



DOCKET #: W2551

PROPOSED ZONING:
GB-S (Multiple Uses)

EXISTING ZONING:
PB

PETITIONER:
JP & D Financial, Inc.

SCALE: 1" represents 200'

STAFF: Hall

GMA: 2

ACRE(S): 1.18

MAP(S): 630858



June 18, 2002

JP&D Financial, Inc.
c/o John Chang
3935 Brian Jordan Pl, Unit 109
High Point, NC 27265

RE: ZONING MAP AMENDMENT W-2551

Dear Mr. Chang:

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
Greg Rumpf, 3716 Wynnewood Drive, Greensboro, NC 27408

ACTION REQUEST FORM

DATE: June 18, 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 JP & D Financial, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of JP & D Financial, Inc. from PB to GB-S [ABC Store; Arts and Crafts Studio; Convenience Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Car Wash; Health Services, Miscellaneous; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal]: property is located on the east side of Liberty Street north of Twelfth Street (Zoning Docket W-2551).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, BOST, CLARK, DOYLE, KENNEDY-SLOAN, KING
AGAINST: FOLAN, POWELL
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of JP & D Financial, Inc., Docket W-2551

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 PB to GB-S [ABC Store; Arts and Crafts Studio; Convenience Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Car Wash; Health Services, Miscellaneous; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal] the zoning classification of the following described property:

Tax Block 295, Tax Lots 105, 106, 107, and 108
Tax Block 296, Tax Lots 101, 102, and 110

Section 2. This Ordinance is adopted after approval of the site plan entitled Fairway One Stop Shops on Liberty Street and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to JP & D Financial, Inc.

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 Fairway One Stop Shops on Liberty Street. 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 JP & D Financial, Inc., (Zoning Docket W-2551). 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 GB-S [ABC Store; Arts and Crafts Studio; Convenience Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Car Wash; Health Services, Miscellaneous; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal], 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 GB-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 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 close all existing driveways not shown on the proposed site plan and repair all curbs and sidewalks damaged during construction.

- b. Developer shall provide documentation to the Public Works Department as to the status of any existing water or sewer lines in the former Ridge Alley.
- c. All required fire hydrants shall be installed in accordance with the City Fire Department.

- **OTHER REQUIREMENTS**

- a. Only one freestanding sign shall be permitted on this property. Said sign shall be a monument type with a maximum height of five (5) feet.

ZONING STAFF REPORT

DOCKET # W-2551
STAFF: S. Chad Hall

Petitioner(s): JP & D Financial, Inc.
Ownership: Same

REQUEST

From: PB Pedestrian Business District
To: GB-S General Business District [ABC Store; Arts and Crafts Studio; Convenience Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Car Wash; Health Services, Miscellaneous; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal]

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

Acreage: 1.18 acres

LOCATION

Street: East side of Liberty Street across from Thirteenth Street
Jurisdiction: City of Winston-Salem
Ward: East

SITE PLAN

Proposed Use: ABC Store; Arts and Crafts Studio; Convenience Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Shopping Center; Banking and Financial Services; Car Wash; Health Services, Miscellaneous; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal

Square Footage: 8050 sf (both buildings; 4000 sf + 4050 sf)

Building Height: 1 story

Parking: Required: 41; Proposed: 49

Vehicular Use Landscaping Standards Requirements: UDO standards apply

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Commercial building (to be removed)

Adjacent Uses:

North -	Automotive Repair
East -	RS-9 Single Family residential
South -	Dennis Muffler
West -	Womble Motors; Multiple small commercial businesses

GENERAL AREA

Character/Maintenance: An existing commercial building is on the site. The surrounding area has primarily a commercial character, with PB zoning along the corridor and GB zoning further to the west. RS-9 single family zoning is adjacent to the subject property to the east.

Development Pace: Slow

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Commercial building currently on property subject to be demolished.

Topography: The subject property is relatively flat - an approximate elevation of 960'.

Vegetation/habitat: None - developed

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

TRANSPORTATION

Direct Access to Site: Liberty Street; Northwest Boulevard; Highland Avenue

Street Classification: Major Thoroughfare Major Thoroughfare Collector

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

Liberty Street between US 52 and 14th Street = 12,000 / 12,700

NorthWest Boulevard between US 52 and Liberty Street = 1,800 / 12,700

Trip Generation/Existing Zoning: PB

No trip generation rates available since there is no site plan on file

Trip Generation/Proposed Zoning: GB-S

8 pumps * 542.6 (Convenience Market with Gas Pumps, based on pumps/wkdy Trip Rate) = 4,340 Trips per Day OR

8,050 sq. ft / 1000 * 845.6 (Convenience Market with Gas Pumps, based on sq.ft. Trip Rate) = 6,807 Trips per Day OR

8,050 sq.ft / 1000 * 156.48 (Walk-in Bank Trip Rate) = 1,259 Trips per Day

Traffic Impact Study recommended: If at any point a change of use for a "Bank" is proposed, then a Traffic Impact Study will be required.

Sidewalks: On both sides of Thirteenth and Liberty Streets, Northwest Boulevard & Highland Avenue

Transit: Route 2 along Highland Avenue

Bike: Route 11, East Winston Loop, along Highland Ave, over Liberty and Northwest Blvd.

HISTORY

Relevant Zoning Cases:

1. W-1051; R1 to B3; approved July 14, 1983; North side of East 14th Street east of Liberty Street; 0.25 acre; Planning Board and staff recommended approval.
2. W-1867; R-2-S to R-2-S (Day Care Center); approved January 13, 1994; East side of Highland Avenue between 11th and 12th Street and the northwest corner of Highland Avenue and 11th Street; 5.7 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): 2, Urban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): Encourage quality infill development in Urban Neighborhoods and strengthen neighborhood retail and community services. Nonresidential development should be compatible with nearby residential areas.

Area Plan/Development Guide: Liberty Street Corridor Study.

Relevant Development Guide Recommendation(s): The Corridor Study adopted by the Board of Aldermen January 17, 1995, recommends creating a compact urban core with neighborhood-oriented services/retail businesses, designed to encourage people to walk within this section of Liberty Street. The Corridor Study was further detailed by a Liberty Street Design Study with development standards for new construction and design guidelines for building rehabilitation.

ANALYSIS

The current request is to rezone 1.18 acres from PB to GB-S (Multiple Uses). The site is located on the east side of Liberty Street across from Thirteenth Street. Established single family residential adjoins the subject property to the east and other PB zoning envelopes the current site.

The subject property falls within the limits of the Liberty Street Corridor Study (adopted by the Board of Alderman January 17, 1995). More specifically, the current site is within the South Central segment of the corridor. The proposed character for this area is one that has a "compact urban core" with neighborhood-oriented services/retail businesses, designed to encourage people to walk within the area. The Master Plan (adopted by the Board of Alderman in July 1997) outlines the development standards for this segment which include, among other recommendations, a maximum 20 foot setback with an incorporated six feet deep public-private zone and the plan calls for parking to be located to the side or rear of the building. The intention of these standards is that, while commercial in nature, this segment of the Liberty Street corridor will act as a "village center" for the adjacent neighborhoods.

Another component of the village center is the creation of an attractive and functional "focal point" at the intersection of 14th Street and Liberty Street. This intersection is to have an anchor tenant such as a grocery store and/or a retail center embellished by "high impact landscaping, accent paving and lighting." This intersection is 500' north of the current subject property.

The subject property also falls within the prescribed Thoroughfare Overlay District for Liberty Street (also recommended by the Master Plan), which suggests "the main entrances to all buildings...along the corridor...shall be at the street frontage." Furthermore, the subject property is located on an Urban Boulevard, as identified in *Legacy*. The purpose of the Urban Boulevard is to "create attractive urban gateways leading into downtown Winston-Salem" and to "incorporate design features that support pedestrian activity and give these corridors an urban look and feel."

As a result of the Liberty Street Corridor Study, portions of the corridor - more particularly those in the central segment (this segment extends from 11th Street northward to Indiana Avenue) - were pro-actively rezoned to PB Pedestrian Business to encourage appropriate urban development. Another purpose of the pro-active PB zoning was in attempts to provide a safer cohesive pedestrian environment for an already strong pedestrian presence as well as the provision of neighborhood services not currently in the area. To follow these pro-active measures, public improvements to sidewalks and intersections, such as including brick pavers, pedestrian scale street lights and landscaping have recently occurred. With the addition of colorful banners, these are to be the unifying elements along the whole corridor. Clearly, the City has made a major financial commitment already to making this an attractive corridor for people and commerce.

While staff recognizes the critical need for private investment along the corridor, staff is concerned about deviating from the intentions of the PB district. With public improvements already in place, a change in zoning could set precedent for future rezonings along Liberty Street that are designed as a typical commercial "strip" which would work against the concept of development envisioned for the corridor. Certain uses listed (such as a car wash) are oriented to the vehicular realm, may promote loitering, and would detract and/or impede the intentions of creating a pedestrian oriented environment. Staff is of the opinion that the current site plan configuration emphasizes the convenience of automobile movement to the detriment of creating a place where people want to be, as prescribed in the Liberty Street Corridor Study.

With the city having invested in the revitalization of Liberty Street, staff feels that rezoning the property and acceptance of the site plan in its current configuration may set precedent for other rezoning that isn't consistent with the original vision created by the Liberty Street Citizens' Advisory Committee.

FINDINGS

1. The subject property falls within South Central segment of the Liberty Street Corridor Study.
2. The subject property is located on an Urban Boulevard, as identified in *Legacy*.
3. Portions of the corridor were pro-actively rezoned to PB Pedestrian Business to encourage a cohesive pedestrian friendly urban development pattern.

4. The City has invested in the revitalization of Liberty Street with pedestrian design features.
5. The current site plan configuration is demonstrative of a more automobile dominant development.
6. Current plan may set precedent for other rezoning which may have a negative impact on the corridor.

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 OCCUPANCY PERMITS**
 - a. Developer shall close all existing driveways not shown on the proposed site plan and repair all curbs and sidewalks damaged during construction.
 - b. Developer shall provide documentation to the Public Works Department as to the status of any existing water or sewer lines in the former Ridge Alley.
- **OTHER REQUIREMENTS**
 - a. Only one freestanding sign shall be permitted on this property. Said sign shall be a monument type with a maximum height of five (5) feet.

Chad Hall presented the staff report.

PUBLIC HEARING

FOR:

Greg Rumpf, 3935 Brian Jordan Place, Suite 109, High Point, NC 27265.

Greg Rumpf made the following statements. I am VP of Operations with JP&D Financial. They are a convenience store operator. They have several locations in Winston-Salem and would like to take another step to improve the community. They would like to bring in some retail shops along Liberty Street and rebuild our very important convenience store. They want to expand the store because it provides so many services to the community. They intend to spend a large amount of money on improvements in this area. They would like to be the ones to jump start redevelopment in the area. They have discussed the parking issues with the neighbors and the neighbors have asked them not to put the parking in the rear because of the noise and safety issues. They can't figure out an internal traffic pattern in accordance with staff's wishes to have buildings located adjacent to Liberty Street without creating circulation problems.

AGAINST: None

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

Kerry Avant asked if Pangaea supported about the project?

Mr. Rumpf stated that he felt that Pangaea was supportive of this project. He said his company hosted a Pangaea festival on their property and it was well attended and quite successful.

Tim Gauss stated that he was on the Pangaea Board of Directors and that there is excitement among the board members. Pangaea board members have not taken an official vote on this matter.

WORK SESSION

John Bost asked if Derwick Page could make a short statement about the Liberty Street Corridor project.

Mr. Paige, Development Director for the City of Winston-Salem stated that one of the projects that he currently oversees is the revitalization of the Liberty Street Corridor. Over the last seven years, there has been no new investment within this particular area of Liberty Street. There has been some investment at the northern end of Liberty Street, particularly where Forsyth County has gone in and built their new General Services/Property Maintenance building. There has also been significant investment on the southern end of Liberty Street. The City is in the process of implementing a revitalization strategy to go in and put all new infrastructure, including landscaping, streetlights, and sidewalks in the area. There will be banners to give a sense of community pride. That whole project is going to be about 3.5 million dollars. Pieces of that plan have been implemented over the last year and a half in a segment from Twelfth Street, north to about Twentieth Street. They have spent right at \$ 1 million in the first phase. This summer, Twelfth back to Seventh Street will begin the second phase. They are starting to see some effort from private and public investment.

Any time they see investment, they get excited about it. He recognizes the concerns that the Planning Staff and the City-County Planning Board has as far as design issues, but from a development stand point, it is definitely something that would provide new momentum to the entire revitalization of the corridor as well as what Pangaea is working on.

John Bost asked Mr. Paige if he saw any type of negative impact on the investment that the city is making by virtue of this design?

Mr. Paige stated that he was not a design person and did not feel that he was in a position to answer that question.

Philip Doyle stated that he felt that if we had a perfect world, all the pedestrian businesses would be great, but that is not where we are at. We are on Liberty Street and this is an existing business that wants to reinvest in its existing operation. He stated that he felt that we were lucky to have them.

MOTION: Philip Doyle moved approval of the zoning map amendment and certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Clark, Doyle, Kennedy-Sloan, King

AGAINST: Folan, Powell

EXCUSED: None

A. Paul Norby, AICP
Director of Planning