



DOCKET #: W2841
 (Continued from 3/9/06
 CCPB meeting)

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

EXISTING ZONING:
 RS9

PETITIONER:
 Dean A. Spaug, Ruth
 P. Spaug, Harvey Davis,
 and Christopher H. Davis
 for property owned by
 Dean A. Spaug

SCALE: 1" represents 400'

STAFF: King

GMA: 3

ACRE(S): 4.77

MAP(S): 600834



**CITY-COUNTY PLANNING BOARD STAFF
STAFF REPORT FOR: Docket # W-2841
May 11, 2006**

PETITION INFORMATION	
Docket #	W-2841
Staff	Aaron King
Petitioner(s)	Dean A. Spaugh, Ruth P. Spaugh, Harvey Davis, and Christopher H. Davis
Owner(s)	Dean A. Spaugh
Continuance Request	This request was continued from the March 9, 2006 meeting to the May 11, 2006 meeting so that the petitioner could provide a more specific site plan and a refined list of requested uses. No revised site plan or revised list of uses has been submitted.
Subject Property	Tax Lot 2E Tax Block 3897
Type of Request	Special use rezoning from RS-9 to HB-S (TWO-PHASE)
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to HB-S (Highway Business – Special Use Zoning – TWO PHASE). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Arts and Crafts Studio; Convenience Store; Food or Drug Store; General Merchandise Store; Implement Sales and Service; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Banking and Financial Services; Building Contractors , General; Car Wash; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body and Paint Shop; Motor Vehicle, Storage Yard; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor (Fitness Center); Recreation Services, Outdoor; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Government Offices; Museum or Art Gallery; School, Private; School, Vocational or Professional; Storage or Salvage Yard; Broadcast Studio; and Utilities
Zoning District Purpose Statement	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks.

	This district is intended for application in Growth Management Areas 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods), and 4 (Future Growth Area).		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	The subject property is located in GMA 3; however, staff is of the opinion that this request is not consistent with the HB purpose statement because the request would encourage strip commercial development along this section of Stratford Road.		
GENERAL SITE INFORMATION			
Location	Northwest side of Stratford Road south of Jonestown Road		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southwest		
Site Acreage	Approximately ± 4.77 acres		
Current Land Use	Existing single family home and undeveloped land		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	HB-S & RS-9	Single family home; undeveloped land; and office building
	East	LB-S & RS-9	Single family home and undeveloped land
	South	RS-9	Single family home
	West	RS-9	Undeveloped land
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	The uses requested would not be compatible with surrounding uses. The subject property is surrounded by residentially zoned property, with the exception of the HB-S property to the north which is an attractively designed office-type, flex-space building with limited retail use. The subject request includes a large number of uses, including some very intense uses that would not be appropriate at this location.		
Physical Characteristics	The subject property slopes down from Stratford Road (+/- 810 feet) to the approximate middle of the southwest property line (+/- 792 feet). The rear portion of the property contains two ravines that drain toward the northwest corner of the site. A tributary of Little Creek runs through the northwest portion of the site.		
Proximity to Water and Sewer	The subject property does not have direct access to public sanitary sewer. It appears that the petitioner would have to extend a public sewer line along the tributary that runs through the back portion of the site. The nearest connection is approximately 600-800 feet away. The petitioner would be responsible for obtaining sewer easements across adjoining properties and would also be required to construct and extend the sewer line. The site does have access to public water.		
Stormwater/	A stormwater study will be required.		

Drainage				
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.			
Analysis of General Site Information	The subject property is 4.77 acres in size and is located southwest of the intersection of Stratford Road and Jonestown Road. The majority of the site contains a relatively gentle topography, with the rear portion containing some challenging topography and a stream. Even though this is a special use rezoning request, it is not possible for staff to determine how the site will be developed, due to the lack of specificity on the proposed TWO-PHASE site plan. The subject property is approximately 215 feet wide, and with required setbacks adjacent to residentially zoned property (40') will result in a 135' wide building lot. Staff is unable to evaluate whether this site is suitable for specific commercial uses, since the petitioner has submitted such a wide array of proposed uses under the TWO-PHASE request.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Submit stormwater study • Maintain 15' undisturbed stream buffer 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Stratford Road	Major Thoroughfare	+/- 212 feet	16,000	42,200
Proposed Access Point(s)	It is assumed that access to the site will come via Stratford Road.			
Planned Road Improvements	The Thoroughfare Plan recommends that Stratford Road be constructed as a four-lane cross section with raised median, curb & gutter, and sidewalks.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9</u> 4.77 acres (RS-9) x 43,560 / 9,000 = 23 units x 9.57 (SFR Trip Rate) = 220 Trips per Day</p> <p><u>Proposed Zoning: HB-S (TWO-PHASE)</u> No trip generation is available for TWO-PHASE zoning, since there is no specificity on the amount of building that will take place.</p>			
Sidewalks	None existing or proposed			
Transit	Not available			
Connectivity	Although it is unknown how this site will be designed, staff has recommended that the petitioner provide cross access easements to adjacent properties.			
Traffic Impact Study (TIS)	Not required as part of first phase submittal.			
Analysis of Site Access and Transportation	The site plan submitted with this request does not show a specific access point, but it can be assumed that access will come via Stratford Road. Parking, internal circulation, and connectivity to other adjacent parcels			

Information	are also transportation elements that cannot be addressed at this time due to lack of any information on the site plan. Another concern staff has with this request is adding commercial zoning in close proximity to the northern beltway interchange with Stratford Road, which may lead to an increased amount of driveway cuts along Stratford Road.
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Obtain NCDOT driveway permit • Install sidewalks along Stratford Road
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	GMA 3 (Suburban Neighborhoods)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Revitalize and concentrate development in downtowns and existing commercial centers, maximizing the density in these areas rather than promoting growth at the suburban fringe. (p.26)
Relevant Area Plan(s)	The subject property is not located within the boundaries of an area plan or development guide.
Greenway Plan Information	Staff has requested a 40' greenway easement along the creek that traverses the property.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(S)(4) - Is the requested action in conformance with Legacy?
	No
Analysis of Conformity to Plans and Planning Issues	<p>Staff has many concerns with this HB-S TWO-PHASE rezoning request. First, this TWO-PHASE request is basically the same as a general use request in that it shows an extremely wide array of uses and provides no indication as to how the site will function. The site plan submitted with this request is basically an existing site survey with no future development layout shown. Staff is concerned that if this “blank slate” site plan is approved, there will be very little opportunity for denial of a final development plan that is not in keeping with the surrounding area. Approval of this request introduces HB zoning with no assurances that the site will be compatible with the surrounding area.</p> <p>Second, staff is of the opinion that some of the 44 uses the petitioner is requesting are incompatible with the surrounding area. Specifically, the motor vehicle oriented uses (sales, repair, maintenance, storage yards, etc.) raise concerns at this location. Staff believes that these more intense uses would be more appropriate near the southern portion of Griffith Road. Many of these uses are permitted in the LI and/or GI districts which currently make up a large portion of Griffith Road’s southern end.</p> <p>Third, staff has concerns that approval of this request may lead to further strip commercial development along Stratford Road. The Stratford Road Development Guide also has language that warns against the impacts of strip commercial development in this area. The HB-S property located</p>

north of this site was supported by staff. Staff's support of that HB-S was due in part, to the fact that the use requested (Building Contractor, General) would operate more like an office in this situation.

Fourth, staff does not see the need to add more commercial zoning along this portion of Stratford Road. Stratford Road is a major commercial corridor in Winston-Salem and contains many vacant properties with commercial zoning. Stratford Road between Country Club Road and Hanes Mall Boulevard is a +/- 2.8 mile stretch of road that is almost completely commercially zoned. The entire length of Hanes Mall Boulevard is almost completely commercially zoned. Further south down Stratford Road is the Hillcrest Town Center that is being constructed and the Shops at Somerset, both of which will provide a large amount of commercial property. The majority of the commercial development along Hanes Mall Boulevard and the northern part of Stratford Road are examples of strip commercial development where one property has commercial zoning and then a "domino effect" of commercial zoning follows. Concentrating commercial development at various nodes along major thoroughfares is preferred over strip commercial development. The Hillcrest and Somerset projects constitute the commercial node for the section of Stratford Road south of Hanes Mall Boulevard. Given the large amount of commercial property already existing in the area, staff views this request as leapfrogging the established commercial areas and setting the tone for future strip commercial development along Stratford Road.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1444	RS-9 to GB-S	Approved 12-5-05	East	1.44 acres	Approval	Approval
W-2650	RS-9 & LB-S to GB-S	Denied 10-6-03	East	2.13 acres	Denial	Approval
W-2047	RS-9 to RM- 8-S	Denied 5-6-96	North	12.92 acres	Approval	Approval
W-1957	RS-9 to HB-S	Approved 8-7-95	North	2.99 acres	Approval	Approval

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

Building Square Footage	Square Footage		Placement on Site	
	NA		NA	
Parking	Required	Proposed		Layout
	NA	NA		NA
Building Height	Maximum		Proposed	
	60 feet		NA	
Impervious Coverage	Maximum		Proposed	
	85%		NA	
UDO Sections	<ul style="list-style-type: none"> Section 2-1.3(I) HB District 			

Relevant to Subject Request	<ul style="list-style-type: none"> Section 7-4.2 Form 2 Submittal Requirements (TWO-PHASE Zoning) 	
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:	No
	(B) Environmental Ord.	Yes
	(C) Subdivision Regulations	NA
Analysis of Site Plan Compliance with UDO Requirements	<p>Staff views the site plan submitted with this request as a “blank slate” with no indication of how the site will function. The site plan gives no indication of proposed buildings (size or scale), parking, site circulation, access point(s), or landscaping. One of the primary purposes of a special use site plan is to demonstrate how the site will function and also to help reduce unwanted impacts to adjacent properties: this site plan does neither. If this rezoning is approved with no specificity, there will be very little basis to guide the review, approval or denial, of a final development plan for the second phase of this request. Staff has recommended that the petitioner provide cross access easements to adjacent properties and also to remove some of the inappropriate uses from their request.</p>	
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Access roads must be minimum of 20’ in width Dedicate 40’ greenway easement Signage condition Lighting condition 	
REMAINING SITE PLAN ISSUES		
Issue		Status
Provide cross access easements to adjacent properties		Awaiting revised plans
Label intended use of building that will remain		
Show required bufferyards		
Refine list of requested uses		
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
		The request is not in conformance with the recommendations of <i>Legacy</i> .
		This special use TWO-PHASE request provides no control over how the site will be developed.
		The site plan is basically a “blank slate” with a wide range of uses that can be developed.
		Many of the uses requested would not be compatible with the general area.
		Approval of this request would leave very little opportunity for denial of a final development plan.

	This request would intensify the zoning at a location that is in close proximity to the beltway, and may lead to further strip commercial development along Stratford Road.
	The site currently has no direct access to public sanitary sewer.
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p><u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u></p> <ol style="list-style-type: none"> a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit. b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. c. Developer shall maintain a 15' (measured from top of bank) undisturbed buffer along both sides of the stream. Developer shall flag this area in the field. <p><u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u></p> <ol style="list-style-type: none"> a. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along the creek as shown on the approved Preliminary Site Plan. <p><u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u></p> <ol style="list-style-type: none"> a. Developer shall complete all requirements of NCDOT driveway permit. b. Developer shall install sidewalks along the frontage of Stratford Road to the specifications of the City of Winston-Salem Public Works Department. <p><u>OTHER REQUIREMENTS:</u></p> <ol style="list-style-type: none"> a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet. b. All on site lighting shall be a maximum of 18 feet tall and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties. c. Any internal access roads shall be a minimum of 20' in width. d. A type IV bufferyard may be required for certain uses. 	

STAFF RECOMMENDATION: DENIAL

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.**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

- The UDO requirements were met with the site plan that's in your file.
- I represent a number of folks including the petitioners.
- Mr. Davis wants to move Davis Garage to this site.
- It's difficult to do a specific site plan when you're dealing with Northern Beltway plans. For instance, the dashed line 200' back from Stratford Road was the setback required by the Northern Beltway. That has since gone away, but if we had planned our buildings around that information, look what we would have spent for any type of building. That is not now a requirement of NCDOT.
- They want to build on this site and they are listed among this list of uses. They also want to build an indoor exercise facility. There are overlapping shades of grey when you get into garages and recreation facilities.
- Some of these uses can go away if that's your desire.
- Stratford Road is very business/industry oriented. It's all four-lane with good traffic access. That's where the people are and where businesses want to be.
- The bufferyards are shown on the plan. There's a requirement asking for sidewalks. No matter whether the setback is 200' or 20' for Stratford Road by reason of the beltway. There are currently plans to widen Stratford Road again and if we build sidewalks along the front, we'll just have to dig them up. It seems foolish at this point in time to build them and then tear them up. It probably would be better for everyone if we committed land to sidewalks when the second phase comes in. Maybe we would know more at that time about where it could go.

AGAINST:

Roscoe Luke, 2509 Huntington Woods Drive, Winston-Salem, NC 27103

- The last time I was before this board was concerning some businesses along South Stratford Road near Sommerset. The Food Lion is building a new grocery store there. It was my understanding that business would not come in beyond a set line there.
- We don't want a strip mall from Sommerset to Clemmons.
- What is going on with *Legacy*? Is this in compliance with *Legacy*?
- I would say the last thing we need here is a body shop.
- I definitely agree with staff's recommendation for denial.

Clay Poindexter, 1760 Jonestown Road, Winston-Salem, NC

- I support the Spaugh's selling the property and having it rezoned, but with the investment we have in our existing office building, I have concerns with some of the uses listed on the docket.
- We own six and a half acres contiguous to the rear of that property. In discussion with staff about what we can put on our second site, we have had discussions of LO zoning. I would not like to see LO zoning with a negative HB-S type zone.

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. Carol Eickmeyer: I have a problem with a presentation that is so "to the letter of the law" and so far from the intent of our process. To not have a specific site plan when you actually have a plan in mind takes away from our ability to actually process this. Because of that, I am going to vote against approving this.
2. Paul Mullican: I agree with that. There's too many unknowns here. I have feelings for the Spaughs, too, but there are just too many unknowns.

MOTION: Carol Eickmeyer moved denial of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Paul Mullican

3. Arnold King asked Mr. Calaway why a specific site plan wasn't presented when the intended uses are known. Mr. Calaway indicated that until a week ago, they understood that the setback line was required. Now that it isn't, bringing a site plan may not be a problem. After speaking with his clients, Mr. Calaway indicated a sixty-day continuance would work well and his clients would be glad to present a more detailed site plan for that schedule.

Ms. Eickmeyer withdrew her motion and Mr. Mullican his second.

MOTION: Carol Eickmeyer moved to continue the zoning map amendment and site plan to May 11, 2006.

SECOND: Paul Mullican

VOTE:

FOR: Jerry Clark, Carol Eickmeyer, Arnold King, Clarence Lambe, Lynne Mitchell,
Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

PUBLIC HEARING - May 11, 2006

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved withdrawal of the zoning map amendment.

SECOND: Clarence Lambe

VOTE:

FOR: Jerry Clark, Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Lynne
Mitchell, Paul Mullican, Brenda Smith
AGAINST: None
EXCUSED: None

A. Paul Norby, FAICP
Director of Planning