October 17, 2016

Mayor Joines and Winston-Salem City Council Members
City of Winston-Salem
101 North Main Street
Winston-Salem, NC 27101

Re: Rezoning Request Docket # W-3303

Mayor and City Council Members,


Signed:

Lymn, Dwo Trustee
Date: 10-18-16

Lymn, Living Trust
Date: 10-18-16

Three Properties, LLC
Date: 10-18-16
October 26, 2016

Lynn Dwo Trustee; Lynn Living Trust; and Three Properties, LLC,
100 Oakwood Drive, Suite 300
Winston-Salem, NC 27103

Re: Zoning Petition W-3303

Dear Petitioner:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary’s Office of the date on which the Council will hear this petition.

Sincerely,

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

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
West End Marketplace Plaza, LLC, 100 Oakwood Drive, Suite 300, Winston-Salem, NC 27103
Daniel Donathan, 1022 West First Street, Suite 103, Winston-Salem, NC 27101
Lawson Newton, 110 Oakwood Avenue, Winston-Salem, NC 27103
Patti Ladd, 425 Brent Street, Winston-Salem, NC 27103
JoAnn Mount, 1238 W. Fourth Street, Winston-Salem, NC 27101
Bonnie Crouse, 2001 Boone Avenue, Winston-Salem, NC 27103
John Merschel, 3400 Paddington Lane, Winston-Salem, NC 27106
Margaret Herman, 122 Piedmont Avenue, Winston-Salem, NC 27103
David Elam, 114 Piedmont Avenue, Winston-Salem, NC 27103
Ramey Kemp, 8307 University Executive Park Drive, Charlotte, NC 28262
Pat Ivey, NCDOT Division 9 Engineer, 375 Silas Creek Parkway, Winston-Salem, NC 27127
# ACTION REQUEST FORM

**DATE:** October 26, 2016  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning and Development Services

## COUNCIL ACTION REQUEST:
Request for Public Hearing on zoning petition of Lynm Dwo Trustee; Lynm Living Trust; and Three Properties, LLC

## SUMMARY OF INFORMATION:
Zoning petition of Lynm Dwo Trustee; Lynm Living Trust; and Three Properties, LLC from RM18 and RSQ to GB-S (Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Combined Use; Life Care Community; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (without drive-through service); Retail Store; Shopping Center; Shopping Center, Small; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Hotel or Motel; Offices; Services, A; Services, B; Testing and Research Lab; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; and Utilities): property is located at the southwest quadrant of Business 40 and Peters Creek Parkway along both sides of Fourth Street (Zoning Docket W-3303).

## PLANNING BOARD ACTION:

**MOTION ON PETITION:** DENIAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
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 and RSQ to GB-S (Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Combined Use; Life Care Community; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (without drive-through service); Retail Store; Shopping Center; Shopping Center, Small; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Hotel or Motel; Offices; Services, A; Services, B; Testing and Research Lab; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; and Utilities) the zoning classification of the following described property:

Section 2. This Ordinance is adopted after approval of the site plan entitled West End Marketplace Plaza and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of ______________________, 20__ to Lymn Dwo Trustee; Lymn Living Trust; and Three 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 West End Marketplace Plaza. 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.
CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the City Council
of the City of Winston-Salem

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 Lynne Dwo Trustee; Lynne Living Trust; and Three Properties, LLC; (Zoning Docket W-3303). 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 GB-S (Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Combined Use; Life Care Community; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (without drive-through service); Retail Store; Shopping Center; Shopping Center, Small; Banking and Financial Services; Bed and Breakfast; Building Contractors, Genera.; Hotel or Motel; Offices; Services, A; Services, B; Testing and Research Lab; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; and Utilities), approved by the Winston-Salem City Council the ______ day of ______________________, 20__" and signed, provided the property is developed in accordance with requirements of the GB-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 the Issuance of Grading Permits:**

a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.

b. Developer shall obtain a Floodplain Development Permit from the Erosion Control Division.

c. Developer shall obtain a driveway permit from NCDOT/City of Winston-Salem; additional improvements may be required prior to issuance of driveway permit. Required improvements include:
   - Payment-in-lieu of sidewalk construction along the frontage of Peters Creek Parkway.
   - Right-of-way dedication along Business 40 to accommodate the Multi-Use Path (MUP).
   - Developer shall provide for a traffic calming measure to be installed along Fourth Street. The proposed measure and location will be determined by the Winston-Salem Department of Transportation based on meetings with the adjacent neighborhood. The Winston-Salem Department of Transportation will prepare a preliminary cost estimate for design and construction of the proposed measure. Developer shall provide financial surety (as approved by the City of Winston-Salem) for the estimated construction costs of the traffic calming measure in accordance with the Traffic Calming Policy.

**Prior to the Issuance of Building Permits:**

a. The proposed building plans for the apartment complex building K shall be in substantial conformance with the submitted elevations as shown on “Exhibit A” as verified by Planning staff. As volunteered by the petitioner and noted on the site plan, all buildings shall have exterior façade materials consisting of either brick, cementious siding, or veneer stone. Roofing shall be either architectural shingles, standing seam metal, or flat roof. All rooftop HVAC equipment shall be screened from view of the adjacent public streets.

b. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25’ or less and no more than 0.5 foot-candles at the property line.

c. Developer shall demonstrate compliance with the requirements of the Floodplain Development Permit.

d. Developer shall relocate the 12” sanitary sewer line located in the southeastern portion of the site in order to accommodate building “K” shown on the site plan.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Lighting shall be installed per approved lighting plan and certified by an engineer.
  b. Developer shall complete all requirements of the driveway permit.
  c. Buildings shall be constructed in substantial conformance with the approved building elevations as approved by Planning staff.
  d. Freestanding signage along Peters Creek Parkway for buildings A, I, and K shall be limited to one (1) six (6) foot high monument sign with a maximum copy area of thirty-six (36) square feet for each building. Freestanding signage along Fourth Street for each of the remaining buildings shall be limited to one (1) six (6) foot high monument sign with a maximum copy area of thirty-six (36) square feet.
  e. The City of Winston-Salem shall install said traffic calming measure along Fourth Street.
<table>
<thead>
<tr>
<th><strong>PETITION INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket #</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
</tr>
</tbody>
</table>
| **Proposal**             | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RM18 (Residential, Multifamily - 18 units per acre maximum density) and RSQ (Residential, Single Family and Quadruplex) to GB-S (General Business – special use zoning). The petitioner is requesting the following uses:  
  - Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Combined Use; Life Care Community; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Restaurant (without drive-through service); Retail Store; Shopping Center; Shopping Center, Small; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Hotel or Motel; Offices; Services, A; Services, B; Testing and Research Lab; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; and Utilities |
<p>| <strong>Continuance History</strong>  | This request was automatically continued from the August 11, 2016 Planning Board meeting to the September 8 Planning Board meeting and then to the October 13 meeting. |</p>
<table>
<thead>
<tr>
<th>Neighborhood Contact/Meeting</th>
<th>See Attachments B and C.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District Purpose Statement</td>
<td>The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs 1, 2 and 3 and Metro Activity Centers.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? The subject request is consistent with the GB district purpose statement as the site is located in GMA 2; it has frontage along collector street, a freeway, and an expressway; and the request includes a wide range of requested uses with minimal front setbacks.</td>
</tr>
</tbody>
</table>

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Southwest quadrant of Business 40 and Peters Creek Parkway along both sides of Fourth Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Southwest</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± 8.3 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The current use of the subject property is single and multifamily residential predominately in the form of quadraplexes. There are a total of 82 dwelling units currently on the site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounded Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>NB-S HO &amp; RSQ HO</td>
<td>Single and multifamily residential</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>HB</td>
<td>Modest sized businesses across Peters Creek Parkway</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>HB</td>
<td>Self storage facility and an adult establishment</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>RSQ &amp; RM18</td>
<td>Single and multifamily residential</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</th>
<th>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? The proposed mixture of uses is compatible with the uses permitted on the adjacent HB zoned properties and less compatible with the residential uses permitted on the adjacent RSQ and RSQ HO zoned properties.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Physical Characteristics</td>
<td>The developed site abuts a freeway and an expressway and has a moderate slope downward toward the southwest to Peters Creek. The southeastern and southwestern portions of the site are within the designated floodplain of Peters Creek.</td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water and sewer are available to the site.</td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
<td>The site plan illustrates three underground stormwater management facilities to be located on the site. A stormwater study will be required.</td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The site is not located within a water supply watershed.</td>
</tr>
<tr>
<td>Historic, Natural Heritage and/or Farmland Inventories</td>
<td>In 2006, the subject property was determined to be eligible for listing on the National Register of Historic Places by the North Carolina State Historic Preservation Office. However, this area, known as the West Fourth Street Historic District, is currently not listed on the National Register of Historic Places nor is it a locally zoned historic district. Therefore, the site is not subject to the certificate of appropriateness design review process by the Historic Resources Commission and their staff, nor is it eligible for such benefits as grants, loans, or tax incentives that have listing on the National Register as a prerequisite. However, properties in this area will be subject to the Section 106 review process if there is a federal undertaking (federally related grant, loan, permit, license, funding etc.) proposed on the premises.</td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>The southeastern and southwestern portions of the site are significantly constrained by the designated floodplain of Peters Creek. A Floodplain Development Permit will be required. The developer will also be required to relocate the 12” sanitary sewer line located in the southeastern portion of the site in order to accommodate one of the proposed buildings.</td>
</tr>
</tbody>
</table>

| SITE ACCESS AND TRANSPORTATION INFORMATION |
| --- | --- | --- | --- |
| Street Name | Classification | Frontage | Average Daily Trip Count | Capacity at Level of Service D |
| Business 40 | Freeway | ±385’ | 69,000 | 62,300 |
| Peters Creek Parkway | Expressway | ±760’ | 22,000 | 73,400 |
| Fourth Street | Collector Street | ±1,586’ | NA | NA |

**Proposed Access Point(s)**

The proposed site plan shows the continued use of Fourth Street which traverses through the middle of the site. A new public street which connects to Fourth Street and has right-in/right-out access onto Peters Creek Parkway is proposed.

**Planned Road Improvements**

The Business 40 Rehabilitation Project is scheduled to begin on October 21, 2016. This project will modernize the 1.2 mile section of the interstate from Fourth Street (at the northern edge of the subject property) eastward to Church Street. The existing Fourth Street Bridge will either remain or be removed and replaced as part of this project.

Before Business 40 closes temporarily in the downtown area for construction, the Peters Creek Parkway Bridge will be replaced with a
wider structure and the interchange will be rebuilt. Sidewalks will also be constructed along Peters Creek Parkway. Academy Street will be widened at Peters Creek Parkway to accommodate an exclusive westbound right turn lane.

A Multi-Use Path (MUP) adjacent to Business 40 is planned; it is a parallel bicycle and pedestrian facility that will run from Lockland Drive to Liberty Street. Portions of the MUP will be constructed with the Business 40 project. A section of the MUP between Fourth Street and Peters Creek Parkway will require right-of-way dedication at the northeastern edge of the site.

Construction for the Peters Creek Parkway area may begin as early as the summer of 2017 and is anticipated to be completed by the winter of 2018. If approved, the development of the subject request must be coordinated with NCDOT as the projects overlap.

<table>
<thead>
<tr>
<th>Trip Generation - Existing/Proposed</th>
<th>Existing Zoning: RM18 and RSQ</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>0.61 acre of RM18 = 10 units + 7.69 acres of RSQ = 121 units = 131 total units x 6.65 (Apartment trip rate) = 871 Total Trips per Day.</td>
</tr>
</tbody>
</table>

| Proposed Zoning: GB-S               |
|                                     |
| See comments below in the Traffic Impact Study section. |

<table>
<thead>
<tr>
<th>Sidewalks</th>
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<tbody>
<tr>
<td>Sidewalks are located along both sides of Fourth Street and will be required along the frontage of Peters Creek Parkway and the new street.</td>
</tr>
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<table>
<thead>
<tr>
<th>Transit</th>
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<tr>
<td>Route 13 runs along Peters Creek Parkway.</td>
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</tbody>
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<tr>
<th>Connectivity</th>
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<tbody>
<tr>
<td>The site has good connectivity in that it is located along both sides of Fourth Street which is a Collector Street. The site will also include a new public street which will have right-in/right-out access to Peters Creek Parkway and a leftover at Fourth Street (left in, right in, right out only).</td>
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<tr>
<th>Traffic Impact Study (TIS)</th>
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<tbody>
<tr>
<td>A traffic assessment was prepared for the proposed development. The development is anticipated to generate 5,643 trips per day. Not all of these trips will be new. Some trips will originate within the development (internal capture) such as residents at the proposed apartments walking to a proposed restaurant. Based on existing travel patterns, it was estimated that 5% of residential and commercial trips would use Fourth Street to the north. Traffic generated by a proposed hotel was assigned only to Business 40 and Peters Creek Parkway.</td>
</tr>
</tbody>
</table>

The traffic assessment analyzed future “No-Build” and “Build” scenarios. The intersections of Peters Creek Parkway with the Business 40 east and westbound ramps, West Fourth Street, and Academy Street were analyzed. These intersections show the same Level of Service (LOS) and approximately the same delay for both scenarios. When compared to the future “no-build”, the “build” traffic conditions during
peak hours, and the anticipated increase in delays are expected to be less than 7.5 seconds per vehicle based on a conservative approach.

The left turns along Fourth Street into the proposed driveways for the development and the right out from the new street to Peters Creek Parkway were also analyzed. These movements will operate at LOS A and B in the AM and PM peak.

The developer will be required to install a southbound right turn deceleration lane on Peters Creek Parkway onto the new access street. The developer will also be required to re-stripe Fourth Street through the development to accommodate two-way traffic and a center turn lane. A leftover must be constructed at Fourth Street and Peters Creek Parkway to limit access to Fourth Street to left in, right in, and right out. Northbound traffic will turn right and U-turn at the intersection of Academy and Peters Creek Parkway. With the proposed roadway improvements, the proposed development traffic should be accommodated.

<table>
<thead>
<tr>
<th>Analysis of Site Access and Transportation Information</th>
<th>Access to the site will be provided primarily along Fourth Street which is a Collector Street. The site will also include a new public street which will have right-in/right-out access to Peters Creek Parkway and full movement at Fourth Street.</th>
</tr>
</thead>
</table>

**CONFORMITY TO PLANS AND PLANNING ISSUES**

**Legacy 2030 Growth Management Area**

Growth Management Area 2 - Urban Neighborhoods

**Relevant Legacy 2030 Recommendations**

- Increase infill development within the Municipal Services Area.
- Identify Growth Corridors for quality infill, density and transit.
- Consider the impact on older commercial areas when evaluating proposals for new commercial zoning.
- Design infill projects for minimal impact on surrounding neighborhoods.
- What constitutes “protection” of a neighborhood from development or redevelopment varies greatly through our community. Some residents express concern over nonresidential development near housing; others perceive increased residential densities or attached housing to be negative.
- Neighborhoods that embrace a variety of housing choices and well-designed nonresidential uses as an important and vital part of their community should be the new paradigm for future development and redevelopment.

**Relevant Area Plan(s)**

*South Central Area Plan Update (2014)*
<table>
<thead>
<tr>
<th>Area Plan Recommendations</th>
<th>• The existing site is shown as a mixture of single-family residential, low-density attached residential, intermediate-density, and high-density residential use on the proposed land use map.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Located Along Growth Corridor?</td>
<td>The site is located along the Peters Creek Parkway Growth Corridor.</td>
</tr>
<tr>
<td>Site Located within Activity Center?</td>
<td>The properties are located immediately to the northwest of the West Salem Activity Center which is located at the intersection of Peters Creek Parkway and Academy Street.</td>
</tr>
<tr>
<td>Greenway Plan Update Information</td>
<td>The <em>Greenway Plan Update</em> recommends a side path/on-street facility along the subject property side of Peters Creek Parkway to eventually provide a connection between Hanes Park and a future greenway along Silas Creek. Furthermore, the WSDOT has completed a corridor study for Peters Creek Parkway between Interstate 40 and Business 40 which recommends lane changes along the corridor as well as bicycle and pedestrian amenities.</td>
</tr>
<tr>
<td>Addressing</td>
<td>Floor plans and building elevation plans must be submitted in order for addresses to be issued prior to permitting.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(3) - Have changing conditions substantially affected the area in the petition? No</td>
</tr>
<tr>
<td>(R)(4) - Is the requested action in conformance with Legacy 2030?</td>
<td>See comments below.</td>
</tr>
<tr>
<td>Analysis of Conformity to Plans and Planning Issues</td>
<td>The subject rezoning request is for a mixed use development which represents a large scale assemblage of approximately 25 individual lots located at the southwest quadrant of Business 40 and Peters Creek Parkway. Staff applauds the idea of a comprehensively planned development; such projects are difficult to achieve in the more urban and previously developed areas of the City. This difficulty is one of the reasons why development in some of the more suburban or greenfield locations is often more attractive. The site plan includes: an eight story hotel and parking deck; a five story apartment building with four story parking deck; a three story office building; a two story retail building; a one story retail building; a two story arts and crafts studio and museum; a two story restaurant and office building; a two story grocery store; a two story retail and office building; and a one story bank. Many of the proposed buildings are pulled up to Fourth Street in a pedestrian oriented manner. However, no building elevations for these buildings have been provided. Along the western edge of the site which abuts an existing apartment development, staff believes a more compatible treatment would be either office or multifamily uses rather than retail. The proposed two-story 8,520 square foot grocery store seems like an unusual scenario. Staff is also not confident that the amount of development proposed within the floodplain of Peters Creek can meet ordinance requirements.</td>
</tr>
</tbody>
</table>
While the request is consistent with some of the goals of *Legacy 2030* for comprehensive, mixed use infill development, *Legacy 2030* also includes some cautions about how development in urban neighborhoods should be approached. This includes designing infill development for minimal impact on existing neighborhoods, considering the impact of additional commercial zoning on older commercial areas, and encouraging preservation and reuse of areas with historic resources.

Peters Creek Parkway south of Business 40 already has an abundance of commercial zoning that in many cases is underutilized or contains businesses that are struggling. This proposed rezoning would add more commercial zoning to the area.

Also, the *South Central Area Plan Update* (adopted in 2014) does not recommend a change of land use in this area from the existing mix of residential. It should be noted that it is not feasible to anticipate or plan for every possible development scenario which may be proposed on a particular site or area in the future. As noted previously the request does have some merit in regard to its mixed use content and overall location, however, the request is at such variance with the recommendations of the area plan, that staff cannot support the request at this time.

### 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>W-3115</td>
<td>RM5 to HB-L</td>
<td>Denied 10-3-11</td>
<td>250' east</td>
<td>.38</td>
<td>Denial, Approval</td>
</tr>
<tr>
<td>W-2945</td>
<td>RSQ HO to NB-S HO</td>
<td>Approved 9-17-07</td>
<td>Directly north across Business 40</td>
<td>.75</td>
<td>Approval, Approval</td>
</tr>
<tr>
<td>W-2254</td>
<td>HB &amp; RSQ to HB</td>
<td>Approved 9-8-98</td>
<td>Directly southwest</td>
<td>5.86</td>
<td>Approval, Approval</td>
</tr>
</tbody>
</table>

### 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></td>
<td>367,415</td>
<td>Generally pulled up to Fourth Street and at the corner of Business 40 and Peters Creek Parkway.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Units (by type) and Density</th>
<th>174 apartment units on 8.3 acres = 20.96 units per acre.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td></td>
</tr>
<tr>
<td>Required</td>
<td>615 spaces (includes 19 bicycle spaces and 3 motorcycle spaces)</td>
</tr>
<tr>
<td>Proposed</td>
<td>636 spaces</td>
</tr>
<tr>
<td>Layout</td>
<td>90° surface parking and within a two story and a four story parking deck</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60'/unlimited</td>
<td>8 stories</td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum</td>
<td>Proposed</td>
</tr>
<tr>
<td>---------------------</td>
<td>---------</td>
<td>----------</td>
</tr>
<tr>
<td></td>
<td>NA</td>
<td>63.84%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Chapter B, Article II, Section 2-1.3 (J) General Business District</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• Chapter B, Article II, Section 2-5 Use Conditions</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Chapter B, Article VII, Section 7-5.3</th>
<th>(A) Legacy 2030 policies:</th>
<th>See comments above.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Environmental Ord.</td>
<td>See comments below.</td>
<td></td>
</tr>
<tr>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of Site Plan Compliance with UDO Requirements</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>The site plan proposes the removal of approximately 24 existing apartment buildings which currently include a total of 82 dwelling units in order to construct multiple new buildings which would be developed over four phases. The total building square footage is 367,415.</td>
<td></td>
</tr>
</tbody>
</table>

**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 is for a comprehensive redevelopment of multiple properties within an urban setting.</td>
<td>The request is not consistent with the residential land use recommendations of the South Central Area Plan Update.</td>
</tr>
<tr>
<td>The request is for a wide mixture of uses including residential, retail, and institutional uses.</td>
<td>The request could result in the generation of 5,643 trips per day to a site adjacent to the Peters Creek Parkway/Business 40 interchange, compared to 871 trips per day possible under the existing zoning.</td>
</tr>
<tr>
<td>The majority of the new buildings proposed along Fourth Street are pulled up to the street in an urban, walkable manner.</td>
<td>The request does not include building elevations for most of the new buildings which will be highly visible from Business 40 and Peters Creek Parkway.</td>
</tr>
<tr>
<td>The subject property is served by transit and sidewalks.</td>
<td>The site plan proposes residential development in the floodplain and commercial development adjacent to residential properties on Taylor Street.</td>
</tr>
</tbody>
</table>

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

**PRIOR TO THE ISSUANCE OF GRADING PERMITS:**

a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.

b. Developer shall obtain a Floodplain Development Permit from the Erosion Control Division.
c. Developer shall obtain a driveway permit from NCDOT/City of Winston-Salem; additional improvements may be required prior to issuance of driveway permit. Required improvements include:
   • Payment-in-lieu of sidewalk construction along the frontage of Peters Creek Parkway.
   • Right-of-way dedication along Business 40 to accommodate the Multi-Use Path (MUP).
   • Developer shall provide for a traffic calming measure to be installed along Fourth Street. The proposed measure and location will be determined by the Winston-Salem Department of Transportation based on meetings with the adjacent neighborhood. The Winston-Salem Department of Transportation will prepare a preliminary cost estimate for design and construction of the proposed measure. Developer shall provide financial surety (as approved by the City of Winston-Salem) for the estimated construction costs of the traffic calming measure in accordance with the Traffic Calming Policy.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. The proposed building plans for the apartment complex building K shall be in substantial conformance with the submitted elevations as shown on “Exhibit A” as verified by Planning staff. As volunteered by the petitioner and noted on the site plan, all buildings shall have exterior façade materials consisting of either brick, cementious siding, or veneer stone. Roofing shall be either architectural shingles, standing seam metal, or flat roof. All rooftop HVAC equipment shall be screened from view of the adjacent public streets.
  b. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.
  c. Developer shall demonstrate compliance with the requirements of the Floodplain Development Permit.
  d. Developer shall relocate the 12” sanitary sewer line located in the southeastern portion of the site in order to accommodate building “K” shown on the site plan.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Lighting shall be installed per approved lighting plan and certified by an engineer.
  b. Developer shall complete all requirements of the driveway permit.
  c. Buildings shall be constructed in substantial conformance with the approved building elevations as approved by Planning staff.
  d. Freestanding signage along Peters Creek Parkway for buildings A, I, and K shall be limited to one (1) six (6) foot high monument sign with a maximum copy area of thirty-six (36) square feet for each building. Freestanding signage along Fourth Street for each of the remaining buildings shall be limited to one (1) six (6) foot high monument sign with a maximum copy area of thirty-six (36) square feet.
  e. The City of Winston-Salem shall install said traffic calming measure along Fourth Street.
STAFF RECOMMENDATION: Denial

NOTE: These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.
Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Lawson Newton, 110 Oakwood Avenue, Winston-Salem, NC 27103
- I wish at some time I could present you with the perfect project but that is probably impossible.
- The concerns about this project are legitimate.
- With regards to the impact on existing businesses, when you bring good businesses and solid businesses into an area it seems to uplift the existing businesses.
- This particular plan will not change the floodplain situation. It is what it is.
- We’re not looking to nor do we expect to increase situations that are negative that already exist in the floodplain area.
- We don’t have to do what other cities do. What has transpired in cities like Charlotte, Raleigh, and Durham in their downtown thought process is that we want our downtown to grow, to prosper.
- We don’t want to increase traffic for anybody that’s already there. The increase in traffic is one car every minute and 25 seconds.
- You never want to talk ill of anybody’s property. This is not what I call blighted property but it is property that needs a tremendous uplift. I think this project provides that.
- It brings Winston-Salem forward which is what everybody ultimately wants to do. We want to be sensitive to the surrounding neighborhoods about traffic, about water flow, about any of those things. This plan presents that opportunity.

Melynda Dunigan asked if the one car every 1:25 minutes is an average over a 24-hour period? Lawson Newton responded that it is. A lot of services that are projected are within walking distance of these areas. Just like in any other neighborhood, at 7:05 a.m. it may be a little jammed up but you won’t see constant increased traffic.

George Bryan explained to the petitioner that the Planning Board has to act on the zoning for the land, not the businesses or who the future owners will be. How should we judge this not knowing any of these factors? Lawson Newton responded that what you have to project upon is what is the normal impact of good solid competition in any business situation. I don’t think a business that’s brought into this particular project stands to come in to drive anybody out of business. We see enough activity here to justify this development.
George Bryan asked the petitioner what his idea is for the placement of the road and what that’s going to do to traffic? Lawson Newton said that he would defer to Pat Ivey about that. We trust in the DOT’s expertise and we’re confident that this is not going to be a situation that is going to negatively impact traffic flow.

AGAINST:

JoAnn Mount, 1238 W. Fourth Street, Winston-Salem, NC 27101
- I’ve lived here 35 years.
- Why would you consider changing a residential neighborhood, just tear down all these residences, tear down all these homes that are historic and turn that into a business area, a commercial area?
- The traffic that is going to be forced up West Fourth Street is going to be horrendous. Right now this is a major artery to our downtown area. You’re going to be jeopardizing all of us. There are going to be more accidents. Traffic comes through there so quickly and there are cars parked on either side. It is already extremely difficult to back out of your driveway.
- I have questions about how this is going to affect not just the residents that are going to be displaced, but also the adjoining neighbors.

Bonnie Crouse, 2001 Boone Avenue, Winston-Salem, NC 27103
- I’m the liaison for zoning and land use matters for the Ardmore Neighborhood Association.
- The purpose of the Ardmore Neighborhood Association is to preserve the residential nature of the neighborhood and to prevent further encroachment of industry, commercial, and high density land uses.
- The Ardmore Neighborhood Association opposes this planned development.
- The plan to develop this property in the manner that has been presented to you will not serve this neighborhood.
- The loss of affordable housing is a very big issue in Ardmore. We’re already facing the loss of hundreds of units on Cloverdale Hill should that project proceed.
- Workforce housing or whatever you want to call it is an endangered species already in Ardmore and that is our loss. Everyone in Ardmore values diversity. In fact when new members join, the most frequent characteristic they value is the diversity and that includes socio-economic diversity and the status of the residents there. We want these affordable housing units and we want the working people who live in them.
- My grandfather built homes in Ardmore just like these and I think he built some of these. Some of these are framed with oak 2” x 10”. These are nice homes. They are worth rehabbing. The interior features include red oak floors and tile fireplaces and many charming features.
- The Ardmore Neighborhood Association worked diligently to create a historic district and in that plan is provision for an overlay. It was considered a key to protecting some of these vintage wonderful old homes that make our neighborhood so special.
- Our work on that is what I would call a good start and when we pursue this overlay many of these properties and I would say most of the single family residences down there are of sufficient age and characteristics that they would now qualify to be included as historic properties. It would be a shame to lose them.
• In their place would be structures, density and uses that go against the interests of this
great neighborhood.
• The Ardmore Neighborhood Association opposes this development and asks that the
work that went into the Area Plan be honored.
• One of the gentlemen spoke about uplifting or blending in. There is nothing about this
that blends anywhere. If they want to uplift we would encourage them to go across the
street and look at some of the properties facing Peters Creek Parkway that are already
commercial and would be great locations for some of what they are planning to do.

John Merschel, 3406 Paddington Lane, Winston-Salem, NC 27106
• There are 22 single family structures in this development amongst 82 units. A large
percentage of them are craftsman style.
• Some neighbors and I went door-to-door there to inform the people about what is going
on, a lot of the homes have really good porches. They opened their doors to us. They
have fireplaces, hardwood floors. They are not all in perfect shape but they have the
potential to be in perfect shape. To “uplift” that area by tearing them all down for
another hotel in a residential zoning would not be an uplift.
• We don’t want to be like Charlotte. We want to be Winston-Salem and the best it can be,
not try to mimic Charlotte.
• This is a viable, stable neighborhood with houses of historic character that offer a much
needed affordable housing component to the area. If not for the Business 40 bridge,
there’d be no reason for this area to not be part of the West End.
• These are viable units that serve a purpose of a much needed affordable housing
component that we’re struggling with in Winston-Salem. The fact that the owner has
other housing in the area does not account for how we would replace this housing.
• It’s a City-wide issue today and I think we really need to be careful about how we
displace these people.
• I’m here representing the West End Association and the Board voted unanimously to
oppose this rezoning.
• Other groups which have opposed it are the Ardmore Association, the New South
Coalition, and the Neighborhood Alliance.
• It’s contrary to the South Central Area Plan which neighbors had a tremendous amount
of input into. Hopefully we’ll pay attention to these area plans because they’re important.
That was deemed to be residential and stay residential for a good reason.
• As far as the residents we talked to, yes there are some people who are transient in there,
but there were also several people who just didn’t have an idea where they would go if
this went away. Some of them have been there 15 years plus. We don’t have a count but
they are not all transient people.
• When we went door-to-door we had to calm down our rhetoric about everything being
torn down because these people were nervous and afraid. It was very enlightening to go
up on their porches and talk to them and see what this was about.
• I would encourage you to deny this.

Margaret Herman, 122 Piedmont Avenue, Winston-Salem, NC 27103
• My main concerns are the traffic and the floodplain.
• The maps are showing the current situation but not the current plans for the on-ramps and
exit ramps on Business 40 which have been proposed and solidified.
- They’ve already made plans at the end of Fourth Street that they were not going to allow traffic going north to turn left so coming down from Fourth Street they were going to turn right. Coming off Peters Creek you can turn right onto Fourth Street.

- There was not supposed to be any traffic going across between Academy and Business 40. Is that still correct? So you’ve got all those 8,000 cars that only have access if they’re coming from the north having to come off Business 40 or having to come down Fourth Street. They’re not going to come slowly through that. It is quite a bad situation already for all of us even on Piedmont which really only has width for one car.

David Elam, 114 Piedmont Avenue, Winston-Salem, NC 27103

- We have traffic problems now. This will make the problems enormous.

**WORK SESSION**

During discussion by the Planning Board, the following points were made:

Melynda Dunigan asked if there is already any flooding of the homes already in this location. Gary Roberts replied that some of the existing homes are within the floodplain but he doesn’t know if they have experienced any flooding. Perhaps Mr. Osborne may be able to answer that.

Melynda Dunigan asked a member of the public to address the issue of whether there is currently flooding in the existing homes. Patti Ladd, 425 Brent Street, Winston-Salem, NC 27103, stated that she has owned a house on Crafston Street since 1990. We have flooding. That creek is a crazy creek. It looks mild but it gets all the runoff. It gets so high that it gets to the bottom of the bridge that spans Crafston Street and it runs frighteningly fast. We have all had flooding in our yards and there has been some flooding in basements. That’s why I’m here - to see if there has been an Environmental Impact Study done. You’re going to be adding a lot of impervious coverage and I don’t see how that can not increase the flooding dramatically.

Allan Younger asked Gary Roberts if there are other projects which we have approved without having elevations? Gary Roberts responded that we certainly have. For larger projects we tend to encourage that. This is a fairly large project which is highly visible. Paul Norby added that the UDO does not require elevations, but staff’s concern is that we don’t know if the frontage will be the front or rear of the buildings. Parking is on the other side so we suspect the back of these buildings could be on the street side, which may not be pedestrian friendly.

George Bryan: As much as West End would like to own this section of the road, I’m understanding, Ms. Crouse, this is in Ardmore? Bonnie Crouse: Yes, the overwhelming area is in the boundaries of the Ardmore Neighborhood Association. George Bryan: Where does the Ardmore Neighborhood Association have their line of where they don’t want encroachment of businesses? Bonnie Crouse stated that they would like to hold it where it is because they’re already bounded by Business 40, Stratford Road on the north, Peters Creek Parkway on the East, Silas Creek Parkway on the south and the west all the way over to Forsyth Hospital. We have very few affordable housing units left in the neighborhood at all and this would be a chunk of them that would just be gone overnight and replaced with something which does not have any business being in a residential area. It’s got nothing to do with the neighborhood that’s there now. It would be just an amputation of a wonderful section of our neighborhood.
Allan Younger asked Lawson Newton about for more information about what you’ve been told about traffic. Lawson Newton deferred that question to Ramey Kemp, 8307 University Executive Park Drive, Charlotte, NC 28262, whose firm prepared the Traffic Impact Study. He stated that they did an in-depth study and looked at 12 intersections altogether for this project. Five of them were on West Fourth Street and seven were on Peters Creek Parkway. NCDOT was asked to review it and did. Your City engineer reviewed it and they have agreed with the numbers. We’ve all agreed that on Fourth Street, if you look at the traffic at peak hour, right now you’ve got about 2,000 cars a day in the vicinity of Fourth Street in this area. That’s a very low number. If you look at the peak hour we’ve got about 80 vehicles going north in the a.m. peak and we’re going to add five vehicles. That’s our projection. Most of the traffic is going to go up Peters Creek Parkway. It’s going to come out of the development, go south down to the nearest U-turn, make a U-turn, and go back north. That is our projection. If you don’t believe that and want to take the worst case, let’s just say that all of the traffic that is going out Peters Creek Parkway going north of the interchange goes up Fourth Street, we add about 30-35 vehicles. If you look at the total number, 40 vehicles per hour at the peak hour, that works out to be the one and a half minutes per vehicle. That’s what we add to the system. That is nothing added to a street that is already carrying 2,000 vehicles per day. I’m sorry but the numbers aren’t there. That’s not heavy traffic. We’ve got good capacity on Peters Creek Parkway and DOT is fixing to make it better. We looked at the impact of what they’re doing compared to what is there now and what we might add to what’s there now. Let me just tell you the traffic is not now an issue. If you’re having trouble getting out on Fourth Street, you’re not waiting very long and we might add five seconds of delay to a vehicle that’s sitting there waiting, but that’s about the max you’re going to have to go through.

Melynda Dunigan asked a follow up question. It looks like you made the assumption that the traffic from the hotel, if it’s going to go north, it’s just going to take Business 40 and Peters Creek Parkway but it won’t go up Fourth Street at all? Ramey Kemp replied that we’ve got about 20% going north of the interchange. About 50% will be directed towards Business 40 so that will be traffic coming and going from Business 40. Melynda Dunigan: In your traffic calculations, in your assumptions that you made in your model, was any of that hotel traffic assigned to go through Fourth Street if it was going downtown? Ramey Kemp: We may have assigned some of it to go that way. I don’t think there would be much need to go that way, but there again if you took all of the traffic and assigned it that way, including the hotel traffic, that was the result I gave you. In other words, we’ve got about 20% of the traffic going north of Business 40 altogether. That’s what we projected. If you put it all over on Fourth Street there’s very little traffic added to Fourth Street.

George Bryan asked questions of Pat Ivey, NCDOT Division 9 Engineer, 375 Silas Creek Parkway, Winston-Salem, NC 27127. George Bryan: I’m going to make the assumption before I start asking questions that one of your goals is safety. Pat Ivey: Very much so. George Bryan: So what we’re hearing is that folks are going to come down to this little connector road, pull out on Peters Creek, and they can only go right. Why didn’t you give him permission to have a big cloverleaf and go right into Business 40 there? Pat Ivey: DOT’s main concern when we were working with the developer was that we not have any additional full access intersections between the new ramp that will be constructed as part of the Business 40 Improvement Project Program and the intersection at Academy Street. That is why the new entrance that is going to be constructed is right-in/right-out and that is also why DOT required that the existing full-access
intersection at Fourth Street be converted to a directional left-over which prevents left turn traffic from coming out of Fourth Street onto northbound Peters Creek Parkway. Any motorists that do come out or use Fourth Street will be heading south to get on Peters Creek Parkway that want to go back to Business 40 will have to go down to the Academy Street intersection and make a U-turn at that location. George Bryan: And you want people to pull across three lanes of traffic and pull a U-turn, 30-40 cars an hour, down at Academy? Pat Ivey: I didn’t say that’s what I wanted people to do, but that is what they will have to do. I will say that the studies that DOT did as part of the Business 40 project, show there is no issue on Peters Creek Parkway. I think it was mentioned before that Peters Creek Parkway has a significant amount of unused capacity now and our studies indicate that Peters Creek will not be a problem whatsoever. Making a U-turn at Academy Street is a protected movement now and it will be if this project or any other project goes through. U-turns under a protected signal are very safe.

George Bryan: I know you get this question every time you’re being requested and you’re being requested a lot lately. The timing of this and the timing of doing Peters Creek - do they mesh and the replacement of the Fourth Street bridge? Pat Ivey: Any work here that impacts Peters Creek Parkway would have to be coordinated with the DOT contractor building the Business 40 project. Actual construction is scheduled to begin I believe in late 2017 with completion of this intersection in late 2018. I’m not sure what the timeline is for this particular development project, when it would begin, but it would have to be coordinated and that’s not unusual.

Paul Mullican asked for a head count of those in the audience who came in opposition to this request. Approximately 20 people raised their hands.

Melynda Dunigan stated that the point which was made about the area plan is a really good point. We really need to pay attention to what is in our plans. This area in the plan was supposed to remain a neighborhood and I think that’s a good use for it. This is a well-functioning neighborhood. The West Salem Activity Center which is just a little way down the road from here does actually call in the plan to have some of the things that are being proposed here, the same types of retail. I think it would be much more appropriate for this type of development to occur down there at the West Salem Activity Center than up here.

George Bryan: This is a residential street and I assume Ms. Mount expected that when she moved here and expects that when she moves again. I think when you have neighbors moving in you have an expectation that this is the way traffic is going to be. We’ve already heard that there are traffic problems. I know there have been traffic calming issues before in this neighborhood. My feeling in making a motion for denial is that doesn’t mean there isn’t room for development here. I see some places where there could be wonderful apartments added here, some townhouses added here, but residential. It has potential. It has potential to help the Legacy goals of infill and density and other things like that. It certainly has plenty of potential and I hope the developer looks at some of those options as he looks into the future as well.

MOTION: George Bryan moved denial of the zoning petition and certified that the site plan (including staff recommended conditions) meets all code requirements if the petition is approved.
SECOND: Melynda Dunigan
VOTE:
    FOR:  George Bryan, Melynda Dunigan, Tommy Hicks, Arnold King, Darryl Little, Paul Mullican, Brenda Smith, Allan Younger
    AGAINST: None
    EXCUSED: None

____________________________________
A. Paul Norby, FAICP
Director of Planning and Development Services
SERVICES, A. An establishment primarily engaged in providing a service(s) to business and individuals. All merchandise and rental equipment is stored inside enclosed buildings. Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

7212  Garment Pressing and Agents for Laundries and Drycleaners
7215  Coin-Operated Laundries and Cleaning
7216  Drycleaning Plants, Except Rug
7217  Carpet and Upholstery Cleaning
722  Photographic Studios, Portrait
723  Beauty Shops
724  Barber Shops
725  Shoe Repair and Shoeshine Parlors
729  Miscellaneous Personal Services
733  Mailing, Reproduction, Commercial Art and Photography
735  Equipment Rental and Leasing (only with inside storage of equipment)
737  Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
738  Miscellaneous Business Services
762  Electrical Repair Shops
763  Watch, Clock, and Jewelry Repair
764  Reupholstery and Furniture Repair
7699 Uses from SIC 7699 primarily engaged in providing repair and other services to business and individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.
USES ALLOWED UNDER PROPOSED "SERVICES, B"

SERVICES, B. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. Services B includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 721 Laundry, Cleaning, and Garment Services Except those listed under Services A
- 7312 Outdoor Advertising Services
- 734 Services to Dwellings and Other Buildings
- 735 Equipment Rental and Leasing (with outside storage of equipment)
- 7623 Refrigeration Service and Repair
- 7692 Welding Repair
- 7694 Armature Rewinding Shops
- 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith or gunsmith shops, and septic tank or sewer cleaning services, but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3303

PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS
Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests, Subdivisions, and Planning Board Review items; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.


PROJECT DESCRIPTION: Southwest quadrant of Business 40 and Peters Creek Parkway along both sides of Fourth Street (Southwest Ward)

NCDOT (Wright Archer) - Phone #: 336.747.7900 Email: warcher@ncdot.gov

NCDOT Driveway permit is required and NCDOT Encroachment agreement is needed for widening and utilities.
Right in / Right out only

WSDOT (Connie James) - Phone #: 336.747.6872 Email: conniej@cityofws.org

ROW dedication for the MUP construction for Bus 40. Sidewalk fee in lieu of construction along Peters Creek. What is the heavy line below building K on the plan? 7’ sidewalks or wheels stops where parking abuts. Bike parking should not block sidewalk.

Engineering (Al Gaskill) - Phone #: 336.747.6846 Email: albertcg@cityofws.org

1. State driveway permit req’d for Plaza Lane. In the future all drives from Plaza Ln, 4th St, or Taylor St will require City DW permits.
2. Provide 6” thick ADA ramps w/mats at all road intersections.
3. Turn all granite curb removed into City.
4. Engineering to review/approve all roadway design.
5. Extend sidewalk on Peters Creek Pkwy and 4th St to PL.
6. Provide min 20’ SD easement for all SD’s draining public street including Peters Creek Pkwy
7. Provide 10X70 SF for all intersections.

Inspections - Phone # - Donna Guffey - 336.747.7420 or Desmond Corley - 336.747.7427
Email: donnagbx@cityofws.org or desmondcg@cityofws.org

- Building C must be at least 40 feet from the shared boundary with Dufort property (RSQ)
  - Dumpsters in that area must be at least 50 feet from the same boundary
- Show all proposed property/lot lines
  - Are parcels to be subdivided or combined?
- Label area(s) of individual tree islands containing required large variety trees
- Label right-of-way width for any public street
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3303

- Show/label typical parking stall dimensions
- Adult Day Care, Home is not allowed in the GB zoning district

Erosion Control (Matt Osborne)- Phone # - 336.747.7453 Email: matthewo@cityofws.org

An Environmental Grading and Erosion Control Permit will be required if more than 10,000 square feet is to be disturbed during any potential construction. An Erosion and Sedimentation Control plan must be submitted and approved before the permit can be issued. Please submit this plan at least 30 days prior to the intended start date of construction.

There are regulated floodplain areas along the south side of this project area. Be aware that any proposed development in the regulated floodplain area will require approval of a Floodplain Development Permit and compliance with Forsyth County – Winston-Salem UDO, Chapter C, Article II - Floodway and Flood Fringe Regulations. Please be mindful of this ordinance requirement as you continue with plans to develop this property. Please contact me with any questions you may have about the floodplain areas on this property or the Floodplain Development Permit requirements.

Stormwater Division (Joe Fogarty)- Phone # - 336.747.6961 Email: josephf@cityofws.org

Stormwater Study Required

City Fire- (Doug Coble) - Phone # - 336.734.1290 Email: douglasc@cityofwsfire.org

- Need hydrant within 100’ of FDC Building A
- Need hydrants within 500’ of all portions of the building measured the way in which the Fire Apparatus would travel.

Utilities (Jack Fitzgerald)- Phone # - 336.747.7309 Email: jackf@cityofws.org

A grease interceptor is required and will be sized off your kitchen fixture schedule for each restaurant. No walls, structures, heavy cut/fill, heavy plantings in the sewer easements. We claim a 20’ easement on the sewer line, you are showing 15’ in one place. Can you provide documentation for this? All interior water and sewer to the sites will be private.

Sanitation (Randy Britton)- Phone # - 336.748.3080 Email: randallb@cityofws.org
Building K/L are located well within the floodplain, will this design work? Building H’s parking deck may also have the same issue; Remove the Victor Dufort property and adjust all calculations accordingly. How will the property north of Victor Dufort relate to the rest of the project? The existing alley will have to be closed by City Council; This seems like a lot of development to be served by only a right-in/right-out onto PCP; Remove left-in off PCP; Office may serve as a better transition to the residential properties along Taylor Street than the proposed commercial; Staff recommends a sign condition limiting to one monument style sign with a max. height of 10’; staff recommends conditions to ensure common building materials/appearance, landscaping, and lighting; Demonstrate what the appearance would be of the buildings that front PCP and Business 40; Screen all rooftop mechanical equipment from view from public roads; How will pedestrians from Taylor Street access the property? The dumpster for Building F appears to be too close to residential zoning; Sidewalk along both sides of all public streets minimum 5’ in width (still shown as 4’ on PCP).

Street Names/Addresses (Matt Hamby) -336. 747.7074 Email: hambyme@mapforsyth.org
From: Eric Bushnell [mailto:Eric.Bushnell@ieee.org]
Sent: Wednesday, October 12, 2016 11:44 PM
To: Gary Roberts; Shelly Stewart; Tarra Jolly
Subject: W-3303: 4th St at Peters Creek

Gary, Shelly, and Tarra,

Please add the following statement of opposition to zoning request W-3303 from the Winston Salem Neighborhood Alliance to the Planning Board packet for Thursday’s meeting.

Thanks.

Planning Board members,

The Winston Salem Neighborhood Alliance stands with the Ardmore and West End neighborhoods -- and with Planning Dept. staff -- in opposing zoning request W-3303, which would eliminate a neighborhood at 4th Street and Peters Creek Parkway.

This is a stable, viable neighborhood with homes that offer historic character and much-needed affordable housing.

The businesses proposed for this area would not benefit Winston Salem as much as these homes do. The traffic created by such businesses would overflow into adjacent neighborhoods.

Moreover, this proposal conflicts with the long-term South Central Area Plan, which was created and maintained with extensive input from local residents.

This proposal is an unacceptable incursion on the long term plans for neighborhoods in south central Winston-Salem.

WSNA members strongly urge Planning Board members to recommend denial of this request.

Thank you,

--

Eric Bushnell
on behalf of the Winston Salem Neighborhood Alliance
From: Carolyn A. Highsmith [mailto:newsouthcommunitycoalition@outlook.com]
Sent: Thursday, October 13, 2016 3:55 AM
To: Tarra Jolly
Cc: Paul Norby; Robert Leak III
Subject: New South Community Coalition Supports Planning Staff’s Recommendation of "DENIAL" for the W3303 Zoning Case

10.13.16 NSCC: New South Community Coalition’s
"Public Comment" Supporting the Planning Staff’s
Recommendation of "DENIAL" for the W3303 Zoning Case

Dear Members of the City-County Planning Board:

The New South Community Coalition is supporting the efforts of the West End Neighborhood Association, the Ardmore Neighborhood Association, and the Winston-Salem Neighborhood Alliance, where we are all in agreement that the W3303 Zoning Case (proposing general business [GB-S] zoning to existing residential [RM18 and RSQ] zoning) would be a detrimental assault to the integrity of the houses and neighborhood located in the southwest quadrant of Business 40 and Peters Creek Parkway along both sides of 4th Street (representing solid and affordable old-housing stock), as well as the surrounding urban neighborhood areas of Ardmore and West End plus West Salem.

Most importantly, the W3303 Zoning Case violates the South Central Area Plan that recommends keeping this urban area permanently residential in nature and would create unbearable traffic burdens down 4th Street because of the poor access to Peters Creek Parkway—even with the developer’s proposed traffic access plan—that is one of the worst examples of traffic planning for this type of development.

Therefore, the New South Community Coalition supports the Planning Staff’s recommendation of “DENIAL” for the W3303 Zoning Case at its Public Hearing before the City-County Planning Board meeting on 10.13.16.

Sincerely yours,

Robert Leak III
President, New South Community Coalition, newsouthcommunitycoalition@gmail.com
President, Easton-Belview Neighborhood Association, eastonneighborhoodassociation@gmail.com
336-552-4538; robertleakiii@gmail.com

Carolyn A. Highsmith
Vice President, New South Community Coalition, newsouthcommunitycoalition@outlook.com
President, Konnoak Hills Community Association, konnoak_hills@outlook.com
336-788-9461; carolyn_highsmith@outlook.com
NSCC -- New South Community Coalition

NSCC Vision is devoted to promoting and improving the quality of life, health, and safety of each and every citizen living in the diverse neighborhoods of Winston-Salem and especially South Winston-Salem.

NSCC Mission is to develop an engaged and informed constituency that will work to create and maintain the integrity, character, and beauty of the neighborhood communities of Winston-Salem, especially South Winston-Salem.

NSCC Values ≈ Integrity, Equality, Inclusiveness, Empathy, and Innovativeness!
From: Kyla Davidoff [mailto:kyladavidoff@gmail.com]
Sent: Thursday, October 13, 2016 8:01 AM
To: Gary Roberts
Cc: Matthew Fuxjager
Subject: Zoning Hearing Docket W-3303 - Comment

Hi Gary,

I am writing because I will not be able to attend this afternoon's public hearing on the Zoning W-3303 proposal and my husband and I own two properties within 500' of the proposed zoning request. We had an opportunity to discuss the development with the developer, and are generally inclined to support the proposal. We are excited about revitalizing this area and having more businesses, retail, grocery, restaurants at a walkable distance. Our biggest concern is the increase in traffic to West Fourth St and to West End Blvd (our properties are both right by the intersection of West Fourth St and West End Blvd, so we stand to be effected by the traffic). We would ask that the Board approve the request to re-zone, but add a condition that the increased traffic issues be addressed. Ideas we discussed with the developer to address this include 1) adding speed bumps to West Fourth St; 2) adding a stop sign or two along the residential portion of West Fourth St; 3) adding a left turn outlet to Peter's Creek from the development so travelers can get to Bus 40 and downtown without driving up West Fourth St; 4) converting the West Fourth St bridge to a pedestrian bridge.

I don't know all of the options to address our concerns, but wanted to let the Board know that we are in support of the proposal with the caveat that traffic issues will need to be addressed, and we prefer that they be addressed commensurate with the development rather than after the fact when they become a severe problem to be fixed.

Thank you for your time and consideration.

Sincerely,

Kyla Davidoff & Matthew Fuxjager
1163 and 1167 West End Blvd.

--
Kyla Davidoff
608.512.7887

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4th St Comments.txt

I own property on Crafton St & I am very concerned about the impact that development will have on my & my neighbors’ properties. I am particularly concerned about what kind of environmental impact studies have been done relating to how Peters Creek will be affected & what, if any, plans are being made to mitigate the effects of the increased runoff that is bound to occur with that development. I have dealt with engineers from NCDOT before concerning the nature of that creek & they had zero knowledge or understanding of how that creek flows. It takes all of the runoff from Hawthorne down & from higher areas of the West End, including that stretch of W 4th St, down. It gets incredibly high & flows frighteningly fast whenever it rains. When they were straightening the Hawthorne curve on I-40, they installed a small drainage pipe under I-40 to handle that creek while they worked on the road. I & several of my neighbors, including Jim Crawford, tried to tell them that pipe was not even close to being the size needed to handle that creek when it rained. They informed us that they knew what they were doing, & basically told us to mind our own business. Of course, we were minding our own business when they tried to tell them about the creek. The first rain that occurred after the installation of that small pipe ended up backing up Peters Creek on the West End side including flooding Brunson Elementary school. In addition, because of the angle at which they positioned the pipe, it eroded a lovely wooded area on the creek bank on the Crafton side. As a result, all the vegetation, including large trees, washed down the creek & the road going into apartments was washed out. If they increase the levels of impervious surfaces on W 4th St, I cannot see how it will not impact Peters Creek, Crafton Street itself, & my & my neighbors properties. Of course, Jim Crawford owns at least 2 of those properties, so he has a great financial stake in not opposing the development, & I do not fault him for that. He has proven to be an excellent steward of the property he owns on Crafton & has always had good tenants renting those properties. I also think he has filled a much-needed niche in the community by providing safe, decent, & affordable housing for low-income residents.

Patti Lade
425 Brent St
W-S, NC 27103
336-725-9154

Property @ 313 Crafton St.
DENIAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3303
(LYNM DUO TRUSTEE; LYNM LIVING TRUST AND THREE PROPERTIES, LLC)

Because the proposed zoning map amendment from RM18 (Residential, Multifamily) and RSQ (Residential, Single Family and Quadruplex) to GB-S (General Business - Special Use) is not consistent with the Legacy Comprehensive Plan and the South Central Area Plan, denial of the rezoning request is reasonable and in the public interest. More specifically:

1. The request is not consistent with the residential land use recommendations of the South Central Area Plan Update;

2. The request could result in the generation of 5,643 trips per day to a site adjacent to the Peters Creek Parkway/Business 40 interchange, compared to 871 trips per day possible under the existing zoning;

3. The request does not including building elevations for most of the new buildings which will be highly visible from Business 40 and Peters Creek Parkway; and

4. The site plan proposes residential development in the floodplain and commercial development adjacent to residential properties on Taylor Street.
The proposed zoning map amendment from RM18 (Residential, Multifamily) and RSQ (Residential, Single Family and Quadruplex) to GB-S (General Business - Special Use) is not consistent with the Legacy Comprehensive Plan and the South Central Area Plan; however, approval of the rezoning request is reasonable and in the public interest because:

1. The request is for a comprehensive redevelopment of multiple properties within an urban setting;

2. The request is for a wide mixture of uses including residential, retail and institutional uses;

3. The majority of the new buildings proposed along Fourth Street are pulled up to the street in an urban, walkable manner; and

4. The subject property is served by transit sidewalks.