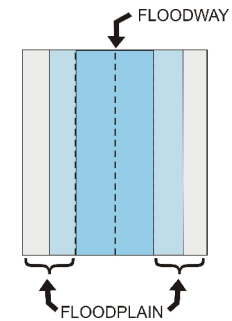


DOCKET #: W3057

PROPOSED ZONING:
Special Use Permit

EXISTING ZONING:
HB

PETITIONER:
Becky T. Flowers and
Jimmy C. Flowers for
property owned by Same



SCALE: 1" represents 500'

STAFF: King

GMA: 3

ACRES: 0.89

**NEAREST
BLDG:** 2' west

MAP(S): 594854



March 17, 2010

Becky T. Flowers and Jimmy C. Flowers
336 Witt Street
Winston-Salem, NC 27103

RE: SPECIAL USE PERMIT W-3057

Dear Ms. Flowers and Mr. Flowers:

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

ACTION REQUEST FORM

DATE: March 17, 2010
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Special Use Permit of Becky T. Flowers and Jimmy C. Flowers

SUMMARY OF INFORMATION:

Special Use Permit of Becky T. Flowers and Jimmy C. Flowers to allow an outdoor enclosure for a Kennel, Indoor and a reduction in required setbacks for a Kennel, Indoor use: property is located on the south side of Country Club Road, west of Meadowlark Drive (Zoning Docket W-3057).

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 PERMIT

Special Use Permit of Becky T. Flowers and Jimmy C. Flowers,
Docket W-3057

AN ORDINANCE ISSUING A SPECIAL USE
PERMIT FOR KENNEL, INDOOR

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 a Kennel, Indoor in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to Becky T. Flowers and Jimmy C. Flowers to be established on the following described property:

PIN #5895-45-7409

Section 3. This Ordinance is adopted after approval of the site plan entitled Ruff Housing Doggie Daycare and identified as Attachment "A" of the Special Use Permit issued by the City Council the _____ day of _____, to Becky T. Flowers and Jimmy C. Flowers.

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 Daycare. 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 Becky T. Flowers and Jimmy C. Flowers, (Zoning Docket W-3057). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit for a Kennel, Indoor, 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 GRADING PERMITS:**
 - a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.
 - b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements include:
 - Sidewalk along the frontage of Country Club Road
 - Dedicate right-of-way 35' from centerline.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. All required improvements of the City of Winston-Salem/NCDOT driveway permit shall be completed.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

| PETITION INFORMATION | | | |
|---|--|--------------------------------------|--------------------------------|
| Docket # | W-3057 | | |
| Staff | Aaron King | | |
| Petitioner(s) | Becky T. Flowers and Jimmy C. Flowers | | |
| Owner(s) | Same | | |
| Subject Property | PIN #5895-45-7409 | | |
| Address | 5648 Country Club Rd | | |
| Request Summary | The use of Kennel, Indoor is allowed in the HB District with a 20' side lot line setback. A Special Use Permit is required for any proposed reduction in setbacks and for any fenced outdoor enclosure. | | |
| Proposal | The petitioner is requesting a Special Use Permit for Kennel, Indoor use with setback requirement reduced to from 20' to 6 inches and for a fenced outdoor enclosure area. | | |
| GENERAL SITE INFORMATION | | | |
| Location | South side of Country Club Road, west of Meadowlark Drive | | |
| Jurisdiction | City of Winston-Salem | | |
| Ward(s) | West | | |
| Site Acreage | ± 0.89 acre | | |
| Current Land Use | Existing commercial building and parking lot. | | |
| Surrounding Property Zoning and Use | Direction | Zoning District | Use |
| | North | HB | Various commercial uses |
| | East | | |
| | South | GI | Lewisville Motors salvage yard |
| West | HB & GI-S | Suzuki dealership and concrete plant | |
| Physical Characteristics | The topography of the site is relatively flat. | | |
| Proximity to Water and Sewer | Public water and sanitary sewer are available to the site. | | |
| Stormwater/ Drainage | No known issues. | | |
| Watershed and Overlay Districts | The subject property is not located within a water supply watershed. | | |
| Analysis of General Site Information | The site appears to possess no constraints and is suitable for development within the existing HB District. The petitioner proposes to remove the existing building located on the northern ½ of the site. | | |

| SITE ACCESS AND TRANSPORTATION INFORMATION | | | | |
|---|---|----------|-----------|----------------|
| Street Name | Classification | Frontage | ADT Count | Capacity/LOS D |
| Country Club Road | Major Thoroughfare | 95' | 11,000 | 16,100 |
| Proposed Access Point(s) | The site plan proposes one access point onto Country Club Road. | | | |
| Trip Generation - Existing/Proposed | No trip generation estimates available for this use. | | | |
| Sidewalks | Sidewalks are required throughout the frontage of the site. | | | |
| Analysis of Site Access and Transportation Information | Staff does not anticipate any negative transportation impacts from this request. | | | |
| CONFORMITY TO PLANS AND PLANNING ISSUES | | | | |
| Legacy GMA | Growth Management Area 3, (Suburban Neighborhoods) | | | |
| Relevant Legacy Recommendations | <u>Infill and Redevelopment:</u> Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. Older urban and suburban neighborhoods should be reinforced as good places to live and do business. (p. 25) | | | |
| Relevant Area Plan(s) | The subject property is not located within the boundaries of an area plan or development guide. | | | |
| Other Applicable Plans and Planning Issues | <p>For Special Use Permits (SUP) requiring approval by the Elected Body, certain findings have to be met. Findings of the Planning Board accompanying a favorable recommendation shall include:</p> <p><u>Planning Board Findings:</u></p> <ol style="list-style-type: none"> a. The development is in conformity with <i>Legacy</i>. (Yes) b. Water and sewer service are available in adequate capacity. (Yes) c. 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. (<i>No buildings greater than 35 feet in height proposed</i>) d. 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) e. General layout and design of the development meet all requirements of this Ordinance. (Yes) | | | |

| | | | |
|--|---|--------------------------|---------------|
| | <p>f. 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). <i>(Yes)</i></p> <p>g. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project. <i>(See "SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL" section below)</i></p> <p>The Elected Body shall issue a Special Use Permit only when the Elected Body makes an affirmative finding as follows:</p> <p><u>Elected Body Findings:</u></p> <p>a. 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. <i>(Yes)</i></p> <p>b. That the use meets all required conditions and specifications. <i>(Yes)</i></p> <p>c. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, <i>(Yes)</i></p> <p>d. 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 <i>Legacy</i>. <i>(Yes)</i></p> | | |
| 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? | | |
| | No | | |
| | (S)(4) - Is the requested action in conformance with <i>Legacy</i>? | | |
| | Yes | | |
| Analysis of Conformity to Plans and Planning Issues | Staff believes that the proposed outdoor enclosure and reduced building setbacks are appropriate at this location. | | |
| RELEVANT ZONING HISTORIES | | | |
| There are no recent relevant zoning cases in the vicinity of the subject property. | | | |
| SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS | | | |
| Building Square Footage | Square Footage | Placement on Site | |
| | 8,000 sf | Southern ½ of site | |
| Parking | Required | Proposed | Layout |
| | 20 spaces | 25 provided | 90° head-in |

| | | |
|---|--|-------------------------------------|
| Building Height | Maximum | Proposed |
| | 60 feet | 22 feet |
| Impervious Coverage | Maximum | Proposed |
| | 85% | 82.4% |
| UDO Sections Relevant to Subject Request | <ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3(I) HB District Chapter B, Article II, Section 2-5.39 Kennels, Indoor Use Conditions | |
| 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 site plan proposes to remove the existing building and replace it with an 8,000 square foot building located on the southern ½ of the site. Parking will be located in front of the building with the outdoor enclosure wrapping the building to the south and west. | |
| CONCLUSIONS TO ASSIST WITH RECOMMENDATION | | |
| Positive Aspects of Proposal | | Negative Aspects of Proposal |
| Request is consistent with <i>Legacy</i> . | | |
| The site is currently zoned HB and surrounded by intense zoning districts. | | |
| The request meets the required SUP findings. | | |
| 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. | | |
| <ul style="list-style-type: none"> <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements include: <ul style="list-style-type: none"> Sidewalk along the frontage of Country Club Road Dedicate right-of-way 35' from centerline. <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ol style="list-style-type: none"> All required improvements of the City of Winston-Salem/NCDOT driveway permit shall be completed. | | |

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.**

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: Clarence Lambe

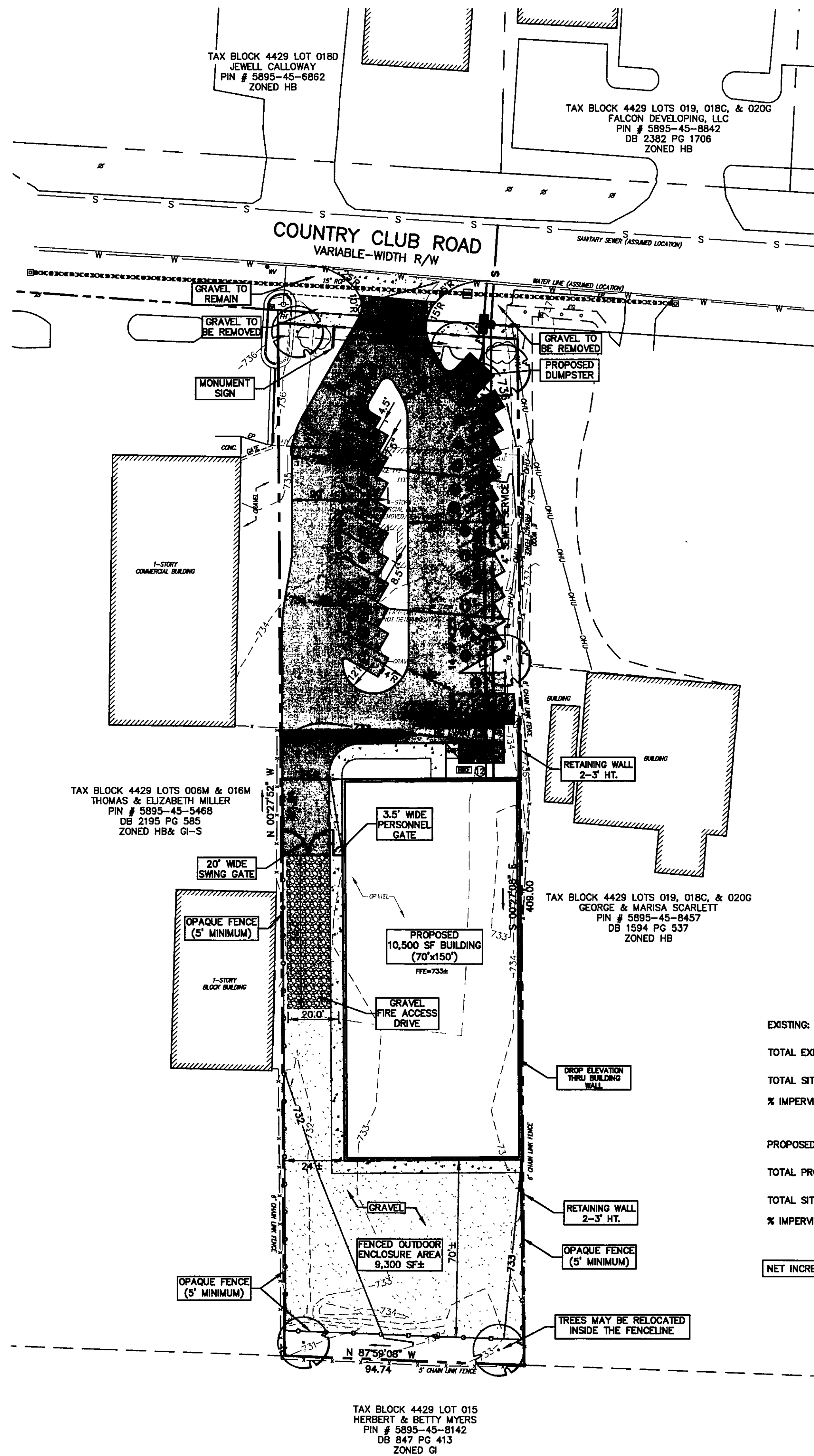
VOTE:

FOR: Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

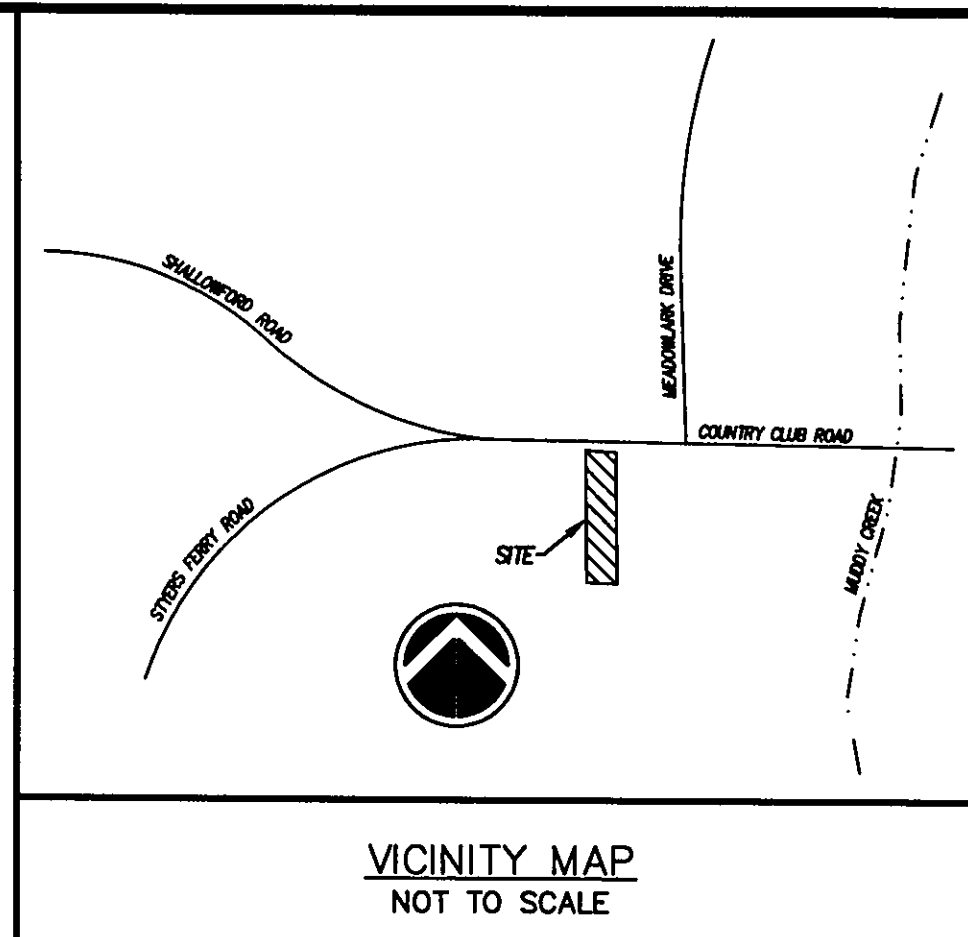


IMPERVIOUS AREA CALCULATIONS

| | |
|---|-------------------------------------|
| EXISTING: | 2,910 SF (EXISTING BUILDING) |
| | 18,450 SF (ASPHALT/CONCRETE/GRAVEL) |
| TOTAL EXISTING IMPERVIOUS: | 21,360 SF (TOTAL) |
| TOTAL SITE AREA: | 38,865 SF |
| % IMPERVIOUS OF TOTAL SITE: | 55.0% |
| PROPOSED: | 10,500 SF (PROPOSED BUILDING) |
| | 22,131 SF (ASPHALT/CONCRETE/GRAVEL) |
| TOTAL PROPOSED IMPERVIOUS: | 32,631 SF (TOTAL) |
| TOTAL SITE AREA (AFTER ROW DEDICATION): | 38,390 SF |
| % IMPERVIOUS OF TOTAL SITE: | 85.0% |
| NET INCREASE OF IMPERVIOUS AREA: | 11,271 SF |

- GENERAL NOTES**
- ALL DEVELOPMENT SHALL CONFORM WITH THE FORSYTH COUNTY "UNIFIED DEVELOPMENT ORDINANCE".
 - ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, FACE OF CURB AND FACE OF BUILDING, UNLESS OTHERWISE NOTED. VERIFY ALL BUILDING DIMENSIONS WITH ARCHITECT PRIOR TO START OF CONSTRUCTION.
 - EXISTING SITE BOUNDARY AND LOCATION INFORMATION TAKEN FROM SURVEY BY ALLIED ASSOCIATES, P.A. TOPOGRAPHIC INFORMATION TAKEN FROM FORSYTH COUNTY PLANIMETRIC MAPS.
 - USE OF THE OUTDOOR ENCLOSURE SHALL BE RESTRICTED TO BETWEEN THE HOURS OF 8AM AND 6PM. USE OF THE OUTDOOR ENCLOSURE OUTSIDE OF THESE HOURS WOULD REQUIRE ANIMALS TO BE SUPERVISED AS WELL AS ON LEASHES.
 - OWNER HAS AGREED THAT A 12'x25' LOADING SPACE WILL ACCOMMODATE ANY SIZE DELIVERY VEHICLE.
 - GATE FROM OUTSIDE ENCLOSURE MUST BE OPENABLE FROM THE INSIDE WITHOUT USE OF KEY OR SPECIAL KNOWLEDGE, AS EXTENSION OF BUILDING EXITS.

| | | | |
|---|--|---|--|
| REVIEW INFORMATION | | OFF-STREET PARKING | |
| TYPE OF REVIEW: <input checked="" type="checkbox"/> SPECIAL USE PERMIT | | PROPOSED USE(S): <u>KENNEL INDOOR</u> | |
| JURISDICTION: <input checked="" type="checkbox"/> CITY OF WINSTON-SALEM | | REQUIRED PARKING: <u>1 SPACE / 400 SF GFA</u> | |
| PURPOSE STATEMENT: THE PURPOSE OF THIS REQUEST IS FOR APPROVAL OF A SPECIAL USE PERMIT BY THE ELECTED BODY FOR THE OUTDOOR ENCLOSURE IN CONJUNCTION WITH THIS USE AS "KENNEL INDOOR" AND FOR APPROVAL OF THE BUILDING/FENCE SETBACK SPECIAL USE PERMIT. | | 10,500 SF/400-26 SPACES | |
| INFRASTRUCTURE | | 3% PARKING REDUCTION (SIDEWALK): <u>-1 SPACE</u> | |
| PUBLIC PRIVATE | | PARKING PROVIDED: <u>25 SPACES</u> | |
| WATER: <input checked="" type="checkbox"/> SEWER: <input checked="" type="checkbox"/> STREETS: <input checked="" type="checkbox"/> | | ZONING | |
| LINEAR FEET OF PUBLIC STREETS: <u>N/A</u> FT | | EXISTING ZONING: <u>HB</u> | |
| SITE SIZE AND COVERAGES | | PROPOSED ZONING: <u>HB (NO CHANGE)</u> | |
| TOTAL ACREAGE: <u>0.88</u> (after ROW dedication) ACRE(S) | | PROPOSED USES: <u>ALL ALLOWED USES IN HB ZONING</u> | |
| SITE COVERAGES: BUILDING TO LAND: <u>27</u> % PAVEMENT TO LAND: <u>58</u> % OPEN SPACE: <u>15</u> % TOTAL: <u>100</u> % | | PROPERTY INFORMATION | |
| BUILDING SQUARE FOOTAGE: <u>10,500</u> SF BUILDING HEIGHT: <u>30'</u> MAXIMUM FT | | PIN #'S: <u>5895-45-7409</u> | |
| | | OFF-STREET LOADING | |
| | | LOADING/UNLOADING SPACES REQUIRED: <u>1</u> LOADING/UNLOADING SPACES PROVIDED: <u>1</u> SIZE: <u>12</u> FT X <u>25</u> FT | |
| | | BUFFERYARDS | |
| | | ADJOINING ZONING: <u>HB, GI, & GI-S</u> TYPE REQUIRED: <u>N/A</u> WIDTH PROVIDED: <u>N/A</u> FT | |



SITE DATA

PROPERTY OWNER: TAX BLOCK 4429 LOT 005M PIN # 5895-45-7409 DB 1868 PG 255 JIMMY AND BECKY FLOWERS 638 TARA DRIVE HIGH POINT, NC 27285

PETITIONER: RUFF HOUSING 336 WITT STREET WINSTON-SALEM, NC 27103 336-971-3288 CONTACT: ROGER VAUGHN EMAIL: roger3772@live.com

ENGINEER: ALLIED DESIGN, INC. 4720 KESTER MILL ROAD WINSTON-SALEM, N.C. 27103 336-785-2377 STEVE CAUSEY, PE EMAIL: acousey@allied-engsurv.com

YARD AND SETBACK REQUIREMENTS

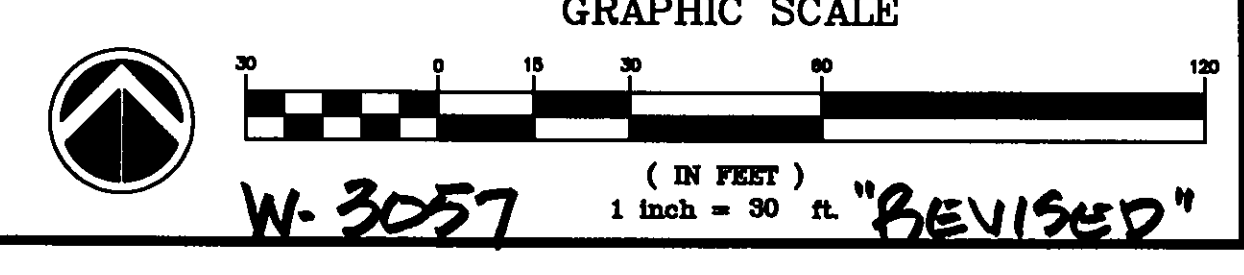
SETBACKS: *RECENTLY CHANGED PER UDD-214

LANDSCAPED STREETYARDS: 5'

BUFFERYARDS: N/A

TREE SAVE AREA SUMMARY CALCULATIONS

| | |
|---|--|
| NEW DEVELOPMENT: | ADDITIONS TO EXISTING DEVELOPMENT: |
| TOTAL SITE SIZE (IN SQUARE FEET): <u>38,865</u> | TOTAL LIMITS OF LAND DISTURBANCE (IN SQUARE FEET): <u>N/A</u> |
| TOTAL SITE AREA EXCLUDED FROM TSA: SQUARE FEET OF PROPOSED R.O.W.'s <u>475</u> + SQUARE FEET OF EXISTING UTILITY EASEMENTS <u>0</u> + SQUARE FEET OF EXISTING WATER BODIES AND STORMWATER PONDS <u>0</u> = <u>475</u> | |
| MINIMUM TREE SAVE AREA REQUIRED: <input checked="" type="checkbox"/> 10% <input type="checkbox"/> 12% | |
| TOTAL REQUIRED TREE SAVE AREA (IN SQUARE FEET): TOTAL SITE SIZE OR TOTAL LIMITS OF LAND DISTURBANCE - EXCLUDED AREA x MINIMUM TSA (<u>10</u> %) = <u>3,839</u> | |
| INDIVIDUAL TREES METHOD USED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO | TREE STAND METHOD USED: <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO |
| NUMBER OF TREES 6-9" DBH: <u>?</u> x 500 SF = <u>?</u> | LIST THE AREA OF EACH TREE STAND BEING SAVED: <u>?</u> |
| NUMBER OF TREES 9.01-12" DBH: <u>?</u> x 750 SF = <u>?</u> | DESCRIBE EACH TREE STAND (AGE, HEALTH, SPECIES MIX): <u>?</u> |
| NUMBER OF TREES 12.01-24" DBH: <u>?</u> x 1,800 SF = <u>?</u> | NUMBER OF LARGE VARIETY TREES PLANTED: <u>6</u> x 750 SF = <u>4,500</u> |
| NUMBER OF TREES 24.01-36" DBH: <u>?</u> x 3,000 SF = <u>?</u> | |
| NUMBER OF TREES LARGER THAN 36.01" DBH: <u>?</u> x 4,000 SF = <u>?</u> | |
| TOTAL SQUARE FOOTAGE OF INDIVIDUAL TREES USED TO SATISFY MINIMUM TSA: <u>?</u> | TOTAL SQUARE FOOTAGE OF TREE STANDS BEING SAVED TO SATISFY MINIMUM TSA: <u>?</u> |
| TOTAL REQUIRED TSA (IN SQUARE FEET): <u>3,839</u> | TOTAL PROVIDED TSA (IN SQUARE FEET): <u>4,500</u> |



Allied Design, Inc.
CIVIL ENGINEERING & LAND SURVEYING
4720 KESTER MILL ROAD
WINSTON-SALEM, NORTH CAROLINA 27103
Phone: (336) 765-2377
Fax: (336) 766-8886
http://www.allied-engsurv.com

PRELIMINARY SITE PLAN
FOR PLANNING BOARD REVIEW ONLY

RUFF HOUSING DOGGIE DAYCARE
5648 COUNTRY CLUB ROAD
WINSTON-SALEM, NORTH CAROLINA

PROJECT NO.: IP-002/PH01007
DRAWN BY: JMN
CHECKED BY: SMC
DATE: 02/02/10

| NO. | DATE | DESCRIPTION |
|-----|----------|---|
| A | 02/02/10 | ISSUED FOR PRE-SUBMITTAL REVIEW |
| B | 02/08/10 | ISSUED FOR PLANNING BOARD REVIEW |
| C | 03/04/10 | REVISED AND RESUBMITTED FOR PLANNING BOARD REVIEW |

PRELIMINARY SITE PLAN

SHEET **C1**

ZONING File Copy