



# W-3591 Real Deal (Elected Body Special Use Permit for a Kennel, Indoor in an HB zoning district)

Bryce A. Stuart Municipal Building  
100 East First Street, Suite 225  
Winston-Salem, NC 27101  
Fax: 336-748-3163

Phone: 336-747-7040

City of W-S Planning

Antione Robinson  
Real Deal Kennels and K-9 Training  
4825 Country Club Rd  
Winston Salem, NC 27104

Project Name: W-3591 Real Deal (Elected Body Special Use Permit for a Kennel, Indoor in an HB zoning district)  
Jurisdiction: City of Winston-Salem  
ProjectID: 1067870

Monday, August 28, 2023

The comments listed below reflect remaining issues that must be addressed before your request can proceed to the Planning Board. All outstanding issues included in this list must be satisfactorily addressed on the revised site plan and re-submitted back to Planning staff no later than 5:00pm on the Thursday two weeks before (14 days prior to) the Planning Board meeting.

## Open Issues: 17

### Engineering

#### General Issues

#### 5. General comments

<a href="#">City of Winston-Salem</a> Matthew Gantt 336-727-8000 <a href="mailto:matthewg@cityofws.org">matthewg@cityofws.org</a> 8/11/23 7:13 AM 01.04) Special Use Permit - 3	1. No city driveway permit is required if improvements will remain outside of the existing right-of-way for Country Club Road.
--	--

## Erosion Control

### General Issues

#### 7. Floodplain Development Permit

City of Winston-Salem  
Matthew Osborne  
336-747-7453  
[matthewo@cityofws.org](mailto:matthewo@cityofws.org)  
8/14/23 11:29 AM  
01.04) Special Use  
Permit - 3

There are regulated floodplain areas within the limits of this proposed project. Be aware that any proposed development in the regulated floodplain area will require approval of a Floodplain Development Permit and compliance with Winston-Salem/Forsyth Co. UDO, Chapter 8, Section 1 - Floodway and Flood Fringe Regulations. Please be mindful of this ordinance requirement as you continue with plans to develop this parcel. Application for a Floodplain Development Permit must be submitted through the electronic plan review portal as application type **04.04 Floodplain Development Permit** at the following link: <https://winston-salem.idtplans.com/secure/>

\*\*\* If the project will include improvements to the existing structure on the parcel, a substantial improvement determination must be provided in the Floodplain Development Permit application. Substantial Improvement is defined as improvements that total more than 50% of the fair market value of the structure. An appraisal of the structure (not the property) must be provided or other form of reliable valuation of the structure. Also, a cost estimate of improvements signed and verified by a State of NC licensed contractor must be submitted. \*\*\*

## Fire/Life Safety

### General Issues

#### 10. Sketch Plans and Site Plans

<p>Winston-Salem Fire Department Cory Lambert 336-747-7359 coryml@cityofwsfire.org 8/16/23 8:59 AM 01.04) Special Use Permit - 3</p>	<p>Future construction plans shall indicate locations of fire hydrants (existing and proposed) to demonstrate compliance with fire code requirements and City development standards.</p> <p>For those buildings on this site that are equipped with sprinkler or standpipe systems, indicate the location of each FDC, ensuring no FDC is more than 100 feet from a fire hydrant.</p> <p>Ensure fire apparatus access roads are provided, designed, built and maintained in compliance with fire code requirements. These requirements include but are not limited to the following items:</p> <ul style="list-style-type: none"> <li>• Design, construction and maintenance of fire apparatus access roads to carry an imposed load of not less than 75,000 pounds;</li> <li>• Clear width requirements of not less than 20 feet for two-way traffic;</li> <li>• Clear height requirements of not less than 13 feet, 6 inches;</li> <li>• Design, construction and maintenance of approved turnaround designs for fire apparatus access roads when the dead-end length of the required access road is more than 150 feet.</li> <li>• Gates may not obstruct fire apparatus access roads unless approved by the Winston-Salem Fire Department; approval requires compliance with all applicable fire code requirements.</li> </ul> <p>As part of your construction plan submittal, include the calculations for needed fire flow for this project and indicate the approved method of calculation in use. Buildings that are equipped with sprinkler systems throughout are exempt from this requirement. Refer to Section 507 of the 2018 NC Fire Code for further information. Approved calculation methods include the following options:</p> <ul style="list-style-type: none"> <li>• Appendix B of the 2018 NC Fire Code; or</li> <li>• the ISO Fire Suppression Rating Schedule (as described in <a href="https://www.isomitigation.com/siteassets/downloads/guide-determinerequiredfireflow.pdf">https://www.isomitigation.com/siteassets/downloads/guide-determinerequiredfireflow.pdf</a>).</li> </ul> <p>Emergency responder radio coverage shall meet the requirements of Section 510 of the 2018 NC Fire Code for this project. Consider how these requirements, including any systems necessary to bring radio coverage into compliance with this section, may impact your plans.</p>
--	--

## MapForsyth Addressing Team

### General Issues

#### 11. Addressing & Street Naming

<p>Forsyth County Government Gloria Alford 3367032337 alfordgd@forsyth.cc 8/21/23 1:04 PM 01.04) Special Use Permit - 3</p>	<p>4825 Country Club Rd</p>
---	-----------------------------

## NCDOT

### General Issues

#### 17. General Comments

**NCDOT Division 9**

Ashley Long  
336-747-7900  
[amlong1@ncdot.gov](mailto:amlong1@ncdot.gov)  
8/22/23 9:16 AM  
01.04) Special Use  
Permit - 3

- For any connections to a state maintained roadway, an NCDOT Driveway permit is required. Randy Ogburn is the primary point of contact – [rogburn@ncdot.gov](mailto:rogburn@ncdot.gov) We prefer that the driveway permit be submitted on our online portal, and shall consist of the permit application (form TEB-65-04) and a detailed site plan showing the access points. Review of the permit package will begin after receiving the application, site plan, and Construction Inspection Fee. The Construction Inspection Fee is payable by check, and is \$50 per driveway connection on an NCDOT maintained road.
- A 16.6 3-party encroachment agreement would be required for any utility ties (water and sewer) in the right of way, and sidewalk where applicable.

**Planning****General Issues****3. CAC**

**City of Winston-Salem** No comment.  
Amy Crum  
336-747-7051  
[amyc@cityofws.org](mailto:amyc@cityofws.org)  
8/10/23 6:13 PM  
01.04) Special Use  
Permit - 3

**4. Environmental Features/Greenways**

**City of Winston-Salem** Greenways: N/A  
Amy Crum Wetlands: N/A  
336-747-7051 Natural Heritage: N/A  
[amyc@cityofws.org](mailto:amyc@cityofws.org) VAD/Farmland: N/A  
8/10/23 6:14 PM  
01.04) Special Use  
Permit - 3

**6. Historic Resources**

**City of Winston-Salem** No comments  
Heather Bratland  
336-727-8000  
[heatherb@cityofws.org](mailto:heatherb@cityofws.org)  
8/14/23 10:36 AM  
01.04) Special Use  
Permit - 3

**8. CPAD**

**DOCKET NUMBER: W-3591 (Real Deal Indoor Kennel SUP)**

**CONFORMITY TO PLANS**

Growth Management Plan Area (*Legacy*): 3 Suburban Neighborhoods

Relevant Comprehensive Plan Recommendation(s) for or against proposal:

Concentrate development within the serviceable land area of Forsyth County with the highest intensities at city/town center, activity centers and along growth corridors (p. 29).

Promote a mixture of office, retail, and housing along growth corridors that do not contribute to strip development (p. 33).

Identify Growth Corridors for quality infill, density and transit (p. 36).

Discourage inappropriate commercial encroachment into neighborhoods (p. 57).

Area Plan/Development Guide: West Suburban Update (2017)

Relevant Development Guide Recommendation(s) in favor of proposal:

The subject property is shown for commercial use on Map 7-Proposed Land Use (p. 37).

This plan calls for the creation of new commercial opportunities and the improvement of existing commercial areas to blend with existing development and not negatively impact nearby neighborhoods. Commercial areas should be compact with limited access to major thoroughfares and should not promote strip development. The reuse of vacant buildings and the redevelopment of existing undeveloped and underutilized sites is recommended, where possible. Existing and proposed commercial areas exist within all seven activity centers; . . . ; along Country Club Road between Southwin Drive and Ryandale Drive . . . (pp. 25-26).

Relevant Development Guide Recommendation(s) against proposal: None.

Growth Corridor: Yes, Country Club Road-Suburban Form

Activity Center: N/A

**COMMUNITY DEVELOPMENT**

Certified Area/Name: N/A

Type of Certification: N/A

Redevelopment Recommendation(s): N/A

**18. Special Use Permit**

Make formal submittal for an Elected Body Special Use Permit. The site plan will be reviewed by the Planning Board and then the Special Use Permit will be heard by the City Council through a quasi-judicial hearing which does not allow ex parte communication.

## General Issues

### 2. Exempt from Stormwater Management Permitting

City of Winston-Salem  
Joe Fogarty  
336-747-6961  
[josephf@cityofws.org](mailto:josephf@cityofws.org)  
8/10/23 4:50 PM  
01.04) Special Use  
Permit - 3

This development is not proposing any new impervious area as everything on the plan is already in place per the aerial photography I've looked at. Therefore, since there are no changes to the impervious area I have no comment as this plan will be exempt from the City of Winston-Salem's Post Construction Stormwater Management ordinance and hence exempt from stormwater management permitting.

## Utilities

## General Issues

### 9. General Comments

City of Winston-Salem  
Chris Jones  
336-747-7499  
[charlesj@cityofws.org](mailto:charlesj@cityofws.org)  
8/16/23 9:15 AM  
01.04) Special Use  
Permit - 3

Any existing connections not intended for reuse must be terminated at the main. All water connections will require a back flow preventer matching the meter size, set behind R/W. If any new water connections are desired, then system development fees would be due at the time of meter purchase.

[ [Ver. 2](#) ] [Edited By Chris Jones]

## Zoning

## General Issues

### 12. UDO 5.2 - Use-Specific Standards

City of Winston-Salem  
Nick Smith  
336-747-7064  
[nicks@cityofws.org](mailto:nicks@cityofws.org)  
8/21/23 4:31 PM  
01.04) Special Use  
Permit - 3

#### **Section 5.2.41 - Indoor Kennel Use-Specific Standards**

##### **A. Location and Setbacks**

1. Indoor kennel services may be permitted in attached buildings or in freestanding buildings; however, any portion of a building or any freestanding building containing such a use must be set back at least twenty (20) feet from any side lot line and forty (40) feet from any rear lot line.
  1. ?Being addressed via the Special Use Permit; must be approved by City Council
2. N/A
3. These setbacks may be reduced by the Elected Body through the issuance of a special use permit (Section 3.2.13E, Special Use Permits Authorized By The Elected Body).

##### **B. Enclosure of Facilities**

1. The kennel, indoor use shall be fully enclosed.
2. There shall be no outside runs or exercise areas for animals or pets.
3. Any outside use of the property for the animals or pets must be supervised and on leashes.

##### **C. Outdoor Enclosures**

The Elected Body may approve a special use permit for an outdoor enclosure connected to a kennel, indoor use upon the following conditions:

##### **1. Enclosure**

- Kennel, indoor services may have one outdoor enclosure.

- Individual outdoor enclosures, such as cages, crates, or runs for individual animals, are prohibited.

## 2. Fencing

- An outdoor enclosure must be enclosed with an opaque fence at least five (5) feet high.

## 3. Hours of Use

- Any use of the outdoor enclosure for animals or pets is restricted to the hours of 8:00 a.m. through 6:00 p.m.
- Any use of the outdoor enclosure for animals or pets during this time must be supervised by a person or persons present within the outdoor enclosure, with animal waste being managed daily as per applicable sanitation codes and ordinances.
- Any use of the outdoor enclosure for animals or pets other than during the hours of 8:00 a.m. through 6:00 p.m. must be supervised and pets must be on leashes.

## 4. Setbacks

- An outdoor enclosure shall be set back from any property line no less than the required setback for the building containing the accompanying kennel, indoor use.
  - **?The proposed outdoor enclosure is too close to the rear property line, as it is closer to the rear property line than the building containing the indoor kennel use.**
- The Elected Body may require increased setbacks of a kennel outdoor enclosure beyond minimum UDO standards.
- These setbacks shall be applied on a case-by-case basis where such setbacks will facilitate better integration of the proposed use and existing development.

# 13. UDO 6.2.1 - Landscaping & Tree Preservation Standards, Winston-Salem

City of Winston-Salem

Nick Smith

336-747-7064

[nicks@cityofws.org](mailto:nicks@cityofws.org)

8/23/23 10:53 AM

01.04) Special Use

Permit - 3

## Section 6.2.1.D.2 - Streetyards

A landscaped streetyard shall be required for all motor vehicle surface areas located within one hundred (100) feet of a street right-of-way or vehicular right-of-way, including controlled access highways, whether or not it may provide access to the site, unless separated by an intervening building.

c. EXPANSION OF PREEXISTING MOTOR VEHICLE SURFACE AREAS When preexisting motor vehicle surface areas are expanded:

i. REQUIRED INTERIOR PLANTINGS Required interior plantings may be dispersed throughout the entire motor vehicle surface area in accordance with Section 6.2.1D.3, Interior Motor Vehicle Surface Area Plantings.

ii. STREETYARD WIDTH Streetyard width may be reduced to a minimum of fifty percent (50%) of the required width, provided the minimum required streetyard area and plant quantities for the expansion are installed; and provided such streetyard trees shall be provided a planting area with a minimum radius of seven (7) feet.

### Streetyard Width

- Minimum streetyard width is ten (10) feet five (5) feet, and shall be measured perpendicular to the street right-of-way.
- The streetyard shall be positioned between the motor vehicle surface area and street right-of-way.

### Streetyard Impervious Surface Cover

A maximum of fifteen percent (15%) of the required streetyard may be covered with impervious surface cover which may be used for walkways, fountains, walls, wall planters, or utility meters and vaults, but may not be used for motor vehicle surface or display, outdoor storage, private utility service, or service areas.

### Number & Spacing of Trees

- All streetyards must contain at least one (1) tree.
- Each streetyard shall contain a minimum of two (2) deciduous or evergreen large variety trees per one hundred (100) linear feet, excluding points of motor vehicle ingress or egress.
  - ?You have 133 feet of frontage, meaning you will need to provide 2 large variety trees. However, per the final bullet point in this section, your streetyard is underneath an overhead power line, so they can be small or medium variety trees.
- Required trees must be a minimum of eight (8) feet in height at installation and shall be at least two (2) inches in diameter measured six (6) inches above ground level.
- Where two (2) or more streetyard trees are required, all trees shall be planted with the center of the main trunks twenty (20) to seventy-five (75) feet apart.
- Existing deciduous trees located in the abutting street right-of-way may be used to satisfy the distribution requirements in this section.
- Small or medium variety trees may be used where overhead utility lines exist in accordance with Section 6.2.1B.10, Overhead Utility Lines.

### Other Streetyard Components (Not required to keep requirements proportional to the amount of improvements being proposed)

In addition to required trees, the landowner or developer shall use one of the following, or a combination thereof, to satisfy streetyard requirements:

- Natural Shrubs
  - ?Streetyard shrubs must be a minimum of eighteen (18) inches in height at installation, with a minimum height of thirty-six (36) inches within three (3) years after installation.
  - Shrubs must be a locally adapted species which retain foliage to within six (6) inches above ground level.
  - Shrubs shall be spaced no more than eighteen (18) inches, edge to edge.
  - No more than thirty percent (30%) of streetyard shrubs shall be deciduous.
- Fences & Walls
  - ?A streetyard fence or wall shall be a minimum of thirty-six (36) inches in height, opaque, and shall be constructed of masonry, stone, or wooden material, or of the same material as that of the principal building.
- Wall Planters
  - ?A streetyard wall planter shall be constructed of masonry, stone, or other permanent material.
  - At installation, the minimum combined height of wall planters and shrubs shall be twenty-four (24) inches.
  - Within three (3) years after installation, the combined height of wall planters and shrubs shall be no less than thirty-six (36) inches.
  - The effective planting width of a streetyard wall planter shall be no less than thirty-six (36) inches; however, where required streetyard trees are installed in wall planters, the effective planting width of the wall planters shall be no less than seven (7) feet.
  - A minimum of one shrub shall be required for every five (5) square feet of



wall planter area.

- **Earthen Berms**

- ?At installation, streetyard berms shall have a minimum height of eighteen (18) inches, a minimum crown width of two (2) feet, and a side slope with a width to height ratio of no greater than two (2) to one (2:1).
- The entire berm shall be planted and covered with live vegetation.
- Berm shrubs shall be a minimum of one foot in height at installation and shall be spaced no greater than eighteen (18) inches, edge to edge.
- Within three (3) years after installation, the combined height of berm and shrubs must be at least thirty-six (36) inches.
- Streetyard berms which are thirty-six (36) inches or greater in height at installation shall not be required to contain shrubs; however, streetyard trees shall still be required as specified in this section.

**You will not need to select a streetyard augmentation, so as to keep our requirements proportional to the proposed improvements.**

[ Ver. 4 ] [Edited By Nick Smith]

#### 14. UDO 6.2.1 - Landscaping & Tree Preservation Standards, Winston-Salem

City of Winston-Salem

Nick Smith

336-747-7064

[nicks@cityofws.org](mailto:nicks@cityofws.org)

8/23/23 10:57 AM

01.04) Special Use

Permit - 3

##### Section 6.2.1.D.3 - Interior Motor Vehicle Surface Area (MVSA) Plantings

In addition to the required streetyard, all motor vehicle surface areas shall contain landscaped planting areas, as follows:

**c. EXPANSION OF PREEXISTING MOTOR VEHICLE SURFACE AREAS** When preexisting motor vehicle surface areas are expanded:

**i. REQUIRED INTERIOR PLANTINGS** Required interior plantings may be dispersed throughout the entire motor vehicle surface area in accordance with Section 6.2.1D.3, Interior Motor Vehicle Surface Area Plantings.

**ii. STREETYARD WIDTH** Streetyard width may be reduced to a minimum of fifty percent (50%) of the required width, provided the minimum required streetyard area and plant quantities for the expansion are installed; and provided such streetyard trees shall be provided a planting area with a minimum radius of seven (7) feet.

##### Location of Plantings

Interior planting areas shall be located adjacent to motor vehicle surface area edges or within the interior as islands or medians, and may contain berms of the minimum dimensions specified in Section 6.2.1D.2.d.iv, Earthen Berms.

##### Size of Planting Areas

- Each planting area shall allocate a minimum of one hundred fifty (150) square feet per tree.
- Each planting area shall allocate a minimum of six hundred (600) square feet for each large variety tree.
  - Your one required large variety tree (due to MVSA) must have 600 sqft of planting area.
- Each planting area shall allocate a minimum radius of seven (7) feet for each small or medium variety tree.
- Each large variety tree planted shall provide a seven hundred fifty (750) square foot credit towards the requirements of Section 6.2.1C, Tree Preservation and Planting.

### Required Trees in Planting Area

- Each planting area shall contain at least one deciduous or evergreen large variety tree.
- The required deciduous or evergreen large variety tree for each planting area shall be a minimum height of eight (8) feet at the time of installation and shall have a minimum diameter of two (2) inches measured six (6) inches above ground level.
- **Overhead Utility Lines:** Small or medium variety trees may be used where overhead utility lines exist in accordance with Section 6.2.1B.10, Overhead Utility Lines.

### Ratio

- One large variety tree shall be used for every five thousand (5,000) square feet of MVSA.
  - You are proposing 4,611.1sqft of MVSA, so you will need to provide one large variety tree.
- **Overhead Utility Lines:** One small or medium variety deciduous or evergreen tree shall be required for every two thousand five hundred (2,500) square feet of MVSA where overhead utility lines exist in accordance with Section 6.2.1B.10, Overhead Utility Lines.
  - The amount of MVSA covered by overhead lines has a minute impact on the overall MVSA numbers, but the small/medium trees in your streetyard cover those requirements.
- One small variety tree with a minimum height of eight (8) feet at the time of installation and a minimum diameter of two (2) inches measured six (6) inches above ground level, and four (4) natural shrubs meeting the standards of Section 6.2.1D.2.d.i, Natural Shrubs, shall be required for every one hundred (100) square feet of planting area.
- Planting areas shall be at least five (5) feet wide, unless otherwise approved by the Director of Planning and Development Services, or a designee.
- Existing parking spaces removed to accommodate this landscaping requirement shall not be required to be replaced elsewhere on site.

### Distance of Parking Spaces to Trees

- No parking space shall be located more than seventy-five (75) feet from the trunk of a required large variety tree
- **Overhead Utility Lines:** Where overhead utility lines exist in accordance with Section 6.2.1B.10, Overhead Utility Lines, no parking space shall be located more than fifty (50) feet from the trunk of a required small or medium variety tree, unless otherwise authorized in this Ordinance.
  - The small/medium trees provided in your streetyard will only have a coverage radius of 50'.



- Placement of a large variety tree in the northwestern portion of your property would provide the necessary parking space coverage.

### Credit for Streetyard or Bufferyard Trees

Deciduous or broadleaf evergreen trees used as streetyard or bufferyard plantings may be used as credit toward interior planting area requirements, provided that streetyard or bufferyard plantings meet the size requirements of Section 6.3.3B, Design Requirements, and the distance requirements of Section 6.2.1D.3.e, Distance of Parking Spaces to Trees.

#### Credit for Bufferyard Area

The landscaped bufferyard area provided to meet the requirements of Section 6.3, Bufferyard Standards, and located adjacent to a motor vehicle use area may be counted toward the interior planting requirement.

**To maintain proportionality with the scope of the improvements you are proposing, zoning will only require the two small variety trees in your streetyard and one large variety tree in the northwest portion of the property. Please mark where you will be tentatively placing these trees on your site plan. As a reminder, all trees need a radius of at least seven (7) feet around their trunk to ensure stable growth; this may require some slight adjustments along your streetyard area.**

[ Ver. 3 ] [Edited By Nick Smith]

### 15. Zoning Plan Review

City of Winston-Salem  
Nick Smith  
336-747-7064  
[nicks@cityofws.org](mailto:nicks@cityofws.org)  
8/23/23 9:55 AM  
01.04) Special Use  
Permit - 3

**(UDO Definition) FLOOR AREA, GROSS** The total number of square feet on all floors of a building, as measured from the outside faces of the building.

- **This will include the 2,000 sqft basement.**

Principal Use	Parking Space Formula	Site Plan Measurement	Required Parking Spaces
Kennel, Indoor	1 per 400 sqft	7,008 sqft	17.52 spaces=18 spaces

Principal Use	Bicycle Space Formula	Site Plan Measurement	Required Bicycle Spaces
Kennel, Indoor	Exempt	N/A	None

Your site plan does not propose enough parking spaces (13) to meet the minimum parking spaces required for the proposed use (18).

**However, your building & parking age exempt you from providing minimum parking.**

[ Ver. 4 ] [Edited By Nick Smith]

### 16. Zoning Plan Review

Nick Smith  
336-747-7064  
[nicks@cityofws.org](mailto:nicks@cityofws.org)  
8/21/23 5:46 PM  
01.04) Special Use  
Permit - 3

#### **Section 6.6.2A - Lighting Plan**

1. A lighting plan prepared by a lighting certified (LC) lighting professional or a professional engineer licensed in the State of North Carolina shall demonstrate that all exterior lighting is designed, located, and installed in such a manner that light levels measured at the residential property line and the public right-of-way do not exceed one-half (1/2) footcandle.
2. Prior to the issuance of a certificate of occupancy, the LC lighting professional or professional engineer shall certify in writing that that lighting was installed per the approved plans.

#### **Section 6.6.2B - Light Level Measurement**

1. Light levels are specified, calculated, and measured in footcandles.
2. All values are initial footcandles.
3. Measurements shall be made at ground level with the light-registering portion of the meter held horizontally pointing up.

#### **Section 6.6.2C - Parking Lot Lighting**

1. Parking lot lighting shall utilize fixtures certified as full cutoff or LED BUG-rated fixtures with an uplight rating of U0 and a maximum glare rating of G3.
2. Lights mounted on poles shall have a maximum pole height of thirty (30) feet and shall not be mounted greater than thirty-two feet (32) feet above grade including any base or mounting structure.
3. Non-shielded wall packs and high-intensity light beams, such as outdoor searchlights, lasers, or strobe lights are prohibited.
4. Routine maintenance of existing lighting, including changing the lamp, ballast, starter, photo control, fixture housing, lens, and other required components is allowed for all existing fixtures. A lighting plan is not required for such changes.