October 19, 2022

Jessica Perez Vasquez
629 Akron Drive
Winston-Salem, NC 27105

Re: Zoning Petition W-3548

Dear Petitioner:

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 Clerk’s Office of the date on which the Council will hear this petition.

Sincerely,

Chris Murphy, AICP/CZO
Director of Planning and Development Services

pc: City Clerk’s Office, P.O. Box 2511, Winston-Salem, NC 27102
ACTION REQUEST FORM

DATE: October 19, 2022
TO: The Honorable Mayor and City Council
FROM: Chris Murphy, AICP/CZO, Director of Planning and Development Services

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning petition of Jessica Vasquez

SUMMARY OF INFORMATION:

Public hearing and consideration of zoning petition of Jessica Vasquez from HB to RS7; property is located at the northwest corner of Akron Drive and Harwood Street (Zoning Docket W-3548)

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED
CITY ORDINANCE - GENERAL USE

Zoning Petition of Jessica Vasquez, Docket W-3548

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 **HB** to **RS7** the zoning classification of the following described property:

PIN 6837-52-1373

Section 2. This ordinance shall become effective upon adoption.
# PETITION INFORMATION

<table>
<thead>
<tr>
<th><strong>Docket</strong></th>
<th>W-3548</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Staff</strong></td>
<td>Bryan D. Wilson</td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
<td>Jessica Vasquez</td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
<td>Same</td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
<td>PIN 6837-52-1373</td>
</tr>
<tr>
<td><strong>Address</strong></td>
<td>629 Akron DR</td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
<td>General use rezoning from HB to RS7</td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting to amend the Official Zoning Map for the subject property from HB (Highway Business) to RS7 (Residential, Single Family – 7,000 sf minimum lot size).

**NOTE:** General, Special Use Limited, and Special Use district zoning were discussed with the petitioner(s), who decided to pursue the rezoning as presented. With a General Use request, all uses in the district must be considered.

**Neighborhood Contact/Meeting**

The neighborhood outreach summary is attached.

**Zoning District Purpose Statement**

The RS7 District is primarily intended to accommodate high density single family detached dwellings in urban areas. This district is intended for application in GMAs 2 and 3, and may be suitable for GMA 4 and Metro Activity Centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

**Rezoning Consideration from Section 3.2.19 A 16**

Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

Yes, the site is located within the Urban Neighborhoods Growth Management Area (GMA 2) and it is developed with two single family homes. The subject property also complies with the dimensional requirements of the RS7 district.

# GENERAL SITE INFORMATION

**Location**

Northwest corner of Akron Drive and Harwood Street

**Jurisdiction**

City of Winston-Salem

**Ward(s)**

Northeast

**Site Acreage**

± 0.67 acre

**Current Land Use**

Two single-family homes are located on the subject property.

<table>
<thead>
<tr>
<th><strong>Surrounding Property Zoning and Use</strong></th>
<th><strong>Direction</strong></th>
<th><strong>Zoning District</strong></th>
<th><strong>Use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>East</td>
<td>RS7</td>
<td>Church</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>IP &amp; RS7</td>
<td>Church</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>HB</td>
<td>Convenience Store</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>(Speedway)</td>
</tr>
<tr>
<td></td>
<td>North</td>
<td>RS7</td>
<td>Single-family Homes</td>
</tr>
</tbody>
</table>
### Rezoning Consideration from Section 3.2.19 A 16

<table>
<thead>
<tr>
<th>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed RS7 is generally compatible with the surrounding zoning districts and uses.</td>
</tr>
</tbody>
</table>

### Physical Characteristics

| The developed site has a gentle slope downward toward the west and it includes a few mature trees. |

### Proximity to Water and Sewer

| The site is served with public water and sewer service. |

### Stormwater/Drainage

| No known issues exist. |

### Watershed and Overlay Districts

| The site is not located within a water supply watershed. |

### Analysis of General Site Information

| The site does not appear to have any development constraints such as steep slopes, watersheds, or designated floodplains. |

### RELEVANT ZONING HISTORIES

| No relevant zoning cases exist in the immediate area. |

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th><strong>Street Name</strong></th>
<th><strong>Classification</strong></th>
<th><strong>Frontage</strong></th>
<th><strong>Average Daily Trip Count</strong></th>
<th><strong>Capacity at Level of Service D</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Harwood Street</td>
<td>Local Street</td>
<td>169’</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Akron Drive</td>
<td>Major Thoroughfare</td>
<td>157’</td>
<td>12,000</td>
<td>18,200</td>
</tr>
</tbody>
</table>

#### Proposed Access Point(s)

| Two residential driveways exist on Harwood Street. Because this is a general use zoning request with no site plan, the exact location of any future access points is unknown. |

#### Existing/Proposed Trip Generation

<table>
<thead>
<tr>
<th>Existing Zoning: HB</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposed Zoning: RS7</td>
</tr>
</tbody>
</table>

4 possible single-family lots x 9.57 (SFR trip rate) = 39 Trips per Day

#### Sidewalks

| There are existing sidewalks along Akron Drive. |

#### Transit

| WSTA route 92 stops approximately 500 feet to the west along Akron Dr. |

#### Analysis of Site Access and Transportation Information

| Staff does not foresee any transportation related issues associated with the request. |
### Conformity to Plans and Planning Issues

<table>
<thead>
<tr>
<th>Legacy 2030 Growth Management Area</th>
<th>Growth Management Area 2 – Urban Neighborhoods</th>
</tr>
</thead>
</table>
| Relevant **Legacy 2030 Recommendations** | • Protect residential areas from inappropriate commercial and industrial encroachment.  
• Support the maintenance, revitalization and rehabilitation of existing housing stock contributing to neighborhood character. |
| Relevant Area Plan(s) | *Northeast Suburban Area Plan Update (2017)* |
| **Area Plan Recommendations** | • The Proposed Land Use map for the subject property recommends low-density, single-family residential use.  
• Neighborhoods should be protected from inappropriate residential, commercial, industrial, and institutional encroachment. |
| 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. |
| Rezoning Consideration from Section 3.2.19 A 16 | **Have changing conditions substantially affected the area in the petition?**  
No.  
**Is the requested action in conformance with Legacy 2030?**  
Yes. |
| Analysis of Conformity to Plans and Planning Issues | This request would rezone a 0.67-acre site developed with two single-family homes from HB to RS7. While the property contains two existing single-family homes, the property appears to have been commercially zoned since at least 1970.  
The existing single-family residential use is not allowed in the HB district. Moreover, to have each residence in separate ownership, the property would need to be subdivided. The HB district requires a minimum 20,000 square-foot lot, preventing any subdivision of the land under the current zoning.  
The *Northeast Suburban Area Plan Update* recommends low density residential land use for this property and for the neighborhood directly north of the site. The property has historically been used for single-family residential uses. Additionally, rezoning this property back to a single-family residential district would prevent any encroachment of commercial activities into the neighborhood along Harwood Street. Staff is supportive of this rezoning request. |
## CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request is compatible with other RS7 zoned properties to the north, east, and south of the subject property</td>
<td>This request would reduce the amount of commercially zoned property located on a major thoroughfare.</td>
</tr>
<tr>
<td>The area plan recommends single family residential for this site.</td>
<td></td>
</tr>
<tr>
<td>The subject property has been historically used for residential purposes.</td>
<td></td>
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<tr>
<td>The potential trip general under the proposed zoning is minimal.</td>
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</tbody>
</table>

## SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

### STAFF RECOMMENDATION: Approval

**NOTE:** These are staff comments only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue, or request modification to any request. **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.**
Bryan Wilson presented the staff report.

George Bryan asked about the history of the HB zoning for this request. Bryan Wilson stated that these properties have been zoned commercial since zoning was implemented in Winston-Salem in the 1960s. Chris Murphy also provided additional details.

PUBLIC HEARING

FOR:  None
AGAINST:  None

WORK SESSION

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.
SECOND: Jason Grubbs
VOTE:
  FOR:  George Bryan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Salvador Patiño, Brenda Smith, Jack Steelman
  AGAINST:  None
  EXCUSED:  None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.
SECOND: Jason Grubbs
VOTE:
  FOR:  George Bryan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Salvador Patiño, Brenda Smith, Jack Steelman
  AGAINST:  None
  EXCUSED:  None

Chris Murphy, AICP/CZO
Director of Planning and Development Services
Property included in zoning request.
500' mail notification radius. Property not in zoning request.

MAP(S):

DOCKET #: W-3548

PROPOSED ZONING: RS7

EXISTING ZONING: HB

PETITIONER: Jessica Vasquez

SCALE: 1" represents 200'

STAFF: Wilson

GMA: 2

ACRES: 0.67

NEAREST BLDG: 7' west

MAP(S): 6837.04
Rezoning
Activity Center
Special Land Use Condition Areas

Proposed Land Use
- Single-Family Residential (0-8 Du/Ac)
- Low-Density Attached Residential (0-8 DU/Ac)
- Intermediate-Density Residential (8.1-18 DU/Ac)
- High-Density Residential (over 18 DU/Ac)
- Office
- Commercial
- Industrial
- Institutional
- Park
- Open space
- Commercial Recreation
- Utilities

Proposed Growth Corridor
- Urban Form - Commercial/Office/Multifamily

Northeast Suburban Area Plan Update, 2017
(Proposed land uses shown are generalized. See area plan for specific recommendations.)
USES ALLOWED IN THE HB ZONING DISTRICT
(W) = City of Winston-Salem Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Academic Biomedical Research Facility
Academic Medical Center
Animal Shelter, Public
Arts and Crafts Studio
Banking and Financial Services
Bed and Breakfast
Boarding or Rooming House
Building Contractors, General
Building Materials Supply
Car Wash
Cemetery
Child Care, Drop-In
Church or Religious Institution, Community
Church or Religious Institution, Neighborhood
Club or Lodge
College or University
Convenience Store
Food or Drug Store
Fuel Dealer
Funeral Home
Furniture and Home Furnishings Store
Golf Course
Government Offices, Neighborhood Organization, or Post Office
Habilitiation Facility A
Habilitiation Facility B
Habilitiation Facility C
Hospital or Health Center
Hotel or Motel
Institutional Vocational Training Facility
Kennel, Indoor
Library, Public
Micro-Brewery or Micro-Distillery
Motor Vehicle, Body or Paint Shop
Motor Vehicle, Rental and Leasing
Motor Vehicle, Repair and Maintenance
Motor Vehicle, Storage Yard
Motorcycle Dealer
Museum or Art Gallery
Nursery, Lawn and Garden Supply Store, Retail
Offices
Outdoor Display Retail
Park and Shuttle Lot
Parking, Commercial
Police or Fire Station
Recreation Facility, Public
Recreation Services, Indoor

Recreation Services, Outdoor
Recreational Vehicle Park
Restaurant (with drive-through service)
Restaurant (without drive-through service)
Retail Store
School, Vocational or Professional Services, A
Services, B
Shopping Center
Shopping Center, Small
Signs, Off-Premises
Special Events Center
Stadium, Coliseum, or Exhibition Building
Storage Services, Retail (W)
Terminal, Bus or Taxi
Testing and Research Lab
Theater, Drive-In
Theater, Indoor
Transmission Tower
Urban Agriculture (W)
Utilities
Veterinary Services
Warehousing

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Adult Day Care Center
Child Care, Sick Children
Child Day Care Center
Landfill, Construction and Demolition (W)
Landfill, Land Clearing/Inert Debris (W)
Landfill, Land Clearing/Inert Debris, 2 acres or less (F)
Landfill, Land Clearing/Inert Debris, greater than 2 acres (F)
Residential Building, Multifamily (W)
Residential Building, Townhouse (W)
School, Private
School, Public

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

Borrow Site
Dirt Storage
Helistop

W-3548 Permitted Uses

1 October 2022
USES ALLOWED IN THE HB ZONING DISTRICT
(W) = City of Winston-Salem Jurisdiction Only

USES ALLOWED WITH SPECIAL USE
PERMIT FROM ELECTED BODY (E)

Access Easement, Private Off-Site
Entertainment Facility, Large (W)
Correctional Institution

\(^{*}\)SUP not required if standards of Section 5.2.2A are met
USES ALLOWED IN THE RS7 ZONING DISTRICT
(W) = City of Winston-Salem Jurisdiction Only

USES ALLOWED WITH A PERMIT
FROM THE ZONING OFFICER (Z)

Adult Day Care Home
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private

USES ALLOWED WITH REVIEW BY
THE PLANNING BOARD (P)

Church or Religious Institution, Community
Cottage Court
Golf Course
Library, Public
Limited Campus Uses
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE
PERMIT FROM ZONING BOARD OF
ADJUSTMENT (A)

Bed and Breakfast
Child Day Care, Large Home
Habilitation Facility A
Manufactured Home, Class A
Park and Shuttle Lot
Urban Agriculture (W)

USES ALLOWED WITH SPECIAL USE
PERMIT FROM ELECTED BODY (E)

Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or
   Institutional Uses
Transmission Tower (W)

SUP not required if standards of Section 5.2.2A are met
Bryan,

I have completed the community outreach as requested. This outreach included securing phone numbers and calling several dozen owners in the immediate area. I was able to have about a dozen conversations and there were no objections presented to me on the phone. I left voicemails for several dozen other owners as well.

In addition to those efforts, I was able to use a data source that provided email addresses for approximately 75 nearby owners. I sent the following message to them and have yet to receive any negative responses:

Greetings,

I am reaching out on behalf of my client and the zoning commission in a community outreach effort to provide information on an active rezoning request.

The request is for 629 Akron Drive to be downzoned from HB to RS7. The need for this rezoning arises due to there being 2 existing homes on the same .67 acre parcel. The end goal is to properly divide the parcel and record new deeds for the correct owners.

We have already secured a survey that divides the lots at the fence line dividing the two homes.

The community should feel no impacts from the downzoning to RS7 and overall this is a good thing to protect the existence of the current homes on the property.

Please feel free to reach out with any questions, comments, or concerns.

Thank you for your consideration.

Ty Keating
The Ginther Group
1100 S Stratford Rd Building Suite 300
Winston Salem, NC 27103
336-283-8689