



**DOCKET #:** W2679

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

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Daniel J. Dinsbeer  
for property owned by Others

**SCALE:** 1" represents 200'

**STAFF:** Galloway

**GMA:** 3

**ACRE(S):** 1.62

**MAP(S):** 606862, 612862



February 18, 2004

Daniel J. Dinsbeer  
P. O. Box 632  
Kernersville, NC 27285

RE: ZONING MAP AMENDMENT

Dear Mr. Dinsbeer:

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  
Kathy Helms, 3340 York Road, Winston-Salem, NC 27106  
Peggy Haigler, 803 Chartwell Circle, Winston-Salem, NC 27106  
Spencer Gung, 810 Chartwell Circle, Winston-Salem, NC 27106

**ACTION REQUEST FORM**

**DATE:** February 18, 2004  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Daniel J. Dinsbeer for property owned by George B. Nalley, Jr.

**SUMMARY OF INFORMATION:**

Zoning map amendment of Daniel J. Dinsbeer for property owned by George B. Nalley, Jr. from RS-9 to RSQ-S (Residential Building, Single Family): property is located on the north side of York Road east of Peace Haven Road (Zoning Docket W-2679).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Map Amendment of Daniel J. Dinsbeer  
for property owned by George B. Nalley, Jr.,  
Docket W-2679

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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

Tax Block 2521, Tax Lots 18, 19, 20, and 21

Section 2. This Ordinance is adopted after approval of the site plan entitled Daniel J. Dinsbeer for property owned by George B. Nalley, Jr. and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to Daniel J. Dinsbeer for property owned by George B. Nalley, Jr.

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 Daniel J. Dinsbeer for property owned by George B. Nalley, Jr. 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 Daniel J. Dinsbeer for property owned by George B. Nalley, Jr., (Zoning Docket W-2679). 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, 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 PERMITS**
  - a. Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show lots, common areas, private street and public utilities.
  - b. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Department.
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install sidewalks along the entire frontage of York Road to the standards of the Public Works Department of the City of Winston-Salem.
  - b. All required fire hydrants shall be installed in accordance with the City Fire Department.
  - c. As volunteered by the petitioner, any street tree removed will be replaced by a tree of the same species.
  - d. As volunteered by the petitioner, a buffer shall be planted along the eastern property line that is equivalent to the existing planted buffer along the western property line.

- **PRIOR TO THE SIGNING OF PLATS**
  - a. Negative access easements shall be shown on the final plats along the entire frontage of York Road excluding the driveway.

## **ZONING STAFF REPORT**

**DOCKET #** W-2679  
**STAFF:** Suzy Gallaway

Petitioner(s): Daniel J. Dinsbeer  
Ownership: George B. Nalley, Jr.

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: RSQ-S Residential Single Family Quadraplex District (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: 1.62 acres

### **LOCATION:**

Street: North side of York Road east of Peace Haven Road.  
Jurisdiction: City of Winston-Salem.  
Ward: West.

### **SITE PLAN**

Proposed Use: Residential Building, Single Family.  
Building Height: Maximum 40 foot height.  
Density: 4.94 units per acre.  
Parking: Required: 2 spaces per unit; 16 spaces total; proposed: 16 spaces.  
Bufferyard Requirements: None required.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Site is vacant.

Adjacent Uses:

|        |  |
|--------|--|
| North- | Sherwood Plaza Shopping Center, zoned HB.      |
| East-  | Single family homes, zoned RS-9.               |
| South- | Peace Haven Baptist Church, zoned IP and RS-9. |
| West-  | Fire station, zoned IP.                        |

## **GENERAL AREA**

Character/Maintenance: Well-maintained mixture of single family, commercial and institutional uses.

Development Pace: Moderate to rapid.

## **HISTORY**

Relevant Zoning Cases:

1. W-1837; R-5 to R-1-S (Offices; and Medical, Dental or Related Offices); approved September 7, 1993; west side of Peace Haven Road between Robinhood Road and Scarsborough Drive; 0.50 acre; Planning Board and staff recommended approval.
2. W-1672; R-5 to R-1-S (Offices); withdrawn at elected body October 1, 1990; southwest side of Robinhood Road northwest of Clovelly Road; 0.40 acre; Planning Board and staff recommended approval.
3. W-1321; R-5 to R-1-S (Offices); approved January 21, 1986; west side of Peace Haven Road south of Robinhood Road; 0.85 acre; Planning Board recommended denial, staff recommended approval.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The proposed site plan does not appear to significantly impact the property's existing physical features.

Topography: The subject property experiences an elevation change of about 26 feet, rising from about 912 feet in the northeastern corner of the site up to about 938 feet in the southeastern section of the site.

Vegetation/habitat: A small amount of vegetation is present along the southern section of the site along York Road and along the northern border of the site.

Environmental Resources Beyond The Site: The proposed site plan does not appear to impact environmental resources beyond the subject property.

Water Supply Watershed: The subject property is not located in a water supply watershed.

## **TRANSPORTATION**

Direct Access to Site: York Road; Peace Haven Road

Street Classification: York Road – Local Road; Peace Haven Road – Minor Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Peace Haven Road between Robinhood Road and Mill Haven Road = 17,000/18,500

Trip Generation/Existing Zoning: RS-9:  $1.62 \times 43,560/9,000 = 7$  units  $\times 9.57$  (SFR Trip Rate) = 66 Trips per Day

Trip Generation/Proposed Zoning: RSQ-S: 8 units  $\times 9.57$  (SFR Trip Rate) = 76 Trips per Day



Sidewalks: Existing on the east side of Peace Haven Road, west of site.  
Transit: Route 21 along Peace Haven Road, west of site.

## **CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): Infill development should 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.

Area Plan/Development Guide: *Robinhood Road Area Plan* (adopted in 1986)

Relevant Development Guide Recommendation(s): The *Robinhood Road Area Plan* recommends that the subject property be developed for low-density residential uses (defined as 0-5 units/acre). The proposed rezoning creates an effective density of 4.94 units/acre. It appears that the requested rezoning meets the recommendation of the *Robinhood Road Area Plan*.

## **ANALYSIS**

The current request is to rezone 1.62 acres from RS-9 to RSQ-S (Residential Building, Single Family). The site is a challenging site to develop due to its proximity to more intense and lesser intensive uses. It is bordered on one side by a fire station. A church is located across York Road from the site. Also, directly behind the site (to the north) is Sherwood Plaza Shopping Center. These existing surrounding uses would make it difficult to sell or build homes of the size found throughout the existing larger lot size, single family development.

The developer is proposing smaller lot sizes than are found in the existing neighborhood to make them more appealing to the consumer. Often, a challenge with smaller lots is determining driveway location. With small lots, often the driveway can take up a large portion of the front yard, leaving the site less than aesthetically pleasing. The petitioner has solved that problem with a private alley that follows to the backs of the proposed homes allowing rear loaded garages and driveways.

The petitioner has placed great care in selecting an appropriate use for the site. The request is a good example of infill development that works well in accordance with its surroundings. The use requested and the way it will be developed is consistent with the area plan both in character and density. Based upon these reasons, staff recommends approval.

## **FINDINGS**

1. The site is a challenging site to develop due to its proximity to more intense and lesser intensive uses.
2. These existing surrounding uses would make it difficult to sell or build homes of the size found throughout the existing single family development.

3. The developer is proposing smaller lot sizes than are found in the existing neighborhood to make them more appealing to the consumer.
4. A private alley leading to the backs of the proposed homes allowing rear loaded garages and driveways is indicated on the site plan.
5. The request is a good example of infill development that works in accordance with its surroundings.
6. The request is consistent with the area plan both in character and density.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Developer shall record a final plat in the Office of the Register of Deeds. Final Plat shall show lots, common areas, private street and public utilities.
  - b. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Department.
- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install sidewalks along the entire frontage of York Road to the standards of the Public Works Department of the City of Winston-Salem.
  - b. All required fire hydrants shall be installed in accordance with the City Fire Department.
- **PRIOR TO THE SIGNING OF PLATS**
  - a. Negative access easements shall be shown on the final plats along the entire frontage of York Road excluding the driveway.

David Reed presented the staff report.

### **PUBLIC HEARING**

FOR:

Daniel Dinsbeer, 3515 Quarterstaff Place, Winston-Salem, NC 27104

- The existing zoning allows us 7 units; we're asking to increase that by one to make the finances work out.
- We'll go ahead and get our storm water plan done before the Council meeting so that the neighbors can see what we plan there.
- We tried to address the neighbor's concerns.
- Our original plan was to keep the trees. After meeting with Al Ray and Council Member Clark, we've learned that some of the trees will probably have to be removed to handle the water management which is a greater concern to them.

Kathy Helms, 3340 York Road, Winston-Salem, NC 27106

- Co-president of Robinhood Trails. We support this infill request. Given the current zoning which allows a higher density, we feel this infill could be beneficial to our community.
- We appreciate Mr. Dinsbeer's time and efforts to meet with the neighbors and his overall concerns about his project's impact on the area. For instance, the plan calls for a single access and a back alley for all eight units. This limits the driveway cuts to one rather than eight.
- We feel pretty strongly about the trees. They are a distinctive feature of the neighborhood and help tie the neighborhood together.
- Mr. Dinsbeer has proposed single family homes with appropriate setbacks.
- We would like to request that the following be included on the site plan:
- All large trees to be located on the site plan; tree protection fencing around the drip lines be located and enforced during construction, and no grading within drip lines with the exception of the tree removal for the single access drive; setbacks and building footprints should be adjusted and staggered in the plan so the units which are 15 feet apart, look more like individual, distinct homes rather than a solid block of buildings which would not be congruous at all with the neighborhood. We're also asking for mixed material screening between the rear and the shopping center.
- Storm water runoff is a primary concern.
- Displayed pictures of the runoff route from Sherwood Plaza. There is an 8-10 foot deep ditch which exposes an abandoned sewer line. Twenty-five years ago this ditch was so flat that residents could mow over it.
- We recommend that the storm water runoff be handled on site with no increase in velocity for any runoff which leaves the site.

AGAINST:

Peggy Haigler, 803 Chartwell Circle, Winston-Salem, NC 27106

- I'm very much in favor of the structure he has proposed and he has been very considerate in working with us.
- We now have standing water and we are concerned about that increasing once this is developed.

- We are gradually losing our back yards to Silas Creek. We have standing water anytime it rains. The roots to our trees and shrubbery are exposed. We've had to build bridges to get to the other side of our property, and the water washes those away.
- Please don't approve this until there is a water control plan in place.

Spencer Gung, 810 Chartwell Circle, Winston-Salem, NC 27106

- I'm in favor of what Mr. Dinsbeer and Ms. Helms are saying, but I see that there's no buffer between the site and the two residential properties on Chartwell and York. Please require a buffer between the subject site and our properties.

## **WORK SESSION**

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

1. Russell Byrd noted that current City policy is that the City maintains storm water systems in the public right-of-way, but outside the right-of-way, the individual property owner is responsible.
2. The petitioner expressed his willingness to plant a tree of similar species for each existing tree that has to be removed, and to plant a similar buffer on the east side to that which exists on the west side.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the additional condition that for every tree which has to be removed, another tree of the same species be planted.

SECOND: Jerry Clark

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

Written Comments from Planning Board Members:

Carol Eickmeyer: I voted in favor because the infill plan is good - However, the storm water issue of volume and velocity. We are in the position of approving a plan that can create more water problems because they stack up. (An existing water problem doesn't get solved so the new plan takes care of its water but there's still a problem.)

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A. Paul Norby, AICP  
Director of Planning