

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3431
Staff	Amy Crum
Petitioner(s)	Dayton Hudson Corporation
Owner(s)	Same
Subject Property	Portion of PIN 6828-22-6502
Address	5420 University Parkway
Type of Request	Special Use Rezoning from HB-S to HB-S
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from HB-S (Highway Business - Special Use) to HB-S (Highway Business - Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Food or Drug Store; Furniture and Home Furnishings Store; Retail Store; Banking and Financial Services; Services A; Restaurant (with drive-through service); Restaurant (without drive-through service); Wholesale Trade A; and Offices <p>NOTE: General, Special Use Limited, and Special Use district zoning were discussed with the petitioner(s), who decided to pursue the rezoning as presented.</p>
Neighborhood Contact/Meeting	The petitioner held a neighborhood meeting on Thursday, December 19, 2019. Their outreach is attached.
Zoning District Purpose Statement	The HB District is primarily intended to accommodate retail service, distributive uses, and high-density residential. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. 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.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)	<p>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>Yes. The proposal would allow for new uses on an existing commercial site located in GMA 3. The subject property is located on University Parkway, a highly traveled thoroughfare. The new building will be located directly adjacent to University Parkway allowing for good visibility from passing motorists.</p>
GENERAL SITE INFORMATION	
Location	West side of University Parkway, south of Laura Avenue
Jurisdiction	Winston-Salem
Ward(s)	North
Site Acreage	±1.01 acres

Current Land Use	Retail Store (Target)					
Surrounding Property Zoning and Use	Direction	Zoning District			Use	
	North	HB, HB-S			Gas station, Offices	
	East	RS12, LB-L, HB-S			Vacant, Offices	
	South	HB			Vacant land and multi-tenant commercial building	
	West	RM18- S			Multifamily residential	
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?					
	Yes. The site is currently developed with a Target retail store and is surrounded to the north, east, and south with either commercial businesses or offices.					
Physical Characteristics	The site is currently developed with a Target retail store. The location of the proposed building is within the existing paved parking area for Target.					
Proximity to Water and Sewer	The site is served by public water and sewer.					
Stormwater/ Drainage	This site is exempt from additional stormwater/drainage improvements as the proposal will decrease the amount of impervious surface on the property.					
Watershed and Overlay Districts	The site is not located in a watershed or overlay district.					
Analysis of General Site Information	The site is currently developed with a Target retail store and is served by public water and sewer. The proposed building will be developed on existing impervious surface (parking) located on the northeast corner of the Target site, adjacent to the main site access from University Parkway.					
	The site is surrounded by commercial and office uses to the north, east, and south. Multifamily homes are located to the west of the site (behind Target).					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3231	RS 12 to LB-S	Withdrawn 07/10/14	Northeast	1.35	Denial	Withdrawn
W-3118	RS 12 to LB-L	Approval 12/05/2011	East	1.33	Approval	Approval
W-1987	RS 9 to HB-S	Approval 11/20/1995	Subject Property	12.54	Approval	Approval

SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D
University Parkway	Expressway	445 feet	35,000	49,000
Proposed Access Point(s)	Two access points are shown on the proposed site plan. The first will be from the main access drive into the Target site. The second will be from a right-in/right-out access drive south of the proposed building. The site will not have direct access to University Parkway. Its access is from existing driveways for the Target store with access to University Parkway.			
Planned Road Improvements	No improvements to University Parkway are proposed.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning</u> 44.32 (Specialty Retail Center trip rate) x 117,575/1000 square feet = 5,210.92 trips per day</p> <p><u>Proposed Zoning</u> 36.13 (Medical-Dental Office trip rate) x 3,600/1000 square feet = 130.07 trips per day 496.12 (Restaurant with drive-through service trip rate) x 2,400/1000 square feet = 1,190.69 trips per day</p> <p><u>Total</u> 5,210.92 + 130.07 + 1,190.69 = 6,531.68 trips per day</p>			
Sidewalks	Sidewalks do not currently exist along this section of University Parkway. A sidewalk is required along the site frontage with a lateral connection to the building.			
Transit	There is a transit stop approximately one quarter-mile north of the site at the intersection of University Parkway and Sturmer Park Circle. Three WSTA routes have pick-ups at this stop: Routes 89, 91, and 99. Routes 89 and 91 run on an hourly basis Monday through Sunday. Route 99 runs on an hourly basis Monday through Friday.			
Transportation Impact Analysis (TIA)	A TIA was not required for this project.			
Analysis of Site Access and Transportation Information	<p>Access to the site will be from the existing access drives to the Target parking area from University Parkway. The new building will increase the average trips per day by 1320 trips. However, there is capacity on University Parkway to handle this increase in traffic.</p> <p>While there is currently no sidewalk along the University Parkway, one is required along the property frontage with a lateral connection to the building. The site is within walking distance to a transit stop that is served by three transit routes.</p>			

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	6,000		Northeast corner of the existing Target parking lot, adjacent to the main access from University Parkway
Parking	Required	Proposed	Layout
	42 spaces (new building) 399 spaces (Target)	57 spaces (new building) 431 spaces (Target)	Front and sides of building
Building Height	Maximum		Proposed
	60 feet		One story
Impervious Coverage	Maximum		Proposed
	85 percent		78.5 percent (34,583 square feet)
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 5.2.73 (Retail Store) 		
Complies with Chapter B, Article VII, Section 7-5.3	(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 commercial building will contain a 2,400 square feet restaurant (with drive-through) and 3,600 square feet of office/retail space. The new building will be located on the northeast corner of the existing Target parking lot adjacent to the main access from University Parkway. The project exceeds the required number of parking spaces for both the existing Target development and the new building. As the building will be developed on existing impervious pavement, the impervious coverage on the site will actually decrease from 94.8 percent to 78.5 percent.</p>		
CONFORMITY TO PLANS AND PLANNING ISSUES			
Legacy 2030 Growth Management Area	GMA 3 – Suburban Neighborhoods		
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> Concentrate development within the serviceable land area with the highest densities at City/Town Centers, Activity Centers and along Growth Corridors Use the Growth Management Plan as the basis to concentrate growth in GMAs 1, 2, and 3 while preserving farmland, open space, and rural character in the Rural Area. Make efficient use of Forsyth County’s limited land capacity. Require sufficient, but not excessive parking, while protecting adjacent land uses, surrounding neighborhoods, and the environment. Provide incentives to reduce on-site parking, promote active forms of transportation, and minimize environmental impacts. 		

	<ul style="list-style-type: none"> • Design planting strips between sidewalks and roads that allow for large-variety trees and a more attractive streetscape • Consider requiring new buildings to be oriented to both public and internal streets and parking areas located internally on the site or behind buildings.
Relevant Area Plan(s)	<i>North Suburban Area Plan (2014)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • This plan calls for the creation of new commercial opportunities and the improvement of existing commercial areas that blend with existing development and do not infringe on nearby neighborhoods. • Encourage rehabilitation/redevelopment of older and underutilized commercial sites in the planning area with building façade improvements, streetyard and bufferyard plantings, and parking area improvements.
Site Located Along Growth Corridor?	University Parkway is designated as a growth corridor.
Site Located within Activity Center?	The site is not located within an activity center.
Comprehensive Transportation Plan Information	The <i>Comprehensive Transportation Plan (2012)</i> identifies the section of University Parkway between North Point Boulevard and US 52 as an expressway that needs improvement. The plan, along with the <i>2035 Winston-Salem Long Range Transportation Plan</i> , proposes that this section of University Parkway be widened to a 6-lane expressway.
Greenway Plan Information	The <i>Greenway Plan Update</i> shows a greenway connector along Leak Fork Creek, which is located along the southern boundary of the property. A greenway easement was acquired with the Target development in 1996.
Addressing	5408 and 5414 University Parkway have been assigned to the new tenant spaces in the proposed building
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>?
	Yes
Analysis of Conformity to Plans and Planning Issues	The request will rezone a portion of an existing commercial site to allow for new commercial uses while removing the currently allowed use Fuel Dealer. It will allow new commercial opportunities along a growth corridor while not infringing upon existing neighborhoods. Furthermore, as the new building will be developed on existing impervious surface, it will preserve greenfield sites in the vicinity and reduce the impervious coverage on the subject property.

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The request will develop a new commercial property on existing impervious surface, thereby reducing the impervious coverage on the site.	The request will place additional traffic onto University Parkway.
The request will develop a new commercial business on an existing growth corridor.	
The request is in compliance with the recommendations of <i>Legacy</i> and the <i>North Suburban Area Plan</i> .	
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 ISSUANCE OF BUILDING PERMITS:</u> <ul style="list-style-type: none"> a. Obtain an encroachment agreement from North Carolina Department of Transportation for any work performed within the right-of-way. • <u>PRIOR TO ISSUANCE OF CERTIFICATE(S) OF OCCUPANCY:</u> <ul style="list-style-type: none"> a. Record an easement for the existing landscaped areas that will be used as part of the new development. b. Record an easement for the existing Target signage. c. Record an access easement from the Target lot to the new development. 	

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.**

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3431
JANUARY 9, 2020**

Amy Crum presented the staff report.

Melynda Dunigan inquired as to why a Traffic Impact Study (TIS) was not required in this case.

Aaron King stated that a TIS is required when there are more than 150 trips in the peak hour and that DOT staff did not find that to be the case with this request.

PUBLIC HEARING

FOR:

Jackson Smith, 610 East Morehead Street, Suite 100, Charlotte, NC 28202

- I am with Aston Properties, and we are the contract purchaser for this outparcel. The intent is to build a small shop, initially with two tenants: a restaurant with a pick-up window and a retail medical use.
- I did want to point out that the north and the south renderings that the Planning Board viewed were flipped. The restaurant will be on the creek side.
- We are excited about this project. We have two tenants already lined up that fit the needs. We are bringing services to the area that aren't here today.

Paul Fidishun, 6514 Dornoch Drive, Greensboro, NC 27410

- I am with MLA Design Group, the landscape architects on this project. We are asking for uses that are typically within a Highway Business use that were left off the original Special Use rezoning. We have removed Fuel Dealer. With the actual finished product, we will have less impervious surface than we do now, so there will be more green space, more plants and trees that should visually improve the area. We'll work with existing grades as much as we can, utilizing existing ingress and egress.

AGAINST:

S.D. Cochrane, 160 Laura Avenue, Winston-Salem, NC 27105

- I live across the street from the Speedway and Target. I opposed the zoning in 1995 when Dayton Hudson bought the property, and I am opposing the changes now. We have plenty of retail space already. University Parkway is lined with a lot of empty retail space, and we have a lot of traffic. There were two fatalities last year with school children getting off of their buses. I don't know when the last traffic count was done.
- There is a lot of thru-traffic coming on my street. We have single-family residents, elderly people, disabled people, children, dog walkers, we have buses coming on our street, and Laura Avenue is constantly used as a thoroughfare off of University Parkway. The increased traffic would be detrimental to the quality of life in my neighborhood.
- I don't think it will be as visually pleasing. I was not in that 500 feet notification (area) of the public meeting. My house is the thirteenth house on the right side of Laura Avenue. I can see the Speedway sign from my house. Everybody needs quality of life, and I don't think we need businesses abutting up to where people raise their families. We need some sort of barrier.
- Leak Fork Creek is there. It is incredibly polluted. I have counted at least 800 tires in the creek. I have brought it to the City's attention multiple times. The City has done nothing to address that.
- We have so much development that I just wish you would take into consideration the creek, the waterway, tires that are polluting it. I am concerned about the impact of more development.
- I know that Dayton Hudson is the fifth-largest retailer in the United States, and they are used to getting what they want. I'm a little person, I live on that street. The impact will be much worse.
- People who live in Greensboro and Charlotte are not going to have to live at University Parkway and Oak Summit to see the traffic backed up, have Laura Avenue one way or closed up completely. Amy Crum stated that was something I could take up with WSDOT.

WORK SESSION

Melynda Dunigan pointed out that in the Long Range Transportation Plan, the section of University Parkway between Northwest Boulevard and US-52 is flagged as a concern. The plan states that in 2035 the projection is the traffic count will be near capacity. Melynda also stated that in general, she sees this as a positive development. However, she also stated concern over the 5:00 p.m. traffic at the intersection with Shattalon Drive.

Aaron King stated that he would pass the concerns on to WSDOT staff before the petition goes to Council. Aaron also discussed the national trend of retailers repurposing underutilized parking space for additional uses, and he gave several examples of that in the Winston-Salem area. Staff has encouraged developers to go into areas that are zoned commercial, rather than looking at the edges of neighborhoods and trying to rezone residential areas to commercial. These are some of the reasons staff is supportive of the request.

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, Jason Grubbs, Clarence Lambe, Chris Leak, Johnny Sigers, 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, Jason Grubbs, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

Aaron King
Director of Planning and Development Services