DOCKET #: W3102

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
HB-S

PETITIONER:
Francis D. Harris III and Debra T. Harris for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 3

ACRES: 0.68

NEAREST BLDG: 55' southeast

MAP(S): 624826
May 25, 2011

Francis D. Harris III and Debra T. Harris
6916 August Drive
Clemmons, NC 27012

RE: SITE PLAN AMENDMENT W-3102

Dear Mr. & Ms. Harris:

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:** 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 Site Plan Amendment of Francis D. Harris III and Debra T. Harris

## SUMMARY OF INFORMATION:

Site plan amendment request of Francis D. Harris III and Debra T. Harris for an HB-S zoned site: property is located on the east side of Peters Creek Parkway, south of Bridgton Road (Zoning Docket W-3102).

## PLANNING BOARD ACTION:

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Site Plan Amendment of Francis D. Harris III and Debra T. Harris,
Docket W-3102

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 granting a Site Plan Amendment for
property zoned HB-S (Arts and Crafts Studio; Convenience Store; Food or Drug Store;
Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery Lawn and Garden Supply
Store, Retail: Outdoor Display, Retail: Restaurant (without drive-through service); Retail Store;
Banking and Financial Services; Car Wash; Funeral Home; Motor Vehicle, Rental and Leasing;
Motor Vehicle, Repair and Maintenance; Offices; Services A; Recreation Services, Indoor;
Recreation Services, Outdoor; Library, Public; Museum or Art Gallery; School, Vocational or
Professional; and Parking Commercial - Site Plan Amendment] and described as follows:

PIN #6822-78-2084

Section 2. This Ordinance is adopted after approval of the site plan entitled Dee Harris,
Inc. and identified as Attachment "A" of the Special Use District Permit issued by the City
Council the ______ day of __________________., to Francis D. Harris III and Debra T. Harris.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit
pursuant to the Zoning Ordinance of the Unified Development Ordinances for a development to
be known as Dee Harris, Inc. Said Special Use District Permit and site plan with associated
documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.
CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE 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 District Permit for the site shown on the site plan map included in this zoning petition of Francis D. Harris III and Debra T. Harris, (Zoning Docket W-3102). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for HB-S (Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery Lawn and Garden Supply Store, Retail; Outdoor Display, Retail; Restaurant (without drive-through service); Retail Store; Banking and Financial Services; Car Wash; Funeral Home; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services A; Recreation Services, Indoor; Recreation Services, Outdoor; Library, Public; Museum or Art Gallery; School, Vocational or Professional; and Parking Commercial - Site Plan Amendment], approved by the Winston-Salem City Council the _____ day of ____________________, 20___" and signed, provided the property is developed in accordance with requirements of the HB-S 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:

NOTE: Conditions a, b, and c are being carried forward from the original approval. Condition d has been modified from the original condition. Condition e is a new condition.

- **OTHER REQUIREMENTS:**
  a. Signage shall be limited to one (1) monument sign with a maximum height of fifteen (15) feet and a maximum area of thirty-six (36) square feet.
  b. All on site lighting shall be a maximum of twenty (20) feet tall and shall be of the "shoebox" type or otherwise designed not to cast direct light on adjacent properties.
  c. Security fencing shall be of a black or green vinyl finish.
  d. Temporary modular sales unit to be replaced with a site built structure within five (5) years of the Issuance of a Certificate of Occupancy for said temporary office.
  e. Developer shall either install the required streetyard or obtain a variance from the Zoning Board of Adjustment.
# CITY-COUNTY PLANNING BOARD
## STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3102</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Francis D. Harris III and Debra T. Harris</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN # 6822-78-2084</td>
</tr>
<tr>
<td>Address</td>
<td>3775 Peters Creek Parkway</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Site Plan Amendment for HB-S zoned property</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting a Site Plan Amendment for a HB-S zoned property in order to re-establish the previously approved modular sales unit. The following uses have been approved for this site: Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery Lawn and Garden Supply Store, Retail; Outdoor Display, Retail; Restaurant (without drive-through service); Retail Store; Banking and Financial Services; Car Wash; Funeral Home; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services A; Recreation Services, Indoor; Recreation Services, Outdoor; Library, Public; Museum or Art Gallery; School, Vocational or Professional; and Parking Commercial</td>
</tr>
<tr>
<td>Neighborhood Contact/Meeting</td>
<td>The application indicates that no neighborhood/community meeting had been held at the time of submittal.</td>
</tr>
<tr>
<td>Zoning District Purpose Statement</td>
<td>The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs (Growth Management Areas) 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), and 4 (Future Growth Area).</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the site is presently zoned HB-S, is located within GMA 3, and caters to passing motorists.</td>
</tr>
</tbody>
</table>

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>East side of Peters Creek Parkway, south of Bridgton 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>± .68 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The site has been improved with a parking lot for car sales; however, at this time no structure is located on the lot.</td>
</tr>
<tr>
<td><strong>Physical Characteristics</strong></td>
<td>The developed site has a gentle slope downward to the southwest.</td>
</tr>
<tr>
<td>-----------------------------</td>
<td>--------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Proximity to Water and Sewer</strong></td>
<td>Public water and sewer are available to the site.</td>
</tr>
<tr>
<td><strong>Stormwater/Drainage</strong></td>
<td>No known issues.</td>
</tr>
<tr>
<td><strong>Watershed and Overlay Districts</strong></td>
<td>The site is not located within a water supply watershed.</td>
</tr>
<tr>
<td><strong>Analysis of General Site Information</strong></td>
<td>The site has no apparent constraints and appears to be suitable for development within the existing HB-S District.</td>
</tr>
</tbody>
</table>

### 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>Peters Creek Parkway</td>
<td>Expressway</td>
<td>184'</td>
<td>19,000</td>
<td>32,400</td>
</tr>
<tr>
<td>Unnamed access easement</td>
<td>NA</td>
<td>188'</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s):** The site will continue to be accessed from the unnamed access easement which connects to Bridgton Road.

**Planned Road Improvements:** The Comprehensive Transportation Plan recommends sidewalks along Peters Creek Parkway.

**Sidewalks:** Sidewalks are not being required as a condition of the subject request because no significant expansion is being proposed.

**Transit:** The last stop for Route 13, which runs along Peters Creek Parkway, is approximately 3,400' to the north.

**Analysis of Site Access and Transportation Information:** Staff does not anticipate any negative transportation impacts from this request.

### CONFORMANCE TO PLANS AND PLANNING ISSUES

**Legacy GMA:** Growth Management Area 3 - Suburban Neighborhoods

**Relevant Legacy Recommendations:**
- Legacy recommends that new commercial development be clustered at activity nodes rather than stretched out along transportation corridors. The design of a site should accommodate pedestrians as well as the automobile. Most parking should be to the side or rear of a site where possible and buildings should face the street.

**Relevant Area Plan(s):** *South Suburban Area Plan (2011)*

**Area Plan Recommendations:**
- The *South Suburban Area Plan* identifies the subject property as commercial development.

**Addressing:** The 34' Access Easement that connects to Bridgton Road is recommended to be named. Ultimately the address for any building located on the lot will be changed to this new street name.
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, because it is consistent with the commercial land use recommendation of the South Suburban Area Plan.

Analysis of Conformity to Plans and Planning Issues

Peters Creek Parkway serves as a major gateway into Forsyth County. One of the conditions of the original approval was that the proposed temporary modular office would be replaced with a larger permanent office, as depicted on the previous site plan, within three years of the Issuance of a Certificate of Occupancy for said temporary office. The original modular building has been removed and said three year period has expired. The petitioner is now requesting to place a 672 square foot modular sales unit on the site and is not proposing to replace this structure with a site built building. Note: Modular buildings comply with the North Carolina State Building Code.

The recently adopted South Suburban Area Plan identifies the subject property as commercial development. Staff is supportive of the request provided the previously approved condition to replace the proposed modular sales unit with a permanent building be revised from three to five years and be carried forward with this request.

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></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>F-1425</td>
<td>LB to HB-S</td>
<td>Approved 2-28-05</td>
<td>Current site</td>
<td>.67</td>
<td>Denial Approval</td>
</tr>
<tr>
<td>W-3009</td>
<td>LB-S to HB-S</td>
<td>Approved 12-1-08</td>
<td>Directly north</td>
<td>.76</td>
<td>Approval Approval</td>
</tr>
</tbody>
</table>

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>672'</td>
<td>South central portion</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1 space</td>
<td>3 spaces</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60'</td>
<td>One story</td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85%</td>
<td>81.2 %</td>
</tr>
</tbody>
</table>

UDO Sections Relevant to Subject Request

- Chapter B, Article II, Section 2-1.3 (l) Highway Business District
### Complies with Chapter B, Article VII, Section 7-5.3

<table>
<thead>
<tr>
<th>(A) Legacy policies:</th>
<th>Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Environmental Ord.</td>
<td>NA</td>
</tr>
<tr>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
</tr>
</tbody>
</table>

### Conditions for Approval

- Conditions of approval for rezoning the subject property in 2005 included: recordation of both a negative access easement along Peters Creek Parkway and a cross access easement along the eastern side of the site; and obtain a variance from the Zoning Board of Adjustment for the street tree planting requirements. Those conditions have been met.

### 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 underlying HB-S District would remain in place.</td>
<td>The request would permit the continued use of a modular sales unit.</td>
</tr>
<tr>
<td>The request is consistent with the recommendations of the South Suburban Area Plan.</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.

**NOTE:** Conditions a, b, and c are being carried forward from the original approval. Condition d has been modified from the original condition. Condition e is a new condition.

- **OTHER REQUIREMENTS:**
  a. Signage shall be limited to one (1) monument sign with a maximum height of fifteen (15) feet and a maximum area of thirty-six (36) square feet.
  b. All on-site lighting shall be a maximum of twenty (20) feet tall and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties.
  c. Security fencing shall be of a black or green vinyl finish.
  d. Temporary modular sales unit to be replaced with a site built structure within five (5) years of the Issuance of a Certificate of Occupancy for said temporary office.
  e. Developer shall either install the required street tree or obtain a variance from the Zoning Board of Adjustment.

### 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: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
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 #: W3102

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
HB-S

PETITIONER:
Francis D. Harris III
and Debra T. Harris
for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 3

ACRES: 0.68

NEAREST BLDG: 55' southeast

MAP(S): 624826
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: W-3102

PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS

Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrase. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

PROJECT CASE NUMBER: W-3102  PROJECT TITLE: Dee Harris, Inc.  DATE: April 27, 2011

PROJECT DESCRIPTION: East side of Peters Creek Parkway, south of Bridgton Road

NCDOT- Phone # - 336.703.6600 Email: jprhynen@ncdot.gov
"No Comment"
(per email from John Rhyne)

Signature

WSDOT- Phone # - 336.747.6872 Email: conniccc@cityofws.org
"No comment"
(per email from Connie Curtis)

Signature

City Engineer- Phone # - 336.747.6846 Email: albertcg@cityofws.org
"No comments"
(per email from Al Gaskill)

Signature

City Streets Division- Phone # - 336.734.1550 Email: robbys@cityofws.org
"If site is accessed from Bridgton Road, repair any damages that occur to the street due to construction."
(per email from Robby Stone)

Signature

Inspections (Zoning)- Phone # - 336.727.2626 Email: jeffv@cityofws.org
"Type I buffer required against LB zoning. A variance of trees in streetyard was granted by FCZBOA (Case # 1296) but shrubs were still required. Show on plan. Parking is 1 per 575, not 1 per 650. In the tree preservation legend label replace New Development w/"If grading permit required."
(Per email from Jeff Vaughn)

Signature

Inspections (Erosion Control)- Phone # - 336.727.2388 Email: jeffk@cityofws.org
"No comments."
(per email from Jeff Kopf)

Signature
**INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE**

**Project Case Number: W-3102**

<table>
<thead>
<tr>
<th>Stormwater Division- Phone # - 336.747.6961 Email: <a href="mailto:josephf@cityofws.org">josephf@cityofws.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>No Comment</td>
</tr>
</tbody>
</table>

**Signature**

<table>
<thead>
<tr>
<th>Fire (City)- Phone # - 336.747.7359 Email: <a href="mailto:jonc@cityofwsfire.org">jonc@cityofwsfire.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>“No FD Comments.” (per email from Jon Canupp)</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Utilities- Phone # - 336.747.7499 Email: <a href="mailto:billis@cityofws.org">billis@cityofws.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>“City/County Utilities does not assume responsibility for due diligence on behalf of the owner, developer, or consulting engineer. As of July 1, 2011, all three-inch and larger water meters must be purchased through the Utilities Business Office. Domestic services three-inch and larger and all fire services will be made by permit application at the time of building permit or authorization to construct (B-Permits will no longer be required). A sewer capacity analysis fee of $200 applies to all public or private sewer connections that require a DWQ FTSE form. A construction drawing plan review fee applies to all public or private water and/or sewer extensions required to be permitted through NCDENR. Water services larger than 2-inch and all fire services (except single family dwellings) are required to be permitted by NCDENR. Subject to Utilities plan review for Building Permit Application and/or Authorization to Construct Water or Sanitary Sewer Systems. Contact CityLink, 727-8000 for the following services:</td>
</tr>
<tr>
<td>- Impact fees, water/sewer rates, and record drawings (Records Center)</td>
</tr>
<tr>
<td>- Utility locates of water/sewer mains or services (Construction &amp; Maintenance)</td>
</tr>
<tr>
<td>- Meter, backflow preventer, or grease interceptor requirements (Plan Review)</td>
</tr>
<tr>
<td>Following are specific comments that may apply to your proposed site plan: Existing water and/or sewer connections may require evaluation for compliance with backflow preventer requirements, connection serviceability, and/or termination at the main.” (per email from Bill Shookman)</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sanitation- Phone # - 336.748.3080 Email: <a href="mailto:christc@cityofws.org">christc@cityofws.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Planning- Phone # - 336.747.7043/747.7068 Email: <a href="mailto:aaronk@cityofws.org">aaronk@cityofws.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>“Verify if this is a true modular unit or a single wide manufactured home.” (per email from Aaron King)</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Street Names/Addresses -336.747.7048 Email: <a href="mailto:bensf@cityofws.org">bensf@cityofws.org</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>“The 34’ Access Easement that connects to Bridgton Rd is required to be named. The address for the modular unit will be changed to this new street name.” (per email from Ben Stamey)</td>
</tr>
<tr>
<td>Signature</td>
</tr>
</tbody>
</table>
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3102
(FRANCIS D. HARRIS III AND DEBRA T. HARRIS)

The proposed site plan amendment for HB-S zoned property in order to re-establish the
previously approved modular sales unit, with its added conditions, is consistent with the Legacy
Comprehensive Plan, and is reasonable and in the public interest because:

1. The underlying HB-S District will remain in place; and

2. The request is consistent with the recommendations of the South Suburban Area
   Plan.