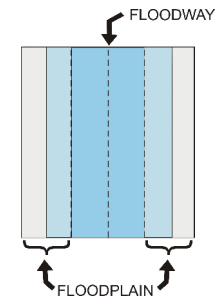


DOCKET #: W2990
(continued from 12/11/08)

REQUEST:
Special Use Permit for Access

EXISTING ZONING:
HB

PETITIONER:
CF Properties and Hal
R. Richardson for property
owned by Same & GDR
properties LLC



SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRES: 0.96

**NEAREST
BLDG:** 20' north

MAP(S): 630874

F

January 21, 2009

Bobby J. Crumley - CF Properties, LLC
2400 Freeman Mill Road, Suite 300
Greensboro, NC 27406

RE: SPECIAL USE PERMIT W-2990

Dear Mr. Crumley:

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
Harris Gupton and/or Ashley Webb, Gupton & Associates, PA, 2200 Silas Creek
Parkway, Suite 2B, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: January 21, 2009
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Special Use Permit of CF Properties, LLC; Hal Ray Richardson; and GDR Properties, LLC

SUMMARY OF INFORMATION:

Special Use Permit of CF Properties, LLC; Hal Ray Richardson; and GDR Properties, LLC to cross HB zoned property to access a GI zoned site: property is located on the southwest side of Patterson Avenue, west of Park Plaza Drive (Zoning Docket W-2990).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE PERMIT

Special Use Permit of CF Properties, LLC;
Hal Ray Richardson; and GDR Properties, LLC
Docket W-2990

AN ORDINANCE ISSUING A SPECIAL USE
PERMIT FOR TO CROSS HB ZONED PROPERTY
TO ACCESS A GI ZONED SITE

BE IT ORDAINED by the City Council of the City of Winston-Salem as follows:

Section 1. The City Council hereby makes an affirmative finding as follows, based upon the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with *Legacy*.

Section 2. The Winston-Salem City Council hereby issues a special use permit to cross HB zoned property to access a GI zoned site in accordance with Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* to CF Properties, LLC; Hal Ray Richardson; and GDR Properties, LLC to be established on the following described property:

BEGINNING at a point on the centerline of a 26 foot easement and on the Eastern property line of CF Properties, LLC (Deed Book 2082 Page 3719, Pin #6837-07-9405). Said point being located S 44 deg. 05 min. 53 sec. W 137.22 feet from the Northeast corner of said CF Properties, LLC. Thence, with the center of said 26 foot easement the following call: N 42 deg. 01 min. 52 sec. W 333.18 feet to a point on the Eastern edge of a 60 foot access easement as shown on a plat recorded in Plat Book 35 Page 112, commonly called Northgate Plaza Drive. Thence along the above mentioned easement and extending to the right-of-way of Patterson Avenue.

Section 3. This Ordinance is adopted after approval of the site plan entitled CF Properties, LLC and identified as Attachment "A" of the Special Use Permit issued by the City Council the _____ day of _____, to CF Properties, LLC; Hal Ray Richardson; and GDR Properties, LLC.

Section 4. The City Council hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances* for a development to be known as CF Properties, LLC. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.

CITY - SPECIAL USE PERMIT

SPECIAL USE 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 Permit for the site shown on the site plan map included in this zoning petition of CF Properties, LLC; Hal Ray Richardson; and GDR Properties, LLC, (Zoning Docket W-2990). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit to cross HB zoned property to access a GI zoned site, approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of Section 6-1.5 of the Zoning Ordinance of the *Unified Development Ordinances*, and other applicable laws, and the following additional conditions be met:

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall install a six foot wide concrete strip at the right-of-way line of Patterson Avenue to the specifications of the Winston-Salem Engineering Department.
 - b. Any damage to City maintained streets, sidewalks, or curb shall be replaced or repaired to the requirements of the Public Works Department.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION				
Docket #	W-2990			
Staff	Gary Roberts Jr., AICP			
Petitioner(s)	CF Properties, LLC; Hal Ray Richardson; and GDR Properties			
Owner(s)	Same			
Subject Property	Portions of Tax PIN#'s 6837-07-9405, 6837-07-8245, and 6837-07-5672			
Type of Request	Special Use Permit to cross HB zoned property to access a GI zoned site.			
Remandment and Continuance History	The subject request was remanded at the November 3, 2008 City Council meeting to the Planning Board in order to consider a revised alignment of the easement. The case was continued from the December 11, 2008 Planning Board meeting to the January 8, 2009 Planning Board meeting to allow the petitioner time to obtain an additional signature.			
GENERAL SITE INFORMATION				
Location	Southwest side of Patterson Avenue, west of Park Plaza Drive			
Jurisdiction	City of Winston-Salem			
Ward(s)	Northeast			
Site Acreage	± 0.96			
Current Land Use	The majority of the site is already used as a private access easement (Northgate Plaza Drive), the remainder of the site is undeveloped.			
Surrounding Property Zoning and Use	Direction	Zoning District	Use	
	North	HB	Business uses	
	East	HB	Business uses	
	Southeast	GI	Undeveloped	
	West	HB	Business uses	
Physical Characteristics	The site traverses Leak Fork Creek with its adjacent floodplain and slopes downward towards the creek.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
Storm water/ Drainage	No known issues.			
Watershed and Overlay Districts	The site is not within a water supply watershed.			
Analysis of General Site Information	A portion of the site crosses Leak Fork Creek and its adjacent floodplain.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Patterson Avenue	Minor Thoroughfare	25'	9,600	16,100

Proposed Access Point(s)	The proposed access easement would use a portion of the existing Northgate Plaza Drive (private) which connects to Patterson Avenue.
Trip Generation - Existing/Proposed	The installation of a new driveway will not in itself generate additional traffic.
Sidewalks	No sidewalks are located within the general area. Sidewalks are recommended along Patterson Avenue as per the Thoroughfare Plan.
Transit	Route 7 along Patterson Avenue
Analysis of Site Access and Transportation Information	The proposed industrial access drive on property zoned HB necessitates a Special Use Permit. See comments under the Other Applicable Plans and Planning Issues section below. While the site also includes the convergence of three other existing driveways, WSDOT staff does not foresee a safety issue.
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Obtain WSDOT driveway permit.
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	Growth Management Area 3, Suburban Neighborhoods
Relevant Legacy Recommendations	<ul style="list-style-type: none"> Increase economic vitality through diversification by expanding existing businesses; attracting new, high paying employers; and promoting a business climate which supports entrepreneurial innovation. Recognize the scarcity of “greenfield” industrial sites and promote the wisest economic use of those limited resources.
Relevant Area Plan(s)	The site is not within the boundaries of an area plan or development guide.
Other Applicable Plans and Planning Issues	<p>For Special Use Permits (SUP) requiring approval by the Elected Body, certain findings have to be met. Findings of the Planning Board accompanying a favorable recommendation shall include:</p> <p><u>Planning Board Findings:</u></p> <ol style="list-style-type: none"> The development is in conformity with <i>Legacy</i>. <i>(Yes)</i> Water and sewer service are available in adequate capacity. <i>(Yes)</i> Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment. <i>(No buildings are proposed)</i> Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard. <i>(Yes)</i> General layout and design of the development meet all requirements of this Ordinance. <i>(Yes)</i> Adequate, safe and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc) and service vehicles and personnel (sanitation, postal delivery, etc). <i>(Yes)</i>

		<p>7. The Planning Board may recommend to the Elected Body conditions as identified in Section 6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project. (See “SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL” section below)</p> <p>The Elected Body shall issue a Special Use Permit only when the Elected Body makes an affirmative finding as follows:</p> <p><u>Elected Body Findings:</u></p> <ol style="list-style-type: none"> 1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved. (Yes) 2. That the use meets all required conditions and specifications. (Yes) 3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and, (Yes) 4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy. (Yes) 				
Analysis of Conformity to Plans and Planning Issues		Planning staff suggests that the request complies with the required Special Use Permit Findings as noted above.				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2930	HB to LI-S	Approved 7-16-07	700' northeast	9.53	Approval	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Height		Maximum		Proposed		
		40 feet		No buildings are proposed		
Impervious Coverage		Maximum		Proposed		
		NA		---		
UDO Sections Relevant to Subject Request		<ul style="list-style-type: none"> • Chapter B, Article II, Section 2-1.3 (I) HB District • Chapter B, Article VI, Section 6-1.5 Special Use Permits Authorized by the Elected Body 				
Complies with Chapter B, Article VII, Section 7-5.3		(A) Legacy policies:		See comments above		
		(B) Environmental Ord.		NA		
		(C) Subdivision Regulations		NA		
Analysis of Site Plan Compliance with UDO Requirements		The revised site plan complies with the requirements of the UDO.				

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
Proposal would provide an access point to an undeveloped industrially zoned site.	
SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL	
<p>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.</p> <ul style="list-style-type: none"> • <u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u> <ul style="list-style-type: none"> a. Developer shall install a six foot wide concrete strip at the right-of-way line of Patterson Avenue to the specifications of the Winston-Salem Engineering Department. b. Any damage to City maintained streets, sidewalks, or curb shall be replaced or repaired to the requirements of the Public Works Department. 	

STAFF RECOMMENDATION: APPROVAL

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

PUBLIC HEARING regarding continuance request - December 11, 2008

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved continuance of the Special Use Permit to January 8, 2009.

SECOND: Arthur King

VOTE:

FOR: Jerry Clark, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the Special Use Permit, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Jerry Clark

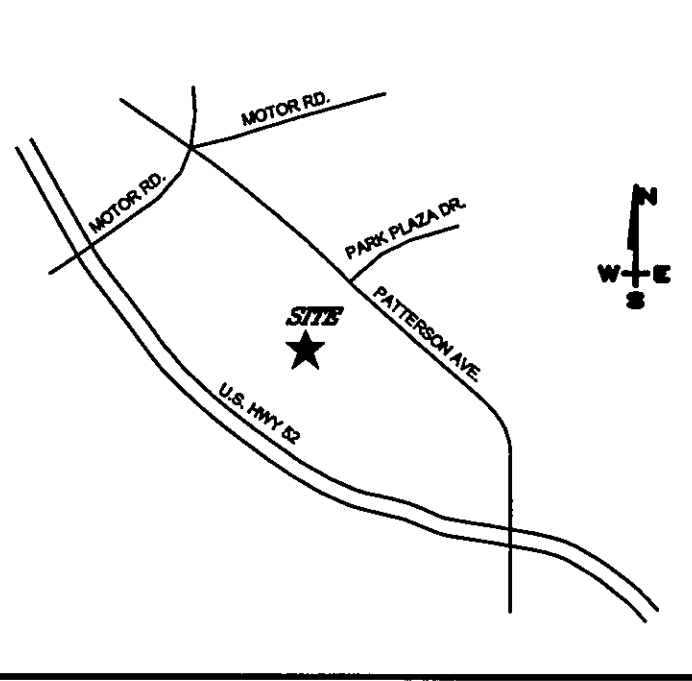
VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning



LEGEND

---	PROPERTY LINE
---	BUILDING FOOTPRINT
---	LINE FROM DEDD OR PLAT
---	EXIST. WATER LINE
---	EXIST. SAN. SEWER LINE
---	EXIST. STORM DRAIN
---	PROF. STORM DRAIN
---	OVERHEAD POWER LINES
---	60" MAIN FIBER OPTIC / TELEPHONE
---	TY CABLE
---	NEW OR FORMERLY STORM DRAIN PIPE NUMBER
---	EXISTING IRON PIPE
---	NEW IRON PIPE
---	NO DUCT SET
---	POWER POLE
---	HYDRAULIC
---	TRAFFIC SIGN BOX
---	CABLE TV BOX
---	TELEPHONE FIBER
---	LAUNCH POLE
---	WATER METER
---	SEWER CLEAN-OUT
---	YARD INLET
---	CATCH BASIN
---	MANHOLE



Gupton and Associates P.A.
ENGINEERS-PLANNERS-SURVEYORS

2200 SILAS CREEK PKWY., SUITE 2B
WINSTON-SALEM, N.C. 27105
336-725-2656 FAX 336-761-1425
E-MAIL: guptonpa@GuptonCompanies.com

**CITY-COUNTY PLANNING BOARD
SITE PLAN LEGEND**

SITE DATA

Owner/Applicant: CF PROPERTIES, LLC.
2400 FREEMAN MILL RD, #300
GREENSBORO, NC 27406

Site Address: 398 NORTHGATE PLAZA DRIVE
WINSTON-SALEM, NC 27105

Jurisdiction: CITY OF WINSTON-SALEM

Subject Property: 6837-07-9405
PIN ID's: 6837-07-8245
6837-07-5672

Subject Property Owners: CF Properties, LLC.
Hal Richardson
GDR Properties, LLC.

Site Area: 0.96 acres

ZONING

Existing Zoning: HB
Proposed Zoning: N/A
Proposed Use(s): N/A

Type of Review Requested: Special Use
Permit approval for site access
(i.e. Rezoning, Planning Board Review,
Preliminary Subdivision Approval, etc.)

INFRASTRUCTURE

Water: Public N/A Private
Sewer: Public N/A Private
Streets: Public X Private

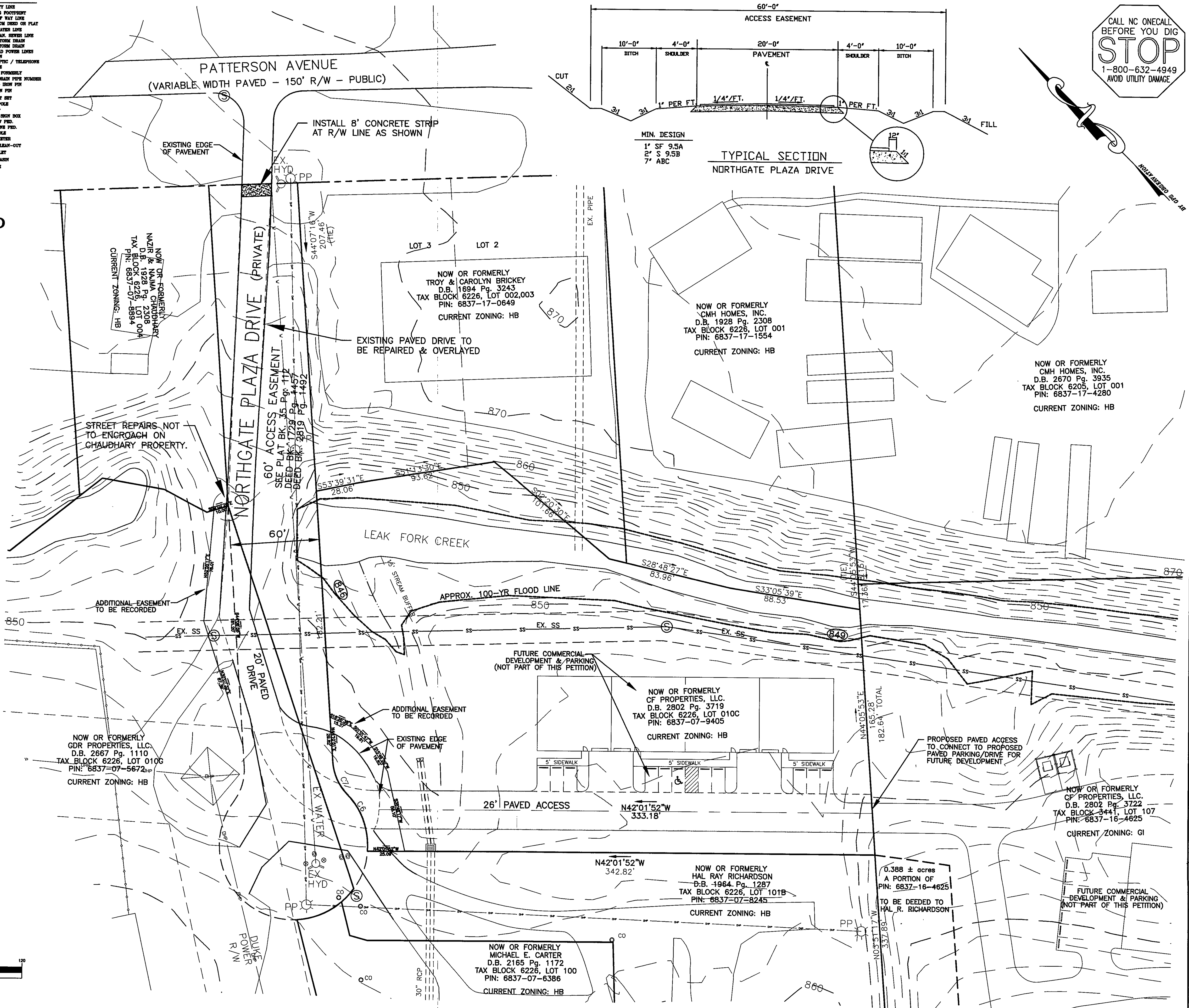
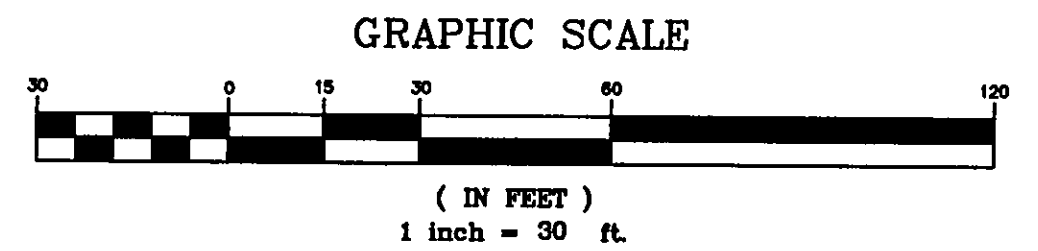
PURPOSE STATEMENT

The purpose of this site plan is to illustrate for purposes of obtaining a special use permit, the means of access to the proposed future development in G1 zoning, by way of the adjacent HB zoned lots.

- NOTES:**
- 1) PROPOSED ACCESS EASEMENT TO BE ASPHALT THE ENTIRE LENGTH. EXISTING DRIVE IS TO BE RESURFACED AND ALL PROPOSED DRIVES ARE TO BE PAVED.
 - 2) SITE AREA LISTED IS THE SUM OF THE AREAS FROM THE DEEDED 60' NORTHGATE PLAZA DRIVE EASEMENT, AND THE PROPOSED 26' EASEMENT ACROSS CF PROPERTIES, LOT 010C.
 - 3) 100-YR FLOODLINE SHOWN IS APPROXIMATED FROM THE LATEST FEMA MAP, WITH FLOOD ELEVATIONS MARKED AS SHOWN. EXISTING ELEVATIONS ALONG THE FLOODLINE WERE CONFIRMED IN THE FIELD.
 - 4) ACCESS TO EXISTING DRIVEWAYS ALONG NORTHGATE PLAZA DR. IS TO BE MAINTAINED AT ALL TIMES DURING CONSTRUCTION.

CURVE TABLE

CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	233.51	1344.39	N66°49'57"W	233.22
C2	218.56	1294.39	N56°56'30"W	218.30
C3	734.24	5599.58	N46°00'13"W	733.71
C4	194.03	5589.58	N41°01'07"W	194.02
C5	551.88	5599.58	N37°19'11"W	551.66
C6	42.08	50.00	N28°05'30"E	40.85
C7	24.51	35.00	N24°02'27"E	24.01



CF PROPERTIES, LLC

OWNER-DEVELOPER
CF PROPERTIES, LLC
2400 FREEMAN MILL ROAD, SUITE 300
GREENSBORO, NC 27406 (336) 462-9037
EMAIL: CREEKEGUY@YAHOO.COM

PROGRESS DRAWINGS

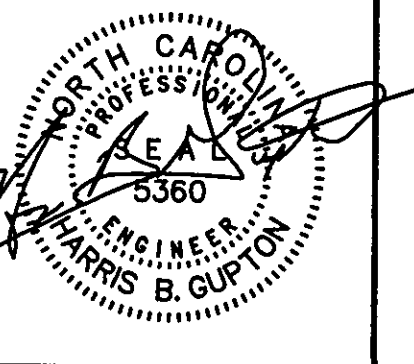
GOVERNMENTAL PERMITS APPLIED FOR

DO NOT USE FOR CONSTRUCTION

SCALE: 1" = 30'

REVISIONS:

SURVEYED BY: JSG
DRAWN BY: ASW
DESIGNED BY: ASW
APPROVED BY: HBG



SHEET TITLE:
PRELIMINARY SITE ACCESS PLAN

1 OF 1
DATE: 12/8/08
PROJECT NO: 12372-07D

W-2990 Revised File Copy