



**DOCKET #:** W2533  
 (Continued from 3/14/02  
 CCPB meeting)

**PROPOSED ZONING:**  
 RM12-S (Residential  
 Building, Townhouse)

**EXISTING ZONING:**  
 RS9

**PETITIONER:**  
 Ismail Salem Naraghi  
 and Vahid Salem Naraghi

**SCALE:** 1" represents 200'

**STAFF:** Galloway

**GMA:** 3

**ACRE(S):** 2.64

**MAP(S):** 618870, 618874



April 24, 2002

Ismail Salem Naraghi, et al, and Vahid Salem Naraghi  
2862 Robinhood Road  
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2533

Dear Mr. & Ms. Naraghi:

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  
Emmett McCall, 633 W. Fourth Street, Winston-Salem, NC 27101  
Jim Morton, 1232 Idlewilde Heath, Winston-Salem, NC 27106  
Debi McGinus, 1199 Hayes Forest Drive, Winston-Salem, NC 27106  
Gary Elkins, 1236 Idlewilde Heath Drive, Winston-Salem, NC 27106  
Roy Fleming, 1131 Cypress Circle, Winston-Salem, NC 27106  
Paul Neese, 1228 Idlewilde Heath Drive, Winston-Salem, NC 27106

**ACTION REQUEST FORM**

**DATE:** April 24, 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 Ismail Salem Naraghi, et al, and Vahid Salem Naraghi

**SUMMARY OF INFORMATION:**

Zoning map amendment of Ismail Salem Naraghi, et al, and Vahid Salem Naraghi from RS-9 to RM-12-S (Residential Building, Townhouse): property is located on the southwest side of Bethabara Road northwest of University Parkway (Zoning Docket W-2533).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Ismail Salem Naraghi, et al, and Vahid Salem Naraghi, Docket W-2533

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-12-S (Residential Building, Townhouse) the zoning classification of the following described property:

Tax Block 3443, Tax Lot 3B

Section 2. This Ordinance is adopted after approval of the site plan entitled Buckingham Place and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Ismail Salem Naraghi, et al, and Vahid Salem Naraghi.

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 Buckingham Place. 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 Ismail Salem Naraghi, et al, and Vahid Salem Naraghi, (Zoning Docket W-2533). 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-12-S (Residential Building, Townhouse), 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-12-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 BUILDING PERMITS**
  - a. Developer shall dedicate 30 feet from centerline along the entire frontage of Bethabara Road.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install a type II bufferyard adjacent to RS-9 zoning.
  - b. Developer shall construct a sidewalk along the entire frontage of Bethabara Road to the specifications of the Public Works Department.
  
- **OTHER REQUIREMENTS**
  - a. Development shall be permitted one freestanding five-foot high monument sign.

## ZONING STAFF REPORT

**DOCKET #** W-2533  
**STAFF:** Suzy Gallaway

Petitioner(s): Ismail Salem Naraghi, et al, and Vahid Salem Naraghi  
Ownership: Same

### **CONTINUANCE HISTORY**

The petitioner requested a continuance from the March 14, 2002 Planning Board meeting to the April 11, 2002 meeting to meet with the neighborhood and address their concerns. Meetings with the neighborhood were still underway at the time of this writing. However, as this report was going to print, staff received a revised site plan from the petitioner. The revised site plan with minor changes shows a reduction in the number of units from 28 to 24, with an overall density reduced to 9.09 units/acre.

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: RM-12-S Residential Multifamily; maximum density 12 units/acre (Residential Building, Townhouse)

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

Acreage: 2.64 acres

### **LOCATION**

Street: Southwest side of Bethabara Road northwest of University Parkway.  
Jurisdiction: City of Winston-Salem.  
Ward: Northwest.

### **SITE PLAN**

Proposed Use: Residential Building, Townhouse.  
Building Height: Two story.  
Parking: Parking will be provided through the driveway and garage of each unit.  
Bufferyard Requirements: Type II along property zoned Single Family Residential.  
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Single family structure.

Adjacent Uses:

North - Condominiums, zoned RM-12-S.  
East - Single family homes, zoned RS-9.  
South - Single family homes, zoned RS-9.  
West - Multifamily, zoned RM-18-S.

**GENERAL AREA**

Character/Maintenance: Well-maintained single family homes and multifamily dwellings.

Development Pace: Moderate.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site would be cleared as it is heavily wooded.

Topography: The property slopes from an approximate elevation of 926 in the northeast portion of the site down to an approximate elevation of 900 in the southwest portion of the site.

The 926 contour serves as a knoll and all drainage currently flows to the north, west and southwest from this high point.

Vegetation/habitat: There is some vegetation retained on the site. The area around the existing house and driveway is already cleared, however.

Natural Heritage Sites: The subject property is approximately 3/4 of a mile to the southeast of Historic Bethabara Park. The subject property does not adversely impact this Natural Heritage site, however.

Watershed: This site is not within the boundaries of a water supply watershed.

**TRANSPORTATION**

Direct Access to Site: Bethabara Road; University Parkway.

Street Classification: Bethabara Road (two lanes with intermittent center turn lanes) - minor thoroughfare; University Parkway - major thoroughfare.

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

Bethabara Road between University Pkwy and North Point Blvd = 5,000/18,500

University Parkway between Bethabara Road and North Point Blvd = 20,000/32,200

Trip Generation/Existing Zoning: RS-9

$2.64 \times 43,560/9,000 = 12 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 114 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RM-12-S

$28 \text{ units} \times 6.59 \text{ (Apt. Trip Rate)} = 184 \text{ Trips per Day}$

Transit: Route 4, along Brownsboro Road; Route 44, along North Point Boulevard.

**HISTORY**

Relevant Zoning Cases:

1. W-2244; RS-9 to RSQ-S; withdrawn at the September 10, 1998 Planning Board public hearing; current site; 2.63 acres; staff recommended denial.

2. W-2270; RS-9 to RM-12-S; approved December 7, 1998; west side of University Parkway and northwest sides of Bethabara Road; 15.71 acres; Planning Board and staff recommended approval.
3. W-2293; RS-9 to RM-12-S; approved May 3, 1999; north side of Bethabara Road between North Point Boulevard and University Parkway; 5.0 acres; Planning Board and staff recommended approval.

**CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): *Legacy* promotes increased infill and higher density development within the municipal services area where that development is compatible with existing development.

Area Plan/Development Guide: *Polo-Reynolda Area Plan* (1985).

Relevant Development Guide Recommendation(s): Although it is unclear in the area plan exactly where the transition from single family to multifamily uses should occur, the Bethabara Road Site Study recommends that the subject property remain as residential - intermediate density. Likewise, the area plan calls for the subject property to be developed as residential - intermediate density. The area plan says that intermediate density is 0-12 units per acres. The specific recommendations for the Bethabara Road area that are relevant to this particular project are as follows:

1. Bethabara Road should remain a two-lane thoroughfare, 24 feet in width.
2. New development on Bethabara Road should have a minimum of access points onto Bethabara Road.
6. Encourage . . . the construction of new residential development that is compatible in character with existing housing and Historic Bethabara structures.

**WINSTON-SALEM/FORSYTH COUNTY SCHOOLS**

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 27 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
Buckingham Place Townhouses	28	Speas Elem	13	366	379	562
		Paisley Mid	6	312	318	570-651
		Mt Tabor High	8	1732	1740	970-1164



## ANALYSIS

The petitioner is requesting to rezone 2.64 acres from RS-9 to RM-12-S (Residential Building, Townhouse). The site is situated between a residential subdivision and high-density multifamily. The petitioner would like to develop townhouses at this site, which is not allowed under RS-9 zoning.

The request as submitted will serve as a transition between the high density multifamily and the single family neighborhood. The Townhouse use is a good transition because it is a lower scale development type than most multifamily. It also has more of a single family character than other multifamily types including individual garages and driveways rather than parking lots. The site is heavily wooded and would be cleared extensively for development, however, clearing would occur with single family development also.

The request is consistent with the recommended density of the *Polo-Reynolda Area Plan* as it is a residential use of intermediate density. *Legacy* recommends infill where appropriate. As this site lies between high density multifamily and a single family neighborhood, it is an appropriate location for townhomes. The site is relatively small and narrow, making any development difficult. There are also both existing and proposed sidewalks in the area, and staff recommends sidewalks be installed along Bethabara Road on this site as well.

Staff believes the petitioner has submitted a well thought-out plan which incorporates moderate density townhomes as a transitional use between multifamily and single family homes.

## FINDINGS

1. The site is situated between a residential subdivision and high-density multifamily.
2. The Townhouse use is a good transition.
3. Site is an appropriate location for infill, as recommended by *Legacy*.
4. Site plan incorporates retention of some open space with a moderate density residential use.

## STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Developer shall dedicate 30 feet from centerline along the entire frontage of Bethabara Road.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install a type II bufferyard adjacent to RS-9 zoning.
  - b. Developer shall construct a sidewalk along the entire frontage of Bethabara Road to the specifications of the Public Works Department.
  
- **OTHER REQUIREMENTS**
  - a. Development shall be permitted one freestanding five-foot high monument sign.

**PUBLIC HEARING** - March 14, 2002

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: John Bost moved continuance of the zoning map amendment and site plan to April 11, 2002.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, King, Norwood, Powell

AGAINST: None

EXCUSED: None

**PUBLIC HEARING** - April 11, 2002

Suzy Gallaway presented the staff report.

FOR:

Emmett McCall, 633 West Fourth Street, Winston-Salem, NC 27101

Represent the petitioner.

There are some really nice neighbors here who are here to state their mind as well as some folks from the Baptist retirement home.

After meeting with the neighbors, we made some adjustments: Units were pulled forward to leave approximately 200' of open space at the rear of the property. Developer has agreed to put a fence around the entire site, except the portion fronting on Bethabara. We feel there is a very significant buffer between this development and the Baptist retirement home.

There will be adequate storm water control, with the result being no more runoff after development than there is currently.

This is an infill site. This is the kind of development *Legacy* encourages - keeping people close to shopping and work. This meets *Legacy* goals.

This townhouse development will be a buffer between RM-18 development and single family residential area.

AGAINST:

Jim Morton, 1232 Idlewilde Heath, Winston-Salem, NC 27106

I live directly behind this site. The high point on this property is in the center of this site. There's a 17' drop to our development, so we are very concerned about runoff. I have a further 15' drop in my yard.

Debi McGinus, 1199 Hayes Forest Drive, Winston-Salem, NC 27106

Represent Brookridge Retirement Home.  
Our main concern is traffic, as it was with the development across the street.  
We are concerned about their being 24 units instead of 12 as agreed upon in 1988.  
When we developed, we had to put our single family units at the front. This site doesn't have that requirement.  
We would be willing to go with 16 units, but don't support 24.

Gary Elkins, 1236 Idlewilde Heath Drive, Winston-Salem, NC 27106

Our neighborhood association believes this plan is too dense. The slope is severe and we're extremely concerned about runoff.  
We would like to have more units deleted from the plan to help with the water runoff.

Roy Fleming, 1131 Cypress Circle, Winston-Salem, NC 27106

I represent our neighborhood group as being in opposition to this request because of the proposed density. Key to this situation is the site being located on a hill.  
We would be very comfortable with 12 units, but not this more intense development.

Paul Neese, 1228 Idlewilde Heath Drive, Winston-Salem, NC 27106

We feel the density is somewhat high. The existing plan is an improvement, leaving sufficient bufferyard. We believe that should be a permanent easement to prevent development in the future. We would also like a row of Cypress trees along the back of the property.

## **WORK SESSION**

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

1. Water will be controlled through the permitting process.
2. Single family houses would provide more streets and pavements. There's a higher standard for drainage for multifamily development than single family development. It appears to me that they've tried to work with the neighbors.
3. Altering the site plan in any way would mean another public hearing, including protecting the buffer.

4. Engineering Department reviewed the plan and saw no problems with the runoff.
5. There did not appear to be any concern from DOT about sight distance.
6. Staff will add volunteered condition for opaque fence. Petitioner and neighbors will work out what type of fence prior to Board of Aldermen meeting. NOTE: Petitioner is still working with neighbors on voluntary fence condition.

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Kerry Avant certified that the site plan meets all code requirements and recommends staff conditions with the additional condition that a fence be constructed along the rear property line and that said type of fence be determined prior to the Board of Aldermen meeting.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning