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
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; and 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
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; and 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.
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

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2988</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Brandon &amp; Brandon, LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax PIN 6835-78-5792</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use rezoning to add the use of Child Care, Drop In</td>
</tr>
</tbody>
</table>
| Proposal     | 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:  
  - 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 and Child Care, Drop In |

## Zoning District Purpose Statement

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.
<table>
<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</th>
<th>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes</td>
<td></td>
</tr>
</tbody>
</table>

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>North side of New Walkertown Road, east of Martin Luther King Jr. Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>East</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 4.45 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The site is currently used for commercial uses as part of a larger shopping center.</td>
</tr>
</tbody>
</table>

#### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>IP</td>
<td>Rupert Bell Park</td>
</tr>
<tr>
<td>East</td>
<td>HB-S</td>
<td>Shopping center</td>
</tr>
<tr>
<td>South</td>
<td>HB-S</td>
<td>Restaurant</td>
</tr>
<tr>
<td>West</td>
<td>HB</td>
<td>Bank</td>
</tr>
</tbody>
</table>

#### 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

<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>New Walkertown Road</td>
<td>Major Thoroughfare</td>
<td>55’</td>
<td>16,000</td>
<td>32,400</td>
</tr>
<tr>
<td>Mount Zion Place</td>
<td>Local street</td>
<td>486’</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td>No changes are proposed to the existing driveways onto New Walkertown Road and Mount Zion Place.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>--------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trip Generation - Existing/Proposed</td>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td>Sidewalks are located along both sides of New Walkertown Road and Mount Zion Place.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit</td>
<td>Route 1 along New Walkertown Road</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Traffic Impact Study (TIS)</td>
<td>No TIS is required for this existing development.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of Site Access and Transportation Information</td>
<td>The existing points of access to the site are adequate and no changes are proposed or recommended.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**CONFORMITY TO PLANS AND PLANNING ISSUES**

**Legacy GMA**
Growth Management Area 2, Urban Neighborhoods

**Relevant Legacy Recommendations**
- 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)**
East/Northeast Area Plan, 2008

**Area Plan Recommendations**
- The East/Northeast Area Plan 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.

**Analysis of Conformity to Plans and Planning Issues**
The subject request is consistent with the recommendations of Legacy and the East/Northeast Area Plan.

### 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-1826</td>
<td>B3-S Site Plan Amendment</td>
<td>Approved 6-7-93</td>
<td>Included the current site</td>
<td>9.38</td>
<td>Approval</td>
</tr>
</tbody>
</table>

The subject request is consistent with the recommendations of Legacy and the East/Northeast Area Plan.
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

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request will provide additional flexibility in use of the subject property by adding the use of Child Care, Drop In.</td>
<td></td>
</tr>
<tr>
<td>The request should not result in an increase in trip generation.</td>
<td></td>
</tr>
</tbody>
</table>

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