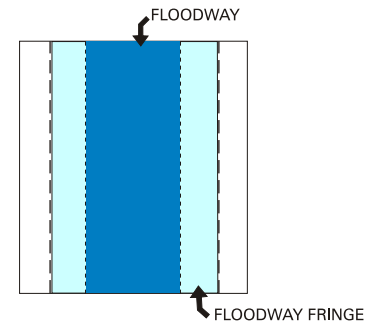


**DOCKET #:** W2430

**PROPOSED ZONING:**  
Site Plan Amendment

**EXISTING ZONING:**  
GB-S (Shopping Center)

**PETITIONER:**  
Mark A. and  
Catherine E. English



**SCALE:** 1" represents 200'

**STAFF:** Reed

**GMA:** 3

**ACRE(S):** 2.18

**MAP(S):** 606846

October 18, 2000

Mark A. and Catherine E. English  
P. O. Box 61  
Cooleemee, NC 27014

RE: ZONING MAP AMENDMENT W-2430

Dear Mr. & Mrs. English:

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  
GeoScience, Attn: Carl Von Josenberge, 2050 North Point Blvd, Winston-Salem, NC  
27106

**ACTION REQUEST FORM**

**DATE:** October 25, 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 Mark A. English and Catherine E. English

**SUMMARY OF INFORMATION:**

Zoning map amendment of Mark A. English and Catherine E. English from GB-S (Shopping Center) to Site Plan Amendment: property is located on the north side of Hanes Mall Blvd. adjacent to I-40 (Zoning Docket W-2430).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Mark A. and Catherine E. English, Docket W-2430

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 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 GB-S (Shopping Center) to Site Plan Amendment the zoning classification of the following described property:

Beginning at an existing right-of-way disc at the northern right-of-way of Hanes Mall Boulevard, said disc being the southeast corner of Tax Lot 30B, Block 3904; thence north 57° 02' 20" west 119.07 feet, thence north 55° 32' 45" west 224.79 feet to a right-of-way disc; thence north 36° 13' 25" west 123.52 feet to a right-of-way disc; thence north 61° 23' 30" east 405.12 feet to an iron; thence south 00° 18' 20" east 202.94 feet to an iron; thence south 00° 18' 20" 282.65 feet to the point and place of beginning containing 2.16 acres +/- . Being known as Tax Lots 30B and 31L Tax Block 3904 of Forsyth County Tax Office and as shown on the survey by Allied Land Surveying Co., PA, dated 4/9/96 Job No. 7041.

Section 2. This Ordinance is adopted after approval of the site plan entitled Mark A. and Catherine E. English and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Mark A. and Catherine E. English.

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 Mark A. and Catherine E. English. 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 Mark A. and Catherine E. English, (Zoning Docket W-2430). 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 GB-S (Shopping Center - Site Plan Amendment), approved by the Winston-Salem Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the GB-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. The existing drainage area in front of this property in the right-of-way of Hanes Mall Boulevard shall be protected from erosion problems from grading on this property. This drainage area shall be inspected by the Erosion Control Officer and any improvements or changes to that drainage basin recommended by the Erosion Control Officer shall be made.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

- a. All property located within one hundred (100) feet of the right-of-way of Interstate 40 shall meet the requirements of the TO Thoroughfare Overlay District in UDO Section 2-1.6(B). Sufficient documentation shall be provided to the Inspections Division that the site plan will meet these requirements.

- b. Developer shall pay the City of Winston-Salem One Hundred Dollars (\$100) per foot for a 36-foot wide driveway on Hanes Mall Boulevard. Total assessment is \$3,600, payable to the City of Winston-Salem for the future widening of this road. This assessment fee is an adopted policy of the City of Winston-Salem and is only being applied to the frontage of this property which would have been issued a driveway permit by the NCDOT.
- c. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division. All required fire hydrants shall be installed in accordance with the City Fire Department.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- c. The driveway on Hanes Mall Boulevard shall be for right-in/right-out movements only and shall be constructed to the specifications of the Public Works Department of the City of Winston-Salem and to the specifications of the North Carolina Department of Transportation.
- d. Developer shall provide an access easement and construct at least one internal connector drive to the eastern property line. Developer shall allow access to this connector drive when the adjacent property is developed. That property will be required to tie into at least one connector drive as a condition of rezoning.

- **OTHER REQUIREMENTS**

- a. Only one freestanding sign shall be permitted on this property. Said sign shall be a monument type with a maximum height of five (5) feet.
- b. The driveway on Hanes Mall Boulevard is only temporary until the adjacent property to the east is developed. At that time, the driveway on Hanes Mall Boulevard must be closed and access to this site shall be through the adjacent property. The adjacent shopping center site has a condition that requires a dedication of at least a twenty-five (25) foot wide private access easement through that property to Hanes Mall Boulevard. If the adjacent site is redesigned through the Site Plan Amendment process, access will still be required through that new design.

## **ZONING STAFF REPORT**

**DOCKET #** W-2430  
**STAFF:** David Reed

Petitioner(s): Mark A. and Catherine E. English  
Ownership: Same

### **REQUEST**

From: GB-S General Business District (Shopping Center)  
To: Site Plan Amendment

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

Acreage: 2.18 acres

### **LOCATION**

Street: North side of Hanes Mall Boulevard adjacent to I-40.  
Jurisdiction: City of Winston-Salem.  
Ward: Southwest.

### **SITE PLAN**

Proposed Use: Retail and restaurant uses.  
Square Footage: 19,133 square feet.  
Building Height: Single commercial story.  
Parking: Required: 112 spaces; proposed: 112 spaces.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply including thoroughfare overlay screening.

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

Existing Structures on Site: None; site is covered with vegetation.

Adjacent Uses:

North - Interstate 40.

East - Vacant land zoned GB-S (Shopping Center).

South - Across Hanes Mall Boulevard is vacant land zoned RS-9.

## **GENERAL AREA**

Character/Maintenance: Well maintained commercial uses and vacant wooded land.  
Development Pace: Rapid.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Topography: The site has an extreme slope down from south to north. Prior to the grading activity on this site, the property sloped from 40 to 50 feet down from Hanes Mall Boulevard. A very steep embankment drops off along Hanes Mall Boulevard; a guard rail runs along the frontage of the site.

## **TRANSPORTATION**

Direct Access to Site: Hanes Mall Boulevard (I-40 borders the property to the north).  
Street Classification: Hanes Mall Boulevard - minor thoroughfare; I-40 - freeway.  
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):  
    Hanes Mall Boulevard - between Westgate Center Drive and Jonestown Road  
        15,000/15,000  
    I-40 - McGregor Road to US 421 - 51,000/81,000  
Trip Generation/Existing Zoning: GB-S (Shopping Center).  
    23,350 sf/1,000 sf = 23.35 x 42.92 (trip rate for Shopping Center) = 1,002 trips  
Trip Generation/Proposed Zoning: Site Plan Amendment.  
    19,133 sf/1,000 sf = 19 x 42.92 (trip rate for Shopping Center) = 815 trips  
Planned Road Improvements: State Transportation Improvement Program Project # U-3837,  
    Widen or Replace Hanes Mall Boulevard Bridge over I-40; construction scheduled to  
    begin 2003.  
Sight Distance: Poor.  
Interior Streets: Private.  
Connectivity of street network: Staff recommends interconnectivity with site to the east when  
    that site is developed and closing the proposed access at that time.  
Transit: WSTA Route - Westside Connector along Hanes Mall Boulevard and Kester Mill Road

## **HISTORY**

Relevant Zoning Cases:

1. W-2351; GB-S (Shopping Center) to Site Plan Amendment; approved December 6, 1999; north side of Hanes Mall Boulevard west of Westgate Center Drive; 26.15 acres; Planning Board and staff recommended approval.
2. W-2256; RM-18 and GB-S (Shopping Center) to GB-S (Shopping Center); approved November 5, 1998; north side of Hanes Mall Boulevard west of Westgate Center Drive; 26.15 acres; Planning Board and staff recommended approval.



3. W-2275; RS-9 and HB-S to GB-S (Shopping Center); approved December 7, 1998; northeast side of Hanes Mall Boulevard and on the southeast side of US 421/I-40 interchange; 2.16 acres; Planning Board and staff recommended approval.
4. W-2247; RS-9 to HB-S (Multiple business uses); approved October 5, 1998; northeast side of Hanes Mall Boulevard (portion of current site); 1.27 acres; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

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

Relevant Comprehensive Plan Recommendations: Development of activity nodes at planned locations.

Area Plan/Development Guide: The site lies within the study area of the *South Stratford Road Development Guide*.

Relevant Area Plan Recommendations: The development guide identifies the site as being within an activity center, and specifically designates the site for mixed use.

### **ANALYSIS**

The subject Site Plan Amendment was submitted for the purpose of gaining access to the site which is currently restricted to access through an adjoining property which has not been developed. The property was originally rezoned for business uses in 1998 (Zoning Docket W-2247) at the same time the adjoining property was rezoned (Zoning Docket W-2256). Staff recommended to both developers that shared access was in the public interest and they agreed to interconnections and a shared driveway. The shared driveway would be located on the adjoining property since the subject property is so close to the bridge over I-40.

The adjoining property has not been developed and the subject site has subsequently been left without any access. The proposed site plan shows a temporary driveway for right-in/right-out movements. The developer is agreeable to a condition requiring the closure of the driveway when the adjoining property is developed and opened for vehicular traffic.

Because of the proximity of the proposed driveway to the bridge over I-40, staff is concerned about traffic issues. The developer has worked with both NCDOT and the City of Winston-Salem DOT to make the situation as safe as possible. Site plan conditions will be recommended to insure interconnectivity with the site to the east. The site to the east currently has conditions to insure connectivity.

Although the subject site plan shows three points of connectivity, the developers of the two parcels still need to work together regarding the issue. The conditions approved for the adjoining property require a minimum of one access easement from the subject property to the public right-of-way.

Because the petitioner has worked with the transportation staff to maximize safety and is agreeable to closing the driveway when the adjoining property is developed, staff recommends approval of the Site Plan Amendment.

### **FINDINGS**

1. The subject Site Plan Amendment was submitted for the purpose of gaining access for the site.
2. The adjoining property, which was intended to serve as access, has not been developed and the subject site has subsequently been left without any access.
3. Because of the proximity of the proposed driveway to the bridge over I-40, staff is concerned about traffic issues.
4. The developer has worked with both NCDOT and the City of Winston-Salem DOT to make the situation as safe as possible.
5. Although the subject site plan shows three points of connectivity, the developers of the two parcels still need to work together regarding the issue.

### **STAFF RECOMMENDATION**

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

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  - a. The existing drainage area in front of this property in the right-of-way of Hanes Mall Boulevard shall be protected from erosion problems from grading on this property. This drainage area shall be inspected by the Erosion Control Officer and any improvements or changes to that drainage basin recommended by the Erosion Control Officer shall be made.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. All property located within one hundred (100) feet of the right-of-way of Interstate 40 shall meet the requirements of the TO Thoroughfare Overlay District in UDO Section 2-1.6(B). Sufficient documentation shall be provided to the Inspections Division that the site plan will meet these requirements.

- b. Developer shall pay the City of Winston-Salem One Hundred Dollars (\$100) per foot for a 36-foot wide driveway on Hanes Mall Boulevard. Total assessment is \$3,600, payable to the City of Winston-Salem for the future widening of this road. This assessment fee is an adopted policy of the City of Winston-Salem and is only being applied to the frontage of this property which would have been issued a driveway permit by the NCDOT.
- c. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division. All required fire hydrants shall be installed in accordance with the City Fire Department.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - c. The driveway on Hanes Mall Boulevard shall be for righth-in/right-out movements only and shall be constructed to the specifications of the Public Works Department of the City of Winston-Salem and to the specifications of the North Carolina Department of Transportation.
  - d. Developer shall provide an access easement and construct at least one internal connector drive to the eastern property line. Developer shall allow access to this connector drive when the adjacent property is developed. That property will be required to tie into at least one connector drive as a condition of rezoning.
- **OTHER REQUIREMENTS**
  - a. Only one freestanding sign shall be permitted on this property. Said sign shall be a monument type with a maximum height of five (5) feet.
  - b. The driveway on Hanes Mall Boulevard is only temporary until the adjacent property to the east is developed. At that time, the driveway on Hanes Mall Boulevard must be closed and access to this site shall be through the adjacent property. The adjacent shopping center site has a condition that requires a dedication of at least a twenty-five (25) foot wide private access easement through that property to Hanes Mall Boulevard. If the adjacent site is redesigned through the Site Plan Amendment process, access will still be required through that new design.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Norman Williams moved approval of the site plan amendment with staff recommendations.

SECOND: Steve Johnson

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Schroeder, Snelgrove, Williams

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning