



DOCKET #: W2969

PROPOSED ZONING:
LO-L

EXISTING ZONING:
LO-S

PETITIONER:
Darren K Cloniger for
property owned by Mark
P Maier Jr.

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 3

ACRES: 0.69

**NEAREST
BLDG:** 52' east

MAP(S): 630834

F

February 20, 2008

Darren K. Cloninger
P. O. Box 512
Faith, NC 28041

RE: ZONING MAP AMENDMENT W-2969

Dear Mr. Cloninger:

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: February 20, 2008
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Darren K Cloniger for property owned by Mark P Maier, Jr.

SUMMARY OF INFORMATION:

Zoning map amendment of Darren K Cloniger for property owned by Mark P Maier, Jr. from LO-S (Medical and Surgical Offices) to LO-L (Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office): property is located on the south side of Clemmons Road, west of Wyandotte Avenue (Zoning Docket W-2969).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL.
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED - SPECIAL USE LIMITED DISTRICT

CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Darren K Cloniger for property owned by Mark P Maier, Jr., Docket W-2969

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 LO-S (Medical and Surgical Offices) to LO-L (Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office) the zoning classification of the following described property:

Tax Lots 60G and 60H, Tax Block 3866

Section 2. This Ordinance is adopted after approval of the Special Use Limited District Permit issued by the City Council the _____ day of _____, 20__ to Darren K Cloniger for property owned by Mark P Maier, Jr.

Section 3. The City Council hereby directs the issuance of a Special Use Limited District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Darren K Cloniger for property owned by Mark P Maier, Jr. Said Special Use Limited District Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE LIMITED DISTRICT PERMIT

SPECIAL USE LIMITED 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 Limited District Permit for the zoning petition of Darren K Cloniger for property owned by Mark P Maier, Jr., (Zoning Docket W-2969). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office, 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-L zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional condition be met:

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall retain the existing structure on the site and exterior modifications are allowed.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-2969		
Staff	Gary Roberts, AICP		
Petitioner(s)	Darren K Cloniger		
Owner(s)	Mark P Maier, Jr		
Subject Property	Tax Lot 60G and 60H / Tax Block 3866		
Type of Request	Special Use Limited rezoning to LO-L in order to add the uses of Offices, Miscellaneous and Professional Office.		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from LO-S Limited Office District (Medical and Surgical Offices) to LO-L Limited Office Limited District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office 		
Zoning District Purpose Statement	<p>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 Growth Management Areas 2 and 3.</p>		
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 LO-S zoned site is not located near an intersection, it is an existing situation.		
GENERAL SITE INFORMATION			
Location	South side of Clemmonsville Road, west of Wyandotte Avenue		
Jurisdiction	City of Winston-Salem		
Ward(s)	South		
Site Acreage	Approximately ± .69 acre		
Current Land Use	Currently located on the site is a two story, 1,467 sf structure that has recently been used for office purposes.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Single family homes
	East	RS-9	“
	South	RS-9	Krite’s athletic fields
	West	RS-9	Entrance to Krite’s athletic fields

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	The existing and proposed uses are compatible with the adjacent athletic fields. In regard to compatibility with the adjacent single family homes, the proposed uses are generally considered no more intense than the existing use of Medical and Surgical Offices.			
Physical Characteristics	The site is relatively flat with some mature trees.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
Stormwater/ Drainage	No known issues.			
Analysis of General Site Information	The site has already been used for office purposes and the subject request proposes no additional changes to the site. The petitioner has agreed to retain the existing structure.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Condition to retain the existing structure 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
West Clemmons ville Road	Major Thoroughfare	169'	16,000	14,100
Proposed Access Point(s)	West Clemmons ville Road provides the only public street access to the site.			
Planned Road Improvements	The Thoroughfare Plan recommends a three lane cross section with wide outside lanes, curb and gutter and sidewalks for West Clemmons ville Road.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: LO-S</u> 1,467 / 1,000 x 36.13 (Medical-Dental Office Building Trip Rate) = 53 Trips per Day <u>Proposed Zoning: LO-L</u> No trip generation numbers available for the proposed LO-L zoning.			
Sidewalks	Sidewalks are recommended along West Clemmons ville Road as per the Thoroughfare Plan and required for new construction and expansions over 10,000 sf as per the new street standards.			
Transit	Not available.			
Analysis of Site Access and Transportation Information	Access to the site is adequate.			

CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA		<ul style="list-style-type: none"> • Growth Management Area 3, (Suburban Neighborhoods) 				
Relevant Legacy Recommendations		<ul style="list-style-type: none"> • <i>Infill and Redevelopment</i>: Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area. (p.133) • <i>Infill and Redevelopment</i>: Increased infill development could bring new opportunity and improved quality of life for residents within the MSA, especially for neighborhoods within the city. Increased tax base, property values, jobs closer to home and increased investment and amenities in these neighborhoods are some of the potential benefits. (p.38) • <i>Infill and Redevelopment</i>: Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. Older urban and suburban neighborhoods should be reinforced as good places to live and do business. (p. 25) 				
Relevant Area Plan(s)		The site is not within the boundaries of an area plan or development guide.				
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)		(S)(3) - Have changing conditions substantially affected the area in the petition?				
		No				
		(S)(4) - Is the requested action in conformance with Legacy?				
		Yes				
Analysis of Conformity to Plans and Planning Issues		<p>The subject property was rezoned as an adaptive reuse of a single family residence to LO-S, Medical and Surgical Offices, in 1986.</p> <p>The current request would allow two additional office uses to occur on the site while still retaining said structure with no proposed exterior alterations. While Planning staff would not be supportive of wide scale office conversions along this portion of West Clemmons Road, the additional uses on the subject property should not generate any off-site impacts beyond what is already occurring. In addition, it would allow for greater flexibility in the use of the site.</p>				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1403	R-4 to R-1-S (LO-S)	Approved 12-15-86	Current site	± .75 acre	Denial	Approval
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
The request will provide greater flexibility for the use of the site which is already zoned LO-S.						
Request would retain the existing structure which helps to retain the residential character of the street.						

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are volunteered by the petitioner and/or recommended by Planning staff and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. Developer shall retain the existing structure on the site and exterior modifications are allowed.

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.**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning