

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3362
Staff	Amy Crum
Petitioner(s)	Sammy Zitawi
Owner(s)	Same
Subject Property	PIN #6832-62-1581
Address	5132 S. Main Street, Winston-Salem
Type of Request	Special use limited no site plan rezoning from LB-S to LB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from LB-S (Limited Business – special use zoning - Retail Store; Convenience Store; Food or Drug Store; Motor Vehicle, Repair and Maintenance; and Car Wash to LB-L (Limited Business – special use limited no site plan). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Club or Lodge; Restaurant (without drive-through service); Food or Drug Store; Convenience Store; Retail Store, and Car Wash. <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.</p>
Neighborhood Contact/Meeting	<p>The following is from an email received on March 24, 2018 from the petitioner’s representative:</p> <p style="padding-left: 40px;">“On 23 March 2018 members of the Traid Enforcers MC canvassed the neighborhood around the address of 5132 South Main Street, Winston-Salem. We handed out 60 letters (see Attachment A) on what we are trying to do and asked for their support. We were met with very positive attitudes.”</p>
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>
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)?
	<p>Yes. The site is located at the intersection of McKinley Street, a local street, and South Main Street, a minor thoroughfare, and is currently zoned Limited Business – Special Use. The site is located in GMA 3 and is adjacent to residentially zoned property to the east, south and west.</p>

GENERAL SITE INFORMATION			
Location	Northwest corner of the intersection South Main Street and McKinley Drive		
Jurisdiction	Winston-Salem		
Ward(s)	Southeast		
Site Acreage	± .74		
Current Land Use	Convenience store		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9, LB-S	Vacant, office
	East	RM-8-S	Single-family homes, townhomes
	South	RS-9	Single-family homes
	West	RS-9	Vacant, single-family homes
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 site is currently zoned for Limited Business – Special Use and has been used as a commercial property since 1983. This request would allow the uses Club or Lodge and Restaurant (without drive-through service) while removing the use Motor Vehicle, Repair or Maintenance. Vacant land and a LB-zoned property is located to the north of the property extending to the intersection of Fishel Road and South Main Street.		
Physical Characteristics	The site is currently developed with a one-story, concrete block building built in 1956. Unmarked, asphalt parking is located to the front and sides of the building. Some trees and other vegetation are located along the western and northern property boundaries. Bufferyards will likely have to be installed along the western and northern property lines.		
Proximity to Water and Sewer	Public water and sewer are available to the site.		
Stormwater/ Drainage	There are no known stormwater or drainage issues.		
Watershed and Overlay Districts	The site is not located in a watershed or overlay district.		
Historic, Natural Heritage and/or Farmland Inventories	The site is not listed on the National Register of Historic Places. It is not a local landmark or located in a local historic district. It is not located in or near a Natural Heritage Site and is not listed on the farmland inventory.		
Analysis of General Site Information	The property is currently developed with a 2,000 sf, one-story building. Parking is available in front of and to the sides of the building with the main access off South Main Street. An additional access is located off McKinley Drive; however, it is currently blocked by a fence. Staff recommends removal of said fence along with the driveway onto McKinley Drive. Adjacent properties to the north and west are buffered from the subject property by existing trees and other vegetation;		

however, the existing vegetation may have to be supplemented with new plantings in order to meet bufferyard requirements.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W3034	Rezoning from County RM8-S to City RM8-S and City RS-9	Approval 06/01/2009	East	10.49	Approval	Approval
F1482	Rezoning from RM8-S to RM8-S (PRD)	Approval 06/25/2007	East	10.15	Approval	Approval
F1453	Rezoning RS-9 to LB-S	Approval 03/13/2006	North	.82	Approval	Approval
F654	Rezoning from R-5 to B-3-S	Approved August 8, 1983	Current site	.74	Denial	Approval

SITE ACCESS AND TRANSPORTATION INFORMATION

Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
Main Street	Minor Thoroughfare	216 ft.	5300	15,300
McKinley Drive	Local Street	150 ft.	n/a	n/a
Proposed Access Point(s)	Access to the site is currently from South Main Street. A secondary access from McKinley Drive exists but is currently blocked by an existing fence. As this is a limited use rezoning, a site plan indicating any change to the current access was not submitted as part of the application. Staff does recommend removal of the driveway onto McKinley Drive.			
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> (2012) recommends sidewalks along South Main Street.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: LB-S</u> 2,000 sf/1000 x 362.2(Convenience Market - Open 15-16 hours) = 724.4 trips per day</p> <p>As a site plan was not submitted as part of the request, staff is unable to provide a detailed trip generation for the proposed special use limited zoning. Given the relatively small size of the site and existing building, staff would not anticipate a significant increase in traffic.</p>			
Sidewalks	Sidewalks do not exist along this portion of Main Street.			
Transit	Transit service does not exist along this portion of Main Street. The closest transit stops are located at the shopping center on Stafford Village Boulevard.			

Analysis of Site Access and Transportation Information	The site is a corner lot with frontage on two streets: South Main Street and McKinley Drive. The main access to the site is provided from South Main Street. A secondary access exists along McKinley Drive but it is currently blocked by a fence. Sidewalks do not currently exist along either street but have been recommended along South Main Street as part of the <i>Comprehensive Transportation Plan</i> . Transit service is not available in the area of the subject property.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	GMA 3 – Suburban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Protect residential areas from inappropriate commercial and industrial encroachment (p. 42). • Promote compatible infill development that fits with the context of its surroundings (p. 141). • Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods (p. 175).
Relevant Area Plan(s)	<i>South Suburban Update (2017)</i>
Area Plan Recommendations	<p>The property is shown for commercial use on Map 6-Proposed Land Use (p. 33). The plan calls for the creation of new commercial opportunities and the improvement of existing commercial areas to blend with existing development and not negatively impact nearby neighborhoods. New commercial development and improvements of existing commercial areas are recommended for the following areas:</p> <ul style="list-style-type: none"> • Sites located on the west side of South Main Street between Fishel Road and McKinley Drive (p. 21).
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 in an activity center.
Greenway Plan Information	A greenway has not been proposed in this area.
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. Conditions within the area have remained relatively stable over the past decade.
	(R)(4) - Is the requested action in conformance with Legacy 2030?
	Yes.
Analysis of Conformity to Plans and Planning Issues	The property is currently zoned for LB-S. Approval of the request would allow for the uses Club or Lodge and Restaurant (without drive-through service) while removing the use Motor Vehicle, Repair and Maintenance.

The *South Suburban Area Plan Update* recommends commercial use on this site on the Proposed Land Use Map. The plan further calls for improvement to existing commercial areas along the west side of South Main Street between Fishel Road and McKinley Drive. Furthermore, the site meets the intent of the Limited Business zoning classification as it will allow for an appropriate commercial use near residential development. Staff supports the request as it will allow for the continued use of an existing commercial property and would remove the use Motor Vehicle, Repair and Maintenance which has the potential to have a negative impact on the appearance of the area. Both new uses, particularly Restaurant (without drive-through service) will serve the surrounding residential neighborhoods.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
The request would allow for the continued use of an existing commercial property.	
The request will remove the use Motor Vehicle, Repair and Maintenance.	
The request is in accordance with the recommendations of <i>Legacy 2030</i> and the <i>South Suburban Update</i> .	
As a condition of the request, staff recommends the secondary entrance from McKinley Drive be formally closed and the existing fence be replaced.	

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 CERTIFICATE(S) OF OCCUPANCY:**
 - a. The existing access drive along McKinley Drive shall be removed and replaced with grass.
 - b. In lieu of a streetyard, the existing wooden opaque fence shall be replaced with a new six (6) foot tall wooden opaque fence installed in the same location as the existing fence.

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-3362
APRIL 12, 2018**

Aaron King presented the staff report and proposed revisions to conditions to resolve concerns from the adjacent neighbors concerning the fence on the property.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the rezoning petition with revised conditions A & B concerning the fence and streetyard along McKinley Drive.

SECOND: Chris Leak

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith

AGAINST: None

EXCUSED: None

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