DOCKET #: W3101

PROPOSED ZONING:
NB-L

EXISTING ZONING:
RS20

PETITIONER:
Tammy Erwin for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 4

ACRES: 0.79

NEAREST BLDG: 35' west

MAP(S): 660834
May 25, 2011

Tammy Erwin
6045 Bexhill Drive
Walkertown, NC 27051

RE: ZONING MAP AMENDMENT W-3101

Dear Ms. Erwin:

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:** May 25, 2011  
**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 Tammy Erwin

## SUMMARY OF INFORMATION:

Zoning map amendment of Tammy Erwin from RS20 to NB-L [Access Easement, Private Off-Site; Adult Day Care Center; Adult Day Care Home; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Repair and Maintenance; Museum or Art Gallery; Offices; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Residential Building, Single Family; Restaurant (without drive-through service); Retail Store; Services A; Utilities; and Veterinary Services]: property is located on the north side of Union Cross Road, west of Wallburg Road (Zoning Docket W-3101).

## 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 RS20 to NB-L [Access Easement, Private Off-Site; Adult Day Care Center; Adult Day Care Home; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Repair and Maintenance; Museum or Art Gallery; Offices; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Residential Building, Single Family; Restaurant (without drive-through service); Retail Store; Services A; Utilities; and Veterinary Services] the zoning classification of the following described property:

PIN #6863-47-3581

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 Tammy Erwin.
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 Tammy Erwin. 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 Tammy Erwin, (Zoning Docket W-3101). The site shall be developed in accordance with the conditions approved by the Board and the following uses: NB-L [Access Easement, Private Off-Site; Adult Day Care Center; Adult Day Care Home; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Repair and Maintenance; Museum or Art Gallery; Offices; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Residential Building, Single Family; Restaurant (without drive-through service); Retail Store; Services A; 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 NB-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 obtain a driveway permit from the City of Winston-Salem Public Works Department.

- **PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:**
  a. Developer shall install a street yard along the frontage of Union Cross Road.
  b. Developer shall remove any manufactured homes from the site.
# CITY-COUNTY PLANNING BOARD
## STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3101</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Tammy Erwin</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN # 6863-47-3581</td>
</tr>
<tr>
<td>Address</td>
<td>1926 Union Cross Road</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Limited rezoning from RS20 to NB-L</td>
</tr>
</tbody>
</table>

**Proposal**
The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS20 (Residential, Single Family District; 20,000 sf minimum lot size) to NB-L (Neighborhood Business – Special Use Limited District). The petitioner is requesting the following use:
- All uses allowed in NB

**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>
</tr>
</thead>
<tbody>
<tr>
<td>The application indicates that the petitioner has spoken with neighbors in the surrounding communities and with the president of the Woodgate Homeowners Association.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning District Purpose Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The NB District is primarily intended to accommodate very low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists. This district is intended for application in GMAs (Growth Management Areas) 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), 4 (Future Growth Area), and 5 (Rural Area).</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</th>
</tr>
</thead>
<tbody>
<tr>
<td>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</td>
</tr>
<tr>
<td>Yes, the site is located within GMA 4 and would provide a convenient location to serve the everyday household needs of nearby residents.</td>
</tr>
</tbody>
</table>

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>North side of Union Cross Road, west of Wallburg Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Southeast</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± .79 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>An unoccupied commercial building with a vacant upstairs residence and two Class C Manufactured homes are currently located on the site.</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td>Direction</td>
</tr>
<tr>
<td>-----------------------------------</td>
<td>-----------</td>
</tr>
<tr>
<td></td>
<td>North</td>
</tr>
<tr>
<td></td>
<td>East</td>
</tr>
<tr>
<td></td>
<td>South</td>
</tr>
<tr>
<td></td>
<td>West</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 permitted uses within the proposed NB District are compatible with the uses permitted within the IP zoned property across Union Cross Road and with the adjacent single family homes.

Physical Characteristics

With the exception of a few trees and mature shrubs, the site is predominately developed and has a very gentle slope downward to the northwest. No streams or wetlands are located on the site.

Proximity to Water and Sewer

Public water is available to the site; however, no public sewer is available.

Stormwater/Drainage

No known issues.

Watershed and Overlay Districts

The site is not located within a water supply watershed.

Analysis of General Site Information

Other than the lack of public sewer service, there are no apparent constraints and it appears to be suitable for development within the proposed NB-L District.

<table>
<thead>
<tr>
<th>SITE ACCESS AND TRANSPORTATION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Name</td>
</tr>
<tr>
<td>--------------</td>
</tr>
<tr>
<td>Union Cross Road</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 (other than the existing driveways onto Union Cross Road) is unknown.

Planned Road Improvements

The Comprehensive Transportation Plan recommends a four lane, divided median section with sidewalks for Union Cross Road.

Trip Generation - Existing/Proposed

Existing Zoning: RS20

\[0.79 \text{ acre} \times 43,560 / 20,000 = 1 \text{ unit} \times 9.57 \ (SFR \ Trip \ Rate) = 10 \ Trips \ per \ Day\]

Proposed Zoning: NB-L

\[2,100 \text{ sf} /1,000 \times 40.67 \ (Specialty \ Retail \ Center \ Trip \ Rate) = 85 \ Trips \ per \ Day\]

Sidewalks

Sidewalks are not being recommended for this request as no building expansion is proposed.

Transit

Route 30 runs to the Autumn Oaks Development along Fanning Road approximately 4 miles to the northwest.
<table>
<thead>
<tr>
<th>Analysis of Site Access and Transportation Information</th>
<th>Staff does not see any negative transportation impacts associated with this request. A driveway permit will be required and Union Cross Road currently has enough right-of-way to accommodate the proposed future road improvements.</th>
</tr>
</thead>
</table>

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management 4 - Future Growth Area</th>
</tr>
</thead>
</table>
| Relevant Legacy Recommendations | • Permit services near where people live in a manner that is compatible with surrounding uses, and provide retail and service uses within walking and bicycling distance of neighborhoods.  
• Encourage convenient commercial services to support neighborhood needs. |
| Relevant Area Plan(s) | Union Cross/Southeast Forsyth County Area Plan (2004) |
| Area Plan Recommendations | • The Union Cross/Southeast Forsyth County Area Plan recommends the subject property for Conventional Subdivision development. |
| Addressing | There are no addressing 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?  
See comments below |

### Analysis of Conformity to Plans and Planning Issues

The request is to rezone a relatively small parcel from RS20 to NB-L. While the Union Cross Area Plan does not recommend a zoning change in this area, staff notes the following unique circumstances which could warrant approval of the proposed petition.

First the site has a history of commercial use and appears to have served as a service station at one time. Second, it is located along a major thoroughfare and not within the center of a homogenously zoned residential neighborhood. Third, there appears to be a lack of commercial establishments in this general area and therefore a small amount of NB zoning would complement the public park across the street and meet some of the daily convenience needs of the adjacent single family homes and the large employment centers located in the general area. This would in turn provide for a more balanced mixture of uses in the area and would be consistent with Legacy’s recommendation to encourage convenient commercial services to support neighborhood needs.

Staff sees the request as being consistent with the purpose statement of the NB District which is designed to accommodate very low intensity office, retail, and personal service uses close to or within residential areas. The NB District also has a spacing requirement which prevents the establishment of an NB District within one-half mile of another NB District. Staff would also note that approval of this request should not constitute a precedent of additional non-residential rezoning in this area.
### RELEVANT ZONING HISTORIES

<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>W-2951</td>
<td>LB-S to GL-L</td>
<td>Approved 10-1-07</td>
<td>±1,000' southwest</td>
<td>4.87</td>
<td>Approval</td>
</tr>
<tr>
<td>F-500</td>
<td>R-6 to R6 PRD</td>
<td>Approved 1-15-79</td>
<td>Directly east</td>
<td>10.7</td>
<td>Approval</td>
</tr>
<tr>
<td></td>
<td>(RS20-S)</td>
<td></td>
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</tr>
</tbody>
</table>

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request could accommodate some of the daily convenience needs for the adjacent homes and employment centers.</td>
<td>The request is not consistent with the recommendations of the area plan.</td>
</tr>
<tr>
<td>The site has a history of commercial use.</td>
<td></td>
</tr>
<tr>
<td>The request is consistent with the purpose statement of the NB District.</td>
<td></td>
</tr>
</tbody>
</table>

### 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 obtain a driveway permit from the City of Winston-Salem Public Works Department.

- **PRIOR TO ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall install a street yard along the frontage of Union Cross Road.
  - b. Developer shall remove any manufactured homes from the site.

### 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-3101
MAY 12, 2011

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning map amendment.
SECOND: Paul Mullican
VOTE:
    FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Allan Younger
    AGAINST: None
    EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
DOCKET #: W3101

PROPOSED ZONING:
NB-L

EXISTING ZONING:
RS20

PETITIONER:
Tammy Erwin
for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 4

ACRES: 0.79

NEAREST BLDG: 35' west

MAP(S): 660834
EXISTING RS20 USES ALLOWED
City of Winston-Salem Jurisdiction Only

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
Planned Residential Development
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Agricultural Production, Crops
Bed and Breakfast
Borrow Site
Child Day Care, Large Home
Dirt Storage
Fishing, Fee Charged
Habilitation Facility A
Landfill, Construction and Demolition
Landfill, Land Clearing/Inert Debris
Manufactured Home, Class A
Nursing Care Institution
Park and Shuttle Lot
Riding Stable
Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Parking, Off-Site, for Multifamily or Institutional Uses
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Arts and Crafts Studio
Child Care, Drop-In
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Combined Use
Convenience Store
Food or Drug Store
Government Offices, Neighborhood Organization, or Post Office
Library, Public
Motor Vehicle, Repair and Maintenance
Museum or Art Gallery
Offices
Police or Fire Station
Recreation Facility, Public
Residential Building, Single Family
Restaurant (without drive-through service)
Retail Store
Services A
Veterinary Services

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Adult Day Care Center
Child Day Care, Large Home
Limited Campus Uses
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Banking and Financial Services
Bed and Breakfast
Borrow Site
Child Care, Sick Children
Child Day Care Center
Dirt Storage
Landfill, Land Clearing/Inert Debris
Park and Shuttle Lot

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN  
W-3101  
(TAMMY ERWIN)

The proposed special use zoning map amendment from RS20 (Residential, Single Family; 20,000 sf minimum lot size) to NB-L (Neighborhood Business-Special Use Limited District) with its added conditions is consistent with the Legacy Comprehensive Plan, and is reasonable and in the public interest because:

1. The request is consistent with the purpose statement of the proposed NB District;

2. The site has a history of commercial use; and

3. The request could accommodate some of the daily convenience needs for the adjacent homes and employment centers.