DOCKET #: W2930

PROPOSED ZONING:
LI-S

EXISTING ZONING:
HB

PETITIONER:
KDT Grading Inc. for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRES: 9.53

NEAREST BLDG: 19' southeast

MAP(S): 624878, 630878
May 23, 2007

KDT Grading, Inc.
c/o Tommy Vestal
522 Lewisville-Clemmons Road
Lewisville, NC 27023

RE: ZONING DOCKET W-2930

Dear Mr. Vestal:

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
    Tommy Parrett, 239 Hasting Drive, Kernersville, NC 27284
### ACTION REQUEST FORM

<table>
<thead>
<tr>
<th><strong>DATE:</strong></th>
<th>May 23, 2007</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>TO:</strong></td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td><strong>FROM:</strong></td>
<td>A. Paul Norby, FAICP, Director of Planning</td>
</tr>
</tbody>
</table>

#### COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning map amendment of KDT Grading Inc.

#### SUMMARY OF INFORMATION:

Zoning map amendment of KDT Grading Inc. from HB to LI-S (Building Contractor, Heavy; and Dirt Storage): property is located on the west side of Patterson Avenue north of Motor Road (Zoning Docket W-2930).

#### PLANNING BOARD ACTION:

- **MOTION ON PETITION:** APPROVAL
- **FOR:** UNANIMOUS
- **AGAINST:** NONE
- **SITE PLAN ACTION:** CONFORMS TO THE REQUIREMENTS OF THE UDO
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 HB to LI-S (Building Contractor, Heavy; and Dirt Storage) the zoning classification of the following described property:

Tax Block 3435, Tax Lot 076W

Section 2. This Ordinance is adopted after approval of the site plan entitled KDT Grading Inc. and identified as Attachment "A" of the Special Use District Permit issued by the City Council the ______ day of __________________, 20___ to KDT Grading Inc..

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 KDT Grading Inc.. 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.
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 KDT Grading Inc. (Zoning Docket W-2930). 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 LI-S (Building Contractor, Heavy; and Dirt Storage), approved by the Winston-Salem City Council the _____ day of _____________________, 20___" and signed, provided the property is developed in accordance with requirements of the LI-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 obtain a driveway permit from City of Winston-Salem Public Works Department.
  b. 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.
  c. Developer shall provide written approval from Duke Energy for the proposed encroachment into the 100’ easement.
  d. Developer shall flag in the field the limits of grading and the flood fringe line.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
  a. Developer shall install all required storm water management devices.
  b. Developer shall install all improvements as per driveway permit.
  c. Developer shall install or financially guarantee large variety street trees as defined in UDO Section 3-4.10, within the Thoroughfare Overlay District where no conflict occurs with overhead utility lines.

- **OTHER REQUIREMENTS:**
  a. Signage shall be limited to one (1) sign with a maximum height of fifteen (15) feet and a maximum copy area of seventy five (75) square feet.
# CITY-COUNTY PLANNING BOARD
## STAFF REPORT

### PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2930</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>KDT Grading Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 76W / Tax Block 3435</td>
</tr>
<tr>
<td>Type of Request</td>
<td>Special use rezoning from HB to LI-S</td>
</tr>
</tbody>
</table>

**Proposal**
The petitioner is requesting to amend the Official Zoning Maps for the subject property **from** HB Highway Business District **to** LI-S Limited Industrial District. The petitioner is requesting the following uses:
- (Building Contractor, Heavy; and Dirt Storage)

**Zoning District Purpose Statement**
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 Growth Management Areas 1, 2, 3, and 4, and activity centers.

### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)

(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?
Yes

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of Patterson Avenue, north of Motor Road</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>Northeast</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 9.53 acre</td>
</tr>
</tbody>
</table>

**Current Land Use**
The site is primarily undeveloped with the exception of an overhead electrical transmission line and its associated 100’ easement. Some of the site is used for materials storage.

<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>HB</td>
<td>Automotive repair</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>HB</td>
<td>Manufactured home sales</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>HB</td>
<td>Undeveloped</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>HB</td>
<td>US 52</td>
</tr>
</tbody>
</table>

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?
Yes
### Physical Characteristics
Leak Fork Creek, with its associated floodplain, forms the eastern border of the site. The site has a moderate to steep slope downward toward said creek.

### Proximity to Water and Sewer
Public water and sewer are available to the site.

### Stormwater/Drainage
A stormwater study is recommended.

### Watershed and Overlay Districts
The site borders US 52 and is therefore subject to the setback and landscaping requirements of the 20’ Thoroughfare Overlay District.

### Analysis of General Site Information
The subject property is somewhat constrained by the 100 year floodplain of Leak Fork Creek and the overhead electrical transmission line. As noted on the site plan, a portion of said floodplain has already been filled on this site. The petitioner will need to obtain approval from Duke Energy for the proposed encroachment within the 100’ wide easement.

### Generalized Recommended Conditions
- Approval from Duke Energy for easement encroachment
- Flag floodplain fringe
- Stormwater condition

### 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>Motor Road</td>
<td>Minor Thoroughfare</td>
<td>191’</td>
<td>4,400</td>
<td>16,100</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**
Existing driveway onto Motor Road.

**Planned Road Improvements**
Long range plans call for an interchange at US 52 and Motor Road.

**Trip Generation - Existing/Proposed**
- Existing Zoning: HB
  - No trip generation rates available for general use zoning
- Proposed Zoning: LI-S
  - No trip generation rates available for the proposed use of Building Contractor, Heavy

**Sidewalks**
There are no sidewalks in the general area.

**Transit**
Route 7 along Motor Road

**Analysis of Site Access and Transportation Information**
The subject property currently has a driveway onto Motor Road. The developer will be required to widen Motor Road 13’ from center and install curb and gutter along the frontage.

**Generalized Recommended Conditions**
- Obtain driveway permit
### Legacy GMA
Growth Management Area 3 (Suburban Neighborhoods)

### Relevant Legacy Recommendations
- The Legacy Plan calls industrial sites a resource that should be protected from residential and commercial development.

### Relevant Area Plan(s)
The subject property is not within the boundaries of an area plan or development guide.

### Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)
(S)(3) - Have changing conditions substantially affected the area in the petition?
No

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

### Analysis of Conformity to Plans and Planning Issues
The subject property is not within the boundaries of an area plan or development guide. The site’s proximity between US 52 and the floodplain of Leak Fork Creek, along with the previously mentioned overhead electrical easement, substantially limit the development potential of the site. The site is currently zoned HB general use. Staff sees the property as being an appropriate location for the proposed LI-S request, provided the existing vegetation, particularly along said creek, is preserved.

### Generalized Recommended Conditions
**BRIEF DESCRIPTION OF CONDITION(S):**
- Signage condition

### Relevant Zoning Histories

| Case   | Request                        | Decision & Date | Direction from Site | Acreage | Recommendation
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>W-1692</td>
<td>R-4 &amp; B-3 to B-3-S (HB-S)</td>
<td>Approved 1-7-91</td>
<td>400’ east .95 acre</td>
<td>Approval Approval</td>
<td></td>
</tr>
<tr>
<td>W-1256</td>
<td>B-3 to I-3-S</td>
<td>Denied 6-3-85</td>
<td>900’ north 8.9 acre</td>
<td>Denial  Approval</td>
<td></td>
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</tbody>
</table>

### Site Plan Compliance with UDO Requirements

<table>
<thead>
<tr>
<th>Building Square Footage</th>
<th>Square Footage</th>
<th>Placement on Site</th>
</tr>
</thead>
<tbody>
<tr>
<td>5,000 sf</td>
<td>Southwestern portion of site</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Parking</th>
<th>Required</th>
<th>Proposed</th>
<th>Layout</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 spaces</td>
<td>17 spaces</td>
<td>90º off-street</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Building Height</th>
<th>Maximum</th>
<th>Proposed</th>
</tr>
</thead>
<tbody>
<tr>
<td>70’</td>
<td>One story</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Impervious Coverage</th>
<th>Maximum</th>
<th>Proposed</th>
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</thead>
<tbody>
<tr>
<td>90%</td>
<td>18.8%</td>
<td></td>
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</tbody>
</table>

**UDO Sections Relevant to Subject Request**
- Chapter B, Article II, Section 2-1.4 (A) Limited Industrial District
- Chapter B, Article II, Section 2-5.27 Dirt Storage Use Conditions
### Complies with Chapter B, Article VII, Section 7-5.3

| (A) Legacy policies: | Yes |
| (B) Environmental Ord. | Yes |
| (C) Subdivision Regulations | NA |

### Analysis of Site Plan Compliance with UDO Requirements

The revised site plan complies with the requirements of the UDO.

### 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>Request will allow the utilization of a property which has limited use due to several site constraints.</td>
<td>This industrial use is potentially visible from US 52.</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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### 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 zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Arthur King

VOTE:
   FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Lynne Mitchell, Paul Mullican
   AGAINST: None
   EXCUSED: None

Paul Norby, FAICP
Director of Planning