



**DOCKET #:** W2536  
 (Continued from 3/14/02  
 CCPB meeting)

**PROPOSED ZONING:**  
 NO-S (Offices,  
 Miscellaneous; Professional  
 Office; Combined Use)

**EXISTING ZONING:**  
 RS12

**PETITIONER:**  
 Larry W. Ferguson  
 and Evelyn B. Ferguson

**SCALE:** 1" represents 200'

**STAFF:** Gallaway

**GMA:** 2

**ACRE(S):** 0.62

**MAP(S):** 618854



May 20, 2002

Larry W. Ferguson and Evelyn B. Ferguson  
1917 W. First St.  
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2536

Dear Mr. and Ms. Ferguson:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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  
Don Nielsen, 100 N. Cherry Street, Winston-Salem, NC 27101  
Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103  
Lou Davis, 118 Springdale, Winston-Salem, NC 27104  
Astra Stroebel, 1952 Runnymede, Winston-Salem, NC 27104  
Bob Law, 1912 Runnymede, Winston-Salem, NC 27104  
Debra Sizemore, Lot 5 Runnymede, Winston-Salem, NC 27104  
Barbara Lentz, 1851 Runnymede Rd., Winston-Salem, NC 27104  
M.A. Leight, 313 S. Main St., Winston-Salem, NC 27101

**ACTION REQUEST FORM**

**DATE:** May 20, 2002  
**TO:** The Honorable Mayor and Board of Aldermen  
**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on Zoning Petition of Larry W. Ferguson and Evelyn B. Ferguson

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Larry W. Ferguson and Evelyn B. Ferguson from RS-12 to NOS (Neighborhood Office- Special Use);property is located at 1917 W. First St. Winston-Salem, NC. (Zoning Docket W-2536).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL  
**FOR:** Bost, Clark, Folan, King, Norwood, Powell  
**AGAINST:** Avant, Doyle  
**SITE PLAN ACTION:** DENIAL

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Larry W. Ferguson and Evelyn B. Ferguson, Docket W-2536

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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BE IT ORDAINED by the Board of Aldermen 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 NO-S (Offices, Miscellaneous; Professional Office; Combined Use) the zoning classification of the following described property:

Tax Block 1318, Tax Lot 003A, and 002R

Section 2. This Ordinance is adopted after approval of the site plan entitled Larry W. Ferguson and Evelyn B. Ferguson and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Larry W. Ferguson and Evelyn B. Ferguson.

Section 3. The Board of Aldermen 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 Larry W. Ferguson and Evelyn B. Ferguson. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Larry W. Ferguson and Evelyn B. Ferguson, (Zoning Docket W-2536). 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 (Offices, Miscellaneous; Professional Office; Combined Use), approved by the Winston-Salem Board of Aldermen 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:

- NO ADDITIONAL CONDITIONS

## **DRAFT ZONING STAFF REPORT**

**DOCKET #** W-2536

**STAFF:** Suzy Gallaway

Petitioner(s): Larry W. Ferguson and Evelyn B. Ferguson

Ownership: Same

### **CONTINUANCE HISTORY**

Continued from the March 14, 2002 Planning Board Meeting at the request of the Planning Board to allow the petitioners to meet with neighbors and to allow two other zoning petitions to be submitted and heard at the same meeting.

### **REQUEST**

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

To: NO-S Neighborhood Office District (Offices, Miscellaneous; Professional Office; and Combined Use)

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

Acreage: 0.62 acre

### **LOCATION**

Street: North side of First Street west of Springdale Avenue.

Jurisdiction: City of Winston-Salem.

Ward: Northwest.

### **SITE PLAN**

Proposed Use: Offices, Miscellaneous; Professional Office; Combined Use.

Square Footage: 2,485 sf.

Building Height: Two story.

Parking: Required: 8; proposed: 8.

Bufferyard Requirements: Type I where parking is adjacent to residentially zoned property.

Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

**PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Single Family structure.

Adjacent Uses:

- North - Single Family homes, zoned RS-12.
- East - Single Family homes, zoned RS-12.
- South - Offices, zoned GO-S and GO.
- Southeast - Convalescent Care, zoned RS-12 and GO.
- West - Single Family home, zoned RS-12.

**GENERAL AREA**

Character/Maintenance: Well-maintained single family homes and businesses.

Development Pace: Moderate.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site is already developed with residential structure which is proposed to be adaptively reused for offices. Some grading may occur in rear to provide parking.

Topography: The property slopes from an approximate elevation of 980 in the southwest portion of the site to an approximate elevation of 890 in the northeast portion of the site.

Watershed: Site is not within the boundaries of a water supply watershed.

## **TRANSPORTATION**

Direct Access to Site: First Street via Miller Street and Stratford Road.

Street Classification: First Street - major thoroughfare; Miller Street - minor thoroughfare;  
Stratford Road - minor thoroughfare.

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

First Street between Stratford Road and Springdale Avenue = 16,000/12,700

Miller Street between Country Club Road and Business 40 = 14,000/22,100

Stratford Road between Country Club Road and Buena Vista Road = 15,000/16,100

Trip Generation/Existing Zoning: RS-12

$0.62 \times 43,560/12,000 = 2 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 19 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: NO-S

$2,485/1,000 \times 11.01 \text{ (General Office Trip Rate)} = 27 \text{ Trips per Day}$

Sidewalks: Both sides of First Street.

Transit: Route 19, along First Street.

## **HISTORY**

Relevant Zoning Cases:

1. W-1961; RM-18 to NO; approved May 15, 1995; southwest side of First Street northwest of Cloverdale Avenue; 0.18 acre; Planning Board and staff recommended approval.
2. W-1354; R-5 to R-1-S (after UDO conversion, the permitted use would be: Parking, Commercial); approved May 5, 1986; southeast corner of West First Street and Miller Street; 1.64 acres; Planning Board and staff recommended approval.

3. W-1779; R-1 and R-5 to R-1-S (after UDO conversion, the permitted uses would be: Offices, Miscellaneous; Professional Office; Banking and Financial Services); approved August 3, 1992; southwest corner of South Stratford Road and Country Club Road; 2.77 acres; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): Rehabilitation and reuse of existing structures is encouraged; nonresidential development should be compatible with nearby residential areas; protect existing neighborhoods through rehabilitation, redevelopment and revitalization; protect residential areas from inappropriate commercial or industrial encroachment.

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

### **ANALYSIS**

This petition was continued from the March 14, 2002 Planning Board meeting so the Board could consider two other rezoning requests at the same meeting. This site is located between the other two requests. The petitioner has submitted this request to rezone the property from RS-12 to NO-S (Offices, Miscellaneous; Professional Office; and Combined Use). The petitioner would like to convert the existing single family residence to office space. Combined Use would allow for the structure to be used as a residential building in combination with the requested office uses. First Street in front of the subject site is currently over its traffic capacity by 26 percent, or 3,300 trips per day. Although this request in itself would put eight more trips per day than the existing single family use, it would also set a precedent for the expansion of non-residential uses on the

north side of First Street. Traffic alone is not a reason for a change to non-residential zoning, as there are many other busy roads in the County including North Stratford Road and Country Club Road in the immediate area with viable residential along them.

The properties across First Street from the subject site have been zoned for office uses since 1968 when comprehensive zoning was established. The commercial buildings are set back from First Street from 100 to 110 feet and have street trees and landscaping serving as a buffer from the subject property and the other single family homes. Most of the homes along First Street also have deep setbacks and street trees to help buffer from both traffic on First Street as well as the office buildings on the south side of First Street.

In staff's opinion, the north block face including this site continues to remain viable for single family use. The office buildings have been located across First Street for around 30 years, yet the homes have not deteriorated as a result. The office buildings on the opposite side of First Street have substantial setbacks and adequate buffering. The established group of single family homes themselves have large setbacks, ranging from 75 feet to 90 feet, with the subject property being set back from First Street 80 feet. There are many conveniently located services in the immediate area that are ideal for residents. The area already has a good mixture of uses, that is well-defined and compatible with the residential uses. Introducing non-residential uses on the north side of First Street would migrate the transition point from non-residential to residential to the northern lot lines of the houses on the north block face of First Street. It would put a cloud of uncertainty over nearby land that could effect the development of the vacant infill residential lots immediately to the northwest of this property on Runnymede Road.

There currently is no area plan for this area. Without an area plan, it would be premature to

extend non-residential zoning into a well-established and maintained existing residential area.

There is already a good mix of uses in the area and good transitions established. Bringing office or commercial uses across First Street would encroach into the residential and act as an inappropriate precedent for such uses along the north side of First Street as well as along Springdale Avenue, Country Club Road, and North Stratford Road.

### **FINDINGS**

1. The petition is a proposal to convert an existing single family residence to NO-S office.
2. Street trees and setbacks currently provide a transition between the existing offices and residential properties.
3. Approval of the petition would set a precedent for nonresidential uses along the north side of First Street as well as along Springdale Avenue and North Stratford Road. Such conversion would add to the existing traffic congestion.
4. The north side of First Street in this area remains viable for single family use.
5. Without an area plan, it would be premature to extend non-residential zoning into a well-established and maintained existing residential area.

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends no additional conditions.

### **PUBLIC HEARING**

March 14, 2002

FOR:

Chad Davis, 2040 Georgia Avenue, Winston-Salem, NC 27104

Represent my family and East Coast Capital.

We just entered into a contract for the property next door to this site. We have every intention of moving forward to pursue the same course that Ms. Ferguson is pursuing. It's a stark contrast between the eight-story commercial buildings to single family.

The reality is that when you walk out your front door here, you're looking at eight-story commercial buildings which are enormous.

We have done considerable successful rehabilitation of older buildings like these. *Legacy* supports this adaptive reuse of residential structures. That is our intention for this property.

There are a lot of supporters for this. Considering that we just entered into contract a couple days ago, we have only been able to talk with a few neighbors. They have been very positive, but we would like to be able to talk with all of them.

Request continuance so we can work with Ms. Ferguson and neighbors.

James L. Miller, 1905 West First Street, Winston-Salem, NC 27104

I represent my family. Our family is not opposed to this rezoning. We certainly appreciate the character of the neighborhood. We've lived here 36 years. I think the character from Springdale Avenue to First Street is already shot because of the stuff across the street. We aren't going to be in our house forever. This site was on the market for a long time.

Edna Mauney, 1915 West First Street, Winston-Salem, NC 27104

My property joins the Ferguson property. I moved here 32 years ago. It was a nice residential area then, but is not now.

This section of First Street is no longer residential.

Evelyn B. Ferguson, 3405 Lockhurst Court, Pfafftown, NC 27040 (petitioner)

I'm an RN and a Realtor/Broker.

We purchased this property way back in November, mostly as an investment property. I have thought about renting rooms to other nurses or residents or about moving in and having a home occupation.

We were approached by many who want to rent our property as office space.

It is obvious that people don't view this property as residential any more. That is why we requested rezoning.

Compared traffic counts for different uses that would be possible for this site.

My family is from the Philippines where the culture encourages family and friends to drop in anytime they wish. We like to "party" by gathering in large groups for such things as spaghetti and sodas. Since we have large families, this greatly increases noise and traffic.

If this use is for something like neighborhood office, you would have fewer occupants.

The proposed uses would limit hours to weekdays, 9 a.m. to 5 p.m., and there wouldn't be a problem with noise or traffic after 5 o'clock or on weekends.

AGAINST:

Ceres Wood, 1952 Runnymede Rd, Winston-Salem, NC 27104

When I found out about this rezoning, my perception of the property I was buying (directly behind the project site) significantly decreased.

It would be a financial hardship for me to sell the property.

I'm an architect, have worked in planning and commercial development. There is currently a very clear line between commercial and residential. Let's not fool ourselves.

We've already heard from the neighbors along First Street who are already interested in rezoning their properties. This would create a domino effect.

I think the best and highest use of this would be residential.

All I've heard of benefits is that it would be good financially for a few people.

Dennis Hatchell, 1875 Runnymede Road, Winston-Salem, NC 27104

We are here as a neighborhood to ask you to deny this request.

If this is going to be an office or commercial, it will require employees and customers.

There is no street, no alley, no buffer. There will be parking lots against single family residences.

Cindy Rothschild, 409 Wynhaven Lane, Winston-Salem, NC 27104

Own 1960 Runnymede. We bought this lot almost a year ago hoping to build a home here. So I'm very opposed to rezoning this. First Street is a very natural divide between a commercial area and a residential area. As a potential homeowner, I'm not at all looking forward to seeing a parking lot in my back yard. I don't think that the interests of Winston-Salem and our wonderful residential neighborhoods should suffer for commercial development.

Bob Laws, 1916 Runnymede Road, Winston-Salem, NC 27104

We are very much opposed to any commercial encroachment across First Street.

Ms. Ferguson purchased the property in November 2001.

Stratford Park is also in the area.

Mr. Davis has already indicated he would like to rezone his house as well.

Please deny this.

Louis Davis, 118 Springdale Avenue, Winston-Salem, NC 27104

Concerned about parking, lighting.

We chose this neighborhood because we considered it to be one of the most beautiful neighborhoods in the community.

We feel this would seriously devalue our property. More than that, the aesthetic value of the neighborhood would be negatively impacted.

Bill Sullivan, 1901 Runnymede Road, Winston-Salem, NC 27104

We are very concerned about the proposed rezonings.

Submitted a petition signed by 130 people against this rezoning.

Susan Gray is here today. People like her have bought lots, planned to build, then hesitated because they are in limbo about what will happen along First Street.

Please make a strong statement that development north of First Street is limited to residential.

Barbara Lentz, 1851 Runnymede Road, Winston-Salem, NC 27104

Asked for all opponents to stand - approximately 25 people stood in opposition to this request.

We will fight vigorously each and every zoning request that comes before this board.

*Legacy* supports a denial of this request.

Mr. Davis speculated that when he walked out a front door if he was living on First Street he might only see commercial structures. I would contend that he is speculating both with the money in his pocket as well as what he might see. He does not live here.

Referred to *Legacy* and the reasons it supports denial of this request.

We need to protect existing neighborhoods. The character of Runnymede neighborhood is very strong.

The proposed property remains viable as a single family residence.

Rezoning here is unnecessary and unwise.

## **WORK SESSION**

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

1. In response to a query by Kerry Avant about whether the petitioner met with the neighborhood, Ms. Ferguson indicated she sent every one a letter (several in audience denied it).
2. Kerry Avant - I understand the neighbors' concerns, but am not sure it's as clear cut as either side wishes you to think. I also think we need to consider the other properties next door at the same time if they are getting ready to apply.

MOTION: Jimmy Norwood moved denial of the zoning map amendment.

SECOND: Jerry Clark

VOTE:

FOR: Powell, Clark, Norwood

AGAINST: Avant, King

Due to the need for further time for Mr. Bost to consider his vote, Mr. Norwood and Mr. Clark withdrew their motion and second.

MOTION: John Bost moved to continue the zoning map amendment to April 11, 2002 and encouraged the different parties to meet and discuss the properties in question.

SECOND: Kerry Avant

AMENDED MOTION: During discussion which included the petitioner's agreement to continuance of this request, Mr. Bost amended his motion to continue consideration of the zoning map amendment to May 9, 2002.

SECOND: Kerry Avant amended his second.

VOTE:

FOR: Avant, Bost, Clark, King, Powell

AGAINST: Norwood

EXCUSED: None

**PUBLIC HEARING**            May 9, 2002

David Reed presented the staff reports for A.1., A.9., and A.10. together. The public hearing for item A.1. was held and closed at the March 2002 meeting. Due to the similarity in situations between the two cases and that most concerns would be addressing both cases, the public hearings for items A.9. and A.10. were held together, with each side being allocated 24 minutes total.

FOR:

Don Nielsen, 100 N. Cherry Street, Winston-Salem, NC

I represent all petitioners.

All petitioners met with neighbors on April 11th. There weren't many questions at that time, but the neighbors indicated they would give us feedback.

We learned yesterday that the neighborhood organization didn't want to meet with us and didn't want any more information.

None of the petitioners have plans to hurt Runnymede. To the contrary, they want to protect the neighborhood.

What we've heard is a fear of any change and a lack of understanding of the difference between neighborhood office and highway business zonings.

There would not be lighting, dumpsters, etc.

These houses are under pressure. They are the buffer between commercial and the houses on the other side (along Runnymede). There's no reason these houses cannot be the buffer.

These houses aren't part of Runnymede. They are part of one of the largest commercial areas in Winston-Salem.

We will only lose three large trees.

People don't want to live along First Street here, so the requests for rezoning will continue.

(Submitted letter stating that property values would not be hurt.)

Chad Davis, president of East Coast Capital, 301 Brookstown Avenue, Suite 300, Winston-Salem, NC 27101

We went before the neighborhood at the time and place they suggested. We were asked to wait outside for 45 minutes, at which time we were asked to gather our stuff and leave, while they would contact us later. That contact was yesterday and indicated no willingness for any change at all.

Can I get copy of his remarks?

The pieces of the puzzle rarely come together as they have here.

Judge Tom Ross, Exec. Dir. Z Smith Reynolds, 101 Reynolda Village

The foundation has been a member of this community since 1936. We need to relocate because we need more room. We have 10 staff and need 12, so we need slightly more space. We obviously aren't a huge facility. We have occasional visitors, but usually we go out to meet our clientele.

Our meetings are not even held in our offices unless they only involve a few people.

The foundation would very much like to occupy this property.

We haven't moved in 22 years, and don't plan to move again.

Edna W. Mauney, 1915 W. First Street, Winston-Salem, NC

You have to live on First Street to really know what it's like.

We have very little buffer between our houses and the commercial area.

We can walk all over our homes without light at night because there's so much light from the commercial area.

Our doctor's office is across the street, but we can't cross it on foot.

We've operated a beauty shop in my house since 1965 and never had a problem.

The homeowners on Springdale and Runnymede are second and third owners - they knew what was here when they bought.

Please approve of our rezoning as a neighborhood office.

I don't feel we'll infringe on Runnymede - we'll be a protector for them.

(Don Nielsen submitted photos and original letter from Ms. Fishburne.)

AGAINST:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

Asked those in opposition to stand - approximately 55 people stood.

Submitted petitions totaling 299 names of those in opposition to rezoning each of the three three cases to NO-S.

The staff report indicates it's likely to grow if we rezone these properties. It's likely to grow as far as the railroad tracks toward town.

The people are here. They have shown their wishes. There may be somebody there who has misconceptions about what's going to happen, but these folks know what these cases represent and what the impact will be.

We don't want any traffic to the north. We do not want a back-yard driveway tying these properties together. Submitted list of conditions they want if the cases are approved.

We don't want to see any traffic going to the north. We want a negative access easement toward Runnymede. We want a negative access easement towards Springdale.

We do not want a backyard driveway tying these three properties together to put other than residential traffic on Springdale. That's not proposed here, but we don't want to see it here now or in the future.

We don't want any additions, modifications, or replacements of these structures now or ever. It's against the ordinance. We don't know what we're going to do, but we don't want parking in the back yard. We want it in the front yard where the other cars are.

Hydrologist needs to deal with the water.  
Properties need to be gated.  
Dumpsters were taken off the site plan. We don't want dumpsters.  
Lights need to be directed away from houses.  
First Street is currently 26% over capacity with these properties as residential.  
We don't want an encroachment of offices or mixed use into their neighborhood.

Lou Davis, 118 Springdale Avenue, Winston-Salem, NC 27104

I abut two of the properties under consideration.  
Submitted letter of opposition. The language is too soft after what I've heard this afternoon.  
We did meet with the proponents. We said right from the start that our concern is the precedent this might set and almost any proposal would not address that concern.  
We came up with options, but those options are not options we are willing to live with whether they be office or commercial. We don't want those uses to cross First Street toward us.  
I don't see any reason to move that line from their properties to mine.  
Most of these issues have been well dealt-with by the Planning staff. They are professionals and should be listened to.  
The Mauney's have not tried to sell their property. They are trying now because of the opportunity being presented to them by a developer.  
We chose our house very carefully because of a bad experience in another city.  
We are typical of a type family which WS has been claiming to want to attract to this area.  
We have been forced to put no parking signs on our street because people were parking on both sides of the streets.  
The commercialism will spread. We're here listening to three requests, not just one.  
Traffic is already too intense.  
We have several neighborhood associations represented here. Neighborhoods as a group are against this. We are very protective of our neighborhoods.  
Good neighbors are the best form of safety. Businesses are not good neighbors because they aren't there 24 hours a day. Businesses only look out for themselves and only between 9 and 5.  
Once the change is made, it's irreversible. Today no lighting may be required, but the first time someone is attacked in the park, lighting will go up.  
Sometimes smart growth means no growth.  
Give careful consideration to this. This is a resource that needs to be preserved.

Astra Stroebel, 1952 Runnymede Road, Winston-Salem, NC 27104

I abut Ms. Ferguson's property.  
I feel surrounded by everything that's going on.  
When I bought my home, I assumed it would always be surrounded by other homes. A couple months ago I tried to sell my house, but the buyers backed out because of the turmoil over these zoning requests. Since that time, my plans have changed and I have decided to keep my home. I'm strongly opposed to this request.  
I don't want to look at large numbers of cars.  
What I'm most disturbed about is the nature of the neighborhood being changed. I won't

have the security of knowing there are neighbors here who I can talk with over the fence or who are protecting their homes at night. Business neighbors mean vacant structures and parking lots.

Like my neighbors, I value this well-established neighborhood. I like living in the City and the proximity to the stores, hospitals and entertainment. I want to continue to live in the city, but it isn't safe, healthy, or enjoyable if we allow this type of intrusion. We should minimize this type of impact on solid and historic neighborhoods. It seems we as a city would want to protect beautiful neighborhoods like this one. First Street is currently a good dividing line. There's no good reason to extend it into Runnymede.

Bob Law, 1952 Runnymede, Winston-Salem, NC 27104

Live next to Esther.

I almost adjoin these properties. I certainly can see into these properties from my site. These proposals are objected to by a whole community, not just adjoining neighbors. Just because your property may be a little more valuable if it's rezoned isn't good reason to rezone land.

We aren't objecting to Reynolds Foundation coming in - we're making objection to the character of the property being changed by rezoning. It appears that Winston-Salem has had a very clear line of residential and commercial established by this side of first street going through to Country Club Road, all the way down to Silas Creek Parkway, and they just don't see any need or evidence for change. The Taylor property has never been offered for sale, from what he knows. Public records show that they even objected to prior petitions to rezone the property. Ms. Ferguson acquired her property in November 2001 and it had never been listed for sale.

It appears the only reason the petitioners are requesting this rezoning is for financial gain. We only made suggestions because we want the most protection if the rezonings are granted. We don't want the rezonings.

We have tried to dialogue with the petitioners. That's how they knew to come to the church.

I'm just here with my community to ask you to deny these petitions and go by the recommendation made by the Planning Staff.

Debra Sizemore, 125 Hearthside Drive, Sherwood Forest, Winston-Salem, NC

We are trying to move back into this area. I've spent \$195,000 for a lot. I had no idea this mess was going to happen. It has broken my heart. I had written each of you a letter stating why I think you need to oppose this rezoning. My property will not be worth \$195,000. I do want the Taylor home to stay beautiful. It hasn't been offered for sale residentially. I really feel taken advantage of. I paid top dollar for a residential property and then they filed for rezoning.

Three petitioners will gain financially. Many of us will lose financially.

## **WORK SESSION**

Ms. Sizemore bought her lot from the Taylors.

Are all four of the lots behind the Taylor home sold now? They are individually owned according to the tax maps.

Kerry Avant - question for staff - I'm surprised to see no additional conditions. Given all that we've heard about screening, lighting, buffers, etc., I'm kind of surprised and taken aback that there aren't any additional conditions. Not only do we have to vote on the rezoning request, but we have to vote on the site plan. That puts the burden back on the board to come up with the conditions or deny the site plan or let it go through without conditions.

Any new NO-S structure has limitation of parking to the side or the rear. At the inter-departmental review, it was suggested that the two eastern properties share a driveway and pull the commercial driveway between those two structures, but they were not interested in pursuing that. Basically, with NO zoning district has a number of conditions and that is why you don't see as many written up individually. The question came down to whether or not the Boards are going to be supportive of NO Zoning being here. NO Zoning is a restrictive zoning, so there are a number of conditions placed on the district itself. There must be low intensity signage, and other things that one might see as conditions placed on other types of development such as lighting.

If a NO-S zoning is approved, and down the road the structures were taken down, what type of structure could go up there? Would there be restrictions on height that type of thing? The NO-S district would require that any new structure be less than 4,000 sq. ft. It would presume that there would have to be some type of site plan amendment for that, if the structure were torn down and something new were put in. No changes can be made to this site plan without coming back for a hearing. It also goes back to the point about negative access easements. The site plan itself can really only allow access at the point shown, so there is really no need to have a negative access easement.

What could these homes be used for under the existing zoning?

Mr. Avant asked if staff could be clear about what these homes could be used for under the existing zoning? What other type uses, other than family living?

Staff replied that the primary use would be single family. Family group home is allowed, but it is allowed in all single family residential districts, regardless of what district it is in. Mr. Avant asked if a company, such as Baptist Hospital bought one of these properties when it was on the market and wanted to turn it into a group home, would there be a public hearing for that?

Staff stated that it would have to be a family group home A, which is a very limited scale of group home operation and there are some use conditions. Staff believed that they would not have to go back through the Zoning Board of Adjustment review.

Mr. Avant asked if, under that scenario, would they be able to change or alter the parking for the group home?

Staff stated that he did not see why that couldn't be done, but staff was not sure of any special type of conditions that would go along with that.

Tim Gauss stated that there was a quirk with the Family Group Home that was associated with a text amendment that was adopted not too long ago. There is a provision that was taken in from Federal Law to ensure civil rights so that handicap persons are not denied access from housing opportunities, to allow them to petition some kind of relief of zoning requirements where it is determined that it presents a barrier to affordable housing or housing for handicapped persons. We don't have a precedent for that, but that is a technical possibility.

Mr. Avant stated that if the houses went on the market, there is no way of knowing that it would be sold to someone that would occupy it as a residence.

Staff stated that they believed that to be true.

Mr. Avant wanted to be sure everyone knew that the existing zoning does not mean that they would remain residential, owner occupied structures going forward.

Tim Gauss stated that there were some other options in the single family district.

John Bost stated that he had requested a continuance last time for the sake of community dialogue. He stated that as late as this morning, he felt that this was a really wonderful potential transition from the commercial property, back into the residential, but my concern last time was the tension that seemed to be between the neighbors and the opportunity for community dialogue seems to have occurred. The Z. Smith Reynolds of the Taylor home would be a phenomenal use and yet the purchase of those lots behind the Taylor home were made in good faith, and then, he didn't really see the site plan is accomplishing some of the things that might have come out of the community dialogue. From his perspective, what he was asking to happen has happened. For that reason, I would offer a motion for denial.

Staff stated that the board would need to keep the cases in the order that they had been submitted.

Item 1.           Zoning map amendment of Larry W. Ferguson and Evelyn B. Ferguson from RS-12 to NO-S (Offices, Miscellaneous; Professional Office; and Combined Use): property is located on the north side of West First Street west of Springdale Avenue (Zoning Docket W-2536).

MOTION: John Bost moved for denial.

SECOND: Terry Powell

VOTE:

FOR: Bost, Clark, Doyle, Folan, Norwood, Powell

AGAINST: Avant, King

EXCUSED: None

The question was raised if the site plan was conforming due to the requirement for a variance.

David Reed stated that there is a surveyors note on there, however, when a property is rezoned, the building set backs are automatically forgiven. It would need to be verified with the Inspections staff that in a zoning case, typically a buffer yard that can't be wide enough, does have to get a variance. But, a structure that is already too close to the property line is automatically forgiven, so the surveyor put the note on there, but that is not actually a requirement.

Mr. Norby stated that Mr. Gough was present and could confirm that if the Board needed that confirmation.

Mr. Gough confirmed what Planning staff had stated previously.

**SITE PLAN MOTION:** Kerry Avant made a motion to deny this site plan because he believed that the parking in the rear could be oriented differently and away from the rear property line.

**SECOND:** Jimmy Norwood

**VOTE:**

**FOR:** Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

**AGAINST:** None

**EXCUSED:** None

Item 9. Zoning map amendment of East Coast Capital, Inc. for property owned by Blucher E. Taylor Trustee and Frances S. Taylor Trustee from RS-12 to NO-S (Residential Building, Single Family; Professional Office; Offices, Miscellaneous; Medical and Surgical Offices; Non-Store Retailer; and Governmental Offices): property is located on the north side of West First Street and east side of Runnymede Road (Zoning Docket W-2542).

**MOTION:** John Bost stated that he felt that this property poses the most threat to the neighborhood and from which the lots were sold in good faith, so he moved for denial.

**SECOND:** Terry Powell

**VOTE:**

**FOR:** Bost, Clark, Doyle, Folan, Norwood, Powell

**AGAINST:** Avant, King

**EXCUSED:** None

**SITE PLAN MOTION:** Kerry Avant moved for approval.

**SECOND:** John Bost

**VOTE:**

**FOR:** Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

**AGAINST:** None

EXCUSED: None

Item 10. Zoning map amendment of Edna W. Mauney from RS-12 to NO-S (Offices, Miscellaneous; Professional Office; and Combined Use): property is located on the north side of West First Street west of Springdale Avenue (Zoning Docket W-2543).

MOTION: John Bost moved for denial.

SECOND: Terry Powell

VOTE:

FOR: Bost, Clark, Doyle, Folan, Norwood, Powell

AGAINST: Avant, King

EXCUSED: None

SITE PLAN MOTION: Kerry Avant moved for approval.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning