

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3340
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Three Properties, LLC
Owner(s)	Same
Subject Property	PIN#s 6825-82-2910, 6825-82-2914, 6825-82-2919, 6825-83-1297, 6825-83-2014, 6825-83-2113, 6825-83-2202, and 6825-83-2297
Address	The addresses range from 1429 to 1475 West Fourth Street.
Type of Request	Special use rezoning from RM18 and RSQ to RMU-S
Proposal	The petitioner is requesting to amend the Official Zoning Maps for the subject property from RM18 (Residential, Multifamily - 18 units per acre maximum density) and RSQ (Residential, Single Family and Quadraplex) to RMU-S (Residential, Multifamily Unlimited Density – special use zoning). The petitioner is requesting the following uses: <ul style="list-style-type: none"> • Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Single Family; and Planned Residential Development
Neighborhood Contact/Meeting	The petitioner’s representative, Dan Donathan, has submitted a summary of the neighborhood outreach efforts (see Attachment B).
Zoning District Purpose Statement	The RMU District is primarily intended to accommodate multifamily uses at unrestricted densities. This district is appropriate for GMAs 1 and 2 and may be suitable for Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental services, are available and the site has direct access to a minor or major thoroughfare.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the request is for a high density, multifamily residential development. The site is located within the Urban Neighborhoods GMA 2 with frontage on an expressway (Peters Creek Parkway) and direct access onto a collector street (Fourth Street).
GENERAL SITE INFORMATION	
Location	West side of Peters Creek Parkway and the east side of Fourth Street south of Business I-40
Jurisdiction	City of Winston-Salem
Ward(s)	Southwest
Site Acreage	± 1.97 acres
Current Land Use	The subject property is currently used for residential purposes consisting of various building types including single family, duplex, and multifamily units. There are a total of approximately 20 dwelling units currently located on the site.

Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RSQ	Single and multifamily residential
	East	HB	Modest sized businesses across Peters Creek Parkway
	South	HB	An adult establishment
	West	RSQ	Single and multifamily residential
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</p> <p>While the proposed use of Residential Building, Multifamily is generally compatible with the residential uses permitted on the adjacent RSQ zoned properties, the proposed density of 73 units per acre is significantly higher than the densities allowed in RM18 and RSQ, with the bulk and height of the proposed building being very different. Said use is also potentially less compatible with some of the uses permitted on the adjacent HB zoned properties.</p>		
Physical Characteristics	The developed site abuts an expressway and has a moderate to steep slope downward toward the southeastern portion of the site which is within the designated floodplain of Peters Creek.		
Proximity to Water and Sewer	Public water and sewer are available to the site.		
Stormwater/ Drainage	The site plan proposes a subterranean stormwater management facility to be located in the southwestern corner of the lot. A stormwater study will be required.		
Watershed and Overlay Districts	The site is not located within a water supply watershed.		
Historic, Natural Heritage and/or Farmland Inventories	<p>In 2006, the subject property, along with other properties on this portion of Fourth Street, were determined to be eligible for listing on the National Register of Historic Places by the North Carolina State Historic Preservation Office. However, this area, known as the West Fourth Street Historic District, is currently not listed on the National Register of Historic Places nor is it a locally zoned historic district. Therefore, the site is not subject to the certificate of appropriateness design review process by the Historic Resources Commission and their staff, nor is it eligible for such benefits as grants, loans, or tax incentives that have listing on the National Register as a prerequisite. However, properties in this area will be subject to the Section 106 review process if there is a federal undertaking (federally related grant, loan, permit, license, funding etc.) proposed on the premises.</p>		
Analysis of General Site Information	The southeastern portion of the site is significantly impacted by the designated floodplain of Peters Creek. A Floodplain Development Permit will be required. The developer will also be required to relocate the existing sanitary sewer line and a 72" storm sewer line located in the southeastern portion of the site in order to accommodate the proposed building.		

SITE ACCESS AND TRANSPORTATION INFORMATION

Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Peters Creek Parkway	Expressway	±368'	22,000	73,400
Fourth Street	Collector Street	±369'	NA	NA
Apple Blossom Trail	Local Street (shown on the site plan to be constructed)	212'	NA	NA
Proposed Access Point(s)	The vehicular access into the proposed parking deck will be from Fourth Street.			
Planned Road Improvements	<p>The site is located approximately 350 feet south of Business 40. This freeway facility from Fourth Street eastward to Church Street is scheduled for reconstruction with a temporary closure of this section beginning in late 2018. Before this portion of Business 40 is temporarily closed for construction, the Peters Creek Parkway Bridge will be replaced with a wider structure and the interchange will be rebuilt. Peters Creek Parkway bridge replacement is scheduled to begin in September/October of 2017.</p> <p>Sidewalks will also be constructed along Peters Creek Parkway. The Fourth Street bridge over Business 40 will be replaced and Academy Street will be widened at Peters Creek Parkway to accommodate an exclusive westbound right turn lane.</p> <p>Construction for the Peters Creek Parkway area may begin as early as the summer of 2017 and is anticipated to be completed by the winter of 2018. If approved, the development of the subject request must be coordinated with NCDOT as the projects overlap.</p>			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RM18 and RSQ</u> .61 acre of RM18 = 10 units + 1.36 acres of RSQ = 20 units = 30 total units x 6.65 (Apartment trip rate) = 200 Total Trips per Day.</p> <p><u>Proposed Zoning: RMU-S</u> 144 units x 6.65 (Apartment trip rate) = 958 Trips per Day.</p>			
Sidewalks	Sidewalks are located along both sides of Fourth Street and will be required along the frontage of Peters Creek Parkway and both sides of the new street.			
Transit	Routes 80 and 83 run along Peters Creek Parkway.			
Connectivity	The site has good connectivity in that it is located on Fourth Street, which is a Collector Street, and the site plan includes a new public street which will have right-in/right-out access to Peters Creek Parkway.			

Traffic Impact Assessment (TIA)	A traffic assessment is not required for the subject request.
Analysis of Site Access and Transportation Information	Vehicular access to the site will be provided along Fourth Street which is a Collector Street. The site will also include a new public street (Apple Blossom Trail) which will have right-in/right-out access to Peters Creek Parkway and full movement at Fourth Street. The site is also well served by sidewalks and transit. The request would result in a significant increase in traffic compared to what could be expected under the current zoning.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 2 - Urban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Increase infill development within the Municipal Services Area. • Promote <i>compatible</i> infill development that fits with the context of its surroundings. • Identify Growth Corridors for quality infill, density and transit. • Apply traditional, walkable neighborhood design principles and standards to existing neighborhoods. • Encourage redevelopment and reuse of existing sites and buildings that is <i>compatible and complementary</i> with the surrounding area. • Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas.
Relevant Area Plan(s)	<i>South Central Area Plan Update (2014)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • Consistent with the current zoning, the site is recommended for a mixture of single-family residential, low-density attached residential, intermediate-density, and high-density residential use on the proposed land use map. <p>Growth Corridor: The site is located along the Peters Creek Parkway Growth Corridor. However, it is just beyond the portion of the corridor where the area plan recommends an urban form. Recommendations for the urban form portion of the growth corridor include:</p> <ul style="list-style-type: none"> • Create a pedestrian-friendly character through the development/redevelopment of properties by making sure buildings are designed for pedestrian orientation. Locate buildings close to the street to create an interesting and inviting public/private streetscape. • Design building facades to add interest to the street and include pedestrian-friendly features such as awnings, porches, recessed doors and no blank walls facing streets. • Locate parking to the rear or side of primary structures to de-emphasize the visual impact of vehicles.

	<ul style="list-style-type: none"> • Add street trees, planting areas/planters with flowers or evergreen plants where feasible.
Site Located Along Growth Corridor?	The site is located along the Peters Creek Parkway Growth Corridor.
Site Located within Activity Center?	The site is located immediately northwest of the West Salem Activity Center which is located at the intersection of Peters Creek Parkway and Academy Street.
Greenway Plan Update Information	The originally proposed greenway along Peters Creek was deemed unfeasible for construction by the Winston-Salem Engineering Department. As such, the <i>Greenway Plan Update</i> recommends a side path/on-street facility along the western side of Peters Creek Parkway to eventually provide a connection between Hanes Park and a future greenway along Silas Creek. The Peters Creek Parkway Bicycle and Pedestrian Facilities Study was completed to enhance the Peters Creek Parkway corridor by providing landscaping, improved pedestrian facilities (i.e. sidewalks and pathways), and accommodations for bicycles and transit while maintaining a level of traffic service that will accommodate commuters. The Study recommends a reduction in travel lanes as well as a 14’ side path adjacent to the southbound lanes of traffic along Peters Creek. The site plan shows an 8’ sidewalk along Peters Creek Parkway.
Addressing	Floor plans <u>and</u> building elevation plans must be submitted in order for addresses to be issued prior to permitting.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?
	See comments below.
Analysis of Conformity to Plans and Planning Issues	<p>The subject rezoning request is from RSQ and RM18 to RMU-S in order to accommodate a high density, multifamily residential project. The 1.97 acre site was included within a larger, mixed use rezoning request to GB-S which was withdrawn at the November 7, 2016 City Council meeting. A second rezoning request which included a majority of the subject property (W-3327) was continued from the April 13 and May 11, 2017 Planning Board meetings before being withdrawn. The only difference between the current request and W-3327, is that two modest sized lots were added to the northern end of the site.</p> <p>The site plan consists of a four and five story apartment building with 144 units surrounding a four story parking deck. The building is pulled up to Peters Creek Parkway, Fourth Street, and the new proposed street in a pedestrian oriented manner. The request also has some merit in regard to its close proximity to the BB&T Ballpark and downtown and it is sited along a growth corridor which is served with transit.</p>

However, the proposed density of 73 units per acre, is significantly greater than what is recommended in the *South Central Area Plan Update*. The area plan recommends a mix of residential densities reflective of the current zoning and land use pattern along this portion of Fourth Street. In this case, that equates to a density recommendation of approximately 15 units per acre. Staff notes that while developing an area plan, it is not feasible to anticipate or plan for every possible future development scenario which may be proposed on a particular site. However, the proposed density is *significantly* greater than what is recommended.

Staff also notes that from a neighborhood compatibility perspective, the height and massing of the proposed building is completely out of character with the houses which front along Fourth Street. Attachment C uses the dimensions of the proposed development to illustrate how the proposed building relates to the context of the existing streetscape. Based upon the recommendations of the area plan and the overwhelming scale of the proposed structure, staff does not support the proposed rezoning.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3327	RSQ and RM18 to RMU-S	Withdrawn prior to Planning Board on 6-02-17	Included a portion of the current site	1.74	NA	NA
W-3303	RM18 and RSQ to GB-S	Withdrawn at 11-07-16 City Council meeting	Included current site	8.3	Denial	Denial

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

Building Square Footage	Square Footage		Placement on Site
	148,277 square feet for the apartments and 71,324 square feet for the parking deck		Pulled up to all three street frontages
Units (by type) and Density	144 apartment units on 1.97 acres = 73 units per acre.		
Parking	Required	Proposed	Layout
	265 spaces	313 spaces (includes 26 bicycle spaces)	
Building Height	Maximum		Proposed
	NA		5 stories

Impervious Coverage	Maximum	Proposed
	85%	73.95%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.2 (O) RMU District Chapter B, Article II, Section 2-5.64 Multifamily Use Conditions 	
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy 2030 policies:	See comments above.
	(B) Environmental Ord.	See comments below.
	(C) Subdivision Regulations	Yes
Analysis of Site Plan Compliance with UDO Requirements	<p>The site plan proposes the removal of eight existing residential buildings, which currently include a total of ±20 dwelling units, in order to construct a four and five story apartment building with a four story parking deck. An interior courtyard will be provided in the center. The square footage for the apartment building is 148,277. Because the site plan proposes development within the designated floodplain of Peters Creek, a Floodplain Development Permit will be required prior to the issuance of a Grading Permit.</p>	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
The request would provide for high density residential infill development within the Urban Neighborhoods GMA.		The proposed density is significantly higher than what is recommended in the area plan.
The site is located along the Peters Creek Parkway Growth Corridor.		The height and massing of the proposed five story building and parking deck is not compatible with the homes located along Fourth Street.
The subject property is served by transit and sidewalks.		
The new building is pulled up to all three street frontages in an urban, walkable manner.		The request would add additional traffic to the area.
		Approval of this request could set a precedent for additional development in this area that is not consistent with the area plan.
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL		
<p>The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.</p> <ul style="list-style-type: none"> <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment. Developer shall obtain a Floodplain Development Permit from the Erosion Control Division. 		

- c. Developer shall obtain a driveway permit from NCDOT/City of Winston-Salem; additional improvements may be required prior to issuance of driveway permit.
Required improvements include:
 - Payment-in-lieu of sidewalk construction along the frontage of Peters Creek Parkway.
 - Dedication of right-of-way along Fourth Street sixty (60) feet from centerline.
 - Record negative access easements along Peters Creek Parkway and both sides of Apple Blossom Trail.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. The proposed building plans shall be in substantial conformance with the submitted elevations as shown on “Exhibit A” as verified by Planning staff. As volunteered by the petitioner and noted on the site plan, all buildings shall have exterior façade materials consisting of either brick, cementitious siding, or veneer stone. All rooftop HVAC equipment shall be screened from view of the adjacent public streets.
 - b. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.
 - c. Developer shall demonstrate compliance with the requirements of the Floodplain Development Permit.
 - d. Developer shall relocate the sanitary sewer line located in the southeastern portion of the site in order to accommodate the building shown on the site plan.
 - e. Developer shall relocate the storm sewer line located in the southeastern portion of the site in order to accommodate the building shown on the site plan.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Lighting shall be installed per approved lighting plan and certified by an engineer.
 - b. Developer shall complete all requirements of the driveway permit including the construction of Apple Blossom Trail to City of Winston-Salem standards.
 - c. Buildings shall be constructed in substantial conformance with the approved building elevations as approved by Planning staff.
 - d. Freestanding signage along Peters Creek Parkway shall be limited to one (1) six (6) foot high monument sign with a maximum copy area of thirty-six (36) square feet.

STAFF RECOMMENDATION: Denial

NOTE: These are **staff comments** only; **final recommendations** on projects are made by the City-County Planning Board, with **final decisions** being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **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-3340
AUGUST 10, 2017**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Lawson Newton, 110 Oakwood Drive, Winston-Salem, NC 27103

- The positive side of this project is the obvious increased tax base of a 15 to 20 million dollar project that would go into providing housing in that area and the creation of 25 to 30 jobs.
- The developer has targeted that 15% of these units, roughly 22 units will be effectively subsidized housing.
- We recognize the concern of increased traffic issues.
- The business owners up and down Peters Creek Parkway are in support of this project.
- We have petitions signed by the remaining residents on that street who are in support of this.

Jay Clapp, 621 Jonestown Rd, Suite 221, Winston-Salem, NC 27103

- I agree with Gary that there are going to be a significant increase in traffic but I don't know if I would go as far and say this will be a significant impact for what is being proposed.
- When they were looking at the area as a mixed use area, I was brought on to prepare a traffic study and coordinate with NCDOT and WSDOT as far as study area and analysis. I met with them multiple times to discuss what we were looking at and that is where the right in, right out came about from Peters Creek Parkway. We also took into account the improvements that are currently being looked at with the new modification at the interchange on Peters Creek Parkway as well as improvements that are being done on Academy Street.
- We came up with our recommendations and submitted our reports to NCDOT and WSDOT and they concurred with our findings.

Daniel Donathan, 1028 Willowlake Rd, Winston-Salem, NC 27106

- The people I've talked to that we are relocating, I made a moral commitment to them to at least try and get them back into these apartments once they are complete.
- We have made a commitment to them to move them back into the new apartments and give them a rent that is within 15% of what they were paying previously.

AGAINST:

Bonnie Crouse, 2001 Boone Avenue, Winston-Salem, NC 27103

- We oppose this project. It is such a stark deviation from the area plan in a number of ways, some of which has already been addressed.
- The fact that the property owner may have allowed the exterior to become somewhat unsightly because of deferred maintenance should not go to the benefit of saying “well these houses aren’t worth keeping”.
- Yes there may be a need for apartments but not on this street or corridor that connects to great neighborhoods
- We are also concerned about the traffic.

JoAnn Mount, 1238 W. 4th Street, Winston-Salem, NC 27101

- I have lived here for 36 years. This is a historic neighborhood, I knew what I was moving into and I had expected it to stay that way.
- I think the idea of turning this part of 4th street into a building zone with such density, is not good.
- The traffic is bad and to add this kind of density will make it so much worse.
- I opposed it when I came to this meeting because of the traffic and after seeing these visuals, I am adamantly opposed to it.

John Merschel, 3400 Paddington Lane, Winston-Salem, NC 27106

- This is good housing stock. This is housing stock that doesn’t need to be torn down.
- If this project is approved, you can count the rest of the houses to go down.
- The traffic is not good.

Dr. Margaret Herman, 122 Piedmont Ave, Winston-Salem, NC 27101

- I’m in one of those houses that do not have a driveway; so we do have to park on the street. We park on both sides of my street. This is going to make the traffic worse.
- It was pointed out that DOT was consulted on this, as you remember in our last meeting, they were not in approval of this.

WORK SESSION

George Bryan: Are there apartments in the floodplain or is the floodplain area under the parking garage? Is that a resolved issue? Gary Roberts: It is both and Matthew Osborne in the Stormwater Department said it is resolvable.

Melynda Dunigan: The subsidized units that you mentioned, is that something you would put in written form that would be legally binding or is it just you saying it’s your intentions? Lawson Newton: The thought process is to have units in the project that would be more affordable. This isn’t where someone is helping to pay rent, this is reduced rent for those units. Yes, we can make that legally binding.

Clarence Lambe: How would you get to the ball park without a car? Gary Roberts: There is going to be an (8) foot wide sidewalk and that goes up over Business 40 to the multiuse path and that will connect eastward straight to the ballpark along Peters Creek Parkway.

George Bryan: Is there a solution to traffic heading north? Jay Clapp: There has been no change to the improvements that were already being provided.

Melynda Dunigan: Will the subsidized units last for the period of time the tenants live there or are you talking about setting aside those units indefinitely for this level of rent? Daniel Donathan: We will keep those units available in perpetuity.

Arnold King: Paul, from a legal standpoint, using the term subsidize housing, how does that contractually work if he's going to do any perpetuity? Paul Norby: I think the wording would need to be worked out and checked by our attorney's office.

MOTION: George Bryan moved denial of the zoning petition.

SECOND: Chris Leak

VOTE:

FOR: George Bryan, Melynda Dunigan, Chris Leak, Brenda Smith, Allan Younger

AGAINST: Arnold King, Clarence Lambe

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services