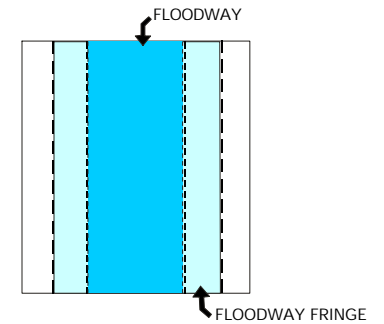


DOCKET #: W2523

PROPOSED ZONING:
GB-S (Multiple Uses)

EXISTING ZONING:
NO

PETITIONER:
Robert D. Richardson



SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 0.32

MAP(S): 606874



January 23, 2002

Robert D. Richardson
Westgate Circle Company, Inc.
3809-C Forrestgate Drive
Winston-Salem, NC 27106

RE: ZONING DOCKET W-2523

Dear Mr. Richardson:

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

ACTION REQUEST FORM

DATE: January 23, 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 Robert D. Richardson for property owned by Westgate Circle Company

SUMMARY OF INFORMATION:

Zoning map amendment of Robert D. Richardson for property owned by Westgate Circle Company from NO to GB-S (Combined Use; Furniture and Home Furnishings Store; Building Contractor, General; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; and Professional Office): property is located on the west side of Valley Road approximately 450' south of Yadkinville Road (Zoning Docket W-2523).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, BOST, CLARK, DOYLE, KING, NORWOOD,
SCHROEDER, SNELGROVE
AGAINST: POWELL
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Robert D. Richardson for
property owned by Westgate Circle Company,
Docket W-2523

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 NO to GB-S (Combined Use; Furniture and Home Furnishings Store; Building Contractor, General; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; and Professional Office) the zoning classification of the following described property:

Tax Block 2260, Tax Lots 2 and 3A

Section 2. This Ordinance is adopted after approval of the site plan entitled Westgate Circle Company and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Robert D. Richardson for property owned by Westgate Circle Company.

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 Westgate Circle Company. 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 Robert D. Richardson for property owned by Westgate Circle Company, (Zoning Docket W-2523). 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 GB-S (Combined Use; Furniture and Home Furnishings Store; Building Contractor, General; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; and Professional Office), 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 GB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws. No additional conditions shall be required.

ZONING STAFF REPORT

DOCKET # W-2523
STAFF: Gary Roberts

Petitioner(s): Robert D. Richardson
Ownership: Westgate Circle Company

REQUEST

From: NO Neighborhood Office District
To: GB-S General Business District (Combined Use; Furniture and Home Furnishings Store; Building Contractor, General; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; and Professional Office)

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

Acreage: 0.32 acre

LOCATION

Street: West side of Valley Road approximately 450' south of Yadkinville Road.
Jurisdiction: City of Winston-Salem.
Ward: Northwest.

SITE PLAN

Proposed Use: Combined Use and multiple service and office type uses.
Square Footage: 1,030 square feet (existing structure).
Building Height: One and one half story.
Parking: Required: five spaces; proposed: six spaces.
Bufferyard Requirements: Type III bufferyard adjacent to RS-9.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Small scale, one and one half story structure.

Adjacent Uses:

- North - Several single family residences and Hauser Rental (nonconforming use) all zoned RS-9. Further north is Yadkinville Road.
- East - Self storage units zoned HB across Valley Road. Also across Valley Road, just north of the self storage units, is BP convenience store fronting on Yadkinville Road.

South - Wooded area zoned RS-9 and Mill Creek.
West - Wooded area zoned RS-9.

GENERAL AREA

Character/Maintenance: The site lies on the fringe of commercial development along Yadkinville Road extending east to Reynolda Road. It has a transitional character, reflecting in part the rural heritage of the area and the recent trend toward expansion of development along Reynolda Road.

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minimal.

Topography: Low-lying, sloping westward to the rear of the site.

Streams: No streams on the property but site is partially within the floodplain for Mill Creek.

Vegetation/habitat: Vegetated in the rear.

Floodplains: Floodplain exists over a large portion of the property (all but an approximate 60' x 70' area). All provisions of the UDO relating to floodway and floodplain development must be met (Article II of the UDO).

Wetlands: None on the property but directly upstream from the Mill Creek Wetlands

Natural Heritage Sites: The Mill Creek Wetland is directly adjacent to the subject property to west/northwest (site #13 on the Forsyth County Natural Heritage Inventory Sites Map).

The subject property is also located just downstream from the Historic Bethabara wetland area (site #10 on the Forsyth County Natural Heritage Inventory Sites Map). The subject property drains into the Mill Creek wetland which has raised the level of the surface waters of the wetland.

Watershed: The site is not within the boundaries of a Water Supply Watershed.

TRANSPORTATION

Direct Access to Site: Valley Road; Yadkinville Road.

Street Classification: Valley Road - collector; Yadkinville Road - major thoroughfare.

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

Yadkinville Road between Reynolda Road and Shopping Center Last Driveway = 9,300/11,100

Trip Generation/Existing Zoning: NO

1,030/1,000 x 36.13 (Medical/Dental Trip Rate) = 37 trips per day

Trip Generation/Proposed Zoning: GB-S

1,030/1,000 x 36.13 (Medical/Dental Trip Rate) = 37 trips per day

Sidewalks: None.

Transit: Route 16, along Reynolda Road and Bethabara Park Blvd.

HISTORY

Relevant Zoning Cases:

1. W-2159; RS-9 to NO; approved June 12, 1997; current site; Planning Board and staff recommended approval.
2. W-1952; HB and RS-9 to HB; approved February 6, 1995; northeast side of Reynolda Road/NC 67 south of Bethabara Park Boulevard; 8.74 acres; Planning Board and staff recommended approval.
3. W-862; R-2 to B-3; approved July 20, 1981; southeast corner of Yadkinville Road and Valley Road, across Valley Road from current site; 6.48 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

Legacy Growth Management Area: Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): Existing neighborhoods are preserved and revitalized to become more pedestrian-friendly, provide needed services, and promote a strong sense of community pride.

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

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway/Trail Name: Mill Creek Greenway

Comments/Status of Trail: A greenway is proposed in both the *Legacy* Plan and the Draft Greenway Plan. A 40 foot easement is proposed along both sides of Mill Creek however the site is just beyond the edge of said easement.

ANALYSIS

This petition is a request to rezone a 0.32 acre site on the west side of Valley Road from NO to GB-S. The property is located approximately 450 feet south of Yadkinville Road and is not within the boundaries of an area plan or development guide.

Historically, the subject property has been the location for various non residential uses. In 1997, the property was rezoned from RS-9 to NO with Planning Board and staff recommendations for approval. The property owner is now interested in occupying the existing structure with a tenant which is not permitted under the NO district, hence the current GB-S petition.

The surrounding area is characterized by a mixture of larger scale commercial uses toward Reynolda Road to the east, and low density residential uses to the north, west and south along Yadkinville Road and Valley Road. No other office or commercial zoning exists on this side of Valley Road.

The current petition, represents an adaptive reuse of the existing structure. While this approach would substantially maintain the single family residential appearance of the subject property, the requested GB-S designation would introduce more intensive service and retailing opportunities to this side of Valley Road. Consequently, little justification would therefore remain to halt the spread of retail into the now somewhat fragile, single family residential properties along Valley Road to the northwest.

Staff sees the existing NO zoning as providing a reasonable array of potential uses while not significantly impacting the adjacent single family dwellings. The current request would set a negative precedent for commercial expansion and staff recommends denial.

FINDINGS

1. *Legacy* recommends that existing neighborhoods be preserved and revitalized to become more pedestrian-friendly.
2. The site does not lie within the boundaries of a development guide or area plan.
3. The GB-S petition would be incompatible with the adjoining single family properties.
4. The existing NO classification currently provides a reasonable degree of office and residential uses for the subject property.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends no additional conditions.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Bob Richardson, 3809-C Forrestgate Drive, Winston-Salem, NC 27106

I wish there was a before and after picture to show what we can do with a site like this.

This used to be a service station.

Talked with Lanny Gough.

The ability to do sales out of the building determined the request for more intense zoning.

In the spirit of growth in the community, it's a building that I think can and will be put into good use.

The office space in this building is 800 square feet.

We've looked at this site in many directions, taken an ugly piece of property and made it attractive, and we need cooperation from the City so we can lease this out.

AGAINST: None

WORK SESSION:

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

1. What is allowed under NO that is related to merchandise, sales, and marketing?
What is the distinction about walk-up sales?
2. Ronnie Grubbs, Inspections Division, indicated that Mr. Richardson has a client who may want to actually sell items from the store and that would not fit the definition of Non-Store Retailer.
3. Kerry Avant - given the limits on this site and the fact that it's a special use district zoning, I don't see a problem with the request. I don't think this immediate area will stay residential.
4. Arnold King - based on the same traffic generation
5. This is a very specific use. Future decisions should be carefully analyzed and uses in this immediate area should be limited.

MOTION: Arnold King moved approval of the zoning petition.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Schroeder, Snelgrove

AGAINST: Powell

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, Doyle, King, Norwood, Schroeder, Snelgrove

AGAINST: Powell

EXCUSED: None

A. Paul Norby, AICP
Director of Planning