

D-26862

Summary of Minutes

April 4, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, April 4, 2005 at 7:30 p.m. in the Council Chamber at City Hall, Mayor Allen Joines presiding and the following members present:

Members Present:	Vernon Robinson *	Vivian H. Burke
	Robert C. Clark	Nelson L. Malloy, Jr.
	Dan Besse	Wanda Merschel
	Joycelyn V. Johnson	Frederick N. Terry

*Council Member Robinson entered the meeting at 7:34 p.m.

Secretaries: Renée P. Henderson, City Secretary; Paige L. Deal, Recording Secretary

Sergeant at Arms: Lieutenant Connie F. Southern and Lieutenant C. W. (Bill) Cobb

Invocation: Reverend Charles E. Sparks of United Methodist Church

Pledge of Allegiance

Mayor Joines stated that without objection, the Council would hear Item 5 first.

5. CONTINUATION OF PUBLIC HEARING ON ZONING PETITION OF JOSE LOYA ROQUE FROM RS-9 TO RSQ-S (Residential Building, Multi-family): Property located on the northeast corner of Sprague Street and Urban Street – Containing approximately .29 acre located in the SOUTHEAST WARD (Council Member Terry) - Zoning Docket W-2745. *[Planning Board recommends approval of petition and site plan with staff recommendations. This item was continued from the March 7 and 28, 2005 Council meetings.]*

Council Member Terry commented that the parties involved in this petition are still working out some final details and needed more time. He made a motion to continue the hearing on this petition to May 2, 2005.

Council Member Clark: Second. Unanimous.

(Council Member Robinson entered the meeting at 7:34 p.m.)

1. PUBLIC HEARING ON ZONING PETITION OF ESMERALDA MARTINEZ FROM HB-S TO RS-7: Property located on the northwest corner of Akron Drive and Glenn Avenue – Containing approximately .25 acre located in the NORTHEAST WARD (Council Member Burke) – Zoning Docket W-2752. *[Planning Board recommends approval of petition.]*

No one heard.

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Council Member Burke made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Malloy: Second. Unanimous.

2. PUBLIC HEARING ON ZONING PETITION OF BRENT L. SMITH FROM RS-9 TO RS-7: Property located on the southwest corner of Old Salisbury Road and Velma Avenue – Containing approximately .49 acre located in the SOUTH WARD (Council Member Robinson) – Zoning Docket W-2753. *[Planning Board recommends approval of petition.]*

Mr. Brent Smith, 2140 Denise Lane, spoke in favor of his rezoning petition. He stated that he would be able to have two 119 x 90 foot lots under the current zoning, but under RS-7, he would be able to develop three lots of 79 x 90 feet with ample room for front, back and side yards. He stated that these lots would have driveways and off-street parking.

Appearing in opposition to this petition was Mr. Barnes Daniels, 2728 Winslow Lane. Mr. Daniels spoke as a Board member of the Winston-Salem Neighborhood Alliance and expressed a concern about the density and overcrowding created by certain “infill” developments.

After rebuttal remarks by Mr. Smith and Mr. Daniels, Mayor Joines declared the public hearing closed, and recognized Mr. Norby for the recommendation of the Planning Board which was for approval of the petition.

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In response to Council Member Besse, Mr. Norby stated that there would be nothing to prevent this property from being developed as currently zoned. However, only two lots could be developed as opposed to three under the petitioned RS-7.

Council Member Besse asked Mr. Seeber if rezoning of this property could be considered spot zoning.

Mr. Ron Seeber, City Attorney, responded no, since the request is for rezoning single-family to single-family.

In response to a question from Council Member Robinson regarding space for off-street parking, Mr. Smith advised that each house would have its own driveway, approximately 18-20 feet wide. He stated that there would be ample parking for at least two vehicles.

During additional discussion, Mr. Seeber advised that conditions could not be placed on this property since it was a general use request.

Council Member Robinson made a motion for approval of the petition and adoption of the zoning ordinance.

Council Member Clark: Second. Those voting in favor of the motion were Council Members Robinson, Clark, Besse, Johnson, Malloy, Merschel, and Terry. Opposed: Council Member Burke. The motion carried on a vote of seven in favor and one opposed.

3. PUBLIC HEARING ON ZONING PETITION OF CENTEX HOMES FOR PROPERTY OWNED BY OLLIE J. SHOUSE AND JOHN W. JAMES, JR. TRUSTEE FROM RS-9 AND LB TO RM-12-S (Residential Building, Single-Family; Residential Building, Duplex; Residential Building, Twin Home; Residential Building, Multi-Family; and Residential Building, Townhouse): Property located on the west side of Bethania Station Road and the southern side of Shattalon Drive – Containing approximately 25.73 acres located in the NORTH WARD (Council Member Malloy) – Zoning Docket W-2755. *[Planning Board recommends approval of petition and site plan with staff recommendations with the following additional conditions: the road connection to James Street will not be required and no sidewalks will be required along Bethania Station Road.]*

No one heard.

Mr. Norby presented the recommendation of the Planning Board which was for approval of the petition.

Mr. Steve Causey of Allied Design, 4720 Kester Mill Road, asked to speak on behalf of the petitioner for clarification of conditions relating to widening and installation of sidewalks. He advised that his clients were agreeable with widening Shattalon Drive along the northern boundary of the property, but would like any roadway improvements along Bethania Station Road to be more narrowly defined, specifically for center left-turn lanes.

Council Member Terry expressed a concern about the lack of sidewalks in this area.

In response to the request for clarification on the roadway improvements, Mr. Norby stated that Planning staff had recommended widening along both Shattalon Drive and Bethania Station Road. The minutes indicate that the only comment from the Planning Board with regard to Bethania Station Road was no sidewalks would be required. He offered to confirm the recommendation by checking the tape recording, if the Council would be agreeable to continuing this petition.

Council Member Malloy remarked that since there appeared to be some ambiguity with regard to the specific recommendation, he considered a delay to be reasonable. He made a motion to

continue this matter to May 2 in order for Mr. Norby to confirm the Planning Board's recommendation with regard to widening of Bethania Station Road and installation of sidewalks.

Council Member Merschel: Second.

Council Member Clark suggested that the petition be reviewed again by the Planning Board to see if members had any further input or clarification.

Council Member Malloy agreed.

Council Member Besse commented that sidewalks were a key issue in his opinion and would appreciate them being a part of the recommendation when the item comes back.

4. PUBLIC HEARING ON ZONING PETITION OF WAL-MART REAL ESTATE BUSINESS TRUST FOR PROPERTY OWNED BY MARTHA J. KEIGER, J. LEE KEIGER, EXL DEVELOPMENT COMPANY, INC., FAYNE D. CURTIS, OLD TOWN TELEPHONE SYSTEMS, INC., THOMAS H. ALLGOOD, AND JANET HOOKER FROM HB TO MRB-S (Shopping Center): Property located on the northeast side of Reynolda Road across from Wabash Avenue – Containing approximately 24.89 acres located in the NORTH WARD (Council Member Malloy) – Zoning Docket W-2756. [*Planning Board recommends approval of petition and site plan with staff recommendations.*]

Mrs. Henderson noted that a sufficient protest petition has been filed.

Mayor Joines stated that the Council has received a letter from Attorney Tom Terrell on behalf of the petitioner. Mr. Terrell has requested a continuance of this item. He then recognized Council Member Malloy.

Council Member Malloy stated that Mr. Terrell advised that there were no Wal-Mart officials present this evening, and he would like the opportunity to speak with the individuals who signed the protest petition. However, with so many people in attendance, Council Member Malloy commented that he would prefer to proceed with the public hearing. As a compromise, Council Member Malloy made a motion to open the public hearing tonight with each side taking however much time they

would like within the prescribed 15-minute presentation/3-minute rebuttal time limit. Any time remaining could be carried over to the April 18 Council meeting. In other words, each side could take none of their time, all of their time, or a portion of their time tonight.

Council Member Johnson: Second. Those voting in favor of the motion were Council Members Robinson, Besse, Johnson, Burke, Malloy, and Terry. Opposed: Council Members Clark and Merschel. The motion carried on a vote of six in favor and two opposed.

Mayor Joines stated that the Council would proceed with the hearing with any time remaining to be used on April 18.

Speaking on behalf of the opposition was Mr. James Joseph, 3339 Linda Circle. He stated that citizens opposed to the petition would prefer to hold all of their speaking time until April 18 in order for their points to be fresh upon the minds of Council members at the time of the vote.

Speaking on behalf of the petitioner, Attorney Terrell suggested that proponents of the petition would also hold their comments until April 18.

Mayor Joines stated that the full public hearing on this item would be held on April 18.

6. RESOLUTION IN SUPPORT OF REGIONAL PLANNING STRATEGY FOR THE CENTRAL AREA OF THE PIEDMONT TRIAD REGION. *[Forwarded to Council by the Community Development/Housing/General Government Committee with amendments.]*

Mr. Norby presented this item and highlighted the amendments recommended by the Community Development/Housing/General Government Committee.

A brief discussion ensued regarding the area boundaries and the existing needs of the central city areas so as not to create a competitive environment, but a regional coordination effort.

Council Member Malloy: Motion for adoption.

Council Member Johnson: Second. Those voting in favor of the motion were Council Members Clark, Besse, Johnson, Burke, Malloy, Merschel, and Terry. Opposed: Council Member Robinson. The motion carried on a vote of seven in favor and one opposed.

Mayor Joines recognized Council Member Burke.

Council Member Burke made a motion for Council to enter into Closed Session to consider the location or expansion of an industry and/or business pursuant to N.C.G.S. 143-318.11(a)(4).

Council Member Merschel: Second. Unanimous.

The Council entered into Closed Session at 8:25 p.m.

At 8:35 p.m., Council Member Clark made a motion to adjourn the Closed Session and resume Regular Session.

Council Member Besse: Second. Unanimous.

ADJOURNMENT: 8:36 p.m.