DOCKET #: W2775
PROPOSED ZONING: HB
EXISTING ZONING: LI
PETITIONER: Swamp Fox Investments, LLC, for property owned by Same

SCALE: 1" represents 200'
STAFF: Murphy  N
GMA: 2
ACRE(S): 0.11
MAP(S): 630858
June 22, 2005

Swamp Fox Investments, LLC.
c/o Frank M. Vinson
716 Lynn-Dee Drive
Winston-Salem, NC  27106

RE:    ZONING MAP AMENDMENT W-2775

Dear Mr. Vinson:

     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, AICP
     Director of Planning

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

| DATE: | June 22, 2005 |
| TO: | The Honorable Mayor and City Council |
| FROM: | A. Paul Norby, AICP, Director of Planning |

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Zoning Map Amendment of Swamp Fox Investments, LLC

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Swamp Fox Investments, LLC from LI to HB: property is located on the southeast corner of Cherry Street and Arlis Court (Zoning Docket W-2775).

**PLANNING BOARD ACTION:**

- **MOTION ON PETITION:** APPROVAL
- **FOR:** UNANIMOUS
- **AGAINST:** NONE
- **SITE PLAN ACTION:** NOT REQUIRED
CITY ORDINANCE - GENERAL USE

Zoning Petition of Swamp Fox Investments, LLC, Docket W-2775

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 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 LI to HB the zoning classification of the following described property:

Tax Block 0153, Tax Lots 109, 110, and 300

Section 2. This ordinance shall become effective upon adoption.
ZONING STAFF REPORT

DOCKET # W-2775
STAFF: Chris Murphy

Petitioner(s): Swamp Fox Investments, LLC
Ownership: Same

REQUEST

From: LI Limited Industrial District
To: HB Highway 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: 0.11 acres

LOCATION:

Street: Southern corner of Arlis Court and Cherry Street
Jurisdiction: City of Winston-Salem
Ward: East

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: The subject property currently contains a one-story commercial building.
Adjacent Uses:
  North- Vernon Produce Warehouse, zoned LI
  East- Vacant property and the WSTA Service Area, zoned LI
  South- Southern Lawn & Equipment Sales/Service, zoned LI
  West- Hanes Dye and Finishing, zoned GI

GENERAL AREA

Character/Maintenance: The general area is characterized as an under-utilized commercial and industrial area that needs reinvestment to spur further redevelopment efforts in the “near-downtown” area.
Development Pace: Slow
HISTORY

Relevant Zoning Cases:

1. W-893; I-3 to I-2; Approved October 19, 1981; east of subject property between 10th Street north to Northwest Boulevard and east to Trade Street; 12.88 acres; Planning Board and staff recommended approval.

2. W-2126; GI to GB; Approved February 3, 1997; north side of Northwest Boulevard west of Rundell Street; 0.28 acres; Planning Board and staff recommended approval.

3. W-2239; GI and LI to LB; Approved August 3, 1998; south side of Northwest Boulevard east of Trade Street; 0.42 acres; Planning Board and staff recommended approval.

4. W-2704; LI to PB; Approved July 5, 2004; northeast corner of Seventh Street and Spruce Street; 0.25 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Topography: Property slopes down gently from southeast to northwest.
Streams: None noted.
Vegetation/habitat: No to little existing mature vegetation.

TRANSPORTATION

Direct Access to Site: Arlis Court and Cherry Street
Street Classification: Arlis Court = Local Street and Cherry Street = Major Thoroughfare,
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): No traffic count data is available for Arlis Court; Cherry Street = 11,000/15,600
Planned Road Improvements/Thoroughfare Plan: None noted.
Sight Distance: Adequate, although the Arlis Court/Cherry Street intersection is awkward, especially with the driveway entrance for the warehouse facility to the north.
Sidewalks: Five foot (5’) sidewalk along Cherry Street.
Transit: Subject property is along Route 15 (Cherry Street/IFB Express)
Bicycle Route: None noted.

CONFORMITY TO PLANS

Growth Management Plan Area (Legacy): Urban Neighborhoods (GMA2)
Relevant Comprehensive Plan Recommendation(s): The Urban Neighborhoods area is an area in which to encourage quality infill development...neighborhood retail, and community services. There is also a specific goal to increase infill development within the municipal services area of the City and County in order to provide an increase in the level of services available in a neighborhood and an increased tax base.
Area Plan/Development Guide: Draft North Central Area Plan
Relevant Development Guide Recommendation(s): The draft plan recognizes the existing commercial use. It does not make specific recommendations for this site.
ANALYSIS

The subject request is to rezone 0.11 acres of property located on the south side of the Arlis Court/Cherry Street intersection from LI to HB. The subject property is located in an area that is under-utilized and primarily consists of commercial and industrial uses in need of reinvestment to spur further mixed-use redevelopment efforts in the “near-downtown” area. Currently, the subject property contains a single-story building used for commercial purposes with a few parking spaces. Given the small site, future use of the existing building under HB zoning will be constrained by the limited number of parking spaces that the site can provide.

The request to rezone from LI to HB would change the focus of use for the site from industrial to commercial and would allow numerous retail and wholesale trade uses not currently allowed in LI, such as general merchandise store, hardware store, restaurant, etc. At the same time, shifting from LI to HB would prohibit all manufacturing uses, as well as recycling centers and heavy-equipment general contractors. Uses such as motor vehicle repair and maintenance and body/paint shop are allowed under either zoning classification.

Planning staff is of the opinion that the conversion from LI to HB is an acceptable interim use of the property. The subject property is a small lot near downtown which makes the use of the property under existing LI zoning questionable. Additionally, the subject property is along the main entrance corridor into the downtown area from the north and HB uses of the property should provide a better appearance. The requested HB zoning district fits with the density and mixture of uses typically found in a downtown or “near-downtown” area. Additionally, staff believes that small reinvestments such as this will lead to an increasing desire and push towards a larger-scale, mixed use redevelopment for the area between Northwest Boulevard and the downtown area.

The draft North Central Area Plan recognizes the existing commercial nature of the subject property and does not recommend for or against a change in zoning classification.

FINDINGS

1. The subject petition would rezone 0.11 acres from LI to HB.
2. The uses associated with the HB zoning district are more suitable for this entrance corridor into the downtown area.
3. Small reinvestments such as this should lead to an increasing desire and push towards a larger-scale, mixed use redevelopment for the area between Northwest Boulevard and the downtown area.
4. Legacy recommends increased infill opportunities.

STAFF RECOMMENDATION

Zoning: APPROVAL.
PUBLIC HEARING

FOR:  None

AGAINST:  None

WORK SESSION

MOTION:  Clarence Lambe moved approval of the zoning map amendment.
SECOND:  Paul Mullican
VOTE:
    FOR:  Clark, Eickmeyer, King, Lambe, Mullican, Smith
    AGAINST:  None
    EXCUSED:  None

A. Paul Norby, AICP
Director of Planning