DOCKET #: W2708
(Continued from 9/9/04 CCPB meeting)

PROPOSED ZONING:
LI-S (Building Contractor, Heavy; Offices, Miscellaneous; Professional Office; Motor Vehicle Repair & Maintenance; Government Offices)

EXISTING ZONING:
HB

PETITIONER:
NCDOT (Facilities Design GSA) for property owned by State of North Carolina

SCALE: 1" represents 400’
STAFF: Roberts
GMA: 3
acre(s): 8.16
MAP(S): 624870
October 20, 2004

NCDOT
c/o Jim Snakenberg, Jr., PE
1 S. Wilmington Street
Raleigh, NC  27611

RE: ZONING MAP AMENDMENT W-2708

Dear Mr. Snakenberg:

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
Richard Parker, 1 S. Wilmington St., Raleigh, NC  27611
Robert Vorsteg, 3620 Marlow Avenue, Winston-Salem, NC  27106
**ACTION REQUEST FORM**

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<th><strong>DATE:</strong></th>
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<td><strong>TO:</strong></td>
<td>The Honorable Mayor and City Council</td>
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<tr>
<td><strong>FROM:</strong></td>
<td>A. Paul Norby, AICP, Director of Planning</td>
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**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning map amendment of NCDOT-Highway Division 9 for property owned by the State of North Carolina

**SUMMARY OF INFORMATION:**

Zoning map amendment of NCDOT-Highway Division 9 for property owned by the State of North Carolina from HB to LI-S (Building Contractor, Heavy; Government Offices; Offices, Miscellaneous; Professional Office; and Motor Vehicle, Repair and Maintenance): property is located on the northeast corner of Polo Road and North Cherry Street (Zoning Docket W-2708)

**PLANNING BOARD ACTION:**

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<th><strong>MOTION ON PETITION:</strong></th>
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<td><strong>FOR:</strong></td>
<td>UNANIMOUS</td>
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<td><strong>AGAINST:</strong></td>
<td>NONE</td>
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<td><strong>SITE PLAN ACTION:</strong></td>
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CITY ORDINANCE - SPECIAL USE

Zoning Petition of NCDOT-Highway Division 9 for property owned by the State of North Carolina, Docket W-2708

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 HB to LI-S (Building Contractor, Heavy; Government Offices; Offices, Miscellaneous; Professional Office; and Motor Vehicle, Repair and Maintenance) the zoning classification of the following described property:

Tax Block 3437, Tax Lots 24C and 24D

Section 2. This Ordinance is adopted after approval of the site plan entitled NCDOT-Highway Division 9 for property owned by the State of North Carolina and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of ________________, to NCDOT-Highway Division 9 for property owned by the State of North Carolina.

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 NCDOT-Highway Division 9 for property owned by the State of North Carolina. 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.
CITY - SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT 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 District Permit for the site shown on the site plan map included in this zoning petition of NCDOT-Highway Division 9 for property owned by the State of North Carolina, (Zoning Docket W-2708). 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; Government Offices; Offices, Miscellaneous; Professional Office; and Motor Vehicle, Repair and Maintenance), 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. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.
  b. Developer shall obtain a driveway permit from NCDOT and WSDOT; additional improvements such as the closing of existing driveways may be required prior to issuance of driveway permit.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. On-site fire hydrant locations shall be approved in writing by the City of Winston-Salem Fire Department.
  b. The surfaces of the decorative precast wall which face Polo Road and Cherry Street shall consist of artwork, decorative tiles and/or color schemes as approved by Planning staff.
• PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS
  a. Developer shall repair any existing damaged sidewalk and or curbing.
  b. All Fire Hydrants shall be installed in accordance with the City of Winston-Salem Fire Department.
  c. No on site lighting shall be taller than 16 feet and shall be of the “shoebox” type or otherwise designed not to cast direct light on adjacent properties or the public right-of-way.

• OTHER REQUIREMENTS
  a. Any retaining walls on site in excess of five (5) feet in height will require approval by the Inspections Department.
  b. A maximum of two freestanding signs shall be permitted each with a maximum copy area of 36 square feet and a maximum height of six (6) feet. One sign may be mounted on a portion of the decorative precast wall which shall have a maximum height of seven (7) feet.
  c. Outside storage shall consist of equipment only. No outside storage of materials i.e. pipes, rock, sand, rebar, etc. shall be permitted.
DOCKET # W-2708
STAFF: Gary Roberts
Petitioner(s): NCDOT
Ownership: State of North Carolina

REQUEST
From: HB Highway Business District
To: LI-S Limited Industrial District (Building Contractor, Heavy; Government Offices; Offices, Miscellaneous; Professional Office; and Motor Vehicle, Repair and Maintenance)

Both general and special use district zoning were discussed with the applicant(s) who decided to pursue the zoning as requested.

Acresge: 8.16

CONTINUANCE HISTORY

The petition was continued from the September 9, 2004 Planning Board meeting to the October 14, 2004 meeting in order to convert the former LI request to an LI-S request.

LOCATION:
Street: Northeast corner of Polo Road and Cherry Street.
Jurisdiction: City of Winston-Salem.
Ward: North.

SITE PLAN
Proposed Use: NCDOT Landscape and Road Oil Facility for Division 9.
Square Footage: 55,671 sf.
Building Height: 23 feet.
Parking: Required: 75 spaces; Proposed: 285 spaces.
Bufberyard Requirements: No bufferyards required adjacent to the existing LI, HB and HB-S zoned property which surround the subject property.
Vehicular Use Landscaping Standards Requirements: UDO standards apply.
PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site was recently cleared.

Adjacent Uses:

North- NCDOT maintenance and prison facility zoned LI.
East- Multi-tenant retail establishment zoned HB.
Southeast- Forest Hill Baptist Church zoned RS-9.
South- Undeveloped property zoned HB-S.
Southwest- Warehouse building zoned HB.
West- Convenience store and a building contractor’s establishment zoned HB.

GENERAL AREA

Character/Maintenance: Moderately to well maintained mixture of residential, commercial and institutional properties and structures.
Development Pace: Slow.

HISTORY

Relevant Zoning Cases:

1. W-2559; LI to HB; approved August 5, 2002; north side of Polo Road east of Cherry Street adjacent to the east side of current site; 1.84 acres; Planning Board and staff recommended approval.

2. W-1762; I-2 and I-4 to B-3-S [converted to HB-S in UDO, (Offices; Motor vehicles storage; and Warehouses, bulk storage - TWO PHASE)]; approved May 4, 1992; south side of Polo Road north side of McCanless Street across Polo Road from current site; 3.93 acres; Planning Board and staff recommended approval.

3. W-1121; R-7 to B-3 (converted to LB in UDO); approved May 7, 1984; north side of Polo Road across from Dalton Street; 0.30 acre; Planning Board and staff recommend approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Minor.
Topography: Gentle to moderate slope downward from the southern section of the site to the northwestern section of the site.
Vegetation/habitat: A small amount of vegetation is present on the northwestern corner of the site.
Environmental Resources Beyond The Site: The proposed site plan does not appear to significantly impact environmental resources beyond the site.
Water Supply Watershed: The subject property is not located in a water supply watershed.
TRANSPORTATION

Direct Access to Site: Cherry Street; Polo Road
Street Classification: Cherry Street – Major Thoroughfare; Polo Road – Minor Thoroughfare
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
  Cherry Street between Polo Road and North Point Boulevard = 13,000/26,900
  Polo Road between Cherry Street and Indiana Avenue = 7,300/18,500
Trip Generation/Existing Zoning: No Trip Rate Available for General Use
Trip Generation/Proposed Zoning: LI-S
  18,671/1,000 x 11.01 (General Office Trip Rate) = 206 Trips per Day
  No trip rate available for Vehicle Maintenance Shop.
Traffic Impact Study recommended: No TIS required.
Sidewalks: Existing along the Polo Road frontage of the subject property.
Transit: Route 4 along Cherry Street.
Bicycle Route: Route 19, Baux Mountain Connector, along Polo Road.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): *Legacy’s* goal for new and revitalized
  neighborhoods is for them to offer a variety of quality housing types, convenience to
  services and shopping, and foster a strong sense of community.
Area Plan/Development Guide: None - located within the *North Suburban Area Plan* study area,
  which is still in progress with no formal land use recommendations at this time.

ANALYSIS

The subject request is to rezone 8.16 acres located on the northeast corner of Polo Road and
Cherry Street from HB to LI-S. This petition was continued from the September 9, 2004
Planning Board meeting to the October 14 meeting in order to convert the requested zoning
designation from LI to LI-S. The property is currently undeveloped, however its access,
topography and lack of vegetation would lend itself easily to future improvements. The medium
scale Pilot Freight buildings which were previously located on the site, have been removed.
There has been some recent history of rezoning from industrial use to commercial use for land
adjacent to and across the street from the subject property.

The surrounding development pattern reflects a mixture of uses which include a convenience
store, the existing NCDOT maintenance facility, a State of North Carolina prison facility and a
neighborhood scale church. Currently some of the buildings in the area are positioned relatively
close to the street. This aids in creating that sense of the spatial definition and enclosure which
could assist in creating neighborhood pedestrian activity. However, some of the properties
exhibit various signs of disrepair and underutilization. Beyond the immediate intersection of
these two major streets, there exists an extensive amount of residential development in the
surrounding area. It is also significant to note that the Wake Forest University campus is less
than one mile to the west of the site on Polo Road.
The property is located within the *North Suburban Area Plan* study area and there are no formal land use recommendations available at this time. However, based upon staff analysis of the area there have been some discussions regarding the potential viability of said intersection evolving into a Neighborhood Activity Center, (NAC). The subject property is significant not only in regard to its substantial size and close proximity to residential development and the university campus, but its corner lot location.

Staff’s initial concerns with the previous general use request included both the aesthetic impacts of outside storage areas allowed within the proposed general use LI district, and with the lost opportunity of the area being shaped into a more neighborhood serving commercial district. While the current request does not propose uses which are generally considered neighborhood serving or essential for the development of a NAC, it does allay many of the previous site design concerns associated with a general use LI petition.

The petitioner has done a relatively good job of addressing the numerous streetscape issues previously relayed by staff. In particular, the various office and maintenance buildings, totaling over 55,600 square feet, generally front along either Polo Road or Cherry Street. This design is similar to what would be required in the PB district and provides an improved sense of spatial definition and visual interest along said streets. The result over time, is an urban form which is more conducive to foot travel. At the same time, the visual prominence of extensive parking areas is minimized by placing the parking to the side or rear of the buildings. It is anticipated that building elevations will be submitted by the petitioner prior to the October 14th Planning Board meeting.

The site plan also illustrates the use of a berm, large variety trees and decorative fencing along Polo Road and Cherry Street. This is a significant improvement over a more typically used approach consisting of a galvanized, chain link fence. At the request of Planning, Engineering and WSDOT staff, the petitioner has agreed to provide a sidewalk along the frontage of Cherry Street from Polo Road to Craft Drive. Additional site plan elements volunteered by the petitioner include full cutoff lighting, limits on outside storage, monument signage, and public seating at the corner of Polo Road and Cherry Street.

Staff would prefer to see this prominent corner property developed in a manner which is more neighborhood serving particularly considering its close walking and biking proximity to the Wake Forest University campus. However, the existing HB District, which allows for a large variety of retail commercial and office uses, has been in place for many years while the site has remained vacant. In addition, staff acknowledges that some of the currently permitted uses and development scenarios under the current HB zoning, could be significantly inconsistent with the vision of a pedestrian-oriented commercial center. Staff would also like to note that the proposed building locations would lend themselves to a more commercially oriented adaptive reuse should such an opportunity present itself in the future.

The subject request would enable the NCDOT to expand its present operation without a full scale relocation. In addition, the extent and design of the proposed improvements may actually stimulate some degree of additional redevelopment activity in the general area. Staff therefore recommends approval of the LI-S request.
FINDINGS

1. Legacy’s goal for new and revitalized neighborhoods is for them to offer a variety of quality housing types, convenience to services and shopping, and foster a strong sense of community.

2. The site is located within the North Suburban Area Plan study area, which is still in progress with no formal land use recommendations at this time.

3. The site is located on a highly visible corner of a major and minor thoroughfare in convenient proximity to a major university and its associated student population base.

4. The site is currently zoned HB which would allow a wide variety of development scenarios with no opportunity to discuss various site design issues.

5. While the proposed LI-S request does not consist of commercial uses which are generally considered neighborhood serving, the site plan represents a good attempt to address various streetscape design concerns which may otherwise be overlooked with a general use request.

STAFF RECOMMENDATION

Zoning: APPROVAL.
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions: Note: The streetscape improvements i.e. decorative fencing, berming, sidewalk, driveway closures etc. along Cherry Street and Polo Road south of the proposed retaining wall, will not be required until a Certificate of Occupancy is requested for either the Division Vehicle Maintenance Shop, the Resident Engineer’s Office or the Office/Storage building.

• PRIOR TO THE ISSUANCE OF GRADING PERMITS
  a. A storm water management study shall be submitted to the Public Works Department of the City of Winston-Salem for review. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department.
  b. Developer shall obtain a driveway permit from NCDOT and WSDOT; additional improvements such as the closing of existing driveways may be required prior to issuance of driveway permit.

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  c. Outside storage shall consist of equipment only. No outside storage of materials i.e. pipes, rock, sand, rebar, etc. shall be permitted.

PUBLIC HEARING - July 8, 2004

Gary Roberts presented the staff report.

FOR:

Richard Parker, 1 South Wilmington Street, Raleigh, NC 27611
• This is not going to be residential. It will be similar to what is already on the site.
• We try to keep a good appearance on the property.
• I realize there are more possibilities than what DOT intends. However, that it's being purchased for expansion of NCDOT's uses should be reassuring.
• I didn't do special use because the longer term uses could change.
• If I need to come back with a special use petition, I would do that.
• The reason I originally asked for the change is that because of the existing building types, Lanny Gough suggested that it would be better to change it to LI.
• DOT has cleaned up this site and would like to build on it.

Ronnie Grubbs: Lanny Gough has classified the petitioners as General Contractor Heavy which isn't allowed in HB.

AGAINST:

Robert Vorsteg, 3620 Marlow Avenue, Winston-Salem, NC 27106
• Here as president of University Parkway Neighborhood Association.
• There is no reason why I can see that you should not consider all the uses that would be allowed on this site under this general use zoning.
• Whether or not DOT would be a long-ranging institution (we don't expect it to go away), we need to consider what possible future developments will be allowed or not allowed.
• This is less than a mile from Wake Forest University.
• This will have a considerable impact on the character of this neighborhood.
• WFU has shown a vital interest in maintaining this neighborhood and working with the association.

WORK SESSION

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

• Clarence Lambe: I think there's a big difference between this case and the previous one. This is almost a downzoning.
• Jimmy Norwood: This is a vital corner in a vital area. I would prefer to see a special use here. There's mounds of dirt and stuff out there now and it's an eyesore.
• Paul Mullican: The North Suburban Area Plan Subcommittee, we discussed this for a long time last Monday night. We agree with staff. This needs something to compliment the neighborhood and Wake Forest University, not something like this. We would really like to see something go in here which would upgrade and uplift the community.
• Arnold King: There was a trucking terminal on this site when Wake Forest came to town. It operated 24 hours a day.
• Jimmy Norwood: I understand that, but this could be a nice storage yard with a good buffer, etc. That's where special use would be helpful.

MOTION: Paul Mullican moved denial of the zoning map amendment.
SECOND: Jimmy Norwood

Arnold King: Would the petitioner be willing to do a special use district rezoning request?
Petitioner: Yes.

Paul Mullican withdrew his motion.
Jimmy Norwood withdrew his second.

MOTION: Carol Eickmeyer moved continuance of the request to September 9, 2004 with the waiver of all fees except the difference between general and special use rezoning plus advertising.
SECOND: Brenda Smith
VOTE:
FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith
AGAINST: None
EXCUSED: None

PUBLIC HEARING - September 9, 2004

FOR: None
AGAINST: None

**WORK SESSION**

MOTION: Carol Eickmeyer moved continuance of the LI zoning map amendment to October 14, 2004 for the purposes of resubmitting the proposal for LI-S zoning under the same W-2708 docket number.
SECOND: Dara Folan
VOTE:
  FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Norwood, Smith
  AGAINST: None
  EXCUSED: None

**PUBLIC HEARING** - October 14, 2004

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jimmy Norwood
VOTE:
  FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Norwood, Smith
  AGAINST: None
  EXCUSED: None

______________________________
A. Paul Norby, AICP
Director of Planning