

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket</b>	W-3603
<b>Staff</b>	<a href="#">Nick Smith</a>
<b>Petitioner(s)</b>	K&W Restaurant, Inc. and K&W Cafeterias, Inc.
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PINs 6808-83-0826; a portion of 6808-73-5690; a portion of 6808-74-7686; a portion of 6808-85-6521; a portion of 6808-85-8133; a portion of 6808-94-0990; and PINs 6808-84-7562, 6808-84-5369, 6808-84-4339, and 6808-84-5406.
<b>Type of Request</b>	Special Use Rezoning
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property <b>from</b> RS9 (Residential Single Family – 9,000 square-foot minimum lot size) <b>to</b> RM8-S (Residential, Multifamily – 8 units per acre). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Residential Building, Single Family</li> <li>• Residential Building, Duplex</li> <li>• Residential Building, Twin Home</li> <li>• Residential Building, Townhouse</li> <li>• Residential Building, Multifamily</li> <li>• Planned Residential Development</li> <li>• Swimming Pool, Private</li> </ul>
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner’s neighborhood outreach is attached.
<b>Zoning District Purpose Statement</b>	The RM8 District is primarily intended to accommodate duplexes, twin homes, townhouses, multifamily, and other low intensity multifamily uses at a maximum overall density of eight (8) units per acre. This district is appropriate for Growth Management Areas 2 and 3 and may be suitable for Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available.
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<p><b>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes, the subject property is within GMA 3, will have public streets, and will have access to public water and sewer.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	The site is located at the northern terminus of Joyce Avenue, east of Bethabara Road and west of Bethania Road.
<b>Jurisdiction</b>	City of Winston-Salem
<b>Ward(s)</b>	North Ward
<b>Site Acreage</b>	± 24.51 acres

<b>Current Land Use</b>	The property is currently undeveloped.					
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>			<b>Use</b>	
	North	RS9			Agricultural uses and single-family homes	
	South	RS9			Single-family homes and undeveloped land	
	East	RS9			Agricultural uses	
	West	RS9			Agricultural uses and Undeveloped land	
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<b>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>					
	The proposed density of this request is 5.5 units per acre, which is comparable to the 4.84 units per acre allowed in the current RS9 zoning district. Townhomes are generally considered to be compatible with single-family residential land uses in appropriate locations.					
<b>Physical Characteristics</b>	The property is generally flat with a slight downward slope to the northern site boundary. The site is mostly cleared but is surrounded by stands of trees on several sides.					
<b>Proximity to Water and Sewer</b>	Public water from Joyce Avenue will be extended to the site, and public sewer will be brought to the site from Bethania Forest Drive, a proposed adjacent off-site street.					
<b>Stormwater/ Drainage</b>	The site plan illustrates that development runoff will be captured and treated by an off-site stormwater device located to the southwest of Bailey Club Lane. The developer will be required to provide an engineering study that demonstrates how all stormwater runoff will be managed prior to beginning site development work.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The property is currently undeveloped and includes a mix of open fields and wooded areas. Approximately 80% of the total site area slopes towards the southwest, with the remaining 20% sloping towards the east. Access to public water is available from Joyce Avenue, and public water and sewer will be available from the proposed Bethania Forest planned residential development (PRD) (PBR 2023-21). The site is not located within a water supply watershed.					
<b>RELEVANT ZONING HISTORIES</b>						
<b>Case</b>	<b>Request</b>	<b>Decision &amp; Date</b>	<b>Direction from Site</b>	<b>Acreage</b>	<b>Recommendation</b>	
					<b>Staff</b>	<b>CCPB</b>
No relevant zoning cases lie within the vicinity of this request.						
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>						
<b>Street Name</b>	<b>Classification</b>	<b>Street Maintenance</b>	<b>Frontage</b>	<b>Average Daily Trip Count</b>	<b>Capacity at Level of Service D</b>	
Joyce Avenue	Local Street	WSDOT	40 feet	N/A	N/A	

<b>Proposed Access Point(s)</b>	The proposed development will extend the existing Joyce Avenue into the site, where it will intersect with the proposed Bethania Forest Drive. The extension of Joyce Avenue is required by the UDO and provides additional interconnectivity in the area.		
<b>Proposed Road Improvements</b>	The developer will be dedicating land to widen a portion of Joyce Avenue from forty (40) feet of right-of-way to fifty (50) feet of right-of-way. The asphalt terminus of Joyce Avenue is approximately sixteen (16) feet in width; the pavement will be extended and widened gradually within the development to approximately twenty-three (23) feet at the driveway of the first proposed townhome.		
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RS9</u></p> <ul style="list-style-type: none"> <li>24.51 acres/9,000sf = 118 potential homes x 9.57 (single-family trip rate) = <b>1,129 trips per day</b></li> </ul> <p><u>Proposed Zoning: RM8-S</u></p> <ul style="list-style-type: none"> <li>135 units x 5.81 (residential townhouse trip rate) = <b>784 trips per day</b></li> </ul>		
<b>Sidewalks</b>	Sidewalks do not exist along Joyce Avenue. The developer is providing sidewalks on all internal streets per UDO requirements.		
<b>Transit</b>	No transit stops exist in the vicinity of the proposed development.		
<b>Connectivity</b>	The proposed development extends a stub street located at the northern terminus of Joyce Avenue, which is a UDO requirement. The request meets the minimum connectivity ratio requirement as well.		
<b>Transportation Impact Analysis (TIA)</b>	A TIA was required as part of this request. The TIA addresses both portions of the Bethania Forest development (this rezoning request and PBR 2023-21).		
<b>Analysis of Site Access and Transportation Information</b>	Joyce Avenue and Bethania Forest Drive will be the access points for the proposed development. Sidewalks will be provided on one side of all internal streets.		
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>			
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>
	45'		two stories
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>
	70%		48.06%
<b>Units (by type) and Density</b>	135 three-bedroom townhouse units at a density of 5.5 dwelling units per acre		
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b> Parking spaces provided at each unit via garages and driveways
	270 spaces	270 spaces	
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 4.5.12: RM8 Zoning District</li> <li>Section 5.2.71: Residential Building, Multifamily; Townhouse; or Twin Home Use-Specific Standards</li> <li>Chapter 6: Development Standards</li> </ul>		

<b>Complies with Section 3.2.11</b>	<b>(A) Legacy 2030 policies:</b>	Yes
	<b>(B) Environmental Ord.</b>	Yes
	<b>(C) Subdivision Regulations</b>	N/A
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The site plan proposes one hundred and thirty-five (135) new residential townhouse units contained within twenty-six (26) buildings; each of these buildings front along new public streets which ultimately connect to either the extension of Joyce Avenue or the proposed Bethania Forest Drive, which will eventually connect to Bethania Road. The proposed plan identifies all required parking spaces, common recreation areas, and all internal sidewalks, and meets UDO requirements.	
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>		
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 - Suburban Neighborhoods	
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Facilitate land use patterns that offer a variety of housing choices.</li> <li>• Promote land use compatibility through good design and create a healthy mix of land uses in proximity to one another.</li> <li>• Neighborhoods that embrace a variety of housing choices and well-designed nonresidential uses as a vital part of their community should be the new standard for future development and redevelopment.</li> </ul>	
<b>Relevant Area Plan(s)</b>	<i>North Suburban Area Plan Update (2014)</i>	
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The Area Plan proposed land use map recognizes retaining the existing single-family residential zoning for this site.</li> <li>• Develop a variety of housing types for different income levels, family sizes, and personal preference.</li> <li>• Incorporate traditional neighborhood design principles in proposed new neighborhood developments, where feasible. This could include a mixture of housing types, well-designed neighborhood-serving commercial areas, and incorporating walkability and connectivity in neighborhoods.</li> <li>• Improve connectivity of neighborhood streets to improve accessibility within and between neighborhoods.</li> </ul>	
<b>Site Located Along Growth Corridor?</b>	The site is not located along a Growth Corridor.	
<b>Site Located within Activity Center?</b>	The site is not located within an Activity Center.	

<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<b>Have changing conditions substantially affected the area in the petition?</b>	
	No	
	<b>Is the requested action in conformance with <i>Legacy 2030</i>?</b>	
	Yes	
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>This request is to rezone an approximately 24.51-acre site from RS9 to RM8-S to allow for a 135-unit townhome development. The site plan depicts the construction of three new public streets and the extension of Joyce Avenue, which is a UDO street connectivity requirement.</p> <p>The adopted area plan recommends single-family land uses at this location in recognition of the existing RS9 zoning. However, the proposed density of 5.5 dwelling units per acre is similar to the density recommendation of the plan, as the maximum allowed density in RS9 zoning is 4.84 units per acre. Townhomes are generally considered to be compatible with single-family neighborhoods as long as they respect the scale and context of their surroundings. Furthermore, the request is consistent with <i>Legacy</i>, which promotes a mix of residential densities and housing types in the serviceable land area.</p> <p>This request is a part of the overall Bethania Forest development, the majority of which is proposed as a single-family PRD surrounding this site to the west, north, and east (PBR 2023-21). The proposed development maximizes the preservation of identified natural features while providing needed additional housing opportunities within the serviceable land area.</p>	
	<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
	<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
<p>The proposal is generally consistent with the recommendations of <i>Legacy 2030</i>.</p> <p>The proposal meets the density recommendations of the <i>North Suburban Area Plan Update</i>.</p> <p>The request would provide needed additional housing within the serviceable land area that is sensitive to environmental features and the surrounding context.</p>	<p>The request is inconsistent with the specific land use recommendation of the adopted area plan for single-family development.</p>	

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
  - a. Developer shall abandon any unused right-of-way that has been formally dedicated and accepted by the City or NCDOT.
  
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. The developer shall submit a stormwater management study for review by the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved. Relocation or installation of any stormwater management device into any buffer areas or existing vegetated areas designated to remain, or in close proximity to adjacent property with residential zoning, shall require a Staff Change approval at minimum and may require a Site Plan Amendment.
  - b. The developer shall obtain a driveway permit from the City of Winston-Salem DOT; additional improvements may be required prior to issuance of the driveway permits.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. Any retaining wall shall be earth tone in color or shall match the color of the primary buildings, as verified by Planning staff.
  
- **PRIOR TO THE SIGNING OF PLATS:**
  - a. Developer shall build public streets to City public street standards.
  - b. Developer shall complete all requirements of the driveway permit.
  - c. All documents, including covenants, restrictions, and homeowners' association agreements, shall be recorded in the office of the Register of Deeds. Final plats must show common open space declarations. Covenants relating to stormwater must be approved by the City of Winston-Salem Stormwater Division.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. The developer shall complete all requirements of the driveway permit(s).
  - b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.

**STAFF RECOMMENDATION: Approval**

**NOTE:** These are **staff comments** only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue, or request modification to any request. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

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# **CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR W-3603 JANUARY 11, 2024**

Nick Smith presented the staff report.

Chris Murphy presented clarification on the nature of this case in relation to case PBR2023-21, the Bethania Forest Subdivision, which was continued to February 8, 2024.

Jason Grubbs inquired about the Joyce Avenue right-of-way, which Mr. Smith stated is City-owned and unopened. Walter Farabee commented on the narrow width of Joyce Avenue and inquired if the developer is proposing to widen the road and bring it to current standards. Jack Steelman commented that the width of Joyce Avenue could create a traffic problem. Chris Murphy responded that the proposed development would have multiple points of ingress/egress. Mr. Murphy commented on UDO requirements stating that new development must connect to adjacent stub streets that are a minimum of 18 feet wide. Jason Grubbs inquired why this request was not included as part of the PRD request (PBR2023-21). Mr. Murphy stated that he believed the developer wanted different product types in the overall development and that the developer would be able to provide more information. The proposed multifamily uses require rezoning while the single-family PRD does not.

Brenda Smith inquired about the density difference between the proposed multifamily homes and the single-family homes already allowed here. Mr. Murphy discussed the density, constraints, and UDO requirements for these uses, as well as the trip-generation numbers noted in the staff report.

Jack Steelman commented on the upcoming PRD case. He questioned if there are any assurances from the developer that other entrances would be provided for this development, to which Kirk Ericson explained the condition staff put in place regarding construction traffic to access their site via Bethania Forest Drive.

Lindsey Schwab inquired if the intersection of Oak Grove Circle and Shattalon Drive would be brought to current standards. Bobby Croom, Assistant Director of the Winston-Salem Department of Transportation, answered this question. Mr. Croom noted that it would be standard practice for the department to wait until a new development is completed and occupied prior to studying traffic patterns. Walter Farabee also commented on the awkwardness of this intersection and noted how dangerous it could be with increased traffic.

Lindsey Schwab inquired about the staff report comments relating to archeological resources on the site. Kirk Ericson explained that the developer had a study completed and that resources were found on the site of the adjacent PRD, but none were found on this rezoning site. Mr. Ericson noted the developers are aware if any archeological resources are found during the construction phase of their project, they must follow the documentation and preservation conditions staff has set in place.

## **PUBLIC HEARING**

### **FOR:**

Luke Dickey with Stimmel PA, representative for the petitioner.

- Mr. Dickey provided a general overview of the proposal. Mr. Dickey noted the reason for this zoning request is to provide multiple housing options within the development.

Dionne Brown with Davenport, the transportation study engineer for the project.

- Ms. Brown provided an overview of her analysis. Jason Grubbs inquired which streets would function as Level of Service A or B in the project. Ms. Brown answered Joyce Avenue would still function at a Level of Service A.

### **AGAINST:**

LaNell Moore

- Ms. Moore shared a presentation detailing her opposition to the proposed request. Ms. Moore's chief concern was that an increase in traffic on Joyce Avenue would not be viable.

Sonsonia Hopkins

- Ms. Hopkins discussed her opposition to this project, including its impact on the historical neighborhood in the area. Ms. Hopkins shared Ms. Moore's concerns about increased traffic due to the proposed request. Ms. Moore and Ms. Hopkins requested the Board deny this proposal.

As there were several opponents who were unable to speak within the allocated twelve minutes, the Board allowed six additional minutes for citizen input.

Mike Leonard

- Mr. Leonard stated he is the President of the Bethania Historical Association. Mr. Leonard spoke of his opposition and the importance of the historical structures near the proposed site.



Niki Calhoun

- Ms. Calhoun opposed the proposed plan due to concerns about increased density in the area and traffic being routed through the Town of Bethania. Ms. Calhoun also noted the discrepancy of the property owners being listed as K & W Restaurant, even though this request is not linked with the actual K & W restaurant.

Brent Rockett

- Mr. Rockett introduced himself as the Mayor of Bethania and spoke of his opposition to the proposed request. He shared concerns about increased traffic going through Bethania.

Jason Grubbs asked Mr. Rockett about how traffic from this project would flow through the town. Mr. Rockett replied that additional traffic would flow from the project to Bethania - Rural Hall Road and ultimately to US 52.

Steven Robinson

- Mr. Robinson commented on the traffic conditions on Oak Grove Circle and Shattalon Drive. Mr. Robinson asked for NCDOT to review the proposed plans.

Mr. Croom confirmed that NCDOT maintained Shattalon Drive and was still determining their requirements for the project based on the traffic analysis. Mr. Murphy explained how the NCDOT procedures for required driveway permits worked, and that additional improvements may be requested through this process.

Chris Leak commented on the importance of citizens' comments, emails, and phone calls to the Board.

Brenda Smith asked the staff to clarify the historical importance of the area, to which Mr. Ericson replied. Mr. Ericson noted that no historical resources were found on the subject property and explained the rezoning condition staff put in place.

Jason Grubbs asked the staff if the connection to Joyce Avenue would still be required if it were part of the PRD, which was affirmed by Mr. Murphy.

Chris Murphy clarified that the Planning Board has no authority to waive any requirements of the UDO including connectivity requirements. Mr. Murphy spoke about the confusion regarding K & W Cafeteria's involvement in this case. He clarified that the owners of the site used to own the restaurant, and that using the name listed on the property owners' tax records is a legal requirement, despite the fact that this case has nothing to do with the current owners of the cafeteria.

Walter Farabee cited the difficulties in this case, since the Board can only look at the rezoning project, not the accompanying PRD.

Jason Grubbs noted the historical resources aspect of this case; he also commented on area traffic conditions and stated that an increase in traffic would happen here.

Brenda Smith commented on the traffic patterns in Bethania.

**WORK SESSION**

MOTION: Jason Grubbs recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Brenda Smith

VOTE:

FOR: Walter Farabee, Jason Grubbs, Chris Leak, Brenda Smith, Jack Steelman

AGAINST: Salvador Patiño, Lindsey Schwab,

EXCUSED: None

MOTION: Jason Grubbs recommended approval of the ordinance amendment with the additional condition proposed by staff.

SECOND: Brenda Smith

VOTE:

FOR: Jason Grubbs, Salvador Patiño, Lindsey Schwab, Brenda Smith

AGAINST: Walter Farabee, Chris Leak, Jack Steelman

EXCUSED: None

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Chris Murphy, AICP/CZO  
Director of Planning and Development Services