

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3422
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Salem Creek Properties, LLC; Lowder Recycling & Disposal, LLC; Bruce Donald Saylor; and Peggy Logan Saylor
<b>Owner(s)</b>	Same
<b>Subject Property</b>	PINs 6804-17-9890, 6804-27-2056, 6804-27-2314, and 6804-27-3445
<b>Address</b>	645 Blue Rock Court and 4785 and 4801 Kester Mill Road
<b>Type of Request</b>	Special Use Limited rezoning from RS9, GI, and GI-S to LI-L
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Map for the subject property <b>from</b> RS9 (Residential, Single Family – 9,000 sf minimum lot size), GI (General Industrial), and GI-S (General Industrial - Special Use) <b>to</b> LI-L (Limited Industrial – Special Use Limited). The petitioner is requesting the following uses:</p> <ul style="list-style-type: none"> <li>• Building Materials Supply; Wholesale Trade A; Wholesale Trade B; Building Contractors, General; Building Contractors, Heavy; Offices; Services, A; Services, B; Storage Services, Retail; Testing and Research Lab; Warehousing; School, Vocational or Professional; Manufacturing A; Manufacturing B; Park and Shuttle Lot; Parking, Commercial; Transmission Tower; and Utilities</li> </ul>
<b>Neighborhood Contact/Meeting</b>	A summary of the petitioner’s neighborhood outreach is attached
<b>Zoning District Purpose Statement</b>	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 GMAs 1, 2, 3 and 4 and Metro Activity Centers.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<p><b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b></p> <p>Yes. Approximately half of the site is currently zoned either GI or GI-S and is adjacent to other industrially zoned property. All of the site is in GMA 3 and is recommended in the area plan for industrial use.</p>
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	North side of Kester Mill Road and northern terminus of Blue Rock Court
<b>Jurisdiction</b>	City of Winston-Salem
<b>Ward(s)</b>	Southwest
<b>Site Acreage</b>	± 9.41 acres
<b>Current Land Use</b>	The eastern half of the site is undeveloped with the exception of an existing bufferyard in the GI-S zoned area. An 18,000-square foot commercial building is currently under construction on the western portion of the site, which is accessed from Blue Rock Court.

<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>			
	North	RM18 (across US 421)	Multifamily residential			
	East	RS9	Undeveloped property and single-family homes			
	South	RM12-S, RS9, and GI	Single-family homes and multiple industrial uses			
	West	GI and RS9	Former quarry and modest-scale industrial buildings			
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>					
	The proposed industrial uses are compatible with the uses permitted on the adjacent GI zoned properties and less compatible with the uses permitted on the adjacent RS9 and RM12-S zoned properties.					
<b>Physical Characteristics</b>	Much of the site has been cleared. The northeastern portion includes some mature vegetation.					
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site within Kester Mill Road.					
<b>Stormwater/ Drainage</b>	No known issues.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	A commercial building is currently being constructed on the western portion of the site, but the eastern portion is undeveloped. The portion zoned GI-S is for a bufferyard. The site appears to have no development constraints such as steep slopes, designated floodplains or water supply watersheds.					
<b>RELEVANT ZONING HISTORIES</b>						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3405	RS9 to RM12-S	Approved 5/6/2019	Directly south	4.8	Approval	Approval
W-2866	RS9 to GI	Withdrawn 8/10/2006	Included a portion of the subject property	2.14	Continuance	Withdrawn
W-2373	RS9 to GI and GI-S	Approved 3/6/2000	Included a portion of the subject property	8.62	Approval	Approval
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>						
Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D		
Kester Mill Road	Collector Street	226 feet	N/A	N/A		
Blue Rock Court	Local Street	100 feet	N/A	N/A		
US 421	Freeway	403 feet	62,000	94,700		

<b>Proposed Access Point(s)</b>	Because this is a Limited Use request with no site plan, staff cannot determine proposed access points. However, the site currently has access from Kester Mill Road and Blue Rock Court.
<b>Trip Generation - Existing/Proposed</b>	<u>Existing and Proposed Zoning:</u> Because there is no site plan associated with the majority of the existing zoning, nor with the proposed zoning, staff is unable to estimate the existing or proposed trip generation for the site.
<b>Sidewalks</b>	Sidewalks currently exist along Blue Rock Court and portions of Kester Mill Road.
<b>Transit</b>	WSTA route 81 runs along Jonestown Road to approximately 1,700 linear feet east of the subject property.
<b>Analysis of Site Access and Transportation Information</b>	The subject property has frontage along two public streets, one of which is a collector street. Staff foresees no transportation-related issues associated with this request.
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy 2030 Growth Management Area</b>	Growth Management 3 - Suburban Neighborhoods
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>Identify and create development-ready “greenfield” industrial sites.</li> <li>Recognize the scarcity of “greenfield” industrial sites and promote the wisest economic use of those limited resources.</li> <li>Protect residential areas from inappropriate commercial and industrial encroachment.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>Southwest Suburban Area Plan Update (2015)</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>The Proposed Land Use Map recommends the subject property for industrial use.</li> </ul>
<b>Site Located Along Growth Corridor?</b>	The site is not located along a growth corridor.
<b>Site Located within Activity Center?</b>	The site is not located within an activity center.
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	Yes, a 4.8-acre tract across Kester Mill Road was recently rezoned from RS9 to RM12-S.
	<b>(R)(4) - Is the requested action in conformance with Legacy 2030?</b>
	Yes
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p>Most of the property west of the site is currently zoned GI, and the property to the east is zoned RS9. All of this area, from Silas Creek to the west to Kirk Road to the east, is recommended for industrial use in the <i>Southwest Suburban Area Plan Update</i>.</p> <p><i>Legacy</i> recognizes both the need for “greenfield” industrial sites <i>and</i> for</p>

protection of residential areas from inappropriate commercial and industrial encroachment. The existing GI-S bufferyard is a 50-foot Type IV bufferyard. The former planting schedule for this type of bufferyard was three deciduous trees and 14 primary evergreen plants per 100 linear feet. Should the request be approved, the UDO would require a Type III bufferyard of either 20, 40, or 100 feet in width. The petitioners have agreed to provide the plantings of a 20-foot Type III bufferyard within a 30-foot width. Required plantings include two deciduous trees, 18 primary evergreen plantings, and 12 supplemental evergreen shrubs per 100 linear feet.

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The request is consistent with the industrial land use recommendation of the area plan.	The request would extend industrial zoning closer to single-family homes.
A large portion of the site is currently zoned GI and GI-S.	
The request would reduce the intensity of the GI portion of the site by rezoning it to LI-L.	
The site has access from two public streets.	

**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.

- **OTHER REQUIREMENTS:**
  - a. The developer shall provide a 30-foot Type III bufferyard along the entire eastern boundary of the zoning area, to be installed with the plantings of a 20-foot Type III bufferyard.

**STAFF RECOMMENDATION: Approval**

**NOTE:** These are **staff comments** only; **final recommendations** are made by the City-County Planning Board, and **final action** is taken by the appropriate Elected Body, who may approve, deny, continue, or request modifications to any proposal. **THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE PROPOSAL IS CONSIDERED BY THE PLANNING BOARD AND/OR THE ELECTED BODY.**

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# **CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR W-3422 OCTOBER 10, 2019**

Desmond Corley presented the staff report.

## **PUBLIC HEARING**

FOR:

Steve Causey, 4720 Kester Mill Road, Winston-Salem, NC 27103

- I am here for Salem Creek Properties. We have owned our property for 16 years. We have looked at a variety of uses over the years, trying to figure out how to make residential work.
- Gene's property is kind of downgrading the zoning but it does eliminate the 50-foot buffer on his property. The rezoning on our rectangle along 421 would give him more latitude for development of his property and push the buffer east.
- We did meet with a few of the neighbors. We had a meeting last Tuesday night. We talked about what the potential uses could be. We tried to explain the buffers. In addition to the buffer against the residential properties, per the ordinance, there would also be 40-foot building setback.

AGAINST:

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

- I have lived on Kester Mill Road all my life. I am close to the rezoning so it will affect me. The land that I live on - and my mom's land next door to me - has been in our family for six generations. I understand there is development, and I'm all for that, but my concern with this rezoning is that it's just general; there is no specific use being indicated here. Nobody has been able to tell us what is going to go there. From the discussions we've had with the current owners, they may even end up reselling the land. That leaves us in the dark as homeowners as to what is going to happen.
- I opposed the first industrial zoning. I know it's your recommendation that my side of the road go industrial, but that leaves me in a really bad place. I have to deal with noise, dust and heavy trucks.
- The traffic on our road consists of large dump trucks, 18-wheelers, constantly throughout the day and even at night. I understand that you are going to take the freight out of this proposal, but it doesn't stop the 18-wheelers that are already up and down the road.

In addition to that, we just had a 48-unit apartment complex proposed across the street. It's a residential road; it barely fits two cars. There are no lines, and nobody knows what side of the road they are supposed to be on.

- One of my biggest issues with the rezoning is my property value. This has created a hardship for us. The businesses on both sides of us are enclosing us, and we feel very isolated. I would sell and get out if I could, but nobody wants to give me any money for my house. They say my house is worth nothing to them, they just want the land.
- I would say put yourself in my shoes and know that my family and I have worked really hard for the land we own and the house we have. If it's your plan to approve the zoning, please do whatever it takes to give me a buffer so I can at least feel like I live on a residential street.

Tommy Hicks asked Ms. Cox how many industrial impacts she has experienced on her side of the road in the past 15-20 years, including this proposal.

Ms. Cox stated that she opposed the first industrial zoning and it was approved. Ms. Cox also stated that, in the process of all the grading, there was red dirt that ruined the siding on her house, the porch that was just painted, and sidewalks. Ms. Cox further stated:

“We had to fight to get that buffer. We were told that was going to go in, but then it didn't. We had to come back and fight the person who bought the land to put the buffer in. There is a large business that is on that road, and they probably have 30 trucks, and they fly up and down our road. There is a blind spot on the hill where the rezoning is, and you had better not be crossing the road when one of those trucks is coming by. It is not residential friendly anymore.”

George Bryan discussed how neighborhood input contributes to the makeup of area plans. There was also discussion of how narrow Kester Mill Road is. Chris Murphy explained the process for obtaining road improvements. Ms. Cox was directed to discuss these issues with her council member, Dan Besse.

Jack Steelman asked about street calming measures, such as road striping.

Chris Murphy explained that that would also need to be done by a petition through DOT. If there is an issue with speeding vehicles, that could be another conversation with their council member as far as increasing traffic enforcement in that area. Chris gave Jeff Fansler and Rodd Ring as contacts with WSDOT.

Linwood Davis, 812 Sylvan Road, Winston-Salem, NC 27104

- I am not in opposition, I am just coming as a representative of the developer of the apartments, which will be across the street from Ms. Cox. We are going through our permitting process now, and we haven't seen their site plan, but whatever they are doing, their rezoning request seems reasonable to us. But we would have concern that our entrance is lined up. We wouldn't want any traffic conflict with what is being proposed across the street.

## **WORK SESSION**

Melynda stated that she did not see this as consistent because of the incremented nature of the proposal. It seems to be an inappropriate encroachment of industrial land onto residential land. Even with the buffer it's still encroaching more towards the residential property. Melynda stated that the upside is that it's going from GI to LI, but it that it was still an encroachment. Melynda felt like it would be more palatable if there were a site plan and the Board knew what was going in there.

MOTION: Clarence Lambe moved that the Planning Board find that the request is consistent with the comprehensive plan.

SECOND: Jason Grubbs

VOTE:

FOR: George Bryan; Jason Grubbs; Clarence Lambe; Chris Leak; Jack Steelman

AGAINST: Melynda Dunigan; Tommy Hicks; Brenda Smith

EXCUSED: None

MOTION: Clarence Lambe recommended approval of the zoning petition.

SECOND: Jason Grubbs

VOTE:

FOR: Jason Grubbs; Clarence Lambe; Chris Leak; Jack Steelman

AGAINST: George Bryan; Melynda Dunigan; Tommy Hicks; Brenda Smith

EXCUSED: None

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Aaron King  
Director of Planning and Development Services