



DOCKET #: W2398

PROPOSED ZONING:
LB-S (Convenience Store)

EXISTING ZONING:
GI

PETITIONER:
Jimmy C. & Becky T. Flowers

SCALE: 1" represents 200'

STAFF: D. Reed

GMA: 3

ACRE(S): 0.56

MAP(S): 636866

May 24, 2000

Jimmy C. Flowers and Becky T. Flowers
804 Westbourne Grove
Colfax, NC 27235

RE: ZONING MAP AMENDMENT W-2398

Dear Mr. & Mrs. Flowers:

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: May 24, 2000
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 Jimmy C. Flowers and Becky T. Flowers

SUMMARY OF INFORMATION:

Zoning map amendment of Jimmy C. Flowers and Becky T. Flowers from GI to LB-S (Convenience Store): property is located on the east side of Liberty Street, north of Fairchild Road (Zoning Docket W-2398).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: MEETS ALL CODE REQUIREMENTS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Jimmy C. Flowers and Becky T. Flowers, Docket W-2398

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 GI to LB-S (Convenience Store) the zoning classification of the following described property:

BEGINNING at a point marked by an iron pin in the eastern margin of the right-of-way of Liberty Street, said point being the northwest corner of Agha (deed book 1374, page 1534) and further being located 200 feet north of the northern right-of-way of Fairchild Drive and 1,457 feet north of the northeast corner of 30th Street and Liberty Street: and from said point of BEGINNING going with the eastern margin of the right-of-way of Liberty Street north 17E 31' 37" east 141.93 feet to an iron; thence south 71E 09' 07" east 169.99 feet to an iron in the western line of the Smith Reynolds Airport property; thence with said line south 17E 31' 37" west 142.35 feet to an iron, the northeast corner of Agha; and thence with Agha's line north 71E 00' 38" west 170.0 feet to an iron, the point and place of BEGINNING: and containing 0.55 acre, more or less. This property is the southern portion of the tract described in the deeds recorded in Deed Book 1107, page 248 and in Deed Book 1557, page 160, and is part of Lot 4 of Tax Block 3191.

Section 2. This Ordinance is adopted after approval of the site plan entitled Airport Exxon and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Jimmy C. Flowers and Becky T. Flowers.

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 Airport Exxon. 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 Jimmy C. Flowers and Becky T. Flowers, (Zoning Docket W-2398). 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 (Convenience Store), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 19____" 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 OCCUPANCY PERMITS

- a. Developer shall install required streetyard landscaping in accordance with UDO standards and the Liberty Street Corridor Study. The streetyard shall be reduced to a width of seven (7) feet as shown on the site plan in accordance with the UDO.
- b. All required storm water management devices shall be installed.

C OTHER REQUIREMENTS

- a. Signage shall be limited to only one (1) free standing monument sign on Liberty Street limited to a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.

ZONING STAFF REPORT

DOCKET # W-2398
STAFF: David Reed

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

REQUEST

From: GI General Industrial District
To: LB-S Limited Business District (Convenience Store)

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

Acreage: 0.56 acre

LOCATION

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

SITE PLAN

Proposed Use: Convenience Store.
Square Footage: 2,573 square feet.
Building Height: Single story.
Parking: Required: 13 spaces; Proposed: 19 spaces.
Vehicular Use Landscaping Standards Requirements: UDO standards apply

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: Existing structure to be removed, and a new facility to be constructed.

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 rezoned 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."

ANALYSIS

The subject rezoning request is a resubmittal for a site originally submitted for general use LB zoning (zoning docket W-2363). The site 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-S (Convenience Store) is one of the two airport-serving uses specifically mentioned in the *Liberty Street Corridor Study*. The original petition for the LB district would have permitted other business uses that would not be considered airport-serving, such as ABC stores and hardware stores.

The proposed LB-S zoning provides 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.

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 is necessary to use the site for a convenience store which is one 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 proposed LB-S zoning provides the opportunity to further the corridor study recommendations regarding the character and theme of the area.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

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[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

FOR: None

AGAINST: None

WORK SESSION

MOTION: Norman Williams moved approval of the zoning map amendment and confirmed that the site plan conforms to all code requirements.

SECOND: John Bost.

VOTE:

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

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning