DOCKET #: W2768
(Continued from 5/12/05 CCPB meeting)

PROPOSED ZONING:
RS9-S (Residential Building, Single Family)

EXISTING ZONING:
RS12

PETITIONER:
Eagle Developing Company for property owned by Same

SCALE: 1" represents 200'
STAFF: Roberts
GMA: 2
ACRE(S): 0.44
MAP(S): 612854
July 20, 2005

Eagle Developing Company
c/o Robert Wooten
4001G Country Club Road
Winston-Salem, NC  27104

RE:  ZONING MAP AMENDMENT W-2768

Dear Mr. Wooten:

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
     Ken Rascuke, 231 Pinetuck Lane, Winston-Salem, NC  27104


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<th>ACTION REQUEST FORM</th>
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<td><strong>DATE:</strong> July 20, 2005</td>
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<tr>
<td><strong>TO:</strong> The Honorable Mayor and City Council</td>
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<td><strong>FROM:</strong> A. Paul Norby, AICP, Director of Planning</td>
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**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Eagle Developing Company

**SUMMARY OF INFORMATION:**

Zoning map amendment of Eagle Developing Company from RS-12 to RS-9-S (Residential Building, Single Family): property is located on the east side of Mayfield Road north of Anita Drive (Zoning Docket W-2768).

**PLANNING BOARD ACTION:**

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<th>MOTION ON PETITION:</th>
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<td>FOR:</td>
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<td>AGAINST:</td>
<td>NONE</td>
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<td>SITE PLAN ACTION:</td>
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CITY ORDINANCE - SPECIAL USE

Zoning Petition of Eagle Developing Company,
Docket W-2768

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-12 to RS-9-S (Residential Building, Single Family) the zoning classification of the following described property:

    Tax Block 3802, Tax Lots 29 and 141

Section 2. This Ordinance is adopted after approval of the site plan entitled Eagle Developing Company and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, to Eagle Developing Company.

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 Eagle Developing Company. 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 Eagle Developing Company, (Zoning Docket W-2768). 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 RS-9-S (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 RS-9-S zoning district of the Zoning Ordinance of the Unified Development Ordinances, the Erosion Control Ordinance, and other applicable laws, and the following additional condition be met:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. Petitioner shall obtain Minor Subdivision approval from the Planning Department.
  b. The site plan dated April 29, 2005 will be replaced with a plan showing the deletion of the 30' x 20' proposed garage envelope per the motion of the Planning Board.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. A type II bufferyard shall be installed along the eastern property line of the northern lot. The bufferyard may receive credit for existing vegetation on both sides of the property line with supplemental plantings as necessary.
ZONING STAFF REPORT

DOCKET #  W-2768
STAFF:     Gary Roberts

Petitioner(s):  Eagle Developing Company
Ownership:    Same

REQUEST

From:  RS-12 Single Family Residential District; 12,000 sf minimum lot size
To:    RS-9-S Single Family Residential District; 9,000 sf minimum lot size;
       (Residential Building, Single Family)

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

Acreage: 0.44 acre

CONTINUANCE REQUEST

The request was continued from the May 12, 2005 Planning Board meeting to the July 14, 2005
Planning Board meeting in order to resubmit as an RS-9-S request.

LOCATION:

Street: Southeast corner of Mayfield Road and Muirfield Drive.
Jurisdiction: City of Winston-Salem.
Ward: Southwest.

SITE PLAN

Proposed Use: Two single family homes.
Building Height: 40 foot maximum.
Density: Four dwelling units per acre.
Parking: Required: Two spaces per unit; Proposed: Two spaces per unit.
Bufferyard Requirements: No bufferyard required.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently undeveloped.
Adjacent Uses:

North- Planned Residential Development zoned RS-9-S.
East-  Planned Residential Development zoned RS-9-S.
South- Single family homes zoned RS-12.
West-  Single family homes zoned RS-12.
GENERAL AREA

Character/Maintenance: Well maintained single family homes.
Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. W-1255; R-5 to R-4-S (PRD), converted to RS-9-S (PRD) under the UDO; approved May 6, 1985; southwest corner of Country Club Road and Mayfield Drive, directly north of subject property; 1.7 acres; Planning Board and staff recommended approval.

2. W-577; R-5 to R-4-S (PRD), converted to RS-9-S (PRD) und the UDO; approved December 20, 1976; south side of Country Club Road east of Mayfield Road, adjoins the eastern side of the subject property; 9.99 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Removal of some vegetation and grading to accommodate proposed house lots shown on site plan.
Topography: Gentle slope downward from the northwestern section of the site to the southeastern section of the site.
Streams: There are no streams within or adjacent to the subject property.
Vegetation/habitat: Mature trees cover a majority of the site.
Water Supply Watershed: The subject property is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Mayfield Road and Muirfield Drive.
Street Classification: Local Streets.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
   No counts available for Mayfield Road or Muirfield Drive.
   Trip Generation/Existing Zoning: RS-12
   0.44 acre x 43,560/12,000 = 1 unit x 9.57 (SFR Trip Rate) = 9 Trips per Day.
   Trip Generation/Proposed Zoning: RS-9-S
   2 units x 9.57 (SFR Trip Rate) = 19 Trips Per Day.
Sidewalks: No sidewalks are existing or proposed in the general vicinity of the subject property.
Transit: None.
Bicycle Route: None.
CONFORMITY TO PLANS

Growth Management Plan Area (Legacy): Urban Neighborhoods (GMA 2).
Relevant Comprehensive Plan Recommendation(s): Legacy recommends quality infill development, greater residential densities where appropriate, neighborhood retail, and community services; historic preservation, rehabilitation and reuse of existing structures; convenient commercial services to support neighborhood needs; and protection of residential areas from inappropriate commercial and industrial encroachment.

Area Plan/Development Guide: The subject property is not within the boundaries of an area plan or development guide.

ANALYSIS

The subject request is to rezone a 0.44 acre undeveloped lot located on the southeast corner of Mayfield Road and Muirfield Drive from RS-12 to RS-9-S. The properties adjoining the site to the south and west are developed with single family homes and zoned RS-12. To the north across Mayfield Road and to the east is located a Planned Residential Development zoned RS-9-S.

The proposed site plan illustrates the construction of two single family dwellings. Most of the existing homes along Mayfield Road and Anita Drive have a front yard setback of 40 feet. The proposed placement of the southern most dwelling would also have a front setback of 40 feet. The northern most house would face the corner of said two streets and would extend up to 20 feet from the right-of-way at the two corners of the house. The subject property is a corner lot which serves as a practical transition between the more conventional large lot single family homes to the south and west and the smaller lots within the adjacent RS-9-S zoned properties to the north and east.

The site is located within Legacy’s Urban Neighborhoods which encourages quality infill development and greater residential densities where appropriate. The site is not within the boundaries of an area plan or development guide. Planning staff sees the subject request as being compatible with the surrounding development pattern and recommends approval.

FINDINGS

1. Legacy recommends quality infill development and greater residential densities where appropriate.

2. The subject property is not within the boundaries of an area plan or development guide.

3. The subject property is a corner lot which serves as a transitional property between RS-12 and RS-9-S zoned property.

4. The subject request proposes two single family dwellings which are compatible in regard to lot size and setbacks with the surrounding properties.


**STAFF RECOMMENDATION**

Zoning: **APPROVAL**. Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following condition:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - Petitioner shall obtain Minor Subdivision approval from the Planning Department.

**PUBLIC HEARING** - May 12, 2005

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved continuance of the zoning map amendment to July 14, 2005. SECOND: Clarence Lambe

VOTE:

  - FOR: Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
  - AGAINST: None
  - EXCUSED: None

**PUBLIC HEARING** - July 14, 2005

Gary Roberts presented the staff report.

FOR:

Robert Wooten, 4001G Country Club Road, Winston-Salem, NC 27104

- There is a high demand for quality housing in this area. There's also a shortage of vacant lots.
- We could build one large house on this lot, but we felt it wouldn't fit in as well as having two houses more similar in size to the existing structures in the area.
- There are two RS-9-S subdivisions near this site.
- We've had many calls from customers interested in our houses.
- This is also in an urban plan where the City is recommending more infill development.
- I met with the neighbors. In the Mayfield Drive area, everyone was very happy with the site plan.
- The Muirfield homeowners association behind the area were not happy.
- Mr. Wooten listed the concerns he heard from members of the homeowners association and how he was addressing those concerns.
• A particular concern of one of the board members was the detached carport. I am willing to delete that request.
• The setbacks in RS-9 and RS-12 are identical.

AGAINST:

Ken Rascuke, 231 Pinetuck Lane, Winston-Salem, NC 27104
• I'm the president of the Muirfield Homeowners Association.
• Muirfield is zoned RS-9, but it is a planned community. It has an architectural control committee.
• Please don't change the complexion of the neighborhood.
• Please retain this as RS-12.

WORK SESSION

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

1. Paul Mullican: Two smaller homes in RS-9-S zoning, where the plans are known ahead of time and the site backs up to RS-9 zoning would fit better in the community than one big large monstrous house. If the developer is willing to drop the carport which is one of the concerns of the neighbors, this is a good plan.

2. Dara Folan noted that with the removal of the carport he would also support this.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the deletion of the detached carport.
SECOND: Clarence Lambe
VOTE:
FOR: Clark, Curtis, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Smith
AGAINST: None
EXCUSED: None

_____________________
A. Paul Norby, AICP
Director of Planning