

**DOCKET #:** W2529

**PROPOSED ZONING:**

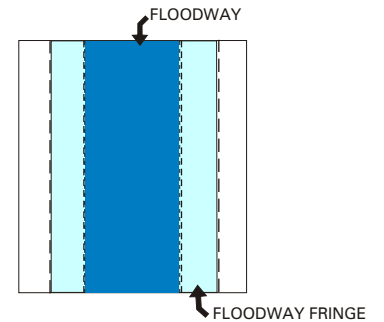
Tract One: RM5-S (Multiple Residential Uses);  
 Tract Two: NSB-S (Shopping Center)

**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 N  
↑

**GMA:** 3

**ACRE(S):** Tract One: 239.72;  
 Tract Two: 4.8

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

February 19, 2002

Westminster Homes, Inc.  
2706 N. Church Street  
Greensboro, NC 27405

RE: ZONING MAP AMENDMENT W-2529

Dear Sirs:

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  
Doug Stimmel, 305 West Fourth Street, Suite 1-A, Winston-Salem, NC 27101  
Martha Hemrick, 4580 Emily Drive, Kernersville, NC 27284  
Ronald Woods, 4037 Drayton Park, Kernersville, NC 27284  
Mohammed Kamiab, 4591 Emily Drive, Kernersville, NC 27284  
David Fowler, 4595 Emily Drive, Kernersville, NC 27284

**ACTION REQUEST FORM**

**DATE:** February 19, 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 Map Amendment of Westminster Homes, 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:**

Zoning map amendment of Westminster Homes, 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 in two separate tracts as follows:  
Tract One: from RS-9 and MH to RM-5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Planned Residential Development) property is located on the north side of Kernersville Road and southwest side of Linville Road  
Tract Two: from RS-9 to NSB-S (Shopping Center - TWO PHASE) property is located on the north side of Kernersville Road (Zoning Docket W-2529).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** FOR APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**EXCUSED:** AVANT  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Westminster Homes, 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-2529

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 and MH to RM-5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Planned Residential Development) (Tract 1) and RS-9 to NSB-S (Shopping Center - TWO PHASE) (Tract 2) 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 Mount Vernon and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Westminster Homes, 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 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 Mount 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 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 Westminster Homes, 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-2529). 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, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Planned Residential Development) (Tract 1) and NSB-S (Shopping Center - TWO PHASE) (Tract 2), 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-5-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:

**TRACT ONE (RM-5-S):**

**? 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 gated or otherwise restricted to accommodate emergency vehicles only.

## **TRACT TWO (NSB-S):**

### **? PRIOR TO THE ISSUANCE OF ANY PERMITS**

- a. Overall building area shall not exceed 39,000 sf not including the Wilson-Stockton house.
- b. No building shall be taller than two stories.
- c. All buildings shall be designed with a common architectural theme and shall be constructed using consistent materials and colors as approved by Planning staff.
- d. All building shall have pitched roofs with a minimum roof pitch of 7:12.
- e. All parking shall be located to the side or rear of the buildings facing Kernersville Road.
- f. There shall be a minimum of six separate buildings with no individual building having more than 10,000 total building sf.
- g. Any building larger than 4,000 sf shall be set back a minimum of seventy-five (75) feet from the northern right-of-way of Kernersville Road.
- h. The existing historic structure (Wilson-Stockton house) shall remain and be adaptively and sensitively integrated into the overall site design and approved by Planning staff.
- i. As depicted on the site plan, some type of pedestrian-oriented common green and focal point shall be incorporated into the overall site design and approved by Planning staff.
- j. Impervious surface coverages shall not exceed sixty percent (60%).
- k. Convenient pedestrian connections shall be provided from the buildings to the residential area of the development.

### **? PRIOR TO THE ISSUANCE OF GRADING PERMITS**

- a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.

### **? 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 establish negative access easements along Kernersville Road on final plat.

### **? PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. Developer shall install road improvements on Kernersville 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. Developers shall install bufferyards meeting type II plant material requirements along the entire length of the property facing Kernersville Road, which is the same as NC 150. Said plantings will be grouped in a naturalized, non-linear fashion whereby the space between trees shall be no closer than ten feet apart and no further than 70 feet apart.
- f. Developer shall install a minimum type III bufferyard along the entire length of the property adjacent to the west right-of-way of Townsend Drive.

? **OTHER REQUIREMENTS**

- a. Signage for the NSB-S portion of the project shall be limited to one monument sign with a maximum height of ten (10) feet along the frontage of Kernersville Road, and one monument sign with a maximum height of five (5) feet along the frontage of the main entrance drive on the west side of the NSB-S district.

## **ZONING STAFF REPORT**

**DOCKET #** W-2529  
**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)

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

Acres: Tract One: 239.72 acres; Tract Two: 4.8 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  
Tract 2: Neighborhood Shopping Center

Square Footage:

Tract 1: Not available.  
Tract 2: 39,000 sf.

Building Height:

Tract 1: Not available.  
Tract 2: Two story.

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: 174 @ one space per 225 sf of Shopping Center; proposed: 175.

Bufferyard Requirements:

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

Tract 2 - type III bufferyard adjacent to 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, including the historically significant Wilson-Stockton House.

Adjacent Uses: Northwest 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-buildings to be removed. Although the developer showed the Wilson Stockton House to remain on the original site plan submitted to staff, his current intention is to remove the house. Moderate grading consistent with single family home development is expected in residential portion of the request (Tract 1). Substantial grading required to accommodate commercial development (Tract 2).

Topography: 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). Site is located off current property to the northwest.

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 vegetated 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 known 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. Under the UDO, maximum impervious coverage for an NSB-S District must not exceed 75%. However, staff recommends that the NSB-S portion of this site (Tract 2) not exceed 60%.

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. As noted in the subsequent analysis section of this report, developer proposes a 200' - 300' wide stream buffer at many locations along St. Delight Branch.

## **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 x 9.57 (SFR Trip Rate) = 11,321

Trip Generation/Proposed Zoning: RM-5-S

Tract 1:  $541 \times 9.57$  (SFR Trip Rate) = 5,177 +  $208 \times 6.63$  (Townhome/Apt Trip Rate) = 1,379 +  $100 \times 6.63$  (Apt Trip Rate) = 663 Tract 1 Trips Per Day = 7,219

Tract 2:  $39,000/1,000 \times 42.92$  (Shopping Center Trip Rate) = 1,673

Total Trip Rate Tracts 1 & 2 = 8,892

Planned Road Improvements: 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. However, the proposed 39,000 sf shopping does not meet the threshold for a traffic study.

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 commercial portion of the site (Tract 2), shows sidewalks along the frontages of all parking areas.

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. As a temporary measure the developer has shown a second pedestrian connection to City owned property in the northwest corner of the tract. Staff is consulting with the Director of Recreation and Parks to determine the feasibility of the proposed temporary connection.

## **HISTORY**

Relevant Zoning Cases:

1. W-2526; RS-9 and MH to RM-5 and NSB-S (TWO PHASE); withdrawn January 10, 2002; current site; 244.5 acres; Planning staff recommended approval of the RM-5 portion of the site and denial of the NSB-S portion. Note that the current request proposes a reduction from 14.99 acres for the NSB-S portion of the request to 4.8 acres.

2. 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.
3. 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.
4. 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.
5. 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:**

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.

**WINSTON-SALEM/FORSYTH COUNTY SCHOOLS**

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 823 students to the system, as indicated by the following chart.

Project	Number Units	Schools	Projected Students from Project	2001-2002 Enrolled Students	2001-2002 Projected Students with Accumulated Totals since 4/24/01	School Capacity
Mount Vernon Multiple Uses	849	Sedge Garden Elem	380	828	1290	735
		Southeast Mid	190	1082	1347	871-982
		East High	253	1618	1871	1348-1626

**ANALYSIS**

The current zoning request consist of two proposals. Tract one is a request to rezone 239.72 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 4.8 acres of RS-9 to NSB-S (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 on Kernersville Road only. 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%. The current requests have been modified from the earlier proposal (Docket W-2529) to allow the petitioner to reduce the size of the NSB-S portion of the rezoning request from 14.99 acres to 4.8 acres.

## TRACT ONE

The larger RM-5-S portion of the proposal consists of 541 single family lots, 208 townhome units, and 100 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 generally include 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 Branch, 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.

As a temporary measure the developer has proposed a secondary access trail to adjacent City owned property in the northwest corner of the tract. 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 3.54 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 vegetated 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 Branch substantially exceeds the 100 foot wide stream buffer requirement in the UDO. In many locations the developer proposes buffers which are 200' to 300' wide.

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 (849 versus 1,160 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 35% **decrease** in potential traffic generation, 7,219 trips per day under the proposed RM-5-S versus 11,102 trips per day under the existing RS-9. Nonetheless, because of the large size of the proposed development, the North Carolina Department of Transportation has required a traffic impact analysis prior to the issuance of access permits to the State's highway system. In addition to various turn lanes and other improvements to Linville and Kernersville Roads the traffic study indicates that other off site improvements may be warranted by this zoning request. Planning staff defers to local transportation staff to determine which, if any, off site improvements should be required. A Winston-Salem DOT staff member will be available to address this question at the February 14, 2002 Planning Board Public hearing.

Of particular interest to staff is the need to create a coherent pedestrian oriented streetscape, especially given the narrowness of many of the single family lots. Staff observes that if a large number of projecting, front loaded garages are constructed with the homes, it could compromise the pedestrian character of the development. Rear alleys, rear loading garages, or garages offset behind the front building line could mitigate this problem. Although the developer says he does not anticipate a large number of projecting garages, he is unwilling to commit to a specific number or percentage of such.

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.

## TRACT TWO

Tract two consists of a request to rezone 4.8 acres of land from RS-9 to Neighborhood Shopping Center Business District (NSB-S). The proposal consists of a maximum of 39,000 sf of retail commercial uses and office space.

Although Planning staff is generally supportive of providing basic retail services near and integrated with residential neighborhoods, we are particularly mindful of the need for any commercial uses to be village-like in character and designed to be complementary to proposed and existing residential neighborhoods. In the original site plan submitted to staff as part of the

special use district proposal, the developer showed the existing and historically significant Wilson Stockton House to remain. Retention of this historic structure was a positive consideration as part of staff's review of this zoning request and a key factor in our findings in support of the NSB-S request. However, in subsequent discussions after staff had made its findings, the developer said that it may not be practical to retain the house. As of this writing, staff has not had the opportunity to reassess the zoning implication of this change. However, as a condition for approval of this rezoning petition, staff currently recommends that the house should remain and be adaptively and sensitively integrated into the site. Otherwise, the site plan as proposed appears to provide the basis for a village-like development which is complementary to the neighborhoods. Planning staff, however, recommends that additional site plan conditions be imposed to insure compatibility and to provide development flexibility of the developer who may wish to modify the site plan as shown to accommodate future market conditions. Although staff would greatly prefer a more precise site plan, we believe that we can accommodate the petitioner's desire for flexibility by requiring the following additional conditions.

1. Overall building area shall not exceed 39,000 sf.
2. No building shall be taller than two stories.
3. All buildings shall be designed with a common architectural theme and shall be constructed using compatible materials and colors.
4. All building shall have pitched roofs with a minimum roof pitch of 7:12.
5. All parking shall be located to the side or rear of the buildings facing Kernersville Road.
6. There shall be a minimum of six separate buildings with no building having more than 10,000 total building sf.
7. Any building larger than 4,000 sf shall be set back a minimum of seventy-five (75) feet from the northern right-of-way of Kernersville Road.
8. The existing historic structure shall be saved at its current location for adaptive reuse as a commercial structure.
9. As depicted on the site plan, some type of pedestrian-oriented common green and focal point shall be incorporated into the overall site design.
10. Impervious surface coverages shall not exceed sixty percent (60%).
11. Convenient pedestrian connections shall be provided from the buildings to the residential area of the development.
12. Wilson Stockton House to remain and be adaptively and sensitively integrated into the overall site design.

Although the currently proposed 39,000 square foot shopping center is smaller than the previous Two Phase NSB-S request, staff is concerned about the impacts to Salem Lake's water quality from concentrated commercial storm water runoff. For this reason staff recommends that impervious coverage within the NSB-S portion of the request be limited to a maximum of 60% with any future staff change requests. The impervious coverage amount shown on the current site plan is limited to 50.17%. The same watershed provisions as stated above for the proposed RM-5 zoning would apply for the requested NSB-S.

## OVERALL PROJECT

Overall, Planning staff is supportive of both Tracts 1 and 2 with the attached conditions. Generally, staff believes that the traffic and environmental impacts of this Special Use District rezoning may well be less than that which may otherwise occur under the current RS-9 zoning. Further we believe that the well integrated mixture of residential building types and neighborhood commercial business services are consistent with *Legacy's* recommendations to promote quality infill development.

## FINDINGS

1. The project consist of two zoning requests: Tract one is proposed as 239.7 acres of RM-5-S and Tract two is proposed as 4.8 acres of NSB-S (Shopping Center).
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 NSB-S shopping center request is consistent with the scale and character of the surrounding area and generally advances the recommendations of *Legacy* to promote pedestrian-oriented, smaller scale neighborhood services near residential neighborhoods.

## STAFF RECOMMENDATION

Zoning:

TRACT ONE: **APPROVAL**.

TRACT TWO: **APPROVAL** on the condition that the developer retains the Wilson-Stockton House.

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

**TRACT ONE (RM-5-S):**

? **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.

? **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.

**TRACT TWO (NSB-S):**

? **PRIOR TO THE ISSUANCE OF ANY PERMITS**

- a. Overall building area shall not exceed 39,000 sf not including the Wilson-Stockton house.
- b. No building shall be taller than two stories.
- c. All buildings shall be designed with a common architectural theme and shall be constructed using consistent materials and colors as approved by Planning staff.
- d. All building shall have pitched roofs with a minimum roof pitch of 7:12.
- e. All parking shall be located to the side or rear of the buildings facing Kernersville Road.
- f. There shall be a minimum of six separate buildings with no individual building having more than 10,000 total building sf.
- g. Any building larger than 4,000 sf shall be set back a minimum of seventy-five (75) feet from the northern right-of-way of Kernersville Road.
- h. The existing historic structure (Wilson-Stockton house) shall remain and be adaptively and sensitively integrated into the overall site design and approved by Planning staff.
- i. As depicted on the site plan, some type of pedestrian-oriented common green and focal point shall be incorporated into the overall site design and approved by Planning staff.
- j. Impervious surface coverages shall not exceed sixty percent (60%).
- k. Convenient pedestrian connections shall be provided from the buildings to the residential area of the development.

? **PRIOR TO THE ISSUANCE OF GRADING PERMITS**

- a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.

? **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 establish negative access easements along Kernersville Road on final plat.

? **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. Developer shall install road improvements on Kernersville 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 NSB-S portion of the project shall be limited to one monument sign with a maximum height of ten (10) feet along the frontage of Kernersville Road, and one monument sign with a maximum height of five (5) feet along the frontage of the main entrance drive on the west side of the NSB-S district.

Kerry Avant was excused from consideration of this request due to a potential conflict of interest.

Glenn Simmons presented the staff report.

**PUBLIC HEARING**

FOR:

Doug Stimmel, 305 West Fourth Street, Suite 1-A, Winston-Salem, NC 27101

I am a landscape architect. We represent Westminster Homes.

This has been a lengthy process. We've probably spent 8-9 months working on this plan and this is probably the 15th rendition of the plan. We've worked very closely with staff and had many, many meetings. The master plan has been a result of working with staff.

When you do a project this size, there's a lot of investment in time and money. The developer has already spent over \$100,000 just to get to this point.

The petitioner has met with the neighborhood in advance. They had a good meeting. As you can imagine, when you say shopping center, everyone becomes alarmed. It seemed most of the concerns came over connecting the neighborhood roads to the shopping center area.

This has been a balancing act. It's no good at the end of the day unless you create a project that is successful and will be marketable.

Being able to work with such a large tract allows you to deal with issues that you can't address in small tracts. It allows pedestrian connections, greenways, traffic connections, etc. which piecemeal development doesn't allow.

This fits into the goals of *Legacy*.

There are a lot of traffic calming devices and pedestrian access.

The shopping center is 4.8 acres, less than 2% of the entire site.

Briefly described the entire project.



Tree-lined streets, sidewalks, 62 acres of open space, huge buffers, some as large as 400' wide. All of the streets have at least one sidewalks, some have two. We have over 7 miles of sidewalks which doesn't include greenways.

There's no direct access to the shopping center component from Kernersville Road. We're agreeing to 22 conditions just for this 4.8 acre site, because we think it compliments our goals.

Illustrated the size of a standard shopping center compared to this site to indicated the smaller size of the buildings and the village scale nature of the "shopping center".

Even with the village shopping component, we're at significantly lower traffic generation than currently allowed.

The neighborhood shopping village is less than 2% of this site.

If you truly embrace *Legacy*, as I feel this Board has, then I feel you have to support this plan.

I would like you to support the staff's recommendation with the possible exception of one condition. We would prefer to not have the condition of requiring the house to be saved.

#### AGAINST:

Martha Hemrick, 4580 Emily Drive, Kernersville, NC 27284

There are twelve houses on Emily Drive and a church.

Submitted a petition from everyone on Emily Drive to state that we do not want to be tied into this development. We would be okay with emergency access only through Emily Drive.

Most of us bought on this street because it's a dead-end street. We like living here because there isn't much traffic. It's very safe for the children to ride their bikes on the street. The street is unlined. We like no traffic because it's safe for the children to play. Since the development is not land-locked, we ask that this access be for emergency only.

Over half the residents on our street didn't get a letter about the meeting.

We are not dead-set against the development.

I like seeing cows out my back window, but I know it can't stay like that. We just don't want to be tied in to the development.

I had to wait through two lights yesterday just to get out of the area.

Ronald Woods, 4037 Drayton Park, Kernersville, NC 27284

I was notified as an adjacent property owner.

I spent some time talking to staff, especially Glenn Simmons, and I appreciate his time and courtesy in talking with me.

I don't believe you could get more than 500 or so houses on the site.

However, the real issue is the commercial. There's commercial in the immediate area, but it's vacant land that needs help. Within three miles are all the big boxes you could want to visit and several shopping center. If you live inside the property, it's a village shopping center, but if you live outside, you have to drive to get there and it's a shopping center.

I think there's going to be pressure to develop on Linville Road because there's only four businesses there. If you give into that pressure, then you have a one mile strip of commercial development. If you put houses where the commercial is, you would have a couple hundred trips per day, much less than the commercial will bring in.

The legacy we'd have from this decision would be commercial on this corner. I don't believe leaving out the commercial would hurt this plan.

The density and the commercial are the issues. I'd love to develop the housing and not the commercial.

I'm the chair of Kernersville Planning Board, but I am here as a neighbor, not representing Kernersville.

Mohammed Kamiab, 4591 Emily Drive, Kernersville, NC 27284

We bought this house about five years ago because it was dead-end, settled, and quiet.

Now suddenly we see huge apartment complex coming in here and they want to cut a road through our area. It is a very tiny road and this would not be safe for our kids.

I believe the numbers suggested for traffic are different from the reality.

Five years ago, I could get to the shopping center in five minutes. Now it takes 15 minutes.

Where are the kids going to go to school?

David Fowler, 4595 Emily Drive, Kernersville, NC 27284

We bought houses on Emily Drive because it was a dead end. We would approve if it were an emergency use only. It's a small road and the traffic is really bad on Linville Road. Please think about it.

## **WORK SESSION**

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

1. Kem Schroeder - I would like to make it clear that we are adopting this without drive-through facilities for the purpose of making it a village-like neighborhood shopping center.
2. Steve Snelgrove - I understood from staff that the petitioner had agreed to keep the historic house. Now I hear the request to delete that requirement. It puts us in a bit of a difficult situation when we don't know if that would have changed staff's recommendation. In response to Mr. Snelgrove's statement, Glenn Simmons indicated that staff's recommendation would have been different if the commitment had not been made to retain and reuse the house.

3. After discussion, the petitioner agreed to include the condition of saving the Wilson-Stockton house.
4. Grade constraints and difficulties in converting residential house due to cost and ADA limitations are the developer's concerns about being required to retain the historic structure.
5. Streets in the new development are narrower than normal for traffic-calming reasons.
6. Although the schools in the area are over-filled already, the development that could currently be built would generate more children than the proposed development.
7. A development of this size comes into existence over a period of time, not instantly.
8. It's impressive to realize the amount of work staff and developer did together to get to this plan.
9. Philip Doyle - I appreciate both sides of the Wilson-Stockton House issue. If on closer examination, it isn't feasible to convert the house, it would have to be a site plan amendment, not a staff change.
10. Arnold King - I don't think the 2% has that big of a negative impact and I don't think the developer would be putting it in if it would be a detriment to them - they have to sell 800+ houses. I do think there will be a grade problem.
11. Kem Schroeder - The house could be used in other ways than just retail.

MOTION: Kem Schroeder moved approval of the zoning map amendment.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: Avant

SITE PLAN MOTION: Kem Schroeder certified that the site plan meets all code requirements and recommends staff conditions, including the retention of the Wilson-Stockton house, with the condition that the 39,000 sf of commercial does not include the historic house.

SECOND: Jerry Clark

VOTE:

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

AGAINST: None

EXCUSED: Avant

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A. Paul Norby, AICP  
Director of Planning