



DOCKET #: W2622
 (remanded to CCPB
 by City Council 7/21/03)

PROPOSED ZONING:
 HB

EXISTING ZONING:
 RS9

PETITIONER:
 BMC Land Company, C. W.
 Trading Post, Inc., Vance
 Ray Hall, and
 Alfred T. Dillard Heirs

SCALE: 1" represents 200'

STAFF: Hall

GMA: 3

ACRE(S): 2.89

MAP(S): 618886, 618890



September 24, 2003

BMC Land Company, Inc.
c/o Benny M. Church
P. O. Box 16113
Winston-Salem, NC 27115

RE: ZONING MAP AMENDMENT W-2622

Dear Mr. Church:

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
C. W. Myers Trading Post, Inc., 2718 N. Liberty Street, Winston-Salem, NC 27105
Vance Ray Hall, 700 Crooked Run Road, Rural Hall, NC 27045-9555
Alfred T. Dillard Heirs, 870 Sedge Garden Road, Kernersville, NC 27284-7587

ACTION REQUEST FORM

DATE: May 21, 2003
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 BMC Land Company, C. W. Myers Trading Post, Vance Ray Hall and Alfred T. Dillard heirs

SUMMARY OF INFORMATION:

Zoning map amendment of BMC Land Company, C. W. Myers Trading Post, Vance Ray Hall and Alfred T. Dillard heirs from RS-9 to HB: property is located on the south side of Hanes Mill Road west of Raven Road and east of US 52 (Zoning Docket W-2622).

When the City Council heard this request in June 2003, a property owner requested that his portion of this site be withdrawn from consideration. As a result, the City Council remanded the request to the Planning Board for it to reconsider its recommendation. Meanwhile, the subject property owner withdrew his request for his property to be withdrawn. Since the case was now identical to the original presentation, the Planning Board simply confirmed their previous recommendation.

PLANNING BOARD ACTION:

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of BMC Land Company, C. W. Myers
Trading Post, Vance Ray Hall and Alfred T. Dillard heirs,
Docket W-2622

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:

Tax Block 2040, Tax Lots 1-10, 22B, 23B, 24B, 25-36, 101B, 103B, 104B, 105 and 106

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2622
STAFF: S. Chad Hall

Petitioner(s): BMC Land Company, C. W. Myers Trading Post, Inc., Vance Ray Hall, and
Alfred T. Dillard Heirs
Ownership: Same

CONTINUANCE REQUEST

This case was remanded by the City Council at its July 21, 2003 meeting on the basis that one of the petitioners desired not to move forward with this request. The Council asked the Planning Board to revisit the Board's previous recommendation in favor of the zoning. Since that time, however, the petitioner who originally asked that his property be withdrawn has subsequently asked, in writing, to remain part of the original petition. All original petitioners have agreed to the zoning request as originally submitted.

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: HB Highway Business District

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 2.89 acres

LOCATION:

Street: South side of Hanes Mill Road west of Raven Road
Jurisdiction: City of Winston-Salem
Ward: Northeast

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Four dwellings that are accessed from Raven Road.

Adjacent Uses:

North-	Developed dwellings zoned RS-9.
Northeast-	Bank zoned LO.
East-	Various developed HB properties, currently restaurants (McDonald's, Pizza Hut).

Southeast/
South- Shopping center zoned HB.
West- Restaurant zoned HB (Waffle House).

GENERAL AREA

Character/Maintenance: Diverse mixture of residences and highway oriented businesses.
Development Pace: Moderate to rapid.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Impact cannot be determined through general use zoning.
Topography: There is an approximate change in elevation on the subject property of 18 feet (from an approximate elevation of 918 feet in the west down to an approximate elevation of 900 feet in the east).
Streams: There are no streams on or near the subject property.
Vegetation/habitat: There is little existing vegetation on the subject property.
Floodplains: There are no floodplain areas on or near the subject property.
Wetlands: None – Rural Hall Quad
Environmental Resources Beyond The Site: Since this is a general use rezoning request, a determination about compliance with this standard is not possible.
Water Supply Watershed: The subject property is not located within a water supply watershed.

TRANSPORTATION

Direct Access to Site: Hanes Mill Road via University Parkway or US 52
Street Classification: Hanes Mill Road – Major Thoroughfare; University Parkway – Major Thoroughfare; US 52 - Freeway
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Hanes Mill Road between US 52 and University Parkway = 13,000/30,400
University Parkway between US 52 and Hanes Mill Road = 23,000/46,000
US 52 between Hanes Mill Road and University Parkway = 48,000/63,600
Planned Road Improvements: U-2729 – Hanes Mill Road from Museum Drive to University Parkway; expand from 2 lanes to 5 lanes; year 2014. U-2924 – University Parkway from North Point Boulevard to Hanes Mill Road; expand from 4 lane-divided to 6 lane-divided; year 2014.
Sight Distance: Good
Interior Streets: Two platted streets parallel to the site (off of Hanes Mill Road) may be utilized for access to the subject property. Without a site plan, it is not clear if these streets will remain open or not.
Traffic Impact Study recommended: No
Connectivity of street network: (see Interior Streets above)
Sidewalks: None existing.
Transit: Routes 10 and 44 along Hanes Mill Road and University Parkway
Bicycle Route: None

HISTORY

Relevant Zoning Cases:

1. W-2580; RS-9, HB, and HB-S to HB; approved October 7, 2002; east side of University Parkway, west side of Summit Square Boulevard, portion of current site; 5.19 acres; Planning Board and staff recommended approval.
2. W-1714; B-3-S (Multiple uses - TWO PHASE) and R-6 to B-3-S [Multiple uses (Shopping Center with outparcels) - TWO PHASE]; approved May 6, 1991 and reclassified to HB-S with adoption of UDO in 1995; northeast corner of University Parkway and Patterson Avenue; 76.41 acres; Planning Board and staff recommended approval.
3. W-1443; R-2-S, R-6, B-2, B-3, and I-3 to B-3-S (TWO PHASE); approved July 6, 1987; northeast corner of University Parkway and Patterson Avenue; 78.8 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods; North Summit Square Metro Activity Center

Relevant Comprehensive Plan Recommendation(s): The general area of the petition's site has been designated as the North Summit Square Metro Activity Center. More definitive boundaries for the activity center will be part of the North Suburban Area Plan that will get underway in late Fall 2003. Metro Activity Centers are intended to accommodate pedestrians as well as the automobile. They should contain a mix of uses including parks, higher density housing and civic uses.

Area Plan/Development Guide: None (the site is located within the North Suburban Area Plan study area on which work will begin later this Fall, 2003).

ANALYSIS

The current request is to rezone, in its entirety, 2.89 acres from RS-9 to HB (Highway Business). However, prior to being heard at the City Council, a request for withdrawal of four lots from the original petition was received. The City Council has remanded this petition to the City-County Planning Board to evaluate development scenarios should those four lots be removed. The site is located on the south side of Hanes Mill Road west of Raven Road. The area surrounding the proposed development consists of a mixture of residences and highway oriented businesses.

The subject property lies within an area designated as a Metro Activity Center in *Legacy* and within the upcoming North Suburban Area Plan study area. More definitive boundaries for the activity center will be part of the North Suburban Area Plan. Metro Activity Centers are intended to accommodate pedestrians as well as the automobile. They should contain a mix of uses including parks, higher density housing and civic uses.

A majority of properties in this area are zoned HB (Highway Business). With the Area Plan still upcoming, the likelihood of this area converting into a truly pedestrian oriented Metro Activity Center in nature is a long-term vision and would require certain ordinance changes (such as the requirement of sidewalks and the requirement of street connectivity within commercial zoning districts). With that said, while planning staff does have some concern over sign height, the subject location is a very logical place for a general use request for HB to be sited. However, staff would only be supportive of this general use request as originally presented with ALL lots being included.

Planning staff's evaluation of the site, with the removal of the four lots (Tax Lots 7, 8, 9,10 of Tax Block 2040), does create some question as to how the site could develop. Since the aforementioned lots are central to the site on one side, the building placement, associated parking, and flow of both vehicular and pedestrian traffic could be awkward and undesirable. This is due to a required 40-foot building setback in the HB zoning district when adjacent to residential zoning. With that, should the four lots be removed, Planning staff would encourage the remaining lots come in with a special use request in order to effectively evaluate those site considerations.

To verify whether or not certain properties were to be included, in particular the lots owned by Vance Ray Hall, both the attorney for the original petitioners as well as the realtor for the property were contacted. Staff then contacted Mr. Hall to verify his preference for withdrawal of his lots from the zoning request. Through those discussions, Mr. Hall explained his reasons for wishing to withdraw as they relate to the tax value of the property. Mr. Hall was provided information as to when the property value would be reassessed (per new zoning, if approved), the timing of bills mailed and the timing of payment due. Mr. Hall indicated verbally that he wished for his property to remain in the rezoning request. Staff has asked for a letter of confirmation and per this writing has not received said written notification.

FINDINGS

1. The surrounding area consists of residences and highway-oriented businesses.
2. The subject property lies within an area designated as a Metro Activity Center.
3. The subject property lies within the upcoming North Suburban Area Plan study area.
4. A truly pedestrian-oriented Metro Activity Center in this area is a long-term vision.
5. With the removal of the four lots (Tax Lots 7, 8, 9,10 of Tax Block 2040), Planning staff would not be supportive of a general use request for the remaining lots.

STAFF RECOMMENDATION

Zoning: **APPROVAL of the original request for the entire tract only. If properties in the center of the site are withdrawn from consideration, staff recommends DENIAL of general use zoning and recommends that special use zoning be considered.**

This request was remanded from the City Council because one of the property owners had requested that part of the land be removed from the petition. Since that time, the owner has rescinded his request, leaving the petition the same as originally heard by the Planning Board.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: Dara Folan

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning