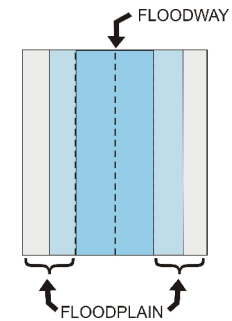


**DOCKET #:** W3052

**PROPOSED ZONING:**  
GB-L

**EXISTING ZONING:**  
LB

**PETITIONER:**  
Wanda H. Morrison and  
Glenda M. Shepard for  
property owned by Same



**SCALE:** 1" represents 400'

**STAFF:** Roberts

**GMA:** 3

**ACRES:** 0.65

**NEAREST BLDG:** 30' southwest

**MAP(S):** 612878



January 20, 2010

Wanda H. Morrison and Glenda M. Shepard  
3790 Bethania Station Road  
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-3052

Dear Ms. Morrison and Ms. Shepard:

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  
Chuck Hotchkiss, 2123 Bethabara Road, Winston-Salem, NC 27106  
Carrie Koontz, 3800 Bethania Station Road, Winston-Salem, NC 27106  
Melynda Dunigan, 1875 Mallard Lakes Drive, Winston-Salem, NC 27106  
David Piner, 303 Wake Drive, Winston-Salem, NC 27106  
Christina Douglas, 932 Goodwood Road, Winston-Salem, NC 27106

**ACTION REQUEST FORM**

**DATE:** January 20, 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 Wanda H. Morrison and Glenda M. Shepard

**SUMMARY OF INFORMATION:**

Zoning map amendment of Wanda H. Morrison and Glenda M. Shepard from LB to GB-L [Access Easement, Private Off-Site; Adult Day Care Center; Animal Shelter, Public; Arts & Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Broadcast Studio; Car Wash; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Funeral Home; Government Offices; Kennel, Indoor; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair & Maintenance; Motorcycle Dealer; Museum or Art Gallery; Neighborhood Organization; Non-Store Retailer; Nursery, Lawn & Garden Supply Store, Retail; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Restaurant (without drive-through service); Retail Store; School, Private; School, Public; School, Vocational or Professional; Services, Business A; Services, Personal; Shopping Center; Terminal, Bus or Taxi; Transmission Tower; Utilities; and Veterinary Services]: property is located on the west side of Bethania Station Road, south of Bethabara Park Boulevard (Zoning Docket W-3052).

**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 Wanda H. Morrison and Glenda M. Shepard,  
Docket W-3052

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 LB to GB-L [Access Easement, Private Off-Site; Adult Day Care Center; Animal Shelter, Public; Arts & Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Broadcast Studio; Car Wash; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Funeral Home; Government Offices; Kennel, Indoor; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair & Maintenance; Motorcycle Dealer; Museum or Art Gallery; Neighborhood Organization; Non-Store Retailer; Nursery, Lawn & Garden Supply Store, Retail; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Restaurant (without drive-through service); Retail Store; School, Private; School, Public; School, Vocational or Professional; Services, Business A; Services, Personal; Shopping Center; Terminal, Bus or Taxi; Transmission Tower; Utilities; and Veterinary Services] the zoning classification of the following described property:

PIN #6817-69-8225

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 Wanda H. Morrison and Glenda M. Shepard.

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 Wanda H. Morrison and Glenda M. Shepard. 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 Wanda H. Morrison and Glenda M. Shepard, (Zoning Docket W-3052). The site shall be developed in accordance with the conditions approved by the Board and the following uses: GB-L [Access Easement, Private Off-Site; Adult Day Care Center; Animal Shelter, Public; Arts & Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Broadcast Studio; Car Wash; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Funeral Home; Government Offices; Kennel, Indoor; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair & Maintenance; Motorcycle Dealer; Museum or Art Gallery; Neighborhood Organization; Non-Store Retailer; Nursery, Lawn & Garden Supply Store, Retail; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Restaurant (without drive-through service); Retail Store; School, Private; School, Public; School, Vocational or Professional; Services, Business A; Services, Personal; Shopping Center; Terminal, Bus or Taxi; Transmission Tower; Utilities; and Veterinary Services], approved by the Winston-Salem City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the GB-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 ISSUANCE OF ANY PERMITS:**
  - a. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Mill Creek. Easement shall be centered on existing trail.
  - b. Any freestanding signage shall be limited to one monument sign with a maximum height of eight (8) feet and a maximum copy area of fifty (50) square feet.
  - c. Developer shall install a 10' Streetyard along the Bethania Station Road frontage.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3052
<b>Staff</b>	<a href="#">Gary Roberts, JR. AICP</a>
<b>Petitioner(s)</b>	Wanda H. Morrison and Glenda M. Shepard
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN 6817-69-8225
<b>Address</b>	3790 Bethania Station Road
<b>Type of Request</b>	This is a special use limited rezoning request from LB to GB-L.
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> LB (Limited Business District) <b>to</b> GB-L (General Business District - Special Use Limited zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Access Easement, Private Off-Site; Adult Day Care Center; Animal Shelter, Public; Arts &amp; Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Broadcast Studio; Car Wash; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Funeral Home; Government Offices; Kennel, Indoor; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair &amp; Maintenance; Motorcycle Dealer; Museum or Art Gallery; Neighborhood Organization; Non-Store Retailer; Nursery, Lawn &amp; Garden Supply Store, Retail; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Restaurant (without drive-through service); Retail Store; School, Private; School, Public; School, Vocational or Professional; Services, Business A; Services, Personal; Shopping Center; Terminal, Bus or Taxi; Transmission Tower; Utilities; and Veterinary Services</li> </ul>
<b>Zoning District Purpose Statement</b>	<p>The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in Growth Management Areas 1, 2, 3, and Metro Activity Centers.</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 request is consistent with the purpose statement of the proposed GB District in that the site is within the Suburban Neighborhoods (GMA 3) and is adjacent to LB zoning.			
<b>GENERAL SITE INFORMATION</b>				
<b>Location</b>	West side of Bethania Station Road, south of Bethabara Park Boulevard			
<b>Jurisdiction</b>	City of Winston-Salem			
<b>Ward(s)</b>	North			
<b>Site Acreage</b>	$\pm$ .65 acre			
<b>Current Land Use</b>	3,500 sf commercial building			
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	Northeast	LB	Business use	
	Southeast	RS-9-S	Single family homes across railroad track	
	Southwest	LB	Business use	
Northwest	RS-9	Business use		
<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 only new use being requested for the site, in addition to the existing LB District uses is Terminal, Bus or Taxi. Considering the relatively small size of the subject property, staff sees the addition of this use as being comparable with other uses currently allowed on the surrounding LB zoned properties such as: Animal Shelter; Convenience Store; and Motor Vehicle, Repair & Maintenance.			
<b>Physical Characteristics</b>	The site slopes downward gently to the northwest toward the adjacent Mill Creek and its associated floodplain. Mill Creek has been subject to extensive flooding.			
<b>Proximity to Water and Sewer</b>	Public water and sewer is 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>	Historic Bethabara, site #10 of the Forsyth County Natural Heritage Inventory, is located southwest and downstream Mill Creek of the petition site.			
<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>
Bethania Station Road	Collector Street	101'	4,800	NA

<b>Proposed Access Point(s)</b>	While this is a Special Use Limited request with no associated site plan, the site does have public road frontage on Bethania Station Road.
<b>Trip Generation - Existing/Proposed</b>	No trip generation is available for the existing general use or proposed special use limited zoning.
<b>Sidewalks</b>	There are no sidewalks located in the general area.
<b>Transit</b>	Route 44 along Bethabara Park Boulevard.
<b>Traffic Impact Study (TIS)</b>	Not required.
<b>Analysis of Site Access and Transportation Information</b>	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 3, Suburban Neighborhoods
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>• 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>• Stimulate new development in slow growth areas within the Municipal Services Area. (p. 40)</li> <li>• Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area. (p. 133)</li> <li>• Promote economic development which is compatible with existing residential neighborhoods and other business developments. (p. 77)</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>North Suburban Area Plan, 2005</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The area plan recommends commercial development for the site.</li> </ul>
<b>Greenway Plan Information</b>	The Greenway Plan identifies a future greenway along the subject property portion of Mill Creek as a priority trail to extend the existing Bethabara Trail north to Hanes Mill Road. A greenway easement from the northwestern property line (adjacent to Mill Creek) is recommended.
<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>	<p>The request is to rezone the site from LB to GB-L. The petition includes all uses currently allowed within the existing LB District with the addition of Terminal, Bus or Taxi.</p> <p>The <i>North Suburban Area Plan</i> recommends commercial use for the subject property and the adjacent properties located along the western side of Bethania Station Road. While this request may lead to other LB to GB requests in the general area, staff sees the request as being consistent with this recommendation as said new use which is specified in this GB-S request is comparable with some of the other uses currently allowed in the LB District. The request is consistent with <i>Legacy</i> because it would encourage redevelopment and reuse of the existing site and building. The GB District would normally allow for a taller and larger freestanding sign than what is currently permitted. Considering the signage located on some of the adjacent properties, the petitioner is agreeable to a signage condition which is based on the current LB standards. The petitioner has also agreed to a recommended 10' Streetyard. These two conditions will help to ensure the site is visually compatible with the surrounding area. The petitioner is also agreeable to a Greenway easement condition</p>
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**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2698	RM-8-S & RM-12-S to RS-9-S (PRD)	Approved 6-7-04	300' east	17.15	Approval	Approval
W-2829	RS-9 & HB-S to RM-12	Withdrawn 1-12-06	450' west	16.55	Denial	Withdrawn

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

Positive Aspects of Proposal	Negative Aspects of Proposal
Request would add only one new use to the permitted uses for the site.	The request may result in additional LB to GB rezonings which are not so limited in scope and range of uses. This may in turn have a greater impact to the surrounding area.
Request is consistent with the recommendations of <i>Legacy</i> and the <i>North Suburban Area Plan</i> .	

**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 ISSUANCE OF ANY PERMITS:**
  - a. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Mill Creek. Easement shall be centered on existing trail.
  - b. Any freestanding signage shall be limited to one monument sign with a maximum height of eight (8) feet and a maximum copy area of fifty (50) square feet.
  - c. Developer shall install a 10' Streetyard along the Bethania Station Road frontage.

**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.**

Gary Roberts presented the staff report. He noted that the petitioner had changed their request to only add the use “Terminal, Bus or Taxi” to the existing uses allowed in LB.

**PUBLIC HEARING**

FOR:

Glenda Shepard, 750 W. 25 1/2 Street, Winston-Salem, NC 27105

- I am an owner of this business.
- I just wanted to let you know I was here and willing to answer questions.
- We are a van service, not a bus terminal or anything like that.
- We provide transportation, but we use vans and have a limited number of vehicles.
- We need the parking space for our vehicles.

Wanda Morrison, 5565 Providence Church Road, Winston-Salem, NC 27105

- I’m the other owner of this property.
- We are in Winston-Salem which doesn’t have any thing that would differentiate a bus service from a van service.
- We only want to park our vans here. We will not be a bus terminal. When the drivers are driving the vans, their personal cars will be parked here.
- I see this as the same thing as the laundry mat across the street. When you go in to wash you park your car out there.
- I know we have rules and regulations, but we just didn’t specify anything other than bus or taxi.
- We’re here fighting for property rights to park vans at our location.

AGAINST:

Chuck Hotchkiss, 2123 Bethabara Road, Winston-Salem, NC 27106

- We have nothing against these ladies.
- The residents met briefly yesterday and our concern is that we don’t want to see a precedent set. We would rather see a variance.
- The first reason is that if it went to general business there is the chance that this would pave the way for other avenues of approach.
- We have enough traffic on that road as it is. We don’t need any additional traffic.
- We worry about pollution to Mill Creek which this property abuts. We have had storm water runoff and flooding problems with the creek.

- This is also a lead-in into Historic Bethabara Park. There are only about 6 residents in the Park. It isn't a big subdivision. But we are concerned about the approaches to the park given the number of visitors to the park.
- Rather than actually change the zoning, we would prefer a variance so that if the ladies ever released the property, it would revert to what it is now.

Carrie Koontz, 4246 Allistair Road, Winston-Salem, 27104

- I am here representing the Winston-Salem Dog Training Club which is located at 3800 Bethania Station Road, two doors down from the site under consideration today.
- Based on the staff report, our understanding was for multiple uses in this rezoning. Are we correct in understanding that this is just limited to the transportation use if this is approved? Chairman King explained that the request is to add the use "Terminal, Bus or Taxi" to the long list of existing uses already allowed on the property.
- We too were hoping for a variance. However, as long as this change is only to allow the one use in addition to what they can do now, we are fine with it.

Melynda Dunigan, 1875 Mallard Lakes Drive, Winston-Salem, NC 27106

- I'm a community gardener in the park. I spend a lot of time there during growing season.
- My concern is the domino effect of changing from LB to GB. I understand this is a minimal change in the sense that you are only adding one use, but my concern has to do with changing the category because of that raising the possibility of more requests to change from LB to GB. The potential would be strong for getting more of these requests.
- If more of these requests are received, one possible outcome is that the area changes from LB to GB. That potential intense commercial development would be detrimental to the park.
- This is the major entrance to the park.
- I don't think it's appropriate for one of our City's more important historic resources to be bordered by an intense commercial area.
- The other issue is flooding. If this area were to develop more intensely the flooding would be exacerbated. We already have significant flooding that affects irreplaceable historic resources in the park.
- Flooding also impacts neighbors.
- I have a couple of issues with the staff report. First this is not consistent with the North Suburban Area Plan. If this area were to convert from LB to GB, I think the intent of suggesting commercial for this area was that it remain the way it is now.
- The statement in the staff report that Historic Bethabara is approximately 1/2 a mile from the site is misleading. The visitor's center may be that far away, but the park boundaries extend considerably closer to this site.
- Historic Bethabara is one of our most important historic resources. It deserves protection and I would urge that you protect it.

Christina Douglas, 932 Goodwood Road, Winston-Salem, NC 27106

- I am the chair of the Board of Trustees for Historic Bethabara Park.
- I echo much of Ms. Dunigan's sentiments.
- I wanted to address the area she referred to known as The Closet. That is our natural historic resource center and it is approximately 200 feet from the area in question.

- This is a great resource for our community.
- Please consider the character and the culture of Historic Bethabara Park before making a decision.

## **WORK SESSION**

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

1. Chairman King asked David Reed if they could do what they were requesting by obtaining a variance. Mr. Reed indicated they could not do so because the use is not allowed in the current zoning.
2. Wesley Curtis: I'd like to address a couple of concerns which were raised. I certainly wouldn't support this petition if it hadn't been paired down to just the addition of the "Terminal, Bus or Taxi" use. There isn't enough room to get more than one or two buses on this site even if buses were to be used. It is a very limited area because they have agreed to the greenway along the creek. In the future I don't think I would support moving in the direction of making this area GB. I think it fits within the neighborhood. We do need to be careful how intensely this area is developed. With what the petitioners are asking for and the limited space available for this use, I would probably be willing to support the motion.
3. Lynne Mitchell: I just want to say the same thing. I appreciate people's comments. I've been out here when the creek was flooded and it is a concern. To just add the one use sounds reasonable to me. I don't think anyone wants to see it go toward GB, but with this one limited additional use I am leaning toward supporting the motion.
4. Brenda Smith: I just want to echo what a good resource this is for our community. We don't want to do anything that would damage or hinder this resource. I don't see that this additional activity would have any negative effects on that.

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

SECOND: Paul Mullican

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning