

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3540
Staff	Bryan D. Wilson
Petitioner(s)	Vestmill Property Owner, LLC, Myra Mize, Fallie Myers Shoaf Family Trust, Elizabeth Burke, and Allan Stewart
Owner(s)	Same
Subject Property	6814-07-3892, 6804-98-7350, 6814-07-1504, 6814-07-4623, 6804-97-7578, 6804-97-9911, and 6804-97-8660
Type of Request	Special Use rezoning
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential Single Family- 9,000 sq ft minimum lot size) and RM12-S (Residential, Multifamily – 12 units per acre) to RM12-S (Residential, Multifamily – 12 units per acre). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • 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
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.
Zoning District Purpose Statement	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.
Rezoning Consideration from Section 3.2.19 A 16	Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	Yes. The site is in GMA 3 and has adequate access to public infrastructure and governmental support services.

GENERAL SITE INFORMATION						
Location	North and south sides of Vest Mill Road at its western terminus					
Jurisdiction	Winston-Salem					
Ward(s)	Southwest					
Site Acreage	± 15.71 acres					
Current Land Use	The site contains two single-family homes, with the balance of the property remaining undeveloped.					
Surrounding Property Zoning and Use	Direction	Zoning District		Use		
	North	GO-S and RS9		Offices and single-family homes		
	East	RS9		Single-family homes and undeveloped property		
	South	RS9		Interstate 40		
	West	RS9		Eastbound Salem Parkway ramp		
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 uses are compatible with the adjacent residential and office uses and the surrounding residentially zoned area(s).					
Physical Characteristics	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.					
Proximity to Water and Sewer	The site has access to public water from Vest Mill Road and Westbrook Drive. Sewer will be provided by a private lift station located in the southwest portion of the site. The proposed lift station will pump to public sewer available on Vest Mill Road.					
Stormwater/ Drainage	Stormwater runoff will be managed by an above ground facility in the southern portion of the site.					
Watershed and Overlay Districts	The site is not located in a water supply watershed.					
Analysis of General Site Information	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-3515	RS9 to RM12-S	Approved 3/7/2022	The subject property	13.11	Approval	Approval
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				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Vest Mill Road	Collector Street	1,166 feet (combined)	N/A	N/A
Westbrook Drive	Local Street	167 feet	N/A	N/A
Proposed Access Point(s)	The proposed site plan depicts the extension of Vest Mill Road as public right-of way that will bisect the site. The western portion will have three access points leading to off-street parking areas. The eastern portion will have two access points leading to off-street parking areas along the proposed Vest Mill Road right-of way.			
Planned Road Improvements	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.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RM12-S and RS9</u></p> <p>RM12-S (existing zoning site plan) 144 multifamily units x 6.65 = 958 trips per day</p> <p>Existing RS9 2.4 acres/9,000 sf = 11 potential lots x 9.57 = 105 trips per day</p> <p>Total existing zoning estimated trip generation= 1063 trips per day</p> <p><u>Proposed Zoning: RM12-S</u></p> <p>RM12-S 184 multifamily units x 6.65 = 1,224 trips per day</p>			
Sidewalks	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.			
Transit	WSTA Route 103 serves the intersection of Westbrook Plaza Drive and Westgate Center Drive, approximately 2,000 feet southeast of the site.			
Connectivity	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.			
Transportation Impact Analysis (TIA)	A TIA was not required for this request.			
Analysis of Site Access and Transportation Information	The proposed site plan shows the realignment and extension of Vest Mill Road through the center of the site. This proposed plan shows a better alignment with Westbrook Drive than the previously approved site plan for the balance of the site. The new alignment will straighten the approach to the intersection to provide better view distance. This			

	<p>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. In 1984, Winston-Salem City Council adopted a resolution regarding assessments for the extension of Westbrook Plaza Drive for the properties in the Vest Mill Road/Westbrook Plaza Drive area, which includes the subject site. The resolution states that assessments are to be collected as a condition of Special Use Zoning requests.</p>		
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	267,169		Multiple locations (see site plan)
Units (by type) and Density	184 multifamily units/15.71 acres = 11.71 units/acre		
Parking	Required	Proposed	Layout
	327	364	Head-in surface parking with additional garage unit parking
Building Height	Maximum		Proposed
	45 feet		2 and 3-story buildings
Impervious Coverage	Maximum		Proposed
	75 percent		53.04 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 4.5.13: RM12 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	<p>The proposed site plan depicts eight multifamily apartment buildings and six associated garage buildings. A clubhouse and pool are centrally located. Additional common recreation area has been proposed on the southeastern portion of the site. The site 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 adjacent to the adjoining RS9-zoned properties to the east. An enhanced 30' bufferyard has been proposed along the eastern property line adjacent to the common open space and parking areas with Type III Bufferyard plantings. Streetyards are proposed at all required locations.</p>		
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"> 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. Encourage higher development densities and mixed-use development within the serviceable land area. Promote quality design so that infill does not negatively impact surrounding development.
Relevant Area Plan(s)	<i>Southwest Suburban Area Plan Update (2015)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> The proposed land use map recommends the subject property for office uses. However, there are three higher density residential 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. Generally, intermediate-density residential land use is recommended for sites greater than two acres that are most appropriately developed with multifamily or townhouse structures.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Rezoning Consideration from Section 3.2.19 A 16	<p>Have changing conditions substantially affected the area in the petition?</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. These factors support the reevaluation of the need for large areas dedicated specifically to campus-style office development.</p> <p>Is the requested action in conformance with Legacy 2030?</p> <p>Yes</p>
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone a 15.71-acre tract from RS9 and RM12-S to RM12-S to accommodate 184 apartment units. This request would result in a net increase of 40 additional units from the prior approved zoning. The proposed density would be 11.71 dwelling units per acre.</p> <p>The proposed site plan depicts eight multifamily apartment buildings along with six garage buildings, a clubhouse with a pool, and a common recreation area along the eastern boundary of the site. As with the prior rezoning of this site, the petitioner has volunteered to extend Vest Mill Road as public right-of-way to provide additional connectivity throughout the immediate area. The petitioner has volunteered additional landscape buffering along the eastern property line where parking area and common open space are proposed.</p>

While the Area Plan’s land use recommendation is for offices at this location, both *Legacy 2030* 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 experienced 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.

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 recommended in the area plan.
The proposal would provide appropriately-scaled multifamily units in a transitional area with a diverse array of land uses.	
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.**

CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR W-3540 SEPTEMBER 8, 2022

Bryan Wilson presented the staff report.

George asked, “do you think there is already movement by Council to upgrade Westbrook”? Chris Murphy responded affirmatively, based on the Council meeting where the original rezoning for this site was approved in the spring of 2022. The council member for the Southwest ward said that he would commit to using some of the resurfacing money for his ward to improve those streets, but did not commit when this would happen, as this would depend on when construction started on the development project. The Council Member had Jeff Fansler with Winston-Salem DOT assess the condition of the existing road. If you have been out there, you can see it is not in good condition. There is no specific condition of approval related to upgrading the road, but he made a commitment to ensuring that the road is brought up to an adequate standard. This will not entail adding curb and gutter to the road, but will include resurfacing, making sure the road has a proper subgrade, and those kinds of things.

George stated that he agrees with the letters that were received – this road must not be twelve to fifteen feet across, with a bad surface. Two cars cannot pass, it is an embarrassment to call it a City road. He was glad to hear that there is a commitment on improving Vest Mill Road.

Chris Leak added for clarification that Council Member Mundy is the representative for this area.

PUBLIC HEARING

FOR:

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

- This western portion of this development was originally approved in March 2022, for 144 units in RM12.
- We have highlighted the new section, which is the RS9 portion that we are bringing in at this point. We decided to combine these pieces together and bring this request all the way back through the process for RM12-S so we did not have two separate RM12-S zoning districts, one of which would require a site plan amendment. This way, the entire development can be reviewed at the same time.
- We are adding two buildings to the proposed site plan. We are adding a two-story building on the north side and one building positioned on the new 2.4-acre site. The original plan

had four garages that ran along the back property line. We turned the corner and ran two of those garages along the new property line, so we are basically adding one building and two garages with associated parking, common recreation area, and the sewer lift station on this additional 2.4 acres.

- We are going from 144 to 184 units.
- Density will be going from 10.84 units up to 11.71 units per acre.
- We are revising the connection to Westbrook Drive, which was closer to the neighbor to the south originally, but we are now able to use the extra land and come straight in off the end of Westbrook to make that alignment a little better.
- We are saving what trees we can up against that adjacent neighbor. We have marked that as a tree save area on the plan. Additionally, we have a tree save area on the eastern portion of the site boundary, as well as on the other side of the common recreation area in that location.
- We worked with neighbors that had some concerns about added density, more traffic, and development coming closer to the Westbrook neighborhood. The original development plan had the buildings pushed a little bit closer to the neighborhood. We did not have that common recreation area in that location. We had a drive connection that came close to Westbrook. On this plan we removed that. We tried to push all the buildings as far to the west as possible, away from Westbrook.
- We also relocated two entrance drives into the overall parking lot. We shifted those further up the new Vest Mill extension - that way, any traffic would be closer to Vest Mill, as much as possible, as opposed to Westbrook. We were trying to make most of the traffic exit towards the northern portion of the site.
- There were a few minor modifications made on the western side of the site when we realigned the drives. We made some changes to the club house and that area. In general, everything on that side of the site is in roughly the same location as on the currently approved plan.
- We sent letters to sixty-seven property owners in the notification area and had multiple responses, primarily from neighbors on the Westbrook side. The developer has met with them multiple times out on the site to discuss the plans and answer questions.
- The original approved plan for 144 units generated 958 trips, and this basically increases trip generation to 1200. If you also factor in if the 2.4 acres was developed as RS9, that would add another 105 trips. This would equal 1063 trips, so we are basically adding another 160 trips for an additional twenty-nine units to go on this site. We tried to do everything to shift traffic from Westbrook to address neighbor concerns.
- This request is compatible with the adjacent residential and office development in the area. It provides additional residential options in an area that has been slow to develop for offices, as mentioned before.
- The proposed plan provides connectivity for the two dead-end streets of Vest Mill and Westbrook and meets UDO connectivity requirements.
- We worked with the adjacent neighbors the best we could to modify the plans to reduce the impacts to them, and again, staff recommends approval.
- Chris Leak stated there was continued opposition to this request, and asked what that was related to. Luke answered this opposition related to Westbrook Drive, which is now a dead-

end street, and traffic that will be generated coming through the neighborhood. It is a very quiet residential neighborhood and concerns exist about adding more apartments in the area, which would add more people and traffic.

- The original plan had some of the residential buildings shifted closer to the neighborhood, so we tried to work to see how we could push those buildings further away, as well as the driveway connection locations.
- George asked if there are any plans for the spur easement that goes north. Luke responded that there are no plans for that, so we must maintain the connection to those two lots. We are going to be installing a force main that will tie into the gravity sewer that is in Vest Mill.
- George asked is this is a gravel road now and Luke responded yes.
- George asked if there is any potential of people using the gravel road and Luke stated no.

AGAINST:

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

- I am opposed to this request.
- I Appreciate this opportunity to be here.
- I Sent an email to the committee and hope everyone read it.
- Also, I am here for my parents who own the property.
- Our biggest opposition is connecting Vest Mill Road to Westbrook. The road has not been maintained and this will add a thousand trips per day where we only have four or five trips per day now.
- We hope that we have the City's commitment for road improvements if this is going to be approved.

April Roland, 1380 Westbrook Drive, Winston-Salem, NC 27103

- We built a business at 1362 Westbrook Drive.
- We appreciate the opportunity to attend this meeting.
- We respect the process.
- We come with opposition after careful consideration.
- We invested in an area on a street that has no access to sewer and the lines were not buried deep enough for a new line to connect with gravity feed. We paid a premium to develop there and were subject to an impact fee that the City levied back in the eighties that had to do with I-40. This fee equaled 4300 dollars per acre, which is imposed on all the land in that area.
- We expected the land around us to be commercially developed as laid out in the *Legacy Plan*.
- You veered off-course with the previous rezoning to multi-family with an argument based on COVID that could not be proven long term, and we were disappointed with that decision.

- Westbrook Drive is a small dead-end road with four houses, one small business, and vacant parcels scattered in between.
- Our entire street traffic count probably averages ten trips total.
- Westbrook is not a major thoroughfare and does not connect to another major thoroughfare or other businesses besides ours. We are a recording studio which is by appointment only. We do not need to advertise to the traffic going by. This is a small street on a pocket of land surrounded by a highway that has been, in the words of the City, forgotten about.
- Westbrook Drive has disintegrating edges and is full of potholes and loose gravel.
- It is not necessary to connect Vest Mill to Westbrook, it does not make anybody's trip any shorter to use Westbrook versus the Vest Mill entrance.
- There is not a fair argument, in our opinion, to disrupt our quiet street so that this project can gain more convenience. We deserve consideration for once.
- In communicating with City staff, we were told the City thinks Westbrook Drive is important as a connector street to Vest Mill. Ours is a dead-end street that does not connect to anything important.
- We thank Mr. Bryan for going out and talking about the condition of the road.
- Two cars cannot pass on the road currently.
- This is really about dumping traffic on us, and we simply do not want it.
- The City expressed the importance and desire to create a public road exclusively through a private apartment complex, but the City cannot maintain the roads it already has, Westbrook, for example.
- Why would the City want to take on a road that should remain private in the hands of the apartment complex? Taking on these small sections adds up and is a wasteful use of tax dollars.
- If it was so important to the City to control and maintain this additional roadway, then why was the City not thinking to expand the proper infrastructure along that road, namely sewer? We do not have access to sewer. Not only are we in a septic tank island in the middle of the City with a disintegrating road, we will be forced to contend with an additional thousand-plus vehicle trips per day on our quiet street so we can accommodate an apartment complex that already has another entrance and exit.
- We ask you to stop the proposed road connection. This will save tax dollars and keep traffic from spilling unnecessarily everywhere.
- We expect the City to do the right thing and expect public sewer to be installed along the Vest Mill extension so the folks on Westbrook can connect to it. Otherwise, you will tie our hands and make our land hard or impossible to sell, for a bunch of unwanted traffic that has nothing to do with us or our own development, further devaluing our properties.
- Please stop forgetting about Westbrook Drive.

David Roland 1380 Westbrook Drive, Winston-Salem, NC 27103

- My wife has pretty much covered everything I had to say.
- We wish that you could consider our plight here with this development of multi-family. When we built here, we were told by the City that this area was expected to go commercial and we never thought that there would be a multi-family development here, adding a

thousand trips per day to our disintegrating road. We have no sewer, but we are paying City taxes. We are going to be considered a septic island after this all happens, if we are not able to tie into sewer.

George stated to Mr. Roland that the Planning Board has certain abilities and we do not have other abilities, which is why he was very glad to hear that the Council Member had committed to looking at the road issue. It sounds like the City is not doing anything about the sewer because the apartment complex is building a lift station for this development. Talking to City Council is very important in this matter. That is the group that has control over both of those money factors. You do have a major problem with that road there. It is not sufficient, but I do believe in connectivity as well. I acknowledge it is a big change to move from a *Legacy* plan that says this area will be commercial to a plan that proposes several hundred apartments. That is a shocker for you, I know.

Mr. Roland pointed out that Council Member Mundy said that after the apartment building is finished, the City will start repairing the road, and that will be too late. The additional trips will have already started happening. The cars will start trying to pass each other long before the road improvements get built. When they do come to repair it, that is going to disrupt connectivity for no telling how long until the road gets finished. Road construction should probably start at the same time as apartment construction if that is what is going to happen.

George added that the developer will need to answer which access road they are going to use to bring the heavy trucks in. Mr. Roland stated they indicated using Vest Mill.

Chris Murphy stated that, in his understanding, the Council Member did not want to have the City go out there and make improvements at this point with the potential of them getting torn up during apartment construction. If they say they are going to bring construction traffic off Vest Mill that is fine, that is great. I think that is where they should come in from a construction standpoint, I think they will try to get the timing of the improvements along Westbrook Drive to kind of sync up with when they would anticipate the apartment project being constructed and look to try to sync that up where they can make those improvements somewhat seamlessly. There is not anything definitive related to this project as far as conditions of approval or anything else related to that. This is a commitment from the Council Member, and he is not here. I would imagine that these same discussions will be had before the City Council whenever this item goes to them. At this point, it is planned to go next month unless the Planning Board continues it, or the developer continues it after this meeting.

Jason asked whether staff's position regarding the connectivity with Westbrook was driven by traffic or emergency services connectivity. Chris Murphy answered the position was based on a little bit of both. These two dead-end roads need to be connected for efficient delivery of service, for having multiple points of entry and exit for emergency access. Just like Bryan pointed out on the slide, the ordinance essentially says that where practical, and where you have public streets, new streets should be developed in a way that continues the public street network. When this project came in the door, one of our first comments was that Vest Mill needs to be a public street and tie into Westbrook. That did not come from the developer - it came from staff looking at the ordinance and seeking efficient delivery of service.

Jason asked whether there is any possibility of connecting the two streets, but having this connection gated and only accessible for emergency vehicles. Chris stated there is potential for

this, but again, the connection decision as a public street was essentially made with the original rezoning. If the current rezoning request was denied, they would fall back on the approved plan they already have which allows the connection. When it gets to the Council level, the Council could decide to go in a different direction, but as we sit here today, it would be staff's position that gating the connection would not meet UDO requirements.

Mo McRae asked if there is a way to keep the connectivity, but to create another circular loop street in the parking area that might discourage people from going to Westbrook Drive.

Salvador Patiño stated that would increase the number of people using Westbrook, because right now if you are coming from the parking lot where it says Eastern Mill Court, you are more likely to be closer to Vest Mill and take that right and go out that way. That kind of drops you off right by Westbrook, and you are more likely to just exit that way.

Chris Murphy stated that all 1200 trips are not going to come out one the same way, and he is not sure what that split would be. This will probably depend on where someone is going and where they are coming from, as far as the likely path of travel.

Mo asked if the lift station will be maintained by the developer. Chris Murphy responded that it will be a private lift station that will pump into public sewer. Chris was not sure whether the lift station would ultimately be taken over by City-County Utilities. There are instances where private lift stations get installed for subdivisions, and they have been taken over if they were constructed to Utilities Commission standards. Private lift stations are not usually built to public standards because the public standard has a larger wet well. It has a different type of power. It has a different type of pump, so generally speaking they will be maintained by the property owner.

Mo McRae asked if this lift station was built to City-County standards could the residents on Westbrook eventually connect to it. Chris Murphy stated that the main issue is building the lift station to City-County standards versus a private standard – this cost is substantial. There are also issues related to topography, which would limit the ability of residents on Westbrook to connect to this lift station.

Luke Dickey noted that the reason this project needed a lift station was so the top two buildings on the northwest side can gravity feed to the existing sewer that is in Vest Mill Road. Anybody that is below the intersection with Westbrook Plaza cannot tie into sewer, which is why they had to install septic systems. This question goes to City-County Utilities, would they want that to serve this area, which would include a multi-family development and five or so other additional lots. As Chris mentioned, the development of a public lift station would be substantially larger from that standpoint, and the developer is also building a new public road as part of their development. If something can be worked out in the future with Utilities that covers the cost of upgrading the lift station, that might be something worth doing. That is obviously outside the purview of the rezoning request at this point.

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: Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith, Jack Steelman

AGAINST: George Bryan,

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

Chris Murphy, AICP/CZO

Director of Planning and Development Services