

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket	W-3577		
Staff	Marc Allred		
Petitioner(s)	CHM Realty, LLC		
Owner(s)	Same		
Subject Property	PINs 6829-41-2985, 6829-42-1277, and 6829-41-7848		
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 – minimum 9,000 square foot lots) to RM18-S (Residential, Multifamily – 18 units per acre). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none">Residential Building, Multifamily; Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; 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	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 utilities and has direct access to a boulevard (University Parkway).		
GENERAL SITE INFORMATION			
Location	South side of Lewey Lane, across from Belle Avenue and Alma Drive.		
Jurisdiction	Winston-Salem		
Ward(s)	Northeast		
Ward(s) July 2023	Northeast		
Site Acreage	± 17.08 acres		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9	Single family homes and vacant property
	East	RS9	Single family home and vacant property

	South	HB-S	Shopping Center			
	West	RM8-S	Apartments			
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 toward the south.					
Proximity to Water and Sewer	The site has access to public water from Belle Avenue and has public sewer access from the southeast.					
Stormwater/ Drainage	Runoff will be managed by one above-ground stormwater facilities in the southeast portion 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 south. 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-3212	RS9 to RM8-S	Approved; 5/05/2014	West	13.19	Approval	Approval
W-2703	RS9 to RM8-S	Denied; 7/05/2004	Current site	27.5	Denial	Denial
W-2338	RS9 to HB-S	Approved; 10/04/1999	South	49.56	Denial	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name		Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D	
Lewey Lane		Local Street	210 feet	N/A	N/A	
Proposed Access Point(s)		Site has one access across from the Belle Avenue and Lewey Lane intersection.				
Proposed Road Improvements		The developer plans on the extension of Noel Drive along most of the property's frontage to the Lewey Lane/Belle Avenue intersection. The extension will include curb, gutter, and a sidewalk. Additionally, a four-way stop will be installed at the intersection where Noel Drive, Lewey Lane, and Belle Avenue meet.				
Trip Generation - Existing/Proposed		<u>Existing Zoning: RS9</u> 17.08 acres = 82 homes x 9.57 (single-family trip rate) = 785 trips per day				
		<u>Proposed Zoning: RM18-S</u> 220 units x 6.65 (apartment trip rate) = 1,463 trips per day				

Sidewalks	<p>The site plan has internal sidewalks adjacent to the parking lots in front of the proposed apartments, and sidewalks between Building 100 and 200, connecting to proposed sidewalks on the southern side of Noel Drive.</p> <p>Due to topographic constraints, a direct link for pedestrians to access the Walmart shopping center south of the site is not viable.</p>	
Transit	<p>Along the stretch of East Hanes Mill Road that runs between University Parkway and Germanton Road, there are five transit stops. Of these, the one located at the intersection of University Parkway and East Hanes Mill Road is the closest to the proposed development. By extending Noel Drive, the distance between this transit stop and the proposed site would be 0.8 miles.</p>	
Connectivity	<p>The proposed intersection of Noel Drive, Belle Avenue, and Lewey Lane provides a single access point to the site. The primary exit route from the area is through Noel Drive, which leads to University Parkway, a boulevard. Alternatively, residents can use other routes that pass through single-family neighborhoods to reach Old Hollow Road (a major throughfare) or Stanleyville Drive (a minor thoroughfare).</p> <p>The extension of Noel Drive would considerably reduce the distance to the bus stop located at the intersection of University Parkway and East Hanes Mill Road, making it more accessible to pedestrians.</p>	
Transportation Impact Analysis (TIA)	<p>A TIA is not required for this development.</p>	
Analysis of Site Access and Transportation Information	<p>The proposed development will feature a single access point at the intersection of Noel Drive, Belle Avenue, and Lewey Lane. The most convenient access point to the site is via University Parkway using the extended Noel Drive. However, alternative routes through adjacent single-family neighborhoods allow access to Stanleyville Drive and Old Hollow Road.</p> <p>On the south side of the proposed extension of Noel Drive, a sidewalk is proposed that would connect to the intersection of Noel Drive and Nita Drive. Transit is available approximately 0.8 miles away from the site at the University Parkway and East Hanes Mill Road intersection.</p>	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building Square Footage	Square Footage	Placement on Site
	119,615 SF; includes seven 3-story apartment buildings and one community center	Various locations on the site
Units (by type) and Density	<ul style="list-style-type: none">• One bedroom unit – 33 units• Two-bedroom units – 97 units• Three-bedroom units – 90 units• Total units = 220 units	

Parking	Required	Proposed	Layout
	Vehicle – 400 Bicycle – 28	Vehicle – 400 Bicycle – 28	90-degree parking
Building Height	Maximum		Proposed
	60’		39’
Impervious Coverage	Maximum		Proposed
	80%		32.4%
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; Residential Building, Townhouse; or Residential Building, Twin Home (W) (use-specific standards)• Table 6.1.2: Motor Vehicle and Bicycle Parking Space Requirements		
Complies with Section 3.2.11	(A) <i>Legacy 2030 policies:</i>	Yes	
	(B) <i>Environmental Ord.</i>	N/A	
	(C) <i>Subdivision Regulations</i>	N/A	
Analysis of Site Plan Compliance with UDO Requirements	<p>The proposed site plan depicts seven multifamily buildings and one community center that is situated at the intersection of Belle Avenue and Mill Creek Lane. The site also features a centrally located common recreation area. To comply with the UDO, the plan designates a 15’ Type II Bufferyard next to the adjoining RS9-zoned properties located to the east.</p> <p>Although the developer considered providing a greenway easement to the shopping center to the south, it was not feasible due to topography. However, a sidewalk connection will provide pedestrian access to the University/Hanes Mill Activity Center, along the extension of Noel Drive.</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">• Facilitate land use patterns that offer a variety of housing choices and convenient access to neighborhood shopping, schools, parks, and other services.• Promote the use of moderate-density residential and office transitional uses between intense business and residential uses.		
Relevant Area Plan(s)	North Suburban Area Plan Update (2014)		
Area Plan Recommendations	<ul style="list-style-type: none">• The area plan recommends single-family residential development at up to eight dwelling units per acre.• Install sidewalks and/or traffic calming measures, where feasible, to make neighborhoods more pedestrian friendly.		

	<ul style="list-style-type: none"> Multifamily developments should incorporate the following design features: Building façade articulation; Open space that is accessible, safe, and functional.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is not within an activity center.
Comprehensive Transportation Plan Information	Roads adjacent to this site are not mentioned for improvement within the <i>CTP</i> .
Greenway Plan Information	The applicant was not able to connect to any adjacent greenway easements due to topography.
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 <i>Legacy 2030</i>?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone an approximately 17.08-acre site from RS9 to RM18-S to construct 220 apartment units.</p> <p>The proposed development density of 12.88 units per acre exceeds the recommendation of the <i>North Suburban Area Plan Update (2014)</i>, which recommends single-family residential at up to eight dwelling units per acre.</p> <p>The site is adjacent to the University/Hanes Mill Activity Center and has access to this activity center through the extension of Noel Drive. <i>Legacy</i> supports land use patterns that provide residents easy access to shopping centers and increase the variety of housing types in an area.</p> <p>While the site plan contains positive design features such as easily accessible open spaces located in the middle of the development, staff would recommend the developer propose two-story buildings along the eastern side of the property to improve the relationship between this site and adjacent single-family development.</p> <p>Despite this concern, staff believes the proposed development provides needed housing variety in the area and serves as a transition between surrounding single-family development and the HB-S shopping center to the south.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
This proposal increases the variety of housing types in the area.	The proposed site plan locates three-story apartment buildings next to single-family homes.
The proposed extension of Noel Drive gives residents direct access to University Parkway.	The proposed multifamily residential use is not recommended by the <i>North Suburban Area Plan Update</i> .
This proposal would provide increased connectivity to the University/Hanes Mill Activity Center, as recommended by <i>Legacy</i> .	
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:	
<ul style="list-style-type: none"><u>PRIOR TO ISSUANCE OF GRADING PERMITS:</u><ul style="list-style-type: none">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. Developer shall cordon off all areas shown on the site plan as stream buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Vegetation in all these areas shall be protected from grading encroachment in accordance with UDO requirements.c. The developer shall obtain a driveway permit from the City of Winston-Salem DOT; additional improvements may be required prior to issuance of the driveway permits.<u>PRIOR TO ISSUANCE OF BUILDING PERMITS:</u><ul style="list-style-type: none">a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff.<u>PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:</u><ul style="list-style-type: none">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.	

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-3577

APRIL 13, 2023

Marc Allred presented the staff report.

George Bryan asked if the proposed development has a connection to the nearby Walmart. Staff explained that a connection was not feasible due to the topography of the area.

PUBLIC HEARING

FOR:

Davis Ray, representative of Wynnfield Properties.

- Mr. Ray stated the developers met with the neighbors, and concerns were raised regarding the extension of Noel Drive at Belle Avenue. An adjustment was made to the proposed site plan to include this extension.

George Bryan asked what other concerns neighbors may have, to which Mr. Ray stated that concerns related to devaluing property, crime, traffic, and road extension issues. Mr. Ray cited national articles, the company's relationship with local law enforcement, and adjustments to the proposed plans in response to the neighbors' concerns. Further discussion ensued regarding access and connectivity to University Parkway.

AGAINST:

Shelli Tordé

- Ms. Tordé stated her concerns with the proposed multifamily development. She noted that the staff report mentioned the proposed development is close to single family homes and is not recommended by the *North Suburban Area Plan*, which provides guidance to the area. She noted University Parkway does not have sidewalks, and this area needs walkable, bikeable neighborhoods. She also expressed concerns with crime, trash, transients, and the lack of lighting in the proposed parking areas.

Tina Lawson

- Ms. Lawson stated she is concerned with an increase of crime related to the proposed development. She commented on the lack of room on local roads for emergency vehicles

and the need for speed humps due to traffic. She recently commissioned a market analysis that projected a decrease in nearby property values if this project was approved.

Will Easter

- Mr. Easter stated he is a real estate agent; he agrees the proposed development will not bring value to the neighboring single-family homes. He expressed confusion with the various versions of the site plan being circulated.

Jenise Martinez

- Ms. Martinez stated her concerns with the proposed development related to crime, traffic, and a potential decline of area wildlife.

Joanne Harris

- Ms. Harris commented that the proposed multi-story buildings will have views into neighbors' homes. She noted the proposal will bring an increase of crime and traffic.

Elif Erginer

- Ms. Erginer stated that Walmart is separated from the site by the woods, and the neighborhood does not want a connection to the shopping center. She noted that her neighborhood is safe, and the proposed development will change that by bringing in crime and more traffic.

Monica Moretz

- Ms. Moretz expressed that the proposed development will change the area considerably.

WORK SESSION

George Bryan shared his thoughts on walkability and the inconsistent information regarding sidewalks in the surrounding area. Jeff Fansler with WSDOT commented that the site plan shows that sidewalks will not continue to University Parkway. Mr. Bryan asked if there are any sidewalks in bond in that area, which Jeff responded he would have to research.

Brenda Smith asked about connectivity and traffic flow to and from the proposed development. Jeff responded that the connection to University Parkway will dramatically change travel patterns and discussed the peak hour traffic analysis for the development.

Jack Steelman inquired about the width of the right-of-way of Noel Drive, which staff discussed.

Jason Grubbs asked staff about the density of the proposed development. Chris Murphy commented on the rationale behind staff's decision to support this request. Jason discussed the

noticeable changes to this area over time. He stated that the proposed density is too high and commented that the property will be developed in some way. Further discussion related to the density of future development in this area. Chris Murphy also explained the evolution of the project site plan and why multiple versions existed.

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

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommend approval of the ordinance amendment.

SECOND: Brenda Smith

VOTE:

FOR: Clarence Lambe, Salvador Patiño, Brenda Smith

AGAINST: George Bryan, Walter Farabee, Jason Grubbs, Chris Leak, Jack Steelman

EXCUSED: None

MOTION: Jason Grubbs recommended denial of the ordinance amendment.

SECOND: Walter Farabee

VOTE:

FOR: George Bryan, Walter Farabee, Jason Grubbs, Chris Leak, Jack Steelman

AGAINST: Clarence Lambe, Salvador Patiño, Brenda Smith

EXCUSED: None

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