



DOCKET #: W2974

PROPOSED ZONING:
HB-L

EXISTING ZONING:
HB-S

PETITIONER:
Brownstone Properties
WS LLC for property
owned by Same

SCALE: 1" represents 300'

STAFF: King

GMA: 3

ACRES: 0.67

**NEAREST
BLDG:** 1' north

MAP(S): 624838

F

May 26, 2008

Brownstone Properties WS, LLC
c/o Andrew Brown
680 Craig Road
St. Louis, MO 63141

RE: ZONING MAP AMENDMENT W-2974

Dear Mr. Brown:

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
Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: March 26, 2008
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 Brownstone Properties WS, LLC

SUMMARY OF INFORMATION:

Zoning map amendment of Brownstone Properties WS, LLC from HB-S (Convenience Store; Food or Drug Store; Motorcycle Dealer; Outdoor Display Retail; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Car Wash; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Services, Business A; Services, Business B; Services, Personal; Furniture or Home Furnishings Store; General Merchandise Store; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office) to HB-L [Convenience Store; Food or Drug Store; Fuel Dealer; Motorcycle Dealer; Outdoor Display, Retail; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Car Wash; Motor Vehicle Rental and Leasing; Motor Vehicle Repair and Maintenance; Non-Store Retailer; Services Business A; Services Business B; Services, Personal; Storage Services Retail; Furniture and Home Furnishing Store; General Merchandise Store; Medical and Surgical Offices; Offices Miscellaneous; Professional Office; Arts and Crafts Studio; Hardware Store; Medical or Dental Laboratory; Testing and Research Laboratory; Warehousing; Veterinary Services; Child Care, Drop In; Government Office; and Broadcast Studio]: property is located on the east side of Peters Creek Parkway, south of Brewer Road (Zoning Docket W-2974).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL.
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED - LIMITED USE

CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Brownstone Properties WS, LLC, Docket W-2974

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 HB-S (Convenience Store; Food or Drug Store; Motorcycle Dealer; Outdoor Display Retail; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Car Wash; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Services, Business A; Services, Business B; Services, Personal; Furniture or Home Furnishings Store; General Merchandise Store; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office) to HB-L [Convenience Store; Food or Drug Store; Fuel Dealer; Motorcycle Dealer; Outdoor Display, Retail; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Car Wash; Motor Vehicle Rental and Leasing; Motor Vehicle Repair and Maintenance; Non-Store Retailer; Services Business A; Services Business B; Services, Personal; Storage Services Retail; Furniture and Home Furnishing Store; General Merchandise Store; Medical and Surgical Offices; Offices Miscellaneous; Professional Office; Arts and Crafts Studio; Hardware Store; Medical or Dental Laboratory; Testing and Research Laboratory; Warehousing; Veterinary Services; Child Care,

Drop In; Government Office; and Broadcast Studio] the zoning classification of the following described property:

Tax Lot 104A, Tax Block 6375

Section 2. This Ordinance is adopted after approval of the Special Use Limited District Permit issued by the City Council the _____ day of _____, 20__ to Brownstone Properties WS, LLC.

Section 3. The City Council hereby directs the issuance of a Special Use Limited District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Brownstone Properties WS, LLC. Said Special Use Limited District Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE LIMITED DISTRICT PERMIT

SPECIAL USE LIMITED 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 Limited District Permit for the zoning petition of Brownstone Properties WS, LLC, (Zoning Docket W-2974). The site shall be developed in accordance with the conditions approved by the Board and the following uses: [Convenience Store; Food or Drug Store; Fuel Dealer; Motorcycle Dealer; Outdoor Display, Retail; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Car Wash; Motor Vehicle Rental and Leasing; Motor Vehicle Repair and Maintenance; Motor Vehicle Body or Paint Shop; Non-Store Retailer; Services Business A; Services Business B; Services, Personal; Storage Services Retail; Furniture and Home Furnishing Store; General Merchandise Store; Medical and Surgical Offices; Offices Miscellaneous; Professional Office; Arts and Crafts Studio; Hardware Store; Medical or Dental Laboratory; Testing and Research Laboratory; Warehousing; Veterinary Services; Child Care, Drop In; Government Office; and Broadcast Studio], 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-L zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall record a cross access easement that describes the current configuration allowing ingress and egress to the adjacent properties to the north and south.

- **OTHER REQUIREMENTS:**
 - a. Signage for the subject property shall be limited to one (1) freestanding monument sign with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.
 - b. The existing building shall be retained.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-2974
Staff	Aaron King
Petitioner(s)	Brownstone Properties WS, LLC
Owner(s)	Same
Subject Property	Tax Lot 104A, Tax Block 6375
Type of Request	Special Use Limited rezoning request
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB-S (Highway Business – Special Use Zoning) to HB-L (Highway Business – Special Use Limited Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • <u>Convenience Store; Food or Drug Store; Fuel Dealer; Motorcycle Dealer; Outdoor Display, Retail; Restaurant With Drive-Through Service; Restaurant Without Drive-Through Service; Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Car Wash; Motor Vehicle Rental and Leasing; Motor Vehicle Repair and Maintenance; Motor Vehicle Body or Paint Shop; Non-Store Retailer; Services Business A; Services Business B; Services, Personal; Storage Services Retail; Furniture and Home Furnishing Store; General Merchandise Store; Medical and Surgical Offices; Offices Miscellaneous; Professional Office; Arts and Crafts Studio; Hardware Store; Medical or Dental laboratory; Testing and research lab; Warehousing; Veterinary services; Child care, drop in; Government Office; and Broadcast Studio</u> <p style="text-align: center;"><u>(Underlined uses are currently approved)</u></p>
Zoning District Purpose Statement	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.
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)?
	Yes, the subject property is currently zoned HB-S and located along a commercial corridor.

GENERAL SITE INFORMATION				
Location	East side of Peters Creek Parkway, south of Brewer Road			
Jurisdiction	City of Winston-Salem			
Ward(s)	South			
Site Acreage	Approximately ± 0.67 acres			
Current Land Use	Multi-tenant commercial building			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	HB-S	Various commercial uses	
	East	HB-S & LI-S	Laundromat and Graybar electric company	
	South	HB-S & LI-S	Graybar electric company	
	West	IP & RM-18	Cemetery and undeveloped land	
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?			
	Yes, the site is currently zoned HB-S and surrounded by commercial and industrial zoning.			
Physical Characteristics	The site is currently developed.			
Proximity to Water and Sewer	The site will be served by public water and public sanitary sewer.			
Stormwater/ Drainage	A stormwater study for this site was required as a part of the original HB-S rezoning.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	The subject property is 0.67 acres in size and includes an 8,838 square foot building and associated parking. This site was a portion of the 5.37 acres that was rezoned to HB-S in 1997. Staff does not anticipate any development issues with this request.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>			
	<ul style="list-style-type: none"> • Condition to retain existing building 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Peters Creek Parkway	Major Thoroughfare	+/- 167 feet	16,000	18,500
Proposed Access Point(s)	Since this is a special use limited request, the exact location of access points is not shown on a site plan. The site is currently developed without direct access to Peters Creek Parkway and would require a new driveway permit from NCDOT if any changes were proposed.			

Planned Road Improvements	The Thoroughfare Plan recognizes Peters Creek Parkway as adequate.					
Trip Generation - Existing/Proposed	Staff does not anticipate an increase in potential trip generation based on this request.					
Sidewalks	Sidewalks currently exist along Peters Creek Parkway.					
Transit	Route 13 runs along Peters Creek Parkway.					
Traffic Impact Study (TIS)	Not required					
Analysis of Site Access and Transportation Information	The subject property is currently developed with a commercial building and associated parking and drive aisles. Staff does not anticipate any negative transportation impacts from the additional uses that are requested. However, staff would recommend a condition that the existing access drive remains in tact since it does accommodate traffic from the north and south of the site.					
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Condition to record a cross access easement 					
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA	GMA 3 (Suburban Neighborhoods)					
Relevant Area Plan(s)	The subject property is not located within the boundaries of an area plan or development guide.					
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 Legacy?					
	Yes					
Analysis of Conformity to Plans and Planning Issues	Staff believes this request is consistent with the surrounding development pattern. Staff does recommend that the existing building remain along with the existing parking layout and access drive. The original rezoning (W-2316) included a condition of approval that limited each business to a maximum of one freestanding sign with a maximum height of five feet. Staff would recommend that this condition be maintained in order for signage to be consistent throughout the overall development.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2316	HB-S to HB-S	Approved 6/7/99	Included subject property	5.37	Approval	Approval
W-2194	RM-18, HB-S to HB-S	Approved 12/15/97	Included subject property	9.69	Approval	Approval

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) Legacy policies:	Yes
	(B) Environmental Ord.	Yes
	(C) Subdivision Regulations	Yes
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Signage condition 	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
The site is already zoned for a wide range of HB uses.		
The site is already developed.		
Staff does not anticipate any negative transportation impacts.		
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.		
<u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u>		
a. Developer shall record a cross access easement that describes the current configuration allowing ingress and egress to the adjacent properties to the north and south.		
<u>OTHER REQUIREMENTS:</u>		
a. Signage for the subject property shall be limited to one (1) freestanding monument sign with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.		
b. The existing building shall be retained.		

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

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

1. After a question by Carol Eickmeyer about the use "Motor Vehicle Body or Paint Shop", the applicant indicated they would be happy to remove that use.

MOTION: Wesley Curtis moved approval of the zoning map amendment with the deletion of the use "Motor Vehicle Body or Paint Shop".

SECOND: Paul Mullican

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning