

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3365
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Tony Johnson
Owner(s)	Same
Subject Property	PIN# 6805-22-0715
Address	126 North Peace Haven Road
Type of Request	Special use limited rezoning from RS9 to NO-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family – 9,000 sf minimum lot size) to NO-L (Neighborhood Office – special use limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Adult Day Care Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Government Offices, Neighborhood Organization, or Post Office; Library, Public; Offices; Police or Fire Station; Recreation Facility, Public; Residential Building, Duplex; Residential Building, Single Family; Residential Building, Twin Home; Child Day Care, Large Home; Residential Building, Multifamily; Residential Building, Townhouse; Utilities; Adult Day Care Center; Banking and Financial Services; Bed and Breakfast; Child Care, Sick Children; Child Day Care Center; Park and Shuttle Lot; and Access Easement, Private Off-Site <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	See Attachment B for a summary of the petitioner’s neighborhood outreach.
Zoning District Purpose Statement	The NO District is primarily intended to accommodate very low intensity office uses within converted single family detached units. The district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic. Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts. This district is intended for application in GMAs 2, 3 and 4.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	Yes, the site is located along a minor thoroughfare on the periphery of a residential neighborhood. The site is also located within GMA 3.

GENERAL SITE INFORMATION						
Location	Southwest corner of Peace Haven Road and Commonwealth Drive					
Jurisdiction	City of Winston-Salem					
Ward(s)	West					
Site Acreage	± .42 acre					
Current Land Use	A one story single family home is currently located on the site.					
Surrounding Property Zoning and Use	Direction	Zoning District		Use		
	North	RS9		Single family homes across Commonwealth Drive		
	East	RM18		Apartments		
	South	HB-S and HB		CVS Pharmacy and Quality Mart		
	West	RS9		Single family homes		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	In consideration of the relatively small scale of the subject property, the proposed residential, institutional, and office uses are generally compatible with the residential and nonresidential uses permitted on the adjacent properties.					
Physical Characteristics	The developed site includes some mature vegetation and has a gentle slope downward toward the northwest.					
Proximity to Water and Sewer	The site has access to public water and sewer.					
Stormwater/ Drainage	No known issues.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The subject property currently contains one single family residence. The site is adjacent to three public streets as noted below, and one platted right-of-way that was the former alignment of Commonwealth Drive along the western edge of the site.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2292	RS9 to HB-S	Approved 3-1-1999	Directly south	.35	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Peace Haven Road	Minor Thoroughfare	175'	16,000	15,800		
Commonwealth Drive	Local Street	132'	NA	NA		

Gessner Place	Local Street	52'	NA	NA
Proposed Access Point(s)	The site is currently accessed from Peace Haven Road. The petitioner has volunteered a condition that future access would <i>not</i> be from Peace Haven Road.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9</u> .42 acre / 9,000sf = 2 homes x 9.57 (SFR Trip Rate) = 19 Trips per Day</p> <p><u>Proposed Zoning: NO-L</u> Staff is unable to provide an accurate trip generation for the proposed special use limited zoning because there is no site plan. However, if the existing structure was to be converted into an office, the following estimate would apply:</p> <p>1,176 square feet / 1,000 x 11.57 (Single Tenant Office Building Trip Rate) = 17 Trips per Day</p>			
Sidewalks	Sidewalks are located along both sides of this portion of Peace Haven Road. There is no sidewalk along Commonwealth Drive.			
Transit	Route 95 runs along Peace Haven Road.			
Analysis of Site Access and Transportation Information	The petitioner has volunteered a condition that the site would no longer be accessed from Peace Haven. Relocating the driveway to either Commonwealth Drive or Gessner Place would makes sense from a traffic flow perspective along Peace Haven Road. However, placing a nonresidential driveway onto a residential street may impact the neighborhood character in that area. From a trip generation perspective both the existing and the proposed zonings appear to be similar.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy 2030 Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods			
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Discourage inappropriate commercial encroachment into neighborhoods. • Minimize the number of driveways along thoroughfares and arterials to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity. • What constitutes “protection” of a neighborhood from development or redevelopment varies greatly through our community. Some residents express concern over nonresidential development near housing; others perceive increased residential densities or attached housing to be negative. 			
Relevant Area Plan(s)	<i>West Suburban Area Plan</i> (2012) Update in progress			
Area Plan Recommendations	<ul style="list-style-type: none"> • The subject property is shown for low-density residential use on Map 7-Proposed Land Use. The subject property is shown for single-family residential use in the draft <i>West Suburban Area Plan Update</i>. 			
Site Located Along Growth Corridor?	The site is not located along a growth corridor.			

Site Located within Activity Center?	The site is not located within an activity center.	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?	
	No	
	(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?	
No		
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone the subject property from RS9 to NO-L. The property is currently improved with a single family home. The <i>West Suburban Area Plan</i> and the draft update recommend the property remain single family residential.</p> <p>Staff is concerned that approval of the request may lead to other similar requests along this section of Peace Haven Road which could have negative impacts to the single family homes in the general area. Staff is also of the opinion that the subject property can remain a viable residential location particularly if the adjacent unopened right-of-way for the former alignment of Commonwealth Drive is closed, and added to the parcel. Staff recommends denial of the request.</p>	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal	Negative Aspects of Proposal	
The NO district has many inherent limitations which are intended to minimize potential impacts to adjacent homes.	The current area plan and the draft update do not recommend office zoning on the subject property.	
This request is consistent with the NO purpose statement.	The request may lead to other similar rezoning requests further north along Peace Haven Road.	
	Relocation of the existing driveway from Peace Haven Road to one of the adjacent residential streets may have some negative impacts to the nearby homes.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL		
<p>The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.</p> <ul style="list-style-type: none"> • <u>OTHER REQUIREMENTS:</u> <ol style="list-style-type: none"> a. As volunteered by the petitioner no access will be allowed onto Peace Haven Road. 		

STAFF RECOMMENDATION: Denial

NOTE: These are **staff comments** only; **final recommendations** on projects are made by the City-County Planning Board, with **final decisions** being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3365
APRIL 12, 2018**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Rick Tozier, 110 Brookdale Circle Court, Winston-Salem, NC 27106

- I'm here representing Tony Johnson, the property owner, and also as the potential buyer of the property. What we are proposing is not this complete list of zoning uses but really simply as an office for our business, which is a residential construction company. We are willing to strike out most of these uses that are non-residential.
- The City purchased the property in 2000, and in 2006 the property was purchased by Tony Johnson. Traffic issues have made success of this property very limited. Mr. Johnson has had a very hard time getting decent tenants.
- We had a neighborhood outreach to 30 properties, we were able to reach 15 of them. We had nobody that came that was opposed to it, we had nine that were in favor, and a handful that were indifferent to it.
- Our interest in the property is to purchase it from Mr. Johnson. As a part of that we would agree to move the driveway off Peace Haven and close it. We would extend the sidewalk that would currently be broken from the driveway, and the driveway would be relocated on Commonwealth Avenue.
- We would only want to change the zoning to actual office space. Our intent is to have offices inside and have a conference room. I don't have any interest in leaving anything other than just pure office.

AGAINST

Sue Letchworth, 220 Commonwealth Drive, Winston-Salem, NC, 27104

- We live three houses down from this property. There are some issues I have that your report has addressed and he addressed some of them. The neighborhood office would be primarily to accommodate very low intensity offices. One of my major concerns is that there would be a street from that property for property that's zoned business into our neighborhood.

- Commonwealth is a thoroughfare. It's almost a U-turn street. There are many people that can't make the turn on Peace Haven and make a U-turn on Commonwealth. It's not a street that's not traveled a lot.
- My concern is when you open the door down the road, how would this impact our neighborhood down the road, or Peace Haven.
- There have been some undesirable tenants in that property.
- We have lived there 48 years and there are good neighbors there.
- I'm concerned about when he leaves, then what down the road could come there.

Patricia Wallace, 511 Rushland Drive, Winston-Salem, NC, 27104

- One of the things I want to mention is they only notified the neighborhood within 500 feet; however, I live 1,000 feet away, but this is the only entrance to my house. This is our only entrance and exit out of this neighborhood. Now that they built further out, there are other neighborhoods that have to access this property.
- If they would like to make a driveway on Commonwealth, fine, but leave it residential; it does not need to be business. Once they make a business on Peace Haven, it will spread like a cancer all the way down Peace Haven.
- Since Mr. Johnson purchased the property, commercial trucks have been seen at this property and building supplies have been seen at the back of this property. Since the signs have gone up for rezoning, the signs and trucks have since been removed.
- I would like to see a new traffic impact analysis performed on this property because of the traffic being so backed up on Country Club.
- This is definitely a problem area.

Kim Metzler, 5041 Rushland Drive, Winston-Salem, NC, 27104

- Ms. Metzler read a letter from John Welsch who resides at 261 Commonwealth. His letter echoes many sentiments in the neighborhood.
- There has been someone operating a business out of this home for quite some time. We've called several times because of the trash cans being placed at the street not in accordance with pickup.
- There have been deliveries made, supplies left under the carport, trash by the driveway, there's been delivery and supplies made to the back of the property.
- Photo was presented that showed congestion at 2:00 in the afternoon.
- There are three entrances into what I think is Greenbrier off of Peace Haven, Whitman; Commonwealth; and Mountain View. There have been so many new homes added. They cannot make a left turn out of Mountain View. It is an unsafe neighborhood. Commonwealth is not safe. There is no sidewalk. It's not even safe to walk on. It may not be a good fit for this location.

WORK SESSION

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

- The former Commonwealth Avenue right of way has been taken up and is planted in grass. There is nothing that would prevent someone from petitioning that right of way to be closed and then the property could be added to this lot to have a more viable residential lot or give more options for relocating the driveway behind there. There is a way to make it more viable as residential by closing that right of way that is beside it.
- The property is surrounded by right of ways, it is a transitional area, and they are not asking for commercial uses, but it is contrary to the area plan.
- The awkward situation with it being nonresidential is you have a nonresidential driveway coming out onto a residential area.

MOTION: George Bryan moved denial of the rezoning petition.

SECOND: Chris Leak

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Chris Leak, Johnny Sigers

AGAINST: Clarence Lambe, Brenda Smith

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services