

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket</b>	W-3450		
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>		
<b>Petitioner(s)</b>	D-2/Dairio, LLC		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	PIN 6823-86-2492		
<b>Address</b>	1167 West Clemmonsville Road		
<b>Type of Request</b>	Special Use rezoning from HB-S to HB-S		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property <b>from</b> HB-S (Highway Business – Special Use - Offices; Services, A; Services, B; and School, Vocational or Professional) <b>to</b> HB-S (Highway Business - Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Offices; Parking, Commercial; Restaurant (with drive-through service); School, Vocational or Professional; Services, A; and Services, B</li> </ul>		
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner’s neighborhood outreach is attached.		
<b>Zoning District Purpose Statement</b>	The HB District is primarily intended to accommodate retail service, distributive uses, and high-density residential. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. The district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs 2, 3 and 4.		
<b>Rezoning Consideration from Section 3.2.15 A 13</b>	<b>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>		
	Yes. The site is presently zoned HB-S and is adjacent to other HB-S property. The property also has frontage along a major thoroughfare.		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	Northwest corner of the intersection of Orchard View Drive and West Clemmonsville Road		
<b>Jurisdiction</b>	Winston-Salem		
<b>Ward(s)</b>	South		
<b>Site Acreage</b>	± 1.04 acres		
<b>Current Land Use</b>	The site is currently undeveloped.		
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>
	North	RS9 and MH	Single-family homes
	East	RS9	Single-family home
	South	RS9	Neighborhood church
	West	HB-S	Dairi-O Restaurant

<b>Rezoning Consideration from Section 3.2.15 A 13</b>	<b>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>					
	The proposed commercial uses are compatible with the uses permitted on the adjacent HB-S site and less compatible with the low-density residential uses permitted on the adjacent MH and RS9 properties.					
<b>Physical Characteristics</b>	The undeveloped site includes some mature trees and has a gentle slope downward to the southwest.					
<b>Proximity to Water and Sewer</b>	Public water and sewer lines are located beneath West Clemmonsville Road, and public water is located beneath Orchard View Drive.					
<b>Stormwater/ Drainage</b>	The proposed site plan shows an underground stormwater management facility in the central portion of the site. A stormwater management study will be required.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The site is undeveloped and has favorable topography. While not located within a designated floodplain nor water supply watershed, it is located in a transitional area between commercial uses and low-density residential uses.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3157	HB-S Site Plan Amendment	Approved 11/5/2012	Directly west	1.3	Approval	Approval
W-2759	RS9 to HB-S	Approved 5-2-2005	Current site	1.17	Denial	Approval
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
West Clemmonsville Road	Major Thoroughfare	232 feet	13,000	13,800		
Orchard View Drive	Local Street	127 feet	N/A	N/A		
<b>Proposed Access Point(s)</b>	The site would be accessed from Orchard View Drive and the adjacent HB-S site.					
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: HB-S</u>  14,960 sf / 1,000 x 11.01 (general office building trip rate) = 165 trips per day</p> <p><u>Proposed Zoning: HB-S</u>  Because no building is proposed, staff is unable to estimate trip generation for the proposed zoning. The proposed parking lot alone will not generate new trips.</p>					

<b>Sidewalks</b>	Sidewalk is currently located along the frontage of West Clemmons ville Road, and two lateral sidewalk connections are proposed from the site to the Dairi-O Restaurant entrance.	
<b>Transit</b>	WSTA Route 101 serves the subject property along West Clemmons ville Road, and Route 83 runs along Peters Creek Parkway approximately 700 feet to the west.	
<b>Connectivity</b>	The proposed parking lot would be connected to the existing access and parking area for the existing Dairi-O Restaurant.	
<b>Analysis of Site Access and Transportation Information</b>	The proposed access from Orchard View Drive is in the same location as shown on the approved plan. A second point of access would be from the existing parking and circulation area of the adjacent restaurant. WSDOT will require a negative access easement along the frontage of West Clemmons ville Road to prevent additional driveways onto that thoroughfare.	
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>		
<b>Impervious Coverage</b>	<b>Maximum</b>	<b>Proposed</b>
	85 percent	65.38 percent
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 4.6.9: Highway Business District</li> </ul>	
<b>Complies with Section 3.2.11</b>	<b>(A) Legacy 2030 policies:</b>	Yes
	<b>(B) Environmental Ord.</b>	N/A
	<b>(C) Subdivision Regulations</b>	N/A
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The proposed site plan shows a 30-space parking lot with seven bus or trailer parking spaces. These spaces would augment existing parking for the adjacent restaurant. No buildings or freestanding signage are proposed.	
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>		
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 – Suburban Neighborhoods	
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>Encourage attractive parking design and more efficient use of parking.</li> <li>Minimize the number of driveways along thoroughfares and arterials to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity.</li> <li>Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods.</li> <li>Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas.</li> </ul>	
<b>Relevant Area Plan(s)</b>	<i>South Suburban Area Plan Update (2017)</i>	
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The proposed land use map recommends Commercial Land Use at this location.</li> </ul>	

<b>Site Located Along Growth Corridor?</b>	The site is not located along a growth corridor.
<b>Site Located within Activity Center?</b>	The site is not located within an activity center.
<b>Rezoning Consideration from Section 3.2.15 A 13</b>	<b>Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>Is the requested action in conformance with <i>Legacy 2030</i>?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The site was rezoned to HB-S in 2005 to accommodate a two-story office/institutional building that was never constructed. The current request includes all of the previously approved uses and adds Parking, Commercial for providing additional parking for the adjacent Dairi-O Restaurant.</p> <p>In recognition of the current zoning, the <i>South Suburban Area Plan Update</i> recommends commercial land use for the site. West Clemmonsville Road is a major thoroughfare; however, Orchard View Drive is a neighborhood street with residential context. In an effort to minimize the visual impacts of the proposed parking area, the proposed site plan includes primary evergreen plantings in place of the shrubs that would normally be required within the streetyard along Orchard View Drive. Along the northern boundary, an opaque fence is included in addition to a Type III bufferyard. The petitioner has also agreed to have no signage on the site.</p>
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The site has been zoned HB-S since 2005.	The request would extend commercial traffic onto a street that is otherwise characterized by single-family homes.
The area plan recommends commercial land use for the subject property.	
There will be no freestanding signage on the site.	
The request includes a six-foot opaque fence in addition to the Type III bufferyard along the northern property line, adjacent to single-family homes.	
The streetyard along Orchard View Drive will include more significant evergreen plantings than would normally be required.	

#### **SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall have a stormwater management study submitted for review by the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.
  - b. Developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of the driveway permit(s). Required improvements include:
    - Improving Orchard View Drive between West Clemmonsville Road and the proposed driveway to twenty-two (22) feet in width, with curb and gutter as shown on the site plan.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall complete all requirements of the driveway permit.
- **OTHER REQUIREMENTS:**
  - a. As volunteered by the petitioner, no new freestanding signage shall be permitted on the site.

#### **STAFF RECOMMENDATION: Approval**

**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.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3450  
AUGUST 13, 2020**

Desmond Corley presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

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

SECOND: Jack Steelman

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jack Steelman

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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Aaron King  
Director of Planning and Development Services