

DOCKET #: W2810
 (Continued from 11/10/05
 CCPB meeting)

PROPOSED ZONING:
 HB-S (Multiple Uses -
 TWO PHASE)

EXISTING ZONING:
 RS9 and RM18

PETITIONER:
 Peters Creek Properties
 Inc. for property owned by
 Turnpike Properties Inc.

SCALE: 1" represents 300'

STAFF: King

GMA: 3

ACRE(S): 4.30

MAP(S): 624838, 624834



January 25, 2006

Turnpike Properties, Inc.
1100-C S. Stratford Road, Suite 102
Winston-Salem, NC 27103

RE: ZONING MAP AMENDMENT W-2810

Dear Sir:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: January 25, 2006
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Map Amendment of Peters Creek Properties, Inc. for property owned by Turnpike Properties, Inc.

SUMMARY OF INFORMATION:

Zoning Map Amendment of Peters Creek Properties, Inc. for property owned by Turnpike Properties, Inc. from RS-9 and RM-18 to HB-S [Outdoor Display, Retail; Nursery, Lawn & Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking & Financial Services; Building Contractors, General; Car Wash; Medical or Dental Laboratory; Medical & Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Personal – TWO PHASE]: : property is located on the north and south sides of Southpark Boulevard, west of Peters Creek Parkway (Zoning Docket W-2810).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Peters Creek Properties, Inc.
for property owned by Turnpike Properties, Inc.,
Docket W-2810

AN ORDINANCE AMENDING THE
WINSTON-SALEM CITY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE CITY OF WINSTON-SALEM, N.C.

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS-9 and RM-18 to HB-S [Outdoor Display, Retail; Nursery, Lawn & Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking & Financial Services; Building Contractors, General; Car Wash; Medical or Dental Laboratory; Medical & Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Personal – TWO PHASE] the zoning classification of the following described property:

Tax Block 3856, Tax Lots 109B, 109C, 112, 113, and 115

Section 2. This Ordinance is adopted after approval of the site plan entitled Peters Creek Properties, Inc./Modern Toyota and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Peters Creek Properties, Inc. for property owned by Turnpike Properties, Inc.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Peters Creek Properties, Inc./Modern Toyota. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the City Council
of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Peters Creek Properties, Inc. for property owned by Turnpike Properties, Inc., (Zoning Docket W-2810). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for HB-S [Outdoor Display, Retail; Nursery, Lawn & Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking & Financial Services; Building Contractors, General; Car Wash; Medical or Dental Laboratory; Medical & Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Personal – TWO PHASE], approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the HB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall obtain approval from the City Stormwater Division.
 - b. Developer shall obtain WSDOT driveway permit.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Phase II Condition - Developer shall install sidewalks along the frontage of Southpark Boulevard for the Phase II portion of the site, to the specifications of the City of Winston-Salem Public Works Department. This condition shall not be applicable for Phase I, which is to be done by others.
 - b. Any damaged sidewalk or curb along Southpark Boulevard shall be replaced or repaired to the requirements of the Public Works Department.

- **OTHER REQUIREMENTS**

- a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet. (One 6' high monument sign for Tract I and one 6' high monument sign for Tract II.)
- b. All on site lighting shall be a maximum of 18 feet tall and shall be of the "shoebox" type or otherwise designed not to cast direct light on adjacent properties.

**CITY-COUNTY PLANNING BOARD STAFF
STAFF REPORT FOR: Docket # W-2810
January 12, 2006**

PETITION INFORMATION	
Docket #	W-2810
Staff	Aaron King
Petitioner(s)	Peters Creek Properties, Inc.
Owner(s)	Turnpike Properties, Inc.
Subject Property	Tax Lot 109B, 109C, 112, 113, and 115 /Tax Block 3856
Type of Request	Special use (two-phase) rezoning from RM-18 and RS-9 to HB-S to add parking for an adjacent car dealership.
Continuance Information	This request was continued from the November 10, 2005 Planning Board meeting to allow the petitioner to amend the original general use request to a special use rezoning request.
Proposal	The petitioner is requesting to amend the Official Zoning Maps for the subject property from RM-18 (Residential Multifamily) and RS-9 (Residential Single Family) to HB-S (Highway Business – Special Use Zoning TWO PHASE). The petitioner is requesting the following uses: <ul style="list-style-type: none"> • Outdoor Display, Retail; Nursery, Lawn & Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking & Financial Services; Building Contractors, General; Car Wash; Medical or Dental Laboratory; Medical & Surgical Offices; Offices, Miscellaneous; Professional Office; Services, Personal
Zoning District Purpose Statement	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? The subject property is located within GMA 3.
GENERAL SITE INFORMATION	
Location	North and south sides of Southpark Boulevard, west of Peters Creek Parkway
Jurisdiction	City of Winston-Salem
Ward(s)	South
Site Acreage	Approximately ± 4.31 acres
Current Land Use	Undeveloped land

Surrounding Property Zoning and Use	Direction	Zoning District		Use
	North	HB-S		Car dealership
	South	RM-18		Multifamily units; undeveloped land
	East	HB-S		Gas station, fast food restaurants
	West	RM-18; RM-12-S		Multifamily units
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	The use indicated on the Phase I portion of this site is Outdoor Display Retail. This use would be compatible with the existing car dealership to the north. The additional uses being requested would also be compatible with surrounding properties. In the event that the Phase I portion of the site converted from display parking to one of other requested uses, development would most likely occur east of the ravine and away from the adjacent RM-12-S zoned property.			
Physical Characteristics	The subject property slopes down generally from east to west, with a substantial ravine located on the northwest portion of the site.			
Proximity to Water and Sewer	The subject property has access to public water and public sanitary sewer.			
Stormwater/ Drainage	The site plan indicates that stormwater will be discharged into the creek running through the western portion of the property. No stormwater design is shown for the Phase II portion of the site which will be reviewed at a later date as a Final Development Plan (FDP).			
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.			
Analysis of General Site Information	The subject property is approximately 4.31 acres in size and is currently undeveloped and covered with a mixture of vegetation. The site presents some difficulties and constraints to development due to the topography of the land. The property contains a ravine that runs generally through the middle of the property on both sides of South Park Boulevard. The Phase I site plan indicates that development will occur east of this ravine. The site is also subject to a 128' wide Duke Power right-of-way that runs parallel to the southwest property line.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>			
	<ul style="list-style-type: none"> • Stormwater condition 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
South Park Blvd.	Local Road	+/- 450 feet	NA	NA
Proposed Access Point(s)	The site plan indicates that Phase I will have one access point onto Southpark Boulevard along with connections to adjacent properties to the north and east. No access points onto Southpark Boulevard are shown for Phase II of the site and will be determined through FDP review.			

Planned Road Improvements	None noted
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9 & RM-18</u> 0.45 acres (RS-9) x 43,560 / 9,000 = 2 units x 9.57 (SFR Trip Rate) = 19 Trips per Day</p> <p>3.85 acres x RM-18 = 69 units x 6.59 (MFR Trip Rate) = 454 Trips per Day</p> <p style="text-align: center;">Total Trips per Day = 473</p> <p><u>Proposed Zoning: HB-S</u> No trip generation numbers available</p>
Sidewalks	Proposed sidewalks are shown along the north side of Southpark Boulevard. These proposed sidewalks were a condition of approval for the rezoning of the RM-12-S (W-2602) site to the west.
Transit	Route 13 runs along Peters Creek Parkway.
Analysis of Site Access and Transportation Information	The subject property fronts on both the north and south side of Southpark Boulevard. Even though this is a special use request, it is difficult to estimate the number of trips this development would generate. Since the only use of the Phase I portion of the site is designated for display parking, it can be anticipated that these additional display spaces should not generate a large amount of traffic. The approved site plan for the RM-12-S (W-2602) development to the west requires a sidewalk be installed along the north side of Southpark Boulevard extending the length of the RM-12-S frontage. The site plan submitted with this request has labeled this as “proposed sidewalk to be constructed by others.”
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Sidewalk condition for Phase II tract • Damaged curb & gutter to be repaired • Condition for driveway permit
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	GMA 3 (Suburban Neighborhoods)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • Legacy mentions that “increased infill development could bring new opportunity and improved quality of life for residents within the Municipal Services Area, especially for neighborhoods within the city. Increased tax base, property values, jobs closer to home and increased investment and amenities in these neighborhoods are some of the potential benefits.”
Relevant Area Plan(s)	The subject property is not located within the boundaries of an area plan or development guide.

Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) – Have changing conditions substantially affected the area in the petition?					
	No					
	(S)(4) – Is the requested action in conformance with <i>Legacy</i>?					
Yes						
Analysis of Conformity to Plans and Planning Issues	The subject property is located in an area that has seen increased development pressure in the past 10-15 years. Subsequently, the multifamily units to the west and commercial development along Peters Creek Parkway have been developed. In the initial review of this case staff had concerns about the compatibility of some of the uses allowed in the HB district with the adjacent RM-18 property. The site plan submitted with this request has helped to address staff’s concerns. With the 128’ Duke Power easement running along the southwest property line, it leaves only a small triangular piece of property where any future structures can be placed. Any further concerns could be addressed at the time when a Final Development Plan for Tract II is submitted.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1203J	HB-S to Final Development Plan	Approved July 14, 2005	South	2 acres	Approval	Approval
W-2602	RS-9 to RM-12-S	Approved March 3, 2003	West	27.48 acres	Approval	Approval
W-2027	RS-9 & HB-S to HB-S	Approved January 2, 1996	North	8.21 acres	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage			Placement on Site		
	No buildings proposed			NA		
Parking	Required		Proposed		Layout	
	NA		127 display spaces		NA	
Building Height	Maximum			Proposed		
	60 feet			NA		
Impervious Coverage	Maximum			Proposed		
	85%			52.27%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.3(I) HB District 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:			Yes		
	(B) Environmental Ord.			Yes		
	(C) Subdivision Regulations			NA		

Analysis of Site Plan Compliance with UDO Requirements	The site plan as submitted meets the requirements of the UDO, however staff is awaiting minor revisions requested by the Interdepartmental Review Committee. The Phase I portion of the site is approximately 2.19 acres in size and will be used as additional display parking for the adjacent car dealership. Tract II is approximately 2.14 acres in size and will require a Final Development Plan to be approved prior to any development. All development will occur east of the Duke Power easement.	
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Signage condition • Lighting condition 	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
The request could provide infill opportunity for the area.		
The request is in conformance with the recommendations of <i>Legacy</i> .		
The request should not generate a large amount of traffic.		
The request makes good use of a site with a stream, challenging topography, and overhead power line easements.		
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL		
<u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> a. Developer shall obtain approval from the City Stormwater Division. b. Developer shall obtain WSDOT driveway permit. 		
<u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ol style="list-style-type: none"> a. Phase II Condition - Developer shall install sidewalks along the frontage of Southpark Boulevard for the Phase II portion of the site, to the specifications of the City of Winston-Salem Public Works Department. This condition shall not be applicable for Phase I, which is to be done by others. b. Any damaged sidewalk or curb along Southpark Boulevard shall be replaced or repaired to the requirements of the Public Works Department. 		
<u>OTHER REQUIREMENTS:</u> <ol style="list-style-type: none"> a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet. (One 6' high monument sign for Tract I and one 6' high monument sign for Tract II) b. All on site lighting shall be a maximum of 18 feet tall and shall be of the "shoebox" type or otherwise designed not to cast direct light on adjacent properties. 		

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.**

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Carol Eickmeyer

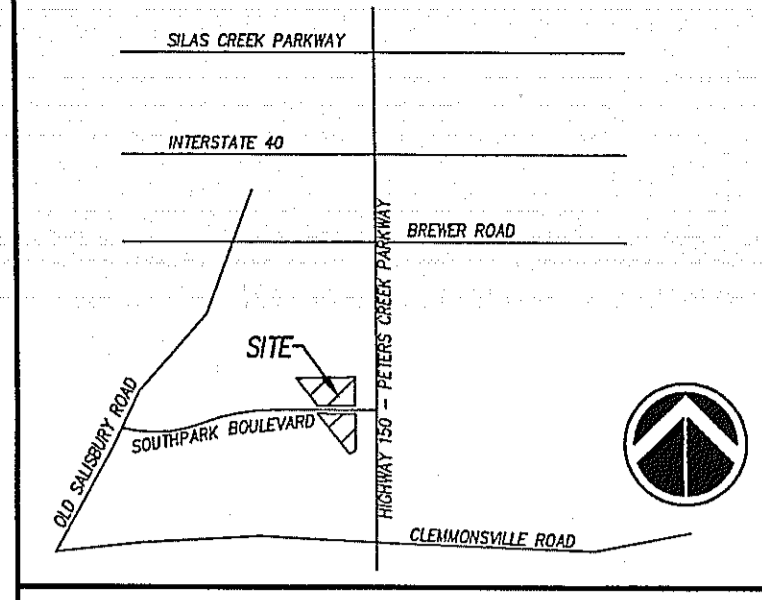
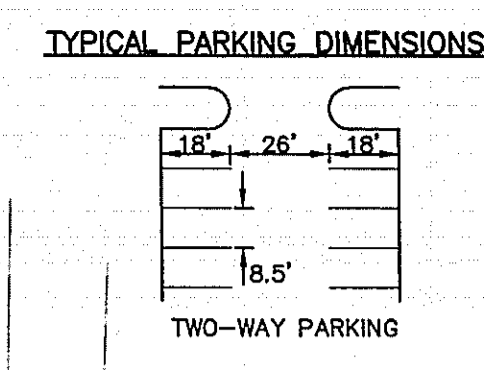
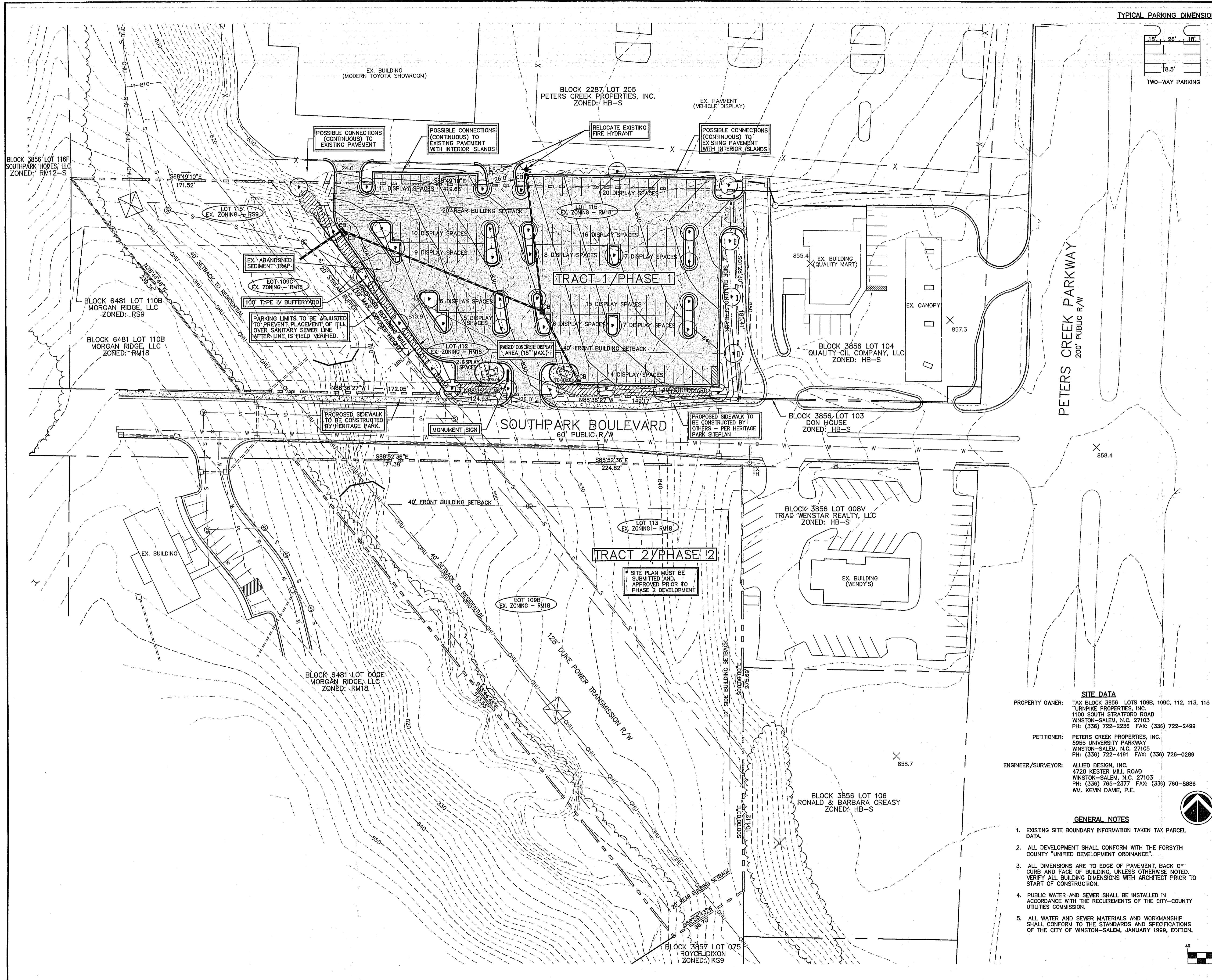
VOTE:

FOR: Clark, Curtis, Eickmeyer, Folan, Glenn, King, Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning



TRACT 1	
ZONING	
EXISTING ZONING:	RS9 & RM18
PROPOSED ZONING:	HB-S
TYPE OF REVIEW REQUESTED:	REZONING & SITE PLAN APPROVAL
PROPOSED USES ADDED:	
OUTDOOR DISPLAY RETAIL; NURSERY, LAWN & GARDEN SUPPLY STORE, RETAIL; RESTAURANT (W/O DRIVE-THROUGH SERVICE); RETAIL STORE, SPECIALTY OR MISCELLANEOUS; BANKING & FINANCIAL SERVICES; BUILDING CONTRACTORS, GENERAL; CAR WASH; MEDICAL OR DENTAL LABORATORY; MEDICAL & SURGICAL OFFICES; OFFICES, MISC.; PROFESSIONAL OFFICE; SERVICES, PERSONAL	
SITE SIZE AND COVERAGES	
TOTAL ACREAGE:	2.19 ACRE(S)
SITE COVERAGES:	
BUILDING TO LAND	0 %
PAVEMENT TO LAND	52.27 %
OPEN SPACE	47.73 %
TOTAL	100 %
BUILDING SQUARE FOOTAGE:	N/A SQ FT
BUILDING HEIGHT:	N/A FT OR STORIES
INFRASTRUCTURE	
WATER:	YES PUBLIC: X PRIVATE: _____
SEWER:	YES PUBLIC: X PRIVATE: _____
STREETS:	YES PUBLIC: _____ PRIVATE: X
BUFFERYARDS	
ADJOINING ZONING:	RS9, RM12-S, RM18-S, HB-S
TYPE REQUIRED:	TYPE II
WIDTH PROVIDED:	100'
FENCE OPTION:	YES X NO
STREETYARD:	10'
BUILDING SETBACKS	
FRONT:	40'
REAR:	20'
SIDE:	0'/12'
STREET:	20'

TRACT 2	
ZONING	
EXISTING ZONING:	RM18
PROPOSED ZONING:	HB-S
TYPE OF REVIEW REQUESTED:	REZONING APPROVAL (TWO PHASE)
PROPOSED USES ADDED:	
OUTDOOR DISPLAY RETAIL; NURSERY, LAWN & GARDEN SUPPLY STORE, RETAIL; RESTAURANT (W/O DRIVE-THROUGH SERVICE); RETAIL STORE, SPECIALTY OR MISCELLANEOUS; BANKING & FINANCIAL SERVICES; BUILDING CONTRACTORS, GENERAL; CAR WASH; MEDICAL OR DENTAL LABORATORY; MEDICAL & SURGICAL OFFICES; OFFICES, MISC.; PROFESSIONAL OFFICE; SERVICES, PERSONAL	
SITE SIZE AND COVERAGES	
TOTAL ACREAGE:	2.14 ACRE(S)
SITE COVERAGES:	
BUILDING TO LAND	N/A %
PAVEMENT TO LAND	N/A %
OPEN SPACE	N/A %
TOTAL	100 %
BUILDING SQUARE FOOTAGE:	N/A SQ FT
BUILDING HEIGHT:	N/A FT OR STORIES
INFRASTRUCTURE	
WATER:	N/A PUBLIC: _____ PRIVATE: _____
SEWER:	N/A PUBLIC: _____ PRIVATE: _____
STREETS:	N/A PUBLIC: _____ PRIVATE: _____
BUFFERYARDS	
ADJOINING ZONING:	RS9, RM12-S, RM18-S, HB-S
TYPE REQUIRED:	TYPE IV
WIDTH PROVIDED:	100'
FENCE OPTION:	YES X NO
STREETYARD:	10'
BUILDING SETBACKS	
FRONT:	40'
REAR:	20'
SIDE:	0'/12'
STREET:	20'

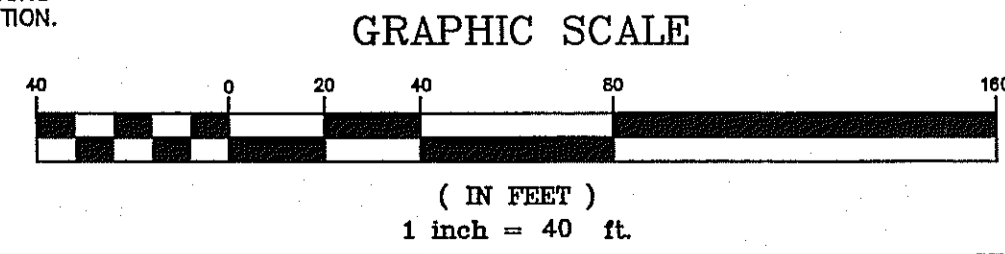
SITE DATA

PROPERTY OWNER: TAX BLOCK 3856 LOTS 109B, 109C, 112, 113, 115
TURNPIKE PROPERTIES, INC.
1100 SOUTH STRATFORD ROAD
WINSTON-SALEM, N.C. 27103
PH: (336) 722-2236 FAX: (336) 722-2499

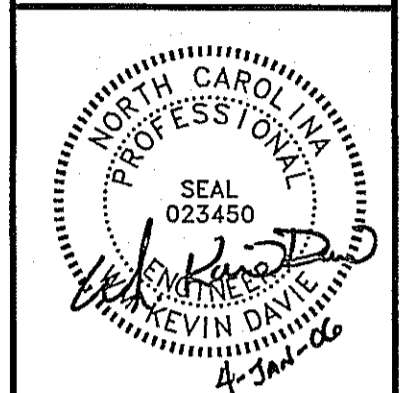
PEITIONER: PETERS CREEK PROPERTIES, INC.
5955 UNIVERSITY PARKWAY
WINSTON-SALEM, N.C. 27105
PH: (336) 722-4191 FAX: (336) 726-0289

ENGINEER/SURVEYOR: ALLIED DESIGN, INC.
4720 KESTER MILL ROAD
WINSTON-SALEM, N.C. 27103
PH: (336) 765-2377 FAX: (336) 760-8886
WM. KEVIN DAVE, P.E.

- GENERAL NOTES**
- EXISTING SITE BOUNDARY INFORMATION TAKEN TAX PARCEL DATA.
 - ALL DEVELOPMENT SHALL CONFORM WITH THE FORSYTH COUNTY "UNIFIED DEVELOPMENT ORDINANCE".
 - ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, BACK OF CURB AND FACE OF BUILDING, UNLESS OTHERWISE NOTED. VERIFY ALL BUILDING DIMENSIONS WITH ARCHITECT PRIOR TO START OF CONSTRUCTION.
 - PUBLIC WATER AND SEWER SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY-COUNTY UTILITIES COMMISSION.
 - ALL WATER AND SEWER MATERIALS AND WORKMANSHIP SHALL CONFORM TO THE STANDARDS AND SPECIFICATIONS OF THE CITY OF WINSTON-SALEM, JANUARY 1999, EDITION.



Allied Design, Inc.
CIVIL ENGINEERING & LAND SURVEYING
4720 KESTER MILL ROAD
WINSTON-SALEM, NORTH CAROLINA 27103
Phone: (336) 765-2377
Fax: (336) 760-8886
e-mail: ASurvey@aol.com



PRELIMINARY PLANS
NOT RELEASED FOR CONSTRUCTION

MODERN TOYOTA - PARKING LOTS
PETERS CREEK PROPERTIES, INC.
WINSTON-SALEM
NORTH CAROLINA

PROJECT NO.: ALS095
DRAWN BY: JMN
CHECKED BY: WKO
DATE: 12/06/05

NO.	DATE	REVISIONS
A	12/05/05	ISSUED FOR PRE-SUBMITTAL REVIEW
B	12/09/05	ISSUED FOR PLANNING BOARD REVIEW
C	07/04/06	ISSUED FOR INTERDEPARTMENTAL REVIEW

REZONING AND SCHEMATIC SITE LAYOUT

SHEET
C1
OF 1