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

Printed: 12/08/2008
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

<table>
<thead>
<tr>
<th>DATE</th>
<th>January 21, 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM</td>
<td>A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

### 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
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.
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  

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2990</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts Jr., AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>CF Properties, LLC; Hal Ray Richardson; and GDR Properties</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Portions of Tax PIN#'s 6837-07-9405, 6837-07-8245, and 6837-07-5672</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Permit to cross HB zoned property to access a GI zoned site.</td>
</tr>
</tbody>
</table>

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  

<table>
<thead>
<tr>
<th>Location</th>
<th>Southwest side of Patterson Avenue, west of Park Plaza Drive</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Northeast</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± 0.96</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The majority of the site is already used as a private access easement (Northgate Plaza Drive), the remainder of the site is undeveloped.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>HB</td>
<td>Business uses</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>HB</td>
<td>Business uses</td>
</tr>
<tr>
<td></td>
<td>Southeast</td>
<td>GI</td>
<td>Undeveloped</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>HB</td>
<td>Business uses</td>
</tr>
</tbody>
</table>

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  

<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>Patterson Avenue</td>
<td>Minor Thoroughfare</td>
<td>25’</td>
<td>9,600</td>
<td>16,100</td>
</tr>
<tr>
<td><strong>Proposed Access Point(s)</strong></td>
<td>The proposed access easement would use a portion of the existing Northgate Plaza Drive (private) which connects to Patterson Avenue.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>-------------------------------</td>
<td>-------------------------------------------------------------------------------------------------------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Trip Generation - Existing/Proposed</strong></td>
<td>The installation of a new driveway will not in itself generate additional traffic.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Sidewalks</strong></td>
<td>No sidewalks are located within the general area. Sidewalks are recommended along Patterson Avenue as per the Thoroughfare Plan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transit</strong></td>
<td>Route 7 along Patterson Avenue</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Analysis of Site Access and Transportation Information</strong></td>
<td>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.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
| **Generalized Recommended Conditions** | **BRIEF DESCRIPTION OF CONDITION(S):**  
- Obtain WSDOT driveway permit. |

### CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th><strong>Legacy GMA</strong></th>
<th>Growth Management Area 3, Suburban Neighborhoods</th>
</tr>
</thead>
</table>
| **Relevant Legacy Recommendations** | • 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** | 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:  
**Planning Board Findings:**  
1. The development is in conformity with Legacy. *(Yes)*  
2. Water and sewer service are available in adequate capacity. *(Yes)*  
3. 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. *(No buildings are proposed)*  
4. 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. *(Yes)*  
5. General layout and design of the development meet all requirements of this Ordinance. *(Yes)*  
6. 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). *(Yes)* |
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)

The Elected Body shall issue a Special Use Permit only when the Elected Body makes an affirmative finding as follows:

**Elected Body Findings:**
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**

<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-2930</td>
<td>HB to LI-S</td>
<td>Approved 7-16-07</td>
<td>700’ northeast</td>
<td>9.53</td>
<td>Approval</td>
</tr>
</tbody>
</table>

**SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS**

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>40 feet</td>
<td>No buildings are proposed</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>---</td>
</tr>
</tbody>
</table>

**UDO Sections Relevant to Subject Request**

- 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

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Proposal would provide an access point to an undeveloped industrially zoned site.</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 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.

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