

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3359
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Krystal Company, LLC and Krystal Corporation
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PIN#s 6825-81-1994 and 6825-81-1669
<b>Address</b>	600 Peters Creek Parkway
<b>Type of Request</b>	Special use limited rezoning from HB and RSQ to GB-L
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> HB (Highway Business) and RSQ (Residential, Single Family Quadraplex) <b>to</b> GB-L (General Business – special use limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Arts and Crafts Studio; Banking and Financial Services; Child Care, Drop-In; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Combined Use; Food or Drug Store; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Offices; Police or Fire Station; Restaurant (without drive-through service); Retail Store; School, Vocational or Professional; Services A; Urban Agriculture; Child Care, Sick Children; Child Day Care Center; Life Care Community; Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; School, Private; School, Public</li> </ul> <p><b>NOTE:</b> General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented.</p>
<b>Neighborhood Contact/Meeting</b>	See Attachment B for a summary of the petitioner’s neighborhood outreach.
<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 in a building or planned development, with consolidated access. This district is intended for application in GMAs 1, 2 and 3 and Metro Activity Centers.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>
	Yes, as the site is located within a designated activity center and fronts on Peters Creek Parkway which is classified as a boulevard. The site is also located within the Urban Neighborhoods GMA.

GENERAL SITE INFORMATION						
<b>Location</b>		Southwest corner of Peters Creek Parkway and Academy Street				
<b>Jurisdiction</b>		City of Winston-Salem				
<b>Ward(s)</b>		Southwest				
<b>Site Acreage</b>		± 3.76 acres				
<b>Current Land Use</b>		The Budget Inn is currently located on the subject property.				
<b>Surrounding Property Zoning and Use</b>		<b>Direction</b>	<b>Zoning District</b>		<b>Use</b>	
		North	HB		Hair salon, dry cleaning, and a self-storage facility	
		East	HB		BP Convenience Store and the West Salem Shopping Center	
		South	HB		Site is currently being redeveloped for a car dealership	
West		RSQ and HB		Multifamily building, business building, and undeveloped property		
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>		<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>				
		The uses permitted in the proposed GB-L zoning are compatible with the uses permitted on the adjacent HB zoned properties. Some of the proposed uses are less compatible with the uses permitted on the adjacent RSQ zoned properties.				
<b>Physical Characteristics</b>		The site is developed and it has a moderate to steep slope downward toward Peters Creek which borders the eastern edge of the site. This edge of the site is also impacted by the regulatory floodplain of Peters Creek.				
<b>Proximity to Water and Sewer</b>		The site has access to public water and sewer.				
<b>Stormwater/ Drainage</b>		No known issues.				
<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 well positioned at the corner of two heavily traveled streets. Currently, the site is fully developed with multiple buildings which comprise a motel and an unoccupied commercial building. The site has a significant grade change from the western edge downward to Peters Creek at the eastern edge. The entire frontage along Peters Creek Parkway is located within the regulatory floodplain of Peters Creek.				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB

W-3340	RSQ and RM18 to RMU-S	Denied 9-5-2017	1,000' north	1.97	Denial	Denial
W-2254	HB and RSQ to HB	Approved 9-8-1998	300' north	5.86	Approval	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Peters Creek Parkway	Boulevard	525'	23,000	38,100		
Academy Street	Minor Thoroughfare	313'	11,000	13,800		
<b>Proposed Access Point(s)</b>	The site is currently accessed from Peters Creek Parkway. See comments below in the analysis section regarding access onto Academy Street.					
<b>Trip Generation - Existing/Proposed</b>	Staff is unable to provide an accurate trip generation for either the existing general use zoning or the proposed special use limited zoning because there are no site plans.					
<b>Sidewalks</b>	Sidewalks are located along both sides of all adjacent streets.					
<b>Transit</b>	Route 80 runs along Academy Street and Route 83 runs along Peters Creek Parkway.					
<b>Analysis of Site Access and Transportation Information</b>	<p>The subject property has frontage on a boulevard and a minor thoroughfare both of which have extra capacity. The area is also served with sidewalks and transit.</p> <p>Staff does however note that the former access from the site onto Academy Street has been closed with fencing for many years. According to WSDOT staff, reopening this access in the future may present some challenges. Specifically, traffic exiting the site may have limited visibility due to topography in the area. Also, traffic entering the site and needing to make a left turn off of Academy Street, may cause traffic to back up toward the intersection with Peters Creek Parkway. However, due to the potential for redevelopment of the site and the benefit of having multiple points of access, the petitioner has agreed to work with WSDOT and provide an <i>emergency only access</i> onto Academy Street.</p>					
CONFORMITY TO PLANS AND PLANNING ISSUES						
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 2 - Urban Neighborhoods					
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Encourage higher residential densities along growth corridors to create the critical mass for transit to be viable.</li> <li>• Activity centers have the potential to accommodate denser mixed-use development.</li> <li>• Good mixed-use design for activity center development or redevelopment ensures attractive, usable, durable, and adaptable</li> </ul>					

	places. Mixed-use developments need to be compatible with adjacent land uses, provide a diversity of housing types, contribute to the character of the neighborhood and larger community, and create vibrant, pedestrian-oriented places. Special attention needs to be given to producing an acceptable mix of land uses; designing parking areas for walkability; providing circulation patterns for vehicular, pedestrian, and bicycle access; and providing public amenities including plazas and open space.
<b>Relevant Area Plan(s)</b>	<i>Southwest Winston-Salem Area Plan Update (2016)</i>
<b>Area Plan Recommendations</b>	<p>The property is located within the West Salem Activity Center and it is shown for mixed-use development.</p> <p><u>Specific West Salem Activity Center Recommendations:</u>  The subject property is located within the west side of the activity center as identified in the <i>Southwest Winston-Salem Area Plan Update</i>. This area includes a vacant car dealership (recently demolished) a motel (subject property) and a mix of retail shops. These properties have struggled with concerns of safety, building deterioration, and site issues, such as being partially located within the floodplain, and having incomplete pedestrian facilities.</p> <p>There is redevelopment potential for the car dealership and motel to become a mixture of retail, office, and residential uses in an intensive comprehensive development. The plan recommends the following:</p> <ul style="list-style-type: none"> <li>• Develop the site with a mixture of uses that includes residential, commercial, and office in a well-designed development that connects streets, transit, and pedestrian facilities.</li> <li>• Include neighborhood-serving commercial uses such as a grocery store, pharmacy, and restaurants.</li> <li>• Integrate unique architectural aspects of the current development into the new development, if feasible.</li> <li>• Minimize development in the floodplain; instead create a green space the can be used as a social gathering space that incorporates seating, fountains, public art, and other features.</li> <li>• Priority should be given to pedestrians and bicycles in building design and street layout. Include pedestrian and bicycle connections to the proposed multiuse path along Peters Creek Parkway as well as a pedestrian connection to Anson Street.</li> <li>• Use the site’s topography to build taller buildings or parking structures.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The site is located along the Peters Creek Parkway Growth Corridor as identified in <i>Legacy 2030</i> . However, as this site is also located within an activity center, the more specific activity center guidelines in the <i>Southwest Winston-Salem Area Plan Update</i> take precedence over the more general growth corridor guidelines.
<b>Site Located within Activity Center?</b>	The site is located within the West Salem Activity Center.

<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>	
	No	
	<b>(R)(4) - 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 subject request is to rezone the 3.76 acre site of the Budget Inn from HB and RSQ to GB-L. The site is a highly visible corner property located at a major intersection which serves as a primary gateway/entryway both into downtown as well to the Ardmore and the West Salem neighborhoods. The site is also located within an activity center where the area plan recommends “a mixture of uses that includes residential, commercial, and office in a well-designed development that connects streets, transit, and pedestrian facilities.”</p>	
	<p>The petitioner has eliminated some of the potentially more impactful uses which are otherwise permitted in the GB district such as Transmission Tower, Fuel Dealer, Car Wash, and Adult Establishment. The petitioner has also agreed to a signage condition along the Academy Street frontage and a lighting condition. Although the request does not include a site plan, Planning staff sees the proposed GB-L zoning as being more compatible with the mixed use recommendation of the area plan than the present zoning. The request may also facilitate redevelopment of the site and the GB district offers a 30% reduction in required parking that is not provided within the HB district. Redevelopment of the subject property may in turn may spur additional reinvestment in the general area. Staff recommends approval.</p>	
<b>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</b>		
<b>Positive Aspects of Proposal</b>		<b>Negative Aspects of Proposal</b>
The request may facilitate reinvestment and/or redevelopment of the subject property.		The request would place GB-L zoning adjacent to RSQ zoned property.
GB-L zoning is more consistent with the mixed use recommendation of the area plan than the current zoning.		
Peters Creek Parkway has ample capacity.		
The site is well served with sidewalks and multiple transit routes.		
The request includes a lighting condition.		
The request includes a monument signage condition along Academy Street.		
<b>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</b>		
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 ISSUANCE OF ANY PERMITS:**
  - a. Developer shall obtain a driveway permit from The City of Winston-Salem DOT for an emergency only access onto Academy Street.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  - a. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the western, northern, and eastern property lines.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  - a. Lighting shall be installed per approved lighting plan and certified by an engineer.
  - b. All required improvements of the City of Winston-Salem driveway permit shall be completed.
  
- **OTHER REQUIREMENTS:**
  - a. Freestanding signage along Academy Street shall be limited to one sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
  - b. PIN#s 6825-81-1994 and 6825-81-1669 shall revert back to their original (as of May 6, 2018) HB & RSQ zoning if the property owner fails to transfer ownership of said property by September 30, 2018.

**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-3359  
APRIL 12, 2018**

Gary Roberts presented the staff report.

**PUBLIC HEARING**

FOR:

Gary Merritt, Board Member North Carolina Housing Foundation, 750 Bethesda Road, Winston-Salem, NC 27103

- We feel that this would be a very appropriate use for changing the southern gateway in Winston-Salem. Redevelopment of this property would do a lot of the same things that we did when we built Goler Manor. This is a property that we would like to change the use to redevelop and provide both mixed use, multifamily development and retail on the ground level.
- I talked to the owner/representative this afternoon and we talked about the drive-through on the restaurant and the owner is very agreeable to eliminating a restaurant with a drive-through.

Kelly Carpenter, 820 Miller Street, Winston-Salem, NC 27103

- I am a Board Member of the Shalom Project, the partnering agency with the North Carolina Housing Foundation on this project.
- I drive by this property at least two times a day, sometimes six times a day, as a resident of Ardmore, and I work in West Salem at Green Street Church. About 10 years ago we began the Peters Creek Community Initiative to look at ways that we could do some economic development up and down the parkway. We were instrumental in getting the RUCA plan approved and gathering businesses there. Hubbard Realty Company joined that initiative, and their development of the West Salem Shopping Center with some of that money has been really powerful.
- We worked along with the City for a traffic plan looking at possible ways that Peters Creek could be adjusted to make it more safe for residents that were closest there.
- There was a desire to try to get a grocery store in the West Salem Shopping Center and a number of people that came to look at that as a possibility looked across the street at the Budget Inn and said, "That's a problem." And it prevented opportunity. It does qualify as a food desert in that particular area.
- We want to really work with those residents and give them a different opportunity.

- This project provides workforce housing and we are committed to working alongside the residents of those 60 units to give them assistance to move out of being working poor to middle class. We think this could be an anchor development for that area as we hope the area develops in a more positive way.
- Our presence on Peters Creek - we want to help foster that development so that we ensure it serves the neighbors instead of more strip clubs, pawn shops and check cashing places.

#### AGAINST:

Bonnie Crouse, 2001 Boone Avenue, Winston-Salem, NC 27103

- I speak as a member of the Zoning Committee of the Ardmore Neighborhood Association.
- I want to make it clear that speaking today for the Ardmore Neighborhood Association, this is in no way an objection to or a reflection of our esteem for the Shalom Project.
- Our mission is to preserve the essential residential characteristics of the neighborhood. That does not mean we oppose all development. In fact, we have supported quite a lot.
- The objections we have to what is being proposed right now is not because we don't want that corner of Peters Creek and Academy improved; we do. It's not because we don't trust that the work and integrity of the Shalom Project will in some way disappoint us; we don't believe that for one moment. What we are concerned about that is before you this afternoon is not a referendum on whether or not the Shalom Project is a worthy organization, it's not a referendum on their intentions; we're being asked to agree to rezoning of a parcel of land that if for any reason the Shalom Project's operation did not go through, failure to get the funding together or whatever, but an opportunity could be presented - somebody could come up and offer them the gift of a wonderful piece of land up the road and they would take that opportunity and leave that rezoned property behind, ripe for the plucking.
- We have had some conversations with the developer about pulling out some of what would be the allowed uses. If that parcel was rezoned, as is permissible right now, it would have some pretty undesirable potential.
- We definitely want affordable housing. It's something that the Ardmore Neighborhood Association has championed probably ahead of most organizations in the city.
- We want to have further discussions with the developer and find a way to work it in. We would hate to see that door close completely to us because our desire is to support this project. But we would want some serious discussions about additional allowed uses removed from the proposal, as it is, before it is rezoned.
- Everyone assumed there would be a site plan; there is not. There are real questions about how the ingress and egress would be handled, the effect on traffic, which is already a nightmare anyway. They are adding a lane of traffic to Academy that is well underway that will directly impact their setbacks, and that concerns us.
- We would like to sit down about more specific uses with them. If the Committee would postpone by one session, one month, to give us time to sit down with them, in all good will, and talk about specific uses - the other recourse would be to go to a City Council

meeting and bring up these same things, but between now and then surely we can sit down with these folks and work some of this stuff out.

- This is a highly visible gateway to a wonderful neighborhood, and it faces another wonderful neighborhood, West Salem, which also will benefit from improvements at that intersection. But at the present, in its form, the Ardmore Association cannot give its approval.

Julie Magness, 630 Fenimore Street, Winston-Salem, NC 27103

- I am completely in favor of this project, but what I want to really get back and come around to is the RSQ piece of zoning that is a part of that stretch.
- In good faith, to really get behind this proposal, there are more uses that need to come off. I think we are opening a can of worms to approve it with all those extra uses. I want to see this property go. It's a nightmare. There are a lot of steps that need to be taken care of.

Charles Dalfit, 1200 Trilium Circle, Raleigh, NC 27606

- I'm the managing member of the Ledges Apartments and also 96 Ardsley Apartments. I have worked almost 20 years to get the two properties in very good shape. I object to this proposal because they had 60 subsidized apartment units in it and are directly in competition with me. I'm the private sector. I have invested a lot of capital into my two properties. I've weathered the recession. A lot of subsidized units turn out to be not so good.

### **WORK SESSION**

- Chairman King asked the Petitioners if they would entertain reducing the list of proposed uses. The Petitioners indicated they were agreeable to such reduction. Staff introduced a possible revised list of uses intended to further reduce the number of objectionable uses. The Petitioner indicated they were in agreement with said list. Chairman King then asked Ms. Crouse if the revised list would resolve the neighborhood's objections, and Ms. Crouse confirmed that the revised list did not contain any of the uses found objectionable by the Ardmore Neighborhood Association.

MOTION: Clarence Lambe moved approval of the rezoning petition with the reduced list of uses.

SECOND: Chris Leak

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning and Development Services