DOCKET #: W2760

PROPOSED ZONING:
GB-S (Multiple Uses)

EXISTING ZONING:
IP

PETITIONER:
BMC Land Company, Inc., for property owned by Same

SCALE: 1" represents 400'

STAFF: Roberts

GMA: 2

ACRE(S): 1.78

MAP(S): 630858
April 20, 2005

BMC Land Company, Inc.
c/o Benny Church
3653 Patterson Avenue
Winston-Salem, NC  27105

RE:  ZONING MAP AMENDMENT W-2760

Dear Mr. Church:

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
    Edward V. Zotian, 1076 W. 4th Street, Suite 400, Winston-Salem, NC  27101
A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of BMC Land Company Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of BMC Land Company Inc. from IP to GB-S (Building Materials Supply; Implement Sales and Services; Wholesale Trade A; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Services, Business A; and Storage Services, Retail): property is located on the northwest corner of Northwest Boulevard and Chestnut Street (Zoning Docket W-2760).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL.
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS
CITY ORDINANCE - SPECIAL USE

Zoning Petition of BMC Land Company Inc.,
Docket W-2760

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 IP to GB-S (Building
Materials Supply; Implement Sales and Services; Wholesale Trade A; Motor Vehicle, Repair and
Maintenance; Motor Vehicle, Body or Paint Shop; Services, Business A; and Storage Services,
Retail) the zoning classification of the following described property:

Tax Block 0198, Tax Lots 105B, 112B, and 113

Section 2. This Ordinance is adopted after approval of the site plan entitled BMC Land
Company Inc. and identified as Attachment "A" of the Special Use District Permit issued by the
City Council the ______ day of __________________, 20___ to BMC Land Company Inc.

Section 3. The City Council 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 BMC Land Company Inc. 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 City Council
of the City of Winston-Salem

The City Council 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 BMC Land Company Inc., (Zoning Docket W-2760). 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 GB-S (Building Materials Supply; Implement Sales and Services; Wholesale Trade A; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Services, Business A; and Storage Services, Retail), approved by the Winston-Salem City Council the ______ day of __________________, 20____" and signed, provided the property is developed in accordance with requirements of the GB-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 OCCUPANCY PERMITS**
  a. Developer shall install 5 foot wide planting strip for shrubbery along the side of the building except where existing concrete or doors are located.
  b. No outdoor storage associated with Building Materials, Supply use, shall be permitted.

- **OTHER REQUIREMENTS**
  a. Signage shall be limited to one 6 foot tall monument sign.
  b. A maximum of two vehicles per work bay waiting to be repaired may be stored outside with a maximum of ten vehicles. Otherwise, all requirements of Section 2-5.53, Motor Vehicle Storage Yards, must be met.
ZONING STAFF REPORT

DOCKET #  W-2760
STAFF:  Gary Roberts

Petitioner(s):  BMC Land Company Inc.
Ownership:  Same

REQUEST

From:  IP Institutional Public District
To:  GB-S General Business District (Building Materials Supply; Implement Sales and Services; Wholesale Trade A; Motor Vehicle, Repair and Maintenance; Motor Vehicle, Body or Paint Shop; Services, Business A; and Storage Services, Retail)

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

Acreage: 1.78 acres

LOCATION

Street:  Northwest corner of Northwest Boulevard and Chestnut Street.
Jurisdiction:  City of Winston-Salem.
Ward:  East.

SITE PLAN

Proposed Use:  Multiple service or commercial uses.
Square Footage:  12,172 ±.
Building Height:  One story.
Parking:  Required: 31 spaces; Proposed: 50 spaces.
Bufferyard Requirements:  15 foot type IV bufferyard adjacent to RM-18.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site:  Metal building constructed in 1992.
Adjacent Uses:

- East - DC Dodd and Son Automotive Service Center zoned GI and HB.
- Southeast - Thomasville Furniture zoned GI.
- West - Norfolk Southern Railroad and multifamily residential zoned RM-18.
**GENERAL AREA**

Character/Maintenance: Mixture of well and moderately well maintained multifamily residential, industrial and service uses.
Development Pace: Slow.

**HISTORY**

Relevant Zoning Cases:

1. W-2686; IP to GI; withdrawn at the June 10, 2004 Planning Board meeting; northwest corner of Northwest Boulevard and Chestnut Street (subject property); 1.78 acres; Planning staff recommended denial.

2. W-2548; GI-S (Motor Vehicles, agricultural implements or heavy machinery, sale, repair, rental or storage) to IP; approved July 15, 2002; northwest corner of Northwest Boulevard and Chestnut Street (subject property); 1.78 acres; Planning Board and staff recommended approval.

3. W-2365; RM-18 to LB; denied February 7, 2000; southwest corner of Patterson Avenue and 14th Street; 300 feet northeast of current site; 0.84 acre; Planning Board and staff recommended denial.

4. W-2239; GI and LI to LB; approved August 3, 1998; south side of Northwest Boulevard east of Trade Street, 500 feet southwest of current site; 0.42 acre; Planning Board and staff recommended approval.

5. W-1878; I-3 and R-2 to I-2-S (Motor Vehicles, agricultural implements or heavy machinery, sale, repair, rental or storage); approved March 7, 1994; northwest corner of Northwest Boulevard and Chestnut Street (current site); 1.78 acres; Planning Board and staff recommended approval.

**PHYSICAL FEATURES/ENVIRONMENTAL REVIEW**

Impact on Existing Features: Minimal impact as site is already developed.
Topography: Gentle to steep slope downward from the northern portion of the site to Northwest Boulevard.
Streams: No streams are on the subject property. North School Branch, which flows into Peters Creek, is located across Northwest Boulevard about 250 feet to the south of this site’s southern border.
Vegetation/habitat: A small amount of vegetation is present on the northern section of the site.
Environmental Resources Beyond The Site: Because this site is already developed, 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: Chestnut Street, Northwest Boulevard.
Street Classification: Chestnut Street – Local Road; Northwest Boulevard – Major Thoroughfare.
Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day):
  Northwest Boulevard between and Main Street and Patterson Avenue = 7,600/10,500
Trip Generation/Existing Zoning: No rates determined with general use zoning.
Trip Generation/Proposed Zoning: 12,172 sf/1,000 x 39.71 (Building Materials & Lumber Trip Rate) = 483 Trips per Day.
Sidewalks: Both sides of Fourteenth Street and Northwest Boulevard.
Transit: None.
Bicycle Route: Route 11, East Winston Loop, along Northwest Boulevard.

CONFORMITY TO PLANS

GMP Area (Legacy): Urban Neighborhoods, GMA 2
Relevant Comprehensive Plan Recommendation(s): Legacy recommends neighborhood retail, community services and protection of residential areas from inappropriate commercial and industrial encroachment.
Area Plan/Development Guide: The site is not within the boundaries of an adopted area plan or development guide, but is within the designated North Central Area Plan currently under way. The draft plan recommendations which have been reviewed by the North Central Area Plan Citizens Advisory Committee recommend that the subject property be developed for commercial purposes.

COMMUNITY DEVELOPMENT

Certified Area/Name: Liberty-Patterson Redevelopment Area.
Type of Certification: Nonresidential Redevelopment Area, certified January 2000.
Redevelopment Recommendation(s): Site is not identified for acquisition and no specific reuse or rezoning recommendation has been made for the site in the redevelopment plan.

ANALYSIS

The petitioner is requesting to rezone a 1.78 acre lot located on the northwest corner of Northwest Boulevard and Chestnut Street from IP to GB-S. Currently located on the site is a 12,172± square foot structure and associated parking area.

The Norfolk Southern Railroad runs directly adjacent and parallel to the western property line. The surrounding mixture of land uses is fairly typical of many established, heavily urbanized sections of the city. Multifamily residential uses with RM-18 zoning are present on the opposite side of said railroad as well as to the north and northeast of the subject property. A motor vehicle repair facility and Thomasville Furniture, zoned GI and HB, are located to the east and southeast across Chestnut Street and Northwest Boulevard. Properties on the north side of Northwest Boulevard have recently been experiencing a significant degree of residential
redevelopment. The Gateway Commons neighborhood redevelopment area is located approximately 700 feet to the west of the subject property. This HOPE VI initiative is replacing the former Kimberly Park public housing project. It includes a mixture of housing types and is being developed with the use of local and federal funds. Also along Northwest Boulevard, located between Gateway Commons and the subject property, is Providence Square. This smaller, single family redevelopment area, was funded primarily by the City of Winston-Salem in the mid 1990’s.

In 1992 the subject property was rezoned to I-2-S (later converted to GI-S upon adoption of the UDO). In 2002 however the site was ‘downzoned’ to IP. Staff supported this request to the less intensive IP district and viewed it as being more compatible with the above-mentioned residential areas than industrial zoning. The prospective tenant use at that time however did not materialize and the building has therefore remained unused since that time.

The site is not within the boundaries of an adopted area plan or development guide, but is within the designated North Central Area Plan which is currently under way. While the ideal long term use of this site might include uses which are of a more neighborhood serving nature, staff sees the current request at a minimum as providing a good interim utilization of a site which has been unused for some time.

**FINDINGS**

1. *Legacy* encourages protection of residential areas from inappropriate commercial and industrial encroachment.

2. The site is not within the boundaries of an area plan or development guide, however, it is within the designated North Central Area Plan currently under way.

3. The proposed GB-S district would allow the reuse of an existing metal building which has a history of commercial and industrial use.

**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 OCCUPANCY PERMITS**
  a. Developer shall install 5 foot wide planting strip for shrubbery along the side of the building except where existing concrete or doors are located.
  b. No outdoor storage shall be permitted.

- **OTHER REQUIREMENTS**
  a. Signage shall be limited to one 6 foot tall monument sign.

Gary Roberts presented the staff report.
PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Dara Folan moved approval of the zoning map amendment, certified that the site plan meets all code requirements and recommends staff conditions as revised during staff report.
SECOND: Lavastian Glenn

VOTE:
   FOR: Clark, Folan, Glenn, King, Mullican, Norwood
   AGAINST: None
   EXCUSED: None

A. Paul Norby, AICP
Director of Planning