DOCKET #: W3118

PROPOSED ZONING:
LB-L

EXISTING ZONING:
RS12

PETITIONER:
Linda and Scott Needham
for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 3

ACRES: 1.33

NEAREST BLDG: 90' north

MAP(S): 618882
November 23, 2011

Linda and Scott Needham
P. O. Box 4
Pilot Mountain, NC  27041

Re:  Zoning Map Amendment W-3118

Dear Mr. & Mrs. Needham:

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
      Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC  27101
<table>
<thead>
<tr>
<th>ACTION REQUEST FORM</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>DATE:</strong></td>
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<tr>
<td><strong>TO:</strong></td>
</tr>
<tr>
<td><strong>FROM:</strong></td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Linda and Scott Needham

**SUMMARY OF INFORMATION:**

Zoning map amendment of Linda and Scott Needham from RS12 to LB-L [Combined Use; Arts and Crafts Studio; 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; Shopping Center; Bed and Breakfast; Car Wash; Funeral Home; Kennel, Indoor; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services, A; Veterinary Services; Recreation Services, Indoor; Recreation Facility, Public; Adult Day Care Center; Animal Shelter, Public; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Museum or Art Gallery; Police or Fire Station ; School, Private ; School, Public ; School, Vocational or Professional; Borrow Site; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Transmission Tower; and Utilities]: property is located on the east side of University Parkway, south of Laura Avenue (Zoning Docket W-3118).

**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 Linda and Scott Needham, Docket W-3118

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 RS12 to LB-L.

[Combined Use; Arts and Crafts Studio; 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; Shopping Center; Bed and
Breakfast; Car Wash; Funeral Home; Kennel, Indoor; Motor Vehicle, Rental and Leasing; Motor
Vehicle, Repair and Maintenance; Offices; Services, A; Veterinary Services; Recreation
Services, Indoor; Recreation Facility, Public; Adult Day Care Center; Animal Shelter, Public;
Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious
Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Dirt
Storage; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land
Clearing/Inert Debris; Library, Public; Limited Campus Uses; Museum or Art Gallery; Police or
Fire Station; School, Private; School, Public; School, Vocational or Professional; Borrow Site;
Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Transmission
Tower; Utilities] the zoning classification of the following described property:

PIN#s 6828-32-2829 and 6828-32-2830

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 Linda
and Scott Needham.
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 *Linda and Scott Needham*. 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.
The City Council of the City of Winston-Salem issues a Special Use Limited District Permit for the zoning petition of Linda and Scott Needham, (Zoning Docket W-3118). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Combined Use; Arts and Crafts Studio; 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; Shopping Center; Bed and Breakfast; Car Wash; Funeral Home; Kennel, Indoor; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services, A; Veterinary Services; Recreation Services, Indoor; Recreation Facility, Public; Adult Day Care Center; Animal Shelter, Public; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing/Inert Debris; Library, Public; Limited Campus Uses; Museum or Art Gallery; Police or Fire Station; School, Private; School, Public; School, Vocational or Professional; Borrow Site; Access Easement, Private Off-Site; Park and Shuttle Lot; Parking, Commercial; Transmission Tower; 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 LB-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:

• **OTHER REQUIREMENTS:**
  a. The owner shall keep the existing house and garage for use on the subject property.
  b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department and NCDOT. Required improvements include:
    • Right-of-way dedication along University Parkway.
### CITY-COUNTY PLANNING BOARD
#### STAFF REPORT

<table>
<thead>
<tr>
<th>PETITION INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket #</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
</tr>
</tbody>
</table>
| **Proposal** | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS12 (Residential, Single Family District: 12,000 sf minimum lot size) to LB-L (Limited Business- Special Use Limited District). The petitioner is requesting the following uses:

- Animal Shelter, Public; Arts and Crafts Studio; Bed and Breakfast; Car Wash; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood Club or Lodge; Combined Use; Food or Drug Store; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Kennel, Indoor; Library, Public; Limited Campus Uses; Motor Vehicle, Rental and Leasing Motor Vehicle, Repair and Maintenance; Motorcycle Dealer; Museum or Art Gallery; Nursery, Lawn and Garden Supply Store, Retail; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public Recreation Services, Indoor; Retail Store; Restaurant (without drive-through); School, Vocational or Professional; Services A; Shopping Center; Utilities; Veterinary Services; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Landfill, Land Clearing/Inert Debris; School, Private; School, Public; Transmission Tower; Borrow Site; Dirt Storage; and Access Easement, Private Off-Site |

**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 at the time of filing, no neighborhood/community meeting had been held.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Zoning District Purpose Statement</th>
</tr>
</thead>
<tbody>
<tr>
<td>The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are</td>
</tr>
</tbody>
</table>
otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. 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)**

<table>
<thead>
<tr>
<th>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site fronts along a major thoroughfare and is located within GMA 3. It is also adjacent to other commercially zoned properties.</td>
</tr>
</tbody>
</table>

**GENERAL SITE INFORMATION**

<table>
<thead>
<tr>
<th>Location</th>
<th>East side of University Parkway, south of Laura Avenue</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>± 1.33 acres</td>
</tr>
</tbody>
</table>

**Current Land Use**

The site is currently developed with a one story, 1,440 sf single family residence and accessory building.

<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>North</td>
<td>HB-S &amp; RS12</td>
<td>Insurance office and single family homes</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>RS12</td>
<td>Undeveloped property</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>RS12</td>
<td>Undeveloped property</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>HB-S</td>
<td>Target store</td>
<td></td>
</tr>
</tbody>
</table>

**Physical Characteristics**

The site has a gentle slope downward to the southwest. The southwestern portion of the site is within the 100 year regulatory floodplain of Leak Fork Creek. The National Wetlands Inventory Map identifies wetlands on or near the petition site along Leak Fork Creek.

**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.
A small southwestern portion of the site is within the 100 year regulatory floodplain of Leak Fork Creek. There may also be some wetlands within this area. Otherwise, the site has no apparent constraints and appears to be suitable for development within the proposed LB-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>University Parkway</td>
<td>Major Thoroughfare</td>
<td>200’</td>
<td>35,000</td>
<td>30,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
Because this is a Special Use Limited request with no site plan, the exact location of access points (other than the existing circular driveway onto University Parkway) is unknown. The petitioner will be required to obtain a driveway permit from the City of Winston-Salem Public Works Department. Site access will be evaluated at that time.

**Trip Generation - Existing/Proposed**
Existing Zoning: RS12
1.33 acres x 43,560 sf / 12,000 sf = 4 dwelling units x 9.57 (SFR Trip Rate) = 38 Trips per Day

Proposed Zoning: LB-L
No trip rate is available for the proposed zoning which has no site plan.

**Sidewalks**
There are no sidewalks located in the general area. The Comprehensive Transportation Plan recommends sidewalks along University Parkway.

**Transit**
Route 10 runs along University Parkway.

**Analysis of Site Access and Transportation Information**
The site currently has a circular driveway way with two connections onto University Parkway. The developer will need to acquire driveway permits from the Winton-Salem Public Works Department and NCDOT. According to WSDOT, said permits will probably include right of way dedication needed to accommodate future widening of University Parkway for an additional lane. In addition, the northern driveway at the median break for the traffic signal at Target will be for entrance only. The exit movement would use the southern driveway. Future changes of use or building expansions on the site would trigger an update to the driveway permits which may involve additional improvements.

### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**
Growth Management Area 3 – Suburban Neighborhoods

**Relevant Legacy Recommendations**
- Protect residential areas from inappropriate commercial and industrial encroachment.
- Infill development, like any land use issue, must balance the concerns of surrounding residents about the preservation of the character of their neighborhood with the needs of property owners and developers and the goals of the larger community

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

**Area Plan Recommendations**
- The site is located in an area designated for Low-Density Residential use.
**Other Applicable Plans and Planning Issues**

Comments from the Inspections Division: The existing use is Residential Building, Single Family. 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. If the building is to be removed, permits would be required prior to constructing any new building or conducting any site work.

**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 the subject property from RS12 to LB-L. The petitioners have volunteered to retain the existing single family residential structure and the accessory building on the site.

The site is within the *North Suburban Area Plan* which does not recommend any change to the zoning. The site is directly adjacent to HB-S zoned property to the north and west. Leak Fork Creek and its associated floodplain border the southern edge of the site. Single family zoning is located to the northeast and east of the site. While the volunteered condition to retain the existing 1,440 sf structure and accessory structure on the lot significantly limits the type of use or activity which could practically take place on the site, the petitioner has agreed to remove some of the higher traffic generating uses from the request. The uses which have been removed from the request are: Convenience Store; and Banking and Financial Services.

While the *North Suburban Area Plan* recommends single family zoning for this site, staff does recognize that it’s viability for single family use is significantly impacted by it’s location on a multi-lane thoroughfare, directly across from a big box store and a gas station. Considering the unique, somewhat transitional setting of the subject property, staff is comfortable with recommending commercial zoning at this location.

Regarding ingress and egress, the petitioner will need to obtain both a Winston-Salem Public Works Department and a NCDOT driveway permit and the level of improvements required will be dependent upon the specific type of use.
## CONCLUSIONS TO ASSIST WITH RECOMMENDATION

### Positive Aspects of Proposal
- The request would allow for additional business opportunities.
- The site is adjacent to HB-S zoning on two sides.
- The request is consistent with the purpose statement of the proposed LB District.
- Due to existing site conditions staff recognizes that this site has minimal viability for single family residential.

### Negative Aspects of Proposal
- The request is not consistent with the recommendations of the North Suburban Area Plan.

## 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.

- **OTHER REQUIREMENTS:**
  a. The owner shall keep the existing house and garage for use on the subject property.
  b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department and NCDOT. Required improvements include:
     - Right-of-way dedication along University Parkway.

## 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.
SECOND:  Wesley Curtis
VOTE:
    FOR:  Wesley Curtis, Arnold King, Clarence Lambe, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
    AGAINST:  None
    EXCUSED:  None

A. Paul Norby, FAICP
Director of Planning
DOCKET #: W3118

PROPOSED ZONING:
LB-L

EXISTING ZONING:
RS12

PETITIONER:
Linda and Scott Needham
for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 3

ACRES: 1.33

NEAREST BLDG: 90' north

MAP(S): 618882
North Suburban Area Plan, 2005
Proposed Land Use
See Narrative for Site Descriptions

Proposed Land Use
- Low-Density Residential
- Moderate-Density Residential (See text page 45)
- High-Density Residential (See text page 45)
- Manufactured Housing Park
- Conservation Subdivisions (See text page 23)
- Traditional Neighborhood Development (See text page 28)
- Office
- Commercial
- Mixed Use (See text page 28)
- Industrial
- Institutional
- Park / Open Space
- Commercial Recreation
- Landfill (See text page 26)
- Utilities

Subject Property
W3118
EXISTING RS9 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
- 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 RS12 (Residential, Single Family; 12000 sf minimum lot size) to LB-L (Limited Business-Special Use Limited District) with its added conditions is reasonable and in the public interest because:

1. The request would allow for additional business opportunities;

2. The site is adjacent to HB-S zoning on two sides;

3. The request is consistent with the purpose statement of the proposed LB District; and

4. The site has minimal viability as a single family residential property due to existing site conditions.
DENIAL
STATEMENT REGARDING CONSISTENCY WITH COMPREHENSIVE PLAN
W-3118
(LINDA AND SCOTT NEEDHAM)

The proposed special use zoning map amendment from RS12 (Residential, Single Family; 12000 sf minimum lot size) to LB-L (Limited Business-Special Use Limited District) with its added conditions is not consistent with the Legacy Comprehensive Plan or with the North Suburban Area Plan.