

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket	W-3536		
Staff	Amy McBride		
Petitioner(s)	Margaret L. Kolb Family Limited Partnership and Vanco, Inc		
Owner(s)	Same		
Subject Property	PINs 6806-13-5200, 6806-13-1703, and 6806-13-8850		
Address	4420 Robinhood Road		
Type of Request	General Use rezoning		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS20-S to RS9.</p> <p>NOTE: General, Special Use Limited, and Special Use district zoning were discussed with the petitioner(s), who decided to pursue the rezoning as presented. With a General Use request, all uses in the district must be considered.</p>		
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.		
Zoning District Purpose Statement	The RS9 District is primarily intended to accommodate relatively high density single family detached dwellings in urban areas. This district is intended for application in Growth Management Areas 2 and 3 and may be suitable in 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 within GMA 3 (Suburban Neighborhoods) and has access to public water and sewer.		
GENERAL SITE INFORMATION			
Location	South side of Robinhood Road, east of Jefferson School Lane		
Jurisdiction	Winston-Salem		
Ward(s)	West		
Site Acreage	± 54 acres		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9	Single-family homes
	East	RS9	Single-family homes
	South	RS9 and RS9-L	Single-family homes
West	RS9	Single-family homes, public recreation facility, and undeveloped property	

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?					
	The proposed zoning is compatible with the surrounding area. Much of the vicinity is also zoned RS9.					
Physical Characteristics	The site slopes upward from Robinhood Road, then begins a moderate downward slope to the south, east and west. Muddy Creek runs along the western property boundary. Milhaven Creek, a tributary to Muddy Creek, traverses the southern portion of the site from the southwestern corner to the eastern property boundary. Most of the site is heavily wooded, including freshwater forested/shrub wetland habitat along the creeks.					
Proximity to Water and Sewer	The site has access to public water from Robinhood Road. A public sewer main runs through the southern portion of the property.					
Stormwater/ Drainage	Staff is not aware of any existing stormwater issues at this location.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Historic, Natural Heritage and/or Farmland Inventories	Parcel 6806-13-8850.000 was the site of the Hauser-Pratt House, which has reportedly been gone from the site for several years. The Hauser-Pratt House (FY0333) was included in the North Carolina Study List for the National Register of Historic Places in 1982.					
Analysis of General Site Information	The site is undeveloped with moderate topography and access to public water and sewer. Potential development in the western and southern portions of the site will be impacted by the regulatory floodplain of Muddy Creek.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3008	RS20-S to RS9-L	Approved 12/1/2008	South	6.50	Approval	Approval
F-1459	RS9 to RS20	Approved 5/22/2006	Southwest	33.94	Approval	Approval
W-2657	RS9 to RS20-S	Approved 11/3/2003	Subject site	60.66	Denial	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Robinhood Road	Major Thoroughfare	60 feet	9,400	15,300		
Proposed Access Point(s)	Because this is a General Use request without a site plan, proposed access points are unknown. The site is currently accessed from Robinhood Road.					
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS20-S</u> (Zoning Docket W-2657) 30 homes x 9.57 (single-family trip rate) = 287 trips per day					

	<p><u>Proposed Zoning: RS9</u> $\pm 54 \text{ acres}^* / 9,000 \text{ sf} = 261 \text{ homes} \times 9.57 \text{ (single-family trip rate)}$ $= 2,497 \text{ trips per day}$</p> <p>* Development of the entire site is improbable due to the large floodplains in the southern and western areas of the subject property. The petitioners have submitted a sketch plan for a proposed subdivision taking these constraints into account.</p>
Sidewalks	There are no sidewalks in the general area.
Transit	Public transit is not available in this area.
Analysis of Site Access and Transportation Information	The site is currently accessed from Robinhood Road, a major thoroughfare with excess capacity. Existing trip generation is based on the last approved site plan for 30 single-family homes. Proposed trip generation is based on the total acreage of the site. Future development will be impacted by the regulatory floodplain of Muddy Creek and the number of single-family homes that can be built is less than what the trip generation proposes.
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"> • Encourage a mixture of residential densities and housing types through land use recommendations. • Make efficient use of Forsyth County’s limited land capacity.
Relevant Area Plan(s)	<i>West Suburban Area Plan Update (2018)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The area plan recommends single-family residential use of the property. • Develop a variety of housing types for different income levels, family size, and personal preferences.
Site Located Along Growth Corridor?	The site is located along the Robinhood Road Growth Corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Comprehensive Transportation Plan Information	The <i>Comprehensive Transportation Plan</i> recommends a median-divided, four-lane cross-section for Robinhood Road, with wide outside lanes and sidewalks on both sides.
Greenway Plan Information	<p>The Muddy Creek Greenway follows Muddy Creek along the western boundary of the subject property, and a 40-foot greenway easement is requested along the eastern side of the stream.</p> <p>Another greenway is proposed along the tributary to Muddy Creek (Milhaven Creek) in the southern portion of the property. A 40-foot greenway easement is requested along both sides of the stream.</p>

Other Applicable Plans and Planning Issues	A 5.55-acre freshwater forested/shrub wetland habitat (or a portion of the habitat) is located in the southern portion of the subject property. This area may be regulated by the State.	
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	The request is to rezone a 54-acre undeveloped tract from RS20-S to RS9. The subject property is surrounded by large-lot single-family residential development, farmland, woodland, and the Muddy Creek Greenway access. Much of the site is within a regulated floodplain due to the proximity of Muddy Creek and Milhaven Creek. Future residential development would be limited by the floodplain. The proposed zoning is compatible with the area and consistent with the recommendations of the <i>West Suburban Area Plan Update</i> .	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
	Positive Aspects of Proposal	Negative Aspects of Proposal
	The proposed zoning is consistent with the adjacent neighborhoods, which have the same zoning.	Increased density could have negative traffic impacts in the future.
	The request is consistent with the recommendations of the <i>West Suburban Area Plan Update</i> .	
	The site is along a growth corridor and has access to water, sewer, and a major thoroughfare.	

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-3536
JULY 14, 2022**

Amy McBride presented the staff report.

George Bryan asked how much of the land is out of the floodplain. Amy responded that she was not sure of the exact acreage. Kirk interjected that the flood fringe is the land that is light green on the zoning map, while the darker green area to the west along Muddy Creek is the floodway. Less than half of the site is out of the floodplain. Melynda asked if this site was developed as a PRD (Planned Residential Development) under RS9, how many units could be developed? Kirk stated that staff has not evaluated this. Kirk added it would be difficult to max out development of this site, even using a PRD.

PUBLIC HEARING

FOR:

Jeffrey Ritz, 435 Torrington Lane, Winston Salem, NC 27104

- Mr. Ritz stated that the portion of the site he is looking to develop is only 14 acres. He plans to leave the rest of the site as natural area. We want to minimize the number of trees removed and create 1.5 acre homesites. There is a difference between the 50- and 100-year floodplain and we are not looking to build anything in that area. This area could be used for hiking, biking, or walking. We only plan on developing six lots. Melynda asked about the neighborhood meeting and if neighbors understand the developer's plan. Mr. Ritz said he told neighbors that the property would be developed as six lots instead of what was originally planned, which was thirty lots with an equestrian center.

AGAINST:

Lee Smith, 4420 Robinhood Road, Winston-Salem, NC 27106

- Mr. Smith stated he is concerned about RS9 zoning here. There is not a turn lane on Robinhood Road and he has concerns regarding traffic impacts. Kirk mentioned the Board and DOT would have the opportunity to see any subdivision proposed for this property to make sure that its access was adequate. Chris Leak asked Mr. Smith if he understood the process Kirk explained, and Mr. Smith concurred. Mo McRae added additional information about the review process. Mr. Smith asked if this rezoning is approved, would it still have to go through additional DOT review? Mo McRae said this was correct. Kirk noted the only reason the site is currently RS20 is that this is the least intense district that allows the riding stable use. Jason Grubbs asked if staff could speak to the standards for a

subdivision approval versus a PRD review. Kirk noted that a subdivision review is a standard Planning Board Review where the Board certifies that ordinance requirements are met. There are conditions in the UDO and if a plan meets those then it must be approved. With a PRD, there is more latitude and the Board can critique the required open space and other elements of the design. Both a subdivision and a Planned Residential Development would stop at the Planning Board for approval; neither would go before City Council.

- Mr. Smith expressed concerns that this proposal would allow zoning which could allow a lot more houses than are being proposed, which could make access to Robinhood Road more difficult. Jack Steelman asked about the narrow driveway to the site and if there was a minimum requirement when a property is developed. Desmond stated that an access easement would need to be at least 25 feet wide to meet access requirements for a minor subdivision. Access requirements depend upon the development plan submitted for this site. Kirk explained that City Council would need to first approve the RS9 zoning, then the petitioner would have to come back to the Planning Board and go through the subdivision review process to develop the site as proposed.

WORK SESSION

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

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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