



DOCKET #: W2885

PROPOSED ZONING:
LO-S

EXISTING ZONING:
LO-S and RS-12

PETITIONER:
Paul McGill

SCALE: 1" represents 300'

STAFF: King

GMA: 2

ACRE(S): 0.47

MAP(S): 612854



September 20, 2006

Paul Stewart McGill, Loy Barbre McGill,
and the NC State Highway Commission
1204-D Reynolda Road
Winston-Salem, NC 27104-1122

RE: ZONING MAP AMENDMENT W-2885

Dear Mr. McGill:

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: September 20, 2006
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 Paul Stewart McGill, Loy Barbre McGill, and the NC State Highway Commission

SUMMARY OF INFORMATION:

Zoning Map Amendment of Paul Stewart McGill, Loy Barbre McGill, and the NC State Highway Commission from RS-12 and LO-S to LO-S (All Uses Permitted in the LO District): property is located on the east side of Silas Creek Parkway, south of Country Club Road (Zoning Docket W-2885).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Paul Stewart McGill, Loy Barbre McGill,
and the NC State Highway Commission, Docket W-2885

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-12 and LO-S to LO-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building; Multifamily; Combined Use; Family Group Home A; Family Group Home B; Banking and Financial Services; Bed and Breakfast; Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Veterinary Services; Recreation Facility, Public; Swimming Pool, Private; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Government Offices; Group Care Facility A; Hospice and Palliative Care; Landfill, Land Clearing & Inert Debris; Library, Public; Limited Campus Uses; Museum or Art Gallery; Neighborhood Organization; Police or Fire Station; Access Easement, Private Off-Site; Park and Shuttle Lot; Transmission Tower; and Utilities) the zoning classification of the following described property:

Tax Block 2094, Tax Lots 13T, 13U, 14T, 14U, 15T, 15U, 16T, and 16U

Section 2. This Ordinance is adopted after approval of the site plan entitled Paul Stewart McGill, Loy Barbre McGill, and the NC State Highway Commission and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Paul Stewart McGill, Loy Barbre McGill, and the NC State Highway Commission.

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 Paul Stewart McGill, Loy Barbre McGill, and the NC State Highway Commission. 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 Paul Stewart McGill, Loy Barbre McGill, and the NC State Highway Commission, (Zoning Docket W-2885). 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 LO-S (Residential Building, Single Family; Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building; Multifamily; Combined Use; Family Group Home A; Family Group Home B; Banking and Financial Services; Bed and Breakfast; Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Veterinary Services; Recreation Facility, Public; Swimming Pool, Private; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Government Offices; Group Care Facility A; Hospice and Palliative Care; Landfill, Land Clearing & Inert Debris; Library, Public; Limited Campus Uses; Museum or Art Gallery; Neighborhood Organization; Police or Fire Station; Access Easement, Private Off-Site; Park and Shuttle Lot; Transmission Tower; and Utilities), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the LO-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:

THERE ARE NO ADDITIONAL CONDITIONS.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT FOR: W-2885**

PETITION INFORMATION			
Docket #	W-2885		
Staff	Aaron King		
Petitioner(s)	Paul Stewart McGill, Loy Barbre McGill, and the NC State Highway Commission		
Owner(s)	Same		
Subject Property	Tax Lots 13T, 14T, 15T, 16T, 13U, 14U, 15U, and 16U, Tax Block 2094		
Type of Request	Special use rezoning from RS-12 & LO-S to LO-S to correct a mapping error from a previously approved rezoning.		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-12 (Residential Single Family; 12,000 sf lot size) and LO-S (Limited Office – Special Use Zoning) to LO-S (Limited Office – Special Use Zoning) The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • All Uses Permitted in the LO District 		
Zoning District Purpose Statement	The LO District is primarily intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so this district may serve as a transition between residential districts and commercial districts. This district is intended for application in Growth Management Areas 2 and 3.		
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, the subject property is located within GMA 2 and is located along a major thoroughfare in an area developed with a mixture of residences and offices.		
GENERAL SITE INFORMATION			
Location	East side of Silas Creek Parkway, south of Country Club Road		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southwest		
Site Acreage	Approximately ± 0.47 acres		
Current Land Use	Existing office building		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-12	SF home
	East	RS-12	SF home
	South	RS-12	Undeveloped land
	West	LO-S	Office building

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?			
	Yes, the uses allowed in the LO-S zoning district are intended to serve as transitional uses into existing residential areas.			
Physical Characteristics	The site is currently developed and contains a relatively flat topography with no streams or wetlands.			
Proximity to Water and Sewer	The subject property has access to public water and public sanitary sewer.			
Stormwater/ Drainage	No known stormwater issues.			
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.			
Analysis of General Site Information	The site is currently developed with an existing office building. This request does not propose any new improvements/changes to the site.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Silas Creek Parkway	Major Thoroughfare	+/- 165 feet	54,000	42,200
Proposed Access Point(s)	The site currently has two, one-way access points onto Silas Creek Parkway.			
Planned Road Improvements	The Thoroughfare Plan recognizes Silas Creek Parkway as adequate but recommends that sidewalks be added.			
Trip Generation - Existing/Proposed	Existing and proposed trip generation should be the same.			
Sidewalks	None existing.			
Transit	Route 12 runs along Country Club Road.			
Analysis of Site Access and Transportation Information	This request should not generate any negative impacts to the transportation network.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	GMA 2 (Urban Neighborhoods)			
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Legacy recommends making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. 			
Relevant Area Plan(s)	The subject property is not located within an area plan or development guide area.			

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 <i>Legacy</i>?					
Yes						
Analysis of Conformity to Plans and Planning Issues	The purpose of this rezoning is to correct a mapping error. The property was rezoned in 1974 (Zoning Docket W-730) At that time the zoning maps were 1" = 400' and lot lines were not shown on the maps. When the approved rezoning was transferred to 1" = 200' scale maps and the lot lines were included on the maps, one of four small tax lots which made up the site was left out of the zoning boundary. When the new maps were adopted as part of the UDO conversion in 1995, the original ordinance was superseded. Staff cannot simply correct the map administratively; rather, the property must be rezoned.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-419	R-5 to R-1-S	Approved 2/18/74	Includes subject property	0.39 acres	Denial	Denial
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	3,500 sf.		Approximate middle			
Parking	Required	Proposed		Layout		
	9-11 spaces	15 spaces		90° head-in		
Building Height	Maximum			Proposed		
	40 feet			1 ½ stories		
Impervious Coverage	Maximum			Proposed		
	75%			+/- 62%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.3(B) LO District 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:		Yes			
	(B) Environmental Ord.		Yes			
	(C) Subdivision Regulations		NA			
Analysis of Site Plan Compliance with UDO Requirements	No new changes to the site plan are proposed.					

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request would resolve a mapping error that occurred during the UDO conversion.	
Because the request would restore the rights that were inadvertently lost due to a mapping error, this corrective rezoning is not being viewed as a change to what was originally approved.	

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, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Clarence Lambe

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

