

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>			
<b>Docket #</b>	W-3367		
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>		
<b>Petitioner(s)</b>	Julie Delane Davis		
<b>Owner(s)</b>	Same		
<b>Subject Property</b>	PIN # 6854-29-5466		
<b>Address</b>	The new address for this site will be 109 Nicholson Road. The site is adjacent to 3075 Kernersville Road.		
<b>Type of Request</b>	Special use rezoning from HB and RS9 to HB-S		
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> HB (Highway Business) and RS9 (Residential, Single Family - 9,000 sf minimum lot size) <b>to</b> HB-S (Highway Business - special use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Motor Vehicle Repair and Maintenance; and Offices</li> </ul>		
<b>Neighborhood Contact/Meeting</b>	See Attachment B for a summary of the petitioner's neighborhood outreach.		
<b>Zoning District Purpose Statement</b>	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, 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>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>		
	Yes, the site is partially zoned HB and it is adjacent to HB zoned property on three sides. The site is also located within the Suburban Neighborhoods GMA.		
<b>GENERAL SITE INFORMATION</b>			
<b>Location</b>	East side of Nicholson Road, north of Kernersville Road		
<b>Jurisdiction</b>	City of Winston-Salem		
<b>Ward(s)</b>	East		
<b>Site Acreage</b>	± .47 acre		
<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	Single family home
	East	HB	Undeveloped
	South	HB	Five Points Tire and Auto
	West	HB	Single family homes

<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>					
	The proposed uses are compatible with the uses permitted on the adjacent HB zoned properties. The use of Motor Vehicle Repair and Maintenance is less compatible with the low density residential uses permitted on the adjacent RS9 zoned property located to the north.					
<b>Physical Characteristics</b>	The undeveloped site has a gentle slope downward toward the northeast.					
<b>Proximity to Water and Sewer</b>	The site has access to public water and sewer service.					
<b>Stormwater/ Drainage</b>	The site plan shows a storm water management facility to be located in the northeastern portion of the site. A stormwater study will be required.					
<b>Watershed and Overlay Districts</b>	The site is located within the Reservoir Protection Area of the Salem Lake WS III Watershed and as such the site is limited to 12% impervious coverage. However, if stormwater controls are used, the site may be developed up to a maximum of 30% impervious. The request does include stormwater management and the proposed impervious coverage is 29.47%.					
<b>Analysis of General Site Information</b>	The undeveloped site is constrained by the angle in which the RS9/HB zoning district boundary line traverses the property. The site is also located within the Salem Lake WS III Watershed and as noted above, the proposed site plan is in compliance with the impervious coverage limitations of the ordinance.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2984	RS9 to HB-S	Withdrawn at Planning Board 7-10-2008	Included the RS9 portion of the current site	.24	Withdrawal	Withdrawn
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Nicholson Road	Local Street	101'	NA	NA		
<b>Proposed Access Point(s)</b>	The site will be accessed from Nicholson Road and have an internal connection to the adjacent HB zoned site located to the south.					
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: HB and RS9</u> Staff is unable to provide an accurate trip generation for the existing general use zonings because there is no site plan.</p> <p><u>Proposed Zoning: HB-S</u> 1,710 sf / 1,000 x 24.87 (Tire Store Trip Rate) = 42 Trips per Day</p>					
<b>Sidewalks</b>	There are no sidewalks located along Nicholson Road.					
<b>Transit</b>	Routes 101 and 105 serve the intersection of Waughtown Street and High Point Road located approximately 600' to the southwest.					

<b>Analysis of Site Access and Transportation Information</b>	Staff does not foresee any transportation related issues associated with this request.	
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>		
<b>Building Square Footage</b>	<b>Square Footage</b>	<b>Placement on Site</b>
	1,710 sf	Southwestern portion of the site
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>
	9 spaces	9 spaces
<b>Building Height</b>	<b>Maximum</b>	<b>Proposed</b>
	60'	One story
<b>Impervious Coverage</b>	<b>Maximum</b>	<b>Proposed</b>
	30%	29.47%
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Chapter B, Article II, Section 2-1.3 (I) Highway Business District</li> <li>Chapter C, Article III, Salem Lake Watershed Protection</li> </ul>	
<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	<b>(A) Legacy 2030 policies:</b>	Yes
	<b>(B) Environmental Ord.</b>	Yes
	<b>(C) Subdivision Regulations</b>	NA
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The site plan proposes a new three bay auto repair garage and associated parking. The site is located within the Salem Lake Watershed Reservoir Protection Area. As noted previously, the site plan includes a stormwater management facility (located in the northeastern corner of the site) and the proposed impervious coverage falls below the 30% maximum.	
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>		
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 2 - Urban Neighborhoods	
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. Quality design of nonresidential uses may negate the need for buffers.</li> <li>Encourage convenient services at designated areas to support neighborhoods consistent with the Growth Management Plan.</li> <li>Discourage inappropriate commercial encroachment into neighborhoods.</li> </ul>	
<b>Relevant Area Plan(s)</b>	<i>Southeast Winston-Salem Area Plan Update (2013)</i>	
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The property is shown on the Proposed Land Use Map for commercial use.</li> <li>Allow expansion of the commercial zoning into the RS9 portion of the subject property with an appropriate zoning district, such as NB or LB with a limitation on uses and provision of appropriate buffers to adjacent properties.</li> </ul>	

<b>Site Located Along Growth Corridor?</b>	The site is adjacent to and will have connectivity with a site which fronts along the Waughtown/Kernersville Road Growth Corridor.
<b>Site Located within Activity Center?</b>	The site is located within the Southeast Plaza Activity Center.
<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
	<b>(R)(4) - 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 request is to rezone a modest sized undeveloped lot which has split zoning from RS9 and HB to HB-S. The site plan is for a three bay auto repair garage (Motor Vehicle, Repair and Maintenance). The other requested use is for Offices.</p> <p>The <i>Southeast Winston-Salem Area Plan Update</i> specifically identifies the site and recommends either the NB or the LB zoning district with appropriate conditions. The developer is proposing HB-S zoning because the desired use of Motor Vehicle, Repair and Maintenance is not allowed in either NB or LB within the Suburban Neighborhoods GMA. Staff is aware that the property is located across the street from single family homes; however, those homes are zoned HB general use.</p> <p>Development of the site is currently hindered not only because of its size and the manner in which the RS9/HB zoning line traverses the site, but because of the impervious coverage limitations of the Salem Lake Watershed. The site plan includes the combination of a 20' and a 40' Type III bufferyard along the northern property line which abuts RS9 zoning. The developer has also agreed to provide an opaque fence along this line as well as a condition for lighting and monument signage. Staff also notes that the service bay doors open toward Nicholson Road and not toward said RS9 zoning.</p> <p>Considering these aspects of the request and including the limited number of requested uses, Planning staff recommends approval.</p>
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The request is generally consistent with the recommendations of the area plan.	The requested HB-S zoning is not consistent with the area plan recommendation for either NB or LB zoning.
The request will permit the development of a site which is currently constrained by dual zoning.	
The site is adjacent to HB zoning on three sides.	

The site is within an activity center, close to a growth corridor.	
The request includes only two uses.	

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

- **PRIOR TO ISSUANCE OF ANY PERMITS:**
  - a. Developer shall obtain a Watershed Permit from the Erosion Control Officer.
  - b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. 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.
  - c. Developer shall obtain a driveway permit from the City of Winston-Salem DOT. Required improvements include:
    - Dedication of right-of-way twenty-five (25) feet from the centerline of Nicholson Road.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the western and northern property lines.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Lighting shall be installed per approved lighting plan and certified by an engineer.
  - b. All required improvements of the City of Winston-Salem driveway permit shall be completed.
  - c. Developer shall install a six (6) foot tall opaque fence along the northern property line.
  
- **OTHER REQUIREMENTS:**
  - 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. Any chain link fencing shall be black vinyl coated.
  - c. No razor wire or barbed wire shall be permitted on the subject property.

**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-3367  
May 10, 2018**

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

Edward Malone, 6102 O'Briant Court, Greensboro, NC 27410

In answer to a question by the Board, Mr. Malone stated that there has been no consideration of placing wiring on top of fencing. He agreed to that being a condition.

MOTION: Jason Grubbs moved approval of the zoning petition with an amended condition that no razor wire be placed on top of the opaque fence and certified the site plan (including staff recommended conditions) meets all UDO requirements if the petition is approved.

SECOND: Chris Leak

VOTE:

FOR: Melynda Dunigan, Jason Grubbs, Arnold King, Chris Leak, Johnny Sigers, Brenda Smith

AGAINST: None

EXCUSED: None

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