



DOCKET #: W2427
 (Continued from
 10/12/00 CCPB meeting)

PROPOSED ZONING:
 Tract 1 LI, Tract 2 RS9

EXISTING ZONING:
 IP-S (Club or Lodge)

PETITIONER:
 American Legion Post 453
 and Larry O. Wilson

SCALE: 1" represents 400'

STAFF: Simmons

GMA: 3

ACRE(S): 15.36

MAP(S): 636846

DRAFT ZONING STAFF REPORT

DOCKET # W-2427
STAFF: Glenn Simmons

Petitioner(s): Larry O. Wilson
Ownership: American Legion Post 453

CONTINUANCE HISTORY

At the request of the petitioner, this zoning petition was continued from the October 12, 2000, Planning Board meeting to allow the petitioner to change his request from GI to LI and to eliminate the previously proposed industrial access to Peachtree Street. Both changes were intended to address Planning staffs' concerns regarding potential industrial impacts to adjacent residential neighborhoods.

REQUEST

From: Tract 1: IP-S Institutional and Public District (Clubs or Lodges, Private)
Tract 2: IP-S Institutional and Public District (Clubs or Lodges, Private)
To: Tract 1: LI Limited Industrial District
Tract 2: RS-9 Residential Single Family District; minimum lot size 9,000 sf

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

Acreage: Tract 1: 13.92 acres
Tract 2: 1.44 acres

LOCATION

Street: West side of Peachtree Street (unopened) north of Simmons Street.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: None; site is heavily wooded.

Adjacent Uses:

North -	Wooded area zoned RS-9.
East -	Vacant lots which are currently wooded and single family homes all zoned RS-9.
South -	Single family homes and railroad tracks zoned RS-9.
Southwest -	Across Tower Street is Forest Park Elementary School zoned IP.
West -	Industrial area zoned GI.

GENERAL AREA

Character/Maintenance: The property is situated between existing industrially zoned land to the south and west and residentially zoned land to the north and east. Both commercial and residential uses are moderate to well maintained.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: RS-9 portion of site would likely be reserved as a wooded buffer although there are no provisions under the proposed general use zoning that it would remain so. Wooded areas in the LI portion of the site would likely be substantially affected by new commercial development.

Topography: Site slopes moderately to very steeply downward from the unopened portion of Peachtree Street to a substantial drainageway located at the western edge of the tract proposed for LI zoning; the drainageway provides topographic separation of the subject site from the GI zoned land to the west.

Streams: A substantial drainage way is located at the western edge of the property within a deep ravine.

Vegetation/habitat: Heavily wooded.

Constraints: Deep topographic ravine limits the development potential of the site.

TRANSPORTATION

Direct Access to Site: Peachtree Street; Martin Luther King, Jr., Dr. (to the west).

Street Classification: Peachtree Street - collector street; Martin Luther King, Jr. Drive - major thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):

Peachtree Street - south of Reynolds Park Road 2,300/no capacity

Martin Luther King, Jr., Dr. - between Tower and Argonne Boulevard 9,400/28,000

Trip Generation/Existing Zoning: N/A.

Trip Generation/Proposed Zoning: N/A.

Planned Road Improvements: None planned.

Sight Distance: Adequate.

Interior Streets: N/A.

Transit: WSTA Route 52 along Martin Luther King, Jr., Dr. to the west.

HISTORY

Relevant Zoning Cases:

1. W-1751; R-2-S (Dwellings; Multifamily) (comparable to RM-12-S) to R-4-S (Clubs or Lodges) (converted to IP-S with UDO); approved January 6, 1992; current site; 15.72 acres; Planning Board and staff recommended approval.
2. W-760; R-4 (comparable to RS-9) and I-3 (comparable to GI) to R-2-S (Dwellings:

Multi-Family) (comparable to RM-12-S); approved August 4, 1980; current site; Planning Board and staff recommended approval.

3. W-2111; GI to LI-S (Child Day Care Center); approved December 2, 1996; north side of Tower Street between Martin Luther King, Jr. Drive and Peachtree Street; 1.90 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): Preserve stable residential area; separate and buffer industrial and commercial land uses from residential areas.

Area Plan/Development Guide: N/A.

Relevant Development Guide Recommendation(s): This rezoning is within the boundaries of the proposed *Southeast Winston-Salem Area Plan*. No recommendations have been drafted to date.

Thoroughfare Plan: N/A.

Wetlands: None on site; wetland located approximately one mile north at confluence with Salem Creek.

Natural Heritage Sites: Wetland located approximately one mile north is identified as site #16 in the Natural Heritage Inventory.

Will development of the site affect environmental resources beyond the site? Natural Heritage wetland site may be adversely affected by industrial development at the current location.

If yes, how? Substantial grading and loss of wooded watershed on site may adversely affect downstream wetland.

Is the project in a water supply watershed? No.

ECONOMIC DEVELOPMENT

Prime Industrial Site: No.

Railroad Access: Not available.

ANALYSIS

The current general use zoning request is a petition to rezone 15.36 acres of land from existing IP-S to LI and RS-9. The request has been modified from the original GI zoning to LI to limit the potential impacts of GI zoning which, under the UDO, allows the most intensive industrial uses. The petitioner has also revised his request to eliminate industrial access onto Peachtree Street which is a local residential street. Both changes are intended to address specific Planning staff concerns, as expressed in the previous staff zoning report, regarding the incompatibility of industrial zoning at the current location. Consistent with the previous request, the petitioner has retained the smaller fifty-foot wide, 1.44 acre, RS-9 strip of land along the unopened portion of Peachtree Street as a buffer between the proposed LI zoning and undeveloped residential properties located immediately east of the site.

The property was previously zoned from R-2-S (comparable to RM-18-S) to R-4-S for Clubs or Lodges in 1992 and was subsequently converted to IP-S with the adoption of the UDO in 1994.

The property is situated on the east side of a significant ravine which has been identified in previous zoning cases as providing a logical separation between existing industrial properties located to the west and south of the property, and the single family neighborhood to the east. In this context, access to the proposed LI portion of the tract would cross the ravine through the existing GI zoned property which has frontage along Martin Luther King, Jr. Drive.

According to City of Winston-Salem subdivision regulations and public street policies, the unopened portion of Peachtree Street must be built and extended the entire length of the property regardless of whether or not vehicular access to the current site comes from Peachtree Street. Alternatively the street may be closed with approval by the Winston-Salem Board of Aldermen. Historically, the required street improvements have posed a substantial financial impediment to the development of the property, particularly as it relates to the existing IP-S zoning.

Although the volunteered reduction of the proposed zoning request from GI to LI and the elimination of industrial access to Peachtree Street has significantly reduced Planning staffs' objections, staff is still reluctant to support industrial zoning at the current location. Particularly, as in previous zoning requests, staff has considered the steep topographic division on the western edge of the property as a natural transitional buffer between the area's existing industrial and single family residential development. Whereas the topographic depression will likely pose a substantial liability for the proposed industrial development, it may alternatively benefit a lesser intense transitional land use by providing an attractive, and environmentally significant wooded buffer adjacent to existing industrial development.

While the LI zoning substantially lessens the impacts which may otherwise occur under the initially proposed GI zoning, staff still questions the adequacy of the fifty-foot wide, RS-9 buffer to separate industrial uses from residential properties. As general use RS-9 zoning, there is no guarantee as to retention of existing vegetation, additional plantings, or efficacy as a buffer. Staff notes that in another somewhat similar situation (Zoning Docket W-1813 for Sara Lee Corporate Office on old Lou Graham farm property off Germanton Road/NC 8 west of Windy Hill Drive and south of NC 66), a 100-foot wide strip of I-3-S (Parks or Recreational Facilities) with specified planting was retained along the right-of-way of Windy Hill to buffer the residents on the east side of Windy Hill.

Staff is also concerned about the potential environmental impacts of developing the current site under the limited provisions of general use LI zoning. The stream defining the western edge of the property is situated in a wooded ravine which forms the headwaters of a wetland located at its confluence with Salem Creek. This wetland, located approximately one mile north of the site, is identified in Forsyth County's Inventory of Significant Natural Areas as site #16. Given the constraints of the site for industrial use and potential negative impacts which may likely occur along the stream if the property is utilized for industrial purposes, staff believes that the potential benefits do not positively offset the potential environmental harm.

While staff recognizes the need to support an economically feasible use for the property, and one which will allow the financial resources to extend Peachtree Street, staff believes that some sort of multifamily residential or institutional use of the property may be more appropriate. Such uses would, in staffs' opinion, be more accommodating to the existing environmental and single family residential character of the site and area.

FINDINGS

1. The petition consists of a general use LI petition with a fifty-foot wide buffer strip of RS-9 along an undeveloped portion of Peachtree Street.
2. Previous zoning cases in the area recognize the transitional land use character of the property located between existing GI and single family residential zoning districts.
3. A substantial topographic divide located on the west side of the property provides a logical division between existing industrial properties and lesser intensive land uses.
4. A stream on the western edge of the property is situated within a wooded ravine and forms the headwaters of a wetland at the confluence of Salem Creek.
5. The wetland, approximately one mile north of the site, is identified as site #16 in Forsyth County's Natural Heritage Inventory.
6. Industrial access to the property would necessarily cross the ravine and existing GI zoned property located west of the current site off Martin Luther King Jr. Drive.
7. The site is not identified as within an "Industrial Opportunity Area"
8. The proposed 50' wide RS-9 general zoning does not provide adequate separation and buffering for the residential area to the east.
9. Staff believes that the potential industrial benefits of zoning are adversely offset by the anticipated impacts to the natural environmental and residential character of the area.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

[For information purposes only: The draft Legacy plan indicates that the site is located in the Urban Neighborhoods Area of the MSA (Metropolitan Statistical Area), an area of older neighborhoods, commercial, industrial and institutional development. Quality infill development, greater residential densities where appropriate and neighborhood retail and community services are encouraged. One of the objectives in considering infill strategies for existing neighborhoods is to make infill development attractive to existing residents of the surrounding area.]

PUBLIC HEARING - October 12, 2000

FOR: None

AGAINST: None

WORK SESSION

MOTION: Steve Johnson moved to continue the zoning map amendment to November 9, 2000.

SECOND: Norman Williams

VOTE:

FOR: Avant, Bost, Johnson, King, Powell, Snelgrove, Williams

AGAINST: None

EXCUSED: None