



DOCKET #: W2409

PROPOSED ZONING:
PB-S (Convenience Store)

EXISTING ZONING:
RS9

PETITIONER:
Karamchand
C. Sehgal and Rita Sehgal

SCALE: 1" represents 200'

STAFF: Reed

GMA: 3

ACRE(S): 0.41

MAP(S): 636878

DRAFT ZONING STAFF REPORT

DOCKET # W-2409
STAFF: David Reed

Petitioner(s): Karamchand Sehgal and Rita Sehgal
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: PB-S Pedestrian 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: 0.41 acre

LOCATION

Street: Northeast side of Old Rural Hall Road at its intersection with Pine View Drive.
Jurisdiction: City of Winston-Salem.
Ward: Northeast Ward.

SITE PLAN

Proposed Use: Convenience Store
Square Footage: 2,570 square feet.
Building Height: Single story.
Parking: Required: 13 spaces; Proposed: existing asphalt; Layout: Unacceptable.
Bufferyard Requirements: A Type II bufferyard is required adjacent to RS-9 zoning.
Vehicular Use Landscaping Standards Requirements: Not required for existing parking areas.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Convenience store.
Adjacent Uses:

- Northeast - Single family homes.
- Southeast - Single family homes.
- Southwest - Single family homes.
- Northwest - Single family homes.

GENERAL AREA

Character/Maintenance: Moderate to well maintained single family homes.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Intensified commercial activity in neighborhood.

Topography: Site slopes down slightly to the north.

Streams: None

Constraints: Site cannot meet bufferyard requirements.

TRANSPORTATION

Direct Access to Site: Old Rural Hall Road

Street Classification: Minor Thoroughfare

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

Old Rural Hall Road between Motor Road & Oak Summit Road - 6,100/11,000

Trip Generation/Existing Zoning: RS-9 18,025sf./9,000sf = 2 lots x 9.57 (trip rate) =

19.14 but with the non-conforming status of the site the convenience store

Convenience Market with gas pumps - 2,560sf/1,000sf = 2.57 x 542.60 (trip rate)

= 1394 trips

Trip Generation/Proposed Zoning: PB-S Convenience Market with gas pumps

2,560sf/1,000sf = 2.57 x 542.60 (trip rate) = 1394 trips

Planned Road Improvements: None

Sight Distance: Fair.

Sidewalks: Sidewalks do not serve the site.

Transit: Transit is not available at this time.

HISTORY

Relevant Zoning Cases:

1. W-2062; RS-9 to HB-S (Day Care Center; and Parking, Commercial); withdrawn at the July 11, 1996 Planning Board meeting; south side of Motor Road between Old Rural Hall Road and Baux Mountain Road; 1.30 acres; staff recommended approval.
2. W-1809; R-4 to B-3-S (Motor Vehicle Repair or Storage); withdrawn at the April 13, 1995 Planning Board meeting; east side of Racin Drive north of Old Rural Hall Road; 0.60 acre; staff recommended withdraw.
3. W-1479; R-4 to B-3-S (Car Wash); denied December 7, 1987; northwest corner of Old Rural Hall Road and Voss Street; 0.99 acre; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Vision 2005* calls for the preservation of stable neighborhoods, the separation, and buffering of commercial, office, and industrial uses from residential areas, and the concentration of commercial uses at activity nodes.

Area Plan/Development Guide: *Carver Road/Ogburn Station Development Guide*
Relevant Development Guide Recommendation(s): The area plan calls for the petitioner's site and the surrounding area to be low density residential.

ANALYSIS

The subject site is developed with a legally nonconforming convenience store which has existed on the property for decades. The petitioner attempted to pursue a setback variance to allow for the construction of a canopy over the existing gas pumps. Because the UDO prohibits variances for the expansion of nonconforming uses [Section 5-2.3(D)(7)], the petitioner is attempting rezoning.

Vision 2005 calls for the preservation of stable neighborhoods, the separation, and buffering of commercial, office, and industrial uses from residential areas, and the concentration of commercial uses at activity nodes. The subject site cannot meet the minimum requirements of the PB zoning district as it pertains to bufferyards adjacent to single family residences. There are established commercial nodes in the area northwest and southeast of the site. Rezoning the subject site would encourage further strip commercial development between the nodes.

The *Carver Road/Ogburn Station Development Guide* calls for the petitioner's site and the surrounding area to be low density residential. The plan identifies other locations on Old Rural Hall Road as commercial nodes.

The site can continue to be used as a convenience store indefinitely because of the legally nonconforming status. Although many of the elements of the site layout do not meet current minimum standards, such as consolidated driveway cuts, gas pump setbacks from the right-of-way, and minimum bufferyard requirements, the use can continue as-is without rezoning. The proposed rezoning is not consistent with current land use recommendations and, because of the size of the lot and the existing development, cannot meet minimum site plan requirements.

FINDINGS

1. The subject site is developed with a legally nonconforming convenience store.
2. The petition was submitted to allow for the construction of a canopy over the existing gas pumps.
3. The petition is not consistent with *Vision 2005*.
4. The petition is not consistent with the *Carver Road/Ogburn Station Development Guide*.
5. Many of the elements of the site layout do not meet current minimum standards, such as consolidated driveway cuts, gas pump setbacks from the right-of-way, and minimum bufferyard requirements.
6. The proposed rezoning is not consistent with current land use recommendations and,

because of the size of the lot and the existing development, cannot meet minimum site plan requirements.

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 BUILDING PERMITS

- a. Petitioner must secure a waiver from the Zoning Board of Adjustment for the bufferyard requirement.
- b. Either remove the existing concrete from the right-of-way or secure an encroachment agreement from NCDOT.

C OTHER REQUIREMENTS

- a. No back-lit signage shall be permitted on the proposed canopy.

[For information purposes only: Draft Legacy Comprehensive Plan: The petitioner's site is located in the suburban neighborhoods growth management area of the Legacy Plan. The Legacy Plan encourages the location of commercial uses at compact activity nodes. The Plan also promotes the integration of neighborhood serving commercial uses into neighborhoods on as fine a grain as the community will accept.]