



DOCKET #: W3168

PROPOSED ZONING:
HB-L

EXISTING ZONING:
RS9

PETITIONER:
Bob Neill Inc of Winston-Salem
for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 3

ACRES: 0.75

NEAREST BLDG: 143' west

MAP(S): 600842, 600846





Bryce A. Stuart Municipal Building
100 E. First Street
P.O. Box 2511
Winston-Salem, NC 27102
CityLink 311 (336.727.8000)
Fax 336.748.3163
www.cityofws.org/planning

February 20, 2013

Bob Neill of Winston-Salem, Inc.
c/o David Neill
691 Jonestown Road
Winston-Salem, NC 27103

Re: Zoning Map Amendment W-3168

Dear Mr. Neill:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102

City Council: Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leight, South Ward; Wanda Merschel, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

Forsyth County Commissioners: Richard V. Linville, Chairman; Gloria D. Whisenhunt, Vice Chair; Mark Baker; Walter Marshall; David R. Plyler, Bill Whiteheart; Everette Witherspoon; County Manager: Dudley Watts, Jr.

City-County Planning Board: Arnold G. King, Chair; L. Wesley Curtis, Jr., AIA, Vice-Chair; Clarence R. Lambe, Jr.; Darryl Little; Barry A. Lyons; Lynne Mitchell; Paul W. Mullican; Brenda J. Smith; Allan Younger

ACTION REQUEST FORM

DATE: February 20, 2013
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Bob Neill of Winston-Salem, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of Bob Neill of Winston-Salem, Inc. from RS9 to HB-L (Parking, Commercial and Outdoor Display, Retail): property is located on the northeast corner of Kester Mill Road and Char-Lou Lane (Zoning Docket W-3168).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE LIMITED DISTRICT

Zoning Petition of Bob Neill of Winston-Salem, Inc., Docket W-3168

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 HB-L (Parking, Commercial and Outdoor Display, Retail) the zoning classification of the following described property:

Lying and being in Forsyth County, North Carolina, and beginning at a point at the northeastern corner of the intersection on Kester Mill Road and Char-Lou Lane, said point being located at the southwestern corner of the subject property, identified as Parcel ID No. 6804-46-7827, Lot 610, Block 3904, and running thence from said point of beginning and with the eastern right-of-way line of Char-Lou Lane North 00° 26' 07" East 132.33 feet to an existing iron pin; thence leaving Char-Lou Lane South 88° 10' 13" East 224.65 feet to an existing iron pin; thence South 00° 26' 07" West 146 feet to an existing iron pin in the northern right-of-way line of Kester Mill Road; thence with the northern right-of-way line of Kester Mill Road North 88° 10' 13" West 146.05 feet to an iron; thence North 78° 20' 56" West 80.11 feet to the POINT AND PLACE OF BEGINNING, containing 0.75 acres more or less. Being a portion of PIN #6804-46-7827.

Section 2. This Ordinance is adopted after approval of the Special Use Limited District Permit issued by the City Council the _____ day of _____, 20___ to Bob Neill of Winston-Salem, Inc..

Section 3. The City Council hereby directs the issuance of a Special Use Limited District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Bob Neill of Winston-Salem, Inc. Said Special Use Limited District Permit with conditions is attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE LIMITED DISTRICT PERMIT

SPECIAL USE LIMITED DISTRICT PERMIT

Issued by the City Council

of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use Limited District Permit for the zoning petition of Bob Neill of Winston-Salem Inc., (Zoning Docket W-3168). The site shall be developed in accordance with the conditions approved by the Board and the following uses: Parking, Commercial and Outdoor Display, Retail, approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the HB-L zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional condition be met:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS:**
 - a. Developer shall obtain a driveway permit from the City of Winston-Salem Public Works Department. Access from Kester Mill Road shall not be permitted. Potential right-of-way dedication and/or improvements to Char-Lou Lane will not be required until buildings are proposed for the site.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3168
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Bob Neill of Winston-Salem Inc.
Owner(s)	Same
Subject Property	Portion of PIN #6804-46-7827
Address	669 Char-Lou Lane
Type of Request	Special use limited rezoning from RS9 to HB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family District; 9,000 sf minimum lot size) to HB-L (Highway Business-Special Use Limited District). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Parking, Commercial and Outdoor Display, Retail <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 application does not indicate if a neighborhood meeting has been held.
Zoning District Purpose Statement	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs (Growth Management Areas) 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), and 4 (Future Growth Area).
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the site is located within the Suburban Neighborhoods GMA, along a collector street, and adjacent to other HB zoned property.</p>
GENERAL SITE INFORMATION	
Location	Northeast corner of Kester Mill Road and Char-Lou Lane
Jurisdiction	City of Winston-Salem
Ward(s)	Southwest
Site Acreage	± .75 acre
Current Land Use	The site is currently undeveloped.

Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RS9	Undeveloped property	
	East	RS9	Single family home	
	South	HB-S	Walmart	
	West	HB	Bob Neill auto sales	
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 of Parking, Commercial and Outdoor Display, Retail are compatible with the uses permitted on the adjacent HB and HB-S zoned properties.			
Physical Characteristics	The site has a moderate slope downward toward the northeast.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	The site includes no regulatory floodplains, steep slopes, or watersheds and appears to be suitable for development within the proposed HB-L district.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Kester Mill Road	Collector Street	226'	NA	NA
Char-Lou Lane	Local Street	132'	NA	NA
Proposed Access Point(s)	The petitioner has volunteered a condition that no access will come via Kester Mill Road.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS9</u> .75 acre x 43,560 / 9,000 = 3 units x 9.57 (SFR Trip Rate) = 29 Trips per Day			
	<u>Proposed Zoning: HB-L</u> No trip generation numbers are available for special use limited zoning.			
Sidewalks	There are no sidewalks located in the general area.			
Transit	Route 43 runs along Kester Mill Road.			
Analysis of Site Access and Transportation Information	The site is a corner lot with frontage on a local street (Char-Lou Lane) and a collector street (Kester Mill Road). The petitioner has volunteered a condition that the site be accessed only from Char-Lou Lane which is preferable from a traffic flow standpoint.			

CONFORMITY TO PLANS AND PLANNING ISSUES

Legacy GMA	Growth Management Area 3 – Suburban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Increase infill development in the serviceable land area. • Encourage development in areas with existing infrastructure before extending infrastructure farther.
Relevant Area Plan(s)	<i>Southwest Suburban Area Plan (2008)</i>
Area Plan Recommendations	The Plan identifies the current use of the site as vacant land. The recommended land use is commercial.
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?
	No
	(R)(4) - Is the requested action in conformance with Legacy?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The subject request is to rezone the site from RS9 to HB-L for the use of Parking, Commercial and/or Outdoor Display, Retail. The petitioner owns a car dealership directly across Char-Lou Lane which fronts on Jonestown Road.</p> <p>The <i>Southwest Suburban Area Plan</i> recommends commercial development for the subject property and the site is adjacent to extensive HB and HB-S zoned property to the south and west. Given the surrounding land use and zoning pattern and the recommendations of the area plan, staff is supportive of this request.</p>

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2368	HB-S to Site Plan Amendment	Approved 1-13-00	Directly south	23.47 acres	Approval	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The request is consistent with the recommendations of <i>Legacy</i> and the <i>Southwest Suburban Area Plan</i> .	The request will likely add a significant amount of impervious area.
The site is adjacent to extensive HB and HB-S zoned property.	
The proposed special use limited request would only allow the uses of: Parking, Commercial and Outdoor Display, Retail.	
The request is consistent with the purpose statement of the proposed HB district.	

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed condition is from interdepartmental review comments and is 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 a driveway permit from the City of Winston-Salem Public Works Department. Access from Kester Mill Road shall not be permitted. Potential right-of-way dedication and/or improvements to Char-Lou Lane will not be required until buildings are proposed for the site.

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.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3168
FEBRUARY 14, 2013**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment.

SECOND: Wesley Curtis

VOTE:

FOR: Wesley Curtis, Arnold King, Clarence Lambe, Darryl Little, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning