

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3408
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	The Commons of Forsyth County Inc.
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PINs 6846-82-9834, 6846-83-6045, and 6846-83-8183
<b>Address</b>	2357 Felicity Circle and 1430 and 1504 Felicity Lane
<b>Type of Request</b>	Special Use rezoning from MU-S and RS9 to GB-S
<b>Proposal</b>	The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> MU-S (Mixed Use – Special Use - Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Life Care Community; Hospice and Palliative Care; Offices; Services, A; School, Vocational or Professional; and Restaurant (without drive-through service) and RS9 (Residential, Single Family – 9,000 square foot minimum lot size) <b>to</b> GB-S (General Business – Special Use zoning). The petitioner is requesting the following use: <ul style="list-style-type: none"> <li>• Group Care Facility C</li> </ul>
<b>Neighborhood Contact/Meeting</b>	See Attachment B for a summary of the petitioner’s neighborhood outreach.
<b>Zoning District Purpose Statement</b>	The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs 1, 2 and 3 and Metro Activity Centers.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b> The site is located within GMA 2 (Urban Neighborhoods) at the intersection of a major and a minor thoroughfare. Considering the nature of the proposed use, staff does not view this request as encouraging strip commercial development in the general area.
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	West side of Old Greensboro Road at its intersection with US 158/Reidsville Road
<b>Jurisdiction</b>	City of Winston-Salem
<b>Ward(s)</b>	Northeast
<b>Site Acreage</b>	± 16.69 acres
<b>Current Land Use</b>	The two-story building located at the front of the site is currently occupied by United Health Center. Several of the existing apartments are also currently occupied. The remaining buildings are unoccupied and were most recently used by the Commons of Forsyth County.

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>			
	North	RS9 and NO-L	Undeveloped property and single-family homes			
	East	RS9	Intersection of Old Greensboro Road and US 158/Reidsville Road and single-family homes			
	South	LO-S and RS9	Unoccupied office/institutional building and Jay's Convenience Store			
West	RS9	Single-family homes and undeveloped lots				
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>					
	<p>The subject property has been used for various institutionally related uses and is referenced in the <i>East Northeast Winston-Salem Update</i> as the Commons of Forsyth County. The Commons provides a variety of programs designed to help certain populations in need of assistance. The plan notes as the facility may grow, new expansions should occur towards the back of the site, possibly with an extension of Felicity Lane. The proposed site plan is consistent with this commentary.</p> <p>Considering the mixture of uses which have historically taken place on this site along with the specific location of the proposed new buildings and screening along Harvest Drive, staff believes the proposed use of Group Care Facility C will be generally compatible with the uses permitted on the surrounding properties.</p>					
<b>Physical Characteristics</b>	The northern section of the site is heavily wooded and includes some areas of steep topography which generally slope downward to the north.					
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.					
<b>Stormwater/ Drainage</b>	Based upon the existing amount of impervious coverage on the site compared with the proposed amount of impervious coverage, along with the size of the subject property, no stormwater control devices are proposed at this time. However, a stormwater management study will be required at the time of permitting.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The southern half of the site is currently developed with multiple buildings and parking and circulation areas. The northern section of the site is heavily wooded and traversed by an intermittent stream. This area also includes some challenging topography. The site does not contain any designated watershed or regulatory floodplain areas.					
<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>
W-3245	RS9 to NO-L	Approved 1/20/2015	Directly northeast	1.25	Approval	Approval

W-3003	RS9 and MU-S to MU-S	Denied 1/5/2009	Subject property	16.69	Approval	Approval
W-2915	MU-S to MU-S	Approved 4/2/2007	Included majority of subject property	16.5	Approval	Approval
W-2699	Final Development Plan	Approved 8/11/2005	Included majority of subject property	16.5	Approval	Approval
W-2699	GO-S and RS9 to MU-S (TWO PHASE)	Approved 6/7/2004	Included majority of subject property	16.5	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Old Greensboro Road	Minor Thoroughfare	715 feet	5,600	13,800		
Harvest Drive	Collector Street	1,265 feet	N/A	N/A		
Felicity Circle	Private Street (internal)	550 feet	N/A	N/A		
Felicity Lane	Private Street (internal)	650 feet	N/A	N/A		
Joy Way	Private Street (internal)	175 feet	N/A	N/A		
<b>Proposed Access Point(s)</b>	The proposed site plan shows the continued use of three driveways onto Old Greensboro Road.					
<b>Planned Road Improvements</b>	NCDOT Transportation Improvement Program (TIP) R-2577 proposes changes to the intersection of US 158/Reidsville Road and Old Greensboro Road in front of the subject property. Construction of this project is scheduled to begin in 2021. The preliminary design for this project shows that no additional right-of-way will be needed along the frontage of the site. Staff also notes that Harvest Drive is shown on the adopted Winston-Salem Urban Area Collector Street Plan to extend to Kittering Lane north of Frazier Creek.					
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: MU-S and RS9</u> Due to the approved mixture of uses on the subject property, staff is unable to provide an accurate trip generation estimate for the current zoning.</p> <p><u>Proposed Zoning: GB-S</u> 250 units (residents) x 2.74 (Assisted Living Facility*) = 685 Trips per Day * Assisted Living Facility is the closest use to the proposed use of Group Care Facility C as noted within the Institute for Transportation Engineers Trip Generation book.</p>					

<b>Sidewalks</b>	Sidewalks are currently located along the site frontage on Old Greensboro Road and continue southwest to the intersection with East Fifth Street. The proposed site plan also shows a good internal network of sidewalks.		
<b>Transit</b>	WSTA Route 94 runs along Old Greensboro Road in front of the subject property.		
<b>Analysis of Site Access and Transportation Information</b>	The site is served by transit and is located at the intersection of two thoroughfares. The developer has proposed to remove the existing secondary access onto Harvest Drive and record a negative access easement along this frontage. As noted, the closest trip generation multiplier to the proposed use of Group Care Facility C is Assisted Living Facility. Staff foresees no transportation related issues associated with this request.		
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>			
<b>Building Square Footage</b>	<b>Square Footage</b>		<b>Placement on Site</b>
	45,307 existing + 52,683 proposed = 97,990 total		Generally located within the southern and western portions of the site
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b>
	79 spaces	79 spaces	A mixture of 90-degree head-in and parallel parking located along the internal driveways
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>
	60 feet		Two stories
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>
	N/A		27.37 percent
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Chapter B, Article II, Section 2-1.3 (J) General Business District</li> <li>Chapter B, Article II, Section 2-5.34.1 Group Care Facility C Use Conditions</li> </ul>		
<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	<b>(A) Legacy 2030 policies:</b>	Yes	
	<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 the reuse of an existing multi-building campus along with a substantial expansion in total new building square footage. The proposed tree save area is located in the northeastern portion of the site, partially along the stream buffer. Compliance with the use conditions for Group Care Facility C must be demonstrated at the time of permitting.		
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>			
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 2 – Urban Neighborhoods		

<p><b>Relevant Legacy 2030 Recommendations</b></p>	<ul style="list-style-type: none"> <li>• Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area (p. 141).</li> <li>• Existing institutions should be permitted to grow and expand in a manner that is compatible with surrounding neighborhoods (p. 26).</li> <li>• Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods (p. 175).</li> </ul>
<p><b>Relevant Area Plan(s)</b></p>	<p><i>East Northeast Winston-Salem Update (2015)</i></p>
<p><b>Area Plan Recommendations</b></p>	<p>The subject property is recommended for mixed-use development.</p> <p><u>General Area Plan Recommendation:</u></p> <ul style="list-style-type: none"> <li>• The reuse of vacant buildings and the redevelopment of existing undeveloped and underutilized sites is recommended, where possible. Commercial uses are also recommended in the Mixed-Use Opportunity Areas (p. 26).</li> </ul> <p><u>Specific Recommendations for the subject property:</u></p> <ul style="list-style-type: none"> <li>• The Commons of Forsyth County - The Commons of Forsyth County sits on a 16-acre campus located on Old Greensboro Road. The Commons is a collaborative effort between the North Carolina Housing Foundation, Goodwill Industries, Winston-Salem State University, State Employees' Credit Union and several other service organizations. The Commons of Forsyth County provides homeless and rehabilitation services, through a variety of programs, facilities, and training opportunities. The existing campus currently has a variety of land uses including residential, office, warehouse, and medical services occupying a small portion of the entire site. As the services and number of residents on site grow, there may be a need to expand the campus.</li> <li>• Expand new development towards the back of the site, possibly with the extension of Felicity Lane. Avoid adding new buildings/ access to the section where Reidsville Road and Old Greensboro Road run together as a one-way street.</li> <li>• Keep the existing entrance to the campus off of Old Greensboro Road. As additional traffic is brought to the site, explore swapping the current entrance and exit to give more room for a right turn onto the site. Restripe front parking accordingly when making this change.</li> <li>• Design new parking to be visually unobtrusive and pedestrian-friendly. Locate parking behind/beside the building, screened from public view by buildings/landscaping (p. 36).</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>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?</b>
<b>Analysis of Conformity to Plans and Planning Issues</b>	The request is to allow the use Group Care Facility C and accommodate additional building and parking areas associated with the use. The site has historically been used for a mixture of institutional-related uses within a campus setting.
	<p>Group Care Facility C is a relatively new use added to the UDO in 2018 (UDO 287). The use is only allowed in GB-S zoning districts and comes with specific use conditions. The use is defined as “A transitional housing facility for two hundred and fifty (250) or fewer residents, licensed by the State of North Carolina and operated by a nonprofit corporation chartered pursuant to Chapter 55A, North Carolina General Statutes, which provides room and board, personal care and rehabilitation services while persons receive therapy and/or counseling primarily to assist them to recuperate from the effects of or refrain from the use of drugs or alcohol and/or to assist them to adjust to society as an alternative to incarceration but not including "Emergency Shelters, Shelters for the Homeless or Temporary Shelters" as defined in Section A.2. Such facilities may have accessory uses conducted on the premises, including but not limited to, schooling of residents, training programs in occupational fields, and production of goods and crafts to be sold off-premises.” The developer with this rezoning request is Triangle Residential Options for Substance Abusers, Inc. (TROSA). TROSA is a non-profit organization that operates a large long-term residential substance abuse facility in Durham, NC and is interested in opening a similar facility in Winston-Salem. TROSA was the petitioner for UDO 287 and the current request is consistent with this approved text amendment.</p>
	<p><i>Legacy 2030</i> recommends redevelopment and reuse of existing sites and buildings that is compatible and complementary with their surrounding areas. The <i>East Northeast Winston-Salem Update</i> recommends mixed-use development for the subject property, along with several site-specific design recommendations. These recommendations are intended to allow increased activity on the site, provided it occurs in a manner which is sensitive to the predominantly residential setting of the area.</p>
	The site plan shows a northward extension of Felicity Lane running parallel to Harvest Drive along the western boundary of the site. Multiple one- and

two-story buildings would be constructed along this private street. This is consistent with the area plan and minimizes potential negative impacts to the residential properties along Harvest Drive. The developer also proposes to maintain the existing building setback line and screening treatment along the Harvest Drive frontage. To that end, the developer will also remove the existing access onto Harvest Drive and record a negative access easement along the entire frontage. An enhanced bufferyard with supplemental evergreen plantings will be provided adjacent to an existing RS9-zoned lot further to the east. Staff notes because the GB district does not allow the use Residential Building, Single Family, the two existing single-family dwellings located along Joy Way would become nonconforming upon approval of the subject request. If the buildings became unoccupied for more than one year, the nonconforming status would be lost.

The site is not adjacent to other commercially zoned properties, nor does the area plan recommend commercial zoning on these lots. Therefore, the developer has agreed to a condition whereby the site would revert to its current zoning if the proposed use is not in operation on the site within two years of City Council approval.

Staff sees the proposed reuse and intensification of the subject property as compatible with the surrounding development and consistent with the recommendations of both *Legacy 2030* and the area plan. The current zoning, the mixture of uses which have occurred simultaneously on the site, and the proposed site design elements support this conclusion.

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The site has historically been used for a mixture of institutional-related uses in a campus setting.	The subject property is not adjacent to other commercially zoned properties and is relatively large compared to those properties in the vicinity.
The request does not include any standalone commercial uses.	The request would place a relatively intense use in close proximity to a residential neighborhood.
The site is located at the intersection of a major and minor thoroughfare and is served by transit.	
The request includes a condition whereby the zoning would revert back to the current MU-S and RS9 if the proposed use is not in operation within two years of rezoning approval.	
The request would address a growing community need by serving people who are suffering from the effects of substance abuse.	

#### **SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
  - 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).
  
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. 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 and NCDOT; additional improvements may be required prior to issuance of driveway permit.  
Required improvements include:
    - Closing any unused driveways, including along Harvest Drive; and
    - Recording a negative access easement along Harvest Drive.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. The proposed building plans shall be in substantial conformance with the submitted elevations as shown on “Exhibit A” and as verified by Planning staff.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
  - b. Developer shall complete all requirements of the driveway permit.
  
- **OTHER REQUIEIMENTS:**
  - a. The properties indicated in the rezoning petition shall revert to their original MU-S and RS9 zoning if a Certificate of Occupancy for the use Group Care Facility C has not been issued within two years of the date of approval by the Winston-Salem City Council.

**STAFF RECOMMENDATION: Approval**

**NOTE:** These are **staff comments** only; **final recommendations** on projects are made by the City-County Planning Board, with **final decisions** being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **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-3408  
APRIL 11, 2019**

Gary Roberts presented the staff report.

**PUBLIC HEARING**

FOR:

Dan Jewell, Coulter Jewell Thames, PA, 111 West Main Street, Durham, NC 27701

- Mr. Jewell presented some background information on TROSA and the role they play at their present location in Durham.
- TROSA does co-exist with schools. They share a park with a charter school in Durham. (Mr. Jewell read a letter of endorsement from Central Park School.)
- Winston-Salem would be the very first satellite campus in the state.
- Two of the five top counties served by TROSA are Forsyth and Guilford counties.
- Community outreach is important to TROSA.
- Mr. Jewell reviewed a site plan of the Winston-Salem facility and what TROSA would be committing to with the proposed property.

Brian Buland, 1820 James Street, Durham, NC 27707

- I've been with TROSA for six years. I'm project lead on the expansion efforts for TROSA.
- This is a very controlled community, with 24/7 monitoring of our residents. When our residents enter the program, there is a lot of accountability, and as they go along in the program they get more leniency. But it is still controlled at all times. There is always a curfew. Overnight visits are closely monitored.
- No commercial retail front will be on this site in Winston-Salem. We expect to open a small lawn care service with minimal trucks going in and out of the site.

Chris Murphy explained that a permit for lawn care is built into the use Group Care Facility C.

Keith Artin, 12 Prentice Place, Durham, NC 27701

- I've been with TROSA for 18 years. We have 10 lawn care crews at our current facility in Durham, which is two-and-a-half times the size of this facility.
- In response to a question raised by Melynda Dunigan, Mr. Artin noted that parking spaces had been maximized, and there would be ample space for truck parking associated with the lawn care business.

George Bryan inquired of TROSA how changing the use in this area would benefit the neighborhood and improve the tax base in the area.

Mr. Artin explained that in Durham, the property values surrounding the James Street facility have increased in value, more so than throughout other areas in Durham, and that the homes are on the market for shorter amounts of time compared to other neighborhoods in the city. There is crime reduction in all of the neighborhoods that TROSA is associated with.

Mr. Artin stated that TROSA would be spending in excess of \$10 million on the project in Winston-Salem, utilizing local contractors on a vast amount of the work.

Hilton Stone, Jr., 1490 Harvest Drive, Winston-Salem, NC 27101

- I have lived across from the property since 1977. I have been to some of the meetings over at the property, and also visited the facility in Durham. I am for it because I think it is a good program. I am really impressed with their facility and feel like they are really helping people. I feel like this is something good for the city. My wife and I met several of the tenants there and heard how the program helped them and brought them out of what they were going through.
- I am here because I want to give my support for this program. I hope the city will think about the program and how the program will benefit the City of Winston-Salem.

Vivian Stone, 1490 Harvest Drive, Winston-Salem, NC 27101

- My husband and I went to the facility in Durham and it was interesting to see how many people were delivered, so I am totally for it. I am not afraid of them coming into the neighborhood. It is a great program.

AGAINST:

Marshall McDuffie, 2404 Kingsgate Drive, Winston-Salem, NC 27101

- I am here representing the Fifth Ward. I was raised in this area. I have been around kids and have worked with Boy Scouts and so forth. This is getting out into the community, and if any of them get out into the community, it's dangerous. We have several school systems near the facility, Petree School and Atkins Academic, and there is another one there.
- I am for anybody that wants to get better, but I think we have enough facilities in east Winston-Salem. We have facilities there for kids, and then we had our hospital that was turned over to welfare. We have been taking care of everybody's problems in east Winston-Salem. The property value has gone down.

- I'm not against the organization, but our community, the Fifth District, needs an uplifting hand. With this, it's a closed-in facility. How else are you going to keep them under control? They work on campus and so forth, I'm for that, but we want them out in the community working with us. We've got the Y and other activities going on. We would like to find out from Council Member Scippio how to help the east ward grow in the community and around that compound. I am for it, but with it, it is not helping us in east Winston-Salem. We have one grocery store and a few eatery places.
- I am opposing it because of what we have gone through. We can do anything in the future if we unite together. Together we stand, divided we will fall. I am denying it until we can see some type of motivation to make our community better than what it is.

## **WORK SESSION**

During discussion by the Planning Board, the following points were made:

George Bryan felt that TROSA could find a facility in an already existing GB area that would be a good fit for them versus changing the zoning of a residential area with mixed use. George expressed that this particular property was desirable enough to attract business that could provide jobs and a good tax base for the neighborhood. He expressed that the Planning Board should not force an issue of changing zoning when they have been so deliberate about what kind of zoning this group ought to be seeking.

Tommy Hicks expressed his concerns about the condition of east Winston-Salem and suggested that TROSA provide data to the neighbors on how the participants of the program in Durham, who are now clean and viable contributors to society, have been impacted so that the neighborhood here would be more convinced. Tommy expressed his belief that TROSA could make a difference in this community, but believes the data could change the minds of the people that cannot see that vision at this point.

In response to George Bryan's comments, Aaron King explained staff's methodology when creating the use Group Care Facility C. Aaron encouraged the Planning Board to focus on the specific uses, the conditions that are tied to those uses, the site plan that restricts the uses of the property to only what is shown, and think about how that blends and meets with what the area plan calls for.

Brenda Smith inquired as to the basis for the intensity of the zoning. Permitted uses were discussed in further detail.

Melynda expressed her concern of setting a precedent by changing zoning in order to add more uses. She gave an example of a past case on Country Club Road that was HB-S going to HB-L in order to add more uses.

Clarence Lambe felt that the Planning Board could distinguish between GB with one permitted use and a request for GB with five permitted uses, and also saw this use as being very similar to IP.

MOTION: Clarence Lambe recommended approval of the zoning petition and certified the site plan (including staff recommended conditions) meets all code requirements if the petition is approved.

SECOND: Jason Grubbs

VOTE:

FOR: Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Brenda Smith

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

---

Aaron King  
Director of Planning and Development Services