

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3442
Staff	Gary Roberts, Jr., AICP
Petitioner(s)	Zinat Management, LLC
Owner(s)	Same
Subject Property	PINs 6813-75-6993, 6813-75-8795, 6813-75-6710, and 6813-76-9082
Address	The site does not currently have an address assignment.
Type of Request	Special Use rezoning from RS9 to RM5-S
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential, Single Family – 9,000 sf minimum lot size) to RM5-S (Residential, Multifamily - 5 units per acre maximum density – Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Residential Building, Single Family; Residential Building, Twin Home; Residential Building, Duplex; and Residential Building, Townhouse
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.
Zoning District Purpose Statement	The RM5 District is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of five units per acre. This district is intended for GMAs 2 and 3 and may be suitable for GMA 4 and 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 3.2.15 A 13	Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	The proposed density is less than 5 units per acre, and the site is located along a major thoroughfare. The site is also located within GMA 3.
GENERAL SITE INFORMATION	
Location	West side of Ebert Road, across from Truelove Lane
Jurisdiction	Winston-Salem
Ward(s)	South
Site Acreage	± 7.5 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		Undeveloped property and single-family homes
	West	RS9		Single-family homes
Rezoning Consideration from Section 3.2.15 A 13	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	Considering the scale of the proposed twin homes and the self-contained site design, the proposed residential uses are compatible with the residential uses permitted on the surrounding properties.			
Physical Characteristics	The site is undeveloped and heavily wooded. It has a moderate slope downward to the south.			
Proximity to Water and Sewer	A public water main and sewer outfall are located under Ebert Road.			
Stormwater/ Drainage	The proposed site plan shows a stormwater management facility in the south-central portion of the site. A stormwater study will be required.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	The undeveloped site is located within the context of a single-family residential setting. The site does not appear to have any development constraints such as steep slopes, designated floodplains, or water supply watersheds.			
RELEVANT ZONING HISTORIES				
There are no relevant zoning histories in the general area.				
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Ebert Road	Major Thoroughfare	368 feet	8,900	15,300
Starling Meadows Drive	Private Street	553 feet	N/A	N/A
Proposed Access Point(s)	The site will have a primary access and an emergency access from Ebert Road.			
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a three-lane cross section for Ebert Road with wide outside lanes, curb, gutter, and sidewalks. WSDOT will require a southbound right slip lane on Ebert Road in association with this proposed development.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS9</u> 7.5 acres / 9,000 sf = 36 homes x 9.57 (single-family trip rate) = 344 trips per day			
	<u>Proposed Zoning: RM5-S</u> 36 units x 5.81 (townhome/condo trip rate) = 209 trips per day			

Sidewalks	Sidewalks are required along one side of the proposed streets. The proposed site plan shows sidewalks along both sides of the new internal streets. Payment-in-lieu will be made for the sidewalk required along Ebert Road.	
Transit	WSTA Route 83 serves Peters Creek Parkway approximately one mile east.	
Connectivity	The surrounding development pattern does not lend itself to street connectivity.	
Transportation Impact Analysis (TIA)	A TIA is not required.	
Analysis of Site Access and Transportation Information	The site will be accessed from a major thoroughfare that has ample capacity. The proposed trip generation is less than what could be expected with residential development under the current zoning.	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Units (by type) and Density	36 twin home units on 7.5 acres = 4.8 units per acre	
Building Height	Maximum	Proposed
	40 feet	Two stories
Impervious Coverage	Maximum	Proposed
	N/A	40.1 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 4.5.13: RM5 District • Section 5.2.71: Residential Building, Multifamily (use-specific standards) 	
Complies with Section 3.2.11	(A) Legacy 2030 policies:	Yes
	(B) Environmental Ord.	N/A
	(C) Subdivision Regulations	Yes
Analysis of Site Plan Compliance with UDO Requirements	The site plan shows 36 twin home units fronting along new internal public streets. A 20-foot Type II bufferyard is provided around the perimeter of the site adjacent to properties with RS9 zoning. The request provides almost twice the amount of required common recreation area and includes some hardscape areas.	
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"> • Increase infill development in the serviceable land area. • Facilitate land use patterns that offer a variety of housing choices. • Encourage quality infill development on both vacant land and redeveloped sites with an emphasis on conforming to the neighborhood's existing character and scale. 	

Relevant Area Plan(s)	<i>Southwest Suburban Area Plan Update (2015)</i>
Area Plan Recommendations	The plan recommends single-family residential uses at this location.
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.
Rezoning Consideration from Section 3.2.15 A 13	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 rezoning request would accommodate 36 attached homes fronting along new internal public streets. The surrounding development pattern is single-family residential in character.</p> <p><i>Legacy</i> recommends a variety of housing types when designed in a complementary manner with the surrounding context. The proposed density is consistent with the number of detached homes allowed under the current zoning and recommended in the area plan. The scale of the attached homes is compatible with the nearby single-family homes. The site is accessed from a major thoroughfare.</p> <p>Given the specific setting of the site and proposed design, the request is consistent with both <i>Legacy</i> and the area plan and serves as a good opportunity for infill residential development.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The proposed density is comparable to allowable development under the current zoning.	There are no other attached homes in the general area.
The scale of the proposed units is compatible with the nearby single-family homes.	
Ebert Road is a major thoroughfare with ample capacity.	
A 20-foot Type II bufferyard would provide physical and visual separation between the proposed development and the surrounding detached homes.	
The request is consistent with <i>Legacy</i> in that it would offer a variety of housing choices in the area with a context-sensitive design.	
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"> • <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> 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. b. Developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of driveway permit. Required improvements include: <ul style="list-style-type: none"> • A negative access easement along the Ebert Road frontage; • Construction of a southbound right slip lane, tapering to 12 feet in width over 100 linear feet along Ebert Road; and • Payment in lieu of required sidewalk along the Ebert Road frontage. • <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ol style="list-style-type: none"> a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ol style="list-style-type: none"> a. Developer shall complete all requirements of the driveway permit. 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 on proposals, 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-3442
MAY 28, 2020**

Gary Roberts presented the staff report.

Melynda Dunigan stated that the site plan shows an emergency access road and partially shared driveway with a single-family home; she asked if there was any possibility that it would be opened up as a secondary access, or if there was any prohibition against using that as a secondary access.

Aaron King stated that this was a Special Use site plan, and it locks them in to exactly what is shown on the site plan. Therefore, it will have to be an emergency only access road. Should anyone want to change the condition of that road, it would trigger a Site Plan Amendment.

Chris Murphy stated that there is a house located to the west of the northernmost cul-de-sac that can be accessed via that driveway, but they actually have a driveway into the subdivision off of Brookhill Drive. They can use this driveway that goes out to Ebert, but they have a formal driveway that goes and ties in to the cul-de-sac on Brookhill Drive. The piece of property on the corner of that emergency access road and Ebert is a Bell South building, it is not a home.

PUBLIC HEARING

FOR:

Steve Causey, Allied Design, 4720 Kester Mill Road, Suite C, Winston-Salem, NC 27103

- We prepared the site plan for the petitioner. We did have a neighborhood meeting. We had a couple folks in attendance. One was an adjoining property owner, and the other was a lady across the road. They expressed more curiosity and interest than anything. I think you have the meeting summary in your agenda packets.
- We felt like the density was consistent with the area plan. The twin-home clustering arrangement allows us to deal with topography. We have 50 feet of fall across the site from one end to another, so it did allow us to densify things more internally. I think Gary pointed out the bufferyards around the perimeter would not be required with single-family development. We did agree to a little extra sidewalk. We actually have sidewalks along both sides of the streets, at staff's request. The developer has agreed to that. I think he referenced the sidewalk along Ebert, we would be making a payment in lieu of that sidewalk because it is not practical to construct at this time.

Majid Mirzazadeh, 842 Windalier Lane, Winston-Salem, NC 27106

- It's very compatible with the area and should not add any traffic, and it will make that area look better.

AGAINST:

Fred Marlow, 3216 Laurenfields Way, Winston-Salem, NC 27107

- We are within the 500-foot area of the proposed site. The main thing that we're concerned with, as residents here, is that we're in a fairly modest subdivision in Ashton Grove, which is right off the top of the first drawing there off Hope Road, and the homes are pretty similar. They are single-family homes and the square footage on the lot has to be about 9,000 square feet or so. We would like to see if we're going to have additional growth within the area. We have had a lot around the Salisbury Road area on the way to Wal-Mart on Peters Creek Parkway, and all those pockets of homes all seem to have single-family dwellings. The fact that these are duplexes is a concern that we have. It's just not going to look as good as the other homes that we have around. We have a very strong HOA, very enforceable in terms of keeping your house clean, your yard clean, and those kinds of things. And we're just concerned that making the multi-family home change would not be consistent with what we've seen.
- Obviously, a lot of planning has gone into this. I can understand that. We can obviously understand undeveloped areas need to be developed, and we welcome that as well. I know you guys have done a lot of due diligence.
- If you look back at something you talked about earlier, you talked about incompatibility when something was designed and was backed up against single-family homes, that seems like what we have here, and that is the only thing that I would like to go on the record as saying. One other thing is we didn't get information about the meeting. We would have certainly been there. We did get this information recently, and that is the reason I have been on the call. Thank you for that.

WORK SESSION

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

SECOND: Johnny Sigers

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: Clarence Lambe recommended approval of the zoning petition.

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

Aaron King
Director of Planning and Development Services