October 23, 2013

Pavilion Capital, LLC
5605 Carnegie Blvd., Suite 110
Charlotte, NC 28209

Re: Zoning Petition W-3204

Dear Petitioners:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary’s Office of the date on which the Council will hear this petition.

Sincerely,

[Signature]
A. Paul Norby, FAICP
Director of Planning and Development Services

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Scott Mingonet, 2000 South Blvd., Suite 440, Charlotte, NC 28203
# ACTION REQUEST FORM

**DATE:**  October 23, 2013  
**TO:**  The Honorable Mayor and City Council  
**FROM:**  A. Paul Norby, FAICP, Director of Planning and Development Services

**COUNCIL ACTION REQUEST:**
Request for Public Hearing on zoning petition of Pavilion Capital, LLC.

**SUMMARY OF INFORMATION:**
Zoning petition of Pavilion Capital, LLC for property owned by E. V. Ferrell Jr & Douglas Dillard from GB-S (Shopping Center) to GB-S [Shopping Center; Retail Store; Convenience Store; Restaurant (with drive-through service); Restaurant (without drive-through service); Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display Retail; Wholesale Trade A; Banking and Financial Services; Building Contractor, General; Car Wash; Funeral Home; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services A; Services B; Testing and Research Lab; Veterinary Services; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Animal Shelter, Public; Child Care Institution; Child Daycare Center; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Vocational or Professional; and Transmission Tower - Two-Phase]: property is located on the north side of Hanes Mall Boulevard, west of Westgate Center Drive, and east of I-40 (Zoning Docket W-3204).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:**  APPROVAL  
**FOR:**  UNANIMOUS  
**AGAINST:**  NONE  
**SITE PLAN ACTION:**  CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Pavilion Capital, LLC, Docket W-3204

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 City Council 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 to GB-S (Shopping Center; Retail Store; Convenience Store; Restaurant with drive-through service; Restaurant without drive-through service; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display Retail; Wholesale Trade A; Banking and Financial Services; Building Contractor, General; Car Wash; Funeral Home; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services A; Services B; Testing and Research Lab; Veterinary Services; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Animal Shelter, Public; Child Care Institution; Child Daycare Center; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Vocational or Professional; and Transmission Tower - Two-Phase) the zoning classification of the following described property:

PIN# 6804-76-9415

Section 2. This Ordinance is adopted after approval of the site plan entitled Hanes Mall Boulevard and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ____ day of ______________________, 20__ to Pavilion Capital, LLC.
Section 3. The City Council 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 Pavilion Capital, LLC. 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.
The City Council 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 Pavilion Capital, LLC, (Zoning Docket W-3204). 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 Shopping Center; Retail Store; Convenience Store; Restaurant with drive-through service; Restaurant without drive-through service; Arts and Crafts Studio; Food or Drug Store; Furniture and Home Furnishings Store; Motorcycle Dealer; Nursery, Lawn and Garden Supply Store, Retail; Outdoor Display Retail; Wholesale Trade A; Banking and Financial Services; Building Contractor, General; Car Wash; Funeral Home; Hotel or Motel; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Offices; Services A; Services B; Testing and Research Lab; Veterinary Services; Recreation Services, Indoor; Recreation Services, Outdoor; Recreation Facility, Public; Theater, Indoor; Academic Biomedical Research Facility; Academic Medical Center; Animal Shelter, Public; Child Care Institution; Child Daycare Center; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Institutional Vocational Training Facility; Library, Public; Museum or Art Gallery; Nursing Care Institution; Police or Fire Station; School, Vocational or Professional; and Transmission Tower – Two-Phase, approved by the Winston-Salem City Council the _____ day of ___________________, 20____" and signed, provided the property is developed in accordance with requirements of the Section 6-1.5 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. Developer shall obtain Final Development Plan approval.
  b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.
  c. Developer shall submit an encroachment agreement with Duke Energy.
  d. Developer shall submit a Transportation Impact Study to the Public Works Department of the City of Winston-Salem.
  e. Developer shall obtain a driveway permit from NCDOT and the City of Winston-Salem Public Works Department. Improvements shall include:
     - Possible modifications to the traffic signal at the intersection of Hanes Mall Boulevard and Old English Court as per the findings of the TIS.
     - Cross-access to the commercial development to the east.
     - Negative access along the remaining frontage of Hanes Mall Boulevard.
     - Coordinate with WSTA to provide transit accommodations along the frontage of Hanes Mall Boulevard.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Developer shall obtain Final Development Plan approval.
  b. Developer shall record a final plat in the office of the Register of Deeds showing access, utility and negative access easements, and cross access easements to the adjacent PINs 6804-76-0458 and 6804-86-8504.
  c. The exterior walls of any buildings constructed on the property south of the east/west access drive as shown on the site plan must have: (1) a combined minimum of 50% brick or enhanced architectural materials (as determined by the Planning Board during Final Development Plan review) or a combination thereof; and (2) either their front door/ façade oriented toward Hanes Mall Boulevard or have the building designed to have a rear façade facing Hanes Mall Boulevard that contains doors and windows and gives the reasonable appearance of a front building façade.
  d. Any building constructed on Parcels A or B as shown on the site plan shall have a minimum thirty percent (30%) enhanced architectural materials other than block (as determined by the Planning Board during Final Development Plan review) for the south elevations. The thirty percent (30%) requirement shall have a minimum of three different exterior building treatments (other than block) such as: wood, brick, limestone, granite, other native stone, or tinted, textured concrete masonry units, or stucco. Any south facing façade, greater than one hundred (100) feet in linear length, located on Parcels A or B shall be articulated with recesses or projections, which total at least twenty-five percent (25%) of that façade. Recesses or projections shall be a minimum of two percent (2%) of the length of that façade. No uninterrupted length of any façade shall exceed seventy-five (75) horizontal feet.
• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All required improvements of the driveway permit shall be completed.
  b. Developer shall repair any damage to Hanes Mall Boulevard incurred during
     construction and install an ADA ramp and detectable dome mat at all public street
     intersections.
  c. Developer shall install common landscaping (with respect to plant type/species)
     throughout the entire development.
  d. Developer shall petition NCDOT to abandon the right-of-way over the temporary
     connection to Hanes Mall Boulevard at the eastern end of the site.
  e. Developer shall provide landscaping around any stormwater devices which are visible
     from Hanes Mall Boulevard.

• OTHER REQUIREMENTS:
  a. Any freestanding signage for outparcels C, D, E, and F shall be limited to one
     monument sign with a maximum height of six (6) feet and a maximum copy area of
     thirty-six (36) square feet. Freestanding signage for parcels A and B shall be limited
     to one sign for each parcel with a maximum height of fifteen (15) feet and a
     maximum copy area of seventy-five (75) square feet. Freestanding signage located
     on parcels A and B shall consist of no less than 75% brick or enhanced architectural
     materials (as determined by Planning staff) or a combination thereof.
  b. Developer shall install sidewalks on at least one side of all internal streets.
  c. On-site lighting shall be limited to the following: (1) maximum pole height of
     twenty-five (25) feet; (2) full cut-off fixtures; (3) any wallpacks or attached lighting
     shall be angled downward and away from Hanes Mall Boulevard; and (4) no more
     than 0.5 ft/candle along the right-of-way of Hanes Mall Boulevard. Decorative
     lighting (same style/fixtures) shall be installed throughout all parcels that front on
     Hanes Mall Boulevard.
  d. The exterior colors of all buildings constructed on the property shall primarily be
     earth tones (as determined by Planning Board during Final Development Plan
     review). Additional colors may be allowed as accent/secondary colors.
<table>
<thead>
<tr>
<th><strong>PETITION INFORMATION</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Docket #</strong></td>
</tr>
<tr>
<td><strong>Staff</strong></td>
</tr>
<tr>
<td><strong>Petitioner(s)</strong></td>
</tr>
<tr>
<td><strong>Owner(s)</strong></td>
</tr>
<tr>
<td><strong>Subject Property</strong></td>
</tr>
<tr>
<td><strong>Address</strong></td>
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<tr>
<td><strong>Type of Request</strong></td>
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<tr>
<td><strong>Proposal</strong></td>
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<td></td>
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<tr>
<td><strong>Neighborhood Contact/Meeting</strong></td>
</tr>
<tr>
<td><strong>Zoning District Purpose Statement</strong></td>
</tr>
</tbody>
</table>
The district would accommodate destination retail and service uses, characterized by either a larger single business use or the consolidation of numerous uses in a building or planned development, with consolidated access. This district is intended for application in GMAs (Growth Management Areas) 1 (City/Town Centers), 2 (Urban Neighborhoods), and 3 (Suburban Neighborhoods) and Metro Activity Centers.

<table>
<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</th>
<th>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, the site is already zoned GB-S and is located within the Suburban Neighborhoods GMA and fronts along a major thoroughfare. Development on any of the parcels of a single floor-plate building larger than 125,000 square feet would require MRB-S zoning.</td>
<td></td>
</tr>
</tbody>
</table>

**GENERAL SITE INFORMATION**

<table>
<thead>
<tr>
<th>Location</th>
<th>North side of Hanes Mall Boulevard, west of Westgate Center Drive, and east of I-40</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Southwest</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>+/-21.59 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The site has largely been graded but is currently undeveloped.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>RM18</td>
<td>US 421 and I-40 interchange</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>GB-S</td>
<td>Ashley Furniture</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>GB-S</td>
<td>Shoppes at Little Creek</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>GB-S</td>
<td>Undeveloped</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</th>
<th>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Yes, the proposed uses are compatible with the uses permitted on the adjacent properties which are also zoned GB-S.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Physical Characteristics</th>
<th>The undeveloped site has an overall moderate slope upward from Hanes Mall Boulevard to I-40.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water and sewer are available.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Stormwater/Drainage</th>
<th>A stormwater study will be required. The site plan illustrates a stormwater management facility located in the western portion of the site along Hanes Mall Boulevard between outparcels C and D and on the eastern portion of the site.</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>Watershed and Overlay Districts</th>
<th>The site is not located within a water supply watershed.</th>
</tr>
</thead>
</table>

<p>| Analysis of General Site Information | The site includes no regulatory floodplains, steep slopes, or watersheds. However, a high tension power line with a 128’ wide easement traverses the eastern portion of the site. An encroachment agreement signed by Duke Energy must be submitted with the Erosion and Sedimentation Control Plan. A stormwater study will be required. |</p>
<table>
<thead>
<tr>
<th>STREET NAME</th>
<th>CLASSIFICATION</th>
<th>FRONTAGE</th>
<th>ADT COUNT</th>
<th>CAPACITY/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hanes Mall Boulevard</td>
<td>Major Thoroughfare</td>
<td>+/- 1,920'</td>
<td>18,000</td>
<td>40,900</td>
</tr>
<tr>
<td>I-40</td>
<td>Freeway</td>
<td>+/- 1,490'</td>
<td>70,000</td>
<td>97,400</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
At the western portion of the site the proposed site plan includes a right-in, right-out and left-over access point onto Hanes Mall Boulevard across from Fox Trot Court. On the eastern end of the site a full access point is proposed at the existing signalized intersection of Hanes Mall Boulevard and Old English Court, which is a private street.

**Planned Road Improvements**
Hanes Mall Boulevard has been improved to a multilane, median divided facility with right deceleration lanes, left turn lanes, and sidewalks.

**Trip Generation - Existing/Proposed**
Existing Zoning: GB-S
261,359 sf / 1,000 x 42.94 (Shopping Center Trip Rate) = 11,223 Trips per Day

Proposed Zoning: GB-S Two Phase
Because the proposed Two Phase site plan does not include specific uses and building square footages, no trip generation numbers can be generated.

**Sidewalks**
Sidewalks are currently located along the entire Hanes Mall Boulevard frontage of the subject property. Staff recommends the provision of pedestrian connections from said sidewalk into the interior of the site and to the adjacent GB-S zoned sites to the east and west. Staff also recommends sidewalks along at least one side of all interior streets.

**Transit Connectivity**
Route 43 runs along Hanes Mall Boulevard.

**Traffic Impact Study (TIS)**
A Transportation Impact Study will be required prior to the issuance of a grading permit to determine if the existing lane configuration on the north side of the signalized intersection at Hanes Mall Boulevard and Old English Court needs to be modified.

**Analysis of Site Access and Transportation Information**
The site has almost 2,000 feet of frontage on Hanes Mall Boulevard. In 2006, improvements to this multilane, major thoroughfare (including replacement of the adjacent bridge over I-40) were completed. At that time, the two access points into the subject property were established. At the eastern end of the site, full signalized access is provided opposite of Old English Court. The existing temporary access which now serves the Ashley Furniture site would be removed and shared access would be provided at said signal. Upon submittal of a TIS at the Final Development Plan stage, the developer may be required to modify said existing signal. Right-in right-out and left-over access from Hanes Mall Boulevard will be provided at the western end of the site across from Fox Trot Court.
Cross access will also be required to the adjacent GB-S zoned site to the west. While specific trip generation numbers are not available at this time for this Two Phase request, an increase in traffic should be expected as compared with what is occurring now from this undeveloped site.

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>Growth Management Area 3- Suburban Neighborhoods</th>
</tr>
</thead>
</table>
| Relevant Legacy Recommendations | • Promote integrated development patterns and transportation networks that work together to support mixed-use, pedestrian-friendly communities and active modes of transportation. Land use and transportation decisions should be consistent and mutually reinforce each other.  
  • Require sufficient, but not excessive parking, while protecting adjacent land uses, surrounding neighborhoods and the environment. Provide incentives to reduce on-site parking, promote active forms of transportation, and minimize environmental impacts.  
  • Consider requiring new buildings to be oriented to both public and internal streets and parking areas located internally on the site or behind buildings.  
  • Promote a pedestrian-friendly orientation for new development and redevelopment and reduce the visual dominance of parking areas. |
| Relevant Area Plan(s) | **Southwest Suburban Area Plan (2009)** |
| Area Plan Recommendations | • The **Southwest Suburban Area Plan** recommends the subject property for mixed-use development.  
  • This area (The Hanes Mall Retail/Residential Mixed-Use Area) is proposed for a mix of multifamily use and retail uses. This area currently consists primarily of big-box commercial development, strip centers and outparcel development and contains a large amount of surface parking. As development pressures mount in future decades, these surface parking lots could be redeveloped as vertically-oriented, mixed-use developments incorporating multifamily residential and structured parking. Redevelopment here should incorporate pedestrian-scaled architectural detailing such as awnings and allow for visual connections between the inside and outside of buildings. |
| Addressing | The street name Old English Court is required to extend across Hanes Mall Boulevard into this development. Two additional street names are required for this development |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R) | (R)(3) - Have changing conditions substantially affected the area in the petition?  
See comments below.  
(R)(4) - Is the requested action in conformance with Legacy?  
Yes |
The proposed GB-S to GB-S Two Phase request would enable the property owners to market the site with a different site configuration. The zoning for the subject property was last amended in 1999 and several conditions have changed since that time. These include site access, tree planting, stormwater requirements, and a revised site layout based upon more recent developer needs.

The approved plan was for a 261,359 sf shopping center. The proposed development concept may or may not end up meeting the specific UDO definition of a Shopping Center. Therefore, the petitioners are requesting various individual uses, in addition to the use of Shopping Center, for more flexibility.

The *Southwest Suburban Area Plan* identifies the site as being within the Hanes Mall Retail/Residential Mixed-Use Area. Recommendations include the incorporation of pedestrian-scaled architectural detailing such as awnings and allow for visual connections between the inside and outside of buildings. These recommendations are similar to the façade and building material requirements for Large Scale Retail Developments which are applicable whenever a single tenant would exceed 75,000 sf. These requirements also include landscaping and lighting and may or may not be triggered based on Final Development Plan review.

Also, since the subject property was last reviewed, the 32.6 acre Shoppes at Little Creek project, located directly across Hanes Mall Boulevard, has developed into a mixed use “Lifestyle Center” with a four story residential building containing 197 units currently under construction. This concept included an internal boulevard (Creekside Way) as the “main street” with on-street parking, sidewalks, large variety street trees, and building placement requirements.

As part of staff’s review of this request, an acknowledgement must be given to the changing conditions along this section of Hanes Mall Boulevard. Given that 197 residential units are currently under construction across Hanes Mall Boulevard from the subject property, staff is concerned about potential impacts to the residential units.

One of the concerns is lighting. The Shoppes at Little Creek Development (where the residential units are located) has incorporated decorative, pedestrian scale lighting which minimizes impacts onto the multifamily building. Even though the subject property is located across Hanes Mall Boulevard, it will still be highly visible to the residential units. The developer has volunteered a lighting condition language that addresses: pole height, fixture type, and foot/candles measured along Hanes Mall Boulevard.
Having attractive and compatible building design and materials is another concern that should be addressed. Because there are no building designs or elevations included with this request, it is somewhat hard to determine how development on-site will function. Staff recommends some very basic design oriented conditions for buildings to be constructed. Said conditions could address items such as building materials, exterior colors, and building appearance along Hanes Mall Boulevard. Staff does not believe that a blank metal sided building wall facing Hanes Mall Boulevard is consistent with the existing development in the area. The developer has volunteered conditions which address this concern.

A third area of concern is the need for common landscaping. The original plan was for a shopping center form of development which would have common design features such as landscaping. With the new proposal with individual lots, it will be important to have a consistent landscaping approach to all parcels and the connecting drives and streets. The developer has also volunteered a condition which addresses landscaping.

Staff is supportive of the developer’s request to transition to a Two-Phase zoning, which provides more flexibility. Given that Hanes Mall Boulevard is a regional commercial center, staff’s only concern is that development of this site serves as a compliment to what has already been built.

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
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<tbody>
<tr>
<td>W-3143</td>
<td>GB-S Site Plan Amendment</td>
<td>Approved 6-4-12</td>
<td>Directly south</td>
<td>2.75</td>
<td>Denial</td>
</tr>
<tr>
<td>W-3107</td>
<td>GB-S to GB-S</td>
<td>Approved 8-15-11</td>
<td>Directly west</td>
<td>2.16</td>
<td>Approval</td>
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<tr>
<td>W-2846</td>
<td>GB-S to GB-S</td>
<td>Approved 5-1-06</td>
<td>Directly east</td>
<td>3.45</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2351</td>
<td>GB-S Site Plan Amendment</td>
<td>Approved 12-6-99</td>
<td>Current site</td>
<td>25.84</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2256</td>
<td>RM18 &amp; GB-S to GB-S</td>
<td>Approved 10-5-98</td>
<td>Current site</td>
<td>25.84</td>
<td>Approval</td>
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### Relevant Zoning Histories

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### Site Plan Compliance with UDO Requirements

- Chapter B, Article II, Section 2-1.3 (J) General Business district
- Chapter B, Article II, Section 2-5 Various Use Conditions
- Chapter B, Article II, Section 2-1.6 B Thoroughfare Overlay District
- Chapter B, Article III, Section 3-12 Large Scale Retail Developments (if applicable)
<table>
<thead>
<tr>
<th>Compiles with Chapter B, Article VII, Section 7-5.3</th>
<th>(A) Legacy policies: Yes</th>
</tr>
</thead>
<tbody>
<tr>
<td>(B) Environmental Ord. NA</td>
<td></td>
</tr>
<tr>
<td>(C) Subdivision Regulations Yes</td>
<td></td>
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</tbody>
</table>

| Analysis of Site Plan Compliance with UDO Requirements | The proposed site plan is a Two Phase site plan which illustrates access points, internal circulation, external connections, and lotting arrangements. The site is divided into six parcels ranging in size from .5 acres to 9.6 acres. The site plan does not include specific building placements which would be determined at the Final Development Plan stage. Tree planting and stormwater requirements will be addressed at the Final Development Plan stage along with a Transportation Impact Study. The site plan meets the requirements of the UDO. |

<table>
<thead>
<tr>
<th>CONCLUSIONS TO ASSIST WITH RECOMMENDATION</th>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The site is already zoned GB-S.</td>
<td></td>
<td>Once developed, the request would result in an increase in traffic volume.</td>
</tr>
<tr>
<td>The site is located along a major thoroughfare adjacent to other GB-S zoned sites.</td>
<td></td>
<td></td>
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<td>The site will provide cross access to the adjoining GB-S zoned sites.</td>
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<th>SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL</th>
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<td>The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.</td>
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- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain Final Development Plan approval.
  b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.
  c. Developer shall submit an encroachment agreement with Duke Energy.
  d. Developer shall submit a Transportation Impact Study to the Public Works Department of the City of Winston-Salem.
  e. Developer shall obtain a driveway permit from NCDOT and the City of Winston-Salem Public Works Department. Improvements shall include:
     - Possible modifications to the traffic signal at the intersection of Hanes Mall Boulevard and Old English Court as per the findings of the TIS.
     - Cross-access to the commercial development to the east.
     - Negative access along the remaining frontage of Hanes Mall Boulevard.
     - Coordinate with WSTA to provide transit accommodations along the frontage of Hanes Mall Boulevard.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. Developer shall obtain Final Development Plan approval.
  b. Developer shall record a final plat in the office of the Register of Deeds showing
     access, utility and negative access easements, and cross access easements to
     the adjacent PINs 6804-76-0458 and 6804-86-8504.
  c. The exterior walls of any buildings constructed on the property south of the
     east/west access drive as shown on the site plan must have: (1) a combined
     minimum of 50% brick or enhanced architectural materials (as determined by the
     Planning Board during Final Development Plan review) or a combination thereof;
     and (2) either their front door/ façade oriented toward Hanes Mall Boulevard or have
     the building designed to have a rear façade facing Hanes Mall Boulevard that
     contains doors and windows and gives the reasonable appearance of a front building
     façade.
  d. Any building constructed on Parcels A or B as shown on the site plan shall have a
     minimum thirty percent (30%) enhanced architectural materials other than block (as
     determined by the Planning Board during Final Development Plan review) for the
     south elevations. The thirty percent (30%) requirement shall have a minimum of
     three different exterior building treatments (other than block) such as: wood, brick,
     limestone, granite, other native stone, or tinted, textured concrete masonry units, or
     stucco. Any south facing façade, greater than one hundred (100) feet in linear
     length, located on Parcels A or B shall be articulated with recesses or projections,
     which total at least twenty-five percent (25%) of that façade. Recesses or
     projections shall be a minimum of two percent (2%) of the length of that façade. No
     uninterrupted length of any façade shall exceed seventy-five (75) horizontal feet.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All required improvements of the driveway permit shall be completed.
  b. Developer shall repair any damage to Hanes Mall Boulevard incurred during
     construction and install an ADA ramp and detectable dome mat at all public street
     intersections.
  c. Developer shall install common landscaping (with respect to plant type/species)
     throughout the entire development.
  d. Developer shall petition NCDOT to abandon the right-of-way over the temporary
     connection to Hanes Mall Boulevard at the eastern end of the site.
  e. Developer shall provide landscaping around any stormwater devices which are
     visible from Hanes Mall Boulevard.

• OTHER REQUIREMENTS:
  a. Any freestanding signage for outparcels C, D, E, and F shall be limited to one
     monument sign with a maximum height of six (6) feet and a maximum copy area of
     thirty-six (36) square feet. Freestanding signage for parcels A and B shall be
     limited to one sign for each parcel with a maximum height of fifteen (15) feet and
     a maximum copy area of seventy-five (75) square feet. Freestanding signage
     located on parcels A and B shall consist of no less than 75% brick or enhanced
     architectural materials (as determined by Planning staff) or a combination thereof.
b. Developer shall install sidewalks on at least one side of all internal streets.

c. On-site lighting shall be limited to the following: (1) maximum pole height of twenty-five (25) feet; (2) full cut-off fixtures; (3) any wallpacks or attached lighting shall be angled downward and away from Hanes Mall Boulevard; and (4) no more than 0.5 ft/candle along the right-of-way of Hanes Mall Boulevard. Decorative lighting (same style/fixtures) shall be installed throughout all parcels that front on Hanes Mall Boulevard.

d. The exterior colors of all buildings constructed on the property shall primarily be earth tones (as determined by Planning Board during Final Development Plan review). Additional colors may be allowed as accent/secondary colors.

STAFF RECOMMENDATION: Approval

NOTE: These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.
PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning petition and certified that the site plan (including revised staff recommended conditions) meets all code requirements if the petition is approved.
SECOND: Clarence Lambe
VOTE:

FOR: Arnold King, Clarence Lambe, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
AGAINST: None
EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3204

PRELIMINARY COMMENTS AND/OR RECOMMENDED CONDITIONS
Note: City-County Planning staff is responsible for coordinating the Interdepartmental Review of Special Use Rezoning Requests; please contact the appropriate Department at the phone # indicated below if you have any questions about the comments or recommendations lists. Further, please note that additional information may be forthcoming from Departments that indicate "See Emailed Comments" or other similar phrase. A list of recommended conditions from this Interdepartmental Review will be sent to you via e-mail generally by the end of the business day on Friday the week prior to the Planning Board Public Hearing.

PROJECT TITLE: Hanes Mall Boulevard DATE: September 25, 2013

PROJECT DESCRIPTION: North side of Hanes Mall Boulevard, west of Westgate Center Drive, and east of I-40

NCDOT- Phone # - 336.747.7900 Email: skjones@ncdot.gov
Contact JP Couch (336-747-7800) to discuss items that are left to be completed for the signal

Obtain driveway permit

[Signature]

WSDOT- Phone # - 336.747.6872 Email: conniec@cityofws.org
Prior to the issuance of a grading permit for this site, update the TIS to determine if the existing lane configuration on the north side of the signalized intersection needs to be modified. Close the old temporary connection on the west end of the proposed development. Petition to abandon the right-of-way over the temporary connection. Provide both vehicular and pedestrian cross-access to the Ashley Furniture site. The cross-access as show will not be functional. Realign from the proposed plan to better connect to the Ashley site. Provide a stub for cross-access to the parcel to the west as shown. Provide pedestrian connections from the sidewalk on Hanes Mall Blvd. to the interior of the site. Negative access along Hanes Mall Blvd. and the drive aisles into the site (no access for the outparcels along the aisles). WSTA Route 43 (Circulator) runs westbound on Hanes Mall Blvd. Provide transit accommodations. Coordinate with Kaori Fujisawa (747-6882; kaorif@cityofws.org) and WSTA for transit improvements for specific improvements.

[Signature]

City Engineer- Phone # - 336.747.6846 Email: albertcg@cityofws.org
Install an 8” concrete strip at both proposed entrances at the Property Line. Remove the drive pavement on the east near KG NC Holdings. Driveway permits are required. All private road design shall be reviewed by Engineering Div. per City standards. Provide a NAE along Hanes Mall Blvd (less two accesses shown).

[Signature]

Inspections (Zoning)- Phone # - 336.727.2626 Email: jeffv@cityofws.org
Final development plan shall be approved prior to the issuance of any building permits. Tree save required prior to the issuance of any grading permits. Signs? Remove Storage Services, Retail (F) from list of proposed uses. Note 5: Remove “minimize blocking parking/drive aisles if deliveries are during store hours”

[Signature]
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE

Project Case Number: W-3204

Erosion Control - Phone # - 336.747.7483 Email: matthewo@cityofws.org
An Environmental Grading and Erosion Control permit will be required if more than 10,000 sq. ft. of area is disturbed during construction. An Erosion and Sedimentation Control Plan should be submitted for review at least 30 days prior to the intended start date of construction. There is a Duke Power Right-of-Way through the parcel. An encroachment agreement signed by Duke Power must be submitted with the Erosion and Sedimentation Control Plan.

Signature

Stormwater Division - Phone # - 336.747.6961 Email: josephf@cityofws.org
Stormwater Study Required

Signature

Fire (City) - Phone # - 336. 734.1290 Email: douglasc@cityofwsfire.org
Need hydrant location

Signature

Utilities - Phone # - 336.747.7499 Email: mikep@cityofws.org
Show how you plan to provide sewer to the parcels. Water lines will be required to be looped for water quality issues.

Signature

Sanitation - Phone # - 336.748.3080 Email: randallb@cityofws.org
No comments at this time

Signature

Planning - Phone # - 336.747.7043/747.7068 Email: aaronk@cityofws.org
Condition to provide landscaping around proposed stormwater devices visible from Hanes Mall Blvd; condition for ROW abandonment; east/west access drive needs to connect to Ashley Furniture and provide a reasonable location point for the English property to the west- condition for access easements to both sites; condition for sidewalks along at least one side of all internal access drives; condition for common landscaping throughout the development; sign condition- 6’/36sf per parcel; staff recommends removing the uses warehousing and storage services, retail.

Signature

Street Names/Addresses -336.747.7048 Email: benfs@cityofws.org
The street name Old English Ct is required to extend across Hanes Mall Blvd into this development. 2 additional street names are required for this development.

Signature
SERVICES, A. An establishment primarily engaged in providing a service(s) to business and individuals. All merchandise and rental equipment is stored inside enclosed buildings. Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

7212 Garment Pressing and Agents for Laundries and Drycleaners
7215 Coin-Operated Laundries and Cleaning
7216 Drycleaning Plants, Except Rug
7217 Carpet and Upholstery Cleaning
722  Photographic Studios, Portrait
723  Beauty Shops
724  Barber Shops
725  Shoe Repair and Shoeshine Parlors
729  Miscellaneous Personal Services
733  Mailing, Reproduction, Commercial Art and Photography
735  Equipment Rental and Leasing (only with inside storage of equipment)
737  Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
738  Miscellaneous Business Services (includes Sweepstakes operations)
762  Electrical Repair Shops
763  Watch, Clock, and Jewelry Repair
764  Reupholstery and Furniture Repair
7699 Uses from SIC 7699 primarily engaged in providing repair and other services to business and individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.
W-3204 ATTACHMENT B
USES ALLOWED UNDER PROPOSED “SERVICES, B”

SERVICES, B. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. Services B includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

721   Laundry, Cleaning, and Garment Services Except those listed under Services A
7312  Outdoor Advertising Services
734   Services to Dwellings and Other Buildings
735   Equipment Rental and Leasing (with outside storage of equipment)
7623  Refrigeration Service and Repair
7692  Welding Repair
7694  Armature Rewinding Shops
7699  Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith or gunsmith shops, and septic tank or sewer cleaning services, but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.
The proposed zoning map amendment from GB-S (General Business - special use) to GB-S (General Business - special use two phase) with its added conditions is generally consistent with the Legacy Comprehensive Plan and the Southwest Suburban Area Plan and is thus reasonable and in the public interest because:

1. The site is already zoned GB-S.

2. The site is located along a major thoroughfare adjacent to other GB-S zoned sites; and

3. The site will provide cross access to the adjoining GB-S zoned sites.
DENIAL
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3204
(PAVILION CAPITAL LLC)

Although the proposed zoning map amendment from GB-S (General Business - special use) to GB-S (General Business - special use two phase) with its added conditions is generally consistent with the Legacy Comprehensive Plan and the Southwest Suburban Area Plan, denial of the request is thus reasonable and in the public interest because the request will result in an increase in traffic volume.