



DOCKET #: W2981

PROPOSED ZONING:
GO-L

EXISTING ZONING:
RS-9

PETITIONER:
Dick Anderson for property
owned by Multiple property
owners

SCALE: 1" represents 500'

STAFF: Reed

GMA: 3

ACRES: 22.14

**NEAREST
BLDG:** 100'

MAP(S): 606842, 612842

F

June 25, 2008

A.J. Scott Jr., et al; Kenneth I. and Betty Zimmerman;
Sally S. Nichols; Alma F. Bedsaul heirs; and John D.
and Lucy M. Hamilton trustees
c/o Richard A. Anderson
3366 Nottingham Road
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2981

Dear Mr. Anderson:

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: June 25, 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 A.J. Scott Jr., et al; Kenneth I. and Betty Zimmerman; Sally S. Nichols; Alma F. Bedsaul heirs; and John D. and Lucy M. Hamilton trustees

SUMMARY OF INFORMATION:

Zoning map amendment of A.J. Scott Jr., et al; Kenneth I. and Betty Zimmerman; Sally S. Nichols; Alma F. Bedsaul heirs; and John D. and Lucy M. Hamilton trustees from RS-9 to GO-L (Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts & Crafts Studio; Banking and Financial Services; Broadcast Studio; Child Care, Drop-In; Child Care, Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Fraternity or Sorority; Funeral Home; Government Offices; Health Services, Miscellaneous; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Medical and Surgical Offices; Medical or Dental Laboratory; Museum or Art Gallery; Neighborhood Organization; Non-Store Retailer; Nursing Care Institution; Offices, Miscellaneous; Park and Shuttle Lot; Police or Fire Station; Post Office; Professional Office; Recreation Facility, Public; School, Vocational or Professional; Services, Business A; Services, Personal; Transmission Tower; and Utilities): property is located on the southeast corner of Stratford Road and Burke Mill Road realignment (Zoning Docket W-2981).

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 LIMITED DISTRICT

Zoning Petition of A.J. Scott Jr., et al; Kenneth I. and Betty Zimmerman; Sally S. Nichols; Alma F. Bedsaul heirs; and John D. and Lucy M. Hamilton trustees, Docket W-2981

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 GO-L (Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts & Crafts Studio; Banking and Financial Services; Broadcast Studio; Child Care, Drop-In; Child Care, Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Fraternity or Sorority; Funeral Home; Government Offices; Health Services, Miscellaneous; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Medical and Surgical Offices; Medical or Dental Laboratory; Museum or Art Gallery; Neighborhood Organization; Non-Store Retailer; Nursing Care Institution; Offices, Miscellaneous ; Park and Shuttle Lot; Police or Fire Station; Post Office ; Professional Office; Recreation Facility, Public; School, Vocational or Professional; Services, Business A; Services, Personal; Transmission Tower; and Utilities) the zoning classification of the following described property:

Beginning at a point at the intersection of the southern right of way of Burke Mill Road, with the eastern Right of way of Stratford Road/Southern Railway, said point being a corner of Nichols [BLK 3835 LOT 026F]; THENCE, with the Right of way of Stratford Road/Southern Railway, S44°01'57"W, 59.22 feet to a point, a corner with Hamilton [BLK 3835 LOT 100]; THENCE, with the Right of way of Stratford Road/Southern Railway, S44°01'57"W, 50.13 feet to a point, a corner with Scott, Jr. [BLK 3935 LOTS 1-6, 027]; THENCE, with the Right of way of Stratford Road/Southern Railway, S44°01'57"W, 588.13 feet to a point; THENCE, with Scott, Jr. [BLK 3935 LOTS 1-6, 027], S00°17'01"W, 493.40 feet to a point, the southwest corner of

Scott, Jr, [BLK 3935 LOTS 1-6, 027], and the northwest corner of Zimmerman [BLK 3835 LOT 007];, THENCE, with Zimmerman [BLK 3835 LOT 007],, S00°17'01"W, 100.00 feet to a point, the southwest corner of Zimmerman [BLK 3835 LOT 007], THENCE, with Zimmerman [BLK 3835 LOT 007],, S87°02'22"E, 704.34 feet to a point, the southeast corner of Zimmerman [BLK 3835 LOT 007], THENCE, with Zimmerman [BLK 3835 LOT 007],, N22°12'54"E, 105.63 feet to a point, the northeast corner of Zimmerman, and the southeast corner of Scott Jr [BLK 3935 LOTS 1-6, 027], THENCE, with Scott Jr [BLK 3935 LOTS 1-6, 027], N06°14'12"E, 103.83 feet total to a point; THENCE, with Scott Jr [BLK 3935 LOTS 1-6, 027], N43°34'05"W, 58.24 feet to a point; THENCE, with Scott Jr, N07°37'38"E, 87.64 feet to a point, a corner in the southern line of Hamilton [BLK 3835 LOT 100]; THENCE, with BRC Burke Ridge, LLC, [BLK 3935 LOT 110], N89°57'13"E, 191.61 feet to a point, a new corner with Hamilton [BLK 3935 LOT 100] (said corner being 144.50 feet from the southeast corner of Nichols, BLK 3935 LOT 026F); THENCE, a new line through Hamilton, N24°50'47"E, 82.14 feet to a point, a new corner with Nichols [BLK 3935 LOT 026F], (said corner being on the northeastern line of Hamilton, [BLK 3935 LOT 100], the southwestern line of Nichols, [BLK 3935 LOT 026F], 92.68 feet northwest of their common corner in BRC Burke Mill, LLC's [BLK 3935 LOT 110] line; THENCE, a new line through Nichols, N24°50'47"E, 28.53 feet to a point, a new corner; THENCE, a new line through Nichols, N51°04'34"E, 143.45 feet to a point in the line of BRC Burke Mill, LLC's [BLK 3935 LOT 110], (a new corner being 28.05 feet south of the common corner of Alma F. Bedsaul [BLK 3935 LOT 026J] and Nichols [BLK 3935 LOT 026F] in the west line of BRC Burke Mill, LLC's [BLK 3935 LOT 110]); THENCE, with BRC Burke Ridge, LLC, [BLK 3935 LOT 110], N04°05'14"E, 28.05 feet to a point; THENCE, with BRC Burke Ridge, LLC, [BLK 3935 LOT 110], N03°57'42"E, 460 feet to a point in the southern line of Tax Lot 102C, Tax Block 3935, 55.92 feet to the southeast corner of Lot 102C; thence following the proposed right-of-way line of Stratford Green Lane including a new line through BRC Burke Ridge LLC [BLK 3935 LOT 102C], a curve to the right with a chord of N49°24'16"W, 33.20 feet with an arc of 34.60 feet and a radius of 35.00 feet, to a point; THENCE, a new line through BRC Burke Ridge LLC [BLK 3935 LOT 102C], N21°05'17"W, 55.23 feet to the right of way of Burke Mill Road, THENCE, with the right of way of Burke Mill Rd, on a curve to the right having a chord of S61°14'56"W, 63.84 feet, with an arc of 63.87 feet and a radius of 605.00 feet to a point, a corner with Bedsaul [BLK 3835 LOT 026J] in the right of way of Burke Mill Road; THENCE, with the right of way of Burke Mill Rd , on a curve to the right having a chord of S77°09'21"W, 269.78 feet, with an arc of 272.07 feet and a radius of 605.00 feet to a point; THENCE, with the right of way of Burke Mill Rd , S46°32'36"E, 14.43 feet to a point a corner with Nichols [BLK 3835 LOT 026F]; THENCE, with the right of way of Burke Mill Rd , on a curve to the right having a chord of S83°32'37"W, 157.33 feet, with an arc of 157.76 feet and a radius of 615.00 feet to a point; THENCE, with the Right of way of Burke Mill Rd, N76°11'41"W, 90.82 feet to a point in the right of way of Stratford Road, the Place and Point of Beginning, said combination having an area of 22.11 acres +/-.

Section 2. This Ordinance is adopted after approval of the Special Use Limited District Permit issued by the City Council the _____ day of _____, 20__ to A.J. Scott Jr., et al; Kenneth I. and Betty Zimmerman; Sally S. Nichols; Alma F. Bedsaul heirs; and John D. and Lucy M. Hamilton trustees.

Section 3. The City Council hereby directs the issuance of a Special Use Limited District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Dick Anderson. Said Special Use Limited District Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE LIMITED DISTRICT PERMIT

SPECIAL USE LIMITED 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 Limited District Permit for the zoning petition of A.J. Scott Jr., et al; Kenneth I. and Betty Zimmerman; Sally S. Nichols; Alma F. Bedsaul heirs; and John D. and Lucy M. Hamilton trustees, (Zoning Docket W-2981). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts & Crafts Studio; Banking and Financial Services; Broadcast Studio; Child Care, Drop-In; Child Care, Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Fraternity or Sorority; Funeral Home; Government Offices; Health Services, Miscellaneous; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Medical and Surgical Offices; Medical or Dental Laboratory; Museum or Art Gallery; Neighborhood Organization; Non-Store Retailer; Nursing Care Institution; Offices, Miscellaneous ; Park and Shuttle Lot; Police or Fire Station; Post Office ; Professional Office; Recreation Facility, Public; School, Vocational or Professional; Services, Business A; Services, Personal; Transmission Tower; and Utilities, approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the GO-L 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. An emergency cross access easement to the southern property line shall be recorded at the Register of Deeds Office. Location of the easement to be determined by Planning staff.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. A sidewalk shall be constructed along at least one side of any internal drives within the site.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-2981
Staff	David Reed
Petitioner(s)	A.J. Scott Jr. et al; Kenneth I. and Betty Zimmerman; Sally S. Nichols; Alma F. Bedsaul heirs; and John D. and Lucy M. Hamilton trustees
Owner(s)	Same
Subject Property	PIN#'s 6814-22-0750, 6814-12-6330, 6814-11-6870 and a portion of PIN#'s 6814-22-0419 and 6814-12-8466 located at the southeast corner of Stratford Road and Burke Mill Road realignment
Type of Request	Special Use Limited rezoning request
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family, 9,000 Square feet to GO-L (General Office – Special Use Limited Zoning). The petitioner is requesting the following uses:</p> <p>Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts & Crafts Studio; Banking and Financial Services; Broadcast Studio; Child Care, Drop-In; Child Care, Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Fraternity or Sorority; Funeral Home; Government Offices; Health Services, Miscellaneous; Helistop; Hospice and Palliative Care; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Land Clearing/Inert Debris; Library, Public; Medical and Surgical Offices; Medical or Dental Laboratory; Museum or Art Gallery; Neighborhood Organization; Non-Store Retailer; Nursing Care Institution; Offices, Miscellaneous ; Park and Shuttle Lot; Police or Fire Station; Post Office ; Professional Office; Recreation Facility, Public; School, Vocational or Professional; Services, Business A; Services, Personal; Transmission Tower; and Utilities</p> <p>NOTE: Both general and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Zoning District Purpose Statement	The GO District is primarily intended to accommodate high intensity office uses and supporting services. The district is established to provide locations for employment within Growth Management Areas 1 and 2, Metro Activity Centers, and Growth Management Area 3 with access to thoroughfares.
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

GENERAL SITE INFORMATION				
Location	Southeast corner of Stratford Road and Burke Mill Road realignment			
Jurisdiction	City of Winston-Salem			
Ward(s)	South Ward			
Site Acreage	Approximately ± 22.14 acres			
Current Land Use	Single Family Homes and vacant land			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RS9	Single Family Homes	
	South	GI	Industrial	
	East	RM18-S	Multifamily development under construction	
West	GI and RS9	Single Family Homes and Industrial		
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.			
Physical Characteristics	Site slopes down to the southeast. The National Wetland Inventory map (Winston-Salem West) shows a small pond in the northeast part of the site as a PUBHh (Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded) wetland.			
Proximity to Water and Sewer	Public water and sewer is available to the site.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not within a water supply watershed.			
Analysis of General Site Information	The site is adequate for the proposed zoning district.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Burke Mill Road	Minor Thoroughfare	273'	4,900	16,100
Griffith Road	Minor Thoroughfare	946'	5,100	16,100
Proposed Access Point(s)	Burke Mill Road realignment via a proposed roundabout which would connect the site with the multifamily site to the east.			
Planned Road Improvements	Burke Mill Road connects S. Stratford and Hawthorne Roads and serves both residential and commercial development. A realignment of Burke Mill from Griffith Road to S. Stratford Road is currently under construction.			

Trip Generation - Existing/Proposed	<p><u>Trip Generation/Existing Zoning: RS-9</u> 22.14 acres (RS-9) x 43,560 / 9,000 = 107 units x 9.57 (SFR Trip Rate) = 1025 Trips per Day</p> <p><u>Trip Generation/Proposed Zoning: GO-L</u> No trip generation numbers available for special use limited zoning since there is no site plan.</p>
Sidewalks	Sidewalks are recommended within the site.
Transit	Route 43 runs along Burke Mill Road adjacent to the subject property.
Connectivity	The proposed plan for the adjoining site includes a public roundabout connecting to both Burke Mill Road and the property to the east.
Traffic Impact Study (TIS)	The petitioner voluntarily submitted a TIS which proposed improvements that will mitigate the additional traffic.
Analysis of Site Access and Transportation Information	Access to the site is adequate provided an emergency cross access easement is recorded and internal sidewalks are provided.
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Condition to record a cross access easement • Condition to provide internal sidewalk
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	<i>GMA 3 (Suburban Neighborhoods)</i>
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Creating a more “compact pattern of development” will necessitate increasing the overall density and intensity of residential and commercial development in areas with public sewer, good roads and other urban services. It will also mean concentrating higher density and mixed use urban development around certain activity centers and along major transportation corridors.
Relevant Area Plan(s)	<i>Draft Southwest Suburban Area Plan</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The plan recommends office and/or multifamily land uses with an interconnected design
Thoroughfare Plan Information	<i>Winston-Salem Urban Area Fiscally Constrained Transportation Plan 2004 – 2030:</i> A construction contract has been awarded by the City of Winston-Salem to realign and widen a 0.3 mile section of Burke Mill Road (from 2-lanes to 3-lanes) from Griffith Road to intersect South Stratford Road at Atwood Road.
Greenway Plan Information	N/A

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	Proposal is consistent with <i>Legacy</i> and the draft <i>Southwest Suburban Area Plan</i> .					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2874	RM18-S and RS-9 to RM18-S	Approved 8-7-06	Adjacent to the east	16.2	Approval	Approval
W-2828	RM18-S and RS-9 to RM18-S	Approved 2-6-06	Adjacent to the east	13.96	Approval	Approval
W-2771	RS-9 to RM18-S	Approved 8-15-05	Adjacent to the east	12.32	Approval	Approval
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy</i> policies:			Yes		
	(B) <i>Environmental Ord.</i>			N/A		
	(C) Subdivision Regulations			N/A		
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
Development is consistent with the land use recommendation of the draft <i>Southwest Suburban Area Plan</i> .			The more intense zoning district will likely generate additional traffic in the area.			
Development is consistent with <i>Legacy</i> .						
Site is interconnected with the multifamily site to the east.						
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.						
<u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u>						
a. An emergency cross access easement to the southern property line shall be recorded at the Register of Deeds Office. Location of the easement to be determined by Planning staff.						
<u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u>						
a. A sidewalk shall be constructed along at least one side of any internal drives within the site.						

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: Clarence Lambe moved approval of the zoning map amendment with the deletion of the uses Helistop and Landfill, Land Clearing/Inert Debris.

SECOND: Jerry Clark

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning