**PROPOSED ZONING:**
HB-S and Special Use Permit

**EXISTING ZONING:**
RS9, HB-S, RM12-S, & RM18

**PETITIONER:**
Morgan Ridge RS LLC, et al, Bold Properties LLC, Southpark Homes LLC, and Peters Creek Properties Inc. for property owned by Same

**SCALE:**
1" represents 500'

**STAFF:**
Roberts

**GMA:**
3

**ACRES:**
19.61

**NEAREST BLDG:**
30’ south

**MAP(S):**
624834, 624838
**PETITION INFORMATION**

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Morgan Ridge RS LLC et al, Bold W Properties LLC, Southpark Homes LLC, and Peters Creek Properties Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN#'s 6823-78-4720, 6823-68-8312, 6823-67-9964, and a portion of PIN#'s 6823-67-4237 and 6823-68-0172</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Rezoning and Special Use Permit to cross residencially zoned property to access a commercially zoned site</td>
</tr>
</tbody>
</table>
| Proposal | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 Residential, Single Family District; 9,000 sf minimum lot size and HB-S Highway Business District (Outdoor Display Retail; and Restaurant (without drive-through service) to HB-S Highway Business District. The petitioner is requesting the following uses:  
• Outdoor Display, Retail and Motor Vehicle, Repair and Maintenance |
| Continuance History | The request was continued from the October 9, 2008 Planning Board meeting to the November 13 Planning Board meeting and then to the December 11 Planning Board meeting. |

**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)?

Yes

**GENERAL SITE INFORMATION**

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of Peters Creek Parkway and the north side of Southpark Boulevard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>South</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 19.61 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The majority of the site is currently used as the Modern Toyota automotive dealership.</td>
</tr>
</tbody>
</table>
Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RM-18</td>
<td>Multifamily residential</td>
</tr>
<tr>
<td>East</td>
<td>HB-S</td>
<td>Commercial</td>
</tr>
<tr>
<td>South</td>
<td>HB-S &amp; RM-18</td>
<td>Commercial and multifamily residential</td>
</tr>
<tr>
<td>West</td>
<td>RS-9 &amp; RM-12-S</td>
<td>Single and multifamily residential</td>
</tr>
</tbody>
</table>

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 proposed expansion of the existing car dealership is compatible with the adjacent commercial corridor and uses; however, the proposed parking expansion to the north will be in close proximity to some established multifamily units.

Physical Characteristics
While the majority of the site is developed, the remaining portion has steep topography and a small stream.

Proximity to Water and Sewer
Public water and sewer are available. The existing sewer line crossing under the proposed access road will need to be relocated.

Stormwater/Drainage
A stormwater study will be required prior to the issuance of a grading permit.

Watershed and Overlay Districts
The site is not within a water supply watershed.

Analysis of General Site Information
The RS-9 portion of the site and the area within the proposed access easement will need to undergo clearing and substantial grading.

Generalized Recommended Conditions
BRIEF DESCRIPTION OF CONDITION(S):
• Condition for stormwater study

SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Peters Creek Parkway</td>
<td>Major Thoroughfare</td>
<td>830’</td>
<td>22,000</td>
<td>46,000</td>
</tr>
<tr>
<td>Southpark Boulevard</td>
<td>Local Street</td>
<td>608’</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

Proposed Access Point(s)
The site plan illustrates the continued use of the driveway on Peters Creek Parkway and on Southpark Boulevard. The petition also includes a Special Use Permit request for a second driveway onto Southpark Boulevard across residentially zoned property.

Trip Generation - Existing/Proposed
Existing Zoning: RS-9 and HB-S
.95 (RS-9) x 43,560 / 9,000 = 4 units x 9.57 (SFR Trip Rate) = 38 Trips per Day + 83,207 / 1,000 x 37.5 (New Car Sales Trip Rate) = 3,120 Trips per Day = 3,158 Total Trips per Day

Proposed Zoning: HB-S
110,981 / 1,000 x 37.5 (New Car Sales Trip Rate) = 4,162 Trips per Day
Sidewalks

There are no sidewalks along either street frontage of the site. The Sidewalk and Pedestrian Facilities Plan requires sidewalks along Peters Creek Parkway and Southpark Boulevard.

Transit

Route 13 along Peters Creek Parkway.

Traffic Impact Study (TIS)

A TIS is not required.

Analysis of Site Access and Transportation Information

The proposed commercial access drive on residentially zoned property necessitates a Special Use Permit. See comments under the Other Applicable Plans and Planning Issues section below.

Generalized Recommended Conditions

**BRIEF DESCRIPTION OF CONDITION(S):**
- Obtain WSDOT driveway permit.

---

**CONFORMITY TO PLANS AND PLANNING ISSUES**

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 3, (Suburban Neighborhoods)</th>
</tr>
</thead>
</table>
| Relevant Legacy Recommendations | • *Economic Development:* Promote economic development which is compatible with existing residential neighborhoods and other business developments. (p.77)  
• *Economic Diversification:* Increase economic vitality through diversification by expanding existing businesses. . . . (p.79) |
| Relevant Area Plan(s) | The site is not within the boundaries of an area plan or development guide. |
| Other Applicable Plans and Planning Issues | For Special Use Permits (SUP) requiring approval by the Elected Body, certain findings have to be met. Findings of the Planning Board accompanying a favorable recommendation shall include:  
**Planning Board Findings:**  
1. The development is in conformity with Legacy. *(Yes)*Legacy recommends the promotion of economic development which is compatible with existing residential neighborhoods and other business developments.  
2. Water and sewer service are available in adequate capacity. *(Yes)*  
3. Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment. *(No buildings are proposed as part of the Special Use Permit)*  
4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard. *(Yes)*  
5. General layout and design of the development meet all requirements of this Ordinance. *(Yes)*  
6. Adequate, safe and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc) and service vehicles and personnel (sanitation, postal delivery, etc). *(Yes)* |
7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project. *(See “SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL” section below)*

The Elected Body shall issue a special use permit only when the Elected Body makes an affirmative finding as follows:

**Elected Body Findings:**

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. *(Yes)*
2. That the use meets all required conditions and specifications. *(Yes)*
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, *(Yes)*
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy. *(Yes)* Legacy recommends the promotion of economic development which is compatible with existing residential neighborhoods and other business developments.

<table>
<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</th>
<th>(S)(3) - Have changing conditions substantially affected the area in the petition?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>(S)(4) - Is the requested action in conformance with Legacy?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Analysis of Conformity to Plans and Planning Issues**

Legacy recommends the promotion of economic development which is compatible with existing residential neighborhoods and other business developments. In order to better protect the adjacent multifamily development, Planning staff recommends the bufferyard plantings be placed at the top of the slope. Planning staff also recommends the above noted affirmative findings for the Special Use Permit to cross residually zoned property to access commercially zoned property.

**Generalized Recommended Conditions**

**BRIEF DESCRIPTION OF CONDITION(S):**

- Lighting condition

**RELEVANT ZONING HISTORIES**

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-2979</td>
<td>RM-18 to HB-S</td>
<td>Approved 6-2-08</td>
<td>800’ north</td>
<td>7.29</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2968</td>
<td>RM12-S to SPA</td>
<td>Approved 2-4-08</td>
<td>Directly west</td>
<td>11.72</td>
<td>Approval</td>
</tr>
</tbody>
</table>
### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Required</th>
<th>Proposed</th>
<th>Placement on Site</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>257 spaces</td>
<td>689 spaces</td>
<td>Central portion</td>
<td>In front</td>
</tr>
<tr>
<td>Building Height</td>
<td>60’</td>
<td>One story</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Impervious Coverage</td>
<td>85%</td>
<td>68.56%</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Chapter B, Article II, Section 2-1.3 (I) HB District</td>
</tr>
<tr>
<td>• Chapter B, Article II, Section 2-5.2 Access Easement Use Conditions</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Complies with Chapter B, Article VII, Section 7-5.3</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Legacy policies: Yes</td>
</tr>
<tr>
<td>(B) Environmental Ord. NA</td>
</tr>
<tr>
<td>(C) Subdivision Regulations NA</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Analysis of Site Plan Compliance with UDO Requirements</th>
</tr>
</thead>
<tbody>
<tr>
<td>The revised site plan complies with the requirements of the UDO.</td>
</tr>
</tbody>
</table>

### CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request would permit the expansion of an existing business.</td>
<td>Request would result in the removal of a mature wooded area in close proximity to an established multifamily development.</td>
</tr>
<tr>
<td>Request is consistent with the recommendations of Legacy.</td>
<td></td>
</tr>
<tr>
<td>Request meets the Special Use Permit findings.</td>
<td></td>
</tr>
</tbody>
</table>

### 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 THE ISSUANCE OF ANY PERMITS**
  a. Developer shall obtain all necessary permits from the NC Division of the Environment and Natural Resources (DENR) and the USA Corps of Engineers.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.
b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements include:
  • Widening of Peters Creek Parkway along the RS-9 portion to match the 3rd southbound lane.
  • Sidewalks along Peters Creek Parkway and Southpark Boulevard.

c. Developer shall flag 30’ buffer on each side of stream from top of bank.

  • PRIOR TO THE ISSUANCE OF BUILDING PERMITS
    a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting on the current RS-9 and westernmost portion of site demonstrating the use of full-cut off fixtures, light height of 25’ or less and no more than 0.5 foot-candles at the property line.
    b. Staff Changes shall be submitted and approved for the adjacent RM-12-S and RM-18 zoned sites.
    c. No display cars shall be allowed in the right-of-way for Peters Creek Parkway.

REZONING STAFF RECOMMENDATION: Approval
SPECIAL USE PERMIT 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 regarding continuance request - October 9, 2008

FOR: None
AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning map amendment, site plan, and Special Use Permit to November 13, 2008.
SECOND: Jerry Clark
VOTE:
  FOR: Jerry Clark, Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican
  AGAINST: None
  EXCUSED: None
PUBLIC HEARING regarding continuance request - November 13, 2008

FOR:  None
AGAINST:  None

WORK SESSION

MOTION: Lynne Mitchell moved continuance of the zoning map amendment, site plan, and SIDA to December 11, 2008.
SECOND: Carol Eickmeyer
VOTE:
   FOR:  Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell; Paul Mullican, Brenda Smith
   AGAINST:  None
   EXCUSED:  None

PUBLIC HEARING regarding withdrawal request - December 11, 2008

FOR:  None
AGAINST:  None

WORK SESSION

MOTION: Clarence Lambe moved withdrawal of the zoning map amendment, site plan, and Special Use Permit.
SECOND: Paul Mullican
VOTE:
   FOR:  Jerry Clark, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST:  None
   EXCUSED:  None

_________________
A. Paul Norby, FAICP
Director of Planning