



DOCKET #: W2370

PROPOSED ZONING:
AG

EXISTING ZONING:
RS9

PETITIONER:
LeFever Family Limited
Partnership; and George W.
LeFever

SCALE: 1" represents 400'

STAFF: L. Weston

GMA: 4A

ACRE(S): 13.2

MAP(S): 666854

February 23, 2000

LeFever Family Limited Partnership
and George W. LeFever
c/o Randy LeFever
4536 Kernersville Road
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT W-2370

Dear Mr. LeFever:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102

ACTION REQUEST FORM

DATE: February 23, 2000
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of LeFever Family Limited Partnership and George W. LeFever

SUMMARY OF INFORMATION:

Zoning map amendment of LeFever Family Limited Partnership and George W. LeFever from RS-9 to AG: property is located on the southeast side of Kernersville Road/NC 150 between Berkely Road and Foothills Drive (Zoning Docket W-2370).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of LeFever Family Limited Partnership, Docket W-2370

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 Board of Aldermen 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-9 to AG the zoning classification of the following described property:

BEGINNING at a stake in Mrs. J. A. Holder's line runs north 22° 55' west 815 feet to a point in center of NC Highway 771; thence along center of said highway north 67° 05' east 716 feet to a point in said highway, C. P. Angel's corner; thence south 14° 30' east 985.5 feet to a stone corner in R. T. Joyce's line; thence along Joyce's line south 80° 40' west 605.5 feet to a stake and beginning corner, containing 13.20 acres, more or less, located in Abbotts Creek Township. For back reference see Forsyth County Registry Deed Book 913 at Page 310 and Deed Book 507 at Page 400. Also known as Tax Lots 68A and 68B, Tax Block 5641.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2370
STAFF: Larry F. Weston

Petitioner(s): LeFever Family Limited Partnership and George W. LeFever
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: AG Agricultural District

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 13.20 acres

LOCATION

Street: Southeast side of Kernersville Road/NC 150 between Berkely Road and Foothills Drive.
Jurisdiction: City of Winston-Salem.
Ward: East.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family home.

Adjacent Uses:

North - Single family homes zoned RS-9.

East - A legally nonconforming fish hatchery zoned RS-9 and garden center zoned LB-S.

South - Single family homes in the Brookfield subdivision and vacant land zoned RS-9.

West - Single family homes zoned RS-9.

GENERAL AREA

Character/Maintenance: Well-maintained rural residences.

Development Pace: Slow.

TRANSPORTATION

Direct Access to Site: Kernersville Road.

Street Classification: Major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Kernersville Road east of Oak Grove Road - NA/12,500

Transit: None.

HISTORY

Relevant Zoning Cases:

1. F-1247; RS-9 to LB-S (Convenience Store; and Car Wash); withdrawn November 12, 1998; northwest corner of Hastings Hill Road, approximately one-half mile east of current site; 1.2 acres; Planning Board and staff recommended denial.
2. F-955; R-6 and B-3 to B-3 (converted to HB in UDO); approved February 12, 1990; northeast corner of Kernersville Road/NC 150 and Sedge Garden Road; 0.75 acre; Planning Board and staff recommended approval.
3. F-600; R-6 to B-3-S (Greenhouse/Nursery; and Stores or Shops, Retail) (converted to LB-S in UDO); approved January 25, 1982; southeast side of Kernersville Road/NC 150, east of current site; 1.63 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 4A: Short-Range Growth.

Relevant Comprehensive Plan Recommendation(s): Stage development with the provision of roads, sewers, and other services and cluster commercial service areas.

Area Plan/Development Guide: This site is not within the boundaries of a development guide or an area plan.

ANALYSIS

The subject site is in an area which is rural in character, and has a legally nonconforming fish hatchery currently operating on the site and on an adjoining lot. There is also a retail nursery and garden center zoned LB-S within 200 feet. The remaining properties in the area are either vacant or are developed with single family homes.

The petition represents a relatively uncommon request to rezone property from a moderate density residential zoning district (RS-9) to one of the least intense districts possible (AG). Rezoning is required in this instance because of the need of the existing fish hatchery on the site to expand past the 25% one time threshold allowed legally nonconforming uses. The "Fish Hatchery" use is not allowed in RS-9, but is permitted in the Agricultural (AG) district. This use

reflects a very low scale commercial activity that appears to be compatible with the surrounding neighborhood. The existing operation has peacefully co-existed with its residential neighbors, and the proposed rezoning is not expected to change those conditions. The rezoning is consistent with the objectives of *Vision 2005*.

The purpose statement of the AG District indicates that it is "primarily intended to accommodate uses of an agricultural nature"; "to preserve the rural character of portions of the county and encourage the continued use of land for agricultural, forest, and open space purposes;" and to "discourage any use which may create premature public infrastructure demands." The AG District is expected to be applied in Growth Management Areas 4B, 5, and 6 principally because of the infrastructure concern. The current site is located in GMA 4A, but should not have uses that will create new infrastructure demand.

FINDINGS

1. The petition is consistent with *Vision 2005*.
2. The petition seeks to rezone approximately 13 acres from a moderate density residential district (RS-9) to a district that permits only low intensity uses (AG) for the purpose of permitting a "Fish Hatchery" use.
3. There is a legally nonconforming fish hatchery presently operating on the site.
4. The fish hatchery use is expected to continue to be compatible with the surrounding neighborhood.
5. The purpose statement of AG encourages uses of an agricultural nature.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

[*For information only: Legacy draft recommendations support rezoning of the site. The site lies in the "Suburban Neighborhood" portion of Forsyth County. Within this area moderate growth is anticipated where infrastructure allows. The rezoning of land currently used for an agricultural purpose such as fish hatchery both allows moderate expansion of a limited scale enterprise while retaining the large lot development protections provided by AG zoning district.*]

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jack Stewart moved approval of the zoning map amendment.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Johnson, Powell, Schroeder, Stewart, Williams

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning