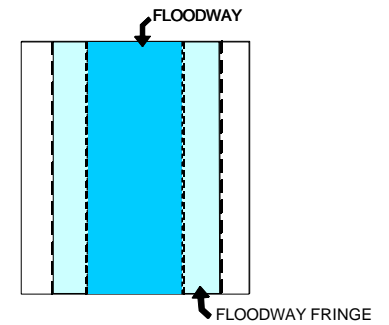


DOCKET #: W2712

PROPOSED ZONING:
LB

EXISTING ZONING:
LI

PETITIONER:
Wayne Hairston and
Marlene Hairston
for property owned by Same



SCALE: 1" represents 400'

STAFF: Douglas

GMA: 2

ACRE(S): 1.57

MAP(S): 636846



August 25, 2004

Wayne A. Hairston and Marlene Hairston
1547 Martin Luther King, Jr. Drive
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-2712

Dear Mr. Hairston and Ms. Hairston:

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, AICP
Director of Planning

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102

ACTION REQUEST FORM

DATE: August 25, 2004
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of Wayne A. Hairston and Marlene Hairston

SUMMARY OF INFORMATION:

Zoning map amendment of Wayne A. Hairston and Marlene Hairston from LI to LB: property is located on the east side of Martin Luther King Jr. Drive north of Tower Street (Zoning Docket W-2712).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Wayne A. Hairston and Marlene Hairston, Docket W-2712

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 LI to LB the zoning classification of the following described property:

Tax Block 994A, Tax Lots 103A and 103B

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2712
STAFF: Aldea Douglas

Petitioner(s): Wayne A. Hairston and Marlene Hairston
Ownership: Same

REQUEST

From: LI Limited Industrial
To: LB Limited Business

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: 1.57

LOCATION:

Street: East side of Martin L.King, Jr. Drive between Tower Street and Argonne Boulevard.
Jurisdiction: City of Winston Salem.
Ward: Southeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: House on northwest corner of site

Adjacent Uses:

- North- Triad Pest Control zoned LI-S.
- East- Stratford Die Casting Inc zoned GI.
- South- Stratford Die Casting Inc zoned GI
- West- City of Winston-Salem Utilities Construction and Maintenance building zoned LI.

GENERAL AREA

Character/Maintenance: Industrial operations of various types and sizes in average maintenance.
Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Because it is a general use petition, the impact of this proposal to the site's existing physical features cannot be determined at this time.

Topography: Overall, the subject property experiences an overall elevation change of approximately 20 feet, rising from about 848 feet in the central section of the property up to about 868 feet along the southern and eastern borders of the site.

Streams: No streams are on or near the subject property.

Vegetation/habitat: A small amount of vegetation lies along the eastern border of the subject property.

Floodplains: None

Wetlands: None – *Winston-Salem East Quad*

Environmental Resources Beyond The Site: Because it is a general use petition, the impact of this proposal to environmental resources beyond the site cannot be determined at this time.

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Martin Luther King Jr. Drive

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. Drive between Reynolds Park Road and Tower Street =
10,000/15,600

Planned Road Improvements: None

Sidewalks: Existing on East side of Martin Luther King Jr. Drive.

Transit: Route 26 at Martin Luther King Jr. Drive and Argonne.

Bicycle Route: Route 10 along Martin Luther King, Jr. Drive.

HISTORY

Relevant Zoning Cases:

1. W-2626; LI to PB; denied July 21, 2003; current site; east side of Martin Luther King Jr. Drive north of Tower Street, 1.57 acres; Planning Board and staff recommended denial.
2. W-2521; LI to LB-S (Multiple Business Uses); approved January 7, 2002; east side of Martin Luther King Jr. Drive north of Tower Street; 2.65 acres; Planning Board and staff recommended approval.
3. W-2660; LB-S to Site Plan Amendment; approved December 1, 2003; east side of Martin Luther King Jr. Drive north of Tower Street; 2.65 acres; Planning Board and staff recommended approval.
4. W-1996; RS-9 to LI; approved October 2, 1995; east side of Martin Luther King Jr. Drive north of Tower Street; 9.8 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): GMA 2, Urban Neighborhoods

Relevant Comprehensive Plan Recommendation(s): *Legacy* recognizes the scarcity of “greenfield” industrial sites and recommends stimulating redevelopment and increased economic activity on older, abandoned, or underdeveloped industrial sites.

Area Plan/Development Guide: *Southeast Winston-Salem Area Plan (SEAP)* (2002).

Relevant Development Guide Recommendation(s): The *SEAP* identifies the site as existing single-family land use on industrially zoned property. There is not a specific recommendation for this site. However, the *SEAP* recommends consolidating industrial uses at existing locations along Martin Luther King Jr. Drive.

ANALYSIS

The subject request is to rezone a 1.57 acre tract on the east side of Martin Luther King Jr. Drive from LI to LB. The property lies generally between Winston-Salem State University to the north and the neighborhood commercial area along Waughtown Street to the south. The surrounding area is predominately industrial in nature and zoned either LI, LI-S or GI except for a 2.65 acre parcel, approved for LB-S in January of 2002 (W-2521) which is located 100± feet north of the subject property. This site was the subject of a previous rezoning attempt heard in 2003. The request was a change from LI to PB (Pedestrian Business), W-2626. Staff had similar concerns with the PB zoning as it does now, which included that the request would compromise the potential utilization of an otherwise viable industrial area. The Planning Board recommended denial of the rezoning which was later denied by the City Council on July 21, 2003.

The subject property is located within the adopted Southeast Winston-Salem Area Plan (*SEAP*). The *SEAP* identifies the site as existing single-family land use on industrially zoned property. There is not a specific recommendation for this site. However, the *SEAP* recommends consolidating industrial uses at existing locations along Martin Luther King Jr. Drive. *Legacy* recognizes the scarcity of “Greenfield” industrial sites and recommends stimulating redevelopment and increased economic activity on older, abandoned, or underdeveloped industrial sites.

Staff observes this section of Martin Luther King Jr. Drive to be a well-functioning industrial area with relatively minimal interruptions of commercial traffic. The previously mentioned LB-S site was recommended for approval by staff due to its design qualities and opportunity to provide a small mixture of service and restaurant uses to the surrounding employment base. It was not intended to set a precedent for additional commercial zoning in the area. Staff’s concern is that by introducing additional commercial zoning into the area, the industrial development character and potential may become unnecessarily compromised. Staff is also aware of three Urban Activity Centers (UAC’s) located near the site along Waughtown Street with the Waughtown/Thomasville Community Activity Center being the closest. Staff feels that these UAC’s are the appropriate locations for additional commercial development near the Industrial Corridor along Martin Luther King Jr. Drive.

FINDINGS

1. *Legacy* recognizes the scarcity of “Greenfield” industrial sites and recommends stimulating redevelopment and increased economic activity on older, abandoned, or underdeveloped industrial sites.
2. The Southeast Winston-Salem Area Plan does not recommend changing the zoning of this property.
3. The request would compromise the potential utilization of an otherwise viable industrial area.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Aldea Douglas presented the staff report.

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

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

1. We need to preserve as much industrial land as possible.
2. We support business development in this area.
3. It would be nice to hear from the petitioner who apparently doesn't have enough interest to show up.

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

SECOND: Jimmy Norwood

VOTE:

FOR: Clark, Eickmeyer, Folan, King, Lambe, Mullican, Norwood, Smith

AGAINST: None

EXCUSED: None

Written Comments Made By Planning Board Members:

Carol Eickmeyer: I voted to deny - in support of staff recommendation. Apparently there was acceptance of this decision because the property owner did not attend the meeting.

Arnold King: The Planning Board voted unanimously to deny the request of Wayne A. Hairston and Marlene Hairston in part because the petitioner did not even attend the public hearing. Although Staff recommended denial of this request, I would personally tend to support more economic development activity, either LI or LB, on Martin Luther King Jr. Drive. There are other members of the Planning Board who would probably share this opinion. It is difficult, however, for us to vote against a Staff recommendation when the petitioner does not even take the initiative to appear before the Planning Board to present his/her case.

A. Paul Norby, AICP
Director of Planning