



DOCKET #: W2377

PROPOSED ZONING:
NO-S (Professional Office; and Medical and Surgical Office)

EXISTING ZONING:
RM12

PETITIONER:
Jerry Wayne Martin
and Elaine Rudolph Martin

SCALE: 1" represents 200'

STAFF: L. Weston

GMA: 3

ACRE(S): 0.41

MAP(S): 606862

March 22, 2000

Jerry Wayne Martin and Elaine Rudolph Martin
3455 W. Polo Road
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2377

Dear Mr. Martin and Ms. Martin:

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
R. S. Bell, 3419 #11 Polo Road (Polo Downs), Winston-Salem, NC 27106

ACTION REQUEST FORM

DATE: March 22, 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 Jerry Wayne Martin and Elaine Rudolph Martin

SUMMARY OF INFORMATION:

Zoning map amendment of Jerry Wayne Martin and Elaine Rudolph Martin from RM-12 to NO-S (Professional Office; and Medical and Surgical Offices): property is located on the northwest side of Polo Road between Robinhood Road and Greenvalley Road (Zoning Docket W-2377).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Jerry Wayne Martin and Elaine Rudolph Martin, Docket W-2377

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 RM-12 to NO-S (Professional Office; and Medical or Surgical Offices) the zoning classification of the following described property:

BEGINNING at an iron stake in the north line of Polo Road, formerly Clemmonsville Road, which said iron stake is a corner of Lot No. 3, and running thence along the east line of Lot No. 3 North 33 deg. 59' Northwest 233.5 feet to an iron stake; thence in a new line North 57 deg. 08' Northeast 89.32 feet to an iron stake in the west line of land belonging to Ms. Pauline Waller; thence along the west line of Pauline Waller South 32 deg. 52' Southeast 236.75 feet to an iron stake in the west line of Polo Road; thence running along the said west line of Polo Road South 58 deg. 20' Southwest 84.6 feet to the place of beginning. The above-described property is a major portion of Lot No. 4 as shown on the Map of Taborview, which is recorded in the Office of the Register of Deeds of Forsyth County, North Carolina in Plat Book 3, page 16.

This conveyance is subject to an easement over a roadway along the extreme western portion of the above-described property from Polo Road, and set out in a deed to Lois J. Martin, in Deed Book 584, page 41. On the L. J. Martin map, the above property is described as No. C and further identified as Ms. Lois Martin property.

Section 2. This Ordinance is adopted after approval of the site plan entitled Martin Property and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Jerry Wayne Martin and Elaine Rudolph Martin.

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 Martin Property. 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 Jerry Wayne Martin and Elaine Rudolph Martin, (Zoning Docket W-2377). 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 (Professional Office; and Medical or Surgical Offices), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 19____" 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:

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. Developer shall install a new sidewalk on Polo Road as shown on the site plan.

C OTHER REQUIREMENTS

- a. Signage shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of eight (8) square feet.

ZONING STAFF REPORT

DOCKET # W-2377
STAFF: Larry F. Weston

Petitioner(s): Jerry Wayne Martin and Elaine Rudolph Martin
Ownership: Same

REQUEST

From: RM-12 Residential Multifamily District; maximum density 12 units/acre
To: NO-S Neighborhood Office District (Professional Office; and Medical or Surgical Offices)

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

Acreage: 0.41 acre

LOCATION

Street: Northwest side of Polo Road between Robinhood Road and Greenvalley Road.
Jurisdiction: City of Winston-Salem.
Ward: Northwest.

SITE PLAN

Proposed Use: A medical and surgical or professional office use in existing residential structure.
Square Footage: 1,470 square feet
Building Height: Single story.
Parking: 8 total spaces required; 9 total spaces provided.
Bufferyard Requirements: A type I bufferyard is required adjacent to residential zoning and a type II bufferyard is required where the parking is adjacent to residential zoning.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family home.

Adjacent Uses:

- North - Small single family home zoned RM-12 and the Foxhall Subdivision zoned RS-9.
- East - Single family home zoned RM-12 and a condominium project zoned RM-18.
- South - Single family and multifamily homes zoned RM-12.
- West - Dental office zoned NO-S.

GENERAL AREA

Character/Maintenance: Well-maintained single family and multifamily homes.
Development Pace: Slow.

PHYSICAL FEATURES

Topography: Site slopes down slightly to the north.
Vegetation/habitat: Site is developed as a single family home.
Impact on Existing Features: Minor.

TRANSPORTATION

Direct Access to Site: Polo Road
Street Classification: Minor thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (vehicles per day)
5,900/12,000 (98) north of Robinhood Road; Robinhood Road west of Polo Road
17,000/20,000 (98).
Trip generation/existing zoning (average week day) .41 (acres) 5 units x 6.47 trip rate = 32 new trips per day.
Trip generation/proposed zoning (average week day) 1,470/1,000sf = 1.47 x 34.17 trip rate = 50 new trips per day.
Planned Road Improvements: None.
Sight Distance: Good.
Transit: Route 21 in the Robinhood Road - South Peace Haven Road area.
Bike Route: None.

HISTORY

Relevant Zoning Cases:

1. W-2367; NO-S (Medical and Surgical Offices) to Site Plan Amendment; approved February 7, 2000; 0.9 acre; adjoins current site on the west; Planning Board and staff recommended approval.
2. W-2130; RM-12 to NO-S (Medical or Surgical Offices); approved March 3, 1997; same site as #1; 0.9 acre; Planning Board and staff recommended approval.
3. W-1783; R-2 to B-3-S (Services; and Offices); approved September 8, 1992; southeast end of Lee Street, southwest of current site; 0.52 acre; Planning Board and staff recommended approval.
4. W-1908; B-3, R-2, and R-5 to B-3-S (Shopping Center - TWO PHASE); approved August 1, 1994; southwest side of Robinhood Road, across from Polo Road; 9.7 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Separate and buffer commercial, office, and industrial uses from residential areas. The goals for commercial development are to provide convenient business locations that reduce travel and traffic and protect neighborhood integrity.

Area Plan/Development Guide: *Robinhood Road Area Plan*.

Relevant Development Guide Recommendation(s): Because this site was developed with a single family home when the plan was created, the plan map reflects the existing low density residential use. The area plan recommends design standards that include limiting parking to the side and rear of new low intensity office development.

ANALYSIS

The petition is to rezone an existing 0.41 acre site from RS-9 to NO-S to allow low density offices uses. Professional Office and Medical and Surgical Offices are the new uses requested. This site is situated among a group of mostly single family homes that are surrounded by multifamily developments on three sides.

A recent Site Plan Amendment to the NO-S site that adjoins the current site to the west reflects the addition of a second small office building to a site that was initially approved for rezoning in 1997. That rezoning involved conversion of a single family home to a dental office. Well maintained multifamily housing developments line Polo Road in the immediate area.

Concerns were expressed about the potential spread of nonresidential zoning along Polo Road when the original NO-S petition was being considered. These concerns were addressed by the low intensity nature of the NO-S request and was moderated by the presence of RM-18 zoned land approximately 200' to the northeast. The current NO-S petition would have the effect of extending commercial uses further down Polo Road, closer to the RM-18 zoned property now less than 100' away. Approval of this request would leave one parcel between NO zoned property and the condominiums in the RM-18 district. The remaining RM-12 parcel also contains a single family structure that may soon be subject to pressure for office conversion as well.

The NO zoning district is primarily intended to accommodate very low intensity office uses within converted single family detached units. The district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares. The proposed rezoning is consistent with those objectives.

The *Vision 2005* plan recommends separation and buffering of commercial uses from residential uses. This site is surrounded by single and multi-family residential uses and the site size and shape seems to offer limited opportunities for buffering. However, the NO-S designation should limit the impact of the proposed nonresidential use on the surrounding neighborhood.

Staff believes that the proximity to the business zoning on Robinhood Road, the more intense residential uses surrounding this site, and the fact that Polo Road is a minor thoroughfare, combine to make approval of this site for low intensity office use appropriate. A converted single family residence of less than 1,500 square feet requires only eight (8) new parking spaces and would result in approximately 18 more trips per day (50 trips per day for proposed uses versus 32 trips per day for existing use) than could be presently expected under current zoning.

Staff has consistently encouraged suitable infill development where feasible, and believes that this type of low intensity office development along a thoroughfare like Polo Road advances that objective. Retaining the existing single family structure will maintain the residential scale of the area while also allowing a slightly more intense use. The inclusion of appropriate screening and buffering of the new use, as well as adherence to design elements that promote compatibility with surrounding residents are strongly encouraged.

FINDINGS

1. This site is located on Polo Road which is a minor thoroughfare, and it is among a group of four single family homes which are surrounded on three sides by multifamily housing developments.
2. The proposed zoning is consistent with *Vision 2005*. Although the *Robinhood Road Area Plan* designates the site for residential use, the plan reflected the existing use at the time; the NO zoning district had also not been developed or adopted. The proposed conversion of the residential structure to low intensity office use is considered consistent with the objectives of the area plan.
3. The site is consistent with the intent of the NO (Neighborhood Office) zoning district.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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 install a new sidewalk on Polo Road as shown on the site plan.

C OTHER REQUIREMENTS

- a. Signage shall be limited to a monument type with a maximum height of five (5) feet and a maximum copy area of eight (8) square feet.

[For information purposes only: The Legacy plan calls for focused commercial development rather than linear development. The concepts layed out in the plan for compact, mixed use metro activity centers have application to community wide and neighborhood commercial nodes as well. The Robinhood Road commercial area can be considered a community serving commercial center. The plan also proposes more mixing of residential and commercial uses to reduce the number and length of vehicle trips and to support walking and transit.

Larry Weston presented the staff report.

PUBLIC HEARING

FOR:

Jerry Martin, 3455 West Polo Road, Winston-Salem, NC 27106

My wife and I decided to try to do something here which will have as little impact as possible on the neighborhood. We have a contract for a 12-unit apartment building here and felt that putting apartments in would create more problems for the neighborhood.

AGAINST:

Robert S. Bell, 3419 #11 Polo Road, Winston-Salem, NC 27106

We are opposed to this rezoning.

We have plenty of office uses and commercial uses and empty facilities in this area. We don't need to keep expanding business zoning little by little.

There are a lot of young children running around here.

We have uses which have generated night traffic.

I feel this is bad planning.

Several others were present in opposition to this request.

WORK SESSION

During discussion by the Planning Board, the following point was made:

There doesn't appear to be a significant difference between the amount of traffic generated by apartments and uses allowed in this request.

MOTION: John Bost moved approval of the zoning map amendment.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: None

EXCUSED: None

MOTION: John Bost certifies that the site plan meets all code requirements.

SECOND: Kem Schroeder

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

well. The Robinhood Road commercial area can be considered a community serving commercial center. The plan also proposes more mixing of residential and commercial uses to reduce the number and length of vehicle trips and to support walking and transit.