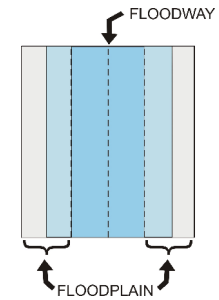


**DOCKET #:** W2992

**PROPOSED ZONING:**  
City MU-S

**EXISTING ZONING:**  
County MU-S

**PETITIONER:**  
City of Winston-Salem  
for property owned by  
Multiple owners



**SCALE:** 1" represents 900'

**STAFF:** King

**GMA:** 3

**ACRES:** 32.28

**NEAREST BLDG:** 35' west

**MAP(S):** 594858

**F**

August 20, 2008

City of Winston-Salem  
c/o Lee Garrity, Manager  
P. O. Box 2511  
Winston-Salem, NC 27102

RE: ZONING MAP AMENDMENT W-2992

Dear Mr. Garrity:

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:** August 20, 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 the City of Winston-Salem

**SUMMARY OF INFORMATION:**

Zoning map amendment of the City of Winston-Salem from County Zoning Jurisdiction to City Zoning Jurisdiction for an MU-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices; Hospital or Health Center; Neighborhood Organization; Police or Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO PHASE] zoned site: property is located on the east and west sides of Brookberry Farm Circle (Zoning Docket W-2992).

**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 the City of Winston-Salem, Docket W-2992

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 County Zoning Jurisdiction MU-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices; Hospital or Health Center; Neighborhood Organization; Police or

Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO PHASE] to City Zoning Jurisdiction MU-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government Offices; Hospital or Health Center; Neighborhood Organization; Police or Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO PHASE] the zoning classification of the following described property:

BEGINNING at an iron in the northwest corner of Meadowlark Subdivision as shown in Plat Book 41, Page 68, and Plat Book 42, Page 97, Forsyth County Registry, said iron also being located North 84° 41' 56" west 322.41 feet from North Carolina Grid Coordinates N: 860112.51 and E: 1595617.44; running thence from said point and place of BEGINNING, the following courses and distances: South 02° 17' 54" west 326.05 feet to an iron; thence south 02° 32' 05" west 1014.60 feet to an iron; said iron being located along the existing City Limit line (annexed effective 9-30-06); thence along the existing City Limit line north 87° 13' 59" west 775.39 feet to

a point; thence along the existing City Limit line south 06° 50' 49" east 137.77 feet to a point; thence along the existing City Limit line south 00° 28' 13" east 570.10 feet to an iron; thence north 87° 12' 52" west 269.77 feet to an iron; thence north 03° 38' 28" west 200.30 feet to an iron; thence north 31° 26' 23" east 430.77 feet to an iron; thence north 03° 15' 47" west 521.91 feet to an iron; thence north 37° 05' 42" west 521.25 feet to an iron; thence north 45° 17' 26" east 859.39 feet to an iron; thence south 79° 21' 33" east 612.68 feet to the point and place of BEGINNING, containing 32.28 acres, more or less, as shown on a survey by Land Design Surveying dated February 8, 2008, designated as Project No. 4103091. Said property also being Tax Block 6576; Tax Lots 115-132, part of Tax Lots 133-136 and Tax Lots 137-161; and Tax Block 4620; part of Tax Lot 204G. Having an area of 32.28 acres.

Section 2. This Ordinance is adopted after approval of the site plan entitled Brookberry Farm and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to the City of Winston-Salem.

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 Brookberry Farm. 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 the City of Winston-Salem, (Zoning Docket W-2992). 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 MU-S [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Planned Residential Development; Convenience Store; General Merchandise Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); ABC Store (liquor); Arts and Crafts Studio; Food or Drug Store; General Merchandise Store; Retail Store, Specialty or Miscellaneous; Building Materials Supply; Fuel Dealer; Furniture and Home Furnishings Store; Hardware Store; Outdoor Display Retail; Restaurant (with drive-through service); Shopping Center; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Offices, Miscellaneous; Services, Business A; Services, Business B; Services, Personal; Bed and Breakfast; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Professional Office; Testing and Research Lab; Veterinary Services; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Golf Course; Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Swimming Pool, Private; Theater, Indoor; Recreation Facility, Public; Child Day Care Center; Library, Public; Museum or Art Gallery; Adult Day Care Home; Child Day Care, Large Home; Child Day Care, Small Home; Church or Religious Institution, Neighborhood; Church or Religious Institution, Community; Club or Lodge; Government

Offices; Hospital or Health Center; Neighborhood Organization; Police or Fire Station; Post Office; School, Private; School, Public; Stadium, Coliseum or Exhibition Building - TWO

PHASE], approved by the Winston-Salem City Council the \_\_\_\_\_ day of

\_\_\_\_\_, 20\_\_\_\_ " and signed, provided the property is developed in

accordance with requirements of the MU-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:

Existing conditions will apply.



**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-2992
<b>Staff</b>	<a href="#">Aaron King</a>
<b>Petitioner(s)</b>	City of Winston-Salem
<b>Owner(s)</b>	Multiple property owners
<b>Subject Property</b>	Tax Block 6576, Tax Lots 115-132, part of Tax Lots 133-136, and Tax Lots 137-161; and Tax Block 4620, part of Tax Lot 204G
<b>Type of Request</b>	Zoning Jurisdiction Conversion
<b>Proposal</b>	The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> County MU-S (Mixed Use District) <b>to</b> City MU-S (Mixed Use District).
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	East and west sides of Brookberry Farm Circle
<b>Jurisdiction</b>	City of Winston-Salem (closest to West ward)
<b>Analysis</b>	<p>The review for this case focuses on the zoning conversion from County zoning jurisdiction to Winston-Salem zoning jurisdiction triggered by the recent annexation of the subject property. The Planning Board's role in reviewing this petition pertains only to the zoning jurisdiction. The decision to annex the property was made by the Winston-Salem City Council with agreement by the property owners.</p> <p>This proposal will not change the permitted uses of the subject property, but will reclassify the newly incorporated property from its Forsyth County zoning classification to the equivalent City of Winston-Salem zoning classification. The two zoning classifications are equivalent and there are no changes in development rights or constraints.</p>

**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: Jerry Clark moved approval of the zoning map amendment.

SECOND: Paul Mullican

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning