



DOCKET #: W2631

PROPOSED ZONING:
 MH-S (Residential Building,
 Single Family; Manufactured
 Home, Class A;
 Manufactured Home, Class B)

EXISTING ZONING:
 RS9

PETITIONER:
 Michael W. Moser

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 0.75

MAP(S): 618894



July 23, 2003

Michael W. Moser & Tammy H. Moser
250 Matthews Street
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2631

Dear Mr. Moser & Ms. Moser:

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

ACTION REQUEST FORM

DATE: July 23, 2003
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 Michael W. Moser and Tammy H. Moser

SUMMARY OF INFORMATION:

Zoning map amendment of Michael W. Moser and Tammy H. Moser from RS-9 to MH-S (Residential Building, Single Family; Manufactured Home, Class A; and Manufactured Home, Class B): property is located at the western terminus of Matthews Street west of University Parkway; property consists of ±0.75 acre and is a portion of Tax Lot 46A, Tax Block 4947 as shown on the Forsyth County Tax Maps and on a site plan on file in the office of the City-County Planning Board (Zoning Docket W-2631).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Michael W. Moser and Tammy H. Moser, Docket W-2631

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-9 to MH-S (Residential Building, Single Family; Manufactured Home, Class A; and Manufactured Home, Class B) the zoning classification of the following described property:

Being a new 0.7502 acre lot cut from a portion of the property of Michael W. Moser and wife, Tammy H. Moser as described in Deed Book 2135, Page 2359 as recorded in the Office of the Register of Deeds of Forsyth County, North Carolina and being a portion of Tax Block 4947, Tax Lot 46A and more particularly described as follows:

BEGINNING at an existing iron pipe marking the southwestern corner of Lot 116 of the map of Clayton Estates (Section No. 1) as recorded in Plat Book 7, Page 97 (also being Tax Lot 116 of Tax Block 2028) and marking a corner in the eastern line of the property of Michael W. Moser and wife, Tammy H. Moser as described in Deed Book 2135, Page 2359 (Tax Lot 46A of Tax Block 4947); thence along a new line south 69° 01' 54" west 208.18 feet to an iron pipe set, thence along a new line north 21° 09' 34" west 159.48 feet to an iron pipe set, thence along a new line north 77° 56' 49" east 199.97 feet to a rebar set; thence north 14° 45' 14" west 79.57 feet to an iron pipe set thence, north 77° 41' 35" east 25.02 feet to a nail set in the eastern line of said Moser property; thence south 14° 45' 14" east 205.02 feet to an existing iron pipe marking the point and place of BEGINNING.

This according to an unrecorded survey and plat entitled Plat of Survey prepared for Michael W. Moser and wife, Tammy H. Moser by David J. O'Brien, PLS dated May 9, 2003 and bearing Job Number 10601.

Section 2. This Ordinance is adopted after approval of the site plan entitled Michael W. Moser and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to Michael W. Moser and Tammy H. Moser.

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 Michael W. Moser. 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 Michael W. Moser and Tammy H. Moser, (Zoning Docket W-2631). 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 MH-S (Residential Building, Single Family; Manufactured Home, Class A; and Manufactured Home, Class B), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the MH-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 ANY PERMITS**
Petitioner shall apply for minor subdivision approval from the Planning Department.

ZONING STAFF REPORT

DOCKET # W-2631
STAFF: Gary Roberts

Petitioner(s): Michael W. Moser and Tammy H. Moser
Ownership: Same

REQUEST

From: RS-9 Single Family Residential District
To: MH-S Manufactured Housing District (Residential Building, Single Family;
Manufactured Home, Class A; Manufactured Home, Class B)

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

Acreage: 0.75 acre

LOCATION:

Street: Western terminus of Matthews Street, west of University Parkway.
Jurisdiction: City of Winston-Salem.
Ward: Northeast.

SITE PLAN

Proposed Use: Single family residential.
Square Footage: One single family residence.
Building Height: One story.
Parking: Required: 2 spaces; Proposed: 2 spaces.
Bufferyard Requirements: No bufferyard requirements.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Manufactured Home, Class B.

Adjacent Uses:

North-	Site built and manufactured homes zoned RS-9.
East-	Site built and manufactured homes zoned RS-9.
Southeast-	Site built and manufactured homes zoned RS-9.
South-	Undeveloped property and single family homes zoned RS-9.
West-	Undeveloped property zoned RS-9.

GENERAL AREA

Character/Maintenance: Mixture of well to moderately well maintained site built and manufactured homes.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No change in the site from the current conditions is proposed with the subject request.

Topography: The subject property's elevation changes approximately 45 feet, rising from about 880 feet in the southwest corners of the site to about 925.6 feet in the farthest northeast corner of the site.

Streams: A tributary to Grassy Creek lies just to the southwest of the subject property.

Vegetation/habitat: Some vegetation is present on the southwest corner of the subject property and extending down to the tributary.

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

TRANSPORTATION

Direct Access to Site: Matthews Street.

Street Classification: Matthews Street – Local Road.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): No traffic counts are available for Matthews Street.

Trip Generation/Existing Zoning: RS-9

$0.75 \times 43,560 / 9,000 = 3 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 28 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: MH-S

$0.75 \times 43,560 / 10,000 = 3 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 28 \text{ Trips per Day}$

Sidewalks: None.

Transit: None.

HISTORY

Relevant Zoning Cases:

1. W-2577; RS-9 to LO-S (Professional Office; and Offices, Miscellaneous); approved February 5, 2002; west side of University Parkway south of Ziglar Road; 1.3 acres; Planning Board recommended approval, staff recommended denial.
2. W-2516; HB-S to Final Development Plan; approved February 4, 2002; northwest side of Stanleyville Drive across from Nita Drive and east side of University Parkway; 1.21 acres; Planning Board and staff recommended approval.

3. W-2385; RS-9 to IP; approved May 1, 2000; north side of an existing tract of IP zoned land located on the north side of Ziglar Road between Nylon Drive and Virginia Lake Road; Tract 1: 1.32 acres, Tract 2: 0.62 acre; Planning Board recommended approval; staff recommended approval for tract 1, denial for tract 2.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Housing objectives in *Legacy* include providing a variety of quality housing types for all income levels. Manufactured housing can help fill the need for affordable housing.

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 0.75 acre located at the western terminus of Matthews Street from RS-9 to MH-S. Currently located on the site is a Class B Manufactured Home which was approved as a Blood Relative Permit by the Zoning Board of Adjustment in 2000.

The surrounding development pattern is single family residential zoned RS-9. This includes a mixture of conventional or site built homes as well as manufactured homes. While no other MH or MH-S zoning is located in the immediate vicinity, numerous other single wide manufactured homes are located near the subject property.

The above mentioned Blood Relative Permit was for an initial period of three years and expired in the Spring of 2003. However, the petitioners no longer reside on Matthews Street, adjacent to the subject property, and therefore do not qualify for an extension to the permit. Consequently, they are seeking to rezone the lot to MH-S in an effort to allow the structure to remain on the property. It should be noted that the request would also permit a site built home or a Class A Manufactured Home to be placed on the lot should the owner so desire in the future.

Legacy recognizes the opportunity that manufactured homes play in meeting the needs of affordable housing in the community. Staff sees the request as being compatible with the surrounding neighborhood and recommends approval.

FINDINGS

1. *Legacy* recommends a variety of quality housing types for all income levels. Manufactured housing can help fill the need for affordable housing.
2. The subject property is not within the boundaries of an area plan or development guide.
3. The subject request would permit the continued existence of a manufactured home previously approved as a Blood Relative Permit.

4. The subject request is compatible with the site built and manufactured homes in the surrounding area.

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 ANY PERMITS**
Petitioner shall apply for minor subdivision approval from the Planning Department.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: Carol Eickmeyer

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Philip Doyle certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Carol Eickmeyer

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning