DOCKET #: W3099
(continued from 5/12/2011)

PROPOSED ZONING:
NO-L

EXISTING ZONING:
RS9

PETITIONER:
Charles J. Evans and Mary Maxine Evans for property owned by Same

SCALE: 1" represents 200'
STAFF: Roberts
GMA: 3
ACRES: 0.61
NEAREST BLDG: 12' west
MAP(S): 606854
June 20, 2011

Charles J. Evans and Mary Maxine Evans
2124 Scenic Valley Road
Glade Valley, NC 28627

RE: ZONING MAP AMENDMENT W-3099

Dear Mr. & Mrs. Evans:

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,

[Signature]
A. Paul Norby, FAICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Stephanie Denton, 3805 Country Club Road, Winston-Salem, NC 27104
Bart Triplet, 168 Whitehead Drive, Advance, NC 27006
## ACTION REQUEST FORM

**DATE:** June 20, 2011  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

### COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Charles J Evans and Mary Maxine Evans

### SUMMARY OF INFORMATION:

Zoning map amendment of Charles J Evans and Mary Maxine Evans from RS9 to NO-L (Offices; and Residential Building, Single Family): property is located on the north side of Country Club Road, west of Turner Street (Zoning Docket W-3099).

### PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL.  
**FOR:** WESLEY CURTIS, ARNOLD KING, CLARENCE LAMBE, DARRYL LITTLE, PAUL MULLICAN, BRENDA SMITH, ALLAN YOUNGER  
**AGAINST:** BARRY LYONS, LYNNE MITCHELL  
**SITE PLAN ACTION:** NOT REQUIRED
CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Charles J. Evans and Mary Maxine Evans, Docket W-3099

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 NO-L (Offices;
and Residential Building, Single Family) the zoning classification of the following described
property:

PIN #6815-14-8442

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 Charles J.
Evans and Mary Maxine Evans.

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 known as Charles J. Evans and Mary Maxine Evans. 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 Charles J. Evans and Mary Maxine Evans. (Zoning Docket W-3099). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Offices; and Residential Building, Single Family, approved by the Winston-Salem City Council the _____ day of ______________________, 20____" and signed, provided the property is developed in accordance with requirements of the NO-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:

- **PRIOR TO ISSUANCE OF ANY PERMITS:**
  a. The developer shall record a cross access easement to the adjacent properties: PIN 6815-14-7440 and 6815-14-9456.
  b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements include:
     • Right of way dedication 35’ from the centerline of Country Club Road.

- **OTHER REQUIREMENTS:**
  a. The developer shall retain the existing principal structure.
  b. Sidewalk shall be required along the frontage of Country Club Road upon any expansions to the principal structure or upon the construction of any new accessory structures.
  c. The use of Office shall be further restricted to Medical or Dental Laboratories only.
<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3099</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Charles J. Evans and Mary Maxine Evans</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN # 6815-14-8442</td>
</tr>
<tr>
<td>Address</td>
<td>3805 Country Club Road</td>
</tr>
<tr>
<td>Type of Request Proposal</td>
<td>Special Use Limited rezoning from RS9 to NO-L</td>
</tr>
<tr>
<td>Proposal</td>
<td>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 NO-L (Neighborhood Office- Special Use Limited District). The petitioner is requesting the following uses: • Offices; and Residential Building, Single Family</td>
</tr>
<tr>
<td>NOTE:</td>
<td>General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</td>
</tr>
<tr>
<td>Continuance History</td>
<td>The request was continued from the April 14, 2011 Planning Board meeting to the May 12 meeting and then to the June 9 Planning Board meeting due to the absence of the petitioner.</td>
</tr>
<tr>
<td>Neighborhood Contact/Meeting</td>
<td>According to a voice message left by the petitioners’ daughter on 3-29-11, they have spoken with several of the neighbors and plan on talking with more in the near future.</td>
</tr>
<tr>
<td>Zoning District Purpose Statement</td>
<td>The NO 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 district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic. Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts. This district is intended for application in GMAs (Growth Management Areas) 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods) and 4 (Future Growth Area).</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? The request is consistent with the NO District purpose statement in that is located along a major thoroughfare within GMA 3. However, because the site and the adjacent properties are zoned residential, it would not serve as a transitional land use between residential and commercial districts.</td>
</tr>
</tbody>
</table>
## GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>North side of Country Club Road, west of Turner Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>West</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± .61 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>A single family home is currently located on the site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounded Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>RS9</td>
<td>Single family home</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>RS9</td>
<td>Single family home</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>RS9</td>
<td>Carolina Child Care</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>RS9</td>
<td>Single family home</td>
</tr>
</tbody>
</table>

### 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?

The proposed office use is compatible with the day care center located across Country Club Road. However, it is less compatible with the adjacent single family homes.

### Physical Characteristics

The site has a gentle slope downward to the north.

### Proximity to Water and Sewer

Public water and sewer are available to the site.

### 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 has no apparent constraints and appears to be suitable for development within the proposed NO-L District.

## SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Country Club Road</td>
<td>Major Thoroughfare</td>
<td>152'</td>
<td>16,000</td>
<td>18,500</td>
</tr>
</tbody>
</table>

### Proposed Access Point(s)

Because this is a Special Use Limited request with no site plan or access conditions, the exact location of access points (other than the existing driveway onto Country Club Road) is unknown.

### Trip Generation - Existing/Proposed

- **Existing Zoning: RS-9**
  
  \[
  .61 \text{ acre} \times 43,560 / 9,000 = 2 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 19 \text{ Trips per Day}
  \]

- **Proposed Zoning: NO-L**
  
  \[
  4,000 \text{ sf} / 1,000 \times 11.57 \text{ (Single Tenant Office Building Trip Rate)} = 46 \text{ Trips per Day}
  \]
| Sidewalks | The Comprehensive Transportation Plan recommends sidewalks along Country Club Road. |
| Transit | Route 12 along Country Club Road. |
| Connectivity | Planning staff recommends the recordation of a crossing easement to provide connectivity between the adjacent properties. |
| Analysis of Site Access and Transportation Information | Staff does not see any negative transportation impacts associated with this request. A driveway permit will be required. |

**CONFORMITY TO PLANS AND PLANNING ISSUES**

| Legacy GMA | Growth Management Area 3 – Suburban Neighborhoods |
| Relevant Legacy Recommendations | • Protect residential areas from inappropriate commercial and industrial encroachment. |
| | • Infill development, like any land use issue, must balance the concerns of surrounding residents about the preservation of the character of their neighborhood with the needs of property owners and developers and the goals of the larger community. |
| Relevant Area Plan(s) | Country Club/Jonestown Area Plan (1985) |
| Area Plan Recommendations | • The Country Club/Jonestown Area Plan recognizes the subject property as low density residential development (0-4 units per acre) and recommends low density residential development for any proposed development at this location. The subject property is also within the boundaries of the West Suburban Area Plan which is currently being written. The current draft of the plan also recommends low density residential development for this site. |
| Addressing | There are no addressing or street naming concerns. |
| 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? | No |
| Analysis of Conformity to Plans and Planning Issues | The proposed RS9 to NO-L request is for a lot that is currently developed with a single family home. While a day care center is located across the street, all of the surrounding properties are zoned RS9. Neither the existing Country Club/Jonestown Area Plan nor the draft recommendations of the proposed West Suburban Area Plan support a zoning change along this portion of Country Club Road. Staff notes that should this parcel be rezoned, it may lead to a domino effect of non residential rezoning requests for the remaining single family homes between Gordon Manor and Silas Creek Parkway. |
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-1897</td>
<td>R-4 to B3-S</td>
<td>Approved 5-2-94</td>
<td>450' west</td>
<td>1.22</td>
<td>Approval</td>
</tr>
<tr>
<td></td>
<td>(LB-S)</td>
<td></td>
<td></td>
<td></td>
<td>Approval</td>
</tr>
</tbody>
</table>

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 request would allow for a new office opportunity.</td>
<td>The request is not consistent with the <em>Country Club/Jonestown Area Plan</em>.</td>
</tr>
<tr>
<td></td>
<td>The request is not consistent with the draft <em>West Suburban Area Plan</em>.</td>
</tr>
<tr>
<td></td>
<td>The request is not consistent with the recommendations of <em>Legacy</em>.</td>
</tr>
</tbody>
</table>

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

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.

- **PRIOR TO ISSUANCE OF ANY PERMITS:**
  a. The developer shall record a cross access easement to the adjacent properties: PIN 6815-14-7440 and 6815-14-9456.
  b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements include:
     - Right of way dedication 35' from the centerline of Country Club Road.

- **OTHER REQUIREMENTS:**
  a. The developer shall retain the existing principal structure.
  b. Sidewalk shall be required along the frontage of Country Club Road upon any expansions to the principal structure or upon the construction of any new accessory structures.
  c. The use of Office shall be further restricted to Medical or Dental Laboratories only.

STAFF RECOMMENDATION: Denial

**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-3099
APRIL 14, 2011

PUBLIC HEARING

FOR:  None

AGAINST: None

WORK SESSION

MOTION: Lynne Mitchell moved to continue the zoning map amendment to May 12, 2011.
SECOND: Clarence Lambe

VOTE:

FOR: Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
AGAINST: None
EXCUSED: None
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3099
MAY 12, 2011

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR: None
AGAINT: None

WORK SESSION

1. Neither the petitioner nor his representative was present. Paul Norby suggested that the request be continued to June 9, 2011 so staff can contact the petitioner again and make sure he understands that his presence is strongly encouraged at the June 9, 2011 Planning Board meeting.

MOTION: Lynne Mitchell moved to continue the zoning map amendment to June 9, 2011.
SECOND: Clarence Lambe
VOTE:
FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican
AGAINST: Allan Younger
EXCUSED: None
Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Stephanie Denton, 3805 Country Club Road, Winston-Salem, NC 27104
- I have walked the neighborhood and put information on each door. Several people have signed. They have no problem with this because the house itself is going to look like a house.

Bart Triplet, 168 Whitehead Drive, Advance, NC 27006
- The house structure will remain.
- There will be no traffic since there are no customers.
- The main reason for choosing this site is location.
- There are several homes along Country Club Road which have been converted to similar business uses.

Stephanie Denton, 3805 Country Club Road, Winston-Salem, NC 27104
- The driveway goes to the side and he wants to change it so it's sort of catty-cornered.
- He will put a parking lot, take the outbuilding down, and add shrubs.
- This will actually make the house look better.
- He will have 9 employees but there won't be any traffic coming out.

AGAINST: None

WORK SESSION

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

1. In the NO District, all parking is required to be at the side or rear of the site.

2. The building in the very back of the lot will be torn down.
3. The petitioner indicated he would be willing to limit the use to Dental Lab.

4. This particular use would not be consistent with the plans for this area, regardless of the appearance.

5. This is a good example of possible adaptive reuse of existing structures as listed in the draft West Suburban Area Plan.

6. I'm concerned that there may be enough interior work done to facilitate this use that the structure cannot be used for residential.

7. With all the vacant office space it would be beneficial to utilize that rather than going against the area plan. However, the petitioner could own this site and most of the office space out there is for rent only.

8. The house is an eyesore. What he's going to do here is going to improve the neighborhood significantly.

9. This does not appear to be a very compelling reason to go against the area plan.

10. Looking to the future this may have a significant impact on the community.

11. This is on a major thoroughfare, but is not a traffic-generating use.

12. The area plans are significant but we also have to use our judgment on each case.

MOTION: Clarence Lambe moved approval of the zoning map amendment limiting the permitted uses to Residential Building, Single Family or Medical or Dental Laboratory.
SECOND: Paul Mullican
VOTE:
   FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Paul Mullican, Brenda Smith, Allan Younger
   AGAINST: Barry Lyons, Lynne Mitchell
   EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
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
Landfill, Land Clearing/Inert Debris
Manufactured Home, Class A
Park and Shuttle Lot

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3099
(CHARLES J. EVANS AND MARY MAXINE EVANS)
APPROVAL

While the proposed special use zoning map amendment from RS9 (Residential, Single Family; 9000 sf minimum lot size) to NO-L (Neighborhood Office-Special Use Limited District (Offices; and Residential Building, Single Family) is not consistent with the Legacy Comprehensive Plan, the Country Club/Jonestown Area Plan or the draft West Suburban Area Plan, the request with its added conditions is reasonable and in the public interest because:

1. The request is consistent with the NO District purpose statement;

2. The request will allow for a new office opportunity;

3. The proposed condition to retain the existing structure will help to maintain a residential character in the area;

4. Together with the volunteered condition to further limit the office use to a dental lab, the proposed use should not significantly add traffic to Country Club Rd; and

5. The site has no apparent constraints and appears to be suitable for development within the proposed NO-L District.
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3099
(CHARLES J. EVANS AND MARY MAXINE EVANS)
DENIAL

The proposed special use zoning map amendment from RS9 (Residential, Single Family; 9000 sf minimum lot size) to NO-L(Neighborhood Office-Special Use Limited District (Offices; and Residential Building, Single Family) is not consistent with either the Legacy Comprehensive Plan, the Country Club/Jonestown Area Plan or the draft of the West Suburban Area Plan; therefore, denial of the request is reasonable and in the public interest because:

1. The site of the request is within a residential area along Country Club Rd., and approval of the request could lead to other non-residential rezoning requests in this area that would combine to change the residential character of the area; and

2. There appears to adequate opportunity for office use and/or development in the non-residentially zoned areas already existing to the east and to the west of this area along Country Club Rd.
May 18, 2011

Mr. Charles J. Evans and Mrs. Mary Maxine Evans  
2164 Scenic Valley Road  
Winston-Salem, NC 28627

RE: Zoning Map Amendment W-3099

Dear Mr. and Mrs. Evans:

At the Planning Board meeting on Thursday May 12, 2011 the Planning Board voted unanimously to continue your zoning request to the June 9, 2011 public hearing.

Your zoning request was continued due to the Board’s desire that the importance of your presence at the public hearing be clearly conveyed to you.

Staff was therefore asked to send you a letter stating specifically that it is very important for you to be present at the next public hearing meeting which will be held on Thursday, June 9, 2011 at 4:30 pm. It will be in the same place, the Public Meeting Room on the fifth floor of the Bryce A. Stuart Municipal Building at the corner of First and Church Streets.

If you have questions, please contact me at 747-7069 or garyr@cityofws.org.

Sincerely,

Gary Roberts, Jr. AICP  
Project Planner

pc:  Arnold King, Chair, City-County Planning Board  
    Paul Norby, Director of Planning  
    Stephanie Denton, 1935 Dobbins Mill Road, Yadkinville, NC 27055