DOCKET #: W3185

PROPOSED ZONING: RMU-S

EXISTING ZONING: RM18

PETITIONER: Housing Authority of the City of Winston-Salem for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 1.31

NEAREST BLDG: 57' north

MAP(S): 636858
June 19, 2013

Housing Authority of Winston-Salem
c/o Larry Woods
500 West Fourth Street, Suite 300
Winston-Salem, NC 27101

Re: Zoning Petition W-3185

Dear Mr. Woods:

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

cp: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
### ACTION REQUEST FORM

**DATE:** June 19, 2013  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

#### COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning petition of Housing Authority of Winston-Salem

#### SUMMARY OF INFORMATION:

Zoning petition of Housing Authority of Winston-Salem from RM18 to RMU-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; and Residential Building, Multifamily): property is located on the northeast corner of Cleveland Avenue and Twelfth Street (Zoning Docket W-3185).

#### 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 Housing Authority of Winston-Salem, Docket W-3185

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

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

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

PIN #s 6836-61-6223 and 6836-61-6007

Section 2. This Ordinance is adopted after approval of the site plan entitled 12 Street and Cleveland Avenue Apartments and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20__ to Housing Authority of Winston-Salem.

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 12 Street and Cleveland Avenue 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.
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 Housing Authority of Winston-Salem, (Zoning Docket W-3185). 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 RMU-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; and Residential Building, Multifamily), approved by the Winston-Salem City Council the ___ day of ________________, 20___" and signed, provided the property is developed in accordance with requirements of the RMU-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 obtain all necessary permits from the NC Division of the Environment and Natural Resources (DENR).
  b. Developer shall obtain easements for all off-site work depicted on the site plan.
  c. 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.
  d. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.

- **PRIOR TO RECORDING FINAL PLAT:**
  a. Final plat shall show tentative building locations for the multifamily buildings and all access and utility easements including any off-site access and sidewalk easement.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. The proposed building elevations shall be in substantial conformance with the
     submitted elevations as verified by Planning staff.
    b. Developer shall record a final plat in the office of the Register of Deeds.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All required improvements of the City of Winston-Salem driveway permit shall
     be completed.
  b. Any damage to City maintained streets, sidewalk, or curb shall be replaced or
     repaired to the requirements of the Public Works Department.
  c. Exterior building elevations shall be constructed in substantial conformance with
     the approved building elevations.
CITY-COUNTY PLANNING BOARD
STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th><strong>Docket #</strong></th>
<th>W-3185</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff</strong></td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
<td>Housing Authority of Winston-Salem</td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
<td>Same</td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
<td>PIN #s 6836-61-6223 and 6836-61-6007</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>1205 Cleveland Avenue and 1201 Twelfth Street</td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
<td>Special use rezoning from RM18 to RMU-S</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) to RMU-S (Residential, Multifamily - special use district; unrestricted density with a special use site plan which restricts the number of dwelling units to 30 (22.9 units/acre). The petitioner is requesting the following uses:  
- Residential Building, Single Family; Residential Building, Duplex;  
- Residential Building, Townhouse; Residential Building, Twin Home;  
- and Residential Building, Multifamily |
| **Neighborhood Contact/Meeting** | According to an email received from the petitioner’s site plan preparer, a community meeting was held on May 2, 2013 at the Ephesus Seventh Day Adventist Church where nine people attended. |
| **Zoning District Purpose Statement** | The RMU District is primarily intended to accommodate multifamily uses at unrestricted densities. This district is appropriate for GMAs (Growth Management Areas) 1 (City/Town Centers), and 2 (Urban Neighborhoods) and may be suitable for Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental services, are available and the site has direct access to a minor or major thoroughfare. |
| **Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)** | (R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the site is located within the Urban Neighborhoods Growth Management Area at the intersection of a minor thoroughfare and a collector street. The site is adjacent to RM18 zoned properties on three sides and has a history of multifamily use at a density higher than what is being proposed. |

### GENERAL SITE INFORMATION

<p>| <strong>Location</strong> | Northeast corner of Cleveland Avenue and Twelfth Street |
| <strong>Jurisdiction</strong> | City of Winston-Salem |
| <strong>Ward(s)</strong> | East |
| <strong>Site Acreage</strong> | ± 1.31 acres |
| <strong>Current Land Use</strong> | Until recently, the site was developed with three, two-story multifamily buildings with a total of 33 units which were constructed in 1960 and 1970. The site is now undeveloped. |</p>
<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>RS9</td>
<td>Neighborhood scale church</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>RM18</td>
<td>Multifamily residential</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>RM18</td>
<td>Multifamily residential</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>RS9 and RM18</td>
<td>Single family home and a neighborhood scale church</td>
</tr>
</tbody>
</table>

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)

(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

The uses within the proposed RMU-S district are allowed in the RM18 district which surrounds a majority of the site.

Physical Characteristics

The site has a gentle slope downward to the central eastern portion of the site.

Proximity to Water and Sewer

Public water and sewer are available to the site.

Stormwater/Drainage

The site plan depicts an existing 36” storm sewer and associated easement which traverses the site. Also depicted are two possible underground sand filters. A stormwater study will be required.

Watershed and Overlay Districts

The site is not located within a water supply watershed.

Analysis of General Site Information

The site is traversed by a storm sewer and a sanitary sewer line which are accommodated in the proposed site plan. No buildings are proposed on top of said public utilities. Otherwise, the site has no apparent constraints.

<table>
<thead>
<tr>
<th>SITE ACCESS AND TRANSPORTATION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Name</td>
</tr>
<tr>
<td>--------------</td>
</tr>
<tr>
<td>Cleveland Avenue</td>
</tr>
<tr>
<td>Twelfth Street</td>
</tr>
</tbody>
</table>

Proposed Access Point(s)

The proposed development would have an access point onto Cleveland Avenue and Twelfth Street.

Trip Generation - Existing/Proposed

Existing Zoning: RM18

23 units x 6.65 (Apartment Trip Rate) = 153 Trips per Day

Proposed Zoning: RMU-S

30 units x 6.65 (Apartment Trip Rate) = 200 Trips per day

Sidewalks

Sidewalks are located along both sides of Cleveland Avenue and along the subject property side of Twelfth Street. The site plan includes multiple lateral connections into the interior portion of the site as well as to several of the primary entrances to the proposed units.

Transit

Route 17 runs along Cleveland Avenue.
### Analysis of Site Access and Transportation Information

The site has excellent access being situated at the intersection of a minor thoroughfare and a collector street. The request represents a modest increase in anticipated traffic over what could be expected under the current zoning. The site is also well served with transit and a network of sidewalks.

### Conformity to Plans and Planning Issues

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 2 – Urban Neighborhoods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td></td>
</tr>
<tr>
<td>• Increase infill development in the serviceable land area.</td>
<td></td>
</tr>
<tr>
<td>• Promote quality design so that infill does not negatively impact surrounding development.</td>
<td></td>
</tr>
<tr>
<td>• Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area.</td>
<td></td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td><em>The East-Northeast Area Plan (2008)</em></td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>• The Plan identifies the subject property as Multifamily development, with no change recommended. The plan does not identify the current density of the existing development.</td>
</tr>
<tr>
<td>Addressing</td>
<td>One street name using two street types is required for this project.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td></td>
</tr>
<tr>
<td>(R)(3) - Have changing conditions substantially affected the area in the petition?</td>
<td></td>
</tr>
<tr>
<td>The previously existing multifamily buildings have been demolished.</td>
<td></td>
</tr>
<tr>
<td>(R)(4) - Is the requested action in conformance with Legacy?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

### Analysis of Conformity to Plans and Planning Issues

The subject 1.31 acre tract is zoned RM18 and until recently was developed with 33 multifamily units which exceeded the maximum density allowed in the RM18 district for new construction. The *East-Northeast Area Plan* recommends the continued use of the site for multifamily residential.

The proposal is to construct four, two story buildings with a total of 30 units which equates to 22.9 units per acre. Therefore, the proposed density is slightly less than what was previously developed on the site. The site is adjacent to a church and there is a predominance of RM18 zoning surrounding the site. Planning staff recommends approval of the request.

### 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>
</table>
| W-3037 | RM12-S to GO-L | Approved 7-6-09 | 400’ southwest | 5.17 | Approval

### Site Plan Compliance with UDO Requirements

| Units (by type) and Density | 30 multifamily units on 1.31 acres = 22.9 units per acre |
CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal

The site is currently zoned RM18 and has a long history of high density multifamily residential use.

Request is consistent with The East-Northeast Area Plan and Legacy.

The petitioner has submitted attractive elevations for the proposed buildings.

The request is consistent with the purpose statement of the proposed RMU-S district.

The proposed building placement and elevations will enhance the streetscapes of the adjacent public streets.

Negative Aspects of Proposal

Would represent a modest increase in anticipated traffic over what could be expected under the current zoning.

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 obtain all necessary permits from the NC Division of the Environment and Natural Resources (DENR).
  b. Developer shall obtain easements for all off-site work depicted on the site plan.
  c. 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.

d. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.

**PRIOR TO RECORDING FINAL PLAT:**

a. Final plat shall show tentative building locations for the multifamily buildings and all access and utility easements including any off-site access and sidewalk easement.

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

a. The proposed building elevations shall be in substantial conformance with the submitted elevations as verified by Planning staff.

b. Developer shall record a final plat in the office of the Register of Deeds.

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

a. All required improvements of the City of Winston-Salem driveway permit shall be completed.

b. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

c. Exterior building elevations shall be constructed in substantial conformance with the approved building elevations.

**STAFF RECOMMENDATION:** Approval

**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.
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3185
JUNE 13, 2013

PUBLIC HEARING
FOR: None
AGAINST: None

WORK SESSION
MOTION: Clarence Lambe moved approval of the zoning petition and certified that the site plan (including staff recommended conditions) meets all code requirements if the petition is approved.
SECONED: Lynne Mitchell
VOTE:
FOR: Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
AGAINST: None
EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
EXISTING RM18 USES ALLOWED
City of Winston-Salem Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Bed and Breakfast
Boarding or Rooming House
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Library, Public
Nursing Care Institution
Police or Fire Station
Recreation Facility, Public
Residential Building, Duplex
Residential Building, Single Family
Residential Building, Twin Home
Swimming Pool, Private

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Child Day Care, Large Home
Church or Religious Institution, Community
Family Group Home B
Family Group Home C
Fraternity or Sorority
Golf Course
Habilitation Facility A
Habilitation Facility B
Life Care Community
Limited Campus Uses
Planned Residential Development
Residential Building, Multifamily
Residential Building, Townhouse
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Adult Day Care Center
Child Care, Sick Children
Child Day Care Center
Group Care Facility A
Habilitation Facility C
EXISTING RM18 USES ALLOWED
City of Winston-Salem Jurisdiction Only

Landfill, Land Clearing/Inert Debris
Park and Shuttle Lot
Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3185

PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrases. 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 CASE NUMBER: W-3185  PROJECT TITLE: 12 Street Cleveland Ave. Apartments
DATE: May 29, 2013

PROJECT DESCRIPTION: Northeast corner of Cleveland Avenue and Twelfth Street

NCDOT- Phone # - 336.747.7900 Email: skjones@ncdot.gov
No Comment

Signature

WSDOT- Phone # - 336.274.6872 Email: conniec@cityofws.org
"Provide right-of-way or a sidewalk easement on 12th Street and Cleveland Avenue where the sidewalk is shown outside of the existing right-of-way. On Cleveland Avenue north of the proposed driveway, the 4’ decorative fence is within the sight triangle. Pull the fence back so it is out of the sight triangle or reduce the height to 3.5 feet within the sight triangle."
(per email from Connie Curtis)

Signature

City Engineer- Phone # - 336.747.6846 Email: albertcg@cityofws.org
"Need driveway permit. Need sidewalk easements. 4’ fence will obstruct sight distance. Please adjust."
(per email from Al Gaskill)

Signature

City Streets Division- Phone # - 336.734.1550

Signature

Inspections (Zoning)- Phone # - 336.727.2626 Email: jeffv@cityofws.org
"Label building spacing for two buildings at the corner of 12th and Cleveland. Must be 20’. Label motorcycle space width. 10’ streetyard on Cleveland adjacent to motorcycle space. (May want to consider to place near curb line)."
(per email from Jeff Vaughn)

Signature

Erosion Control - Phone # - 336.747.7453 Email: matthewo@cityofws.org
"Due to public funding contact Matt Gantt with NCDENR Land Quality Section for erosion control requirements. Matt Gantt can be reached at (336) 771-5030."
(per email from Matthew Osborne)

Signature
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3185

Stormwater Division- Phone # - 336.747.6961 Email: josephf@cityofws.org
"Stormwater Study Required"
(per email from Joe Fogarty)

Fire (City)- Phone # - 336. 734.1290 Email: dougasc@cityofwfire.org
No Comment
(per email from Doug Coble)

Utilities- Phone # - 336.747.7499 Email: mikep@cityofws.org
"Existing water and/or sewer connections may require evaluation for compliance with backflow preventer requirements, connection serviceability, and/or termination at the main"
(per email from Mike Patton)

Sanitation- Phone # - 336.748.3080 Email: randallb@cityofws.org
"A bulk container is the preferred trash collection system for this property. The description w/restrictions are found in Chapter 26 - Garbage & Trash, Code of Ordinances Part III, Section 3. Bulk containers shall be located so as to provide easy ingress and egress by a container tender truck to the containers. The location of the container shall be free from any overhanging wires or other obstructions which have less than 35 feet of vertical clearance and 40 feet linear clearance of overhead obstruction in the dumping area. All screens or enclosures shall be open on one side for easy access and provide a three-foot clearance on all sides from the bulk container. Please consider participating in a Commercial Recycling Program given recycling in Winston-Salem is a voluntary program."
(per email from Randy Britton)

Planning- Phone # - 336.747.7043/747.7068 Email: aaronk@cityofws.org
"Condition to obtain easements for off-site work prior to permits, building elevation and platting conditions."
(per email from Aaron King)

Vegetation Management -336.748.3020 Email: keithf@cityofws.org

Street Names/Addresses -336.747.7048 Email: benfs@cityofws.org
"One street name using 2 street types is required for this project."
(per email from Ben Stamey)
The proposed zoning map amendment from RM18 (Residential, Multifamily - 18 units per acre maximum density) to RMU-S (Residential, Multifamily - special use district; unrestricted density with a special use site plan which restricts the number of dwelling units to 30 (22.9 units/acre) with its added conditions is consistent with the Legacy Comprehensive Plan and the East-Northeast Area Plan; and approval of the request is reasonable and in the public interest because:

1. The site is currently zoned RM18 and has a long history of high density multifamily residential use; and

2. The request is consistent with the purpose statement of the proposed RMU-S District; and

3. The proposed building placement and elevations will enhance the streetscapes of the adjacent public streets.
DENIAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3185
(HOUSING AUTHORITY OF WINSTON-SALEM)

While the proposed zoning map amendment from RM18 (Residential, Multifamily - 18 units per acre maximum density) to RMU-S (Residential, Multifamily - special use district; unrestricted density with a special use site plan which restricts the number of dwelling units to 30 (22.9 units/acre) with its added conditions is consistent with the Legacy Comprehensive Plan and the East-Northeast Area Plan, denial of the request is reasonable and in the public interest because the request would increase, albeit modest, the anticipated level of traffic over that which is expected under the current zoning.