



**DOCKET #:** W2467

**PROPOSED ZONING:**

TRACT 1: LI

TRACT 2: RS9

**EXISTING ZONING:**

IP-S (Clubs or Lodges,  
Private)

**PETITIONER:**

American Legion Post 453

**SCALE:** 1" represents 400'

**STAFF:** Simmons

**GMA:** 3

**ACRE(S):** TRACT 1: 13.92

TRACT 2: 1.44

**MAP(S):** 636846



April 25, 2001

Norman S. Wallace  
5084 Donna Marie Court  
Walkertown, NC 27051

RE: Zoning Map Amendment W-2467

Dear Mr. Wallace:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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  
Robert W. Sparks, 4255 N. Patterson Ave., Winston-Salem, NC 27105  
American Legion Post 453, 1655 Martin Luther King Blvd., Winston-Salem, NC 27107  
Dean Reedy, 710 George Murphy Rd., Winston-Salem, NC 27107

**ACTION REQUEST FORM**

**DATE:** April 25, 2001  
**TO:** The Honorable Mayor and Board of Aldermen  
**FROM:** A. Paul Norby, AICP, Director of Planning

**BOARD ACTION REQUEST:**

Request for Public Hearing on Zoning Petition of Norman S. Wallace and American Legion Post 453

**SUMMARY OF INFORMATION:**

Zoning map amendment of American Legion Post 453 for two separate tracts of land as follows:

Tract 1: from IP-S (Clubs and Lodges, Private) to RS-9: property is located on the west side of Peachtree Street (unopened) north of Simmons Street (Zoning Docket W-2467).

Tract 2: from IP-S (Clubs and Lodges, Private) to LI; property is located off the west side of Peachtree Street (unopened) north of Simmons Street (Zoning Docket W-2467).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL

**FOR:** AVANT, BOST, KING, ROUSSEAU, SNELGROVE

**AGAINST:** JOHNSON, POWELL, SCHROEDER

**SITE PLAN ACTION:** NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Norman S. Wallace and American Legion Post 453, Docket W-2467

AN ORDINANCE AMENDING THE WINSTON-SALEM CITY ZONING ORDINANCE AND THE OFFICIAL ZONING MAP OF THE CITY OF WINSTON-SALEM, N.C.

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BE IT ORDAINED by the Board of Aldermen 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 Tract 1: from IP-S (Clubs and Lodges, Private) to RS-9 and Tract 2: from IP-S (Clubs and Lodges, Private) to LI; the zoning classification of the following described property:

Tax Block 1545, Tax Lot 101B

Section 2. This ordinance shall become effective upon adoption.

## ZONING STAFF REPORT

**DOCKET #** W-2467  
**STAFF:** Glenn Simmons

Petitioner(s): American Legion Post 453  
Ownership: Same

### **REQUEST**

From: Tract 1: IP-S Institutional and Public District (Clubs and Lodges, Private)  
Tract 2: IP-S Institutional and Public District (Clubs and Lodges, Private)  
To: Tract 1: LI Limited Industrial District (13.92 ac.)  
Tract 2: RS-9 Residential Single Family District (1.44 ac.); minimum lot size 9,000  
sf

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: Tract 1: 13.92 acres; Tract 2: 1.44 acres

### **LOCATION**

Street: West side of Peachtree Street (unopened) north of Simmons Street.  
Jurisdiction: City of Winston-Salem.  
Ward: Southeast.

### **PROPERTY SITE/IMMEDIATE AREA**

Existing Structures on Site: Site is heavily wooded with no structures currently existing.

Adjacent Uses:

North - Wooded undeveloped acreage zoned RS-9.  
East - Vacant lots fronting on east side of undeveloped section of Peachtree Street and single family homes zoned RS-9.  
South - Single family homes zoned RS-9 and some GI zoned land along Tower Street. Further south across Tower Street is Forest Park zoned IP.  
West - GI zoned land with industrial uses on it.  
Northwest - LI zoned land and RS-9 zoned land.

## **GENERAL AREA**

Character/Maintenance: The property is situated between existing industrially zoned land to the south and west and residentially zoned land to the north and east. Both commercial and residential uses are moderate to well maintained.

Development Pace: Slow.

## **PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: The proposed RS-9 portion of site could remain as a wooded buffer although there are no provisions under the proposed general use zoning that would require it. Wooded areas in the LI portion of the site would likely be substantially affected by new industrial or commercial development.

Topography: Site slopes moderately to very steeply downward from the unopened portion of Peachtree Street to a substantial drainageway located at the western edge of the tract proposed for LI zoning; the drainageway provides topographic separation of the subject site from the GI zoned land to the west.

Streams: A substantial drainage way is located at the western edge of the property within a deep ravine.

Vegetation/habitat: Heavily wooded.

Constraints: Deep topographic ravine limits the development potential of the site.

## **TRANSPORTATION**

Direct Access to Site: Vehicular access proposed through other GI zoned properties either west off Martin Luther King, Jr. Drive or south of Tower Street. Vehicular access off either the opened or unopened section of Peachtree Street would be prohibited without a special use permit from the Board of Aldermen.

Street Classification: Martin Luther King, Jr. Drive - major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):  
Martin Luther King, Jr, Dr., - between Tower and Argonne Boulevard 9,400/28,000

Planned Road Improvements: None planned.

Sight Distance: Adequate.

Interior Streets: N/A.

Transit: WSTA Route 52 along Martin Luther King, Jr., Dr. to the west.

## **HISTORY**

Relevant Zoning Cases:

1. W-2467; IP-S IP-S (Clubs and Lodges, Private) to GI and RS-9; withdrawn November 9, 2000; current site; 15.36 acres; Planning staff recommended denial.

2. W-1751; R-2-S (Dwellings; Multifamily) (comparable to RM-12-S) to R-4-S (Clubs or Lodges) (converted to IP-S with UDO); approved January 6, 1992; current site; 15.72 acres; Planning Board and staff recommended approval.
3. W-760; R-4 (comparable to RS-9) and I-3 (comparable to GI) to R-2-S (Dwellings; Multifamily) (comparable to RM-12-S); approved August 4, 1980; current site; Planning Board and staff recommended approval.
4. W-2111; GI to LI-S (Child Day Care Center); approved December 2, 1996; north side of Tower Street between Martin Luther King, Jr. Drive and Peachtree Street; 1.90 acres; Planning Board and staff recommended approval.

### **CONFORMITY TO PLANS**

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): Preserve stable residential area; separate and buffer industrial and commercial land uses from residential areas.

Area Plan/Development Guide: N/A.

Relevant Development Guide Recommendation(s): This rezoning is within the boundaries of the proposed *Southeast Winston-Salem Area Plan*. No recommendations have been drafted to date.

Thoroughfare Plan: N/A.

Wetlands: None on site; wetland located approximately one mile north at confluence with Salem Creek.

Natural Heritage Sites: Wetland located approximately one mile north is identified as site #16 in the Natural Heritage Inventory.

Will development of the site affect environmental resources beyond the site? A Natural Heritage wetland site may be adversely affected by industrial development at the current location.

If yes, how? Substantial grading and loss of wooded watershed on site may adversely affect downstream wetland.

Is the project in a water supply watershed? No.

### **ECONOMIC DEVELOPMENT**

Prime Industrial Site: No.

Railroad Access: Not available.

### **ANALYSIS**

The current request is a modified resubmittal of a nearly identical request which was withdrawn by the petitioner prior to the Planning Board Public Hearing on November 9, 2000 (W-2467). Prior to the request for withdrawal, the petitioner had proposed to modify the GI portion of his request to LI. Under this earlier petition vehicular access was proposed to be made to an unopened section of Peachtree Street. Under the current petition, no vehicular access would be allowed to Peachtree Street without special approval from the Board of Aldermen.

Alternatively, access is proposed to come through existing GI zoned property located west and south of the proposed LI portion of the site. Under the provisions of the UDO no vehicular access could be permitted onto Peachtree Street through the proposed RS-9 (buffer) portion without a Special Use Permit issued by the Board of Aldermen. Under the more restrictive access provisions of the current request, the petitioner hopes to obtain greater support for the proposed LI zoning.

The current general use zoning request is a petition to rezone 15.36 acres of land from existing IP-S to LI and RS-9. According to the petitioner, the request is intended to expand existing industrially zoned land which is contiguous to the west side of the property. The smaller RS-9 portion of the petition, approximately 1.44 acres, is proposed as a type of zoning "buffer" adjacent to undeveloped residential properties located immediately east of the site.

The property was previously zoned from R-2-S (comparable to RM-18-S) to R-4-S for Clubs or Lodges in 1992 and was subsequently converted to IP-S with the adoption of the UDO in 1995.

The property is situated on the east side of a significant ravine which has been identified in previous zoning cases as providing a logical separation between industrial properties located to the west and south of the property and the single family neighborhood to the east. Industrial access to the site is proposed to come through existing GI zoned property either west or south of the proposed LI portion of the site. Said access must cross the ravine, which includes a stream.

At the time of this writing staff is working with the City Attorney and the City Streets Division to determine if the unopened portion of Peachtree Street must be built even though no access to the site would be granted under the current zoning petition. If the street were not built, however, the existing undeveloped RS-9 zoned property fronting the east side of the unimproved right-of-way would be left landlocked. Historically the required street improvements have posed a substantial impediment to the development of the current property.

Although staff recognizes the industrial character of properties located east of Martin Luther King, Jr. Boulevard and north of Tower Street, staff is concerned about the potential encroachment of LI zoning at the current location. Particularly, as in previous zoning requests, staff has considered the steep topographic division on the western edge of the property as a natural transitional buffer between the area's existing industrial and single family residential development. As submitted, however, this topographic depression will more likely pose a substantial liability for the proposed industrial development.

Although the requested LI zoning is less intense than the earlier proposed GI, staff is still concerned that large footprint development could adversely affect the residential neighborhood to the east and establish a precedent for further eastward expansion. This may be especially true if the existing RS-9 zoned property on the east side of the unopened right-of-way is left without vehicular access.



The 50' buffer proposed as RS-9 zoning would not provide adequate screening or buffering of industrial activities. As general use RS-9 zoning, there is no guarantee as to retention of existing vegetation, additional plantings, or efficacy as a buffer. Staff notes that in another somewhat similar situation (Zoning Docket W-1813 for Sara Lee Corporate Office on old Lou Graham farm property off Germanton Road/NC 8 west of Windy Hill Drive and south of NC 66), a 100-foot wide strip of I-3-S (Parks or Recreational Facilities) with specified planting was retained along the right-of-way of Windy Hill to buffer the residents on the east side of Windy Hill.

Staff is also concerned about the potential environmental impacts of developing the current site under the limited provisions of general use LI zoning. The stream defining the western edge of the property is situated in a wooded ravine which forms the headwaters of a wetland located at its confluence with Salem Creek. This wetland, located approximately one mile north of the site, is identified in Forsyth County's Inventory of Significant Natural Areas as site #16. Given the constraints of the site for industrial use and potential negative impacts which may likely occur along the stream if the property is utilized for industrial purposes and access is over the stream, staff believes that the potential benefits do not positively offset the potential environmental harm.

It is staff's understanding that because vehicular access to Peachtree Street would be prohibited if this zoning is approved as presented, that the developer would not be required to build Peachtree Street along the unimproved right-of-way which borders the site on the east side. This is a further concern to staff that important vehicular connections to the north would not be made and that adjacent residentially zoned land east of the right-of-way would continue to be without public street access.

## **FINDINGS**

1. The petition consist of a general use LI petition with a fifty foot wide buffer strip of RS-9 along the entire west side of an undeveloped portion of Peachtree Street.
2. Previous zoning cases in the area recognize the transitional land use character of the property located between existing GI and single family residential zoning districts.
3. A substantial topographic divide located on the west side of the property provides a logical division between existing industrial properties and lesser intensive land uses.
4. A stream on the western edge of the property is situated within a wooded ravine and forms the headwaters of a wetland at the confluence of Salem Creek.
5. The wetland, approximately one mile north of the site, is identified as site #16 in Forsyth County's Natural Heritage Inventory.
6. Industrial access to the property is proposed off either Martin Luther King, Jr. Drive or off Tower Street via existing GI zoned property west and south of the current site.
7. The site is not identified as within an "Industrial Opportunity Area".

8. Staff believes that the potential industrial benefits of zoning are adversely offset by the anticipated impacts to the natural environmental, and residential character of the area.
9. If the zoning is approved, the developer would likely not be required to build the extension of Peachtree Street within the existing, unimproved right-of-way which borders the eastern side of the property.

### **STAFF RECOMMENDATION**

Zoning: **DENIAL**.

*[For information purposes only: The draft Legacy plan indicates that the site is located in the Urban Neighborhoods Area of the MSA (Metropolitan Statistical Area), an area of older neighborhoods, commercial, industrial and institutional development. Quality infill development, greater residential densities where appropriate and neighborhood retail and community services are encouraged. One of the objectives in considering infill strategies for existing neighborhoods is to make infill development attractive to existing residents of the surrounding area]*

### **PUBLIC HEARING**            April 12, 2001

Glenn Simmons presented the staff report.

FOR:

Larry Wilson, 5084 Donna Reid Court, Walkertown, NC 27051

I'm speaking on behalf of our veterans.

We think we have a really good project here which will promote development in the area and especially in East Winston.

Robert Sparks, P. O. Box 24296, Winston-Salem, NC 27114

I appreciate staff's time and help on this case.

Mr. Wallace purchased the property adjacent to this site and cleaned it up.

I don't see the ravine as an impediment to development.

Mr. Wallace would like to put 60,000 - 100,000 sf of building space for light industrial.

He has created over 130 jobs, many of which are occupied by people in the neighborhood who can walk to work.

Projections indicate there will be over 250 new jobs.

I think LI zoning would be an excellent buffer between the residential and GI zoned areas.

This would basically be a 15-acre buffer between them.

It's not economically feasible for the property owners to build the road.

We believe what Mr. Wallace has planned for this site would be less hazardous to the water in this area than building single family homes on this site.

We want to improve the neighborhood, provide jobs, and expand Mr. Wallace's land.

AGAINST:

Dean Reedy, P. O. Box 20167, Winston-Salem, NC 27120

I own 33 of the lots along Peachtree Street.

I have great concern over putting light industrial on this site. Surrounding neighbors also are against this request.

Keith Thomas, 3390 Friedberg Church, Winston-Salem, NC 27127

We own several pieces of property in this area. I was born and raised in this area and know the site well.

I don't think this would be an asset to the community. It would be a burden and bring property values down.

**WORK SESSION**

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

1. This request is for general use and therefore we do not have a site plan.
2. Part of Peachtree is currently built, but the portion along the site is not developed.
3. Kerry Avant: There's no houses and no street along Peachtree, so I'm struggling with the value of those lots as residential lots.
4. Mr. Reedy indicated that his lots would probably provide 15 building lots.

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: John Bost

VOTE:

FOR: Avant, Bost, King, Rousseau, Snelgrove

AGAINST: Johnson, Powell, Schroeder

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A. Paul Norby, AICP  
Director of Planning