

**MINUTES
CITY-COUNTY PLANNING BOARD
FEBRUARY 11, 2021
4:30 P.M.
VIRTUAL**

MEMBERS PRESENT: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman
MEMBER ABSENT: None
PRESIDING: Chris Leak

CALL TO ORDER

A. ACTION ON MINUTES

- January 14, 2021 Public Hearing
- January 28, 2021 Work Session

MOTION: Clarence Lambe moved approval of the minutes.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, 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 February 11, 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 February 11, 2021, was as follows: C.2., C.3., B.1.

1. 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 7:52).

Chris Leak gave some introductory comments before a quick overview of UDO-CC8 by Tiffany White.

- This case was originally heard at the January public hearing, where staff gave a detailed presentation.
- As a result of that meeting, it became clear that several Board members had questions. They presented their questions to staff, who addressed each one via email.
- The Planning Board Chair believes that staff has given the Board enough information to make an informed decision.

Melynda Dunigan stated that she appreciated the changes that were made for both MU-S and Cottage Courts based on questions and concerns from Board members. Based on the language of the ordinance, Melynda asked if it was possible to build two Cottage Courts next to each other as part of a larger development. She added that the language imposes a maximum of 14 dwellings, but two separate Cottage Courts could allow 28 dwellings. Aaron King responded that, in these situations, a PRD would be more appropriate because it accommodates larger subdivisions better than a Cottage Court would. Melynda asked if that meant the earlier scenario would go in as a PRD. Aaron stated that, rather than go through the process to get two separate approvals for two Cottage Courts that are adjacent to one another, one would most likely propose a PRD with all 28 units.

George Bryan asked whether, for example, a developer who went through the PRD approval process would get the 25 percent density bonus. Aaron answered that the PRD process does not have that option. George also stated that neighborhoods were confused by the inclusion of the proposed changes to MU-S because they thought it was all Special Use. He then asked if there was a maximum number of parking spaces that will be allowed in Cottage Courts. Melynda recollected asking the same question at the work session and being told that staff didn't see the need to have maximum parking rules. Aaron stated that there was not a maximum for this use and that the UDO typically does not regulate maximum parking. There are additional standards with respect to landscaping when 175 percent of required parking is proposed, but that is the only standard that speaks to limiting parking. Kirk Ericson added that it is in a project's best interest to allocate more land toward components that will generate revenue, given the cost of adding parking to these developments.

George commented that one would have a fairly large parking lot if a developer wanted to put in 28 spaces, and that there is nothing that addresses grouping of parking spaces within the Cottage Courts ordinance. Aaron stated that staff wanted to leave some flexibility for certain circumstances, where groups of parking spaces in larger numbers may make sense and would not be intrusive. Aaron added that, in theory, someone could construct a parking lot; in practice, developers will try to use that land for units and other things that make the development functional. George commented that when he was researching other sites around the country, he found there were other places that accommodated two spaces per unit because of the scale of development. He added that the word "cottage" is misleading because there is no requirement for size.

To Aaron's point, Jason Grubbs stated that the more parking is built, the more issues there will be with ingress and egress points. They also cost money. He added that it would further complicate what the developer is trying to do and that, practically, a developer is not going to build parking lots just to build parking lots. George asked if accessory dwellings or accessory structures are allowed within this format, and Aaron responded that they are not expressly prohibited. Special Use zoning would still be required for accessory dwelling units under the current rules. Accessory structures, like a garage or a toolshed, can be built provided standards for setbacks are met.

In looking at other standards across the country, George stated that these setups have provided for common open space and private open space. He asked if this is defined in the ordinance being presented. Aaron stated that private open space has not been accounted for, and that would not be part of what is proposed here. Kirk added that this ordinance does not require any private or cornered-off open space for the dwellings. Communal centered courtyard open space that serves a whole development is the idea behind the standard. There is no requirement that each individual unit also have private open space. Jason stated that they could be thought of as akin to detached townhomes. Mo McRae added that if one is buying into a development like this, they're buying into the idea of communal living. If someone doesn't want to regulate their front stoop as private, it would not be a planner's job to regulate that use. George asked whether private open space would be included in the calculation of the court, or the common open space, as presented. Kirk answered that it would not. The minimum in the ordinance would have to be located in the highly centralized area of the development. A developer could allocate some other open space, but that wouldn't give them any additional credit towards meeting the minimum requirement.

Melynda commented that being able to communicate with the public is always difficult, especially during a pandemic, and that she really felt that staff and the Board would benefit from having a larger stakeholder process where the community is engaged and there is dialogue on the subject. She added that she is not opposed to Cottage Courts and would like to see staff and the Board come up with a good fit for the community but she felt a need for more community buy-in and not just community surprise after the fact. She pointed to what was done for the PRD ordinance, where there was a stakeholder process that involved developers and people from the community, and there was a lot of back and forth discussion. In the end there was a consensus.

The Board Chair noted Melynda's comments, but felt that the Board had received enough information to make an informed decision. The Board will also respectfully take into consideration what the Neighborhood Alliance conveyed in their email. Clarence Lambe stated that he felt prepared to form an opinion and that this was one more tool for development and one more hopeful opportunity to increase the supply of housing. He added that the more supply there is, the more affordable the product will be, which is something everyone is trying to achieve. Mo added that our town is a town of few tools for building affordable housing and that there is a crisis of construction costs and other insurmountable costs. If tools are eliminated, that will also

eliminate creativity and hope. She felt that there would be many other opportunities for the public to voice their opinions about development, along with this tool being ready to use.

George indicated that he still felt uncomfortable with the way this has been presented to the community and with recommending approval of the ordinance without clear understanding from the public. He was also concerned with the way the proposed ordinance is written, considering that a Cottage Court can be a gated community, which works against *Legacy* and the cohesiveness of neighborhoods. He added that he could only see this in terms of Cottage Courts being a Special Use approval.

MOTION: Clarence Lambe recommended approval of the UDO amendment.

SECOND: Mo McRae

VOTE:

FOR: Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None.

2. Zoning petition of CNKS, LLC from RS30 to RS20-S (Residential Building, Single Family): property is located on the east side of Twin Creek Road, north of Bunker Hill-Sandy Ridge Road (Zoning Docket F-1598).

This is automatically continued to March 11, 2021, per the Planning Board's By-Laws.

C. PLANNING BOARD REVIEWS

1. PBR 2020-11; Myrtle Sink, George Sink, and Barbra Lawrence (Fiddlers Landing); south side of Thomasville Road, between Baden Road and Teague Road; 119-lot Planned Residential Development; Winston-Salem; 47.98 acres.

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

2. PBR 2021-03; Charles C. Bolton (Gatehouse Terrace); west side of Old Salisbury Road, north of Guilford Drive; 29-lot Planned Residential Development; Winston-Salem; 8.89 acres (Case starts at 3:15).

Desmond Corley presented the staff report.

Mo commented that one of the proposed stormwater ponds appeared to be close to the dwellings and asked whether it was located there on purpose or was just a proposed area. Desmond stated that it was just an approximation. Generally, at this stage, the engineers are showing where a

stormwater management device may be located and then work out the details through the permitting process.

MOTION: Clarence Lambe moved approval of the Planning Board Review.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

3. PBR 2021-04; Colleen Q. Blevins (Bell West); east side of Bell West Drive, north of Linville Road; 108-lot Planned Residential Development; Winston-Salem; 38.86 acres (Case starts at 4:39).

Desmond Corley presented the staff report.

MOTION: Clarence Lambe moved approval of the Planning Board Review with the condition that the right-of-way be closed before a plat is approved.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

D. STAFF REPORT

There will be seven hearing items presented at the next Planning Board public meeting.

Aaron asked the Planning Board if they had any questions regarding NCGS 160D. With no questions from the Board, Aaron stated that there would be additional time for questions at the February work session, and then the item would be brought to the March public hearing.

As the theme for this year's Black History Month, Michelle McCullough and Heather Bratland have been sharing contributions made by African Americans to the healthcare community on the City's social media sites.

The *Doral Drive/Reynolda Road Interchange Plan* has gone through the approval process, which included in-depth discussions about street connectivity and creek crossings amongst the City Council members at their last meeting. Council asked staff to do research of peer communities and compile a report to bring back to the General Government Committee within the next two months.

Aaron recognized Council Member Mundy who joined a portion of the meeting.

E. FOR THE GOOD OF THE ORDER