



DOCKET #: W2563
 (Continued from
 7/11/02 CCPB meeting)

PROPOSED ZONING:
 LB-S (Multiple Business
 Uses)

EXISTING ZONING:
 RS9

PETITIONER:
 George P. Sweat

SCALE: 1" represents 200'

STAFF: Gallaway

GMA: 3

ACRE(S): 0.84

MAP(S): 600846



August 21, 2002

HC and JH, LLC for property
owned by George P. Sweat
c/o Mr. Joe Herndon, Director
530 Maywood Avenue, Suite A
Raleigh, NC 27603

RE: ZONING MAP AMENDMENT W-2563

Dear Mr. Herndon:

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
Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: August 21, 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 map amendment of HC and JH, LLC for property owned by George P. Sweat

SUMMARY OF INFORMATION:

Zoning map amendment of HC and JH, LLC for property owned by George P. Sweat from RS-9 to LB-S [Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Medical and Surgical Offices; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Recreation Facility, Public; Government Offices; Museum or Art Gallery; and Neighborhood Organization]; property is located at the northwest corner of Jonestown Road and Eastwin Drive (Zoning Docket W-2563).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of HC and JH, LLC for property owned by George P. Sweat, Docket W-2563

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 to LB-S [Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Medical and Surgical Offices; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Recreation Facility, Public; Government Offices; Museum or Art Gallery; and Neighborhood Organization] the zoning classification of the following described property:

Tax Block 3941, Tax Lot 2

Section 2. This Ordinance is adopted after approval of the site plan entitled HC and JH, LLC and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to HC and JH, LLC for property owned by George P. Sweat.

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 HC and JH, LLC. 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 HC and JH, LLC for property owned by George P. Sweat, (Zoning Docket W-2563). 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 LB-S [Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Medical and Surgical Offices; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Recreation Facility, Public; Government Offices; Museum or Art Gallery; and Neighborhood Organization], 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 LB-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:

C 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.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. On site fire hydrants will be required in locations approved by the Winston-Salem Fire Department.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. Developer shall install a sidewalk along the frontage on Jonestown Road to the specifications of the Public Works Department of the City of Winston-Salem prior to the issuance of occupancy permits. Any easements or right-of-way needed by the City for the sidewalk shall also be dedicated.
- b. Developer shall install landscaping in accordance with UDO Section 3-4.
- c. Fire hydrants shall be installed in accordance with the Winston-Salem Fire Department.

C OTHER REQUIREMENTS

- a. Only one freestanding sign shall be permitted on this property. Said sign shall be a monument type with a maximum height of five (5) feet.
- b. No outdoor storage to be permitted.
- c. Any proposed site plan change to allow drive-through uses will require a site plan amendment and may require a Traffic Impact Study.

ZONING STAFF REPORT

DOCKET # W-2563
STAFF: Suzy Gallaway

Petitioner(s): HC and JH, LLC
Ownership: George W. Sweat

CONTINUANCE REQUEST

The request was continued from the July 11, 2002 Planning Board Meeting at the request of the petitioner so the site plan and uses could be revised.

REQUEST

From: RS-9 Residential Single Family District
To: LB-S Limited Business District [Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Personal; Recreation Services, Indoor; Recreation Facility, Public; Government Offices; Museum or Art Gallery; and Neighborhood Organization]

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

Acreage: 0.84 acre

LOCATION

Street: Northwest corner of Jonestown Road and Eastwin Drive.
Jurisdiction: City of Winston-Salem.
Ward: West.

SITE PLAN

Proposed Use: Multiple commercial and office uses
Square Footage: 5,600 square feet.
Building Height: One commercial story.
Parking: Required: 28; proposed: 28.
Bufferyard Requirements: Type II bufferyard required along residentially zoned areas.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family home (to be removed)

Adjacent Uses:

- North - Vacant, partially wooded, partially grassy lot, zoned RS-9. Further north is the Goodwill Industries Store, zoned LB-S.
- Northeast - Across Jonestown Road north of Frandell Road is Summit Station Shopping Center, zoned LB-S.
- East - Across Jonestown Road is a restaurant, zoned LB-S.
- South - Across Eastwin Drive, retail and office space, zoned LB-S.
- West - Single family homes, zoned RS-9.

GENERAL AREA

Character/Maintenance: Well-maintained businesses and single-family homes.

Development Pace: Rapid.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

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

Topography: GIS maps indicate that this property is relatively level.

Vegetation/habitat: The subject property is currently developed and/or devoid of significant vegetation.

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

TRANSPORTATION

Direct Access to Site: Jonestown Road and Eastwin Drive.

Street Classification: Jonestown Road - major thoroughfare; Eastwin Drive- Local Street.

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

Jonestown Road between US 421 and Country Club Road = 20,000/26,000

Trip Generation/Existing Zoning: RS-9

$0.84 \times 43,560/9,000 = 4 \text{ units} \times 9.57 \text{ (SF Trip Rate)} = 38 \text{ trips per day}$

Trip Generation/Proposed Zoning: LB-S.

$5,600/1,000 \times 130.34 \text{ (High Turnover Sit-Down Restaurant)} = 729 \text{ trips per day}$

Transit: Route #43 along Jonestown Road (Westside Connector).

HISTORY

Relevant Zoning Cases:

1. W-2475; LB-S (Multiple Business Uses); withdrawn at the August 9, 2001 Planning Board

public hearing; northwest corner of Jonestown Road and Eastwin Drive; 0.84 acre; staff recommended withdrawal.

2. W-2431; LO-S (Multiple Office Uses) to LB-S (Multiple Business Uses); approved October 25, 2000; on the west side of Jonestown Road and south side of Eastwin Drive; 1.54 acres; Planning Board and staff recommended approval.
3. W-2378; RS-9 to LB-S (General Merchandise Store); approved April 3, 2000; west side of Jonestown Road between Frandell Road and Southwin Drive; 1.28 acres; Planning Board and staff recommended approval.
4. W-2200; LB-S Limited Business District [Restaurant (without drive-through service)] and RS-9 to LB-S (Car Wash); denied January 5, 1998; southeast corner of Frandell Road and Jonestown Road; 1.14 acres; Planning Board and staff recommended denial.
5. W-2036; RS-9 and LO-S to LB-S (Multiple Business Uses); approved March 25, 1996; southwest corner of Jonestown Road and Eastwin Drive; 1.93 acres; Planning Board and staff recommended approval.
6. W-1895; R-4 to B-3-S (Eating Establishment); approved May 2, 1994; east side of Jonestown Road between Mardon Drive and Frandell Road; 1.93 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

Legacy GMP Area: Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): *Legacy* proposes that commercial areas be compact rather than linear in nature, with businesses interconnected and designed to be pedestrian oriented.

Area Plan/Development Guide: *Country Club/Jonestown Area Plan* (1985).

Relevant Development Guide Recommendation(s): The Jonestown/US 421 Subarea identifies this site for special use commercial projects. Rear parking is encouraged. The use of interior service roads is encouraged. Corner properties must access onto side streets. Buildings shall be no taller than two stories. Where commercial lots abut residential lots, there should be a continuous screen of evergreen plants. Site lighting must be oriented toward the building.

ANALYSIS

The petitioner has submitted this request to rezone 0.84 acre from RS-9 to LB-S. The site is located on the northwest corner of Jonestown Road and Eastwin Drive. Many of the properties fronting Jonestown Road have been rezoned to LB-S over the past several years. With the widening of Jonestown Road, it was apparent that these properties were more suitable for commercial uses. Staff has worked with the petitioner concerning this site on a number of occasions. The area plan makes

specific recommendations regarding site plan issues and permitted uses. The petitioner requested a continuance from the July 11, 2002 Planning Board meeting to address these site plan and use issues. The current site plan addresses staff's concerns regarding interior access to the north. The petitioner has also agreed to eliminate uses that were inconsistent with the area plan recommendations. The site plan and requested uses are now consistent with area plan and comprehensive plan recommendations. Staff concludes that with the proposed site plan conditions the request will be consistent with the character of the area. For the reasons listed, staff recommends approval with the proposed site plan conditions.

FINDINGS

1. The petitioner has submitted this request to rezone 0.84 acre from RS-9 to LB-S.
2. Many of the properties fronting Jonestown Road have been rezoned to LB-S over the past several years.
3. The petitioner has worked extensively with staff regarding site plan and use issues.
4. The site plan and requested uses are now consistent with area plan and comprehensive plan recommendations.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

C 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.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. On site fire hydrants will be required in locations approved by the Winston-Salem Fire Department.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. Developer shall install a sidewalk along the frontage on Jonestown Road to the specifications of the Public Works Department of the City of Winston-Salem prior to the issuance of occupancy permits. Any easements or right-of-way needed by the City for the sidewalk shall also be dedicated.
- b. Developer shall install landscaping in accordance with UDO Section 3-4.

- c. Fire hydrants shall be installed in accordance with the Winston-Salem Fire Department.

C OTHER REQUIREMENTS

- a. Only one freestanding sign shall be permitted on this property. Said sign shall be a monument type with a maximum height of five (5) feet.
- b. No outdoor storage to be permitted.
- c. Any proposed site plan change to allow drive-through uses will require a site plan amendment and may require a Traffic Impact Study.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Arnold King moved approval of the zoning map amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Arnold King certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Folan, King, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning