DOCKET #: W2756

PROPOSED ZONING:
MRB-S (Shopping Center)

EXISTING ZONING:
HB

PETITIONER:
Wal-Mart Real Estate
Business Trust for property
owned by Others

SCALE: 1” represents 400’

STAFF: Roberts

GMA: 3

ACRE(S): 24.90

MAP(S): 606878, 606882
March 23, 2005

Wal-Mart Real Estate Business Trust  
SWDC 2001 SE 10th Street  
Bentonville, AR  72716

RE: ZONING MAP AMENDMENT W-2756

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, AICP  
Director of Planning

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC  27102  
Tom Terrell, 300 N. Greene Street, Suite 1400, Greensboro, NC  27401  
Carl Cooper, 3907 Reynolda Road, Winston-Salem, NC  27106  
Doug Curtis, 5218 Bear Creek Road, Winston-Salem, NC  27106  
Mike Taylor, 135 Idlewild Drive, Winston-Salem, NC  27106  
William Messick, 7241 Styers Ferry Road, Clemmons, NC  27012  
Ashley Story, 1810 Craig Street, Raleigh, NC  27008  
Sarah Johnson, 4372 Morningside, Winston-Salem, NC  27106  
A. Daniel Johnson, 335 Friendship, Winston-Salem, NC  27106  
Wilson Somerville, 136 Harmon Avenue, Winston-Salem, NC  27106  
Melynda Dunigan, 1875 Mallard Lakes, Winston-Salem, NC  27106  
Linda Croft, 3610 Reynolda Road, Winston-Salem, NC  27106  
Dr. Jeff Miller, 4124 Greenmead, Winston-Salem, NC  27106  
Dr. Robert Vorsteg, 3620 Marlowe, Winston-Salem, NC  27106  
Jane Milner, Housing Partnership, 2321 Maplewood Avenue, Winston-Salem, NC  27103  
Henry Fansler, 567 Foxcroft Drive, Winston-Salem, NC  27103  
Terry Powell, 4019 Kathryn Court, Pfafftown, NC  27040  
John Dorman, Kimley Horn, 4601 Charlotte Park Drive, Charlotte, NC  
Richard Redding, Meridian Group, 318 Indera Mills Court, Winston-Salem, NC  27101
**ACTION REQUEST FORM**

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<th>March 23, 2005</th>
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<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
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<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
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**COUNCIL ACTION REQUEST:**


**SUMMARY OF INFORMATION:**

Zoning map amendment of Wal-Mart Real Estate Business Trust for property owned by Martha J. Keiger, J. Lee Keiger, EXL Development Co., Inc., Fayne D. Curtis, Old Town Telephone Systems, Inc., Thomas H. Allgood, and Janet Hooker, from HB to MRB-S (Shopping Center): property is located on the northeast side of Reynolda Road (NC 67) across from Wabash Avenue (Zoning Docket W-2756).

**PLANNING BOARD ACTION:**

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<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
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<tr>
<td>FOR:</td>
<td>CLARK, KING, LAMBE, MULLICAN, NORWOOD, SMITH</td>
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<td>AGAINST:</td>
<td>EICKMEYER, GLENN</td>
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<td>SITE PLAN ACTION:</td>
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CITY ORDINANCE - SPECIAL USE


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 HB to MRB-S (Shopping Center) the zoning classification of the following described property:


Section 2. This Ordinance is adopted after approval of the site plan entitled Wal-Mart Real Estate Business Trust and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, to Wal-Mart Real Estate Business Trust for property owned by Martha J. Keiger, J. Lee Keiger, EXL Development Co., Inc., Fayne D. Curtis, Old Town Telephone Systems, Inc., Thomas H. Allgood, and Janet Hooker.

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 Wal-Mart Real Estate Business Trust. 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 Wal-Mart Real Estate Business Trust for property owned by Martha J. Keiger, J. Lee Keiger, EXL Development Co., Inc., Fayne D. Curtis, Old Town Telephone Systems, Inc., Thomas H. Allgood, and Janet Hooker, (Zoning Docket W-2756). 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 MRB-S (Shopping Center), approved by the Winston-Salem City Council the _____ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of the MRB-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 permit the Planning staff to photo-document the existing structures and overall site prior to development.
  b. Developer shall obtain a demolition permit from the Inspections Division.
  c. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.
  d. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
  e. Developer shall obtain a letter from the Corps of Engineers regarding "Wetlands" on the northeast corner of this property. Developer shall identify and cordon off the limits of encroachment for the wetland.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  a. Developer shall record a bufferyard easement on the adjacent property to the west as shown on site plan.
  b. Any retaining wall shall be earth tone in color or shall match the color of the primary building as approved by Planning staff.
c. All proposed buildings shall be consistent with the building elevations as shown in Exhibits A, B and C as approved by Planning staff.

d. Site will be developed in accordance with the approved site plan.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
   a. Developer shall contact the Winston-Salem Transit Authority (WSTA) and shall coordinate an area for a covered bus stop; said area shall have sidewalk access and access to the proposed Wal-Mart. Any required transit stop or shelter recommended by WSTA in the shopping center or on Reynolda Road shall be installed or completed.
   b. Developer shall install all the improvements including a traffic signal as recommended in the Traffic Impact Study to the specifications of the Public Works Department of the City of Winston-Salem and the North Carolina Department of Transportation.
   c. Developer shall repair any damage to the curb and gutter and the sidewalks to the specifications of the Public Works Department of the City of Winston-Salem.
   d. All required fire hydrants shall be installed in accordance with the City Fire Department.
   e. Developer shall work with the Historic Resources Commission to develop, locate and install a historic marker for the Bethania Town Lot boundary line which passes directly through the site.

• OTHER REQUIREMENTS
   a. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign with a fifty-four (54) square foot sign area at the main entrance to the development located across Wabash Road. Each other development or outparcel within the site shall be permitted one freestanding six (6) foot high monument sign with a thirty-six (36) square foot sign area.
   b. Landscaping materials shall be consistent with those shown on sheet C-17 of the site plan.
   c. On-site lighting shall be consistent with that shown on sheet C-17 of the site plan.
   d. Developer shall stabilize slopes within 15 days of achieving final grade.
   e. In partial compliance with the requirements of Chapter B, Article III, Section 3-12.1(D), the developer has chosen the public art option [Section 3-12.1(D)(5 & 6)]. The developer shall work with Planning staff to ensure that the public art requirements are satisfied and the artwork is bonded or installed.
ZONING STAFF REPORT

DOCKET #  W-2756
STAFF:      Gary Roberts

Petitioner(s): Wal-Mart Real Estate Business Trust
Ownership:   Martha J. Keiger, J. Lee Keiger, EXL Development Co., Inc., Fayne D. Curtis,
             Old Town Telephone Systems, Inc., Thomas H. Allgood, and Janet Hooker

REQUEST

From:      HB Highway Business District
To:        MRB-S Major Retail Business District (Shopping Center)

The MRB-S Zoning District is required as per Section 2-1.3 (L) for retail developments of this size.

Acreage: 24.89

LOCATION

Street: Northeast side of Reynolda Road (NC 67) across from Wabash Avenue.
Jurisdiction: City of Winston-Salem.
Ward: North.

SITE PLAN

Proposed Use: Shopping Center.
Square Footage: 203,128± sf for General Merchandise Store plus 20,000 sf of seasonal outdoor display area for a total 223,128± sf of sales area excluding the out parcel square footage.
Building Height: 35’±.
Parking: Required: 944 spaces; Proposed: 944 spaces.
Bufferyard Requirements: 40-200 foot type IV abutting RS-9.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Multiple commercial and single family residential buildings are on site [potentially historically significant].
Adjacent Uses:
   North - Single family residential under construction along Squire Road zoned RS-9.
   East - Developing residential along Cheshire Woods Drive zoned RS-9.
   South - Old Town Shopping Center and other commercial uses zoned HB.
   West - A sprinkling of commercial properties zoned HB line Reynolda Road; Old Town School, zoned IP, is south of Reynolda Road.
   Northwest - Undeveloped property proposed as an off-site bufferyard zoned RS-9.
GENERAL AREA

Character/Maintenance: The general area is comprised of a mix of zoning classifications and development has occurred over several eras. A majority of the commercial properties in the area are older and there are several commercially zoned parcels that have yet to develop. Certain residential areas are located primarily to the north (rear) and east (side) of the subject property.

Development Pace: Moderate.

HISTORY

Relevant Zoning Cases:

1. W-2687; remanded September 20, 2004; HB and RS-9 to HB-S (Shopping Center- TWO PHASE); northeast side of Reynolda Road across from Wabash Avenue, included current site; 30.91 acres; Planning Board and staff recommended denial.

2. W-2642; RS-9 to HB; approved September 2, 2003; southeast corner of Reynolda Road and Pratt Road; 0.54 acre; Planning Board and staff recommended approval.

3. W-2441; RS-9-S to RS-9; approved February 5, 2001; southern terminus of Squire Road south of Morningside Drive; 13.96 acres; Planning Board and staff recommended approval.

4. W-2391; HB and RS-9 to RS-9; approved May 1, 2000; west side of Hartford Street across from Edgeware Road; 14.99 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The proposed site plan indicates that almost all the existing vegetation on the property currently zoned HB will be removed. Additionally, some vegetation will be removed on a portion of the adjoining property RS-9 zoned property in order to accommodate the proposed berms. Significant cuts in the earth will be required at the back of the property with significant fill needed along the eastern side to accommodate the proposed building.

Topography: Gentle to moderate slope downward from the northwestern section of the site to the southeastern section of the site.

Streams: No streams are on the subject property. City-County Topographic Maps identify a stream or creek bed about 300 feet to the east of the subject property in between Cheshire Woods Drive and Cheshire Place Court.
Vegetation/habitat: With the exception of the existing commercial establishments which line Reynolda Road, the subject property is almost completely covered with existing vegetation.
Floodplains: None.
Wetlands: No wetlands are indicated on the Rural Hall USGS Quad. However, the site plan submitted denotes a wetland in the northeastern section of the site. The site plan indicates a portion of this wetland is to be removed.
Natural Heritage Sites: Four Natural Heritage Sites – Historic Bethabara, the Mill Creek Wetland, the Walnut Bluff Area, and Bethania Forest – all lie within one mile of the subject property. This proposal should not have a direct impact on these sites.
Environmental Resources Beyond The Site: The proposed site plan should not directly affect environmental resources beyond the site, so long as storm drainage is adequately controlled on the site.
Water Supply Watershed: The subject property is not located in a water supply watershed.
Compliance with Federal/State requirements for wetland/stream protection: The petitioner is responsible for complying with all Federal and State wetland and stream protection regulations. In removing a portion of the wetland, the petitioner will need to secure appropriate permits from the North Carolina Department of Environment and Natural Resources, the North Carolina Division of Water Quality, and the United States Army Corps of Engineers.

HISTORIC RESOURCES REVIEW

Known Historic Resources: No currently surveyed properties are located on the site. However, see the information included under “Comments” below and the enclosed letter from the HRC, dated March 2, 2005.
Forsyth County Architectural Inventory Number/Name: N/A
Known Forsyth County Archaeological Site/Number: N/A
National Register of Historic Places: N/A
Local Historic Landmark: N/A
Historic District: N/A
Comments: See Below

Historical Context

The proposed Wal-Mart site is located in the Old Town community. Old Town’s name is derived from the original 1753 Moravian settlement of Bethabara, which lies nearby. Bethabara became known over the years as the “Old Town,” and the area surrounding Bethabara is still referred to as “Old Town” today.

Additionally, running directly through the site, is the original boundary line for the 1759 Bethania Town Lot. This line is delineated on the following map.
Great Wagon Road

The Wal-Mart site is located just north of, but not on, the path of the Great Philadelphia Wagon Road. The following information on the Road was obtained from Rod Meyer, former director of Historic Bethabara Park.

On November 17, 1753 the first fifteen Moravian settlers arrived at the nearly 100,000-acre Wachovia Tract after traveling down from Philadelphia on what was to become known as the Great Philadelphia Wagon Road. Today the route through Maryland and Virginia is old Highway 11, which runs down through the Valley beside Interstate 81. From Roanoke, VA the road angled down to North Carolina to enter our area, in 1753, in present day Walnut Cove and Germanton, where it apparently stopped.

The Moravian settlers had an important role in the extension of the road. And the road, which eventually connected Philadelphia with Augusta, Georgia, became the subsequent route of one of the largest internal migrations in American history. Moreover, all of the major settlement routes west ultimately led from this road. The Great Wagon Road followed the Moravians to the Wachovia Tract and because of their settlement, thousands of people followed them down the route over the years.

What follows is a brief summary of research on the local route of the Great Wagon Road, which was done in the late 1980s and early 1990s before the economic boom of the late 1990s obliterated many of the actual tracks on the ground, leading across the northern part of Winston-Salem. Several of us spent our weekends comparing the terrain with the old
Moravian maps and locating the wagon route and tracking it across the county, then correlating this information with incidents recorded in the Records of the Moravians. I then recorded the route on a compilation of official 1987 aerial maps of Forsyth County.

Upon learning of the Moravian’s purchase of the Wachovia Tract, their neighbors in the present-day Germanton area extended the wagon road route into the Wachovia Tract, probably following an old Indian trail. Today the route is Stanleyville Drive. Evidence suggests that they stopped after crossing Grassy Creek behind the Hanes plant. One of the neighbors then led the new settlers from this road to the location of what was to become Bethabara, the founding settlement of the Wachovia Tract.

The Moravians re-routed the Great Wagon Road, within the first six months or so of their arrival, by going to the Grassy Creek site where the neighbors had quit building the road and then extending the road in an arch, approximately along the route of present day Shattalon Drive, crossing Robinhood Road, through present day Lewisville, following along old Yadkinville Highway, west of present day US 421 to the famous, ancient Shallow Ford, near the present day West Bend Winery. The “new” route paralleled the “old” route west briefly, before crossing it behind the present day Old Town Shopping Center. The building of this important route took just a week and is recorded in the Moravian diaries.

In this location today are the remains of the two merging roads—the first and second Great Wagon Roads, if you will, on the 3759 Reynolda Road property. This location is of such local historical importance that it should be marked with an interpretive historical marker to explain its significance to our nation’s history.
3851 Reynolda Road
Located on the western portion of the site, this two-story brick structure dates from the second quarter of the 20th century. Designed in the Colonial Revival style, the house features a symmetrical façade with central entry and classical broken pediment above, typical of the style. A one-bay garage, contemporary with the main structure, stands immediately northwest. The house is sited atop a hill, with rolling front lawn.
Located along Reynolda Road in the central portion of the site, the Alltel Telephone Company Building is a one-story contemporary commercial building dating from the 1960s. The building was designed in the low-rise commercial style with modernist influences, of which horizontality is the predominant emphasis. This architectural type was often utilized in designs for bank branch offices, medical offices, insurance companies, etc. during the mid-20th century. The building features a front stone façade of narrow-laid stones, and aluminum doors and windows. Of particular stylistic note is that modernist commercial buildings often employed the use of natural materials, i.e., stone, combined with glass and aluminum reminiscent of Frank Lloyd Wright design.

**Historic Structures Evaluation**

While these structures date from the mid-20th century, and there are examples of similarly styled buildings throughout Winston-Salem and Forsyth County, they are, nonetheless, building types with a high degree of architectural integrity. Additionally, the significance of these structures will grow in importance as years pass. If retained, they will stand out as important examples in the history and development of the Old Town community during the 20th century. For this reason, retention is highly encouraged. If the buildings are not to be retained, Staff would like the opportunity to photo-document the extant structures and overall site prior to development.
Additionally, the site is located between the National Historic Landmark districts of Bethania (to the northwest) and Bethabara (to the east). Staff is concerned about increased traffic impacts the development will have upon these early Moravian settlements. Additionally, the Bethabara Mill site and other areas of Historic Bethabara Park are likely to be more impacted by runoff if the proposed site is developed.

Finally, one boundary line of the Bethania Town Lot passes directly through the middle of the site. Staff recommends that the petitioner recognize in some visual manner, the location of this significant line.

**TRANSPORTATION**

Direct Access to Site: Reynolda Road – Major Thoroughfare

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Trips per Day):

- Reynolda Road between Shattalon Road and Bethabara Park Blvd = 16,000/30,400
- Trip Generation/Existing Zoning: HB
  - Because the subject property is general use HB it is not possible to accurately calculate trip generation for the existing development on the site.
- Trip Generation/Proposed Zoning: MRB-S
  - 223,000/1,000 x 46.96 (Free Standing Discount Superstore Trip Rate) = 10,472 Trips + 16 Fueling Positions x 168.56 (Gasoline Service Station Trip Rate) = 2,696 Trips = 13,168 Total Trips per Day. The Traffic Impact Study (TIS) calculated 11,256 trips per day of new externally generated traffic, given a 17% rate of internal capture (users of one (1) on-site feature using another on-site feature during the same trip), even with a fast food store proposed [since removed from the site]. Assuming the same 17% internal capture our numbers would indicate only 10,929 new external trips being generated.
  - Planned Road Improvements: None.
  - Sight Distance: Good.
  - Interior Streets: Private.
  - Traffic Impact Study recommended: Applicant has provided a TIS; however, the TIS calculated for only 204,000 square feet for the Wal-Mart. The submitted site plan indicates that the square footage will be 223,000. Using our trip generation rates, a 223,000 sf building generates less trips than the 204,000 building the applicant has included in the TIS. [i.e., the applicant over-calculated]. WSDOT and NCDOT have evaluated the TIS and the recommended improvements and are satisfied with the recommendations with some adjustments to the improvements.
  - Connectivity of street network: There are no proposed external vehicular connections, Planning staff recommends a pedestrian/bicycle connection be made to Cheshire Place Drive which stubs into the northeastern portion of the site.
  - Sidewalks: Existing on north side of Reynolda Road. Said sidewalks are five (5) feet in width located at the back of curb. The proposed site plan would provide lateral sidewalks linking the public walk along Reynolda Road to the store front as per the requirements of the MRB-S District.
  - Transit: Route 16 along Reynolda Road.
  - Bicycle Route: None existing.
CONFORMITY TO PLANS

GMP Area (Legacy): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): Legacy calls for existing neighborhoods to be protected from inappropriate commercial encroachment. Legacy promotes economic development which is compatible with existing residential neighborhoods and other business developments. Legacy also includes a chapter called “Community Character”. The stated goal of that chapter is “A distinctive image that makes the communities within Forsyth County unique and special places.” That goal is a reaction to the homogenizing effect of franchise architecture and site planning that has helped turn many communities into “Anywhere, USA”. The chapter goes on to note that national chains can be encouraged and, if necessary, required to make their buildings distinctive in order to enhance the attractive features that make our community special. The chapter also notes the correlation between a community’s physical design and appearance and its economic vitality. The appearance of commercial areas, as well as downtowns and neighborhoods, is an important part of the Community’s image and that image plays into decisions about relocation of new businesses and/or residents to our community. One of the action items in Legacy is to develop design guidelines for large scale retail development to ensure that they contribute to the unique character of the local area. This action item was addressed with the adoption of UDO-118 which established the MRB-S District.

Area Plan/Development Guide: The site is located within the boundaries of the Draft North Suburban Area Plan. This plan was recommended for adoption by the City-County Planning Board on February 10, 2005, however it has yet to be adopted by the City Council. The draft plan acknowledges the existing HB zoning but recommends for the portion of the site along Reynolda Road to be developed with limited commercial uses. Moderate density residential development is recommended for the undeveloped remainder of the subject property (the portion located behind the first “tier” of lots that front Reynolda Road). The plan specifically discourages large-scale retail development on this site. The Plan states that consideration should be given as to how these structures affect the appeal, integrity, function, and value of existing residential neighborhoods.

ANALYSIS

The current request is to rezone 24.89 acres from HB to MRB-S (Shopping Center). The property is located on the northeast side of Reynolda Road across from Wabash Avenue and generally opposite the Old Town Shopping Center.

In 2004, a request was submitted for the subject property, along with an additional 6.07 acres of RS-9 property located to the northwest, for rezoning to HB-S. This petition was also for a Wal Mart. During the same time period, UDO 118 was drafted and ultimately adopted by City Council. This text amendment established the currently requested MRB-S District which was primarily designed to accommodate “big box” developments with varying design standards based upon square footage thresholds of 75,000 and 125,000 square feet. This amendment also enables the City Council to better address the impacts of such developments on the surrounding environs. The current request is for the portion of the original site which is already zoned HB.
This section of Reynolda Road is a five lane, major thoroughfare which is developed in a fairly intensive manner with small to large scale commercial and institutional establishments and a mix of zoning classifications. A majority of the commercial properties in the area are older and there are several commercially zoned parcels that have yet to develop. Two recently approved single family residential developments are directly adjacent to the site. Currently under construction to the north are 24 homes along Squire Place Drive. The City of Winston-Salem has loaned the Housing Partnership $750,000 for infrastructure costs in order to construct this development which will be for low and moderate income homeowners. To the east is located a larger residential development which includes a public street stub, Cheshire Place Drive, into the subject property. Regarding the subject property’s relationship to the greater community, the Winston-Salem city limits is approximately ¼ mile to the northwest. Reynolda Road narrows to a two-lane highway at the city limit line and serves as an informal “gateway” to/from the city and the historic Town of Bethania.

The site plan illustrates 203,128± sf for the heated store area plus 20,000 sf of seasonal outdoor display area and one out parcel to be used as a fuel/convenience store area. Three entrances from Reynolda Road are proposed with the main one being located across from Wabash Avenue. The petitioner has submitted a Transportation Impact Study (TIS). The TIS recommends signalization of this intersection along with other improvements such as turn lanes at appropriate locations and restriping of the center two-way turn lane to create dedicated turning movements. The City Transportation Department believes these improvements will adequately handle the additional traffic generated on Reynolda Road by the proposed development, with some minor modifications.

No external connections to adjacent properties are proposed although staff has recommended the provision of a vehicular cross access easement into the adjacent RS-9 lot to the west (close to Reynolda Road). Additionally, in order to utilize the adjacent stub connection of Cheshire Place Drive and to address the multiple benefits of connectivity, staff recommends that a bicycle/pedestrian linkage from this neighborhood to the storefront be provided at this location. Ideally this connection would meet the Americans With Disabilities Act (ADA) standards. Bicycle racks, as shown on the site plan, are now required for large retail establishments as per the MRB-S District standards.

Staff commends the petitioner in complying with the site specific design standards of the MRB-S District. These requirements include the provision of a dedicated refuge for pedestrians within the parking lot area. This greatly facilitates pedestrian circulation to the front door in a safer manner not only from the parking lot (with moving vehicles) but from Reynolda Road. The developer has also agreed to work with WSTA on providing a sheltered transit stop on Reynolda Road. The extensive inclusion of large variety trees i.e. Oaks and Maples, along Reynolda Road and within the parking areas will help to visually break up the mass of the 650’ façade, as seen from Reynolda Road. Such trees also provide additional environmental benefits, as compared to smaller ornamental trees, and would be more complementary to the historic and rural identities of nearby Bethabara and Bethania. Other MRB-S site plan requirements address lighting, public art, signage and building architecture (See Exhibits A, B, and C). Staff certifies the subject request complies with the design requirements of the UDO for the MRB-S District.
With that said however Planning staff would like to make a clear distinction between compliance with said specific design standards on the site and the more fundamental considerations of the purpose statement for the MRB-S District. That statement refers to “compatibility with the surrounding community.” and that “… the community’s natural, physical, economic and fiscal resources, and their adequacy to accommodate the impact of such developments, both individually and cumulatively shall be fully evaluated.”

Planning staff does not see the subject request as being compatible with the surrounding community. Both of the previously mentioned residential subdivisions are adjacent to either the side loading area or the rear loading area of the proposed Wal-Mart, and therefore will be significantly affected from both an audible and visual perspective.

In terms of impact to the surrounding neighborhoods, staff investigated the local area to decipher patterns of development and depths of encroachment back from Reynolda Road. The clearest comparison is a shopping center is across from the subject property. Located on the south side of Reynolda Road, Old Town Shopping Center’s rear façade is approximately 450’ from the Reynolda Road right-of-way. Conversely, the furthest part of the Wal-Mart building (the northernmost corner) is approximately 950’ from the right-of-way. This represents a nearly two-fold increase in depth of the development pattern for the Wal-Mart. Also, the square footage of the Wal-Mart is nearly 100,000 square feet more than that of Old Town Shopping Center. Moreover, behind Old Town Shopping Center, there are multifamily units that help aid in the transition into the single-family residential neighborhood. The proposed Wal-Mart would directly abut existing and proposed single-family residential development. As previously mentioned, to the west of the store in the area adjacent to Morningside Drive, there will be nearly a forty (40) foot differential between the top of the slope and the surface of the parking lot. To the north, while not developed, a platted subdivision would have a fifteen (15) foot drop to the rear of the store. On the east side of the store, the proposed site plan illustrates that the proposed Wal-Mart in nearly twenty (20) feet above the residential properties. While this massive grading approach to the site could not be prevented under general use zoning, staff is especially concerned that this special use district zoning does not provide for the positive integration and transition into those existing neighborhoods. Massing, building location and potential views into the subject property and of the store itself from adjacent residential areas are all issues of compatibility. For these reasons, staff believes that establishment of the MRB-S District is not warranted per the proposed site plan layout and its associated impacts as little has been done or perhaps can be done to blend the proposed development with the existing surroundings.

To date, big box stores in Winston-Salem have been concentrated on the commercial strips along Stratford Road/Hanes Mall Boulevard and a portion of the University Parkway Corridor. These locations are also generally in close proximity to freeway or grade separated type facilities. The question raised with this case is whether Winston-Salem will support the establishment of very large scale big box development along other thoroughfare corridors that could provide greater stress on the surface network. In this way, the case has city wide implications in addition to those related to the vicinity of this site. In addition, Reynolda Road has had a history of newer,
larger commercial development being put in place, with a resultant disinvestment, deterioration and often abandonment of older, smaller development. Given that trend, it is likely that this proposed development would have a similar result with existing commercial development in the immediate vicinity.

The Legacy Comprehensive Plan proposes a Metro Activity Center (MAC) location two miles southeast of the subject property. Since the adoption of Legacy, staff has attempted to steer commercial development toward the recommended activity centers. The proposed expansion of commercial zoning for a major retail development in an area not proposed to be in a nearby activity center is a primary reason for Planning staff’s concern with the current rezoning request. Approval of the subject request would in essence create a MAC in an area where such intense development is not recommended.

The Draft North Suburban Area Plan specifically discourages large-scale retail development on this site. The plan recommends limited commercial uses for the portion of the site along Reynolda Road and moderate density residential development for the undeveloped remainder of the subject property, providing a smooth transition between the more intense commercial uses and the existing, low-intensity residential uses.

In conclusion, staff recognizes that the site is already zoned general use HB which allows a long list of intensive uses. However, due to the large square footage of the proposed development, a rezoning is required in this case. Planning staff does not see the proposed location and surrounding area of the subject property as being consistent with the purpose statement of the recently established MRB-S District. Secondly, the request is inconsistent with many of the references in Legacy which has been discussed previously. Thirdly, the Draft North Suburban Area Plan recommends moderate density residential development for the undeveloped portion of the site and specifically discourages large-scale retail development. Fourthly, this site deviates from the standard location of similar sized establishments in that it is not in close proximity to a freeway thereby placing a greater burden on the surface network to handle the traffic. Finally, at nearly twice the square footage of Old Town Shopping Center (across the street) and set nearly twice as deep as said shopping center into an established neighborhood, the proposed rezoning and associated site plan represents a development significantly out of scale with its surrounding environment. This concern is particularly pertinent in light of the large amount of public monies which have recently been invested in the adjoining neighborhoods. While certain site plan elements and compliance with the design criteria of Section 3-12.1 and the MRB-S District may soften the impact of the proposed development, they would not mitigate staff’s fundamental land use concerns. The subject request represents a substantial deviation in the scale of commercial development currently evident in this area, and sets the precedent for other big-box development proposals along Reynolda Road where land can be assembled.

**FINDINGS**

1. Legacy proposes a MAC two miles southeast of the subject property. Legacy also calls for existing neighborhoods to be protected from inappropriate commercial encroachment and promotes economic development which is compatible with existing residential neighborhoods and other business developments.
2. The subject request complies with the site specific design criteria of the recently established MRB-S District but is incompatible with the purpose statement of said proposed district in regard to its incompatibility with the surrounding community.

3. The site is located within the Draft North Suburban Area Plan which was recommended for adoption by the City-County Planning Board on February 10, 2005, but has yet to be adopted by the City Council. The draft plan recommends moderate density residential development for the undeveloped portion of the site and specifically discourages large-scale retail development.

4. The site is already zoned HB.

5. The proposed Wal-Mart is nearly twice the square footage of Old Town Shopping Center (across the street) and set nearly twice as deep as said shopping center.

6. The proposed site plan does not reflect an attempt to transition to the adjacent single family residential.

7. The proposed rezoning represents a development which is significantly different than existing non-residential development patterns along Reynolda Road, could set a precedent for other big box proposals, and could have a secondary impact of more abandonment and deterioration of nearby commercial uses.

**STAFF RECOMMENDATION**

Zoning: **DENIAL**.

Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  a. Developer shall permit the Planning staff to photo-document the existing structures and overall site prior to development.
  b. Developer shall obtain a demolition permit from the Inspections Division.
  c. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.
  d. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
  e. Developer shall obtain a letter from the Corps of Engineers regarding "Wetlands" on the northeast corner of this property. Developer shall identify and cordon off the limits of encroachment for the wetland.
• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall record a bufferyard easement on the adjacent property to the west as shown on site plan.
  b. Any retaining wall shall be earth tone in color or shall match the color of the primary building as approved by Planning staff.
  c. All proposed buildings shall be consistent with the building elevations as shown in Exhibits A, B and C as approved by Planning staff.
  d. Site will be developed in accordance with the approved site plan.

• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall contact the Winston-Salem Transit Authority (WSTA) and shall coordinate an area for a covered bus stop; said area shall have sidewalk access and access to the proposed Wal-Mart. Any required transit stop or shelter recommended by WSTA in the shopping center or on Reynolda Road shall be installed or completed.
  b. Developer shall install all the improvements including a traffic signal as recommended in the Traffic Impact Study to the specifications of the Public Works Department of the City of Winston-Salem and the North Carolina Department of Transportation.
  c. Developer shall repair any damage to the curb and gutter and the sidewalks to the specifications of the Public Works Department of the City of Winston-Salem.
  d. All required fire hydrants shall be installed in accordance with the City Fire Department.
  e. Developer shall work with the Historic Resources Commission to develop, locate and install a historic marker for the Bethania Town Lot boundary line which passes directly through the site.

• OTHER REQUIREMENTS
  a. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign with a fifty-four (54) square foot sign area at the main entrance to the development located across Wabash Road. Each other development or outparcel within the site shall be permitted one freestanding six (6) foot high monument sign with a thirty-six (36) square foot sign area.
  b. Landscaping materials shall be consistent with those shown on sheet C-17 of the site plan.
  c. On-site lighting shall be consistent with that shown on sheet C-17 of the site plan.
  d. Developer shall stabilize slopes within 15 days of achieving final grade.

Gary Roberts presented the staff report.
PUBLIC HEARING

FOR:

Tom Terrell, 300 N. Greene Street, Suite 1400, Greensboro, NC  27401

- Introduced persons and explained their areas of expertise in case the board has questions for them.
- This site has always been zoned highway business. The residential areas are fairly recent developments. While they were being constructed, there was a large sign in front of the subject site stating that the site was for sale and was Highway Business zoning.
- This is not the invasion of retail into an established residential area. It's just the opposite. Residential uses have crept into this retail area.
- This would currently be a Wal-Mart store if a little over a year ago staff had not asked that we include that little RS-9 portion of land which triggered the whole big-box issue. (NOTE: A staff review of correspondence and meeting minutes from February 2004 indicates the additional RS-9 land was a suggestion of Wal-Mart that staff was asked an opinion about. While staff indicated there may be benefits to that, staff indicated that should not "be interpreted as an endorsement" of a special use rezoning that included the additional property. Staff went on to note in the correspondence that "there are neighborhood impact issues with that, as well as impacts on other properties in the vicinity not yet rezoned to a non-residential district, and we need to carefully consider those impacts.")
- Having a Wal-Mart here would not prevent a MAC from developing two miles away from this site.
- UDO-118 is not an ordinary ordinance. It is by far, without doubt the toughest, most rigid, and most onerous ordinance in the State of North Carolina governing design elements and placement of major retail. There is no area that has adopted anything that comes close.
- The goal of UDO-118 is not just a goal and purpose. Everything that precedes the MRB-S is expected to be included.
- The purpose of the MRB-S district is to address compatibility and transition through design.
- We think UDO-118 works and we think this board should stand behind UDO-118 and say, yes these design elements do mitigate effects on surrounding neighborhoods.
- This facility is not just a monolithic structure. It is a retail facility that has everything in it that a community wants: pharmacy, hardware store, tire & lube center, grocery store, sporting goods store. It just so happens that all of these are under one roof.
- There will be approximately 275 large oaks and maple trees. That's unprecedented both in terms of their size and in terms of their number.
- There will be large displays of public art.
- There will be pedestrian access to neighborhoods on east and north.
- The buffer on the west is five times greater than what the UDO requires.
- There will be only an additional 5,600 traffic trips. The level of service at Shattalon and on Reynolda is already Level of Service D. That will remain the same.
- The US Army Corps of Engineers has already signed off on all the environmental impacts.
- The retail neighbors are excited that we are coming.
Carl Cooper, 3907 Reynolda Road, Winston-Salem, NC 27106
- I operate a business next door to this site. I've been here 37 years and am excited about Wal-Mart coming in here.
- We have all the signs of a failing economy out in this area.
- Wal-Mart is the key to turning the economy around out here.
- There's always opposition to change.

Doug Curtis, 5218 Bear Creek Road, Winston-Salem, NC 27106
- I own a used car lot, a vacant lot, and an auto repair shop near this site.
- The City has been collecting taxes on this HB site. Now let's use it.
- People opposed to Wal-Mart need to talk to employees of Wal-Mart before they criticize it. My youngest daughter works for Wal-Mart and she loves her job. It's the best job she's ever had. I have other relatives that work for Wal-Mart. They like their jobs and are proud to work for Wal-Mart.
- My understanding is that if Wal-Mart doesn't get this property, they are going to build lower-income multi-family apartments here and that isn't what we need here.
- Most people who complain against Wal-Mart are the ones who can afford to not shop there.
- Wal-Mart has done more for the low-income people than any other organization.

Mr. Norwood expressed concern that this area was being referred to as "ground zero". Neither staff nor the Board members have referred to or would refer to this area by that name. However, a previous speaker has used that term which is probably where Mr. Curtis heard it.

Mike Taylor, 135 Idlewild Drive, Winston-Salem, NC 27106
- We own the property at Shattalon and Reynolda where Town and Country Furniture was located until four years ago.
- We are excited about Wal-Mart's interest in our area. Instead of more apartments and multifamily housing which ultimately lead to overcrowding, crime, and lower property values, this area can now look forward to greater shopping convenience, potential employment, and increased property values (both retail and residential).
- Instead of attacking Wal-Mart, we should thank them for having confidence in and investing millions to revitalize an area that many of us had almost given up hope on.

William Messick, 7241 Styers Ferry Road, Clemmons, NC 27012
- I speak for Bilco Corp., the owners and managers of Old Town Shopping Center across Reynolda Road from this site.
- We're in favor of Wal-Mart.
- We currently have a 25% vacancy rate and hear from current and potential tenants that the area lacks a major "draw".
- In response to Wal-Mart's request for rezoning, we have already received numerous requests for information on the center.
- If Wal-Mart is approved, we believe we will have a full shopping center.

Ashley Story, 1810 Craig Street, Raleigh, NC 27008
- I appreciate everyone's patience and hope we're at the end of the road.
- Wal-Mart has worked very hard to make sure it is in compliance.
- We believe it fits in and hope you will approve it.
AGAINST:
Sarah Johnson, 4372 Morningside, Winston-Salem, NC  27106
• I'm president of the Historic Old Town Neighborhood Association which has asked me to
tell you about the changes this Wal-Mart would bring to our neighborhood.
• We would see a 15-40' drop-off to asphalt parking.  Some of us would see the heating
and cooling equipment on the roof and the busy loading docks at the back.  Some would
see a building starting 20' above theirs and going straight up.  They could see
compressors, trash compactor, a steady stream of 18-wheelers along their back property
lines, a type IV buffer which would not block their view or the sounds.
• We would smell much more gas and diesel fumes.  Some of us would be close enough to
smell the garbage left in the parking lot by inconsiderate shoppers, including dirty diapers
especially fragrant after a rain.
• We would hear 18-wheelers shifting gears, roaring refrigerator units, shrill beeping back-
up warning signals, sirens, horns, generators and trash compactors.  These sounds carry
especially well at night when most deliveries are made and when most of us try to sleep.
• We could even hear an occasional tire squeal as a car tries to dodge a child who
accidentally ran out into the street.
• Finally, what would we feel?  Our hands would grip the steering wheel as we wait to dart
out in traffic.  Our hearts would race every time we see a child walk or run in the street.
We would feel a profound sense of loss for our neighborhood as we know and love it.
• Asked those present in opposition to this request to stand.  Also submitted petitions of
residents opposed to this request.

A. Daniel Johnson, 335 Friendship, Winston-Salem, NC  27106
• Flooding along the Mill Creek watershed is already extremely bad.  Additional
construction will just increase the problem.  We know Wal-Mart has storm water
controls, but additional parking lots create additional run-off.  The rate may remain the
same, but the volume will increase.  We are very concerned that more water will be going
into Mill Creek.
• Displayed pictures of flooding along Mill Creek.
• FEMA will tell you that with a 30-year mortgage, you have a 26% chance of having a
major 100-year flood.  We had four in five years.
• We've not been able to get clear information from City staff saying that the two drainage
culverts will be able to handle the entire storm water runoff that is coming from this site
now.  I've been told there is already "over-topping" when these culverts are being
flooded.
• Erosion is also an issue.  Even though you control the amount of water coming off a site,
there will still be erosion and soil loss during construction.
• I had to move.  Please don't allow more damage by allowing the zoning change.

Wilson Somerville, 136 Harmon Avenue, Winston-Salem, NC  27106
• My concern is traffic, both volume and safety.  Mr. Terrell states that the increase in
traffic will be 5,600 trips per day.  The information I was able to find indicates it would
be approximately 16,000.  The point is that there is a tremendous amount of uncertainty
about the numbers.
• I drive Reynolda Road frequently. I'm concerned already about the traffic on that road.
• If Wal-Mart increases other retail in the area, that will increase traffic.
• There are plans for additional development off Reynolda Road which will add traffic.
• 18-wheelers on side roads are an additional danger.
• There is no close freeway access to this site.

Melynda Dunigan, 1875 Mallard Lakes, Winston-Salem, NC 27106
• I'm the president of the Mallard Lakes Homeowner's Association and the Winston-Salem Neighborhood Alliance and I served as the chair of the North Suburban Area Plan Citizens Steering Committee.
• I'm here to ask you to deny rezoning in this case because it does not conform to UDO-118 or to the North Suburban Area Plan.
• The purpose of the MRB-S District is to ensure that large scale retail projects are compatible with the surrounding community. It's the position of the Winston-Salem Neighborhood Alliance that this project is simply not compatible.
• It would also overstress an inadequate infrastructure.
• It would likely contribute to the deterioration of nearby commercial property and it would significantly harm the area's historic resources.
• Because it would set a precedent for big-box development in the area, there would be further negative effects that would be amplified.
• We believe these impacts are unacceptable and ask you to deny the zoning.
• The proposed rezoning does not conform to the plan adopted by you at your last meeting. The plan specifically recommends against large-scale retail development on this site based on the fact that there is a metro activity center planned for two miles away from this site. The committee felt that putting a large-scale retail development on this site would have the effect of creating a MAC here which we feel is inappropriate because of the proximity of Bethania and Bethabara.
• Please respect and uphold the recommendations of the North Suburban Area Plan Committee.

Linda Croft, 3610 Reynolda Road, Winston-Salem, NC 27106
• I have a business in Old Town Shopping Center.
• My worries about the plan, although I believe it would probably help my business, is whether anyone could actually get to my business.
• I believe Reynolda Road is inadequate to hold a Wal-Mart store, as is Shattalon Drive.
• I don't think anyone will be able to get into Old Town Shopping Center.
• The reason Reynolda Road is run-down is that the people who own the buildings won't fix them. If my house looked like the shopping center down by Wal-Greens, the City would have written me up already.

Dr. Jeff Miller, 4124 Greenmead, Winston-Salem, NC 27106
• I think we ought to listen to what staff said about reasons not to build it. Planning means looking at the future. If Wal-Mart comes, where is Target, where is Best Buy? The road structure cannot handle it. The five lane Reynolda Road turns into two lanes less than half a mile north west of this site.
• The businesses that spoke for it all have vested financial interests in the purchase of their property.
Dr. Robert Vorsteg, 3620 Marlowe, Winston-Salem, NC  27106
- This morning a number of the merchants at Reynolda Manor met and founded the Reynolda Manor Merchants Association. They all have signed a petition opposing the Wal-Mart on grounds such as this being a threat to their business and a threat to the anchor stores upon which the survival of a shopping center largely depends. These merchants represent 140 employees.

Jane Milner, Housing Partnership, 2321 Maplewood Avenue, Winston-Salem, NC  27103
- I'm here to ask that you deny the rezoning for many of the reasons that have already been stated. However, the primary reason we oppose the Wal-Mart on this site is a business decision for the Housing Partnership. We are the adjoining property owner in Esquire Place. We have 24 lots which we have planned to develop there and we feel it is too much of a business risk for us to be able to proceed with developing the second phase of that property. There is City-loaned money in this project.

Henry Fansler, 567 Foxcroft Drive, Winston-Salem, NC  27103
- As a member of the Winston-Salem community, I ask you to oppose the placement of any big box establishment on this site.
- As a resident of Salem Woods which is divided from Atwood Acres by Little Creek which seems to bless us with storm water runoff from Hanes Mall Boulevard, I can tell you: If you build it, it will flood.

Terry Powell, 4019 Kathryn Court, Pfafftown, NC  27040
- I am chair of the local group of the Sierra Club representing 1,100 members who are asking you to oppose this rezoning. You should have a letter highlighting our reasons.

Since the opposition was given an additional four minutes, the Chairman opened the floor for the proponents to speak for an additional four minutes.

John Dorman, Kimley Horn, 4601 Charlotte Park Drive, Charlotte, NC
- We have submitted a detailed traffic impact analysis to WSDOT and NCDOT. They've both reviewed it and approved it. We have looked at impacts at Shattalon and at driveways and on Reynolda Road. The level of service at Shattalon will remain what it is today. The level of service at Wabash Road will be A in the morning and B in the evening. Both of those levels are exceptional and will cause minimal delay.
- The new traffic signal at Wabash Road will include pedestrian cross-walks and pedestrian signals so people will have a place to cross Reynolda Road without having to go all the way up to Shattalon.
- There are new sidewalks along the entire frontage.

Richard Redding, Meridian Group, 318 Indera Mills Court, Winston-Salem, NC  27101
- I handle the leasing for Reynolda Manor Shopping Center and Old Town Shopping Center. The difference between Reynolda Manor Shopping Center out to Old Town Shopping Center is night and day. Reynolda Manor Shopping Center is at nearly 100% occupancy and is leasing for nearly twice the lease rates that the properties in Old Town are able to get and they're sitting there 25-50% empty.
- Something needs to be done for that part of town.
• Precedent. Big Boxes require big sites. There are not big sites on Reynolda Road. There are only half acre and one acre sites and this one big site. I question what kind of precedent this can set.
• What else can be done for these businesses which are struggling?

WORK SESSION

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

1. Carol Eickmeyer: I'd like to commend Wal-Mart for trying to meet the design standards. I'm especially pleased that you are trying to do public art. I'd like to commend everyone who wrote us a letter. They were incredibly articulate. They were low on emotion and high on information. I'm especially pleased with that because too often we hear that people don't want something because it will be a change (without giving specific concerns or issues). In my opinion, this site is entirely too small for a development this size. I think it is out of scale with the housing development that is behind it. I too am concerned about the fact that there is no expressway there. I desperately wish Wal-Mart were in the business of doing 100,000 square foot buildings instead of twice that because I do think that a small scale 100,000 square foot development in this location would be an asset. I cannot support this rezoning and I'll be voting against it for those reasons. I really do want to say there's an undertone here about changing the rules, that Wal-Mart acted in good faith - that we perhaps misled them, that we've created this situation that is not fair. From a global perspective, looking at planning for this community as a whole, life isn't fair and we are incredibly fortunate that we have the opportunity to have this discussion about something that will have this much of an impact. I was irritated by the digs that people for this petition made at staff, at the timing of the North Suburban Area Plan, and at the thought that perhaps low-income housing is not desirable and that this area is perhaps headed toward a slum. Those things are really inappropriate to be talking about in a public hearing in this setting. But those things didn't influence me because I haven't changed much in my thought that this is too much for this site.

2. Jimmy Norwood: I have some questions for staff. Regarding the pedestrian connection from Cheshire, why was there not ADA access? Gary Roberts: Maybe let the site designer elaborate, but there's at least a 17 foot grade change there and two retaining walls to circumnavigate, so they were not able to meet ADA.
Jimmy Norwood: The length of Wal-Mart (650 feet) is slightly smaller than the length of Old Town Shopping Center (700 feet). Although the building is much larger, the length is what you'll see from Reynolda Road.

3. Lavastian Glenn: I have concerns about traffic. Were the cumulative effects of other development in the area included in the TIS? Connie Curtis, Winston-Salem Department of Transportation, stated that the TIS is required for peak a.m. and p.m. hours. As school dismissal times are different than the peak hours, they are not represented in the study. However, they would not be as bad as the p.m. peak because traffic volumes during that time are lower. The study includes existing traffic volumes plus approved developments within the vicinity of the site. The nearest signalized intersection at Shattalon and Reynolda and the driveways into the Wal-Mart site were considered.
4. Jerry Clark: As Loehman Plaza grows and Old Town Shopping Center fills up, were those figures included? Connie Curtis: There would have to be a lot of assumptions made about what tenants would fill those spaces and it wouldn't be reasonable to ask a petitioner to make those assumptions.
5. Paul Mullican: Is there any study about the route the 18-wheelers would take to make deliveries? Glenn Wilkins, Wal-Mart Community Affairs, stated that no specific routes had been planned, but if there was information they should consider, they would be glad to incorporate it. I would imagine they would be using the major roads because that will be faster.
   Paul Mullican: I'd like a little more detail about water runoff. Gary Roberts: There is a condition requiring a storm water runoff study which will most likely lead to a storm water management plan.
   Sue Hyde, Streets, indicated that Wal-Mart has preliminarily turned in their plan. We'll be looking to see if they meet our current policy regarding shaving the peak run-off times (modeling the two and ten year storms), to make sure they aren't overloading the first pipe they hit which is a city pipe under Winona, and then the NCDOT hydro-unit will also be looking at it because the next pipe is under Reynolda (a box culvert) and they'll be making sure it won't be overloaded.
6. Jimmy Norwood asked for explanation about the pictures showing problems there now. Sue Hyde noted that the pictures were taken further down the system in the established floodway at Mill Creek near Valley Road. We've done watershed studies all over the City and we know that at Winona and at Reynolda there are questions about whether they can handle the current amount of water.
   Jimmy Norwood: What's being done about the problem there now and wouldn't any building placed on this site cause more problems?
   Sue Hyde: We have to measure water flow. There can be more quantity, but we can only control the flow which is what we're looking at.
   Jimmy Norwood: Putting more pavement isn't going to change things a lot.
7. Brenda Smith: What kind of authorization was given for the wetlands? The Army Corps of Engineers informed the applicant today that authorization was granted for their permit.
8. Lavastian Glenn: How does it work when the area plan, which we just adopted, states it doesn't want this on this site, there is a lot of opposition, but the zoning is in place?
   Paul Norby: The plan does not propose a rezoning of this site. It simply says the recommended land use is that moderate density residential to the rear and commercial to the front.
9. Arnold King: Is there a 25-30 acre site that this could have gone on at the MAC? So we make a circle where we want a MAC but there isn't land there to do what is needed.
10. Paul Mullican: This is a very expensive proposal to pull together. Wal-Mart may not be the best solution, but it's the only thing on the plate and this area really needs help.
11. Jimmy Norwood: I have a hard time with this. Anything that would go in HB is going to generate pollution, traffic, noise. I think Wal-Mart has made the attempt. In relationship to the building across the street, there's not much difference in size from Reynolda Road. I do ask that they look closely at ADA capability at that intersection.
12. Lavastian Glenn: I can't vote for this because I really have a problem with the scale of the building. I think it's incredibly disrespectful to take into account the work of this advisory committee that created this area plan. We're in an historic area where we will be bottle-necking traffic. The community has spoken against this.
13. Jerry Clark: This has been really tough. I think all of Winston-Salem is historic. I hear people all the time saying they hate Wal-Mart and won't shop there. Then later I hear them say they went to Wal-Mart because things are changing so quickly. I'm also involved with Historic Oak Grove School which is in this area. I'm really struggling with this. I'm trying to think about the City in the long term. I think our job is to look out for the utilization of the land and the future of the City.

14. Carol Eickmeyer: There's really faulty logic here I think. Discussions of how much it costs to develop a particular site or how much money has been spent already is not the issue. The issue is whether this is an appropriate place for a building this size with this intense of a use. Wal-Mart is a 24 hour operation. This is not an appropriate place for an operation this intense or this large. I would suggest to the business owners that if this neighborhood develops with all the homes, Reynolda Road will flourish without Wal-Mart. On the other hand, Wal-Mart has the potential to radically change the kind of development that's there. It takes it from being a housing area to something that's much different. We are at the cross-roads of Hanes Mall Boulevard. Can this community support many more of those?

15. Arnold King: I've heard recently that people are opposed to two things: Sprawl and density. People say they don't want another Hanes Mall Boulevard and we should spread things out more. They aren't asking for anything that isn't permitted there now. The difference is that they want to put it under one roof. Wal-Mart has played by the rules and I'm going to support this.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements, and recommends staff conditions.
SECOND: Clarence Lambe

VOTE:
FOR: Clark, King, Lambe, Mullican, Norwood, Smith
AGAINST: Eickmeyer, Glenn
EXCUSED: None

Written Comments by Planning Board Members:

Jerry Clark:

The reason I voted for the petitioner, which helped advance their petition to the City Council in a supported light, was due to my belief that there were not enough stakeholders represented at the Public Hearing and that I felt the petitioner had done much more than what was asked of them by UDO-118. In my understanding, to vote any other way would be unfair to the petitioner and the under-represented stakeholders.

It seems to me that each time there is a major request for a developmental change in Winston-Salem the same opposition forces are present at the Public Hearings. The people who will benefit from the acceptance of this petition were under-represented or not represented at all. Through no fault of anyone, this is probably a condition that plagues governments throughout the country.
As I understand, the Planning Staff’s chief oppositions to this petition were:

- the size and character of the facility,
- the location outside of a proposed MAC,
- the facility’s incompatibility with the surrounding community,
- the physical location of the facility to a residential area, and
- the site not allowing for a transition to single-family residents.

The problem, as I see it, is that the petitioned property considered was zoned for Highway Business (HB) as far back as the 1960s, which is nearly a period of forty (40) years. The single-family residents were undoubtedly established by their developers with the knowledge that the adjacent property was zoned HB. Whether the seller of the residential property passed this information on to potential buyer is unknown for this discussion.

Now with a simple turn of events, the adjacent single-family residences and others believe they should possess the right to have a commanding voice in determining what will or will not be placed on private property that is adjacent to their property that is and has been zoned HB.

The petitioner applied for a permit to build a facility on Reynolda Road on a parcel of land that was and is zoned for HB. At that time they included some acreage zoned for single-family residents. The petitioner asked for the change in zoning, which caused the City Council to put a hold on this type of construction and instructed the Planning Board to review for the development of a new ordinance. The resulting UDO-118 was developed, modified and finally approved by the City Council and County Commissioners.

During this period the petitioner withdrew their petition and reworked their plans to incorporate the previsions represented in the final ordinance. The petitioner did not include the acreage that would need to be rezoned.

I highly respect the opinions of all parties involved and their dedication to the betterment of Winston-Salem through their individual or group viewpoints. They presented their views in a calm and coherent manner which is exemplary. However, my final vote came down to fairness. I don’t feel there is enough cause not to recommend to the City Council that they approve this petition. From a truly ethical position, I feel we will wrong the petitioner’s rights to a fair process if we don’t do so. Without personal emotions, consider this petitioner’s petition in the context of the facts.

Other Thoughts

The Planning Board is charged with making sound decisions on land-use in Winston-Salem Forsyth County based on recommendations from the Planning Staff, Legacy Guidelines and Public Hearing discussions. The Planning Board regularly steers away from societal issues as is indicated in what may be termed as the Wal-Mart phenomenon.
Wal-Mart Corporation has become a lightning rod of what may be ailing local businesses in America. The determination of whether Winston-Salem needs two or more than two Wal-Marts truly should remain in the domain of the elected officials who are legally and morally charged with the welfare of all of its citizens.

Carol Eickmeyer: The development is too large and too close to the residential developments. The concerns about "changing the rules" or giving a petitioner a break because they work hard is bogus. This development is not a good thing for this location. Plus, the North Area Plan - a citizen project does not want this to happen. We haven't addressed flooding or traffic sufficiently → are we incapable of learning from the past?

Lavastian Glenn: I believe that this proposed development is incompatible with the surrounding development and threatens the quality of life in the area. I also feel approving this zoning change against the recommendations of the recently approved area plan, seriously undermines the Community Planning process and reduces citizen trust of local government.

A. Paul Norby, AICP
Director of Planning