



**DOCKET #:** W3080

**PROPOSED ZONING:**  
PB-L

**EXISTING ZONING:**  
RSQ

**PETITIONER:**  
Darrell M. Foy for  
property owned by Same

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 2

**ACRES:** 0.47

**NEAREST  
BLDG:** 3' north

**MAP(S):** 624862



November 23, 2010

Darrell Foy  
2831 Reynolds Park Road  
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-3080

Dear Mr. Foy:

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:** November 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 Darrell M Foy

**SUMMARY OF INFORMATION:**

Zoning map amendment of Darrell M Foy from RSQ to PB-L [Food or Drug Store; Services, A; Offices; Retail Store; Arts and Crafts Studio; Recreation Services, Indoor; Child Care, Drop-In; Restaurant (without drive-through service); and Residential Building, Single Family]: property is located on the northwest corner of Fourteenth Street and North Cherry Street (Zoning Docket W-3080).

**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 Darrell M Foy, Docket W-3080

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 RSQ to PB-L [Food or Drug Store; Services, A; Offices; Retail Store; Arts and Crafts Studio; Recreation Services, Indoor; Child Care, Drop-In; Restaurant (without drive-through service); and Residential Building, Single Family] the zoning classification of the following described property:

PIN #6826-92-4311

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 Darrell M Foy.

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 Darrell M Foy. 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 Darrell M Foy, (Zoning Docket W-3080). The site shall be developed in accordance with the conditions approved by the Board and the following uses: [Food or Drug Store; Services, A; Offices; Retail Store; Arts and Crafts Studio; Recreation Services, Indoor; Child Care, Drop-In; Restaurant (without drive-through service); 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. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. All required improvements of the City of Winston-Salem/NCDOT driveway permit shall be completed.
- **OTHER REQUIREMENTS:**
  - a. As volunteered by the petitioner, no outside storage of materials will be allowed.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3080
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Darrell M. Foy
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN # 6826-92-4311
<b>Address</b>	1400 North Cherry Street
<b>Type of Request</b>	Special Use Limited rezoning from RSQ to PB-L
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RSQ (Residential Single Family Quadraplex District) <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>• Food or Drug Store; Services, A; Offices; Retail Store; Arts and Crafts Studio; Recreation Services, Indoor; Child Care, Drop-In; Restaurant (without drive-through service); and Residential Building, Single Family</li> </ul> <p><b>NOTE:</b> General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
<b>Neighborhood Contact/Meeting</b>	Awaiting response from petitioner.
<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 mixed use site has historically served the convenience needs of the surrounding neighborhood and the existing building placement is consistent with the intent of the proposed PB District.</p>

GENERAL SITE INFORMATION				
<b>Location</b>	Northwest corner of Fourteenth Street and North Cherry Street			
<b>Jurisdiction</b>	City of Winston-Salem			
<b>Ward(s)</b>	North			
<b>Site Acreage</b>	± .47 acre			
<b>Current Land Use</b>	Currently a single family home and commercial building are located on the site.			
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	RSQ	Single family home	
	East	RSQ	Single family homes	
	South	LB-S & RM18	Barber shop and single family home	
	West	HB-S	Undeveloped property and a small business	
<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 low intensity commercial and office uses are compatible with the adjacent LB-S and HB-S uses. These uses are less compatible with the adjacent single family uses.			
<b>Physical Characteristics</b>	The site is developed and has a moderate slope downward to the west.			
<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 subject property is located directly south of the North Cherry Street National Register Historic District.			
<b>Analysis of General Site Information</b>	The site has no apparent constraints other than its small size in regard to off-street parking accommodations. Otherwise it appears to be suitable for development within the proposed PB District.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
North Cherry Street	Collector Street	105'	NA	NA
Fourteenth Street	Collector Street	227'	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 driveways) is unknown; however, the site does have public road frontage on North Cherry Street and Fourteenth Street.			

<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RSQ</u>  .47 acre yields 7 units x 6.59 (Multifamily Trip Rate) = 46 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 along both sides of North Cherry Street and along the south side of Fourteenth Street. Planning and WSDOT staff recommend that sidewalks be installed along the Fourteenth Street frontage.
<b>Transit</b>	Route 5 runs along North Cherry Street.
<b>Analysis of Site Access and Transportation Information</b>	The site is located in an urban neighborhood with a well connected, short block, street network. Sidewalks and a diversity of housing types and land uses further support a pedestrian environment which is well suited for the proposed PB District. While the PB District offers significantly reduced off-street parking requirements, the developed site does have some limitations in this area due to its relatively small size. Considering the width of North Cherry Street, WSDOT is open to the possibility of on-street parking. Planning and WSDOT staff recommend that sidewalks be installed along the Fourteenth Street frontage.
<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>• Retail and office buildings should be near the street and sidewalk. This reduces the distance pedestrians and transit users have to travel and provides direct 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.</li> <li>• Encourage new and revitalized neighborhoods that offer a variety of quality housing types, convenience to services and shopping, and foster a strong sense of community.</li> <li>• Encourage redevelopment of infill and “under invested” areas.</li> <li>• Infill development, like any land use issue, must balance the concerns of surrounding residents about the preservation of the character of their neighborhood with the needs of property owners and developers and the goals of the larger community.</li> <li>• Protect residential areas from inappropriate commercial and industrial encroachment.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>North Central Winston-Salem Area Plan (NCAP), 2007</i>



<p><b>Area Plan Recommendations</b></p>	<ul style="list-style-type: none"> <li>The eastern portion of the subject property is recognized as commercial by the <i>NCAP</i>. The western half of the subject property is proposed as office/limited commercial by the plan. Many commercial uses are considered low intensity, but uses such as ABC stores, auto-related uses, convenience stores, clubs/bars, restaurants with drive-throughs, and similar uses are excluded. Low intensity uses are smaller in scale and exclude uses that could have negative impacts on nearby residential development. The <i>NCAP</i> recommends using the Special Use Zoning process to limit uses and to assure that the site is attractively developed in a manner that is compatible with surrounding residential uses. NOTE: When the <i>NCAP</i> was adopted, the Special Use Limited option was not yet in place.</li> </ul>
<p><b>Other Applicable Plans and Planning Issues</b></p>	<p>The property is located within the Old Cherry #2 Redevelopment Area (Blighted) as certified in August 24, 2000. The eastern portion of the petition site (with the commercial structure located on the corner of Cherry Street and 14<sup>th</sup> Street) was identified as existing commercial use and the western portion of the lot (with the single family structure facing 14<sup>th</sup> Street) was identified as existing single family residential. None of the lots/structures were identified for acquisition by the City under the Redevelopment Plan and, therefore, no change in the land use or zoning was recommended.</p>
<p><b>Addressing</b></p>	<p>There are no address numbering or street naming concerns.</p>
<p><b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b></p>	<p><b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b></p>
	<p>No</p>
	<p><b>(R)(4) - Is the requested action in conformance with <i>Legacy</i>?</b></p>
<p>Yes</p>	
<p><b>Analysis of Conformity to Plans and Planning Issues</b></p>	<p>The eastern portion of the subject property is developed with a commercial building and has a long history of business use although it is currently zoned RSQ. According to the Inspections Division, if the property owners would submit the required affidavits, the grocery store now in operation, would become a legal nonconforming use.</p> <p>The proposed PB-L District and low intensity uses are consistent with the recommendations of the <i>North Central Winston-Salem Area Plan</i>. Approval of the requested PB District would trigger the installation of a 15' Type II bufferyard along the northern property line. The PB District also has conservative signage limitations which will help to minimize any impact on the adjacent single family homes.</p>

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1426	R2 & B3-S to B3-S (HB-S)	Approved 3-9-87	Directly west	1.41 acres	Denial	Approval
W-982	R2 to B2-S (LB-S)	Approved 1-3-83	Directly southeast	.45 acre	Denial	Approval
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
The request is consistent with the recommendations of the <i>North Central Winston-Salem Area Plan</i> .			The request may encourage other non-residential rezoning requests deeper into the surrounding single family neighborhood.			
The request is consistent with the recommendations of <i>Legacy</i> .						
Request is consistent with the proposed PB District purpose statement.						
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL						
<p>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.</p> <ul style="list-style-type: none"> <li>• <b><u>PRIOR TO THE ISSUANCE OF ANY PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.</li> </ul> </li> <li>• <b><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></b> <ul style="list-style-type: none"> <li>a. All required improvements of the City of Winston-Salem/NCDOT driveway permit shall be completed.</li> </ul> </li> <li>• <b><u>OTHER REQUIREMENTS:</u></b> <ul style="list-style-type: none"> <li>a. As volunteered by the petitioner, no outside storage of materials will be allowed.</li> </ul> </li> </ul>						

**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.**

---

---

**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3080  
NOVEMBER 11, 2010**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

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

1. Lynne Mitchell noted that voluntary conditions had been submitted. Although only one of these can be enforced, I hope that they will all be honored.

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

SECOND: Wesley Curtis

VOTE:

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

AGAINST: None

---

A. Paul Norby, FAICP  
Director of Planning

**Volunteered Conditions**

10, 8, 10

**We will maintain exterior areas to keep it appealing for the surrounding neighborhood.**

**Painting exterior building in nurtural colors which complements the surrounding area.**

**We will landscape area with flowering plants and manicured bushes. The plants will be in either hanging pots or planters on either sides of the doorways. The bushes will be on sides of the building.**

**We agree to only have daytime businesses that are compatible within a neighborhood environment.**

**Examples are provided on separate list.**

**We have parking in front and on both sides of the building. If necessary additional parking can be provided.**

**NOTE: These volunteered conditions were determined to be unenforceable.**

W.3080

Memorandum

To: Gary Roberts, City/County Planning Staff  
From: Darrell and Patricia Foy, property owners  
Sylvia Oberle, Executive Director, Habitat for Humanity of Forsyth County  
Re: Rezoning Petition, PIN #6826-92-4311

11, 4.10

The parties met to discuss mutually agreeable voluntary conditions to the above rezoning petition for the building at the northwest corner of Fourteenth Street and North Cherry Street. We believe that this rezoning is an excellent opportunity to work together to ensure that the building, and its businesses, contribute positively to the revitalization of the Cherry Street neighborhood.

Habitat will assist property owners in contacting nearby residents to inform them of rezoning and plans for the building.

Voluntary conditions are as follows:

- The building exterior will be maintained to keep it appealing for the surrounding neighborhood.
- The building owners and Habitat volunteers will work together to paint the building in natural colors that complement the surrounding area.
- The building will be landscaped by the owners, assisted by Habitat volunteers as desired, with flowering plants and manicured bushes. The plants will be in either hanging pots or planters on either side of the doorways. The bushes will be along the sides of the buildings.
- Property owners agree to have only daytime businesses that are compatible within a neighborhood environment. Examples are provided on a separate list.
- ✓ • No outside storage of materials will be allowed.
- Parking will be provided in front and on both sides of the building. To minimize the need for parking in front of the building, Habitat staff and volunteers will assist property owners in developing a parking lot behind the building.

NOTE: These volunteered conditions were determined to be unenforceable except for the one noted above.

W-3080