

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3345
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Powerscreen Mid-Atlantic, Inc.
<b>Owner(s)</b>	City of Winston-Salem
<b>Subject Property</b>	PIN# 6864-50-4769
<b>Address</b>	The site will use the address of the adjacent site to the east which is 3350 Temple School Road.
<b>Type of Request</b>	Special use rezoning from LI-S to GI-S.
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> LI-S (Limited Industrial – special use zoning – Arts and Crafts Studio; Building Materials Supply; Wholesale Trade, A; Wholesale Trade, B; Banking and Financial Services; Building Contractors, General; Offices; Motor Vehicle, Rental and Leasing; Services A; Services B; Storage Services, Retail; Testing and Research Lab; Warehousing; Recreation Services, Public; Academic Medical Center; Adult Day Care Center; Child Care, Drop-In; Child Care, Sick Children; Child Day Care Center; College or University; Government Offices, Neighborhood Organization, or Post Office; Hospital or Health Center; Police or Fire Station; Postal Processing Facility; Schools, Vocational or Professional; Manufacturing A; Manufacturing B; Helistop; Park and Shuttle Lot; Parking, Commercial; and Transmission Tower - Two Phase) <b>to</b> GI-S (General Industrial – special use zoning). The petitioner is requesting the following use:</p> <ul style="list-style-type: none"> <li>• Manufacturing C</li> </ul>
<b>Neighborhood Contact/Meeting</b>	See Attachment A for a summary of the petitioner’s neighborhood outreach.
<b>Zoning District Purpose Statement</b>	The GI District is primarily intended to accommodate a wide range of assembling, fabricating, and manufacturing activities. The district is established for the purpose of designating appropriate locations and establishing development regulations for uses which may have significant environmental impacts or which require special measures to ensure compatibility with adjoining properties. The district is established to provide locations for major developments in GMAs 1, 2 and 3.
<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>Planning staff does not believe the subject request is consistent with the GI Purpose Statement because this site is not an “appropriate location” due to its proximity to the single family homes along Graytuck Drive.</p>

**GENERAL SITE INFORMATION**

<b>Location</b>	Northeast corner of Graytuck Drive and High Point Road					
<b>Jurisdiction</b>	City of Winston-Salem					
<b>Ward(s)</b>	Southeast					
<b>Site Acreage</b>	± 5.21 acres					
<b>Current Land Use</b>	The site is currently undeveloped.					
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>			
	North	LI-S	Undeveloped property			
	East	GI-S	Keen Transport			
	South	RS20	Single family home across High Point Road			
	West	RS20 & AG	Single family homes			
<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 use of Manufacturing C is compatible with the uses permitted on the GI-S zoned tract located to the east. However, this use is not compatible with the low density residential use which is permitted on the RS20 and AG zoned properties which are located to the south and to the west. Manufacturing C is not compatible with single family homes because it allows for outside activities which may include noise, odor, dust, vibration, or visual impacts.					
<b>Physical Characteristics</b>	The subject property is undeveloped and it has a moderate slope downward toward the southern end of the site. This portion of the site includes a small segment of the South Fork Muddy Creek and its associated floodplain.					
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.					
<b>Stormwater/ Drainage</b>	The site plan shows a stormwater management facility to be located on the southern end of the site. A stormwater study will be required.					
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.					
<b>Analysis of General Site Information</b>	The site appears to have been previously cleared. With the exception of a small portion of designated floodplain along the southern edge of the site, it appears to possess no development constraints such as steep slopes or watersheds.					

**RELEVANT ZONING HISTORIES**

Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
F-1526	AG to GI-S	Approved 8-29-2011	Directly east	14.37	Approval	Approval

W-2744	Forsyth County LI-S to Winston-Salem LI-S Two Phase	Approved 1-18-2005	Included current site	208.44	Approval	Approval
F-1391	AG & RS20 to LI-S	Approved 9-8-2003	Included current site	190.44	Approval	Approval

**SITE ACCESS AND TRANSPORTATION INFORMATION**

Street Name	Classification	Frontage	Average Daily Trip Count	Capacity at Level of Service D	
Graytuck Drive	Local Street	725'	NA	NA	
<b>Proposed Access Point(s)</b>	The site plan shows the site will be accessed from Temple School Road through the adjacent GI-S zoned property to the east.				
<b>Trip Generation - Existing/Proposed</b>	While the proposed site plan does not include any buildings which would be used to estimate trip generation, it is connected to the proposed rezoning directly to the east (F-1569). Based upon the proposed building square footage of 32,150, staff estimates a trip generation of approximately 48 Trips per Day.				
<b>Sidewalks</b>	There are no sidewalks located in the general area.				
<b>Transit</b>	Route 108 serves the intersection of Union Cross Road and Willard Road located approximately 2.5 miles to the southwest.				
<b>Analysis of Site Access and Transportation Information</b>	The subject property would be accessed from the adjacent site to the east which is zoned GI-S. The petitioner has agreed to a negative access easement along Graytuck Drive.				

**SITE PLAN COMPLIANCE WITH UDO REQUIREMENTS**

<b>Building Square Footage</b>	No buildings are proposed.				
<b>Impervious Coverage</b>	<b>Maximum</b>		<b>Proposed</b>		
	NA		51.13%		
<b>UDO Sections Relevant to Subject Request</b>	<ul style="list-style-type: none"> <li>Chapter B, Article II, Section 2-1.4 (C) General Industrial District</li> </ul>				
<b>Complies with Chapter B, Article VII, Section 7-5.3</b>	(A) <i>Legacy 2030 policies:</i>	No			
	(B) <i>Environmental Ord.</i>	NA			
	(C) <b>Subdivision Regulations</b>	NA			
<b>Analysis of Site Plan Compliance with UDO Requirements</b>	The proposed site plan consists primarily of a large gravel parking and circulation area along with a stormwater management facility located on the southern end of the site. No buildings are proposed. The gravel area is connected internally with the proposed redevelopment of the site				

	which is located directly to the east (See F-1569 which is being reviewed in tandem with the subject request). The western property line which abuts Graytuck Drive and a single family home which is zoned AG, consists of a six foot tall berm which would be planted with a 50 foot wide Type IV bufferyard. A six foot tall chain-link fence is proposed along the inside of said bufferyard.
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy 2030 Growth Management Area</b>	Growth Management Area 3 - Suburban Neighborhoods
<b>Relevant Legacy 2030 Recommendations</b>	<ul style="list-style-type: none"> <li>• Ensure appropriate transitional land uses or physical buffering between residential and nonresidential uses to maintain the character and stability of neighborhoods.</li> <li>• Encourage redevelopment and reuse of existing sites and buildings that is <i>compatible and complementary with the surrounding area</i>.</li> <li>• Encourage reuse of vacant and underutilized commercial and industrial sites.</li> </ul>
<b>Relevant Area Plan(s)</b>	<i>Southeast Forsyth Area Plan Update (2013)</i>
<b>Area Plan Recommendations</b>	<ul style="list-style-type: none"> <li>• The Proposed Land Use Map shows the subject property for industrial land use.</li> <li>• The plan recommends the consolidation of industrial uses at existing locations as well as the development of possible new industrial sites.</li> <li>• A large 640-acre industrial area is designated along Temple School Road.</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>
	The former occupant of the GI-S zoned site located directly to the east (Keen Transport) has recently discontinued the use of that site.
	<b>(R)(4) - Is the requested action in conformance with Legacy 2030?</b>
	No
<b>Analysis of Conformity to Plans and Planning Issues</b>	The subject property was included in a 2003 rezoning that included 190 acres being rezoned to LI-S Two-Phase. Said development was envisioned to be developed as a high quality industrial park, similar to Union Cross Business Park. In 2004, Dell chose a site nearby which was part of the LI-S tract for its manufacturing facility (now Herbalife).

Subsequently, Caterpillar developed a manufacturing facility east of the Dell site. The proposed rezoning from LI-S Two Phase to GI-S is to allow the use of Manufacturing C on the subject property. The LI district does not permit the use of Manufacturing C which is one of the most intense and impactful uses allowed in the UDO. This is because Manufacturing C allows for the storage, processing, fabrication and/or assembly of products and materials to take place outside (see definition below)

One of the approved conditions for said overall development (now known as the Union Cross Industrial Center) was for the industrial park to conform with the *Business Park Design Guidelines*. In addition to requirements regarding lighting, signage, landscaping, and the screening of mechanical equipment, these guidelines repeatedly refer to compliance with the requirements of the “Manufacturing B” use which does not include outside operations.

Manufacturing C is defined as an “establishment whose operations, including storage of materials; processing, fabrication or assembly of products; and loading and unloading of new materials and finished products may occur either inside an enclosed building or outside on the premises. **Noise, odor, dust, vibration, or visual impacts, as well as potential public health problems in the event of an accident, could impact adjacent properties.**” The subject rezoning request is therefore incompatible with the above mentioned condition and it is not consistent with the overall development character of the Union Cross Industrial Center and the Union Cross Business Park nearby.

Staff has several concerns with this request. First, it sets the precedent of deviating from the original LI-S Two-Phase zoning for the purpose of allowing a significant amount of outdoor storage for large construction equipment. The Caterpillar site, located at the northwest corner of Union Cross Road and Temple School Road, was rezoned from LI-S to GI-S to allow for Manufacturing C; however, the products made there were housed indoor and not placed outside. That site still meets the original intent of the *Business Park Design Guidelines*. Second, as mentioned above staff has concerns about the impacts associated with this use being located in such close proximity to single family homes. This use has the potential to create significant negative impacts with respect to noise, vibration, and dust. Staff does not support placing such an intense use opposite from single family homes on a residential street. Third, while the previously mentioned berm and Type IV bufferyard proposed along this property line would provide some degree of softening for potential outdoor industrial activities, staff does not believe

it would be sufficient to adequately protect said residential properties. Additionally, staff believes that the 50' buffer width is not adequate to offset the impacts associated with this request. Simply put, staff does not support placing GI-S zoning across the street from single family homes, and recommends the petitioner search for another site without these compatibility issues.

**CONCLUSIONS TO ASSIST WITH RECOMMENDATION**

<b>Positive Aspects of Proposal</b>	<b>Negative Aspects of Proposal</b>
The request would permit the development of an undeveloped site which has been industrially zoned since 2003.	The proposed use of Manufacturing C is one of the most intense and impactful uses allowed in the UDO.
The request includes a condition that no buildings shall be built on the site.	The site is located directly adjacent to a residentially developed street.
	Manufacturing C is not compatible with single family homes because it allows for outside activities which may include noise, odor, dust, vibration, or visual impacts.
	The request is not consistent with the <i>Business Park Design Guidelines</i> regarding the proposed use of Manufacturing C and could impact the desirability of other nearby land for business park development.
	The request could establish a precedent for other rezonings within the Union Cross Industrial Center to include the use of Manufacturing C.
	The request is not consistent with the GI district Purpose Statement.

**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.

- **PRIOR TO THE ISSUANCE OF GRADING PERMITS:**
  - a. Developer shall have a stormwater management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered stormwater management plan shall be submitted and approved by the Public Works Department. Relocation or installation of any stormwater treatment device into any buffer areas, vegetation designated to remain, or close proximity to adjacent residentially zoned land shall require a Staff Change approval at minimum, and may require a Site Plan Amendment.
  
- **PRIOR TO THE ISSUANCE OF ZONING PERMITS:**
  - a. No buildings shall be located on the subject property.
  - b. An engineered lighting plan shall be submitted to Inspections for the proposed lighting demonstrating the use of full-cut off fixtures, light height of 25' or less

and no more than 0.5 foot-candles along Graytuck Drive and the property lines which are adjacent to RS20 and AG zoning.

c. All utilities on the site shall be underground.

• **PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS:**

a. Lighting shall be installed per approved lighting plan and certified by an engineer.

b. Any chain link fencing shall be black vinyl coated.

c. Developer shall record a negative access easement along Graytuck Drive.

**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.**

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# **CITY-COUNTY PLANNING BOARD**

## **PUBLIC HEARING**

### **MINUTES FOR W-3345**

### **SEPTEMBER 14, 2017**

Gary Roberts presented the staff report.

#### **PUBLIC HEARING**

FOR:

Steve Causey, 472 Kester Mill Road, Winston-Salem, NC 27103

- Our office has been working with the petitioner to prepare the zoning request and site plan. Also, the representatives of the petitioner, Powerscreen, are here tonight. We held a neighborhood meeting in August and invited at least 70 property owners and about 20 of them were in attendance. You have a summary of that meeting in your agenda book.
- Inspections had a hard time classifying which use Powerscreen fit in. However, Inspections determined it was Manufacturing C. Part of their operation does include repair of heavy equipment, maintenance, and servicing; but in large part, this portion of the project will be used for storage of equipment. They do not propose any processing, assembling, and fabrication on this portion of the property. We did ask Inspections to consider other uses and none of them held. The closest we got to was storage yard and that in fact would require a GI zoning.
- The staff did make the analogy and compared the site to the Caterpillar site. I want to point out, as it relates to the Caterpillar site, the next zoning docket is a portion of the Powerscreen project that's in Forsyth County. It was in fact the Keen Transport property. It was zoned after the Caterpillar site specifically to store axels that were produced at Caterpillar that were awaiting shipment by Keen Transport.
- We are providing a 50 foot type four buffer along Graytuck and also a six foot high berm in that buffer yard. We have agreed to additional plantings along Temple School Road. The petitioner has agreed to double the primary evergreen plantings that exist along Temple School Road. Additionally a six foot high chain-link fence is proposed for security around the site.
- The precedent for outside storage was set with the original rezoning of the adjacent county site, F-1526, from AG to GI-S for Keen Transport. That rezoning was favorably recommended by staff and the staff report acknowledged that a significant amount of parking and outside storage would occur on the site. The outside storage proposed for this site is consistent with what was approved in F-1526 on the adjacent county site.



- There is no outdoor activity proposed for this location. It is merely for a storage yard for large equipment. We would consider conditions to limit activity on the site and provide additional buffering if necessary.

Tom Westmoreland, 6851 Old Still Trail, Kernersville, NC 27284

- I don't see anything wrong with what they are going to do. The machines are really quiet and you can hardly hear them run. Anything they need to do, as far as testing the machines, they bring them to my shop in Walkertown. I think you ought to recommend approval.

AGAINST:

Myrna Gatrost, 4161 Graytuck Drive, Winston-Salem, NC 27107

- Tractor trailers are going to be coming in and out picking up equipment on a regular basis. So the noise factor is going to be extremely loud. The buffer is not going to take care of the noise. The way our property sits, we can hear tractor trailers on the service road behind Herbalife and Caterpillar.
- Right now, I enjoy the privacy. There is a row of trees across from my home and I don't know whether they will be left or remove those and add the buffer or both. I didn't get a clear answer from the meeting on Thursday.
- Equipment is going to be sitting there until someone comes and picks it up. Equipment does leak and there will be oil dripping into the gravel area.
- I urge you to seriously consider denying this request due to the impact on our homes.

Cynthia Woods, 4147 Graytuck Drive, Winston-Salem, NC 27107

- My property is the last house on the road.
- They are showing a jog in the buffer in front of my property. I'd like them to give us a concession and take the line straight across, giving us a wider buffer. A 50 foot wide buffer is not a lot.
- The trucks bringing in equipment are going to be really loud.
- We really hope you consider denying the request.

Gary Gatrost, 4161 Graytuck Drive, Winston-Salem, NC 27107

- I am a truck driver. I go on these job sites and they are loud. They are loud when they move, sit still and start-up. The noise factor is going to be immense.
- The noise, the dust and the dirt will reduce the value of my house if this development is allowed in front of my house.
- Please deny this.

John Woods, 4147 Graytuck Drive, Winston-Salem, NC 27107

- I will buy this property if you guys let me.

## **WORK SESSION**

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

Chris Murphy: The difference between Manufacturing B and Manufacturing C is that Manufacturing C allows outside storage and heavy noise, dust and fumes.

Aaron King: Mentioned that he and Chris Murphy spent a lot of time going through the NAICS and SIC codes. The bottom line is there is not a use in our ordinance that fits well with what they are doing out there. So where Manufacturing C is not perfect the other options are probably equally far away from perfect than Manufacturing C is.

Melynda Dunigan: Would chain-link fence have razor on the top of it?

Steve Causey: We are pretty ambiguous in that regard, but we can explore that and maybe get an answer from the owner.

Melynda Dunigan: Which side of the property will the trucks come in?

Steve Causey: They will come in only from the Forsyth County side to this part of the site using the existing driveway. Let me be clear, this is equipment not trucks going to this part of the site. There is no access from/to Graytuck.

Melynda Dunigan: Is there a time of day when activity will happen?

Steve Causey: As outlined in the neighborhood meeting summary, business hours will be 8:00am to 5:00pm, Monday - Friday.

MOTION: Melynda Dunigan moved denial of the zoning.

SECOND: George Bryan

VOTE:

FOR: George Bryan, Melynda Dunigan, Tommy Hicks, Chris Leak

AGAINST: Jason Grubbs, Arnold King, Clarence Lambe, Brenda Smith, Allan Younger

EXCUSED: None

Clarence Lambe: I think I am going to disagree with the motion of denial because I think we can solve this with buffers and restrictions.

Arnold King: Mr. Causey can you come back up and explain about the buffer yard.

Steve Causey: It will be about four more primary evergreens and 20 supplemental shrubs every 100 feet I think would be the difference.

Chris Murphy: For a 50 foot type four buffer you are required three deciduous trees and 14 primary evergreens plants. For a 15 foot, you are required two deciduous trees, 18 primary evergreen plants plus 20 supplemental evergreen shrubs per 100 linear feet.

Jason Grubbs: What about the existing trees? Is there a way to create the berm and preserve these?

Steve Causey: I'm pretty sure most of the large trees are in the right-of-way. The berm is included in the buffer distance.

Melynda Dunigan: Let me defend my motion again. I think this is incredibly inappropriate to put something this intense, Manufacturing C, up against residential on the other side. I mean this is almost like living in a Wal-Mart parking lot. I mean you've got the tractor trailers, noise and fumes. It is not compatible with residential living, and a berm nor a buffer yard is going to fix it.

Brenda Smith: Are the tractor trailers dropping the equipment off up at the building?

Arnold King: Can one of you from Powerscreen come up and explain your operation to us?

Andre Coney, 8419 Haw River Road, Oak Ridge, NC 27310

- I am the president of Powerscreen, the petitioner. We are currently located in Walnut Cove.
- The equipment is unloaded from the tractor trailer near the maintenance facility on the adjacent site. The tractor trailer then turns around and leaves.
- The equipment is self-propelled, so it then walks to be repaired in the maintenance facility or to this site to await repair. We will also store the machines on this site while they are waiting to be picked up after repair. Moving machines to and from this site will only happen two or three times a week. This is not high volume stuff.
- These machines are regulated so they are not loud.
- If I can't get this site rezoned, this location will not work for me. I want to be a good neighbor. I am willing to work with the neighbors and make additional concessions.

MOTION: Clarence Lambe moved approval of the zoning petition and certified that the site plan (including staff recommended conditions) meets all code requirements if the special use permit is approved.

SECOND: Brenda Smith

VOTE:

FOR: Jason Grubbs, Arnold King, Clarence Lambe, Brenda Smith, Allan Younger

AGAINST: George Bryan, Melynda Dunigan, Tommy Hicks, Chris Leak

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning and Development Services