

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3415
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Muhammad Azam and Iffet Saeed
Owner(s)	Same
Subject Property	PIN 6844-98-6338 and a portion of PIN 6844-98-6268
Address	2214 Cole Road
Type of Request	General Use rezoning from RS9 to NO
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential, Single Family – 9,000 sf minimum lot size) to NO (Neighborhood Office).</p> <p>NOTE: General, Special Use Limited, and Special Use district zoning were discussed with the petitioner(s), who decided to pursue the rezoning as presented. With a General Use request all uses in the district must be considered.</p>
Continuance History	This request was originally submitted for the June 2019 Planning Board meeting and was continued, first to the July 2019 meeting and later to the August 2019 meeting.
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.
Zoning District Purpose Statement	The NO District is primarily intended to accommodate very low intensity office uses within converted single-family detached units. The district is intended to be located on the periphery of established residential areas, along major and minor thoroughfares. The district is established to provide convenient locations for offices, the size and operating characteristics of which require limited parking and which generate little traffic. Standards are designed so that this district may serve as a transitional land use between residential districts and commercial districts. This district is intended for application in GMAs 2, 3 and 4.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes. The site is within GMA 2 and located along a minor thoroughfare. The property could also be viewed as a transitional site between residentially and commercially zoned properties.</p>
GENERAL SITE INFORMATION	
Location	West side of Cole Road, between Waughtown Street and Sprague Street
Jurisdiction	City of Winston-Salem
Ward(s)	Southeast
Site Acreage	± .44 acre

Current Land Use	A single-family home is currently located on the site.					
Surrounding Property Zoning and Use	Direction	Zoning District			Use	
	North	HB			El Paisano Restaurant	
	East	RS9			Undeveloped lot and a single-family home	
	South	RS9			Single-family home	
	West	HB			Single-family home	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	The nonresidential uses allowed in the NO district are compatible with the uses permitted on the adjacent HB zoned properties. Some of these nonresidential uses may be less compatible with the single-family homes permitted on the adjacent RS9 zoned properties.					
Physical Characteristics	The developed site has a gentle slope upward toward the northeast.					
Proximity to Water and Sewer	The site has access to public water and sewer which are both located along Cole Road.					
Stormwater/ Drainage	No known issues.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The site is currently developed with a single-family home and a recently expanded parking area. It is positioned between intense HB zoned properties which front on Waughtown Street and RS9 zoned properties containing other single-family homes. The site appears to have no development constraints such as steep slopes or regulated watersheds and floodplains.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3004	RS9 to HB-S	Withdrawn 2/2/2009	100 feet west	1.99	Denial	Denial
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Cole Road	Minor Thoroughfare	127 feet	1,600	13,800		
Proposed Access Point(s)	Because this is a General Use request with no site plan, staff cannot determine proposed access points. However, the site currently has a single access from Cole Road.					

Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9</u> .44 acre / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day</p> <p><u>Proposed Zoning: NO</u> Because there is no site plan associated with this request, staff is unable to estimate the proposed trip generation.</p>
Sidewalks	Sidewalks are located along both sides of Cole Road.
Transit	WSTA Route 101 runs along Cole Road in front of the subject property.
Analysis of Site Access and Transportation Information	The site is located along a minor thoroughfare which has ample capacity and sidewalks. Cole Road is also served by transit. Due to the modest size of the subject property and the limited intensity of the NO district permitted uses, staff does not foresee any transportation related issues associated with this request.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 2 - Urban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. • Encourage quality infill development on both vacant land and redeveloped sites with an emphasis on conforming to the neighborhood's existing character and scale. • Discourage inappropriate commercial encroachment into neighborhoods.
Relevant Area Plan(s)	<i>Southeast Winston-Salem Area Plan Update (2013)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The subject property is shown for low-density residential use.
Site Located Along Growth Corridor?	The site is located approximately 180 feet south of the Waughtown Street growth corridor.
Site Located within Activity Center?	No, but the site adjoins the Southeast Plaza Activity Center.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	See comments below.
Analysis of Conformity to Plans and Planning Issues	<p>The subject property is developed with a single-family home and adjoins HB zoning on two sides. However, the character of this section of Cole Road (which is a minor thoroughfare) is largely residential.</p> <p>In keeping with the current use, the area plan recommends low-density</p>

residential for the site. The NO district allows for residential uses, as well as modestly sized (4,000 square feet building maximum) office and institutional uses. The NO district also has inherent design requirements for landscaping, signage, lighting, and the location of parking, which are intended to minimize off-site impacts.

Staff concedes that due to the adjacent HB zoning, the subject property could be an appropriate transitional location for NO zoning. However, without the benefit of a site plan, it is more difficult to ensure that any future improvements to the site will not negatively impact the adjacent single-family homes. This is further emphasized in light of the *Southeast Winston-Salem Area Plan Update*, which recommends no change in land use.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The request could provide a reasonable transition between HB zoned properties and RS9 zoned properties.	The area plan recommends no change for the subject property.
The site fronts on a minor thoroughfare with ample capacity and is served with transit and sidewalks.	This block of Cole Road is characterized by single-family homes, and extending general use non-residential zoning into this area may have negative consequences on said homes.

STAFF RECOMMENDATION: Denial

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.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3415
AUGUST 8, 2019**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Waqas Azam, 611 Waughtown Street, Winston-Salem, NC 27107

- That has been our home for the past 10-15 years.
- We ended up moving because it was hard to live there due to the surrounding businesses staying open late. We put the property up for rent, with no luck, so we thought about opening up a neighborhood daycare there. That is why we applied for rezoning.

AGAINST: None

WORK SESSION

Clarence Lambe asked Mr. Azam whether staff explored Special Use zoning as an option, and Mr. Azam confirmed that staff did talk with him about Special Use zoning. He explained that the last time he did a site plan for another location, he lost a lot of money, so he did not want to do that again. If the Board would approve rezoning, he would be glad to go with a site plan. Mr. Azam stated that a daycare is the only thing he wishes to put in that space.

Clarence asked staff if a scaled Google map would suffice. Aaron King stated that it would not suffice for a Special Use rezoning request because there are specific requirements in the UDO stating that the site plan has to be a sealed drawing by either an engineer, surveyor or landscape architect.

In answer to a question by Brenda Smith, Chris Murphy explained that RM8 is the least intense district that allows a child daycare center, and that would still necessitate a rezoning. And if you do a child daycare center, you would have to do a site plan that would be approved by the Planning Board. The property has to either be rezoned through a General Use rezoning, which would require you to bring a site plan back through, or you can do it concurrently and get the site plan approved as part of the rezoning as an "S." A site plan is required regardless of the zoning.

MOTION: George Bryan recommended denial of the zoning petition.

SECOND: Melynda Dunigan

VOTE:

FOR: George Bryan; Melynda Dunigan; Jason Grubbs; Tommy Hicks; Chris Leak

AGAINST: Clarence Lambe; Brenda Smith

EXCUSED: None

Aaron King
Director of Planning and Development Services