



**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

**F**

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:**

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of Mildred L. Smith, Docket W-2961

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 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.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	W-2961		
<b>Staff</b>	Gary Roberts, AICP		
<b>Petitioner(s)</b>	Mildred L. Smith		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	Tax Lot 6B / Tax Block 3437		
<b>Type of Request</b>	General use rezoning to RS-9		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> LI Limited Industrial District <b>to</b> RS-9 Residential, Single Family District; 9,000 sf minimum 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-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.</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		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	South side of Indiana Avenue, across from Motor Road		
<b>Jurisdiction</b>	City of Winston-Salem		
<b>Ward(s)</b>	North		
<b>Site Acreage</b>	Approximately ± .43 acre		
<b>Current Land Use</b>	The subject property is currently used as a Family Group Home A		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS-9	Single family homes
	East	LI	Single family home
	South	GI	Railroad
	West	LI	Undeveloped property and a car wash

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</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>			
	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.			
<b>Physical Characteristics</b>	The developed site has a gentle slope downward toward Indiana Avenue.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Analysis of General Site Information</b>	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.			
<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>
Indiana Avenue	Major Thoroughfare	94'	16,000	23,900
<b>Proposed Access Point(s)</b>	Existing access is onto Indiana Avenue			
<b>Planned Road Improvements</b>	The Thoroughfare Plan recommends sidewalks along Indiana Avenue			
<b>Trip Generation - Existing/Proposed</b>	<u>Existing Zoning: LI</u> No trip generation available for existing LI general use zoning  <u>Proposed Zoning: RS-9</u> .43 x 43,560 / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day			
<b>Sidewalks</b>	Sidewalks are currently located along the north side of Indiana Avenue.			
<b>Transit</b>	Routes 7 and 10 along Indiana Avenue			
<b>Analysis of Site Access and Transportation Information</b>	The site has adequate access.			
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>				
<b>Legacy GMA</b>	Growth Management Area 2, Urban Neighborhoods			
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>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 &amp; 78). Legacy also considers industrial sites a resource that should be protected.</li> </ul>			

<b>Relevant Area Plan(s)</b>	<i>North Suburban Area Plan, 2005</i>					
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The <i>North Suburban Area Plan</i> recommends industrial use for the subject property.</li> </ul>					
<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>	<p>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.</p> <p>The <i>North Suburban Area Plan</i> 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.</p>					
<b>RELEVANT ZONING HISTORIES</b>						
<b>Case</b>	<b>Request</b>	<b>Decision &amp; Date</b>	<b>Direction from Site</b>	<b>Acreage</b>	<b>Recommendation</b>	
					<b>Staff</b>	<b>CCPB</b>
W-2656	RS-9 to NO-S	Approved 11-17-03	500' north	.46	Denial	Denial
W-2072	RS-9 to LI	Approved 8-5-96	200' southeast	.35	Denial	Approval
W-2071	HB to LI	Approved 8-5-96	1,000' west	3.49	Approval	Approval
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>						
<b>Positive Aspects of Proposal</b>				<b>Negative Aspects of Proposal</b>		
Request would allow for the use of the single family home on the site and for any uses allowed in RS-9.				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.		

	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.
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**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