



**DOCKET #:** W2920

**PROPOSED ZONING:**  
RS-7

**EXISTING ZONING:**  
HB-S

**PETITIONER:**  
John E. Ford Jr for  
property owned by Same

**SCALE:** 1" represents 200'

**STAFF:** King

**GMA:** 2

**ACRES:** 0.21

**NEAREST  
BLDG:** 12' east

**MAP(S):** 636870

**F**

April 25, 2007

John E. Ford, Jr.  
2864 Alpha Street  
Pfafftown, NC 27040

RE: ZONING MAP AMENDMENT W-2920

Dear Mr. Ford:

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:** April 25, 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 John E. Ford, Jr.

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of John E. Ford, Jr. from HB-S (Outdoor Display Retail; Implement Sales and Service; Motorcycle Dealer; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Paint and Body Shop, Motor Vehicle, Storage Yard; Warehousing; Wholesale Trade A; and Wholesale Trade B) to RS-7: property is located on the south side of McCreary Street, west of Glenn Avenue (Zoning Docket W-2920).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of John E. Ford, Jr., Docket W-2920

AN ORDINANCE AMENDING THE WINSTON-SALEM  
CITY ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF THE CITY OF  
WINSTON-SALEM, N.C.

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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-S (Outdoor Display Retail; Implement Sales and Service; Motorcycle Dealer; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Paint and Body Shop, Motor Vehicle, Storage Yard; Warehousing; Wholesale Trade A; and Wholesale Trade B) to RS-7 the zoning classification of the following described property:

Tax Block 1501, Tax Lot 232

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	W-2920		
<b>Staff</b>	Aaron King		
<b>Petitioner(s)</b>	John E. Ford, Jr.		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	Tax Lot 232, Tax Block 1501		
<b>Type of Request</b>	General use rezoning from HB-S to RS-7		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> HB-S (Highway Business – Special Use Zoning) <b>to</b> RS-7 (Residential Single Family; 7,000 sf. lot size).</p> <p><b>NOTE:</b> 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.</p>		
<b>Zoning District Purpose Statement</b>	<p>The RS-7 District is primarily intended to accommodate 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 for Growth Management Area 4 and activity centers where public facilities, including public water and sewer, public roads, parks, and other governmental support services, are available.</p>		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	Yes, the subject property is located in GMA 3 and has access to public water and sewer.		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	South side of McCreary Street, west of Glenn Avenue		
<b>Jurisdiction</b>	City of Winston-Salem		
<b>Ward(s)</b>	Northeast		
<b>Site Acreage</b>	Approximately ± 0.21 acres		
<b>Current Land Use</b>	Existing single family home		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	GI	Industrial building
	East	HB-S	Single family home & automobile repair business
	South	HB	Automobile repair business
	West	RS-9	Single family home
<b>Applicable Rezoning Consideration</b>	<b>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>		

<b>from Chapter B, Article VI, Section 6-2.1(S)</b>	Yes, the site is located on the eastern perimeter of an existing residential neighborhood.			
<b>Physical Characteristics</b>	The site contains a flat topography with no streams or wetlands.			
<b>Proximity to Water and Sewer</b>	The subject property has access to public water and public sanitary sewer.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The subject property is not located within a water supply watershed.			
<b>Analysis of General Site Information</b>	The subject property is approximately 9,000 square feet in size and contains a 1920's single family home. The site has flat topography and contains no streams or wetlands.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
McCreary Street	Local Road	+/- 50 feet	NA	NA
<b>Proposed Access Point(s)</b>	The subject property has public road access to McCreary Street.			
<b>Planned Road Improvements</b>	None noted.			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: HB-S</u> 2,367/ 1,000 x 4.96 (Warehousing Trip Rate) = 12 Trips per Day  <u>Proposed Zoning: RS-7</u> 1 unit x 9.57 (SFR Trip Rate) = 10 Trips per Day			
<b>Sidewalks</b>	None existing			
<b>Transit</b>	Route 9 runs in close proximity to the site.			
<b>Traffic Impact Study (TIS)</b>	Not required.			
<b>Analysis of Site Access and Transportation Information</b>	The request poses no negative transportation issues.			
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>				
<b>Legacy GMA</b>	GMA 2 (Urban Neighborhoods)			
<b>Relevant Area Plan(s)</b>	<i>Carver Road/Ogburn Station Development Guide (1991)</i>			
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The <i>Carver Road/Ogburn Station Development Guide</i> recommends the block between Akron Drive, McCreary Street, Tise Avenue, and Glenn Avenue be redeveloped comprehensively for office, commercial, or light industrial uses. The development guide recognizes the difficulty of doing a comprehensive redevelopment of the entire area and recommends as an alternative that lots fronting on</li> </ul>			

	McCreary Street be considered for non-residential development only as an extension of the existing commercial zoning lots on Glenn Avenue and provided that all setback and buffering requirements are met.					
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(3) - Have changing conditions substantially affected the area in the petition?</b>					
	No					
	<b>(S)(4) - Is the requested action in conformance with <i>Legacy</i>?</b>					
Yes						
<b>Analysis of Conformity to Plans and Planning Issues</b>	The subject request is not consistent with the recommendations of the <i>Carver Road/Ogburn Station Development Guide</i> which recommends a redevelopment to commercial, office, or industrial uses. However, staff feels that this request for RS-7 zoning is appropriate at this location. The site contains a single family home and was rezoned to B-3-S (converted to HB-S) in 1993 for use as a motor vehicle repair business. It appears as the that business never materialized at this location, and the site was used as a single family home for some time. Since single family homes are not allowed in the HB-S district, the structure was allowed to be used for residential purposes, but once it ceased use as a single family home for over a year, it became nonconforming. Staff feels that this request is appropriate, given that the property has not been used for automobile repair and fourteen years have elapsed since the rezoning approval. One issue that this rezoning does create is pulling a piece of property out of a special use zoning. In this case, a special use site plan was approved that included two properties in two separate ownerships. Approval of this rezoning would allow one owner to “pull out” of the HB-S zoning, and in turn leave a site plan that is no longer valid for the remainder of the property. At the current time, the remaining property between the subject property and Glenn Avenue is in the same ownership.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2752	HB-S to RS-7	Approved 4/4/05	South	0.25	Approval	Approval
W-2108	RS-7 to HB-S	Approved 12/2/96	South	1.40	Approval	Approval
W-1806	R-4 to B-3-S	Approved 2/1/93	Includes subject property	0.41	Approval	Approval
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 2-1.2(I) RS-7 District</li> </ul>					
<b>Complies with Chapter B,</b>	<b>(A) Legacy policies:</b>			Yes		
	<b>(B) Environmental Ord.</b>			NA		

Article VII, Section 7-5.3	(C) Subdivision Regulations	NA
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal	Negative Aspects of Proposal	
The request would allow the existing structure to be used as a single family home.	The request is not consistent with the recommendations of the <i>Carver Road/Ogburn Station Development Guide</i> .	
No negative transportation impacts are expected.	Approval of this request would leave an invalid site plan for the remainder of the HB-S site.	

**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:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning