



DOCKET #: W2540

PROPOSED ZONING:
HB

EXISTING ZONING:
GI

PETITIONER:
Timothy G. Beeman
and Sandra L. Beeman

SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 1.04

MAP(S): 636838



May 20, 2002

Timothy G. & Sandra L. Beeman
1596 Yelton Lane
Winston-Salem, NC 27127

RE: ZONING DOCKET W-2540

Dear Timothy G. & Sandra L. Beeman:

The attached report of the Planning Board to the Board of Aldermen is sent to you at the request of the Aldermen. You will be notified by the City Secretary's Office of the date on which the Aldermen 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

ACTION REQUEST FORM

DATE: May 20, 2002
TO: The Honorable Mayor and Board of Aldermen
FROM: A. Paul Norby, AICP, Director of Planning

BOARD ACTION REQUEST:

Request for Public Hearing on Zoning Petition of Timothy G. & Sandra L. Beeman

SUMMARY OF INFORMATION:

Zoning Petition of Timothy G. & Sandra L. Beeman from GI to HB [Highway Business District]: property is located at 441 East Clemmons Rd., Winston-Salem, NC 27107; North side of Clemmons Road east of Palmer Lane.

PLANNING BOARD ACTION:

MOTION ON PETITION: DENIAL
FOR: AVANT, CLARK, DOYLE, FOLAN, KING, NORWOOD,
POWELL
AGAINST: BOST
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Timothy G. & Sandra L. Beeman,
Docket W-2540

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 Board of Aldermen 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 GI (General Industrial District) to HB (Highway Business District) the zoning classification of the following described property:

Tax Block 2577, Tax Lot 059D

Section 2. This ordinance shall become effective upon adoption.

DRAFT ZONING STAFF REPORT

DOCKET # W-2540

STAFF: Gary Roberts

Petitioner(s): Timothy G. Beeman and Sandra L. Beeman

Ownership: Same

REQUEST

From: GI General Industrial District

To: HB Highway Business District

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

NOTE: This is a general use zoning petition; therefore, ALL uses permitted in the above requested district should be considered.

Acreage: 1.04 acres

LOCATION

Street: North side of Clemmonsville Road east of Palmer Lane.

Jurisdiction: City of Winston-Salem.

Ward: Southeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: 1,334 square foot structure constructed in 1967.

Adjacent Uses:

- North - Southern Tool Company zoned GI and LI.
- Southeast - Legally nonconforming automobile operation zoned RS-9.
- South - Single family residences zoned RS-9.
- West - Undeveloped property zoned GI.
- Northwest - White Oak Transport zoned GI.

GENERAL AREA

Character/Maintenance: Moderately well maintained mixture of industrial and single family residential uses.

Development Pace: Slow to moderate.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: No specific impact determined with general use request.

Topography: Site slopes downward moderately from the southeast to northwest.

Vegetation/habitat: The subject property is mostly developed but there is some vegetation in the northeast corner of the site.

Watershed: Site is not within the boundaries of a water supply watershed.

TRANSPORTATION

Direct Access to Site: Clemmons Road; Palmer Lane; Mineola Street.

Street Classification: Clemmons Road - major thoroughfare; Palmer Lane - collector; Mineola Street - local.

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

Clemmons Road between US 52 and Old Lexington Road: 14,000/23,900

Connectivity of street network: Site has existing rear drive connection to an adjacent property which fronts on Palmer Lane.

Sidewalks: South side of Clemmons Road.

HISTORY

Relevant Zoning Cases:

1. W-2509; RS-9 to HB-S (Outdoor Display Retail); withdrawn at the December 13, 2001 Planning Board public hearing; northeast corner of US 52 and Clemmons Road; 1.28 acres; staff recommended denial.
2. W-1214; R-4 and R-5 to R-2-S (Dwellings: Multifamily); approved January 7, 1985; west side of Old Lexington Road south of Palmer Lane; 49.26 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy* considers Suburban Neighborhoods appropriate for future urban or suburban development where much of the future residential, commercial and industrial development should occur. *Legacy* recommends more intense commercial development located at planned locations as well as the creation of attractive commercial developments close to neighborhoods serving local commercial needs.

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

ANALYSIS

The subject general use request is to rezone a one acre lot located on the north side of Clemmons ville Road east of Palmer Lane from GI to HB. The site is developed with a small building and a driveway which serves industrially zoned property to the north.

The adjoining properties on the same side of Clemmons ville Road are generally used for industrial purposes and zoned either GI or LI. The Palmer Lane #5 Fire Station for the City of Winston-Salem, is located west of the site on the corner of Clemmons ville Road and Palmer Lane. Across Clemmons ville Road all of the property is zoned RS-9 and is developed accordingly with single family residences. The exception is a legally nonconforming automobile operation on the southeast corner of Clemmons ville Road and Mineola Street.

The property is not located within the boundaries of an area plan or development guide. When the UDO was written, part of the intent of establishing the LI and GI Districts was to remove most of the retail type operations which were previously allowed in the former I-2 and I-3 zoning districts. The purpose behind this effort was to provide a measure of protection of industrial properties from inappropriate commercial encroachment. Staff is concerned that the current HB request could establish a precedent for strip commercial activity in the general area. Higher traffic volumes and increased piecemeal lotting patterns could in turn have a detrimental impact on otherwise viable industrial properties and residential neighborhoods.

FINDINGS

1. *Legacy* recommends more intense commercial development located at planned locations.
2. Property is not within the boundaries of an area plan or development guide.
3. Site includes a private drive which serves industrially zoned property behind it.
4. Approval of current request would establish a precedent for piecemeal strip commercial development along Clemmons ville Road thereby negatively impacting existing industrial sites as well as adjoining single family residential properties.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

PUBLIC HEARING

FOR:

Tim Beeman, 441 East Clemmonsville Road, Winston-Salem, NC 27127

I don't know what to add to this. The property is unique. We've got a 25' setback from the road since the road was widened.

The only way I could use this property for GI is to buy additional property which is not for sale at this point and is also contaminated.

I was flabbergasted when I came down to get a letter allowing my use here, because I thought anything could be done in GI.

Nobody has been in that office for two years. We only use it occasionally.

Occasionally I need a dealer's license to sell a piece of equipment. I can't do that in GI and staff is recommending denial for HB. I do change professions occasionally and I am semi-retired.

You can't get an industrial driveway permit to use this site for GI. Across the street we have houses and a church. Most of the houses are rental.

I've found it would be too expensive to do anything except office use. I don't understand why it went to GI from residential. If it was residential, I could probably do what I wanted to do.

All I need this designation for is to get the license I need. I don't plan to display anything. Under the current zoning, I could put a McDonald's here.

AGAINST: None

WORK SESSION

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

John Bost - I guess what concerns me is that it's a technical matter, there's no opposition, there's no conformity in the area.

Terry Powell - it should be special use zoning.

Kerry Avant - the crossover between GI and HB. Either classification has potential inappropriate uses. Which one is the worse?

Philip Doyle - I have to go with staff on this one, because GI is compatible with LI and residential. We need more of industrial land. We have an example of where we think GI is good with residential. We need more GI zoning and we need to protect our existing industrial zoned land.

John Bost - if the property owner buys land that's GI and it's too small for his use, he's stuck with it?

Philip Doyle - to some extent, yes. He can choose a use that requires a smaller lot or sell it to someone else who needs a lot that size.

MOTION: Terry Powell moved denial of the zoning map amendment.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Clark, Doyle, Folan, King, Norwood, Powell

AGAINST: Bost

EXCUSED: None

A. Paul Norby, AICP
Director of Planning