**ACTION REQUEST FORM**

**DATE:** April 26, 2023  
**TO:** The Honorable Mayor and City Council  
**FROM:** Chris Murphy, AICP/CZO, Director of Planning and Development Services

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning petition of East Best, LLC

**SUMMARY OF INFORMATION:**

Public hearing and consideration of zoning petition of East Best, LLC from GI and LI to LI: property is located at the southwest intersection of Starlight Drive and Middleton Street. (Zoning Docket W-3571)

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED
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 GI and LI to LI the zoning classification of the following described property:

PIN 6834-73-1197

Section 2. This ordinance shall become effective upon adoption.
**PETITION INFORMATION**

<table>
<thead>
<tr>
<th>Docket</th>
<th>W-3571</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Amy Crum</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>East Best, LLC</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN 6834-73-1197</td>
</tr>
<tr>
<td>Address</td>
<td>589 Battery Drive, Winston-Salem</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General Use Rezoning</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting to amend the Official Zoning Map for the subject property <strong>from</strong> GI (General Industrial) and LI (Limited Industrial) <strong>to</strong> LI (Limited Industrial).</td>
</tr>
</tbody>
</table>

**NOTE:** General, Special Use Limited, and Special Use zoning were discussed with the petitioner(s), who decided to pursue the rezoning as presented. With a General Use request, all uses in the district must be considered.

<table>
<thead>
<tr>
<th>Neighborhood Contact/Meeting</th>
<th>As no residentially zoned property is located within 500 feet of the subject property, neighborhood outreach was not required.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District Purpose Statement</td>
<td>The LI District is primarily intended to accommodate limited manufacturing, wholesaling, warehousing, research and development, and related commercial and service activities which, in their normal operations, have little or no adverse effect upon adjoining properties. The district is established to provide locations for industrial development in GMAs 1, 2, 3 and 4 and Metro Activity Centers.</td>
</tr>
<tr>
<td>Rezoning Consideration from Section 3.2.19 A 16</td>
<td><em>Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</em> Yes, the site is located within Growth Management Area 2 and is surrounded by industrial uses and undeveloped property. One residential building is located adjacent to the property but is currently zoned LI. By downzoning the entirety of the property to LI, the remaining uses allowed on the subject property will have minimal adverse impacts on the residential use.</td>
</tr>
</tbody>
</table>

**GENERAL SITE INFORMATION**

<table>
<thead>
<tr>
<th>Location</th>
<th>Northwest corner of the intersection of Battery Drive and Middleton Street. South of Starlight Drive.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Southeast</td>
</tr>
<tr>
<td>Ward(s) July 2023</td>
<td>Southeast</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± 2.74 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Industrial Building</td>
</tr>
</tbody>
</table>
### Surrounding Property Zoning and Use

<table>
<thead>
<tr>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>N/A</td>
<td>Interstate 40 Right-of-Way and Starlight Drive</td>
</tr>
<tr>
<td>East</td>
<td>LI</td>
<td>Undeveloped property and a single-family residential building</td>
</tr>
<tr>
<td>South</td>
<td>GI and LI</td>
<td>Undeveloped property and an industrial building</td>
</tr>
<tr>
<td>West</td>
<td>GI</td>
<td>Industrial building</td>
</tr>
</tbody>
</table>

### Rezoning Consideration from Section 3.2.19 A 16

Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

Yes. The site is surrounded by properties zoned for General and Light Industrial.

### Physical Characteristics

The site is currently developed with one 46,912sf industrial building, the former Douglas Battery Plant, built in 1977. The building occupies the southern half of the property with parking located along the southern and western property lines.

### Proximity to Water and Sewer

The site has access to public water and sewer.

### Stormwater/Drainage

The site is developed. As a site plan was not submitted as part of this request, staff cannot determine if any changes to the site would trigger stormwater review and mitigation. There are no known drainage issues on the site.

### Watershed and Overlay Districts

The site is not located in a watershed or overlay district.

### Analysis of General Site Information

The site is currently developed with one building approximately 47,000sf in size, with parking located to the southern and western portions of the property. The site has access to public water and sewer and no significant development constraints exist.

### Relevant Zoning Histories

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-1977</td>
<td>LI to GI</td>
<td>Approval 08/07/1995</td>
<td>South</td>
<td>75.98</td>
<td>Approval</td>
</tr>
</tbody>
</table>

### Site Access and Transportation Information

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>Average Daily Trip Count</th>
<th>Capacity at Level of Service D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Battery Drive</td>
<td>Private Street</td>
<td>300 ft.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Middleton Street</td>
<td>Local Street</td>
<td>473.5 ft.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Starlight Drive</td>
<td>Collector Street</td>
<td>59.5 ft.</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

Proposed Access Point(s)

As a site plan was not submitted with the request, any change to the current access cannot be determined. The main access is currently from
Battery Drive, a private street. A secondary gated access drive is located on Starlight Drive. This access is shared with the adjacent property to the west.

<table>
<thead>
<tr>
<th>Trip Generation - Existing/Proposed</th>
<th>Existing Zoning – GI and LI</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>46,912sf Warehousing/1000 x 3.56 (trip rate) = 167 trips per day.</td>
</tr>
</tbody>
</table>

Proposed Zoning - LI
As this is a General Use Rezoning request, specific uses for the property are not specified. As such, trip generation cannot be determined.

<table>
<thead>
<tr>
<th>Sidewalks</th>
<th>Sidewalks do not currently exist on Battery Drive, Middleton Street, or Starlight Drive. Sidewalks do exist on Old Lexington Road north of Starlight Drive.</th>
</tr>
</thead>
</table>

Transit
WSTA route 104 runs along Old Lexington Road. The closest transit stop is located at the intersection of Old Lexington Road and Clemmonsville Road approximately .25 miles from site.

Analysis of Site Access and Transportation Information
The site is currently developed with one building and two parking areas. Access to the property is from a private road, Battery Drive, with a secondary access located on Starlight Drive. Transit access is within a reasonable walking distance from the site; however, sidewalks do not currently exist on any adjacent roads. No changes to the access to the site or adjacent roadways is anticipated within this request.

## CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy 2030 Growth Management Area</th>
<th>Growth Management Area 2 - Urban Neighborhoods</th>
</tr>
</thead>
</table>

### Relevant Legacy 2030 Recommendations
- Stimulate redevelopment and increased economic activity on abandoned, obsolete or aging industrial sites as well as commercial areas/corridors that have become less economically attractive.
- Encourage redevelopment and reuse of existing sites and buildings that is compatible and complementary with the surrounding area.
- Recognize the scarcity of good industrial land and promote the wisest economic use of those limited resources to generate needed jobs and create wealth for our community.
- Protect planned industrial areas by following the recommendations of the Planning Department’s industrial sites study, area plans and other development guides.

<table>
<thead>
<tr>
<th>Relevant Area Plan(s)</th>
<th>South Suburban Area Plan Update (2018)</th>
</tr>
</thead>
</table>

### Area Plan Recommendations
- The Proposed Land Use Map shows the subject property as being recommended for industrial development.
- Rezone land for business/industrial development in a manner consistent with the recommended Proposed Land Use Plan.
- Encourage and support the redevelopment/rehabilitation of existing older/underutilized commercial and industrial sites.

<table>
<thead>
<tr>
<th>Site Located Along Growth Corridor?</th>
<th>The site is not located along a growth corridor.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Site Located within Activity Center?</td>
<td>The site is not located within an activity center.</td>
</tr>
<tr>
<td>Rezoning Consideration from Section 3.2.19 A 16</td>
<td>Have changing conditions substantially affected the area in the petition?</td>
</tr>
<tr>
<td></td>
<td>No</td>
</tr>
<tr>
<td>Is the requested action in conformance with Legacy 2030?</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Analysis of Conformity to Plans and Planning Issues**

The request is consistent with the recommendations of Legacy and the South Suburban Area Plan Update.

This request would reuse an aging and underutilized industrial site. Reuse of the building could potentially stimulate redevelopment and increased economic activity in an area with vacant industrial-zoned land. Furthermore, the uses allowed under the LI District will have minimal adverse impacts on the residential property to the east compared to uses allowed under GI zoning.

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The proposed request is consistent with the South Suburban Area Plan Update land use recommendation.</td>
<td>The request will downzone an industrial property from GI to LI. This will limit the allowed uses on an industrial site within the City, which already has limited industrial property.</td>
</tr>
<tr>
<td>The proposed request is generally consistent with Legacy 2030.</td>
<td></td>
</tr>
<tr>
<td>The rezoning will allow for use of an underutilized industrial property.</td>
<td></td>
</tr>
<tr>
<td>The LI zoning district is more compatible with the existing residential structure located across Middleton Street from the subject property than GI zoning.</td>
<td></td>
</tr>
<tr>
<td>The subject property is surrounded by LI zoned property to the east and south.</td>
<td></td>
</tr>
</tbody>
</table>

**STAFF RECOMMENDATION: Approval**

**NOTE:** These are staff comments only; the City-County Planning Board makes final recommendations, and final action is taken by the appropriate Elected Body, which may approve, deny, continue, or request modification to any request. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC**
HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.
Marc Allred presented the staff report.

**PUBLIC HEARING**

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Clarence Lambe recommended that the Planning Board find that the request is consistent with the comprehensive plan.
SECOND: Jason Grubbs
VOTE:
   FOR: George Bryan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Salvador Patiño, Brenda Smith
   AGAINST: None
   EXCUSED: None

MOTION: Clarence Lambe recommended approval of the ordinance amendment.
SECOND: Jason Grubbs
VOTE:
   FOR: George Bryan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Salvador Patiño, Brenda Smith
   AGAINST: None
   EXCUSED: None

____________________________
Chris Murphy, AICP/CZO
Director of Planning and Development Services
Area Plan Recommendations

Proposed land uses shown are generalized. See area plan for specific recommendations.

Rezoning
Activity Center
Special Land Use Condition Areas

Proposed Land Use
- Single-Family Residential (0-8 Du/Ac)
- Low-Density Attached Residential (0-8 DU/Ac)
- Intermediate-Density Residential (8.1-18 DU/Ac)
- High-Density Residential (over 18 DU/Ac)
- Office
- Office/Low-Intensity Commercial
- Commercial
- Mixed-Use Development
- Industrial
- Institutional
- Park
- Open space
- Commercial Recreation
- Utilities

Proposed Growth Corridor
- Urban/Suburban Form - Single-Family Residential
- Urban Form - Commercial/Office/Multifamily

Residential Opportunity Areas
- Low-Density Attached Residential (0-8 DU/Ac)

W-3571
Area Plan Recommendations

South Suburban Area Plan Update, 2018

Case W-3571
USES ALLOWED IN THE PROPOSED LI ZONING DISTRICT
City of Winston-Salem Jurisdiction

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

- Academic Biomedical Research Facility
- Academic Medical Center
- Animal Shelter, Public
- Arts and Crafts Studio
- Banking and Financial Services
- Building Contractors, General
- Building Contractors, Heavy
- Building Materials Supply
- Car Wash
- Child Care, Drop-In
- Church or Religious Institution, Community
- Church or Religious Institution, Neighborhood
- College or University
- Fish Hatchery
- Fuel Dealer
- Furniture and Home Furnishings Store
- Government Offices, Neighborhood
- Organization, or Post Office
- Hospital or Health Center
- Institutional Vocational Training Center
- Kennel, Indoor
- Manufacturing A
- Manufacturing B
- Micro-Brewery or Micro-Distillery
- Motor Vehicle, Body or Paint Shop
- Motor Vehicle, Rental and Leasing
- Motor Vehicle, Repair and Maintenance
- Motor Vehicle, Storage Yard
- Motorcycle Dealer
- Nursery, Lawn and Garden Supply Store, Retail Offices
- Outdoor Display Retail
- Park and Shuttle Lot
- Parking, Commercial
- Police or Fire Station
- Postal Processing Facility
- Recreation Facility, Public
- Recreation Services, Indoor
- Recycling Center
- School, Vocational or Professional Services, A
- Services, B
- Signs, Off-Premises
- Special Events Center
- Storage Services, Retail
- Terminal, Bus or Taxi
- Testing and Research Lab
- Transmission Tower
- Urban Agriculture
- Utilities
- Warehousing
- Wholesale Trade A
- Wholesale Trade B

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

- Adult Day Care Center
- Child Care, Sick Children
- Child Day Care Center
- Landfill, Construction and Demolition
- Landfill, Land Clearing/Inert Debris

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

- Borrow Site
- Dirt Storage
- Helistop
- Solid Waste Transfer Station

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)

- Access Easement, Private Off-Site
- Shelter for Homeless

5SUP not required if standards of Section 5.2.2A are met
**USES ALLOWED IN THE EXISTING GI ZONING DISTRICT**
City of Winston-Salem Jurisdiction

### USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

- Academic Biomedical Research Facility
- Adult Establishment
- Animal Feeding Operation
- Animal Shelter, Public
- Arts and Crafts Studio
- Banking and Financial Services
- Building Contractors, General
- Building Contractors, Heavy
- Building Materials Supply
- Bulk Storage of Petroleum Products
- Car Wash
- Church or Religious Institution, Community
- Church or Religious Institution, Neighborhood
- Correctional Institution
- Fish Hatchery
- Fuel Dealer
- Furniture and Home Furnishings Store
- Golf Course
- Government Offices, Neighborhood
- Organization, or Post Office
- Institutional Vocational Training Center
- Kennel, Indoor
- Manufacturing A
- Manufacturing B
- Manufacturing C
- Micro-Brewery or Micro-Distillery
- Motor Vehicle, Body or Paint Shop
- Motor Vehicle, Rental and Leasing
- Motor Vehicle, Repair and Maintenance
- Motor Vehicle, Storage Yard
- Motorcycle Dealer
- Nursery, Lawn and Garden Supply Store, Retail
- Offices
- Outdoor Display Retail
- Park and Shuttle Lot
- Parking, Commercial
- Police or Fire Station
- Postal Processing Facility
- Recreation Facility, Public
- Recreation Services, Indoor
- Recreation Services, Outdoor
- Recycling Center
- Recycling Plant
- School, Vocational or Professional Services, A
- Services, B
- Signs, Off-Premises
- Solid Waste Transfer Station
- Storage and Salvage Yard
- Storage Services, Retail
- Storage Trailer
- Terminal, Bus or Taxi
- Terminal, Freight
- Testing and Research Lab
- Transmission Tower
- Urban Agriculture
- Utilities
- Veterinary Services
- Warehousing
- Wholesale Trade A
- Wholesale Trade B

### USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

- Airport, Private
- Heliport
- Landfill, Construction and Demolition
- Landfill, Land Clearing/Inert Debris
- Meat Packing Plant
- Motor Vehicle Dismantling and Wrecking Yard

### USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

- Airport, Public
- Borrow Site
- Dirt Storage
- Helistop

### USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)

- Access Easement, Private Off-Site
- Asphalt and Concrete Plant
- Hazardous Waste Management Facility
- Landfill, Sanitary
- Mining, Quarry, or Extractive Industry

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3SUP not required if standards of Section 5.2.2A are met
USES ALLOWED IN THE EXISTING LI ZONING DISTRICT
City of Winston-Salem Jurisdiction

USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)

Academic Biomedical Research Facility
Academic Medical Center
Animal Shelter, Public
Arts and Crafts Studio
Banking and Financial Services
Building Contractors, General
Building Contractors, Heavy
Building Materials Supply
Car Wash
Child Care, Drop-In
Church or Religious Institution, Community
Church or Religious Institution, Neighborhood
College or University
Fish Hatchery
Fuel Dealer
Furniture and Home Furnishings Store
Government Offices, Neighborhood
Organization, or Post Office
Hospital or Health Center
Institutional Vocational Training Center
Kennel, Indoor
Manufacturing A
Manufacturing B
Micro-Brewery or Micro-Distillery
Motor Vehicle, Body or Paint Shop
Motor Vehicle, Rental and Leasing
Motor Vehicle, Repair and Maintenance
Motor Vehicle, Storage Yard
Motorcycle Dealer
Nursery, Lawn and Garden Supply Store, Retail
Offices
Outdoor Display Retail
Park and Shuttle Lot
Parking, Commercial
Police or Fire Station
Postal Processing Facility
Recreation Facility, Public
Recreation Services, Indoor
Recycling Center
School, Vocational or Professional
Services, A
Services, B
Signs, Off-Premises
Special Events Center
Storage Services, Retail
Terminal, Bus or Taxi
Testing and Research Lab
Transmission Tower

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)

Adult Day Care Center
Child Care, Sick Children
Child Day Care Center
Landfill, Construction and Demolition
Landfill, Land Clearing/Inert Debris

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)

Borrow Site
Dirt Storage
Helistop
Solid Waste Transfer Station
USES ALLOWED UNDER PROPOSED “SERVICES, A”

SERVICES, A. An establishment primarily engaged in providing a service(s) to business and individuals. All merchandise and rental equipment is stored inside enclosed buildings. Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 7212 Garment Pressing and Agents for Laundries and Drycleaners
- 7215 Coin-Operated Laundries and Cleaning
- 7216 Drycleaning Plants, Except Rug
- 7217 Carpet and Upholstery Cleaning
- 722 Photographic Studios, Portrait
- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair and Shoeshine Parlors
- 729 Miscellaneous Personal Services
- 733 Mailing, Reproduction, Commercial Art and Photography
- 735 Equipment Rental and Leasing (only with inside storage of equipment)
- 737 Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
- 738 Miscellaneous Business Services
- 762 Electrical Repair Shops
- 763 Watch, Clock, and Jewelry Repair
- 764 Reupholstery and Furniture Repair
- 7699 Uses from SIC 7699 primarily engaged in providing repair and other services to business and individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.
USES ALLOWED UNDER PROPOSED “SERVICES, B”

SERVICES, B. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. Services B includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 721 Laundry, Cleaning, and Garment Services Except those listed under Services A
- 7312 Outdoor Advertising Services
- 734 Services to Dwellings and Other Buildings
- 735 Equipment Rental and Leasing (with outside storage of equipment)
- 7623 Refrigeration Service and Repair
- 7692 Welding Repair
- 7694 Armature Rewinding Shops
- 7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith or gunsmith shops, and septic tank or sewer cleaning services, but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.