



DOCKET #: W2812
 (Continued from 11/10/05
 CCPB meeting)

PROPOSED ZONING:
 HB

EXISTING ZONING:
 RS9

PETITIONER:
 Mark T. Wilson for property
 owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 0.56

MAP(S): 648846



**CITY-COUNTY PLANNING BOARD STAFF
STAFF REPORT FOR: Docket # W-2812
January 12, 2006**

PETITION INFORMATION	
Docket #	W-2812
Staff	Gary Roberts
Petitioner(s)	Mark T. Wilson
Owner(s)	Same
Subject Property	Tax Lot 108 Tax Block 171
Type of Request	General Use Rezoning from RS-9 to HB
Proposal	<p>The subject request was continued from the November 10, 2005 Planning Board meeting to the January 12, 2006 Planning Board meeting in order for the petitioner to resubmit as a special use request. As of this writing, no revised request has been submitted. The UDO requires that no more than 120 days pass between the submittal of a completed application and its recommendation to the elected body. Therefore because the request was submitted on October 7, 2005, the subject request will need to be acted on or withdrawn and a new request submitted.</p> <p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 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)	<p>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>No. The subject property fronts on a dead end street which in turn connects into the more heavily traveled Sprague Street at a curve.</p>

GENERAL SITE INFORMATION			
Location	South side of Sprague Court east of Reynolds Park Road		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southeast		
Site Acreage	Approximately ± .56 acre		
Current Land Use	Single family residential		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	HB	Commercial
	East	HB	Commercial
	South	RS-9	Single Family Residential
	West	RS-9	Single Family Residential
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 proposed HB District permits intense commercial operations which are generally compatible with the adjacent commercial operations to the north and east but are not compatible with the single family homes to the south and west.		
Physical Characteristics	The site is developed with a detached single family home and slopes gently downward to the south.		
Proximity to Water and Sewer	Public water and sewer are directly available to the site.		
Stormwater/ Drainage	No known storm water or drainage issues.		
Watershed and Overlay Districts	The site is not within a water supply watershed.		
Historic, Natural Heritage and/or Farmland Inventories	This property was identified in the Southeast Winston-Salem Architectural Survey, completed in January 2003. The house is listed as a c.1950 1½-story Cape Cod structure featuring a side gable and gable-roof dormers. The house is covered in asbestos shingle siding and has six-over-six double-hung sash windows. Additional details include a small gable-roof hood at the entrance and an enclosed side porch. Behind the house is a c.1965 garage/shop that is a large one-story, front-gable, concrete building. While this property was identified in the 2003 survey, it is not included within the boundaries of the Waughtown-Belview National Register Historic District.		
Analysis of General Site Information	Aside from the relatively small size of the subject property, there are no apparent development constraints on the site. The subject general use HB request would allow however, some development scenarios which would be incompatible with the residential uses which adjoin the site on two sides. Further the narrow lot combined with the 40' setback from RS zoned property would limit the commercial development of the site.		

SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Sprague Court	Local Street	100'	N/A	N/A
Proposed Access Point(s)	General use request with no site plan. Sprague Court provides the only public street access to the site.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9</u> .56 acre (RS-9) x 43,560 / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day</p> <p><u>Proposed Zoning: HB</u> Proposed Trips per Day cannot be calculated without a site plan.</p>			
Sidewalks	No sidewalks are located along Sprague Court.			
Transit	Route 29 runs along nearby Waughtown Street.			
Analysis of Site Access and Transportation Information	Access to the site is adequate for the existing single family residential use. However Sprague Court does not provide the type of access consistent with the HB District purpose statement.			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	Suburban Neighborhoods (GMA 3)			
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Legacy recommends protection of residential areas from inappropriate commercial and industrial encroachment. 			
Relevant Area Plan(s)	<i>Southeast Area Plan, 2002</i>			
Area Plan Recommendations	<ul style="list-style-type: none"> The <i>Southeast Area Plan</i> identifies the subject property and the two adjoining lots to the west as being within the Sprague Court Area (special land use condition area Site h). The plan recommends these single family residential properties be allowed to convert to office or low-intensity commercial use by utilizing <i>Standards for Conversion of Existing Homes</i> (Figure 2. page 29 of the plan). These standards include: the adaptive reuse of existing structures; internalized parking; retention of existing mature trees; and limited signage. 			
Other Applicable Plans and Planning Issues	The site is in the designated King Plaza Declining Urban Activity Center (DUAC). Draft recommendations for DUAC sites include: site should meet landscaping, streetyard, and bufferyard standards; plastic composite fencing should be used in place of chain link and razor wire fencing, parking lot should be well designed and uniformly surfaced, the number of curb cuts should be limited and meet City Code requirements for placement, new buildings should be pedestrian in character, and old sites should improve facades and signage. PB-S is the preferred zoning classification for DUAC sites not in a shopping center.			
Applicable Rezoning Consideration	(S)(3) - Have changing conditions substantially affected the area in the petition?			
	No			

from Chapter B, Article VI, Section 6-2.1(S)		(S)(4) - Is the requested action in conformance with <i>Legacy</i>?				
		No				
Analysis of Conformity to Plans and Planning Issues		The subject property is specifically identified in the <i>Southeast Area Plan</i> and is recommended for conversion to office or light commercial use. However, in order to minimize disruption to the character of the neighborhood, the plan includes detailed standards by which such a conversion should take place. These standards are mentioned above. The subject general use request provides no assurance that these standards will be adhered to. In addition, the proposed HB District would allow intensive commercial uses which are incompatible with the adjacent single family properties and not considered "light commercial" as recommended in said area plan. These uses could include: Car Wash; Motor Vehicle, Repair and Maintenance; and Motor Vehicle, Body or Paint Shop.				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1428	R-4 to B-3-S, converted to HB-S (Parking, Commercial)	Approved 4-6-87	300' east	0.38	Denial	Approval
W-661	R-4 to B-3, converted to HB	Approved, 8-7-78	Directly east	1	Approval	Approval
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
Allows an expanded commercial development area.			The general use request is inconsistent with the area plan.			
			The request would allow for intensive commercial use of the site which could be incompatible with the adjacent residential properties to the south and west.			

STAFF RECOMMENDATION: WITHDRAWAL

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 REGARDING CONTINUANCE

FOR: None

AGAINST:

Todd Cummings, 2980 E. Sprague Court, Winston-Salem, NC

- We were notified at the last minute that they wanted to continue this.
- The petitioner's tenant has a garage started in a residential house. There's been up to 30 cars there. Giving him two more months to do this, that's another two months that we have to deal with this.
- Some of us had to take off work to be here today. It's a big inconvenience to have to wait another two months.

Jeff Bigger, 2968 E. Sprague Street, Winston-Salem, NC

- I represent my mother who could not be here today.
- My mother has lived here for 67 years. We're concerned with how somebody can come in, rent a house, and decide they're going to open a garage in that spot.
- We're strictly opposed.

Nancy Byrum, 1836 Flat Rock Street, Winston-Salem, NC 27107

- I represent the Waughtown Preservation and Revitalization Coalition.
- We are opposed to the spot rezoning.
- We feel this type of zoning is really detrimental to the neighborhood.
- This house is zoned RS-9 and is not suitable for HB or HB-S.

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. Carol Eickmeyer: Are there uses in HB which would be appropriate in this spot?
David Reed: Yes, the area plan supports it being converted, but only as special use to provide protection to the neighbors to the south.
2. We don't know if this has been reported to the Inspections Division, but it is not a legally non-conforming use. Ronnie Grubbs verified it was called in as a violation.
3. Arnold King: If this is continued and if you (the opposition) can't be at the January 12, 2006 meeting, you can certainly submit comments in writing and we'd be happy to take letters or petitions into consideration.

MOTION: Clarence Lambe moved continuance of the zoning map amendment to January 12, 2006 with the waiver of all fees except the difference between general and special use district zoning requests and advertising costs.

SECOND: Jerry Clark

VOTE:

FOR: Clark, Curtis, King, Lambe, Mullican, Smith

AGAINST: Eickmeyer, Folan

EXCUSED: None

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved withdrawal of the zoning map amendment with the waiver of all fees except advertising costs and the difference between general and special use district zoning requests if the petition is resubmitted within a two month time period.

SECOND: Jerry Clark

VOTE:

FOR: Clark, Eickmeyer, Folan, King, Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning