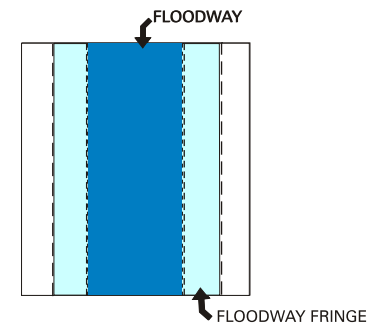


DOCKET #: W2614

PROPOSED ZONING:
Special Use Permit to
allow access to an HB-S
zoning through RS7 and
RS7-S zoning

EXISTING ZONING:
RS7 and RS7-S

PETITIONER:
Victor I. Flow



SCALE: 1" represents 200'

STAFF: Roberts

GMA: 2

ACRE(S): 0.30

MAP(S): 630842,630846



DRAFT ZONING STAFF REPORT

DOCKET # W-2614
STAFF: Gary Roberts

Petitioner(s): Victor I. Flow, Jr.
Ownership: Same

REQUEST

From: RS-7 and RS7-S (Residential Building, Single Family)
To: Special Use Permit to access HB-S (Car Wash; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; School, Vocational or Professional) zoned land through RS-7 and RS7-S zoned land

Acreage: 0.30 acre

LOCATION:

Street: West side of Konnoak View Drive north of Wells Street.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: Private access to HB-S zoned property through RS-7 and RS7-S zoned property.
Bufferyard Requirements: No bufferyard required.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently undeveloped.
Adjacent Uses:

- North- Single family residence zoned RS-7.
- East- Single family residences zoned RS-7.
- Southeast- Undeveloped property zoned RS7-S.
- South- Undeveloped property zoned RS7-S.
- Southwest- Flow Motors service area zoned HB-S.
- West- Undeveloped property zoned RS-7 under consideration for HB-S zoning.

GENERAL AREA

Character/Maintenance: Area consists of well maintained residential homes with high intensity commercial uses located to the southwest.
Development Pace: Moderate.

ANALYSIS

The request is for a Special Use Permit to access HB-S zoned property through RS-7 and RS7-S zoned property. The property is located on the west side of Konnoak View Drive approximately 400 feet north of Wells Street. The 0.30-acre site is currently undeveloped and would provide direct access for a pending HB-S expansion request (W-2592), of Flow Motors onto Konnoak Drive.

To the north and east across Konnoak View Drive are single family residences within the Washington Park neighborhood zoned RS-7. Undeveloped property, owned by the petitioner and zoned RS7-S and RS-7, are located to the south and east. Directly southwest of the site is the existing maintenance facility for Flow Motors and is zoned HB-S.

In January of 2003, the petitioner sought rezoning approval to expand said automotive facility northward by adding a 16,700 square foot building and an 80-space parking lot. The proposed access point was onto Freeman Street located to the west. Planning staff viewed the request as being contrary to the existing and pending area plans and as representing a significant encroachment into an already vulnerable edge of Washington Park. Staff therefore recommended denial. The Planning Board recommended approval and the request has recently been continued by the City Council to their May 5, 2003 meeting which will coincide with the subject S.U.P. One of the conditions agreed upon by the petitioner for the current Special Use Permit, is the abandonment of said proposed driveway onto Freeman Street should both the rezoning and this request be approved.

Staff reiterates the same concerns with the current request as with the previously mentioned rezoning request. The existing *Washington Park Development Guide* and the pending *South Central Area Plan* both recommend residential use for the subject property. Staff sees a negative effect on the neighborhood by allowing the site of the pending HB-S request to be accessed from Konnoak Drive, consistent with its concern about the expansion and access from Freeman Street in the original request.

In 1989 the petitioner rezoned a portion of the subject property to RS7-S (Residential Building, Single Family) specifically for the purpose of stabilizing the southern edge of the neighborhood from future commercial intrusion, (W-1557). This measure was taken partially in response to neighborhood concerns with an earlier HB-S expansion of Flow Motors, which was approved in 1988. Due to the topographic, geographic and vegetative characteristics of the general area, staff sees the 1988 request as having established a logical boundary line between the heavy automotive maintenance activities of the automotive dealership and the adjacent single family homes.

The current request essentially leaps over three residential lots with a new commercial driveway. Such an action would, in staffs' opinion, not only negatively impact the existing residential homes in the immediate vicinity, but would strongly encourage future commercial expansion into the now undeveloped RS-7 and RS7-S properties located to the south along Konnoak Drive. The installation of a commercial entrance at the proposed location would diminish the viability of these properties as residential uses in the Future, and signal additional commercial encroachment further to the north.

FINDINGS OF FACT

According to Section 6-1.5(D) of the zoning ordinance of the UDO, the Planning Board must make the following findings in support of a favorable recommendation.

1. The development is in conformity with *Legacy* as it relates to the specific area; No. *Legacy* generally recommends preservation of residential neighborhoods and the *Washington Park Development Guide* and the pending *South Central Area Plan* both specifically recommend residential use for the subject property.
2. Water and sewer are available in adequate capacity; Yes.
3. Where buildings greater than thirty-five (35) feet are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment; Not applicable. Site plan proposes no buildings.
4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard; Yes. The requested access is onto Konnoak View Drive which has adequate capacity for the anticipated traffic volumes associated with the proposed request.
5. General layout and design of this development meet all requirements of this ordinance; Yes.
6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.); Yes. The driveway has an all-weather surface with a minimum width of 20' as required by the Forsyth County Fire Department.
7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project; Yes. Staff recommends the following site plan conditions:
 - a. Developer shall abandon driveway entrance onto Freeman Street as shown on the W-2592 site plan.
 - b. Developer shall install large variety trees 40 feet on center along both sides of proposed driveway.
 - c. Driveway shall be a maximum of 20 feet in width.

In addition to these seven findings by the Planning Board, the Winston-Salem City Council must make affirmative findings as follows to issue a special use permit [Section 6-1.5(F) of the *Zoning Ordinance* of the UDO]:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved; Yes.

2. That the use meets all required conditions and specifications; Yes.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; No. The proposed use would have a detrimental impact on the long term viability of the adjacent single family properties. In addition, the access to a proposed expansion of an existing development would not be considered.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*; No. The proposed commercial driveway is not in harmony with the character of the impacted single family residential neighborhood and is inconsistent with the objectives of present adopted plans to protect residential neighborhoods from commercial encroachment.

STAFF RECOMMENDATION

S.U.P.: 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 abandon driveway entrance onto Freeman Street as shown on the W-2592 site plan.
- **OTHER REQUIREMENTS**
 - a. Developer shall install large variety trees 40 feet on center along both sides of proposed driveway.
 - b. Driveway shall be a maximum of 20 feet in width.