

**MINUTES
CITY-COUNTY PLANNING BOARD
JANUARY 14, 2021
4:30 P.M.
VIRTUAL**

MEMBERS PRESENT: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe,
Chris Leak, Mo McRae, Brenda Smith, Jack Steelman
MEMBER ABSENT: Tommy Hicks
PRESIDING: Chris Leak

CALL TO ORDER

A. ACTION ON MINUTES

- December 10, 2020 Public Hearing

MOTION: Clarence Lambe moved approval of the minutes.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

B. PUBLIC HEARING ITEMS

The actual order of cases considered by the Planning Board on January 14, 2021, is determined procedurally by taking consent agenda cases first, then cases for which there was a public hearing. Accordingly, the order of cases on January 14, 2021, was as follows: C.1., D.1., D.2., B.3.

1. Zoning petition of P&P of Asheboro, LLC from RS9 to RM5-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Townhouse; and Residential Building, Multifamily): property is located at the northwest corner of Griffith Road and Everidge Road; property consists of ±4.39 acres and is PIN 6813-29-6682 as shown on the Forsyth County Tax Maps and on a site plan on file in the office of the City-County Planning Board (Zoning Docket W-3458) (Case starts at 6:55).

This is automatically continued to February 11, 2021, per the applicant's request and the Planning Board's By-Laws.

2. Zoning petition of Donald A. Joyce Revocable Trust and Michael A. Joyce from LB and RS9 to GB-S (Convenience Store and Restaurant (with drive-through service)): property is located at the southwest corner of Union Cross Road and Sedge Garden Road; property consists of ±3.22 acres and is PINs 6875-41-4968, 6875-41-3896, 6875-41-2962, 6875-41-2797, and 6875-42-1075 as shown on the Forsyth County Tax Maps and on a site plan on file in the office of the City-County Planning Board (Zoning Docket W-3459) (Case starts at 7:04).

This is automatically withdrawn per the applicant's request and the Planning Board's By-Laws.

3. An amendment to the *Unified Development Ordinances* proposed by Planning and Development Services staff modifying Section 4.8.3, pertaining to the Mixed Use-Special Use (MU-S) District; modifying Table 5.1.1: Principal Use Table to add Cottage Court as a use; adding Section 5.2.26.1, pertaining to Cottage Courts; amending Table 6.1.2: Motor Vehicle and Bicycle Parking Space Requirements to add standards for the Cottage Court use; and modifying Table 11.2.2: Definitions to include definitions for Planned Unit Development and Cottage Court (UDO-CC8) (Case starts at 14:15).

Tiffany White presented the staff report.

Melynda Dunigan asked whether UDO-CC8 would hold the existing MU-S developments to three uses or allow them to drop to two. Aaron King responded that they would have the flexibility to drop to two uses. Melynda also asked if staff could give the Board some understanding as to how many parcels are zoned MU-S. Tiffany stated that there are currently 11 areas zoned MU-S, with a good bit of those areas made up of multiple parcels. Kirk Ericson added that MU-S is a Special Use district that currently requires three uses. Even if the ordinance allows for two uses going forward, because there is an approved Special Use site plan of record for each district, that plan would basically prevail. Unless developers came in for a Site Plan Amendment or a rezoning to change it.

In response to a question from Clarence Lambe regarding reducing uses, Tiffany stated that when she was looking at what other communities had as far as PUD standards, the majority of them only required two uses. In some of the existing MU-S zonings, the three uses were not as diversified as staff had hoped, so staff was looking to be more in line with other communities.

George Bryan recalled that there had been previous discussion on Cottage Courts in an earlier meeting, but noted that this information seemed also to be looking at modifying the MU-S district. Tiffany stated that both topics had been discussed in the earlier meeting, and that this text amendment has been about both provisions from the very beginning. George added that it looked like Planning staff was moving to get rid of single-family zoning in Forsyth County and that Tiffany, on a number of occasions, used the term "by right." He asked her if that was the direction in which staff was headed. Tiffany responded that his statement was not at all accurate,

that staff is promoting expansion of housing choice, and that the majority of land in Forsyth County is zoned RS9, single-family residential zoning. George expressed that he felt the language that the Board received from staff indicated major changes to the ordinance, and he was finding himself playing catchup on a major change that had taken other communities in North Carolina years to manage.

Tiffany reminded the Board that it saw the recommendations from the Innovative and Land-Efficient Development Report in February of 2020, and the Board voted for staff to move forward on those recommendations. George stated that he was not referring to the report but to the proposed changes before them, which the Board received on Friday.

Aaron explained that when the Board directed staff to move forward on the aforementioned recommendations, staff took two of the items first: PUDs and the consideration of Cottage Courts. There is nothing in the proposed PUD or Cottage Court ordinances that would do away with single-family zoning. Staff brought this to the Board at the October work session and discussed it at length, then met with the Neighborhood Alliance subcommittee before the end of the year for more discussions. It went to the public Friday before the meeting.

George felt that he did not have enough time to get a good understanding of the many references provided in the document. There are many references mentioned in the report that he would like to discuss and get more explanation about from Tiffany, or else be provided those references at the same time as he is looking at the document. Aaron stated that staff would be glad to provide more research or information on certain things.

Melynda agreed that she needed more time to digest all of the information and had several other questions that could be discussed during a work session. Chris Leak asked the other Board members what they felt about delaying this topic for another time. All Board members agreed that it could be tabled to a later date to learn as much as they can. Mo McRae stated that she was fine with a continuation, but she wanted the Board to give the proposed amendment the credit it is allowed. The discussions surrounding Cottage Courts and MU-S have been ongoing for some time, and she felt that pointed questions could be discussed at this meeting. She added that she did not want to ignore the comments about single-family zoning but felt that that was not the intent of what staff was trying to do here. Staff is presenting options, which are wonderful in codes, as well as in communities, and she cautioned the Board to be very careful about being too restrictive on this matter. She reiterated that she was happy to continue, with everyone promising to be open and have a clear directive to Planning staff on what their questions are.

Kirk addressed a few points with the Board, one being some challenges accessing the Clearcode website. The domain name for Clearcode switched from UDOClearcode.com to UDOClearcode.org due to some hosting challenges. In consideration of a point raised by George, Kirk wanted to make sure that all Board members were aware that anything in the proposed ordinance text that is gray is something that is currently in the Clearcode. One can

click on that link and be taken to those sections being referenced. Anything in yellow would be new sections added by the proposed text amendment.

It was Clarence proposal that the Board address their questions to staff at this meeting and discuss them. George stated that he had many questions and thought it was more appropriate to ask questions at a work session, rather than at a public meeting, so that the language would be more refined by the time of the next public meeting.

PUBLIC HEARING

FOR:

Drew Gerstmyer, 87 North Trade Street, Winston-Salem, NC 27101

- I just wanted to speak in support of the ongoing conversation for increasing flexibility in UDO options concerning infill housing. Cottage Court-type development, along with additional work toward remnant lot infill, can add many non-typical creative housing opportunities throughout the city, and it sounds like that is happening. It is exciting to hear things being worked out. Thank you.

Brant Godfrey, 1598 Westbrook Plaza Drive, Suite 200, Winston-Salem, NC 27103

- Members of the Board and Mr. Director, my remarks are very general but they are specifically addressed to the Cottage Court aspect of your presentation. From the development and building side of the community, we're really excited about having this option as a possibility. It is not a drastic change from what exists now from the perspective of density. I'm aware of other areas in the country where there are much higher densities that are being allowed under this sort of development. On a one-acre tract in an RS9 zoning district in Winston-Salem, you're allowed 4.8 units per acre; this would allow 6.
- I think, aesthetically, it is a very attractive option. I love the idea of a central courtyard. It's landscaped, and it would be maintained by the homeowners' association. As opposed to homes facing the street, you would have homes facing an aesthetically attractive courtyard that you could be assured would be maintained for the life of the neighborhood. I think it's a great concept.

Brice Shearburn, 2650 Monticello Drive, Winston-Salem, NC 27106

- Thank you all. I am happy to participate in this. There is a tremendous amount of momentum that we can bring to bear on this.
- George, to your point about modifying single-family zoning and density, I agree with all staff comments and everyone else that looks at this in terms of densities and what we are talking about. This is really just empowering our close-in neighborhoods - GMA 1 and 2 neighborhoods - to apply a lot more platforms for different kinds of housing options. I have been in this space for a long time – so has Drew – and what we see here is a real opportunity for this planning board and city to support a paradigm shift in how we look at housing options in these close-in neighborhoods.

- I have submitted a narrative report which I would like to be entered into the record. I appreciate all of the efforts of Aaron and Tiffany and Planning staff and what other stakeholders have expressed here. This is really the way we need to go as a community to meet this extraordinary unmet housing need. And to try to hang ourselves up on one single thing about density is really almost paranoia. I really think this is not the intention of the UDO and it should be our community effort to try to support these initiatives.

Matt McChesney, 2755 Old Town Club Road, Winston-Salem, NC 27106

- I think residential development in Winston-Salem is changing. We are running out of large tracts of land to develop, and that is not necessarily a bad thing. There is a desire to bring more housing closer to the city center to promote growth of Downtown, and we need to be creative when we do this. Infill pieces need to be evaluated for more options than just single-family homes on quarter-acre lots. Flexibility with density and product type can also have an effect on costs and allow for more affordable housing.
- Cottage Courts, in general, promote more engagement between residents in medium-density urban areas. With the right design you can achieve the same 14 dwelling units per acre as you might see in a two-story, generic apartment that would be more easily accepted by local neighborhoods.
- Cottage Courts are a great tool for resolving awkward-shaped parcels with limited street frontage. I feel strongly that this type of forward-thinking flexibility and creativity will spur the type of development that will help Winston-Salem take the next step, and a responsible one in innovative growth. I appreciate your consideration of this option and your time this afternoon.

Brad Klosterman, 1644 Reynolda Road, Winston-Salem, NC 27104

- I am a commercial broker and commercial realty advisor who represents a number of landowners that own some of these small parcels that we are talking about. I am also an AICP certified planner. I only bring that up because my ethics at AICP supersede my realtor title, or hat, at this point. I have had the opportunity to review this code and then provide comments. While it wasn't as much flexibility as I had wanted, I am in 100 percent support of what staff has come back with in terms of trying to take these infill parcels, the patchwork we've created from development over time, and really rethinking these into what is a better opportunity, a more socially equitable way for developing property in our town.
- With that, I'll close and make all attempts to be at future meetings, as well as give you all an opportunity to review this language.

Richard Angino, 463 Carolina Circle, Winston-Salem, NC 27104

- I am a big historic person so I have done a lot of urban infill projects over the years. I am a big proponent that what they were doing in the 1920s is what we should be doing now because that created the ability to go for housing across different income brackets. I think the current single-family rules that are out there and the cost related to stormwater

is basically making that level of housing only affordable to the top 10 percent of our population, which is not serving the other 90 percent of our population.

- We did a Cottage Court neighborhood in Rocky Mount, so we have a good amount of experience related to these Cottage Court neighborhoods. I think one of the big things that you need to have involved in it is flexibility. Any time you do urban infill, it's not like you're going out by the Walmart and building on a brand new piece of land, you're actually trying to do infill, which is the best tool related to it. I think it's a very smart thing to do when you're going after people who are making 80 percent of AMI and they can afford \$250,000 to \$350,000. You can't build a new house in Brookberry for that.
- This type of product also goes after the additional units that we have. We have 14,000, which is the demand. If you assume a third of those are renters, and then you figure what's left, that would be approximately 2,500 acres we would need just to fill those if they were single-family houses under the traditional model. We do not have 2,500 acres out there. At the same time, multifamily would take up 700 acres of that just at the normal rate. This is a huge number to deal with. We need to be creative. It's great to be able to use what we had in the past related to it.
- One of the comments I have, because it is urban infill, is there is one comment in the report that it is half-acre lots. Traditionally, historic lots that we're talking about were not divided in quarter-acres and half-acres, so I would really make the suggestion 25,000 square feet, which is smaller than half an acre, but it fits better with the actual 100 deep or 200-foot wide lots that we have here in Winston-Salem. You are not going to be able to do many half-acre lots because there aren't many half-acre lots that are pre-World War II type of lots. You have the millennials and the younger folks who are basically deciding whether they want to be downtown or whether they want to be out in a subdivision. And we have more and more people wanting to be downtown.
- We started working on Slate Avenue, which is over on Patterson, and we worked on townhouse units with units above garages and we've gotten a huge amount of interest in that. Because that fits that gap of housing that is at \$250,000 to \$350,000 close to Downtown and walkable to neighborhoods and everything else. Also, the ancillary units would be the very thing for Winston-Salem.
- I appreciate you addressing this. Any time you need reference to actual things built in other places in North Carolina or the region, I would love to get involved in those discussions. Thank you very much.

Chris Leak suggested the Board present questions they may have for staff now or through email so they have an opportunity to research the questions.

George thanked all of the developers for participating in discussions to help Cottage Courts be successful. He also asked the developers to look at this very carefully to be sure that they are successful here because he did not feel that they had been successful in terms of filling in and meeting housing needs in other places.

Regarding the proposed changes to the MU-S district, Melynda asked what would be left once standards are removed like references to traditional neighborhood development and transit-oriented development. Her concern is how the Planning Board and City Council can evaluate projects when they come forward under this pared-down language. She also said that it seemed that when the MU-S district and PUDs were originally proposed many years ago, it was to implement certain goal like walkability, sprawl reduction, concentration of development in activity centers and growth corridors, having an attractive mix of uses, and protecting environmental features. She believes specific language is needed in the purpose statement, or in the objective, that really steers developers toward high-quality development so that when the Board looks at proposals, they will be able to say it fits with the goals. She hopes staff will consider that and consider whether they think something could be added to steer toward more high-quality development.

Tiffany explained that when TOD and TND standards were put in the original MU-S ordinance, it was reflective of the practice of working with those kinds of districts then. Current practice for TOD and TND, which are usually overlay districts, is slightly different. Most places that have TOD and TND use overlay districts. Another recommendation from the Innovative Land Use Report is to look at what kind of overlay districts might be beneficial to Winston-Salem. She indicated that she didn't want it to seem like staff was disregarding TOD and TND, she just thinks there is a better, more up-to-date tool in planning practice for those specific things.

In response to Melynda's concerns about changes to the MU-S district, Aaron explained that there have been no proposed MU-S developments since the rules were changed in 2006. There have been mixed-use developments using GB-S or GB-L, or PB-S or PB-L. When no one uses a tool that is available to them, that is a red flag that something is wrong with the tool. When Tiffany's report mentioned looking at PUDs, and our code consultant mentioned the need to go back and examine PUDs, one of the things staff wanted to do was look at the ability to have someone create their own district. In exchange for that maximum flexibility, they would need to bring in a site plan and spell out the uses, go through the rezoning process, and meet with the neighborhood. Staff wanted to make it flexible enough to allow the ability to have these things live or die on their own merit. To Melynda's point, Aaron suggested that staff could add some additional language that describes what the intent of these districts is while achieving the same flexibility that staff is trying to create with this tool.

Jack Steelman stated that he will gladly email his written questions upon the adjournment of the meeting. Jason Grubbs noted that in all his years on the Board, he could not recall too many times where there have been a half-dozen people attending a meeting to speak on either side of a UDO text amendment. Nor could he recall too many times where six completely unrelated members of the development community, who really aren't necessarily impacted by the decision the Board makes, show up for the good of what the Board is trying to do and offer their insight regardless of whether you agree with it or not. He felt they were to be commended and stated that sometimes, the market really will take care of issues if we let it work the way it is intended to work.

Clarence asked staff to look at changing the minimum lot size to 20,000 square feet instead of half an acre. Tiffany stated that the half-acre recommendation only applied to non-residential zoning districts, but staff will look at it again.

Chris Leak asked all board members to have questions to staff by Tuesday, January 19.

AGAINST: None

WORK SESSION

MOTION: Jack Steelman moved that UDO-CC8 be continued to the February 11 meeting.

SECOND: Clarence Lambe

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

C. PRELIMINARY SUBDIVISION APPROVALS

1. #2021002; Weidl Properties, LLC (Skylark Acres Section II); north side of Skylark Road, west of Millstone Lane; 11-lot single-family subdivision; Forsyth County; 8.75 acres (Case Starts at 7:15).

Desmond Corley presented the staff report.

MOTION: Clarence Lambe moved approval of the Preliminary Subdivision.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

D. PLANNING BOARD REVIEWS

1. PBR 2021-01; Elam Investments, LLC (Gatehouse); north side of Airport Road, west of Carver School Road; 18-lot Planned Residential Development; Winston-Salem; 4.02 acres (Case starts at 8:39).

Desmond Corley presented the staff report.

Jack asked if there would be a connection to Carver School Road. Desmond stated that staff did not require a connection at this time due to an intervening neighboring property.

MOTION: Clarence Lambe moved approval of the Planned Residential Development.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

2. PBR 2021-02; TRG Capital, LLC (Towne Lake Commons); southwest side of Reynolds Park Road, north of Waughtown Street at the northern terminus of Cole Road; 320 multifamily units; Winston-Salem; 42.5 acres (Case starts 10:45).

Desmond Corley presented the staff report.

George asked if the road going through the property would be the developer's responsibility even though it is public, and whether there was anything planned for a pedestrian crosswalk.

Desmond stated that the developer will be responsible for building the road, after which it would be offered to the City. If the City accepts it, then it will be maintained by them. There will also be crosswalks in the traffic circle at the throat of each drive aisle.

MOTION: Clarence Lambe moved approval of the Preliminary Subdivision.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

E. AMENDMENT TO THE BYLAWS

MOTION: Jack Steelman moved approval of the Amendment to the Bylaws.

SECOND: Clarence Lambe

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

F. STAFF REPORT

For the February public hearing meeting there will be two continued items, one Special Use zoning request, and three subdivisions to review that are PRDs, two of which contain more than 100 lots.

A public outreach report will be given by Kelly Bennett at the January work session, and there will be introductory discussions on the 160D text amendment that is required by the General Statutes. Kirk will be giving an update on the status of the mid-year work program, and there will be further discussion on UDO-CC8.

Planning and Development staff's move to the third floor is on track for the second week in February.

Staff member Dakota-Pahel Short has taken another job, and the department will be opening that position to be filled.

The department's GIS team has found a vendor to touch up and scan the many aerial maps we have and put them together into a GIS layer. Staff's intent is to get those photos out for public view and availability on GeoData.

The General Statutes grant local governments the authority to sign and record of plats digitally, so staff is in conversations with the Register of Deeds to find a solution that would enable a customer to go through the whole process from their office or home.

G. FOR THE GOOD OF THE ORDER