

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket</b>	W-3537		
<b>Staff</b>	<a href="#">Marc Allred</a>		
<b>Petitioner(s)</b>	Barry Siegal		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	PIN 6865-03-8104		
<b>Address</b>	4015 Kernersville Road		
<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> NSB-S (Neighborhood Shopping Center Business – Special Use) <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>• Residential Building, Townhouse; Residential Building, Multifamily; Residential Building, Single Family; Residential Building, Duplex; and Planned Residential Development</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 Growth Management Areas 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 in a suitable location for all proposed residential uses. The request proposes a density less than 12 units per acre and has access to public utilities along the Kernersville Road Growth Corridor.		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	North side of Kernersville Road, between Vernon Farms Boulevard and Townsend Drive		
<b>Jurisdiction</b>	Winston-Salem		
<b>Ward(s)</b>	East		
<b>Site Acreage</b>	± 4.79 acres		
<b>Current Land Use</b>	The site is currently undeveloped.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RM8-S and RS9	Townhomes and Single-family homes
	East	RS9	Single-family homes
	West	RM8-S	Vacant
	South	RS9	Single-family homes

<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 residential use is compatible with the townhomes north of this site, as well as with the residential uses in the surrounding area.
<b>Physical Characteristics</b>	The site slopes downward from its highest point in the southwest toward the north and east.
<b>Proximity to Water and Sewer</b>	The site has access to water and sewer from Kernersville Road, Vernon Farms Boulevard, and Townsend Drive.
<b>Stormwater/ Drainage</b>	Stormwater runoff will be managed by a stormwater control measure in the eastern portion of the site.
<b>Watershed and Overlay Districts</b>	The site is in the Salem Lake Watershed and will be regulated by the Salem Lake Watershed Protection Ordinance. As the site is part of the overall Vernon Farms development, it will be regulated as a portion of the whole, rather than considered individually.
<b>Historic, Natural Heritage and/or Farmland Inventories</b>	This parcel was the site of the Wilson-Stockton House (FY0322), an 1800-1820 timber frame house. A barn remains on the site.  Most of the site is located within a half-mile radius of a voluntary agricultural district (VAD).
<b>Analysis of General Site Information</b>	The site is the highest point of the Vernon Farms development and is situated within the Salem Lake Watershed. Despite the relative intensity of the proposed development, development intensity for the overall development will be closely regulated by the watershed protection standards.

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2779	RM5-S and NSB-S to RM8-S and NSB-S	Approved 7/5/2005	Current site	181.58	Approval	Approval
W-2637	RM5-S and NSB-S Site Plan Amendment	Approved 8/5/2003	Current site	244.48	Denial	Approval
W-2529	RS9 and MH to RM5-S and NSB-S	Approved 3/4/2002	Current site	245.47	Approval	Approval

SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Kernersville Road	Major Thoroughfare	± 471 feet	8,600	15,800
Vernon Farms Boulevard	Local Street	± 371 feet	N/A	N/A
Townsend Drive	Local Street	± 293 feet	N/A	N/A
<b>Proposed Access Point(s)</b>	The proposed site plan shows two access points from Vernon Farms Boulevard and one access point from Townsend Drive. A negative access easement is proposed along the Kernersville Road frontage.			
<b>Proposed Road Improvements</b>	The developer will extend the Vernon Farms Boulevard entrance median 25 feet north.			
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: NSB-S</u> The final development plan had a trip generation of 39,000 square feet/1,000 x 42.92 (Shopping Center Trip Rate) = 1,673 trips per day.</p> <p><u>Proposed Zoning: RM8-S</u> 53 units x 5.81 (residential townhouse trip rate) = 307.93 trips per day</p>			
<b>Sidewalks</b>	<p>An internal sidewalk network will connect with existing sidewalk along Vernon Farms Boulevard. Another connection will be made directly with Vernon Farms Townhomes.</p> <p>The developer will pay a fee in lieu of constructing sidewalk along the Kernersville Road frontage.</p>			
<b>Transit</b>	Public transit is not available in this area.			
<b>Connectivity</b>	The proposed development will connect Vernon Farms Boulevard and Townsend Drive with a private internal street.			
<b>Transportation Impact Analysis (TIA)</b>	A TIA is not required.			
<b>Analysis of Site Access and Transportation Information</b>	The proposed connection between Vernon Farms Boulevard and Townsend Drive should provide some relief from traffic congestion along Vernon Farms Boulevard. Kernersville Road is at half capacity, so staff does not believe there will be significant impacts resulting from this development.			
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS				
<b>Building Square Footage</b>	<b>Square Footage</b>		<b>Placement on Site</b>	
	72,239 square feet (53 two-story townhomes)		Various locations	
<b>Units (by type) and Density</b>	53 units / 4.788 acres = 11.07 units per acre			
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b>	
	106	116	90-degree head-in	

<b>Building Height</b>	<b>Maximum</b>	<b>Proposed</b>
	45 feet	29 feet
<b>Impervious Coverage</b>	<b>Maximum</b>	<b>Proposed</b>
	30 percent (entire Vernon Farms development)	29.07 percent (entire Vernon Farms development)
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>• Section 4.5.13: RM-12 Residential Multifamily District</li> <li>• Section 5.2.71: Residential Building, Multifamily; Townhouse; or Twin Home (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>	Yes, Salem Lake Watershed
	<b>(C) Subdivision Regulations</b>	Yes
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	<p>The proposed site plan includes 53 attached dwellings fronting on three internal private streets. Sidewalks are proposed along both sides of the streets, which access the existing sidewalk on Vernon Farms Boulevard. A 30-foot negative access easement is proposed along the Kernersville Road frontage, to be planted with a 20-foot Type II bufferyard.</p> <p>The proposed development will put the entire Vernon Farms development at 29.07 percent impervious coverage. The Salem Lake Watershed limits development to 30 percent coverage.</p> <p>The proposed site plan meets or exceeds applicable UDO development standards.</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>• Encourage a mixture of residential densities and housing types through land use recommendations.</li> <li>• Concentrate development within the serviceable land area with the highest densities at City/Town Centers, Activity Centers and along Growth Corridors.</li> </ul>	
<b>Relevant Area Plan(s)</b>	<i>Southeast Suburban Area Plan Update (2016)</i>	
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• Develop a variety of housing types for different income levels, family sizes, and personal preferences</li> <li>• Recommends commercial use for the site.</li> </ul>	
<b>Site Located Along Growth Corridor?</b>	This site is located along the Kernersville Road Growth Corridor.	
<b>Site Located within Activity Center?</b>	This site is not located within an activity center.	

<b>Comprehensive Transportation Plan Information</b>	The <i>Comprehensive Transportation Plan</i> recommends establishing local bus service along Kernersville Road and Main Street in Kernersville.	
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<b>Have changing conditions substantially affected the area in the petition?</b>	
	Consumer trends point to increased online shopping, which was intensified by the COVID pandemic. The demand for brick-and-mortar stores has decreased, leading to vacant commercial properties. Undeveloped properties that were planned for commercial development may be better suited for multifamily or warehousing/data centers to meet the demands for housing and online commerce.	
	<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 a 2.788-acre tract from NSB-S to RM12-S to accommodate 53 townhomes. The proposed density would be 11.07 dwelling units per acre.</p> <p>The <i>Southeast Suburban Area Plan Update</i> recommends commercial use of the site. However, demand for brick-and-mortar stores has decreased, leaving this commercially zoned site vacant and unlikely to be developed for commercial use. Further, the Kernersville Road/Northern Beltway Activity Center is near the subject property and will likely be more attractive for anticipated nonresidential development. Staff sees the request as a reasonable way to accommodate different housing types within Growth Management Area 3 while decreasing the intensity of the existing zoning.</p>	
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>		
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>	
The request is in keeping with <i>Legacy</i> recommendations to encourage a mixture of residential densities and housing types.	The <i>Southeast Suburban Area Plan Update</i> recommends commercial use of the site.	
Changing market conditions and the surrounding development pattern make the request a reasonable fit.		
The proposed development is along the Kernersville Road Growth Corridor.		

#### **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 GRADING PERMITS:**
  - a. The developer shall submit a stormwater management study 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 management device into any buffer areas or existing vegetated areas designated to remain, or in close proximity to adjacent property with residential zoning, shall require a Staff Change approval at minimum and may require a Site Plan Amendment.
  - b. 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 include:
    - Extending the Vernon Farms Boulevard entrance median 25 feet north and
    - Payment of a fee in lieu of constructing sidewalk along the Kernersville Road 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. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
  - b. The developer shall complete all requirements of the driveway permit(s).

#### **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-3537 JULY 14, 2022**

Marc Allred presented the staff report.

George Bryan asked if this is the same developer that developed Vernon Farms. Kirk responded this is a different developer. George asked if the street this development connects to is a publicly maintained road. Marc advised that is. Jason asked whether this site is within the Kernersville Road activity center. Kirk advised it is not and provided more history about the Vernon Farms development, which has been developed by several developers over the years.

## **PUBLIC HEARING**

FOR:

Barry Seagle, 4425 Monument Trace, Greensboro, NC 27409.

- This is part of the original Vernon Farms Development that was started many years ago, and is a portion of what use to be the Swaim family farm. Centex Homes was the original developer of Vernon Farms.
- We worked with the Swaim Family and Centex Homes. Due to the great depression of 2008 and 2009, all the major national tract builders left the area. When that happened, portions of the Vernon Farms Development were not completed, and there were issues that ultimately got addressed between the City, Centex Homes, and their bonding company.
- We ended up in a very awkward position in which we owned some acreage in the development that Centex started, and we stepped into the role to figure out how we can finish developing the tracts we had. Centex cut some deals with other builders to finish their tracts and unfortunately some of those did not get built. We did acquire from the bank one of those tracts and finished a portion of the subdivision. We built about 26 houses and since then we have developed another portion of Vernon Farms under our sister company called Royal Homes of North Carolina. We have built about 50 homes and are developing another portion of that property that we own, which is about 62 homes that we are currently doing the site work for.
- This site was zoned for a 39,000 square foot shopping center. The intent of the original development was to have a shopping center in the front of the subdivision. As members of the Board understand, shopping centers generate a lot more traffic than a fifty-three townhome development.

- Over the years, the retail market has contracted and there is a greater need for housing. We felt this would be an appropriate transition, not only in reducing traffic but providing much needed housing.
- There are various access points going to Townsend as well as to Vernon Farms. The engineers have worked with staff to deal with the stormwater and comply with all state regulations. All the roads within the development will be private but will be maintained by the homeowner's association. The association will be only for the fifty-three homes. Our developers will not make use of the Vernon Farms pool. The only way residents could use those amenities is to approach the Vernon Farms Homeowners Association and ask if they would extend membership and under what terms. In many communities we are developing there is not a desire to have a small swimming pool area, just because of the cost.
- Melynda asked about low water pressure in the area and if that is something this development would have an influence on. Barry responded this is probably a question for Forsyth County Utilities. There is an existing waterline on Townsend Drive and there is a 12-inch main coming down Kernersville Road that is on the site plan, and that main goes into the development. One of the requirements from Forsyth County is to loop the water system. We will tie onto the waterline on Townsend Drive using a loop system, which will improve the water pressure.

Amanda Williams, 4425 Monument Trace, Greensboro, NC 27409

- I helped conduct a neighborhood meeting with the HOA manager, HOA president and several others from the adjacent townhome development. Most of the issues addressed were related to the pool. The other issues related to who we are going to market the development to. The waterline issue, the buffer, the active open space, and the access points were all brought up and addressed. Jason asked whether the nearby pool is fenced with a gate. Amanda stated that it is.

AGAINST:

Brenda Thrower, 4021 Brookshire Lane, Winston-Salem, NC 27107

- I am really concerned about traffic. This development is going to dump a hundred more cars on our street. I am very concerned about that. I realize that is not your problem.
- I am concerned about water and what is going to happen to our water on our street with the 53 more units. I came to a meeting many years ago and think we had an effect on some of the things that were done when the Vernon Farms development first started.
- Jason stated he thinks a lot of planning teaching has happened today. This is another opportunity for that because it is an issue that is misunderstood by the public a lot of times. The area that is being rezoned is currently zoned for commercial use, meaning that the owner of the property automatically (by virtue of owning the property) has the right to develop it for the zoned use. The owner could build a 39,000 square foot shopping center and the projected traffic would be significantly higher than it is going to be for a 53-unit townhome community. Jason stated he understands the concerns. Ms. Thrower brought forth she stated that she assumed the shopping center would have access to Kernersville Road instead of going down a side road. Jason stated that he was not sure of how access



was shown on the original site plan, but traffic impacts would have been much greater regardless.

- Ms. Thrower stated she is also concerned about stormwater because she is further down the hill than most, and it seems to be a lot worse than it used to be. Jason provided information on who she can contact regarding her stormwater problem.
- Kirk added that this item is a Planning Board recommendation, so there will be another opportunity to discuss this when it goes to the elected body. Kirk noted that staff could put Ms. Thrower in contact with the City's stormwater engineer. Brenda asked if there will be another opportunity to speak about this rezoning. Kirk stated yes, and directed staff to provide information on this meeting to Ms. Thrower.

### **WORK SESSION**

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, Walter Farabee, Jason Grubbs, 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, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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