



**DOCKET #:** W2650

**PROPOSED ZONING:**  
 GB-S  
 (Outdoor Display Retail)

**EXISTING ZONING:**  
 RS9 and LB-S

**PETITIONER:**  
 Jim Daugherty

**SCALE:** 1" represents 400'

**STAFF:** Roberts

**GMA:** 3

**ACRE(S):** 2.13

**MAP(S):** 600834, 606834



September 24, 2003

James A. Daugherty  
1416 S. Stratford Road  
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT W-2650

Dear Mr. Daughtery:

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  
Vickie Plemmons, 6916 Harper Valley Lane, Clemmons, NC 27012  
Belle Crawford, 2723 Hope Church Road, Winston-Salem, NC 27127  
Randall Kale, 415 Wiley Avenue, Winston-Salem, NC 27104

**ACTION REQUEST FORM**

**DATE:** September 24, 2003  
**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 James A. Daugherty

**SUMMARY OF INFORMATION:**

Zoning map amendment of James A. Daugherty from RS-9 and LB-S to GB-S (Outdoor Display Retail): property is located at the southeast corner of Clemmonsville Road and Hope Church Road (Zoning Docket W-2650).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** BOST, DOYLE, KING, LAMBE, NORWOOD  
**AGAINST:** CLARK, EICKMEYER, FOLAN  
**SITE PLAN ACTION:** CONFORMS; ADDITIONAL CONDITIONS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of James A. Daugherty,  
Docket W-2650

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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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 RS-9 and LB-S to GB-S (Outdoor Display Retail) the zoning classification of the following described property:

Tax Block 3890, Tax Lots 7B, 7C, and 7D

Section 2. This Ordinance is adopted after approval of the site plan entitled James A. Daugherty and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to James A. Daugherty.

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 James A. Daugherty. 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 James A. Daugherty, (Zoning Docket W-2650). 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 GB-S (Outdoor Display Retail), approved by the Winston-Salem City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the GB-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. As volunteered by the developer, a final plat shall be recorded in the office of the Register of Deeds. Said final plat shall show all utility and access easements on the property including connector drives dedicated to both the southeast and southwest property lines at locations approved by Planning staff.
  - b. Developer shall record a final plat showing negative access easements along the frontages of Clemmonsville Road and Hope Church Road in areas not shown on the site plan as access points.  
areas shown on the site plan as access points and shown on Final Plat.
  - c. 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 County Fire Department.

- **OTHER REQUIREMENTS**

- a. Signage shall be limited to only one (1) freestanding monument sign limited to a maximum height of five (5) feet and a maximum copy area of eighteen (36) square feet.

## **ZONING STAFF REPORT**

**DOCKET #** W-2650  
**STAFF:** Gary Roberts

Petitioner(s): James A. Daugherty  
Ownership: Same

### **REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf and LB-S Limited Business District (Stores or Shops, Retail; and Wholesale Sales)  
To: GB-S General Business District (Outdoor Display Retail)

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

Acreage: 2.13 acres

### **LOCATION:**

Street: Southeast corner of Clemmonsville Road and Hope Church Road.  
Jurisdiction: City of Winston-Salem  
Ward: Southwest.

### **SITE PLAN**

Proposed Use: Automobile sales lot.  
Square Footage: 1,250 square feet.  
Building Height: One story.  
Parking: Required: Three spaces; proposed: Four spaces.  
Bufferyard Requirements: 15 and 20 foot type IV bufferyards.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Two single family homes to be removed.

Adjacent Uses:

Northeast-	Storage Services, Retail zoned GB-S.
Southeast-	Single family homes zoned RS-9.
Southwest-	Single family homes zoned RS-9.
Northwest-	Single family homes zoned RS-9.

## **GENERAL AREA**

Character/Maintenance: Well maintained residential and business uses.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Remove all existing vegetation.

Topography: Gentle slope downward from the center of the property to the northern corner of the property along Clemmons Road.

Vegetation/habitat: The subject property has a sizeable amount of vegetation between the two existing structures and on the eastern section of the site.

Environmental Resources Beyond The Site: No environmental resources of large significance are located adjacent to the site. Adjacent properties will experience increased storm water runoff from the proposed 70% of impervious surface.

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

## **TRANSPORTATION**

Direct Access to Site: Hope Church Road; West Clemmons Road.

Street Classification: Hope Church Road – Collector Road; West Clemmons Road – Major Thoroughfare.

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

Hope Church Road = No data available

Stratford Road between West Clemmons Road and Fraternity Church Road = 16,000/42,200

West Clemmons Road between South Stratford Road and Griffith Road = 12,000/17,700

Trip Generation/Existing Zoning: RS-9 and LB-S

RS-9 =  $1.54 \times 43,560 / 9,000 = 7$  units  $\times 9.57$  (SFR Trip Rate) = 66 Trips per Day + LB-S =  $1,650/1,000 \times 40.67$  (Specialty Retail Center Trip Rate) = 67 Trips per Day; Total Trips per Day = 133

Trip Generation/Proposed Zoning: GB-S

$1,250/1,000 \times 37.50$  (Car Sales Trip Rate) = 46 Trips per Day

Planned Road Improvements: 1) R2247A – Northern Beltway between I-40 and Stratford/West Clemmons Road; New 4 lane freeway; (Regionally Significant); 2005-2014; 2) West Clemmons Road between South Stratford Road and Old Salisbury Road; From 2 lane to 3 lane with bike lanes and sidewalks on both sides; (Not Regionally Significant); 2015-2020

Traffic Impact Study recommended: No.

Sidewalks: None existing.

Transit: Route 19 along Stratford Road.

Bicycle Route: None existing.



## **HISTORY**

Relevant Zoning Cases:

1. W-2549; LB-S (Stores or Shops, Retail; and Wholesale Sales) and RS-9 to HB-S (Multiple Uses); denied July 15, 2002; southeast corner of Clemmons Road and Hope Church Road, portion of current site; 1.72 acres; Planning Board recommended approval, staff recommended denial.
2. F-1120; RS-9 and GI to GB-S (Multiple Business Uses); approved September 11, 1995; southeast corner of Clemmons Road and Stratford Road/US 158; 5.46 acres; Planning Board and staff recommended approval.
3. F-797; R-6 and B-3-S (Stores or Shops, Retail) to B-3-S (Stores or Shops, Retail; and Wholesale Sales); approved July 7, 1986; southwest corner of Clemmons Road and Hope Church Road; 0.41 acre; Planning Board and staff recommended approval.
4. F-505; R-6 to B-3-S (Stores or Shops, Retail); approved March 5, 1979; southwest corner of Clemmons Road and Hope Church Road; 0.49 acre; Planning Board recommended denial, staff recommended approval.

## **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): A potential commuter rail line connecting Clemmons with downtown Winston-Salem runs in front of the petitioner's site. *Legacy* recommends that commercial development should be at focused locations and designed for pedestrians and transit as well as the automobile.

Area Plan/Development Guide: Site does not lie within the boundaries of a development guide or an area plan.

Thoroughfare Plan: The southern end of the Northern Beltway is planned to intersect Stratford Road at or near the intersection with Clemmons Road.

## **ANALYSIS**

The subject request is to rezone 2.13 acres located on the southeast corner of Clemmons Road and Hope Church Road from LB-S and RS-9 to GB-S. The smaller LB-S portion of the site was rezoned from R-6 in 1979 for a produce stand (zoning docket F-505). The zoning lot was expanded slightly in 1986 and the use of Wholesale Sales was added to the previously approved use of Stores or Shops, Retail, (zoning docket F-797). In July 2002 an RS-9 to LB-S request for a portion of the subject property (see W-2549 in History Section) was denied.

The commercial area of the site is currently undeveloped. Two single family homes are located on the RS-9 portion. Single family homes on large lots zoned RS-9 adjoin the site to the east and south as well as across Stratford Road. Self storage buildings zoned GB-S are located across Clemmons Road.

The proposed site plan is for a car sales operation with a 1,250 square foot sales office. Access to the site is shown at the southwestern corner onto Hope Church Road with additional right in, right out access onto Clemmons Road.

In the staff report for F-797, it is pointed out that higher intensity uses would not be appropriate because of access problems at the intersection of Hope Church Road and Clemmons Road which is adjacent to the Southern Railroad and the Stratford Road intersection. The access problems that existed in 1986 still exist today and have been exacerbated by the creation of a driveway to a Storage Services use on the north side of Clemmons Road as well as an increase in traffic volumes in the area. Traffic entering the site would have to negotiate the intersection of Hope Church Road and Clemmons Road.

The South Stratford Road corridor has been under development pressure since before its widening to a five lane facility. The *South Stratford Road Development Guide* and the *Clemmons Area Development Guide* have served to preserve the integrity of Stratford Road as a transportation facility and have guided commercial uses to appropriate and manageable locations. The subject site lies between the boundaries of the above mentioned guides; however, the common principles of the adopted guides can apply to the entire corridor. Unplanned strip commercial development happens incrementally by rezoning one property at a time. If the subject property is rezoned for a higher intensity use as warned against in the 1986 zoning case mentioned above, it may be considered arbitrary to deny similar requests for the adjacent parcels running down both Clemmons Road and Hope Church Road. In addition, expansion of the existing commercial zoning on the subject property would set a precedent for similar requests along these roads.

Furthermore, the southern section of the Northern Beltway is planned to cross Stratford Road and tie into Clemmons Road in the area of the subject property. Staff advises against increasing the zoning intensity of properties within such areas. Regarding the adjacent railroad, *Legacy* notes the potential of a commuter rail line connecting Clemmons with downtown Winston-Salem. Commercial development should be at focused locations and designed for pedestrians and transit as well as the automobile. The subject request does not meet this objective and may hinder future, comprehensively planned development along this corridor.

## **FINDINGS**

1. *Legacy* recommends that commercial development along potential commuter rail lines, should be at focused locations and designed for pedestrians and transit as well as the automobile.
2. Site does not lie within the boundaries of a development guide or an area plan.
3. The subject GB-S request adjoins single family RS-9 zoning on three sides.
4. If the subject property is rezoned for a higher intensity use it would set a precedent for similar request running down both Clemmons Road and Hope Church Road.

5. Staff views the existing LB-S commercial zoning as providing sufficient opportunity for non-residential type use of the site.

### **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.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. As volunteered by the developer, a final plat shall be recorded in the office of the Register of Deeds. Said final plat shall show all utility and access easements on the property including connector drives dedicated to both the southeast and southwest property lines at locations approved by Planning staff.
  - b. Developer shall record negative access easements along the frontages of Clemmons Road and Hope Church Road in areas shown on the site plan as access points and shown on Final Plat.
  - c. 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. Developer shall record negative access easements along the frontages of Clemmons Road and Hope Church Road in areas not shown on the site plan as access points.
  - b. All required fire hydrants shall be installed in accordance with the County Fire Department.
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to only one (1) freestanding monument sign limited to a maximum height of five (5) feet and a maximum copy area of eighteen (36) square feet.

Gary Roberts presented the staff report.

## **PUBLIC HEARING**

FOR:

Vickie Plemmons, 6916 Harper Valley Lane, Clemmons, NC 27012

My property is next door to this site.

This stretch of road is totally business.

Our land is not suitable for residential use.

The immediate area is noisy and there is a high volume of traffic.

Belle Crawford, 2723 Hope Church Road, Winston-Salem, NC 27127

I live next to Ms. Plemmons.

It is noisy and there is a lot of traffic.

If this is approved, I'll have to move.

Residential use is outdated for this site because of the noise, traffic and business surrounding this site.

Randall Kale, 415 Wiley Avenue, Winston-Salem, NC 27104

We have made many changes on this site plan.

The access on Hope Church Road is entrance only.

Clemmons Road provides an entrance and exit.

This will be a used car lot.

The horse is out of the barn already with the majority of this area business uses.

The lights will be focused internally to avoid interference with the neighbors.

AGAINST: None

## **WORK SESSION**

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

1. John Bost: What use would be more appropriate than this one?
2. Gary Roberts: This use is premature with the proposed transportation corridor and access limitations.
3. Glenn Simmons: The businesses in this area are not zoned for business use. I presume they are legally nonconforming or business uses.
4. Philip Doyle: This is a high traffic area and is not appropriate for RS-9.
5. Carol Eickmeyer: I voted against the rezone because of future needs of the county for transit corridor and beltway. Potentially the property will become more valuable. Also the intersection is very unworkable/complex. There doesn't seem to be a plan to "fix" the intersection.

6. Dara Folan: I concur with the staff's position for denial. If the property is rezoned for a higher density use, it would set a precedent for similar requests in this area.

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: John Bost

VOTE:

FOR: Bost, Doyle, King, Lambe, Norwood

AGAINST: Clark, Eickmeyer, Folan

EXCUSED: None

SITE PLAN MOTION: Philip Doyle certified that the site plan meets all code requirements and recommends staff conditions with the additional limitation of signage to a maximum five foot high monument sign and subject to clarification of the site plan with the Fire Department.

SECOND: Jerry Clark

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning