



DOCKET #: W2684
 (Continued from 3/11/04
 CCPB meeting)

PROPOSED ZONING:
 HB

EXISTING ZONING:
 RS9

PETITIONER:
 John F. Myers, M. Dianne Myers,
 and Stephen L. Hill for property
 owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRE(S): 8.29

MAP(S): 624882



DRAFT ZONING STAFF REPORT

DOCKET # W-2684
STAFF: Gary Roberts

Petitioner(s): John F. Myers, M. Dianne Myers and Stephen L. Hill
Ownership: Same

REQUEST

From: RS-9 Single Family Residential, (9,000 sf minimum lot size)
To: HB Highway Business

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: 8.29 acres

WITHDRAWAL REQUEST

The petitioner requested a continuance from the March 11, 2004 Planning Board meeting to the May 13, 2004 meeting in order to work with the neighbors and their concerns. However, on April 28, 2004, the petitioner requested to withdraw the petition. Planning staff recommends approval of the request.

LOCATION:

Street: Southeast corner of Germanton Road and Oak Summit Road.
Jurisdiction: City of Winston-Salem.
Ward: Northeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Multiple single family homes.

Adjacent Uses:

North- Single family residences and undeveloped property across Oak Summit Road zoned RS-9.

East- Oak Summit City Park zoned RS-9.

South- Large lot single family residential zoned RS-9.

West- Various small to large scale retail and service establishments zoned HB.

Northwest- Vulcan quarry zoned GI.

GENERAL AREA

Character/Maintenance: Mixture of moderate to well maintained single family residences and commercial uses.

Development Pace: Slow to moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No impact can be determined with a general use request.

Topography: Gentle to moderate slope downward from the north central section of the site to the southeastern section of the site.

Streams: The Forsyth County Topographical Map identifies an intermittent creek crossing the eastern section of the subject property.

Vegetation/habitat: The eastern half of the subject property is heavily vegetated.

Environmental Resources Beyond the Site: Because this is a general use petition, the impact to environmental resources beyond the site cannot be determined at this time.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Germanton Road and Oak Summit Road.

Street Classification: Germanton Road – Major Thoroughfare; Oak Summit Road – Minor Thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Germanton Road between Patterson Avenue and Oak Summit Road = 11,000 / 16,100

Oak Summit Road between Germanton Road and Ogburn Avenue = 4,900 / 16,100

Planned Road Improvements: Germanton Road from Cherry Street to Oak Hollow Road; from 2 lanes to 3 lanes; 2005 – 2014.

HISTORY

Relevant Zoning Cases:

1. W-2078; HB to GB; approved September 3, 1996; southwest corner of Patterson Avenue and Barlow Circle and adjacent to US 52; 10.48 acres; Planning Board and staff recommended approval.
2. W-1052; R-4 to R-2; withdrawn July 14, 1983; east side of Germanton Road, 300 feet south of Oak Summit Road, includes a portion of the current site; 2.7 acres; Planning staff recommended approval.
3. W-1012; R-4 to B-3 (HB); approved March 21, 1983; east side of Germanton Road, north of Patterson Avenue; 3.1 acres; Planning Board recommended approval, staff recommended approval of the first 600 feet of the total 1,050 foot depth.

4. W-923; R-4 to B-3 (HB); approved February 15, 1982; east side of Germanton Road, north of Patterson Avenue; 1.92 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): *Legacy* says that the current pattern of commercial strip development along thoroughfares should be replaced by more compact and pedestrian friendly development.

Area Plan/Development Guide: The subject property is not located within the boundaries of an area plan or development guide.

ANALYSIS

The subject request is to rezone 8.29 acres located on the southeast corner of Germanton Road and Oak Summit Road from RS-9 to HB. Presently located on the property are four single family homes. The adjacent properties to the south and north are similarly developed with single family residences and are zoned RS-9. Directly to the east is the Oak Summit Park zoned RS-9. The properties across Germanton Road are zoned HB and are developed with a variety of miscellaneous commercial uses including self storage facilities, McCullough Tile and a large strip commercial shopping center which has been converted to a flea market with access onto Germanton Road and Patterson Avenue.

The subject property is not located within the boundaries of an area plan or development guide. *Legacy* generally discourages strip commercial development.

Staff is concerned with issues of compatibility and impact regarding the subject request and its relationship to existing and potential future residential development in the general area. Although the development pattern along the western side of Germanton Road is clearly commercial in character, the eastern side north to Oak Summit Road is primarily single family residential. While these homes are across the street from extensive commercial activity, the elevated topography and substantial front setbacks help to maintain the continued viability of this area for residential purposes. Camden Ridge Drive, a street serving single family residences, was stubbed in 1998 only 250± feet south of the subject site for future development. To the north, along Oak Summit Road, there are seven existing single family homes, which directly abut the subject property. There is also a significant amount of undeveloped RS-9 property across Oak Summit Road as well as additional residential construction further east. Staff anticipates significant negative impacts to the continued viability of said residential development should the subject 8± acre HB request be approved. There would also be increased pressure to convert the remaining frontage properties into additional strip commercial development.

Secondly, the general area is already served with an abundance of HB and GB zoning, much of it remaining underutilized, particularly along Patterson Avenue. By creating an additional 8 ± acres of Highway Business zoned property, opportunities for the redevelopment of such properties becomes a less feasible reality. Staff sees the development of the subject property for residential purposes as contributing to a more sustainable and balanced development pattern

within the area as the market demand increases for quality neighborhood-serving commercial development.

Finally, staff has concerns of how HB zoning would interrelate with the City's investment in the adjacent Oak Summit Park. In 1996, as a result of a citywide annexation initiative, Oak Summit Park, which consists of 16.2 acres, was developed by the City of Winston-Salem at a cost of over \$450,000. Staff is concerned that the typical development which could occur on an 8± acre site of HB site, would not only fail to complement or enhance this important public facility, but may actually detract from its use and enjoyment by the public.

FINDINGS

1. *Legacy* states that the current pattern of commercial strip development along thoroughfares should be replaced by more compact and pedestrian friendly development.
2. The subject property is not located within the boundaries of an area plan or development guide.
3. The subject HB general use request would negatively impact the adjacent residential development and would open the door to more strip commercial development along the eastern side of Germanton Road and the southern side of Oak Summit Road.
4. The subject request would add an additional 8± acres of commercial property into an area which is already characterized by an abundance of commercially zoned property, much of which is underutilized.
5. The subject request may create a development pattern that could conflict with the public investment in Oak Summit Park.

STAFF RECOMMENDATION

Zoning: **WITHDRAWAL**.

PUBLIC HEARING REGARDING CONTINUANCE REQUEST

FOR: None

AGAINST:

Jo Frazier, 400 Neston Drive, Winston-Salem, NC 27105

- A lot of us took off work today and we'd like this case to be heard today.

Olene S. Booth, 312 Oak Summit Road, Winston-Salem, NC 27105

- I'm 79 years old and don't want to have this granted. I don't want this rezoned.

WORK SESSION

In response to a question by the Planning Board, John Richardson, attorney for petitioner stated that the continuance request is for two months because the petitioner believes that it will take that long to meet with neighbors. In addition; the petitioner is looking at recommendations which have already been expressed.

MOTION: Clarence Lambe moved continuance of the zoning map amendment to May 13, 2004.

SECOND: Jimmy Norwood

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None