

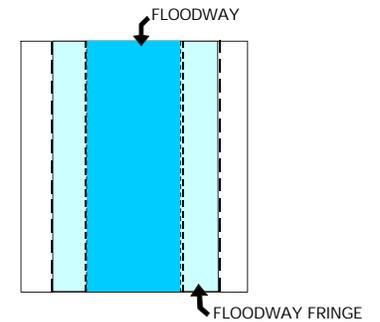
DOCKET #: W2513

(Continued from 10/16/01
CCPB meeting)

PROPOSED ZONING:
LB-S (Shopping Center)

EXISTING ZONING:
RS9, HB and RM18

PETITIONER:
Tribek Properties for
property owned by others



SCALE: 1" represents 600'

STAFF: Simmons

GMA: 3

ACRE(S): 17

MAP(S): 600850



DRAFT ZONING STAFF REPORT

DOCKET # W-2513
STAFF: Glenn Simmons

Petitioner(s): Tribek Properties for property owned by Arbor Apartments Limited Partnership; James A. Hayes Jr; Deborah S. Hayes; Fred P. Flynt III Trustee; Virginia Grant Flynt Trustee; I. E. Martin, Jr., et al.; Wanda W. Moser; Nannie D. Brewer; Frankie H. Wear Co-Trustee, et al.; and Janice Harper W. Lawton Co-Trustee
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf, RM-18 Residential Multifamily District; maximum density 18 units/acre, and HB Highway Business District
To: LB-S Limited Business District (Shopping Center)

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

Acreage: Tract One: 15.2 acres
Tract Two: 1.9 acres
Total: 17.1 acres

LOCATION

Street: Southeast corner of Peace Haven Road and Country Club Road and northeast corner of Country Club Road and Vinegar Hill Road.
Jurisdiction: City of Winston-Salem.
Ward: West.

SITE PLAN

Proposed Use: Multiple retail commercial uses.
Square Footage: 86,090 sf shown. Additional acreage included in zoning petition shown as vacant.
Building Height: One story.
Parking: Required: 383 spaces @ one space per 225 sf; proposed: 435 spaces.
Bufferyard Requirements: Type IV bufferyard required adjacent to RS-9 zoned property; type II bufferyard required adjacent to RM-18 zoned property.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Four residential structures to be removed.

Adjacent Uses:

- North - Multifamily apartments zoned RM-18 and highway business uses zoned HB.
- East - Multifamily apartments zoned RM-18 and developed retail commercial properties zoned HB.
- South - Developed single family subdivision zoned RS-9 and multifamily condominiums zoned RM-12.
- West - Large, community-scale church and private school zoned IP.
- Northwest - Retail commercial properties zoned HB.

GENERAL AREA

Character/Maintenance: Well maintained retail commercial, multifamily residential, single family residential, and institutional uses.

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Topography: The site slopes moderately to steeply downward from the northwest to the southeast.

Streams: A tributary of Silas Creek drains the site along the southern edge of the property.

Vegetation/habitat: Largely wooded with mature deciduous and evergreen vegetation on the south side of Country Club Road. Mixed deciduous woods and open lawn on the north side Country Club Road.

Floodplains: None. A water quality permit from North Carolina Department of Environment Health and Natural Resources required for stream disturbance on south side of property.

Wetlands: None

TRANSPORTATION

Direct Access to Site: Country Club Road; Peace Haven Road.

Street Classification: Country Club Road - major thoroughfare; Peace Haven Road - minor thoroughfare.

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

Country Club Road - Jonestown Road to Peace Haven Road - 19,000/16,000

Peace Haven Road - US 421 to Country Club Road - 16,000/20,000

Trip Generation/Existing Zoning: General Use HB (approximately 3 acres) - no information available.

$RS-9 = 14.1/9,000 = 68 \times 9.57 = 653$ average daily trips

Trip Generation/Proposed Zoning: $86,090 \text{ sf}/1,000 = 86.09 \times 42.92 = 3,695$ average daily trips. Additional acreage included in zoning petition but shown as vacant is not calculated.

Planned Road Improvements: City Bond Project to widen Country Club Road to multi-lanes from Old Vineyard Road to Peace Haven Road. Project is in the planning stages.

Sight Distance: Adequate.

Interior Streets: Interior drives to be private except for realigned Vinegar Hill and realigned Old Country Club Roads which are proposed to be public.

Traffic Impact Study recommended: Yes. Traffic impact study submitted by developer for review by NCDOT and Winston-Salem DOT.

Connectivity of street network: Developer proposes to realign portions of Old Country Club and Vinegar Hill Roads at their intersections with Country Club Road. Also proposed is a new stoplight at the main entrance to the project at the proposed new intersection of Vinegar Hill and Country Club Roads. The developer also proposes an internal private street connection between Peace Haven and Country Club Roads through the main portion of the shopping center.

Sidewalks: Existing gaps in sidewalks along Country Club and Peace Haven Road requested by staff to be filled in.

Traffic Calming: Developer proposes traffic circle in realigned portion of Old Country Club Road.

Transit: WSTA Route 12 along Country Club Road and Jonestown Road. WSTA Route 44/Westside Connector along Jonestown Road.

Bike: Local Route 2 along Country Club Road.

HISTORY

Relevant Zoning Cases:

1. W-2376; RS-9 and HB to HB-S (Food or Drug Store; and multiple retail commercial, office, and personal services uses); withdrawn April 3, 2000; south side of Country Club Road east of Peace Haven Road (portion of current site); 2.88 acres; Planning Board and staff recommended approval.
2. W-2292; RS-9 to HB-S (Food or Drug Store); approved March 1, 1999; northwest corner of Peace Haven Road and Commonwealth Drive north of Country Club Road; 0.35 acre; Planning Board and staff recommended approval.
3. W-2290; RS-9 and HB to HB-S (Offices, Miscellaneous; and Storage Services Retail); approved March 1, 1999; northeast side of Country Club Road between Whitman Drive and Hood Drive; 3.58 acres; Planning Board and staff recommended approval.

4. W-2299; HB-S (Recreation Services, Indoor) to HB-S (Recreation Services, Indoor; and Storage Services, Retail); withdrawn at the March 11, 1999 Planning Board hearing; southeast corner of Country Club Road and Ryandale Road; 6.01 acres; staff recommended approval of the withdrawal.

CONFORMITY TO PLANS

GMP Area (*Legacy Development Guide*): Urban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): There are several policies in *Legacy* that are relevant to the petitioner's rezoning request such as encouraging infill development within the municipal services area and designing the infill development to be compatible with the character of the surrounding area. *Legacy* also proposes that we focus commercial activity in compact, walkable mixed-use developments with streets and highways that are safe, effective vehicular traffic movers, and accommodate pedestrians and bicyclists. Finally, *Legacy* calls for environmentally sensitive development which respects natural areas and enhances the quality of our built environment.

Area Plan/Development Guide: *Country Club/Jonestown Area Plan* (1985).

Relevant Development Guide Recommendation(s): The *Country Club/Jonestown Area Plan* took a detailed look at the area around the intersection of Peace Haven and Country Club Roads. The plan calls for commercial on the front part of the site along Country Club Road and low and moderate density residential development for the remainder of the site.

ANALYSIS

The current LB-S zoning request proposes to rezone 15.2 acres of land on the south side of Country Club Road and 1.9 acres of land on the north side of Country Club Road from existing HB (approximately three acres), a small portion of RM-18, and RS-9 to LB-S to allow for a mixture of retail commercial uses. The site plan shows several commercial structures totaling 86,090 sf. Additional areas included in the zoning request, are shown to remain vacant. Staff anticipates that these vacant tracts will be presented for approval for commercial expansion at a later date and should, therefore, be evaluated for their future development impacts as part of the current zoning request. The property is generally located in the southeast quadrant of the intersection of Country Club and Peace Haven Roads.

The area around the Peace Haven/Country Club Road intersection consists of a mixture of retail commercial, institutional, and multifamily residential uses. Calvary Baptist Church, a large community scale church and private school, occupies the southwest quadrant of the intersection and Club Haven Shopping Center, which includes the Harris Teeter grocery store, is located in the northwest corner. The northeast quadrant is largely developed with multifamily apartments, in addition to various commercial uses currently located at or near the intersection. The intersection carries large volumes of through vehicular traffic. Consequently, during hours of peak traffic demand, substantial traffic congestion regularly occurs along both Country Club and Peace Haven Roads for some distance away from the intersection itself. For these reasons anticipated traffic impacts from any proposed intensification of existing zoning, is a concern even though Country Club Road in that area is scheduled for widening.

The current 17 acre site consists of a 175 foot deep strip of existing, undeveloped HB (Highway Business) zoned property which is approximately three acres in size and extends the full length of the property along the south side of Country Club Road. The remainder of the property, including 1.9 acres on the north side of Country Club Road is zoned RS-9 with the exception of one small area zoned RM-18. Although the HB portion of the site is relatively small and narrow, it currently allows for some relatively intense commercial uses, including drive-through restaurants, which would not be permitted under the proposed LB-S request.

The *Country Club/Jonestown Area Plan* acknowledges that the front portion of the current site is zoned HB (Highway Business). Consequently the plan supports some conversion of existing, undeveloped RS-9 zoned land located behind the HB zoning for low to moderate intensity residential multifamily development. The development plan considers such moderate density residential development to be a suitable transitional use between established single family neighborhoods, located farther south, and existing properties facing Country Club Road currently zoned HB.

More recently, however, Planning staff has considered development options which might include some expansion of commercial zoning along Country Club Road, but only if it included some well-planned mixture of lesser intense office or multifamily uses adjacent to existing residential properties, and only if designed in a comprehensive, village-like setting. Further, staff presumes that such a plan must be designed to offset potential traffic problems associated with increased commercial development at least to a point where it is not worse than what might occur under the existing zoning. In other words, by consolidating driveway access and improving interconnectivity between Peace Haven and Country Club Roads, a larger tract of mixed use commercially zoned property may, in fact, generate fewer traffic related problems than the same acreage developed piecemeal under the current HB and RS-9 zoning.

With respect to linking properties in different ownership together, the petitioner has assembled a strategically important tract of land between Peace Haven and Country Club Roads. The potential, therefore, exists to create a comprehensively planned project which lessens some of the latent problems of developing the existing HB and RS-9 zoned properties independently. The petitioner has also worked with local Department of Transportation officials to restrict driveway access to the property and to realign Vinegar Hill Road at the intersection with Country Club Road with a new traffic signal. The site plan further proposes to realign an awkward section of Old Country Club Road and provide a traffic calming traffic circle within the new commercial development.

While these roadway improvements are important, bigger questions remain with respect to the amount of additional traffic that the proposed new development would generate and the degree to which the petitioner meets staffs' expectations for a mixed use project. In response to a request by the Winston-Salem DOT, the developer has prepared a traffic impact analysis to better quantify the effects and possible solutions associated with the traffic impacts of the proposed shopping center.

The traffic report evaluates existing traffic conditions and takes into account other roadway improvements approved as part of a recent public bond referendum to address traffic problems in the area. Specifically the City of Winston-Salem is scheduled to construct, as a minimum, an additional westbound lane on Country Club Road between Jonestown and Peace Haven Roads. These improvements, scheduled for completion in 2006, would also include a new traffic signal at the intersection of Country Club and Vinegar Hill Roads. As of this writing, final recommendations from the City's traffic consultant for the City-funded widening were not available.

While Planning staff does not intend to cite details of the traffic analysis, we do wish to summarize the Winston-Salem Department of Transportation's findings in their review of the petitioner's traffic impact study. The essential findings are as follows:

1. Significant traffic problems currently exist at the Country Club/Peace Haven Road intersection.
2. Without improvements this problem will worsen over time.
3. Transportation improvements funded by the City of Winston-Salem will improve existing levels of service along Country Club Road and especially at its intersection with Peacehaven Road
4. New development on the current site, regardless of the proposed zoning change, will consume some of the increased capacity created by City funded improvements.
5. Development either under the current zoning, or under the proposed zoning with comprehensive roadway improvements, will likely yield comparable impacts to public road system.
6. Traffic impacts resulting from development under either zoning scenario will result in a lesser level of service than if the property were to remain vacant.

At the time of this writing, additional traffic information is being shared between City traffic engineers and the developer's traffic consultant. According to them, it appears that traffic impacts of the proposed new development will not be significantly better or worse than the traffic impacts associated with development under the current HB and RS-9 zoning. Both City DOT officials and the developer's consultant have agreed to be available to answer questions at the Planning Board public hearing.

Although traffic impacts have been a major focus for this zoning proposal, Planning staff is also concerned about other factors which have a bearing on our recommendations. These include the appropriateness of large scale retail commercial land uses adjacent to established residential properties and the character of related site plan elements. Accordingly, Planning staff is mindful of the site's relatively steep terrain and the importance of providing adequate vegetative buffers adjacent to established residential neighbors. In this situation, staff believes a better fit for the overall area is smaller footprint buildings and lesser intense land uses, professional offices for example, adjacent to the established residential neighborhood which is contiguous to the southern property line. Planning staff also prefers to see development in a village-like setting with an emphasis on pedestrian interconnectivity and corresponding pedestrian-scale architecture.

In response to Planning staff's requests, the developer has proposed to locate two smaller commercial structures adjacent to Country Club Road with parking located to the rear of the structures. One of the buildings shows an adjacent outdoor plaza with pedestrian access to existing sidewalks located on Country Club Road. The project also shows other internal pedestrian connections between buildings. In this context it's not unreasonable to expect that the proposed development may draw some pedestrian traffic from nearby multifamily residential neighborhoods. A pedestrian crosswalk at the proposed signalized intersection at Vinegar Hill Road would further encourage pedestrian access.

Unfortunately, however, the site plan shows a large, 40,000 sf plus structure and associated loading docks to be located at the rear of the property adjacent to single family zoned properties. In staff's opinion the scale and siting of this building significantly diminishes the project's potential for relating positively to neighboring properties. Perhaps more importantly, the location of such a large structure at the rear of the property exacerbates problems of steep terrain and the need to maintain protective buffers of existing vegetation. According to the proposed site plan, substantial grading and filling will be required to accommodate the large footprint building. This will further entail the construction of four large retaining walls totaling approximately forty feet in height adjacent to the southern property line. It appears from staff's assessment of the grading plan that little of the existing vegetation will remain in the areas where the retaining walls are shown.

While the project incorporates some positive planning concepts, staff is concerned about the overall impact of such a large scale commercial retail development, and the lack of transition land uses at this sensitive location. Although the petitioner has proposed some unspecified amounts of office development, the project is overwhelmingly weighted toward commercial retail uses. It is staff's belief that some lessening of commercial retail uses, in preference to lesser intensive traffic generators such as professional offices, could only help ameliorate existing and future traffic concerns. Further, staff is concerned that, if approved, a project of this scale and decidedly retail commercial orientation may encourage other property owners in the area to pursue similar redevelopment plans.

FINDINGS

1. The project proposes to rezone approximately 14.1 acres of RS-9 zoned land and approximately 3 acres of HB zoned land to LB-S (Shopping Center)
2. The property is located at a busy intersection which currently experiences significant traffic congestion.
3. Planning staff could consider some increase in commercial zoning but only in exchange for a larger, comprehensively planned project which includes a mixture of uses in a pedestrian oriented, village-like setting.
4. The traffic impact analysis shows that the site developed either under the current or proposed zoning will have comparable traffic impacts.

5. Although the project incorporates some pedestrian elements, Planning staff is concerned about the intensity and scale of the predominately retail commercial project.
6. Staff would prefer to see more transitional uses on the periphery of the project.
7. Staff is concerned that if this project is approved other properties in the area may be encouraged to consider redevelopment for a retail commercial project of similar scale.

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 obtain a Water Quality approval from the North Carolina Department of Environment and Natural Resources (DENR) related to stream impacts.
- c. 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).
- d. Old Country Club Road shall be officially closed.

PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
- b. Developer shall dedicate any public right-of-way or easements needed to construct any road improvements along Country Club Road and Peace Haven Road as determined by the City of Winston-Salem Department of Transportation and the North Carolina Department of Transportation.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices must be installed per the approval of the Public Works Department of the City of Winston-Salem.
- b. All fire hydrants required by the City Fire Department shall be installed.
- c. Developer shall install all the improvements to Country Club Road and Peace Haven Road including traffic signals that are recommended in the Traffic Impact Study to the specifications of the Public Works Department of the City of Winston-Salem and the North Carolina Department of Transportation.
- e. 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.

- f. A double row of landscape buffer plantings shall be installed at the top of the fill slope along the southern property line to the specifications of UDO Table 3-17 for the fifteen (15) foot wide bufferyard. This planting requirement is in addition to any existing vegetation which may remain after construction.
- g. 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.
- h. An easement shall be recorded to permit cross between properties showing private street stub. All stub streets shall be constructed as close as practicable to adjoining properties where stub connections are shown.

OTHER REQUIREMENTS

- a. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign, with a maximum copy area of fifty-four (54) square feet at the entrance to the development on Country Club Road. One (1) freestanding five (5) foot high monument sign, with a maximum copy area of thirty-six (36) square feet shall be permitted at the entrance along Peace Haven Road. One (1) additional freestanding five (5) foot high monument sign, with a maximum copy area of thirty-six (36) square feet shall be permitted for each outparcel located on the north and south sides of Country Club Road.
- b. As volunteered by the developer, all buildings proposed in the development shall have similar design and materials.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Terry Powell moved withdrawal of the zoning map amendment and site plan.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Doyle, King, Norwood, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning