

July 21, 2004

Shafic Andraos
528 Buck Run Drive
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT W-2702

Dear Mr. Andraos:

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 City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
A. L. Collins, 430 W. Mountain Street, Kernersville, NC 27284

ACTION REQUEST FORM

DATE: July 21, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Shafic Andraos

SUMMARY OF INFORMATION:

Zoning map amendment of Shafic Andraos from LI to HB-S (Convenience Store; and Car Wash): property is located on the east side of Indiana Avenue south of Perimeter Point Boulevard (Zoning Docket W-2702).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: CLARK, EICKMEYER, FOLAN, LAMBE, MULLICAN,
NORWOOD, SMITH
AGAINST: NONE
EXCUSED: KING
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Shafic Andraos, Docket W-2702

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 LI to HB-S (Convenience Store; and Car Wash) the zoning classification of the following described property:

Tax Block 3440 Tax Lot(s) 209

Section 2. This Ordinance is adopted after approval of the site plan entitled Shafic Andraos and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to Shafic Andraos.

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 Shafic Andraos. 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 Shafic Andraos, (Zoning Docket W-2702). 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 (Convenience Store; and Car Wash), 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 ANY PERMITS**
 - a. Driveway permit shall be issued by the North Carolina Department of Transportation
 - b. Streetyard landscaping plan submitted and approved by Inspections Division.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Streetyard landscaping shall be installed along the entire frontage of the property on Indiana Avenue.
- **OTHER REQUIREMENTS**
 - a. One free standing ground sign shall be permitted on Indiana Avenue. Said sign shall be limited to a monument type with a maximum height of six (6) feet.

ZONING STAFF REPORT

DOCKET # W-2702
STAFF: Suzy Gallaway

Petitioner(s): Shafic Andraos
Ownership: Same

REQUEST

From: LI: Limited Industrial
To: HB-S: Highway Business (Convenience Store; and Car Wash)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 1.1 acres

CONTINUANCE HISTORY

The Planning Board continued the petition at the June 10, 2004 Planning Board meeting to give staff and the Board an opportunity to review the revised site plan.

LOCATION:

Street: East side of Indiana Avenue south of Perimeter Point Boulevard.
Jurisdiction: City of Winston-Salem.
Ward: North.

SITE PLAN

Proposed Use: Convenience Store; and Car Wash.
Square Footage: 3,397 square feet.
Building Height: 60 foot maximum.
Parking: Required: 6 Spaces; Proposed: 6 Spaces.
Bufferyard Requirements: None Required.
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Vacant convenience store and car wash.

Adjacent Uses:

North-	Church, zoned LI.
South-	Swaim Automotive, zoned HB-S.
East-	Vacant property, zoned LI.
Northwest-	T-shirt printing company and a warehouse, zoned LI.

GENERAL AREA

Character/Maintenance: Intense commercial and industrial uses.

Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. W-2477; LI to HB; approved July 16, 2001; west side of Patterson Avenue north of Perimeter Point Boulevard; 0.42 acre; Planning Board and staff recommended approval.
2. W-2445; Special Use Permit for expansion of Institutional Parking in RS-9; approved January 2, 2001; south side of Indiana Avenue on both sides of Deschler Street; 0.48 acre; Planning Board and staff recommended approval.
3. W-2304; LI to HB-S (Motor Vehicle, Repair and Maintenance; and Outdoor Display, Retail); approved April 5, 1999; east side of Indiana Avenue south of Perimeter Point Boulevard; 2.01 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Because this is a redevelopment of an existing site, the impact of this proposal on the site's existing physical features should be minimal.

Topography: The subject property experiences a total elevation change of approximately 8 feet, rising from about 1008 feet in the southwestern section of the site up to about 1014 feet in the southeastern section of the site.

Vegetation/habitat: A small amount of vegetation is present in the northeastern corner of the property.

Environmental Resources Beyond The Site: Other than potential impacts associated with any convenience store having underground gasoline and/or fuel storage tanks, this proposal should not additionally impact environmental resources beyond the site.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Indiana Avenue; Perimeter Point Boulevard

Street Classification: Indiana Avenue – Major Thoroughfare; Perimeter Point Boulevard – Local Road

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Indiana Avenue between Motor Road and Akron Drive = 16,000/23,900

Trip Generation/Existing Zoning: LI: 1,150/1,000 x 845.60 (Convenience Market with Gas Pumps Trip Rate) = 972 Trips per Day + 6 stalls x 20.60 (Self-Service Car Wash/Saturday) = 123 Trips per Day; Total Trips per Day + 1,095

Trip Generation/Proposed Zoning: HB-S: Same as existing

Traffic Impact Study recommended: No
Sidewalks: Existing along east side of Indiana Avenue
Transit: Route 10 along Indiana Avenue; Route 7 along Patterson Avenue
Bicycle Route: Route 19, Baux Mountain Connector, along Indiana Avenue

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3)
Relevant Comprehensive Plan Recommendation(s): *Legacy* calls for compact, mixed use development and business uses that offer services to the surrounding areas.
Area Plan/Development Guide: Located within the North Suburban Area Plan study area. No final decisions have been made regarding land use recommendations at this time.

ANALYSIS

The current request is to rezone just over one (1) acre from Limited Industrial (LI) to Highway Business- Special Use (Convenience Store; and Car Wash) (HB-S). Existing on the site are an abandoned convenience store building, car wash and gas pumps. The site had been legally non-conforming as a convenience store and car wash, but has been determined by the Director of Inspections to have been vacant for over one year and has lost that non-conforming status. In order to operate again as a Convenience Store and Car Wash, the site must be rezoned from LI as requested or the Zoning Board of Adjustment must overturn the Director of Inspections determination that the non-conforming status has been lost.

The site is almost entirely developed with impervious surfaces associated with a convenience store and car wash. At the time the site was developed there were no bufferyards or streetyard required, therefore there is no existing landscaping on the site. The existing gas pumps and canopy are in the right-of-way for Indiana Avenue. NCDOT and City Fire have requested the petitioner move the pumps and canopy from the right-of-way. The petitioner has made said changes on the revised site plans and included additional landscaping in front of the property as requested by Planning Staff. These issues have been satisfied and staff recommends approval.

FINDINGS

1. Existing on the site are an abandoned convenience store building, car wash and gas pumps.
2. The site had been legally non-conforming as a convenience store and car wash, but has been determined by the Director of Inspections to have been vacant for over one year and has lost that non-conforming status.
3. There is no existing landscaping on the site. Staff recommends the installation of a streetyard.

4. NCDOT and City Fire have requested the petitioner move the pumps and canopy from the right-of-way.
5. The current car wash stacking and circulation pattern does not meet UDO requirements as shown on the proposed site plan.
6. If the issues mentioned in findings 3, 4 and 5 can be satisfied staff would recommend approval.

STAFF RECOMMENDATION

Zoning: **APPROVAL**

Site Plan: Staff certifies that **the site plan does meet all code requirements**, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS**
 - a. Driveway permit shall be issued by the North Carolina Department of Transportation
 - b. Streetyard landscaping plan submitted and approved by Inspections Division.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Streetyard landscaping shall be installed along the entire frontage of the property on Indiana Avenue.
- **OTHER REQUIREMENTS**
 - a. One free standing ground sign shall be permitted on Indiana Avenue. Said sign shall be limited to a monument type with a maximum height of six (6) feet.

Public Hearing

FOR: None

AGAINST: None

Work Session

Arnold King was excused from consideration of this request due to a potential conflict of interest.

MOTION: Carol Eickmeyer moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Dara Folan

VOTE:

FOR: Clark, Eickmeyer, Folan, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: King

A. Paul Norby, AICP
Director of Planning