DOCKET #: W2758
(Continued from 4/14/05 & 5/12/05 CCPB meeting)

PROPOSED ZONING: RSQ

EXISTING ZONING: RS-7

PETITIONER: Rick Valenski Byrd for property owned by Same

SCALE: 1" represents 400'

STAFF: King

GMA: 3

ACRE(S): 0.44

MAP(S): 636862
June 22, 2005

Rick Valenski Byrd
1704 Hattie Avenue
Winston-Salem, NC  27105

RE:  ZONING MAP AMENDMENT W-2758

Dear Mr. Byrd:

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, AICP
Director of Planning

pc:  City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC  27102
     John Byrd, 1708 N. Jackson Avenue, Winston-Salem, NC  27105
     Delores Graham, 1711 Hattie Avenue, Winston-Salem, NC  27105
     Juanita Gordon, 1801 Hattie Avenue, Winston-Salem, NC  27105
**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Rick Valenski Byrd.

**SUMMARY OF INFORMATION:**

Zoning map amendment of Rick Valenski Byrd from RS-7 to RSQ: property is located on the west side of Hattie Avenue north of Bramblebrook Lane (Zoning Docket W-2758).

**PLANNING BOARD ACTION:**

- **MOTION ON PETITION:** DENIAL
- **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 RS-7 to RSQ the zoning classification of the following described property:

Tax Block 0453, Tax Lots 122 and 123

Section 2. This ordinance shall become effective upon adoption.
ZONING STAFF REPORT

DOCKET #  W-2758
STAFF: Aaron King

Petitioner(s): Rick Valenski Byrd
Ownership: Same

REQUEST

From: RS-7 Residential Single Family District, 7,000 sf minimum lot size
To: RSQ Residential Single Family Quadraplex District

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 0.44

CONTINUANCE HISTORY

This request was continued from the April 14, 2005 Planning Board meeting to the May 12, 2005 meeting and then continued again from the May 12, 2005 meeting to the June 9, 2005 meeting.

LOCATION:

Street: West side of Hattie Avenue north of Bramblebrook Lane.
Jurisdiction: City of Winston-Salem.
Ward: East.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: The subject property currently contains a large two-story single family brick house.
Adjacent Uses:

North- Single family home zoned RS-7.
East- Single family home zoned RS-7.
South- Single family home zoned RS-7.
West- Single family home zoned RS-7.
GENERAL AREA

Character/Maintenance: The surrounding area is composed of modest to well maintained single family dwellings.
Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. W-2138; RS-7 to LB-S (Multiple Uses); Denied April 7, 1997; southwest corner of Jackson Avenue and Fourteenth Street; 0.24 acre; Planning Board and staff recommended approval.

2. W-2089; RS-7 to LB-S (Multiple Uses); Withdrawn at Planning Board October 11, 1996.

3. W-2074; RSQ to IP; approved August 8, 1996; east side of Dunleith Avenue from 16½ Street to 17½ Street; 1.92 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: None noted.
Topography: The property has a gentle slope from the southeast corner to the northwest corner.
Streams: None noted.
Vegetation/habitat: The rear yard contains a few mature oak trees.
Wetlands: None noted.
Environmental Resources Beyond the Site: None known.
Water Supply Watershed: The subject property is not located within a water supply watershed.

TRANSPORTATION

Direct Access to Site: Hattie Avenue
Street Classification: Local Road
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): No traffic counts available for Hattie Avenue.
Planned Road Improvements/Thoroughfare Plan: None noted.
Sight Distance: Good
Traffic Impact Study recommended: No
Sidewalks: None.
Bicycle Route: None.
CONFORMITY TO PLANS

GMP Area (Legacy): 2, Urban Neighborhoods.
Relevant Comprehensive Plan Recommendation(s): *Legacy* recommendations related to residential development include: encourage a mixture of housing types in neighborhoods; encourage infill development; and allow higher density infill development at appropriate locations. *Legacy* also calls for infill development to be attractive to residents of the existing area. Area Plan/Development Guide: *East Winston Area Plan*, adopted 1987.
Relevant Development Guide Recommendation(s): The *East Winston Area Plan* recognizes this site as existing Low Density Residential Development. The *East Winston Area Plan* proposed development plan also shows this for Low Density Residential Development (0-5 du/ac).

COMMUNITY DEVELOPMENT

Certified Area/Name: Northeast Winston, certified 1979.
Type of Certification: Rehabilitation, Conservation, and Restoration.
Redevelopment Recommendation(s): As this area was certified as a Rehabilitation, Conservation, and Reconditioning area, there are no redevelopment recommendations for the site, nor the area. The City has and continues to encourage rehabilitation of properties in the area by enforcing the minimum housing code, encouraging rehab of properties and making community development loan funds available for both owner-occupied and investor owned improvements.

ANALYSIS

The subject request is to rezone 0.44 acres of property located on the west side of Hattie Avenue from RS-7 to RSQ. The subject property is located in an area that is composed of single family houses zoned RS-7. Currently, the property contains a large brick, single family home that was built circa 1950.

The proposed request would allow the subject property to be rezoned from RS-7 to RSQ. While there is some RSQ zoning present in the general area to the northwest of the subject property, staff has some concern with extending RSQ zoning to the east. It appears that Jackson Avenue serves as the dividing line for multifamily zoning north of Fourteenth Street. Currently, there is a mixture of multifamily zoning districts, including RSQ, located to the west of Jackson Avenue. The general area located east of Jackson Avenue is composed primarily of RS-7 zoning. Staff has some concern that if this request was approved, it may set a precedent for allowing multifamily zoning into this RS-7 quadrant.

Nonconforming status could be one reason to support this request. Staff was unable to determine that any legal nonconforming status was ever established for this property being used as anything but a single family home.
The *East Winston Area Plan* recommends that this site remain single family residential. It also recommends that the entire block north of Fourteenth Street and east of Jackson Avenue remain low-density residential. If this rezoning were to be approved, the existing structure could potentially be converted to a quadraplex, raising the density from 2 du/ac to 9 du/ac. A rezoning could also signal that RSQ zoning would be desirable elsewhere in this area. For these reasons, staff cannot justify allowing RSQ zoning to extend into this single family area and therefore, staff recommends denial of this request.

**FINDINGS**

1. The subject petition would rezone 2.25 acres from HB to GO.

2. The rezoning request is not consistent with the East Winston Area Plan recommendation.

3. This request would encourage RSQ zoning to extend into a primarily single family area.

**STAFF RECOMMENDATION**

Zoning: **DENIAL**.

**PUBLIC HEARING** - April 14, 2005; Request for continuance. No one spoke against the petitioner’s request for continuance.

**WORK SESSION**

MOTION: Dara Folan moved continuance of the zoning map amendment and site plan to May 12, 2005.
SECOND: Paul Mullican

VOTE:
- **FOR**: Clark, Folan, Glenn, King, Mullican, Norwood
- **AGAINST**: None
- **EXCUSED**: None

**PUBLIC HEARING** - May 12, 2005; Request for continuance. No one spoke against the petitioner’s request for continuance.

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved continuance of the zoning map amendment to June 9, 2005.
SECOND: Paul Mullican
VOTE:
   FOR:  Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
   AGAINST:  None
   EXCUSED:  None

PUBLIC HEARING - June 9, 2005

Aaron King presented the staff report.

FOR:

John Byrd, 1708 N. Jackson Avenue, Winston-Salem, NC  27105
   • I live right behind this house which belongs to my son.
   • If he picks the people that stay there, I don't see any reason to be against it.
   • He has done a lot of improvements.

AGAINST:

Delores Graham, 1711 Hattie Avenue, Winston-Salem, NC  27105
   • I represent the members of the Hattie Avenue Neighborhood who are here today to ask you to deny this request.
   • We object to the request for the following reasons:
      • Our neighborhood is home to retirees who have worked hard for the right to enjoy the fruit of their labor and peace and contentment. And it is occupied by those who are pursuing careers and raising families.
      • We don't want the extra traffic and congestion of four extra families crowded into a house designed for one family.
      • We are concerned that that family and the four families living in this unit would multiply even more persons should they decide to have parties or other outside activities. There is just one driveway for this site and it is doubtful that all participants would park in the rear which is unpaved.
      • We are already surrounded by two apartment buildings advertising for occupancy on Bramblebrook Lane. Bramblebrook runs perpendicular to Hattie Avenue so we've endured loud music from previous tenants. We've witnessed drug traffic and other evidences of crime. We opposed congested living conditions which could lead to more crime.
      • We don't want to want more commercialism to our street. Most recently there is a newly rezoned home for a day care at Hattie Avenue and Bramblebrook Lane. Now comes a rezoning request for apartments in our community. What will come next?
      • The petitioner bought the house at 1703 Hattie Avenue which is directly across the street from the 1704 location under consideration today. Our concern is that if this location is approved for rezoning, the owner may choose to turn the house at 1703 into an apartment complex as well.
• Several years ago, Urban Renewal changed several communities adjacent to Hattie Avenue from apartments, duplexes, quadruplexes with a staggering crime rate to a beautiful community lined with single family homes. The difference now in those streets, such as Dunleith, 15th Street, 18th Street, and LaFayette Street is appealing, safe, uplifting and encouraging to see single family homes with occupants who enjoy their neighborhood. The transition speaks for itself in the power and the pride in owning a single family home and living in a well-kept, non-congested neighborhood.

• With that in mind, we ask that you deny this request.

• Read from a *Winston-Salem Journal* article on May 9, 2005 which stated that a shooting occurred in an area that had shifted from mostly home-owners to mostly renters and along with that change had come cycles of crime.

Juanita Gordon, 1801 Hattie Avenue, Winston-Salem, NC 27105

• I have nothing to add, but support the information given to you today.

• I'm opposed to this request.

**WORK SESSION**

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

1. It may be possible for the petitioner to split this site into three lots under the current zoning.

2. This area was very well maintained, giving it the appearance that it was primarily owner-occupied.

**MOTION:** Carol Eickmeyer moved denial of the zoning map amendment.
**SECOND:** Dara Folan

**VOTE:**

FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Smith
AGAINST: None
EXCUSED: None

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A. Paul Norby, AICP
Director of Planning