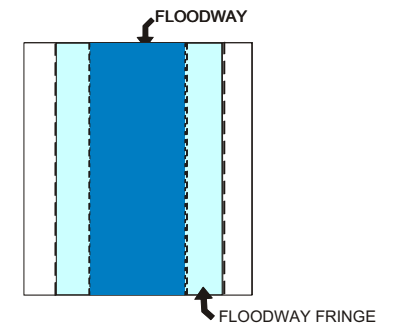


DOCKET #: W2728

PROPOSED ZONING:
PB

EXISTING ZONING:
HB

PETITIONER:
Viola McKinney and
Odell Isom for
property owned by
Viola McKinney, Odell
Isom, and Lan H.
Tuttle (c/o Lindsay Tise)



SCALE: 1" represents 400'

STAFF: Douglas

GMA: 2

ACRE(S): 0.85

MAP(S): 630858



October 20, 2004

Viola McKinney & Odell Isom
5050 Shattalon Drive
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2728

Dear Ms. McKinney and Mr. Isom:

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, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Brett Woodward, 263-D King Street, Charleston, SC 29401

ACTION REQUEST FORM

DATE: October 20, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Viola McKinney & Odell Isom for property owned by Viola McKinney, Odell Isom, and Lana Tuttle (c/o Lindsay Tise)

SUMMARY OF INFORMATION:

Zoning map amendment of Viola McKinney & Odell Isom for property owned by Viola McKinney, Odell Isom, and Lana Tuttle (c/o Lindsay Tise) from HB to PB: property is located on the southeast corner of Patterson Avenue and Thirteenth Street (Zoning Docket W-2728)

PLANNING BOARD ACTION:

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of Viola McKinney & Odell Isom
for property owned by Viola McKinney, Odell Isom,
and Lana Tuttle (c/o Lindsay Tise), Docket W-2728

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 to PB the zoning classification of the following described property:

Tax Block 0228, Tax Lots 3, 4, 7, 104, 105, and 106

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2728
STAFF: Aldea Douglas

Petitioner(s): Viola McKinney & Odell Isom, et al
Ownership: Same

REQUEST

From: HB Highway Business
To: PB Pedestrian Business

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 0.85 acre

LOCATION:

Street: Southeast corner of Patterson Avenue and Thirteenth Street.
Jurisdiction: City of Winston-Salem.
Ward: East.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None.

Adjacent Uses:

- North- New residential development zoned RM-5, RSQ, RS-7, and LO.
- East- Industrial Business zoned HB and GI.
- South- Churches Chicken Restaurant zoned HB.
- West- Food City Grocery Store zoned HB.

GENERAL AREA

Character/Maintenance: Mixture of well and moderately maintained multifamily residential, industrial and service uses.

Development Pace: Slow/Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Because it is a general use petition, the impact of this proposal to the site's existing physical features cannot be determined at this time.

Topography: The subject property experiences an elevation change of approximately 14 feet, rising from about 886 feet in the southwestern corner of the site up to about 900 feet in the northeastern section of the site.

Streams: No streams are on the subject property. However, North School Branch lies about 300 feet to the south of this site.

Vegetation/habitat: A small amount of vegetation is present in the central section of the subject property.

Floodplains: Floodway Fringe area from North School Branch lies about 300 feet to the southwest of the subject property.

Wetlands: None.

Environmental Resources Beyond The Site: Because it is a general use petition, this proposal's impact to environmental resources beyond the site cannot be determined at this time.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Thirteenth Street; Patterson Avenue; Northwest Boulevard

Street Classification: Thirteenth Street – Local Road; Patterson Avenue – Minor Thoroughfare; Northwest Boulevard – Major Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Patterson Avenue between Northwest Boulevard and Glenn Avenue = 6,100/16,100

Northwest Boulevard between Patterson Avenue and US 52 = 6,800/10,500

Sidewalks: Both sides of Northwest Boulevard, Thirteenth Streets and Patterson Avenue.

Transit: Routes 9 and 10 along Patterson Avenue.

Bicycle Route: Route 11, East Winston Loop, along Northwest Boulevard.

HISTORY

Relevant Zoning Cases:

1. W-2686; IP to GI; withdrawn June 10, 2004; northwest corner of Northwest Boulevard and Chestnut Street, 1.78 acres; Applicant withdrew petition from Planning Board.
2. W-2548; RM-18 to LB; denied February 7, 2000; southwest corner of Patterson Avenue and 14th Street; 300 feet northeast of current site; 0.84 acre; Planning Board and staff recommended denial.
3. W-2365; RM-18 to LB-S; denied February 7, 2000; southwest corner of Patterson Avenue and 14th Street; 300 feet northeast of current site; 0.84 acre; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

Relevant Comprehensive Plan Recommendation(s): For the Urban Neighborhoods, *Legacy* recommends: quality infill development and greater residential densities where appropriate; neighborhood retail and community services; and, historic preservation, rehabilitation and reuse of existing structures.

Other general relevant recommendations in *Legacy* include: encourage convenient commercial services to support neighborhood needs; promote economic development that is compatible with existing residential neighborhoods and other business developments; and, protect residential areas from inappropriate commercial and industrial encroachment.

Area Plan/Development Guide: *North Central Area Plan*.

Relevant Development Guide Recommendation(s): This petition site is located within the boundaries of the *North Central Area Plan* (NCAP). NCAP is currently being drafted by staff and a Citizens' Advisory Committee. A draft plan is expected to be presented to the community in April 2005 and be submitted to the CCPB for consideration in summer 2005.

COMMUNITY DEVELOPMENT

Certified Area/Name: Liberty Patterson Redevelopment Area.

Type of Certification: Non-residential Redevelopment Area, certified January 27, 2000.

Redevelopment Recommendation(s): This site was not identified for acquisition under the Liberty Patterson Redevelopment Plan, Phase 1 (adopted April 17, 2000) or Phase 2 (adopted July 1, 2002). The Phase 2 Proposed Land Use map shows this site for commercial land use based on the existing commercial (HB) zoning of the property.

ANALYSIS

The petitioner is requesting to rezone a 0.85 acre vacant lot located on the southeast corner of Patterson Avenue and Thirteenth Street from HB to PB. The site lies within an area that contains a mixture of zoning districts and uses which includes industrial uses east of the site (GI), single family residential uses north of the site (RSQ), and commercial uses south and west of the site (HB).

The site is located within the Liberty Patterson Redevelopment Area (Phase 2 adopted July 1, 2002). The primary objective of certified redevelopment areas is to target various resources for community revitalization. The Redevelopment Plan does designate this lot as commercial based on the current HB zoning. While the general area is characterized by an urban mixture of uses, properties on Thirteenth and Fourteenth Street have been experiencing a significant degree of residential redevelopment, reinvestment and increased homeownership in recent years.

Legacy recommends quality infill development and greater residential densities where appropriate; neighborhood retail and community services; and, historic preservation, rehabilitation and reuse of existing structures. *Legacy* also encourages convenient commercial services to support neighborhood needs; promotion of economic development that is compatible

with existing residential neighborhoods and other business developments; and protection of residential areas from inappropriate commercial and industrial encroachment.

Pedestrian Business (PB) is primarily intended to accommodate office, retail, service, institutional and high density residential uses which customarily service community and convenience business needs of smaller communities within the city. Highway Business (HB) is primarily intended to accommodate retail service and distributive uses. The HB district is intended to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorist.

Attached (Appendix A) is a list of all permitted uses in both zoning classifications. The main difference in the two classifications is the allotment for residential uses in PB zoning along with a minimal amount of uses that are allowed in PB but not in HB. Also, PB has supplementary district standards which allows for a 30% reduction in required parking, requires all parking to be located to the side or rear of the structure, and allows the building to be placed with no front and sideyard setback.

Although PB is generally preferable to HB, PB general without careful attention to design could still adversely impact the area. The City as well as other entities have invested funding and resources into this area which includes creation of a Redevelopment Area Plan and building many single family houses on Thirteenth and Fourteenth Street. The site is located directly across from these new single family homes and therefore insensitive commercial development on this parcel could adversely impact this fragile area. A site plan submitted as part of a Special Use District Zoning request could adequately address issues with this site which include:

- placement of the building and parking layout
- landscaping/treatment of area visible from adjacent residential properties
- lighting and signage location
- overall design of the building that will complement the area

Given this, staff would encourage the petitioner to consider a PB special use zoning which would provide that assurance of compatibility with the recent public and private investment in the area.

However, although staff would prefer a special use district petition for Pedestrian Business zoning that would have a site plan capable of addressing these issues, it should also be considered that Pedestrian Business is a more appropriate zoning classification than the existing Highway Business in this location. Given a choice between the existing HB general and PB general, staff would prefer PB general as the better of the two.

FINDINGS

1. *Legacy* recommends quality infill development where appropriate. *Legacy* also encourages protection of residential areas from inappropriate commercial and industrial encroachment.
2. The site is currently vacant and zoned for Highway Business.

3. The site is located within the Liberty Patterson Redevelopment Area (Phase 2 adopted July 1, 2002), which has seen significant residential reinvestment and new homeownership recently.
4. Pedestrian Business zoning has supplementary district standards which allows for a 30% reduction in required parking, requires all parking to be located to the side or rear of the structure, and allows the building to be placed with no front and sideyard setback.
5. Because there is still the potential for negative impact on the adjacent residential area, Planning Staff prefers PB-S but acknowledges that PB is preferable to existing HB.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved approval of the zoning map amendment.

SECOND: Carol Eickmeyer

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Norwood, Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

**APPENDIX A
W-2728**

*Z=Permit from Zoning Officer / P = Planning Board Review
A = Board of Adjustment Special Use Permit / E= Elected Body Special Use Permit*

USE TYPE	ZONING CLASSIFICATION	
	PB	HB
RESIDENTIAL USES		
Single Family	Z	
Duplex		
Twin Home		
Multifamily (F,W,C)	P	
Multifamily (K)	P	
Townhouse (F,W,C)	P	
Townhouse (K)	P	
Urban	Z	
MANUFACTURED HOMES		
Class A (F, W)		
Class A (K)		
Class A (C)		
Class B (F)		
Class B (W,C,K)		
Class C (F)		
Class C (W,C,L)		
Class D		
Manufactured Housing Development		
Boarding or Rooming House	Z	Z
Combined Use (F,K)	Z	
Combined Use (W,C)	Z	
Congregate Care Facility	P	
FAMILY GROUP HOME		
A		
B	P	
C	P	
Fraternity or Sorority	Z	
Life Care Community	P	
Planned Residential Development		
AGRICULTURAL USES		
AGRICULTURAL PRODUCTION		
Crops (W,K,C)	Z	Z
Livestock (W,K,C)		
Crops (F)		
Livestock (F)	Z	Z
Animal Feeding Operation		

USE TYPE	ZONING CLASSIFICATION	
	PB	HB
Fish Hatchery		
RETAIL WHOLESALE TRADE USES		
ABC Store (liquor) (F,W,C, K)	Z	Z
Arts and Crafts Studio	Z	Z
Building Materials Supply		Z
Bulk Storage of Petroleum Products		
Convenience Store (F, W,K,C)	Z	Z
Food or Drug Store	Z	Z
Fuel Dealer		Z
Furniture and Home Furnishing Store	Z	Z
General Merchandise Store	Z	Z
Hardware Store	Z	Z
Implement Sales and Service		Z
Motor Vehicle Dismantling and Wrecking Yard		
Motorcycle Dealer (F, W,C,K)	Z	Z
Nursery, Lawn and Garden Supply Store, Retail	Z	Z
Outdoor Display Retail		Z
Restaurant (Without Drive-Through Service)	Z	Z
Restaurant (With Drive-Through Service)		Z
Retail Store, Specialty or Miscellaneous	Z	Z
Shopping Center	Z	Z
Storage Trailer		
Wholesale Trade A		Z
Wholesale Trade B		
BUSINESS & PERSONAL SERVICES USES		
Adult Establishment (F,W)		Z
Adult Establishment (K)		
Adult Establishment (C)	Z	Z
Banking & Financial Services	Z	Z
Bed and Breakfast	Z	Z
Building Contractors, General	Z	Z
Building Contractors, Heavy		
Car Wash		Z
Funeral Home	Z	Z
Health Services, Miscellaneous	Z	Z
Hotel or Motel	Z	Z
Kennel (C)		Z
Kennel (F)		P
Medical or Dental Laboratory (F,W)	Z	Z
Medical or Dental Laboratory (K,C)	Z	Z
Medical and Surgical Offices (F,W)	Z	Z
Medical and Surgical Offices (K,C)	Z	Z

USE TYPE	ZONING CLASSIFICATION	
	PB	HB
MOTOR VEHICLE		
Rental and Leasing (F,W,C,K)	Z	Z
Repair and Maintenance (F,W,C,K)	Z	Z
Body or Paint Shop		Z
Storage Yard		Z
Non-Store Retailer (F,W)	Z	Z
Non-Store Retailer (K,C)	Z	Z
Offices, Miscellaneous	Z	Z
Professional Office	Z	Z
Services, Business A	Z	Z
Services, Business B	Z	Z
Personal Services (F, W)	Z	Z
Personal (K, C)	Z	Z
Signs, Off-Premises (F,W, C)		Z
Signs, Off-Premises (K)		
Storage Services, Retail		Z
Testing and Research Lab	Z	Z
Veterinary Services		P
Warehousing	Z	Z
RECREATIONAL USES		
Fishing, Fee Charged		
Golf Course		Z
Golf Driving Range		Z
Recreation Services, Indoor (F,W,K)	Z	Z
Recreation Services, Indoor(C)	Z	Z
Recreation Services, Outdoor	Z	Z
Recreation Facility, Public	Z	Z
Recreational Vehicle Park		Z
Riding Stable		A
Shooting Range, Indoor (F)	Z	Z
Shooting Range, Outdoor (F)		
Swimming Pool, Private (K)		
Swimming Pool, Private (F,W,C)	Z	
Theater, Drive-In		Z
Theater, Indoor (F,W)	Z	Z
Theater, Indoor (K,C)	Z	Z
INSTITUTIONAL AND PUBLIC USES		
Academic Medical Center (F, W,C)	Z	Z
Adult Day Care Home (F,W)	Z	
Adult Day Care Home (K,C)	Z	
Adult Day Care Center (F,W)	P	P
Adult Day Care Center (K,C)	P	P

USE TYPE	ZONING CLASSIFICATION	
	PB	HB
Animal Shelter, Public (F,W)		Z
Cemetery, Licensed		Z
Cemetery, Unlicensed		Z
Child Care (Drop-In)	Z	Z
Child Care (Sick Children)	P	P
Child Care Institution	P	
Child Day Care Center (F,W,C)	P	P
Child Day Care Center (K)	P	P
Child Day Care, Large Home		
Child Day Care, Small Home (F,W)	Z	
Child Day Care, Small Home (C)	Z	
Child Day Care, Small Home (K)	Z	
Church or Religious Institution, Community	Z	Z
Church or Religious Institution, Neighborhood	Z	Z
Club or Lodge (F,W)	Z	Z
Club or Lodge (K,C)	Z	Z
Correctional Institution	P	Z
Dirt Storage	A	A
Government Offices	Z	Z
Government Offices (C)		
Group Care Facility A (F,W,C)	P	
Group care facility B (F,W,C)	P	
Habilitation Facility A		
Habilitation Facility B		
Habilitation Facility C (F,W)	P	P
Habilitation Facility C (K,C)	P	P
Hospital or Health Center(F,W,K,C)	Z	Z
LANDFILL		
Construction & Demolition (F)		P
Construction & Demolition (W,K,C)		P
Land Clearing/Inert Debris (W,K,C)	P	P
Land Clearing/Inert Debris,2 acres or less (F)	P	P
Land Clearing /Inert Debris greater than 2 acres (F)		P
Sanitary (W,K,C)		
Sanitary (F)		A
Library, Public	Z	Z
Limited Campus Uses		
Museum or Art Gallery	Z	Z
Neighborhood Organization	Z	Z
Nursing Care Institution	Z	
Police or Fire Station	Z	Z
Post Office	Z	Z

USE TYPE	ZONING CLASSIFICATION	
	PB	HB
Postal Processing Facility	Z	
Recycling Center		
School, Athletic (K)	E	E
School, Private	P	P
School, Public	P	P
Vocational or Professional	Z	Z
Solid Waste Transfer Station (W)		
Solid Waste Transfer Station (F)		
Stadium, Coliseum, or Exhibition Bldg.	Z	Z
MANUFACTURING & MINING USES		
Manufacturing A		
Manufacturing B (F,W,K)		
Manufacturing B (C)		
Manufacturing C		
Asphalt and Concrete Plant		
Borrow Site	A	A
Hazardous Waste Management Facility		
Meat Packing Plant		
Mining Quarry, or Extractive Industry		
Recycling Plant		
Storage and Salvage Yard		Z
TRANSPORTATION & UTILITIES USES		
Access Easement, Private Off-Site	E	E
Airport, Private		
Airport, Public		
Broadcast Studio	Z	Z
Heliport		
Helistop	A	A
Park and Shuttle Lot	Z	Z
Parking, Commercial	Z	Z
Parking, Off-Site for Multifamily or Institutional Uses		
Terminal, Bus or Taxi	Z	Z
Terminal, Freight		
Transmission Tower (F,W,C,K)	P	P
Utilities	Z	Z