

DOCKET #: W3026

PROPOSED ZONING:
HB-S

EXISTING ZONING:
PB-S

PETITIONER:
Zeb V. Norton and
Clara R. Norton for
property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 1.60

**NEAREST
BLDG:** 18' west

MAP(S): 642846

F

March 25, 2009

Neal Chambers
Waughtown Automotive
2341 Waughtown Street
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-3026

Dear Mr. Norton & Ms. Norton:

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
Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103
Patti Chambers, 275 Hastings Hill Road, Kernersville, NC 27284
Pamela Downing, 25 Norton Street, Winston-Salem, NC 27107
Melissa Conrad, 3384 Kernersville Road, Winston-Salem, NC 27107

ACTION REQUEST FORM

DATE: March 25, 2009
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Zeb V. Norton, Jr. and Clara R. Norton

SUMMARY OF INFORMATION:

Zoning map amendment of Zeb V. Norton, Jr. and Clara R. Norton from PB-S (Motor Vehicles, Repair and Maintenance; and Services, Personal) to HB-S (Outdoor Display, Retail; Storage Services, Retail; Convenience Store; Retail Store, Specialty or Miscellaneous; General Merchandise Store; Restaurant without Drive Through Service; Offices, Miscellaneous; Professional Office; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Services, Business A; Services, Business B; and Services, Personal): property is located on the northwest corner of Waughtown Street and Norton Street (Zoning Docket W-3026).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Zeb V. Norton, Jr. and Clara R. Norton, Docket W-3026

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 PB-S (Motor Vehicles, Repair and Maintenance; and Services, Personal) to HB-S (Outdoor Display, Retail; Storage Services, Retail; Convenience Store; Retail Store, Specialty or Miscellaneous; General Merchandise Store; Restaurant without Drive Through Service; Offices, Miscellaneous; Professional Office; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Services, Business A; Services, Business B; and Services, Personal) the zoning classification of the following described property:

PIN #6844-78-2028

Section 2. This Ordinance is adopted after approval of the site plan entitled Zeb V. Norton, Jr. and Clara R. Norton and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Zeb V. Norton, Jr. and Clara R. Norton.

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 Zeb V. Norton, Jr. and Clara R. Norton. 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.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT 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 District Permit for the site shown on the site plan map included in this zoning petition of Zeb V. Norton, Jr. and Clara R. Norton, (Zoning Docket W-3026). 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 HB-S (Outdoor Display, Retail; Storage Services, Retail; Convenience Store; Retail Store, Specialty or Miscellaneous; General Merchandise Store; Restaurant without Drive Through Service; Offices, Miscellaneous; Professional Office; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Services, Business A; Services, Business B; and Services, Personal)", approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the HB-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 obtain driveway permits from the City of Winston-Salem Public Works Department and NCDOT. Required improvements include but are not limited to:
 - Sidewalk along Waughtown Street.
 - b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department.
 - c. All outstanding zoning violations shall be resolved.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Lighting shall be installed per approved lighting plan and certified by an engineer.
 - b. All required improvements of the City of Winston-Salem and NCDOT driveway permits shall be completed.
 - c. Developer shall remove the sign located within the Waughtown Street right-of-way as shown on site plan.

- **OTHER REQUIREMENTS:**
 - a. The Zeb Norton Filling Station shall be retained in its original, existing location on the site. The building shall be maintained against decay, deterioration, defects increasing the hazards of fire and/or other accidents, and kept free from structural defects, as determined by the Historical Resources Staff of the CCPB. Any exterior work to the property, including the site of Tax PIN# 6844-78-2028 must meet the *Secretary of the Interior's Standards for Rehabilitation* as determined by the Historical Resources Staff of the CCPB.
 - b. The use of Services, Business B shall be limited to only truck and trailer rental.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-3026		
Staff	Gary Roberts, Jr. AICP		
Petitioner(s)	Zeb V. Norton, Jr. and Clara R. Norton		
Owner(s)	Same		
Subject Property	Tax PIN# 6844-78-2028, Address: 2341 Waughtown Street		
Type of Request	Special use rezoning		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from PB-S Pedestrian Business District (Motor Vehicles, Repair and Maintenance; and Services, Personal) to HB-S Highway Business District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Outdoor Display, Retail; Storage Services, Retail; Convenience Store; Retail Store, Specialty or Miscellaneous; General Merchandise Store; Restaurant without Drive Through Service; Offices, Miscellaneous; Professional Office; Motor Vehicle, Rental or Leasing; Motor Vehicle, Repair and Maintenance; Services, Business A; Services, Business B; and Services, Personal 		
Zoning District Purpose Statement	<p>The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.</p>		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	The request is generally consistent with the HB District purpose statement; however, it could lead to further strip commercial development.		
GENERAL SITE INFORMATION			
Location	Northwest corner of Waughtown Street and Norton Street		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southeast		
Site Acreage	Approximately ± 1.6 acres		
Current Land Use	Waughtown Automotive is currently located on the site.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Undeveloped and single family residential
	East	LB-S	Day care and beauty salon
	South	RS-9	Single family homes
	West	RS-9	Single family homes

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
Physical Characteristics	Some of the newly proposed uses such as: Outdoor Display, Retail; Storage Services, Retail; Convenience Store; General Merchandise Store; Restaurant without Drive Through Service; and Motor Vehicle, Rental or Leasing are intense uses that are not generally compatible with the adjacent single family homes.			
Proximity to Water and Sewer	The site has a gentle slope downward to the northwest.			
Stormwater/ Drainage	Public water and sewer are available to the site.			
Watershed and Overlay Districts	A stormwater study will be required prior to the issuance of a grading permit.			
Historic, Natural Heritage and/or Farmland Inventories	<p>The site is located within the Waughtown/Belview National Register Historic District and the building is listed as a contributing structure. It is an excellent and highly intact example of an early 20th century gas station. These building types are increasingly disappearing from the urban landscape. Historic Resources staff does not support an intensification of use for this property. Conditions should be that the building be retained and that any changes to the building or site meet the <i>Secretary of the Interior's Standards for Rehabilitation</i>.</p> <p>Following is the National Register entry for the property: 2341 Waughtown Street, Filling Station, c.1920 Contributing One story; hip roof; brick; pressed tin shingles; six-over-six double-hung sash; three-light transom at central entry; hip-roof (with pipe columns) service bay; 2-bay garage addition with replacement roof; small end addition. This station was a favorite gathering place for community men (First United Church of Christ history). 1950 CD: (2343) Zeb Norton Filling Station.</p>			
Analysis of General Site Information	The building on the subject property is listed as a contributing structure within the Waughtown/Belview National Register Historic District. A condition regarding compliance with the <i>Secretary of the Interior's Standards for Rehabilitation</i> is recommended.			
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Condition regarding the <i>Secretary of the Interior's Standards for Rehabilitation</i>. 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Waughtown Street	Major Thoroughfare	237'	10,000	15,600
Norton Street	Platted unopened street	296'	NA	NA

Proposed Access Point(s)	The site plan shows two driveways onto Waughtown Street and removal of the existing open driveway onto Norton Street.
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: PB-S</u> $2,296 / 1,000 \times 15.86$ (Automobile Care Center Trip Rate) = 36 Trips per Day.</p> <p><u>Proposed Zoning: HB-S</u> $40 \text{ Trips} \times 3 \text{ bays}$ (Quick Lubrication Vehicle Shop Trip Rate) = 120 Trips per Day + $589\text{sf} / 1,000 \times 11.57$ (Single Tenant Office Building Trip Rate) = 7 Trips per Day = 127 Total Trips per Day</p>
Sidewalks	Currently there are no sidewalks along this portion of the Waughtown Street; however, the Sidewalk and Pedestrian Facilities Plan requires sidewalks along Waughtown Street.
Transit	Route 29 along Waughtown Street
Analysis of Site Access and Transportation Information	The site plan shows the removal of one of the three driveway entrances to the site on Waughtown Street. The current site plan is different from the previous request, W-3011, in that no access onto Norton Street is included. The existing open driveway onto Norton Street would be closed and a streetyard, or additional landscaping treatment, would be installed. Therefore, no improvements to Norton Street would be triggered.
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Obtain driveway permit from NCDOT & WSDOT
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 2 - Urban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> <i>Legacy</i> promotes economic development which is compatible with existing residential neighborhoods and other business developments. It recommends protecting residential areas from inappropriate commercial encroachment.
Relevant Area Plan(s)	<i>Southeast Winston-Salem Area Plan (SEAP) 2002</i>
Area Plan Recommendations	<ul style="list-style-type: none"> The area, characterized by a mixture of residential and nonresidential uses, is designated in the adopted Plan for office/commercial use. The Plan recommends maintaining the existing character of the area allowing, but not encouraging, a limited number of existing homes to convert to office or commercial use.
Other Applicable Plans and Planning Issues	<p>The site is within the Sprague/Waughtown Rehabilitation, Conditioning and Reconditioning Area, certified by the City-County Planning Board in 1987. Low interest loans were provided for residential rehabilitation activities in this area.</p> <p>A loan was made to the Chambers, who operate Waughtown Automotive on the subject property, for \$50,000 from the City's Economic Development Revolving Loan program in February 1999. The purpose of the loan was for job creation or retention. To date they have paid off approximately \$45,000. In 2008 the Chambers applied for and were</p>

	approved for another loan of \$50,000 to assist them in making the necessary improvements to the business to comply with zoning requirements both from the 1998 rezoning and from this current petition. That loan is contingent on a successful rezoning petition.
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>?
	No
Analysis of Conformity to Plans and Planning Issues	<p>The subject request differs only slightly from the recently withdrawn case of W-3011 in that no driveway is proposed onto Norton Street. In addition, the interior circulation and lease vehicle and outdoor display parking areas have been more clearly defined. The request therefore remains essentially the same in regard to its inconsistency with the recommendations of <i>Legacy</i> and the adopted area plan. During the January 8, 2009 Planning Board meeting there was discussion regarding the potential removal of 6 out of the 11 newly proposed uses; however those uses remain in the current request.</p> <p>The subject structure is a commercial building built for and historically used primarily as an automotive garage. The site was rezoned to PB-S to accommodate said use in 1998. Not all of the improvements shown on the 1998 site plan were implemented. In 2002, the <i>Southeast Winston-Salem Area Plan</i> was adopted. Recognizing the subject property as commercial, the plan recommends maintaining the existing character of the area allowing, but not encouraging, a limited number of existing homes to convert to office or commercial use. The subject request from PB-S to HB-S would permit: an additional 11 uses; 734 sf of building expansion; and ±1/4 acre of additional parking and motor vehicle display area.</p> <p>This degree of intensification is inconsistent with the area plan's intent for this predominantly residential section of Waughtown Street. Staff has not observed any changes in the area which would result in the need to revisit the recommendations of the plan. The request is also inconsistent with <i>Legacy</i> which recommends protecting residential areas from inappropriate commercial encroachment. As is evidenced below in the Analysis of Site Plan Compliance with UDO Requirements section, the current operation has outgrown the original 1998 approval and would be more suitably located in a commercial corridor.</p> <p>Staff is also concerned with intensifying the development of a National Register Historic Property (see Analysis of General Site Information section above). One way to address this is to comply with the <i>Secretary of the Interior's Standards for Rehabilitation</i> which is recommended as a condition. This matter has been previously mentioned to the petitioner</p>

	during two separate sketch plan review meetings. Staff anticipates that compliance with this condition would not add significant costs to the project. Staff also recommends additional screening in the form of a Type III bufferyard, rather than a standard streetyard, along the Norton Street frontage where the vehicle circulation and display area is proposed. This measure is needed due to the size and height of the U-Haul vehicles which will be parked in this area.					
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>					
	<ul style="list-style-type: none"> • Lighting condition • Condition regarding the use of Services, Business B 					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3011	PB-S to HB-S	Withdrawn at 1-8-09 PB meeting	Current site	1.6	Denial	Withdrawn
W-2233	RS-9 to LB-S	Approved 7-6-98	Directly east	1.66	Approval	Approval
W-2218	RS-9 to PB-S	Approved 5-4-98	Current site	1.75	Denial	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	3,335 sf		Southeastern portion of site			
Parking	Required	Proposed		Layout		
	15 spaces	18 spaces		Surrounding building		
Building Height	Maximum			Proposed		
	60'			1 story		
Impervious Coverage	Maximum			Proposed		
	85%			38.5%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Chapter B, Article II, Section 2-1.3 (I) HB District 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:		No			
	(B) Environmental Ord.		NA			
	(C) Subdivision Regulations		NA			
Analysis of Site Plan Compliance with UDO Requirements	The subject property was rezoned to PB-S in 1998; however, because the petitioner never requested a building or occupancy permit, Inspections staff did not inspect the site for compliance with the conditions of approval, and subsequently the landscaping and screening requirements were never installed. Additionally, a 28' x 14' addition was constructed without a permit and two unapproved uses have been conducted on the site, Motor Vehicle, Rental or Leasing; and; Motor Vehicle, Storage Yard.					

Specifically, the property owner was cited on 2-28-08 for the following:

- Failure to comply with Special Use Site Plan W-2218 to wit: Drive Path, Parking/Display Areas, Signage, Motor Vehicle Storage Yard, Street and Buffer Yards.
- Erecting a Sign without first obtaining a zoning permit.
- Motor Vehicle Rental and Leasing is not a permitted use under your approved site plan and conditions (W-2218).
- Erecting/Alteration of a structure is not permitted without first obtaining a site plan change (W-2218) and a building permit.
- Any change of use of any building or land requires a Zoning/Building Permit.

On 10-28-08 the site was reinspected and said violations were still present and the buffer/street yards and wooden fencing were still not installed.

If the subject request is approved, some of these issues will no longer be in violation. The remaining site plan issues are noted below. It is anticipated that a revised site plan will be submitted which complies with the requirements of the UDO.

Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Sign removal condition
-------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
Request would allow for the expansion of an existing business.	The request is inconsistent with the recommendations of the <i>SEAP</i> and <i>Legacy</i> .
	Provides negative visual impact to the single family residential homes in the general area.
	The proposed use of Restaurant without Drive Through Service is a much higher traffic generating use than Motor Vehicles, Repair and Maintenance.
	May signal that HB zoning is appropriate for other properties in this area.

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.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - a. Developer shall obtain driveway permits from the City of Winston-Salem Public Works Department and NCDOT. Required improvements include but are not limited to:
 - Sidewalk along Waughtown Street.

- b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department.
- c. All outstanding zoning violations shall be resolved.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**

- a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**

- a. Lighting shall be installed per approved lighting plan and certified by an engineer.
- b. All required improvements of the City of Winston-Salem and NCDOT driveway permits shall be completed.
- c. Developer shall remove the sign located within the Waughtown Street right-of-way as shown on site plan.

- **OTHER REQUIREMENTS:**

- a. The Zeb Norton Filling Station shall be retained in its original, existing location on the site. The building shall be maintained against decay, deterioration, defects increasing the hazards of fire and/or other accidents, and kept free from structural defects, as determined by the Historical Resources Staff of the CCPB. Any exterior work to the property, including the site of Tax PIN# 6844-78-2028 must meet the *Secretary of the Interior's Standards for Rehabilitation* as determined by the Historical Resources Staff of the CCPB.
- b. The use of Services, Business B shall be limited to only truck and trailer rental.

STAFF RECOMMENDATION: Denial

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.**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103

- We assisted the Chambers with the site plan preparation.
- Gary is correct that there are no dramatic changes in the site plan.
- We eliminated a bit of the vehicular display area on the west side and eliminated access to Norton Street.
- The uses did remain the same. We felt a lot of the discussion about uses was initiated by the opposition of the Waughtown Business Association.
- The petitioner, Mr. Chambers, did meet with the Waughtown Business Association. They were here earlier but have left.
- This is a relatively small building and Mr. Chambers is looking for some lease opportunities within the building.
- It is a long list of uses, but I don't see how a building of this size could accommodate more than a few of them at any one time.

Patti Chambers, 275 Hastings Hill Road, Kernersville, NC 27284

- Angelo Franceschina was here. He was here in agreement with us, but he had to leave.
- With the size of the building, we couldn't have all these uses at the same time.
- It's going to be very expensive to do this, so we're trying to give ourselves the biggest window possible.

Neal Chambers, 275 Hastings Hill Road, Kernersville, NC 27284

- Thank you for letting us work with the Waughtown Business Association. I'm impressed with what they have going on down there and am going to join and become a member.
- Hopefully we've got everything worked out and everyone will be in agreement on it.
- I really like the site plan and am looking forward to getting to work on it.
- Waughtown Business Association is excited with it and is on board with everything we discussed.

AGAINST:

Pamela Downing, 25 Norton Street, Winston-Salem, NC 27107

- I live in Southside. I'm proud of it.
- When Mr. Norton came to my husband and myself and asked us not to oppose the rezoning in 1998, he promised us he was just going to open a little repair shop and we would never know it was there.
- You can see now that was an obvious lie. He said what we wanted to hear to get us to sign his petition.
- I am opposed to this rezoning.
- Mr. Chambers' business has not enhanced the area nor has the garage right down the street from it.
- Showed pictures, indicating rental trucks parked across Norton Street, blocking access to properties to the north.

- Mr. Chambers has carried on a vindictive harassment of our family since the day he opened his business.
- The very first thing he did was to cut down all the trees that screened his property from ours. They've never been replaced.
- He has continued to harass us up until today by parking these trucks to prevent us from being able to come in and out on Norton Street.
- Our houses have been back there since the 40s. This street has been on the ground for decades, recognized by the City. We have street lights. He still keeps a truck parked in the middle of the street.
- He caused the City water pipes to be broken by forcing these big heavy trucks over there. We had to bear the cost of getting them repaired.
- When Mr. Norton asked us to not oppose the rezoning, he told us he had some problems with the EPA about underground storage tanks that prevented him from selling this property. Mr. Chambers claims the property is his so I don't know who runs it.
- I'm asking you to deny it.
- He's thumbed his nose at this Board's authority all the years he's been there and now he's asking to be rewarded for that. I'm asking you not to do that.

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. Wheel stops will be installed before the Certificate of Occupancy is granted because there is no curb and gutter.
2. Norton Street is a publicly dedicated right-of-way. Maintenance has been on and off but it is a public right-of-way. If the developer had connected to Norton Street, he would have had to bring his frontage up to City standards. Although Mr. Norton owns the property and pays taxes on it, because it is a publicly dedicated right-of-way, the public has the right to use that land.
3. The leasing area is basically a park-where-you-can area, but there needs to be a large circulation area.
4. If this request is denied, Mr. Chambers can only use the site for Personal Services and Motor Vehicle Maintenance. He cannot lease U-Haul trucks or sell vehicles beyond what we talked about earlier in regards to maintenance and abandonment. The addition that was done illegally will have to be removed. The street yard along Norton and Waughtown would have to be installed as well as the two bufferyards. The fence around the back parking area (masonry or brick as required on the 1998 site plan) would have to be installed. Parking would be limited to the areas shown on the 1998 site plan, not the expanded area as shown on this site plan.

5. Last time we were concerned with the long list of uses. The building is so small that you can't do much or use all the uses at one time. For instance, you aren't going to have a big restaurant in there.
6. We were all concerned that he had never complied with the original rezoning.
7. It bothered us that he apparently hasn't been a good neighbor to some of the folks out there.
8. On the other hand, we'd like to see the building saved and maintained and used and services provided to the neighborhood.
9. If a truck is parked in the public right-of-way, neighbors can call the police who will have it towed.
10. Maybe the bigger question is whether HB-S should be here.
11. A lot of this is based on trust and there were many things which were cited for non-compliance.
12. We don't need to reward someone when they've not been a good neighbor and not done what they said they would do. Why should we believe they will do that now?

MOTION: Clarence Lambe moved denial of the zoning map amendment and certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jerry Clark

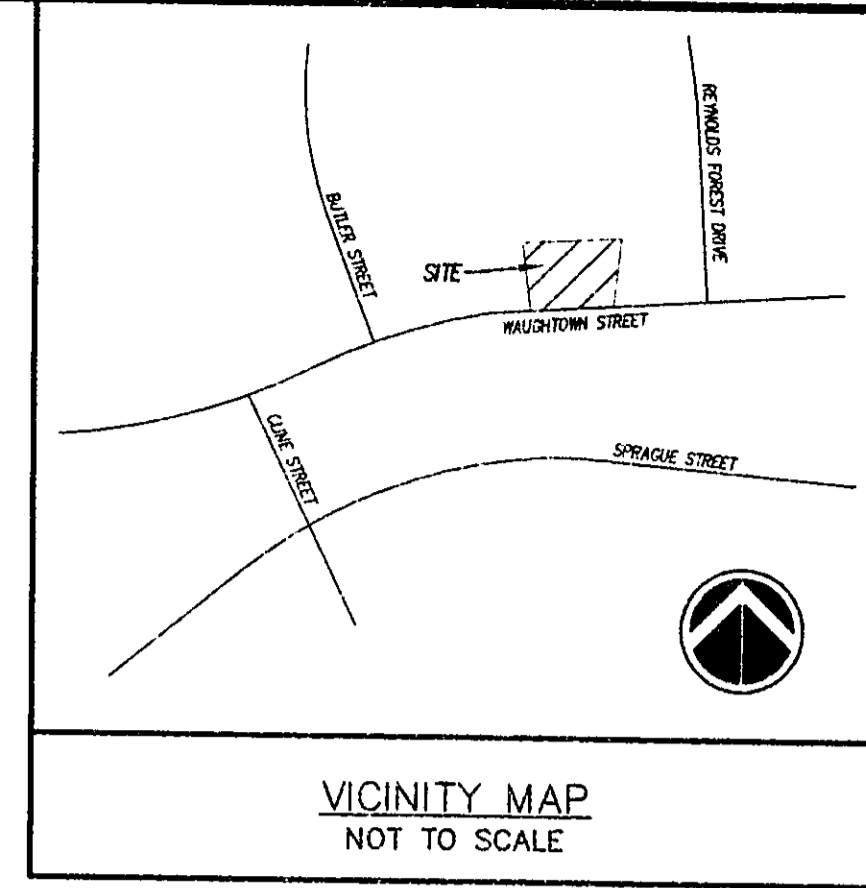
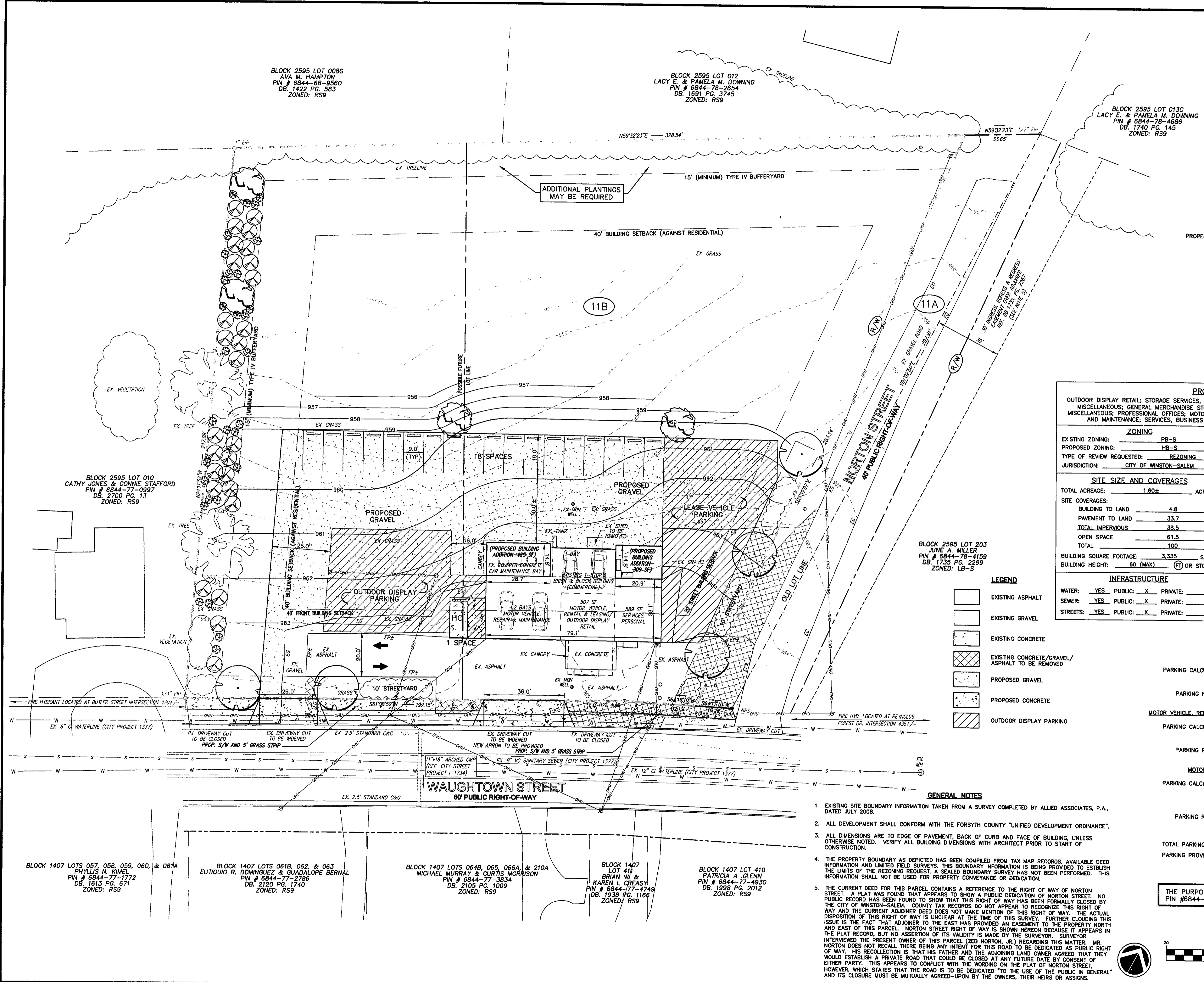
VOTE:

FOR DENIAL: 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



SITE DATA
 PROPERTY OWNER: TAX BLOCK 2595 LOT 011B
 PIN # 6844-78-2028
 ZEB V. & CLARA R. NORTON, JR.
 4359 GLENN HIGH ROAD
 WINSTON-SALEM, NC 27107

DEVELOPER: WAUGHTOWN AUTOMOTIVE
 2341 WAUGHTOWN STREET
 WINSTON-SALEM, NC 27107
 PHONE: (336) 785-2377
 CONTACT: NEAL CHAMBERS
 EMAIL: nchambers1@road.rr.com

ENGINEER: ALLIED DESIGN, INC.
 4720 KESTER MILL ROAD
 WINSTON-SALEM, N.C. 27103
 PHONE: (336) 765-2377
 FAX: (336) 760-8886
 STEVE M. CAUSEY, P.E.
 EMAIL: scausey@allied-engsurv.com

Allied Design, Inc.
 CIVIL ENGINEERING & LAND SURVEYING
 4720 KESTER MILL ROAD
 WINSTON-SALEM, NORTH CAROLINA 27103
 Phone: (336) 765-2377
 Fax: (336) 760-8886
 e-mail: ADesign@aol.com

PRELIMINARY PLANS
 NOT RELEASED FOR CONSTRUCTION

WAUGHTOWN AUTOMOTIVE
 2341 WAUGHTOWN STREET
 WINSTON-SALEM, NORTH CAROLINA

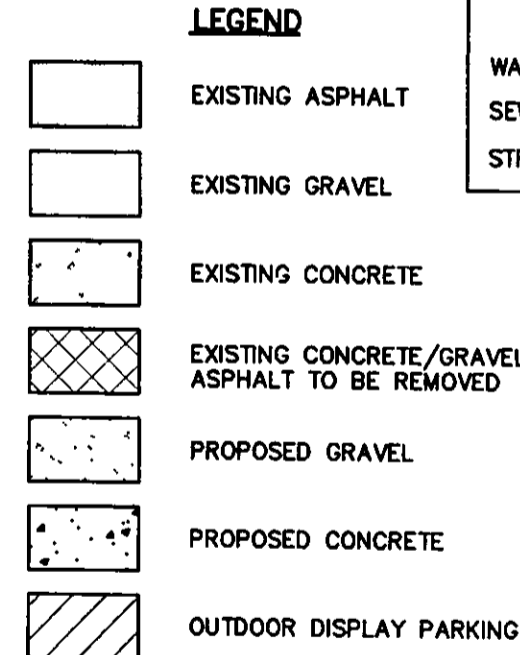
PROJECT NO.: 08-08-04807615
 DRAWN BY: JMN
 CHECKED BY: SMC
 DATE: 08/18/08

NO.	DATE	DESCRIPTION
A	08/18/08	ISSUED FOR SKETCH PLAN REVIEW
B	10/07/08	ISSUED FOR PRE-SUBMITTAL REVIEW
C	10/13/08	ISSUED FOR PLANNING BOARD REVIEW
D	01/02/09	REVISED PER PLANNING STAFF COMMENTS
E	02/03/09	ISSUED FOR PRE-SUBMITTAL REVIEW
F	02/06/09	ISSUED FOR PLANNING BOARD REVIEW
G	03/05/09	REVISED PER PLANNING STAFF COMMENTS

PRELIMINARY SITE AND REZONING PLAN

SHEET
C1
 OF 1

PROPOSED USES		
OUTDOOR DISPLAY RETAIL; STORAGE SERVICES; RETAIL; CONVENIENCE STORE; RETAIL STORE, SPECIALTY OR MISCELLANEOUS; GENERAL MERCHANDISE STORE; RESTAURANT (WITHOUT DRIVE-THROUGH); OFFICES; MISCELLANEOUS; PROFESSIONAL OFFICES; MOTOR VEHICLE, RENTAL AND LEASING; MOTOR VEHICLE, REPAIR AND MAINTENANCE; SERVICES, BUSINESS A; SERVICES, BUSINESS B; & SERVICES, PERSONAL		
ZONING	OFF-STREET PARKING	
EXISTING ZONING: PB-S	PROPOSED USE(S): SEE PARKING CALCULATIONS	
PROPOSED ZONING: HB-S	PARKING CALCULATION: SEE PARKING CALCULATIONS	
TYPE OF REVIEW REQUESTED: REZONING	REQUIRED PARKING: SEE PARKING CALCULATIONS	
JURISDICTION: CITY OF WINSTON-SALEM	PROVIDED PARKING: SEE PARKING CALCULATIONS	
SITE SIZE AND COVERAGES		
TOTAL ACREAGE: 1.60±	ADJOINING ZONING: RS9 & LB-S	
SITE COVERAGES:	TYPE REQUIRED: TYPE IV (ADJACENT TO RS9)	
BUILDING TO LAND: 4.8 %	WIDTH PROVIDED: 15' TYPE IV	
PAVEMENT TO LAND: 33.7 %	FENCE OPTION: YES <input type="checkbox"/> NO <input type="checkbox"/>	
TOTAL IMPERVIOUS: 38.5 %	BUILDING SETBACKS	
OPEN SPACE: 61.5 %	FRONT: 40'	
TOTAL: 100 %	REAR: 20' (40' AGAINST RESIDENTIAL)	
BUILDING SQUARE FOOTAGE: 3,335	SIDE: 0.5/12' (40' AGAINST RESIDENTIAL)	
BUILDING HEIGHT: 60 (MAX) (7) OR STORIES	STREET: 20'	
INFRASTRUCTURE		
WATER: YES PUBLIC: <input type="checkbox"/> PRIVATE: <input type="checkbox"/>	DENSITY CALCULATIONS	
SEWER: YES PUBLIC: <input type="checkbox"/> PRIVATE: <input type="checkbox"/>	NUMBER OF UNITS OR LOTS: X UNITS/LOTS	
STREETS: YES PUBLIC: <input type="checkbox"/> PRIVATE: <input type="checkbox"/>	DENSITY: X UNITS/ACRE OR LOTS/ACRE	



PARKING CALCULATIONS SERVICES PERSONAL

PARKING CALCULATION: 1 SPACE/450 SF GFA
 1 SPACE * 589 SF/450 SF GFA
 PARKING REQUIRED: 1.31 SPACES

MOTOR VEHICLE, RENTAL AND LEASING (AND OUTDOOR DISPLAY RETAIL)

PARKING CALCULATION: 1 SPACE/450 SF GFA
 1 SPACE * 507 SF/450 SF GFA
 PARKING REQUIRED: 1.13 SPACES

MOTOR VEHICLE, REPAIR AND MAINTENANCE

PARKING CALCULATION: 3 SPACES/SERVICE BAY +
 1 SPACE/575 SF GFA FOR PART SALES
 5 BAYS * 3 + 0 (NO PART SALES)
 PARKING REQUIRED: 15 SPACES

TOTAL PARKING REQUIRED: 18 SPACES (INCL. 1 HC SPACE)
 PARKING PROVIDED: 18 SPACES (INCL. 1 HC SPACE)

GENERAL NOTES

- EXISTING SITE BOUNDARY INFORMATION TAKEN FROM A SURVEY COMPLETED BY ALLIED ASSOCIATES, P.A., DATED JULY 2008.
- ALL DEVELOPMENT SHALL CONFORM WITH THE FORSYTH COUNTY "UNIFIED DEVELOPMENT ORDINANCE".
- ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, BACK OF CURB AND FACE OF BUILDING, UNLESS OTHERWISE NOTED. VERIFY ALL BUILDING DIMENSIONS WITH ARCHITECT PRIOR TO START OF CONSTRUCTION.
- THE PROPERTY BOUNDARY AS DEPICTED HAS BEEN COMPILED FROM TAX MAP RECORDS, AVAILABLE DEED INFORMATION AND LIMITED FIELD SURVEYS. THIS BOUNDARY INFORMATION IS BEING PROVIDED TO ESTABLISH THE LIMITS OF THE REZONING REQUEST. A SEALED BOUNDARY SURVEY HAS NOT BEEN PERFORMED. THIS INFORMATION SHALL NOT BE USED FOR PROPERTY CONVEYANCE OR DEDICATION.
- THE CURRENT DEED FOR THIS PARCEL CONTAINS A REFERENCE TO THE RIGHT OF WAY OF NORTON STREET. A PLAT WAS FOUND THAT APPEARS TO SHOW A PUBLIC DEDICATION OF NORTON STREET. NO PUBLIC RECORD HAS BEEN FOUND TO SHOW THAT THIS RIGHT OF WAY HAS BEEN FORMALLY CLOSED BY THE CITY OF WINSTON-SALEM. COUNTY TAX RECORDS DO NOT APPEAR TO RECOGNIZE THIS RIGHT OF WAY AND THE CURRENT ADJOINER DEED DOES NOT MAKE MENTION OF THIS RIGHT OF WAY. THE ACTUAL DISPOSITION OF THIS RIGHT OF WAY IS UNCLEAR AT THE TIME OF THIS SURVEY. FURTHER CLOUDING THIS ISSUE IS THE FACT THAT ADJOINER TO THE EAST HAS PROVIDED AN EASEMENT TO THE PROPERTY NORTH AND EAST OF THIS PARCEL. NORTON STREET RIGHT OF WAY IS SHOWN HEREON BECAUSE IT APPEARS IN THE PLAT RECORD, BUT NO ASSERTION OF ITS VALIDITY IS MADE BY THE SURVEYOR. SURVEYOR INTERVIEWED THE PRESENT OWNER OF THIS PARCEL (ZEB NORTON, JR.) REGARDING THIS MATTER. MR. NORTON DOES NOT RECALL THERE BEING ANY INTENT FOR THIS ROAD TO BE DEDICATED AS PUBLIC RIGHT OF WAY. HIS RECOLLECTION IS THAT HIS FATHER AND THE ADJOINING LAND OWNER AGREED THAT THEY WOULD ESTABLISH A PRIVATE ROAD THAT COULD BE CLOSED AT ANY FUTURE DATE BY CONSENT OF EITHER PARTY. THIS APPEARS TO CONFLICT WITH THE WORDING ON THE PLAT OF NORTON STREET, HOWEVER, WHICH STATES THAT THE ROAD IS TO BE DEDICATED "TO THE USE OF THE PUBLIC IN GENERAL" AND ITS CLOSURE MUST BE MUTUALLY AGREED-UPON BY THE OWNERS, THEIR HEIRS OR ASSIGNS.

