

**CITY-COUNTY PLANNING BOARD
DRAFT STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3353
Staff	Gary Roberts Jr. AICP
Petitioner(s)	Forsyth Park Baptist Church
Owner(s)	Same
Subject Property	PIN#s 6814-89-7849 and 6814-89-8809
Address	1612 South Hawthorne Road
Type of Request	Special use limited request from NB-L to NB-L
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from NB-L (Neighborhood Business – special use limited - Retail Store; Offices; Services A; and Church or Religious Institution, Neighborhood) to NB-L (Neighborhood Business – special use limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Retail Store; Offices; Services A; Church or Religious Institution, Neighborhood; and Restaurant (Without Drive-Through Service) <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	See Attachment A for a summary of the petitioner’s neighborhood outreach.
Zoning District Purpose Statement	The NB District is primarily intended to accommodate low intensity office, retail, and personal service uses close to or within residential areas. The district is established to provide convenient locations for businesses which serve the everyday household needs of nearby residents without disrupting the character of the neighborhood. The district should demonstrate pedestrian oriented design through elements such as on-street parking, façade articulation, storefront display windows, awnings and building entrances facing the street. The district is not intended to accommodate retail uses which attract customers from outside the neighborhood or which primarily cater to motorists. 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)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	Yes, the modest sized site is currently zoned NB-L and it is located in a transitional area between single family homes and office and institutional uses. It is also located in the Urban Neighborhoods GMA and it is adjacent to another NB-L zoned site.
GENERAL SITE INFORMATION	
Location	North side of Hawthorne Road, west of Bolton Street
Jurisdiction	City of Winston-Salem
Ward(s)	Southwest
Site Acreage	± .44 acre

Current Land Use	The site is developed with a 4,142 square foot commercial building and an adjacent parking lot.					
Surrounding Property Zoning and Use	Direction	Zoning District			Use	
	North	LO & RS9			Offices uses	
	East	RS9			Forsyth Park Baptist Church	
	South	LO & LO-S			Dental office	
	West	NB-L			Commercial and office uses	
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 proposed new use of Restaurant Without Drive-Through is generally compatible with the uses permitted on the adjacent properties particularly due to the modest size of the subject property.					
Physical Characteristics	The developed site has a gentle slope downward to the east.					
Proximity to Water and Sewer	The site has access to public water and sewer.					
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 is currently developed with a modest sized, one story commercial building. The eastern portion of the site is developed with a parking lot which is also used by Forsyth Park Baptist Church. The site has no apparent constraints and appears to be suitable for development within the proposed NB-L zoning.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3195	RS9 to NB-L	Approved 10-7-13	Directly west	.44	Approval	Approval
W-3091	RS9 to NB-L	Approved 4-4-11	Current site	.44	Approval	Approval
W-1597	R-4 to R1-S (LO-S)	Approved 8-7-89	Directly south	.59	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name		Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D	
Hawthorne Road		Minor Thoroughfare	120'	10,000	15,800	
Unnamed alley		Unopened alley	120'	NA	NA	
Proposed Access Point(s)		Because this is a special use limited request with no site plan or access conditions, the exact location of access points (other than the existing driveway onto Hawthorne Road and the unnamed alley) is unknown.				

Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends sidewalks along Hawthorne Road.
Trip Generation - Existing/Proposed	No trip generation is available for the existing or proposed special use limited zonings as neither includes a site plan. Although the use of a restaurant generally has a higher trip generation than the approved uses, staff would not anticipate a negative impact on the transportation network as a result of this request.
Sidewalks	While there are sidewalks in the general area along both sides of Hawthorne Road, there is no public sidewalk along the frontage of the subject property. No sidewalks are being recommended as there are no physical changes to the site being requested.
Transit	Route 107 runs along Hawthorne Road.
Analysis of Site Access and Transportation Information	The site fronts on a minor thoroughfare which has excess capacity and is served with transit. Staff does not anticipate any negative transportation impacts from this 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"> GMA 2 (Urban Neighborhoods) includes the area of Winston-Salem built primarily before the post-1950 pattern of auto-oriented development. This part of the “old city” includes intermixed areas of residential, commercial, industrial and institutional development featuring smaller lots, sidewalks and a grid street pattern. Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. What constitutes “protection” of a neighborhood from development or redevelopment varies greatly through our community. Some residents express concern over nonresidential development near housing; others perceive increased residential densities or attached housing to be negative.
Relevant Area Plan(s)	<i>Southwest Winston-Salem Update (2016)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> The Proposed Land Use Map (Map 6) recommends commercial land use for the western half of the site which includes said building and institutional land use for the eastern half which contains a parking lot.
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.

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
	(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i> ?
	Yes
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone a relatively small property which contains a modest sized commercial building and parking area from NB-L to NB-L. The purpose of the request is to add the use of Restaurant Without Drive-Through. The site was rezoned from RS9 to NB-L in 2011.</p> <p>The <i>Southwest Winston-Salem Update</i> recommends commercial land use for the western half of the site which includes said building and institutional land use for the eastern half which contains a parking lot which is also used by the adjacent church. While the eastern portion of the site is currently zoned NB-L, the area plan recommendation for institutional use was based more upon the design of the parking lot (which is oriented to serve the church) than it was on the existing commercial zoning.</p> <p>It should be noted that at the present time the parking for this site is categorized at nonconforming due to its location with the Urban Neighborhoods GMA. However, adding the use of restaurant will trigger the need for the site to comply with the parking requirements for all of the uses within the building.</p> <p>The proposed zoning would allow for a restaurant use which is generally considered more intense than the approved uses for the site. However, the NB district has many inherent design controls which are intended to minimize off site impacts while providing for small scale commercial needs within a neighborhood setting. These controls include limitations on signage, lighting, building size, and location of parking. Also, the previously approved rezoning for the subject property included a condition which further limits the use of Services A. This condition is carried forward with the current request. Staff recommends approval of the subject request.</p>
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The modest scale of the existing building and limited uses are compatible with the surrounding development pattern.	The proposed use of Restaurant Without Drive-Through could generate a greater demand for parking.
Request is consistent with the purpose statement of the NB District.	
The NB district has inherent requirements regarding scale, location of parking, lighting, signage, and landscaping designed to allow convenient commercial services close to and within residential areas.	

The request is consistent with the commercial land use recommendation of the <i>Southwest Winston-Salem Update</i> for the western portion of the site.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>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.</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF ZONING PERMITS:</u> <ul style="list-style-type: none"> a. The use of Services A shall not include the following sub uses: Garment Pressing and Agents for Laundries and Drycleaners 7212; Coin-Operated Laundries and Cleaning 7215; Drycleaning Plants; Except Rug 7216; Carpet and Upholstery Cleaning 7217. 	

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-3353
NOVEMBER 9, 2017**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

A Board Member asked about how parking would be handled.

Staff responded that the site is currently nonconforming to parking because of the rules we have in GMA2. They are allowed to change uses in and out without meeting current parking requirements. When you add the use of restaurant to a site, that triggers the impact of having to meet parking requirements. So, whenever they come in to get a permit for the restaurant use, they are going to have to demonstrate they have enough parking on this NB-L lot to satisfy the parking requirements for all tenants located in the existing building. The UDO also allows consideration of shared parking by uses that have different days and times of use, such as churches.

MOTION: Clarence Lambe moved approval of the zoning petition.

SECOND: Allan Younger

VOTE:

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

AGAINST: None

EXCUSED: None

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