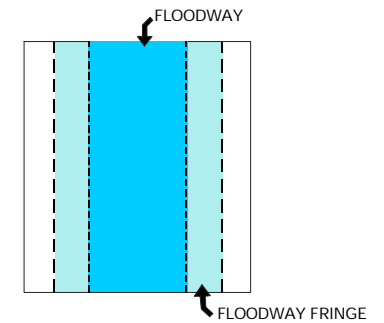


DOCKET #: W2368

PROPOSED ZONING:
Site Plan Amendment

EXISTING ZONING:
HB-S (Multiple Business Uses)

PETITIONER:
WalMart Stores, Inc.



SCALE: 1" represents 400'

STAFF: R. Grubbs

GMA: 3

ACRE(S): 23.47

MAP(S): 600846

January 18, 2000

Wal-Mart Stores, Inc.
c/o Jamie Hutcheson, Realty Manager
702 SW 8th Street
Bentonville, AR 72716-8013

RE: ZONING MAP AMENDMENT W-2368

Dear Ms. Hutcheson:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
McKim and Creed, P. A., 5725 Dillard Drive, Suite 117, Cary, NC 27511

ACTION REQUEST FORM

DATE: January 18, 2000
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Wal-Mart Stores, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of Wal-Mart Stores, Inc. from HB-S (General Merchandise Store) to Site Plan Amendment; property is located on the south side of Kester Mill Road, between Hanes Mall Boulevard and Jonestown Road, and along the northwest right-of-way of Interstate 40 (Zoning Docket W-2368).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Wal-Mart Stores, Inc., Docket
W-2368

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 Board of Aldermen 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 HB-S (General Merchandise Store) to HB-S (General Merchandise Store - Site Plan Amendment) the zoning classification of the following described property:

BEGINNING at an existing iron pin; said iron pin being the northeast corner of Frankie S. Caudle in the southern right-of-way line of Hanes Mall Boulevard south 60E 07' 25" east for 109.00 feet to a right-of-way disc, said right-of-way disc being the beginning of the controlled access right-of-way south 51E 29' 49" east for 194.56 feet to a point; thence along said right-of-way south 34E 00' 12" east for 167.09 feet to a concrete right-of-way monument; thence along the western right-of-way of Interstate 40 south 51E 15' 47" west for 475.02 feet to an iron pin; thence along said right-of-way along the arc of a curve having a radius of 28,547.89 feet which subtends a chord of south 51E 36' 41" west for 305.06 feet to a right-of-way disc; thence along said right-of-way south 52E 01' 51" west for 122.24 feet to a right-of-way disc; thence north 66E 24' 33" west for 39.98 feet to a right-of-way disc; said right-of-way disc being the point of beginning; thence along said right-of-way south 53E 39' 35" west for 39.95 feet to a right-of-way disc; thence south 02E 45' 34" west for 47.56 feet to a right-of-way disc; thence along said right-of-way south 52E 28' 40" west for 208.10 feet to a right-of-way disc; thence along said right-of-way north 83E 46' 14" west for 97.80 feet to a right-of-way disc; thence along said right-of-way south 53E 38' 52" west for 170.00 feet to a right-of-way disc; thence along said right-of-way south 36E 18' 31" east for 49.09 feet to a right-of-way disc; thence along said right-of-way for south 53E 40' 53" west for 738.19 feet to a right-of-way disc; thence leaving said right-of-way north 00E 04' 17" east for 258.35 feet to a point; thence north 00E 11' 47" west for 340.75 feet to a point; thence north 00E 08' 52" west for 348.13 feet to a point; thence north 00E 14' 53" west for 407.89 feet to a point; thence north 00E 05' 39" west for 134.90 feet to a point; thence south 78E 07' 38" east for 56.33 feet to a point; thence along the arc of a curve having a radius of 2,548.00 feet which subtends a chord of south 84E 07' 03" east for 522.29 feet to a point; thence

north 90E 00' 00" east for 286.28 feet to a point; thence south 00E 00' 00" east for 186.21 feet to a point; thence south 34E 11' 42" east for 252.94 feet to a point; thence south 00E 00' 00" east for 264.62 feet to a right-of-way disc; said disc is the point of BEGINNING. Said tract contains 23.47 acres and is Tax Lot 450, Tax Block 3904.

Section 2. This Ordinance is adopted after approval of the site plan entitled Winston-Salem Wal-Mart Supercenter and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Wal-Mart Stores, Inc.

Section 3. The Board of Aldermen 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 Winston-Salem Wal-Mart Supercenter. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Wal-Mart Stores, Inc., (Zoning Docket W-2368). 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 HB-S (General Merchandise Store - Site Plan Amendment), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 19____" and signed, provided the property is developed in accordance with requirements of the HB-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:

C OTHER REQUIREMENTS

- a. All existing storage units on site which are not located within the areas shown on the site plan, must be moved within ninety (90) days after the Site Plan Amendment is approved by the Board of Aldermen. This includes any units within a sixty (60) foot buffer area around the building. Relocation of units must observe code requirements of spacing from any fire hydrants located in these areas and setbacks outside any sewer easements in these areas.
- b. The new landscaping shown on the site plan along Interstate 40 and Kester Mill Road shall be installed within ninety (90) days after the Site Plan Amendment is approved by the Board of Aldermen.

ZONING STAFF REPORT

DOCKET # W-2368
STAFF: Ronald B. Grubbs

Petitioner(s): Wal-Mart Stores, Inc.
Ownership: Same

REQUEST

From: HB-S Highway Business District (General Merchandise Store)
To: Site Plan Amendment (to add areas on the site for storage containers)

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

Acreage: 23.47 acres

LOCATION

Street: South side of Kester Mill Road and the northwest side of Interstate 40 between Hanes Mall Boulevard and Jonestown Road.

Jurisdiction: Winston-Salem.

Ward: Southwest.

SITE PLAN

Exiting Use: Wal-Mart Supercenter store which is a general merchandise store.

Square Footage: Wal-Mart Supercenter store has approximately 200,000 square feet.

Building Height: One commercial story, approximately 40 feet in height.

Parking: Parking is located on the east, south, and west sides of the Wal-Mart store.

Bufferyard Requirements: None. Site is surrounded by commercial zoning and roads.

Vehicular Use Landscaping Standards Requirements: All the surface parking areas have met the landscape ordinance. Thoroughfare Overlay (TO) District requirements include a landscaped streetyard within a 20-foot setback along I-40.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: The Wal-Mart Supercenter store.

Adjacent Uses:

North - RS-9 zoned land adjacent to this site with several older residences and several outbuildings. Retail shops are located across Kester Mill Road zoned HB-S.

Northeast - Interstate 40/US 421 interchange.

- East - Vacant RS-9 zoned land on Hanes Mall Boulevard.
- Southeast - Vacant RS-9 land across I-40.
- West - HB zoned property with a health club and a neighborhood shopping center.
- Southwest - Bowling Alley zoned HB-S and vacant HB-S zoned property which was approved for a home decorating center.
- Northwest - HB zoned property developed with a Mercedes Benz dealership.

GENERAL AREA

Character/Maintenance: The existing commercial structures in this area are well maintained. The two single family homes and outbuildings in this area are moderately maintained.

Development Pace: Rapid. The Hanes Mall Boulevard area is one of the most active business development areas in Winston-Salem.

TRANSPORTATION

Direct Access to Site: Hanes Mall Boulevard.

Indirect Access to Site: Jonestown Road.

Street Classification: Hanes Mall Boulevard - minor thoroughfare; Jonestown Road - minor thoroughfare.

Planned Road Improvements: The bridge over I-40 needs to be widened to five lanes from the existing two lanes. This widening is currently on our area's highway needs list, and is also on the State's Transportation Improvement Program (TIP). The project completion date is around 2003.

HISTORY

1. W-2053; RS-9 and HB-S to HB-S (Shopping Center uses including a Theater, Indoor); approved June 3, 1996; this property included the current Wal-Mart site, the current theater site and the small shops which have been constructed along Hanes Mall Boulevard; Planning Board and staff recommended approval; the staff was concerned about the two lane bridge for Hanes Mall Boulevard over I-40.
2. W-2019; HB-S (Multiple Business and Office Uses - TWO PHASE) to HB-S (Theater, Indoor and Multiple Business and Office Uses - TWO PHASE); approved December 4, 1995; this property included the current petition except the additional RS-9 property along Hanes Mall Boulevard; Planning Board and staff recommended approval; the staff was concerned about the two lane bridge for Hanes Mall Boulevard over I-40.
3. W-2002; HB-S (Multiple Business and Office Uses - TWO PHASE) to HB-S (Theater, Indoor); withdrawn by Planning Board September 14, 1995; this property was the theater portion of the current petition; this site was withdrawn after the Planning staff identified several concerns on the development of this property which required the entire HB-S

property to be filed for rezoning; those concerns included secondary access to the theater affecting other properties which adjoin this property, and overall storm water management basins for this entire drainage area.

4. W-1549; R-4 and R-5 to I-2-S (Multiple uses - TWO PHASE); approved October 17, 1988; northwest of I-40 between Jonestown and Vest Mill Roads (current site); 34.4 acres; Planning Board and staff recommended approval; in the UDO map conversion effective on January 1, 1995, the property was designated as HB-S (Multiple Business Uses - TWO PHASE).

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): Development of intense commercial development at planned activity nodes with improved transportation systems.

Area Plan/Development Guide: *South Stratford Road Development Guide*.

Relevant Development Guide Recommendation(s): Recommends this land be developed with light industrial uses. This recommendation was developed from the original zoning petition on this property, which envisioned the development of this property with a highly visible, showcase business/industrial park along I-40.

Thoroughfare Plan: Widening of the Hanes Mall Boulevard bridge over I-40 is becoming a critical need in this rapidly developing area of town.

ANALYSIS

The request is for a site plan amendment to the Wal-Mart property to allow storage units to be located on the site. Wal-Mart uses these portable storage units to store seasonal merchandise at high-volume activity periods. At the time this application was being made, there were approximately 40 storage units on the site. These units resemble a tractor trailer without wheels. They are located at ground elevation with large access doors at one end of the units.

The Planning and Inspections staff was asked to visit this Wal-Mart site in November to investigate the establishment of these units on the site. This property is zoned HB-S and these storage units were not shown on the approved site plan. Most of the units were located at the north end of the building near the garden center and were visible from Kester Mill Road. Other units were located on the rear service drive very close to the building. Some of those units could interfere with fire access to the building.

The alternative to having these storage units on site is to lease space off-site for new merchandise storage, erect a new building on-site, or make space inside the existing building. The applicant discussed with staff the difficulties of each of these alternatives and the benefits of having these types of storage units on-site.

The establishment of storage units on this site has been an issue for over a year. Initially, the Zoning Officer called these storage units structures. As a structure, they would have to meet building setbacks. That determination was challenged to the Department of Insurance and the local Zoning Officer's ruling was overturned. These units are not considered to be structures.

The original building permit to construct Wal-Mart included a sixty (60) foot building buffer area. This buffer area was used to offset some of the building code regulations for fire protection. Even though the storage units are not considered structures, they cannot be located within this sixty (60) foot building buffer area.

Based upon the site visit, staff suggested that the developer submit a new site plan with the units proposed at the rear of the building on the other side of the rear service drive and at least sixty (60) feet from the building. The other recommendation was a new area at the southwest corner of the building near the storm water retention area. Both of these locations are visible from nearby streets. The rear of the building is visible from Kester Mill Road and the units at the southwest corner of the building are visible from Interstate 40. The staff also suggested that the developer submit a detailed landscaping plan to help limit the visibility of these units from these public traffic corridors.

The site plan submitted has located these storage units in the recommended locations. The landscaping plan that was submitted needs to be modified to increase the width of the buffer planting areas and the length of the buffers along the adjoining public streets. A modified site plan was resubmitted meeting staff's recommendations.

The issue of allowing accessory storage units or trailers has been discussed in the past. UDO 26, a text amendment proposed in 1997, had this item as one of the possible changes in the code. A local real estate group originally requested the staff to investigate this activity. After lengthy discussions with that group and some of the providers of these types of units, the storage unit portion of this text amendment was withdrawn from consideration. Staff suggested that this issue may need to be revisited in the future.

If the establishment of these uses increases at other locations such as this one, the zoning code may need to be amended to provide for uniform location and screening of these accessory uses from adjoining public streets. The staff has attempted to minimize the view of these units from the two adjoining streets by the establishment of new buffer areas.

FINDINGS

1. If the screening is installed per the recommendations of staff and as shown on the site plan, the establishment of these storage units on this site should not be detrimental to this area.
2. If the use of storage units increases at other locations, the staff may need to revisit this issue and look at uniform regulations for screening these accessory units from public view.

STAFF RECOMMENDATION

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

C OTHER REQUIREMENTS

- a. All existing storage units on site which are not located within the areas shown on the site plan, must be moved within ninety (90) days after the Site Plan Amendment is approved by the Board of Aldermen. This includes any units within a sixty (60) foot buffer area around the building. Relocation of units must observed code requirements of spacing from any fire hydrants located in these areas and setbacks outside any sewer easements in these areas.
- b. The new landscaping shown on the site plan along Interstate 40 and Kester Mill Road shall be installed within ninety (90) days after the Site Plan Amendment is approved by the Board of Aldermen.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: James Rousseau moved approval of the site plan amendment, certifying that the site plan meets all code requirements and including staff recommendations.

SECOND: Steve Johnson

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning