

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>						
<b>Docket #</b>	W-3484					
<b>Staff</b>	Gary Roberts, Jr. AICP					
<b>Petitioner(s)</b>	BRE Tarpon Whitaker Square, LLC					
<b>Owner(s)</b>	Same					
<b>Subject Property</b>	PIN 6816-24-9417					
<b>Address</b>	1955 North Peace Haven Road					
<b>Type of Request</b>	Site Plan Amendment for property zoned HB-S (W-1887)					
<b>Proposal</b>	The petitioner is proposing to amend the previously approved site plan by adding a fueling center.					
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner's neighborhood outreach is attached.					
<b>GENERAL SITE INFORMATION</b>						
<b>Location</b>	Southeast corner of North Peace Haven Road and Whitaker Ridge Drive.					
<b>Jurisdiction</b>	Winston-Salem					
<b>Site Acreage</b>	± 12.19 acres					
<b>Current Land Use</b>	The Whitaker Square shopping center is located on the site.					
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>			
	North	HB-S and LO-S	Banking and office uses			
	East	HB-S and RS9	Office and large-lot residential			
	South	HB-S	Mount Tabor Place shopping center			
	West	HB-S	Restaurant, office and banking uses			
<b>Physical Characteristics</b>	The developed site has a gentle to moderate slope downward toward the south. The subject property does not include any regulatory floodplain areas.					
<b>Proximity to Water and Sewer</b>	Public water and sewer exist on-site.					
<b>Stormwater/ Drainage</b>	Because less than 10,000 square feet will be disturbed on the site, the request will be exempt from the City of Winston-Salem's Post Construction Stormwater Management Ordinance.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The subject property is developed with a multi-building shopping center. The site does not include any steep slopes, regulatory floodplain or water supply watershed areas.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3094	RS9 to LO-S	Approved 3/7/2011	Directly north	1.43	Approval	Approval

W-2359	HB and RS9 to HB-S (Two Phase)	Approved 1/18/2000	Directly south	9.21	Approval	Approval
W-1887	R4 to B3-S (HB-S) (Two Phase)	Approved 4/4/1994	Included subject property	29.97	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
North Peace Haven Road	Minor Thoroughfare	454 feet	6,000	15,800		
Whitaker Ridge Drive	Collector Street	901 feet	N/A	N/A		
<b>Proposed Access Point(s)</b>	The site will continue to be served by the two existing access points from North Peace Haven Road and the access point from Whitaker Ridge Drive.					
<b>Trip Generation - Existing/Proposed</b>	<p><u>Existing Zoning: HB-S</u> 90,669 square feet / 1,000 x 42.94 (shopping center trip rate) = 3,893 trips per day</p> <p><u>Proposed Site Plan Amendment:</u> The proposed Fuel Dealer is anticipated to generate an additional 100 trips in the peak hour.</p>					
<b>Sidewalks</b>	Sidewalk exists along both sides of North Peace Haven Road and the subject property frontage along Whitaker Ridge Drive.					
<b>Transit</b>	WSTA Route 109 serves Robinhood Road approximately 300 feet south.					
<b>Analysis of Site Access and Transportation Information</b>	<p>This shopping center has extensive frontage along a thoroughfare and a collector street. The plan proposes to use the existing access points from these roadways.</p> <p>North Peace Haven Road is a five-lane facility with ample capacity. However, it does possess peak hour traffic problems, particularly related to turning left out of the site. According to WSDOT staff, requiring additional road improvements would be problematic due to the unique challenges at this location. For example, North Peace Haven Road already has left turn lanes at both shopping center entrances and a full storage, right turn lane into the site. Requiring a right in/right out access would impact other businesses within the shopping center and across the street. Additionally, close proximity to the existing signal at Robinhood Road would make signalization here difficult.</p> <p>The petitioner has agreed to complete a missing sidewalk segment to connect North Peace Haven Road with the sidewalk in front of the shopping center.</p>					

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
<b>Building Square Footage</b>	<b>Square Footage</b>	<b>Placement on Site</b>
	90,429 square feet existing + 240-square foot kiosk = 90,669 total square feet	Western portion of the site
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>
	330 spaces	346 spaces
<b>Building Height</b>	<b>Maximum</b>	<b>Proposed</b>
	60 feet	14 feet (kiosk) 20 feet (canopy)
<b>Impervious Coverage</b>	<b>Maximum</b>	<b>Proposed</b>
	85 percent	65.5 percent
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Section 4.6.9: Highway Business District</li> </ul>	
<b>Complies with Section 3.2.11</b>	<b>(A) Legacy 2030 policies:</b>	Yes
	<b>(B) Environmental Ord.</b>	N/A
	<b>(C) Subdivision Regulations</b>	N/A
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	<p>The proposed site plan shows the addition of an unstaffed fueling center with 10 fueling stations. This use is distinguished from a typical Convenience Store in that it primarily offers fuel sales and not food products or other household items.</p> <p>The placement of this facility would be relatively close to North Peace Haven Road. While the proposal includes the removal of the established oak trees in this area, the site plan includes the installation of new plantings exceeding the minimum requirements of a streetyard.</p>	
CONFORMITY TO PLANS AND PLANNING ISSUES		
<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>Concentrate development within the serviceable land area with the highest densities at City/Town Centers, Activity Centers and along Growth Corridors.</li> <li>Encourage redevelopment and reuse of existing sites that is compatible and complementary with the surrounding area.</li> <li>Promote quality design so that infill does not negatively impact surrounding development.</li> </ul>	
<b>Relevant Area Plan(s)</b>	<i>West Suburban Area Plan Update (2018)</i>	
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The area plan recommends commercial development at this location.</li> <li>Commercial uses located on Robinhood Road, North Peace Haven Road, and Polo Road should include a pedestrian-oriented urban form with buildings near the street featuring transparent windows and</li> </ul>	

	doors, facade articulation, and parking to the side or rear of the buildings.
<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 Sherwood Forest Activity Center.
<b>Addressing</b>	The new address assignment will be 1931 North Peace Haven Road.
<b>Rezoning Consideration from Section 3.2.15 A 13</b>	<b>Have changing conditions substantially affected the area in the petition?</b>
	No
	<b>Is the requested action in conformance with <i>Legacy 2030</i>?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>The proposed Site Plan Amendment would allow for the construction of a Fuel Dealer facility in an area that is currently used for surface parking at the Whitaker Square shopping center.</p> <p>This shopping center was part of a larger commercial development approved in 1994 that resulted in the extension of North Peace Haven Road from Robinhood Road to Polo Road. The use is permitted at this location because the approved use Shopping Center allows all other uses permitted within the zoning district.</p> <p>The request remains consistent with the commercial land use recommendation of the <i>West Suburban Area Plan Update</i>. The proposed building materials (including the dumpster enclosure) are compatible with those of the shopping center.</p>
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>	
<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The area plan recommends commercial uses at this location.	The request would generate more traffic than the approved site plan.
The request does not include any new external access points.	
The proposed building materials are compatible with those of the existing shopping center.	

#### **SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL**

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.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. The proposed building plans shall be in substantial conformance with the submitted elevations as verified by Planning staff. Building materials (including the dumpster enclosure) shall be of similar materials and color to those of the shopping center.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. The building shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff.
  
- **OTHER REQUIREMENTS:**
  - 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**

**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.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3484  
JULY 8, 2021**

Gary Roberts presented the staff report.

Melynda Dunigan asked whether staff had received a total trip generation number for this proposal. Gary stated that they had not received that information from Transportation.

**PUBLIC HEARING**

FOR:

Laura Reid, 1717 Fleetwood Drive, Charlotte, NC 28208

- I am here representing Harris Teeter. I am their traffic engineer supporting them on this site.
- I wanted to share the trip generation potential for this site. The daily trip generation of this fuel center is 2,054. I also wanted to share some information on the peak hour generation. Based off our projections, we are looking at 125 a.m. and 140 p.m. trips generated by a fuel center of this size. Once you consider the internal capture, or vehicles going to the Harris Teeter and other retail uses within the shopping center, and also considering the vehicles already on the roadway that will stop and get gas and then head back out, the fuel center is anticipated to add 35 a.m. and 38 p.m. new trips to Peace Haven. So that equates to one trip every two minutes in the peak hour.

Garrett Maravetz, 701 Crestdale Road, Matthews, NC 28105

- I'm with the applicant, Harris Teeter. I am mainly here to answer any questions regarding the fuel program and/or the operation of the facility.
- I would like to state for the record that we are extremely excited about this project. I think it's a good plan and look forward to further investing in the community.

Megan Fitzsimmons, 200 South Tryon Street, Suite 200, Charlotte, NC 28202

- I am here representing Harris Teeter from the engineering side and wanted to talk a little bit about the Harris Teeter plan and program.
- Harris Teeter Fuel has become one of the accessory uses to most of their grocery stores that are existing throughout the Carolinas, Virginia, Georgia, Florida, and up and down the east coast. This site is a multiple product dispenser fuel center. It offers 10 fueling positions for cars. You can stack on either side of the pump, like you see at most fueling

stations. This one will have a 240-square foot kiosk where you can walk up to pay. There will be an attendant there from 6:00 a.m. to 10:00 p.m., and then it will be attended via credit card payment after hours if there are people that want to get gas after the fact.

- As you saw in the architectural elevations earlier, Harris Teeter prides themselves on their nice-looking gas stations matching their grocery stores and matching the uses in the shopping center - the Phoenix brick to match the store and the Hartford green overhead canopy you are used to seeing with all of Harris Teeter branded designs. Always nice looking, always kept clean, manned by an attendant who is an employee. You get the same service you're getting within the grocery stores. Attendants are brought in as a service to Harris Teeter customers that are already existing. You can go to the grocery store and get your groceries, go to the pharmacy, and then you can go over and fill up your gas tank with fuel points from your grocery purchases.
- We are working to provide some additional pedestrian access to help any pedestrians coming down North Peace Haven into the shopping center to connect to our fuel center and into the rest of the Whitaker Square Shopping Center.

#### AGAINST:

Robert Ballin, 2020 North Peace Haven Road, Winston-Salem, NC 27106

- I represent Coco Properties, and we own the property and building at the above-referenced address. We are opposed to the building of this fuel station. I have heard the statistics of increased traffic, and I can tell you, as someone who drives the Peace Haven and Robinhood intersection every day, the traffic is heavy in the morning, it's heavy at lunchtime, and it's heavy in the evening. There are times where the traffic at the stoplight/intersection of Robinhood and Peace Haven backs up past our building. The additional traffic is just going to create a nuisance. I would have to disagree with the perception that the roads are designed to handle that much traffic. I think a redesign would need to happen to allow for the increase of traffic. The exit to that property where the Chick-fil-A sits is exceptionally dangerous. I have had multiple employees of our business get into traffic accidents. To increase the number of cars without doing anything to change the roads or put in a traffic device seems irresponsible to me.
- There are already two gas stations located across the street from this property. There is a third one located west on Robinhood Road a short distance away. It's only going to be manned by a single person at a kiosk and not providing that many new jobs. We are just saturating this area with more gas stations, and it's not like those gas stations are filled to capacity with lines going into the street. They can certainly handle the demand of what is here. I can't imagine that 10 more pumps will alleviate anything as far as traffic or accessibility to fuel.
- There is an environmental impact. There will be fumes coming from the fuel being put into vehicles. The fuel can be spilled, as you can notice at any gas station. There will be fumes from exhaust from cars that are at that station. There is also potential for tank leaks and spillage contaminating the groundwater. One of the Board members mentioned electric vehicle charging stations, and Harris Teeter mentioned that they did not even consider it. I really think they should. The country is moving toward that. I am really surprised that they did not consider that when it would be a source of revenue for them.

- They talked about the kiosk not being manned after hours. What happens when there is a spillage? Are we going to count on the person fueling their vehicle to run over to the building to push the stop button, or are they just going to drive away leaving that fuel on the ground to saturate into the concrete and maybe contaminating the groundwater?
- The last thing is the lowering of property values. Properties here are worth something, and to put a fuel station in across the street from our property is just going to lower the property values.

## **WORK SESSION**

Melynda asked Ms. Fitzsimmons to speak in more detail about the plantings and landscaping. Ms. Fitzsimmons outlined a plan not to disturb anything along North Peace Haven Road. The trees and shrubbery will stay on the north side, along the back side of the sidewalk. The internal plantings along the back of the curb will be removed to allow for the additional curb to be pushed out but will be replaced with additional trees. Shrubby will be installed to screen the fuel center and the vehicle use area.

Jack Steelman asked if this site was designed for the addition of electric vehicle charging stations as demand increases. Ms. Fitzsimmons stated that it was not and that such stations had not been considered for this area.

Mo McRae asked Ms. Fitzsimmons if anyone on the development team had engaged with any of the other tenants of the shopping center to get their thoughts about this development. Ms. Fitzsimmons stated that Harris Teeter had been working with the landlord for the shopping center. Mr. Maravetz added that most of the communication had been through the landlord and that Harris Teeter is the largest tenant in the shopping center. He went on to state that these situations usually receive positive feedback, especially when they add a different use that is drawing more customers into the shopping center and is a quality operation like Harris Teeter.

George Bryan noted that he is often confounded by the stacking that occurs going toward Robinhood Road at the intersection with Peace Haven Road and wished that DOT would solve the current situation and address future concerns. He added that he felt a bit constrained in voting to approve this case because it is a Site Plan Amendment. The original plan had already considered additional outparcels being part of this development and they knew there would be additional traffic when this was approved.

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

**SECOND:** Jason Grubbs

**VOTE:**

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

**AGAINST:** None

**EXCUSED:** None

MOTION: Clarence Lambe recommended approval of the Site Plan Amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Walter Farabee, 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