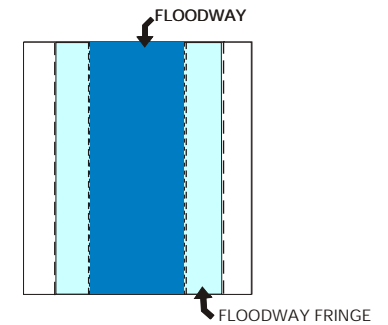


DOCKET #: W2636

PROPOSED ZONING:
CPO-S (Multiple Uses)

EXISTING ZONING:
RM-8, IP and RS9

PETITIONER:
Carolina Investment
Properties, Inc. for
property owned by others



SCALE: 1" represents 600'

STAFF: Hall

GMA: 3

ACRE(S): 17.84

MAP(S): 618842 and 612842



July 23, 2003

Carolina Investment Properties, Inc.
c/o Emmett McCall
100 N. Cherry Street
Winston-Salem, NC 27101

RE: ZONING MAP AMENDMENT W-2636

Dear Mr. McCall:

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
Westminster Place Assoc. Inc., P. O. Box 5102, Winston-Salem, NC 27113-5102
Roman Catholic Dioc. of Charlotte, Bishop William G. Curlin, 1123 S. Church
Street, Charlotte, NC 28203
NC State Highway Commission, Division Right-of-Way Agent, 2125 Cloverdale
Avenue, Winston-Salem, NC 27103
JG Winston Salem, LLC, 3320 Silas Creek Parkway, Winston-Salem, NC 27103
Robin Team, P. O. Box 1066 Lexington, NC 27293-1066
Robert J. (Jerry) Weyker, 2966 D St. Marks Road, Winston-Salem, NC 27103
Joel Hayes, 2942 A St. Marks Road, Winston-Salem, NC 27103
Molly Leight, 313 S. Main Street, Winston-Salem, NC 27101
David Borden, 2970 B St Marks Road, Winston-Salem, NC 27103
Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: July 23, 2003
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Carolina Investment Properties, Inc for property owned by Westminster Place Assoc., Inc., City of Winston-Salem, Roman Catholic Diocese of Charlotte, NC State Highway Commission, and JG Winston-Salem, LLC

SUMMARY OF INFORMATION:

Zoning map amendment of Carolina Investment Properties, Inc for property owned by Westminster Place Assoc., Inc., City of Winston-Salem, Roman Catholic Diocese of Charlotte, NC State Highway Commission, and JG Winston-Salem, LLC from RM-8, IP and RS-9 to CPO-S [Restaurant (without drive-through service); Banking and Financial Services; Medical and Surgical Office; Medical or Dental Laboratory; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Government Office; Police or Fire Station; Post Office; School, Vocational or Professional; and Parking, Commercial]: property is located north of I-40 east of Hanes Mall Boulevard and west of Burke Mill Road; property consists of ±17.84 acres and is Tax Lots 205, 206, 209, Tax Block 3807, a portion of Tax Lots 1D and 207B, Tax Block 3807, and a portion of Tax Lot 308, Tax Block 2964 as shown on the Forsyth County Tax Maps and on a site plan on file in the office of the City-County Planning Board (Zoning Docket W-2636).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS (CHANGES TO CONDITIONS)

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Carolina Investment Properties, Inc for property owned by Westminster Place Assoc., Inc., City of Winston-Salem, Roman Catholic Diocese of Charlotte, NC State Highway Commission, and JG Winston-Salem, LLC, Docket W-2636

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 RM-8, IP, and RS-9 to CPO-S [Restaurant (without drive-through service); Banking and Financial Services; Medical and Surgical Office; Medical or Dental Laboratory; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Government Office; Police or Fire Station; Post Office; School, Vocational or Professional; and Parking, Commercial] the zoning classification of the following described property:

Being a 17.845 acre tract of land lying in Forsyth County, State of North Carolina and being more particularly described as the following.

Commencing at North Carolina Geodetic Monument "W 36 BOLSIL" having grid coordinates of N: 846801.686 E: 1618662.686 thence south 60° 59' 36" west for 2,235.81 feet to an existing iron pipe in the southern line of the City of Winston-Salem,

said point being the True Point of Beginning and having grid coordinates of N: 845717.52 E: 1616706.76; thence north $80^{\circ} 11' 51''$ east a distance of 8.48 feet to a curve to the left, having a radius of 357.50 feet, an arc length of 242.60 feet, thence along said curve north $43^{\circ} 39' 38''$ west, and a chord distance of 237.97 feet said curve being the southern margin of the proposed Truliant Way right-of-way; thence along said southern margin north $63^{\circ} 06' 03''$ west for 78.83 feet to a point in the southern margin of Hanes Mall Blvd.; thence along the southern margin of Hanes Mall Blvd. north $38^{\circ} 21' 48''$ east for 103.06 feet to point; thence leaving said margin along the City of Winston-Salem and the northern margin of the proposed Truliant Way right-of-way south $63^{\circ} 06' 03''$ east, for 45.57 feet to a point in the beginning of a curve to the right; thence along said curve having a radius of 404.73 feet, an arc length of 328.32 feet, a chord bearing of south $39^{\circ} 51' 43''$ east, a chord distance of 319.39 feet to a point in said right-of-way; thence south $16^{\circ} 37' 23''$ east for 9.86 feet to a point in the eastern line of Westminster Place (Plat Book 24, Page 58); thence south $80^{\circ} 11' 49''$ west for 4.59 feet to a point being the northwest corner of Westminster Place (Plat Book 24 Page 58); thence along the southerly line of Westminster Place (Plat Book 24 Page 58); the following 4 calls: 1) south $16^{\circ} 46' 23''$ east and 139.20 feet to a point in a curve to the left, 2) having a radius of 984.69 feet, an arc length of 284.45 feet, a chord bearing of south $57^{\circ} 25' 48''$ east, a chord distance of 283.46 feet to an existing iron pipe; 3) thence south $65^{\circ} 42' 23''$ east and 200.00 feet to a curve to the left; 4) having a radius of 337.94 feet, an arc length of 93.27 feet, a chord bearing of south $73^{\circ} 45' 44''$ east, a chord distance of 94.59 feet to an existing iron pipe in the northwestern line of Charlestown (Plat Book 26 Page 1); thence south $74^{\circ} 51' 32''$ west for 38.34 feet to an existing iron pipe the southwestern line of Charlestown (Plat Book 26, Page 1); thence along the southern line of Charlestown (Plat Book 26 Page 1) the following 3 calls: 1) south $62^{\circ} 31' 58''$ east for 219.00 feet to an existing iron pipe; 2) thence south $68^{\circ} 54' 58''$ east for 590.39 feet to a point; 3) thence south $84^{\circ} 27' 29''$ east for 21.38 feet to a point in the northwestern margin of Burke Mill Road and being the northeast corner of Bobby Carmichael (Deed Book 1202 Page 372); thence leaving said margin along the northern property line of Carmichael south $88^{\circ} 19' 06''$ west for 233.14 feet to an existing rock; thence along the western line of Carmichael south $1^{\circ} 58' 54''$ east for 178.22 feet to an existing concrete monument, the northwest corner of Ralph C. Kimel (Deed Book 788 Page 372); thence along the western line of Kimel south $1^{\circ} 10' 13''$ east for 38.59 feet to an existing iron pipe in the northern margin of Interstate 40; thence along said northern margin the following 5 calls: south $89^{\circ} 48' 16''$ west for 260.16 feet to an existing iron; thence south $11^{\circ} 20' 43''$ west for 17.53 feet to an existing iron pipe; thence north $81^{\circ} 43' 39''$ west for 389.37 feet to a point; thence north $79^{\circ} 08' 03''$ west for 507.88 feet to a concrete monument; thence north $64^{\circ} 16' 33''$ west for 354.99 feet to a point; thence along a new line with Winston-Salem Joint Venture (Deed Book 1691, Page 1099) north $75^{\circ} 23' 41''$ east for 161.22 feet to a new iron pipe; thence along a said line with Winston-Salem Joint Venture north $3^{\circ} 14' 12''$ east for 578.12 feet to a new iron pipe in the southern line of City of Winston-Salem, also being the northeast corner of Winston-Salem Joint Venture; thence along the City of Winston-Salem north $80^{\circ} 34' 03''$ east for 96.88 feet to an existing iron pipe; thence along said line north $80^{\circ} 07' 40''$ east for 47.07 feet to an existing iron pipe, and being the True Point of Beginning, and containing 17.845 acres more or less.

Section 2. This Ordinance is adopted after approval of the site plan entitled Carolina Investment Properties, Inc for property owned by others and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to Carolina Investment Properties, Inc for property owned by Westminster Place Assoc., Inc., City of Winston-Salem, Roman Catholic Diocese of Charlotte, NC State Highway Commission, and JG Winston-Salem, 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 Carolina Investment Properties, Inc for property owned by others. 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 Carolina Investment Properties, Inc for property owned by Westminster Place Assoc., Inc., City of Winston-Salem, Roman Catholic Diocese of Charlotte, NC State Highway Commission, and JG Winston-Salem, LLC, (Zoning Docket W-2636). 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 CPO-S [Restaurant (without drive-through service); Banking and Financial Services; Medical and Surgical Office; Medical or Dental Laboratory; Non-Store Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Government Office; Police or Fire Station; Post Office; School, Vocational or Professional; and Parking, Commercial], approved by the Winston-Salem City Council the ____ day of _____, 20__" and signed, provided the property is developed in accordance with requirements of the CPO-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 of the City of Winston-Salem.
 - b. Existing trees to remain shall be cordoned off as shown on the site plan.
 - c. No trees shall be cut prior to erosion control devices being installed and approved.

- d. Limits of creek disturbance shall not exceed 150 linear feet. If disturbance exceeds 150 linear feet, a state water quality permit will be required.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
 - b. Developer shall obtain a driveway permit from the North Carolina Department of Transportation (NCDOT). NCDOT may require additional improvements at that time.
 - c. Any retaining walls in excess of 5' in height shall have a structural plan submitted for review by engineering.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Supplementary shrubs shall be installed at the base of the sound barrier wall on the I-40 side.
 - b. Any slopes exceeding 3:1 shall be re-vegetated per UDO requirements.
- **OTHER REQUIREMENTS**
 - a. Freestanding signage shall be limited to one (1) monument sign with a maximum height of fifteen (15) feet.

ZONING STAFF REPORT

DOCKET # W-2636
STAFF: S. Chad Hall

Petitioner(s): Carolina Investment Properties, Inc.
Ownership: Westminster Place Assoc., Inc., City of Winston-Salem, Roman Catholic
Diocese of Charlotte, NC State Highway Commission, and JG Winston-
Salem, LLC

REQUEST

From: RM-8, IP and RS-9
To: CPO-S [Restaurant (without drive-through service); Banking and Financial
Services; Medical and Surgical Office; Medical or Dental Laboratory; Non-Store
Retailer; Offices, Miscellaneous; Professional Office; Services, Business A; Child
Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Government
Office; Police or Fire Station; Post Office; School, Vocational or Professional;
Parking, Commercial)

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

Acreage: 17.84 acres

LOCATION:

Street: North of I-40 east of Hanes Mall Boulevard and west of Burke Mill Road.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: Restaurant (without drive-through service); Banking and Financial
Services; Medical and Surgical Office; Medical or Dental Laboratory; Non-Store
Retailer; Offices, Miscellaneous; Professional Office; Services, Business A;
Testing and Research Lab; Child Care, Drop-In; Child Care, Sick Children; Child
Day Care Center; Government Office; Police or Fire Station; Post Office; School,
Vocational or Professional; Parking, Commercial).

Square Footage: Phase 1 = 122,000 sf, Phase 2 = 38,000 sf, Total = 160,000 sf

Building Height: Not indicated on site plan. Per the UDO, the maximum height is to be
60' but may be increased by one foot for each foot of additional setback beyond
the minimum required, if adjacent to property zoned RS, RM (except RM-U), YR,
AG, or H.

Parking: Phase 1: Required: 420; Proposed: 597.

Phase 2: Required: 127; Proposed: 152
Total: Required: 547; Proposed: 749
Bufferyard Requirements: 15' type IV adjacent to residential
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: The site is undeveloped

Adjacent Uses:

North-	Two multifamily developments zoned RM-8 and RM-12.
East-	Single family development and quadraplexes zoned RS-9 and RSQ-S.
South-	Interstate 40
West-	Burke Creek; Hanes Mall is across Hanes Mall Blvd.

GENERAL AREA

Character/Maintenance: All residences in the area, single-family and multifamily, are well maintained.

Development Pace: Moderate to Rapid

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The site is primarily vegetated and would be mostly cleared for this development.

Topography: The subject property experiences some significant elevation change. On the western boundary of the site near the creek, the elevation is about 760 feet and it rises to about 842.2 feet on northcentral part of the site. On the southern section of the property, the elevation rises from about 800 feet in the southcentral to about 847.6 near the eastern boundary.

Streams: Burke Creek traverses the western edge of the site.

Vegetation/habitat: The lot is almost completely vegetated, with the exception of a few small areas.

Floodplains: The floodway, floodway fringe, and the 500-year flood zone from Burke Creek are located just beyond the western boundary of the main part of the subject property, and through the most northwestern section of the subject property.

Wetlands: None - Winston-Salem West Quad.

Environmental Resources Beyond The Site: While conforming to all regulations, the proposed site plan would eliminate significant amounts of existing vegetation while allocating 49.8% of the site to paved surfaces. Storm water runoff is a potential concern.

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

TRANSPORTATION

Direct Access to Site: Hanes Mall Blvd.; Interstate 40.

Street Classification: Hanes Mall Blvd. – Major Thoroughfare; Interstate 40 - Freeway

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

Hanes Mall Blvd. between I-40 and Silas Creek Parkway = 29,000/40,900

Interstate 40 between Hanes Mall Boulevard and Peters Creek Parkway = 89,000/95,900

Trip Generation/Existing Zoning: RS9, RM-8, IP

$17.26 \times 43,560/9,000 = 83 \text{ units} \times 9.57 \text{ (SFR Trip Rate)} = 794 \text{ Trips per Day}$

(Not enough acreage in RM-8 and IP to calculate remaining 0.80 acreage in RM-8 and IP)

Trip Generation/Proposed Zoning: CPO-S

Phase 1: $8,000/1,000 \times 265.21 \text{ (Bank with Drive Thru Trip Rate)} = 2,121 \text{ Trips} +$
 $114,000/1,000 \times 11.01 \text{ (General Office Trip Rate)} = 1,255 \text{ Trips} = 3,376 \text{ Trips per Day}$

Phase 2: $38,000/1,000 \times 11.01 \text{ (General Office Trip Rate)} = 418 \text{ Trips per Day}$

Planned Road Improvements: None.

Sight Distance: Good.

Interior Streets: Public street extends for a short distance into the subject property.

Traffic Impact Study recommended: Yes. A TIS was submitted.

Connectivity of street network: There is only one connection to the subject property.

Sidewalks: Existing on west side of Burke Mill Road and west side of Hanes Mall Blvd.

Transit: Route 18 and route 43; route 20 just north of site along Hanes Mall Blvd.

Bicycle Route: None.

HISTORY

Relevant Zoning Cases:

1. W-2597; RM-12-S (Residential, Multifamily) and RS-9 to IP-S; approved February 3, 2003; west side of Burke Mill Road south of I-40; 15.39 acres; Planning Board and staff recommended approval.
2. W-2495; RMU-S (Nursing Home; and Dwellings, Multifamily) to C; approved September 4, 2001; off the north side of Silas Creek Parkway across from Hanes Mall Boulevard; 15.12 acres; Planning Board and staff recommended approval.
3. W-2434; C and RMU-S (Multiple Uses) to C-S (Hospital or Health Center); approved December 4, 2000; northeast corner of Silas Creek Parkway and Hanes Mall Boulevard at the entrance to Forsyth Hospital; 3.1 acres; Planning Board and staff recommended approval.

4. W-2109; GB-S (Multiple Uses) to GB-S (Shopping Center); approved December 2, 1996; southeast corner of Hanes Mall Boulevard and Silas Creek Parkway; 23.1 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): The general area of Hanes Mall and Stratford Road has been identified as a metro activity center. The exact boundaries of that activity center are yet to be determined. The petitioner's site is at least on the periphery of that activity center and therefore would seem to be appropriate for more intense development.

Area Plan/Development Guide: *South Stratford Road Development Guide* (1989).

Relevant Development Guide Recommendation(s): The *South Stratford Road Development Guide* recommends that the subject property be developed as intermediate density (0-12 units/acre) residential uses.

Thoroughfare Plan: Along Interstate 40; requires 20' overlay buffer.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway Plan: Winston-Salem and Forsyth County Greenway Plan.

Greenway/Trail Name: Burke Creek.

Comments/Status of Trail: A crossing is needed on the proposed right-of-way to connect the proposed greenway along Burke Creek to the existing Bolton Park.

ANALYSIS

The current request is to rezone 17.84 acres from RM-8, IP and RS-9 to CPO-S (Multiple Uses). The site is located north of I-40 east of Hanes Mall Boulevard and west of Burke Mill Road. Development in this area is primarily residential in character to the north and east with Hanes Mall to the west. The subject property is currently undeveloped.

The general area of Hanes Mall and Stratford Road has been identified as a metro activity center (MAC). The exact boundaries of that activity center are yet to be determined. The petitioner's site is at least on the periphery of that activity center and therefore would seem to be appropriate for more intense development.

The subject property will be accessed across from the westernmost entrance to Hanes Mall along Hanes Mall Boulevard. This access into the subject property is to be a public street that extends only partially into the site, mainly to provide public access to City owned parkland. This is the only access into the subject property. While not feasible at the time of this request, staff would encourage exploring a secondary access not only to relieve added congestion along Hanes Mall Boulevard, but also for emergency access to the site.

A sidewalk along the public street accessing the property provides opportunities for employees at the proposed building to access to the sidewalk along Hanes Mall Boulevard and, consequently, access to Hanes Mall. A pedestrian connection to Saint Marks Road north of the subject property would benefit those residents by providing access to the proposed bank and to this large potential employment center. Currently, the site plan shows a 4-foot high fence without a gate between the subject property and the multifamily to the north. However, the provision of any such pedestrian connection would require coordination from the neighborhood to the north, as the subject property does not front on the public right-of-way of Saint Marks Road.

Along Interstate 40, a 20-foot wide thoroughfare overlay buffer will be required. The primary purpose of said overlay is to preserve the visual quality and functional operation of major roadways. This buffer is to occur within the site inside of the existing 20-foot sewer easement located along the property line. A retaining wall and/or sound barrier wall is also located in this general area. The thoroughfare overlay will do an adequate job of screening this wall, but supplemental vegetation may help to soften the appearance of this development and may also help to prevent vandalism, such as graffiti, on this wall.

The intent of said overlay and supplemental vegetation is not to screen what one would imagine being a landmark building. More so, the intent is to screen any visible parking associated with such development. One element of the site plan that will help regarding the visibility of the parking, in the long run, is the incorporation of large variety trees in the parking area. In time as these trees mature, and being than anyone traversing the interstate will be looking down into the site, their view will be more of a canopy than of parking spaces.

The current plan indicates an additional 202 parking spaces above and beyond the requirements of the Ordinance. This translates into 1.79 acres of additional impervious surface. Staff understands that there are reasons for this additional parking. One such reason is that a "call center" will be incorporated into the building. These centers typically have more people per floor area than typical offices and would require more parking spaces for those employees. This point also reinforces why pedestrian connections to nearby housing from employment centers is important. The second reason for the additional parking is the incorporation of a covered pavilion on the subject property (currently listed as optional) that could be used by the public either during daylight or evening hours. Staff believes that if this pavilion is not constructed then nearly 100 of those additional parking spaces should be removed.

While the *South Stratford Road Development Guide* indicates that the appropriate use of this property should be intermediate density residential (0-12 units per acre), an office campus such as the one proposed would be a suitable substitute in this particular location. This should not set precedent for other areas identified in the area plan as intermediate or high density residential to convert to office. In this case, the proximity of the proposed

large office campus to existing multifamily as well as two large shopping areas begins to mix uses and employment opportunities in this area of the fringes of a Metro Activity Center. Coupled with access to Interstate 40, a deviation from the area plan does more to support the recommendations of *Legacy*, especially as they pertain to properties within a MAC.

FINDINGS

1. The subject property will be accessed across from the exit of Hanes Mall; a sidewalk is proposed along this access.
2. A pedestrian connection to Saint Marks Road north of the subject property would benefit those residents.
3. A retaining wall and/or sound barrier wall is located along a portion of I-40; supplemental vegetation will help minimize the visual impacts of said wall.
4. The incorporation of large variety trees in the parking area will help mitigate visual impacts by celebrating the building while downplaying the parking lot.
5. The current plan indicates an additional 202 parking spaces; any possibility of reducing these extra spaces should be employed.

STAFF RECOMMENDATION

Zoning: **APPROVAL**, with conditions.

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. 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 of the City of Winston-Salem.
 - b. Existing trees to remain shall be cordoned off as shown on the site plan.
 - c. No trees shall be cut prior to erosion control devices being installed and approved.
 - d. Limits of creek disturbance shall not exceed 150 linear feet. If disturbance exceeds 150 linear feet, a state water quality permit will be required.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. On site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
 - b. Developer shall obtain a driveway permit from the North Carolina Department of Transportation (NCDOT). NCDOT may require additional improvements at that time.

- c. Any retaining walls in excess of 5' in height shall have a structural plan submitted for review by engineering.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Supplementary shrubs shall be installed at the base of the sound barrier wall on the I-40 side.
 - b. Any slopes exceeding 3:1 shall be re-vegetated per UDO requirements.
- **OTHER REQUIREMENTS**
 - a. Freestanding signage shall be limited to one (1) monument sign with a maximum height of fifteen (15) feet.
 - b. There shall be a pedestrian connection made between the subject development and Saint Marks Road to the north.
 - c. Parking should be reduced by 100 spaces should the optional pavilion as shown on the site plan not be constructed.

Chad Hall presented the staff report.

PUBLIC HEARING

FOR:

Robin Team, P. O. Box 1066 Lexington, NC 27293-1066

We've worked on this project for over 3 1/2 years.

There are some unique access issues with this site.

We've received unanimous approval from Westminster and Charlestown associations.

One thing the neighborhood asked us to do is put up a fence between us and the neighborhood. They do not want a gate. They want it as protection from folks that live down in the gully and wander around at night.

This is an infill project.

This will not tax the City transportation system.

Hanes Mall Boulevard is the only access source.

We feel the access across the Bolton Park is not going to be a problem. We've just asked for permission to build a public road across a public park.

The building will be at least 220' from the residential property. There will be minimal activity after 5:30 and no activity on weekends.

The owner has been insistent on including as much green space as possible on the property.

Parking issue - This business has 5 spaces per 1,000 sf in their current location and they are out of spaces. We are asking for 4.7 spaces per 1,000 sf.

This will increase the tax base.

The neighborhood supports it.

We have not asked the City for incentives.

My company developed Kimel Park eight years ago. We promised that neighborhood that what we were going to do would be beneficial to the neighborhood. We were going to put in sidewalks, lakes, they were going to enjoy it as a walking trail and they do that every evening.

It's an infill project that isn't going to tax City streets.

Your staff has worked hard with us on this project. Thank you to them.

Robert J. (Jerry) Weyker, 2966 D St. Marks Road, Winston-Salem, NC 27103

I live at the end of the cul-de-sac in Westminster Place.

Both neighborhood boards voted unanimously in favor of this. We realized immediately that this development is the best thing that can happen to the neighborhood and the community as a whole.

Our board was very adamant that they did not want any kind of access between this site and our property.

I doubt if we would give an easement to allow a gated access to our land.

Joel Hayes, 2942 A St. Marks Road, Winston-Salem, NC 27103

I sit on the board of Westminster Place.

This will bring the commercial of Hanes Mall next to a very nice residential area which was established before Hanes Mall. We want a buffer to divide the commercial and the residential.

Molly Leight, 313 S. Main Street, Winston-Salem, NC 27101

Speaking for WS Neighborhood Alliance. For the most part we object to any encroachment on park land. However, we support this plan.

Submitted petition saying that the alliance supports this.

AGAINST:

David Borden, 2970 B St Marks Road, Winston-Salem, NC 27103

Submitted a petition of opposition from the people in the end building next to this site.

Trulliant is a fine organization, as far as I know.

If you drive by their current location, you'll notice unlicensed vehicles in their parking lot. I have a problem with storing repossessed vehicles on this site.

I object to using public land for private gain.

There won't be any protection for us from this site. We want to continue to enjoy the outdoors here in the evening. There's been very little consideration given to the people who live in the last building of Westminster Place.

We're concerned about security. We'd like for people to not be able to go in and out. We haven't had pilfering problems, but we haven't had foot traffic.

We didn't know there would be a restaurant in here. If they decide to move, we'll be stuck with a building that allows all sorts of things.

I request at least a four foot fence, but a six foot fence running all the way to Hanes Mall Boulevard would make our residential area more residential in character.

Barnes Daniels, 2728 Winslow Lane, Winston-Salem, NC 27103

I'm a member of Ms. Leight's organization. Encroachment on park land should be compensated to citizens.

I think it's only fitting to reimburse us for their use of public land. We would prefer that a pocket park be purchased or that land be purchased rather than some sum of money being given which might be used to purchase equipment or something.

Storm water runoff is treated very lightly in this presentation. The parking lot looks like a 10' culvert down to the creek.

WORK SESSION

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

1. Philip Doyle: On the walkway between residential area and petitioner's property, who's going to use that? Chad Hall: There's the multifamily and a lot of single family as well. Currently the site plan shows a fence. Provision of a gate would be a possibility even if it was keyed to those residents in the multifamily. 122,000 square foot of office is a good employment center. It is beneficial to give people options to walk there or walk over toward Hanes Mall without having to get into their car. Paul Norby: We're looking to the future (five, ten, fifteen years out) and that neighborhood may be very attractive to someone who works in the office building and would love the option of walking to work. This is a perfect opportunity to raise the marketability of that neighborhood in the future by making this connection. Jerry Clark: My office is in this area and we already provide this service. We have walkways all through the property just for that purpose. People come from the homes in the area and do that. It's already being done and works well.
2. Philip Doyle: People don't build extra parking; it's too expensive. If they're asking for it, they need it.

MOTION: Philip Doyle moved approval of the zoning map amendment.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, Glenn, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

SITE PLAN MOTION: Philip Doyle certified that the site plan meets all code requirements and recommends staff conditions with the deletion of items "b." and "c." under "Other Requirements" and the addition of a requirement for a storm water study to be done and get worked into the development.

SECOND: Dara Folan

VOTE:

FOR: Bost, Clark, Doyle, Eickmeyer, Folan, Glenn, King, Lambe, Norwood

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning