



**DOCKET #:** W2384

**PROPOSED ZONING:**  
MH

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Frank Wayne Wall

**SCALE:** 1" represents 200'

**STAFF:**

**GMA:** 4A

**ACRE(S):** 1.81

**MAP(S):** 612890

April 19, 2000

Frank Wayne Wall  
8451 Circle Drive  
Rural Hall, NC 27045

RE: ZONING MAP AMENDMENT W-2384

Dear Mr. Wall:

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  
Lou Smith, 3874 Hartford Street, Winston-Salem, NC 27106

**ACTION REQUEST FORM**

**DATE:** April 19, 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 Frank Wayne Wall

**SUMMARY OF INFORMATION:**

Zoning map amendment of Frank Wayne Wall from RS-9 to MH: property is located on the southwest side of Ziglar Road east of Ziglar Court and on the east side of Ziglar Court south of Ziglar Road (Zoning Docket W-2384).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** AVANT, BOST, JOHNSON, KING, ROUSSEAU, WILLIAMS  
**AGAINST:** POWELL, SCHROEDER  
**SITE PLAN ACTION:** NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Frank Wayne Wall, Docket W-2384

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 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 MH the zoning classification of the following described property:

BEGINNING at a point in the south right-of-way line of Ziglar Road, said point marks the northwestern corner of the North Carolina Municipal Leasing Corporation (see Deed Book 1726, Page 1665 of the Forsyth County Registry); thence from the said point of BEGINNING south 04E 53' 12" west 195.46 feet to a point marked by an iron; thence south 04E 53' 12" west 101.88 feet to a point marked by an iron that marks the northeastern corner of Barbara C. Brumfield (See Deed Book 1845, Page 880 of the Forsyth County Registry); thence north 77E 34' 17" west 495.30 feet to a point in the western line of a 30-foot private easement; thence with the western line of the said easement north 05E 05' 43" east 193.72 feet to a point marked by an iron; thence south 49E 13' 46" east 129.06 feet to a point marked by an iron; thence south 28E 15' 44" west 10 feet to a point marked by an iron; thence south 61E 24' 29" east 131.14 feet to a point marked by an iron; thence north 13E 55' 26" east 214.39 feet to a point marked by an iron in the south right-of-way line of Ziglar Road; thence with the right-of-way line of Ziglar Road south 71E 47' 13" east 104.95 feet back to the point and place of BEGINNING and containing 0.5649 acre more or less as per survey by David J. O'Brian RLS 3651 on June 20, 1997. Tax Lot 101J and 101M, Tax Block 4970.

Section 2. This ordinance shall become effective upon adoption.

**ZONING STAFF REPORT**

**DOCKET #** W-2384  
**STAFF:** Larry Weston

Petitioner(s): Frank Wayne Wall  
Ownership: Same

**REQUEST**

From: RS-9 Residential Multifamily District; minimum lot size 9,000  
To: MH Manufactured Home 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: 1.81 acres

**LOCATION**

Street: South side of Ziglar Road and extending east off Ziglar Court.  
Jurisdiction: City of Winston-Salem.  
Ward: North.

**PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: The northern portion of the site is graded and the southern portion is grassy.

Adjacent Uses:

- North - Heavily wooded area zoned RS-9.
- East - Heavily wooded area zoned RS-9 which is owned by the City of Winston-Salem as part of the buffer around the landfill. Further east are Norfolk Southern Railroad tracks in a RS-9 zoned area and R. H. Barringer Company which is zoned LI.
- South - Heavily wooded area zoned RS-9.
- West - There are three manufactured homes west of the northern portion of this site. The homes are on RS-9 zoned land.

## **GENERAL AREA**

Character/Maintenance: The area is a sparsely populated residential area, containing both conventional site-built single family homes and factory-built homes adjacent to City owned property which serves as a buffer around the landfill.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Could be significant (see below).

Topography: Site has a significant slope downward from front to rear.

Streams: A tributary to Grassy Creek runs through the site. A US Army Corps of Engineers permit will be needed prior to the issuance of a zoning permit if straightening or undergrounding of the stream is contemplated.

Vegetation/habitat: There is a small wooded area at the rear of the site.

Constraints: Development near Grassy Creek should be done with care.

Floodplains: This tributary to Grassy Creek was not studied as part of the floodplain mapping program. However, on average, a stream can be expected to come out of its banks once every two years in the Piedmont. The several small ponds upstream can be expected to affect the hydrology in a major storm event, perhaps delaying but also magnifying the extent of flooding at this site. Any structures built on this long narrow site should be situated as far away from the stream as possible.

Farmland Preservation Sites: None.

Is the project in a water supply watershed? No.

Compliance with Federal/State requirements for wetland/stream protection: A US Army Corps of Engineers permit will be needed prior to the issuance of a zoning permit if straightening or undergrounding of the stream through the site is contemplated.

## **TRANSPORTATION**

Direct Access to Site: Ziglar Road and Ziglar Court (private).

Street Classification: Ziglar Road - minor thoroughfare; Ziglar Court - unclassified.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):  
Ziglar Road - 1,400/8,000.

## **HISTORY**

Relevant Zoning Cases:

1. W-2295; Tract 1: LI, GI, LI-S, and RS-9 to GI-S (Landfill, Sanitary); Tract 2: RS-9 to GI; approved June 7, 1999; south side of Ziglar Road between Murray Road and U.S. 52; 230.23 acres; Planning Board and staff recommended approval.

2. W-2080; RS-9 to MH; approved September 3, 1996; approximately one acre; southern terminus of Ziglar Court, south of current site; Planning Board and staff recommended approval.
3. W-2081; Special use Permit to cross RS-9 to access MH zoning; submitted in conjunction with #1 above; easement extends south off Ziglar Road; Planning Board and staff recommended approval.
4. F-980; R-6 to I-2; approved December 17, 1990; north side of Ziglar Road, northeast of current site; 20.14 acres; Planning Board and staff recommended approval.
5. F-808; R-6 to I-2-S; approved February 9, 1987; south side of Ziglar Road, southeast of current site; 0.62 acre; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): *Vision 2005* recommends that the development of manufactured home parks and subdivisions be encouraged in areas 3 and 4A.

Area Plan/Development Guide: None.

### **ANALYSIS**

The petition is to rezone 1.81 acres from RS-9 to MH. The manufactured housing use would be compatible with the existing uses in the immediate area. There are three (3) manufactured homes on lots adjoining the site, and a number of others nearby. The City landfill is located south and east of the site.

Staff supported a manufactured home petition and a corollary special use permit to cross RS-9 zoned land to access MH zoning south of the site in 1996. Other factory-built units in the area have been approved by the Zoning Board of Adjustment for special use permits in the existing RS-9 zoning district. Staff is generally supportive of manufactured housing use for this site, but the presence of a Grassy Creek tributary on the site raises concerns for staff.

General use MH zoning would allow the potential for more intense development of the site with Class A, Class B, or Class C (double-wide, newer single-wide, and older single-wide manufactured homes, respectively) than would be acceptable. Ordinarily, staff would not expect that a site plan be filed for a small site on which an alternative low density residential use was being requested. The moderate size of the site (nearly two acres), however, and the sensitivity of the natural environment of the area suggests more prudence in this case. Either MH-S or RS-20-S is recommended as an alternative approach.

The site's size (1.81 acres) could potentially allow up to six (6) units on the site, if setbacks and lot widths can be met at the required 10,000 sf per lot. Staff estimates that because of the potential impacts of development on the Grassy Creek tributary that bisects the site, no more than two (2) or three (3) homes could be reasonably placed here. Staff believes that protection of this stream requires a site plan that would limit the number of units and show how the site would be treated to reduce unwanted impacts.

## **FINDINGS**

1. The petition is consistent with the general requirements of *Vision 2005* with respect to use and location.
2. Manufactured housing zoning and special use permit requests have been previously supported in this area.
3. The site is located along a tributary of Grassy Creek, which staff believes requires special development protections;
4. General use zoning does not allow the imposition of necessary restrictions on development, or protections for the natural environment in this instance;
5. Staff thinks that a site plan describing how the site would be developed, and subject to development conditions, is in order.

## **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

*[For information purposes only: The draft Legacy plan indicates this site is located in the Suburban Neighborhoods planning area of the Growth Management Plan. Recommendations on manufactured housing include Create well designed manufactured housing, rental housing, and public housing developments and educate citizens about the positive aspects of these housing types and Consider revision to the UDO that would allow manufactured homes by right in additional residential districts.]*

David Reed presented the staff report.

## **PUBLIC HEARING**

FOR:

Frank Wall, 8451 Circle Drive, Rural Hall, NC 27045

The continuance on this thing came up yesterday.

I don't know who to talk to about this since the letter of opposition which was received by staff was unsigned.



Right now this property is for everything except a single-wide manufactured home.  
I don't know why we can't get this resolved today.

AGAINST:

Lou Smith, 3874 Hartford Street, Winston-Salem, NC 27106

I own property in this area and represent the neighborhood.

We are under the understanding that Mr. Wall wanted to make a manufactured housing development which is quite different than one manufactured home.

We would like a chance to talk with Mr. Wall and discuss what is planned for this site.

### **WORK SESSION**

During discussion by the Planning Board, the following points were made:

1. Steve Johnson noted that staff came to the conclusion that two or three homes would be the maximum this site could hold.
2. Kem Schroeder asked how much extra would it cost to go special use? David Reed estimated \$250 for Planning fees; and the cost of a site plan. He noted that the petitioner already has the site surveyed which will reduce the cost.
3. John Bost indicated that given the site limitations, he doesn't see a need for more time. Kerry Avant agreed.

MOTION: John Bost moved approval of the rezoning petition.

SECOND: Kerry Avant.

VOTE:

FOR: Avant, Bost, Johnson, King, Rousseau, Williams

AGAINST: Powell, Schroeder

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning