DOCKET #: W2966

PROPOSED ZONING:
Special Use Permit for Kennel, Indoor

EXISTING ZONING:
HB

PETITIONER:
Ruff Housing LLC for property owned by Taylor Family Properties LLC for property owned by Taylor Family Properties LLC

SCALE: 1" represents 300'

STAFF: King

GMA: 2

ACRES: 0.67

NEAREST BLDG: adjacent to the west

MAP(S): 618850

Printed: 11/14/2007
December 20, 2007

Ruff Housing, LLC
c/o Kiera Tracy
336 Witt Street
Winston-Salem, NC  27103

RE:   Special Use Permit W-2966

Dear Ms. Tracy:

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
       Derek J. Allen, P. O. Box 26000, Greensboro, NC  27420
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>December 20, 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>

**BOARD ACTION REQUEST:**

Request for Public Hearing on Special Use Permit of Ruff Housing, LLC for property owned by Taylor Family Properties, LLC.

**SUMMARY OF INFORMATION:**

Special Use Permit by Ruff Housing, LLC for property owned by Taylor Family Properties, LLC for an outdoor enclosure for a Kennel, Indoor use: property is located on the south side of Witt Street, east of Knollwood Street (Zoning Docket W-2966).

**PLANNING BOARD ACTION:**

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
</tr>
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<tbody>
<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
</tr>
<tr>
<td>AGAINST:</td>
<td>NONE</td>
</tr>
<tr>
<td>SITE PLAN ACTION:</td>
<td>CONFORMS TO THE REQUIREMENTS OF THE UDO</td>
</tr>
</tbody>
</table>
BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The City Council hereby makes an affirmative finding as follows, based upon the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.

Section 2. The Winston-Salem City Council hereby issues a special use permit for an outdoor enclosure for a Kennel, Indoor use in accordance with Section 6-1.5 of the Zoning Ordinance of the Unified Development Ordinances to Ruff Housing, LLC for property owned by Taylor Family Properties, LLC to be established on the following described property:

Tax Block 2403, Tax Lot 3D

Section 3. This Ordinance is adopted after approval of the site plan entitled Ruff Housing Doggie Day Care and identified as Attachment "A" of the Special Use Permit issued by the City Council the ______ day of __________________, 20__ to Ruff Housing, LLC for property owned by Taylor Family Properties, LLC.
Section 4. The City Council hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Ruff Housing Doggie Day Care. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.
CITY - SPECIAL USE PERMIT

SPECIAL USE 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 Permit for the site shown on the site plan map included in this zoning petition of Ruff Housing, LLC for property owned by Taylor Family Properties, LLC, (Zoning Docket W-2966). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit for an outdoor enclosure for a Kennel, Indoor use, approved by the Winston-Salem City Council the _____ day of ____________________, 20____" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the Unified Development Ordinances, and other applicable laws, and the following additional conditions be met:

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Improvements shall include striping to define drive aisles.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.
<table>
<thead>
<tr>
<th><strong>PETITION INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket #</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Type of Request</strong></td>
</tr>
<tr>
<td><strong>Proposal</strong></td>
</tr>
<tr>
<td><strong>Zoning District</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>GENERAL SITE INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Location</strong></td>
</tr>
<tr>
<td><strong>Jurisdiction</strong></td>
</tr>
<tr>
<td><strong>Ward(s)</strong></td>
</tr>
<tr>
<td><strong>Site Acreage</strong></td>
</tr>
<tr>
<td><strong>Current Land Use</strong></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Surrounding Property Zoning and Use</strong></th>
<th><strong>Direction</strong></th>
<th><strong>Zoning District</strong></th>
<th><strong>Use</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>HB</td>
<td>Habitat Re-Store</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>GB-S &amp; LB</td>
<td>Office/commercial uses</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>RM-18</td>
<td>Apartments</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>HB</td>
<td>Commercial building/warehouse</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</strong></th>
<th>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, the site is located on a street that is zoned HB, which allows a wide range of commercial uses.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>Physical Characteristics</strong></th>
<th>The site contains a flat topography and poses no development issues.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Proximity to Water and Sewer</strong></td>
<td>The site will be served by public water and public sanitary sewer.</td>
</tr>
<tr>
<td><strong>Stormwater/</strong></td>
<td>No known issues</td>
</tr>
</tbody>
</table>
Drainage Watershed and Overlay Districts

The site is not located within a water supply watershed.

Analysis of General Site Information

The subject property is 0.67 acres in size and is located on the south side of Witt Street east of Knollwood Street. The site contains an existing one-story brick commercial building that currently contains the indoor kennel operation. The topography of the site is flat and poses no development issues.

### 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>Witt Street</td>
<td>Local Road</td>
<td>+/- 166 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

The site would have access via Witt Street.

**Planned Road Improvements**

None noted

**Trip Generation - Existing/Proposed**

Estimated Trip Generation

No trip generation numbers available for this land use.

**Sidewalks**

None existing, none proposed

**Transit**

None

**Traffic Impact Study (TIS)**

Not required

**Analysis of Site Access and Transportation Information**

The site has access onto Witt Street and should not generate any negative transportation impacts.

**Generalized Recommended Conditions**

BRIEF DESCRIPTION OF CONDITION(S):

- Condition for City of Winston-Salem driveway permit
- Condition to repair any damage to City streets

**CONFORMITY TO PLANS AND PLANNING ISSUES**

**Legacy GMA**

GMA 2 (Urban Neighborhoods)

**Relevant Legacy Recommendations**

Revitalize and concentrate development in existing commercial centers, maximizing the density in these areas rather than promoting growth at the suburban fringe.

**Relevant Area Plan(s)**

Ardmore Area Plan (1985)

**Area Plan Recommendations**

The *Ardmore Area Plan* recommends consolidating commercial uses at existing locations and improving the visual environment of commercial areas.

**Planning Board Findings**

Findings of the Planning Board accompanying a favorable recommendation shall include:

1. The development is in conformity with *Legacy*;  
   Yes
2. Water and sewer service are available in adequate capacity;  
   *Yes*

3. Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment;  
   *NA*

4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard;  
   *Yes*

5. General layout and design of the development meet all requirements of this Ordinance;  
   *Yes*

6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.);  
   *Yes*

7. The Planning Board may recommend to the Elected Body conditions as identified in Section B.6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project.  
   *See recommended conditions of approval below*

**Elected Body Findings**

The Elected Body shall issue a special use permit only when the Elected Body makes an affirmative finding as follows:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;  
   *Yes*

2. That the use meets all required conditions and specifications;  
   *Yes*

3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;  
   *Yes*
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.

   Yes

(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

Staff believes the subject request is consistent with the recommendations of Legacy and the Ardmore Area Plan. This request would allow an outdoor enclosure for an indoor kennel located on HB zoned property within GMA 2, which is consistent with Legacy’s recommendations. The Ardmore Area Plan contains language that also mentions consolidating commercial uses at existing locations.

### 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-2333</td>
<td>HB &amp; LB to GB-S</td>
<td>Approved 10/4/99</td>
<td>East</td>
<td>2.68</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building</th>
<th>Square Footage</th>
<th>Placement on Site</th>
<th>Parking</th>
</tr>
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<tbody>
<tr>
<td></td>
<td>4,250 sf</td>
<td>Approximate middle</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>14 spaces</td>
</tr>
<tr>
<td>Building Height</td>
<td>Maximum</td>
<td>Proposed</td>
<td></td>
</tr>
<tr>
<td></td>
<td>60 feet</td>
<td>1-story</td>
<td></td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>Maximum</td>
<td>Proposed</td>
<td></td>
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<tr>
<td></td>
<td>85%</td>
<td>66.48%</td>
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**UDO Sections Relevant to Subject Request**

- Section 2-1.3(I) HB District
- Section 2-5.39 Use Conditions – Kennel, Indoor
- Section 6-1.5 Special Use Permits

**Complies with Chapter B, Article VII, Section 7-5.3**

- (A) *Legacy policies:* Yes
- (B) *Environmental Ord.* Yes
- (C) *Subdivision Regulations* NA

**Analysis of Site Plan Compliance with UDO Requirements**

The proposed site plan proposes a 4,250 square feet indoor kennel with +/- 3,000 square feet outdoor enclosure that will be located on the east side of the building. The indoor kennel and outdoor enclosure currently exist, however, since they were not properly permitted by the Inspections Division, approval of this SUP request is required in order to come into
compliance with the UDO requirements. Staff believes the subject request does meet the required findings of fact as specified in the UDO. Recently the City Council approved UDO 179, which provides an option for indoor kennels to have an outdoor enclosure. In order to have an outdoor enclosure, a Special Use Permit (SUP) must be granted by the elected body. UDO 179 does have certain conditions that have to be met such as: an opaque fence of at least five feet in height and limited hours of use between 8:00 am and 6:00 pm. UDO 179 also allows the outdoor enclosure to be set back less than the required 40 feet, with elected body approval. The outdoor enclosure on the subject property will be set back at least 34 from the adjacent RM-18 zoning.

**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 subject property is located in an area that is composed of HB zoning.</td>
<td>Approval of this request may generate an increase in noise levels for the multifamily residents to the south.</td>
</tr>
<tr>
<td>The closest residential structure (from the proposed enclosure) is approximately 140 feet away.</td>
<td></td>
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</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 BUILDING PERMITS:**

b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Improvements shall include striping to define drive aisles.

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

b. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

**STAFF RECOMMENDATION:** APPROVAL, With a reduction in the required setback

**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: Paul Mullican moved approval of the special use permit certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jerry Clark
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