

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket</b>	W-3515
<b>Staff</b>	<a href="#">Bryan D. Wilson</a>
<b>Petitioner(s)</b>	Allan Wayne Stewart, Elizabeth Ann Burke, Fallie Myers Shoaf Family Trust, Myra Mize, and Rosemary Shoaf Stewart
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PINs 6804-98-7350, 6804-97-9911, 6814-07-1504, 6814-07-4623, 6804-97-7578, and 6804-97-8660
<b>Type of Request</b>	Special Use rezoning
<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 sq ft minimum lot size) <b>to</b> RM12-S (Residential, Multifamily – 12 units per acre). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Adult Day Care Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Family Group Home A; Habilitation Facility A; Habilitation Facility B; Library, Public; Nursing Care Institution; Police or Fire Station; Recreation Facility, Public; Residential Building, Duplex; Residential Building, Single Family; Residential Building, Twin Home; Swimming Pool, Private; Child Day Care, Large Home; Church or Religious Institution, Community; Family Group Home B; Family Group Home C; Life Care Community; Planned Residential Development; Residential Building, Multifamily; Residential Building, Townhouse; School, Private; School, Public; Utilities; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Group Care Facility A; Habilitation Facility C; Park and Shuttle Lot; Urban Agriculture; Access Easement, Private Off-Site; and Parking, Off-Site, for Multifamily or Institutional Uses</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 3.2.19 A 16</b>	<b>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>
	Yes. The site is in GMA 3 and has adequate access to public infrastructure and governmental support services.

GENERAL SITE INFORMATION						
<b>Location</b>	North and south sides of Vest Mill Road at its western terminus					
<b>Jurisdiction</b>	Winston-Salem					
<b>Ward(s)</b>	Southwest					
<b>Site Acreage</b>	± 13.11 acres					
<b>Current Land Use</b>	The site contains two single-family homes, with the balance of the property remaining vacant.					
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>		<b>Use</b>		
	North	GO-S		Offices		
	East	RS9		Single-family homes and vacant property		
	South	RS9		Interstate 40		
	West	RS9		Eastbound Salem Parkway ramp		
<b>Rezoning Consideration from Section 3.2.19 A 16</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 uses are compatible with adjacent residential uses and the surrounding residentially zoned area(s).					
<b>Physical Characteristics</b>	The site is largely undeveloped and wooded, with two single-family homes on either side of the current Vest Mill Road right-of-way. The site slopes downward to the southeast toward Interstate 40.					
<b>Proximity to Water and Sewer</b>	The site has access to public water from Vest Mill Road and Westbrook Drive. Sewer is available from Vest Mill Road.					
<b>Stormwater/ Drainage</b>	Stormwater runoff will be managed by two aboveground facilities in the southern and eastern portions of the site					
<b>Watershed and Overlay Districts</b>	The site is not located in a water supply watershed.					
<b>Analysis of General Site Information</b>	Most of the subject property is currently undeveloped and slopes downward to the southeast. The site has adequate access to public utilities and is not located within a water supply watershed.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3385	RS9 to NO-L	Approved 12/3/2018	West	0.96	Approval	Approval
W-2842	RS-9 to GO-S	Approved 6/5/2006	North	3.83	Approval	Approval
W-2785	RS-9 to GO	Approved 12/19/2005	North	8.37	Approval	Approval

**SITE ACCESS AND TRANSPORTATION INFORMATION**

<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>Average Daily Trip Count</b>	<b>Capacity at Level of Service D</b>
Vest Mill Road	Collector Street	1,166 feet (combined)	N/A	N/A
Westbrook Drive	Local Street	114 feet	N/A	N/A
<b>Proposed Access Point(s)</b>	The proposed site plan depicts the extension of Vest Mill Road as public right-of way that will bisect the site. The western portion would have three access points leading to off-street parking areas. The eastern portion would have two access points leading to off-street parking areas along the proposed Vest Mill Road right-of way.			
<b>Planned Road Improvements</b>	The proposed site plan shows the realignment of the existing Vest Mill Road right-of way and the extension of Vest Mill Road through the site until it intersects with Westbrook Drive.			
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RS9</u></p> <p>13.11 acres/9,000 sf = 63 potential lots x 9.57 = 603 trips per day</p> <p><u>Proposed Zoning: RM12-S</u></p> <p>144 multifamily units x 6.65 = 958 trips per day</p>			
<b>Sidewalks</b>	Multiple sidewalks are proposed on the site plan. Sidewalks are shown along the entire eastern frontage of the proposed Vest Mill Road extension and most of the western frontage, stopping before the proposed stormwater pond in the southern portion of the site. All internal private streets are served by appropriate connections between internal parking areas, buildings, and sidewalks.			
<b>Transit</b>	WSTA Route 103 serves the intersection of Westbrook Plaza Drive and Westgate Center Drive approximately 2,000 feet southeast.			
<b>Connectivity</b>	The proposed site plan shows the extension of Vest Mill Road through the site as public right-of-way until it intersects with Westbrook Drive. There are five total access points proposed along the new right-of-way.			
<b>Transportation Impact Analysis (TIA)</b>	A TIA was not required for this request.			
<b>Analysis of Site Access and Transportation Information</b>	<p>The proposed site plan shows the realignment and extension of Vest Mill Road through the center of the site. This extension will provide much-needed road improvements to support the intensity of the proposed development. In addition, this new public street will provide additional interconnectivity within this geographically constrained area.</p> <p>Prior to construction, the developer will need to arrange for payment of the Stratford Road Impact Fee (see attached map).</p>			

<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>			
<b>Building Square Footage</b>	<b>Square Footage</b>		<b>Placement on Site</b>
	218,492		Multiple locations (see site plan)
<b>Units (by type) and Density</b>	144 multifamily units/13.11 acres = 10.98 units/acre		
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b>
	267	302	Mixture of head-in and angled parking with additional garage unit parking
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>
	45 feet		3-story buildings
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>
	75 percent		55.01 percent
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>• Section 4.5.13: RM18 Residential Multifamily District</li> <li>• Section 5.2.71: Residential Building, Multifamily (use-specific standards)</li> </ul>		
<b>Complies with Section 3.2.11</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>	<p>The proposed site plan depicts six multifamily apartment buildings and seven associated garage buildings. The clubhouse and pool, along with the open common recreation area, are centrally located. The proposed plan shows the required Thoroughfare Overlay Type II bufferyard along the Interstate 40 frontage and the ramp to eastbound Salem Parkway. Additional Type II bufferyards are shown against the adjoining RS9-zoned properties to the east, and streetyards are proposed at all required locations.</p>		
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>			
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 – Suburban Neighborhoods		
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Promote land use compatibility through good design and create a healthy mix of land uses in proximity to one another. Move away from the separating and buffering of some land uses and toward transitioning and blending those uses.</li> <li>• Encourage higher development densities and mixed-use development within the serviceable land area.</li> <li>• Promote quality design so that infill does not negatively impact surrounding development.</li> </ul>		
<b>Relevant Area Plan(s)</b>	<i>Southwest Suburban Area Plan Update (2015)</i>		

<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The proposed land use map recommends the subject property for office uses. However, there are three higher density developments in the larger office area between Salem Parkway and South Stratford Road: two developments along Old Vineyard Road and a senior living facility along Forrestgate Drive.</li> <li>• Generally, intermediate-density residential land use is recommended for sites greater than two acres that are most appropriately developed with multifamily or townhouse structures.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	<p>The site is not located along a growth corridor but is accessed from South Stratford Road, which is a growth corridor.</p>
<b>Site Located within Activity Center?</b>	<p>The site is not located within an activity center.</p>
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<p><b>Have changing conditions substantially affected the area in the petition?</b></p> <p>Yes. Two zoning changes, both from residential to office districts, have been approved for nearby properties in recent years. Demand for office space has shifted in the wake of the global pandemic, which should allow for some reevaluation of the need for large areas dedicated specifically to campus-style office development.</p> <p><b>Is the requested action in conformance with <i>Legacy 2030</i>?</b></p> <p>Yes</p>
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The request is to rezone a 13.11-acre tract from RS9 to RM12-S to accommodate 144 apartment units. The proposed density would be 10.98 dwelling units per acre.</p> <p>The proposed site plan depicts six multifamily apartment buildings along with seven garage buildings, a clubhouse with a pool, and a centrally located common recreation area. The petitioner has volunteered to extend Vest Mill Road as public right-of-way to provide additional connectivity throughout the immediate area. The proposed plan also depicts excellent pedestrian interconnectivity. While most of the existing tree stands are proposed to be removed, the proposed plan shows a required Thoroughfare Overlay Type II bufferyard along the Interstate 40 frontage and the ramp to eastbound Salem Parkway. This bufferyard is intended to provide additional viewshed screening from the highway.</p> <p>While the Area Plan’s land use recommendation is for offices at this location, both <i>Legacy 2030</i> and the area plan provide general recommendations for integrating a mix of land use types within redevelopment areas. This site is in an area that has undergone a significant amount of commercial redevelopment. Given the location of the site and its proximity to public services and infrastructure, staff is supportive of this request.</p>

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

Positive Aspects of Proposal	Negative Aspects of Proposal
The proposed rezoning is in keeping with the larger goals of <i>Legacy 2030</i> .	The request is not consistent with the office use recommendation of the area plan.
The proposed rezoning would create a new public street that would provide additional connectivity in the immediate area.	
The proposed plan shows excellent multimodal interconnectivity.	
The site location is within the serviceable land area and is in proximity to other services.	

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:

- **PRIOR TO ISSUANCE OF ANY PERMITS:**
  - a. Developer shall abandon any unused right-of-way for Vest Mill Road. A deed from NCDOT relinquishing control of their portion of the right-of way shall be furnished to the City of Winston-Salem prior to final right-of-way closure approval.
  
- **PRIOR TO ISSUANCE OF GRADING PERMITS:**
  - 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, existing vegetated areas designated to remain, or in 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(s). Required improvements include:
    - The completion of sidewalk connections on Vest Mill Road.
  - c. Developer shall make payment to the City of Winston-Salem for the Stratford Road Impact Fee.
  
- **PRIOR TO 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 ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
  - a. Developer shall complete all requirements of the driveway permit(s).
  - b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
  - c. Developer shall record a final plat in the office of the Register of Deeds dedicating the new Vest Mill Road right-of way as shown on the approved site plan.

**STAFF RECOMMENDATION: Approval**

**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-3515  
FEBREUARY 10, 2022**

Bryan Wilson presented the staff report.

Mo McRae asked questions about consulting with the school district, the adequacy of the proposed stormwater control measures, and whether there would be any fencing proposed along the highway rights-of-way. Mo's first two questions were deferred to the project engineer(s). In response to her last question, Bryan answered that fencing is not a requirement. There is a required thoroughfare overlay bufferyard, but no additional fencing was proposed.

**PUBLIC HEARING**

FOR:

Luke Dickey, Stimmel Associates, 601 North Trade Street, Suite 200, Winston-Salem, NC  
27101

Mr. Dickey gave a presentation.

Melynda asked whether there will be a mix of evergreens and large variety of trees in the thoroughfare bufferyard planting areas adjacent to the two highways.

Mr. Dickey indicated that the plantings would meet ordinance requirements, which include canopy trees and understory evergreen plantings and shrubs. Additionally, there are a lot of existing pines and other evergreen trees within the actual rights-of-way on those slopes, so the developer would be planting behind that vegetation.

Mr. Dickey then responded to Mo's earlier question about consulting with the school district. He did not know whether the developer had reached out to the school district. Typically, that is not done during the zoning process and is a separate issue from the zoning request.

George asked whether any thought had been given to providing workforce affordable housing in exchange for the City abandoning its right-of-way within that area. Mr. Dickey responded that the units would be market rate, and one of the tradeoffs is that the developer is providing public street connections to replace the existing Vest Mill Road right-of-way, connecting to Westbrook Drive.

David Carr, 9334 Eden Grove Court, Lewisville, NC 27023

- I really do not have anything to say except I'm enjoying listening to you guys.



Tim Shoaf, 5428 Hanover Park Drive, Winston-Salem, NC 27103

- I am here as the administrator and trustee of the Fallie Myers Shoaf property located at 4100 Vest Mill Road. I'm also representing and speaking for the Albert Burke family, which lives in Maryland. They own eight acres on the site plan. I'm also representing Allan Stewart, who lives at 4102 Vest Mill Road.
- The Shoaf heirs have had our property for sale around 30 years using six different real estate companies. We have always required them to post for sale signs along Vest Mill, Westbrook, and Interstate 40 to let everybody know in the surrounding area that we were trying to sell.
- About eight years ago, I met with the Burkes and Stewarts, and we decided to bundle the properties together. We had a couple of offers, and – like always – they want you to give the property away.
- We are very pleased with the proposed site plan, especially the realignment of Vest Mill Road.
- For over 20 years, the end of Vest Mill Road was a dead end and has been used for a dumping ground. And I'm not talking about small bags of trash, but dump truck loads of construction material, tires, and all kinds of debris. The Burkes have had to come from Maryland to clean it up several times. The City of Winston Salem eventually added a paved turnaround for garbage trucks at the end. And now the City comes and cleans the debris up, paid for by the taxpayers. This realignment of Vest Mill Road will eliminate this problem.
- As most of you know, lack of housing in the area is very critical. And it's going to get worse in the future for housing.
- This site provides all kinds of great shopping, medical, schools and quick access to the interstate for travel.
- I really thank you for the opportunity to speak today in support of the project, and I appreciate the Planning Board and City Council for all your service to the people of Winston-Salem. Thank you.

AGAINST:

Cozetta Craver Slamp, 1405 Westbrook Drive, Winston-Salem, NC 27103

- Our biggest concern is Vest Mill Road being run on to Westbrook Drive
- Westbrook Drive has been unmaintained for over 20 years since it was brought into the city. As of right now, it is falling apart. I don't see how it could have much additional traffic on it. We are a dead-end street because of Interstate 40. We are just concerned about the extra traffic on our little street, that's the biggest thing.
- I know the rezoning is inevitable because it's for growth. We are not happy that it is going to be apartments. I'd rather see businesses over there, but because of the way the economy is right now, I understand that. That's all I have to say. Thank you for listening.

## **WORK SESSION**

Melynda stated that it is obvious that Westbrook Drive is in extremely poor condition and asked Jeff Fansler whether there are any plans to deal with that situation.

Jeff answered that the challenge here is that the site does not occupy the frontage of Westbrook Drive; the existing City street is basically underperforming. The mechanism to address that would be City maintenance. For obvious reasons, there has been insignificant traffic on the road. That is expected to change. Moving forward, the mechanism to address that would also be City maintenance. Given that the development does not occupy the frontage and given that the condition of Westbrook Drive is outside the scope of the development, it falls on the City to assess the situation, which it would do annually. Jeff committed to referring to the annual assessment of that road and applying the understanding that new development will be adding to the current demand on the road.

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

**SECOND:** Jason Grubbs

**VOTE:**

**FOR:** George Bryan, Melynda Dunigan, Jason Grubbs, Walter Farabee, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

**AGAINST:** None

**EXCUSED:** None

**MOTION:** Clarence Lambe recommended approval of the ordinance amendment.

**SECOND:** Jason Grubbs

**VOTE:**

**FOR:** George Bryan, Melynda Dunigan, Jason Grubbs, Walter Farabee, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

**AGAINST:** None

**EXCUSED:** None

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Chris Murphy, AICP  
Acting Director of Planning and Development Services