



DOCKET #: W3176

PROPOSED ZONING:
LB-L

EXISTING ZONING:
NB-L

PETITIONER:
Tammy Erwin and Tammy Green
for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 4

ACRES: 0.79

NEAREST BLDG: 24' west

MAP(S): 660834



**CITY-COUNTY PLANNING BOARD
DRAFT STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3176
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Tammy Erwin & Tammy Green
Owner(s)	Same
Subject Property	PIN #6863-47-3581
Address	1926 Union Cross Road
Type of Request	Special use limited rezoning from NB-L to LB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from NB-L (Neighborhood Business - special use limited district – Access Easement, Private Off-Site; Adult Daycare Center; Adult Daycare Home; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Child Daycare, Large Home; Child Daycare, Small Home; Church or Religious Institution, Neighborhood; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing and Inert Debris; Library, Public; Limited Campus Uses; Motor Vehicle, Repair and Maintenance; Museum or Art Gallery; Offices; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Residential Building, Single Family; Restaurant (without drive-through service); Retail Store; Services A; Utilities; and Veterinary Services to LB-L (Limited Business - special use limited district). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Access Easement, Private Off-Site; Adult Daycare Center; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Borrow Site; Child Care, Drop-In; Child Care, Sick Children; Child Daycare Center; Church or Religious Institution, Neighborhood; Combined Use; Convenience Store; Dirt Storage; Food or Drug Store; Government Offices, Neighborhood Organization, or Post Office; Landfill, Land Clearing and Inert Debris; Library, Public; Limited Campus Uses; Museum or Art Gallery; Offices; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Restaurant (without drive-through service); Retail Store; Services A; Utilities; and Veterinary Services <p>NOTE: General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	The petitioner sent an email stating that: “We had a neighborhood meeting on March 9, 2013 and about 22 people showed up showing a need for gasoline at this location since the closest station is about 3 miles from this location.” Council Member James Taylor has also scheduled a neighborhood meeting for Thursday April 4, 6pm at the W.R. Anderson Recreation Center located at 2450 Reynolds Park Road.

Zoning District Purpose Statement	The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in GMAs (Growth Management Areas) 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), 4 (Future Growth Area) and 5 (Rural Area).		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes, the site is located within the Suburban Neighborhoods GMA and is close to residential areas. The site also has frontage on a major thoroughfare and currently provides a convenient location to serve the everyday household needs of nearby residents and employees.		
GENERAL SITE INFORMATION			
Location	North side of Union Cross Road, west of Wallburg Road		
Jurisdiction	City of Winston-Salem		
Ward	Southeast		
Site Acreage	± .79 acre		
Current Land Use	A 2,100 sf retail store is currently located on the site.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS20	Single family homes
	East	RS20-S	Single family homes
	South	IP	Union Cross Park and Addiction Recovery Care
	West	RS20	Single family homes
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	The proposed uses are the same as the approved uses with the addition of Convenience Store with gasoline sales. While the site apparently has a history of this use, it is not fully compatible with the adjacent single family residential uses.		
Physical Characteristics	With the exception of a few trees and mature shrubs, the site is predominately developed and has a very gentle slope downward to the northwest. No streams or wetlands are located on the site.		
Proximity to Water and Sewer	Public water is available to the site; however, no public sewer is available.		
Stormwater/ Drainage	No known issues.		

Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	Other than the lack of public sewer service, there are no apparent constraints to this site and it appears to be suitable for development within the proposed LB-L District.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Union Cross Road	Major Thoroughfare	274'	2,100	15,800
Proposed Access Point(s)	Because this is a special use limited request with no site plan or access conditions, the exact location of access points (other than the existing driveways onto Union Cross Road) is unknown.			
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a four lane, divided median section with sidewalks for Union Cross Road.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: NB-L</u> 2,100 sf /1,000 x 40.67 (Specialty Retail Center Trip Rate) = 85 Trips per Day</p> <p><u>Proposed Zoning: LB-L</u> 85 Trips per Day plus a moderate increase of trips depending on the number of fueling stations</p>			
Sidewalks	There are no sidewalks located along this portion of Union Cross Road.			
Transit	Route 30 runs to the Autumn Oaks Development along Fanning Road approximately four miles to the northwest.			
Analysis of Site Access and Transportation Information	It should be anticipated that if approved, the request would generate more traffic than the current retail store. An updated driveway permit will be required with any change of use.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	Growth Management Area 3 – Suburban Neighborhoods			
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Support the improvement and redevelopment of older commercial sites. • Promote quality design so that infill does not negatively impact surrounding development. • Encourage convenient services at designated areas to support neighborhoods consistent with the Growth Management Plan. 			
Relevant Area Plan(s)	<i>Union Cross/Southeast Forsyth County Area Plan (2004)</i> <i>Southeast Forsyth Area Plan (currently in process)</i>			
Area Plan Recommendations	The site is located in an area shown on the proposed land use map for conventional subdivisions. An update of this Area Plan is currently underway. This site is shown in the ongoing Area Plan update as a Special Land Use Condition Area with special conditions to be determined.			
Addressing	There are no addressing or street naming concerns.			

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?					
	Yes, the site was rezoned to NB-L in 2011.					
	(R)(4) - Is the requested action in conformance with <i>Legacy</i>?					
Yes						
Analysis of Conformity to Plans and Planning Issues	The request is to rezone a relatively small parcel from NB-L to LB-L. The purpose of the request is to permit the use of a Convenience Store with gasoline sales. While Convenience Store is already an approved use for the site, the NB district does not permit gasoline sales.					
	As noted in the staff report for the subject property in 2011, while the <i>Union Cross Area Plan</i> does not recommend commercial zoning for this site, there are several unique circumstances which warranted business zoning. Primarily, the site has a history of commercial use and appears to have served as a gas station in the past. Second, it is located along a major thoroughfare and not within the center of a homogenously zoned residential neighborhood. Third, there appears to be a lack of commercial establishments in this general area. Therefore a small amount of commercial zoning would complement the public park across the street and meet some of the daily convenience needs of the adjacent single family homes and the large employment centers located in the general area. This would in turn provide for a more balanced mixture of uses in the area and would be consistent with <i>Legacy's</i> recommendation to encourage convenient commercial services to support neighborhood needs. The addition of gasoline sales would have a greater impact to the adjacent single family homes. However, the size of the subject property will, in effect, limit the scale of such activity.					
	This request is also consistent with the preliminary staff recommendation proposed in the <i>Southeast Forsyth Area Plan</i> update which is currently underway. Staff would also note that approval of this request should not constitute a precedent of additional non-residential rezoning in this area.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3101	RS20 to NB-L	Approved 7-18-11	Current site	.79	Approval	Approval
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
The site is already zoned NB-L and the request is consistent with the LB district purpose statement.			The request would intensify commercial zoning in close proximity to single family residential homes.			
The site has a history of commercial use (some as a gas station).						

The request could accommodate some of the daily convenience needs for the adjacent homes and employment centers

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
 - a. Developer shall obtain an updated driveway permit from NCDOT and the City of Winston-Salem Public Works Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall install a streetyard along the frontage of Union Cross Road.
 - b. Developer shall obtain a sign permit.
 - c. All required improvements of the City of Winston-Salem and NCDOT driveway permits shall be completed.

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**