

DOCKET #: W3023

PROPOSED ZONING:
Special Use Permit

EXISTING ZONING:
HB

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

SCALE: 1" represents 200'

STAFF: King

GMA: 2

ACRES: .67

NEAREST BLDG: 45' north

MAP(S): 618852

F

March 25, 2009

Paws 4 Fun LLC dba Ruff Housing, LLC
c/o F. Charles Sweigart
336 Witt Street
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT W-3023

Dear Mr. Sweigart:

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 25, 2009
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 Ruff Housing, LLC for property owned by Taylor Family Properties, LLC

SUMMARY OF INFORMATION:

Special Use Permit request of Ruff Housing, LLC for property owned by Taylor Family Properties, LLC for the expansion of 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-3023).

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 Ruff Housing, LLC for property owned by Taylor Family Properties, LLC,
Docket W-3023

AN ORDINANCE ISSUING A SPECIAL USE PERMIT FOR THE EXPANSION OF AN OUTDOOR ENCLOSURE FOR A KENNEL, INDOOR USE

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 the expansion of 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:

PIN #6825-03-8840

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 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 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 Ruff Housing, LLC for property owned by Taylor Family Properties, LLC, (Zoning Docket W-3023). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit for the expansion of 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 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.
 - b. Dumpster shall be screened with opaque wooden fence.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION				
Docket #	W-3023			
Staff	Aaron King			
Petitioner(s)	Ruff Housing, LLC			
Owner(s)	Taylor Family Properties, LLC			
Subject Property	PIN #6825-03-8840			
Address	340 Witt Street			
Type of Request	Special Use Permit			
Proposal	The petitioner is requesting a Special Use Permit for the expansion of an outdoor enclosure for a Kennel, Indoor use			
GENERAL SITE INFORMATION				
Location	South side of Witt Street, east of Knollwood Street			
Jurisdiction	City of Winston-Salem			
Ward(s)	Southwest			
Site Acreage	Approximately ± 0.67 acres			
Current Land Use	Existing indoor kennel with outdoor enclosure			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	HB	Habitat for Humanity Store	
	East	GB-S, LB	Parking lot	
	South	RM-18	Multifamily units	
West	HB	Commercial building		
Physical Characteristics	The site slopes down gently from north to south. No streams or wetlands are located on the site.			
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	Staff does not anticipate any significant changes to the site from this request.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Witt Street	Local Road	166 feet	NA	NA
Proposed Access Point(s)	The site plan reflects the two existing driveways onto Witt Street.			
Trip Generation - Existing/Proposed	Staff does not anticipate any change in trip generation numbers based on the enlargement of the outdoor enclosure.			
Sidewalks	None existing, none proposed			

Analysis of Site Access and Transportation Information	Staff does not anticipate any negative transportation impacts from this request.
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Condition to repair any damage to Witt Street from construction
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	GMA 2 (Urban Neighborhoods)
Relevant Legacy Recommendations	<i>Legacy</i> encourages convenient commercial services to support neighborhood needs.
Relevant Area Plan(s)	<i>Ardmore Area Plan / Southwest Area Plan (currently in progress)</i>
Area Plan Recommendations	The <i>Ardmore Area Plan</i> recommends this site for commercial development.
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"> The development is in conformity with <i>Legacy</i>. <i>(Yes)</i> Water and sewer service are available in adequate capacity. <i>(Yes)</i> 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 new buildings are proposed)</i> 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. <i>(Yes)</i> General layout and design of the development meet all requirements of this Ordinance. <i>(Yes)</i> 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> 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>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					
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(4) - Is the requested action in conformance with <i>Legacy</i>?					
	Yes					
Analysis of Conformity to Plans and Planning Issues	Staff views this request as being consistent with the SUP findings described above. The existing outdoor enclosure was established in 2008 and basically runs parallel to the multifamily property to the south. Staff supports this request because the proposed expansion would take place away from the residential property.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2966	SUP for outdoor enclosure	Approved 1/7/08	Subject property	0.67	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	8,500 SF		Western ½ of site			
Parking	Required	Proposed	Layout			
	17 spaces	17 spaces	90° head-in			
Building Height	Maximum		Proposed			
	60 feet		1-story			
Impervious Coverage	Maximum		Proposed			
	85%		66.4%			
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.3(I) HB District 					

Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy</i> policies:	Yes
	(B) <i>Environmental Ord.</i>	Yes
	(C) Subdivision Regulations	NA
Analysis of Site Plan Compliance with UDO Requirements	The site plan submitted with this request proposes to increase the outdoor enclosure area from 46' x 60' to 75' x 60'. The site plan adequately accommodates this expansion along with a minor parking reconfiguration.	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
Request is consistent with <i>Legacy</i> .		The request may allow for a greater number of dogs to be outside at one time.
The proposed expansion will take place away from adjacent residential zoning.		
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 OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department. b. Dumpster shall be screened with opaque wooden fence. 		

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 zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Wesley Curtis

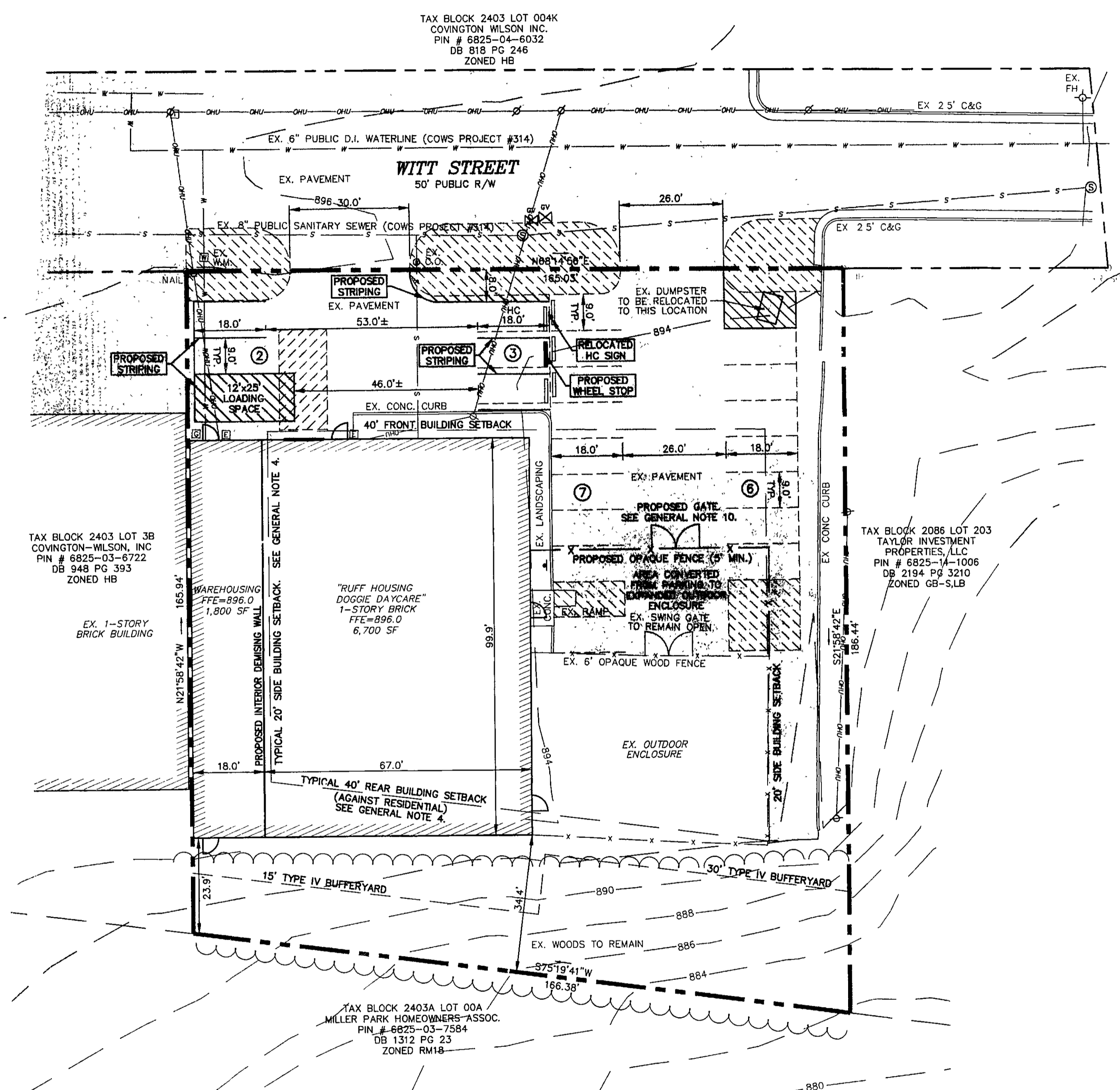
VOTE:

FOR: Jerry Clark, Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

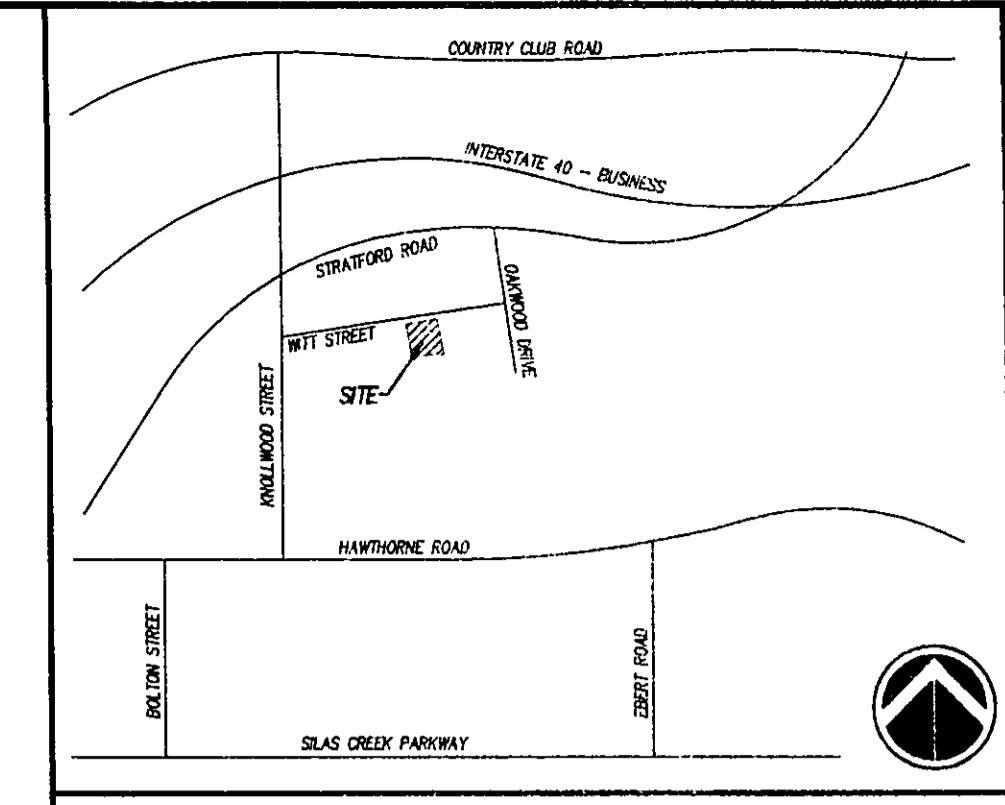
A. Paul Norby, FAICP
Director of Planning



PURPOSE STATEMENT
 THE PURPOSE OF THIS SUBMITTAL IS FOR APPROVAL OF A SPECIAL USE PERMIT BY THE ELECTED BODY FOR EXPANSION OF THE EXISTING OUTDOOR ENCLOSURE IN CONJUNCTION WITH THIS USE AS "KENNEL INDOOR" AND FOR APPROVAL OF THE BUILDING SETBACK VARIANCE. THE EXISTING OUTDOOR ENCLOSURE IN CONJUNCTION WITH THE USE "KENNEL INDOOR" WAS PREVIOUSLY APPROVED FOR THIS SITE AS ZONING DOCKET W-2986.

LEGEND
 [Symbol] EXISTING ASPHALT

- 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.
 - THE EXISTING BUILDING ENCLOSES INTO THE REQUIRED TYPICAL BUILDING SETBACKS. THE SETBACK VARIANCE OR ENCROACHMENT WILL REQUIRE APPROVAL OF THIS SPECIAL USE PERMIT.
 - 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.
 - EXISTING PARKING AREA TO BE RESTRIPTED TO REFLECT PROPOSED CONDITIONS ON THIS PLAN.
 - CONTRACTOR SHALL REPAIR ANY DAMAGE TO WITT STREET THAT OCCURS DURING CONSTRUCTION.
 - OWNER HAS AGREED THAT A 12'x25' LOADING SPACE WILL ACCOMODATE 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.



SITE DATA
 PROPERTY OWNER: TAX BLOCK 2403 LOT 0030
 PIN # 6825-03-8840
 DB 2552 PG 1067
 TAYLOR FAMILY PROPERTIES, LLC
 110 OAKWOOD DRIVE, UNIT 510
 WINSTON-SALEM, NC 27103

PETITIONER: RUFF HOUSING, LLC
 336 WITT STREET
 WINSTON-SALEM, NC 27103
 336-971-3299
 CONTACT: ROGER VAUGHN

ENGINEER: ALLIED DESIGN, INC.
 4720 KESTER MILL ROAD
 WINSTON-SALEM, N.C. 27103
 336-765-2377
 STEVE CAUSEY, PE
 EMAIL: scausey@allied-engsurvey.com

PROPERTY INFORMATION
 EXISTING ZONING - HB
 MAP NUMBER - 618850
 JURISDICTION - CITY OF WINSTON-SALEM
 USE - KENNEL, INDOOR
 LOT SIZE - 0.668 AC
 MAXIMUM BUILDING HEIGHT - 60'

YARD AND SETBACK REQUIREMENTS

SETBACKS: 40' FRONT
 20' REAR
 0.5' SIDE
 20' SIDE (KENNEL REQUIREMENTS)
 20' STREET
 40' (ADJOINING RESIDENTIAL)

LANDSCAPED STREETYARDS: N/A
 BUFFERYARDS: TYPE IV (ADJOINING RESIDENTIAL)

PARKING CALCULATIONS

KENNEL INDOOR

PARKING CALCULATION: 1 SPACE/400 SF GFA
 6,700 SF/400

PARKING REQUIRED: 17 SPACES
 PROPOSED PARKING: 16 SPACES (REGULAR)
 1 SPACE (HANDICAP)
 PARKING PROVIDED: 17 SPACES

WAREHOUSING

PARKING CALCULATION: 2 SPACES/3 EMPLOYEES PLUS 1 SPACE PER VEHICLE USED IN OPERATION
 1 EMPLOYEE

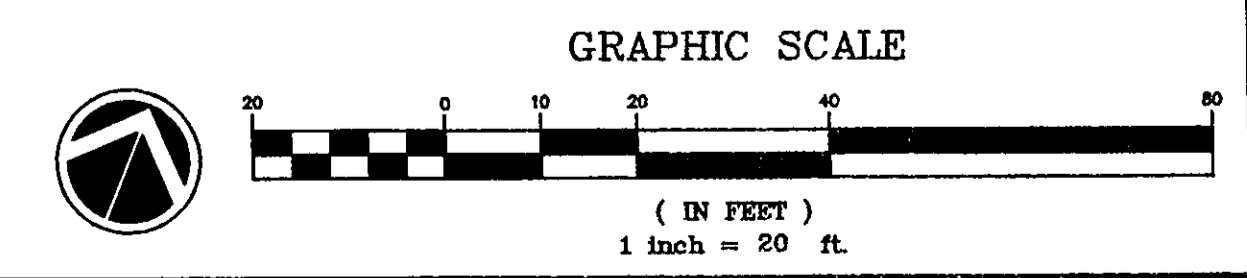
PARKING REQUIRED: 1 SPACE
 PROPOSED PARKING: 1 SPACE (REGULAR)
 1 SPACE
 PARKING PROVIDED: 1 SPACE

COMBINED PARKING REQUIRED: 18 SPACES
 COMBINED PROPOSED PARKING: 17 SPACES (REGULAR)
 1 SPACE (HANDICAP)
 COMBINED PARKING PROVIDED: 18 SPACES

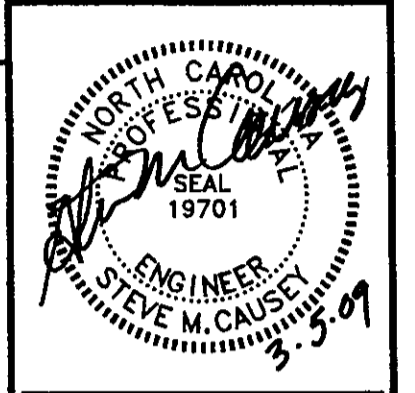
IMPERVIOUS AREA CALCULATIONS

EXISTING: 8,500 SF (EXISTING BUILDING)
 10,829 SF (PAVEMENT/CONCRETE/GRAVEL)
 TOTAL EXISTING IMPERVIOUS: 19,329 SF (TOTAL)

TOTAL SITE AREA: 29,077 SF
 % IMPERVIOUS OF TOTAL SITE: 66.48%



Allied Design, Inc.
 CIVIL ENGINEERING & LAND SURVEYING
 4720 KESTER MILL ROAD
 WINSTON-SALEM, NORTH CAROLINA 27103
 Phone: (336) 765-2377
 Fax: (336) 764-8886
 http://www.allied-engsurvey.com



PRELIMINARY PLANS
 NOT RELEASED FOR CONSTRUCTION

RUFF HOUSING DOGGIE DAYCARE
 336 WITT STREET
 WINSTON-SALEM, NORTH CAROLINA

PROJECT NO.: 09-003
 DRAWN BY: JMN
 CHECKED BY: SMC
 DATE: 02/03/09

NO.	DATE	DESCRIPTION
A	02/03/09	ISSUED FOR PRE-SUBMITTAL REVIEW
B	02/05/09	REVISED PURPOSE STATEMENT PER CITY COMMENTS
C	03/05/09	REVISED PER STAFF COMMENTS

PRELIMINARY
 SITE
 PLAN

SHEET
C1
 OF 1

W-3023 REVISED