



DOCKET #: W2656

PROPOSED ZONING:
NO-S (Professional Office)

EXISTING ZONING:
RS9

PETITIONER:
Jimmy Lee Norwood, Jr.
and Jennifer Norwood

SCALE: 1" represents 200'

STAFF: Gallaway

GMA: 3

ACRE(S): 0.46

MAP(S): 624874



October 22, 2003

Jimmy L. Norwood, Jr. and
Jennifer Norwood
35 Motor Road
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2656

Dear Mr. Norwood and Ms. Norwood:

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
Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: October 22, 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 Jimmy Lee Norwood, Jr. and Jennifer Norwood

SUMMARY OF INFORMATION:

Zoning map amendment of Jimmy Lee Norwood, Jr. and Jennifer Norwood from RS-9 to NO-S (Residential Building, Single Family; and Professional Office): property is located on the east side of Motor Road north of Indiana Avenue (Zoning Docket W-2656).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: BOST, CLARK, EICKMEYER, FOLAN, GLENN
AGAINST: DOYLE, KING, LAMBE
EXCUSED: NORWOOD
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Jimmy L. Norwood, Jr. and Jennifer Norwood, Docket W-2656

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 NO-S (Residential Building, Single Family; and Professional Office) the zoning classification of the following described property:

Tax Block 2090 Tax Lot 38

Section 2. This Ordinance is adopted after approval of the site plan entitled Jimmy L. Norwood, Jr. and Jennifer Norwood and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to Jimmy L. Norwood, Jr. and Jennifer Norwood.

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 Jimmy L. Norwood, Jr. and Jennifer Norwood. 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 Jimmy L. Norwood, Jr. and Jennifer Norwood, (Zoning Docket W-2656). 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 NO-S (Residential Building, Single Family, and Professional Office), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the NO-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:

- **OTHER REQUIREMENTS**
 - a. Staff recommends no additional conditions; however, the petitioner has volunteered that there shall be no on-premises sign.

ZONING STAFF REPORT

DOCKET # W-2656
STAFF: Suzy Gallaway

Petitioner(s): Jimmy Lee Norwood, Jr. and Jennifer Norwood
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: NO-S Neighborhood Office District (Residential Building, Single Family; and Professional Office)

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

Acreage: 0.46 acre

LOCATION:

Street: East side of Motor Road north of Indiana Avenue.
Jurisdiction: City of Winston-Salem.
Ward: North.

SITE PLAN

Proposed Use: Professional Office.
Square Footage: 1,500 square feet.
Building Height: Single Story.
Parking: Required: 4 Spaces with NO district parking reduction; Proposed: 4 Spaces
Bufferyard Requirements: Type I required where parking is adjacent to residential zoning.
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single Family residence as well as two accessory buildings.

Adjacent Uses:

North-	Single Family residential, zoned RS-9
East-	Vacant property, zoned RS-9
South-	Single Family residential, zoned RS-9
West-	Single Family residential, zoned RS-9

GENERAL AREA

Character/Maintenance: Moderate to well-maintained single family residential.
Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. W-1470; R-4 and B-3 to B-3; approved October 5, 1987; north side of Indiana Avenue east of Motor Road; 0.86 acre; Planning Board recommended approval, staff recommended denial.
2. W-1275; R-4 to B-3; approved August 5, 1985; northeast side of Indiana Avenue northwest of Polo Road; 0.27 acre; Planning Board and staff recommended approval.
3. W-1106; R-4 to R-3; withdrawn May 10, 1984 at Planning Board; northeast corner of Indiana Avenue and Hoskins Drive; 0.48 acre.
4. W-597; R-4 to R-6; approved May 1, 1977; southeast side of Motor Road; 0.62 acre; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site is developed as a single family residence, additional impervious surfaces would be installed for parking.

Topography: The subject property experiences an elevation change of about 12 feet, from 962 feet in the northeastern corner of the property to about 974 in the southwest section of the property. The slope is somewhat steeper in the northeastern section of the property.

Vegetation/habitat: Some vegetation lies in the western section (in front of the existing house) and in the eastern section of the subject property. The proposed site plan indicates two existing maples in the western section of the subject property are to remain.

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

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

TRANSPORTATION

Direct Access to Site: Motor Road

Street Classification: Motor Road – Minor Thoroughfare

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

Motor Road between Patterson Avenue and Indiana Avenue = 4,400 / 16,100

Trip Generation/Existing Zoning: RS-9: $0.46 \times 43,560/9,000 = 2 \text{ units} \times 9.57 = 19 \text{ Trips per day}$

Trip Generation/Proposed Zoning: NO-S: $1,500/1,000 \times 11.01 \text{ (Professional Office Trip Rate)} = 16 \text{ Trips per day}$

Sidewalks: East side of Indiana Avenue, south of site.
Transit: Route 10 along Indiana Avenue, south of site.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for a mix of uses in neighborhoods, especially service and retail uses that provide for the needs of nearby residents.

Area Plan/Development Guide: There is no relevant development guide or small area plan for this area.

ANALYSIS

The current request is to rezone approximately one half acre from RS-9 to NO-S (Professional Office and Residential Building, Single Family). The site is located on Motor Road south of US 52 and north of Indiana Avenue. This portion of Motor Road is primarily zoned for single family residential uses with the exception of two multifamily developments, the closest being approximately 2,000 feet to the northeast. There is also a church on Motor Road approximately 500 feet to the north. The rest of the developed properties located along this section of Motor Road are single family residences.

The UDO purpose statement of the Neighborhood Office Zoning District states “The district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares” and “Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts”. The site is not adjacent to any other commercial uses or district and is not located on the periphery of the neighborhood. Therefore, the request would not serve the neighborhood as a transitional use in accordance with the purpose statement.

Staff analyzed the previous approvals of NO requests within the City and County to determine if there were any circumstances in which staff recommended approval of an NO request where the site did not meet the NO purpose statement. There were two incidences of such a recommendation. One was for a neighborhood improvement organization, which was thought to bring stability to the declining neighborhood. The other involved a site which was located adjacent to developed residential structures but also adjacent to undeveloped properties which were in turn adjacent to existing commercial development.

Regarding the subject request staff analyzed the property values, as listed with the Tax Assessor’s office, of properties immediately surrounding the site to attempt to determine if the area was one that appeared to be in decline. There is a mixture of housing values in the immediate area, with two properties undergoing renovations, and their values not available. There were property values both lower than and higher than the value of the site. Staff was unable to ascertain any decline in property value from this information and could not therefore use this reason as a basis to support NO-S zoning at this location.

Another consideration of staff in determining the recommendation of this request was the potential for improvements to Motor Road by WSDOT. The WSDOT speculated that Motor Road may eventually be realigned to intersect Indiana Ave. further north at North Point Boulevard. This would potentially result in a section of Motor Road, which includes the current site, being made into a cul-de-sac with access only to Indiana Avenue. Consultation with WSDOT staff determined that there is no funding for the project nor any specific plans drawn. Therefore, staff is of the opinion that any future changes to the Motor Road alignment are too distant to affect the zoning request at this time.

In summary staff is of the opinion that the site does not meet the purpose statement of the NO district, nor are there any other compelling reasons to bring an office use into this residential neighborhood at present. Rezoning could lead to other requests for nonresidential zoning in this area, eroding its viability as a residential community. Staff recommends denial of this request from RS-9 to NO-S.

FINDINGS

1. This section of Motor Road is currently zoned for single family residential uses.
2. The site is not adjacent to any other commercial use or zoning district and is not located on the periphery of a neighborhood, therefore does not meet the NO purpose statement.
3. The site does not meet the purpose statement of the NO district.
4. There are no other compelling reasons to locate office zoning at this site.
5. It is premature to consider possible effects of Motor Road realignment.
6. Rezoning could encourage other nonresidential zoning requests in this area.

STAFF RECOMMENDATION

Zoning: **DENIAL.**

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

- Staff recommends no additional conditions.

Jimmy Norwood was excused from participation in this zoning case due to a conflict of interest and left the meeting.

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC 27103

- Here on behalf of the petitioner. Ask your favorable consideration of this request.
- Our perspective is that this does meet the intent of the NO District; very low intensity uses within residential structure.
- There would be very few employees (4-6).
- The mid-point of Motor Road would be the center of the neighborhood and we consider this the periphery of the neighborhood.
- The location is convenient.
- There's only four parking spaces and we would generate less traffic than a residential use would generate.
- Driving along Indiana, you feel the industrial character of the area.
- We feel NO on this site would provide the stability that staff is desiring.
- This site has been owned by the petitioner for about twelve years and he initially operated a business from this site.
- The petitioner circulated a petition among nearby neighbors and the petition shows the support of all the adjoining neighbors.

AGAINST: None

WORK SESSION

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

1. Philip Doyle: The neighborhood supports this. Could it be that they know who the owner is and they prefer that to a vacant building? Living next to an industrial area, they are probably supportive.
2. Lavastian Glenn: This is in the neighborhood. What is the precedent? Motor Road is fairly large; there are probably 20 more homes along it. If we're trying to be consistent about our uses, we need to follow our guidelines.
3. Glenn Simmons: In some cases adding neighborhood office uses to an unstable residential area may make sense; however, this area looks very residential.
4. Jerry Clark: Once you change the zoning, it can be anything. You can't control who the future owners may be.
5. Dara Folan: This is a bad precedent for residential street.
6. Carol Eickmeyer: The location in the middle of the block makes it problematic. If there was a neighbor here, I would want to know why they consider an office better than a residence?

MOTION: Dara Folan moved denial of the zoning map amendment.

SECOND: Carol Eickmeyer

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, Glenn

AGAINST: Doyle, King, Lambe

EXCUSED: Norwood

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

SECOND: Dara Folan

VOTE:

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

AGAINST: None

EXCUSED: Norwood

Written comments by Planning Board members:

Lavastian Glenn: I did not want to approve something that would signal change in zoning residential to office in the middle of a neighborhood. If it were on the corner, it would have been easier to support.

Dara Folan: The site does not appear to meet the NO purpose statement. Most importantly, rezoning could encourage other nonresidential zoning requests in this area. I would wait until the area plan is completed to see how it addresses this area before allowing an NO rezoning.

Arnold King: We certainly understand the Staff's concern about NO-S zoning for this particular site. We support the rezoning, however, for the following reasons:

1. There was no neighborhood opposition. In fact, there were letters/petitions of support from the neighborhood.
2. Existing residential structure would be converted to an office use with no changes to the residential appearance of the property. Employee parking (4 spaces) would be at the rear of the property.
3. Petitioner agreed to placing no signs on the property. The petitioner wanted the property to appear as a residence instead of an office. The proposed use is for a professional office that would not attract customers/clients to the property.
4. Proposed use would result in slightly less traffic than the current use.
5. While we understand that the property is not immediately adjacent to any existing business uses, this "special use" request would have insured that the property remain residential in appearance (with no business signs allowed) and would reduce traffic. It was supported by the neighbors who would prefer an owner-occupied business use as opposed to a residential rental house. This proposed use would almost certainly insure that the property was maintained in a better state of repair and would stabilize, or even improve, surrounding property values.

Jerry Clark: This is not a good idea. Placing a home office (NO) in the middle of a neighborhood is not in keeping with other decisions made by the Board. It's imperative that the Board rule consistently in petitions brought before us.

Carol Eickmeyer: I voted to deny because the building is in the middle of the block. This should not be the first change for this neighborhood. In 3-4 years, if there is more stress on this street, then NO makes sense.

A. Paul Norby, AICP
Director of Planning