

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3410
Staff	Desmond Corley
Petitioner(s)	Michael Neill Properties, LLC and Bob Neill, Inc. of Winston-Salem
Owner(s)	Same
Subject Property	PINs 6804-46-7827, 6804-47-7112, 6804-47-5299, 6804-57-0030, and 6804-57-1135
Address	Includes 691 Char-Lou Lane, 669 Char-Lou Lane, and 1585 Hanes Mall Boulevard
Type of Request	Special Use Limited rezoning from RS9 and HB-L to GB-L
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) and HB-L (Highway Business – Limited Use) to GB-L (General Business – Limited Use) to allow the following uses:</p> <p>Academic Biomedical Research Facility; Academic Medical Center; Animal Shelter, Public; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Building Materials Supply; Car Wash; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Combined Use; Convenience Store; Food or Drug Store; Fuel Dealer; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Habilitation Facility A; Habilitation Facility B; Habilitation Facility C; Hospital or Health Center; Hotel or Motel; Institutional Vocational Training Facility; Kennel, Indoor; Library, Public; Manufacturing A; Micro-Brewery or Micro-Distillery; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Storage Yard; Motorcycle Dealer; Museum or Art Gallery; Nursing Care Institution; Offices; Outdoor Display Retail; Park and Shuttle Lot; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; School, Vocational or Professional; Services, A; Services, B; Shopping Center; Shopping Center, Small; Special Events Center; Stadium, Coliseum, or Exhibition Building; Storage Services, Retail; Swimming Pool, Private; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Urban Agriculture; Utilities; Veterinary Services; Warehousing; Wholesale Trade A; Adult Day Care Center; Child Care Institution; Child Care, Sick Children; Family Group Home B; Family Group Home C; Group Care Facility A; Group Care Facility, B; Life Care Community; Residential Building, Multifamily; Residential Building, Townhouse; School, Private; School, Public; Access Easement, Private Off-Site; and Entertainment Facility, Large</p>

Zoning District Purpose Statement	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, 3, and Metro Activity Centers.		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes. The subject property is located along a prominent commercial thoroughfare and is one of the last remaining areas along that thoroughfare zoned for detached residential use. The property is in GMA 3 and could accommodate single-use business development or consolidated development with a mixture of uses.		
GENERAL SITE INFORMATION			
Location	South side of Hanes Mall Boulevard, east of Char-Lou Lane		
Jurisdiction	City of Winston-Salem		
Ward(s)	Southwest		
Site Acreage	± 8.35 acres		
Current Land Use	Commercial parking in the southwest corner, otherwise vacant		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	West	HB	Restaurants and motor vehicle sales
	North	HB and GB	Restaurant, veterinary services, and motor vehicle sales
	East	HB-S	In-line commercial buildings with a mixture of uses
	South	HB-S	Large-format retail store (Walmart Supercenter)
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?		
	Yes. The subject property is a remnant zoned for detached residential use surrounded by high-intensity commercial zoning and uses. Rezoning the property would make it more compatible with the uses permitted on other properties in the vicinity.		
Physical Characteristics	A few stands of mature trees are scattered throughout the site, primarily along the perimeter; however, there are two substantial stands of trees near the center of the site. The site's topography gradually slopes downward from the northwest to the southeast.		
Proximity to Water and Sewer	Public water and sewer are available to the site.		

Stormwater/ Drainage	There are no known stormwater or drainage issues associated with the site.
Watershed and Overlay Districts	The site is not located within a protected watershed nor in any overlay districts.
Historic, Natural Heritage and/or Farmland Inventories	Parcel 6804-57-1135 at 1585 Hanes Mall Boulevard is the former site of the Frye-Spainhour House (circa 1840-1860), a log house that was expanded with frame additions. It was demolished between 2010 and 2014. There is a potential for archaeological resources to exist on the site.
Analysis of General Site Information	Unless there are archaeological resources on this site, the mostly vacant property is unencumbered by topography or any regulatory development constraints. It is surrounded by commercial uses and is an outlier along Hanes Mall Boulevard. Some of the existing vegetation may be worth retaining, especially because future development will be required to meet the standards of the tree save area provisions in the UDO.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3168	RS9 to HB-L	Approved 3/4/2013	Includes a portion of the subject property	± 0.75	Approval	Approval

SITE ACCESS AND TRANSPORTATION INFORMATION

Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Hanes Mall Boulevard	Boulevard (Major Thoroughfare)	750 feet	14,000	19,500
Kester Mill Road	Minor Thoroughfare	675 feet	N/A	N/A
Char-Lou Lane	Unclassified	600 feet	N/A	N/A
Proposed Access Point(s)	Because this is a Limited Use request with no site plan, staff cannot determine proposed access points. However, the portion of the site currently zoned HB-L contains a gated access from Char-Lou Lane.			
Planned Road Improvements	The applicant has not proposed any improvements with this request. Recommendations from the <i>Comprehensive Transportation Plan</i> are outlined below.			
Trip Generation - Existing/Proposed	No commercial parking uses are included in the trip generation information, and because there is no site plan associated with any proposed development, staff is unable to estimate either the existing or proposed trip generation for the subject property.			
Sidewalks	There are no sidewalks along any of the subject property's road frontages.			

Transit	WSTA Route 81 runs along Kester Mill Road. A stop for this route is located at the southeastern corner of the subject property.
Connectivity	Staff is unable to determine the overall connectivity of the site, as no site plan was submitted with this request. However, there may be opportunities to provide connections to the existing development to the east.
Transportation Impact Analysis (TIA)	No TIA was conducted in association with this request.
Analysis of Site Access and Transportation Information	The site is well situated between a major and minor thoroughfare with proximity to transit. The size and underdevelopment of the site provide opportunities for internal connectivity and consolidated access. While there are no sidewalks along any of the property frontages currently, they will be required with any subsequent development.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Grown Management Area 3 – Suburban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> ● Encourage reuse of vacant and underutilized commercial and industrial sites. ● Promote compatible infill development that fits with the context of its surroundings. ● Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area.
Relevant Area Plan(s)	<i>Southwest Suburban Area Plan Update (2015)</i>
Area Plan Recommendations	The area plan recommends commercial use of the subject property, encouraging the redevelopment of existing undeveloped and underutilized sites and calling for the improvement of existing commercial areas so as to blend with existing development and not infringe on nearby neighborhoods.
Site Located Along Growth Corridor?	No
Site Located within Activity Center?	No
Comprehensive Transportation Plan Information	The <i>Comprehensive Transportation Plan</i> calls for Hanes Mall Boulevard to be a four-lane, median-divided boulevard with curb and gutter, sidewalks on both sides of the road, and wide outside lanes for accommodating cyclists.
Greenway Plan Information	There are no planned greenways near the site.
Addressing	Addresses will be assigned at the time of permitting.
Applicable Rezoning Consideration from Chapter B,	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with Legacy 2030?

Article VI, Section 6-2.1(R)	Yes
Analysis of Conformity to Plans and Planning Issues	The request to rezone an underdeveloped residential remnant for commercial use would allow infill development compatible with the surrounding commercial properties. Both <i>Legacy</i> and the <i>Southwest Suburban Area Plan</i> are supportive of such development, and the area plan recommends the site for commercial use.
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The proposal would allow for the development of vacant land in a prominent commercial area.	Archaeological resources may exist on the subject property, and potential development could destroy them.
The proposal would create new commercial opportunities that are compatible with existing areas.	
The <i>Southwest Suburban Area Plan</i> recommends commercial use of the subject property.	
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.	
<ul style="list-style-type: none"> • <u>OTHER REQUIREMENTS:</u> <ol style="list-style-type: none"> a. Freestanding signage for development within the subject property’s boundaries shall be limited to monuments with a maximum height of six (6) feet and a maximum copy area of fifty (50) square feet. 	

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.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3410
MAY 23, 2019**

Desmond Corley presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

Melynda Dunigan inquired as to the archeological resources referenced in the staff report and whether there was any potential to recover any of the artifacts, if in fact there are any.

Desmond Corley stated that the report was inconclusive that there are any resources.

Aaron King stated that by adding those comments to the report, the Historic Resources staff was only raising awareness to the fact that it's possible something could be there.

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak,
Brenda Smith

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services