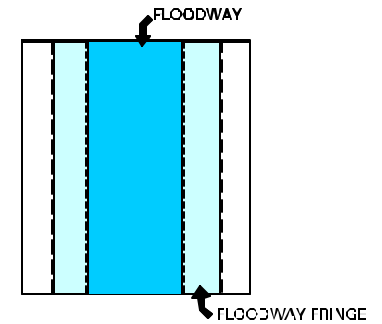


DOCKET #: W2592
 (Continued from 12/11/02
 CCPB meeting)

PROPOSED ZONING:
 HB-S (Multiple Uses)

EXISTING ZONING:
 RS7, HB, and HB-S

PETITIONER:
 Victor I. Flow, Jr.



SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRE(S): 3.88

MAP(S): 630842, 630846



January 22, 2003

Victor I. Flow, Jr.
2755 Old Town Club Road
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2592

Dear Mr. Flow:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Don Speight, 1425 Plaza Drive, Winston-Salem, NC 27103
Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103
Dorothy Widener, 2712 Lovedale Avenue, Winston-Salem, NC 27127
Dena Robinson, 2334 Konnoak View Drive, Winston-Salem, NC 27127
Lady R. Willhelm, 3612 Cash Drive, Winston-Salem, NC 27107
Sue Stanley, P. O. Box 10308, Winston-Salem, NC 27108
Leslie Kamtman, 29 Gloria Avenue, Winston-Salem, NC 27127

ACTION REQUEST FORM

DATE: January 22, 2003
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Victor I. Flow, Jr. and C. W. Myers

SUMMARY OF INFORMATION:

Zoning map amendment of Victor I. Flow, Jr. and C. W. Myers from RS-7, HB, and HB-S (Parking, Commercial) to HB-S (Implement Sales and Service; Motorcycle Dealer; Outdoor Display Retail; Wholesale Trade A; Building Contractors, General; Car Wash; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Storage Yard; Non-Store Retailer; Offices, Miscellaneous; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; School, Vocational or Professional; Storage and Salvage Yard; Park and Shuttle Lot; and Parking, Commercial): property is located on the northeast corner of Wells Street and Freeman Street (Zoning Docket W-2592).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, BOST, CLARK, DOYLE, KING, NORWOOD
AGAINST: FOLAN, GLENN, POWELL
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Victor I. Flow, Jr. and C. W. Myers, Docket W-2592

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 Board of Aldermen 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, HB-S (Parking, Commercial), and RS-7 to HB-S (Implement Sales and Service; Motorcycle Dealer; Outdoor Display Retail; Wholesale Trade A; Building Contractors, General; Car Wash; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Storage Yard; Non-Store Retailer; Offices, Miscellaneous; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; School, Vocational or Professional; Storage and Salvage Yard; Park and Shuttle Lot; and Parking, Commercial) the zoning classification of the following described property:

Tax Block 6071, Tax Lot 2
Tax Block 708A, Tax Lot 201

Section 2. This Ordinance is adopted after approval of the site plan entitled Victor I. Flow, Jr. and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Victor I. Flow, Jr. and C. W. Myers.

Section 3. The Board of Aldermen 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 Victor I. Flow, Jr. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Victor I. Flow, Jr. and C. W. Myers, (Zoning Docket W-2592). The site shall be developed in accordance with the plan app HB-S (Implement Sales and Service; Motorcycle Dealer; Outdoor Display Retail; Wholesale Trade A; Building Contractors, General; Car Wash; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Storage Yard; Non-Store Retailer; Offices, Miscellaneous; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; School, Vocational or Professional; Storage and Salvage Yard; Park and Shuttle Lot; and Parking, Commercial)roved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for, approved by the Winston-Salem Board of Aldermen 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. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Petitioner shall record a bufferyard easement along the eastern property line where necessary.

- **PRIOR TO THE ISSUANCE OF OCCUAPANCY PERMIT**
 - a. Petitioner shall install 20' & 30' type IV bufferyards along the northern property line as shown on site plan.

- **OTHER REQUIREMENTS**
 - a. No additional signage shall be permitted.
 - b. External lighting shall be shoebox style.
 - c. Any new chain link fencing shall be black or green vinyl coated.
 - d. The parking lot is restricted to employee parking only.

ZONING STAFF REPORT

DOCKET # W-2592
STAFF: Gary Roberts

Petitioner(s): Victor I. Flow, Jr. and C. W. Myers
Ownership: Same

CONTINUANCE HISTORY

This case was continued from the December 12, 2002, Planning Board meeting to the January 9, 2003, Planning Board meeting at the request of the petitioner.

REQUEST

From: RS-7 Residential Single Family District; minimum lot size 7,000 sf, HB-S Highway Business District (Parking, Commercial) and HB Highway Business District
To: HB-S Highway Business District (Implement Sales and Service; Motorcycle Dealer; Outdoor Display Retail; Wholesale Trade A; Building Contractors, General; Car Wash; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Storage Yard; Non-Store Retailer; Offices, Miscellaneous; Services, Business A; Services, Business B; Storage Services, Retail; Testing and Research Lab; Warehousing; School, Vocational or Professional; Storage and Salvage Yard; Park and Shuttle Lot; and Parking, Commercial)

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

Acreage: 3.88 acres

LOCATION

Street: Northeast corner of Wells Street and Freeman Street.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: Multiple automotive service related uses including surface parking.
Square Footage: 37,226 square feet of total building area (21,693 existing; 16,753 proposed).

Building Height: One commercial story.

Parking: Required: 54 spaces; proposed: 111 spaces.

Bufferyard Requirements: 15 foot type IV bufferyard adjacent to RS-7.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Two multiple bay, service buildings and one paint booth building.

Adjacent Uses:

North - Church zoned RS-7.

Northeast - Single family residential zoned RS-7.

East - Undeveloped property zoned RS-7-S and single family residential zoned RS-7.

South - Car dealership zoned HB.

West - Single family residential zoned RS-7.

Northwest - Single family residential zoned RS-7.

GENERAL AREA

Character/Maintenance: Area consists of well to moderately well maintained residential homes with high intensity commercial uses on a portion of the subject property and to the south.

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Substantial removal of vegetation and grading to accommodate proposed improvements shown on site plan.

Topography: The subject property has an elevation of 814' near the center of the site. There is an approximate change in elevation to the north of 28' (from an approximate elevation 814' in the center down to an elevation of 784' in the north). There is an approximate change in elevation to the south of 14' (from an approximate elevation of 814' in the center down to an elevation of 800' in the south). The proposed project is composed of two distinct areas - the portion of the lot with the service area which is to be at the approximate grade of Wells Street and a northern terraced area which is to be ten (10) feet above the elevation of Wells Street. The applicant has attempted to utilize the existing natural contour to meet their desired program needs. Great care should be exercised to minimize disturbance along the eastern property line when the retaining wall is installed. Likewise, the grading contractor should ensure that there is adequate erosion control measures along the northern limits of the proposed grading to ensure protection of the Parkway Branch tributary.

Streams: There is a tributary of Parkway Branch located along the northern property line of the subject property.

Vegetation/habitat: There is a well-vegetated area located in the center of the site. This vegetation is shown to be removed on the proposed plans.

Environmental Resources Beyond Site: The proposed improvements will result in the subject property being over 65% impervious. Great care should be taken to properly design the storm drainage system to ensure that water quality is maintained and enhanced. The number of parking spaces proposed on the plans far exceeds the number recommended the UDO. The elimination of some, if not all of the parking spaced in the upper lot would significantly reduce the amount of impervious surface on the site, thus improving infiltration (and water quality).

Water supply watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Wells Street; Brookline Street; Freeman Street; Konnoak View Drive.
Street Classification: Wells Street - local road; Brookline Street - local road; Freeman Street - local road; Konnoak View Drive - collector.

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

No counts available for any of the subject roads.

Trip Generation/Existing Zoning: RS-7, HB, HB-S

$1.325 \times 43,560/7,000 = 8$ units $\times 9.57 = 76$ trips + 18 bays $\times 2.17$ (Trip Rate for Automotive Care Center) = 39 trips = 115 Total Trips per Day

Trip Generation/Proposed Zoning: HB-S

No ITE Trip Generation Rate for parking lot expansion; 21,693 existing square feet/1,000 $\times 18.36$ (Junior/ Community College Trip Rate which Vocational or Professional School would be classified as in the 6th Edition of the ITE Trip Generation Manual) = 398 trips per day.

Traffic Impact Study recommended: No TIS recommended or required.

Sidewalks: Existing along west side of Konnoak View Drive.

HISTORY

Relevant Zoning Cases:

1. W-2581; RS-7 to IP-S (Government Offices); approved November 4, 2002; north side of Silas Creek Parkway, east of Konnoak View Drive; 9.05 acres; Planning Board and staff recommended approval.
2. W-1557; R-4 to R-4-S (Dwelling, Single Family); approved January 3, 1989; east and west sides of Konnoak View Drive north of Hollyrood Drive intersection, adjacent to northeast corner of subject property; 0.86 acre; Planning Board and staff recommended approval.

3. W-1545; R-4 to B-3-S (Parking Area); approved January 3, 1989; west side of Konnoak View Drive north of Wells Street, portion of subject property; 1.66 acres; Planning Board and staff recommended approval.
4. W-1369; R-4 to B-3; withdrawn June 12, 1986; west side of Konnoak View Drive north of Hollyrood Street; 2.47 acres; no recommendation listed in docket.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Urban Neighborhoods (GMA 2).

Relevant Comprehensive Plan Recommendation(s): Protect residential areas from inappropriate commercial and industrial encroachment. Promote economic development that is compatible with existing residential neighborhoods and other business developments.

Area Plan/Development Guide: *Washington Park Development Guide*, adopted 1988; also within the boundaries of the *South Central Area Plan*, adopted by the CCPB in October 2002 and pending action by the Board of Aldermen.

Relevant Development Guide Recommendation(s): The *Washington Park Development Guide* recommends Residential, Moderate Density (0-8 du/ac) for the site. The plan specifically noted this site in the "Issue Identification" Section. The Recommendations Section states: "no further commercial development (should) be permitted along Konnoak Drive from Silas Creek Parkway."

The *South Central Area Plan*, (*SCAP*), recommends this site for Residential, Low Density (up to 5 du/ac.).

ANALYSIS

The subject request is to rezone 3.88 acres located on the north side of Wells Street between Konnoak View Drive and Freeman Street from RS-7, HB-S and HB to HB-S. Currently located on the southern HB portion of the subject property are three structures which accommodate the motor vehicle, repair and maintenance area along with the storage yard and body and paint shop for Flow Automotive Companies. The central portion of the property was rezoned from single family residential to HB-S in 1989 for parking area only. The northern 1.42 acres of the site is currently undeveloped and zoned RS-7.

The surrounding development pattern includes an auto dealership zoned HB to the south. Additionally, single family residences and a neighborhood church zoned RS-7 along with five undeveloped lots zoned RS-7-S abut the western, northern and eastern sides of the site.

The proposed site plan shows an expansion of off street parking by an additional 57 spaces. The bulk of this expansion is proposed to occur on the most elevated northern portion of the site which is now zoned RS-7. Also included is a driveway connection to access the proposed

commercial parking lot off Brookline Street. The list of requested uses is relatively extensive including numerous automobile related uses such as paint and body shop, salvage yard and car wash.

In 1989, (see W-1545), staff supported the northward extension of commercial zoning for the automotive use primarily because of the topographic and vegetative characteristics of the site. The approved HB-S parking area is located in a bowl shaped land form which is 10-14 feet below the grade of the adjacent single family homes and clearly relates topographically to said commercial operation along Wells Street. This factor, along with preservation of the evergreen and deciduous trees and undergrowth, provided a reasonable acoustic and visual buffer between the residential neighborhood and the intense automotive repair work taking place on the subject property. The current request would, however, remove the existing mature trees which now surround the western and northern sides of the automotive maintenance area and construct a new parking lot on the northern plateau of the site with a vehicular entrance connecting onto the residential Brookline Street. The proposal therefore represents not only a geographic intrusion northward into the surrounding RS-7 neighborhood, but also a topographic and visual intrusion as well.

Both the existing *Washington Park Development Guide* and the proposed *South Central Area Plan*, (adopted by the Planning Board on October 24, 2002) recommend the northern, most elevated portion of the subject property remain residential. The development guide identifies "a lack of residential rehabilitation along with conflicting infill development" as some of the major issues for the immediate area. This remains a concern today and staff sees an extension of commercial parking further into this somewhat fragile residential area as further accentuating this conflict. Such an encroachment could further destabilize these edge residential properties of Washington Park and work to discourage future residential reinvestment in this older neighborhood.

Staff recognizes the growing parking needs of the petitioner. One less intrusive and more convenient alternative would be a widening of Wells Street to accommodate on-street parking on both sides. While this measure would not result in an additional 57 spaces, and the spaces could legally be used by any citizen, it would permit a reasonable increase in parking accommodations without encroaching further into the surrounding neighborhood. Another alternative might be expansion of automobile related uses westward into the existing developed commercial over area.

FINDINGS

1. *Legacy* recommends protection of residential areas from inappropriate commercial and industrial encroachment.
2. *Washington Park Development Guide* and the proposed *South Central Area Plan*, recommend residential uses for the northern portion of the subject property.

3. The subject request represents a substantial topographic and horizontal geographic intrusion into an already threatened residential neighborhood.

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 GRADING PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
 - b. Vegetation within 20 feet of the entire western property line along Freeman to remain undisturbed and shall be flagged in the field.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Petitioner shall record a bufferyard easement along the eastern property line where necessary.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Petitioner shall install 20' & 30' type IV bufferyards along the northern property line as shown on site plan.
- **OTHER REQUIREMENTS**
 - a. No additional signage shall be permitted.
 - b. No driveway access onto Freeman Street shall be permitted.
 - c. No additional external lighting shall be permitted.
 - d. Any new chain link fencing shall be black or green vinyl coated.

PUBLIC HEARING - December 12, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Philip Doyle moved continuance of the zoning map amendment and site plan to January 9, 2003.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, Glenn, King, Powell

AGAINST: None

EXCUSED: None

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Don Speight, 1425 Plaza Drive, Winston-Salem, NC 27103

I represent Flow Automotive.

In a nutshell, what we want to do is build a building to house the paint business that we are have outside. To do this properly we must encroach into the part that is zoned special use. We would be able to put the paint booths that are inside the present building into this building and take the three that are outside and put them into the building. This would be on the first portion of the land.

The second portion is across the hill. It's a grown up area adjoining the neighborhood. We'd like to fence this in, enter it from Freeman Street, and pave it, curb & gutter it, put storm, sewer, and light it, and make a parking lot for our present employees. If we could do this and build a new building, I think we could employ probably twelve more people. Right now we just don't have a place to park them.

There are a lot of uses that we looked at. We already do most of these things. We don't plan to increase doing anything that's not there, but it simply says we want to run a body shop and an auto repair shop there.

It's not in a watershed, but we do intend to protect the stream that is there.

We do have students from time to time who come after school to work and learn the trade which is why the use "school" is there.

We met with the neighborhood. We explained what we wanted to do and basically got the approval of the neighborhood. The pastor of Jackson Street Baptist Church sent a letter saying they did not oppose what we intend to do.

We would like to light it, but would only light it at street level. We don't want the bright lights of a sales level that we may have. We do think it would be best for the neighbors and our employees to have light.

We would also like to enter Freeman Street as we have planned.

We've outlined a building as large as possible, but I don't think we're going to build a building nearly that big. We just want to get our paint booths out of the metal shop where we can have new paint booths which are much more environmental friendly. They reduce air pollution slightly and noise pollution significantly.

Steve Causey, Allied Design, 4720 Kester Mill Road, Winston-Salem, NC 27103

The building will still be topographically isolated from the adjoining property owners.

We are required to revegetate what we remove of the buffers during the building process.

Flow Properties owns four of the lots that adjoin to the east.

The church and creek provide natural barriers from further encroachment. Freeman Street also provides a barrier to the west.

The parking lot will be revegetated.

Regarding on-street parking, there are several hinderances: steep slopes, retaining walls, and frequent curb cuts. I don't feel that's a viable option.

Dorothy Widener, 2712 Lovedale Avenue, Winston-Salem, NC 27127

We are in agreement with this. There have been some safety issues for the area in the back and we will benefit from having the fencing and lighting.

Dena Robinson, 2334 Konnoak View Drive, Winston-Salem, NC 27127

My property backs right up to this site.

We think this will be safer for the environment and for us personally.

We support this rezoning.

Lady R. Willhelm, 3612 Cash Drive, Winston-Salem, NC 27107

I represent the heirs of Louise Z. Robinson that own 2334 Konnoak View Drive. She purchased her property in 1960 and from that time to the present this site has been overgrown. It is periodically cleaned, but it is immediately used as a dumping ground again.

My nephew and his family live there and I feel it is unsafe for them.

A chain link fence with slats, paving, and lighting will greatly reduce the danger.

AGAINST:

Sue Stanley 31 Park Blvd, Winston-Salem, NC 27127

Mailing Address: P. O. Box 10308, Winston-Salem, NC 27108

I represent the other residents of Washington Park. We oppose the rezoning of this area.

It has been the aim of our association to protect the neighborhood from encroaching businesses in accordance with the *Washington Park Development Guide*.

We think any further business development would be detrimental.

Leslie Kamtman, 29 Gloria Avenue, Winston-Salem, NC 27127

I represent the Washington Park Neighborhood Association. We oppose this rezoning because there should be no further encroachment of commercial development here as stated in the *Washington Park Development Guide*.

Additional reasons we oppose this rezoning include the following:

The association is concerned about the negative impact this would have on the property values on the residential homes in the immediate area.

The increase in traffic on Konnoak View Drive, Hollyrood, Freeman Street and Brookline Street is a great concern.

The proposed commercial parking lot and its impact on the surrounding residential area.

The removal of existing vegetation including mature trees is unacceptable.

The impact of external lighting and an increase in noise from parking lot, loud speakers, traffic, and service areas is unacceptable for the surrounding area.

The proposed use is unacceptable to encroach upon the existing area.

WORK SESSION

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

1. Petitioner will volunteer condition that back parking area is just for employee parking.
2. The petitioners considered accessing the back parking area through the existing developed portion of the site, but the grade change was prohibitive.

MOTION: Arnold King moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the additional conditions that the back parking lot is restricted to employee use only, shoe-box lighting is the type provided, and vinyl fencing will be provided.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood

AGAINST: Folan, Glenn, Powell

EXCUSED: None

A. Paul Norby, AICP
Director of Planning