



DOCKET #: W2365

PROPOSED ZONING:
LB

EXISTING ZONING:
RS18

PETITIONER:
Azzat Amer, Inc.

SCALE: 1" represents 200'

STAFF: L. Weston

GMA: 3

ACRE(S): 0.84

MAP(S): 630858, 630862

January 18, 2000

Azzat A. Amer
1348 Patterson Avenue
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2365

Dear Mr. Amer:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Gerald G. Spaugh, 2718 N. Liberty Street, Winston-Salem, NC 27105
Richard N. Davis, 1334 N. Patterson Avenue, Winston-Salem, NC 27105
Rodney Summer, 2515 Patterson Avenue, Winston-Salem, NC 27105
Sandra Trotter Wilson, 1501 N. Patterson Avenue, Winston-Salem, NC 27105
Kay Lord, 339 Whitt Street, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: January 18, 2000
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Azzat Amer, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of Azzat Amer, Inc. from RM-18 to LB; property is located on the southwest corner of Patterson Avenue and 14th Street (Zoning Docket W-2365).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Azzat Amer, Inc., Docket W-2365

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 Board of Aldermen 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 RM-18 to LB the zoning classification of the following described property:

BEING FURTHER DESCRIBED AS BEGINNING at a point in the southwest corner of 14th Street and Patterson Avenue, and running southwardly along the west line of Patterson Avenue, 175 feet to an iron pipe, thence west along a line parallel with the line of Lot 82, 211 feet on the west side of said street; thence north 175 feet to an iron in the south side of 14th Street; thence eastwardly along the south line of 14th Street to the point and place of BEGINNING, being the same as Lot 82 and a portion of Lot 83 of the A. E. Berry lands and being designated as Block 199 Lots 82 and 101 as presently shown on the Forsyth County Tax Maps being 0.84 acres + or -.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2365
STAFF: Larry F. Weston

Petitioner(s): Azzat Amer, Inc.
Ownership: Same

REQUEST

From: RM-18 Residential Multifamily District; maximum density 18 units/acre
To: LB Limited Business District

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

Acreage: 0.84 acre

LOCATION

Street: Southwest corner of Patterson Avenue and 14th Street.
Jurisdiction: City of Winston-Salem.
Ward: East.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Commercial structure containing Patterson Grocery, a small retail business.

Adjacent Uses:

North -	Post Office zoned LI.
East -	Elks Lodge and two (2) duplex buildings zoned RM-5.
South -	Vacant land zoned RM-18.
West -	Chestnut Plains Apartments zoned RM-18.

GENERAL AREA

Character/Maintenance: Mixture of well-maintained and poorly-maintained residential and business uses.

Development Pace: Slow.

TRANSPORTATION

Direct Access to Site: Patterson Avenue/14th Street.

Street Classification: Patterson Avenue - major thoroughfare; Northwest Boulevard - major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Patterson Avenue south of Northwest Boulevard - 6,800/18,000.

Patterson Avenue south of Glenn Avenue - 7,800/18,000.

Northwest Boulevard west of Patterson Avenue - 7,500/16,000.

Planned Road Improvements: None.

Transit: Rt. 10A, 10B, 10C along Patterson Avenue.

Bike: Route 11 along Northwest Boulevard.

HISTORY

Relevant Zoning Cases:

1. W-2282; LI to GB; approved January 4, 1999; Block bounded by Patterson Avenue, 9th Street, Chestnut Street, and 10th Street; 3.1 acres; Planning Board and staff recommended approval.
2. W-1959; LB and GI to PB; approved May 15, 1995; southwest corner of Patterson Avenue and Northwest Boulevard; 0.61 acres; Planning Board and staff recommended approval.
3. W-1878; R-2 to I-2-S; approved March 7, 1994; northwest corner of Chestnut Street and Northwest Boulevard; 1.78 acres; Planning Board and staff recommended approval.
4. W-1419; R-2 to I-3; approved March 9, 1987; portion of site noted in #1, northwest corner of Chestnut Street and Northwest Boulevard; 0.35 acre; Planning board and staff recommended approval.
5. W-1412; I-2 and I-3 to B-2; approved February 2, 1987; southeast corner of Northwest Boulevard and Patterson Avenue; 0.37 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban

Relevant Comprehensive Plan Recommendation(s): Separation and buffering of commercial, office, and industrial uses from residential areas; preservation of stable neighborhood areas

Area Plan/Development Guide: This site is not within the boundaries of a development guide or area plan.

ANALYSIS

This petition is to rezone 0.84 acre from RM-18 to LB. The property is currently being used as a grocery or convenience store, a non-conforming use approved by the Zoning Board of Adjustment. Previously, the building on the site was used as a dry cleaning establishment. The rezoning would permit an expansion of the building, or would permit the development of other uses allowed in the Limited Business (LB) zoning district.

The site lies within a neighborhood that contains a mixture of zoning districts and uses. There is industrial zoning north of the site, apartment (RM-5, RM-18) zoning on the other three sides, and

small scale office (LO) and substantial high intensity (HB) business zoning nearby.

The site is located in the area currently being studied by City staff as the potential Liberty/Patterson Redevelopment Area. Planning staff will likely recommend to the City-County Planning Board that the Liberty/Patterson area be certified as a redevelopment area at the Planning Board's January work session. If the area is certified, Planning and City Housing staff will work with the neighborhood to formulate a redevelopment plan for the area. There is interest from the City and from residents of the area in revitalizing existing uses and attracting neighborhood-serving commercial activities. There is also a concern by Planning staff that existing multifamily residential zoning be maintained wherever possible to support higher density infill strategies.

As noted, there is already general use business zoning in the immediate vicinity that could support new commercial services. Approximately 150 feet south of the current site is vacant general use HB zoned land that would permit a wide range of uses. There are other vacant sites nearby, including a Pedestrian Business (PB) site at the corner of Patterson Avenue and Northwest Boulevard, that could also be developed as part of the revitalization effort. Staff is hesitant to support additional general use business zoning when there is available general use business zoning nearby, and when multifamily residential zoning is in short supply.

There is currently no development guide or area plan for this area to further inform staff's view of this request. If the area is certified, the redevelopment plan for the area will not likely be adopted until the late spring or summer. Staff has determined, however, from contact with residents of the surrounding neighborhood and through the City's ongoing neighborhood planning and development activities, that sufficient concern exists about unrestricted development of the current site to warrant caution at this time. Residents want to see land use decisions handled in a comprehensive manner through the redevelopment plan. Staff encourages development of existing vacant business zoned property as being preferable to rezoning of residential land for that purpose. In the alternative, staff would be more inclined to support a special use petition for Neighborhood Office, Limited Office, Limited Business or Pedestrian Business zoning that would restrict activities to those that would be compatible with the neighborhood.

FINDINGS

1. This site is currently being utilized as a grocery/convenience store, and the proposed rezoning would allow expansion of this use or development of a range of other commercial activities.
2. The petition is not consistent with the objectives of *Vision 2005* in that it does not adequately promote buffering and separation of residential and commercial uses.
3. There is vacant land in the vicinity of the site that is already zoned for business use, and could be used to provide neighborhood services as needed.
4. The general use request does not allow adequate protections for surrounding residences.
5. This site will likely be part of a new redevelopment area and, if so, a plan will be developed later this year which will consider appropriate use of the property in a

comprehensive fashion.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

[*For Information Purposes Only*: The draft *Legacy* recommendations include reinforcing the earlier objectives of *Vision 2005* with respect to the protection of existing neighborhoods from inappropriate commercial or industrial encroachment. *Legacy* further recognizes the potential damages caused by nonresidential uses that are introduced into existing neighborhoods at an inappropriate scale.]

Larry Weston presented the staff report.

PUBLIC HEARING

FOR:

Gerald G. Spaugh, 2718 N. Liberty Street, Winston-Salem, NC 27105

There are several factors that justify this zoning change. This is a mixed use area with light industrial and neighborhood services; this is a pocket area zoned RM-18, with no part of it used for residential.

There are two business in this area with a grocery store.

Any redevelopment plan to be proposed will take a number of years to implement.

Because of the mixed nature of this neighborhood light industrial should be allowed.

The multifamily use is limited.

The request is not encroaching on any new areas; it is just filling in where business already exists.

The development pace for this area is slow and will be for several years.

It is more realistic to expect that businesses in this area are willing to expand their business rather than look for outside business.

The petitioner is not opposed to providing certain buffers that would be acceptable in this neighborhood.

AGAINST:

Richard N. Davis, 1334 N. Patterson Avenue, Winston-Salem, NC 27105

My property abuts the subject property.

I have been here since 1970 and have an accounting office here.

The petitioner bought this property about one year ago.

The City of Winston-Salem has a plan to bring this area up to standards.

Habitat for Humanity has built several homes in this area and they are trying to revive this area.

The owner of this property has been a very poor corporate citizen.

When he renovated this property, he would not clean up the debris and we had to call the Sanitation Department to give him a citation requiring him to remove the debris.

He has removed the grass and caused an erosion problem because he did not get a grading permit to grade this lot.

The owner now is under citation from the Erosion Control Office.

If this petition is approved, we will have a problem getting him to be a good citizen in this neighborhood.

We have been meeting with the City and neighborhood association to restore this neighborhood.

Rodney Summer, 2515 Patterson Avenue, Winston-Salem, NC 27105

I have lived at this address 17 years.

I am the president of the neighborhood association which is made up of residential, business, and church representatives.

Mr. Spaugh should have come to the neighborhood before he presented this petition.

This request is definitely wrong for this neighborhood.

This neighborhood will be presenting a neighborhood report to the Planning Department later this month for approval.

This property should not have been approved for a convenience store.

We have a tremendous problem in this area now.

This area is already overburdened with other services for the homeless such as the Soup Kitchen.

We are opposed to this petition.

Sandra Trotter Wilson, 1501 N. Patterson Avenue, Winston-Salem, NC 27105

Representing Saint James AME Church.

We often clean up this street and vagrant situations in this community.

This commercial business is currently causing harm to the community and we do not need any more harm to this neighborhood.

The property is not being taken care of at this time and we feel that this is harmful to the community.

Kay Lord, 339 Whitt Street, Winston-Salem, NC 27103

Executive Director of Habitat for Humanity.

We are working with the City to reclaim homes in this area and are concerned with the convenience store.

We do not want any more commercial business at the end of this street where we are planning to build new houses.

WORK SESSION

MOTION: James Rousseau moved denial of the zoning map amendment.

SECOND: Jack Stewart

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning