



DOCKET #: W2572

PROPOSED ZONING:
LO

EXISTING ZONING:
HB-S

PETITIONER:
John-Troy Witherspoon for
property owned by himself
and the City of Winston-Salem

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRE(S): 5.54

MAP(S): 636858



August 21, 2002

John-Troy Witherspoon for property owned
by himself and the City of Winston-Salem
1520 Timber Creek Lane
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT W-2572

Dear Mr. Witherspoon:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Trent Rawley, 748 Rankin Street, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: August 21, 2002

TO: The Honorable Mayor and Board of Aldermen

FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of John-Troy Witherspoon for property owned by himself and the City of Winston-Salem

SUMMARY OF INFORMATION:

Zoning map amendment of John-Troy Witherspoon for property owned by himself and the City of Winston-Salem from HB-S [Restaurant (without drive-through service)] to LO: property is located on the southwest side of Fourteenth Street west of New Walkertown Road (Zoning Docket W-2572).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL

FOR: UNANIMOUS

AGAINST: NONE

SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of John-Troy Witherspoon for property owned by himself and the City of Winston-Salem,
Docket W-2572

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 Board of Aldermen 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-S [Restaurant (without drive-through service)] to LO the zoning classification of the following described property:

BEGINNING at an iron pipe found, the southeast corner of the property of James E. Ballard, as described in Deed Book 1186, Page 1690, and currently designated as Tax Lot 42, Tax Block 3194, thence proceeding North 2E 36' 30" east 86.92 feet to an iron pipe found, said iron being the southwest corner of Walter G. Nail property as described in Deed Book 1630, Page 3116 currently designated as Tax Lot 15B, Tax Block 3194, thence south 83E 56' 20" east 385.81 feet to an iron placed in the west right-of-way of Fourteenth Street and at the southeast corner of Walter G. Nail property as described in Deed Book 1630, Page 3116, and currently designated as Tax Lot 23D, Tax Block 3194, thence following the west right-of-way of Fourteenth Street the following four bearings and distances: South 11E 06' 20" east 251.12 feet to an iron placed, thence along a chord to the left south 22E 06' 50" east 202.30 feet with a radius of 530.00 feet to an iron placed, thence south 33E 05' 10" east 57.51 feet to an iron placed, said iron being the northeast corner of the City of Winston-Salem property as described in Deed Book 932, Page 91, Tax Lot 105, Tax Block 3194, thence south 33E 05' 10" east 77.94 feet to a new corner in the west right-of-way of Fourteenth Street with the City of Winston-Salem property as described in Deed Book 932, Page 91, Tax Lot 105, Tax Block 3194, thence south 56E 55' 30" west 85.30 feet to a point on a manhole, the northwest corner of the City of Winston-Salem property as described in Deed Book 932, Page 91, Tax Lot 105, Tax Block 3194, thence the following three bearings and distances with the northernmost line of the S. I. Craft, Jr. property as described in Deed Book 732, Page 84 currently designated as Tax Lot 201, Tax Block 2458; north 60E 33' 10" west 230.45 feet to a point on a manhole, thence north 64E 58' 20" west 278.22 feet to a point on a manhole,

thence north 63E 50' 20" west 90.00 feet to an iron placed in the northern line of Lot 80, Slater Park Section Two, Plat Book 17, Page 132, thence south 60E 03' 50" west 112.90 feet to an iron placed in the northern line of Lot 80, Slater Park Section Two, Plat Book 17, Page 132, thence North 37E 44' 20" east 308.07 feet to a point, thence north 38E 37' 40" west 114.96 feet to the point and place of BEGINNING, being all of Tax Lot 106 and part of Tax Lots 102 and 105, Tax Block 3194 as recorded in the Forsyth County Tax Registry. Also consisting of 4.89 acres.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2572
STAFF: Gary Roberts

Petitioner(s): John-Troy Witherspoon
Ownership: John-Troy Witherspoon and City of Winston-Salem

REQUEST

From: HB-S Highway Business District [Restaurant (without drive-through service)]
To: LO Limited Office District

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: 5.54 acres

LOCATION

Street: Southwest side of Fourteenth Street, west of New Walkertown Road and the northern terminus of Addison Avenue.

Jurisdiction: City of Winston-Salem.

Ward: East.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: The property is currently undeveloped.

Adjacent Uses:

North -	Vacant land and single family homes zoned RS-9-S.
East -	Aegis Family Health Center zoned HB-S.
South -	Single family homes zoned RS-9.
West -	Undeveloped property zoned RS-9.

GENERAL AREA

Character/Maintenance: The area contains a mixture of commercial and residential uses. The Aegis Family Health Center is located across Fourteenth Street. Properties are moderately to well maintained.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No impact determined with general use request.

Topography: There is an approximate change in elevation of 50' on the subject property (from an approximate elevation of 870' in the north down to an approximate elevation of 820' in the southeast).

Streams: A tributary to Brushy Fork Creek

Vegetation/habitat: The subject property is mostly vegetated.

Watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Fourteenth Street; Addison Avenue

Street Classification: Minor Thoroughfare; Local Road

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

Fourteenth Street between New Walkertown Road and Addison Avenue = NC / 13,400.

Sidewalks: North side of Fourteenth Street.

Transit: Route 1 "peak hour runs" along Gerald Street, New Walkertown Road, Dellabrook Road and Twelfth Street.

Bike: None.

HISTORY

Relevant Zoning Cases:

1. W-2332; RS-9 to HB-S [Restaurant (without drive-through service)]; approved August 16, 1999; southwest side of Fourteenth Street, west of New Walkertown Road, current site; 4.89 acres; Planning Board and staff recommended approval.
2. W-2277; RM-8-S to RS-9 and RM-12-S; approved December 7, 1998; west side of New Walkertown Road and north side of Tenth Street east of Rich Avenue; 4.29 acres; Planning Board and staff recommended approval.
3. W-1550; R-4 to B-3-S (Multiple business uses); approved November 7, 1998; northwest corner of New Walkertown Road and Fourteenth Street, directly across Fourteenth Street from current site; 11.68 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Urban Neighborhoods (GMA 2).

Relevant Comprehensive Plan Recommendation(s): Encourage quality infill development, greater residential densities where appropriate, neighborhood retail, and community services.

Encourage convenient commercial services to support neighborhood needs. Promote

economic development that is compatible with existing residential neighborhoods and other business developments. Protect residential areas from inappropriate commercial and industrial encroachment.

Area Plan/Development Guide: *East Winston Area Plan* (1987).

Relevant Development Guide Recommendation(s): The *East Winston Area Plan* recommends that the subject property be developed for low-density (0-5 units/acre) residential uses (see *Development Plan* on page 58).

The narrative of the plan recommends:

Encourage special use zoning petitions.

Vacant land fronting on New Walkertown Road, opposite Kentucky Fried Chicken and Wilco, is proposed with convenience shopping. Development is to be keyed to the residential development of vacant land immediately adjacent to the northwest.

ANALYSIS

The request is to rezone 5.54 acres located on the southwest side of Fourteenth Street from HB-S to LO. The site is currently undeveloped and heavily wooded with a large ravine located toward the southern and western edge of the property. Located to the south, west and north are single family homes and undeveloped property zoned RS-9 and RS-9-S. Atkins Middle School, zoned IP, lies approximately 350 feet to the west. Aegis Family Health Center, zoned HB-S, is located directly across Fourteenth Street which is classified as a minor thoroughfare.

The property is located within the *East Winston Area Plan* which recommends low density residential land use. In 1999 the subject property was rezoned from RS-9 to HB-S for the purposes of constructing a 15,000 square foot restaurant without drive-through service. Proximity to the Aegis Family Health Center and the area plans emphasis on revitalization and economic development were cited as a basis for approval of the request.

The uses allowed in the LO zoning district are less intense than the existing HB-S (Restaurant) zoning of the site. Therefore, staff supports the proposed LO zoning request.

FINDINGS

1. *Legacy* promotes economic development that is compatible with existing residential neighborhoods and other business developments.
2. *East Winston Area Plan* recommends the subject property be developed for low-density residential uses.
3. The uses allowed in the proposed LO request are less intense than the the existing HB-S designation both in potential impact and compatibility with surrounding properties.

STAFF RECOMMENDATION

Zoning: **APPROVAL.**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Jerry Clark

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning