

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3341
<b>Staff</b>	<a href="#">Amy Crum</a>
<b>Petitioner(s)</b>	Hector Hernandez and Dania Alvarez
<b>Owner(s)</b>	same
<b>Subject Property</b>	PIN # 6828-54-9260
<b>Address</b>	325 Laura Avenue
<b>Type of Request</b>	Special use limited rezoning
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS9 (Residential, Single Family – 9,000 sf minimum lot size) <b>to</b> GB-L (General Business – special use limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Residential Building, Duplex; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Multifamily; Boarding or Rooming House; Combined Use; Family Group Home B; Family Group Home C; Fraternity or Sorority; Life Care Community; Urban Agriculture; Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Fuel Dealer; Furniture and Home Furnishings Store; Micro-Brewery or Micro-Distillery; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display Retail; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; Shopping Center ; Shopping Center, Small ; Wholesale Trade A; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Car Wash; Entertainment Facility, Large; Funeral Home; Hotel or Motel; Kennel, Indoor; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Storage Yard; Offices; Services A; Services B; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Swimming Pool, Private; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Adult Day Care Center; Animal Shelter, Public; Cemetery; Child Care, Drop-In; Child Care Institution; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; College or University; Correctional Institution; Dirt Storage; Government Offices, Neighborhood Organization, or Post Office; Group Care Facility A; Group Care Facility B; Habilitation Facility A; Habilitation Facility B; Habilitation Facility C; Hospital or Health Center; Institutional Vocational Training Facility; Landfill, Construction and Demolition; Landfill, Land Clearing/Inert Debris; Library, Public; Police or Fire Station; Museum or Art Gallery; Nursing Care Institution; School, Private; School, Public; School, Vocational or Professional; Shelter</li> </ul>

	<p>for Homeless; Special Events Center; Stadium, Coliseum, or Exhibition Building; Manufacturing A; Borrow Site; Access Easement, Private Off-Site; Helistop; Park and Shuttle Lot; Parking, Commercial; Terminal, Bus or Taxi; Transmission Tower; and Utilities</p> <p><b>NOTE:</b> General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>		
<b>Neighborhood Contact/Meeting</b>	<p>The petitioner mailed a letter describing the request to property owners within a 500' radius of the proposed site on September 1, 2017. As of September 5, 2017, the petitioner had been contacted by two property owners along Laura Avenue. Neither had issue with the request.</p>		
<b>Zoning District Purpose Statement</b>	<p>The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs 1, 2 and 3 and Metro Activity Centers.</p>		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	<p>Yes. The site is located in the Growth Management Area 3 and it is adjacent to HB zoned properties on three sides and a highway.</p>		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	<p>The property is located at the intersection of Commerce Court and Laura Avenue.</p>		
<b>Jurisdiction</b>	<p>City of Winston-Salem</p>		
<b>Ward(s)</b>	<p>Northeast</p>		
<b>Site Acreage</b>	<p>± 2.19 acres</p>		
<b>Current Land Use</b>	<p>One single-family residential structure is located on the property.</p>		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	HB	Daycare
	East	HB	Mobile home park, commercial (restaurant, Farm Bureau office, pet store)
	South	HB	Vacant, commercial (towing company)
	West	N/A	Vacant property owned by State Highways Administration, US 52

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b> Yes. The property is surrounded by property zoned Highway Business (HB) to the north, east and south including commercial businesses, a mobile home park, and vacant property. The property is adjacent to US 52 to the west. The uses within the HB zoning district are similar to those of the General Business (GB) zoning district.
<b>Physical Characteristics</b>	The portion of the property on the north side of Laura Avenue is currently developed with a single-family residential structure. The portion on the south side of Laura Avenue is vacant and wooded.
<b>Proximity to Water and Sewer</b>	The property is serviced by municipal water and sewer.
<b>Stormwater/ Drainage</b>	No known issues.
<b>Watershed and Overlay Districts</b>	The property is not located in a watershed or overlay district.
<b>Historic, Natural Heritage and/or Farmland Inventories</b>	The property is not a designated historic property or located in a historic overlay. It is not within or located near a natural heritage site or listed on the farmland inventory.
<b>Analysis of General Site Information</b>	The property is divided by Laura Avenue. The northern portion of the site is currently developed with one single-family residence. The southern portion of the site is wooded and is separated by a parcel of land in different ownership. Overall the property is relatively flat with a gentle slope to the south.

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3213	RS9 & HB to HB	Approval 5/5/2014	East	5.31	Approval	Approval
W-2782	RS9 & HB to HB	Approval 8/2/05	East	2.57	Approval	Approval
W-2078	HB to GB	Approval 9/3/96	South	10.3	Approval	Approval
W-1584	R5 to B-3	Approval 05/89	East (directly adjacent)	.54	Approval	Approval

**SITE ACCESS AND TRANSPORTATION INFORMATION**

Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Laura Avenue	Local Street	330' – north side 230' – south side	N/A	N/A
Commerce Court	Local Street	215'	N/A	N/A

<b>Proposed Access Point(s)</b>	The property is currently accessed off of Laura Avenue. As this is a special use limited rezoning, a site plan was not submitted as part of the request. Therefore, future access to the site is unknown.
<b>Planned Road Improvements</b>	No known planned road improvements.
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: RS9</u> 2.19 acre / 9,000 sf = 10 units x 9.57 (SFR Trip Rate) = 95 Trips per Day</p> <p><u>Proposed Zoning: GB-L</u> Staff is unable to provide an accurate trip generation for the proposed special use limited zoning because there is no site plan.</p>
<b>Sidewalks</b>	No sidewalks are located on Laura Avenue or Commerce Court.
<b>Transit</b>	The closest transit route is Route 87 that runs along Patterson Avenue. The closest transit stop is at the intersection of Patterson Avenue and Uncle Frank's Court.
<b>Transportation Impact Analysis (TIA)</b>	A TIA was not required.
<b>Analysis of Site Access and Transportation Information</b>	The site is currently accessed off of Laura Avenue, a local street. Future access to the site cannot be determined as a site plan was not submitted for review. The site is within walking distance (approximately ¼ mile) to a bus stop for Transit Route 87. However, sidewalks do not currently exist along Laura Avenue, Commerce Court, Kevin Drive or Patterson Avenue.
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy 2030 Growth Management Area</b>	Suburban Neighborhoods GMA 3
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Encourage reuse of vacant and underutilized commercial and industrial sites (p. 57).</li> <li>• Promote compatible infill development that fits with the context of its surroundings. (p. 141)</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>North Suburban Area Plan Update (2014)</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The plan recommends the subject property for commercial use (p. 29)</li> <li>• The plan recommends the creation of new commercial opportunities and the improvement of existing commercial areas that blend with existing development and do not infringe on nearby neighborhoods (p. 25)</li> <li>• Commercial areas should be compact with limited-access to major thoroughfares and should not promote strip development.</li> <li>• The redevelopment of existing undeveloped and underutilized sites is recommended.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	No

<b>Site Located within Activity Center?</b>	No	
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>	
	No. However, similar rezonings (residential classification to general use business classification) located within the area have been approved in the past establishing commercial zoning as the predominant zoning classification.	
	<b>(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?</b>	
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The rezoning would allow for new commercial opportunities to take place on property that is currently surrounded by commercial or vacant property to the north, east and south and a highway to the west. Said characteristics allow the site to achieve the <i>Legacy 2030</i> recommendations of limiting commercial encroachment into neighborhoods and promoting infill development that is compatible with the context of its surroundings. Furthermore, the <i>North Suburban Area Plan Update</i> recommends this property for commercial use as it will create a new commercial use that will not infringe on nearby neighborhoods.</p>	
	<p>The majority of the surrounding property is zoned general use Highway Business (HB). Furthermore, property zoned general use General Business (GB) is located south of the subject property along Patterson Avenue. The subject request is a special use limited request with the only restriction being the removal of the use Adult Establishment. Given said restriction, the surrounding zoning pattern, and the recommendations of the <i>North Suburban Area Plan Update</i>, staff is supportive of this GB-L request.</p>	
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>		
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>	
Property is primarily surrounded by commercial property and vacant land to the north, east, and south and US 52 to the west.	The request would leave one residential single-family (RS9) lot surrounded by commercial zoning.	
The request supports the recommendations of <i>Legacy 2030</i> .		
The <i>North Suburban Area Plan Update</i> recommends commercial use for the subject property.		
Similar rezoning cases in the area have been approved in the past.		

**STAFF RECOMMENDATION: APPROVAL**

**NOTE:** These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3341  
SEPTEMBER 14, 2017**

Aaron King presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe moved approval of the zoning.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King,  
Clarence Lambe, Chris Leak, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning and Development Services