

DOCKET #: W2987

PROPOSED ZONING:
LO-S

EXISTING ZONING:
RS-9 & LO-S

PETITIONER:
Barbara Ann Morgan Trustee
and Wesley K. Morgan Trustee
for property owned by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 0.75

**NEAREST
BLDG:** 25'

MAP(S): 618870

F

June 25, 2008

Barbara Ann Morgan, Trustee and
Wesley Morgan, Trustee
2629 Belwick Village Drive
Winston-Salem, NC 27106

RE: ZONING MAP AMENDMENT W-2987

Dear Ms. Morgan and Mr. Morgan:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary's Office of the date on which the Council will hear this petition.

Sincerely,

A. Paul Norby, FAICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Walter J. Kinsey, Jr., Allied Commercial Realty, 235 N. Cherry Street, Suite B1,
Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: June 25, 2008
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning map amendment of Barbara Ann Morgan, trustee and Wesley K. Morgan, trustee

SUMMARY OF INFORMATION:

Zoning map amendment of Barbara Ann Morgan, trustee and Wesley K. Morgan, trustee from RS-9 and LO-S (Residential Building, Single Family; Offices, Miscellaneous; Professional Office; and Banking and Financial Services) to LO-S (Offices, Miscellaneous; Professional Office; and Medical and Surgical Offices): property is located on the southwestern side of Reynolda Road adjacent to Silas Creek Parkway (Zoning Docket W-2987).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Barbara Ann Morgan, trustee
and Wesley K. Morgan, trustee, Docket W-2987

AN ORDINANCE AMENDING THE
WINSTON-SALEM CITY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE CITY OF WINSTON-SALEM, N.C.

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RS-9 and LO-S (Residential Building, Single Family; Offices, Miscellaneous; Professional Office; and Banking and Financial Services) to LO-S (Offices, Miscellaneous; Professional Office; and Medical and Surgical Offices) the zoning classification of the following described property:

PIN#'s 6817-80-5222, 6817-80-4149, and 6817-80-4299

Section 2. This Ordinance is adopted after approval of the site plan entitled Clinical Chiropractic and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to Barbara Ann Morgan, trustee and Wesley K. Morgan, trustee.

Section 3. The City Council hereby directs the issuance of a Special Use District Permit pursuant to the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Clinical Chiropractic. Said Special Use District Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 4. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the City Council

of the City of Winston-Salem

The City Council of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Barbara Ann Morgan, trustee and Wesley K. Morgan, trustee, (Zoning Docket W-2987). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for LO-S (Offices, Miscellaneous; Professional Office; and Medical and Surgical Offices), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the LO-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS**
 - a. Developer shall obtain a bufferyard variance from the City Board of Adjustment.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall obtain driveway permits from the City of Winston-Salem Public Works Department/NCDOT; additional improvements may be required prior to issuance of driveway permit.
 - b. Developer shall record a cross access easement to PINs 6817-80-4299 and 6817-80-5162.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required improvements of the City of Winston-Salem/NCDOT driveway permits shall be completed.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-2987		
Staff	Gary Roberts Jr., AICP		
Petitioner(s)	Barbara Ann Morgan, trustee and Wesley K. Morgan, trustee		
Owner(s)	Same		
Subject Property	PIN#'s 6817-80-5222, 6817-80-4149, and 6817-80-4299		
Type of Request	Special Use rezoning		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 Residential, Single Family District; 9,000 sf minimum lot size and LO-S Limited Office District (Residential Building, Single Family; Offices, Miscellaneous; Professional Office; and Banking and Financial Services) to LO-S Limited Office District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Offices, Miscellaneous; Professional Office; and Medical and Surgical Offices 		
Zoning District Purpose Statement	<p>The LO District is primarily intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. 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 this district may serve as a transition between residential districts and commercial districts. This district is intended for application in Growth Management Areas 2 and 3.</p>		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	Yes		
GENERAL SITE INFORMATION			
Location	Southwestern side of Reynolda Road adjacent to Silas Creek Parkway		
Jurisdiction	City of Winston-Salem		
Ward(s)	Northwest		
Site Acreage	Approximately ± .75 acre		
Current Land Use	The portion of the site which is currently zoned LO-S is now used for office purposes. The remainder of the site, which is currently zoned RS-9, is undeveloped and shown to remain as such on the proposed site plan.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	RS-9	Undeveloped land and Silas Creek Parkway
	East	IP	Maple Springs Methodist Church

	South	RS-9	Single family residence	
	West	RS-9	Silas Creek Parkway	
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?			
	The proposed office uses are compatible with other office and institutional uses in the surrounding area.			
Physical Characteristics	The site is partially developed and has a gentle slope downward to the south.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
Stormwater/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not located within a water supply watershed.			
Analysis of General Site Information	The site appears to possess no development constraints.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Reynolda Road	Major Thoroughfare	162'	20,000	32,200
Silas Creek Parkway	Major Thoroughfare	97'	31,000	42,200
Proposed Access Point(s)	The proposed site plan shows the continued use of the southern most driveway onto Reynolda Road and closure of the northern most curb cut.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: RS-9 & LO-S</u> $10,890 \text{ sf} / 9,000 = 1 \text{ unit} \times 9.57 \text{ (SFR Trip Rate)} = 10 \text{ Trips per Day} + 2,311 / 1,000 \times 156.48 \text{ (Walk in Bank Trip Rate)} = 362 \text{ Trips per Day} = 372 \text{ Total Trips per Day}$ <u>Proposed Zoning: LO-S</u> $2,311 / 1,000 \times 36.13 \text{ (Medical-Dental Office Building Trip Rate)} = 84 \text{ Trips per Day}$			
Sidewalks	The Sidewalk and Pedestrian Facilities Plan requires a sidewalk along Reynolda Road.			
Transit	Route 16 along Reynolda Road			
Connectivity	A cross access easement which would connect the portion of the subject property which is currently zoned RS-9 and the adjacent lot to the south is recommended by the Interdepartmental Review Committee.			
Analysis of Site Access and Transportation Information	The proposed site plan should be revised to reflect the required sidewalk along Reynolda Road and the recommended cross access easement to connect with the adjacent properties.			

Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Obtain WSDOT and NCDOT driveway permit. • Cross access easement condition
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 2 (Urban Neighborhoods)
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • <i>Infill and Redevelopment:</i> Manage growth by making more efficient use of land that has already been developed, encouraging reuse and infill and capitalizing on other development opportunities. Older urban and suburban neighborhoods should be reinforced as good places to live and do business. • <i>Growth Management:</i> Creating a more “compact pattern of development” will necessitate increasing the overall density and intensity of residential and commercial development in areas with public sewer, good roads and other urban services. It will also mean concentrating higher density and mixed use urban development around certain activity centers and along major transportation corridors. • <i>Urban Boulevards:</i> The purpose of Urban Boulevards is to: (1) create attractive urban gateways leading into downtown Winston-Salem; (2) concentrate jobs, retail and higher density housing at selected points along these corridors; (3) promote high quality transit service and pedestrian access by increasing densities at specific locations along these corridors; and (4) incorporate design features that support pedestrian activity and give these corridors an urban look and feel.
Relevant Area Plan(s)	<i>Polo-Reynolda Area Plan (1985)</i>
Area Plan Recommendations	<ul style="list-style-type: none"> • The area plan recommends residential to office conversion for the subject property if existing residential structures are preserved. Uses in converted residences should be low-traffic generating, parking should be at the rear of the structure where possible, signage should be minimal allowing only identification of the use, and facades and landscaping should maintain the residential character. The number and location of curb cuts at commercial centers and office complexes should be controlled. A minimum of well designed entrances and exits promote efficient traffic flow and avoids safety problems.
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?
	No
	(S)(4) - Is the requested action in conformance with Legacy?
	Yes

Analysis of Conformity to Plans and Planning Issues	<p>The majority of the subject property is already zoned LO-S. The request does not propose any expansion to the existing structure but would extend the LO-S zoning onto the adjacent lot to the north. The request would also remove the use of Banking and Financial Services and add the use of Medical and Surgical Offices. It should be noted that because no improvements are shown on the northern lot, the property owner would need to request either a Site Plan Amendment or a rezoning in order to expand onto this portion of the site.</p> <p>The request is consistent with <i>Legacy</i> in that it would encourage reuse and infill and it is consistent with the <i>Polo-Reynolda Area Plan</i> which recommends residential to office conversions for properties along this portion of Reynolda Road.</p>
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RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1417	R-4 to R-1-S (LO-S)	Approved 3-9-87	Included portion of site	.35	Approval	Approval

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

Building Square Footage	Square Footage		Placement on Site	
	2,311 sf		Front of site	
Parking	Required	Proposed		Layout
	12 spaces	13 spaces		Located to the rear
Building Height	Maximum			Proposed
	40'			One story
Impervious Coverage	Maximum			Proposed
	75%			26.62%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.3 (B) Limited Office District 			
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:		Yes	
	(B) Environmental Ord.		NA	
	(C) Subdivision Regulations		NA	

Analysis of Site Plan Compliance with UDO Requirements	The outstanding site plan issues are noted below. It is anticipated that a revised site plan will be submitted which meets the requirements of the UDO.
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CONCLUSIONS TO ASSIST WITH RECOMMENDATION

Positive Aspects of Proposal	Negative Aspects of Proposal
Request is consistent with the <i>Legacy</i> and the <i>Polo-Reynolda Area Plan</i> recommendations.	
Request will not increase traffic.	

Request would result in the closure of one driveway cut onto Reynolda Road and the extension of a sidewalk along the site frontage.

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 ANY PERMITS**
 - a. Developer shall obtain a bufferyard variance from the City Board of Adjustment.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall obtain driveway permits from the City of Winston-Salem Public Works Department/NCDOT; additional improvements may be required prior to issuance of driveway permit.
 - b. Developer shall record a cross access easement to PINs 6817-80-4299 and 6817-80-5162.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All required improvements of the City of Winston-Salem/NCDOT driveway permits shall be completed.

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.**

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Walt Kinsey, 235 N. Cherry Street, Suite B1, Winston-Salem, NC 27101

- Wanted to add some clarification to our request and some explanation to go along with what you've heard already.
- The original rezoning was in 1987 and was from R-4 to R-1-S and defined as offices and dwellings, single family. Somewhere between then and now the change got made to LO-S and was arbitrarily, from our perspective, changed to single family residences; offices, miscellaneous; professional offices; and banking and financial.
- As a realtor working with the client in this case, we believe professional offices included chiropractic which was the tenant in question here. We even had one Planning staff member concur with that although that member was later overruled by Inspections and by

other Planning staff members. I think if you consulted with medical professionals today, most of them would question whether chiropractic fits into their category.

- Of the 28 chiropractors practicing in Forsyth County, they are in 13 different zoning districts.
- In the UDO under special uses, the word "reasonable" appears several times in terms of extra requirements. The owner has invested several months of proceeds in their rent just in the application process.
- The unfortunate thing here is that the time delay has caused a breach of contract with our tenant for whom we'd gone through this process. What we're trying to do right now is trying to save that contract.
- The tenant is currently in a temporary facility and the facility they're in is requiring them to move out. So our request is for them to be allowed to occupy the dwelling while the construction is being finished and process moves forward on the rezoning.
- In the rezoning request, the cross-access is okay although we don't want to have to do anything that requires expense. The cross-access is a difficulty in a couple of ways. The vacant property to the north is owned by the property owner who plans to keep it vacant presently. His intention at this time is to possibly expand the building and parking later on, at which time he would have to get permits. Providing access at this time is a moot point. Granting access to the south requires removal of several large trees. There is a severe elevation change of about four feet in about a six foot distance between our parking lot and the parking lot for the adjacent building so it doesn't make sense to provide access to the south. If we have to provide gated access, I guess that would be acceptable on the south side.
- The other question is on the sidewalk. We're perfectly happy to comply with the sidewalk requirement, however it seems odd to have to put a sidewalk in now that connects to nothing. There's about 30 feet from us to the bridge which is owned by NCDOT. On the other side of the driveway there is no sidewalk on the adjoining property. We would like to have the sidewalk as a future requirement when other sidewalks are installed in the area. It just defers the expense of that to a later time.
- The zoning drawing shows a 15' radius for a driveway permit. Of course that would be NCDOT. We spoke with Jeff Turner who said the permit was not a condition of zoning and because of some other issues like the water meter and where the sign is located, we would be forced into relocating our sign if we put in a 25' radius we were looking for just a 15' radius which is shown on the drawings you have seen.
- The inadvertent use or omission of Banking and Financial was inadvertent. Our intent was only to add the medical and surgical offices, not to remove the existing zoning, so we would ask that you grant this with the addition of or the inclusion of Banking or we have to come back and spend more money and more site plans just to add one word to the zoning use which we already have.
- Please allow occupancy once the building permit is taken care of.
- Please consider the request for cross-access in terms of any requirements on us.
- Please delay the sidewalk until such time as other sidewalks are completed in this area.
- Add Banking and Finance to uses.

AGAINST: None

WORK SESSION

During discussion by the Planning Board, the following points were made:

1. The Planning Board does not have the ability to grant a variance of sidewalk or occupancy requirements.
2. Because of the legal requirements of advertising, we cannot add a use to a zoning request. To add it now, the petitioner would have to delay for a month to allow it to be advertised with the use.
3. Arnold King: Could we allow them to bring this back to us and just pay advertising fees and bring it back to us in a month or two to add Banking? The cross-access easement is just a recordation, not a request for connection at this time.
4. Gary Roberts: One additional condition needs to be added. They have a note on their site plan for two of their bufferyards to seek a variance. Of course, this is not something we can do through this zoning case, but to have the condition in the correct location, it needs to be added to our site plan conditions. The petitioner understands that obtaining this variance from the Board of Adjustment will take extra time after the elected body takes action on this rezoning request.

MOTION: Carol Eickmeyer moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions. In addition, within six months the petitioner may resubmit this request with the additional use "Banking and Financial Services" with the waiver of all fees other than advertising costs.

SECOND: Jerry Clark

AMENDED MOTION: Carol Eickmeyer amended her motion to include under the list of conditions the condition offered by the petitioner on his site plan regarding a waiver of bufferyards.

SECOND: Jerry Clark

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King,
Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

SITE PLAN LEGEND

REVIEW INFORMATION

TYPE OF REVIEW:
 SPECIAL USE REZONING
 SITE PLAN AMENDMENT
 SPECIAL USE PERMIT (ELECTED BODY ONLY)
 FINAL DEVELOPMENT PLAN
 PRELIMINARY SUBDIVISION
 PLANNING BOARD REVIEW

JURISDICTION
 CITY OF WINSTON-SALEM
 FORSYTH COUNTY
 VILLAGE OF CLEMONS
 TOWN OF KERNERSVILLE

PURPOSE STATEMENT:
 THE PURPOSE OF THIS REQUEST IS TO REZONE ONE EXISTING RS-9 PROPERTY CONSISTENTLY WITH ADJACENT LO-S PROPERTY, TO ADD "MEDICAL/SURGICAL" TO APPROVED LO-S FOR 3 PROPERTIES, TO REQUEST BUFFERYARD VARIANCE ALONG 3 PROPERTY LINES (IMPRACTICAL).

INFRASTRUCTURE

	PUBLIC	PRIVATE
WATER	X	
SEWER	X	
STREETS	X	

LINEAR FEET OF PUBLIC STREETS: 161 FT.

SIZE AND COVERAGES

TOTAL ACRES: 1.533 ACRES
 SITE COVERAGES:
 BUILDING TO LAND 4.24 %
 PAVEMENT TO LAND 22.38 %
 OPEN SPACE 13.38 %
 TOTAL IMPERVIOUS 26.62 %

BUILDING SQUARE FOOTAGE: 2311 SF
 BUILDING HEIGHT: 20'-10" FT

ZONING

EXISTING ZONING: LO-S & RS-9
 PROPOSED ZONING: LO-S
 PROPOSED USES: PROFESSIONAL OFFICE, MEDICAL & SURGICAL OFFICES, OFFICES, MISCELLANEOUS
 (USE UDO TERMINOLOGY)

DENSITY CALCULATIONS

* OF UNITS OR LOTS: N/A
 DENSITY: N/A UNITS/LOTS PER ACRE

(NOTE: IF MORE THAN ONE TYPE OF RESIDENTIAL PRODUCT IS PROPOSED, PROVIDE THE NUMBER OF UNITS & DENSITY DOW BY TYPE)

PROPERTY INFORMATION

PIN NUMBER: 6811-80-5222
 TAX BLOCK(S): 1140
 LOT(S): 002E

PROPERTY INFORMATION

PIN NUMBER: 6811-80-4149
 TAX BLOCK(S): 1140
 LOT(S): 202K

PROPERTY INFORMATION

PIN NUMBER: 6811-80-4293
 TAX BLOCK(S): 1140
 LOT(S): 202N

OFF-STREET PARKING (if applicable)

PROPOSED USE(S):
 REQUIRED PARKING: 1 SPACES / 200 SF
 REQUIRED PARKING: 12 SPACES
 (more than one calculation may be needed)
 PARKING PROVIDED: 13 SPACES

OFF-STREET LOADING (if applicable)

LOADING/UNLOADING SPACES REQUIRED:
 LOADING/UNLOADING SPACES PROVIDED:
 SIZE: FT x FT

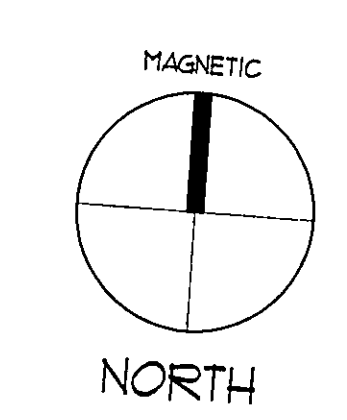
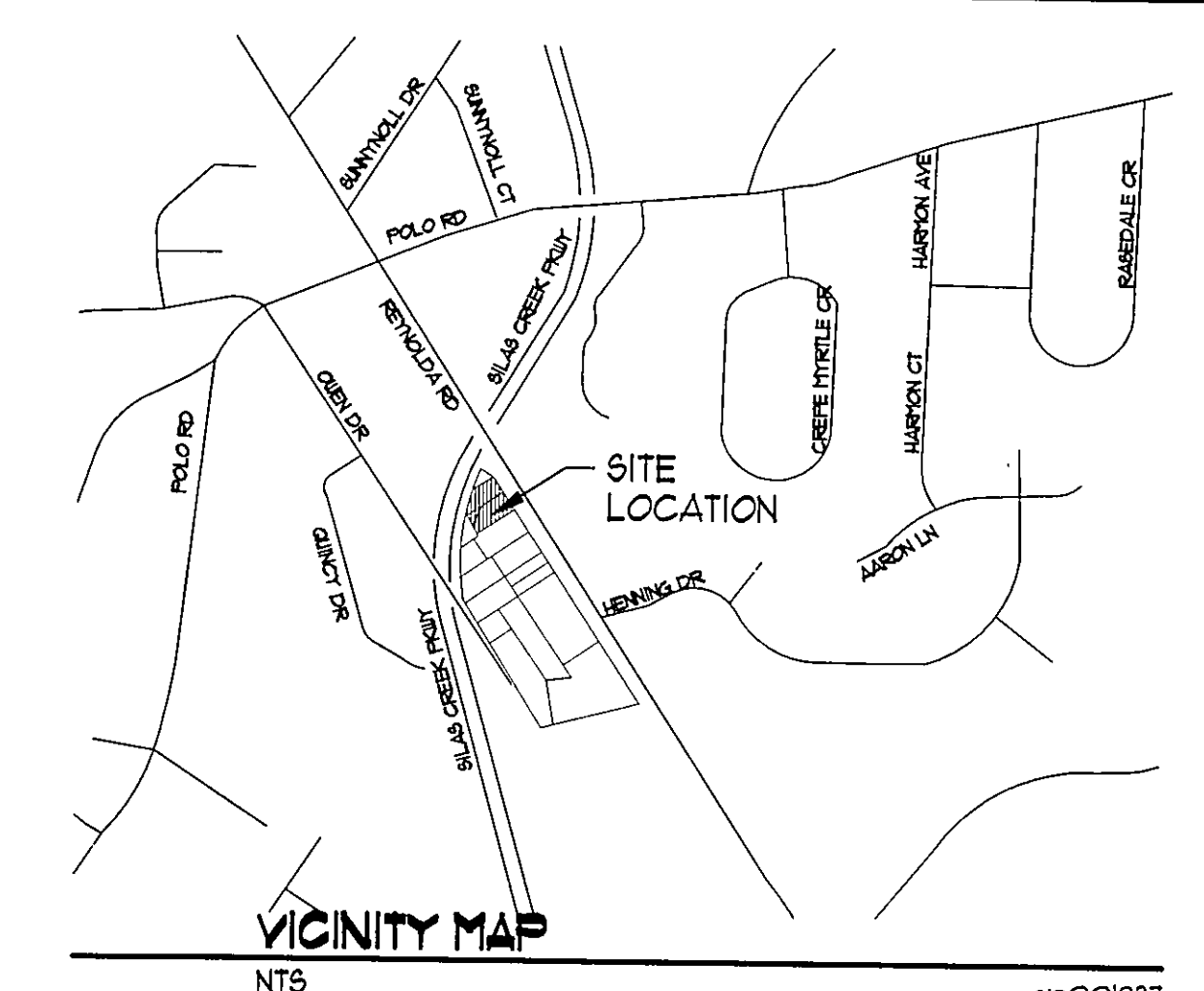
BUFFERYARDS

ADJOINING ZONING: RS-9
 TYPE REQUIRED: II
 SEE VARIANCE REQUEST IMAGES
 WIDTH PROVIDED: FT

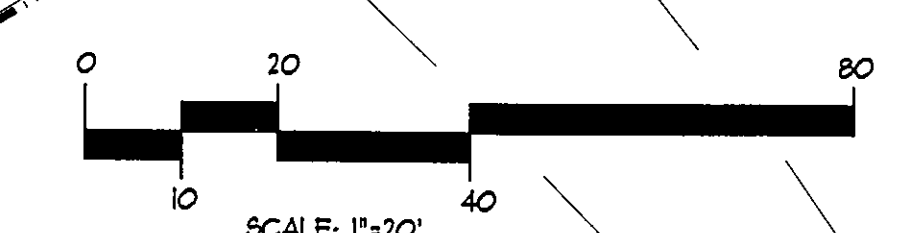
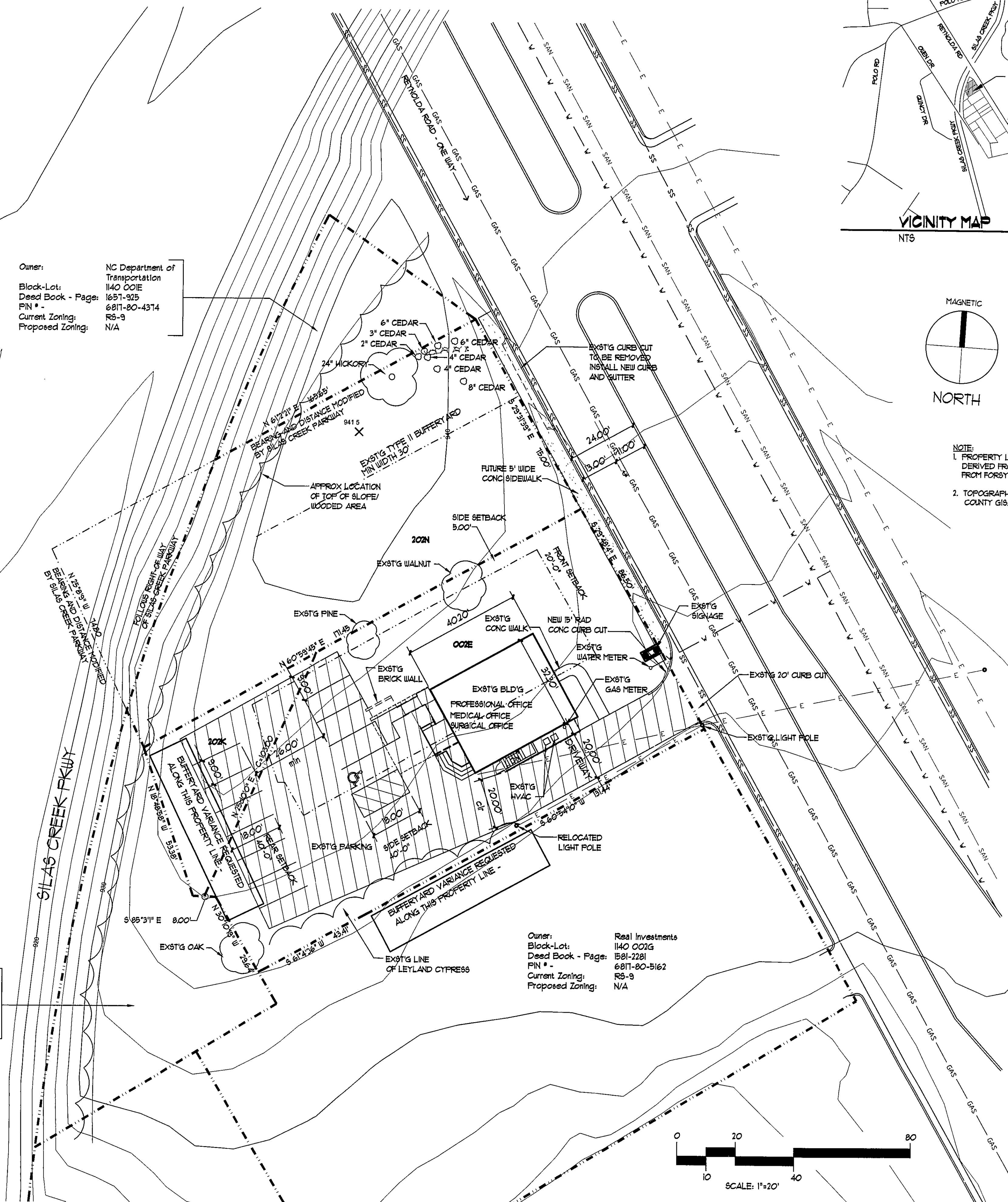
Owner: NC Department of Transportation
 Block-Lot: 1140 001E
 Deed Book - Page: 1651-925
 PIN #: 6811-80-4374
 Current Zoning: RS-9
 Proposed Zoning: N/A

Owner: Myers C W Trading Post Inc.
 Block-Lot: 1140 030B
 Deed Book - Page: 1458-181
 PIN #: 6811-80-4133
 Current Zoning: RS-9
 Proposed Zoning: N/A

Owner: Real Investments
 Block-Lot: 1140 002G
 Deed Book - Page: 1561-2281
 PIN #: 6811-80-5162
 Current Zoning: RS-9
 Proposed Zoning: N/A



NOTE:
 1. PROPERTY LINE BEARING AND DISTANCE DERIVED FROM VARIOUS DEEDS OBTAINED FROM FORSYTH COUNTY REGISTER OF DEEDS.
 2. TOPOGRAPHY OBTAINED FROM FORSYTH COUNTY GIS.



301 SITE PLAN
 1\"/>

W-2987 "REVISED"
 ZONING File Copy
 sp001821

EX 936-722-4402

936-722-4447

CLINICAL CHIROPRACTIC
 Building Upfit
 2546 Reynolda Road
 Winston Salem, North Carolina

REVISIONS
 REVISIONS PER ZONING: 5-12-08
 REVISIONS PER INTERDEPARTMENTAL REVIEW: 5-28-08

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JOB 08-21
 DATE April 11, 2008
 DRAWN A. Evans
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