



DOCKET #: W3019

PROPOSED ZONING:
PB-S

EXISTING ZONING:
PB-S

PETITIONER:
Mark S. Shill
for property owned
by National Investors L P

SCALE: 1" represents 200'

STAFF: King

GMA: 3

ACRES: .52

NEAREST BLDG: 20' south

MAP(S): 612842

F

February 18, 2009

Mark S. Shill
5261 Bridge Pointe Drive
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT W-3019

Dear Mr. Shill:

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
Jerry W. Phillips, P. O. Box 30426, Winston-Salem, NC 27130
Denise Keueger, National Loan Investors LP, 3030 Northwest Expressway, Apt/Unit
1313, Oklahoma City, OK 73112

ACTION REQUEST FORM

DATE: February 18, 2009
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 Mark S. Shill for property owned by National Loan Investors LP

SUMMARY OF INFORMATION:

Zoning map amendment of Mark S. Shill for property owned by National Loan Investors LP from PB-S (Services, Personal) to PB-S (Services, Business A; Services, Business B; Services, Personal; Professional Office; Offices, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; and Non-Store Retailer): property is located on the southwest corner of Griffith Road and Frontis Street (Zoning Docket W-3019).

PLANNING BOARD ACTION:

MOTION ON PETITION: UNANIMOUS
FOR: NONE
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Mark S. Shill for property owned by National Loan Investors LP, Docket W-3019

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 PB-S (Services, Personal) to PB-S (Services, Business A; Services, Business B; Services, Personal; Professional Office; Offices, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; and Non-Store Retailer) the zoning classification of the following described property:

PIN # 6814-23-8761

Section 2. This Ordinance is adopted after approval of the site plan entitled Firehouse Properties of NC, LLC and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Mark S. Shill for property owned by National Loan Investors LP.

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 Firehouse Properties of NC, LLC. 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 Mark S. Shill for property owned by National Loan Investors LP, (Zoning Docket W-3019). 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 PB-S (Services, Business A; Services, Business B; Services, Personal; Professional Office; Offices, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; and Non-Store Retailer), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the PB-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 THE ISSUANCE OF BUILDING PERMITS:**
 - a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall dedicate five foot wide sidewalk easement along Frontis Street and right-of-way as deemed necessary by the City of Winston-Salem Streets Department.
 - b. All requirements of the City of Winston-Salem driveway permit shall be completed.
 - c. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.
- **OTHER REQUIREMENTS:**
 - a. Services, Business B shall be further limited to prohibit outdoor storage/display.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-3019		
Staff	Aaron King		
Petitioner(s)	Mark S. Shill		
Owner(s)	National Loan Investors LP		
Subject Property	PIN #6814-23-8761		
Type of Request	Special use rezoning		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from PB-S (Services, Personal) to PB-S (Pedestrian Business – Special Use Zoning). The petitioner is requesting the following uses:</p> <p style="padding-left: 40px;">[Services, Business A; Services, Business B; Services, Personal; Professional Office; Offices, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; Non-Store Retailer]</p>		
Zoning District Purpose Statement	<p>The PB District is primarily intended to accommodate office, retail, service, institutional, and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the city and county. The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of Winston-Salem, and the central core of other municipalities in the County. The district should demonstrate pedestrian oriented design through elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, and building entrances facing the street. This district is intended for application in Growth Management Areas 1, 2 and 3.</p>		
GENERAL SITE INFORMATION			
Location	Southwest corner of Griffith Road and Frontis Street		
Jurisdiction	City of Winston-Salem		
Ward(s)	South		
Site Acreage	Approximately ± 0.52 acres		
Current Land Use	Vacant commercial building		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	PB-S	Restaurant without drive-through service
	East	GB	General merchandise store
	South	RS-9	Single family home
	West	LB-S	Seafood restaurant & parking lot

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	Yes, the site is located in an area primarily composed of commercial uses.			
Physical Characteristics	The site is developed and contains an existing commercial building.			
Proximity to Water and Sewer	Public water and sanitary sewer are available to the site.			
Stormwater/ Drainage	No known issues			
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.			
Analysis of General Site Information	The site is already developed for commercial use under the existing PB-S zoning. This request will add seven new permitted uses under the PB-S zoning classification. No significant changes to the site are proposed.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Griffith Road	Minor Thoroughfare	122 feet	5,100	16,100
Frontis Street	Local Roads	168 feet	NA	NA
Van Buren Street		121 feet		
Proposed Access Point(s)	The site will retain its existing access points onto Griffith Road and Van Buren Street.			
Planned Road Improvements	The Thoroughfare Plan recommends that Griffith Road be constructed as a three lane cross section with curb and gutter and sidewalks.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: PB-S</u> 4,807 / 1,000 x 13.60 (Closest rate to Services, Personal) = 65 Trips per Day</p> <p><u>Proposed Zoning: PB-S</u> 4,807* / 1,000 x 36.13 (Medical-Dental Office Building Trip Rate) = 173 Trips per Day</p> <p>* - This amount of square footage used only for Medical or Surgical offices would require off-site parking.</p>			
Sidewalks	Sidewalks exist along all three road frontages.			
Transit	Route 43 runs along Griffith Road			
Traffic Impact Study (TIS)	Not required			
Analysis of Site Access and Transportation Information	Staff does not anticipate any negative transportation impacts from this request.			

Generalized Recommended Conditions	BRIEF DESCRIPTION OF CONDITION(S): <ul style="list-style-type: none"> Condition for driveway permit Condition to repair and damage to City streets 					
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA	GMA 3 (Suburban Neighborhoods)					
Relevant Legacy Recommendations	<i>Infill and Redevelopment</i> : Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.					
Relevant Area Plan(s)	<i>Southwest Suburban Area Plan (2008)</i>					
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) – Have changing conditions substantially affected the area in the petition?					
	No					
	(S)(4) – Is the requested action in conformance with Legacy?					
Yes						
Analysis of Conformity to Plans and Planning Issues	Staff views this request as being consistent with the recommendations of the <i>Southwest Suburban Area Plan (SSAP)</i> .					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2746	RS-9 to PB-S	Approved 2/7/05	Subject property	0.52	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage			Placement on Site		
	4,807 sf			Approximate middle		
Parking	Required		Proposed		Layout	
	15 spaces		16 spaces		90° head-in	
Building Height	Maximum			Proposed		
	60 feet			24 feet		
Impervious Coverage	Maximum			Proposed		
	NA			65.9%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.3(F) PB District 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:			Yes		
	(B) Environmental Ord.			Yes		
	(C) Subdivision Regulations			NA		
Analysis of Site Plan Compliance with UDO Requirements	The site plan submitted with this request does not propose any significant changes.					

Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Condition to prohibit outdoor storage in Services, Business B
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The site is currently zoned PB-S.	The request may trigger an increase in trip generation.
The site plan proposes no significant changes.	
The request would allow greater flexibility in use of the property.	
The site already has sidewalks along all three street frontages.	
The request is consistent with the general recommendations of <i>Legacy</i> .	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>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.</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ul style="list-style-type: none"> a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> a. Developer shall dedicate five foot wide sidewalk easement along Frontis Street and right-of-way as deemed necessary by the City of Winston-Salem Streets Department. b. All requirements of the City of Winston-Salem driveway permit shall be completed. c. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department. • <u>OTHER REQUIREMENTS:</u> <ul style="list-style-type: none"> a. Services, Business B shall be further limited to prohibit outdoor storage/display. 	

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: Wesley Curtis moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Lynne Mitchell

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

