



DOCKET #: W2663

PROPOSED ZONING:
PB-S (Multiple Uses)

EXISTING ZONING:
LO and PB

PETITIONER:
John L. Fischel
and Louise M. Fischel

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRE(S): 0.41

MAP(S): 630854



December 17, 2003

John L. and Louise M. Fishel
1321 Bayou Court
Panama City, FL 32401

RE: ZONING MAP AMENDMENT W-2663

Dear Mr. & Mrs. Fishel:

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
Mike Murray, 3 Bryan Court, Greensboro, NC 27408

ACTION REQUEST FORM

DATE: December 17, 2003
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Zoning map amendment of John L. Fishel and Louise M. Fishel

SUMMARY OF INFORMATION:

Zoning map amendment of John L. Fishel and Louise M. Fishel from LO and PB to PB-S (Arts and Crafts Studio; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Personal; Museum or Art Gallery; Retail Store, Specialty or Miscellaneous; and Residential Building, Townhouse): property is located at the southeast corner of Second Street and Poplar Street (Zoning Docket W-2663).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of John L. Fishel and Louise M. Fishel, Docket W-2663

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 LO and PB to PB-S (Arts and Crafts Studio; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Personal; Museum or Art Gallery; Retail Store, Specialty or Miscellaneous; and Residential Building, Townhouse) the zoning classification of the following described property:

Tax Block 73 Tax Lot(s) 61A and 462

Section 2. This Ordinance is adopted after approval of the site plan entitled John L. Fishel and Louise M. Fishel and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to John L. Fishel and Louise M. Fishel.

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 John L. Fishel and Louise M. Fishel. 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 John L. Fishel and Louise M. Fishel, (Zoning Docket W-2663). 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 (Arts and Crafts Studio; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Personal; Museum or Art Gallery; Retail Store, Specialty or Miscellaneous; and Residential Building, Townhouse), 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. Building design and materials for principal and accessory structures shall be substantially consistent with that as shown on Exhibit A as verified by Planning staff.
 - b. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
 - c. Driveway permit shall be issued by the City of Winston-Salem Engineering Division.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All new fencing shown on site plan shall consist of brick and wood with a minimum height of 5 feet and a maximum height of 7 feet.
 - b. Developer shall repair/replace any damaged sidewalk and curb and gutter along Second Street and Poplar Street in accordance with City of Winston-Salem Department of Engineering.
 - c. All required fire hydrants shall be installed in accordance with the City Fire Department.
 - d. No on-site lighting shall be taller than 15 feet and shall be of the "shoebox" type or otherwise designed not to cast direct light on adjacent properties.

ZONING STAFF REPORT

DOCKET # W-2663
STAFF: Gary Roberts

Petitioner(s): John L. Fishel and Louise M. Fishel
Ownership: Same

REQUEST

From: LO Limited Office District and PB Pedestrian Business District
To: PB-S Pedestrian Business (Arts and Crafts Studio; Medical and Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Personal; Museum or Art Gallery; Retail Store, Specialty or Miscellaneous; and Residential Building, Townhouse)

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

Acreage: 0.41 acre

LOCATION:

Street: Southeast corner of Second Street and Poplar Street.
Jurisdiction: City of Winston-Salem.
Ward: Northwest..

SITE PLAN

Proposed Use: Six live-work units. A live-work units is essentially a residential townhouse with the first floor having street level access and designed to accommodate small scale or start-up businesses for the owner/occupant or lessee.

Square Footage: 14,008 square feet for live-work units; 1,440 square feet for six bay garage.

Building Height: Three story, 45 feet.

Density: Fifteen dwelling units per acre.

Parking: Required: 16 spaces (includes 30% PB reduction); proposed: 18 spaces.

Bufferyard Requirements: No bufferyards required adjacent to LO or PB.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Subject property is currently undeveloped.

Adjacent Uses:

East -	Small scale office and service type uses zoned PB.
Southwest -	Single family residential uses zoned LO.
West -	Small apartment building zoned LO.

South - Triplex zoned LO.
Northwest - Calvary Moravian Church (community scale).

GENERAL AREA

Character/Maintenance: Urban mixture of residential, institutional and business type uses in good maintenance.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

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

Topography: Moderate slope downward from the southeastern corner to the western section of the property.

Vegetation/habitat: The subject property has no vegetation of any significance.

Floodplains: The subject property is not located in or near a floodplain.

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

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

TRANSPORTATION

Direct Access to Site: Second Street; Poplar Street.

Street Classification: Second Street - Minor Thoroughfare; Poplar Street - Local Street.

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

Second Street between Poplar and Spruce Streets = 9,000/14,600

Trip Generation/Existing Zoning: LO and PB

No trip generation rates available for undeveloped property.

Trip Generation/Proposed Zoning: PB-S

6 units x 9.57 (SFR Trip Rate) = 57 Trips + 4,712 sq.ft/1,000 x 36.13 (Medical/Dental

Trip Rate) = 170 Trips. Total Trips per Day = 227

Traffic Impact Study recommended: No.

Sidewalks: Existing on both sides of all streets.

Transit: Routes 19, 20 and 23 along Second Street.

Bicycle Route: None.

HISTORY

Relevant Zoning Cases:

1. W-2647; HB to LO; approved October 6, 2003; west side of Spring Street between Fourth Street and Holly Avenue; 0.16 acre; Planning Board and staff recommended approval.
2. W-2612; PB to CB; approved June 2, 2003; northeast corner of Spruce Street and Second Street; 0.46 acre; Planning Board and staff recommended approval.

1. W-2146; LO to CB-S (Parking, Commercial); approved May 5, 1997; north side of Holly Avenue between Poplar Street and Spring Street; 0.45 acre; Planning Board and staff recommended approval.
4. W-2297; LO to PB-S (Offices Miscellaneous; Professional Office; Services, Business A; and Medical or Dental Laboratory); approved March 1, 1999; west side of Spruce Street, between High Street and First Street; 0.44 acre; Planning Board and staff recommended approval.
5. W-2035; PB to CB; approved February 19, 1996; north side of First Street between Cherry Street and Marshall Street; 2.27 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Encourage quality infill development, greater residential densities where appropriate, neighborhood retail, and community services. Second Street is identified as part of both the South Stratford Road/Cloverdale and the Peters Creek Parkway Urban Boulevards. 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 services 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. *Legacy* recommends concentrating the highest densities and mixed use development on Urban Boulevards, at Metro Activity Centers, and in City/Town Centers.

Area Plan/Development Guide: *South Central Area Plan (SCAP)*, 2003; *Holly Avenue Neighborhood Design Study*, 1992.

Relevant Development Guide Recommendation(s): *SCAP* encourages mixed use, variety-rich neighborhoods. *SCAP* recommends office and urban residential use of the site. General design oriented recommendations of the *Holly Avenue Neighborhood Design Study* include: limit new construction to 35 feet in height, require new construction to be compatible with existing development along each street through building orientation, entryway placements, general shape and design, massing, roof style, materials and scale; locate parking to the rear or interior of lots wherever possible; and encourage the use of shared driveways. The Design Study identifies the petition site as being located at the edge of the Neighborhood Core.

COMMUNITY DEVELOPMENT

Certified Area/Name: Holly Avenue.

Type of Certification: Rehabilitation, Conservation, and Reconditioning Area

Redevelopment Recommendation(s): This area was certified as a Rehabilitation, Conservation, and Reconditioning area, however, there are no specific redevelopment recommendations for the site or the area and the site is vacant. The City has and continues to encourage rehabilitation of properties in the area by enforcing the minimum housing code, encouraging rehab of properties and making community development loan funds available for both owner-occupied and investor owned improvements.

HISTORIC RESOURCES REVIEW

Comments: The subject property is adjacent on three sides to the Holly Avenue National Register Historic District, designated in 2002. The district is comprised of a variety of one and two story, late-nineteenth and early twentieth century styles including Queen Anne, early Colonial Revival and Craftsman. Also included in the district are a number of brick multi-family structures and institutional buildings, of which Calvary Moravian Church is the most prominent and dominant non-residential building. The subject property is adjacent to several contributing buildings. The aspiration would be that any new construction within the general area would complement the unique character and charm of the district. Sensitive consideration of items as lot coverage, setback, height, spacing, orientation, scale and materials will help continue the vitality of this historical yet growing area.

ANALYSIS

The petition is to rezone 0.41 acre located on the southeast corner of Second Street and Poplar Street from LO and PB and PB-S. The site is currently undeveloped and located within the Holly Avenue neighborhood. The area is characterized by a walkable mixture of residential, business and institutional uses within the context of an established inner city neighborhood.

The subject property is located within *Legacy's* Urban Neighborhoods Growth Management Area, the recently adopted *South Central Area Plan (SCAP)*, and the *Holly Avenue Neighborhood Design Study*, and is bordered on three sides by the Holly Avenue National Register Historic District.

The site plan illustrates the increasingly popular urban housing concept known as the live-work unit. This building type is essentially a residential townhouse with the first floor having street level access and is designed to accommodate small scale or start-up businesses for the owner/occupant or lessee. The second and third floors are detailed as a typical residential townhouse. With one mortgage payment covering both living and business expenses, the live-work unit permits the urban entrepreneur a high degree of financial and locational convenience and flexibility. The proposed units front along Second Street with rear parking accessed via Poplar Street and a platted, unopened alley which runs along the eastern property line and connects to Second Street.

The site is located within *Legacy's* Urban Neighborhoods Growth Management Area which encourages quality infill development, greater residential densities where appropriate and neighborhood retail. The *South Central Area Plan* recommends office and urban residential use for the site. The petitioner has voluntarily submitted proposed building elevations, which in staffs opinion, would be complementary of the surrounding properties and generally consistent with the recommendations of the *Holly Avenue Neighborhood Design Study*. Those recommendations include compatibility with the existing development pattern in regard to building orientation, entryway placements, general shape and design, massing, roof style, materials, scale, rear parking and shared driveways. The one exception pertains to the proposed 45 foot maximum height of the building in lieu of the 35 foot recommended height limit of the design study. While the proposed three story units would be taller than the existing residential structures along Poplar Street and the recommendations of the design study, the vertical elevation of the Calvary Moravian Church property, across Second Street, and the proximity of this property to the downtown commercial area, would seem to place the subject property within a transitional context.

When constructed in a manner respectful to the existing surroundings, live-work units are in line with *Legacy's* objective of promoting a more compact, mixed use and therefore walkable pattern of development. Staff sees the subject request as a good example of quality, contextual urban infill and recommends approval.

FINDINGS

1. *Legacy* encourages quality infill development, greater residential densities where appropriate, neighborhood retail, and community services within Urban Neighborhoods.
2. *SCAP* recommends office and urban residential use of the site.
3. The petitioner has voluntarily submitted proposed building elevations, which in staff's opinion, would be complementary of the surrounding properties and generally consistent with the recommendations of the *Holly Avenue Neighborhood Design Study*.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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. Building design and materials for principal and accessory structures shall be substantially consistent with that as shown on Exhibit A as verified by Planning staff.
 - b. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
 - c. Driveway permit shall be issued by the City of Winston-Salem Engineering Division.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
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 - d. No on-site lighting shall be taller than 15 feet and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

1. Jimmy Norwood: It is a great idea to have work/reside units.
2. Jerry Clark: This is a great example of infill.

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

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Eickmeyer, Folan, King, Mullican, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
 Director of Planning