

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket	W-3567		
Staff	Marc Allred		
Petitioner(s)	WR Hutchings Construction, LLC		
Owner(s)	Same		
Subject Property	PIN 6847-89-8458		
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 square feet minimum lot size) to RM8-S (Residential, Multifamily – 8 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 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.		
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.		
GENERAL SITE INFORMATION			
Location	Northeast corner of the intersection of Old Walkertown Road and Dippen Road.		
Jurisdiction	Winston-Salem and Forsyth County (Pending City Annexation)		
Ward(s)	Northeast		
Ward(s) July 2023	Northeast		
Site Acreage	± 7.19 acres		
Current Land Use	The site is currently vacant land. The site was previously the location of a nursing care facility that was demolished during construction of the Northern Beltway.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9	Vacant land
	South	RS9	Church and vacant land

	East	RS9	Agricultural land			
	West	N/A	Northern Beltway			
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?					
	No. The use Residential Building, Multifamily is not permitted on any other properties in the vicinity. The current development pattern is a mixture of rural land, large lot single-family homes and a church to the south. The closest multifamily district is approximately ½ mile to the southeast along New Walkertown Road.					
Physical Characteristics	The majority of the property is graded and flat due to its former use for a nursing care facility. The site does slope significantly towards its northern end.					
Proximity to Water and Sewer	Public water and sewer are available to the property.					
Stormwater/ Drainage	The property generally drains to the north. There are no stormwater devices currently proposed for this development. If the site is annexed into the City of Winston-Salem, it will be subject to local stormwater ordinance requirements. The site appears to be exempt from any new stormwater controls as the proposed development would result in a net decrease in impervious area from the previous nursing care facility development. The developer will need to provide additional documentation to verify compliance with the Stormwater Division.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The subject property is currently vacant and generally flat due to its previous use for a nursing care facility. 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	Acreeage	Recommendation	
					Staff	CCPB
No relevant prior rezonings exist in the immediate area.						
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Old Walkertown Road	Major Thoroughfare	556'	7,000	18,200		
Dippen Road	Collector Street	483'	N/A	N/A		
Proposed Access Point(s)	The proposed site plan shows a single access point from Dippen Road.					
Proposed Road Improvements	No additional road improvements are required for the proposed development.					

Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9</u> 7.19 acres = 34 potential homes(RS9) x 9.57 (single-family trip rate) = 325.38 trips per day</p> <p><u>Proposed Zoning: RM8-S</u> 56 units x 6.65 (apartment trip rate) = 372.40 trips per day</p>		
Sidewalks	Sidewalks are proposed on one side of the internal private street. No additional sidewalks are existing or proposed along either public road frontage.		
Transit	No transit opportunities exist in this area.		
Analysis of Site Access and Transportation Information	<p>The proposed site plan depicts a single vehicular access point and internal sidewalks for pedestrian connectivity between the parking area and the apartment buildings. No sidewalks exist or are proposed along either public street frontage. There is no public transit available in the area.</p> <p>The number of trips generated by this development would be comparable to a single-family subdivision developed under the current RS9 zoning district. The anticipated traffic generation is not expected to have a significant impact on the capacity of this section of Old Walkertown Road.</p>		
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	(1) – two story building of 5,552 square feet. (4) – three story buildings of 6,460 square feet each.		The two-story building is on the eastern portion of the site. The remaining three-story buildings are located in the northern and southern portions of site.
Units (by type) and Density	<p>Two bedroom - 56 units Total units - 56 units 56 units/7.19 acres = 7.79 units per acre</p>		
Parking	Required	Proposed	Layout
	98	113	90-degree parking
Building Height	Maximum		Proposed
	45'		37'
Impervious Coverage	Maximum		Proposed
	70%		22.28%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 4.5.12: 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) Legacy 2030 policies:	No	
	(B) Environmental Ord.	N/A	

	(C) Subdivision Regulations	N/A
Analysis of Site Plan Compliance with UDO Requirements	<p>The proposed site plan depicts five apartment buildings which will contain a total of 56 two-bedroom units. Four of the buildings are proposed to be three-story and one building would be two-stories in height. The plan shows all required access, parking, bufferyard, and landscaping. At this juncture it does not appear that active stormwater management would be required for this site. Staff has worked with the developer to provide an additional 20' bufferyard along the frontage with Old Walkertown Road. The addition of the bufferyard will provide some additional landscape screening to attenuate streetscape view impacts.</p> <p>The petitioner is currently seeking annexation of the property into the City of Winston-Salem and therefore the site will have to meet all City UDO requirements, including any stormwater requirements.</p>	
CONFORMITY TO PLANS AND PLANNING ISSUES		
Legacy 2030 Growth Management Area	GMA 3 – Suburban Neighborhoods	
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area. • Promote the concept of gentle density in existing neighborhoods. • Encourage rurally compatible residential development to minimize the impact on the community’s rural character. 	
Relevant Area Plan(s)	<i>Walkertown Area Plan Update (2014)</i> <i>Northeast Suburban Area Plan Update (2017)</i>	
Area Plan Recommendations	<ul style="list-style-type: none"> • Both area plans proposed land use maps recommend institutional land uses on the site in recognition of the previous nursing care facility use. • Higher intensity uses should be located within proposed activity centers. 	
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.	
Comprehensive Transportation Plan Information	This section of Old Walkertown Road is proposed to be modernized with paved shoulders and bike lane(s).	
Rezoning Consideration from Section 3.2.19 A 16	Have changing conditions substantially affected the area in the petition?	
	Yes. The section of the Northern Beltway near the site has been completed. This site does not have direct access to the Beltway corridor	

	<p>but is directly adjacent to it. The impacts of the Northern Beltway on future land uses should be considered in any rezoning of this site.</p>
	<p>Is the requested action in conformance with <i>Legacy 2030</i>?</p>
	<p>No. The request is inconsistent with the surrounding development pattern and the suburban/rural form and character of the area. The request would allow for three-story apartments that are not compatible with the surrounding area.</p>
<p>Analysis of Conformity to Plans and Planning Issues</p>	<p>The request is to rezone an approximately 7.19-acre site from RS9 to RM8-S to develop a 56-unit apartment complex. The petitioner has formally applied for annexation of the Forsyth County portion of the site into the City of Winston-Salem jurisdiction. The ultimate approval of this request is contingent upon annexation approval.</p> <p>The site plan proposes five apartment buildings, four of which are three-stories in height. Both <i>Legacy</i> and both area plans recommend minimizing urban sprawl and keeping higher intensity uses such as mid-rise apartments along growth corridors and in activity centers. While the site does lie within GMA 3 and has access to water and sewer, it is directly adjacent to GMA 4 which is a rural residential area.</p> <p>Staff acknowledges that area conditions have changed since the construction and development of this section of the Northern Beltway; however, the closest beltway interchange is at New Walkertown Road, a driving distance of approximately 2.2 miles from the site. The site is surrounded by low-intensity development and is not situated along a growth corridor or within an activity center. While a moderate density attached housing product of no more than two stories may be appropriate at this location, the proposed three-story apartment buildings are out of character with an area dominated by single-story structures and agricultural land. As the proposed development character is inconsistent with both <i>Legacy 2030</i> and both area plan recommendations, staff recommends denial of this request as currently proposed.</p>
<p>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</p>	
<p>Positive Aspects of Proposal</p>	<p>Negative Aspects of Proposal</p>
<p>The request would allow for the redevelopment of a previously developed site that has access to public utilities.</p>	<p>The request is inconsistent with both the <i>Walkertown Area Plan Update</i> and the <i>Northeast Suburban Area Plan Update</i> land use recommendations.</p>
<p>The Northern Beltway has impacted the character of the area and should be a consideration in future rezoning requests along the corridor.</p>	<p>The request is generally inconsistent with the recommendations of <i>Legacy 2030</i> which promotes development which is compatible with its surroundings.</p> <p>Approval of the request could promote land use intensification and rezonings in an area that is outside of a growth corridor or activity center.</p>

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 ANY PERMITS:

- a. The entire property shall be accepted for annexation by the City of Winston-Salem.

PRIOR TO ISSUANCE OF GRADING PERMITS:

- 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. The developer shall obtain a driveway permit from the North Carolina Department of Transportation; additional improvements include but are not limited to:
 - Record a negative access easement for the property line(s) adjoining Old Walkertown Road.

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. The developer shall complete all requirements of the driveway permit.
- b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.

OTHER REQUIREMENTS:

- a. The developer shall provide a 20' Type II Bufferyard along the entire frontage of Old Walkertown Road.

STAFF RECOMMENDATION: Denial

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-3567
MARCH 9, 2023**

Marc Allred presented the staff report.

George Bryan asked if Walkertown staff was present to address their compatibility concerns with the proposal. Staff explained the proposal was counter to Walkertown's area plan, but that Town staff did not object to this proposal. Jack Steelman asked if this area is served by water and sewer, to which Kirk Ericson replied that it is not. Staff and the Board members discussed the rationale for supporting or opposing high-density development at this location.

PUBLIC HEARING

FOR: Steve Causey

Mr. Causey, the engineer for the project, stated he was available to answer any questions.

AGAINST: None

WORK SESSION

MOTION: Mo McRae recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

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

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