

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3358
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Brookberry Farm LLC
Owner(s)	Same
Subject Property	Portion of PIN# 5895-58-8360 (Formerly 5895-58-5260)
Address	Currently, the undeveloped site does not have an address assignment.
Type of Request	Special use rezoning from MU-S Two Phase to MU-S to add the use of Life Care Community
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from MU-S Two Phase (Mixed Use – Special Use District - Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; Retail Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Arts and Crafts Studio; Food or Drug Store; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Outdoor Display, Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade A; Wholesale Trade B; Banking and Financial Services; Offices; Services A; Services B; Bed and Breakfast; Car Wash; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Golf Course; Golf Driving Range; Recreation Services; Indoor; Recreation Services; Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Daycare Center; Library, Public; Museum or Art Gallery; Adult Daycare Home; Child Daycare, Large Home; Child Daycare, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Police or Fire Station; School, Private; School, Public; and Stadium, Coliseum, or Exhibition Building – Two Phase) to MU-S (Mixed Use – Special Use District). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Adult Day Care Home; Child Day Care Center; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Library, Public; Life Care Community; Museum or Art Gallery; Police or Fire Station; School, Private; and School, Public

Continuance History	The subject request was automatically continued from the February 8, 2018 Planning Board meeting to the March 8 meeting and automatically continued from the March 8 meeting to the April 12 Planning Board meeting.
Neighborhood Contact/Meeting	See Attachment A for a summary of the petitioner’s neighborhood outreach efforts. Also the following update was received from the petitioner’s site plan preparer on March 7, 2018: “Smith Packett, along with representatives from Brookberry Farm and Stimmel Associates, hosted an additional neighborhood meeting for the Hundley Road residents. Invitations were hand delivered to the fifteen houses on Hundley Road on Wednesday, February 28. The meeting was held at the Brookberry Farm Clubhouse on Tuesday, March 6 from 6:00 pm to 6:45 pm. A total of two property owners (two couples) attended the meeting, including one couple on Hundley Road and another couple from the Century Oaks development. Attached is the sign-in sheet (Attachment B). Prior to the start of the formal presentation, the Hundley Road resident voiced his displeasure regarding the stockpile of dirt located across Hundley Road from his house. Brookberry Farm representatives discussed with him that once development is completed on the portions under construction, the stockpiled dirt would be used to fill the erosion control devices and other low lying areas. Any remaining dirt would be utilized for future phases. The Hundley Road resident left without waiting for the formal presentation of the Smith Packett proposed development. The remaining couple stayed and Smith Packett provided an overview of their organization and the proposed development. The couple left without any concerns.”
Zoning District Purpose Statement	The MU-S District is intended to accommodate a comprehensively planned, pedestrian oriented mix of three (3) or more distinct land uses. This district has applications in a broad range of urban to suburban locations. The size and intensity of MU-S developments may vary based on their physical context and location. The MU-S District provides greater development flexibility in exchange for certain planning and design considerations.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the site is currently zoned MU-S Two Phase and it is part of a larger mixed use development known as Brookberry Farm.
GENERAL SITE INFORMATION	
Location	Southwest corner of Meadowlark Drive and Hundley Road
Jurisdiction	City of Winston-Salem
Ward(s)	West
Site Acreage	± 10.18 acres
Current Land Use	The undeveloped site was previously used as farmland.

Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9	Single family homes
	East	RS9	Meadowlark Elementary and Middle Schools
	South	MU-S Two Phase	Multifamily development currently under construction
	West	MU-S Two Phase	Undeveloped property
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</p> <p>The new use that is being requested is Life Care Community. This use is compatible with the uses permitted on the adjacent MU-S Two Phase zoned properties and with the public school located across Meadowlark Drive. If designed in a contextually sensitive manner, this use is generally compatible with the uses permitted on the adjacent RS9 zoned properties. Staff believes that this is the case with the current request. The petitioner has also worked with staff to remove some of the previously approved uses which may not be compatible with the adjacent residential uses at this location.</p>		
Physical Characteristics	The undeveloped site has variable topography with an overall moderate slope downward to the east along Meadowlark Drive.		
Proximity to Water and Sewer	The site has access to public water and sewer service.		
Stormwater/ Drainage	<p>The subject property is located within the Crossing at Brookberry Farm project area. Because this area was included in an overall stormwater management study approved on 09/14/2007, it is exempt from the current Stormwater Ordinance provisions provided the development stays below 30% in built upon area. The proposed site plan stays below this maximum level of impervious coverage with the extensive use of permeable pavement in the parking and circulation areas. Staff notes that this method will work only if the soils are found to be conducive to the design and use of permeable pavement and hence receive a 100% credit for those areas in regard to built upon area. Otherwise, stormwater will be collected with a network of pipes which drain to the southeastern and northeastern corners of the site where underground stormwater management devices will be located. Should said Stormwater management devices be required, they must meet all of the current Post Construction Stormwater Management Ordinance design provisions.</p>		
Watershed and Overlay Districts	The site is not located within a water supply watershed.		
Analysis of General Site Information	<p>The site is undeveloped and located across Hundley Road from existing single family homes. Two schools are located directly across Meadowlark Drive. The site will require extensive grading in order to accommodate the proposed improvements. This includes a retaining wall that varies in height from four to ten feet along Meadowlark Drive. The site does not include any streams nor is it located within a designated water supply watershed.</p>		

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3287	MU-S Two Phase Site Plan Amendment	Approved 2-1-2016	1,600' southwest	3.15	Approval	Approval
W-2889	Forsyth County Zoning to City of Winston-Salem Zoning	Approved 11-6-2006	Included current site	Multiple parcels	Approval	Approval
F-1392	RS9 and RS9-S	Approved 11-10-2003	Included current site	795	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Meadowlark Drive	Minor Thoroughfare	936'	15,000	15,300 Once this roadway is widened to three lanes, the capacity will increase to 18,200		
Hundley Road	Local Street	490'	NA	NA		
Proposed Access Point(s)	The primary access to the site will be from Meadowlark Drive where a future traffic signal is proposed. This access will be a new public street (Meadowlark Knoll Crossing) which extends the depth of the site to the western property line. A secondary access will be provided onto Hundley Road.					
Planned Road Improvements	Meadowlark Drive is soon to be widened to a three lane cross section with a 10' wide multi-use asphalt path along the eastern side. Construction is anticipated to begin in the Fall of 2018.					
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: MU-S Two Phase</u> No trip generation is available for the existing Two Phase zoning which includes no final site plan. However, the approved conceptual master plan depicts single family homes on the subject property. The following trip generation is therefore based upon such a <i>hypothetical</i> RS9 development scenario which is consistent with the existing zoning located directly to the north: 10.18 acres x 43,560 sf / 9,000 sf = 49 units x 9.57 (SFR Trip Rate) = 469 Trips per Day</p> <p><u>Proposed Zoning: MU-S</u> 191 units x 2.81(Retirement Community Trip Rate) = 537 Trips per Day</p>					

Sidewalks	A 10' wide multi-use asphalt path will be constructed along the eastern side of Meadowlark Drive as part of the 2014 Bond project. Sidewalks are also required along both sides of the new through street (Meadowlark Knoll Crossing) and along the subject property frontage of both Meadowlark Drive and Hundley Road.	
Transit	Route 4 runs along Country Club Road at Vinegar Hill Road located approximately two miles to the southeast.	
Connectivity	The proposed site plan includes a new public street (Meadowlark Knoll Crossing) which will extend through the site to the western property line. Construction of this new public street will provide additional connectivity to the southern portion of the Brookberry Farm development.	
Transportation Impact Analysis (TIA)	A new TIA was not required as part of this request.	
Analysis of Site Access and Transportation Information	<p>The proposed rezoning would permit the development of a Life Care Community. Due to the nature of this type of development which offers a full range of living and care arrangements for persons who are either disabled or over the age of 55, the estimated vehicular trip generation is within the same general range as what could be expected under a single family (RS9) development scenario.</p> <p>The proposed design demonstrates good vehicular and pedestrian circulation including a connection onto Hundley Road and a new public street which would link the undeveloped property located directly to the west with Meadowlark Drive. The proposed signal at this location will be designed to facilitate school bus traffic. Permitted access to the subject property, via Meadowlark Knoll Crossing, will be right in, right out, and left in. In light of the forthcoming public improvements along Meadowlark Drive, all work on the subject property should be closely coordinated with the City of Winston-Salem Engineering Department.</p>	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Square Footage	Square Footage	Placement on Site
	222,044 sf	Central portion of the site
Units (by type) and Density	191 independent living, assisted living, and memory care units / 10.18 acres = 19 units per acre.	
Parking	Required	Proposed
	143	164 spaces
Building Height	Maximum	Proposed
	NA	Three and four stories.
Impervious Coverage	Maximum	Proposed
	30% as per the previously approved stormwater requirements	29.87%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Chapter B, Article II, Section 2-1.5 Mixed Use District • Chapter B, Article II, Section 2-5.44 Life Care Community Use Conditions • Chapter B, Article II, Section 2-5.60 Planned Residential 	

	Development	
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy 2030 policies:	Yes
	(B) Environmental Ord.	NA
	(C) Subdivision Regulations	NA
Analysis of Site Plan Compliance with UDO Requirements	The site plan for the subject property proposes a 222,044 square foot Life Care Community building. The northern portion of the building which is closer to Hundley Road, is four stories in height and the southern portion of the building is three stories. See the Analysis of Conformity to Plans and Planning Issues section below for discussion on how this proposed design fits in with the surrounding area. The use of Life Care Community is required to comply with the Planned Residential Development (PRD) open space requirements and the proposed site plan meets those requirements.	
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. • Encourage the production of a range of housing types in neighborhoods for the elderly and people with disabilities, including independent living, assisted living, and skilled nursing care facilities. • Design and develop age-friendly neighborhoods that cater to the needs of different age groups. • Investigate the creation of neighborhoods with lifecycle housing opportunities that allow seniors to age in place. • Use the area plan process to promote a variety of housing types, including those that cater to seniors within the same neighborhood. 	
Relevant Area Plan(s)	<i>West Suburban Area Plan (2012) Update in process</i>	
Area Plan Recommendations	<ul style="list-style-type: none"> • The subject property is within the Brookberry Farm Special Land Use Condition Area. It is approved for a mixture of single-family, multifamily, office and commercial uses. The plan recommends following the approved zoning conditions. 	
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.	
Applicable Rezoning Consideration from Chapter B, Article VI,	(R)(3) - Have changing conditions substantially affected the area in the petition?	
	Yes, since the area plan was adopted in 2012, extensive new development has either been approved or constructed in the general area. This includes the multifamily development which is now under construction and located	

<p>Section 6-2.1(R)</p>	<p>directly to the south along with the completed retail and service establishments located at the intersection of Meadowlark Drive and Country Club Road. In 2016, a State Employees Credit Union was approved at the intersection of Meadowlark Drive and Beauchamp Road. This facility has not been constructed. Additional single family homes have been constructed as part of the Brookberry Farm development located to the west and further to the north of the subject property. Finally, Meadowlark Drive was approved in the 2014 Bond Package to be widened to three lanes.</p> <p>(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?</p> <p>See comments below.</p>
<p>Analysis of Conformity to Plans and Planning Issues</p>	<p>The subject property is located within a larger, mixed use development which was rezoned to MU-S Two Phase in 2003. This 795 acre development, known as Brookberry Farm, was divided into seven sections called Land Bays which included specific development conditions regarding land use, site design, and street connectivity. The subject property is located within Land Bay V which allows for a mixture of residential, commercial, and institutional uses. However, the proposed use of Life Care Community was not included.</p> <p>Life Care Community is defined as: “An area of land under unified ownership planned and developed as a unit to provide for the transitional residency and care of persons aged fifty-five (55) years or older and/or handicapped. Life care communities may offer a full range of living and care arrangements, including independent living in attached or detached dwelling units, assisted living in congregate care facilities, and full time health care in nursing care institutions.” Planning staff is supportive of this use and believes that it would be complementary to the approved and existing uses in the surrounding area. The petitioner has also reduced the list of approved uses for this site to include only those that are residential/institutional in character.</p> <p><i>Legacy 2030</i> recommends the development of a variety of housing types and the creation of neighborhoods which would allow seniors to age in place. Staff believes the use of Life Care Community on the subject property is consistent with this goal.</p> <p>Because the northern section of the proposed building is four stories in height and relatively wide, staff has worked with the petitioner to provide a sensitive transition to the adjacent single family homes located across Hundley Road. The proposed building is setback ±95 feet from the property line adjoining Hundley Road and ±180 feet from the adjacent homes on the north side of Hundley Road. The site plan also includes a three foot berm along the edge of Hundley Road with a 40’ Type III bufferyard. The request includes a lighting condition as well to minimize lighting impacts around the site.</p>

In summary, Planning staff is supportive of the proposed use and the proposed east/west public street which will provide increased circulation along this portion of Meadowlark Drive.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The proposed use of Life Care Community would complement the residential and institutional uses located in the general area.	The site design places a four story building across from single family homes on Hundley Road.
The proposed trip generation is within the same general range as what could be expected under a single family (RS9) development scenario.	
The request includes good connectivity including a new public street through the entire depth of the site.	
The request is consistent with the recommendations of <i>Legacy 2030</i> in that it would promote a variety of housing types and the creation of neighborhoods which would allow seniors to age in place.	

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.

The conditions shown in *italics* below indicate previously approved conditions from F-1392 that are being carried forward to this case. Conditions shown in **bold** font indicate new conditions of approval. Conditions proposed for removal are shown with a ~~strike through~~.

- **PRIOR TO ISSUANCE OF ANY PERMITS:**
 - a. **Developer shall obtain a driveway permit from The City of Winston-Salem DOT; additional improvements may be required prior to issuance of driveway permit. Improvements include, but are not limited to:**
 - **Dedication of right-of-way twenty-five (25) feet from the centerline of Hundley Road.**
 - **Widen Hundley Road thirteen (13) feet from the centerline and install curb and gutter and sidewalk and install right turn lane with 100' of storage and appropriate taper.**
 - **Provide a payment in lieu of the sidewalk along Meadowlark Drive.**
 - **Provide a payment in lieu of the right turn on Meadowlark Drive for Meadowlark Knoll Crossing.**
 - b. **Because this area was included in an overall stormwater management study approved on 09/14/2007, it is exempt from the current Stormwater Ordinance provisions provided the development stays below 30% in built upon area. The proposed site plan stays below this maximum level of impervious coverage with the extensive use of permeable pavement in the parking and circulation areas. Staff notes that this method will work only if the soils are found to be conducive to the design and use of permeable**

pavement and hence receive a 100% credit for those areas in regard to built upon area. Otherwise, stormwater will be collected with a network of pipes which drain to the southeastern and northeastern corners of the site where underground stormwater management devices will be located. Should said Stormwater management devices be required, they must meet all of the current Post Construction Stormwater Management Ordinance design provisions.

c. Obtain any necessary off-site grading easements as shown on site plan.

• **PRIOR TO ISSUANCE OF BUILDING PERMITS:**

a. *Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show right-of-way dedication and public utilities.*

b. **The proposed building plans shall be in substantial conformance with the submitted elevations as shown on “Exhibit A” as verified by Planning staff.**

c. **An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the western, northern, and eastern property lines.**

• **PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:**

a. **All required improvements of the City of Winston-Salem driveway permit shall be completed.**

b. **Lighting shall be installed per approved lighting plan and certified by an engineer.**

c. **Buildings shall be constructed in substantial conformance with the approved building elevations as approved by Planning staff.**

• **OTHER REQUIREMENTS**

a. ~~*Land Bays V and VI will be allowed one freestanding entrance monument at each entrance onto Meadowlark Drive. These signs will be subject to Forsyth County/Winston-Salem Unified Development Ordinance section 3.2 regulations for mixed use development with a maximum height of twelve (12) feet. Within Land Bays V and VI neighborhood identification signage, directional signage, amenity area identification signage and any other necessary signage will be allowed, with a maximum height of six (6) feet.*~~

b. **Freestanding signage shall be limited to monument signs with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet each as shown on site plan. Electronic message board signs shall be prohibited.**

The following volunteered conditions are required prior to **Occupancy Permits**:

• **VOLUNTEERED CONDITIONS**

LAND BAY V

1. *The Final Development Plan shall be consistent with the following conditions:*

2. *Maximum allowable square footage for Business and Personal Services Uses shall be 40,000 square feet.*

3. *Maximum allowable square footage for Institutional and Public Uses shall be*

- ~~40,000 square feet.~~
4. *Maximum allowable square footage for Retail and Wholesale Trade Uses shall be 40,000 square feet*
 5. *Maximum allowable square footage for Recreational Uses shall be 40,000 square feet.*
 6. *The mixture of uses between Business and Personal Services Uses, Institutional and Public Uses, Retail and Wholesale Trade Uses and Recreational Uses will not exceed the maximum square footage stated for each use above. The total combined square footage allowable for the non-residential portion of Land Bay V shall not exceed 40,000 square feet. The square footages for each use may be mixed in any combination.*
 7. *Maximum number of Residential Units including single-family, twin home, duplex, and multifamily units will not exceed 840 units or a density of 12.0 units per acre of the entire Land Bay V area.*
 8. *The maximum square footages and number of residential units may be reduced.*
 9. *A maximum of 10 % of the residential units shall have garages which open toward the front yard street. No more than half of those may protrude in front of the front façade of the unit.*
 10. *A minimum of two (2) uses will be provided within Land Bay V.*
 11. *A minimum of 20 percent of the land area for Land Bay V will be devoted to multi-family housing.*
 12. *On street parallel and angled parking may be provided along all streets. All parking will meet all applicable standards of the Forsyth County/Winston Salem Unified Development Ordinances.*
 13. ~~*With the exception of on-street parking, vehicles will be parked behind or between buildings, never between buildings and the roadway curb, nor closer to the street than the abutting building elevations nearest the street.*~~
 14. ~~*Buildings will be placed adjacent to roadways with a maximum setback of 10' from the right-of-way. The architectural front elevations and main building entrances will face major roads.*~~
 15. *Streets will link in an informal grid network and be part of and contribute to the pedestrian system of walkways and open space amenities. The use of dead end streets will be limited and only used where topography or other site conditions dictate.*
 16. ~~*No single building shall exceed 40,000 square feet. Buildings that do not share walls and are linked together by awnings, covered walkways, trellises or other architectural means may be counted as separate structures.*~~
 17. *Buildings shall have a maximum of 4 stories.*
 18. *Buildings located in such a manner as to terminate an axis or site line shall have architectural features or be designed in such a way as to visually reinforce the axis.*
 19. *Shared parking and cross access easements are permitted.*
 20. *Dumpster and/or trash compactor locations can be added as necessary. Dumpsters and/or trash compactors shall be screened per the Forsyth County/Winston Salem Unified Development Ordinances section 3-4.6.*
 21. *Sidewalks, with a minimum 5 feet width, will be provided along both sides of all public streets throughout Land Bay V.*
 22. *Street trees will be provided along both sides of all public streets at a maximum*

- of 60 feet on center, throughout Land Bay V, as indicated on the Master Plan.
23. ~~Outdoor lighting shall be shielded and oriented as to cast no direct light onto adjacent property. Light fixtures will also have cut-offs to direct light downward and limit light above the horizontal plane.~~
 24. A minimum of one (1) interconnecting public street will be provided to each of the adjoining Land Bays within the subject property.
 25. A connecting street stub will be provided on the Northern and southwestern portion of the Land Bay V.

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-3358
APRIL 12, 2018**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services