



DOCKET #: W2672

PROPOSED ZONING:
Special Use Permit to
allow access to LI-S
zoning through HB-S zoning

EXISTING ZONING:
HB-S

PETITIONER:
Greenwood and Charles, Inc.

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 2.2

MAP(S): 624838



January 21, 2004

Greenwood and Charles, Inc.
1451 Trade Mart Blvd.
Winston-Salem, NC 27107

RE: SPECIAL USE PERMIT W-2672

Dear Sirs:

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 City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Emmett McCall, 100 N. Cherry Street, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: January 21, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Special Use Permit of Greenwood and Charles, Inc.

SUMMARY OF INFORMATION:

Special Use Permit by Greenwood and Charles, Inc. to allow access to LI-S zoning through HB-S zoning; property is located on the east side of Peters Creek Parkway south of Brewer Road (Zoning Docket W-2672).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Special Use Permit of Greenwood and Charles, Inc.,
Docket W-2672

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 issuing a Special Use Permit for access to LI-S zoning through HB-S zoning for the following described property:

BEGINNING at a point being the beginning of the centerline for the existing 30' private access and public utility easement abutting Peters Creek Parkway, said point referred to as Point B on the recorded plat PB 43, PG 38; thence following the centerline of existing easement south 87° 03' 55" east a distance of 188.89 feet to a point; said point referred to as Point C on the recorded plat PB 43, PG 38; thence following existing line south 02° 57' 11" east a distance of 139.89 feet; thence south 87° 03' 55" east a distance of 30 feet; thence south 02° 57' 11" west a distance of 153.89 feet; thence north 87° 03' 55" west a distance of 218.89 feet to a point on the Peters Creek Public Right-of-Way; thence north 02° 56' 05" east a distance of 15 feet to a point; that point being the place of beginning.

The described area encompasses plus or minus 0.17 acres of land located in the Township of Winston-Salem, Forsyth County, North Carolina.

Section 2. This Ordinance is adopted after approval of the site plan entitled Greenwood and Charles, Inc. and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to Greenwood and Charles, 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 Greenwood and Charles, 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 Greenwood and Charles, Inc., (Zoning Docket W-2672). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use Permit to access LI-S zoned land through HB-S zoned land, approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the HB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional condition be met:

- **OTHER REQUIREMENTS**
 - a. Driveway shall be a minimum of 20 feet in width.

ZONING STAFF REPORT

DOCKET # W-2672
STAFF: Gary Roberts

Petitioner(s): Greenwood and Charles, Inc.
Ownership: Same

REQUEST

Special Use Permit to access LI-S zoned land through HB-S zoned land.

Acreage: 0.17 acre

LOCATION:

Street: East side of Peters Creek Parkway south of Brewer Road.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: Private vehicular access to LI-S zoned property through HB-S zoned property.
Bufferyard Requirements: No bufferyard required.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is undeveloped.

Adjacent Uses:

North-	Undeveloped property, the Waffle House and Laundryland zoned HB-S.
East-	Large apartment complex zoned RM-18.
Southeast-	Single family homes on Finley Circle zoned RS-9.
South-	Several businesses along the east side of Peters Creek Parkway zoned HB-S.
Southwest-	Undeveloped property zoned RM-18.
West-	Parklawn Memorial Gardens cemetery zoned IP.

GENERAL AREA

Character/Maintenance: Mixture of small scale, well maintained commercial operations along Peters Creek Parkway adjoining single and multifamily residential located to the south and east of the site.

Development Pace: Moderate.

ANALYSIS

The request is for a Special Use Permit to access LI-S zoned property through HB-S zoned property. The site is located on the east side of Peters Creek Parkway approximately 1,200 feet south of Brewer Road. The subject request would provide direct access to a 2.2 acre site now pending being rezoned to LI-S, (W-2571).

The location of the proposed driveway aligns with one of the previously approved entrances to a larger 9.96 acre tract which was rezoned to HB-S in 1988. The access, which is currently in place and serves multiple commercial sites including the Waffle House and Pizza Hut restaurants, consists of a portion of Beau View Court, (private). The property directly along the northern side of the access is currently undeveloped and zoned HB-S, the property on the southern side is also undeveloped and is the location of said pending LI-S rezoning request. Proposed on the LI-S site is a 20,000 square foot building.

Based upon the following findings as required by the UDO along with staffs conditional recommendation for approval of the associated LI-S request, (W-2571) and considering the general context of the subject properties location, staff supports the subject Special Use Permit request.

FINDINGS OF FACT

According to Section 6-1.5(D) of the zoning ordinance of the UDO, the Planning Board must make the following findings in support of a favorable recommendation.

1. The development is in conformity with *Legacy* as it relates to the specific area; Planning Staff: Yes. *Legacy* recommends promoting economic development which is compatible with existing residential neighborhoods and other business developments.
2. Water and sewer are available in adequate capacity; Yes.
3. Where buildings greater than thirty-five (35) feet are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment; Yes. Site plan proposes adequate access for aerial fire-fighting equipment.
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. The requested access is onto Peters Creek Parkway which is a four lane divided major thoroughfare which has adequate capacity for the anticipated traffic volumes associated with the proposed request.
5. General layout and design of this 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. The driveway has an all-weather surface with a minimum width of 20' as required by the Forsyth County Fire Department.
7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project; Yes. Staff recommends the following site plan conditions:
 - a. Driveway shall be a maximum of 20 feet in width.

In addition to these seven findings by the Planning Board, the Winston-Salem City Council must make affirmative findings as follows to issue a special use permit [Section 6-1.5(F) of the *Zoning Ordinance* of the UDO]:

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 *Legacy*; Yes.

STAFF RECOMMENDATION

Zoning: **APPROVAL**

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **OTHER REQUIREMENTS**
 - a. Driveway shall be a minimum of 20 feet in width.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the special use permit, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Eickmeyer, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning