

DOCKET #: W3119

PROPOSED ZONING:
GO-L

EXISTING ZONING:
RS9 and GO-S

PETITIONER:
Jarvis and Johnnie Hauser
for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRES: 4.89

NEAREST BLDG: 85' east

MAP(S): 606846





November 23, 2011

Jarvis and Johnnie Hauser
1410 Ploughboy Lane
Winston-Salem, NC 27103

Re: Zoning Map Amendment W-3119

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

Dear Jarvis and Johnnie Hauser:

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,

A. Paul Norby, FAICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Doug Stimmel, 601 North Trade Street, Suite 200, Winston-Salem, NC 27101



> request a service > report a problem
> make a suggestion

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; Molly Leight, South Ward; Wanda Merschel, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

Forsyth County Commissioners: Richard V. Linville, Chairman; Debra Conrad, Vice Chair; Walter Marshall; David R. Plyler; Gloria D. Whisenhunt; Bill Whiteheart; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair; L. Wesley Curtis, Jr., AIA, Vice-Chair; Clarence R. Lambe, Jr.; Darryl Little; Barry A. Lyons; Lynne Mitchell; Paul W. Mullican; Brenda J. Smith; Allan Younger

ACTION REQUEST FORM

DATE: November 23, 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 Jarvis and Johnnie Hauser

SUMMARY OF INFORMATION:

Zoning map amendment of Jarvis and Johnnie Hauser from RS9 & GO-S (Offices; and Banking and Financial Services) to GO-L (Fraternity or Sorority; Arts and Crafts Studio; Banking and Financial Services; Funeral Home; Offices; Services, A; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station ; School, Vocational or Professional; Access Easement, Private Off-Site; Helistop; Park and Shuttle Lot; Transmission Tower; Utilities): property is located on the southwest corner of Forrestgate Drive and Westbrook Plaza Drive (Zoning Docket W-3119).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL.
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Jarvis and Johnnie Hauser, Docket W-3119

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 & GO-S (Offices; and Banking and Financial Services) to GO-L (Fraternity or Sorority; Arts and Crafts Studio; Banking and Financial Services; Funeral Home; Offices; Services, A; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station ; School, Vocational or Professional; Access Easement, Private Off-Site; Helistop; Park and Shuttle Lot; Transmission Tower; Utilities) the zoning classification of the following described property:

PIN#s 6814-07-9443, 6814-07-9017; and 6814-17-0096

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 Jarvis and Johnnie Hauser.

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 Jarvis and Johnnie Hauser. 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 Jarvis and Johnnie Hauser, (Zoning Docket W-3119). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Fraternity or Sorority; Arts and Crafts Studio; Banking and Financial Services; Funeral Home; Offices; Services, A; Recreation Facility, Public; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station ; School, Vocational or Professional; Access Easement, Private Off-Site; Helistop; Park and Shuttle Lot; Transmission Tower; Utilities, approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the GO-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 THE ISSUANCE OF BUILDING PERMITS:**
 - a. The developer shall contact the City of Winston-Salem Public Works Department and make payment to the City of Winston-Salem for the Sanitary Sewer Special Privilege Fee and the Stratford Road Impact Fee.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. The developer shall install sidewalk along each phase's frontage on Westbrook Plaza Drive to the specifications of the City of Winston-Salem Public Works Department.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-3119		
Staff	Gary Roberts, Jr. AICP		
Petitioner(s)	Jarvis and Johnnie Hauser		
Owner(s)	Same		
Subject Property	PIN #'s 6814-07-9443, 9017, and 6814-17-0096		
Address	1365 Westbrook Plaza Drive		
Type of Request	Special Use Limited rezoning from RS9 & GO-S to GO-L		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family District; 9,000 sf minimum lot size) and GO-S (General Office District; Offices; and Banking and Financial Services) to GO-L (General Office- Special Use Limited District). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • All uses allowed in GO zoning <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	The application at the time of filing does not indicate whether a neighborhood/community meeting had been held.		
Zoning District Purpose Statement	The GO District is primarily intended to accommodate high intensity office uses and supporting services. The district is established to provide locations for employment within GMAs (Growth Management Areas) 1 City/Town Centers), 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods) with access to thoroughfares and Metro Activity Centers.		
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)?		
	The site is located within GMA 3 and is adjacent to other GO and GO-S zoned properties.		
GENERAL SITE INFORMATION			
Location	Southwest corner of Forrestgate Drive and Westbrook Plaza Drive		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southwest		
Site Acreage	± 4.89 acres		
Current Land Use	The site is currently developed with one single family residential structure.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS9	Single family home
	East	GO-S & GO	Undeveloped property and office uses
	South	GB-S	I-40
	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?			
	The proposed uses are compatible with the uses permitted on the adjacent GO and GO-S zoned properties. The uses are less compatible with the uses permitted on the adjacent RS9 zoned properties.			
Physical Characteristics	The partially developed site has a gentle to steep slope downward to the southwest. A wetland area has been identified on the southwestern portion of the site.			
Proximity to Water and Sewer	Public water and sewer are available to the site. The developer will need to contact the City of Winston-Salem Public Works Department in regard to the Sanitary Sewer Special Privilege Fee and the Stratford Road Impact Fee.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	A wetland area has been identified on the southwestern portion of the site. Otherwise, the property has no apparent constraints and appears to be suitable for development within the proposed GO-L district.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Westbrook Plaza Drive	Local Street	585'	NA	NA
Forrestgate Drive	Local Street	252'	NA	NA
I-40	Freeway/Expressway	514'	72,000	95,900
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 driveways onto Forrestgate Drive and Westbrook Plaza Drive) is unknown.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS9 portion only</u> 4.89 acres x 43,560 sf / 9,000 = 23 dwelling units x 9.57 (SFR Trip Rate) = 220 Trips per Day <u>Proposed Zoning: GO-L</u> No trip rate is available for the proposed zoning which has no site plan.			
Sidewalks	There are no sidewalks located in the immediate vicinity of the subject property; however, there are some sidewalks along Westbrook Plaza Drive further to the east. WSDOT staff has recommended that sidewalk be installed along the frontage of Westbrook Plaza Drive.			
Transit	Route 43 runs along Hanes Mall Boulevard located approximately 1,200' to the south.			
Analysis of Site Access and Transportation Information	The site has good access and staff does not anticipate any negative transportation impacts from this request. The developer will need to contact the City of Winston-Salem Public Works Department in regard to the Sanitary Sewer Special Privilege Fee and the Stratford Road Impact Fee.			

CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA		Growth Management Area 3 – Suburban Neighborhoods				
Relevant Legacy Recommendations		<ul style="list-style-type: none"> • Protect residential areas from inappropriate commercial and industrial encroachment. • Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area. • <i>Legacy</i> supports quality office development. It recommends that retail and office buildings should be near the street and sidewalk. This reduces the distance pedestrians and transit users have to travel and provides direct access to buildings along the street. Parking should be located to the rear and sides or under retail and office buildings. 				
Relevant Area Plan(s)		<i>Southwest Suburban Area Plan</i> (2009)				
Area Plan Recommendations		<ul style="list-style-type: none"> • The larger area (in the vicinity of the subject property) is composed mainly of office development on small parcels along with some vacant land and older single-family homes. Redevelopment of this area should consist of comprehensively-planned office development. 				
Other Applicable Plans and Planning Issues		Comments from the Inspections Division: The existing use is Residential Building, Single Family. Any commercial use will require building and zoning permits, including but not limited to, site plans, floor plans and building code summaries, prior to beginning work and/or occupying the structure under the new use. If the building is to be removed permits would be required prior to constructing any new building or conducting any site work.				
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 <i>Legacy</i>?				
		Yes				
Analysis of Conformity to Plans and Planning Issues		The request is to rezone the subject property from RS9 and GO-S to GO-L. The <i>Southwest Suburban Area Plan</i> recommends comprehensively-planned office development for this site and the remaining RS9 zoned properties in this area. Staff supports the subject request which is consistent with said area plan.				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1155	R5 to R1-S (GO-S) TWO PHASE	Approved 6-4-84	Included portion of current site	25.7	Approval	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request would allow for the construction of new office building(s).	The request would intensify the zoning adjacent to single family homes.
The site is adjacent to other GO and GO-S zoned properties.	
The request is consistent with the recommendations of the <i>Southwest Suburban Area Plan</i> .	
The request is consistent with the GO District purpose statement.	
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>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ul style="list-style-type: none"> a. The developer shall contact the City of Winston-Salem Public Works Department and make payment to the City of Winston-Salem for the Sanitary Sewer Special Privilege Fee and the Stratford Road Impact Fee. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> a. The developer shall install sidewalk along each phase's frontage on Westbrook Plaza Drive to the specifications of the City of Winston-Salem Public Works Department. 	

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-3119
NOVEMBER 10, 2011**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment with revised condition.

SECOND: Lynne Mitchell

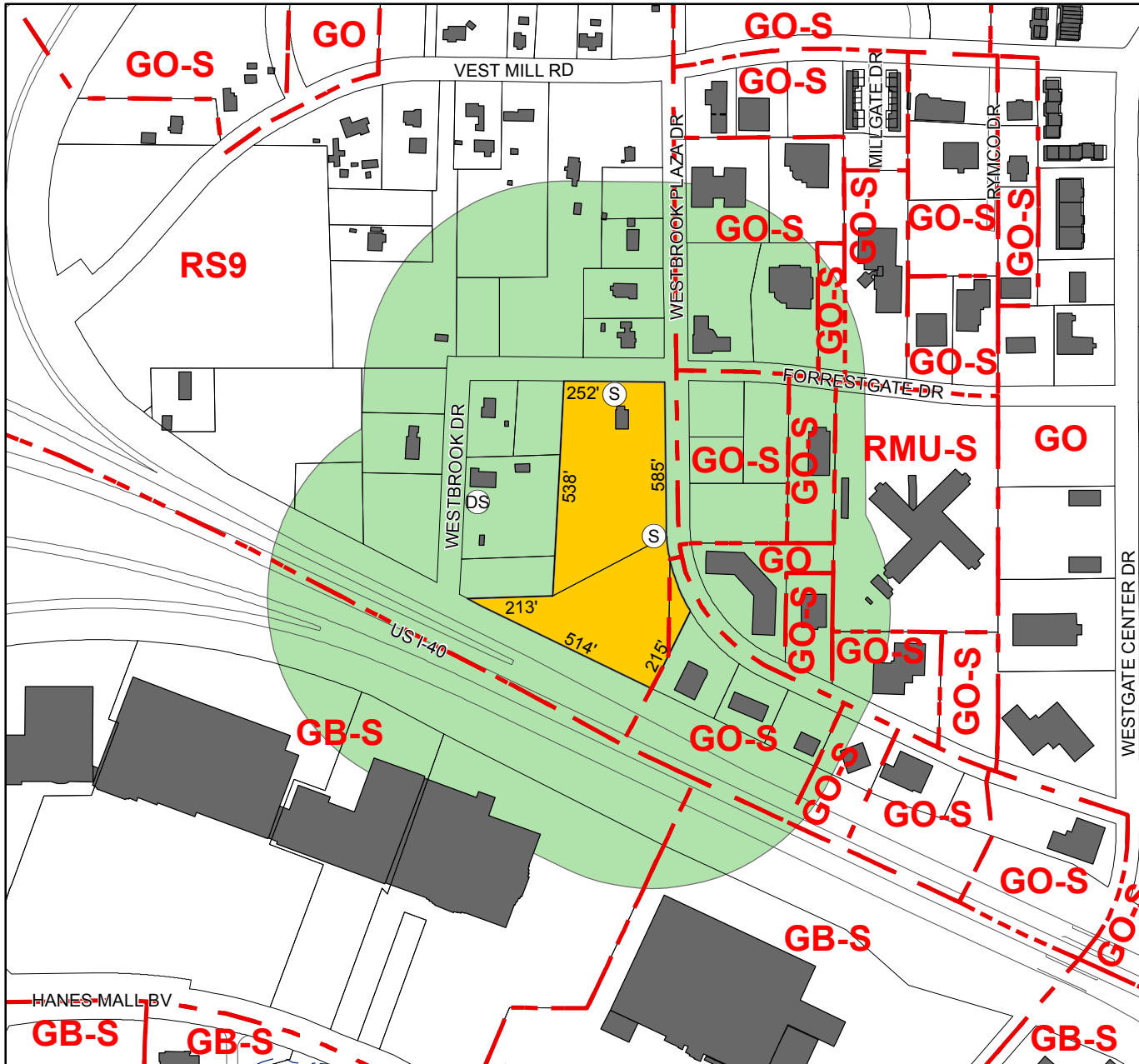
VOTE:

FOR: Wesley Curtis, Arnold King, Clarence Lambe, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning



DOCKET #: W3119

PROPOSED ZONING:
GO-L

EXISTING ZONING:
RS9 and GO-S

PETITIONER:
Jarvis and Johnnie Hauser
for property owned by Same

 500' notification radius

SCALE: 1" represents 400'

STAFF: Roberts

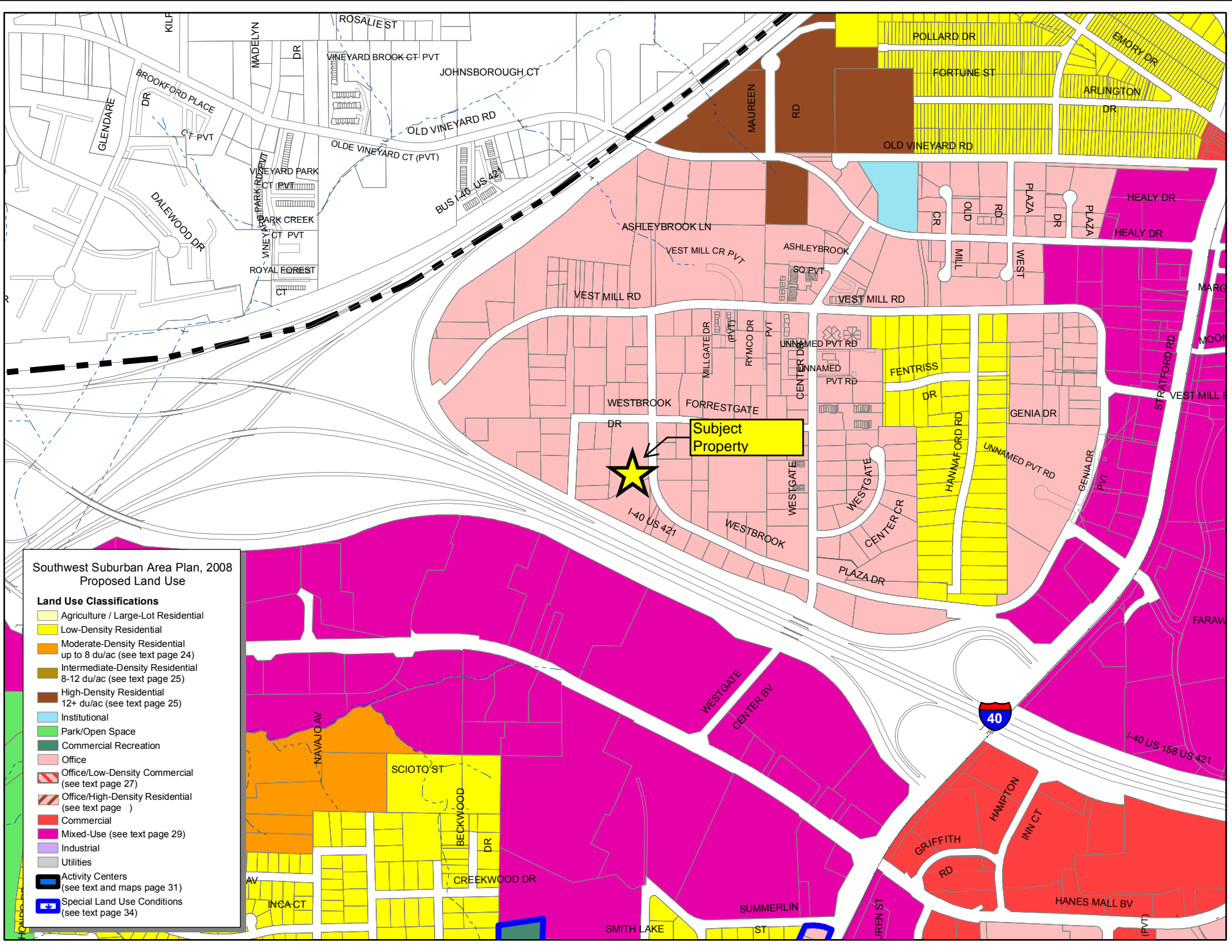
GMA: 3

ACRES: 4.89

NEAREST BLDG: 85' east

MAP(S): 606846





**Southwest Suburban Area Plan, 2008
Proposed Land Use**

- Land Use Classifications**
- Agriculture / Large-Lot Residential
 - Low-Density Residential
 - Moderate-Density Residential
up to 8 du/ac (see text page 24)
 - Intermediate-Density Residential
8-12 du/ac (see text page 25)
 - High-Density Residential
12+ du/ac (see text page 25)
 - Institutional
 - Park/Open Space
 - Commercial Recreation
 - Office
 - Office/Low-Density Commercial
(see text page 27)
 - Office/High-Density Residential
(see text page)
 - Commercial
 - Mixed-Use (see text page 29)
 - Industrial
 - Utilities
 - Activity Centers
(see text and maps page 31)
 - Special Land Use Conditions
(see text page 34)

W-3119 Appendix A
EXISTING RS9 USES ALLOWED
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
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

W-3119 Appendix B
PROPOSED GO USES ALLOWED
City of Winston-Salem Jurisdiction Only

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

Academic Medical Center
Arts and Crafts Studio
Banking and Financial Services
Child Care, Drop-In
Church or Religious Institution, Community
Church or Religious Institution, Neighborhood
Club or Lodge
College or University
Fraternity or Sorority
Funeral Home
Government Offices, Neighborhood Organization, or Post Office
Hospice and Palliative Care
Hospital or Health Center
Institutional Vocational Training Facility
Library, Public
Museum or Art Gallery
Nursing Care Institution
Offices
Park and Shuttle Lot
Police or Fire Station
Recreation Facility, Public
School, Vocational or Professional
Services A
Utilities

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Adult Day Care Center
Child Care Institution
Child Care, Sick Children
Child Day Care Center
Landfill, Land Clearing/Inert Debris
Transmission Tower

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

Helistop

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

Access Easement, Private Off-Site

APPROVAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3119
(JARVIS AND JOHNNIE HAUSER)

The proposed special use zoning map amendment from RS9 (Residential, Single Family; 9000 sf minimum lot size) and GO-S (General Office District; and Banking and Financial Services) to GO-L (General Office-Special Use Limited District) with its added conditions is consistent with the *Legacy Comprehensive Plan*, and *Southwest Suburban Area Plan* and is reasonable and in the public interest because:

1. The request will allow for construction of new office building;
2. The site is adjacent to other GO and GO-S zoned properties; and
3. The request is consistent with the GO District purpose statement.

DENIAL
STATEMENT REGARDING CONSISTENCY WITH COMPREHENSIVE PLAN
W-3119
(JARVIS AND JOHNNIE HAUSER)

Although the proposed special use zoning map amendment from RS9 (Residential, Single Family; 9000 sf minimum lot size) and GO-S (General Office District; and Banking and Financial Services) to GO-L (General Office-Special Use Limited District) with its added conditions is consistent with the *Legacy Comprehensive Plan*, and *Southwest Suburban Area Plan*, it is not reasonable and in the public interest because the request will intensify the zoning adjacent to single family homes.