

DOCKET #: W2373

PROPOSED ZONING:

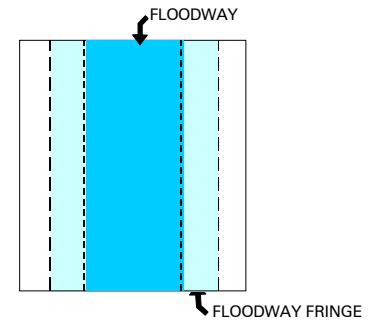
Tract 1: GI;
Tract 2: GI-S (Buffer yard)

EXISTING ZONING:

RS9

PETITIONER:

Gene Lowder for property owned by Vulcan Material Company



SCALE: 1" represents 400'

STAFF: D. Reed

GMA: 3

ACRE(S): Tract 1: 6.83;
Tract 2: 1.79

MAP(S): 600846

February 23, 2000

Gene Lowder for property owned
by Vulcan Material Company
1705 Chardale Drive
Clemmons, NC 27012

RE: ZONING MAP AMENDMENT W-2373

Dear Mr. Lowder:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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
Emmett McCall, 633 W. Fourth Street, Winston-Salem, NC 27101
Dale Crimley, 4849 Kester Mill, Winston-Salem, NC 27103
Connie Branham, 4824 Kester Mill Court, Winston-Salem, NC 27103
Andrea Shutt, 4773 Kester Mill Road, Winston-Salem, NC 27103
Ron McClamrock, 1020-5 Brookstown Avenue, Winston-Salem, NC 27101
John C. Shutt, 4769 Kester Mill Road, Winston-Salem, NC 27103
Don Saylor, 4785 Kester Mill Road, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: February 23, 2000
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Zoning map amendment of Gene Lowder for property owned by Vulcan Material Company

SUMMARY OF INFORMATION:

Zoning map amendment of Gene Lowder for property owned by Vulcan Material Company for two separate tracts of land as follows: Tract 1: Rezoning from RS-9 to GI: property is located on the north and northeast sides of Kester Mill Road west of Essex Country Lane (private); and on the south side of US 421; and Tract 2: RS-9 to GI-S (Buffer): property is located on the north side of Kester Mill Road west of Essex Country Lane (private); and on the south side of US 421 (Zoning Docket W-2373).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: BOST, POWELL, SCHROEDER
AGAINST: AVANT, WILLIAMS
SITE PLAN ACTION: APPROVED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Gene Lowder for property owned by Vulcan Material Company, Docket W-2373

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 Board of Aldermen 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 GI (Tract 1) the zoning classification of the following described property:

STARTING at a point at the northeast corner of Block 3907 Lot 47C and common boundary being at the southern right-of-way of Highway 421; running thence from said starting point south 87° 58' 45" east 302.57 feet to a point; thence south 89° 13' 49" east 45.36 feet to a point; thence south 4° 19' 17" west 412.33 feet to a point; thence south 13° 35' 32" west 753.25 feet to a point; thence north 89° 13' 14" west 47.39 feet to a point; thence south 51° 51' 52" west 50.20 feet to a point; thence north 39° 37' 14" west 48.16 feet with a radius of 408.85 to a point; thence north 27° 25' 52" east 71.02 feet to a point; thence north 88° 41' 40" east 348.57 feet to a point; thence north 15° 24' 08" west 291.43 feet to a point; thence north 14° 33' 07" west 456.88 feet to a point; thence north 15° 57' 36" west 23.09 feet to a point; thence north 14° 5' 22" east 198.08 feet to a point; thence north 00° 56' 50" west 28.63 feet to a point; that point being the place of beginning; being part of Tax Lot 009 Block 3905 and Tax Lot 47C Tax Block 3907; comprising 6.83± acres.

Section 2. This ordinance shall become effective upon adoption.

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Gene Lowder for property owned by Vulcan Material Company, Docket W-2373

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 Board of Aldermen 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 GI-S (Buffer) (Tract 2) the zoning classification of the following described property:

STARTING at a point at the northeast corner of Tract 1 as shown on rezoning plan dated 1/10/00 and common boundary being at the southern right-of-way of Highway 421; running thence from said starting point south 89° 13' 49" east 45.36 feet to a point; thence south 08° 42' 18" west 30.16 feet to a point; thence south 88° 08' 39" east 7.03 feet to a point; thence south 04° 19' 17" west 389.42 feet to a point; thence south 13° 35' 32" west 797.00 feet to a point; thence north 89° 31' 17" west 51.34 feet to a point; thence north 89° 31' 17" west 34.45 feet to a point; thence north 51° 51' 52" east 50.20 feet to a point; thence south 66° 19' 17" east 275.67 feet with a radius of 357.72 feet to a point; thence south 89° 13' 14" east 47.39 feet to a point; thence north 13° 35' 32" east 753.25 feet to a point; thence north 4° 19' 17" east 412.33 feet to a point; that point being the place of beginning; being part of Tax Lot 009 Tax Block 3904; 1.79 acres±.

Section 2. This Ordinance is adopted after approval of the site plan entitled Lowder - Kester Mill and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Gene Lowder for property owned by Vulcan Material Company.

Section 3. The Board of Aldermen 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 Lowder - Kester Mill. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Gene Lowder for property owned by Vulcan Material Company, (Zoning Docket W-2373). 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 (Buffer), approved by the Winston-Salem Board of Aldermen the _____ day of _____, 19____" 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. Grading plan approval shall include at least a five (5) foot berm along the entire frontage on Kester Mill Road.

- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Landscaping plan shall be approved by the Inspections Division for the berm along Kester Mill Road. Landscaping shall meet at a minimum the requirements for a type IV bufferyard on this berm. No reduction in plantings for the berm are permitted.

- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall widen Kester Mill Road to at least eighteen (18) feet from centerline with curb and gutter along the entire frontage of the property and straighten the curve on Kester Mill Road to the specifications of the Public Works Department of the City of Winston-Salem.

- **OTHER REQUIREMENTS**
 - a. Any signage erected along Kester Mill Road shall be limited to one (1) free-standing monument sign with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.

ZONING STAFF REPORT

DOCKET # W-2373
STAFF: David Reed

Petitioner(s): Gene Lowder for property owned by Vulcan Material Company
Ownership: Vulcan Material Company

REQUEST

From: Tract 1: RS-9 Residential Single Family; minimum lot size 9,000 sf
Tract 2: RS-9 Residential Single Family; minimum lot size 9,000 sf
To: Tract 1: GI General Industrial District
Tract 2: GI-S General Industrial District (Buffer)

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

NOTE: This, in part, is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: Tract 1 - 6.83 acres; Tract 2 - 1.79 acres.

LOCATION

Street: Both tracts are located on the north side of Kester Mill Road west of Essex Country Lane (private); and on the south side of US 421.

Jurisdiction: City of Winston-Salem.

Ward: Southwest.

SITE PLAN

Proposed Use: Bufferyard (special use district zoning portion - Tract 2).

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Site is currently vacant.

Adjacent Uses:

North -US 421 right-of-way.

East - Single family homes and vacant, wooded land.

South -Single family homes.

West -Lumber Company and Quarry.

GENERAL AREA

Character/Maintenance: Mixture of well maintained single family homes, auto related storage, and industrial uses. The quarry is no longer actively mined. Large tracts of vacant residentially zoned land lie south of Kester Mill Road.

Development Pace: Slow.

PHYSICAL FEATURES

Topography: Site is highest in the middle, sloping down slightly to the south and steeply to the north.

Streams: There is a small unnamed stream on the north end of the property.

Vegetation/habitat: Site is heavily wooded.

Constraints: Steep topography on the north end of the site.

Impact on Existing Features: Clearing and grading of existing vegetation.

TRANSPORTATION

Direct Access to Site: Kester Mill Road.

Street Classification: Kester Mill Road is unclassified, however, Jonestown Road is a minor thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
Jonestown Road - 20,800/27,000.

Planned Road Improvements: The bridge over Silas Creek to the west is to be rebuilt and widened to accommodate industrial truck traffic, including traffic from an asphalt plant. The bridge would allow the industrial traffic to access Jonestown Road via Kester Mill Road (Transportation Improvement Program project # B-4336).

Sight Distance: Good.

Transit: The closest transit access is at the corner of Kester Mill Road and Jonestown Road approximately 2,000 feet east of the site.

HISTORY

Relevant Zoning Cases:

1. W-2134; LO-S (Professional Office) and RS-9 to LO-S (Professional Office); approved March 3, 1997; south side of Kester Mill Road at the intersection of Kester Mill Road and Kirk Road; 0.91 acre; Planning Board and staff recommended approval.
2. W-2028; RS-9 to GB-S (Warehousing); approved February 19, 1996; southwest side of Kirk Road north of Kester Mill Road; 0.83 acre; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban Area.

Relevant Comprehensive Plan Recommendation(s): Separate and buffer commercial, office, and industrial uses from residential areas; and preserve stable neighborhood areas.⁴

Area Plan/Development Guide: The site is not within the boundaries of a development guide or an area plan.

ANALYSIS

The subject site is located in an area which has a mixture of land uses. Immediately west of the site is an area which is zoned GI (General Industrial). A lumber company and an inactive quarry are located in the GI zoning. Adjacent to the site to the north is the right-of-way for US 421. The site does not have direct access to US 421 along its frontage. East and south of the site are some single family homes, and farther east are businesses along Kester Mill and the commercial area along Jonestown Road.

At present, the only industrial land use being served by Kester Mill Road is the lumberyard. An existing asphalt plant also fronts on Kester Mill Road further west, however, traffic to the asphalt plant is served exclusively by a private access easement which connects with Peace Haven Road to the west. The asphalt plant cannot make use of Kester Mill Road at present because the bridge over Silas Creek is closed. In all likelihood, the bridge will be repaired and reopened to allow the asphalt plant to access Jonestown via Kester Mill Road. The bridge improvements and other improvements to Kester Mill Road will be done as part of the Northern Beltway project.

Because of the truck traffic anticipated on Kester Mill Road and the publicly funded road improvements anticipated to serve that traffic, allowing some additional GI zoning at this location is reasonable. The petitioners have requested general use GI zoning for the part of the site closest to the quarry and lumberyard and have requested GI-S zoning adjacent to the residences to the east and across Kester Mill Road to the south. The GI-S zoning is exclusively for a buffer zone and will include a landscaped berm along the roadway.

Staff recommends the petitioner be responsible for the road improvements along the frontage on Kester Mill Road, which will include a slight straightening of the curve and constructing curb and gutter on the project side of the road. These improvements, along with the GI-S buffer area proposed by the developer, will serve to mitigate the impacts of additional GI zoning in the area.

FINDINGS

1. The subject site is located in an area which has a mixture of land uses including a lumberyard, an inactive quarry, several businesses, as well as several single family homes.

2. At present, the only industrial land use being served by Kester Mill Road is the lumberyard, however, it is anticipated that the bridge over Silas Creek will be reopened and traffic from an existing asphalt plant will make use of the road in the future.
3. The petitioners have requested general use GI zoning for the part of the site closest to the quarry and lumberyard and have requested GI-S zoning to serve as a buffer adjacent to the residences to the east and across Kester Mill Road to the south.
4. Staff recommends the petitioner be responsible for the road improvements along the project's frontage on Kester Mill Road, which will include a slight straightening of the curve and constructing curb and gutter on the project's side of the road.
5. The recommended improvements, along with the GI-S buffer area proposed by the developer, will serve to mitigate the impacts of additional GI zoning in the area.

STAFF RECOMMENDATION

Zoning: **APPROVAL**

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. Grading plan approval shall include at least a five (5) foot berm along the entire frontage on Kester Mill Road.
- **PRIOR TO THE ISSUANCE OF BUILDING PERMITS**
 - a. Landscaping plan shall be approved by the Inspections Division for the berm along Kester Mill Road. Landscaping shall meet at a minimum the requirements for a type IV bufferyard on this berm. No reduction in plantings for the berm are permitted.
- **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS**
 - a. Developer shall widen Kester Mill Road to at least eighteen (18) feet from centerline with curb and gutter along the entire frontage of the property and straighten the curve on Kester Mill Road to the specifications of the Public Works Department of the City of Winston-Salem.
- **OTHER REQUIREMENTS**
 - a. Any signage erected along Kester Mill Road shall be limited to one (1) free-standing monument sign with a maximum height of five (5) feet and a maximum copy area of thirty-six (36) square feet.

[*For information purposes only:* The draft *Legacy* plan recommends redeveloping and expanding existing industrial sites, recognizing the scarcity of "greenfield" industrial sites, and promoting the wisest economic use of those limited resources.]

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Emmett McCall, 633 W. Fourth Street, Winston-Salem, NC 27101

Representing Mr. Lowder.

Submitted petition of neighbors in support of this request and distributed copies of the petition.

The buffer consists of approximately 20% of the land.

This property is zoned RS-9. The likelihood of it ever being used for residential is extremely remote.

This site can provide protection for the residential to the east and the old quarry to the west.

This is an area in transition. The houses between the southern end of this site and the HB to the east are likely to convert to more intense uses in the near future.

We have to support the majority of the neighborhood.

Dale Crimley, 4849 Kester Mill, Winston-Salem, NC 27103

I welcome this development. Quarries are a nuisance. With this land being undeveloped, it has been used for a motor cycle track, swimming pool in the abandoned quarry, and parking. I welcome this development to help control the neighborhood. I don't welcome just any development, but this one seems to be what we need. There won't be a lot of traffic from this use. This neighborhood is changing.

Connie Branham, 4824 Kester Mill Court, Winston-Salem, NC 27103

I look diagonally into this site from my house. Over the years we have watched it grow over and become a free land that is abused. There is no consideration of the neighbors. Mr. Lowder has come to us several times, offering to show us what he plans. Yes, this is commercial, but it is much better than what we have now.

Our sole opposition owns the house next door which has been condemned for two years. It needs to be cleaned up. We don't appreciate parties going on until 2:00 a.m. or ATVs taking over the site.

I think everything he's proposed here will do nothing but increase the value of surrounding property and enhance the neighborhood.

AGAINST:

Andrea Shutt, 4773 Kester Mill Road, Winston-Salem, NC 27103

Our land is very close to some of the property. I'm really not here to oppose Gene Lowder. I agree that he was very open in coming to us and addressing our concerns.

I want to be sure in the future, that our property is not restricted because of this rezoning.

My father and family have lived there 80-90 years. When you live there that long, you deserve to get your money's worth if you have to relocate because the area is going commercial. We want it to be rezonable in the future.

The neighborhood has some people that don't treat it as a neighborhood. I am concerned that the road widening not be put on us. I think the road will have to be widened to allow heavy traffic and passing room.

It is primarily residential. Vulcan Quarry would leave red dirt and mud along the road. We don't want that again.

This site is going to be developed.

Ron McClamrock, 1020-5 Brookstown Avenue, Winston-Salem, NC 27101

I'm the bad guy that just bought the property next to Mr. Lowder. I didn't realize I was the bad guy until I realized I was the only one speaking against it.

I have made some repairs to my site. There still is a lot of work to be done on the house. It will get done just as quickly as I can.

My property is the site adjoining this on the east.

My concern about this is having industrial adjacent to my site. The subject site provides a nice buffer between the quarry and the neighborhood to the east.

I have absolutely nothing against Gene Lowder. He's a nice guy. But this property is residential.

All this petition does is narrow the buffer between the quarry and the neighborhood.

To me, the highest and best use for this area is some type of residential or commercial.

This is a transitioning area and it will be developed in the future.

With the Kester Mill bridge out, this road is definitely residential.

A five-foot berm with trees on top of it provides a traffic hazard with the blind curve right at this site.

Please consider leaving this as residential property.

WORK SESSION

During discussion by the Planning Board, the following point was made:

- John Bost noted that he feels the buffer is not appropriate.

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: Norman Williams

VOTE:

FOR: Avant, Williams

AGAINST: Bost, Powell, Schroeder

Motion failed.

MOTION: John Bost moved denial of the zoning map amendment.

SECOND: Terry Powell

VOTE:

FOR: Bost, Powell, Schroeder

AGAINST: Avant, Williams

MOTION: John Bost certifies that the site plan for Tract 2 meets all code requirements. Staff conditions should apply.

SECOND: Kerry Avant

VOTE:

FOR: Avant, Bost, Powell, Schroeder, Williams

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning