DOCKET #: F1417
(Continued from 7/8/04 CCPB meeting)

PROPOSED ZONING:
HBS - TWO PHASE (Tract 1)
RM18-S - TWO PHASE (Tract 2)

EXISTING ZONING:
RS9

PETITIONER:
Thomas R. Atwood, Sr., et al, for property owned by Others

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRE(S): Tract 1: 21.6
Tract 2: 7.3

MAP(S): 594862, 594866
September 22, 2004

G. Emmett McCall, Attorney
100 N. Cherry Street, Suite 600
Winston-Salem, NC  27101

RE:   ZONING MAP AMENDMENT F-1417

Dear Mr. McCall:

    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
Steve Smith, 2027 Storm Canyon Road, Winston-Salem, NC  27106
Bob Sparrow, 5104 Fleetwood Circle, Winston-Salem, NC  27106
Ray Collins, 2990 Bethesda Place, Suite 601-C, Winston-Salem, NC  27103
Hugh Parker, 2104 Storm Canyon Road, Winston-Salem, NC  27106
Robert Kinch, 2550 Olivet Church Road, Winston-Salem, NC  27106
John Davenport, 2441 Kingsgate Drive, Winston-Salem, NC  27101
MEETING DATE: ________________________ AGENDA ITEM NUMBER: ______

SUBJECT:

A. Public Hearing on Zoning map amendment of Thomas R. Atwood, Sr., Brenda R. Hockaday, Barbara R. Kiger, Larry D. Robbins, Johnnie Robbins, B. Pratt Scroggs, John K. Kennedy, Lisa J. Kennedy, Joe V. Ingram, Kate V. James, Henry L. Yarbrough, Mary Yarbrough, Treva D. Robbins, Martha R. Fishel, Debra R. Mabe and Marsha R. Walker from RS-9 to RM-18-S (Residential Building, Multifamily: and Residential Building, Townhouse - TWO PHASE) & HB-S (Shopping Center - TWO PHASE): property is located on the north side of Robinhood Road, Fleetwood Circle, and on the east side of Olivet Church Road west of Attanook Road (Zoning Docket F-1417).

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


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 RM-18-S (Residential Building, Multifamily: and Residential Building, Townhouse - TWO PHASE) & HB-S (Shopping Center - TWO PHASE) the zoning classification of the following described property:

Tax Lots 030A-C, 051, 029, 027E, 027L, 027P, 027G, 027H, 027R, 027U, 026, and 027T, Tax Block 4635 and Tax Lot 008, Tax Block 4666

Section 2. This Ordinance is adopted after approval of the site plan entitled Robinhood Village, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the ______ day of _________________, 20_____ to Thomas R. Atwood, Sr., Brenda R. Hockaday, Barbara R. Kiger, Larry D. Robbins, Johnnie Robbins, B. Pratt Scroggs, John K. Kennedy, Lisa J. Kennedy, Joe V. Ingram, Kate V. James, Henry L. Yarbrough, Mary Yarbrough, Treva D. Robbins, Martha R. Fishel, Debra R. Mabe and Marsha R. Walker.
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 *Robinhood Village*. 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.
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 Thomas R. Atwood, Sr., Brenda R. Hockaday, Barbara R. Kiger, Larry D. Robbins, Johnnie Robbins, B. Pratt Scroggs, John K. Kennedy, Lisa J. Kennedy, Joe V. Ingram, Kate V. James, Henry L. Yarbrough, Mary Yarbrough, Treva D. Robbins, Martha R. Fishel, Debra R. Mabe and Marsha R. Walker (Zoning Docket F-1417). 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 RM-18-S (Residential Building, Multifamily: and Residential Building, Townhouse - TWO PHASE) & HB-S (Shopping Center - TWO PHASE), 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 HB-S and RM-18-S zoning districts 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. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.
  b. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.
  c. Petitioner shall dedicate fifteen (15) feet of additional right-of-way along the north side of Robinhood Road to accommodate future four lane divided street section with bike lane.
d. Limits of clearing for the entire site shall be flagged in the field.
e. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.

**PRIOR TO THE SIGNING OF PLATS**

a. All documents including covenants, restrictions, and homeowner’s association agreements shall be recorded in the office of the Register of Deeds, if any.
b. All required fire hydrants shall be installed or bonded in accordance with the Forsyth County Fire Department.
c. Developer shall install or financially guarantee all curb and gutter streets and minimum five (5) foot wide sidewalks as shown on the revised site plan to the specification of the North Carolina Department of Transportation.
d. Developer shall install or financially guarantee large variety street trees as defined in UDO Section 3-4.10, along both sides of all streets, within street yards, bufferyards and motor vehicle parking areas where no conflict occurs with overhead utility lines.

**PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

a. On-site fire hydrant locations shall be approved in writing by the County Fire Department.
b. Developer shall record a plat in the office of the Register of Deeds.
c. Final plat for Tract 2 shall show a cross access easement which connects Tract 1 to Tax Lot 224 of Tax Block 4635.
d. Cross access easement to Tax Lot 224 of Tax Block 4635 shall be recorded in the office of the Register of Deeds.

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**PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

a. All road improvements shall be completed before the issuance of occupancy permits.
b. All Fire Hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
c. Sidewalks along the full frontage of the property along Attanook Road, Fleetwood Circle, Robinhood Road, and Olivet Church Road shall be installed with curb and gutter to the specifications of the Public Works Department of the City of Winston-Salem.
d. No on site lighting shall be taller than 30 feet in parking areas and 15 feet in pedestrian areas. All on site lighting will consist of cutoff type fixtures that prevent glare onto adjacent residential properties.
e. Berm and street trees along Robinhood Road and Fleetwood Circle as noted on site plan shall be installed as condition of First Phase development.

**OTHER REQUIREMENTS**

a. All uses and square footages shall match those indicated in the associated Traffic Impact Study. A Site Plan Amendment will be required for any changes not in keeping with those calculations and a new TIS may need to be submitted as part of the Site Plan Amendment process.
b. Any retaining walls on site in excess of ten (10) feet in height will require approval by the Inspections Department.

c. All outparcels shall only have access from internal to the subject property site (save and except access from realigned Fleetwood Circle) and shall not have access from Attanook Road, Fleetwood Circle, Robinhood Road, and Olivet Church Road.

d. Freestanding signage for the shopping center shall be limited to two signs with a maximum height of 18 feet and a maximum copy area of 100 square feet each. Said signs shall be located at entrances into the shopping center and shall be at least 300 feet apart. Freestanding signage for each outparcel shall be limited to one sign with a maximum height of six (6) feet and a maximum area of 36 square feet. Freestanding signage for the residential development in Phase Two shall be limited to two signs on either side of the entrance onto Olivet Church Road with a maximum height of six (6) feet and a maximum area of 36 square feet.
ZONING STAFF REPORT

DOCKET #   F-1417
STAFF:     Gary Roberts

Petitioner(s):  Thomas R. Atwood, Sr., Brenda R. Hockaday, Barbara R. Kiger, Larry D. Robbins, Johnnie Robbins, B. Pratt Scroggs, John K. Kennedy, Lisa J. Kennedy, Joe V. Ingram, Kate V. James, Henry L. Yarbrough, Mary Yarbrough, Treva D. Robbins, Martha R. Fishel, Debra R. Mabe and Marsha R. Walker from RS-9 to: property is located on the north side of Robinhood Road, Fleetwood Circle, and on the east side of Olivet Church Road west of Attanook Road
Ownership: Same

REQUEST

From: RS-9 Single Family Residential District 9,000 sf minimum lot size
To: Tract 1 - HB-S Highway Business District (Shopping Center - TWO PHASE) & Tract 2 - RM-18-S Residential Multifamily District; maximum density 18 units/acre (Residential Building, Multifamily and Residential Building, Townhouse - TWO PHASE)

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

Acreage: Tract 1 – 21.6
         Tract 2 - 7.3
         Total = 28.90 acres

CONTINUANCE HISTORY

The petition was continued from the July 8, 2004 Planning Board meeting to the September 9, 2004 meeting in order to address various site design issues. Specifically, major revisions to the site plan needed to be made in order for the various City/County departments to give a thorough review of the proposed site plan. The site plan reviewed by the Planning Board at the September 9, 2004 meeting complies with all UDO requirements and is satisfactory to NCDOT.

LOCATION:

Street: North sides of Robinhood Road and Fleetwood Circle, on the west side of Attanook Road, and on the east side of Olivet Church Road.
Jurisdiction: Forsyth County.
SITE PLAN (Tract 1)

Proposed Use: Shopping Center.
Square Footage: 124,000 sf retail in Phase One; 48,000 sf of retail and/or business uses in Phase Two outparcels; and 30,000 sf of office in Phase Two.
Building Height: 60’ maximum.
Parking: Required: 551; Proposed: 551.
Bufferyard Requirements: 30 foot type III abutting RS-9; 20 foot type II abutting RM-18-S.
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

SITE PLAN (Tract 2)

Proposed Use: Townhouses.
Building Height: 60’ Maximum.
Density: 18 units per acre, (131 units).
Parking: Required: Cannot be determined until Final Development Plan is submitted.
Bufferyard Requirements: 20 foot Type II abutting RS-9.
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Several residential and associated structures exist on site, including the Doub-Pratt House that is listed on the Forsyth County historic inventory (see Historic Resources Review).

Adjacent Uses:
- North - Sparsely developed residential zoned RS-9.
- Northeast - Sparsely developed residential zoned RS-9.
- East - Sparsely developed residential zoned RS-9.
- Southeast - Primarily consists of developed residential, but also includes Old Vienna Fire Station; all properties are zoned RS-9.
- South - Sparsely developed residential zoned RS-9 on the south side of Robinhood Road; north of Robinhood Road in a niche where a convenience store exists, zoned LB-S.
- Southwest - Moderately developed commercial on each side of Robinhood Road at the intersection of Olivet Church Road, zoned LB.
- Northwest - Sparsely developed residential zoned RS-9.

GENERAL AREA

Character/Maintenance: The area around the subject property is low density and suburban in nature with a sprinkling of commercial uses. However, with the approval of the property locally known as “Brookberry Farm” and with the forthcoming beltway, the character and development pattern of the area is subject to change over the next several years.
Development Pace: Slow to moderate.
HISTORY

Relevant Zoning Cases:

1. F-1406; RS-9 to HB-S Highway Business District (Shopping Center)-TWO PHASE & RM18-S (Residential Building, Multifamily and Residential Building, Townhouse)-TWO PHASE; withdrawn at May 13, 2004 Planning Board meeting; north sides of Robinhood Road and Fleetwood Circle, on the west side of Atanook Road, and on the east side of Olivet Church Road; 28.9 acres, current site; Planning staff did not provide a staff report due to the timing of the petitioner's requests for continuance and withdrawal.

2. F-1392; RS-9 and RS-9-S to MU-S (Multiple Uses) TWO PHASE; approved November 10, 2003; primarily east of Meadowlark Drive between Country Club Road and Robinhood Road; 795 acres; Planning Board and staff recommended approval.

3. F-1259; RS-9 to LB; approved May 24, 1999; off the north side of Robinhood Road and off the west side of Olivet Church Road near their intersection; 1.02 acres; Planning Board and staff recommended approval.

4. F-1146; RS-9 to LB; approved February 12, 1996; property located on north side of Robinhood Road east of Lyndale Drive; 0.21 acre; both Planning Board and staff recommended approval.

5. F-1039; R-6 to B-3-S (Multiple Uses); denied February 8, 1993; property located north of Robinhood Road and east of Olivet Church Road; 13.3 acres; Planning Board and staff recommended approval.

6. F-943; R-6 to B-3-S; denied October 9, 1989; property located south of Robinhood Road across from Olivet Church Road; 15.13 acres; Planning Board and staff recommended approval.

7. F-933; R-6 to B-3-S (Multiple Uses); denied October 9, 1989; property located north of Robinhood Road with frontage on Fleetwood Circle and Olivet Church Road; 21.8 acres; Planning Board recommended denial and staff recommended approval.

8. F-635; R-6 to B-3-S (Stores or Shops, Retail) converted to LB-S in UDO; approved May 22, 1983; property located north of Robinhood Road west of Fleetwood Circle; 0.7 acre; Planning Board and staff recommended approval.

9. F-449; R-6 to B-3 (converted to LB in UDO); approved July 18, 1977; property located on the north side of Robinhood Road west of Olivet Church Road; 1.1 acres; Planning Board recommended approval and the Planning staff recommended denial citing a fear of commercial strip zoning further out Robinhood Road.

10. F-436; R-5 to B-3 (converted to LB in UDO); approved March 7, 1977; property located on the west side of Olivet Church Road north of Robinhood Road; 0.75 acre; Planning Board recommended approval and Planning staff recommended denial citing a fear of commercial strip zoning further out Olivet Church Road.
11. F-040; R-6 to B-3 (converted to LB in UDO); approved February 5, 1968; property located at and between the intersection of Olivet Church Road and Robinhood Road; 2.75 acres; both the Planning Board and staff recommended approval.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The proposed site plan will add impervious surfaces while removing existing vegetation from the subject property.

Topography: Gentle to steep slope downward of ±70 feet from the eastern section of the site to the north-central section of the site near Hardwood Drive.

Streams: As identified on the Forsyth County Topographical Maps, a creek that eventually feeds into James Branch crosses the northwestern section of the subject property (in Tract 2).

Vegetation/habitat: Some amounts of vegetation are identified on the subject property, especially in the northeastern section of the site.

Floodplains: None.

Wetlands: None – *Winston-Salem West Quad*.

Environmental Resources Beyond The Site: The proposed site plan does not appear to significantly impact environmental resources beyond the site.

Water Supply Watershed: The subject property is not located in a water supply watershed.

Compliance with Federal/State requirements for wetland/stream protection: The petitioner is responsible for complying with all federal and state wetland and stream protection regulations.

**HISTORIC RESOURCES REVIEW**

Known Historic Resources: Yes.

Forsyth County Architectural Inventory Number/Name: Inventory #315/Doub-Pratt House.

National Register of Historic Places: No.

Comments: The rear ell (wing), of the Doub-Pratt House is a two-room, oak log house built by David Doub, a Methodist circuit rider in the 1860s. John Pratt bought the house from the Doub family and constructed the two-story, three bay house in 1905, using Doub’s early to mid-19th century house as the rear ell.

**TRANSPORTATION**

Direct Access to Site: Olivet Church Road; Robinhood Road; Fleetwood Circle; Attanook Road.

Street Classification: Olivet Church Road – Minor Thoroughfare; Robinhood Road – Major Thoroughfare; Fleetwood Circle – Collector Road; Attanook Road – Local Road.

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

- Olivet Church Road between Robinhood Road and Spicewood Drive = 5,900/16,100
- Robinhood Road between Olivet Church Road and Meadowlark Drive = 8,300/22,100
- Meadowlark Drive between Country Club and Robinhood Roads = 11,000/11,100

Trip Generation/Existing Zoning: RS-9

- 28.9 x 43,560/9,000 = 139 units x 9.57 (SFR Trip Rate) = 1,330 Trips per Day

Trip Generation/Proposed Zoning: HB-S and RM18-S (based on submitted TIS)

- 109,500/1,000 x 42.92 (Shopping Center Trip Rate) = 4,699 Trips per Day
- 52,500/1,000 x 111.51 (Supermarket Trip Rate) = 5,854 Trips per Day
10,000/1,000 x 88.16 (Pharmacy with Drive Thru Trip Rate) = 881 Trips per Day
5,000/1,000 x 265.21 (Bank with Drive Thru Trip Rate) = 1,326 Trips per Day
5,000/1,000 x 265.21 (Bank with Drive Thru Trip Rate) = 1,326 Trips per Day
4,000/1,000 x 496.12 (Fast Food with Drive Thru Trip Rate) = 1,984 Trips per Day
4,000/1,000 x 496.12 (Fast Food with Drive Thru Trip Rate) = 1,984 Trips per Day
30,000/1,000 x 11.01 (General Office Trip Rate) = 330 Trips per Day
131 units x 6.59 (Multi-Family Trip Rate) = 863 Trips per Day
TOTAL TRIPS PER DAY = 19,247

Planned Road Improvements: Robinhood Road from Shattalon Drive to the Northern Beltway; from 2 lanes to 3 lanes; 2015-2020
Sight Distance: Adequate; the intersection of Olivet Church Road at Robinhood Road has restrictions due to the angle of the intersection.
Interior Streets: The infrastructure is not labeled in the site data chart. The roads appear to be public as they stem into the subject property, but quickly dissolve into parking lots.
Traffic Impact Study recommended: Yes; applicant has submitted a TIS.
Connectivity of street network: Good
Sidewalks: None existing; sidewalks are proposed within the development.
Traffic Calming: Textured paving at select pedestrian crossings within the development is illustrated per the site plan.
Transit: None.
Bicycle Route: None.

CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): Legacy proposes nine compact mixed-use commercial nodes, called Metro Activity Centers (MAC’s), at major road intersections across the County. One of these MAC’s, called the Robinhood West activity center, is located at the intersection of Robinhood Road and the proposed Northern Beltway. This interchange is planned to be located about three-quarters of a mile west of the petitioner’s site. The idea is to focus commercial development in one quadrant of the interchange and to prevent commercial development from ‘stripping out’ along Robinhood in both directions from the interchange. Staff has drafted general design guidelines for these activity centers and begun work defining which quadrant of the interchange would be most suitable for the Robinhood West activity center. The intended pedestrian character of these activity centers argues against their being split and divided by a major thoroughfare like Robinhood Road.
Recently, the developers of the large Brookberry Farm mixed-use development, south of the petitioner’s site, proposed a significant amount of commercial development close to Country Club and Meadowlark Roads, arguing that intersection made for a better location for the activity center. The Brookberry Farm development was approved with significant commercial uses and a contingency plan authorizing additional amounts of commercial uses if the activity center is moved close to Country Club Road. Following the Planning Board’s recommendation for approval of Brookberry Farm, the Board of County Commissioners asked that staff examine both sites and determine the best location for the activity center. That work is underway.
Area Plan/Development Guide: The subject property is not located within the boundaries of an area plan or development guide.
Winston-Salem/Forsyth County Schools have estimated this project, when completed, will add a total of 56 students to the system, as indicated by the following chart.

<table>
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<th>Project</th>
<th>Number Units</th>
<th>Schools</th>
<th>Projected Students from Project</th>
<th>2004-2005 Enrolled Students</th>
<th>2004-2005 Projected Students with Accumulated Totals since 4/15/04</th>
<th>School Capacity</th>
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<td>Jefferson ES</td>
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**ANALYSIS**

The current request is to rezone 28.9 acres from RS-9 to HB-S (Shopping Center) TWO PHASE and RM18-S (Residential Building, Townhouse and Residential Building, Multifamily) TWO PHASE. The property is located on the north sides of Robinhood Road and Fleetwood Circle, on the west side of Attanook Road, and on the east side of Olivet Church Road. A similar TWO PHASE request for the subject property was submitted for review by the Planning Board at their March 11, 2004 meeting, (F-1406). However, upon request by the petitioners, the petition was continued to the May 13, 2004 meeting where the request was withdrawn.

Several residential and associated structures exist on site, including the Doub-Pratt House that is listed on the Forsyth County historic inventory (see Historic Resources Review). All of these structures would be removed under the current proposal. The surrounding area is low density residential and suburban in nature with a sprinkling of commercial uses. However, with the approval of the property locally known as “Brookberry Farm” and with the forthcoming beltway, the character and development pattern of the area is subject to change over the next several years.

*Legacy* proposes nine, compact, mixed-use development concentrations called Metro Activity Centers (MAC’s), at major road intersections across the County. One of these MAC’s, called the Robinhood West activity center, is to be located at or near the interchange of Robinhood Road and the proposed Northern Beltway. This interchange is planned to be located about three-quarters of a mile west of the petitioner’s site. The plan is to focus commercial development in one quadrant of the interchange and to prevent commercial development from ‘stripping out’ along Robinhood in both directions from the interchange. Staff has drafted general design guidelines for these activity centers. The intended pedestrian character of these activity centers argues against their being split and divided by a major thoroughfare like Robinhood Road.
Recently, the developers of the large Brookberry Farm mixed-use development, south of the petitioner’s site, proposed a significant amount of commercial development close to Country Club and Meadowlark Roads, arguing that intersection made for a better location for the activity center. The Brookberry Farm development was approved (November 10, 2003) with significant commercial uses and a contingency plan authorizing additional amounts of commercial uses if the activity center is moved close to Country Club Road. Following the Planning Board’s recommendation for approval of Brookberry Farm, the Board of County Commissioners asked that staff examine both sites and determine the best location for the activity center. Public information meetings have recently been held in the community and that work is underway.

Should it be decided that the MAC location indicated in the adopted *Legacy Comprehensive Plan* be moved south to the Country Club Road area, the question will then remain as to which type of other activity center, if any, should be located at the subject property location. Until such time that a decision has been made and an amendment to *Legacy* is conducted, this request is counter to the adopted plan. The petitioner has been made aware of this issue even prior to submittal of the previously noted rezoning request, F-1406, in March of 2004.

In respect to the site plan, the petitioner has addressed *some* of the concerns and incorporated *some* of the recommendations expressed by staff during previous reviews. Keeping in mind that the type of activity center, if any, which is ultimately recommended for this site, is currently undefined, Planning staff has worked with the applicant concerning any possible relevant Activity Center or Traditional Neighborhood Development (TND) guidelines. Mixed-use and TND’s often incorporate public street systems with buildings pulled up close to the street in more of a village pattern in order to create places where walking is an option. The higher density residential uses transition seamlessly into the commercial and employment areas as opposed to the more conventional method of cleanly separating the various land use pods through the use of heavy buffering and off-street parking areas. Again, while some improvements toward this goal have been made, the current plan remains lacking in creating a cohesive space which could serve as a model for future activity centers. It is also hoped that the historic Doub-Pratt House and/or some of the large trees surrounding it could be preserved and incorporated into the site plan.

Regarding access into and circulation within the site, NCDOT has stated that the proposed site plan is "operationally workable". Although Planning staff would prefer that the acute angle of the intersection at Robinhood Road and Olivet Church Road be better aligned, staff acknowledges, according to the TIS that the intersection will function at a higher level of service with a signalized intersection and turn lanes than under the current circumstances. While correctly noting said condition, the TIS fails however to consider the future impacts of the approved Brookberry Farm development. While NCDOT is not requiring this information to be included, it should be noted that the impacts from such a large scale development will affect the major intersections which adjoin the subject property. On a side note, the TIS is very specific to the number of units and square footages and uses for the future development parcels. Staff concludes that, via a condition, any future development phase should be tied to those numbers so that the impact study and its associated recommendations to public roadways remain constant.
While staff, as a whole, has continued concern about several site design considerations, the crux of the matter is that this request is counter to currently adopted policy as identified in *Legacy*. Should the policy be amended, the aforementioned site issues are still relevant. Staff recommends denial of the rezoning and the site plan.

**FINDINGS**

1. The adopted *Legacy Development Guide* proposes the Robinhood West activity center at or near the intersection of Robinhood Road and the proposed Northern Beltway which is located about three-quarters of a mile west of the subject property.

2. Recently, the Brookberry Farm mixed-use development, south of the petitioner’s site, was approved with a significant amount of commercial development close to Country Club and Meadowlark Roads.

3. Upon approval, staff was asked to examine both sites and determine the best location for the activity center. That work is underway.

4. Until such time that a decision has been made and an amendment to *Legacy* is conducted, this request is counter to the adopted development guide.

5. Mixed-use and traditional neighborhood developments (TND’s) often incorporate public street systems with buildings pulled up close to the street in more of a village pattern.

6. A development at this location utilizing more of a “village” pattern may also be beneficial in regard to maintaining and blending with the historic Doub-Pratt House.

**STAFF RECOMMENDATION**

ZONING: **DENIAL**

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.
  b. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.
  c. Petitioner shall dedicate fifty (50) feet of additional right-of-way from the centerline of Robinhood Road to accommodate future four lane divided street section with bike lane.
  d. Limits of clearing for the entire site shall be flagged in the field.
  e. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
• PRIOR TO THE SIGNING OF PLATs
  a. All documents including covenants, restrictions, and homeowner’s association agreements shall be recorded in the office of the Register of Deeds.
  b. All required fire hydrants shall be installed or bonded in accordance with the Forsyth County Fire Department.
  c. Developer shall install or financially guarantee all curb and gutter streets and minimum five (5) foot wide sidewalks as shown on the revised site plan to the specification of the North Carolina Department of Transportation.
  d. Developer shall install or financially guarantee large variety street trees as defined in UDO Section 3-4.10, along both sides of all streets, within street yards, bufferyards and motor vehicle parking areas where no conflict occurs with overhead utility lines.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. On-site fire hydrant locations shall be approved in writing by the County Fire Department.
  b. Developer shall record a final plat in the office of the Register of Deeds.
  c. Final plat for Tract 2 shall show a cross access easement which connects the Tract 1 to Tax Lot 224 of Tax Block 4635.
  d. Cross access easement to Tax Lot 224 of Tax Block 4635 shall be recorded in the office of the Register of Deeds.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. All road improvements shall be completed before the issuance of occupancy permits.
  b. All Fire Hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  c. Sidewalks along the full frontage of the property along Attanook Road, Fleetwood Circle, Robinhood Road, and Olivet Church Road shall be installed with curb and gutter to the specifications of the Public Works Department of the City of Winston-Salem.
  d. No on site lighting shall be taller than 15 feet and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent residential properties.

• OTHER REQUIREMENTS
  a. All uses and square footages shall match those indicated in the associated Traffic Impact Study. A Site Plan Amendment will be required for any changes not in keeping with those calculations and a new TIS may need to be submitted as part of the Site Plan Amendment process.
  b. Any retaining walls on site in excess of ten (10) feet in height will require approval by the Inspections Department.
  c. All outparcels shall only have access from internal to the subject property site and shall not have access from Attanook Road, Fleetwood Circle, Robinhood Road, and Olivet Church Road.
d. Freestanding signage for the shopping center shall be limited to two signs with a maximum height of 18 feet and a maximum copy area of 100 square feet each. Said signs shall be located at entrances into the shopping center and shall be at least 300 feet apart. Freestanding signage for each outparcel shall be limited to one sign with a maximum height of six (6) feet and a maximum area of 36 square feet. Freestanding signage for the residential development in Phase Two shall be limited to two signs on either side of the entrance onto Olivet Church Road with a maximum height of six (6) feet and a maximum area of 36 square feet.

**SUMMARY STATEMENT OF CONDITIONS BASED UPON SPECIAL USE DISTRICT DESIGNATION**

The Developer has volunteered to show sidewalks, vehicular angled parking, building orientations, and a stub connection not expressly required by the UDO. Although these elements were shown on the site plan submitted to staff for review as part of the rezoning request, they are partially the result of previous discussions with Planning and other interdepartmental staff who requested the inclusion of these items as well as other site plan items that the petitioner chose not to include.

**PUBLIC HEARING REGARDING CONTINUANCE REQUEST** - July 8, 2004

Steve Smith, 2027 Storm Canyon Road, Winston-Salem, NC 27106

- I won't be in town on August 12th.
- I own property near this site and own property across which they plan to put the sewer system.
- I'd like to ask that it be continued to another date.
- It would be nice to have a better way to let folks know when something like this is being continued.

Paul Mullican: Is it my understanding that you own the property over which they plan to put sewer and you haven't been contacted?

Steve Smith: According to the map I was given a few weeks ago, they plan to put the sewer easement across my land and I have not been contacted.

Ray Collins, 2990 Bethesda Place, Suite 601-C, Winston-Salem, NC 27103

- I wrote everyone who attended our neighborhood meeting to let them know of our request.
- Our attorney is Emmett McCall who referenced a conversation with Mr. Smith.
- We haven't settled on a plan for sewer.

Arnold King: Are you willing to go with a 60 day continuance?
Ray Collins: Our preference is for 30 days, but we will defer to the judgment of the Planning Board.

Bob Sparrow, 5104 Fleetwood Circle, Winston-Salem, NC  27106
- There are a lot of problems with the plans.
- We’ve had two continuances already. Please consider no more continuances. They’ve had six months to come up with a viable plan. That hasn't happened.
- I signed a list to be contacted about these things when I attended a meeting. I wasn't contacted.

**WORK SESSION**

MOTION: Dara Folan moved continuance of the zoning map amendment and site plan to September 9, 2004.
SECOND: Carol Eickmeyer
VOTE:
   FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith
   AGAINST: None
   EXCUSED: None

Before the residents in this area left, Paul Norby noted that the Board of County Commissioners asked Planning staff & the Planning Board to look at the Metro Activity Center (MAC) proposed for this area in light of the recent Brookberry zoning request. They requested it be reviewed to determine where it should be placed, if at all in this area. There will be some public meetings later in July at a school in this area. Please contact Chris Murphy at 727-2087 if you are interested in learning more about these meetings.

**PUBLIC HEARING** - September 9, 2004

Gary Roberts presented the staff report.

FOR:

Ray Collins, 2990 Bethesda Place, Suite 601-C, Winston-Salem, NC  27103
- Robinhood Village is planned as an upscale, mixed use village concept that is pedestrian friendly.
- There are three components which are complementary in use and design. The westernmost portion of the property is proposed as townhomes. It is approximately 7.3 acres. 18 units/acre will allow 131 units, in actuality the number will probably be significantly less, lower than 100.
- We are proposing approximately 30,000 square feet of office and medical on the easternmost portion of the site. Part of the goal was to create our own buffers and to create a single entity where one could work, live, and shop. The balance of the property, the commercial element, allows for 124,000 square feet in the initial phase with future PHASE TWO development as denoted on the plan.
• Robinhood Village is designed to serve the immediate area. In my opinion that is a one to two mile radius. The proposed uses in this development do not draw shoppers from outside the immediate area. It may actually decrease the number of vehicular commutes to Robinhood Road and Peace Haven Road for services, or into Clemmons or Lewisville.
• Referred to information in submitted packet noting that closest food stores are at least 3 miles away.
• Representatives of Tribeck Properties, their traffic consultants and their civil engineers have met repeatedly with Planning, NCDOT and some of the City-County engineers.
• Volunteered drawing to be submitted as a site plan condition where development will be required to look like the drawing.
• As far back as 1996, if you went to the Planning staff and asked where to put a shopping center, they would point you to this intersection. The reason for that is the surrounding area is a high-growth area.
• Robinhood Village is not designed to be or compete with the MAC.
• Reviewed amenities of proposed development.
• Have not made allowance for a bike lane as that was a last minute request.

AGAINST:

Hugh Parker, 2104 Storm Canyon Road, Winston-Salem, NC 27106
• I am speaking on behalf of over 200 residents of this area. Virtually all the residents we have canvassed who live near this area have expressed strong opposition to this type of development in our neighborhood.
• Submitted petition with 261 signatures of people in the area who are opposed to this request.
• We chose to live in a residential area with a rural character and want it to remain that way. Within 2-3 miles of our homes are all the amenities that we need.
• To put another area of strip shopping at the proposed location is just redundant for almost all of us.
• There are at least three parcels of property within 2-3 miles of this site which are already zoned for shopping centers which have not yet been built.
• There are also properties zoned for business at Grandview and on Robinhood that have been vacated and remain empty because of lack of demand.
• The current Legacy plan designates an area on Robinhood Road at its intersection with the Western Beltway as an activity center. That is further west than this site which does not meet the criteria to be the location of a MAC.
• Access roads are no designed to support this type of development and there are no plans to improve them to such ability.
• There is little other developable land adjacent to this site to allow other activities to be developed as envisioned by Legacy for activity centers.
• Developing this site would make it less likely that an activity center could prosper due to the competion and closeness.
• An activity center is already emerging at the County Club/Meadowlark/Styers Ferry Road location just south of this site. Additional land is available there for further development.
• Allowing this development would completely change the character of the neighborhoods that surround it. The plan proposed by the developer would exceed 200,000 square feet of commercial and office activities. This is the equivalent of dropping a Super Wal-Mart into our neighborhoods and onto the inadequate road structure at this location.
• This type of development is totally incompatible with the rest of the area.
• Only about 300 feet of the proposed site fronts Robinhood Road, the main artery. All the rest of the road frontage for this development would be on residential streets.
• We don't want to have to drive through a shopping center to access our neighborhood, as we would have to do if the intersection at Fleetwood Circle/Meadowlark Road/Robinhood Road is adjusted as suggested in this plan.
• Reviewed flaws in the initial site plan.
• The developer did not contact effected neighbors before the first meeting of the Planning Board. Later we were told they wanted to include restaurants with outdoor seating, but there was no mention of two fast food drive-through restaurants which were planned.
• This development would have the impact of a Wal-Mart Supercenter in this community.

Robert Kinch, 2550 Olivet Church Road, Winston-Salem, NC  27106
• Lived here 40 years. Had these meetings with previous board members.
• Let's do a detailed plan for this area and not piecemeal it.
• A shopping center would create traffic problems.
• We have an overabundance of shopping centers.
• Doesn't adhere to Legacy.
• It will create unsafe conditions.
• A shopping center will create additional traffic on Olivet Church Road.
• These roads were constructed 60-80 years ago.
• This area was intended to be rural residential.
• The intersection of Olivet Church Road and Robinhood Road is very dangerous.
• This is the first time I can remember that a public road has been closed so that traffic will be diverted through a shopping center.
• When the beltway is built and development occurs near it, what will happen to this shopping center?

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

1. NCDOT is now satisfied with the redesigned access.

2. The fire department uses the Robinhood Road access for fire trucks and the back access for emergency response vehicles such as ambulances.

3. There has been a lot of discussion with interdepartmental staff about access and internal traffic flow.

4. Paul Mullican expressed his concerns about the traffic flow and road design and John Davenport, 2441 Kingsgate Drive, Winston-Salem, NC  27101 (consultant to the petitioner) answered traffic-related questions asked by the Planning Board.
5. Emmett McCall, 100 N. Cherry Street, Winston-Salem, NC 27101 addressed concerns expressed by the Planning Board.

6. There was extensive discussion about the intersection of Olivet Church Road and Robinhood Road. The opinion was expressed that the intersection should be better designed. It was also observed that a better designed intersection may involve property which the petitioner does not own and over which the petitioner has no control.

MOTION: Paul Mullican moved approval of the zoning map amendment; certification that the site plan meets all code requirements; inclusion of staff conditions, along with rendering offered by petitioner and conditions submitted by petitioner with the deletion of "preliminary" under condition "b." under "Prior to Building Permits"; and a further condition that berm and trees will be installed in Phase One.

SECOND: Clarence Lambe

VOTE:
FOR: King, Lambe, Mullican, Smith
AGAINST: Clark, Eickmeyer, Folan, Glenn, Norwood
EXCUSED: None

MOTION FAILED.

MOTION: Carol Eickmeyer moved denial of the zoning map amendment.
SECOND: Lavastian Glenn

VOTE:
FOR: Clark, Eickmeyer, Folan, Glenn, Norwood
AGAINST: King, Lambe, Mullican, Smith
EXCUSED: None

SITE PLAN MOTION: Dara Folan moved certification that the site plan meets all code requirements; inclusion of staff conditions, along with rendering offered by petitioner and conditions submitted by petitioner with the deletion of "preliminary" under condition "b." under "Prior to Building Permits"; and a further condition that berm and trees will be installed in Phase One
SECOND: Carol Eickmeyer

VOTE:
FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Smith
AGAINST: Norwood
EXCUSED: None

Written Comments by Planning Board Members:

Carol Eickmeyer: Against - due to the size of the project given the fact that we haven't located the activity centers. Given that the neighbors are so against this development, it was easier. I do think the site will be developed - but for a smaller project.
Dara Folan: This case was a close call for me. I am in favor of the road changes. However, I think the size of the proposal is too large. I would prefer to see a proposal closer to the size of a neighborhood activity center. Given the tremendous opposition of the neighbors, and the proposal being contrary to Legacy, I voted against the proposal.

Lavastian Glenn: I felt this project is too large and unnecessary considering the development of Brookberry Farm. There were still questions with the fire department. This location would probably be considered for a Neighborhood Activity Center which would be much smaller.

According to information furnished on February 3, 2004 by the Office of the Tax Assessor, the subject property was in the names of Thomas Reid Atwood, Sr.; B. Pratt Scroggs; John K. Kennedy; Lisa J. Kennedy; Joe Vestal Ingram; Kate V. James; Henry L. Yarbrough; Mary Yarbrough; Larry D. Robbins; Johnnie Robbins; Brenda R. Hockaday; et al; and Barbara R. Kiger.

A. Paul Norby, AICP
Director of Planning