

DOCKET #: W2966

PROPOSED ZONING:

Special Use Permit for
Kennel, Indoor

EXISTING ZONING:

HB

PETITIONER:

Ruff Housing LLC for
property owned by Taylor
Family Properties LLC
for property owned by
Taylor Family Properties
LLC

SCALE: 1" represents 300'

STAFF: King

GMA: 2

ACRES: 0.67

NEAREST

BLDG: adjacent to the west

MAP(S): 618850

F

December 20, 2007

Ruff Housing, LLC
c/o Kiera Tracy
336 Witt Street
Winston-Salem, NC 27103

RE: Special Use Permit W-2966

Dear Ms. Tracy:

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
Derek J. Allen, P. O. Box 26000, Greensboro, NC 27420

ACTION REQUEST FORM

DATE: December 20, 2007
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Special Use Permit of Special Use Permit request of Ruff Housing, LLC for property owned by Taylor Family Properties, LLC

SUMMARY OF INFORMATION:

Special Use Permit by Ruff Housing, LLC for property owned by Taylor Family Properties, LLC for an outdoor enclosure for a Kennel, Indoor use: property is located on the south side of Witt Street, east of Knollwood Street (Zoning Docket W-2966).

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 PERMIT

Special Use Permit of Ruff Housing, LLC for property owned by Taylor Family Properties, LLC,
Docket W-2966

AN ORDINANCE ISSUING A SPECIAL USE PERMIT FOR AN OUTDOOR ENCLOSURE FOR A KENNEL, INDOOR USE

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The City Council hereby makes an affirmative finding as follows, based upon the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

Section 2. The Winston-Salem City Council hereby issues a special use permit for an outdoor enclosure for a Kennel, Indoor use in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to Ruff Housing, LLC for property owned by Taylor Family Properties, LLC to be established on the following described property:

Tax Block 2403, Tax Lot 3D

Section 3. This Ordinance is adopted after approval of the site plan entitled Ruff Housing Doggie Day Care and identified as Attachment "A" of the Special Use Permit issued by the City Council the _____ day of _____, 20___ to Ruff Housing, LLC for property owned by Taylor Family Properties, LLC.

Section 4. The City Council hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Ruff Housing Doggie Day Care. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE PERMIT

SPECIAL USE 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 Permit for the site shown on the site plan map included in this zoning petition of Ruff Housing, LLC for property owned by Taylor Family Properties, LLC, (Zoning Docket W-2966). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit for an outdoor enclosure for a Kennel, Indoor use, approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Improvements shall include striping to define drive aisles.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-2966		
Staff	Aaron King		
Petitioner(s)	Ruff Housing, LLC		
Owner(s)	Taylor Family Properties, LLC		
Subject Property	Tax Lot 3D, Tax Block 2403		
Type of Request	Special Use Permit		
Proposal	The petitioner is requesting a Special Use Permit for an outdoor enclosure for a Kennel, Indoor use.		
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.		
GENERAL SITE INFORMATION			
Location	South side of Witt Street, east of Knollwood Street		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southwest		
Site Acreage	Approximately ± 0.67 acres		
Current Land Use	Existing indoor kennel		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	HB	Habitat Re-Store
	East	GB-S & LB	Office/commercial uses
	South	RM-18	Apartments
	West	HB	Commercial building/warehouse
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 located on a street that is zoned HB, which allows a wide range of commercial uses.		
Physical Characteristics	The site contains a flat topography and poses no development issues.		
Proximity to Water and Sewer	The site will be served by public water and public sanitary sewer.		
Stormwater/	No known issues		

Drainage				
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 is located on the south side of Witt Street east of Knollwood Street. The site contains an existing one-story brick commercial building that currently contains the indoor kennel operation. The topography of the site is flat and poses no development issues.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Witt Street	Local Road	+/- 166 feet	NA	NA
Proposed Access Point(s)	The site would have access via Witt Street.			
Planned Road Improvements	None noted			
Trip Generation - Existing/Proposed	<u>Estimated Trip Generation</u> No trip generation numbers available for this land use.			
Sidewalks	None existing, none proposed			
Transit	None			
Traffic Impact Study (TIS)	Not required			
Analysis of Site Access and Transportation Information	The site has access onto Witt Street and should not generate any negative transportation impacts.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Condition for City of Winston-Salem driveway permit • Condition to repair any damage to City streets 			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	GMA 2 (Urban Neighborhoods)			
Relevant Legacy Recommendations	Revitalize and concentrate development in existing commercial centers, maximizing the density in these areas rather than promoting growth at the suburban fringe.			
Relevant Area Plan(s)	<i>Ardmore Area Plan</i> (1985)			
Area Plan Recommendations	The <i>Ardmore Area Plan</i> recommends consolidating commercial uses at existing locations and improving the visual environment of commercial areas.			
	<u>Planning Board Findings</u> Findings of the Planning Board accompanying a favorable recommendation shall include:			
	1. The development is in conformity with <i>Legacy</i> ; <i>Yes</i>			

2. Water and sewer service are available in adequate capacity;
Yes
3. Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment;
NA
4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard;
Yes
5. General layout and design of the development meet all requirements of this Ordinance;
Yes
6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.);
Yes
7. The Planning Board may recommend to the Elected Body conditions as identified in Section B.6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project.
See recommended conditions of approval below

Elected Body Findings

The Elected Body shall issue a special use permit only when the Elected Body makes an affirmative finding as follows:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
Yes
2. That the use meets all required conditions and specifications;
Yes
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity;
Yes

	4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with <i>Legacy</i> . <i>Yes</i>					
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 the subject request is consistent with the recommendations of <i>Legacy</i> and the <i>Ardmore Area Plan</i> . This request would allow an outdoor enclosure for an indoor kennel located on HB zoned property within GMA 2, which is consistent with <i>Legacy's</i> recommendations. The <i>Ardmore Area Plan</i> contains language that also mentions consolidating commercial uses at existing locations.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2333	HB & LB to GB-S	Approved 10/4/99	East	2.68	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage			Placement on Site		
	4,250 sf			Approximate middle		
Parking	Required		Proposed		Layout	
	14 spaces		14 spaces		90° head-in	
Building Height	Maximum			Proposed		
	60 feet			1-story		
Impervious Coverage	Maximum			Proposed		
	85%			66.48%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.3(I) HB District Section 2-5.39 Use Conditions – Kennel, Indoor Section 6-1.5 Special Use Permits 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy</i> policies:			Yes		
	(B) <i>Environmental Ord.</i>			Yes		
	(C) <i>Subdivision Regulations</i>			NA		
Analysis of Site Plan Compliance with UDO Requirements	The proposed site plan proposes a 4,250 square foot indoor kennel with +/- 3,000 square foot outdoor enclosure that will be located on the east side of the building. The indoor kennel and outdoor enclosure currently exist, however, since they were not properly permitted by the Inspections Division, approval of this SUP request is required in order to come into					

compliance with the UDO requirements. Staff believes the subject request does meet the required findings of fact as specified in the UDO. Recently the City Council approved UDO 179, which provides an option for indoor kennels to have an outdoor enclosure. In order to have an outdoor enclosure, a Special Use Permit (SUP) must be granted by the elected body. UDO 179 does have certain conditions that have to be met such as: an opaque fence of at least five feet in height and limited hours of use between 8:00 am and 6:00 pm. UDO 179 also allows the outdoor enclosure to be set back less than the required 40 feet, with elected body approval. The outdoor enclosure on the subject property will be set back at least 34 from the adjacent RM-18 zoning.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The subject property is located in an area that is composed of HB zoning.	Approval of this request may generate an increase in noise levels for the multifamily residents to the south.
The closest residential structure (from the proposed enclosure) is approximately 140 feet away.	

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.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS:

- b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Improvements shall include striping to define drive aisles.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- b. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.

STAFF RECOMMENDATION: APPROVAL, With a reduction in the required setback

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: Paul Mullican moved approval of the special use permit certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jerry Clark

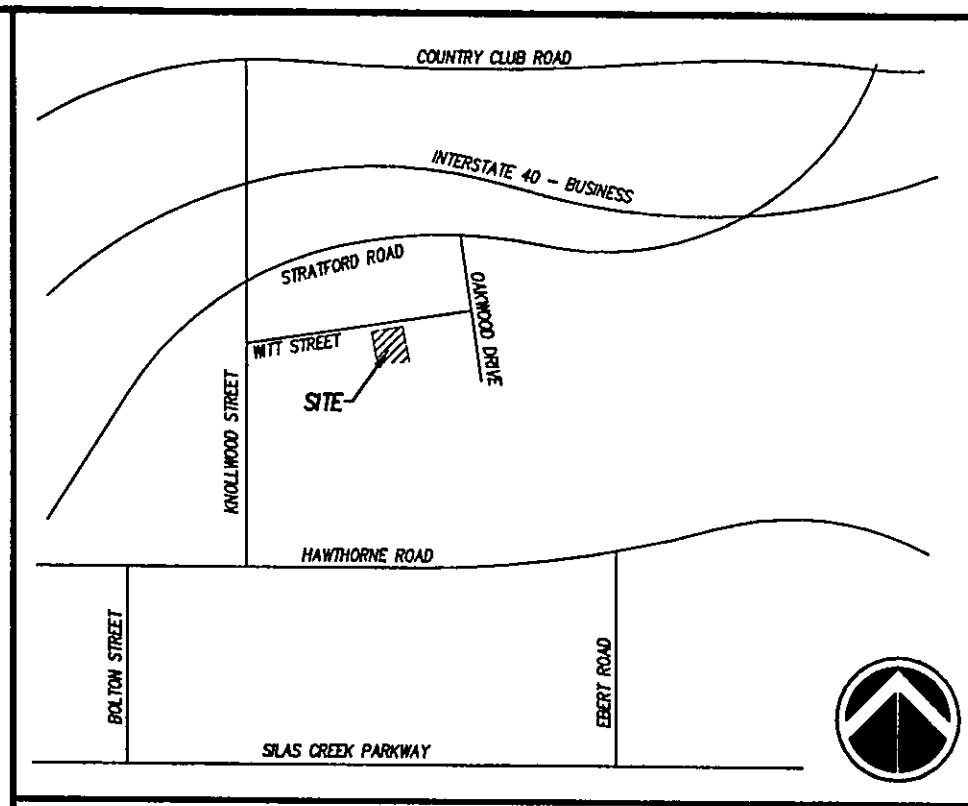
VOTE:

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



Allied Design, Inc.
 CIVIL ENGINEERING & LAND SURVEYING
 4720 KESTER MILL ROAD
 WINSTON-SALEM, NORTH CAROLINA 27103
 Phone: (336) 765-2377
 Fax: (336) 760-8886
 http://www.allied-engineer.com



PRELIMINARY PLANS
 NOT RELEASED FOR CONSTRUCTION

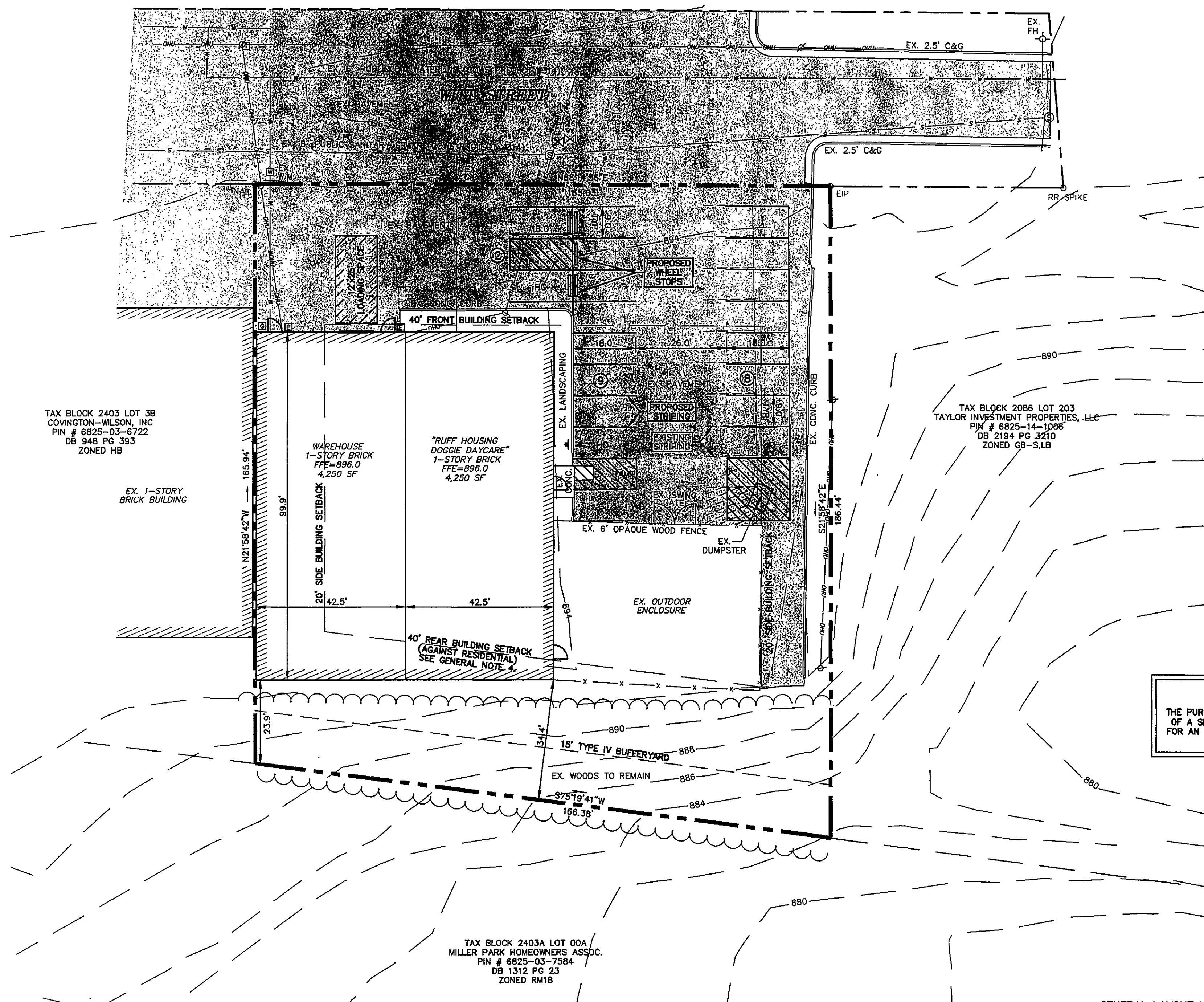
RUFF HOUSING DOGGIE DAYCARE
 336 WITT STREET
 WINSTON-SALEM, NORTH CAROLINA

PROJECT NO.: 07-033
 DRAWN BY: JMN
 CHECKED BY: SMC
 DATE: 11/06/07

NO.	DATE	DESCRIPTION
A	11/06/07	ISSUED FOR PRE-SUBMITTAL REVIEW
B	11/12/07	ISSUED FOR PLANNING BOARD REVIEW
C	12/03/07	ISSUED FOR PLANNING BOARD APPROVAL

EXISTING
 SITE
 PLAN
 SHEET
C1
 OF 1

TAX BLOCK 2403 LOT 004K
 CONINGTON WILSON INC.
 PIN # 6825-04-6032
 DB 818 PG 246
 ZONED HB



TAX BLOCK 2403 LOT 3B
 CONINGTON-WILSON, INC
 PIN # 6825-03-6722
 DB 948 PG 393
 ZONED HB

TAX BLOCK 2088 LOT 203
 TAYLOR INVESTMENT PROPERTIES, LLC
 PIN # 6825-14-1006
 DB 2194 PG 2210
 ZONED GB-S, LB

TAX BLOCK 2403A LOT 00A
 MILLER PARK HOMEOWNERS ASSOC.
 PIN # 6825-03-7584
 DB 1312 PG 23
 ZONED RM1B

PURPOSE STATEMENT
 THE PURPOSE OF THIS SUBMITTAL IS FOR APPROVAL OF A SPECIAL USE PERMIT BY THE ELECTED BODY FOR AN OUTDOOR ENCLOSURE IN CONJUNCTION WITH THIS USE AS "KENNEL, INDOOR".

GENERAL LAYOUT NOTES

- ALL DEVELOPMENT SHALL CONFORM WITH THE FORSYTH COUNTY "UNIFIED DEVELOPMENT ORDINANCE".
- ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, FACE OF CURB AND FACE OF BUILDING, UNLESS OTHERWISE NOTED. VERIFY ALL BUILDING DIMENSIONS WITH ARCHITECT PRIOR TO START OF CONSTRUCTION.
- EXISTING SITE BOUNDARY AND TOPOGRAPHIC INFORMATION TAKEN FROM SURVEY BY ALLIED ASSOCIATES, P.A.
- BUILDING SETBACKS ARE NON-CONFORMING AND ARE BEING REDUCED BY APPROVAL OF THIS SPECIAL USE PERMIT.
- SUPERVISED USE OF THE OUTDOOR ENCLOSURE SHALL BE RESTRICTED TO BETWEEN THE HOURS OF 8AM AND 6PM. USE OF THE OUTDOOR ENCLOSURE OUTSIDE OF THESE HOURS WOULD REQUIRE ANIMALS TO BE SUPERVISED AS WELL AS ON LEASHES.
- EXISTING PARKING AREA TO BE RESTRIPTED TO REFLECT PROPOSED CONDITIONS ON THIS PLAN.
- CONTRACTOR SHALL REPAIR ANY DAMAGE TO WITT STREET THAT OCCURS DURING CONSTRUCTION.
- THIS FACILITY DOES NOT HANDLE LARGE QUANTITIES OF GOODS. A 12' X 25' LOADING SPACE WILL BE ADEQUATE FOR ANTICIPATED DELIVERY VEHICLES.

SITE DATA
 PROPERTY OWNER: TAX BLOCK 2403 LOT 003D
 PIN # 6825-03-8840
 DB 2552 PG 1067
 TAYLOR FAMILY PROPERTIES, LLC
 110 OAKWOOD DRIVE, UNIT 510
 WINSTON-SALEM, NC 27103
 PETITIONER: RUFF HOUSING, LLC
 336 WITT STREET
 WINSTON-SALEM, NC 27103
 336-765-7833
 ENGINEER: ALLIED DESIGN, INC.
 4720 KESTER MILL ROAD
 WINSTON-SALEM, N.C. 27103
 336-765-2377
 STEVE CAUSEY, PE

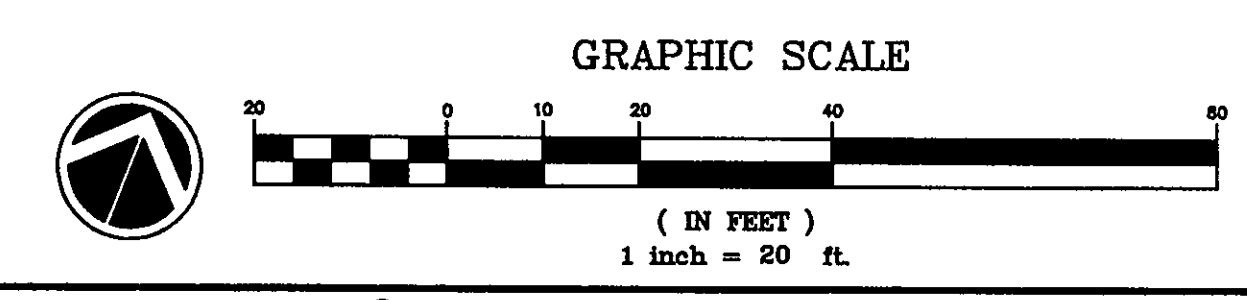
PROPERTY INFORMATION
 EXISTING ZONING - HB
 MAP NUMBER - 618850
 JURISDICTION - CITY OF WINSTON-SALEM
 USE - KENNEL, INDOOR
 LOT SIZE - 0.688 AC
 MAXIMUM BUILDING HEIGHT - 60'

YARD AND SETBACK REQUIREMENTS
 SETBACKS: 40' FRONT
 20' REAR
 0.5' / 12' SIDE
 20' STREET
 40' (ADJOINING RESIDENTIAL)
 LANDSCAPED STREETYARDS: N/A
 BUFFERYARDS: TYPE IV (ADJOINING RESIDENTIAL)

PARKING CALCULATIONS
KENNEL INDOOR
 PARKING CALCULATION: 1 SPACE/400 SF GFA PLUS 2 SPACES
 4,250 SF/400
 PARKING REQUIRED: 11 SPACES
 PROPOSED PARKING: 13 SPACES (REGULAR)
 1 SPACE (HANDICAP)
 PARKING PROVIDED: 14 SPACES

WAREHOUSING
 PARKING CALCULATION: 2 SPACES/3 EMPLOYEES PLUS 1 SPACE PER VEHICLE USED IN OPERATION
 2 SPACES * 6/3 EMPLOYEES PLUS 1
 PARKING REQUIRED: 5 SPACES
 PROPOSED PARKING: 4 SPACES (REGULAR)
 1 SPACE (HANDICAP)
 PARKING PROVIDED: 5 SPACES
 COMBINED PARKING REQUIRED: 19 SPACES
 COMBINED PROPOSED PARKING: 17 SPACES (REGULAR)
 2 SPACES (HANDICAP)
 COMBINED PARKING PROVIDED: 19 SPACES

IMPERVIOUS AREA CALCULATIONS
 EXISTING: 8,500 SF (EXISTING BUILDING)
 10,829 SF (PAVEMENT/CONCRETE/GRAVEL)
 19,329 SF (TOTAL)
 TOTAL SITE AREA: 29,077 SF
 % IMPERVIOUS OF TOTAL SITE: 66.48%



W-2966 "Revised" ZONING File Copy