

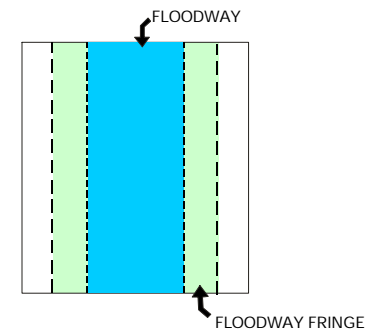
(Continued from the 11-11-99 CCPB Meeting)

DOCKET #: W2357

PROPOSED ZONING:
RS9

EXISTING ZONING:
RS9-S (Residential Building, Single Family)

PETITIONER:
City of Winston-Salem



SCALE: 1" represents 200'

STAFF: D. Reed

GMA: 3

ACRE(S): 6.56

MAP(S): 612878

January 18, 2000

Rod Meyer for the
City of Winston-Salem
2147 Bethabara Road
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2357

Dear Mr. Meyer:

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
Florence Courtney, 2637 Woodcreek Road, Winston-Salem, NC 27106

ACTION REQUEST FORM

DATE: January 18, 2000
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 the City of Winston-Salem

SUMMARY OF INFORMATION:

Zoning map amendment of the City of Winston-Salem for three separate tracts of land as follows: Tract 1: Rezoning from RS-9-S (Dwellings: Single Family) to RS-9; property is located at the western terminus of Woodsong Lane and on the north side of Bethabara Park Boulevard; Tract 2: Rezoning from RS-9-S (Dwellings: Single Family) to RS-9; property is located on the south side of Woodsong Lane, on the north side of Bethabara Park Boulevard and on the east side of Woodcreek Road; Tract 3: Rezoning from RS-9-S (Dwellings: Single Family) to RS-9; property is located on the south side of Bethabara Park Boulevard across from Woodcreek Road (Zoning Docket W-2357).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of City of Winston-Salem, Docket
W-2357

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-S (Residential Building, Single Family) to RS-9 the zoning classification of the following described property:

AREA 1

Beginning at a new iron pin set in the northern right-of-way of Bethabara Park Boulevard at the southeast corner of Tax Lot 101, Block 3460, thence north 04E 42' 26" east a distance of 280.67 feet to a poplar tree; thence north 23E 05' 24" east a distance of 139.49 feet to an existing iron; thence north 22E 36' 33" east a distance of 35.16 feet to an existing iron; thence south 81E 29' 54" east a distance of 54.59 feet to an existing iron; thence north 08E 55' 50" east a distance of 82.42 feet to a stone on the south line of Tax Lot 24, Block 3566; thence south 82E 02' 28" east a distance of 242.89 feet to a point in the center of Bethabara Branch; running thence with the center of Bethabara Branch the following five courses and distances: (1) south 15E 48' 12" west 124.08 feet to an iron stake; (2) south 17E 31' 47" west 80.04 feet to a point; (3) south 19E 26' 38" west 79.94 feet to a point; (4) south 16E 16' 28" west 80.29 feet to a point; and (5) south 12E 34' 09" west 48.47 feet to a point at the southwest terminus of Woodsong Lane; thence, with the southern right-of-way of Woodsong Lane, south 70E 12' 44" east a distance of 161.02 feet to the intersection with the western right-of-way of Woodcreek Road; thence with the western right-of-way of Woodcreek Road south 19E 47' 16" west a distance of 95.38 feet to a point on the northern right-of-way of Bethabara Park Boulevard; thence with the northern right-of-way of Bethabara Park Boulevard north 80E 34' 17" west a distance of 130.62 feet to a point; thence continuing with the right-of-way of Bethabara Park Boulevard along a curve to the left (radius = 5,774.58 feet, length = 274.09 feet) with a chord bearing of north 82E 00' 24" west a distance of 274.06 feet to the point of beginning. This parcel consists of Tax Lots 28D, Block 3460 and Tax Lots 16, and 17, Block 3460B. Containing 3.76 acres, more or less.

AREA 2

Beginning at an iron at the northwest corner of Tax Lot 27B, Block 3460B; thence south 01E 36' 47" east with the west line of said Lot 27B a distance of 174.19 feet to a point on the north right-of-way line of Bethabara Park Boulevard; thence with the northern right-of-way line of Bethabara Park Boulevard along a curve to the left (radius = 951.45 feet, length = 154.89 feet) with a chord bearing of north 85E 04' 09" west a distance of 154.72 feet to a point; thence with the aforesaid right-of-way north 80E 34' 17" west a distance of 423.53 feet to a point; thence continuing with the right-of-way along a curve to the left (radius = 28.49 feet, length = 4.85 feet) with a chord bearing north 14E 36' 56" east a distance of 4.84 feet to a point on the eastern right-of-way of Woodcreek Road; thence north 19E 53' 39" east a distance of 80.00 feet to at the southeast intersection of Woodcreek Road and Woodsong Lane; thence with the southern right-of-way line of Woodsong Lane the following six courses and distances: (1) south 70E 12' 42" east a distance of 128.74 feet to a point; (2) south 73E 55' 02" east a distance of 61.48 feet to an iron; (3) south 86E 32' 44" east a distance of 124.12 feet to an iron; (4) north 79E 57' 33" east a distance of 80.27 feet to an iron; (5) north 68E 48' 59" east a distance of 83.52 feet to an iron; and (6) north 65E 26' 05" east a distance of 85.42 feet to the point of beginning. This parcel consists of Tax Lots 22, 23B, 24, 25 and 26, Block 3460B. Containing 1.12 acres, more or less.

AREA 3

Beginning at an iron in Bethabara Branch at the southeast corner of Tax Lot 28E, Block 3460; thence north 09E 14' 42" east a distance of 48.91 feet to a point; thence north 85E 41' 23" west a distance of 273.40 feet to an iron; thence north 04E 42' 26" east a distance of 91.48 feet to a point on the southern right-of-way of Bethabara Park Boulevard; thence with the southern right-of-way of Bethabara Park Boulevard along a curve to the right (radius = 5,684.58 feet, length = 266.67 feet) with a chord bearing of south 81E 59' 31" east S a distance of 266.65 feet to a point; thence, continuing with the right-of-way south 80E 34' 17" east a distance of 122.15 feet to a point; thence with the southern right-of-way of Bethabara Park Boulevard along a curve to the right (radius = 52.07 feet, length = 122.78 feet) with a chord bearing of south 80E 34' 17" east a distance of 96.25 feet to a point; thence south 80E 34' 17" east, continuing along the right-of-way, a distance of 300.55 feet to a point at the easternmost corner of Tax Lot 23C, Block 3460B; thence south 85E 33' 00" west with the western line of Tax Lot 22D, Block 3460 a distance of 173.87 feet to an iron; thence south 19E 54' 38" west a distance of 136.44 feet to an iron; thence north 70E 49' 46" west a distance of 316.52 feet to the beginning. This parcel consists of Tax Lots 18, 19 and 20, Tax Block 3460B, and Tax Lot 28E, Block 3460. Containing 1.69 acres, more or less.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2357
STAFF: David Reed

Petitioner(s): City of Winston-Salem
Ownership: Same

CONTINUANCE HISTORY: The petition was continued from the December 9, 1999, Planning Board public hearing to the January 13, 2000, meeting to give the applicant the opportunity to meet with a neighbor who appeared in opposition to the case.

REQUEST

From: RS-9-S Residential Single Family District; minimum lot size 9,000 sf (Residential Building, Single Family)
To: RS-9 Residential Single Family District; minimum lot size 9,000 sf

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: 6.56 acres

LOCATION

Street: North and south sides of Bethabara Park Boulevard at Woodcreek Road and on the south side of Woodcreek Lane.
Jurisdiction: City of Winston-Salem.
Ward: North.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is vacant.

Adjacent Uses:

North -	Single family homes.
East -	Single family homes.
South -	Vacant, wooded land.
West -	Vacant, wooded land and single family homes.

GENERAL AREA

Character/Maintenance: Well maintained single family homes.

Development Pace: Slow.

PHYSICAL FEATURES

Topography: Site slopes down towards Bethabara Branch which runs along the property line.

Streams: Bethabara Branch runs along the property line.

Vegetation/habitat: Site is mostly wooded.

Constraints: Most of the site is in the 100-year floodplain and a portion of the site is in the floodway.

Impact on Existing Features: Minor.

TRANSPORTATION

Direct Access to Site: Woodcreek Road and Woodsong Lane.

Street Classification: Woodcreek and Woodsong are not classified; however, Woodcreek intersects with Bethabara Road which is a major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Bethabara Park Boulevard - 12,000/26,000 east of Reynolda Road; Bethabara Road - 2,700/10,000 south of Shattalon Drive;

Transit: WSTA Routes 8 & 16 run along Bethabara Road.

HISTORY

Relevant Zoning Cases:

1. W-2343; RM-8-S (Residential Building, Multifamily) to RM-8-S (Residential Building, Multifamily; Residential Building, Single Family; Residential Building, Townhouse; and Planned Residential Development); approved November 1, 1999; western terminus of Chickamauga Drive, north of Antietam Drive and south of Brian Center Lane; 8.93 acres; Planning Board and staff recommended approval.
2. W-2281; RS-12 to RS-7; approved January 4, 1999; south side of Hutchens Street across from Selina Street, north of current site; 1.3 acres; Planning Board and staff recommended approval.
3. W-681; R-5 to R-4-S (Dwellings: Single Family); approved November 6, 1978; southwest side of Bethabara Road, southeast of Village Trail including current site; 26.8 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): The plan recommends the preservation of stable neighborhood areas.

Area Plan/Development Guide: *Polo/Reynolda Area Plan*.

Relevant Development Guide Recommendation(s): The plan recommends low density residential uses (0 - 5 units per acre) for the site.

ANALYSIS

The subject property is part of a larger tract of land that was rezoned to R-4-S (Dwellings, Single Family) on November 6, 1978 (zoning docket W-681). The zoning was later reclassified to RS-9-S (Residential Building, Single Family) under the UDO remapping process. The reason for the rezoning in 1978 was to allow for less restrictive building setbacks for a proposed single family subdivision due to constraints caused by a high power electric transmission line and a floodplain on the property. All of the property surrounding the subdivision is currently zoned RS-9. Under the UDO, rezoning from RS-9 to RS-9-S would not be necessary to accommodate these constraints but in 1978, rezoning was the only way to address the issues.

Much of the subdivision was developed with homes, however, some of the original lots were subdivided and made unbuildable through the purchase of right-of-way for Bethabara Park Boulevard. The remnants of these lots were purchased by the City of Winston-Salem. The majority of the subject property lies within the 100 year floodplain and is adjacent to Historic Bethabara Park to the south.

The subject city-owned property would make a logical extension to Historic Bethabara which is classified in the UDO as a Recreation Facility, Public. The RS-9 zoning district allows Recreation Facility, Public as a permitted use. The existing RS-9-S zoning, however, allows only one use of the property which is Residential Buildings, Single Family. Staff is of the opinion that RS-9 is an appropriate zoning district for the subject property and recommends approval of the rezoning.

FINDINGS

1. The subject property is part of a larger tract of land that was rezoned to R-4-S (Dwellings, Single Family) on November 6, 1978.
2. The reason for the rezoning in 1978 was to allow for less restrictive building setbacks for a proposed single family subdivision due to constraints caused by a high power electric transmission line and a floodplain on the property.
3. Under the UDO, rezoning from RS-9 to RS-9-S would not be necessary to accommodate the building constraints, but in 1978, rezoning was the only way to address the issues.

4. All of the property surrounding the subdivision is currently zoned RS-9.
5. The majority of the subject property lies within the 100-year floodplain and is adjacent to Historic Bethabara Park to the south.
6. The subject city-owned property would make a logical extension to Historic Bethabara which is classified in the UDO as a Recreation Facility, Public.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

[For information purposes only: The draft Legacy plan recommends the continued development, enhancement and maintenance of the City of Winston-Salem's system of parks and facilities which offer a variety of recreation opportunities through regional, district, community, and neighborhood parks, supplemented by school grounds, play lots and special facilities.]

PUBLIC HEARING - December 9, 1999

David Reed presented the staff report.

FOR:

Rod Meyer, Historic Bethabara Park, 2147 Bethabara Road, Winston-Salem, NC 27106

This property is part of Historic Bethabara Park. It is a public park. Emily Allen has helped us by evaluating this site. We have an incredible array of flora that needs to be protected. It should be used for education.

AGAINST:

Florence Courtney, 2637 Woodcreek Road, Winston-Salem, NC 27106

My house is about 60 feet from this creek and my property line runs up to about 5 feet from this creek. I really think it is important to preserve the park area. But I have a couple of concerns.

This is a dead-end street. This rezoning would open this road up for public traffic. There would be a parking lot one house away from me. People would access the park from behind my house. That is not okay.

I understand they will build a tunnel under the road for park access.

This is a residential area with a very low crime rate.

I am concerned about our youth and their training. But I have to think about my home and investment also.

I would ask that we step back and think a little bit more of what is going to happen back there.

WORK SESSION

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

1. Rod Meyer stated that there is a duplex underpass bridge that is really part of the mill. The duplex underpass is one in which one side serves as water management and one side is available for pedestrian access. However, we would like to get the Eagle Scouts to help us clean the pedestrian side out and use it as access. There is not currently a trail on that property. The creek always has water in it and the banks are 4-5 feet high. It is a natural barrier. There is also vegetation and barking dogs. We do not like having modern houses next to the park because it ruins the sense the visitors should get from visiting the park.
2. Ms. Courtney stated some of the things he has said today she had not heard before. She would like to find out what is planned.
3. Mr. Meyer indicated his willingness to talk with residents and show them the plans, including walking the site with them if that would be helpful.

MOTION: John Bost moved continuance of the zoning map amendment to January 13, 2000.

SECOND: Norman Williams.

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Schroeder, Williams

AGAINST: None

EXCUSED: None

PUBLIC HEARING - January 13, 2000

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jack Stewart moved approval of the zoning map amendment.

SECOND: James Rousseau

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning