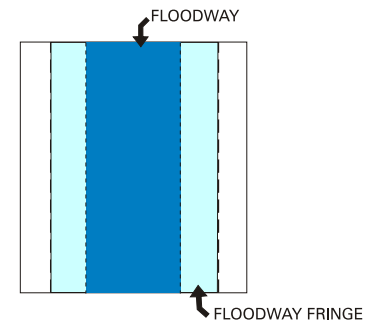


**DOCKET #:** W2374

**PROPOSED ZONING:**  
City RM12-S

**EXISTING ZONING:**  
County RM12-S

**PETITIONER:**  
City of Winston-Salem for  
property owned by Brannigan  
Village Apartments, LLC  
(Annexation Petition Pending)



**SCALE:** 1" represents 400'

**STAFF:** R. Grubbs

**GMA:** 4A

**ACRE(S):** 22.86

**MAP(S):** 624826

February 23, 2000

City of Winston-Salem  
c/o Bryce A. Stuart  
P. O. Box 2511  
Winston-Salem, NC 27102

RE: ZONING MAP AMENDMENT W-2374

Dear Mr. Stuart:

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  
Brannigan Village, P. O. Box 9846, Greensboro, NC 27429

**ACTION REQUEST FORM**

**DATE:** February 23, 2000  
**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 City of Winston-Salem for property owned by Brannigan Village Apartments, LLC

**SUMMARY OF INFORMATION:**

Zoning map amendment of City of Winston-Salem for property owned by Brannigan Village Apartments, LLC from County RM-12-S (Residential Building, Multifamily) to City RM-12-S (Residential Building, Multifamily) (Annexation Petition Pending): property is located off the west side of Peters Creek Parkway and along the south and southeast sides of South Fork Creek, south of Bridgeton Road (Zoning Docket W-2374).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of City of Winston-Salem for  
property owned by Brannigan Village Apartments,  
LLC, Docket W-2374

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

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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 County RM-12-S  
(Residential Building, Multifamily) to City RM-12-S (Residential Building, Multifamily) the  
zoning classification of the following described property:

BEGINNING at a point in the north line of Hubbard Realty of Winston-Salem, Inc. et al. (Deed Book 1936, Page 1679, Forsyth County Registry), said point lying in the south line of Bertha I. Harris and also lying along the north line of Hubbard Realty of Winston-Salem, Inc. et al. the following two courses and distances from a point in the west right-of-way line of NC Highway 150, which point is also the northeast corner of Hubbard Realty of Winston-Salem, Inc. et al. (Deed Book 1936, Page 1679, Forsyth County Registry), north 79° 33' 30" west 1,028.27 feet and north 77° 33' 09" west 45.45 feet; running thence from said BEGINNING point on a new line, south 30° 06' 40" east 1,232.55 feet to a point; running thence on a new line, south 17° 51' 37" west 95.00 feet to a point; running thence on a new line, north 72° 08' 23" west 1,661.11 feet to a point in the west line of Hubbard Realty of Winston-Salem, Inc. et al.; running thence north 28° 59' 52" east 104.85 feet to a point; thence north 27° 40' 51" east 224.06 feet to a point; thence running thence north 42° 06' 20" east 217.40 feet to a point; thence north 51° 49' 52" east 305.96 feet to a point; thence north 77° 23' 58" east 244.83 feet to a point; thence south 77° 33' 09" east 216.79 feet to a point, the previous six boundary calls constituting the west line of Hubbard Realty of Winston-Salem, Inc. et al. (Deed Book 1936, Page 1679, Forsyth County Registry), and all running along the center line of South Fork Creek, to the point and place of Beginning, containing approximately 22.859 acres, more or less, all according to an unrecorded plat of survey by John E. Beeson, PS, dated 10/14/99 and being a portion of that property informally known as Tax Lot 102A, Block 3869, Forsyth County Tax Maps as presently constituted.

Section 2. This Ordinance is adopted after approval of the site plan entitled Brannigan Village and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to City of Winston-Salem for property owned by Brannigan Village Apartments, 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 Brannigan 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 City of Winston-Salem for property owned by Brannigan Village, (Zoning Docket W-2374). 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 City RM-12-S (Residential Building, Multifamily), approved by the Winston-Salem Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the City 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:

All conditions previously approved for Zoning Docket F-1182 by the Forsyth County Board of County Commissioners on January 27, 1997 are still in effect for this property. Those conditions are listed as follows:

- a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If a stormwater management plan is required on the property, the plan shall be approved by the Public Works Department prior to the issuance of grading permits. Any required stormwater management devices shall be installed prior to the issuance of occupancy permits.
- b. All areas shown not to be graded on the site plan shall be cordoned off prior to the issuance of grading permits. These areas may not be disturbed. All trees located in these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

- c. Developer shall record a plat in the office of the Register of Deeds showing all tentative building locations, and all access and utility easements on the property prior to the issuance of building permits.
- d. Developer shall file a voluntary annexation petition into the corporate limits of the City of Winston-Salem with the City Secretary prior to signing a tentative building location plat.
- e. The proposed public street shall be built or bonded prior to signing a tentative building location plat. The right-of-way for this new street shall be dedicated on said plat. This street shall be built to Public Works Department standards of the City of Winston-Salem for a non-residential street. Said street shall be constructed with curb and gutter 32 feet wide and a right-of-way of 50 feet.
- f. Developer shall dedicate a forty (40) foot greenway easement along the property's frontage on South Fork Muddy Creek to the City of Winston-Salem. Said greenway easement shall be located outside the channel of this stream. Planning staff shall review and approve the location of the greenway easement. Said greenway easement shall be shown and dedicated on the tentative building location plat.
- g. Developer shall install a right turn lane on Peters Creek Parkway/NC 150 to the specifications of the North Carolina Department of Transportation prior to the issuance of occupancy permits.
- h. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division prior to the issuance of building permits. All required fire hydrants shall be installed in accordance with the City Fire Department prior to the issuance of occupancy permits
- i. Sign shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

## ZONING STAFF REPORT

**DOCKET #** W-2374  
**STAFF:** Ronald B. Grubbs

Petitioner(s): City of Winston-Salem (annexation petition pending)  
Ownership: Brannigan Village Apartments, LLC

### **REQUEST**

From: County RM-12-S Residential Multifamily District (Residential Building, Multifamily); maximum density of 12 units per acre.  
To: City RM-12-S Residential Multifamily District (Residential Building, Multifamily); maximum density of 12 units per acre.

Acreage: 22.86 acres

### **LOCATION**

Street: Property is located off the west side of Peters Creek Parkway/NC 150 and on the south and southeast sides of South Fork Muddy Creek south of Bridgeton Road.

Jurisdiction: Forsyth County; proposed to be annexed into the City of Winston-Salem.

Ward: Proposed to be added to the South Ward when annexed into the City of Winston-Salem.

### **ANALYSIS**

A 252-unit apartment complex was approved for rezoning by the Forsyth County Board of Commissioners for this proposed apartment complex on January 27, 1997. As a condition of the rezoning approval, the developer/owner is applying for annexation into the City of Winston-Salem. This condition was requested because the site is very close to the existing City Limits to the north. The annexation petition, if approved, would be a satellite annexation.

The developer agreed to this condition of the rezoning approval and has subsequently applied to the City Secretary for the property to be annexed into the City of Winston-Salem. The requirement to annex into Winston-Salem was not protested by the developer since this property was already located within an area which required City street construction standards for access to the multifamily development. A new public street is proposed to be constructed from Peters Creek Parkway/NC 150 to the multifamily site. On the south side of this new public street, a rezoning petition was approved for a new golf driving range.

General Statute 160A-360.(f) states that County zoning regulations and powers of enforcement in newly annexed areas will lapse within sixty days after annexation unless the City adopts such regulations for the newly annexed area. With no zoning regulations, the land could be developed without any zoning permits or governmental control as to land use.



Planning staff has developed a review system for annexation petitions with the City Secretary. Once the annexation petition has been submitted, Planning staff will be notified to see if the area is inside or outside the City's zoning jurisdiction. The staff has subsequently started this rezoning petition. The annexation petition/ward assignment will be considered by the Board of Aldermen at the same time as this rezoning petition.

County RM-12 zoning and City RM-12 zoning under the *Unified Development Ordinances* (UDO) are virtually identical, allowing the same uses under the same development standards. With the special use district petition, the only use permitted under either the existing or proposed zoning is "Residential Building, Multifamily". Changing from County RM-12-S to City RM-12-S will not be detrimental to the development of this property or to this area.

### **FINDINGS**

1. This property is being considered for rezoning from County RM-12-S to City RM-12-S in accordance with NC General Statute 160A-360.(f) as a requirement of annexation into the City of Winston-Salem.
2. The uses and requirements for development for RM-12-S zoning in the County and RM-12-S zoning in the City are virtually identical under the UDO.
3. This rezoning will not be detrimental to this area.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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

All conditions previously approved for Zoning Docket F-1182 by the Forsyth County Board of County Commissioners on January 27, 1997 are still in effect for this property. Those conditions are listed as follows:

- a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If a stormwater management plan is required on the property, the plan shall be approved by the Public Works Department prior to the issuance of grading permits. Any required stormwater management devices shall be installed prior to the issuance of occupancy permits.
- b. All areas shown not to be graded on the site plan shall be cordoned off prior to the issuance of grading permits. These areas may not be disturbed. All trees located in these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
- c. Developer shall record a plat in the office of the Register of Deeds showing all tentative building locations, and all access and utility easements on the property prior to the issuance of building permits.

- d. Developer shall file a voluntary annexation petition into the corporate limits of the City of Winston-Salem with the City Secretary prior to signing a tentative building location plat.
- e. The proposed public street shall be built or bonded prior to signing a tentative building location plat. The right-of-way for this new street shall be dedicated on said plat. This street shall be built to Public Works Department standards of the City of Winston-Salem for a non-residential street. Said street shall be constructed with curb and gutter 32 feet wide and a right-of-way of 50 feet.
- f. Developer shall dedicate a forty (40) foot greenway easement along the property's frontage on South Fork Muddy Creek to the City of Winston-Salem. Said greenway easement shall be located outside the channel of this stream. Planning staff shall review and approve the location of the greenway easement. Said greenway easement shall be shown and dedicated on the tentative building location plat.
- g. Developer shall install a right turn lane on Peters Creek Parkway/NC 150 to the specifications of the North Carolina Department of Transportation prior to the issuance of occupancy permits.
- h. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division prior to the issuance of building permits. All required fire hydrants shall be installed in accordance with the City Fire Department prior to the issuance of occupancy permits
- i. Sign shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Norman Williams moved approval of the zoning map amendment and certifies that the site plan meets all code requirements. Staff conditions should apply.

SECOND: Steve Johnson

VOTE:

FOR: Avant, Bost, Johnson, Powell, Schroeder, Stewart, Williams

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning