

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3471
Staff	Gary Roberts, Jr., AICP
Petitioner(s)	Fredrick W. Fogg, Lanier Williams Real Estate LLC, and MDC NC1 LP
Owner(s)	Same
Subject Property	PINs 6813-71-7485, 6813-71-9491, and 6813-71-8269
Address	2099, 2111 and 2121 West Clemmonsville Road
Type of Request	Special Use rezoning from LB and RS9 to LB-S.
Proposal	The petitioner is requesting to amend the Official Zoning Map for the subject property from LB (Limited Business) and RS9 (Residential, Single Family - 9,000 sf minimum lot size) to LB-S (Limited Business - Special Use). The petitioner is requesting the following uses: <ul style="list-style-type: none"> • Convenience Store and Retail Store
Continuance History	This request was automatically continued from the May 13, 2021 Planning Board meeting to the June 10, 2021 meeting.
Neighborhood Contact/Meeting	A summary of the petitioner's neighborhood outreach is attached.
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.
Rezoning Consideration from Section 3.2.15 A 13	<p>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes, the site is located within GMA 3 (Suburban Neighborhoods) and is located at a signalized intersection. It is also close to residential areas.</p>
GENERAL SITE INFORMATION	
Location	Northeast corner of Ebert Road and West Clemmonsville Road
Jurisdiction	Winston-Salem
Ward(s)	South
Site Acreage	± 4.98 acres
Current Land Use	Two single-family homes and a convenience store are currently located on the subject property.

Surrounding Property Zoning and Use	Direction	Zoning District	Use			
	North	LB and RS9	Single-family homes			
	East	RS9	Single-family home			
	South	RS9 and IP	Mount Carmel United Methodist Church			
	West	LB	Single-family home and a Family Dollar store			
Rezoning Consideration from Section 3.2.15 A 13	Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?					
	The proposed convenience store is compatible with the uses permitted on the adjacent IP and LB properties, and less compatible with the low-density residential uses permitted on the adjacent RS9 properties.					
Physical Characteristics	The partially developed property includes some mature trees in the eastern section of the site. The site has a gentle to steep slope downward toward the northeast.					
Proximity to Water and Sewer	Public water can be accessed from West Clemmons ville Road and Ebert Road. Public sewer can be accessed from Ebert Road.					
Stormwater/ Drainage	The proposed site plan shows a stormwater management system in the central eastern section of the site. A stormwater management study will be required prior to the issuance of any grading permits.					
Watershed and Overlay Districts	The site is not located within a water supply watershed.					
Analysis of General Site Information	The site has split zoning and is located at a signalized intersection. It is also adjacent to single-family homes. It has generally favorable topography and is not located within a water supply watershed or a designated floodplain area.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3299	LB to GB-L	Approved 8/1/2016	350 feet west	.70	Denial	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Ebert Road	Major Thoroughfare	296 feet	7,700	15,300		
West Clemmons ville Road	Major Thoroughfare	465 feet	11,000	15,300		
Proposed Access Point(s)	The site will have full access from Ebert Road and West Clemmons ville Road.					
Planned Road Improvements	The <i>Comprehensive Transportation Plan</i> recommends a three-lane cross section for West Clemmons ville Road and Ebert Road with wide outside lanes, curb, gutter, and sidewalks.					

Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9 and LB</u> $\pm 2.6 \text{ acres} / 9,000 \text{ sf} = 12 \text{ homes} \times 9.57 \text{ (single-family trip rate)} = 115 \text{ trips per day}^*$</p> <p>*Staff is unable to estimate trip generation for the existing LB portion because there is no site plan on record.</p> <p><u>Proposed Zoning: LB-S</u> Based upon the submitted Transportation Impact Analysis, the proposed trip generation would be $\pm 4,325$ trips per day.</p>		
Sidewalks	Sidewalks are proposed along both street frontages.		
Transit	WSTA Route 83 serves the Walmart on Peters Creek Parkway located approximately 1.8 miles to the east. No transit currently serves the subject property.		
Transportation Impact Analysis (TIA)	A TIA was required for the subject request. See comments below from WSDOT.		
Analysis of Site Access and Transportation Information	<p>This convenience store (with car wash) is proposed to have one access from Ebert Road and one from West Clemmons Road. The proposed Ebert Road access will align with the existing Family Dollar driveway. As per the right/left turn-lane warrant analysis, a left turn-lane with 50 feet of storage and a right slip lane will be required.</p> <p>Due to significant queuing at the westbound through lane on West Clemmons Road, the driveway access at this location will be located further east than the existing driveway. As per the right/left turn-lane warrant analysis, left and right turn-lanes will be required at the West Clemmons Road access with a minimum of 50 feet of storage. The eastbound left turn-lane and taper should not take away from the existing westbound left turn-lane at the traffic signal.</p> <p>The estimated trip generation for this site is 4,325 trips per day with a AM peak of 432 and a PM peak of 360 trips. In addition to the above improvements, the developer will be required to modify the existing traffic signal including installing a left turn-lane, that should continue from the left turn-lane into the Ebert Road access, at the intersection, with protected/permitted left turn phasing. With the recommended improvements, WSDOT supports the proposed development.</p>		
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	5,200 square feet		Adjacent to West Clemmons Road
Parking	Required	Proposed	Layout
	24 spaces	25 spaces	90-degree head-in
Building Height	Maximum		Proposed
	40 feet		23 feet
Impervious Coverage	Maximum		Proposed
	75 percent		34.77 percent

UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 4.6.7: Limited Business District 	
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	<p>The proposed site plan shows the removal of the two existing single-family homes and convenience store and constructing a larger, 5,200-square foot convenience store with 14 fueling stations and a car wash. A tree save area is shown along the northern edge of the site and a Type II Bufferyard is shown adjacent to RS9 zoned properties.</p>	
CONFORMITY TO PLANS AND PLANNING ISSUES		
Legacy 2030 Growth Management Area	Growth Management Plan Area 3 - Suburban Neighborhoods	
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> Consider requiring new buildings to be oriented to both public and internal streets and parking areas located internally on the site or behind buildings. Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas. Promote activity centers as compact, mixed-use areas supporting walking and transit use and providing services and employment close to residences. Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods. 	
Relevant Area Plan(s)	<i>South Suburban Area Plan Update (2017)</i>	
Area Plan Recommendations	<p>The proposed land use map recommends commercial use at this location.</p> <p>The subject property is located in the West Clemmons Road/Ebert Road Activity Center. The area plan recommends the following for new development:</p> <ul style="list-style-type: none"> Buildings should be placed close to the street with parking located to the side or rear of the buildings. Sidewalks should provide pedestrian connections with the low-density attached residential areas to the west on West Clemmons Road, to the north on Ebert Road, and to nearby housing developments, schools, and parks. Installation of bufferyards, street yards, and parking area plantings should occur where feasible. 	
Site Located Along Growth Corridor?	The site is not located along a growth corridor.	

Site Located within Activity Center?	The site is located within the West Clemmons Road/Ebert Road Activity Center.
Rezoning Consideration from Section 3.2.15 A 13	Have changing conditions substantially affected the area in the petition?
	No
	Is the requested action in conformance with <i>Legacy 2030</i>?
Analysis of Conformity to Plans and Planning Issues	<p data-bbox="472 527 1432 636">This request would rezone an assemblage of lots from RS9 and LB to LB-S to develop a convenience store with car wash. The property is located at a signalized intersection of two major thoroughfares.</p> <p data-bbox="472 674 1432 821">The site is located within the West Clemmons Road/Ebert Road Activity Center as identified in the <i>South Suburban Area Plan Update</i>. The proposed uses are consistent with the commercial use recommended for this section of the activity center.</p> <p data-bbox="472 858 1432 1297">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. This design recommendation is reflected in the area plan, which encourages buildings to be pulled up to the street with internalized parking. While the proposed convenience store is an auto-focused use, the site plan demonstrates compliance with the pedestrian oriented, urban form recommended at this location. The building is positioned close to West Clemmons Road with the vehicular circulation area and fueling stations located in the central portion of the site. An outdoor seating area is also proposed at the eastern end of the building.</p> <p data-bbox="472 1335 1432 1516">The petitioner has submitted attractive building elevations and the proposed detached car wash will demonstrate the same general appearance. Enhanced landscaping (in the form of a Type I Bufferyard) will be provided along both street frontages in place of standard streetyard plantings.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The area plan recommends commercial uses at this location.	The request would permit the construction of a larger convenience store with a car wash on the edge of a neighborhood scale activity center.
The proposed building placement is consistent with the pedestrian orientation recommended within activity centers.	The request would result in an increase in traffic over what is currently located on-site.
The project includes attractive building elevations.	
The proposed site plan includes enhanced landscaping along the road frontages to minimize visual impacts from this intense, auto-focused use.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<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 THE ISSUANCE OF GRADING PERMITS:</u> <ol style="list-style-type: none"> a. 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, vegetated areas designated to remain, or in close proximity to adjacent residentially zoned property 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: <ul style="list-style-type: none"> • Dedication of forty (40) feet of right-of-way from the centerline of West Clemmonsville Road and Ebert Road; • Installation of a left-turn lane and a right slip lane along West Clemmonsville Road and Ebert Road; and • Installation of curb and gutter and sidewalk along the West Clemmonsville Road and Ebert Road frontages. • <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 verified by Planning staff. • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ol style="list-style-type: none"> a. Developer shall complete all requirements of the driveway permit. b. Buildings shall be constructed in substantial conformance with the approved building elevations as verified by Planning staff. • <u>OTHER REQUIREMENTS:</u> 	

- a. Freestanding signage shall be limited to one monument sign along the Ebert Road frontage and one monument sign along the West Clemmons Road frontage. Each sign shall have a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
- b. As shown on the proposed site plan, the developer shall install the plantings required in a 10-foot Type I bufferyard in place of a streetyard along Ebert Road and West Clemmons Road. Spacing of shrubs in this bufferyard shall not be greater than 18 inches, measured tip to tip.

STAFF RECOMMENDATION: Approval

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-3471
JUNE 10, 2021**

Desmond Corley presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

SECOND: Melynda Dunigan

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 zoning petition.

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

Aaron King
Director of Planning and Development Services