DOCKET #: W3116
(continued from 10/13/11)

PROPOSED ZONING: GB-S (TWO PHASE)

EXISTING ZONING: RS9

PETITIONER:
Estie M. Charles Trust for property owned by Estie M. Charles Trust; Robert and Treva Boyles; and NC Department of Transportation

SCALE: 1" represents 400'
STAFF: Roberts
GMA: 3
ACRES: 16.91
NEAREST BLDG: 125' north
MAP(S): 666846, 672846
November 23, 2011

Estie M Charles Trust; Robert and Treva Boyles; and NC Department of Transportation
c/o Doug Stimmel
601 N. Trade Street, Suite 200
Winston-Salem, NC  27101

Re:  Zoning Map Amendment W-3116

Dear Mr. Stimmel:

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,

A. Paul Norby, FAICP
Director of Planning

pc:  City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC  27102
Ernie Riemer, 1540 Silas Creek Parkway, Winston-Salem, NC  27127
Jane Angell, 1010 Solomon Drive, Kernersville, NC  27284
Mark Carter, 1022 Solomon Drive, Kernersville, NC  27284
David King, 1095 Solomon Drive, Kernersville, NC  27284
John Beeson, 503 High Street, Winston-Salem, NC  27101
ACTION REQUEST FORM

DATE: November 23, 2011
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Estie M Charles Trust; Robert and Treva Boyles; and NC Department of Transportation

SUMMARY OF INFORMATION:

Zoning map amendment of Estie M Charles Trust; Robert and Treva Boyles; and NC Department of Transportation from RS9 to GB-T [Academic Biomedical Research Facility; Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Building Materials Supply; Car Wash; Child Care Institution; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Convenience Store; Food or Drug Store; Fuel Dealer; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Hotel or Motel; Institutional Vocational Training Facility; Kennel, Indoor; Library, Public; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motorcycle Dealer; Museum or Art Gallery; Non-Store Retailer; Nursery, Lawn and Garden Supply Store, Retail; Nursing Care Institution; Offices; Outdoor Display Retail; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Residential Building, Multifamily; Residential Building, Townhouse; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; School, Private; School, Public; School, Vocational or Professional; Services, A; Services, B; Shopping Center; Storage Services, Retail; Swimming Pool, Private; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Utilities; Veterinary Services; and Wholesale Trade A - TWO PHASE]: property is located on the northwest corner of I-40 and Union Cross Road, south of Solomon Drive (Zoning Docket W-3116).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: WESLEY CURTIS, CLARENCE LAMBE, PAUL MULLICAN, BRENDA SMITH, ALLAN YOUNGER
AGAINST: BARRY LYONS, LYNNE MITCHELL
EXCUSED: ARNOLD KING
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Estie M Charles Trust; Robert and Treva Boyles; and NC Department of Transportation, Docket W-3116

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 RS9 to GB-S [Academic Biomedical Research Facility; Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Building Materials Supply; Car Wash; Child Care Institution; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Convenience Store; Food or Drug Store; Fuel Dealer; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Hotel or Motel; Institutional Vocational Training Facility; Kennel, Indoor; Library, Public; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motorcycle Dealer; Museum or Art Gallery; Non-Store Retailer; Nursery, Lawn and Garden Supply Store, Retail; Nursing Care Institution; Offices; Outdoor Display Retail; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Residential Building, Multifamily; Residential Building, Townhouse; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; School, Private; School, Public; School, Vocational or Professional; Services, A; Services, B; Shopping Center; Storage Services, Retail; Swimming
Pool, Private; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Utilities; Veterinary Services; and Wholesale Trade A - TWO PHASE] the zoning classification of the following described property:

PIN #6874-18-8781, 6874-29-3169, and a portion of 6874-19-9320 as described below:

BEGINNING at an existing 5/8” N.C.D.O.T. Nail at the intersection of the , southern right of way of Solomon Drive and the western right of way of Union Cross Road, said nail having N.C. Grid Coordinates (NAD 83 (NSRS2007)) of North: 849,491.35 and East: 1,672,588.33, said nail being on the eastern line of Tax Block 5632, Lots 101 & 105 (Robert & Treva Boyles, Deed Book 2823, Page 2241), the herein described tract; thence along the said western right of way of Union Cross Road along a curve to the left having a Radius of 2,100.00 feet a Chord Bearing and Distance of South 32°04'15” West, 222.03 feet to an existing 7/8” Iron, said iron being the northeast corner of Tax Block 5632, Lot 102B (N.C.D.O.T., Deed Book 2944, Page 661); thence along the adjoining lines of said Lot 101 & 102B the following two (2) courses and distances; 1) North 65°54'09” West, 120.61 feet to a 1/2” Iron; thence 2) South 18°05’51” West, 328.06 feet to a 1” Bent Iron, said iron being the southwest corner of said Lot 102B and on the northern line of Tax Block 5632, Lot 017H (Estie M. Charles Trustee, Deed Book 1000, Page 359); thence along the southern line of Lot 101 and the northern line of Lot 017H, North 86°10’59” West, 71.05 feet to an existing Bent 1” Iron, the northeast corner of said Lot 105 and the northwest corner of said Lot 017H; thence South 24°53’30” West, 185.20 feet to an existing right of way monument on the northern right of way of Pecan Lane, said point also being the southwest corner of said Lot 017H; thence with the northern right of way of Pecan Lane the following four (4) courses and distances, 1) South 21°41’05” West, passing through a 1” Iron at 2.99 feet a total distance of 7.58 feet to a 7/8” iron placed; thence 2) with a curve to the left having a Radius of 545.00 feet and a chord bearing and distance of North 87°41’46” West, 86.56 feet to a 7/8” iron placed; thence 3) South 87°24’56” West, 96.91 feet to a 7/8” iron placed; thence 4) South 89°19’34” West, 329.05 feet to a non-monumented point, the western line of a proposed re-zoning line; thence leaving the northern right of way of Pecan Lane along the western line of said re-zoning line, North 24°53’11” East, 893.81 feet to a non-monumented point on the southern right of way of Solomon Lane, said point being on the northern boundary line said Lot 101; thence with the southern right of way of Solomon Lane the following three (3) courses and distances; 1) South 86°30’57” East 284.20 feet to an existing 5/8” N.C.D.O.T. Nail; thence 2) along a curve to the left having a Radius of 700.00 feet and a chord bearing and distance of South 73°08’41” East, 324.50 feet to an existing 5/8” N.C.D.O.T. Nail; thence 3) South 17°42’20” East passing through an existing 5/8” Iron at 38.34 feet a total distance of 77.31 feet to the point and place of BEGINNING and containing 10.603 Acres more or less as shown on an unrecorded survey by Brady Surveying Company having a Job# of 11047 dated August 22, 2011.

Section 2. This Ordinance is adopted after approval of the site plan entitled Colliers
Union-Cross Road and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20___ to Estie M Charles Trust;
Robert and Treva Boyles; and NC Department of Transportation.
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 Colliers Union-Cross Road. 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 City Council
of the City of Winston-Salem

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 Estie M Charles Trust, Robert and Treva Boyles; and NC Department of Transportation, (Zoning Docket W-3116). 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 | Academic Biomedical Research Facility; Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Building Materials Supply; Car Wash; Child Care Institution; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Convenience Store; Food or Drug Store; Fuel Dealer; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Hotel or Motel; Institutional Vocational Training Facility; Kennel, Indoor; Library, Public; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motorcycle Dealer; Museum or Art Gallery; Non-Store Retailer; Nursery, Lawn and Garden Supply Store, Retail; Nursing Care Institution; Offices; Outdoor Display Retail; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Residential Building, Multifamily; Residential Building, Townhouse; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; School, Private; School, Public; School, Vocational or Professional; Services, A: Services, B; Shopping Center; Storage Services, Retail; Swimming Pool, Private; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Utilities; Veterinary Services; and
Wholesale Trade A - 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 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. Developer shall obtain a driveway permit from WSDOT. Improvements shall
     include: Southbound right turn lane on Union Cross Road (this will not be
     required until Final Development Plan approval within the TWO PHASE area).
  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 flag the tree save areas in the field.
  d. Developer shall petition and have closed the portion of Pecan Lane as shown on
     the site plan.

- **PRIOR TO THE SIGNING OF PLATS:**
  a. Covenants relating to stormwater must be approved by the City of Winston-Salem
     Stormwater Division and shall be recorded in the office of the Register of Deeds.
  b. Developer shall record a blanket cross access agreement granting access to all
     current and future parcels within the subject property.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Developer shall record a plat in the office of the Register of Deeds. The plat shall
     include: a negative access easement across the frontage of Union Cross Road;
     right-of-way dedication for the extension of Pecan Lane.
  b. Should NCDOT widening of Union Cross Road not be let prior to the issuance of
     any Certificate of Occupancy, the developer will be responsible for improvements
     and signalization of Solomon Drive and Union Cross Road.
  c. An engineered lighting plan shall be submitted to Inspections for the proposed
     lighting demonstrating the use of full-cut off fixtures, light height of 25' or less
     and no more than 0.5 foot-candles at the north and west property line of the
     rezoning site.
  d. Building elevations for the convenience store shall be approved by Planning staff
     as volunteered by the petitioner.
  e. As volunteered by the petitioner, building elevations for the restaurant on lot four
     (4) shall include a minimum of two (2) awnings on the westernmost side of the
     building, as approved by Planning staff.
f. As volunteered by the petitioner, the car wash proposed on lot one (1) shall have a garage door on the exit of the car wash.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All requirements of the City of Winston-Salem driveway permit shall be completed.
  b. Repair any damage to Pecan Lane and Solomon Drive from construction.
  c. Large variety street trees along Pecan Lane shall be of the same species.
  d. Lighting shall be installed per approved lighting plan and certified by an engineer.

• OTHER REQUIREMENTS:
  a. The TIA must be updated prior to approval of any Final Development Plans within the TWO PHASE area.
  b. The TWO PHASE portion of the site shall include an east/west vehicular connection from Pecan Lane.
  c. Each lot shall be limited to one freestanding monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
  d. The Second Phase of this development shall be restricted to residential and office uses only.
  e. As volunteered by the petitioner, the garage door provided at the exit of the car wash shall remain closed except when cars are exiting.
# PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3116</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Estie M Charles Trust</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Estie M Charles Trust; Robert and Treva Boyles; and NC Department of Transportation</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #6874-18-8781, 6874-29-3169, and a portion of 6874-19-9320</td>
</tr>
<tr>
<td>Address</td>
<td>1698 Pecan Lane and 1510 Union Cross Road</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use rezoning from RS9 to GB-S TWO PHASE</td>
</tr>
</tbody>
</table>
| Proposal | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS9 (Residential, Single Family; 9,000 sf minimum lot size) to GB-S TWO PHASE (General Business District). The petitioner is requesting the following uses:  
- [Academic Biomedical Research Facility; Academic Medical Center; Access Easement, Private Off-Site; Adult Day Care Center; Arts and Crafts Studio; Banking and Financial Services; Bed and Breakfast; Building Contractors, General; Building Materials Supply; Car Wash; Child Care Institution; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Community; Church or Religious Institution, Neighborhood; Club or Lodge; Convenience Store; Food or Drug Store; Fuel Dealer; Funeral Home; Furniture and Home Furnishings Store; Government Offices, Neighborhood Organization, or Post Office; Hotel or Motel; Institutional Vocational Training Facility; Kennel, Indoor; Library, Public; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Rental and Leasing; Motor Vehicle, Repair and Maintenance; Motorcycle Dealer; Museum or Art Gallery; Non-Store Retailer; Nursery, Lawn and Garden Supply Store, Retail; Nursing Care Institution; Offices; Outdoor Display Retail; Park and Shuttle Lot; Police or Fire Station; Recreation Facility, Public; Recreation Services, Indoor; Recreation Services, Outdoor; Residential Building, Multifamily; Residential Building, Townhouse; Restaurant (with drive-through service); Restaurant (without drive-through service); Retail Store; School, Private ; School, Public; School, Vocational or Professional; Services, A; Services, B; Shopping Center; Storage Services, Retail; Swimming Pool, Private; Terminal, Bus or Taxi; Testing and Research Lab; Theater, Indoor; Utilities; Veterinary Services; and Wholesale Trade A - TWO PHASE] |

## Continuance History

The request was continued from the October 13, 2011 Planning Board meeting to the November 10, Planning Board meeting.

## Neighborhood Contact/Meeting

According to an email received from the petitioner’s site plan preparer: “Stimmel Associates facilitated a ‘drop-in-session’ for the neighbors on September 7, 2011 at R. B. Glenn High School. A total of 361 invitations were sent and approximately 150 people attended, representing fifty-seven (57) households. Many of the neighbors expressed support of the
Twenty-one (21) households signed a petition in favor of the rezoning. The majority of concerns expressed were related to traffic and impacts to the area due to the Union Cross Road improvements. Miscellaneous concerns were expressed by others.”

| Zoning District Purpose Statement | The GB District is primarily intended to accommodate a wide range of retail, service, and office uses located along thoroughfares in areas which have developed with minimal front setbacks. However, the district is not intended to encourage or accommodate strip commercial development. 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 (Center Cities), 2 (Urban Neighborhoods), 3 (Suburban Neighborhoods) and Metro Activity Centers. |

**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)**

| (R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? | The request is consistent with the GB purpose statement in that it would accommodate destination retail and service uses within a planned development which has consolidated access. |

| GENERAL SITE INFORMATION |
| Location | Northwest corner of I-40 and Union Cross Road, south of Solomon Drive |
| Jurisdiction | Winston-Salem |
| Ward(s) | East |
| Site Acreage | ± 16.91 acres |
| Current Land Use | The site is undeveloped with the exception of one remaining accessory structure. |

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
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<tbody>
<tr>
<td>North</td>
<td>RS9</td>
<td>Single family homes</td>
<td></td>
</tr>
<tr>
<td>East</td>
<td>MU-S &amp; NSB-S</td>
<td>Union Cross Station Shopping Center</td>
<td></td>
</tr>
<tr>
<td>South</td>
<td>RS9 and HB-S</td>
<td>I-40 and undeveloped property</td>
<td></td>
</tr>
<tr>
<td>West</td>
<td>RS9</td>
<td>Undeveloped property and single family homes</td>
<td></td>
</tr>
</tbody>
</table>

| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R) | (R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity? | The proposed commercial uses are compatible with the existing commercial uses located across Union Cross Road. The uses are not typically compatible with the single family residential uses located across Solomon Drive. |

| Physical Characteristics | The site is predominantly cleared and has a moderate slope downward toward the southwest. No streams or wetlands are located on the site. |
| Proximity to Water and Sewer | Public water and sewer are available to the site. |
Stormwater/Drainage
The site plan illustrates an off-site stormwater management facility located to the west. A stormwater study will be required.

Watershed and Overlay Districts
The site is not located within a water supply watershed.

Analysis of General Site Information
The site has no apparent constraints and appears to be suitable for development within the proposed GB-S District.

<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>Union Cross Road</td>
<td>Major Thoroughfare</td>
<td>950'</td>
<td>15,000</td>
<td>11,100</td>
</tr>
<tr>
<td>Solomon Drive</td>
<td>Collector Street</td>
<td>606'</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Pecan Lane</td>
<td>Local Street</td>
<td>789'</td>
<td>1,300</td>
<td>NA</td>
</tr>
</tbody>
</table>

Proposed Access Point(s)
The proposed site plan includes multiple access points onto a proposed realignment of Pecan Lane. Lot One also proposes a right-in/right-out driveway onto Solomon Road.

Planned Road Improvements
NCDOT Transportation Improvement Project (TIP) U-4909 spans a 3.6 mile section of Union Cross Road between Sedge Garden Road to the north and Wallburg Road to the south. It involves widening Union Cross Road to a six lane, median divided facility with additional turn lanes as required at intersections. The interchange of I-40 and Union Cross Road will be converted to a diverging diamond interchange. According to NCDOT, this project is funded and will be let in December 2011.

The subject request involves a 1,121’ extension of Pecan Lane which would intersect with Solomon Drive just west of Union Cross Road.

Trip Generation - Existing/Proposed
Existing Zoning: RS9
16.91 acres / 9,000sf = 81 units x 9.57 (SFR Trip Rate) = 775 Trips per Day

Proposed Zoning: GB-S TWO PHASE
Estimated trip generation is for the First Phase only and incorporates reductions for pass-by trips. Hotel (80 rooms) = 654 trips + Restaurant (8,960 sf) = 649 trips + Pharmacy w/ drive through (14,000 sf) = 629 trips + Coffee/Donut Shop (1,800 sf) = 1,473 trips + Convenience Store w/ 16 pumps = 2,952 trips = 6,357 Total daily trips.
Source: Traffic Impact Analysis submitted with the subject request.

Sidewalks
Sidewalks are shown on the site plan along Union Cross Road as part of the forthcoming widening as per TIP U-4909. The subject request proposes additional sidewalks along the southern side of Solomon Drive and along both sides of the realigned Pecan Lane.

Transit
Route 29 runs along High Point Road and Kernersville Road approximately 4 miles to the west.
| Connectivity | Staff supports the proposed realignment and extension of Pecan Lane, northward to connect to Solomon Drive. Staff recommends a mid block, east-west street extending from the west side of said proposed Pecan Lane through the TWO PHASE portion of the site. This street could either be a public street or a public access easement. |
| Traffic Impact Analysis (TIA) | The Traffic Impact Analysis (TIA) recommends the following improvements to accommodate the increased traffic volumes: signalization of Union Cross Road at Solomon Drive; provision of an eastbound left turn lane with 100' of storage on Solomon Drive at Union Cross Road; provision of a westbound turn lane on Solomon Drive at proposed Pecan Lane extension with 250’ of storage and appropriate taper; and provision of a southbound right turn lane on Union Cross Road with 125’ of storage. These improvements, with the exception of the southbound right turn lane on Union Cross Road which would need to be added by the developer, are included within the above mentioned TIP Project U-4909 and will result in acceptable levels of service along Union Cross Road. The TIA will need to be updated prior to site plan approval of any development within the TWO PHASE area. |
| Analysis of Site Access and Transportation Information | The subject property is located on the west side of Union Cross Road between I-40 and Solomon Drive. The properties within the site will be accessed from a new north-south extension of Pecan Lane which will intersect with Solomon Drive approximately 360’ west of its intersection with Union Cross Road. No access will be provided directly onto Union Cross Road. The scheduled improvements associated with TIP Project U-4909 along with said future right turn lane on Union Cross Road, will result in acceptable levels of service. |

### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**  
Growth Management Area 3 – Suburban Neighborhoods

**Relevant Legacy Recommendations**
- Promote land use patterns and transit-oriented design standards that support public transit, walking and bicycling and reduce the number and length of automobile trips.
- Encourage compact, pedestrian-oriented neighborhoods that contain a mixture of residential and commercial buildings, public spaces and amenities, and offer a variety of transportation options.
- Apply traditional neighborhood design principles and standards to existing neighborhoods and neighborhood commercial areas.

**Relevant Area Plan(s)**
*Union Cross/Southeast Forsyth County Area Plan, UCSFCAP (adopted by City Council in 2004)*

**Area Plan Recommendations**
- Recommends Traditional Neighborhood Development (TND) for the subject property. This type development mixes residential and commercial buildings, public spaces and amenities and institutional uses in a compact, pedestrian-oriented arrangement designed to lessen the need for a total reliance on the automobile and to generate a sense of community.
- Recommends considering the three major components: residential development, neighborhood-serving commercial development and the layout of the street system to blend various uses in a compact form.

**Comments from**
According to an email from Kernersville Planning Director, Jeff Hatling:
<table>
<thead>
<tr>
<th><strong>the Town of Kernersville</strong></th>
<th>“The Kernersville staff went through a extensive planning, design and rezoning process for a TND across the street (zoned MU-S) with the understanding the City of Winston-Salem plan called for a similar project or projects to implement the adopted TND plans.”</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Addressing</strong></td>
<td>Based on the access to these buildings as shown on the site plan, they will be assigned addresses on Pecan Lane. The corner lot may be assigned a Solomon Drive address.</td>
</tr>
</tbody>
</table>
| **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?**<br>Yes, significant industrial and commercial development has been approved in the general area since 2004. Much of the commercial, as noted below, has yet to be developed. Also, the proposed widening of Union Cross Road significantly changes the character of the area.  

**(R)(4) - Is the requested action in conformance with Legacy?**<br>See comments below. |
| **Analysis of Conformity to Plans and Planning Issues** | The subject RS9 to GB-S TWO PHASE request includes approximately 76,600 total square feet of commercial development in the first phase. The TWO PHASE portion, located on the western side of the proposed extension of Pecan Lane, consists of six (6) acres proposed for future development.  

Located at the northwest quadrant of I-40 and Union Cross Road, the site is within the boundaries of the Union Cross/Southeast Forsyth County Area Plan (UCSFCAP). The plan recommends Traditional Neighborhood Development (TND) for the property. The TND concept calls for residential, commercial, and institutional uses along with useable public spaces to be mixed in a compact, pedestrian-oriented arrangement with buildings addressing the street. Parking is located either on the street or to the side or rear of buildings (see attached Legacy Toolkit handout). Legacy also encourages these design principles as an alternative to auto oriented suburban sprawl. One of the results being a wider variety of transportation options which include walking, biking and shorter vehicular trips.  

While commercial development at this location is not necessarily inconsistent with said recommendations, staff does note that the nature of the proposed development allowed by the proposed rezoning is more highway oriented than may have been contemplated with the TND recommendation. Additionally, there is nonresidential development which has already been approved in the general area but has not been built. The following adjacent developments are in addition to the existing Union Cross Station Shopping Center located directly across Union Cross Road (F-1024).  

- Union Cross Town Center (86 acres of MU-S zoning including 243,000 s.f. of commercial and 200 multi-family units – located east of subject property). |
• Shoppe’s at Glenn Crossing (31 acres of HB-S zoning; TIA for the rezoning assumed 95,000 s.f. shopping center, 2 drive-through restaurants, 2 banks and offices located south of subject property across I-40).

There are also impacts to consider on the single family homes located across Solomon Drive. While staff envisions (if the subject request is approved) some of these properties closest to Union Cross Road may eventually transition to low-intensity office conversions, there are visual and noise impacts from the proposed convenience store use that need to be mitigated. The petitioner has attempted to mitigate these impacts by shifting the convenience store and gas pumps to create as much separation as possible between the gas pumps and residences, as well as to enhance landscaping and berming along Solomon Drive. However, the car wash was relocated closer to Solomon Drive, which creates other visual and noise impacts that need to be mitigated as well. Staff recommends moving the car wash away from the Solomon Drive residences or other action that would effectively mitigate that impact. The petitioners have volunteered a condition whereby the building elevations for the convenience store would be approved by Planning staff.

**Other Design Comments:**

From a connectivity standpoint, staff applauds the extension of Pecan Lane to Solomon Drive. In order to achieve a good street network staff also recommends a mid block street (either public or private) extending to the west from Pecan Lane. The proposed sidewalks on both sides with wide planting strips and canopy street trees will add long term value to the community. Staff also commends the building placement of the proposed four story hotel on lot five and the retail/restaurant/food or drug store on lot two. Unless the buildings are close to the street allowing for a more convenient pedestrian access to those uses, the benefits of sidewalks and street trees will not be as great as they could be otherwise. Therefore, consistent with the above mentioned area plan and Legacy recommendations, staff recommends that the restaurant siting and design be adjusted to better relate to the street and to future pedestrian traffic. It should be noted that staff would be looking for a similar and thus complimentary pattern of building placement on the Phase Two properties across Pecan Lane. This would result in a more cohesive and pedestrian oriented streetscape along this new public street.

Design elements such as good building placement combined with sidewalks, street trees, signage and lighting requirements would provide the basic framework for making the site more walkable. Staff does not envision any further westward expansion of non residential uses in this area. Therefore the above recommended site design changes, in conjunction with future residential development to the west, should result in a more mixed use, pedestrian oriented environment.
### RELEVANT ZONING HISTORIES

<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>
<th>Staff</th>
<th>CCPB</th>
</tr>
</thead>
<tbody>
<tr>
<td>K-682 (Town of Kernersville)</td>
<td>RS20 and MU-S to MU-S</td>
<td>Approved 4-1-08</td>
<td>Directly east</td>
<td>85</td>
<td>Approval (Town of Kernersville)</td>
<td>Approval (Town of Kernersville)</td>
<td></td>
</tr>
<tr>
<td>W-2891</td>
<td>RS9 to RM8-S</td>
<td>Approved 11-6-06</td>
<td>2,200’ northeast</td>
<td>2.95</td>
<td>Approval</td>
<td>Approval</td>
<td></td>
</tr>
<tr>
<td>F-1434</td>
<td>RS9 to HB-S</td>
<td>Approved 9-12-05</td>
<td>900’ south</td>
<td>31.2</td>
<td>Denial</td>
<td>Approval with tie vote of 4 to 4</td>
<td></td>
</tr>
<tr>
<td>F-1024</td>
<td>R5 to B3-S (NSB-S)</td>
<td>Approved 4-27-92</td>
<td>Directly east</td>
<td>12.13</td>
<td>Approval</td>
<td>Approval</td>
<td></td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage (Phase One)</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>±76,600 total square feet in the first phase</td>
<td>The proposed hotel on lot 5 and the retail/restaurant/food or drug store on lot 2 are pulled up close to Pecan Lane. The other buildings are surrounded by parking or circulation.</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking (Phase One)</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>290 spaces</td>
<td>380 spaces</td>
<td>Off-street</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height (Phase One)</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>60’</td>
<td>4 stories (hotel)</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage (Phase One)</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>NA</td>
<td>72.16 %</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
<th>(A) Legacy policies:</th>
<th>See comments above.</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>(B) Environmental Ord.</td>
<td>NA</td>
</tr>
<tr>
<td></td>
<td>(C) Subdivision Regulations</td>
<td>NA</td>
</tr>
</tbody>
</table>

As noted previously in the Analysis of Conformity to Plans and Planning Issues section, Planning staff recommends several modifications to the proposed site plan which would result in a more pedestrian oriented, mixed use development. These modifications, reflected in the recommended conditions, would also reduce the impact of this request on the adjacent single family homes located to the north. These modifications, along with various ordinance requirements are noted below.
## CONCLUSIONS TO ASSIST WITH RECOMMENDATION

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request will provide more commercial services and possibly residential opportunities to the community.</td>
<td>The request is not fully consistent with the area plan recommendations regarding TND design.</td>
</tr>
<tr>
<td>Request will provide good street connectivity.</td>
<td>The request will negatively impact the adjacent single family homes located on the north side of Solomon Drive.</td>
</tr>
<tr>
<td>The request is consistent with the purpose statement of the proposed GB District.</td>
<td>Request will result in a substantial increase in traffic.</td>
</tr>
<tr>
<td></td>
<td>There is currently an abundance of undeveloped, commercially zoned property in the general vicinity.</td>
</tr>
</tbody>
</table>

## SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

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.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from WSDOT. Improvements shall include: Southbound right turn lane on Union Cross Road (this will not be required until Final Development Plan approval within the TWO PHASE area).
  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 flag the tree save areas in the field.
  d. Developer shall petition and have closed the portion of Pecan Lane as shown on the site plan.

- **PRIOR TO THE SIGNING OF PLATS:**
  a. Covenants relating to stormwater must be approved by the City of Winston-Salem Stormwater Division and shall be recorded in the office of the Register of Deeds.
  b. Developer shall record a blanket cross access agreement granting access to all current and future parcels within the subject property.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. Developer shall record a plat in the office of the Register of Deeds. The plat shall include: a negative access easement across the frontage of Union Cross Road; right-of-way dedication for the extension of Pecan Lane.
  b. Should NCDOT widening of Union Cross Road not be let prior to the issuance of any Certificate of Occupancy, the developer will be responsible for improvements and signalization of Solomon Drive and Union Cross Road.
c. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less and no more than 0.5 foot-candles at the north and west property line of the rezoning site.

d. Building elevations for the convenience store shall be approved by Planning staff as volunteered by the petitioner.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. All requirements of the City of Winston-Salem driveway permit shall be completed.
  b. Repair any damage to Pecan Lane and Solomon Drive from construction.
  c. Large variety street trees along Pecan Lane shall be of the same species.
  d. Lighting shall be installed per approved lighting plan and certified by an engineer.

• OTHER REQUIREMENTS:
  a. The TIA must be updated prior to approval of any Final Development Plans within the TWO PHASE area.
  b. The TWO PHASE portion of the site shall include an east/west vehicular connection from Pecan Lane.
  c. Each lot shall be limited to one freestanding monument sign with a maximum height of six (6) feet and a maximum copy area of thirty-six (36) square feet.
  d. The Second Phase of this development shall be restricted to residential and office uses only.

STAFF RECOMMENDATION: Approval if the car wash is adequately relocated away from Solomon Drive or otherwise effectively mitigates visual and noise impacts on the residential properties on Solomon Drive, and the site plan provides an attractive view of the Lot 4 restaurant from Pecan Lane.

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.
Arnold King recused himself from participation in this request due to a conflict of interest, and left the dias.

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Doug Stimmel, 601 N. Trade Street, Suite 200, Winston-Salem, NC 27101
- This project is due to major changes proposed by DOT with the widening of Union Cross Road and Solomon Drive. These changes will happen with or without us.
- All the widening by DOT will take off the canopy of the convenience store in their current location so they are forced to relocate and this is the place they propose.
- The restaurant proposed for this site is Cracker Barrel. They have been interested in this site since 2000.  
- A lot of things have changed in this area since the area plan was written in 2004. For instance significant commercial and industrial development has occurred south of this site.
- There have been so many changes in this area that DOT has determined we need a major new interchange at this location. This interchange will happen and will change the character of the area.
- Because of the changes by DOT, Pecan Lane will no longer be a through-access road. This will create more traffic on Solomon Drive.
- We met with the neighborhood on September 7th for a drop-in session. We had very good attendance and had significant support.
- The folks most impacted will be those on Solomon Drive. The neighbors have been very polite and professional in all our dealings.
- This is a unified comprehensive plan not a piecemeal plan.
- We have added a berm and buffer along the side where the neighborhood is. The berm and buffer are much more dense than required.
- Cracker Barrel has made changes to their standard plan so it will better fit this plan.
- The convenience store has moved further away from the neighborhood. They have also added significant buffering to mitigate the impact on the neighborhood.
- We're trying to create a walkable community.
• We feel like we've addressed staff’s suggestions.
• We would like you to consider removing the condition that says, "The two phase portion of the site shall include an east/west vehicular connection from Pecan Lane." Since this is a two-phase request, you will have another chance to consider this issue.
• In response to a question from Lynne Mitchell, Doug Stimmel explained that Cracker Barrel is oriented so that their front door faces the main artery. However the porch has been extended. It doesn't work functionally for them to rotate the building.
• In response to a question from Allan Younger about health concerns from fumes from the gas pumps with the convenience store, Doug Stimmel explained that the store has been rotated so the pumps are further away from the neighborhood. Over 38,000 vehicles on the road will have a much greater impact on the neighborhood than will a gas station with vehicles' motors turned off.

Paul Norby noted that Doug Stimmel had shown some drawings that were not part of the submitted site plan and asked if the petitioner was willing to make them part of the site plan. Mr. Stimmel responded in the affirmative.

AGAINST:

Jane Angell, 1010 Solomon Drive, Kernersville, NC  27284
• When this area is developed, we will hear a lot of unwanted noise such as screeching brakes, and car horns.
• The proposed retaining pond will not take care of the water coming down the hill on Solomon Drive.
• Back in the 90s you denied permission for a home to be built because of the water problems in this area.
• Our neighborhood will change considerably due to the development of this area.
• I have asked about whether another piece of land could be zoned business. We should just go ahead and zone it business now.
• I asked about the land behind the apartments, condos or single family homes and was told we would have to go before the Zoning Board to get that rezoned to business. It will be sold in a few years so we should go ahead and rezone it as business now.
• It would be unfair to put businesses around the three homes on Solomon Drive.
• We need to do good long-range planning for our community.
• We are all on fixed income and won't be able to sell our homes due to the devaluation after this development.
• We request that you do not develop this land. If you do, we ask that you make sure these three homes get the fair market value they should to rebuild their homes elsewhere.
• We are all elderly. We would not be able to get a loan to rebuild on our social security incomes.
• Let's look to the long-range planning for our City and not just what is proposed now.

Mark Carter, 1022 Solomon Drive, Kernersville, NC  27284
• My concern is the retaining pond. I know you can't let the water out of the pond faster than what comes out there now, and I know you've done some studies, but I'd just like you to consider buying us out instead of building this around me.
The rest of Solomon Drive needs to be improved as well as the portion proposed for widening.  
We need a sidewalk along Solomon Road.  
The pond is a concern for such things as mosquitoes and snakes.  
The property owner is going to develop the rest of this land and they need to talk to us about what they're going to do with our land.

David King, 1095 Solomon Drive, Kernersville, NC 27284  
I want to emphasize the long-standing residential nature of Solomon Drive.  
The average residency of homeowners along my street is over 20 years.  
Solomon Drive is our home, our street, our neighborhood. Please help us protect it.  
We recognize that this area is changing. We only ask that in considering any use for this corner the Planning Board and City Council protect this neighborhood as if it were your own.  
To propose a gas station at this corner, with 16 pumps, literally a stone's throw from my yard, is not reasonable or respectful. Gasoline is toxic to people. Gasoline stations are toxic to neighborhoods.  
This gas station expected by Planning staff to generate 3,000 trips per day past my front yard and pump as many as a million gallons of gas a month will destroy the fabric of our neighborhood.  
No one would accept having a gas station built 50 yards from their home.  
There are other advantageous locations for a gas station in this area. Locations that are already zoned commercial.  
At the very least please don't put it in lot 1 of this plan. That would make a huge difference.  
Please deny this request because people matter too.

John Beeson, 503 High Street, Winston-Salem, NC 27101  
My client who owns a triangular piece of property south of the hotel site is not objecting to the development of this site. He actually would have joined the rezoning petition if he had known about it at that time.  
The issue we do have is with accessibility to his land.  
With DOT's improvements, this property will adjoin the ramp. Of course there will not be any access onto the ramp. We respectfully ask that as you have always done, you look at accessibility of adjoining properties.  
We feel like the hotel entrance to their drive on the west side provides direct access to this portion at the rear. We do not ask that that be done. We are zoned residential at this time. We do not feel that triangle can ever be residential.  
We would like for this easement for access to our site through the parking area in the rear of the hotel to be written in some manner or even agreed upon.  
Accessibility to adjoining land should be considered and noted. We have to have some way of accessing this parcel.  
In response to a question from Clarence Lambe, Mr. Beeson stated that his understanding is that this is a left-over parcel of land from DOT. However we have always looked out for land-locking of properties.  
Currently there is no established driveway.
WORK SESSION

During discussion by the Planning Board, the following points were made:

1. Allan Younger asked for more information from the petitioner about safety concerns. Ernie Riemer, 1540 Silas Creek Parkway, Winston-Salem, NC 27127. I'm not a chemist so I can't address that. What I can address is that everything we do with gasoline distribution is controlled by the Federal EPA, North Carolina Department of Environmental Affairs, and Forsyth County Environmental Affairs. Every three years the North Carolina Department of Natural Resources does an inspection. If there is anything wrong they will close us down if it isn't corrected. Everything is monitored 24 hours a day. Even filling the underground tanks has a system to recover all vapors and return them to the delivery truck where they are taken back to the terminal. In response to another question, he stated that many of the other locations abut residential properties. They have never had any problems or complaints.

2. Brenda Smith explained that there is a lot of monitoring for vapors, etc. This is not just a paperwork rule.

3. Lynne Mitchell: I think the air quality will be much more highly impacted by automobiles one the road, especially idling at the stop light. There are many regulations on gas stations, but automobile emissions would be a bigger concern for me.

4. Lynne Mitchell: Is there a crosswalk from Solomon Drive to the shopping center? Gary Roberts responded that a striped crossing is not proposed by DOT. Connie Curtis, Assistant Director of Winston-Salem Department of Transportation, stated that the plans aren't yet developed to a point where they would have complete pavement markings and other amenities. Because this is on the State system, they would entertain requests for crosswalks and signalized pedestrian crosswalks. We can check on that. Lynne Mitchell: The shopping center should be accessible for neighbors to walk.

5. Lynne Mitchell: This is so difficult because regardless of what is placed here the road widenings have a strong impact on the community. That's something we can't change.

6. Paul Mullican: We don't often see a unified plan for a tract this size. In addition to providing services, this will create jobs in this area. This development is well planned and they've tried to address neighbors' concerns. This is exactly what needs to be on this property.

7. Barry Lyons: The impact of the roads to me is enough of an impact on the neighborhood. However this development seems to be interstate centric rather than neighborhood oriented. It goes against mixed use development which we try to obtain. It will be a detriment to the neighborhood.
8. Wesley Curtis asked Doug Stimmel about fencing the pond and water run-off. Doug Stimmel showed where the stormwater management device is located. The property owner for the property immediately behind our site and the property owner for the site where the stormwater management device is located are owned by the same person. Therefore we are able to put the stormwater management device in the lowest area. The device provides benefits in both controlling the amount of stormwater runoff and the quality of the runoff. What we are not allowed to do is change the pattern for where the drainage goes. The issue of a fence is a two edged sword depending on which attorney you talk to. We'd be happy to put that in if that is a deal-breaker.

9. In response to a question from Paul Mullican, Doug Stimmel explained that since this is the second phase portion of the request the road location for the sites behind this site would have to come back before the board anyway. The kind of road we would want would be dependent on what type of development is planned for that site. Since the properties are owned by the same person it would be helpful to wait until that time to determine the exact access. You will have to review the second phase site plan anyway.

10. In response to a question, Gary Roberts explained that it seems the road issue would be hard to explain at a future date because it could be seen as a surprise to future land owners if it's not a condition here. Staff is not requesting a specific location or a determination of whether it should be public or private. The only thing is that access needs to be provided so traffic is not forced onto Pecan or Solomon.

11. Aaron King affirmed what Gary Roberts said and added that when we bring a Final Development Plan to you, it's essentially just meeting the ordinance requirements. That isn't the place to determine something like this and if this is important to us, this is a place to make that statement.

12. Clarence Lambe asked who would determine curb cuts if we removed the access to the future development area which we are currently discussing? Gary Roberts noted that existing streets are City Streets. Paul Norby noted that the plan does not specify whether the street should be public or private. This condition is simply to provide for that connection and the access point can be worked out during the second phase site plan.

13. For clarity on the motion, Paul Norby noted that the petitioner mentioned that Quality Oil was willing to put a door on the back of the car wash, and a canopy along the back side of the Cracker Barrel restaurant. He asked if the petitioner is willing to stipulate those as conditions. Doug Stimmel explained that there are canopies above the doors rather than across the entire side of the building. A porch has been extended around the side. They would be willing to include these as conditions.
14. Clarence Lambe stated that this was a very well designed plan which goes way beyond the requirements. It is a real benefit to have a master plan for a sizeable lot for commercial development like this plan.

15. Lynne Mitchell: I struggle with this one. I agree with Barry that this plan is really serving the interstate rather than the community. I wish we could move to a place of working to serve the needs of both sides in situations like this. They have done a lot and I appreciate that.

16. Brenda Smith: The thing I struggle with are the DOT changes that are there.

17. Wesley Curtis: The main issue for me is that something needs to be built here to transition from the size of the proposed roads to the neighborhood. I like staff’s recommended conditions includes the requirement that Tract Two continues that transition.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements, recommends staff conditions with the additional conditions that a door be placed on the back of the car wash to shield the neighborhood from the car wash and that there be two canopies above the service entrances to the restaurant.
SECOND: Allan Younger
VOTE:
   FOR: Wesley Curtis, Clarence Lambe, Paul Mullican, Brenda Smith, Allan Younger
   AGAINST: Barry Lyons, Lynne Mitchell
   EXCUSED: Arnold King

A. Paul Norby, FAICP
Director of Planning
DOCKET #: W3116
(continued from 10/13/11)

PROPOSED ZONING:
GB-S (TWO PHASE)

EXISTING ZONING:
RS9

PETITIONER:
Estie M. Charles Trust for property owned by Estie M. Charles Trust; Robert and Treva Boyles; and NC Department of Transportation

SCALE: 1” represents 400’

STAFF: Roberts

GMA: 3

ACRES: 16.91

NEAREST BLDG: 125’ north

MAP(S): 666846, 672846
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
- Adult Day Care Home
- Child Day Care, Small Home
- Church or Religious Institution, Neighborhood
- Family Group Home A
- Police or Fire Station
- Recreation Facility, Public
- Residential Building, Single Family
- Swimming Pool, Private

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
- Church or Religious Institution, Community
- Golf Course
- Library, Public
- Limited Campus Uses
- Planned Residential Development
- School, Private
- School, Public
- Utilities

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
- Bed and Breakfast
- Child Day Care, Large Home
- Habilitation Facility A
- Landfill, Land Clearing/Inert Debris
- Manufactured Home, Class A
- Park and Shuttle Lot

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
- Access Easement, Private Off-Site
- Parking, Off-Site, for Multifamily or Institutional Uses
## 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 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 Case Number: W-3116  Project Title: Colliers-Union Cross Road
**Date:** September 28, 2011

**Project Description:** Northwest corner of I-40 and Union Cross Road south of Solomon Drive

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#### NCDOT - Phone # - 336.703.6600  Email: jprhyne@ncdot.gov
"Recommend extending island on Soloman Drive. TIA should determine placement and length of storage for left turn onto new Pecan Lane."

\[ Signature \]

#### WSDOT - Phone # - 336.747.6872  Email: connie@cityofws.org
"See Planning comments on lot interconnectivity. There are too many driveways along Pecan Lane. Remove the right in right out driveway from the gas station site to Solomon. Provide details on the width and cross-section of Pecan Lane. Negative access easement needed on Union Cross. Should NCDOT widening of Union Cross Road not be let prior to CO for this development, the developer will be responsible for improvements and signalization of Solomon and Union Cross.

Before approval of site plan for future retail/office, TIS must be updated.

(Per email from Connie Curtis)

\[ Signature \]

#### City Engineer - Phone # - 336.747.6846  Email: alberteg@cityofws.org
"A State DW permit is req’d. It needs to be submitted thru the City for processing. City DW permit is also req’d. All drives shall have 6” concrete apons over 6” ABC from edge of pavement to the R/W line. SW’s shall be designed for ADA req’ts. Pecan Ln and Solomon Dr design plans shall be reviewed and approved by the City prior to issuance of DW permits."

(Per email from Al Gaskill)

\[ Signature \]

#### City Streets Division - Phone # - 336.734.1550  Email: robbys@cityofws.org
"Pecan Lane and Solomon Drive are city maintained streets. Build streets to city standards. Repair any damage to Pecan Lane and Solomon that are damaged during the construction."

(Per email from Robby Stone)

\[ Signature \]

#### Inspections (Zoning) - Phone # - 336.727.2626  Email: jeffv@cityofws.org
"Label use of 42X20 structure on lot 1. Label stacking for carwash. Show and label drive-thru, stacking, and pass thru lane for Lot 3. Label sign for Lot 5. Show streetyard @ both driveways for Lot 5. Buffer installed @ Lot 6 prior to development. Label to be installed and condition prior to C.O. Label cross parcel A/E easements. Label sign heights for all monument signs. Show P/L for H&K Investments at Hotel. Delineate and shade 18000 sq.ft. tree save area on"
INTERDEPARTMENTAL SITE PLAN REVIEW COMMITTEE
Project Case Number: W-3116

Lot 5 and show tree protection fencing. Does the convenience store have a sit down restaurant area? If so, parking for that area is 1 to 100. Lot 2 does not supply enough parking for a restaurant @ 14500 s.f. Label typical parking dimensions, aisle widths, and driveway widths. Tree Save Legend: How was Total Site Size derived, we figure 736,599 sq.ft. Need 65 large variety trees not 41. H/C spaces on Lot 1 is not within 75’ of large variety trees, tree islands not 600 sq.ft.”

(per email from Jeff Vaughn)

Inspections (Erosion Control)- Phone # - 336.727.2388 Email: jeffk@cityofwfs.org
“Land disturbing permit. No flood zone. No watershed”

(per email from Jeff Kopf)

Stormwater Division- Phone # - 336.747.6961 Email: josephc@cityofwfs.org
“Stormwater Study Required”

(per email from Joe Fogarty)

Fire (City)- Phone # - 336.747.7359 Email: jonc@cityofwfsfire.org
“A hydrant must be located within 500’ of all sides of each building. FD Access road must be minimum of 26’ wide for all buildings exceeding 30’ in height. Fire Department Connections (FDC) must be within 100’ of public hydrant.”

(per email from Jon Cannup)

Utilities- Phone # - 336.747.7499 Email: courtneyd@cityofwfs.org
“Subject to Utilities plan review for permits and/or authorization to construct. Sewer capacity issues have been discussed with Neal Tucker in previous conversations and emails. Contact Charles Hendrick at 747-6850 for possible impact fees”

(per email from Courtney Driver)

Planning- Phone # - 336.747.7043/747.7068 Email: aaronk@cityofwfs.org
Condition for closing public ROW w/in project; condition for street trees to be consistent; condition for plat to be recorded, will need to include blanket cross access agreement(s); add Solomon Drive to vicinity map; label lot 6874-19-9288 as a portion; dimension the width of the planting strip; staff recommends moving the gas station away from the corner to reduce negative impacts on adjacent homes; staff recommends pulling the buildings up to the new Pecan Lane and eliminating the cuplicate interior street; staff also recommends that the Two-Phase portion of the site be limited to office or multifamily with a public street connection to the west; staff recommends a lighting condition to limit impacts on adjacent residential; recommendation to increase berming and landscaping along Union Cross Road and Solomon Drive; sign condition for consistency with existing businesses in the area.

(per email from Ben Stamey)

Street Names/Addresses -336.747.7048 Email: benfs@cityofwfs.org
“Based on the access to these buildings as shown on the site plan, they will be assigned addresses on Pecan Ln. The corner lot may be assigned a Solomon Dr. address.”

(per email from Ben Stamey)
The proposed special use zoning map amendment from RS9 (Residential, Single Family; 9000 sf minimum lot size) and GB-S TWO PHASE (General Business District) with its added conditions is consistent, in part, with the Legacy Comprehensive Plan, and the Union Cross/Southeast Forsyth County Area Plan (UCFCAP) and is reasonable and in the public interest because:

1. The Union Cross/Southeast Forsyth County Area Plan recommends Traditional Neighborhood Development (“TND”), which includes a mix of non-residential uses in a pedestrian friendly environment. The design of Pecan Lane and the site plan for the development in Phase One include measures to make all the sites pedestrian accessible between each other and the future Phase Two development;

2. The proposed uses are compatible with the existing commercial uses located across Union Cross Road and the proposed widening of the road by the North Carolina Department of Transportation (“NCDOT”) significantly changes the area making the proposed uses even more compatible with said area;

3. The northern part of the rezoning site have a number of mitigation features added to the site plan that go beyond the requirements of the UDO, including a restriction on site lighting to no more than ½ foot candle at the northern property line; a berm system and buffer with additional planting added; and a shifting of the building and gas canopy footprint of the convenience store site so that the gas canopy is kept away from the residences as much as possible; and a door on the car wash that will be closed except when cars exist the car wash;

4. The request will provide good street connectivity; and

5. The site has no apparent development constraints, and appears to be suitable for development within the proposed GB-S District.
DENIAL
STATEMENT REGARDING CONSISTENCY WITH COMPREHENSIVE PLAN
W-3116
(ESTIE M. CHARLES TRUST; ROBERT AND TREVA BOYLES;
AND NC DEPARTMENT OF TRANSPORTATION)

The proposed special use zoning map amendment from RS9 (Residential, Single Family; 9000 sf minimum lot size) and GB-S TWO PHASE (General Business District) with its added conditions is not fully consistent with the Legacy Comprehensive Plan as it relates to Traditional Neighborhood Development; and is therefore not reasonable and in the public interest because:

1. The request will negatively impact the adjacent single family homes located on the north side of Solomon Drive;

2. The request will result in a substantial increase in traffic; and

3. There is currently an abundance of undeveloped, commercially zoned property in the general vicinity.
A few emails for you:

1)
-----Original Message-----
From: catstar@triad.rr.com [mailto:catstar@triad.rr.com]
Sent: Saturday, November 05, 2011 5:48 PM
To: dstimmel@stimmelpa.com
Subject: Proposed building site of Quality Mart @ Union Cross Road/ Solomon Drive

Mr. Stimmel,

Hello. My name is Robin Runions. I live at 1065 Solomon Drive, Kernersville, NC 27284. This email is to formally oppose building a Quality Mart at Union Cross Road/ Solomon Drive.
I found to have asthma 1994. In that period, unless I got into situations out of my control, I have not had to use medications to keep my asthma under control.
In July of 2010 my underground tank was refilled, by Quality Oil, but it had a whole in it, the house was built in 1964. The oil came through my block wall. I was told I would not have any problems with fumes. Quality came to pump out oil, put down oil dry. They came back and drilled holes in block, no oil holding here, filled holes with oil dry. I had to keep windows open until it became so cold we could not stand it. My sister came in August, no lung problems, but had difficulty breathing with windows closed or open. I lost some lung function due to this and still trying to get it back. My point is this was 3 months. What do think everyday would do to someone like me having a gas station right up on me? At points I can smell fumes from the Popp Shoppe. What if this was your child, wife, sister, brother, mother, father? I'm somebodies sister, aunt child. I enjoy being outside, would like to continue to do so. I will be requesting Air quality reports, MSDS on every chemical in each fuel, even diesel to see the breakdown on each emissions in the air. Sincerely, Robin Runions

2)
-----Original Message-----
From: catstar@triad.rr.com [mailto:catstar@triad.rr.com]
Sent: Saturday, November 05, 2011 6:07 PM
To: ddinsbeer@qcnc.com
Subject: Proposed building of Quality Mart @ Union Cross Road/ Solomon Drive Kernersville

Mr. Dinsbeer,

My name is Robin Runions. I would like to formally request hard copies if possible before the meeting on November 10, 2011 on each chemical in each fuel on the Material Safety Date Sheets, with the breakdown of each chemical per hour that is emitted into the air. I also will be obtaining any and all air quality reports needed for the opposition of the Quality Mart proposal to be built at Union Cross/ Solomon Drive.
I have used Quality Oil for as long as I can remember. I have no problem with that, just a gas station built right up on me.
I will also forward the email I sent to Doug Stimmel.

Sincerely,
Robin Runions

3)  
-----Original Message-----
From: catstar@triad.rr.com [mailto:catstar@triad.rr.com]
Sent: Saturday, November 05, 2011 7:21 PM
To: Aaron King
Subject: proposed building of Quality Mart @ Union Cross Road/ Solomon Drive Kernersville

Mr. King,
I have sent you emails to Stimmel Associates and Quality Oil on the opposition of building a Quality Mart right up on the families that reside on the particular section of Solomon Drive who would be put in a hazardous situation if a gas station is approved to be built there. I know change is good, but sometimes you have to look at the big picture of the families involved, not just what could possibility be considered pure greed by big corporations in a perfect example the Forced annexation of Solomon Drive to Winston-Salem for the sole purpose of getting Dell to come here. Look how well that turned out, and what is so funny, I saw it coming a mile away, but yet it felt as though we had been brutally raped of any choice, of any compassion or dignity because the city never understood the word "NO". Anything done without consent is destructive without regard if it involves only one person or an accumulaton of people. This is the only real home I have had since 1964 and we want to be able to go outside without fuel emissions choking us up.
"Nature in her most dazzling or stupendous parts, is but the background and theater of the tragedy of man", John Marley.

Sincerely,

Robin Runions

Shelly Stewart
Administrative Secretary
City-County Planning Board
November 4, 2011

Dear Members of the City/County Planning Board:

As residents, since 1986, of 1095 Solomon Drive, we strongly oppose the Colliers-Union Cross Road zoning petition for one obvious reason:

- The gas station in Lot 1: a gas station with 16 pumps and enough space for 40 cars to line up for fuel, whose proposed location is directly across the street from longstanding residents on Solomon Drive.

We’ve asked the following questions to Doug Stimmel, of Stimmel Associates, and to Daniel Dinsbeer, of Quality Oil:

“Why plan a gas station across the street from people’s homes? How is that an appropriate location for a new gas station?”

Mr. Stimmel and Mr. Dinsbeer have expressed empathy, indicating that they wouldn’t want to live across the street from a gas station either. - Who would?

We’ve further asked Mr. Stimmel and Mr. Dinsbeer the following:

“Why does the gas station need to be here, on the southwest corner of Union Cross Road and Solomon Drive? Why couldn’t the gas station be built at a different location—for example, on the southeast or southwest side of the I-40 interchange?”

They’ve answered as follows:

1. The existing Quality Mart, located at Sedge Garden Road and Union Cross Road will lose business if it has to relocate to the other side of I-40.

2. Without the Quality Mart gas station, the whole development plan will fall apart because the plan depends on an agreement that Cracker Barrel and Quality Mart will anchor the development.

We believe that local residents, too, should matter. We are not opposed to commercial development across from our homes; we are just opposed to commercial development that will be injurious to residential quality of life and, potentially, to health.

Members of the City-County Planning Board, we ask you to consider these questions:

- Is it appropriate to permit the construction of an interstate-exit gas station on a neighborhood street, within 100 yards or so of people’s front doors?
- Are there more appropriate locations available for a 16-pump gas station near the junction of Union Cross Road and I-40?
- Given that we and our neighbors have lived in our Solomon Drive homes for 3, 4, and 5 decades, is it reasonable for us to ask that an interstate-exit gas station be built nearer to the interstate itself, instead of across the street from our homes?

Respectfully,

David and Philippa King
Solomon Drive
Section “A”
Pecan Lane Property Boundary Right-of-Way

Proposed Bermed Landscape Island & Screening

Proposed Cracker Barrel Service Area

Parking

10' Streetyard

Pecan Lane

Cracker Barrel Section
Section “B”

Prepared by Stimmel Associates, PA
Landscape Architecture - Civil Engineering - Land Planning

November 10, 2011