



DOCKET #: W2938

PROPOSED ZONING:
HB-S

EXISTING ZONING:
RS7 and PB-S

PETITIONER:
Kelly Austin Properties
LLC, et al, for property
owned by others

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRES: 1.37

**NEAREST
BLDG:** 20' west

MAP(S): 636854

F

July 25, 2007

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

RE: ZONING MAP AMENDMENT W-2938

Dear Mr. Stimmel:

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: July 25, 2007
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 Kelly Austin Properties for property owned by others

SUMMARY OF INFORMATION:

Zoning Map Amendment of Kelly Austin Properties for property owned by others from PB-S and RS-7 to HB-S [Food or Drug Store; Professional Office; Offices, Miscellaneous; Restaurant (without drive-through service); and General Merchandise Store]: property is located on the west side of Martin Luther King, Jr. Drive, between East 3rd St. and East 4th Street (Zoning Docket W-2938).

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 Kelly Austin Properties
for property owned by others, Docket W-2938

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 (Residential Building, Urban; Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; Medical or Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Club or Lodge; and Neighborhood Organization) and RS-7 to HB-S [Food or Drug Store; Professional Office; Offices, Miscellaneous; Restaurant (without drive-through service); and General Merchandise Store] the zoning classification of the following described property:

Tax Lots 104, 105, 106, 108, 109A, 109B, 112A, 112B, 113 - 116, Tax Block 398

Section 2. This Ordinance is adopted after approval of the site plan entitled Walgreens Martin Luther King and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Kelly Austin Properties for property owned by others.

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 Walgreens Martin Luther King. 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 Kelly Austin Properties for property owned by others, (Zoning Docket W-2938). 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 [Food or Drug Store; Professional Office; Offices, Miscellaneous; Restaurant (without drive-through service); and General Merchandise Store], 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 a driveway permit from the City of Winston-Salem Public Works Department.
- b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- a. All site lighting shall have a maximum height of 20 feet. The developer shall submit a photometric plan prepared by a qualified lighting professional showing that the proposed lights shall not produce more than 0.5 candle of light at the property line.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. Developer shall install all required storm water management devices.
- b. Developer shall install all improvements as per driveway permit.
- c. Certification from a qualified lighting professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-2938
Staff	Gary Roberts, AICP
Petitioner(s)	Kelly Austin Properties
Owner(s)	Billy Simmons, Velma Simmons, Antonio Younger, Ivan Robinson, Michael Suggs, Daniel L. Edwards, Lena M Edwards, Thomas Cornell, Gloria Cornell, and Kelly Austin Properties
Subject Property	Tax Lots 104, 105, 106, 108, 109A, 109B, 112A, 112B, 113 – 116 / Tax Block 398
Type of Request	Special use rezoning to HB-S
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-7 Residential, Single Family District; 7,000 sf minimum lot size and PB-S Pedestrian Business District (Residential Building, Urban; Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; Medical or Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Club or Lodge; and Neighborhood Organization) to HB-S Highway Business District.</p> <p>The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • [Food or Drug Store; Professional Office; Offices, Miscellaneous; Restaurant (without drive-through services); and General Merchandise Store]
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)	<p>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes</p>
GENERAL SITE INFORMATION	
Location	West side of Martin Luther King Jr. Drive, between East 3 rd Street and East 4 th Street
Jurisdiction	City of Winston-Salem
Ward(s)	East
Site Acreage	Approximately ± 1.37 acres
Current Land Use	Five single family homes are currently located on the subject property.

Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RS-7	Single family homes and a neighborhood scale church	
	East	RS-7	Single family homes	
	South	RS-7	Single family homes	
	West	LO, RS-7 & RM-5	Low density residential and a small office	
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?			
	The site fronts along a major thoroughfare and is compatible with the adjacent church and small office uses and is less compatible with the adjacent single family residential uses.			
Physical Characteristics	The site has a gentle slope downward to the south central portion of the site.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
Stormwater/ Drainage	A stormwater study is recommended.			
Analysis of General Site Information	The site is adequate for the proposed improvements and appears to possess no development constraints. The site will extend HB-S zoning and the site access points relatively deep into the residential area; however, there is a mixture of uses and zoning in the general area.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>			
	<ul style="list-style-type: none"> Stormwater condition 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Martin Luther King Jr. Drive	Major Thoroughfare	180'	21,000	26,900
3 rd Street	Minor Thoroughfare	290'	NA	26,900
4 th Street	Major Thoroughfare	303'	3,100	12,700
Proposed Access Point(s)	The site will be accessed by 4 th Street and 3 rd Street.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS-7 & PB-S</u> .81 acre of RS-7 x 43,560 / 7,000 = 5 units x 9.57 (SFR Trip Rate) 48 Trips + 2,667 / 1,000 x 36.13 (Medical/Dental Trip Rate) = 96 Trips = 13,406 / 1,000 x 11.01 (General Office Trip Rate) = 147 Trips = 291 Total Trips per Day			
	<u>Proposed Zoning: HB-S</u> 14,550 sf / 1,000 x 88.16 (Pharmacy/Drug Store w/ Drive Through Window Trip Rate) = 1,283 Trips per Day			
Sidewalks	Sidewalks are located along both sides of all the surrounding streets.			

Transit	Route 3 along Martin Luther King Jr. Drive and Route 28 along East 3 rd Street
Traffic Impact Study (TIS)	A TIS was not required.
Analysis of Site Access and Transportation Information	WSDOT staff has recommended that the driveway on East 4 th Street be moved to facilitate better circulation.
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Obtain driveway permit
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Plan Area 2 (Urban Neighborhoods)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> <i>Legacy</i> recommends locating buildings close to the street, lining the street with trees, buffering the street with parked cars, ensuring buildings have display windows at the sidewalk edge to provide an interesting walking environment where pedestrians feel a sense of activity, enclosure and safety. Parking should be located to the rear and sides or under retail and office buildings. The subject property is located along an Urban Boulevard, as prescribed by <i>Legacy</i>. The purpose of urban boulevards is to “create attractive urban gateways leading into downtown Winston-Salem...and...incorporate design features that support pedestrian activity and give the corridors an urban look and feel.”
Relevant Area Plan(s)	<i>Northeast Winston-Salem Area Plan</i> in progress.
Area Plan Recommendations	<ul style="list-style-type: none"> The <i>Northeast Winston-Salem Area Plan</i> draft land use recommendations call for the western side of Martin Luther King Jr. Drive to be developed with office/low intensity commercial in a pedestrian friendly manner.
Thoroughfare Plan Information	The US 52 Corridor Interim Improvements recommends making intersection improvements to Martin Luther King Jr. Drive and adding a median from East 1 st Street to East 5 th Street with new turn lanes. There is a proposed median break at East 3 rd Street but not for East 4 th Street.
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?
	A portion of the site was rezoned in 2003 and featured a multistory building which fronted on the existing sidewalk of Martin Luther King Jr. Drive.
	(S)(4) - Is the requested action in conformance with <i>Legacy</i>?
	See comments below

Analysis of Conformity to Plans and Planning Issues	<p>The subject property is located along an Urban Boulevard, as prescribed by <i>Legacy</i>. The purpose of urban boulevards is to “create attractive urban gateways leading into downtown Winston-Salem...and...incorporate design features that support pedestrian activity and give the corridors an urban look and feel.”</p> <p>The draft <i>Northeast Winston-Salem Area Plan</i> recommendations call for the site to be developed with office/low intensity commercial in a pedestrian friendly manner.</p> <p>Because the site is along an Urban Boulevard, for which a pedestrian orientation is desired, staff recommends a six foot high monument sign.</p> <p>Staff is encouraged about the opportunity for redevelopment in this area of the City.</p>					
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Lighting condition • Signage condition 					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2706	RS-7 to PB-S	Approved 10-4-04	500’ south	0.11	Approval	Approval
W-2652	RS-7 to PB-S	Approved 11-3-03	Portion of current site	0.56	Approval	Approval
W-2544	RS-7 to GB	Denied 8-89-02	250’ north	0.25	Denial	Denial
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage		Square Footage		Placement on Site		
		14,550 sf		North central portion of the site		
Parking		Required	Proposed	Layout		
		69 spaces	72 spaces	On all sides of building		
Building Height		Maximum		Proposed		
		60’		One Story		
Impervious Coverage		Maximum		Proposed		
		85%		81.8%		
UDO Sections Relevant to Subject Request		<ul style="list-style-type: none"> • Chapter B, Article II, Section 2-1.3 (I) Highway Business District 				
Complies with Chapter B, Article VII, Section 7-5.3		(A) Legacy policies:		See comments above		
		(B) Environmental Ord.		NA		
		(C) Subdivision Regulations		NA		

Analysis of Site Plan Compliance with UDO Requirements	The revised site plan complies with the requirements of the UDO.
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
Request represents a significant commercial investment which would benefit the surrounding neighborhood.	The proposed design does not contribute to the pedestrian character along Martin Luther King Jr. Drive which is designated as an Urban Boulevard.
If designed properly the project could set the example for future redevelopment along this section of Martin Luther King Jr. Drive.	The proposed auto oriented design would not establish a good precedent for other redevelopment activities in the general 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.	
<u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u>	
<ul style="list-style-type: none"> a. Developer shall obtain a driveway permit from the City of Winston-Salem Public Works Department. b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem. 	
<u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u>	
<ul style="list-style-type: none"> a. All site lighting shall have a maximum height of 20 feet. The developer shall submit a photometric plan prepared by a qualified lighting professional showing that the proposed lights shall not produce more than 0.5 candle of light at the property line. 	
<u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u>	
<ul style="list-style-type: none"> a. Developer shall install all required storm water management devices. b. Developer shall install all improvements as per driveway permit. c. Certification from a qualified lighting professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition. 	
<u>OTHER REQUIREMENTS:</u>	
<ul style="list-style-type: none"> a. Signage shall be limited to one (1) monument sign with a maximum height of six (6) feet, and maximum copy area of 36 sq. ft. 	

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.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

Although the public hearing on this request has been held and closed, the Planning Board asked the petitioner's representative, Doug Stimmel, to explain why the petitioner was unwilling to pull the building up to the corner as they have done on other sites.

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

- I'm glad to give you as much or as little information as you like.
- Basically, we had a neighborhood meeting. The church across the street was interested in this site plan and liked the layout.
- Council Member Johnson and members of her church in this area wanted the entrance to face the direction we've shown. They were concerned about parking so we designed the parking to accommodate their concerns.
- We doubled the streetscape and enhanced the buffer on a very tight site to meet their concerns.
- Walgreens told us they would not come to this site if they have to move parking away from the front.
- We have roughly 64 places on the front and side of the door. This site will be driven to more than a lot of facilities. Staff recommends 34 spaces which is totally unacceptable to us.
- There is also a grade change of 13 feet. People just won't walk up the grade to get to the front door.

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

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

