



**DOCKET #:** W2652

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

**EXISTING ZONING:**  
RS7

**PETITIONER:**  
RHC and Health Associates  
for property owned  
by Doris Sale

**SCALE:** 1" represents 200'

**STAFF:** Hall

**GMA:** 2

**ACRE(S):** 0.56

**MAP(S):** 636854



October 22, 2003

RHC and Health Associates  
for property owned by Doris L. Sale  
c/o Ivan L. Robinson  
2295 East 14th Street  
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2652

Dear Mr. Robinson:

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

**ACTION REQUEST FORM**

**DATE:** October 22, 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 Petition of RHC and Health Associates for property owned by Doris Sale

**SUMMARY OF INFORMATION:**

Zoning map amendment of RHC and Health Associates for property owned by Doris L. Sale from RS-7 to PB-S [Residential Building, Urban; Arts and Crafts Studio; Food or Drug Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Medical or Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Club or Lodge; Government Offices; and Neighborhood Organization]: property is located on the west side of Martin Luther King Jr. Drive between Third Street and Fourth Street (Zoning Docket W-2652).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** BOST, CLARK, DOYLE, EICKMEYER, FOLAN, GLENN, KING  
**AGAINST:** NONE  
**EXCUSED:** NORWOOD  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of RHC and Health Associates  
for property owned by Doris L. Sale, Docket W-2652

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-7 to PB-S [Residential Building, Urban; Arts and Crafts Studio; Food or Drug Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Medical or Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Club or Lodge; Government Offices; and Neighborhood Organization] the zoning classification of the following described property:

Tax Block 398            Tax Lots 106, 109B, 110B, 112A, 112B, 115, 116

Section 2. This Ordinance is adopted after approval of the site plan entitled RHC and Health Associates for property owned by Doris L. Sale and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to RHC and Health Associates for property owned by Doris L. Sale.

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 RHC and Health Associates for property owned by Doris L. Sale. 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 RHC and Health Associates for property owned by Doris L. Sale, (Zoning Docket W-2652). 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 [Residential Building, Urban; Arts and Crafts Studio; Food or Drug Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Medical or Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Club or Lodge; Government Offices; and Neighborhood Organization]", 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 BUILDING PERMITS**
  - a. A variance from the Board of Adjustment shall be obtained relating to parking encroachment into a buffer yard.
  - b. On-site fire hydrant locations shall be approved by City Fire Department in writing to the Inspections Division.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. All required fire hydrants shall be installed in accordance with City Fire Department.
  
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one monument type sign with a 5' maximum height.
  - b. Any sidewalks damaged during development of the site shall be repaired.

## ZONING STAFF REPORT

**DOCKET #** W-2652  
**STAFF:** S. Chad Hall

Petitioner(s): RHC and Health Associates  
Ownership: Doris Sale

### **REQUEST**

From: RS-7 Residential Single Family District; minimum lot size 7,000 sf  
To: PB-S Pedestrian Business District (Residential Building, Urban; Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; Medical or Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Club or Lodge; and Neighborhood Organization)

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

Acreage: 0.56 acre

### **LOCATION:**

Street: West side of Martin Luther King Jr. Drive between Third Street and Fourth Street.  
Jurisdiction: City of Winston-Salem.  
Ward: East.

### **SITE PLAN**

Proposed Use: Residential Building, Urban; Arts and Crafts Studio; Retail Store, Specialty or Miscellaneous; Medical or Dental Lab; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Club or Lodge; and Neighborhood Organization

Square Footage: 16,073 sf

Building Height: Three stories with a maximum height of 60'.

Parking: Required: 37; Proposed: 38.

Bufferyard Requirements: Type I abutting RS-7.

Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

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

Existing Structures on Site: A vacant former laundry facility.

Adjacent Uses:

North-	Mars Hill Baptist Church, zoned RS-7.
Northeast-	Residential, zoned RS-7.
East-	Residential, zoned RS-7.
Southeast-	Legally non-conforming hair stylist, zoned RS-7.

South- Residential, zoned RS-7.  
West- Residential, zoned RS-7.

## **GENERAL AREA**

Character/Maintenance: A mixture of well-maintained residential dwellings and businesses.  
Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The existing building on site is to be demolished.

Topography: The subject property experiences an elevation change of about 10 feet, from 924 feet in the southwestern corner of the property to about 934 feet in the northeastern corner of the property.

Streams: No streams are on or near the subject property.

Vegetation/habitat: No significant vegetation currently exists on the subject property.

Environmental Resources Beyond The Site: The proposed site plan does not appear to impact any environmental resources beyond the site.

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

## **TRANSPORTATION**

Direct Access to Site: Martin Luther King Jr. Drive; Fourth Street; Third Street

Street Classification: Martin Luther King Jr. Drive – Major Thoroughfare; Fourth Street – Major Thoroughfare; Third Street – Minor Thoroughfare

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

Martin Luther King Jr. Drive between Third and Fourth Streets = 14,000/26,900

Martin Luther King Jr. Drive between Second and Third Streets = 20,000/26,900

Trip Generation/Existing Zoning: RS-7

$0.56 \times 43,560 / 7,000 = 3 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 28 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: PB-S

$2,667 / 1,000 \times 36.13 \text{ (Medical/Dental Trip Rate)} = 96 \text{ Trips} + 13,406 / 1,000 \times 11.01 \text{ (General Office Trip Rate)} = 147 \text{ Trips per Day} = 243 \text{ Total Trips}$

Planned Road Improvements: None.

Sight Distance: Good.

Traffic Impact Study recommended: No.

Sidewalks: Both sides of MLK Jr. Drive, Third and Fourth Streets.

Transit: Route 3 along Third Street; Route 25 along Third Street.

Bicycle Route: Route 10 along MLK Jr. Drive; Route 15, Kernersville Connector, along Fourth Street.

## **HISTORY**

Relevant Zoning Cases:

1. W-2544; RS-7 to GB; denied August 8, 2002; southwest corner of Martin Luther King Jr. Drive and Fifth Street; 0.25 acre; Planning Board and staff recommended denial.



2. W-2162; RS-7 to NO; approved October 6, 1997; southeast corner of Laura Wall Boulevard and Fourth Street; 0.17 acre; Planning Board recommended approval and staff recommended denial.
3. W-2155; RS-7 to LO; approved June 2, 1997; northwest corner of Fourth Street and Laura Wall Boulevard; 0.58 acre; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): For Urban Neighborhoods, *Legacy* encourages quality infill development, greater residential densities where appropriate, neighborhood retail, and community services. Historic preservation, rehabilitation and reuse of existing structures are encouraged.

This site is located on Martin Luther King, Jr. Drive that is identified in *Legacy* as an “Urban Boulevard”. The purpose of urban boulevards is to create attractive urban gateways leading into downtown Winston-Salem; concentrate jobs, retail, and higher density housing at selected points along the corridors; promote high quality transit service and pedestrian access by increasing densities along the corridors; and, incorporate design features that support pedestrian activity and give the corridors an urban look and feel.

Area Plan/Development Guide: East Winston Area Plan, adopted in 1987.

Relevant Development Guide Recommendation(s): This site was identified as existing commercial land use in the East Winston Area Plan.

### **COMMUNITY DEVELOPMENT**

Certified Area/Name: East Winston #3 (NCR-59) Redevelopment Area.

Type of Certification: Blighted, certified in 1965.

Redevelopment Recommendation(s): No records were found showing the redevelopment recommendations for East Winston #3 Redevelopment Area.

### **ANALYSIS**

The current request is to rezone 0.56 acre from RS-7 to PB-S (Multiple Uses). The site is located on the west side of Martin Luther King Jr. Drive between Third Street and Fourth Street. Currently located on the subject property is an abandoned former laundry facility. The zoning around the subject property is all RS-7, although there is a sprinkling of legally nonconforming businesses throughout the area, mainly to the north.

The East Winston Area Plan, adopted in 1987, identified the subject property as an existing commercial land use and did not recommend a change of use. The requested PB-S zoning district is consistent with that recommendation.

The subject property is located along an Urban Boulevard, as prescribed by *Legacy*. The purpose of urban boulevards is to “create attractive urban gateways leading into downtown Winston-Salem...and...incorporate design features that support pedestrian activity and give the corridors an urban look and feel.”

The intent of the PB district strives for the same. As is typical for any scenario where “look and feel” are the focus of a desired environment, the “how it’s done” (site plan) is equally important to the “what it is” (zoning district).

Careful commercial redevelopment is therefore important in order to preserve and add value to the surrounding single-family residences, enhance the overall streetscape, and address the Urban Boulevard objectives of *Legacy*. The proposed three-story building (two-story with overhang) on the subject property begins to create an urban “look and feel”, at least for Martin Luther King Jr. Drive and Third Street. The proposed building is a bold and well-placed gesture for the Urban Boulevard. Staff is encouraged about the opportunity for redevelopment in this area of the City and the standard that it may set for further investment.

Some parking has an external exposure to Fourth Street at the intersection of MLK as well as some on Third Street. Typically, the required streetyard will mitigate the visual impacts of parking areas. However, in an urban environment – especially along Urban Boulevards – additional measures may be needed to contribute to the overall fabric of the gateway corridor. Recognizing that the Urban Boulevard is a long-range concept, setting precedent along a corridor is vital to encourage additional positive investment – a glimpse of things to come. Such architectural elements as knee walls (low walls approximately three feet high) or other features can help mitigate the presence of parking while maintaining the “look and feel” of an urban environment with the use of hardscape materials. At present, especially as it relates to the intersection of Fourth and MLK, such elements to mitigate the impact of parking have not been incorporated in the site plan.

An area of the site where the screening of parking is a priority is under the overhang as it fronts onto Martin Luther King Jr. Drive. Here, a streetyard is not required by Ordinance beneath the canopy of the second floor. A knee wall in this area would be helpful to screen parking. However, an option would be to include vegetation, but it would of course need to be irrigated so that the plants could live.

Along with the design features that mitigate impacts and provide for successful urban transitions is the need to address and/or orient to the public street. Pedestrian access to the public street embracing the pedestrian and the transit rider is important. Staff has been informed that there is to be no door along the Martin Luther King Jr. Drive building front. Public access into the building, rather, would be from underneath the second floor overhang. How the entranceway is planned could help define how the development relates or does not relate to the Urban Boulevard.

In this urban environment, the proposed building is of a scale and mass that relates to its surrounding environment. While there is a large presence of parking on the site, this is the result of the desired square footage and uses of the property with required associated parking. However, some additional screening would help to elevate this area as a gateway boulevard – an urban boulevard – for the City of Winston-Salem. While the zoning is appropriate at this location, the site plan could be enhanced as it relates to parking screening.

## **FINDINGS**

1. The East Winston Area Plan identifies the subject property as commercial.
2. The subject property is located along an Urban Boulevard.
3. The proposal represents a potentially very positive investment in an area that would benefit from such an investment.
4. The proposed three-story building should create an urban “look and feel”.
5. Additional attention to design details could maximize the development’s contribution to the character and function of the area.

## **STAFF RECOMMENDATION**

Zoning: **APPROVAL** with site design considerations that aid in screening parking below the building overhang.

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

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. A variance from the Board of Adjustment shall be obtained relating to parking encroachment into a buffer yard.
  - b. On-site fire hydrant locations shall be approved by City Fire Department in writing to the Inspections Division.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. All required fire hydrants shall be installed in accordance with City Fire Department.
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one monument type sign with a 5’ maximum height.
  - b. Any sidewalks damaged during development of the site shall be repaired.

Jimmy Norwood was excused from consideration of this request due to a potential conflict of interest and left the meeting.

Glenn Simmons explained that the petitioner has added a condition to the site plan to provide for screening of parking under the building on Martin Luther King, Jr. Drive.

## **PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Philip Doyle moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff recommendations.

SECOND: Carol Eickmeyer

VOTE:

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

AGAINST: None

EXCUSED: Norwood

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A. Paul Norby, AICP  
Director of Planning