



DOCKET #: W2971
(continued from 3/13/2008)

PROPOSED ZONING:
PB-S

EXISTING ZONING:
RS9

PETITIONER:
Robert Brown and Vernell
Brown for property owned
by Same

SCALE: 1" represents 200'

STAFF: King

GMA: 2

ACRES: 0.23

**NEAREST
BLDG:** 22' west

MAP(S): 636842

F

April 23, 2008

Robert Brown and Vernell Brown
9000 Reynolda Road
Pfafftown, NC 27040

RE: ZONING MAP AMENDMENT W-2971

Dear Mr. & Mrs. Brown:

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

ACTION REQUEST FORM

DATE: April 23, 2008
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 Robert Brown and Vernell Brown

SUMMARY OF INFORMATION:

Zoning map amendment of Robert Brown and Vernell Brown from RS-9 to PB-S (Services, Personal; Retail Store, Specialty or Miscellaneous; Business Services A; Professional Office; and General Merchandise Store): property is located on the southwest corner of Sprague Street and Peachtree Street (Zoning Docket W-2971).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Robert Brown and Vernell Brown,
Docket W-2971

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 RS-9 to PB-S (Services, Personal; Retail Store, Specialty or Miscellaneous; Business Services A; Professional Office; and General Merchandise Store) the zoning classification of the following described property:

Tax Lots 9B and 10B, Tax Block 0750

Section 2. This Ordinance is adopted after approval of the site plan entitled 1150 Sprague Street and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Robert Brown and Vernell Brown.

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 1150 Sprague Street. 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 Robert Brown and Vernell Brown, (Zoning Docket W-2971). 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, Personal; Retail Store, Specialty or Miscellaneous; Business Services A; Professional Office; and General Merchandise Store), 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 ANY PERMITS:**
 - a. Developer shall apply for a bufferyard variance from the Zoning Board of Adjustment.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. If any lighting is proposed, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 25' or less and no more than 0.5 foot-candles at the property line.
 - b. Obtain driveway permit from WSDOT

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired and curbing shall be installed wherever driveways are closed to the requirements of the Public Works Department.
 - b. Any proposed lighting shall be installed per approved lighting plan and certified by an engineer.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

| PETITION INFORMATION | |
|---|--|
| Docket # | W-2971 |
| Staff | Aaron King |
| Petitioner(s) | Robert Brown and Vernell Brown |
| Owner(s) | Same |
| Subject Property | Tax Lots 9B and 10B, Tax Block 0750 |
| Continuance History | The subject request was continued from the February 14 th and March 13 th Planning Board meetings. |
| Type of Request | Special use rezoning |
| Proposal | <p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf. lot size) to PB-S (Pedestrian Business – Special Use Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Services, Personal; Retail Store, Specialty or Miscellaneous; Business Services A; Professional Office; and General Merchandise Store |
| 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. |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S) | (S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? |
| | Yes, the site is located within GMA 2. |
| GENERAL SITE INFORMATION | |
| Location | Southwest corner of Sprague Street and Peachtree Street |
| Jurisdiction | City of Winston-Salem |
| Ward(s) | Southeast |
| Site Acreage | Approximately ± 0.23 acres |
| Current Land Use | Existing commercial building |

| | | | | |
|---|--|------------------------|------------------|------------------------|
| Surrounding Property Zoning and Use | Direction | Zoning District | | Use |
| | North | RS-9 | | Historic Shell Station |
| | East | | | SF homes |
| | South | | | |
| West | | | | |
| 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? | | | |
| | The subject property is surrounded by single family homes with the historic Shell station located across Sprague Street from the site. This request would allow a limited amount of commercial uses at this location. | | | |
| Physical Characteristics | The site contains a relatively flat topography with no streams or wetlands. | | | |
| Proximity to Water and Sewer | The site will be served with public water and public sanitary sewer. | | | |
| Stormwater/ Drainage | No known issues | | | |
| Watershed and Overlay Districts | The site is not located within a water supply watershed. | | | |
| Historic, Natural Heritage and/or Farmland Inventories | This property is located within the Waughtown/Belview National Register Historic District, which was National Register-listed in 2005. The building on the property is a noncontributing resource to the District, due to loss of integrity. It was constructed ca. 1930 as a service station, and continued in such use at least through the 1950s. The property appears to have always been commercial in use; as such, Historic Resources staff supports the proposed PB-S rezoning. However, Historic Resources staff strongly believes this to be an isolated situation and does not support further commercial rezonings of residential properties in this area. | | | |
| Analysis of General Site Information | The subject property includes 0.23 acres located at the southeast corner of Sprague and Peachtree Streets. The site is currently developed with a commercial structure that was erected in the 1930's. The subject request does not appear to pose any negative development issues. | | | |
| SITE ACCESS AND TRANSPORTATION INFORMATION | | | | |
| Street Name | Classification | Frontage | ADT Count | Capacity/LOS D |
| Sprague Street | Minor Thoroughfare | +/- 114 feet | 5,700 | 12,700 |
| Peachtree Street | Local Road | +/- 81 feet | NA | NA |
| Proposed Access Point(s) | Interdepartmental staff has recommended that the three existing driveway cuts be consolidated into two or less. | | | |
| Planned Road Improvements | The Thoroughfare Plan recognizes this section of Sprague Street as adequate with the addition of sidewalks. | | | |

| | |
|---|---|
| Trip Generation - Existing/Proposed | <p><u>Existing Zoning: RS-9</u> $0.23 \times 43,560 / 9,000 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 10 \text{ Trips per Day}$</p> <p><u>Proposed Zoning: PB-S</u> $1,524 / 1,000 \times 11.01 \text{ (General Office Building Trip Rate)} = 17 \text{ Trips per Day}$</p> |
| Sidewalks | Sidewalks exist along both street frontages. |
| Transit | No |
| Traffic Impact Study (TIS) | Not required |
| Analysis of Site Access and Transportation Information | The proposed site plan reflects the existing building, parking, and driveway cuts onto Sprague and Peachtree Streets. Interdepartmental Staff has recommended reducing the number of driveway cuts from three to two. Staff does not anticipate a significant increase in trip generation with this request. |
| Generalized Recommended Conditions | <p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Condition to repair any damage to City streets |
| CONFORMITY TO PLANS AND PLANNING ISSUES | |
| Legacy GMA | GMA 2 (Urban Neighborhoods) |
| Relevant Legacy Recommendations | <i>Legacy</i> recommends encouraging redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area. |
| Relevant Area Plan(s) | <i>Southeast Area Plan (2002)</i> |
| Area Plan Recommendations | The <i>Southeast Area Plan (SAP)</i> does not recommend any change in zoning for the site. |
| 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 <i>Legacy</i>? |
| Yes | |
| Analysis of Conformity to Plans and Planning Issues | As mentioned above, <i>Legacy</i> does support the reuse of existing sites and buildings. Staff supports the proposed rezoning, based on the site's history as a legally non-conforming use. The site has been used for commercial purposes since the 1930's and staff believes that the PB-S district would be appropriate at this location. Staff would not be supportive of commercial rezonings of residential properties along this section of Sprague Street. |

| RELEVANT ZONING HISTORIES | | | | | | |
|---|---|------------------------------------|---|---------|----------------|----------|
| Case | Request | Decision & Date | Direction from Site | Acreage | Recommendation | |
| | | | | | Staff | CCPB |
| W-2665 | RS-9 to LB | Withdrawn at the 1/8/04 PB meeting | North | 3.16 | Approval | NA |
| W-2587 | PB-S to RS-9 | Approved 12/2/02 | North | 0.43 | Approval | Approval |
| W-2502 | LB & RS-9 to LB | Approved 10/10/01 | North | 0.82 | Approval | Approval |
| SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS | | | | | | |
| Building Square Footage | Square Footage | | Placement on Site | | | |
| | 1,524 sf. | | Southern ½ of the site | | | |
| Parking | Required | Proposed | Layout | | | |
| | 6 spaces | 10 spaces | 90° head-in | | | |
| Building Height | Maximum | | Proposed | | | |
| | 60 feet | | 16-24 feet | | | |
| Impervious Coverage | Maximum | | Proposed | | | |
| | NA | | 79.5% | | | |
| 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) <i>Legacy policies:</i> | | Yes | | | |
| | (B) <i>Environmental Ord.</i> | | Yes | | | |
| | (C) <i>Subdivision Regulations</i> | | NA | | | |
| Analysis of Site Plan Compliance with UDO Requirements | <p>The proposed site plan does not propose any significant changes to the existing site. As mentioned above, staff has recommended that the number of curbcuts be reduced and that additional landscape plantings be installed where feasible. The petitioner is currently revising the site plan to add a restroom facility to the southeast corner of the building which would allow three separate tenants to occupy the building and meet building code requirements.</p> | | | | | |
| Generalized Recommended Conditions | <p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Lighting condition ZBOA condition | | | | | |
| CONCLUSIONS TO ASSIST WITH RECOMMENDATION | | | | | | |
| Positive Aspects of Proposal | | | Negative Aspects of Proposal | | | |
| This request would allow the zoning of the site to match the land use. | | | The <i>Southeast Area Plan</i> does not recommend a change in zoning for this site. | | | |
| The subject property is located in GMA 2, in an area that experiences a significant amount of pedestrian traffic. | | | | | | |
| Only five proposed uses are requested. | | | | | | |
| The structure has a history of commercial use. | | | | | | |

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.

- **PRIOR TO ANY PERMITS:**
 - a. Developer shall apply for a bufferyard variance from the Zoning Board of Adjustment.
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 - a. If any lighting is proposed, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 25' or less and no more than 0.5 foot-candles at the property line.
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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 regarding continuance request - March 13, 2008

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning map amendment and site plan to April 10, 2008.

SECOND: Jerry Clark

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - April 10, 2008

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Jerry Clark

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

ADJACENT SITE:
Block LOT 0141 111
STATUS: C
PROPERTY ADDRESS: 1101 E. SPRAGUE ST.
ZONING RS-9

'GOODE'S ENTERPRISES INC'
MAILING ADDRESS: 2319 8th ST.
WINSTON-SALEM, NC 27107-0000

ADJACENT SITE:
Block LOT 0141 008H
STATUS: C ADDLOT 010B
PROPERTY ADDRESS: 1111 E. SPRAGUE ST.
ZONING RS-9

JAMES D. WATSON
FOUNDATION INC. HISTORIC PRESERVATION
MAILING ADDRESS: 1317 VERDUN ST.
WINSTON-SALEM, NC 27107-2355

ADJACENT SITE:
Block LOT 1189 008
STATUS: C ADDLOT 010, 101
PROPERTY ADDRESS: 1201 E. SPRAGUE ST.
ZONING RS-9

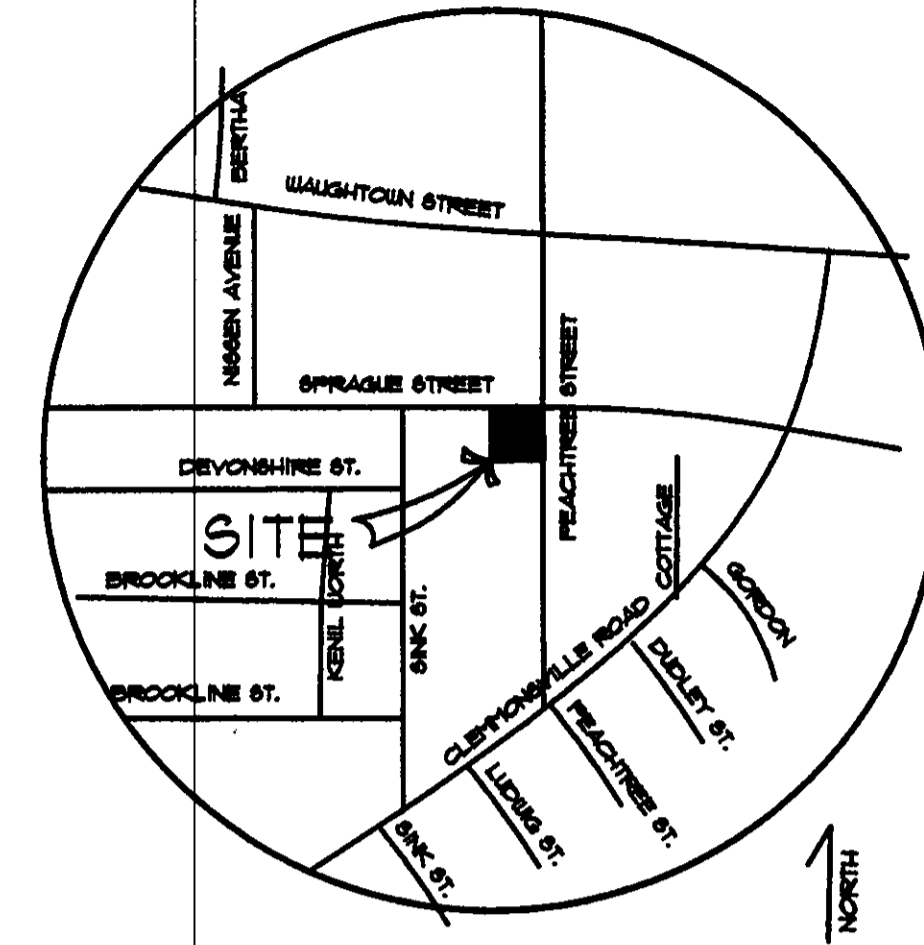
BENJAMIN LEE KEATON
MAILING ADDRESS: 1201 E. SPRAGUE ST.
WINSTON-SALEM, NC 27107-3432

ADJACENT SITE:
Block LOT 1160 018
STATUS: C
PROPERTY ADDRESS: 1200 E. SPRAGUE ST.
ZONING RS-9

ALYDAR PROPERTIES LLC
MAILING ADDRESS: 3308 STOCKTON ST.
WINSTON-SALEM, NC 27121

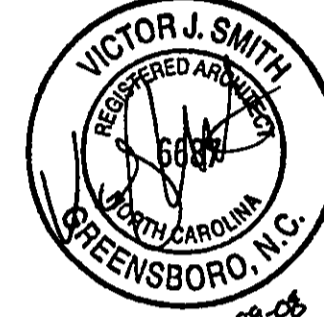
SPRAGUE STREET

PEACHTREE STREET



LOCATION MAP

RECEIVED
APR 14 2008
2:45 PM
KWR



ERSKINE-SMITH ARCHITECTURE, PLLC
ARCHITECTURE, PLANNING
3405-A West Wendover Avenue
Greensboro, N.C. 27407
Phone (336) 855-1288 Fax (336) 855-5602

Tax Lot 009B and 010Bk
PIN # 6844-15-1630.03
PIN # 6844-15-1680.62
Block 0150
D.B. 2080 Pg. 201
FORSYTH COUNTY, N.C.

QUINER:
VERNELL D. BROWN
ROBERT BROWN
1150 SPRAGUE STREET
WINSTON-SALEM, NC
336-499-3385
336-499-3385 FAX

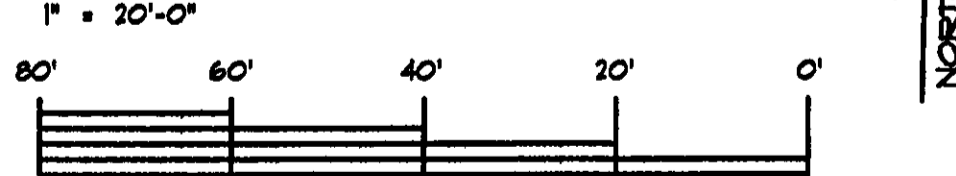
GENERAL REQUEST:

1. REQUEST FOR CHANGE OF ZONING FROM RS-9 TO PB-5
2. REQUEST FOR VARIANCE FOR TYPE 3 (16') LANDSCAPE YARD DUE TO EXISTING ± 9' TO 14' SETBACK FROM BUILDING ON SOUTH PROPERTY LINE AND ± 9' SETBACK FROM ASPHALT PARKING AREA ON WEST PROPERTY LINE AND EXISTING ASPHALT PARKING AREA ON EAST PROPERTY LINE

SITE PLAN LEGEND

| <p>REVIEW INFORMATION</p> <p>Type of Review: <input type="checkbox"/> Special Use Rezoning <input type="checkbox"/> Site Plan Amendment <input type="checkbox"/> Special Use Permit (Elected Body Only) <input type="checkbox"/> Final Development Plan <input type="checkbox"/> Preliminary Subdivision <input type="checkbox"/> Planning Board Review</p> <p>Jurisdiction <input checked="" type="checkbox"/> City of Winston-Salem <input type="checkbox"/> Forsyth County <input type="checkbox"/> Village of Clemmons <input type="checkbox"/> Town of Walkertown</p> <p>Purpose Statement: The purpose of this request is to <u>Change Zoning Form RS-9 to PB-5</u></p> | <p>ZONING</p> <p>Existing Zoning: <u>RS-9</u> Proposed Zoning: <u>PB-5</u></p> <p>Proposed Uses: <u>Retail Store Services Personal General Merchandise Store Specialty or Miscellaneous Services, Business A Professional Office</u></p> | <p>OFF-STREET PARKING (if applicable)</p> <p>Proposed Use(s) <u>Business</u> Required Parking: <u>5</u> Spaces / 1 Hc (more than one calculation may be needed) Parking Provided: <u>10 SPACES (Existing)</u></p> <p>Service, Personal 615 SF / 400 = 1.5 spaces General Merchandise 899 SF / 200 = 4.5 spaces</p> <p>1524 SF Total 6 total spaces Required</p> | | | | | | | | | | | | |
|--|--|---|---------|-------|-------------------------------------|--------------------------|-------|-------------------------------------|--------------------------|---------|-------------------------------------|--------------------------|--|---|
| <p>INFRASTRUCTURE</p> <table border="1"> <tr> <th></th> <th>Public</th> <th>Private</th> </tr> <tr> <td>Water</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Sewer</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> <tr> <td>Streets</td> <td><input checked="" type="checkbox"/></td> <td><input type="checkbox"/></td> </tr> </table> <p>Linear feet of public streets: _____ ft.</p> | | Public | Private | Water | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Sewer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | Streets | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <p>DENSITY CALCULATIONS</p> <p># of Units or Lots: <u>N/A</u> Density: _____ Units/Lots per Acre</p> <p>(Note: If more than one type of residential product is proposed, provide the number of units & density broken down by type.)</p> | <p>OFF-STREET LOADING (if applicable)</p> <p>Loading/Unloading Spaces Required: <u>N/A</u> Loading/Unloading Spaces Provided: _____ ft. X _____ ft.</p> |
| | Public | Private | | | | | | | | | | | | |
| Water | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | |
| Sewer | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | |
| Streets | <input checked="" type="checkbox"/> | <input type="checkbox"/> | | | | | | | | | | | | |
| <p>SITE SIZE AND COVERAGES</p> <p>Total Acreage: <u>.2362</u> Acres 10,052 SF Site Coverages: Building to Land <u>15.6</u> % Pavement to Land <u>51.2</u> % Open Space <u>33.2</u> %</p> <p>Building Square Footage: <u>1574</u> sq. ft. Building Height: <u>16 to 24'</u> ft.</p> | <p>PROPERTY INFORMATION</p> <p>Parcel ID: <u>6844-15-1630.03</u> PIN # <u>6844-15-1680.62</u></p> <p>Tax Block(s) <u>0150</u> Lot(s) <u>009B & 010Bk</u></p> | <p>BUFFERYARDS</p> <p>Adjoining Zoning: <u>RS-9</u> Type Required: <u>TYPE 3 (16')</u> Variance Requested in Setback Areas Width Provided: <u>± 8' to 14'</u> ft.</p> | | | | | | | | | | | | |

EXISTING SITE PLAN



SITE INFORMATION TAKEN FROM TWO SOURCES PROVIDED BY OWNER:

| CURRENT OWNERS: | ORIGINAL PROPERTY DEED FOR |
|---|--|
| VERNELL H. WILLIAMS ROBERT BROWN Tax Lot 009B and 010Bk PIN # 6844-15-1630.03 PIN # 6844-15-1680.62 Block 0150 D.B. 2080 Pg. 201 FORSYTH COUNTY, N.C. No DATE | THOMAS G. GALLAHER LOTS 9 & 10 BOOK 150 AL. HOOVER PLAT BOOK 4 PAGE 136 FORSYTH COUNTY, N.C. DATE: NOV. 8, 1988 |

W-297 | REVISED 4-1-08
FILE COPY
PRELIMINARY
NOT FOR CONSTRUCTION

EXISTING SITE & BUILDING INFORMATION FOR
1150 SPRAGUE STREET
WINSTON-SALEM, NC

| REVISIONS | BY |
|------------|-----|
| 01-11-2008 | VJS |
| 01-15-2008 | VJS |
| 02-08-2008 | VJS |
| 02-08-2008 | VJS |
| 03-31-2008 | VJS |

DRAWN BY: VJS
CHECKED BY: RHE
DATE: 12-04-2007
SCALE: AS SHOWN
FILE:
SHEET NUMBER: **1**