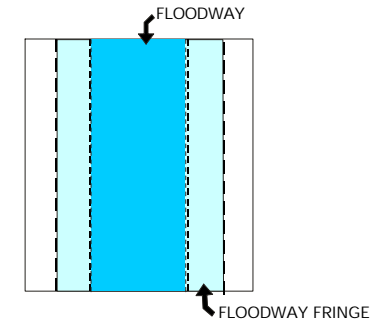


DOCKET #: F1343

PROPOSED ZONING:
NSB-S (Neighborhood Shopping Center)

EXISTING ZONING:
RM8-S (Residential Building, Multifamily; Residential Building, Townhouse)

PETITIONER:
Adams, Egloff,
Avant Properties, LLC



SCALE: 1" represents 600'

STAFF: Hughes

GMA: 3

ACRE(S): 14.99

MAP(S): 624818, 624822



July 25, 2001

Edens & Avant Realty, Inc.
Attn: Fred Williams
900 Bank of America Plaza
1901 Main Street
Columbia, SC 29201

RE: ZONING MAP AMENDMENT F-1343

Dear Mr. Williams:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
G. Emmett McCall, 633 W. Fourth Street, Winston-Salem, NC 27101
Fred Byerly, 3146 Old Salisbury Road, Winston-Salem, NC 27127

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Edens and Avant Realty, Inc. for property owned by Adams, Egloff, Avant Properties, LLC

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Edens and Avant Realty, Inc. for property owned by Adams, Egloff, Avant Properties, LLC from RM-8-S (Residential Building, Multifamily; Residential Building, Townhouse) to NSB-S (Neighborhood Shopping Center): property is located on the west side of Peters Creek Parkway north of Fishel Road (Zoning Docket F-1343).

After consideration, the Planning Board motions resulted in tie votes which, according to Planning Board Bylaws, represents a failed motion. The Planning Board certified that the site plan meets all code requirements and recommends staff conditions if the zoning map amendment is approved.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

—

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Edens and Avant Realty, Inc. for
property owned by Adams, Egloff, Avant
Properties, LLC, Docket F-1343

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE COUNTY OF FORSYTH,
NORTH CAROLINA

BE IT ORDAINED by the Board of County Commissioners of the County of
Forsyth as follows:

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County
of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North
Carolina, are hereby amended by changing from RM-8-S (Residential Building, Multifamily;
Residential Building, Townhouse) to NSB-S (Neighborhood Shopping Center) the zoning
classification of the following described property:

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

and distance of south 50° 26' 59" east 234.72 feet; thence south 75° 13' 48" east 182.10 feet; thence on a curve to the right having a radius of 310.00 feet, an arc length of 194.57 feet, and a chord bearing and distance of south 57° 14' 58" east 191.39 feet; thence on a curve to the left having a radius of 249.50 feet, an arc length of 123.44 feet, and a chord bearing and distance of south 53° 26' 34" east 122.19 feet; thence south 67° 36' 59" east 49.50 feet to a point in the aforementioned western right-of-way line of Peters Creek Parkway (NC Highway 150); thence on a curve to the right having a radius of 5,630.00 feet, an arc length of 715.58 feet, and a chord bearing and distance of south 26° 15' 40" west 715.10 feet to the POINT AND PLACE OF BEGINNING, said parcel containing 14.99 acres, more or less.

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

Section 3. The Board of Commissioners hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Shoppes at Oliver's Crossing. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Edens and Avant Realty, Inc. for property owned by Adams, Egloff, Avant Properties, LLC (Zoning Docket F-1343). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for NSB-S (Neighborhood Shopping Center), approved by the Forsyth County Board of Commissioners the ____ day of _____, 20 ____" and signed, provided the property is developed in accordance with requirements of the NSB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances* of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

C PRIOR TO ISSUANCE OF GRADING PERMITS

- a. Developer shall cordon off all areas shown on the site plan as buffer or areas left to remain undisturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
- b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
- c. Developer shall obtain erosion control, grading and zoning permits from the Inspections Division of the City of Winston-Salem.

C 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.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

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

C OTHER REQUIREMENTS

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

C OUTPARCEL OR OTHER TWO PHASE LOT REQUIREMENTS

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

ZONING STAFF REPORT

DOCKET # F-1343

STAFF: Suzy Hughes

Petitioner(s): Edens & Avant Realty, Inc.

Ownership: Adams, Egloff, Avant Properties, LLC

REQUEST

From: RM-8-S Residential Multifamily District; maximum density 8 units/acre
(Residential Building, Multifamily; and Residential Building, Townhouse)

To: NSB-S Neighborhood Shopping Center District (Neighborhood Shopping Center)

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

Acreage: 14.99 acres

LOCATION

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

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Neighborhood Shopping Center.

Square Footage: 96,200 sf.

Building Height: Single story commercial .

Parking: Required: 428; proposed: 481.

Bufferyard Requirements: Type III bufferyard adjoining RS-9 zoning; type II adjoining RM-8-S zoning.

Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

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

Adjacent Uses:

North - Vacant site approved for multifamily dwelling units and zoned RM-8-S.
Further north is vacant wooded land zoned RS-9.

East - Vacant land zoned RS-9, including another zoning case, F-1344, which is located directly across Peters Creek Parkway from this site and extends to the north along Peters Creek Parkway.

- South - Immediately south of this site is a fire station, zoned RS-9, and further south is a car sales lot zoned HB-S.
- West - Single family residences zoned RS-9.

GENERAL AREA

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

Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

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

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

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

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

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

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

TRANSPORTATION

Direct Access to Site: Peters Creek Parkway.

Street Classification: Major thoroughfare.

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

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

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

Trip Generation/Existing Zoning: RM-8-S

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

Trip Generation/Proposed Zoning: NSB-S

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

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

HISTORY

Relevant Zoning Cases:

1. F-1325; RS-9 to RM-8-S (Residential Building, Multifamily; Residential Building, Townhouse); approved December 8, 2000; west side of Peters Creek Parkway southwest of Morning Glory Road (current site is portion of); 37.63 acres; Planning Board and staff recommended approval.
2. F-1185; RS-9 to HB-S (Outdoor Display Retail); approved February 10, 1997; west side of Peters Creek Parkway north of Friedberg Church Road; 6.18 acres; Planning Board and staff recommended approval.
3. F-1182; RS-9 to RM-12-S (Residential Building, Multifamily); approved January 27, 1997; west side of Peters Creek Parkway south of Bridgeton Road; 22.69 acres; Planning Board and staff recommended approval.
4. F-1181; RS-9 to HB-S [Golf Driving Range; Recreation Services, Indoor; Recreation Services, Outdoor; Retail Store, Specialty or Miscellaneous; Non-Store Retailer; and Restaurant (without drive-through service)]; approved January 27, 1997; 28.79 acres; Planning Board and staff recommended approval.
5. F-764; R-6 to B-3-S [Stores or shops, retail; Clubs or lodges, private; Fraternity or sorority houses; Eating establishments; Offices; Services (multiple)]; approved February 10, 1986; 2.27 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban.

Relevant Comprehensive Plan Recommendation(s): The City South Activity Center at Peters Creek Parkway at the planned extension of Clemmons Road has been identified in *Legacy* as a metro activity center. It is located approximately 1.8 miles north from the site on Peters Creek Parkway. Metro activity centers are not intended to contain all commercial development within a region of the county.

Locations for the numerous existing and future neighborhood and community level centers were not identified on the generalized growth management plan map in *Legacy*. Staff is currently working to map existing neighborhood and community-level commercial areas. Potential locations for new neighborhood and community serving commercial areas will be identified as more detailed area plans are prepared for the city and county.

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

ANALYSIS

This request is to rezone 14.99 acres from RM-8-S (Residential Building Multifamily; Residential Building, Townhouse) to NSB-S (Neighborhood Shopping Center). The property is located on the west side of NC 150 (Peters Creek Parkway) north of Fishel Road. The project is presented as the commercial component of a larger mixed use development whereby a portion of a previously approved RM-8-S and single family Planned Residential Development is substituted with the proposed NSB-S zoning. The site plan indicates a consolidated tract of land with shared vehicular access via a new public street and signalized intersection at NC 150. The townhouse and single family portions of the previously approved RM-8-S zoning and PRD are to remain as integral parts of the overall proposed mixed use development.

Staff notes that this request is one of two independent NSB-S zoning considerations currently under review in the same general area. The other NSB-S request (F-1344) is located on the east side of NC 150 immediately opposite the current location. The two requests propose to share access to NC 150 at a strategically located intersection along NC 150 which is currently under construction as a four lane limited access facility. NCDOT officials state that future signalization of this intersection may be warranted with the buildout of previously approved development on the west side of NC 150.

While each of the two zoning requests must be considered on their own merits, staff notes that the NSB district is unique in its purpose to serve the shopping and service needs of local residential neighborhoods. Specifically the NSB district is intended to be an integrated, self-contained and pedestrian-oriented commercial development which is limited in the types of commercial uses allowed and is restricted to less than fifteen acres in size. Most importantly, the NSB district is not intended to promote highway-oriented development and should not be considered, if approved, as a precedent for further commercial uses to develop in the area around it. In this context staff believes that it would be generally inconsistent with the purpose of the NBS district for two such districts to be approved next to or across from each other.

Both sites are located approximately 1.8 miles south of a proposed Metro Activity Center as designated in *Legacy*. This activity center is proposed at the new future intersection of Clemmons Road extension and Peters Creek Parkway (NC 150). Although the current site is relatively close, staff is of the opinion that a properly designed neighborhood shopping center could be compatible with the purpose of the NSB district and should, by itself, not adversely affect the future economic success of the designated metro activity center at the Clemmons Road location.

Given that the area around the proposed NSB-S site is likely to grow substantially with new residential uses, staff could be supportive of an appropriately designed NSB-S project that is well integrated with adjacent residential properties. While the initial review of the current site plan showed some deficiency as to how it might relate to the associated residential development, the site plan positively addresses design elements such as internal pedestrian circulation and building orientation.

While the project may not be ideal with respect to a fully integrated mixed-use development, staff believes that the project may warrant positive consideration if certain site plan modifications can be made to tie the project more closely with adjacent residential uses. In this respect the project, with the proper connections, may provide an important first step toward implementing one of *Legacy's* key recommendations for more and better mixed-use developments. While at the time of this writing, Planning staff had not received a revised site plan to determine how remaining deficiencies might be addressed, staff is cautiously optimistic that such design solutions can be achieved given the other positive aspects of the project.

FINDINGS

1. This NSB-S request is proposed as a commercial component of a larger mixed-use development which includes townhomes and single family residences.
2. The purpose of the NSB district is to provide integrated, self-contained services and shopping to nearby residential neighborhoods.
3. The internal pedestrian circulation and building layout of proposed site plan is generally consistent with the purpose and character of the NSB district.
4. Additional site plan modifications to tie the proposed development more closely with the adjacent residential development is highly recommended by Planning staff.
5. The purpose statement of the NSB district states that such district not establish a precedent for further expansion of commercial zoning in the area surrounding it.
6. Although the project as designed may not be the ideal mixed use development, it may represent an important step toward implementing *Legacy* recommendations for more and better integrated use developments.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

C PRIOR TO ISSUANCE OF GRADING PERMITS

- a. Developer shall cordon off all areas shown on the site plan as buffer or areas left to remain undisturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
- b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

- c. Developer shall obtain erosion control, grading and zoning permits from the Inspections Division of the City of Winston-Salem.

C 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.

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- a. Developer shall install road improvements and sidewalks on Oliver's Crossing Drive as shown on the site plan to the specifications of the Public Works Department of the City of Winston-Salem.
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- d. All required fire hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
- e. All required storm water devices shall be installed.

C OTHER REQUIREMENTS

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

C OUTPARCEL OR OTHER TWO PHASE LOT REQUIREMENTS

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

Glenn Simmons presented an explanation of the NSB District's purpose and the difference in the two requests for NSB which are before the Board today.

Suzy Hughes presented the staff report. Staff recommended approval.

PUBLIC HEARING

FOR:

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

For the record, Mr. Avant of Edens and Avant Realty is not related to Mr. Avant of the Planning Board.

We think this is an appropriate location for neighborhood shopping.

Edens and Avant Realty is experienced in managing shopping centers. They have confidence in this location.

Tenants for this type of center are those which provide daily requirements for neighbors. This will help cut down on traffic, gasoline usage, and pollution which comes with it by providing daily needs for neighbors.

They landscape their centers very nicely.

The closest building is 250 feet from the closest building to the rear. It is buffered well. I've talked with Dan Nifong who represents the Pinedale Homeowners Association. His association is in favor of this and requests a restaurant so they don't have to drive so far to eat out.

The buildings are separated to take away from the "strip center" look.

AGAINST:

Fred Byerly, 3146 Old Salisbury Road, Winston-Salem, NC 27127

You've heard the professionals on this project. I know some of these folks and have worked with them professionally before.

Our big concern is the neighborhood shops which are 0.8 mile south of here and more shopping 1.8 miles north of us. There are vacancies in the area south of us.

There was a restaurant which was moved to Welcome because there wasn't enough traffic to keep it in business here.

We don't see the need for this.

WORK SESSION

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

1. This development will definitely depend on traffic from Peters Creek Parkway, but does not contribute to strip development because of it's site depth and mixed density with the residential uses.
2. There are no connections from this site to the adjacent residential area because the NCDOT was concerned that it would become a major cut-through like London Lane.
3. I'm concerned that we are rezoning this land without a small area plan for this area of Peters Creek. Once this goes in, we will be doing this all up and down Peters Creek.
4. I'm concerned that we are defeating the purpose of the Metro Activity Center planned north of this site.
5. There are very few connections between commercial and residential uses. The Board expressed appreciation for the connections on this plan.

6. We have allowed commercial buildings with only one "face" because we only want people to access the center from one direction.
7. This is still a box, but it's about the best we are going to do.
8. The traffic signal is approved and will be installed for the residential area regardless of whether this is approved.
9. This seems to be at odds with the goal of a four-lane, limited access highway.

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

SECOND: Arnold King

VOTE:

FOR: Doyle, King, Norwood

AGAINST: Clark, Powell, Schroeder

EXCUSED: Avant

MOTION FAILED.

MOTION: Kem Schroeder moved denial of the zoning map amendment.

SECOND: Jerry Clark.

VOTE:

FOR: Clark, Powell, Schroeder

AGAINST: Doyle, King, Norwood

EXCUSED: Avant

MOTION FAILED.

SITE PLAN MOTION: Philip Doyle certified that the site plan meets all code requirements and recommended staff conditions

SECOND: Arnold King

VOTE:

FOR: Clark, Doyle, King, Norwood, Powell, Schroeder

AGAINST: None

EXCUSED: Avant

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Adams, Egloff, Avant, Prop., LLC as of June 7, 2001.

A. Paul Norby, AICP
Director of Planning