

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket	W-3489
Staff	Gary Roberts, Jr.
Petitioner(s)	Frank Myers Investments, LLC
Owner(s)	Same
Subject Property	PINs 6829-20-8759, 6829-20-7658, and 6829-20-9605
Address	6024 and 6034 University Parkway and 125 Sunburst Circle
Type of Request	Special Use rezoning from RS9 and LB-S to HB-S
Proposal	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property from RS9 (Residential, Single-Family; 9,000 sf minimum lot size) and LB-S (Limited Business – Special Use – Car Wash) to HB-S (Highway Business – Special Use). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Arts and Crafts Studio; Banking and Financial Services; Building Materials Supply; Car Wash; Child Care, Drop-In; Church or Religious Institution, Neighborhood; Food or Drug Store; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Library, Public; Micro-Brewery or Micro-Distillery; Offices; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; Services, A; Testing and Research Lab; and Veterinary Services
Continuance History	This request was continued from the August 12, 2021 Planning Board meeting to the September 9, 2021 meeting to allow the petitioner to add uses.
Neighborhood Contact/Meeting	A summary of the petitioner’s neighborhood 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.
Rezoning Consideration from Section 3.2.15 A 13	Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
	The proposal is consistent with the HB District purpose statement in that the site is located within GMA 3 along a high-visibility corridor.
GENERAL SITE INFORMATION	
Location	West side of University Parkway and north side of Sunburst Circle
Jurisdiction	Winston-Salem
Ward(s)	Northeast
Site Acreage	± 2.27 acres

Current Land Use	A car wash and a single-family home are currently located on the site.					
Surrounding Property Zoning and Use	Direction	Zoning District			Use	
	North	RM18-S and RS9			Apartments and a single-family home	
	East	HB			Multiple commercial uses	
	South	LO and RS9			Bank and single-family homes	
	West	RM18-S and RS9			Apartments and single-family homes	
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 car wash and commercial uses are compatible with the uses permitted on the adjacent LO and HB properties. They are less compatible with the residential uses permitted on the adjacent RS9 and RM18-S properties.					
Physical Characteristics	The partially developed site has a gentle slope downward toward the southwest. The western half of the site includes some mature trees.					
Proximity to Water and Sewer	Public water can be accessed from University Parkway and Sunburst Circle. Public sewer is available within University Parkway.					
Stormwater/ Drainage	The proposed site plan shows two underground stormwater management devices on the western end 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	This tract is a corner site that includes a single-family home and a car wash along the University Parkway frontage. The western section of the site is undeveloped. The property has generally favorable topography and is not located within a water supply watershed or regulated floodplain.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2693	NB to LB-S	Approved 7/19/2004	Included a portion of the subject property	.41	Denial	Denial
W-2662	RS9 to NB	Approved 2/2/2004		.41	Denial	Approval
SITE ACCESS AND TRANSPORTATION INFORMATION						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
University Parkway	Boulevard	302 feet	21,000	38,100		
Sunburst Circle	Local Street	327 feet	N/A	N/A		

Proposed Access Point(s)	The site plan proposes two right-in, right-out access points from University Parkway and no access from Sunburst Circle.	
Planned Road Improvements	This section of University Parkway is scheduled for installation of a center median (TIP Project U-2729). The tentative start date, depending upon availability of funding, is mid-2023.	
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS9 and LB-S</u> $\pm 1.86 \text{ acres} / 9,000 \text{ sf} = 9 \text{ homes} \times 9.57 \text{ (single-family trip rate)} = 86 \text{ trips per day}$</p> <p>The available trip rate for the Car Wash use is for the Saturday peak hour and not the daily rate:</p> <p>$1,600 \text{ sf} / 1,000 \times 30.4 \text{ (automated car wash trip rate)} = 49 \text{ trips per Saturday peak hour}$</p> <p><u>Proposed Zoning: HB-S</u> $3,800 \text{ sf} / 1,000 \times 496.12 \text{ (fast food restaurant with drive-through service trip rate)} = 1,885 \text{ trips per day} + 1,700 \text{ sf} / 1,000 \times 44.32 \text{ (specialty retail center trip rate)} = 75 \text{ trips per day} = \mathbf{1,960 \text{ total trips per day for the retail and restaurant component of the request}}$</p> <p>The available trip rate for the Car Wash use is for the Saturday peak hour:</p> <p>$4,225 \text{ sf} / 1,000 \times 30.4 \text{ (automated car wash trip rate)} = 128 \text{ trips per Saturday peak hour}$</p>	
Sidewalks	Sidewalks are located along University Parkway and are proposed along Sunburst Circle.	
Transit	WSTA Route 87 serves the intersection of University Parkway and Hanes Mill Road, approximately 300 feet south of the site.	
Transportation Impact Analysis (TIA)	A TIA was not required as this site is within the study limits for the Hanes Mill Road Widening project (TIP Project U-2729). Extensive traffic analysis was conducted throughout this area, and traffic forecasts included future growth. The Winston-Salem Department of Transportation consulted with NCDOT to discuss the need for a TIA. It was determined that a TIA was not needed, given that the NCDOT traffic forecasting analysis included this site. The improvements proposed as part of this NCDOT project are reflected on the proposed site plan.	
Analysis of Site Access and Transportation Information	The site has frontage along a major thoroughfare/boulevard that has extra capacity and is scheduled for future widening. The site plan proposes two driveways along University Parkway. Once the widening occurs, access to the site will become right-in, right-out due to the installation of a center median. The estimated traffic generation is substantially higher than what could be expected under the current zoning.	
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS		
Building	Square Footage	Placement on Site

Square Footage	5,500 square feet (commercial building) + 4,225 square feet (car wash) = 9,725 total square feet	The commercial building is centrally located. The car wash is located near Sunburst Circle.	
Parking	Required	Proposed	Layout
	63 Spaces	75 Spaces	90-degree head-in
Building Height	Maximum		Proposed
	60 feet		One story
Impervious Coverage	Maximum		Proposed
	85 percent		73.33 percent
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> • Section 4.6.9: Highway Business District • Section 5.2.14: Car Wash (use-specific standards) • Section 5.2.73: Retail Store (use-specific standards) 		
Complies with Section 3.2.11	(A) Legacy 2030 policies:	No	
	(B) Environmental Ord.	N/A	
	(C) Subdivision Regulations	N/A	
Analysis of Site Plan Compliance with UDO Requirements	<p>The request would remove an existing car wash and single-family home and construct a larger car wash on the southern parcel. On the northern parcel, a one-story restaurant and retail building with a drive-through is proposed. The car wash includes 17 vacuum stations, and the total proposed building square footage is 9,725.</p> <p>A Type III bufferyard is shown adjacent to the northern and western properties, and a retaining wall is proposed along three sides of the site. The petitioner has agreed to extend the streetyard plantings along the entire Sunburst Circle frontage. Stormwater management would be addressed by two underground collection systems discharging at the southwestern corner of the site along Sunburst Circle.</p>		
CONFORMITY TO PLANS AND PLANNING ISSUES			
Legacy 2030 Growth Management Area	Growth Management Area 3 – Suburban Neighborhoods		
Relevant Legacy 2030 Recommendations	<ul style="list-style-type: none"> • Discourage inappropriate commercial encroachment into neighborhoods. 		
Relevant Area Plan(s)	<i>North Suburban Area Plan Update (2014)</i>		
Area Plan Recommendations	<ul style="list-style-type: none"> • The two frontage properties along University Parkway are recommended for commercial use. • The western half of the site (currently zoned RS9) is recommended to remain single-family residential. • Neighborhoods should be protected from inappropriate residential, commercial, industrial, and institutional encroachment. 		

Site Located Along Growth Corridor?	The site is located along the University Parkway Growth Corridor.
Site Located within Activity Center?	The site is located within the University/Hanes Mill 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>?
No	
Analysis of Conformity to Plans and Planning Issues	<p>This request would rezone property from RS9 and LB-S to HB-S to develop a car wash and a separate retail/restaurant building.</p> <p>The site is located within the University/Hanes Mill Activity Center as identified in the <i>North Suburban Area Plan Update</i>. The recommended land uses reflect the current zoning (commercial for the eastern/University Parkway portion of the site and single-family residential for the western section).</p> <p>Activity centers (per <i>Legacy</i>) are intended to be compact, mixed-use areas where walking is encouraged. As shown on the area plan map, the University/Hanes Mill Activity Center is heavily weighted toward commercial development with a comparatively modest residential component. Staff is supportive of commercial redevelopment and intensification on the frontage properties along University Parkway. However, this request extends intense commercial development more than 300 feet into the Sunburst Circle residential neighborhood.</p> <p>Planning staff may be supportive of higher residential densities on RS9-zoned properties in this area, should a comprehensive assemblage be submitted. Unfortunately, the subject request would negatively impact the existing residents in this area and reduce the likelihood that such a redevelopment scenario could occur in the future.</p>

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The area plan recommends commercial uses for the portion of the site with frontage on University Parkway.	The request is not consistent with the <i>North Suburban Area Plan Update</i> .
	The request would generate a significant amount of additional traffic.
	The proposal would extend intense commercial development deeper into a single-family residential area.
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 right-of-way radius at the intersection of University Parkway and Sunburst Circle; and • Installation of curb and gutter and sidewalk along the Sunburst Circle frontage. • <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> <ol style="list-style-type: none"> a. Freestanding signage shall be limited to two monument signs along the University Parkway frontage. Each sign shall have a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet. 	

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.**

CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR W-3489 SEPTEMBER 9, 2021

Gary Roberts presented the staff report.

Jack Steelman asked Gary to share the depth of the two lots that front University Parkway.

George Bryan asked whether staff felt it might be less intrusive to the community if the proposed buildings were moved closer toward University Parkway. Gary responded that it would not, based on the commercial zoning and activity close to the residential area.

Road improvements and traffic were discussed, based on growth in the area, and Jeff Fansler (WSDOT) was asked whether the Beltway connection would increase traffic in the area. Jeff stated that there would be an increase in traffic, but it would not be as impactful as one might think.

PUBLIC HEARING

FOR:

Luke Dickey, Stimmel Associates, 601 North Trade Street, Suite 200, Winston-Salem 27101

- I am representing the petitioner. We had a neighborhood outreach where 156 people were invited, and 10 neighbors attended, one by phone. The neighbors were supportive of the project.
- I understand the area plan calling for commercial uses to be on the front of Hanes Mill Road and also University Parkway; however, with the impacts with this kind of development, especially on Hanes Mill, we have depths of lots that currently have commercial at 80 feet, 99 feet, and 101 feet as you move across that section. We know an existing business will not be there, and we're not sure what is going to happen to the BB&T building from a circulation standpoint, but any redevelopment on Hanes Mill Road is going to be very difficult to do. Following that area plan, the lots at the back, which are single-family lots, really would need to be incorporated into any future commercial development along that Hanes Mill Road section. The same on University Parkway. Overall, this is basically just over a two-acre site. The redevelopment of most outparcels you see is usually one acre to be able to accommodate commercial development.
- We provided parking in front of the retail buildings and then provided circulation around the backside as well. One thing to keep in consideration for any commercial

development (if zoning remains residential behind this lot) there is a 40-foot building setback that gets applied off the red line (indicating on site plan).

- We are not providing any access to Sunburst Circle, so no commercial traffic is going to be exiting out onto Sunburst. Currently, the existing car wash on Sunburst Circle has an access point there, so that would be eliminated, and everything would go out to University Parkway.
- We are going to agree to extend the streetyard across the complete frontage of Sunburst Circle, where the proposed car wash is, and modify the elevations, per staff request, to show faux windows to give it more of a pedestrian scale along that façade.

AGAINST: None

WORK SESSION

Melynda Dunigan asked Mr. Dickey if he had a way to soften the impact of the dumpster location, which is close to the residential development. Mr. Dickey stated that there would be screening around the dumpster and that they were willing to look at different locations.

Mo McRae asked how residents would be protected from commercial lighting. Mr. Dickey stated that the zoning ordinance had been modified to make sure light fixtures had full cutoffs and that this development would be in full compliance with the ordinance. There will also be intense buffering.

Melynda indicated her intent to recommend disapproval of the petition based on the impacts it will have on the residential area, which she believed could be redeveloped as more dense development that would complement the activity center.

George stated that DOT really needed to look at a different plan for Sunburst Circle, which is impacted by the subject property, because it is untenable in terms of traffic circulation.

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, 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: Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: George Bryan, Melynda Dunigan

EXCUSED: None

Chris Murphy, AICP
Acting Director of Planning and Development Services