



DOCKET #: W2549

PROPOSED ZONING:
 HB-S
 (Multiple Business Uses)

EXISTING ZONING:
 LB-S and RS9

PETITIONER:
 Discount Performance for
 property owned by others

SCALE: 1" represents 200'

STAFF: Reed

GMA: 3

ACRE(S): 1.72

MAP(S): 600834, 606834



June 18, 2002

Connie Myers, et al, and Wanda Hawkins
8371 Lenbrook Road
Kernersville, NC 27284

RE: ZONING MAP AMENDMENT W-2549

Dear Connie Myers, et al, and Wanda Hawkins:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Dan Womble, 3802 Clemmons Rd., Clemmons, NC 27012

ACTION REQUEST FORM

DATE: June 18, 2002
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Zoning Petition of Connie Myers, et al, and Wanda Hawkins

SUMMARY OF INFORMATION:

Zoning Petition of Connie Myers, et al, and Wanda Hawkins from RS-9 & LB-S to HB-S [General Merchandise Store; Motor Vehicle, Repair and Maintenance; Services, Business A; Offices, Miscellaneous; Restaurant (without drive-through service); Retail Store, Specialty and Miscellaneous] (Zoning Docket W-2549)

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVED
FOR: AVANT, BOST, DOYLE, FOLAN, KENNEDY-SLOAN, KING
AGAINST: CLARK, POWELL
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Connie Myers, et al, and Wanda Hawkins, Docket W-2549

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 Board of Aldermen 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 & LB-S (Stores or Shops, Retail; and Wholesale Sales) to HB-S [General Merchandise Store; Motor Vehicle, Repair and Maintenance; Services, Business A; Offices, Miscellaneous; Restaurant (without drive-through service); Retail Store, Specialty and Miscellaneous] the zoning classification of the following described property:

Tax Block 3890, Tax Lots 7B & 7C

Section 2. This Ordinance is adopted after approval of the site plan entitled Discount Performance and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Connie Myers, et al, and Wanda Hawkins.

Section 3. The Board of Aldermen 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 Discount Performance. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Connie Myers, et al, and Wanda Hawkins, (Zoning Docket W-2549). 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; Motor Vehicle, Repair and Maintenance; Services, Business A; Offices, Miscellaneous; Restaurant (without drive-through service); Retail Store, Specialty and Miscellaneous]), approved by the Winston-Salem Board of Aldermen 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 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. As volunteered by the developer, a final plat shall be recorded in the office of the Register of Deeds. Said final plat shall show all utility and access easements on the property including connector drives dedicated to both the southeast and southwest property lines at locations approved by Planning staff.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall record a negative access easement along the entire frontage of Clemmonsville Road.

- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to only one (1) freestanding monument sign limited to a maximum height of five (5) feet and a maximum copy area of eighteen (36) square feet.

ZONING STAFF REPORT

DOCKET # W-2549
STAFF: David Reed

Petitioner(s): Connie Myers, et al, and Wanda Hawkins
Ownership: Same

REQUEST

From: RS-9 and LB-S (Stores or Shops, Retail; and Wholesale Sales)
To: HB-S [General Merchandise Store; Motor Vehicle, Repair and Maintenance; Services, Business A; Offices, Miscellaneous; Restaurant (without drive-through service); Retail Store, Specialty and Miscellaneous]

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

Acreage: 1.72 acres.

LOCATION

Street: Southeast corner of Hope Church Road and Clemmonsville Road.
Jurisdiction: City of Winston-Salem.
Ward: Southwest Ward.

SITE PLAN

Proposed Use: Multiple business uses.
Square Footage: 5,600 square feet.
Building Height: One commercial story.
Parking: Required: 34 spaces; Proposed: 45 spaces.
Bufferyard Requirements: Type IV bufferyard required adjacent to RS-9 zoning.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: One manufactured home to be removed.
Adjacent Uses:

Northeast - Storage Services, Retail zoned GB-S
Southeast - Single family homes zoned RS-9
Southwest - Single family homes zoned RS-9
Northwest - Single family homes zoned RS-9

GENERAL AREA

Character/Maintenance: Well maintained business and residential uses.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Single family home and existing vegetation to be removed.

Topography: There is an approximate change in elevation on the subject property of 9' (from an approximate elevation of 821' in the south center of the site down to 812' in the northeast corner of the site at the corner of Hope Church Road and Clemmons Road). The property does slope downwards in each direction from the 821' elevation, which is a knoll.

Streams: None

Vegetation/habitat: Mostly cleared as a result of previous development, although there is some vegetation near the existing house.

Floodplains: None

Wetlands: None - WS West Quad

Watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Hope Church Road; Stratford Road; Clemmons Road.

Street Classification: Hope Church Road - collector; Stratford Road - major thoroughfare; Clemmons Road - major thoroughfare.

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

Hope Church Road = No data available

Stratford Road between Southern Beltway and Clemmons Road = N/C / 42, 200

Clemmons Road between Stratford Road and Griffith Road = 7,600 / 17,700

Trip Generation/Existing Zoning: LB-S and RS-9:

$73889 / 9000 = 8 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 76 \text{ trips} +$

$1650 / 1000 \times 40.67 \text{ (Specialty Retail Center)} = 67 \text{ trips} = 143 \text{ Trips per Day}$

Trip Generation/Proposed Zoning: HB-S:

$5,600 \text{ sq. ft.} / 1000 \times 130.34 \text{ (High Turnover Restaurant -no drive through)} = 729 \text{ Trips per Day}$

Planned Road Improvements: The corridor study for the northern beltway lies just southeast of the site.

Sight Distance: Good.

Sidewalks: None

Transit: Route 19 along Stratford Road

Bike: None

HISTORY

Relevant Zoning Cases:

1. F-1120; RS-9 and GI to GB-S (Multiple Business Uses); approved September 11, 1995; southeast corner of Clemmonsville Road and Stratford Road/US 158; 5.46 acres; Planning Board and staff recommended approval.
2. W-1941; R-6 to B-3-S (Offices; Medical, dental or related offices; Dental laboratories; Medical laboratories; Printing or binding; Day care center; Wholesale storage and sales; and Services -TWO PHASE); withdrawn December 7, 1994; northeast corner of Jonestown Road and S. Stratford Road/US 158; 12.92 acres; Planning Board and staff recommended approval.
3. F-797; R-6 and B-3-S (Stores or Shops, Retail) to B-3-S (Stores or Shops, Retail; and Wholesale Sales); approved July 7, 1986; southwest corner of Clemmonsville Road and Hope Church Road; 0.41 acre; Planning Board recommended denial, staff recommended approval.
4. F-505; R-6 to B-3-S (Stores or Shops, Retail); approved March 5, 1979; 0.49 acre; Planning Board recommended denial, staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): A potential commuter rail line connecting Clemmons with downtown Winston-Salem runs in front of the petitioner's site. *Legacy* recommends that commercial development should be at focused locations and designed for pedestrians and transit as well as the automobile.

Area Plan/Development Guide: Site does not lie within the boundaries of a development guide or an area plan.

Thoroughfare Plan: The southern end of the Northern Beltway is planned to intersect Stratford Road at or near the intersection with Clemmonsville Road.

ANALYSIS

The subject site currently is comprised of two zoning classifications. Part of the site is zoned LB-S and part of the site is zoned RS-9. The LB-S portion of the site was rezoned from R-6 in 1979 for a produce stand (zoning docket F-505). The zoning lot was expanded slightly in 1986 and the use was changed to a green house (zoning docket F-797). In the staff report for F-797, it is pointed out that higher intensity uses would not be appropriate because of access problems at the intersection of Hope Church Road and Clemmonsville Road.

The access problems that existed in 1986 still exist today and have been exacerbated by the creation of a driveway to a Storage Services use on the north side of Clemmons Road as well as an increase in traffic volumes in the area. The proposed site plan would have no access onto Clemmons Road, however, the traffic would still have to negotiate the intersection of Hope Church Road and Clemmons Road.

The South Stratford Road corridor has been under development pressure since before its widening to a five lane facility. The *South Stratford Road Development Guide* and the *Clemmons Area Plan* have served to preserve the integrity of Stratford Road as a transportation facility and have guided commercial uses to appropriate and manageable locations. The subject site lies between the boundaries of the above mentioned guides, however, the common principles of the adopted guides apply to the entire corridor. Unplanned strip commercial development happens incrementally by rezoning one property at a time. If the subject property is rezoned for a higher intensity use as warned against in the 1986 zoning case mentioned above, it would be arbitrary to deny similar requests for the adjacent parcels running down both Clemmons Road and Hope Church Road. If the subject property is rezoned for a higher intensity use it would set a precedent for similar requests running down both Clemmons Road and Hope Church Road.

FINDINGS

1. Part of the subject site is zoned LB-S and part of the site is zoned RS-9.
2. At present, access problems exist at the intersection of Hope Church Road and Clemmons Road.
3. The South Stratford Road corridor has been under development pressure since before its widening to a five lane facility.
4. If the subject property is rezoned for a higher intensity use it would set a precedent for similar requests running down both Clemmons Road and Hope Church Road.

STAFF RECOMMENDATION

Zoning: **DENIAL**

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

PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. 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 OCCUPANCY PERMITS**
 - a. Developer shall record a negative access easement along the entire frontage of Clemmonsville Road.

OTHER REQUIREMENTS

- a. Signage shall be limited to only one (1) freestanding monument sign limited to a maximum height of five (5) feet and a maximum copy area of eighteen (36) square feet.

PUBLIC HEARING

David Reed presented the staff report.

Kerry Avant stated that on down Hope Church Road, there is GB zoning. There is a lumber Company and King Sash and Doors.

Arnold King asked when there would be a new area plan.

David Reed stated that there was not one on the work program right now, so it could be three years before a plan could be done.

David Reed stated that other ways to approach this is by some type of overlay district or by assembling a larger tract of land which could be comprehensively planned.

FOR:

Dan Womble, 3802 Clemmons Road, Clemmons, NC 27012

A portion of the property that is before the Board today, is already zoned LB. Another portion of it is zoned RS-9. The proposal is to have the property rezoned for the uses that have been shown on the site plan. The proposed use of this property is an already existing business. It is a store that is located on South Stratford Road. It is Discount Performance and is located toward Clemmons from the proposed site. That business would be moving to this location if this request is approved. The access of the traffic issue is a problem, but the property owner can't do anything about Hope Church Road or the rail road or Clemmonsville Road. When DOT reviewed the site, the only thing that they asked for was a negative access easement on Clemmonsville Road, and the property owners have agreed to that. They have moved the access to this property as far west down Hope Church Road as they possibly can go. It is very difficult to tell people that own a 1.7 acre piece of property that in the grand scheme of things, the staff would like to see them come in with a larger development. The fact is the petitioners have taken all of the property that they own and provided the Planning Board with a special use site plan and telling the Planning Board what they would like to do with the property and they feel that, given the surrounding area and the surrounding zonings of the property, that the HB-S is certainly as limited a use as they will see come down Stratford Road or Hope Church Road either one. As Mr. Avant pointed out, less than 1/2 mile down Hope Church Road, there is

industrial zoning. The businesses front on Hope Church Road and can be seen from Stratford Road. The site plan for the proposed property shows an elongated building. The majority of that building, if you were looking at it, would be seen from Clemmons Road. In 1986 there was an amendment to the zoning of this property and that is in the staff's report. These exact same issues with regards to access and traffic were the same 16 years ago. The only thing that has changed is that Stratford Road is now a 5 lane road instead of a 2 lane road. Forsyth County residents have created an area that does not limit itself to residential development. It is a commercial district. There will, someday, be some regular rail traffic and regular transportation traffic along this area. That is one more reason to look at this as a commercial site. Certainly not a residential site. This property falls in the middle of two area development guides. I suggest that the Board look at the precedent that has already been set in this area that is in no man's land. That area includes the area that has already been zoned GI down the road. Fraternity Church road can also provide a second way to get out of this area. Staff is concerned about the small size of this tract of land. What staff would like to see is a larger scale development. A larger planned development. These petitioners don't have that to offer. The properties that are on Hope Church Road and back toward Clemmons Road are not part of one large tract of land. They are owned by a bunch of individual owners. It would be unfair to penalize the individual owners by telling them that they can't do anything with their property. It would be unfair to tell them that the only legitimate use for their property is going to be residential. It is unrealistic to believe that all of these properties could be assembled into one 20-40 acre plan. That is not going to happen. It is also unrealistic to ask the property owners to wait 5 to 10 years for an area development plan for this area.

Philip Doyle asked if the petitioner would be willing to record access easements on the Southeast and Southwest side to allow their property to be blended in to a larger development in the future? Would they be willing to turn their property into an out lot of something bigger?

Dan Womble stated that he actually had that discussion with the petitioner. They discussed it and they do not have a problem with that.

AGAINST: None

WORK SESSION

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

Terry Powell asked David Reed what other uses he believed would work there?

David Reed stated that this is a piece of property in a bad traffic situation, unless the City adopts some type of overlay district, like Clemmons has further down the road, there are

homes being built close to rail road tracks right now. Any more intense use would set the precedent to continue on down both roadways.

Terry Powell asked what the chances were of getting an overlay district?

Tim Gauss stated that they are looking at overlay districts as an implementing tool for area plans in the Southeast part of the county. It is certainly not out of the question. There have been overlay districts in both corridors in Clemmons and Lewisville. Obviously an overlay district would be the last part of a fairly comprehensive study of the area.

Glenn Simmons stated that what Clemmons did is recognize that smaller tracts of land that are zoned residential that front on Stratford Road, where they can't get other property owners around to consolidate in larger tracts, would be open to some neighborhood office type use. They have established acreage thresholds for other more intensive uses. The larger the tract of land, the more they would consider a more intensive use for the property recognizing that they could consolidate driveway cuts. There is also a linear footage threshold that is part of the criteria that would qualify for consideration for a more intensive zoning classification.

Kerry Avant asked if you could end up with something worse with the LB-S? Is that LB-S only restricted to a produce stand or would it allow for other uses.

David stated that the LB-S would end up coming back in for some type of larger building because of the restrictions placed on the original zoning.

Doyle: Well, I'll make a motion to approve the rezoning

MOTION: Philip Doyle moved approval of the zoning map amendment with the added condition that to the staff's satisfaction cross access easements be conditioned and certified that the site plan meets all code requirements.

SECOND: John Bost

VOTE:

FOR: Kerry Avant, John Bost, Philip Doyle, Dara Folan, Janice Kennedy-Sloan, Arnold King

AGAINST: Jerry Clark, Terry Powell

EXCUSED: None

A. Paul Norby, AICP
Director of Planning