



DOCKET #: W2475
 (Continued from 6/14/01
 CCPB meeting)

PROPOSED ZONING:
 LB-S (Multiple
 Business Uses)

EXISTING ZONING:
 RS9

PETITIONER:
 George P. Sweat

SCALE: 1" represents 200'

STAFF: Hughes

GMA: 3

ACRE(S): 0.84

MAP(S): 600846



DRAFT ZONING STAFF REPORT

DOCKET # W-2475

STAFF: Suzy Hughes

Petitioner(s): George P. Sweat

Ownership: Same

CONTINUANCE HISTORY: This case was filed for the June 14, 2001 Planning Board Meeting. The Planning Board and staff requested the petitioner reconsider eliminating some of the proposed uses and redesign the site plan. Therefore, this case was continued to allow the petitioner do these things. At present, staff has received neither a new list of uses nor a revised site plan.

REQUEST

From: RS-9 Residential Single Family District

To: LB-S Limited Business District [Arts and Crafts Studio; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Personal; Veterinary Services; Recreation Services, Indoor; Recreation Facility, Public; Adult Day Care; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Government Offices; Library, Public; Museum or Art Gallery; Neighborhood Organization; Police or Fire Station; School, Private; School, Public; Broadcast Studio; Park and Shuttle Lot; Parking, Commercial; Transmission Tower; Utilities - TWO PHASE].

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

Acreage: 0.84 acre

LOCATION

Street: Northwest corner of Jonestown Road and Eastwin Drive.

Jurisdiction: City of Winston-Salem.

Ward: West.

SITE PLAN

Proposed Use: Phase One: Nursery, Lawn and Garden Center.

Square Footage: No buildings proposed in Phase One.

Parking: Required: 7; proposed: 7.

Bufferyard Requirements: Type II bufferyard required along residentially zoned areas.

Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family home (structures related to a nursery use have been removed).

Adjacent Uses:

- North - Vacant, partially wooded, partially grassy lot, zoned RS-9. Further north is the Goodwill Industries Store, zoned LB-S.
- Northeast - Across Jonestown Road north of Frandell Road is Summit Station Shopping Center, zoned LB-S.
- East - Across Jonestown Road is a currently vacant restaurant, zoned LB-S.
- South - Across Eastwin Drive, future retail and office space is under construction, zoned LB-S.
- West - Single family homes, zoned RS-9.

GENERAL AREA

Character/Maintenance: Well-maintained businesses and single-family homes.

Development Pace: Rapid.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Phase One proposes only minor changes to the site.

Topography: GIS maps indicate that this property is relatively level.

TRANSPORTATION

Direct Access to Site: Jonestown Road and Eastwin Drive.

Street Classification: Jonestown Road - major thoroughfare; Eastwin Drive- Local Street.

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

Jonestown Road between US 421 and Country Club Road = 20,000/26,000

Trip Generation/Existing Zoning: RS-9

$0.84 \times 43,560 / 9,000 = 4 \text{ units} \times 9.57 \text{ (SF Trip Rate)} = 38 \text{ trips per day}$

Trip Generation/Proposed Zoning: LB-S.

$1,577 \text{ (sf of existing house)} / 1,000 \times 156.48 \text{ (bank without drive thru)} = 246 \text{ trips per day}$

Transit: Route #43 along Jonestown Road (Westside Connector).

HISTORY

Relevant Zoning Cases:

1. W-2431; LO-S (Multiple Office Uses) to LB-S (Multiple Business Uses); approved October 25, 2000; on the west side of Jonestown Road and south side of Eastwin Drive; 1.54 acres; Planning Board and staff recommended approval.
2. W-2378; RS-9 to LB-S (General Merchandise Store); approved April 3, 2000; west side of Jonestown Road between Frandell Road and Southwin Drive; 1.28 acres; Planning Board and staff recommended approval.
3. W-2200; LB-S Limited Business District [Restaurant (without drive-through service)] and RS-9 to LB-S (Car Wash); denied January 5, 1998; southeast corner of Frandell Road and Jonestown Road; 1.14 acres; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

Legacy GMP Area: Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): *Legacy* proposes that commercial areas be compact rather than linear in nature, with businesses interconnected and designed to be pedestrian oriented.

Area Plan/Development Guide: *Country Club/Jonestown Area Plan* (1985).

Relevant Development Guide Recommendation(s): The Jonestown/US 421 Subarea identifies this site for special use commercial projects. Rear parking is encouraged. The use of interior service roads is encouraged. Corner properties must access onto side streets. Buildings shall be no taller than two stories. Where commercial lots abut residential lots, there should be a continuous screen of evergreen plants. Site lighting must be oriented toward the building.

ANALYSIS

The petitioner has submitted this request to rezone 0.84 acre from RS-9 to LB-S (Multiple Business Uses - TWO PHASE) as a result of being cited by the Inspections Division for operating a nursery from the property illegally.

The proposed Phase One nursery use is consistent with the land use recommendations of the *Country Club/Jonestown Area Plan*. The plan does, however exclude some of the other Phase Two proposed uses. The *Country Club/Jonestown Area Plan* is also very specific regarding access on corner lots such as this site. It states there should not be access onto Jonestown Road from a corner lot, but access onto the side street instead. As much of Jonestown Road has become commercial in nature, the area plan encourages interior site service roads. The proposed plan lacks any interior service road to adjacent sites. The proposed plan also shows access onto both Jonestown Road and Eastwin Drive.

Staff might support a nursery use as proposed in the Phase One plan submitted, if there were a more organized site plan which met the requirements for development listed in the *Country Club/Jonestown Area Plan*. However, staff is generally not supportive of long lists of speculative uses.

Staff recommends denial of the proposed rezoning. The extensive list of uses is not appropriate at this site. The site plan is disorganized in its approach to access and parking. Staff cannot support a plan for this site that does not deliberately plan for the future of a site in both access and use.

FINDINGS

1. The petitioner has submitted this request to rezone 0.84 acre from RS-9 to LB-S (Multiple Business Uses - TWO PHASE).
2. The *Country Club/Jonestown Area Plan* does not support some of the Phase Two proposed uses.
3. The proposed site plan lacks any interior service road to adjacent sites.
4. The proposed plan also shows access onto both Jonestown Road and Eastwin Drive, which is not recommended in the area plan.
5. Staff cannot support the long lists of uses proposed, some of which are not appropriate at this site.
6. Staff cannot support a plan for this site that does not deliberately plan for the future of a site in terms of both access and use.

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. On site fire hydrants will be required in locations approved by the Winston-Salem Fire Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install a sidewalk along the frontage on Jonestown Road to the specifications of the Public Works Department of the City of Winston-Salem prior to the issuance of occupancy permits. Any easements or right-of-way needed by the City for the sidewalk shall also be dedicated.
 - b. Developer shall install landscaping in accordance with UDO Section 3-4.
 - c. Site lighting shall be located on the site side of required buffering and oriented toward the building. Fixtures will be placed a minimum of 100 feet apart and will be no higher than 25 feet above grade. Mercury lamps (metal halide types will not be permitted) with a maximum output of 7,500 lumens per light will be utilized.
 - d. Fire hydrants shall be installed in accordance with the Winston-Salem Fire Department.

- **OTHER REQUIREMENTS**
 - a. Only one freestanding sign shall be permitted on this property. Said sign shall be a monument type with a maximum height of five (5) feet.

PUBLIC HEARING

FOR:

Chris Guyer, 1258 Partridge Lane, Winston-Salem, NC 27106

Asked Paul Norby questions about the time frame if the case was continued.

He didn't know that if he petitioned this, he would not be able to come back for one or two years.

AGAINST: None

WORK SESSION - June 14, 2001

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

1. Mr. Snelgrove stated that the proposed list of 33 uses is highly unusual.
2. The Board noted that if this request is denied, a similar request for this site cannot be made for two years. A different request would be allowed to be filed in one year.
3. Mr. Avant asked the petitioner if he was currently using this site as the nursery? Mr. Guyer stated that they were open for about three months in the spring, but now they are not open. Was misinformed about the zoning of property. He has now gotten his business license.
4. Mr. Snelgrove suggested a continuance until August 2001.

MOTION: Powell moved to continue until August 9, 2001.

SECOND: Schroeder

VOTE:

FOR: Avant, Doyle, Johnson, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

PUBLIC HEARING - August 9, 2001

FOR: None

AGAINST: None

WORK SESSION

MOTION: Arnold King moved withdrawal of the zoning map amendment and site plan.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Clark, King, Norwood, Powell, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning