

D-26848

Summary of Minutes

February 7, 2005

A Regular Meeting of the Winston-Salem City Council was held on Monday, February 7, 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

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

Sergeant at Arms: Lieutenant L. David Kiger

Invocation: Pastor Johnnie Taylor of Rising Star Missionary Baptist Church

Pledge of Allegiance

1. PUBLIC HEARING ON ZONING PETITION OF LA IMAGE, INC. FOR PROPERTY OWNED BY THE CITY OF WINSTON-SALEM FROM RS-9 TO PB-S (Services, Personal): Property located on the southwest corner of Griffith Road and Frontis Street – Containing approximately .52 acre located in the SOUTH WARD (Council Member Robinson) – Zoning Docket W-2746. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

No one heard.

ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM

APPROVAL OF SITE PLAN

APPROVAL OF SPECIAL USE DISTRICT PERMIT

Mr. Paul Norby, City/County Planning Director, pointed out a revised site plan which reflected the recommendation of the Planning Board.

Council Member Robinson made a motion for approval of the petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit as revised.

Council Member Clark: Second. Unanimous.

2. PUBLIC HEARING ON ZONING PETITION OF IVEST ASSOCIATES FROM NSB-S (Restaurant {without drive-through service}; Restaurant{with drive through service}; Offices, Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Personal; Building Contractors, General; Building Contractors, Heavy; ABC Stores; Building Material Supply; Convenience Store; Food and Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous)-TWO PHASE] to SITE PLAN AMENDMENT: Property located on the southwest corner of South Stratford Road and Somerset Drive – Containing approximately 11.27 acres located in the SOUTHWEST WARD (Council Member Besse) – Zoning Docket W-2747. *[Planning Board recommends approval of petition and site plan with staff recommendations.]*

At the request of Council Member Besse, Mr. Norby presented the recommendation of the Planning Board which was for approval of the petition. He advised that this property received its zoning with a site plan in 1986; however, vested rights as described in State Statutes and the UDO, expired long ago. This means that the zoning and uses allowed by the zoning are still in place, but the site plan would need to conform with all of the current infrastructure plans such as the Thoroughfare Plan and the current requirements of the UDO. He described the changes and improvements to the site plan as well as the roadway/infrastructure improvements.

**ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM**

**APPROVAL OF SITE PLAN**

**APPROVAL OF SPECIAL USE DISTRICT PERMIT**

Council Member Besse made a motion for approval of the zoning petition, adoption of the zoning ordinance, and approval of the site plan and special use district permit.

Council Member Clark: Second.

Council Member Besse pointed out that this does not change the authorized uses for the property which were approved in 1986. He stated that this site plan represents a significant improvement over the one currently approved for the site. The total square footage of the buildings will be substantially reduced. A corridor for the relocation of Somerset Drive to the south side of the property has been dedicated to the City, which, in the future, will allow Somerset to be aligned with Kimwell Drive at its intersection with Stratford, which is a signalized intersection. Until that alignment takes place, the shopping center will have its principal exit onto Stratford Road aligned with Kimwell Drive so that traffic coming into Stratford Road would have the traffic signal. Council Member Besse noted that the site plan also includes a 40-foot setback, including a streetyard with large variety tree plantings. Sidewalks are required along the Somerset frontage. On-site lighting would be limited by height and fixture type so as to prevent glare on adjacent properties. Council Member Besse stated that there is an on-going concern with transportation issues in this general area. He asked staff to comment.

Mr. Greg Turner, Assistant City Manager/Public Works, stated that City DOT staff has reviewed this plan and does not feel that there will be any negative impacts on current traffic flow. In further response to Council Member Besse, Mr. Turner stated that NCDOT has indicated that a signal at the current intersection of Somerset and Stratford would be too close to the existing signal at Kimwell and Stratford, and therefore, the State has declined to approve a signal at Somerset and Stratford.

Council Member Besse asked if there was a conceptual timetable for the realignment of Somerset.

Mr. Turner replied that there is a commitment to construct the realignment by 2020; however, it is possible that construction would be sooner. It is part of the staff's projection for the CIP, which would put it out within the next five or six years; therefore, if funding becomes available, this realignment could be constructed within the next five years. Mr. Turner responded to Council Member Besse that public input would be accepted during the design phase prior to improvements at the intersection of Somerset, Ashford, and Brandywine.

Council Member Besse requested a traffic study of the intersection of Somerset and Jonestown Road as well.

Council Member Besse asked to direct a question to the petitioner.

Mr. Doug Stimmel, 601 N. Trade Street, Suite 200, appeared on behalf of the petitioner.

Council Member Besse stated that he has heard concerns regarding the length of time during development where there will be just bare earth. He asked Mr. Stimmel to comment on construction timing and when should the streetyard be installed.

Mr. Stimmel responded that grading is expected to proceed in April with construction going on throughout the summer. He surmised that the streetyard could be installed by the end of October and confirmed that there would be no objection to adding this as a condition of the site plan.

Council Member Besse asked to amend his motion to include a condition that the streetyard along Somerset and Stratford be installed by the end of October.

Council Member Clark agreed to include this amendment in his second.

The motion as amended was unanimously carried.

3. PUBLIC HEARING AND ORDINANCE AMENDING CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES TO ADD ACADEMIC BIOMEDICAL RESEARCH FACILITY AS A PERMITTED USE IN THE CPO, PB, HB, GB, LI, CPI, AND GI ZONING DISTRICTS – *Proposal of Wake Forest University Health Science – UDO-127. [Planning Board recommends approval.]*

No one heard.

Mr. Norby explained that this proposal would allow academic biomedical research facilities in the CPO, PB, HB, GB, LI, CPE, and GI zoning districts in addition to the districts where the use is already allowed. He advised that this would make the academic use consistent with what is currently approved for commercial research and testing labs.

Council Member Merschel asked for clarification between academic biomedical research facility and testing and research lab.

Mr. Ronnie Grubbs, Assistant Inspections Director, responded that the uses are very close. However, one is non-profit and one is for profit.

Council Member Merschel asked for the rationale in allowing commercial research and testing in PB, and now proposed for academic research.

Mr. Grubbs commented that this use was allowed in the original adoption of the UDO.

Council Member Merschel expressed a concern about allowing this use in PB at all, because the activity does not appear to be compatible with most PB uses.

Council Member Clark: Motion for adoption.

Council Member Malloy: Second. Unanimous.

4. RESOLUTION REQUESTING THE STATE OF NORTH CAROLINA TO PROVIDE FINANCIAL ASSISTANCE FOR HURRICANE DAMAGE REPAIR WORK ON SALEM CREEK AT CIVITAN PARK.

Council Member Johnson: Motion for adoption.

Council Member Burke: Second. Unanimous.

5. SECOND READINGS ON ORDINANCES AUTHORIZING ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY FOR THE OPERATION OF LIMOUSINE SERVICES IN THE CITY OF WINSTON-SALEM – *Banner Transportation Service, Travel Aid Special Care Transportation, Diversified World Enterprises, and Fly P.T.I. Transportation.* [Reviewed by Public Safety Committee.]

Council Member Burke: Motion for adoption.

Council Member Malloy: Second. Unanimous.

6. CONSIDERATION OF SUMMARIES OF MINUTES:

- a. APPROVAL OF SUMMARY OF MINUTES – *December 20, 2004.*

- b. APPROVAL OF SUMMARY OF MINUTES – *January 3, 2005.*

- c. APPROVAL OF SUMMARY OF MINUTES – *January 18, 2005.*

Council Member Clark: Motion for approval of all summaries.

Council Member Malloy: Second. Unanimous.

Mayor Joines recognized Council Member Malloy at this time.

Council Member Malloy made a motion for the Council to go into Closed Session to consider two economic development matters pursuant to N.C.G.S. 143-318.11(a)(4) and to begin the City Attorney's annual evaluation pursuant to N.C.G.S. 143-318.11(a)(6).

Council Member Merschel: Second. Unanimous.

The Council went into Closed Session at 8:00 p.m.

At 8:40 p.m., Council Member Merschel made a motion to adjourn the Closed Session and

resume Regular Session. The motion was duly seconded by Council Member Burke and unanimously carried.

Mayor Joines recognized Council Member Malloy for two motions.

Council Member Malloy made a motion to set a public hearing date of February 21, 2005, to consider an economic development project pursuant to N.C.G.S. 158-7.1 and that the City staff be directed to give legal notice of the hearing in accordance with the statute.

Council Member Merschel: Second. Unanimous.

Council Member Malloy made a motion to authorize Mayor Joines to set a date for a public hearing to consider amendments to the Dell economic development project and that City staff be directed to give legal notice of the hearing in accordance with N.C.G.S. 158.7.1.

Council Member Burke: Second. Unanimous.

Mayor Joines recognized Council Member Besse.

Council Member Besse commented that Council Members have received a memo from Mr. Derwick Paige, Assistant City Manager, regarding inquiries about a skateboard park and he asked if this issue could be referred to an appropriate committee for discussion.

After a brief discussion, Council Member Malloy agreed for this matter to be placed on the next Community Development/Housing/General Government Committee agenda.

Council Members Burke and Johnson noted that this issue has come up before and stated that there should be information from previous discussions.

ADJOURNMENT: 8:46 p.m.