

DOCKET #: W2530

PROPOSED ZONING:

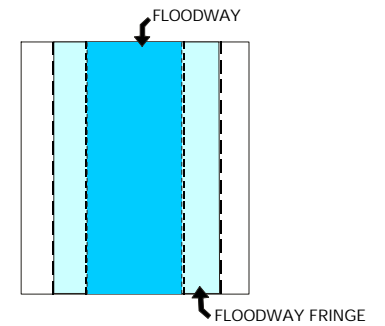
Tract One: PB-S (Shopping Center); Tract Two: PB-S (Shopping Center; Residential Building, Townhouse)

EXISTING ZONING:

Tract One: RS9; Tract Two: HB and RS9

PETITIONER:

Tribek Properties, Inc. for property owned by others



SCALE: 1" represents 400'

STAFF: Simmons

GMA: 3

ACRE(S): Tract One: 2.37; Tract Two: 15.26

MAP(S): 600850



February 19, 2002

Tribek Properties, Inc./
Southstar Property Holdings, LLC
c/o Scott C. Bortz
200 Providence Road, Suite 106
Charlotte, NC 28207

RE: ZONING MAP AMENDMENT W-2530

Dear Mr. Bortz:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Emmett McCall, 633 W. 4th Street, Winston-Salem, NC 27101
Steve Stansbury, 1500 Pine Croft Road, Suite 123, Greensboro, NC 27262
Janet Nelson, 446 Brittany Court, Winston-Salem, NC 27103
Jerry Morris, 4956 Chrisfield Lane, Winston-Salem, NC 27104
Talmadge B. Leach, 5000 Ryandale Road, Winston-Salem, NC 27104
Janice Lawton, 147 Golfview Drive, Bermuda Run, NC 27006
Skip Pickett, 5176 Huntcliff Trail, Winston-Salem, NC 27104
Jon Mack, 1120 Fallbrook, Lewisville, NC 27023
Chris Edwards, 2334 English Road, High Point, NC 27262
Wade H. Clayton, Jr., 544 Ridgehaven Drive, Winston-Salem, NC 27104
Jim Hayes, 4896 Country Club Road, Winston-Salem, NC 27104

ACTION REQUEST FORM

DATE: February 13, 2002
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Tribek Properties for property owned by Fred P. Flynt III Trustee, Virginia Grant Flynt Trustee, I. E. Martin, Jr. et al, Wanda W. Moser, Nannie D. Brewer, Frankie H. Wear Co-Trustee et al, and Janice Harper W. Lawton Co-Trustee

SUMMARY OF INFORMATION:

Zoning map amendment of Tribek Properties for property owned by Fred P. Flynt III Trustee, Virginia Grant Flynt Trustee, I. E. Martin, Jr. et al, Wanda W. Moser, Nannie D. Brewer, Frankie H. Wear Co-Trustee et al, and Janice Harper W. Lawton Co-Trustee for two separate tracts of land as follows:
Tract 1: Rezoning from RS-9 to PB-S (Shopping Center): property is located on the north side of Country Club Road east of Vinegar Hill Road (Zoning Docket W-2530).
Tract 2: Rezoning from RS-9 and HB to PB-S (Shopping Center; and Residential Building, Townhouse): property is located on the south side of Country Club Road and east side of Peace Haven Road (Zoning Docket W-2530).

PLANNING BOARD ACTION:

MOTION ON PETITION: FOR APPROVAL
FOR: AVANT, CLARK, DOYLE, KING, SNELGROVE
AGAINST: POWELL, SCHROEDER
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Tribek Properties for property owned by Fred P. Flynt III Trustee, Virginia Grant Flynt Trustee, I. E. Martin, Jr. etal, Wanda W. Moser, Nannie D. Brewer, Frankie H. Wear Co-Trustee etal, and Janice Harper W. Lawton Co-Trustee, Docket W-2530

AN ORDINANCE AMENDING THE
WINSTON-SALEM CITY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE CITY OF WINSTON-SALEM, N.C.

BE IT ORDAINED by the Board of Aldermen of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS-9 to PB-S (Shopping Center) (Tract 1); and RS-9 and HB to PB-S (Shopping Center; and Residential Building, Townhouse) (Tract 2) the zoning classification of the following described property:

Tax Block 3908, Tax Lots 308E, 308F, 41B, 42B, 38, 37C, and 120
Tax Block 3976, Tax Lots 401 and 9A

Section 2. This Ordinance is adopted after approval of the site plan entitled Harper Hill Commons and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Tribek Properties for property owned by Fred P. Flynt III Trustee, Virginia Grant Flynt Trustee, I. E. Martin, Jr. etal, Wanda W. Moser, Nannie D. Brewer, Frankie H. Wear Co-Trustee etal, and Janice Harper W. Lawton Co-Trustee.

Section 3. The Board of Aldermen 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 Harper Hill Commons. 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.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Tribek Properties for property owned by Fred P. Flynt III Trustee, Virginia Grant Flynt Trustee, I. E. Martin, Jr. etal, Wanda W. Moser, Nannie D. Brewer, Frankie H. Wear Co-Trustee etal, and Janice Harper W. Lawton Co-Trustee, (Zoning Docket W-2530). 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 PB-S (Shopping Center) (Tract 1) and PB-S (Shopping Center; and Residential Building, Townhouse) (Tract 2), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the PB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
 - b. Developer shall obtain a Water Quality approval from the North Carolina Department of Environment and Natural Resources (DENR) related to stream impacts.
 - c. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
 - d. Old Country Club Road shall be officially closed.

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

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices must be installed per the approval of the Public Works Department of the City of Winston-Salem.
 - b. All fire hydrants required by the City Fire Department shall be installed.
 - c. Developer shall install all the improvements to Country Club Road and Peace Haven Road including traffic signals that are recommended in the Traffic Impact Study to the specifications of the Public Works Department of the City of Winston-Salem and the North Carolina Department of Transportation.
 - e. Developer shall install all sidewalks as shown on the site plan to the specifications of the Public Works Department of the City of Winston-Salem.
 - f. A single row of street tree plantings shall be installed at the top of the fill slope adjacent to the street along the southern property line, and along Peace Haven and Country Club Roads using materials selected from the list of "Large Variety Trees" as specified under Section 3-4.10(A) of UDO.
 - g. All pedestrian pathways/walkways, pavement markings in the parking lots, or other devices indicating pedestrian walkways as shown on the site plan shall be installed.

- **OTHER REQUIREMENTS**
 - a. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign, with a maximum copy area of fifty-four (54) square feet at the entrance to the development on Country Club Road. One (1) freestanding five (5) foot high monument sign, with a maximum copy area of thirty-six (36) square feet shall be permitted at the entrance along Peace Haven Road. One (1) additional freestanding five (5) foot high monument sign, with a maximum copy area of thirty-six (36) square feet shall be permitted for the outparcel located on the north side of Country Club Road.
 - b. As volunteered by the developer, all buildings proposed in the development shall have similar design and materials and shall be substantially consistent with the architectural rendering as submitted by the developer (Exhibit A").
 - c. A minimum of 10,000 sf of office space is required as part of the total commercial square footage of the development.

ZONING STAFF REPORT

DOCKET # W-2530

STAFF: Glenn Simmons

Petitioner(s): Tribek Properties, Inc. for property owned by Fred P. Flynt III Trustee; Virginia Grant Flynt Trustee; I. E. Martin, Jr., et al.; Wanda W. Moser; Nannie D. Brewer; Frankie H. Wear Co-Trustee, et al.; and Janice Harper W. Lawton Co-Trustee

Ownership: Same

REQUEST

From: Tract One: RS-9 Residential Single Family District; minimum lot size 9,000 sf
Tract Two: RS-9 Residential Single Family District; minimum lot size 9,000 sf and HB Highway Business District

To: Tract One: PB-S Pedestrian Business District (Shopping Center)
Tract Two: PB-S Pedestrian Business District (Residential Building, Townhouse; and Shopping Center)

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

Acreage: Tract One: 2.37 acres; Tract Two: 15.26 acres.

LOCATION

Street: Southeast corner of Country Club Road and Peace Haven Road and northeast corner of Country Club Road and Vinegar Hill Road.

Jurisdiction: City of Winston-Salem.

Ward: West.

SITE PLAN

Proposed Use: Multiple retail commercial, office, and residential townhome uses.

Square Footage: 106,650 sf retail commercial and office shown (total for Tracts One and Two) and 42 residential townhouse units (Tract Two only).

Building Height: One story commercial; two story residential townhomes.

Parking: Required: 482 spaces @ one space per 225 sf of commercial; proposed: 523 spaces.
84 spaces @ 2 spaces per three bedroom unit of townhome: proposed: 84 spaces.

Bufferyard Requirements: Type II bufferyard required adjacent to RS-9 zoned property; type I bufferyard required adjacent to RM-18 zoned property. Note that site plan shows type III bufferyard adjacent to RS-9 zoning.

Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

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

Adjacent Uses:

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

GENERAL AREA

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

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

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

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

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

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

Wetlands: None.

TRANSPORTATION

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

Street Classification: Peace Haven Road - minor thoroughfare; Country Club Road - major thoroughfare; Eastwin Drive - collector; Ryandale Road - local.

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

Peace Haven Road between US 421 and Country Club Road = 16,000/16,100

Country Club Road between Peace Haven Road and Jonestown Road = 19,000/18,500

Trip Generation/Existing Zoning: HB & RS-9

Tract 1: 2.37 acres (of RS-9) x 43,560/9,000 = 11 units x 9.57(SFR Trip Rate) = 105 trips per day

Tract 2: 3.64 acres (of HB) 496 trips/1,000 sf of Restaurant (with drive-through service) x 13,500 sf = 6,696 trips per day **and** 11.62 acres (of RS-9) x 43,560/9,000 = 56 x 9.57 (SFR Trip Rate) = 535 trips per day (Total of 7,231 trips per day for Tract 2)

Total Estimated Trips per day (Tracts 1 and 2) = 7,336

Trip Generation/Proposed Zoning: PB-S

Tract 1: 13,650/1,000 x 88.16 (Pharmacy with drive-through Trip Rate) = 1,203 trips per day

Tract 2: 42 units x 6.63 (Apt/Townhouse Trip Rate) = 278 trips per day + 93,000/1,000 x 42.92 (Shopping Ctr. Trip Rate) = 3,991 = 4,269 trips per day

Total Trips per day Tract 1 and Tract 2 = 5,472

Planned Road Improvements: City Bond Project Country Club Road from Jonestown Road to Peace Haven Road - widening of Country Club from 3 lanes to 4 (possibly 5) lanes has been funded; detailed studies in progress.

Sight Distance: Adequate.

Interior Streets: Interior parking areas to be private. Realigned Vinegar Hill, realigned Old Country Club Road, and a new interior street are proposed to be public.

Traffic Impact Study recommended: Yes. Traffic impact study submitted by developer for review by NCDOT and Winston-Salem DOT. (See "Analysis" section for summary.)

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

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

Traffic Calming: Developer proposes indirect realignment of Old Country Club Road and some on street parking.

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

Bike: Local Route 2 along Country Club Road.

HISTORY

Relevant Zoning Cases:

1. W-2530; RS-9, RM-18, and HB to LB-S (Food or Drug Store; and multiple retail commercial, office, and personal services uses); withdrawn November 8, 2001; current site; 17.1 acres; Planning staff recommended denial.
2. W-2376; RS-9 and HB to HB-S (Food or Drug Store; and multiple retail commercial, office, and personal services uses); withdrawn April 3, 2000; south side of Country Club Road east of Peace Haven Road (portion of current site); 2.88 acres; Planning Board and staff recommended approval.

3. W-2292; RS-9 to HB-S (Food or Drug Store); approved March 1, 1999; northwest corner of Peace Haven Road and Commonwealth Drive north of Country Club Road; 0.35 acre; Planning Board and staff recommended approval.
4. W-2290; RS-9 and HB to HB-S (Offices, Miscellaneous; and Storage Services Retail); approved March 1, 1999; northeast side of Country Club Road between Whitman Drive and Hood Drive; 3.58 acres; Planning Board and staff recommended approval.
5. W-2299; HB-S (Recreation Services, Indoor) to HB-S (Recreation Services, Indoor; and Storage Services, Retail); withdrawn at the March 11, 1999 Planning Board hearing; southeast corner of Country Club Road and Ryandale Road; 6.01 acres; staff recommended approval of the withdrawal.

CONFORMITY TO PLANS

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

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

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

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

ANALYSIS

The current PB-S zoning request proposes to rezone 2.37 acres of land on the north side of Country Club Road and 15.26 acres of land on the south side of Country Club Road from existing HB (approximately three acres) and RS-9 to PB-S to allow for a mixture of retail commercial, office, and residential townhome uses. The site plan shows several commercial structures totaling 106,650 sf. and 42,000 sf (42 units) of residential townhomes oriented toward Peace Haven Road. The property is generally located in the southeast quadrant of the intersection of Country Club and Peace Haven Roads. This plan essentially incorporates the same acreage as previously submitted for LB-S zoning request. However, under the current PB-S proposal, the petitioner has shown a residential townhome component to the plan, has introduced a minimum of 10,000 sf of office uses, and incorporated other pedestrian-oriented commercial design elements. The plan is also more sensitive to natural terrain conditions which previously constrained the location of a larger footprint building along the southern edge of the site.

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

The current 17.6 acre site consists of a 175 foot deep strip of existing, undeveloped HB (Highway Business) zoned property which is approximately three acres in size and extends the full length of the property along the south side of Country Club Road. The remainder of the property including 2.37 acres on the north side of Country Club Road is zoned RS-9. Although the HB portion of the site is relatively small and narrow, it currently allows for some relatively intense commercial uses, including drive-through restaurants, which would not be permitted under the proposed PB-S request.

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

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

With respect to linking properties in different ownership together, the petitioner has assembled a strategically important tract of land between Peace Haven and Country Club Roads. The potential, therefore, exists to create a comprehensively planned project which lessens some of the latent problems of developing the existing HB and RS-9 zoned properties independently. The

petitioner has also worked with local transportation officials to restrict and consolidate driveway access to the property and to realign Vinegar Hill Road at the intersection with Country Club Road with a new traffic signal. The site plan further proposes to realign an awkward section of Old Country Club Road and provide a traffic calming elements within the proposed new commercial development.

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

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

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

1. Significant traffic problems currently exist at the Country Club/Peace Haven Road intersection.
2. Without improvements this problem will worsen over time.
3. Transportation improvements funded by the City of Winston-Salem will improve existing levels of service along Country Club Road and especially at its intersection with Peacehaven Road.
4. New development on the current site, regardless of the proposed zoning change, will consume some of the increased capacity created by City funded improvements.
5. Traffic impacts resulting from development under the current zoning scenario will result in a lesser level of service than if the property were to remain vacant.
6. The proposed development with recommended transportation improvements will not worsen, and may in some locations, improve upon existing traffic conditions.

At the time of this writing, additional traffic information is being shared between City traffic engineers and the developer's traffic consultant. According to them, it appears that traffic impacts of the proposed new development will not be worse than the traffic impacts associated

with development under the current HB and RS-9 zoning. Alternatively, under the proposed plan with recommended transportation improvements, levels of service may improve at certain locations. Both City DOT officials and the developer's consultant have agreed to be available to answer questions at the Planning Board public hearing.

Although traffic impacts remain a major focus for this zoning proposal, Planning staff is generally supportive of the petitioners efforts to incorporate staff recommendations to overcome some of the limitations and objections to the previous plan. Of primary importance, the developer has shifted the large footprint grocery store from the rear of the site to the front. This will minimize the environmental consequences of having to construct a series of tall retaining walls at the rear of the site and allow an interconnecting street to be located at a more accommodating grade between the commercial building and existing homes located to the rear of the property. It will also allow a more attractive buffer adjacent to the existing residential to the south. The developer has also included 42 townhome units which will front onto Peace Haven Road in the southwest corner of the property. Previously the developer had proposed an undefined amount of commercial development at this location.

Staff prefers the current PB-S zoning revision which places greater emphasis on a mixture of uses in a village-like setting with pedestrian interconnectivity. In this context it's not unreasonable to expect that the proposed development may draw some pedestrian traffic from nearby multifamily residential neighborhoods. A pedestrian crosswalk at the proposed signalized intersection at Vinegar Hill Road would further encourage pedestrian access.

FINDINGS

1. The project proposes to rezone approximately 14.1 acres of RS-9 zoned land and approximately 3.5 acres of HB zoned land to PB-S (Mixed Use Development)
2. The property is located at a busy intersection which currently experiences significant traffic congestion during AM and PM peak demand periods.
3. Planning staff could consider some increase in commercial zoning acreage but only in exchange for a comprehensively planned project which includes a mixture of retail commercial, office, and residential uses in a pedestrian oriented, village-like setting.
4. The traffic impact analysis shows that the site developed either under the current or proposed zoning (with improvements) will have comparable traffic impacts.
5. The proposed site plan generally addresses staffs' objectives for a comprehensively planned, mixed-use project in accordance with *Legacy*.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
 - b. Developer shall obtain a Water Quality approval from the North Carolina Department of Environment and Natural Resources (DENR) related to stream impacts.
 - c. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
 - d. Old Country Club Road shall be officially closed.

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

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices must be installed per the approval of the Public Works Department of the City of Winston-Salem.
 - b. All fire hydrants required by the City Fire Department shall be installed.
 - c. Developer shall install all the improvements to Country Club Road and Peace Haven Road including traffic signals that are recommended in the Traffic Impact Study to the specifications of the Public Works Department of the City of Winston-Salem and the North Carolina Department of Transportation.
 - e. Developer shall install all sidewalks as shown on the site plan to the specifications of the Public Works Department of the City of Winston-Salem.
 - f. A single row of street tree plantings shall be installed at the top of the fill slope adjacent to the street along the southern property line, and along Peace Haven and Country Club Roads using materials selected from the list of "Large Variety Trees" as specified under Section 3-4.10(A) of UDO.
 - g. All pedestrian pathways/walkways, pavement markings in the parking lots, or other devices indicating pedestrian walkways as shown on the site plan shall be installed.

- **OTHER REQUIREMENTS**
 - a. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign, with a maximum copy area of fifty-four (54) square feet at the entrance to the development on Country Club Road. One (1) freestanding five (5) foot high monument sign, with a maximum copy area of thirty-six (36) square feet shall be permitted at the entrance along Peace Haven Road. One (1) additional freestanding five (5) foot high monument sign, with a maximum copy area of thirty-six (36) square feet shall be permitted for the outparcel located on the north side of Country Club Road.
 - b. As volunteered by the developer, all buildings proposed in the development shall have similar design and materials and shall be substantially consistent with the architectural rendering as submitted by the developer (Exhibit A").
 - c. A minimum of 10,000 sf of office space is required as part of the total commercial square footage of the development.

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

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

Congratulations on *Legacy*.

Scott Fortis will be the primary presenter on this plan. He's the one who has worked most closely with staff. There have been five different site plans with 21 different changes. We feel the site plan he's going to be presenting incorporates *Legacy*.

Scott Bortz, Tribek Properties, Inc./Southstar Property Holdings, LLC, 200 Providence Road, Suite 106, Charlotte, NC 28207

This has been a long process that we started in January last year.

We feel like this plan is what *Legacy* is designed for.

Showed examples of other work done by architects and land design planners. A copy of Mr. Fortis' presentation is on file.

This design is very pedestrian friendly. That's a phrase that is tossed around a lot, but I believe we'd backed it up with our sidewalk connections.

We support a sidewalk to cross Country Club which would be tied into this stop light.

We've extended sidewalks along Peace Haven to connect with Chrisfield Development.

I thank staff and the neighborhoods for their comments. Without those comments we wouldn't have the plan we have today.

This plan increases the character of the neighborhood.

Steve Stansbury, 1500 Pine Croft Road, Suite 123, Greensboro, NC 27262

Traffic is critical here. This project's timing is good. We've been working with City DOT to address their guidelines and concerns. We looked specifically at Peace Haven/Country Club and Vinegar Hill/Country Club intersections. We looked forward to 2011.

We are committed to realign Vinegar Hill to increase safety and provide for a four-way intersection which will enhance the operations through traffic signalization.

We had to consider existing conditions and both scenarios that are being considered as part of the traffic bond programs.

I'm available for any questions.

The analysis revealed the proposed improvements would leave an adequate level of service.

AGAINST:

Janet Nelson, 446 Brittany Court, Winston-Salem, NC 27103

President of Peace Haven Road Neighborhood Alliance, which is a group of 23 neighborhoods along Peace Haven corridor that have banded together to address issues such as this.

Referred to *Legacy* and its definition of sprawl. No matter how you configure the buildings, that's what this is. It's within a mile of two other strip centers in this area.

This also has superstores instead of small, local business.

Loss of community character is one of our primary concerns.

Principals of sustainable development. This will obviously be competition to downtown.

This will cause existing neighborhoods to become a buffer for commercial development. This doesn't provide adequate buffer. It allows as little as 10 feet of buffer at places.

This development is at a very dangerous intersection. It doesn't have sidewalks leading to it; it would only be pedestrian friendly for those living within it.

We feel the widening will not improve traffic, but will only keep it from getting worse.

This new development will not recycle buildings and land. Offered to supply names and addresses of shopping center owners. If Tribek was going to revitalize what we already have in one of those locations, we would not have a problem with it.

This isn't what we need right now. Please vote no to this proposal.

Jerry Morris, 4956 Chrisfield Lane, 27104

I know the consideration that you have given to *Legacy*.

Things we see as problems:

Our initial concern with the townhomes was a road cut there. In talking with Greg Turner and Glenn Simmons, we learn that these are things the City wants to relieve traffic off Peace Haven and not cause it to turn right onto Country Club. Instead, what we now have is a public street from Peace Haven to Old Country Club Road.

I like the street there because it's narrow - only 25' wide, but I don't like the angled parking. The street will become a thoroughfare that will avoid the traffic light at Country Club/Peace Haven and also at Vinegar Hill, providing problems for those on Ryandale.

This plan is pedestrian friendly, but only if you can get there by car or live there.

1,600 people signed a petition opposing development here; they will be reluctant to utilize these facilities.

Compliment Glenn on the cooperation we got from him.

We are concerned about the retaining walls.

Please consider traffic lights and pedestrian cross-walks as requirements for this plan.

Our only exit is about 600 yards from the entrance of this development onto Peace Haven.

I ask that you not approve this plan.

Talmadge B. Leach, 5000 Ryandale Road, Winston-Salem, NC 27104

One thing that hasn't been mentioned, and I think it will be a problem, is crime. It has increased over the last year. Robberies, auto thefts, etc. are increasing.

I worked at the shopping center down the street and saw drug deals and arrests in plain view of Country Club Road. This will be in plain view.

WORK SESSION

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

1. Kem Schroeder - Why do we allow a drug store with drive-through when we don't allow restaurants with drive-through? Glenn Simmons responded that this drive-through will have limited access. The only way to get to the drive-through is a right-in only off Country Club and then exit on Vinegar Hill or a right-out only on Country Club.
2. Cross-walk light at Vinegar Hill Road?
3. Terry Powell - What is the square footage of the vacant buildings in Club Haven Shopping Center? Phil Doyle - about 7,000 sf.
4. Kem Schroeder - What is the square footage of the vacant space for the old Food Lion shopping center at bottom of hill? Glenn Simmons indicated that last time he was at that site, it appeared the shopping center was fully or close to fully occupied.
5. Kem Schroeder - Will the petitioners guarantee more than 10,000 sf office? The petitioner responded that it would depend on the demand out there, which can't be determined at this point. However, if there was adequate demand, they would like to include more office uses.

6. Steve Snelgrove addressed questions to Greg Turner, Director of City Department of Transportation. Greg Turner responded that this plan would actually generate less traffic than what could go out here under current zoning. The City does have a plan out there to improve Country Club Road. Our requirement for developers is that they bring traffic for the future back to the level it exists at today. More changes would have to be volunteered by the developer. There is a serious accident problem at Vinegar Hill Road which would be treated best by a traffic signal. Pedestrian signals are not going to be a substantive problem to add to our plan. I have no problem at all revising the signal design to include pedestrian crossings and signals on Country Club Road. This is absolutely a safer design than could currently be put on this site. The impact study is one of the really good things in this process. The study indicated modifications that will help their internal problems. Relocating Vinegar Hill and Country Club is definitely an advantage to controlling traffic. The Assistant City Manager for Public Works will have the final vote on whether angled parking will be allowed on public streets.

7. Kerry Avant - For those who live in this area: These are the cases that are the toughest for us to deal with because some people are going to be unhappy with any decision we make. What I've tried to do today is to look forward. The objections that I've heard would still be there regardless of how this property is developed. Someone could get multifamily on this property; I understand the concern about the retaining wall, but even if it's developed for townhomes, retaining walls will be there because there will be mass grading. When Chrisfield was developed, it was mass graded. Drainage issues will be there regardless. One of the conditions will be storm water management. When I listen to the objections and I think about the alternative, and think about them really from a neighborhood perspective, but also having the advantage of knowing what would happen when you go through the development process, I don't see the difference in the objections I'm hearing. Having the HB that's already along Country Club Road would create more traffic. You may disagree with that, but we have to base our decisions on the recommendations of people who deal with these issues on a daily basis. This is a good plan. You may not want it in your neighborhood, you may not want it right here, but it is a good plan. There are two ways to look at it: 1) Why should we approve this plan? and, 2) Why should we not approve this plan? Looking at alternatives, if it develops under the current options, there probably will not be a public hearing where you would have an opportunity to come voice your complaints. The way the zoning is today, it doesn't require a public hearing. Someone could come in and develop fast food and someone else could develop residential. I don't think there'll be more opportunity for you to have input. I'm not sure I've heard an objection that wouldn't be there (other than shopping), and it certainly won't get the improvements that this developer is making to try to get traffic improvements there. There's a lot about this that I think is far better than what could be done under current zoning.

10. Terry Powell - I think you're right. That's the struggle I have with it too. The other piece is that we're looking at more retail in an area that has vacant retail.
11. Kem Schroeder - Having seen the site plan, I am very disappointed that we're only committing 10,000 sf to office and we're putting what I call a mini-big-box with a drive-through across the street.

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Clark, Doyle, King, Snelgrove

AGAINST: Powell, Schroeder

EXCUSED: None

SITE PLAN MOTION: Kerry Avant certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Clark, Doyle, King, Powell, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning