

DOCKET #: W3004

PROPOSED ZONING:
HB-S

EXISTING ZONING:
RS9

PETITIONER:
William L. Beam and Reich
Welborn for property owned
by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 1.99

**NEAREST
BLDG:** 15' west

MAP(S): 648846

F

October 22, 2008

William L. Beam and Reich Welborn
430 Davis Drive, Suite 500
Morrisville, NC 27560

RE: ZONING MAP AMENDMENT W-3004

Dear Mr. Beam and Mr. Welborn:

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
Charles Crosby, Jr., P. O. Box 341, Dobson, NC 28676
David C. Lane, 450 N. Broad Street, Apt 111, Winston-Salem, NC 27101
Angelo Franceschina, Rural Initiative Project, 301 N. Main St, Suite 2216, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: October 22, 2008
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 William L. Beam and Reich Welborn

SUMMARY OF INFORMATION:

Zoning map amendment of William L. Beam and Reich Welborn from RS-9 to HB-S (General Merchandise Store): property is located on the south side of Waughtown Street, west of Cole Road (Zoning Docket W-3004).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: JERRY CLARK, WESLEY CURTIS, ARTHUR KING,
LYNNE MITCHELL
AGAINST: ARNOLD KING, CLARENCE LAMBE, PAUL MULLICAN
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of William L. Beam and Reich Welborn, Docket W-3004

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-S (General Merchandise Store) the zoning classification of the following described property:

PIN#'s 6844-98-2381 and 6844-98-3371

Section 2. This Ordinance is adopted after approval of the site plan entitled Waughtown Dollar General Store and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to William L. Beam and Reich Welborn.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Waughtown Dollar General Store. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

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

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE 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 District Permit for the site shown on the site plan map included in this zoning petition of William L. Beam and Reich Welborn, (Zoning Docket W-3004). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for HB-S (General Merchandise Store), 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-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - a. Developer shall obtain a driveway permit from the City of Winston-Salem Public Works Department and NCDOT.
 - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall install all improvements as per driveway permit.
 - b. Developer shall install all stormwater management devices.
 - c. Certification from a qualified professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-3004		
Staff	Gary Roberts, Jr. AICP		
Petitioner(s)	William L. Beam and Reich Welborn		
Owner(s)	Same		
Subject Property	PIN#'s 6844-98-2381 and 6844-98-3371		
Type of Request	Special Use Rezoning		
Proposal	<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-S Highway Business District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • General Merchandise Store 		
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>While the proposal is generally consistent with the HB purpose statement, because of the area plan's recommendation for commercial development to be contained within areas currently zoned for commercial use, the request could be seen as encouraging strip commercial development.</p>		
GENERAL SITE INFORMATION			
Location	South side of Waughtown Street, west of Cole Road		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southeast		
Site Acreage	Approximately ± 1.99 acres		
Current Land Use	The site is currently undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Single family homes
	East	HB	Commercial
	South	RS-9	Single family homes
	West	RS-9	Single family homes
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	<p>(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</p> <p>The request would be compatible with the HB zoning to the east; however, staff views this request as incompatible with the RS-9 zoning to the north, west and south.</p>		

Physical Characteristics	The site is partially wooded and has a gentle slope downward to the south.			
Proximity to Water and Sewer	Public water and sewer are available.			
Stormwater/ Drainage	A stormwater study will be required prior to the issuance of a grading permit.			
Watershed and Overlay Districts	The site is not within a water supply watershed.			
Analysis of General Site Information	The site appears to possess no development constraints and is suitable for the proposed improvements.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Condition for stormwater study 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Waughtown Street	Major Thoroughfare	206'	8,100	15,600
Newland Drive	Local street (partially unopened)	217'	NA	NA
Proposed Access Point(s)	Waughtown Street			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS-9</u> $1.99 \times 43,560 = 86,684 / 9,000 = 9 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 86 \text{ Trips per Day}$ <u>Proposed Zoning: HB-S</u> $7,161 \text{ sf} / 1,000 \times 56.63 \text{ (Free-Standing Discount Store Trip Rate)} = 406 \text{ Trips per Day}$			
Sidewalks	Sidewalks are located along both sides of Waughtown Street.			
Transit	Route 29 along Waughtown Street.			
Traffic Impact Study (TIS)	A TIS is not required.			
Analysis of Site Access and Transportation Information	Access to the site is adequate.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Obtain City of Winston-Salem and NCDOT driveway permit. 			
CONFORMITY TO PLANS AND PLANNING ISSUES				
Legacy GMA	Growth Management Area 2, (<i>Urban Neighborhoods</i>)			
Relevant Legacy Recommendations	<ul style="list-style-type: none"> <i>Community Character</i>: Protect residential areas from inappropriate commercial and industrial encroachment.(p. 123) 			

Relevant Area Plan(s)	<i>Southeast Area Plan (2002)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> The subject property is recommended to remain for low-density single-family residential land use. This request is located just west of the concentrated commercial development area located at the east end of the study area along Waughtown Street (Map 2; p. 4). Commercial development is to be consolidated at these existing locations. New commercial uses should be located in areas currently zoned for commercial use rather than encroaching into residentially zoned areas. (p.26)
Other Applicable Plans and Planning Issues	Certified Area/Name: Sprague/Waughtown-Older A Type of Certification: RCRA (certified October 8, 1987) Redevelopment Recommendation(s): Low interest loans were provided for rehabilitation activities in this area.
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
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(4) - Is the requested action in conformance with Legacy?
	No
Analysis of Conformity to Plans and Planning Issues	<i>Legacy</i> recommends the protection of residential areas from inappropriate commercial encroachment. The subject property abuts single family homes on three sides. The proposed HB-S District with a 9,200 sf retail building would have negative traffic, visual and noise impacts on said homes. In addition, the <i>Southeast Area Plan</i> specifically recommends this property remain zoned for single family residential use. The plan also recommends new commercial uses should be located in areas currently zoned for commercial use rather than encroaching into residentially zoned areas. Approval of the subject request could lead to a domino effect on other neighboring properties converting from residential to commercial use. It should also be noted that there is some degree of unoccupied building square footage in areas already zoned business along the Sprague/Waughtown street corridor.
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Lighting condition

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2416	RS-9 to RS-7	Denied 10-2-00	300' west	.75	Denial	Approval
W-573	R-4 to B-3 (HB)	Denied 2-21-77	Included subject property	4.45	Denial	Denial

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	7,161 sf (excluding storage area)		Central portion
Parking	Required	Proposed	Layout
	36 spaces	36 spaces	In front and to the side
Building Height	Maximum		Proposed
	60'		17'
Impervious Coverage	Maximum		Proposed
	85%		38.1%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (I) HB District 		
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:	No	
	(B) Environmental Ord.	NA	
	(C) Subdivision Regulations	NA	
Analysis of Site Plan Compliance with UDO Requirements	The revised site plan complies with the requirements of the UDO.		
CONCLUSIONS TO ASSIST WITH RECOMMENDATION			
Positive Aspects of Proposal		Negative Aspects of Proposal	
The request would permit the development of a new business establishment.		Request is not consistent with the recommendations of <i>Legacy</i> or the <i>Southeast Area Plan</i> .	
		Request could lead to future strip commercial zoning requests in this residential area.	
		Request would have negative traffic, visual and noise impacts on the adjacent homes.	
		Existence of underutilized commercial zoning in the area.	
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.			
<ul style="list-style-type: none"> <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> Developer shall obtain a driveway permit from the City of Winston-Salem Public Works Department and NCDOT. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem. 			

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.
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 - c. Certification from a qualified professional must be submitted certifying that the lighting was installed in accordance with the approved plan and the above noted condition.

STAFF RECOMMENDATION: Denial

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.**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Pat Crosby, 301 Cedar creek Drive, Elkin, NC 28717

- I talked with landowners on Waughtown trying to accumulate enough land already zoned business to allow this Dollar General store.
- I spent about six months trying to find an adequately zoned piece of property that was large enough for this use.
- I understand that what we're trying to do is not consistent with the area plan, so I met with Council Member Evelyn Terry and showed her the plan and talked about economic development. She was in favor of it.
- I met with the Mayor and other Council members who support this.
- Council Member Terry acknowledged that the area plan is almost 7 years old.
- I understand that we aren't consistent with the area plan, but there are businesses all up and down Waughtown Street.
- Council Member Terry suggested I meet with the Waughtown Business Association. I talked with the head of it and they did not have any objections as long as it was a nice looking facility.

AGAINST:

David C. Lane, 450 N. Broad Street, Apt 111, Winston-Salem, NC 27101

- I have an interest in this ward and Council Member Evelyn Terry has asked me to do some land use studies for this area.
- I'm opposed to this because it's in total violation with the plan. After we spend millions of dollars a year in planning, we should really listen to the planners.
- Although she wouldn't stand up and oppose it, I don't think she would stand up and applaud it either.
- The building is 9 times the size of a house. The area is meant to be residential.
- I ask you to make a hard decision and deny this.
- Commercial property is available in the area.

Angelo Franceschina, Rural Initiative Project, 301 N. Main St, Suite 2216, Winston-Salem, NC 27101

- I'm here on behalf of the Waughtown Preservation Revitalization Coalition.
- This has not been discussed by the Waughtown Business Association. Jim Douglas has discussed it. Generally they are going to support the neighborhood residential groups.
- We oppose it for the same reasons the last gentleman did, for putting a 9,000 square feet building in an area where homes are about 1100-1200 square feet.
- There's commercial just east of here.
- We're just east of the historic district.
- It's too close to a historic district, it's three times the size it should be,
- There needs to be more research in terms of finding sites. There are sites in Waughtown which could support this use if it was properly designed.
- We don't need to lose the residential character of this area. We've been fighting to keep the residential character.
- This will require 31 parking spaces. That's inappropriate for a residential area.
- The area plan is seven years old. Things change in that amount of time, but the plan is still valid.

WORK SESSION

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

1. Wesley Curtis: There is an area plan that tries to focus this area on residential uses and to maintain the residential character of this area.
2. Arnold King: This is right next to Highway Business district zoning. This would generate job and sales tax and county tax revenue. I hear what staff's saying, but from an economic standpoint, we know exactly what it's going to look like.
3. Clarence Lambe: This is an example to me of mixed use. This is one tax lot away from the proper zoning.

4. Lynne Mitchell: I hear what you're saying about the benefits to the community, but this is entirely out of scale for a residential community. I would not want to look directly across the street at this.
5. Wesley Curtis: I'm concerned about property values and everything else, but if we have commercial property that's available and not going anywhere, why rezone something in a residential district?
6. Clarence Lambe: You have to have a willing seller as well as available property.
7. Wesley Curtis: The only way the properties will retain their value is if we stick to the plan.

MOTION: Wesley Curtis moved denial of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jerry Clark

VOTE:

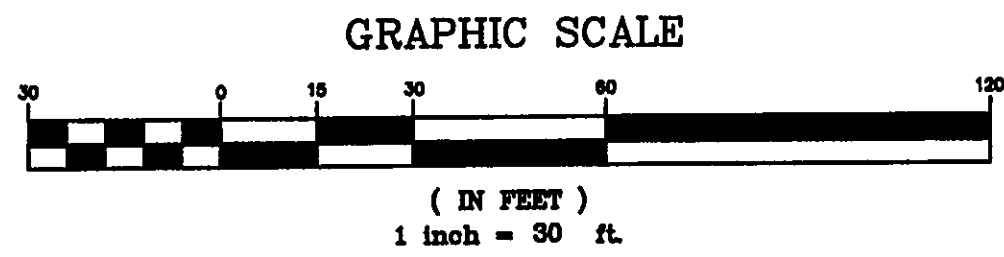
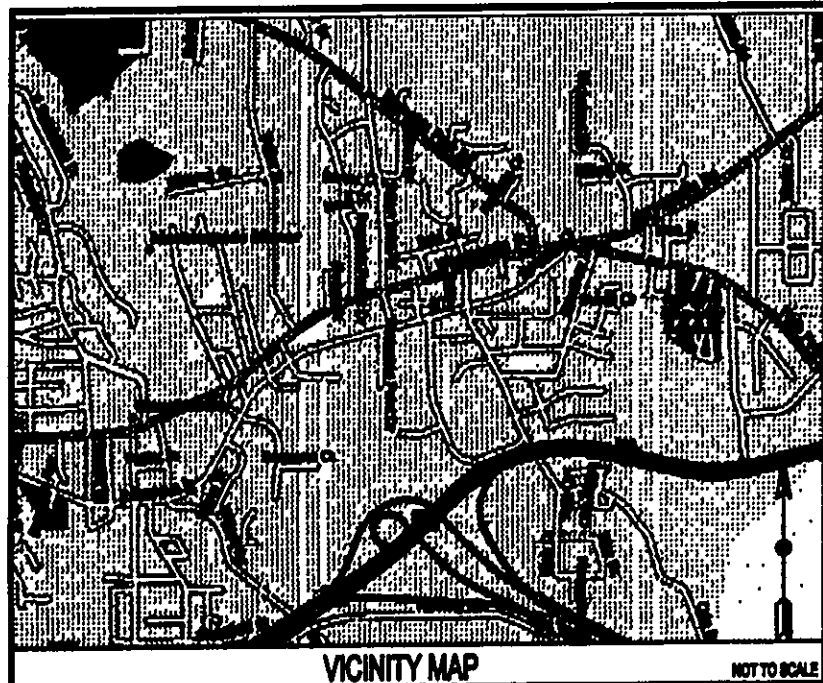
FOR: Jerry Clark, Wesley Curtis, Arthur King, Lynne Mitchell

AGAINST: Arnold King, Clarence Lambe, Paul Mullican

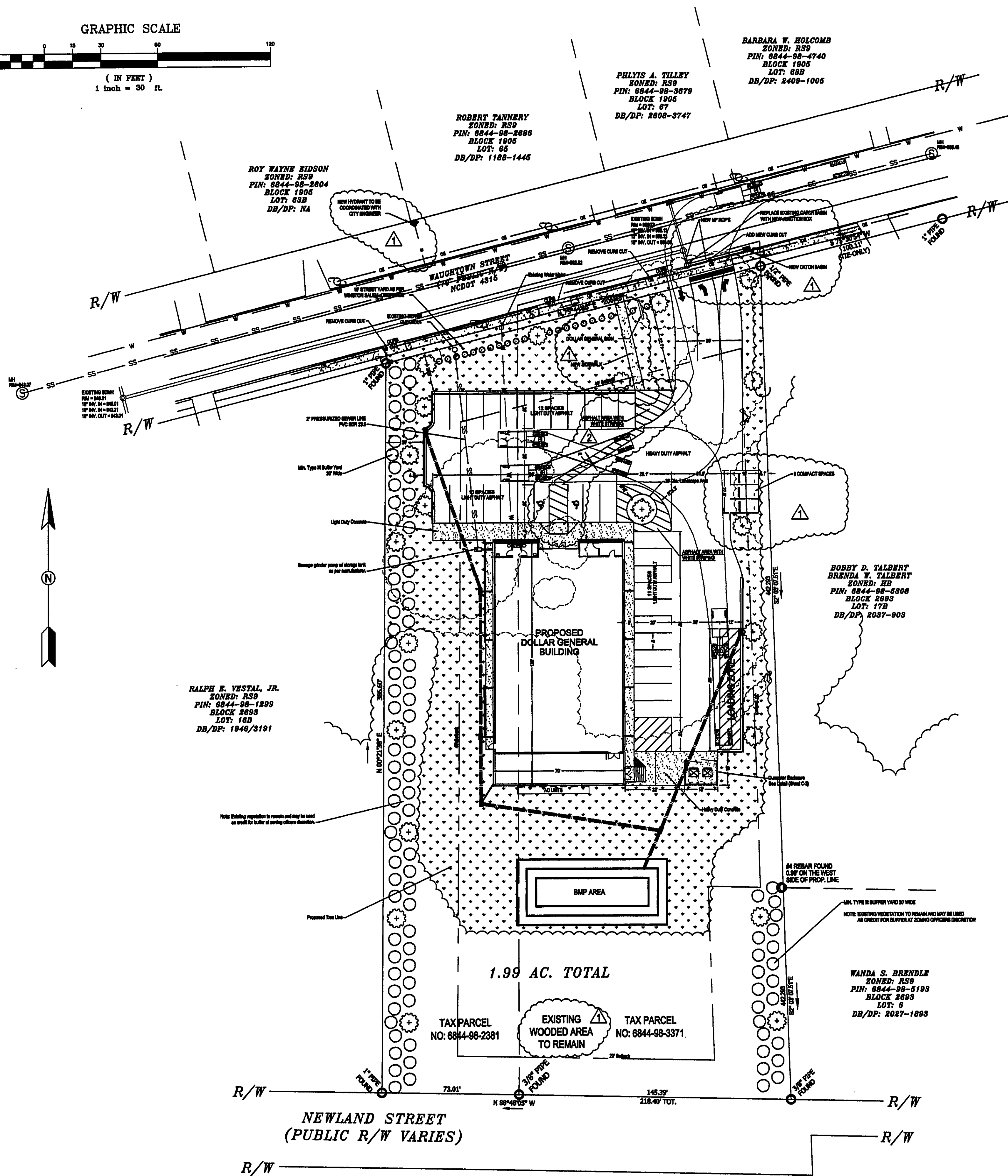
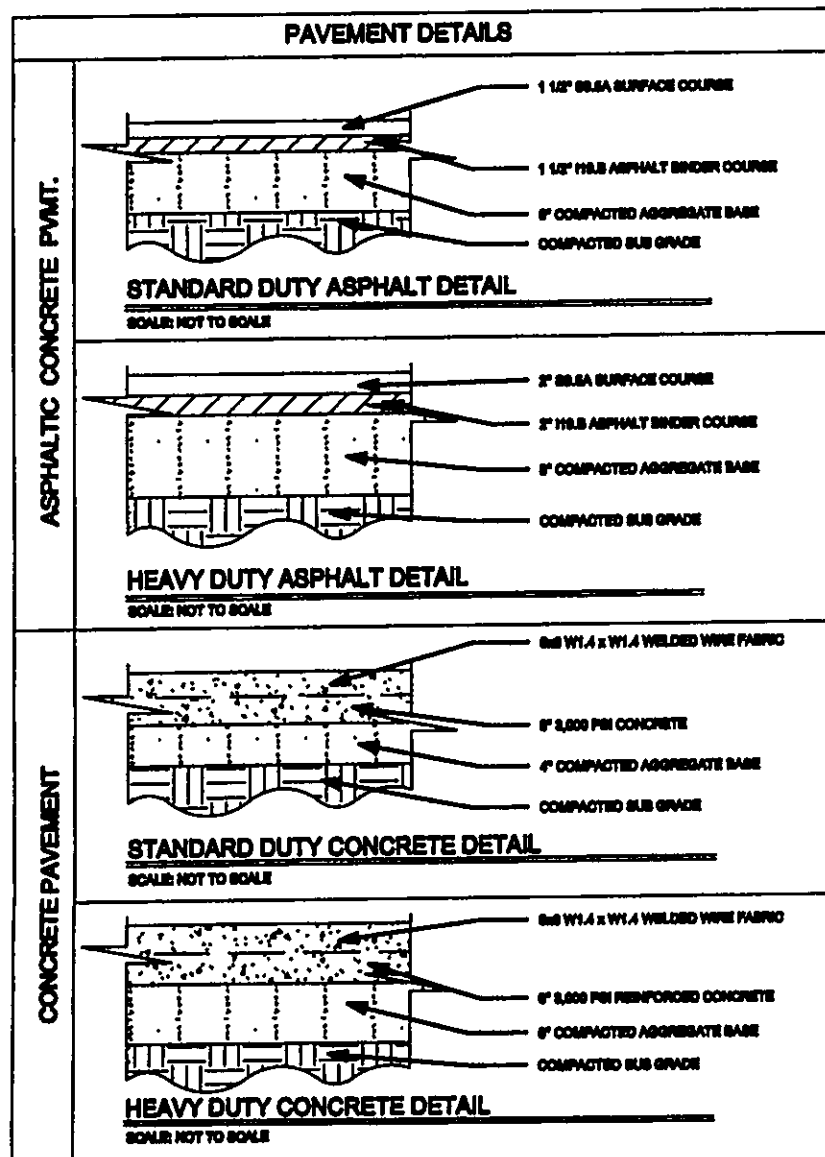
EXCUSED: None

ABSENT: Carol Eickmeyer, Brenda Smith

A. Paul Norby, FAICP
Director of Planning



- RIGHT-OF-WAY — RW
- SETBACK - - - - -
- OLD LOT LINE - - - - -
- DECIDUOUS TREE
- PRIMARY EVERGREEN PLANT
- CONTOUR EXISTING - - - - - 0.00
- CONTOUR PROPOSED - - - - - 0.00
- STORM PIPE
- STORM INLET
- TREE LINE PROPOSED
- TREE LINE EXISTING
- YARD AREA
- 3/4" WATER LINE - - - - - W
- SANITARY SEWER - - - - - SS
- CLEAN OUT (CO)
- OVERHEAD ELECTRIC - - - - - OE
- RIGHT-OF-WAY RW
- POWER POLE
- STORM DRAIN MANHOLE (SDMH)
- SEWER MANHOLE (MH)
- CATCH BASIN (CB)
- TOP OF CURB ELEV. TC=947.35'
- BOTTOM OF CURB ELEV. BC=946.85'



Legend

Review Information

Type of Review: Special Use Rezoning

Jurisdiction: City of Winston Salem

The purpose of this site plan is to show a preliminary view of a proposed Dollar General Store. The property in question for this proposed store is composed of two lots which will be combined into one. Rezoning of the property from RS9 (residential) to HB-S (highway business) is needed before construction drawings are made.

Project:

Waightown Dollar General

Owner:

1. William L. Beam
1886 Mt Olivet Church Road
Lexington, NC 27295
2. Reich Welborn

Applicant:

Parcel Info:

Parcel # 1
Address: 2720 Waightown St.
Pin: 6844-98-3371
Tax Block: 2643
Lot #: 7B
Deed Book: 1621
Deed Page: 2895
Zoned: RS9

Parcel # 2
Address: 2714 Waightown St.
Pin: 6844-98-2381
Tax Block: 2643
Lot #: 8B
Deed Book: 2102
Deed Page: 3436
Zoned: RS9

Zoning

Zoning: HB-S

Proposed Usage:

General Merchandise Store
(Dollar General Store)

Parking:

Proposed Usage: General Merchandise Store
Required Parking: 1 space / 200 sq ft = 38 spaces
Gross Floor Area: 7,161 sf
Parking Supplied: 38 spaces
33 REGULAR SPACES
3 COMPACT SPACES

Loading/Unloading Zone

Loading Zone: 65' X 12'

Bufferyard

Adjacent Property Zoning: RS9
Buffer Required: Type III
Buffer Width: 20'

Site Size and Coverage:

Total Acreage: 1.99 Acres
Site Coverage:
Building to Land 10.6 %
Pavement to Land 27.8 %
Open Space 81.4 %

Building Square Footage: 9,200 sf
Building Height: 17.0 ft

Setbacks:

Front:
Side:
Adjacent to Residential: 40'
Adjacent to Same Zoning: 12'
Back: 20'

Watershed Area

This property is located within a Phase 2 Tipped in area as per the North Carolina Department of Environmental and Natural Resources Storm Water Quality Section. Stormwater quality measures are required for impervious drainage areas exceeding 24%.

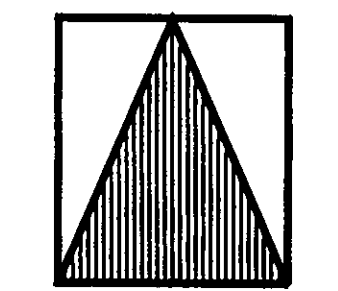
Utilities

Private 3/4" PC200 pvc water line to connect to city service
Private 2" PC200 pvc sewer line with pump and 4" lateral to connect to public service

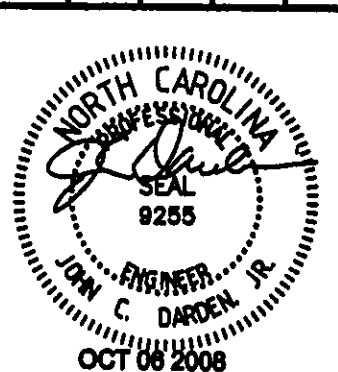
Lighting

Lighting will not effect any adjacent properties.

DARDEN ENGINEERING SERVICES



DESIGN NO.
PROJECT NO.
DRAWN BY
CHECKED BY
DATE



APPROVED FOR CONTRACT	DATE	DATE	DATE

INTERDEPARTMENTAL REVIEW	DATE	DESCRIPTION	BY	CHD.
1	09/24/08			
2	10/06/08			

PREPARED BY
William L. Beam
1886 Mt Olivet Church Road
Lexington, NC 27295
FAX: 704-943-3728
EMAIL: info@dardeneng.com

New Construction Drawings For
Waightown Dollar General Store
1886 Mt Olivet Church Road
Lexington, NC 27295
Re zoning
PIN: 6844-98-2381 PIN: 6844-98-3371
SCALE: 1" = 30'