



DOCKET #: W2638
 (continued from 7/10/03)

PROPOSED ZONING:
 LB-S (Multiple Uses)

EXISTING ZONING:
 RS9

PETITIONER:
 Michael C. Parker
 and Lisa M. Parker

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 2.16

MAP(S): 648866



DRAFT ZONING STAFF REPORT

DOCKET # W-2638
STAFF: Gary Roberts

Petitioner(s): Michael C. Parker and Lisa M. Parker
Ownership: Same

CONTINUANCE HISTORY

The request was continued from the July 10, 2003 Planning Board meeting to the August 14, 2003 Planning Board meeting in order to include a 0.51 acre parcel and add the use of Convenience Store.

REQUEST

From: RS-9 Single Family Residential District
To: LB-S Limited Business District (Car Wash; Nursery, Lawn and Garden Supply Store, Retail; Child Day Care Center; and Convenience Store)

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

Acreage: 2.16 acres

LOCATION:

Street: Northwest side of Reidsville Road and east side of Old Belews Creek Road.
Jurisdiction: City of Winston-Salem Zoning jurisdiction.
Ward: Closest to East Ward.

SITE PLAN

Proposed Use: Car Wash; Nursery, Lawn and Garden Supply Store, Retail; and Convenience Store.
Square Footage: 6,765 square feet total in 4 buildings (includes existing convenience store).
Building Height: One story.
Parking: Required: 31 spaces; Proposed: 31 spaces.
Bufferyard Requirements: 15 foot Type IV bufferyard adjacent to RS-9.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is the location of a nonconforming convenience store.
Adjacent Uses:

North- Day care Center and single family residence zoned RM8-S and RS-9.
East- Undeveloped property and single family homes, zoned RS-9.
South- Single family homes, zoned RS-9.
West- Undeveloped property and single family homes, zoned RS-9.

GENERAL AREA

Character/Maintenance: Well-maintained single family homes and non-conforming convenience store.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Moderate degree of grading to accommodate proposed improvements shown on site plan.

Topography: Gentle slope downward to the west along Old Belews Creek Road.

Vegetation/habitat: Heavy vegetation along the southwestern edge of the site.

Environmental Resources Beyond The Site: The proposed project does not post any significant threat to environmental resources beyond the site.

Water Supply Watershed: The Watershed Map shows the subject property as being on the border of the Salem Lake WS-III Watershed. However, per UDO Chapter C Section 3-2.3 (C), the Zoning Officer has determined that the site is outside the boundary of the watershed, based on information provided by the petitioner's engineer.

TRANSPORTATION

Direct Access to Site: Reidsville Road; Old Belews Creek Road

Street Classification: Reidsville Road – Major Thoroughfare; Old Belews Creek Road – Minor Thoroughfare

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

Reidsville Road between Old Belews Creek Road (south) and Old Belews Creek Road (north) = 13,000 / 16,100

Old Belews Creek Road between Reidsville Road and Beeson Dairy Road = 4,600 / 16,100

Trip Generation/Existing Zoning: RS-9

$1.65 \times 43,560 / 9,000 = 7$ units $\times 9.57$ (SFR Trip Rate) = 66 Trips per Day +

$1,390/1000 \times 845.6$ (Convenience store with gas pumps Trip Rate) = 1,175; Total Trips per day = 1,241

Trip Generation/Proposed Zoning: LB-S

5 stalls $\times 132.80$ (Car Wash Trip Rate on Saturday) = 664 Trips + $2,500 / 1,000 \times$

72.71 (Nursery/Garden Center Trip Rate) = 181 Trips + $1,390 / 1,000 \times 845.6$ (Convenience Store w/ Gas Pumps Trip Rate) = 1,175; Total Trips per Day = 2,020

Planned Road Improvements: R-2577; Reidsville Road from Business 40 to Guilford County; from 2 lane to 4 lane divided; 2005 –2014; Regionally Significant

Traffic Impact Study recommended: A TIS was voluntarily submitted late in the review process. As of this writing, staff is reviewing the TIS.

Sidewalks: None

Transit: None

Bicycle Route: None

HISTORY

Relevant Zoning Cases:

1. W-2599; RS-9 to RM8-S (Child Day Care Center); approved March 3, 2003; east side of Old Belews Creek Road north of Silver Chalice Drive, adjacent to northwest portion of current site; 0.76 acre; Planning Board and staff recommended approval.
2. W2465; RS-9 to HB-S (Services, Business B); withdrawn at the April 12, 2001 Planning Board meeting; northwest side of Reidsville Road northwest of Grover Street; 6.19 acres; planning staff recommended denial.
3. W-1568; R-5 to B-3-S (Shopping Center); denied May 1, 1989; northwest side of the intersection of Old Belews Creek Road and US 158; 6.2 acres; Planning Board recommended denial and staff recommended approval.
4. W-1200; R-5 to R-2-S (Multifamily-TWO PHASE) withdrawn at the February 14, 1985 Planning Board Meeting; northwest side of the intersection of Old Belews Creek Road and US 158; 89.09 acres; staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): One of the recommendations in *Legacy* is to protect existing neighborhoods from inappropriate commercial and industrial development. This can be accomplished, in part, by requiring appropriate scale and sensitive design of these proposed developments.

Area Plan/Development Guide: The subject property is not within the boundaries of an area plan or development guide.

ANALYSIS

The subject request is to rezone 2.16 acres of property located between Reidsville Road and Old Belews Creek Road across from Rickard Drive from RS-9 to LB-S. The proposed list of requested uses is Car Wash; Nursery, Lawn and Garden Supply Store, Retail; Child Day Care Center and Convenience Store.

The subject property is essentially a double frontage tract that fronts along a major and a minor thoroughfare. The site is currently undeveloped with the exception of a

nonconforming convenience store which fronts onto Reidsville Road. In addition, an illegal driveway which connects Old Belews Creek Road to Reidsville Road and provides lateral access to said convenience store has recently been constructed. The Inspections Division has notified the property owners that the UDO prohibits altering the site of a nonconforming use and secondly that it prohibits accessing a use (i.e., Convenience Store) through a district (i.e., RS-9) which does not permit such a use, unless a Special Use Permit is obtained. The rezoning would address both of these issues.

The surrounding development pattern is predominantly single family residential. Across Old Belews Creek Road is a large remaining parcel of agricultural land zoned RS-9. Adjoining the northwest corner of the subject property is a former single family residence which has recently been approved for an adaptive reuse to a Day Care Center and is zoned RM8-S.

The subject request would increase the size of the existing nonconforming commercial presence by more than fourfold from 0.51 acre to 2.16 acres and increase the range of permitted uses. The resulting development would be incompatible in regard to appearance and level of activity with the character of the surrounding residential area. Staff is concerned that such a rezoning would establish a precedent for strip commercial development for the remainder of the triangle between the subject property and southwest to the intersection of Reidsville Road and Old Belews Creek Road.

While staff sees an overall public benefit in establishing a secondary point of access for the existing convenience store, the addition of a car wash and lawn and garden supply store would generate an additional 845 vehicle trips per day. Both Reidsville Road and Old Belews Creek Road carry a substantial amount of tractor trailer traffic. The ingress and egress of these vehicles along with the traffic from the adjoining Day Care Center could pose serious safety concerns.

Furthermore, without the guiding support of a detailed area plan, pressure to rezone properties within this general area may result in an unsafe and unattractive pattern of development which is detrimental and inconsistent with the existing residential character of the area. Staff may, however, be supportive of commercial zoning of the existing nonconforming convenience store and associated access from Belews Creek Road as a practical way to address issues of vehicular safety without establishing an inappropriate precedent for other commercial development in the area.

FINDINGS

1. *Legacy* recommends protection of existing neighborhoods from inappropriate commercial and industrial development.
2. The subject property is not within the boundaries of an area plan or development guide.

3. This LB-S request originated from the construction of an illegal driveway to a nonconforming use.
4. The request goes beyond addressing the zoning category and access issues of the existing nonconforming use by significantly expanding the commercial area and by adding new intensive uses which are inconsistent with the character of the area.
5. Staff may be supportive of commercial zoning of the existing non-conforming convenience store and associated driveway access from Belews Creek Road.

STAFF RECOMMENDATION

Zoning: **DENIAL.**

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

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
 - a. This property lies within the Salem Lake State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer.
 - b. Driveway permit shall be issued by the North Carolina Department of Transportation. NCDOT reserves the right to require improvements prior to the issuance of driveway permits.
- **PRIOR TO ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrants shall be approved by the City Fire Department in writing to the Inspections Division.
 - b. A non-exclusive access easement shall be recorded for the driveway connection from Old Belews Creek Road to Reidsville Road.
 - c. A negative access easement along Old Belews Creek and Reidsville Road shall be recorded where no driveway connections are shown on the site plan.
 - d. Staff change approval shall be obtained to close vehicular access to Belews Creek Road from adjoining Child Day Care Center (W-2599).
- **PRIOR TO ISSUANCE OF OCCUPANCY PERMITS**
 - e. All fire hydrants shall be installed in accordance with the City Fire Department.
- **OTHER REQUIREMENTS**
 - a. One free standing ground sign shall be permitted on Old Belews Creek Road. Said sign shall be limited to a monument type with a maximum height of five (5) feet.