DOCKET #: W2734
PROPOSED ZONING:
HB-S (Commercial Retail and Office Uses)

EXISTING ZONING:
HB and RS-9

PETITIONER:
Paul E. Burke, T. Wake Burke, Doris Burke Todd, Darla Morgan Johnson, and William A. Burke for property owned by Same

SCALE: 1" represents 400’
STAFF: Marchant N
GMA: 3
ACRE(S): 2.57
MAP(S): 600850
November 19, 2004

Paul E. Burke, et al.
211 Peacehaven Road N.
Winston-Salem, NC  27104

RE:  ZONING MAP AMENDMENT W-2734

Dear Mr. Burke:

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
G. Emmett McCall, P. O. Box 21029, Winston-Salem, NC  27120-1029
Craig Winnall, 209 W. Stone Avenue, Greenville, SC  29609
**ACTION REQUEST FORM**

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<th>DATE:</th>
<th>November 19, 2004</th>
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<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
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<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
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**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Paul E. Burke, et al., T. Wake Burke, Doris Burke-Todd, Darla Morgan Johnson and William A. Burke

**SUMMARY OF INFORMATION:**

Zoning map amendment of Paul E. Burke, et al., T. Wake Burke, Doris Burke-Todd, Darla Morgan Johnson and William A. Burke from HB and RS-9 to HB-S [Arts and Crafts Studio; Food and Drug Store; Furniture and Home Furnishings Store; Hardware Store; Restaurant (without drive through services); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Professional Offices; Services Business A; and Government Offices]: property is located on the north side of Country Club Road across from Southwin Drive (Zoning Docket W-2734)

**PLANNING BOARD ACTION:**

<table>
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<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
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<td>FOR:</td>
<td>UNANIMOUS</td>
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<td>AGAINST:</td>
<td>NONE</td>
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<td>SITE PLAN ACTION:</td>
<td>CONFORMS</td>
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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 and RS-9 to HB-S [Arts and Crafts Studio; Food and Drug Store; Furniture and Home Furnishings Store; Hardware Store; Restaurant (without drive through services); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Professional Offices; Services Business A; and Government Offices] the zoning classification of the following described property:

Tax Lot 61B, Tax Block 3905

Section 2. This Ordinance is adopted after approval of the site plan entitled Paul E. Burke, et al., T. Wake Burke, Doris Burke-Todd, Darla Morgan Johnson and William A. Burke and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, to Paul E. Burke, et al., T. Wake Burke, Doris Burke-Todd, Darla Morgan Johnson and William A. Burke.
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 Paul E. Burke, et al., T. Wake Burke, Doris Burke-Todd, Darla Morgan Johnson and William A. Burke. 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 Paul E. Burke, et al., T. Wake Burke, Doris Burke-Todd, Darla Morgan Johnson and William A. Burke, (Zoning Docket W-2734). 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 HB-S [Arts and Crafts Studio; Food and Drug Store; Furniture and Home Furnishings Store; Hardware Store; Restaurant (without drive through services); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Professional Offices; Services Business A; and Government Offices], approved by the Winston-Salem City Council the ______ day of ____________________, 20____" and signed, provided the property is developed in accordance with requirements of the HB-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 GRADING PERMITS
  a. Driveway permit shall be issued by the North Carolina Department of Transportation. NCDOT reserves the right to require right-of-way dedication and improvements prior to issuance of driveway permits.
  b. Developer shall have a storm water management plan submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineering storm water management plan shall be submitted and approved by the City of Winston-Salem Public Works Department.
  c. Encroachment in the floodway fringe should be resolved with the Erosion Control Officer.
• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall install a fire hydrant to the specifications of the City of Winston-Salem Fire Department.
  b. Sidewalks and curbs damaged during construction shall be replaced.
  c. Construct a sidewalk along Country Club Road to the specifications of both NCDOT and WSDOT.

• OTHER REQUIREMENTS
  a. The enclosure for the dumpsters must be at least 24 feet wide, per City Ordinance.
  b. Freestanding signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.
ZONING STAFF REPORT

DOCKET #   W-2734
STAFF:    Bret Marchant

Petitioners: Paul E. Burke, et al., T. Wake Burke, Doris Burke Todd, Darla Morgan Johnson, and William A. Burke
Ownership: Same

REQUEST

From:    HB and RS-9
To:      HB-S [Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Professional Office; Services, Business A; and Government Offices]

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

Acreage: 2.57 acres

LOCATION:

Street: North side of Country Club Road, across from Southwin Drive
Jurisdiction: City of Winston-Salem
Ward: West

SITE PLAN

Proposed Use: HB-S (Multiple Business and Office Uses)
Square Footage: Total of 16,414 sq ft in two buildings.
Building Height: One story
Parking: Required: 82; Proposed: 90; Layout: The majority of the parking is located to the rear or side of the proposed structures.
Bufferyard Requirements: Type II required adjacent to RM8 zoning.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: A vacant one-story commercial building is located on the western section of the site. A vacant single-family structure is also located on the subject property east of the commercial structure.
Adjacent Uses:

North and East – Sedgefield apartment complex is located directly north and east of the subject property.

South – A Texaco gas station is located across Country Club Road south of the subject property. A shopping center with an Eckerd Pharmacy, a Food Lion grocery store, and a few other smaller tenants is located south-southeast of the subject property.

West – An aging commercial structure is located just west of the subject property. A sizeable number of storage units are located to the northwest of the subject property.

GENERAL AREA

Character/Maintenance: The general area is a mix of well-maintained commercial, multi-family, and residential properties. Some aging commercial structures are also located in this area.

Development Pace: Moderate to High

HISTORY

Relevant Zoning Cases:

1. W-2530; RS-9, RM-18, and HB to PB-S (Shopping Center, Townhouse); approved March 25, 2002; southeast corner of Country Club Road and Peace Haven Road; Planning Staff and Board recommended approval.

2. W-1570; R-5 and B-3 to B-3-S (Multiple Business Uses - TWO PHASE); approved June 5, 1989; southeast corner of Country Club Road and Ryandale Road; The Planning Staff and Board recommended approval.

3. W-1383; R-5 and B-3 to B-3-S (Stores or Shops, Retail); approved October 6, 1986; west side of Southwin Drive approximately 275 feet south of Country Club Road. Planning staff initially recommended denial due to site plan concerns. Site plan concerns were addressed and Planning staff and Board recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: This proposal will remove a large portion of the existing vegetation. Grading and filling in the floodplain will also alter the site’s existing physical characteristics.

Topography: The subject property’s elevation changes by a total of 32 feet, rising from about 770 feet in the northwest corner of this site up to about 802 feet in the east-central section of the site.

Streams: Silas Creek is located approximately 350 feet west of the subject property.

Vegetation/habitat: The portion of the subject property currently zoned RS-9 is almost completely covered with vegetation.
Floodplains: A portion of the floodway fringe from Silas Creek is located on the subject property. This proposal will fill in part of the floodplain to build the proposed structures and parking on the western section of the property.

Wetlands: USGS maps identify a PFO1A (Palustrine, Forested, Broad Leaved, Deciduous, Temporary Flooded) wetland that appears to be located just to the northwest of the subject property. The petitioner should determine the exact location of this wetland.

Winston-Salem West Quad

Environmental Resources Beyond the Site: This proposal will fill in part of the floodplain and increase the amount of impervious surface near the floodplain and Silas Creek. The proposed site plan indicates a possible storm water management area to help alleviate potential problems.

Water Supply Watershed: The subject property is not located in a water supply watershed. Compliance with Federal/State requirements for wetland/stream protection: The petitioner is responsible for complying with all Federal and State wetland and stream protection regulations.

TRANSPORTATION

Direct Access to Site: Country Club Road; Southwin Drive
Street Classification: Country Club Road – Major Thoroughfare; Southwin Drive – Local Road
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): Country Club Road between Jonestown and Peace Haven Roads = 19,000 / 18,500.

Trip Generation/Existing Zoning: HB and RS-9
No trip rate is available for existing HB general uses. However, the proposed site plan does not include some high traffic generators allowed under HB zoning, such as a restaurant with drive-through service.

1.39 x 43,560/9,000 = 6 units x 9.57 (SFR Trip Rate) = 57 Trips per Day.

Trip Generation/Proposed Zoning: HB-S
16,141/1,000 x 40.67 (Specialty Retail Trip Rate) = 656 Trips per Day.

Planned Road Improvements: Country Club Road between Jonestown and Peace Haven Roads; from 3 lanes to 4 lanes; 2005-2014.

Traffic Impact Study recommended: A TIS may be required if some of the proposed uses comprise certain amounts of the future square footage on the site.

Sidewalks: An existing sidewalk is located along the south side of Country Club Road.
Transit: Route 12 along Country Club Road.
Bicycle Route: Route 1, Silas Creek Loop, along Country Club Road.

CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods (GMA 3)
Relevant Comprehensive Plan Recommendation(s): The Legacy Plan recommends the development of compact, walkable, mixed-use commercial activity centers.

Relevant Development Guide Recommendation(s): The Country Club/Jonestown Area Plan recommends that the subject property be developed for commercial uses.
HISTORIC RESOURCES REVIEW

Known Historic Resources: The single-family structure is not identified as a significant historic resource.

ANALYSIS

This petition is to rezone 2.57 acres of land on the north side of Country Club Road across from Southwin Drive from HB and RS-9 zoning to HB-S [Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Professional Office; Services, Business A; and Government Offices].

Currently, an aging one story commercial structure and a single-family structure built in 1920 are located on the subject property. The single-family structure is not identified as a significant historic resource. The submitted site plan proposes a total of 16,414 sq ft of retail space separated into two buildings. A single-tenant structure is shown to be located on the southeast section of the site and a multi-tenant structure is to be located along the property’s western border.

The Country Club/Jonestown Area Plan recommends for this property to be developed for commercial use. By providing pedestrian amenities and by placing most of the parking to the side and rear of the structures, the proposed site plan helps to address some of the Area Plan’s concerns about the spread of conventional strip commercial development along Country Club Road.

This section of Country Club Road from Southwin Drive west to Peace Haven Road contains a variety of successful commercial enterprises. While new developments here have increased competition for commercial tenants, this section of Country Club Road is a highly traveled thoroughfare in a growing area of Winston-Salem. Widening of Country Club Road from three to four lanes is scheduled for the near future, with the exact time of construction dependent upon funding allocations. This proposed development has potential to serve the needs of nearby residents and of individuals traveling along Country Club Road.

FINDINGS

1. The Country Club/Jonestown Area Plan recommends for this property to be developed for commercial use.

2. The subject property is located in an area containing a variety of commercial uses.

3. The subject property is located in a growing area of Winston-Salem along a highly traveled thoroughfare.
STAFF RECOMMENDATION

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

• PRIOR TO THE ISSUANCE OF GRADING PERMITS
  a. Driveway permit shall be issued by the North Carolina Department of Transportation. NCDOT reserves the right to require right-of-way dedication and improvements prior to issuance of driveway permits.
  b. Developer shall have a storm water management plan submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineering storm water management plan shall be submitted and approved by the City of Winston-Salem Public Works Department.
  c. Encroachment in the floodway fringe should be resolved with the Erosion Control Officer.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall install a fire hydrant to the specifications of the City of Winston-Salem Fire Department.
  b. Sidewalks and curbs damaged during construction shall be replaced.
  c. Construct a sidewalk along Country Club Road to the specifications of both NCDOT and WSDOT.

• OTHER REQUIREMENTS
  a. The enclosure for the dumpsters must be at least 24 feet wide, per City Ordinance.
  b. Freestanding signage shall be limited to one (1) monument sign with a maximum height of six (6) feet.

PUBLIC HEARING

FOR: None
AGAINST: None

WORK SESSION

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

FOR: Clark, Eickmeyer, King, Lambe, Mullican, Norwood, Smith
AGAINST: None
EXCUSED: None

_____________________
A. Paul Norby, AICP
Director of Planning