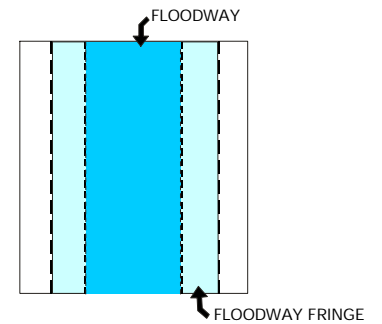


DOCKET #: W2472

PROPOSED ZONING:
RM12-S (Residential,
Multifamily; Residential,
Single Family)

EXISTING ZONING:
RS9

PETITIONER:
BSC Holdings, Inc.



SCALE: 1" represents 400'

STAFF: Reed

GMA: 3

ACRE(S): 25.74

MAP(S): 594846



May 23, 2001

BSC Holdings, Inc.
3411 D. W. Wendover Avenue
Greensboro, NC 27407

RE: ZONING MAP AMENDMENT W-2472

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
Ed Zotian, Box 3463, Greensboro, NC 27402
Barry Siegal, PO Box 8306, Greensboro, NC 27419
Tim Doran, 5424 Kingsbridge, Winston-Salem, NC 27103
Ron Snow, 481 S. Peacehaven Rd., Winston-Salem, NC 27103
John Kartanson, 441 Chadbourne Ct., Winston-Salem, NC 27104-5309
Janet Nelson, 446 Brittany Ct., Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: May 23, 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 BSC Holdings, Inc. for property owned by Martha Brewer Hauser, Sybil T. Steelman, Thomas E. Cartee, C. Dorsey Dyer, Jr., Susan E. Dyer, Ray N. Brewer, and Jean W. Brewer

SUMMARY OF INFORMATION:

Zoning map amendment of BSC Holdings, Inc. for property owned by Martha Brewer Hauser, Sybil T. Steelman, Thomas E. Cartee, C. Dorsey Dyer, Jr., Susan E. Dyer, Ray N. Brewer, and Jean W. Brewer from RS-9 to RM-12-S (Residential Building, Single Family; and Residential Building, Multifamily): property is located on the east side of Peace Haven Road south of Hwy 421 (Zoning Docket W-2472).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: JOHNSON, KING, POWELL, SCHROEDER, WILLIAMS
AGAINST: AVANT, DOYLE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of BSC Holdings, Inc. for property owned by Martha Brewer Hauser, Sybil T. Steelman, Thomas E. Cartee, C. Dorsey Dyer, Jr., Susan E. Dyer, Ray N. Brewer, and Jean W. Brewer, Docket W-2472

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, Single Family; and Residential Building, Multifamily) the zoning classification of the following described property:

BEGINNING, thence N 89° 45' 0" W a distance of 550.00 feet; thence N 0° 1' 27" E a distance of 210.07 feet; thence N 89° 58' 33" W a distance of 286.34 feet; thence N 0° 25' 25" W a distance of 251.17 feet; thence S 85° 14' 1" E a distance of 174.94 feet; thence N 4° 39' 29" E a distance of 208.80 feet; thence N 85°21' 31" W a distance of 162.10 feet; thence N 0° 22' 49" E a distance of 98.12 feet; thence N 11° 15' 39" E a distance of 317.90 feet; thence S 68° 46' 26" E a distance of 210.00 feet; thence N 6° 56' 39" E a distance of 160.96 feet; thence S 78°26' 21" E a distance of 228.90 feet; thence S 83°36' 48" E a distance of 56.84 feet; thence S 85° 0' 31" E a distance of 79.31 feet; thence N 89° 31' 56" E a distance of 93.43 feet; thence N 89° 45' 28" E a distance of 60.06 feet; thence N 73° 26' 10" E a distance of 41.45 feet; thence S 11° 16' 48" E a distance of 221.54 feet; thence S 4° 23' 28" W a distance of 396.08 feet; thence S 69° 44' 45" E a distance of 521.85 feet; thence S 4° 48' 52" W a distance of 40.00 feet; thence S 21° 58' 30" W a distance of 149.38 feet; thence S 4°11' 56" W a distance of 65.23 feet; thence S 34° 41' 37" E a distance of 94.36 feet; thence S 9° 20' 27" E a distance of 107.75 feet; thence S 20° 34' 3" W a distance of 72.45 feet; thence N 87° 31' 29" W a distance of 517.11 feet; thence N 3° 47' 24" E a distance of 148.12 feet; to the point and place of BEGINNING containing 25.743 acres, more or less;

Section 2. This Ordinance is adopted after approval of the site plan entitled Peace Haven Road Apartments and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to BSC Holdings, Inc. for property owned by Martha Brewer Hauser, Sybil T. Steelman, Thomas E. Cartee, C. Dorsey Dyer, Jr., Susan E. Dyer, Ray N. Brewer, and Jean W. Brewer.

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 Peace Haven Road 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 BSC Holdings, Inc. for property owned by Martha Brewer Hauser, Sybil T. Steelman, Thomas E. Cartee, C. Dorsey Dyer, Jr., Susan E. Dyer, Ray N. Brewer, and Jean W. Brewer, (Zoning Docket W-2472). 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, Single Family; and 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 install fencing at the maximum fill line in the floodplain to the specifications of the Erosion Control Officer.
- b. 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 SIGNING FINAL PLATS

- a. Developer shall dedicate a 40 foot wide greenway easement along the entire frontage of Silas Creek.
- b. Developer shall bond or make improvements to Peace Haven Road to the specifications of the North Carolina Department of Transportation.

- c. Developer shall dedicate right-of-way along Peace Haven Road to the North Carolina Department of Transportation as required by the North Carolina Department of Transportation.

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, all access and utility easements, and a 40 foot wide greenway easement along Silas Creek.

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 a collector road to the specifications of the City of Winston-Salem Department of Transportation through the property to line up with Hanover Park Drive.

C OTHER REQUIREMENTS

- a. Signage shall be limited to one (1) five foot high monument sign with a maximum copy area of 36 square feet.

ZONING STAFF REPORT

DOCKET # W-2472
STAFF: David Reed

Petitioner(s): BSC Holdings, Inc.
Ownership: Martha Brewer Hauser, Sybil T. Steelman, Thomas E. Cartee, C. Dorsey Dyer, Jr., Susan E. Dyer, Ray N. Brewer, and Jean W. Brewer

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, Single Family; and 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: 25.74 acres

LOCATION

Street: East side of Peace Haven Road south of Hwy 421.
Jurisdiction: City of Winston-Salem.
Ward: Southwest.

SITE PLAN

Proposed Use: Apartment complex and two single family home sites.
Building Height: Two and three story.
Density: 9.8 units per acre.
Parking: Required: 449; proposed: 525.
Bufferyard Requirements: A type II bufferyard is required adjacent to RS-9 zoning.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is heavily wooded with no visible structures.

Adjacent Uses:

North -	US 421 at its intersection with Peace Haven Road.
East -	Floodplain with wooded land across Salem Creek. All zoned RS-9.
South -	Single family homes zoned RS-9.
West -	Across Peace Haven Road are single family homes in developments, zoned RS-9.

GENERAL AREA

Character/Maintenance: Well maintained single family homes.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Extensive clearing and grading will be necessary.

Topography: GIS maps show a 50' - 70' slope downward to the east with steeper grades near the creek.

Streams: Silas Creek abuts the site on the east.

Vegetation/habitat: Site is heavily wooded.

Constraints: Silas Creek floodplain and wetlands exist on the site.

Floodplains: This property is partially within floodway and floodway fringe areas however, no development is proposed within the floodway fringe.

Wetlands: According to National Wetlands Inventory Maps developed by the U.S. Department of the Interior in 1994, there is a R2UBH wetland (Riverine, Lower Perennial, Unconsolidated Bottom) on this site.

TRANSPORTATION

Direct Access to Site: Peace Haven Road.

Street Classification: Minor thoroughfare.

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

Peace Haven Road between McGregor Road and US 421 = 9,600/11,000

Trip Generation/Existing Zoning: RS-9

$25.74 \times 43,560/9,000 = 124 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 1,186 \text{ trips}$

Trip Generation/Proposed Zoning: RM-12-S

$[252 \text{ units(proposed)} \times 6.63 \text{ (Apt. Trip Rate)}] + [2 \text{ (SF units)} \times 9.57 \text{ (SFR Trip Rate)}]$
 $= 1,689 \text{ trips}$

Planned Road Improvements: U-2247 Northern Beltway Western Section. Environmental Impact Document expected to be complete by December 2001. Construction scheduled to begin April 2002 for the US 421 Interchange area (includes Peace Haven Road interchange)

Sight Distance: Fair.

Interior Streets: Private.

Sidewalks: Some internal sidewalks are proposed.

Transit: Transit is not available at this location.

HISTORY

Relevant Zoning Cases:

1. W-2051; RS-9 to RM-8-S (Residential Buildings, Multifamily); denied August 19, 1996; southwest corner of Peace Haven Road and US 421; 42.94 acres; Planning Board recommended denial, staff recommended approval.
2. W-2042; RS-9 to RM-8-S (Nursing Care Institution); approved April 1, 1996; northeast corner of Peace Haven Road and Braehill Blvd.; 5.43 acres; Planning Board and staff recommended approval.
3. W-2039; RM-8-S (Residential Buildings, Multifamily) to RM-12-S (Residential Buildings, Multifamily); denied March 25, 1996; southeast end of Braehill Blvd.; 34.8 acres; Planning Board and staff recommended denial.
4. W-2038; RS-9 to RM-12-S (Residential Buildings, Multifamily); withdrawn February 19, 1996; west side of Peace Haven Road, north of Braehill Boulevard; 21.67 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

Legacy GMP Area: Suburban Neighborhoods.

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: The site is not within the boundaries of a development guide or an area plan, however, it is adjacent to the southern boundary of the *Country Club/Jonestown Area Plan*.

Relevant Development Guide Recommendation(s): No commercial or business uses south of US 421; and higher density multifamily developments should be located close to interchanges of major roads.

Thoroughfare Plan: The Northern Beltway project includes plans to redevelop the Peace Haven Road/US 421 interchange.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: *Legacy*.

Greenway/Trail Name: Silas Creek Greenway Trail.

Easement Requested: 40 feet.

Side of Creek: West.

Comments: The plan recommends extending the existing Silas Creek Greenway Trail to the southwest to ultimately join the proposed Muddy Creek Trail.

ANALYSIS

The subject petition is for a 252-unit multifamily development on approximately 25.7 acres of land along with two single family home lots fronting on Peace Haven Road. The proposed density is 9.8 units per acre. The site is located at the southeast corner of US 421 and Peace Haven Road and borders Silas Creek on the east. The proposed Northern Beltway alignment runs west of this site and the US 421/Peace Haven Road interchange will be redesigned to accommodate the beltway. The proposed plan reflects the ultimate right-of-way for the interchange improvements. At present, the Peace Haven Road bridge over US 421 is two lanes and suffers significant congestion at peak hours. The proposed improvements, which are scheduled to begin in April 2002, include a six-lane bridge with double left turn lanes onto southbound US 421.

The *Legacy* comprehensive plan promotes higher density development where appropriate and mixed-use developments with an interconnected street and pedestrian system. The site is not within the boundaries of a development guide or an area plan, however, it is adjacent to the southern boundary of the *Country Club/Jonestown Area Plan*. The area plan has recommendations for the northwest and northeast corners of the interchange and recommends moderate density residential uses for those sites. The plan also recommends that no commercial or business uses be allowed south of US 421 and that in general, higher density multifamily developments should be located close to interchanges of major roads. This petition is consistent with those recommendations.

Under the existing RS-9 zoning, the subject site could be developed with a Planned Residential Development (PRD). A development similar to the Regents Village development across Peace Haven Road could be developed on the current site with as many as 124 homes.

The City Department of Transportation and the City Engineering Department have been studying the need for an extension of Kester Mill Road west across Silas Creek to connect to Peace Haven Road. Part of the need for such a connection is due to the Northern Beltway right-of-way acquisition which affects several properties including an asphalt plant. The asphalt plant currently has access to Peace Haven Road via a private access easement just south of the existing interchange. Because of the lawsuit involving the beltway, talks about a Kester Mill Road extension with the North Carolina Department of Transportation (NCDOT) have been put on hold. The City of Winston-Salem staff recommends that a collector road be built by the developer through the property which would line up with Hanover Park Drive and serve as the western end of the Kester Mill Road extension.

Because of the current traffic conditions at the Peace Haven Road/US 421 interchange and the current status of the Kester Mill Road extension (including the current proposed site plan which does not accommodate the extension), staff is of the opinion that the subject rezoning request is premature and recommends denial of the petition.

FINDINGS

1. The subject petition is for a 252-unit multifamily development on approximately 25.7 acres of land along with two single family home lots fronting on Peace Haven Road.
2. The *Legacy* comprehensive plan promotes higher density development where appropriate and mixed-use developments with an interconnected street and pedestrian system.
3. This petition is adjacent to the boundaries of the *Country Club/Jonestown Area Plan* and is consistent with the general recommendations of that plan.
4. The City of Winston-Salem staff recommends that a collector road be built by the developer through the property which would line up with Hanover Park Drive and serve as the western end of the Kester Mill Road extension. The current site plan would not accommodate/allow such an extension.
5. Because of the current traffic conditions at the Peace Haven Road/US 421 interchange and the current status of the Kester Mill Road extension, staff is of the opinion that the subject rezoning request is premature

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 install fencing at the maximum fill line in the floodplain to the specifications of the Erosion Control Officer.
- b. 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 SIGNING FINAL PLATS

- a. Developer shall dedicate a 40 foot wide greenway easement along the entire frontage of Silas Creek.
- b. Developer shall bond or make improvements to Peace Haven Road to the specifications of the North Carolina Department of Transportation.
- c. Developer shall dedicate right-of-way along Peace Haven Road to the North Carolina Department of Transportation as required by the North Carolina Department of Transportation.

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- 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 a 40 foot wide greenway easement along Silas Creek.

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- a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
- b. Developer shall install a collector road to the specifications of the City of Winston-Salem Department of Transportation through the property to line up with Hanover Park Drive.

C OTHER REQUIREMENTS

- a. Signage shall be limited to one (1) five foot high monument sign with a maximum copy area of 36 square feet.

PUBLIC HEARING

FOR:

Ed Zotian, 701 Green Valley Rd., Greensboro, NC 27408

Top range rental property.

This is a gated community where you will need a security code or a card to enter.

Land slopes away from Peace Haven Road which will act as a buffer.

Developer takes great pride in preserving trees.

All utilities are available at the site.

Traffic is a problem; the traffic light will help.

This site will only add 230 trips per day if rezoned (compared to what is allowed now).

A traffic light has been approved and will be installed by the end of this summer.

This plan promotes the goals of Legacy.

Barry Siegal, PO Box 8306, Greensboro, NC 27419

Would like to show the character of the development.

Showed photographs of the proposed club house.

Will be able to save trees by selected grading.

AGAINST:

Tim Doran, 5424 Kingsbridge Road, Winston-Salem, NC 27104

Represents significant majority of home owners.

They are pro-growth and pro-development.

They are opposed to the development of this site to benefit of one man.

Traffic on the stretch between 421 and Country Club Road is horrendous.

421 and Peace Haven Road is very dangerous intersection.

Vacancy rate is 8% for apartments (highest ever in this area).

Submitted petition with 653 signatures in opposition.

We are completely and uniformly opposed to this.

Ron Snow, 481 S. Peace Haven Rd., Winston-Salem, NC 27103

Since late 1980's the homeowners along Peace Haven have been petitioned about every five years to rezone to commercial or multi-family zoning, but the homeowners have won out.

Hearts are saying no rezoning, please keep the current RS-9 zoning as is.

John Kartanson, 441 Chadboorne Ct., Winston-Salem, NC 27104-5309

Traffic situation is bad along this one mile of Peace Haven Road.

Aldermen Northington stated that this area had been "apartmentized" to death, and we concur.

Please leave the zoning just the way it is.

Janet Nelson, 446 Brittany Ct., Winston-Salem, NC 27103

President of Hanover Park Home Owners Association.

All of one voice. Believe in the American Dream.

Asked the people in the chamber in opposition to please stand (approximately 50-60 stood in opposition to this request).

WORK SESSION

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

1. Terry Powell stated that she had less concern about the multi-family and more concern about the traffic. It would make sense to leave the zoning as it is until we know what is going to happen to the interchange.
2. The Kester Mill Extension plans are not finalized.

MOTION: Powell moved denial of the zoning map amendment.

SECOND: Schroeder

VOTE:

FOR: Johnson, King, Powell, Schroeder, Williams

AGAINST: Avant, Doyle

EXCUSED: None

SITE PLAN MOTION: Powell certified that the site plan meets all code requirements and recommends staff conditions

SECOND: Schroeder

VOTE:

FOR: Johnson, King, Powell, Schroeder, Williams

AGAINST: Avant, Doyle

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

Samples of Petitions and Letters Received