

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3574
Staff	Nick Smith
Petitioner(s)	Linda Needham and Scott Needham
Owner(s)	Same
Subject Property	PINs 6828-33-3057, 6828-33-2034, 6828-33-1022, 6828-32-2829, and 6828-32-2830
Address	102, 106, and 110 Laura Avenue; 5421 and 5425 University Parkway.
Type of Request	Special Use rezoning
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from HB-S (Highway Business-Special Use), LB-L (Limited Business-Limited Use), and RS12 (Residential, Single-Family-minimum 12,000 square foot lots) to HB-S (Highway Business-Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> Arts and Crafts Studio; Banking and Financial Services; Building Contractors, General; Car Wash; Child Care, Drop-In; Church or Religious Institution, Neighborhood; Club or Lodge; Convenience Store; Food or Drug Store; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Library, Public; Micro-Brewery or Micro-Distillery; Museum or Art Gallery; Offices; Parking, Commercial; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Restaurant (without drive-through service); Retail Store; School, Vocation or Professional; Services, A; Shopping Center, Small; Signs, Off-Premises; Theater, Indoor; Urban Agriculture; Utilities; Veterinary Services; Warehousing; Adult Day care Center; Child Care, Sick Children; Child Day Care Center; Easement, Private Off-Site
Neighborhood Contact/Meeting	A summary of the petitioner's neighborhood outreach is attached.
Zoning District Purpose Statement	The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in GMAs 2, 3, and 4.
Rezoning Consideration	Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

from Section 3.2.19 A 16	Yes, the site is located within GMA 3 with good road access and is adjacent to existing commercial development.		
GENERAL SITE INFORMATION			
Location	Southeast intersection of University Parkway and Laura Avenue		
Jurisdiction	Winston-Salem		
Ward(s)	Northeast		
Site Acreage	± 2.77 acres		
Current Land Use	The subject property includes a currently vacant commercial site zoned HB-S, a restaurant without drive-through service zoned LB-L, and two single-family residential dwellings zoned RS12.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS12	Single-family dwellings
	East	RS12	Single-family dwellings
	South	RS12	Vacant land
	West	HB and HB-S	Retail store, offices, fuel dealer, restaurant with drive-through service
Rezoning Consideration from Section 3.2.19 A 16	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?		
	The site is comprised of three parcels zoned HB-S and LB-L that are used for commercial purposes, as well as two parcels (RS12) that are used for residential purposes. On the west side of University Parkway across from the subject properties there are several commercial uses. There are no adjacent compatible commercial uses on the east side of University Parkway close to the site however.		
Physical Characteristics	The subject properties currently contain two single-family dwellings, two commercial buildings, and related commercial accessory structures. The two commercial properties include large areas of impervious coverage. The subject property slopes approximately six feet from north to south.		
Proximity to Water and Sewer	Public water and sewer are available along University Parkway and Laura Avenue.		
Stormwater/ Drainage	The site plan shows two proposed underground stormwater management devices. One is located west of the proposed bank and the other is shown west of the proposed restaurant.		
Watershed and Overlay Districts	The site is not located within a water supply watershed or overlay district.		
Analysis of General Site Information	The subject property has been graded from prior development, currently displaying a flat, level surface across all five parcels. Several buildings are currently on site, all of which are proposed to be removed per the applicant’s site plan. The most complimentary commercial development exists on the west side of University Parkway, separated from the subject property by a signalized intersection and a median divided six lane road. The site is currently surrounded by residential uses to the		

		north and east. Additionally, Leak Fork Creek makes a southward expansion of commercial development difficult here.				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3431	HB-S	Approved 2/3/2020	West from subject property	1.01	Approval	Approval
W-3118	LB-L	Approved 12/5/2011	Subject property (LB-L portion)	1.33	Approval	Approval
W-1987	HB-S	Approved 11/20/1995	West from subject property	11.98	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name		Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D	
University Parkway		Expressway	375 feet	35,000	49,000	
Laura Avenue		Local	325 feet	N/A	N/A	
Proposed Access Point(s)		The site plan proposes a single access point at the intersection of University Parkway across from the Target shopping center.				
Trip Generation - Existing/Proposed		<u>Existing Trip Generation</u> <ul style="list-style-type: none">RS9 Zoning - Two Single-Family Detached Homes = 19.14 Trips per DayHB-S Zoning - 1,244sf / 1,000 sf x 11.57 (Single Tenant Office Building trip rate) = 14.39 Trips per DayLB-L Zoning - 1,500 sf / 1,000sf x 153.85 (Fast Food Restaurant with Drive-Through & No Indoor Seating trip rate) = 230.78 Trips per Day <p><u>Total Existing Trip Generation = 264.31 Trips per Day</u></p> <u>Proposed Trip Generation</u> <ul style="list-style-type: none">(Lot 1) 3,115sf / 1,000sf x 148 (Drive-In Bank trip rate) = 461.02 Trips per Day(Lot 2) 4,936sf / 1,000sf x 127.15 (High-Turnover (Sit Down) Restaurant trip rate) = 627.61 Trips per Day <p><u>Total Proposed Trip Generation = 1,088.63 Trips per Day</u></p>				

Sidewalks	No sidewalks exist along University Parkway and Laura Avenue along the subject properties’ street frontage. The developer is not proposing any new sidewalks along those street frontages.		
Transit	There is a WSTA bus stop at the southeastern corner of the intersection of University Parkway and Laura Avenue. Transit lines 89 and 91 make stops at this location.		
Transportation Impact Analysis (TIA)	A TIA was submitted as part of this Special Use rezoning.		
Analysis of Site Access and Transportation Information	The intersection of University Parkway and the Target shopping center access drive will serve as the entrance point for this site. No sidewalks are proposed as part of this development. The proposed site plan showing restaurant without drive-through and banking and financial services uses is expected to generate increased local traffic compared to existing conditions. A portion of this traffic increase may be offset by the presence of a WSTA stop on site.		
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage	Placement on Site	
	3,115 (lot 1) 4,694 (lot 2)	Central portion of Lot 1 Central portion of Lot 2	
Parking	Required	Proposed	Layout
	14 spaces (lot 1) 49 spaces (lot 2)	29 spaces (lot 1) 85 spaces (lot 2)	90-degree head-in and 45-degree head-in (lot 1) 90-degree head-in (lot 2)
Building Height	Maximum		Proposed
	60 feet		30 feet
Impervious Coverage	Maximum		Proposed
	85 percent		55.60 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none">Section 4.6.9: Highway Business DistrictSection 6: Development Standards		
Complies with Section 3.2.11	(A) Legacy 2030 policies:	Yes	
	(B) Environmental Ord.	N/A	
	(C) Subdivision Regulations	N/A	
Analysis of Site Plan Compliance with UDO Requirements	The submitted site plan proposes two new commercial buildings surrounded by a parking area. The site plan complies with all UDO requirements.		
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"> • Encourage both residential and non-residential infill development/redevelopment rather than greenfield development. • Discourage inappropriate commercial encroachment into neighborhoods. • Encourage the combination of driveways and use of cross-access easements through the development approval process. • Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area. • Create new and enhance existing neighborhoods, emphasizing connectivity, walkability, a variety of land uses, and access to services and institutional uses.
Relevant Area Plan(s)	<i>North Suburban Area Plan (2014)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The <i>North Suburban Area Plan</i> recommends 102 Laura Avenue for commercial use. • The <i>North Suburban Area Plan</i> recommends 110 and 106 Laura Avenue for single family residential use. • The <i>North Suburban Area Plan</i> recommends 5425 and 5421 University Parkway for office use. • Goods and services should be available near where people live and work. • The plan recommends the consolidation of office and commercial uses at existing commercial/office locations and in designated activity centers.
Site Located Along Growth Corridor?	The site is located along the University Parkway Growth Corridor.
Site Located within Activity Center?	The site is not located within an Activity Center.
Addressing	The addresses for this property will be 5421 University Parkway and 5425 University Parkway
Rezoning Consideration from Section 3.2.19 A 16	Have changing conditions substantially affected the area in the petition?
	No
	Is the requested action in conformance with <i>Legacy 2030</i>?
	No
Analysis of Conformity to Plans and Planning Issues	<p>The request is to rezone a 2.77-acre area from HB-S, LB-L, and RS9 to HB-S. This request would allow the development of additional commercial uses on site, including a restaurant without drive-through service and banking & financial services.</p> <p>The subject property is adjacent to single-family residential uses, and sections of the overall site were previously rezoned in 1988 and 2011.</p>

	<p>Both prior rezonings (W-1508 & W-3118) limited the number of non-residential uses to protect the homes on Laura Avenue from commercial encroachment. Conditions of the previous rezonings included retaining the existing buildings on site, which the Planning Board pursued to limit the uses which could practically take place on the site, and removing the high intensity commercial uses of convenience store and banking & financial services. The petitioner for the current rezoning request is seeking to demolish the existing buildings, build new commercial buildings, and add the Banking & Financial Services use to the list of approved uses. Staff is concerned that new commercial buildings and the proposed banking use would generate significant traffic and negatively affect the homes on Laura Avenue.</p> <p>This rezoning request is partially consistent with the <i>North Suburban Area Plan</i>, which recommends commercial, office, and residential use for different portions of the site. The request is inconsistent with <i>Legacy</i>, however, which discourages inappropriate commercial encroachment into neighborhoods.</p> <p>Staff does not recommend approval of this request, as it would expand commercial zoning further along Laura Avenue.</p>
CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
Commercial uses currently exist along University Parkway and on the subject property.	The request will allow further encroachment of commercial uses into an established residential neighborhood.
The request orients the commercial uses to University Parkway, rather than Laura Avenue.	Prior rezonings of the site included conditions to protect adjacent homes from high-intensity commercial uses, which this proposal removes.
	This request could add significant traffic along University Parkway.
<p>The following conditions are proposed from interdepartmental review comments to meet established standards or to reduce negative off-site impacts:</p> <ul style="list-style-type: none"> • <u>PRIOR TO ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> a. The developer shall submit a stormwater management study for review by the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved. Relocation or installation of any stormwater management device into any buffer areas or existing vegetated areas designated to remain, or in close proximity to adjacent property with residential zoning, shall require a Staff Change approval at minimum and may require a Site Plan Amendment. b. The developer shall obtain a driveway permit from the North Carolina Department of Transportation; additional improvements may be required prior to issuance of the driveway permits. Additional improvements include but are not limited to: 	

- A fee-in-lieu of sidewalks for the frontage along University Parkway.
- **OTHER REQUIREMENTS:**
 - a. The subject property shall not have access onto Laura Avenue.
 - b. The proposed 20-foot Type III Bufferyard shall be extended west along the northern property line of the subject property for a minimum of one hundred and five (105) feet.
 - c. Freestanding signage shall be limited to one (1) monument sign for each of the two proposed zoning parcels with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
 - d. No exterior amplification, exterior loudspeakers, or similar devices (including a customer call system) that are audible beyond the boundaries of the subject property shall be installed.
 - e. All storage tanks and trash containers located on the subject property shall be screened in a manner architecturally compatible with the buildings located on the subject property and utilizing the same building materials as the principal buildings.
 - f. No structure of a temporary nature shall be allowed on the property except that during construction, a construction trailer may be utilized.

STAFF RECOMMENDATION: Denial

NOTE: These are **staff comments** only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue, or request modification to any request. **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-3574

JUNE 8, 2023

Nick Smith presented the staff report.

Clarence Lambe asked if two freestanding signs would be installed as part of this development, to which Chris Murphy responded affirmatively. Two signs will be required due to the development consisting of two separate parcels. George Bryan inquired if the land behind the southernmost parcel was actually developable. Nick Smith noted that this property consisted mostly of flood zones and was largely undevelopable.

PUBLIC HEARING

FOR:

Luke Dickey, with Stimmel PA, and representative for petitioner.

- Mr. Dickey provided a general overview of the proposal. Chris Leak asked how many residents who participated in the neighborhood outreach were concerned with traffic generated by the project, to which Luke responded most of the citizens were concerned about increased traffic. Luke noted Laura Avenue has “right in, right out” access and the proposed site will use a traffic signal to access University Parkway. Jason Grubbs inquired if the proposed bank building could be rotated and moved closer to University Parkway to provide a better separation for the adjoining residential properties, to which Luke replied that such a change would impact site circulation and would not be possible.

Brandon Kublano, a representative with Track West Development Partners

- Mr. Kublano expressed his understanding of neighborhood concerns and noted his belief that the proposed site plan will be an improvement compared to existing conditions on University Parkway.

AGAINST:

Martha Jones

- Ms. Jones read a prepared statement to express her opposition. She noted the diversity of the neighborhood, which includes both original and new property owners. Ms. Jones referenced the North Suburban Area Plan, which does not support this rezoning. She stated that traffic is already an issue here, with cars cutting through the neighborhood to Oak

Summit Road. She feels the proposed development will increase traffic, impact safety, and change the character of the neighborhood.

Sherry Cochrane

- Ms. Cochrane concurred with Ms. Jones' statements of opposition. She stated that the proposed plan would be a disservice to the neighborhood and expressed concerns with potential impacts on Leak Fork Creek. She also discussed traffic and safety on Laura Avenue. George Bryan inquired if the safeguards put in place with the previous rezoning of the property helped address these issues. Nick Smith summarized the conditions approved by City Council in December 2011 for case W-3118.

Judi Griffin

- Ms. Griffin spoke of her opposition to the proposed plan. She reiterated the traffic issues on Laura Avenue and noted that the proposed restaurant is an evening use and not in character with the neighborhood. The orientation of the bank is also an issue. Jason Grubbs inquired if there were sidewalks on Laura Avenue. Ms. Griffin answered that there are some sidewalks along University Parkway, but not on Laura Avenue.

Rebecca Emilson

- Ms. Emilson voiced her concerns on the safety of the neighborhood and stated that the proposed site will increase cut-through traffic in the neighborhood.

WORK SESSION

Chris Murphy informed the Board that the staff report states there are not any sidewalks proposed as part of this development. Staff will verify the requirements for sidewalks on University Parkway with WSDOT prior to the City Council meeting in August. Brenda Smith stated that neighborhoods like this need protecting. Walter Farrabe commented that most lots facing University Parkway are not deep enough to utilize for commercial development on their own and would need to be combined with adjacent parcels. Walter noted that sidewalks may help the proposed site feel like more of a neighborhood commercial area. Jack Steelman remarked that the area will inevitably be commercial, and the Board's job is to manage development proposals as best as possible. Clarence Lambe stated the intent of the area plan is for the University Parkway corridor to be a commercial area.

MOTION: Mo Mc Rae recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Salvador Patiño, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Mo McRae recommended approval of the ordinance amendment.

SECOND: Clarence Lambe

VOTE:

FOR: Walter Farabee, Jason Grubbs, Clarence Lambe, Salvador Patiño, Brenda Smith

AGAINST: George Bryan, Chris Leak, Jack Steelman

EXCUSED: None

Chris Murphy, AICP/CZO

Director of Planning and Development Services