DOCKET #: W2660

PROPOSED ZONING: Site Plan Amendment

EXISTING ZONING: LB-S

PETITIONER: Michael D. Carter

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 2

ACRE(S): 2.65

MAP(S): 636846
November 19, 2003

Michael D. Carter
P. O. Box 1037
Kernersville, NC  27285

RE:    ZONING MAP AMENDMENT W-2660

Dear Mr. Carter:

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
       Michael A. Grace, 301 N. Main Street, Winston-Salem, NC  27104
       L. Eric Jordan, 3714 El Santos Court, Winston-Salem, NC  27105
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>November 19, 2003</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, AICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Site Plan Amendment of Michael D. Carter

**SUMMARY OF INFORMATION:**

Site Plan Amendment of Michael D. Carter for property zoned LB-S: property is located on the east side of Martin Luther King, Jr. Drive north of Tower Street (Zoning Docket W-2660).

**PLANNING BOARD ACTION:**

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
</tr>
</thead>
<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</td>
</tr>
</tbody>
</table>
CITY ORDINANCE - SPECIAL USE

Site Plan Amendment of Michael D. Carter,
Docket W-2660

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 granting a Site Plan Amendment for
property zoned LB-S [Broadcast Studio; Park and Shuttle Lot; Parking, Commercial;
Government Offices; Library, Public; Neighborhood Organization; Museum or Art Gallery;
Recreational Services, Indoor; Public Recreational Facility; Child Day Care Center; Child Care,
Drop-In; Child Care, Sick Children; Church or Religious Institution, Community; Church or
Religious Institution, Neighborhood; Club or Lodge; Bed and Breakfast; Funeral Home; Medical
and Surgical Offices; Non-Store Retailer; Miscellaneous Offices; Professional Offices; Services,
Business A; Services, Personal; Veterinary Services; Arts and Crafts Studio; Food or Drug Store;
Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery,
Lawn and Garden Supply Store; Restaurant (without drive-through service); Retail Store,
Specialty or Miscellaneous - Site Plan Amendment] and described as follows:

Tax Block 2580, Tax Lot 3P

Section 2. This Ordinance is adopted after approval of the site plan entitled Michael D.
Carter and identified as Attachment "A" of the Special Use District Permit issued by the City
Council the _______ day of __________________, to Michael D. Carter.
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 Michael D. Carter. 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.
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 Michael D. Carter, (Zoning Docket W-2660). 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 LB-S [Broadcast Studio; Park and Shuttle Lot; Parking, Commercial; Government Offices; Library, Public; Neighborhood Organization; Museum or Art Gallery; Recreational Services, Indoor; Public Recreational Facility; Child Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Bed and Breakfast; Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Miscellaneous Offices; Professional Offices; Services, Business A; Services, Personal; Veterinary Services; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous - Site Plan Amendment], approved by the Winston-Salem City Council the ______ day of _____________________, 20____ " and signed, provided the property is developed in accordance with requirements of the LB-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 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. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. Developer shall repair/replace any damaged sidewalk and curb and gutter along Martin Luther King Jr. Drive in accordance with NCDOT standards.
  b. Parking lot and bufferyard trees shall be of a large variety as defined in UDO Section 3-4.10.

• **OTHER REQUIREMENTS**
  a. One (1) free standing sign shall be permitted. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.
ZONING STAFF REPORT

DOCKET #  W-2660
STAFF:     Gary Roberts

Petitioner(s): Michael D. Carter
Ownership:  Same

REQUEST

From:  LB-S Limited Business District [Broadcast Studio; Park and Shuttle Lot; Parking, Commercial; Government Offices; Library, Public; Neighborhood Organization; Museum or Art Gallery; Recreational Services, Indoor; Public Recreational Facility; Child Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Bed and Breakfast; Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Miscellaneous Offices; Professional Offices; Services, Business A; Services, Personal; Veterinary Services; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous]
To:  Site Plan Amendment

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

Acreage: 2.65

LOCATION:

Street:  East side of Martin Luther King Jr. Drive between Tower Street and Argonne Boulevard.
Jurisdiction:  City of Winston-Salem.
Ward:  Southeast.

SITE PLAN

Proposed Use:  Restaurant (without drive-through service) and General Merchandise Store.  For other possible uses, see above list of uses.
Square Footages:  17,167 square feet.
Building Height:  One story.
Parking:  Required: 119 spaces; Proposed: 121 spaces.
Bufferyard Requirements:  No bufferyards required adjacent to LI, LI-S and GI.
Vehicular Use Landscaping Standards Requirements:  UDO standards apply.
PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently undeveloped.
Adjacent Uses:
   North- Salem Sport Signs zoned LI.
   East- Telecommunications tower zoned LI.
   Southeast- Wallace Industrial Park zoned LI.
   South- Triad Pest Control zoned LI-S.
   West- City of Winston-Salem Utilities Construction and Maintenance building zoned LI.

GENERAL AREA

Character/Maintenance: Industrial operations of various types and sizes in average maintenance.
Development Pace: Slow.

TRANSPORTATION

Direct Access to Site: Martin Luther King Jr. Drive.
Street Classification: Major Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
   Martin Luther King Jr. Drive. Drive between Tower Street and Reynolds Park Rd = 10,000 / 15,800
Trip Generation/Existing Zoning: LB-S
   9,996/1,000 x 130.34 (High Turnover Restaurant Trip Rate) = 1,302 trips per day
   Trip Generation/Proposed Zoning: LB-S
   9,000 + 1,500 + 1,500 = 12,000 / 1,000 x 40.67 (Specialty Retail Trip Rate) = 488 Trips
   + 4,967 / 1,000 x 130 (High Turnover Restaurant Trip Rate = 645 = 1,133 total trips per day
Traffic Impact Study recommended: A TIS may be required with a request to increase the proposed square footage for some of the more intensive uses.
Sidewalks: Existing on east side of Martin Luther King Jr. Drive.
Transit: Route #26, north of site on Martin Luther King Jr. Drive.
Bike: Route #10 along Martin Luther King Jr. Drive.

ANALYSIS

The subject request is a Site Plan Amendment for a 2.65 acre tract located on the east side of Martin Luther King Jr. Drive. The site is currently undeveloped and was rezoned from LI to LB-S in 2002 (W-2521). The property lies generally between Winston-Salem State University to the north and the neighborhood commercial area along Waughtown Street to the south.

The existing site plan illustrates a center drive entrance with two, one story buildings flanking each side of the entrance and parking provided in the rear. The buildings are consequently pulled up fairly close (20' minimum building setback requirement) to the existing sidewalk which runs along Martin Luther King Jr. Drive. The currently approved building square footage
is 9,996 square feet with a 33 space parking area. The proposed Site Plan Amendment includes the same basic layout but with a significant expansion in building footprints and parking area. The maximum combined building area is 17,167 square feet with 121 parking spaces.

Staff welcomes the consistency of the subject petition in regard to the building placement, with that of the previously approved site plan. While the building square footage and amount of impervious surface is increased, the fundamental relationship of the buildings to Martin Luther King Jr. Drive is maintained. Orienting the structures close to the street and internalizing the parking, generally improves the streetscape over the more conventional layout which places parking lot between the building and the street. By flipping this relationship, the site also becomes more conducive to pedestrian traffic. Two sidewalk links, (10’ and 12’ in width), extend from the entrance doors of the proposed buildings to connect with the existing public sidewalk along Martin Luther King Jr. Drive.

As was noted in the Staff Report for the original petition, staff has concerns regarding the introduction of commercial uses into the heart of this viable industrial area. These concerns are heightened with the increased square footage of the subject request. The potential of undermining the desired retail reinvestment in the Waughtown Street area to the south was also a consideration. However, staff sees a greater potential benefit of allowing some limited mixture of uses in the area. For example, the subject request could conveniently meet some of the daily, lunch hour type retail/service needs of the surrounding workforce, thus minimizing overall vehicular trip lengths. In addition, the special use nature of the request enables the applicant and the governing body to address streetscape issues such as building and parking location, signage and tree variety. Nevertheless, the significant expansion in commercial intensity of the subject request from the original approval warrants an even stronger caution for no additional commercial rezonings in the immediate area. By concentrating the retail and service type uses at the subject location, the proliferation of commercial driveway cuts in the area can be minimized. Increased traffic is another reason not to encourage additional retail commercial rezoning in the general area. One of the associated concerns regarding increased traffic along Martin Luther King Jr. Drive would be the impacts to the nearby campus for Winston-Salem State University which seeks to minimize the potential for vehicle/pedestrian conflicts. Staff notes that a Traffic Impact Study may be required should there be a request to increase the proposed square footage for some of the more intensive uses.

In summary, while staff would not be supportive of additional commercial development in this area, the fundamental layout of the proposed Site Plan Amendment is consistent with the original request and would result in a healthy balance of uses and possible enhancement to the streetscape along this portion of Martin Luther King Jr. Drive.

FINDINGS

1. *Legacy* encourages quality infill development, neighborhood retail, and community services.
2. The *Southeast Winston-Salem Area Plan* recommends attracting appropriate uses at a neighborhood scale such as medical offices, banking facilities, and entertainment and eating places in areas zoned for nonresidential uses. Mixed use development is encouraged along major roads following traditional neighborhood design.

3. The proposed request would provide a needed mix of small scale retail and service type uses to serve the surrounding employment centers.

4. The site plan shows buildings addressing the street with off-street parking being almost entirely internalized.

**STAFF RECOMMENDATION**

Zoning: **APPROVAL.**
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. 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. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. Developer shall repair/replace any damaged sidewalk and curb and gutter along Martin Luther King Jr. Drive in accordance with NCDOT standards.
  b. Parking lot and bufferyard trees shall be of a large variety as defined in UDO Section 3-4.10.

- **OTHER REQUIREMENTS**
  a. One (1) free standing sign shall be permitted. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.

**PUBLIC HEARING**

**FOR:** None

**AGAINST:** None
WORK SESSION

MOTION: Clarence Lambe moved approval of the site plan amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Carol Eickmeyer
VOTE:
   FOR: Bost, Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood
   AGAINST: None
   EXCUSED: None

A. Paul Norby, AICP
Director of Planning