DOCKET #: W2796

PROPOSED ZONING:
LI

EXISTING ZONING:
RS9 and LI

PETITIONER:
Foothill Financial Group Inc. for property owned by Same

SCALE: 1" represents 600'

STAFF: King

GMA: 3

ACRE(S): 12.63

MAP(S): 618874
September 21, 2005

Foothill Financial Group, Inc.
c/o C. R. Harris, Sr., President
P. O. Box 241
Clemmons, NC  27012

RE:  ZONING MAP AMENDMENT W-2796

Dear Mr. Harris:

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
     Craig Millican, P. O. Box 241, Clemmons, NC  27012
     Joseph P. Lydon, 1000 Salemtowne Drive, Winston-Salem, NC  27106
     Janet O. Amos, 3609 Bechler Lane, Winston-Salem, NC  27106
     Pete Hinkle, 102 Breslao Circle, Winston-Salem, NC  27106
     Wilburt Joiner, 701 Harpers Ferry Road, Winston-Salem, NC  27106
     Spencer Glebe, 5632 Bull Run Road, Winston-Salem, NC  27106
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>September 21, 2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, AICP, Director of Planning</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on Foothill Financial Group, Inc.

**SUMMARY OF INFORMATION:**

Zoning Map Amendment of Foothill Financial Group, Inc. from RS-9 and LI to LI: property is located on the south side of Indiana Avenue, west of University Parkway (Zoning Docket W-2796).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** DENIAL  
**FOR:** CLARK, EICKMEYER, GLENN, SMITH  
**AGAINST:** MULLICAN, KING  
**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 RS-9 and LI to LI the zoning classification of the following described property:

Tax Block 3451, Tax Lots 118 & 119

Section 2. This ordinance shall become effective upon adoption.
CITY-COUNTY PLANNING BOARD STAFF  
STAFF REPORT FOR:  Docket # W-2796  
September 8, 2005

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-2796</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Aaron King</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>Foothill Financial Group, Inc.</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>Tax Lot 118 &amp; 119 /Tax Block 3451</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General Use Rezoning</td>
</tr>
</tbody>
</table>

**Proposal**

The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family) and LI (Limited Industrial) to LI (Limited Industrial).

**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)(I) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?

Yes, the subject property is located within GMA 3.

### GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>South side of Indiana Avenue, west of University Parkway</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>North</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>Approximately ± 12.63 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The LI portion of the subject property (10.45 acres) currently contains various industrial warehouses. The remaining RS-9 portion (2.18 acres) is currently undeveloped and contains only low growth vegetation.</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>RS-9; RM-18-S; RMU; LI</td>
<td>Congregate care facility; apartment buildings; and single family homes</td>
</tr>
<tr>
<td>East</td>
<td>LI</td>
<td>Industrial warehouse</td>
</tr>
<tr>
<td>South</td>
<td>GB</td>
<td>Various commercial uses</td>
</tr>
<tr>
<td>West</td>
<td>RM-18</td>
<td>Apartment buildings</td>
</tr>
</tbody>
</table>

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

(S)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?

Yes, Lot 118 is currently zoned LI along with the property east of this site.

### Physical Characteristics

The subject property is relatively flat and contains four existing buildings. There are no streams or wetlands located on the property.

### Proximity to Water and Sewer

The subject property will be served by public water and public sanitary sewer.

### Stormwater/Drainage

No known stormwater issues.

### Watershed and Overlay Districts

The subject property is not located within a water supply watershed.

### Analysis of General Site Information

This request includes approximately 12.63 acres of property zoned LI and RS-9. Approximately 2.18 acres of this property is zoned RS-9 with the remaining 10.45 acres zoned LI. The RS-9 portion of the property is located at the southeast corner of Indiana Avenue and Triangle Drive. This portion of the property is relatively flat and contains no streams or wetlands.

### 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>Indiana Avenue</td>
<td>Minor Thoroughfare</td>
<td>Southern</td>
<td>2,900</td>
<td>16,100</td>
</tr>
<tr>
<td>Triangle Road</td>
<td>Local Road</td>
<td>Eastern</td>
<td>NA</td>
<td>NA</td>
</tr>
</tbody>
</table>

**Proposed Access Point(s)**

Access will come via either Indiana Avenue or Triangle Road, but the exact location(s) cannot be determined with a general use request.

**Planned Road Improvements**

The Thoroughfare Plan recommends that Indiana Avenue be constructed as a three lane facility with bicycle and pedestrian accommodations.

**Trip Generation - Existing/Proposed**

No trip generation numbers available for general use zoning.

**Sidewalks**

None existing

**Transit**

Route 44 (Northside Connector) runs along Indiana Avenue.
Analysis of Site Access and Transportation Information

The LI portion of this property currently has only one access point located on the south side of Indiana Avenue. Although the petitioners own both parcels they cannot currently access Indiana Avenue over the western portion of their property because it is zoned RS-9. If this rezoning were approved, it would allow access to occur at this location. Although no trip generation numbers are available for this request, no significant traffic impacts should be expected due to the large amount of LI zoning currently existing on the site. If approved, the request would add +/- 2.18 acres of LI land for further development. The Thoroughfare Plan does recommend that Indiana Avenue be constructed as a three-lane facility with bicycle and pedestrian accommodations.

CONFORMITY TO PLANS AND PLANNING ISSUES

<table>
<thead>
<tr>
<th>Legacy GMA</th>
<th>GMA 3 (Suburban Neighborhoods)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Relevant Legacy Recommendations</td>
<td>Legacy recognizes this area to have the most undeveloped land where much of the future residential, commercial, and industrial development should occur. This area is appropriate for future urban or suburban development.</td>
</tr>
<tr>
<td>Relevant Area Plan(s)</td>
<td>North Suburban Area Plan (2005)</td>
</tr>
<tr>
<td>Area Plan Recommendations</td>
<td>• The Area Plan identifies this area for Industrial development. It also recommends that the property between Indiana Avenue and the railroad tracks, from the western property line of the subject property to the southern terminus of Home Road be utilized for industrial uses.</td>
</tr>
</tbody>
</table>

(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 request is in accord with the recommendations of Legacy and the North Suburban Area Plan. The property is located within a much larger area that is recommended for industrial activity.

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-2698</td>
<td>RM-8-S and RM-12-S to RS-9-S</td>
<td>Approved June 7, 2004</td>
<td>Northwest</td>
<td>20.39 Acres</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2335</td>
<td>RS-9 to RM-18-S</td>
<td>Approved September 7, 1999</td>
<td>North</td>
<td>0.7 acre</td>
<td>Approval</td>
</tr>
<tr>
<td>W-2310</td>
<td>RS-9; RM-18-S; and RM-18 to RM-18-S</td>
<td>Approved May 3, 1999</td>
<td>North</td>
<td>58.55 Acres</td>
<td>Approval</td>
</tr>
<tr>
<td>W-1511</td>
<td>Special Use Permit</td>
<td>Denied May 2, 1988</td>
<td>Subject Property</td>
<td>0.30 acre</td>
<td>Denial</td>
</tr>
<tr>
<td>W-1461</td>
<td>R-4 to I-2-S</td>
<td>Withdrawn August 3, 1987</td>
<td>Subject Property</td>
<td>2.02 acres</td>
<td>Denial</td>
</tr>
<tr>
<td>W-996</td>
<td>R-4 to I-2-S</td>
<td>Denied February 21, 1983</td>
<td>Subject Property</td>
<td>2.4 acres</td>
<td>Approval</td>
</tr>
</tbody>
</table>

**UDO Sections Relevant to Subject Request**
- Section 2-1.4(A) LI District

**Complies with**
- Chapter B, Article VII, Section 7-5.3

- (A) Legacy policies: Yes
- (B) Environmental Ord. NA- General Use Rezoning
- (C) Subdivision Regulations NA- General Use Rezoning

**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>This request is in conformance with the recommendations of Legacy and the North Suburban Area Plan.</td>
<td></td>
</tr>
</tbody>
</table>

**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.

Aaron King presented the staff report.

**PUBLIC HEARING**

**FOR:**

Craig Millican, P. O. Box 241, Clemmons, NC 27012
- I'm representing the owner and would be happy to answer any questions you have.
AGAINST:

Joseph P. Lydon, 1000 Salemto n e Drive, Winston-Salem, NC  27106
  • We are in opposition to this request because we feel it would impact our community, our neighborhood, and our residents with increased noise and we question whether it would impact traffic safety.
  • We have about 300 residents who live at Salemto n e. They live in cottages, apartments, assisted living facilities, and the skilled nursing center.
  • The nursing center is approximately 100 yards away from the proposed site.
  • If large trucks are able to access the site, that's a problem for us.
  • Residents and family members can access our facility from Indiana Avenue using cards to open the gate. We're concerned that we may have safety problems if someone is waiting for the gate to open and trucks are coming along Indiana Avenue. We feel that would be harmful to our residents.
  • We looked at the recommendations under the area plan and it said that one of the goals would be to maintain the integrity of the current neighborhoods. Salemto n e is a vibrant neighborhood made up of elderly people who still contribute to the community. We feel that neighborhood should be preserved.

Janet O. Amos, 3609 Bechler Lane, Winston-Salem, NC  27106
  • Salemto n e is a great asset to the community and I'd hate to have anything happen to it in an adverse way.
  • I have had a mother and a mother-in-law living in the skilled care facility and I do think this would have an adverse effect on the noise.
  • People in this unit are very sick and this would just be a very, very adverse effect on them.
  • I represent the Board of Trustees.
  • I agree with Brother Lydon that there is a traffic hazard here.
  • I encourage you not to approve this.

Pete Hinkle, 102 Breslao Circle, Winston-Salem, NC  27106
  • My wife and I are concerned that this would present a safety hazard for traffic.
  • Another concern is how close it would be to the health care center.

Wilburt Joiner, 701 Harpers Ferry Road, Winston-Salem, NC  27106
  • This has come before the Board a number of times.
  • This is a small parcel of property. However, it has residential areas on both sides. It is vital to this area.
  • There are heavy industrial warehouses at the top of the hill just before you get to this parcel of land which is being used. Right now there are a number of tractor trailers which come down and find that they have gone too far and have to come into the neighborhood trying to turn around. We've had numerous times in the past where loaded traffic trailers got stuck in our neighborhood because they weren't able to negotiate the neighborhood. That's been a hazard. We've been trying to keep this area as it was originally designed - for residential traffic.
  • There's another piece of property up for sale just below this. It's being advertised as suitable for apartments.
  • There's a blind hill right there.
• Many people speed over the hill.
• There are children in the apartment complex and the school buses have to stop for them.
• We'd like to be able to keep this as much residential as possible.
• I know the area plan calls for industrial, but there are 90+ homes in Stonewall, Salemtowne has 300+ residents, and there is an apartment complex next to it.

Spencer Glebe, 5632 Bull Run Road, Winston-Salem, NC  27106
• The subject property is in plain sight of my home.
• Displayed photos and described the area.
• I understand that many uses can be made of this property if this request is approved.
• We've always seen this site as a means of continuing a residential transition between the existing warehouses starting at Home Road. As you move on down the hill, there's four rows of apartments (64 units), then there's the veterinary clinic.
• I'm concerned about that view.
• If this area is allowed to go to LI, the next tract which is for sale and is 10 acres in size, would likely also be petitioned for a change as well.

WORK SESSION

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

1. Arnold King: This is general use so all uses allowed in LI must be considered. However, the size of the lot limits development.

2. Paul Norby: With general use, no ingress or egress is shown, so we can't tell where that would be. Mr. Norby reviewed the list of uses allowed in LI.

3. Arnold King: There's already an access on Indiana. Is there already a problem accessing Salemtowne from Indiana? One of the speakers from Salemtowne indicated that there is not a problem now. Arnold King asked about the possibility of moving the gate back further into the Salemtowne property. The speaker indicated that was a possibility.

4. Lavastian Glenn: Is multifamily considered a transitional use into RS-9? Is that why you felt comfortable recommending LI? David Reed: Generally it's transitional from single family to multifamily to more intense uses.

5. Jerry Clark: If you convert that to LI and they want to put a drive there, is that always allowable because there's a street there? David Reed: The City would have to give them a driveway permit and they would analyze where they were trying to locate it in relation to other existing driveways.

6. Chris Murphy clarified a statement made earlier by a member of the public. The RS-9 area to the west of the Triangle Drive RM-18 property in the area plan is not recommended for industrial. It's recommended for moderate density residential which would allow probably up to eight units per acre.
7. Lavastian Glenn: I understand the concern of the homeowners in the area because of the LI coming into play, but the issue I'm seeing is that there is already a pattern of LI to the north and that whole area along Indiana is definitely used for light industrial. It seems like RS-9 doesn't even fit in this immediate area anymore. Further, the area plan recommends LI.

8. Brenda Smith: I see the impact for that section. The area along Appomattox Drive is residential in character. General use zoning brings a lot of potential to create a lot of nuisance and noise and to change the character in that particular stretch of Indiana. This does have the potential for a lot of impact as a general use.

9. Jerry Clark: Is there something that can be done about traffic trailers turning around in the neighborhood? Connie Curtis: There is a City ordinance prohibiting truck traffic on certain streets and we could look at truck prohibition through neighborhood streets.

10. Carol Eickmeyer: I'm going to be voting against this. I would be more in favor of one that was special use so we could control some of the impacts - maintain a better buffer, aesthetics of the area, and provide more certainty about what kind of traffic is going to be there. This is an example of the previous discussion of the importance of having special use restrictions when you abut residential districts. Even though multifamily is transitional, it's still problematic. With special use, we have better ability to make it compatible with surrounding uses. Indiana is very industrial further up the road, but this end isn't. It's important to preserve the community there.

MOTION: Carol Eickmeyer moved denial of the zoning map amendment.
SECOND: Lavastian Glenn
VOTE:
   FOR: Clark, Eickmeyer, Glenn, Smith
   AGAINST: King, Mullican
   EXCUSED: None

Written Comments Submitted by Planning Board Members:

Jerry Clark: I voted against the petitioner because the proposed site was too close to the residential area and the fact that unwanted conditions could occur when the property is developed.

Carol Eickmeyer: Would have supported special use conditions to protect the residential neighborhood.

Lavastian Glenn: My concern is that general use would have a negative impact on the nearby residential property. If the petition was for LI-S it would have made it easier to approve.

Arnold King: I agree with Staff's recommendation for this particular case. The majority of the site is already zoned LI. The portion to actually be rezoned consists of approximately two (2)
acres that fronts on Indiana Avenue. This subject two (2) acres is bordered by RM-18 to the West, RM-18-S to the North, a veterinarian office (RS-9) to the East and LI to the South. It is surrounded by multifamily and/or business and industrial uses. It is no longer viable as an RS-9 site. The major objection we heard was from residents at Salemtowne. Their objection was based on the "potential" for traffic backing up at their rear entrance although they acknowledged that this problem did not currently exist. The majority of this 12.63 acre site is already developed. The rezoning of this remaining two (2) acres does not afford the petitioner much opportunity for additional buildings - only a second access point to the existing facilities. While we acknowledge that the rezoning could allow for some additional warehousing, it would be our opinion that this would probably be used primarily for parking and an additional driveway - nothing that would create a lot of additional traffic on Indiana Avenue. This does not affect the main entrance to Salemtowne - only the secondary entrance or rear entrance. We support Staff's position that the requested rezoning is appropriate.

A. Paul Norby, AICP
Director of Planning