

Printed: 12/12/2006

DOCKET #: W2907

PROPOSED ZONING:
NB-S (Multiple Office Uses)

EXISTING ZONING:
RM18

PETITIONER:
Azzat A. Amer Inc for property owned by Same

SCALE: 1" represents 200'

STAFF: King

GMA: 2

ACRE(S): 0.36

MAP(S): 630858



January 24, 2007

Azzat A. Amer, Inc.
P. O. Box 823
Winston-Salem, NC 27102

RE: ZONING MAP AMENDMENT W-2907

Dear Mr. Amer:

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: January 24, 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 Azzat A. Amer, Inc.

SUMMARY OF INFORMATION:

Zoning Map Amendment of Azzat A. Amer, Inc. from RM-18 to NB-S (Medical and Surgical Offices; Professional Office; and Services, Personal): property is located on the west side of Patterson Avenue, south of East 14th Street (Zoning Docket W-2907).

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 Azzat A. Amer, Inc., Docket W-2907

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 RM-18 to NB-S (Medical and Surgical Offices; Professional Office; and Services, Personal) the zoning classification of the following described property:

Tax Block 199, Tax Lot 101

Section 2. This Ordinance is adopted after approval of the site plan entitled Azzat A. Amer, Inc. and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20___ to Azzat A. Amer, Inc..

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 Azzat A. Amer, Inc.. 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 Azzat A. Amer, Inc., (Zoning Docket W-2907). 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 NB-S (Medical and Surgical Offices; Professional Office; and Services, Personal), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the NB-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 City of Winston-Salem Public Works Department; additional improvements may be required prior to issuance of driveway permit.
 - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO ISSUANCE OF BUILDING PERMITS:**
 - a. If any lighting is proposed on this site, an engineered lighting plan shall be submitted to the Inspections Division for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 18' or less and no more than 0.5 foot-candles at the property line.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. All improvements of the City of Winston-Salem driveway permit shall be completed.
 - b. Any damaged sidewalk or curb to be replaced or repaired to the requirements of the City of Winston-Salem Public Works Department.
 - c. Provide letter from Certified Engineer that lighting has been installed per approved lighting plan.

- **OTHER REQUIREMENTS:**

- a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
- b. Permitted uses of this property shall include: Medical and Surgical Offices; Professional Offices; and Services, Personal. The use Services, Personal shall be further restricted to only allow the following SIC groups:
 - 722 – Photographic Studios, Portrait
 - 723 – Beauty Shops
 - 724 – Barber Shops
 - 725 – Shoe Repair and Shoeshine Parlors
 - 729 – Miscellaneous Personal Services
 - 762 – Electrical Repair Shops
 - 763 – Watch, Clock, and Jewelry Repair

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-2907		
Staff	Aaron King		
Petitioner(s)	Azzat A. Amer, Inc.		
Owner(s)	Same		
Subject Property	Tax Lot 101, Tax Block 199		
Type of Request	Special use rezoning request from RM-18 to NB-S		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RM-18 (Residential Multifamily; 18 du/ac) to NB-S (Neighborhood Business – Special Use Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Medical and Surgical Offices; Professional Office; and Services, Personal (further restricted to include only the following Services, Personal subcategories: Photographic Studios, Portrait; Beauty Shops; Barber Shops; Shoe Repair and Shoeshine Parlors; Miscellaneous Personal Services; Electrical Repair Shops; and Watch, Clock, and Jewelry Repair.) 		
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)?		
	<p>The subject property is located in GMA 2. It also has a very limited list of requested uses that are very low intensity and should cater to customers from surrounding neighborhoods.</p>		
GENERAL SITE INFORMATION			
Location	West side of Patterson Avenue, south of East 14th Street		
Jurisdiction	City of Winston-Salem		
Ward(s)	Northeast		
Site Acreage	Approximately ± 0.36 acres		
Current Land Use	Undeveloped land		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RM-18	Convenience store
	East	RM-5	Single family homes
	South	RM-18	Accounting/Tax office
	West	RM-18	Multifamily units

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 uses are less intense than some of the nearby commercial uses. A low intensity establishment should also be a good neighbor to the homes across Patterson Avenue.			
Physical Characteristics	The site is flat and contains no streams or wetlands.			
Proximity to Water and Sewer	The site has access to public water and public sanitary sewer.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	The subject property is currently undeveloped and located between a non-conforming convenience store and a tax/insurance office. The site is flat and contains no streams or wetlands and poses no development issues.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>			
	<ul style="list-style-type: none"> Condition for stormwater study 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Patterson Avenue	Minor Thoroughfare	+/- 75 feet	6,100	16,100
Proposed Access Point(s)	The site plan proposes one access point onto Patterson Avenue.			
Planned Road Improvements	The Thoroughfare Plan recognizes Patterson Avenue as adequate.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RM-18</u> 6 MF units (Max. # of units for this site) x 6.59 (MFR Trip Rate) = 40 Trips per Day <u>Proposed Zoning: NB-S</u> 2,400 / 1,000 x 36.13 (Medical-Dental Office Building Trip Rate) = 87 Trips per Day			
Sidewalks	Sidewalks currently exist along Patterson Avenue.			
Transit	Routes 9 & 10 run along Patterson Avenue.			
Traffic Impact Study (TIS)	Not required			
Analysis of Site Access and Transportation Information	The subject request poses no negative impacts to the transportation network. Estimated trip generation from this project should be minimal at only 87 trips per day. The site already has an existing sidewalk along the frontage of Patterson Avenue and is located along Transit Routes 9 and 10.			

Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Obtain City of Winston-Salem driveway permit • Repair any damaged sidewalk or curb and gutter
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	GMA 2 (Urban Neighborhoods)
Relevant Legacy Recommendations	Retail and office buildings should be near the street and sidewalk. This reduces the distance pedestrians and transit users have to travel and provides direct access to buildings along the street. Locating buildings close to the street, lining the street with trees, buffering the street with parked cars, and ensuring buildings have display windows at the sidewalk edge all 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.
Relevant Area Plan(s)	<i>Draft North Central Area Plan</i>
Area Plan Recommendations	The site is located in the proposed Patterson/Northwest Neighborhood Activity Center. It is designated as a Special Land Use Condition Site. The site is one of three properties on the west side of Patterson Avenue between Fourteenth Street and Food City that the plan recommends to be rezoned for office use under the (Neighborhood Office- Special Use) District. The plan also recommends that coordinated access by shared driveways or rear driveway connections be encouraged. The Plan also designates an Office/Low-Intensity Commercial Use for some sites in the Planning Area. Office/Low-Intensity Commercial Uses are small in scale and provide service to area residents with minimal impact on adjacent land uses. The Plan includes a comprehensive list of what is included and excluded from Office/Low-Intensity Commercial Uses. Examples of excluded uses are: convenience stores, ABC stores, clubs and bars and motor vehicle related uses. Included uses are: personal services, retail stores, and offices.
Community Development	<p><u>Certified Area/Name:</u> Liberty-Patterson, certified January 27, 2000</p> <p><u>Type of Certification:</u> Non-residential Redevelopment Area</p> <p><u>Redevelopment Recommendation(s):</u> The subject property is included in the Liberty Patterson, Phase 2 Redevelopment Plan which was adopted as an amendment to the original redevelopment plan on July 1, 2002. Under the redevelopment plan, the 4 lots on the west side of Patterson Avenue south of 14th Street (including the petition site) were recommended to be rezoned to PB-S (Pedestrian Business, Special Use). Special use conditions would include: only office or low-intensity neighborhood serving commercial uses permitted; no sale of alcoholic beverages permitted; no motor vehicle sales, repair or storage permitted; comprehensive redevelopment of the site is encouraged, as are combined driveways and parking to the side or rear of the structures; and the appearance and potential maintenance of the proposed use should be considered as a factor in rezoning.</p>

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 Legacy?					
Yes						
Analysis of Conformity to Plans and Planning Issues	The subject property is located within the boundaries of the draft <i>North Central Area Plan (NCAP)</i> , which recommends that this site be developed with office or low-intensity commercial uses. This request conforms with those recommendations, by proposing a list of low-intensity, neighborhood serving uses. Staff is supportive of the list of proposed low-intensity, neighborhood serving uses, but would not be supportive of intensifying the zoning or the uses allowed at this site.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2686	IP to GI	Withdrawn at the 6/10/04 PB meeting	West	1.78	Denial	NA
W-2548	GI-S to IP	Approved 7/15/02	West	1.78	Approval	Approval
W-2365	RM-18 to LB	Denied 2/7/00	Includes subject property	0.84	Denial	Denial
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage			Placement on Site		
	2,400 sf.			Eastern ½ of the site		
Parking	Required	Proposed		Layout		
	12 spaces	12 spaces		90° head-in parking		
Building Height	Maximum			Proposed		
	40 feet			1- story		
Impervious Coverage	Maximum			Proposed		
	60%			60%		
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.		Yes			
	(C) Subdivision Regulations		NA			
Analysis of Site Plan Compliance with UDO Requirements	The site plan proposes a 2,400 square foot building to be located on the eastern half of the site. The building will be pulled up to the street with only two parking spaces located between the building and the street. The remainder of the parking will be located to the rear of the building. The list of proposed uses is limited to neighborhood serving uses and will be further conditioned (see list of conditions below).					

Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Signage condition • Lighting condition • Limited usage condition
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request is consistent with the general recommendations of <i>Legacy</i> and the specific recommendations of the draft <i>NCAP</i> .	The request does add more commercial zoning, which could potentially be intensified in the future.
The list of proposed uses is very limited.	A new commercial use may produce some unwanted impacts for the residents on the east side of Patterson Avenue.
The proposed building is pulled up to the street to provide some street presence.	
This request would allow new investment in this area.	
The site is already located along two transit routes and has access to existing sidewalks.	
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 City of Winston-Salem Public Works Department; additional improvements may be required prior to issuance of driveway permit. b. Developer shall have a stormwater management study submitted for review 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"> b. If any lighting is proposed on this site, an engineered lighting plan shall be submitted to the Inspections Division for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 18' or less and no more than 0.5 foot-candles at the property line. 	
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<u>OTHER REQUIREMENTS:</u>	
<ul style="list-style-type: none"> a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet. 	

b. Permitted uses of this property shall include: Medical and Surgical Offices; Professional Offices; and Services, Personal. The use Services, Personal shall be further restricted to only allow the following SIC groups:

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- 763 – Watch, Clock, and Jewelry Repair

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

SECOND: Clarence Lambe

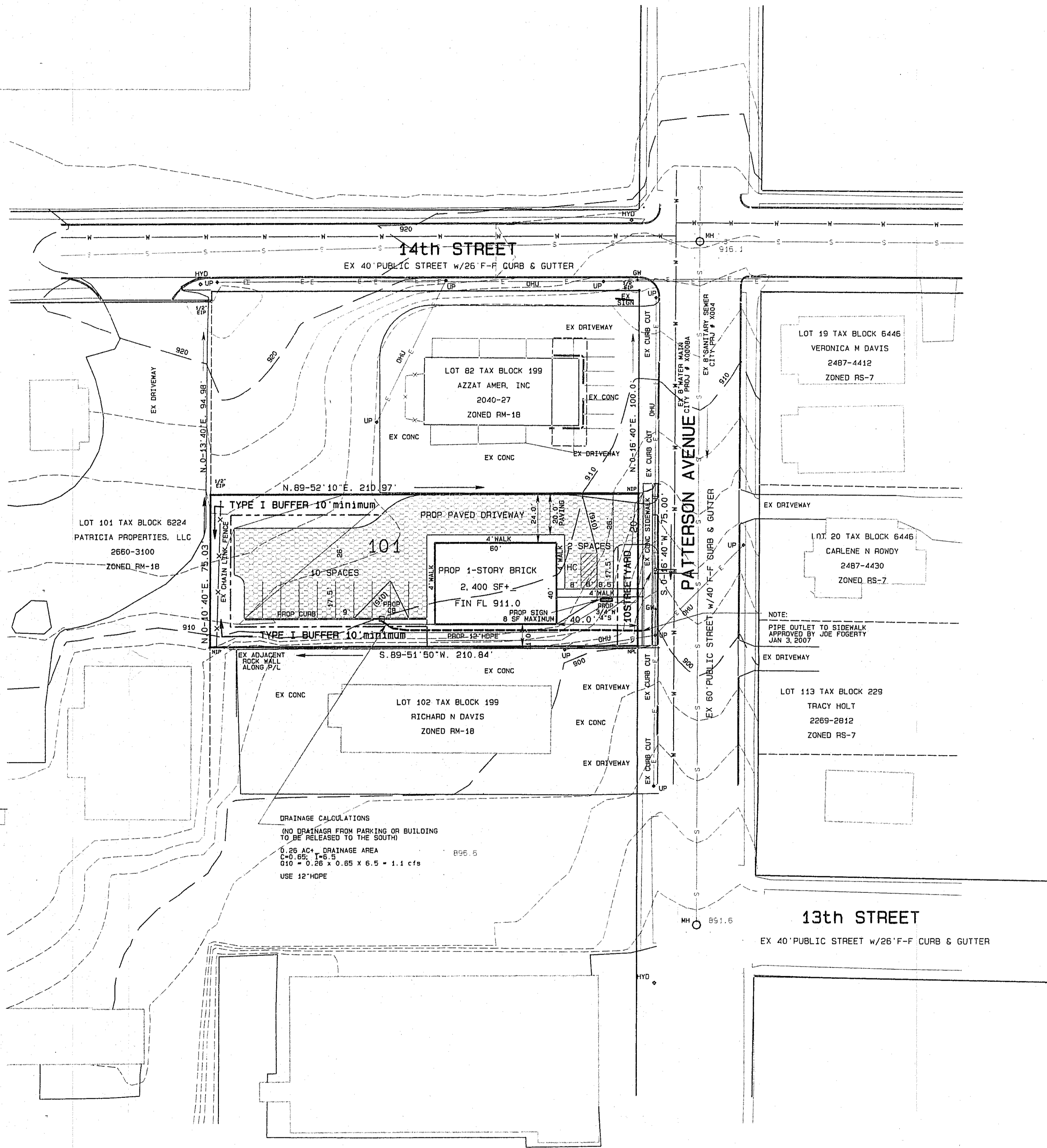
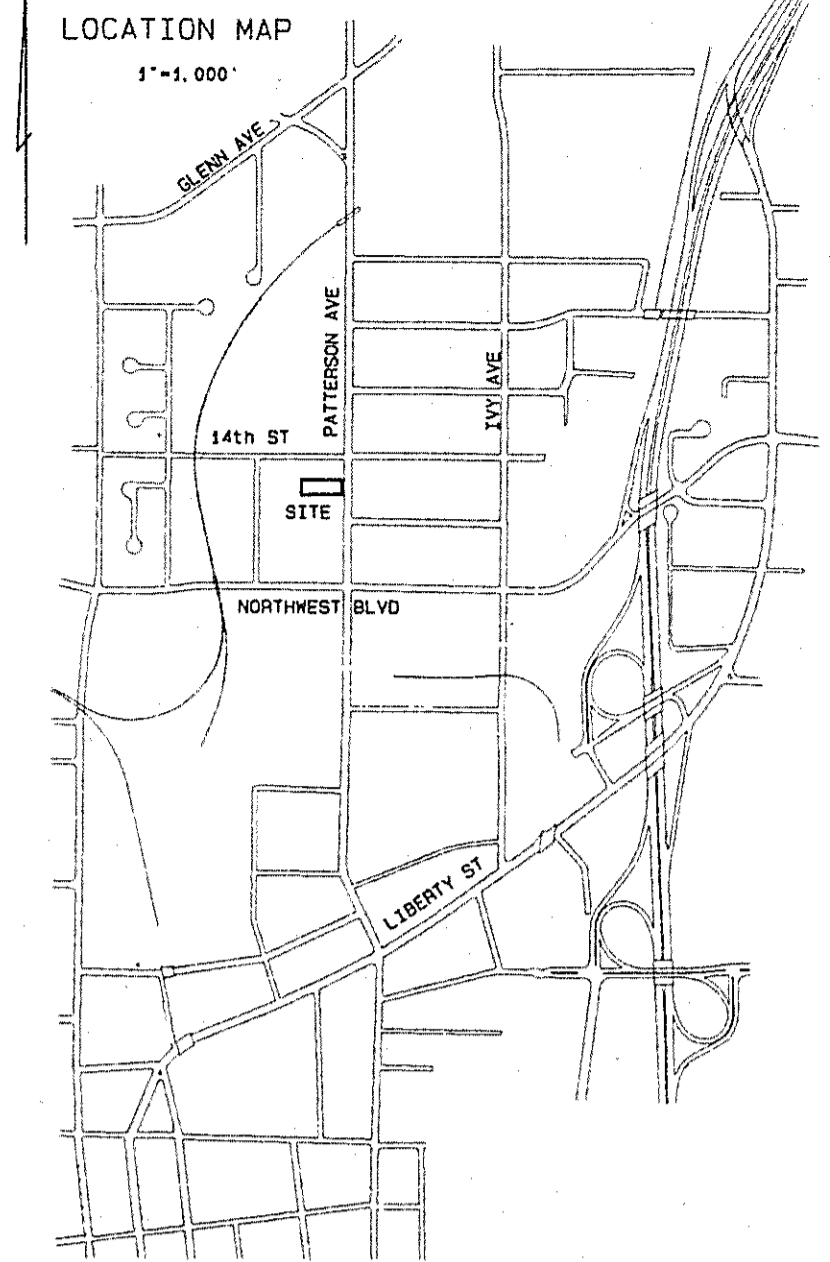
VOTE:

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



THE PURPOSE OF THIS REZONING IS TO REZONE FROM EXISTING RESIDENTIAL TO VARIOUS NEIGHBORHOOD BUSINESS USES.

ZONING:
 EXISTING - RM-18
 REQUEST REZONING TO NB-S
 Medical and Surgical Offices;
 Professional Offices;
 Services, Personal (Photographic Studios,
 Portrait, Beauty Shops, Barber Shops, Shoe
 Repair and Shoeshine Parlors; Miscellaneous
 Personal Services; Electrical Repair Shops;
 Watch, Clock, and Jewelry Repair);
 NO OTHER SERVICES, PERSONAL USES REQUESTED

SETBACKS:
 10' FRONT
 25' REAR
 7' SIDE
 20' STREET
 40' HEIGHT MAX
 60% IMPERVIOUS

SITE PLAN
 SITE SIZE and COVERAGE:
 TOTAL ACREAGE - 0.363 ACRES+
 SITE COVERAGE:

BUILDING to LAND - 15%
 PAVEMENT to LAND - 45%
 OPEN SPACE - 40%
 TOTAL - 100%

BUILDING SQUARE FOOTAGE: 2,400 SF+
 BUILDING HEIGHT: 1 STORY

INFRASTRUCTURE:
 WATER, SEWER, STREETS - PUBLIC
 NO EXISTING STORM SEWER ADJACENT TO PROPERTY

OFF-STREET PARKING: MOST RESTRICTIVE
 2,400 SF x 1/200 = 12 SPACES REQUIRED
 12 SPACES PROVIDED

BUFFERYARDS:
 10' LANDSCAPED ALONG FRONT
 TYPE I AROUND REAR PARKING - 10' minimum

WATERSHED:
 PROPERTY IS NOT LOCATED IN A WATERSHED PROTECTION AREA
 REFUSE COLLECTION: CITY ROLL OUT CART

OWNERS:
 AZZAT A AMER INC
 % AZZAT A AMER
 P O BOX 823
 WINSTON SALEM, NC 27102
 918-8383 PHONE
 723-5050 FAX

0.363 ACES+
 (15,820 SF+)
 by coordinates

AZZAT A AMER, INC

JURISDICTION of CITY of WINSTON SALEM

WINSTON TOWNSHIP

FORSYTH COUNTY, NC

LOT 101 OF TAX BLOCK 199

DEED BOOK 2090, PAGE 4045

PIN # 6836-31-0928

SCALE 1"=30'

OCTOBER 13, 2006 revised JANUARY 3, 2007

GIZINSKI SURVEYING CO
 727 GALES AVENUE
 WINSTON SALEM, NC 27103

PHONE/FAX 336-722-0554
 E-MAIL M.GIZINSKI@PRODIGY.NET

- LEGEND
- EIP - EXISTING IRON PIPE
 - EIR - EXISTING IRON ROD
 - EM - EXISTING MANHOLE
 - EX - EXISTING
 - GN - GAS METER
 - GW - GUY WIRE
 - HYD - HYDRANT
 - MH - MANHOLE
 - NIP - 1/2" IRON PLACED
 - NLP - NAIL PLACED
 - OHU - OVERHEAD UTILITIES
 - PK - POINT
 - R/W - RIGHT OF WAY
 - UP - UTILITY POLE
 - WM - WATER METER

NORTH PATTERSON AVENUE

PRELIMINARY PLAT
 NOT FOR RECORDATION,
 CONVEYANCES, OR SALES.

NOT FOR CONSTRUCTION

PORTIONS OF TOPO TAKEN FROM CITY COUNTY
 TOPOGRAPHIC MAPS

ELEVATIONS ARE NGVD '88

