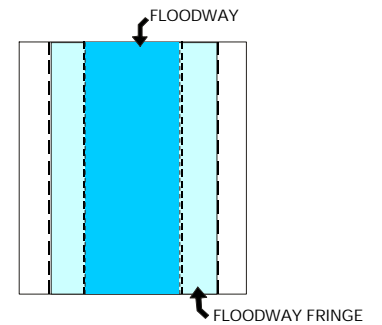


DOCKET #: W2464

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

EXISTING ZONING:
RS9

PETITIONER:
Chris Parr for
property owned by
Margaret B. Dyson



SCALE: 1" represents 400'

STAFF: Hughes

GMA: 3

ACRE(S): 20.8

MAP(S): 618842



April 25, 2001

Chris Parr
c/o Parr Construction
3614 Camden Falls Circle
Greensboro, NC 27410

RE: Zoning Map Amendment W-2464

Dear Mr. Parr:

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
Charles Huneycutt, 1656 Ebert St., Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: April 25, 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 Petition of Chris Parr for property owned by Margaret B. Dyson

SUMMARY OF INFORMATION:

Zoning map amendment of Chris Parr for property owned by Margaret B. Dyson from RS-9 to RM-8-S (Residential Building, Multifamily): property is located on the west side of Ebert Road south of Geneva Road (Zoning Docket W-2464).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Chris Parr for property owned by Margaret B. Dyson, Docket W-2464

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-8-S (Residential Building, Multifamily) the zoning classification of the following described property:

Tax Block 3997 Tax Lot 7D

Section 2. This Ordinance is adopted after approval of the site plan entitled Parr Apartments and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Chris Parr for property owned by Margaret B. Dyson.

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 Parr Apartments. 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 Chris Parr for property owned by Margaret B. Dyson (Zoning Docket W-2464). 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: (These conditions are additional requirements for development. All other city or county code regulations still apply.)

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Limits of grading along the stream defining the western edge of the property shall be flagged in the field.

- **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.

- **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 along Ebert Road to the specifications of the City of Winston-Salem Department of Transportation.
 - c. Developer shall install all supplemental landscape plantings as shown on the approved site plan.
 - d. Pedestrian trail, as shown on the approved site plan, shall be installed and constructed using mulch, stone and other all weather surface materials.

- **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-2464
STAFF: Suzy Hughes

Petitioner(s): Chris Parr
Ownership: Margaret B. Dyson

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: 20.79 acres

LOCATION

Street: West side of Ebert Road south of Geneva Road.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: Multifamily.
Square Footage: 48,752 square feet.
Building Height: Three story.
Density: 8.00 units per acre
Parking: Required: 273; proposed: 273.
Bufferyard Requirements: Minimum 15-foot type II buffer adjacent to RS-9 zoned districts;
developer shows a 30-foot type II buffer adjacent to RS-9 zoned districts.
Vehicular Use Landscaping Standards Requirements: UDO Standards Apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is vacant.

Adjacent Uses:

North - Single family neighborhood uses zoned RS-9. Two paper stub street connections are located along the northern property line adjacent to existing single family development.

- Northeast - Existing single family residential development and developed RM-18 zoned properties.
- East - Single family residential uses zoned RS-9.
- South - I-40 and a small tract of undeveloped RS-9 zoned land between current site and I-40.
- West - Single family residential uses zoned RS-9.

GENERAL AREA

Character/Maintenance: Well to moderately maintained single family homes.
 Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site is currently undeveloped.
 Topography: Property slopes gently to moderately downward toward the west.
 Streams: Bottom Branch Creek crosses the western edge of this property.
 Vegetation/habitat: Site is currently undeveloped.
 Constraints: Moderate constraints caused by utility easements on property.
 Floodplains: The westernmost edge of this property exists within floodway areas.

TRANSPORTATION

Direct Access to Site: Ebert Road.
 Street Classification: Major thoroughfare.
 Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
 Ebert Road between Ebert Street and London Lane = 11,000/12,000
 Trip Generation/Existing Zoning: RS-9
 $20.79 \times 43,560 / 9,000 = 100 \text{ units} \times 9.57 = 957 \text{ trips}$
 Trip Generation/Proposed Zoning: RM-8-S
 $166 \text{ units} \times 6.63 \text{ (Apt. Trip Rate)} = 1,100 \text{ trips}$
 Transit: Route #23, along Ebert Road.
 Bike: Route # 23, along Ebert Road.

HISTORY

Relevant Zoning Cases:

1. W-2453 & RS-9 to RM-12; withdrawn February 8, 2001; west side of Ebert Road north of I-40 (current site); 20.79 acres; planning staff recommended denial.
2. W-2135; RS-9 to RM-12; approved March 3, 1997; north and south sides of Salem Crest Lane east side of Ebert Road and south of I-40 (this site is located approximately 1/2 mile southeast of current site); 5.83 acres; Planning Board and staff recommended approval.
3. W-1913: R-4 to R-2; approved July 5, 1994; south of I-40; 2.64 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

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

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

ANALYSIS

The petitioner has requested to rezone 20.79 acres from RS-9 to RM-8-S (Residential Building, Multifamily). The proposed complex consists of seven, 22-24 unit, three story multifamily buildings. Totalling 166 units, the project density is just at eight units per acre. This petition is similar to the RM-12-S petition (W-2453) was before the Planning Board at the February 8, 2001 meeting. The current request has been submitted by the same petitioner, and is the same site, although the current petition has a lower (RM-8-S) density and better organized design than W-2453.

The site which is located on the west side of Ebert Road is situated between I-40 to the south and an established RS-9 zoned single family subdivision to the north. Although the area is generally characterized by single family homes, an older RM-18 zoned multifamily development is located approximately one thousand feet north of the site on east side Ebert Street. One significant site development constraint is a 130 foot wide Duke Power easement which intersects the northern third of the property from east to west. On the south side of the property an adjacent lot borders Interstate 40.

Currently there are significant traffic problems on both Ebert Street and Ebert Road, onto which the proposed development would feed. Ebert Street, which merges with Ebert Road just north of the proposed project entrance, is already above capacity. Since there is no interchange with I-40 and Ebert Road, prospective residents of the development would most likely travel north to Silas Creek Parkway, thus adding to the existing traffic concerns. In this regard, Planning staff is more supportive of the proposed RM-8-S request, which is more consistent with the traffic generation of the existing RS-9 zoning than the previously requested RM-12-5 zoning. Typically staff would encourage at least one vehicular connection be made to disperse the points of access and ameliorate traffic. However, due to the narrow configuration of the property south of the power lines and the need to locate the development at that location, staff does not request such a connection be made.

While staff believes that multifamily development may be suitable for the current site, staff would like to have seen some transitional uses such as townhouses between the residential single family to the north and the large multifamily structures proposed. However, because of the narrow configuration of the property between the power lines and Interstate, staff will not ask for such a transition in this situation. Staff finds it unlikely that the site would develop ideally as single family residential as it is currently zoned due to the previously mentioned site constraints. Staff is of the opinion that RM-8-S zoning would not be inconsistent with the surrounding uses and zoning.

FINDINGS

1. The petitioner has requested a rezoning of 20.79 acres from RS-9 to RM-8-S (Residential Building, Multifamily) for 166 units at total density of 8.00 units per acre.
2. The site plan shows seven, three story, 22-24 unit multifamily structures.
3. Due to the position of the property between the power lines and the Interstate, staff does not request that street connections be made, nor transitional uses be required.
4. Staff acknowledges the multifamily potential of the current site and the unlikeliness of ideal development as single family residential.

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. Limits of grading along the stream defining the western edge of the property shall be flagged in the field.
- **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.
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 - c. Developer shall install all supplemental landscape plantings as shown on the approved site plan.
 - d. Pedestrian trail, as shown on the approved site plan, shall be installed and constructed using mulch, stone and other all weather surface materials.

- **OTHER REQUIREMENTS**

- a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet.

[*For information purposes only:* The draft *Legacy* 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.]

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Chris Parr, 3614 Camden Fall, Greensboro, 27410

We will only be disturbing a small portion of this site.

There won't be many trees taken out.

I've worked with the neighborhood to come up with a plan.

I think this plan will be good for the area and will leave a lot of the land untouched.

The power lines make it difficult to plan anything but apartments on this site.

I've been out here at various times to check out the traffic situation. It is busiest at 2:00 p.m. when Forsyth Technical Community College lets out, but it is manageable.

With RS-9 and single family homes on this site, all the trees would have to be clear-cut.

AGAINST:

Charles Honeycutt, 1656 Ebert Street, Winston-Salem, NC 27103

I'm on the corner of Ebert and Oak Grove Road.

Traffic has become a nightmare on Ebert because development along Ebert has been uncontrolled.

Any more development along Ebert is going to make the situation much worse and present more opportunity for wrecks.

WORK SESSION

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

1. The issue of the traffic signal would be a separate issue.
2. Kerry Avant: I think this site is probably a pretty good example of fitting in a higher use in the proximity of I-40. I commend the petitioner for trying to work with the neighborhood in preserving trees and open space.

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

SECOND: James Rousseau

VOTE:

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

AGAINST: None

SITE PLAN MOTION: Kerry Avant certified that the site plan meets all code requirements and recommended staff conditions.

SECOND: James Rousseau

VOTE:

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

AGAINST: None

A. Paul Norby, AICP
Director of Planning