



DOCKET #: W2959
(continued from 10/11/2007)

PROPOSED ZONING:
NB-L

EXISTING ZONING:
RS7

PETITIONER:
Lee C. Dietz and Carolyn
A. Dietz for property
owned by Same

SCALE: 1" represents 200'

STAFF: King

GMA: 2

ACRES: 0.23

**NEAREST
BLDG:** 10' east

MAP(S): 630846

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**CITY-COUNTY PLANNING BOARD DRAFT
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-2959		
Staff	Aaron King		
Petitioner(s)	Lee C. Dietz and Carolyn A. Dietz		
Owner(s)	Same		
Subject Property	Tax Lots 31-33, Tax Block 717		
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 RS-7 (Residential Single Family; 7,000 sf. lot size) to NB-L (Neighborhood Business – Special Use Limited Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Services, Personal; and Retail Store, Specialty or Miscellaneous 		
Zoning District Purpose Statement	<p>The NB District is primarily intended to accommodate very low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists. This district is intended for application in Growth Management Areas 2, 3, 4, and 5.</p>		
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 request includes only three proposed uses, all of which are neighborhood serving. The site's location is also consistent with the NB purpose statement because it would likely only serve residents of the surrounding neighborhood.		
GENERAL SITE INFORMATION			
Location	Southeast corner of Sunnyside Avenue and Monmouth Street		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southeast		
Site Acreage	Approximately ± 0.23 acres		
Current Land Use	Existing commercial building that is currently vacant		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-7	Single family homes
	East	RS-7	
	South	RS-7	
	West	RS-7	

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?
Physical Characteristics	Yes, the petitioner has proposed only three low intensity uses for this request.
Proximity to Water and Sewer	The site contains a relatively flat topography.
Stormwater/ Drainage	The site has access to public water and sewer.
Watershed and Overlay Districts	No known issues.
Historic, Natural Heritage and/or Farmland Inventories	<p>The site is not located within a water supply watershed.</p> <p>This property is located within the boundaries of the Sunnyside/Central Terrace Historic District. Currently on the State's National Register Study List, the district is in the process of being nominated to the National Register of Historic Places; final listing is anticipated for mid-2008. The proposed site of this rezoning petition is a contributing resource to the District. Listed as Crotts 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 NB-L 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>. (See the following.)</p> <p style="text-align: center;"><u><i>Secretary of the Interior's Standards for Rehabilitation</i></u></p> <ol style="list-style-type: none"> 1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. 2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. 3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be

	<p>undertaken.</p> <ol style="list-style-type: none"> 4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved. 5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved. 6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence. 7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. 8. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken. 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. 10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.
<p>Analysis of General Site Information</p>	<p>The subject request is to rezone 0.23 acres of land from RS-9 to NB-L. 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, but currently has no legal nonconforming status. The structure is historically significant (see Historic info above) and staff recommends that 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</p>

	structure were not retained, staff would not support this rezoning request. Since this is a special use limited rezoning request, there is no site plan to demonstrate how the site will be developed. However, given the small size of the lot and the recommended retention of the structure, it can be anticipated that the site will retain much of it's original character.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Sunnyside Avenue	Local Road	+/- 141 feet	NA	NA
Monmouth Street	Local Road	+/- 149 feet	NA	NA
Proposed Access Point(s)	Since this is a special use limited request, the exact location of access points is unknown.			
Planned Road Improvements	No planned road improvements			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS-7</u> $0.23 \times 43,560 / 7,000 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 10 \text{ Trips per Day}$ <u>Proposed Zoning: NB-L</u> No trip generation numbers available for special use limited zoning.			
Sidewalks	Sidewalks exist along both road frontages.			
Transit	No			
Traffic Impact Study (TIS)	Not required			
Analysis of Site Access and Transportation Information	The subject request does not appear to present any negative transportation impacts. Sidewalks exist throughout the general area.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	GMA 2 (Urban Neighborhoods)			
Relevant Legacy Recommendations	<i>Legacy</i> supports neighborhood serving commercial in close proximity to residential areas. <i>Legacy</i> also calls for daily shopping needs to be integrated into neighborhoods.			
Relevant Area Plan(s)	<i>South Central Winston-Salem Area Plan</i>			
Area Plan Recommendations	There is no recommended change in land use for this site.			
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 <i>Legacy</i>?			
	Yes			

Analysis of Conformity to Plans and Planning Issues		Staff believes that the request is consistent with the recommendations of <i>Legacy</i> , by providing neighborhood serving commercial in close proximity to the existing neighborhood. The petitioner has proposed a zoning district with a limited number of low intensity uses that should be suitable for this location.				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2583	RS-7 to C	Approved 11/4/02	North	0.44	Approval	Approval
W-2506	Li & GI to RM-18	Approved 10/1/01	North	4.35	Approval	Approval
W-2438	RS-7 to NO-S	Approved 2/5/01	East	0.23	Approval	Approval
W-2417	LI & RS-7 to LO-S	Approved 10/2/00	North	0.52	Approval	Approval
UDO Sections Relevant to Subject Request		<ul style="list-style-type: none"> Section 2-1.3(E) NB District 				
Complies with Chapter B, Article VII, Section 7-5.3		(A) Legacy policies:		Yes		
		(B) Environmental Ord.		NA		
		(C) Subdivision Regulations		NA		
Generalized Recommended Conditions		<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Condition to retain the existing structure Prohibit alcohol sales 				
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal				Negative Aspects of Proposal		
A commercial structure has been present on this site since 1925.				The establishment of business zoning may have a negative impact on the surrounding neighborhood.		
The petitioner has only included two neighborhood serving uses with this request.						
The request does not pose any negative transportation impacts.						
The request would place a small, neighborhood serving business within walking distance of the surrounding neighborhood.						
The request is consistent with the recommendations of <i>Legacy</i> .						
The structure is a historically significant structure.						

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.

OTHER REQUIREMENTS:

- a. Developer shall retain the existing structure and if any exterior alterations are required, the Secretary of the Interiors' Standards for Rehabilitation are to be applied. Contact Historic Resource staff for additional information on these Standards.
- b. As volunteered by the petitioner, alcohol sales shall be prohibited.

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.**