



DOCKET #: W2363

PROPOSED ZONING:
LB

EXISTING ZONING:
GI

PETITIONER:
Jimmy C. Flowers and
Becky T. Flowers

SCALE: 1" represents 200'

STAFF: D. Reed

GMA: 3

ACRE(S): 0.56

MAP(S): 636866

DRAFT ZONING STAFF REPORT

DOCKET # W-2363
STAFF: David Reed

Petitioner(s): Jimmy C. Flowers and Becky T. Flowers
Ownership: Same

CONTINUANCE HISTORY: This case was continued from the January 13, 2000, Planning Board meeting to allow petitioner time to resubmit for special use zoning.

REQUEST

From: GI General Industrial District
To: LB Limited Business District

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 0.56 acre

LOCATION

Street: East side of Liberty Street, north of Fairchild Road.
Jurisdiction: City of Winston-Salem.
Ward: Northeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Auto Repair Business.

Adjacent Uses:

North -	Auto-oriented businesses.
East -	Smith Reynolds Airport runway.
South -	Auto-oriented businesses.
West -	Abandoned retail store.

GENERAL AREA

Character/Maintenance: Moderately well maintained retail and industrial uses.
Development Pace: Slow.

PHYSICAL FEATURES

Topography: Site is level.

Constraints: Site is developed.

Impact on Existing Features: Uncertain.

TRANSPORTATION

Direct Access to Site: Liberty Street.

Street Classification: Major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
15,000/22,000.

Traffic generation: Since this is a proposed general use rezoning and there is a wide range of trip generation possibilities, no reliable information is available.

Sight Distance: Good.

Transit: Winston-Salem Transit Authority (WSTA) Route 10A serves the site.

HISTORY

Relevant Zoning Cases:

1. W-1992; HB and RSQ to GI; approved October 2, 1995; east side of Liberty Street south of Fairchild Road; 0.77 acre; Planning Board and staff recommended approval.
2. W-610; I-2 to I-3; approved August 1, 1977; south side of Fairchild Road, east of Liberty Street; 2.91 acres; Planning Board and staff recommended approval.
3. W-497; B-3 and R-2 to I-3; approved December 23, 1974; east side of Liberty Street south of Fairchild Road; 3.09 acres; Planning Board recommended approval; staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): Provide prezoned industrial land to absorb predicted need, promote industrial sites in GMA 3.

Area Plan/Development Guide: *Liberty Street Corridor Study*.

Relevant Development Guide Recommendation(s): Proactively rezone designated areas to promote appropriate development. This portion of Liberty Street is recognized as an industrial area in the Corridor Study and is also identified as being in a target area for a small retail center. Specifically the study states, "There is a need for a small retail center near the airport for use by employees and airport users. A convenience store and a restaurant are two of the uses needed here."

Other: "East Winston Economic Development Strategy": Develop rezoning strategy along Liberty Street, restructure Liberty Street north of 25th Street as an industrial area.

ANALYSIS

The subject rezoning request lies within the boundaries of the *Liberty Street Corridor Study*. The study, which was adopted by the Planning Board and the Board of Aldermen, recommends industrial uses for the area but also recommends some airport-serving commercial uses be developed. A subsequent design study also includes specific recommendations for landscaping and other improvements along the Liberty Street corridor.

The property is currently developed with a motor vehicle service use. Prior to the adoption of the UDO the site was zoned I-3 which allowed a large number of business uses as well as industrial uses. Under the current General Industrial (GI) zoning, many of the business uses that had been allowed under I-3 are no longer permitted. The site does not meet the lot area and width requirements for GI zoning and is legally nonconforming in those regards. All of the property on the east side of Liberty Street between Fairchild Road and the entrance to the airport (including this site) are relatively shallow which would make it difficult to locate industrial uses on these properties. The site can meet the lot area and width requirements for the Limited Business (LB) District and rezoning will be necessary to use the site for some of the airport serving commercial uses recommended in the corridor study.

The proposed LB zoning would allow the recommended airport-serving commercial uses, including restaurant (without drive-through service) and convenience store, which are two uses specifically mentioned in the *Liberty Street Corridor Study*. However, the LB district also permits other business uses that would not be considered airport-serving, such as ABC stores and hardware stores. The subject zoning should be viewed as precedent-setting for other nearby property along the corridor which may come in for future rezonings.

The proposed LB general zoning does not provide the mechanism to further the corridor study and design study recommendations regarding the character and theme of the area. Proposed improvements in the design study that can serve as unifying elements to the corridor include lighting standards, banners, street tree plantings, and a 10-foot landscape easement providing appropriate screening of parking and material storage areas. Conditions requiring some or all of these elements can only be attached to special use district zoning site plans. Under general use zoning, the landscape ordinance only requires improvements to the existing unlandscaped parking area if the surface area is being expanded. Changing the use of the site will not trigger any requirement to upgrade the landscaping to meet the current minimum requirements.

Staff is sensitive to the issue of whether general use zoning or special use district zoning is appropriate. Staff does not want to require special use district zoning in all cases, and usually rezoning from an industrial zone (GI) to a lower intensity business zone (LB) via a general use petition would be appropriate. However, in the current situation, special use district zoning would provide the following benefits:

- Limitation of uses to serve the emerging airport center, consistent with the *Liberty Street Corridor Study*;

- Attachment of conditions to a site plan to implement the recommendations of the *Liberty Street Design Study* (e.g., landscaping improvements);
- Establishment of a use and design precedent for subsequent properties which may request rezoning.

Special use district zoning in this case would provide an opportunity to upgrade the area consistent with adopted public policy. There are no public monies available at this time to make the recommended improvements in this area.

FINDINGS

1. The subject rezoning request lies within the boundaries of the *Liberty Street Corridor Study* and the *Liberty Street Design Study*. The studies recommend industrial uses primarily along this portion of Liberty Street, although some airport serving commercial uses are recommended; landscaping and other street improvements are also recommended.
2. Rezoning will be necessary to use the site for some of the airport serving commercial uses recommended in the corridor study.
3. The site does not meet the lot area and width requirements for the existing GI zoning and is legally nonconforming in those regards.
4. The subject zoning should be viewed as precedent-setting for other nearby properties along the corridor.
5. The proposed LB general zoning does not provide the opportunity to further the corridor study recommendations regarding the character and theme of the area. Conditions requiring some or all of these elements can only be attached to special use district zoning site plans.

STAFF RECOMMENDATION

Zoning: **DENIAL** of the LB general zoning district. Because of the specific use and design recommendations contained in the adopted studies for the Liberty Street corridor, staff recommends a special use district rezoning request be submitted.

[*For information purposes only:* The draft *Legacy* plan identifies Liberty Street as an Urban Boulevard. The purpose of Urban Boulevards is to: (1) create attractive urban gateways leading into downtown Winston-Salem; (2) concentrate jobs, retail and higher density housing at selected points along these corridors; (3) promote high quality transit service and pedestrian access by increasing densities along these corridors; and (4) incorporate design features that support pedestrian activity and give these corridors an urban look and feel.]

PUBLIC HEARING - January 13, 2000

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved to continue the zoning map amendment to March 9, 2000.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved withdrawal of the zoning map amendment.

SECOND: James Rousseau

VOTE:

FOR: Avant, Johnson, Powell, Rousseau, Schroeder, Snelgrove, Williams

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning