DOCKET #: W3020
(continued from 3/12/09)

PROPOSED ZONING:
PB-S

EXISTING ZONING:
RM18

PETITIONER:
Galilee Baptist Church
for property owned
by Same

SCALE: 1" represents 300'

STAFF: Roberts

GMA: 2

ACRES: 1.75

NEAREST
BLDG: 18' east

MAP(S): 636858
April 22, 2009

Galilee Baptist Church
575 N. Martin Luther King, Jr. Blvd.
Winston-Salem, NC  27101

RE:   ZONING MAP AMENDMENT W-3020

Dear Sirs:

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
      Tom Terrell, 300 N. Green St., #1400, Greensboro, NC  27401
      Virginia K. Newell, 2429 Pickford Court, Winston-Salem, NC  27101
      Nathan E. Scovens, 575 N. Martin Luther King, Jr. Drive, Winston-Salem, NC  27101
      David Cooper, 575 N. Martin Luther King, Jr. Drive, Winston-Salem, NC  27101
      Sylvia Gwyn, 575 Martin Luther King, Jr. Drive, Winston-Salem, NC  27101
      Larry Weston, Adkins CDC, 301 N. Main Street, Winston-Salem, NC  27101
      Carol Davis, Adkins CDC, 301 N. Main Street, Winston-Salem, NC  27101
      Ben Gray, 575 N. Martin Luther King, Jr. Blvd., Winston-Salem, NC  27101
      Nick Lukens, 1100 Kenilworth Avenue, Suite 210, Charlotte, NC  28204
**ACTION REQUEST FORM**

**DATE:** April 22, 2009  
**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 Galilee Baptist Church

**SUMMARY OF INFORMATION:**

Zoning map amendment of Galilee Baptist Church from RM-18 to PB-S (Food or Drug Store): property is located on the southeast corner of Martin Luther King Jr. Drive and New Walkertown Road (Zoning Docket W-3020).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL  
**FOR:** CAROL EICKMEYER, ARTHUR KING, DARRYL LITTLE, LYNNE MITCHELL  
**AGAINST:** ARNOLD KING, PAUL MULLICAN, BRENDA SMITH  
**EXCUSED:** WESLEY CURTIS  
**SITE PLAN ACTION:** DENIAL BECAUSE IT DOES NOT CONFORM TO THE REQUIREMENTS OF THE UDO. REQUESTED THE PETITIONER SUBMIT A CONFORMING SITE PLAN BEFORE THE COUNCIL MEETING  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**EXCUSED:** WESLEY CURTIS
CITY ORDINANCE - SPECIAL USE

Zoning Petition of Galilee Baptist Church, Docket W-3020

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 RM-18 to PB-S (Food or Drug Store) the zoning classification of the following described property:

PIN #'s 6835-78-1201, 2216, 2217, 3294

Section 2. This Ordinance is adopted after approval of the site plan entitled CVS/Pharmacy and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20___ to Galilee Baptist Church.

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 CVS/Pharmacy. 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 Galilee Baptist Church, (Zoning Docket W-3020). 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 PB-S (Food or Drug Store), approved by the Winston-Salem City Council the _____ day of ______________________, 20____" and signed, provided the property is developed in accordance with requirements of the PB-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 NCDOT and the City of Winston-Salem Public Works Department. Required improvements include:
    • Right-of-way dedication as necessary.
  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.
  c. Developer shall obtain a demolition permit from the Inspections Division prior to the removal of the existing structures on the site.

• **PRIOR TO THE ISSUANCE OF BUILDING PERMITS:**
  a. 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 property line.
  b. Proposed building shall be constructed in substantial conformance with building elevations submitted by the petitioner and labeled “Exhibit A”.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.
b. Developer shall coordinate the Winston-Salem Transit Authority (WSTA) for a transit stop/shelter.
c. All required improvements of the City of Winston-Salem/NCDOT driveway permit shall be completed.
d. Lighting shall be installed per approved lighting plan and certified by an engineer.
e. Trees within street yards, bufferyards and motor vehicle parking areas shall be of a large variety as defined in UDO Section 3-4.10, where no conflict occurs with over head utility lines. Plan shall be submitted to the Inspections Division of the City of Winston-Salem for approval.
### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3020</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts Jr., AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Galilee Baptist Church</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN #'s 6835-78-1201, 2216, 2217, 3294, Address: 575 New Walkertown Rd</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning to PB-S</td>
</tr>
</tbody>
</table>
| Proposal   | The petitioner is requesting to amend the Official Zoning Maps for the subject property from RM-18 Residential, Multifamily District; 18 units per acre maximum density to PB-S Pedestrian Business District. The petitioner is requesting the following uses:  
  - Food or Drug Store |
| Continuance History | The request was continued from the February 12, 2009 Planning Board meeting to the March 12 meeting and then to the April 9 meeting. While staff and the petitioners along with the site plan preparers for the proposed CVS store met on 2-27-09 no revised site plan has been submitted as of this writing (April 2, 2009). |
| Zoning District Purpose Statement | The PB District is primarily intended to accommodate office, retail, service, institutional, and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in the city and county. The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of Winston-Salem, and the central core of other municipalities in the County. The district should demonstrate pedestrian oriented design through elements such as buildings pulled up to the street, on-street parking, street trees, covered arcades, awnings, storefront display windows, public/private outdoor spaces, wide sidewalks, and building entrances facing the street. This district is intended for application in Growth Management Areas 1, 2 and 3. |
| Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S) | (S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?  
No, the proposed site plan is not pedestrian oriented due to the proposed building placement. A large parking lot is placed between the building and Martin Luther King Jr. Drive. See Analysis of Conformity to Plans and Planning Issues section. |

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>Southeast corner of Martin Luther King Jr. Drive and New Walkertown Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>East Ward</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 1.75 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>A neighborhood scale church is currently located on the site and is proposed for removal.</td>
</tr>
</tbody>
</table>
### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>HB &amp; HB-S</td>
<td>Bank and restaurant</td>
</tr>
<tr>
<td>East</td>
<td>LO-S</td>
<td>Small scale office</td>
</tr>
<tr>
<td>South</td>
<td>RM-18 &amp; RS-7</td>
<td>Multi and single family residential</td>
</tr>
<tr>
<td>West</td>
<td>HB</td>
<td>Shopping center</td>
</tr>
</tbody>
</table>

### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

Yes, the proposed use of Food or Drug Store is compatible with the surrounding commercial uses and would provide very convenient service to the adjacent multifamily residential uses.

### Physical Characteristics

The site has a gentle slope downward toward the east.

### Proximity to Water and Sewer

Public water and sewer are available.

### Stormwater/Drainage

A stormwater management study will be required.

### Watershed and Overlay Districts

The site is not within a water supply watershed.

### Analysis of General Site Information

The site appears to possess no development constraints and to be suitable for the proposed use of a Food or Drug Store.

### Generalized Recommended Conditions

**BRIEF DESCRIPTION OF CONDITION(S):**

- Stormwater management study

### Site Access and Transportation Information

<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>Martin Luther King Jr. Drive</td>
<td>Major thoroughfare</td>
<td>208’</td>
<td>22,000</td>
<td>26,900</td>
</tr>
<tr>
<td>New Walkertown Road</td>
<td>Major thoroughfare</td>
<td>429’</td>
<td>15,000</td>
<td>32,400</td>
</tr>
<tr>
<td>Unopened alley</td>
<td>unopened</td>
<td>±200’</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s):**
The proposed plan shows a right-in right-out access onto Martin Luther King Jr. Drive and one full access drive and one right-in right-out drive onto New Walkertown Road. Both NCDOT and WSDOT will require either a median within New Walkertown Road or the installation of a “Texas Steer” entrance ramp in order to approve said right-in right-out access. Staff understands the petitioner is working with DOT staff on addressing this issue.

**Planned Road Improvements:**
The Thoroughfare Plan recommends New Walkertown Road be improved to a 4-lane median divided facility with bike accommodation and sidewalks.

**Trip Generation - Existing/Proposed**

Existing Zoning: RM-18

1.75 acres x 18 units = 31 units x 6.59 (Multifamily Trip Rate) = 204 Trips per Day
<table>
<thead>
<tr>
<th><strong>Proposed Zoning:</strong> PB-S</th>
<th>11,945 sf / 1,000 x 88.16 (Pharmacy/Drugstore w/ Drive Through Trip Rate) = 1,053 Trips per Day</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sidewalks</strong></td>
<td>Sidewalks are located along all adjacent street frontages.</td>
</tr>
<tr>
<td><strong>Transit</strong></td>
<td>Route 1 along Martin Luther King Jr. Drive and New Walkertown Road.</td>
</tr>
<tr>
<td><strong>Traffic Impact Study (TIS)</strong></td>
<td>A TIS was not required.</td>
</tr>
<tr>
<td><strong>Analysis of Site Access and Transportation Information</strong></td>
<td>The site is located at the intersection of two major thoroughfares with high volumes of both vehicle and pedestrian traffic. NCDOT has expressed concern with the proposed locations and type of access being proposed onto New Walkertown Road. Two options requiring various degrees of site redesign have been offered to the petitioner. Additional right-of-way along New Walkertown Road may be required.</td>
</tr>
</tbody>
</table>
| **Generalized Recommended Conditions** | **BRIEF DESCRIPTION OF CONDITION(S):**  
• Obtain NCDOT and WSDOT driveway permits. |

### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA**
- Growth Management Area, 2 Urban Neighborhoods

**Relevant Legacy Recommendations**
- **Infill and Redevelopment:** Revitalize and concentrate development in downtowns and existing commercial centers, maximizing the density in these areas rather than promoting growth at the suburban fringe. (p.26)
- **Metro Activity Centers:** Major shopping malls and employers, restaurants and entertainment facilities, and high schools or a community college are the kinds of facilities that anchor metro activity centers. Higher density residential including apartments, townhouses, duplexes and single family surround metro activity centers. Pedestrian access and transit stops are integrated into their design. (p. 31)
- **Locate Retail and Office Buildings Near the Street:** Retail and office buildings should be near the street and sidewalk. This layout reduces the distance pedestrians and transit users have to travel and provides direct access to buildings along the street. Locating buildings close to the street, lining the street with trees, buffering the street with parked cars, ensuring buildings have display windows at the sidewalk edge all provide an interesting walking environment where pedestrians feel a sense of activity, enclosure and safety. Parking should be located to the rear and sides or under retail and office buildings. (p. 52)
- **Economic Development:** Concentrate economic development activity in locations identified in Legacy including Winston-Salem’s Downtown, Activity Centers, and urbanized areas with established infrastructure. (p. 77)
- The subject property is located along an Urban Boulevard, as described by Legacy. The purpose of urban boulevards is to “create attractive urban gateways leading into downtown Winston-Salem…and…incorporate design features that support pedestrian activity and give the corridors an urban look and feel.”

**Relevant Area Plan(s)**
- East/Northeast Area Plan (2008)
The rezoning site is located in the East Winston Metro Activity Center (Map 7, page 48).

**General Recommendations:** To direct needed commercial services to the Metro Activity Centers and along transit corridors in areas already zoned for commercial development. (p. 29)

**East Winston MAC Development Recommendations:** (pp. 58-59)

- Add more concentrated development by retrofitting and redeveloping existing sites.
- Locate buildings close to the street to create an interesting and inviting public/private streetscape and locate parking to the rear or side of primary structures to de-emphasize vehicles (see Figure 6).
- Design building facades to add interest to the street and have pedestrian-friendly features, such as awning, porches, columns, recessed doors and no blank walls facing main road.
- Provide a public gathering place, such as a pedestrian plaza or public open space, around the intersection of Martin Luther King Jr. Drive and New Walkertown Road. A plaza or square with some natural open space at this busy intersection will promote human interaction and will provide a special identity to the MAC.

Illustration of recommended development design for the Martin Luther King Jr. Drive corridor from the adopted *East/Northeast Area Plan.*
### Other Applicable Plans and Planning Issues

The Simon G. Atkins CDC has hired a planning consultant to work with it and the community in developing more detailed recommendations for development focused in this area. To date, discussions are further reinforcing the need to have very intentional pedestrian oriented design that will better serve the surrounding neighborhood and university community.

### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

| (S)(3) - Have changing conditions substantially affected the area in the petition? | No |
| (S)(4) - Is the requested action in conformance with Legacy? | No |

### Analysis of Conformity to Plans and Planning Issues

The subject rezoning request is for an 11,945 sf pharmacy with drive through to be located on a highly visible corner lot at the intersection of Martin Luther King Jr. Drive and New Walkertown Road. This site is located directly across the street from the City Center GMA 1. Unfortunately, rather than fronting the building at said corner, the proposed site plan would place a 170’ deep parking lot facing Martin Luther King Jr. Drive. The proposed auto dominated design places the building behind said parking and does not provide the type of contribution to the corridor that is specified in the *East/Northeast Area Plan*. Casual observation of this intersection reveals a healthy degree of pedestrian traffic and use of the existing sidewalks.

The site is located in the heart of the East Winston Metro Activity Center as per the recently adopted *East/Northeast Area Plan*. Consistent with Legacy, this plan emphasizes locating buildings close to the street to create an interesting and inviting public/private streetscape. This plan also recommends the provision of a public gathering place, such as a pedestrian plaza or public open space, around the intersection of Martin Luther King Jr. Drive and New Walkertown Road. These recommendations are fully consistent with the purpose statement and requirements of the requested PB District which is clearly the most appropriate zoning designation for the subject property. The revised site plan for the subject property does include such a plaza.

The revised site plan also moves the building closer to New Walkertown Road and the petitioner has provided building elevations which demonstrate compliance with the PB purpose statement with respect to building design (see Exhibit A). However, as was mentioned previously, from the standpoint of Martin Luther King Jr. Drive, the proposed building placement has not measurably improved. Therefore the proposed site plan does not fully address either the recommendations of the adopted plans or the purpose statement of the PB District (see Analysis of Site Plan Compliance with UDO Requirements section below). The petitioner continues to assert that they need 60 parking spaces adjacent to the front door and the site is not wide enough to accommodate that with the building pulled up closer to the Martin Luther King Jr. Drive frontage.
It should be noted that staff has worked extensively with the petitioner in suggesting design options for the site to better achieve the desired urban form as envisioned in the plan. The petitioner has in fact built stores completely consistent with these design principles in other communities. Staff is supportive of the proposed use and the requested PB District as being consistent with adopted plan recommendations and potentially spurring additional redevelopment in the area. However, the site design is contrary to said recommendations and therefore the petition, as submitted, cannot be supported.

Staff and the petitioners along with the site plan preparers for the proposed CVS store met on 2-27-09. Staff commends the petitioners on the resulting improved building elevations, the pedestrian plaza and the proximity of the proposed building to New Walkertown Road. However, there remains a gap between the program needs of the petitioner and the requirements of the Pedestrian Business District and the recommendations of the *East/Northeast Area Plan*, which staff is charged to support.

<table>
<thead>
<tr>
<th>Generalized Recommended Conditions</th>
<th>BRIEF DESCRIPTION OF CONDITION(S):</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Lighting condition</td>
<td></td>
</tr>
</tbody>
</table>

### 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>
</tr>
</thead>
<tbody>
<tr>
<td>W-2727</td>
<td>Special Use Permit to expand church parking</td>
<td>11-1-04</td>
<td>Included portion of current site</td>
<td>.62</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage Parking</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>Required</td>
<td>Proposed</td>
<td>Layout</td>
</tr>
<tr>
<td>34 spaces (with all reductions)</td>
<td>74 spaces</td>
<td>In front of building</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>60’</td>
<td>One story (26’)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>NA</td>
<td>71%</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>(A) Legacy policies:</em> No</td>
</tr>
<tr>
<td><em>(B) Environmental Ord.</em> NA</td>
</tr>
<tr>
<td><em>(C) Subdivision Regulations</em> NA</td>
</tr>
</tbody>
</table>

---

W-3020 April 2009 11
As is noted above the proposed site plan does not comply with the specific building placement requirements of the requested PB District. In addition, there are other site plan issues which need to be addressed in order to meet compliance with the UDO, see below.

### REMAINING SITE PLAN ISSUES

<table>
<thead>
<tr>
<th>Issue</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>Comply with the requirements of the requested PB District</td>
<td>Petitioner has met the requirements on New Walkertown Road and has said that the configuration of the site and need for more parking near the door makes pulling the building closer to Martin Luther King, Jr. Drive impossible.</td>
</tr>
<tr>
<td>Resolve access issues with NCDOT</td>
<td>Awaiting revised site plan</td>
</tr>
<tr>
<td>Resolve alley issue</td>
<td></td>
</tr>
<tr>
<td>Cannot grade closer than 10’ to property line on cut or fill slopes.</td>
<td></td>
</tr>
</tbody>
</table>

### 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 would provide new commercial investment in this important corridor.</td>
<td>The request is not consistent with the recommendations of <em>Legacy</em> or the <em>East Northeast Area Plan</em> in terms of site design.</td>
</tr>
<tr>
<td>The zoning district and the type of land use is appropriate for this location and consistent with the adopted plans.</td>
<td>The site design as proposed is only partially consistent with the purpose statement of the proposed PB District.</td>
</tr>
<tr>
<td>The petitioner has agreed to provide a pedestrian plaza consistent with the <em>East/Northeast Area Plan</em> recommendations.</td>
<td>The request would establish a poor urban form precedent for redevelopment at this pivotal intersection.</td>
</tr>
<tr>
<td>The proposed building will be pulled up to New Walkertown Road.</td>
<td>Request proposes more than twice the amount of parking spaces and associated impervious surface than required.</td>
</tr>
<tr>
<td>The petitioner has provided building elevations which demonstrate compliance with the PB purpose statement.</td>
<td></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 NCDOT and the City of Winston-Salem Public Works Department. Required improvements include:
    - Right-of-way dedication as necessary.
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.

c. Developer shall obtain a demolition permit from the Inspections Division prior to the removal of the existing structures on the site.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS:
  a. 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 property line.
  b. Proposed building shall be constructed in substantial conformance with building elevations submitted by the petitioner and labeled “Exhibit A”.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:
  a. Any damage to City maintained streets, sidewalk, or curb shall be replaced or repaired to the requirements of the Public Works Department.
  b. Developer shall coordinate the Winston-Salem Transit Authority (WSTA) for a transit stop/shelter.
  c. All required improvements of the City of Winston-Salem/NCDOT driveway permit shall be completed.
  d. Lighting shall be installed per approved lighting plan and certified by an engineer.
  e. Trees within street yards, bufferyards and motor vehicle parking areas shall be of a large variety as defined in UDO Section 3-4.10, where no conflict occurs with overhead utility lines. Plan shall be submitted to the Inspections Division of the City of Winston-Salem for approval.

STAFF RECOMMENDATION: Denial

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 - February 12, 2009

Gary Roberts presented the staff report.

FOR:

Tom Terrell, 300 N. Greene Street, Greensboro, NC  27401
  • Asked those in support to stand.
  • Typically the issue before this board is land use. That isn't the issue here today.
• We had three community meetings and invited every property owner and resident within a five block area of this site. Very few people came. Of those who came we had comments of support, certainly nothing in opposition to the use.
• Basically this is a question of consistency with one aspect of one interpretation of the Northeast Area Plan.
• This plan is a guideline and does not have to be followed in all respects, but is flexible.
• The Northeast Area Plan has twelve recommendations for this metro activity center.
• For every single applicable recommendation, we meet every one of them.
• This site plan is right on New Walkerton Road, which is listed as a pedestrian friendly road. Martin Luther King, Jr. Drive is not listed as a pedestrian friendly road.
• The issue is whether this plan can be shoved up into the corner. CVS does have stores around the country where the buildings are pushed right up into a corner. Those were done on more flexible sites.
• This site has problems. It is narrow

Virginia K. Newell, 2429 Pickford Court, Winston-Salem, NC 27101
• Prior to 1977 when I was elected to the Board of Alderman, we didn't have a place to buy a loaf of bread in our neighborhood. We had to travel about 2 miles.
• After being elected to the Board, I aggressively pursued the development of that neighborhood shopping center.
• We have the first high-rise for seniors very close to this shopping center. Most of those people did not have cars.
• If this shopping center hadn't been here when gas was almost four dollars a gallon, these people would have had a very hard time.
• I'm speaking for both of those institutions, CVS which represents the shopping center and Galilee Baptist Church. They are two institutions that we relish in our neighborhood.
• CVS has expanded it's services which is a tremendous help to this area.
• This is an area of town where we don't have amenities. Many of us don't have vehicles.
• The whole economic crisis is affecting everyone.
• I see no negative impact on the children because the children do not walk to school from this neighborhood.
• This does help our seniors.
• The other thing that is so vital to our neighborhood is that we don't have adverse crime activity in this area.
• This will impact over 17,000 people.

Nathan E. Scovens, 575 N. Martin Luther King, Jr. Drive, Winston-Salem, NC 27101
• I live at 2102 Liberty Valley Road, Greensboro, NC 27406
• I'm pastor of Galilee Baptist Church. When I arrived here, our plans were to build a large sanctuary and park across the road. That would mean my members would have to cross the road.
• We were able to buy the Winston-Salem Bible College.
• I didn't want to demolish the church and leave it as it is without bringing a greater investment to the area.
• We thought this would be the best enhancement to the area.
• We are part of the Atkins CDC and I understand both sides of this issue.
• Let us not throw out the baby with the bathwater.
• As the land owners, we will not allow anything to misrepresent our community.
• We are going down the street, but we will still be part of this community.
• We see this as an inheritance for our children.

David Cooper, 575 N. Martin Luther King, Jr. Drive, Winston-Salem, NC  27101
• I reside at 955 Long Green Drive, Kernersville, NC  27284
• I'm a member of Galilee Church and am also a realtor. I've worked in this area of Winston-Salem for over 30 years.
• This is very beneficial to the area and will even increase the property values.

Sylvia Gwyn, 575 Martin Luther King, Jr. Drive, Winston-Salem, NC  27101
• I live at 5110 Vista Lindo Court, Winston-Salem, NC  27101
• I'm a life long resident of this area and member of Galilee Baptist Church.
• As stewards of the land we own, we feel this project will benefit the neighborhood.
• The benefits certainly outweigh any objections we may have about the site or location of the building.

AGAINST:

Larry Weston, Adkins CDC, 301 N. Main Street, Winston-Salem, NC  27101
• Submitted copies of his statement.
• Our CDC is recommending denial of this request.
• The way our ordinance works is that the baby goes out with the bath water unless the bath water is changed.
• We're recommending that there be a change in the water.
• The CDC has a long history of advocating development along the MLK corridor.
• We have been actively involved in the Northeast Area Plan process.
• We have ourselves been involved in a massive planning project for this corridor over the last year.
• We've had visioning sessions with community stakeholders, City officials, and any number of other stakeholders in this area. We've come to understand a little better what the long-term vision for that corridor might be.
• Our purpose for developing a master plan was to put forward a development vision for the area which made sense. This corridor has long been the victim of sporadic development.
• Now we're in a position where that corridor is trying to revitalize itself.
• We believe in development, we just don't believe in any development.
• We support the use that is being proposed. We think it will be a welcome use for that community.
• Backing the building off 180 feet from the sidewalk is unconscionable. It doesn't make sense when there are alternatives.
• The use is very appropriate for this site. But the design of the plan is not only inconsistent with the area plan and Legacy and with our preliminary recommendations coming out of our master plan, it is contrary to it. If it were just slightly inconsistent with the plans, we would just state that it was slightly inconsistent and would support the proposal. But it is contrary to the express wishes of any number of citizens who have expressed interest in this area over a period of time.
• We have proposed and supported an urban approach. We think MLK can be a pedestrian friendly Boulevard. There are cars that travel along MLK, but there are also sidewalks. Sidewalks are meant to be walked on.
• One of the things that promotes walkability is the orientation of the building to the street.
• It's very clear to me and the planners and probably you board members that the intent is that the building be pulled up to the main street.
• We believe this is a pivotal location along the corridor.
• We think what happens here will have a material and direct effect on how the rest of the corridor is developed.
• Part of our master plan is the development of a implementation strategy that will support development along MLK.
• We have good information that development for this corridor is on the way, but we need to set the right tone.
• Either we're going to support the area plan and Legacy, either we're going to make MLK a boulevard everyone can be proud of, or we're going to go for the first thing to come along. We think the site plan can be changed. If the site plan was changed so that it at least made sense in the context of the area plan we would be in support of this request. However, as the site plan is currently drawn and because it is intrinsically tied to the zoning petition, we have to recommend denial and ask you to deny it.

Carol Davis, Adkins CDC, 301 N. Main Street, Winston-Salem, NC 27101
• We do welcome CVS expanding in the neighborhood. We think it's a great opportunity to provide a better mix of products and services to the residents who are there.
• CVS should respect the planning process that residents participated in last year and which resulted in the Northeast Area Plan.
• I commend Galilee Missionary Baptist Church. It's fantastic that you have this opportunity to bring this investment to the neighborhood. I do hope you are creating a legacy for your organization.
• I hope we can set the table for future development along Martin Luther King by doing this first pivotal project in the right way.

WORK SESSION

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

1. In response to a question by the Planning Board, Gary Roberts noted that the PB District allows reductions in parking requirements. The most likely district to request would be HB which has a 40' setback from New Walkertown Road which would make it impossible to develop anything on this narrow site.

2. Carol Eickmeyer: Why are we considering this if there are unresolved site plan issues? Gary Roberts responded that the primary issue is of alternative compliance as allowed in the UDO. Paul Norby added that the issue with the alley needs to be resolved as well.

3. Wesley Curtis noted that he would not be voting on this case since he is a member of the Board of Directors for Atkins CDC which is working on plans for this area. However, later on he will make a comment.
4. Arnold King: Mr. Terrell, I think everyone in this room wants to see a CVS on this corner. It's just a matter of where. Tell us why the site plan proposed by staff won't work. In response Tom Terrell stated that for practical reasons, CVS has its own operational concerns. It has only 30-31 parking spaces near the door which effectively serve the property. When you start looking at the spaces behind the store, they have to start going through the drive-through lanes, etc. Their expertise shows that people will not use these spaces and it isn't effective. The site plan shows two drive-through lanes. The fact is that there is only room for one drive-through if the building is moved into this location. When the drive-through cars are waiting for service, the line would come out into the main parking area. The only loading area is away from the building and in the traffic lanes for the back parking area. These supply trucks come in several times a day and will have to cross the lanes of traffic leaving the drive-through area and going to park in the back spaces. They would then go across the drive-through lanes to access the stock room which is in the corner nearest that proposed loading space. It's a safety issue. This is not a "to-scale" drawing. (Glenn Simmons interrupted to note that it was to scale with one inch equals 40 feet. Mr. Terrell apologized for the misunderstanding). He noted that these items are operational concerns. CVS is not wedded to any particular site. They have 7,000 stores across the country and 17 stores in this market (Forsyth County). This would be the only CVS in this market that would place a building right on the street. Chairman King stated again that we want to make this work. He asked Mr. Terrell if CVS didn't have a site plan anywhere where the building was against the street like this illustration.

5. Jerry Clark asked Mr. Terrell if this was the first time he talked with staff about their proposed site plan. Mr. Terrell said he has not been active in those discussions, but representatives from CVS have had a very active and on-going discussion with staff. We've looked at many options with staff. From CVS's position, it's either accept this plan or they'll find another site. That's not a threat, it's just the way an organization like this works. If a site won't meet their needs, they'll just find another one.

6. Arnold King asked Mr. Terrell if it was fair to say that if the case was continued for 30 days, he could not work with staff and find a site plan that would work? Mr. Terrell asked a CVS representative to answer that question. Nick Lukens, 1100 Kenilworth Avenue, Charlotte, NC stated that obviously a number of options have been reviewed. Staff's suggested plan has been reviewed with CVS. The difference between the site plans for photos showed earlier with CVS stores on the corner is that the parking spaces would be provided further out from the doors to the store rather than behind the store. This plan puts the majority of the parking spaces behind the building. When most people go shopping, they are not comfortable parking behind the building. A public bus stop is located on New Walkertown Road close to the doors and we've agreed to cover that. In addition, we've provided bike racks. I don't make the decisions. CVS has a board like this one that makes the decisions. However, I'm willing to work with everyone as best
I can. If your question is whether I'm willing to go back with staff's site plan and ask one more time, I'm willing to do that. However, I suspect I know what the answer will be. Mr. Lukens showed aerial photographs of CVS stores in Winston-Salem and explained why they worked and that those plans would be acceptable on this site if this site was not so narrow. I didn't feel there was any middle ground during previous discussions with staff, but I'm glad to try again.

7. Chairman King expressed again that he has no desire to just delay this, but if there was an opportunity to work this out, everyone would like that to happen. Pastor Scovens stated that a 30-day continuance request would certainly delay things since this was tied to a greater vision for the church. The proponents discussed the continuance. While they aren't certain what a discussion can do, they would like the continuance to see what can be possible for getting everyone together to see what can be possible.

MOTION: Lynne Mitchell moved continuance of the zoning map amendment and site plan to March 12, 2009.
SECOND: Arthur King
VOTE:
FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
AGAINST: None
EXCUSED: None

PUBLIC HEARING regarding continuance request - March 12, 2009
FOR: None
AGAINST: None

WORK SESSION

MOTION: Jerry Clark moved continuance of the zoning map amendment and site plan to April 9, 2009.
SECOND: Paul Mullican
VOTE:
FOR: Jerry Clark, Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
AGAINST: None
EXCUSED: None

PUBLIC HEARING - April 9, 2009

Gary Roberts presented the staff report. Staff continues to recommend denial due to the placement of the building in relation to Martin Luther King, Jr. Drive. There is also a code compliance issue for the required bufferyard on the south property line that was not shown on the site plan turned in this past Friday (April 3). That will need to be corrected prior to the case going to City Council; the Planning Board cannot continue the case any longer.
FOR:

Tom Terrell, 300 N. Green Street, Greensboro, NC  27401

- I represent both Galilee Baptist Church and the developer of Walgreens.
- Use and the zoning district have never been an issue. This is one of those very cases where all the issues have been design-related.
- In February there was a distance between how the policy (the Northeast Area Plan) was going to be interpreted and what CVS thought was possible.
- He recognized church members who were present.
- We had three issues: design of the building, location of the building, and access.
- We had honest open discussions with all participants to see if we could resolve the issues to everyone's satisfaction.
- In our minds, by the time we got to lunchtime, we had pretty much solved the issue of building placement and had completely changed the architectural plans for the building.
- This week we finally worked out the matter of access.
- What really remains is one thing: the bufferyard.
- The ordinance does not require that the building be at the corner of the lot. There's a guideline in the Northeast Area Plan that expresses that desire. It's just that this site cannot work with that design. We've tried everything.
- What we're asking this Board is that you approve and recommend this rezoning to PB.
- We ask that you acknowledge that the site plan as submitted is not accurate. We know that. We need to show that there is a 10-foot bufferyard on the southern boundary. We know that it would have to be changed before it is time to go to City Council.
- We ask that you send this on with the recommendation that the bufferyard be corrected on the site plan before it goes to Council.

AGAINST: None

WORK SESSION

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

1. Lynne Mitchell: When was the East/Northeast Area Plan adopted? Staff responded that it was in 2008.

2. Carol Eickmeyer: Do we have anything about PB zoning that addresses corner lots? Gary Roberts responded that there is a requirement that one of the facades be within 15 feet of the right-of-way. Staff’s original intent was that it apply to both facades, however there is some flexibility in the PB District.

3. Chairman King asked if anyone was present in opposition to this request. There was no response. He noted that the public hearing was held and closed. He asked the Board how they wished to proceed.
4. Paul Mullican asked Mr. Terrell to explain why it wasn't possible to pull the building up to the corner? As to the functionality of it, these are issues which are decided by CVS. The length of the site tells CVS that customers would not use the site or it would not be functional for a CVS. They will just walk away from sites if they can't get them to be functional in some way. This was the best they could do to provide appropriate circulation. Paul Mullican noted that other CVS stores are pulled up to the corners without any problem. Mr. Terrell stated that the goal of the plan is to provide a walkable pedestrian access and that this site plan provides that along New Walkertown Road. Paul Mullican: Having 7,000 stores, CVS probably knows what they need.

5. Carol Eickmeyer: I don't think you answered Paul Mullican's question about what keeps this from being pulled up to both streets. I'd like to know specifically why it won't work. The other part of the question is when you talk about the 7,000 stores and how each site is different, is it simply geography or is there also an economic level that affects where you put a store in a particular neighborhood. Mr. Terrell indicated that even though this area probably has more pedestrian traffic than the site on the west side of town, this is still an automobile destination site. The issue is where cars will park in relationship to a building before customers learning to use the store decide it's more convenient to use another store.

6. Nick Lukens, 1100 Kenilworth Avenue, Suite 210, Charlotte, NC: I took inventory of the stores CVS has in Forsyth County. Most of them are closer to the streets and intersections. However, most of them are on more square-shaped sites with more equal frontage on each street. What that allows us to do is put in the sidewalks and parking and other requirements. If we had more frontage on Martin Luther King, Jr. Drive, I'm sure we could place this building where everyone would be happy with it. The challenge with the site plan presented by Mr. Simmons is that 30 parking spaces are convenient to the front of the store, but the other 30 are located behind the store. This is the only viable plan that CVS sees that supports their on-going operations for an investment that is a minimum of 25 years based on what it takes to recoup all these costs and make it a profitable venture.

7. Brenda Smith asked why CVS needs 60 spaces when the ordinance requires 30 spaces. Gary Roberts responded that there is no upper limit in the ordinance.

8. In response to a question from Wesley Curtis, Nick Lukens explained that no specific design for the 10' buffer has been determined yet.
9. Paul Mullican stated that he had expected some sort of art work or covering for the pedestrian corner.

10. Brenda Smith: With the existing RM-18 zoning, what kind of setback would be required? Gary Roberts stated that requirement would be 20 feet. In a more urban setting, the buildings would be set back 10 feet with parking to the side or in the rear.

11. Wesley Curtis: Please show the simulated elevation that shows the visual location of where the CVS would be located based on the plan you just showed.

12. Arnold King: If this would work for CVS up on the corner, I don't believe they would waste all this time trying to do something else. If we insist that what goes on this site must be pulled up to the corner, we can turn this down and see if a small office building or apartments or something will come in there.

13. Arthur King: Is the bufferyard the only thing staff is insisting upon for recommending denial or are there others? Paul Norby responded that the bufferyard is a code problem that is capable of being solved so that is not very significant in staff's recommendation. Staff's recommendation is primarily regarding the placement of the building in relation to the recommendations of the Area Plan while at the same time supporting that this is an appropriate district and an appropriate use.

14. Brenda Smith: We are trying to require an automotive-driven use to be in a pedestrian business district. If we weren't doing that, this wouldn't be an issue. I think with all the work that has gone into this, the compromises that have been made, and the economical benefit to the community, it's a good thing to go ahead and approve this. The site is what it is.

15. Lynne Mitchell: I really appreciate the conversations that have gone on and it's really exciting to see something in East Winston finally happening in development because we're desperate. I also think that we have to look at the fact that there is little opportunity for development. Our decision today is critical. They have said that this is a minimum of a 25 year investment. Whatever we decide today, we have to live with for at least 25 years. At some point we have to draw the line. Even though it's good for the community economically, it's not good for the community in the long run. CVS has never said, "We can't do it". I think they can do it, I just think they don't want to. I can't support it because I just don't think it's good for the future of our community.

16. Wesley Curtis abstained from voting on this matter due to his membership on the Simon G. Atkins CDC Board of Directors.
17. Arthur King: I've struggled with this. The development is much needed in this area. It is the kind of business venture that would make everybody in the community better off. I'm concerned about big companies who decide they are going to have their way regardless of planning that's been done and processes that have been established for making decisions that are in the interest of the community. I'm very concerned about companies trumping, because they have money, the planning issues that are important to the community. I'm torn.

18. Carol Eickmeyer: I'm going to be voting against this. Part of the reason is the Pedestrian Business designation because the site plan is not really pedestrian oriented. The internal traffic pattern for the site plan that is submitted looks like a long-term traffic headache. The other reason I'm voting to deny this is when citizens get together and put a great deal of time and effort into a plan which was done a year ago and the citizen recommendation was that this be in some way pulled up so that it was truly pedestrian friendly, I think we do a great disservice to the time, thought, and guidance that people in the area have given us. If the area plan was older I might feel differently, but this is a brand new plan. I cannot support the first big investment in this community that does not conform with citizen planning and request. Right now, the church would be considered a pedestrian friendly building.

19. Brenda Smith: This is a compromise and I think that's how things should be done. This is not perfect, but it has some of what we want.

20. Arnold King: This use could go in PB-S or HB-S. My understanding is that the choice was made for PB-S so the building could go closer to the street because of the narrow configuration of the site.

21. Paul Mullican: I've sat in on these area plan processes. You don't take each individual tract and say this is what you want. This will really help the area. CVS is willing to do this.

22. Carol Eickmeyer: I don't see this as calling their bluff. I expect if we turn this down, they will choose not to operate on this site. They've made it very clear. However, it's not the best use for the site. The gamble I'm willing to take for the community is that by opening this up as a potential building site, something that is good for the community will happen.

23. Lynne Mitchell: I agree with Carol. Sometimes it's worth holding out for something that's a better investment for our community.

24. Brenda Smith: Is there enough pedestrian traffic here to support a purely pedestrian business district use or are you going to have to have blends like this?
25. Wesley Curtis: I'll be driving by this every day. The issue here is that we're trying to develop a corridor, not just one building. Each one has to build on the other to make the corridor what we're envisioning it to be. One building won't make an area pedestrian friendly. When there are several stores there, someone may park at one and walk to the others. We have to consider our long-term view and what we're trying to do to bring more CVS stores and other businesses as well.

26. Arnold King: I don't know what else you think is going to develop here.

27. Lynne Mitchell: Winston-Salem State which has done all that work. Davis Garage which has done all that work. It sets the tone for the community and for future development.

28. Arnold King: Yeah, but unless someone buys all those houses along there.

29. Lynne Mitchell: Well they might. But if you don't do it now, when are we ever going to do it?

30. Brenda Smith: I don't think that the size of parking lot given everything else that's going on is going to make or break the community.

MOTION: Lynne Mitchell moved denial of the zoning map amendment.
SECOND: Carol Eickmeyer
VOTE:
FOR: Carol Eickmeyer, Arthur King, Darryl Little, Lynne Mitchell
AGAINST: Arnold King, Paul Mullican, Brenda Smith
EXCUSED: Wesley Curtis

SITE PLAN MOTION: Arthur King certified that the site plan does not meet code requirements, but the Board is confident that it can meet the requirements and asks the developer to correct the plan before materials need to be sent to the City Council for consideration at their next zoning meeting.
SECOND: Lynne Mitchell
VOTE:
FOR: Arnold King, Arthur King, Darryl Little, Lynne Mitchell, Paul Mullican, Brenda Smith
AGAINST: None
EXCUSED: Wesley Curtis

Written Comments submitted by Planning Board members:

Arnold King: Proposed use is an excellent use for the property. Given the narrow shape of the property as it fronts Martin Luther King Jr. Drive, it's unlikely that this property could be developed with a building up close to MLK except for a very small office building or more multi-family housing. It's not likely that a bank, drug store or any business depending on drive-thru traffic could be positioned on the site close to the corner. The
proposed CVS presents the highest and best possible use for the site. If the site plan issue regarding the buffer to the South of the property can be resolved, then I would urge approval of this site as submitted by CVS. There was no opposition at this last Planning Board meeting to the site plan as revised by CVS.

A. Paul Norby, FAICP
Director of Planning