



DOCKET #: W2593
 (Continued from 12/11/02
 CCPB meeting)

PROPOSED ZONING:
 HB-S (Outdoor Display
 Retail; Motor Vehicle,
 Repair and Maintenance;
 Motor Vehicle, Body or
 Paint Shop)

EXISTING ZONING:
 LB

PETITIONER:
 Ayman A. Zendah and James
 L. Lindsay, Jr.

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 2.26

MAP(S): 630834



January 22, 2003

Ayman A. Zendah and James L. Lindsay, Jr.
4766 Winslow Lane
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT W-2593

Dear Mr. Zendah and Mr. Lindsay:

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

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 Ayman A. Zendah and James L. Lindsay, Jr.

SUMMARY OF INFORMATION:

Zoning map amendment of Ayman A. Zendah and James L. Lindsay, Jr. from LB to HB-S (Outdoor Display Retail; Motor Vehicle, Body or Paint Shop; and Motor Vehicle, Repair and Maintenance; Building Materials Supply; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales and Service; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Medical or Dental Laboratory; Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Recreation Services, Indoor; Building Contractors, General; Motor Vehicle, Storage Yard; Offices, Miscellaneous; Storage Services, Retail; Warehousing; and School, Vocational or Professional): property is located on the northwest side of Main Street across from Cornell Boulevard (Zoning Docket W-2593).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Ayman A. Zendah and James L. Lindsay, Jr., Docket W-2593

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 LB to HB-S (Outdoor Display Retail; Motor Vehicle, Body or Paint Shop; and Motor Vehicle, Repair and Maintenance; Building Materials Supply; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales and Service; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Medical or Dental Laboratory; Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Recreation Services, Indoor; Building Contractors, General; Motor Vehicle, Storage Yard; Offices, Miscellaneous; Storage Services, Retail; Warehousing; and School, Vocational or Professional) the zoning classification of the following described property:

Tax Block 1394, Tax Lots 101A, 101B, and 105

Section 2. This Ordinance is adopted after approval of the site plan entitled Ayman A. Zendah and James L. Lindsay, Jr. and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Ayman A. Zendah and James L. Lindsay, Jr.

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 Ayman A. Zedah and James L. Lindsay, 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 Ayman A. Zendah and James L. Lindsay, Jr., (Zoning Docket W-2593). 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 (Outdoor Display Retail; Motor Vehicle, Body or Paint Shop; and Motor Vehicle, Repair and Maintenance; Building Materials Supply; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales and Service; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Medical or Dental Laboratory; Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Recreation Services, Indoor; Building Contractors, General; Motor Vehicle, Storage Yard; Offices, Miscellaneous; Storage Services, Retail; Warehousing; and School, Vocational or Professional), 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:

• **OTHER REQUIREMENTS**

- a. No additional freestanding signage shall be permitted.
- b. Northwest corner of site shown as being undeveloped shall be planted with additional evergreen and deciduous vegetation for screening purposes as shown on the site plan and not used for motor vehicle storage or salvage purposes.

ZONING STAFF REPORT

DOCKET # W-2593
STAFF: Gary Roberts

Petitioner(s): Ayman A. Zendah and James L. Lindsay, Jr.
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 in order to add 17 additional uses to the previous list of four requested uses.

REQUEST

From: LB Limited Business District
To: HB-S Highway Business District (Outdoor Display Retail; Motor Vehicle Repair and Maintenance; and Motor Vehicle, Body or Paint Shop; Building Materials Supply; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales and Service; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Medical or Dental Laboratory; Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Recreation Services, Indoor; Building Contractors, General; Motor Vehicle, Storage Yard; Offices, Miscellaneous; Storage Services, Retail; Warehousing; School, Vocational or Professional)

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

Acreage: 2.26 acres

LOCATION

Street: Northwest side of Main Street across from Cornell Boulevard.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

SITE PLAN

Proposed Use: Multiple commercial, office and motor vehicle oriented type uses.
Square Footage: 17,075 square feet of existing building square footage.
Building Height: One commercial story.
Parking: Required: 51 spaces; proposed: 51 spaces.

Bufferyard Requirements: 15 foot type IV adjacent to RS-9.
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Three buildings, (including the Lindsay Tire Store) totaling 17,075 square feet.

Adjacent Uses:

- North - Single family residences zoned RS-9.
- Northeast - Single family residences zoned RS-9.
- East - Single family residences zoned LB.
- South - Small scale service and commercial operations zoned LB.
- West - Single family residences zoned RS-9.

GENERAL AREA

Character/Maintenance: Modest single family homes and businesses in good condition.
Development Pace: Slow to moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minor impact due to addition of off street parking spaces.
Topography: Gentle slope downward from the north to the south.
Vegetation/habitat: There is some existing vegetation in the northwest corner of the site. It does not appear from the proposed plans that there will be any disturbance in the northwest area.
Water supply watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Main Street.
Street Classification: Minor thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Main Street between Konnoak Drive and Clemmons Road = 5,500/16,100
Trip Generation/Existing Zoning: LB (No trip generation rate available as there is no existing building, i.e. no square footage available to perform calculations with.)
8 bays x 2.17 (Trip Rate for Automotive Care Center) = 17 Trips per Day.
Trip Generation/Proposed Zoning: HB-S. (17,075/1,000 x 40.53 Racquet Club Trip Rate = 692 Trips per day)
Traffic Impact Study recommended: No TIS required or recommended.
Sidewalks: None.
Transit: Route 14 along Clemmons Road.
Bike: None.

HISTORY

Relevant Zoning Cases:

1. W-2540; RS-9 and LB to LB; approved March 3, 2001; northwest side of Main Street across from Cornell Boulevard, portion of subject property; 1.2 acres; Planning Board and staff recommended approval.
2. W-2041; RS-9 to LB; approved April 1, 1996; west side of Main Street near intersection with Konnoak Drive; 0.54 acre; Planning Board and staff recommended approval.
3. W-2116; RS-9 to GB-S [Residential Building, Multifamily; Restaurant (without drive-through service); and Storage Services, Retail]; approved January 6, 1997; east side of Main Street across from Davie Avenue; 1.06 acres; Planning Board and staff recommended approval with conditions.
4. W-1937; RS-9 to HB-S (Convenience Store; Food or Drug Store; Furniture and Home Furnishing Store; General Merchandise Store; Hardware Store; Outdoor Display Retail; Retail; Retail Store, Specialty or Miscellaneous; Funeral Home; Medical and Surgical; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Warehousing; and Child Day Care Center - TWO PHASE); approved January 17, 1995; 1.18 acres; remanded by Board of Aldermen for Special Use Zoning; Planning Board recommended approval, staff recommended denial.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* recommends that commercial activities that provide services to surrounding neighborhoods be located within or adjacent to neighborhoods. Other commercial activities should be focused at nodes along thoroughfares and not spread out along these roads.

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

ANALYSIS

The subject request is to rezone 2.26 acres located on the west side of Main Street across from Cornell Boulevard from LB to HB-S. The site is the current location of Lindsay Tire. The relatively extensive list of requested uses include the sale, repair (including major body work), and storage of motor vehicles. Other requested uses include: Building Materials Supply; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Implement Sales and Service; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Medical or Dental Laboratory; Retail Store, Specialty or Miscellaneous; Building Contractors, General; etc.

The surrounding development pattern includes several small scale, relatively low intensity commercial and service type operations which begin with the subject property and extend southward along Main Street. Many of these uses, zoned LB after the 1995 UDO conversion, are nonconforming. North of the site begins a single family residential section which extends along both sides of Main Street toward its intersection with Clemmonsville Road. These properties are zoned RS-9 along with the houses to the west which front along Konnoak Drive and directly abut the rear property line of the subject property.

Currently located on the site are three structures totaling 17,075 square feet. One of the structures, a 6,000 square foot, three bay metal building was constructed within the last year subsequent to the rezoning of the northern portion of the site from RS-9 and LB to LB in 2001, (W-2540). While several additional parking spaces are proposed on the site plan, no additional buildings are shown. The property owner has been cited by the Inspections Division for illegally operating a Motor Vehicle Dismantling and Wrecking Yard, a Motor Vehicle Body or Paint Shop and a Motor Vehicle Storage Yard. Hence the petition for rezoning.

Staff supported the previously mentioned LB request as a logical extension of LB onto the remainder of the subject property in order to align the zoning boundary with the northern property line. The current HB-S petition however, represents a completely different scenario. While the existing commercial operations along this segment of Main Street should obviously be permitted to continue, significant intensification of uses especially along the residential edges should be discouraged.

The proposed uses in this context would unnecessarily impact the neighboring residential and smaller scale commercial properties with significant off site noise, increases in commercial traffic and visual clutter via the storage of motor vehicles. The preferred planning practice is to achieve a gradual transition in uses from the more intense commercial and industrial uses to smaller scale service, commercial and office uses into attached and/or detached residential uses. This would be in sharp contrast with the subject request which would result in an automotive paint and body shop within two hundred feet of eleven single family residences. Staff therefore recommends denial of the subject request.

FINDINGS

1. *Legacy* recommends that only commercial activities that provide services to surrounding neighborhoods be located within or adjacent to neighborhoods.
2. The site is not within the boundaries of an area plan or development guide.
3. Subject request represents a substantial increase in the intensity of permitted uses adjacent to several single family residential properties.
4. Subject request contrasts with the practice of having a more gradual transition between low density residential and intense commercial type uses.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

- **OTHER REQUIREMENTS**
 - a. No additional freestanding signage shall be permitted.
 - b. Northwest corner of site shown as being undeveloped shall be planted with additional evergreen and deciduous vegetation for screening purposes as shown on the site plan and not used for motor vehicle storage or salvage purposes.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Arnold King moved denial of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Dara Folan

VOTE:

FOR: Unanimous

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning