



**DOCKET #:** W2639

**PROPOSED ZONING:**  
PB-S (Multiple Uses)

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Jose Loya Roque

**SCALE:** 1" represents 200'

**STAFF:** Roberts

**GMA:** 2

**ACRE(S):** 0.29

**MAP(S):** 636846 and 636842



July 23, 2003

Jose Loya Roque  
2227 Urban Street  
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-2639

Dear Mr. Roque:

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, AICP  
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102  
Ralph Vestal, 4675 Abbotts Creek Church Road, Kernersville, NC 27284  
Norris Hutchins, 1020 East Sprague Street, Winston-Salem, NC 27107  
Nancy Byrum, 1836 Flat Rock Street, Winston-Salem, NC 27107  
Molly Leight, 313 S. Main Street, Winston-Salem, NC 27101  
Thomas & Shirley Burns, 6111 Hampton Meadows Lane, Clemmons, NC 27012

**ACTION REQUEST FORM**

**DATE:** January 23, 2003  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Jose Loya Roque

**SUMMARY OF INFORMATION:**

Zoning map amendment of Jose Loya Roque from RS-9 to PB-S (Museum or Art Gallery; Neighborhood Organization; Post Office; Club or Lodge; Banking and Financial Services; Bed and Breakfast; Building Contractor, General; Funeral Home; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Personal; Arts and Crafts Studio; and Food or Drug Store): property is located on the northeast corner of Sprague Street and Urban Street; property consists of ±0.29 acre and is Tax Lot 106, Tax Block 741, as shown on the Forsyth County Tax Maps and on a site plan on file in the office of the City-County Planning Board (Zoning Docket W-2639).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL  
**FOR:** CLARK, EICKMEYER, FOLAN, GLENN  
**AGAINST:** DOYLE, KING, LAMBE  
**EXCUSED:** BOST, NORWOOD  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Jose Loya Roque, Docket W-2639

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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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-S (Museum or Art Gallery; Neighborhood Organization; Post Office; Club or Lodge; Banking and Financial Services; Bed and Breakfast; Building Contractor, General; Funeral Home; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Personal; Arts and Crafts Studio; and Food or Drug Store) the zoning classification of the following described property:

Tax Block 741, Tax Lot 106

Section 2. This Ordinance is adopted after approval of the site plan entitled Jose Loya Roque and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to Jose Loya Roque.

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 Jose Loya Roque. 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 Jose Loya Roque, (Zoning Docket W-2639). 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 PB-S (Museum or Art Gallery; Neighborhood Organization; Post Office; Club or Lodge; Banking and Financial Services; Bed and Breakfast; Building Contractor, General; Funeral Home; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Personal; Arts and Crafts Studio; and Food or Drug Store)", 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-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 OCCUPANCY PERMITS**
  - a. Any damaged sidewalk or curb to be replaced or repaired to the requirements of the Public Works Department.
  
- **OTHER REQUIREMENTS**
  - a. Attached signage shall be limited to a maximum of 10% of the facade upon which it is mounted and shall not be internally illuminated. Freestanding signage shall be limited to a maximum of two driveway entrance/exit signs not exceeding four square feet in size. Such signs shall not be internally illuminated.

## ZONING STAFF REPORT

**DOCKET #** W-2639  
**STAFF:** Gary Roberts

Petitioner(s): Jose Loya Roque  
Ownership: Same

### **REQUEST**

From: RS-9 Single Family Residential District  
To: PB-S Pedestrian Business District (Museum or Art Gallery; Neighborhood Organization; Post Office; Club or Lodge; Banking and Financial Services; Bed and Breakfast; Building Contractor, General; Funeral Home; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Personal; Arts and Crafts Studio; and Food or Drug Store)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 0.29 acre

### **LOCATION:**

Street: Northeast corner of Sprague Street and Urban Street.  
Jurisdiction: City of Winston-Salem.  
Ward: Southeast.

### **SITE PLAN**

Proposed Use: Multiple office, service and retail uses.  
Square Footage: 2,500 square feet.  
Building Height: One story.  
Parking: Required: 9 spaces, (includes 30% PB reduction); proposed: 9 spaces.  
Bufferyard Requirements: 15 foot type II adjacent to RS-9.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Site is currently undeveloped.  
Adjacent Uses:  
North- Single family homes zoned RS-9.  
East- Single family homes zoned RS-9.  
Southeast- Single family homes zoned RS-9.

South- Parking lot for Living Water Nondenominational Church zoned LO-S.  
Southwest- Single family homes zoned RS-9.  
West- Single family homes zoned RS-9.

## **GENERAL AREA**

Character/Maintenance: Urban mixture of well to moderately maintained single family residences adjacent to small scale retail and service type related uses.

Development Pace: Slow to moderate.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Minimal grading to accommodate improvements shown on site plan.

Topography: The subject property has an elevation of about 904 feet and has little change.

Vegetation/habitat: The site is cleared with no significant vegetation.

Water Supply Watershed: The subject property is not in a water supply watershed.

## **TRANSPORTATION**

Direct Access to Site: Sprague Street; Urban Street.

Street Classification: Sprague Street – Minor Thoroughfare; Urban Street – Local Road.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Sprague Street between Thomasville Road and Old Lexington Road = 11,000/12,700

Trip Generation/Existing Zoning: RS-9

$0.29 \times 43,560/9,000 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 9 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: PB-S

$2,500/1,000 \times 156.48 \text{ (Walk-in Bank Trip Rate)} = 391 \text{ Trips per Day}$

Interior Streets: A 15 foot platted, unopened alley borders the eastern property line of the subject property.

Sidewalks: Existing on both sides of Urban Street and Sprague Street.

Transit: Route 26 along Urban Street; Route 29 along Sprague Street.

Bicycle Route: Route 9, Salem Lake Connector, on Sprague Street.

## **HISTORY**

Relevant Zoning Cases:

1. W-2082; RS-9 to LO-S (Multiple uses); approved September 3, 1996; northeast corner of Devonshire Street and Urban Street, across Sprague Street from current site; 1.27 acres; Planning Board and staff recommended approval.
2. W-1664; R-4 to R2-S (Child Day Care Center and Residential Building, Single Family); approved August 6, 1990; north side of Sprague Street between Dacian and Urban Streets; 0.39 acre; Planning Board and staff recommended approval.

3. W-906; R-2 to B3-S (Offices Miscellaneous and Manufacturing B); approved December 7, 1981; north side of Sprague Street between Urban Street and Thomasville Road; 0.36 acre; Planning Board recommended approval, staff recommended denial.
4. W-473; R-4 to B-3; denied November 14, 1974; south side of Sprague Street between Urban Street and Burgundy Street; 0.70 acre; Planning Board and staff recommended denial.

### **CONFORMITY TO PLANS**

GMP Area (*Legacy*): GMA 2, Urban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): *Legacy* encourages quality infill development and greater residential densities where appropriate for Urban Neighborhoods. *Legacy* also talks about creating compatible development and recommends paying special attention to the transition between residential and non-residential development.

Area Plan/Development Guide: *Southeast Winston-Salem Area Plan, (SEAP), 2002.*

Relevant Development Guide Recommendation(s): The *Southeast Winston-Salem Area Plan* recommends this site be developed as Urban Residential to include single-family, duplex, triplex, quadraplex, or townhouse units.

### **COMMUNITY DEVELOPMENT**

Certified Area/Name: Goldfloss.

Type of Certification: Rehabilitation, Conservation and Reconditioning Area, certified March 27, 1979.

Redevelopment Recommendation(s): As this area was certified as a Rehabilitation, Conservation, and Reconditioning (“Rehab”) area, there are no redevelopment recommendations for the site, nor the area. The City has and continues to encourage rehabilitation of properties in the area by enforcing the minimum housing code, encouraging rehabilitation of properties and making community development loan funds available for both owner-occupied and investor owned improvements.

### **HISTORIC RESOURCES REVIEW**

Forsyth County Architectural Inventory Number/Name: Located in the Southeast Winston-Salem Architectural Survey area.

Historic District: Located within the proposed Waughtown National Register Historic District.

Comments: The property is located in an area that was recently surveyed and though there is no building on the subject lot, many of the surrounding buildings are residential structures that are contributing to the Waughtown Historic District that was recently placed on the Study List for the National Register of Historic Places. Any new structures placed on this lot should be sensitive to the existing buildings. This includes issues of set-backs, building heights, and building form and details.



## ANALYSIS

The subject request is to rezone a 0.29 acre lot on the northeast corner of Sprague Street and Urban Street from RS-9 to PB-S. The site is currently undeveloped and located within an established pre World War II neighborhood characterized by a fine grain network of streets with sidewalks, minimal setbacks and a moderate mixture of uses within walking distance.

Directly adjoining the site are single family residences also zoned RS-9. The exception is the parking lot of a neighborhood scale church which is located across Sprague Street and zoned LO-S.

The proposed site plan depicts a single story, 2,500 square foot building with a one way parking layout located to the rear of the structure. The vehicular entrance and trash dumpster are located on the Urban Street side with the exit being located on Sprague Street adjacent to said alley. While the dumpster location complies with the minimum 50 foot separation from the adjoining residential district, the current orientation prevents proper service access. Staff has relayed this information to the site plan preparer.

The site is located within the proposed Waughtown National Register Historic District. Many of the surrounding homes, while in need of restoration, are contributing structures from an architectural standpoint. The site is also located within the Goldfloss Rehabilitation, Conservation and Reconditioning Area. Within this area the City of Winston-Salem has and continues to encourage rehabilitation of properties in the area by enforcing the minimum housing code, encouraging rehabilitation of properties and making community development loan funds available for both owner-occupied and investor owned improvements. Recently, this neighborhood has seen some degree of rehabilitation and due to the above mentioned characteristics has the potential to revitalize as a socially and economically vibrant part of the City. However, as a result of various internal and external influences, it remains vulnerable to insensitive infill development. Therefore the redevelopment process within this area warrants a high degree of public and private stewardship.

The site is located within the *Southeast Winston-Salem Area Plan, SEAP*, which was developed with citizen input and adopted in 2002. The plan recommends this site be developed as Urban Residential to include single-family, duplex, triplex, quadraplex, or townhouse units. The subject PB-S request on the contrary, includes multiple business uses with no residential opportunities. In addition, while the off-street parking is located to the rear of the structure and the building scale is arguably compatible with the surrounding single family residences, the request contains no information that would demonstrate its architectural sensitivity to the surrounding properties and the streetscape of Sprague and Urban Street. Given the ongoing historic district study, design sensitivity is important, in staff's opinion.

In summary, staff sees the subject request as contradictory to the recently adopted area plan, incompatible with the surrounding single family residential character and potentially inconsistent with the fledgling Waughtown Historic District and therefore recommends denial.

## **FINDINGS**

1. *Legacy* encourages quality infill development and recommends paying special attention to the transition between residential and non-residential development.
2. *SEAP* recommends Urban Residential, (single-family, duplex, triplex, quadraplex, or townhouse units), for the subject property while the subject request is for multiple business uses.
3. The subject property is within the proposed Waughtown National Register Historic District, and the Goldfloss Rehabilitation, Conservation and Reconditioning Area. However the submitted PB-S request provides no information regarding how design compatibility issues would be handled.
4. The proposed PB-S request is incompatible with the surrounding single family residential character.

## **STAFF RECOMMENDATION**

Zoning: **DENIAL.**

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

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Any damaged sidewalk or curb to be replaced or repaired to the requirements of the Public Works Department.
- **OTHER REQUIREMENTS**
  - a. Attached signage shall be limited to a maximum of 10% of the façade upon which it is mounted and shall not be internally illuminated. Freestanding signage shall be limited to a maximum of two driveway entrance/exit signs not exceeding four square feet in size. Such signs shall not be internally illuminated.

Gary Roberts presented the staff report.

Jimmy Norwood and John Bost were excused from consideration of this request.

## **PUBLIC HEARING**

FOR:

Jose Loya Roque, 2227 Urban Street, Winston-Salem, NC 27107

Mr. Roque spoke through his daughter, Martina Roque, due to language differences.

We have lived eight years in this area.

My father wants to build something that is already in the neighborhood.

Since right now he only has two very small parking spaces, he wants to relocate his fish market from 714 Waughtown Street. It is very small place and very successful. He needs more space for parking and to expand his existing business.

Right now it is run by only his wife and him; he needs more help. There will probably be 5-6 employees.

We live on Sprague Street; he saw this site as an opportunity for him and the community.

He has looked at other business sites in the area, but they are for rent and he wants to establish something permanent.

#### AGAINST:

Ralph Vestal, 4675 Abbotts Creek Church Road, Kernersville, NC 27284

What you weren't told is that Urban Street is offset by a road width. It's a very dangerous intersection. I own the house directly across from this property and directly behind it. The Living Water church has a major day care center there.

I'm sure these folks don't want an increase in traffic.

I would much prefer this to stay residential.

We don't want a fish market across the street.

This place is for rent.

Norris Hutchins, 1020 East Sprague Street, Winston-Salem, NC 27107

I live a very short distance from where Urban Street comes into Sprague.

I'm president of Sprague Street Association. We are trying to preserve the historical character of our area. Waughtown is the second oldest neighborhood in Winston-Salem.

We are working very hard to make sure more commercial property does not come in there. There are other places in the area where he could relocate.

Nancy Byrum, 1836 Flat Rock Street, Winston-Salem, NC 27107

Angelo Fransiciliano is extremely concerned about preserving the residential character of this area.

He is concerned about the neighborhood losing the corner to commercial development, because if commercial use occupies a corner site, it tends to spread along the street.

Read statement.

Angelo said we'd be more than happy to work with the petitioner if he's interested in developing residential on this site, or if he wants to find another site in this area that is more appropriate for business.

Distributed copies of statement.

Molly Leight, 313 S. Main Street, Winston-Salem, NC 27101

Standing in for Liz Clayton. She wanted to express to you that there are numerous commercial sites in this area which are available.

The major need of this area is keeping a balance between commercial and residential.

The Winston-Salem Neighborhood Alliance is very much in support of the neighborhoods in this area and their efforts to save the historic character of this neighborhood.

Thomas & Shirley Burns, 6111 Hampton Meadows Lane, Clemmons, NC 27012

We're very sympathetic to Mr. Roque's needs, however we are the large house next door.

There is a water/sewer easement on our property. We can't put any pavement there. He's already placed some poles near the manhole and there will probably be a problem with that because of the easement along here.

I'd like this to remain as a residential area.

### **WORK SESSION**

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

1. This lot been vacant about 10-12 years.
2. Philip Doyle: Has anyone seen new development in this area?
3. Lavastian Glenn: The Southside CDC would be glad to have an opportunity for a lot like this. It would present the opportunity for infill. Bringing commercial into the neighborhood is a negative thing. The Housing Authority would also be a good resource.
4. The Butler family gave this site to Calvary Baptist Church who gave it to Living Water Church who didn't know what to do with it.
5. There are similarly priced lots on Waughtown which are appropriate for commercial use.
6. Mr. Franscheciano and the Rural Initiatives Project would be glad to help this petitioner.
7. Carol Eickmeyer: This is a really unfortunate situation. Clearly this is an entrepreneurial person, but it is a use that isn't appropriate for this location.
8. Lavastian Glenn: Housing corporations would be interested in this site for housing.

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: Clarence Lambe

VOTE:

FOR: Doyle, King, Lambe

AGAINST: Clark, Eickmeyer, Folan, Glenn

EXCUSED: Bost, Norwood

MOTION FAILED

MOTION: Dara Folan moved denial of the zoning map amendment.

SECOND: Carol Eickmeyer

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn

AGAINST: Doyle, King, Lambe

EXCUSED: Bost, Norwood

SITE PLAN MOTION: Dara Folan certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Carol Eickmeyer

VOTE:

FOR: Clark, Doyle, Eickmeyer, Folan, Glenn, King, Lambe

AGAINST: None

EXCUSED: Bost, Norwood

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A. Paul Norby, AICP  
Director of Planning