



September 19, 2018

Thornhill Homeowners Association
Attn: Dwanna Adams
1529 Boxthorne Lane
Winston-Salem, NC 27106

Re: Zoning Petition W-3384

Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
Fax 336.748.3163
www.cityofws.org/planning

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 Secretary'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 Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102



City Council: Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; John C. Larson, South Ward; Jeff MacIntosh, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

County Commissioners: David R. Plyler, Chairman; Don Martin, Vice Chair, Fleming El-Amin; Ted Kaplan; Richard V. Linville; Gloria D. Whisenhunt; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair; Chris Leak, Vice-Chair; George M. Bryan, Jr.; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Clarence R. Lambe, Jr.; Johnny Sigers; Brenda J. Smith

ACTION REQUEST FORM

DATE: September 19, 2018
TO: The Honorable Mayor and City Council
FROM: Chris Murphy, AICP, Acting Director of Planning and Development Services

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Petition of Thornhill Homeowners Association

SUMMARY OF INFORMATION:

- A. Public hearing on zoning petition of Thornhill Homeowners Association (Zoning Docket W-3384)
- B. Ordinance amending the *Unified Development Ordinances* of Winston-Salem/Forsyth County and the Official Zoning Map
- C. Approval of Special Use Limited District Permit

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE

CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Thornhill Homeowners Association, Docket W-3384

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 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 RS9 to RS9-L (Residential Building, Single Family; and Planned Residential Development) the zoning classification of the following described property:

PIN# 6816-08-1976

Section 2. This Ordinance is adopted after approval of the Special Use Limited District Permit issued by the City Council the _____ day of _____, 20____ to Thornhill Homeowners Association.

Section 3. The City Council hereby directs the issuance of a Special Use Limited District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be located on the property described in section one above. Said Special Use Limited District Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE LIMITED DISTRICT PERMIT

SPECIAL USE LIMITED DISTRICT PERMIT

Issued by the City Council

of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use Limited District Permit for the zoning petition of Thornhill Homeowners Association, (Zoning Docket W-3384). The site shall be developed in accordance with the conditions approved by the Board and the following uses: (Residential Building, Single Family; and Planned Residential Development), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the RS9-L 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:

- **OTHER REQUIREMENTS:**
 - a. No buildings shall be constructed on the subject property.
 - b. No access shall be allowed from Petree Road.
 - c. The subject property shall be combined with adjacent PIN # 6816-09-2018 and designated as common area on a plat to be recorded in the Register of Deeds. Said plat shall also include a negative access easement along Petree Road and note that no buildings shall be constructed on the site.

CITY-COUNTY PLANNING BOARD

PETITION INFORMATION			
Docket #	W-3384		
Staff	Gary Roberts, Jr. AICP		
Petitioner(s)	Thornhill Homeowners Association		
Owner(s)	Same		
Subject Property	PIN# 6816-08-1976		
Address	The undeveloped property does not have an address assignment.		
Type of Request	Special use limited rezoning from RS9 to RS9-L		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family - 9,000 sf minimum lot size) to RS9-L (Residential, Single Family – 9,000 sf minimum lot size – special use limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Residential Building, Single Family; and Planned Residential Development <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>		
Neighborhood Contact/Meeting	See Attachment B for a summary of the petitioner’s neighborhood outreach.		
Zoning District Purpose Statement	The RS9 District is primarily intended to accommodate relatively high density single family detached dwellings in urban areas. This district is intended for application in GMAs 2 and 3 and may be suitable in Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes, the site is currently zoned RS9 and all of the adjacent properties are either zoned RS9 or RS9-S.		
GENERAL SITE INFORMATION			
Location	Southeast corner of Petree Road and Boxthorne Lane		
Jurisdiction	City of Winston-Salem		
Ward(s)	Northwest		
Site Acreage	± .77 acre		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9-S	Common open space for Thornhill
	East	RS9-S	Single family home
	South	RS9	Undeveloped property

	West	RS9	Single family homes			
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	Yes, as single family residential is allowed on all of the adjacent properties.					
Physical Characteristics	The site is heavily wooded and has a moderate slope downward toward the northeast.					
Proximity to Water and Sewer	The site is served with public water. Public sewer service is located approximately 200' from the subject property both to the south and the west along Petree Road.					
Stormwater/ Drainage	No known issues.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The site appears to possess no development constraints such as steep slopes, floodplains, or designated watersheds.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1045	R4 and R6 to R3-S (RS9-S)	Approved 6-20-1983	Directly north	26.8	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Petree Road	Collector Street	172'	5,600	NA		
Proposed Access Point(s)	See comments below in the Transportation Analysis section.					
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS9</u> .77 x 43,560 sf / 9,000 = 3 lots x 9.57 (SFR Trip Rate) = 29 Trips per Day					
	<u>Proposed Zoning: RS9-L</u> Because the petitioner has volunteered a condition that would preclude buildings from being constructed on the site, any trips going to and from the site would be negligible.					
Sidewalks	There are no sidewalks located in the general area.					
Transit	Route 109 runs along Polo Road located approximately 4,000' to the southeast.					
Analysis of Site Access and Transportation Information	The undeveloped site has frontage on Petree Road. However, the petitioner has volunteered a condition that would prohibit access from the site onto Petree Road. The petitioner has also volunteered a condition that the subject property would be combined with the adjacent lot located directly to the north which fronts along Boxthorne Lane. Boxthorne Lane					

	would therefore become the future access to this site.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 3 – Suburban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> Encourage open space subdivisions where appropriate.
Relevant Area Plan(s)	<i>West Suburban Area Plan Update (2018)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> Single Family Residential is recommended for the site.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
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)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The subject request is to rezone the .77 acre undeveloped lot from RS9 to RS9-L. The purpose of the request is to attach a condition to the site that would preclude the construction of any buildings and limit access from Petree Road.</p> <p>The site was not originally included within the Thornhill neighborhood which was rezoned to the equivalent of RS9-S in 1983. However, the site was recently acquired by the Thornhill Homeowners Association. Although the proposed conditions regarding access and building limitation could be addressed through the recording of a plat without going through the rezoning process, a future owner or association could just as easily revise the plat and remove said limitations. By going through the rezoning process the petitioner hopes to acquire an additional layer of regulatory protection on this property.</p> <p>While the request would remove the option of building a home on the site, it is generally compatible with the single family residential recommendation of the area plan as the residential zoning designation (RS9-L) would be retained. Planning staff is supportive of the request.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The site is currently zoned RS9.	The request would remove the opportunity to build single family homes on the site.
The proposed uses are compatible with the uses permitted on the adjacent properties.	
The request is consistent with the <i>West Suburban Area Plan Update</i> .	
The request will remove the potential for another driveway access onto Petree Road.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.</p> <ul style="list-style-type: none"> • <u>OTHER REQUIREMENTS:</u> <ol style="list-style-type: none"> a. No buildings shall be constructed on the subject property. b. No access shall be allowed from Petree Road. c. The subject property shall be combined with adjacent PIN # 6816-09-2018 and designated as common area on a plat to be recorded in the Register of Deeds. Said plat shall also include a negative access easement along Petree Road and note that no buildings shall be constructed on the site. 	

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-3384
SEPTEMBER 13, 2018**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning petition.

SECOND: Jason Grubbs

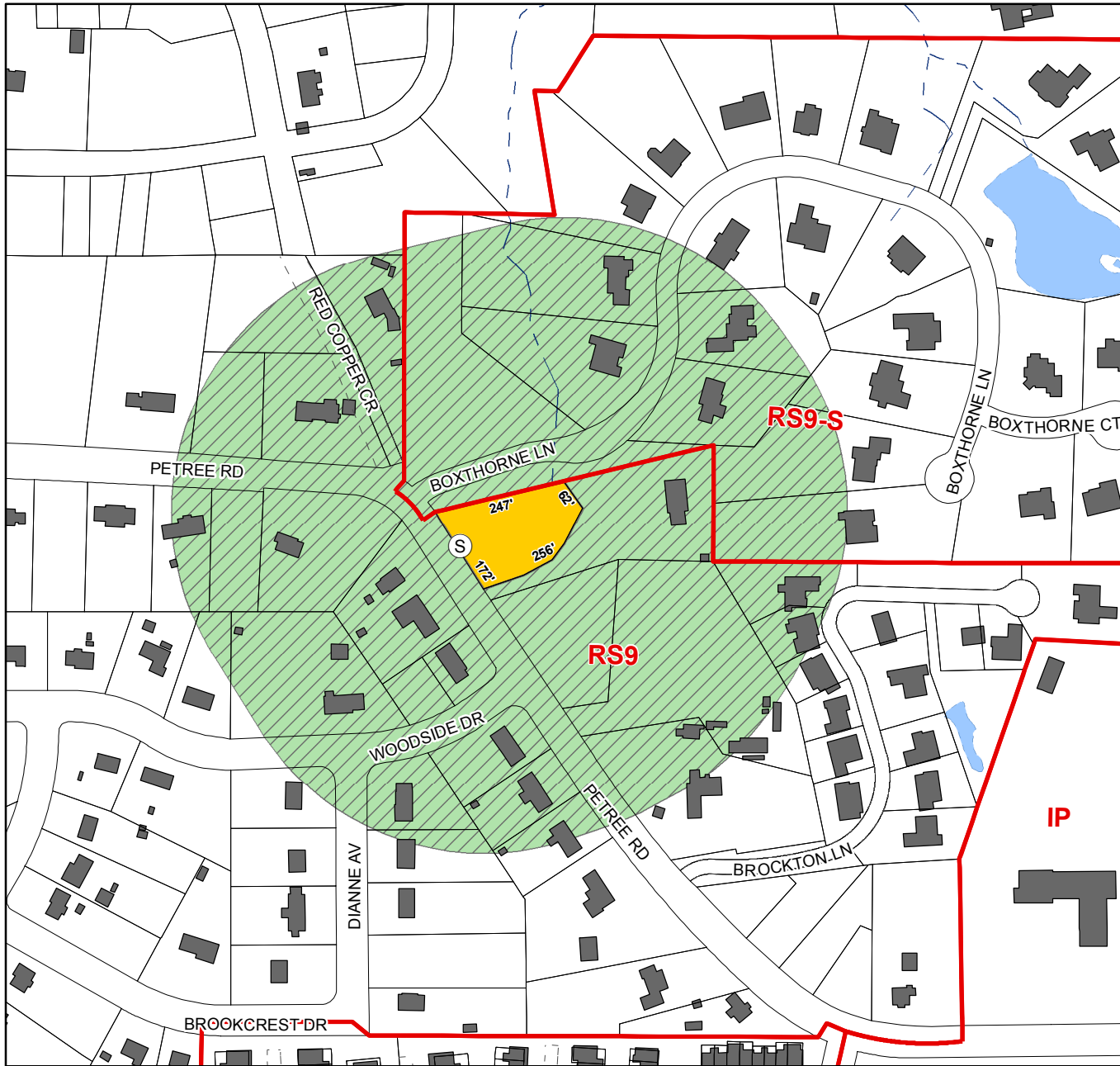
VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Arnold King, Clarence Lambe,
Chris Leak, Johnny Sigers, Brenda Smith

AGAINST: None

EXCUSED: None

Chris Murphy, AICP
Acting Director of Planning and Development Services



DOCKET #: W3384

PROPOSED ZONING:
RS9-L

EXISTING ZONING:
RS9

PETITIONER:
Thornhill Homeowners Association

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

SCALE: 1" represents 300'

STAFF: Roberts

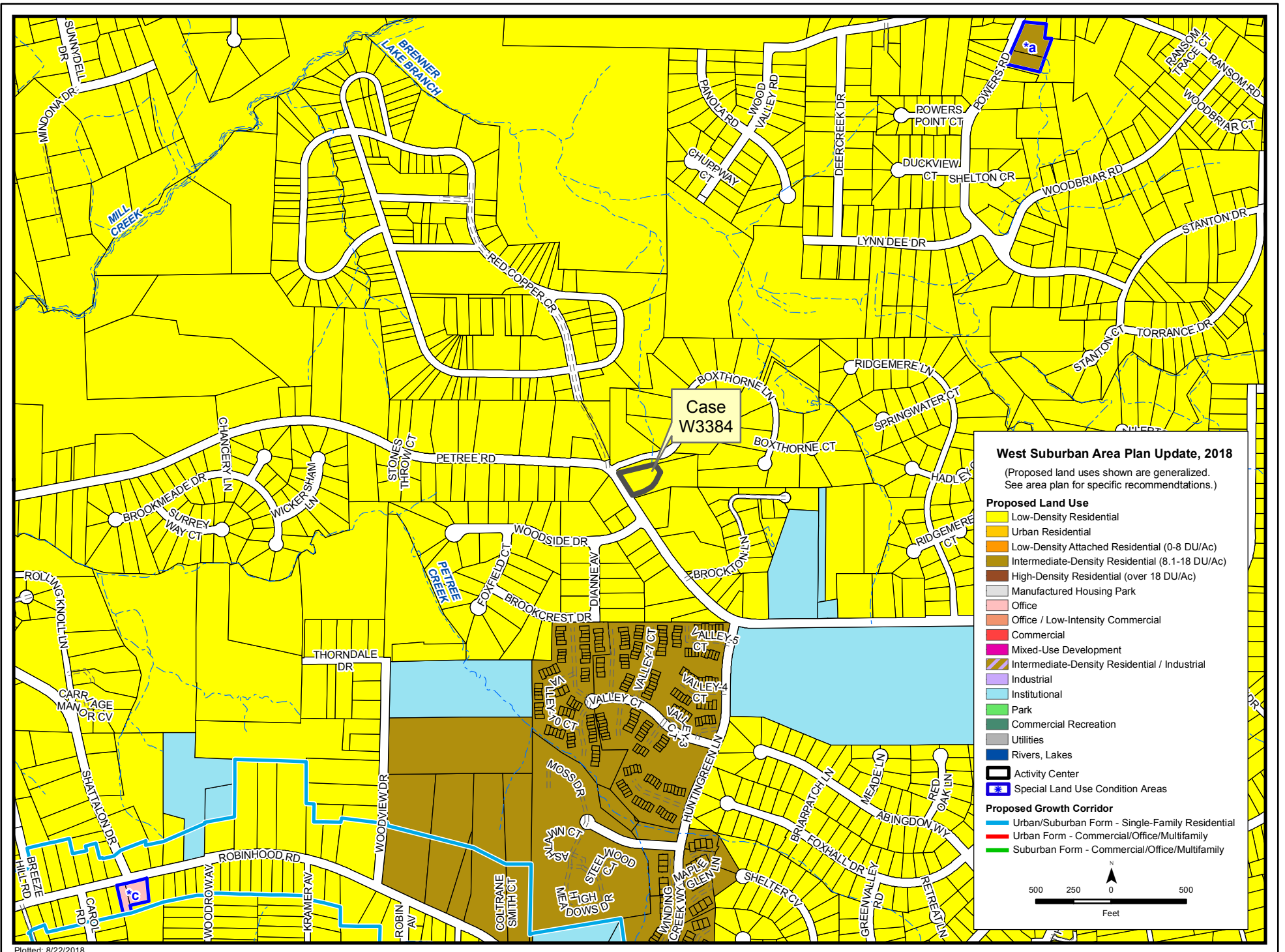
GMA: 3

ACRES: 0.77

NEAREST BLDG: 120' west

MAP(S): 6816.01





W-3384 ATTACHMENT A
EXISTING USES ALLOWED IN THE RS9 ZONING DISTRICT
City of Winston-Salem Jurisdiction Only

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-Site⁵
Parking, Off-Site, for Multifamily or Institutional Uses
Transmission Tower

⁵SUP not required if requirements of Section [B.2-5.2\(A\)](#) are met

The Thornhill Homeowners Association

1529 Boxthorne Lane

Winston-Salem, NC 27106

To: Petree Road Neighbors
From: Dr. John Albertini, President
Date: August 31, 2018
Subject: Acquisition and Rezoning Application for .76 Acre Parcel known as Parcel # 6816-08-1976 (Docket #: W3384, City of W-S Planning)

The purpose of this communication is to disclose our recent acquisition of the property referenced above, and our application for rezoning the same. The Thornhill Homeowners Association purchased the property on August 3, 2018 from William J. Barge in a deed recorded at Book 3418, Page 2665 of the Forsyth County Deed Registry. The purpose of the purchase was to protect the integrity of our Thornhill entrance, and prevent the possibility of this property being built upon. In order for Thornhill to ensure that the property could be taken into our neighborhood and declared "common area", it is necessary to have the zoning reclassified. Our plans are to enhance the piece of land by adding it to our entrance for beautification purposes. More information about the pending rezoning application can be found at www.cityofws.org/planning. The city will hear our case on September 13, 2018 at the City-County Planning Board Meeting beginning at 4:30 p.m.

If you have any questions or concerns, please feel free to reach out to me. My email address is jalbertini@skinsurgerycenter.net.

W-3384 Attachment B
1 of 4

The Thornhill Homeowners Association
1529 Boxthorne Lane
Winston-Salem, NC 27106

To: Bryan Wilson, Planner, Winston-Salem/Forsyth County Planning
From: Dr. John Albertini, President/Dwanna Dolesh Adams, Resident
Date: September 4, 2018
Subject: Rezoning Application for .76 Acre Parcel known as Parcel # 6816-08-1976 (Docket #: W3384, City of W-S Planning)

The community outreach for our Rezoning Application was delivered in the form of a Memo from Dr. John Albertini, President of The Thornhill Homeowners Association, by regular mail to 34 property owners within the 500' radius of the property. A copy of said Memo and a list of those property owners and their mailing addresses is attached. At this time, we haven't heard from anyone.

If you have any questions or concerns, please feel free to reach out to me. My email address is jalbertini@skinsurgerycenter.net, or you can contact Dwanna Dolesh Adams at dwannaadams@hotmail.com. Thank you.

RACHEL & BRENT NEWMAN
515 PETREE ROAD
WINSTON-SALEM, NC 27106

MARK PETREE
P. O. BOX 584
PFAFFTOWN, NC 27040

WEIDL PROPERTIES, LLC
2806 REYNOLDA ROAD #172
WINSTON-SALEM, NC 27106

PAMELA & GARRY WHITAKER
1524 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

CARLA & BILL HOLLAND
1528 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

BARBARA & JAMES HUTCHERSON
1532 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

PORSHA & SHAWN BURESH
1500 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

PAMELA & KENNETH CAVENAUGH
1504 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

REBECCA & TIMOTHY DAVIS
1508 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

KAREN & DENNIS SLAGLE
1509 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

JANET & LEWIS HARDY
1505 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

ANNE & JAMES WILLIS
1501 BOXTHORNE LANE
WINSTON-SALEM, NC 27106

DONALD HAMBY
1510 RED COPPER CIRCLE
WINSTON-SALEM, NC 27106

MARY & MICHAEL EVANS
601 PETREE ROAD
WINSTON-SALEM, NC 27106

DORIS & JAMIE ISENHOUR
4229 BROOKHAVEN DRIVE
GREENSBORO, NC 27406

AUDREY O'NEAL
625 PETREE ROAD
WINSTON-SALEM, NC 27106

WILLIAM BARGE
620 PETREE ROAD
WINSTON-SALEM, NC 27106

MARK HAUSER PROPERTIES
610 PETREE ROAD
WINSTON-SALEM, NC 27106

MARK KLIMAN & KELLY FISHER
600 PETREE ROAD
WINSTON-SALEM, NC 27106

RAYMOND PERSONS
520 PETREE ROAD
WINSTON-SALEM, NC 27106

VINCENT RABIL
1400 WOODSIDE DRIVE
WINSTON-SALEM, NC 27106

EMILY & PETER BUNDY
1450 WOODSIDE DRIVE
WINSTON-SALEM, NC 27106

MELISSA GRIFFIN
510 PETREE ROAD
WINSTON-SALEM, NC 27106

AHER BUILDERS
183 COVINGTON PLACE
LEWISVILLE, NC 27023

JAMES HOLCOMB
490 PETREE ROAD
WINSTON-SALEM, NC 27106

ELIZABETH BLUE
1454 WOODSIDE DRIVE
WINSTON-SALEM, NC 27106

KENDRA & ZACHARY ZOMOK
2391 DIANNE AVENUE
WINSTON-SALEM, NC 27106

WESLEY RICHARDSON
2381 DIANNE AVENUE
WINSTON-SALEM, NC 27106

KAREN & WILLIAM WALLACE
480 PETREE ROAD
WINSTON-SALEM, NC 27106

JESSICA & DAVID SHEEDY
478 PETREE ROAD
WINSTON-SALEM, NC 27106

HEATHER & DERRICK SCALES
1535 BROCKTON LANE
WINSTON-SALEM, NC 27106

DEBORAH & TODD ROEDER
1545 BROCKTON LANE
WINSTON-SALEM, NC 27106

MARIAN K. BAILEY
1555 BROCKTON LANE
WINSTON-SALEM, NC 27106

MICHAEL SCOTT
200 FERNHAM PLACE
LEWISVILLE, NC 27023