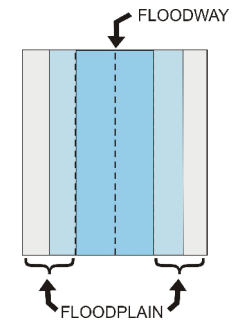


DOCKET #: W3033

PROPOSED ZONING:
City MU-S

EXISTING ZONING:
County MU-S

PETITIONER:
City of Winston-Salem
for property owned
by Brookberry Farm LLC



SCALE: 1" represents 1000'

STAFF: Roberts

GMA: 3

ACRES: 115.00

NEAREST BLDG: 8' north

MAP(S): 588858, 588862



May 20, 2009

City of Winston-Salem
c/o Lee Garrity, Manager
P. O. Box 2511
Winston-Salem, NC 27102

RE: ZONING MAP AMENDMENT W-3033

Dear Mr. Garrity:

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
Brookberry Farm, LLC, PO Box 2736, Winston-Salem, NC 27102

ACTION REQUEST FORM

DATE: May 20, 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 the City of Winston-Salem for property owned by Brookberry Farm, LLC

SUMMARY OF INFORMATION:

Zoning map amendment of the City of Winston-Salem for property owned by Brookberry Farm, LLC from County MU-S to City MU-S: property is located on the southern terminus of Lynndale Drive, west of Brookberry Farm Road (Zoning Docket W-3033).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: THERE ARE NO CHANGES TO THE APPROVED SITE PLAN

CITY ORDINANCE - SPECIAL USE

Zoning Petition of City of Winston-Salem for property owned by Brookberry Farm, LLC, Docket W-3033

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 County MU-S to City MU-S the zoning classification of the following described property:

Tax Lots 162 through 286, 000M, 000P, and part of 000N, Tax Block 6576 and parts of Tax Lots 204M and 206B, Tax Block 4620

Section 2. This Ordinance is adopted with the certification that the previous site plan and conditions are not changed by this zoning jurisdiction change and remain in effect.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit identical to the permit issued by Forsyth County Board of Commissioners pursuant to the Zoning Ordinance of the *Unified Development Ordinances*. 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 City of Winston-Salem for property owned by Brookberry Farm, LLC, (Zoning Docket W-3033). 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 MU-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices; Hospital or Health Center; Neighborhood

Organization; Police or Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO PHASE], approved by the Winston-Salem City Council the _____ day of _____, 20____ " and signed, provided the property is developed in accordance with requirements of the MU-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:

Conditions from the County MU-S zoning will apply to the City MU-S zoning.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3033
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	City of Winston-Salem
Owner(s)	Brookberry Farm, LLC
Subject Property	Tax Lots 162 through 286, 000M, 000P, and part of 000N, Tax Block 6576 and parts of Tax Lots 204M and 206B, Tax Block 4620
Address	914 Berryhill Lane and surrounding properties
Type of Request	Zoning Jurisdiction Conversion
Proposal	The petitioner is requesting to amend the Official Zoning Maps for the subject property from County MU-S (Mixed Use District) to City MU-S (Mixed Use District).
GENERAL SITE INFORMATION	
Location	Southern terminus of Lynndale Drive, west of Brookberry Farm Road
Jurisdiction	City of Winston-Salem
Ward(s)	Closest to West
Site Acreage	Approximately ±115 acres
Analysis of General Site Information	<p>The review for this case focuses on the zoning conversion from County zoning jurisdiction to Winston-Salem zoning jurisdiction triggered by the recent annexation of the subject property on March 23, 2009. The Planning Board’s role in reviewing this petition pertains only to the zoning jurisdiction. The decision to annex the property was made by the Winston-Salem City Council with agreement by the property owners.</p> <p>This proposal will not change the permitted uses of the subject property, but will reclassify the newly incorporated property from its Forsyth County zoning classification to the equivalent City of Winston-Salem zoning classification. The two zoning classifications are equivalent and there are no changes in development rights or constraints.</p>

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 and certified that the previous site plan remains in effect.

SECOND: Lynne Mitchell

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning