



DOCKET #: W2913
(continued from 3/8/2007)

PROPOSED ZONING:
City Zoning Jurisdiction

EXISTING ZONING:
County Zoning Jurisdiction

PETITIONER:
City of Winston-Salem
for property owned by
Center 166 LLC

SCALE: 1" represents 400'

STAFF: King

GMA: 3

ACRES: 34

NEAREST BLDG: 35' north

MAP(S): 594862, 594866

F

April 25, 2007

City of Winston-Salem
c/o Lee Garrity, Manager
P. O. Box 2511
Winston-Salem, NC 27102

RE: ZONING MAP AMENDMENT W-2913

Dear Mr. Garrity:

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
Center 166, LLC, P. O. Box 2869, Chapel Hill, NC 27515-2869
Bobby Hill, 5260 Fleetwood Circle, Winston-Salem, NC 27106

ACTION REQUEST FORM

DATE: April 25, 2007
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 City of Winston-Salem for property owned by Center 166, LLC

SUMMARY OF INFORMATION:

Zoning Map Amendment of City of Winston-Salem for property owned by Center 166, LLC from County Zoning Jurisdiction to City Zoning Jurisdiction for MU-S (Shopping Center; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; Residential Building, Multifamily and Residential Building, Single Family) zoned property: property is located on the north side of Robinhood Road between Olivet Church Road and Attanook Road (Zoning Docket W-2913).

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 City of Winston-Salem for property owned by Center 166, LLC, Docket W-2913

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 County Zoning Jurisdiction MU-S (Shopping Center; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; Residential Building, Multifamily and Residential Building, Single Family) to City Zoning Jurisdiction MU-S (Shopping Center; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; Residential Building, Multifamily and Residential Building, Single Family) the zoning classification of the following described property:

Tax Block 4635, Tax Lot 302

Section 2. This Ordinance is adopted after approval of the site plan entitled City of Winston-Salem for property owned by Center 166, LLC and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20__ to City of Winston-Salem for property owned by Center 166, LLC.

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 City of Winston-Salem for property owned by Center 166, LLC. 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 City of Winston-Salem for property owned by Center 166, LLC, (Zoning Docket W-2913). 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 MU-S (Shopping Center; Residential Building, Townhouse; Residential Building, Twin Home; Residential Building, Duplex; Residential Building, Multifamily and Residential Building, Single Family), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the MU-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 GRADING PERMITS**
 - a. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.
 - b. Limits of clearing for the entire site shall be flagged in the field.
 - c. Developer shall obtain water quality approval for stream disturbances from the Department of Environment and Natural Resources if required by the Erosion Control Officer.
 - d. Developer shall provide the information necessary to comply with the requirements of the **Architectural Resources Documentation Requirements** checklist to Historic Resources staff for the Doub/Pratt house prior to demolition. This checklist is available from the City-County Planning Board staff.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to the issuance of a driveway permit.

- b. Provide additional low-walls or screening alternative, as approved by Planning Staff, along relocated Fleetwood Circle between the street and parking areas, except for Outparcel #5, which will be addressed at the Final Development Plan stage.
- **PRIOR TO THE SIGNING OF PLATS**
 - a. All documents including covenants, restrictions, and homeowner's association agreements shall be recorded in the office of the Register of Deeds.
 - b. Relocate the proposed exterior sidewalks into the right-of-way or provide public access and maintenance easements;
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. All road improvements shall be completed prior to the issuance of occupancy permits.
 - b. All Fire Hydrants shall be installed in accordance with the Forsyth County Fire Department.
 - c. Sidewalks along the full frontage of the property along Attanook Road, Fleetwood Circle, Robinhood Road, and Olivet Church Road shall be installed to the specifications of the Public Works Department of the City of Winston-Salem.
 - d. Developer shall install or financially guarantee large variety street trees as defined in UDO Section 3-4.10, along both sides of all streets, within street yards, bufferyards and motor vehicle parking areas where no conflict occurs with overhead utility lines.
- **OTHER REQUIREMENTS**
 - a. All uses and square footages shall match those indicated in the associated Traffic Impact Study. A Site Plan Amendment will be required for any changes not in keeping with those calculations and a new TIS may need to be submitted as part of the Site Plan Amendment process.
 - b. All outparcels shall only have access from roads internal to the subject property site and shall not have access from Attanook Road, Robinhood Road, and Olivet Church Road.
 - c. Freestanding signage for the shopping center shall be limited to two signs with a maximum height of 18 feet and a maximum copy area of 100 square feet each, per side. Said signs shall be located at least 300 feet apart. Freestanding signage for each outparcel shall be limited to one sign with a maximum height of six (6) feet. Freestanding signage for the residential development shall be limited to two signs on either side of the entrance onto Olivet Church Road with a maximum height of six (6) feet and a maximum area of 36 square feet each.
 - d. Provide missing sidewalk linkages (connection between public and private sidewalk near Olivet Church Road; linkage between front and back sidewalk along west end of retail stores; northern end of eastern most office and Attanook Drive; northern frontage of Outparcel #5; and frontage of proposed open space to Robinhood Road;
 - e. Provide a consistent 10' minimum sidewalk width in traffic circle area;

- f. Add crosswalks at Attanook/Fleetwood Circle intersection and at all four (4) crossing points at main entrance along Robinhood/Meadowlark;
- g. TWO PHASE buildings should be oriented toward the private drive when submitted for Final Development Plan approval, as determined by Planning Staff. These buildings should not turn their back on Robinhood and Olivet Church Road, but have two “fronts.” In this context, the two “fronts” does not refer to two sets of doors, windows, etc., but rather providing consistent materials and design for both the front and back of the buildings and hiding/screening the building mechanicals from view from the public rights-of-way; and
- h. Volunteered design conditions for the use of similar materials and architectural style between the shopping center, multifamily and office (FIRST PHASE) components and the TWO PHASE outparcels. All proposed buildings in the development shall have similar design and materials and shall be substantially consistent with the architectural renderings and/or elevations submitted by the developer.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT FOR: Docket # W-2913**

PETITION INFORMATION	
Docket #	W-2913
Staff	Aaron King
Petitioner(s)	City of Winston-Salem
Owner(s)	Center 166, LLC
Subject Property	Tax Lot 302, Tax Block 4635
Type of Request	Zoning Jurisdiction Conversion
Continuance History	This request was continued from the March 8, 2007 Planning Board meeting.
Proposal	The petitioner is requesting to amend the Official Zoning Maps for the subject property from County MU-S (Mixed Use District – Special Use Zoning) to City MU-S (Mixed Use District – Special Use Zoning).
GENERAL SITE INFORMATION	
Location	North side of Robinhood Road between Olivet Church Road and Attanook Road
Jurisdiction	City of Winston-Salem (closest to WestWard)
Analysis	<p>The review for this case focuses on the zoning conversion from County zoning jurisdiction to Winston-Salem zoning jurisdiction triggered by the recent annexation of the subject property. The Planning Board’s role in reviewing this petition pertains only to the zoning jurisdiction. The decision to annex the property was made by the Winston-Salem City Council with agreement by the property owners.</p> <p>This proposal will not change the permitted uses of the subject property, but will reclassify the newly incorporated property from its Forsyth County zoning classification to the equivalent City of Winston-Salem zoning classification. The two zoning classifications are equivalent and there are no changes in development rights or constraints.</p>

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.**

Aaron King presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST:

Bobby Hill, 5260 Fleetwood Circle, Winston-Salem, NC 27106

- I'm asking you to keep this county zoning because they're talking about closing Fleetwood Circle. If it stays County zoning, where I live won't be closed. If it goes to City zoning, the part of Fleetwood Circle I live on will be closed. I will have to go through the shopping center to get to my home.

WORK SESSION

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

1. In response to Mr. Hill's comments, Chairman King explained that the annexation public hearing on May 7th before the City Council is the place to discuss the issues Mr. Hill has expressed concern over. He will also have opportunity to speak about the street closing prior to that happening.

MOTION: Paul Mullican moved approval of the zoning map amendment.

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

Written Comments submitted by Planning Board members:

Carol Eickmeyer: I had to vote for this - but, I think there needs to be a way to help Mr. Hall out. I understand that there cannot be a curb cut onto Robinhood for him however, can there be a more direct exit for his property.

A. Paul Norby, FAICP
Director of Planning