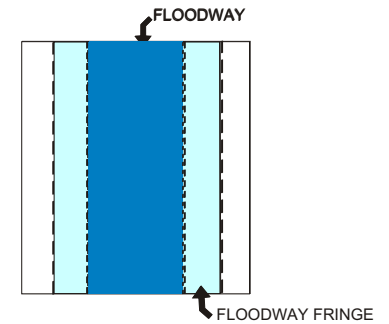


DOCKET #: W2729

PROPOSED ZONING:
CPO

EXISTING ZONING:
RS-9 and GI

PETITIONER:
Sara Lee Corporation
for property owned by Same



SCALE: 1" represents 600'

STAFF: Roberts

GMA: 3

ACRE(S): 109.00

MAP(S): 624886, 624890



October 20, 2004

Sara Lee Corporation
c/o Victor M. Polanco
1000 East Hanes Mill Road
Winston-Salem, NC 27105

RE: ZONING MAP AMENDMENT W-2729

Dear Mr. Polanco:

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
Peggy Carter, 1000 E. Hanes Mill Road, Winston-Salem, NC 27105
Brad Lockheart, 5490 Angel Oaks Drive, Winston-Salem, NC 27105

ACTION REQUEST FORM

DATE: October 20, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Sara Lee Corporation

SUMMARY OF INFORMATION:

Zoning map amendment of Sara Lee Corporation from RS-9 & GI to CPO:
property is located on the north side of Hanes Mill Road, west of Windy Hill
Drive Road (Zoning Docket W-2729)

PLANNING BOARD ACTION:

MOTION ON PETITION: THE MOTION TO APPROVE THE REQUEST WITHOUT
THE ADDITIONAL BUFFER AS REQUESTED BY STAFF RESULTED IN A TIE
VOTE.

FOR: FOLAN, KING, NORWOOD
AGAINST: CLARK, EICKMEYER, SMITH
EXCUSED: GLENN, LAMBE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Sara Lee Corporation, Docket W-2729

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 RS-9 and GI to CPO the zoning classification of the following described property:

Lying and being in Winston Salem Township of Forsyth County North Carolina and being the major portion of Tax Block 4841 Lot 123 as it currently exist as shown on the Forsyth County Tax Maps and being more particularly described as follows:

Commencing at NCGS Monument "Hanes" with NC Grid coordinates of N 889,550.0352, E 1,622,257.6741, thence South 88° 12' 29" East 3822.80 feet horizontal ground distance to a rebar, the true Point Of Beginning, said rebar also being the southeast corner of Tax Block 4841 Lot 132 as recorded in Deed Book 2029, Page 3630, thence with Tax Block 4841 Lot 132 the following 3 courses and distances: North 30° 09' 43" East 109.51 feet to an existing iron pipe; thence on a non-tangent curve to the right with a radius of 716.62 feet a chord bearing and distance of North 15° 31' 49" West 389.81 feet with an arc length of 394.79 feet to a rebar; thence North 55°19'08" West 270.00 feet to an existing iron pipe in the line of Tax Block 6294; thence with the line of Tax Block 6294 North 51°12'48" East 139.19 feet to an existing iron pipe, said pipe also being the southwest corner of Tax Block 4841 Lot 134 as recorded in Deed Book 1864, Page 3177; thence with the line of Tax Block 6294 North 02°27'32" East 988.96 feet to an existing iron pipe, said pipe also being the northwest corner of Tax Block 4841 Lot 134 and the southwest corner of Tax Block 4841 Lot 135 as recorded in Deed Book 1877, Page 544; thence continuing with the line of Tax Block 6294 North 08°41'23" West 201.45 feet to an existing iron pipe; thence North 11°24'17" East 251.16 feet to an existing iron pipe; thence North 31°50'26" West 103.00 feet to an existing iron pipe in the line of Tax Block 6294 and also the northwest corner of Tax Block 4841 Lot 135 and the southwest corner of Tax Block 4841 Lot 126K; thence with the lines of Tax Block 4841 Lots 126K,1J and 126J the following 11 courses and distances: South 76°50'54" East 413.14 feet to an existing iron pipe, the southeastern corner of Tax Block 4841 Lot

126K; thence North 13°07'53" East 29.77 feet to an existing iron pipe, a corner to Lot 126K and 1J; thence North 48°13'56" East 117.85 feet to an existing iron pipe; thence North 88°36'10" East 39.28 feet to an existing iron pipe; thence South 73°24'03" East 53.70 feet to an existing iron pipe, the southeast corner of Tax Block 4841 Lot 1J; thence South 69°24'12" East 182.21 feet to an existing iron pipe; thence South 59°28'05" East 70.56 feet the northeast corner of Tax Block 4841 Lot 126E as recorded in Deed Book 1882, Page 3527; thence North 26°02'14" East 160.09 feet to an existing iron pipe; thence North 24°42'52" East 134.18 feet to a rebar; thence North 52°39'34" East 164.58 feet to an existing iron pipe; thence North 89°55'01" East 159.93 feet to a rebar the southeast corner of Tax Block 4841 Lot 126J; thence with the southern line of Deed Book 1829, Page 2194, Tract Two North 89°55'01" East 99.83 feet to a point and with the line of Tract One South 75°17'57" East 546.55 feet to a point in the line of said Tract One as recorded in Deed Book 1829, Page 2194, said point being same bearing 92.47 feet from the new right of way line for Windy Hill Drive (SR 2201) as dedicated to the City of Winston-Salem in Deed Book 1785, Page 601 Parcel 2; thence with the current GIS zoning line as defined by Ordinance No. 2-1578 Docket No. W-1813 the following 5 courses and distances: South 00°05'33" East 2057.35 feet to a point; thence South 02°14'33" East 84.81 feet to a point; thence South 07°07'33" East 86.11 feet to a point; thence South 10°11'33" East 84.71 feet to a point; thence South 14°04'33" East 390.18 feet to a point in the northern right of way line of Hanes Mill Road as dedicated to the city of Winston-Salem in Deed Book 1785, Page 601, Parcel No.1, said point also being South 88°08'41" West 51.16 feet from the corner of said right of way; thence South 88°08'41" West 482.80 feet with the northern right of way line of Hanes Mill Road to a rebar; thence continuing with the northern right of way on a curve to the right having a radius of 2501.56 feet and an arc length of 1392.89 feet a chord bearing and distance of North 75°54'14" West 1374.97 feet to a rebar; thence continuing with the northern right of way North 59°48'10" West 23.38 feet to a rebar, the Point Of Beginning, containing 108.58± acres and also being defined as all of Tax Block 4841 Lots 134,126E,135 and the majority of Tax Block 4841 Lot 123 as currently defined on the Forsyth County Tax Maps.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2729
STAFF: Gary Roberts

Petitioner(s): Sara Lee Corporation
Ownership: Same

REQUEST

From: RS-9 Single Family Residential District, 9,000 sf minimum lot size and GI
General Industrial District
To: CPO Corporate Park Office District

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 6.4± acres in RS-9
102.6± acres in GI
109± acres total

LOCATION:

Street: Northwest corner of Windy Hill Drive and Hanes Mill Road.
Jurisdiction: Winston-Salem.
Ward: Northeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Sara Lee Corporate Office Building

Adjacent Uses:

North-	Undeveloped property and the Rehabilitation and Skilled Nursing Facility at Oak Summit zoned RS-9 and IP-S.
East-	90 foot wide bufferyard zoned GI-S with single family homes zoned RS-9 to the east of Windy Hill Drive.
South-	Undeveloped property and office development zoned MU-S and GI.
Southwest-	K & W restaurant zoned GI.
West-	Single family homes zoned RS-9.
Northwest-	Single family residence zoned RS-9.

GENERAL AREA

Character/Maintenance: Well maintained mixture of commercial and single family residential uses.

Development Pace: Moderate to rapid.

HISTORY

Relevant Zoning Cases:

1. W-2703; RS-9 to RM8-S (Residential Building, Multifamily); denied July 5, 2004; southeastern corner of Noel Drive and Nita Drive; 27.50 acres; Planning Board and staff recommended denial.
2. W-2667; GI to MU-S (Multiple uses); approved February 2, 2004; south side of Hanes Mill Road, west of Oak Plaza Boulevard; 34.33 acres; Planning Board and staff recommended approval.
3. W-2338; HB-S (Shopping Center) and RS-9 to HB-S (Shopping Center; and Theater, Indoor); approved September 7, 1999; north side of Hanes Mill Road across from North Summit Square Boulevard; 49.92 acres; Planning Board recommended approval, staff recommended denial.
4. W-1814; R-5 to I-3; approved April 5, 1993; off the west side of Windy Hill Drive south of Old Hollow Road/NC 66 and on the west side of Germanton Road/NC 8 at the Windy Hill Drive intersection; 19.94 acres; Planning Board and staff recommended approval.
5. W-1813; R-5 to I-3-S (Parks or Recreation Areas); approved April 5, 1993; west side of Windy Hill Drive between Germanton Road/NC 8 and Old Hollow Road/NC 66; 6.14 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No impact determined with general use request.

Topography: Overall, the subject property experiences a total elevation change of approximately 96 feet, rising from about 820 feet in the western section of the site up to about 916 feet in the northeastern section of the site.

Streams: Mill Creek Tributary crosses the western section of the subject property.

Vegetation/habitat: Some vegetation is present in various parts of the subject property, particularly in the northern most section of the site. Other unnamed branches that feed into the large pond on the site are located just to the north of the subject property.

Floodplains: Floodway and Floodway Fringe areas from the Mill Creek Tributary are located on the western section of the site.

Wetlands: A large PUBHh (Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded) wetland is located in the central section of the site. A PSS1A (Palustrine, Scrub Shrub, Broad Leaved Deciduous, Temporary Flooded) wetland is located just to the north of that wetland. Additionally, another PUBHh wetland is located north of the PSS1A wetland and just north of the subject property's northern border.

Natural Heritage Sites: None.

Farmland Preservation Sites: None.

Environmental Resources Beyond The Site: Because it is a general use petition, this proposal's impact to environmental resources beyond the site cannot be determined at this time.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Hanes Mill Road; Oak Summit Farm Road.

Street Classification: Hanes Mill Road – Major Thoroughfare; Oak Summit Farm Road – Private Road

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Hanes Mill Road between University Parkway and Germanton Road = 6,300/30,100

Planned Road Improvements: None.

Sidewalks: None.

Transit: Route 44 along Hanes Mill Road to the Sara Lee site.

Bicycle Route: None.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* supports quality office development in a campus-like setting. These developments are encouraged to include higher density housing and some supporting retail.

Area Plan/Development Guide: None – located within the North *Suburban Small Area Plan* study area.

Relevant Development Guide Recommendation(s): N/A – the *North Suburban Area Plan* has not been adopted – all land use recommendations are preliminary at this time. The draft Land Use Plan does show the subject property being developed as a comprehensive Office Park.

ANALYSIS

The request is to rezone 109 acres located on the north side of Hanes Mill Road from GI and RS-9 to CPO. The vast majority of the site is now zoned GI and is developed in a campus like setting with the 250,600 ± square foot, Sara Lee Corporate Office building. Approximately 6.4 acres, located in the northwestern corner of the site, is zoned RS-9 and includes a structure formerly used as a single family residence.

Over the past decade and a half the area surrounding the site has gone through tremendous change. The completion of Hanes Mill Road along with the construction of said office building and a substantial degree of commercial development to the west give clear indication of the changing landscape. The properties directly to the west and north are zoned RS-9 and are developed accordingly with the exception of some undeveloped land to the north. To the east is a 90 foot wide buffer of GI-S property which separates the subject site from the single family homes which front along Windy Hill Drive. This buffer was established in 1993 through Special Use District, GI-S zoning.

The CPO District is primarily intended to accommodate office, and research and development uses in a planned, campus-like setting compatible with adjacent residential uses. Considering the site's existing land use, surrounding development pattern and general location, the CPO District is clearly the most appropriate zoning classification for the subject property.

Table 1 identifies some of the land uses which are currently allowed in the GI portion of the site which would no longer be permissible under the proposed CPO District. Obviously, these uses would be generally considered less than compatible with the surrounding single family homes.

Staff does have some concern however with rezoning the entire RS-9 portion of the site located in the northwest corner. Such an action would allow a 60 foot high building to be constructed only 40 feet from the property lines of the existing homes in this area. The preference would be to retain the RS-9 zoning on a 50 foot wide section along the western and northern perimeter of this portion of the subject property. This would provide some additional measure of separation and to some degree emulate the previously noted buffer along Windy Hill Drive along the eastern border of the site.

Table 1: Uses Allowed in GI and Not Allowed in CPO (City of Winston-Salem)	
Bulk Storage of Petroleum Products	Z
Adult Establishment	Z
Motor Vehicle, Body or Paint Shop and Storage Yard	Z
Signs, Off-Premises	Z
Solid Waste Transfer Station	Z
Asphalt and Concrete Plant	E
Recycling Plant	Z
Storage and Salvage Yard	Z

Z = Permit From Zoning Officer; This table is not exhaustive.

In summary, staff views the requested CPO District as clearly being the most appropriate zoning classification for the vast majority of the subject property. It is recommended however that a 50 foot wide section along the western and northern perimeter of the RS-9 portion of the subject property, retain its residential classification. This would allow for required buffers to be located within the RS-9 portion of the site but require new office structures to be setback a minimum of 90 feet from developed residential properties to the west, instead of a minimum of 40 feet.

FINDINGS

1. *Legacy* supports quality office development in a campus-like setting. These developments are encouraged to include higher density housing and some supporting retail.

2. The *North Suburban Area Plan* has not been adopted – all land use recommendations are preliminary at this time. The draft Land Use Plan does show the subject property being developed as a comprehensive Office Park.
3. The proposed CPO District is the most appropriate zoning district for the Sara Lee Corporate Building Office building.
4. The proposed CPO District will eliminate several uses which could negatively impact the surrounding development yet are now permitted within the existing the GI District.

STAFF RECOMMENDATION

Zoning: **APPROVAL** with the exception of a fifty (50) wide section along the western and northern borders of Tax Lots 135 and 126E of Block 4841 which are currently zoned RS-9.

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Peggy Carter, 1000 E. Hanes Mill Road, Winston-Salem, NC 27105

- We request that you recommend this rezoning.
- CPO is primarily intended to accommodate office and developmental uses in a planned, campus like setting compatible with adjacent residential uses.
- This will mean our neighbors will never need to be concerned about the use of our land.
- It should also protect their long-term property values.
- Reviewed history of Sara Lee at this site.
- The topography ranges from hill to gully.
- When the new building is completed, we will restore the lake and trails.
- Installing a buffer as suggested would destroy the view and split our property.
- We realize that this rezoning will limit our future use of our land, but we feel it is in the best interest of our neighbors and our employees.
- This area of the Northeast Ward is shaping up into a striking productive mixture of uses including high class office buildings, quality housing choices, and a range of convenient retail options.
- Staff's recommendation contradicts the UDO's definition of the CPO District.

AGAINST:

Brad Lockheart, 5490 Angel Oaks Drive, Winston-Salem, NC

- I was very displeased with the super center zoning as the trees which were installed won't provide a buffer for 20 years; felt like we were sold a bill of goods.
- Please look out for our best interests. The neighborhood is getting enclosed.

WORK SESSION

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

1. Arnold King: Since the intention for this district when the UDO was developed was that it would be a good neighbor to residential, is there any review process under CPO when the building plans come in? Paul Norby replied: There was a presumption made at the time of UDO adoption that CPO would tend to be a good neighboring district - but since this is general use, we had to look at all the possibilities. Sara Lee has done a tremendous job so far on the site and is a wonderful corporate citizen. We just wanted to be careful up against the neighborhood given the past development and zoning history in the area.
2. CPO District zoning would bring a higher tax value than RS-9.
3. Parking could come within 15' of the zoning line. Any building setback would require 40' from the zoning line. Buffer area and plantings could be located within the RS-9 strip if that were left in place.
4. In response to discussion and questions about the topography, Glenn Simmons stated the topography has about a 10% change of grade across the slope over about 200' so you're looking at about a 20% slope. It gets much steeper as you go down the bank. The topography is pretty rough. However, this is a general use request and while we may be comfortable with Sara Lee's intended use of the land, we have to look at what someone else might do if it were conveyed to another owner.
5. Paul Norby stated that it could be a legitimate consideration for the Planning Board to take into account the existing features of the CPO District and determine that CPO provides in its judgment adequate protection for the neighborhood.
6. Jimmy Norwood asked about the special zoning strip on the eastern side adjacent to Windy Hill Drive and it was stated that the GI-S buffer strip along that boundary remains in place and is not changed by this rezoning.
7. Sometimes sites that appear unbuildable have things built on them.
8. Jerry Clark stated Sara Lee's property out here is beautiful. However, the neighborhood adjacent to the existing RS-9 zoning was here first. This is a difficult decision.

MOTION: Dara Folan moved approval of the zoning map amendment without the exception of the 50' RS-9 strip as recommended (with the 40' buffer as UDO requires).

SECOND: Jimmy Norwood

VOTE:

FOR: Folan, King, Norwood
AGAINST: Clark, Eickmeyer, Smith
EXCUSED: Glenn, Lambe

Paul Norby asked if the Board might prefer to clarify its opinion by taking two votes; one on the part of the property that is currently zoned GI (for which there appeared to be no disagreement) and the other on the part of the property that is currently zoned RS-9?

The extra 50' RS-9 strip is only being proposed for the corner currently zoned RS-9. For the GI portion, CPO all the way to the border provides better protection than GI.

MOTION: Dara Folan moved to reconsider the previous motion.

SECOND: Jerry Clark

VOTE:

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

MOTION: Dara Folan moved to change the existing GI to CPO.

SECOND: Carol Eickmeyer

Arnold King: My thought was that they are giving up a lot of uses by switching from GI to CPO and that 50' of RS-9 seems like a small price to pay. I hate to vote to take away uses without giving something back and would have a problem with not knowing first what we will do with the RS-9 zoned property.

Dara Folan: My second motion would be to approve the RS-9 without a buffer.

Ms. Carter: When we wanted to address the artificial barrier across the center of the property, we went to the staff and we talked about extending GI-S across the entire property. It was their recommendation that we take the entire 109 acres to CPO and we agreed with that realizing that we would sacrifice flexibility on the land.

Jimmy Norwood: There should have been some discussions about special use district zoning.

Arnold King: I bet when the petitioners brought this in, they didn't hear when it was suggested that they rezone all of it instead of just that small piece, "By the way, when you do we're going to ask for about twice as much land as what the UDO requires."

Glenn Simmons: Actually, we did suggest some special treatment for the western edge. Prior to the zoning submittal, we suggested (to Stantec who represented the petitioner prior to the general use zoning submittal) not only that the RS-9 portion, but also the GI portion as well have a 50' wide area of RS-9 or special use zoning treatment on the western edge like it is on the eastern edge.

After hearing from Ms. Carter that she would prefer the previous vote remaining, Dara Folan withdrew his motion to reconsider and the Board agreed to leave the result as a tie vote.

Written Comments by Planning Board Members:

Jerry Clark: I trust Sara Lee to do what they say they will do. However, I'm concerned for the future of the present RS-9 area of the site. I feel the Planning Board must protect residences from future activity at this location.

Carol Eickmeyer: The extra 50' supports an already - zoning challenged neighborhood --- This is a long view position because corporations and technology change we should look ahead.

Dara Folan: I believe in this case the existing requirements under the CPO zoning are sufficient. Therefore, I would approve without the exception recommended by staff.

A. Paul Norby, AICP
Director of Planning