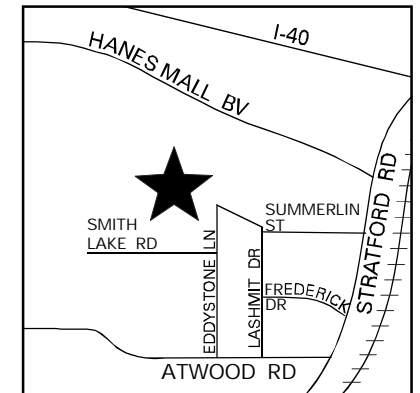


DOCKET #: W2471
 (Continued from 5/10/01
 CCPB meeting)

PROPOSED ZONING:
 RM12-S (Residential,
 Multifamily)

EXISTING ZONING:
 RS9 and GB-S
 (Shopping Center)

PETITIONER:
 Mega Builders,
 LLC., for property
 owned by others



LOCATION MAP

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 10.03

MAP(S): 606842



June 25, 2001

Mega Builders, LLC
PO Box 1472
Greensboro, NC 27402

RE: ZONING MAP AMENDMENT W-2471

Dear Sirs:

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
Steve Calaway, 1330 Ashley Sq., Winston-Salem, NC 27103
Lucy M. Donadio, 5925 Arden Dr., Clemmons, NC 27012
S. Jane McCready, PO Box 10431, Rock Hill, SC 29731
Pete Roscana, 341 Auburndale St., Winston-Salem, NC 27104
Dennis Watson, 2851 Burlwood Dr., Winston-Salem, NC 27103
Doris Wilcox, 2501 Atwood Rd., Winston-Salem, NC 27103
Doug Stimmel, 305 W. Fourth Street, Winston-Salem, NC 27103

Board of Aldermen — Action Request Form

Date: June 27, 2001

To: The City Manager

From A. Paul Norby, AICP, Director of Planning

Board Action Requested:

Zoning map amendment of Mega Builders, LLC for property owned by Lucy Donadio, et al and S. Jane McCready, et al

Summary of Information:

Zoning map amendment of Mega Builders, LLC for property owned by Lucy Donadio, et al and S. Jane McCready, et al from GB-S (Shopping Center) and RS-9 to RM-12-S (Residential Building, Multifamily): property is located at the northwest corner of Eddystone Lane and Smith Lake Road (Zoning Docket W-2471).

Committee Action:

Committee _____ **Action** _____

For _____ **Against** _____

Remarks:

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Mega Builders, LLC for property owned by Lucy Donadio, et al and S. Jane McCready, et al Docket W-2471

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 GB-S (Shopping Center) and RS-9 to RM-12-S (Residential Building, Multifamily) the zoning classification of the following described property:

Tax Lots 33D, 35R, 102A, and 35E, Tax Block 3901

Section 2. This Ordinance is adopted after approval of the site plan entitled Mega Builders, LLC for property owned by Lucy Donadio, et al and S. Jane McCready, et al and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Mega Builders, LLC for property owned by Lucy Donadio, et al and S. Jane McCready, et al .

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 Mega Builders, LLC for property owned by Lucy Donadio, et al. and S. Jane McCready, et al. 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 Mega Builders, LLC for property owned by Lucy Donadio, et al and S. Jane McCready, et al , (Zoning Docket W-2471).

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:

C 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.

C 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.
- c. Developer shall obtain and show on the final plat a vehicular access easement through the Hanes Commons Shopping Center to Hanes Mall Boulevard.

C 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 along the entire length of the property adjacent to Smith Lake 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 length of the property adjacent to Smith Lake Road 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. Developer shall make improvements at the rear of the Hanes Commons Shopping Center as required by the City of Winston-Salem Department of Transportation.
- e. All required storm water devices shall be installed.

C OTHER REQUIREMENTS

- a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

ZONING STAFF REPORT

DOCKET # W-2471
STAFF: Gary Roberts

Petitioner(s): Mega Builders, LLC
Ownership: Lucy Donadio, et al, and S. Jane McCreedy, et al

CONTINUANCE HISTORY

This petition was continued to June 14, 2001, from the May 10, 2001, public hearing to allow the petitioner to submit a revised site plan showing changes discussed at the May 10 public hearing.

REQUEST

From: RS-9 Residential Single Family District and GB-S General Business District
(Shopping Center)
To: RM-12-S Residential Multifamily District; maximum density 12 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: 10.03 acres

LOCATION

Street: North side of Smith Lake Road and west side of Eddystone Lane.
Jurisdiction: City of Winston-Salem.
Ward: Southwest.

SITE PLAN

Proposed Use: Residential Buildings, Multifamily.
Building Height: 45 feet.
Density: 11.96 dwelling units per acre, 120 units total.
Parking: Required: 195 spaces; proposed: 218 spaces.
Bufferyard Requirements: Minimum width 15-foot type II bufferyard adjacent to RS-9 zoning provided; no bufferyard required adjacent to GB-S zoning to the north.
Vehicular Use Landscaping Standards Requirements: Minimum width 10-foot streetyard provided along Eddystone Lane and Smith Lake Road; a six-foot (6') fence also proposed along Smith Lake Road.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: One single family home; balance of site is heavily wooded.

Adjacent Uses:

- North - Graded property along Hanes Mall Boulevard, zoned GB-S, future Hanes Commons Shopping Center.
- East - Across Eddystone Lane are single family homes zoned RS-9.
- South - Across Smith Lake Road is a lake (Fishing, Fee Charged) and at the western end of Smith Lake Road is a single family home zoned RS-9.
- West - Single family homes zoned RS-9.

GENERAL AREA

Character/Maintenance: The site and the area west, south, and east of the site is characterized by moderately sized homes on large lots in good maintenance. Also to the south across Smith Lake Road is a semi-public pond for fishing. The northern edge borders a highly commercialized, rapidly developing area.

Development Pace: Area north of the site is developing very quickly. The area on the other three sides is developing very slowly.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Removal of practically all existing vegetation and removal of a single family structure.

Topography: Site slopes gradually then significantly to the north away from Smith Lake Road.

Vegetation/habitat: Mature stand of deciduous trees blankets most of the site.

Constraints: Site is somewhat shallow in depth and abuts the rear side of major shopping center now under construction.

TRANSPORTATION

Direct Access to Site: Smith Lake Road; Eddystone Lane.

Street Classification: Smith Lake Road - local; Eddystone Lane - collector.

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

Trip Generation/Existing Zoning: RS-9 and GB-S

$10.03 \times 43,560/9,000 = 48 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 459 \text{ trips}$

Trip Generation/Proposed Zoning: RM-12-S

$120 \text{ units (proposed)} \times 6.63 \text{ (Apt. Trip Rate)} = 795 \text{ trips}$

Note: For comparison purposes, office development if approved for this parcel of land would generate the following amount of traffic.

Trip Generation/Office Zoning:

GO-S banking - $10,000 \text{ sf}/1,000 = 10 \times 265.21 \text{ trips per } 1,000 \text{ sf per day} = 2,652 \text{ trips per day}$

General Office District - $70,000 \text{ sf}/1,000 = 70 \times 11.01 \text{ trips per } 1,000 \text{ sf per day} = 770 \text{ trips per day}$

Total trips per day = 3,422

Connectivity of street network: The development proposes gated driveway connections to both Smith Lake Road and the Hanes Commons Shopping Center site to the north.

Sidewalks: Sidewalk connection is proposed down to the future shopping center and along Smith Lake Road.

Transit: Route # 20 Hanes Mall Boulevard.

HISTORY

Relevant Zoning Cases:

1. W-2388; RS-9 to GB-S (Shopping Center); approved June 19, 2000; south side of Hanes Mall Boulevard across from Westgate Center Boulevard; 35.77 acres; staff and Planning Board recommended approval.
2. W-2351; GB-S (Shopping Center) to Site Plan Amendment; approved December 6, 1999; north side of Hanes Mall Boulevard west of Westgate Center Drive; 26.15 acres; Planning Board and staff recommended approval.
3. W-2256; RM-18 and GB-S (Shopping Center) to GB-S (Shopping Center); approved November 5, 1998; north side of Hanes Mall Boulevard west of Westgate Center Drive; 26.15 acres; Planning Board and staff recommended approval.
4. W-2253; GB-S (Multiple Business Uses) to GB-S (Multiple Business Uses); approved November 2, 1998; south side of Hanes Mall Boulevard adjacent to current site to the west; 10.45 acres; Planning Board and staff recommended approval.
5. W-2014; RS-9 to GB-S (General Merchandise Store); withdrawn at the January 11, 1996, Planning Board public hearing; south side of Hanes Mall Boulevard across from Westgate Center Boulevard (including current site); 35.77 acres; staff recommended approval.

CONFORMITY TO PLANS

Legacy GMP Area: Urban Neighborhoods. This site is in the vicinity of the Hanes Mall metro activity center.

Relevant Comprehensive Plan Recommendation(s): *Legacy* promotes higher density development where appropriate and mixed-use developments with an interconnected street and pedestrian system.

Area Plan/Development Guide: *South Stratford Road Area Plan* (1989).

Relevant Development Guide Recommendation(s): The area plan identifies most of this site for low density residential use (0-5 dwelling units/acre). Single family projects are recommended within existing low density neighborhoods and vacant land. Higher density projects are recommended along major roads and in areas where sewer and other urban services will be available. The plan recommends retaining Atwood Acres as a low density residential area.

ANALYSIS

The subject request is to rezone a 10 acre tract located at the northwest corner of Eddystone Lane and Smith Lake Road from RS-9 and GB-S to RM-12-S (Residential Building, Multifamily). The vast majority of the property is zoned RS-9. The GB-S consists of a small sliver along the northern edge which was originally a portion of the Hanes Commons Shopping Center rezoning. The inclusion of this does not impact the approved site plan for the shopping center.

Specifically, the project consists of five, three story apartment buildings each containing 24, one and two bedroom units. The clubhouse is 3,360 square feet. The buildings are oriented internally facing the proposed parking lot. Vehicular access will be provided via a private, gated drive connection onto Smith Lake Road and northward into the commercial property, eventually linking up with Hanes Mall Boulevard. Pedestrian access will take the form of a sidewalk running parallel with the driveway into the future shopping center.

The *South Stratford Road Area Plan* recommends low density residential for the general area of the subject property. Clearly, the recent acceleration of large scale, commercial development along the Hanes Mall/South Stratford corridors, has reduced the feasibility of constructing new single family residences on the remaining adjoining properties. Nevertheless, the development that does take place must be respectful of the existing residences in the Westview and Atwood neighborhoods. While staff recommends moderate density residential use for this site, the key will be to blend the new dwelling units into the fabric of said neighborhoods rather than buffer or wall them off. What is needed is a sensitive, fine grained transition from high intensity commercial to single family residential on the micro as well as the macro level.

Staff recommends the petitioner consider fronting a row of smaller scale townhomes, duplexes or detached residences along Smith Lake Road. The Winston-Salem Department of Transportation is recommending this dead end street to be improved with sidewalk and curb and gutter. These improvements, along with street trees, would set the stage for a pedestrian scale streetscape to evolve along this small neighborhood street. The one or two story dwellings would address and complement the street. Larger scale apartment buildings could then occupy the interior of the site adjacent to the commercial property.

Such an approach would promote the long term viability of the surrounding low density residential areas. In addition, the owner of the subject property could still acquire a reasonable return on this transitional piece of property which is currently zoned low density residential.

From the standpoint of traffic generation, staff notes that the proposed gated access to both Smith Lake Road and Hanes Commons Shopping Center will prevent cut through traffic. The dual access will also effectively divide the flow of traffic generated from within the development. In this respect traffic generation from a properly designed RM-12-S development should have no greater impact on existing residential neighborhoods than would the traffic generated from the existing RS-9 zoning with access only to Smith Lake Road.

The petition, as submitted, falls short of addressing the above mentioned issues of compatibility and is therefore recommended for denial. The proposed site plan layout which consists of three story buildings facing away from Smith Lake Road diminishes the likelihood that the south side of Smith Lake Road will be developed with single family homes.

Staff has received a revised plan which now includes a private gated entrance on Smith Lake Road. The fence along the southern property line has been relocated to the northern line along the shopping center property. Last of all, the plans now reflect the sidewalk and curb and gutter along Smith Lake Road as requested by the Winston-Salem Department of Transportation.

While the revised site plan does address the connectivity and street improvement issues raised by staff, the proposal still lacks in providing a sensitive transition in building types which will maintain the integrity of the adjoining single family homes.

FINDINGS

1. *Legacy* promotes higher density development where appropriate and mixed-use developments with an interconnected street and pedestrian system.
2. Although the *South Stratford Road Area Plan* (1989) recommends low density residential use (0-5 dwelling units/acre), the large commercial development adjoining the site diminishes the feasibility of single family homes.
3. The petition, as submitted, does not address vital compatibility issues with the surrounding low density residential neighborhoods.
4. Traffic impacts to adjacent residential neighborhoods from an appropriately designed RM-12 -S development with gated dual access should be no greater than the traffic impacts of the existing RS-9 zoning developed with only single access to Smith Lake Road.
5. Staff could support the requested RM-12-S zoning with an amended site plan which provides a better scale transition of buildings between the Hanes Commons Shopping center and RS-9 zoned properties located opposite Smith Lake Drive.
6. Revised site plan addresses some yet not all of the above mentioned design issues raised by staff.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

C 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.

C 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.
- c. Developer shall obtain and show on the final plat a vehicular access easement through the Hanes Commons Shopping Center to Hanes Mall Boulevard.

C 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 along the entire length of the property adjacent to Smith Lake 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 length of the property adjacent to Smith Lake Road 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. Developer shall make improvements at the rear of the Hanes Commons Shopping Center as required by the City of Winston-Salem Department of Transportation.
- e. All required storm water devices shall be installed.

C OTHER REQUIREMENTS

- a. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

PUBLIC HEARING - May 10, 2001

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

Represents Mega Builders.

There is a world of big business buildings in use in this immediate area.

Staff proposed gated access to Smith Lake Road.

When we don't have access to a road, it isn't fair to have to do curb and gutter.

Our proposed site plan has 65% open space.

Project is well designed.

Doug Stimmel, 305 W 4th Street, Suite 1-A, Winston-Salem, NC 27103
Staff's plan is just a concept, but I don't think it can work with UDO.
Neighbors don't want townhomes on Smith Lake Road.
There is no common space on staff's plan; and it is forty parking spaces shy of requirements.

Steve Johnson asked if there had been any discussion on these entrances?

Mr. Calaway stated that the neighborhood people do not want that access.

AGAINST:

Pete Roscana, 341 Auburndale St., Winston-Salem, NC 27104
Represented Vestview property owners.
Eddystone is designed for just residential traffic.
Right now there may be 50 cars per day that use that road.
If/when apartment complex is built, there will be about 1,000 cars per day.
We need a guarantee that it won't reduce property values.

Steve Johnson asked staff if the site plan called for a single entrance and a single exit, only onto Hanes Mall Blvd?

Glenn Simmons stated that the site plan shows only one entrance to the property through the shopping center.

Dennis Watson, 2851 Burlwood Drive, Winston-Salem, NC 27103
President, Atwood Acres Neighborhood Association.
We don't want Hanes Mall Boulevard traffic to have access through our area.
Already have a serious problem with speeders on Atwood Road now, and this will add more traffic.
We don't have any opposition to multifamily; we don't want the access on that property to go to Atwood Acres.

Doris Wilcox 2501 Atwood Rd., Winston-Salem, NC 27103.
Has lived at the above address for 34 years.
We have only two access areas into Atwood Acres.
We need improved streets in our neighborhood.

WORK SESSION

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

1. Avant stated that he questioned the feasibility of some of the constraints on the property with mixed uses.

2. Johnson stated that if the Board approved this, they would be going against their own definition of a transitional area. This is a great use, but it is not a transition use. It is an isolated pocket of residential property that just happens to tie in to Hanes Mall Blvd.
3. Ms. Schroeder stated that the neighborhood may have some misconception of the power of the Planning Board. We can't tell people how to plan the property and what to do with it. We can only respond when people present it to us.
4. Steve Johnson suggested that the first site plan that the neighborhood objected to is more in keeping with what this board has said what a transitional area really is. If the neighborhood continues to oppose that, then they should get together and put their own plan together.
5. Kem Schroeder asked about the neighborhood getting the property rezoned to attract a developer.
6. Kem Schroeder stated that she was in agreement with Steve Johnson in that this is really not a transitional use. There are things that could be done (for example, carded gates) to give at least the pedestrian connectivity, without making it a cut-through. Multi-family is a good transition use for this. A little more upscale multi-family would make that transition between the commercial and the residential better.
7. Kerry Avant asked Mr. Calaway if it mattered to the developer whether there is an entrance or connection to those streets, or not?
8. Mr. Calaway stated that the Atwood community had asked them to change that on the site plan and they had agreed to do that.
9. Mr. Watson suggested that perhaps we could put the way back in, gate it and have it as an emergency fire exit with a chain across it; with the understanding that it could be revisited at such times that something happens with the greater Vestview neighborhood. That would leave a future option to benefit both the Vestview and the Atwood neighbors.

MOTION: Avant moved approval of the zoning map amendment.

SECOND: King

VOTE:

FOR: Avant, King, Williams

AGAINST: Johnson, Schroeder, Powell

EXCUSED: Doyle

Motion Failed.

MOTION: Avant moved approval with conditions of gated entrance access point to be reviewed upon other zoning requests.

SECOND: King

Steve Johnson asked if it would cause the developer great hardship to continue this 30 days and have him come back with his site plan showing a revised entrance.

Kem Schroeder added that maybe they could come up with a more transitional plan without a fence around it.

Norman Williams stated that the Board was now going beyond what they had been asked.

Mr. Calaway stated that a design like that had been submitted previously, and they still have it in the file. That is why I suggested that it would be better to go forward.

Steve Johnson stated that the board had not seen a site plan that we can vote on that shows what we have just been describing. He felt this was a watershed event for this transitional area and would like to get it right. If it isn't going to cause him any hardship for us to continue it, that is my question.

Mr. Calaway suggested a middle ground - vote on the zoning, but hold the site plan.

Norman Williams stated that they could not split it like that, it has to go forward with the site plan.

Mr. Calaway stated that the developer would really like to move ahead with the zoning request.

VOTE:

FOR: Avant, King, Williams

AGAINST: Johnson, Powell, Schroeder

EXCUSED: Doyle

Kem Schroeder stated that it was in the best interest of the petitioner, the interest of the Atwood and Vestview communities, for there to be a continuance for thirty days and go back to the drawing board.

MOTION: Johnson moved to continue to June 14, 2001.

SECOND: Schroeder

VOTE:

FOR: Avant, Johnson, Powell, Schroeder, Williams

AGAINST: King

EXCUSED: Doyle

PUBLIC HEARING - June 14, 2001

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

Represents proponent, Mega Builders.

Had exhaustive hearing at last month's meeting.

Discussed connectivity and we have established that. Connections are provided to Smith Lake Road and the shopping center, gated at both places.

That was something that everyone was in favor of.

We moved the fence; that was suggested by Dennis Watson and the Atwood neighborhood association.

Sidewalks were something that we all wanted.

A considerable number of people are here. The developer, the folks from Stimmel and Associates, and the builder are here and will answer any questions that you may have.

AGAINST: None

WORK SESSION

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

1. Mr. Snelgrove asked Gary Roberts if there was compliance now with all of the things that were asked for by the Planning Board. Gary Roberts replied that the petitioner had revised the plan in response to last month's Planning Board discussion, including an additional access onto Smith Lake Road, and the provision of sidewalks and curb and guttering on Smith Lake Road.

MOTION: Johnson moved for approval.

SECOND: King

VOTE:

FOR: Avant, Johnson, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: Doyle

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

SECOND: King

VOTE:

FOR: Avant, Johnson, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: Doyle

A. Paul Norby, AICP
Director of Planning