



**DOCKET #:** W3059

**PROPOSED ZONING:**  
PB

**EXISTING ZONING:**  
RSQ

**PETITIONER:**  
Vivian H. Burke  
for property owned  
by Same

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 2

**ACRES:** 0.11

**NEAREST  
BLDG:** 15' east

**MAP(S):** 630862



April 21, 2010

Vivian H. Burke  
3410 Cumberland Road  
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-3059

Dear Council Member Burke:

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 21, 2010  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Petition of Vivian H. Burke

**SUMMARY OF INFORMATION:**

Zoning Petition of Vivian H. Burke from RSQ to PB: property is located on the northeast corner of Liberty Street and East Seventeenth Street (Zoning Docket W-3059).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of Vivian H. Burke, Docket W-3059

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 PB to RSQ the zoning classification of the following described property:

PIN #6836-53-4162

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3059
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Vivian H. Burke
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN # 6836-53-4162
<b>Address</b>	1701 North Liberty Street
<b>Type of Request</b>	General use rezoning from RS-Q to PB
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS-Q (Residential Single Family Quadrplex District) <b>to</b> PB (Pedestrian Business District).</p> <p><b>NOTE:</b> Both general, special use limited, 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>Purpose. The PB District is primarily intended to accommodate office, retail, service, institutional, and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the city and county. The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of Winston-Salem, and the central core of other municipalities in the County. The district should demonstrate pedestrian oriented design through elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, and building entrances facing the street. This district is intended for application in Growth Management Areas 1, 2 and 3.</p>
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>
	Yes, the property is located in a pedestrian oriented, mixed use area with buildings pulled up to the street.
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	Northeast corner of Liberty Street and East Seventeenth Street
<b>Jurisdiction</b>	City of Winston-Salem
<b>Ward(s)</b>	Northeast
<b>Site Acreage</b>	± .11 acre
<b>Current Land Use</b>	A two story commercial building is currently located on the site. The building is the former location of Eastside Grocery.

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>		<b>Use</b>
	North	PB		Liberty CDC
	East	RS-Q		Single family residential
	South	PB		Gilmore's Funeral Home
	West	PB		Hair salon
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	Yes, the residential and commercial uses permitted in the proposed PB district are compatible with the existing uses in the general area.			
<b>Physical Characteristics</b>	The site has a gentle slope downward to the east.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are available.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not within a water supply watershed.			
<b>Analysis of General Site Information</b>	The site appears to possess no constraints and is suitable for development within the proposed PB district.			
<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>
North Liberty Street	Major Thoroughfare	48'	14,000	12,700
East 17 <sup>th</sup> Street	Local Street	100'	NA	NA
<b>Proposed Access Point(s)</b>	Because this is a general use request, the exact location of access points is unknown; however, the site does have public road frontage on North Liberty Street and East 17 <sup>th</sup> Street.			
<b>Trip Generation - Existing/Proposed</b>	There are no trip rates available for the existing and proposed general use zoning districts.			
<b>Sidewalks</b>	Sidewalks are located on both sides of all the streets in the general area.			
<b>Transit</b>	Not available			
<b>Analysis of Site Access and Transportation Information</b>	The site has adequate public street access and staff does not anticipate any negative transportation impacts from this request.			
<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>• <i>Locate Retail and Office Buildings Near the Street:</i> Retail and office buildings should be near the street and sidewalk. This reduces the distance pedestrians and transit users have to travel and provide direct</li> </ul>			

	<p>access to buildings along the street. Locating buildings close to the street, lining the street with trees, buffering the street with parked cars, ensuring buildings have display windows at the sidewalk edge all provide an interesting walking environment where pedestrians feel a sense of activity, enclosure and safety. Parking should be located to the rear and sides or under retail and office buildings. (p. 52)</p> <ul style="list-style-type: none"> <li>• <i>Infill and Redevelopment:</i> Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. Older urban and suburban neighborhoods should be reinforced as good places to live and do business. (p. 25)</li> <li>• <i>Infill and Redevelopment:</i> Increased infill development could bring new opportunity and improved quality of life for residents within the MSA, especially for neighborhoods within the city. Increased tax base, property values, jobs closer to home and increased investment and amenities in these neighborhoods are some of the potential benefits. (p. 38)</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>East-Northeast Area Plan, 2008</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• Liberty Street Neighborhood Activity Center: The Liberty Street NAC (approximately 35 acres) is located immediately east of US 52 and runs along Liberty Street from approximately Twelfth Street to Bethlehem Lane. This NAC serves the surrounding neighborhoods and is primarily zoned for commercial use. Needed Land Uses include: grocery store, drug store, hardware store, clothing store, restaurants(fast-food and sit-in)/outdoor dining/entertainment, discount department/variety stores, dance/theater/amusement recreation center, fitness facility, business/professional/medical offices, office supply store, specialty shops, video store, newsstand, and higher-density residential uses. (p.40)</li> </ul>
<b>Other Applicable Plans and Planning Issues</b>	The Liberty Street Community Development Corporation is charged with the revitalization of the Liberty Street Corridor.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>(R)(4) - Is the requested action in conformance with Legacy?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	The request is to rezone the subject property from RS-Q to PB. The site is the only lot within several blocks along this section of North Liberty Street that is not zoned PB. The two story commercial building, which is currently located on the site, has a history of business use.

*Legacy* recommends managing growth by making more efficient use of land that has already been developed by encouraging reuse and infill opportunities. The *East-Northeast Area Plan* identifies the site as being within the Liberty Street Neighborhood Activity Center and recommends commercial use for the site.

The proposed PB district would provide much greater commercial use flexibility for the site while still allowing residential opportunities. The existing development pattern of North Liberty Street is clearly suitable to the intent of the proposed PB district. Staff supports the subject request.

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2834	RS-Q to PB-S	Approved 2-6-06	500' north	.35	Approval	Approval
W-1991	RS-Q to PB	Approved 9-14-95	Directly south, west and north	3.24 acres	Approval	Approval

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

Positive Aspects of Proposal	Negative Aspects of Proposal
Request is consistent with <i>Legacy</i> .	
Request is consistent with the recommendations of the <i>East-Northeast Area Plan</i> .	
Request is consistent with the PB district purpose statement.	

**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: Wesley Curtis moved approval of the zoning map amendment.

SECOND: Clarence Lambe

VOTE:

FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning