



**DOCKET #:** W2375  
 (Continued from 02-10-00  
 CCPB Meeting)

**PROPOSED ZONING:**  
 HB-S (Multiple Business  
 Uses - TWO PHASE)

**EXISTING ZONING:**  
 RS9

**PETITIONER:**  
 J.C. Faw for property owned  
 by others

**SCALE:** 1" represents 400'

**STAFF:** D. Reed

**GMA:** 4A

**ACRE(S):** 2.80

**MAP(S):** 660854

## **DRAFT ZONING STAFF REPORT**

**DOCKET #** W-2375  
**STAFF:** David Reed

Petitioner(s): J.C. Faw  
Ownership: Byron L Atkins et al; Charles Henry Atkins; Jerry R. Hollar and Joan B. Hollar

**CONTINUANCE HISTORY:** February 10, 2000, to April 13, 2000

### **REQUEST**

From: RS-9 Residential Single Family District ; minimum lot size 9,000 sf  
To: HB-S Highway Business District [Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales and Services; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Wholesale Trade A; Banking and Financial Services; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Child Day Care Center; Government Offices; Museum or Art Gallery; Neighborhood Organization; Police or Fire Station; and Post Office - TWO PHASE]

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

Acreage: 2.8 acres

### **LOCATION**

Street: Northeast corner of Kernersville Road/N.C. 150 and Linville Road.  
Jurisdiction: City of Winston-Salem.  
Ward: East.

### **SITE PLAN**

Proposed Use: A convenience store is proposed for Phase 1.  
Square Footage: 5,400 square feet.  
Building Height: Single story.  
Parking: Required: 27 spaces; Proposed: 30 spaces.  
Bufferyard Requirements: A Type III bufferyard is required adjacent to RS-9 zoning.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

## **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Site is currently vacant.

Adjacent Uses:

- North - Single family homes and vacant land.
- East - Vacant land and business uses.
- South - Single family homes and business uses.
- West - Church and single family homes.

## **GENERAL AREA**

Character/Maintenance: Well maintained single family homes and business uses.

Development Pace: Slow.

## **PHYSICAL FEATURES**

Topography: The site is relatively level.

Constraints: The site lies within the boundaries of the critical area of the Salem Lake Watershed and only 12 percent of the site can be covered with impervious surfaces. A contiguous 11.18 acre tract north of the site will serve as much of the required impervious area. Much of the 11.18 acre tract was recently cleared.

## **TRANSPORTATION**

Direct Access to Site: Kernersville Road/NC150 and Linville Road.

Street Classification: Kernersville Road/NC150 - major thoroughfare; Linville Road - minor thoroughfare.

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

Kernersville Road/NC 150: 9,900/12,000 (1998)

Linville Road: 5,400/9,000 (1998)

Trip Generation/Existing Zoning: RS-9

2.8 acres or 121,968 sf = 13 lots x 9.55 (trip rate) = 124 new trips per day

Trip Generation/Proposed Zoning: HB-S TWO PHASE - not enough data to determine trip generation.

Sight Distance: Good.

Transit: Transit is not available at this time.

## **HISTORY**

Relevant Zoning Cases:

1. W-1962; RS-9 to HB-S (Multiple Business Uses); approved August 7, 1995; southeast side of Kernersville Road/NC150 between Linville Road and Oak Grove Road; 0.72 acre; Planning Board and staff recommended approval.

2. W-1849; B-3 to I-2; withdrawn November 1, 1993; northwest side of Kernersville Road/NC150 adjacent to current site; 1.1 acres; Planning Board and staff recommended denial.
3. F-902; R-5 to B-3-S (Eating establishment); denied October 10, 1988; southwest corner of Kernersville Road and Motsinger Drive; 0.98 acre; Planning Board recommended approval, and staff recommended denial.

## **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 4A: Short Range Growth.

Relevant Comprehensive Plan Recommendation(s): Stage development with the provision of roads, sewers, and other services.

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

## **ANALYSIS**

The subject property lies within the Reservoir Protection Area of the Salem Lake Watershed. Subsequently, only 12 percent of the site can be covered with impervious surfaces. Because of these regulations, staff has recommended to the petitioner that only a small portion of the site be rezoned. The remainder of the site can be used to meet the pervious area requirements while remaining in the existing RS-9 zoning district.

The portion of the site most likely to be developed is that portion near the intersection of Linville Road and Kernersville Road/NC150. Staff could support limited nonresidential zoning if impacts to surrounding residential properties and traffic flow can be minimized. These specific points were recommended to the petitioner after the original submittal:

- C The land uses and traffic counts along Kernersville Road/NC 150 and along Linville Road are very different and give the streets different characters. Kernersville Road, particularly east of Linville Road, has a mixed commercial character, while Linville Road is solidly residential. Any nonresidential development on the project site should be pulled back off the intersection and should be oriented only to Kernersville Road. Business uses would be more appropriate adjacent to existing HB zoning on the eastern edge of the project site rather than on the western portion near Linville Road. Driveway access should only be permitted off Kernersville Road. Nearby properties along Linville Road and north of the nonresidential development should be buffered from the development.
- C The large number of uses proposed in the two-phase zoning contain some uses which are not appropriate for this location (e.g., drive-through restaurants, car washes, etc.) and could strongly impact the residential areas. The large number of uses, in conjunction with the TWO PHASE nature of the special use district zoning request, weakens the ability to minimize impacts through site plan conditions. TWO PHASE zoning may be appropriate if the list of requested uses is substantially reduced. Staff has also

recommended to the petitioner that at least part of the proposed development be shown in phase one of the rezoning. This will allow staff to review the development plan and see how it relates to both Salem Lake and the intersection of Linville Road and Kernersville Road/NC 150.

As originally submitted, the site contained 13.98 acres and now the petition is for 2.8 acres. Staff also recommended reducing the number and intensity of uses requested and resubmitting the site plan be with an appropriate reduction in size of the zoning lot and addressing the issues raised above. The proposal, although modified, still falls short of the objectives outlined above and therefore cannot be supported by staff.

### **FINDINGS**

1. The subject property lies within the Reservoir Protection Area of the Salem Lake Watershed.
2. The watershed regulations limit development to no more than 12 percent impervious surface average.
3. Staff has recommended to the petitioner that only a small portion of the site be rezoned and the remainder of the site be used to meet the pervious area requirements while remaining in the RS-9 zoning district. The petitioners have addressed this concern.
4. Staff recommended the site plan be resubmitted with an appropriate reduction in size of the zoning lot, showing the first phase of development, and addressing a number of issues related to neighborhood protection. The petitioners have submitted a first phase plan but have not designed the site in a way that addresses staff's concerns.
5. Staff does not believe the resubmitted site plan design adequately addresses the concerns for the area and recommends denial of the petition.

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

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.
- b. This property lies within the Reservoir Protection Area of the Salem Lake WS-III State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer. The RS-9 property located to the north as shown on the site plan may need to be included in the watershed permit to meet the impervious

coverage for the watershed.

**C PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

- a. Only one (1) thirty-six (36) foot driveway on Kernersville Road/NC 150 will be allowed for this entire development. If the proposed convenience store is shifted to the eastern portion of the site, a second thirty-six (36) foot driveway on Linville Road will be allowed to serve a less intense use located on the western portion of the site at the intersection of Linville Road and Kernersville Road. Locations shall be approved for driveway permits by the North Carolina Department of Transportation (NCDOT) or the Public Works Department of the City of Winston-Salem.
- b. Developer shall dedicate forty (40) feet from centerline along the entire frontage on Kernersville Road/NC 150 and thirty-five (35) feet from centerline along the entire frontage on Linville Road as new right-of-way in fee simple to either the North Carolina Department of Transportation (NCDOT) and the Public Works Department of the City of Winston-Salem, whichever is applicable.

**C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. Developer shall widen Kernersville Road/NC 150 and Linville Road for turn lanes to the specifications of the North Carolina Department of Transportation (NCDOT) and the Public Works Department of the City of Winston-Salem.
- b. Any connector drives to the adjoining property as shown on the site plan shall be constructed as close as possible to the property line with an easement dedicated to the property line for future connection into that adjoining property.

**C OTHER REQUIREMENTS**

- a. Signage shall be limited to only one (1) freestanding monument sign on Kernersville Road/NC 150 and one (1) freestanding monument sign on Linville Road for all uses located on this property. Each sign shall be limited to a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.
- b. Outparcel shown on the frontage of this property is a TWO PHASE areas that requires a Final Development Plan to be approved by the City-County Planning Board prior to the issuance of any permits. The City-County Planning Board reserves the right to add any reasonable conditions on said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b). Other conditions stated above are also applicable to this property.

[For information purposes only: The draft *Legacy* plan recommends promoting the utilization of building methods that emphasize reducing the amount of impervious surface in water supply watersheds.]

**PUBLIC HEARING** - February 10, 2000

In response to a request from the petitioner to continue this for sixty days, the following discussion occurred.

Jean Craddock, 566 Linville Road, Kernersville, NC 27284

We are willing to work with them but are concerned that he didn't come to us beforehand.  
We aren't willing to accept a drive-through restaurant or anything that generates night-time traffic.

After Mr. Snelgrove asked Ms. Craddock if she was opposed to the continuance, she replied that if Mr. Faw will discuss a less intense use than seen here, the neighborhood would be willing to wait 60 days. The Planning Board noted that they cannot regulate what uses a petitioner should consider and the continuance is usually used to discuss such issues.

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: John Bost moved continuance of the zoning map amendment to April 13, 2000.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, Powell, Schroeder, Stewart, Williams

AGAINST: None

EXCUSED: None

**PUBLIC HEARING** - April 13, 2000

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Steve Johnson moved approval of the request for withdrawal of the rezoning petition and site plan.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Schroeder, Williams

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning