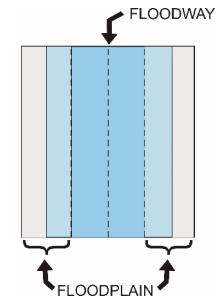


DOCKET #: W2930

PROPOSED ZONING:
LI-S

EXISTING ZONING:
HB

PETITIONER:
KDT Grading Inc. for
property owned by Same



SCALE: 1" represents 400'

STAFF: Roberts

GMA: 3

ACRES: 9.53

NEAREST BLDG: 19' southeast

MAP(S): 624878, 630878

F

May 23, 2007

KDT Grading, Inc.
c/o Tommy Vestal
522 Lewisville-Clemmons Road
Lewisville, NC 27023

RE: ZONING DOCKET W-2930

Dear Mr. Vestal:

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
Tommy Parrett, 239 Hasting Drive, Kernersville, NC 27284

ACTION REQUEST FORM

DATE: May 23, 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 KDT Grading Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of KDT Grading Inc. from HB to LI-S (Building Contractor, Heavy; and Dirt Storage): property is located on the west side of Patterson Avenue north of Motor Road (Zoning Docket W-2930).

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 KDT Grading Inc., Docket W-2930

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; and Dirt Storage) the zoning classification of the following described property:

Tax Block 3435, Tax Lot 076W

Section 2. This Ordinance is adopted after approval of the site plan entitled KDT Grading Inc. and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, 20___ to KDT Grading Inc.

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 KDT Grading Inc.. 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 KDT Grading Inc., (Zoning Docket W-2930). 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; and Dirt Storage), 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. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department.
 - b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
 - c. Developer shall provide written approval from Duke Energy for the proposed encroachment into the 100' easement.
 - d. Developer shall flag in the field the limits of grading and the flood fringe line.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall install all required storm water management devices.
 - b. Developer shall install all improvements as per driveway permit.
 - c. Developer shall install or financially guarantee large variety street trees as defined in UDO Section 3-4.10, within the Thoroughfare Overlay District where no conflict occurs with overhead utility lines.
- **OTHER REQUIREMENTS:**
 - a. Signage shall be limited to one (1) sign with a maximum height of fifteen (15) feet and a maximum copy area of seventy five (75) square feet.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION			
Docket #	W-2930		
Staff	Gary Roberts, AICP		
Petitioner(s)	KDT Grading Inc.		
Owner(s)	Same		
Subject Property	Tax Lot 76W / Tax Block 3435		
Type of Request	Special use rezoning from HB to LI-S		
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from HB Highway Business District to LI-S Limited Industrial District. The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • (Building Contractor, Heavy; and Dirt Storage) 		
Zoning District Purpose Statement	<p>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.</p>		
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)?		
	Yes		
GENERAL SITE INFORMATION			
Location	West side of Patterson Avenue, north of Motor Road		
Jurisdiction	City of Winston-Salem		
Ward(s)	Northeast		
Site Acreage	Approximately ± 9.53 acre		
Current Land Use	The site is primarily undeveloped with the exception of an overhead electrical transmission line and its associated 100' easement. Some of the site is used for materials storage.		
Surrounding Property Zoning and Use	Direction	Zoning District	Use
	North	HB	Automotive repair
	East	HB	Manufactured home sales
	South	HB	Undeveloped
	West	HB	US 52
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		

Physical Characteristics	Leak Fork Creek, with its associated floodplain, forms the eastern border of the site. The site has a moderate to steep slope downward toward said creek.			
Proximity to Water and Sewer	Public water and sewer are available to the site.			
Stormwater/ Drainage	A stormwater study is recommended.			
Watershed and Overlay Districts	The site borders US 52 and is therefore subject to the setback and landscaping requirements of the 20' Thoroughfare Overlay District.			
Analysis of General Site Information	The subject property is somewhat constrained by the 100 year floodplain of Leak Fork Creek and the overhead electrical transmission line. As noted on the site plan, a portion of said floodplain has already been filled on this site. The petitioner will need to obtain approval from Duke Energy for the proposed encroachment within the 100' wide easement.			
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Approval from Duke Energy for easement encroachment • Flag floodplain fringe • Stormwater condition 			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
Motor Road	Minor Thoroughfare	191'	4,400	16,100
Proposed Access Point(s)	Existing driveway onto Motor Road.			
Planned Road Improvements	Long range plans call for an interchange at US 52 and Motor Road.			
Trip Generation - Existing/Proposed	<p><u>Existing Zoning: HB</u> No trip generation rates available for general use zoning</p> <p><u>Proposed Zoning: LI-S</u> No trip generation rates available for the proposed use of Building Contractor, Heavy</p>			
Sidewalks	There are no sidewalks in the general area.			
Transit	Route 7 along Motor Road			
Analysis of Site Access and Transportation Information	The subject property currently has a driveway onto Motor Road. The developer will be required to widen Motor Road 13' from center and install curb and gutter along the frontage.			
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> • Obtain driveway permit 			

CONFORMITY TO PLANS AND PLANNING ISSUES						
Legacy GMA		Growth Management Area 3 (Suburban Neighborhoods)				
Relevant Legacy Recommendations		<ul style="list-style-type: none"> The <i>Legacy</i> Plan calls industrial sites a resource that should be protected from residential and commercial development. 				
Relevant Area Plan(s)		The subject property 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		The subject property is not within the boundaries of an area plan or development guide. The site's proximity between US 52 and the floodplain of Leak Fork Creek, along with the previously mentioned overhead electrical easement, substantially limit the development potential of the site. The site is currently zoned HB general use. Staff sees the property as being an appropriate location for the proposed LI-S request, provided the existing vegetation, particularly along said creek, is preserved.				
Generalized Recommended Conditions		<u>BRIEF DESCRIPTION OF CONDITION(S):</u> <ul style="list-style-type: none"> Signage condition 				
RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-1692	R-4 & B-3 to B-3-S (HB-S)	Approved 1-7-91	400' east	.95 acre	Approval	Approval
W-1256	B-3 to I-3-S	Denied 6-3-85	900' north	8.9 acre	Denial	Approval
SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS						
Building Square Footage	Square Footage		Placement on Site			
	5,000 sf		Southwestern portion of site			
Parking	Required	Proposed		Layout		
	17 spaces	17 spaces		90° off-street		
Building Height	Maximum			Proposed		
	70'			One story		
Impervious Coverage	Maximum			Proposed		
	90%			18.8%		
UDO Sections Relevant to Subject Request		<ul style="list-style-type: none"> Chapter B, Article II, Section 2-1.4 (A) Limited Industrial District Chapter B, Article II, Section 2-5.27 Dirt Storage Use Conditions 				

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	The revised site plan complies with the requirements of the UDO.	
CONCLUSIONS TO ASSIST WITH RECOMMENDATION		
Positive Aspects of Proposal		Negative Aspects of Proposal
Request will allow the utilization of a property which has limited use due to several site constraints.		This industrial use is potentially visible from US 52.
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.		
<u>PRIOR TO THE ISSUANCE OF GRADING PERMITS:</u>		
<ul style="list-style-type: none"> a. Developer shall obtain a driveway permit from City of Winston-Salem Public Works Department. b. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem. c. Developer shall provide written approval from Duke Energy for the proposed encroachment into the 100' easement. d. Developer shall flag in the field the limits of grading and the flood fringe line. 		
<u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u>		
<ul style="list-style-type: none"> a. Developer shall install all required storm water management devices. b. Developer shall install all improvements as per driveway permit. c. Developer shall install or financially guarantee large variety street trees as defined in UDO Section 3-4.10, within the Thoroughfare Overlay District where no conflict occurs with overhead utility lines. 		
<u>OTHER REQUIREMENTS:</u>		
<ul style="list-style-type: none"> a. Signage shall be limited to one (1) sign with a maximum height of fifteen (15) feet and a maximum copy area of seventy five (75) square feet. 		

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.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Paul Mullican moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Arthur King

VOTE:

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

AGAINST: None

EXCUSED: None

Paul Norby, FAICP
Director of Planning

