



DOCKET #: W3110

PROPOSED ZONING:
NB-L

EXISTING ZONING:
NB-S

PETITIONER:
Azzat Amer Inc.
for property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 0.36

NEAREST BLDG: 18' south

MAP(S): 630858





August 17, 2011

Azzat Amer, Inc.
P. O. Box 823
Winston-Salem, NC 27102

Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 336.727.8000
Fax 336.748.3163
www.cityofus.org/planning

RE: ZONING MAP AMENDMENT W-3110

Dear Sirs:

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
Terry Roberts, P. O. Box 604, Lewisville, NC 27023



> request a service > report a problem
> make a suggestion

City Council: Mayor Allen Joines; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Wanda Merschel, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

Forsyth County Commissioners: David R. Plyler, Chairman; Debra Conrad, Vice Chair; Richard V. Linville; Walter Marshall; Gloria D. Whisenhunt; Bill Whiteheart; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair; L. Wesley Curtis, Jr., AIA, Vice-Chair; Clarence R. Lambe, Jr.; Darryl Little; Barry A. Lyons; Lynne Mitchell; Paul W. Mullican; Brenda J. Smith; Allan Younger

ACTION REQUEST FORM

DATE: August 17, 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 Azzat Amer, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of Azzat Amer, Inc. from NB-S (Offices; and Services A) to NB-L (Offices; Services A; Church or Religious Institution, Neighborhood; and Arts and Crafts Studio): property is located on the west side of North Patterson Avenue, south of 14th Street (Zoning Docket W-3110).

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 Azzat Amer, Inc., Docket W-3110

AN ORDINANCE AMENDING THE
WINSTON-SALEM CITY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE CITY OF WINSTON-SALEM, N.C.

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from NB-S (Offices; and Services A) to NB-L (Offices; Services A; Church or Religious Institution, Neighborhood; and Arts and Crafts Studio) the zoning classification of the following described property:

PIN #6836-31-0928

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 Azzat Amer, Inc.

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 Azzat Amer, Inc. 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 Azzat Amer, Inc., (Zoning Docket W-3110). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Offices; Services A; Church or Religious Institution, Neighborhood; and Arts and Crafts Studio, 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:

There are no additional conditions.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3110
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Azzat Amer, Inc.
Owner(s)	Same
Subject Property	PIN # 6836-31-0928
Address	1338 Patterson Avenue
Type of Request	Special Use Limited rezoning from NB-S to NB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from NB-S (Neighborhood Business District – Offices; and Services A) to NB-L (Neighborhood Business- Special Use Limited District). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Offices; Services A; Church or Religious Institution, Neighborhood; and Arts and Crafts Studio <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	The application indicates that at the time of filing, no neighborhood/community meeting had been held.
Zoning District Purpose Statement	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 2, 3, 4 and 5. 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).
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 request is presently zoned NB-S and is located within a mixed single and multifamily residential area within GMA 2.
GENERAL SITE INFORMATION	
Location	West side of Patterson Avenue, south of East 14th Street
Jurisdiction	City of Winston-Salem
Ward(s)	Northeast
Site Acreage	± .36 acre

Current Land Use	The site is currently developed with a one story, 2,400 sf commercial building.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RM18	Patterson Grocery	
	East	RM5	Single family homes	
	South	RM18	Accounting/Tax office	
	West	RM18	Multifamily residential	
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 limited list of requested uses (i.e. offices, service and institutional uses) are generally compatible with the existing and permitted uses on the adjacent RM18 zoned properties. Said uses are less compatible with the single family residential uses permitted on the properties across Patterson Avenue.			
Physical Characteristics	The developed site has a moderate slope downward to the west.			
Proximity to Water and Sewer	Public water and sewer are available to the 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 NB-L district.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Patterson Avenue	Minor Thoroughfare	75'	6,300	16,100
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 driveway onto Paterson Avenue) is unknown.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: NB-S</u> 2,400 / 1,000 x 36.13 (Medical-Dental Office Building Trip Rate) = 87 Trips per Day <u>Proposed Zoning: NB-L</u> No trip rate is available for the proposed zoning which has no site plan.			
Sidewalks	Sidewalks are located along both sides of Patterson Avenue.			
Transit	Routes 9 and 10 run along Paterson Avenue.			

Analysis of Site Access and Transportation Information	Staff does not anticipate any negative transportation impacts from this request.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 2 – Urban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. • Retail and office buildings should be near the street and sidewalk. This reduces the distance pedestrians and transit users have to travel and provides direct access to buildings along the street. Locating buildings close to the street, lining the street with trees, buffering the street with parked cars, and ensuring buildings have display windows at the sidewalk edge all provide an interesting walking environment where pedestrians feel a sense of activity, enclosure and safety. Parking should be located to the rear and sides or under retail and office buildings.
Relevant Area Plan(s)	<i>North Central Area Plan (2007)</i>
Area Plan Recommendations	<p>The site is located in the proposed Patterson/Northwest Neighborhood Activity Center. The site is one of three properties on the west side of Patterson Avenue between Fourteenth and Thirteenth Streets that the plan recommends to be rezoned for office use under the NO-S (Neighborhood Office- Special Use) District. The plan also recommends that coordinated access by shared driveways or rear driveway connections be encouraged.</p> <p style="text-align: center;">Public Improvement Recommendations</p> <ul style="list-style-type: none"> • Repair sidewalks, as necessary • Build sidewalk at Fourteenth Street west of Patterson Avenue • Provide striped crosswalks at Patterson Avenue and Fourteenth Street • Add bus stop bench both sides of Patterson Avenue & Thirteenth Street • Install bike rack at grocery store and Samaritan Inn • Create on-street parking, where feasible • Investigate use of traffic calming • Plant street trees where adequate planting space is available or can be created on both sides of Patterson Avenue between Thirteenth and Fourteenth Streets. • Clean up trash and overgrown vegetation in rights-of-way.

	Private Site Improvement Needs					
	Encourage private improvements through incentives and regulatory measures as follows:					
	<ul style="list-style-type: none"> • Close/change curb cuts • Screen dumpsters, grease traps and loading docks • Improve parking lots by resurfacing, defining spaces and landscaping • Improve building facades • Remove or replace damaged/out-of-date signage • Remove razor wire and improve appearance of fencing 					
	Clean up trash and overgrown vegetation on private property					
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 <i>Legacy</i>?					
	Yes					
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone the subject property from NB-S to NB-L in order to add the uses of Church or Religious Institution, Neighborhood; and Arts and Crafts Studio. The site is developed in accordance with the approved NB-S site plan with the building pulled up relatively close to Patterson Avenue and the majority of the parking located to the rear.</p> <p>This site is within the boundaries of the <i>North Central Area Plan (NCAP)</i> which recommends this site be developed with office uses within the NO-S District. The subject property was rezoned to the NB-S District prior to the adoption of the <i>NCAP</i>. While the area plan does not support business zoning at this site, the approved uses are very limited including only Offices and Services A. The current request is to convert the zoning of the site from Special Use to Special Use Limited and to add the uses of Church or Religious Institution, Neighborhood; and Arts and Crafts Studio. In light of the area plan recommendations, staff would not be supportive of retail uses at this site. However, staff is supportive of the addition of these two neighborhood serving uses.</p>					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2907	RM18 to NB-S	Approved 2-5-07	Current site	.36	Approval	Approval
W-2365	RM18 to LB	Denied 2-7-00	Included subject property	.84	Denial	Denial

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The underlying NB District will remain in place.	The existing NB-S and proposed NB-L Districts are not fully consistent with the recommendations of the <i>NCAP</i> .
The request is consistent with the general recommendations of <i>Legacy</i> .	
The site is located along two transit routes and has access to existing sidewalks on Patterson Avenue.	
The site is located between a modest scaled retail store and an office.	
The request includes a limited number of non retail uses.	
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.	
No additional conditions are recommended.	

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-3110
AUGUST 11, 2010**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment.

SECOND: Clarence Lambe

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

NOTE: At the request of the petitioner, this item was withdrawn at the Planning Board Work Session on August 25, 2011.