

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3448
Staff	Gary Roberts, Jr., AICP
Petitioner(s)	Nizam Humayun
Owner(s)	Same
Subject Property	PIN 6846-82-7512
Address	3965 Old Greensboro Road
Type of Request	Special Use Limited rezoning from RS9 to LB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family – 9,000 square-foot minimum lot size) to LB-L (Limited Business – Special Use Limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Food or Drug Store; Retail Store; Offices; Services, A; and Combined Use
Continuance History	This request was automatically continued from the October 8, 2020 Planning Board meeting to the November 12 meeting.
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood outreach is attached.
Zoning District Purpose Statement	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.
Rezoning Consideration from Section 3.2.15 A 13	<p>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the site is modest in size and is located at the intersection of a collector street and a minor thoroughfare, which serves as the entrance to a nearby subdivision.</p>
GENERAL SITE INFORMATION	
Location	Northern corner of Old Greensboro Road and Harvest Drive
Jurisdiction	Winston-Salem
Ward(s)	Northeast
Site Acreage	± .59 acre
Current Land Use	Jay’s Convenience Store is currently located on the site.

Surrounding Property Zoning and Use	Direction	Zoning District	Use			
	North	MU-S	The Commons of Forsyth County			
	East	RS9	Undeveloped property			
	South	RS9	Undeveloped property			
	West	RS9 and IP	Single-family homes and Petree Elementary School			
Rezoning Consideration from Section 3.2.15 A 13	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	Considering the auto-related uses that have historically existed on this site along with the limited scope of proposed improvements, staff believes the proposed uses will be compatible with the uses permitted on the surrounding properties.					
Physical Characteristics	The northern section of the site is heavily wooded and includes some areas of steep topography that generally slope downward to the north.					
Proximity to Water and Sewer	Public water and sewer are available to the site at various locations.					
Stormwater/ Drainage	No known issues.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The site does not contain any designated watershed or regulatory floodplain areas.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3452	RS9 and MU-S to MU-S (Two Phase)	Approved 9/8/2020	Directly north	16.7	Approval	Approval
W-3408	RS9 and MU-S to MU-S	Denied 5/6/2019	Directly north	16.69	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Old Greensboro Road	Minor Thoroughfare	179 feet	5,600	13,800		
Harvest Drive	Collector Street	168 feet	N/A	N/A		
Proposed Access Point(s)	Because this is a Special Use Limited request without a site plan or access conditions, proposed access points are unknown. However, the site currently has multiple accesses from Old Greensboro Road and Harvest Drive.					

Planned Road Improvements	<p>NCDOT Transportation Improvement Program (TIP) R-2577A proposes changes to the intersection of US 158/Reidsville Road and Old Greensboro Road directly northeast of the subject property. Construction is scheduled to begin in December 2023 based upon availability of funding. The preliminary design for this project indicates that no additional right-of-way will be needed along the frontage of the site.</p> <p>Additionally, Harvest Drive is shown on the adopted Winston-Salem Urban Area Collector Street Plan to extend to Kittering Lane north of Frazier Creek.</p>
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9</u> 162.78 trips x 4 fueling positions (gasoline service station with convenience market trip rate) = 651.12 trips per day</p> <p><u>Proposed Zoning: LB-L</u> Staff is unable to estimate the proposed trip generation because there is no site plan.</p>
Sidewalks	Sidewalk exists along the Old Greensboro Road frontage.
Transit	WSTA Route 94 runs along Old Greensboro Road in front of the subject property.
Analysis of Site Access and Transportation Information	The site is located at the intersection of a collector street and a minor thoroughfare. Because the proposed uses are less intense than the existing uses, staff does not foresee a significant increase in traffic associated with the request.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy 2030 Growth Management Area	Growth Management Area 2 – Urban Neighborhoods
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Encourage convenient services at designated areas to support neighborhoods consistent with the Growth Management Plan. • Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area.
Relevant Area Plan(s)	<i>East Northeast Winston-Salem Update (2015)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The plan recognizes this property as a nonconforming use and notes the existing commercial uses can continue to operate under their existing nonconforming status. • The plan recommends rezoning to nonresidential zoning district should be made on a case by case basis. • Area Plan does not recommend rezoning any of the nonconforming properties to a nonresidential district.
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 3.2.15 A 13	Have changing conditions substantially affected the area in the petition?	
	No	
	Is the requested action in conformance with <i>Legacy 2030</i>?	
	Yes	
Analysis of Conformity to Plans and Planning Issues	The site has historically been used for auto-related uses and is currently operating as a nonconforming use in the RS9 district.	
	<p>The <i>East Northeast Winston-Salem Update</i> recognizes multiple nonconforming sites and recommends evaluating nonresidential rezoning requests on a case-by-case basis. The proposed uses are less intense than the current and previous activities taking place on the subject property. Although these uses are still more intense than residential uses, this site is a corner lot with frontage along a minor thoroughfare.</p> <p>Staff believes the request would permit the continued provision of services in a manner that is generally compatible with and beneficial to the surrounding neighborhood.</p>	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
The site has been used for auto-related uses and a convenience store for many years. The proposed uses are relatively less intense.		Though the proposed uses are less intense than the existing uses, the request would allow the continuation of relatively intense uses in close proximity to a residential neighborhood.
The site is located at the intersection of a collector street and a minor thoroughfare served by transit.		
The request would permit the site to continue providing convenient services to nearby residents.		
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL		
<p>The following proposed conditions are from interdepartmental review comments and are proposed to meet codes or established standards, or to reduce negative off-site impacts:</p> <ul style="list-style-type: none"> • <u>OTHER REQUIREMENTS:</u> <ol style="list-style-type: none"> a. Developer shall obtain a driveway permit from the City of Winston-Salem for the access from Harvest Drive. Improvements shall include the installation of one (1) 24-foot-wide driveway from Harvest Drive. This driveway shall include a heavy-duty concrete apron and shall be defined with concrete curbing along the remaining frontage of Harvest Drive. b. A streetyard shall be installed along the Harvest Drive frontage. c. All improvements outlined above shall be approved by the City and completed and installed within twelve (12) months of approval of this request. 		

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.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3448
NOVEMBER 12, 2020**

Desmond Corley presented the staff report.

In response to a question by Melynda Dunigan, Desmond stated that it made sense to allow the property to be rezoned for commercial uses that are less intense than the uses that currently exist on the site. Due to the lot's size and situation within the context of the area, there is not a viable residential use.

George Bryan asked if the property had been used continuously for nonconforming uses. Desmond stated that affidavits from property owners were recently received verifying that the property has been used as such for the past several years.

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: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

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

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services