DOCKET #: W2805

PROPOSED ZONING: GB

EXISTING ZONING: HB

PETITIONER: Gordon L. Greene for property owned by Same

SCALE: 1” represents 400’

STAFF: King

GMA: 3

ACRE(S): 1.03

MAP(S): 618886
October 19, 2005

Gordon L. Greene
P. O. Box 4011
Winston-Salem, NC  27115-4011

RE:     ZONING MAP AMENDMENT W-2805

Dear Mr. Greene:

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, AICP
Director of Planning

pc:  City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC  27102
     Christopher D. Lane, Attorney, 3305 Stockton Street, Winston-Salem, NC  27127
     Sanjay Desai, 5906 University Parkway, Winston-Salem, NC  27105
     Terry Mohn, 5421 Nita Drive, Winston-Salem, NC  27105
     Charles Taylor, P. O. Box 1069, Clemmons, NC  27012
     John Surratt, 100 N. Main Street, Suite 1506, Winston-Salem, NC  27101
**ACTION REQUEST FORM**

**DATE:** October 19, 2005  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Map Amendment of Gordon L. Greene

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Gordon L. Greene from HB to GB: property is located on the east side of US Highway 52 north of Patterson Avenue (Zoning Docket W-2805).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED
CITY ORDINANCE - GENERAL USE

Zoning Petition of Gordon L. Greene, Docket W-2805

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 HB to GB the zoning classification of the following described property:

Tax Lot 101J Tax Block 3450

Section 2. This ordinance shall become effective upon adoption.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2805</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Gordon L. Greene</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 101J /Tax Block 3450</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General Use Rezoning request from HB to GB</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB (Highway Business) to GB (General Business).</td>
</tr>
</tbody>
</table>

**NOTE:** Both general and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.

### 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 Growth Management Areas 1, 2, 3, and activity centers.

### 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 property is located within GMA 3 and is located on a private drive shared by several other existing businesses.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>East side of US Highway 52 north of Patterson Avenue</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Northeast</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 1.03 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Existing commercial building</td>
</tr>
</tbody>
</table>

### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>HB</td>
<td>Various commercial uses</td>
</tr>
<tr>
<td>East</td>
<td>HB</td>
<td>Restaurant</td>
</tr>
<tr>
<td>South</td>
<td>HB</td>
<td>Hotel</td>
</tr>
<tr>
<td>West</td>
<td>U.S. 52</td>
<td>NA</td>
</tr>
</tbody>
</table>

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other
properties in the vicinity?

Yes- many of the uses allowed in the GB district are currently allowed in the HB district.

The property is flat and contains no streams or wetlands. The site currently contains an existing commercial building with asphalt parking lot. The building is located slightly toward the southern portion of the property.

Public water and sewer are available to the subject property.

No known stormwater or drainage issues.

The subject property is not located within a water supply watershed.

The property currently contains an existing structure with paved parking area. There are no development constraints such as streams, wetlands, or watershed regulations associated with the subject property. Since this is a general use request, it is unknown how this property will be developed.

The subject property currently has access to University Parkway via an existing private street.

The Thoroughfare Plan recommends that University Parkway be constructed as a six lane divided urban cross section.

No trip generation numbers available for general use zoning.

No sidewalk along the private cul-de-sac.

Route 44 runs along University Parkway.

The subject property is located at the end of a private cul-de-sac along the west side of University Parkway. Although the property does not have direct access to a major or minor thoroughfare, it is located within a few hundred feet of University Parkway. There are currently four other commercial establishments that are located along this private cul-de-sac that are zoned HB. The property still retains some visibility from University Parkway, due to it’s close proximity to this major thoroughfare. Since this is a general use request, it is unknown what the specific use of the property will be. However, the trip generation should be similar to that which can be expected under the current HB zoning.

GMA 3 (Suburban Neighborhoods)

 Legacy promotes focused commercial development at compact activity nodes.

North Suburban Area Plan (2005)
Plan(s)

Area Plan Recommendations

- The site is located in the North Summit Square Metro Activity Center and is designated for commercial use.

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?

Yes

Analysis of Conformity to Plans and Planning Issues

This request is in conformance with the recommendations of Legacy and the North Suburban Area Plan. The subject property is located in an area that is characterized by a large amount of commercial activity. The site is recognized as being located within the North Summit Square Metro Activity Center (MAC). Both the existing and proposed zoning would be suitable for this property’s location within the MAC. The GB district does offer reduced setbacks from those required in the HB district, allowing more flexibility in site design. The subject property is located within the Thoroughfare Overlay (TO) district which tries to encourage development that preserves the visual quality and functional operation of the major roadways. The requirements of the TO district would be applicable to both the GB and HB districts. One difference between the two districts relates to sign regulations. The HB district allows off-premises ground signs while the GB district does not.

RELEVANT ZONING HISTORIES

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
<th>Staff</th>
<th>CCPB</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2622</td>
<td>RS-9 to HB</td>
<td>Approved October 6, 2003</td>
<td>North</td>
<td>2.89 acres</td>
<td>Approval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W-2580</td>
<td>RS-9, HB, &amp; HB-S to HB</td>
<td>Approved October 7, 2002</td>
<td>North</td>
<td>5.19 acres</td>
<td>Denial</td>
<td></td>
<td></td>
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<tr>
<td>W-1443</td>
<td>R-2-S, R-6, B-2, B-3, &amp; I-3 to B-3-S</td>
<td>Approved July 6, 1987</td>
<td>East</td>
<td>78.8 acres</td>
<td>Approval</td>
<td></td>
<td></td>
</tr>
<tr>
<td>W-868</td>
<td>B-3 to B-2</td>
<td>Approved August 3, 1981</td>
<td>Southeast</td>
<td>1.6 acres</td>
<td>Approval</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

UDO Sections Relevant to Subject Request

- Section 2-1.3(I) HB District
- Section 2-1.3 (J) GB District
- Section 2-1.6 (B) TO District

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The majority of uses allowed in the HB district are also allowed in the GB district.</td>
<td>Since this is a general use request, attention to site design and layout cannot be addressed.</td>
</tr>
<tr>
<td>Trip generation in both the HB and GB districts should be comparable.</td>
<td></td>
</tr>
</tbody>
</table>
The property is already zoned HB and is surrounded by existing commercial uses zoned HB.

The request is in conformance with Legacy and the North Suburban Area Plan.

**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.**

Aaron King presented the staff report.

**PUBLIC HEARING**

**FOR:**

Chris Lane, 3305 Stockton Street, Winston-Salem, NC  27127
- I represent Gordon Greene, owner and petitioner.
- He has owned this property since 1976.
- Because of the HB designation, there's a large amount of commercial activity in the immediate vicinity.
- There are no houses, churches or schools nearby. There are only other businesses.
- This is located in a cul-de-sac and essentially is part of a parking lot.
- Mr. Greene desires to have the widest possible array of tenants to whom he could lease this site.
- We are essentially asking for increased flexibility.

**AGAINST:**

Sanjay Desai, 5906 University Parkway, Winston-Salem, NC  27105
- The differences between HB and GB are many and have many strong impacts.
- We like the HB zoning.

Terry Mohn, 5421 Nita Drive, Winston-Salem, NC  27105
- Imagine driving up to a motel late at night with your family and finding an adult establishment in the parking lot. Are you going to be inclined to stay there?
- The difference between HB and GB zoning is significant. Yes, a lot of the uses are businesses which would be allowed in both districts. However, it is a significant different when one allows adult entertainment.
• Approximately one year ago, the list of uses allowed in HB was amendment to disallow adult entertainment centers. It was done to protect the general public.
• We ask that the Board deny this petition.

Charles Taylor, P. O. Box 1069, Clemmons, NC  27012
• I own an adjoining restaurant.
• I am opposed to this zoning change.
• Asked those in audience to stand if they were opposed to this request.
• The reason for this zoning request is to make money off the property. I think this would be a step backwards for making money since some of the highest income-producing facilities are in HB zoning.
• I would be opposed to agricultural production facilities which would be allowed in GB zoning because some of the waste products could bring in vermin and become a health issue. That wouldn't be appropriate near restaurants.
• Animal Kennels would also be a health issue near restaurants.
• Motor Vehicle Body Shops would probably work with appropriate screening.
• My business is family oriented so I would be strongly opposed to an adult-oriented entertainment business. I elect to not have alcohol on my premises and we target families.
• To the west is the entrance ramp to US 52 which is also the future corridor for I-74, a major thoroughfare through this country. The subject site would be clearly visible and would be one of the last things people saw as they went north and left Winston-Salem.

WORK SESSION

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

1. Carol Eickmeyer: There are some significant differences between HB and GB. Even if we're not speaking specifically about the uses at this particular space, it would never be appropriate to have Life Care Facilities or that sort of thing here. This site is surrounded by HB and it isn't appropriate to change it to GB. I don't see a reason to make a change here.

2. Dara Folan: This is a huge area of HB and we shouldn't change a small portion of it, in the center, to GB.

3. Wesley Curtis: Being along US 52, this is appropriate for HB zoning. I would be concerned about setbacks.

4. Paul Mullican: Every time we consider general use district zoning, we talk about the uses that would be allowed and would have the most impact on the area. This is the same thing. There are a lot of uses allowed in GB districts that would not be appropriate at this site.
5. The Planning Board indicated that most of the uses allowed in GB but not in HB (list attached) would be of concern. Carol Eickmeyer noted that most of the list is residential uses and residential uses would not be appropriate in the middle of HB zoning.

MOTION: Carol Eickmeyer moved denial of the zoning map amendment.
SECOND: Dara Folan
VOTE:
   FOR: Clark, Curtis, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Smith
   AGAINST: None
   EXCUSED: None

Written Comments Submitted By Planning Board Members:

Jerry Clark: I voted against the petition because the petitioner presented no compelling reason to change the zoning from HB to GB.

Lavastian Glenn: I think the area is more suited for HB and the permitted uses in GB would be extremely incompatible particularly the residential uses. Because the area is primarily HB. Any request for zoning change I would be more inclined or comfortable knowing how the site would be developed (a special use request).

A. Paul Norby, AICP
Director of Planning