



**DOCKET #:** W2577

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

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
James H. Gilley, Jr.

**SCALE:** 1" represents 200'

**STAFF:** Hall

**GMA:** 3

**ACRE(S):** 1.48

**MAP(S):** 618890



September 20, 2002

James H. Gilley, Jr.  
6220 University Parkway  
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2577

Dear Mr. Gilley:

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:** September 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 map amendment of James H. Gilley, Jr., attorney for the estate of Leo Montgomery from RS-9 to LO-S (Professional Office; and Offices, Miscellaneous): property is located on the west side of University Parkway south of Ziglar Road (Zoning Docket W-2577).

**SUMMARY OF INFORMATION:**

Zoning map amendment of James H. Gilley, Jr., attorney for the estate of Leo Montgomery from RS-9 to LO-S (Professional Office; and Offices, Miscellaneous): property is located on the west side of University Parkway south of Ziglar Road (Zoning Docket W-2577).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of James H. Gilley, Jr., attorney for the estate of Leo Montgomery, Docket W-2577

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 (Professional Office; and Offices, Miscellaneous) the zoning classification of the following described property:

BEGINNING at a point in the western right-of-way of University Parkway, the southeast corner of Lot 16 as shown on the Plat of Claymont Estates, Section 2, recorded in the office of the Register of Deeds of Forsyth County in Plat Book 7, Page 163; thence with the north line of Mark D. Skillings property (Deed Book 1633, Page 361) south 80E 23' 13" east 318.60 feet to a new corner; thence, a new line, north 12E 24' 35" west 184.30 feet to a new corner; thence north 75E 44' 59" east 326.66 feet to a point in the western right-of-way of University Parkway; thence, with the western right-of-way of University Parkway south 10E 11' 07" east 210.50 feet to the place and point of BEGINNING, containing 1.4768 acres, more or less. Being a portion of Tax Block 2029, Lots #14, 15 and 16 as recorded in Forsyth County Plat Book 7, Page 163. This description taken from a survey by S. Stephan Lineback, P.L.S. dated February, 2002 and Revised 5-21-02.

Section 2. This Ordinance is adopted after approval of the site plan entitled James H. Gilley, Jr. and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to James H. Gilley, Jr., attorney for the estate of Leo Montgomery.

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 H. Gilley, Jr. 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 H. Gilley, Jr., attorney for the estate of Leo Montgomery, (Zoning Docket W-2577). 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 Office; 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:

**C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. Developer shall record a vehicular access easement to allow future cross access with adjoining property.
- b. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.

**C OTHER REQUIREMENTS**

- a. Obtain a driveway permit from NCDOT; additional requirements may be required at that time.
- b. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet and shall be externally illuminated.
- c. Any subsequent changes to the site plan will require construction of street to the south as indicated as an access easement on the site plan. If the property to the south is developed, location of such street shall tie in to stub provision; access easement location may need to vary from site plan.

## **ZONING STAFF REPORT**

**DOCKET #** W-2577  
**STAFF:** S. Chad Hall

Petitioner(s): James H. Gilley, Jr., attorney for the estate of Leo Montgomery  
Ownership: Leo Montgomery

### **REQUEST**

From: RS-9  
To: LO-S (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: 1.48 acres

### **LOCATION**

Street: West side of University Parkway south of Ziglar Road.  
Jurisdiction: City of Winston-Salem.  
Ward: North.

### **SITE PLAN**

Proposed Use: Professional Office; and Offices, Miscellaneous.  
Square Footage: 2,297 sf.  
Building Height: One story.  
Parking: Required: 12; proposed: 12; layout: as submitted, site has no interconnectivity.  
Bufferyard Requirements: Type II adjacent to RS-9 zoning.  
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: One story house to be retained and reused as an office.

Adjacent Uses:

North -	RS-9 vacant.
East -	HB-S Advance Auto store.
South -	RS-9 single family home with accessory buildings.
West -	RS-9 vacant.

## **GENERAL AREA**

Character/Maintenance: Mixture of new and older businesses and well maintained homes. West side of University Parkway in this area has a residential scale and feel, further characterized by the extent of mature vegetation in the front yards.

Development Pace: Moderate.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Minimal disturbance proposed.

Topography: There is an approximate change in elevation on the subject property of 16' (from an approximate elevation of 846' in the northeast down to an approximate elevation of 830' in the southwest).

Vegetation/habitat: Some remaining vegetation in front, rear and southern side yard.

Watershed: Site is not within a water supply watershed.

## **TRANSPORTATION**

Direct Access to Site: University Parkway.

Street Classification: University Pkwy - major thoroughfare.

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

University Parkway between Stanleyville Drive and Ziglar Road = 12,000/18,500

Trip Generation/Existing Zoning: RS-9

1.48 acres x 43,560/9,000 = 7 units x 9.57 (SFR Trip Rate) = 66 Trips per Day

Trip Generation/Proposed Zoning: LO-S

2,297 sf/1,000 x 11.01 (General Office Trip Rate) = 25 Trips per Day

Planned Road Improvements: Potential future widening of University parkway.

Sight Distance: Good.

Connectivity of street network: As submitted, site plan shows no interconnectivity.

Sidewalks: None existing.

Transit: City transit service terminates south of the site at University Parkway and Hanes Mill Road with service from Routes 10 and 44..

Bike: Route 20 along University Parkway and Stanleyville Road.

## **HISTORY**

Relevant Zoning Cases:

1. W-2516; HB-S to Final Development Plan; approved February 4, 2002; northwest side of Stanleyville Drive across from Nita Drive and east side of University Parkway; 1.21 acres; Planning Board and staff recommended approval.
2. W-2448; RS-9 to LO; approved February 5, 2001; south side of Sunburst Circle and



- northwest corner of University Parkway and Hanes Mill Road; 1.3 acres; Planning Board recommended approval, staff recommended denial.
3. W-2385; RS-9 to IP; approved May 1, 2000; north side of an existing tract of IP zoned land located on the north side of Ziglar Road between Nylon Drive and Virginia Lake Road; Tract 1: 1.32 acres, Tract 2: 0.62 acre; Planning Board recommended approval; staff recommended approval for tract 1, denial for tract 2.
  4. W-2205; Tract 1, RS-9 and HB-S to NSB-S; Tract 2, RS-9 to RS-9-S; denied February 16, 1998; northeast corner of University Parkway and Stanleyville Drive; 7.87 acres; Planning Board recommended denial, staff recommended approval.

### **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* recommends that commercial development be focused at activity nodes, designed for the pedestrian as well as the automobile, and relate to surrounding commercial development.

### **ANALYSIS**

The current request is to rezone 1.48 acres from RS-9 to LO-S (Professional Office; and Offices, Miscellaneous). The site is located on the west side of University Parkway south of Ziglar Road. The petitioner proposes to convert the existing single family residence to office space.

Across University parkway from the subject property is land zoned HB-S and is currently home to Advance Auto. Surrounding the subject property on the west side of University Parkway is land zoned RS-9. Land to the north and west of the subject property is currently vacant, including some land owned by the current petitioner. The proximity of the subject property to the retail commercial across University Parkway establishes just cause for the rezoning request for a change of use from residential to office. However, the character, scale and overall feel of this adaptive reuse is still in keeping with single family residential dwellings.

Based on the site plan, the site is to remain primarily undisturbed in that it will retain virtually all existing vegetation, aiding in the screening of parking and maintaining the feel of a residential area. Stub connections to adjacent properties to the north and south would be a pro-active measure to ensure connectivity to future parcels, should they develop as office. The conversion of this property to office will most likely set a precedent for future rezonings of single family residences in the area. Such conversions should be limited to office or other low-intensity uses and should not be high traffic generating uses. Furthermore, this rezoning should be viewed as a suburban type model for future development in this area, as this zoning classification is a step "down" the from the level of intensity exhibited in and immediately around the more urban Metro Activity Center (MAC) at Hanes Mill Road and University Parkway. In this suburban model, as a transition from commercial to residential, deeper setbacks and the retention and/or provision of vegetation in the "front yard" area, along with parking

being placed to the side or rear, complements surrounding residential uses and aids in such transition.

## **FINDINGS**

1. The petition is to convert an existing single family residence to office.
2. Site is to remain primarily undisturbed.
3. Conversion to office will set a precedent for future rezonings in the area.
4. Staff is supportive of adaptive reuse to office using this suburban model on west side of University Parkway and south of Ziglar Road.

## **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

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

### **C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. Developer shall record a vehicular access easement to allow future cross access with adjoining property.
- b. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.

### **• OTHER REQUIREMENTS**

- a. Obtain a driveway permit from NCDOT; additional requirements may be required at that time.
- b. Signage shall be limited to one (1) monument sign with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet and shall be externally illuminated.
- c. Any subsequent changes to the site plan will require construction of a driveway to the south and shall be indicated as an access easement on the site plan. If the property to the south is developed, location of such street shall tie in to stub provision; access easement location may need to vary from site plan.

## **PUBLIC HEARING**

FOR: None

AGAINST: None

## **WORK SESSION**

MOTION: Jimmy Norwood moved approval of the map amendment.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

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

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

---

A. Paul Norby, AICP  
Director of Planning