



DOCKET #: W2401

PROPOSED ZONING:
RS-Q-S (Twin Homes)

EXISTING ZONING:
RS9

PETITIONER:
Brooke A. Rodgers
and Larry F. Weston

SCALE: 1" represents 200'

STAFF: D. Reed

GMA: 3

ACRE(S): 0.89

MAP(S): 606878

May 24, 2000

Brooke A. Rodgers and Larry F. Weston
4635 Shattalon Drive
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2401

Dear Ms. Rodgers and Mr. Weston:

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
Eugene Richardson, 3825 Avera Avenue, Winston-Salem, NC 27106
Carolyn Archie, 3840 Avera Avenue, Winston-Salem, NC 27106
Annie Dixon, 3845 Avera Avenue, Winston-Salem, NC 27106

ACTION REQUEST FORM

DATE: May 24, 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 Brooke A. Rodgers and Larry F. Weston

SUMMARY OF INFORMATION:

Zoning map amendment of Brooke A. Rodgers and Larry F. Weston from RS-9 to RSQ-S (Residential Building, Twin Home): property is located on the south side of Avera Avenue, east of Shattalon Drive (Zoning Docket W-2401).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: MEETS ALL CODE REQUIREMENTS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Brooke A. Rodgers and Larry F. Weston, Docket W-2401

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 RSQ-S (Residential Building, Twin Home) the zoning classification of the following described property:

Being a certain parcel of land, lying in Winston Township, Forsyth County, North Carolina and being more particularly described as follows:

BEGINNING at an existing iron pin in the southern right-of-way of Avera Street, said iron pin also being the northwest corner of Tax Lot 307, Tax Block 2280 owned by Carolyn A. Archie, Deed Book 1927, Page 1119 Forsyth County Registry; thence, south 02E 22' 03" west 199.88 feet to an existing iron pin at the southwest corner of the aforementioned Tax Lot 307 and also being the northwest corner of Tax Lot 14, Tax Block 3648; thence north 87E 05' 20" west 152.00 feet to an existing iron pin at the northwest corner of Tax Lot 32C, Tax Block 2280; thence, north 02E 02' 06" east 19.91 feet to an existing iron pin at the northeast corner of the now closed Salem Street; thence north 87E 27' 05" west 40.94 feet to a new iron pin in the southern line of Tax Lot 314, Tax Block 2280; thence crossing Tax Lot 314, north 00E 09' 49" west 97.64 feet to a new iron pin; thence north 02E 35' 48" east 82.02 feet to a new iron pin in the southern right-of-way of Avera Street; thence along the southern line of Avera Street south 87E 24' 12" east 202.02 feet to the point and place of BEGINNING. AKA a portion of Tax Lot 314, Block 2280 and containing 0.89 acres.

Section 2. This Ordinance is adopted after approval of the site plan entitled Farlow Place Townhomes and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Brooke A. Rodgers and Larry F. Weston.

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 Farlow Place Townhomes. 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 Brooke A. Rodgers and Larry F. Weston, (Zoning Docket W-2401). 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 RSQ-S (Residential Building, Twin Home), 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 RSQ-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 BUILDING PERMITS

- a. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show lots with building locations and all access and utility easements.

C OTHER REQUIREMENTS

- a. As a requirement of the RSQ Zoning District, all buildings must have roof pitches with a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run.

ZONING STAFF REPORT

DOCKET # W-2401
STAFF: David Reed

Petitioner(s): Brooke A. Rodgers and Larry F. Weston
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: RSQ-S Residential Single Family District; maximum quadraplex, lot size varies
(Residential Building, Twin Home)

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

Acreage: 0.89 acre

LOCATION

Street: South side of Avera Avenue, east of Shattalon Drive.
Jurisdiction: City of Winston-Salem.
Ward: Northwest.

SITE PLAN

Proposed Use: Twin homes.
Square Footage: Two 4,000 square foot twin homes (2,000 square feet per unit)
Building Height: Two story.
Density: 4.65 units per acre.
Parking: Required: 8 spaces; Proposed: 8 spaces.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None. Site is vacant.

Adjacent Uses:

North -	Single family homes zoned RS-9.
East -	Single family homes zoned RS-9.
South -	Single family homes zoned RS-9.
West -	Single family home zoned RS-9. Further west is Cedar Forest Baptist Church.

GENERAL AREA

Character/Maintenance: Well-maintained homes.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minor.

Topography: Site slopes down slightly to the southeast.

TRANSPORTATION

Direct Access to Site: Avera Avenue, Shattalon Drive (areawide access).

Street Classification: Avera Avenue - local street; Shattalon Drive - minor thoroughfare.

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

Shattalon Drive - Reynolda Road to Yadkinville Road - 10,400/16,000

Trip Generation/Existing Zoning: RS-9 .89 ac/9,000 = 4 lots x 9.55 = 38 avg. trips/day

Trip Generation/Proposed Zoning: RS-Q 4 units x 6.93 = 27 avg. trips/day

Planned Road Improvements: None.

Sight Distance: Good.

Transit: WSTA route 16 along Reynolda Road just west of the site.

HISTORY

Relevant Zoning Cases:

1. W-2003; RS-9 and HB to HB-S (Storage Services, Retail); approved October 2, 1995; northeast corner of Yarbrough Avenue and Wabash Avenue; 1.92 acres; Planning Board and staff recommended approval.
2. F-806; R-6 to R-2-S (Day Care Center); approved September 8, 1986; east side of Shattalon Drive, north of Talcott Avenue; 0.8 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Separation and buffering of commercial, office, and industrial uses from residential areas; preservation of stable neighborhoods

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

ANALYSIS

The subject petition is a request to rezone from one single-family zone (RS-9) to another residential zone which allows a different housing type. The current special use district request is for twin-homes. The petition presents the staff with the challenge of considering whether to recommend approval of attached housing in a single family neighborhood through the utilization of a relatively new district that was designed to accomplish such an objective. The issue of when to allow a higher level of use is often a difficult one to decide, particularly when the current use is single family residential.

Staff recognizes the need for sensitivity to surrounding development patterns and zoning when considering the introduction of different types of infill development. Each neighborhood has its own character, and RSQ may or may not be appropriate in different situations. While staff supports the concept of infill housing at slightly higher densities to provide a variety of housing opportunities, to more efficiently utilize existing urban infrastructure and services, and reduce or counter the demand for sprawl into undeveloped areas, we believe such development must not disrupt existing viable neighborhoods. When considering infill using different housing types within established neighborhoods, staff believes a number of factors must be taken into consideration; existing development pattern and density, lot size, potential traffic increase, the degree of intensity proposed (i.e., the density and number of units proposed), and the size of the proposed development.

The subject petition addresses the traffic, intensity and size of the development through the use of special use district zoning. The number of units proposed is no greater than is allowed under the existing RS-9 zoning designation. The only issue of concern to staff is the existing development pattern in the neighborhood. Although the existing zoning is RS-9, the lots fronting this block of Avera Street are virtually all 100 feet wide and the existing single family homes are all developed with a consistent front-yard setback. The west side of the subject site abuts the backyard of a single family home oriented towards Shattalon Drive. Staff has recommended to the petitioner that aligning the proposed building setbacks to be more in line with the existing streetscape on Avera Avenue would allow the proposed twin homes to most effectively blend with the existing development pattern along the block.

Staff is supportive of the proposed RSQ-S zoning with the exception of the proposed building orientation on the site and would recommend approval of the rezoning provided the site plan is modified to address this concern.

FINDINGS

1. The subject petition is a request to rezone from one single-family zone (RS-9) to another residential zone which allows a different housing type, in this case twin-homes.
2. Staff recognizes the need for sensitivity to surrounding development patterns and zoning when considering the introduction of different types of infill development.

3. The subject petition addresses the traffic, intensity and size of the development through the use of special use district zoning.
4. The number of units proposed is no greater than is allowed under the existing RS-9 zoning designation.
5. Staff has recommended to the petitioner that aligning the proposed building setbacks to be more in line with the existing streetscape on Avera Avenue would allow the proposed twin homes to most effectively blend with the existing development pattern along the block.
6. Staff is supportive of the proposed RSQ-S zoning with the exception of the proposed building orientation on the site.

STAFF RECOMMENDATION

Zoning: **DENIAL.**

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

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. Developer shall record a final plat in the office of the Register of Deeds. Final plat shall show lots with building locations and all access and utility easements.

C OTHER REQUIREMENTS

- a. As a requirement of the RSQ Zoning District, all buildings must have roof pitches with a minimum vertical rise of four (4) feet for each twelve (12) feet of horizontal run.

[For information purposes only: The draft Legacy plan identifies this site as being within the municipal services area and in the suburban neighborhoods subarea. The Legacy plan calls for increased residential densities in this area, where appropriate, and a mix of housing types and prices.]

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Larry F. Weston, 4635 Shattalon Drive, Winston-Salem, NC 27106

I have not been involved in any of the staff discussions pertaining to this case.

This case is literally in my back yard.

This block has 1960's ranchers along both sides of the street. However, other areas of the community have a variety of designs.

The setbacks here are approximately 35'. The setbacks I have proposed range from 35' to 65'. I have proposed a plan which will increase setback from the street, not decrease it.

Displayed drawing of twin home. Noted garages are not together and are not prominently displayed. That design feature made it more difficult to site the buildings, but was important to maintain a single-family building appearance.

These are not apartments.

Why was this chosen? I wanted a different style. I wanted infill that would not be in sharp contrast to the rest of the neighborhood.

Staff states that infill development should not disrupt a viable neighborhood. This won't disrupt this street, much less the neighborhood.

Staff's suggestion that the only reason they are recommending denial is that the units are not lined up seems to me to be design overkill.

Nowhere in the plans is there a recommendation to line up units like this. What I've tried to do is be creative and innovative.

AGAINST:

Eugene Richardson, 3825 Avera Avenue, Winston-Salem, NC 27106

Submitted petition of opposition.

All of the neighbors were opposed to this.

Our complaint isn't about setback.

There are several vacant lots in our area and if Mr. Weston is allowed to put these units here, what's going to happen on the vacant lots.

I don't know how these will fit in with single family ranch houses.

We don't want these townhouses.

We ask you not to approve these townhouses.

Carolyn Archie, 3840 Avera Avenue, Winston-Salem, NC 27106

I'm an adjoining property owner.

I'm not very, very upset. I'm just very concerned.

I am opposed to the property being developed as it's been presented.

I've been very appreciative of the communication from Larry and Brooke, even though I haven't gotten back with them to let them know that.

We have an average of two residents per home in this area.

I like open space.

I'm concerned about having four additional families, each of which could have several more than two people.

In response to a question from the chairman about how Ms. Archie would like to see the property developed, Ms. Archie indicated she might be interested in considering buying the property to retain it as open space.

Annie Dixon, 3845 Avera Avenue, Winston-Salem, NC 27106

I bought my home here in 1995 because it was an established neighborhood with senior citizens, full grown trees, etc. as opposed to the newer subdivisions where all the trees are removed and you have to wait for twigs to grow up.

I do object.

WORK SESSION

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

Steve Johnson stated that this is the kind of plan we've been requesting. This is what we've asked for and planned for. I do think the opposition is not taking into consideration what a property owner has the right to do legally right now and I do think the zoning should be approved and frankly I like not aligning everything so it's so cookie-cutter. It's different. It's takes a different approach. I appreciate the topography of the land contributing to that, but I like the approach.

MOTION: Steve Johnson moved approval of the zoning map amendment, certifies that the site plan meets all code requirements and recommends staff conditions.

SECOND: Kerry Avant

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning