

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3637
Staff	Rory Howard
Petitioner(s)	Shyam Shlock, LLC
Owner(s)	Same
Subject Property	PINs 6814-32-1939 and 6814-32-1833
Address	2101 Griffith Road, 3390 Burke Mill Road, and 2125 Griffith Road
Type of Request	Special Use Rezoning
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential, Single Family – 9,000 square-foot minimum lot size) to LB-S (Limited Business – Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Convenience Store • Food or Drug Store
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.
Zoning District Purpose Statement	<p>The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in GMAs 2, 3, 4, and 5.</p>
Rezoning Consideration from Section 3.2.19.A.16	<p>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p>
	<p>No. While the site is within GMA 3 at the intersection of two minor thoroughfares, it is surrounded by single-family homes to the east and south. One of the purposes of the LB district is to serve areas that do not have access to goods and services within a reasonable distance. This area is directly south of the Hanes Mall activity center which provides a wide array of goods and services to residents. The proposed high-intensity Convenience Store does not provide an effective transition between the commercial uses in the activity center to the north of the site and the residential uses to the south and east of the site.</p>
GENERAL SITE INFORMATION	
Location	Southeast intersection of Burke Mill Road and Griffith Road
Jurisdiction	Winston-Salem
Ward	South

Site Acreage	± 1.08 acres					
Current Land Use	The northern portion of the site contains an existing legally nonconforming convenience store use. The use predates the zoning ordinance and was therefore “grandfathered”. However, any termination of the use for more than one year or the substantial expansion of the use would require rezoning. Two single-family homes and associated accessory buildings exist within the southern and eastern portions of the site.					
Surrounding Property Zoning and Use	Direction	Zoning District			Use	
	North	RS9-S, CPO-S, and CPO			Offices	
	South	RS9			Single-family homes	
	East	RS9			Single-family homes	
	West	RS9 and RM18-S			A single-family home and apartments	
Rezoning Consideration from Section 3.2.19 A 16	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	The proposed Convenience Store use is a high-intensity land use that is not compatible with single-family residential development. While the use is generally compatible with the commercial and office development north of Burke Mill Road, this request would allow high-intensity commercial development to encroach further into a residential area.					
Physical Characteristics	This site is currently developed with an existing nonconforming convenience store (Myers Grocery Store) and two single-family homes on the eastern and southern portions of the site. The existing convenience store includes a continuous curb-cut and paved area at the intersection of Burke Mill Road and Griffith Road. The site has a fifteen-foot descent in elevation from the north to the south.					
Proximity to Water and Sewer	The site has access to public water and sewer.					
Watershed and Overlay Districts	The site is not located within any water supply watershed or overlay district.					
Stormwater/ Drainage	Staff is not aware of any existing stormwater issues at this location.					
Analysis of General Site Information	This site is currently developed with a nonconforming commercial building and two single-family dwellings, and has access to public water and sewer. The topography of the property is not expected to significantly limit additional development. The site is not located in a water supply watershed, nor is it in a designated flood zone.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3316	RS9, PB-L, PB-S, and LB-S to GB-S	Approved 3/6/2017	Northwest	8.81	Approval	Approval

SITE ACCESS AND TRANSPORTATION INFORMATION					
Street Name	Classification	Street Maintenance	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Griffith Road	Minor Thoroughfare	WSDOT	307 feet	8,000	13,800
Burke Mill Road	Minor Thoroughfare	WSDOT	177 feet	14,000	13,800
Proposed Access Point(s)	The site plan proposes two access points, one on Griffith Road and one on Burke Mill Road. Both access points will have full access onto their respective roads.				
Proposed Road Improvements	A southbound left-hand lane will be provided to allow full access to the proposed driveway onto Griffith Road. The site plan shows the closure of the existing continuous curb-cut at the northwest corner of the site and the addition of sidewalk along both road frontages.				
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9</u> 2 units x 9.57 trips per unit (Single-Family Detached House) = 19.14 trips per day</p> <p>752 sf x 362.2 trips per 1,000 sf (Convenience Market (Open 15-16 Hours) = 272.37 trips per day</p> <p>Total Existing Trips per Day: 291.51 trips per day</p> <p><u>Proposed Zoning: LB-S</u> 3,375 sf x 362.2 trips per 1,000 sf (Convenience Market (Open 15-16 Hours) = 1,222.42 trips per day</p>				
Sidewalks	The site plan shows all required internal sidewalks and pedestrian connections to proposed public sidewalks along Burke Mill Road and Griffith Road.				
Transit	WSTA Routes 80 and 81 stop at the intersection of Hanes Mall Boulevard and Hampton Inn Court, approximately half a mile north of the site.				
Analysis of Site Access and Transportation Information	The portion of Burke Mill Road abutting this property already has an average daily trip count exceeding the road's current capacity at Level of Service D. The proposed site plan does eliminate the continuous driveway which currently exists along at the northwest corner of the site. However, the approximately 930 estimated additional trips per day generated by the intensification of development on-site will further exacerbate traffic issues along a heavily traveled thoroughfare.				

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	A 3,375 sf building, a 1,050 sf patio area, and a 4,176 sf fueling area canopy		Northwest corner of the site
Parking	Required	Proposed	Layout
	26 parking spaces	26 parking spaces	Single-loaded 90-degree parking spaces and gas fueling spaces
Building Height	Maximum		Proposed
	40 feet		32 feet
Impervious Coverage	Maximum		Proposed
	75%		70.99%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none">Section 4.6.7: Limited Business DistrictSection 6: Development Standards		
Complies with Section 3.2.11	(A) <i>Legacy 2030 policies:</i>	No	
	(B) <i>Environmental Ord.</i>	N/A	
	(C) <i>Subdivision Regulations</i>	N/A	
Analysis of Site Plan Compliance with UDO Requirements	The proposed site plan depicts a 3,375 square-foot convenience store building, an accessory outdoor patio area, and a fueling area canopy with six pump stations. The building elevations show entrances on both sides of the building to accommodate entrance from either the parking area or from the public sidewalk along the adjacent road frontages. All required sidewalks, parking, landscaping, and bufferyards are shown. The minimum parking requirement of 26 spaces is met through a combination of 14 standard spaces and 12 gasoline fueling spaces.		
CONFORMITY TO PLANS AND PLANNING ISSUES			
Forward 2045 Growth Management Area	Growth Management Area 3 – Suburban Neighborhoods		
Relevant Forward 2045 Recommendations	<ul style="list-style-type: none">Prioritize low-intensity commercial or moderate-density residential land uses as transitions between single-family residential and larger commercial areas.Prioritize neighborhood-serving uses, such as cafes, medical offices, and grocery stores, instead of large-scale commercial uses near residential areas.Prioritize the creation of neighborhood retail nodes.		
Relevant Area Plan(s)	Southwest Suburban Area Plan Update (2015)		

Area Plan Recommendations	<ul style="list-style-type: none"> • The <i>Southwest Suburban Area Plan Update</i> recommends low-density attached residential development for this property. • Neighborhoods should be protected from inappropriate residential, commercial, industrial and institutional encroachment. • Commercial development should be concentrated in designated areas and not be allowed to take the form of strip development along the major roads in the planning area.
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Rezoning Consideration from Section 3.2.19.A.16	Have changing conditions substantially affected the area in the petition?
	No.
	Is the requested action in conformance with <i>Legacy 2030</i>.
	No.
Analysis of Conformity to Plans and Planning Issues	<p>The request would rezone a 1.08-acre site from RS9 to LB-S to allow for the redevelopment of a site containing an existing nonconforming convenience store (Myers Grocery Store). The site plan shows a 3,375 square foot convenience store with a 1,050 square foot patio area, and a 4,176 square foot gas fueling area located to the rear of the building. The petitioner has worked with staff to provide additional screening along the frontage of the site as well as additional sidewalks to provide for needed pedestrian connectivity.</p> <p>The site is bounded by commercial and office development to the north across Burke Mill Road and residentially zoned properties to the south, east, and west of the site. The <i>Southwest Suburban Area Plan Update</i> recognizes Burke Mill Road as the dividing line between commercial and residential land uses at this location, as Griffith Road south of Burke Mill is residential in nature.</p> <p>The formalization and significant expansion of the nonconforming convenience store use on-site is not recommended by the <i>Southwest Suburban Area Plan Update</i>. The Plan recommends low-density attached residential land uses in this area to provide for an appropriate transition between the Hanes Mall activity center and existing single-family residential uses. Both the Area Plan and <i>Forward 2045</i> recommend against inappropriate high-intensity commercial encroachment into residential areas.</p>

	In addition to these land use compatibility concerns, the proposed use would generate a significant number of additional trips on Burke Mill Road, which already has traffic in excess of its design capacity at Level of Service D.
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The proposal would allow for the redevelopment of a commercial use along a minor throughfare.	The request is not consistent with the recommendations of <i>Forward 2045</i> or the <i>Southwest Suburban Area Plan Update</i> to limit commercial encroachment into residential areas.
	Approval of this request could lead to requests for additional commercial zoning along Griffith Road south of Burke Mill Road.
	This request would increase traffic generation along a minor thoroughfare (Burke Mill Road) that is already operating beyond its design capacity at Service Level D.
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ul style="list-style-type: none"> a. The developer shall obtain a driveway permit from the NCDOT; additional improvements may be required prior to issuance of the driveway permits. • <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ul style="list-style-type: none"> a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff. • <u>OTHER REQUIREMENTS:</u> <ul style="list-style-type: none"> a. Freestanding signage shall be limited to one sign, with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet. b. A minimum 6-foot-tall opaque fence shall be built along the southern and eastern property lines in addition to the required bufferyard plantings. c. An enhanced 10-foot-wide streetyard meeting the Type I Bufferyard planting requirements shall be installed along the entire frontages of Burke Mill Road and Griffith Road. d. No exterior amplification, exterior loudspeakers, or similar devices (including a customer call system) that are audible beyond the boundaries of the subject property shall be installed. 	

STAFF RECOMMENDATION:

ZONING: Denial

NOTE: These are **staff comments** only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue, or request modification to any request. **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-3637

JANUARY 9, 2025

Rory Howard presented the staff report.

Mr. Lambe inquired about the trip generation calculations provided in the staff report. In response, Mr. Ericson discussed the traffic volume for both the existing and proposed developments. Mr. Farabee asked why the proposed building was located close to the street, to which Mr. Ericson explained that this design choice was not a requirement of the ordinance but instead the preference of the applicant. Mr. Murphy clarified that the staff's decision to deny the request was primarily based on land use and traffic concerns rather than the proposed site design. He also provided a brief development history of the site. Staff and the Board discussed the current configuration of the site and its nonconforming status. Additionally, Mr. Steelman mentioned a letter from a nearby property owner expressing support for the proposal, which all Board members had received.

PUBLIC HEARING

FOR: Nick Blackwood, representative and attorney for the petitioner.

- Mr. Blackwood provided an overview of the proposal.

Mr. Lambe asked whether the petitioner was aware of any opposition to the proposal from neighboring property owners or residents, to which Mr. Blackwood replied that there were no opponents to the proposed rezoning, to his knowledge. Ms. Schwab inquired about whether any sidewalks existed on or near the site, to which staff stated there were not.

Marc Isaacson, representative and attorney for the petitioner.

- Mr. Isaacson provided a brief statement in support of the proposed rezoning request.

AGAINST: None

WORK SESSION

Mr. Lambe inquired about the last update of the *Southwest Suburban Area Plan*. In response, Mr. Murphy and Mr. Ericson shared the dates of the most recent updates. Mr. Grubbs mentioned that the proposed request might not increase traffic if its customers were already driving by the site to reach other destinations, and expressed his approval of the design of the proposed structure. Ms.

Smith opined on the history of the site and the surrounding parcels, while Mr. Farabee also discussed the site's history and the possibility for other types of development on the property. Ms. Schwab noted that it would be challenging for nearby residents to access the proposed business on foot due to a lack of existing sidewalk connectivity in the area.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak,
Salvador Patiño, Lindsey Schwab, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning amendment.

SECOND: Jason Grubbs

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak,
Brenda Smith, Jack Steelman

AGAINST: Salvador Patiño, Lindsey Schwab

EXCUSED: None

Chris Murphy, AICP/CZO
Director of Planning and Development Services