

DOCKET #: W2988

PROPOSED ZONING:
HB-S

EXISTING ZONING:
HB-S

PETITIONER:
Brandon & Brandon LLC
for property owned by
Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 4.45

**NEAREST
BLDG:** 56' south

MAP(S): 636858

F

July 23, 2008

William and Andrais Brandon
3545 Parrish Road
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2988

Dear Mr. Brandon and Mrs. Brandon:

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: July 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 Brandon & Brandon, LLC

SUMMARY OF INFORMATION:

Zoning map amendment of Brandon & Brandon, LLC from HB-S [Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail, Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; and Stadium, Coliseum, or Exhibition Building] to HB-S [Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Stadium, Coliseum, or Exhibition Building; and Child Care, Drop In]: property is located on the north side of New Walkertown Road, east of Martin Luther King, Jr. Drive (Zoning Docket W-2988).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Brandon & Brandon, LLC, Docket W-2988

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 HB-S [Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail, Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; and Stadium, Coliseum, or Exhibition Building] to HB-S [Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Stadium, Coliseum, or Exhibition Building; and Child Care, Drop In] the zoning classification of the following described property:

Tax PIN 6835-78-5792

Section 2. This ordinance shall become effective upon adoption.

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Brandon & Brandon, LLC, Docket W-2988

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 HB-S [Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail, Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; and Stadium, Coliseum, or Exhibition Building] to HB-S [Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Stadium, Coliseum, or Exhibition Building; and Child Care, Drop In] the zoning classification of the following described property:

Tax PIN 6835-78-5792

Section 2. This Ordinance is adopted after approval of the site plan entitled Brandon & Brandon, LLC and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Brandon & Brandon, LLC.

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 Brandon & Brandon, 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 Brandon & Brandon, LLC, (Zoning Docket W-2988). 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 HB-S [Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Stadium, Coliseum, or Exhibition Building; and Child Care, Drop In], approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the HB-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:

The previously approved conditions of W-1826 will carry forward on the subject property.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-2988
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Brandon & Brandon, LLC
Owner(s)	Same
Subject Property	Tax PIN 6835-78-5792
Type of Request	Special Use rezoning to add the use of Child Care, Drop In
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB-S Highway Business District [Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail, Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; and Stadium, Coliseum, or Exhibition Building] to HB-S Highway Business District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Restaurant (without drive-through service); Restaurant (with drive through service); Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services Personal; Building Contractors, General; Building Contractors, Heavy; ABC Store; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical and Surgical Offices; Recreation Services, Indoor; Recreation Services, Outdoor; Theater, Indoor; Stadium, Coliseum, or Exhibition Building; and Child Care, Drop In
Zoning District Purpose Statement	<p>The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.</p>

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	North side of New Walkertown Road, east of Martin Luther King Jr. Drive			
Jurisdiction	City of Winston-Salem			
Ward(s)	East			
Site Acreage	Approximately ± 4.45 acres			
Current Land Use	The site is currently used for commercial uses as part of a larger shopping center.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	IP	Rupert Bell Park	
	East	HB-S	Shopping center	
	South	HB-S	Restaurant	
	West	HB	Bank	
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 surrounded by other commercial and institutional uses.			
Physical Characteristics	The site is fully developed and has a gentle slope downward toward the east.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not within a watershed.			
Analysis of General Site Information	The site is adequate for the existing and proposed commercial uses and appears to possess no development constraints.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
New Walkertown Road	Major Thoroughfare	55'	16,000	32,400
Mount Zion Place	Local street	486'	NA	NA

Proposed Access Point(s)	No changes are proposed to the existing driveways onto New Walkertown Road and Mount Zion Place.					
Trip Generation - Existing/Proposed	The addition of the use Child Care, Drop In should not result in a measurable increase in trip generation as said use is less intense than other uses currently allowed on the site.					
Sidewalks	Sidewalks are located along both sides of New Walkertown Road and Mount Zion Place.					
Transit	Route 1 along New Walkertown Road					
Traffic Impact Study (TIS)	No TIS is required for this existing development.					
Analysis of Site Access and Transportation Information	The existing points of access to the site are adequate and no changes are proposed or recommended.					
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA	Growth Management Area 2, Urban Neighborhoods					
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Revitalize and concentrate development in downtowns and existing commercial centers, maximizing the density in these areas rather than promoting growth at the suburban fringe. 					
Relevant Area Plan(s)	<i>East/Northeast Area Plan, 2008</i>					
Area Plan Recommendations	<ul style="list-style-type: none"> The <i>East/Northeast Area Plan</i> does not recommend any changes to the existing land use at this site. The site is part of the East Winston Metro Activity Center. 					
Other Applicable Plans and Planning Issues	The site is within the East Winston # 3 Redevelopment Area (Blighted) as Certified on June 17, 1965.					
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	The subject request is consistent with the recommendations of <i>Legacy</i> and the <i>East/Northeast Area Plan</i> .					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1826	B3-S Site Plan Amendment	Approved 6-7-93	Included the current site	9.38	Approval	Approval

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS	
Analysis of Site Plan Compliance with UDO Requirements	No building expansions or improvements are proposed and the existing site plan and conditions will carry forward.
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request will provide additional flexibility in use of the subject property by adding the use of Child Care, Drop In.	
The request should not result in an increase in trip generation.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
The previously approved conditions of W-1826 will carry forward on the subject property.	

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

The request is to add a use, but since the site is already developed, there is no site plan for consideration today.

FOR: None

AGAINST: None

WORK SESSION

MOTION: Jerry Clark moved approval of the zoning map amendment.

SECOND: Paul Mullican

VOTE:

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

AGAINST: None

EXCUSED: None

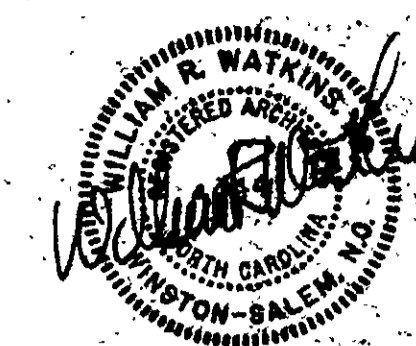
A. Paul Norby, FAICP
Director of Planning

CITY OF WINSTON-SALEM
BK. 9998, LOT 123
ZONED R-2

CITY OF WINSTON-SALEM
BK. 9998, LOT 312
ZONED R-2

EDWARD J. & VANDELLA
GREEN
BK. 439, LOT 260
ZONED R-4

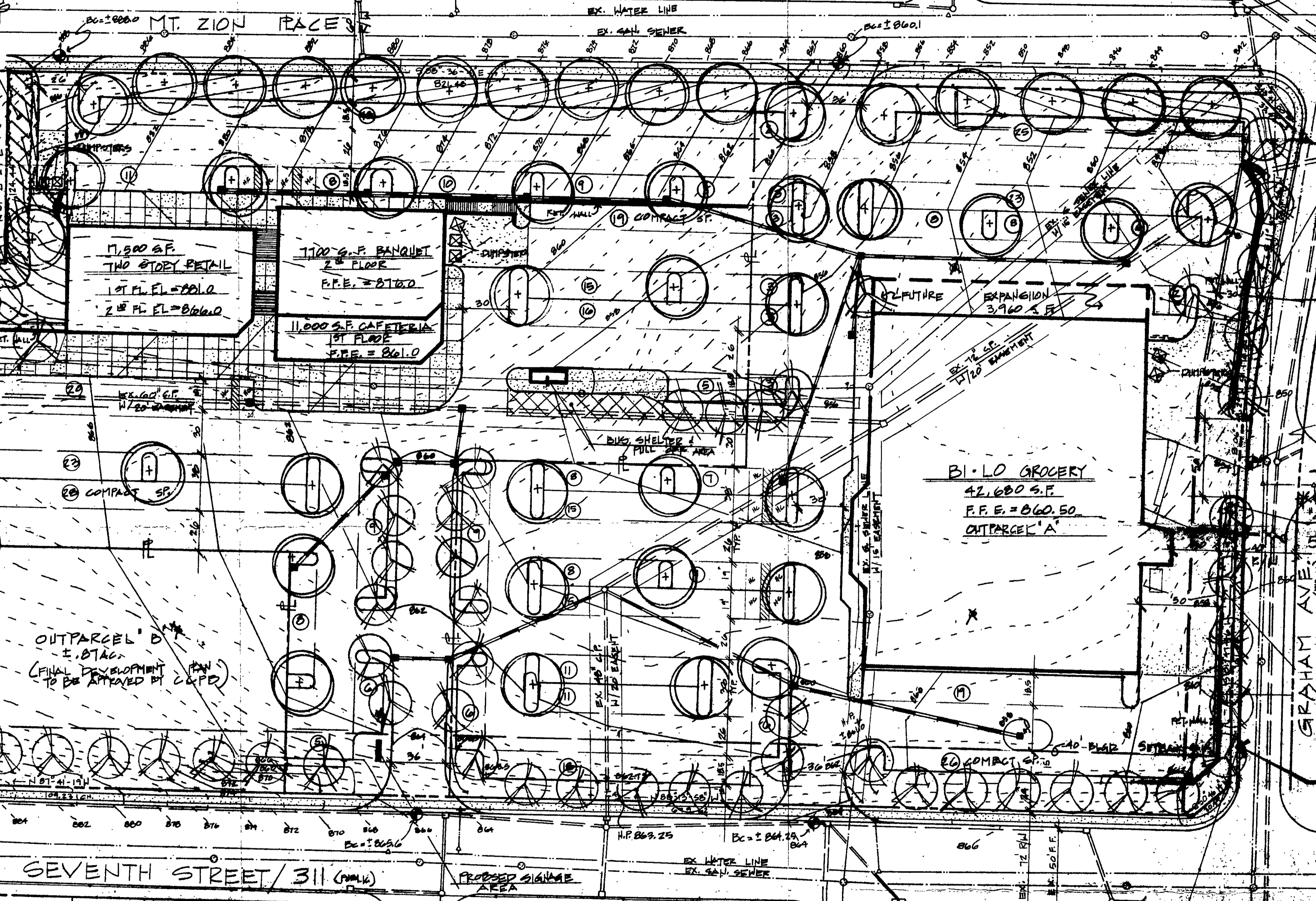
HAZEL K. FRESTON
BK. 438, LOT 291
ZONED R-2



CITY OF WINSTON-SALEM
BK. 9998, LOT 602
ZONED R-2

SITE PLAN DATA

- SITE CURRENTLY ZONED R-2 (RESIDENTIAL)
- OFFICE, STORES OR SHOPS, RETAIL, REPAIR, RELATED OFFICE/EMPLOYMENT, CARWASH, DRIVE-UP, COLLIERIES, FAIRGAMES, AUDITORIUMS, HALL - TWO PHASE PROPOSED BY OTHER DEVELOPER
- DEVELOPMENT NAME: EASTWAY CENTER
- TOTAL LAND AREA - 2.103,008 SQ. FT. / 48.2 AC.
- LAND USE, MAXIMUM S.F. OF BLDG. AND LOT
- BANQUET - UPPER LEVEL - 1700 S.F.
- CAFETERIA - LOWER LEVEL - 11,000 S.F.
- RETAIL OFFICE - LOWER LEVEL - 17,500 S.F.
- TOTAL BLDG. & LAND - 30,200 S.F. / 0.69 AC.
- OUTPARCEL "A" (BLDG) 40,000 S.F. BLDG. AREA (PROPOSED - 42,000 S.F. MINUS EXH. 3 & 4)
- OUTPARCEL "B" (VACANT) - 37,874 S.F. / 0.87 AC.
- APPROX. 10% OF BLDG. COVERAGE TO REMAIN UNDEVELOPED
- APPROX. 10% OF PARKING AREA TO REMAIN UNDEVELOPED
- APPROX. 10% OF COMMON OPEN SPACE, INCLUDING INTERIOR PLAYING AREA, EXCLUDING OUTPARCEL "B"
- OUTPARCEL "B" - 11.2% OF LAND AREA
- SITE TO BE SERVED BY PUBLIC WATER & SEWER
- ALL LANDSCAPE PLANTING FOR THE ENTIRE SITE TO BE APPROVED BY THE CITY OF WINSTON-SALEM
- BOUNDARY, TOPOGRAPHICAL, AND UTILITY INFORMATION FROM BOUNDARY & TOPO SURVEY BY BRANTLEY & ASSOCIATES, INC., DATED 11/24/93
- TOTAL PARKING SPACES = 500 SPACES
- TOTAL REQUIRED PARKING SPACES 596 SPACES (911, TP, 12,541, H.C., 7.5X MIN. COMPACT, 10% MIN. RETAIL)
- RETAIL SP. FOR MEDIUM GENERATOR / 17,500 S.F. PER 300 S.F. OF GROSS PL. AREA, PLUS ONE SP. PER ONE SP. FOR EACH VEHICLE USED IN OPERATION
- CAFETERIA SPACES / BANQUET SPACES / 15,000 S.F. ONE SPACE FOR EA. 3 SPACES, PLUS TWO SPACES PER 100 S.F. OF GROSS PL. AREA
- RETAIL SPACES FOR HIGH GENERATOR / 17,500 S.F. SPACE PER 200 S.F. OF GROSS PL. AREA, PLUS ONE SPACE FOR EA. 3 EMPLOYERS, PLUS ONE SPACE USED IN THE OPERATION, 243 SPACES



MT. ZION BAPTIST CHURCH
BK. 9998, LOT 126
ZONED R-1

40' BLDG. SETBACK LINE

15' SAN. SEWER EASEMENT (TYP)

20' STORM SEWER EASEMENT (TYP)

TYPE "A" BUFFER

DIACONIA PARK
BK. 9998, LOT 127
ZONED R-1

40' BLDG. SETBACK LINE

GALILEE BAPTIST CHURCH
BK. 9998, LOT 627
ZONED R-2

GALILEE BAPTIST CHURCH
BLOCK 391
LOT 35-T LOT 34-T LOT 33-T LOT 32-T
ZONED R-2

H.L. MCCLLOUD BK. 391 LOT 31-T ZONED R-2

H.L. MCCLLOUD BK. 391 LOT 30-T ZONED R-2

ROBERT A. JOHNSON BK. 392, LOT 105 ZONED R-4

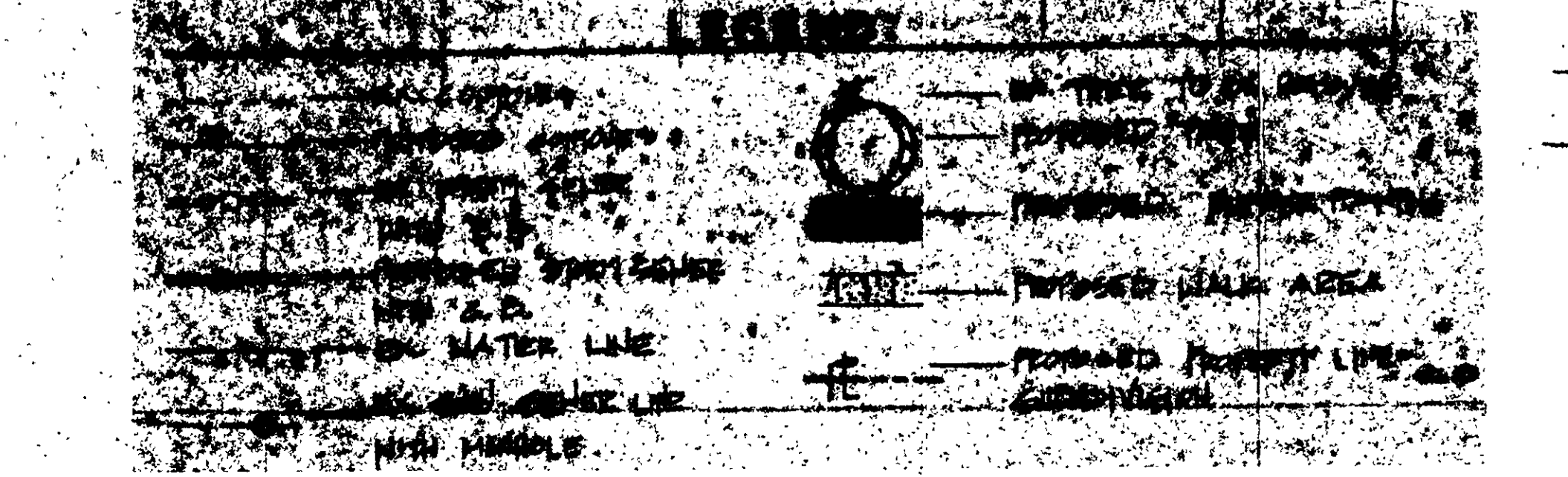
ROBERT A. JOHNSON BK. 1262 LOT 101-D ZONED R-4

CITY OF WINSTON-SALEM BK. 1262, LOT 101-D ZONED R-4

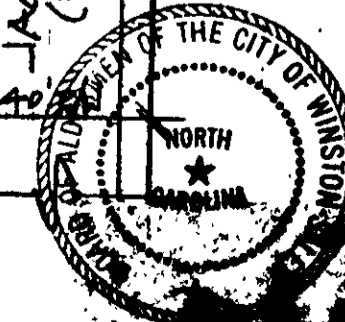
DOROTHY R. HUNTER BK. 9998, LOT 606 ZONED R-4

OTTO JAMES GRIER BK. 9998, LOT 607 ZONED R-4

CHLOE R. GRIER BK. 1260 LOT 101-D ZONED R-4



ATTACHMENT "A" W-1826
Amended Special Use District Permit for R-3-S (Site Plan Amendment) approved by the Winston-Salem Board of Aldermen the 7th day of JULY, 1993



Mary M. Matthews
City Secretary

EASTWAY CENTER
SITE PLAN AMENDMENT
CONDITIONS ON BACK
ZONING FILE COPY
REVISED: 5-11-93