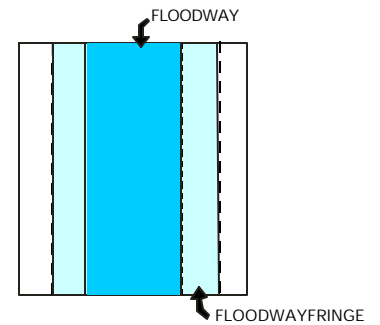


**DOCKET #:** W2539

**PROPOSED ZONING:**  
RM8-S (Residential  
Building, Multifamily)

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Moravian Ministries Foundation



**SCALE:** 1" represents 400'

**STAFF:** Gallaway

**GMA:** 3

**ACRE(S):** 15.41

**MAP(S):** 618838



April 24, 2002

Moravian Ministries Foundation  
Paul McGill, President & Trustee  
459 Church Street  
Winston-Salem, NC 27101

RE: ZONING MAP AMENDMENT W-2539

Dear Mr. McGill:

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  
Ronald A. Matamoros, 110 S. Stratford Road, Winston-Salem, NC 27104  
Dru Boone, 2001 Ardmore Road, Winston-Salem, NC 27127  
Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103

**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 Moravian Ministries Foundation

**SUMMARY OF INFORMATION:**

Zoning map amendment of Moravian Ministries Foundation from RS-9 to RM-8-S (Residential Building, Multifamily): property is located on the north side of Ardmore Road southeast of Ebert Road (Zoning Docket W-2539).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Moravian Ministries Foundation,  
Docket W-2539

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

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BE IT ORDAINED by the Board of Aldermen of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS-9 to RM-8-S (Residential Building, Multifamily) the zoning classification of the following described property:

Tax Block 3838, Tax Lots 12C, 12D, 12E, and 12G

Section 2. This Ordinance is adopted after approval of the site plan entitled Nelson Crossing and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Moravian Ministries Foundation.

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 Nelson Crossing. 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 Moravian Ministries Foundation, (Zoning Docket W-2539). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for RM-8-S (Residential Building, Multifamily), approved by the Winston-Salem Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the RM-8-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
  - a. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  - b. 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. Developer shall dedicate a forty (40) foot wide greenway easement to the City of Winston-Salem along Salem Creek. Planning staff shall approve the location of said greenway easement. Greenway easement shall be recorded on final plat.
  - b. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
  - c. 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.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall widen Ardmore Road to the specifications of the Public Works Department of the City of Winston-Salem. Additionally, developer shall widen Ardmore Road for a left turn deceleration lane. All these improvements shall be installed to the specifications of the Winston-Salem Department of Transportation.
  - b. A sidewalk built to City of Winston-Salem standards shall be installed along the entire frontage of the property adjacent to Ardmore Road. Said sidewalk shall be located at the back edge of the public right-of-way where grades permit. A minimum separation of three (3) feet shall be maintained between the edge of sidewalk and back of curb.
  - c. Internal sidewalks shall be installed as shown on the site plan to City of Winston-Salem specifications to provide pedestrian connections from the buildings to the new public sidewalk along Ardmore Road also being installed by this developer.
  - d. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

## **ZONING STAFF REPORT**

**DOCKET #** W-2539  
**STAFF:** Suzy Gallaway

Petitioner(s): Moravian Ministries Foundation  
Ownership: Same

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: RM-8-S Residential Multifamily District; maximum density 8 units/acre  
(Residential Building, Multifamily)

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

Acreage: 15.41 acres

### **LOCATION**

Street: North side of Ardmore Road southeast of Ebert Road.  
Jurisdiction: City of Winston-Salem.  
Ward: South.

### **SITE PLAN**

Proposed Use: Residential Building, Multifamily.  
Building Height: Two story.  
Density: 5.31 units per acre.  
Parking: Required: 148; proposed: 160.  
Bufferyard Requirements: Type II along single family residential zoning.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

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

Existing Structures on Site: Site is vacant.

Adjacent Uses:

Northeast -	Multifamily, zoned RM-8-S.
South -	Townhouses, zoned RM-8-S.
Southwest -	Multifamily, zoned RM-8-S.
Northwest -	Single family subdivision, zoned RS-9.

## **GENERAL AREA**

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

Development Pace: Rapid.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site would be graded and cleared.

Topography: The subject property is very steep (the property in ranges in elevation from 830' to 710', east to northwest). The proposed improvements are 'benched' into the slope, requiring an approximate balance of cut and fill and removing significant amounts of vegetation.

Streams: Salem Creek and some smaller tributaries.

Vegetation/habitat: Mostly wooded.

Floodplains: There is FEMA regulated floodplain on the subject property (both floodway and floodway fringe). Any fill placed within the floodway fringe must meet the requirements of the UDO (only 1/2 of the distance between the limits of the floodway fringe and the floodway may be filled).

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

Compliance with Federal/State requirements for wetland/stream protection: Sedimentation and Erosion Control plan must be submitted and followed. Must meet all federal, state and local requirements regarding development within a floodplain.

Comments: Compliance with the State and local Erosion Control provisions will be required for this project.

## **TRANSPORTATION**

Direct Access to Site: Ardmore Road; Ebert Road; Penny Lane.

Street Classification: Ardmore Road - minor thoroughfare; Ebert Road - major thoroughfare; Penny Lane - local.

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

Ardmore Road between Ebert Road and Old Salisbury Road = 3,900/16,100

Ebert Road between London Lane and Ardmore Road = 11,100/16,100

Trip Generation/Existing Zoning: RS-9

15.41 acres x 43,560/9,000 = 74 units x 9.57 (SFR Trip Rate) = 708 trips per day

Trip Generation/Proposed Zoning: RM-8-S

80 units x 6.63 (Apt. Trip Rate) = 530 trips per day

Bike: Route 23, Idols Dam Connector, along Ebert Road, west of site.

## **HISTORY**

Relevant Zoning Cases:

1. W-2520; RS-9 to RM-8-S (Residential Building, Multifamily); denied January 7, 2002; west side of Ebert Road south of I-40; 13.01 acres; Planning Board recommended approval and staff recommended denial.



2. W-2269; RS-9 to RM-8-S (Residential Building, Multifamily; and Planned Residential Development); approved April 5, 1999; southeast corner of Ardmore Road and Ebert Road; 27.53 acres; Planning Board and staff recommended approval.
3. W-2168; RS-9 to RSQ-S (Residential Building, Single Family); approved August 18, 1997; southwest side of Ardmore Road west of Ebert Road and east of Ralee Drive; 31.87 acres; Planning Board recommended approval staff recommended denial.
4. W-2112; RS-9 to RM-8-S (Residential Building, Multifamily); approved December 2, 1996; northwest corner of Falcon Point Drive and Penny Lane; 6.81 acres; Planning Board and staff recommended approval.
5. W-1232; R-4 to R-2-S (Dwellings: Multifamily) (converted to RM-12-S in UDO); approved March 4, 1985; on the north side of Ardmore Road along the northeast side of Penny Lane; 32 acres; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* promotes higher residential densities in areas where the public already has an investment in adequate facilities and services including roads, and sewer and water. Larger residential development should provide a mix of housing types and prices.

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

### **GREENWAY/RECREATION/OPEN SPACE REVIEW**

Greenway Plan: Draft Greenway Plan.

Greenway/Trail Name: Salem Creek Trail.

Easement Requested: 40 feet.

Side of Creek: East side.

Comments/Status of Trail: It is proposed that the existing Salem Creek Trail be extended south to ultimately join the proposed Muddy Creek Trail.

## WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 32 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
Nelson Crossings 2 or 3 bedroom apartments	72	Griffith Elem	15	811	826	660
		Clemmons Mid	7	1235	1242	825-930
		Parkland High	10	1351	1361	874-1192

## ANALYSIS

The project site lies in an area which has a mixture of single family and multifamily homes. The area to the east of the site along both sides of Ardmore Road has experienced a fast rate of residential development over the last few years. The availability of urban services and the central location has made this a very popular part of the City.

Although the area has not been the subject of a development guide or area plan, it has been analyzed through the review of individual zoning cases that have been submitted over the years. In 1985 when staff considered the Falcon Pointe Apartments rezoning (W-1232), much of the discussion centered on the precedent that would be set if the zoning case were approved. In the final analysis, the Planning Board and staff recommended approval of those apartments with the understanding that much of the surrounding undeveloped land would likely develop at densities of up to eight units per acre. *Legacy* calls for infill development at higher densities within the municipal services area. *Legacy* also states that such infill should be compatible with the existing neighborhood and address the concerns of existing residents in the area.

The current request for RM-8-S zoning proposes a density of 5.31 units per acre. If the site were developed as a Planned Residential Development (PRD) under the existing RS-9 zoning, the density allowed would be 4.84 units per acre. The proposed site plan protects a considerable amount of wooded open space in the rear of the development along Salem Creek which will benefit the residents directly and will benefit the community at large more indirectly.

Recognizing the existence of other multifamily zoning in the area, staff is generally supportive of multifamily zoning at the current location. In this area, traffic is a major concern. Strong citizen concern about traffic problems in the area from neighborhoods adjacent to Ebert Road was voiced during the Board of Aldermen meeting for the nearby case W-2520 (south of I-40). Staff is mindful not to promote additional traffic volumes beyond that which might otherwise occur under the existing RS-9. The proposed RM-8-S zoning would decrease the potential number of average daily trips from 708 (possible under the current RS-9 zoning) to 530 trips per day (with

the proposed RM-8-S). Staff has maintained its general support for properly designed RM-8 zoning requests which do not generate more traffic than the current RS-9. This proposal, while slightly increasing the potential overall density, actually has a decreased traffic generation potential than single family development.

Staff is recommending the developer be responsible for improvements to Ardmore Road, including road widening and sidewalks. These improvements will benefit the entire area which, as mentioned above, has experienced a fast rate of development over the last few years.

### **FINDINGS**

1. Area has a mixture of single family and multifamily homes.
2. *Legacy* calls for infill development at higher densities within the municipal services area.
3. Proposed RM-8-S zoning would decrease the potential number of average daily trips from RS-9 development potential.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
  - a. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  - b. 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. Developer shall dedicate a forty (40) foot wide greenway easement to the City of Winston-Salem along Salem Creek. Planning staff shall approve the location of said greenway easement. Greenway easement shall be recorded on final plat.
  - b. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
  - c. 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.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall widen Ardmore Road to the specifications of the Public Works Department of the City of Winston-Salem. Additionally, developer shall widen Ardmore Road for a left turn deceleration lane. All these improvements shall be installed to the specifications of the Winston-Salem Department of Transportation.
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  - c. Internal sidewalks shall be installed as shown on the site plan to City of Winston-Salem specifications to provide pedestrian connections from the buildings to the new public sidewalk along Ardmore Road also being installed by this developer.
  - d. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

Philip Doyle was excused from consideration of this request.

Suzy Gallaway presented the staff report.

**PUBLIC HEARING**

FOR:

Ron Matamoros, 110 S. Stratford Road, Winston-Salem, NC 27104

Represent developer.

Density is similar under existing and proposed zones.

Impervious cover is not a significant issue.

The one issue we have is with access.

Falcon Point cul-de-sac will be extended into this site. My client assumed that the Boones would be accepting of a new, paved driveway from the north. That isn't the case.

There are some technical issues over the easement. There is a temporary easement and a right to relocate the easement. As of this date, we have no agreement over this easement situation.

Under normal situation, we might ask for continuance for another month to work this out, but due to the use of tax credits, we must have this zoning by May to be able to apply for tax credits.

We may be able to rework our site plan.

We offer another condition: "The Owner shall not commence grading the southeast corner of the property (the area behind Buildings 1 and 2) without first providing to the City of Winston-Salem Inspection Division a copy of a written agreement between owner and Mr. and Mrs. Micky Boone evidencing an agreement for the location of the driveway accessing Mr. and Mrs. Boone's residence located on Tax Lot 12F, Block 3838.

**AGAINST:**

Dru Boone, 2001 Ardmore Road, Winston-Salem, NC 27127

After hearing Ron's presentation, there are definitely some things that need to be resolved. Have had some misunderstanding with representatives from the petitioners. There are three easements. A letter is on file about those easements.

Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103

My concerns are about traffic.

The numbers for traffic capacity for Ebert Road are different that they were when Mr. Avant was trying to get his property rezoned just a short while ago. (STAFF NOTE: Traffic counts are for different sections of Ebert Road.)

The schools are already over capacity.

Staff report states that developer should be responsible for improvements to both Ebert Road and Ardmore Road, but on page 6, Ebert Road is not reflected in the conditions. (Reference to improvements to Ebert Road have been taken out of the staff report.)

**WORK SESSION**

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

1. Concern was expressed over the easement situation. Either they have an easement, they will buy it from her, or they will move their buildings. Kerry Avant - How can we approve a site plan and send it forward if in fact a building has to be moved? Tim Gauss - If that is done, there needs to be a list of conditions maintaining the maximum density, setback requirements, etc. to accommodate this easement. John Bost - we should not in any way jeopardize her access rights.
2. David Reed noted that in general, sending a plan forward to the Aldermen without knowing what that plan will look like in the end is not something staff would recommend the Board do. Typically a case would not get to this point without something like this being resolved.

3. The site plan could be approved with an understanding that the two buildings in the easement and the parking for those buildings may go away and the area be left undisturbed and two buildings in the back will become three story. Glenn Simmons noted that there may have to be significant reworking of the parking area if two buildings go to three story.

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: Arnold King

VOTE:

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

AGAINST: None

EXCUSED: Doyle

SITE PLAN MOTION: John Bost certified that the site plan meets all code requirements and recommends staff conditions with modification of site plan to accommodate her legal rights as well as acceptance of any modifications of any building locations as has been defined to add third floor if the parking and site modifications would fit staff criteria.

SECOND: Kerry Avant

VOTE:

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

AGAINST: None

EXCUSED: Doyle

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A. Paul Norby, AICP  
Director of Planning