DOCKET: F1449

PROPOSED ZONING:
LB-S (Multiple Uses)

EXISTING ZONING:
RS-9

PETITIONER:
Ellis and Martha Merkle and Frederick G. Lowery for property owned by Same

SCALE: 1" represents 200'

STAFF: King

GMA: 3

ACRE(S): 2.46

MAP(S): 624834
December 16, 2005

Ellis and Martha L. Merkle, and
Frederick G. Lowrey
8365 Linwood Southmont Road
Lexington, NC  27292

RE: ZONING MAP AMENDMENT F-1449

Dear Mr. & Mrs. Merkle and Mr. Lowrey:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Michael S. Fox, P. O. Box 2888, Greensboro, NC  27402
John Davenport, 545 N. Trade Street, Suite 202, Winston-Salem, NC  27101
Frederick P. Francis, 3180 Sides Road, Winston-Salem, NC  27127
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________________ AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on Zoning Map Amendment of Martha L. Merkle and Frederick D. Lowery from RS-9 to LB-S (Shopping Center; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Personal; and Government Offices): property is located on the southeast corner of Old Salisbury Road and Clemmonsville Road (Zoning Docket F-1449).

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map.

C. Approval of Special Use District Permit

D. Approval of Site Plan

COUNTY MANAGER’S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended denial of the rezoning petition.

ATTACHMENTS:-       X  YES       ___ NO

SIGNATURE: ________________________________  DATE: __________________

County Manager
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Martha L. Merkle and Frederick D. Lowery, Docket F-1449

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE COUNTY OF FORSYTH,
NORTH CAROLINA

___________________________

BE IT ORDAINED by the Board of County Commissioners of the County of Forsyth as follows:

Section 1. The Zoning Ordinance of the Unified Development Ordinances of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from RS-9 to LB-S (Shopping Center; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Personal; and Government Offices) the zoning classification of the following described property:

Tax Block 3858, Tax Lot 6H

Section 2. This Ordinance is adopted after approval of the site plan entitled Martha L. Merkle and Frederick D. Lowery, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the ______ day of __________________, 20____ to Martha L. Merkle and Frederick D. Lowery.
Section 3. The Board of Commissioners 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 Martha L. Merkle and Frederick D. Lowery. 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.
COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Martha L. Merkle and Frederick D. Lowery (Zoning Docket F-1449). 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 LB-S (Shopping Center; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Personal; and Government Offices), approved by the Forsyth County Board of Commissioners the _____ day of ________________, 20 ____" and signed, provided the property is developed in accordance with requirements of the LB-S zoning district of the Zoning Ordinance of the Unified Development Ordinances of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

• PRIOR TO THE ISSUANCE OF GRADING PERMITS:
  a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.
  b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Developer shall install sidewalks along both road frontages to the specifications of City of Winston-Salem Public Works Department.
• **OTHER REQUIREMENTS:**
  a. Approval of this request shall be contingent upon approval by both the City Council and the Board of County Commissioners. If either of the two elected bodies chooses to deny this request, the entire site shall revert back to RS-9.
  b. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
  c. All on site lighting shall be a maximum of 18 feet tall and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties.
**PETITION INFORMATION**

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2824 &amp; F-1449</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Martha L. Merkle and Frederick D. Lowery</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lots 6H, 6K, 7B, and 8B, Tax Block 3858</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Rezoning request for a gas station and other various commercial uses.</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) **to** LB-S (Limited Business – Special Use Zoning). The petitioner is requesting the following uses:

- Shopping Center; Arts and Crafts Studio; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Personal; and Government Offices

**Zoning District Purpose Statement**

The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in Growth Management Areas 2, 3, 4, and 5.

**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, the subject property is located within GMA 3.

**GENERAL SITE INFORMATION**

<table>
<thead>
<tr>
<th>Location</th>
<th>Property is located on the southeast corner of Old Salisbury Road and Clemmons Village Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>+/- 2.01 acres within the City of Winston-Salem jurisdiction +/- 0.45 acres within Forsyth County jurisdiction</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>South</td>
</tr>
</tbody>
</table>
### Site Acreage

**Approximately ± 2.46 acres**

### Current Land Use

**Undeveloped land**

### 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>IP</td>
<td>Church</td>
</tr>
<tr>
<td>East</td>
<td>RS-9</td>
<td>Parsonage and single family homes</td>
</tr>
<tr>
<td>South</td>
<td>RS-9</td>
<td>Undeveloped property</td>
</tr>
<tr>
<td>West</td>
<td>LB-S</td>
<td>Commercial Center</td>
</tr>
</tbody>
</table>

### (S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

The uses allowed in the LB district would be compatible with the existing LB-S zoning located to the west. However, staff does not view this site as an appropriate location for additional commercial development. Peters Creek Parkway, which is located approximately ½ mile to the east is a commercial corridor. Significant commercial activity in this area should be directed to Peters Creek Parkway as a large amount of the property along Peters Creek Parkway is currently zoned commercial.

### Physical Characteristics

The subject property is relatively flat and contains no streams or wetlands.

### Proximity to Water and Sewer

The subject property will be served by public water and public sanitary sewer.

### Stormwater/Drainage

No known issues.

### Watershed and Overlay Districts

The subject property is not located within a water supply watershed.

### Analysis of General Site Information

The subject property is currently undeveloped and is composed of a handful of trees and low growth vegetation. It is relatively flat and contains no streams or wetlands. The property presents no development constraints.

### Generalized Recommended Conditions

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

- Developer shall submit a 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>Clemmonsville Road</td>
<td>Major Thoroughfare</td>
<td>+/- 230 feet</td>
<td>15,000</td>
<td>15,600</td>
</tr>
<tr>
<td>Old Salisbury Road</td>
<td>Minor Thoroughfare</td>
<td>+/- 332 feet</td>
<td>11,100</td>
<td>16,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
The site plan indicates that there will be one access point onto Clemmonsville Road and one onto Old Salisbury Road.

**Planned Road Improvements**
The Thoroughfare Plan recommends that Clemmonsville and Old Salisbury Roads be constructed as a three lane cross section with curb &
<table>
<thead>
<tr>
<th>Trip Generation - Existing/Proposed</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Existing Zoning: RS-9</strong></td>
<td></td>
</tr>
<tr>
<td>2.46 acres RS-9 x 43,560 / 9,000 = 11 units x 9.57 (SFR Trip Rate) = 105 Trips per Day</td>
<td></td>
</tr>
<tr>
<td><strong>Proposed Zoning: LB-S</strong></td>
<td></td>
</tr>
<tr>
<td>The following calculation is intended to be a realistic representation of the potential trip generation for this site under the proposed zoning.</td>
<td></td>
</tr>
<tr>
<td>• 3 fueling stations x 542.6 (Convenience Market w/Gasoline Pumps Trip Rate) = 1,627 Trips per Day</td>
<td></td>
</tr>
<tr>
<td>• 3,600 / 1,000 x 130.34 (High Turnover – Sit Down Restaurant Trip Rate) = 469 Trips per Day</td>
<td></td>
</tr>
<tr>
<td>• 3,600 / 1,000 x 156.48 (Walk-In Bank Trip Rate) = 563 Trips per Day</td>
<td></td>
</tr>
<tr>
<td>• 3,600 / 1,000 x 36.13 (Medical/Dental Office Trip Rate) = 130 Trips per Day</td>
<td></td>
</tr>
<tr>
<td>• 2,413 / 1,000 x 51.29 (Hardware/Paint Store Trip Rate) = 123 Trips per Day</td>
<td></td>
</tr>
<tr>
<td><strong>Total Estimated Trips per Day = 2,912</strong></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>None existing or proposed along either public road frontage.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Transit</td>
<td>No</td>
</tr>
<tr>
<td>Traffic Impact Study (TIS)</td>
<td>Not required</td>
</tr>
</tbody>
</table>

### Analysis of Site Access and Transportation Information

Staff has concerns about this request and its effect on the traffic carrying capacity of both Old Salisbury Road and Clemmonsville Road. Currently, Clemmonsville Road is within 600 trips per day of its carrying capacity at Level of Service D. The trip generation for the proposed request is estimated to generate approximately 2,912 trips per day. This is a fairly significant amount of (estimated) traffic to be generated by a project of less than 2 ½ acres. The existing zoning is estimated to generate 105 trips per day. There are other non-commercial development options for this property that would generate even less traffic. Staff also has concerns that this request will provide additional commercially zoned property away from the designated commercial corridor. This request would provide other “destination oriented” commercial uses at this location. This works to pull additional traffic away from Peters Creek Parkway, and onto Clemmonsville Road and Old Salisbury Road. This additional traffic negatively affects the carrying capacity of these roads, by creating another destination rather than helping to move traffic in an efficient manner. The area already has neighborhood scale convenience commercial located across Old Salisbury Road. As part of this request, the Interdepartmental Review Committee has recommended that sidewalks be installed along both road frontages. The site will have one access point on each road frontage.
<table>
<thead>
<tr>
<th>Generalized Recommended Conditions</th>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>• Obtain driveway permit from NCDOT</td>
</tr>
</tbody>
</table>

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>GMA 3 (Suburban Neighborhoods)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td>• Legacy recommends directing growth to Activity Centers and along Transit Corridors.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>The subject property is not located within the boundaries of an area plan or development guide.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</td>
<td>(S)(3) - Have changing conditions substantially affected the area in the petition?</td>
</tr>
<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

One concern about this property being converted to commercial use is the potential for further commercial development in this area. Currently, at the intersection of Clemmons and Old Salisbury Roads there is approximately 6.3 acres of property zoned LB and LB-S. This amount of existing commercial zoning appears to be more than enough to meet the needs of the surrounding area. Adding more commercial zoning would work to undermine the existing commercial corridor along Peters Creek Parkway. As mentioned above, Legacy recommends directing growth to Activity Centers and along Transit Corridors. By adding commercial zoning away from the Peters Creek Parkway corridor, it lessens the ability to have a vibrant commercial area. Staff views the Peters Creek Parkway commercial corridor as the destination for services, shopping, etc in this area. Rezoning this property to LB-S basically leapfrogs a ½ mile stretch of Clemmons Road that is currently zoned RS-9, RM-8-S, and IP. Staff has supported a rezoning to LB (W-2822) 150 feet south of this site on Old Salisbury Road. Staff’s support for that request is based on the size of the property (0.05 acres), existing zoning to the south, and the flexibility it would give for development of the existing adjacent LB zoned property.

The subject property is located east of existing LB-S zoned property and northeast of LB zoned property. The existing LB property was in place on the 1973 zoning maps. The LB-S property was rezoned in 1994. Prior to that approval, either all or portions of that site were the subject of rezoning petitions, and five times the case was either denied or withdrawn. One of the concerns of those five previous rezoning petitions was the traffic that would be generated. In several of these petitions, one of the requested uses was a convenience store. It appears that staff’s support of the LB-S petition that was eventually approved was in part because the uses requested were: fairly low intensity uses, low traffic...
In staff’s opinion, approval of this rezoning request which includes a convenience store and other high traffic generating uses would exacerbate the concerns that had been in place in six previous rezoning requests on the LB-S site to the west.

### 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-2696/F-1411</td>
<td>RS-9 to RM-8-S</td>
<td>Approved June 7, 2004 (City Council) and July 12, 2004 (County Commissioners)</td>
<td>East</td>
<td>0.97 acres</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2678</td>
<td>RS-9 to RM-8-S</td>
<td>Approved March 1, 2004</td>
<td>North</td>
<td>13.64 acres</td>
<td>Approval</td>
</tr>
<tr>
<td>W-1978/F-1122</td>
<td>RS-9 to RM-8-S</td>
<td>Approved August 7, 1995 (City Council) and September 11, 1995 (County Commissioners)</td>
<td>East</td>
<td>1.02 acres</td>
<td>Approval</td>
</tr>
<tr>
<td>W-1868</td>
<td>R-5 to B-3-S</td>
<td>Approved February 7, 1994</td>
<td>West</td>
<td>3.15 acres</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>16,813 sf</td>
<td>Along the southeast portion of the site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>84 spaces</td>
<td>84 spaces</td>
<td>Various locations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40 feet</td>
<td>One story</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>75%</td>
<td>66.3%</td>
</tr>
</tbody>
</table>

- Section 2-1.3(G) LB District

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th>(A) Legacy policies</th>
<th>(B) Environmental Ord.</th>
<th>(C) Subdivision Regulations</th>
</tr>
</thead>
<tbody>
<tr>
<td>(A) Legacy policies:</td>
<td>No</td>
<td>Yes</td>
<td>NA</td>
</tr>
<tr>
<td>(B) Environmental Ord.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(C) Subdivision Regulations</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Analysis of Site Plan Compliance with UDO Requirements**

The site plan submitted with this request proposes a 16,813 square feet commercial building with three gasoline pumps and subsequent canopy in front of the building. There will be one access point onto Clemmonsvelle Road and one onto Old Salisbury Road. The majority of the parking for
this site will be located in front of the building, with fourteen spaces located behind the building.

**Generalized Recommended Conditions**

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

- Install sidewalks along both road frontages
- On-site hydrant locations shall be approved by City Fire Department.
- Approval of this request is required by both the City Council and Board of County Commissioners.
- Condition regarding signage
- Condition regarding lighting

**REMAINING SITE PLAN ISSUES**

<table>
<thead>
<tr>
<th>Issue</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provide a Type IV bufferyard adjacent to RS-9 property</td>
<td></td>
</tr>
<tr>
<td>Provide 2 additional handicapped accessible parking spaces</td>
<td>Awaiting revised plans</td>
</tr>
<tr>
<td>Provide cross access easement to the south</td>
<td></td>
</tr>
<tr>
<td>Revise dumpster location</td>
<td></td>
</tr>
<tr>
<td>Provide sidewalk along both road frontages.</td>
<td></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>The request is consistent with the LB purpose statement.</td>
<td>The request would generate a significant amount of traffic for site this size.</td>
</tr>
<tr>
<td>There is other LB and LB-S property nearby.</td>
<td>Within ½ mile of this site, there is a significant amount of commercially zoned property along Peters Creek Parkway.</td>
</tr>
<tr>
<td>LB zoning at this location would establish a larger scale commercial center along Clemmonsville Road and siphon commercial development potential from Peters Creek Parkway.</td>
<td>The request is not in conformity with the recommendations of Legacy concerning corridors and activity centers.</td>
</tr>
</tbody>
</table>

**SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**
PRIOR TO THE ISSUANCE OF GRADING PERMITS:

a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.

b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

a. Developer shall install sidewalks along both road frontages to the specifications of City of Winston-Salem Public Works Department.

OTHER REQUIREMENTS:

a. Approval of this request shall be contingent upon approval by both the City Council and the Board of County Commissioners. If either of the two elected bodies chooses to deny this request, the entire site shall revert back to RS-9.

b. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.

c. All on site lighting shall be a maximum of 18 feet tall and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties.

STAFF RECOMMENDATION: DENIAL.

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.

Aaron King presented the staff report.

PUBLIC HEARING

FOR:

Michael Fox, P. O. Box 2888, Greensboro, NC 27401

• Mr. Green would like to put a high quality neighborhood shopping and service area on this site.

• Submitted photos of a similar project, but stated that those were conceptual only and were not being submitted as part of the site plan.

• The growth in this particular area is very important.

• Staff looks at this as a destination which would take business away from businesses on Peters Creek Parkway and add traffic to the area. We view it as a neighborhood service. The traffic is already going by this corner.
• We feel this project is consistent with *Legacy* because it will offer stores within walking distance and could cut down on traffic.
• This corner is not a viable residential corner.
• We understand the concerns from the neighbors are primarily toward the convenience store, not commercial in general. However, the economics require a convenience store.

John Davenport, 545 N. Trade Street, Suite 202, Winston-Salem, NC  27101
• Our firm was hired to conduct a Traffic Impact Study for this project although it was not required by staff.
• The access on Clemmons ville Road would be a right-in, right-out only.
• About 65% of the trips to this facility would come from traffic that is already on the road.
• The intersection does continue to operate at Level of Service C with this project built out.
• Clemmons ville Road is being improved by NCDOT.
• West Clemmons ville Road will ultimately be extended over to Peters Creek Parkway.

Ellis Merkle, 559 Linwood Drive, Lexington, NC  27292

AGAINST:

Frederick P. Francis, 3180 Sides Road, Winston-Salem, NC  27127
• Staff was right on it for this case.
• I was asked by the Joint Board of Advent Moravian Church to represent the church and speak in opposition to this request.
• We feel this project will negatively impact our church and neighborhood.
• The traffic in this immediate area gets congested.
• The business space is not needed in this area. There is plenty of it in the area.
• The developer has not done a market analysis to show the need for this extra space.
• There are many uses being requested which would not be good for our area, including a convenience store.
• Imagine a car stereo blasting while it's driver goes inside to pay for petrol. That would be detrimental to funerals, weddings, and worship services being held at the church.
• We request buffer and fence along our property. The type II buffer would not prevent foot traffic, loitering, or debris from negatively impacting our property.
• We request that the right-in, right-out driveway on Clemmons ville Road be deleted.
• We request that you deny this petition and modify the site plan as requested.
• Mr. Francis asked others who were opposed to stand.

**WORK SESSION**

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

1. Examples of requested uses in this proposed rezoning which are not drive-by uses include Home Furnishings Store and Medical and Surgical Offices.

2. Multifamily housing, cluster housing, and light office uses would all be appropriate on sites like this.
MOTION: Carol Eickmeyer moved denial of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Dara Folan
VOTE:
   FOR: Clark, Curtis, Eickmeyer, Folan, Glenn, King, Smith
   AGAINST: Lambe
   EXCUSED: None

Written Comments Submitted by Planning Board members:

Carol Eickmeyer: While residential probably won't work, another convenience store is more intense than is called for given the nearness to Peters Creek Parkway.

Dara Folan: I agree with staff's report. Given that West Clemmonsville Road will be extended, I believe the commercial purposes proposed for this site are too intense. These types of uses are more appropriate in the activity center near Peters Creek (Parkway).

Lavastian Glenn: I think that the site should be used for some form of commercial use that is less intense. Some of the uses in the proposed zoning change I believe would be problematic for the area.

According to information furnished by the Office of the Tax Assessor on October 10, 2005, the subject property was in the name of Martha L. Merkle and Frederick G. Lowrey, Jr..

A. Paul Norby, AICP
Director of Planning