DOCKET #: W2693

PROPOSED ZONING:
LB-S (Car Wash)

EXISTING ZONING:
NB

PETITIONER:
John Franklin Myers and Diane Myers for property owned by Same

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 0.41

MAP(S): 618890
June 23, 2004

John Franklin Myers and Mary Diane Myers
5201 Hwy 67 East
Boonville, NC 27011

RE: ZONING MAP AMENDMENT W-2693

Dear Mr. Myers and Ms. Myers:

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
Jack Stewart, 2008 Portia Lane, Kernersville, NC 27284
John Richardson, 1531-A Westbrook Plaza Drive, Winston-Salem, NC 27103
Terry Mohn, 5421 Nita Drive, Winston-Salem, NC 27105
Gurney Howard, 5552 Alma Drive, Winston-Salem, NC 27105
## ACTION REQUEST FORM

**DATE:** June 23, 2004  
**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 John Franklin Myers and Mary Diane Myers

### SUMMARY OF INFORMATION:

Zoning map amendment of John Franklin Myers and Mary Diane Myers from NB to LB-S (Car Wash): property is located on the northwest corner of University Parkway and Sunburst Circle (Zoning Docket W-2693).

### PLANNING BOARD ACTION:

**MOTION ON PETITION:** DENIAL  
**FOR:** CLARK, EICKMEYER, FOLAN, GLENN, NORWOOD  
**AGAINST:** KING, LAMBE, MULLICAN, SMITH  
**SITE PLAN ACTION:** CONFORMS
CITY ORDINANCE - SPECIAL USE

Zoning Petition of John Franklin Myers and Mary Diane Myers, Docket W-2693

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 NB to LB-S (Car Wash) the zoning classification of the following described property:

Tax Block 2043; Tax Lots 1-6

Section 2. This Ordinance is adopted after approval of the site plan entitled John Franklin Myers and Mary Diane Myers and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, to John Franklin Myers and Mary Diane Myers.

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 John Franklin Myers and Mary Diane Myers. 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 John Franklin Myers and Mary Diane Myers, (Zoning Docket W-2693). 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 LB-S (Car Wash), approved by the Winston-Salem City Council the _____ day of __________________, 20____" and signed, provided the property is developed in accordance with requirements of the LB-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 BUILDING PERMITS
  a. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
  b. Developer shall construct proposed structure in substantial compliance with the building elevations as shown on "Exhibit A". Exterior wall material shall consist of brick.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  b. Developer shall install minimum five (5) foot wide sidewalks along the frontage of University Parkway and Sunburst Circle.

• OTHER REQUIREMENTS
  a. Freestanding signage shall be limited to one (1) monument sign with a maximum height of five (6) feet.
ZONING STAFF REPORT

DOCKET #  W-2693
STAFF:  Gary Roberts

Petitioner(s):  John F. Myers and Mary D. Myers
Ownership:  Same

REQUEST

From:  NB Neighborhood Business District
To:  LB-S Limited Business District (Car Wash)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage:  0.41

LOCATION:

Street:  Northwest corner of University Parkway and Sunburst Circle.
Jurisdiction:  City of Winston-Salem.
Ward:  Northeast.

SITE PLAN

Proposed Use:  Car Wash.
Square Footage:  1,344 square feet.
Building Height:  One story.
Parking:  Required:  5 stacking spaces, 2 dry down and 2 other spaces; Proposed:  as required.
Bufferyard Requirements:  15 foot Type IV bufferyard adjacent to RS-9.
Vehicular Use Landscaping Standards Requirements:  UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site:  There are no structures on the subject property.
Adjacent Uses:

North-  Developed residential zoned RS-9
Northeast-  Car wash and dance studio zoned HB
East-  First Citizen’s Bank zoned HB
South-  BB&T Bank zoned LO
Southwest-  Developed residential zoned RS-9
West-  Sparse residential development zoned RS-9
GENERAL AREA

Character/Maintenance:  A mixture of generally well-maintained highway business, multifamily residential, and single-family residential uses.

Development Pace:  Moderate to rapid.

HISTORY

Relevant Zoning Cases:

1. W-2662; RS-9 to NB; approved February 2, 2004; northwest corner of University Parkway and Sunburst Circle (subject property); 0.41 acre; Planning Board recommended approval, staff recommended denial.

2. W-2577; RS-9 to LO-S (Professional Office; and Offices, Miscellaneous); approved October 7, 2002; west side of University Parkway south of Ziglar Road; 1.48 acres; Planning Board and staff recommended approval.

3. W-2448; RS-9 and HB to LO; approved February 5, 2001; south side of Sunburst Circle and northwest corner of University Parkway and Hanes Mill Road; 1.3 acres; Planning Board recommended approval, staff recommended denial.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features:  The proposed site plan will increase the amount of impervious surface on the site.

Topography:  Slight slope downward from the northeast corner of the site to the southwest corner of the site.

Streams:  No streams are on or near the subject property.

Vegetation/habitat:  The current topographic maps indicate the existence of some vegetation on the subject property, however, a recent site visit indicates that all the existing trees have been removed.

Environmental Resources Beyond The Site:  The proposed site plan should not significantly impact environmental resources beyond the site.

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

TRANSPORTATION

Direct Access to Site:  University Parkway; Sunburst Circle

Street Classification:  University Parkway – Minor Thoroughfare; Sunburst Circle – Local Road

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

University Parkway between Hanes Mill Road and Stanleyville Road = 21,000 / 32,200

Trip Generation/Existing Zoning:  NB

No trip generation rate available since site is currently vacant

Trip Generation/Proposed Zoning:  LB-S

2 stalls x 20.60 (Self-Service Car Wash/Saturday) = 41 Trips per Day
Planned Road Improvements: None.
Sight Distance: Good.
Sidewalks: No existing sidewalk along University Parkway. Developer proposes sidewalk along the frontage of University Parkway and staff is recommending sidewalk along the frontage of Sunburst Circle.
Transit: Routes 10 and 44 at University Parkway and Hanes Mill Road.
Bicycle Route: None

CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): Legacy promotes grouping commercial activities at compact development nodes. The North Summit Square Metro Activity Center was identified in Legacy in the general location of US 52 and University Parkway. The North Suburban Area Plan will identify more exactly the extent and location of this activity center. General design guidelines for the core and support area of these metro activity centers have been published by the City-County Planning Board and address circulation, parking, pedestrian access, building design and other design aspects of these developments.
Area Plan/Development Guide: Site is within the North Suburban Small Area Plan study area, which is still in progress, with no land use recommendations generated at this time.

ANALYSIS

The current request is to rezone a 0.41 acre tract of undeveloped land from NB to LB-S in order to construct a car wash. The property is located on the northwest corner of University Parkway and Sunburst Circle. The surrounding area consists of a variety of zoning districts, including LO to the south and RS-9 to the west and north. Multifamily residential, zoned RM-18, is located a half block further north and one tier of HB zoning is located across University Parkway.

The site is located in the Suburban Neighborhoods Growth Management Area (GMA 3) and is located to the north of the general location for a Metro Activity Center (MAC). The subject property is also within the North Suburban Small Area Plan study area, which is in the process of being developed, with no land use recommendations at this time.

In February of 2004, the subject property was rezoned from RS-9 to NB, W-2662. Planning staff opposed this request for multiple reasons, most of which remain relevant to the current request. For example, the residential neighborhood to the west of the subject property is comprised of relatively small and moderately well maintained houses. Given the subject property’s proximity to major highways and thoroughfares and the development pace of the general area, it is likely that this overall area could convert to a more comprehensively planned, mixed-used development. However, without a larger assemblage of land, and the proposed use of a car wash, staff is of the opinion that this petition could negatively impact this residential area and would interfere with a more comprehensive redevelopment of the neighborhood in the future.
In correlation is the proposed MAC location to the south. Planning staff has tried to prevent any additional piecemeal encroachment of commercial zoning to the north and on the west side of University Parkway. The LO zoning on the lot south of the subject site provides a stabilizing element and establishes a precedent that favors lower intensity mixed-use development in the area. The proposed LB-S request jumps over the southern LO office zoning with additional commercial zoning. In contrast, the proposed MAC location is intended to focus mixed-use, including additional retail commercial uses south of the subject property.

Staff notes the property owner is already afforded a relatively wide range of revenue generating activities on the site under the current NB zoning. Incrementally increasing the commercial intensity of these stand alone, frontage properties, (in the opposite direction of a proposed MAC), stifles and frustrates the opportunity for a comprehensively planned, mixed-use development and is contrary to the intent of Legacy. In addition, the subject request would have a negative impact on the adjacent neighborhood as it currently exists and would be presumptuous in light of the yet to be finalized North Suburban Small Area Plan.

FINDINGS

1. The site is located in the Suburban Neighborhoods Growth Management Area (GMA 3) and is located in close proximity to a Metro Activity Center (MAC).

2. The subject property is also within the North Suburban Small Area Plan study area, which is still being developed, with no land use recommendations available at this time.

3. The site is located along a major thoroughfare with many highway-oriented businesses in the area.

4. The site is also located adjacent to a small single family residential neighborhood which would be negatively impacted by an adjacent car wash.

5. Staff is concerned about the incremental expansion of stand alone, commercial uses in the opposite direction of a proposed MAC and leapfrogging over a limited office zoning district.

6. The subject request would hinder a comprehensively planned and mixed-use redevelopment within the greater area.

STAFF RECOMMENDATION

Zoning: DENIAL
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  b. Developer shall install sidewalks along the frontage of University Parkway and Sunburst Circle.

• OTHER REQUIREMENTS
  a. Freestanding signage shall be limited to one (1) monument sign with a maximum height of five (6) feet.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

John Richardson, 1531-A Westbrook Plaza Drive, Winston-Salem, NC 27103
  • I represent the petitioner.
  • The North Suburban Area Plan does not cover this lot.
  • It is reasonable and practical for the lot to be considered for its highest economic use.
  • This area is not exclusively residential or commercial. It is a mix.
  • This is a developing commercial area.
  • Referred to definition of LB District.
  • When you have an animal that walks like a duck and quacks like a duck, you have a duck.
  • This petition meets every criteria of the UDO required of an LB District. The question is whether it fits with the neighborhood which is developing commercial.
  • We're proposing a new, modern car wash to serve the area.
  • It merges in with the neighborhood's existing nature.
  • There's been no opposition from the neighbors to the north.
  • Staff's concerns are speculative in nature.

AGAINST:

Terry Mohn, 5421 Nita Drive, Winston-Salem, NC 27105
  • All zoning and development should be predicated on the need for that use. Up the street is a nice automatic car wash. Right around the corner is another nice, new car wash. There are three within seeing distance of each other.
  • I can't fathom why we need another car wash when we already have so many.
  • University Parkway is the most heavily traveled road on the north side of Winston-Salem.
  • We'd like to see more than little blocks of businesses that are going to come and go and end up run-down.
Gurney Howard, 5552 Alma Drive, Winston-Salem, NC  27105
  • Only a slight correction to what Terry mentioned. One of the car washes is still under
    construction, but we will soon have three car washes in a very small area.
  • It seems like some of the other needs of the community would be better met at this site
    than another car wash.

WORK SESSION

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

  • Clarence Lambe: It is wonderful to have an ideal scenario of one developer bringing in a
    large mixed use development. However, that's an ideal and it's questionable as to
    whether we should hold all development to multi-million dollar deals.
  • Gary Roberts: Putting this road-side lots first would make it hard to do a comprehensive
    plan for a larger tract.
  • The car wash would be automatic self-service.
  • Jimmy Norwood: There's a plan and we have to have some idea of where we're going
    with these things.
  • Clarence Lambe: Maybe we should look at the MAC boundaries because we've had
    several requests that are just north of the MAC boundaries. I still have a reservation
    about asking for assemblance of lots. We tend to favor large developments and that
    discriminates against small business owners. Paul Norby: We don't universally say that
    properties have to be amassed in a large area. The east side of University consists of
    small lots. The only issue for us is where it starts to nibble its way toward a residential
    area and we simply need to carefully plan the transition.
  • Carol Eickmeyer: A car wash is not a transition use.
  • Brenda Smith: It seems that the boundaries for the MAC have already been set.
  • Carol Eickmeyer: If we're in planning, could we not look ahead and consider what we're
    doing to the community that's out there?
  • Paul Norby: This site is within the North Suburban Area Plan which is in mid-progress.
    We hope to have recommendations of the plan by mid-summer/early fall.

Jack Stewart, 2008 Portia Lane, Kernersville, NC  27284
  • It is a drive-through automatic system.
  • Showed illustration.
  • Our client deals with automobiles. He could actually put a car maintenance facility there.

Gary Roberts: A car maintenance facility is not allowed in this Growth Management Area. A
bank would be allowed, however a drive-through would not be allowed.

MOTION: Dara Folan moved denial of the zoning map amendment.
SECOND: Jimmy Norwood
VOTE:
  FOR: Clark, Eickmeyer, Folan, Glenn, Norwood
  AGAINST: King, Lambe, Mullican, Smith
  EXCUSED: None
SITE PLAN MOTION: Dara Folan certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jerry Clark
VOTE:
   FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
   AGAINST: None
   EXCUSED: None

Written Comments from Planning Board Members:

Carol Eickmeyer: Significant traffic issues - impact from anticipated housing - no plan in place - not to mention the glut of car washes in the area.

Dara Folan: The Planning Board should not have approved the change of this zoning to NB. We should try to prevent any additional piecemeal encroachment of commercial zoning to the north and west of University. Accordingly, I can't support an incremental intensive use to LB-S. Let's wait for the area plan to be finalized.

Lavastian Glenn: The North Suburban Small Area Plan is in progress and we need to try to put zoning in place that supports comprehensive planning when possible. Also, the residents made a good argument about not needing any more car washes.

Jimmy Norwood: My concern is the rezoning of property without planning. This request is in my opinion an example of why not to rezone without planning.

__________________________
A. Paul Norby, AICP
Director of Planning