DOCKET #: W2732

PROPOSED ZONING:
LO-S (Multiple Office and Residential Uses)

EXISTING ZONING:
RS-9

PETITIONER:
Piedmont Federal Saving and Loan for property owned by Lona Phelps and others

SCALE: 1" represents 400'
STAFF: Douglas
GMA: 3
ACRE(S): 2.78
MAP(S): 612862
November 19, 2004

Piedmont Federal Savings & Loan
16 West Third Street
Winston-Salem, NC  27101

RE:  ZONING MAP AMENDMENT W-2732

Dear Sirs:

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
Doug Stimmel, 601 N. Trade St., Suite 200, Winston-Salem, NC  27101
COUNCIL ACTION REQUEST:


SUMMARY OF INFORMATION:

Zoning map amendment of Piedmont Federal Savings & Loan and Lona Phelps for property owned by Lona Phelps, Thomas H. Frazier, James A. Wilson, Barbara V. Byrd, and Conrad L. Vestal from RS-9 to LO-S (Residential Building, Single Family; Banking and Financial Services; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office - TWO PHASE): property is located on the southeast corner of Peace Haven Road and Old Whitaker Road (Zoning Docket W-2732).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS
CITY ORDINANCE - SPECIAL USE


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 to LO-S (Residential Building, Single Family; Banking and Financial Services; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office) the zoning classification of the following described property:

Tax Lots 41C, 42C, 43C, 44D, and 44E, Tax Block 3410

Section 2. This Ordinance is adopted after approval of the site plan entitled Piedmont Federal Savings & Loan and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, to Piedmont Federal Savings & Loan and Lona Phelps for property owned by Lona Phelps, Thomas H. Frazier, James A. Wilson, Barbara V. Byrd, and Conrad L. Vestal.

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 Piedmont Federal Savings & Loan. 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 Piedmont Federal Savings & Loan and Lona Phelps for property owned by Lona Phelps, Thomas H. Frazier, James A. Wilson, Barbara V. Byrd, and Conrad L. Vestal, (Zoning Docket W-2732). 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 LO-S (Residential Building, Single Family; Banking and Financial Services; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office), approved by the Winston-Salem City Council the ______ day of ______________________, 20____ " and signed, provided the property is developed in accordance with requirements of the LO-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. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. Developer shall repair all damage during construction to curbs and sidewalks along Peace Haven Road in accordance with the Winston-Salem Department of Transportation standards.
  b. All Fire Hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  c. For each phase of development, developer shall install sidewalks along that phase's frontage on Peace Haven Road. Sidewalks shall be built to Winston-Salem Department of Transportation standards.
• OTHER REQUIREMENTS
  a. A maximum of one six (6) foot high monument sign shall be allowed along the frontage of Peace Haven Road.
ZONING STAFF REPORT

DOCKET # W-2732
STAFF: Aldea Douglas

Petitioner(s): Piedmont Federal Saving & Loan, and Lona E. Phelps
Ownership: Lona E. Phelps, Thomas H. Frazier, James A Wilson, Barbara V. Byrd, and Conrad L. Vestal

REQUEST

From: RS-9
To: LO-S (Residential Building, Single Family; Banking and Financial Services; Medical and Surgical Offices; Offices, Miscellaneous; and Professional Office)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 2.78 acres

LOCATION:

Street: The majority of the block surrounded by Peace Haven Road, Old Whitaker Road, and Whitaker Road.
Jurisdiction: Winston-Salem
Ward: West.

SITE PLAN

Proposed Use: Residential building; single family, duplex, multifamily and townhouse; banking and financial services; offices; medical & surgical, professional, miscellaneous
Square Footage: Phase I: 4,000 square feet; Phase II: undetermined
Building Height: 1 story
Parking: Required: 1 space per 200 sq.ft. (21 spaces); Proposed: 31 spaces in Phase I
Bufferyard Requirements: None
Vehicular Use Landscaping Standards Requirements: UDO Standards Apply

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single Family Residential
Adjacent Uses:
   North- RS-9 zoned Single Family Residential
   East- RS-9 zoned Single Family Residential
   South- HB-S zoned Whitaker Square Shopping Center
   West- RS-9 zoned vacant property - future site of Hope Presbyterian Church.
   Southwest – HB-S zoned Aegis Health Center.
GENERAL AREA

Character/Maintenance: The area generally consists of single family, residential, office and retail commercial uses.
Development Pace: Moderate

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: This proposal will remove much of the existing vegetation present on the site.
Topography: The subject property’s elevation changes by 24 feet, rising from about 912 feet in the southwest corner of the property up to about 936 feet in the northern section of the property. There is a steep rise in elevation from Whitaker Road just to the south to the subject property.
Streams: A perennial stream that flows into a series of ponds and eventually feeds into Silas Creek is located approximately 450 feet to the east of the subject property.
Vegetation/habitat: Most of the southern half of the subject property is covered with vegetation.
Floodplains: None
Wetlands: None – *Winston-Salem West Quad*
Natural Heritage Sites: None
Farmland Preservation Sites: None
Environmental Resources Beyond The Site: This site may drain to a branch of Silas Creek on the south side of Robinhood Road. This stream also drains the Sherwood Plaza shopping center and has experienced some erosion problems.
Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Peace Haven Road; Old Whitaker Road
Street Classification: Peace Haven Road – Minor Thoroughfare; Old Whitaker Road – Local Road
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Peace Haven Road between Polo and Robinhood Roads = 4,600/11,100 (1993 Count)
Trip Generation/Existing Zoning: RS-9
2.78 x 43,560/9,000 = 13 units x 9.57 (SFR Trip Rate) = 124 Trips per Day
Trip Generation/Proposed Zoning: LO-S; Phase I
4,000/1,000 x 265.21 = 1,060 Trips per Day
Planned Road Improvements: None
Traffic Impact Study recommended: Provided
Sidewalks: Existing sidewalk on West side of Peace Haven Road, staff recommends sidewalks along the entire frontage of Peace Haven Road.
Transit: Route 21 along Peace Haven Road
Bicycle Route: None
**HISTORY**

Relevant Zoning Cases:

1. W-2336; RS-9 to RM-12-S (Congregate Care Facility; and Nursing Care Institution); *portion of current site*; withdrawn October 4, 1999; southeast side of Peace Haven Road between Whitaker Road and Old Whitaker Road; 2.78 acres; Planning Board and staff recommended approval.

2. W-2532; RS9 to HB-S and LO-S (Multiple Uses); withdrawn April 15, 2002; West side of Peace Haven Road across from Whitaker Road; 8.03 acres; Planning Board and staff recommended denial.

3. W-2443; RS-9 to LB-S (Veterinary Service; Professional Office and Offices, Miscellaneous); approved January 2, 2001; northeast side of Robinhood Road west of Whitaker Road; 2.87 acres; Planning Board recommended approval, staff recommended denial.

4. W-2377; RM-12 to NO-S (Professional Office; and Medical and Surgical Offices); approved April 3, 2000; northwest side of Polo Road between Robinhood Road and Greenvalley Road; 0.41 acre; Planning Board and staff recommended approval.

5. W-2359; HB and RS-9 to HB-S (Shopping Center); approved January 18, 2000; northeast side of Robinhood Road between Whitaker Road and Peace Haven Road; 9.21 acres; Planning Board and staff recommended approval.

**CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3)

Relevant Comprehensive Plan Recommendation(s): The Legacy Plan recommends compact, walkable and mixed use commercial activity centers. The Robinhood Road commercial area already has ample retail development and some office development but lacks significant higher density residential development that would create a true mixed use environment.


Relevant Development Guide Recommendation(s): The *Robinhood Road Area Plan* identifies the subject property as being part of the Whitaker Road Mixed Use, Planned Unit Development. The area plan specifically mentions that low to moderate intensity offices should be used as transitional uses between high intensity commercial uses and nearby single-family uses. Given the subject property’s proximity to existing single-family development to the north and east, the subject property should be developed for low-intensity office uses, if not retained for single-family residential uses. Per the criteria in Appendix A of the plan, low-intensity office uses should utilize the existing structure.
(where available) or utilize no more than 15% of the lot area for the building footprint and no more 30% of the lot area should be impervious. Additional standards include; maximum height of 1.5 stories, parking located to the side and/or rear; parking screened with fencing or evergreen landscaping; single driveway cuts; and 1 freestanding sign not to exceed 12 square feet. Per the plans, the proposed 2-phase rezoning request is not consistent with the area plan.

Further, according to the documentation in the Robinhood Road Area Plan file, former Aldermen Northington requested a study by planning staff to define further how “Mixed-Use, Planned Unit Development” (term used in the plan for the subject area) should be implemented in the area. In response to his request, staff developed a general land use map indicating the intended mixture and location of uses. Although not formally adopted by the Planning Board or the Board of Aldermen, this was intended by the Alderman to be a guide in advising future applicants concerning future land use decisions. On this map, the subject property is shown with no changes (e.g. as remaining single-family residential). In March of 1994, despite what was shown on the map developed at the Alderman’s request, the area just south of the subject property (Whitaker Square Shopping Center) was approved as a retail area (vs the recommended mix of commercial/office/residential), with a relocated Whitaker Road defining its northern edge. As early as 1995, staff began to receive inquiries on the subject property, termed in the file as “the triangle of land north of Whitaker Square,” for commercial uses. Since that time, staff has consistently advised those inquiring that non-residential uses of higher intensity are not supported by land use policies.

ANALYSIS

The current request is to rezone a 2.78 acre tract located on the south corner of the intersection of Peace Haven Road and Whitaker Road from RS-9 to LO-S (Single Family, Duplex, Multi-Family and Townhouse, Banking and Financial Services, Offices: Medical and Surgical, Professional, Miscellaneous). Retail and office uses are located to the south and southwest along Peace Haven Road, single family residential development is located south and southeast on Old Whitaker Road and directly west on Peace Haven Road lies a vacant lot zoned RS9 marked as a future church site. The site falls directly north of the Commercial/Office/Residential area in the Robinhood Road Area Plan which was adopted January 6, 1986. The site’s topography on its northern edge is level along the frontage on the old section of Whitaker Road; however the property has a moderate slope up from the new section of Peace Haven Road.

The surrounding area has experienced significant development with the Whitaker Square Shopping Center and the Aegis Medical Center on Peace Have Road as well as other commercial activities along Robinhood Road and Peace Haven Road. The petitioner’s site is on the edge of the commercial area serving Robinhood and Peace Haven Roads that serves a number of surrounding neighborhoods and would be considered a Community Activity Center. Legacy proposes compact mixed-use activity centers as an alternative to linear single-use commercial areas along major roadway corridors.
The Whitaker Square Shopping Center project which was developed in 1994 (W-1887) was a controversial zoning case. That property was located on both sides of Peace Haven Road north of Robinhood Road, and on the west and south sides of Whitaker Road and the realigned new section of Whitaker Road. When the relocation of Whitaker Road was planned, there was a small piece of property, the petitioner’s site, located on the north side of that new road south of the subject property. That land was intended to be a natural boundary/buffer between the Whitaker Square Shopping Center and the residents on the old section of Whitaker Road. The intentions of this buffer zone were to protect the residents from the commercial development to the south and create a point where commercial development would not continue to infiltrate the residential area. The petitioner’s proposal will jump across the established buffer zone and allow a more intensive office use to occur. Approval of the current rezoning could set a precedent for additional non-residential rezoning to the north along Peace Haven Road.

Staff continues to support the existing buffer zone established in the Whitaker Square Shopping Center rezoning on the east side of Peace Haven Road. The overall effects of developing this property for non-residential use and the possibility of the future non-residential development of the buffer zone would negate the effort to establish a smooth transition to the surrounding single family homes in this area.

Staff is supportive of a higher density residential use to occur in this area. This would provide an appropriate transition between limited residential and intense commercial uses. Staff has supported rezoning this site to RM-12-S in 1999 (W-2336) which was for a Congregate Care Facility and Nursing Care Institution. At the time, staff recognized the need to provide a point of transition from the single family residential uses north of the site to the shopping center use to the north. The transition of a higher density residential use would continue to inhibit the creep of commercial uses into the residential neighborhood. Staff could also support a lower intensity professional office use on the southern portion of the site as long as residential development is assured in the northern part.

Staff does recognize that the petitioner lists residential uses as potential uses in the Special Use petition, however, the petitioner does not limit the possibilities to these uses in “Future Development, 2 Phase” on the site plan. Staff recommends the “Future Development, 2 Phase” of the site plan be restricted to residential uses.

Staff also continues to recommend that non residential uses be located along the already established commercial activity center along Robinhood Road according to Legacy recommendations. There are vacant commercial sites along Robinhood in this vicinity that could be redeveloped for a use such as that proposed here. Staff’s recommendation is for denial.

**FINDINGS**

1. *Legacy* Plan recommends compact, walkable and mixed use commercial activity centers.

2. Given the adopted plans for the area and the role of this site as a transitional buffer, the site is more appropriate for a variety of residential uses.
3. The Aegis office use was set up to end commercial to the north and was a strong consideration for staff approval of zoning docket W-1887 for rezoning of the HB portion of W-1887 case. This site appears to be a clear natural boundary between residential and the shopping center.

STAFF RECOMMENDATION

Zoning: **DENIAL**
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  a. Developer shall repair all damage during construction to curbs and sidewalks along Peace Haven Road in accordance with the Winston-Salem Department of Transportation standards.
  b. All Fire Hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  c. For each phase of development, developer shall install sidewalks along that phase's frontage on Peace Haven Road. Sidewalks shall be built to Winston-Salem Department of Transportation standards.

- **OTHER REQUIREMENTS**
  a. A maximum of one six (6) foot high monument sign shall be allowed along the frontage of Peace Haven Road.

PUBLIC HEARING

FOR:

Doug Stimmel, 601 N. Trade St., Suite 200, Winston-Salem, NC 27101
- I represent the petitioner.
- We're hoping to bring closure to the question of what will happen on this triangle of land.
- We feel this is a good transitional use from the intense retail to the south and the residential to the north.
- We have worked with staff, trying to figure out what would be workable.
- This triangle consists of five tracts of land. Piedmont Federal doesn't need that many tracts. However, we're trying to do a comprehensive plan for the triangle to bring some certainty to the neighborhood in terms of what will be developed in the future as well. The neighbors have felt comfortable about us doing that.
• Piedmont Federal is going to a great deal of expense to do that. They've been here since 1903 and want to continue to be a good neighbor.
• We organized a neighborhood meeting, canvassed the neighborhood (about 75-100 residences) to announce the meeting. We only had four people from the neighborhood attend.
• Carol Strittmatter and Spencer Stephens (both from Robinhood/Clovelly group) were there. They were not in opposition to what we were doing. They thought Piedmont Federal was a good use. We had good discussion with them.
• David Skinner was there to represent the Foxhall Association. A letter of support from that group was submitted for the record.
• Mr. Stimmel submitted a petition of neighbors in the immediate area who support this request.
• Piedmont Federal is basically moving around the corner. They already have a site on Robinhood which is 2,000 sf on leased land. It's a nonfunctional site for them and they simply want to own their property.
• The traffic that will be generated by this use is basically already here. It will simply be moving a little bit to the north.
• I think the only difference we have with staff is that staff would like to see a transitional use for Phase Two. They prefer multifamily in that area. In meeting with the neighborhood, we learned it was very important to the neighborhood that multifamily not be there. They would prefer to see low intensity offices which we have proposed on our site plan.

AGAINST: None

WORK SESSION

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

1. Paul Mullican: When they develop this, the existing buildings will be removed. When they decide what they will do on Tract Two, they'll come back to us. I really think this is a good plan. I'm sure Piedmont will come up with whatever is compatible for that second tract.

2. Jerry Clark: What happens in the future if this goes in here? Will there be pressure on the neighborhood?

3. Paul Norby: There's always the danger as things move on up a street, that maybe what we thought would be the firm boundary isn't that later on. Chances are since the single family pattern is there, there would have to be some serious disinvestment in the area for that to happen. Perhaps if a church didn't really happen across the street, that might be a possibility for someone to ask for a nonresidential zoning there. Staff doesn't have the advantage of having a public hearing to gauge citizen feelings before we make a recommendation. Our role is give you our professional recommendation. We look at adopted plans, the history
of how those boundaries got set and make our call accordingly. Obviously the role of the Planning Board is to look at not only our staff report but to consider input from the public hearing, look at all the information before you, and make your best decision based on what you see.

4. Jerry Clark: I agree with everything Paul said down there. This is a good company which has been here a long time. I don't think they are going to do anything to harm the City.

5. Arnold King: There's no opposition, but there's actually support from adjoining neighbors. I support the motion myself.

6. Carol Eickmeyer: At what point was the church planned? Paul Norby: That was more recent - probably in the last three years or so. Carol Eickmeyer: The church plan is what is different between now and 1992. That may be a significant reason why there's no neighborhood opposition to this.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Clarence Lambe
VOTE:
FOR: Clark, Eickmeyer, King, Lambe, Mullican, Norwood, Smith
AGAINST: None
EXCUSED: None

Written Comments by Planning Board Members:

Paul Mullican: Made motion to approve. Vote was unanimous.
1) Piedmont has been here since 1903. They would do nothing to hurt our community. A good plan.
2) Will upgrade neighborhood.
3) No opposition. They have done their homework, even had neighbors sign petition in favor.
4) Phase II will have to come back before us before it can be developed.
5) A win-win situation.

A. Paul Norby, AICP
Director of Planning