DOCKET #: W3087

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
LO-S

PETITIONER:
North Carolina Housing Foundation Inc.
for property owned by Same

SCALE: 1" represents 200'

STAFF: Reed

GMA: 2

ACRES: 0.98

NEAREST BLDG: 74' west

MAP(S): 636854
January 26, 2011

North Carolina Housing Foundation, Inc.
750 Bethesda Rd
Winston-Salem, NC 27103

RE: SITE PLAN AMENDMENT W-3087

Dear Sir:

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
**ACTION REQUEST FORM**

**DATE:** January 26, 2011  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning  

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Site Plan Amendment of North Carolina Housing Foundation, Inc.

**SUMMARY OF INFORMATION:**

Site Plan Amendment of North Carolina Housing Foundation, Inc. for a LO-S (Professional Offices; Offices, Miscellaneous; Residential Building, Multifamily; Church or Religious Institution, Neighborhood; Neighborhood Organization; and Museum or Art Gallery) zoned site: property is located on the southeast corner of Fifth Street and Dunleith Avenue (Zoning Docket W-3087).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** WESLEY CURTIS, ARNOLD KING, CLARENCE LAMBE, PAUL MULLICAN, BRENDAS SMITH, ALLAN YOUNGER  
**AGAINST:** NONE  
**EXCUSED:** DARRYL LITTLE, LYNNE MITCHELL  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Site Plan Amendment of North Carolina Housing Foundation, Inc.,
Docket W-3087

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 granting a Site Plan Amendment for
property zoned LO-S (Professional Offices; Offices, Miscellaneous; Residential Building,
Multifamily; Church or Religious Institution, Neighborhood, Neighborhood Organization; and
Museum or Art Gallery) and described as follows:

PIN #6835-77-6620 and a portion of 6835-77-7466

Section 2. This Ordinance is adopted after approval of the site plan entitled 5th Street
Apartments and identified as Attachment "A" of the Special Use District Permit issued by the
City Council the _____ day of ________________, to North Carolina Housing Foundation, Inc.

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 5th Street 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 North Carolina Housing Foundation, Inc. (Zoning Docket W-3087). 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 LO-S (Professional Offices; Offices, Miscellaneous; Residential Building, Multifamily; Church or Religious Institution, Neighborhood; Neighborhood Organization; and Museum or Art Gallery - Site Plan Amendment), approved by the Winston-Salem City Council the _____ day of ____________________, 20____" and signed, provided the property is developed in accordance with requirements of the LO-S zoning district of the Zoning Ordinance of the Unified Development Ordinances, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.

- **PRIOR TO ISSUANCE OF BUILDING PERMITS:**
  a. Petitioner shall record a plat showing the new lot and a cross access easement along the entire drive aisle to University Court connecting from Fifth to Dunleith.

- **PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:**
  a. Developer shall complete all requirements of the WSDOT driveway permit, replace or repair any damaged sidewalk or curb to be to the requirements of the Public Works Department, close any unused driveway cuts, and install ADA dome mat at the intersection of Dunleith and Fifth.
### CITY-COUNTY PLANNING BOARD
### STAFF REPORT

#### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3087</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>David Reed</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>North Carolina Housing Foundation, Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #6835-77-6620 and a portion of 6835-77-7466</td>
</tr>
<tr>
<td>Address</td>
<td>1500 Fifth Street</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Site Plan Amendment</td>
</tr>
</tbody>
</table>
| Proposal | The petitioner is requesting a Site Plan Amendment for a LO-S zoned property. The petitioner is requesting the following uses:  
- Residential Building, Multifamily |
| Neighborhood Contact/Meeting | Petitioner indicated on the application that no neighborhood/community meeting had been held as of that date. |
| Zoning District Purpose Statement | The LO District is primarily intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so this district may serve as a transition between residential districts and commercial districts. This district is intended for application in GMAs 2 and 3. |
| 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 subject property is located along a thoroughfare and within GMA 2 (Urban Neighborhoods). |

#### GENERAL SITE INFORMATION

<p>| Location | Southeast corner of Fifth Street and Dunleith Avenue |
| Jurisdiction | City of Winston-Salem |
| Ward(s) | East Ward |
| Site Acreage | ± 0.98 acres |
| Current Land Use | Vacant |
| Surrounding Property Zoning and Use |   |
| Direction | Zoning District | Use |
| North | RS7 | Single Family |
| East | LO-S | Office |
| South | RM8-S | Multifamily |
| West | RS7 | Church |</p>
<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?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed multifamily uses are compatible with the adjacent residential, office, and institutional uses surrounding it.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Physical Characteristics</th>
<th>The site has a moderate slope downward to the north.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Proximity to Water and Sewer</th>
<th>Public water and sewer are available to the site.</th>
</tr>
</thead>
</table>

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<thead>
<tr>
<th>Stormwater/Drainage</th>
<th>No known issues.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Watershed and Overlay Districts</th>
<th>The site is not within a water supply watershed.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Analysis of General Site Information</th>
<th>The site has no apparent constraints and appears to be suitable for development.</th>
</tr>
</thead>
</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>Fifth Street</td>
<td>Major Thoroughfare</td>
<td>+/- 197 feet</td>
<td>4,100</td>
<td>16,100</td>
</tr>
<tr>
<td>Dunleith Avenue</td>
<td>Local Road</td>
<td>+/- 277 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
The site plan indicates the existing access point onto Fifth Street will be the primary point of access.

**Planned Road Improvements**
The Comprehensive Transportation Plan recognizes Fifth Street as being adequate.

**Trip Generation - Existing/Proposed**
- **Existing Zoning:** LO-S
  \[24,500 / 1,000 \times 11.01\] (General Office Trip Rate) = 269 Trips per Day

- **Proposed Site Plan Amendment:**
  8 units x 6.59 (Multi-Family Trip Rate) = 53 additional Trips per Day

**Sidewalks**
Sidewalks exist along both street frontages

**Transit**
Route 17 runs along Martin Luther King Jr. Boulevard approximately 500 feet to the west.

**Traffic Impact Study (TIS)**
None required

**Analysis of Site Access and Transportation Information**
The site’s primary access will come via an existing drive aisle onto Fifth Street, with no new access points proposed. Sidewalks currently exist along both street frontages and staff sees no negative impact to the transportation network.
### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**
GMA 2 (Urban neighborhoods)

**Relevant Legacy Recommendations**
- Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.

**Relevant Area Plan(s)**
East-Northeast Winston-Salem Area Plan

**Area Plan Recommendations**
- The *East-Northeast Winston-Salem Area Plan* identifies the subject property as multifamily development with no change. East Fifth Street is designated as a pedestrian-friendly road in the Plan. The subject property is part of the East Winston Metro Activity Center. In general, buildings within the MAC should be located close to the street and have pedestrian-oriented design features such as awnings, porches, columns, recessed doors, and no blank walls facing roads. Parking should be located to the side or rear of primary structures.

**Addressing**
The private street is required to be named. A proposed street name, Virginia Newell Lane, is under review by E911 agencies and approval is pending.

**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)**
- (R)(3) - Have changing conditions substantially affected the area in the petition?
  - No.
- (R)(4) - Is the requested action in conformance with Legacy?
  - Yes.

**Analysis of Conformity to Plans and Planning Issues**
The request is in conformance with the recommendations of Legacy and the *East-Northeast Winston-Salem Area Plan*. This request would fulfill some of the recommendations of the Area Plan. The existing zoning allows for the multifamily use but the site plan must be amended to show the buildings and associated parking.

### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td>W-2881</td>
<td>RMU and RS7 to LO-S</td>
<td>Approved 9/5/06</td>
<td>Includes Site</td>
<td>3.31</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2616</td>
<td>RMU &amp; RS-7 to RM-8-S</td>
<td>Approved May 5, 2003</td>
<td>South</td>
<td>1.69</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,166 square feet</td>
<td>Two buildings in northwest corner of site</td>
</tr>
</tbody>
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<thead>
<tr>
<th>Units (by type) and Density</th>
<th></th>
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<tbody>
<tr>
<td>Two-four unit buildings; nine units per acre</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>12 spaces</td>
<td>12 spaces</td>
<td>Existing parking spaces</td>
<td></td>
</tr>
<tr>
<td>Building Height</td>
<td>Maximum</td>
<td>Proposed</td>
<td></td>
</tr>
<tr>
<td>-----------------</td>
<td>---------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>40 feet</td>
<td>20 feet</td>
<td></td>
</tr>
<tr>
<td>UDO Sections Relevant to Subject Request</td>
<td>75%</td>
<td>25%</td>
<td></td>
</tr>
<tr>
<td>Complies with Chapter B, Article VII, Section 7-5.3</td>
<td>(A) Legacy policies:</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Analysis of Site Plan Compliance with UDO Requirements</td>
<td>(B) Environmental Ord.</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
<td></td>
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</table>

The site plan addresses many of the recommendations of the *East-Northeast Winston-Salem Area Plan*. Staff is awaiting minor revisions based on comments from the Interdepartmental Review Committee meeting.

**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 in conformance with the recommendations of Legacy and the <em>Northeast Winston-Salem Area Plan</em>.</td>
<td></td>
</tr>
<tr>
<td>The site design provides a good building presence along both street frontages.</td>
<td></td>
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</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, laws, and the following additional conditions be met:

- **PRIOR TO ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.

- **PRIOR TO ISSUANCE OF BUILDING PERMITS:**
  a. Petitioner shall record a plat showing the new lot and a cross access easement along the entire drive aisle to University Court connecting from Fifth to Dunleith.

- **PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:**
  a. Developer shall complete all requirements of the WSDOT driveway permit, replace or repair any damaged sidewalk or curb to be to the requirements of the Public Works Department, close any unused driveway cuts, and install ADA dome mat at the intersection of Dunleith and Fifth.

**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-3087
JANUARY 13, 2011

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the site plan amendment and recommends staff conditions.

SECOND: Wesley Curtis
FOR: Wesley Curtis, Arnold King, Clarence Lambe, Paul Mullican, Brenda Smith, Allan Younger
AGAINST: None
EXCUSED: Darryl Little, Lynne Mitchell

[Signature]
A. Paul Norby, FAICP
Director of Planning
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezonng 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 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-3087 PROJECT TITLE: 5th Street Apartments
DATE: December 29, 2010

PROJECT DESCRIPTION: Southeast corner of Fifth Street and Dunleith Avenue

NCDOT- Phone # - 336.703.6600 Email: wturner@ncdot.gov
"NSR-no comment"
(per email from Jeff Turner)

Signature

WSDOT- Phone # - 336.747.6872 Email: connie@cityofws.org
"Cross access easement needs to continue along the entire drive aisle to University Ct. connecting from Fifth to Dunleith. Why are the two handicapped spaces not in line with the other parking? How will trash cans in the Corral be picked up by the City garbage collector?"
(per email from Connie Curtis)
Access Sidewalk from units to dumpster. Also sidewalk to parking.

Signature

City Engineer- Phone # - 336.747.6846 Email: albertcg@cityofws.org
"May require driveway permit"
(per email from Al Gaskill)

Signature

City Streets Division- Phone # - 336.734.1550 Email: robbya@cityofws.org
"Repair any damages that occur to the sidewalk, curb, and asphalt along Dunleith and Fifth. Close unused driveway cuts on Dunleith and Fifth. Install ADA dome mat at the intersection of Dunleith and Fifth."
(per email from Robby Stone)

Signature

Inspections (Zoning)- Phone # - 336.727.2626 Email: jeffv@cityofws.org
"Legend is difficult to read. 25' cross access easement must extend from E. 5th St. through site to Dunleith Ave. Label lot area of each lot. Label proposed building height. Primary building orientation must be toward the public street. Provide ESR a sign easement. Need Tree Save Legend on the plan. Call Call Fred Holbrook @336-747-7427 Show tree save detail and location of tree protection fencing. Need street yard along 5th St. Is 6' tall fence along Dunleith Ave. to stay or be removed."
(per email from Jeff Vaughn)

Signature

Inspections (Erosion Control)- Phone # - 336.727.2388 Email: jeffk@cityofws.org
"Land Disturbance Permitted?"
(per email from Jeff Kopf)

Signature

Below DEMR Threshold

PUBLIC FUNDS/OTHER - DEMR JURISDICTION

LESS THAN ONE ACRE

Below DEMR Threshold For Their Approval.
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Stormwater Division- Phone # - 336.747.6961 Email: josephpf@cityofws.org

Signature

Fire (City)- Phone # - 336.747.7359 Email: jonc@cityofwsfire.org
"Insure access to FDC's from Dunleith Avenue (re: 6' tall chain link fence). Recommend hydrant on same side of street as FDC. Insure FD access to all sides of buildings within 150 feet.”
(per email from Jon Canup)

Signature

Utilities- Phone # - 336.747.7499 Email: billjs@cityofws.org
“City/County Utilities does not assume responsibility for due diligence on behalf of the owner, developer, or consulting engineer. Water services larger than 2-inch and all fire services are required to be permitted by NCDENR. Subject to Utilities plan review for Building Permit. Contact Bob Kitchens, Utilities, 336-734-1332, for meter, backflow preventer, and/or grease interceptor requirements. Contact Charles Hendrick, Records Center, 336-747-6850, for applicable impact fees or rates, and record drawings. Contact CityLink, 727-8000 for Utility locates of water and sewer mains and or service laterals.”
(per email Bill Shookman)

Signature

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

Signature

Planning- Phone # - 336.747.7043/747.7068 Email: aaronk@cityofws.org
"Will elevations be submitted? Will units address the street in a manner similar to the existing multifamily units to the south? Seal needs to be signed on site plan; site plan legend needs to be legible. A condition for plating will be included.”
(per email from Aaron King)

Signature

Forsyth County Health Department - 336.703-3110 Email: rakescd@forsyth.cc

Signature

Street Names/Addresses -336.747.7048 Email: benfs@cityofws.org
“Private street is required to be named. A proposed street name, Virginia Newell Lane, is under review by E911 agencies and has not yet been approved.”
(per email from Ben Stamey)

Signature
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3087
(NORTH CAROLINA HOUSING FOUNDATION, INC.)

The proposed Site Plan Amendment for a LO-S zoned property with the requested use of Residential Building, Multifamily with the site specific recommended conditions is consistent with the Legacy Comprehensive Plan, the East-Northeast Winston-Salem Area Plan (2008) and is reasonable and in the public interest because:

1. The site has no apparent constraints and it appears suitable for development;

2. The proposed multifamily uses are compatible with the adjacent residential, office and institutional uses surrounding it; and

3. The site design provides a good building presence along both street frontages.