October 20, 2021

Nathan Myers and
Stephanie Myers
116 W Brentwood Road
Greensboro, NC 27403

Re: Zoning Petition W-3497

Dear Petitioner:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Clerk’s Office of the date on which the Council will hear this petition.

Sincerely,

Chris Murphy, AICP
Acting Director of Planning and Development Services

pc: City Clerk’s Office, P.O. Box 2511, Winston-Salem, NC 27102
<table>
<thead>
<tr>
<th>ACTION REQUEST FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td>DATE: October 20, 2021</td>
</tr>
<tr>
<td>TO: The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM: Chris Murphy, AICP, Acting Director of Planning and Development Services</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning petition of Nathan Lee Myers and Stephanie Jane Myers

**SUMMARY OF INFORMATION:**

Public hearing and consideration of zoning petition of Nathan Lee Myers and Stephanie Jane Myers from RM18-S and RS9 to RM5: property is located on the east side of Ebert Street across from Kaywood Lane, and the west side of Martin Street (Zoning Docket W-3497)

**PLANNING BOARD ACTION:**

| MOTION ON PETITION: APPROVAL |
| FOR: UNANIMOUS |
| AGAINST: NONE |
| SITE PLAN ACTION: NOT REQUIRED |
BE IT ORDAINED by the City Council 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 RM18-S and RS9 to RM5 the zoning classification of the following described property:

PIN 6824-26-7295

Section 2. This ordinance shall become effective upon adoption.
# CITY-COUNTY PLANNING BOARD
## STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th><strong>Docket #</strong></th>
<th>W-3497</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff</strong></td>
<td>Bryan D. Wilson</td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
<td>Nathan Lee Myers and Stephanie Jane Myers</td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
<td>Same</td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
<td>PIN 6824-26-7295</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>1541 &amp; 1545 Ebert Street</td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
<td>General Use rezoning</td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
<td>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential Single Family – 9,000 sf minimum lot size) and RM18-S (Residential Multifamily – 18 units per acre maximum density – Special Use) to RM5 (Residential Multifamily – 5 units per acre maximum density). <strong>NOTE:</strong> General, Special Use Limited, and Special Use district zoning were discussed with the petitioner(s), who decided to pursue the rezoning as presented. With a General Use request, all uses in the district must be considered.</td>
</tr>
<tr>
<td><strong>Neighborhood Contact/Meeting</strong></td>
<td>A summary of the petitioner’s neighborhood outreach is attached.</td>
</tr>
<tr>
<td><strong>Zoning District Purpose Statement</strong></td>
<td>The RM5 District is primarily intended to accommodate low density, pedestrian-oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three or four units, and similar residential uses at a maximum overall density of five units per acre. This district is intended for GMAs 2 and 3 and may be suitable for GMA 4 and Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.</td>
</tr>
<tr>
<td><strong>Rezoning Consideration from Section 3.2.15 A 13</strong></td>
<td>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the site is located within GMA 3 and is located along a major thoroughfare.</td>
</tr>
</tbody>
</table>

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th><strong>Location</strong></th>
<th>East side of Ebert Street, across from Kaywood Lane. The site extends to the west side of Martin Street.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Jurisdiction</strong></td>
<td>Winston-Salem</td>
</tr>
<tr>
<td><strong>Ward(s)</strong></td>
<td>Southwest</td>
</tr>
<tr>
<td><strong>Site Acreage</strong></td>
<td>± 1.50 acres</td>
</tr>
<tr>
<td><strong>Current Land Use</strong></td>
<td>The western portion of the site contains two single-family homes, while the eastern portion is vacant.</td>
</tr>
</tbody>
</table>
Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>South</td>
<td>RM18-S</td>
<td>Multifamily Residential</td>
</tr>
<tr>
<td>North</td>
<td>LO-S</td>
<td>Offices</td>
</tr>
<tr>
<td>East</td>
<td>RM18</td>
<td>Multifamily Residential</td>
</tr>
<tr>
<td>West</td>
<td>RS9</td>
<td>Church and Single-Family Homes</td>
</tr>
</tbody>
</table>

Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

The proposed residential uses are compatible with the similar multifamily and single-family uses permitted on the surrounding properties.

Physical Characteristics

The partially developed site is largely open space with a gentle slope to the east.

Proximity to Water and Sewer

Public water mains and sewer outfalls are located under Ebert Street and Martin Street.

Stormwater/Drainage

No known issues exist for this site.

Watershed and Overlay Districts

The site is not located within a water supply watershed.

Analysis of General Site Information

The site currently has dual zoning, with the southern portion having been erroneously rezoned RM18-S in 1985 as a part of the multifamily development to the south. The site currently contains two single-family homes with a relatively large undeveloped area in the eastern portion.

Relevant Zoning Histories

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-1239</td>
<td>RM18-S</td>
<td>Approved 5/6/1985</td>
<td>Portion of current site and abutting property to the south</td>
<td>2.05</td>
<td>Approval Approval</td>
</tr>
<tr>
<td>W-3430</td>
<td>RM12-S</td>
<td>Approved 6/1/2021</td>
<td>500 feet north</td>
<td>8.16</td>
<td>Approval Approval</td>
</tr>
</tbody>
</table>

Site Access and Transportation Information

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>Average Daily Trip Count</th>
<th>Capacity at Level of Service D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ebert Street</td>
<td>Major Thoroughfare</td>
<td>200 feet</td>
<td>14,000</td>
<td>15,800</td>
</tr>
<tr>
<td>Martin Street</td>
<td>Local Street</td>
<td>199 feet</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Proposed Access Point(s)

Because this is a General Use request with no site plan or access conditions, the exact location of future access points is unknown.
<table>
<thead>
<tr>
<th><strong>Trip Generation - Existing/Proposed</strong></th>
<th><strong>Existing Zoning: RS9</strong>&lt;br&gt;0.73 acres / 9,000 sf = 3 homes x 9.57 (single-family trip rate) = 29 trips per day&lt;br&gt;&lt;br&gt;<strong>Existing Zoning: RM18-S</strong>&lt;br&gt;0.77 acres x 18 units/acre = 13 homes x 6.64 (apartment trip rate) = 86 trips per day&lt;br&gt;&lt;br&gt;<strong>Total estimated trip generation for existing zoning = 115 trips per day</strong>&lt;br&gt;&lt;br&gt;Trip generation is unavailable for the proposed General Use request as it does not include a site plan.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sidewalks</strong></td>
<td>There are currently no sidewalks on either side of Ebert Street. Sidewalks exist on the eastern side of Martin Street.</td>
</tr>
<tr>
<td><strong>Transit</strong></td>
<td>WSTA Route 84 runs along Silas Creek Parkway approximately 500 feet north.</td>
</tr>
<tr>
<td><strong>Transportation Impact Analysis (TIA)</strong></td>
<td>A TIA is not required.</td>
</tr>
<tr>
<td><strong>Analysis of Site Access and Transportation Information</strong></td>
<td>The site has frontage along Ebert Street, which is a major throughfare. A transit stop is available north of the site along Silas Creek Parkway. Sidewalks do not exist along this section of Ebert Street; however, there are sidewalks along the eastern side of Martin Street.</td>
</tr>
<tr>
<td><strong>CONFORMITY TO PLANS AND PLANNING ISSUES</strong></td>
<td><strong>Legacy 2030 Growth Management Area</strong>&lt;br&gt;Growth Management Area 2 – Urban Neighborhoods</td>
</tr>
<tr>
<td><strong>Relevant Legacy 2030 Recommendations</strong></td>
<td>• Promote the use of moderate-density residential and office as transitional uses between intense business and residential uses.&lt;br&gt;• Increase infill development in the serviceable land area.&lt;br&gt;• Promote compatible infill development that fits with the context of its surroundings.</td>
</tr>
<tr>
<td><strong>Relevant Area Plan(s)</strong></td>
<td>South Suburban Area Plan Update (2017)</td>
</tr>
<tr>
<td><strong>Area Plan Recommendations</strong></td>
<td>• The area plan’s proposed land use map recommends intermediate density residential (8-18 units/acre) at this site.&lt;br&gt;• Generally, intermediate-density residential land use is recommended for sites greater than two acres that are most appropriately developed with multifamily or townhouse structures.</td>
</tr>
<tr>
<td><strong>Site Located Along Growth Corridor?</strong></td>
<td>The site is not along a growth corridor.</td>
</tr>
</tbody>
</table>
Site Located within Activity Center? | The site is not located within an activity center.
---|---
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R) | Have changing conditions substantially affected the area in the petition? No
---|---
Is the requested action in conformance with Legacy 2030? | Yes
---|---
Analysis of Conformity to Plans and Planning Issues | This request would rezone approximately 1.5 acres on the east side of Ebert Street, just south of Silas Creek Parkway. The site currently has dual zoning with the northern half being RS9 and the southern half being RM18-S. This part of the site was erroneously rezoned as a part of the adjacent multifamily apartment development approved in 1985.

The South Suburban Area Plan Update recommends intermediate density residential development for this property (8-18 dwelling units per acre). While the request is slightly below this recommendation, RM5 zoning would still allow future multifamily development at this location and would allow the current uses to remain on-site.

This rezoning would also provide an opportunity to provide additional “missing middle” housing types while providing a transitional land use with respect to the neighboring properties across Ebert Street.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed district would allow infill development that is sensitive to the infill character of the surrounding area and uses.</td>
<td>The proposed district is slightly below the recommended density for this site in the South Suburban Area Plan Update.</td>
</tr>
<tr>
<td>The site has access to transit, public water, and sewer.</td>
<td></td>
</tr>
<tr>
<td>The proposed request is generally consistent with Legacy 2030.</td>
<td></td>
</tr>
</tbody>
</table>

STAFF RECOMMENDATION: Approval

NOTE: These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3497
OCTOBER 14, 2021

Desmond Corley presented the staff report.

PUBLIC HEARING
FOR: None
AGAINST: None

WORK SESSION
MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.
SECOND: Jason Grubbs
VOTE:
   FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman
   AGAINST: None
   EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.
SECOND: Jason Grubbs
VOTE:
   FOR: George Bryan, Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman
   AGAINST: None
   EXCUSED: None

____________________________
Chris Murphy, AICP
Acting Director of Planning and Development Services
Property included in zoning request.
500' mail notification radius. Property not in zoning request.

MAP(S):
NEAREST BLDG:
ACRES:
GMA:
STAFF:
SCALE:
PETITIONER:
EXISTING ZONING:
PROPOSED ZONING:
DOCKET #:

Nathan Lee Myers and Stephanie Jane Myers
RS9 and RM18-S
RM5
RM18
RM18-S
RS9
LO-S
LO
CHARLESTON CT
EBERT ST
WILLIAMSBURG CT
DUPONT RD
KAYWOOD LN
SILAS CREEK PW
OAK GROVE RD

Property included in zoning request.
500' mail notification radius. Property not in zoning request.

Scale: 1" represents 200'
ACRES: 1.50
NEAREST BLDG: 8' north
STAFF: Wilson
GMA: 3

Printed: 9/21/2021

WILLIAMSBURG CT
EBERT ST
DUPONT RD
KAYWOOD LN
SILAS CREEK PW
OAK GROVE RD

WILLIAMSBURG CT
EBERT ST
DUPONT RD
KAYWOOD LN
SILAS CREEK PW
# Uses Allowed in the Existing RS9 Zoning District

## Winston-Salem Jurisdiction

### Uses Allowed with a Permit from the Zoning Officer (Z)

- Adult Day Care Home
- Child Day Care, Small Home
- Church or Religious Institution, Neighborhood
- Family Group Home A
- Police or Fire Station
- Recreation Facility, Public
- Residential Building, Single Family
- Swimming Pool, Private

### Uses Allowed with Review by the Planning Board (P)

- Church or Religious Institution, Community
- Golf Course
- Library, Public
- Limited Campus Uses
- Planned Residential Development
- School, Private
- School, Public
- Utilities

### Uses Allowed with Special Use Permit from Zoning Board of Adjustment (A)

- Bed and Breakfast
- Child Day Care, Large Home
- Habilitation Facility A
- Manufactured Home, Class A
- Park and Shuttle Lot
- Urban Agriculture

### Uses Allowed with Special Use Permit from Elected Body (E)

- Access Easement, Private Off-Site
- Parking, Off-Site, for Multifamily or Institutional Uses
- Transmission Tower
USES ALLOWED IN THE PROPOSED RM5 ZONING DISTRICT
Winston-Salem Jurisdiction

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

- Adult Day Care Home
- Child Day Care, Small Home
- Church or Religious Institution, Neighborhood
- Family Group Home A
- Library, Public
- Police or Fire Station
- Recreation Facility, Public
- Residential Building, Duplex
- Residential Building, Single Family
- Residential Building, Twin Home
- Swimming Pool, Private

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

- Church or Religious Institution, Community
- Cottage Court
- Golf Course
- Limited Campus Uses
- Planned Residential Development
- Residential Building, Multifamily
- Residential Building, Townhouse
- School, Private
- School, Public
- Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

- Bed and Breakfast
- Child Day Care, Large Home
- Habilitation Facility A
- Park and Shuttle Lot
- Urban Agriculture

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)

- Access Easement, Private Off-Site
- Parking, Off-Site, for Multifamily or Institutional Uses
- Transmission Tower

SUP not required if standards of Section 5.2.2A are met
Bryan D. Wilson

From: Nathan Myers <nmyers630@hotmail.com>
Sent: Tuesday, October 5, 2021 8:15 PM
To: Bryan D. Wilson
Subject: [EXTERNAL] Fw: Neighborhood Outreach - 1541 & 1545 Ebert
Attachments: Garcia Email.pdf; Neighborhood Disclaimer Signed.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged
Categories: Red Category

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Bryan,

On 9/29/21, we mailed out 42 letters to the various property owners within a 500' radius of the property. We received one phone call from a property owner located at 2338 and 2344 Silas Creek Parkway. The property owner was in support of the rezoning request and offered to email a correspondence to include in our submittal. I have attached the correspondence to this email for your reference. In addition, I have called and emailed Kevin Mundy, Council Member for the Southwest Ward, to discuss the project and see if he has any questions or concerns, or to see if he has heard from any concerned neighbors. I will update you on any additional communications I have with him or any neighbors near this property.

Thanks, Nathan Myers
To Whom it may Concern,

We are the owners of 1541 and 1545 Ebert Road, Winston-Salem, NC 27103 and currently under application to rezone the above referenced properties from RS9 & RM-18S to RM 5. This is a general use rezoning request that will go before the planning board on October 14, 2021.

Currently, 1541 Ebert is zoned RS9 and 1545 Ebert is zoned RM-18-S. An RM-5 district is primarily intended to accommodate low density, pedestrian oriented sites and communities containing duplexes, twin homes, multifamily, and townhouse residential buildings with three of four units, and similar residential uses at a maximum overall density of five units per acre. We believe that this zoning is comparable with the surrounding properties and is appropriate for this site.

Thank you for your time. If you have any questions, please feel free to call my cell phone referenced above, or call Bryan Wilson with the City of Winston-Salem at 336-747-7042. I welcome any questions or concerns and look forward to hearing from you.

Warm Regards,

Nathan Myers
ref: Rezoning of 1541 and 1545 ebert.

Valentin Garcia <valentintintin77@gmail.com>
Mon 10/4/2021 1:38 PM
To: nmyers630@hotmail.com <nmyers630@hotmail.com>; Valentin Garcia <valentintintin77@gmail.com>
Hello. To whom this may concern. i own two properties that received letters regarding the rezoning of 1541 and 1545 ebert. my properties are . 2338 silas creek pkwy and 2344 silas creek pkwy.
   I am unable to attend the scheduled meeting, however via this email, i wish to state that i Fully support the General rezoning request for 1541 and 1545 ebert . Any necessary verification can be had at 305 951-6193.
Sincerely:
Valentin Garcia
2338 Silas Creek Pkwy and
2344 Silas Creek Pkwy
Winston Salem nc