



DOCKET #: W2634

PROPOSED ZONING:
PB-S (Warehousing)

EXISTING ZONING:
RS9

PETITIONER:
William L. Beam
and Janice H. Beam

SCALE: 1" represents 200'

STAFF: Gallaway

GMA: 3

ACRE(S): 0.84

MAP(S): 630834



July 23, 2003

William L. Beam and Janice H. Beam
1986 Mt. Olive Church Road
Lexington, NC 27295

RE: ZONING MAP AMENDMENT W-2634

Dear Mr. Beam and Ms. Beam:

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
Tom Bangor, 1340 Westgate Center Drive, Winston-Salem, NC 27103
Ned Skidmore, 3800 Wyandotte Avenue, Winston-Salem, NC 27127
John Everheart, 3725 Clinard Avenue, Winston-Salem, NC 27127

ACTION REQUEST FORM

DATE: July 23, 2003
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning map amendment of William L. Beam and Janice H. Beam

SUMMARY OF INFORMATION:

Zoning map amendment of William L. Beam and Janice H. Beam from RS-9 to PB-S (Warehousing): property is located on the east side of Wyandotte Avenue south of Rock Crest Drive; property consists of ±0.84 acre and is Tax Lots 21-24, 25A and 25B, Tax Block 2084 as shown on the Forsyth County Tax Maps and on a site plan on file in the office of the City-County Planning Board (Zoning Docket W-2634).

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: CLARK, EICKMEYER, FOLAN, GLENN, NORWOOD
AGAINST: BOST, DOYLE, KING, LAMBE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of William L. Beam and Janice H. Beam, Docket W-2634

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 RS-9 to PB-S (Warehousing) the zoning classification of the following described property:

Tax Block 2084, Tax Lots 21, 22, 23, 24, 25A and 25B

Section 2. This Ordinance is adopted after approval of the site plan entitled William L. Beam and Janice H. Beam and identified as Attachment "A" of the Special Use District Permit issued by the City Council the _____ day of _____, to William L. Beam and Janice H. Beam.

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 William L. Beam and Janice H. Beam. 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 William L. Beam and Janice H. Beam, (Zoning Docket W-2634). 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 PB-S (Warehousing), approved by the Winston-Salem City Council the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the PB-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:

- **OTHER REQUIREMENTS**
 - a. A letter to Inspections is required if the loading space is smaller than required for tractor-trailer delivery.
 - b. Sign shall be limited to one monument sign with a maximum height of 5 (five) feet and 4 (four) square feet in area.
 - c. Tractor trailers shall be prohibited.

ZONING STAFF REPORT

DOCKET # W-2634
STAFF: Suzy Gallaway

Petitioner(s): William L. Beam and Janice H. Beam
Ownership: Same

REQUEST

From: RS-9 (Residential, Single Family)
To: PB-S (Pedestrian Business-Warehousing)

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

Acreage: 0.84 acre

LOCATION:

Street: East side of Wyandotte Avenue south of Rock Crest Drive.
Jurisdiction: City of Winston-Salem.
Ward: South.

SITE PLAN

Proposed Use: Warehousing.
Square Footage: 8,086 square feet.
Building Height: 60 foot maximum.
Parking: Required: 3 spaces; Proposed: 4 spaces.
Bufferyard Requirements: 15 foot type II where adjacent to residential property.
Vehicular Use Landscaping Standards Requirements: UDO Standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Vacant commercial structure.

Adjacent Uses:

North-	Single family neighborhood, zoned RS-9.
East-	Single family neighborhood, zoned RS-9.
South-	Single family neighborhood, zoned RS-9.
West-	Single family neighborhood, zoned RS-9.

GENERAL AREA

Character/Maintenance: Well-maintained single family homes.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Site is developed.

Topography: The subject property has a small elevation change of approximately 3 feet from approximately 887.6 feet in the northern section of the property to approximately 884 feet in the southern end of the property.

Vegetation/habitat: The subject property does have some natural vegetation along the entire length of its eastern boundary (behind the rear of the existing structure).

Water Supply Watershed: The subject property is not located in a water supply watershed.

TRANSPORTATION

Direct Access to Site: Wyandotte Avenue; Clemmonsville Road.

Street Classification: Wyandotte Avenue – Local Road; Clemmonsville Road – Major Thoroughfare.

Average Daily Traffic Count/Estimated Capacity at Level of Service D (Vehicles per Day): Clemmonsville Road between Brewer Road and Konnoak Drive = 19,000/14,600.

Trip Generation/Existing Zoning: RS-9; $0.84 \times 43,560/9,000 = 4$ units $\times 9.57$ (SFR Trip Rate) = 38 Trips per Day

Trip Generation/Proposed Zoning: PB-S; $8,086/1,000 \times 4.96$ (Warehousing Trip Rate) = 40 Trips per Day

Planned Road Improvements: U-2923; W. Clemmonsville Road between Old Salisbury Road and S. Main Street; 2-3 lanes to 3 lanes; 2005-2014; not regionally significant.

HISTORY

Relevant Zoning Cases:

1. W-2402; LO-S (Medical and Surgical Offices) to GO-S (Broadcast Studio; Professional Office; Offices, Miscellaneous; and Medical and Surgical Offices); approved July 17, 2000; southwest corner of Clemmonsville Road and Hastings Avenue; 0.33 acre; Planning Board and staff recommended approval.
2. W-2124; RS-9 to RSQ; east side of Clinard Avenue north of Bellingham Road; denied February 3, 1997; 0.66 acre; Planning Board recommended denial, staff recommended approval.

3. W-1937; RS-9 to HB-S (Multiple Uses; TWO PHASE); approved November 21, 1994; west side of South Main Street south of Clemmonsville Road (current site); 1.18 acres; Planning Board recommended approval, staff recommended denial.
4. W-1717; R-4 to R-2-S (Schools, Vocational or Professional); denied May 6, 1991; east side of Wyandotte Avenue north of Michigan Street; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods (GMA 3).

Relevant Comprehensive Plan Recommendation(s): One of the recommendations in *Legacy* is to protect existing neighborhoods from inappropriate commercial and industrial development.

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

ANALYSIS

The current request is to rezone 0.84 acre from Residential Single Family to Pedestrian Business, with Warehousing as the requested use. The site is the location of a former mill. A portion of the structure has been demolished. The site lost its non-conforming status in 1996. In order to pursue any use not allowed in RS-9, the site must undergo rezoning. Surrounding the site are single-family homes. The nearest non-residential use is along Clemmonsville Road.

Wyandotte Avenue is an unusually narrow road, being only approximately 16 feet wide. This is already a very tight squeeze for two automobiles to pass one another. It would be impossible for a tractor-trailer to pass a car much less another tractor-trailer and stay on the paved road. The road simply is not built for large trucks that could serve a potential warehouse.

This site was originally built as a mill at a time when there was little surrounding residential. The mill ceased operation and therefore lost its non-conforming status. Non-conforming status is intended to allow the continuation of a use which has been in existence on a property but is no longer allowed by zoning. In this situation with the neighborhood growing as a residential neighborhood, and the cessation of the use, the lifespan of the non-conforming use is complete. Approval of the requested rezoning would permanently establish new non-residential uses in the middle of a neighborhood.

Staff finds that this proposed use and zoning to be completely inappropriate at this location. The existing building is a structure, which appears in poor condition. Although the property may have been originally developed at a time when a commercial building was not out of place, it is currently out of character with its surroundings. As it has lost its non-conforming status 7 years ago, the best use of the property would likely be for redevelopment as infill residential use.

The purpose statement of the PB zoning district recommends that it be utilized for non-residential uses that serve needs of the surrounding community. It also states that PB should be located in urban nodes of the city and county. "The district is intended to encourage the development of attractive, identifiable small towns, and to accommodate the pattern of building in the business concentrations surrounding the central core of Winston-Salem, and the central core of other municipalities in the County".

The City Attorney has given the opinion that the subject request, if approved, could be considered by the courts to be an illegal spot zone, based on current case law. The City Attorney gave the opinion based on this site being in the middle of a residential neighborhood and not a neighborhood serving use. The other non-residential uses in the larger area around the site are located on Major Thoroughfares and not in completely residential neighborhoods.

Summaries of the reasons for staff's recommendation for denial are as follows in the findings section.

FINDINGS

1. The site lost its non-conforming status in 1996, has been partially demolished and the remainder appears to be in poor condition.
2. Wyandotte Avenue is an unusually narrow road, inappropriate for traffic other than that of a residential nature.
3. The best use of the property may be for it to be redeveloped for infill residential structures that would be compatible with the established residential neighborhood.
4. The zoning request is inconsistent with the purpose statement of the PB zoning district.
5. The request is inconsistent with *Legacy* recommendations for protection of neighborhoods from inappropriate uses.
6. The City Attorney, based on this site being in the middle of a residential neighborhood and not a neighborhood serving use gave the opinion that approval of this request could constitute an illegal spot-zone.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Site Plan: Staff certifies that **the site plan meets all code requirements**, and recommends the following conditions:

- **OTHER REQUIREMENTS**
 - a. A letter to Inspections is required if the loading space is smaller than required for tractor-trailer delivery.
 - b. Sign shall be limited to one monument sign with a maximum height of 5 (five) feet and 4 (four) square feet in area.

Suzy Gallaway presented the staff report.

PUBLIC HEARING

FOR:

Tom Bangor, 1340 Westgate Center Drive, Winston-Salem, NC 27103

There's no intention of having tractor trailers come down here.

Introduced Bill Beam, owner and user of the property.

Mr. Beam's business, Surplus Unlimited, uses this building for storage of furniture he buys until he can put it into his retail store. There will be no on-site permanent employees. The only employees will be those coming to load/unload furniture occasionally.

Residential type delivery trucks will be what is used for this site.

Mr. Beam is very concerned about maintaining the neighborhood and not being a nuisance to the neighborhood.

There will not be exhaust, noise, or odor since it's mainly storage.

No retail traffic.

Probably a lot more low-impact than the baseball complex visible from Wyandotte.

The improvements Mr. Beam plans include painting the building, adding bufferyards, and painting the roof.

The demolished portion of this building was torn down for several reasons including safety and appearance.

There are some boarded up windows which will be repaired as will the roof where the old portion of the building was removed.

The bufferyard plantings will do a good job of screening the building from the neighbors.

The building is structurally very strong, but the outside appearance is run-down.

A condition prohibiting tractor-trailers would be acceptable.

This structure has been here since before any houses were built. This was the Weaver Seed building and the Weaver's home was across the street.

This is a commercial use in a neighborhood, but the neighborhood is on both sides of the street and there are several commercial uses across the street.

Once the renovations are made and the face-lift is done to the interior, it will be appealing.

The surrounding houses were built despite this structure's existence.

Allowing this petition would actually benefit the neighbors around this property. The building has been deteriorating in appearance, and the lawn has been unkempt. Approving this petition will result in improvements in appearance and in consistent maintenance.

This building provides privacy for those residing adjacent to this site.

Allowing this petition will preserve the history of this street.

There are great possibilities for this building. It will not negatively impact the neighborhood.

Submitted petition signed by a majority of the property owners.

AGAINST:

Ned Skidmore, 3800 Wyandotte Avenue, Winston-Salem, NC 27127

The new house is my son's. We haven't finished the yard yet.

Submitted petition of opposition.

The property in question has always been aesthetically unpleasant, even before it lost its nonconforming status.

Dog center, illegal storage, illegal industrial use - we've fought all these and none of these fit the neighborhood.

Wyandotte is 16' street - needs improvement

My brother almost bought this site and is in the same business as Mr. Beam. I think there will be tractor trailers.

Trucks have bent the telephone pole over at the corner of Clemmons Road and Wyandotte several times.

I've seen tractor trailers down here. They can't make a turn coming out of Wyandotte. They have a fire hydrant.

For these trucks to get out, they have to use Wyandotte and go all the way through this neighborhood.

I've been living here 43 years. The part they tore down was originally there, but what is under consideration now was approved after I was living here.

The big trucks that come down here aren't aware of the children that play along the street.

This community isn't Bermuda Run, but it's a primarily senior neighborhood and we've got a lot of pride in our neighborhood. People aren't too pleased with having to come up here every two or three years to oppose something like this.

They tore down the nice part. I don't think he'd get much opposition from the neighborhood if he'd go with something that fit into the neighborhood. It leaves an unknown in regards to what uses can be put in this zone.

There are 67 uses allowed in PB.

Mr. Beam bought adjacent land to protect himself. The only thing I can figure out about why he'd need to protect himself is the possibility of a protest petition.

Mr. Beam is in a wrong location for what Mr. Beam wants to do.

Please uphold your staff's recommendation and deny this zoning.

I think this could be turned into nice residential units. I'd rather have many residential units than tractor-tractors.

Most of these houses are above \$100,000.

John Everheart, 3725 Clinard Avenue, Winston-Salem, NC 27127

This property is visible from my house. There's been a lot of things in and out of there. I'm not going to move from this area. My house is all I have to pass on to my sons.

Even UPS delivery trucks have a terrible time on these streets.
Clinard Avenue needs some help.

WORK SESSION

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

1. The building was probably there before the residences. The petitioner requested PB because it allows the use "Warehouse" and seems less intensive than LI or GB.
2. Dara Folan: When the petitioner bought the house, was it nonconforming? Staff responded that the site was nonconforming in 1996. The facility was bought by the current owner in 2002.
3. Philip Doyle: If we deny this, it's going to stand as it is for a long time. Petitioner is trying to make something better of this. Denying it says we don't want the neighborhood to be better.
4. Lavastian Glenn: I disagree. Denying it only says it's an inappropriate use for the neighborhood.
5. Carol Eickmeyer: I'm concerned about the City Attorney's opinion that this would be an illegal spot zone.
6. Jimmy Norwood: Has anyone brought this building in to consider looking at whether or not it meets residential building code?
7. Arnold King: Seven people have signed both petitions.
8. Philip Doyle: We have to talk about something that makes the economics drive this building out of the neighborhood.
9. Arnold King: It isn't a problem for us. The petitioner bought the property, without it being contingent on zoning. We don't need to bail him out. But I understand Phil's point and it would improve the building.
10. Carol Eickmeyer: The eyesore may be better than the safety hazard.

MOTION: Dara Folan moved denial of the zoning map amendment.

SECOND: Carol Eickmeyer

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, Norwood

AGAINST: Bost, Doyle, King, Lambe

EXCUSED: None

SITE PLAN MOTION: Dara Folan certified that the site plan meets all code requirements and recommends staff conditions.

SECOND: Carol Eickmeyer

SUBSTITUTE MOTION: Philip Doyle moved that the site plan be certified that it meets all code requirements, recommends staff conditions, and a condition shall be added to prohibit tractor trailers.

SECOND: John Bost

VOTE:

FOR: Bost, Clark, Doyle, Folan, Glenn, King, Lambe, Norwood

AGAINST: Eickmeyer

EXCUSED: None

A. Paul Norby, AICP
Director of Planning