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
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
| **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.
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

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Mark S. Shill</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>National Loan Investors LP</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #6814-23-8761</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning</td>
</tr>
</tbody>
</table>

Proposal

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:

[Services, Business A; Services, Business B; Services, Personal; Professional Office; Offices, Miscellaneous; Medical and Surgical Offices; Medical or Dental Laboratory; Non-Store Retailer]

Zoning District Purpose
Statement

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.

GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Southwest corner of Griffith Road and Frontis Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>South</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 0.52 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Vacant commercial building</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>PB-S</td>
<td>Restaurant without drive-through service</td>
</tr>
<tr>
<td>East</td>
<td>GB</td>
<td>General merchandise store</td>
</tr>
<tr>
<td>South</td>
<td>RS-9</td>
<td>Single family home</td>
</tr>
<tr>
<td>West</td>
<td>LB-S</td>
<td>Seafood restaurant &amp; parking lot</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</td>
<td></td>
</tr>
<tr>
<td>---</td>
<td>---</td>
<td></td>
</tr>
<tr>
<td>Yes, the site is located in an area primarily composed of commercial uses.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

| 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

<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>Griffith Road</td>
<td>Minor Thoroughfare</td>
<td>122 feet</td>
<td>5,100</td>
<td>16,100</td>
</tr>
<tr>
<td>Frontis Street</td>
<td>Local Roads</td>
<td>168 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Van Buren Street</td>
<td>Local Roads</td>
<td>121 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**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**

**Existing Zoning: PB-S**
4,807 / 1,000 x 13.60 (Closest rate to Services, Personal) = 65 Trips per Day

**Proposed Zoning: PB-S**
4,807* / 1,000 x 36.13 (Medical-Dental Office Building Trip Rate) = 173 Trips per Day

* - This amount of square footage used only for Medical or Surgical offices would require off-site parking.

**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):**
- 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**
*Infill and Redevelopment:* Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.

**Relevant Area Plan(s)**
Southwest Suburban Area Plan (2008)

**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 Southwest Suburban Area Plan (SSAP).

### 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-2746</td>
<td>RS-9 to PB-S</td>
<td>Approved 2/7/05</td>
<td>Subject property</td>
<td>0.52</td>
<td>Approval</td>
</tr>
</tbody>
</table>

**Site Plan Compliance with UDO Requirements**

**Building Square Footage**
- Square Footage: 4,807 sf
- Placement on Site: Approximate middle

**Parking**
- Required: 15 spaces
- Proposed: 16 spaces
- Layout: 90° head-in

**Building Height**
- Maximum: 60 feet
- Proposed: 24 feet

**Impervious Coverage**
- Maximum: NA
- Proposed: 65.9%

**UDO Sections Relevant to Subject Request**
- 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.
<table>
<thead>
<tr>
<th>Generalized Recommended Conditions</th>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Condition to prohibit outdoor storage in Services, Business B</td>
<td></td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Positive Aspects of Proposal</td>
</tr>
<tr>
<td>The site is currently zoned PB-S.</td>
</tr>
<tr>
<td>The site plan proposes no significant changes.</td>
</tr>
<tr>
<td>The request would allow greater flexibility in use of the property.</td>
</tr>
<tr>
<td>The site already has sidewalks along all three street frontages.</td>
</tr>
<tr>
<td>The request is consistent with the general recommendations of Legacy.</td>
</tr>
</tbody>
</table>

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<tr>
<th>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</th>
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<tbody>
<tr>
<td>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.</td>
</tr>
</tbody>
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• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
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• OTHER REQUIREMENTS:
  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.
SECONED:  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