

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket</b>	W-3437		
<b>Staff</b>	<a href="#">Gary Roberts, Jr., AICP</a>		
<b>Petitioner(s)</b>	William Luther Dixon		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	PINs 6823-30-0888 and 6823-31-4204		
<b>Address</b>	The site does not currently have an address assignment.		
<b>Type of Request</b>	Special Use rezoning from RS9 to RM12-S		
<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 sf minimum lot size) <b>to</b> RM12-S (Residential, Multifamily - 12 units per acre maximum density – Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Residential Building, Multifamily and Life Care Community</li> </ul>		
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner’s neighborhood outreach is attached.		
<b>Zoning District Purpose Statement</b>	The RM12 District is primarily intended to accommodate multifamily uses at a maximum overall density of twelve (12) units per acre. This district is appropriate for GMAs 1, 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 3.2.15 A 13</b>	<b>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	The request proposes a multifamily residential density of less than twelve (12) units per acre, and the site is located within GMA 3; however, it is not located within an activity center.		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	East side of Old Salisbury Road and south side of Jay Avenue		
<b>Jurisdiction</b>	Winston-Salem		
<b>Ward(s)</b>	South		
<b>Site Acreage</b>	± 8.77 acres		
<b>Current Land Use</b>	The site is currently undeveloped.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS9	Salem Terrace (assisted living facility) and a single-family home
	East	RS9	Single-family home
	South	RS9	Undeveloped property and single-family homes
	West	RS9	Single-family homes

<b>Rezoning Consideration from Section 3.2.15 A 13</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 higher-density residential uses are generally incompatible with the low-density residential uses permitted on the adjacent RS9 properties. There is an existing similar use across Jay Avenue, however.					
<b>Physical Characteristics</b>	The undeveloped site is heavily wooded and has a generally moderate slope downward to the south. A small, unnamed tributary traverses the southwestern portion of the site.					
<b>Proximity to Water and Sewer</b>	A public water main exists under Old Salisbury Road, and public sewer exists under Tortoise Lane.					
<b>Stormwater/ Drainage</b>	A stormwater management facility is proposed for the southeastern corner of the site. A stormwater management study will be required.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The undeveloped site is traversed by a small stream and has limited topographic challenges; however, it is not located within a designated floodplain or water supply watershed.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3131	MU-S Site Plan Amendment	Approved 2/6/2012	Directly northeast	22.07	Approval	Approval
W-2876	RM8-S and RS9 to RM8-S	Approved 10/2/2006	500 feet northwest (intersection)	1.05	Approval	Approval
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Old Salisbury Road	Minor Thoroughfare	85 feet	11,000	15,300		
Jay Avenue	Local Street	452 feet	N/A	N/A		
<b>Proposed Access Point(s)</b>	The development will have one access each from Old Salisbury Road and Jay Avenue.					
<b>Planned Road Improvements</b>	The <i>Comprehensive Transportation Plan</i> recommends a three-lane cross section for Old Salisbury Road, with wide outside lanes, curb, gutter, and sidewalks.					
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RS9</u>  8.77 acres / 9,000 sf = 42 homes x 9.57 (single-family trip rate) = 402 trips per day</p> <p><u>Proposed Zoning: RM12-S</u>  84 units x 6.65 (apartment trip rate) = 559 trips per day</p>					

<b>Sidewalks</b>	There are no sidewalks in the general area. The proposed site plan includes a sidewalk along the new internal street connecting Old Salisbury Road with Jay Avenue.		
<b>Transit</b>	WSTA Route 83 serves Walmart in the Peters Creek Activity Center ( <i>South Suburban Area Plan</i> ) approximately one mile northeast.		
<b>Connectivity</b>	The request would connect Old Salisbury Road with Jay Avenue via a private extension of Midpines Drive.		
<b>Transportation Impact Analysis (TIA)</b>	A TIA is not required.		
<b>Analysis of Site Access and Transportation Information</b>	Primary access is proposed from Old Salisbury Road across from Midpines Drive. Old Salisbury Road is a minor thoroughfare with ample capacity; however, the subject property is not close to transit, nor are there sidewalks in the vicinity, both of which are important services for higher-density residential developments. The developer has agreed to provide a northbound right-in slip lane and a southbound left turn lane at the access point from Old Salisbury Road. The proposed development will also have access from Jay Avenue, which intersects with Old Salisbury Road farther north.		
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>			
<b>Building Square Footage</b>	<b>Square Footage</b>		<b>Placement on Site</b>
	37,500		Central and eastern portion of the site
<b>Units (by type) and Density</b>	84 apartment units on 8.77 acres = 9.58 units per acre		
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b>
	84 spaces	93 spaces	90-degree head-in, all in front of the building
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>
	45 feet		Three stories
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>
	75 percent		25.52 percent
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>• Section 4.5.13: RM12 Residential, Multifamily District</li> <li>• Section 5.2.70: Residential Building, Multifamily (use-specific standards)</li> <li>• Section 5.2.47: Life Care Community (use-specific standards)</li> </ul>		
<b>Complies with Section 3.2.11</b>	<b>(A) Legacy 2030 policies:</b>	No	
	<b>(B) Environmental Ord.</b>	N/A	
	<b>(C) Subdivision Regulations</b>	N/A	
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The proposed site plan shows a single three-story building with 84 senior apartment units fronting a new internal private street. The proposed stormwater management facility is shown in the southeastern corner of the site, and a combination of bufferyard widths (all Type II) are shown around the perimeter of the proposed development.		

CONFORMITY TO PLANS AND PLANNING ISSUES	
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 - Suburban Neighborhood
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Encourage quality infill development on vacant land and redeveloped sites with an emphasis on conforming to the neighborhood’s existing character and scale.</li> <li>• Increase infill development within the Municipal Services Area.</li> <li>• Facilitate land use patterns that offer a variety of housing choices.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>South Suburban Area Plan Update (2017)</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The plan recommends single-family residential use for this site.</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>Addressing</b>	Midpines Drive (private) will be the name of the driveway traversing the site.
<b>Rezoning Consideration from Section 3.2.15 A 13</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>
	No
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The request is to rezone an 8.77-acre undeveloped tract from RS9 to RM12-S. <i>Legacy</i> recommends a variety of housing types and infill development, provided designs are compatible with the general context and character of the areas in which they are proposed. Higher residential densities are recommended along growth corridors (where transit is generally available) or within activity centers (where a walkable mixture of uses is encouraged). Primarily because the subject property does not meet either of these criteria, the area plan recommends no zoning changes.</p> <p>In addition to this, the comparatively large three-story building does not front directly on the thoroughfare from which it has access, but it is separated from the thoroughfare by a number of properties developed with single-family homes and is embedded within an area with a low-density, single-family character.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request would provide senior housing within the Suburban Neighborhoods Growth Management Area (GMA 3).	The area plan recommends single-family residential use for this site.
	The site is not located along a growth corridor, nor within an activity center, nor is it particularly walkable – all characteristics of a well-designed and functional higher-density development.
	Old Salisbury Road does not have sidewalks and is not along a transit route.
	The proposed large three-story building is out of scale with the nearby single-family homes.
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<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"> <li>• <b><u>PRIOR TO THE ISSUANCE OF ANY PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. Developer shall obtain all necessary permits from the North Carolina Department of Environmental Quality (NCDEQ) and the Division of Energy, Mineral, and Land Resources (DEMLR).</li> </ul> </li> <li>• <b><u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. Developer shall have a stormwater management study submitted 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 treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum and may require a Site Plan Amendment.</li> <li>b. Developer shall obtain driveway permits from NCDOT (for the access from Old Salisbury Road) and the City of Winston-Salem (for both access points); additional improvements may be required prior to issuance of the driveway permits. Required improvements include: <ul style="list-style-type: none"> <li>• Dedication of right-of-way along Old Salisbury Road;</li> <li>• Installation of a right slip lane and left turn lane along Old Salisbury Road, each with a minimum of fifty (50) feet of storage at the development entrance; and</li> <li>• Improvement of Jay Avenue to the City’s ribbon street standard from Old Salisbury Road to the development entrance.</li> </ul> </li> </ul> </li> <li>• <b><u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff.</li> </ul> </li> </ul>	

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall complete all requirements of the driveway permits.
  - b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.

**STAFF RECOMMENDATION: Denial**

**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-3437  
MAY 28, 2020**

Gary Roberts presented the staff report.

George Bryan asked Gary if multifamily or some other higher density would work in this space.

Gary stated that there was a lot of effort put into the area plan that recommended concentrating multifamily development closer to the major thoroughfares where transit is available, as well as other services that people can walk to. This is not a walkable area; It is surrounded by single-family homes, there is no direct connection to Stafford Village Boulevard, no sidewalk linkage, and the building is out of scale with the surrounding homes.

Melynda Dunigan asked whether, should this proposal be approved, staff could see an impact on how an adjacent vacant piece would be used. Her concern is that it might also open the door for that piece to request multifamily zoning, since it would be hard to do single-family development between two multifamily developments.

Gary stated that it would have some sort of impact, based on the fact that the other site is surrounded by property recommended for higher density residential development, but it's not accessed from those properties that have a direct connection to Stafford Village Boulevard. The property is accessed by Jay Avenue and the internal street to the south. Although it's undeveloped, staff feels there would definitely be an impact.

Aaron King added that getting connectivity from Jay Avenue would mean that somebody would have to build the public road in that right-of-way, which would be costly.

**PUBLIC HEARING**

FOR:

Dennis Tharrington, WDT Development, LLC, 112 Westlake Drive, Henderson, NC 27536

- This particular project is very similar to a number of other projects my firm has developed. I understand there has been a lot of discussion about the height of the building, walkability, and how that is going to affect the neighbors. We had a neighborhood meeting, and we invited all the folks within 500 feet to come, and a few people showed up. After looking at our proposal, none of the people were in opposition.

- In fact, all of the people that attended said they were in favor and that it would help their neighborhood. One of the residents on Tortoise Lane gave us a right-of-way to go through his property to be able to access sewer. The residents in that surrounding area have been welcoming towards this project.
- There has been a lot said about walkability around this site. Every project we've done in Henderson, Oxford and Gastonia are on streets that are more or less major thoroughfares; there are no sidewalks. There are sidewalks within the facility, but not sidewalks going out of the facility. That is something that our particular client likes. The average person that lives in one of these facilities is a 73-year-old widow, and quite frankly she is not going to get on the sidewalk, doesn't want to get on the sidewalk and go down through some crowded area, or walkability area, and get her groceries and then walk them back home. That is not who is going to live in this facility. This facility is going to be mainly occupied by 70-year-old widows. In the environment that they are in, they do not want to go out and mingle in crowds.
- Where you would want to put this type of facility might seem like it would be a great fit, and it probably would be a great fit for ordinary multifamily, but it's not really a good fit for the type of clientele that would be living here.
- They actually form communities within the building that look after each other. They don't really want a lot of people around them in the general population.
- There have been comments made about the height of the building. We put additional space around the building where we plan to have additional trees planted and a landscaped area so that the building would be hidden from view, to a certain extent.
- We will probably reduce the number of units in the building from 84 to 72 units, which would lower our density, but the building would still be a three-story building of the style shown in the PowerPoint presentation.
- The sellers of the land think that senior living would be a valid use of the "home place." It abuts the Peters Creek Activity Center and could be a transitional area between the assisted living and that area. I think it's consistent with a natural growth pattern that happens in this area, and quite frankly it meets a huge need for affordable housing.
- Walkability is not something that the people who live there are going to want to do, but it is a compatible use from a practical standpoint. It doesn't negatively impact the surrounding neighbors. It's very low traffic. Nowadays, grocery stores and pharmacies deliver to places, not to mention Amazon and other stores. Elderly people are less likely to go out and want to be in crowds.
- I do think it would be a strong addition to the affordable housing choices in the City, and I think it would be well received. And it will be very attractive and well managed.

AGAINST: None

### **WORK SESSION**

With regard to the parcel to the east that Ms. Dunigan mentioned, Clarence Lambe brought up the feasibility of getting a road to a traditional subdivision. He also pointed out that a traditional subdivision is going to be backed directly up to property recommended for development up to 18



units per acre. Activity centers are designed so that commercial development is in the center, surrounded by high-density multifamily, then it goes down to moderate-density multifamily, and then down to single-family. This parcel and the parcel immediately to the east look like the perfect stepping stone that would take you from 8 to 18 units, then down to 8 or 9 units per acre. It seems like that is the way we try and design these things.

Chris Murphy stated that it looks different on paper than if you are looking at it in the field. If you are looking at it in the field, there is a genuine disconnect between this area and the area to the north and the east due to topography. It drops significantly as you go to the east and rises back up after you go through the streams. The area that is currently shown in brown is all served on the other side of the creek area and is accessed via Stafford Village Boulevard, where this area, even though adjacent, is all single-family and goes back towards Old Salisbury Road. That is one of the reasons for staff's recommendation of denial for case W-3437, on the grounds that they don't really fit well together. One of staff's major concerns was scale, or the height of the buildings. These are 45 feet from floor to the top of the three stories. It is close to 60, if you go to the top of the building.

Clarence stated that on three sides, the surrounding topography looks like it is 20 feet higher. That would take the rooftops down 20 feet in comparison to the adjacent parcels.

Aaron pointed the Board to the GeoData map of the parcels in question and explained that staff felt those two parcels oriented more towards the south, even though on the area plan map you've got high-density residential to the top and left of the property. When the property gets developed, there is a good chance that someone will not cross the stream because it's like a natural buffer built in, which orients more toward the single-family neighborhood to the south. This is why staff felt like the parcel has more of a single-family flavor versus a multifamily flavor, even though on the landuse map it certainly is right next door to the brown high-density multi-family.

Kirk Ericson added that when staff was preparing this recommendation, they thought single-family would access from the existing stub, and that they were not expecting the right-of-way to be open. It would be an extension of the adjacent single-family subdivision. And if this piece were combined with it, you could connect through that subdivision to the existing street that is already in place.

Clarence asked if the southern boundary of the blue institutional use lot was a dedicated public right-of-way that would meet current street standards. Aaron stated that Jay Avenue would not meet today's public street standards.

George stated a need for the property to be more transitional.

Brenda Smith asked the petitioner what the topographic scale will be from the west, whether it will be lower compared to the adjacent property, or sitting on the same level.

Bryan Murr, the site engineer, stated that there is a significant drop in the topography across the site. Along Jay Avenue, the property is sitting at approximately 840 feet, and across the site it drops almost down to 800 feet. The drop is significant across the site.

Chris stated that the finished floor elevation for the structure is 818 feet.

Bryan stated that the total building height would be approximately 40 to 45 feet, including the roof.

Mr. Tharrington stated that one of the folks at the neighborhood meeting owned a significant amount of property on Jay Avenue, and after seeing everything he was not opposed to it. This gentleman owns a good bit of property around the end of Jay Avenue.

Jack Steelman asked the petitioner to expand on the affordable housing that is being proposed.

Mr. Tharrington stated that the average person that would live in the apartments has to qualify to live there. The qualification is based on income. Income can stretch anywhere from approximately 30 percent of the median income on up to 80 percent of the median income. It has to average 60 percent. In Forsyth County/Winston-Salem there is a huge need for properties that can satisfy that requirement. In this particular case, most of the people that will live there are going to be, on average, 73-year-old widows. Their source of income is social security. The rents are much less than market rate rents.

Melynda Dunigan expressed her concern about the incompatibility of multifamily development wedged up on the back side of a single-family neighborhood she felt that it would be setting a bad precedent because it really doesn't respect the area plan and all the work that went into it. Additionally the stub street to the south, coming from that neighborhood to the south, and this multifamily development would put pressure on another multifamily development that could only be accessed practically through a single-family neighborhood. All these reasons make the plan problematic.

MOTION: Melynda Dunigan recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Melynda Dunigan recommended denial of the zoning petition.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks

AGAINST: Jason Grubbs, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

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Aaron King

Director of Planning and Development Services