



DOCKET #: W2998

PROPOSED ZONING:
PB

EXISTING ZONING:
RS7

PETITIONER:
Sammy Agha and Fay Agha
for property owned by
Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 0.19

**NEAREST
BLDG:** 5' north

MAP(S): 636870

F

September 24, 2008

Sammy Agha and Fay Agha
1711 Brookwood Drive
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2998

Dear Mr. Agha & Ms. Agha:

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: September 24, 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 Sammy Agha and Fay Agha

SUMMARY OF INFORMATION:

Zoning map amendment of Sammy Agha and Fay Agha from RS-7 to PB: property is located on the Northeast corner of Akron Drive and Tise Avenue (Zoning Docket W-2998).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of Sammy Agha and Fay Agha, Docket W-2998

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-7 to PB the zoning classification of the following described property:

Tax PIN 6837-62-1698

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-2998
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Sammy Agha and Fay Agha
Owner(s)	Same
Subject Property	Tax PIN 6837-62-1698
Type of Request	General Use Rezoning to PB
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-7 Residential, Single Family; 7,000 sf minimum lot size to PB Pedestrian Business District.</p> <p>NOTE: Both general and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.</p>
Zoning District Purpose Statement	<p>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.</p>
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	<p>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes</p>
GENERAL SITE INFORMATION	
Location	Northeast corner of Akron Drive and Tise Avenue
Jurisdiction	Winston-Salem
Ward(s)	Northeast
Site Acreage	Approximately ± .19 acre
Current Land Use	An unoccupied 1,200 sf commercial building is currently located on the subject property.

Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RS-7	Single family home	
	East	RS-7	Single family home	
	South	HB	Commercial	
	West	HB-S	Undeveloped	
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 uses permitted in the proposed PB district are compatible with the adjacent HB & HB-S uses. The proposed uses are generally less compatible with the adjacent single family homes.			
Physical Characteristics	The site is developed and has a gentle slope downward to the north.			
Proximity to Water and Sewer	Public water and sewer are available.			
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 appears to possess no development constraints.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Akron Drive	Major Thoroughfare	50'	10,700±	16,200
Tise Avenue	Local Street	164'	NA	NA
Proposed Access Point(s)	While the proposed general use request includes no site plan, the site currently has driveways on both Akron Drive and Tise Avenue.			
Planned Road Improvements	The Thoroughfare Plan recommends sidewalks along Akron Drive.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS-7</u> $.19 \times 43,560 / 7,000 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 10 \text{ Trips per Day}$ <u>Proposed Zoning: PB</u> No trip generation is available for the proposed general use zoning.			
Sidewalks	Sidewalks are currently located along the Akron Drive frontage of the site.			
Transit	Route 8 along Akron Drive and Tise Avenue.			
Analysis of Site Access and Transportation Information	Access to the site is adequate. The existing driveway onto Akron Drive may need to be removed as per the required driveway permit from the City of Winston-Salem Public Works Department.			

CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management 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. (p.26) • Encourage convenient commercial services to support neighborhood needs. Promote a mix of housing types and prices in infill development consistent with the market. (p. 40) • Protect existing neighborhoods through the creation of opportunities and incentives for their rehabilitation, redevelopment, and revitalization. (p. 123)
Relevant Area Plan(s)	<i>Carver Road/Ogburn Station Redevelopment Guide, 1991</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The <i>Carver Road/Ogburn Station Redevelopment Guide</i> recommends this site for comprehensive redevelopment with a mixture of office and commercial uses. This site should be included in a comprehensive redevelopment plan with all properties bounded by Akron Drive to the south, Glenn Avenue to the east, McCreary Street to the north, and Tise Avenue to the west. Since comprehensive redevelopment of the entire area is unlikely in the near future due to market conditions and diverse ownership, property on Akron Drive and Glenn Avenue could be allowed to convert to commercial or office use under the following conditions: <ul style="list-style-type: none"> • Between Tise Avenue and Glenn Avenue, the first tier of lots fronting on Akron Drive, to the alley, should be developed for commercial or office use under the following conditions to minimize impact on adjacent residential development and traffic congestion: <ul style="list-style-type: none"> • Sites must have at least 140 feet of frontage. • Only one driveway cut per site, per road frontage should be permitted. • Driveways should be located so as to minimize impact on adjacent residential land use and on traffic congestion. • Bufferyards must be provided adjacent to residential property.
Other Applicable Plans and Planning Issues	The site is located within the Ogburn Station Rehabilitation, Conditioning and Reconditioning Area, as certified by the City-County Planning Board in 1990. Low interest loans were provided for rehabilitation activities in this area.
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	Located on the subject property is a 1,200 sf commercial structure constructed in 1935. While said structure has a history of commercial use, the zoning for the site is RS-7 and the property has lost its Nonconforming Use status. HB-S and HB zoned properties are located directly across both street frontages. The <i>Carver Road/Ogburn Station Redevelopment Guide</i> recommends this site for comprehensive redevelopment with a mixture of office and commercial uses. While staff acknowledges that a comprehensive approach would be preferred, in light of the commercial history of subject property, staff is supportive of the proposed PB district. <i>Legacy</i> encourages convenient commercial services to support neighborhood needs.
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RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2108	RS-7 to HB-S	Approved 12-2-96	160' east	1.02	Approval	Approval
W-1591	R-3 to B3-S (HB-S)	Approved 9-18-89	50' west	.68	Denial	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
Request would allow the reuse of a commercial building which has lost its nonconforming use.	Request does not meet the recommended 140' of road frontage per site as mentioned in the <i>Carver Road/Ogburn Station Redevelopment Guide</i> .
For any commercial activity to take on-site, a rezoning to a commercial district must be approved.	
The request is consistent with <i>Legacy</i> in that it could encourage convenient commercial services to support neighborhood needs.	
Consistent with PB purpose statement and site is located in an urban area.	

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.

SECOND: Wesley Curtis

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning