DOCKET #: W3151
(Continued from 8/9/2012)

PROPOSED ZONING:
RMU-S

EXISTING ZONING:
RM18

PETITIONER:
Bcbb LLC for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 2

ACRES: 6.31

NEAREST BLDG: 10' north

MAP(S): 624854
September 19, 2012

Bebb, LLC
c/o David Black, Manager
P. O. Box 660
Clemmons, NC 27012

Re: Zoning Map Amendment W-3151

Dear Mr. Black:

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

pc:  City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
     Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101
     Rob Hildebrand, 1615 Hyde Avenue, Winston-Salem, NC 27104
     Marlene C. Peebles, 1620 West 1st Street, #74, Winston-Salem, NC 27104
     Anita Thomas, 1620 West 1st Street, #86, Winston-Salem, NC 27104
     Charles Morton, 1620 West 1st Street, #86, Winston-Salem, NC 27104
     Rev. Otto Gaither, 5641 Novack St, Winston-Salem, NC 27105
     Travis Jenerett, 1620 West 1st Street, #29, Winston-Salem, NC 27104
     Spencer M. Drummond, Sr., 1620 West 1st Street, #106, Winston-Salem, NC 27104
     Janice Faust, 1620 West 1st Street, #33, Winston-Salem, NC 27104
     Roderick Robertson, 1620 West 1st Street, #91, Winston-Salem, NC 27104
     Navonda Harris, 1620 West 1st Street, #90, Winston-Salem, NC 27104
     Eric Richard Stein, 1620 West 1st Street, #28, Winston-Salem, NC 27104
     Antonio Rogers, 1620 West 1st Street, #7, Winston-Salem, NC 27104
     Bernard Singletary, Sr., 1620 West 1st Street, #30, Winston-Salem, NC 27104
     Iven King, Sr., 1620 West 1st Street, #14, Winston-Salem, NC 27104
### ACTION REQUEST FORM

<table>
<thead>
<tr>
<th>DATE:</th>
<th>September 19, 2012</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

#### COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Bcbb, LLC

#### SUMMARY OF INFORMATION:

Zoning map amendment of Bcbb, LLC from RM18 to RMU-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; and Planned Residential Development): property is located on the southwest side of First Street and the north side of Business I-40, south of Hinshaw Avenue (Zoning Docket W-3151).

#### PLANNING BOARD ACTION:

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
</tr>
<tr>
<td>AGAINST:</td>
<td>NONE</td>
</tr>
<tr>
<td>SITE PLAN ACTION:</td>
<td>CONFORMS TO THE REQUIREMENTS OF THE UDO</td>
</tr>
</tbody>
</table>
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Bebb, LLC, Docket W-3151

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; Residential Building, Multifamily; and Planned Residential Development) the zoning classification of the following described property:

PIN #'s 6825-55-1544 and 6825-45-4252

Section 2. This Ordinance is adopted after approval of the site plan entitled The Edge and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of ____________________, 20___ to Bebb, 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 The Edge. 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 Bcbb, LLC, (Zoning
Docket W-3151). 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; Residential Building, Multifamily; and Planned
Residential Development) approved by the Winston-Salem City Council the _____ day of
____________________________, 20__" and signed, provided the property is developed in
accordance with requirements of the RMU-S zoning district of the Zoning Ordinance of the
United 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 a driveway permit from City of Winston-Salem Public
     Works Department. Required improvements include:
     - Install ADA detectable dome mats at the First Street intersection.
     - Close all unused curb cuts with similar materials
  b. Developer shall cordon off all areas shown on the site plan as tree save areas.
     These areas shall be retained and not disturbed. Vegetation in all these areas shall
     be protected from grading encroachment in accordance with UDO requirements.

* PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. The proposed buildings shall be constructed in substantial conformance with the
     submitted elevations labeled "Exhibit A.1 and A.2" as verified by Planning staff.
  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 along First Street and the entire northern
     property line adjacent to the properties which front on Hinshaw Avenue.
  c. Developer shall record a final plat in the office of the Register of Deeds. Final plat
     shall show tentative building locations for the multifamily buildings and all access
     and utility easements.
• 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. Lighting shall be installed per approved lighting plan and certified by an engineer.

• OTHER REQUIREMENTS:
  a. Private drive aisle, access easement and parking areas to be built and maintained by owner and therefore will not be built to public street standards and will not be taken over for maintenance by the City of Winston-Salem. This shall be indicated on the face of the plat.
## CITY-COUNTY PLANNING BOARD
### STAFF REPORT

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3151</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Bebb, LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #s 6825-55-1544 and 6825-45-4252</td>
</tr>
<tr>
<td>Address</td>
<td>1616 and 1620 West First Street</td>
</tr>
<tr>
<td>Type of Request</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 District – Special Use zoning; unrestricted density with a Special Use district site plan which restricts the number of dwelling units to 166 (26.3 units/acre). The petitioner is requesting the following uses:

- Residential Building, Single Family; Residential Building, Duplex;
- Residential Building, Townhouse; Residential Building, Twin Home;
- Residential Building, Multifamily; and Planned Residential Development |

| Continuance History | The subject request was continued from the August 9, 2012 Planning Board meeting to the September 13 Planning Board meeting. |

| Neighborhood Contact/Meeting | According to an email received from the petitioner’s site plan preparer on 7-10-12: “A Neighborhood drop-in meeting was held Thursday, June 28th from 6:00-7:30 at the West End YMCA to review, discuss and address questions re: the proposed First Street Multi-family development. Over 150 invitations were sent to property owners in the West Highlands neighborhood. Approximately 20 people attended the drop-in meeting. We have also had 5-6 individuals call requesting additional information and asking questions. Overall, the response was very favorable and they liked the benefits the new project brings to the area.” |

| 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 (Center Cities), 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 currently zoned and developed for high density residential development, is located within the Urban Neighborhoods Growth Management Area, and has direct frontage on a major thoroughfare. |
### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Southwest side of First Street and the north side of Business I-40, south of Hinshaw Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Northwest</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± 6.31 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The site is currently developed with eight, two-story multifamily buildings with a total of 136 units which were constructed in 1963. When the UDO was adopted in 1995, the site was assigned the zoning designation of RM18, even though the actual density was approximately 21.5 units per acre. Therefore, the site is now considered legally non-conforming.</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td><strong>Direction</strong></td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</td>
</tr>
<tr>
<td></td>
<td>Yes, all of the uses within the proposed RMU-S district are allowed in the RM18 district which surrounds the majority of the site.</td>
</tr>
<tr>
<td>Physical Characteristics</td>
<td>The developed site has a moderate slope downward from the eastern and western portions of the site to the central portion of the site.</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>Because the proposed impervious coverage will not exceed the existing coverage a stormwater study is not 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>Analysis of General Site Information</td>
<td>The site has an unusually narrow configuration with limited access and some topographic variation which pose some degree of constraint for redevelopment.</td>
</tr>
</tbody>
</table>

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>First Street</td>
<td>Major Thoroughfare</td>
<td>162'</td>
<td>7,200</td>
<td>13,800</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td>The Comprehensive Transportation Plan recommends a two-lane cross section with bike lanes and sidewalks for First Street.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trip Generation</td>
<td>Existing Zoning: RM18</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>----------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>136 units x 6.65 (Apartment Trip Rate) = 904 Trips per Day</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed Zoning: RMU-S</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>166 units x 6.65 (Apartment Trip Rate) = 1,104 Trips per day</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td>Sidewalks are located along both sides of First Street.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit</td>
<td>Route 19 runs along First Street.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Connectivity</td>
<td>Staff would prefer to see a secondary emergency access point provided for this site which currently has only one access.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Impact</td>
<td>A TIS is not required.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Study (TIS)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of Site</td>
<td>Due to the proposed increase in density, the request is anticipated to add approximately 200 trips onto First Street. Fortunately, while First Street presently carries approximately 7,200 cars per day, it is capable of handling significantly more vehicles. The site is also well positioned to take advantage of the existing network of sidewalks and transit service which connect the site to various shopping and employment opportunities in the area.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**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>Relevant Comprehensive Plan Recommendation(s): One of the goals of the Growth Management Plan is to increase the intensity of development in the urban areas of Forsyth County where there is already a large public investment in roads, sewers and other infrastructure. This reduces pressure for development to sprawl into the rural areas of the County. Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. Older urban and suburban neighborhoods should be reinforced as good places to live and do business. Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>Northwest Winston-Salem Area Plan (2012)</td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>The site is designated for high-density residential development of over 12 du/acre. It is part of a larger special land use condition area Site “I”. West First Street/Cloverdale Avenue/Business I-40. The plan recognizes that this area’s location near Wake Forest Baptist Health and a possible future transit station for PART’s regional rail commuter system, may spur its redevelopment, particularly for urban scale townhome, condominium or apartment developments of up to 18 du/acre.</td>
</tr>
</tbody>
</table>
To create multifamily developments that are better integrated into the community and that support and encourage walking, the following design features should be incorporated into new multifamily developments, where feasible:

- A connected street network of public streets with on-street parallel or angled parking and limited use of head-in parking
- Buildings oriented to the street and with entrances on the street
- Building façade articulation
- Reduced building height and mass where multifamily buildings are adjacent to single-family development
- The use of small parking courts instead of large surface parking lots
- The use of street and parking area trees and other landscaping
- Parking lots that are well lit and visible from windows and doorways to help increase their safety and discourage crime
- The use of on-street parallel or angled parking
- Private outdoor space (e.g., courtyards, decks, or balconies)

<table>
<thead>
<tr>
<th>Addressing</th>
<th>This project will be required to have either two street names or one street name with different street types i.e. Way or Court as the suffix.</th>
</tr>
</thead>
<tbody>
<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></td>
<td>(R)(4) - Is the requested action in conformance with Legacy? Yes</td>
</tr>
</tbody>
</table>
| Analysis of Conformity to Plans and Planning Issues | The subject 6.31 acre tract is presently developed with 136 multifamily units which were constructed in 1963. The site is zoned RM18 even though the existing density is approximately 21.5 units per acre. The proposal is to remove the eight existing two-story buildings and replace them with two buildings which range in height from six-seven stories. A two story clubhouse which will front on First Street is also proposed. The total number of proposed units is 166 with a density of 26.3 units per acre. The recently adopted Northwest Winston-Salem Area Plan recommends the continued use of the site for multifamily residential with a maximum density of 18 units per acre which reflects the current zoning. It should be noted that while inventories of existing land use are a part of every area plan, those inventories do not include detailed unit counts of larger multifamily developments. As such, when the area plan recommendations were made, staff was unaware that the subject property already exceeded 18 dwelling units per acre. The site’s adjacency to an interstate interchange, frontage onto a major thoroughfare, and close proximity to various urban services and amenities including walking distance to a major regional employer, makes this site
well suited for higher density residential redevelopment. Mid-rise apartment buildings placed directly along the interstate would add to the vibrancy and urban form of Winston-Salem.

That being said, staff is also aware of the potential impacts to the viewshed of the existing residents along Hinshaw Avenue. It should be noted that the properties along Hinshaw Avenue are also currently zoned RM18 which has a maximum building height of 60’. Further, the existing grade along Hinshaw Avenue averages almost 13’ higher than the proposed grade of the new drive aisle and parking areas on the subject property. Therefore in comparison, the proposed maximum building height of 80’± is comparable (from a neighborhood height standpoint) to what could be developed under the present zoning on the higher adjacent properties to the north. The petitioner has provided cross sections showing specifically how much of a visual impact said new buildings will have (see Attachment A). In addition, while no bufferyards are required between multifamily zoning districts, staff has recommended the provision of landscaping and fencing along the northern property line.

Finally, the Northwest Winston-Salem Area Plan includes design guidelines for multifamily residential development. These are summarized in the Area Plan Recommendations section above. While many of these are difficult to achieve on the subject property, staff does encourage the petitioner to consider adding some degree of balconies/terraces for at least a portion of the residential units.

### 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-2145</td>
<td>RS9 to RSQ</td>
<td>Denied 5-5-97</td>
<td>200’ north</td>
<td>.29</td>
<td>Approval</td>
</tr>
<tr>
<td>W-1961</td>
<td>RM18 to NO</td>
<td>Approved 5-15-95</td>
<td>100’ southeast</td>
<td>.18</td>
<td>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>3,078 sf clubhouse + 16,950 sf + 36,323 sf for the footprints of the two apartment buildings</td>
<td>Clubhouse would front on First Street</td>
</tr>
</tbody>
</table>

Units (by type) and Density: 166 multifamily units on 6.31 acres = 26.3 units per acre

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>304 spaces</td>
<td>304 spaces</td>
<td>90° head end</td>
</tr>
</tbody>
</table>

| Building Height | Maximum | Unlimited | Proposed | 80’ maximum |
| Impervious Coverage | Maximum | 85% | Proposed | 48.6% |
**UDO Sections Relevant to Subject Request**
- Chapter B, Article II, Section 2-1.2 (O) Residential, Multifamily-Unlimited Density District

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

**Analysis of Site Plan Compliance with UDO Requirements**
The site plan complies with the requirements of the UDO.

**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 site is currently zoned RM18 and has a long history of high density multifamily residential use.</td>
<td>The height of the proposed building could create a concern from the existing single family homes along Hinshaw Avenue to the north, and across First Street.</td>
</tr>
<tr>
<td>Redevelopment of this site is beneficial because public infrastructure (including sidewalks and public transit) already exist in the area. A significant amount of shops, services, and employment opportunities are also located within walking distance.</td>
<td></td>
</tr>
<tr>
<td>The site plan locates the buildings as far away from Hinshaw Avenue as possible in order to lessen the visual impact.</td>
<td></td>
</tr>
<tr>
<td>Request is generally consistent with the recently adopted area plan and Legacy.</td>
<td></td>
</tr>
<tr>
<td>Request is only adding 30 additional dwelling units compared to the existing density.</td>
<td></td>
</tr>
<tr>
<td>Trip generation is comparable to the existing zoning.</td>
<td></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 obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements include:
   - Install ADA detectable dome mats at the First Street intersection.
   - Close all unused curb cuts with similar materials

b. Developer shall cordon off all areas shown on the site plan as tree save areas. These areas shall be retained and not disturbed. Vegetation in all these areas shall be protected from grading encroachment in accordance with UDO requirements.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. The proposed buildings shall be constructed in substantial conformance with the
     submitted elevations labeled “Exhibit A.1 and A.2” as verified by Planning staff.
  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 along First Street and the entire northern
     property line adjacent to the properties which front on Hinshaw Avenue.
  c. Developer shall record a final plat in the office of the Register of Deeds. Final
     plat shall show tentative building locations for the multifamily buildings and all
     access and utility easements.

• 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. Lighting shall be installed per approved lighting plan and certified by an
     engineer.

• OTHER REQUIREMENTS:
  a. Private drive aisle, access easement and parking areas to be built and maintained
     by owner and therefore will not be built to public street standards and will not be
     taken over for maintenance by the City of Winston-Salem. This shall be
     indicated on the face of the plat.

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-3151
SEPTEMBER 13, 2012

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101
- Mr. Stimmel described the site and the proposed placement of structures and other features.
- We had a neighborhood meeting on June 28th. We sent invitation letters to the 150 households surrounding this site. We had 20 people attend. The response was extremely positive.
- Submitted elevations.
- Structures could currently be built on this site without rezoning and with only a 15' buffer required between the buildings. However we have pulled the buildings back against the opposite property line.
- With parking under the buildings this plan adds no impervious surface.
- The traffic impact is minimal.
- The grade reduces the visual impact on the neighborhood.

Rob Hildebrand, 1615 Hyde Avenue, Winston-Salem, NC 27104
- President of West Highlands Neighborhood Association.
- We recommend approval of this project.
- The positive aspects of this development are just as important as our concern over the height of the buildings.
- It's beneficial to work with the developer from the beginning of a proposal as we have with Doug Stimmel on this development.
- In light of the vacant structures in this area, the surrounding residential areas should remain residential.

AGAINST:

Marlene C. Peebles, 1620 West 1st Street, #74, Winston-Salem, NC 27104
- This is a quiet, peaceful existence which I would hate to give up as a resident of the existing apartments.
Anita Thomas, 1620 West 1st Street, #86, Winston-Salem, NC 27104
- No one in our development got notice of anything to do with this change. We found out about it in the newspaper. We should have had written letters also.
- A lot of people living in this development can't afford to move right now. They can't afford to get utilities turned on.

Charles Morton, 1620 West 1st Street, #86, Winston-Salem, NC 27104
- The economy is bad and we've already depleted our savings just to keep food on the table.
- The tenants should have been notified as well as the surrounding property owners. Even the manager of the complex knew nothing about this.
- Utilities are included in our rent. A lot of the people who live here are indigent and to be forced to move would mean some of these folks couldn't afford to even have their utilities turned on. They would need financial help to move.
- Finding another decent place to live will be difficult. I'm not a hoodlum and don't want to live somewhere just because it's cheap.
- I'd like to hear some more about what's going to be done. I'd appreciate any more information someone can give me.
- I'm all about progress but don't kill me doing it.

Rev. Otto Gaither, 5641 Novack St, Winston-Salem, NC 27105
- It's incumbent upon you to know and understand what's happening to people. You represent people. It's fine for him to tell you he went to houses, but not go to those who lived in apartments and are indigenous.
- Providing affordable housing is part of your plan.
- It is not ethical, it is not moral for you to treat people as if they are just numbers - the way this request has been handled.
- Give these people an opportunity to help them move. They need to know where they can go.

Travis Jenerett, 1620 West 1st Street, #29, Winston-Salem, NC 27104
- My main concern is that I signed a one-year lease a few months ago. These people knew this project was being planned. It isn't right for them to write us leases when they knew we didn't have a year.

Spencer M. Drummond, Sr., 1620 West 1st Street, #106, Winston-Salem, NC 27104
- We have people here who have lived here for 30 years.
- There is no place which is more affordable than these units. There is no place which includes utilities for this price.
- Knowing we will have to be uprooted and have to move hits like a bombshell.
- How much time will we have? Will we be compensated for our lease disagreements?
- The people who were notified of these plans are those who live around this site and will still have a home to come back to.
- This is going to happen. We know that. But are the current residents going to be allowed to come back to this property at a reasonable rate?

Janice Faust, 1620 West 1st Street, #33, Winston-Salem, NC 27104
- I'm on a fixed income with no means of transportation except WSTA.
• I looked for other places to live and there aren't any I can afford.
• Am I going to be homeless?
• Where will we go from here? Will we just be thrown out?

Roderick Robertson, 1620 West 1st Street, #91, Winston-Salem, NC 27104
• There's a whole lot more at stake here than you realize. You are actually tearing down the moral fiber of this community.
• We are your constituents.
• I implore you to have some compassion. Picture you and your family in the street.
• I feel we are owed a public apology and some form of relocation assistance.

Navonda Harris, 1620 West 1st Street, #90, Winston-Salem, NC 27104
• I thought this was my home.
• I can't afford to go anywhere else. My family has died and my friends have moved. Many of us are in similar situations.
• We work really hard to make sure we are safe.
• We are a family.
• We have no money to relocate. We need help.

Eric Richard Stein, 1620 West 1st Street, #28, Winston-Salem, NC 27104
• We should have had notice. This is negligence.
• We want answers as to how you can help us with moving, getting utilities turned on, etc. Many of us simply can't afford it. What does the City plan to do?

WORK SESSION

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

Chairman King asked Paul Norby to explain the rezoning process.

Paul Norby noted that the role of the Planning Board is to consider the rezoning request and make a recommendation to the City Council for approval or denial. The Planning Board does not initiate rezoning or development requests. We work with the community to develop long-range plans and then, when property owners or developers apply for rezoning, the Planning Board reacts to those and makes recommendations regarding development.

The only time the City can get involved in relocation is when the City sponsors or initiates redevelopment. The City does not have the legal authority to require a developer to provide relocation expenses for a private development. Therefore the Planning Board cannot add that requirement as a condition.

Regarding notification, what is in our ordinance and is consistent with State law, is that the Planning Board does three things when a zoning petition is brought in from the outside.
1. Post a sign on the property, which we did right at the entrance on First Street.
2. Letters from the Planning Board are sent to owners of the properties within a 500' radius of the subject site, again reflecting what is legally required. It is up to property owners to notify their tenants.
3. Place a newspaper advertisement.
Legally neither the Planning Board nor the City Council can consider the price of the proposed housing or the rental costs. Factors that can be considered in rezoning include land use, density, traffic impacts, environmental effects, and the compatibility of the proposed development with its surroundings.

The Assistant City Attorney, Jerry Kontos, concurred with the above statements made by Paul Norby.

In response to a question by the Planning Board, Doug Stimmel indicated that the current owner and the proposed owner plan to work together to figure out what kind of assistance they can offer to current residents. They will honor the leases and let residents know of plans in a timely manner.

The contract on this property is contingent on the rezoning being approved so at this point the property owner doesn't know that he will actually sell the property.

State law requires that any lease for three years or less must be honored.

Lynne Mitchell stated that people need to come together and talk to the elected officials about what is important. We need quality, affordable housing. Our community is not addressing affordable housing facilities such as this. People need to work together to encourage the City Council to look at incentives for providing affordable housing.

Another development with fewer units could be built under current zoning. The layout and design components of this plan are very good. Clarence Lambe stated that affordable housing is incompatible with some of the things we require for smart development. For instance requiring things like sidewalks, articulations, conservation subdivisions, and mixed materials, drive up costs. We need to look at cost ramifications.

It is important for the public to show the City Council what your thoughts are.

Arnold King suggested to Mr. Stimmel that if possible an estimated timeline should be determined and shared with residents before this item is heard by City Council.

MOTION: Wesley Curtis moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Lynne Mitchell
VOTE:
   FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Brenda Smith, Allan Younger
   AGAINST: None
   EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
DOCKET #: W3151
(Continued from 8/9/2012)

PROPOSED ZONING:
RMU-S

EXISTING ZONING:
RM18

PETITIONER:
Bcbb LLC for property owned by Same

SCALE: 1" represents 400'
STAFF: Roberts
GMA: 2
ACRES: 6.31
NEAREST BLDG: 10' north
MAP(S): 624854
The Edge Apartments - Clubhouse

Vision Development

Lloyd Architecture, PC
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-3151

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 number 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 phrase. 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-3151 PROJECT TITLE: Shaffer 1st Street Multifamily
DATE: July 27, 2012

PROJECT DESCRIPTION: Southwest side of First Street and the north side of business I-40, south of Hinslaw Ave.

NCDOT- Phone # - 336.703.6600 Email: skjones@ncdot.gov
"No Grading in Controlled Access of Business 40 without separate permit"
(per email from Steven Jones)

Signature

WSDOT- Phone # - 336.747.6872 Email: conniee@cityofws.org
"Provide bike parking within parking decks below the units. The turnaround appears too close to the island. Should it be moved farther back to allow back-up maneuvers?"
(per email from Connie Curtis)

Signature

City Engineer- Phone # - 336.747.6846 Email: albertcg@cityofws.org
"Driveway permit req'd. Close all unused curb cuts."
(per email from Al Gaskill)

Signature

City Streets Division- Phone # - 336.734.1550 Email: robbys@cityofws.org
"Repair any damages to First Street (asphalt, granite curb, and sidewalk) that occur during construction."
(per email from Robby Stone)

Signature

Inspections (Zoning)- Phone # - 336.727.2626 Email: jeffv@cityofws.org
"Terraces, balconies, etc. may not encroach into the T.O. Tree calculations do not appear to be correct. 600-700 sq. ft. short. Showing two trees save areas which total 16852 sq. ft. – but legend indicates 17425 being saved. Show tree protection fencing. Lighting condition. Show all T.O. plantings."
(per email from Jeff Vaughn)

Signature

Erosion Control - Phone # - 336.727.2388 Email: williamv@cityofws.org
"An Environmental Grading and Erosion Control permit will be required if more than 10,000 sq. ft of area is disturbed during construction. An Erosion and Sediment Control Plan should be submitted to this office for review at least 30 days prior to the intended construction start date and be approved. Upon approval the owner will be notified that the erosion control plan has been approved and that the permit can be obtained. In the event the Erosion and Sediment Control Plan is disapproved, the owner will be notified of the reasons for
disapproval so that a revised plan can be submitted for review.
Sealed retaining wall plans should be submitted with the erosion and sediment control plan. Ten feet height maximum applies."
(per email from Toby Vinson)

Stormwater Division- Phone # - 336.747.6961 Email: josephf@cityofws.org
No comments

Fire (City)- Phone # - 336. 734.1290 Email: douglasc@cityofwsfire.org
"FDC shall be within 100' of a public hydrant. Hydrant needed on outside of Gate to cover Clubhouse. Entry Gates shall meet FD requirements. Fire Sprinkler and Standpipe is required. Secondary Water Supply is required per NFPA 903.3.5.2 for Fire Sprinkler System if this is a High Rise Building."
(per email from Doug Coble)

Utilities- Phone # - 336.747.7499 Email: courtneyd@cityofws.org
"Subject to Utilities plan review for permits and/or authorization to construct. Existing sewer outfall will require 20' recorded easement."
(per email from Courtney Driver)

Sanitation- Phone # - 336.748.3080 Email: randallb@cityofws.org

Planning- Phone # - 336.747.7043/747.7068 Email: aaronk@cityofws.org
"Revise note 2 to say "will" instead of "may," staff will also propose a condition dealing with maintenance responsibilities; While the site currently meets Fire Code with only one entrance, staff still encourages any opportunity for an additional emergency access connection to Hinshaw; Provide a specific building height for all three buildings; Remove note referring to alley closure; Condition that buildings be consistent with submitted elevations; Staff recommends some buffer or opaque fencing along northern line if possible; Staff also recommends providing cross sections from surrounding areas; Street names and development name needed; Update density cales to include unit in clubhouse; Potential for balconies? TO district relief? Speed bumps will probably need to be installed in the parking lot at some point."
(per email from Aaron King)

Street Names/Addresses -336.747.7048 Email: benfs@cityofws.org
"2 street names or 1 street name with different street types are 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 District-Special Use zoning unrestricted density with a Special Use District site plan which restricts the number of dwellings units to 166 (26.3 units/acre) with its added conditions is generally consistent with the Legacy Comprehensive Plan, and generally consistent with the Northwest Winston-Salem Area Plan (2012) and 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;

2. Redevelopment of this site is beneficial because public infrastructure (including sidewalks and public transit) already exist in the area;

3. All parking is provided off-street and driveway cuts are minimized;

4. The request is only adding thirty (30) additional dwelling units compared to the existing density;

5. The trip generation is comparable to the existing zoning; and

The site is suited for higher density residential development due to the site’s adjacency to an interstate interchange, frontage onto a major thoroughfare, and close proximity to various urban services and amenities including walking distance to a major residential employer; and the design of the site incorporates measures intended to promote compatibility of the clubhouse with the homes on First Street, and to minimize the height impact of the new apartment buildings.
DENIAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3151
(BCBB, L.L.C.)

Although the proposed zoning map amendment from RM18 (Residential, Multifamily; 18 units per acre maximum density) to RMU-S (Residential, Multifamily District-Special Use zoning unrestricted density with a Special Use District site plan which restricts the number of dwellings units to 166 (26.3 units/acre) with its added conditions is generally consistent with the Legacy Comprehensive Plan, and generally consistent with the Northwest Winston Area Plan (2012), approval of the request is not reasonable and in the public interest because the density is higher than the existing development, and the height of the proposed buildings could create a concern from the existing single family homes along Hinshaw Avenue to the north, and across First Street.
In regard to zoning docket w 3151, I am in favor of this project and zoning request. Should you have questions, please call me at 403-4285. Thank you, Gene Lowder.
August 13, 2012

Re: Zoning Docket W-3151

Dear Planning Staff:

I live at 1614 West First Street in Winston-Salem. As an adjacent property owner, I am writing in support of the proposed rezoning of the properties at 1616 and 1620 West First Street, PIN’s 6825-45-4252 and 6825-55-1544 from RM-18 to RMU-S for a multi-family development as shown on the submitted rezoning plan. The proposed five-story apartments over 2-levels of parking will be a great improvement and asset to our neighborhood.

I am physically unable to attend the public meetings, but would like the Planning Staff, Planning Board and City Council know of my support for the project. Please feel free to contact me with any questions.

Sincerely,

Walter R. Taliaferro
Dear Chairman King and members of the Planning Board,

I would like to comment on two issues that will come before you at the August 9th Planning Board Meeting.

First, I want you to know how concerned the West Highlands neighborhoods are about the proposed Cedar Woods replacement project. The property in question is currently zoned RM-18. The neighbors in the Hinshaw Ave./First St. area worked hard with Steve Smotherman to have that reflected in the current Area Plan.

It is my understanding that the proposed project would rezone the property to RMU - S. That will allow an apartment complex of more than 80 feet to be built in the existing footprint. The neighbors and some Association Board members think an 80 foot apartment building is too tall for the neighborhood.

There are many good things about this project. It fits the existing "footprint". The office / club house will have the same set back as the current dwellings on that side of W. First Street. The club house will also fit in appropriately with existing dwellings. The City will receive more property taxes from the complex, than they presently do from the current one. They height, though, is a real concern.

We suggest that the Board recommend approval of the project, with one change. The Neighborhoods Association would like the Planning Board to require the developer of the proposed project to put the two parking levels of the larger building into the ground. This will lower the building perhaps as much as 20 feet. So, the finished product will be about 60 - 65 feet tall. The height of buildings zoned RM - 18 is 60 feet. We would also want the top of the smaller building to be the same level as the top of the larger one.

By requiring these changes the apartment complex would truly compliment the existing homes and dwellings in the Hinshaw/W. First Street neighborhood and be a compliment to the older historical homes throughout West Highlands.

Secondly, the WHNA is concerned about the proposed stadium being promoted by the R.J. Reynolds Home Field Advantage group. There are neighbors who want to save Hanes Park, and neighbors who support the stadium.

I am now making my support public by writing this letter and am concerned about the volume of the discussion and how it affects the neighborhoods.
City-County Planning Board Members and  
City Council Members  
P. O. Box 2511  
Winston-Salem, NC  27102  

RE: Affordable Housing  

Dear City-County Planning Board Members and City Council Members,  

This letter has been precipitated by W-3151, but I am not against that specific request. It is simply a good illustration of the need for us to provide affordable housing for our community.  

I strongly support infill development. It is crucial to our development as a healthy community. Likewise there is no doubt that Planning staff thoroughly investigated this rezoning and the impact it would have in this area before recommending approval of the request. The proposal will be a beautiful addition to this area.  

However, it brings up the issue of our need for adequate affordable housing. Safe, affordable housing is extremely difficult to find in Winston-Salem and Forsyth County. The existing apartments meet that need at a rental cost of $440 per month including all utilities. The units are small but adequate and relatively safe.  

There are some units on Cloverdale beyond the Medical Center; however, the rent is higher and utilities are not included. There are other units off First Street but safety is a concern there.  

People of all walks of life live in the current complex. They do so because for various reasons they cannot afford to pay $500 or more each month for rent and then have utility costs on top of that.  

I hesitate to make this next statement because it sounds like a dramatic exaggeration. However, I know it to be true. Unless we can provide equivalent housing, some of the displaced residents will end up living on the street. That is as detrimental to our community as infill is beneficial - to say nothing of the impact on individual lives.  

I simply ask that you find specific ways to address the issue of affordable housing in our community, especially when we take away affordable units like these to replace them with high-quality units. Having housing in this same price range with the same level of security would speak highly of our community and provide for our residents.  

Thank you,  

Shelda A. Stewart
From: Bettie Morris [mailto:bet@clearwire.net]
Sent: Saturday, August 04, 2012 9:26 AM
To: Gary Roberts
Subject: W-3151

As a resident of the area, 1700 West First Street, I am VERY concerned about the 130-plus residents being displaced for "upscale development." Though I recognize that the city has no legal responsibility in the matter, I wonder if anyone on the planning board, city council recognizes the ethical and moral responsibility to all its citizens, not just those who can afford "upscale housing?". Do we not have enough homeless people and / or people in far less than optimal housing?? Shouldn't the city make it part of its mission to assist residents when it rezones away their homes?

Bettie Morris
1700 West First Street
Winston-Salem, NC. 27104
336-723-2829