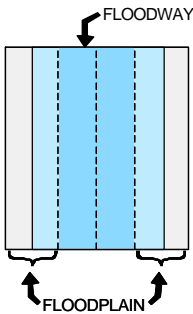


DOCKET #: W2854

PROPOSED ZONING:
HB

EXISTING ZONING:
RS9

PETITIONER:
Daniel L. Brewer and
Barbara Brewer for property
owned by Same



SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRE(S): 0.19

MAP(S): 600882



May 24, 2006

Daniel L. Brewer and Barbara Brewer
209 Kennen Krest
Mocksville, NC 27028

RE: ZONING MAP AMENDMENT W-2854

Dear Mr. Brewer & Ms. Brewer:

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
John Beeson, 503 High Street, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: May 24, 2006
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 Daniel L. Brewer and Barbara Brewer

SUMMARY OF INFORMATION:

Zoning Map Amendment of Daniel L. Brewer and Barbara Brewer from RS-9 to HB: property is located on the northeast side of Reynolda Road west of Bethania Road (Zoning Docket W-2854).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of Daniel L. Brewer and Barbara Brewer, Docket W-2854

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 RS-9 to HB the zoning classification of the following described property:

BEGINNING at an iron in the north right-of-way of Reynolda Road, NC Highway 67, being the southwest corner of Tax Lot 402, Block 3490 and the southeast corner of Tax Lot 81G, Block 3490; thence with the north right-of-way of Reynolda Road, north 51° 51' 30" west 40.02 feet to a point; thence a new line north 36° 09' 50" east, 207.60 feet to a point; thence south 66° 07' 00" east 40.94 feet to an iron, the northwest corner of Tax Lot 402, Block 3490; thence with the west line of said lot 402, south 36° 09' 50" west 217.68 feet to the point and place of BEGINNING, being a 0.193 acre, more or less, portion of Tax Block 3490, Tax Lots 81G and 81H.

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD STAFF
STAFF REPORT FOR: Docket # W-2854
May 11, 2006**

PETITION INFORMATION			
Docket #	W-2854		
Staff	Gary Roberts		
Petitioner(s)	Daniel L. Brewer and Barbara Brewer		
Owner(s)	Same		
Subject Property	Portions of Tax Lot 81G and 81H / Tax Block 3490		
Type of Request	General Use Rezoning from RS9 to HB		
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 Highway Business District.</p> <p>NOTE: Both general and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.</p>		
Zoning District Purpose Statement	<p>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 Growth Management Areas 2, 3, and 4.</p>		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes		
GENERAL SITE INFORMATION			
Location	Northeast side of Reynolda Road west of Bethania Road		
Jurisdiction	City of Winston-Salem		
Ward(s)	North		
Site Acreage	Approximately ± 0.19 acre		
Current Land Use	Site is currently used as the driveway serving the adjacent HB zoned site to the east.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Undeveloped
	East	HB	Unoccupied commercial building
	South	HB	Farm equipment sales
	West	RS-9	Single family home

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? The commercial uses permitted within the proposed HB District are compatible with the adjacent HB zoned property located to the east. However, some of the permitted uses may not be compatible with the RS-9 zoned property located to the west.
Physical Characteristics	The site has a moderate slope downward towards the northeast.
Proximity to Water and Sewer	Public water and sewer are available to the subject property.
Storm water/ Drainage	No known issues.
Watershed and Overlay Districts	The site is not within a water supply watershed.
Historic, Natural Heritage and/or Farmland Inventories	The Forsyth County Natural Heritage Inventory, completed in 1998 with a grant from the NC Natural Heritage Program, identified 23 significant natural sites in Forsyth County. The (Black) Walnut Bluffs Area, site #20 of the Forsyth County Natural Heritage Inventory, is located approximately 500 feet north of the petition site. The site was identified as being of countywide significance. The Walnut Bluffs Area includes a significant hillside and an extensive floodplain area (referred to as Walnut Bottom). The Bluffs includes a prominent north facing hillside which is mostly covered with mature hardwood vegetation and includes soft rock outcrops along the ridge. The Bottom is a floodplain which extends north from the base of the Bluffs. In 1997, the Piedmont Land Conservancy worked with the Bethania community, the NC Natural Heritage Trust Fund, and the Department of Cultural Resources to protect the biologically and culturally significant Black Walnut Bottoms and Black Walnut Bluffs sites.
Analysis of General Site Information	The subject property is only 39' wide and obviously has limited development opportunity as a stand alone site. Currently, the property serves as the driveway for the adjacent HB zoned site to the east. Topography wise, this adjacent site is considerably below the grade of Reynolda Road. This grade change combined with the location of the existing commercial structure and the site's proximity to the intersection of Reynolda Road and Bethania Road essentially preclude the potential of acquiring a new access from Reynolda Road. The proposed rezoning would in essence, sanction the continued use of the subject property for access to said adjacent site without necessitating an additional curb cut onto Reynolda Road.

SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Reynolda Road	Major Thoroughfare	39'	9,900	30,400
Planned Road Improvements	The Thoroughfare Plan recommends a four lane divided section with raised medians, widened outside lanes and sidewalks along this section of Reynolda Road.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9</u> The subject .19 acre site is not large enough to accommodate a single family home in the RS-9 District. No trip generation numbers are therefore available for the existing zoning.</p> <p><u>Proposed Zoning: HB</u> No trip generation numbers available for general use zoning.</p>			
Sidewalks	No sidewalks are currently located along this section of Reynolda Road.			
Transit	Route 16 runs ± 1,300' east of the site.			
Analysis of Site Access and Transportation Information	The property has a curb cut onto Reynolda Road and serves as the driveway for the adjacent HB zoned site to the east.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	Growth Management Plan Area (GMA3)			
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Legacy recommends promoting economic development which is compatible with existing residential neighborhoods and other business development. It also recommends protecting residential areas from inappropriate commercial and industrial encroachment. 			
Relevant Area Plan(s)	<i>North Suburban Area Plan (2005)</i>			
Area Plan Recommendations	<ul style="list-style-type: none"> The site is located in an area designated for low density residential use in the <i>North Suburban Area Plan</i>. It is on the northwestern boundary of the area designated for limited commercial use intended to accommodate small and medium-scale commercial development. The intent is to ensure commercial development is of an appropriate scale in relation to adjacent uses. Limited Commercial areas shall not promote strip commercial development or developments that transform the area's existing character. New projects should effectively blend with existing development and not infringe on the integrity of adjacent neighborhoods. 			

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?					
	No					
	(S)(4) - Is the requested action in conformance with <i>Legacy</i>?					
Yes						
Analysis of Conformity to Plans and Planning Issues	The <i>North Suburban Area Plan</i> recommends no further westward expansion of the commercial zoning which directly adjoins the eastern side of the site. However, due to the small size of the subject property and the access constraints of the adjacent lot, staff sees this request as being unique. It is not anticipated the proposed request would result in any significant additional impacts to the adjacent residential property or the character of this section of Reynolda Road.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2102	HB and RS-9 to LB-S (Multiple Business Uses) – TWO PHASE	Withdrawn at the 10-11-96 Planning Board meeting	1,000' Southeast	2.74	No Staff Report in docket	Withdrawal
Positive Aspects of Proposal			Negative Aspects of Proposal			
Request would allow the use of an existing driveway cut to continue to serve an adjacent HB zoned property which otherwise has significant access constraints.			The request would extend HB zoning into a single family residential area.			

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.**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Wesley Curtis

VOTE:

FOR: Jerry Clark, Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning