

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket	W-3553		
Staff	Amy McBride		
Petitioner(s)	DS Legacy Properties, LLC		
Owner(s)	Same		
Subject Property	PIN 6817-97-0305		
Type of Request	Special Use rezoning		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RM18-S (Residential, Multifamily – 18 units per acre) to RM18-S (Residential, Multifamily – 18 units per acre). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Cottage Court; Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Multifamily; Residential Building, Twin Home; Family Group Home A; Family Group Home B; Family Group Home C; Life Care Community, and Planned Residential Development 		
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.		
Zoning District Purpose Statement	The RM18 District is primarily intended to accommodate multifamily uses at a maximum overall density of eighteen (18) units per acre. This district is appropriate for Growth Management Areas 1 and 2 and may be suitable for Growth Management Area 3 and Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available, and the site has direct access to a minor or major thoroughfare.		
Rezoning Consideration from Section 3.2.19 A 16	<p>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes. The site is in GMA 3 and has adequate access to public utilities and direct access to a minor thoroughfare. The request proposes a density less than 18 units per acre.</p>		
GENERAL SITE INFORMATION			
Location	South side of Indiana Avenue, across from Appomattox Drive.		
Jurisdiction	Winston-Salem		
Ward(s)	North		
Wards(s) July 2023	North		
Site Acreage	± 10.23 acres		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9 and RM18-L	Single-family homes and vacant property

	East	RM18	Apartments			
	South	RS9, RM18 and RM18-S	Railroad right-of way, apartments, and vacant property			
	West	RS9	Single-family homes			
Rezoning Consideration from Section 3.2.19 A 16	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	The proposed multi-family residential use is compatible with the requested zoning district and with surrounding land uses. The site lies within GMA 3.					
Physical Characteristics	The undeveloped site is heavily wooded and slopes from the northeast toward the southeast and southwest.					
Proximity to Water and Sewer	The site has access to public water and sewer from Indiana Avenue.					
Stormwater/ Drainage	Runoff will be managed by two above-ground stormwater facilities in the southeast and southwest portions of the site.					
Watershed and Overlay Districts	This site is not located in a water supply watershed.					
Analysis of General Site Information	The site is currently undeveloped and slopes downward to the southeast and southwest. 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-3551	RS9 and RM18-S to RM18	Pending (active case)	Adjacent parcel south of site	4.56	Approval	Pending (active case)
W-3262	RS9 to RM18-L	Approved 5/14/2015	60 feet northeast	1.21	Approval	Approval
W-2934	RS9 to RM18-S	Approved 9/17/2007	Subject property	10.04	Approval	Approval
W-2335	RS9 to RM18-S	Approved 9/7/1999	111 feet northeast	.66	Approval	Approval
W-2310	RS9 and RM18-S to RM18-S	Approved 5/3/1999	217 feet northeast	58.77	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Indiana Avenue	Minor Thoroughfare	1,152 feet	2,400	13,800		
Proposed Access Point(s)	The proposed site plan depicts one private access point on Indiana Avenue that will connect to off-street parking areas.					

Proposed Road Improvements	WSDOT will require left and right turn lanes with a minimum of 50' storage, appropriate taper, and dedicated right-of way to accommodate additional traffic.		
Trip Generation - Existing/Proposed	<u>Existing Zoning: RM18-S</u> 181 units (previously approved site plan) x 2.84 (retirement community trip rate) = 514 trips per day <u>Proposed Zoning: RM18-S</u> 180 units x 6.65 (apartment trip rate) = 1,195 trips per day		
Sidewalks	A public sidewalk is proposed on the south side of Indiana Avenue. Sidewalks are also proposed along the internal private streets.		
Transit	WSTA Route 89 serves Indiana Avenue at the intersections of Appomattox Drive and Triangle Drive adjacent to the site.		
Connectivity	The request does not propose any connectivity to adjacent properties. The site is geographically constrained by the railroad right-of-way to the south and the existing apartment development to the east.		
Transportation Impact Analysis (TIA)	A TIA is not required.		
Analysis of Site Access and Transportation Information	The request proposes one private access point from Indiana Avenue and includes a proposed sidewalk extending along the frontage of the site. Indiana Avenue is a minor thoroughfare with ample capacity to handle the estimated additional trip generation. The developer will be required to provide additional improvements on Indiana Avenue to facilitate turning movements at the development entrance.		
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	Varies by building type		Various locations (see site plan)
Units (by type) and Density	One bedroom – 54 units Two bedroom – 72 units <u>Three bedroom – 54 units</u> Total units = 180 units 180 apartment units on 10.23 acres = 17.59 units per acre		
Parking	Required	Proposed	Layout
	Vehicle-315 Bicycle-23	Vehicle-321 Bicycle-25	90-degree head-in
Building Height	Maximum		Proposed
	60 feet		Three-story buildings
Impervious Coverage	Maximum		Proposed
	80 percent		48.6 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 4.5.14: RM18 Residential, Multifamily District Section 5.2.71: Residential Building, Multifamily (use-specific standards) 		
Complies with Section 3.2.11	(A) Legacy 2030 policies:	Yes	
	(B) Environmental Ord.	N/A	

	(C) Subdivision Regulations	N/A
Analysis of Site Plan Compliance with UDO Requirements	The proposed site plan shows a total of six apartment buildings with three three-story buildings and three four/ five-story buildings along with a pool and amenity area accessed by a new private driveway. Sidewalks are proposed along the frontage of Indiana Avenue and internal throughout the site, providing access to the required common recreation areas. Provided tree save area exceeds the required ten percent and is located along the south and eastern property lines.	
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 compatible infill development that fits with the context of its surroundings. • Encourage development in areas with existing infrastructure before extending infrastructure farther. 	
Relevant Area Plan(s)	<i>North Suburban Area Plan Update (2014)</i>	
Area Plan Recommendations	<ul style="list-style-type: none"> • The area plan recommends the subject property for intermediate density residential land uses (8.1-18 Dwelling Units / Acre). • Generally intermediate-density residential land use is recommended for sites greater than two acres that are most appropriately developed with multifamily or townhouse structures. • Develop a variety of housing types for different income levels, family sizes, and personal preferences in the planning area to provide a mixture of housing opportunities. 	
Site Located Along Growth Corridor?	This site is not located along a growth corridor.	
Site Located within Activity Center?	This site is not located within an activity center.	
Rezoning Consideration from Section 3.2.19 A 16	Have changing conditions substantially affected the area in the petition?	
	No	
	Is the requested action in conformance with Legacy 2030?	
	Yes. The request is consistent with <i>Legacy 2030</i> recommendations for creating infill development that fits in the context of surrounding development patterns and is within the serviceable land area.	

<p>Analysis of Conformity to Plans and Planning Issues</p>	<p>The request is to rezone a 10.23-acre tract from RS18-S (for a retirement community) to RM18-S with additional uses. The proposed site plan accommodates 180 apartment units at a density of 17.59 dwelling units per acre.</p> <p>The site is located on the south side of Indiana Avenue across from a single-family residential neighborhood. The site is bordered almost entirely by multifamily-zoned property to the south and the east.</p> <p><i>Legacy</i> recommends a variety of housing types and infill development, provided the design is compatible with the general character of the surrounding area. The developer has proposed three-story buildings along the frontage of Indiana Avenue. Staff is recommending an additional condition of approval that would provide a landscape bufferyard along the entire road frontage to provide additional building and parking area screening. The request is consistent with the area plan land use recommendation of 8.1-18 dwelling units per acre.</p> <p>This request contributes to the variety of housing types in the area; and is generally compatible with the area and recommendations of the area plan recommendation and <i>Legacy 2030</i>. Staff is supportive of this request.</p>
<p>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</p>	
<p>Positive Aspects of Proposal</p>	<p>Negative Aspects of Proposal</p>
<p>The proposal is consistent with the recommendations of the <i>North Suburban Area Plan Update</i> and <i>Legacy 2030</i>.</p>	<p>The request would generate additional traffic, although Indiana Avenue has ample capacity to accommodate any increase.</p>
<p>The request will increase the variety of housing types available in the area.</p>	
<p>The site is adjacent to other multifamily development and fits in the context to the surrounding development pattern.</p>	
<p>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</p>	
<p>The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:</p> <ul style="list-style-type: none"> • <u>PRIOR TO ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> a. The developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of the driveway permits. Additional improvements may include but are not limited to: <ul style="list-style-type: none"> • Installation of left and right turn lanes with a minimum of 50' storage and appropriate taper. Dedicate additional ROW for these improvements. • Addition of a 6'x15' concrete pad for future bus shelter at the Appomattox bus stop. • Installation of required curb and gutter and sidewalk required along the entire Indiana Avenue frontage. 	

- **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. The 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. A 10' Type I bufferyard shall be planted along the frontage of Indiana Avenue until its intersection with Appomattox Drive. The remainder of the site frontage west of the Appomattox Drive intersection shall be planted with two (2) deciduous trees per 100 feet.

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.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3553
DECEMBER 8, 2022**

Bryan Wilson presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

Mo McRae asked questions related to the proposed single development access point and whether this would lead to potential traffic or public safety issues. Bryan Wilson and Chris Murphy provided additional information. George Bryan asked staff about the proposed stormwater devices, including where such devices would discharge stormwater. Chris Murphy provided an explanation that the eventual outlet for stormwater would be on the western end of the site. George Bryan expressed additional concerns related to stormwater management impacts of the development on Monarcas Creek.

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

SECOND: Walter Farabee

VOTE:

FOR: George Bryan, Walter Farabee, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment with revised conditions.

SECOND: Walter Farabee

VOTE:

FOR: Walter Farabee, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño,
Brenda Smith, Jack Steelman

AGAINST: George Bryan

EXCUSED: None

Chris Murphy, AICP/CZO
Director of Planning and Development Services