

**MINUTES  
CITY-COUNTY PLANNING BOARD  
JUNE 11, 2020  
4:30 P.M.  
VIRTUAL MEETING**

MEMBERS PRESENT: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

MEMBER ABSENT: None

PRESIDING: Chris Leak

**CALL TO ORDER**

**A. ACTION ON MINUTES**

- May 28, 2020 Public Hearing

MOTION: Clarence Lambe moved approval of the minutes.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

**B. PUBLIC HEARING ITEMS**

The actual order of cases considered by the Planning Board on June 11, 2020, is determined procedurally by taking consent agenda cases first, then cases for which there was a public hearing. Accordingly, the order of cases on June 11, 2020, were as follows: B.2.; C.1.; C.2.; C.3.; B.1.; B.3.

1. Zoning petition of Industry Hill Properties, LLC and IH850 Trade, LLC from LI to E-L (Arts and Crafts Studio; Banking and Financial Services; Club or Lodge; Combined Use; Convenience Store; Entertainment Facility, Large; Food or Drug Store; Furniture and Home Furnishings Store; Hotel or Motel; Manufacturing A; Micro-Brewery or Micro-Distillery; Museum or Art Gallery; Offices; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store; Services, A;

Shopping Center; Special Events Center; Storage Services, Retail; Theater, Indoor; Utilities; Veterinary Services; Warehousing; Wholesale Trade A; Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Twin Home; and Residential Building, Duplex): property is located on the north side of West Eighth Street, between North Trade Street and Oak Street (Zoning Docket W-3444). (Case starts at 20:00).

Gary Roberts presented the staff report.

Melynda Dunigan asked about the (Industrial) blue color on the area plan, and why it was there. Kirk Ericson stated that it likely is there based on ownership information. If the property was owned by one of the surrounding institutions at the time of the area plan, then staff would have coded it blue for Institutional use.

Jack Steelman asked when the Board would begin to see site plans of actual projects so that it would better be able to see how the puzzle will ultimately fit together. Aaron King stated that staff uses Special Use zoning as a tool to answer those questions. If a development is going in next to residential development, you would see a site plan come with it because staff needs to know how it will impact the adjacent residential. In this area, where there is a mixture of uses, staff did not see a need to go with a Special Use request. If there is a specific site, based on specific conditions that warranted it, staff would recommend a Special Use request. The proposals that staff has seen thus far did not warrant Special Use requests.

Melynda asked for clarification on the neighborhood contact due to the wrong parcel information being included in the staff report. Luke Dickey responded by stating that a letter was generated and sent, discussing what this site would be changed to and distinguishing between the two parcels shown. Mr. Dickey stated that he will check to make sure they did not re-forward the previous case information in error.

## **PUBLIC HEARING**

FOR:

Luke Dickey, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101

- Directly to the north of this site is the case the Board heard last month requesting PB-L zoning. Part of the larger parcel on this site was in that request, so we're now moving forward with a LI to E-L request for rezoning.
- The *North Central Winston-Salem Area Plan* supports light industrial with a mixture of potential new development for residential or commercial and office uses. The E zoning district is supportive of that conversion. The request is taking out 42 of the 55 permitted uses that are under the current LI zoning. Rezoning to the E district adds 19 uses currently not permitted on the site, predominately consisting of retail and residential uses.

- The same information was sent out to the same neighbors as with the previous case. We received responses from two property owners. One is Mr. Klinedinst, who is on the phone today. We discussed his concerns with the request. The other owner was from the Oak Street Condominiums, and they sent an email to Gary and myself with regard to questions about what the E district is, and the noise ordinance requirements for that.
- I would like to discuss, as the staff report mentions, two uses that are still of concern for staff's recommendation for approval, and those are the Convenience Store and Restaurant (with drive-through). While we are talking about pedestrian-oriented developments, the area plan recommends this while still supporting the existing LI zoning. LI zoning does not have very pedestrian-oriented businesses within that. There is plenty of E zoning in this area. Most of it has been E limited. Directly across the street is also E. We wanted to maximize our opportunities for development, and to include those uses, since they are allowed in the E district.
- Additionally, as COVID-19 has shown, if you have a restaurant use in now, the ones that have been successful have been the ones with a drive-through. From a service standpoint, there aren't many convenience stores/gas pump stations within the Downtown area to service any of the residents. Most are located on the periphery, or further on down in other areas. That is not to assume that those uses would go on this site since we are just a Limited Use zoning request, but we wanted to keep the total amount of options for redevelopment of this site open for the property owner.

Chris Leak asked whether, with staff recommending approval with the exception of Convenience Store and Restaurant (with drive-through), Mr. Dickey knew if this was something that the petitioner was leaning toward, or if they wanted to include them simply because they want to. Mr. Dickey stated that they were not leaning towards those types of uses at this time, but wanted them in there to provide flexibility.

The applicant, Drew Gerstmyer, stated that there is no specific plan; they are just trying to maximize the options available, per the zoning.

Clarence Lambe asked staff to clarify whether doing E zoning in this area would eliminate permitted uses.

Aaron stated that the petitioner has asked for these particular uses (Convenience Store and Restaurant (with drive-through)). Staff suggested they remove them, and they are not in agreement with that, so the request includes those uses.

Clarence asked for clarification on how previous cases have been treated. Chris Murphy stated that there was Limited Use zoning to the east that eliminated a couple of nightclub-related uses because they were in close proximity to some churches, but he wasn't sure if other uses were

removed from those requests. Clarence stated that he was in sympathy with the drive-through services request, as he felt the need would be around for quite some time.

Aaron added that, with respect to the use Restaurant (with drive-through), staff is not 100 percent opposed if a developer could bring in a uniquely designed building that addresses the corner and can accommodate drive-through service towards the rear. That intersection is framed up by Ramkat and the Big Winston Warehouse, and the petitioner is actually building a brand new office building on the southeast corner that would frame it up nicely. Just by their general nature, convenience stores and restaurants with drive-throughs are pulled back with intervening circulation and parking. Staff has concerns because those two uses do not lend themselves to framing that intersection and fostering that pedestrian environment.

Jack stated that this was a great example of why he would be interested in seeing a site plan.

Gary added that the other E-L zoning, the large 9-plus-acre zoning that was approved in 2015 directly northwest, did not include Restaurant (with drive-through); it did include Convenience Store.

#### AGAINST:

John Klinedinst, 836 Oak Street Condominiums, Winston-Salem, NC 27101

- I hesitate to say I'm speaking in opposition; I'm speaking with concerns. I'm very much in favor of the development of that property. As it is now, it's the back of a warehouse, and a lot of parking space that doesn't belong in an area that adjoins the central downtown area.
- Mr. King very well summed up my concerns about the current zoning request. I very much dislike the idea of a gas station and a convenience store combined, I dislike restaurant with a drive-through, and I also have serious concerns about a shopping center. A shopping center, to me, sounds like something that belongs on Peters Creek Parkway, not on a Downtown street. Eighth Street used to be the boundary of what was Downtown Winston-Salem; it's no longer that hard boundary. You guys have expanded the entertainment zone beyond that. You've nicely used old buildings that have a certain Downtown profile to them. To put a gas station, to put a shopping center, that's a real shame for the aesthetics of Downtown Winston-Salem. I very much would like to see you think of a way to rezone it to get a lot of these additional opportunities for the developer but take away the tendency that I see in this proposal to make it a suburban area and not a downtown central business area.
- The last comment I will make is that, at the last meeting, you did rezone the site just north of that to PB, and you did it with a lot of approval from the area residents. They gave the general site development plan that would be residential; it would have a fairly significant parking garage and residential development on that lot. That sounds like a great PB, where the buildings are going to be up to the sidewalk, it's going to be very

walkable, you're going to have limited traffic, because people don't come and go from their apartments or condos, whichever it turns out to be, every half hour, every 15 minutes. If you put in a shopping center or convenience store or a drive-through restaurant, Eighth Street is going to become a nightmare. Traffic is already terrible at rush hour. That's when people would use a gas station, at rush hour. I feel an overall need to preserve the downtown business flavor blended into entertainment. I wish that the Planning Department could come up with a different zoning category for that area that would allow flexible development but would not destroy the pedestrian nature they said they were trying to achieve in this area.

## **WORK SESSION**

Clarence asked staff what would happen if the two permitted uses were taken away, and if the petitioner came back with a beautifully designed pedestrian-friendly drive-through restaurant plan.

Aaron stated that after hearing the discussion, if the petitioner is still not in agreement with removing those two uses, then per the City Attorney's office, the two options for the Board are to take action on what is submitted and recommend approval or denial. If the Board chooses to recommend denial, you can establish your reasons why. If the petitioner decided to remove those uses and, in the future, came back with something well-designed, they would be required to bring a Special Use site plan to staff showing some of the things discussed today.

There are plenty of instances where you can see restaurants with drive-throughs that can be situated in environments similar to this and not be set back from the street, with parking in front and lined up around the building. As an alternative, Jason Grubbs asked if the applicant would be willing to compromise by leaving off Convenience Store and keeping Restaurant (with drive-through).

In response to Jason's comments, Aaron stated that the Board could always ask the applicants if they are willing to remove the Convenience Store use. If the applicants are in agreement, that still leaves Restaurant (with drive-through) there, but there are no assurances it will be a well-designed, urban and pedestrian-oriented restaurant.

Mr. Gerstmyer stated that without knowing where things were headed, any limiting on what is allowed by right through E district just seems to close doors down the road, even though that is not the path they are heading down. He said that they are working on incorporating the other three corners on that intersection and Seventh Street up through Twelfth Street.

George Bryan stated that it was too easy to put a gas station on Martin Luther King Drive and interrupt the pedestrian flow of that area. The thinking has been that Martin Luther King Drive would divert traffic around the city, and it's understandable why a developer would want to put a gas station there, but it's not the right place when you've got Ramkat and people from all the

bars walking in that section to restaurants. The area is already struggling with pedestrian movement across Martin Luther King Drive.

Melynda expressed concern that, if the rezoning were to allow the two objectionable uses discussed, it might set a precedent for other E rezonings in the future. The Board has to look to potential consequences beyond this one site. The limitations suggested here are very appropriate for this site.

Jack asked what the thoroughfare classification is for Martin Luther King Drive. Gary responded that Martin Luther King Drive was classified as a boulevard, which is comparable to a major thoroughfare. The capacity with that lane width is 19,500 cars per day, and right now the latest count is 9,600 cars per day. Jack asked if there are pedestrian-oriented sidewalks along one or both sides of that street to provide for that pedestrian environment. Gary stated that there were sidewalks on both sides of Eighth Street, as well as on the adjacent streets.

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended denial of the zoning petition.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Clarence Lambe, Chris Leak, Brenda Smith

AGAINST: Jason Grubbs, Tommy Hicks, Johnny Sigers, Jack Steelman

EXCUSED: None

2. Zoning petition of Woodland Properties LLC, Roberts Hall LLC, 19 Boo 27 Bldg LLC, Robert Henneberg, Lluvia M. Henneberg, Industry Hill Properties, and Industry Hill Properties LLC from GB to E-L (Arts and Crafts Studio; Banking and Financial Services; Club or Lodge; Combined Use; Convenience Store; Entertainment Facility, Large; Food or Drug Store; Furniture and Home Furnishings Store; Hotel or Motel; Manufacturing A; Micro-Brewery or Micro-Distillery; Motor Vehicle Repair and Maintenance; Museum or Art Gallery; Offices; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store; Services, A; Shopping Center; Special Events Center; Storage Services, Retail; Theater,

Indoor; Utilities; Veterinary Services; Warehousing; Wholesale Trade A; Residential Building, Multifamily; Residential Building, Townhouse; Residential Building, Twin Home; and Residential Building, Duplex): property is located on the north side of North Liberty Street between North Patterson Avenue and North Chestnut Street (Zoning Docket W-3445). (Case starts at 4:15).

MOTION: Jack Steelman moved that the zoning petition be continued to the July 9, 2020 Public Meeting, per the applicant's request.

SECOND: Clarence Lambe

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

3. An ordinance amendment proposed by Planning and Development Services staff introducing graphics to the UDO to illustrate certain dimensional requirements. (UDO-CC3) (Case starts at 57:20).

Dakota Pahel-Short gave the staff report and explained how incorporating graphics into the UDO would further increase visual appeal and user-friendliness. Dakota showed some examples of graphics that he has been putting together for the past few months.

Melynda Dunigan noted that it would be beneficial to the reader if each graphic were labeled so that the reader would not have to hunt for the dimensional requirements to figure out if it were for single family or multi-family. Aaron stated that Dakota would check his records, and if they are not already in there, staff could add them.

Jack Steelman asked for an explanation as to why an illustration for rear yard parking is included on only one of the drawings. Dakota stated that it was likely due to specific dimensional requirements that were not present in the other set of graphics that are currently being released. Kirk Ericson added that this was not meant to be an exhaustive illustration of every principle in Section 4 of the UDO at this point.

## **PUBLIC HEARING**

FOR: None

AGAINST: None

## **WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Brenda Smith

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the text amendment.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

### **C. PRELIMINARY SUBDIVISION APPROVALS**

1. 2020056; Simon D & Denise D Shaw (Petticoat Junction); west side of Brewer Road, south of Ethel Drive; 13-lot Single Family Residential; Winston-Salem; 3.78 acres (Case Starts at 5:48).

Desmond Corley presented the staff report.

MOTION: Clarence Lambe moved approval of the Preliminary Subdivision.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

2. 2020057; Ronnie Parker, Sr. (Cliffdale Woods); west side of N. Cliffdale Drive, south of Guinevere Lane; 29-lot Single Family Residential; Winston-Salem; 14.91 acres (Case starts at 7:12).

Desmond Corley presented the staff report.

Melynda Dunigan asked if the circle that indicates a “borrow pit” on the site plan will be a permanent or temporary pile, given the fact that it is close to another property line. Desmond stated that borrow pits are a product of the grading process and are typically temporary. Borrow pits usually go away once a subdivision has been completed. Melynda asked if there was any assurance that that would happen. Desmond deferred to the applicant.

Greg Garrett, the applicant, explained that this sort of detail is not typically shown at this stage of the process. Going through the review process with staff resulted in making pretty significant adjustments to the plan. The plan was not to do any stormwater retention because the proposal density is less than two units per acre, but as they were working through the comments with the Stormwater Division, it became evident that a stormwater detention pond was needed to control the quantity. The plan was then changed to show the pond, which is on the southern border. There is a lot of excess dirt that will be cleaned out of the pond, and that was the only area where excess soil could be placed.

Mr. Garrett stated that better terminology for the site would be a berm. It will be excess soil that will need to be placed there that will be aesthetically pleasing. The plan is to make it like an earthen berm, with perhaps landscaping on top. Mr. Garrett reached out to the property owner in close proximity to the pit and addressed their concern about the look of the berm, and he assured them that he was committed to good aesthetics.

George Bryan asked staff if Bovine Drive was considered a stub street, and if so, what the potential future of that street will be. Desmond stated that Bovine Drive is not a stub street. To the south of this development is an existing neighborhood with another private street that goes to this general area. Staff had a lot of discussion with Engineering about whether that should be a stub, whether it was feasible to connect to the existing private street and whether it was feasible for the City to acquire the right-of-way necessary to maintain the street in the existing neighborhood. It was decided that that wasn't something that made sense from the City's perspective, as far as right-of-way and maintenance are concerned. Bovine Drive will terminate where it is shown presently.

George asked about the need for a fire truck turnaround. Desmond stated the site plan shows a turnaround in what looks to be a shared driveway between two lots on the west side of Bovine Drive.

**MOTION:** Clarence Lambe moved approval of the Preliminary Subdivision.

**SECOND:** Tommy Hicks

**VOTE:**

**FOR:** George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

**AGAINST:** None

**EXCUSED:** None

3. 1987019; PHR, LLC (Lochurst Phase 4, Sec.3); Remove lots 1-6 from subdivision; Forsyth County; 3.82 acres (Case starts at 18:00).

Desmond Corley presented the staff report.

MOTION: Clarence Lambe moved approval of the Preliminary Subdivision.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Clarence Lambe, Chris Leak, Johnny Sigers, Brenda Smith, Jack Steelman

AGAINST: None

EXCUSED: None

#### **D. STAFF REPORT**

Aaron King thanked Council Member Scippio for attending the meeting.

Desmond Corley stated that five rezoning cases are scheduled for the July 9 Public Meeting.

Aaron stated that the Planning Board Work Session scheduled for June 25 will be a virtual meeting. There will be discussion about working on a six-month Work Program, and then coming back in October for the final six months of the fiscal year, due to COVID-19 disrupting the 2020 Work Program.

After lengthy discussion, the Board decided that the July 9 meeting would be virtual. There will be an election of the Board's Chair and Vice Chair at the meeting.

Aaron stated that the Planning Department will be joining the Inspections Department on the third floor of the Bryce Stuart Municipal Building in the coming months. Aaron also explained that staff is presently staggered throughout the building, with most folks teleworking from home during this COVID-19 period.

#### **E. FOR THE GOOD OF THE ORDER**