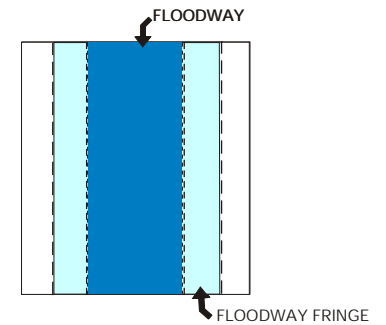


**DOCKET #:** F1395

**PROPOSED ZONING:**  
LB-S (Food or Drug Store)

**EXISTING ZONING:**  
RS9

**PETITIONER:**  
Gene Nail and  
Walter Eugene Nail



**SCALE:** 1" represents 400'

**STAFF:** Gallaway

**GMA:** 3

**ACRE(S):** 1.7

**MAP(S):** 594874



**DRAFT ZONING STAFF REPORT**

**DOCKET #** F-1395  
**STAFF:** Suzy Gallaway

Petitioner(s): Gene Nail and Walter Eugene Nail  
Ownership: Same

**REQUEST**

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf  
To: LB-S Limited Business District (Food or Drug Store)

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

Acreage: 1.68 acres

**LOCATION:**

Street: Southwest corner of Yadkinville Road and Spicewood Drive.  
Jurisdiction: Forsyth County.

**SITE PLAN**

Proposed Use: Food or Drug Store.  
Square Footage: 10,880 square feet.  
Building Height: 30 feet.  
Parking: Required: 54 spaces; proposed: 54 spaces.  
Bufferyard Requirements: 15 foot type II bufferyard where adjacent to residential zoning.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

**PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Two single family homes.  
Adjacent Uses:

- North- Food Lion grocery store, zoned LB.
- Northeast- Grandview golf course, zoned RS-9.
- East- Single family homes, zoned RS-9.
- South- Single family homes, zoned RS-9.
- West- Office and commercial buildings, zoned LB-S.
- Northwest- Shopping center, zoned HB-S.

## **GENERAL AREA**

Character/Maintenance: Mixture of uses in the area, including single family, recreational, and commercial.

Development Pace: Moderate.

## **HISTORY**

Relevant Zoning Cases:

1. F-1360; HB-S (Multiple Business Uses) to HB-S (Multiple Business uses; addition of Car Wash); approved March 11, 2002; north side of Yadkinville Road east of Transou Road; 1.78 acres; Planning Board and staff recommended approval.
2. F-1341; LB-S (Multiple Business Uses) to Site Plan Amendment; approved June 25, 2001; southeast corner of Yadkinville Road and Pfaff Lane along Pinehill Drive; 4.47 acres; Planning Board and staff recommended approval.
3. F-1207; LB-S (Multiple Business Uses) to Site Plan Amendment; withdrawn July 10, 1997; southeast corner of Yadkinville Road and Pfaff Lane; 4.47 acres.
4. F-1164; HB-S (Multiple Business Uses) to HB-S (Multiple Business Uses) approved August 12, 1996; north side of Yadkinville Road east of Transou Road; 3.65 acres; Planning Board and staff recommended approval.
5. F-1136; LB to HB-S (Multiple Business Uses); approved November 17, 1995; north side of Yadkinville Road east of Transou Road; 3.65 acres; Planning Board and staff recommended approval.
6. F-881; R-6 to B-2-S (Multiple Business Uses); approved August 22, 1988; southeast corner of Yadkinville Road and Pfaff Lane; 4.47 acres; Planning Board and staff recommended approval.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The proposed site plan appears to remove the existing vegetation.

Topography: The subject property experiences a slight elevation change from about 790 feet in the central section of the property to about 788 feet in the western section of the property and about 784 feet in the southern section of the property.

Vegetation/habitat: A light amount of vegetation is present in front of the existing structure on the eastern section of the site. Additional vegetation is present in front and to the west of the other existing structure on the western section of the site.

Environmental Resources Beyond The Site: A floodway is located about 1,200 feet from the eastern edge of the subject property. The proposed site plan should not affect this floodway.

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

## **TRANSPORTATION**

Direct Access to Site: Yadkinville Road; Spicewood Drive.

Street Classification: Yadkinville Road – Major Thoroughfare; Spicewood Drive – Minor Thoroughfare.

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

Yadkinville Road between Grandview Club Road and Transou Road = 9,700/11,100

Yadkinville Road between Grandview Club Road and Shattalon Drive =

11,000/16,100

Trip Generation/Existing Zoning: RS-9:  $1.7 \times 43,560/9,000 = 8 \text{ units} \times 9.57$  (SFR Trip Rate) = 76 Trips per Day

Trip Generation/Proposed Zoning: LB-S:  $10,880 / 1,000 \times 88.16$  (Pharmacy with Drive Thru Trip Rate) = 959 Trips per Day

Planned Road Improvements: Yadkinville Road between Reynolda Road and the Northern Beltway; from 2 lanes to 3 lanes; 2021-2025.

## **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* promotes compact commercial nodes that incorporate higher density residential and civic uses in a pedestrian friendly design.

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

## **ANALYSIS**

The current request is to rezone 1.68 acres from RS-9 to LB-S (Food or Drug Store). The site is surrounded on three sides by single family homes and is also directly across Yadkinville Road from a shopping center and convenience store. There has been a moderate amount of zoning activity in the area in the past 10-15 years. Much of this has occurred at the existing shopping center across Yadkinville Road to add properties and uses. There has also been rezoning activity to the west of the current site. That property has been partially developed. It is comprised of single-story buildings with pitched roofs and a residential or village character.

The site is located at the signalized intersection of Yadkinville Road and Spicewood Drive. It is in an area of considerable traffic, whereby Yadkinville Road is currently 1,400 vehicles per day (v.p.d.) under its capacity of 11,100 v.p.d. The current

request for a Food or Drug Store of the size and scale proposed could add approximately 959 trips per day, thus putting the counts at the subject section of Yadkinville Road very close to capacity.

Staff has several concerns regarding the subject request. Although the site faces commercial development opposite Yadkinville Road, it is also surrounded on three sides by single family residential structures and uses. It is situated in an area of generally well-maintained single family homes. Staff is concerned that introducing commercial development at the proposed scale and intensity would negatively impact the surrounding neighborhood. The request is for a 30 ft. high, 10,880 square foot CVS drug store building with drive-through service. The building is proposed to be brick but will have a flat roof typical of larger scale commercial structures. It is not in keeping with the existing commercial structures to the west, which have pitched roofs and are smaller in size and height.

The petitioner is proposing a berm, fence and plantings to protect adjacent neighbors from some of the more intense impacts of this proposal. In order to install these protective measures the petitioner would use portions of adjacent properties through acquisition of easements for grading and other construction purposes from the adjoining neighbors. As of this writing, staff has no documentation that such easements exist or are forthcoming. Further, this desire to use neighboring properties for enhanced buffers and landscaping illustrates how the “footprint” of this proposed development goes beyond its own property boundaries. In addition to compatibility concerns for the immediate neighbors, staff has further concerns that this project, if approved, would establish an inappropriate precedent for future development of the other two corners of the Yadkinville Road and Spicewood Drive intersection. Staff has concerns that if a stand alone, highway-oriented project of this scale is approved at this location, the single family home across Spicewood Drive would likely experience pressure for non-residential zoning as well.

Although staff acknowledges that the subject site may not be ideally suited for residential purposes, staff feels this proposal is not in scale and character with the residences directly west, south and east of the site, nor is it in keeping with the existing low-key commercial development further to the west. The scale and massing of the project could cause a decline in the quality of the surrounding residential uses. In addition staff is concerned about the precedent-setting impacts approval of this project could have on the surrounding area.

## **FINDINGS**

1. The site is surrounded on three sides by single family homes and is also directly across Yadkinville Road from a shopping center and convenience store.
2. The site is located at the signalized intersection of Yadkinville Road and Spicewood Drive, which is an area of considerable traffic.

3. As proposed, the footprint of this development would require the use of adjacent properties for its own enhanced buffering and landscaping.
4. This project is not in keeping with the residential character to the direct west, south and east of the site, nor is it in keeping with the commercial development further to the west.
5. Staff is concerned about the precedent-setting impacts approval of this project could have on the surrounding area.

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

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

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
  - a. Developer shall cordon off all areas shown on the site plan as tree protection or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment.
  - b. The developer shall acquire all necessary easements indicated on the site plan.
  - c. 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.
  - d. Driveway permit shall be issued by the North Carolina Department of Transportation.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. 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 complete any improvements as determined by the North Carolina Department of Transportation
  - b. Developer shall install sidewalks and curb and gutter along entire frontage of Yadkinville Road and Spicewood Drive.
  - c. All required fire hydrants shall be installed in accordance with the County Fire Code.
- **OTHER REQUIREMENTS**
  - a. Signage shall be limited to one (1) freestanding sign at the driveway on Yadkinville Road and one (1) freestanding sign at the driveway on Spicewood Drive. Both signs shall be limited to monument type with a maximum height of five (5) feet.

- b. Any site lighting taller than twelve (12) feet shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent residential properties.

Staff noted that a letter had been received from the petitioner requesting a continuance to November 13, 2003.

**PUBLIC HEARING** regarding continuance - September 11, 2003

FOR:

Drew Brown, 300 N. Greene Street, Greensboro, NC 27408

I am here on behalf of property owners.

Mr. Terrell learned last week that over 400 people had signed a petition of opposition to this request. We had no idea there was this much opposition.

I'm not sure we will change any minds, but we'd like to at least talk to more of those who are opposed.

AGAINST:

Redge Hanes, 2750 Spicewood Drive, P. O. Box 125, Pfafftown, NC 27040

We know what a CVS looks like. What additional information can they give us to change our minds? We'd like this case to be heard today.

Tau Camping, 4401 Lochurst Drive, Pfafftown, NC 27040

We have submitted petitions with over 500 signatures of those who are opposed to this request.

Two meetings were held for very limited groups of neighbors.

One of the neighbors asked Mr. Terrell to meeting with the larger community and he refused.

Cynthia Gimbert, 2849 Spicewood Drive, Winston-Salem, NC 27106

I am opposed to the continuance request because there's nothing they can say now which will change our minds.

Nell W. Elliott, 4635 Pine Hill Drive, Pfafftown, NC 27040

I am opposed to the continuance.

Martha Williamson, 2856 Spicewood Drive, Winston-Salem, NC 27106

When this thing started, we received letters inviting us to attend a meeting with the petitioner. However, only a few neighbors were invited. We tried to get a meeting with the larger community since others were concerned about the request. However, the petitioner's lawyer refused.

We have pounded the streets to talk with people in the community and found that over 500 residents in this area are opposed to a CVS being placed on this lot.

Paul F. Simmons, 4700 Pine Hill Drive, Pfafftown, NC 27040

We received a letter yesterday which strongly discouraged us from attending this meeting.

We came here prepared for a hearing.

The petitioners have had ample time to prepare.

Bruce Hodgin, 3326 Grandview Club Road, Pfafftown, NC 27040

We are opposed to the continuance request.

This is a wear-down tactic and we won't be worn down.

### **WORK SESSION**

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

1. In response to a question from Carol Eickmeyer, approximately 12 people indicated their presence in opposition to this petition.
2. Carol Eickmeyer: The delay doesn't serve the opposition. The petitioner has had plenty of time.
3. John Bost: They denied the opportunity to meet with the neighbors.
4. Jerry Clark: A continuance won't hurt.
5. Dara Folan: A continuance may help the opposition since when the case gets to the Commissioners, the petitioners won't be able to claim they didn't have enough time.

MOTION: Dara Folan moved continuance of the zoning map amendment and site plan to November 13, 2003.

SECOND: Philip Doyle

VOTE:

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

AGAINST: Bost, Eickmeyer

EXCUSED: None