

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket</b>	W-3464
<b>Staff</b>	<a href="#">Gary Roberts, Jr., AICP</a>
<b>Petitioner(s)</b>	Donald A. Joyce Revocable Trust, Michael A. Joyce, and Rachel Joyce Maxcy
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PINs 6875-41-4968, 6875-41-3896, 6875-41-2962, 6875-41-2797, and 6875-42-1075
<b>Address</b>	1022 Sedge Garden Road and 1400, 1404 and 1408 Union Cross Road
<b>Type of Request</b>	Special Use rezoning from LB and RS9 to GB-S (Two-Phase)
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property <b>from</b> LB (Limited Business) and RS9 (Residential, Single Family – 9,000-square foot minimum lot size) <b>to</b> GB-S (General Business – Special Use – Two-Phase). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Convenience Store; Restaurant (with drive-through service); Restaurant (without drive-through service); Services, A; Offices; Retail Store; and Food or Drug Store</li> </ul>
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner’s neighborhood outreach is attached.
<b>Zoning District Purpose Statement</b>	The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses within a building or planned development, with consolidated access. This district is intended for application in Growth Management Areas (GMA) 1, 2, 3, and Metro Activity Centers.
<b>Rezoning Consideration from Section 3.2.15 A 13</b>	<b>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>
	The site is located within GMA 3 (Suburban Neighborhoods) along two major thoroughfares. The request should not encourage strip commercial development.
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	Southwest corner of Union Cross Road and Sedge Garden Road
<b>Jurisdiction</b>	Winston-Salem
<b>Ward(s)</b>	East
<b>Site Acreage</b>	± 3.22 acres
<b>Current Land Use</b>	There are three single-family homes and a vacant, modest-sized convenience store on the site.

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>			<b>Use</b>	
	North	NSB-S (Kernersville)			Shopping center with outparcels	
	East	LB and RS9 (Kernersville)			Single-family homes	
	South	RM8-S			Day care center	
	West	RS9			Single-family homes	
<b>Rezoning Consideration from Section 3.2.15 A 13</b>	<b>Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>					
	The proposed commercial uses are compatible with the uses permitted on the adjacent NSB-S, LB, and RM8-S properties. These uses are less compatible with the low-density residential uses permitted on the adjacent RS9 properties.					
<b>Physical Characteristics</b>	The partially developed site is essentially flat and includes a few mature trees.					
<b>Proximity to Water and Sewer</b>	Public water and sewer can be accessed from Union Cross Road and Sedge Garden Road.					
<b>Stormwater/ Drainage</b>	The proposed site plan shows an underground stormwater management system in the northeastern corner of the site. A stormwater management study will be required.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The site has dual zoning and is located at a major intersection. It is also adjacent to single-family homes. It has favorable topography and is not located within a water supply watershed or a designated floodplain area.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3459	LB and RS9 to GB-S	Withdrawn on 12/29/20 prior to Planning Board	Subject property	3.22	N/A	N/A
W-2891	RS9 to RM8-S	Approved 11/6/2006	Directly south	2.95	Approval	Approval
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Union Cross Road	Boulevard	391 feet	15,000 (2013)	67,300		
Sedge Garden Road	Major Thoroughfare	468 feet	9,700 (2013)	15,800		
<b>Proposed Access Point(s)</b>	The site will have full access from Sedge Garden Road across from the shopping center entrance. It will also have right-in/right-out access from Union Cross Road.					

<b>Planned Road Improvements</b>	The <i>Comprehensive Transportation Plan</i> recommends a three-lane cross section for Sedge Garden Road, with wide outside lanes and sidewalks on both sides. Union Cross Road has recently been widened to a seven-lane section with curb, gutter, and sidewalk on both sides.		
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning:</u>  <math>\pm 2.69</math> acres / 9,000 sf = 13 homes x 9.57 (single-family trip rate) = 124 trips per day*</p> <p>*Staff is unable to estimate trip generation for the existing LB portion because there is no site plan.</p> <p><u>Proposed Zoning: GB-S (First Phase Only)</u>  16 fueling stations x 542.6 (convenience market with gas pumps trip rate) = 8,682 trips per day</p>		
<b>Sidewalks</b>	Sidewalk currently exists along the Union Cross Road frontage of the site and along the opposite side of Sedge Garden Road. Sidewalk is shown along the Sedge Garden Road frontage on the proposed site plan.		
<b>Transit</b>	Transit is not available in the vicinity. The nearest transit service is approximately four miles southwest of the subject property.		
<b>Transportation Impact Analysis (TIA)</b>	A TIA is not required.		
<b>Analysis of Site Access and Transportation Information</b>	The subject property is located at the signalized intersection of two major thoroughfares and will have access to each roadway. While the proposed convenience store is a very high trip generating use, both Union Cross Road and Sedge Garden Road have ample capacity.		
<b>SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS</b>			
<b>Building Square Footage (Phase One)</b>	<b>Square Footage</b>		<b>Placement on Site</b>
	5,200 square feet		Behind the parking and circulation area
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>	<b>Layout</b>
	24 spaces	28 spaces	90-degree head-in
<b>Building Height</b>	<b>Maximum</b>		<b>Proposed</b>
	60 feet		One story
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>
	N/A		69.4 percent
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 4.6.10: General Business District</li> </ul>		
<b>Complies with Section 3.2.11</b>	<b>(A) Legacy 2030 policies:</b>		See comments below in the Analysis of Conformity to Plans and Planning Issues section.
	<b>(B) Environmental Ord.</b>		N/A
	<b>(C) Subdivision Regulations</b>		N/A

<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The proposed site plan shows a 5,200-square foot convenience store with 16 fueling stations and an outparcel for future development, as well as additional streetyard screening in the form of a Type I bufferyard. Future development on the outparcel will require Final Development Plan approval from the Planning Board.
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 – Suburban Neighborhoods
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Consider requiring new buildings to be oriented to both public and internal streets and parking areas located internally on the site or behind buildings.</li> <li>• Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas.</li> <li>• Promote activity centers as compact, mixed-use areas supporting walking and transit use and providing services and employment close to residences.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>Southeast Suburban Area Plan (2016)</i>
<b>Area Plan Recommendations</b>	<p>The plan identifies this site as being within the Union Cross/Sedge Garden Activity Center and recommends commercial land uses. New development or redevelopment in this activity center should include:</p> <ul style="list-style-type: none"> <li>• Comprehensive redevelopment with a mixture of neighborhood-scaled commercial and office uses that complement the surrounding residential area.</li> <li>• Buildings placed close to the intersection of Sedge Garden Road and Union Cross Road, with parking located to the rear of the buildings.</li> <li>• Sidewalks connecting this site with other sites in the activity center.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The site is not located along a growth corridor.
<b>Site Located within Activity Center?</b>	The site is located within the Union Cross/Sedge Garden Activity Center.
<b>Town of Kernersville Comments</b>	Because the Kernersville zoning jurisdiction is located directly across both Union Cross Road and Sedge Garden Road, staff contacted the Town’s Planning staff for their comments regarding the proposed rezoning. Kernersville’s staff prefers the general site design recommendations outlined by CCPB staff, rather than the layout shown on the proposed site plan.
<b>Addressing</b>	The address for the convenience store will be 1030 Sedge Garden Road.
<b>Rezoning Consideration</b>	<b>Have changing conditions substantially affected the area in the petition?</b>
	No

<p><b>from Section 3.2.15 A 13</b></p>	<p><b>Is the requested action in conformance with <i>Legacy 2030</i>?</b></p>	
<p><b>Analysis of Conformity to Plans and Planning Issues</b></p>	<p>No (see comments below)</p> <p>The request is to rezone a partially developed site from RS9 and LB to GB-S (Two-Phase) to develop a convenience store with an outparcel. The site is located at a signalized intersection of two major thoroughfares, and the proposed uses as shown are generally incompatible with the recommendations of the <i>Southeast Suburban Area Plan</i>, particularly as they pertain to activity centers. This proposal would make a fueling canopy and vehicular circulation area a focal point for this prominent intersection, rather than anchoring the area with a mixture of neighborhood-scaled uses that complement the surrounding area.</p> <p>Because the site is located within the Union Cross/Sedge Garden Activity Center, buildings are specifically recommended for placement close to the intersection and parking located in the rear. Activity centers (per <i>Legacy</i>) are intended to be compact, mixed-use areas where walking is encouraged. Even along major thoroughfares, building placement can either facilitate or otherwise discourage pedestrian activity. The building placement for the activity center outparcels farther along Sedge Garden Road is generally more reflective of the activity center’s intent.</p> <p>The proposed site plan illustrates a conventional convenience store design that showcases the fueling stations and canopy rather than the building. Staff strongly recommends an alternative configuration, perhaps involving another use that is not auto-focused, which would be more in line with the recommendations of <i>Legacy</i> and the area plan.</p>	
<p><b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b></p>		
<p><b>Positive Aspects of Proposal</b></p>	<p><b>Negative Aspects of Proposal</b></p>	
<p>The area plan recommends commercial uses at this location.</p>	<p>The request is not consistent with the recommendations of <i>Legacy</i> and the <i>Southeast Suburban Area Plan</i> regarding building placement within activity centers.</p> <p>The proposed use generates a substantial amount of vehicular traffic.</p>	
<p>The proposed site plan includes enhanced landscaping along the road frontages to minimize visual impacts from this intense, auto-focused use.</p>	<p>The request would make an auto-oriented use the focus of a prominent intersection within an activity center.</p>	
<p><b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b></p>		
<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"> <li>• <b><u>PRIOR TO THE ISSUANCE OF ANY PERMITS FOR LATER PHASES:</u></b> <ol style="list-style-type: none"> <li>a. Developer shall submit a Final Development Plan, to be reviewed and approved by the Planning Board.</li> </ol> </li> </ul>		

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall have a stormwater management study submitted 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, vegetation designated to remain, or in 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 driveway permit from the City of Winston-Salem and NCDOT; additional improvements may be required prior to issuance of the driveway permit(s). Required improvements include:
    - Dedication of 75 feet of right-of-way from the centerline of Union Cross Road and 40 feet of right-of-way from the centerline of Sedge Garden Road; and
    - Installation of sidewalk along the Sedge Garden Road frontage.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Developer shall complete all requirements of the driveway permit.
- **OTHER REQUIREMENTS:**
  - a. Freestanding signage shall be limited to one monument sign for each parcel along Union Cross Road and one monument sign along Sedge Garden Road. Each sign shall have a maximum height of 6 feet and a maximum copy area of 36 square feet.
  - b. Developer shall install the plantings required in a 10-foot Type I bufferyard in place of a streetyard, as shown on the proposed site plan. Spacing of shrubs in this bufferyard shall not be greater than 18 inches, measured tip to tip.

**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.**

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# CITY-COUNTY PLANNING BOARD

## PUBLIC HEARING

### MINUTES FOR W-3464

### APRIL 8, 2021

Gary Roberts presented the staff report.

George Bryan asked whether Kernersville had shared any other plans that they may have in the area for making the activity center more attractive. Gary stated that they had not.

#### **PUBLIC HEARING**

FOR:

Andy Priolo (Circle K), 1100 Situs Court, Suite 100, Raleigh, NC 27606

- I realize that staff has recommended denial based on the fact that our building is flipped. I have been through many rezoning applications, and one of the things that always comes up is traffic closer to the neighborhood. By flipping the building like staff is recommending, it is our concern that that creates more traffic to the rear of the site, which is closer to the neighborhood.
- Safety is the second concern. I can't give you any specific data, but we see this a lot, through our operations. When activity is blocked by the building as opposed to activity being in front where there is traffic and so forth, it tends to create more loitering because you can't see people that are gathered on the opposite side of the building. It's a 24-hour location. That is very important to us because we want safety for both our customers and our employees.

Peter Doster (Bowman Consulting), 4350 Main Street, Suite 219, Harrisburg, NC 28075

- I have worked in the Carolinas quite a bit with Circle K stores and one of the bigger differences between a gas station/C-store and what is across the street is the flow of traffic. When someone is going to a coffee shop or a shopping center, that is a destination for them. They know where they are going, where parking is, things like that. When it comes to convenience stores and gas stations, those are things that a car might turn into at the last minute. And the reason they are going to do that is to get gas and be on their way; it is not a destination. What is important is safety, in and out of the site. I have seen too many times where a car won't notice something is a gas station until the last minute. In this case that could happen from not seeing a canopy. We all know that a canopy, second to the monument sign, is how you denote what a gas station is.
- I also wanted to point out that we are surrounded by residential property, and the canopy illumination, within standards, puts off a good amount of light. Having that more towards

the road, where lighting already occurs, benefits the people surrounding us. Another point I would like to make is that the angled layout that Gary presented, unfortunately, does not work for us on this site. The economics require us to have eight gas pumps, and by trying to angle it, our site is too narrow. So that would not work. As you can see, we are proposing underground stormwater management in the low point of the site. The only other way to manage that would be flipping where the building and the canopy are today. Like Andy said, that blocks a lot of the viewing into our site.

- We are looking to provide a good amount of landscaping beyond the 10 feet that is required to provide that pedestrian feel. We want to do that where possible in this layout to promote pedestrians and walkability and things of that nature. This is a brand, there aren't too many gas stations where you can't see their canopy or signage.
- We met with Annette on-site to describe this layout and I think our conversation was favorable. We would have to adjust our approaches if we flipped the building and the canopy. Understanding that it is in that pedestrian overlay district, we were just hoping that our particular location, our use, would be looked at a little differently than a shopping center.

AGAINST: None

### **WORK SESSION**

George stated that neighborhood activity centers are very important for cohesion and walkability, and that he is not convinced, from the presentations, of the lack of visibility for the canopy because he thinks it can be seen from both approaches. George asked Mr. Doster what he could do to make this site more walkable, more pleasant, and less of a highway type gas station because cohesiveness is needed in our activity centers.

Mr. Doster stated that they would increase the visibility and aesthetics from the pedestrian walkway. He added that there have been situations where they have improved the look of the canopy by using brick columns to give it more of a building feel from the site, and that there were things they could do to enhance the pedestrian feel of the development. He agreed that it is very important to attract pedestrians and have them wanting to walk in this area.

George asked if there could be planting of more shrubs and larger trees. Mr. Doster stated that they could do that within the means of their grading and within the space between the sidewalk and curb line. Gary indicated that the site plan shows a 10-foot Type I bufferyard along the two street frontages where they are only required to install a 10-foot streetyard. That would include evergreen plantings.

Clarence asked Gary if there was any input from Kernersville other than agreeing with staff's comments about the layout. Gary stated that Kernersville had gone the extra mile across the street by including canopy trees within that shopping center. Clarence and Gary also discussed the petitioner's understanding of the activity center. Aaron King displayed other examples of gas stations with inverted layouts within the community and contended that the same thing could be done on this site. Clarence asked whether it was possible to relocate the stormwater device. Aaron stated that he thought the site was relatively flat, but that would be a question for an engineer.



Chris Leak asked about the feedback received by the petitioner during their conversations. Gary stated that it was pretty much what they had shared with the Board today.

Jason Grubbs discussed traffic flow in the area and gave the following scenario: If one exits Interstate 40, which is southwest of this location, and turns left to come back through the diverted diamond interchange towards Kernersville to stop at the Circle K, they would have to make a left onto Sedge Garden Road and then a left into the convenience store. Staff could not verify whether a U-turn would be possible northbound on Union Cross Road. Aaron stated that a median was in place on Union Cross Road in that area. Clarence observed that stacking would be better if the entrances were farther away from the intersection than proposed. Gary stated that that was another advantage of flipping the layout.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is inconsistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended denial of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

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Aaron King  
Director of Planning and Development Services