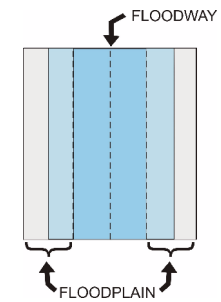


DOCKET #: W2960

PROPOSED ZONING:
HB-S

EXISTING ZONING:
RS9

PETITIONER:
Eugene J. Corbisiero
for property owned by
Same



SCALE: 1" represents 700'

STAFF: King

GMA: 3

ACRES: 2.93

NEAREST BLDG: 80' south

MAP(S): 636822

F

October 24, 2007

Eugene J. Corbisiero
1644 Reynolda Road
Winston-Salem, NC 27104

RE: ZONING MAP AMENDMENT W-2960

Dear Mr. Corbisiero:

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
Jim Bryan, 6116 Sedge Brook Road, Kernersville, NC 27284
Mary Bumgarner, 5210 S. Main Street, Winston-Salem, NC 27107
Patti Benedict, 5010 S. Main Street, Winston-Salem, NC 27107

ACTION REQUEST FORM

DATE: October 24, 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 Petition of Eugene J. Corbisiero

SUMMARY OF INFORMATION:

Zoning Map Amendment of Eugene J. Corbisiero from RS-9 to HB-S [Arts and Crafts Studio; General Merchandise Store; Outdoor Display Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Personal; Veterinary Services; and Warehousing]; property is located on the east side of Main Street, south of Barnes Road (Zoning Docket W-2960).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: WESLEY CURTIS, CAROL EICKMEYER, ARTHUR KING,
LYNNE MITCHELL, PAUL MULLICAN
AGAINST: JERRY CLARK, ARNOLD KING, CLARENCE LAMBE,
BRENDA SMITH
SITE PLAN ACTION: CONFORMS TO THE REQUIREMENTS OF THE UDO

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Eugene J. Corbisiero, Docket W-2960

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 RS-9 to HB-S [Arts and Crafts Studio; General Merchandise Store; Outdoor Display Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Personal; Veterinary Services; and Warehousing] the zoning classification of the following described property:

Tax Block 2708, Tax Lots 6 and 10

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

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 Salem Auto Sales, 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 Eugene J. Corbisiero, (Zoning Docket W-2960). 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 [Arts and Crafts Studio; General Merchandise Store; Outdoor Display Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Personal; Veterinary Services; and Warehousing], approved by the Winston-Salem City Council 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*, 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 NCDOT; additional improvements may be required prior to issuance of driveway permit.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**
 - a. Developer shall complete all requirements of the NCDOT driveway permit.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-2960
Staff	Aaron King
Petitioner(s)	Eugene J. Corbisiero
Owner(s)	Same
Subject Property	Tax Lots 6 and 10, Tax Block 2708
Type of Request	Special use rezoning request
Proposal	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property from RS-9 (Residential Single Family; 9,000 sf lot size) to HB-S (Highway Business – Special Use Zoning). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> • Arts and Crafts Studio; General Merchandise Store; Outdoor Display Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade A; Health Services, Miscellaneous; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Personal; Veterinary Services; and Warehousing
Zoning District Purpose Statement	<p>The HB District is primarily intended to accommodate retail service and distributive uses. The district is established to provide locations for establishments which require high visibility and good road access, or which cater primarily to passing motorists. However, the district is not intended to encourage or accommodate strip commercial development. Developments in this district generally have substantial front setbacks. This district is intended for application in Growth Management Areas 2, 3, and 4.</p>
Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(S)	<p>(S)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</p> <p>The site is located in GMA 3 and on a minor thoroughfare.</p>
GENERAL SITE INFORMATION	
Location	East side of Main Street, south of Barnes Road
Jurisdiction	City of Winston-Salem
Ward(s)	Southeast
Site Acreage	Approximately ± 2.93 acres
Current Land Use	Undeveloped land

Surrounding Property Zoning and Use	Direction	Zoning District		Use
	North	GI		Industrial warehouse
	East	RS-9		Undeveloped land
	South	RS-9		Single family home and undeveloped
	West	LI		Undeveloped land
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 requested uses may not pose any negative impacts to the industrially zoned property in the area.			
Physical Characteristics	The subject property slopes down from South Main Street (+/- 840) to the east (+/- 800). The site does contain a tributary stream at the eastern edge of the property.			
Proximity to Water and Sewer	The site will be served by public water and a private septic system.			
Stormwater/ Drainage	No known issues			
Watershed and Overlay Districts	The subject property is not located within a water supply watershed.			
Analysis of General Site Information	The subject property is 2.92 acres in size and contains a mild topography that slopes down from South Main Street with a stream tributary running along the eastern property line. The northern half of the property is traversed by overhead power lines and cannot be built upon. The surrounding development pattern consists of some industrial uses to the northwest zoned GI and LI. 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 County Planning Board and Winston-Salem Business Inc., in 1992 indicates that such sites should be given careful consideration for future industrial development.			
SITE ACCESS AND TRANSPORTATION INFORMATION				
Street Name	Classification	Frontage	ADT Count	Capacity/LOS D
South Main Street	Minor Thoroughfare	+/- 520 feet	7,800	16,100
Proposed Access Point(s)	The site plan proposes one access point onto South Main Street located in the approximate middle of the site.			
Planned Road Improvements	The Thoroughfare Plan recommends that this section of South Main Street be constructed as a three lane cross section with curb and gutter and sidewalks.			

Trip Generation - Existing/Proposed	<p><u>Existing Zoning: RS-9</u> $2.93 \times 43,560 / 20,000$ (No Sewer) = 6 units \times 9.57 (SFR Trip Rate) = 57 Trips per Day</p> <p><u>Proposed Zoning: HB-S</u> $1,164 / 1,000 \times 37.5$ (New Car Sales Trip Rate*) = 44 Trips per Day</p> <p>*- The New Car Sales trip rate was used because the ITE manual does not provide a trip rate for Used Car Sales.</p>
Sidewalks	None existing
Traffic Impact Study (TIS)	Not required
Analysis of Site Access and Transportation Information	The site is located on a minor thoroughfare and does not pose a significant increase in trip generation.
Generalized Recommended Conditions	<p><u>BRIEF DESCRIPTION OF CONDITION(S):</u></p> <ul style="list-style-type: none"> Condition for NCDOT driveway permit
CONFORMITY TO PLANS AND PLANNING ISSUES	
Legacy GMA	GMA 3 (Suburban Neighborhoods)
Relevant Legacy Recommendations	<i>Legacy</i> recommends the need to identify and create development-ready “greenfield” industrial sites and that more intense industrial park development could be focused at planned locations.
Relevant Area Plan(s)	The subject property is not located in an area plan or development guide.
Other Applicable Plans and Planning Issues	This site is part of a larger site identified as a potential Industrial Area Opportunity site in a 1990 study <i>Industrial Opportunity Areas in Winston-Salem/Forsyth County, NC</i> produced by Winston-Salem Business Inc. and the City-County Planning Board. This is not an adopted plan. This larger site is also included in the updated list of proposed Industrial Area Opportunity sites completed by staff in 2007.
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 has been the subject of two previous rezoning requests within the past three years. In both cases the request received recommendations of denial from the Planning Board and staff. In 2004, staff recommended denial of a GI rezoning request due to 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 would be supportive of an industrial rezoning that done in a more comprehensive manner, such as an industrial

park. GI general use zoning at this location does allow some uses which would not be in keeping with that concept. In 2005, staff recommended denial of a HB-S rezoning request because it was not consistent with the recommendations of *Legacy* or the *Industrial Opportunity Areas* list. Staff felt that this location was inappropriate for commercial zoning. No factors have changed within the last 1-2 years that would cause staff to view this HB-S request any differently.

RELEVANT ZONING HISTORIES

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1429	RS-9 to HB-S	Withdrawn at 6/27/05 BOCC meeting	Subject property	2.92	Denial	Denial
F-1418	RS-9 to GI	Withdrawn at the 10/11/04 BOCC meeting	Subject property	2.92	Denial	Denial
F-158	R-6 to I-3	Approved 8/3/70	North	3.88	Approval	Approval

SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS

Building Square Footage	Square Footage		Placement on Site	
	1,164 sf.		Southern portion of the site	
Parking	Required	Proposed		Layout
	2 spaces	3 spaces		90° head-in
Building Height	Maximum			Proposed
	60 feet			1-story
Impervious Coverage	Maximum			Proposed
	85%			30%
UDO Sections Relevant to Subject Request	<ul style="list-style-type: none"> Section 2-1.3(I) HB District 			
Complies with Chapter B, Article VII, Section 7-5.3	(A) Legacy policies:		No	
	(B) Environmental Ord.		Yes	
	(C) Subdivision Regulations		NA	
Analysis of Site Plan Compliance with UDO Requirements	<p>The site plan submitted with this request proposes to convert the existing single family home into a sales office for the used car sales operation. The northern portion of the site will be used for a gravel display area. The site currently contains an opaque wooden fence that runs along the property's frontage on South Main Street. While this fence provides adequate screening for traffic heading south on South Main Street, the site is highly visible for traffic heading north on this street.</p>			

CONCLUSIONS TO ASSIST WITH RECOMMENDATION	
Positive Aspects of Proposal	Negative Aspects of Proposal
The site has access to a minor thoroughfare.	The request is not consistent with the recommendations of <i>Legacy</i> .
	The <i>Industrial Opportunity Areas</i> list identifies this site for industrial use.
	Industrial greenfield sites are becoming harder to find.
	The site will be highly visible while traveling north on South Main Street.
	Approval of commercial zoning at this location may set a negative precedent for other properties in the same vicinity.
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>	
a. Developer shall obtain a driveway permit from NCDOT; additional improvements may be required prior to issuance of driveway permit.	
<u>PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:</u>	
a. Developer shall complete all requirements of the NCDOT driveway permit.	

STAFF RECOMMENDATION: DENIAL

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. In response to questions from the Planning Board later in the hearing, Steve Smotherman presented information about the Industrial Site Inventory and how this site could be used as part of an industrial site.

PUBLIC HEARING

FOR:

Jim Bryan, 6116 Sedge Brook Road, Kernersville, NC 27284

- I represent Salem Auto Sales, which has been an integral part of Winston-Salem's small business community for about 16 years.

- They are currently on Waughtown Street and there has recently been pressure to improve the look and appearance of Waughtown Street and this is part of that effort to try to take some of the pressure off the business.
- So the company purchased this property for the sole purpose of operating a business office with outdoor retail display of automobiles.
- Mr. Corbisiero is the owner of Salem Auto Sales. He has met with some of the neighbors since his last petition and he has the approval of the neighbors behind, beside and down the street.
- We know there is some opposition to this, but he feels like he needs to do something with the property.
- His business would fit very well onto this property.
- He went to 17 homes within this 500 block of South Main Street and several others in the neighborhood. He got no opposition from those folks and they signed a notice stating that they were not in opposition to this request.
- Staff has the opinion that this area would best be served by industrial development and would like this site to be kept in reserve for that use. But the study they reference was done about 15 years ago and there's nobody lining up to put industrial in this area.
- The topography is difficult with a power line corridor across the site.
- Discussed the character and zoning of the surrounding area.
- We believe this area is in transition.
- The building is like a 1950s style home and he wants to maintain that, but improve and enhance that cottage feel. It's to his advantage to keep the place looking nice and well-kept so it's inviting and people will want to come look at the used automobiles.
- We feel that the hope that someday this area will materialize into an industrial Mecca just isn't going to happen.
- We feel this area should be allowed to continue as Highway Business with supporting services and goods for people moving into the surrounding community.

AGAINST:

Mary Bumgarner, 5210 S. Main Street, Winston-Salem, NC 27107

- I spoke with you in the Spring of 2005 and nothing about today's request seems very much different. It's still going to be a used car lot with repair.
- This gentleman has put up fences and done grading without permits. If he's been in business for 16 years, he should have known how to do that.
- I have limited faith in what he says will be done on the property based on my experience with what he's done so far.
- I do feel that this will hurt the community, specifically property values and people's desire to move into the community.
- This community is actually increasing in residential character rather than decreasing.
- Described new development in the area.
- The gentleman knew this property was zoned for residential when he purchased it.
- This will hurt me and my community and there's nothing in it for the greater good of the community.
- If we're going to make a change in zoning, it should be something positive for the entire community.

Patti Benedict, 5010 S. Main Street, Winston-Salem, NC 27107

- I'm with South Main Investments.
- My family owns the industrial land across from the site that's being considered for rezoning today.
- At least 50% of the property I represent is zoned Light Industrial. I actually agree with some of the things the proponent has said in that we too would like to see growth in the area, but we'd like it to be smart and deliberate growth.
- A lot of the neighborhood feels they're choosing this site because the Waughtown area is being pressured to improve. This is where they choose to take what would not improve that area. Neither the petitioner nor the proponent live anywhere near this site.
- The GI zoning happened in the 70s when Mr. Owen, the resident, wanted to make pottery on his property.
- Automotive Storage Yard is probably the most appropriate term for this particular business. While some of it is for Used Car Sales, most of it is a junk yard.
- We would hate to see this area devalued by putting in this property.
- We ask that you deny this request and encourage the City Council to deny it. We also ask that you not allow the petitioner to withdraw this and submit it again. This is the third time we've been here in three years.
- The neighbors cannot keep up with this constant request for rezoning.

WORK SESSION

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

1. With the uses the petitioner is requesting, the only cars allowed on this site would be those which could run or be licensed to run.
2. Clarence Lambe: The chances of this becoming industrial are slim to none.
3. The Board discussed whether or not this site would ever be utilized for industrial uses.
4. Carol Eickmeyer: We need to consider what is there now, which is residential. A used car lot is not a compatible use with residential development. For that reason alone we have grounds for denying this.
5. Arnold King: I don't think we'd approve a 200-acre industrial park here if this area is growing rapidly as residential development.
6. Wesley Curtis: I would vote to rezone land in this area to industrial, based on the recommendation of the study. I would be concerned with changing individual properties to commercial because it would be difficult to know where to draw the line.
7. Paul Mullican: I agree with Mr. Curtis. If we start piece-mealing this, where do we stop?

8. Brenda Smith: If you're putting something in that has more improvements to it and would be more costly to purchase if someone is trying to compile a site for industrial zoning, that would interfere with our long-range goal of preservation of industrial land. However, for something like this which won't increase the value of the land, that doesn't interfere. The next request will be different because it won't be under the power lines.
9. Lynne Mitchell: I think an industrial park would be far more compatible than a used car lot.

MOTION: Carol Eickmeyer moved denial of the zoning map amendment.

SECOND: Wesley Curtis

VOTE:

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

AGAINST: Jerry Clark, Arnold King, Clarence Lambe, Brenda Smith

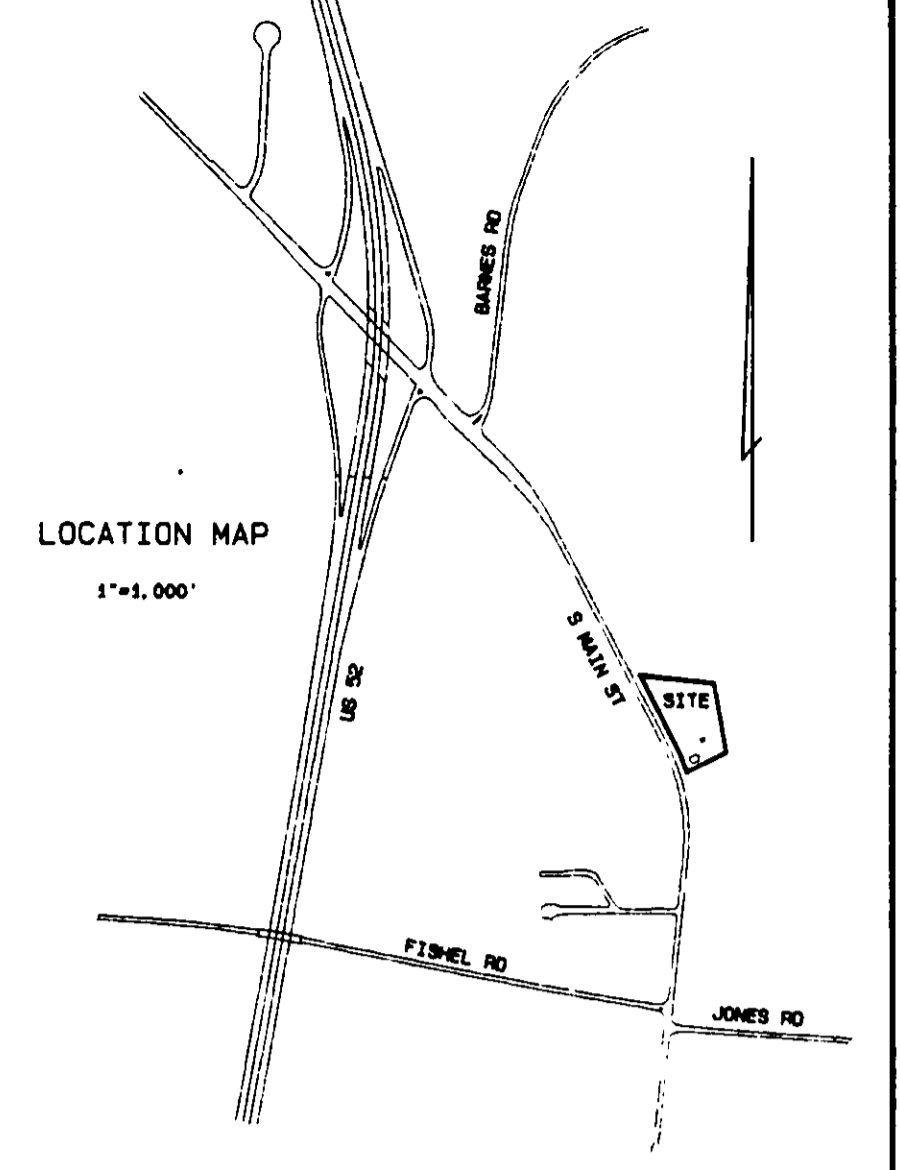
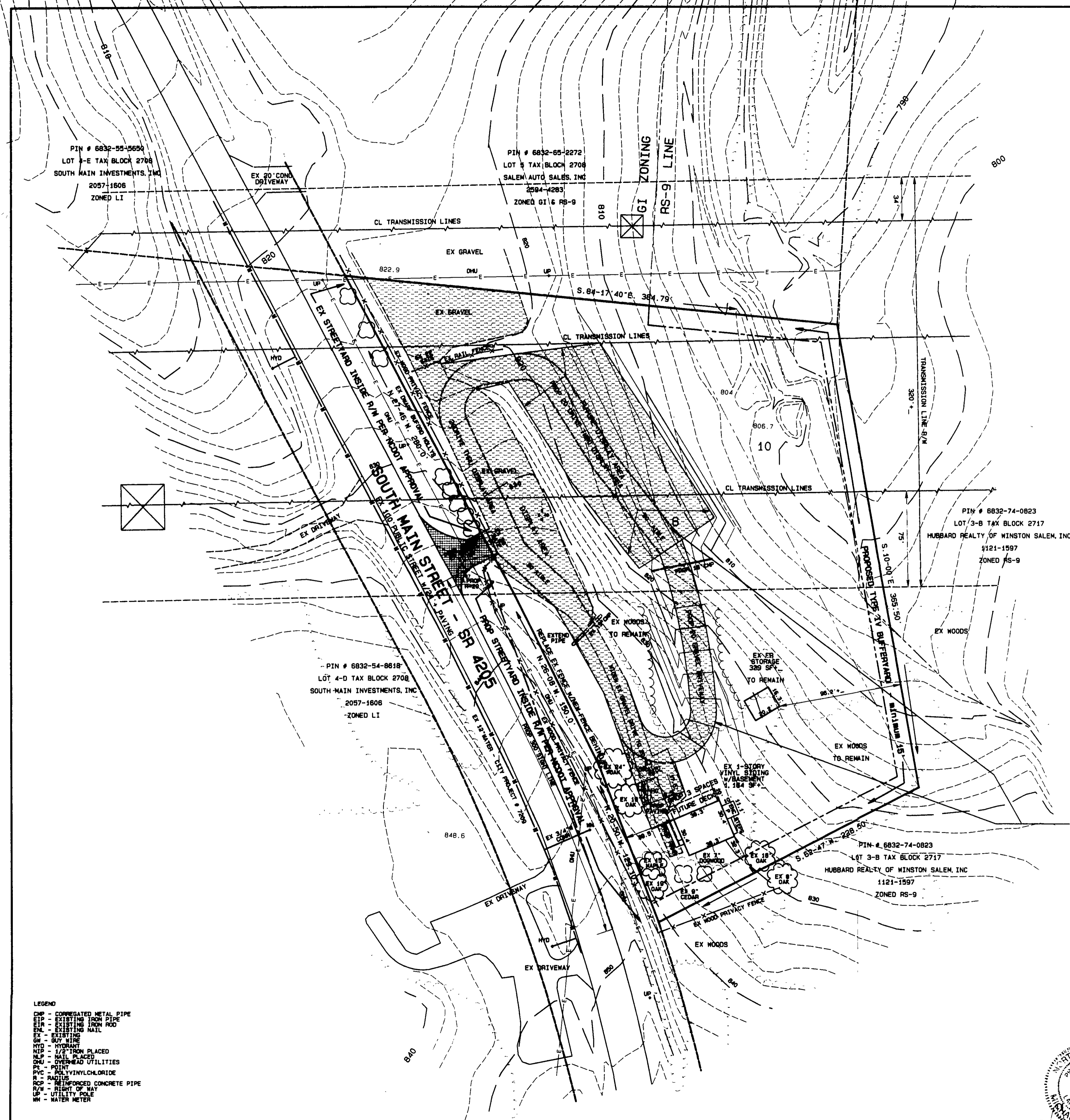
EXCUSED: None

Written Comments submitted by Planning Board Members:

Jerry Clark: I believe this property can never be usefully assembled in the 200-acre industrial tract. The power lines going over this 3-acre parcel makes this site unworkable as part of an industrial park.

Carol Eickmeyer: Used car lot - Whether there's industrial development or not - used cars are not compatible with the existing residential (houses on the ground and in process).

A. Paul Norby, FAICP
Director of Planning



THE PURPOSE OF THIS REZONING IS TO REZONE PROPERTY FROM RS-9 TO HB-S WITH VARIOUS USES. TO BE USED FOR OUTDOOR DISPLAY, RETAIL NOW

ZONING:
 EXISTING - RS-9
 REQUEST REZONING TO HB-S
 Arts and Crafts Studio; General Merchandise Store; Outdoor Display; Retail; Restaurant (without drive-through service); Retail Store, Specialty or Miscellaneous; Wholesale Trade; Health Services; Medical or Dental Laboratory; Medical and Surgical Offices; Non-Store Retailer; Offices, Miscellaneous; Professional Offices; Services, Business A; Services, Personal; Veterinary Services; Warehousing;

SETBACKS:
 40' FRONT
 20' REAR
 0-0, 5<>12' SIDE
 20' STREET
 40' RESIDENTIAL

SITE PLAN
 SITE SIZE and COVERAGE:
 TOTAL ACREAGE - 2.931 ACRES+
 SITE COVERAGE:
 BUILDING to LAND - 1%
 PAVEMENT to LAND - 25% INCLUDING FUTURE
 OPEN SPACE - 70%
 TOTAL - 100%
 BUILDING SQUARE FOOTAGE: 1,164 SF+ OFFICE
 BUILDING HEIGHT: 1 STORY w/BASEMENT

INFRASTRUCTURE:
 WATER, STREETS - PUBLIC
 SEWER - PRIVATE
 SOLID WASTE - CITY ROLLOUT CART
 OFF-STREET PARKING: -OUTDOOR DISPLAY, RETAIL
 1,164 SF x 1/500 = 2 SPACES REQUIRED
 3 SPACES PROVIDED
 BUFFERYARDS: TYPE IV (minimum 15') ALONG RESIDENTIAL

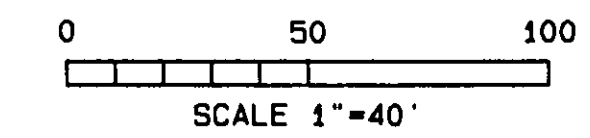
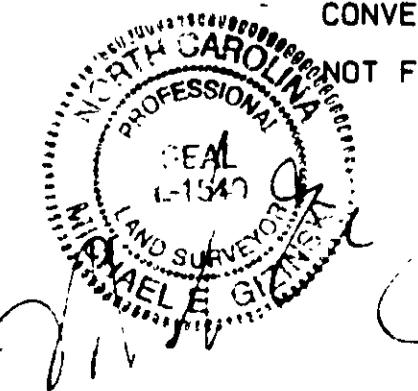
WATERSED:
 PROPERTY IS NOT LOCATED IN A WATERSHED PROTECTION AREA
 OWNERS:
 EUGENE J CORBISIERO
 1644 REYNOLDA ROAD
 WINSTON SALEM, NC 27104
 723-6050 PHONE
 723-6060 PHONE
 692-1720 CELL

NOTE:
 20' CIRCULATION DRIVE WILL BE INSTALLED DURING FIRST PHASE FOR FIRE CIRCULATION PURPOSES.

- LEGEND
- CMP - CORRUGATED METAL PIPE
 - EIP - EXISTING IRON PIPE
 - EIR - EXISTING IRON ROD
 - EN - EXISTING NAIL
 - EX - EXISTING
 - GH - GUY WIRE
 - HYD - HYDRANT
 - IFP - 1/2" IRON PLACED
 - MP - MAIL PLACED
 - OU - OVERHEAD UTILITIES
 - PC - POINT
 - PVC - POLYVINYLCHLORIDE
 - R - RADIUS
 - RCR - REINFORCED CONCRETE PIPE
 - R/W - RIGHT OF WAY
 - UP - UTILITY POLE
 - WM - WATER METER

5023 SOUTH MAIN STREET

PRELIMINARY PLAT
 NOT FOR RECORDATION,
 CONVEYANCES, OR SALES.
 NOT FOR CONSTRUCTION



SALEM AUTO SALES, INC
 JURISDICTION OF CITY OF WINSTON SALEM
 WINSTON TOWNSHIP
 FORSYTH COUNTY, NC

PREVIOUS SUBMITTAL F-1429 - WITHDRAWN
 PIN # 6832-64-3875
 LOTS 6, 10 OF TAX BLOCK 2708
 DEED BOOK 2455, PAGE 2544
 SCALE 1"=40'
 AUGUST, 2007 revised SEPTEMBER 7, 2007
 GIZINSKI SURVEYING CO
 727 GALES AVENUE
 WINSTON SALEM, NC 27103
 PHONE/FAX 336-722-0554
 E-MAIL N.GIZINSKI@PRODIGY.NET

W-2960
 REVISSED
 10/15/07

W-2960 "REVISED"
 ZONING File 10/24