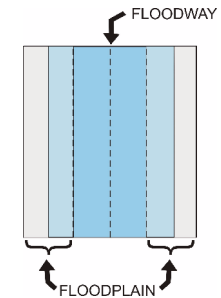


DOCKET #: W2927

PROPOSED ZONING:
GI-S (Multiple Uses)

EXISTING ZONING:
HB

PETITIONER:
The Kenneth M. Chilton Irrevocable Trust, Susan E. Thomas and Moir Chilton, Trustees for property owned by Same



SCALE: 1" represents 800'

STAFF: King

GMA: 3

ACRES: 20

NEAREST BLDG: 45' south

MAP(S): 624878 630878

F

April 25, 2007

Kenneth M. Chilton Irrevocable Trust
Frances J. Chilton Irrevocable Trust
c/o Moir Chilton & Susan Thomas
521 Academy Street
Rural Hall, NC 27045-9614

RE: ZONING MAP AMENDMENT W-2927

Dear Mr. Chilton & Ms. Thomas:

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, FAICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102
Jocelyn Burton, Kilpatrick Stockton, LLP, 1001 W. Fourth Street, Winston-Salem, NC
27101
Steve Leveton, 4473 Tilly Mill Road, Atlanta, GA
Margo Majette, 4719 Jenkins Road, Winston-Salem, NC 27105
Tom Mills, 4715 Jenkins Road, Winston-Salem, NC 27105
Tori Small, 4015 Meeting Way, Suite 105, High Point, NC 27265

ACTION REQUEST FORM

DATE: April 25, 2007
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Map Amendment of The Kenneth M. Chilton Trust, Susan E. Thomas and Moir Chilton, Trustees

SUMMARY OF INFORMATION:

Zoning Map Amendment of The Kenneth M. Chilton Trust, Susan E. Thomas and Moir Chilton, Trustees, from HB to GI-S (Motor Vehicle Dismantling and Wrecking Yard; and Motor Vehicle Storage Yard): property is located on the east side of Patterson Avenue, north of Motor Road (Zoning Docket W-2927).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of The Kenneth M. Chilton Trust,
Susan E. Thomas and Moir Chilton, Trustees, Docket W-2927

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 GI-S (Motor Vehicle Dismantling and Wrecking Yard; and Motor Vehicle Storage Yard) the zoning classification of the following described property:

Beginning at an existing iron pipe in the Eastern right-of-way line of Patterson Avenue, said iron pipe marking the Southwest corner of the Kenneth M. Chilton property (Deed Book 1977, Page 910, Forsyth County Registry)(Block 2996, Lot 105); running thence with said right-of-way line, North 40°37'07" West a distance of 45.60 feet to a new iron pipe; thence the following three (3) new courses and distances within said Kenneth M. Chilton property; (1) North 49°22'53" East a distance of 248.46 feet to a new iron pipe; (2) South 87°51'25" East a distance of 889.37 feet to a new iron pipe; (3) North 04°53'17" East a distance of 43.88 feet to an existing iron pipe marking the Southwest corner of the Hugh N. Smith property (Deed Book 796, Page 127, Forsyth County Registry)(Block 2996, Lot 30); thence with Smith's South line, South 86°49'11" East a distance of 253.38 feet to an existing iron pipe in the West line of the Thomas C. Mills property (Deed Book 828, Page 95, Forsyth County Registry)(Block 2996, Lot 18C); thence with said West line and the West line of the Margo Prescott Majette and Jethro Barnes Majette, III property (Deed Book 2505, Page 556, Forsyth County Registry)(BLOCK 2996, LOT 18F), the following two (2) courses and distances; (1) South 02°48'54" West a distance of 241.44 feet to an existing iron pipe, and (2) South 02°49'45" West, passing through an existing iron pipe at 357.01 feet, a total distance of 588.68 feet to a new iron pipe in the North line of the Michael Dennis Carter property (Deed Book 2026, Page 1302, Forsyth County Registry)(Block 2996, Lot 23B) ; thence with said Carter's North line, North 88°04'43" West, passing through an existing iron pipe at 553.19 feet, said iron pipe marking the Northeast corner of the MMG Investments, LLC property (Deed Book 2159, Page 3568, Forsyth County Registry)(Block 2996, Lot 22A), a total distance of 789.91 feet to a new iron pipe in the eastern right-of-way line of Patterson Avenue; thence, along said right-of-way line the following two (2) courses and distances; (1) along the arc of a curve to the left having a radius of 3916.89 feet, a chord bearing and distance of North 36°31'08" West, 475.55

feet to a new iron pipe; (2) North 39°59'57" West a distance of 297.18 feet to the point and place of beginning, containing 20.000 acres more or less according to a survey by Triad Land Surveying, P.C. and having job number 13040-4.

Section 2. This Ordinance is adopted after approval of the site plan entitled Pull-A-Part- Inc., The Kenneth M. Chilton Trust, Susan E. Thomas and Moir Chilton, Trustees and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20___ to The Kenneth M. Chilton Trust, Susan E. Thomas and Moir Chilton, Trustees.

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 Pull-A-Part- Inc., The Kenneth M. Chilton Trust, Susan E. Thomas and Moir Chilton, Trustees. 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 The Kenneth M. Chilton Trust, Susan E. Thomas and Moir Chilton, Trustees, (Zoning Docket W-2927). 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 GI-S (Motor Vehicle Dismantling and Wrecking Yard; and Motor Vehicle Storage Yard), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is

developed in accordance with requirements of the GI-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. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department; improvements shall include:
Widening Patterson Avenue 18' from the centerline with curb and gutter and sidewalks.
 - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall repair any damage from construction to City streets.
- **OTHER REQUIREMENTS:**
 - a. If any lighting is proposed, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 20' or less and no more than 0.5 foot-candles at the property line. Lighting shall be installed per approved lighting plan and certified by an engineer.
 - b. Meet all use conditions of U.D. O. Section 2-5.53.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-2927		
Staff	Aaron King		
Petitioner(s)	The Kenneth M. Chilton Trust, Susan E. Thomas and Moir Chilton, Trustees		
Owner(s)	Same		
Subject Property	Tax Lots 24A and 24B and a portion of Tax Lot 105, Tax Block 2996		
Type of Request	Special use rezoning from HB to GI-S for a Motor Vehicle Dismantling and Wrecking Yard and Motor Vehicle Storage Yard.		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB (Highway Business) to GI-S (General Industrial – Special Use Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Motor Vehicle Dismantling and Wrecking Yard; and Motor Vehicle Storage Yard 		
Zoning District Purpose Statement	The GI District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties. The district is established to provide locations for major developments in Growth Management Areas 1, 2, and 3.		
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?		
	The subject property has access to public water and public sewer and is located within GMA 3.		
GENERAL SITE INFORMATION			
Location	East side of Patterson Avenue, north of Motor Road		
Jurisdiction	City of Winston-Salem		
Ward(s)	Northeast		
Site Acreage	Approximately ± 20 acres		
Current Land Use	Undeveloped land		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	HB	Undeveloped land
	East	RS-9	Single family homes
	South	HB	Manufactured home sales
	West	HB	Manufactured home sales

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?			
	The proposed uses are very intense but should be compatible with the existing land uses present along Patterson Avenue.			
Physical Characteristics	The site slopes down from the northeast (+/- 930 feet) to the southwest (+/- 840 feet). There is a portion of a stream that runs through the southeast corner of the site.			
Proximity to Water and Sewer	The site will have access to public water and public sanitary sewer.			
Stormwater/ Drainage	A stormwater study will be required.			
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.			
Analysis of General Site Information	The subject property contains twenty acres with a mild topography and one small stream crossing the southeast corner of the site. The site will require grading to establish the area in which salvaged vehicles will be displayed. More notable grading is proposed along the perimeter of the site. The proposed site plan poses no development issues.			
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> • Condition for stormwater study 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Patterson Avenue	Minor Thoroughfare	+/- 828 feet	8,500	16,100
Proposed Access Point(s)	The site plan proposes one access point onto Patterson Avenue located in the approximate middle of the site.			
Planned Road Improvements	The Thoroughfare Plan recommends that Patterson Avenue be constructed as a three-lane cross section with curb and gutter and sidewalks.			
Trip Generation - Existing/Proposed	<u>Existing Zoning: HB</u> No trip generation numbers available for general use HB zoning. <u>Proposed Zoning: GI-S</u> No trip generation numbers available for motor vehicle dismantling or wrecking yard.			
Sidewalks	None existing			
Traffic Impact Study (TIS)	Not required			

Analysis of Site Access and Transportation Information	The site plan for this request proposes one access point onto Patterson Avenue located in the approximate middle of the site. It is difficult for staff to determine the number of trips this request will generate because the ITE (Institute of Transportation Engineers) manual does not address this use. Although staff cannot quantify how many trips this request will generate, Patterson Avenue can accommodate an additional +/- 8,000 trips per day before falling below the Level of Service D classification. WSDOT has also required that Patterson Avenue be widened 18' from the centerline with curb and gutter and sidewalks.					
Generalized Recommended Conditions	<u>BRIEF DESCRIPTION OF CONDITION(S):</u>					
	<ul style="list-style-type: none"> • Condition for City of Winston-Salem driveway permit • Condition to repair any damage to City streets 					
CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA	GMA 3 (Suburban Neighborhoods)					
Relevant Legacy Recommendations	<ul style="list-style-type: none"> • <i>Legacy</i> recommends stimulating redevelopment and increased economic activity on abandoned industrial and brownfield sites and in other areas of Forsyth County which have become less economically attractive. 					
Relevant Area Plan(s)	The site is not within the boundaries of an area plan or development guide.					
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	(S)(3) - Have changing conditions substantially affected the area in the petition?					
	No					
	(S)(4) - Is the requested action in conformance with <i>Legacy</i>?					
	Yes					
Analysis of Conformity to Plans and Planning Issues	Staff recognizes the potential negative impacts that are associated with the uses that are proposed. While there may never be an ideal location for a motor vehicle dismantling and wrecking yard, this site appears to be located in an area that contains a large amount of undeveloped land, HB zoned property, and few residential properties. With the buffering and screening required by the UDO, this use should be adequately screened from surrounding properties and Patterson Avenue.					
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-2245	RM-18 to HB	Approved 8/3/98	South	4.97	Approval	Approval
W-1692	R-4 & B-3 to B-3-S	Approved 1/7/91	Southeast	0.95	Approval	Approval
W-2691	R-4 to R-4-S	Withdrawn at the 12/13/90 PB meeting	Southeast	8	NA	NA

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS			
Building Square Footage	Square Footage		Placement on Site
	11,483 sf.		Various locations
Parking	Required	Proposed	Layout
	105 spaces	119 spaces	90° head-in
Building Height	Maximum		Proposed
	70/unlimited		One-story
Impervious Coverage	Maximum		Proposed
	100%		68.44%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.4(C) GI District 		
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:	Yes	
	(B) Environmental Ord.	Yes	
	(C) Subdivision Regulations	NA	
Analysis of Site Plan Compliance with UDO Requirements	<p>The site plan proposes a one-story sales office and parking lot to be located along the frontage of Patterson Avenue. The majority of the property will be used for display or storage of salvaged vehicles. The entire site will be enclosed by a six foot high opaque fence and Type IV bufferyard where the site adjoins residential property and a Type I bufferyard where it adjoins commercial property.</p>		
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Lighting condition 		
CONCLUSIONS TO ASSIST WITH RECOMMENDATION			
Positive Aspects of Proposal		Negative Aspects of Proposal	
The site is located in an area that is already composed of various industrial uses.		This use has the potential to become an eyesore.	
The subject property is located on a minor thoroughfare which has not reached its Level of Service D capacity.		This request may generate some unwanted impacts such as noise, dust, and vermin.	
This request would add 20 acres of GI-S zoned land to the City's industrial inventory.		There <u>are</u> six houses located within 500 feet of this site.	
There are only six houses located within 500 feet of this site.			

SITE-SPECIFIC RECOMMENDED CONDITIONS OF APPROVAL

The following proposed conditions are from interdepartmental review comments and are proposed in order to meet codes or established standards, or to reduce negative off-site impacts.

PRIOR TO THE ISSUANCE OF GRADING PERMITS:

- a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department; improvements shall include:
 - Widening Patterson Avenue 18' from the centerline with curb and gutter and sidewalks.
- b. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem.

PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:

- a. Developer shall repair any damage from construction to City streets.

OTHER REQUIREMENTS:

- a. If any lighting is proposed, an engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height @ 20' or less and no more than 0.5 foot-candles at the property line. Lighting shall be installed per approved lighting plan and certified by an engineer.
- b. Meet all use conditions of U.D.O. Section 2-5.53.

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:

Jocelyn Burton, 1001 W. Fourth Street, Winston-Salem, NC 27101

- I'm from Kirkpatrick Stockton.
- Introduced Steve Leveton.

Steve Leveton, 4473 Tilly Mill Road, Atlanta, GA

- Senior Vice-President of Pull-A-Part which would occupy this site.
- What Pull-A-Part is and what we are not is critical in this situation. I know the image that goes through your mind when you see this zoning classification.
- We are a do-it-yourself, discount, used-auto parts retailer. We are not what the code envisioned when it was written and talked about automobile wreckers and dismantlers.
- We have seven locations which are open right now. We're under construction at seven other locations.
- Presented a video tour of a typical facility.
- Explained the site plan.
- Storm water will drain toward the front of the property on Patterson Avenue. The final grading will be 20+ feet above Patterson Avenue. The facility will also be completely enclosed within a solid steel fence. Typically we do an eight-foot fence rather than six-foot with landscaping along the entire frontage.
- We make a commitment to our site, to the environment, to our customers, and to the community. Environmental issues are our foremost concern. All of us came from the recycling industry. We are now a fourth generation industry. This company was started by a company which owned an automobile shredder, so we knew what the environmental issues were of those cars coming in as raw material. We designed this company to make sure that those things which should be removed from the vehicles were removed completely and safely.
- Storm water issues: Every site has a storm water system designed specifically for that site. We're required to have an NPDS operating permit, not just the construction permit, for each of our sites. We have storm water pollution plans prepared for each location. Spill prevention plans. We do a significant amount of waste reduction. We've been documented that our vehicles end up generating 22% less waste than the normal car that goes into a shredder for recycling.
- If someone wants to take their car for recycling today, they take it to a shredder, who will buy the car. But you have to take the tires off and the gas tank off. They end up on our streets and in our woods. The fluids end up in our streams and groundwater. We prevent that from happening.
- As you can see, we are an attractive neighbor. We do extensive landscaping.
- Issues of noise: We've had our noise levels measured. We have one piece of equipment, a flattener used just before the cars leave the property so they can be hauled off on a flat-bed trailer. 40 feet from that piece of equipment while it's operating, we're at 71 decibels which is a normal outdoor conversational voice. There are no loud speakers.
- There are no outdoor lights.
- We have no night-time operations at all.
- Displayed photos of an Atlanta facility and a neighborhood where nearby homes sold for similar prices after the installation of this facility. It did not impact their value at all.
- We provide roughly 20-25 jobs per location.
- We provide full medical benefits and matching 401K program.
- We provide solutions for the community.
- We'll make a \$4-5 million investment. We generated about \$2.5 million of taxable retail sales at each location.

AGAINST:

Margo Majette, 4719 Jenkins Road, Winston-Salem, NC 27105

- I'm sure they do a good job, but they're right behind my back door.
- I bought a 14-acre piece of property that's right behind where they're going to be and it's got a pond that's going to need dam work, so I'll be spending a lot of money.
- It looks like the property is well below where we live now.
- It's going to be heart-breaking for my neighbor who has a three-acre site that this will be along one whole side.
- I'm not thrilled about it.
- People are disregarding Patterson Avenue a little bit, although it's becoming a more important thoroughfare than it used to be.
- We both have wells instead of City water.

Tom Mills, 4715 Jenkins Road, Winston-Salem, NC 27105

- My property is along the east boundary of this site.
- I sent in a list of questions I had.
- One of my concerns is that we're on wells.
- I hope they will be draining all the fluids out of the cars because the ground water will get contaminated in that area.
- I'm about 40 feet higher and I don't know if they're going to have a 40-foot retaining wall or how they're going to grade the slope.
- I've lived here for 45 years.
- I'm worried about the noise. I've been a telephone man for 60 years, so I'm familiar with decibels. I seriously doubt that crushing cars can be kept down to 40 db. (NOTE: Mr. Leveton stated that at a distance of 40 feet from the machine, the sound was measured at 71 db.)
- The property is filled now with scrub pines. Will they be removing that?
- What about the 50' buffer between them and Horn's Garage which is also a wrecking yard, but only have a 40' buffer between me and them.
- I'm sure my property is going to be devalued and want somehow to seek a remedy on it in the future.
- We've been thinking about selling and moving somewhere else and this will provoke us to do that.
- Another fellow who lives near a wrecking yard says the biggest problem they have is with mosquitoes.
- We have enough snakes and rats already and don't need mosquitoes as well.
- We see wild turkeys, deer, and fox in this area. I know it can't last forever, but I wanted to voice my objections to putting this junkyard next to me because it's going to wreck the value of my property.

WORK SESSION

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

1. The bufferyard/setback requirement around the entire site is 50 feet.

2. Patterson Avenue is approximately 20 feet below this site.
3. The house about which Mr. Mills spoke is a little bit further to the east and that house appears to be below this site.
4. In response to a question from the Board, Mr. Leveton explained that all fluids are drained inside the building into secondary tanks. Cars are not left on our site longer than 60-90 days, a significant difference between our operation and other operations. Other operations let cars sit around while weeds grow up into them and tires sit there collecting water. That's what attracts the mosquitoes and rodents.
5. At 40' from the crushing machine when it's operating, it peaked at 71 db during the sound study we had done outside the 8 foot fence. The machine will be at the front of the property, facing Patterson, the furthest point from residents.
6. The only external lighting on the site is security light packs on the corners of the building itself. There are no lights on the display area or parking area.
7. This site development won't impact Ms. Burton's problem with her dam. That is a separate issue.
8. Mr. Leveton stated that his organization would have absolutely no problem complying with the 15' sign height limit being proposed under the sign ordinance.

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions with the volunteered condition of an eight foot fence and a maximum 15' height sign.

SECOND: Clarence Lambe

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Paul Mullican, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

