DOCKET #: W3133

PROPOSED ZONING: PB-L

EXISTING ZONING: RS9

PETITIONER: Santos and Kelly Molina for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 0.58

NEAREST BLDG: 12' east

MAP(S): 624874
February 22, 2012

Santos and Kelly Molina
4259 Indiana Avenue
Winston-Salem, NC 27105

Re: Zoning Map Amendment W-3133

Dear Mr. & Ms. Molina:

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,

[Signature]

A. Paul Norby, FAICP
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
ACTION REQUEST FORM

DATE: February 22, 2012
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 Santos and Kelly Molina

SUMMARY OF INFORMATION:

Zoning map amendment of Santos and Kelly Molina from RS9 to PB-L [Residential Building, Single Family; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B; Family Group Home C; Fraternity or Sorority; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishing Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Funeral Home; Hotel or Motel; Motor Vehicle Rental or Leasing; Motor Vehicle Repair and Maintenance; Offices; Services A; Services B; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Adult Day Care Home; Child Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Group Care Facility B; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; Postal Processing Facility; School, Vocational or Professional; Stadium, Coliseum or Exhibition Building; Borrow Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities]: property is located on the north side of Indiana Avenue, east of Motor Road (Zoning Docket W-3133).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL.
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED
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 RS9 to PB-L

[Residential Building, Single Family; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B; Family Group Home C; Fraternity or Sorority; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishing Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors. General; Funeral Home; Hotel or Motel; Motor Vehicle Rental or Leasing; Motor Vehicle Repair and Maintenance; Offices; Services A; Services B; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Adult Day Care Home; Child Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Group Care Facility B; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; Postal]
Processing Facility; School, Vocational or Professional; Stadium, Coliseum or Exhibition
Building; Borrow Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi;
Transmission Tower; and Utilities\] the zoning classification of the following described property:

PIN #6827-84-6655

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 Santos and Kelly Molina.

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 Santos and Kelly Molina. 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 Santos and Kelly Molina, (Zoning Docket W-3133). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Residential Building, Single Family; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B; Family Group Home C; Fraternity or Sorority; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishing Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Funeral Home; Hotel or Motel; Motor Vehicle Rental or Leasing; Motor Vehicle Repair and Maintenance; Offices; Services A; Services B; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Adult Day Care Home; Child Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Group Care Facility B; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; Postal Processing Facility; School, Vocational or Professional; Stadium.
Coliseum or Exhibition Building; Borrow Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities, 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 the City of Winston-Salem Public Works Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. All requirements of the City of Winston-Salem driveway permit shall be completed.

- **OTHER REQUIREMENTS:**
  a. The existing principal structure shall be retained in its original, existing location on the site.
  b. Prior to changing the use of the existing structure, any and all necessary permits must be obtained through the City-County Inspections Division.
### CITY-COUNTY PLANNING BOARD
#### STAFF REPORT

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3133</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Santos and Kelly Molina</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #6827-84-6655</td>
</tr>
<tr>
<td>Address</td>
<td>4259 Indiana Avenue</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Limited rezoning from RS9 to PB-L</td>
</tr>
</tbody>
</table>

#### PETITION INFORMATION

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (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:

- Residential Building, Single Family; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B; Family Group Home C; Fraternity or Sorority; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishing Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Funeral Home; Hotel or Motel; Motor Vehicle Rental or Leasing; Motor Vehicle Repair and Maintenance; Offices; Services A; Services B; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Adult Day Care Home; Child Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Group Care Facility B; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; Postal Processing Facility; School, Vocational or Professional; Stadium, Coliseum or Exhibition Building; Borrow Site; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities

**NOTE:** General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.
<table>
<thead>
<tr>
<th>Neighborhood Contact/Meeting</th>
<th>The petitioner stated on 1-24-12 that he had spoken with one of the neighbors about his proposed rezoning.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District Purpose Statement</td>
<td>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 GMAs (Growth Management Areas) 1 (Center Cities), 2 (Urban Neighborhoods), and 3 (Suburban Neighborhoods).</td>
</tr>
</tbody>
</table>
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R) | *(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?*  
Yes, the site is located within the Urban Neighborhoods GMA along a major thoroughfare with a sidewalk along the frontage. There is also a mixture of uses and zoning in the general area. |

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>North side of Indiana Avenue, east of Motor Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>North</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± .58 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>A one story, 1,256 sf single family home and accessory building are currently located on the site.</td>
</tr>
</tbody>
</table>

### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RS9</td>
<td>Undeveloped property</td>
</tr>
<tr>
<td>East</td>
<td>RS9</td>
<td>Single family homes</td>
</tr>
<tr>
<td>South</td>
<td>RS9, LI &amp; HB</td>
<td>Single family homes and a notary public</td>
</tr>
<tr>
<td>West</td>
<td>RS9</td>
<td>Single family homes</td>
</tr>
</tbody>
</table>

### 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 uses are compatible with the permitted uses on the LI and HB zoned properties across Indiana Avenue. The proposed uses are less compatible with the uses permitted on the adjacent RS9 zoned properties.  

### Physical Characteristics

The site has a moderate slope downward to the north.

### Proximity to Water and Sewer

Public water and sewer are available to this site.
Stormwater/Drainage: No known issues.

Watershed and Overlay Districts: The site is not located within a water supply watershed.

Analysis of General Site Information: The site has no apparent constraints and appears to be suitable for development within the proposed PB-L District.

**SITE ACCESS AND TRANSPORTATION INFORMATION**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Indiana Avenue</td>
<td>Major Thoroughfare</td>
<td>111'</td>
<td>15,000</td>
<td>23,900</td>
</tr>
</tbody>
</table>

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. The site is currently accessed from Indiana Avenue.

Trip Generation - Existing/Proposed: Existing Zoning: RS9
- .58 acre x 43,560 / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day

- Proposed Zoning: PB-L
- Not trip rate is available for the proposed zoning which has no site plan.

Sidewalks: Sidewalks are located along the subject property (north side) of Indiana Avenue. The Comprehensive Transportation Plan recommends sidewalks along both sides of Indiana Avenue.

Transit: Routes 7 and 10 run along Indiana Avenue.

Analysis of Site Access and Transportation Information: The site is located on a major thoroughfare which has ample capacity. Sidewalks are located on the subject property side of the street. Staff does not anticipate any negative transportation impacts from this request. A driveway permit will be required.

**CONFORMITY TO PLANS AND PLANNING ISSUES**

**Legacy GMA**: Growth Management Area 2 – Urban Neighborhoods

**Relevant Legacy Recommendations**: - Neighborhood serving commercial development in close proximity to residential areas.
- Redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.
- Promote economic development that is compatible with existing residential neighborhoods and other business developments.

**Relevant Area Plan(s)**: North Suburban Area Plan (2005)

**Area Plan Recommendations**: - The area plan recommends commercial use for the subject property and also recommends creating commercial opportunities by locating such development in areas that do not negatively affect nearby neighborhoods.
Other Applicable Plans and Planning Issues

Comments from the Inspections Division: Any commercial use will require building and zoning permits, including but not limited to, site plans, floor plans and building code summaries, prior to beginning work and/or occupying the structure under the new use.

Addressing

There are no address number or street naming concerns.

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 request is to rezone a relatively small single family parcel from RS9 to PB-L. The request includes an extensive list of proposed uses. The uses which the petitioner has chosen to leave off the request are: Life Care Community; Car Wash; Storage Services, Retail; Theater, Indoor; Child Care Institution; Habilitation Facility C; School, Private; School Public; and Helistop.

The petitioner has also included a condition that would retain the existing structure. This would visually help to maintain the residential character of the immediate area.

The North Suburban Area Plan recommends commercial use for this entire block on the north side of Indiana Avenue. Pedestrian Business is an appropriate district for this location.

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Staff</td>
</tr>
<tr>
<td>W-2961</td>
<td>LI to RS9</td>
<td>Approved 11-5-07</td>
<td>Directly southwest</td>
<td>.43</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2656</td>
<td>RS9 to NO-S</td>
<td>Approved 11-17-03</td>
<td>200' north</td>
<td>.46</td>
<td>Denial</td>
</tr>
</tbody>
</table>

RELEVANT ZONING HISTORIES

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal

The request is consistent with the area plan.
The request would allow for additional commercial opportunities.
The existing principal structure would be retained on the site.
The site is located along a major thoroughfare.

Negative Aspects of Proposal

The request would extend commercial zoning adjacent to existing single family homes.
### 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. Developer shall obtain a driveway permit from the City of Winston-Salem Public Works Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. All requirements of the City of Winston-Salem driveway permit shall be completed.

- **OTHER REQUIREMENTS:**
  - a. The existing principal structure shall be retained in its original, existing location on the site.
  - b. Prior to changing the use of the existing structure, any and all necessary permits must be obtained through the City-County Inspections Division.

### 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-3133
FEBRUARY 9, 2012

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Wesley Curtis moved approval of the zoning map amendment and recommends staff conditions.
SECOND: Clarence Lambe
VOTE:
    FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Brenda Smith, Allan Younger
    AGAINST: None
    EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
DOCKET #: W3133

PROPOSED ZONING:
PBL-L

EXISTING ZONING:
RS9

PETITIONER:
Santos and Kelly Molina
for property owned by Same

SCALE: 1" represents 300'
STAFF: Roberts
GMA: 2
ACRES: 0.58
NEAREST BLDG: 12' east
MAP(S): 624874
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Swimming Pool, Private

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Church or Religious Institution, Community
Golf Course
Library, Public
Limited Campus Uses
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF
ADJUSTMENT (A)
Bed and Breakfast
Child Day Care, Large Home
Habilitation Facility A
Landfill, Land Clearing/Inert Debris
Manufactured Home, Class A
Park and Shuttle Lot

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses
The proposed special use zoning map amendment from RS9 (Residential, Single Family District; 9,000 sf minimum lot size) to PB-L (Pedestrian Businesses-Special Use Limited District) with its added conditions is consistent with the Legacy Comprehensive Plan, and the North Suburban Area Plan (NSAP) and is reasonable and in the public interest because:

a. The request will allow for additional commercial opportunities;

b. The existing principal structure would be retained on the site;

c. The site is located along a major thoroughfare; and

d. The site has no apparent development constraints, and appears to be suitable for development within the proposed PB-L District.
DENIAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3133
(SANTOS AND KELLY MOLINO)

Although the proposed special use zoning map amendment from RS9 (Residential, Single Family District; 9,000 sf minimum lot size) to PB-L (Pedestrian Businesses-Special Use Limited District) with its added conditions is consistent with the Legacy Comprehensive Plan, and the North Suburban Area Plan (NSAP) approval of the request is not reasonable and in the public interest because the request would extend commercial zoning adjacent to existing single family homes.