

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-3397		
Staff	Gary Roberts, Jr. AICP		
Petitioner(s)	Jak Ventures, LLC		
Owner(s)	Same		
Subject Property	PIN 6822-53-6158		
Address	1865 Olivers Crossing Drive		
Type of Request	Site Plan Amendment for property zoned RM8-S (F-1325).		
Proposal	<p>The petitioner is proposing to add multifamily residential buildings to the existing RM8-S site plan. The previously approved uses for this site are:</p> <ul style="list-style-type: none"> Residential Building, Townhouse and Residential Building, Multifamily 		
Continuance History	<p>This rezoning request was originally submitted for the February 2019 Planning Board meeting and was continued, first to the March 2019 meeting and later to the April 2019 meeting. The request was continued for the third and final time to the May 2019 meeting. Because the Planning Board is required to provide the City Council with a recommendation on each rezoning request it receives within 120 days of the original filing date, the Board must make a recommendation at the May 2019 meeting.</p>		
Neighborhood Contact/Meeting	A summary of the petitioner's neighborhood outreach is attached.		
GENERAL SITE INFORMATION			
Location	West side of Olivers Crossing Drive, west of Peters Creek Parkway		
Jurisdiction	City of Winston-Salem		
Ward(s)	South		
Site Acreage	± 11.10 acres		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9	Undeveloped property and single family homes
	East	RM8-S & NSB-S	Townhomes and the Olivers Crossing Shopping Center
	South	RM12-S	Multifamily residential
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	The approved multifamily residential uses are generally compatible with the uses permitted on the adjacent RM8-S and NSB-S properties. They are less compatible with the uses permitted on the adjacent RS9 properties.		

Physical Characteristics	The undeveloped site is heavily wooded with mature vegetation. A stream traverses the entire length of the site. The topography ranges from moderate to steep and generally falls downward toward the stream. The National Wetlands Inventory shows a Freshwater Forested/Shrub Wetland in the northern portion of the site, just west of Olivers Crossing Drive. It appears from the site plan that the buildings will be outside of the wetland area.					
Proximity to Water and Sewer	The site has access to public water and sewer service.					
Stormwater/ Drainage	The site plan shows an underground stormwater control device to be located under the proposed parking lot in the northern 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 subject property is undeveloped and heavily wooded, and a small stream traverses the site. Buffers along this stream will be required. The site has significant topographic challenges with a variation in elevation of approximately 60 feet. Development within the southern half of the site is further constrained by its narrowness.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1343	RM8-S to NSB-S	Approved 8/13/2001	Directly east	14.99	Approval	Tie
F-1325	RS9 to RM8-S	Approved 11/13/2000	Includes current site	37.63	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Olivers Crossing Drive	Local Street	685 feet	N/A	N/A		
Peters Creek Parkway *	Major Thoroughfare	None	20,000	31,600		
Proposed Access Point(s)	The site will have one access from Olivers Crossing Drive.					
Trip Generation - Existing/Proposed	<u>Existing Zoning: RM8-S</u> The approved site plan showed the subject property as undeveloped. Staff would presume that no traffic would be generated as a result. <u>Proposed Site Plan Amendment</u> 88 units x 6.65 (Apartment trip rate) = 585 Trips per Day					
Sidewalks	Sidewalks will be provided internally and along Olivers Crossing Drive.					
Transit	WSTA Route 83 serves the intersection of Peters Creek Parkway and Stafford Village Boulevard located approximately two miles to the north.					

Analysis of Site Access and Transportation Information	The site fronts on Olivers Crossing Drive, a public street with signalized access onto Peters Creek Parkway. Peters Creek Parkway is a four-lane median-divided facility with extra capacity. The current traffic count on this section of Peters Creek Parkway is 20,000 trips per day and the capacity at a Level of Service D is 31,600 vehicles per day. Transit does not extend this far south on Peters Creek Parkway. The request will include a sidewalk on Olivers Crossing Drive which will provide an important link between the adjacent neighborhood and the shopping center. The developer will be required to install an all-way stop at the intersection of Olivers Crossing Drive and Olivers Crossing Circle.	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Square Footage	Square Footage	Placement on Site
	43,896	Northern half of the site
Units (by type) and Density	88 multifamily units on 11.1 acres = 7.93 units per acre	
Parking	Required	Proposed
	160 spaces	160 spaces
Building Height	Maximum	Proposed
	45 feet	Two and three stories
Impervious Coverage	Maximum	Proposed
	70 percent	25.4 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.2 (L) RM8 District Chapter B, Article II, Section 2-5.64 Residential, Building Multifamily Use Conditions 	
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy 2030 policies:	Yes
	(B) Environmental Ord.	N/A
	(C) Subdivision Regulations	N/A
Analysis of Site Plan Compliance with UDO Requirements	<p>The site plan proposes two, three-story apartment buildings and one, two-story building with a total of 88 multifamily units. A clubhouse is also included, along with the required common recreation area at the entrance on Olivers Crossing Drive.</p> <p>As noted, due to the configuration of the site, the improvements are proposed on the northern half of the site with the southern portion utilized primarily as tree save area. In light of the site’s topographic challenges, extensive retaining walls are proposed along the western boundary and the 30-foot stream buffer. Because the western and northern property lines abut property zoned RS9, a minimum 15-foot Type II bufferyard is required, which is shown on the site plan.</p>	
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. • Promote quality design so that infill does not negatively impact surrounding development. • Increase infill development in the serviceable land area.
Relevant Area Plan(s)	<i>South Suburban Area Plan Update (2018)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • Area plan recommends low-density attached residential. • The highest intensity, mixed-use development should be located in proposed activity centers. • Goods and services should be available near where people live and work.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is located within the Olivers Crossing Activity Center.
Addressing	Olivers Crossing Circle will be extended across Olivers Crossing Drive into the subject property.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>This Site Plan Amendment would allow 88 multifamily residential units on RM8-S zoned property. The subject property is part of a larger 37-acre development that was rezoned to RM8-S in 2000. Approximately 15 of the 37 acres were later rezoned to NSB-S to accommodate the Olivers Crossing Shopping Center. The remainder includes the subject property and The Towns at Olivers Crossing, a townhome development.</p> <p>The approved RM8-S site plan included the proposed uses but did not specify how this particular site would be developed. The proposed residential density (7.93 dwelling units per acre) is consistent with the maximum allowed in the district.</p> <p>The request is also consistent with the density recommended in the <i>South Suburban Area Plan Update</i>. This plan further unifies the site with the Olivers Crossing Activity Center. Activity centers are typically suitable locations for multifamily development because compact design, residential density, and a mixture of uses can result in shorter and less frequent motor vehicle trips.</p> <p>The western edge of the site borders RS9 zoning and single family homes. The site plan shows a 15-foot Type II undisturbed bufferyard and a six-</p>

foot opaque wood fence along this section. Due to topography, much of the three story apartment buildings will have a finished first floor elevation considerably lower than the elevation of the adjacent RS9 property. Also, due to the depth of the single family properties along Old Salisbury Road, it appears the shortest distance between the existing homes and the proposed apartments will be over 370 feet.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The site is a good location for multifamily residential as it is located within an activity center and within walking distance of a shopping center.	The western side of the site abuts single-family homes.
The request is consistent with the approved land uses and density of the initial zoning case (F-1325).	
The proposed residential density of 7.93 units per acre is compatible with the density of the adjacent townhomes located across Oliver’s Crossing Drive.	

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 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; additional improvements may be required prior to issuance of the driveway permit. Required improvements include:
 - Installation of an All-Way Stop Condition (AWSC) at the intersection of Olivers Crossing Drive and Olivers Crossing Circle, with the appropriate advanced signage per MUTCD specifications.
 - Installation of sidewalk along Olivers Crossing Drive.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. The proposed building plans shall be in substantial conformance with the submitted elevations 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.

- c. As volunteered by the petitioner, the six (6) foot tall wooden opaque fence along the Western property line shall be extended to the Northern property line and continue to the East, along the Northern property line, terminating at the Western edge of the street buffer.

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-3397

MAY 23, 2019

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Dustin Mills, 2217 Stantonsburg Road, Greenville, NC 27834

- I am the property owner and our firm is seeking the Site Plan Amendment.
- The plan meets all municipal requirements and is consistent with *Legacy 2030* and with the *South Suburban Area Plan*.
- It is an ideal location for multifamily. The development is close to an activity center and within walking distance to shopping and restaurants.
- We have worked closely with the neighbors to address their concerns. We met with some of the neighbors in their homes that were not able to come to the meetings.
- We met with Council Member Larson and staff to come up with a four-way stop and lighting along Oliver's Crossing Drive to slow down the velocity of traffic.
- Studies show that 30 percent of households pay 50% of their income in rent. This is a systemic problem across our country that needs to be addressed. Our plan addresses a significant need for workforce housing in Winston-Salem.
- There is a creek that runs through the property but there are no wetlands onsite. As far as the creek is concerned, our designs are within the required limits.
- Stormwater was a legitimate concern for the neighbors. We are doing an intensive underground system to maintain tree save area. We are also pushing our development towards the most developable area. There is no net increase in storm runoff, as is required by the approved site plan. We have a sizeable buffer of approximately 400 feet from any of our buildings to the closest residential building.
- We are only disturbing 45 percent of the site. That means less trees have to come down.
- Residents wanted fencing along the rear of Old Salisbury Road, which we agreed to, and have in writing. In addition, fencing is volunteered along a portion of the northern property line.
- This is a privately-owned development for working class individuals. The typical person in this area makes \$39,000 a year. About 63 percent of Winston-Salem's workforce mean and median salary is under this income community range.

- We did a voluntary Transportation Impact Analysis (TIA) and submitted that to staff for review. The takeaways from that were nominal impacts to Oliver's Crossing. One vehicle every two minutes, one and a half minutes in the peak hour. Walkability will help decrease the amount of cars.
- Our attorney and engineers are available if there are any questions.

AGAINST:

Clementine Barr, 1820 Oliver's Crossing Circle, Winston-Salem, NC 27127

- I live in the circle at Oliver's Crossing. The construction we are referring to today, the entrance and exit will be directly in front of our entrance and exit.
- I did oppose this and still do because of my concern for the traffic. Oliver's Crossing Circle is a terrible circle. The street bares to the right all the way down to Haversham, and we take a chance every time we come out of the circle. They said their traffic people came out to do a count, but their timing had to be wrong. I stand out there with small children in the neighborhood just to keep them safe in the mornings.
- I have the names of nine other people that oppose this that couldn't be here today that wish you all would take this into consideration.
- My concern is everyone getting in and out safely. I love the idea that they are going to have a four-way stop and a crosswalk and added lights, but I don't know if it will pay off. It's a bad area and is not suitable.

Jeff Albertson, 1682 Haversham Park Drive, Winston-Salem, NC 27127

- I am here to make sure, after reading the agenda, some things that I thought needed to be brought to people's attention that I didn't feel like were represented well. Townhouses and apartments are not equivalent. People own townhouses individually, so there is a difference between apartments and homes. They are putting apartments in the middle of a residential area, and they are claiming it is not something that would cause an impact. I don't see how I could agree with that. I don't have any proof except for my suppositions on that point.

WORK SESSION

The Planning Board shared their appreciation of how clear and straightforward Mr. Mills' plan was for this development.

Mr. Lambe inquired as to the length of income on how the credits will work.

Mr. Mills responded that credits were a 15-year minimum but they were extending compliance to 30 years.

Ms. Dunigan inquired as to whether the undeveloped part of the property will ever be developed or whether it is intended to be undisturbed as part of the tree save.

Mr. Mills responded by addressing the fact that the density that is allowed has been maxed out. Due to the stream and topographically it will be almost impossible to do anything in that area.

Aaron King encouraged the Planning Board to focus their discussion on things like land use, compatibility with the surrounding uses and zoning, transportation impacts, and environmental impacts. Aaron commented that while workforce housing is a worthy cause, zoning is not the mechanism that can tie somebody to promises made about rent levels.

MOTION: Clarence Lambe recommended approval of the zoning petition with the volunteered fencing conditions.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services