



**DOCKET #:** W1852

(Continued from 10/16/01  
CCPB meeting)

**PROPOSED ZONING:**

HB-S (General  
Merchandise Store)

**EXISTING ZONING:**

HB-S (Multiple  
Business Uses)

**PETITIONER:**

Dollar Tree for property  
owned by Blue Oak Limited  
Partnership

**SCALE:** 1" represents 200'

**STAFF:** Reed

**GMA:** 3

**ACRE(S):** 1.15

**MAP(S):** 624890



November 16, 2001

Dollar Tree  
c/o Chris N. Grenier  
JDH Capital  
3735 Beam Road, Suite B  
Charlotte, NC 28217

RE: FINAL DEVELOPMENT PLAN W-1852

Dear Mr. Grenier:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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  
Jeanne Keith, 5380 Angel Oaks Drive, Winston-Salem, NC 27105  
Jim Fagan, 3735 Beam Road, Charlotte, NC 28217  
Ruby Goodwin, 5565 Angel Oaks Drive, Winston-Salem, NC 27105  
Elyse Jung, 521 Lynnhaven Court, Winston-Salem, NC 27104

**ACTION REQUEST FORM**

**DATE:** November 16, 2001  
**TO:** The Honorable Mayor and Board of Aldermen  
**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on Final Development Plan of Dollar Tree for property owned by Blue Oak Limited Partnership

**SUMMARY OF INFORMATION:**

Final Development Plan of Dollar Tree for property owned by Blue Oak Limited Partnership for a General Merchandise Store in a HB-S [Adult Day Care Center; Recreation Services, Indoor; Recreation Services, Outdoor; Arts and Crafts Studio; Broadcast Studio; Child Day Care Center; Medical or Dental Laboratory; Restaurant (without drive-through service); Restaurant (with drive-through service); Hospital or Health Care Center; Health Services, Miscellaneous; Building Materials Supply; Medical and Surgical Offices; Offices Miscellaneous; Professional Office; Banking and Financial Services; Services, Business A; Services, Business B; Services, Personal; Building Contractors, General; Convenience Store; Car Wash; Food or Drug Store; General Merchandise Store; Hardware Store; Nursery, Lawn and Garden Supply Store, Retail; Retail Store, Specialty or Miscellaneous - TWO PHASE] Zoning District: property is located on the south side of Hanes Mill Road east of Summit Square Boulevard (Zoning Docket W-1852).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** AVANT, BOST, CLARK, DOYLE, KING, NORWOOD, SNELGROVE  
**AGAINST:** POWELL, SCHROEDER  
**SITE PLAN ACTION:** CONFORMS

CITY ORDINANCE - SPECIAL USE

Final Development Plan of Dollar Tree for property owned by Blue Oak Limited Partnership, Docket W-1852

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 Board of Aldermen 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-S (Multiple Business Uses including General Merchandise Store - TWO PHASE) to Final Development Plan the zoning classification of the following described property:

Tax Block 6329, Tax Lot 004B

Section 2. This Ordinance is adopted after approval of the site plan entitled Dollar Tree and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, to Dollar Tree for property owned by Blue Oak Limited Partnership.

Section 3. The Board of Aldermen 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 Dollar Tree. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen of the City of Winston-Salem issues a Special Use District Permit for the site shown on the site plan map included in this Final Development Plan of Dollar Tree for property owned by Blue Oak Limited Partnership, (Zoning Docket W-1852). 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 a Final Development Plan in a HB-S (Multiple Business Uses including General Merchandise Store - TWO PHASE) Zoning District, approved by the Winston-Salem Board of Aldermen the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_"

and signed, provided the property is developed in accordance with requirements of the HB-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. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.

**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.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. One (1) freestanding monument type ground sign shall be permitted with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.
  - b. Developer shall install a minimum five (5) foot wide sidewalk to City of Winston-Salem specifications along the entire length of the property along Hanes Mill Road.
  - c. Any storm water management devices shall be installed.
  - d. All required fire hydrants shall be installed in accordance with the City Fire Department and the Utilities Department.

**VOLUNTEERED BY PETITIONER AND PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**

- a. The exterior of the building will consist of at least 75% brick (Similar in character and color to neighboring buildings) on three sides of the building with the rear side of the building consisting of split-face block.
- b. Crepe Myrtle trees will be included with the plantings along the entire Hanes Mill frontage of our property as allowed by City/County code.
- c. Exterior lighting fixtures will be of a "shoe-box" type which cast light downward in accordance with applicable codes.
- d. Our monument sign will not exceed 5 feet in height.
- e. No billboards or other flashing light-type billboards will be allowed on the property.
- f. We will engineer our storm water detention pond per City/County codes such that there will not exist any permanent standing water.
- g. The dumpster area will be screened so as to prevent debris on windy days.
- h. A three to four foot parapet will be placed above the roof deck on the building along Hanes Mill Road to screen the air conditioning units on the roof.
- i. Best efforts will be used to provide underground utilities to the building. JDH will use underground utilities if they are available.

**OTHER REQUIREMENTS**

- a. This Final Development Plan must be approved by the Board of Aldermen prior to the issuance of any permits.
- b. As a condition of the first phase of zoning for the entire development, this outparcel shall share a joint driveway easement with the outparcel to the south and provide cross access via a driveway stub connection to the outparcel located to the west of the property.

## ZONING STAFF REPORT

**DOCKET #** W-1852  
**STAFF:** David Reed

Petitioner(s): Dollar Tree  
Ownership: Blue Oak Limited Partnership

**CONTINUANCE HISTORY:** The petition was continued from the October 16, 2001 Planning Board Public Hearing to allow the petitioner time to work out site plan design issues with the staff. As of this writing, a workable site plan has not been submitted.

### **REQUEST**

From: HB-S Highway Business District (Multiple Business Uses including Offices, Miscellaneous; and Professional Office - TWO PHASE)  
To: Final Development Plan

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

Acreage: 1.15 acres

### **LOCATION**

Street: South side of Hanes Mill Road east of Summit Square Boulevard.  
Jurisdiction: City of Winston-Salem.  
Ward: Northeast.

### **SITE PLAN**

Proposed Use: Multiple business uses including General Merchandise Store.  
Square Footage: 12,200 square feet.  
Building Height: One commercial story.  
Parking: Required: 61 spaces; proposed: 61 spaces; layout: Staff is working with the petitioner on the parking layout at this time.  
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

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

Existing Structures on Site: None; site is vacant.  
Adjacent Uses:

North - Across Hanes Mill Road is a Wal-Mart Super Center.  
East - Vacant land zoned HB-S.

South - Vacant land zoned HB-S. Further south is North Summit Square Shopping Center zoned HB-S.  
West - Southern Community Bank.

### **GENERAL AREA**

Character/Maintenance: Emerging commercial area of new construction.  
Development Pace: Moderate to rapid.

### **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Vacant lot to be cleared and developed.  
Topography: Site slopes gently from northwest to southeast.  
Streams: None.  
Vegetation/habitat: Cleared.  
Constraints: No major constraints.  
Watershed: The site is not within the boundaries of a Water Supply Watershed.

### **TRANSPORTATION**

Direct Access to Site: Hanes Mill Road and private access easement.  
Street Classification: Hanes Mill Road - minor thoroughfare; private access easement - not classified.  
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):  
N/C available  
Trip Generation/Existing Zoning: No information available  
Trip Generation/Proposed Zoning:  $12,200 \text{ sf}/1,000 \text{ sf} = 12.2 \times 56.63 = 691$  average daily trips  
Planned Road Improvements: U-2729, Hanes Mill Road, widen to multi-lanes from University Parkway west to Museum Drive. Construction schedule beyond 2008.  
Sight Distance: Good.  
Interior Streets: Private.  
Traffic Impact Study recommended: No.  
Sidewalks: Should be constructed on Hanes Mill Road to adjoin sidewalk to the west.  
Transit: WSTA Route 10 and 44 are along Hanes Mill Road from University Parkway to the K & W driveway.

### **ANALYSIS**

The first phase rezoning of the current site was approved on November 15, 1993. The petition included several business uses including Shopping Center, and was approved as a TWO PHASE petition. Normal procedure would be for the City-County Planning Board to approve the Final Development Plan for a TWO PHASE petition. However, the Board of Aldermen attached a condition that the Final Development Plan be approved by both the Planning Board and the Board of Aldermen.



The current site is located on the south side of Hanes Mill Road east of North Summit Square Boulevard and was originally approved as one of several TWO PHASE outparcels on the south side of Hanes Mill Road. A median break in Hanes Mill Road currently exists at the proposed access point for this site. There also is an internal driveway connection developed on the adjacent property to the west and staff recommends this development tie into that connection.

As of this writing, staff is working with the developer to redesign the proposed parking layout which has raised some concerns among the interdepartmental staff. A redesigned site plan will be available for the Planning Board public hearing; however, because the site plan has not yet been submitted, staff may have limited ability to thoroughly review it before the Planning Board meeting.

### **STAFF RECOMMENDATION**

Final Development Plan: **DENIAL**. If the Final Development Plan is approved, the following conditions should apply:

- **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. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
  
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
  - a. One (1) freestanding monument type ground sign shall be permitted with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.
  - b. Developer shall install a minimum five (5) foot wide sidewalk to City of Winston-Salem specifications along the entire length of the property along Hanes Mill Road.
  - c. Any storm water management devices shall be installed.

### **OTHER REQUIREMENTS**

- a. This Final Development Plan must be approved by the Board of Aldermen prior to the issuance of any permits.
- b. As a condition of the first phase of zoning for the entire development, this outparcel shall share a joint driveway easement with the outparcel to the south and provide cross access via a driveway stub connection to the outparcel located to the west of the property.

**PUBLIC HEARING** - October 16, 2001

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Philip Doyle moved continuance of the zoning map amendment and site plan to November 8, 2001.

SECOND: Jerry Clark

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Schroeder, Snelgrove

AGAINST: None

EXCUSED: None

**PUBLIC HEARING** - November 8, 2001

David Reed presented the staff report.

FOR:

Jeanne Keith, 5380 Angel Oaks Drive, Winston-Salem, NC 27105

As far as the neighborhood is concerned, the developer has been very good to work with.  
The appearance is really good.

Jim Fagan, 3735 Beam Road, Charlotte, NC 28217

I hadn't heard of the minimum standards until today. The only issue we had been aware about was the Fire Department's concerns. We were concerned about the stacking situation and worked to resolve that.

The issue does concern the fact that a ladder truck would have to back out onto the driveway. It's not an issue of whether they can make that maneuver, it's frankly a matter of convenience. It's not an ideal situation. We looked at all the possibilities and couldn't make any of them work. The most viable was to open up the front of our parking lot to let the trucks exit through the bank parking lot. However, the bank wasn't interested in doing that.

We tried very hard to comply with every written ordinance. It's been very frustrating working with the Fire Department because they can't give us anything in writing. It's all a matter of preference. We feel we aren't getting clear answers. In reality, how often will a fire truck be needed here?

We've worked real hard to get to this point. We've bent over backwards to work with the neighborhood.

Winston is a special place to me. I lived here as a child and went to college here and we want a plan you can all be proud of.

Ruby Goodwin, 5565 Angel Oaks Drive, Winston-Salem, NC 27105

I want to congratulate the developers for working with the community. A lot of times developers won't work with the neighbors. I'd like to ask you to pass this because things that are built by working together will stand.

AGAINST:

Elyse Jung, 521 Lynnhaven Court, Winston-Salem, NC 27104

I didn't even come for this item, but after listening to it, I had some comments.

Not just one neighborhood is affected by what goes on along Hanes Mill Road.

Personally, I avoid the area and I hear that sentiment all the time.

Some of this development simply doesn't benefit the community. Development must be done in a way that doesn't harm the community.

What happens after the developer leaves?

### **WORK SESSION**

MOTION: Philip Doyle moved approval of the Final Development Plan, certifies that the site plan meets all code requirements and recommends staff conditions with additional conditions as submitted by petitioner.

SECOND: Kerry Avant.

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

1. John Bost: How do we discern the difference between convenience and requirement?
2. Philip Doyle: I think the Fire Department is pushing this a bit too far. If it was that grievous a requirement, they would put it in writing for staff.
3. Steve Snelgrove: Is this a higher standard because of the location whereas in a less intense community, this would not be a concern?
4. Paul Norby: This is the second phase of a two-phase petition. We send out the plans for the departments to review in light of their codes and requirements. Not every department has its requirements written down in a nice order, unfortunately. However, the UDO does require the decision-making body to use its own discretion to determine if it is acceptable. The Board of Aldermen will be making the final decision.
5. Kerry Avant: My concern with it is that I can think of many, many commercial office buildings and retail uses where a fire truck is going to be limited to having to back out of the site if they pull into the parking lot. That in itself takes away some of the importance of what the Fire Department is saying. They have a rear access to this building which is much more than many situations in Winston-Salem.

6. Kem Schroeder: Wal-Mart was supposed to be a very upscale and different type of development. It certainly doesn't meet my definition of upscale. If we're going to let an area develop intensely, we have to go beyond minimum standards. If we just meet minimum requirements, that isn't meeting our responsibility.
7. Jimmy Norwood: The minimum is all we can require.
8. Arnold King: Apparently the petitioners have gone over and above the minimum.
9. Philip Doyle: We can't keep changing the bar. We tell people to meet the UDO and work with neighbors.
10. Steve Snelgrove: We can change the bar, but not on a case-by case basis. If this is that significant an issue with the Fire Department, they need to be willing to put it in writing.

VOTE:

FOR: Avant, Bost, Clark, Doyle, King, Norwood, Snelgrove

AGAINST: Powell, Schroeder

EXCUSED: None

---

A. Paul Norby, AICP  
Director of Planning