



DOCKET #: W2433
 (Continued from
 11/9/00 CCPB meeting)

PROPOSED ZONING:
 LB

EXISTING ZONING:
 RS9

PETITIONER:
 Titus Davis for
 property owned by
 Willie Ray Bostic

SCALE: 1" represents 200'

STAFF: Hughes

GMA: 3

ACRE(S): 0.51

MAP(S): 642858, 648858



ZONING STAFF REPORT

DOCKET # W-2433

STAFF: Suzy Hughes

Petitioner(s): Titus Davis

Ownership: Willie Ray Bostic

CONTINUANCE HISTORY This case was continued from the November 9, 2000, public hearing. Special use district zoning was discussed with the petitioner who decided to proceed with his request for general use district zoning.

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf

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: 0.51 acre

LOCATION

Street: Southeast corner of Old Greensboro Road and Barry Street.

Jurisdiction: City of Winston-Salem.

Ward: East.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Building used as a non-conforming commercial use (T & S Groceries).

Adjacent Uses:

- North - Wooded land zoned RS-9 and RM-18.
- Northeast - Across Old Greensboro Road is Petree Elementary School, zoned IP.
- Southeast - Single Family residences, zoned RS-9.
- South - Single Family residences, zoned RS-9, multifamily use zoned RM-12 further south.
- Northwest - Multifamily use zoned RM-18.

GENERAL AREA

Character/Maintenance: Mixture of well and moderately maintained homes.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site is currently developed.

Topography: Fairly flat property.

Vegetation/habitat: Site is currently developed.

Constraints: Minor.

Natural Heritage Sites: Although not on a Natural Heritage Site, this rezoning request exists within a few miles of the Salem Lake Natural Area (Site #17 on the Natural Heritage Inventory).

Is the project in a water supply watershed? Yes.

Which one? Salem Lake Watershed.

Compliance with Watershed Protection Regulations: This rezoning request exists in a Reservoir Protection Area within the Salem Lake Watershed. For new nonresidential development, built-upon area shall not exceed 12% or the current impervious limits of the site unless the petitioner receives a SIDA grant. Development requires a Watershed Protection Permit. The UDO prohibits some uses in this watershed – mainly manufacturing types of uses (See Table 3.1 on page 668 for more information).

TRANSPORTATION

Direct Access to Site: Old Greensboro Road - areawide access provided by Barry Street, Goler Street, and Reidsville Road.

Street Classification: Old Greensboro Road - minor thoroughfare; Barry Street - local street; Goler Street - local street; Reidsville Road - expressway.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Old Greensboro Road between Waterworks Road and Reidsville Road = 3,200/16,000
Reidsville Road between Old Greensboro Road and Business 40 = 15,000/50,000

Sidewalks: Yes.

Transit: Route 25, along Old Greensboro Road.

Bike: Route 25, along Old Greensboro Road.

HISTORY

Relevant Zoning Cases:

1. W-2147; IP to RM-8-S (Life Care Community); approved June 2, 1997; east side of Waterworks Road and northwest side of Old Greensboro Road; 48.14 acres; Planning Board and staff recommended approval.

2. W-2107; GO-S to Site Plan Amendment; approved December 2, 1996; northwest corner of intersection of Old Greensboro Road and Reidsville Road/US 158; 3.28 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Development of commercial activity nodes at planned locations; separation and buffering of commercial, office, and industrial uses from residential areas.

Area Plan/Development Guide: *Salem Lake Watershed Area Plan* (1986).

Relevant Development Guide Recommendation(s): This rezoning request exists within the WSQA3 subarea and near a large hazardous waste generator off Reidsville Road. Zoning guidelines on page 49 propose residential infill in existing zoning for this area. WSQA3 subarea guidelines request special use permits for all proposed development.

SPOT ZONE

The City Attorneys office has been requested for an opinion as to whether the request, if approved, would constitute a spot zone. As of this writing, that opinion has not yet been received.

ANALYSIS

The petitioner has requested a rezoning of 0.51 acre from RS-9 to LB. Previously a store had operated on the site as a legally nonconforming use, however the store ceased operation for more than one year, causing a loss of nonconforming status. Currently a store is operating illegally on the site; zoning enforcement staff has advised the owner that to continue operating on the site requires rezoning the property.

The petitioner has requested a general use LB zoning, which would allow a variety of uses. LB classification is a relatively intensive classification including many uses not desirable in a neighborhood setting such as this. Most LB uses generate significantly more traffic than does RS-9. An elementary school is nearby; neighborhood children walk to and from the campus. Traffic generated from an LB zoning in this location could pose a hazard to these pedestrians.

While staff supports the provision of limited services near or within neighborhoods, we understand that the sale of alcohol often associated with neighborhood convenience stores can have a detrimental effect on central city neighborhoods. Concerning this site in particular, personnel in the Police and Inspection Departments have advised that there has been a history of problems in this area concerning alcohol sales and consumption. Residents who might otherwise utilize and support neighborhood-serving commercial uses may come to oppose these and other

nonresidential but compatible uses because of the potential negative effects associated with alcohol sales. Staff notes that the UDO does not draw distinction between stores that sell alcohol as opposed to those that do not, so it would be up to the applicant as to whether they would want to offer any condition addressing this concern. No such conditions can be volunteered under the provisions of general use zoning.

In summary, staff is concerned about the possible safety impacts as well as the noise, light and other impacts this rezoning could have on the surrounding neighborhood if it were approved as petitioned. LB zoning is too intensive a use for this location. Staff could support NB-S zoning with very limited uses allowed including the exclusion of an ABC permit.

FINDINGS

1. The petitioner has requested a rezoning of 0.51 acre from RS-9 to LB.
2. A store currently operates on the site; this operation is, however, illegal (the site has lost nonconforming status).
3. LB zoning allows many uses, including many uses not desirable in a neighborhood setting such as this.
4. Most LB uses generate a significant amount more traffic than does RS-9. Traffic generated from an LB zoning in this location would likely pose a hazard to children walking to and from school.
5. Staff is concerned over the possible health and safety impacts this rezoning could have on the surrounding neighborhood if it were approved as petitioned.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

[For information purposes only: The draft Legacy plan supports the mixing of commercial and residential uses, especially retail uses that meet the daily shopping needs of nearby neighborhoods.]

PUBLIC HEARING - November 9, 2000

David Reed presented a request from the petitioner for continuance of this case to December 14, 2000.

FOR: None

AGAINST: None

WORK SESSION

MOTION: James Rousseau moved continuance of the zoning map amendment to December 14, 2000, with the only filing fees due by the petitioner being the difference between general and special use district zoning fees.

SECOND: Kerry Avant

VOTE:

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

AGAINST: None

EXCUSED: None