



DOCKET #: W2669

PROPOSED ZONING:
RM-18-S (Residential
Building, Multifamily)

EXISTING ZONING:
RS12

PETITIONER:
AEA Development Co.,
LLC for property owned
by Reynolda Ventures, Inc.

SCALE: 1" represents 200'

STAFF: Reed

GMA: 2

ACRE(S): 1.36

MAP(S): 618862



January 21, 2004

Kerry Avant
2980 Greenwich Road
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2669

Dear Mr. Avant:

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 City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Edward V. Zotian, 1076 W. 4th Street, Suite 400, Winston-Salem, NC 27101
Mills Crosland, 809 Marguerite Drive, Winston-Salem, NC 27106
Larry Sapp, 2905 Wesleyan Lane, Winston-Salem, NC 27106
Dave Irvin, 2004 Reynolda Road, Winston-Salem, NC 27106
William Lane, 2989 Wesleyan Lane, Winston-Salem, NC 27106
George Byars, 2801 Monticello Drive, Winston-Salem, NC 27106
Reynolda Ventures, Inc., 2000 Reynolda Road, Winston-Salem, NC 27106-5113

ACTION REQUEST FORM

DATE: January 21, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of AEA Development Co., LLC for property owned by Reynolda Ventures, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of AEA Development Co., LLC for property owned by Reynolda Ventures, Inc. from RS-12 to RM-18-S (Residential Building, Multifamily): property is located at the northwest corner of Reynolda Road and Marguerite Drive (Zoning Docket W-2669).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: BOST, CLARK, KING, LAMBE, MULLICAN, NORWOOD
AGAINST: EICKMEYER, GLENN
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of AEA Development Co., LLC
for property owned by Reynolda Ventures, Inc.,
Docket W-2669

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

Tax Block 3404 Tax Lot(s) 75

Section 2. This Ordinance is adopted after approval of the site plan entitled AEA Development Co., LLC for property owned by Reynolda Ventures, Inc. and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to AEA Development Co., LLC for property owned by Reynolda Ventures, 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 AEA Development Co., LLC for property owned by Reynolda Ventures, Inc. 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 AEA Development Co., LLC for property owned by Reynolda Ventures, Inc., (Zoning Docket W-2669). 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, Multifamily), 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 ISSUANCE OF GRADING PERMITS**
 - a. Developer shall obtain a demolition permit from the Inspections Division.
 - b. Cordon off the limits of grading in the field.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On-site fire hydrant locations shall be approved in writing by the City of Winston-Salem Fire Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install public fire hydrants in accordance with the City Fire and Utilities Departments.

- **OTHER REQUIREMENTS**
 - a. One monument sign with a maximum height of five (5) feet shall be allowed for the development
 - b. Building height at roofline shall be no greater than forty (40) feet as measured by the Inspections Division.
 - c. Proposed elevations shall be made part of the site plan with materials and design substantially in compliance as determined by Planning staff.

ZONING STAFF REPORT

DOCKET # W-2669

STAFF: Reed

Petitioner(s): AEA Development Co., LLC for property owned by Reynolda Ventures, Inc.

Ownership: Reynolda Ventures, Inc.

REQUEST

From: RS-12

To: RM-18-S (Residential Building, Multifamily)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 1.36 acres

LOCATION:

Street: Northwest corner of Reynolda Road and Marguerite Drive

Jurisdiction: City of Winston-Salem

Ward: West Ward

SITE PLAN

Proposed Use: Multifamily Condominiums

Square Footage: 60,000 square feet

Building Height: 60 foot maximum building height allowed in RM 18

Density: 17.65 units per acre.

Parking: Required: 45; Proposed: 60.

Bufferyard Requirements: A type II bufferyard is required adjacent to RS-12 zoning.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Former Staley's Restaurant

Adjacent Uses:

North- Single family homes

East- Reynolda House

South- Single family homes

West- Single family homes

GENERAL AREA

Character/Maintenance: Well maintained residential, institutional and commercial uses.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan indicates it will keep the existing vegetation.

Topography: The subject property experiences an elevation change of about eight feet, from about 932 feet in the northern point of the site up to about 940 feet in the western point of the site. However, on the majority of the site, the subject property has very little elevation change.

Streams: No streams are on or near the subject property.

Vegetation/habitat: Some vegetation exists on the subject property on the southern and western borders of the site.

Floodplains: None

Wetlands: None – *Winston-Salem West Quad*

Natural Heritage Sites: None

Environmental Resources Beyond The Site: The proposed site plan does not appear to significantly impact any environmental resources beyond the site.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Reynolda Road; Julius Street; Marguerite Drive

Street Classification: Reynolda Road – Major Thoroughfare; Julius Street – Local Road; Marguerite Drive – Local Road

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Reynolda Road between Silas Creek Parkway and Coliseum Drive = 18,000 / 18,500

Trip Generation/Existing Zoning: RS12

$1.36 \times 43,560 / 12,000 = 4 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 38 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: RM18-S

$24 \text{ units} \times 6.59 \text{ (Multi-Family Trip Rate)} = 158 \text{ Trips per Day}$ (Please note that existing restaurant is a legally nonconforming use and if re-established, could generate more trips per day than residential development under either the existing or proposed zoning.)

Planned Road Improvements: None

Sight Distance: Good.

Traffic Impact Study recommended: No

Sidewalks: Recommended along Reynolda Road.

Transit: Route 16 along Reynolda Road

Bicycle Route: None

HISTORY

Relevant Zoning Cases:

1. W-724; R-5 to B-3-S (Eating Establishment); denied July 16, 1979; northwest corner of Reynolda Road and Marguerite Drive; 1.6 acres; Planning Board and staff recommended denial- subject site.
2. W-2410; C to PB; approved August 7, 2000; southeast corner of Reynolda Road and Byway street; 0.47 acre; Planning Board and staff recommended approval.
3. W-2440; PB-S to Site Plan Amendment; approved January 2, 2001; private drive within Reynolda Village east of Reynolda Road; 0.91 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): GMA 2, Urban Neighborhoods

Relevant Comprehensive Plan Recommendation(s): *Legacy* recommends: quality infill development, greater residential densities where appropriate, neighborhood retail, and community services; historic preservation, rehabilitation and reuse of existing structures; and, provision of a variety of quality housing types in all parts of the community.

Area Plan/Development Guide: *Polo-Reynolda Area Plan* (adopted in 1985)

Relevant Development Guide Recommendation(s): The *Polo-Reynolda Area Plan* recognized the existing commercial use and the residential zoning of the subject property. The plan did not consider or recommend a conversion to another zoning/use category. The Plan noted the importance of preserving the charm of Reynolda Road between Coliseum Drive and Reynolda Village in a section related to road widening. The Plan notes the parkway appearance of Reynolda Road and states: “special attention should be given to signs, building setbacks, and trees and landscaping along new and existing roads in order to maintain a parkway standard of appearance.” The plan has general language related to multi-family developments as follows: “Multifamily developments should be located where they are compatible with adjoining land uses, adequately serviced by arterial roads, and convenient to shopping and services.”

HISTORIC RESOURCES REVIEW

The subject property is not located in a historic district and is not currently listed as a historical resource; however, it is in close proximity to Reynolda Historic District and Graylyn, which is listed on the National Register of Historic Places and a Local Historic Landmark. The retention of the residential character and unique charm of Reynolda Road especially along this section of Reynolda is part of the significant and

historical context for these two important historic resources. The size, scale, mass, and design of any new construction should blend with the existing structures making all efforts to preserve the aforementioned character.

WINSTON-SALEM/FORSYTH COUNTY SCHOOLS

Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 10 students to the system, as indicated by the following chart.

Project	Number Units	Schools	Projected Students from Project	2003-2004 Enrolled Students	2003-2004 Projected Students with Accumulated Totals since 4/15/03	School Capacity
Reynolda Road Condos	24	Whitaker ES	5	428	433	454
		Wiley MS	2	864	866	842
		Reynolds HS	3	1,810	1,813	1394-1672

ANALYSIS

The subject rezoning request is complicated due to the existing nonconforming use on the property, the recommendations of both the area plan and *Legacy* relating to land use and compatibility, and the proximity of the site to both the Reynolda Historic District and Graylyn.

At present, the 1.36 acre site is zoned RS-12 (Residential Single Family) but is developed as a legally nonconforming restaurant (Staley’s). A legally nonconforming use may remain in use indefinitely unless the use is abandoned for more than one year. Although Staley’s has closed, the legally nonconforming status is still in effect and the property could be reopened as a restaurant up until August or September 2004. The Inspections Division will determine the exact date if necessary. The regulations regarding nonconforming uses allow for changes in ownership and changes in the name and type of restaurant. The regulations also allow for the opportunity to request a one-time 25 percent building expansion, which, in this case, was granted in 1969. Therefore, the rezoning request is not simply a change from single family zoning to multifamily zoning, but would effectively be a change from a restaurant use in a residential area to another residential use.

The petition proposes a three-story structure with 24 multifamily units on two levels above an enclosed parking deck. The proposed redevelopment of the site would eliminate the existing wall, sign, and pavement that are currently in the right-of-way of Reynolda Road and would replace those elements with vegetation. Because of the enclosed parking, only 11 surface parking spaces are proposed on the site. The plan also proposes a single driveway to be located on Reynolda Road approximately 270 feet away from Marguerite Drive. The average setback of the proposed building from Reynolda Road is 45 feet, which is similar to the setbacks of the nearby homes along Reynolda Road.

Due to the site's proximity to the Reynolda Historic District and Graylyn, any redevelopment proposal should complement these valuable resources. The residential character and unique charm of Reynolda Road is part of the significant and historical context for these two important historic resources. The design of any new construction should complement the existing structures making all efforts to preserve the aforementioned character.

The Legacy development guide recommends quality infill development and greater residential densities where appropriate. The *Polo-Reynolda Area Plan* has general language related to multi-family developments as follows: "Multifamily developments should be located where they are compatible with adjoining land uses, adequately serviced by arterial roads, and convenient to shopping and services." Both plans support multifamily infill provided the development is appropriate and compatible. The Site Plan originally submitted with this request indicates that the proposed three-story building is higher than the 40-foot maximum height allowed in the surrounding RS-12 zoning. Also the building size of 30,000 square feet per floor is considerably larger than the surrounding single family homes. However, the greater area includes a mixture of land uses including the Graylyn Conference Center, Reynolda House and Reynolda Village, Summit School, and Reynolda Presbyterian Church. With the exception of Summit School, all of the larger structures associated with these other uses have considerable setbacks from the surrounding single family homes.

In conclusion, although the density proposed is much higher than the surrounding neighborhood, there is a benefit in converting to a well planned residential use which helps offset the proposed density. The site plan reflects an attempt to reclaim much of the present parking lot and replace it with landscaping and lawn area. Also, the trees along the edge of the property help to reduce the impact of the building mass. The staff has recommended that the petitioner depress the parking so that the roofline of the structure stays at or below 40 feet, which is the building height applicable to the surrounding RS-12 zoning. Also, the setback of the proposed building is generally consistent with the setbacks of other nearby residential structures. With these considerations in mind, the staff believes a revised proposal reflecting a reduced building height would result in a better contribution to the neighborhood than what is possible under present zoning.

FINDINGS

1. At present, the 1.36 acre site is zoned RS-12 but is developed as a legally nonconforming restaurant.
2. The petition proposes a three story structure with 24 multifamily units above an enclosed parking deck.
3. The Legacy development guide recommends quality infill development and greater residential densities where appropriate.
4. The *Polo-Reynolda Area Plan* recommends multifamily developments be located where they are compatible with adjoining land uses.
5. The site is in close proximity to the Reynolda Historic District and Graylyn.
6. Features of the site plan combined with a recommended reduction of building height would have a better result than what is possible under the existing zoning.

STAFF RECOMMENDATION

Zoning: **APPROVAL**, if site plan revised to reflect a building height no greater than 40 feet.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall obtain a demolition permit from the Inspections Division.
 - b. Cordon off the limits of grading in the field.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On-site fire hydrant locations shall be approved in writing by the City of Winston-Salem Fire Department.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install public fire hydrants in accordance with the City Fire and Utilities Departments.
- **OTHER REQUIREMENTS**
 - a. One monument sign with a maximum height of five (5) feet shall be allowed for the development.
 - b. Building height at roofline shall be no greater than forty (40) feet as measured by the Inspections Division.
 - c. Proposed elevations shall be made part of the site plan with materials and design substantially in compliance as determined by Planning staff.

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Kerry Avant, AEA Development Co., LLC, 4505 Country Club Road, Suite 200,
Winston-Salem, NC 27104

Staley's Restaurant was closed in September. It had operated as a non-conforming use for 50 years.

Our sole purpose when we contracted on this property was to find a residential use for this property. We felt that was more appropriate than a restaurant.

Due to streets on three sides, and the cost of the property, we went through extensive studies to try to find a residential use. We didn't start out planning multifamily uses for this site. We feel the multifamily use we are asking for is better and more compatible than the existing restaurant.

The current owner has a major investment in their property and will do everything they possibly can to maintain the non-conforming status.

We looked at this section of Reynolda Road and it is a major thoroughfare. There exists single family, but from Coliseum to Reynolda Village is church, school, Reynolda Village with museum, shops, restaurants, Graylyn Conference Center, Reynolda Gardens.

This short corridor is an example of neo-traditional development because there are so many varied uses.

If this property were off Reynolda Road, we wouldn't even consider it.

We believe some type of residential is better than what it is being used for today.

Even a low generation restaurant generates several times the number of trips as does residential development.

Displayed original drawings.

We met with the neighbors and about 40 people attended. We tried to listen to what was said that night. Some people voiced some real concerns, some voiced some real opposition. Some voiced support. At the end of the day, there are people in the neighborhood who are opposed to it and people who support it.

We went back and made changes to the building.

Will submit drawing as new architectural rendering which we want to comply with.

We talk about 24 units of luxury condominiums. Keep in mind that once the shell is built and we get into the market place, we may diminish the number of units since some people may want larger units.

Please approve this site change. It's being used a restaurant. The only thing we could make work as residential was multifamily.

Displayed additional drawings.

Dave Irvin, 2004 Reynolda Road, Winston-Salem, NC 27106

Showed surrounding property owners who adjoin the site and support the request.

We support this request.

There is no street between our property and this site.

This is a known project in size and use. That's a good part of the reason we support this.

This will be less daily traffic than even Staleys was (didn't serve lunch, didn't open on Sundays). It will eliminate use of this site for another restaurant where the hours, noise, use are unknown. It may be more of a bar than a restaurant.

AGAINST:

Ed Zotian, 1076 West Fourth Street, Suite 400, Winston-Salem, NC 27101

I represent an overwhelming majority of the neighborhood who is opposed to this request.

This is for a large multifamily building. It is totally out of keeping with the original and new development in this area. The petition may also be premature.

The site is close to historic Reynolda historic district (sic) and Graylyn.

Although the plans they have drafted are attractive, they don't conform to the neighborhood.

Multifamily should be located where they are compatible with adjoining uses.

We have streets and infrastructure which will be overburdened. We have children.

Legacy was adopted with the important feature of infill housing.

This would set a precedent that should not be set.

The developer's economic should not enter into zoning.

In response to a request by the speaker, 15 neighbors stood to indicate their opposition to this request.

One resident said they can come see us, but we can't go see them because it's a gated community.

Mills Crossland, 809 Marguerite Drive, Winston-Salem, NC 27106

Our house was built by my parents.

Mr. Zotian summarized the points the neighbors feel.

This request is being put across as a restaurant or multifamily. I don't feel that's accurate. It could also resort to residential single family or lower density multifamily.

We don't need to put zoning ahead of planning.

Larry Sapp, 2905 Wesleyan Lane, Winston-Salem, NC 27106

The nonconforming issue may be a dead horse. I'm in the business of redesigning restaurants and that one is in very bad shape.

William Lane, 2989 Wesleyan Lane, Winston-Salem, NC 27106

I remember when Staley's was Banner's Barbecue.

We need to stop commercial encroachment into one of the prettiest areas in the county.

George Byars, 2801 Monticello Drive, Winston-Salem, NC 27106

Someone developed three houses on a site north of this site, but adjoining it and made a profit of it. That can be done here, too.

WORK SESSION

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

1. A use has to physically reopen within 365 days to be able to put the same use on a grandfathered site after the initial use has closed. A petitioner can also get a permit from the ZBOA if they want a less intense or equal in intensity use.
2. The garage would be private access for security purposes. It is not a gated community.
3. The exterior will be brick and stone, hopefully maintenance free, so it would continually look good.
4. Trash would be contained in the garage.
5. No vegetation is being removed along Julius or Marguerite, although some will be added.
6. Carol Eickmeyer: I have a real problem with scale of building, the precedent this might set, and the possibility of this being used as a dorm. The 40' height limit is good and the design is nice. I appreciate the amenities, but it's a huge wall and a massive change to the neighborhood.

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: Clarence Lambe

VOTE:

FOR: Bost, Clark, King, Lambe, Mullican, Norwood

AGAINST: Eickmeyer, Glenn

EXCUSED: None

SITE PLAN MOTION: Jimmy Norwood certified that the site plan meets all code requirements and recommends staff conditions with changes stated on site plan early, cordon off trees, taking written note off.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Eickmeyer, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

Written Comments by Planning Board Members

Carol Eickmeyer: I oppose the massive appearance of this development. Despite what the petitioner and staff say, this really is not in keeping with the surrounding. It opens the door to rebuilding all the single family/single story to mansion size dwellings - which may be in the interest of the community tax base but does, indeed, change the neighborhood.

Jerry Clark: I voted for this petition reluctantly because I was concerned about the scale, size and mass of the building. However, I'm not comfortable with this property remaining a non-conforming restaurant. This goes along with *Legacy* and it makes for a better use of the land.

Jimmy Norwood: I feel that the setbacks for the property offset my concern of the massing of the building. I also think that the material use and the agreement of the petitioner to accept conditions made my vote "yes" easier.

A. Paul Norby, AICP
Director of Planning