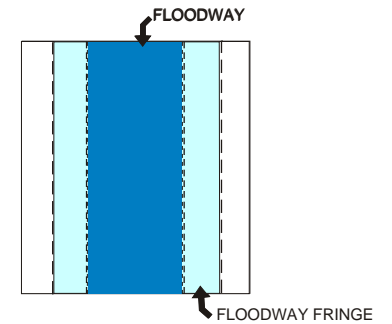


**DOCKET #:** W2670

**PROPOSED ZONING:**  
GB-S (Multiple Uses)

**EXISTING ZONING:**  
RM18

**PETITIONER:**  
E. V. Ferrell, Jr.  
and Douglas Dillard



**SCALE:** 1" represents 600'

**STAFF:** Hall

**GMA:** 3

**ACRE(S):** 32.6

**MAP(S):** 606842, 606846



January 21, 2004

E. V. Ferrell, Jr. and Douglas Dillard  
854 West Fifth Street  
Winston-Salem, NC 27101

RE: ZONING MAP AMENDMENT W-2670

Dear Mr. Ferrell and Mr. Dillard:

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 City 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  
Stimmel Associates, P.A., 601 N. Trade Street, Winston-Salem, NC 27101  
Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

**ACTION REQUEST FORM**

**DATE:** January 14, 2004  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of E. V. Ferrell, Jr. and Douglas Dillard

**SUMMARY OF INFORMATION:**

Zoning map amendment of E. V. Ferrell, Jr. and Douglas Dillard from RM-18 to GB-S [Shopping Center; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; ABC Store; Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Combined Use; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreational Services, Indoor; Recreational Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Hospital or Health Center; Library, Public; Museum or Art Gallery; Police or Fire Station; and Post Office]: property is located on the south side of Hanes Mall Boulevard east of I-40 (Zoning Docket W-2670).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of E. V. Ferrell, Jr. and Douglas Dillard, Docket W-2670

AN ORDINANCE AMENDING THE  
WINSTON-SALEM CITY  
ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF  
THE CITY OF WINSTON-SALEM, N.C.

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

Section 1. The Winston-Salem City Zoning Ordinance and the Official Zoning Map of the City of Winston-Salem, N.C. are hereby amended by changing from RM-18 to GB-S [Shopping Center; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; ABC Store; Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Combined Use; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreational Services, Indoor; Recreational Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Hospital or Health Center; Library, Public; Museum or Art Gallery; Police or Fire Station; and Post Office] the zoning classification of the following described property:

Beginning at a existing iron pipe in the southern margin of Hanes Mall Road; thence S 79° 38' 55" E a distance of 375.88' existing iron pipe in said margin; thence along said margin with a curve turning to the left with an arc length of 376.36', with a radius of 1,949.86', with a chord bearing of S 85° 11 '24" E, with a chord length of 375.77' to an existing iron pipe; thence along

said margin N 89° 24' 49" E a distance of 1,666.42' to an existing iron pipe; thence with a curve turning to the right with an arc length of 117.35', with a radius of 1,392.39', with a chord bearing of S 88° 16' 31" E, with a chord length of 117.32' to an existing iron pipe, being the north west corner of lot 1 Hanes Square, as recorded in Plat Book 41 Page 182, thence along the western line of lot 1, S 00° 32' 51" W a distance of 185.54' to the center of a creek; thence with a new line along the center of the creek the following 72 calls:

1. thence N 88° 58'39" W a distance of 55.31';
2. thence S 78° 02'05" W a distance of 51.80';
3. thence S 67° 58'48" W a distance of 9.07' ;
4. thence S 61° 09'43" W a distance of 49.92';
5. thence S 69° 16'39" W a distance of 29.77';
6. thence S 85° 30'53" W a distance of 30.71';
7. thence S 80° 15'59" W a distance of 49.19';
8. thence S 75° 22'19" W a distance of 67.56';
9. thence S 74° 38'49" W a distance of 69.76';
10. thence S 71° 08'59" W a distance of 58.81';
11. thence S 68° 05'47" W a distance of 53.95';
12. thence S 65° 38'56" W a distance of 53.27';
13. thence S 72° 49'46" W a distance of 52.80';
14. thence S 63° 15'52" W a distance of 60.73';
15. thence S 69° 31'28" W a distance of 12.33';
16. thence S 81° 08'38" W a distance of 26.62';
17. thence N 59° 26'54" W a distance of 12.18';
18. thence S 75° 53'15" W a distance of 46.54';
19. thence S 66° 10'55" W a distance of 8.28';
20. thence S 47° 59'17" W a distance of 67.56';
21. thence S 61° 12'06" W a distance of 27.82';
22. thence S 74° 41'50" W a distance of 21.61';
23. thence S 62° 35'13" W a distance of 16.85';
24. thence S 36° 03'03" W a distance of 30.87';
25. thence S 50° 46'36" W a distance of 11.60';
26. thence S 64° 59'20" W a distance of 40.41';
27. thence S 60° 55'17" W a distance of 27.37';
28. thence S 83° 53'17" W a distance of 4.69';
29. thence N 87° 11'18" W a distance of 37.75';
30. thence N 82° 05'08" W a distance of 36.66';
31. thence S 84° 42'54" W a distance of 12.69';
32. thence S 71° 38'38" W a distance of 35.07';
33. thence S 74° 30'04" W a distance of 45.79';
34. thence S 76° 12'26" W a distance of 30.30';
35. thence S 65° 44'48" W a distance of 31.41';
36. thence S 59° 43'04" W a distance of 49.92';
37. thence S 79° 34'32" W a distance of 54.86';
38. thence S 75° 33'41" W a distance of 58.63';

39. thence N 67° 04' 12" W a distance of 28.59';
40. thence N 06° 07' 45" W a distance of 53.78';
41. thence N 83° 11' 10" W a distance of 46.30';
42. thence S 68° 39' 52" W a distance of 42.40';
43. thence N 85° 07' 19" W a distance of 47.76';
44. thence S 77° 42' 14" W a distance of 32.07';
45. thence S 45° 29' 21" W a distance of 44.33';
46. thence S 72° 48' 22" W a distance of 53.06';
47. thence S 78° 23' 18" W a distance of 52.30';
48. thence S 87° 21' 21" W a distance of 44.79';
49. thence S 73° 36' 25" W a distance of 54.31';
50. thence S 72° 40' 47" W a distance of 62.69';
51. thence S 83° 29' 07" W a distance of 55.01';
52. thence S 67° 14' 49" W a distance of 79.49';
53. thence S 60° 37' 28" W a distance of 31.76';
54. thence S 79° 30' 55" W a distance of 10.91';
55. thence S 86° 26' 08" W a distance of 38.99';
56. thence S 76° 15' 39" W a distance of 37.09';
57. thence S 29° 11' 28" W a distance of 28.69';
58. thence N 85° 40' 59" W a distance of 43.97';
59. thence S 84° 28' 30" W a distance of 34.07';
60. thence S 66° 11' 55" W a distance of 51.92';
61. thence S 58° 56' 47" W a distance of 36.21';
62. thence S 52° 39' 33" W a distance of 5.32';
63. thence S 16° 24' 18" W a distance of 42.17';
64. thence S 27° 52' 04" W a distance of 13.88';
65. thence S 73° 36' 41" W a distance of 36.15';
66. thence S 66° 21' 04" W a distance of 43.76';
67. thence S 80° 05' 04" W a distance of 41.96';
68. thence N 84° 46' 25" W a distance of 55.54';
69. thence N 49° 49' 56" W a distance of 50.63';
70. thence N 88° 58' 28" W a distance of 33.68';
71. thence S 54° 10' 37" W a distance of 36.10';
72. thence N 87° 39' 29" W a distance of 38.07' to a point in the eastern line of The City of Winston Salem , as recorded in deed book 1767 page 126 ; thence leaving said creek and along the City of Winston Salem N 00° 19' 24" W a distance of 570.89'to an existing iron pipe in the at the south eastern corner of Lula B. Spainhour as recorded in deed book 340 at page 60; thence along Spainhour, N 00° 20' 31" W a distance of 329.60' to a brass disc set in concrete said point being in the right of way of Hanes Mall Road; thence N 42° 18' 45" E a distance of 70.57'; which is the point of beginning and containing 32.601 acres. Tax Block 3901, Part of Tax lots 6J and 6M.

Section 2. This Ordinance is adopted after approval of the site plan entitled E.V. Ferrell, Jr. and Douglas Dillard/Lifestyle Center on Hanes Mall Boulevard and identified as Attachment "A" of the Special Use District Permit issued by the City Council the \_\_\_\_\_ day of \_\_\_\_\_, to E. V. Ferrell, Jr. and Douglas Dillard.

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 E.V. Ferrell, Jr. and Douglas Dillard/Lifestyle Center on Hanes Mall Boulevard. 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 E. V. Ferrell, Jr. and Douglas Dillard, (Zoning Docket W-2670). The site shall be developed in accordance with the plan approved by the Board and bearing the inscription: "Attachment A, Special Use District Permit for GB-S [Shopping Center; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Car Wash; Funeral Home; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; ABC Store; Arts and Crafts Studio; Building Materials Supply; Convenience Store; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Combined Use; Services, Business A; Services, Business B; Services, Personal; Storage Services, Retail; Testing and Research Lab; Veterinary Services; Warehousing; Recreational Services, Indoor; Recreational Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Hospital or Health Center; Library, Public; Museum or Art Gallery; Police or Fire Station; and Post Office], approved by the Winston-Salem City Council the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_" and signed, provided the property is developed in accordance with requirements of the GB-S zoning district of the Zoning Ordinance of the *Unified Development Ordinances*, the Erosion Control Ordinance, and other applicable laws, and the following additional conditions be met:



- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  - a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. This plan must be a master plan for the management of storm water for the entire subject property. Storm water management devices may be installed separately in each development in accordance with the master plan.
  - b. The City-County Utilities Commission shall approve a plan to relocate the existing sanitary sewer line on the subject property or any grading over that sewer line. If sewer is relocated, the City-County Utilities Commission, prior to the issuance of any building permits, must approve final construction.
  - c. Developer shall flag in the field the limits of the 100-year flood fringe.
  - d. Developer shall provide a fifty (50) foot “no fill” buffer between the Little Creek tributary located along the southern property line of the subject property between the stream bank and the toe of the fill slope; or  
Provide a twenty (20) foot “no fill” buffer, except where a more narrow buffer is approved by the Erosion Control Officer; and  
Provide an approved phased erosion control plan; and  
On site erosion control construction management shall be provided by a licensed design professional.
  
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
  - a. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
  - b. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.
  - c. Developer shall record a vehicular cross-access easement to the property line of the property to the west of the subject property.
  - d. Developer shall dedicate fifty (50) foot public right-of-way and associated temporary construction easement of 10’ on each side of the public ROW for the construction of a future public street extending to the south into the adjacent RM-18 property.
  - e. Developer may not exceed half the proposed square footage shown on the site plan until the planned Hanes Mall Blvd. Widening to Jonestown Road is complete.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. Any required storm water management device(s) shall be installed. If above ground storm water management devices are installed on this property, a ten (10) foot streetyard type landscaping area shall be installed where practicable around the perimeter of each facility.
  - b. All required fire hydrants shall be installed in accordance with the City Fire Department.

- c. Developer shall install or make payment in lieu to the City of Winston-Salem for a minimum five (5) foot wide sidewalk on Hanes Mall Boulevard through the entire frontage of the subject property. Sidewalk location shall be coordinated with the NC and Winston-Salem DOT.

- **OTHER REQUIREMENTS**

- a. Only one (1) restaurant which meets the definition in the UDO for “Restaurant (with drive-through service)” and shall be located on Lot 8 or 9, as shown on approved site plan.
- b. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign at the main entrance to the development located near the midpoint of frontage of the site along Hanes Mall Boulevard. Each other development or outparcel within the site shall be permitted one freestanding five (5) foot high monument sign, to be placed along the internal street frontage.
- c. Only three points of vehicular access shall be provided into the site in accordance with the approved site plan.
- d. Lot 9 shall have only one point of access being off of the internal public street.
- e. Any buffer requirements shall be installed on slopes no greater than 2:1.
- f. Any trees utilized to satisfy streetyard planting requirements per the UDO shall be of large variety per UDO 3-4.10 (A).
- g. The Planning staff may approve “Staff Changes” to the original site plan if the proposed changes meet the original intent of the project as approved by the City Council and meet the following volunteered conditions:

- **VOLUNTEERED CONDITIONS**

- 1. The site layout as shown on the plan is for illustrative purposes only. The developer retains the right to adjust the site layout to accommodate users/purchasers as needed.
  - a. Building square footage and footprints, parking lot configurations, and road layouts shall have limited flexibility to be adjusted from those shown on the plan and shall be reviewed through the “Staff Change” process. More substantial adjustments related to building square footage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process.
  - b. Lot layout and location shall have limited flexibility to be adjusted from those shown on the plan and shall be reviewed through the “Staff Change” process. More substantial adjustments related to building square footage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process.
  - c. Any changes or adjustments shall continue to retain the design elements described below.
- 2. Developer will install the private divided road (“main road”) built to City street standards with a minimum 20’ median:
  - a. Road to have 20’ one way lane on each side of median with 60 degree angled parking on the median side and parallel parking on the outside.

- i. Angled and parallel parking will not be within the private access easement.
  - b. Median to have 5' wide sidewalk on both sides along the nose of the 60 degree angled parking spaces.
  - c. There will be a minimum 7' wide sidewalk on both sides of the main road along the outside of the parallel parking spaces.
  - d. Light fixtures will be installed along the sidewalks at a pedestrian scale with a maximum height of twelve (12) feet.
  - e. The minimum 10' wide landscaped portion of the median is to have large variety tree plantings at a range of forty (40) to sixty (60) feet on center within the median. Only one tree variety will be used along the entire length of the median.
  - f. Trees planted by the developer of individual lots at the back of the sidewalk along the "main road" shall match tree type used in the median per volunteered condition 2(e) and shall, as close as possible, match the tree spacing within the median (as illustrated on the approved site plan).
  - g. Any large variety tree used in parking areas and/or streetyards shall be of a variety different from that used for the median and to align the "main road".
    - i. Tree varieties allowed are as follows:
      - (a) Japanese Zelkova - Zelkova serrata 'Village Green'
      - (b) Bosque Elm - Ulmus parvifolia 'UPMTF'
      - (c) Allee Elm - Ulmus parvifolia 'Allee'
      - (d) Nuttall Oak - Quercus nuttalli
    - ii. Trees will be a minimum 3" in caliper when installed in the median.
  - h. Vehicular crossovers with pedestrian crosswalks will be installed along the main road:
    - i. Minor adjustments in the location and spacing of crossovers will be allowed. More substantial adjustments related to crossover locations shall be reviewed through the "Staff Change" process.
    - ii. Crossovers may provide access to parking lots on both the north and south sides of the main road.
    - iii. Crossovers shall be textured, painted, and/or striped.
3. Buildings along the south side of the main road will be oriented towards the main road.
- a.. Buildings will be placed within ten (10) feet of the back of the sidewalk.
  - b. Buildings will have primary pedestrian entrances facing the main road.
4. No parking will be allowed between the parallel parking spaces and the front face of any buildings along the south side of the main road.
5. Buildings located on lots on the north side of the "main road" shall be oriented towards the main road.
- a.. Buildings will be placed no more than sixty (60) feet from the back of the sidewalk located adjacent to the parallel parking spaces along the "main road".

- b. Buildings will have pedestrian entrances facing the “main road”. These entrances shall be visibly connected to the sidewalk along the “main road” via sidewalk connections and/or painted and/or textured pedestrian crossings through any vehicular travel lane and/or parking lot.
6. Only one bay of parking will be allowed between the parallel parking spaces and the face of any building along the north side of the “main road”.
7. Parking lot cross access between lots will be provided.
  - a. Adjustments in the location access drives will be allowed as long as the overall access path for interconnected parking areas is maintained.
8. Drop-offs and loading spaces will be allowed within the parallel parking spaces locations along the main road.
9. A negative access easement shall be provided where the lots adjoin Hanes Mall Boulevard except for area where the two main and two right-in/right-out entrances are proposed.
10. Dumpster and/or trash compactors locations can be added as necessary and shall be screened per the UDO section 3-4.6.
  - a. Any dumpster and/or trash compactor shall be a minimum of thirty (30) feet from the back of sidewalk (furthest edge from the median) located adjacent to the parallel parking spaces along the “main road”.

## ZONING STAFF REPORT

**DOCKET #** W-2670  
**STAFF:** S. Chad Hall

Petitioner(s): E. V. Ferrell, Jr. and Douglas Dillard  
Ownership: Same

### **REQUEST**

From: RM-18 Residential Multifamily District, maximum density 18 units/acre  
To: GB-S General Business District [Shopping Center; Wholesale Trade A; Banking and Financial Services; Building Contractors, General; Funeral Home; Hotel or Motel; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Office; ABC Store; Arts and Crafts Studio; Building Materials Supply; Food or Drug Store; Furniture and Home Furnishings Store; General Merchandise Store; Hardware Store; Restaurant (without drive-through service); Restaurant (with drive-through service); Retail Store, Specialty or Miscellaneous; Combined Use; Services, Business A; Services, Business B; Services, Personal; Testing and Research Lab; Veterinary Services; Recreational Services, Indoor; Recreational Services, Outdoor; Theater, Indoor; Adult Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; Church or Religious Institution, Neighborhood; Club or Lodge; Government Offices, Hospital or Health Center; Library, Public; Museum or Art Gallery; Police or Fire Station; and Post Office]

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acreage: 32.6 acres

### **LOCATION:**

Street: South side of Hanes Mall Boulevard east of I-40.  
Jurisdiction: City of Winston-Salem.  
Ward: Southwest.

### **SITE PLAN**

Proposed Use: Multiple Uses (see above).  
Square Footage: 199,300 sf Retail, 26,000 sf Professional Office, and a 13,500 sf Restaurant yielding a total of 238,800 square feet (sf). Note: These were the square footages and uses indicated for parking calculations.  
Building Height: One and Two stories (per site plan).  
Parking: Required: 1,264; Proposed: 1,340; layout: while the public street component is very small, the overall proposed appearance is of a public boulevard with on-street parking.

Approval of this site plan shall take into consideration proposed UDO text amendment 111 reducing one-way private access easement width.  
Bufferyard Requirements: 15' type II abutting RM-18; 15' type III abutting RS-9.  
Vehicular Use Landscaping Standards Requirements: UDO standards shall apply.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: No current structures exist on the subject property.

Adjacent Uses:

North and  
Northwest - Undeveloped land zoned GB-S  
Northeast - Developed Hanes Point Shopping Center, zoned GB-S  
East - Developed outparcels zoned GB-S  
South and  
Southeast - Remaining portion of current vacant lot zoned RM-18.  
West and  
Southwest - Undeveloped RS-9 that is mostly floodplain

### **GENERAL AREA**

Character/Maintenance: The area is comprised of large strip commercial centers with some outparcels.

Development Pace: Rapid

### **HISTORY**

Relevant Zoning Cases:

1. W-2388; RS-9 to GB-S (Shopping Center); approved June 19, 2000; south side of Hanes Mall Boulevard across from Westgate Center Drive; 35.77 acres; Planning Board and staff recommended approval.
2. W-2351; GB-S (Shopping Center) to Site Plan Amendment; approved December 6, 1999; north side of Hanes Mall Boulevard east and south of Interstate 40; 26.15 acres; Planning Board and staff recommended approval.
3. W-2256; RM-18 and GB-S (Shopping Center) to GB-S (Shopping Center); approved October 5, 1998; north side of Hanes Mall Boulevard east and south of Interstate 40; 26.15 acres; Planning Board and staff recommended approval.
4. W-2253; GB-S (Multiple Business Uses) to GB-S (Multiple Business Uses); approved October 5, 1998; south side of Hanes Mall Boulevard and west of Westgate Center Drive; 10.45 acres; Planning Board and staff recommended approval.

5. W-2132; GB-S (General Merchandise Store and Shopping Center) to Site Plan Amendment; approved April 7, 1997; property is located north of Hanes Mall Boulevard and south of Interstate 40 west of Westgate Center Drive; 36.67 acres; Planning Board and staff recommended approval.
6. W-1958; GB-S, GB-S, and RS-9 to GB-S (General Merchandise Store and Shopping Center); approved April 3, 1995; property is located north of Hanes Mall Boulevard and south of Interstate 40 west of Westgate Center Drive; 36.67 acres; Planning Board and staff recommended approval.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The proposed site plan appears to remove all existing vegetation.

Topography: Across the entire subject property, the elevation changes a total of about 50 feet, from about 744 feet in the southwest corner of the site up to 794.5 feet in the north-central section of the site.

Streams: Little Creek lies just to the west of the subject property. Additionally, a tributary of Little Creek forms the southern property line of this site.

Vegetation/habitat: Nearly all the subject property completely covered with vegetation.

Floodplains: Floodway fringe area from Little Creek and the adjoining tributary encroaches on the southwest corner of the subject property.

Wetlands: None – *Winston-Salem West Quad*.

Environmental Resources Beyond The Site: The proposed development could impact additional water bodies downstream, due to increased runoff and sedimentation resulting from the proximity of the new development to the tributary and to Little Creek.

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 stream and wetland protection regulations.

## **TRANSPORTATION**

Direct Access to Site: Hanes Mall Boulevard

Street Classification: Hanes Mall Boulevard – Major Thoroughfare

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

Hanes Mall Boulevard between Westgate Plaza Drive and Jonestown Road =  
14,000/16,100

Trip Generation/Existing Zoning: RM-18: 32.6 acres x 18 u/a x 6.59 (multifamily trip rate) = 3,867 trips per day

Trip Generation/Proposed Zoning: GB-S

199,300/1,000 x 40.67 (Specialty Retail Trip Rate) = 8,105 trips per day + 26,000/1,000 x 36.13 (Medical/Dental Trip Rate) = 939 trips per day + 13,500/1,000 x 130.34 (High Turnover Sit-Down Restaurant Trip Rate) = 1,759 trips per day; Total Trips per Day = 10,803

Planned Road Improvements: Hanes Mall Boulevard between Stratford Road and Jonestown Road; from 2-5 lanes to 4 lanes divided; WSDOT advises that widening will be started and construction will take place by 2005.

Sight Distance: Good.

Interior Streets: Mostly private.

Traffic Impact Study recommended: Yes.

Connectivity of street network: Adequate.

Sidewalks: Proposed along Hanes Mall Boulevard.

Transit: Route 43 along Hanes Mall Boulevard

Bicycle Route: None

### **CONFORMITY TO PLANS**

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3)

Relevant Comprehensive Plan Recommendation(s): *Legacy* recommends compact mixed-use walkable developments.

Area Plan/Development Guide: *South Stratford Road Development Guide* (adopted in 1989)

Relevant Development Guide Recommendation(s): The *South Stratford Road Development Guide* recommends that the subject property be developed as a mixed-use project (category B - explained on the map [pg. 17] as a mixture of office/commercial/residential/light industrial). The plan states that the parcels in the mixed-use area should “be developed comprehensively and should not be subdivided into numerous, unrelated uses.” Further, the plan states that “commercial, office, industrial, and residential uses should be integrated as much as possible, even within the same buildings”. The plan also recommends that a greenway easement be dedicated along Little Creek and tributaries (the creek to the south on the subject property is shown as needing a greenway easement).

### **GREENWAY/RECREATION/OPEN SPACE REVIEW**

Greenway Plan: Site identified in the Greenway 2002 Plan and the *South Stratford Road Development Guide*.

Greenway/Trail Name: Hanes Mall Boulevard Greenway Connector.

Easement Requested: The subject property does not include Little Creek or much of its floodplain. However, the site plan illustrates a potential connection to the future greenway.

Side of Creek: Not located along creek.

Parks/Open Space Designation: No

Comments/Status of Trail: The greenway connector is proposed as a sidewalk connecting Hanes Mall Boulevard to the proposed Little Creek greenway. As such, it does comply with the recommendations of the new Greenway Plan.

### **ANALYSIS**

The current request is to rezone 32.6 acres of land in the City of Winston-Salem from RM-18 to GB-S (Multiple Uses). The property is located on the south side of Hanes Mall Boulevard east of I-40. A majority of the business zoning along Hanes Mall Boulevard is GB-S.



The site is located in the Suburban Neighborhoods Growth Management Area (GMA 3) and is located in close proximity to a Metro Activity Center (MAC), per *Legacy*. The subject property is also within the *South Stratford Road Development Guide* that calls for the subject property to be mixed-use. It is important to note that several of the properties in the area, especially those across Hanes Mall Boulevard from the subject property, were also indicated as mixed-use in the development guide. With that, the precedent has already been set for this area to develop as comparable retail commercial.

- The proposed site plan illustrates twelve (12) lots with buildings yielding a total of 238,800 square feet (sf) of space for businesses. With such a wide array of proposed uses, it is difficult to say what exactly will occur on the subject property, but the trend on Hanes Mall Boulevard is for retail business uses more so than offices. Dependent upon the specific uses eventually used for each parcel, Planning staff is expecting certain layout considerations to change based on parking requirements and desires of the future developer of each parcel. Staff has worked with the site plan preparer on volunteered conditions (see Volunteered Conditions) that will achieve the same goals of the proposed site plan while allowing limited flexibility to accommodate the eventual user of each lot. Being a speculative rezoning request, Planning staff would prefer to restrict the limits of any future site plan changes. Any changes not in keeping with the spirit of the approved site plan, volunteered conditions, or within the limits of a “Staff Change” would require a Site Plan Amendment.

According to Winston-Salem and NCDOT officials, Hanes Mall Boulevard is scheduled to be improved to a full five-lane cross-section (two travel lanes each direction and a center turn lane) starting in 2005. These improvements will extend westward from the current five-lane section east of the I-40 bridge and continue westward to the intersection of Hanes Mall Boulevard and Jonestown Road. Said improvements when completed will adequately accommodate increased traffic demands of the current zoning request. Accordingly, staff recommends a site plan condition which will limit development of the subject site to half of the requested square footage until said improvements have been completed.

The site plan illustrates minimal public street right-of-way, primarily being the access to the site between lots 8 and 9. South of lot 8, the public right-of-way turns south in order to provide a future public street connection to the remaining adjacent RM-18 zoned property across the tributary to Little Creek. While the remainder of the subject property, based on the current site plan, has buildings that front onto a private access easement, the appearance is actually of a small commercial boulevard with parking on each side of the one-way travel lanes. Access to each outparcel (or lot) would be from this private access drive. Of note is proposed text amendment UDO-111 that proposes to reduce the required width of a one-way private access easement to 20’ versus the current UDO requirement of 25’. Staff is supportive of said text amendment.

In an effort to reduce sediment in our streams and improve water quality, the City of Winston-Salem Inspections Division would prefer to see a maintained distance of fifty (50) feet from the edge of the bank of the tributary to Little Creek (located along the southern perimeter of the subject property) and the toe of any grading and/or fill slope. Where 50’ cannot be maintained, a minimum of 20’ shall be provided with permission of the Erosion Control Officer.

In summary, the *South Stratford Road Development Guide* calls for the subject property to be mixed-use. Several of the properties in the general area were also indicated as mixed-use in the development guide, but were developed as purely retail commercial. With that, the precedent has been set for this area to develop with comparable retail commercial development. Adequate access easements are being provided to the south and west adjoining vacant properties ensuring future connectivity. Volunteered conditions have been submitted that would allow adjustments in the site plan to cater to the eventual user while maintaining the spirit of the proposed site plan.

Additionally, the proposed site plan assumes the approval of a text amendment (UDO-111) which would allow a reduction in the width of one-way access easement from twenty-five (25) feet to twenty (20) feet. With the incorporation of the 50' buffer condition along the tributary, and approval of text amendment UDO-111, staff is supportive of the request.

### **FINDINGS**

1. The *South Stratford Road Development Guide* calls for the subject property to be mixed-use.
2. Several properties along Hanes Mall Boulevard were also indicated as mixed-use in the development guide but were approved and developed as pure retail commercial.
3. While the proposed development will generate traffic beyond the current capacity of Hanes Mall Boulevard, widening to four lanes divided west to Jonestown Road is scheduled to take place in 2005.
4. Staff has worked with the site plan preparer on volunteered conditions that will achieve the same goals of the proposed site plan while offering limited flexibility in layout, essentially preventing an abundance of Staff Changes or Site Plan Amendments.
5. The City-County Inspections staff recommends up to a 50' buffer along the Little Creek tributary located along the southern boundary of the site. Encroachment will require permission from Erosion Control.
6. The proposed site plan is dependent upon approval of a text amendment to reduce the width of one-way private access easements from 25' to 20'.

### **STAFF RECOMMENDATION**

Zoning: **APPROVAL**, with adoption and incorporation of requirements from WSDOT, NCDOT, and the Inspections Division.

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 have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. This plan must be a master plan for the management of storm water for the entire subject property. Storm water management devices may be installed separately in each development in accordance with the master plan.
- b. The City-County Utilities Commission shall approve a plan to relocate the existing sanitary sewer line on the subject property or any grading over that sewer line. If sewer is relocated, the City-County Utilities Commission, prior to the issuance of any building permits, must approve final construction.
- c. Developer shall flag in the field the limits of the 100-year flood fringe.
- d. Developer shall provide a fifty (50) foot “no fill” buffer between the Little Creek tributary located along the southern property line of the subject property between the stream bank and the toe of the fill slope; or  
Provide a twenty (20) foot “no fill” buffer, except where a more narrow buffer is approved by the Erosion Control Officer; and  
Provide an approved phased erosion control plan; and  
On site erosion control construction management shall be provided by a licensed design professional.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**

- a. On-site fire hydrant locations shall be approved by the City Fire Department in writing to the Inspections Division.
- b. Developer shall obtain driveway permit from NCDOT; additional improvements may be required prior to issuance of permit.
- c. Developer shall record a vehicular cross-access easement to the property line of the property to the west of the subject property.
- d. Developer shall dedicate fifty (50) foot public right-of-way and associated temporary construction easement of 10’ on each side of the public ROW for the construction of a future public street extending to the south into the adjacent RM-18 property.
- e. Developer may not exceed half the proposed square footage shown on the site plan until the planned Hanes Mall Blvd. Widening to Jonestown Road is complete.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. Any required storm water management device(s) shall be installed. If above ground storm water management devices are installed on this property, a ten (10) foot streetyard type landscaping area shall be installed where practicable around the perimeter of each facility.

- b. All required fire hydrants shall be installed in accordance with the City Fire Department.
- c. Developer shall install or make payment in lieu to the City of Winston-Salem for a minimum five (5) foot wide sidewalk on Hanes Mall Boulevard through the entire frontage of the subject property. Sidewalk location shall be coordinated with the NC and Winston-Salem DOT.

- **OTHER REQUIREMENTS**

- a. Only one (1) restaurant which meets the definition in the UDO for “Restaurant (with drive-through service)” and shall be located on Lot 8 or 9, as shown on approved site plan.
- b. Development shall be permitted one (1) freestanding fifteen (15) foot high monument sign at the main entrance to the development located near the midpoint of frontage of the site along Hanes Mall Boulevard. Each other development or outparcel within the site shall be permitted one freestanding five (5) foot high monument sign, to be placed along the internal street frontage.
- c. Only three points of vehicular access shall be provided into the site in accordance with the approved site plan.
- d. Lot 9 shall have only one point of access being off of the internal public street.
- e. Any buffer requirements shall be installed on slopes no greater than 2:1.
- f. Any trees utilized to satisfy streetyard planting requirements per the UDO shall be of large variety per UDO 3-4.10 (A).
- g. The Planning staff may approve “Staff Changes” to the original site plan if the proposed changes meet the original intent of the project as approved by the City Council and meet the following volunteered conditions:

- **VOLUNTEERED CONDITIONS**

- 1. The site layout as shown on the plan is for illustrative purposes only. The developer retains the right to adjust the site layout to accommodate users/purchasers as needed.
  - a. Building square footage and footprints, parking lot configurations, and road layouts shall have limited flexibility to be adjusted from those shown on the plan and shall be reviewed through the “Staff Change” process. More substantial adjustments related to building square footage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process.
  - b. Lot layout and location shall have limited flexibility to be adjusted from those shown on the plan and shall be reviewed through the “Staff Change” process. More substantial adjustments related to building square footage, building orientation, site layout, and/or site access or road layout shall be reviewed through the Site Plan Amendment process.
  - c. Any changes or adjustments shall continue to retain the design elements described below.
- 2. Developer will install the private divided road (“main road”) built to City street standards with a minimum 20’ median:

- a. Road to have 20' one way lane on each side of median with 60 degree angled parking on the median side and parallel parking on the outside.
    - i. Angled and parallel parking will not be within the private access easement.
  - b. Median to have 5' wide sidewalk on both sides along the nose of the 60 degree angled parking spaces.
  - c. There will be a minimum 7' wide sidewalk on both sides of the main road along the outside of the parallel parking spaces.
  - d. Light fixtures will be installed along the sidewalks at a pedestrian scale with a maximum height of twelve (12) feet.
  - e. The minimum 10' wide landscaped portion of the median is to have large variety tree plantings at a range of forty (40) to sixty (60) feet on center within the median. Only one tree variety will be used along the entire length of the median.
  - f. Trees planted by the developer of individual lots at the back of the sidewalk along the "main road" shall match tree type used in the median per volunteered condition 2(e) and shall, as close as possible, match the tree spacing within the median (as illustrated on the approved site plan).
  - g. Any large variety tree used in parking areas and/or streetyards shall be of a variety different from that used for the median and to align the "main road".
    - i. Tree varieties allowed are as follows:
      - (a) Japanese Zelkova - Zelkova serrata 'Village Green'
      - (b) Bosque Elm - Ulmus parvifolia 'UPMTF'
      - (c) Allee Elm - Ulmus parvifolia 'Allee'
      - (d) Nuttall Oak - Quercus nuttalli
    - ii. Trees will be a minimum 3" in caliper when installed in the median.
  - h. Vehicular crossovers with pedestrian crosswalks will be installed along the main road:
    - i. Minor adjustments in the location and spacing of crossovers will be allowed. More substantial adjustments related to crossover locations shall be reviewed through the "Staff Change" process.
    - ii. Crossovers may provide access to parking lots on both the north and south sides of the main road.
    - iii. Crossovers shall be textured, painted, and/or striped.
3. Buildings along the south side of the main road will be oriented towards the main road.
    - a.. Buildings will be placed within ten (10) feet of the back of the sidewalk.
    - b. Buildings will have primary pedestrian entrances facing the main road.
  4. No parking will be allowed between the parallel parking spaces and the front face of any buildings along the south side of the main road.
  5. Buildings located on lots on the north side of the "main road" shall be oriented towards the main road.

- a.. Buildings will be placed no more than sixty (60) feet from the back of the sidewalk located adjacent to the parallel parking spaces along the “main road”.
- b. Buildings will have pedestrian entrances facing the “main road”. These entrances shall be visibly connected to the sidewalk along the “main road” via sidewalk connections and/or painted and/or textured pedestrian crossings through any vehicular travel lane and/or parking lot.
- 6. Only one bay of parking will be allowed between the parallel parking spaces and the face of any building along the north side of the “main road”.
- 7. Parking lot cross access between lots will be provided.
  - a. Adjustments in the location access drives will be allowed as long as the overall access path for interconnected parking areas is maintained.
- 8. Drop-offs and loading spaces will be allowed within the parallel parking spaces locations along the main road.
- 9. A negative access easement shall be provided where the lots adjoin Hanes Mall Boulevard except for area where the two main and two right-in/right-out entrances are proposed.
- 10. Dumpster and/or trash compactors locations can be added as necessary and shall be screened per the UDO section 3-4.6.
  - a. Any dumpster and/or trash compactor shall be a minimum of thirty (30) feet from the back of sidewalk (furthest edge from the median) located adjacent to the parallel parking spaces along the “main road”.

Chad Hall answered questions from the Planning Board.

### **PUBLIC HEARING**

FOR: None

AGAINST: None

### **WORK SESSION**

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

- 1. The 50' setback from the stream bank originally proposed was changed to 20' which still allows room for adequate erosion control devices.
- 2. Conditions limit restaurants with drive-through to one such entity and require it be placed on a lot along Hanes Mall Boulevard.
- 3. The monument signs will only be allowed on interior streets, not on Hanes Mall Boulevard.

4. Regarding the note on site plan about the optional focal point, "Optional" doesn't mean an option of providing nothing. It simply allows for a later choice of what to place there (what the focal point will be).

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

SECOND: Carol Eickmeyer

VOTE:

FOR: Bost, Clark, Eickmeyer, Glenn, King, Lambe, Mullican, Norwood

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning