

DOCKET #: W3001
(continued from 11/13/08)

PROPOSED ZONING:
HB-S and Special Use Permit

EXISTING ZONING:
RS9, HB-S, RM12-S, & RM18

PETITIONER:
Morgan Ridge RS LLC, et al,
Bold Properties LLC,
Southpark Homes LLC, and
Peters Creek Properties Inc.
for property owned by Same

SCALE: 1" represents 500'

STAFF: Roberts

GMA: 3

ACRES: 19.61

**NEAREST
BLDG:** 30' south

MAP(S): 624834, 624838

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**CITY-COUNTY PLANNING BOARD DRAFT
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3001
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Morgan Ridge RS LLC et al, Bold W Properties LLC, Southpark Homes LLC, and Peters Creek Properties Inc.
Owner(s)	Same
Subject Property	PIN#'s 6823-78-4720, 6823-68-8312, 6823-67-9964, and a portion of PIN#'s 6823-67-4237 and 6823-68-0172
Type of Request	Special Use Rezoning and Special Use Permit to cross residentially zoned property to access a commercially zoned site
Proposal	The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 Residential, Single Family District; 9,000 sf minimum lot size and HB-S Highway Business District (Outdoor Display Retail; and Restaurant (without drive-through service) to HB-S Highway Business District. The petitioner is requesting the following uses: <ul style="list-style-type: none"> • Outdoor Display, Retail and Motor Vehicle, Repair and Maintenance
Continuance History	The request was continued from the October 9, 2008 Planning Board meeting to the November 13 Planning Board meeting and then to the December 11 Planning Board meeting.
Zoning District Purpose Statement	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.
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
GENERAL SITE INFORMATION	
Location	West side of Peters Creek Parkway and the north side of Southpark Boulevard
Jurisdiction	City of Winston-Salem
Ward(s)	South
Site Acreage	Approximately ± 19.61 acres
Current Land Use	The majority of the site is currently used as the Modern Toyota automotive dealership.

Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	RM-18	Multifamily residential	
	East	HB-S	Commercial	
	South	HB-S & RM-18	Commercial and multifamily residential	
	West	RS-9 & RM-12-S	Single and multifamily residential	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	The proposed expansion of the existing car dealership is compatible with the adjacent commercial corridor and uses; however, the proposed parking expansion to the north will be in close proximity to some established multifamily units.			
Physical Characteristics	While the majority of the site is developed, the remaining portion has steep topography and a small stream.			
Proximity to Water and Sewer	Public water and sewer are available. The existing sewer line crossing under the proposed access road will need to be relocated.			
Stormwater/ Drainage	A stormwater study will be required prior to the issuance of a grading permit.			
Watershed and Overlay Districts	The site is not within a water supply watershed.			
Analysis of General Site Information	The RS-9 portion of the site and the area within the proposed access easement will need to undergo clearing and substantial grading.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>			
	<ul style="list-style-type: none"> Condition for stormwater study 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Peters Creek Parkway	Major Thoroughfare	830'	22,000	46,000
Southpark Boulevard	Local Street	608'	NA	NA
Proposed Access Point(s)	The site plan illustrates the continued use of the driveway on Peters Creek Parkway and on Southpark Boulevard. The petition also includes a Special Use Permit request for a second driveway onto Southpark Boulevard across residentially zoned property.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS-9 and HB-S</u> .95 (RS-9) x 43,560 / 9,000 = 4 units x 9.57 (SFR Trip Rate) = 38 Trips per Day + 83,207 / 1,000 x 37.5 (New Car Sales Trip Rate) = 3,120 Trips per Day = 3,158 Total Trips per Day <u>Proposed Zoning: HB-S</u> 110,981 / 1,000 x 37.5 (New Car Sales Trip Rate) = 4,162 Trips per Day			

Sidewalks	There are no sidewalks along either street frontage of the site. The Sidewalk and Pedestrian Facilities Plan requires sidewalks along Peters Creek Parkway and Southpark Boulevard.
Transit	Route 13 along Peters Creek Parkway.
Traffic Impact Study (TIS)	A TIS is not required.
Analysis of Site Access and Transportation Information	The proposed commercial access drive on residentially zoned property necessitates a Special Use Permit. See comments under the Other Applicable Plans and Planning Issues section below.
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Obtain WSDOT driveway permit.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 3, (Suburban Neighborhoods)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> <i>Economic Development:</i> Promote economic development which is compatible with existing residential neighborhoods and other business developments. (p.77) <i>Economic Diversification:</i> Increase economic vitality through diversification by expanding existing businesses. . . . (p.79)
Relevant Area Plan(s)	The site is not within the boundaries of an area plan or development guide.
Other Applicable Plans and Planning Issues	<p>For Special Use Permits (SUP) requiring approval by the Elected Body, certain findings have to be met. Findings of the Planning Board accompanying a favorable recommendation shall include:</p> <p><u>Planning Board Findings:</u></p> <ol style="list-style-type: none"> The development is in conformity with <i>Legacy</i>. (Yes) <i>Legacy recommends the promotion of economic development which is compatible with existing residential neighborhoods and other business developments.</i> Water and sewer service are available in adequate capacity. (Yes) Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment. (<i>No buildings are proposed as part of the Special Use Permit</i>) Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard. (Yes) General layout and design of the development meet all requirements of this Ordinance. (Yes) Adequate, safe and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc) and service vehicles and personnel (sanitation, postal delivery, etc). (Yes)

	<p>7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project. <i>(See “SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL” section below)</i></p> <p>The Elected Body shall issue a special use permit only when the Elected Body makes an affirmative finding as follows:</p> <p><u>Elected Body Findings:</u></p> <ol style="list-style-type: none"> 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. <i>(Yes)</i> 2. That the use meets all required conditions and specifications. <i>(Yes)</i> 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, <i>(Yes)</i> 4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with <i>Legacy</i>. <i>(Yes)</i> <i>Legacy recommends the promotion of economic development which is compatible with existing residential neighborhoods and other business developments.</i> 					
<p>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)</p>	<p>(S)(3) - Have changing conditions substantially affected the area in the petition?</p> <p>No</p> <p>(S)(4) - Is the requested action in conformance with <i>Legacy</i>?</p> <p>Yes</p>					
<p>Analysis of Conformity to Plans and Planning Issues</p>	<p><i>Legacy</i> recommends the promotion of economic development which is compatible with existing residential neighborhoods and other business developments. In order to better protect the adjacent multifamily development, Planning staff recommends the bufferyard plantings be placed at the top of the slope. Planning staff also recommends the above noted affirmative findings for the Special Use Permit to cross residentially zoned property to access commercially zoned property.</p>					
<p>Generalized Recommended Conditions</p>	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Lighting condition 					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2979	RM-18 to HB-S	Approved 6-2-08	800' north	7.29	Approval	Approval
W-2968	RM12-S to SPA	Approved 2-4-08	Directly west	11.72	Approval	Approval

W-2027	RS-9 & HB-S	Approved 1-2-96	Included portion of site	8.21	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	110,981 sf		Central portion			
Parking	Required	Proposed		Layout		
	257 spaces	689 spaces		In front		
Building Height	Maximum			Proposed		
	60'			One story		
Impervious Coverage	Maximum			Proposed		
	85%			68.56%		
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (I) HB District Chapter B, Article II, Section 2-5.2 Access Easement Use Conditions 					
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:		Yes			
	(B) Environmental Ord.		NA			
	(C) Subdivision Regulations		NA			
Analysis of Site Plan Compliance with UDO Requirements	The revised site plan complies with the requirements of the UDO.					
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal			Negative Aspects of Proposal			
Request would permit the expansion of an existing business.			Request would result in the removal of a mature wooded area in close proximity to an established multifamily development.			
Request is consistent with the recommendations of <i>Legacy</i> .						
Request meets the Special Use Permit findings.						
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL						
The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.						
<ul style="list-style-type: none"> PRIOR TO THE ISSUANCE OF ANY PERMITS <ul style="list-style-type: none"> a. Developer shall obtain all necessary permits from the NC Division of the Environment and Natural Resources (DENR) and the USA Corps of Engineers. PRIOR TO THE ISSUANCE OF GRADING PERMITS <ul style="list-style-type: none"> a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department. 						

- b. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. Required improvements include:
 - Widening of Peters Creek Parkway along the RS-9 portion to match the 3rd southbound lane.
 - Sidewalks along Peters Creek Parkway and Southpark Boulevard.
 - c. Developer shall flag 30' buffer on each side of stream from top of bank.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting on the current RS-9 and westernmost portion of site demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the property line.
 - b. Staff Changes shall be submitted and approved for the adjacent RM-12-S and RM-18 zoned sites.
 - c. No display cars shall be allowed in the right-of-way for Peters Creek Parkway.

REZONING STAFF RECOMMENDATION: Approval

SPECIAL USE PERMIT RECOMMENDATION: Approval

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.**

PUBLIC HEARING regarding continuance request - October 9, 2008

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the zoning map amendment, site plan, and Special Use Permit to November 13, 2008.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

PUBLIC HEARING regarding continuance request - November 13, 2008

FOR: None

AGAINST: None

WORK SESSION

MOTION: Lynne Mitchell moved continuance of the zoning map amendment, site plan, and SIDA to December 11, 2008.

SECOND: Carol Eickmeyer

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell; Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

PUBLIC HEARING regarding withdrawal request - December 11, 2008

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved withdrawal of the zoning map amendment, site plan, and Special Use Permit.

SECOND: Paul Mullican

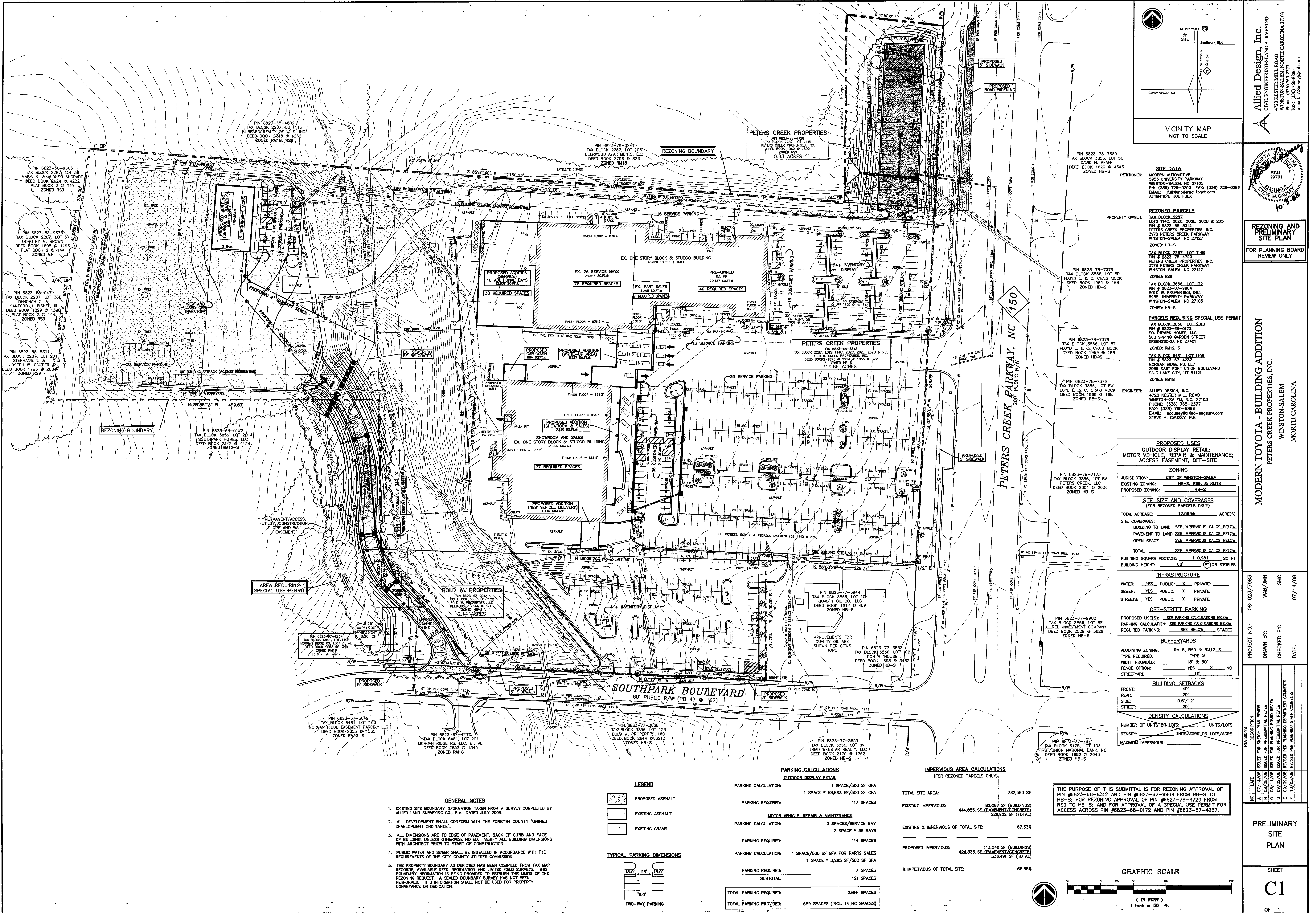
VOTE:

FOR: Jerry Clark, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning



ALLIED DESIGN, INC.
 CIVIL ENGINEERING & LAND SURVEYING
 4720 KESTER MILL ROAD
 WINSTON-SALEM, NORTH CAROLINA 27108
 PHONE: (336) 760-8886
 FAX: (336) 760-8886
 e-mail: asurvey@allied.com

VICINITY MAP
 NOT TO SCALE

SITE DATA
 PETITIONER: MODERN AUTOMOTIVE
 5955 UNIVERSITY PARKWAY
 WINSTON-SALEM, NC 27105
 PHONE: (336) 766-0288 FAX: (336) 726-0289
 EMAIL: info@modernoutlet.com
 ATTENTION: JOE FULK

REZONED PARCELS
 TAX BLOCK 2287
 LOTS 1146, 2026, 2028, 2028 & 205
 PIN # 6823-68-431
 PETERS CREEK PROPERTIES, INC.
 3778 PETERS CREEK PARKWAY
 WINSTON-SALEM, NC 27127
 ZONED: HB-S

REZONED PARCELS
 TAX BLOCK 3856 LOT 1168
 PIN # 6823-78-4720
 PETERS CREEK PROPERTIES, INC.
 3778 PETERS CREEK PARKWAY
 WINSTON-SALEM, NC 27127
 ZONED: HB-S

PARCELS REQUIRING SPECIAL USE PERMIT
 TAX BLOCK 3856 LOT 1204
 PIN # 6823-68-0172
 SOUTH PARK HOMES, LLC
 500 SPRING GARDEN STREET
 GREENSBORO, NC 27401
 ZONED: RM12-S

TAX BLOCK 6481 LOT 1108
 PIN # 6823-67-4237
 MORAN ROSS ES, LLC
 2085 EAST PORT UNION BOULEVARD
 SALT LAKE CITY, UT 84121
 ZONED: RM12-S

ENGINEER: ALLIED DESIGN, INC.
 4720 KESTER MILL ROAD
 WINSTON-SALEM, N.C. 27103
 PHONE: (336) 766-0288
 FAX: (336) 760-8886
 EMAIL: info@allied-engineer.com
 STEVE M. CAUSEY, P.E.

PROPOSED USES
 OUTDOOR DISPLAY RETAIL;
 MOTOR VEHICLE, REPAIR & MAINTENANCE;
 ACCESS EASEMENT, OFF-SITE

ZONING
 JURISDICTION: CITY OF WINSTON-SALEM
 EXISTING ZONING: HB-S, R59, & RM18
 PROPOSED ZONING: HB-S

SITE SIZE AND COVERAGES
 (FOR REZONED PARCELS ONLY)
 TOTAL ACREAGE: 17,865± ACRES(S)
 SITE COVERAGES:
 BUILDING TO LAND: SEE IMPERVIOUS CALCS BELOW
 PAVEMENT TO LAND: SEE IMPERVIOUS CALCS BELOW
 OPEN SPACE: SEE IMPERVIOUS CALCS BELOW
 TOTAL: SEE IMPERVIOUS CALCS BELOW
 BUILDING SQUARE FOOTAGE: 110,891± SQ FT
 BUILDING HEIGHT: 60' (3) OR STORES

INFRASTRUCTURE
 WATER: YES PUBLIC: X PRIVATE: _____
 SEWER: YES PUBLIC: X PRIVATE: _____
 STREETS: YES PUBLIC: X PRIVATE: _____

OFF-STREET PARKING
 PROPOSED USE(S): SEE PARKING CALCULATIONS BELOW
 PARKING CALCULATION: SEE PARKING CALCULATIONS BELOW
 REQUIRED PARKING: SEE BELOW SPACES

BUFFERYARDS
 ADJOINING ZONING: RM18, R59 & RM12-S
 TYPE OPTION: TYPE IV
 WIDTH PROVIDED: 15' & 30'
 FENCE OPTION: YES X NO
 STREETWARD: 10'

BUILDING SETBACKS
 FRONT: 40'
 REAR: 20'
 SIDE: 0.5'/2'
 STREET: 20'

DENSITY CALCULATIONS
 NUMBER OF UNITS OR LOTS: _____ UNITS/LOTS
 DENSITY: _____ UNITS/ACRE OR LOTS/ACRE
 MAXIMUM IMPERVIOUS: _____

LEGEND
 PROPOSED ASPHALT
 EXISTING ASPHALT
 EXISTING GRAVEL

TYPICAL PARKING DIMENSIONS
 18.0' 28' 18.0'
 18.0'

PARKING CALCULATIONS
 PARKING CALCULATION: 1 SPACE/500 SF GFA
 1 SPACE = 58,563 SF/500 SF GFA
 PARKING REQUIRED: 117 SPACES

MOTOR VEHICLE, REPAIR & MAINTENANCE
 PARKING CALCULATION: 3 SPACES/SERVICE BAY
 3 SPACE = 38 BAYS
 PARKING REQUIRED: 114 SPACES

PARTS SALES
 PARKING CALCULATION: 1 SPACE/500 SF GFA FOR PARTS SALES
 1 SPACE = 3,285 SF/500 SF GFA
 PARKING REQUIRED: 7 SPACES
 SUBTOTAL: 121 SPACES
 TOTAL PARKING REQUIRED: 238+ SPACES
 TOTAL PARKING PROVIDED: 689 SPACES (INCL. 14 HC SPACES)

IMPERVIOUS AREA CALCULATIONS
 (FOR REZONED PARCELS ONLY)
 TOTAL SITE AREA: 782,559 SF
 EXISTING IMPERVIOUS: 82,067 SF (BUILDINGS)
 526,922 SF (TOTAL)
 EXISTING % IMPERVIOUS OF TOTAL SITE: 67.33%
 PROPOSED IMPERVIOUS: 113,040 SF (BUILDINGS)
 424,335 SF (PAVEMENT/CONCRETE)
 537,375 SF (TOTAL)
 % IMPERVIOUS OF TOTAL SITE: 68.56%

GENERAL NOTES
 1. EXISTING SITE BOUNDARY INFORMATION TAKEN FROM A SURVEY COMPLETED BY ALLIED LAND SURVEYING CO., P.A., DATED JULY 2008.
 2. ALL DEVELOPMENT SHALL CONFORM WITH THE FORSYTH COUNTY "UNIFIED DEVELOPMENT ORDINANCE".
 3. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT, BACK OF CURB AND FACE OF BUILDING, UNLESS OTHERWISE NOTED. VERIFY ALL BUILDING DIMENSIONS WITH ARCHITECT PRIOR TO START OF CONSTRUCTION.
 4. PUBLIC WATER AND SEWER SHALL BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF THE CITY-COUNTY UTILITIES COMMISSION.
 5. THE PROPERTY BOUNDARY AS DEPICTED HAS BEEN COMPILED FROM TAX MAP RECORDS, AVAILABLE DEED INFORMATION AND LIMITED FIELD SURVEYS. THIS BOUNDARY INFORMATION IS BEING PROVIDED TO ESTABLISH THE LIMITS OF THE REZONING REQUEST. A SEALED BOUNDARY SURVEY HAS NOT BEEN PERFORMED. THIS INFORMATION SHALL NOT BE USED FOR PROPERTY CONVEYANCE OR REDIGATION.

THE PURPOSE OF THIS SUBMITTAL IS FOR REZONING APPROVAL OF PIN #6823-68-8312 AND PIN #6823-67-9964 FROM HB-S TO HB-S; FOR REZONING APPROVAL OF PIN #6823-78-4720 FROM R59 TO HB-S; AND FOR APPROVAL OF A SPECIAL USE PERMIT FOR ACCESS ACROSS PIN #6823-68-0172 AND PIN #6823-67-4237.

GRAPHIC SCALE
 (IN FEET)
 1 inch = 50 ft.

PRELIMINARY SITE PLAN
 SHEET C1 OF 1

MODERN TOYOTA - BUILDING ADDITION
 PETERS CREEK PROPERTIES, INC.
 WINSTON-SALEM
 NORTH CAROLINA

REZONING AND PRELIMINARY SITE PLAN
 FOR PLANNING BOARD REVIEW ONLY

PROJECT NO.: 08-033/7983
 DRAWN BY: WBS/AMN
 CHECKED BY: SMC
 DATE: 07/14/08

NO. DATE DESCRIPTION
 A 07/14/08 ISSUED FOR PRELIMINARY REVIEW
 B 08/05/08 ISSUED FOR PRELIMINARY REVIEW
 C 08/05/08 ISSUED FOR PRELIMINARY REVIEW
 D 09/09/08 REVISION FOR PLANNING DEPARTMENT COMMENTS
 E 10/02/08 REVISION FOR PLANNING DEPARTMENT COMMENTS

W-3001 Revised File Copy