DOCKET #: W2938

PROPOSED ZONING:
HB-S

EXISTING ZONING:
RS7 and PB-S

PETITIONER:
Kelly Austin Properties LLC, et al, for property owned by others

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 1.37

NEAREST BLDG: 20' west

MAP(S): 636854
July 25, 2007

Doug Stimmel
601 N. Trade Street
Winston-Salem, NC  27101

RE:  ZONING MAP AMENDMENT W-2938

Dear Mr. Stimmel:

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
<table>
<thead>
<tr>
<th>DATE:</th>
<th>July 25, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Map amendment of Kelly Austin Properties for property owned by others

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Kelly Austin Properties for property owned by others from PB-S and RS-7 to HB-S [Food or Drug Store; Professional Office; Offices, Miscellaneous; Restaurant (without drive-through service); and General Merchandise Store]: property is located on the west side of Martin Luther King, Jr. Drive, between East 3rd St. and East 4th Street (Zoning Docket W-2938).

**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 Kelly Austin Properties
for property owned by others, Docket W-2938

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 PB-S (Residential
Building, Urban; Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; Medical or
Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services,
Business A; Services, Business B; Services, Personal; Club or Lodge; and Neighborhood
Organization) and RS-7 to HB-S [Food or Drug Store; Professional Office; Offices,
Miscellaneous; Restaurant (without drive-through service); and General Merchandise Store] the
zoning classification of the following described property:


Section 2. This Ordinance is adopted after approval of the site plan entitled Walgreens
Martin Luther King and identified as Attachment "A" of the Special Use District Permit issued
by the City Council the ______ day of ________________, 20__ to Kelly Austin Properties
for property owned by others.

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 Walgreens Martin Luther King. 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 Kelly Austin Properties for
property owned by others, (Zoning Docket W-2938). 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 [Food or Drug Store; Professional Office; Offices, Miscellaneous;
Restaurant (without drive-through service); 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 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:

PRIOR TO THE ISSUANCE OF GRADING PERMITS:
  a. Developer shall obtain a driveway permit from the City of Winston-Salem Public Works
     Department.
  b. Developer shall have a storm water management study submitted for review by the
     Public Works Department of the City of Winston-Salem. If required, an engineered storm
     water management plan shall be submitted and approved by the Public Works
     Department of the City of Winston-Salem.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. All site lighting shall have a maximum height of 20 feet. The developer shall submit a
     photometric plan prepared by a qualified lighting professional showing that the proposed
     lights shall not produce more than 0.5 candle of light at the property line.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Developer shall install all required storm water management devices.
  b. Developer shall install all improvements as per driveway permit.
  c. Certification from a qualified lighting professional must be submitted certifying that the
     lighting was installed in accordance with the approved plan and the above noted
     condition.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2938</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Kelly Austin Properties</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Billy Simmons, Velma Simmons, Antonio Younger, Ivan Robinson, Michael Suggs, Daniel L. Edwards, Lena M Edwards, Thomas Cornell, Gloria Cornell, and Kelly Austin Properties</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning to HB-S</td>
</tr>
</tbody>
</table>

### Proposal

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-7 Residential, Single Family District; 7,000 sf minimum lot size and PB-S Pedestrian Business District (Residential Building, Urban; Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; Medical or Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Club or Lodge; and Neighborhood Organization) to HB-S Highway Business District.

The petitioner is requesting the following uses:
- [Food or Drug Store; Professional Office; Offices, Miscellaneous; Restaurant (without drive-through services); and General Merchandise Store]

### 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.

### 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

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of Martin Luther King Jr. Drive, between East 3rd Street and East 4th Street</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 ± 1.37 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Five single family homes are currently located on the subject property.</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>RS-7</td>
<td>Single family homes and a neighborhood scale church</td>
</tr>
<tr>
<td>East</td>
<td>RS-7</td>
<td>Single family homes</td>
</tr>
<tr>
<td>South</td>
<td>RS-7</td>
<td>Single family homes</td>
</tr>
<tr>
<td>West</td>
<td>LO, RS-7 &amp; RM-5</td>
<td>Low density residential and a small office</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?

The site fronts along a major thoroughfare and is compatible with the adjacent church and small office uses and is less compatible with the adjacent single family residential uses.

### Physical Characteristics

The site has a gentle slope downward to the south central portion of the site.

### Proximity to Water and Sewer

Public water and sewer are available to the site.

### Stormwater/Drainage

A stormwater study is recommended.

### Analysis of General Site Information

The site is adequate for the proposed improvements and appears to possess no development constraints. The site will extend HB-S zoning and the site access points relatively deep into the residential area; however, there is a mixture of uses and zoning in the general area.

### Generalized Recommended Conditions

**BRIEF DESCRIPTION OF CONDITION(S):**

- Stormwater condition

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### 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>Martin Luther King Jr. Drive</td>
<td>Major Thoroughfare</td>
<td>180’</td>
<td>21,000</td>
<td>26,900</td>
</tr>
<tr>
<td>3rd Street</td>
<td>Minor Thoroughfare</td>
<td>290’</td>
<td>NA</td>
<td>26,900</td>
</tr>
<tr>
<td>4th Street</td>
<td>Major Thoroughfare</td>
<td>303’</td>
<td>3,100</td>
<td>12,700</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

The site will be accessed by 4th Street and 3rd Street.

**Trip Generation - Existing/Proposed**

**Existing Zoning: RS-7 & PB-S**

.81 acre of RS-7 x 43,560 / 7,000 = 5 units x 9.57 (SFR Trip Rate)

48 Trips + 2,667 / 1,000 x 36.13 (Medical/Dental Trip Rate) = 96 Trips = 13,406 / 1,000 x 11.01 (General Office Trip Rate) = 147 Trips = 291 Total Trips per Day

**Proposed Zoning: HB-S**

14,550 sf / 1,000 x 88.16 (Pharmacy/Drug Store w/ Drive Through Window Trip Rate) = 1,283 Trips per Day

**Sidewalks**

Sidewalks are located along both sides of all the surrounding streets.
| **Transit** | Route 3 along Martin Luther King Jr. Drive and Route 28 along East 3<sup>rd</sup> Street |
| **Traffic Impact Study (TIS)** | A TIS was not required. |
| **Analysis of Site Access and Transportation Information** | WSDOT staff has recommended that the driveway on East 4<sup>th</sup> Street be moved to facilitate better circulation. |
| **Generalized Recommended Conditions** | BRIEF DESCRIPTION OF CONDITION(S):  
- Obtain driveway permit |

### CONFORMITY TO PLANS AND PLANNING ISSUES

| **Legacy GMA** | Growth Management Plan Area 2 (Urban Neighborhoods) |
| **Relevant Legacy Recommendations** |  
- Legacy recommends locating buildings close to the street, lining the street with trees, buffering the street with parked cars, ensuring buildings have display windows at the sidewalk edge to provide an interesting walking environment where pedestrians feel a sense of activity, enclosure and safety. Parking should be located to the rear and sides or under retail and office buildings.  
- The subject property is located along an Urban Boulevard, as prescribed by Legacy. The purpose of urban boulevards is to “create attractive urban gateways leading into downtown Winston-Salem…and…incorporate design features that support pedestrian activity and give the corridors an urban look and feel.” |
| **Relevant Area Plan(s)** | Northeast Winston-Salem Area Plan in progress. |
| **Area Plan Recommendations** |  
- The Northeast Winston-Salem Area Plan draft land use recommendations call for the western side of Martin Luther King Jr. Drive to be developed with office/low intensity commercial in a pedestrian friendly manner. |
| **Thoroughfare Plan Information** | The US 52 Corridor Interim Improvements recommends making intersection improvements to Martin Luther King Jr. Drive and adding a median from East 1<sup>st</sup> Street to East 5<sup>th</sup> Street with new turn lanes. There is a proposed median break at East 3<sup>rd</sup> Street but not for East 4<sup>th</sup> Street. |
| **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?  
A portion of the site was rezoned in 2003 and featured a multistory building which fronted on the existing sidewalk of Martin Luther King Jr. Drive.  
(S)(4) - Is the requested action in conformance with Legacy?  
See comments below |
The subject property is located along an Urban Boulevard, as prescribed by Legacy. The purpose of urban boulevards is to “create attractive urban gateways leading into downtown Winston-Salem…and…incorporate design features that support pedestrian activity and give the corridors an urban look and feel.”

The draft Northeast Winston-Salem Area Plan recommendations call for the site to be developed with office/low intensity commercial in a pedestrian friendly manner.

Because the site is along an Urban Boulevard, for which a pedestrian orientation is desired, staff recommends a six foot high monument sign.

Staff is encouraged about the opportunity for redevelopment in this area of the City.

### Generalized Recommended Conditions

<table>
<thead>
<tr>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Lighting condition</td>
</tr>
<tr>
<td>• Signage condition</td>
</tr>
</tbody>
</table>

### 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-2706</td>
<td>RS-7 to PB-S</td>
<td>Approved 10-4-04</td>
<td>500’ south</td>
<td>0.11</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2652</td>
<td>RS-7 to PB-S</td>
<td>Approved 11-3-03</td>
<td>Portion of current site</td>
<td>0.56</td>
<td>Approval</td>
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<tr>
<td>W-2544</td>
<td>RS-7 to GB</td>
<td>Denied 8-89-02</td>
<td>250’ north</td>
<td>0.25</td>
<td>Denial</td>
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</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>14,550 sf</td>
<td>North central portion of the site</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>69 spaces</td>
<td>72 spaces</td>
<td>On all sides of building</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60’</td>
<td>One Story</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>85%</td>
<td>81.8%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>• Chapter B, Article II, Section 2-1.3 (I) Highway Business District</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Chapter B, Article VII, Section 7-5.3</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Legacy policies:</td>
<td>See comments above</td>
</tr>
<tr>
<td>(B) Environmental Ord.</td>
<td>NA</td>
</tr>
<tr>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
</tr>
</tbody>
</table>
The revised site plan complies with the requirements of the UDO.

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request represents a significant commercial investment which would benefit the surrounding neighborhood.</td>
<td>The proposed design does not contribute to the pedestrian character along Martin Luther King Jr. Drive which is designated as an Urban Boulevard.</td>
</tr>
<tr>
<td>If designed properly the project could set the example for future redevelopment along this section of Martin Luther King Jr. Drive.</td>
<td>The proposed auto oriented design would not establish a good precedent for other redevelopment activities in the general area.</td>
</tr>
</tbody>
</table>

### 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 THE ISSUANCE OF GRADING PERMITS:**

a. Developer shall obtain a driveway permit from the City of Winston-Salem Public Works Department.

b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

**PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

a. All site lighting shall have a maximum height of 20 feet. The developer shall submit a photometric plan prepared by a qualified lighting professional showing that the proposed lights shall not produce more than 0.5 candle of light at the property line.

**PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**

a. Developer shall install all required storm water management devices.

b. Developer shall install all improvements as per driveway permit.

c. Certification from a qualified lighting professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition.

**OTHER REQUIREMENTS:**

a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet, and maximum copy area of 36 sq. ft.

**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.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

Although the public hearing on this request has been held and closed, the Planning Board asked the petitioner's representative, Doug Stimmel, to explain why the petitioner was unwilling to pull the building up to the corner as they have done on other sites.

Doug Stimmel, Stimmel Associates, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101

- I'm glad to give you as much or as little information as you like.
- Basically, we had a neighborhood meeting. The church across the street was interested in this site plan and liked the layout.
- Council Member Johnson and members of her church in this area wanted the entrance to face the direction we've shown. They were concerned about parking so we designed the parking to accommodate their concerns.
- We doubled the streetscape and enhanced the buffer on a very tight site to meet their concerns.
- Walgreens told us they would not come to this site if they have to move parking away from the front.
- We have roughly 64 places on the front and side of the door. This site will be driven to more than a lot of facilities. Staff recommends 34 spaces which is totally unacceptable to us.
- There is also a grade change of 13 feet. People just won't walk up the grade to get to the front door.

MOTION: Clarence Lambe moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Paul Mullican
VOTE:
FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
AGAINST: None
EXCUSED: None

A. Paul Norby, FAICP
Director of Planning