

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3409
Staff	Gary Roberts, Jr. AICP
Petitioner(s)	Greater Tabernacle Worship Center
Owner(s)	Same
Subject Property	Portion of PIN 6847-17-5864
Address	The new address will be 1771 Motor Road.
Type of Request	Special Use rezoning from LI to LB-S
Proposal	The petitioner is requesting to amend the Official Zoning Maps for the subject property from LI (Limited Industrial) to LB-S (Limited Business – Special Use). The petitioner is requesting the following use: <ul style="list-style-type: none"> • Retail Store
Neighborhood Contact/Meeting	See Attachment B for a summary of the petitioner’s neighborhood outreach.
Zoning District Purpose Statement	The LB District is primarily intended to accommodate moderately intense neighborhood shopping and service centers close to residential areas. The district is established to provide locations for businesses which serve nearby neighborhoods, including smaller business locations up to ten (10) acres in size in rural areas. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. Standards are designed so that this district, in some instances, may serve as a transition between residential districts and other commercial districts. This district is intended for application in GMAs 2, 3, 4 and 5.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the site is located at the intersection of a major and minor thoroughfare within GMA 3 (Suburban Neighborhoods). The request would also provide a business on a smaller site which would serve nearby neighborhoods.
GENERAL SITE INFORMATION	
Location	Northeast corner of Old Walkertown Road and Motor Road
Jurisdiction	City of Winston-Salem
Ward(s)	Northeast
Site Acreage	± 1.49 acres
Current Land Use	The site is currently undeveloped.

Surrounding Property Zoning and Use	Direction	Zoning District	Use			
	North	LI	Undeveloped property			
	East	LI	Undeveloped property and Mt. Pleasant United Methodist Church across Mount Pleasant Drive			
	South	RS9	Single-family homes across Old Walkertown Road and the Norfolk Southern Railroad			
	West	LI	Undeveloped property			
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	The proposed use (Retail Store) is compatible with the uses permitted on the adjacent LI-zoned properties. Considering the modest scale of the proposed development and the width of the adjacent intersection and railroad, this use is also compatible with the uses allowed on the nearby RS9-zoned properties.					
Physical Characteristics	The site has a moderate slope downward toward the northwest.					
Proximity to Water and Sewer	The site has access to public water and sewer.					
Stormwater/ Drainage	A stormwater management device is proposed in the northern portion of the site, and a stormwater management study will be required.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The undeveloped subject property is a corner lot positioned at a highly visible intersection. The site has no apparent development constraints and the request is compatible with the overall setting at this location.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreeage	Recommendation	
					Staff	CCPB
W-3329	RS9 to LB-L	Approved 6/5/2017	700 feet southeast	1.46	Denial	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Old Walkertown Road	Major Thoroughfare	308 feet	8,600	15,300		
Motor Road	Minor Thoroughfare	None (See proposed Access Point(s))	6,000	13,800		
Proposed Access Point(s)	The site plan proposes access onto Motor Road via easement across the adjacent property to the west.					

Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a three-lane section for Old Walkertown Road with wide outside lanes, curb and gutter, and sidewalks.
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: LI</u> Because there is no site plan associated with the existing general use zoning, staff cannot generate estimated traffic volumes.</p> <p><u>Proposed Zoning: LB-S</u> 9,183 square feet / 1,000 x 53.13 (Freestanding Discount Store Trip Rate) = 488 Trips per Day</p>
Sidewalks	A sidewalk is located along the east side of Motor Road, and sidewalk is proposed along the site's Old Walkertown Road frontage.
Transit	WSTA Route 96 serves the intersection of Carver School Road and Lansing Drive located 1,100 feet to the southeast.
Connectivity	Per the recommendation of the <i>Northeast Suburban Area Plan Update</i> regarding connectivity, the proposed site plan includes a public cross-access easement to the undeveloped property directly to the northeast. The proposed site plan does not include an easement to the east, which was recommended by Planning staff.
Analysis of Site Access and Transportation Information	<p>The site is located at the signalized intersection of Old Walkertown Road and the recently extended Motor Road. Because the site does not directly abut Motor Road, access will occur through an easement acquired from the adjacent property owner (City of Winston-Salem). While both of these roadways appear to have ample capacity, staff has two concerns regarding access for the subject property.</p> <p>Firstly, the proposed access from Motor Road would be located approximately 135 feet from the intersection with Old Walkertown Road. At this location, Motor Road is four lanes wide. Consequently, traffic turning left from the subject property would have to cross three lanes of traffic to reach the right turn lane at the intersection. While this driveway location meets the minimum separation requirements, staff recommends the access onto Motor Road be placed farther from the intersection. This recommendation is based upon the broader goals of the <i>Northeast Suburban Area Plan Update</i>, which identifies the subject property as part of a larger 115-acre area recommended for mixed-use development. If this area develops in a comprehensive manner with shared access points, staff believes having this driveway located farther from Old Walkertown Road would facilitate safer movements as future traffic volumes increase.</p> <p>Secondly, both <i>Legacy 2030</i> and the area plan recommend connectivity to adjacent properties. To maximize the development potential of this larger area, a coordinated and connected network of access points and streets is key. While the site plan includes a public cross-access easement to the undeveloped property to the northwest, it shows no other connections. Staff recommends an easement to connect with the undeveloped property to the east.</p>

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	9,183		Fronting on Old Walkertown Road
Parking	Required	Proposed	Layout
	31 spaces	31 spaces	90-degree head-in with some parallel spaces on two sides of the building
Building Height	Maximum		Proposed
	40 feet		One story
Impervious Coverage	Maximum		Proposed
	75 percent		45.3 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (G) Limited Business District Chapter B, Article II, Section 2-5.66 Retail Store Use Conditions 		
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy 2030 policies:	See comments below in the CONFORMITY TO PLANS AND PLANNING ISSUES section.	
	(B) Environmental Ord.	N/A	
	(C) Subdivision Regulations	N/A	
Analysis of Site Plan Compliance with UDO Requirements	The site plan shows a one story, 9,183-square foot retail building with associated parking. Stormwater management will occur on the northern portion of the site. The site plan complies with the minimum landscaping, parking, and impervious coverage requirements of the UDO, and the building elevations comply with the recent text amendment regarding the Retail Store use.		
CONFORMITY TO PLANS AND PLANNING ISSUES			
Legacy 2030 Growth Management Area	Growth Management Area 3 - Suburban Neighborhoods		
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> Goods and services should be available near where people live and work (p. 25). Create incentives and tools to encourage mixed-use development at appropriate locations, including Downtown, activity centers, mixed-use opportunity areas and proposed future transit stops (p. 51). Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas (p. 182). Promote land use compatibility through good design and create a healthy mix of land uses in proximity to one another. Move away from the separating and buffering of some land uses and toward transitioning and blending those uses (p. 48). Promote quality design so that infill does not negatively impact surrounding development (p. 54). Minimize the number of driveways along thoroughfares and arterials to reduce vehicular conflicts, increase pedestrian safety, and improve roadway capacity (p. 65). Encourage the combination of driveways and use of cross-access 		

	<p>easements through the development approval process (p. 65).</p> <ul style="list-style-type: none"> Mixed-use developments need to be compatible with adjacent land uses, provide a diversity of housing types, contribute to the character of the neighborhood and larger community, and create vibrant, pedestrian-oriented places. Special attention needs to be given to producing an acceptable mix of land uses; designing parking areas for walkability; providing circulation patterns for vehicular, pedestrian, and bicycle access; and providing public amenities including plazas and open space (p. 183).
Relevant Area Plan(s)	<i>Northeast Suburban Area Plan Update (2017)</i>
Area Plan Recommendations	<p>The subject property is recommended for mixed-use development.</p> <p><u>General Area Plan Recommendations:</u></p> <ul style="list-style-type: none"> Commercial development should be concentrated in designated areas and not allowed to take the form of strip development along the major roads in the planning area (p. 25). Site design should incorporate pedestrian-oriented design elements such as street trees, buildings located close to the street, building façade articulation and variety, and transparent windows and doors (p. 25). <p><u>Specific Recommendations for the subject property:</u></p> <ul style="list-style-type: none"> The subject property is shown as part of this mixed-use development opportunity area. This nearly 115-acre area is a prime location for new commercial and residential development, which is desired by many citizens in the planning area. More intense commercial development including retail, restaurants, and medical services is recommended to be located on the south end of the site closest to Old Walkertown Road. Comprehensive residential development is recommended for the northern portion of the area and may include single-family or low-density attached residential towards the east with higher density multifamily development located near Baux Mountain Road. Pedestrian-friendly design and connections to the surrounding area are important site design factors here. Topographic issues such as steep slopes and potential wetlands exist in the northeastern part of this area which may provide development challenges. These undevelopable areas may represent opportunities for a future park or open space (p. 28).
Site Located Along Growth Corridor?	The site is not located along a growth corridor.
Site Located within Activity Center?	The site is not located within an activity center.

Greenway Plan Information	A greenway connector is recommended in this area that would connect the proposed Five Mile Branch Greenway (approximately 1,100 feet north) to Forsyth Tech and the library at the intersection of Carver School Road and Lansing Drive. Because the existing sidewalk along Motor Road will serve as the connector, no further easements are required.
Other Applicable Plans and Planning Issues	In 2007, the City Council authorized the sale of 33 acres (including the subject property) at the intersection of Old Walkertown Road and Motor Road. In 2013, after further discussions, 20 of the 33 acres were purchased, with deed restrictions that the site would be developed for public purposes. In 2017, the City Council extended the construction completion date for the new public facility to 2020. The same year the Council passed a resolution allowing the new owners to sell a 1.5-acre portion (subject property) of the 20-acre site to a for-profit entity (Spring Hill/Dollar General). The sale amount would be given to the City and the City would then return this amount in the form of a grant to the original purchasing party, as they comply with the agreed upon conditions to construct the public purpose facility. The Council also passed a resolution authorizing Dollar General to pay the City for an access easement to the subject property from Motor Road.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	(R)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(R)(4) - Is the requested action in conformance with <i>Legacy 2030</i>?
Analysis of Conformity to Plans and Planning Issues	<p>See comments below.</p> <p>The request is to rezone an undeveloped parcel located at the intersection of Old Walkertown Road and Motor Road from LI to LB-S to construct a retail store.</p> <p>The <i>Northeast Suburban Area Plan Update</i> identifies the subject property as part of a 115-acre mixed-use development opportunity area. The plan states that this a prime location for new commercial and residential development and that pedestrian-oriented design elements such as street trees and buildings (with façade articulation) located close to the street should be incorporated. The plan also recommends connectivity with other properties within this area.</p> <p>Staff supports much needed retail development at this location and envisions that, if designed well, it could spur additional development in the area. Staff has conveyed its concerns to the developer regarding the location of the access onto Motor Road and the lack of connectivity to the undeveloped property to the east. The proposed site plan does not address these concerns.</p> <p>To minimize visibility of the front parking area, the developer has incorporated a brick knee-wall around its perimeter. Staff also recommends a monument signage condition.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request is consistent with the land use recommendation of the area plan.	Close proximity of the proposed driveway to the intersection of Old Walkertown Road and Motor Road, along with the lack of connectivity to the undeveloped property to the east, does not facilitate a comprehensive development pattern. This would maximize future development within the larger mixed-use opportunity area.
The request will provide needed convenience retail to the surrounding area and represents the first development within a larger area recommended for a mixture of uses.	
Both Old Walkertown Road and Motor Road have ample capacity.	
The request may spur additional development in the general area.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment. b. Developer shall obtain a grading easement from the owners of the adjacent PIN 6847-17-0802. c. Developer shall obtain a driveway permit from the City of Winston-Salem; additional improvements may be required prior to issuance of driveway permit. Required improvements include: <ul style="list-style-type: none"> • Sidewalk along the frontage of Old Walkertown Road; and • A negative access easement along the frontage of Old Walkertown Road. • <u>PRIOR TO THE ISSUANCE OF BUILDING PERMITS:</u> <ol style="list-style-type: none"> a. The proposed building plans shall be in substantial conformance with the submitted elevations as shown on “Exhibit A” and as verified by Planning staff. All rooftop HVAC equipment shall be screened from view of the adjacent streets. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ol style="list-style-type: none"> a. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff. b. Developer shall complete all requirements of the driveway permit. • <u>OTHER REQUIREMENTS:</u> <ol style="list-style-type: none"> a. Freestanding signage shall be limited to one monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet. 	

STAFF RECOMMENDATION: Approval IF a revised site plan is submitted which includes the following: a northward relocation of the entrance onto Motor Road; and a public cross access easement extending from Motor Road to the property to the east.

NOTE: These are **staff comments** only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.**

CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR W-3409 APRIL 11, 2019

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Michael Fox, Tuggle, Duggins & Meschan, 100 North Green Street, Greensboro, NC 27401

- It has taken a long time and a lot of effort to get to this point. We have worked with the City to get an easement agreement, which we've gotten. We are very comfortable with working with the City to adjust the entrance. The main request that we would have would be that whatever we do today, hopefully you will approve it such that we do not have to come back if City Council doesn't see it exactly like we do. We only have control over a part of the deal and we're relying upon the City Council and the City Attorney's office and the Real Estate office to say, yes, you can move that. We're willing to.
- Mr. Fox used a diagram to show the Planning Board how they intend to pivot the entranceway.
- The church has had very strong support from their Council member in this area.
- There is a very tight construction deadline.
- I wanted to speak to internal access. I understand why it's desirable in a lot of ways, and we're not necessarily opposed to it. The east access would go directly into the property that the church is planning on building a facility on, and they are not interested in having commercial traffic come through their facility. We think the other access will suffice.

Clarence Lambe brought up concerns about connectivity to the east.

Daniel Almazan, Teramore Development, LLC, 306 Oak Brook Drive, Salisbury, NC 28146

- When staff made recommendations for connectivity to the east, one problem was obviously our tenant, with their experience, does not like having a parking lot used as a driveway.
- We had a meeting with Mayor Pro Tempore Burke, along with members of the church board, where we were talking about this recommendation to have a cross-access easement. The board's concerns were the elderly and children crossing the parking lot. And having people use Mount Pleasant Road as a throughway, and if there were problems with access, and it was easier to use a Mount Pleasant access through the church, they might use the site versus going through Motor Road. Dollar General and the

church do not want to use their parking lots as a drive-through. I have a letter from the church confirming that. Mayor Pro Tempore Burke understood and agreed with that as well.

There was lengthy discussion between Mr. Almazan and Mr. Grubbs on different scenarios of where the primary access could be moved.

In answer to a question posed by Mr. Leak, Mr. Almazan explained the dynamics of Dollar General stores being in close proximity to one another.

Kristyn Daney, 1620 Cherry Blossom Lane, Winston-Salem, NC 27127

- I am one of the elders at Greater Tabernacle Worship Center, and I am on the church board as well. We have had several community meetings, and the community is for it. They are looking forward to our plans that include a walking trail, our church building, and something like a community center/gymnasium so we can have some after-school activities. We want to have a baseball field and picnic area, as well as a prayer tower.
- We have great vision. We are looking to revitalize the land. And not only that, we are looking to build. We believe this is our time and our season and are ready to move forward.

AGAINST:

Gardenia Henley, 4920 Old Walkertown Road, Winston-Salem, NC 27105

- I am in strong opposition of having a Dollar General at this intersection, and I've listed a lot of reasons as to why. But sitting here listening to this meeting, I'm a bit confused because it sounds like somebody has put the cart before the horse. I'm hearing that someone has purchased land, made a commitment to Dollar General to build this facility, and it hasn't been voted on. And I'm hearing a lot of conversation and I'm sitting over there thinking, "Am I in the wrong meeting?" It sounds like this has already been approved.
- We don't need a Dollar General in this neighborhood; we already have three. It's become a triangle. I was raised in the neighborhood, I know the neighborhood, and we don't need it. The people I represent who actually live in the neighborhood - and I'm not talking about church members who want it - don't feel we need it because we already have it.
- We are homeowners and this is going to bring down the value of our property. I can walk to the other Dollar General and Family Dollar.
- There is a lot of traffic on Old Walkertown Road due to a school across the street from the proposed location and a church next to the school. It was said that it could accommodate 14,000 more vehicles. I disagree wholly. I don't know where the numbers came from, but I would like to see them. I have had nine cars flip over in my yard. We're already trying to accommodate a gas station, and it's getting robbed all the time, and I would imagine the same thing is going to happen to the Dollar General.
- The Dollar General is going to increase crime and lower the value of our property. We are working desperately to keep our property values up. Church members want this facility to go up, for whatever reason, at our expense.

- I am a retired Inspector General, and I have been looking at this situation for a little while now, and it doesn't smell right to me. The initial funding was through a grant, and I know that is not a concern for you all, but it could be. Because supposedly this location was supposed to be for a non-profit. Dollar General is clearly not a non-profit organization.
- I'm asking you as a board to do the right thing. I was in a meeting with the individuals from Faith Tabernacle and for the contractors for Dollar General, and a comment was made by one of the representatives who was speaking on Faith Tabernacle's behalf, and they said, "This is a done deal, it's going to happen." Now the property owners have a deadline.
- I'm putting the Planning Board on notice, so to speak, you need to look at the issues here. If you vote on this tonight, you're going to disappoint a lot of people. A lot of people are looking at this tonight. I would pray and hope you would not vote on something that has not been properly implemented. I hear a lot of commitment verbally but there is nothing in writing. It will be of no value to the community.

WORK SESSION

In response to a question by Ms. Smith, Ms. Henley stated that she represented other members of the community who are in opposition of Dollar General.

In response to a question by Mr. Hicks, Ms. Henley listed other Dollar General stores in the area: US 311 and Carver School Road, one at Ogburn Station, and another one on Old Walkertown Road in the Highway 66 area.

Melynda Dunigan commented that it was a very good idea to have connectivity should other development come in.

The Planning Board asked the Petitioner if they would be amenable to an asphalt access easement on the east side of the property. And working with the City to make adjustments to the entranceway.

Mr. Fox stated that the Petitioner is agreeable to working with the City on the relocation of the entranceway. Mr. Fox wanted to make sure that the Petitioner would not end up back in front of the Planning Board if things got too specific with City Council. Mr. Fox stated that they would prefer not to have the cross-access to the east but that he would have to go back to Dollar General to see if they would agree to a cross-access. Dollar General typically does not like their parking lot being used as a driveway. Mr. Fox stated that it was not safe and it causes their insurance rates to go up.

Mr. Almazan explained that eighteen-wheeler trucks needed to be able to turn around on the property. Dollar General does not want the employees to have to walk across a driveway going to the dumpster, for safety reasons.

MOTION: Jason Grubbs recommended approval of the zoning petition provided that the access to Motor Road be pivoted and connectivity established via whatever staff says is needed to have connectivity to the east.

SECOND: Melynda Dunigan

Jerry Kontos, Assistant City Attorney, suggested two alternatives in order to proceed. Given that the Petitioner has not agreed to the second condition, a vote can be taken on the condition that has been agreed to and then make a recommendation to City Council with regard to the second condition that this board would like to see.

Mr. Grubbs: Or I can just withdraw my motion and start over?

Mr. Kontos: Correct.

Mr. Grubbs: I'm glad to withdraw the motion.

MOTION: Clarence Lambe recommended approval of the zoning petition provided that the Motor Road access is moved as far north as is feasible.

[Motion fails due to lack of second.]

Mr. Kontos: Again, for your full recommendation, if you would like to indicate to Council your position on this rezoning should a second easement or stub occur, you're certainly welcome to do that, or you can stop where you are now.

Mr. Bryan: I didn't fully hear the developer say that he couldn't fully handle that motion made by Mr. Grubbs. I heard him say that if we had to live with it, we could live with it, but it isn't perfect.

Mr. Kontos: Given that you're just an advisory board at this point, the law is crystal clear that in order for Council to approve the rezoning with that condition, the petitioner would have to agree to it. You are in enough of a gray area here, functioning in an advisory role, to certainly indicate your preference with regard to both conditions, or in regard to just the one.

MOTION: Jason Grubbs recommended approval of the zoning petition provided that the Motor Road access is moved as far north as is feasible, along with a recommendation to City Council that they not approve the zoning without an eastern connection/cross-access easement.

SECOND: Tommy Hicks

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Brenda Smith

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services