



**DOCKET #:** W2394

**PROPOSED ZONING:**  
PB

**EXISTING ZONING:**  
RM18

**PETITIONER:**  
Stowers & James Company,  
LLC, for property owned  
by others

**SCALE:** 1" represents 200'

**STAFF:** D. Reed

**GMA:** 2

**ACRE(S):** 0.46

**MAP(S):** 630854

April 19, 2000

Stowers & James Company, LLC  
c/o Jayne Stowers  
Suite 600, 8 W. 3rd Street  
Winston-Salem, NC 27101

RE: ZONING MAP AMENDMENT W-2394

Dear Ms. Stowers:

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  
H. Kenneth Smith, 1959 N. Peace Haven Road, PMB 243, Winston-Salem, NC 27106  
Bell West Properties, P. O. Box 5292, Winston-Salem, NC 27113-5292  
Timothy Lee McCullen, 101 Sturbridge Road, Raleigh, NC 27615  
High Point Bank & Trust Co., P. O. Box 2278, High Point, NC 27261-2278  
Nedral Gloria Imes, 811 W. Fifth Street, Apt. 202, Winston-Salem, NC 27101-2543  
Frances M. Stadiem, High Point Bank & Trust Co., P. O. Box 2278, High Point, NC 27261-2278  
Herbert Max Smith, 811 W. Fifth Street, Apt. 204, Winston-Salem, NC 27101-2543  
Kevin A. Brown, 811 W. Fifth Street, Apt. 205, Winston-Salem, NC 27101  
Lucien J. Houenou and Francoise Houenou, 2225 New Castle Drive, Winston-Salem, NC 27103  
H. Kenneth Smith and Betty Smith, 1045 Englewood Drive, Winston-Salem, NC 27106-5618  
Frederick M. Brown, Jr., and Karen M. Brown, P. O. Box 220, Lakemont, GA 30552-0220  
James C. Hutcherson, 7920 Curtina Lane, Lewisville, NC 27023-9783  
Pamela J. Boyle Trustee, 121 Wellesborough Road, Winston-Salem, NC 27104  
Charles Steven Musco, 811 W. Fifth Street, Apt. 404, Winston-Salem, NC 27101-2543  
Civic Club Concerts, Inc., 811 W. Fifth Street, Apt. 405, Winston-Salem, NC 27101-2543

## ACTION REQUEST FORM

**DATE:** April 19, 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 Stowers & James Company, LLC for property owned by Bell West Properties; Timothy Lee McCullen; High Point Bank & Trust Co.; Nedra Gloria Imes; Frances M. Stadiem; Herbert Max Smith; Kevin A. Brown; Lucien J. Houenou & Françoise Houenou; H. Kenneth Smith & Betty Smith; Frederick M. Brown, Jr. & Karen M. Brown; James C. Hutcherson; Pamela J. Boyle, Trustee; Charles Steven Musco; and Civic Club Concerts, Inc.

### SUMMARY OF INFORMATION:

Zoning map amendment of Stowers & James Company, LLC for property owned by Bell West Properties; Timothy Lee McCullen; High Point Bank & Trust Co.; Nedra Gloria Imes; Frances M. Stadiem; Herbert Max Smith; Kevin A. Brown; Lucien J. Houenou & Françoise Houenou; H. Kenneth Smith & Betty Smith; Frederick M. Brown, Jr. & Karen M. Brown; James C. Hutcherson; Pamela J. Boyle, Trustee; Charles Steven Musco; and Civic Club Concerts, Inc. from RM-18 to PB: property is located on the north side of West 5th Street and south side of Pilot View Street, west of Broad Street (Zoning Docket W-2394).

### PLANNING BOARD ACTION:

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

CITY ORDINANCE - GENERAL USE

Zoning map amendment of Stowers & James Company, LLC for property owned by Bell West Properties; Timothy Lee McCullen; High Point Bank & Trust Co.; Nedral Gloria Imes; Frances M. Stadiem; Herbert Max Smith; Kevin A. Brown; Lucien J. Houenou & Francoise Houenou; H. Kenneth Smith & Betty Smith; Frederick M. Brown, Jr. & Karen M. Brown; James C. Hutcherson; Pamela J. Boyle, Trustee; Charles Steven Musco; and Civic Club Concerts, Inc., Docket W-2394

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 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 PB the zoning classification of the following described property:

BEGINNING at an iron stake in the north right-of-way line of West Fifth Street, said iron stake being the southwest corner of Wachovia Bank and Trust Company, N.A. property known as Tax Lot 362, Tax Block 109, said iron stake also being located 100.00 feet from the northwest intersection of Broad Street and West Fifth Street; running thence with the right-of-way line of West Fifth Street, south 83E 30' west 100.00 feet to an iron stake, the southeast corner of Theodore Molitoris (Tax Lot 364, Tax Block 109); running thence with Molitoris' east line, north 06E 30' west 200.00 feet to an iron stake in the south right-of-way line of Pilot View Street (formerly 5 1/2 Street); running thence with said right-of-way line, north 83E 30' east 100.00 feet to an iron stake, the northwest corner of Wachovia Bank and Trust Company, N.A.; running thence with Wachovia Bank and Trust Company, N.A.'s west line, south 06E 30' east 200.00 feet to the point and place of BEGINNING. Being known and designated as Tax Lot 363, Tax Block 109, Forsyth County Tax Maps, (as presently constituted); being in accordance with a survey entitled "5 West Condominium" dated April 7, 1986 by Marvin L. Borum, Registered Land Surveyor.

Section 2. This ordinance shall become effective upon adoption.

## ZONING STAFF REPORT

**DOCKET #** W-2394  
**STAFF:** David Reed

Petitioner(s): Stowers & James Company, LLC  
Ownership: Bell West Properties; Timothy Lee McCullen; High Point Bank & Trust Co.; Nedra Gloria Imes; Frances M. Stadiem; Herbert Max Smith; Kevin A. Brown; Lucien J. Houenou & Françoise Houenou; H. Kenneth Smith & Betty Smith; Frederick M. Brown, Jr. & Karen M. Brown; James C. Hutcherson; Pamela J. Boyle, Trustee; Charles Steven Musco; and Civic Club Concerts, Inc.

### **REQUEST**

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

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 0.46 acre

### **LOCATION**

Street: North side of West 5th Street and south side of Pilot View Street, west of Broad Street.  
Jurisdiction: City of Winston-Salem.  
Ward: Northwest.

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

Existing Structures on Site: Multifamily building with office uses on the first floor.

Adjacent Uses:

North -	Augsburg Community Center zoned RSQ-HO (Historic Overlay).
East -	Parking lot with Amoco Service Station across the street. Both are zoned HB.
South -	Office building zoned GO.
West -	Small office building zoned PB-HO.

### **GENERAL AREA**

Character/Maintenance: Well maintained office and business uses.  
Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Site is fully developed.

Topography: Site slopes down to the north.

## **TRANSPORTATION**

Direct Access to Site: Fifth Street and Pilot View Street.

Street Classification: Fifth Street - minor thoroughfare; Pilot View Street - collector street;

Broad Street - major thoroughfare.

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

Fifth Street east of Brookstown Avenue - 5,200/24,000

Broad Street north of Fifth Street - 14,000/11,600

Sight Distance: Fair.

Transit: Route 13 serves the site.

## **HISTORY**

Relevant Zoning Cases:

1. W-1904; R-2 to B-1; approved June 6, 1994; city block bounded by 4th Street on the south, 4 ½ Street on the north, Spring Street on the west and Poplar Street on the east; 4.1 acres; Planning Board and staff recommended approval.
2. W-1804; R-1, R-2, B-2, and B-3 to R-1 HO, R-2 HO, B-2 HO, and B-3 HO (to establish the West End Historic Overlay District); approved February 1, 1993; includes much of the West End area including current site; +/-229 acres; Planning Board and staff recommended approval.

## **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 2: Central.

Relevant Comprehensive Plan Recommendation(s): Return of neighborhood shopping and services, residential opportunities, promotion of mixed uses.

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

## **HISTORIC RESOURCES REVIEW:**

Known historic resources:

*Property located within the West End Historic Overlay District.*

National Register of Historic Places:

*Property located within the West End National Register Historic District.*

In Historic District:

*Property located within the West End Historic Overlay District.*

## **ANALYSIS**

The subject property is developed with a condominium building. The building was converted to condominiums prior to the adoption of the UDO when the property had a zoning designation of B-2. During the UDO mapping process, the property was reclassified from B-2 to RM-18 which reflected the residential use of the building. When the condominiums were developed, the first floor units were developed for office condos which was a permitted use under the B-2 zoning. Later, that use was abandoned and when the UDO mapping occurred, the whole site was converted to RM-18 which does not allow office uses.

Staff is of the opinion that PB is an appropriate zoning for the property and is consistent with other zoning in the immediate area. Furthermore, the PB zoning would allow the office condos on the first floor to be utilized for the purpose they were originally intended.

During the analysis of the case, it became apparent that some of the properties included in the Historic Overlay District adopted in 1993 (zoning docket W-1804) are not reflected on the current zoning map as being within the boundaries of the district. Staff is looking in to the best way to rectify the situation.

## **FINDINGS**

1. The subject property is developed with a condominium building.
2. During the UDO mapping process, the property was reclassified from B-2 to RM-18 which reflected the residential use of the building.
3. When the condominiums were developed, the first floor units were developed for office condos which was a permitted use under the B-2 zoning.
4. When the UDO mapping occurred, the whole site was converted to RM-18 which does not allow office uses.
5. Staff is of the opinion that PB is an appropriate zoning for the property and is consistent with other zoning in the immediate area.
6. The PB zoning would allow the office condos on the first floor to be utilized for the purpose they were originally intended.

## **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

[*For information purposes only:* The draft *Legacy* plan identifies the site as being located in the Urban Neighborhoods planning area of *Legacy's* growth management map. In this planning area, quality infill development, greater residential densities and a mix of neighborhood retail and community services are encouraged.]

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: James Rousseau moved approval of the rezoning petition.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Rousseau, Schroeder, Williams

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning