



DOCKET #: W2402

PROPOSED ZONING:
GO-S (Multiple Uses)

EXISTING ZONING:
LO-S (Multiple Office Uses)

PETITIONER:
Jeffery L. Leal
and Teresa S. Leal

SCALE: 1" represents 200'

STAFF: D. Reed

GMA: 3

ACRE(S): 0.33

MAP(S): 630834, 630838

June 14, 2000

Jeffrey L. Leal and Teresa S. Leal
112 Cedar Trails
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2402

Dear Dr. & Mrs. Leal:

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

ACTION REQUEST FORM

DATE: June 14, 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 Jeffery L. Leal and Teresa S. Leal

SUMMARY OF INFORMATION:

Zoning map amendment of Jeffery L. Leal and Teresa S. Leal from LO-S (Medical and Surgical Offices) to GO-S (Broadcast Studio; Professional Office; Offices, Miscellaneous; and Medical and Surgical Offices): property is located on the southwest corner of Clemmonsville Road and Hastings Avenue (Zoning Docket W-2402).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: MEETS ALL CODE REQUIREMENTS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Jeffrey L. Leal and Teresa S. Leal, Docket W-2402

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 LO-S (Medical and Surgical Offices) to GO-S (Broadcast Studio; Professional Office; Offices, Miscellaneous; and Medical and Surgical Offices) the zoning classification of the following described property:

Beginning at a new iron pipe located in the southwest intersection of Clemmonsville Road and Hastings Avenue (a 40-foot right-of-way), said iron pipe marks the southeastern corner of additional right-of-way for Clemmonsville Road as described in Book 1618, Page 600, Forsyth County Registry and is located south 02° 11' 27" west 10.00 feet from a PK nail marking the intersection of the old right-of-way line of Clemmonsville Road (a 60-foot right-of-way) and Hastings Avenue (40-foot right-of-way); thence from said point of beginning along the western right-of-way line of Hastings Avenue, south 02° 11' 27" west 128.36 feet to an existing iron pipe in said right-of-way line marking the northeast corner of property now or formerly owned by Mack R. Hauser, Jr., et al, as described in Book 1554, Page 1023, Forsyth County Registry; thence along the northern line of said Hauser property north 87° 37' 00" west 149.33 feet to an existing iron pipe in the eastern line of property now or formerly owned by Dr. Kenneth R. Snyder as described in Book 1293, Page 1384, Forsyth County Registry; thence along the eastern line of said Snyder property north 00° 44' 24" east 63.35 feet to a new iron pipe in the new southern right-of-way line of Clemmonsville Road as described in Book 1618, Page 600, Forsyth County Registry, said new iron pipe being located south 00° 44' 24" west 10.00 feet from an existing iron pipe in the old southern right-of-way line of Clemmonsville Road (formerly a 60-foot right-of-way); thence along the said new Southern right-of-way line of Clemmonsville Road along a curve to the left with an unknown radius having a chord bearing and distance of north 69° 02' 34" east 164.15 feet to the point and place of beginning; containing 0.330 acre, more or less, and being part of Lots 174, 175 and 176 as shown on the map of Williard Dale Addition as recorded in Plat Book 11, Page 43, Forsyth County Registry, as shown on survey for Jeffrey L. Leal and wife, Teresa S. Leal as prepared by Otis A. Jones Surveying Co., Inc. dated December 9, 1991 and bearing Job No. 8222-3. Tax Lot 208, Block 2084. Containing 0.33 acre.

Section 2. This Ordinance is adopted after approval of the site plan entitled Office Building at 600 West Clemmons ville Road and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Jeffrey L. Leal and Teresa S. Leal.

Section 3. The Board of Aldermen 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 Office Building at 600 West Clemmons ville Road. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Jeffrey L. Leal and Teresa S. Leal, (Zoning Docket W-2402). 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 GO-S (Broadcast Studio; Professional Office; Offices, Miscellaneous; and Medical and Surgical Offices), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 19____" and signed, provided the property is developed in accordance with requirements of the GO-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. Petitioner must secure a waiver from the Zoning Board of Adjustment for the bufferyard requirement.
 - b. An eight (8) foot high opaque fence shall be installed along the southern property line to buffer the satellite dish from the adjoining property.
- **OTHER REQUIREMENTS**
 - a. The existing parking space located in the right-of-way of Clemmonsville Road shall not be counted towards the parking for the site.

ZONING STAFF REPORT

DOCKET # W-2402
STAFF: David Reed

Petitioner(s): Jeffery L. Leal and Teresa S. Leal
Ownership: Same

REQUEST

From: LO-S (Medical and Surgical Offices)
To: GO-S (Broadcast Studio; Professional Office; Offices, Miscellaneous; and Medical and Surgical Offices)

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

Acreage: 0.33 acre

LOCATION

Street: Southwest corner of Clemmonsville Road and Hastings Avenue.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

SITE PLAN

Proposed Use: Broadcast Studio; Professional Office; Offices, Miscellaneous; and Medical or Surgical Offices.

Square Footage: 1,806 square feet.

Building Height: Single story.

Parking: Required: 14 spaces; proposed: 14 spaces.

Bufferyard Requirements: Bufferyards are required adjoining RS-9 zoning and the petitioner intends to pursue a waiver from the Zoning Board of Adjustment due to pre-existing conditions.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single building currently used as dental office.

Adjacent Uses:

North -	Vacant wooded lot zoned RM-12-S.
East -	Small antique store zoned RS-9.
South -	Single family homes zoned RS-9.
West -	Single family homes zoned RS-9.

GENERAL AREA

Character/Maintenance: Older residential area with scattered business uses.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minor.
Topography: Site is level.
Vegetation/habitat: Site is fully developed.

TRANSPORTATION

Direct Access to Site: Clemmonsville Road.
Street Classification: Major thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Clemmonsville Road from S. Main Street - Brewer Road 14,000/11,000
Trip Generation/Existing Zoning: LO-S Medical/Dental 1,806 sf/1,000 = 1.8 x 36.13 = 65
trips/day
Trip Generation/Proposed Zoning: GO-S Medical/Dental 1,806 sf/1,000 = 1.8 x 36.13 =
65 trips/day
Planned Road Improvements: TIP # 2923 Widen Clemmonsville Road to three lanes from S.
Main Street to Old Salisbury Road-Construction scheduled for 2005.
Sight Distance: Good.
Transit: Transit is not available at this time.

HISTORY

Relevant Zoning Cases:

1. W-2006; Special Use Permit for Institutional Parking in a RS-9 Zoning District; Approved January 2, 1996; northeast and northwest corners of Clemmonsville Road and Renon Road; 3.1 acres; Planning Board and staff recommended approval.
2. W-1937; RS-9 to HB-S (Multiple Business Uses); approved February 6, 1995; west side of Main Street south of Clemmonsville Road; 1,18 acres; Planning Board and staff recommended denial.
3. W-1406; R-1-S (Medical, Dental, or Related Offices) to Site Plan Amendment; approved January 5, 1987; southwest corner of Clemmonsville Road and Hastings Avenue; 0.5 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Development of activity nodes at planned locations; separation and buffering of commercial, office and industrial uses from residential areas; preservation of stable neighborhood areas.

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

ANALYSIS

The subject site is currently developed as a dental office. The site was rezoned for Medical, Dental, or Related Offices in 1975 (zoning docket W-521). The current occupant is relocating and hopes to sell the property for a broadcast studio use. Because broadcast studios are not allowed in the LO zoning district, the petitioners have requested GO-S zoning. Staff recommended other office uses be included in the request so the property can be reused in the future without additional zoning actions.

The GO-S zoning district is considered a more intense district and staff is somewhat concerned about setting a precedent for more intense zoning along this section of Clemmonsville Road. The site plan and proposed uses, however, are no more intense than the current LO-S use and the proposed broadcast studio will generate less traffic than the existing dental office. Staff's initial concern over a potential transmission tower was alleviated by the fact that the site will have a satellite dish in lieu of a tower. The petitioner is also proposing an eight foot high opaque fence along the southern property line to mitigate the visual impact of the satellite dish.

Because the proposed zoning will facilitate the reuse of an existing site for uses which are no more intense than the existing use, staff is supportive of the rezoning from LO-S to GO-S.

FINDINGS

1. The subject site is currently developed as a dental office. The site was rezoned for Medical, Dental, or Related Offices in 1975.
2. Because broadcast studios are not allowed in the LO zoning district, the petitioners have requested GO-S zoning.
3. The GO-S zoning district is considered a more intense district and staff is somewhat concerned about setting a precedent for more intense zoning along this section of Clemmonsville Road.
4. The site plan and proposed uses are no more intense than the current LO-S use and the proposed broadcast studio will generate less traffic than the existing dental office.

5. The proposed broadcast studio will have a satellite dish in lieu of a tower.
6. The proposed zoning will facilitate the reuse of an existing site for uses which are no more intense than the existing use.

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 OCCUPANCY PERMITS**
 - a. Petitioner must secure a waiver from the Zoning Board of Adjustment for the bufferyard requirement.
 - b. An eight (8) foot high opaque fence shall be installed along the southern property line to buffer the satellite dish from the adjoining property.
- **OTHER REQUIREMENTS**
 - a. The existing parking space located in the right-of-way of Clemmonsville Road shall not be counted towards the parking for the site.

[For information purposes only: The draft Legacy plan encourages a mix of residential and commercial uses. The mix should be as fine-grained as possible. Commercial development in and adjacent to neighborhoods should have pedestrian connections to the neighborhoods and be designed to be compatible with surrounding development.]

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Norman Williams moved approval of the zoning map amendment.

SECOND: James Rousseau.

VOTE:

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

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Norman Williams certified that the site plan meets all code requirements and recommended staff conditions.

SECOND: James Rousseau

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning