods. Ordinarily staff may have preferred some additional street connections. However, we are satisfied that the connections as proposed will be adequate given the sensitivity of the Salem Lake watershed and the need not to unnecessarily disturb critical natural areas proximate to drainageways.

As of the time of this writing, Planning staff was continuing to work with the developer to relocate or further separate proposed multifamily developments adjacent to established residential properties adjacent to Tract One. Although we have not seen the revised site plan we are hopeful that the petitioner will produce a plan which will satisfactorily meet our expectations.

TRACT TWO

Tract two consists of a request to rezone 14.9 acres of land from RS-9 to Neighborhood Shopping Center Business District (NSB-S). The proposal is presented as a TWO PHASE plan

whereby, if the zoning were approved, a final development plan would be submitted for review by the Planning Board at a later date. Potentially, the NSB district would allow a shopping center with as much as one hundred thousand square feet of commercial retail space.

Although Planning staff is generally supportive of providing basic retail services near and integrated with residential neighborhoods, the scale and location of the current NSB-S proposal is problematic. Particularly given the residential character of the surrounding area and the proximity of this site to other already zoned and underdeveloped commercial areas, staff believes that the current proposal is not appropriate.

Staff is also concerned about the traffic impacts of a shopping center of this scale which may be developed on the nearly fifteen acre tract proposed. Especially under the provisions of a TWO PHASE proposal, a traffic impact analysis, as determined by WSDOT, is not required until the second phase of development. Although exact traffic generation calculations are available due to the TWO PHASE nature of the request, staff anticipates that such a development if approved, may generate as much as 4,292 trips per day.

From an environmental standpoint, large areas of consolidated impervious surfaces as associated with a commercial development of this size may also make it more difficult to protect the water quality of Salem Lake. If approved, up to 75% of the site may be made impervious provided that overall impervious coverages for tracts one and two together do not exceed 30% maximum allowed with the optional storm water controls. The same watershed provisions as stated above for the proposed RM-5 zoning would apply for the requested NSB-S.

Finally, it will be difficult for staff to positively consider any commercial project at this location without a site plan to review. As submitted, the TWO PHASE NSB-S request does not provide staff with that opportunity. While staff is generally supportive of the proposed RM-5-S request with staff recommended changes to improve street interconnectivity and compatibility with adjacent residences, staff is not supportive of the current NSB-S request. Alternatively, we may support a smaller scale commercial project with a maximum of thirty to forty thousand square feet. For such a project to be recommended, however, it would have to be designed to be village-like in character and in a manner which would clearly orient to the neighborhood as much as to Kernersville Road. Staff would also advocate for the adaptive reuse of the historically significant structure which is presently located on the site for some lower intensity commercial use.

FINDINGS

1. The project consist of two zoning requests: Tract one is proposed as 229.6 acres of RM-5-S and Tract two is proposed as 14.9 acres of NSB-S (Shopping Center - TWO PHASE).
2. Both properties are located in the Salem Lake WS-III Water Supply Watershed whereby overall impervious coverages for both tract must not exceed 30% with storm water controls.

3. The RM-5-S portion of the request would allow for some attached units but would have substantially fewer residential units and corresponding traffic generation than might otherwise be permitted under the existing RS-9 zoning.
4. The developer has proposed a number of traffic calming and pedestrian oriented elements which are consistent with the recommendations of *Legacy* for quality infill development.
5. Staff believes that the RM-5-S portion of the request has balanced watershed protection needs with street interconnectivity and has incorporated key open space elements into the overall design concept.
6. Staff believes that the TWO PHASE NSB-S shopping center request is potentially out of scale and character with the surrounding area and may work against area environmental and economic development interests.

STAFF RECOMMENDATION

Zoning: TRACT ONE: **APPROVAL** on the condition that the developer substantially limit the number or percentage of single family homes with projecting, front loaded garages; and TRACT TWO: **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.
- **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. Pertaining to NSB-S (Shopping Center): The City-County Planning Board reserves the right to add any reasonable conditions to the Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b).

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION:

MOTION: Philip Doyle moved withdrawal of the zoning petition and site plan with the reduction to \$250 in fees for a new submittal.

SECOND: Arnold King

VOTE:

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

AGAINST: None

EXCUSED: Avant

A. Paul Norby, AICP
Director of Planning