

DOCKET #: W2858
(continued from 5/11/2006)

PROPOSED ZONING:
RSQ-S (Multiple Residential
Uses)

EXISTING ZONING:
RS7

PETITIONER:
Barry D. Carlton for
property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRE(S): 0.18

MAP(S): 630850



July 26, 2006

Barry D. Carlton
1031 Van Hoy Avenue
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2858

Dear Mr. Carlton:

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
Nancy Gould, 1031 Van Hoy Avenue, Winston-Salem, NC 27104
Allegra Strohman, P. O. Box 21281, Winston-Salem, NC 27120
Patricia Olmstead, 620 S. Broad Street, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: July 26, 2006
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Petition of Barry D. Carlton

SUMMARY OF INFORMATION:

Zoning Map Amendment of Barry D. Carlton from RS-7 to RSQ-S (Residential Building, Duplex; Residential Building Twin Home; and Residential Building, Single Family): property is located on the east side of Green Street south of Academy Street (Zoning Docket W-2858).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Barry D. Carlton, Docket W-2858

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 RS-7 to RSQ-S (Residential Building, Duplex; Residential Building Twin Home; and Residential Building, Single Family) the zoning classification of the following described property:

Tax Block 0613, Tax Lot 104

Section 2. This Ordinance is adopted after approval of the site plan entitled Barry D. Carlton and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20___ to Barry D. Carlton.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Barry D. Carlton. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

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

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE 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 District Permit for the site shown on the site plan map included in this zoning petition of Barry D. Carlton, (Zoning Docket W-2858). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for RSQ-S (Residential Building, Duplex; Residential Building Twin Home; 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 RSQ-S 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/ZONING PERMITS:**
 - a. Developer shall obtain a driveway permit from the Winston-Salem Department of Transportation.
 - b. Developer shall record in the office of the Register of Deeds a deed restriction on the subject property that would require the property to be reverted back to the RS-7 Residential Single Family District prior to any sale of the property.
- **OTHER REQUIREMENTS:**
 - a. Developer shall maintain the parking lot as gravel.
 - b. All additions or future changes to the property will be in accordance with the Secretary of the Interior's Standards for Rehabilitation as verified by the Planning staff.
 - c. Occupancy of the subject property shall be limited to a total of 4 unrelated people living in the two units.

**CITY-COUNTY PLANNING BOARD STAFF
STAFF REPORT FOR: Docket # W-2858
July 13, 2006**

PETITION INFORMATION	
Docket #	W-2858
Staff	Gary Roberts
Petitioner(s)	Barry D. Carlton
Owner(s)	Same
Subject Property	Tax Lot 104 / Tax Block 613
Type of Request	Special Use Rezoning from RS7 to RSQ-S (Residential Building, Single Family; Residential Building, Twinhome; and Residential Building, Duplex)
Proposal	<p>The subject request was continued from the May 11, 2006 Planning Board meeting to the July 13, 2006 Planning Board meeting in order to address the recommendations of the <i>South Central Area Plan</i>; and add two additional uses.</p> <p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS7 Residential, Single Family District; 7,000 sf minimum lot size to RSQ-S Residential, Single Family Quadraplex District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • (Residential Building, Single Family; Residential Building, Twinhome; and Residential Building, Duplex)
Zoning District Purpose Statement	The RSQ District is primarily intended to accommodate predominantly single family areas containing a mixture of single family detached dwellings, duplexes, triplexes, and quadraplexes in urban neighborhoods and in areas with adequate infrastructure to support more intense development. This district is intended for application in Growth Management Areas 2 and 3.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	<p>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes</p>
GENERAL SITE INFORMATION	
Location	East side of Green Street south of Academy Street
Jurisdiction	City of Winston-Salem
Ward(s)	South
Site Acreage	Approximately ± 0.18 acre
Current Land Use	One single family home

Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-7	Single family home
	East	RS-7	Single family home
	South	RS-7	Single family home
	West	RS-7 & RM-5	Church Office
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	While there are some RM-5 zoned properties nearby and adjacent to the subject property, the proposed multifamily uses of Twinhome and Duplex may not be compatible with the single family homes which abut the site.		
Physical Characteristics	Established yard with two mature trees.		
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 within a water supply watershed.		
Historic, Natural Heritage and/or Farmland Inventories	The subject property is located within the West Salem National Register Historic District. The subject house, located at 607 South Green Street, is rated as contributing property. This house is a tri-gable, two-story, I-house that dates from ca. 1910. It features one-over-one windows and decorative shingles in the gable end, a hip-roof porch and slender Tuscan columns. The property appears to have been owner-occupied from its construction through at least 1955. While staff is supportive of a mix of housing in urban neighborhoods, there is also a concern about the conversion of historically significant properties from single-family use. Such conversions can often result in the loss of historic fabric and character of a structure and the neighborhood's streetscape appearance as well.		
Analysis of General Site Information	The proposed multifamily uses of Twinhome and Duplex may not be compatible with the single family homes which abut the site. In addition, while the subject request proposes to keep the National Register structure on the site, staff does not support the conversion of this structure to a multifamily use.		
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Maintain parking lot as gravel • Compliance with the Secretary of the Interior's Standards for Rehabilitation as verified by Planning staff. 		
SITE ACCESS AND TRANSPORTATION INFORMATION			
Street Name	Classification	Frontage	ADT Count
Green Street	Local Street	150'	NA
Proposed Access Point(s)	Two existing driveways onto Green Street		

Planned Road Improvements	None
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-7</u> .18 acre x 43,560 / 7,000 = 1 units x 9.57 (SFR Trip Rate) = 10 Trips per Day</p> <p><u>Existing Zoning: RSQ-S</u> 2 units x 6.59 (Multifamily Trip Rate) = 13 Trips per Day</p>
Sidewalks	Sidewalks are currently located along both sides of Green Street.
Transit	Route 13 along Academy Street
Analysis of Site Access and Transportation Information	Access to the site is adequate.
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Obtain driveway permit
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Plan Area 2 (Urban Neighborhoods)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Undertake planning studies with the involvement of local neighborhoods to define the extent, design standards appropriate location and mix of uses.
Relevant Area Plan(s)	<i>South Central Winston-Salem Area Plan, 2004</i>
Area Plan Recommendations	<p>The <i>South Central Winston-Salem Area Plan, SCAP</i>, recommends that the single-family zoning of neighborhoods in the South Central Planning Area must be maintained and protected. According to that adopted plan, the rezoning of existing single-family homes to allow accessory buildings to be used as residences or for homes to be converted to either duplexes or multifamily use is in most cases unacceptable. However, creation of multi-family housing in appropriate "Residential Infill Opportunity Sites", as identified in the <i>SCAP</i>, is encouraged consistent with the <i>Legacy Plan</i>. The subject property is not located within one of these areas.</p> <p>It is important to recognize the strong and highly positive trend in the South Central Area of reclaiming the single-family homes that had previously been divided for other use. Property values in West End and Washington Park have especially benefited from these restorations.</p> <p><u>Although the rezoning of an individual single-family zoned structure to a district that allows duplexes, triplexes or quadraplexes is not recommended by the <i>South Central Area Plan</i>, if such a rezoning is considered, the Plan also recommends that following conditions should be met:</u></p> <ul style="list-style-type: none"> ○ The historic and single-family character of the area can be preserved or enhanced by the rezoning; ○ The structure was previously used for more than one residential unit and/or there are a mix of residential types, but not an over

	<p>concentration of non-single-family uses, in the immediate area;</p> <ul style="list-style-type: none"> ○ The structure is large and will provide adequate floor space for the number of dwelling units proposed; ○ The use conforms to the dimensional and supplemental requirements of the proposed district; ○ Exterior alterations do not detract from the historic and single-family character of the structure; ○ Parking is located to the side or rear of the structure and screened to the greatest extent possible; and, ○ HVAC units, utility boxes, and trash storage areas are screened from view from public streets. ○ Prior to submitting a rezoning petition, petitioners are encouraged to consult with and obtain the support of neighborhood organizations. ○ When converting structures, developers are encouraged to provide opportunities for owner-occupancy, including condominium ownership. ○ A petitioner requesting such a rezoning may request special use district zoning, which would include a specific site plan and written rezoning conditions, allowing the petitioner to demonstrate compliance with these conditions set forth in the <i>South Central Area Plan</i>. <ul style="list-style-type: none"> ● Note: The petitioner's response to these items is attached as Appendix A.
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Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(S)(4) - Is the requested action in conformance with <i>Legacy</i>?
	See comments below.

Analysis of Conformity to Plans and Planning Issues	<i>Legacy</i> generally defers to the adopted area plans for site specific rezoning requests. As noted, the subject request is not consistent with the <i>SCAP</i> which recommends single family residential use for the subject property.
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RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2454	RS-7 to RSQ-S (Multiple uses)	Approved 5-7-01	500' southeast	.22	Approval	Approval
W-2344	RS-7 to RS-Q	Withdrawn at 1-13-00 Planning Board meeting	150' south	.12	Continuance	Withdrawal as requested
W-2232	RS-7 to RS-Q	Approved 7-6-98	100' south	.12	Approval	Approval

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Units (by type) and Density	One duplex unit is proposed on the subject .18 acre lot.		
Parking	Required	Proposed	Layout
	4 spaces	4 spaces	Off street
Building Height	Maximum		Proposed
	40'		Existing two story
Impervious Coverage	Maximum		Proposed
	NA		54%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.2 (J) Residential Single Family Quadraplex District 		
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:	See comments above	
	(B) Environmental Ord.	NA	
	(C) Subdivision Regulations	NA	
Analysis of Site Plan Compliance with UDO Requirements	The revised site plan meets UDO requirements.		
CONCLUSIONS TO ASSIST WITH RECOMMENDATION			
Positive Aspects of Proposal		Negative Aspects of Proposal	
The request would preserve a National Register historic house and allow for a slightly higher density infill opportunity.		The request is inconsistent with the <i>South Central Area Plan</i> which recommends single family residential for the property.	
		The request could establish a precedent for other single family to multifamily residential conversions in the West Salem Neighborhood.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL			
<u>PRIOR TO THE ISSUANCE OF BUILDING/ZONING PERMITS:</u>			
<ol style="list-style-type: none"> Developer shall obtain a driveway permit from the Winston-Salem Department of Transportation. Developer shall record in the office of the Register of Deeds a deed restriction on the subject property that would require the property to be reverted back to the RS-7 Residential Single Family District prior to any sale of the property. 			
<u>OTHER REQUIREMENTS:</u>			
<ol style="list-style-type: none"> Developer shall maintain the parking lot as gravel. All additions or future changes to the property will be in accordance with the Secretary of the Interior's Standards for Rehabilitation as verified by the Planning staff. Occupancy of the subject property shall be limited to a total of 4 unrelated people living in the two units. 			

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.**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Nancy Gould, 1031 Van Hoy Avenue, Winston-Salem, NC 27104

- Barry Carlton and I have worked very hard with the neighborhood association. We have close ties with the association, with him having lived there for about seven years until about a year ago when we got married. We love this neighborhood and have the highest respect for the people there. It's really hard to be here today knowing that some of the neighborhood people are opposing us.
- We worked hard to come out with a win-win situation, but we're here today having to agree to disagree.
- We are not going to make any big financial gain from this rezoning. We believe this will make it easier on him to rent the property to quality tenants.
- More importantly, we may have stumbled upon a tool that might help revitalize inner neighborhoods and can actually be a positive incentive that gives neighbors more control over local properties and how they're used and also as an incentive to investors.
- We would have withdrawn the case if we didn't feel strongly that this was something that was positive for the neighborhood.
- Gary did a good job of going over the proposal.
- Our site plan shows there will be no changes to what is there now. This place was a wreck when Barry bought it. The only thing that was holding it up was the vines that even came into the windows.
- It's a wonderful contributing structure that I think has encouraged the revitalization of the neighborhoods.
- We've volunteered the conditions that we will maintain the single-family and historic standards, that there will be no more than four unrelated individuals in the structure, and that we'll be glad to rezone the property back to single family, and another condition we would volunteer but Planning staff says we can't is that we commit that we will sell this property to an owner-occupant if at all possible when we're finished.
- Barry and I own probably 7-8 properties in the neighborhood. Barry is still there almost every day looking after his properties and tending his multiple gardens. We've redone two rental homes in this area and sold them to owner-occupants when we got them fixed up. That's a commitment we have, whether it's a condition of this rezoning or not.
- This house is over 2600 square feet. There's five bedrooms, two bathrooms, two kitchens. The problem a lot of investor owners have is that if you have a large house, there aren't too many large families these days who want to rent a large house. Many times they can't even afford the utilities, so you end up renting to groups of people who are willing to live as a family.

- Our goal is that the downtown needs this type of housing.
- Young professionals are having a rough time affording housing in the downtown area.
- This type of rezoning can actually give neighbors more control over rental property. First, we are setting a pretty good precedent here with all these conditions we're attaching. Being willing to rezone the property back to Residential Single Family also sets a precedent. When people get RS-9 zoning and don't take care of it, the neighborhood and staff have the grounds to say, "Let's rezone it back".
- This obviously meets the goals and objectives of *Legacy*. We feel it meets and exceeds the goals and objectives of the *South Central Area Plan*.
- This house was a duplex for 20-30 years.

Allegra Strohman, P. O. Box 21281, Winston-Salem, NC 27120

- Mr. Carlton has been an exemplary landlord.
- He's very responsible. He keeps his property up well. He screens his tenants. He's the kind of landlord we want in West Salem.
- His request is reasonable because this is a huge house.
- Of course we want to attract good people to our neighborhood, but that doesn't mean they have to be large families or have to be able to afford to own their own property.
- We have other multifamily dwellings in the neighborhood which are not desirable.

Barry Carlton, 1031 Van Hoy, Winston-Salem, NC 27104

- This was a duplex in the early 1920s.
- This house is already "cut up".
- Access to the second floor is internal.

AGAINST:

Patricia Olmstead, 620 S. Broad Street, Winston-Salem, NC 27101

- I'm speaking for the West Salem Neighborhood Association.
- Submitted a few letters in opposition and a copy of her notes.
- This is the last place I want to be today. I think very highly of both these people and if I weren't concerned for the future of my neighborhood, I would support them 100%.
- The neighborhood voted 79% in opposition to the zoning change.
- This neighborhood is on the National Register of Historic Places. This 1902 home is a contributing property of this historic designation.
- To rezone this home would be detrimental to its historic character.
- There are 21 areas in the West Salem Neighborhood which are zoned RM and six that are zoned RSQ. We simply do not need more.
- While we acknowledge Mr. Carlton's request to attach stipulations to protect the neighborhood, there is no guarantee that things wouldn't change if the property changes hands.
- This change will also set a precedent for other investors who aren't as thoughtful and scrupulous about maintaining their properties. We have already been approached by another investor about getting two of his properties rezoned as duplexes. We don't wish to establish this precedent.
- This is an inner city neighborhood, but it does not have to be a slum.
- We are working hard to increase home ownership.
- Please deny this request.

WORK SESSION

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

1. Approximately 1,000 newsletters are mailed to Association members. Of those, 48 ballots were returned to vote on this request. Of those, about 79% were in opposition to the rezoning.
2. The history of the house is a bit unclear especially regarding the addition of the "second unit" portion and its purpose.
3. The neighborhood's primary concern is of setting a precedent for other property owners to request multiple units for their buildings. This petitioner is very responsible and conscientious, but other landlords are not necessarily like-minded.
4. Enforcement of the reversion clause is strictly reliant on the City being told when the property changes hands.
5. Urban neighborhoods are very difficult to keep in a quality state because large homes are frequently cut up into duplexes illegally. Here someone is trying to make the proper zoning change so it can be enforced. For that alone, I would approve this request over staff's recommendation. This is a downtown neighborhood and affordable housing is crucial to keeping downtown alive.

MOTION: Carol Eickmeyer moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Clarence Lambe

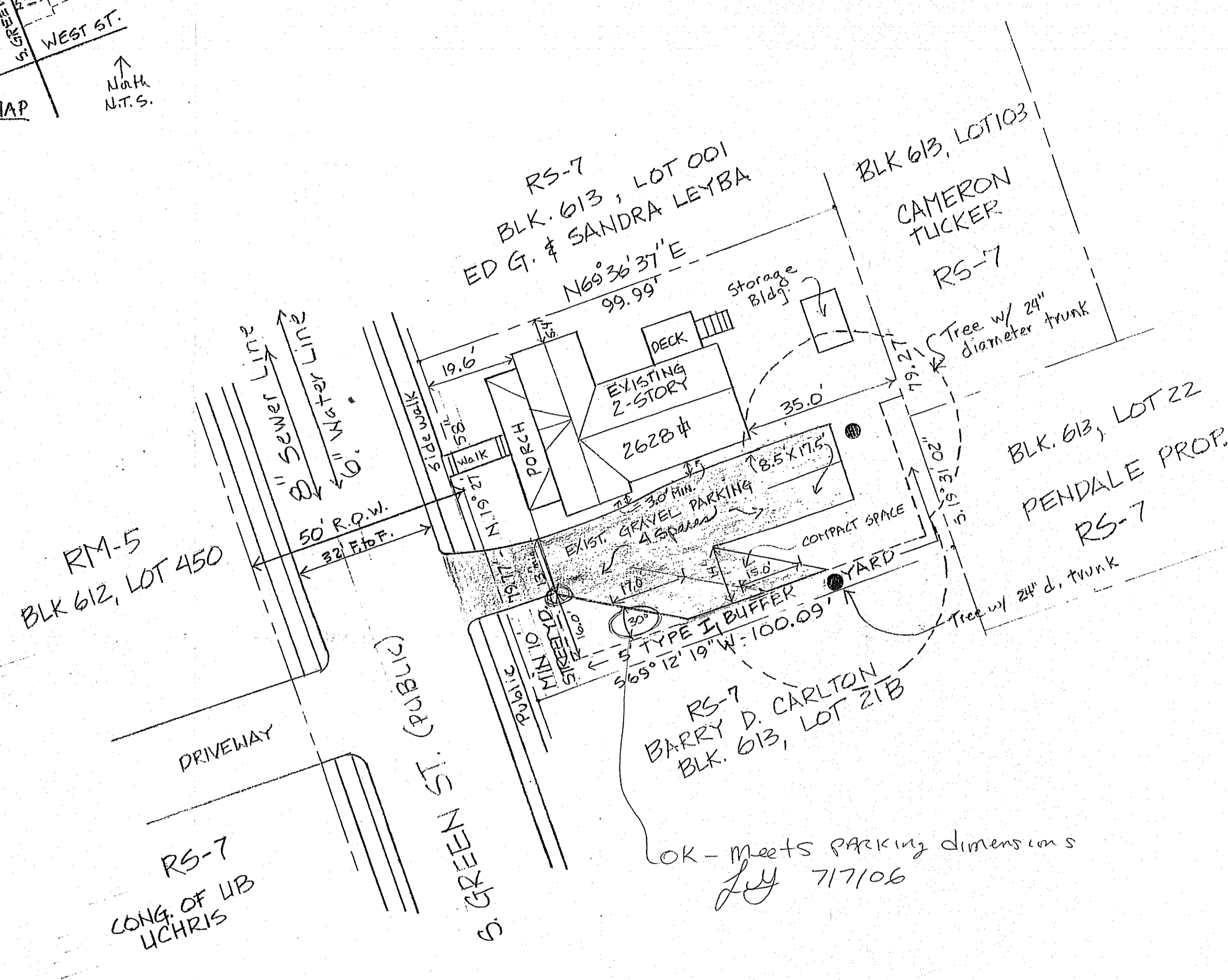
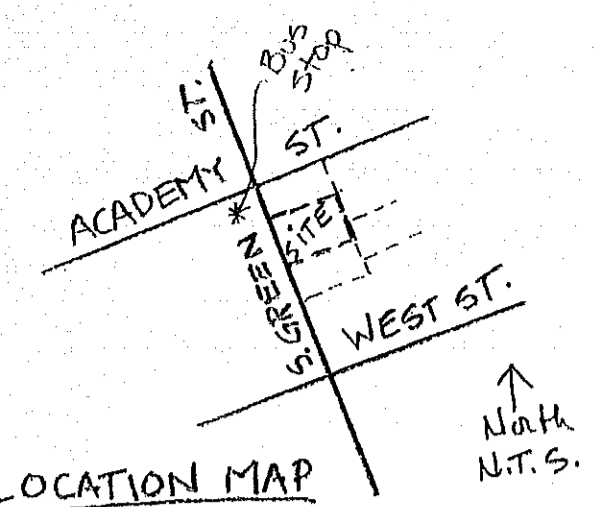
VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning



SITE PLAN LEGEND - 607 S. Green Street

- Zoning**
- Existing Zoning: RS-7
 - Proposed Zoning: RSQ-S (Residential S.F, Duplex, Twin-home)
 - Proposed Review: Rezoning
 - Purpose: To provide increased, attractive housing opportunities in an urban, historic neighborhood with adequate infrastructure for more intense development.

Site Size and Coverage

- Total Acreage: .18 Acres (7,841 sq. ft.)
- Building Sq. Footage: 2628 sq. ft.
- Building Height: 2 Story
- Site Coverage:

Buildings to Land	-	35%
Gravel to Land	-	19%
Open Space	-	46%
TOTAL	-	100%

Off-Street Parking

- Required Parking ratio: 2 spaces/dwelling unit
- Parking reductions:

3% for public sidewalks	
3% for public transit stop w/in 500'	
1% for saving trees over 6" diameter	
total reduction	7% (.28 spaces)

- Parking Calc: 2 spaces X 2 units - .28 spaces = 3.72
- Total Required Parking: 4 spaces
- Total Parking Provided: 4 spaces

Site Plan by: Nancy Gould, RLA, AICP
 1031 Van Hoy Avenue
 Winston-Salem, NC 27104
 336-721-4800 / ngould24k@yahoo.com

Boundary and building location information by:
 Brady Surveying
 Winston-Salem, NC



- Site Plan Notes**
- Topography:** Change in topography is less than 2ft. No changes proposed in existing topography
 - Landscaping:** Not all existing trees and shrubs are shown. (No existing landscaping is proposed to be removed)
 - Drainage:** Parking area to remain gravel. Public stormwater system exists in S. Green St.
 - RSQ Min. Building Setbacks:** Front = 15', Rear = 15', Sides = 5' min. one side, 10' combined sides

NORTH ↑
 1"=20'
 TAX BLOCK 613, LOT 104

607 S. GREEN ST		
SCALE: 1"=20'	APPROVED BY	DRAWN BY
DATE: 6-25-06		<i>Ngould</i>
BARRY D. CARLTON - OWNER		(721-481)
1031 Van Hoy Ave., W.S., NC 27104		
DRAWING NUM		

W-2858 Revised File Co