



**DOCKET#:** W3065  
(continued from 5/13/10)

**PROPOSED ZONING:**  
PB-L

**EXISTING ZONING:**  
RS7

**PETITIONER:**  
Cherita B. Irving, Joseph Barnes and Loretta Barnes for property owned by Same

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 2

**ACRES:** 0.34

**NEAREST BLDG:** 65' east

**MAP(S):** 636854



June 23, 2010

Cherita B. Irving  
2325 Fosterdale West Lane  
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT W-3065

Dear Ms. Irving:

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  
Joseph Barnes and Loretta Barnes, 1422 E. 5th Street, Winston-Salem, NC 27101

**ACTION REQUEST FORM**

**DATE:** June 23, 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 map amendment of Cherita B. Irving, Joseph Barnes, and Loretta Barnes

**SUMMARY OF INFORMATION:**

Zoning map amendment of Cherita B. Irving, Joseph Barnes, and Loretta Barnes from RS-7 to PB-L (Recreation Services, Indoor; Services, Personal; and Residential Building, Single Family): property is located on the south side of East Fifth Street, across from Locust Avenue (Zoning Docket W-3065).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Cherita B. Irving, Joseph Barnes, and Loretta Barnes, Docket W-3065

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 RS-7 to PB-L (Recreation Services, Indoor; Services, Personal; and Residential Building, Single Family) the zoning classification of the following described property:

PIN #s 6835-77-3600 and 6835-77-3559

Section 2. This Ordinance is adopted after approval of the Special Use Limited District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_ to Cherita B. Irving, Joseph Barnes, and Loretta Barnes.

Section 3. The City Council hereby directs the issuance of a Special Use Limited District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Cherita B. Irving, Joseph Barnes, and Loretta Barnes. Said Special Use Limited District Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE LIMITED DISTRICT PERMIT

SPECIAL USE LIMITED DISTRICT PERMIT

Issued by the City Council  
of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use Limited District Permit for the zoning petition of Cherita B. Irving, Joseph Barnes, and Loretta Barnes, (Zoning Docket W-3065). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Recreation Services, Indoor; Services, Personal; and Residential Building, Single Family, approved by the Winston-Salem City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the PB-L zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
  - a. The buildings shall be retained in its original, existing location on the site. The front porches shall not be enclosed and the building shall be maintained against decay, deterioration, defects increasing the hazards of fire and/or other accidents, and kept free from structural defects, as determined by Historic Resources Staff of the CCPB.
  - b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.

**CITY-COUNTY PLANNING BOARD DRAFT  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3065
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Cherita B. Irving, Joseph Barnes, and Loretta Barnes
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN # 6835-77-3600 and 6835-77-3559
<b>Address</b>	1420 and 1422 East Fifth Street
<b>Type of Request</b>	Special Use Limited rezoning from RS-7 to PB-L
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS-7 (Residential Building, Single Family; 7,000 sf minimum lot size) <b>to</b> PB-L (Pedestrian Business-Special Use Limited District). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Recreation Services, Indoor; Services, Personal; and Residential Building, Single Family</li> </ul> <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>Continuance History</b>	The request was continued from the May 13, 2010 Planning Board meeting to the June 10 meeting in order to add PIN 6835-77-3559 to the request.
<b>Zoning District Purpose Statement</b>	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.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<p><b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes, the site is within an established urban neighborhood consisting of a mixture of zoning districts and minimal front setbacks. The site is also located within GMA 2.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	South side of East Fifth Street, across from Locust Avenue
<b>Jurisdiction</b>	City of Winston-Salem

<b>Ward(s)</b>	East			
<b>Site Acreage</b>	± .34 acre			
<b>Current Land Use</b>	Two single family homes are currently located on the site.			
<b>“Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	RM-18	Multi-family buildings	
	East	RS-7	Undeveloped property	
	South	RS-7	Single family homes	
	West	RS-7		
<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>			
	The proposed uses are generally compatible with the uses permitted in the adjacent RM-18 and RS-7 zoned properties.			
<b>Physical Characteristics</b>	The site has a moderate slope upward to the south.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not within a water supply watershed.			
<b>Historic, Natural Heritage and/or Farmland Inventories</b>	The East Winston Historic District, an area determined eligible for the National Register, lies immediately to the south of the subject property.			
<b>Analysis of General Site Information</b>	The site has no known constraints other than the proximity of the two existing single family homes to the side property lines. Should the subject request be approved, the petitioners would need to apply for a bufferyard variance from the Zoning Board of Adjustment. The variance would be needed as there is not enough width between said structures and the side property lines to install the required bufferyards.			
<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>
East Fifth Street	Major Thoroughfare	50'	6,200	16,100
Unnamed alley	Platted, 10' wide unopened alley at the rear of site	50'	NA	NA
<b>Proposed Access Point(s)</b>	Because this is a Special Use Limited request with no site plan or access conditions, the exact location of access points (other than the existing driveway) is unknown; however, the site does have public road frontage on East Fifth Street and to a 10' platted, unopened alley along the rear southern boundary of the site.			

<b>Trip Generation - Existing/Proposed</b>	<p><u>Proposed Zoning: RS-7</u>  .34 acre x 43,560 sf / 7,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day</p> <p><u>Proposed Zoning: PB-L</u>  No trip rate is available with the proposed request which has no site plan.</p>
<b>Sidewalks</b>	Sidewalks are located on both sides of East Fifth Street.
<b>Transit</b>	Route 1 along nearby Martin Luther King Jr. Drive
<b>Analysis of Site Access and Transportation Information</b>	It is anticipated the property will utilize a shared access arrangement with one driveway onto East Fifth Street being located between said existing structures.
<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>Legacy</i> recommends: neighborhood retail and community services; and, historic preservation, rehabilitation and reuse of existing structures.</li> <li>• <i>Legacy</i> calls for existing neighborhoods to be preserved, revitalized, and protected from inappropriate commercial and industrial encroachment.</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>• The site is recommended for Office/Low-Intensity Commercial on the Proposed Land Use map. The proposed uses of Recreation Services, Indoor; Services, Personal; and Residential Building, Single Family are included within the recommended land uses for this category. Specific conversion recommendations for single-family structures into low-intensity commercial (or office) uses include: preservation of exterior appearance i.e. keeping front porches open; shared driveways; location of new parking to the side or rear of the structure; preservation of mature trees; and monument type signage with external illumination.</li> <li>• East Fifth Street is also identified as a Pedestrian-Friendly Road.</li> </ul>
<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 <i>Legacy</i>?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The proposed PB district and low intensity uses are consistent with the recommendations of the <i>East/Northeast Area Plan</i>. The proposed condition regarding the retention and maintenance of the existing structures will help to retain the pedestrian-friendly character along this portion of East Fifth Street.</p> <p>The petitioner has contacted the Inspections Division regarding the minimum access, parking layout, and bufferyard requirements. It appears</p>



the site can comply with these requirements with the exception of a portion of the side bufferyard as is noted above. This item could be addressed through a variance request made to the Zoning Board of Adjustment. The petitioner has also met on site with the Inspections staff to identify any building code conversion issues.

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3020	RM-18 to PB-S	6-1-09	500' north	1.75	Denial	Approval
W-2881	RMU & RS-7 to LO-S	9-5-06	300' east	3.13	Approval	Approval

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

Positive Aspects of Proposal	Negative Aspects of Proposal
The request is consistent with the recommendations of the <i>East/Northeast Area Plan</i> .	There is not enough width between the existing structures and the side property lines to install the required bufferyards.
The request is consistent with the recommendations of <i>Legacy</i> .	
Request is consistent with the proposed PB District purpose statement.	
Request will retain the existing structures.	

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
  - a. The buildings shall be retained in its original, existing location on the site. The front porches shall not be enclosed and the building shall be maintained against decay, deterioration, defects increasing the hazards of fire and/or other accidents, and kept free from structural defects, as determined by Historic Resources Staff of the CCPB.
  - b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.

**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.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3065  
JUNE 10, 2010**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved approval of the zoning map amendment.

SECOND: Lynne Mitchell

VOTE:

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

AGAINST: None

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A. Paul Norby, FAICP  
Director of Planning