

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket</b>	W-3474
<b>Staff</b>	<a href="#">Elizabeth Colyer</a>
<b>Petitioner(s)</b>	Living Word Fellowship, Inc.
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PINs 6818-12-3186 and 6818-11-5881
<b>Address</b>	2512 Bethabara Road
<b>Type of Request</b>	Special Use rezoning from RS9 to RM5-S
<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 square-foot minimum lot size) <b>to</b> RM5-S (Residential, Multifamily – 5 units per acre maximum density – Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Family Group Home A; Recreation Facility, Public; Swimming Pool, Private; Adult Daycare Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; and Police or Fire Station</li> </ul>
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner’s neighborhood outreach is attached.
<b>Zoning District Purpose Statement</b>	The RM5 District is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of five units per acre. This district is appropriate for GMAs 2 and 3 and may be suitable for GMA 4 and 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 request proposes a multifamily residential density of less than five (5) units per acre, and the site is located within GMA 3 (Suburban Neighborhoods) along a minor thoroughfare with water and sewer service.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	West side of Bethabara Road, north of Bluebird Lane
<b>Jurisdiction</b>	Winston-Salem
<b>Ward(s)</b>	North
<b>Site Acreage</b>	± 16.9 acres
<b>Current Land Use</b>	The site is mostly wooded, with a gravel driveway and two manufactured homes on it.

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>		<b>Use</b>		
	North	MH		Manufactured housing development		
	East	MH-S, RS9		Manufactured housing development, undeveloped land		
	South	RS12, RS9		Single-family residential		
	West	RS9		Single-family residential		
<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>					
	The proposed residential uses are compatible with the existing residential uses in the surrounding area, with comparable densities.					
<b>Physical Characteristics</b>	The undeveloped site is moderately wooded with a minor topographical downward slope from the east to the southwest of the site.					
<b>Proximity to Water and Sewer</b>	Public water and sewer services exist along Bethabara Road within the public right-of-way.					
<b>Stormwater/ Drainage</b>	Two stormwater management facilities are proposed in the western portion of the site. A stormwater management 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>	PIN 6818-12-3186 was the site of the Richmond-Sprinkle House (FY0612), which had been demolished by December 2006. The site included a one-story house, a log outbuilding, a frame shed, and a frame barn. The house stood on the south side of an unpaved drive approximately 225 feet from Bethabara Road.					
<b>Analysis of General Site Information</b>	The site is not located within a designated floodplain or water supply watershed, and stormwater management is required for the proposed development. The site has access to water and sewer service along Bethabara Road. No topographical or other constraints are noted for the site.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2161	RS9 to MH-S	Approved 7/7/1997	East	27.57	Approval	Approval
W-2064	RS9 and MH to MH-S	Denied 7/1/1996	Northern portion of the subject site	10.58	Approval	Approval
W-2015	RS9 and MH to MH-S	Approved 12/4/1995	East	12.39	Approval	Approval

W-1896	R-6 and R-7 to R-7-S (Manufactured Home Park)	Denied 6/20/1994	Northern portion of the subject site	10.58	Approval	Denial
W-1754	R-6 to R-7-S (Manufactured Home Park)	Approved 3/2/1992	North	7.57	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>
Bethabara Road	Minor Thoroughfare	540 feet	2,800	13,800
Edgeware Road	Local Street	60 feet	N/A	N/A
Bluebird Lane	Local Street	45 feet	N/A	N/A
<b>Proposed Access Point(s)</b>	The proposed development will have its principal access from Bethabara Road, with a negative access easement along the remainder of the Bethabara Road frontage. Secondary access will be provided as a public street connection to Edgeware Road to the west.			
<b>Planned Road Improvements</b>	The developer will provide improvements to Bethabara Road, including widening to provide left and right turn lanes and curb, gutter, and sidewalk along the entire Bethabara Road frontage.			
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RS9</u>  <math>\pm 16.9 \text{ acres} / 9,000 \text{ sf} = 82 \text{ homes} \times 9.57 \text{ (single-family trip rate)} = 785 \text{ trips per day}</math></p> <p><u>Proposed Zoning: RM5-S</u>  <math>84 \text{ units} \times 5.81 \text{ (residential condominium/townhouse trip rate)} = 488 \text{ trips per day}</math></p>			
<b>Sidewalks</b>	No sidewalk is existing; however, the petitioner proposes to install required sidewalk along the entire length of the Bethabara Road frontage.			
<b>Transit</b>	WSTA Route 97 serves Shattalon Drive approximately one quarter-mile to the north.			
<b>Connectivity</b>	The site will have principal access from Bethabara Road with a well-connected network of public streets throughout. A connection is proposed with Edgeware Road to the west to continue into the existing neighborhood. Engineering staff has indicated that there is no feasible means of providing a safe connection with Bluebird Lane, though the proposed neighborhood will have frontage there.			
<b>Transportation Impact Analysis (TIA)</b>	A TIA is not required.			

<b>Analysis of Site Access and Transportation Information</b>	Primary access to the site is proposed from Bethabara Road, a minor thoroughfare with ample capacity. A second connection will also be provided with Edgeware Road from the existing neighborhood to the west. Transit is available in reasonable proximity. The proposed residential uses have significantly lower trip generation calculations than would single-family residential development.		
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>			
<b>Building Square Footage</b>	<b>Square Footage</b>		<b>Placement on Site</b>
	Various		Various locations throughout the site
<b>Units (by type) and Density</b>	84 duplex/twin home units on 16.9 acres = 4.96 units per acre		
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b>
	2 spaces per dwelling unit	2 spaces per dwelling unit	Garage parking with driveways connecting to public/private streets
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>
	40 feet		Unspecified
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>
	Unlimited		40 percent
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>• Section 4.5.11: RM5 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 Ord.</b>	N/A	
	<b>(C) Subdivision Regulations</b>	Yes	
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The site plan shows a duplex/twin home neighborhood with primarily public streets, a pedestrian-oriented layout, and interconnecting sidewalks throughout the site to common area amenities including a community building. A bufferyard is shown around the perimeter of the proposed development.		
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>			
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 - Suburban Neighborhood		
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Encourage the establishment of multipurpose, intergenerational, age-friendly community facilities.</li> <li>• Increase infill development in the serviceable land area.</li> <li>• Encourage a mixture of residential densities and housing types through land use recommendations.</li> <li>• Minimize the number of driveways along thoroughfares and arterials to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity.</li> </ul>		

	<ul style="list-style-type: none"> <li>Promote compatible infill development that fits with the context of its surroundings.</li> <li>Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods.</li> <li>Consider requiring new buildings to be oriented to both public and internal streets and parking areas located internally on the site or behind buildings.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>North Suburban Area Plan Update (2017)</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>Low-density attached residential development has a density of zero to eight dwelling units per acre. Generally, low-density attached residential land use is recommended for sites greater than two acres that are most appropriately developed with duplex, triplex, quadraplex, multifamily, and townhouse uses.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The site is not located on a Growth Corridor.
<b>Site Located within Activity Center?</b>	The site is not located within an Activity Center.
<b>Comprehensive Transportation Plan Information</b>	The <i>Comprehensive Transportation Plan</i> recommends a three-lane cross section for Bethabara Road, including a middle turn lane, wide outside lanes, and curb, gutter, and sidewalk on both sides.
<b>Addressing</b>	Public street names have been approved by MapForsyth.
<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>	The request is to rezone a 16.9-acre tract from RS9 and MH to RM5-S. It would accommodate 84 duplex/twin home units in a residential neighborhood setting with comparable density to that of RS9 single-family zoning. <i>Legacy</i> encourages a mixture of housing types with consideration to the context of the site and supports infill development for land with access to existing services. The proposed development is similar in density and scale to the existing single-family neighborhoods to the south and west of the site. A bufferyard is provided around the perimeter of the proposed development, with an additional bufferyard along Bethabara Road, and the proposed duplex/twin homes are all internally oriented to the site. The proposed development is in keeping with the surrounding neighborhood character and in conformity with <i>Legacy</i> .

<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The proposal allows for infill development with existing services.	The proposed land use map recommends single-family residential use of the site.
The proposal for duplexes/twin homes provides a mixture of housing types in the area.	
Only one access point is proposed onto a minor thoroughfare.	
The proposed density is compatible with the surrounding neighborhoods.	
The proposed development demonstrates generous connectivity within the neighborhood and increases connectivity by extending an existing local street into the neighborhood.	
<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>	
<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"> <li>• <b><u>PRIOR TO ISSUANCE OF GRADING PERMITS:</u></b> <ol style="list-style-type: none"> <li>a. Developer shall obtain a driveway permit from City of Winston-Salem; additional improvements may be required prior to issuance of the driveway permit. Required improvements include: <ul style="list-style-type: none"> <li>• Installation of curb, gutter, and sidewalk along the Bethabara Road frontage as shown on the site plan;</li> <li>• Widening of Bethabara Road along the development frontage to accommodate left and right turn lanes at the primary entrance with 50 feet of storage.</li> </ul> </li> <li>b. 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 by the City of Winston-Salem. Such plan may include the establishment of a homeowner’s association and a funded escrow account for maintenance and repair of stormwater controls. Relocation or installation of any stormwater management device into any buffers or 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.</li> </ol> </li> <li>• <b><u>PRIOR TO ISSUANCE OF BUILDING PERMITS:</u></b> <ol style="list-style-type: none"> <li>a. If the development is to be subdivided, then the developer shall record a plat in the office of the Register of Deeds.</li> <li>b. Developer shall record a negative access easement across the frontage of Bethabara Road.</li> </ol> </li> <li>• <b><u>PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:</u></b> <ol style="list-style-type: none"> <li>a. All required improvements of the City of Winston-Salem driveway permit shall be completed.</li> </ol> </li> </ul>	

b. All bufferyard plantings shall be installed in accordance with the site plan.

- **OTHER REQUIREMENTS:**

- a. On-premises freestanding signage is limited to one sign at the principal entrance on Bethabara Road.

**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-3474 MAY 13, 2021**

Elizabeth Colyer presented the staff report.

Melynda asked what type of buffer would be on the western side of the property, adjacent to the homes on Queen Anne Circle. Elizabeth indicated that it will be a Type II bufferyard.

Clarence Lambe asked how comparable the proposed density was to RS9. Elizabeth compared the densities, and Chris Murphy clarified by adding that 84 units were proposed in place of the 81 that would be allowed in RS9.

George asked whether the sidewalks proposed on just one side of the road would be sufficient. Elizabeth indicated that it meets UDO requirements. She added that there are proposed sidewalks inside the development near common areas, and that there was a proposed public sidewalk on Bethabara Road. George asked whether a sidewalk might continue along Edgeware Road in the future. Aaron responded that it is not precluded, but that the developer was not required to extend the sidewalk into the existing neighborhood.

## **PUBLIC HEARING**

FOR:

Paul Fidishun, 120 Club Oaks Court, Suite 100, Winston-Salem, NC 27104

- We have been working with Nicole Neil, one of the representatives from Living Word Fellowship Church, to put together the best use of what can be done on this parcel. It is just under 17 acres. After looking at a number of different ways to develop this, we fell into the residential setting that you see in front of you. Some of the main objectives to the site plan are to create a residential subdivision that would fit into the neighborhoods that already exist and to create individual homeownership. In addition to creating homeownership opportunities, we wanted to create amenities within the development. We have a community building within the subdivision and public sidewalks throughout the development and walking trails.
- We also wanted to create a neighborhood that does not come in at a higher density than what is currently allowed. Under the existing zoning, RS9, 81 homes are allowed, and we are coming in and proposing a total of 84. They will be duplexes and/or twin homes so they will be attached to each other.
- We wanted to develop this in an environmental way. We are cognizant of the neighbors on all three sides as far as keeping trees. Where we are able to confine grading and



disturbed areas we are going to do so to the best of our ability and preserve existing trees as buffers. Where we cannot do that, we will come in and plant required bufferyards to try and screen between existing neighborhoods.

- We followed several Planning staff recommendations. Along Bethabara, we are proposing more than the standard streetyard, which is reflected on the plan in front of you. We are also taking staff's recommendation to make the connection to Edgeware Road. We are going to create a nice entrance on Bethabara Road. There is a right-of-way taking on Bethabara and you will see a road widening along there with a proposed sidewalk. There was one comment on expanding right-of-way on Edgeware Road. Throughout the Planning comments, there was no indication that staff was requesting additional right of way to be taken, and so that is what we were trying to portray during our conversation with the neighborhood, that this plan does not propose any additional right-of-way taking. We are not doing a roadway widening, we are tying into the existing conditions as they are.
- We did have a neighborhood meeting. Two of the women that were at the meeting are on this call tonight. They both expressed concern over increased traffic that would be generated through Edgeware Road. They were also concerned about the safety of their neighborhood and if the interconnectivity with Bethabara would decrease the safety of their neighborhood. They are concerned with rental properties going up next to their homes. We appreciate their comments and time talking to us.

Scott Miller, 120 Club Oaks Court, Suite 100, Winston-Salem, NC 27104

- We are here to answer any questions that may come up. We are trying to do a neighborhood-friendly product, trying to keep within the residential feeling and flavor that is out there currently. If there is anything we can do to help answer any questions, we are certainly here and will make ourselves available.

AGAINST:

Myrtle McNeil, 3835 Queen Anne Circle, Winston-Salem, NC 27106

Dorothy Carpenter, 4098 Edgeware Road, Winston-Salem, NC 27106

- (Ms. McNeil) Our concern was that there was a proposal for a 30-year stormwater. There is so much water here already, and we want to know if that is going to cause us to have more water than we already have.
- (Ms. Carpenter) The other concern is the traffic on Edgeware Road. I am on the end of Edgeware Road, and they said they were going to curve the road for them to have it coming up Edgeware Road to get into that property. We have a lot of kids that play in the street as you come into Edgeware, and I want to know if you are going to put in speed bumps to slow the traffic because we already have a lot of traffic coming up Edgeware, turning into Queen Anne Circle, and coming out. There are a lot of elderly folks around here, and we would like to keep the noise down. We do not have drug problems here and we want to keep it that way.
- We have a lot of water flowing down Edgeware Road and Queen Anne Circle. There is also a trailer park near where they said the neighborhood is going to come, so does that

mean they will be able to have access to come out and down Edgeware also? These are questions we want answered.

- We are not opposed to having the condominiums built, but we just don't want our community open to a lot of problems. I have been out here for 30 years, and we don't have drugs, and we don't want it to start up. We have formed our own community that watches out for each other. We know progress is coming and we don't mind, we just want reassurance that things will not get bad.
- (Ms. McNeil) Another thing is the sidewalk coming out of the new development; we are not interested in sidewalks down this way. That would be another concern, people coming in and out around our houses.

## **WORK SESSION**

George asked if there was currently a stormwater retention pond on this property. Mr. Fidishun stated that there was not, and that they are not proposing one, but that they will meet all the requirements for stormwater on the site. He stated that they were trying to be cognizant of the water flowing downstream towards Edgeware Road. There is a series of two sand filters in place, which is staggered so that it catches water in two different areas before it releases onto the site. All the stormwater is tied into two 18-inch pipes that are immediately adjacent to the property on the Edgeware side. They pipe directly into a creek that is away from the homes. All of the stormwater that is within this parcel is being directed to those two inlets after it goes through the stormwater BMP.

There was discussion about sidewalks as a safety device.

Melynda asked whether there was a stormwater condition the Board would be recommending, as there was not one in the conditions of approval in the staff report. Desmond confirmed that there was a comment by stormwater staff, but that it does not appear in the staff report. He indicated that if the Board would like to attach a condition to the development, it can be included in the recommendation to City Council. The condition can also include a requirement that the development control or manage the 50-year storm event. Melynda brought up her concern about creeks in this area being problematic for downstream flooding.

Mo McRae asked whether the developer was also using a permeable surface to filter, such as permeable asphalt or pavers. Mr. Miller stated that this was basically a performance-based requirement by the City. They are holding to a certain design for storm events, which can be done a number of ways. Pervious pavement is one way to do that. What they chose to do is divide the stormwater into larger areas and create sand filters to accomplish the same thing that pervious pavement would do. While pervious pavement has not been involved in design, it is one of the tools in the toolbox, but they have selected different tools.

Brenda Smith expressed her concerns regarding adding conditions for stormwater management that are outside the scope of existing regulations. Clarence echoed Brenda's comments and stated that if there was a need for a 50-year storm, then the requirement should be imposed legislatively. He suggested advocating for a change in the ordinance but felt uncomfortable getting into a trend of imposing conditions outside the scope of their purview.

Mr. Miller stated that they have tried to follow all rules and regulations to make sure that whatever they develop is developed in a way that is environmentally friendly to the neighborhood.

George stated that this area has been destroyed by flooding and trusts that the staff has taken that into account in negotiating the 30-year storm. Melynda recommended that the City Council take a close look at this case and take the advice of its experts (in the Stormwater Division) to make sure that we are not creating more problems, and if there is a need to control to a higher standard, that that be done.

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

SECOND: Jack Steelman

VOTE:

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

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

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Aaron King  
Director of Planning and Development Services