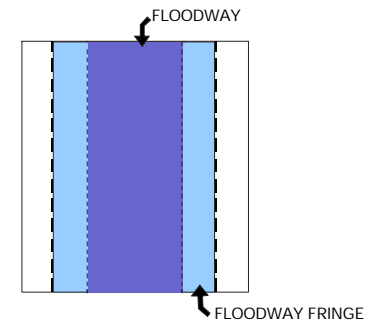


DOCKET #: W2387

PROPOSED ZONING:
RMU-S (Congregate Care Facility)

EXISTING ZONING:
RM18 and RS9

PETITIONER:
Colson & Colson
Construction Co. for
property owned by others



SCALE: 1" represents 200'

STAFF:

GMA: 3

ACRE(S): 6.14

MAP(S): 600846, 600850

April 19, 2000

Curry Brandaw Architects
2260 McGilchrist Street, #100
Salem, OR 97302

RE: ZONING MAP AMENDMENT W-2387

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

ACTION REQUEST FORM

DATE: April 19, 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 Colson & Colson Construction Co. for property owned by Ray A. Cashion, Larry L. Eubanks, and Deborah Eubanks

SUMMARY OF INFORMATION:

Zoning map amendment of Colson & Colson Construction Co. for property owned by Ray A. Cashion, Larry L. Eubanks, and Deborah Eubanks from RM-18 and RS-9 to RMU-S (Congregate Care Facility): property is located on the north side of Old Vineyard Road east of Madelyn Drive and at the southern terminus of Lindbergh Street (Zoning Docket W-2387).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Map Amendment of Colson & Colson Construction Co. for property owned by Ray A. Cashion, Larry L. Eubanks, and Deborah Eubanks (Zoning Docket W-2387), Docket W-2387

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-18 and RS-9 to RMU-S (Congregate Care Facility) the zoning classification of the following described property:

COMMENCING at NCGS monument Vineyard which has NAD 83 coordinates north: 849,617.211, east 1,611,079.688; thence north 88E 59' 40" west NC NAD 87 grid meridian, 1,445.97 feet (grid), and 1,446.06 (ground), (average combined factor) is 0.9999386607 to the point and place of beginning an existing iron pipe which has NAD 83 coordinates of north = 849,646.372, east = 1,609,634.012 said point being a southwest corner of Carlos T. Cooper, Jr. and Charlotte Cooper (DB. 1489, PG. 1055), said point also being in the northern right-of-way of Old Vineyard Road; thence south 10E 14' 20" east 2.66 feet to a new iron pipe in the northern right-of-way of Old Vineyard Road; thence with the northern right-of-way of Old Vineyard Road with a curve to the left having a radius of 939.47 feet and an arc length of 383.71 feet and a chord bearing a distance of south 89E 16' 21" west 381.05 feet to a new iron pipe, said point being a southeast corner of Blanche Krenach (DB. 1346, PG. 1356); thence with the eastern line of Blanche Krenach north 00E 01' 37" east 580.40 feet to an existing axle, said point being a southwest corner of Glenda Farrington and Doug R. Earls (DB. 1967, PG. 3516); thence with the southern line of Glenda Farrington and Doug R. Earls south 88E 40' 54" east 199.46 feet to an existing iron pipe, said point being a southeast corner of Glenda Farrington and Doug R. Earls; thence with a new northern line north 44E 31' 17" east 114.94 feet to a point, thence continuing north 00E 16' 11" east 40.00 feet to a point, said point being in the southern line Lot 40 of the Lindbergh Place Subdivision as recorded in the Forsyth County Register of Deeds in PB. 16, PG. 142; thence with the southern line of Lot 40 of said subdivision north 88E 39' 05" east 20.01 feet to a point, said point being the southeast corner of Lot 40 of said subdivision plat; said point also being in the western right-of-way of Lindbergh Street; thence with the southern right-of-way of Lindbergh Street south 89E 32' 13" east 59.89 feet to an existing axle, said point being a

southeast right-of-way of Lindbergh Street, said point also being a southwest corner of Lot 41 of said subdivision plat; thence with the southern line of lot 41 and 42 of said subdivision plat south 89E 06' 25" east 101.82 feet to an existing iron pipe, said point being a northwest corner of Crescent Real Estate Fund (DB. 1952, PG. 304); thence with the western line of Crescent Real Estate Fund south 00E 05' 25" east 481.06 feet to an existing iron pipe, said point being northeast corner of Carlos T. Cooper, Jr. and Charlotte Cooper (DB. 1489, PG. 1055); thence with the northern line of Carlos T. Cooper, Jr. and Charlotte Cooper south 71E 00' 01" west 119.37 feet to a new iron pipe, said point being a northwest corner of Carlos T. Cooper, Jr. and Charlotte Cooper Property; thence with the western line of Carlos T. Cooper, Jr. and Charlotte Cooper south 10E 14' 20" east 171.51 feet to the point and place of beginning. The above described property contains 6.36± acres. Tax Block 3901, Tax Lots 067D, 067F, and 067G.

Section 2. This Ordinance is adopted after approval of the site plan entitled Winston-Salem Retirement Residence and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Colson & Colson Construction Co. for property owned by Ray A. Cashion, Larry L. Eubanks, and Deborah Eubanks.

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 Winston-Salem Retirement Residence. 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 Colson & Colson Construction Co. for property owned by Ray A. Cashion, Larry L. Eubanks, and Deborah Eubanks, (Zoning Docket W-2387). 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 RMU-S (Congregate Care Facility), 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 RMU-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 meet all floodplain criteria both on the crossing and the boundaries of the floodplain. Developer shall obtain a no-rise certificate and identify the maximum floodplain fill line and stake the line prior to grading permits.

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 all tentative building locations and all access easements and any other requirements listed below.
- c. All private streets shall have names approved by the Planning staff. Said private streets shall be shown on the final plats. Street signs shall be installed in accordance with the requirements of the City of Winston-Salem.
- d. Developer shall relocate the existing sewer line on site.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices shall be installed.
- b. Developer shall install new sidewalks on Old Vineyard Road as shown on the site plan.
- c. Developer shall install a t-turnaround at the southern terminus of Lindburgh Street in the existing right-of-way.
- d. Developer shall provide a 25-foot wide access easement to the single family home on Tax Lot 67A, Tax Block 3901.

C OTHER REQUIREMENTS

- a. Signage shall be limited to one (1) each five (5) foot high freestanding monument sign with a maximum copy area of eighteen (18) square feet.
- b. Developer shall install dumpsters in accordance with City of Winston-Salem standards.

ZONING STAFF REPORT

DOCKET # W-2387
STAFF: David Reed

Petitioner(s): Colson & Colson Construction Company
Ownership: Ray A. Cashion, Larry L. Eubanks, and Deborah Eubanks

REQUEST

From: RM-18 Residential Multifamily District; maximum density 18 units/acre and RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: RMU-S Residential Multifamily District; unrestricted density; minimum lot size 5,000 sf (Congregate Care Facility)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 6.14 acres

LOCATION

Street: North side of Old Vineyard Road east of Madelyn Drive and at the southern terminus of Lindbergh Street.
Jurisdiction: City of Winston-Salem.
Ward: Southwest.

SITE PLAN

Proposed Use: Congregate Care Facility.
Square Footage: 36,406 square feet.
Building Height: Three-story.
Density: 18.9 units per acre.
Parking: Required: 87 spaces; Proposed: 87 spaces.
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 currently vacant.

Adjacent Uses:

North - Single family homes zoned RS-9.
East - Factory or office building and vacant land zoned GO.
Southeast - A single family home zoned RM-18 is on the lot at the southeast corner of this site.

South - Across Old Vineyard Road is multifamily housing zoned RM-18.
West - Vacant wooded lot zoned RM-5-S.

GENERAL AREA

Character/Maintenance: Well-maintained residential and institutional uses.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: A portion of the 100-year floodplain will be filled.
Topography: Site slopes down from both sides to Little Creek.
Streams: Little Creek
Vegetation/habitat: Site is currently wooded north of the creek.
Constraints: The access drive will cross the creek.
Floodplains: Extensive floodplain along this section of Little Creek that covers approximately half the site. Floodway fringe encroachment may not exceed 50% of the distance from the outer edge of the floodplain to the floodway and 50% of the total area on the site. If structures or filling exceed 50% of the distance between the outer edge of the floodplain and the floodway at any point, a certified engineering study will be needed showing that the resulting rise in flooding upstream from the site will not be more than one-half foot.

TRANSPORTATION

Direct Access to Site: Old Vineyard Road.
Street Classification: Minor thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): Old Vineyard Road west of I-40 - 9,100/16,000.
Trip Generation/Existing Zoning: RM-18/RS-9 (Not enough data).
Trip Generation/Proposed Zoning: RMU-S 115 beds x 2.15 (trip rate) = 247 new trips
Planned Road Improvements: None.
Sight Distance: Good.
Interior Streets: Private.
Traffic Impact Study recommended: No.
Connectivity of street network: Staff does not recommend connecting the project to Lindbergh Street because we generally do not support traffic for more intense uses through single family neighborhoods. We do, however, recommend an emergency access point at the southern terminus of Lindbergh Street.
Sidewalks: Staff recommends a sidewalk along Old Vineyard Road.
Transit: Route 12 at Old Vineyard and Kirkpatrick Roads

HISTORY

Relevant Zoning Cases:

1. W-2278; RS-9 to LO; approved January 4, 1999; south side of Old Vineyard Road between Kilpatrick Street and I-40; 1.12 acres; Planning Board and staff recommended approval.
2. W-2026; RS-9 to RM-12-S (Adult Day Care Center); approved February 19, 1996; northwest corner of Old Vineyard Road and Madelyn Drive; 0.45 acre; Planning Board and staff recommended approval.
3. W-1761; R-4 to R-2-S (Day Care Center); 120 children; approved March 4, 1992; north side of Old Vineyard Road west of Madelyn Drive; 1.22 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

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

Area Plan/Development Guide: *Country Club/Jonestown Area Plan*.

Relevant Development Guide Recommendation(s): *The Country Club/Jonestown Area Plan* recommends residential up to eight units per acre south of Little Creek and residential up to four units per acre on the north side of Little Creek.

ANALYSIS

The subject property is located in a mixed-use area bordering RS-9, GO, RM-5-S, and RM-18 zoning districts. The site is made up of both RS-9 and RM-18 zoning. Little Creek runs across the site separating the buildable area from the proposed access on Old Vineyard Road. The site plan proposes crossing the creek with an access drive. Floodway fringe encroachment may not exceed 50% of area or distance from the floodway to the outer edge of the floodplain. If structures or filling exceed 50% distance at any point, a certified engineering study will be needed showing that the resulting rise in flooding upstream from the site will not be more than one-half foot.

Vision 2005 recommends the preservation of stable neighborhood areas. The single family neighborhood to the north of the site is protected from the traffic created by the proposed use because the access will be on Old Vineyard Road. Staff recommended that the petitioners show an emergency access point at the southern terminus of Linbergh Street which would not be used on a regular basis.

The *Country Club/Jonestown Area Plan* recommends residential use up to eight units per acre south of Little Creek and residential use up to four units per acre on the north side of Little Creek. The area plan does not anticipate a creek crossing and assumed development on the north

side of the creek would be accessed through the single family neighborhood to the north. Also, although the plan calls for moderate density residential south of the creek, that part of the site is currently zoned RM-18 as is the apartment complex across Old Vineyard Road south of the site. The proposed density for the subject development is 18.9 units per acre.

Staff is of the opinion that the proposed use is consistent with the surrounding uses on Old Vineyard Road and is consistent with the recommendations of *Vision 2005*. Furthermore, staff believes the location of the access and the existing zoning pattern in the area mitigate the differences between the proposed plan and the *Country Club/Jonestown Area Plan*.

FINDINGS

1. The subject property is located in a mixed-use area bordering RS-9, GO, RM-5-S, and RM-18 zoning districts.
2. Little Creek runs across the site separating the buildable area from the proposed access on Old Vineyard Road. The site plan proposes crossing the creek with an access drive.
3. The petition is consistent with *Vision 2005*.
4. The existing zoning pattern and proposed access location mitigate the differences between the proposed plan and the *Country Club/Jonestown Area Plan*.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- b. Developer shall meet all floodplain criteria both on the crossing and the boundaries of the floodplain. Developer shall obtain a no-rise certificate and identify the maximum floodplain fill line and stake the line prior to grading permits.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. On-site fire hydrant locations shall be approved by the County 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 all tentative building locations and all access easements and any other requirements listed below.
- c. All private streets shall have names approved by the Planning staff. Said private streets shall be shown on the final plats. Street signs shall be installed in accordance with the requirements of the City of Winston-Salem.
- d. Developer shall relocate the existing sewer line on site.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices shall be installed.
- b. Developer shall install new sidewalks on Old Vineyard Road as shown on the site plan.
- c. Developer shall install a t-turnaround at the southern terminus of Lindburgh Street in the existing right-of-way.
- d. Developer shall provide a 25-foot wide access easement to the single family home on Tax Lot 67A, Tax Block 3901.

C OTHER REQUIREMENTS

- a. Signage shall be limited to one (1) each five (5) foot high freestanding monument sign with a maximum copy area of eighteen (18) square feet.
- b. Developer shall install dumpsters in accordance with City of Winston-Salem standards.

[For information purposes only: The draft *Legacy* plan indicates the site is located in the municipal services area of *Legacy's* growth management plan. One of *Legacy's* recommendations is that our community enforce floodplain regulations more effectively.]

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: James Rousseau moved approval of the rezoning petition.

SECOND: Kerry Avant

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: James Rousseau certified that the site plan meets all code requirements, and staff recommendations should apply.

SECOND: Kerry Avant

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning