

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3430
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Eberlee Farms, LLC; Bill Ebert and Janet Ebert
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PINs 6824-27-7176, 6824-37-1113, and a portion of PIN 6824-37-3242
<b>Address</b>	1451 Ebert Street
<b>Type of Request</b>	Special Use rezoning from RS9 to RM12-S
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS9 (Residential, Single Family – 9,000 sf minimum lot size) <b>to</b> RM12-S (Residential, Multifamily – 12 units per acre maximum density – Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>Residential Building, Townhouse; Residential Building, Single Family; Residential Building, Duplex; and Residential Building, Twin Home</li> </ul>
<b>Continuance History</b>	The request was automatically continued from the January 9, 2020 Planning Board meeting to the February 13, 2020 meeting. The request was then automatically continued from the February meeting to March 12, 2020.
<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 3.2.15 A 13</b>	<p><b>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes. The proposed townhouse density is less than 12 units per acre, and the site is located at the intersection of an expressway and a minor thoroughfare. The site is also located within GMA 2.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	Northeast corner of Silas Creek Parkway and Ebert Street
<b>Jurisdiction</b>	Winston-Salem
<b>Ward(s)</b>	Southwest
<b>Site Acreage</b>	± 8.22 acres
<b>Current Land Use</b>	The site is primarily undeveloped with the exception of a single-family home and associated accessory buildings.

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS9	Single-family home and the Twin City Bible Church
	East	RS9 and RM18	Single-family homes and apartments
	South	RS9 and LO	Single-family home, offices, and a SECU branch bank
	West	RS9	Single-family homes across Ebert Street
<b>Rezoning Consideration from Section 3.2.15 A 13</b>	<b>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>		
	Yes. Considering the scale of the proposed townhomes and the two adjacent streets providing additional separation from many of the adjacent uses, the proposed residential uses are compatible with the residential, institutional, and office uses permitted on the surrounding properties.		
<b>Physical Characteristics</b>	The site contains several mature trees and has a gentle to moderate slope downward toward the eastern-central portion of the site (where a small pond is located).		
<b>Proximity to Water and Sewer</b>	Public water and sewer service exist within Ebert Street and Silas Creek Parkway.		
<b>Stormwater/ Drainage</b>	The site plan shows an underground stormwater management facility in the central portion of the site. A stormwater study will be required.		
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.		
<b>Historic, Natural Heritage and/or Farmland Inventories</b>	<p>The house located at 1451 Ebert Street (PIN 6824-27-7176) is known as the Ebert House and is listed in the Forsyth County Architectural Inventory (FY1089). Constructed circa 1850, this vernacular brick structure was heavily remodeled in 1971-72. At that time, the original brick was replaced with George Black brick. The Reich family may have constructed this house. Bill Ebert moved it from the Griffin Road/Friedburg vicinity before the Civil War.</p> <p>Prior to demolition, staff requests that the house be photo-documented using the Architectural Resources Documentation Form. Any George Black brick that can be salvaged during demolition should be retained and potentially donated to the George Black House, which maintains a collection of his handmade bricks.</p>		
<b>Analysis of General Site Information</b>	The site is the location of a former farm and historic house which remains on the property. The site has favorable topography and includes no regulatory floodplains or designated watersheds; however, there are a small stream and pond along the eastern edge of the site.		

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3363	RS9 to RM8-S and LO-S	Denied 6/4/2018	Included a majority of the site	7.67	Approval	Approval
W-3347	RS9 Special Use Permit (Transmission Tower)	Approved 12/18/2017	Directly north	7.14	Approval	N/A
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Silas Creek Parkway	Expressway	469 feet	22,000	49,000		
Ebert Street	Minor Thoroughfare	526 feet	5,000	13,800		
<b>Proposed Access Point(s)</b>	The site will have one full access from Ebert Street.					
<b>Planned Road Improvements</b>	The <i>Comprehensive Transportation Plan</i> recommends a four-lane cross section for Silas Creek Parkway with a raised center median, wide outside lanes, and sidewalks on both sides.					
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning:</u> RS9 8.22 acres / 9,000 sf = 39 homes x 9.57 (single-family trip rate) = 373 trips per day</p> <p><u>Proposed Zoning:</u> RM12-S 89 units x 5.81 (townhome/condo trip rate) = <b>517 trips per day</b></p> <p><u>Anticipated trip generation per the area plan recommendation:</u> 10 units per acre (average) on 7.67 acres = 76 units x 5.81 (townhome/condo trip rate) = 441 trips per day</p>					
<b>Sidewalks</b>	The City recently installed sidewalk, curb, and gutter along the Ebert Street frontage of this site and will install similar improvements (as shown) along the Silas Creek Parkway frontage. Sidewalk is also shown along the internal streets.					
<b>Transit</b>	WSTA Routes 82 and 99 run along Silas Creek Parkway.					
<b>Connectivity</b>	The proposed circular street is conducive to good internal connectivity.					
<b>Transportation Impact Analysis (TIA)</b>	A TIA is not required.					
<b>Analysis of Site Access and Transportation Information</b>	The site is well positioned at the intersection of an expressway and a minor thoroughfare, each of which have ample capacity. One access from Ebert Street is proposed with no access from Silas Creek Parkway.					

	<p>The plan demonstrates good internal pedestrian and vehicular circulation. Additional right-of-way will be dedicated along both street frontages. A right slip-lane will be required at the development entrance, and sidewalk with curb and gutter will be installed along Silas Creek Parkway by the City at a later date. Since the Silas Creek Parkway improvements are in the design stage, the petitioner has agreed to make a payment in lieu of installing the improvements.</p> <p>Trip generation for the request is generally within the range of the 373 trips estimated under the current zoning and the 441 trips recommended in the area plan. Staff also notes that two transit routes serve the site, which could serve to reduce the overall number of trips from the site. An easement for a future bus shelter will be provided on the Silas Creek Parkway frontage.</p>
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**SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS**

<b>Units (by type) and Density</b>	89 townhouse units on 8.22 acres = 10.83 units per acre		
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b>
	194 spaces	194 spaces	90-degree head-in
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>
	45 feet		Two stories
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>
	75 percent		46.6 percent
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 4.5.13 RM12 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 Ordinance</b>	N/A	
	<b>(C) Subdivision Regulations</b>	Yes	
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	<p>The site plan shows 89 proposed townhouses fronting on new internal private streets. Because the associated parking areas are internalized, they do not visually dominate the site from public view. The petitioner has agreed to provide a berm (at least three feet in height) along Silas Creek Parkway, and both road frontages will be planted with a 20-foot Type I bufferyard. An underground stormwater management facility is shown beneath the centrally located common recreation area. The plan also shows a 30-foot stream buffer on the eastern portion of the site, and the required tree save area is located directly east. A portion of an internal street encroaches into this stream buffer, which will require approval of a Stream Buffer Variance from the Stormwater Division.</p>		

**CONFORMITY TO PLANS AND PLANNING ISSUES**

<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 2 - Urban Neighborhoods
<b>Relevant Legacy 2030</b>	<ul style="list-style-type: none"> <li>Promote a mixture of office, retail and housing along growth corridors that do not contribute to strip development.</li> </ul>

<b>Recommendations</b>	<ul style="list-style-type: none"> <li>• Facilitate land use patterns that offer a variety of housing choices.</li> <li>• Minimize the number of driveways along thoroughfares and arterials to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity.</li> <li>• Encourage quality infill development on both vacant land and redeveloped sites with an emphasis on conforming to the neighborhood’s existing character and scale.</li> <li>• Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>Southwest Winston-Salem Area Plan Update (2016)</i>
<b>Area Plan Recommendations</b>	<p><u>Residential Opportunity Area 5 - Silas Creek Parkway and Ebert Street</u></p> <p>This site is located at the intersection of Silas Creek Parkway and Ebert Street. There have been different development proposals for this site through the years with a general consensus that the site should be developed for residential use. The plan recommends:</p> <ul style="list-style-type: none"> <li>• Redevelopment of the site with compatible multifamily or townhouse structures at an intermediate density of up to 12 dwelling units per acre along Silas Creek Parkway. The 12 dwelling unit acre density should not extend beyond the current RM18 zoning line found on the north end of the apartment complex to the east of the site. Buildings should be located facing Silas Creek Parkway rather than being located perpendicular as is the case with the existing multifamily development to the east. The buildings should have a presence on the road with unit entrances and attractive architectural detailing. Parking areas should be broken into several small lots, screened from view, and located behind the buildings fronting Silas Creek Parkway or buffered from Silas Creek Parkway with a low wall or a berm.</li> <li>• Locate compatible duplex, quadraplex, and/or small footprint townhouse development or clustered single-family structures at a moderate-density, up to 8 dwelling units per acre, along Ebert Street and on the back of the property closer to existing single-family residential uses.</li> <li>• Provide adequate buffers and screening where new development abuts single-family residential areas.</li> <li>• Protect the small stream running along the eastern portion of this tract and any wetlands associated with it.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	<p>The site is located along the Silas Creek Parkway growth corridor. Specific guidelines are:</p> <ul style="list-style-type: none"> <li>• Develop new commercial, office, and multifamily uses with a suburban form between Peters Creek Parkway and Ebert Street.</li> <li>• Height: Buildings should generally be no more than four stories in height on larger sites; 1 to 2 stories on smaller sites.</li> <li>• Building Setback: Buildings may be located a reasonable distance behind required street yards.</li> </ul>

	<ul style="list-style-type: none"> <li>• Develop multifamily sites in a manner that preserves the integrity of any directly adjacent low-density residential development.</li> <li>• Driveways: Minimize driveway cuts and connect adjacent parcels wherever possible.</li> </ul>
<b>Site Located within Activity Center?</b>	The site is not located within an activity center.
<b>Addressing</b>	The proposed private street names have been approved by MapForsyth. Addresses will be assigned during the platting process.
<b>Rezoning Consideration from Section 3.2.15 A 13</b>	<b>Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>Is the requested action in conformance with <i>Legacy 2030</i>?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The request is to rezone an 8.22-acre tract from RS9 to RM12-S to accommodate 89 townhouses. In 2018, a mixed-use rezoning request at this location proposed 32 townhouses and approximately 30,000 square feet of office space. That request was ultimately denied by the City Council (W-3363).</p> <p>The site has frontage along two major roadways, and the surrounding land uses include single-family homes, a church, apartments, and offices. The <i>Southwest Winston-Salem Area Plan Update</i> recommends multifamily residential uses at this location, with densities ranging from 8 to 12 dwelling units per acre. As noted previously in the Trip Generation section, an overall density of 10 units per acre would net approximately 76 multifamily units. This is within a compatible range of the proposed 89 units. Additionally, the site is located along the Silas Creek Parkway growth corridor, where contextually sensitive multifamily development is recommended.</p> <p>The site is also located within GMA 2 (Urban Neighborhoods), where pedestrian-friendly building orientation and reduction of the visual dominance of parking areas is recommended. The proposed parking and vehicular circulation areas are located internally with minimal visibility from Ebert Street and Silas Creek Parkway. To reduce the visual impact of townhomes to adjacent development, the petitioner has agreed to provide plantings in the form of a Type I bufferyard along both street frontages. Staff also had concerns regarding the appearance of the side and rear townhouse elevations along these two highly visible roadways. The petitioner has offered enhanced architectural side and rear elevations for the building facades fronting Ebert Street. The facades along Silas Creek Parkway have not been enhanced; however, the petitioner has agreed to provide a landscaped berm (at least 3 feet in height and planted to Type I bufferyard standards) along the Silas Creek Parkway frontage.</p> <p>Staff believes the request is consistent with both <i>Legacy</i> and the area</p>

	plan and is a good location for infill residential development. The proposal would serve as a sensitively designed transitional area between Silas Creek Parkway and its associated development pattern and the nearby single-family homes.
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<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
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Positive Aspects of Proposal	Negative Aspects of Proposal
The proposed RM12-S zoning is consistent with the recommendations of the area plan.	The request would result in a modest increase in traffic compared to possible development under the current zoning.
Silas Creek Parkway is a growth corridor where well-designed multifamily development is recommended.	
The site design (including building and parking layout, landscaping treatments, and proposed building elevations) minimizes visual impacts to the adjacent streets.	
The height and massing of the proposed townhouses are generally compatible with the surrounding development pattern.	
The site will not have access onto Silas Creek Parkway.	

<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>	
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The following conditions are proposed from interdepartmental review comments to meet 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 City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.
  - b. Developer shall photo-document the Ebert House, along with any existing structures on the site, using the Architectural Resources Documentation Form available from Historic Resources staff.
  - c. Developer shall obtain a Stream Buffer Variance from the Stormwater Division or adjust the development plan(s) such that no stream buffer encroachment occurs.
  - d. Developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of driveway permit. Required improvements include:
    - Negative access easement along Silas Creek Parkway.
    - Dedication of right-of-way along Ebert Street and Silas Creek Parkway as shown on the site plan.
    - Payment-in-lieu for required sidewalk, curb, and gutter along the Silas Creek Parkway frontage.
    - Recordation of all necessary easements for the proposed bus shelter pad shown on the site plan.

- **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. Buildings noted on the site plan with a \* are required to comply with the submitted Enhanced Rear Elevations. Buildings noted on the site plan with a \*\* are required to comply with the submitted Enhanced Side Elevations. All other buildings shall adhere to the Standard Elevations.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall complete all requirements of the driveway permit.
  - b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
  
- **OTHER REQUIREMENTS:**
  - a. No signage shall be permitted along Silas Creek Parkway.

**STAFF RECOMMENDATION: Approval**

**NOTE:** These are **staff comments** only; the City-County Planning Board makes final recommendations on proposals, and final action is taken by the appropriate Elected Body, which may approve, deny, continue or request modification to any request. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**



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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3430  
MARCH 12, 2020**

Gary Roberts presented the staff report.

**PUBLIC HEARING**

FOR:

Steve Causey, 4720 Kester Mill Road, Winston-Salem 27103

Mr. Causey stated that the developer has worked diligently with staff on this project and is available to answer questions.

Bruce Hubbard, 1598 Westbrook Plaza Drive, Suite 200, Winston-Salem 27103

Mr. Hubbard stated that a neighborhood meeting had been conducted, where 8-9 people were in attendance, and that the petitioners have also been in touch with the Ardmore Neighborhood Association regarding the development.

AGAINST:

Julie Magness, 630 Fenimore Street, Winston-Salem 27103

- I am glad to hear that there are arrangements for future sidewalk, curb and gutter along Silas Creek Parkway. The cost of that today might be very different than the cost when it will actually be put in by the City. I don't know if the City just absorbs the cost if it's an overrun; and if it's more, I don't know if the developer gets money back. I just wanted to pose that as a question.
- This is by far a more superior plan than has been previously brought forth for this piece of property. It is all residential, the commercial has been eliminated from the plan, and I do know a lot of effort has been made to make these units look more in keeping with the neighborhood setting as the last two *Legacy* plans had established. I know that this plan is looking forward to *Legacy 2030*, and our community is looking at different types of development in the future. We know we need a lot more infill, and this certainly is a divergence from the existing *Legacy* plans in that there's no transition from multifamily dwellings to single-family dwellings in this project. I think that with the one remaining single-family house on Ebert Street now being squeezed between a church expansion and a cell phone tower, maybe that property has become less desirable for single-family development.

- My one real objection to this project is the name “Ardmore Commons.” Ardmore Commons would make you think there is a common area, and there is no common area. There is a very small dog park, if you’ve got a small dog. This is going to be a set of units for singles or couples; I don’t see this being something that is ever going to be able to accommodate children because there is no place for children to be. The tree save area would be an ideal place for that to happen, except it was a piece of property that fronts on Miller Street and is disconnected from the actual development. And visually, if you have been by there, it’s really an eyesore. It looks like a bunch of trees have fallen down, and nobody’s ever cleaned up the property. It is not a quality tree save area as it fronts Miller Street, and I wish that this plan could address that in some way. You want to save trees, but there’s got to be something besides stumps and fallen-over trees to save as well.
- This comes up not with just this project but with a lot of plans that the City has where the tree save area isn’t really a part of the development. It offers nothing visually, and it offers nothing functionally for this development. Ardmore Commons has no common space.

**WORK SESSION**

Jeff Fansler explained that the UDO gives the City authority to require a payment in lieu of sidewalk, curb and gutter. In addition, the 2018 bond referendum allocated funds for installing sidewalk, curb and gutter along Silas Creek Parkway from Lockland Avenue to Bolton Street.

The Winston-Salem Department of Transportation (WSDOT) is currently engaged with a consultant to design the curb and gutter, and WSDOT is actively pursuing this project to go right to construction immediately after the design phase. The majority of this project has been funded. WSDOT negotiated with the developer for the required fee, and it should be tied to permitting before a driveway permit is issued. The payment will be collected prior to a driveway permit being issued.

George Bryan asked if WSDOT is looking at putting in pedestrian crosswalks at Silas Creek.

Jeff stated that they were looking at putting in signalized crosswalks with Silas Creek Parkway at both Miller Street and Ebert Street.

MOTION: Jack Steelman recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Brenda Smith

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Jack Steelman recommended approval of the zoning petition.

SECOND: Tommy Hicks

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Chris Leak, Johnny Sigers,  
Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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Aaron King  
Director of Planning and Development Services