

August 25, 2004

Seven M, LLC  
c/o Henry Batten  
3823 Raleigh Street  
Charlotte, NC 28299

RE: SPECIAL USE PERMIT W-2716

Dear Mr. Batten:

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, AICP  
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102  
Dan E. Brewer, PE, Chas. H. Sells, Inc., 128 Overhill Drive, Ste. 105, Mooresville, NC  
28117  
David Mous, P. O. Box 5247, Charlotte, NC 28299

**ACTION REQUEST FORM**

**DATE:** August 25, 2004  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on Special Use Permit of Seven M, LLC

**SUMMARY OF INFORMATION:**

Special Use Permit of Seven M, LLC to access GI zoned property through HB zoned property: property is located on the northeast side of Thomasville Road south of Louise Road (Zoning Docket W-2716).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE PERMIT

Special Use Permit of Seven M LLC,  
Docket W-2716

AN ORDINANCE ISSUING A SPECIAL USE  
PERMIT FOR SITE ACCESS OFF PRIVATE STREET

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

Section 1. The City Council hereby makes an affirmative finding as follows, based upon the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

Section 2. The Winston-Salem City Council hereby issues a special use permit for Access to GI zoned property through HB zoned property in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to Seven M LLC to be established on the following described property:

Commencing from a found NCGS Monument "WO39" Bridge, Elevation: 919.06; south 54° 04' 45" east 904.08 feet to a found right-of-way monument. Thence from the said monument, south 48° 05' 52" east 576.31 feet to a #4 rebar set, located on the northern right-of-way of Thomasville Road, The True Point and Place of the Beginning. Thence with a line across the WilcoHess, LLC property (Deed Book 2181, Page 2947); north 43° 09' 32" east 286.45 feet to a #4 rebar set, located on the Concrete Supply Company line. Thence with a line across the Concrete Supply Company property; south 46° 50' 24" east 59.99 feet to a #4 rebar set. Thence with the WilcoHess, LLC line; South 43° 09' 32" west 287.18 feet to a #4 rebar set, located on the northern right-of-way of Thomasville Road. Thence with the right-of-way, north 46° 08' 27" west 59.99 feet to the Point and Place of Beginning. Being Tax Block 2663, Tax Lot: a portion of 35L.

Section 3. This Ordinance is adopted after approval of the site plan entitled Seven M LLC and identified as Attachment "A" of the Special Use Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to Seven M LLC

Section 4. The City Council hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as Seven M LLC. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE PERMIT

SPECIAL USE 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 Permit for the site shown on the site plan map included in this zoning petition of Seven M LLC, (Zoning Docket W-2716). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit to access GI zoned property through HB zoned property, approved by the Winston-Salem Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF ANY PERMITS**
  - a. Driveway permit shall be issued by the North Carolina Department of Transportation. Any required road improvements shall be made to the specifications of NCDOT.
- **OTHER REQUIREMENTS**
  - a. Driveway shall be a minimum of 20 feet in width and have an all weather surface.

## ZONING STAFF REPORT

**DOCKET #** W-2716  
**STAFF:** Gary Roberts

Petitioner(s): Seven M, LLC  
Ownership: Same

### **REQUEST**

Special Use Permit to access GI zoned land through HB zoned land.

Acreage: 0.37 acre

### **LOCATION:**

Street: Northeast side of Thomasville Road south of Louise Road.  
Jurisdiction: City of Winston-Salem.  
Ward: Southeast.

### **SITE PLAN**

Proposed Use: Private vehicular access to GI zoned property through HB zoned property.  
Bufferyard Requirements: No bufferyard requirement.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

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

Existing Structures on Site: Site is currently used for access purposes.

Adjacent Uses:

North-	Tractor trailer storage area and a pallet refurbishing operation.
East-	Undeveloped property zoned HB.
Southwest-	LI and LI-S developed properties.
West-	Convenience store zoned HB.

### **GENERAL AREA**

Character/Maintenance: Mixture of moderately to well maintained commercial and industrial operations.

Development Pace: Slow to moderate.

## **ANALYSIS**

The request is for a Special Use Permit to access GI zoned property through HB zoned property. The site is located on the northeast side of Thomasville Road south of Louise Road. The subject request would provide direct access to a 9.15 acre site now pending Special Use Permit approval in order to operate a Concrete Plant on GI zoned property, (W-2715).

The access, which is currently in place, serves as the driveway to a pallet refurbishing operation and a tractor trailer storage area on said 9.15 acre parcel. Directly along the northern side of the proposed access is a convenience store zoned HB. Across Thomasville Road are LI-S and LI developed properties.

Based upon the following findings as required by the UDO along with staffs' recommendation for approval of the associated Special Use Permit, (W-2715) and considering the general context of the location, staff supports the subject Special Use Permit request.

## **FINDINGS OF FACT**

According to Section 6-1.5(D) of the zoning ordinance of the UDO, the Planning Board must make the following findings in support of a favorable recommendation.

1. The development is in conformity with *Legacy* as it relates to the specific area; Planning Staff: Yes. *Legacy recommends promoting economic development which is compatible with existing residential neighborhoods and other business developments.*
2. Water and sewer are available in adequate capacity; Yes.
3. Where buildings greater than thirty-five (35) feet are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment; Yes. *Site plan proposes adequate access for aerial fire-fighting equipment.*
4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard; Yes. *The requested access is onto Thomasville Road which is a major thoroughfare. While this facility is currently operating above capacity, the left turn lane and deceleration lane, to be required by NCDOT as a condition of the required driveway permit, should facilitate safe ingress and egress to the site. In addition, Thomasville Road is on the TIP to be widened from a two lane facility to a four lane divided facility between 2005 and 2014.*
5. General layout and design of this development meet all requirements of this ordinance; Yes.

6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.); Yes. *The driveway has an all-weather surface with a minimum width of 20' as required by the Forsyth County Fire Department.*
7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project; Yes. *See list of conditions under the STAFF RECOMMENDATION section.*

In addition to these seven findings by the Planning Board, the Winston-Salem City Council must make affirmative findings as follows to issue a special use permit [Section 6-1.5(F) of the *Zoning Ordinance* of the UDO]:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved; Yes.
2. That the use meets all required conditions and specifications; Yes.
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; Yes.
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*; Yes.

### **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 ANY PERMITS**
  - a. Driveway permit shall be issued by the North Carolina Department of Transportation, any required road improvements shall be made to the specifications of the NCDOT.
- **OTHER REQUIREMENTS**
  - a. Driveway shall be a minimum of 20 feet in width and have an all weather surface. may be required prior to issuance of permit.



MOTION: Paul Mullican moved approval of the special use permit, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jerry Clark

VOTE:

FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning