



DOCKET #: W3066

PROPOSED ZONING:
PB-L

EXISTING ZONING:
RS9

PETITIONER:
One at a Time
Properties Inc.
for property owned
by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 0.33

**NEAREST
BLDG:** 30' west

MAP(S): 642846



May 19, 2010

One at a Time Properties, LLC
c/o Jose Arsenio Martinez
2300 N. Waughtown Street
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-3066

Dear Mr. Martinez:

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
Charles Walk, P. O. Box 336, Bethania, NC 27010

ACTION REQUEST FORM

DATE: May 19, 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 One at a Time Properties, LLC

SUMMARY OF INFORMATION:

Zoning map amendment of One at a Time Properties, LLC from RS-9 to PB-L (Offices; and Residential Building, Single Family): property is located on the south side of Waughtown Street, west of Butler Street (Zoning Docket W-3066).

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 One at a Time Properties, LLC, Docket W-3066

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 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-9 to PB-L (Offices; and Residential Building, Single Family) the zoning classification of the following described property:

Being the property of One At A Time Properties, LLC described in Deed Book 2741, Page 1158 (Tract 2), recorded in the Office of Registry of Deeds of Forsyth County, North Carolina currently designated as Tax Pin 6844-67-8455.00 in the Forsyth County Tax Assessors Office, being a portion of Tax Pin 6844-67-8455.00 being rezoned from RS-9 to PB-L , and being more particularly described as follows;

Beginning at a rail road spike set in the southern right of way line of Waughtown Street (a 60' Public Right of Way, per PB 8, Pg. 190), marking the northeast corner of the herein described proposed zoning lot, said proposed zoning Lot being the property of One At A Time Properties, LLC described in Deed Book 2741, Page 1158 (Tract 2) recorded in the office Registry of Deeds of Forsyth County North Carolina, designated as Tax Pin 6844-67-8455.00 in the Forsyth County Tax Assessors Office, said spike also being the northwest corner of Lot 50 of the WmT. Butler Estate as recorded in Plat Book 8, Page 190, said Lot 50 being the property of One At A Time Properties, LLC described in Deed Book 2741, Page 1158 (Tract 1), and designated as Tax Pin 6844-67-9537.00; Thence leaving the southern right of way line of Waughtown Street, along the western line of Lot 50, South 17°25'13" East, a distance of 159.84 feet to a rail road spike set marking the southwest corner of said Lot 50, said spike also being the northwest corner of Lot 49 of said plat (Plat Book 8, Page 190), and being the property of Dorka Cespedes Vela described in Deed Book 2650, Page 1148, designated as Tax Pin 6844-67-9442.00; Thence with the proposed zoning line, South 69°57'59" West, a distance of 96.83 feet to an iron rebar set with cap in the eastern line of One At A Time Properties, LLC described in Deed Book 2863, Page 3680, designated as Tax Pin 6844-67-7455.00; Thence along said eastern line, North 20°41'46" West a distance of 127.91 feet to an existing iron pipe in said southern right of way line, said iron marking the northeast corner of said properties (Deed Book 2863, Page 3680); Thence along said southern right of way line of Waughtown Street, North 53°13'22" East a distance of 110.27 feet to the POINT and PLACE of BEGINNING, Containing 0.333 acres +/-.

Bearings in this legal description are Grid based bearings, based on NGS control monument “W-41Faith”, using the RTK/VRS network.

This description is taken from a survey prepared for “One At A Time Properties, LLC” by Dean E. Hill Land Surveying, and being Document Number 203-01.

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 One at a Time Properties, LLC.

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 One at a Time Properties, LLC. 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 One at a Time Properties, LLC, (Zoning Docket W-3066). The site shall be developed in accordance with the conditions approved by the Board and the following uses: (Offices; 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 building shall be retained in its original, existing location on the site. 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. Any exterior work to the building or the site must meet the *Secretary of the Interior's Standards for Rehabilitation* as determined by Historic Resources Staff of the CCPB.
 - b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
 - c. The developer shall obtain plat approval for a minor subdivision of the subject property from the CCPB.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3066
Staff	Gary Roberts Jr. AICP
Petitioner(s)	One at a Time Properties, LLC
Owner(s)	Same
Subject Property	Portion of PIN # 6844-67-8455
Address	2218 Waughtown Street
Type of Request	Special Use Limited rezoning from RS-9 to PB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential, Single Family District; 9,000 sf minimum lot size) to PB-L (Pedestrian Business-Special Use Limited District). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Offices; and Residential Building, Single Family <p>NOTE: 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>
Zoning District Purpose Statement	<p>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>
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the site is adjacent to existing PB-L zoning within an older urban neighborhood with minimal front setbacks. The site is also located within GMA 2.</p>
GENERAL SITE INFORMATION	
Location	South side of Waughtown Street, west of Butler Street
Jurisdiction	City of Winston-Salem
Ward(s)	Southeast
Site Acreage	± .33 acre

Current Land Use	A single family home is currently located on the site.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Single family homes
	East	PB-L	Unoccupied commercial building
	South	RS-9	Undeveloped property
	West	RS-9	Single family home
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	The proposed PB-L request includes only two uses: Offices; and Residential Building, Single Family. The more intensive uses permitted in the PB District such as: Convenience Store; and Motor Vehicle Repair and Maintenance have been removed. Therefore, along with the retention of the existing structure and parking location standards within the PB District, the proposed uses are compatible with the single family homes that adjoin the site.		
Physical Characteristics	The site has a gentle slope downward to the south.		
Proximity to Water and Sewer	Public water and sewer are available to the site.		
Stormwater/ Drainage	No known issues.		
Watershed and Overlay Districts	The site is not within a water supply watershed.		
Historic, Natural Heritage and/or Farmland Inventories	The subject property is a contributing resource in the Waughtown/Belview National Register Historic District. Located on the site is a circa 1880, one-and-a-half-story frame dwelling. Although it has been covered with artificial siding, it still retains a high degree of architectural integrity, featuring a wraparound porch with exposed rafter tails and upper story windows close to the eave line. LeRoy and Mary Malone are listed in city directories as living at the property for many years. According to the directories, Malone was a wagon maker at W.E. Spach & Sons Wagon Works; he later is listed as being employed by R.J. Reynolds Tobacco Company.		
Analysis of General Site Information	The subject property contains one contributing structure within the Waughtown/Belview National Register Historic District. The petitioner has volunteered a condition that said structure will remain and staff further recommends a condition that any exterior work to the property, including the site must meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .		

SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Waughtown Street	Major Thoroughfare	111'	13,000	12,700
Proposed Access Point(s)	Because this is a Special Use Limited request with no site plan or access conditions, the exact location of access points is unknown; however, the site does have public road frontage on Waughtown Street.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9</u> .33 acre x 43,560 sf / 9,000 = 1unit x 9.57 (SFR Trip Rate) = 10 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>			
Sidewalks	Sidewalks are located along the subject property side of Waughtown Street; however, sidewalks are not located along the northern side.			
Transit	Route 29 along Waughtown Street			
Analysis of Site Access and Transportation Information	Staff does not anticipate any negative transportation impacts from this request.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	Growth Management Area 2 – Urban Neighborhoods			
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Legacy supports neighborhood serving commercial in close proximity to residential areas along with historic preservation, rehabilitation and reuse of existing structures. 			
Relevant Area Plan(s)	The <i>Southeast Winston-Salem Area Plan, 2002</i>			
Area Plan Recommendations	<ul style="list-style-type: none"> The site is recommended for Office/Commercial on the Proposed Land Use map. 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 access and location of new parking to the side or rear of the structure; preservation of mature trees; and monument type signage with external illumination. 			
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?			
	No			
	(R)(4) - Is the requested action in conformance with Legacy?			
	Yes			

Analysis of Conformity to Plans and Planning Issues	The proposed PB-L request would retain the historic structure and includes only the uses Offices and Residential Building, Single Family. Therefore it is consistent with the <i>Southeast Winston-Salem Area Plan</i> which recommends office/commercial conversions for this portion of Waughtown Street. The PB District includes standards for signage height and size as well as parking location which address many of the residential to office/commercial conversion standards recommended in the plan. Planning staff further recommends a condition that any exterior work to the property, including the site must meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .
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RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3026	PB-S to HB-S	Approved 5-18-09	450' east	1.6	Denial	Denial
W-2912	RS-9 to PB-L	Approved 6-4-07	Directly east	.5	Approval	Approval
W-475	R-4 to B3-S (LB-S)	Approved 2-21-77	175' east	.45	Denial	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
Request is consistent with the recommendations of the <i>Southeast Winston-Salem Area Plan</i> .	
Request is consistent with the recommendations of <i>Legacy</i> .	
Request is consistent with the purpose statement of the proposed PB District.	
Request will retain the existing structure.	

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 building shall be retained in its original, existing location on the site. 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. Any exterior work to the building or the site must meet the *Secretary of the Interior's Standards for Rehabilitation* as determined by Historic Resources Staff of the CCPB.
 - b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
 - c. The developer shall obtain plat approval for a minor subdivision of the subject property from the CCPB.

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: Wesley Curtis

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Darryl Little, Barry Lyons, Paul Mullican, Brenda Smith

AGAINST: None

A. Paul Norby, FAICP
Director of Planning