

DOCKET #: W3075

PROPOSED ZONING:
GB-S

EXISTING ZONING:
GB-S

PETITIONER:
Sam and Sammy, Inc.
for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

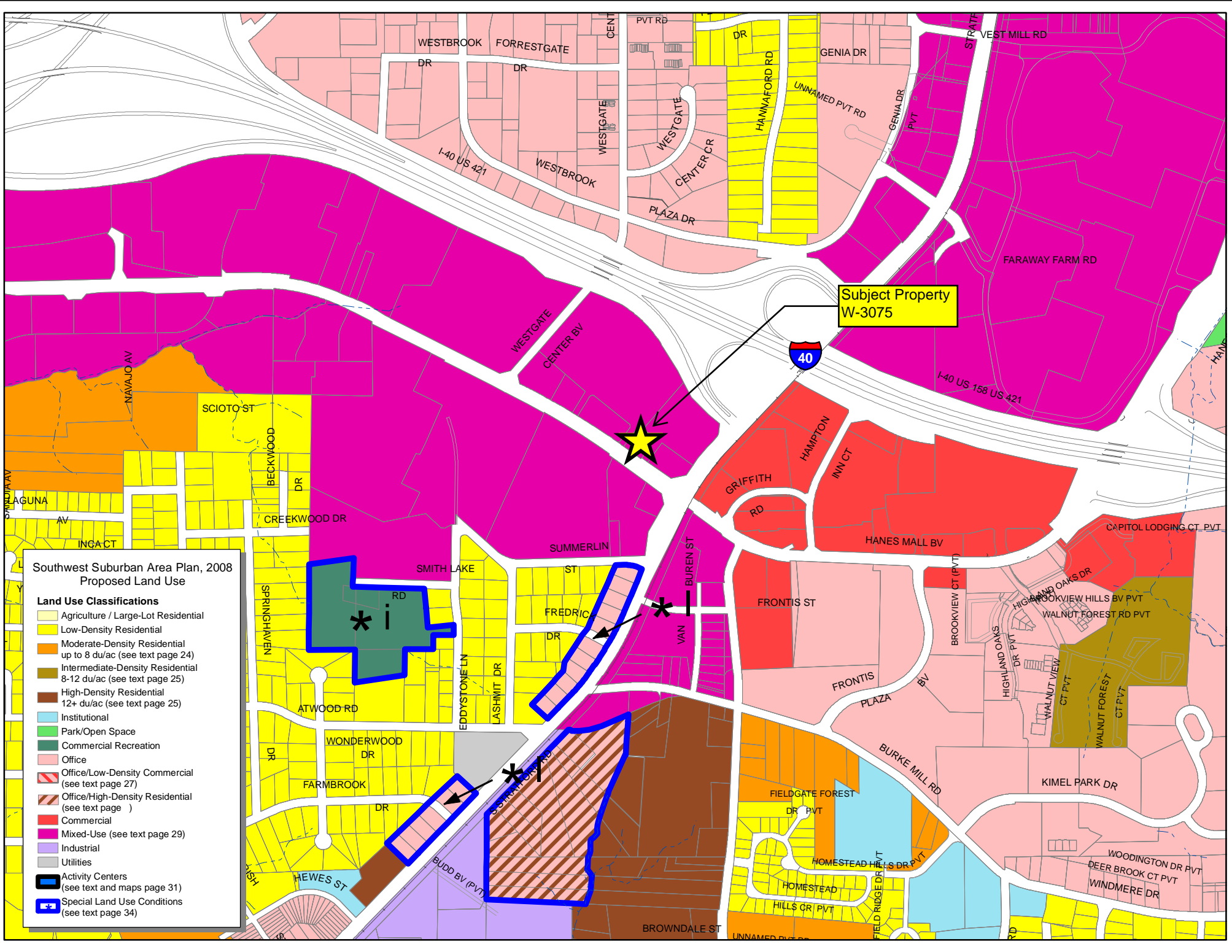
GMA: 3

ACRES: 0.60

NEAREST BLDG: 80' northeast

MAP(S): 612842





Subject Property
W-3075

Southwest Suburban Area Plan, 2008
Proposed Land Use

- Land Use Classifications**
- Agriculture / Large-Lot Residential
 - Low-Density Residential
 - Moderate-Density Residential up to 8 du/ac (see text page 24)
 - Intermediate-Density Residential 8-12 du/ac (see text page 25)
 - High-Density Residential 12+ du/ac (see text page 25)
 - Institutional
 - Park/Open Space
 - Commercial Recreation
 - Office
 - Office/Low-Density Commercial (see text page 27)
 - Office/High-Density Residential (see text page)
 - Commercial
 - Mixed-Use (see text page 29)
 - Industrial
 - Utilities
 - Activity Centers (see text and maps page 31)
 - Special Land Use Conditions (see text page 34)

August 25, 2010

Sam and Sammy, Inc.
1855 Fairview Blvd.
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT W-3075

Dear Sirs:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
John Stratton, P. O. Box 9711, Greensboro, NC 27429

ACTION REQUEST FORM

DATE: August 25, 2010
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Sam and Sammy, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of Sam and Sammy, Inc. from GB-S (Convenience Store) to GB-S [Convenience Store; Restaurant (with drive-through service); and Restaurant (without drive-through service)]: property is located on the northeast side of Hanes Mall Boulevard, northwest of Stratford Road (Zoning Docket W-3075).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: WESLEY CURTIS, ARNOLD KING, ARTHUR KING,
CLARENCE LAMBE, DARRYL LITTLE, BARRY LYONS,
PAUL MULLICAN, BRENDA SMITH
AGAINST: LYNNE MITCHELL
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Sam and Sammy, Inc., Docket W-3075

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 City Council 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 GB-S (Convenience Store) to GB-S [Convenience Store; Restaurant (with drive-through service); and Restaurant (without drive-through service)] the zoning classification of the following described property:

PIN #6814-24-3928

Section 2. This Ordinance is adopted after approval of the site plan entitled Windsor Commercial and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Sam and Sammy, Inc.

Section 3. The City Council 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 Windsor Commercial. 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 City Council

of the City of Winston-Salem

The City Council 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 Sam and Sammy, Inc., (Zoning Docket W-3075). 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 GB-S [Convenience Store; Restaurant (with drive-through service); and Restaurant (without drive-through service)]", approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the GB-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:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
 - a. Developer shall obtain a demolition permit from the Inspections Division prior to the removal of the existing structures on the site.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. Developer shall record a 25' wide public cross access easement along the back of the site connecting PINs 6814-25-6039 and 6814-25-0596.
- **OTHER REQUIREMENTS:**
 - a. Any freestanding signage shall be limited to one monument sign with a maximum height of six (6) feet.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3075
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Sam and Sammy, Inc
Owner(s)	Same
Subject Property	PIN # 6814-24-3928
Address	920 Hanes Mall Boulevard
Type of Request	Special Use rezoning from GB-S to GB-S
Proposal	The petitioner is requesting to amend the Official Zoning Maps for the subject property from (General Business District) Convenience Store to (General Business District). The petitioner is requesting the following uses: <ul style="list-style-type: none"> • Convenience Store; Restaurant (with drive-through service); and Restaurant (without drive-through service)
Neighborhood Contact/Meeting	The petitioner has stated that they do not plan to have a neighborhood meeting.
Zoning District Purpose Statement	The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs 1, 2 and 3 and Metro Activity Centers.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the site is located along a major thoroughfare within an activity center with consolidated access in Growth Management Area 3 (Suburban Neighborhood).
GENERAL SITE INFORMATION	
Location	Northeast side of Hanes Mall Boulevard, northwest of Stratford Road
Jurisdiction	City of Winston-Salem
Ward(s)	Southwest
Site Acreage	± .60 acre
Current Land Use	BP convenience store

Surrounding Property Zoning and Use	Direction	Zoning District		Use
	North	GB-S		Former Circuit City store
	East	GB-S		Parking lot for the former Circuit City store
	South	GB-S		Undeveloped/ Lowe's parking lot
	West	GB-S		Chick-Fil-A Restaurant
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	Yes, the site is surrounded by other GB district zoning and uses.			
Physical Characteristics	The developed site has a gentle slope downward to the northwest.			
Proximity to Water and Sewer	Public water and sewer are available.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	The site has no apparent constraints and is suitable for the proposed improvements.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Hanes Mall Boulevard	Major Thoroughfare	149'	29,000	49,900
Unnamed private access easement to the northwest		178'	NA	NA
Unnamed private access easement to the southeast		177'	NA	NA
Proposed Access Point(s)	The site plan does not propose any change in access points. The existing driveways on each side of the site will remain.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: GB-S</u> 8 fueling positions x 162.78 (Gasoline Service Station w/ Convenience Market Trip Rate) = 1,302 Trips per Day			
	<u>Proposed Zoning: GB-S</u> 2,142 / 1,000 x 496.12 (Fast Food Restaurant w/ Drive Thru Trip Rate) = 1,063 Trips per Day			
Sidewalks	Sidewalks are currently located along Hanes Mall Boulevard. A lateral sidewalk connection into the site is recommended.			

Transit	The Route 43 Westside Connector runs along Hanes Mall Boulevard.					
Connectivity	The rear portion of the site serves as a cross access connection between the former Circuit City site to the east and the Sam's Club site to the west.					
Traffic Impact Study (TIS)	A TIS is not required.					
Analysis of Site Access and Transportation Information	No change in access points is proposed to the site. WSDOT staff recommends a lateral sidewalk connection and a 25' wide deeded, public cross access easement along the back portion of the site.					
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA	Growth Management Area 3, Suburban Neighborhoods					
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. 					
Relevant Area Plan(s)	<i>Southwest Suburban Area Plan, 2008</i>					
Area Plan Recommendations	<ul style="list-style-type: none"> The site is located in an area designated as the Hanes Mall retail/Residential Mixed-Use Area. This area is proposed for a mix of retail and multifamily uses located along Hanes Mall Boulevard. Redevelopment of this area should incorporate pedestrian-scaled architectural detailing and allow for a visual connection between the public realm and activity inside buildings. 					
Addressing	No address number or street naming concerns.					
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?					
	The adjacent former Circuit City store has closed.					
	(R)(4) - Is the requested action in conformance with Legacy?					
	Yes					
Analysis of Conformity to Plans and Planning Issues	The request proposes to redevelop a relatively small GB-S zoned site by removing the existing convenience store and replacing it with a restaurant with drive-through service. The current zoning permits the use of convenience store only. The site is surrounded by other commercial uses and the request is consistent with <i>Legacy's</i> infill recommendation to reuse property which has already been developed. Considering the lower signage along this portion of Hanes Mall Boulevard, a monument sign condition is recommended.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2255	GB-S to GB-S	Approved 8-13-98	West across driveway	1.33	Approval	Approval
W-1981	GB-S to GB-S	Approved 8-7-95	Current site	.6	Approval	Approval

W-1926	B3-S to B3-S	Approved 12-6-94	Directly north and east	4.88	Approval	Approval
W-1485	B-3 & R-5 to B3-S	Approved 1-4-88	Directly northwest	21.4	Denial	Approved
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	2,142		Central portion			
Parking	Required	Proposed	Layout			
	13 spaces	23 spaces	Angled parking located to the front and sides			
Building Height	Maximum		Proposed			
	60'		One story			
Impervious Coverage	Maximum		Proposed			
	No maximum		71.17%			
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (J) General Business District 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) <i>Legacy policies:</i>	Yes				
	(B) <i>Environmental Ord.</i>	NA				
	(C) <i>Subdivision Regulations</i>	NA				
Analysis of Site Plan Compliance with UDO Requirements	The site plan submitted with this request meets UDO requirements.					
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
Request will allow for the redevelopment of a commercially zoned site.			Proposal would introduce another drive-through use in an already congested auto oriented activity center.			
Request is consistent with the GB purpose statement.						
Request is consistent with <i>Legacy</i> .						
Would reduce estimated trip generation.						
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL						
The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.						
<ul style="list-style-type: none"> <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> Developer shall obtain a demolition permit from the Inspections Division prior to the removal of the existing structures on the site. 						

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
 - a. Developer shall record a 25' wide public cross access easement along the back of the site connecting PINs 6814-25-6039 and 6814-25-0596.

- **OTHER REQUIREMENTS:**
 - a. Any freestanding signage shall be limited to one monument sign with a maximum height of six (6) feet.

STAFF RECOMMENDATION: Approval

NOTE: These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3075
AUGUST 12, 2010**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following comment was made:

1. Lynne Mitchell noted that she will not be voting in support of this request because of the number of fast food restaurants already along Hanes Mall Boulevard. She expressed concern about the connection between fast food and low paying jobs and the problem with the obesity epidemic.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Clarence Lambe

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Darryl Little, Barry Lyons, Paul Mullican, Brenda Smith

AGAINST: Lynne Mitchell

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

