DOCKET #: W3113

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
IP-S

PETITIONER:
Challenges of the 21st Century for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 2

ACRES: 11.87

NEAREST BLDG: 50' west

MAP(S): 630842, 636842
September 21, 2011

Challenges of the 21st Century
c/o Aynn Daniels, Resource Officer
437 Goldfloss Street
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT W-3113

Dear Ms. Daniels,

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:** September 21, 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 Challenges of the 21st Century

**SUMMARY OF INFORMATION:**

Site plan amendment of Challenges of the 21st Century for an IP-S zoned site; property is located on the northwest quadrant of US 52 and I-40 (Zoning Docket W-3113).

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**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** WESLEY CURTIS, ARNOLD KING, PAUL MULLICAN, BRENDA SMITH, ALLAN YOUNGER  
**AGAINST:** LYNNE MITCHELL  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Site Plan Amendment of Challenges of the 21st Century,
Docket W-3113

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 IP-S (School, Public; and School, Private - Site Plan Amendment) and described as follows:

BEGINNING AT AN EIP, (EXISTING IRON PIN), AT THE SOUTHEAST CORNER OF VARGRAVE STREET AND GOLDFLOSS STREET, SAID EIP BEING THE NORTHWEST CORNER OF LOT 1, BLOCK 58, OF THE PLAT OF THE PROPERTY OF THE WINSTON-SALEM LAND AND INVESTMENT COMPANY AS RECORDED PLAT BOOK 4, PAGE 147, FORSYTH COUNTY REGISTRY; THENCE FROM BEGINNING POINT RUNNING ALONG THE SOUTHERN RIGHT-OF-WAY OF GOLDFLOSS STREET S 79° 00' 19" E 790.76' TO AN ECM, (EXISTING CONCRETE MONUMENT), AT THE INTERSECTION OF THE SOUTHERN LINE OF GOLDFLOSS STREET WITH THE WESTERN RIGHT-OF-WAY OF US HIGHWAY 52; THENCE ALONG THE WESTERN RIGHT OF WAY OF US HIGHWAY 52 AS IT TRANSITIONS INTO THE NORTHERN RIGHT-OF-WAY OF INTERSTATE 40 THE FOLLOWING FIFTEEN COURSES AND DISTANCES: 1) S 01° 55' 36" W 152.50' TO AN ECM; 2) ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 641.2' AND ARC DISTANCE OF 96.01' AND A CHORD S 13° 26' 38" W 95.92' TO AN ECM; 3) S 67° 19' 03" E 50.22' TO AN EIP; 4) S 01° 23' 22" E 22.95' TO AN ECM; 5) S 42° 42' 29" W 151.72' TO AN EIP; 6) S 49° 41' 27" E 5.91' TO AN EIP; 7) S 40° 07' 42" W 24.43' TO AN ECM; 8) S 28° 11' 50" W 138.76' TO AN ECM; 9) S 42° 59' 59" W 92.77' TO AN ECM; 10) S 40° 00' 42" W 47.67' TO AN ECM; 11) S 48° 49' 30" W 48.67' TO AN ECM; 12) S 60° 05' 59" W 37.40' TO AN ECM; 13) S 67° 58' 07" W 44.95' TO AN ECM; 14) S 59° 02' 55" W 92.93' TO AN ECM; 15) S 73° 02' 12" W 26.45' TO A POINT, SAID POINT BEING AT THE INTERSECTION OF THE CENTERLINE OF THE NOW CLOSED PORTION OF SUNNYSIDE AVENUE WITH THE NORTHERN RIGHT-OF-WAY OF THE HIGHWAY; THENCE ALONG THE CENTERLINE OF FORMER SUNNYSIDE AVENUE N 34° W 675.16' TO A NAIL AT THE SOUTHEAST INTERSECTION OF VARGRAVE
STREET AND BROOKLINE STREET; THENCE ALONG THE EASTERN RIGHT-OF-WAY
OF VARGRAVE STREET N 11° 05' 55" E 369.71' TO THE POINT AND PLACE OF
BEGINNING, AND CONTAINING 11.87498 ACRES MORE OR LESS.

Section 2. This Ordinance is adopted after approval of the site plan entitled Carter G.
Woodson Public Charter School and identified as Attachment "A" of the Special Use District
Permit issued by the City Council the ______ day of ____________________, to Challenges of
the 21st Century.

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 Carter G. Woodson Public Charter School. 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 Challenges of the 21st Century, (Zoning Docket W-3113). 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 IP-S (School, Public; and School, Private - 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 IP-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:

• PRIOR TO ISSUANCE OF GRADING PERMITS:
  a. Developer shall obtain a driveway permit from WSDOT. Improvements will include ADA compliant replacement of broken or damaged sidewalk along the street frontage and closure of unused curb cuts.
  b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.
  b. Developer shall install all required storm water management devices.
### CITY-COUNTY PLANNING BOARD
### STAFF REPORT

**PETITION INFORMATION**

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3113</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Challenges of the 21st Century</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Portion of PIN #6834-54-7909</td>
</tr>
<tr>
<td>Address</td>
<td>420 Goldfloss Street</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Site plan amendment for an IP-S zoned site to remove a condition (W-2823).</td>
</tr>
</tbody>
</table>
| Proposal     | The petitioner is requesting a Site Plan Amendment for an IP-S zoned property in order to modify condition language relating to the removal of a billboard. The currently approved uses are:  
  - School, Public; and School, Private  
| Neighborhood Contact/Meeting | According to an email from the petitioner on 9-2-11 they “spoke with 5 residents who called me (Aynn Daniels). They are in support of the billboard in that it does not affect them. Spoke with Pastor of area church and he gave no opinion either way…” |
| Zoning District Purpose Statement | The IP District is intended to accommodate public and institutional uses which have a limited land use impact or traffic generation potential upon surrounding uses. The district is intended to accommodate smaller, less intensive public and institutional uses which have concentrated service areas and are located in or near residential areas, or larger, less intensive recreational or institutional facilities in rural areas. |
| 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 presently zoned IP-S, is developed with the Carter G. Woodson School K-12, public charter school, and is located near a residential area. |

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Northwest quadrant of US 52 and I-40</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>± 11.87 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>A 16,097 square foot school along with a billboard are currently located on the site.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>GB</td>
<td>Carter G, Woodson School</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>GI</td>
<td>US 52</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>GI</td>
<td>I-40</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>GI, GI-S and RS7</td>
<td>Neighborhood scale church and undeveloped property</td>
</tr>
</tbody>
</table>
Physical Characteristics | The developed site is primarily cleared and has a gentle slope downward from the north to the south.
--- | ---
Proximity to Water and Sewer | Public water and sewer are available to the site.
Stormwater/Drainage | The approved site plan includes a stormwater management condition which has been met.
Watershed and Overlay Districts | The site is not within a water supply watershed.
Historic, Natural Heritage and/or Farmland Inventories | The site is listed in the Forsyth County Architectural Inventory as being the former location of the Southside Cotton Mills. The plant, which was constructed around 1895 was the area's largest industrial endeavor at that time and was an important part of Sunnyside's development. The operation later became known as the Arista Mills; however, the building has since been destroyed.
Analysis of General Site Information | This site is also located directly adjacent to the Sunnyside/Central Terrace Historic District, which was listed on the National Register of Historic Places in 2008.

### 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>Goldfloss Street</td>
<td>Local Street</td>
<td>791’</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Vargrave Street</td>
<td>Local Street</td>
<td>370’</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>US 52</td>
<td>Freeway</td>
<td>1,034’</td>
<td>63,000</td>
<td>63,600</td>
</tr>
</tbody>
</table>

Proposed Access Point(s) | Existing circular drive onto Goldfloss Street and the service drive onto Vargrave Street would remain in place.

Trip Generation - Existing/Proposed | Existing/Proposed Zoning: IP-S 16,000/1,000 x 3.54 (Private School Trip Rate) = 57 Trips per Day

Sidewalks | Sidewalks are located along the subject property’s frontage of Goldfloss Street and Vargrave Street.

Transit | Route 29 runs along Sprague Street ±800’ to the north.

Analysis of Site Access and Transportation Information | The subject request does not appear to present any negative transportation impacts.
## CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th><strong>Legacy GMA</strong></th>
<th>Growth Management Area 2 – Urban Neighborhoods</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Relevant Legacy Recommendations</strong></td>
<td>• In an effort to improve the appearance of entryways and thoroughfares in the community, <em>Legacy</em> recommends the consideration of a policy which would earmark funds to purchase and remove nonconforming billboards along Business 40, NC 421 and US 52.</td>
</tr>
<tr>
<td><strong>Relevant Area Plan(s)</strong></td>
<td><em>South Central Winston-Salem Area Plan (2003)</em></td>
</tr>
<tr>
<td><strong>Area Plan Recommendations</strong></td>
<td>• The Area Plan recommends a mix of low-to-moderate density residential uses, as well as open spaces and religious/educational institutions, as a continuation of the traditional street pattern and development of the adjacent historic neighborhood. The plan also calls for a community gathering space in this area.</td>
</tr>
<tr>
<td><strong>Addressing</strong></td>
<td>There are no addressing or street naming concerns.</td>
</tr>
<tr>
<td><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</strong></td>
<td><em>(R)(3) - Have changing conditions substantially affected the area in the petition?</em></td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td></td>
<td><em>(R)(4) - Is the requested action in conformance with <em>Legacy</em>?</em></td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
</tbody>
</table>

### Analysis of Conformity to Plans and Planning Issues

The subject request would eliminate the existing condition which calls for the removal of a billboard on the site which is located along US 52. In 2006, when this site was rezoned in order to accommodate the construction of a public charter school, the property was rezoned from a district that does not allow schools to a district that does not allow billboards. The petitioners agreed to the condition whereby said billboard would be removed within three years after the issuance of the certificate of occupancy. That three year period expired on January 15, 2011. On April 1, 2011 the two year lease between the current petitioner and the billboard company expired.

US 52 is a major gateway into and through the City of Winston-Salem carrying approximately 63,000 cars a day. The downtown skyline is visible to motorists heading north on US 52 from I-40. This double sided sign is approximately 672 sf per face and is located in the short distance directly between where motorists are merging onto south bound US 52 from Sprague Street and the exit ramp for I-40 westbound. Regarding northbound traffic on US 52, it is located directly between where motorists merge onto US 52 from I-40 and where motorists are exiting onto Sprague Street. The posted speed limit along this section is 55 mph.
The portion of the site where the billboard is located is within the Thoroughfare Overlay District. The TO District is intended to:

(a) Encourage development and redevelopment which preserves the visual quality and functional operation of major roadways;
(b) Enhance the visual image of the community;
(c) Promote traffic safety;
(d) Preserve property values; and,
(e) Implement the goals, policies, and objectives of Legacy.

The continued presence of a billboard in this location counteracts the purpose of the TO District.

The petitioners needed the approved IP district in order to construct the school; however, billboards are not allowed in IP. The request is inconsistent with the recommendation of Legacy which encourages the limitation of billboards as a means to improve the appearance of the community. Staff does not see that the conditions particular to this site or the need to improve the appearance of US 52 have changed since this condition was agreed upon.

### 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-2823</td>
<td>Gl to IP-S</td>
<td>Approved 1-3-06</td>
<td>Subject property</td>
<td>11.87</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

There are no changes proposed to the approved site plan.

- Chapter B, Article II, Section 2-1.5 (A) IP District and Section 2-1.6 (B) Thoroughfare Overlay District

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th>(A) Legacy policies:</th>
<th>(B) Environmental Ord.</th>
<th>(C) Subdivision Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complies with Chapter B, Article VII, Section 7-5.3</td>
<td>No</td>
<td>NA</td>
<td>NA</td>
</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 would allow the continued advertising opportunity along a freeway.</td>
<td>Request would result in the continued existence of a highly visible billboard.</td>
</tr>
<tr>
<td></td>
<td>Request is not consistent with Legacy.</td>
</tr>
<tr>
<td></td>
<td>Request is not consistent with the purpose of the Thoroughfare Overlay District.</td>
</tr>
<tr>
<td></td>
<td>The request is not complimentary to the historic site or to the adjacent national register district.</td>
</tr>
<tr>
<td></td>
<td>Request could establish a precedent regarding the goal of removing billboards where possible.</td>
</tr>
</tbody>
</table>
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

These conditions are based upon the previously approved site plan, W-2823. Some of these conditions may have already been addressed and complied with during development of the site. Deleted conditions are shown in **bold-italics with strike through**.

- **PRIOR TO ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from WSDOT. Improvements will include ADA compliant replacement of broken or damaged sidewalk along the street frontage and closure of unused curb cuts.
  b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.
  b. Developer shall install all required storm water management devices.

- **OTHER REQUIREMENTS:**
  a. *Developer shall remove the existing billboard on site within three years after the issuance of the Certificate of Occupancy.*

**STAFF RECOMMENDATION:** Denial

**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-3113
SEPTEMBER 8, 2011

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Aynn Daniels, 437 Goldfloss Street, Winston-Salem, NC 27127
  • I am the Consultant and Resource Development Compliance Officer for the Challenges of the 21st Century dba Carter G. Woodson School.
  • The school has been in operation as a charter school since 1998 and serves around 500 students.
  • The school acquired this property in 2006 as a part of a rezoning from General Business to Institutional Public Special in 2005 with the condition of removing the billboard.
  • We met with Planning staff at that time and they highly recommended at that time that in order to move the application forward that the condition for the removal of that billboard should be placed within that amendment.
  • A charter school who does not receive the level of funding as other public schools will take the path of least resistance.
  • We received a notice from the City before January that we were in violation of the zoning. Although we made a reasonable assumption that the City of Winston-Salem had also informed the owners of the sign, we immediately sent the notice we received to the owners of the sign, Fairway Outdoor.
  • Renting the sign out allows the school to defray some of our costs.
  • The staff report says, "In an effort to improve the appearance of entryways and thoroughfares in the community, Legacy recommends the consideration of a policy which would earmark funds to purchase and remove nonconforming billboards along Business 40, NC 421 and US 52."
  • We understood that funds were going to be allowed for the removal of billboards and that no other billboards on Interstate 52 or Business 40 would be erected. Those that were in place would be torn down.
  • We would like very much to continue to receive the funding on that billboard. In addition to losing the income from leasing that sign, the school would have to bear the cost of taking that billboard down. That cost is somewhere between $15,000 and $22,000.
  • We recommend that you give favorable consideration to our request.
AGAINST: None

WORK SESSION

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

1. Chairman King explained that although Legacy recommended the establishment of a fund to assist in the removal of billboards, no such fund has been established at this time.

2. Wesley Curtis asked how the three-year time frame was determined at that time? Paul Norby replied that the time frame was probably set to allow adequate time for the completion of the existing lease.

3. Paul Norby also explained that staff has no authority to hold an application and bar it from going forward. It could be that at the time we let the petitioner know that removing the sign was going to be one of our recommendations and asked if they would agree to it, but I cannot imagine staff saying this application would not go forward unless the petitioner agreed with this recommendation. That is not our practice nor do we have authority to do that.

4. Arnold King noted that if they had only rezoned the property around this sign and excluded the property on which the sign sits the sign would have been allowed to stay. Our requirements are that billboards be at least 1,000 feet apart. The two closest ones are 1,800 feet and 4,300 feet away. This stretch of road is not overcome with billboards. This billboard could be approved today except that it's in the IP District.

5. Lynne Mitchell: I think you did a wonderful presentation and this is really tearing at my heart because I just wish we funded schools so you didn't have to go through this and that you didn't have to rely on billboards for funding. Schools should be advertising-free zones. This should not be a way to generate revenue. I know how important the revenue is but I just can't support it because it's on school property. This makes me sad.

6. Paul Mullican: Is it possible for them to go back and carve out that section for a zoning which would allow billboards? Paul Norby: That's possible although we would have to see if there are any prohibitions because it is land-locked. I think what they're proposing here accomplishes the same thing. It is a legal non-conforming use right now but for that condition stating that it be removed within three years.

7. Wesley Curtis: The unfortunate thing for me is the time limit of three years. I wish we'd hashed this out at the beginning to see if it was going to stay. The sign was there originally in a GI-zoned piece of land. However, I also understand the need to clean up the corridor. That's a good thing.
8. Brenda Smith: I think the petitioner was looking at the primary issue of getting the school up and running. I don't think there was any way they could foresee being here today. I think it's practical and fair to give the relief and approve what they have requested.

MOTION: Brenda Smith moved approval of the site plan amendment.
SECOND: Allan Younger
VOTE:
    FOR: Wesley Curtis, Arnold King, Paul Mullican, Brenda Smith, Allan Younger
    AGAINST: Lynne Mitchell
    EXCUSED: None

[Signature]
A. Paul Norby, FAICP
Director of Planning
DOCKET #: W3113

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
IP-S

PETITIONER:
Challenges of the 21st Century for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 2

ACRES: 11.87

NEAREST BLDG: 50' west

MAP(S): 630842, 636842
While the proposed site plan amendment for an IP-S zoned site to remove a condition (W-2823) relating to a billboard is not consistent with the Legacy Comprehensive Plan or the purpose of the Thoroughfare Overlay District, said proposed amendment is reasonable and in the public interest because:

1. The request will not present any negative transportation impacts;
2. The request complies with the billboard spacing requirements; and
3. The request will allow the continued advertising opportunity along an existing freeway.