DOCKET #: W2943
(continued from 7/12/07)

PROPOSED ZONING:
RM18-S

EXISTING ZONING:
RM12

PETITIONER:
Beau Dancy Construction Company Inc. for property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 0.13

NEAREST BLDG: 3' north

MAP(S): 630850
August 22, 2007

Beau Dancy Construction Company
905 Buttonwood Court
Winston-Salem, NC  27104

RE:   ZONING MAP AMENDMENT W-2943

Dear Mr. Dancy:

    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
      Rick Bell, 638 S. Poplar Street, Winston-Salem, NC  27101
      Robert Jones, 412 West Street, Winston-Salem, NC  27101
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE</th>
<th>August 22, 2007</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 Beau Dancy Construction Company, Inc.

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Beau Dancy Construction Company, Inc. from RM-12 to RM-18-S (Residential Building, Urban): property is located on the east side of Poplar Street, south of West Street (Zoning Docket W-2943).

**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 Beau Dancy Construction Company, Inc., Docket W-2943

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 RM-12 to RM-18-S (Residential Building, Urban) the zoning classification of the following described property:

BEGINNING at an existing ¾" iron in the eastern right-of-way of Poplar Street, a northwestern corner of Lot 103, Block 6232 as recorded in Deed Book 2417, Page 1439 and Plat Book 51, Page 29 and the southwest corner of Lot 101, Tax Block 569 as recorded in Deed Book 2495, Page 3080; thence with the southern line of said Lot 101 N. 71°36'35" E. 72.00' to a point; thence on a new line crossing said Lot 103 S. 19°02'25" E. 80.32' to a point in the southern line of said Lot 103 and the northern line of Lot 301A, Tax Block 569 as recorded in Deed Book 2643, Page 4263; thence with the southern line of said Lot 103 S. 71°22'13" W. 72.00' to an existing 7/8" iron in said eastern right-of-way of Poplar Street; thence with said right-of-way N. 19°02'25" W. 80.62' to the place of beginning and containing 5,794 square feet more or less.

Section 2. This Ordinance is adopted after approval of the site plan entitled Marshall Street Brownstones/Beau Dancy Construction Company and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of _____________, 20___ to Beau Dancy Construction Company, 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 Marshall Street Brownstones/Beau Dancy Construction Company. 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 Beau Dancy Construction Company, Inc, (Zoning Docket W-2943). 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 RM-18-S (Residential Building, Urban), approved by the Winston-Salem City Council the _____ day of _________________, 20____" and signed, provided the property is developed in accordance with requirements of the RM-18-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 ANY PERMITS:
  a. Developer shall obtain a driveway permit from the City of Winston-Salem Public Works Department.
  b. Developer shall either obtain a grading permit or modify existing grading permit.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Developer shall record a final plat in the office of the Register of Deeds.
  b. Developer shall substantially adhere to the submitted building elevations shown on Exhibit A.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All requirements of the City of Winston-Salem driveway permit shall be completed.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2943</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Beau Dancy Construction Company, Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 103 / Tax Block 6232</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning to RM-18-S</td>
</tr>
</tbody>
</table>

#### Proposal

The petitioner is requesting to amend the Official Zoning Maps for the subject property **from** RM-12 Residential, Multifamily; maximum density of 12 units per acre **to** RM-18-S Residential, Multifamily; maximum density of 18 units per acre. The petitioner is requesting the following uses:

- (Residential Building, Urban)

#### Continuance History

This request was continued from the July 12, 2007 Planning Board meeting to the August 9, 2007 Planning Board meeting in order to provide sight lines and elevations. Currently no additional information has been submitted.

#### Zoning District Purpose Statement

The RM-18 District is primarily intended to accommodate multifamily uses at a maximum overall density of eighteen (18) units per acre. This district is appropriate for Growth Management Areas 1 and 2, and may be suitable for Growth Management Area 3 and activity centers where public facilities, including public water and sewer, public roads, parks, and other governmental support 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(S)

(S)(1) - **Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?**

While the subject property does not directly front on a minor or major thoroughfare, the access to the site on West Street is less than 100' from South Marshall Street which is a minor thoroughfare.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>East side of Poplar Street, south of West Street (access is on West Street)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>South</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 0.13 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Site is undeveloped</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>LI</td>
<td>Residential accessory building</td>
</tr>
<tr>
<td>East</td>
<td>RM-12</td>
<td>Townhouses under construction</td>
</tr>
<tr>
<td>South</td>
<td>PB</td>
<td>Townhouses under construction (15.51 du/acre)</td>
</tr>
<tr>
<td>Application Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>West</td>
<td>RS-9</td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Physical Characteristics</td>
<td>The lot has a gentle slope downward to the south.</td>
<td></td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water and sewer are available.</td>
<td></td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
<td>No known issues.</td>
<td></td>
</tr>
<tr>
<td>Historic, Natural Heritage and/or Farmland Inventories</td>
<td>This property is located just outside the boundary of the West Salem National Register Historic District. However, the overall area retains architectural elements from the mid-late 19th century and from the early 20th century.</td>
<td></td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>The site is adequate for the proposed improvements and possesses no evident development constraints.</td>
<td></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>Poplar Street</td>
<td>Local Street</td>
<td>81’</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>West Street</td>
<td>Local Street</td>
<td>See comment below</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

Vehicular access will be provided by a 25’ access easement which connects the eastern side of the site to West Street.

**Trip Generation - Existing/Proposed**

- **Existing Zoning: RM-12**
  
  \[ 0.13 \times 12 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 10 \text{ Trips per Day} \]

- **Proposed Zoning: RM18-S**
  
  \[ 2 \text{ units} \times 6.59 \text{ (Multifamily Trip Rate)} = 13 \text{ Trips per Day} \]

**Sidewalks**

Sidewalks are currently located on both sides of all surrounding streets.

**Transit**

Not available

**Analysis of Site Access and Transportation Information**

Access to the site is adequate

**Generalized Recommended Conditions**

BRIEF DESCRIPTION OF CONDITION(S):

- Obtain driveway permit
### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**  
Growth Management Area 2 (Urban Neighborhoods)

**Relevant Legacy Recommendations**  
- *Legacy* recommends a variety of housing types and prices within neighborhoods. It also proposes residential infill development at higher densities, where appropriate, to make such development attractive to developers. Infill development should be done in such a way that it is an asset to existing surrounding neighborhoods.

**Relevant Area Plan(s)**  
*South Central Winston-Salem Area Plan* (2003)

**Area Plan Recommendations**  
- The *South Central Winston-Salem Area Plan* recommends this site for Intermediate Density Residential with multifamily residential uses up to 12 du/ac.

**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)**  
Yes

**Analysis of Conformity to Plans and Planning Issues**  
The subject property is located adjacent to PB, LI and RM-12 zoning. The request will allow the construction of two attached residential units whereas the current RM-12 zoning would allow for one unit. Due to the small size of the site the request is generally consistent with the *South Central Winston-Salem Area Plan* recommendation which is for multifamily residential uses up to 12 du/ac. The request is also consistent with *Legacy* in that it is an appropriate GMA 2 location for higher density infill development.

### RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request Description</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2819</td>
<td>LI, LB, HB, &amp; GB to PB</td>
<td>Approved 1-3-06</td>
<td>Adjoins to the south</td>
<td>6</td>
<td>Approval</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Approval</td>
</tr>
<tr>
<td>W-1525</td>
<td>I-2, I-3, B-3 &amp; R-3 to R-1 (RM-12)</td>
<td>Approved 6-6-88</td>
<td>Included subject property</td>
<td>10.5</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Units (by type) and Density Parking</th>
<th>2 units on .133 acre = a density of 15 units per acre</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Required</strong></td>
<td><strong>Proposed</strong></td>
</tr>
<tr>
<td>Building Height</td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td>60’</td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum</td>
</tr>
</tbody>
</table>
| UDO Sections Relevant to Subject Request | • Chapter B, Article II, Section 2-1.2 (N) RM-18 District  
| | • Chapter B, Article II, Section 2-5.64 Residential Building, Multifamily Use Conditions  
| Complies with Chapter B, Article VII, Section 7-5.3 | (A) Legacy policies: Yes  
| | (B) Environmental Ord. NA  
| | (C) Subdivision Regulations NA  
| Analysis of Site Plan Compliance with UDO Requirements | The outstanding site plan issues are noted below. It is anticipated that a revised site plan will be submitted which complies with the requirements of the UDO.  
| Generalized Recommended Conditions | BRIEF DESCRIPTION OF CONDITION(S):  
| | • Plat recording condition  
| CONCLUSIONS TO ASSIST WITH RECOMMENDATION |  
| Positive Aspects of Proposal | The request is generally compatible with the surrounding development pattern.  
| | The site is an appropriate location for higher density infill development.  
| Negative Aspects of Proposal | The proposed three story attached units will be across the street from an existing one story single family home.  
| 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 ANY PERMITS: | a. Developer shall obtain a driveway permit from the City of Winston-Salem Public Works Department.  
| | b. Developer shall either obtain a grading permit or modify existing grading permit.  
| PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS: | a. All requirements of the City of Winston-Salem driveway permit shall be completed.  
| 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.  

W-2943 August 2007 8
**PUBLIC HEARING** - July 12, 2007

Gary Roberts presented the staff report.

FOR:

Rick Bell, 638 S. Poplar Street, Winston-Salem, NC 2710
- I'm standing in for Beau Dancy who had to be in a meeting in Charlotte.
- I support this request for two townhomes on this site instead of just one.
- I live just around the corner.
- They will be just like the brownstones that are facing South Marshall Street now.
- There is a buffer between the townhouses and the garage and also a buffer between the townhouses and the condominiums under construction on the south side.

AGAINST:

Robert Jones, 412 West Street, Winston-Salem, NC 27101
- I'm the owner of the yellow house and the carriage house.
- One of the main reasons I oppose the construction of the two homes instead of one is that I feel there wouldn't be a nice transition between residential. It says my property is light industrial but it's truly a residential house.
- Showed photographs of houses in the area and discussed their merits as opposed to the brownstones which he finds too large.
- This property was originally acquired during the South Marshall Redevelopment Plan.
- I feel like I'll be living in a fishbowl when these new buildings go up.
- The new buildings will not be in keeping with the historic neighborhood.
- For 9 years, Dancy has been supposed to put a 15 foot buffer between me and the new construction. The Planning Board approved a text amendment that allows him not to put any buffer in. I wasn't notified about that.
- We worked really hard on restoring our house and the character of that house and don't want it destroyed. There's just too much building in our neighborhood right now. Adding another three-story condo will not add value to our neighborhood.

**WORK SESSION**

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

1. Under the current RM-12 zoning, they could build a three-story building with the exact footprint shown on this plan.

2. Wesley Curtis: Putting the new three-story next to the carriage house will be a distinct difference. I'd like to see a better transition, even with materials. Going on down the road, wood, brick, and other materials are used to break up the façade so it's not as massive.
3. Carol Eickmeyer: I'm not opposed to putting two buildings here. But, this is a fairly abrupt change in streetscape. I'd like to see elevations because it doesn't seem like it's even an interesting façade. If these are going to be like the brownstones, they aren't going to work. This is a neighborhood that's working hard to keep itself together. I'd either like to continue this to get facade or drawings or I'll be voting against it.

4. The new adjacent construction has wood exteriors which help break up the scale.

5. The other thing that is imposing on this street is the immense stairway going up the front. On the other street where there are several such stairways, it makes sense, but it doesn't fit here.

6. I'd like to see some height and sight lines and see some elevations which would show the scale.

MOTION: Clarence Lambe moved continuance of the zoning map amendment and site plan to August 9, 2007.
SECOND: Carol Eickmeyer
VOTE:
FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
AGAINST: None
EXCUSED: None

PUBLIC HEARING

Gary Roberts presented the staff report.

FOR:

Beau Dancy, 905 Buttonwood Court, Winston-Salem, NC 27104
• Thank you for allowing us to continue this a month.
• Submitted elevation.
• My company was picked to be the preferred developer of the South Marshall Street Redevelopment Property sold to us in the 90s from the City. We worked with the City and successfully developed several City blocks, helping clean up and add value to the neighborhood and creating a corridor for additional improvements. This small tract I'm trying to rezone is the last part of that redevelopment property.
• We put off developing this property until the Coca-Cola plant south of us was scheduled for redevelopment.
• This property was originally zoned urban townhouse and would have allowed us to build eight units on this small tract.
• When the UDO became effective, the new classification prohibited me from building the eighth unit by just a few feet. As it stands now, I can only build one unit on the Poplar Street side. This takes it out of character with the rest of my brownstones and runs against the inner city infill, multifamily purpose of the South Marshall Redevelopment Plan.
• The property being developed to the immediate south has a more intense zoning, PB, which has a much higher density.
• Displayed photos of varying houses in the neighborhood.
• The brownstone style is in keeping with the urban, brick townhouses and are a good compliment to existing housing.
• These structures will rise only two stories on Poplar because the full basement and garage entry will be at the back at a lower grade. They will be no taller than Mr. Jones' house on the corner of Poplar and West.
• It will be a nice transition from their home to the less-expensive plank homes being built below.
• The two balconies will have privacy walls that shield them from the adjoining properties.
• Even though technically we are not obligated to provide screening between these units and Mr. Jones' property, we will be fully landscaping and screening around his property. There is already thick foliage around their home.
• Both my brother-in-law, who lives around the corner, and I have tried to contact Mr. Jones and left messages that we'd like to talk to him about his objections. He did not return calls to either of us.
• I fully support what Mr. Jones and Mr. Atchison are doing to fix up their single family house. At the same token, we are trying to continue the successful development of the South Marshall Street Corridor which has and will continue to add value and beauty to the neighborhood.
• We are at a lower elevation than Mr. Jones' house and his detached garage is fully brick. I really do think my brick brownstone style will compliment the neighborhood.

AGAINST:

Robert Jones, 412 West Street, Winston-Salem, NC  27101
• I'm in opposition to this.
• This is all part of the South Marshall Street Redevelopment.
• Showed photographs of area and his home..
• What he is now building is so much bigger than what was planned for South Marshall Street Redevelopment.
• What I see from my home looks like an apartment complex.
• When I first bought this property, it was zoned LI and we kept it that way because Mr. Dancy would be required to build a 15' buffer between his property and ours. However, last winter you approved a change to the buffer so he is not required to do that.
• The neighborhood is already dense enough.
• We're the only private homeowner on this block.
• We'll never be able to turn this into multifamily.

WORK SESSION

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

1. It is two story at the front.
2. The Board discussed the brick exterior of the proposed structures and asked the developer to consider adding wood trim.

3. The units will be very similar in design.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions as well as included the volunteered building elevations.
SECOND: Wesley Curtis
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican
   AGAINST: None
   EXCUSED: None

________________________
A. Paul Norby, FAICP
Director of Planning