



DOCKET #: W2532

PROPOSED ZONING:

Tract One: HB-S (Multiple Business Uses),
 Tract Two: LO-S (Multiple Office Uses)

EXISTING ZONING:

RS9

PETITIONER:

Williams, Frazier, and Butner Partnership for property owned by others

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): Tract One: 3.48,
 Tract Two: 4.55

MAP(S): 606862, 612862



March 20, 2002

Williams, Frazier, and Butner Partnership
c/o Thomas H. Frazier
260 Spy Glass Drive
Bermuda Run, NC 27006

RE: ZONING MAP AMENDMENT W-2532

Dear Mr. Frazier:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Emmett McCall, 633 W. Fourth Street, Winston-Salem, NC 27101
Buddy Wilkins, 2630 Bridgeport Drive, Winston-Salem, NC 27103
George Clover, 4409 Bent Tree Farm Road, Winston-Salem, NC 27106
Elizabeth Pappas, 125 Greenvalley Road, Winston-Salem, NC 27106
Sarah Kairoff, 148 Greenvalley Road, Winston-Salem, NC 27106
Carol Strittmatter, 817 Clovelly Road, Winston-Salem, NC 27106
Tom Frazier, 3443G Robinhood Road, Winston-Salem, NC 27106
Joy Wilson, 2120 Peace Haven Road, Winston-Salem, NC 27106
Kay Burgey, 144 Greenvalley Road, Winston-Salem, NC 27106

ACTION REQUEST FORM

DATE: March 20, 2002
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Williams, Frazier, and Butner Partnership for property owned by Williams, Frazier, and Butner Partnership, Lona E. Phelps, and Conrad L. Vestal

SUMMARY OF INFORMATION:

Zoning map amendment of Williams, Frazier, and Butner Partnership for property owned by Williams, Frazier, and Butner Partnership, Lona E. Phelps, and Conrad L. Vestal for two separate tracts of land as follows: Tract One: from RS-9 to HB-S [Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Banking or Financial Services; Funeral Home; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle Repair and Maintenance; Offices, Miscellaneous; Professional Office; Business Services, A; Business Services B; Personal Services; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreational Services, Indoor; Adult Day Care Center; Child Day Care, Drop-In; Child Day Care, Sick Children; Child Day Care Center; Church or Religious Institution; Community; Church or Religious Institution, Neighborhood; Government Offices; Habilitation Facility C; Hospital or Health Center; Public Library; Museum or Art Gallery; Police or Fire Station; Post Office; Parking, Commercial]: property is located on the west side of Peace Haven Road north of Whitaker Road (Zoning Docket W-2532).

Tract Two: from RS-9 to LO-S (Banking and Financial Services; Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Government Offices; Group Care Facility A; Public Library; Limited Campus Uses; Museum or Art Gallery; Police or Fire Station): property is located on the west side of Peace Haven Road north of Whitaker Road (Zoning Docket W-2532).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Williams, Frazier, and Butner Partnership for property owned by Williams, Frazier, and Butner Partnership, Lona E. Phelps, and Conrad L. Vestal, Docket W-2532

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 Board of Aldermen 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 HB-S [Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Banking or Financial Services; Funeral Home; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle Repair and Maintenance; Offices, Miscellaneous; Professional Office; Business Services, A; Business Services B; Personal Services; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreational Services, Indoor; Adult Day Care Center; Child Day Care, Drop-In; Child Day Care, Sick Children; Child Day Care Center; Church or Religious Institution; Community; Church or Religious Institution, Neighborhood; Government Offices; Habilitation Facility C; Hospital or Health Center; Public Library; Museum or Art Gallery; Police or Fire Station; Post Office; Parking, Commercial] (Tract One) and LO-S (Banking and Financial Services; Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood;

Government Offices; Group Care Facility A; Public Library; Limited Campus Uses; Museum or Art Gallery; Police or Fire Station) (Tract Two) the zoning classification of the following

described property:

Tract One

Being all of that certain 3.111 acre tract lying in Winston Township, Forsyth County, North Carolina; and bounded by natural boundaries, deed reference, or tax parcel identifiers; said tract being particularly described by courses and distances, according to a survey and unrecorded plat of Williams, Frazier and Butner and prepared by Kenneth L. Foster, Professional Land Surveyor No. L-2552, dated June 21, 2001, and revised January 21, 2002, and revised January 29, 2002, and bearing Job No. 2580-01D, to which reference is hereby made, as follows:

BEGINNING at a point located in the western right-of-way line of Peace Haven Road, said point being located south $28^{\circ} 49' 50''$ west a distance of 11.05 feet from an existing iron, said iron being the northeast corner of Tax Lot 43-B, thence south $28^{\circ} 49' 50''$ west a distance of 87.58 feet to an existing iron, thence south $28^{\circ} 49' 50''$ west a distance of 37.33 feet to an existing iron, thence on a curve to the right, said curve having a radius of 770.00 feet a chord bearing of south $33^{\circ} 45' 45''$ west a chord distance of 133.24 feet to an existing iron, thence leaving the western right-of-way line of Peace Haven Road north $87^{\circ} 37' 33''$ west a distance of 47.57 feet to an existing iron, thence south $88^{\circ} 40' 13''$ west a distance of 418.73 feet to an existing iron, thence north $07^{\circ} 32' 51''$ east a distance of 90.93 feet to an existing iron, thence north $04^{\circ} 19' 19''$ west a distance of 144.57 feet to an existing iron, thence south $89^{\circ} 01' 19''$ west a distance of 11.26 feet to an existing iron, thence north $03^{\circ} 35' 38''$ west a distance of 21.01 feet to a point, thence north $89^{\circ} 13' 29''$ east a distance of 470.91 feet to a point, thence on a curve to the right, said curve having a radius of 299.00 feet and a chord bearing of south $77^{\circ} 22' 20''$ east a chord distance of 138.63 feet to a point, thence south $61^{\circ} 10' 10''$ east a distance of 6.64 feet to a point, the POINT OF BEGINNING and containing 3.111 acres, more or less.

Tax Block 3410, Tax Lot 044B, 076, 208 and portions of Lots 29B, 033D, 042B, and 043B

Tract Two

Being all of that certain 4.547 acre tract lying in Winston Township, Forsyth County, North Carolina; and bounded by natural boundaries, deed reference, or tax parcel identifiers; said tract being particularly described by courses and distances, according to a survey and unrecorded plat of Williams, Frazier and Butner and prepared by Kenneth L. Foster, Professional Land Surveyor No. L-2552, dated June 21, 2001, and revised January 21, 2002, and revised January 29, 2002 and bearing Job No. 2580-01D, to which reference is hereby made, as follows:

BEGINNING at an existing iron located in the western right-of-way line of Peace Haven Road and also being the northeast corner of Tax Lot 39-B, thence with said right-of-way line on a curve to the right, said curve having a radius of 720.00 feet and a chord bearing of south $17^{\circ} 43' 07''$ west a chord distance of 277.44 feet to an existing iron, thence continuing with said right-of-way line, south $28^{\circ} 45' 41''$ west crossing an existing iron at a distance of 7.53 feet a total distance of 101.80 feet to an existing iron, said iron being the southeast corner of Tax Lot 42-B,

thence south 28° 49' 50" west a distance of 11.05 feet to a point, thence north 61° 10' 10" west a distance of 6.64 feet to a point, thence on a curve to the left, said curve having a radius of 299.00 feet a chord bearing of north 77° 22' 20" west a chord distance of 138.63 feet to a point, thence south 89° 13' 25" west a distance of 470.91 feet to a point, thence north 03° 35' 38" west a distance of 127.65 feet to an existing iron, thence north 03° 35' 04" west a distance of 116.08 feet to an existing iron, thence north 89° 13' 25" east a distance of 446.30 feet to an existing iron, thence north 00° 25' 37" west a distance of 83.00 feet to an existing iron, thence north 89° 19' 30" east a distance of 320.36 feet to an existing iron, the POINT OF BEGINNING and containing 4.547 acres, more or less.

Tax Block 3410, Tax Lots 040B, 041B, 039B and 108B and portions of Lots 29B, 033D, 042B, and 043B

Section 2. This Ordinance is adopted after approval of the site plan entitled Williams, Frazier and Butner Partnership and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Williams, Frazier, and Butner Partnership for property owned by Williams, Frazier, and Butner Partnership, Lona E. Phelps, and Conrad L. Vestal.

Section 3. The Board of Aldermen 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 Williams, Frazier and Butner Partnership. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Williams, Frazier, and Butner Partnership for property owned by Williams, Frazier, and Butner Partnership, Lona E. Phelps, and Conrad L. Vestal, (Zoning Docket W-2532). 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 [Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Banking or Financial Services; Funeral Home; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle Repair and Maintenance; Offices, Miscellaneous; Professional Office; Business Services, A; Business Services B; Personal Services; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreational Services, Indoor; Adult Day Care Center; Child Day Care, Drop-In; Child Day Care, Sick Children; Child Day Care Center; Church or Religious Institution; Community; Church or Religious Institution, Neighborhood; Government Offices; Habilitation Facility C; Hospital or Health Center; Public Library; Museum or Art Gallery; Police or Fire Station; Post Office; Parking, Commercial] (Tract One) and LO-S (Banking and Financial Services; Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Adult Day Care Center; Child Care, Sick Children; Child Day

Care Center; Church or Religious Institution, Neighborhood; Government Offices; Group Care Facility A; Public Library; Limited Campus Uses; Museum or Art Gallery; Police or Fire Station)

(Tract Two), approved by the Winston-Salem Board of Aldermen the _____ day of

_____, 20____" and signed, provided the property is developed in accordance

with requirements of the HB-S and LO-S zoning districts 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 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 of the City of Winston-Salem.
 - b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
 - c. Developer shall submit a sealed engineered detail of all retaining walls over five feet in height.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall dedicate any public right-of-way or easements needed to construct any road improvements along Peace Haven Road as determined by the City of Winston-Salem Department of Transportation.
 - b. No building shall be taller than two stories (volunteered by the developer).
 - c. All buildings shall be designed with a common architectural theme and shall be constructed using compatible materials and colors as approved by the Planning Staff (volunteered by the developer).
 - d. All buildings shall have pitched roofs (volunteered by the developer).

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices for the maximum coverage of the entire site must be installed per the approval of the Public Works Department of the City of Winston-Salem prior to the issuance of occupancy permits for any unit.
 - b. Developer shall install all sidewalks as shown on the site plan to the specifications of the Public Works Department of the City of Winston-Salem.
 - c. A single row of street tree plantings shall be installed at the top of the fill slope adjacent to the street along the southern property line, and along Peace Haven Road using materials selected from the list of "Large Variety Trees" as specified under Section 3-4.10(A) of UDO.
 - d. All pedestrian pathways/walkways, pavement markings in the parking lots, or other devices indicating pedestrian walkways as shown on the site plan shall be

installed.

- e. Developer shall construct a southbound right-turn taper at the intersection of the proposed site driveway and Peace Haven Road. The taper should be 140 feet in length.
- f. Developer shall re-stripe the existing continuous left-turn lane at the intersection of the proposed site driveway and Peace Haven Road as a northbound left-turn lane with 100 feet of storage and a 140-foot bay taper.
- g. Developer shall construct or bond a southbound right-turn lane at the intersection of Robinhood Road and Peace Haven Road. The southbound right-turn lane should have 100 feet of storage and a 140-foot bay taper.
- h. Developer shall upgrade or bond the existing traffic signal at the intersection of Robinhood Road and Peace Haven Road to accommodate right-turn overlaps in the eastbound and southbound directions.

- **OTHER REQUIREMENTS**

- a. Development shall be permitted one (1) freestanding five (5) foot high monument sign, with a maximum copy area of thirty-six (36) square feet at the entrance along Peace Haven Road.
- b. Any proposed change of use may be subject to additional Traffic Impact Analysis and any modifications to the site plan may require a Site Plan Amendment be approved by the Board of Aldermen.

ZONING STAFF REPORT

DOCKET # W-2532

STAFF: Gary Roberts

Petitioner(s): Williams, Frazier, and Butner Partnership

Ownership: Williams, Frazier, and Butner Partnership, Lona E. Phelps, and Conrad L. Vestal

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf (Tracts 1 and 2)

To: HB-S [Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Banking or Financial Services; Funeral Home; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Motor Vehicle Repair and Maintenance; Offices, Miscellaneous; Professional Office; Business Services, A; Business Services B; Personal Services; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreational Services, Indoor; Adult Day Care Center; Child Day Care, Drop-In; Child Day Care, Sick Children; Child Day Care Center; Church or Religious Institution; Community; Church or Religious Institution, Neighborhood; Government Offices; Habilitation Facility C; Hospital or Health Center; Public Library; Museum or Art Gallery; Police or Fire Station; Post Office; Parking, Commercial] (Tract 1)
LO-S (Banking and Financial Services; Funeral Home; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Adult Day Care Center; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Government Offices; Group Care Facility A; Public Library; Limited Campus Uses; Museum or Art Gallery; Police or Fire Station) (Tract 2)

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

Acreage: 3.48 acres (Tract 1) and 4.55 acres (Tract 2) = 8.03 acres (Total)

LOCATION

Street: West side of Peace Haven Road across from Whitaker Road.

Jurisdiction: City of Winston-Salem.

Ward: West.

SITE PLAN

Proposed Use: Multiple office, service and retail type uses.

Square Footage: 73,312 square feet.

Building Height: Two story.

Parking: Required: 347 spaces; proposed: 347 spaces.

Bufferyard Requirements: Tract 1, type III adjacent to RS-9; Tract 2, type II adjacent to RS-9.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Property is currently undeveloped.

Adjacent Uses:

- North - Undeveloped property and single family residences zoned RS-9.
- East - Single family residences zoned RS-9.
- Southeast - Whitaker Square Shopping Center zoned HB-S.
- South - Aegis Family Health Center zoned HB-S.
- Southwest - Single family residences zoned RS-9.
- West - Single family residences zoned RS-9.

GENERAL AREA

Character/Maintenance: Mixture of well maintained single family homes and medium to large scale commercial and medical office establishments.

Development Pace: Moderate to rapid.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Removal of vegetation and grading to accommodate improvements shown on site plan.

Topography: The property has a central drainageway sloping from both the northeast and northwest to the southeast and southwest. The range in elevation on the property is from a high of 942 in the northeast area of the site to a low of 902 in the south central portion of the site. All of the property drains to this low point in the south central portion of the site, where the water will leave the property and be intercepted by a drainage structure on the property to the south.

Streams: None - there is a centralized drainage channel under pre-development conditions.

Vegetation/habitat: There is a large stand of trees in the central portion of the property from Peace Haven Road to the west, ending approximately 100' shy of the western property boundary.

Water Supply Watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Peace Haven Road; Whitaker Road.

Street Classification: Peace Haven Road - minor thoroughfare; Whitaker Road - local.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Peace Haven Road between Robinhood Road and Polo Road = N/C/11,100

Robinhood Road between Polo Road and Peace Haven Road = 20,000/23,900

Trip Generation/Existing Zoning: RS-9

8.03 acres x 43,560/9,000 = 38 units x 9.57 (SAR Trip Rate) = 363 Trips per Day

Trip Generation/Proposed Zoning: HB-S and LO-S

54,000/1,000 x 36.13 (Medical/Dental Trip Rate) = 1,951 +

7,345/1000 x 40.67 (Specialty Retail Trip Rate) = 298 +

7,200/1,000 x 130.34 (High Turnover Restaurant Trip Rate) = 938 +

6,767/1,000 x 156.48 (Walk-in Bank Trip Rate) = 1058 =

4,245 Total Trips per Day

Interior Streets: Shown as Private.

Traffic Impact Study required: Yes.

Connectivity of street network: Surrounding development pattern precludes any adjacent street or driveway extensions.

Sidewalks: West side of Whitaker Road; both sides of Peace Haven Road from Robinhood Road to Whitaker Road, continuing northward on west side of Peace Haven only.

Transit: Route 21, along Peace Haven and Robinhood Roads.

HISTORY

Relevant Zoning Cases:

1. 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.
2. 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.
3. 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.
4. W-2336; RS-9 to RM-12-S (Congregate Care Facility); withdrawn at the October 4, 1999 Board of Aldermen meeting; southern corner of intersection of Peace Haven Road and Old Whitaker Road directly across Peace Haven Road from current site; 2.78 acres; Planning Board and staff recommended approval.

5. W-2110; RS-9 to LO-S (Banking and Financial Services); withdrawn at the December 2, 1996 Board of Aldermen meeting; east side of Peace Haven Road north of new Whitaker Road; Planning Board and staff recommended denial.
6. W-1887; R-4 to B-3-S (Multiple Business Uses), UDO conversion to HB-S; approved April 4, 1994; northwest and southeast sides of Peace Haven Road between Robinhood Road and Whitaker Road, adjacent to southern boundary of current site; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* proposes compact mixed-use activity centers as an alternative to linear single-use commercial areas along major roadway corridors. The largest, regional serving Metro Activity Centers are described in some detail in the *Legacy* document. Staff is working to develop design guidelines for Metro Activity Centers as well as two other types - community- and neighborhood serving activity centers. 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 classified as a community-level activity center. It has developed as a linear single-use commercial development with its longest axis stretching along Robinhood Road from Polo Road to Whitaker Road. This activity center currently consists primarily of retail uses. A larger component of multi-family residential, office, institutional and public spaces are needed in this activity center to create a true mixed-use center as described in *Legacy*. Ideally, the intensity of development of an activity center decreases away from its core (centered at Robinhood/Peace Haven Roads in this case) so the above mentioned uses are most appropriate near its edge as a transition to the surrounding neighborhoods.

Area Plan/Development Guide: *Robinhood Road Area Plan* (1986).

Relevant Development Guide Recommendation(s): This site is a portion of a larger site shown for mixed use development in the *Robinhood Road Area Plan* which is to include commercial, office, and residential development at various densities. The area plan states that low and moderate intensity office uses should be used as transitional uses between commercial and residential/institutional uses. The plan also states that a commercial area should be allowed west of this community (further out in the county) to service the needs of growth to the west. In 1991, staff was asked by the West Ward Alderman to further refine the mixed use concept for the Robinhood Road/Peace Haven extension area by detailing land uses within the mixed use boundary and show how the mixture of uses called for in the plan could be developed in a fashion that gave protection to the surrounding residential areas. Staff prepared a conceptual plan which was reviewed by the Planning Board and the West Ward Alderman. Staff was instructed by the Planning Board and the Board of Aldermen to use this plan in all discussions on land use proposals for this area. The subject site is shown for low intensity office or multifamily (8 du/acre) use in the plan refinement.

ANALYSIS

The current request represents two proposals for an 8 acre tract located on the west side of Peace

Haven Road across from Whitaker Road. The southern portion of the property, (Tract 1), consists of 3.48 acres and is petitioned to be rezoned from RS-9 to HB-S. The northern portion, (Tract 2), consists of 4.55 acres and is requested to be rezoned from RS-9 to LO-S. The property is currently undeveloped and surrounded on three sides by single family residences zoned RS-9. The Aegis Family Health Center and the Whitaker Square Shopping Center located across Peace Haven Road, are both zoned HB-S and reflect the existing development pattern south of the subject property.

The site falls within a larger area recommended for mixed use development in the *Robinhood Road Area Plan*. In 1994 approximately 30 acres of HB-S was approved on a portion of what is known as the Whitaker property, (see W-1887 in History above). The Whitaker property borders the southern boundary of the subject property and generally includes both sides of Peace Haven Road south to Robinhood Road and the property west of Whitaker Road. The "mixed use" designation of the area plan includes this area and recommends low and moderate intensity office uses should be used as transitional uses between commercial and residential uses. To achieve the healthy balance and mixture of land uses as recommended in the area plan, staff stated in the Findings section of W-1887 that the "remaining vacant property in this (mixed use) area should be developed with various densities of residential land uses with some low to moderate intensity office uses." Also, the intensity of the adjacent outparcel where Aegis has been developed was intentionally limited to office uses only because of its proximity to the residential neighborhood. Unfortunately, while geographically serving as a transition between the established single family residences to the north, east and west and the commercial and office uses to the south, the current petition consists only of more high intensity retail and office type uses. In this regard the current HB-S request fails to address previous stated land use recommendations for this site.

From a transportation perspective the request represents an 11 fold increase in traffic over what the current zoning would allow. Vehicle trips per day would increase from 363 to approximately 4,245 trips per day. It should also be noted that the required traffic impact study does not include an analysis of all the requested uses. Staff has concerns regarding the approval of uses which have not been studied in the report. In addition to the numerous proposed uses that were not included in the traffic study, the study recommends numerous road improvements be made by the City to accommodate existing traffic as well as the traffic impact of the proposed development. The City has no plans or funds to make any of these improvements. The needed improvements recommended by the traffic study to be done by the City are:

1. Construct dual northbound right-turn lanes at the intersection of Robinhood Road and Peace Haven Road with a 250-foot storage bay for each lane giving a total of 500 feet of storage. Based on symmetrical widening, a 245-foot transition taper is required.
2. Construct an additional southbound through lane with a shared right-turn, replacing the current exclusive right-turn lane at the intersection of Robinhood Road and Peace Haven Road. The southbound through with shared right will require 300 feet of storage.

3. Construct an eastbound right-turn lane at the intersection of Robinhood Road and Peace Haven Road with a 100-foot storage bay and a 140-foot bay taper. Based on symmetrical widening, a 245-foot transition taper is required.
4. Upgrade the current traffic signal at the intersection of Robinhood Road and Peace Haven Road to accommodate right-turn overlap movements in the northbound and westbound directions. Additionally, adjust the existing signal to operate with new cycle timings.
5. Construct an additional northbound through lane at the intersection of Robinhood Road and Peace Haven Road with 300 feet of storage and a 140-foot bay taper.

Mixed use development is desirable from a land use perspective because if properly designed and integrated, it can work toward reducing the number and distance of vehicular trips and encourage healthier more sustainable options for moving from one place to another. Improved air quality, reduced traffic congestion and noise along with increased opportunities for neighborhood interaction are some of the many side benefits of urbanizing in a more interconnected fashion. The proposed site plan does not include any interconnectivity to adjoining sites in part due to a severe topographic separation between the site and the property to the south. This topographic separation is another reason why a transition to less intense uses is appropriate here.

Aside from the issue of land use type and intensity, staff appreciates the overall design concept of the site plan. The central drive, while private, is lined with buildings and modified on-street parking therefore resembling a mini-main street. Places are defined by the spatial elements that surround them. Like the walls of an outdoor room, buildings of a proper height and alignment can achieve a safe and satisfying sense of enclosure. With some relatively minor alterations such as vehicular interconnectivity, and revision in the mix of uses, the submitted site plan could serve as a model for urban infill in an appropriate location.

Unfortunately, the Robinhood/Peace Haven Road intersection has already received a more than abundant supply of retail. In addition, the applicant has stated that the construction of the site will take place on a building by building basis by separate developers. Past experience with this type of piecemeal approach reveals that the integrity of the originally approved site plan often becomes significantly compromised as individual property owners seek approval at different times. Usually such an approach also entails a number of staff change requests to modify the original plan. This approach can result in a particularly awkward and time consuming task for staff and the developer. Often such changes may result in requests for formal site plan amendments.

Legacy's recommendation for compact, mixed use development lends further support for a more balanced development pattern in the general area. Staff's recommendation is for denial.

FINDINGS

1. *Legacy* proposes compact mixed-use activity centers as an alternative to linear single-use commercial areas along major roadway corridors.

2. The *Robinhood Road Area Plan* recommends mixed use - special use development consisting of residential, office and commercial development in the immediate area, with office use slated for this site. All of the development to date has been commercial with the exception of one office.
3. The Aegis office use was set up to end commercial to the north and was a condition of approval of zoning docket W-1887.
4. The proposed Highway Business uses would be detrimental to the adjacent residential properties and inconsistent with the intent of *Legacy*, the adopted area plan and previously established staff recommendations.
5. Because so much commercial development has occurred in this mixed-use area, staff would support LO general zoning or LO-S (TWO PHASE) for the site which allows both office and medium density residential uses.

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. 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 of the City of Winston-Salem.
 - b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
 - c. Developer shall submit a sealed engineered detail of all retaining walls over five feet in height.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall dedicate any public right-of-way or easements needed to construct any road improvements along Peace Haven Road as determined by the City of Winston-Salem Department of Transportation.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices for the maximum coverage of the entire site must be installed per the approval of the Public Works Department of the City of Winston-Salem prior to the issuance of occupancy permits for any unit.
 - b. Developer shall install all sidewalks as shown on the site plan to the specifications of the Public Works Department of the City of Winston-Salem.

- c. A single row of street tree plantings shall be installed at the top of the fill slope adjacent to the street along the southern property line, and along Peace Haven Road using materials selected from the list of "Large Variety Trees" as specified under Section 3-4.10(A) of UDO.
- d. All pedestrian pathways/walkways, pavement markings in the parking lots, or other devices indicating pedestrian walkways as shown on the site plan shall be installed.
- e. Developer shall construct a southbound right-turn taper at the intersection of the proposed site driveway and Peace Haven Road. The taper should be 140 feet in length.
- f. Developer shall re-stripe the existing continuous left-turn lane at the intersection of the proposed site driveway and Peace Haven Road as a northbound left-turn lane with 100 feet of storage and a 140-foot bay taper.
- g. Developer shall construct or bond a southbound right-turn lane at the intersection of Robinhood Road and Peace Haven Road. The southbound right-turn lane should have 100 feet of storage and a 140-foot bay taper.
- h. Developer shall upgrade or bond the existing traffic signal at the intersection of Robinhood Road and Peace Haven Road to accommodate right-turn overlaps in the eastbound and southbound directions.

- **OTHER REQUIREMENTS**

- a. Development shall be permitted one (1) freestanding five (5) foot high monument sign, with a maximum copy area of thirty-six (36) square feet at the entrance along Peace Haven Road.
- b. As volunteered by the developer, all buildings proposed in the development shall have similar design and materials and shall be substantially consistent with the site plan and architectural conditions as submitted by the developer (Exhibit A).

Gary Roberts and Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Emmett McCall, 633 W. Fourth Street, Winston-Salem, NC 27101

Represent petitioners.

The *Robinhood Area Plan* was developed in 1986. Since that time, Peace Haven Road has been realigned and this specific area is significantly different than it was when that plan was prepared and adopted.

This area is going to continue to change rapidly.

Distributed two petitions in support of this request.

This particular piece of property should be coming in under general use.

This is an eight-acre tract of land, not large enough to be a large shopping center.

It is anticipated that this site will be used by small business owners.

Traffic has been created by the residential development which has occurred over the last twenty years. If businesses aren't in this area, residents will have to continue traveling to get those services.

Nobody is going to live on this site and there's an abundance of office available and people aren't going to be coming into this area for offices.

Let's do that which is practical and which will benefit the neighborhood.

Be glad to answer questions.

Buddy Wilkins, 2630 Bridgeport Drive, Winston-Salem, NC 27103

As a real estate broker, I want to talk about the economic impact of developing this property: Using the current WS tax rates, \$66,000 would be generated in tax dollars for the City. We also have the sales tax revenue that this development would bring.

Commercial development is the backbone of our tax revenue. It brings jobs during construction and after these businesses open.

AGAINST:

George Clover, 4409 Bent Tree Farm Road, Winston-Salem, NC 27106

President of Bent Tree Farm Association.

We are about 2 miles from this proposed change. We oppose this change: No new development is needed. There are plenty of services in this area. We are very concerned by the traffic. We ask you to look long term. More development is not necessarily good. "Just say no".

Elizabeth Pappas, 125 Greenvalley Road, Winston-Salem, NC 27106

The 347 parking spaces will be 15 feet from my back yard.

We believe crossing the RS-9 zoning line would be infringing on our quality of life and our rights as homeowners.

There are already plenty of vacant business and cleared land for sale within this area.

We like the idea of having a transitional area when moving into a neighborhood. Aegis provides this transition now.

This idea is insensitive to the neighborhood it borders.

We are concerned about traffic, air quality, noise, and beauty of our neighborhood.

We welcome development here, but it should leave some of the environment intact.

Years ago, the City agreed to prohibit further intrusion into this neighborhood.

Sarah Kairoff, 148 Greenvalley Road, Winston-Salem, NC 27106

Represent coalition of neighbors in this area.

Submitted petition of 192 people opposed to this request.

We do not support rezoning for these reasons:

- Increased traffic

- Safety considerations

- Environmental deterioration, including noise and air pollution

- An already established transitional zone

- Negative impact on surrounding residential neighborhoods

- Unneeded in-cohesive commercial development.

The proposed change would increase traffic almost 4,000 vehicle trips per day over what could be built there now.

Developers plan will strip nearly eight acres of mature forest and field and replace it with asphalt. The result will be unhealthy, aesthetically bleak, and environmentally hazardous.

Referred to and quoted from the *Robinhood Road Area Plan*.

There is currently a glut of vacant buildings in this area.

Is this a responsible development? Does it add or detract from the surrounding community?

Carol Strittmatter, 817 Clovelly Road, Winston-Salem, NC 27106

Represent Winston-Salem Neighborhood Alliance.

This case is an important one because it will show if Winston-Salem has a true commitment to contain urban sprawl and whether *Legacy's* stated objective of protecting residential areas from inappropriate commercial encroachment will be met.

Approximately 50 people stood in opposition to this request.

WORK SESSION

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

1. The transition has been established by the Aegis medical office building. Allowing HB-S here would jump over that line and transition would have to be reestablished.
2. Kerry Avant - Is staff supportive of the LO-S portion of this request? The report indicates staff support for LO general or LO-S (TWO PHASE) zoning.
2. Kerry Avant - Any kind of development on this property would probably result in mass grading because of the topography.
3. John Bost - When Aegis was permitted there, they were restricted to certain types of business since it was to be the transition.
4. Jimmy Norwood - The staff report states that the petitioner's traffic study recommends numerous road improvements be made by the City. Are those improvements provided for? Gary Roberts - The five requirements detailed in the staff report are needed, but the City has no plans and no money for those things at this time.

MOTION: John Bost moved denial of the zoning map amendment.

SECOND: Jimmy Norwood

VOTE:

FOR: Avant, Bost, Clark, King, Norwood, Powell

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Jerry Clark certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Clark, King, Norwood, Powell

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning

Memo

To: Allen Joines, Mayor
Members, City of Winston-Salem Board of Aldermen

From: Shelly Stewart, Administrative Clerk, Planning

Date: March 20, 2002

Subject: Zoning map amendment of Williams, Frazier, and Butner Partnership for property owned by Williams, Frazier, and Butner Partnership, Lona E. Phelps, and Conrad L. Vestal for two separate tracts of land on the west side of Peace Haven Road north of Whitaker Road (Zoning Docket W-2532).

At the March 14, 2002, Planning Board meeting, the petitioner's attorney submitted a petition in support of the requested rezoning. The petition was signed by ten people. In addition, the petitioner submitted some additional conditions which are reflected in your report and a copy of a resolution adopted by the Board of Aldermen on August 20, 1990, and entitled "Resolution approving a policy regarding control of access and special use district rezoning of property along a portion of Peace Haven Road Extension".

Planning staff received numerous petitions expressing opposition to this request. In the interest of preserving paper and money, we have printed a copy of the petition for your review. Please note that approximately 225 signatures were submitted in opposition to the requested rezoning. In addition, approximately 20 e-mails and written letters were received. Each expressed opposition to this request.