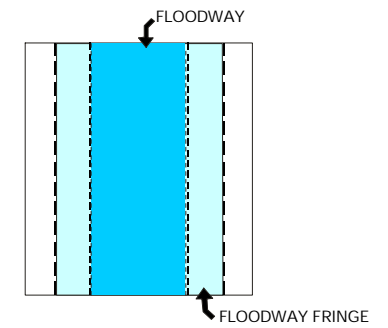


DOCKET #: W2452

PROPOSED ZONING:
RM-8-S (Multifamily
and Townhouse)

EXISTING ZONING:
RM-8-S (Multifamily)

PETITIONER:
Shadow Group, LLC



SCALE: 1" represents 600'

STAFF: Roberts

GMA: 3

ACRE(S): 49.84

MAP(S): 636830, 636834



February 21, 2001

Shadow Group, LLC
c/o Barbara Greene
P. O. Box 41229
Greensboro, NC 27404

RE: ZONING MAP AMENDMENT W-2452

Dear Ms. Greene:

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
Jerry Weyker, Weyker and Associates, Inc., 2966-D St. Marks Road, Winston-Salem, NC
27103
Herb N. Somekh, P. O. Box 41229, Greensboro, NC 27404
Santo Nicita, 3920 Old Lexington Road, Winston-Salem, NC 27107
Santosh Y. Aghamkar, 2109 Patterson St., Greensboro, NC 27407

ACTION REQUEST FORM

DATE: February 21, 2001
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 Shadow Group, LLC

SUMMARY OF INFORMATION:

Zoning map amendment of Shadow Group, LLC from RM-8-S (Residential Building: Multifamily) to RM-8-S (Residential Building: Multifamily; and Residential Building: Townhouse): property is located at the intersection of Old Lexington Road and Teague Road on the west side of Old Lexington Road and on the north side of South Fork Muddy Creek (Zoning Docket W-2452).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Shadow Group, LLC, Docket
W-2452

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 RM-8-S (Residential Building, Multifamily) to RM-8-S (Residential Building, Multifamily; and Residential Building, Townhouse) the zoning classification of the following described property:

BEGINNING at an existing iron pin in the west right-of-way line of Old Lexington Road at the intersection with the north line of a private right-of-way; thence along the west right-of-way line of Old Lexington Road north 42° 14' 25" west 101.55 feet to a point; thence along a curve to the right in said right-of-way line with a chord of north 19° 47' 27" west 405.11 feet to a point; thence along said right-of-way line north 02° 39' 31" east 233.19 feet to a point of intersection with a property line; thence along said property line south 85° 53' 09" west, 1,036.62 feet to a corner; thence along a property line south 02° 46' 38" west 2,294.91 feet to a point in the centerline of South Fork Creek; thence north 88° 04' 09" east 234.45 feet to a point; thence north 65° 37' 45" east 291.03 feet to a point; thence north 47° 20' 00" east 917.40 feet to a point; thence north 38° 47' 03" west 431.39 feet to a point; thence north 10° 33' 36" east 247.58 feet to a point; thence north 10° 33' 36" east 170.31 feet to a point; thence south 84° 16' 10" east 238.05 feet to a point; thence along a curve to the right with a chord of north 25° 15' 00" east 205.86 feet to a point; thence north 41° 45' 00" east 32.99 feet to the point of BEGINNING.

Said property contains 49.84 acres more or less and is a portion of Lot 1B of Tax Block 2720 of Forsyth County, North Carolina.

Section 2. This Ordinance is adopted after approval of the site plan entitled Spring House Village and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Shadow Group, LLC.

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 Spring House Village. 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 Shadow Group, LLC, (Zoning Docket W-2452). 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; and 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-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 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.
 - b. Limits of grading along the stream defining the southern edge of the property shall be flagged in the field.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrants will be required in locations approved by the Forsyth County Fire Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices shall be installed.
 - b. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
 - c. Developer shall widen Old Lexington Road and provide turn lanes to North Carolina and City of Winston-Salem Departments of Transportation specifications.
 - d. If the property to the west is ever developed residentially the petitioner will install a private street at the southernmost end of this site.

- **PRIOR TO SIGNING FINAL PLATS**
 - a. Except for the one private drive entrance as shown on the approved site plan, developer shall record a negative access easement along entire frontage of property along Old Lexington Road.

OTHER REQUIREMENTS

- a. Signage along Old Lexington Road shall be limited to two (2) monument signs with a maximum height of five (5) feet.

ZONING STAFF REPORT

DOCKET # W-2452
STAFF: Gary Roberts

Petitioner(s): Shadow Group, LLC
Ownership: Same

REQUEST

From: RM-8-S Residential Multifamily District; maximum density 8 units/acre
(Residential Building, Multifamily)
To: RM-8-S Residential Multifamily District; maximum density 8 units/acre
(Residential Building, Multifamily; and 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: 49.84 acres

LOCATION

Street: At the intersection of Old Lexington Road and Teague Road on the west side of Old Lexington Road.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

SITE PLAN

Proposed Use: 320 apartment and townhouse units.
Square Footage: 185,384 total.
Building Height: 2 and 3 story.
Density: 6.4 dwelling units per acre.
Parking: Required: 554; proposed: 596.
Bufferyard Requirements: Type I adjacent to GI zoning and type II adjacent to RS-9 zoning districts.
Vehicular Use Landscaping Standards Requirements: UDO Standards Apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Two accessory structures.

Adjacent Uses:

North - Single family residential uses zoned RS-9.
East - Single family residential uses zoned RS-9 and floodplain for South Fork Muddy Creek.

South - Floodplain for South Fork Muddy Creek.
West - Undeveloped RS-9 zoning on the southern portion of land west of the site and a City of Winston-Salem abandoned vehicle storage and landfill use with GI zoning on the northern portion.

GENERAL AREA

Character/Maintenance: Well maintained mixture of low density residential north, east, and south of current site; heavy industrial and institutional (landfill) uses located west of the property accessing off Overdale Road.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Considerable grading and removal of vegetation.

Topography: This property contains gradual to steep topography changes.

Streams: South Fork Creek crosses the southern portion of this property. A minor tributary to the south, Fork Creek bisects the site.

Vegetation/habitat: Partially wooded with open fields.

Constraints: None known.

Floodplains: Part of this property exists within floodway and floodway fringe areas. Residential construction in floodway fringe areas must have the lowest flood, including basement, elevated no lower than one foot above base flood elevation.

TRANSPORTATION

Direct Access to Site: Old Lexington Road and Teague Road.

Street Classification: Old Lexington Road - minor thoroughfare; Teague Road - minor thoroughfare.

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

Old Lexington Road from Teague Road to Clemmonsville Road = 3,800/13,000

Teague Road from Old Lexington Road to Thomasville Road = 2,100/10,500

Trip Generation/Existing Zoning: RM-8-S

300 units x 6.59 (Low Rise Apt. Trip Rate) = 1,977 trips

Trip Generation/Proposed Zoning: RM-8-S

320 units x 6.59 (Low Rise Apt. Trip Rate) = 2108 trips

Planned Road Improvements: Winston-Salem DOT plans to widen Old Lexington Road to three lanes; however, the improvements are not scheduled.

Interior Streets: A new interior street to serve the two phases is proposed.

Connectivity of street network: Staff recommends public street connection to the west.

Transit: Route #26 runs along Old Lexington Road past the site.

HISTORY

Relevant Zoning Cases:

1. W-2320; RS-9 to GI; withdrawn at Planning Board meeting on May 13, 1999; located 1/4 mile northwest of site; 9.25 acres; staff recommended denial.
2. W-2250; RS-9 to MH; approved September 8, 1998; west side of Overdale Road, north of Old Milwaukee Lane, 1/4 mile northwest of current site; 1.33 acres; Planning Board and staff recommended approval.
3. W-2151; IP-S (Church or Religious Institution, Community; Child Day Care Center; School, Private; School, Vocational or Professional; Adult Day Care Center; and Nursing Care Institution - TWO PHASE) to MU-S [Church or Religious Institution, Community; Child Day Care Center; School, Private; School, Vocational or Professional; Broadcast Studio; Restaurant (without drive-through service); Residential Building, Multifamily; Life Care Community; Banking and Financial Services; Food or Drug Store; General Merchandise Store; and Retail Store, Specialty or Miscellaneous - TWO PHASE]); approved June 2, 1997; east side of Old Lexington Road, south of Clemmonsville Road; 58.12 acres; Planning Board and staff recommended approval.
4. W-788; R-5 & R-6 to R-2-S (Dwellings: multi-family); approved July 7, 1980; current site; 55.49 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): *Vision 2005* promotes the preservation of stable neighborhood areas.

Area Plan/Development Guide: None.

Thoroughfare Plan: Proposed widening not currently identified on official Thoroughfare Plan.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: Proposed in *Vision 2005*.

Greenway/Trail Name: South Fork/Fiddlers Creek.

Easement Requested: 40 feet.

Side of Creek: North.

Comments/Status of Trail: Greenway easement dedication for future construction.

ANALYSIS

The petitioners are requesting approval to rezone this 49.84 acre tract from RM-8-S (Residential Building: Multifamily) to RM-8-S (Residential Building: Multifamily; and Residential Building: Townhouse). The subject property, along with an additional 5.65 acres adjoining to the southeast, was previously rezoned to said multifamily designation in 1980 with a site plan for 300 units. To date, the property remains undeveloped. The Shadow Group LLC, has recently purchased the site and is now applying for a revision to the previous approval. The current petition would accommodate an additional 20 units and allow for a near even mix of apartments and townhouses.

Staff feels that the partial conversion from apartments to individually owned townhouses will add stability to the development despite the additional 20 units. Staff recommends that the public street shown on the new site plan be extended through the site to access a 22 acre landlocked tract of RS-9 property to the west. While the proposal will only result in a net density of 6.4 units per acre there will be a measurable increase traffic on Old Lexington Road as this is the only access point. Staff's recommendation is for approval provided that said public street be extended, as stated above.

FINDINGS

1. *Vision 2005* promotes the preservation of stable neighborhood areas.
2. Multifamily residential (RM-8-S) zoning currently exists on the site.
3. Proposed use and density is generally compatible with adjacent uses.

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 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.
 - b. Limits of grading along the stream defining the southern edge of the property shall be flagged in the field.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrants will be required in locations approved by the Forsyth County Fire Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices shall be installed.
 - b. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
 - c. Developer shall widen Old Lexington Road and provide turn lanes to North Carolina and City of Winston-Salem Departments of Transportation specifications.
 - d. Developer shall construct a thirty-seven (37) foot wide public street, constructed to City of Winston-Salem Public Works Department public street standards to the west property line.

- **PRIOR TO SIGNING FINAL PLATS**
 - a. Except for the one private drive entrance as shown on the approved site plan, developer shall record a negative access easement along entire frontage of property along Old Lexington Road

- **OTHER REQUIREMENTS**
 - b. Signage along Old Lexington Road shall be limited to two (2) monument signs with a maximum height of five (5) feet.

[For information purposes only: The draft Legacy comprehensive plan 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. The plan also calls for environmentally sensitive development and the protection of features like the environmentally sensitive lands including floodplain which makes up a large portion of this site.]

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Jerry Weyker, 2966 D St. Marks Road, Winston-Salem, NC 27103

I represent the Shadow Group, LLC.

We have tried to take an old plan from 20 years ago and turn it into something more attractive, with more open space and different types of housing.

The only problem we have with the conditions is the connection to the west. Normally I would push for connectivity, but I think in this case there are several reasons not to connect to the western piece of property.

As soon as you cross the power lines on the west, you can hear Corn Products and smell it. This is one of the heaviest if not the heaviest industrial use in Forsyth County. This is a giant chemistry set.

Displayed pictures.

In all probability, if the property to the west of this site is developed, it will be in connection with the industrial uses west of it.

American National Can Company has a drive with a cul-de-sac which almost touches the property west of this site. Although it is a private drive, it could be turned into a public road.

Anything that would develop on the property to the west would be of such nature that it would not be appropriate to access it through residential areas.

One of the reasons we've proposed public streets is to allow school buses to come to the rear of the site and pick up children there rather than the children having to walk all the way to Old Lexington Road.

Herb N. Somekh, P. O. Box 41229, Greensboro, NC 27404

Staff has done an excellent job of putting our proposal forth.

There are several community areas within this plan. Any road connecting to what may be industrial would certainly create a problem for residents.

This plan would take about 5 years to finish because of the absorption rate for this area.

AGAINST:

Santo Nicita, 3920 Old Lexington Road, Winston-Salem, NC 27107

I live next door to the property. I came because I didn't have any idea what was going on.

I'm not happy about it going there because I just built 2 1/2 years ago and we aren't happy about 500 neighbors to be added, but I understand it's already approved for most of those. It does look like a good plan.

WORK SESSION

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

1. Mr. Norby indicated that if we do not allow the connection, we are guaranteeing that the property to the west will go industrial.
2. Steve Johnson - go ahead as indicated without the connection, with the agreement that if the property to the west is ever developed residentially, the petitioner will install that connection.

MOTION: Steve Johnson moved approval of the zoning map amendment.

SECOND: James Rousseau

VOTE:

FOR: Johnson, King, Powell, Rousseau, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Steve Johnson certified that the site plan meets all code requirements and recommends staff conditions and the requirement that if the property to the west is ever developed residentially the petitioner will install that connection.

SECOND: James Rousseau

After discussion, the following amendment was made:

AMENDED SITE PLAN MOTION: Steve Johnson certified that the site plan meets all code requirements and recommends staff conditions and the requirement that if the property to the west is ever developed residentially the petitioner will install a private street at the southernmost end of this site. The petitioner agreed.

SECOND: James Rousseau

VOTE:

FOR: Johnson, King, Powell, Rousseau, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning