



DOCKET #: W2509
 (Continued from 11/8/01
 CCPB meeting)

PROPOSED ZONING:
 HB-S (Outdoor
 Display Retail)

EXISTING ZONING:
 RS9

PETITIONER:
 Breezeway Builders

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 1.28

MAP(S): 630838



DRAFT ZONING STAFF REPORT

DOCKET # W-2509
STAFF: Gary Roberts

Petitioner(s): Breezeway Builders
Ownership: Same

CONTINUANCE HISTORY

This petition was initially heard at the October 16, 2001 Planning Board meeting at which time it was continued to November 8 in order to allow further discussion between the petitioner and NCDOT regarding access onto Clemmonsville Road. The item was then continued for the same purpose to the December 13th meeting. NCDOT has stated that this portion of Clemmonsville Road is controlled access and no driveway permit will be approved.

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: HB-S Highway Business District (Outdoor Display Retail)

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

Acreage: 1.28 acres

LOCATION

Street: Northeast quadrant of US 52 and Clemmonsville Road.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

SITE PLAN

Proposed Use: Outdoor Display Retail.
Square Footage: 1,050 square feet.
Building Height: One story.
Parking: Required: two spaces; proposed: three 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 heavily wooded and undeveloped.

Adjacent Uses:

- North - Single family residences zoned RS-9.
- East - Single family residences and Southside Towing Service zoned RS-9.
- South - Undeveloped land and single family residences zoned RS-9.
- West - US 52 entrance ramp.

GENERAL AREA

Character/Maintenance: Modest single family residences in good maintenance and US 52 right-of-way.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Grading and removal of vegetation on majority of site to accommodate improvements shown on site plan.

Topography: Moderate slope downward to the north.

Vegetation/habitat: Site is heavily wooded.

Water Supply Watershed: Site is not within a water supply watershed.

TRANSPORTATION

Direct Access to Site: Site is adjacent to Clemmons Road; however, access is controlled by NCDOT.

Street Classification: Clemmons Road - major thoroughfare; US 52 - freeway.

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

Clemmons Road - 14,000/28,000

US 52 - 30,000 - 34,000/54,000

Trip Generation/Existing Zoning: Site has no access, therefore could not be developed.

Trip Generation/Proposed Zoning: Site has no access and the ITE Manual does not have a use comparable to manufactured home sales.

Sidewalks: Sidewalk exists along Clemmons Road adjacent to the site.

HISTORY

Relevant Zoning Cases:

1. W-1937; RS-9 to HB-S [Multiple Business Uses (TWO PHASE)]; approved February 6, 1995; west side of South Main Street south of Clemmons Road, 1,300 feet southeast of current site; 1.18 acres; Planning Board and staff recommended denial.

2. W-1590; R-4 to B-3; reclassified as HB during UDO conversion; approved July 17, 1989; approximately 188 feet south of the intersection of South Main and Clemmonsville Road; 0.34 acre; Planning Board recommended approval and staff recommended denial.

CONFORMITY TO PLANS

Legacy Growth Management Area: Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): Display pride in our community through well designed highways and roadways which have ample landscaping, sidewalks, bike lanes, under-ground utilities and limited signage. One of the action agenda items is to enhance the appearance of entryways and thoroughfares in the community by revising the UDO to require reduced sign sizes and heights.

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

SPOT ZONE OPINION

The City attorney is of the opinion that the subject request, if approved, would not constitute a spot zone.

ANALYSIS

The current petition is a request to rezone a 1.28 acre lot on the northeast corner of US 52 and Clemmonsville Road from RS-9 to HB-S (Outdoor Display Retail). The site is rectangular in shape with 95 feet of frontage on Clemmonsville Road and a depth of ± 650 feet running parallel to the north bound entrance on-ramp for US 52. The site is heavily wooded with no structural improvements.

The surrounding properties are also zoned RS-9 except for HB on the southwest corner of US 52 and Clemmonsville Road which is the current location of a Hardee's Restaurant. The lots across Clemmonsville and along Harmon Road are primarily developed for single family homes except for the nonconforming, Southside Towing Service, at 3504 Harmon Road.

The subject property is not within the boundaries of an area plan or development guide. While *Legacy* supports commercial nodes at strategic intersections, the preponderance of recommendations relevant to the current request place more emphasis on preservation and stabilization of existing residential neighborhoods. Staff similarly has concerns regarding the negative impact of such uses as outdoor display retail on said adjoining single family properties.

Regarding access, the site is on a controlled access portion of Clemmonsville Road and has no access. Staff recommends denial of the request for the above mentioned reasons.

FINDINGS

1. *Legacy* aims to enhance the appearance of entryways and thoroughfares in the community.
2. This site is not within the boundaries of a development guide or an area plan.
3. The proposed HB-S (Outdoor Display Retail) zoning is incompatible with the surrounding RS-9 single family residential.
4. The site is on a controlled access portion of Clemmonsville Road and has no access.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Site Plan: Staff certifies that **the site plan does not meet all code requirements**. If the site plan is approved, staff recommends the following conditions:

- **PRIOR TO ISSUANCE OF ANY PERMITS**
 - a. Developer shall obtain driveway access onto Clemmonsville Road from NCDOT.
- **OTHER REQUIREMENTS**
 - a. One (1) free standing sign shall be permitted. Said sign shall be a monument type with a maximum height of five (5) feet and a maximum copy area of eighteen (18) square feet.

PUBLIC HEARING - October 16, 2001

FOR: None

AGAINST: None

WORK SESSION

MOTION: Kerry Avant moved continuance of the zoning map amendment and site plan to November 8, 2001.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - November 8, 2001

FOR: None

AGAINST: None

WORK SESSION

MOTION: Arnold King moved continuance of the zoning map amendment and site plan to December 13, 2001.

SECOND: Jimmy Norwood

VOTE:

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

AGAINST: None

EXCUSED: None

PUBLIC HEARING - December 13, 2001

FOR: None

AGAINST: None

WORK SESSION

MOTION: Arnold King moved withdrawal of the zoning map amendment and site plan.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning