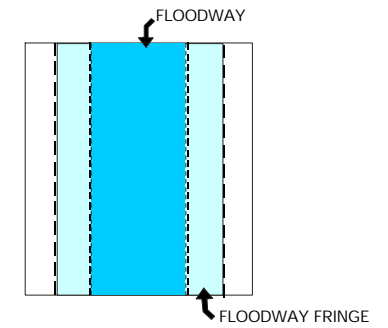


DOCKET #. F1350

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
NSB-S (Neighborhood Shopping Center)

PETITIONER:
Buel B. Barker and
Vickie B. Barker



SCALE: 1" represents 400'

STAFF: Hughes

GMA: 3

ACRE(S): 7.24

MAP(S): 624822



December 19, 2001

Buel B. Barker, Jr. and Vickie B. Barker
3632 Friedburg Church Road
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT F-1350

Dear Mr. & Mrs. Barker:

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
Wayne Horton, 3450 York Road, Winston-Salem, NC 27104
Stephen Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
Charles Honeycutt, 1656 Ebert Street, Winston-Salem, NC 27103

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Buel B. Barker, Jr. and Vickie B. Barker

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Buel B. Barker, Jr. and Vickie B. Barker from NSB-S (Shopping Center) to Site Plan Amendment: property is located on the east side of Peters Creek Parkway north of Fishel Road (Zoning Docket F-1350).

After consideration, the Planning Board recommended denial of the site plan amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

—

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Buel B. Barker, Jr. and Vickie B. Barker, Docket F-1350

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 NSB-S (Shopping Center) to Site Plan Amendment the zoning classification of the following described property:

Tax Block 3871; Tax Lot 006J

Section 2. This Ordinance is adopted after approval of the site plan entitled Village 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 Buel B. Barker, Jr. and Vickie B. Barker.

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 Village 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 Buel B. Barker, Jr. and Vickie B. Barker (Zoning Docket F-1350). 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 (Shopping Center - Site Plan Amendment), 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:

- **PRIOR TO ISSUANCE OF GRADING PERMITS**
 - a. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas including (area labeled natural bufferyard). 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).
 - 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, and grading permits from the Inspections Division of the City of Winston-Salem.
 - d. Developer shall submit a sealed engineer's detail of any retaining walls over 5 feet high.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
 - b. All fire sprinkler system fire department connections must be located within 100 feet of a public fire hydrant and approved in writing by the County Fire Department to the Inspections Division.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. If above ground storm water management devices are installed on this property, a ten (10) foot streetyard landscaping area shall be installed around the entire perimeter of each facility.
 - b. All required storm water management devices, either on-site or off-site, shall be installed per approved plans by the Public Works Department of the City of Winston-Salem.
 - c. Stub street shall be constructed to the east property line with a temporary turnaround to the specifications of the North Carolina Department of Transportation and the Public Works Department of the City of Winston-Salem.
 - d. All required fire hydrants shall be installed in accordance with the Forsyth County Fire Department.
 - e. Developer shall install required storm water management devices per approved plan.

- **OTHER REQUIREMENTS**
 - a. Two (2) freestanding ground signs shall be permitted for the shopping center. One sign shall be limited to a monument type with a maximum height of fifteen (15) feet. The second sign shall be limited to maximum height of five (5) feet.
 - b. No more than one drive-through business be allowed on the site.
 - c. All buildings architecture shall conform to the elements of building design and materials as volunteered by the developer and shown on the attached site plan.

ZONING STAFF REPORT

DOCKET # F-1350
STAFF: Suzy Hughes

Petitioner(s): Buel B. Barker and Vickie B. Barker
Ownership: Same

REQUEST

From: NSB-S Neighborhood Shopping Center Business District (Neighborhood Shopping Center)
To: Site Plan Amendment

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

Acreage: 7.24 acres

LOCATION

Street: East side of Peters Creek Parkway north of Davidson County line.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Neighborhood Shopping Center.
Square Footage: 40,068 square feet.
Building Height: Two story.
Parking: Required: 178; proposed: 222.
Bufferyard Requirements: 15 foot type III along residentially zoned property.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None.

Adjacent Uses:

North -	Vacant land and floodplain zoned RS-9.
East -	Vacant land zoned RS-9.
South -	Vacant land zoned RS-9.
West -	Vacant site, zoned RM-8-S, and another proposed rezoning, F-1343. Further north across Peters Creek Parkway is vacant wooded land zoned RS-9.

GENERAL AREA

Character/Maintenance: Rural wooded area.
Development Pace: Moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site will have to be extensively graded. There is also an unnamed stream on site.

Topography: GIS maps indicate a grade change of approximately 50' on either side of the stream that dissects this property.

Streams: A stream dissects this property.

Vegetation/habitat: Site is heavily wooded

Constraints: Site will have to be graded. There is a stream on site. The site has a good deal of rough topography.

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 that is owned by the NC Department of Transportation.

Compliance with Federal/State requirements for wetland/stream protection: The petitioner must meet Erosion Control requirements from the UDO. The petitioner should also obtain appropriate permits from the US Army Corps of Engineers and NC Department of Water Quality before attempting any channel modifications or dredging.

TRANSPORTATION

Direct Access to Site: Peters Creek Parkway.

Street Classification: Peters Creek Parkway - 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.

Trip Generation/Existing Zoning: NSB-S (Neighborhood Shopping Center)

$41,020/1,000 = 41.02 \times 42.92$ (Gross Leasable Area) = 1,760 trips per day

Trip Generation/Proposed Zoning: NSB-S (Neighborhood Shopping Center)

$40,068/1,000 = 40.06 \times 42.92$ (Gross Leasable Area) = 1,719 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-1343; RS-9 to NSB-S (Shopping Center); approved August 13, 2001; across Peters Creek Pkwy. from current site; 14.99 acres; Planning Board made no recommendation, staff recommended approval.
2. F-1344; RS-9 to NSB-S (Shopping Center); approved August 13, 2001; current site; 7.24 acres; Planning Board and staff recommended denial.

3. 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.
4. F-1185; RS-9 to HB-S (Outdoor Display Retail); approved February 10, 1997; west side of Peters Creek Parkway north of Friedburg Church Road; 6.18 acres; Planning Board and staff recommended approval.
5. 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.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban.

Relevant Comprehensive Plan Recommendation(s): The South Activity Center at Peters Creek Parkway and the planned extension of Clemmons Road has been identified in *Legacy* as an activity center. It is located approximately 1.8 miles north from the petitioner's 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 a site plan amendment of 7.24 acres zoned NSB-S (Neighborhood Shopping Center). The property is located on the east side of NC 150 (Peters Creek Parkway) north of Fishel Road. The property is unusually long and narrow having 1,724 feet of frontage along NC 150 and average width of only +/-200 feet. The property is also divided by a creek which effectively creates two separate locations for building development and vehicular access. The site plan submitted has alterations beyond those authorized through a staff change, therefore staff recommended the petitioner submit a site plan amendment.

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. The NSB district is not intended to promote highway-oriented development.

The originally approved plan was comprised of 6 buildings all pulled up to the street with parking on the side or rear. Two of the buildings on the south side of the property were L-shaped and oriented to one another, with parking in the middle, giving a courtyard effect. These elements were the redeeming qualities of the original plan. The plan submitted for the site plan amendment has substituted the two buildings which have been pulled away from the street with parking in the front. These elements are typical of highway oriented businesses and contradict the purpose of neighborhood shopping centers. The proposed site plan amendment is configured as a strip-shopping center and has lost the only elements of a neighborhood shopping center which the original plan contained. Staff cannot support this fundamental departure from the original plan due to the loss of its neighborhood shopping center elements. The submitted plan has abandoned neighborhood shopping center elements and instead embraced those elements typical of a highway oriented strip shopping center.

FINDINGS

1. The site plan is limited in its ability overcome the inherent highway-oriented, strip commercial nature of the property.
2. The proposal is generally inconsistent with the purpose and concept of the NSB zoning district.
3. The plan has lost the characteristics which made it more consistent with a neighborhood shopping center.
4. The submitted plan is clearly highway business in nature.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

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

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Suzy Hughes presented the staff report.

PUBLIC HEARING

FOR:

Stephen Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

Read purpose of NSB District in UDO.

There is nothing in the ordinance that indicates it should be designed differently than strip commercial zoning.

Between here and I-40, there are only five houses in five miles.

Here we have a 200-foot right-of-way to accommodate a divided four-lane highway.

This is more of a setback than anyplace else in the county.

AGAINST:

Charles Honeycutt, 1656 Ebert Street, Winston-Salem, NC 27103

We don't need another shopping center. We have plenty.

If the shopping center is the only reason they are widening Peters Creek Parkway, that's not a very good reason.

WORK SESSION

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

1. In response to a question by Arnold King, Buel Barker, 3632 Friedburg Church Road noted that neighbors were behind this effort to have food establishments put into the neighborhood. He doesn't believe the neighbors would have any opposition to the new plan which was redesigned to better accommodate the drive-through restaurant in a better manner.
2. Jimmy Norwood - This plan is totally different than what was presented before and it totally takes away the character that the previous plan offered.
3. Kem Schroeder - We are falling victim to a crafty use of semantics. To call this, especially now, a neighborhood shopping center is just ludicrous. It is strip development in its purest sense.
4. In response to discussion by the Board, Paul Norby noted that Ed Zotian, attorney for the petitioners when the zoning was approved, put a lot of emphasis that this was designed with the buildings in front and the parking in the rear. Staff read a direct quote from Mr. Zotian at the July 12, 2001, Planning Board hearing: "With parking between the buildings and the breakup of the buildings making it look more like a village, it discourages the strip concept."

MOTION: Kem Schroeder moved denial of the site plan amendment.

SECOND: Terry Powell

VOTE:

FOR: Bost, Clark, Norwood, Powell, Schroeder, Snelgrove

AGAINST: Avant, Doyle, King

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the name of Buel B. Barker, Jr. and Vickie B. Barker as of November 12, 2001.

A. Paul Norby, AICP
Director of Planning