



DOCKET #: W2912
(continued from 3/8/2007)

PROPOSED ZONING:
PB-L

EXISTING ZONING:
RS9

PETITIONER:
Ola C. Morris for property
owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 0.5

**NEAREST
BLDG:** 20' east

MAP(S): 642846

F

May 23, 2007

Ola C. Morris
2218 Waughtown Street
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-2912

Dear Ms. Morris:

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: May 23, 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 Ola C. Morris

SUMMARY OF INFORMATION:

Zoning map amendment of Ola C. Morris from RS-9 to PB-L [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Urban; Boarding or Rooming House; Combined Use; Congregate Care Facility; Family Group Home B; Family Group Home C; Fraternity or Sorority; Life Care Community; Arts & Crafts Studio; Food Or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Funeral Home; Health Services, Miscellaneous; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Home; Adult Day Care Center; Child Care (Drop-In); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices; Group Care Facility A; Group Care Facility B; Habilitation Facility C; Institutional Vocational Training Facility; Landfill, LCID; Library, Public; Museum or Art Gallery; Neighborhood Organization; Nursing Care Institution; Police or Fire Station; Post Office; Postal Processing Facility; School, Private; School, Public; School, Vocational or Professional; Stadium, Coliseum, or Exhibition Building; Borrow Site; Access Easement, Private, Off-Site; Broadcast Studio; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities]: property is located on the south side of Waughtown Street across from Butler Street (Zoning Docket W-2912).

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 LIMITED DISTRICT

Zoning Petition of Ola C. Morris, Docket W-2912

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 RS-9 to PB-L [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Urban; Boarding or Rooming House; Combined Use; Congregate Care Facility; Family Group Home B; Family Group Home C; Fraternity or Sorority; Life Care Community; Arts & Crafts Studio; Food Or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Funeral Home; Health Services, Miscellaneous; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Home; Adult Day Care Center; Child Care (Drop-In); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices; Group Care Facility A; Group Care Facility B; Habilitation Facility C;

Institutional Vocational Training Facility; Landfill, LCID; Library, Public; Museum or Art Gallery; Neighborhood Organization; Nursing Care Institution; Police or Fire Station; Post Office; Postal Processing Facility; School, Private; School, Public; School, Vocational or Professional; Stadium, Coliseum, or Exhibition Building; Borrow Site; Access Easement, Private, Off-Site; Broadcast Studio; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities] the zoning classification of the following described property:

Tax Block 1407, Tax Lots 50, 51, 52, and 53

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 Ola C. Morris.

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 Ola C. Morris. 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 Ola C. Morris, (Zoning Docket W-2912). The site shall be developed in accordance with the conditions approved by the Board and the following uses: PB-L [Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Urban; Boarding or Rooming House; Combined Use; Congregate Care Facility; Family Group Home B; Family Group Home C; Fraternity or Sorority; Life Care Community; Arts & Crafts Studio; Food Or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Funeral Home; Health Services, Miscellaneous; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Home; Adult Day Care Center; Child Care (Drop-In); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices; Group Care Facility A; Group Care Facility B; Habilitation Facility C; Institutional Vocational Training Facility; Landfill, LCID; Library, Public; Museum or Art Gallery; Neighborhood Organization; Nursing Care Institution; Police or Fire Station; Post

Office; Postal Processing Facility; School, Private; School, Public; School, Vocational or Professional; Stadium, Coliseum, or Exhibition Building; Borrow Site; Access Easement, Private, Off-Site; Broadcast Studio; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities], approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the PB-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:

- a. The two existing structures shall be retained on the subject property.
- b. The uses for the subject property shall include all the uses allowed in the PB Pedestrian Business (PB) Zoning District with the exception of the following uses: Motor Vehicle, Repair and Maintenance; Motor Vehicle, Rental and Leasing; ABC Store; Convenience Store; and Restaurant (without drive-through service.)

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-2912
Staff	Gary Roberts, AICP
Petitioner(s)	Ola C. Morris
Owner(s)	Same
Subject Property	Tax Lots 50 - 53 / Tax Block 1407
Type of Request	Limited Special Use rezoning from RS-9 to PB-L
Proposal	<p>The subject request was continued from the March 8, 2007 Planning Board meeting to the May 10, 2007 meeting in order to allow the petitioner to convert the request from a general use request to a limited special use request.</p> <p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 Residential, Single Family District; 9,000 sf minimum lot size to PB-L Pedestrian Business – Limited Special Use District.</p> <p>The petitioner is requesting the following uses:</p> <p>[Residential Building, Single Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Urban; Boarding or Rooming House; Combined Use; Congregate Care Facility; Family Group Home B; Family Group Home C; Fraternity or Sorority; Life Care Community; Arts & Crafts Studio; Food Or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Funeral Home; Health Services, Miscellaneous; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Home; Adult Day Care Center; Child Care (Drop-In); Child Care (Sick Children); Child Care Institution; Child Day Care Center; Child Day Care, Small Home; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices; Group Care Facility A; Group Care Facility B; Habilitation Facility C; Institutional Vocational Training Facility; Landfill, LCID; Library, Public; Museum or Art Gallery; Neighborhood Organization; Nursing Care Institution; Police or Fire Station; Post Office; Postal Processing Facility; School,</p>

	Private; School, Public; School, Vocational or Professional; Stadium, Coliseum, or Exhibition Building; Borrow Site; Access Easement, Private, Off-Site; Broadcast Studio; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities]		
Zoning District Purpose Statement	The PB District is primarily intended to accommodate office, retail, service, institutional and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the city and county. The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of Winston-Salem, and the central core of other municipalities in the County. The district should demonstrate pedestrian oriented design through elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, and building entrances facing the street. This district is intended for application in Growth Management Areas 1, 2 and 3.		
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		
GENERAL SITE INFORMATION			
Location	South side of Waughtown Street across from Butler Street		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southeast		
Site Acreage	Approximately ± .5 acre		
Current Land Use	The site is developed with a two story residential structure and a one story commercial building and associated parking.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Single family homes
	East	LB-S	Small auto related business
	South	RS-9	Single family homes
	West	RS-9	Single family homes
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 proposed PB-L District removes some of the uses which may not be compatible with the single family homes that adjoin the site on three sides of the site. These uses are: ABC Store; Convenience Store; Motor Vehicle Repair and Maintenance; and Restaurant. The petitioner has volunteered to exclude these uses which address staff concerns while maintaining the limited nature of Special Use Limited zoning.		

Physical Characteristics	The site is developed and relatively flat.			
Proximity to Water and Sewer	Public water and sewer are available.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.			
Historic, Natural Heritage and/or Farmland Inventories	<p>The subject property is located in the Waughtown/Belview National Register Historic District and contains two contributing buildings to that District. The first building, located at 2300 Waughtown Street, is a commercial building that dates from c. 1945. It is a one-story, brick structure with a stepped parapet roof with tile coping. The 1950 City Directory lists the occupant as the Waughtown Grill, William Cumbie, proprietor. The second building, located at 2302 Waughtown Street, is a two-story I-house that dates from c. 1870. The 1950 City Directory lists the occupant as William Bolin, a grocer. While staff believes PB zoning may be appropriate for this site (particularly given that a commercial structure is located on a portion of the property), it is extremely important that the residential structure remain to reflect the historic character of Waughtown Street.</p> <p>One of the conditions of the proposed PB-L request is for the retention of two said historic structures.</p>			
Analysis of General Site Information	The subject property contains two contributing structures within the Waughtown/Belview National Register Historic District. Staff recommends a condition that said structures remain as volunteered by the petitioner.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Waughtown Street	Major Thoroughfare	140'	9,400	12,700
Proposed Access Point(s)	The only access to the site is from Waughtown Street.			
Planned Road Improvements	The Thoroughfare Plan recommends sidewalks along Waughtown Street in places where no sidewalks currently exist.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9</u> .5 acre x 43,560 sf / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day</p> <p><u>Proposed Zoning: PB-L</u> No trip generation rates available as no site plan is submitted with limited special use requests.</p>			
Sidewalks	Sidewalks are located along both sides of Waughtown Street along the frontage of the site.			

Transit	Route 29 along Waughtown Street
Analysis of Site Access and Transportation Information	Site has adequate access.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 2 – Urban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • <i>Legacy</i> supports neighborhood serving commercial in close proximity to residential areas. <i>Legacy</i> also calls for existing neighborhoods to be preserved and revitalized and protected from inappropriate commercial encroachment.
Relevant Area Plan(s)	<i>The Southeast Winston-Salem Area Plan</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • <i>The Southeast Winston-Salem Area Plan</i> does not have a specific recommendation for this site. However, the plan recommends maintaining the existing character of the area allowing, but not encouraging, a limited number of existing homes to convert to office or commercial use along Waughtown Street between Leight Street and Salem Lake Road.
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?
	See comments below.
Analysis of Conformity to Plans and Planning Issues	<p>According to the Inspections Division, both of the structures on the subject property have a history of commercial use. The commercial building on the western portion of the site had a nonconforming pool hall and grocery store in the 1980s. However, the nonconforming status was lost some time after that and the existing uses of a beauty shop, barber shop and telephone business are in violation of the RS-9 District. For contextual considerations the residential structure on the eastern side is directly adjacent to an automotive business zoned LB-S.</p> <p>The proposed PB-L District includes the following two conditions:</p> <ol style="list-style-type: none"> 1. The two existing structures shall be retained on the subject property. 2. The uses for the subject property shall include all the uses allowed in the PB Pedestrian Business (PB) Zoning District with the exception of the following uses: Motor Vehicle, Repair and Maintenance; Motor Vehicle, Rental and Leasing; ABC Store; Convenience Store; and Restaurant (without drive-through service.) <p>Therefore, Planning staff suggests the subject request is generally consistent with the recommendations of <i>Legacy</i> and the <i>Southeast Winston-Salem Area Plan</i>.</p>

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-475	R-4 to B-3-S (LB-S)	Approved 2-21-77	Directly east	.45 acre	Denial	Approval
W-457	R-4 to B-3	Withdrawn at 5-9-74 PB meeting	Included subject property	1.25 acres	Denial	Withdrawn
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
The request would place two buildings which have a history of commercial use into a business district.			The subject request may increase the number of residential to business rezoning petitions along this portion of Waughtown Street which is generally residential in character.			
The request contains a condition calling for retention of the existing structures.						
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL						
The following proposed conditions are volunteered by the petitioner and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.						
<u>OTHER REQUIREMENTS</u>						
<p>a. The two existing structures shall be retained on the subject property.</p> <p>b. The uses for the subject property shall include all the uses allowed in the PB Pedestrian Business (PB) Zoning District with the exception of the following uses: Motor Vehicle, Repair and Maintenance; Motor Vehicle, Rental and Leasing; ABC Store; Convenience Store; and Restaurant (without drive-through service).</p>						

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- March 8, 2007

Gary Roberts presented the staff report.

Arnold King asked if the Petitioner wanted to continue the case or wanted it to be heard by the Board today.

Gary Roberts stated that the petitioner would like the case to be heard today.

Arnold King asked why PB (Pedestrian Business zoning) would have uses that would be detrimental to a neighborhood.

Paul Norby stated that unfortunately when the *Unified Development Ordinance* was adopted, there were a number of uses put into the PB district that could cause some concern. David Reed added that when they were picking areas to map as PB, some of them had a few existing uses in them that were not conforming, so rather than making them nonconforming, the decision was to write those uses into the PB District. That is how a number of those got left in there.

Arnold King stated that this forces people to come with Special Use when they want to do PB zoning.

PUBLIC HEARING

FOR:

Ola Morris, 2218 Waughtown St., Winston-Salem, NC 27107

- She purchased this property in 1987.
- She has businesses there. She is not changing anything.
- Was not aware that property was not zoned correctly until she received letters from Mr. Sprinkle.
- She helped write the proposal for Waughtown to get the \$65.5 million.
- She helped cleaned up Waughtown.
- She was told that she has to be rezoned, and that she had 10 days to come down and pay \$1,000 to get rezoned and she did.
- She is not planning to make any changes. It is her family business.
- She is not asking for any changes.
- She does not want an auto center. She is not going to open an ABC store.
- She is not here to deteriorate Waughtown.

Arnold King asked what initiated this request for rezoning.

Inspections staff stated that their files indicated that back in the 1980's non-conformity was established. Someone contacted the Inspections Office recently to question the legality of the uses. Inspections staff determined that the property is non-conforming. Inspections sent her notice of violation indicating that she would have to address the change and either abandon those uses or come into compliance with rezoning. That was what was suggested to her in order to keep what was there.

Gary Roberts stated that if the applicant wanted to switch to Conditional Use, there would be no additional cost. If she were to convert to a special use district, there would be a site plan necessary. In order to determine if City Council approves Conditional Use Zoning, the case would need to be continued until May.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. None of the current uses seem detrimental to the neighborhood.
2. It might be best for the applicant to request a continuance until the May 10, 2007 public hearing. She should also change her request to Conditional use during this time if the City Council makes a favorable decision for Conditional Use Zoning before the May 10, 2007 public hearing.

MOTION: Paul Mullican moved to continue to the May 10, 2007 Public Hearing.

SECOND: Jerry Clark

VOTE:

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

AGAINST: Clarence Lambe

EXCUSED: None

PUBLIC HEARING - May 10, 2007

NOTE: This proposed rezoning has been converted from its original request as PB general to the new PB-L (Special Use - Limited) District authorized by UDO 170.

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: Arthur King

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning