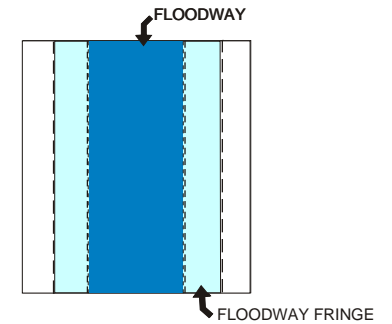


DOCKET #: W2691
 (Continued from 5/13/04
 CCPB meeting)

PROPOSED ZONING:
 RS9

EXISTING ZONING:
 RS12

PETITIONER:
 Jimmie Cornelius Hyatt
 for property owned by Same



SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRE(S): 0.51

MAP(S): 612878



June 23, 2004

Jimmie C. Hyatt
P. O. Box 11322
Winston-Salem, NC 27116

RE: ZONING MAP AMENDMENT W-2691

Dear Mr. Hyatt:

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, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102

ACTION REQUEST FORM

DATE: June 23, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning map amendment of Jimmie C. Hyatt

SUMMARY OF INFORMATION:

Zoning map amendment of Jimmie C. Hyatt from RS-12 to RS-9: property is located on the northwest corner of Hutchins Street and Pinewood Drive (Zoning Docket W-2691).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: CLARK, FOLAN, GLENN, KING, LAMBE, MULLICAN,
NORWOOD, SMITH
AGAINST: EICKMEYER
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Jimmie C. Hyatt, Docket W-2691

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 RS-9 the zoning classification of the following described property:

Tax Block 3512, Tax Lot 012

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2691
STAFF: Gary Roberts

Petitioner(s): Jimmie C. Hyatt
Ownership: Same

REQUEST

From: RS-12 Single Family Residential District; 12,000 sf minimum lot size
To: RS-9 Single Family Residential District; 9,000 sf minimum lot size

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 0.51 acre

CONTINUANCE HISTORY

The request was continued from the May 13, 2004 Planning Board meeting to the June 10, 2004 meeting.

LOCATION:

Street: Northwest corner of Hutchins Street and Pinewood Drive
Jurisdiction: City of Winston-Salem
Ward: North

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: The subject property is undeveloped.

Adjacent Uses:

- North- Developed single-family residential zoned RS-12.
- East- Developed single-family residential zoned RS-12.
- South- Developed single-family residential zoned RS-12.
- Southwest- Approximately 220' from the subject property exists four developed lots zoned RS-7. These properties are on the periphery of the neighborhood and abut a floodplain.
- West- Developed single-family residential zoned RS-12.

GENERAL AREA

Character/Maintenance: The area consists of well-maintained single-family residences.

Development Pace: Slow, as most of the properties in the area are already developed.

HISTORY

Relevant Zoning Cases:

1. W-2640; RM-18, RS-12, RS-9, and HB-S (Golf Course; and Restaurant without drive through service) to RM-18; withdrawn at the September 2, 2003 City Council meeting; west side of Bethania Station Road and the southern terminus of Williamsburg Road; 20.8 acres; Planning Board and staff recommended denial.
2. W-2421; RS-9 to RS-7; denied October 2, 2000; west side of Pinewood Drive north of Bethabara Road; 0.73 acre; Planning Board and staff recommended denial.
3. W-2281; RS-12 to RS-7; approved January 4, 1999; south side of Hutchins Street across from Selena Street; 1.30 acre; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Because this is a general use petition, the impact of this request to the subject property's existing features cannot be determined at this time.

Topography: The subject property experiences a total elevation change of approximately 8 feet, rising from about 826 feet in the property's southwestern section up to about 834 feet along the property's northern and eastern borders.

Streams: Bethabara Branch lies about 500 feet to the southwest of the property. Additionally, Mill Creek lies about 2,000 feet to the southeast of the subject property.

Vegetation/habitat: A large portion of the subject property is covered with vegetation.

Floodplains: The floodway fringe from Bethabara Branch lies about 420 feet to the southwest of the subject property. Also, floodway fringe from Mill Creek lies about 675 feet to the southeast of the subject property.

Natural Heritage Sites: Historic Bethabara, an identified Natural Heritage site, lies about 1,500 feet to the southwest of this property. This petition should not affect the integrity of this Natural Heritage Site.

Environmental Resources Beyond The Site: Because this is a general use petition, the impact of this petition to environmental resources beyond the site cannot be determined at this time. However, impacts generated from this specific request will most likely not be substantially different than those that could potentially occur under the current zoning.

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

TRANSPORTATION

Direct Access to Site:

- Hutchins Street – Local Road
- Pinewood Drive – Collector Road

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

Bethabara Road between Bethabara Park Boulevard and Shattalon Drive = 3,300 / 16,100

Planned Road Improvements: None

Sight Distance: Good

Traffic Impact Study recommended: No

Sidewalks: None existing

Transit: Routes 16 and 44 along Bethabara Road

Bicycle Route: None

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3)

Relevant Comprehensive Plan Recommendation(s): One of the goals of the Growth

Management Plan is to increase infill development within the Municipal Services Area.

Infill makes good use of the major investment the public has already made in things like roads, sewer and public services. Infill also reduces pressure for development to sprawl into the rural areas of our County. However, infill must balance the needs of property owners and developers with people living in the surrounding neighborhood. Infill should be done in a way that is compatible with existing development patterns and has a minimal impact on surrounding neighborhoods.

Area Plan/Development Guide: None – within the North Suburban Area Plan area

Relevant Development Guide Recommendation(s): The North Suburban Area Plan process has not been adopted and preliminary land uses have not been considered by the Steering Committee.

ANALYSIS

The current request is to rezone 0.51 acre from RS-12 to RS-9. The property is located on the northwest corner of Hutchins Street and Pinewood Drive. The general area is comprised of single-family homes, mostly being zoned RS-12. However, a majority of lots adjacent to the subject property are nearly 20,000 square feet (SF) or greater.

The subject property is 22,215 SF in area. In an RS-12 zoning district, only one dwelling could be placed on the lot. At RS-9 zoning, the property could be subdivided and two dwellings could be placed on the same land area at a minimum 9,000 SF lot size for each parcel.

In 1999, a zoning change in the area from RS-12 to RS-7 was approved (W-2281). Said property had significant natural constraints and was also located on the periphery of the neighborhood. In 2000, a zoning request (W-2421) to rezone property south of the subject site from RS-9 to RS-7 was denied. The staff report cited the need for refined criteria for infill development and stated,

“The benefits of more dense development must also be weighed in light of a project’s compatibility with surrounding uses and development patterns.” These infill criteria include the character/streetscape of the block and opposite block face, surrounding lot patterns, surrounding zoning and density, and access to services and proximity to transit.

Being that the subject property is internal and not on the periphery of an existing neighborhood, the compatibility of this zoning change to the existing development pattern is questionable. Staff is concerned that the resultant pattern of development of the subject property, if approved, would not be consistent with the current development pattern in this block and the immediate area and, furthermore, may set a precedent and trigger smaller lot redevelopment within a stable larger lot neighborhood. Not only would lot sizes be different, but setbacks may also be inconsistent as a majority of the dwellings in the neighborhood are set back forty feet (40’) or greater from the right-of-way. The front setback requirement in RS-9 is twenty feet (20’). Therefore, staff cannot be supportive of this change of zoning request.

FINDINGS

1. The general area is comprised of single-family homes, mostly being zoned RS-12.
2. Lots adjacent to the subject property are nearly 20,000 square feet and greater.
3. The subject property is internal and not on the periphery of an existing neighborhood.
4. At RS-9 zoning, the property could be subdivided and two dwellings could be placed on the same land area.
5. The benefits of more dense development must also be weighed against a project’s compatibility with surrounding uses and development patterns.
6. The resultant pattern of development of the subject property, if approved, would not be consistent with the surrounding development pattern, furthermore, may set a precedent.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

PUBLIC HEARING - May 13, 2004

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jimmy Norwood moved continuance of the zoning map amendment to June 10, 2004.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Carol Eickmeyer, Dara Folan, Lavastian Glenn, Arnold King, Clarence Lambe, Paul Mullican, Jimmy Norwood, Brenda Smith

AGAINST: None

EXCUSED: None

Gary Roberts presented the staff report.

PUBLIC HEARING - June 10, 2004

FOR: None

AGAINST: None

WORK SESSION

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

- We are looking at affordable housing.
- This is an opportunity to do infill which we talk about a lot but don't get much chance to do.
- There will be two houses with a 100' width. From the street they'll look like the other houses in the area; they just won't have the depth of the nearby backyards.

MOTION: Paul Mullican moved approval of the zoning map amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Clark, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: Eickmeyer

EXCUSED: None

Written Comments from Planning Board Members:

Carol Eickmeyer: Against rezoning - to leave the door open for neighbors to express an opinion.

A. Paul Norby, AICP
Director of Planning