DOCKET #: W2773
(Continued from 6/9/05 CCPB meeting)

PROPOSED ZONING: GB

EXISTING ZONING: Gl and RS9

PETITIONER: William D. Chitty for property owned by Same

SCALE: 1” represents 600’

STAFF: King

GMA: 3

ACRE(S): 12.10

MAP(S): 630830
REQUEST

From: GI General Industrial District and RS-9 Residential Single Family District, 9,000 sf lot size
To: GB General Business 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: 12.10

CONTINUANCE HISTORY

This request was continued from the June 9, 2005 Planning Board meeting to the July 14, 2005 meeting to allow the petitioner to have a site plan prepared and return as a special use petition.

LOCATION:

Street: East side of Overdale Drive south of Old Milwaukee Lane
Jurisdiction: City of Winston-Salem
Ward: Southeast

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: The subject property currently contains a single family home with associated accessory buildings.
Adjacents Uses:
   North- Industrial facilities, zoned GI.
   East- Railroad tracks, a portion of the South Fork Muddy Creek, and an industrial facility, zoned GI.
   South- Undeveloped land, zoned GI and South Fork Muddy Creek.
   West- U.S. 52 and a few single family homes, zoned RS-9.
   Northwest- New construction, zoned GI.
GENERAL AREA

Character/Maintenance: The general area is primarily industrial in character. The majority of the property along Overdale Road leading into the subject property is either currently occupied by industrial facilities or undeveloped land zoned for industrial uses.

Development Pace: Slow

HISTORY

Relevant Zoning Cases:

1. W-2372; LI to GI; approved March 6, 2000; northeast side of Overdale Drive south of Old Milwaukee Lane; 50.7 acres; Planning Board recommended approval, staff recommended denial.

2. W-571; R-4 to R-6; approved November 15, 1976; west side of Overdale Road approximately 500’ northeast of the intersection of U.S. 52 and Overdale Road; 0.55 acre; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Because it is a general use petition, the impact of this proposal to the site’s existing physical features cannot be determined at this time.

Topography: The property slopes generally from the north to the south with an elevation of 790 feet along the northern property line and an elevation of 740 along the southern line.

Streams: A tributary of South Fork Muddy Creek runs along the western property line. South Fork Muddy Creek runs through the southeastern portion of the property.

Vegetation/habitat: The majority of the property is an undeveloped field with low growth vegetation.

Floodplains: The South Fork Muddy Creek runs through the southeastern portion of this site. A portion of the southeast corner is located within the 100 year floodplain as well. A tributary of the South Fork Muddy Creek runs through the western edge of the property. A portion of the 100 year floodplain also exists on the southwestern corner of the property.

Wetlands: None noted.

Environmental Resources Beyond The Site: Site is located adjacent to the South Fork Muddy Creek and includes floodplain of the Creek. The National Wetlands Inventory Maps identify wetland areas on the south side of South Fork Muddy Creek in areas immediately south and southeast of the petition site. Care must be taken during and after the construction process to minimize detrimental effects to water quality and floodplain alteration.

Water Supply Watershed: The subject property is not located within a water supply watershed.
Compliance with Federal/State requirements for wetland/stream protection: The petitioner is responsible for complying with all appropriate Federal and State stream and wetland protection regulations.

GREENWAY/RECREATION/OPEN SPACE REVIEW

Greenway/Trail Name: South Fork Muddy Creek
Easement Requested: 40 feet
Side of Creek: Both

HISTORIC RESOURCES REVIEW

Known Forsyth County Archaeological Site/Number: In close proximity of this site there is an unassessed prehistoric archeological site. Staff does not disclose the location of these sites due to security reasons. It is suggested, but not required, that if archaeological resources are encountered during site preparation, planning staff be informed.

ECONOMIC DEVELOPMENT

Prime Industrial Site: The subject property is identified in the Industrial Opportunity Areas in Winston-Salem and Forsyth County (July 1990).
Railroad Access: Yes
Available Infrastructure: Public water and sewer are available on the subject property.
Vehicular access to the site is limited as the property is located at the terminus of Overdale Road.

CONFORMITY TO PLANS

Growth Management Plan Area (Legacy): Suburban Neighborhoods (GMA3)
Relevant Comprehensive Plan Recommendation(s): The Legacy plan indicates that industrial sites are a resource that should be protected from residential and commercial development.
Area Plan/Development Guide: The subject property is not located within the boundaries of an area plan or development guide.

ANALYSIS

The subject request is to rezone 12.10 acres of property located along the southeastern side of Overdale Road from GI and RS-9 to GB. The majority of the site is currently zoned GI with only a small portion along the southern border zoned RS-9. The subject property currently contains a single family dwelling with a few accessory buildings. These existing structures are located on the northeast portion of the property. The general area along Overdale Road contains many industrial facilities along with some undeveloped land currently zoned for industrial uses.
Although this may be considered a down-zoning, staff has some concerns with GB zoning at this location. One factor that staff is concerned with is the location of the subject property. The property is located near the southern terminus of Overdale Road, which transitions from hard surface to gravel approximately 800 feet north of the site. The site itself is in a fairly isolated location with U.S. 52 running along the western border, railroad tracks running along the eastern border, and the South Fork Muddy Creek running along the southern border. With the subject property’s isolated location and its proximity to existing industrial uses, it does not appear from a land use planning perspective to be a logical or appropriate location for GB zoning. Twelve acres of GB uses could bring a lot of non-industrial traffic into and through this industrial area.

Because of the area’s general access to transportation facilities and other factors, this general area is listed as a potential industrial site on the “Industrial Opportunity Areas” list. This list, prepared jointly by the City of Winston-Salem and Winston-Salem Business Inc., in 1990, indicates that such sites should be given careful consideration for future industrial development. Legacy also states that:

“industrial sites are a resource that should be protected from residential and commercial development.”

Staff recognizes the specific areas of the City and County where industrial uses are concentrated. In the past, staff has typically not recommended approval of zoning requests that convert industrial property to commercial/residential in these identified industrial areas. Specifically in areas such as the Martin Luther King Jr. Drive (W-2712 & W-2741) and south Main Street (F-1429 & F-1418) staff has recommended denial of these conversions. Due to all of the factors described above, staff recommends denial of this request.

**FINDINGS**

1. The subject request would allow a rezone from GI and RS-9 to GB.

2. The subject property is located in a fairly isolated area at the terminus of Overdale Road.

3. The subject property is identified in the “Industrial Opportunity Areas” list.

4. Legacy recommends that industrial sites should be protected from residential and commercial development.

**STAFF RECOMMENDATION**

Zoning: **DENIAL**.

**PUBLIC HEARING** - June 9, 2005
Aaron King presented the staff report.

FOR:

Brian L. Kennedy, 780 N. Pine Valley Road, Winston-Salem, NC  27106

• Basically this is a highly industrial area.
• There is a lot of tractor-trailer movement already here.

AGAINST:  None

WORK SESSION

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

1. Arnold King explained to the petitioner that since it sounded like he has a specific use in mind and Board members seemed to have reservations about allowing GB at this site, the petitioner would be better off requesting a special use district rezoning such as GB-S where you can be specific about the type of use, what the site will look like, etc. There is no guarantee that he would get approval of a special use district request, but it at least affords the opportunity which does not seem likely under this general use request. The petitioner indicated his agreement to talk with staff about a special use district request and asked for a continuance.

MOTION:  Dara Folan moved continuance of the zoning map amendment to July 14, 2005 with the waiver of the difference in fees between special and general use district zoning.
SECOND:  Paul Mullican

MOTION:  Dara Folan amended his motion to continue to the zoning map amendment to July 14, 2005 and if at that time the petitioner decides to come back with special use request, we would allow him to continue the request until August 11, 2005, and charge him only the advertising fees.

David Reed:  We usually do the difference between the two submittal fees and the advertising fees.

MOTION:  Dara Folan amended his motion again to add that the petitioner would be charged only the difference between the two submittal fees and the advertising fees.
SECOND:  Paul Mullican accepted both amendments.

VOTE:

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