DOCKET #: F1429

PROPOSED ZONING:
HB-S (Outdoor Display Retail)

EXISTING ZONING:
RS-9

PETITIONER:
Eugene Corbisiero
for property owned by Same

SCALE: 1" represents 400'

STAFF: King

GMA: 3

ACRE(S): 2.93

MAP(S): 63822
April 20, 2005

Eugene J. Corbisiero
Salem Auto Sales, Parts, & Services
536 Waughtown Street
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT F-1429

Dear Mr. Corbisiero:

The attached report of the Planning Board to the Forsyth County Board of Commissioners is sent to you at the request of the Commissioners.

When the rezoning is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners, of the date on which the Commissioners will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
Mary O. Bumgarner, 5210 S. Main Street, Winston-Salem, NC 27107
Cary Lewis, 5210 S. Main Street, Winston-Salem, NC 27107
Laura Van Sant, 5000 S. Main Street, Winston-Salem, NC 27107
Jean Anderson, 5020 Beckerdite-Stewart Road, Winston-Salem, NC 27107
Otis Anderson, 5020 Beckerdite-Stewart Road, Winston-Salem, NC 27107
L. C. Willard, 5052 S. Main Street, Winston-Salem, NC 27107
Michael Smith, 5046 Stilletto Road, Winston-Salem, NC 27107
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________________  AGENDA ITEM NUMBER: _______

SUBJECT:-

A. Public Hearing on zoning map amendment of Eugene Corbisiero from RS-9 to HB-S (Outdoor Display Retail; Motor Vehicle repair and maintenance; Motor Vehicle, Body or Paint Shop; and Motor Vehicle, Storage Yard): property is located on the east side of South Main Street north of Jones Road (Zoning Docket F-1429).

B. Ordinance amending the Forsyth County Zoning Ordinance and Official Zoning Map.

C. Approval of Special Use District Permit

D. Approval of Site Plan

COUNTY MANAGER’S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended denial of the rezoning petition. The site plan conforms.

ATTACHMENTS:-  X YES  ___NO

SIGNATURE: ___________________________________________ DATE: ______________

County Manager
COUNTY ORDINANCE - SPECIAL USE

Zoning Petition of Eugene J. Corbisiero, Docket F-1429

AN ORDINANCE AMENDING
THE FORSYTH COUNTY
ZONING ORDINANCE AND THE
OFFICIAL ZONING MAP OF
THE COUNTY OF FORSYTH,
NORTH CAROLINA

_________________________________

BE IT ORDAINED by the Board of County Commissioners of the County of Forsyth as follows:

Section 1. The Zoning Ordinance of the *Unified Development Ordinances* of the County of Forsyth, North Carolina, and the Official Zoning Map of the County of Forsyth, North Carolina, are hereby amended by changing from RS-9 to HB-S (Outdoor Display Retail; Motor Vehicle repair and maintenance; Motor Vehicle, Body or Paint Shop; and Motor Vehicle, Storage Yard) the zoning classification of the following described property:

**BEGINNING** at a point in the southwest corner of Tax Lot 114 and adjoining Tax Lot 19 Block 5410 N 03° 30’ 33” E 62.15’ to a point; Thence adjoining Tax Lot 115D Block 5410 S 41° 35’ 59” E 114.95’ to a point; Thence along Tax Lot 115C Block 5410 and adjoining Tax Lot 115D N 48° 24’ 01” E, 60.46’ to a point; Thence along a new proposed zoning line in Tax Lot 115C Block 5410 S 45° 04’ 07,” E 536.49’ to a point; Thence S 44° 55’ 53” W, 100.00’ to a point in the line of Lot 114 Block 5410; Thence along Tax Lot 114 Block 5410 N 45° 04’ 07” W 613.77’ to the point and place of the beginning.

Section 2. This Ordinance is adopted after approval of the site plan entitled Eugene J. Corbisiero, and identified as Attachment A of the Special Use District Permit issued by the Forsyth County Board of Commissioners the _____ day of ________________, 20____ to Eugene J. Corbisiero.
Section 3. The Board of Commissioners 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 Eugene J. Corbisiero. 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.
COUNTY, SPECIAL USE DISTRICT PERMIT

SPECIAL USE DISTRICT PERMIT

Issued by the Forsyth County
Board of Commissioners

The Forsyth County Board of Commissioners issues a Special Use District Permit for the site shown on the site plan map included in this zoning petition of Eugene J. Corbisiero (Zoning Docket F-1429). 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 HB-S (Outdoor Display Retail; Motor Vehicle repair and maintenance; Motor Vehicle, Body or Paint Shop; and Motor Vehicle, Storage Yard), approved by the Forsyth County Board of Commissioners the _____ day of ________________, 20 ____" and signed, provided the property is developed in accordance with requirements of the HB-S zoning district of the Zoning Ordinance of the Unified Development Ordinances of the County Code, the Erosion Control Ordinance, and other applicable laws, and the following conditions be met:

• PRIOR TO THE ISSUANCE OF GRADING PERMITS
  a. Driveway permit shall be issued by the North Carolina Department of Transportation. NCDOT reserves the right to require improvements prior to issuance of driveway permits.
  b. Septic tank permit from the Forsyth County Health Department.
  c. Any walls built within the Duke Power right-of-way must be removed.

• PRIOR TO THE ISSUANCE OF BUILDING PERMITS
  a. Developer shall provide in writing from Duke Power Company permission to build fences as shown on the site plan within the right-of-way.

• OTHER REQUIREMENTS
  a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.
ZONING STAFF REPORT

DOCKET #  F-1429
STAFF:      Aaron King

Petitioner(s): Eugene J. Corbisiero
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District, 9,000 sf minimum lot size
To: HB-S Highway Business District (Outdoor Display Retail; Motor Vehicle Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Motor Vehicle, Storage Yard)

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

Acreage: 2.92

LOCATION:

Street: East side of South Main Street north of Jones Road.
Jurisdiction: Forsyth County.

SITE PLAN

Proposed Use: Multiple Uses.
Square Footage: 2,950 (1,450 sf existing, 1,500 sf proposed).
Building Height: 60 feet.
Parking: Required: 18; Proposed: 20.
Bufferyard Requirements: Type IV Bufferyard adjacent to RS-9 zoning district; type I bufferyard adjacent to GI zoning district.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Single family home and accessory building.
Adjacent Uses:
   North- Single family residence zoned GI.
   Northeast- Undeveloped property zoned RS-9.
   East- Undeveloped property zoned RS-9.
   South- Single family residential zoned RS-9.
   West- Undeveloped property and industrial uses zoned LI.
GENERAL AREA

Character/Maintenance: Mixture of undeveloped property, well maintained single family homes and industrial uses zoned LI, GI, and RS-9.
Development Pace: Slow

HISTORY

Relevant Zoning Cases:

1. F-1418; RS-9 to GI; withdrawn October 11, 2004; east side of South Main Street north of Jones Road; 2.92 acres; Planning Board and staff recommended denial.

2. F-1401; RS-9 to RM8-S (Multiple Uses); approved March 22, 2004; southeast corner of South Main Street and Jones Road; 10.08 acres; Planning Board and staff recommended approval.

3. F-1345; RS-9 LI-S (Multiple Uses); withdrawn August 30, 2001; southwest corner of South Main Street and Fishel Road; 2.19 acres; Planning Board and staff recommended denial.

4. F-1298; LI and RS-9 to LI; approved May 22, 2000; southwest side of South Main Street south of Barnes Road; 21.72 acres; Planning Board and staff recommended approval.

5. F-158; R-6 to I-3; approved August 3, 1970; east side of South Main Street south of Barnes Road; 3.88 acres; Planning Board and staff recommended approval.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: The western portion of the site will be paved for parking and motor vehicle storage.
Topography: Moderate to steep slope downward from the southwest corner of the site to the northeast section of the site.
Streams: None noted.
Vegetation/habitat: Mature hardwood vegetation is located in the southern section of the subject property.
Wetlands: A PUBHh (Palustrine, Unconsolidated Bottom, Permanently Flooded, Diked/Impounded) is located just to the north of the subject property.
Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: South Main Street.
Street Classification: South Main Street - Minor Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
  South Main Street between Fishel Road and Barnes Road = 7,800/16,100

Trip Generation/Existing Zoning:  RS-9
  2.29 acres (RS-9) x 43,560/9,000 = 11 units x 9.57 (SFR Trip Rate) = 105 Trips per Day

Trip Generation/Proposed Zoning:  HB-S
  1,500 / 1,000 x 15.86 (Automobile Care Center Trip Rate) = 24 Trips Per Day

Planned Road Improvements/Thoroughfare Plan: The Thoroughfare Plan calls for this portion of
  South Main Street to be a three-lane cross section with sidewalks and curb and gutter.

Sight Distance:  Good
Traffic Impact Study recommended:  No
Sidewalks:  None
Transit:  No
Bicycle Route:  No

CONFORMITY TO PLANS

Growth Management Plan Area (Legacy): Suburban Neighborhoods (GMA 3).
Relevant Comprehensive Plan Recommendation(s): In the Economic Vitality chapter, Legacy
notes that this community has a scarcity of “greenfield” industrial sites for economic
development and that therefore we should make the wisest use of these limited resources.
Area Plan/Development Guide: The subject property is not located within the boundaries of an
area plan or development guide.

HISTORIC RESOURCES REVIEW

Known Historic Resources: The subject property is located within the historic boundaries of the
Friedberg Town Lot.
Comments: No historical or archaeological sites are noted on the site according to the Moravian
Southern Country Congregations Study.

ANALYSIS

The request is to rezone 2.92 acres located on the east side of South Main Street from RS-9 to
HB-S. The site is undeveloped with the exception of one single family residence. The northern
section is traversed by an overhead electric transmission line. A concrete block wall which
appears to be recently added is located along the right-of-way frontage.

The surrounding development pattern consists of some industrial uses to the northwest which are
zoned LI and GI. Low density residential uses zoned RS-9 and MH lie further to the south. The
site is located less than ¼ of a mile from the interchange of US 52 and South Main Street.
Because of the site’s 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 1992, indicates that such
sites should be given careful consideration for future industrial development.
In September 2004, the same property was the subject of a rezoning request from RS-9 to GI. The request was recommended for denial by the Planning Board at its meeting of September 9, 2004. Staff recommended denial of this request due the site being located on one of the primary gateways into the city and also the fact that the GI district allows many uses that would not be in keeping with the surrounding residential uses.

Staff does acknowledge that the majority of this property is within a Duke Power utility easement and therefore limits the potential uses of this property. However, staff’s concerns with this request mainly deal with the uses being requested, and that these uses are not appropriate for one of the main entryways into Winston-Salem or an Industrial Opportunity Area. Due to the topography of the site, it does not seem that it can be appropriately screened from passing motorists or neighboring properties.

In 2000, staff supported a rezoning request for LI on 21+ acres located across South Main Street from the subject site. The larger and more moderate industrial classification were two of the reasons for staff’s support. In addition, over 200 single family and townhouse units were approved less than one half mile south of the subject site. The existing GI property to the north of the site was approved in 1970 and has not been developed yet for industrial use. Both Legacy and the Industrial Opportunity Areas list support a more comprehensive stewardship of our limited industrial growth areas. It is possible for this property to be developed in an industrial manner, with the appropriate screening and buffering that would not diminish the scenic entryway into the city. Staff does not believe that the proposed uses for this property are in keeping with the goal of a more coordinated and consistent business development area and the desire to have an aesthetically pleasing gateway into Winston-Salem. Staff therefore recommends denial of this request.

FINDINGS

1. Legacy recommends making use of our limited properties sited for economic development.

2. The subject property is not located within the boundaries of an area plan or development guide.

3. The property is located within a primary gateway into Winston-Salem, and does not appear to be capable of being planned as part of a coordinated, consistent business development area.

STAFF RECOMMENDATION

Zoning: DENIAL.
Site Plan: Staff certifies that the site plan meets all code requirements, and recommends the following conditions:

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS**
  - a. Driveway permit shall be issued by the North Carolina Department of Transportation. NCDOT reserves the right to require improvements prior to issuance of driveway permits.
  - b. Septic tank permit from the Forsyth County Health Department.
  - c. Any walls built within the Duke Power right-of-way must be removed.

- **OTHER REQUIREMENTS**
  - a. Any freestanding signage shall be limited to one monument sign with a maximum height of six feet.

Aaron King presented the staff report.

**PUBLIC HEARING**

FOR:

Stephen G. Calaway, 1330 Ashley Square, Winston-Salem, NC  27103
- I represent Mr. & Mrs. Corbisiero who operate an automobile sales and repair facility in Waughtown.
- This is the kind of place you take your car to get the oil changed, get the fender repainted after an accident, or a place the wrecker will take your car when it breaks down while you wait for insurance adjusters to look at it or mechanics to get the correct parts before they can repair it.
- That's all the vehicles that will be there and that's 20 spaces inside an opaque fence that is required by ordinance to be locked at night.
- The only other building is use of the existing house which is for offices for this use and a three-bay automobile repair service garage and one bay for the parts that will go on the cars in the other three bays.
- There will be thirty spaces out front and in his mind he might have that many cars for sale at some point in his career.
- The man owns the site next to this which is closer to town.
- He runs a garage which is currently located on Waughtown Street. They stopped up the street at the NC School of the Arts one block from his site. That cut off his traffic and he's having a hard time making a living there. He owns this site and would like to move his business to this site.
- We're well under the traffic capacity for Main Street.
- It might be that losing the case might be the best thing that could happen for my client. The site is in an Industrial Opportunity Area. So no matter what he does with this site, in all likelihood, far down in the future, it's going to be a part of that industrial growth that's going to take place with the railroad and all in that area.
• I think saving it for the Industrial Opportunity Area is foolish when the man owns the property and has a current need to use it.
• It is not and cannot be a junkyard. That's what some of the neighborhood is worried about.

AGAINST:

Mary O. Bumgarner, 5210 S. Main Street, Winston-Salem, NC 27107
• Looking at the site plan that you have before you (she showed a site plan from last year from the same area.)
• Please notice the large RS-9 behind and on either side of the site. It's very residential in character.
• There are new condos and houses here. The residential character is increasing, not decreasing.
• A lot of us have put a lot of money into improving our homes and we would certainly like to see our money and time result in increased property values, not decreased property values.
• This would also hurt the sale of the new homes which you approved last year.
• I don't think this would be at all attractive along this main thoroughfare into the County.
• It's important to note that the gentleman does own the property to the north. I can easily imagine this expanding to include both pieces of property.
• The buildings that you see in the GI area no longer exist. They have all been bull-dozed down.
• The item you saw in the picture is a Winnebago which has been parked there for a while.
• I don't have a lot of confidence that this will be handled in such a manner as to be a benefit for the community as far as appearance. I base that upon what has happened to this property over the last 10 months or so. The property has been completely bulldozed. Every tree, bush, and piece of grass is gone. It's now a large red mud-pile. Not a single seed has been resown. A large ugly cement wall has been put up without the permission of the City, without being permitted and without permission of Duke Power. If this is the way the gentleman would act during the time frame when I would expect a person to put their best foot forward in order to impress the community, I'm very concerned about what the next step would be after it was rezoned.
• As far as the gentleman being able to use his property, this is a fairly new acquisition, not a long-time family piece of property. We have some very good business neighbors in this neighborhood. He can use his property in much more appropriate ways.

Cary Lewis, 5210 S. Main Street, Winston-Salem, NC 27107
• The only thing I'd like to say is that we've lived here since 1978. That community is in transition just like the rest of the county. Your decision will decide which way the community is going to tilt.

Laura Van Sant, 5000 S. Main Street, Winston-Salem, NC 27107
• I'm speaking for South Main Investment Properties which owns the 25 acres of industrially zoned property directly across the street as well as the house that's been converted into a business.
• Patty Benedict and Sherman Richardson have corresponded with you about this, but couldn't be here today because of a death in the family.
• When South Main built their facility, they put large trees in front so it would be largely hidden from the road.
• They oppose the request for the same reasons as the Planning staff.
• Locating other heavy industry here would have an immediate detrimental effect on the area and that effect would last for many years making higher quality development extremely unlikely.
• Adequately screening the site is impossible due to the hilly topography. That's apparent to anyone driving by the site.
• Pictures of the applicant's existing garage include junk cars, chain link fence and "attack dogs" signs would be entirely out of character so we certainly urge you to follow your staff's recommendation and deny this.

L. C. Willard, 5052 S. Main Street, Winston-Salem, NC  27107
• I live at the top of the hill of the project we're talking about. I also have an office in the house directly across the street from the junk yard.
• You need to look at Waughtown Street. They've taken cars and put them on top of cars.
• There is an ugly cement wall there.
• I think this request is ridiculous.

Michael Smith, 5046 Stilletto Road, Winston-Salem, NC  27107
• I thought we'd nipped this things in the bud a long time ago.
• My wife's been looking forward to the Wal-Mart so she'll be grateful for that action today.
• I know things have got to change, but I'd like them to change for the better.
• Allowing a junkyard here would curb any positive development in this area.

WORK SESSION

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

1. Dara Folan: I concur with staff's position.

2. Jimmy Norwood: In the analysis of the staff report, when it talks about potential Industrial Opportunities Areas list, how would that affect this? What is the difference between industrial and what we have here now? I don't want anyone to walk out of here saying there won't be industrial sites later on. Paul Norby: That study was to identify areas in the county which would be well-suited for business parks and industrial parks. I would expect if that were to expand into this area, you could expect to see something like you see across the street for the LI property.

3. Jimmy Norwood: This won't necessarily be residential.
4. Walls and fences are exempt from UDO requirements. However, if the wall is higher than five feet, it needs a building permit because the footings have to be inspected. It has to be designed for a wind load. Inspections did get a permit issued on this after it was built and it had to be sealed drawings and verified by an engineer. But the fact that it's in the right-of-way of Duke Power is a Duke Power issue. Duke Power will make them remove the portion of the wall within their easement.

5. Jerry Clark: Is the pool near the entrance permanent? Paul Norby: I expect with all the land that was graded that they needed to come back in and get a S&E permit. Ronnie Grubbs: That is a sedimentation tract. They're under an after-the-fact grading permit too. They did both without proper permits.

MOTION: Dara Folan moved denial of the zoning map amendment.
SECOND: Jerry Clark
VOTE:
    FOR: Clark, Folan, Glenn, King, Mullican, Norwood
    AGAINST: None
    EXCUSED: None

SITE PLAN MOTION: Dara Folan certified that the site plan meets all code requirements and recommends staff conditions.
SECOND: Jerry Clark
VOTE:
    FOR: Clark, Folan, Glenn, King, Mullican, Norwood
    AGAINST: None
    EXCUSED: None

According to information furnished by the Office of the Tax Assessor on March 11, 2005, the subject property was in the name of Eugene J. Corbisiero.

___________________
A. Paul Norby, AICP
Director of Planning