# ACTION REQUEST FORM

**DATE:** December 21, 2022  
**TO:** The Honorable Mayor and City Council  
**FROM:** Chris Murphy, AICP/CZO, Director of Planning and Development Services

## COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning petition of DS Legacy Properties, LLC

## SUMMARY OF INFORMATION:

Public hearing and consideration of zoning petition of DS Legacy Properties, LLC from RM18-S to RM18-S (Cottage Court; Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Multifamily; Residential Building, Twin Home; Family Group Home A; Family Group Home B; Family Group Home C; Life Care Community, and Planned Residential Development); property is located on the south side of Indiana Avenue, across from Appomattox Drive (Zoning Docket W-3553)

## PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL  
**FOR:** WALTER FARABEE, CLARENCE LAMBE, CHRIS LEAK, MO MCRAE, SALVADOR PATINO, BRENDA SMITH, JACK STEELMAN  
**AGAINST:** GEORGE BRYAN  
**SITE PLAN ACTION:** NOT REQUIRED
CITY ORDINANCE - SPECIAL USE

Zoning Petition of DS Legacy Properties, LLC, Docket W-3553

AN ORDINANCE AMENDING THE
WINSTON-SALEM CITY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE CITY OF WINSTON-SALEM, N.C.

_________________________________

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RM18-S to RM18-S (Cottage Court; Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Multifamily; Residential Building, Twin Home; Family Group Home A; Family Group Home B; Family Group Home C; Life Care Community, and Planned Residential Development) the zoning classification of the following described property:

PIN 6817-97-0305

Section 2. This Ordinance is adopted after approval of the site plan entitled Tannery Mill Apartment and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _______ day of __________________, 20___ to DS Legacy Properties, LLC.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the Unified Development Ordinances for a development to be known as Tannery Mill Apartment. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.
The City Council of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of DS Legacy Properties, LLC, (Zoning Docket W-3553). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for RM18-S (Cottage Court; Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Multifamily; Residential Building, Twin Home; Family Group Home A; Family Group Home B; Family Group Home C; Life Care Community, and Planned Residential Development), approved by the Winston-Salem City Council the ______ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of the RM18-S zoning district of the Zoning Ordinance of the Unified Development Ordinances, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO ISSUANCE OF GRADING PERMITS:**
  a. The developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of the driveway permits. Additional improvements may include but are not limited to: Installation of left and right turn lanes with a minimum of 50' storage and appropriate taper. Dedicate additional ROW for these improvements. Addition of a 6'x15' concrete pad for future bus shelter at the Appomattox bus stop. Installation of required curb and gutter and sidewalk required along the entire Indiana Avenue frontage.

- **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(s).
  b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
c. A 10’ Type I bufferyard shall be planted along the frontage of Indiana Avenue until its intersection with Appomattox Drive. The remainder of the site frontage west of the Appomattox Drive intersection shall be planted with two (2) deciduous trees per 100 feet.
## PETITION INFORMATION

<table>
<thead>
<tr>
<th><strong>Docket</strong></th>
<th>W-3553</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff</strong></td>
<td>Amy McBride</td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
<td>DS Legacy Properties, LLC</td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
<td>Same</td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
<td>PIN 6817-97-0305</td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
<td>Special Use rezoning</td>
</tr>
</tbody>
</table>

### Proposal

The petitioner is requesting to amend the Official Zoning Map for the subject property from RM18-S (Residential, Multifamily – 18 units per acre) to RM18-S (Residential, Multifamily – 18 units per acre). The petitioner is requesting the following uses:

- Cottage Court; Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Multifamily; Residential Building, Twin Home;
- Family Group Home A; Family Group Home B; Family Group Home C; Life Care Community, 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 direct access to a minor thoroughfare. The request proposes a density less than 18 units per acre.

## GENERAL SITE INFORMATION

### Location

South side of Indiana Avenue, across from Appomattox Drive.

### Jurisdiction

Winston-Salem

### Ward(s)

North

### Wards(s) July 2023

North

### Site Acreage

± 10.23 acres

### Current Land Use

The site is currently undeveloped.

<table>
<thead>
<tr>
<th><strong>Surrounding Property Zoning and Use</strong></th>
<th><strong>Direction</strong></th>
<th><strong>Zoning District</strong></th>
<th><strong>Use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>RS9 and RM18-L</td>
<td>Single-family homes and vacant property</td>
</tr>
</tbody>
</table>
### East RM18 Apartments
- South: RS9, RM18 and RM18-S, Railroad right-of-way, apartments, and vacant property
- West: RS9, Single-family homes

### 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 from the northeast toward the southeast and southwest.

### Proximity to Water and Sewer
The site has access to public water and sewer from Indiana Avenue.

### Stormwater/Drainage
Runoff will be managed by two above-ground stormwater facilities in the southeast and southwest portions 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 southeast and southwest. The site has adequate access to public utilities and is not located within a water supply watershed.

#### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Staff</td>
<td>CCPB</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W-3551</td>
<td>RS9 and RM18-S to RM18</td>
<td>Pending (active case)</td>
<td>Adjacent parcel south of site</td>
<td>4.56</td>
<td>Approval Pending (active case)</td>
</tr>
<tr>
<td>W-3262</td>
<td>RS9 to RM18-L</td>
<td>Approved 5/14/2015</td>
<td>60 feet northeast</td>
<td>1.21</td>
<td>Approval Approval</td>
</tr>
<tr>
<td>W-2934</td>
<td>RS9 to RM18-S</td>
<td>Approved 9/17/2007</td>
<td>Subject property</td>
<td>10.04</td>
<td>Approval Approval</td>
</tr>
<tr>
<td>W-2335</td>
<td>RS9 to RM18-S</td>
<td>Approved 9/7/1999</td>
<td>111 feet northeast</td>
<td>.66</td>
<td>Approval Approval</td>
</tr>
<tr>
<td>W-2310</td>
<td>RS9 and RM18-S to RM18-S</td>
<td>Approved 5/3/1999</td>
<td>217 feet northeast</td>
<td>58.77</td>
<td>Approval Approval</td>
</tr>
</tbody>
</table>

#### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>Average Daily Trip Count</th>
<th>Capacity at Level of Service D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana Avenue</td>
<td>Minor Thoroughfare</td>
<td>1,152 feet</td>
<td>2,400</td>
<td>13,800</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)** The proposed site plan depicts one private access point on Indiana Avenue that will connect to off-street parking areas.
Proposed Road Improvements

WSDOT will require left and right turn lanes with a minimum of 50' storage, appropriate taper, and dedicated right-of-way to accommodate additional traffic.

Trip Generation - Existing/Proposed

Existing Zoning: RM18-S
181 units (previously approved site plan) x 2.84 (retirement community trip rate) = 514 trips per day

Proposed Zoning: RM18-S
180 units x 6.65 (apartment trip rate) = 1,195 trips per day

Sidewalks

A public sidewalk is proposed on the south side of Indiana Avenue. Sidewalks are also proposed along the internal private streets.

Transit

WSTA Route 89 serves Indiana Avenue at the intersections of Appomattox Drive and Triangle Drive adjacent to the site.

Connectivity

The request does not propose any connectivity to adjacent properties. The site is geographically constrained by the railroad right-of-way to the south and the existing apartment development to the east.

Transportation Impact Analysis (TIA)

A TIA is not required.

Analysis of Site Access and Transportation Information

The request proposes one private access point from Indiana Avenue and includes a proposed sidewalk extending along the frontage of the site. Indiana Avenue is a minor thoroughfare with ample capacity to handle the estimated additional trip generation. The developer will be required to provide additional improvements on Indiana Avenue to facilitate turning movements at the development entrance.

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Varies by building type</td>
<td>One bedroom – 54 units&lt;br&gt;TWO bedroom – 72 units&lt;br&gt;Three bedroom – 54 units&lt;br&gt;Total units = 180 units</td>
<td>Various locations (see site plan)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Units (by type) and Density</th>
<th>Vehicle-315 Bicycle-23</th>
<th>Vehicle-321 Bicycle-25</th>
<th>90-degree head-in</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>VEHICLE</td>
<td>315</td>
<td>321</td>
<td>90-degree head-in</td>
</tr>
<tr>
<td>BIKE</td>
<td>23</td>
<td>25</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
<td>60 feet</td>
<td>Three-story buildings</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum</td>
<td>80 percent</td>
<td>48.6 percent</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th>(A) Legacy 2030 policies:</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(B) Environmental Ord.</td>
<td>N/A</td>
</tr>
<tr>
<td>Analysis of Site Plan Compliance with UDO Requirements</td>
<td>The proposed site plan shows a total of six apartment buildings with three three-story buildings and three four/five-story buildings along with a pool and amenity area accessed by a new private driveway. Sidewalks are proposed along the frontage of Indiana Avenue and internal throughout the site, providing access to the required common recreation areas. Provided tree save area exceeds the required ten percent and is located along the south and eastern property lines.</td>
<td></td>
</tr>
</tbody>
</table>

| CONFORMITY TO PLANS AND PLANNING ISSUES |

| **Legacy 2030 Growth Management Area** | Growth Management Area 3 – Suburban Neighborhoods |
| **Relevant Legacy 2030 Recommendations** | • Encourage a mixture of residential densities and housing types through land use recommendations.  
• Promote compatible infill development that fits with the context of its surroundings.  
• Encourage development in areas with existing infrastructure before extending infrastructure farther. |

| **Relevant Area Plan(s)** | North Suburban Area Plan Update (2014) |
| **Area Plan Recommendations** | • The area plan recommends the subject property for intermediate density residential land uses (8.1-18 Dwelling Units / Acre).  
• Generally intermediate-density residential land use is recommended for sites greater than two acres that are most appropriately developed with multifamily or townhouse structures.  
• Develop a variety of housing types for different income levels, family sizes, and personal preferences in the planning area to provide a mixture of housing opportunities. |

| Site Located Along Growth Corridor? | This site is not located along a growth corridor. |
| Site Located within Activity Center? | This site is not located within an activity center. |

| Rezoning Consideration from Section 3.2.19 A 16 | Have changing conditions substantially affected the area in the petition?  
No  
Yes. The request is consistent with Legacy 2030 recommendations for creating infill development that fits in the context of surrounding development patterns and is within the serviceable land area. |
The request is to rezone a 10.23-acre tract from RS18-S (for a retirement community) to RM18-S with additional uses. The proposed site plan accommodates 180 apartment units at a density of 17.59 dwelling units per acre.

The site is located on the south side of Indiana Avenue across from a single-family residential neighborhood. The site is bordered almost entirely by multifamily-zoned property to the south and the east.

*Legacy* recommends a variety of housing types and infill development, provided the design is compatible with the general character of the surrounding area. The developer has proposed three-story buildings along the frontage of Indiana Avenue. Staff is recommending an additional condition of approval that would provide a landscape buffer yard along the entire road frontage to provide additional building and parking area screening. The request is consistent with the area plan land use recommendation of 8.1-18 dwelling units per acre.

This request contributes to the variety of housing types in the area; and is generally compatible with the area and recommendations of the area plan recommendation and *Legacy 2030*. Staff is supportive of this request.

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposal is consistent with the recommendations of the <em>North Suburban Area Plan Update</em> and <em>Legacy 2030</em>.</td>
<td>The request would generate additional traffic, although Indiana Avenue has ample capacity to accommodate any increase.</td>
</tr>
<tr>
<td>The request will increase the variety of housing types available in the area.</td>
<td></td>
</tr>
<tr>
<td>The site is adjacent to other multifamily development and fits in the context to the surrounding development pattern.</td>
<td></td>
</tr>
</tbody>
</table>

**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 GRADING PERMITS:**
  a. The developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of the driveway permits. Additional improvements may include but are not limited to:
     - Installation of left and right turn lanes with a minimum of 50’ storage and appropriate taper. Dedicate additional ROW for these improvements.
     - Addition of a 6’x15’ concrete pad for future bus shelter at the Appomattox bus stop.
     - Installation of required curb and gutter and sidewalk required along the entire Indiana Avenue frontage.
• 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(s).
  b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
  c. A 10’ Type I bufferyard shall be planted along the frontage of Indiana Avenue until its intersection with Appomattox Drive. The remainder of the site frontage west of the Appomattox Drive intersection shall be planted with two (2) deciduous trees per 100 feet.

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.
Bryan Wilson presented the staff report.

PUBLIC HEARING

FOR: None
AGAINST: None

WORK SESSION

Mo McRae asked questions related to the proposed single development access point and whether this would lead to potential traffic or public safety issues. Bryan Wilson and Chris Murphy provided additional information. George Bryan asked staff about the proposed stormwater devices, including where such devices would discharge stormwater. Chris Murphy provided an explanation that the eventual outlet for stormwater would be on the western end of the site. George Bryan expressed additional concerns related to stormwater management impacts of the development on Monarcas Creek.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.
SECOND: Walter Farabee
VOTE:
   FOR: George Bryan, Walter Farabee, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith, Jack Steelman
   AGAINST: None
   EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment with revised conditions.
SECOND: Walter Farabee
VOTE:
FOR: Walter Farabee, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith, Jack Steelman
AGAINST: George Bryan
EXCUSED: None

Chris Murphy, AICP/CZO
Director of Planning and Development Services
Property included in zoning request.
500' mail notification radius. Property not in zoning request.

DOCKET #: W-3553

PROPOSED ZONING:
RM18-S

EXISTING ZONING:
RM18-S

PETITIONER:
DS Legacy Properties, LLC
(Tannery Mill Apartments)

SCALE: 1" represents 400'
STAFF: McBride
GMA: 3
ACRES: 10.23
NEAREST BLDG: 19' east
MAP(S): 6817.02
North Suburban Area Plan Update, 2014

(Proposed land uses shown are generalized. See area plan for specific recommendations.)

Rezoning
Activity Center
Special Land Use Condition Areas

Proposed Land Use
- Single-Family Residential (0-8 DU/Ac)
- Low-Density Attached Residential (0-8 DU/Ac)
- Intermediate-Density Residential (8.1-18 DU/Ac)
- High-Density Residential (over 18 DU/Ac)
- Office
- Commercial
- Industrial
- Institutional
- Park
- Utilities

Proposed Growth Corridor
- Suburban Form - Commercial/Office/Multifamily
Exterior Wall #1
· Cementious Siding / Panel
· Painted
· Pattern: Vertical
· Paint: TBD
· Color: TBD

Exterior Wall #5
· Aluminum Pre-Fabricated Canopy
· Series: See Details
· Pattern: See Elevations
· Paint: Manufacturer Black
· Color: Manufacturer Black

Exterior Wall #4
· Architectural Window System
· Series: See Details
· Pattern: See Elevations
· Color: White
· Glass: Translucent - Light Blue

Exterior Wall #6
· Architectural Exterior Lighting Fixture
· MFR: Willslight or Equal
· Series: IP65, 150MM - Square
· Color: Manufacturer Black
· Light Trespass - Full Cut Off
· Compliant with AJH

General Notes:
· All Exterior Utilities shall match adjacent building colors, as allowable by Authorities Having Jurisdiction - (AHJ)
· Exterior Lighting Fixtures shall be as allowable by Authorities Having Jurisdiction - (AHJ)
Exterior Wall #1
- Cementious Siding / Panel
- Painted
- Pattern: Vertical
- Paint: TBD
- Color: TBD

Exterior Wall #5
- Aluminum Pre-Fabricated Canopy
- Series: See Details
- Pattern: See Elevations
- Paint: Manufacturer Black
- Color: Manufacturer Black

Exterior Wall #4
- Architectural Window System
- Series: See Details
- Pattern: See Elevations
- Color: White
- Glass: Translucent - Light Blue

Exterior Wall #6
- Architectural Exterior Lighting Fixture
- MFR: Willslight or Equal
- Series: IP65, 150MM - Square
- Color: Manufacturer Black
- Light Trespass - Full Cut Off
- Compliant with AJH

General Notes:
- All Exterior Utilities shall match adjacent building colors, as allowable by Authorities Having Jurisdiction - (AHJ)
- Exterior Lighting Fixtures shall be as allowable by Authorities Having Jurisdiction - (AHJ)
The comments listed below reflect remaining issues that must be addressed before your request can proceed to the Planning Board. All outstanding issues included in this list must be satisfactorily addressed on the revised site plan and re-submitted back to Planning staff no later than 5:00pm on the Thursday two weeks before (14 days prior to) the Planning Board meeting.

Open Issues: 18

| Engineering |  
|-------------|---
| General Issues |  
| 13. General comments |  

Wednesday, November 16, 2022

Created with idtPlans Review 11/16/22
The following item is required before the driveway permit may be reviewed:

1. A City driveway permit is required for the permanent entrance on Indiana Avenue. Please complete and sign a driveway permit application and return it, along with a copy of the site plan, to the Engineering Division for review. A review fee of $200 is also required. Please submit all items through IDT plans.

The following items are required as part of the detailed plan review:

2. Proposed storm drainage systems will need to be shown on the plan. Also include design calculations and construction details for all storm drainage elements. Storm drainage information may be shown in tabular form on the plan sheets.

3. Provide construction details for sidewalks, curb and gutter, wheelchair ramps, etc. Where possible, please use construction details from the City IDS Manual. Include construction detail V-13 for the entrance off of Indiana Avenue. Provide turning radii for the concrete apron off of Indiana Avenue.

4. Please note on the plan that 4,000 psi concrete must be used for the dumpster pads. The slab must be a minimum of 8” thick and must be placed on 6” of compacted ABC stone. 4,000 psi concrete must also be used in the driveway apron for the entrance off of Indiana Avenue.

5. Ensure adequate sight distances along Indiana Avenue. Be sure to include 10’ x 70’ sight triangles at the project entrance.

Erosion Control

General Issues

9. Grading/Erosion Control Permit and Erosion Control Plan needed

If the proposed project creates more than 10,000 sq. ft. of land disturbance (20,000 sq. ft. of land disturbance for Single-Family Dwelling construction), a Grading/Erosion Control Permit will be required prior to the start of work. In order to obtain this permit you must submit a professionally designed Erosion Control Plan along with an original signed/notarized Financial Responsibility/Ownership (FRO) form for review and approval. Please submit the plan through the electronic plan review portal as application type 04.02 Grading/Erosion Control Permit at the following link: https://winston-salem.idtplans.com/secure/

10. Erosion Control Plan Review to NCDEQ - DEMLR

If this project will use any public funds, then Erosion Control Plan approval will need to be completed through NCDEQ - DEMLR. The contact for NCDEQ - DEMLR at the Winston-Salem Regional Office is Tamera Eplin (336-776-9800).

Fire/Life Safety

General Issues

17. Sketch Plans and Site Plans
Indicate locations of fire hydrants (existing and proposed) to demonstrate compliance with fire code requirements and City development standards.

For those buildings on this site that are equipped with sprinkler or standpipe systems, indicate the location of each FDC, ensuring no FDC is more than 100 feet from a fire hydrant.

Ensure fire apparatus access roads are provided, designed, built and maintained in compliance with fire code requirements. These requirements include but are not limited to the following items:

- Design, construction and maintenance of fire apparatus access roads to carry an imposed load of not less than 75,000 pounds;
- Clear width requirements of not less than 20 feet for two-way traffic;
- Clear height requirements of not less than 13 feet, 6 inches;
- Design, construction and maintenance of approved turnaround designs for fire apparatus access roads when the dead-end length of the required access road is more than 150 feet.
- Gates may not obstruct fire apparatus access roads unless approved by the Winston-Salem Fire Department; approval requires compliance with all applicable fire code requirements.

As part of your construction plan submittal, include the calculations for needed fire flow for this project and indicate the approved method of calculation in use. Buildings that are equipped with sprinkler systems throughout are exempt from this requirement. Refer to Section 507 of the 2018 NC Fire Code for further information. Approved calculation methods include the following options:

- Appendix B of the 2018 NC Fire Code; or
- the ISO Fire Suppression Rating Schedule (as described in [https://www.isomitigation.com/siteassets/downloads/guidetodeterminerequiredfireflow.pdf](https://www.isomitigation.com/siteassets/downloads/guidetodeterminerequiredfireflow.pdf)).

Emergency responder radio coverage shall meet the requirements of Section 510 of the 2018 NC Fire Code for this project. Consider how these requirements, including any systems necessary to bring radio coverage into compliance with this section, may impact your plans.
24. **Text Box**  B

City of Winston-Salem  
Bryan Wilson  
336-747-7042  
bryandw@cityofws.org  
11/16/22 9:26 AM  
01.03) Rezoning-  
Special Use District - 2

Label dumpsters

25. **Text Box**  B

City of Winston-Salem  
Bryan Wilson  
336-747-7042  
bryandw@cityofws.org  
11/16/22 9:49 AM  
01.03) Rezoning-  
Special Use District - 2

Show any monument signage and sight triangles

---

**General Issues**

4. **COUNCIL MEMBER CONTACT**

City of Winston-Salem  
Marc Allred  
336-727-8000  
marca@cityofws.org  
10/24/22 3:26 PM  
Pre-Submittal Workflow  
- 1

Please ensure that you have contacted the appropriate Council Member and/or the Community Assistance Liaison for their office prior to the Planning Board Hearing. Be advised that Council Members may want to participate in any community outreach efforts. Information for each Council Member can be found on their website here: [https://www.cityofws.org/564/City-Council](https://www.cityofws.org/564/City-Council)

MLA Design Group, Inc  
Ash Miller  
3362512460  
mla@millerla.com  
10/31/22 1:26 PM  
Pre-Submittal Workflow  
- 1

We met with the council member and have invited her to the neighborhood meeting scheduled for November 10.

[Ver. 2] [Edited By Ash Miller]

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14. **Historic Resources**

City of Winston-Salem  
Heather Bratland  
336-727-8000  
heatherb@cityofws.org  
11/4/22 9:58 AM  
01.03) Rezoning-  
Special Use District - 2

No comments

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21. **Environmental Features/Greenways**
<table>
<thead>
<tr>
<th>22. CAC</th>
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<tbody>
<tr>
<td><strong>City of Winston-Salem</strong></td>
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<tr>
<td>Amy Crum</td>
</tr>
<tr>
<td><a href="mailto:amyc@cityofws.org">amyc@cityofws.org</a></td>
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<tr>
<td>01.03) Rezoning-Special Use District - 2</td>
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</tbody>
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<tr>
<th>26. Elevations</th>
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<tr>
<td><strong>City of Winston-Salem</strong></td>
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<tr>
<td>Bryan Wilson</td>
</tr>
<tr>
<td><a href="mailto:bryandw@cityofws.org">bryandw@cityofws.org</a></td>
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<td>01.03) Rezoning-Special Use District - 2</td>
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### Sanitation

**General Issues**

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<tr>
<td><strong>City of Winston-Salem</strong></td>
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<tr>
<td>Helen Peplowski</td>
</tr>
<tr>
<td><a href="mailto:helenp@cityofws.org">helenp@cityofws.org</a></td>
</tr>
<tr>
<td>01.03) Rezoning-Special Use District - 2</td>
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</tbody>
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### Stormwater

**General Issues**

| 11. Stormwater Management Permit Required |
This development will be required to apply for and be issued with a Post Construction Stormwater Management permit that shows compliance with the City of Winston-Salem's Post Construction Stormwater Management ordinance provisions.

The development will be considered a high density development in terms of the water quality provisions of the ordinance since it exceeds 24% impervious area and exceeds 2 units per acre. The plan states the impervious percentage will be 48.6% and the units per acre will be 17.59. The high density provisions require that the first inch of runoff from the development is captured and treated in an approved Stormwater management system.

The water quantity provisions of the ordinance will apply since more than 20,000 sq.ft. of new impervious area is proposed to be created. These provisions require that the post developed peak runoff rates for the 2, 10 and 25 year storm events of minimum 6 hour duration be managed to at or below the pre developed rates in an approved Stormwater management system. In addition the increase in the pre versus post 25 year volume must be stored in the system and released over a 2 to 5 day period.

Your plan is currently showing two "Stormwater BMP's" and they are labeled as such. The Planning Board and public may want to know what the specific types of BMP's these will be so that is something you may want to consider before you go to the Planning Board. I myself do not need to know this at this stage as I will ensure adequate BMP's are designed when this is permitted but again the Planning Board may want to know what they are approving and so I'm just mentioning it here for that reason.

The Stormwater management permit will require that a non-refundable financial surety equal to 4% of the estimated construction cost of the Stormwater management system be provided to the City at the time of permitting.

The permit process will also require that an Operation and Maintenance Agreement for the Stormwater management system be approved by the City and once approved recorded at The Forsyth County Register of Deeds office.

Utilities

15. General Comments

City of Winston-Salem
Chris Jones
336-747-7499
charlesj@cityofws.org
11/7/22 11:31 AM
01.03) Rezoning-Special Use District - 2

Any existing connections not intended for reuse must be terminated at the main. Water/sewer interior to the site will be private. Site will be master metered with a Reduced pressure assembly backflow preventer matching the meter size. Water connections must be out of the driveway. Pool must discharge to storm, NOT SANITARY SEWER.

WSDOT

18. General Comments
- WSDOT will require left and right turn lanes with a minimum of 50' storage and appropriate taper. Dedicate ROW for these improvements.
- Ensure new driveway meets sight distance requirements—100' for every 10 miles per hour of the posted speed limit +5mph (400' for 40mph).
- Reduce in gress lane down to 12' and remove median.
- WSDOT recommends 1 lane in and 1 lane out to reduce width of driveway.
- Add 6'x15' concrete pass for future bus shelter at Appomattox bus stop.
- Curb and gutter and sidewalk required along entire Indiana frontage.
- 7' sidewalk required where parking abuts for install wheelstops.

City of Winston-Salem
David Avalos
336-727-8000
davida@cityofws.org
11/16/22 8:16 AM
01.03) Rezoning-Special Use District - 2

Zoning

General Issues

16. Zoning

City of Winston-Salem
Amy McBride
336-727-8000
amym@cityofws.org
11/16/22 9:32 AM
01.03) Rezoning-Special Use District - 2

Some parking areas are missing the required min 75' radius from large variety tree. Most of the internal parking islands are less than the required 600 sf needed for a large tree to count towards this. The parking area south of the clubhouse, in front of building 3 & 6 are missing the coverage.

Bicycle parking is required. Please show the calculation with the required parking and show proposed locations for this.

We recommend that the 10' street yard buffer be changed to a 10’ Type I buffer along Indiana as single family residential is across the street.

[Ver. 4] [Edited By David Avalos]

[Ver. 5] [Edited By Amy McBride]
22 November 2022

City of Winston-Salem
Zoning and Subdivision
Winston-Salem, NC 27101

Re: Tannery Mill Apartments Rezoning – Neighborhood Outreach Summary

On Monday, October 17, 2022, MLA mailed approximately 50 letters to the properties owners that are within five hundred feet of the Tannery Mill Apartment property being rezoned. The PIN number for this parcel being #6817-97-0305. The address labels were generated through the online Forsyth County GIS system (Planning App). Mailed letters detailed the requested rezoning of the parcel from RM18-S to RM18-S and invited the neighbors to an in person meeting to review the rezoning documents and provide feedback. The meeting was set to be held at the Bathabara Visitor Center on Thursday, November 10, 2022 from 5:30 – 7:00 pm. These letters were sent over seven days in advance of the proposed meeting. Mayor Pro Tempore/Council Member Adams was provided with a copy of the current rezoning plan and invited to attend the meeting. MLA did meet with Mayor Pro Tempore/Council Member Adams prior to setting up the neighborhood meeting.

The meeting was held on the date advertised with representation from JK Land Company, LLC (developer) and MLA Design Group to review the plans with neighbors and answer any questions. During the meeting, approximately 12 - 15 neighbors dropped in to review and discuss the project. The neighbors taking part in the meeting all lived within the adjacent neighborhood. Our meeting ended at approximately 7:00 pm after a short presentation and a question-and-answer period. Overall, JK Land Company, LLC and MLA Design Group found the meeting to be beneficial in terms of relaying information on the proposed rezoning to the attendees while providing a forum to answer questions while receiving feedback from those neighbors living within the vicinity.

Several common comments did arise during the meeting, and they include the following:

- Questions regarding increased traffic along Indiana Avenue. Happy to hear about the single entrance & location.
- Questions about what type of housing market will be targeted as neighbors voiced concern over not wanting low-income housing being constructed adjacent to their neighborhood due to safety concerns. This was the most vocal concern.
- Neighbors were not opposed to development, just voiced concerns about keeping their existing neighborhood safe.
- Asked about the widening of Indian Avenue and effect on the right-of-way along the neighborhood side.
- Asked about existing trees to be saved or new trees to be planted along Indiana Avenue to screen the apartment buildings.

Thank you,

Paul Fidishun
Director of Landscape Architecture/Land Planning
MLA Design Group, Inc.
T- 336.765.1923
F- 336.765.5023
17 October 2022

Dear Neighbor,

On behalf of the JK Land Company, LLC, we want to invite you to an informational drop-in session about the proposed rezoning of property located 5640 Indiana Avenue in Winston Salem. This proposed rezoning is from multi-family residential (RM18-S) to multi-family residential (RM18-S). The purpose of the rezoning is to construct (6) apartment buildings and amenities within the current property limits. During the informational meeting, we will be sharing the Rezoning Site Plan and talking through the proposed improvements. MLA Design Group has prepared the plans and our office will be available during the drop-in session to answer any questions about the proposed site and apartments.

Our drop-in session will take place on **Thursday, November 10, 2022, from 5:30 pm – 7:00 pm** at the Bethabara Visitor Center located at 2147 Bethabara Road in Winston-Salem. We hope you will join us so that we can hear any ideas or concerns you may have.

Please call our office at (336) 765-1923 with any questions you may have about the session.

Sincerely,

SCOTT MILLER
*President, RLA, ASLA*
MLA Design Group, Inc.
T- 336.765.1923
F- 336.765.5023
[www.MILLERLA.com](http://www.MILLERLA.com)
My name is Doris Joyner and my home is 5701 Harpers Ferry Road. I am concerned about the special property that has been submitted by DS Legacy PropertiesLLC on the south side of Indiana Avenue across from Appomattox Drive. My concern is the amount of units to be placed in an area which already has traffic problems.

This portion of Indiana Avenue is a narrow and busy two lane Avenue which gets even narrower down near the railroad trellis. There is no paved pullover on the left or right side of the road at this part of Indiana. The railroad trellis creates a blind area for cars already traveling on Indiana. The road narrows at the trellis. Including 18 units per acre will increase the traffic flow of the number of vehicles.

Another concern is student safety. It has city buses and school buses traveling this area. Presently there is a bus stop for K-12 students at the corner of Appomattox and Indiana for Stonewall students. There is also a school bus stop for the apartment complex Olde North Village which is a few feet above the proposed site. Adding 18 units per acre will increase the student population. The number of students will increase and school buses will increase too especially between 6:30 am to 8:30 am and evening 3:30 pm. to 5 pm. Drivers traveling at this time of day will endanger children in this narrow area of Indiana. There is only a small grassy waiting area for students. Cars coming down Indiana Avenue before Appomattox Drive put our students in jeopardy of being hit.

City bus traffic will increase too in this already narrow area of Indiana which is not far from the railroad trellis and at the entrance across from the Stonewall Community. City bus riders who are waiting to catch the city buses are having to wait in a grassy area, and sometimes wet area to catch the buses. The number of bus riders will increase the morning commute. Whenever an accident occurs in this area traffic backs up and there is no turn around area lane or a wide road shoulder to keep traffic moving.

Adding 18 multifamily units proposed per acre will create several traffic and safety problems. What does the City propose to do for the traffic flow before these units are built? Can the proposed number of units be lessened for this already congested area to ten?

There are residents young and old across from this proposed area which will be affected too from this new overflow of traffic and increase of families. Is there a proposed new traffic pattern which will give wider lanes and turning lanes for cars on each side of Indiana to safely enter their home? Will school buses enter in the newly proposed area for students to safely wait for their buses?

As a homeowner safety is important and as a retired school administrator student safety is important.

Thank you.
Doris Joyner

Sent from my iPad
Dear Planning Board Members:

The *Winston-Salem Neighborhood Alliance (WSNA)* has some storm water management issues with the **W-3551** and **W-3553** Zoning Cases before the Planning Board on 12.8.2022.

With **W-3551** (North side of Bethabara Road, across from Old Town Road-North Ward, RS9 and RM18-S to **RM18**; 4.56 acres) and **W-3553** (South side of Indiana Avenue, across from Appomattox Drive-North Ward, RM18-S to **RM18-S**; 10.23 acres), both of these cases are dealing with properties and adjacent areas that are prone to intensive and frequent flooding greater than the current 25-year level of storm water control and management. The last major flooding on Bethabara Road that was greater than a 25-year flood was in August of 2020. WSNA has also worked on past documented zoning cases where neighbors spoke out about how the impact of new development has helped to increase the flooding in the Bethabara Road area, given the current climate crisis, the intensity of the storms being experienced, and the lack of stronger storm water control and management.

As such, **WSNA asserts that there needs to be stronger storm water control and management at least at a 50-year level** (or preferably even higher, compared to the current 25-year requirement) as a requirement for approving both the **W-3551** and **W-3553** Zoning Cases.

Also, **WSNA asserts that before granting approval of the W-3551 case that the zoning designation for this case needs to be changed** from RM-18-General Use to **RM-18-Special Use** in order to **trigger a site plan** to ensure adequate or preferably above average storm water control and management on this property. If not, the Planning Staff will have no way to ensure the proper storm water control and management for this W-3551 site.

Sincerely yours,

Carolyn Highsmith
On behalf of the W-S Neighborhood Alliance (WSNA); WSNA Zoning Committee
President, Konnoak Hills Community Association
Vice President, New South Community Coalition
Landline Phone: 336-7888-9461
Email: carolyn_highsmith@outlook.com
Zoning Case No.: W-3553

Property Address: 0 Indiana Avenue

Parcel Identification Number(s): 6817-97-0305

_Hereinafter referred to as the “Property”_

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1. I hereby certify that authority has been given to me, by all owners of the Property, to consent to the conditions of the special use district approval.

2. I hereby consent to the following conditions, as required by North Carolina General Statute 160D-703

- **PRIOR TO ISSUANCE OF GRADING PERMITS:**
  a. The developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of the driveway permits.
     Additional improvements may include but are not limited to:
     - Installation of left and right turn lanes with a minimum of 50’ storage and appropriate taper. Dedicate additional ROW for these improvements.
     - Addition of a 6’x15’ concrete pad for future bus shelter at the Appomattox bus stop.
     - Installation of required curb and gutter and sidewalk required along the entire Indiana Avenue frontage.

- **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(s).
  b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
  c. A 10’ Type I bufferyard shall be planted along the frontage of Indiana Avenue until its intersection with Appomattox Drive. The remainder of the site frontage west of the Appomattox Drive intersection shall be planted with two (2) deciduous trees per 100 feet.
3. I acknowledge that this written consent is a condition precedent to placement of the Property into a special use district.

This the 14th day of December, 2022.

By: 

Name: Robert Maynard
Title: Manager Member
Date: 12/14/22

STATE OF NORTH CAROLINA
COUNTY OF Mecklenburg

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she voluntarily signed the foregoing document for the purpose stated therein and in the capacity indicated: Manager of SK Land Company LLC

Ben J Cassarino
NOTARY PUBLIC
Mecklenburg County, NC
My Commission Expires September 20, 2026

Notary Public: 
Printed Name: Ben J Cassarino
Commission Expires: 9/20/2026