

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3599
Staff	Nick Smith
Petitioner(s)	Dixon William Luther, Lillian Evans I, and Lillian A Evans
Owner(s)	Same
Subject Property	PINs 6823-30-0888, 6823-31-4204, 6823-31-8123, and 6823-41-4147
Address	2400 Jay Avenue
Type of Request	Special Use Rezoning
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential, Single-Family, Minimum 9,000 square foot lots) and RM12-S (Residential, Multifamily, Twelve Dwelling Units per Acre – Special Use) to RM8-S (Residential, Multi-Family, Eight Dwelling Units per Acre - Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Residential Building, Duplex • Residential Building, Single Family • Residential Building, Twin Home • Swimming Pool, Private • Planned Residential Development • Residential Building, Multifamily • Residential Building, Townhouse
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.
Zoning District Purpose Statement	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.
Rezoning Consideration from Section 3.2.19 A 16	Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	Yes, the site is located within GMA 3 with access to Old Salisbury Road, a minor thoroughfare. The proposed uses and the internal pedestrian elements align well with the uses and intentions listed in the RM8 purpose statement.

GENERAL SITE INFORMATION			
Location	South side of Jay Avenue, east of Old Salisbury Road.		
Jurisdiction	Winston-Salem		
Ward(s)	South		
Site Acreage	± 26.74 acres		
Current Land Use	A single-family house exists on one of the sites, with the remainder undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9 & MU-S	Life Care Community, Multi-family residential, Single-family residential, and undeveloped land
	East	RM18-S	Multi-family residential
	South	RS9	Single-family residential
	West	RS9	Single-family residential
Rezoning Consideration from Section 3.2.19 A 16	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	Yes, the subject property is surrounded by residential land uses on all sides.		
Physical Characteristics	The site is mostly wooded and currently contains a single residential building.		
Proximity to Water and Sewer	Public water is available along Old Salisbury Road and public sewer is available to the south and east of the property. The site plan shows a sanitary sewer connection to the existing sewer line at the terminus of Devin Kathleen Lane.		
Stormwater/ Drainage	The site plan shows stormwater draining to a proposed stormwater device located in the northeast portion of the subject property. Based on available topographical information, the project appears to be proposing draining a percentage of the western portion of the property into the unnamed stream that crosses the property.		
Watershed and Overlay Districts	The site is not located within a water supply watershed.		
Analysis of General Site Information	The developed site is relatively flat with a gentle slope to the unnamed stream located on the eastern side of the subject property. One single-family home is currently located on the property. The site is surrounded by single-family homes to the north, south, and west, with multifamily developments to the northeast and east.		

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3437	RM12-S	Approved 7/6/2020	Western portion of subject property	8.77	Denial	Approval
W-3215	RM18-S	Approved 5/5/2014	East from subject property	9.83	Approval	Approval
W-3131	SPA to MU-S	Approved 2/6/2012	North from subject property	21.72	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Old Salisbury Road	Minor Thoroughfare	101 feet	9,600	15,300		
Jay Avenue	Local Street	450 feet	N/A	N/A		
Devin Kathleen Lane	Local Street	50 feet (stub street connection)	N/A	N/A		
Proposed Access Point(s)	The site plan proposes one access point on Old Salisbury Road and one access point on Devin Kathleen Lane. The Devin Kathleen Lane access point is a stub street connection to an existing residential subdivision. The proposal also presumes the closure of a portion of Jay Avenue.					
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9</u></p> <ul style="list-style-type: none"> 36.68 acres/9,000sf = 177 homes x 9.57 (single-family trip rate) = 1,694 Trips per Day <p><u>Total Existing Trip Generation = 1,694 Trips per Day</u></p> <p><u>Proposed Zoning: RM8-S</u></p> <ul style="list-style-type: none"> 125 units x 5.81 (Residential Townhouse trip rate) = 726.25 Trips per Day <p><u>Total Proposed Trip Generation = 726.25 Trips per Day</u></p>					
Sidewalks	Sidewalks do not exist along the Old Salisbury Road frontage nor do internal sidewalks exist on Devin Kathleen Lane. The developer is providing internal sidewalk within the development.					

Transit	No transit stops exist near to the subject property.	
Transportation Impact Analysis (TIA)	A TIA was not required as part of this request.	
Analysis of Site Access and Transportation Information	<p>Old Salisbury Road will serve as the primary access point for this site, with a stub street connection to an existing residential subdivision south of the site via Devin Kathleen Lane.</p> <p>The proposed development is auto-oriented, with no possible connections to public sidewalk, as no public sidewalks exist near the subject property.</p>	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Height	Maximum	Proposed
	45 feet	32 feet
Impervious Coverage	Maximum	Proposed
	70%	28.10%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 4.5.12: Residential Multifamily District • Section 5.2.71: Residential Building, Multifamily Use-Specific Conditions • Section 6: Development Standards 	
Complies with Section 3.2.11	(A) Legacy 2030 policies:	Yes
	(B) Environmental Ord.	Yes
	(C) Subdivision Regulations	N/A
Analysis of Site Plan Compliance with UDO Requirements	The submitted site plan proposes one hundred and twenty-five new residential townhouse units contained within twenty-four buildings; each of these buildings has access to internal streets which connect to Old Salisbury Road and Devin Kathleen Lane. The proposed plan shows all required parking spaces, streetyards, common recreation areas, and all internal sidewalks. The proposed site plan complies with all UDO requirements.	
CONFORMITY TO PLANS AND PLANNING ISSUES		
Legacy 2030 Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods	
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Facilitate land use patterns that offer a variety of housing choices. • Promote land use compatibility through good design and create a healthy mix of land uses in proximity to one another. Move away from the separating and buffering of some land uses and toward transitioning and blending those uses. 	
Relevant Area Plan(s)	<i>South Suburban Area Plan Update (2018)</i>	

Area Plan Recommendations	<ul style="list-style-type: none"> • Single-family residential development is recommended for these parcels. • Develop a variety of housing types for different income levels, family sizes, and personal preference. • 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. • Improve connectivity of neighborhood streets to improve accessibility within and between neighborhoods.
Site Located Along Growth Corridor?	The site is not located along a Growth Corridor.
Site Located within Activity Center?	The site is not located within an Activity Center.
Comprehensive Transportation Plan Information	The Winston-Salem CTP recommends Old Salisbury Road be modernized between Darwick Road and W. Clemmonsville Road.
Rezoning Consideration from Section 3.2.19 A 16	Have changing conditions substantially affected the area in the petition?
	No
	Is the requested action in conformance with <i>Legacy 2030</i>?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone an approximately 26.74-acre site from RS9 and RM12-S to RM8-S to allow for the proposed Residential Building, Townhouse use. The petitioner has also asked for other residential uses.</p> <p>This rezoning deviates from the recommendation of the <i>South Suburban Area Plan Update</i>, which recommends single-family residential with a density of 0 – 8 dwelling units per acre. However, the proposed density of 4.6 dwelling units per acre aligns with the recommendations of the plan. Furthermore, the request is consistent with <i>Legacy</i>, which promotes a mix of residential densities and housing types where services are available.</p> <p>The subject property is adjacent to both high-intensity multifamily and single-family residential development, allowing it to serve as a transition between residential densities as recommended in <i>Legacy</i>.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
<p>The proposal is consistent with <i>Legacy 2030</i>, which recommends a mixture of residential densities and housing types, as well as providing a transition between higher- and lower-intensity residential uses.</p>	<p>The request is inconsistent with the recommendations of the adopted area plan, which recommends single-family land use for the subject property.</p>
<p>The proposal meets the density recommendations of the <i>South Suburban Area Plan Update</i>.</p>	
<p>The request would improve connectivity between existing neighborhoods.</p>	
<p>The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF ANY PERMITS:</u> <ul style="list-style-type: none"> a. Portion of Jay Avenue to be closed as represented on W-3599 site plan. • <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ul style="list-style-type: none"> 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 and NCDOT; additional improvements may be required prior to issuance of the driveway permits. • <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ul style="list-style-type: none"> a. Any retaining wall shall be earth tone in color or shall match the color of the primary building, as verified by Planning staff. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> 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.

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3599
OCTOBER 12, 2023**

Nick Smith presented the staff report.

PUBLIC HEARING

FOR:

Luke Dickey with Stimmel PA, representative for the petitioner.

- Mr. Dickey provided an overview of the proposal for the developer.

AGAINST:

James Wheeler

- Mr. Wheeler opposed the proposed right-of-way expansion on Jay Avenue, which is directly across from his property. His concerns include a potential increase in turn-around traffic, noting that drivers are already using his driveway in this manner. He asked if the proposed ROW expansion could be moved further west toward the assisted living facility.

WORK SESSION

Clarence Lambe inquired about the possibility of moving the ROW to the northwest corner of the proposed development. Chris Murphy explained the public road closure process and proposed a few reasonable options regarding the proposed turn-around that may be agreeable to Mr. Wheeler and the developers.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae
Salvador Patiño, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment with the request that the petitioner work with City staff and Mr. Wheeler on potentially relocating the ROW expansion and turn-around area prior to the City Council hearing on this request.

SECOND: Jason Grubbs

VOTE:

FOR: Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae
Salvador Patiño, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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