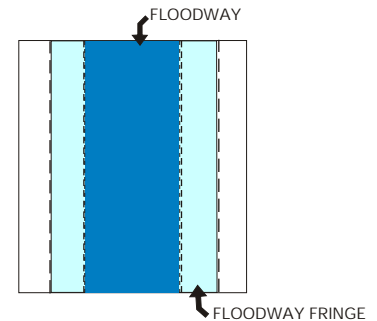


DOCKET #: W2556

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
PB-S (Multiple Uses)

PETITIONER:
Tribek Properties for
property owned by others



SCALE: 1" represents 600'

STAFF: Simmons

GMA: 3

ACRE(S): 17.63

MAP(S): 600850



June 19, 2002

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

RE: ZONING MAP AMENDMENT W-2556

Dear Sirs:

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
Doug Stimmel, 305 W. Fourth Street, Suite 1-A, Winston-Salem, NC 27101
Scott Bortz, Tribek Properties, 200 Providence Rd. Suite 106, Charlotte, NC 28207

ACTION REQUEST FORM

DATE: June 19, 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 Site Plan 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, Janice Harper W. Lawton Co-Trustee, and Arbor Apartments, LLC Partnership

SUMMARY OF INFORMATION:

Site Plan 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, Janice Harper W. Lawton Co-Trustee, and Arbor Apartments, LLC Partnership for two separate tracts of land as follows:

Tract 1: Site Plan Amendment for property zoned PB-S: property is located on the north side of Country Club Road east of Vinegar Hill Road (Zoning Docket W-2556).

Tract 2: Site Plan Amendment for property zoned PB-S: property is located on the south side of Country Club Road and east side of Peace Haven Road (Zoning Docket W-2556).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
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. et al, Wanda W. Moser, Nannie D. Brewer, Frankie H. Wear Co-Trustee et al, Janice Harper W. Lawton Co-Trustee, and Arbor Apartments, LLC Partnership, Docket W-2556

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-S (Shopping Center - Tract One) and PB-S (Shopping Center; and Residential Building, Townhouse - Tract Two) to Site Plan

Amendment the zoning classification of the following described property:

Tract I

BEGINNING at an iron placed in the western right-of-way of Old Country Club Road, the northeast corner of lot no. 57 Tax Block 3905, and the southeast corner of Lot 308E Tax Block 3908; thence with the southern line of the aforementioned lot 308E the six (6) following courses and distances north 89° 44' 59" west 285.97 feet to an existing iron stake; thence south 89° 55' 41" west 129.96 feet to an existing axle iron; thence north 89° 57' 36" west 200.02 feet to an existing iron stake; thence south 89° 51' 58" west 99.55' to an existing iron stake; thence north 89° 43' 44" west 99.80 to an existing iron stake; and north 89° 53' 18" west 204.00 feet to a stone; the southwest corner of the aforementioned lot 308E Tax Block 3908, the northeast corner of lot 504A, Tax Block 3976 and the southeast corner of Lot 9A, Tax Block 3976; thence with the southern line of lot 9A & 401, Tax Block 3976 north 89° 54' 26" west 194.23 feet to an existing iron stake; the southwest corner of lot 401, Tax Block 3976; thence with the western line of lot 401 north 01° 16' 28" east 132.22 feet to an existing iron stake, the southeast corner of lot 42B, Tax Block 3908; thence with the southern line of Lot 42B north 89° 05' 31" west 300.70 feet to an iron placed; the southwest corner of lot 42B and in the eastern right-of-way of Peace Haven Road; thence with the eastern right-of-way of Peace Haven Road the three (3) following courses and distances: on a curve to the left a chord bearing and distance (having a radius of 1,839.23) north 38° 04' 32" east 166.73 feet to a point, north 34° 08' 31" east 34.66 feet to an

iron placed the northwest corner of lot 42B, Tax Block 3908 and north 35° 08' 58" east 283.84 feet to an iron placed, the northwest corner of lot 41B and the southwest corner of Lot 804, Tax Block 3908; thence with the southern line of lot 804 south 57° 19' 31" east 255.42 feet to an existing iron stake, the southeast corner of lot 804; thence with the eastern line of lot 804 north 22° 13' 06" east 168.16 feet to an existing iron stake, the northeast corner of lot 804, and the southeast corner of lot 710 Tax Block 3908; thence with the eastern line of lot 710 north 01° 14' 59" east 158.41 feet to an iron placed, the northeast corner of lot 710 and in the southern right-of-way of Country Club Road; thence with the southern right-of-way the two (2) following courses and distances: on a curve to the right a chord bearing and distance of south 76° 55' 38" east 230.37 feet (having a radius of 1,101.86 feet) to a point and south 70° 55' 37" east 279.45 feet to an iron placed, the northwest corner of lot 308F, Tax Block 3908; thence with the line of Lot 308F the three (3) following courses and distances: south 19° 04' 23" west 174.89 feet to an iron placed, south 70° 55' 37" east 160.00 feet to an iron placed and north 19° 04' 23" east 173.15 feet to an iron placed, the northeast corner of lot 308F and in the southern right-of-way of Country Club Road; thence with the southern right-of-way of Country Club Road on a curve to the right a chord bearing and distance of (having a radius of 2,2557.06) south 68° 00' 18" east 72.18 feet to an iron placed, the northeast corner of lot 308E, Tax Block 3908; thence with the west right-of-way of Old Country Club Road the two (2) following courses and distances: south 23° 41' 14" east 353.81 feet to a point, on a curve to the left a chord bearing and distance of (having a radius of 732.70) south 37° 57' 07" east 185.30 feet to an iron placed, the Beginning, and containing 14.618 acres more or less.

Tract II

BEGINNING at a point, the southeast corner of Lot 37C Tax Block 3908 and in the north right-of-way of Country Club Road; thence with said right-of-way the three (3) following courses and distances: north 63° 32' 15" west 128.06 feet to an existing rebar, north 67° 08' 17" west 146.02 feet to an existing iron stake the southwest corner of Lot 38 and a corner of Lot 120, Tax Block 3908; thence north 17° 00' 28" west 11.67 feet to an existing iron in the east right-of-way of Vinegar Hill Road; thence with said right-of-way the following two courses and distances: north 17° 03' 41" east 105.84 feet to an existing iron stake; on a curve to the right, having a radius of 370.00 feet, a chord bearing and distance north 23° 45' 08" east 87.97 feet to a point, thence on a new line crossing Lot 120, Tax Block 3908; north 88° 43' 59" east 0.81 feet to an existing iron, the northwest corner of Lot 38, Tax Block 3908; thence with the north line of said Lot 38, north 88° 43' 59" east 104.99 feet to an existing iron stake; south 16° 57' 28" west, 13.68 feet to an existing iron stake, thence south 73° 11' 49" east 21.62 feet to a point in the northwest corner of Lot 38 and a corner of Lot 37C, Tax Block 3908; thence with the property line of Lot 37C, Tax Block 3908 the five (5) following courses and distances south 73° 11' 49" east 9.75 feet to an existing iron stake, thence north 13° 16' 20" east 169.08 feet to an existing iron stake; thence south 76° 38' 36" east 225.66 feet to an existing iron stake; thence south 26° 39' 55" west, 186.22 feet to an existing iron stake and south 26° 35' 20" west, crossing an existing iron at 249.43 feet and continuing 2.73 feet to a point, the place of beginning and containing 2.409 acres more or less.

The above described tracts containing 17.696 acres and beings Lots 308E, 9A, 401, 42B, 41B, 38, 37C, and a portion of Lot 12, and Old Country Club Road, Tax Block 3908 as shown on a map prepared by Thomas H. Hughes/Architectures, P.C. entitled Proposed Rezoning Plan for Tribek Properties.

This is not a boundary survey and is not to be used for recordation, sales, or conveyances.

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. et al, Wanda W. Moser, Nannie D. Brewer, Frankie H. Wear Co-Trustee et al, Janice Harper W. Lawton Co-Trustee, and Arbor Apartments, LLC Partnership.

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. et al, Wanda W. Moser, Nannie D. Brewer, Frankie H. Wear Co-Trustee et al, Janice Harper W. Lawton Co-Trustee, and Arbor Apartments, LLC Partnership, (Zoning Docket W-2556). 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 (Site Plan Amendment), 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.
 - c. 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").
- **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. A minimum of 10,000 sf of office space is required as part of the total commercial square footage of the development.
- c. Parapet walls and/or landscape screening must be installed as needed to eliminate views from public right-of-ways of any flat rooftops or rooftop mechanical equipment.

ZONING STAFF REPORT

DOCKET # W-2556
STAFF: Glenn Simmons

Petitioner(s): Tribek Properties, Inc.
Ownership: 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

REQUEST

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

To: Site Plan Amendment

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: 509 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/Approved Zoning: PB-S

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

Tract 2: $42 \text{ units} \times 6.63$ (Apt/Townhouse Trip Rate) = 278 trips per day + $93,000/1,000 \times 42.92$ (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 and HB to PB-S (Shopping Center and Townhouse); approved March 25, 2002; current site; 17.63 acres; Planning Board and Planning staff recommended approval.
2. 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.
3. 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.
4. 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.
5. 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.

6. 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

This request is to amend the previously approved site plan for a PB-S zoned tract of land. Proposed site plan changes include relocating and configuring vehicular access and commercial structures within the proposed mixed use development. The currently approved site plan consists of a well-defined and integrated mixture of retail commercial, office, and residential townhome uses in pedestrian-oriented setting. The current and proposed site plans show several commercial and office 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.

Specifically, the request consists of changing the previously approved realignment of Vinegar Hill Road back to its current intersection location with Country Club Road and the reorientation of various commercial structures which, under the currently approved site plan, form a well- defined gateway entrance into a development from Country Club Road. Otherwise, there are no proposed changes to previously approved building square footages, mixture of uses, or special use district conditions.

According to the petitioner, the proposed amendment is requested in response to the recent demise of the owner of a life estate which was part of the original PB-S zoning tract. In this regard, the residential structure which previously blocked the southern extension of Vinegar Hill Road directly across Country Club Road no longer remains as a physical impediment. Unlike

the previously approved site plan, which realigns Vinegar Hill Road approximately 120 feet east of its current location, the new plan now shows Vinegar Hill Road crossing Country Club Road at its present location.

The proposed intersection changes also involve a shift in the location and orientation of various buildings which were part of the original site plan concept. Whereas the currently approved plan shows commercial structures framing both sides of the main entrance drive into the development, the new plan does not. Also, a courtyard space which formed a terminal vista at the end of the entrance drive as reflected in the original plan is absent in the current site plan proposal.

With respect to both the realignment of Vinegar Hill Road and the reorientation of buildings, Planning staff is concerned that the new plan does not address specific site plan objectives and preferences as well as the current approved plan. By placing the Vinegar Hill Road back to its current location, and closer to the intersection with Country Club Road, staff believes that traffic congestion may not be handled as effectively. Staff also believes that the revised plan fails to achieve the same level of architectural definition and pedestrian character as the original courtyard concept which oriented toward Country Club Road. In this regard, both the architectural character and relocation of Vinegar Hill Road were emphasized to both the Planning Board and Board of Aldermen as “selling points” for the original site plan and PB-S special use district rezoning.

Subsequent to the Planning Board Meeting the developer continues to work with Winston-Salem Department of Transportation officials to address the above mentioned traffic concerns. According to the petitioner’s traffic engineering consultant, anticipated traffic impacts of the development will not be worsened by the relocating Vinegar Hill Road back to its current location. These findings, however, have yet to be confirmed by City and State transportation officials.

Given the complexity and controversy surrounding the original zoning, and the community's expectation for a quality, pedestrian-oriented, mixed use development at this key location, Planning staff is of the opinion that any amendment should be at least as good as the original site plan. Unless and until such a plan is presented staff believes that the current approved plan should not be altered.

FINDINGS

1. The proposed site plan amendment is to modify a previously approved site plan for a PB-S zoned, mixed use development.
2. The proposed amendment is requested in response to the recent demise of the owner of a life estate which was part of the original PB-S zoning tract.
3. The request consists of changing the previously approved realignment of Vinegar Hill Road back to its current intersection location with Country Club Road and the reorientation of various commercial structures within the development.

4. Staff is of the opinion that the proposed site plan may not address traffic issues as the original plan and that new building orientations do not achieve the same level of pedestrian character as the original plan.
5. Staff is of the opinion that support for any new plan must be on the basis that it is as good as or better than the original concept.

STAFF RECOMMENDATION

Site Plan Amendment: **DENIAL**.

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
 - a. 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.
- d. Parapet walls and/or landscape screening must be installed as needed to eliminate views from public rights-of-way of any flat rooftops or rooftop mechanical equipment.

Glenn Simmons presented the staff report.

PUBLIC HEARING

There was some discussion about the possible traffic stacking and other traffic problems and whether this new plan would be better for traffic.

FOR:

Scott Bortz, Tribek Properties, 200 Providence Rd. Suite 106, Charlotte, NC 28207

He has come today to submit the same plan that was submitted before. It has the same entrance into the mixed use center with buildings framing the entrance, same architectural character and elements, same uses, same square footage, an approved building layout on the Vinegar Hill side of the road, same traffic generation, improved pedestrian connectivity and safety and a traffic signal installation, similar to what they had before. One of the reasons that he is here, is because the majority land owner passed away between the time they received rezoning approval and today. (Pointed out where the decedents home was.) She was to remain in a Life Estate on the property and one of the reasons that they needed to relocate Vinegar Hill Road was to work around her home site.

It was an uncomfortable issue to bring up during the zoning approval process because it concerned her life and she was 96 years old and they felt that it was best not to make that one of the selling points, but just to touch on it and say that they were going to realign Vinegar Hill Road. With her passing, the need to relocate that road an issue, no longer required. The relocation costs of this road are substantial. More importantly, under the approved site plan, they have one main entrance off of Country Club Road. DOT asked them, under the old plan, to widen the entry way by 10 feet, to go from 24 feet to 34 feet. It doesn't sound like a lot, but what it does is it shrinks down the sidewalk capabilities, shrinks down the area for outdoor dining and we really wanted to promote some outdoor seating, where it gets to be pedestrian visible from the road and people can say that this is an active place to be. With the widening, we feel that the integrity is suffered. What they have done with the new plan is they created their main street, their pedestrian flow, on the eastern side access road. That allows the main entrance to still exist and keeps the pedestrians from feeling like they are running against cars. This road will only service Old Country Club Road, which is a very, very less intensively used road. They have provided on street parking at these two buildings in the new plan, which they were unable to do in the old plan. Once again, this promotes pedestrian connectivity and it allows them to feel that they are on a main street. They have the wide side walks installed again and as a bonus they have created two court yard plazas. In the original plan, they had one terminus plaza. Now there are two plazas. These are areas where they can entertain and have outdoor social gatherings. They copied parts of this plan from a project in Charlotte. Another issue is traffic. Glenn Simmons had raised the question earlier did these changes to our plan effect the traffic flow and traffic generation. Mr. Bortz stated that he has a new report that says that by shifting the main entrance to the west by 100 feet, there is no impact what-so-ever on the traffic flow. By making some minor signal improvements or adjustments (such as providing a protected, permissive phasing, which not only allows people to take a left at Peace Haven when there is a left turn arrow, but allows them to take a left when the light is green). There is no impact what-so-ever in traffic generation. All of the original selling points still remain. *Legacy* is evident throughout this plan with the buildings fronting the streets and the uses allowing all components of life in one plan. The traffic analysis proves that there are no traffic generation differences. The parcel across the street has been pushed against the road, which gives a clear definition of building straight through the project.

AGAINST: None

Philip Doyle asked about DOT making them add 10 feet onto their entrance.

Mr. Bortz stated that with there being one entrance point into and out of the Country Club Road side of the property, DOT's concern was that they needed to have a left turn lane to allow people out of this project as opposed to just one lane in and one lane out. Initially they asked for 12 additional feet and they were disturbed about the DOT requested that additional feet, so they talked them down to 10 feet. That affects the sidewalk widths and their ability to handle the pedestrian flow that they are expecting to be generated from across the street.

Glenn Simmons stated that both the proposed plan and the plan that was approved by the Board of Aldermen, show three lanes. It shows one lane in and two lanes out. Is there something different from that?

Mr. Bortz stated that there are three lanes in both plans, what he is saying that he has taken the pedestrian flow and putting them on the eastern side access road.

Philip Doyle stated asked him when the width that DOT had asked for change?

Doug Stimmel, 305 W. Fourth Street, Suite 1-A, Winston-Salem, NC 27101 was in the audience and stated that in the original plan they had 24 feet. Right before the first Planning Board Hearing and during the time that Greg Turner was looking at it, he requested that instead of having it 24 feet wide, they would have 36 feet wide. So, it actually occurred during the process the first time around.

Arnold King asked what it was in this current proposed plan?

Doug Stimmel stated that it has to be 36 in this plan.

Philip Doyle stated that this bothered him because he felt like DOT was saying that they did not care about the pedestrians and that they don't care how much everyone else feels about the pedestrian friendly planning.

Kerry Avant stated that one thing that strikes him is the issue of how the buildings are oriented on the first plan, vs. how they are oriented on this plan, probably is pretty subjective to an opinion of which one you think looks better or not. That first one was very impressive and the pictures they showed were very impressive. The thing that strikes him is by making that pedestrian oriented corridor between those two buildings under the first plan, it was right at the entrance off of Country Club Road, and to him, this plan is better with regards to that entrance. Even when they approved it the first time, it looked great, but there was always a concern that in reality, it was going to be wider than what that picture showed and there was always going to be conflict between the automobile and the pedestrian. The one thing that this plan does do, is it gives that pedestrian corridor that will probably be less traveled a place to function so that people can come from across the street and come down the side walk and have some peace and quiet in an area that is kind of set aside as a pedestrian oriented shopping area. That is one thing about it that feels better and the traffic flow/circulation feels better. He felt that the new site plan offers more activity area for the pedestrians than the first one did because while the fountain and all of that was nice, he was not so sure that with all of the cars having to come through there, that it was not going to create somewhat of a bottleneck. It may have worked out fine, but he really felt that they would end up with a lot of conflict between pedestrian and automobile that he does not feel there will be as much of with the new plan.

Jerry Clark asked if there were not two other areas that you could come into this development?

Mr. Bortz stated that there was an entrance off of Peace Haven.

Glenn Simmons added that the entrance off of Peace Haven was only right in, right out, so it is just a partial entrance.

WORK SESSION

Philip Doyle made a comment on the traffic report, we have this requirement for traffic studies and one of the things that they had to buy into was if they require it, we have to buy into it. This engineer says that traffic is not a factor and even though you can look at it and say its 100 feet closer to Peace Haven, there has to be some type of factor, then maybe that is what Greg Turner is saying, is that he is not buying it. There has to be some kind of factor because it is closer. We bought off on this process of using the engineers and if he says that it is no factor... unless we want to do away with that requirement and go back to the old way if we are getting bogus reports, lets do away with this traffic report requirement.

Kerry Avant stated that it seems like an added feature to this site plan is by not realigning Vinegar Hill that staff felt that created a better situation with the drug store or whatever it is going there. Is that what staff believes to be true.

Glenn Simmons stated that there is a better orientation with the drug store. However, staff believes that the original plan is better with respect to the overall pedestrian character of the plan with the court facing County Club Road.

Arnold King stated that he felt this was not a bait and switch site amendment change. It is something that happened, so now they don't have to move the road. Provided that the traffic study is accurate...if Greg Turner has problems with that, we will hear about it before it gets to the Aldermen.

Glenn Simmons stated that he did not mean to suggest that Greg Turner didn't agree with this, he just did not have enough information yesterday to make any determination.

Arnold King stated that based on the traffic study and comments that staff has made about this improving interior traffic circulation, and putting it on the north side seems to be better, it seems like everything else in the write up was pretty positive, other than the subjective feeling that maybe it didn't look quite as good, I would still move approval of the revised site plan.

MOTION: Arnold King moved approval of the revised site plan.

SECOND: Philip Doyle

VOTE:

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

AGAINST: None

A. Paul Norby, AICP

Director of Planning