



DOCKET #: W2579
 (continued from 9/12/02 and
 10/10/02 CCPB meeting)

PROPOSED ZONING:
 RM12-S (Residential
 Building, Multifamily)

EXISTING ZONING:
 RS9

PETITIONER:
 Ronald Freiburger

SCALE: 1" represents 200'

STAFF: Hall

GMA: 3

ACRE(S): 6.75

MAP(S): 612838



November 20, 2002

Ronald E. Freiberger
5085 Flyntdale Road
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2579

Dear Mr. Freiberger:

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
Lucious B. Oliver, 4265 Brownsboro Road, Suite 102, P. O. Box 4093, Winston-Salem,
NC 27115
Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: November 20, 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 Ronald E. Freiburger

SUMMARY OF INFORMATION:

Zoning map amendment of Ronald E. Freiburger from RS-9 to RM-12-S (Residential Building, Multifamily): property is located on the east side of Griffith Road north of Emsley Street. (Zoning Docket W-2579).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, BOST, CLARK, DOYLE, FOLAN, KING
AGAINST: GLENN, POWELL
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Ronald E. Freiburger, Docket W-2579

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

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, Multifamily) the zoning classification of the following described property:

Tax Block 3934, Tax Lot 009C

Section 2. This Ordinance is adopted after approval of the site plan entitled Griffith Gardens and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Ronald E. Freiburger.

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 Griffith Gardens. 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 Ronald E. Freiburger, (Zoning Docket W-2579). 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, 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-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 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. If required, an engineered storm water management plan shall be submitted and approved 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, all access and utility easements, and ten feet of additional right-of-way along Griffith Road.
 - c. As volunteered by the petitioner, developer shall submit building elevations and plans for review by Planning staff. Said plans shall be in substantial compliance with building elevations as voluntarily submitted by the petitioner in attached exhibit "A".

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
 - b. Developer shall install curb and gutter and turn lanes as required by NCDOT along the entire frontage of the property along Griffith Road to the specifications of the Public Works Department of the City of Winston-Salem.
 - c. Developer shall install a sidewalk at the outside edge of the public right-of-way along the entire frontage of the property to the specifications of the Public Works Department of the City of Winston-Salem. Developer shall install all supplemental landscape plantings as shown on the approved site plan.
 - d. All required storm water devices shall be installed.

- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.
 - b. All sanitation dumpsters to be enclosed on three sides by a wooden fence at least 8 feet in height.

ZONING STAFF REPORT

DOCKET # W-2579
STAFF: S. Chad Hall

Petitioner(s): Ronald Freiburger
Ownership: Same

REQUEST

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

CONTINUANCE HISTORY

The request was originally continued from the September 12, 2002 Planning Board meeting at the request of the petitioner to pursue an alternate design. Staff did not received anything additional from the petitioner for the October 10, 2002 Planning Board meeting. Consequently, staff recommended that this petition be further continued to the November 14, 2002 Planning Board Meeting. Staff still has not received any new plan for the subject property, per this writing. However, many discussions have been held with the site plan preparer in preparation of the new plan.

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

Acreage: 6.75 acres

LOCATION

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

SITE PLAN

Proposed Use: Residential Building, Multifamily.
Square Footage: 19,600 sf per two-story building; 24,500 sf per three-story building; yielding 68,600 total sf.
Building Height: Two and three story.
Density: 8.3 dwelling units per acre (du/a).
Parking: Required: 103; proposed: 107.

Bufferyard Requirements: Type II adjacent to RS-9 zoning.
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: One story residential dwelling.

Adjacent Uses:

- North - RS-9 single family homes and accessory buildings.
- East - RM-12-S currently vacant.
- South - RM-12-S Griffith Commons apartments.
- West - RS-9 single family homes.

GENERAL AREA

Character/Maintenance: A mix of homes and accessory farm buildings with newly constructed multifamily buildings.

Development Pace: Very rapid.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Loss of some vegetation near the lakes.

Topography: There is an approximate change in elevation on the subject property of 60' [from an approximate elevation of 816' in the northwest down to an approximate elevation of 756' in the east (water elevation of large pond)].

Vegetation/habitat: The rear 2/3 of the site is mostly vegetated, except for the ponds.

Wetlands: WS West Quad: The ponds are both classified as PUBHh wetlands (Palustrine, unconsolidated bottom, permanently flooded, dammed or impounded waters). Great care should be exercised to ensure that the wetlands are not disturbed during construction [including direct (filling, grading, draining, etc.) and indirect (siltation, contamination, etc.)] disturbances.

Watershed: Site is not within a water supply watershed.

Compliance with Federal/State requirements for wetland/stream protection: The site plan does not show any disturbance to the wetlands. As originally submitted, the plan does show possible filling and/or grading directly adjacent to the wetland area. Great care should be exercised to ensure the health and vitality of the wetlands. If any disturbance is proposed, state and federal permits must be secured.

TRANSPORTATION

Direct Access to Site: Griffith Road.

Street Classification: Minor thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Griffith Road between Kimwell Drive Extension and Clemmonsville Road = 5,100/16,100

Trip Generation/Existing Zoning: RS-9

6.75 acres x 43,560/9,000 = 32 units x 9.57 (SFR Trip Rate) = 306 Trips per Day

Trip Generation/Proposed Zoning: RM-12-S

56 units x 6.59 (Apt. Trip Rate) = 369 Trips per Day

Planned Road Improvements: Burke Mill Road realignment, to the north. The tentative schedule is for the design to be completed by July 2003 and right-of-way acquisition and construction is to be completed by July 2005.

Sight Distance: Good.

Interior Streets: Private.

Connectivity of street network: No stubs to adjacent properties.

Sidewalks: None.

Transit: Route 43 along Burke Mill Road.

Bike: None.

HISTORY

Relevant Zoning Cases:

1. W-2571; RS-9 and GI to RM-5-S (Residential Building, Townhouse; Residential Building, Twin Home; and Residential Building, Duplex); pending Board of Aldermen action; west side of Griffith Road north of Everidge Road; 29.93 acres; Planning Board recommended approval; staff recommended denial.
2. W-2524; RS-9 to RM-8-S (Planned Residential Development); approved February 4, 2002; east side of Griffith Road and north side of Hampton Road; 34.89 acres; Planning Board recommended approval, staff recommended denial.
3. W-2381; RS-9 to RM-8-S (Residential Building, Multifamily); approved May 1, 2000; east side of Griffith Road south of Emsley Street; 39.34 acres; Planning Board and staff recommended approval.
4. W-2182; RS-9 and RM-8-S to RM-8-S (Life Care Community); approved October 6, 1997; southwest corner of Bethel Church Road and Burke Mill Road; and east side of Griffith Road, south of Burke Mill Road; 28.51 acres; Planning Board and staff recommended approval.
5. W-1249; R-6 to R-2-S (Residential Building, Multifamily - TWO PHASE); approved September 3, 1985; east side of Griffith Road across from Emsley Drive; 13.03 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for increased residential densities where appropriate, a mix of housing types within neighborhoods and street connections between neighborhoods.

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

Relevant Development Guide Recommendation(s): The *South Stratford Road Development Guide* recommends that the land use for the subject property (see Development Plan - Map 7 on page 17 of the guide), although already developed at the time the plan was written, should not change from low-density residential (see Existing Land Use on page 16 of the guide). As a result, the land use plan recommends that this area remain low density residential (0-5 DUA).

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
Griffith Gardens Multifamily	56	Ward ES	11	905	920	795
		Clemmons MS	6	1201	1208	825
		Parkland HS	8	1384	1394	874-1192

ANALYSIS

The current request is to rezone 6.7 acres from RS-9 to RM-12-S (Residential Building, Multifamily). The site is located on the east side of Griffith Road opposite single family residential uses. To the south is Griffith Commons apartments, zoned RM-12-S. To the north remains single family homes and accessory farm buildings, zoned RS-9.

The site falls into an area experiencing a rapid transition. Griffith Commons, to the south, was recommended in the *South Stratford Road Development Guide* for moderate density (0-8 du/a); it was developed at 12 units per acre. The subject property is recommended for low density (0-5 DUA) residential. *Legacy* generally supports infill development at higher densities within the municipal services area. *Legacy* also states that infill should be compatible with the existing neighborhood and address the concerns of existing residents in the area.

The current site plan shows approximately half of the site to remain undeveloped. With that, the majority of the RM-12 density is occurring on significantly less land. While this concept is encouraged in order to provide protected open space, the scale and type of buildings is incompatible with the majority of existing residential in the area, although it is compatible with the adjacent Griffith Commons. Recent rezonings have included products, such as townhouses and twin homes, that are more in keeping with the scale of detached single family products.

Furthermore, the most recent rezonings have either been in keeping with suggested area plan recommendations or have been no more than three (3) du/a greater than those recommendations. The current request is 3.3 du/a greater.

Staff is concerned about the relationship and character of the proposed apartments in relationship to the established single family neighbors. On the basis of the current site plan and massing considerations, staff does not believe that these issues have been adequately addressed. Planning staff has expressed these concerns to the developer and is awaiting revised site plans to determine if the project could warrant a positive recommendation by staff. Until receiving revised plans, Planning staff does not support the request in its current status.

FINDINGS

1. The site falls into an area experiencing a rapid transition.
2. The subject property is recommended for low density (0-5 du/a) residential.
3. The current request is 3.3 du/a greater than the recommended density.
4. *Legacy* states that infill should be compatible with the existing neighborhood and address the concerns of existing residents in the area.
5. Relationship, character, and massing of the proposed apartments in relationship to the established single family neighbors is not compatible.

STAFF RECOMMENDATION

Zoning: **DENIAL**, unless a revised site plan is submitted which addresses staff's concerns.

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved 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, all access and utility easements, and 10' of additional right-of-way along Griffith Road.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
 - b. Developer shall install curb and gutter and turn lanes as required by NCDOT along the entire frontage of the property along Griffith Road to the specifications of the Public Works Department of the City of Winston-Salem.
 - c. Developer shall install a sidewalk at the outside edge of the public right-of-way along the entire frontage of the property to the specifications of the Public Works Department of the City of Winston-Salem. Developer shall install all supplemental landscape plantings as shown on the approved site plan.
 - d. All required storm water devices shall be installed.

- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.
 - b. All sanitation dumpsters to be enclosed on three sides by a wooden fence at least 8 feet in height.

PUBLIC HEARING - September 12, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved continuance of the zoning map amendment and site plan to October 10, 2002.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - October 10, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved continuance of the zoning map amendment and site plan to November 14, 2002.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - November 14, 2002

Chad Hall presented the staff report.

FOR:

Lucious B. Oliver, , 4265 Brownsboro Road, Suite 102, Winston-Salem, NC 27105

After we found out that the density was an issue, we have tried to work with staff and the developers to come up with a unique design. The units facing the lake would have a three-story effect while the sides facing the front would have a two-story effect.

We have made at least four revisions. We're willing to keep making changes as much as we can to keep it feasible.

AGAINST:

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

Reviewed the rezonings on Griffith Road.

I'm concerned about traffic.

I request that you deny this petition.

WORK SESSION

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

1. Staff's concern now is the size of the buildings and what precedent this may set for the property to the north.

2. Area plan calls for 5 units/acre.
3. Applicant is willing to commit to the style of units as shown in photo displayed, with the height limited to two stories everywhere except along the lake front where the facade will be three stories.
4. Philip Doyle - Griffith Road is going to continue to develop. We get requests almost every month.
5. Jerry Clark - As we develop Griffith Road, we need to be aware of the large commercial vehicles that utilize that road.

MOTION: Philip Doyle moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the inclusion of the photograph of the building.

SECOND: John Bost.

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King

AGAINST: Glenn, Powell

EXCUSED: None

A. Paul Norby, AICP
Director of Planning