

DOCKET #: W2899
(continued from 12/14/2006)

PROPOSED ZONING:
NO-S (Professional Office;
and Offices, Miscellaneous)

EXISTING ZONING:
RS-9

PETITIONER:
Jacob Cave and Gina Fowler
for property owned by
Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 0.45

MAP(S): 600846



January 24, 2007

Jacob Wesley Cave and
Gina Sanette Fowler
2089 Old Hwy 601
Mt. Airy, NC 27030

RE: ZONING MAP AMENDMENT W-2899

Dear Mr. Cave & Ms. Fowler:

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
Doug Stimmel, 601 N. Trade Street, Winston-Salem, NC 27101
Lee Byrd, 4624 Frandale Drive, Winston-Salem, NC 27104

ACTION REQUEST FORM

DATE: January 24, 2007
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 Jacob Wesley Cave and Gina Sanette Fowler

SUMMARY OF INFORMATION:

Zoning Map Amendment of Jacob Wesley Cave and Gina Sanette Fowler from RS-9 to NO-S (Professional Office; and Offices, Miscellaneous): property is located on the north side of Mar-Don Drive, east of Jonestown Road (Zoning Docket W-2899).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Jacob Wesley Cave and
Gina Sanette Fowler, Docket W-2899

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-9 to NO-S (Professional Office; and Offices, Miscellaneous) the zoning classification of the following described property:

Tax Block 3940, Tax Lot 27

Section 2. This Ordinance is adopted after approval of the site plan entitled Jacob Wesley Cave and Gina Sanette Fowler and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Jacob Wesley Cave and Gina Sanette Fowler.

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 Jacob Wesley Cave and Gina Sanette Fowler. 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 Jacob Wesley Cave and Gina Sanette Fowler, (Zoning Docket W-2899). 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 NO-S (Professional Office; and Offices, Miscellaneous), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the NO-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 driveway permit from City of Winston-Salem Public Works Department.
 - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. The developer shall contact the City/County Utilities Department in regard to the required Sanitary Sewer Special Privilege Fee.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall install all required storm water management devices.
 - b. Developer shall install all improvements as per driveway permit, including:
 - Widen Mar-Don Drive 13' from center line with curb and gutter and sidewalk along property frontage.
 - c. As volunteered by the developer, the rear bufferyard will have type III plantings including Viburnum bushes.

- **OTHER REQUIREMENTS:**

- a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet and eight (8) square feet of copy area.
- b. If a two story structure is used the bufferyard plantings adjacent to RS-9 zoned property shall be increased from a Type I to a Type III.
- c. Exterior lighting shall not be installed at a height of more than eight (8) feet and shall be shielded as to cast no direct light upon adjacent property.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-2899		
Staff	Gary Roberts, AICP		
Petitioner(s)	Jacob Wesley Cave and Gina Sanette Fowler		
Owner(s)	Same		
Subject Property	Tax Lot 27 / Tax Block 3940		
Type of Request	Special use rezoning to NO-S		
Proposal	<p>The subject request was continued from the December 14, 2006 Planning Board meeting to the January 11, 2007 Planning Board meeting at the request of the petitioner.</p> <p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 Residential, Single Family District; 9,000 sf minimum lot size to NO-S Neighborhood Office District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • (Professional Office; and Offices, Miscellaneous) 		
Zoning District Purpose Statement	<p>The NO District is primarily intended to accommodate very low intensity office uses within converted single family detached units. The district is intended to be located on the periphery of established residential areas and along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic. Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts. This district is intended for application in Growth Management Areas 2, 3, and 4.</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)?		
	Yes		
GENERAL SITE INFORMATION			
Location	North side of Mar-Don Drive, east of Jonestown Road		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southwest		
Site Acreage	Approximately ± .45 acre		
Current Land Use	Site is undeveloped		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Single family homes
	East	RS-9	Single family home
	South	RS-9	Single family home
	West	LB-S and HB-S	Commercial uses

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 proposed small scale office use is compatible with and should serve as a transitional use between the adjacent commercial and single family residential uses.			
Physical Characteristics	The site has few trees and has a moderate slope downward from the northwest to the southeast.			
Proximity to Water and Sewer	Public water is available to the site. Public sewer will be accessed via a new private sewer easement across adjacent RS-9 zoned property to the north along Frandell Road. There is also a Special Privilege Fee for sewer connections in this area.			
Storm water/ Drainage	A stormwater condition is recommended.			
Watershed and Overlay Districts	The site is not within the boundaries of a water supply watershed.			
Analysis of General Site Information	The site is adequate for the proposed improvements.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>			
	<ul style="list-style-type: none"> • Condition requiring stormwater review • Sanitary Sewer Special Privilege Fee 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Mar-Don Drive	Local street	99'	NA	NA
Proposed Access Point(s)	Mar-Don Drive			
Planned Road Improvements	The Thoroughfare Plan recommends that Jonestown Road between US 421 and Country Club Road be a four lane major thoroughfare with divided raised median, curb and gutter, standard inside lanes, and widened outside lanes with curb, gutter and sidewalk.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS-9</u> .45 acre x 43,560 / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day <u>Proposed Zoning: NO-S</u> 4,000 sf / 1,000 x 11.57 (Single Tenant Office Building Trip Rate) = 46 Trips per Day			
Sidewalks	None existing along Mar-Don Drive. Considering the amount of multifamily residential at the end of Mar-Don and the commercial activity along Jonestown Road, Planning staff recommends a sidewalk along the frontage of the site.			
Transit	Route 43 Westside Connector runs along Jonestown Road.			
Traffic Impact Study (TIS)	Not required.			

Analysis of Site Access and Transportation Information	The proposed access to the site on Mar-Don Drive is adequate. Planning staff recommended the driveway be located on the western side of the property in order to minimize impacts to the adjacent RS-9 zoned property. The site plan reflects this recommendation.
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Condition to obtain driveway permit. • Condition for sidewalk along Mar-Don Drive.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	GMA 3 (Suburban Neighborhoods)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Infill development, like any land use issue, must balance the concerns of surrounding residents about the preservation of the character of their neighborhood with the needs of property owners and developers and the goals of the larger community. (p.40) • Retail and office buildings should be near the street and sidewalk. This reduces the distance pedestrians and transit users have to travel and provides direct access to buildings along the street. Locating buildings close to the street, lining the street with trees, buffering the street with parked cars, ensuring buildings have display windows at the sidewalk edge all provide an interesting walking environment where pedestrians feel a sense of activity, enclosure and safety. Parking should be located to the rear and sides or under retail and office buildings. (p. 52) • Protect existing neighborhoods through the creation of opportunities and incentives for their rehabilitation, redevelopment, and revitalization. (p. 123)
Relevant Area Plan(s)	<i>Country Club/Jonestown Area Plan, 1985</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The area plan recommends this site for intermediate density residential development (0-12 units/acre).
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?
	Yes, see comments below.
	(S)(4) - Is the requested action in conformance with Legacy?
	Yes
Analysis of Conformity to Plans and Planning Issues	The <i>Country Club/Jonestown Area Plan</i> recommends multifamily residential for the subject property. However, since the area plan was adopted in 1985, the lot directly adjoining the subject property to the west has been zoned LB-S and is currently used as a restaurant. A single family home zoned RS-9 is located on the opposite side of the site. Considering the context of this site and the small scale office nature of the proposed request, Planning staff sees this petition as being generally comparable with multifamily development and potentially less impacting on the adjacent single family homes.

	The site plan notes the proposed structure will be either one or two stories in height. Planning staff recommends that if a two story structure is constructed, the bufferyard plantings adjacent to the rear should be increased from a Type I to a Type III.					
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>					
	<ul style="list-style-type: none"> • Sign height condition • Bufferyard condition 					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2887	LB-S to Site Plan Amendment	Approved 10-2-06	±400' west	2.45	Approval	Approval
W-2880	HB-S to HB-S	Approved 9-5-06	Across Mar-Don Drive	8.91	Approval	Approval
W-1985	R-4 to B3-S (LB-S)	Approved 5-2-94	Directly northwest	1.93	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage			Placement on Site		
	4,000 sf			Front portion of site		
Parking	Required		Proposed		Layout	
	11 spaces		12 spaces		Behind proposed building	
Building Height	Maximum			Proposed		
	40'			1 to 2 stories		
Impervious Coverage	Maximum			Proposed		
	60%			49%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Chapter B, Article II, Section 2-1.3 (A) Neighborhood Office District 					
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 site plan complies with the requirements of the UDO.					
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal				Negative Aspects of Proposal		
The request should serve as a well designed, appropriately scaled, transitional development between the adjacent commercial and single family residential uses.				The request would extend non-residential zoning further into a residentially zoned area.		

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 ISSUANCE OF GRADING PERMITS:

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- b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- a. The developer shall contact the City/County Utilities Department in regard to the required Sanitary Sewer Special Privilege Fee.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. Developer shall install all required storm water management devices.
- b. Developer shall install all improvements as per driveway permit, including: Widen Mar-don Drive 13' from center line with curb and gutter and sidewalk along property frontage.

OTHER REQUIREMENTS:

- a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet and eight (8) square feet of copy area.
- b. If a two story structure is used the bufferyard plantings adjacent to RS-9 zoned property shall be increased from a Type I to a Type III.
- c. Exterior lighting shall not be installed at a height of more than eight (8) feet and shall be shielded as to cast no direct light upon adjacent property.

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 - December 14, 2006

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning map amendment and site plan to January 11, 2007.

SECOND: Paul Mullican

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

PUBLIC HEARING - January 11, 2007

Gary Roberts presented the staff report.

FOR:

Doug Stimmel, 601 N. Trade St., Suite 200, Winston-Salem, NC 27101

- I represent the petitioner.
- We requested a continuance to meet with the neighborhood. I wasn't able to be at the meeting, but the developer met with the six or seven residents from behind the site and discussed buffering. As a result of that meeting, the petitioner volunteered to come back and do a Type III buffer.
- We've talked with Ms. Byrd whose home sits back in here behind the property and the type of plant material she's interested in is a Viburnum bush is one we're willing to include in the buffer.
- She has some other concerns, more than what this zoning request and site plan can answer.
- This is a transitional zone. We're really trying to keep it in scale with the restaurant that comes right up to the property line.
- Looking at the overall aerial photograph, there are only two homes on the street. The viability of a residential neighborhood on Mar-Don isn't there. There's industrial and multifamily and the area plan calls for multifamily on that site.
- A neighborhood office of 4,000 square feet is probably a better alternative than multifamily. You can see with the Duke Power station, no one is going to build single family in here.

AGAINST:

Lee Byrd, 4624 Frandale Drive, Winston-Salem, NC 27104

- I live behind this proposed site.
- The street on which I live has been torn down.
- My concern is what will happen to Frandale Drive.
- I've lived here for 51 years. About every 3-4 years, I have to come to the Planning Board to fight. It's one thing after another.
- Shugart has already contacted another neighbor about purchasing their property and they aren't finished developing in this area.

- In the long-range planning years ago, it was drawn up that no entrances were to be made onto Frandale Drive.
- After I'd waited about 2.5-3 hours, Mr. Roberts pulled the records and looked it up and told me where Shugart had built two driveways into Frandale Drive which was out of violation on the long range plan which we drew up years ago. Mr. Roberts expressed to me that it was an oversight. That was hard to swallow.
- I feel Shugart will come back with another plan to zone Frandale Drive. This is a residential area down in there.
- Most of us are retired.
- The water is coming down on me from the Four-Star restaurant. I have submitted pictures to the City of Winston-Salem. They are telling me that there is nothing we can do because it's the lay of the land. If Shugart builds another building out there, the lay of the land is going to bring more water down on me.
- Everyone wants a piece of Frandale Drive.
- Please deny this request.
- They came down and changed the street name from Frandale to Frandell.
- If this is rezoned, they will run the sewer down Frandale

WORK SESSION

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

1. The water has to be contained.
2. This request sets the bar pretty high in terms of the buffering and storm water management of things from this point forward which is actually a good thing for Ms. Byrd. The developer is making some concessions that they don't even have to do.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Paul Mullican

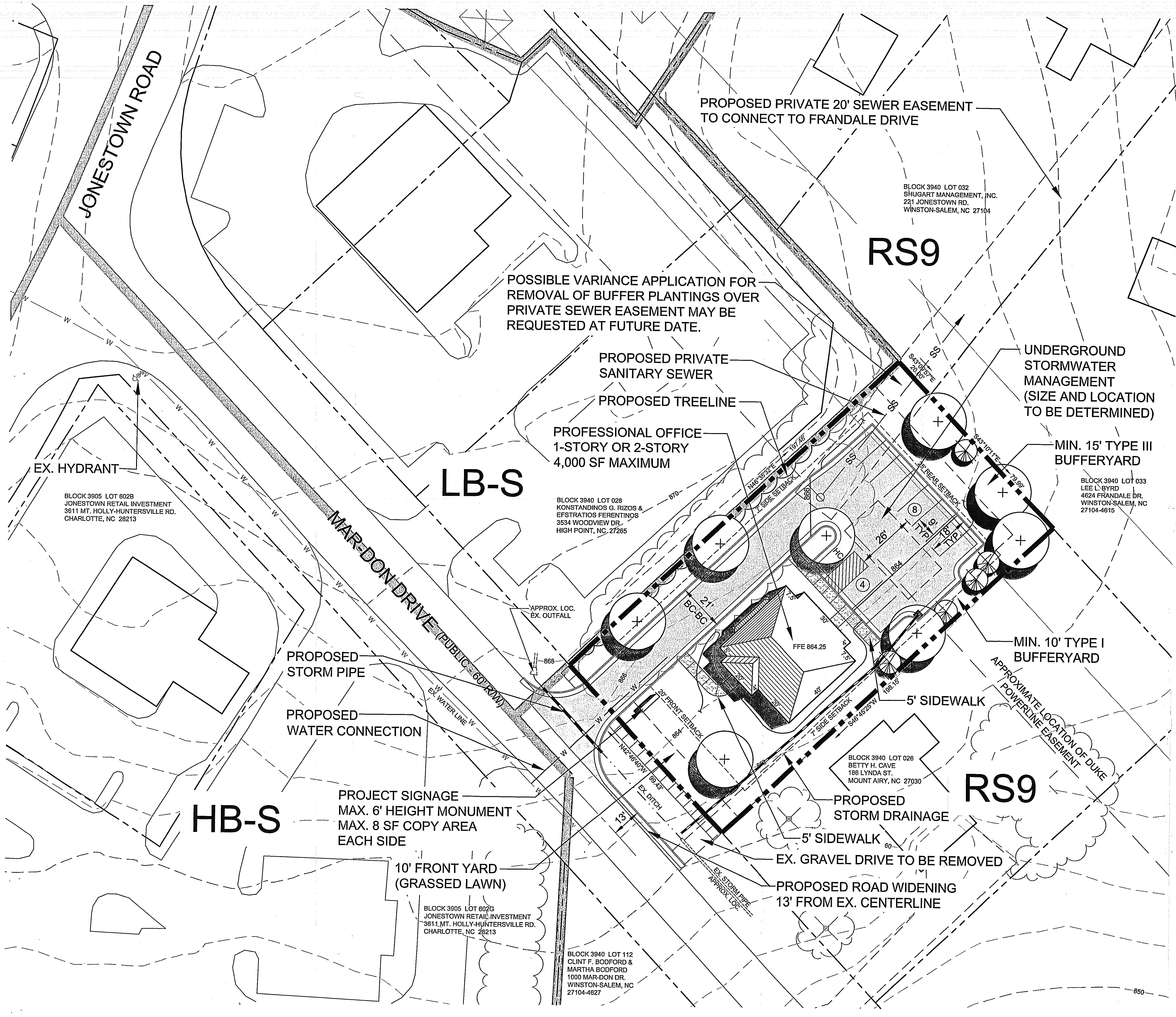
VOTE:

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

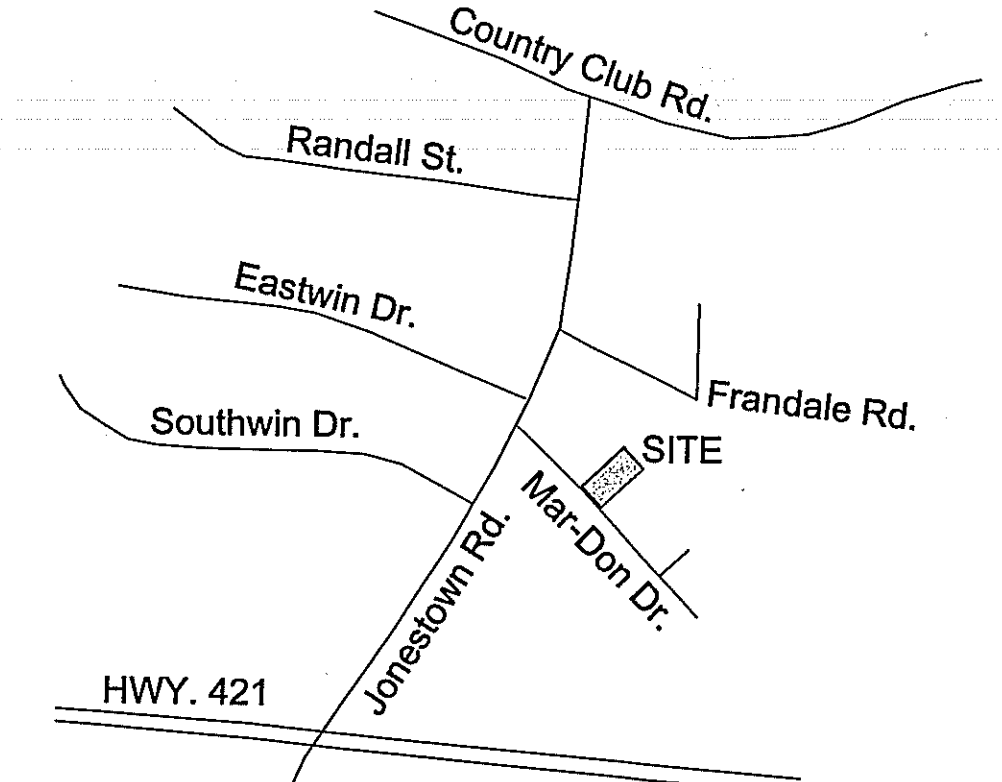
AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning



LOCATION MAP: NOT TO SCALE



SITE DATA

PURPOSE STATEMENT:
THE PURPOSE OF THIS REQUEST IS TO REZONE FROM RS9 TO NO-S TO ALLOW OFFICE USE.

JURISDICTION:
CITY OF WINSTON-SALEM

ZONING:
EXISTING = RS9
PROPOSED = NO-S

PROPOSED USES:
PROFESSIONAL OFFICE
OFFICES, MISCELLANEOUS

SITE ACRESAGES:
EXISTING PARCEL ACREAGE: 0.45 AC. +/-
MAXIMUM BUILDING HEIGHT:
MAXIMUM BUILDING HEIGHT = 40'

BUILDING & PARKING CALCULATIONS:
BUILDING SF: 4,000 SF

PARKING CALCULATIONS:
OFFICE (1 SPACE PER 300 SF) = 13 SPACES
15% REDUCTION IN NO-S = -2 SPACES
TOTAL SPACES REQUIRED = 11 SPACES

SPACES PROVIDED = 12 SPACES
(INCLUDING 1 REQUIRED HANDICAP SPACE)

IMPERVIOUS AREA CALCULATIONS:
BUILDING TO LAND = 0.05 AC. +/- (11.11%)
PAYEMENT TO LAND = 0.17 AC. +/- (37.78%)
OPEN SPACE = 0.23 AC. +/- (51.11%)
TOTAL = 0.45 AC. +/- (100.00%)

TOTAL IMPERVIOUS AREA = 0.22 AC. +/- (48.89%)
MAXIMUM IMPERVIOUS AREA = 60%

INFRASTRUCTURE:
WATER: PUBLIC
SEWER: PRIVATE
STREETS: PUBLIC

FLOODPLAIN INFORMATION:
NO FLOOD PLAIN PRESENT ACCORDING TO 1996 FEMA STUDY AND FORSYTH COUNTY GEO-DATA EXPLORER INFORMATION

WATERSHED INFORMATION:
SITE IS NOT LOCATED IN A WATERSHED AREA.

NOTE:
1) BUILDING SHOWN AS 2-STORY WITH MAX. OF 4,000 SF ALLOWED. PENDING FINAL ARCHITECTURAL PLANS PETITIONER RESERVES THE RIGHT TO BUILD A 1-STORY BUILDING, NOT TO EXCEED 4,000 SF. PARKING LOT TO REAR MAY SHIFT TO ACCOMMODATE 1-STORY FOOTPRINT.
2) TRASH CONTAINER PICKUP BY THE CITY OF WINSTON-SALEM.

Shugart - Office

PETITIONERS:

SHUGART MANAGEMENT, INC.
221 JONESTOWN ROAD
WINSTON-SALEM, NC 27104
TEL#: (336) 765-9661
FAX#: (336) 765-9768

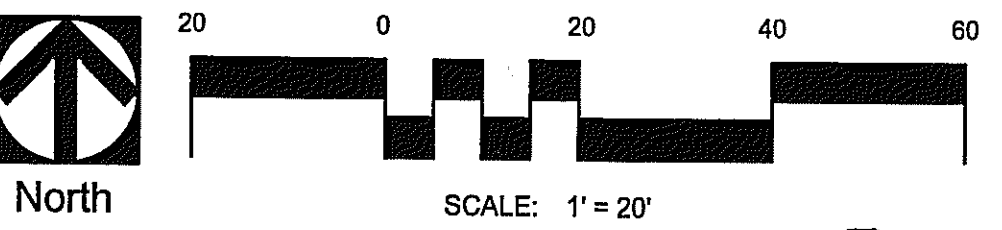
OWNERS:

BLOCK 3940 LOT 027
JACOB WESLEY CAVE &
GINA SANETTE FOWLER
2089 OLD HIGHWAY 601
MOUNT AIRY, NC 27030

**LANDSCAPE ARCHITECTS/
LAND PLANNERS/
CIVIL ENGINEERS:**

Stimmel
Landscape Architecture
Civil Engineering
Land Planning

601 N. Trade Street
Suite 200
Winston Salem, NC
27101-2916
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Stimmel
Stimmel Associates, PA
Landscape Architecture
Civil Engineering
Land Planning

601 N. Trade Street Suite 200
Winston Salem, NC 27101-2916
P: 336.723.1067 F: 336.723.1069

SEAL
C-69
NORTH CAROLINA
PRELIMINARY DRAWING
NOT APPROVED FOR CONSTRUCTION

Shugart - Office
Winston-Salem, North Carolina

CLIENT:
SHUGART MANAGEMENT, INC.
221 JONESTOWN ROAD
WINSTON-SALEM, NC 27104
TEL#: (336) 765-9661
FAX#: (336) 765-9768

DRAWN: LD, JKB
DATE: 11/06/06
REVISIONS:
1/5/07 INCREASE REAR
BUFFERYARD PER
NEIGHBORHOOD MEETING

JOB NO: 06-304
SHEET TITLE:

**REZONING
PLAN**

W-2899 Revised
SCALE: 1" = 20'

SHEET NO.:

RZ-1

© STIMMEL ASSOCIATES, P.A.

ZONING File Copy