

January 24, 2001

Branch Banking and Trust Co.
and Barry Loyd Burgess
1100 Reynolds Blvd.
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2448

Dear Sirs:

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
Marsha Combs, 2010 Sussex Lane, Winston-Salem, NC 27104

ACTION REQUEST FORM

DATE: January 24, 2001
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 Branch Banking and Trust Co. and Barry Loyd Burgess

SUMMARY OF INFORMATION:

Zoning map amendment of Branch Banking and Trust Co. and Barry Loyd Burgess from RS-9 and HB to LO: property is located on the south side of Sunburst Circle and on the northwest corner of University Parkway and Hanes Mill Road (Zoning Docket W-2448).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, BOST, JOHNSON, KING, SNELGROVE
AGAINST: POWELL, ROUSSEAU, SCHROEDER
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Branch Banking and Trust Co.
and Barry Loyd Burgess, Docket W-2448

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 RS-9 and HB to LO the zoning classification of the following described property:

Tax Block 2042, Tax Lots 1B, 2B, 3B, 4B, 5, 6, 7, 8, 9, 10, 11, 12, 13A, 13B, 14A, 14B, 15A, 16A, 17A, 18A, 64A, 64D, 65B, 65D

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2448

STAFF: Tony McGee

Petitioner(s): Branch Banking and Trust Co. and Barry Loyd Burgess

Ownership: Same

NOTE: Branch Banking and Trust Co. and Barry Loyd Burgess filed a rezoning request for the December 14, 2000, public hearing (Zoning Docket W-2442). At that time, they requested HB zoning for the northern portion of the current site. Staff recommended denial of that request and continued conversations with BB&T as to appropriate uses for this site. On December 14, 2000, staff received a request from BB&T asking that the initial request be withdrawn to enable BB&T to file the current request for LO zoning.

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf and HB Highway Business District

To: LO Limited Office District

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 1.3 acres

LOCATION

Street: South side of Sunburst Circle and northwest corner of University Parkway and Hanes Mill Road.

Jurisdiction: City of Winston-Salem.

Ward: Northeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: One single family home, a BB&T branch office building, and a vacant lot.

Adjacent Uses:

- North - Single family homes zoned RS-9.
- East - Across University Parkway is another branch bank building zoned HB.
- South - Across Hanes Mill Road is a McDonald's restaurant zoned HB.
- West - Single family homes zoned RS-9. Further west is Highway 52.

GENERAL AREA

Character/Maintenance: Moderately to well-maintained area.
Development Pace: Moderate to rapid commercial development.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The existing single family structure may be removed.
Topography: Relatively flat, sloping toward the west.

TRANSPORTATION

Direct Access to Site: Sunburst Circle; University Parkway; Hanes Mill Road; US 52.
Street Classification: Sunburst Circle - local street; University Parkway - major thoroughfare;
 Hanes Mill Road - minor thoroughfare; US 52 - freeway.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
 University Parkway from Hanes Mill Road to Stanleyville Drive - 15,250/22,000
 Hanes Mill Road from US 52 to University Parkway - 9,100/16,000
 US 52 from University Parkway to Hanes Mill Road - 50,000/54,000
 US 52 from Hanes Mill Road to NC 66 - 46,000/54,000
Planned Road Improvements: TIP# U-2729 - Widen Hanes Mill Road from Museum Drive to
 University Parkway to multi-lanes - construction beyond FY 2008.
Transit: WSTA Route 10B, 51 and 6X along Hanes Mill Road and University Parkway (south of
 Hanes Mill Road).

HISTORY

Relevant Zoning Cases:

1. W-1686; R-6 (RS-9) to B-3 (HB); approved October 25, 1990; 0.25 acre; property is located on the southwest corner of University Parkway and Sunburst Circle; Planning Board and staff recommended approval.
2. W-1388; R-6 (RS-9) to B-3 (HB); denied September 9, 1986; 0.46 acre; property is located on the west side of University Parkway 100 feet north of the intersection with Hanes Mill Road; Planning Board and staff recommended denial.
3. Many of the parcels in this area of University Parkway were converted to general use commercial zoning in the early 1970's.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): The commercial land use chapter of the plan makes several recommendations for commercial development at shopping centers. New development should be compatible with adjacent land uses, utilizing landscaping buffers, setbacks, a smooth transition in building heights, consistent architectural design, and limited signage. Commercial uses should be located, grouped, and designed to encourage access by public transit and pedestrians.

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

ANALYSIS

The current petition requests a conversion of 1.3 acres from RS-9 (Residential Single Family; 9,000 square foot minimum) and HB (Highway Business) to LO (Limited Office). The parcel is owned by Branch Banking and Trust Co. (BB&T) and Barry Loyd Burgess. This parcel includes an existing BB&T branch bank. In the previous submittal (W-2442), the petitioners sought to extend HB general use zoning well into an established residential area on RS-9 zoned property. In the subject case the petitioner is seeking to rezone both RS-9 zoned property and HB zoned property. Staff is supportive of a comprehensive rezoning of most of these parcels to LO. This is a rapidly developing / redeveloping area and LO on this corner may set a precedent that favors compatible mixed use development in the area.

Despite these positive steps, staff continues to feel that the petition seeks to extend general use zoning too far into an established residential neighborhood. Staff feels that the three westernmost lots could be better utilized as a buffer between the commercial and residential uses. Staff has difficulty supporting the extension of general use zoning into these three westernmost lots. The residential neighborhood to the west of the subject property is comprised of relatively small and moderately well maintained houses. Given the site's proximity to major highways and thoroughfares and the development pace of the general area, it is likely that this area could convert to more efficient, comprehensively planned, mixed-used development. However, without a site plan to indicate how the established residential uses are to be buffered we feel that this petition would negatively impact this residential area and would not promote a comprehensively planned redevelopment of the neighborhood.

This petition would effectively back zone most of the subject property from HB to LO and could substantially reduce the range of uses and potential impacts to adjacent properties. Staff is generally supportive of "squaring-off" the commercial zoning district and is supportive of the general use rezoning request without the inclusion of the three westernmost lots which would extend into the neighborhood. Staff may be supportive of a rezoning of these westernmost lots with an accompanying site plan in order to give a clear indication of how these lots are to be developed.

FINDINGS

1. The *Vision 2005* comprehensive plan calls for new development to be compatible with adjacent land uses, utilizing landscaping buffers, setbacks, a smooth transition in building heights, consistent architectural design, and limited signage. Commercial uses should be located, grouped, and designed to encourage access by public transit and pedestrians.
2. Staff is supportive of general use Limited Office zoning at this site in order to promote increased compatibility with existing development in the area.
3. Staff is not supportive of general use zoning at this location that unnecessarily encroaches on the existing residential neighborhood.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

[*For information purposes only:* The draft *Legacy* plan calls for compact commercial activity areas with a mix of uses. The uses should relate to one another and provide for pedestrian movement between them.]

Tony McGee presented the staff report.

PUBLIC HEARING

FOR:

Marsha Combs, 2010 Sussex Lane, Winston-Salem, NC 27104

Represent BB&T.

We have Barry Burgess' property under contract.

We have agreed to go to LO.

We are under time constraints and don't have the time to do special use zoning with the required site plan. The time constraints mean we would have to move off this site if the zoning were not approved.

AGAINST: None

WORK SESSION

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

1. The petitioner feels the three lots furthest to the west along Sunburst Circle are integral to the site plan.

2. Arnold King - I can't imagine the bank would do anything to harm the neighborhood. I don't think they want that kind of reputation.
3. Kem Schroeder - I think we're setting up another Hanes Mall Boulevard/Atwood Acres neighborhood situation. We have to pay attention to what we're doing to the neighborhood in cases like this. This is how sprawl starts.
4. Kerry Avant - The argument would be more appealing to me if it were going from RS-9 zoning.

MOTION: Steve Johnson moved approval of the zoning map amendment.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Johnson, King, Snelgrove

AGAINST: Powell, Rousseau, Schroeder

EXCUSED: None

A. Paul Norby, AICP
Director of Planning