DOCKET #: W2961

PROPOSED ZONING: RS9

EXISTING ZONING: LI

PETITIONER: Mildred L. Smith for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRES: 0.43

NEAREST BLDG: 35' east

MAP(S): 624874
October 24, 2007

Mildred L. Smith
915 Bumgarner Lane
Millers Creek, NC  28651

RE:    ZONING MAP AMENDMENT W-2961

Dear Ms. Smith:

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, FAICP
Director of Planning

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

DATE: October 24, 2007
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Map Amendment of Mildred L. Smith

SUMMARY OF INFORMATION:

Zoning Map Amendment of Mildred L. Smith from LI to RS-9: property is located on the south side of Indiana Avenue, across from Motor Road (Zoning Docket W-2961).

PLANNING BOARD ACTION:

MOOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED
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 LI to RS-9 the zoning classification of the following described property:

Tax Lot 6B, Tax Block 3437

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

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2961</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Mildred L. Smith</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 6B / Tax Block 3437</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General use rezoning to RS-9</td>
</tr>
</tbody>
</table>

Proposal

The petitioner is requesting to amend the Official Zoning Maps for the subject property from LI Limited Industrial District to RS-9 Residential, Single Family District; 9,000 sf minimum lot size.

NOTE: Both general and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.

Zoning District Purpose Statement

The RS-9 District is primarily intended to accommodate relatively high density single family detached dwellings in urban areas. This district is intended for application in Growth Management Areas 2 and 3, and may be suitable in activity centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

Yes

GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>South side of Indiana Avenue, across from Motor Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>North</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± .43 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The subject property is currently used as a Family Group Home A</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS-9</td>
<td>Single family homes</td>
</tr>
<tr>
<td>East</td>
<td>LI</td>
<td>Single family home</td>
</tr>
<tr>
<td>South</td>
<td>GI</td>
<td>Railroad</td>
</tr>
<tr>
<td>West</td>
<td>LI</td>
<td>Undeveloped property and a car wash</td>
</tr>
</tbody>
</table>
### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

The residential uses allowed in the proposed RS-9 District may be negatively impacted by some of the existing and permitted industrial and commercial uses on the nearby properties. Single family use and zoning is located across Indiana Avenue from the subject property.

### Physical Characteristics

The developed site has a gentle slope downward toward Indiana Avenue.

### Proximity to Water and Sewer

Public water and sewer are available to the site.

### Stormwater/Drainage

No known issues.

### Analysis of General Site Information

The subject property poses no development constraints for the proposed RS-9 District other than the potential impact from some of the existing, nearby industrial and commercially zoned properties.

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana Avenue</td>
<td>Major Thoroughfare</td>
<td>94’</td>
<td>16,000</td>
<td>23,900</td>
</tr>
</tbody>
</table>

#### Proposed Access Point(s)

Existing access is onto Indiana Avenue

#### Planned Road Improvements

The Thoroughfare Plan recommends sidewalks along Indiana Avenue

#### Trip Generation - Existing/Proposed

**Existing Zoning: LI**

No trip generation available for existing LI general use zoning

**Proposed Zoning: RS-9**

\[0.43 \times 43,560 / 9,000 = 2 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 19 \text{ Trips per Day}\]

#### Sidewalks

Sidewalks are currently located along the north side of Indiana Avenue.

#### Transit

Routes 7 and 10 along Indiana Avenue

#### Analysis of Site Access and Transportation Information

The site has adequate access.

### CONFORMITY TO PLANS AND PLANNING ISSUES

#### Legacy GMA

Growth Management Area 2, Urban Neighborhoods

#### Relevant Legacy Recommendations

- Legacy recognizes the limited supply of “greenfield” industrial sites and recommends stimulating redevelopment and increased economic activity on older, abandoned, or underdeveloped industrial sites (pages 77 & 78). Legacy also considers industrial sites a resource that should be protected.
The **North Suburban Area Plan, 2005**

**Area Plan Recommendations**
- The *North Suburban Area Plan* recommends industrial use for the subject property.

**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)**
- **(S)(3) - Have changing conditions substantially affected the area in the petition?**
  - No
- **(S)(4) - Is the requested action in conformance with Legacy?**
  - Yes

### Analysis of Conformity to Plans and Planning Issues

The subject request is unique in that it represents a down zoning from LI to RS-9. Currently located on the subject property is a single family residential structure. Single family residential is not permitted in the LI District. The petitioners desire to conduct RS-9 uses on the site. Single family homes are located directly north and east of the site.

The *North Suburban Area Plan* recommends industrial use for the subject property. Typically, it is not Planning staff’s practice to recommend approval of requests which are inconsistent with the adopted area plans. However, considering the specific context of the subject request in terms of adjacent land uses, staff is supportive in this instance. It should be noted that approval of said request would require the installation of a bufferyard along the common property line should the adjacent properties be developed with industrial uses in the future. Further, staff would also be supportive of this area being rezoned back to LI as part of a larger property assemblage. It is not likely that the lots on the south side of Indiana Avenue in this vicinity will be developed for industrial use unless they are consolidated into a larger assemblage.

### Relevant Zoning Histories

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2656</td>
<td>RS-9 to NO-S</td>
<td>Approved 11-17-03</td>
<td>500’ north</td>
<td>.46</td>
<td>Denial</td>
</tr>
<tr>
<td>W-2072</td>
<td>RS-9 to LI</td>
<td>Approved 8-5-96</td>
<td>200’ southeast</td>
<td>.35</td>
<td>Denial</td>
</tr>
<tr>
<td>W-2071</td>
<td>HB to LI</td>
<td>Approved 8-5-96</td>
<td>1,000’ west</td>
<td>3.49</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### 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>Request would allow for the use of the single family home on the site and for any uses allowed in RS-9.</td>
<td>Request would result in the loss of an industrially zoned lot which currently could otherwise be used for more intensive purposes and/or assembled with adjacent properties for a larger industrial type user.</td>
</tr>
</tbody>
</table>
Approval of said request would require the installation of a bufferyard along the common property line should the adjacent properties be developed with industrial uses in the future.

**STAFF RECOMMENDATION: APPROVAL**

**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.**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Paul Mullican moved approval of the zoning map amendment.
SECOND: Jerry Clark
VOTE:

<table>
<thead>
<tr>
<th>FOR:</th>
<th>Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith</th>
</tr>
</thead>
<tbody>
<tr>
<td>AGAINST:</td>
<td>None</td>
</tr>
<tr>
<td>EXCUSED:</td>
<td>None</td>
</tr>
</tbody>
</table>

A. Paul Norby, FAICP
Director of Planning