

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

PETITION INFORMATION			
<b>Docket</b>	W-3566		
<b>Staff</b>	<a href="#">Marc Allred</a>		
<b>Petitioner(s)</b>	Agnes G. Fishel		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	PIN 6823-80-2904		
<b>Type of Request</b>	Special Use Rezoning		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property <b>from</b> RS9 (Residential Single Family – 9,000 square-foot minimum lot size) <b>to</b> RM8-S (Residential, Multifamily – 8 units per acre). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; Residential Building, Single Family; and Planned Residential Development.</li> </ul>		
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner’s neighborhood outreach is attached.		
<b>Zoning District Purpose Statement</b>	The RM8 District is primarily intended to accommodate duplexes, twin homes, townhouses, multifamily, and other low intensity multifamily uses at a maximum overall density of eight (8) units per acre. This district is appropriate for Growth Management Areas 2 and 3 and may be suitable for Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services are available.		
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<p><b>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes, the proposed site plan shows direct access to Peters Creek Parkway and has access to public water and sewer.</p>		
GENERAL SITE INFORMATION			
<b>Location</b>	East side of Peters Creek Parkway, between Sina Avenue and Kesteven Road.		
<b>Jurisdiction</b>	City of Winston-Salem		
<b>Ward(s)</b>	Southeast Ward		
<b>Ward(s) July 2023</b>	Southeast Ward		
<b>Site Acreage</b>	± 18.88 acres		
<b>Current Land Use</b>	The property is currently undeveloped.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	IP-S and RS9	Church and single-family homes
	South	RS9	Single-family homes

	East	RS9	Vacant			
	West	MRB-S	Walmart shopping center			
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<b>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>					
	Yes, the site is located along a designated growth corridor with other similar land uses across Peters Creek Parkway to the west. The requested district and uses are generally compatible with the abutting RS9 zoning.					
<b>Physical Characteristics</b>	The property is mostly wooded with an intermittent stream running from north to south in the center of the site.					
<b>Proximity to Water and Sewer</b>	The property has access to public water and sewer.					
<b>Stormwater/ Drainage</b>	The subject property is divided by an intermittent stream running north to south through its center. The proposed site plan shows three stormwater devices that will be used to capture additional runoff from the development. Two devices in the center of the site will drain to the intermittent stream and the third device will drain in the northeast corner of the site towards an off-site stream.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The property is currently undeveloped and heavily wooded. Approximately 75% of the total site area slopes towards the intermittent stream in the center, with the remaining 25% sloping towards the east. Access to public water and sewer is available, and the site is not located in a water supply watershed.					
<b>RELEVANT ZONING HISTORIES</b>						
<b>Case</b>	<b>Request</b>	<b>Decision &amp; Date</b>	<b>Direction from Site</b>	<b>Acreage</b>	<b>Recommendation</b>	
					<b>Staff</b>	<b>CCPB</b>
W-3177	RS9 to RM8-S	Withdrawn 4/11/2013	Portion of current site	9.58	Withdrawal	Withdrawn
W-2937	RS9 and IP-S to IP-S	Approved 7/6/2007	North	11.44	Approval	Approved
W-2757	RS9 to MRB-S	Approved 5/2/2005	West	29.44	Approval	Approval
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>						
<b>Street Name</b>		<b>Classification</b>	<b>Frontage</b>	<b>Average Daily Trip Count</b>	<b>Capacity at Level of Service D</b>	
Peters Creek Parkway		Expressway	466'	26,500	49,000	
Edgefield Drive		Local Street	60'	N/A	N/A	
Dorset Road (unopened stub street)		Local Street	60'	N/A	N/A	

<b>Proposed Access Point(s)</b>	The proposed site plan depicts three access points. The primary access will be from Peters Creek Parkway. The developer proposes to construct a through-street extension of Edgefield Drive from the intersection with Sina Avenue to the north, through the site, to the intersection with Kesteven Road at the south.
<b>Proposed Road Improvements</b>	The developer will be required to install a right turn lane on Peters Creek Parkway and will also be required to extend Edgefield Drive as depicted on the proposed site plan.
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RS9</u> 91 potential 9,000 SF single-family lots x 9.57 trips per day (single-family trip rate) = 870.87 trips per day.</p> <p><u>Proposed Zoning: RM8-S</u> 135 units x 5.81 (residential townhouse trip rate) = 784.35 trips per day</p>
<b>Sidewalks</b>	Sidewalks are proposed on one side of all internal streets. Fee-in-lieu of sidewalks and curb and gutter will be required along the site frontage adjacent to Peters Creek Parkway.
<b>Transit</b>	It is an approximately 0.2 mile walk from the site to the WSTA Route 101 bus stop located at the Walmart shopping center across Peters Creek Parkway. The petitioner will also provide a new WSTA transit stop at the site entrance along Peters Creek parkway to provide safe transit access for residents.
<b>Connectivity</b>	The connectivity ratio for the proposed development is 1.0. The proposed plan does not meet the UDO connectivity ratio requirement of 1.2; however, the site has limited connectivity opportunities due to existing development patterns and off-site environmental features.
<b>Analysis of Site Access and Transportation Information</b>	<p>The proposed site plan shows a primary access point from Peters Creek Parkway and a through-street connection of Edgefield Drive across the site. Internal sidewalks are proposed along one side of all proposed streets and fee-in-lieu of sidewalks will be required along the frontage of Peters Creek Parkway.</p> <p>The proposed development would not generate enough traffic to significantly impact traffic capacity along this section of Peters Creek Parkway. This request would generate similar traffic to a single-family subdivision developed under the current RS9 zoning district. The proposed site plan would provide needed street connectivity for this development and surrounding neighborhoods.</p>

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	135 townhome units of approximately 1,500 sf to 1,800 sf each		Various locations, facing proposed internal streets
Units (by type) and Density	135 units/18.88 acres = 7.15 units per acre		
Parking	Required	Proposed	Layout
	272	283	90-degree parking & private drives/garages
Building Height	Maximum		Proposed
	45'		32'
Impervious Coverage	Maximum		Proposed
	70%		37%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"><li>Section 4.5.12: RM8 Residential Multifamily District</li><li>Section 5.2.71: Residential Building, Multifamily; Townhouse; or Twin Home (use-specific standards)</li></ul>		
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	The request is to rezone an approximately 18.88-acre site from RS9 to RM8-S. The proposed site plan includes 135 townhomes fronting on five public streets, which will include sidewalks on one side of the street to provide necessary connectivity between the townhomes, parking, and common recreation areas. A fee-in-lieu will be required to provide future sidewalks along Peters Creek Parkway.		
	The plan also shows two common recreation areas: One located at the northwestern portion of the property, and one in the center of the site. Three stormwater devices are proposed to manage additional runoff from the development.		
	The submitted site plan shows the required fifteen-foot Type II Bufferyard along the northern, eastern, and southern property lines. The petitioner is also proposing a fifteen-foot Type II Bufferyard along Peters Creek Parkway to improve aesthetic compatibility between the streetscape and the rear yards of the townhomes. The petitioner is also proposing a six-foot opaque fence along the eastern property line to provide additional on-site security and screening.		
CONFORMITY TO PLANS AND PLANNING ISSUES			
Legacy 2030 Growth Management Area	GMA 3 – Suburban Neighborhoods		

<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Encourage attached single-family, multifamily, and mixed-use developments along growth corridors.</li> <li>• Increase infill development in the serviceable land area.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>South Suburban Area Plan Update (2017)</i> <i>Peters Creek Growth Corridor Plan (2019)</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The proposed land use map recommends low-density attached residential on the western portion of the property and single-family residential land use on the eastern portion of the site.</li> <li>• This parcel is part of the <i>Peters Creek Parkway Growth Corridor Plan (2019)</i> which recommends including pedestrian connections along the corridor.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The site is located along the Peters Creek Growth Corridor.
<b>Site Located within Activity Center?</b>	The site is not located within an activity center, but is directly east of the Peters Creek Activity Center, which contains the Walmart shopping center.
<b>Comprehensive Transportation Plan Information</b>	Sidewalks are recommended for this section of Peters Creek Parkway. The petitioner will provide fee-in-lieu for sidewalks at this location so that this pedestrian connection can be comprehensively designed and installed in the future.
<b>Rezoning Consideration from Section 3.2.19 A 16</b>	<b>Have changing conditions substantially affected the area in the petition?</b>
	No.
	<b>Is the requested action in conformance with Legacy 2030?</b>
	Yes.
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The developer is proposing to rezone an 18.88-acre tract from RS9 to RM8-S to accommodate the construction of a 135-unit townhome development with a density of 7.15 dwelling units per acre.</p> <p>The developer is proposing an additional 15' Type II Bufferyard along Peters Creek Parkway in response to the <i>Peters Creek Parkway Growth Corridor Plan</i> recommendation of improving the aesthetics of the corridor by adding additional trees and landscaping.</p> <p>The proposed development is generally consistent with the recommendations of the <i>South Suburban Area Plan Update</i>, which advocates for low-density attached residential uses on the western part of the property and single-family residential on the eastern portion. Although the area plan land use recommendation does not propose an extension of attached housing further into the site, the overall density and layout of the proposed development is consistent with the larger goals of the area plan and <i>Legacy 2030</i> to provide a variety of infill housing types along growth corridors.</p>

	The aggregate trip generation of the proposed development is comparable to the trip generation of a single-family developed under the existing RS9 zoning. Additionally, the proposed development would provide needed street connectivity between existing adjacent neighborhoods.
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request is consistent with the larger goals of <i>Legacy 2030</i> to provide needed additional housing opportunities along growth corridors.	The area plan recommends single-family development for the eastern portion of the site, rather than low-density attached development.
The request would provide infill development with excellent transportation access in the serviceable land area.	
The estimated trip generation is comparable to what a single-family development would produce on site under the existing RS9 zoning district.	
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"><li><b><u>PRIOR TO ISSUANCE OF GRADING PERMITS:</u></b><ul style="list-style-type: none"><li>a. The developer shall obtain a driveway permit from the North Carolina Department of Transportation; additional improvements may be required prior to issuance of the driveway permits. Additional improvements include but are not limited to:<ul style="list-style-type: none"><li>The installation of a right-turn lane on Peters Creek Parkway at the development entrance.</li></ul></li><li>b. The developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements include but are not limited to:<ul style="list-style-type: none"><li>Fee in-lieu of sidewalk and curb and gutter along the frontage of Peters Creek Parkway.</li><li>Coordination with the Winston-Salem Transit Authority for the installation of a WSTA transit stop along the frontage of Peters Creek Parkway.</li></ul></li><li>c. 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.</li></ul></li><li><b><u>PRIOR TO ISSUANCE OF BUILDING PERMITS:</u></b><ul style="list-style-type: none"><li>a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff.</li></ul></li></ul>	

- **PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:**
  - a. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
  - b. Developer shall complete all requirements of all driveway permits.
  - c. The developer shall install a 15-foot Type II Bufferyard along the frontage of Peters Creek Parkway.
  - d. The developer shall install a six-foot opaque fence between the terminus of Fox Allen Lane and the property line as shown on the 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.**

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# **CITY-COUNTY PLANNING BOARD**

## **PUBLIC HEARING**

### **MINUTES FOR W-3566**

### **MARCH 9, 2023**

Marc Allred presented the staff report.

George Bryan asked why a fee-in-lieu of sidewalk along Peters Creek Parkway was requested as part of this proposal. Staff explained that DOT staff requested this fee-in-lieu so that sidewalks along Peters Creek Parkway could be addressed comprehensively at a later date. Jack Steelman asked how long payments are held in such situations, and if staff would investigate how or if money is returned.

#### **PUBLIC HEARING**

FOR:

Marty Bizzell, representative for KDM Development Corporation.

- Mr. Bizzell presented a series of slides and pointed out a few items of interest such as the location of proposed tree save area and preserved open space. Mr. Bizzell also stated that after holding a community meeting, the developers added greater storm water controls to the proposed site plan.

Douglas Collins

- Mr. Collins stated that he represented the family that currently owns the property. The family has been trying to sell the property for years and it has been difficult. He noted that the land across Peters Creek Parkway is already zoned commercial.

AGAINST:

Christine Dudgeon

- Ms. Dudgeon stated that the proposed development does not look too bad, but she would prefer a wooded buffer around the site and is concerned about traffic congestion.

Cynthia Smith

- Ms. Smith stated that she was under the impression that development of this property would be limited to single family dwellings, based on a previous meeting. She also reiterated concerns regarding the congestion at the intersection with Peters Creek Parkway. George



Bryan addressed the zoning recommendation Ms. Smith brought up, and Chris Murphy explained the recommendations of area plan.

Darryl Smith

- Mr. Smith expressed concerns about congestion and how his road would become a traffic cut-through.

Tammy Caudle

- Ms. Caudle stated opposition to the proposed connection to her street, which may bring new traffic through her neighborhood.

Nancy Nifong

- Ms. Nifong expressed concerns about traffic congestion and pollution that could result from the approval of this request.

### **WORK SESSION**

Clarence Lambe asked about the street connection requirements for the site. Chris Murphy explained that the ordinance required connectivity with adjacent street stubs for both multifamily and single-family development. Jason Grubbs asked for more clarification regarding the on-site creek and area plan land use recommendations, which Kirk Ericson explained. Further discussion ensued regarding the difference between the density of current and proposed zoning. Mo McRae noted that this plan includes significant open space, a generous buffer, stormwater controls, and a fence along parts of the site perimeter.

MOTION: Mo McRae 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, Jack Steelman

AGAINST: George Bryan

EXCUSED: None

MOTION: Mo McRae recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

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