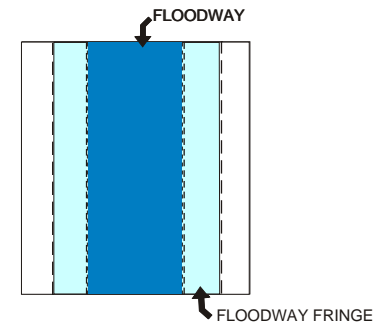


**DOCKET #:** W2667

**PROPOSED ZONING:**  
MU-S (Multiple Uses)

**EXISTING ZONING:**  
GI

**PETITIONER:**  
Sara Lee Corporation  
and Boddie-Noell  
Enterprises, LLC



**SCALE:** 1" represents 600'

**STAFF:** Gallaway

**GMA:** 3

**ACRE(S):** 36.01

**MAP(S):** 624886



January 14, 2004

Sara Lee Corporation  
c/o Dawn Bell  
P. O. Box 2765  
Winston-Salem, NC 27102-2765

RE: ZONING MAP AMENDMENT W-2667

Dear Ms. Bell:

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 City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP  
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102  
Boddie-Noell Enterprises, Inc., P. O. Box 1908, Rocky Mount, NC 27802-1908  
Stimmel Associates, PA, c/o Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101  
Lloyd Golding, P. O. Box 4949, Winston-Salem, NC 27115  
Mike Winstead, 811-B Eula Street, Greensboro, NC 27103  
Chris Fox, 1000 E. Hanes Mill Road, Winston-Salem, NC 27105  
Bo Drew, Wells Jenkins, 255 Sunnynoll, Winston-Salem, NC 27106  
John Gerke, RMIC, P. O. Box 2514, Winston-Salem, NC 27102

**ACTION REQUEST FORM**

**DATE:** January 14, 2004  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of Sara Lee Corporation and Boddie-Noell Enterprises, Inc.

**SUMMARY OF INFORMATION:**

Zoning map amendment of Sara Lee Corporation and Boddie-Noell Enterprises, Inc. from GI to MU-S [Residential Building, Townhouse; Residential Building, Multifamily; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Testing and Research Lab; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Government Offices; Library, Public; Museum or Art Gallery; and Post Office]: property is located on the south side of Hanes Mill Road west of Oak Plaza Boulevard (Zoning Docket W-2667).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**EXCUSED:** LAMBE  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Sara Lee Corporation and Boddie-Noell Enterprises, Inc.,  
Docket W-2667

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

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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 GI to MU-S [Residential Building, Townhouse; Residential Building, Multifamily; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Testing and Research Lab; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Government Offices; Library, Public; Museum or Art Gallery; and Post Office] the zoning classification of the following described property:

Tax Block	<u>6244</u>	Tax Lot(s)	<u>K</u>
	<u>6322</u>		<u>1A</u>

Section 2. This Ordinance is adopted after approval of the site plan entitled Sara Lee Corporation and Boddie-Noell Enterprises, Inc./Northern Quarters and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to Sara Lee Corporation and Boddie-Noell Enterprises, Inc.

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 Sara Lee Corporation and Boddie-Noell Enterprises, Inc./ Northern Quarters. 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 Sara Lee Corporation and Boddie-Noell Enterprises, Inc., (Zoning Docket W-2667). 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 [Residential Building, Townhouse; Residential Building, Multifamily; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Testing and Research Lab; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Government Offices; Library, Public; Museum or Art Gallery; and Post Office], 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. Developer shall identify and cordon off the limits of encroachment in the 100 year floodplain of Mill Creek and/or the required one hundred (100) foot stream buffers on that tributary, if greater. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along the east side of Mill Creek.
  - b. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
  - c. Developer must install an approved fire apparatus turn around at the terminus of Windcastle Drive.
  - d. As volunteered by the petitioner, the petitioner's illustration booklet is submitted as part of the site plan, since the architectural styles are indicative of the petitioner's plan. The petitioner agrees to maintain that architectural style throughout the development.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install a sidewalk along the property's entire frontage on Hanes Mill Road to the specifications of the Public Works Department of the City of Winston-Salem.
  - b. Developer shall install road improvements on Hanes Mill Road to the specifications of the Winston-Salem Department of Transportation.
  
- **OTHER REQUIREMENTS**
  - a. Two free-standing monument style signs shall be permitted on each side of the two main entrances off Hanes Mill Road. The height of said signs shall not exceed six (6) feet in height.
  - b. As volunteered by the developer, the buildings labeled "condominiums above retail" will be restricted to those uses only.
  - c. The City Council added the following condition at the February 2, 2004 Public Hearing: There shall be no connection to Executive Drive.

## ZONING STAFF REPORT

**DOCKET #** W-2667  
**STAFF:** Suzy Gallaway

Petitioner(s): Sara Lee Corporation and Boddie-Noell Enterprises, Inc.  
Ownership: Same

### **REQUEST**

From: GI General Industrial District  
To: MU-S Mixed Use District [Residential Building, Townhouse; Residential Building, Multifamily; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Banking and Financial Services; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Services, Business B; Services, Personal; Testing and Research Lab; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Government Offices; Library, Public; Museum or Art Gallery; and Post Office]

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 34.33 acres

### **LOCATION:**

Street: South side of Hanes Mill Road west of Oak Plaza Boulevard.  
Jurisdiction: City of Winston-Salem.  
Ward: Northeast.

### **SITE PLAN**

Proposed Use: Mixed Use Development.  
Square Footage: 13,500 (Commercial portion).  
Density: 7.77 dwelling units per acre (Residential portion).  
Parking: Required: 494 Spaces; Proposed: 573 Spaces.  
Bufferyard Requirements: None required.  
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Site is vacant.  
Adjacent Uses:



North-	Restaurant, zoned HB-S and Sara Lee Office Park, zoned GI.
East-	Vacant and developed office uses, zoned GI.
South-	Vulcan Quarry, and undeveloped property zoned GI.
West-	Shopping Center, zoned HB-S.

**GENERAL AREA**

Character/Maintenance: Well-maintained mixture of commercial uses.  
 Development Pace: Rapid.

**HISTORY**

Relevant Zoning Cases:

1. W-2338; HB-S and RS-9 to HB-S (Shopping Center); approved October 4, 1999; north side of Hanes Mill Road east of University Parkway; 49.92 acres; Planning Board recommended approval, staff recommended denial.
2. W-1852; R-6 to B-3-S (TWO PHASE); approved November 15, 1993; north and south sides of Hanes Mill Road west of current site. 31.99 acres; Planning Board and staff recommended approval.
3. W-1714; B-3-S and R-6 to B-3-S (TWO PHASE); approved May 6, 1991; northeast corner of University Parkway and Patterson Avenue; 76.41 acres; Planning Board and staff recommended approval.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The proposed site plan indicates that many existing trees will be preserved and development does not appear to encroach on the floodplain.

Topography: Across the entire subject property, the elevation changes a total of over 100 feet rising from 797.8 feet in the southwest corner of the site along Mill Creek Tributary and up to 900.2 feet along the eastern property line.

Streams: Mill Creek Tributary forms the western border of the subject property. A small branch of Mill Creek Tributary is shown on topographic maps, but this is not visible on aerial photographs and is not shown on the site plan.

Vegetation/habitat: Small amounts of vegetation exist on the subject property, most located along the Mill Creek Tributary.

Floodplains: Floodway and floodway fringe areas are located along Mill Creek Tributary. The proposed site plan does not indicate new development to be located in these areas.

Environmental Resources Beyond The Site: Development on the proposed site plan does not show encroachment into the floodplain.

Water Supply Watershed: The subject property is not located in the water supply watershed.

## **TRANSPORTATION**

Direct Access to Site: Hanes Mill Road; University Parkway

Street Classification: Hanes Mill Road – Major Thoroughfare; University Parkway – Major Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Hanes Mill Road between University Parkway and Germanton Road = 6,300/30,100

University Parkway between Hanes Mill Road and US 52 = 23,000/46,000

Trip Generation/Existing Zoning: GI: No trip generation rates available, as property is currently vacant

Trip Generation/Proposed Zoning: MU-S: 241 units x 6.59 (Multi-Family Trip Rate) = 1,588 trips per day + 5,250/1,000 x 130.34 (High Turnover Sit Down Restaurant Trip Rate) = 684 trips per day + 8,250/1,000 x 265.21 (Drive Thru Bank Trip Rate) = 2,187 trips per day: Total Trips per Day = 4,459

Traffic Impact Study recommended: Yes, a TIS has been provided.

Transit: Routes 10 and 44 along Hanes Mill Road, adjacent to site.

## **CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3)

Relevant Comprehensive Plan Recommendation(s): *Legacy* recommends mixed use development, greater residential densities where appropriate, walkable developments, provision of open space amenities in higher density developments and convenient commercial services to support neighborhood needs.

Area Plan/Development Guide: None – is within the *North Suburban Small Area Plan* study area, which is still in development, with no land use recommendations generated at this time.

## **GREENWAY/RECREATION/OPEN SPACE REVIEW**

Greenway Plan: Site is identified in the *Winston-Salem and Forsyth County Greenway Plan 2015*

Greenway/Trail Name: Mill Creek Trail

Easement Requested: 40 feet

Side of Creek: East

Parks/Open Space Designation: No

Comments/Status of Trail: The proposed trail will link this area to the existing Bethabara Trail.

## **ANALYSIS**

The current request is to rezone just over 34 acres from General Industrial (GI) to a Mixed Use development (MU-S). Over the past decade and a half the area surrounding the site has gone through tremendous change.

Zoned industrial in 1987, there have been other mixed use types of rezoning requests which have been previously approved in the subject area. In 1987, Zoning dockets W-1443, W-1444 and W-1445 were approved which included most of the land from University Parkway east to Germanton Road. This includes a large tract fronting on the east side of University Parkway which was approved for a shopping center. Additionally, land on the north side of Hanes Mill Road east of Mill Creek was rezoned to allow a mixture of housing types in the area. Multifamily and townhouses were indicated on the site plan. The land south of Hanes Mill Road was rezoned for large-scale office development.

In 1991 another trio of zoning cases again changed the zoning in the area. Dockets W-1712, W-1713 and W-1714 were responsible for these changes. The shopping center on the east side of University Parkway was to remain shopping center. However, both the residential and office tracts were rezoned back to GI industrial zoning.

Subsequent rezonings (W-1852 and W-2388) were approved to expand the shopping center on the north side of Hanes Mill Road and a small tract of land was approved for commercial purposes on the south side of Hanes Mill Road.

The current site is near an area identified as a Metro Activity Center by *Legacy*. Ideally, a Metro Activity Center (MAC) is conceived as a large scale, comprehensively planned mixed-use development with a well-defined pedestrian orientation. MAC's are intended to include commercial, residential, institutional, manufacturing and public spaces. The area currently has a good variety of commercial and office uses (zoned GI), however there are no institutional uses and only a limited amount of manufacturing on the GI zoned properties. The area is also missing much of the desired residential component. Although there is a small apartment complex and single-family subdivisions in the area, more multifamily residential property is needed to better balance the mixture of uses.

The current request brings more multifamily residential uses to the area as well as introducing some other desirable, neo-traditional elements. Alleys are used in the townhouse section, eliminating a streetscape with multiple driveway connections. Occupants will enter their homes via an alley or by on-street parking. Additionally, the site plan brings back an "old" concept of live-work units which used to be commonplace in older traditional neighborhoods. These are buildings in which a storefront or office is located on the ground floor with residences above. The site plan proposes several of these units. There is also a common green located somewhat centrally on the site plan.

Although the mixed-use request is somewhat less than ideal with respect to neo-traditional design, the proposal does, nonetheless, promote a comprehensively planned mixture of uses in keeping with *Legacy* objectives. This MU-S proposal particularly introduces an element of multifamily residential development into an area which is generally devoid of a residential component. This proposal offers at least the prospect of residential development within walking proximity to shopping and employment centers.

Staff is of the opinion that the current proposal meets *Legacy* recommendations and brings fresh planning concepts to an area where good design and a mixture of uses is needed.

## **FINDINGS**

1. 34 acres from General Industrial (GI) to a Mixed Use development (MU-S).
2. The current site is near an area identified as a Metro Activity Center (MAC) by *Legacy*.
3. More multifamily residential property is needed in the area to better balance the existing mixture of non-residential uses.
4. The current request introduces a comprehensively planned mixture of uses and neo-traditional elements to the area which has otherwise been dominated by more conventional office and commercial development.

## **STAFF RECOMMENDATION**

Zoning: **APPROVAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  - a. Developer shall identify and cordon off the limits of encroachment in the 100 year floodplain of Mill Creek and/or the required one hundred (100) foot stream buffers on that tributary, if greater. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).
  - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. Developer shall dedicate a forty (40) foot greenway easement to the City of Winston-Salem along the west side of Mill Creek.
  - b. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
  - c. Developer must install an approved fire apparatus turn around at the terminus of Windcastle Drive.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Developer shall install a sidewalk along the property's entire frontage on Hanes Mill Road to the specifications of the Public Works Department of the City of Winston-Salem.
  - b. Developer shall install road improvements on Hanes Mill Road to the specifications of the Winston-Salem Department of Transportation.

- **OTHER REQUIREMENTS**

- a. Two free-standing monument style signs shall be permitted on each side of the two main entrances off Hanes Mill Road. The height of said signs shall not exceed six (6) feet in height.

Suzy Gallaway presented the staff report.

**PUBLIC HEARING**

FOR:

Mike Winstead, Mega Builders, 811B Eula Street, Greensboro, NC 27403

If this property is rezoned, we would be both the owner and the contractor.

We've developed close to 2,000 units in North and South Carolina over the past few years.

We currently have four projects under construction in Winston-Salem. This represents about 872 units and a combined value of approximately \$60M. We certainly enjoy doing business in the City of Winston-Salem and feel the City has a lot of opportunity to offer.

Sara Lee felt that with their corporate campus they needed a residential component. Sara Lee has a big investment in this area and will continue to have input into the architecture and the development of the site.

During the past six months, we've met with neighbors and received their suggestions. As a result we've made several changes.

Reviewed the plans.

Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101

Described the layout.

Has all components of neo-traditional mixed use development.

All the townhomes and units front on public streets.

Unightly features (such as garbage collection) are hidden to the rear and the alleys.

This type of project at this location will contribute significantly to the area by taking away the strip feel along Hanes Mill Road.

Clarence Lambe was excused from discussion and consideration of this request.

Chris Fox, Sara Lee Branded Apparel, 1000 E. Hanes Mill Road, Winston-Salem, NC 27105

We have contractual control of this site and it is our intention to keep it as close to these illustrations as possible.

We're making a huge investment out there. We want to make sure it fits into our concept, our image, etc.

Lloyd Golding, P. O. Box 4949, Winston-Salem, NC 27115

I live in this area and own property in this area.

I'm in favor of this.

AGAINST:

John Gerke, RMIC Corp, 190 Oak Plaza Blvd, P. O. Box 2514, Winston-Salem, NC 27102

My company is the largest occupant of office space in the Oak Plaza park. We employ approximately 340 people in 112,000 square feet of space. We moved into this park based on the covenants that limited the type of structures that could be placed here. We chose this area because it did not allow residential uses which we didn't feel were appropriate in an office park.

We have concerns about the traffic impact study and safety. The TIS didn't consider one of the three major entrances to the residential area.

We believe this will reduce the value of our property.

This does not fit with the plan for the park.

### **WORK SESSION**

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

1. As volunteered by the petitioner, the petitioner's illustration booklet is submitted as part of the site plan, since the architectural styles are indicative of the petitioner's plan. The petitioner agrees to maintain that architectural style throughout the development.
2. The petitioner volunteers that the buildings labeled condominiums above retail will be developed as condominiums above retail. That's on the plan, so the buildings will be restricted to that.
3. The petitioner volunteered to remove "Hotel or Motel" as a use.
4. Any uses listed would have to fit the footprint and facade as presented here unless the petitioner bring a request for change back before the Planning Board.

MOTION: Jimmy Norwood moved approval of the zoning map amendment including the conditions volunteered by the petitioner, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Paul Mullican

VOTE:

FOR: Bost, Clark, Eickmeyer, Glenn, King, Mullican, Norwood

AGAINST: None

EXCUSED: Lambe

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A. Paul Norby, AICP  
Director of Planning