

**DOCKET #:** W3028

**PROPOSED ZONING:**  
LB-S

**EXISTING ZONING:**  
NB-L

**PETITIONER:**  
Steven Cole for property  
owned by Lee C. Dietz and  
Carolyn A. Dietz for property

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 2

**ACRES:** 0.23

**NEAREST  
BLDG:** 10' east

**MAP(S):** 630846

**F**

March 25, 2009

Steven Cole  
1256 Piney Grove Church Road  
Danbury, NC 27016

RE: ZONING MAP AMENDMENT W-3028

Dear Mr. Cole:

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

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning map amendment of Steven Cole for property owned by Lee C. Dietz and Carolyn A. Dietz

**SUMMARY OF INFORMATION:**

Zoning map amendment of Steven Cole for property owned by Lee C. Dietz and Carolyn A. Dietz from NB-L to LB-S (Car Wash; Professional Office; and Offices Miscellaneous): property is located on the southeast corner of Sunnyside Avenue and Monmouth Street (Zoning Docket W-3028).

**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

Zoning Petition of Steven Cole for property owned by Lee C. Dietz and Carolyn A. Dietz, Docket W-3028

AN ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM, N.C.

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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 NB-L to LB-S (Car Wash; Professional Office; and Offices Miscellaneous) the zoning classification of the following described property:

PIN #6834-46-7895

Section 2. This Ordinance is adopted after approval of the site plan entitled 1925 Gas Station and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_ to Steven Cole for property owned by Lee C. Dietz and Carolyn A. Dietz.

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 1925 Gas Station. 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 Steven Cole for property owned by Lee C. Dietz and Carolyn A. Dietz, (Zoning Docket W-3028). 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 (Car Wash; Professional Office; and Offices Miscellaneous), 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 ANY PERMITS:**
  - a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
  - b. 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. All requirements of the City of Winston-Salem driveway permit shall be completed.
  - b. Lighting shall be installed per approved lighting plan and certified by an engineer.
- **OTHER REQUIREMENTS:**
  - a. The Crotts Service 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# 6834-46-7895 must meet the *Secretary of the Interior's Standards for Rehabilitation* as determined by the Historical Resources Staff of the CCPB.

- b. Should the use of Car Wash; Professional Office; and Offices Miscellaneous cease to operate for a period of one calendar year, the zoning of PIN #6834-46-7895 shall revert back to NB-L without further public notice, proceedings, hearings, or Board action as per Chapter B, Article VI, Section 6-2.2(H) of the UDO.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	W-3028		
<b>Staff</b>	<a href="#">Gary Roberts Jr. AICP</a>		
<b>Petitioner(s)</b>	Steven Cole		
<b>Owner(s)</b>	Lee C. Dietz and Carolyn A. Dietz		
<b>Subject Property</b>	PIN #6834-46-7895, Address: 2207 Sunnyside Avenue		
<b>Type of Request</b>	Special use rezoning		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> NB-L Neighborhood Business District – Special Use Limited Zoning (Services, Personal; and Retail Store, Specialty or Miscellaneous) <b>to</b> LB-S Limited Business District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Car Wash; Professional Office; and Offices Miscellaneous</li> </ul>		
<b>Zoning District Purpose Statement</b>	<p>The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in Growth Management Areas 2, 3, 4, and 5.</p>		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	The proposal is consistent with the LB purpose statement in that it is a small site located on a corner which could be viewed as neighborhood serving.		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	Southeast corner of Sunnyside Avenue and Monmouth Street		
<b>Jurisdiction</b>	City of Winston-Salem		
<b>Ward(s)</b>	Southeast		
<b>Site Acreage</b>	Approximately ± .23 acre		
<b>Current Land Use</b>	Existing commercial building that is currently vacant		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS-7	Single family homes
	East	RS-7	
	South	RS-7	
	West	RS-7	

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
<b>Physical Characteristics</b>	The proposed use of car wash is typically not considered to be compatible with the single family homes which are directly adjacent to the site. However, due to the small size of the existing structure; its history of non residential use; and the mixture of uses in the broader, established urban neighborhood, the request can be viewed as being compatible.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.			
<b>Historic, Natural Heritage and/or Farmland Inventories</b>	This property is located within the boundaries of the Sunnyside/Central Terrace Historic District, which was listed in 2008. The proposed site of this rezoning petition is a contributing resource to the District. Listed as Crofts Service Station, the building on the site dates from ca. 1935, and is a one-story, Mission-influenced building with a Spanish tile roof. While much of the surrounding area is zoned for residential use, this particular property has always been used for commercial or business purposes, and the building on-site was constructed as such. Because of this, Historic Resources staff is supportive of the LB-S proposal. Staff would recommend conditions that the existing building on the site be retained and that any exterior alterations meet the <i>Secretary of the Interior's Standards for Rehabilitation</i> .			
<b>Analysis of General Site Information</b>	The subject request is to rezone 0.23 acre of land from NB-L to LB-S. The site currently contains a small commercial building that was constructed in 1935. The structure has been used as a bread store in the past; however, when it was rezoned from RS-7 to NB-L in 2007 it had no legal nonconforming status. The structure is historically significant (see comments above) and staff recommends the structure be retained. Staff supports this rezoning request because the site was developed with a commercial building and operated as a commercial site. If the structure were not retained, staff would not support this rezoning request			
<b>Generalized Recommended Conditions</b>	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b> <ul style="list-style-type: none"> <li>Condition regarding the <i>Secretary of the Interior's Standards for Rehabilitation</i>.</li> </ul>			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Sunnyside Avenue	Local street	141'	NA	NA
Monmouth Street	Local street	149'	NA	NA
<b>Proposed Access Point(s)</b>	Existing driveway onto Sunnyside Avenue.			



<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: NB-L</u> No trip generation numbers available for special use limited zoning.</p> <p><u>Proposed Zoning: LB-S</u> The closest trip generation rate available is for Self-Service Car Wash with a rate of 108 trips per stall. The site proposes one stall.</p>
<b>Sidewalks</b>	Sidewalks exist along both street frontages.
<b>Transit</b>	No
<b>Analysis of Site Access and Transportation Information</b>	The subject request does not appear to present any negative transportation impacts. Sidewalks exist throughout the general area.
<b>Generalized Recommended Conditions</b>	<p><b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b></p> <ul style="list-style-type: none"> <li>• Driveway permit from WSDOT</li> </ul>
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy GMA</b>	Growth Management Area 2, Urban Neighborhoods
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>• <i>Legacy</i> supports neighborhood serving commercial in close proximity to residential areas.</li> <li>• Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area. (p. 133)</li> <li>• Protect residential areas from inappropriate commercial and industrial encroachment.(p. 123)</li> <li>• Support the redevelopment of business and residential neighborhoods around the N.C. School of the Arts. (p. 81)</li> <li>• Stimulate new development in slow growth areas within the Municipal Services Area.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>South Central Area Plan, 2003</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• There is no recommended land use change for this site.</li> </ul>
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<b>(S)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>(S)(4) - Is the requested action in conformance with <i>Legacy</i>?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>Staff believes the request is consistent with the recommendations of <i>Legacy</i>, by encouraging redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.</p> <p>Should the request be approved, staff recommends a reversion clause condition so that if the use of Car Wash ceases for one year, the zoning of the property would revert back to NB-L.</p>

<b>Generalized Recommended Conditions</b>		<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b>				
		<ul style="list-style-type: none"> <li>• Condition to retain existing structure</li> <li>• Reversion clause condition</li> </ul>				
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2959	RS-7 to NB-L	Approved 12-3-07	Current site	.23	Approval	Approval
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>						
<b>Building Square Footage</b>	<b>Square Footage</b>		<b>Placement on Site</b>			
	770 sf existing + 280 sf bay addition = 1,050 sf		Central portion			
<b>Parking</b>	<b>Required</b>			<b>Proposed</b>		
	6 spaces			6 spaces		
<b>Building Height</b>	<b>Maximum</b>			<b>Proposed</b>		
	40'			Existing one story building		
<b>Impervious Coverage</b>	<b>Maximum</b>			<b>Proposed</b>		
	75%			37%		
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>• Chapter B, Article II, Section 2-1.3 (G) Limited Business District</li> </ul>					
<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	<b>(A) Legacy policies:</b>		Yes			
	<b>(B) Environmental Ord.</b>		NA			
	<b>(C) Subdivision Regulations</b>		NA			
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	A revised site plan complies with the requirements of the UDO.					
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>						
<b>Positive Aspects of Proposal</b>			<b>Negative Aspects of Proposal</b>			
A commercial structure has been present on this site since 1935.			Approval of this request would intensify commercial zoning in a residential area.			
The request does not pose any negative transportation impacts.						
The structure is a historically significant structure, and will be restored and retained.						
Intensity of proposed use is compatible with the surrounding uses.						
Request is consistent with <i>Legacy</i>						

### **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 ANY PERMITS:**
  - a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
  - b. 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. All requirements of the City of Winston-Salem driveway permit shall be completed.
  - b. Lighting shall be installed per approved lighting plan and certified by an engineer.
  
- **OTHER REQUIREMENTS:**
  - a. The Crofts Service 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# 6834-46-7895 must meet the *Secretary of the Interior's Standards for Rehabilitation* as determined by the Historical Resources Staff of the CCPB.
  - b. Should the use of Car Wash; Professional Office; and Offices Miscellaneous cease to operate for a period of one calendar year, the zoning of PIN #6834-46-7895 shall revert back to NB-L without further public notice, proceedings, hearings, or Board action as per Chapter B, Article VI, Section 6-2.2(H) of the UDO.

**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: Lynne Mitchell

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning



**LOCATION MAP**

ARTHUR & PATRICIA L. ANCARORA JR  
6834-46-9979

JAMES & NORMA OVERBY  
6834-46-8060

JAMES & NORMA OVERBY  
6834-46-8011

GLEN & LUCY PHILLIPS  
6834-46-7062

ZONE RS7

6834-46-7015

GLEN ARTHUR PHILLIPS

ELAGG'S PROPERTIES INC.  
6834-46-6072

TOMMY & JOAN SCOTT  
6834-46-6828

TOMMY & JOAN SCOTT  
6834-46-6852

PAJE KEISER  
6834-46-7911

**NOTES:**

1. INTENT IS TO RESTORE EXISTING BUILDING TO HISTORIC STATUS AS 1925 GAS STATION WITH REALISTIC (BUT UNUSABLE PUMPS) AND ADD ONE BAY OVER EXISTING ASPHALT. THREE ADDITIONAL PARKING SPOTS WILL BE REQUIRED AND THEY CONTRIBUTE THE ONLY ADDITIONAL IMPERVIOUS AREA TO THE SITE (GRAVEL WILL BE USED).
2. THE RENOVATION WILL IMPROVE THE LOOKS OF THE SITE TREMENDOUSLY AND WILL IMPACT THE ENTIRE NEIGHBORHOOD FOR THE GOOD (AS SEEN IN OTHER PROJECTS CONSTRUCTED BY THE OWNER WHO IS AN EXPERT HISTORIC STRUCTURE RESTORER).

**SITE AREAS**

TOTAL SITE AREA = 10,200 SQ. FT.

EXISTING BUILDING AREA =	770 SQ. FT.
PROPOSED ADDITIONAL BAY =	280
<b>TOTAL =</b>	<b>1050 SQ. FT.</b>

EXISTING ASPHALT AREA =	2240 SQ. FT.
(PROSPD ADDITION IS OVER THE ASPHALT)	
BLDG TO LAND	10%
PAVEMENT TO LAND	23%
NEW GRAVEL PARKING	4%
OPEN SPACE	63%
	100%

REQ'D	MINIMUMS ZONING AREA(SF)	MINIMUMS SETBACKS WIDTH(F)	INTERIOR FRONT REAR SIDE(F)	MAXIMUM IMPERVIOUS STREET(F)	COVER	
LB-S	10,000	100	20 5 12	20	75	
PROPOSED	LB-S	10,200	100	27 40 13	25	67

**SITE DATA**

**ZONING:**  
EXISTING: NB-L  
PROPOSED: LB-S

**PURPOSE STATEMENT:**  
THE PURPOSE OF THIS REQUEST IS TO CHANGE ZONING FROM NB-L TO LB-S FOR EXISTING GAS STATION.

**JURISDICTION:**  
CITY OF WINSTON-SALEM

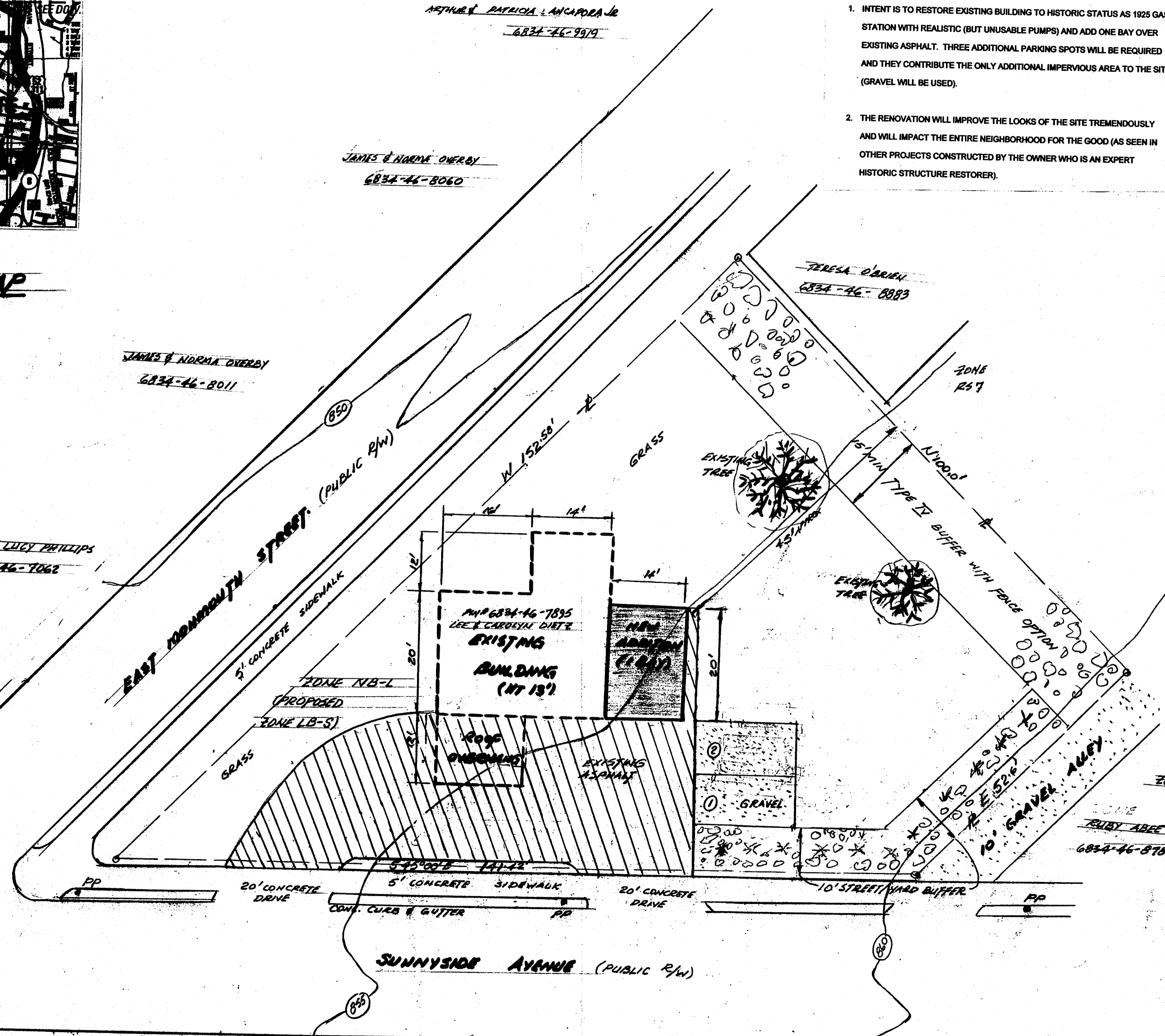
**SITE ACREAGE:**  
0.23 AC ±

**PROPOSED USES:**  
USE EXISTING BUILDING WHICH WAS A GAS STATION WITH ONE BAY TO A DETAILING BUILDING WITH TWO BAYS (ONE BAY WILL BE ADDED) OR PROFESSIONAL OFFICE OR MISCELLANEOUS OFFICE.

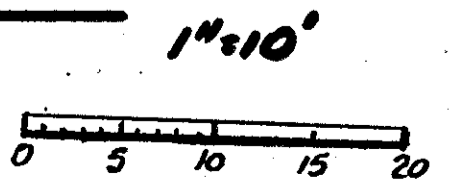
**PARKING:**  
6 SPACES (3 NEW + 3 EXISTING)

**UTILITIES:**  
PUBLIC WATER, SEWER, ELECTRICITY AND GAS

EXIST. GRADES WON'T CHANGE.



**SITE PLAN**



**1925 GAS STATION**

**PETITIONER:**  
STEVEN COLE  
1256 Piney Grove Church Road  
Danbury, NC 27018  
336-871-4800—Cell  
336-593-9739—FAX  
stevencole@hotmail.com

**OWNERS:**  
LEE C. DIETZ and CAROLYN A. DIETZ  
800 Black Dairy Road  
Laurin, NC 27295  
336-731-1159  
lkdietz1@prodigy.net

**CIVIL/STRUCTURAL ENGINEER:**  
**Martin R. Page, P.E.**  
Registered Professional Engineer  
1240 Dodson Ridge Road  
Walnut Cove, NC 27052  
336-591-4816—Office  
336-408-5180—Cell  
336-591-4803—FAX  
martinrpage@hughes.net

RECEIVED  
MAR 0 2009

W-3028 \*Revised\*  
ZONING FILE COM

1925 GAS STATION - SITE PLAN  
 SCALE: AS SHOWN  
 SHEET 1 OF 1  
 DRAWN BY: [Signature]  
 DATE/JOB: [Signature]