



DOCKET #: F1357

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
NSB-S (Shopping Center)

PETITIONER:
Adams, Egloff Avant
Properties, LLC

SCALE: 1" represents 400'

STAFF: Hughes

GMA: 3

ACRE(S): 14.6

MAP(S): 624818, 624822



January 23, 2002

Adams, Egloff, Avant Properties, LLC
Attn: Kerry Avant
4505 Country Club Road
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT F-1357

Dear Mr. Avant:

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
Edens & Avant Realty, Inc., Attn: Fred Williams, 900 Bank of America Plaza, 1901 Main
Street, Columbia, SC 29201
G. Emmett McCall, 633 W. Fourth Street, Winston-Salem, NC 27101

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:**

SUBJECT:-

Zoning map amendment of Adams, Egloff, Avant Properties, LLC

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Adams, Egloff, Avant Properties, LLC from NSB-S (Shopping Center) to Site Plan Amendment: property is located on the west side of Peters Creek Parkway north of Fishel Road (Zoning Docket F-1357).

After consideration and two failed votes, the third motion by the Planning Board resulted in a tie vote. According to Planning Board By-Laws, in the event of a tie vote, the rezoning request is forwarded to the elected officials with no recommendation.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

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COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Adams, Egloff, Avant Properties, LLC, Docket F-1357

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 NSB-S (Shopping Center) to NSB-S (Shopping Center - Site Plan Amendment) the zoning classification of the following described property:

BEGINNING at a one-half inch iron pipe, said iron pipe being in the western right-of-way line of Peters Creek Parkway (NC Highway 150), a 200-foot public right-of-way, said iron stake being the northeast corner of that property now or formerly owned by the Griffith Volunteer Fire Department, Inc., more particularly described in Deed Book 1269, Page 746, Forsyth County Registry, and said BEGINNING point being further described as being a chord bearing and distance of north 30° 07' 43" east 44.31 feet (said curve having a radius of 5,630 feet and an arc distance of 44.31 feet) from a concrete monument also located in the said western right-of-way line, and thence from said POINT AND PLACE OF BEGINNING with the northern boundary line of the said Griffith Volunteer Fire Department property, north 76° 31' 22" west 12.0 feet to an existing one inch iron pipe; thence continuing with the northern boundary line of the said Griffith Volunteer Fire Department property, north 76° 31' 22" west 236.97 feet; thence the following six (6) calls and distances: (1) north 48° 50' 45" west 526.34 feet; (2) north 20° 10' 36" west 193.95 feet; (3) north 29° 33' 28" east 280.34 feet; (4) north 27° 24' 00" west 120.41 feet; (5) north 25° 21' 02" east 125.00 feet; (6) south 85° 25' 59" east 224.09 feet; thence on a curve to the left having a radius of 280.00 feet, an arc length of 242.20 feet, and a chord bearing and distance of south 50° 26' 59" east 234.72 feet; thence south 75° 13' 48" east 182.10 feet; thence on a curve to the right having a radius of 310.00 feet, an arc length of 194.57 feet, and a chord bearing and distance of south 57° 14' 58" east 191.39 feet;

thence on a curve to the left having a radius of 249.50 feet, an arc length of 123.44 feet, and a chord bearing and distance of south 53° 26' 34" east 122.19 feet; thence south 67° 36' 59" east 49.50 feet to a point in the aforementioned western right-of-way line of Peters Creek Parkway (NC Highway 150); thence on a curve to the right having a radius of 5,630.00 feet, an arc length of 715.58 feet, and a chord bearing and distance of south 26° 15' 40" west 715.10 feet to the POINT AND PLACE OF BEGINNING, said parcel containing 14.99 acres, more or less.

Section 2. This Ordinance is adopted after approval of the site plan entitled Shoppes at Oliver's Crossing, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 20____ to Adams, Egloff, Avant Properties, LLC.

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 Shoppes at Oliver's Crossing. 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 Adams, Egloff, Avant Properties, LLC (Zoning Docket F-1357). 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 NSB-S (Shopping Center - Site Plan Amendment), 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 NSB-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 ISSUANCE OF GRADING PERMITS**
 - a. Developer shall cordon off all areas shown on the site plan as buffer or areas left to remain undisturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
 - b. 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.
 - c. Developer shall obtain erosion control, grading and zoning permits from the Inspections Division of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements and sidewalks on Oliver's Crossing Drive as shown on the site plan to the specifications of the Public Works Department of the City of Winston-Salem.
 - b. Internal sidewalks shall be installed as shown on the site plan to provide pedestrian connections from the building to the new public sidewalk along Oliver's Crossing Drive also being installed by this developer.
 - c. All pedestrian sidewalks and crosswalk delineations on pavement as shown on the site plan shall be installed.
 - d. All required fire hydrants shall be installed in accordance with the County Fire Department.
 - e. All required storm water devices shall be installed.

- **OTHER REQUIREMENTS**
 - a. One (1) freestanding ground sign shall be permitted for the shopping center. Said sign shall be limited to a monument type with a maximum height of fifteen (15) feet.

- **OUTPARCEL OR OTHER TWO PHASE LOT REQUIREMENTS**
 - a. All outparcels or lots other than the shopping center shall be limited to one (1) freestanding ground sign with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.
 - b. If any lots are sold, each lot must meet zoning requirements independently.

- **AS VOLUNTEERED BY THE DEVELOPER**
 - a. Developer to install a minimum three (3) foot high earthen berm along Peters Creek Parkway prior to the issuance of occupancy permits.

ZONING STAFF REPORT

DOCKET # F-1357
STAFF: Suzy Hughes

Petitioner(s): Adams, Egloff Avant Properties, LLC
Ownership: Same

REQUEST

From: NSB-S Neighborhood Shopping Center District (Shopping Center)
To: Site Plan Amendment

Acreage: 14.99 acres

LOCATION

Street: West side of Peters Creek Parkway north of Fishel Road.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Shopping Center.
Square Footage: 96,200 sf.
Building Height: Single story commercial.
Parking: Required: 428; proposed: 533.
Bufferyard Requirements: Type III bufferyard adjoining RS-9 zoning; type II adjoining RM-8-S zoning.
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None. Site is vacant and graded.

Adjacent Uses:

- North - Vacant site approved for multifamily dwelling units and zoned RM-8-S. Further north is vacant wooded land zoned RS-9.
- East - Vacant land zoned RS-9, including another zoning case, F-1344, which is located directly across Peters Creek Parkway from this site and extends to the north along Peters Creek Parkway.
- South - Immediately south of this site is a fire station, zoned RS-9, and further south is a car sales lot zoned HB-S.
- West - Single family residences zoned RS-9.

GENERAL AREA

Character/Maintenance: Rural wooded area accessed by a major thoroughfare. This particular site is already graded.

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site has been graded, so there will be little impact on the site, other than impervious surface.

Topography: GIS maps indicate that this property is relatively flat in the center with heavier grades toward the western, southern, and eastern property lines.

Streams: There are no streams crossing the portion of land identified for rezoning.

Vegetation/habitat: Site is somewhat wooded at the edges.

Natural Heritage Sites: Friedburg Marsh exists approximately $\frac{3}{4}$ mile to the northwest of this site. The marsh is a 3+ acre site at the intersection of Old Salisbury Road and the South Fork of Muddy Creek.

Watershed: The site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Peters Creek Parkway.

Street Classification: Major thoroughfare.

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

Peters Creek Parkway between Fishel Road and Bridgeton Road: 13,000/12,500

Fishel Road between Peters Creek Parkway and US 52: 1,500/11,000

Trip Generation/Existing Zoning: RM-8-S

156 units x 6.63 (Apt. Trip Rate) = 1,034 trips per day

Trip Generation/Proposed Zoning: NSB-S

96,200/1,000 = 96.2 x 42.92 (Gross Leasable Area) = 4,128 trips per day

Planned Road Improvements: Widen NC150/Peters Creek Pkwy to a 4-lane median divided facility from existing multi-lanes in Winston-Salem to Davidson County Line; under construction.

HISTORY

Relevant Zoning Cases:

1. F-1350; NSB-S (Shopping Center - Site Plan Amendment); pending action of Board of Commissioners; east side of Peters Creek Parkway (across from current site); 7.24 acres; Planning Board and staff recommended denial.
2. F-1344; RS-9 to NSB-S (Shopping Center); approved August 13, 2001; east side of Peters Creek Parkway (across from current site); 7.24 acres; Planning Board and staff recommended denial.

3. F-1343; RS-9 to NSB-S (Shopping Center); approved August 13, 2001; current site; 14.99 acres; Planning Board made no recommendation due to a tie vote, staff recommended approval.
4. F-1325; RS-9 to RM-8-S (Residential Building, Multifamily; Residential Building, Townhouse); approved December 8, 2000; west side of Peters Creek Parkway southwest of Morning Glory Road (current site is portion of); 37.63 acres; Planning Board and staff recommended approval.
5. F-1185; RS-9 to HB-S (Outdoor Display Retail); approved February 10, 1997; west side of Peters Creek Parkway north of Friedberg Church Road; 6.18 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban.

Relevant Comprehensive Plan Recommendation(s): The City South Activity Center at Peters Creek Parkway at the planned extension of Clemmons Road has been identified in *Legacy* as a metro activity center. It is located approximately 1.8 miles north from the site on Peters Creek Parkway. Metro activity centers are not intended to contain all commercial development within a region of the county. Locations for the numerous existing and future neighborhood and community level centers were not identified on the generalized growth management plan map in *Legacy*. Potential locations for new neighborhood and community serving commercial areas will be identified as more detailed area plans are prepared for the city and county.

Area Plan/Development Guide: This site is not within the boundaries of a development guide or area plan.

ANALYSIS

This request is a site plan amendment for a proposed development of 14.99 acres zoned NSB-S (Shopping Center). The property is located on the west side of NC 150 (Peters Creek Parkway) north of Fishel Road. The site plan submitted has alterations beyond those authorized through a staff change, therefore staff recommended the petitioner submit a site plan amendment.

The NSB district is intended to be an integrated and self-contained commercial development which is limited in the types of commercial uses allowed and is restricted to less than fifteen acres in size. The NSB district is not intended to promote highway-oriented development.

The originally approved plan was comprised of several buildings, those lying immediately along Peters Creek Parkway having parking on the side or rear. The plan submitted for the site plan amendment has substituted the buildings along Peters Creek Parkway with buildings separated from the thoroughfare with parking. There are also three buildings with drive-throughs on the

current plan, whereas the originally approved plan had only two. Parking along the road and multiple drive-through structures are elements typical of highway oriented businesses and contradict the purpose of neighborhood shopping centers.

Although staff can accept one additional drive-through service, we would prefer to see parking currently shown in front of the buildings facing NC 150 relocated to the side or rear of the structures. Staff believes that this would lessen the appearance of a highway oriented commercial project and make it more consistent with the objectives of the NSB District.

FINDINGS

1. This request is a site plan amendment of 14.99 acres zoned NSB-S (Shopping Center).
2. The site plan submitted has alterations beyond those authorized through a staff change.
3. The NSB district is not intended to promote highway-oriented development.
4. The current site plan partially contradicts the purpose of neighborhood shopping centers by showing substantial parking areas in the fronts of buildings facing NC 150.
5. Staff could support the proposed site plan amendment if parking were relocated to the side or rear of buildings facing NC 150.

STAFF RECOMMENDATION

Zoning: **APPROVAL** with parking relocated to the side or rear of building facing NC 150.

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

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
 - a. Developer shall cordon off all areas shown on the site plan as buffer or areas left to remain undisturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
 - b. 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.
 - c. Developer shall obtain erosion control, grading and zoning permits from the Inspections Division of the City of Winston-Salem.
- **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.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall install road improvements and sidewalks on Oliver's Crossing Drive as shown on the site plan to the specifications of the Public Works Department of the City of Winston-Salem.
 - b. Internal sidewalks shall be installed as shown on the site plan to provide pedestrian connections from the building to the new public sidewalk along Oliver's Crossing Drive also being installed by this developer.
 - c. All pedestrian sidewalks and crosswalk delineations on pavement as shown on the site plan shall be installed.
 - d. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
 - e. All required storm water devices shall be installed.
- **OTHER REQUIREMENTS**
 - a. One (1) freestanding ground sign shall be permitted for the shopping center. Said sign shall be limited to a monument type with a maximum height of fifteen (15) feet.
- **OUTPARCEL OR OTHER TWO PHASE LOT REQUIREMENTS**
 - a. All outparcels or lots other than the shopping center shall be limited to one (1) freestanding ground sign with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.
 - b. If any lots are sold, each lot must meet zoning requirements independently.

Suzy Hughes presented the staff report.

PUBLIC HEARING

FOR:

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

Represent the petitioner. Since we were here the last time, a lot of things have happened.

The shopping center across the street got approved.

NCDOT has asked us to change our road system going into Oliver's Crossing. Their thought is that this development will become more neighborhood oriented. They want us to do a six-lane road. We would like a right-in/right-out access point eventually.

The square footage of the total buildings is the same. However, since the last meeting, the developers have met with potential customers and believe small shops would be better for the neighborhood.

The developers proposed to construct a three to five foot berm between the property line and parking spaces. In essence they will be buffering the automobiles from anyone coming down Peters Creek Parkway.

The basic concept of a neighborhood shopping center has been met.

NCDOT sees this as a neighborhood shopping center that needs good access.
Extensive improvements are planned for Peters Creek Parkway.
We're trying to make this so the neighbors across the road can get up in the morning and walk across the road to get their groceries, etc.

AGAINST: None

WORK SESSION:

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

1. The petitioners do not want to move the parking away from the front of the buildings because they want the shops to be more customer friendly, so customers can drive right up to the shops.
2. Kem Schroeder - both of these shopping centers came to us claiming to be neighborhood shopping centers, but through site plan modifications, they are doing exactly what they said they weren't doing.

MOTION: John Bost moved continuance of the site plan amendment.

SECOND: Kem Schroeder

John Bost rescinded his motion.

MOTION: Philip Doyle moved to approve the site plan amendment because of the screening factors.

SECOND: Arnold King

VOTE:

FOR: Doyle, King

AGAINST: Bost, Clark, Norwood, Powell, Schroeder, Snelgrove

EXCUSED: Avant

MOTION: Kem Schroeder moved denial of the site plan amendment

SECOND: Terry Powell

VOTE:

FOR: Bost, Powell, Schroeder

AGAINST: Clark, Doyle, King, Norwood, Snelgrove

EXCUSED: Avant

MOTION: Jimmy Norwood moved to approve the site plan amendment as staff recommended with no parking in the front.

SECOND: Jerry Clark

VOTE:

FOR: Clark, Doyle, Norwood, Snelgrove
AGAINST: Bost, King, Powell, Schroeder
EXCUSED: Avant

MOTION FAILS DUE TO TIE VOTE (according to Planning Board By-Laws).

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Adams, Egloff, Avant Properties, LLC as of December 6, 2001.

A. Paul Norby, AICP
Director of Planning