

Ordinance #24-0093

CITY ORDINANCE - SPECIAL USE

Zoning Petition of K & W Restaurant, Inc. and K & W Cafeterias, Inc., Docket W-3603

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 RS9 to RM8-S (Residential Building, Duplex; Residential Building, Single Family; Residential Building, Twin Home; Swimming Pool, Private; Planned Residential Development; Residential Building, Multifamily; and Residential Building, Townhouse) the zoning classification of the following described property:

RM8-S Zoning Area Property Description # 2-Winston-Salem, NC

All that certain piece, parcel or tract of land lying and being in the Old Town Township, Forsyth County, North Carolina and being the portion of land to be rezoned, and being more particularly described as follows: Beginning at a stone, being the southwest corner of Plat Book 12 Page 169, said corner belonging to K & W Restaurant and being the southeast point of parcel number 6808-83-0826, said corner also being the northern point of parcel number 6808-83-4350, belonging to Alfred and Viviana Evans, either now or formerly described as in instrument recorded in Deed Book 3016 Page 3788, said corner also being the southwest point of parcel number 6808-83-5648, belonging to Clarence V Braddy Heirs, either now or formerly described as in instrument recorded in Deed Book 573 Page 94, said corner also having NAD83/2011 State Plane Coordinates of, Northing: 883655.53 and Easting: 1608469.77, thence from the **Point of Beginning** traveling along the western line of Plat Book 12 Page 169, and also traveling along the western line of Clarence V Braddy Heirs, parcel number 6808-83-5648, **North 08°55'50" West a distance of 127.46 feet to a 2" flat iron bar**, said point being located on the western line of parcel number 6808-83-5745, belonging to Abraham H Kimbrough, either now or formerly described as in instrument recorded in Deed Book 1039 Page 1679, thence continuing along the western line of Plat Book 12 Page 169, and also traveling along the western line of the following three parcels: (I) parcel number 6808-83-5745 belonging to Abraham H Kimbrough, (II) parcel number 6808-83-4862, belonging to Annie M Jones, either now or formerly described as in Deed Book 1767 Page 169, (III) parcel number 6808-83-5837, belonging

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to Cary D Cain, either now or formerly described as Deed Book 822 Page 420, **North 08°47'11" West a distance of 126.66 feet to a ¾" existing iron pipe**, thence continuing along the western line of Plat Book 12 Page 169, and also traveling along the western line of the following two parcels: (I) parcel number 6808-83-5932, belonging to Reo Properties LLC, either now or formerly described as in instrument recorded in Deed Book 2792 Page 3163, (II) parcel number 6808-83-5927, belonging to Ala Vi LLC, either now or formerly described as in instrument recorded in Deed Book 2805 Page 3312, **North 08°57'53" West a distance of 101.13 feet to a ½" existing iron pipe with disc**, thence continuing along the western line of Plat Book 12 Page 169, **North 08°49'46" West a distance of 50.35 feet to a ½" existing iron pipe with disc**, said corner being on the western line of parcel number 6808-84-5027, belonging to Shannon and Lanell Robinson, either now or formerly described as in instrument recorded in Deed Book 3259 Page 4437, thence continuing along the western line of Plat Book 12 Page 169 and the western line of Shannon and Lanell Robinson **North 08°34'57" West a distance of 101.33 feet to a ½" existing iron pipe**, said corner also being the southwestern point of parcel number 6808-84-5117, belonging to Earnest and Vanessa Harrison, either now or formerly described as in instrument recorded in Deed Book 2973 Page 2324, thence continuing along the western line of Plat Book 12 Page 169, and also traveling along the western line of the following four parcels: parcel number 6808-84-5117, belonging to Earnest and Vanessa Harrison, (II) parcel number 6808-84-5211, belonging to Moores Consulting Services LLC, either now or formerly described as in instrument recorded in Deed Book 3001 Page 1352, (III) parcel number 6808-84-5215, belonging to Moores Consulting Services LLC, either now or formerly described as instrument recorded in Deed Book 3001 Page 1350, (IV) parcel number 6808-84-4331, belonging to Sonsonia J Dalton, either now or formerly described as in Deed Book 3690 Page 1394, **North 08°54'31" West a distance of 202.34 feet to a calculated point**, said corner being the northwestern point of Sonsonia J Dalton, thence along the northern line of Sonsonia J Dalton **North 89°46'26" East a distance of 120.02 feet to a calculated point**, said corner also being the northwestern point of parcel number 6808-84-5361, belonging to Sonsonia J Dalton, either now or formerly described as in instrument recorded in Deed Book 3690 Page 1394, thence traveling along the northern line of Sonsonia J Dalton **North 89°46'26" East a distance of 149.66 feet to a calculated point** in the western right of way of Joyce Avenue, recorded in Plat Book 12 Page 169, said corner also being the northeastern point of Sonsonia J Dalton, thence continuing along said right of way and the eastern line of the following two parcels: (I) parcel number 6808-84-5369, belonging to K & W Restaurant, either now or formerly described as in instrument recorded in Deed Book 1304 Page 1298, (II) parcel number 6808-84-5406, belonging to K & W Restaurant, either now or formerly described as in instrument recorded in Deed Book 624 Page 39; continuing along the said right of way for the following four bearings and distances: (I) **North 00°08'51" West a distance of 74.85 feet to 1 ½" existing iron pipe**, (II) **North 00°08'51" West a distance of 75.51 feet to a calculated point**, (III) **North 21°44'29" West a distance of 26.81 feet to a calculated point**, (IV) **North 00°11'35" West a distance of 39.86 feet to a calculated point** at the terminus of Joyce Avenue, said point being on the southern line of parcel number 6808-94-0990, belonging to K & W Restaurant, either now or formerly described as instrument recorded in Deed Book 568 Page 424 and in instrument recorded in Plat Book 10 Page 164, thence continuing along the southern line of K & W Restaurant and the northern terminus and right of way of Joyce Avenue **North 65°28'21" East a distance of 65.80 feet to a calculated point** in the eastern right of way of Joyce Avenue, said corner also being the

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northwestern point of parcel number 6808-84-7562, belonging to K & W Restaurant, either now or formerly described as instrument recorded in Deed Book 624 Page 39, thence continuing along the eastern right of way of Joyce Avenue and western line of parcel number 6808-84-7562 for the following three bearings and distances: (I) **South 00°11'35" East a distance of 66.98 feet to a calculated point**, (II) **South 21°33'31" West a distance of 26.92 feet to a calculated point**, (III) **South 00°00'42" West a distance of 75.21 feet to ½" rebar**, thence leaving said right of way and traveling along the northern line of parcel number 6808-84-7450, belonging to Sonsonia J Dalton, either now or formerly described as in instrument recorded in Deed Book 3690 Page 1394, **North 89°58'38" East a distance of 150.08 feet to a ½" rebar**, said corner also being the northwestern point of parcel number 6808-84-8392, belonging to Emma Hursh, either now or formerly described as instrument recorded in Deed Book 2682 Page 1045, said corner also being the southwestern point of parcel number 6808-94-0574, belonging to Hubert and Ericsteen Lash, either now or formerly described as in instrument recorded in Deed Book 1668 Page 2473, thence traveling along the eastern line of Plat Book 12 Page 169 and the western line of parcel number 6808-94-0574 **North 00°14'44" West a distance of 230.78 feet to a stone** in the southern line of Plat Book 10 Page 164, said corner also being the northeastern point of Plat Book 12 Page 169, thence along the northern line of Hubert and Ericsteen Lash for the following two bearings and distances: (I) **North 64°58'14" East a distance of 130.47 feet to a 1" existing iron pipe**, (II) **North 65°02'46" East a distance of 48.60 feet to a 1" existing iron pipe**, said corner also being the northwestern point of parcel number 6808-94-2710, belonging to Carla Hauser, either now or formerly described as in instrument recorded in Deed Book 3458 Page 4444, said corner also being on the southern line of Plat Book 10 Page 164, thence continuing along said line **North 65°16'02" East a distance of 283.70' to a calculated point**, calculated point being **North 65°16'02" East a distance of 14.00 feet from a 5/8" existing iron pipe**, said corner is considered a tie, thence back to the calculated point and leaving said line traveling through parcel number 6808-94-0990, belonging to K & W Restaurant, either now or formerly described as in instrument recorded in Deed Book 568 Page 424 and in instrument recorded in Plat Book 10 Page 164, **North 24°43'58" West a distance of 73.09 feet to a calculated point**, thence crossing the right of way of the 30 foot drive recorded in Plat Book 10 Page 164, **North 53°06'02" West a distance of 530.72 feet to a calculated point**, said corner being located in the northern half of parcel number 6808-85-6251, belonging to K & W Restaurant, either now or formerly described as instrument recorded in Deed Book 568 Page 424 and in instrument recorded in Plat Book 10 Page 164, thence crossing the northern line of parcel number 6808-85-6251 **South 88°33'05" West a distance of 391.67 feet to a calculated point**, said corner being located in the southwestern portion of parcel number 6808-85-6521, belonging to K & W Cafeterias INC, either now or formerly described as in instrument recorded in Deed Book 568 Page 424 and in instrument Plat Book 10 Page 164, thence **South 02°34'22" East a distance 83.12 foot to a calculated point**, said corner also being in the southwestern portion of parcel number 6808-85-6521, thence traveling along a curve to the right having a radius of 400 feet and a chord bearing and distance of **South 35° 41'00" West a distance of 495.34 feet to a calculated point**, said corner being in the eastern portion of parcel number 6808-75-7134, belonging to K & W Restaurant, either now or formerly described as in instrument recorded in Deed Book 568 Page 424, and in instrument recorded in Plat Book 10 Page 164, thence **South 73°56'21" West a distance of 294.16 feet to a calculated point**, said corner also being located eastern portion of parcel number 6808-75-7134, thence crossing the 30 foot drive recorded in Plat Book 10 Page

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164 **South 16°03'39" East a distance of 362.13 feet to a calculated point**, said corner being located in the central portion of parcel number 6808-73- 5690, belonging to K & W Restaurant, either now or formerly described as in instrument recorded in Deed Book 568 Page 424 and in instrument recorded in Plat Book 10 Page 164, thence **South 06°07'53" East a distance of 825.42 to a calculated point**, said corner being located in the northern line of parcel number 6808-73-9319, belonging to Jack E Bowman Jr., either now or formerly described as in instrument recorded in Deed Book 1957 Page 774, said corner also being on the southern line of parcel number 6808-83-0826, belonging to K & W Restaurant, thence traveling along the northern line of Jack E Bowman Jr. to a tie **North 70°06'43" West a distance of 195.75 feet to a 5/8" rebar**, thence back to the calculated point **South 70°06'43" East a distance of 8.73 feet to a 1" existing iron pipe**, said corner being the northeastern point of Jack E Bowman, said corner also the northwestern point of parcel number 6808-83-0395, belonging to Greer Madren Homes, either now or formerly described in instrument recorded in Deed Book 205 Page 3490 and instrument recorded in Plat Book 12 Page 94, thence traveling along the northern line of Greer Madren Homes for the following three bearings and distances: (I) **South 70°41'48" East a distance of 26.20 feet to a 1" existing iron pipe**, (II) **North 63°57'56" East a distance of 65.91 feet to a 1" existing iron pipe**, (III) **South 79°35'52" East a distance of 32.40 feet to a 1" existing iron pipe**, said corner also being the northwestern point of parcel number 6808-83-2377, belonging to Theodore C Glenn Revocable Trust, either now or formerly known as in instrument recorded in Deed Book 3207 Page 2991 and in instrument recorded in Plat Book 12 Page 94, thence along the northern line of Theodore C Glenn Revocable Trust **North 66°16'20" East a distance of 143.07 feet to a 1 ½" existing iron pipe**, said corner being the northwestern point of parcel number 6808-83-4350, belonging to Alfred and Viviana Evans, either now or formerly described as instrument recorded in Deed Book 3016 Page 3788, thence traveling along the northern line of Alfred and Viviana Evans for the following two bearings and distances: (I) **North 66°08'42" East a distance of 132.87 feet to a 2" flat iron bar**, (II) **North 66°17'18" East a distance of 87.56 feet to a stone** being the **Point and Place of Beginning** and containing 24.51 acres more or less.

Section 2. This Ordinance is adopted after approval of the site plan entitled Bethania Forest and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20___ to K & W Restaurant, Inc. and K & W Cafeterias, Inc.

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 Bethania Forest. 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.