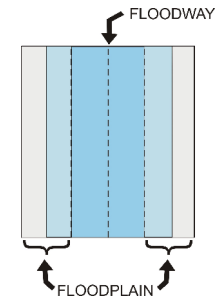


DOCKET #: W3009

PROPOSED ZONING:
HB-S & Special Use Permit

EXISTING ZONING:
LB

PETITIONER:
Ray & Sallie Edwards
Real Estate for
property owned by Same



SCALE: 1" represents 300'

STAFF: Roberts

GMA: 3

ACRES: .76

NEAREST BLDG: 60' north

MAP(S): 624826

F

**CITY-COUNTY PLANNING BOARD DRAFT
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-3009		
Staff	Gary Roberts Jr., AICP		
Petitioner(s)	Ray & Sallie Edwards Real Estate, LLC and RWE Properties, LLC		
Owner(s)	Same		
Subject Property	Tax PIN# 6822-78-3203 (rezoning) and a portion of Tax PIN#s 6822-78-3401 and 6822-78-4257 (Special Use Permit)		
Type of Request	Special use rezoning and Special Use Permit to cross LB zoned property to access a Restaurant with Drive Through Service.		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from LB Limited Business District to HB-S Highway Business District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Restaurant with Drive Through Service; General Merchandise Store; Retail Store, Specialty or Miscellaneous 		
Zoning District Purpose Statement	<p>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, 3, and 4.</p>		
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)?		
	Yes		
GENERAL SITE INFORMATION			
Location	Southeast corner of Peters Creek Parkway and Cleaner World Drive		
Jurisdiction	City of Winston-Salem		
Ward(s)	South		
Site Acreage	Approximately ± .76 acre		
Current Land Use	Site is undeveloped.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	LB	Dry cleaners
	East	LB	Undeveloped
	South	HB-S	Auto sales
	West	RM12-S	Multifamily residential

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?			
	Yes			
Physical Characteristics	Site has a gentle slope downward to the southwest.			
Proximity to Water and Sewer	Public water and sewer are available.			
Stormwater/ Drainage	A stormwater study will be required prior to the issuance of a grading permit.			
Watershed and Overlay Districts	The site is not within a water supply watershed.			
Analysis of General Site Information	The site possesses no known development constraints.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Peters Creek Parkway	Major Thoroughfare	214'	19,000	30,100
Cleaner World Drive	Private	166'	NA	NA
Proposed Access Point(s)	Cleaner World Drive			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: LB</u> No trip generation available for the existing general use LB zoning.</p> <p><u>Proposed Zoning: HB-S</u> 1,900 sf / 1,000 x 496.12 (Fast Food Restaurant w/Drive Thru Trip Rate) = 943 Trips per Day + 1,250 sf / 1,000 x 40.67 (Specialty Retail Center Trip Rate) = 51 Trips per Day = 994 Total Trips per Day.</p>			
Sidewalks	There are no sidewalks along either side of Peters Creek Parkway; however, the Sidewalk and Pedestrian Facilities Plan requires sidewalks along Peters Creek Parkway.			
Transit	Not available			
Analysis of Site Access and Transportation Information	Access to the site is adequate; however, a Special Use Permit to cross LB zoned property to access a Restaurant with Drive Through Service will be required, see below. A sidewalk will be required along Peters Creek Parkway.			
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Obtain driveway permit from NCDOT & WSDOT 			

CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 3 - Suburban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • <i>Legacy</i> identifies Suburban Neighborhoods as having the most undeveloped land where much of the future residential, commercial and industrial development should occur. <i>Legacy</i> also encourages convenient commercial services to support neighborhood needs and the development of areas where infrastructure already exists.
Relevant Area Plan(s)	Site is not within the boundaries of an area plan or development guide.
Other Applicable Plans and Planning Issues	<p>For Special Use Permits (SUP) requiring approval by the Elected Body, certain findings have to be met. Findings of the Planning Board accompanying a favorable recommendation shall include:</p> <p><u>Planning Board Findings:</u></p> <ol style="list-style-type: none"> 1. The development is in conformity with <i>Legacy</i>. (<i>Yes</i>) 2. Water and sewer service are available in adequate capacity. (<i>Yes</i>) 3. Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment. (<i>No buildings over 35' are proposed</i>) 4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard. (<i>Yes</i>) 5. General layout and design of the development meet all requirements of this Ordinance. (<i>Yes</i>) 6. Adequate, safe and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc) and service vehicles and personnel (sanitation, postal delivery, etc). (<i>Yes</i>) 7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project. (<i>See "SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL" section below</i>) <p>The Elected Body shall issue a special use permit only when the Elected Body makes an affirmative finding as follows:</p> <p><u>Elected Body Findings:</u></p> <ol style="list-style-type: none"> 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. (<i>Yes</i>) 2. That the use meets all required conditions and specifications.

	<p>(Yes)</p> <p>3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, (Yes)</p> <p>4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with <i>Legacy</i>. (Yes)</p>					
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 <i>Legacy</i>?					
Yes						
Analysis of Conformity to Plans and Planning Issues	<p>The subject property is not within an area plan or development guide. However, recognizing the existing LB zoning on the subject property, its relatively small size along with its direct proximity to HB-S and LB zoning, staff supports the proposed request.</p> <p>It should be noted however, that staff would not support further intensification of the LB zoned property directly to the east because of it's proximity to single family homes and it's lack of frontage on Peters Creek Parkway.</p>					
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Lighting condition 					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1425	LB to HB-S	2-28-05	Directly south	.65	Denial	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage			Placement on Site		
	3,150 sf			Central portion		
Parking	Required			Proposed		
	31 spaces			31 spaces		
Building Height	Maximum			Proposed		
	60'			1 story		
Impervious Coverage	Maximum			Proposed		
	85%			73.6%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (I) HB District Chapter B, Article II, Section 2-5.2 Access Easement Use Conditions 					
Complies with Chapter B,	(A) Legacy policies:			Yes		
	(B) Environmental Ord.			NA		

Article VII, Section 7-5.3	(C) Subdivision Regulations	NA
Analysis of Site Plan Compliance with UDO Requirements	It is anticipated that a revised site plan will be submitted which complies with the requirements of the UDO.	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
Request would allow for a new commercial establishment.		Request may encourage future LB to HB petitions on adjacent properties.
Request meets all SUP Findings.		
Request is consistent with HB District purpose statement.		
Request is consistent with <i>Legacy</i> .		
Site is adjacent to HB-S zoning.		
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.		
<u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u>		
a. Developer shall obtain driveway permits from City of Winston-Salem Public Works Department and NCDOT. Required improvements include, but are not limited to: <ul style="list-style-type: none"> • Sidewalk along Peters Creek Parkway 		
b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department.		
<u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u>		
a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.		
<u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u>		
a. All required improvements of the City of Winston-Salem/NCDOT driveway permit shall be completed.		
b. Lighting shall be installed per approved lighting plan and certified by an engineer.		

REZONING STAFF RECOMMENDATION: APPROVAL

SPECIAL USE PERMIT 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.**

NGCS MONUMENT "KESTEVEN"
 ELEV. 805.53
 GRID N: 830521.7600
 GRID E: 1627300.5400
 LATITUDE 36°01'31.550"
 LONGITUDE -80°15'37.456"

N/F RWE PROPERTIES, LLC.
 TMS # 6822-78-3401.00
 DB 2074-507
 ZONING: LB (LIMITED BUSINESS)

PAINTED ISLAND (IF STILL
 EXISTING) SHALL BE REMOVED

NOTE: SPECIAL USE PERMIT
 REQUESTED TO ALLOW FOR ACCESS
 DRIVES TO BE UTILIZED BY PROPOSED
 HB-S ZONING FROM EXISTING LB
 ZONING (SEE CLOUDED AREAS).

SITE DATA

- PIN #: 6822-78-3203.00
- PROPOSED SITE USE: RESTAURANT W/ DRIVE THROUGH SERVICE AND GENERAL RETAIL.
- CORPORATE LIMITS: CITY OF WINSTON-SALEM
- EXISTING ZONING: LB (LIMITED BUSINESS)
 PROPOSED ZONING: HB (HIGHWAY BUSINESS)
- LOT SIZE: 0.761 ACRES
- IMPERVIOUS SURFACE > PAVED + BUILDING SURFACE: 24,399 SF
 GREENSPACE: 8750 SF
 IMPERVIOUS COVERAGE: 73.80%
- BUILDING COVERAGE > BUILDING: 3150 SF
 PARCEL: 33,149 SF
 BUILDING COVERAGE: 9.50%
- OPEN SPACE: 8750 SF (STREET YARDS AND GREENSPACE)
- PROPOSED BLDG SIZE: DRIVE THROUGH REST: +4-1900 SF
 GENERAL RETAIL: +4-1250 SF
- PARKING REQUIREMENTS:
 RESTAURANT W/ DRIVE THROUGH: 1 PER 75 SF
 GENERAL RETAIL: 1 PER 200 SF
 PROPOSED USES:
 DRIVE THROUGH: 1900 SF SPACES REQUIRED = 25
 RETAIL (ELECTRONICS): 1250 SF SPACES REQUIRED = 6
 TOTAL SPACES REQUIRED - 31, SPACES PROVIDED - 31

PURPOSE STATEMENT

This site plan is being submitted in order to comply with the Winston-Salem/Forsyth County Planning Department's special use rezoning procedure. The applicant requests that the Planning Staff review the site plan to ensure that it complies with the Planning Department's requirements for a special use rezoning. The applicant intends to file an application on October 13, 2008 to rezone the property from Light Business to Highway Business for the use described on the site plan.

PARCEL DESCRIPTION:

Beginning at a Mag Nail located on the east right of way of Peters Creek Parkway being the common corner with RWE Properties, LLC (DB. 2074-507) and being located S 02-14-46 W for 2171.97 feet from NGS Monument "Kesteven"; thence along the common line of RWE Properties S 87-14-07 E for 166.27 feet to a Mag Nail; thence along the common line of Ray Edwards S 02-44-58 W for 199.90 feet to a Mag Nail; thence N 87-15-23 W for 165.39 feet to a Mag Nail on the east right of way of Peters Creek Parkway; thence along said right of way N 02-29-47 E for 199.97 feet to the point of Beginning. Said tract contains 0.761 acres or 33,155 square feet more or less.

PRELIMINARY NOT FOR CONSTRUCTION

RECEIVED NOV 07 2008

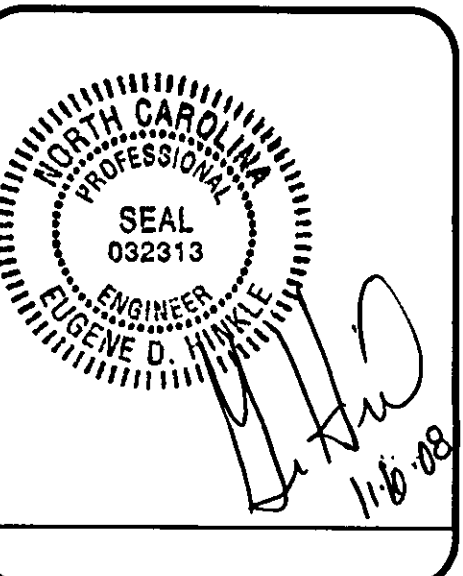
SCALE: 1" = 30'

W-3009 "REVISED" ZONING File Copy

REVISIONS	
ISSUED	COMMENT

COMMERCIAL SITE SOLUTIONS, INC.
 SITE PLANNING • ENGINEERING

409 East 1st Avenue
 Raleigh, NC 27604
 866-555-5200
 480-287-9964 (fax)
 gthinkle@css-eng.com



DUNKIN DONUTS / RETAIL AT PETERS CREEK PARKWAY WINSTON-SALEM, NC

PREPARED FOR:
NORTHWEST PROPERTY GROUP
 1550 HENDERSONVILLE ROAD
 ASHEVILLE, N.C.
 828-277-6866

DATE:	11/5/08
Drawn:	GDH
Designed:	
Checked:	
SITE PLAN (FORM 2)	
SP-1	

- INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE REQUIREMENTS:**
- A STORM WATER STUDY IS REQUIRED FOR THIS PROJECT.
 - A LAND DISTURBING PERMIT AND CITY STORM WATER APPROVAL IS REQUIRED.
 - NCDOT DRIVEWAY PERMIT AND CITY DRIVEWAY PERMIT IS REQUIRED FOR THIS PROJECT. PROOF THAT THE APPROPRIATE RIGHT TURN LANE STORAGE AND TAPER ARE IN PLACE MUST ALSO BE PROVIDED.
 - A SIDEWALK IS REQUIRED ALONG THE PETERS CREEK PARKWAY FRONTAGE - MAY BE CONSTRUCTED WITHIN NCDOT RW IF GRADES WILL ALLOW.
 - A SPECIAL USE PERMIT IS REQUIRED FOR ACCESS THROUGH THE EXISTING DRIVES.
 - A FIRE HYDRANT IS REQUIRED WITHIN 500 FEE OF ALL PARTS OF THE EXTERIOR OF THE BUILDING VIA THE DRIVES AND EXISTING ROADWAYS.
 - THIS PROJECT IS SUBJECT TO UTILITIES PLAN REVIEW FOR BUILDING PERMIT APPLICATION.

NorthWest Property Group
 1550 HENDERSONVILLE RD.
 SUITE 208
 ASHEVILLE, NC 28803
 828-277-6866

CHERRY BLOSSOM LANE

CONC. MEDIAN

RIGHT TURN LANE ON PETERS CREEK PARKWAY WITH 100' OF STORAGE CURRENTLY EXISTS FOR DEVELOPMENT

TBM
 ELEV. 739.33'
 RAILROAD SPIKE IN POWER POLE

N/F FRANCIS HARRIS
 TMS # 6822-78-2084.00
 DB 2836-2207
 ZONING: HB-S

GIL LANIER AUTO SALES
 FFE= 742.50'
 HEIGHT=12.52±

LEGEND		
EXISTING	PROPOSED	DESCRIPTION
---	---	CONTOUR LINE
□	■	STORM DRAIN INLET
---	---	STORM DRAIN PIPE
---	---	OVERHEAD ELEC./TELE.
○	●	GAS LINE
○	●	SANITARY SEWER MANHOLE
○	●	CLEAN OUT
---	---	SANITARY SEWER LINE
---	---	CONCRETE PAVING
---	---	ASPHALT PAVING
---	---	CONCRETE CURB & GUTTER
---	---	NUMBER OF PARKING SPACES PER ROW

