

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

PETITION INFORMATION	
<b>Docket #</b>	W-3329
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Michael Trollinger, Albert Brown, and Isiah Davis
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN#s 6847-26-0178, 6847-26-0325, and 6847-26-1182
<b>Address</b>	There is no address assignment for the subject property which is undeveloped.
<b>Type of Request</b>	Special use limited rezoning from RS9 to LB-L
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> RS9 (Residential, Single Family – 9,000 sf minimum lot size) <b>to</b> LB-L (Limited Business – special use limited zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Church or Religious Institution, Neighborhood; Food or Drug Store; Micro-Brewery or Micro-Distillery; Motor Vehicle, Rental and Leasing; Nursery, Lawn and Garden Supply Store, Retail; Offices; Restaurant (without drive-through service); Retail Store; School, Vocational or Professional; Services A; Shopping Center, Small; Special Events Center; Adult Day Care Center; and Child Day Care Center</li> </ul> <p><b>NOTE:</b> General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
<b>Neighborhood Contact/Meeting</b>	According to the petitioners' representative, Tom Trollinger: "A community drop in was conducted on April 7, 2017 from 4:30 to 6pm. The drop in was held at the Carver School Road Branch Library located at 4905 Carver School Road. The response from the five people who attended was favorable. Approximately 80 flyers had been handed out prior to the meeting." See attachment B.
<b>Zoning District Purpose Statement</b>	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.

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>			
	The request is consistent with the LB purpose statement in that the site is located at the intersection of two minor thoroughfares and the site is adjacent to single family residential zoning and IP zoned and developed property.			
<b>GENERAL SITE INFORMATION</b>				
Location	Northwest corner of Carver School Road and Lansing Drive			
Jurisdiction	City of Winston-Salem			
Ward(s)	Northeast			
Site Acreage	± 1.46 acres			
Current Land Use	The site is currently undeveloped.			
Surrounding Property Zoning and Use	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	RS9	Single family homes	
	East	RS9	Single family homes	
	South	IP	Carver School Road Branch Library	
	West	RS9	Single family homes	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<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>			
	Some of the proposed uses could be developed in a manner which is compatible with the uses permitted on the IP zoned property located across Lansing Drive. However, the proposed uses are less likely to be developed in a manner which is compatible with the low density residential uses permitted on the adjacent RS9 zoned properties. Potential compatibility with adjacent properties cannot be determined in this setting without the aid of a site plan.			
Physical Characteristics	The site is heavily wooded and has a moderate slope downward toward the southeast.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
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 undeveloped site is heavily wooded and has moderately steep topography. The site is not located within a water supply watershed or designated floodplain.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>Average Daily Trip Count</b>	<b>Capacity at Level of Service D</b>
Carver School Road	Minor Thoroughfare	475'	2,500	13,800

Lansing Drive	Minor Thoroughfare	240'	6,200	15,300
Proposed Access Point(s)	Because this is a special use limited request with no site plan, the exact location of access points is unknown.			
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a two lane cross section for Lansing Drive with parking on one side, curb and gutter, and sidewalks on both sides.			
Trip Generation - Existing/Proposed	<u>Existing zoning: RS9</u> 1.46 acres / 9,000 sf = 7 units x 9.57 (SFR Trip Rate) = 67 Trips per Day  <u>Proposed Zoning: LB-L</u> Staff is unable to provide an accurate trip generation for the proposed special use limited zoning because there is no site plan.			
Sidewalks	A sidewalk is currently located on the opposite side of Lansing Drive east of the subject property. Sidewalks are also located on both sides of Carver School Road south of the site across Lansing Drive. The <i>Comprehensive Transportation Plan</i> recommends sidewalk along Lansing Drive.			
Transit	Route 98 runs along Carver School Road.			
Analysis of Site Access and Transportation Information	The subject property is a corner lot which is located at the intersection of two minor thoroughfares both of which have excess capacity. The site is also served with transit. However, the Carver School Road frontage is located on the inside of a curve (both horizontally and vertically) with potentially limited sight distance. Also the Lansing Drive frontage is limited. Because there is no site plan associated with the request, staff is unable to evaluate possible access to the site.			
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"><li>• Promote quality design so that infill does not negatively impact surrounding development.</li><li>• Promote compatible infill development that fits with the context of its surroundings.</li><li>• Discourage inappropriate commercial encroachment into residential neighborhoods.</li></ul>			
Relevant Area Plan(s)	<i>Northeast Suburban Area Plan</i> (2011). The <i>Northeast Suburban Area Plan Update</i> is nearing completion with no change in recommendation for the subject property in the draft plan.			
Area Plan Recommendations	This site is shown as low density residential on the Proposed Land Use Map.			
Site Located Along Growth Corridor?	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>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>					
<b>Analysis of Conformity to Plans and Planning Issues</b>	No					
	<p>The proposed request is to rezone a 1.46 acre undeveloped lot from RS9 to LB-L. This special use limited request does not include any site specific conditions but does include a list of proposed commercial and institutional uses.</p> <p>The subject property is a corner lot located at the intersection of two minor thoroughfares where the Carver School Road Branch Library and single family homes are located. Both the existing and the draft <i>Northeast Suburban Area Plan Update</i> recommend low density residential as the proposed land use. <i>Legacy 2030</i> promotes quality infill design that does not negatively impact surrounding development.</p> <p>Looking at the broader context of this portion of Winston-Salem, Planning staff acknowledges that commercial activity which could provide daily convenience and grocery items would be of great benefit. However, the draft <i>Northeast Suburban Area Plan Update</i> recommends these types of uses occur northeast of the subject property at the intersection of Old Walkertown Road and Motor Road.</p> <p>As noted previously, the subject property is located across Lansing Drive from the Carver School Road Branch Library. This public facility is an attractive and vital part of the surrounding community. The subject request includes several intense uses which could have negative visual and audible impacts on the library as well as on the adjacent residential homes. The possibility of these potential impacts is even greater because the subject request includes no site plan which could address design issues related to building placement and building materials. Also, as noted above in the Analysis of Site Access and Transportation Information section, the issue of safe access to the site for the requested uses which generate higher volumes of traffic remains unclear.</p>					
	<b>RELEVANT ZONING HISTORIES</b>					
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3046	RS9 to RS7	Approved 11-2-09	400' west	1.9	Approval	Approval
W-1993	RS9 to IP	Approved 10-2-95	Directly south	9.5	Approval	Approval

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request would facilitate commercial development of the subject property.	The request is inconsistent with the low density residential land use recommendation of both the existing and the draft <i>Northeast Suburban Area Plan Update</i> .
The subject property is located at the intersection of two minor thoroughfares.	The Carver School Road frontage is located on the inside of a curve (both horizontally and vertically) with potentially limited sight distance.
The site is located across the street from IP zoning and it is served with transit.	The request includes no site plan which would allow issues such as access or building placement to be addressed.
The request could accommodate a commercial use that provides food and groceries.	

**STAFF RECOMMENDATION: Denial**

**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-3329**

### **MAY 11, 2017**

Gary Roberts presented the staff report.

#### **PUBLIC HEARING**

FOR:

Major Sanders, 200 Murray Street, Greensboro, NC 27406

- Mr. Trollinger unfortunately did not submit a sketch plan that was done about a year ago. At that time we had indicated the facilities that were going to be located on that site which was just one building.
- Additional investigation and additional work allowed us to do two things which weren't prevalent at the initial sketch plan. One, we were able to get an actual site plan showing the buildings and the driveways and the property that is currently available for development.
- The other thing we were able to do was to get some indication of a client that wanted to supply a multipurpose facility.
- In the overall design concept at this time, there is no car wash being entertained. The only two items that are being entertained at this point in time are a multipurpose store, some additional space that could be used either for office area or a small shop, and a proposed drive-through facility.
- There are no convenience stores available for any of the residents. The closest type of service for any type of shop is approximately one mile from this particular site.
- This would also supply some jobs thereby having an economic impact on the residents.
- Again, to reiterate, 1) we do have a survey, 2) we are able to show the necessary items and 3) none of the areas of car wash or anything that I would consider to be disadvantageous for that particular area are currently being entertained. As I said earlier, there is a multipurpose store that will be able to supply bread, etc.,
- It would also be able to supply some means for employment due to the fact that the client is currently looking at having operations that would be advantageous for individuals that do home services so in view of what the City reviewed, we had a review in terms of sight lines, assessment, traffic. None of those were negative. The traffic and sight lines were not mentioned in any of the reviews that were done on our initial site plan.
- I was under the impression that the site plan, that initial sketch plan, was in the possession of the Planning Department since we do have a two-page analysis of the things that were accepted and things they wanted to see in terms of an engineering plan. There were no adverse remarks based on our initial sketch plan.

Thomas Trollinger, 3620 Willow Ridge Lane, Winston-Salem, NC 27105

- I am the spokesman for the petitioners.
- My residence is in the middle of the Northeast Ward.
- I have a handout I'd like to give each of you so you can follow me as I make my comments.
- This area has only grown 1.8% from 2000 to 2014. Forty nine (49) percent of the residents are 65 or older.
- One of the things about this, if you look at the first page, that's the list of developments I have done in this area for the last 24 years. I tell people I've done more than anyone else but that's not saying much when you've only grown 1.8%.
- Ernie Pitt and I are responsible for having the library and Forsyth Tech on that site as well as the 23 houses adjacent to it. We went to Mazie Woodruff, Gary Green, and Jerry Long and that's how that site showed up there. When it was constructed, it was the only library branch and Forsyth Tech branch in a black community in this whole state.
- Across the street is the Carver Road Christian Church and the rental houses you see across the street have been there forever.
- According to the Planning Board there are almost 10,000 cars a day that pass that site. Now how many of you want to live in a house where you've got 10,000 cars a day passing, projected to be 23,000 cars by the year 2035?
- The area study plan from 1991 shows the area as designated for institutional, offices, and high density housing. (Gary Roberts: That's correct. The 1991 *Carver School Road Area Plan* did recommend multifamily and actually office on this property. The 2011 plan recommended single family residential.)
- My contention is that the community has a need for commercial. There are no commercial establishments there for residents. They have to go out of the community.
- As for the sight lines, when we undercut the site and bring it down to street level and cut the trees down, I don't think that would be a problem as far as the sight lines. You'll be able to see coming round the corner.
- I've given you a map with red dots on it and that map simply shows the lack of services in that whole area. It's a food desert. I live there. I've been there since 1974.
- I did have a community meeting on April 27th. I passed out over 80 flyers to everybody in the community and five people showed up. The survey says what would you like to see built on this site? The attached list is what was written down by the people at the meeting.
- The final pages are petitions from people that live in the neighborhood who support the project. I would urge your consideration based on the lack of development in the area and that this particular site is more commercial than residential with the number of cars that go through there every day.
- I beg your approval of this because the commercial needs are a lot greater than the residential need at this particular location.

Kirby Thompson, 3504 La Casa Boulevard, Winston-Salem, NC 27105

- I've been familiar with the area since I was about eight. My grandparents lived in this area.
- There were two stores on Airport Road at that time. Neither is still open. One site is where buses are stored. We had two stores on Carver School Road. We have no stores now.

- When residents want to get coffee or a sandwich there's no place for them to go.
- The Food Lion on Martin Luther King is considering closing. People have to leave the community. A lot of the people you are referring to on Lansing Drive have to catch the bus to go to the Food Lion on Martin Luther King to get their groceries.
- It is unfortunate that this City Planning Committee does not know the history of this community. That community has grown about 700-800 times what it was in 1950 when my parents moved from the current fairground site to Airport Road. At that time there were few blacks in the area. There were no black communities in this area.
- It is unfortunate that a City Planning Board or Department in this City is not aware of the problems that people have.
- We have to leave the neighborhood just to get a loaf of bread.
- I cannot believe you would deprive us of having a place to go to get a sandwich, milk, bread, eggs, and basic things.
- Most people don't know nothing about the Carver Heights area.
- They have hundreds of buses at Carver and White. So you are telling your County employees they cannot go get a cup of coffee or a sandwich during their routes.
- Something needs to be done and I hope you all consider allowing someone to put something there to benefit us.
- This is not Soweto or Johannesburg. This is Winston-Salem and we're getting service just like people in Johannesburg or Soweto.
- We need and I would expect this Mayor and the City Council people to try to bring more industry and jobs to East Winston. That is one thing this City has not been considerate of.

AGAINST: None

### **WORK SESSION**

During discussion by the Planning Board, the following points were made:

Brenda Smith: If you have a site that you can't readily provide access, etc., and if something were approved what would be the next step to catch those issues? Would it just end up being an undevelopable site regardless of the rezoning with it?

Gary Roberts: No, they would submit construction plans to the Inspections Division and that would include an application for a driveway permit. I spoke earlier this week with Al Gaskill who is in the audience and he felt that probably the best access, although not ideal, would be from Lansing. But that would be determined when they submitted their construction plans for permitting. We certainly are not saying that the site is not developable. It has development potential.

Paul Norby: Anybody has the right to get access so they would have to issue a driveway permit but they would be looking at where is the best place to put it.

Melynda Dunigan: Given the low density residential all around it, if this were rezoned would it be considered a spot zone?



Gary Roberts: It would not because you've got IP zoning across the street and there's a lot of LI, LI-S, GB-S across Old Walkertown from this site.

Allan Younger: How long have those homes in the residential area on either side of the subject property been there? I guess I'm wondering how long the subject property has been just wooded vacant area.

Paul Norby: Probably several decades.

Paul Norby: Major Sanders mentioned several things about a previous sketch plan and discussion about some of the uses that were included in the request that there isn't an intention to do. But the zoning request in front of you as submitted does not include a site plan so even though we may have had something submitted in the past as a sketch plan, there's no legal tie to that because it was not made part of the rezoning request as a special use district. If there is a desire to not include some uses, I think he mentioned Car Wash, it's still included in the proposed list of uses, so the applicant would need to delete it.

Arnold King: Are there any uses the Board feels uncomfortable with? We can see if Mr. Trollinger would agree to delete those from the request.

Chris Leak: I think the things I would consider deleting are those things the neighborhood says they don't want such as Car Washes or things of that nature that are not going to beautify.

Allan Younger: Major Sanders said that there are only two uses they are interested in, correct?

Arnold King: I'm not sure we should limit him to that.

Allan Younger: What uses do you, based on what you had sketched out if you will, what uses do you need?

Thomas Trollinger: Retail which is what's needed in this area.

There was discussion among Board members and the audience about potential uses which are desired and those which could be deleted.

Jason Grubbs: I'm just struck by the fact that with one of our cases earlier today involved a part of the City which is one of the most vibrant, robustly growing areas and there was resistance to somebody who wanted to come in and invest money there. Here we've got a part of the City that is crying out for some investment and I think we, as a Board, need to be sensitive to that.

Chris Leak: The only one I feel comfortable taking out based on what I've heard would be Car Wash. That's the one thing on the list that sticks out that just doesn't fit. Listening to their statements I think they would concur.

Arnold King: Any other Board members have any uses that you would have a problem with?

Melynda Dunigan: Yes, Convenience Store. Does that allow a gas station?

Gary Roberts: It does. They're asking for a Food or Drug Store so really if they're asking for Convenience Store that allows for gas sales. The distinguishing factor between Convenience Store and Food or Drug Store is that Convenience Store allows for gasoline sales and that's another pretty intense use. Chris Murphy: It allows gasoline sales but does not require them. You can essentially accomplish the same thing with the use Food or Drug Store.

Arnold King: Mr. Trollinger, would you come back up to the microphone please? Are you okay with eliminating Car Wash? Thomas Trollinger: Yes. Arnold King: Okay. Are you okay with removing Convenience Store? As they explained, you still have Food or Drug Store. Thomas Trollinger: Yes. We don't have any plans or space for a gas station even though you need one over there. Arnold King: But if we take out Convenience Store that eliminates the gas. Thomas Trollinger: That's fine.

Melynda Dunigan: Will Lawn & Garden Supply involve outdoor storage of material? Gary Roberts: It does. Arnold King: I'd leave that. Thomas Trollinger: We can delete that. Primarily our focus is on providing some services to the community.

Chris Leak: My mother lived in this area before she passed away. We are hearing from the proponents saying what they need. I think it would be short-sighted of us to narrow this list so much when we don't do this across the board with other areas. If the neighborhood wants a nice place to have some outdoor things, if they're not opposed to this I think we're fine. I don't want to just piecemeal this so much that it looks like we're picking on another area.

Melynda Dunigan: My concern has been the lack of a site plan and the configuration of this lot. To me it looks like it could involve some traffic issues and some safety concerns and not knowing where the access is on this property especially given how close that house on Lansing is to the property line and the driveway to the library, I feel a little uncomfortable not knowing what's going to go there and how the access is going to be configured.

Chris Leak: It goes back to the last case where Mr. Stimmel was saying they already have 400-500 kids at a school and another 40 trips from building an apartment facility is not going to hurt. If you go through here during the week you see the impact of Forsyth Tech. If you go through on the weekends you have the churches getting out. You have Greater Cleveland Avenue up the street that has 1,500 members. And you have Carver Road Church that has 700-800 members. It's already condensed. It's already hard. I don't see this adding to that.

Brenda Smith: I agree. We all like to know everything that's going to happen for every case that we do, but we can't do that and that's not required in the rules for us to do that so I'm comfortable without a site plan. I think the staff presented the case in an appropriate way to point these issues out with the rules and I appreciate them giving us a starting point for our discussions. I don't think we can say we're only going to approve things if we know every detail. And we would require people to put huge investments in that they may not be ready to do. I mean it's not our position to say you must do this or not. We have to go with what the rules say.

Thomas Trollinger: In keeping with that, the list I gave you on the first page is a list of all the development in the past 20 years that I've been involved in in that area. Everything we've built is occupied. We haven't had any crime problems on anything that we've built and there is just a need there. East Winston is like an iceberg that's floated away from the polar ice cap. We're just floating around over there with nothing. \$1.5 billion has been spent downtown and zero here. We need to be a part of the City.

Allan Younger: I participated in the most recent area plan for the northeast area and that was a huge concern in the meetings I participated in. There's nothing going on. We need something to happen here. We need services like you all stress this evening. So I'm in favor of making this work.

Arnold King: We have several neighbors who have signed up to support it. No one has spoken against it even with the full list of uses recommended here so I don't want to beat up on him too bad by taking out uses. We've removed a couple here. Do the Board members have any other uses that you feel are inappropriate?

MOTION: Clarence Lambe moved approval of the zoning petition with the elimination of Car Wash and Convenience Store.

SECOND: Chris Leak

Arnold King: There was some concern expressed about building materials. Forsyth Tech is there. There is some nice investment in the community. Is there any kind of concerns about any kind of construction going out there? (No comments on this were made by other Planning Board members.)

VOTE:

FOR: Melynda Dunigan, Jason Grubbs, Arnold King, Clarence Lambe, Chris Leak, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

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