



**DOCKET #:** W2957

**PROPOSED ZONING:**  
GB-L

**EXISTING ZONING:**  
RS-9

**PETITIONER:**  
Elizabeth Bunce for property  
owned by Buel B. Barker  
Jr. and Vickie B. Barker

**SCALE:** 1" represents 200'

**STAFF:** King

**GMA:** 3

**ACRES:** 1.5

**NEAREST  
BLDG:** 20' northeast

**MAP(S):** 624818

**F**

September 19, 2007

Elizabeth F. Bunce  
2100 S. Main Street  
Lexington, NC 27292

RE: ZONING MAP AMENDMENT W-2957

Dear Ms. Bunce:

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  
Buel S. Barker, Jr. & Vickie B. Barker, 3632 Friedberg Church Road, Winston-Salem,  
NC 27127-8730

**ACTION REQUEST FORM**

**DATE:** September 19, 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 Elizabeth Bunce for property owned by Buel B. Barker, Jr. and Vickie B. Barker

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Elizabeth Bunce for property owned by Buel B. Barker, Jr. and Vickie B. Barker from RS-9 to GB-L [Outdoor Display Retail (excluding used car sales); Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical or Dental Laboratory; Health Services, Miscellaneous; Banking and Financial Services; Offices Miscellaneous; Professional Office; Services, Business A; Services, Business B, Services, Personal; Storage Services, Retail; Furniture and Home Furnishings Store; General Merchandise Store; and Restaurant (without drive through service)]; property is located on the southeast corner of Friedberg Church Road and old Salisbury Road (Zoning Docket W-2957).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL.  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Elizabeth Bunce for property owned by Buel B. Barker, Jr. and Vickie B. Barker, Docket W-2957

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 RS-9 to GB-L [Outdoor Display Retail (excluding used car sales); Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical or Dental Laboratory; Health Services, Miscellaneous; Banking and Financial Services; Offices Miscellaneous; Professional Office; Services, Business A; Services, Business B, Services, Personal; Storage Services, Retail; Furniture and Home Furnishings Store; General Merchandise Store; and Restaurant (without drive through service)] the zoning classification of the following described property:

Tax Lots 16R, 17R and 60, Tax Block 3874

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 Elizabeth Bunce for property owned by Buel B. Barker, Jr. and Vickie B. Barker.

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 Elizabeth Bunce for property owned by Buel B. Barker, Jr. and Vickie B. Barker. 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 Elizabeth Bunce for property owned by Buel B. Barker, Jr. and Vickie B. Barker, (Zoning Docket W-2957). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Outdoor Display Retail (excluding used car sales); Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical or Dental Laboratory; Health Services, Miscellaneous; Banking and Financial Services; Offices Miscellaneous; Professional Office; Services, Business A; Services, Business B, Services, Personal; Storage Services, Retail; Furniture and Home Furnishings Store; General Merchandise Store; and Restaurant (without drive through service), approved by the Winston-Salem City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ " and signed, provided the property is developed in accordance with requirements of the GB-L 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 OCCUPANCY PERMITS:**
  - a. Developer shall record a negative access easement by deed for the site's frontage along Old Salisbury Road.
  
- **OTHER REQUIREMENTS:**
  - a. As volunteered by the petitioner, the use Outdoor Display, Retail shall be further restricted to not allow automobile sales.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-2957
<b>Staff</b>	Aaron King
<b>Petitioner(s)</b>	Elizabeth Bunce
<b>Owner(s)</b>	Buel B. Barker, Jr. and Vickie B. Barker
<b>Subject Property</b>	Tax Lots 16R, 17R and 60, Tax Block 3874
<b>Type of Request</b>	Special use limited rezoning request from RS-9 to GB-L
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS-9 (Residential Single Family; 9,000 sf lot size) <b>to</b> GB-L (General Business – Special Use Limited Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Outdoor Display Retail (excluding used car sales); Arts and Crafts Studio; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Medical or Dental Laboratory; Health Services, Miscellaneous; Offices Miscellaneous; Professional Office; Services, Business A; Services, Business B, Services, Personal; Storage Services, Retail; Furniture and Home Furnishings Store; General Merchandise Store</li> </ul>
<b>Zoning District Purpose Statement</b>	<p>The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in Growth Management Areas 1, 2, 3, and activity centers.</p>
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</b>	<p><b>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes, the site is located in GMA 3 and in close proximity to a major thoroughfare.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	Southeast corner of Friedberg Church Road and Old Salisbury Road
<b>Jurisdiction</b>	City of Winston-Salem
<b>Ward(s)</b>	South
<b>Site Acreage</b>	Approximately ± 1.50 acres
<b>Current Land Use</b>	Existing single family home and manufactured home

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	RS-9	Single family homes	
	East	RS-9	Single family homes, manufactured homes	
	South	HC (Highway Commercial – Davidson County)	Walgreen's; single family home	
	West	GB	Undeveloped land	
<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>			
	Yes, the site is surrounded on two sides by commercial zoning.			
<b>Physical Characteristics</b>	The site is relatively flat and contains no streams or wetlands.			
<b>Proximity to Water and Sewer</b>	The site has access to public water but does not have access to public sanitary sewer.			
<b>Stormwater/ Drainage</b>	No know issues			
<b>Watershed and Overlay Districts</b>	The subject property is not located within a water supply watershed.			
<b>Historic, Natural Heritage and/or Farmland Inventories</b>	This site is located within the boundaries of the Friedberg Moravian Country Congregation; however, there are no identified historic resources on this particular site. In general, the Friedberg tract has been highly compromised over the years due to development.			
<b>Analysis of General Site Information</b>	The subject property is 1.5 acres in size and contains a topography that is relatively flat. The site appears to be suitable for commercial use.			
<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>
Friedberg Church Road	Minor Thoroughfare	+/- 331 feet	NA	11,100
Old Salisbury Road	Minor Thoroughfare	+/- 100 feet	NA	11,100
<b>Proposed Access Point(s)</b>	The location of access points has not been specified.			
<b>Planned Road Improvements</b>	The Thoroughfare Plan recommends that Friedberg Church Road be constructed as a two lane cross section with wide shoulders. It also recommends that Old Salisbury Road be constructed as a three lane cross section with curb and gutter and sidewalks.			

<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RS-9</u>  <math>1.5 \times 43,560 / 9,000 = 7 \times 9.57</math> (SFR Trip Rate) = 67 Trips per Day</p> <p><u>Proposed Zoning: GB-L</u>  No trip generation numbers available for GB-L zoning.</p>					
<b>Sidewalks</b>	None existing					
<b>Traffic Impact Study (TIS)</b>	Not required					
<b>Analysis of Site Access and Transportation Information</b>	Since the specific use of the property is unknown, it is difficult to estimate the impacts to the transportation network. The site is located at the intersection of two minor thoroughfares which will provide good access to the site.					
<b>Generalized Recommended Conditions</b>	<p><b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b></p> <ul style="list-style-type: none"> <li>Condition for negative access easement</li> </ul>					
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>						
<b>Legacy GMA</b>	GMA 3 (Suburban Neighborhoods)					
<b>Relevant Legacy Recommendations</b>	Encourage redevelopment and reuse of existing sites and buildings which are visually compatible with the surrounding area.					
<b>Relevant Area Plan(s)</b>	The subject property is not located within the boundaries of an area plan or development guide.					
<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 Legacy?</b>					
Yes						
<b>Analysis of Conformity to Plans and Planning Issues</b>	The subject property is located outside the commercial corridor of Peters Creek Parkway. However, the site is impacted by the surrounding commercial zoning to the west and south. Given the existing zoning, staff feels that commercial zoning at this location is appropriate. Staff does not support extending commercial zoning further north along Old Salisbury Road or along the north side of Friedberg Church Road.					
<b>RELEVANT ZONING HISTORIES</b>						
<b>Case</b>	<b>Request</b>	<b>Decision &amp; Date</b>	<b>Direction from Site</b>	<b>Acreage</b>	<b>Recommendation</b>	
					<b>Staff</b>	<b>CCPB</b>
F-1160	RS-9 to GB	Approved 7/8/96	West	0.89	Approval	Approval
F-1149	RS-9 to LB	Approved 5/13/96	West	1.46	Denial	Approval
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 2-1.3(J) GB 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>Generalized Recommended Conditions</b>	<b><u>BRIEF DESCRIPTION OF CONDITION(S):</u></b>	
	<ul style="list-style-type: none"> <li>Outdoor Display, Retail use condition</li> </ul>	
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>		
<b>Positive Aspects of Proposal</b>		<b>Negative Aspects of Proposal</b>
This request would be compatible with existing commercial zoning.		Approval of this request may place more development pressure on the properties on the north side of Friedberg Church Road.
The requested list of uses is fairly small and does not include some of the more intense uses allowed in the GB district.		
<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>		
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.		
<b><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></b>		
<ul style="list-style-type: none"> <li>b. Developer shall record a negative access easement by deed for the site's frontage along Old Salisbury Road.</li> </ul>		
<b><u>OTHER REQUIREMENTS:</u></b>		
<ul style="list-style-type: none"> <li>a. As volunteered by the petitioner, the use Outdoor Display, Retail shall be further restricted to not allow automobile sales.</li> </ul>		

**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: Clarence Lambe moved approval of the zoning map amendment with the removal of the condition related to lighting, as requested by staff.

SECOND: Lynne Mitchell

VOTE:

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

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning