**ACTION REQUEST FORM**

**DATE:** March 29, 2023  
**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 WR Hutchings Construction, LLC

**SUMMARY OF INFORMATION:**

Public hearing and consideration of zoning petition of WR Hutchings Construction, LLC from City of Winston-Salem RS9 and Forsyth County RS9 to City of Winston-Salem RM8-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Residential Building, Multifamily; and Planned Residential Development) property is located on the Northeast corner of the intersection of Old Walkertown Road and Dippen Road (Zoning Docket W-3567)

**PLANNING BOARD ACTION:**

| MOTION ON PETITION: | APPROVAL  
| FOR: | UNANIMOUS  
| AGAINST: | NONE  
| SITE PLAN ACTION: | CONFORMS TO THE REQUIREMENTS OF THE UDO |
CITY ORDINANCE - SPECIAL USE

Zoning Petition of WR Hutchings Construction, LLC, Docket W-3567

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 City of Winston-Salem RS9 and Forsyth County RS9 to City of Winston-Salem RM8-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Residential Building, Multifamily; and Planned Residential Development) the zoning classification of the following described property:

PIN 6847-89-8458

Section 2. This Ordinance is adopted after approval of the site plan entitled Mill Creek Crossing Apartments and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of ________________, 20__ to WR Hutchings Construction, 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 Mill Creek Crossing Apartments. 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 WR Hutchings Construction, LLC, (Zoning Docket W-3567). 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 RM8-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; Residential Building, Multifamily; 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 RM8-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 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
## CITY-COUNTY PLANNING BOARD
### STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket</th>
<th>W-3567</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Marc Allred</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>WR Hutchings Construction, LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN 6847-89-8458</td>
</tr>
<tr>
<td>Type of Request</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 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:
- 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

<table>
<thead>
<tr>
<th>Location</th>
<th>Northeast corner of the intersection of Old Walkertown Road and Dippen Road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Winston-Salem and Forsyth County (Pending City Annexation)</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Northeast</td>
</tr>
<tr>
<td>Ward(s) July 2023</td>
<td>Northeast</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± 7.19 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>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.</td>
</tr>
</tbody>
</table>

### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS9</td>
<td>Vacant land</td>
</tr>
<tr>
<td>South</td>
<td>RS9</td>
<td>Church and vacant land</td>
</tr>
<tr>
<td>Rezoning Consideration from Section 3.2.19 A 16</td>
<td>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</td>
<td></td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Physical Characteristics</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water and sewer are available to the property.</td>
<td></td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
<td>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.</td>
<td></td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The site is not located within a water supply watershed.</td>
<td></td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>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.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>RELEVANT ZONING HISTORIES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Case</td>
</tr>
<tr>
<td>No relevant prior rezonings exist in the immediate area.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SITE ACCESS AND TRANSPORTATION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Name</td>
</tr>
<tr>
<td>Old Walkertown Road</td>
</tr>
<tr>
<td>Dippen Road</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
</tr>
<tr>
<td>Proposed Road Improvements</td>
</tr>
</tbody>
</table>
Trip Generation - Existing/Proposed

**Existing Zoning: RS9**
7.19 acres = 34 potential homes (RS9) x 9.57 (single-family trip rate) = 325.38 trips per day

**Proposed Zoning: RM8-S**
56 units x 6.65 (apartment trip rate) = 372.40 trips per day

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**

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.

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.

### 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>(1) – two story building of 5,552 square feet.</td>
<td>The two-story building is on the eastern portion of the site.</td>
<td></td>
</tr>
<tr>
<td>(4) – three story buildings of 6,460 square feet each.</td>
<td>The remaining three-story buildings are located in the northern and southern portions of site.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Units (by type) and Density</th>
<th>Two bedroom - 56 units</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total units - 56 units</td>
<td></td>
</tr>
<tr>
<td>56 units/7.19 acres = 7.79 units per acre</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>98</td>
<td>113</td>
<td>90-degree parking</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>45’</td>
<td></td>
<td>37’</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>70%</td>
<td></td>
<td>22.28%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Section 4.5.12: RM18; Residential Multifamily District</td>
</tr>
<tr>
<td>• Section 5.2.71: Residential Building, Multifamily; Residential Building, Townhouse; or Residential Building, Twin Home (W) (use-specific standards)</td>
</tr>
<tr>
<td>• Table 6.1.2: Motor Vehicle and Bicycle Parking Space Requirements</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Section 3.2.11</th>
<th>(A) Legacy 2030 policies:</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Environmental Ord.</td>
<td>N/A</td>
<td></td>
</tr>
</tbody>
</table>

W-3567 Staff Report 3 March 2023
### Analysis of Site Plan Compliance with UDO Requirements

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.

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.

### CONFORMITY TO PLANS AND PLANNING ISSUES

#### Legacy 2030 Growth Management Area

| Relevant Area Plan(s) | Walkertown Area Plan Update (2014)  
Northeast Suburban Area Plan Update (2017) |
|-----------------------|--------------------------------------------------------------------------------------|
| **Area Plan** Recommendations | • 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. |

<table>
<thead>
<tr>
<th>Site Located Along Growth Corridor?</th>
<th>The site is not located along a growth corridor.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Located within Activity Center?</td>
<td>The site is not located within an Activity Center.</td>
</tr>
<tr>
<td>Comprehensive Transportation Plan Information</td>
<td>This section of Old Walkertown Road is proposed to be modernized with paved shoulders and bike lane(s).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Rezoning Consideration from Section 3.2.19 A 16</th>
<th>Have changing conditions substantially affected the area in the petition?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Yes. The section of the Northern Beltway near the site has been completed. This site does not have direct access to the Beltway corridor</td>
</tr>
</tbody>
</table>
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.

**Is the requested action in conformance with Legacy 2030?**

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.

### Analysis of Conformity to Plans and Planning Issues

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.

The site plan proposes five apartment buildings, four of which are three-stories in height. Both *Legacy* 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.

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 *Legacy 2030* and both area plan recommendations, staff recommends denial of this request as currently proposed.

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request would allow for the redevelopment of a previously developed site that has access to public utilities.</td>
<td>The request is inconsistent with both the <em>Walkertown Area Plan Update</em> and the <em>Northeast Suburban Area Plan Update</em> land use recommendations.</td>
</tr>
<tr>
<td>The Northern Beltway has impacted the character of the area and should be a consideration in future rezoning requests along the corridor.</td>
<td>The request is generally inconsistent with the recommendations of <em>Legacy 2030</em> which promotes development which is compatible with its surroundings.</td>
</tr>
<tr>
<td></td>
<td>Approval of the request could promote land use intensification and rezonings in an area that is outside of a growth corridor or activity center.</td>
</tr>
</tbody>
</table>
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.**
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
Property included in zoning request.
500' mail notification radius. Property not in zoning request.

PROPOSED ZONING:
City of Winston-Salem RM8-S

EXISTING ZONING:
City of Winston-Salem RS9 and Forsyth County RS9

PETITIONER:
WR Hutchings Construction LLC (Mill Creek Crossing Apartments)

SCALE: 1" represents 300'
STAFF: Allred
GMA: 3
ACRES: 7.19
NEAREST: 371' southeast
MAP(S): 6847.02
Walkertown Area Plan Update, 2014
Northeast Suburban Area Plan Update, 2018
(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)
- Intermediate-Density Residential (8.1-18 DU/Ac)
- Manufactured Housing Park
- Commercial
- Industrial
- Institutional
- Utilities

Area Plan Recommendations

Case W-3567
USES ALLOWED IN THE RS9 ZONING DISTRICT
City of Winston-Salem Jurisdiction

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

- Adult Day Care Home
- Child Day Care, Small Home
- Church or Religious Institution, Neighborhood
- Family Group Home A
- Police or Fire Station
- Recreation Facility, Public
- Residential Building, Single Family
- Swimming Pool, Private

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

- Church or Religious Institution, Community
- Cottage Court
- Golf Course
- Library, Public
- Limited Campus Uses
- Planned Residential Development
- School, Private
- School, Public
- Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)

- Bed and Breakfast
- Child Day Care, Large Home
- Habilitation Facility A
- Manufactured Home, Class A
- Park and Shuttle Lot
- Urban Agriculture

Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses
Transmission Tower

SUP not required if standards of Section 5.2.2A are met
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: 16

If this project is to be accessed into the Winston-Salem City limits, the following would apply:

1. A City driveway permit would be required for the permanent connection to Dippen Road. To obtain a driveway permit, complete and sign a City driveway permit application and submit it, along with a copy of the site plan to the Engineering Division for review. A review fee of $200 is also required. All items may be submitted through IDT plans.

The following item is required before the driveway permit may be reviewed:

2. Design calculations would be required for any proposed storm drainage systems. Calculations may be shown on the plan sheets in tabular form.

3. Construction details would need to be shown for storm drainage elements, sidewalks, curbing, wheelchair ramps, and dumpster pads.

4. Please include a construction detail for the proposed dumpster pads. Dumpster pads must be constructed using a 4,000 psi concrete mix and have a minimum thickness of 8". The concrete must be placed over 6" of compacted ABC stone. Additionally, the concrete driveway aprons must also be constructed using a 4,000 psi concrete mix.

[Ver. 4] [Edited By Matthew Gantt]
Erosion Control

General Issues

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

City of Winston-Salem
Matthew Osborne
336-747-7453
matthewo@cityofws.org
2/23 12:14 PM
01.03) Rezoning-Special Use District - 2

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/

23. Erosion Control Plan Review to NCDEQ - DEMLR

City of Winston-Salem
Matthew Osborne
336-747-7453
matthewo@cityofws.org
2/23 12:14 PM
01.03) Rezoning-Special Use District - 2

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

28. Sketch Plans and Site Plans

Winston-Salem Fire Department
Cory Lambert
336-747-7359
coryml@cityofwsfire.org
2/8/23 9:04 AM
01.03) Rezoning-Special Use District - 2

These notes may not apply to buildings that are built outside the corporate limits of Winston-Salem, or built prior to annexation. Consult with Forsyth County Fire Marshal’s Office for their requirements.

Future construction plans shall 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

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.

MapForsyth Addressing Team

General Issues

32. Addressing & Street Naming

MapForsyth Addressing Team

General Issues

W-3567 Mill Creek Crossing Apartments (Special Use Zoning from RS9 to RM8-S)
Mill Creek is not approved. There is already a road named Mill Creek in Forsyth Co. My email address is alfordgd@forsyth.cc, please send me a list of names to review.

**NCDOT**

**Special Use District - 2**

**General Issues**

**33. General Comments**

- Need to show a Negative Access Easement for the property line(s) adjoining Old Walkertown Road.
- NCDOT Driveway permit required – whether the driveway connection is temporary or permanent. Randy Ogburn is the primary point of contact – rogburn@ncdot.gov. We prefer that the driveway permit be submitted on our online portal, and shall consist of the permit application (form TEB-65-04) and a detailed site plan showing the access points. Review of the permit package will begin after receiving the application, site plan, and Construction Inspection Fee. The Construction Inspection Fee is payable by check, and is $50 per driveway connection on an NCDOT maintained road.
- For the driveway permit, the driveway(s) must be designed in accordance with the July 2003 Policy on Street and Driveway Access to North Carolina Highways (aka Driveway Manual) --
- A 16.6 3-party encroachment agreement would be required for any utility ties (water and sewer) in the right of way, and sidewalk where applicable.
- All encroachment agreements should be submitted through the online portal. Thomas Scott is the primary point of contact – ntscott@ncdot.gov
- All permanent driveway connections shall be paved. For a roadway with shoulder sections, the first 50’ shall be paved. In a curb and gutter section, the first 20’ shall be paved.

**Planning**

**2023-01-30 Issued for Planning Board Review.pdf [1 redline]**  (Page 1)  [1] PRELIMINARY

**30. Planning Comments**

- City of Winston-Salem
  - Bryan Wilson
  - 336-747-7042
  - bryandw@cityofws.org
  - 2/9/23 1:55 PM
  - 01.11) Pre-submittal Application: Special Use-Limit not noted

**General Issues**

**1. COUNCIL MEMBER CONTACT**

- City of Winston-Salem
  - Marc Allred
  - 336-727-8000
  - marca@cityofws.org
  - 1/24/23 2:11 PM
  - 01.11) Pre-submittal Application: Special Use-Limit

- Allied Design, Inc.
  - Steve Causey
  - 336-765-2377
  - scausey@allied-engsurv.com
  - 1/26/23 1:17 PM
  - 01.11) Pre-submittal Application: Special Use-Limit

**2. Annexation**
<table>
<thead>
<tr>
<th>City of Winston-Salem</th>
<th>Property will need to be annexed before City Council can consider the rezoning request.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marc Allred</td>
<td>336-727-8000</td>
</tr>
<tr>
<td><a href="mailto:marca@cityofws.org">marca@cityofws.org</a></td>
<td>1/24/23 2:12 PM</td>
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<td></td>
<td>01.11) Pre-submittal</td>
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<td></td>
<td>Application: Special Use-Limit</td>
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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>Steve Causey</td>
<td>336-765-2377</td>
</tr>
<tr>
<td><a href="mailto:scausey@allied-engsur.com">scausey@allied-engsur.com</a></td>
<td>1/26/23 11:40 AM</td>
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### 25. Historic Resources

<table>
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<tr>
<th>City of Winston-Salem</th>
<th>No comments</th>
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</thead>
<tbody>
<tr>
<td>Heather Bratland</td>
<td>336-727-8000</td>
</tr>
<tr>
<td><a href="mailto:heatherb@cityofws.org">heatherb@cityofws.org</a></td>
<td>2/3/23 1:19 PM</td>
</tr>
<tr>
<td></td>
<td>01.03) Rezoning-Special Use District - 2</td>
</tr>
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### 35. Recommended Uses

<table>
<thead>
<tr>
<th>City of Winston-Salem</th>
<th>The area plans has the entire surrounding area as Single-Family Residential.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marc Allred</td>
<td>336-727-8000</td>
</tr>
<tr>
<td><a href="mailto:marca@cityofws.org">marca@cityofws.org</a></td>
<td>2/15/23 9:27 AM</td>
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<tr>
<td></td>
<td>01.03) Rezoning-Special Use District - 2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City of Winston-Salem</th>
<th>Staff believes that apartments is too much of a change from the area plans and recommends Townhomes at an RM5 density.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marc Allred</td>
<td>336-727-8000</td>
</tr>
<tr>
<td><a href="mailto:marca@cityofws.org">marca@cityofws.org</a></td>
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<tr>
<td></td>
<td>01.03) Rezoning-Special Use District - 2</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>City of Winston-Salem</th>
<th>Staff recommends adding the 20’ Type II Bufferyard along Old Walkertown Road to minimize the impact of having the rear side of a three story apartment buildings along Old Walkertown Road.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Marc Allred</td>
<td>336-727-8000</td>
</tr>
<tr>
<td><a href="mailto:marca@cityofws.org">marca@cityofws.org</a></td>
<td>2/15/23 8:53 AM</td>
</tr>
<tr>
<td></td>
<td>01.03) Rezoning-Special Use District - 2</td>
</tr>
</tbody>
</table>

### Stormwater

#### General Issues

<table>
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<tr>
<th>City of Winston-Salem</th>
<th>This site is not located within the City limits of Winston-Salem and so ordinarily I would say “this is outside of my jurisdictional area”. However, I do see a note with this submittal that stated the “site is pending annexation”. If this annexation gets finalized then it does become part of the city of Winston-Salem then it will be subject to showing compliance with the City of Winston-Salem’s Post Construction Stormwater Management ordinance provisions. From the data shown on the plan however that indicates a reduction in impervious area from the existing to the proposed condition, this development will be exempt from the ordinance provisions due to this reduction in impervious area. Therefore no stormwater management management or permit will be required to be issued. All that is required is that plans and any relevant documentation are submitted prior to having a grading permit issued that confirms the exemption.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Joe Fogarty</td>
<td>336-747-6961</td>
</tr>
<tr>
<td><a href="mailto:josephf@cityofws.org">josephf@cityofws.org</a></td>
<td>2/23/23 12:04 PM</td>
</tr>
<tr>
<td></td>
<td>01.03) Rezoning-Special Use District - 2</td>
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### Utilities

#### General Issues

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<tr>
<td>Marc Allred</td>
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</tr>
<tr>
<td><a href="mailto:marca@cityofws.org">marca@cityofws.org</a></td>
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<td>01.03) Rezoning-Special Use District - 2</td>
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Created with idtPlans Review

W-3567 Mill Creek Crossing Apartments (Special Use Zoning from RS9 to RM8-S)

Page 4 of 5
<table>
<thead>
<tr>
<th>City of Winston-Salem</th>
<th>Chris Jones</th>
<th>336-747-7499</th>
<th><a href="mailto:charlesj@cityofws.org">charlesj@cityofws.org</a></th>
<th>2/13/23 9:00 AM</th>
</tr>
</thead>
</table>

Any existing connections not intended for reuse must be terminated at the main. Water/sewer interior to the apartments will be private and will be master metered and require a backflow preventer matching the meter size. Water meters purchased through the COWS. System development fees due for water and wastewater at time of meter purchase. 6" master meter with 6" Reduce Pressure Assembly will be required for the water line. FM will be connected to existing SSMH to COWS Detail C-28.

WSDOT 01.03) Rezoning-Special Use District - 2

### General Comments

**City of Winston-Salem**

- David Avalos
  - 336-727-8000
  - davida@cityofws.org
  - 2/14/23 9:18 AM

No Comments

Zoning

### General Issues

**City of Winston-Salem**

- Amy McBride
  - 336-727-8000
  - amym@cityofws.org
  - 2/8/23 2:08 PM

01.03) Rezoning-Special Use District - 2

Clean up note under Recreation Area Calculation to reference section 7.6.1 of the UDO
This is the summary of my efforts to reach out to the neighboring property owners as of February 2nd, 2023.

I have spoken with Johnny Vanhoy at Oak Grove Moravian Church. He is the head of the board of directors for the church. He said they have no opposition to rezoning the property.

A mailer has been sent to the remaining neighbors, within 500' of the property. I am waiting to hear from them.

3/1/2023 – Still have not heard back from anyone.

Walter Hutchings,
W. R. Hutchings Construction, LLC
336-399-4325
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:

3. I acknowledge that this written consent is a condition precedent to placement of the Property into a special use district.

- **PRIOR TO ISSUANCE OF 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 may be required prior to issuance of the driveway permits. 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.

This the 15 day of March, 2023.

By: Walter R. Hutchings III

Name: Walter R. Hutchings

Title: Owner

Date: 3/15/2023

STATE OF NORTH CAROLINA

COUNTY OF Forsyth

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: Walter R. Hutchings III.

STEVEN PHILLIPS
Notary Public
Yadkin Co., North Carolina
My Commission Expires Nov. 20, 2027

Notary Public: Steven Phillips

Printed Name: Steven Phillips

Commission Expires: 11/20/2027