



(Continued from the
01-13-00 CCPB MTG.)

DOCKET #: F1284

PROPOSED ZONING:
HB-S (Shopping Center);
LO-S (TWO PHASE); and
RM-18-S (TWO PHASE)

EXISTING ZONING:
RS20

PETITIONER:
Glenwood Development
Company for property
owned by others

SCALE: 1" represents 400'

STAFF: G. Simmons

GMA: 4B

ACRE(S): 27.53

MAP(S): 660878

February 23, 2000

Glenwood Development Company
for property owned by others
647 Brawley School Road
 Mooresville, NC 28117

RE: ZONING MAP AMENDMENT F-1284

Dear Sirs:

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
Patrick Hennigan, 132 Greenhill Lane, Mooresville, NC 28117
Tom Southern, Mayor of Walkertown, P. O. Box 326, Walkertown, NC 27051
Dot Duggins, Mayor Pro-Tem of Walkertown, 3936 Justin Brook Lane, Walkertown, NC 27051
Jenny Southern, 3825 Pinehall Road, Walkertown, NC 27051
Phillip West, 115 Robert West Road, Kernersville, NC 27284
Teddy Weavil, 3434 Old Hollow Road, Kernersville, NC 27284
Don Nielsen, 1001 W. Fourth Street, Winston-Salem, NC 27101
Kay Dillon, 4956 George West Court, Walkertown, NC 27051
Laura Withers, 5246 Reidsville Road, Walkertown, NC 27051

FORSYTH COUNTY
BOARD OF COMMISSIONERS

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

SUBJECT:-

Zoning map amendment of Glenwood Development Company for property owned by Shirley J. M. Bloomer, Treva N. Martin, Phillip Wayne Martin, Wanda Martin Scott, and Charles B. Scott

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

Zoning map amendment of Glenwood Development Company for property owned by Shirley J. M. Bloomer, Treva N. Martin, Phillip Wayne Martin, Wanda Martin Scott, and Charles B. Scott; from RS-20 to HB-S (Shopping Center - TWO PHASE), LO-S (all LO uses except Landfill - TWO PHASE), and RM-18-S (all RM-18 uses except Landfill - TWO PHASE): property is located on the southeast corner of Reidsville Road/US 311 and Old Hollow Road/NC 66 (Zoning Docket F-1284).

After consideration, the Planning Board recommended approval of the rezoning petition.

ATTACHMENTS:- X YES ___ NO

SIGNATURE: _____ **DATE:** _____

COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Glenwood Development Company for property owned by Shirley J. M. Bloomer, Treva N. Martin, Phillip Wayne Martin, Wanda Martin Scott, and Charles B. Scott, Docket F-1284

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 RS-20 to HB-S (Shopping Center - TWO PHASE - Tract 1), LO-S (all LO uses except Landfill - TWO PHASE - Tract 2), and RM-18-S (all RM-18 uses except Landfill - TWO PHASE - Tract 3) the zoning classification of the following described property:

Tract 1

Being that a certain piece, parcel or tract of land lying and being in Walkertown Township, Forsyth County, being described as follows: BEGINNING at an iron pipe located at the south intersection of the rights-of-way of Highway 158 and Highway 66 and running thence with southern right-of-way of Highway 66 south 62° 0' 40" east 383.64 feet to a point on the right-of-way; thence with the line of Lot 25x, Block 5357 the following courses and distances: south 28° 19' 15" west 147.97 feet; south 48° 10' 03" west 285.55 feet; south 22° 9' 43" west 228.37 feet; north 85° 24' 45" west 62.59 feet, north 4° 45' 37" east, 707.03 feet, north 48° 16' 38" west 180.28 feet; thence with said southern right-of-way of Highway 158 north 42° 44' 15" east 273.19 feet, north 43° 33' 40" east 390.37 feet, to an iron pipe, the point and place of BEGINNING. The above described tract contains 13.44 acres, plus or minus, and being shown as Tract 1 on a rezoning plan.

Tract 2

Being that a certain piece, parcel or tract of land lying and being in Kernersville Township, Forsyth County, North Carolina, being described as follows: Beginning at an iron pipe set on the line of Lot 25x, Block 5357 and running thence north 8° 44' 50" west 290.96 feet to an iron pipe; thence north 41° 6' 24" east 185.97 feet to a point; thence north 30° 17' 4" east 159.60 feet to a point; thence north 19° 34' 26" east 144.24 feet to a point; thence north 4° 30' 0" east 54.27 feet to a point; thence with the line of Lot 25x, Block 5357 the following courses and distances: north 85° 30' 0" west 327.95 feet; north 85° 24' 45" west 153.56 feet to a point; thence south 22° 9' 43" west 228.37 feet to a point; thence south 47° 25' 35" west 335.64 feet to an iron pipe, the point and place of beginning. The above described tract contains 5.77 acres, plus or minus, and being shown as Tract 2 on a rezoning plan.

Tract 3

Being that a certain piece, parcel, or tract of land lying and being in Kernersville Township, Forsyth County, being described as follows: Beginning at an iron pipe located at the north corner of Lot 25N, Block 5357 thence with the line of Lot 25N, Block 5357, the following courses and distances: north 80° 29' 45" east 579.53 feet; south 14° 54' 50" east 74.14 feet; south 2° 1' 25" west 300.07 feet; south 20° 25' 40" west 238.49 feet; north 85° 20' 10" west 426.65 feet; south 85° 30' 00" east 317.85 feet to a point; thence north 4° 30' 00" east 54.27 feet to a point; thence north 19° 34' 26" east 114.24 feet to a point; thence north 30° 17' 4" east 159.60 feet to a point; thence north 41° 6' 24" east 185.97 feet to an iron pipe, the point and place of beginning. The above described tract contains 8.47 acres, plus or minus, and being shown as Tract 3 on a rezoning plan.

Section 2. This Ordinance is adopted after approval of the site plan entitled Walkertown Commons, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of _____, 19____ to Glenwood Development Company for property owned by Shirley J. M. Bloomer, Treva N. Martin, Phillip Wayne Martin, Wanda Martin Scott, and Charles B. Scott.

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 Walkertown 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.

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 Glenwood Development Company for property owned by Shirley J. M. Bloomer, Treva N. Martin, Phillip Wayne Martin, Wanda Martin Scott, and Charles B. Scott (Zoning Docket F-1284). 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 HB-S (Shopping Center - TWO PHASE), LO-S (all LO uses except Landfill - TWO PHASE), and RM-18-S (all RM-18 uses except Landfill - TWO PHASE)), approved by the Forsyth County Board of Commissioners the ____ day of _____, 19 ____" and signed, provided the property is developed in accordance with requirements of the HB-S, LO-S, and RM-18-S zoning districts 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 THE ISSUANCE OF ANY PERMITS**
 - a. A private access easement, minimum thirty-six (36) feet in width, shall be recorded with the office of the Register of Deeds to provide access through the HB-S portion of the property to access the LO-S and RM-18 second phase portions of the property as shown on the site plan.

- **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. This property lies within the Salem Lake WS-III State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer. This project must also be approved for a "Special Intense Development Allocation (SIDA)" permit.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall dedicate forty (40) feet from centerline along the entire frontage of the property on NC 66 and seventy-five (75) feet from centerline along the entire frontage of the property on Reidsville Road/US 158 as new right-of-way in fee simple to the North Carolina Department of Transportation.
 - b. On-site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
 - c. Septic system must be approved by the Forsyth County Health Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices shall be installed.
 - b. All requirements of the SIDA permit shall be installed.
 - c. All required fire hydrants shall be installed in accordance with the County Fire Department.
 - d. All required widenings, medians, and traffic signals (if recommended) for NC 66 and Reidsville Road/US 158 shall be completed to the specifications of the North Carolina Department of Transportation.

- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) fifteen (15) foot free standing monument sign on NC 66 and one (1) fifteen (15) foot free standing monument sign on Reidsville Road/US 158 shall be permitted for the shopping center.
 - b. Outparcels 1, 2, and 3 as well as the property approved for LO-S and RM-18-S are TWO PHASE areas that required a Final Development Plan to be approved by the City-County Planning Board prior to the issuance of any permits. The City-County Planning Board reserves the right to add any reasonable conditions said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b). The following are general conditions for those areas:
 - 1. Outparcels 1, 2, and 3 shall each be permitted one (1) five (5) foot free standing monument sign. All signage in the LO-S and RM-18-S shall also be limited to five (5) foot monument signs.
 - 2. Outparcels 1, 2, and 3 shall be internally served with access through the shopping center property. All internal drives into these sites shall be located at least one hundred (100) feet from NC 66 or Reidsville Road/US 158.

3. **Public Sewer will be required for either the HB-S, LO-S or RM-12-S properties to be developed.**
3. All parking located adjacent to the required private access easement within the HB-S, first phase of development, must be converted to angled parking in accordance with UDO Table 3.9 (Dimensions for Off-Street Parking), with the connection of the easement to the second phase of development.
- d. No lighting fixture shall exceed thirty (30) feet in height.
- e. All lighting over fifteen (15) feet in height shall be of the "shoebox" type which utilizes 180 degree sharp cut-off shielding. Such lighting shall be installed and operated so as to minimize impact on adjacent residentially zoned properties including the drive-in theater site located on the west side of US 158.
- f. All free-standing lighting, including decorative lighting, shall utilize high-pressure sodium lamps.
- g. All decorative lighting fifteen (15) feet in height or lower shall use hooded light fixtures. **Such lighting shall be installed and operated so as to minimize impacts on adjacent residentially zoned properties including the drive-in theater site located on the west side of US 158.**
8. The RM-18 portion of the property can not be developed until additional, well defined access to a public street is provided.

ZONING STAFF REPORT

DOCKET # F-1284
STAFF: Glenn Simmons

Petitioner(s): Glenwood Development Company NC, Inc.
Ownership: Shirley J. M. Bloomer, et. al.; Treva N. and Phillip Wayne Martin; Wanda M. and Charles B. Scott.

REQUEST

From: RS-20 Residential Single Family District; minimum lot size 20,000 sf
To: Tract 1: HB-S Highway Business District (Shopping Center and all other uses allowed under the HB zoning classification except "Adult Establishment" and "Cemetery" - TWO PHASE)
Tract 2: LO-S Limited Office District (All uses allowed in the LO zoning classification except "Landfill, Sanitary"; "Landfill, Construction and Demolition" and "Landfill, Land Clearing and Inert Debris" - TWO PHASE)
Tract 3: RM-18-S Residential, Multifamily; maximum density 18 units/acre (Residential Multifamily and all other uses except "Landfill, Sanitary"; "Landfill, Construction and Demolition" and "Landfill, Land Clearing and Inert Debris" - TWO PHASE)

CONTINUANCE HISTORY: January 13, 2000, to February 10, 2000. The Planning Board and the petitioner agreed to continue this case to the February 10, 2000 meeting to allow the petitioner more time to explore site plan changes in accordance with planning staff recommendations and UDO requirements. Several options were discussed with the petitioner at the interdepartmental review meeting (January 26, 2000). The petitioner subsequently modified his plan to meet most of planning staff's expectations and requirements, whereby planning staff revised previous recommendations for denial and recommended approval of the zoning and SIDA request with site plan conditions.

Acreage: Tract 1: 13.44 acres
Tract 2: 5.77 acres
Tract 3: 8.48 acres
Total: 27.69 acres

LOCATION

Street: Properties are generally located in the southeastern quadrant of the intersection of NC 66 (Old Hollow Road) and US 158. The proposed HB portion of the property is contiguous to NC66 on the north and US158 to the west of the subject property. The proposed LO-S

and RM-18-S portions of the zoning request can be accessed only through the HB-S portion of the zoning request.

Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: A 99,000 square foot shopping center is proposed as part of the first phase of this two phase zoning proposal, with office, multifamily, and other uses allowed in the LO-S and RM-18-S zoning proposed in the second phase of development. Three outparcels as part of the HB-S shopping center are also included in the second phase of development.

Building Height: One (1) story shopping center is proposed in the first phase of development.

Parking: 440 total spaces required at 1 space per 225 sf of shopping center; 445 spaces shown on the site plan.

Bufferyard Requirements: Type III bufferyard will be required for all HB zoned land adjoining all residentially zoned land where there is no intervening street. Type II bufferyards are required on LO and RM zoned properties adjacent to residentially zoned land where there is no intervening street. A type I bufferyard is required on LO zoned properties adjacent to RM-18.

Vehicular Use Landscaping Standards Requirements: County standards will apply for all surface vehicle areas.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Several existing homes and outbuildings are to be removed as part of the proposed site improvements.

Adjacent Uses:

North - Large lot, vacant RS-20 zoned property.

Northeast - Large lot, vacant RS-20 zoned property.

East - One existing single family home which accesses off NC 66. Other sparsely developed RS-20 zoned properties.

Southeast - Vacant and sparsely developed RS-20 zoned properties.

South - Vacant and sparsely developed RS-20 zoned properties.

Southwest - Sparsely developed RS-20 zoned properties accessing US 158.

West - Sparsely developed RS-20 zoned properties accessing US 158.

Northwest- RS-20 zoned residential subdivision and other sparsely developed RS-20 zoned properties.

GENERAL AREA

Character/Maintenance: The site is located at the intersection of two busy highways. Much of the area is comprised of sparsely populated rural residential developments and vacant land tracts. Homes and out buildings in the area are generally well maintained.

Development Pace: Slow.

PHYSICAL FEATURES

Topography: The site slopes gently downward toward the southeast away from NC 66 and US 158.

Vegetation/habitat: The site consists of cleared pasture land and wooded areas.

Constraints: No major physical constraints. Salem Lake water supply watershed limitations on impervious cover and lack of existing sewer service are obstacles to development.

Impact on Existing Features: Several existing structures are to be removed; none are proposed to remain.

TRANSPORTATION

Direct Access to Site: US 158 and NC 66.

Street Classification: US 158 and NC 66 - major thoroughfares.

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

US 158 east of NC 66 - 14,000/16,100 (1998)

US 158 west of NC 66 - 13,000/16,100

NC 66 north of US 158 - 14,000/16,100

NC 66 south of US 158 - 11,000/16,100

Trip Generation/Existing Zoning: RS-20 (27.53 acres) 60 lots x 9.55 = 573 trips per day

Trip Generation/Proposed Zoning: HB-S (13.44 acres) 42.92 x 99,000 sq. ft. = 4,249 new trips per day for phase one only. Although substantial additional trips will be generated from the second phase of development (office and multifamily zones), projected counts cannot be accurately determined without more detailed site development information. Estimates are that as much as 1520 new trips would be generated under typical circumstances for the LO and RM-18 components of the mix-use development.

Planned Road Improvements: Future widening (long-term) of US 158 to multi-lanes.

Sight Distance: Good.

Interior Streets: Private drives to serve shopping center.

Transit: None available.

HISTORY

Relevant Zoning Cases:

1. F-431; R-6 (comparable to RS-20) to B-3 (comparable to HB); denied February 21, 1977; portion of current site; approximately 5.1 acres; Planning Board and staff recommended denial.
2. F-1256; RM-8 to GB-S (Recreation Services, Outdoor); denied May 10, 1999; 3,000 feet south of current site on US 158; 2.21 acres; Planning Board and staff recommended denial. This was the paint ball facility proposal.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 4B: Long-Range Growth.

Relevant Comprehensive Plan Recommendation(s): Promote mixed-use developments as alternatives to standard office buildings. Improve compatibility of shopping centers to adjacent land uses. Promote compatibility of business/industrial uses with residential uses.

Area Plan/Development Guide: None.

Relevant Development Guide Recommendation(s): None.

ANALYSIS

The proposed 27.7 acre mixed-use shopping center, office, and multifamily residential development is a complex request. In addition to the three proposed zoning districts which include 13.4 acres of HB-S, 5.8 acres of LO-S, and 8.5 acres of RM-18, the developer also proposes a TWO PHASE site plan review process for the proposed shopping center outparcels, offices and multifamily uses. The property is also located within the Salem Lake water supply watershed which generally limits development to a maximum impervious cover of 24% of the project land area. The westernmost portion of the project lies within the Walkertown town limits, with the larger remainder lying in the unincorporated area of Forsyth County.

For the past decade or more, development activity in the Walkertown area has been generally slow. Just recently, however, the Town was awarded a grant to pursue the extension of the City-County sewerage system to serve the community. The prospect that sewer may soon be available suggests that Walkertown is now on the verge of increased development activity. In addition to the increased development potential that sewer offers, Walkertown is also well served by transportation access via US 158 to employment centers and other destinations in Winston-Salem. The future extension of the eastern leg of the Northern Beltway through southern Walkertown will further improve transportation access to other Triad destinations and is likely to make the community even more attractive for new development activity.

With increased potential for growth, however, there is also the potential for growth to occur in an inefficient or haphazard manner. While new commercial investment is vital to the economic success of any community, inappropriate development which results in leapfrog or sprawl development can undermine the longer term benefits of economic growth. In many instances highway oriented strip commercial developments have unintentionally siphoned economic activity away from traditional town centers leaving behind derelict or underutilized properties near town centers and creating traffic congestion and visual clutter along primary transportation corridors. These potential problems are even greater when, as in Walkertown, there is no adopted plan to define the limits of future highway oriented developments outside established commercial districts. In this regard, Planning staff is concerned that the location of the subject shopping center along a vital transportation corridor and away from established commercial districts could establish an undesirable precedent for future commercial strip development along both US 158 and NC 66 unless the proposed mixed-used concept is well-defined and functionally integrated with the shopping center.

Staff was encouraged by the prospect that a well designed, mixed-use development could offset our concerns for a commercial-only development at this location. Our belief was that a true mixed-use commercial, office and multifamily residential development could provide a positive, pedestrian-oriented alternative to conventional highway strip development. Initial site plans submitted by the developer, however, failed to meet staffs' expectations. Staff's concerns were reaffirmed during the Planning Board public hearing, whereby the petitioner was granted a continuance in order to address various site plan deficiencies. Of particular note, was the identified need to provide well-defined vehicular and pedestrian access to connect the HB-S portion of the property with the LO-S and RM-18-S second phases of the development. In staff's opinion, this objective was largely achieved with revised site plans which provided a well-defined, 36 foot wide, interior private street with sidewalks, on-street parking, street trees, and some storefronts which oriented to the street. These improvements helped redefine the conventional strip center into one which better supported, both functionally and aesthetically, the desired mixed-use concept. These changes in combination with the developer's use of raised pedestrian crosswalks, attractive building materials and other aesthetic treatments, helped staff overcome some of our dissatisfaction with the site plan as originally submitted.

In addition to the zoning considerations mentioned above, staff is also concerned about the location of the project within the Salem Lake water supply watershed. Specifically, developments within the watershed are restricted to a maximum of twenty-four percent impervious coverage without storm water controls or thirty percent with storm water controls unless the Forsyth County Board of Commissioners grants a Special Intense Development Allocation (SIDA). Under such grants, as much as seventy percent of the subject property may be covered with impervious surfaces. Within the Salem Lake watershed, five percent of the total watershed acreage, or 323 acres, is available for SIDA allocation. Of that, 85 acres are available to be allocated within the Walkertown town limits.

Based on site plan data, proposed impervious coverage amounts for the phase I shopping center tract are approximately ninety percent. Fifty percent and fifty-two percent impervious coverage amounts are respectively projected for the LO-S and RM-18-S second phase portions of the project. Accordingly, the petitioner has asked for a companion SIDA grant of 15.8 acres to allow a total impervious amount of seventy percent. Ordinarily, SIDA requests must qualify under the provisions of a point system adopted by the Commissioners as a way to prioritize various SIDA requests on an individual project basis. The primary purpose of the SIDA incentive program is to support new development which achieves Forsyth County's objectives for quality economic growth and environmental conservation.

If the property is annexed into the Town of Walkertown, however, qualification under the point system is waived if the Town itself also officially supports the SIDA request. According to this provision, the Town of Walkertown adopted a resolution on January 10, 2000 supporting a SIDA allocation and annexation of the balance of the property into Walkertown if the project is approved by the County Commissioners.

Given that Walkertown officially supports the project annexation and SIDA, the County Commissioners must still decide whether or not to issue the SIDA. According to the UDO, staff's recommendation and the Commissioner's decision to approve or deny the request must be based five findings regardless of Walkertown's resolution on the matter. The following is a list of the five findings and planning staff's evaluation and recommendation regarding each (Section 4-5.2(D) of Chapter C "Environmental Ordinance" of UDO):

1. *The proposed project is in conformance with the adopted comprehensive plan (Vision 2005).* Yes. Although staff considers the project to be too far away from established commercial areas of Walkertown to support a commercial-only development, staff believes that the proposed mixed-use development as submitted does support broader objectives of *Vision 2005* which recommends that shopping centers be "compatible with adjacent land uses" and that commercial areas be "clustered" in a manner which is staged with the "provision of roads, sewers, and other services". If a true mixed-use project is approved at this location, it may permit staff to recommend against strip, commercial-only development along US 158 and NC 66 in the future.
2. *The proposed project land use and site design are compatible with the general character of the area and surrounding uses.* Yes. Staff believes that a true mixed-use development can provide an appropriate precedent for future development which is compatible with the general character of the area. Especially in anticipation of sewer extensions and other grow-inducing influences in the area, staff believes that the mixed-use development concept is a desirable alternative to strip commercial development which may otherwise attempt to establish itself at this busy intersection.
3. *The proposed project provides a significant economic benefit to the community by creating or retaining jobs, increasing the property tax base, or assisting industry to grow and or remain in Forsyth County; or, the project meets an identified community need such as the provision of community facilities, retail businesses or personal services, or affordable housing.* Yes. Although staff is concerned that the commercial uses of the project are already available within the Town limits and that approval of this and other requests may simply redistribute and spread out present uses, staff recognizes the market pressures for commercial development at the current location and prefer to see a mixed-use project developed at this location in lieu of conventional strip commercial development. By way of official resolution, the Town of Walkertown is of the opinion that the project meets an identified need.
4. *The proposed project does not pose a threat to the environment, especially water quality, and appropriate steps have been taken to minimize any potential negative environmental impacts.* Staff concurs that the project "does not pose a threat to the environment" and that appropriate steps are shown on the site plan "to minimize any potential negative environmental impacts".

5. *The proposed project has good transportation access, including proximity to major roads and/or rail lines.* Yes. The site's location at the intersection of two major thoroughfares satisfies this criterion, however traffic generation from this and other projects which locate at this busy intersection in the future may put US 158 and NC 66 over capacity.

If the SIDA is approved, State watershed calculation criteria will require that 15.8 acres (or almost 20% of the Town's total) be deducted from the 85 acres allocated to the Town of Walkertown.

Lastly staff wishes to note that the site is not currently served by sewer. According to the petitioner, a septic leach field will be located on property proposed as part of the LO-S and RM-18-S portions of the zoning request in order to serve the sewer needs of the shopping center and outparcels. Only if and when municipal sewer is brought to the site will the LO-S and RM-18-S phases of development be possible.

FINDINGS:

1. The project consists of three zoning proposals, of which the proposed shopping center constitutes the first phase of the TWO PHASE zoning request. The shopping center outparcels, LO-S and RM-18 components of the zoning request constitute the second phase of development.
2. The property is located outside established commercial districts within Walkertown.
3. Although staff is concerned that this project may siphon economic activity away from established commercial areas within Walkertown, staff believes that the mixed-use HB-S/LO-S/RM-18-S may establish a positive precedent for future mixed-use developments in the vicinity of US 158 and NC 66 and minimize the potential for piecemeal, strip commercial development in the area.
4. The mixed-use aspect of the project, with site plan conditions does provide the necessary design integration and pedestrian orientation expected of such a project to offset the land use concerns of a commercial-only zoning request at the subject location.
5. The project must obtain a SIDA grant from the Forsyth County Board of Commissioners in order for the proposed 70% impervious development coverage as shown on the proposed site plan to be approved.
6. Staff finds that the SIDA request positively addresses all of the five findings required under the UDO for SIDA approval.
7. Sewer is not currently available to the site. As an interim solution the developer proposes a septic leach field on the LO-S and RM-18-S portions of the site. Development of the LO-S and RM-18-S portions of the property will require sewer service in order for development to occur.

STAFF RECOMMENDATION:

Special Intense Development Allocation: **APPROVAL**.

Zoning: **APPROVAL**.

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

- **PRIOR TO THE ISSUANCE OF ANY PERMITS**
 - a. A private access easement, minimum thirty-six (36) feet in width, shall be recorded with the office of the Register of Deeds to provide access through the HB-S portion of the property to access the LO-S and RM-18 second phase portions of the property as shown on the site plan.

- **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. This property lies within the Salem Lake WS-III State Regulated Watershed. Developer shall obtain a Watershed permit from the Erosion Control Officer. This project must also be approved for a "Special Intense Development Allocation (SIDA)" permit.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall dedicate forty (40) feet from centerline along the entire frontage of the property on NC 66 and seventy-five (75) feet from centerline along the entire frontage of the property on Reidsville Road/US 158 as new right-of-way in fee simple to the North Carolina Department of Transportation.
 - b. On-site fire hydrant locations shall be approved by the County Fire Department in writing to the Inspections Division.
 - c. Septic system must be approved by the Forsyth County Health Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required storm water management devices shall be installed.
 - b. All requirements of the SIDA permit shall be installed.
 - c. All required fire hydrants shall be installed in accordance with the County Fire Department.
 - d. All required widenings, medians, and traffic signals (if recommended) for NC 66 and Reidsville Road/US 158 shall be completed to the specifications of the North Carolina Department of Transportation.

- **OTHER REQUIREMENTS**
 - a. Signage shall be limited to one (1) fifteen (15) foot free standing monument sign on NC 66 and one (1) fifteen (15) foot free standing monument sign on Reidsville Road/US 158 shall be permitted for the shopping center.

- b. Outparcels 1, 2, and 3 as well as the property approved for LO-S and RM-18-S are TWO PHASE areas that required a Final Development Plan to be approved by the City-County Planning Board prior to the issuance of any permits. The City-County Planning Board reserves the right to add any reasonable conditions said Final Development Plans in accordance with UDO Section 6-2.2(D)(2)(b). The following are general conditions for those areas:
1. Outparcels 1, 2, and 3 shall each be permitted one (1) five (5) foot free standing monument sign. All signage in the LO-S and RM-18-S shall also be limited to five (5) foot monument signs.
 2. Outparcels 1, 2, and 3 shall be internally served with access through the shopping center property. All internal drives into these sites shall be located at least one hundred (100) feet from NC 66 or Reidsville Road/US 158.
 3. Public Sewer will be required for either the HB-S, LO-S or RM-12-S properties to be developed.
3. All parking located adjacent to the required private access easement within the HB-S, first phase of development, must be converted to angled parking in accordance with UDO Table 3.9 (Dimensions for Off-Street Parking), with the connection of the easement to the second phase of development.
 - d. No lighting fixture shall exceed thirty (30) feet in height.
 - e. All lighting over fifteen (15) feet in height shall be of the "shoebox" type which utilizes 180 degree sharp cut-off shielding. Such lighting shall be installed and operated so as to minimize impact on adjacent residentially zoned properties including the drive-in theater site located on the west side of US 158.
 - f. All free-standing lighting, including decorative lighting, shall utilize high-pressure sodium lamps.
 - g. All decorative lighting fifteen (15) feet in height or lower shall use hooded light fixtures. Such lighting shall be installed and operated so as to minimize impacts on adjacent residentially zoned properties including the drive-in theater site located on the west side of US 158.
 9. The RM-18 portion of the property can not be developed until additional, well defined access to a public street is provided.

PUBLIC HEARING - January 13, 2000

Glenn Simmons presented the staff report. Mr. Simmons also presented a conceptual site plan showing potential development yields from the second phase of the two-phase zoning proposal and how the impacts the second phase necessitated well-defined pedestrian and vehicular access to the shopping center as part of the first phase of development.

FOR:

Patrick Hennigan, 132 Greenhill Lane, Mooresville, NC 28117

Distributed package of information regarding this petition.

My company is in business of developing neighborhood shopping centers.

It is committed to fulfilling 100% of its promises and doing a good job with shopping centers.

We had to purchase all of the property shown in the petition.

I've worked with the community and town officials who support this project. We are also willing to be annexed voluntarily. The people of Walkertown want this project.

Showed slides of previous projects that his firm has completed

We agree with the DOT findings and what they are asking us to do.

I feel that the competition will be good for the community and will help the shopping center which is there now to upgrade its facility.

I am willing to work with the community about the drive-in.

We have had several meetings with NCDOT about transportation issues and the shopping center will construct turn lanes, deceleration lanes, concrete medians, and other highway improvements to make traffic movement safe and convenient.

Tom Southern, Mayor of Walkertown, P. O. Box 326, Walkertown, NC 27051

We have worked hard to bring some development into the Walkertown area. We are also interested in having a walkable community.

We need this project as a model for other communities.

Thanks to staff for their expertise and time and for showing us alternatives.

We understand the concern over access to other property which would require a street which currently has no real definition. However, that property may be accessed from Highway 66.

In looking at the present shopping center in Walkertown on Highway 66, we have a lot of congestion there and not a lot of potential for widening Highway 66. We have asked NCDOT to help with the widening of this area.

Jenny Southern, 3825 Pinehall Road, Walkertown, NC 27051

I have lived in Walkertown for 12 years.

If everyone works together we can have another shopping center. We need more competition in the area.

AGAINST:

Phillip West, 115 Robert West Road, Kernersville, NC 27284

My property is near this site.

I am concerned about security for this new facility.

There is a traffic problem in this area that DOT has never addressed.

Walkertown does not have a good history of keeping up shopping centers.

I am opposed to the location of the shopping center.

Teddy Weavil, 3434 Old Hollow Road, Kernersville, NC 27284

My property is near this site.

There is currently a traffic problem and this proposal causes concern that the problem will increase. I am uncomfortable with the traffic and the turning lanes proposed and do not feel that this is a workable solution.

Don Nielsen, 1001 W. Fourth Street, Winston-Salem, NC 27101

I represent the owner of the Bel Air Drive-In which is across the street.

This drive-in has been in Forsyth County for over 40 years.

The owner, Ms. McGee, is not opposed to the request, but is concerned about the lights and traffic from the shopping center.

Lights will be shining across the parking lot to the drive-in. They would like a condition in the site plan that would limit the lighting. We believe we can work with the developer regarding this element.

Our other concern is the traffic accessing the shopping center and other possible development in the area, and potential conflict with cars accessing the drive-in.

We would like to see this request continued until we can discuss it further.

Kay Dillon, 4956 George West Court, Walkertown, NC 27051

I have just built a new house near this site. If I stand on my porch, I will be able to see the shopping center.

I feel that the spillover will negatively impact this neighborhood.

I am opposed to the shopping center and multifamily development.

I have concern about the heavy truck traffic.

I am strongly opposed to multifamily development on the site.

Laura Withers, 5246 Reidsville Road, Walkertown, NC 27051

I am concerned about the traffic from this new shopping center development.

WORK SESSION

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

1. Discussed the widening of Reidsville Road/US 158.
2. Traffic, especially on Friday and Saturday nights, is heavy with the drive-in when open.
3. The petitioner and neighborhood need to meet to discuss this situation further. Suggested issues include lighting associated with the theater, traffic, concept of this model of shopping center, different ideas for the parking lot, and sewage.
4. Staff's intent in presenting a concept site plan for the second phase of development was to illustrate the development potential of the second phase and the need for well-defined vehicular and pedestrian connections to the first phase of development as part of a true mixed use project.
5. Terry Powell expressed appreciation to the staff for coming up with alternatives for situations like this.
6. Staff input is encouraged before the next presentation of this case.

7. The petitioner is struggling with the obligation to put the road in to serve the shopping center.
8. The petitioner indicated a willingness to work with staff and return with an alternative design.

MOTION: Steve Johnson moved to continue the zoning map amendment to February 10, 2000.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

PUBLIC HEARING - February 10, 2000

Glenn Simmons presented the staff report. The public hearing had been closed at an earlier meeting and the Planning Board is in work session. However, the Board decided to grant up to three minutes to each of the five people who signed up to speak.

FOR:

Patrick Hennigan, 132 Greenhill Lane, Mooresville, NC 28117

At last meeting, I committed to working out a plan that would meet the concerns that were expressed.

I did meet with the neighbors who spoke in opposition. I don't think I made them happy; although I tried.

We met with Mrs. McGee, Tricia, and Don Nielsen and agreed to several conditions to help with the drive-in theater. They are no longer in opposition.

The Town of Walkertown has offered unanimous support for this project.

Dot Duggins, Mayor Pro Tempore, 3936 Justin Brook Lane, Walkertown, NC 27051

We beg you to pass this because it's a logical thing to move out to this area. This area has always been a busy area. There's always been traffic here. It's a corridor for this area of Forsyth County.

We are especially interested in this petition, because it is a mixed use development.

AGAINST:

Laura Withers, 5246 Reidsville Road, Walkertown, NC 27051

My only opposition to this request is the traffic. It's dead man's crossing.

Phillip West, 115 Robert West Road, Kernersville, NC 27284

My property backs up to this site.

We don't know if this will actually be a mixed use development. We are concerned that this will just be a shopping center.

Without an easement along here, it would be very difficult to have an apartment complex with 150 units here.

The widening of US 158 is 5-7 years out. That's a long time.

Since there is no documented plan for the rear two parcels, there is no guarantee that it will be a mixed use development. We see nothing on here but a shopping center and parking spaces.

Don Nielsen, 1001 West Fourth Street, Winston-Salem, NC 27101-2400

Represent Ms. McGee and daughter Tricia Williams, owners of Bel-Air Theater.

We met with Mr. Hennigan and a representative from Duke Power. We came up with some acceptable lighting and he basically did everything we were concerned about.

DOT won't adjust access to address our concerns about headlights coming out of the site during theater operating hours.

I'm surprised to see that we don't have a lighting ordinance. That would be worthy of your consideration.

Ted Weavil, 3434 Old Hollow Road, Kernersville, NC 27284

My driveway borders their property. There is an outparcel between my driveway and their entrance to the shopping center. I'm concerned that I currently cannot get out of my driveway. How can an entrance to the apartments and office complex go there?

WORK SESSION

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

1. It might be helpful to the petitioner and the community for the lighting requirements to be applied to outparcels.
2. Before Tract 2 develops, there needs to be another access to Old Hollow Road/NC 66.
3. In response to a question from Mr. Snelgrove, Ms. Duggins indicated that officials in Walkertown have not expressed any unusual concerns about traffic. People in this area for the most part grew up in this area and are use to the traffic. It's been a gradual increase in traffic, mostly as people go to and from work. Mr. Snelgrove urged Ms. Duggins to express to the council the need for proactive consideration of this problem.

4. Kem Schroeder asked if the issue of restricting drive-throughs on outparcels was discussed at the last meeting? Steve Snelgrove replied that it was not. Ms. Schroeder asked what the difference in traffic generation is for outparcels with drive-throughs as opposed to shopping centers without them? Glenn Simmons indicated that staff doesn't have those figures.
5. Although this request is to rezone for a mixed use, a question was raised as to whether we are really getting a mixed use or just a shopping center like we already have?
6. In response to a question from Ms. Schroeder, Mr. Hennigan indicated that initially the rear portions of the land will be used as a septic field while we await installation of public sewer. Currently the market is not there for office buildings. But as sewer becomes available, there will be a demand for office space in places like this. As part of this deal, we were required to purchase this entire site at a significant cost. It won't sit empty any longer than necessary. I agree to the lighting condition. I'd be happy to agree to the condition of providing a second access for development of the other two tracts.
7. Kerry Avant stated that if we vote for this proposal today, we are voting for a shopping center. We don't know it will be mixed use. Access for the second phase would have to be approved when that phase is presented.
8. Kerry Avant stated that he would like to see conditions changed on parking between the buildings so that if and when that is used as access to the two parcels to the rear, the parking configuration be changed to parallel or angled.
9. John Bost agreed that there needs to be an easement between this site and Mr. Weavil's property. Kerry Avant stated that may create more problems.
10. Kem Schroeder noted that we're still having outparcels with drive-throughs. By allowing this, we pretty much guarantee that this will be a typical shopping center and I don't think we make great strides in reducing sprawl or traffic.

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: Jack Stewart

VOTE:

FOR: Avant, Johnson, Stewart, Williams

AGAINST: Bost, Powell, Schroeder

EXCUSED: None

MOTION: Kerry Avant certified that the site plan meets all code requirements. Staff conditions should apply.

SECOND: Jack Stewart

VOTE:

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

AGAINST: None

EXCUSED: None

MOTION: Jack Stewart moved approval of the SIDA.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Johnson, Stewart, Williams

AGAINST: Bost, Powell, Schroeder

EXCUSED: None

According to information furnished by the Office of the Tax Assessor, the subject property was in the names of Shirley J. M. Bloomer, et al, Treva N. Martin, Wanda Martin Scott, Charles Scott, and Phillip Wayne Martin as of November 30, 1999.

A. Paul Norby, AICP
Director of Planning