



DOCKET #: W2537
 (Continued from 4/11/02
 CCPB meeting)

PROPOSED ZONING:
 LO-S (Professional Office;
 Offices, Miscellaneous)

EXISTING ZONING:
 RS9

PETITIONER:
 James M. Jackson
 for property owned
 by Maloe M. Reavis, et al

SCALE: 1" represents 200'

STAFF: Gallaway

GMA: 3

ACRE(S): 0.64

MAP(S): 612850, 612854



May 20, 2002

James M. Jackson & Company
Attn: James M. Jackson
P.O. Box 5125
Winston-Salem, NC 27113

RE: ZONING MAP AMENDMENT W-2537

Dear Mr. Jackson:

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

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 James M. Jackson for property owned by Maloe M. Reavis, et al

SUMMARY OF INFORMATION:

Zoning Map Amendment of James M. Jackson for property owned by Maloe M. Reavis, et al from RS-9 to LO-S (Professional Offices and Offices Miscellaneous): property located at 209 Harper Street, Winston-Salem and having frontage along Harper Street and Goodyear Drive.

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, BOST, DOYLE, KING, NORWOOD
AGAINST: CLARK, FOLAN, POWELL
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of James M. Jackson for property
owned by Maloe M. Reavis, et al Docket W- 2537

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 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-9 to LO-S the zoning classification of the following described property:

Tax Block 2232, Tax Lot 029H and 101

Section 2. This Ordinance is adopted after approval of the site plan entitled James M. Jackson identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to James M. Jackson.

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 James M. Jackson.. 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 James M. Jackson for property owned by Maloe M. Reavis, et al, (Zoning Docket W-2537). 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 LO-S (Professional Offices and Offices Miscellaneous), 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 LO-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:

- **OTHER REQUIREMENTS**
 - a. One (1) free standing sign shall be permitted at the southeast corner of the property, along Goodyear Drive. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

DRAFT ZONING STAFF REPORT

DOCKET # W-2537

STAFF: Suzy Gallaway

Petitioner(s): James M. Jackson

Ownership: Maloe M. Reavis, et al

CONTINUANCE HISTORY

Continued from the April 11, 2002 Planning Board Meeting to allow the petitioners to meet with neighbors. As of this writing, staff does not know of any changes to the site plan.

REQUEST

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

To: LO-S Limited Office District (Professional Office; and Offices, Miscellaneous)

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

Acreage: 0.64 acre

LOCATION

Street: Northeast corner of Harper Street and Goodyear Drive.

Jurisdiction: City of Winston-Salem.

Ward: Southwest.

SITE PLAN

Proposed Use: Professional Office; and Offices, Miscellaneous.

Square Footage: 8,100 sf.

Building Height: Three story, 40 feet maximum.

Parking: Required: 27; proposed: 27.

Bufferyard Requirements: Type II bufferyard along residential zoning.

Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family residence.

Adjacent Uses:

North - Single family residences, zoned RS-9.

Northeast - Office buildings, not fronting on Harper Street, zoned LO-S.

East - Silas Creek Parkway.

South - Two offices, zoned LO; single family residences further south, zoned RS-9.

West - Single family residences, zoned RS-9.

GENERAL AREA

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

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site has mature trees that would be cleared.

Topography: There is an approximate change in elevation of eight feet on the subject property (from an approximate elevation of 874' in the south down to an approximate elevation of 866' in the north).

Vegetation/habitat: Site has some trees and low-lying vegetation.

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

Compliance with Federal/State requirements for wetland/stream protection: Sedimentation and Erosion Control plan must be submitted and followed.

Comments: Compliance with the State and local Erosion Control provisions will be required for this project.

TRANSPORTATION

Direct Access to Site: Harper Street; Goodyear Street; Silas Creek Parkway.

Street Classification: Harper Street - collector; Goodyear Street - collector; Silas Creek Parkway - major thoroughfare.

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

Silas Creek Parkway between Country Club Road and Business 40 = 57,000/42,200

Trip Generation/Existing Zoning: RS-9

$0.64 \text{ acre} \times 43,560/9,000 = 3 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 28 \text{ trips per day}$

Trip Generation/Proposed Zoning: LO-S

$8,100/1,000 \times 11.01 \text{ (General Office Trip Rate)} = 89 \text{ trips per day}$

Sidewalks: South side of Country Club Road; no sidewalks on Harper Street or Goodyear Drive.

Transit: Route 12 along County Club Road, north of site.

HISTORY

Relevant Zoning Cases:

1. W-2031; RS-9 to IP-S (Club or Lodge); approved February 19, 1996; east side of Harper Street and west side of Silas Creek Parkway south of Goodyear Drive; 3.91 acres; Planning Board and staff recommended approval.

2. W-1753; R-1-S (Offices) to R-1-S (Offices; and Medical, dental or related offices); approved February 3, 1992; southwest corner of Silas Creek Parkway and Country Club Road and southeast corner of Country Club Road and Harper Street; 3.0 acres; Planning Board and staff recommended approval.
3. W-1719; R-4 to R-1-S (miscellaneous uses); approved June 3, 1991; northwest corner of Silas Creek Parkway and Goodyear Drive; 0.52 acre; Planning Board and staff recommended approval.
4. W-1386; R-4 to R-1-S (Offices); approved November 17, 1986; southwest corner of Silas Creek Parkway and Country Club Road and southeast corner of Country Club Road and Harper Street; 3.5 acres; Planning Board recommended approval and staff recommended denial.
5. W-466; R-1 to R-4; approved June 24, 1974; east side of Harper Road north of Vandalia Drive; 0.30 acre; Planning Board and staff recommended denial.
6. W-461; R-1 to R-4; approved May 21, 1974; east side of Harper Road south of Goodyear Drive; 1.8 acres; Planning Board recommended denial and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* advocates the inclusion of non-residential uses in neighborhoods where those uses primarily serve the neighborhood.

Area Plan/Development Guide: *Country Club/Jonestown Area Plan* (approved in 1985).

Relevant Development Guide Recommendation(s): The "proposed development plan" (page 14 of the area plan) reveals that the subject property should remain low-density residential (0 to 4 units per acre).

ANALYSIS

The petitioner is requesting to rezone 0.65 acre from RS-9 to LO-S (Professional Office; and Offices, Miscellaneous). The site plan indicates the project would consist of a three story building with 8,100 square feet. There would also be 27 parking spaces provided. This would constitute a total of 55.6% impervious surface coverage.

Although there are other offices nearby, they do not impact the character of Harper Street in the manner this proposal would. The existing engineering office and office buildings south of the site are single story buildings which have been there since 1974. Further north are two other large office buildings which front on Country Club Road and Silas Creek Parkway; however they do not extend into the first tier of Harper Street. The entrance of the proposed building would not be oriented toward Harper Street, and indeed would access onto Goodyear Drive. However, the parking is directly across from the single family homes, and the mass of the building would be

intrusive as the lot is along the first tier of Harper Street. Staff is also concerned that substantial removal of existing vegetation at this location would expose residences along Harper Street to increased noise, glare, and visual exposure to and from Silas Creek Parkway.

The *Country Club/Jonestown Road Area Plan* recommends this site remain zoned for low-density single family residential. The proposal clearly goes against the area plan recommendations. *Legacy* recommends inclusion of non-residential uses in a residential neighborhood *if* those uses primarily serve the neighborhood. The proposed uses are not neighborhood serving.

The combination of the mass of this building with its parking lot oriented toward Harper Street makes this use incompatible with the surrounding neighborhood. If this lot fronted on Silas Creek Parkway and had no frontage on Harper Street staff may have been supportive, however the position of the lot forces any non-residential use into the existing single family development. Staff recommends denial, as the use, location, and building mass are not consistent with adopted plan recommendations and are not compatible with the neighborhood.

FINDINGS

1. The request is for the 0.65 acre site to be rezoned from RS-9 to LO-S (Professional Office; and Offices, Miscellaneous).
2. The proposed plan shows a three story building with 8,100 square feet, 27 parking spaces, and 55.6% impervious surface.
3. The mass of the building and associated parking lot would be intrusive to the first tier of homes along Harper Street and expose residences to increased noise, glare, and visual exposure to and from Silas Creek Parkway.
4. The *Country Club/Jonestown Road Area Plan* recommends this site remain low-density single family.
5. Use, location, and building mass are not consistent with adopted plan recommendations and are not compatible with the neighborhood.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

- **OTHER REQUIREMENTS**
 - a. One (1) free standing sign shall be permitted at the southeast corner of the property, along Goodyear Drive. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

PUBLIC HEARING - April 11, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Terry Powell moved continuance of the zoning map amendment and site plan to May 9, 2002.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING- May 9, 2002

FOR:

James M. Jackson, 633 W. Fourth Street, P. O. Box 5125, Winston-Salem, NC 27113

We want to relocate from downtown Winston-Salem to this site.

This is a great location for us to be in.

We have tried to keep the building as far from residences as possible.

We are trying to buffer as much as possible and create as low an impact as possible for the neighborhood.

We don't think this will be a traffic generator.

We will add to the neighborhood architecturally.

We are bordered on three sides by office zoning.

We are not bringing something into the neighborhood that isn't already there.

The existing house is 70 years old. We've examined remodeling it, but it would cost us approximately \$300-400,000 which we could not recover.

We do feel the area fronting Silas Creek will be commercial over the next few years.

We feel this is a benefit to the area.

We have ten employees in town and will lease two floors to a company with a maximum of 22 employees.

AGAINST:

Clendon Newsome, 2700 Griffin Road, Rural Hall, NC 27045

We own property near here and are being sandwiched in by office development.

If this goes office, I believe our lots should go office also since it will be very hard to sell our land as residential.

I don't object to their asking for office, but I think the nearby lots should go office also to give us a chance to get out of there because otherwise we'll just have to end up renting this house. I don't believe anybody would want to buy it for a residence.

WORK SESSION

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

Kerry Avant - When was the *Country Club/Jonestown Area Plan* adopted? 1985. It was adopted before Park West was developed. At the time Park West was approved, it was my understanding that this entire strip would be office space eventually. It seems like the precedent was set then for this strip to be office development.

Paul Norby - this block face of Harper Street going north of Goodyear is residential. This particular zoning would intrude the office directly up on Harper Street for this block face. It would really set a precedent there for the rest of that block going to the north. With the exception of what is south of Goodyear, everything else you see on the map there is on the second tier which has less exposure to Silas Creek.

Philip Doyle - If the site configuration was directly on Silas Creek, ignoring the curve on Goodyear, it'd be more supportable because it's addressing Silas Creek. Paul Norby - If Goodyear came straight out to Silas Creek, it would be a different story.

Jimmy Norwood - If this were flipped on the other side, how would staff deal with it? What's going to stop business zoning from going back behind it?

Paul Norby - The front portion is much more similar to the situation you have with the other LO-S properties to the north. That is a distinction in our minds between that and property in that block face that fronts on Harper Street.

Kerry Avant - The second building of Park West is accessed and fronts on Harper Street.

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Doyle, King, Norwood

AGAINST: Clark, Folan, Powell

EXCUSED: None

SITE PLAN MOTION: Kerry Avant certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, King, Norwood, Powell
AGAINST: None
EXCUSED: None

A. Paul Norby, AICP
Director of Planning