DOCKET #: W2924

PROPOSED ZONING:
Special Use Permit

EXISTING ZONING:
GI

PETITIONER:
Robert and Eula Long for property owned by Same

SCALE: 1" represents 400'

STAFF: King

GMA: 2

ACRES: 4.11

NEAREST BLDG: 165' west

MAP(S): 642854
April 25, 2007

Robert and Eula Long
P. O. Box 193
Bethania, NC  27010

RE:    ZONING MAP AMENDMENT W-2924

Dear Mr. & Mrs. Long:

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, FAICP
Director of Planning

pc:    City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC  27102
Charles Long, P. O. Box 117, Bethania, NC  27010
**ACTION REQUEST FORM**

**DATE:** April 25, 2007  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, FAICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on Special Use Permit of Robert and Eula Long

**SUMMARY OF INFORMATION:**

Special Use Permit of Robert and Eula Long for the establishment of an Asphalt or Concrete Plant in the GI zoning district: property is located on the north side of Lowery Street, east of Hicks Street (Zoning Docket W-2924).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
CITY ORDINANCE - SPECIAL USE PERMIT

Special Use Permit of Robert and Eula Long, Docket W-2924

AN ORDINANCE ISSUING A SPECIAL USE PERMIT FOR an Asphalt or Concrete Plant in the GI zoning district

________________________________________

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

Section 1. The City Council hereby makes an affirmative finding as follows, based upon the material and competent evidence presented at the public hearing:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;
2. That the use meets all required conditions and specifications;
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; and,
4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.

Section 2. The Winston-Salem City Council hereby issues a special use permit for an Asphalt or Concrete Plant in the GI zoning district in accordance with Section 6-1.5 of the Zoning Ordinance of the Unified Development Ordinances to Robert and Eula Long to be established on the following described property:

Tax Block 3268, Tax Lot 048H

Section 3. This Ordinance is adopted after approval of the site plan entitled Falcon Ready Mix Concrete Co., Inc./Robert and Eula Long and identified as Attachment "A" of the Special Use Permit issued by the City Council the ______ day of ________________, 20___ to Robert and Eula Long
Section 4. The City Council hereby directs the issuance of a Special Use Permit pursuant to Section 6-1.5 of the Zoning Ordinance of the Unified Development Ordinances for a development to be known as Falcon Ready Mix Concrete Co., Inc./Robert and Eula Long. Said Special Use Permit and site plan with associated documents are attached hereto and incorporated herein.

Section 5. This Ordinance shall be effective from and after its adoption.
CITY - SPECIAL USE PERMIT

SPECIAL USE 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 Permit for the site shown on the site plan map included in this zoning petition of Robert and Eula Long, (Zoning Docket W-2924). The site shall be developed in accordance with the plan approved by the Council and bearing the inscription: "Attachment A, Special Use Permit for an Asphalt or Concrete Plant in the GI zoning district, approved by the Winston-Salem City Council the _____ day of _____________________, 20____" and signed, provided the property is developed in accordance with requirements of Section B.6-1.5 of the Zoning Ordinance of the Unified Development Ordinances, and other applicable laws, and the following additional conditions be met:

• **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department; improvements shall include:
     • Widening Lowery Street 13’ from the centerline with curb and gutter along the subject property frontage.
  b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem.
  c. Developer shall submit sealed drawings to the Inspections Division for all retaining walls.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Developer shall repair any damage from construction to City streets.
  b. All requirements of the driveway permit shall be completed.
## PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2924</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Robert and Eula Long</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 48H, Tax Block 3268</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special Use Permit for an Asphalt or Concrete Plant in the GI district.</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting a Special Use Permit for an Asphalt or Concrete Plant in the GI district.</td>
</tr>
</tbody>
</table>

### Zoning District Purpose Statement

The GI District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties. The district is established to provide locations for major developments in Growth Management Areas 1, 2, and 3.

## GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>North side of Lowery Street, east of Hicks Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>East</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 4.11 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>Undeveloped land</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>GI</td>
<td>Business I-40 and undeveloped land</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>GI</td>
<td>Industrial building</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>GI</td>
<td>Engineering and manufacturing operation</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>GI</td>
<td>Industrial building</td>
</tr>
</tbody>
</table>

### Physical Characteristics

The western half of the site slopes down from east (+/- 840 feet) to west (+/- 810 feet). The eastern portion of the site is relatively flat. Brushy Fork Creek forms the western boundary of the petition site. The stream flows south across Lowery Street to a pond designated as a wetland.

### Proximity to Water and Sewer

The site has access to public water and public sanitary sewer.

### Stormwater/Drainage

A stormwater study will be required.

### Watershed and Overlay Districts

The subject property is not located within a water supply watershed. It is located within a Thoroughfare Overlay (TO) district.
The eastern portion of the site contains a relatively flat topography and will contain the majority of proposed improvements to the site. Some filling will need to occur on the western portion of the site to accommodate the proposed access drive. The site poses no development issues.

**BRIEF DESCRIPTION OF CONDITION(S):**
- Condition for stormwater study
- Condition for sealed drawings of retaining walls

### SITE ACCESS AND TRANSPORTATION INFORMATION

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lowery Street</td>
<td>Local Road</td>
<td>+/- 671 feet</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s):** The site plan proposes one access point onto Lowery Street.

**Planned Road Improvements:** None noted

**Trip Generation - Existing/Proposed:**
- Proposed Asphalt and Concrete Plant
- No trip generation numbers available for this use.

**Sidewalks:** None existing

**Traffic Impact Study (TIS):** Not required

**Analysis of Site Access and Transportation Information:**

The subject property is located on Lowery Street which is designated as a local road. The UDO requires that Asphalt and Concrete Plants be located on a major or minor thoroughfare or that alternative locations be approved by WSDOT. After reviewing this request, WSDOT has noted that this location is adequate for this land use as related to transportation issues. It is difficult to determine the number of trips that will be generated by this request because the ITE (Institute of Transportation Engineers) manual does not list a trip rate for Asphalt or Concrete Plants.

**BRIEF DESCRIPTION OF CONDITION(S):**
- Condition for City of Winston-Salem driveway permit
- Condition to repair any damage to City streets

### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy GMA:** GMA 2 (Urban Neighborhoods)

**Relevant Legacy Recommendations:**
- Recognize the scarcity of “greenfield” industrial sites and promote the wisest economic use of those limited resources.

**Relevant Area Plan(s):** The subject property is not located within an area covered by an adopted area plan or development guide. It is located within the area covered by the future Northeast Area Plan, which is currently in process.

**Greenway Plan Information:** The site plan proposes a 40’ greenway easement along the creek on the western portion of the site.

**Special Use Permit Findings:** Planning Board Findings

The UDO requires that any favorable recommendation by the Planning Board Findings be considered for the approval of this request.
Board shall include the following findings: [Note: Answers in italics indicate the preliminary opinion of staff without the benefit of testimony and evidence given at the public hearing.]

1. The development is in conformity with Legacy;  
   *Yes*

2. Water and sewer service are available in adequate capacity;  
   *Yes*

3. Where buildings greater than thirty-five (35) feet in height are proposed within the City of Winston-Salem limits, there is adequate access for aerial fire-fighting equipment;  
   *Yes*

4. Streets and highways, both within and in the vicinity of the development, are of such design and traffic-carrying capacity that the development will not create a traffic hazard;  
   *Yes*

5. General layout and design of the development meet all requirements of this Ordinance;  
   *Yes*

6. Adequate, safe, and convenient provision is made for vehicular and pedestrian movement on the site with particular attention paid to the needs of public safety equipment and personnel (fire, police, etc.) and service vehicles and personnel (sanitation, postal delivery, etc.);  
   *Yes*

7. The Planning Board may recommend to the Elected Body conditions as identified in Section B.6-1.3(A)(1) for the issuance of the special use permit to reduce impacts associated with the project.

**Elected Body Findings**

The Elected Body shall issue a special use permit only when the Elected Body makes affirmative findings on the following:

1. That the use will not materially endanger the public health or safety if located where proposed and developed according to the application and plan as submitted and approved;  
   *Yes*

2. That the use meets all required conditions and specifications;  
   *Yes*
3. That the use will not substantially injure the value of adjoining or abutting property, or that the use is a public necessity; 
   Yes; and

4. That the location and character of the use, if developed according to the application and plan submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with Legacy.
   Yes

(S)(3) - Have changing conditions substantially affected the area in the petition?
No

(S)(4) - Is the requested action in conformance with Legacy?
Yes

In staff’s opinion, the subject request meets the findings of fact contained in the UDO. However, public testimony at the public hearing may reveal issues that could change those findings. It may be desirable to add additional berming and planting along the eastern and southeastern edges of the site, as this is an entry point to the Lowery Street Business Park. The request is also consistent with the recommendations of Legacy. Given the surrounding GI zoning, staff views this as a suitable location for this industrial use. This location’s proximity to other GI land and it’s location adjacent to Interstate 40 Business help to minimize any potential adverse impacts.

### 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>
<th>Staff</th>
<th>CCPB</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>No relevant zoning histories</td>
</tr>
</tbody>
</table>

### SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Parking</th>
<th>Building Height</th>
<th>Impervious Coverage</th>
<th>UDO Sections Relevant to Subject Request</th>
</tr>
</thead>
<tbody>
<tr>
<td>Square Footage</td>
<td>Required</td>
<td>Maximum</td>
<td>Proposed</td>
<td>Complies with Chapter B,</td>
</tr>
<tr>
<td>4,000 sf</td>
<td>7 spaces</td>
<td>70/unlimited</td>
<td>Proposed silo will be 69.8 feet</td>
<td>(B) Environmental Ord.</td>
</tr>
<tr>
<td>Placement on Site</td>
<td>Location</td>
<td>Proposed</td>
<td>Layout</td>
<td></td>
</tr>
<tr>
<td>Approximate middle</td>
<td></td>
<td>90º head-in</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

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### Article VII, Section 7-5.3

<table>
<thead>
<tr>
<th>Analysis of Site Plan Compliance with UDO Requirements</th>
<th>(C) Subdivision Regulations</th>
<th>NA</th>
</tr>
</thead>
</table>

The site plan does meet UDO requirements and staff is awaiting revisions to show the TO district along the Interstate 40 Business ramp. Specifically, the site and site plan meet the requirements for separation between operations and surrounding uses, buffering, and fencing listed in Section 2-5.8 (Asphalt and Concrete Plant in the GI district).

### 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 request meets the required findings of fact as specified in the UDO.</td>
<td>Approval of this request would place a very intense use in a visible location from Interstate 40 Business.</td>
</tr>
<tr>
<td>The property is part of a larger area currently zoned GI.</td>
<td>The request may create some unwanted impacts such as noise, odor, and dust.</td>
</tr>
<tr>
<td>The site is located adjacent to an interchange with Business I-40.</td>
<td>Nearby businesses in the Lowery Street Business Park may see another asphalt/concrete plant as having a negative effect on its viability as a business park.</td>
</tr>
<tr>
<td>The general area does not contain a large amount of residentially zoned property.</td>
<td></td>
</tr>
</tbody>
</table>

### SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

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

a. Developer shall repair any damage from construction to City streets.

b. All requirements of the driveway permit shall be completed.

### STAFF RECOMMENDATION: APPROVAL

**NOTE:** These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. **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.**
PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the special use permit, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Clarence Lambe
VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith
   AGAINST: None
   EXCUSED: None

A. Paul Norby, FAICP
Director of Planning