



DOCKET #: W2416

PROPOSED ZONING:
RS7

EXISTING ZONING:
RS9

PETITIONER:
Brent L. Smith

SCALE: 1" represents 200'

STAFF: Reed

GMA: 3

ACRE(S): 0.75

MAP(S): 648846

September 20, 2000

Mr. Brent Smith
526 Weisner Street
Winston-Salem, N.C. 27127

RE: ZONING MAP AMENDMENT W-2416

Dear Mr. Smith:

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
Carol Crotts, 2632 Newland Drive, Winston-Salem, NC 27107

ACTION REQUEST FORM

DATE: September 20, 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 Brent L. Smith

SUMMARY OF INFORMATION:

Zoning map amendment of Brent L. Smith from RS-9 to RS-7: Property located on the east side of Weamont Street between Waughtown Street and Newland Drive (Zoning Docket W-2416)

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: Avant, Bost, Johnson, Powell, Rousseau, Snelgrove, Williams
AGAINST: King, Schroeder
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Brent L. Smith, Docket W-2416

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 RS-7 the zoning classification of the following described property:

Beginning at an iron stake at the northeast intersection of Weamont Street and Newland Drive, said iron stake also being the southwest corner of Lot no. 1 as shown on the plat of Cooper Heights as recorded in Plat Book 42, Page 117; thence with the eastern right-of-way of Weamont Street, N.03°17'17"W., 293.90' to an iron stake in the southern right-of-way of Waughtown Street; thence with said right-of-way, N.77°35'37"E., 96.77' to an iron stake; thence S.07°10'40"E., 318.75' to an iron stake in the northern right-of-way of aforementioned Newland Drive; thence with the right-of-way of Newland Drive, N89°00'00"W., 117.50 to the place of beginning and containing 0.7478 acre more or less.

The above described parcel being generally described as Lot nos. 12-B and 13-B as shown in Forsyth County Tax Map Block 2643, and more particularly described as Lot nos. 1, 2, and 3 as shown on Cooper Heights, as recorded in the Forsyth County Register of Deeds Office and Forsyth County, North Carolina in Plat Book 42, Page 117.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2416
STAFF: David Reed

Petitioner(s): Brent L. Smith
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: RS-7 Residential Single Family District; minimum lot size 7,000 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: 0.75 acre

LOCATION

Street: East side of Weamont Street between Waughtown Street and Newland Drive.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None; site is wooded and heavily vegetated.

Adjacent Uses:

- North - Residential single family uses zoned RS-9.
- East - Vacant land and one vacant commercial building zoned RS-9.
- South - Residential single family uses zoned RS-9.
- West - Residential single family uses zoned RS-9.

GENERAL AREA

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

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Potential subdivision of land into four lots.
Topography: Site slopes down to the south.

Vegetation/habitat: Site is partially wooded.

TRANSPORTATION

Direct Access to Site: Weamont Street, Sprague Street (areawide), Waughtown Street (areawide).

Street Classification: Weamont Street - local; Sprague Street - minor thoroughfare; Waughtown Street - major thoroughfare.

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

Waughtown between Butler and Sprague - 6,800/16,000

Sprague between Cole and Cline - 4,800/9,500

Sight Distance: Good.

Sidewalks: No sidewalk exists on Weamont Street.

Transit: Route 29 (along Waughtown) above Butler and E. Clemmons Road

Bike Route: Yes

HISTORY

Relevant Zoning Cases:

1. W-2283; HB-S, HB, and RS-9 to HB-S (Food or Drug Store); approved January 4, 1999; southeast corner of Waughtown Street and Sprague Street; 1.76 acres; Planning Board and staff recommended approval.
2. W-2233; RS-9 and LB-S to LB-S (Services, Personal; and Child Day Care Center); approved July 6, 1998; northwest side of Waughtown Street, southwest of Reynolds Forest Drive; 1.66 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Preservation of stable neighborhoods with adequate levels of services; assuring new residential development at a scale in keeping with surrounding housing and uses; encouraging infilling of existing undeveloped lots in urban areas.

Area Plan/Development Guide: The site is within the boundaries of the proposed Southeast Winston-Salem Area Plan. No recommendations have been drafted to date.

ANALYSIS

The subject request is a general use petition to change the zoning on 0.75 acre of land from RS-9 to RS-7. The key differences would be a reduction in the minimum lot area and width requirements and a reduction in the building setback requirements. The site currently consists of three tax lots and is large enough to be subdivided into four 7,000 square foot lots.

Staff has considered a number of factors when reviewing recent petitions for RS-7 "infill" zoning. These factors include character/streetscape of the block and the opposite block face, the surrounding lotting pattern, the surrounding zoning, access to services, and proximity to transit.

In some cases, infill at densities higher than the current lotting pattern can be achieved under the existing zoning.

Many of the homes in the neighborhood are developed on properties that are larger than the minimum required in the RS-9 district, so the proposed zone change and density allowed would be significantly more dense than the rest of the neighborhood. This is particularly the case with the block directly opposite the project side on the west side of Weamont; the two units are on large lots with deep setbacks off Weamont. When considering infill development, compatibility with the surrounding neighborhood must be balance with the benefit of more compact development in the municipal services area.

Although the site is relatively near services along Waughtown, the immediate neighborhood with narrow streets, large lots, no sidewalks or curb and gutter, does not appear designed for more dense urban development. Because the proposed zoning would accommodate lots that are smaller than what is allowed in the existing RS-9 zoning and significantly smaller than the surrounding lotting pattern, staff is of the opinion that RS-7 is not appropriate for the site.

FINDINGS

1. The subject request is a general use petition to change the zoning on 0.73 acre of land from RS-9 to RS-7.
2. The key differences between RS-9 and RS-7 would be a reduction in the minimum lot area and width requirements and a reduction in the building setback requirements.
3. Staff has developed a list of factors which are considered when reviewing petitions for RS-7 zoning.
4. When considering infill development, compatibility with the surrounding neighborhood must be balanced with the benefit of more compact development in the municipal services area.
5. Many of the homes in the neighborhood are developed on properties that are larger than the minimum required in the RS-9 district, so the proposed zone change and density allowed would be significantly more dense than the rest of the neighborhood.

STAFF RECOMMENDATION

Zoning: **DENIAL**

[For information purposes only: The draft *Legacy* plan identifies the area within which this site lies as the Urban Neighborhoods area of the Municipal Services Area. The Urban Neighborhoods area consists of older neighborhoods and nonresidential development, with more of a mix of residential, commercial, and institutional uses in an urban setting. Greater residential densities where appropriate and quality infill development are to be encouraged.]

PUBLIC HEARING

FOR:

Brent Smith, 140 Lockmore Court, Winston-Salem, NC 27127

This is a large piece of property and dividing it into four lots would still leave lots over 8,000 sf each. That's a nice size lot, with road footages of 73 feet.

New construction of stick-built houses would help the area.

I think four houses would work fine on this site and help the neighborhood out.

This would be affordable houses.

With four houses, there would still be plenty of room between the homes.

AGAINST: Staff noted that a petition of opposition was received and is on file. Mr. Fred Terry, alderman for this area, called to notify Mr. Norby of the opposition's intent to come and an unexpected situation which prevented their attendance.

WORK SESSION

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

1. Kerry Avant noted that the Board will probably see many of these cases in the future. The lots on the other side of the street can't be more than 50'. 73 feet street width is generous. There isn't much new development today that's wider than 75-80 feet in road frontage width. The market, not the lot size, will determine what size homes are built there.
2. Arnold King noted that most of the homes in this area are on double lots.
3. Mr. Norby noted that the immediate area is already more dense than surrounding area and staff felt increasing the density even more would be detrimental to the neighborhood.

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

SECOND: Steve Johnson

VOTE:

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

AGAINST: King, Schroeder
EXCUSED: None

A. Paul Norby, AICP
Director of Planning