

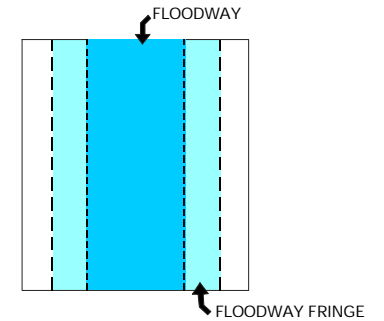
(Continued from the
10-14-99 and 11-11-99
CCPB Meetings)

DOCKET #: F1274

PROPOSED ZONING:
HB-S (Services, Personal)

EXISTING ZONING:
HB-S (Multiple Uses -
TWO PHASE)

PETITIONER:
Duke Energy Corporation



SCALE: 1" represents 400'

STAFF: G. Simmons

GMA: 4A

ACRE(S): 0.69

MAP(S): 588846

DRAFT ZONING STAFF REPORT

DOCKET # F-1274

STAFF: Glenn M. Simmons

Petitioner(s): Duke Energy Corporation

Ownership: Same

REQUEST

From: HB-S Highway Business District (Multiple Office, Retail Commercial, and Warehouse Uses)

To: HB-S Highway Business District (Services, Personal)

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

Staff Note: This zoning petition consists of property previously approved as part of the River Ridge Station (F-1250) Special Use district zoning petition. With the exception of the proposed change of use to "Services, Personal", all other previously adopted site plan conditions and Special Intense Development Allocation (SIDA) approvals shall apply. Staff is recommending no action on this case until the traffic impact study attached as a condition of the original rezoning petition is completed by the applicant and reviewed by NCDOT.

CONTINUANCE HISTORY:

October 14, 1999, to November 11, 1999

November 11, 1999, to December 9, 1999

December 9, 1999, to January 13, 2000

As of the date of the interdepartmental review meeting (December 29, 1999) the petitioner had submitted the required traffic impact analysis to the NCDOT, but not in time for NCDOT officials to review the study and render a decision on the subject site plan. Planning staff's recommendation is, therefore, incomplete without the NCDOT comments. According to the UDO, the Planning Board must render a recommendation on this request at its January 6, 2000, meeting (within 120 days of filing date) or the request goes to the elected body without a recommendation. To avoid this situation, Planning staff recommended to the petitioner, and the petitioner agreed, to submit a request to withdraw the petition to allow the NCDOT time to review the traffic study. The petitioner proposes to resubmit the zoning request after the review is completed.

Acreage: 0.69 acre

LOCATION

Street: Property is located on the south side of Utility Drive (private) beginning at the intersection of Styers Ferry Road and extending northwest approximately 255 feet on the south side of Utility Drive.

Jurisdiction: County.

SITE PLAN

Proposed Use: Dry Cleaner Service.

Square Footage: 3,364 Square Feet.

Building Height: One story.

Parking: Nine spaces required (1 space per 400 square feet), eleven spaces shown.

Bufferyard Requirements: No new bufferyard is required. Current site is adjacent to a one hundred and fifty foot wide bufferyard which includes a twenty foot wide type III bufferyard and a 100-foot wide undisturbed buffer located along the southern property boundary. This bufferyard was required as part of the previously approved TWO PHASE HB-S zoning (F-1250) for the River Ridge Station development.

Vehicular Use Landscaping Standards Requirements: All paved parking areas must meet the UDO Landscape Ordinance.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None existing.

Adjacent Uses:

- North - Undeveloped HB-S zoned property for the River Ridge Station (Tract IV) shopping center development.
- South - Undeveloped HB-S zoned property for the River Ridge Station (Tract II) development reserved as a hundred foot wide undisturbed setback and type III bufferyard between existing single family homes on Styers Ferry Road and Immanuel Drive; zoned RS-30.
- East - Undeveloped HB-S zoned land as a portion of the River Ridge Station (Tract IV) shopping center development.
- West - Undeveloped HB-S zoned land as part of the River Ridge Station (Tract II) office and low intensity office development.

GENERAL AREA

Character/Maintenance: A newly developing commercial node around the US 421/Lewisville-Clemmons Road intersection.

Development Pace: Moderate.

PHYSICAL FEATURES

Topography: Site slopes slightly downward from north (front) to south (rear).

Streams: None on site. A drainage swale contiguous to the southern property boundary was previously approved as part of the River Ridge Station development (F-1250). The swale and associated stormwater detention basins are designed to accommodate runoff from the current site, as well as other commercial developments in the area, prior to discharge into Blanket Bottom Creek.

Vegetation/habitat: Site is mostly open with some mature hardwood vegetation.

Constraints: Minor constraints. The site lies within the Yadkin River WSIV State Regulated Water Supply Watershed. However, as noted earlier, SIDA allocations from the previous zoning approval for the River Ridge Station development are proposed to carry forward to this site.

Impact on Existing Features: Most of the site will be impacted by grading or other site improvements.

TRANSPORTATION

Direct Access to Site: Utility Drive via Styers Ferry Road.

Street Classification: Utility Drive is an unclassified private street which has been approved to be dedicated as public street under the previously approved site plan for the River Ridge Station development. Styers Ferry Road - minor thoroughfare.

ADT Count and Estimated Capacity at Level of Service D (Vehicles/Day): Styers Ferry Road - no traffic count/9,000.

Planned Road Improvements: Lewisville-Clemmons Road - Relocation of Styers Ferry Road intersection with Lewisville-Clemmons Road was completed by Duke Power Company under a previous rezoning petition (F-1042). Lewisville-Clemmons Road has been widened by the NCDOT to three lanes (one through lane in each direction plus a common left turn lane). The "Lewisville-Clemmons Road Project", scheduled by NCDOT to be constructed 2001-2006, will include the widening of the bridge over US 421 and Lewisville-Clemmons Road from US 421 to Clemmons. The project also includes upgrade of the interchange with US 421. The new bridge will have at least five or six lanes and Lewisville-Clemmons Road will have at least five (5) lanes for traffic in this area. There will also be a median installed in Lewisville-Clemmons Road from the Marty Lane/Styers Ferry Road traffic light to the off ramps on US 421. Median breaks will be allowed in the middle of this section to allow a left turn into this new commercial development and into the existing commercial development on the east side of Lewisville-Clemmons Road. The median will be designed to totally eliminate any left turns out of any of the developments along this congested commercial area of Lewisville-Clemmons Road. The realignment of the Lewisville-Clemmons/US 421 interchange will impact the shopping centers now located at the northeast and northwest corners of the intersection of Styers Ferry Road and US 421.

Northern Beltway - Contracts for the first segment of the Northern Beltway (US 421 interchange; roadway from Styers Ferry Road to Robinhood Road) will be let in January 1999. Construction should commence by mid-1999 and run a number of years. The project will impact the area north of Styers Ferry Road, north of the shopping center at the

US 421 intersection.

Sight Distance: Good along Utility Drive. Note: NCDOT has expressed possible concerns related to the one-way exit connection to Utility Drive and its proximity to the Styers Road intersection which is still under design review.

Interior Streets: Private drive with stub connection proposed to adjacent HB-S zoned property west of the current site.

Transit: None.

HISTORY

Relevant Zoning Cases:

1. F-1250; HB-S (Highway Business, Special Use District zoning; multiple business uses - Two Phase) to HB-S (Shopping Center and multiple business uses - TWO PHASE); approved March 22, 1999; this petition, which contained a total of 84.61 acres, included the current petitioned site; Planning Board recommended denial and staff recommended approval.
2. F-1042; B-3-S and R-6 to B-3-S (converted to HB-S in UDO); approved December 21, 1992; this petition included the current petitioned site; this petition also proposed moving the Duke Power Company facility to the western end of the site instead of being located on tract 2 or in the middle of the property which was approved in 3. below; Planning Board recommended denial and staff recommended approval.
3. F-967; R-6 and B-2-S to B-3-S; approved August 27, 1990; this petition involved most of the same land in the current petition. The proposal at that time was also for a Duke Power maintenance and office facility. That facility was planned on Tract 2 at that time; Planning Board and staff recommended approval.
4. F-919; R-6 to B-3-S; denied June 26, 1989; this proposal was for a convenience store on Lewisville-Clemmons Road opposite Marty Lane. The staff felt that the area was commercial and recommended approval. The Planning Board recommended denial after hearing from neighbors in opposition to the case. The Planning Board also felt that there was inadequate stormwater retention on the site.
5. F-844; R-6 to B-2-S; approved June 22, 1987; this rezoning was for a shopping center for a portion of the current petitioned site. The petition also proposed a realignment of Styers Ferry Road and improvements to Lewisville-Clemmons Road. Planning Board and staff recommended approval. This petition was highly controversial and was discussed at several public hearings by the Planning Board and Board of Commissioners.

6. F-748; R-6 to B-3-S; denied October 14, 1985; this rezoning was also for a shopping center and consisted of basically the same property as discussed in 4. above. The staff recommended denial for several reasons. The traffic problems in the area were not adequately addressed and there were no provisions for coordinating the development of adjacent property in that petition. The Planning Board recommended approval.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 4A: Short-range growth.

Relevant Comprehensive Plan Recommendation(s): Provision of infrastructure to support urban development; employment concentrations at activity nodes; compatibility of business/industrial uses with residential uses.

Area Plan/Development Guide: Site located north of area encompassed by *Clemmons Area Development Guide*.

Relevant Development Guide Recommendation(s): None.

Thoroughfare Plan: Northern Beltway ½ mile east and the widening of both Lewisville-Clemmons Road and the bridge over US 421.

Jurisdiction Comments: Although the project site is not located within the Village of Clemmons, the Village has been notified of the proposed rezoning. No comment has been received at this time.

ANALYSIS

The current HB-S zoning petition is a request to substitute the UDO use classification of "Services, Personal" in place of a broader array of uses previously approved for a small, 0.69 acre portion of the total 84-acre River Ridge Station development. The current zoning request also includes a site plan for a proposed one story, 3,264 square foot dry cleaning establishment.

Under provisions previously approved for the TWO PHASE HB-S River Ridge Station zoning, the subject site was granted various office, low intensity commercial, wholesale trade, and other uses. These uses were approved as part of the first phase of site plan review. Other considerations regarding stormwater management, Special Intense Development Allocations (SIDA), transportation improvements, and enhanced buffering and setbacks were also approved as part of the overall review of the Phase One site plan. According to the petitioner's request all Phase One site plan conditions of the River Ridge Station project are proposed to carry forward to the subject site.

Particularly noteworthy are site plan requirements to provide a one hundred and fifty foot wide bufferyard located immediately south and adjacent to the subject property. One hundred feet of the total bufferyard width is to remain undisturbed. A twenty foot wide type III bufferyard is also included within the total one hundred and fifty foot wide buffer. This bufferyard which was a key negotiated factor in gaining support for the River Ridge Station development, provides a substantial separation between the approved commercial uses within River Ridge Station and

existing residential homes located along Styers Ferry Road. A drainageway was also approved within the bufferyard to direct stormwater runoff to an engineered stormwater detention basin as a means to mitigate both pre-development and post-development drainage problems in the area.

In context with the previously approved site plan and related conditions for the River Ridge Station development, staff considers the current petition to substitute the "Services, Personal" use in place of other equal or greater intensity land uses to be acceptable. However, staff is concerned about the proposed site plan which directs one way traffic out of the dry cleaning establishment onto Utility Drive near the Styers Ferry Road intersection. While the proposed site plan and vehicular circulation may be adequate, NCDOT officials are unwilling to support the plan until the developer for River Ridge Station completes the previously required traffic impact analysis and submits its findings for DOT's review. According to the DOT, such findings are necessary to determine the final design of the Styers Ferry/Utility Drive intersection as related to the overall development of the River Ridge Station development. Depending upon the DOT's recommendations for the design of the intersection, proposed driveway locations for the current site may be affected.

FINDINGS

1. The proposed substitute use of "Services, Personal" is comparable in intensity to uses previously approved for the site as part of the River Ridge Station development.
2. All Phase One site plan conditions for the River Ridge Station special use district zoning will carry forward as a condition of the current zoning request.
3. According to River Ridge Station site plan conditions, the current site will be adequately buffered from existing residential development along Styers Ferry Road by a one hundred and fifty foot wide type III bufferyard.
4. The site is located within the Yadkin River WS-III State regulated Water Supply Watershed.
5. Special Intense Development Allocations (SIDA) approved as part of the River Ridge Station development will carry forward and will allow impervious cover percentages as shown on the site plan to exceed the non-SIDA approved standard.
6. Vehicular impact studies required as a condition for various development permits for the River Ridge Station development have not been completed.
7. The NCDOT cannot evaluate the appropriateness of driveway connections of the current site until the traffic impact study for River Ridge Station is completed.

8. NCDOT has asked that the project be continued until the petitioner completes a traffic impact study and NCDOT has made a recommendation on the proposed site plan.

STAFF RECOMMENDATION

Zoning: **WITHDRAWAL**.

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

C PRIOR TO THE ISSUANCE OF ANY PERMITS

- a. Developer shall comply with the original condition for development which is to submit a Traffic Impact Study to the North Carolina Department of Transportation for approval.

C PRIOR TO THE ISSUANCE OF BUILDING PERMITS

- a. A maintenance agreement must be approved by the City-County Utilities Commission for the existing sewer pump station which will serve this site and the River Ridge Shopping Center.
- b. Utility Drive shall be recorded on a final plat and dedicated as a public Street as shown on the site plan. The North Carolina Department of Transportation must inspect and approve this street before signing final plats. Any improvements needed to bring this street up to public standards must be completed before the final plat is recorded or a bond must be posted to assure completion of those improvements.

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required road improvements as recommended in the approved Traffic Impact Study for this site must be completed to the specifications of the North Carolina Department of Transportation.
- b. The internal drive connection to the adjacent property to the west as shown on the site plan must be constructed to the property line. This drive will be connected in the future when the adjoining property is developed.

C OTHER REQUIREMENTS

- a. One freestanding ground sign shall be permitted along the frontage on Country Club Road. Any new sign or replacement sign shall be limited to monument type with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.

Note: The following conditions as part of the Two Phase (HB-S) zoning approval for the Ridge Station development (F-1250) are referenced as companion conditions for approval of the current site plan.

C PRIOR TO ISSUANCE OF GRADING PERMITS

- a. This property has applied for a Special Intense Development Allocation (SIDA) and, if granted, must meet all the special requirements for storm water quality control for a SIDA in the UDO. The Erosion Control Officer shall enforce all of the requirements from this study.
- b. Developer shall contact the North Carolina Department of Transportation and the Village of Clemmons to coordinate any improvements needed to the Styers Ferry Road/Blanket Bottom Creek crossing.
- c. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas including the undisturbed buffer area shown along the south and west sides of Tracts I and II. 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. Developer shall identify and cordon off the limits of encroachment in the 100 year floodplain of Blanket Bottom Creek and/or the required one hundred (100) foot stream buffers on that creek, if greater. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

C PRIOR TO ISSUANCE OF BUILDING PERMITS

- a. Developer shall install required storm water management devices per approved plan
- b. Developer shall complete any improvements or other requirements negotiated with either the North Carolina Department of Transportation and/or the consultant for storm water for the Village of Clemmons for the Styers Ferry Road/Blanket Bottom Creek crossing.
- c. Developer shall dedicate new right-of-way in fee simple to the North Carolina Department of Transportation needed to widen Lewisville-Clemmons Road under the proposed widening plan by the North Carolina Department of Transportation.
- d. Developer shall dedicate any new right-of-way for future widening of Styers Ferry Road, as determined by the NCDOT in fee simple as shown on the site plan to the North Carolina Department of Transportation.
- e. Developer shall dedicate the proposed public right-of-way and cul-de-sac for Utility Drive.
- f. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along Blanket Bottom Creek from the north to the south property line of this property. Planning staff shall approve the location of said greenway easement.
- g. On-site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.

C PRIOR TO ISSUANCE OF OCCUPANCY PERMITS

- a. Developer shall install road improvements on Lewisville-Clemmons Road as shown on the site plan (not including the roadway design in the upper corner of the site plan) to the specifications of the North Carolina Department of Transportation.
- b. Developer shall install improvements on Styers Ferry Road as shown on the site plan (not including the roadway design in the upper corner of the site plan) to the specifications of the North Carolina Department of Transportation.
- c. Developer shall construct a five (5) foot berm along the northern property lines of Lots 9 and 10 in Tract IV adjoining the ramp from US 421 and install landscaping as required in the UDO for the Thoroughfare Overlay (T/O) District on top of said berm.
- d. All parcels approved for development located in Tract IV shall be enclosed on all four sides by a ten (10) foot streetyard in accordance with the UDO. Exempted from this requirement are the north sides of Lots 9 and 10 because of other landscaping requirements listed in "c." above.
- e. All required fire hydrants shall be installed in accordance with the County Fire Department.
- f. Developer shall install the additional bufferyard landscaping shown on the site plan along the south side of Lot 2 and 3 in Tract II prior to the issuance of occupancy permits for those respective lots.

C OTHER REQUIREMENTS

- a. Two (2) freestanding ground signs shall be permitted for the shopping center. One (1) sign may be located on Lewisville-Clemmons Road and one (1) sign may be located on Styers Ferry Road with the proper sign or access easements to those roads. Said sign shall be limited to a monument type with a maximum height of fifteen (15) feet.
- b. The driveways to Lots 5, 6, 7, 8, and 12 located in Tract IV shall be located on the proposed internal roads at least one hundred (100) feet off both Lewisville-Clemmons Road and/or Styers Ferry Road.

C OUTPARCEL OR OTHER TWO PHASE LOT REQUIREMENTS

- a. City-County Planning Board shall approve Final Development plans for all outparcels or other lots within this development which are not approved for development at this time with the exception of Lots 2 and 3 in Tract II. Lots 2 and 3 in Tract II shall have Final Development Plans approved by both the City-County Planning Board and the Forsyth County Board of Commissioners.
- b. 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.
- c. All outparcels or other lots in Tract IV shall be enclosed on all four sides by a ten (10) foot streetyard in accordance with the UDO.

- d. Lot 4 in Tract V shall remain vacant with the existing fence and landscaping installed under the previous rezoning petition to remain in place.
- e. Lot 13 in Tract IV shall only be used for a stormwater quality control facility.
- f. Outparcels or other lots shall only be allowed the permitted uses as shown in the table on the site plan.

PUBLIC HEARING - October 14, 1999

FOR: None
AGAINST: None

WORK SESSION

MOTION: John Bost moved continuance of the rezoning petition and site plan with staff recommendations to November 11, 1999.

SECOND: Norman Williams

VOTE:

FOR: Avant, Bost, Johnson, Powell, Schroeder, Stewart, Williams
AGAINST: None
EXCUSED: None

PUBLIC HEARING - November 11, 1999

FOR: None

AGAINST: None

WORK SESSION

MOTION: Kerry Avant moved continuance of the petition and site plan to December 9, 1999.

SECOND: Steve Johnson

VOTE:

FOR: Avant, Bost, Johnson, Powell, Schroeder, Stewart, Williams
AGAINST: None
EXCUSED: None

PUBLIC HEARING - December 9, 1999

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved continuance of the zoning map amendment and site plan to
January 13, 2000.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Schroeder, Williams

AGAINST: None

EXCUSED: None

PUBLIC HEARING - January 13, 2000

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved withdrawal of the zoning text amendment and site plan.

SECOND: James Rousseau

VOTE:

FOR: Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning