December 21, 2011

La Victoria Plaza, LLC
c/o Juan R. Hendoza
321 Polo Road
Winston-Salem, NC 27105

Re: Zoning Map Amendment W-3122

Dear Mr. Hendoza:

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:** December 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 zoning map amendment of La Victoria Plaza, LLC  

**SUMMARY OF INFORMATION:**

Zoning map amendment of La Victoria Plaza, LLC from LB and RM12 to PB: property is located on the northwest corner of Indiana Avenue and Inverness Street (Zoning Docket W-3122).  

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED
CITY ORDINANCE - GENERAL USE

Zoning Petition of La Victoria Plaza, LLC, Docket W-3122

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 LB and RM12 to PB the zoning classification of the following described property:

PIN #6836-28-9961

Section 2. This ordinance shall become effective upon adoption.
## 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>
<tr>
<td><strong>Proposal</strong></td>
</tr>
<tr>
<td><strong>Neighborhood Contact/Meeting</strong></td>
</tr>
<tr>
<td><strong>Zoning District Purpose Statement</strong></td>
</tr>
<tr>
<td><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</strong></td>
</tr>
</tbody>
</table>
### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Northwest corner of Indiana Avenue and Inverness Street</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>± .51 acre</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The site is currently developed with a one story 1,798 sf commercial building and associated parking. It appears the original use of the building was for a bank with a drive through window.</td>
</tr>
<tr>
<td>Surrounding Property Zoning and Use</td>
<td>Direction</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>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? The proposed PB District uses are compatible with the adjacent LB and LI uses. Some of the proposed district uses are less compatible with the adjacent RM12 uses; however, the site has historically been used for commercial purposes and is separated from residential uses by public streets.</td>
</tr>
<tr>
<td>Physical Characteristics</td>
<td>The developed site has a gentle slope downward to the west.</td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water and sewer are available to the site.</td>
</tr>
<tr>
<td>Stormwater/ Drainage</td>
<td>No known issues.</td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The site is not located within a water supply watershed.</td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>The site has no apparent constraints and is suitable for development within the proposed PB 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>Indiana Avenue</td>
<td>Major Thoroughfare</td>
<td>128’</td>
<td>6,500</td>
<td>12,700</td>
</tr>
<tr>
<td>Inverness Street</td>
<td>Local Street</td>
<td>246’</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Bon Air Avenue</td>
<td>Local Street</td>
<td>104’</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td></td>
<td></td>
<td>Because this is a General Use request with no site plan, the exact location of access points is unknown. The site is currently accessed from Indiana Avenue, Inverness Street and Bon Air Avenue.</td>
<td></td>
</tr>
<tr>
<td>Trip Generation - Existing/Proposed</td>
<td>No trip generation is available for the existing or proposed general use zonings which have no site plan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td>Sidewalks are located along both sides of Indiana Avenue.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit</td>
<td>Route 10 runs along Indiana Avenue.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of Site Access and</td>
<td>The site has good access and staff does not anticipate any negative transportation impacts from this request. The existing sidewalks in the general area make the site conducive to PB zoning.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation Information</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CONFORMITY TO PLANS AND PLANNING ISSUES**

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 2 - Urban Neighborhoods</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td>• <strong>Infill and Redevelopment</strong>&lt;br&gt;Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. Encourage redevelopment of infill and &quot;under invested&quot; areas.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td><strong>North Central Area Plan (2007)</strong></td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>Property is shown as part of the Northside Community Activity Center (CAC) on Map 4. The Northside CAC (approximately 55 acres) is located immediately west of US 52 along Patterson Avenue, generally between Indiana Avenue and Akron Drive and along a short section of Indiana Avenue west of Patterson Avenue. This CAC includes the Northside Shopping Center and serves a regional area and the surrounding neighborhoods.</td>
</tr>
<tr>
<td>Private Site Improvement Needs:</td>
<td>Encourage private improvements through incentives and regulatory measures as follows:</td>
</tr>
<tr>
<td></td>
<td>• Close/change curb cuts.</td>
</tr>
<tr>
<td></td>
<td>• Screen dumpsters, grease traps and loading docks.</td>
</tr>
<tr>
<td></td>
<td>• Use vegetation to screen view of commercial from residential areas.</td>
</tr>
<tr>
<td></td>
<td>• Improve parking lot by resurfacing, defining spaces and landscaping.</td>
</tr>
<tr>
<td></td>
<td>• Improve building facades.</td>
</tr>
<tr>
<td></td>
<td>• Remove excessive signage and replace damaged/out-of-date signage.</td>
</tr>
<tr>
<td>Other Applicable Plans and Planning Issues</td>
<td>Comments from the Inspections Division: If there is a change of use (or if no use has been established in the structure), permits will be required to establish the use.</td>
</tr>
<tr>
<td>Addressing</td>
<td>There are no addressing or street naming concerns.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(3) - Have changing conditions substantially affected the area in the petition? &lt;br&gt; No &lt;br&gt; (R)(4) - Is the requested action in conformance with Legacy? &lt;br&gt; Yes</td>
</tr>
</tbody>
</table>
### Analysis of Conformity to Plans and Planning Issues

The request is to rezone the subject property from RM12 and LB to PB. Although the site is commercially developed with a 1,798 sf building and associated parking (constructed in 1963) the historical zoning maps reveal the site has had dual zoning since at least 1973.

The entire site is located with the Northside CAC as identified in the *North Central Area Plan*. The proposed PB District is more consistent with the mixed use, pedestrian oriented character recommended within activity centers than the existing LB District.

### RELEVANT ZONING HISTORIES

There has been no recent rezoning activity in the vicinity of the subject property.

### 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 is consistent with the <em>North Central Area Plan</em> recommendations.</td>
<td>The request would allow new commercial activity adjacent to existing single family and multifamily residential uses.</td>
</tr>
<tr>
<td>The request will allow the continued commercial use and redevelopment of a site which has historically been used as a bank.</td>
<td></td>
</tr>
<tr>
<td>The PB District has many inherent design controls.</td>
<td></td>
</tr>
<tr>
<td>The request would eliminate the issue of having dual zoning on one lot.</td>
<td></td>
</tr>
<tr>
<td>The site is an appropriate location for PB zoning, given the existing sidewalk network in the general area.</td>
<td></td>
</tr>
</tbody>
</table>

### 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-3122
DECEMBER 8, 2011

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, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
   AGAINST: None
   EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
EXISTING RM12 USES ALLOWED
City of Winston-Salem Jurisdiction Only

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Adult Day Care Home
Bed and Breakfast
Boarding or Rooming House
Child Day Care, Small Home
Church or Religious Institution, Neighborhood
Family Group Home A
Library, Public
Nursing Care Institution
Police or Fire Station
Recreation Facility, Public
Residential Building, Duplex
Residential Building, Single Family
Residential Building, Twin Home
Swimming Pool, Private

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Child Day Care, Large Home
Church or Religious Institution, Community
Family Group Home B
Family Group Home C
Fraternity or Sorority
Golf Course
Habilitation Facility A
Habilitation Facility B
Life Care Community
Limited Campus Uses
Planned Residential Development
Residential Building, Multifamily
Residential Building, Townhouse
School, Private
School, Public
Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Adult Day Care Center
Child Care, Sick Children
Child Day Care Center
Group Care Facility A
Habilitation Facility C
EXISTING RM12 USES ALLOWED
City of Winston-Salem Jurisdiction Only

Landfill, Land Clearing/Inert Debris
Park and Shuttle Lot
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)
Animal Shelter, Public
Arts and Crafts Studio
Banking and Financial Services
Bed and Breakfast
Car Wash
Child Care, Drop-In
Church or Religious Institution, Community
Church or Religious Institution, Neighborhood
Club or Lodge
Combined Use
Convenience Store
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
Restaurant (without drive-through service)
Retail Store
School, Vocational or Professional
Services A
Shopping Center
Utilities
Veterinary Services
EXISTING LB USES ALLOWED
City of Winston-Salem Jurisdiction Only

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Adult Day Care Center
Child Care, Sick Children
Child Day Care Center
Landfill, Land Clearing/Inert Debris
School, Private
School, Public
Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Borrow Site
Dirt Storage

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Academic Biomedical Research Facility
Academic Medical Center
Adult Day Care Home
Arts and Crafts Studio
Banking and Financial Services
Bed and Breakfast
Boarding or Rooming House
Building Contractors, General
Car Wash
Child Care, Drop-In
Child Day Care, Small Home
Church or Religious Institution, Community
Church or Religious Institution, Neighborhood
Club or Lodge
College or University
Combined Use
Convenience Store
Food or Drug Store
Fraternity or Sorority
Funeral Home
Furniture and Home Furnishings Store
Government Offices, Neighborhood Organization, or Post Office
Hospital or Health Center
Hotel or Motel
Institutional Vocational Training Facility
Library, Public
Motor Vehicle, Rental and Leasing
Motor Vehicle, Repair and Maintenance
Motorcycle Dealer
Museum or Art Gallery
Nursery, Lawn and Garden Supply Store, Retail
Nursing Care Institution
Offices
Park and Shuttle Lot
Parking, Commercial
Police or Fire Station
Postal Processing Facility
Recreation Facility, Public
Recreation Services, Indoor
Recreation Services, Outdoor

Uses Allowed in PB
Revised 3/17/2011
Residential Building, Duplex
Residential Building, Single Family
Residential Building, Twin Home
Restaurant (without drive-through service)
Retail Store
School, Vocational or Professional
Services A
Services B
Shopping Center
Stadium, Coliseum, or Exhibition Building
Swimming Pool, Private
Terminal, Bus or Taxi
Testing and Research Lab
Theater, Indoor
Utilities
Warehousing

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Adult Day Care Center
Child Care Institution
Child Care, Sick Children
Child Day Care Center
Correctional Institution
Family Group Home B
Family Group Home C
Group Care Facility A
Group Care Facility B
Habilitation Facility C
Landfill, Land Clearing/Inert Debris
Life Care Community
Residential Building, Multifamily
Residential Building, Townhouse
School, Private
School, Public
Transmission Tower

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Borrow Site
Dirt Storage
Helistop

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (CITY COUNCIL) (E)
Access Easement, Private Off-Site
Shelter for Homeless
Storage Services, Retail

Uses Allowed in PB

Revised 3/17/2011
The proposed general use zoning map amendment from LB (Limited Business District) and RM12 (Residential, Multifamily District; 12 units per acre maximum density) to PB (Pedestrian Business District) with its added conditions is consistent with the _Legacy Comprehensive Plan_, and the _North Central Area Plan_, and is reasonable and in the public interest because:

1. The request would allow the continued commercial use and redevelopment of a site which has historically been used as a bank;

2. The PB district has many inherent design controls;

3. The request would eliminate the issue of having dual zoning on one lot; and

4. The site is an appropriate location for PB zoning, given the existing sidewalk network in the general area.
DENIAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3122
(LA VICTORIA PLAZA, LLC)

Although proposed general use zoning map amendment from LB (Limited Business District) and RM12 (Residential, Multifamily District; 12 units per acre maximum density) to PB (Pedestrian Business District) with its added conditions is consistent with the Legacy Comprehensive Plan, and the North Central Area Plan, the rezoning request is not reasonable and in the public interest because the request would allow new commercial activity adjacent to existing single family and multifamily residential uses.