

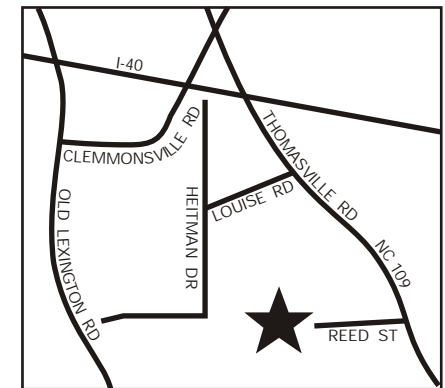
DOCKET #: W2557
 (Continued from
 6/13/02 CCPB meeting)

PROPOSED ZONING:
 Site Plan Amendment

EXISTING ZONING:
 LI-S

PETITIONER:
 Food Bank of Northwest NC

Location Map:



SCALE: 1" represents 200'

STAFF: Roberts

GMA: 3

ACRE(S): 1.66

MAP(S): 636838, 642834



July 22, 2002

Food Bank of Northwest North Carolina
c/o Nancy H. Griswold, Executive Director
3655 Reed Street
Winston-Salem, NC 27107

RE: ZONING MAP AMENDMENT W-2557

Dear Ms. Griswold:

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
Reg Garner, 4309 Allistair Road, Winston-Salem, NC 27104
Tom Elmore, 661 North Spring Street, Winston-Salem, NC 27101
Tannon Hardy, 2001 New Walkertown Road, Winston-Salem, NC 27101
Michelle Watlow, 1060 Betty Drive, Winston-Salem, NC 27107
Barbara Vance Bennett, 1056 Betty Drive, Winston-Salem, NC 27107
Carolyn Hardy, 2001 New Walkertown Road, Winston-Salem, NC 27101

ACTION REQUEST FORM

DATE: July 22, 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 Site Plan Amendment of Food Bank of Northwest North Carolina

SUMMARY OF INFORMATION:

Site Plan Amendment of Food Bank of Northwest North Carolina from LI-S to Site Plan Amendment: property is located west of Reed Street terminus southwest of Thomasville Road (Zoning Docket W-2557).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: CONFORMS

CITY ORDINANCE - SPECIAL USE

Zoning Petition of Food Bank of Northwest North Carolina, Docket W-2557

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 LI-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Warehousing; Wholesale Trade A; and Wholesale Trade B - TWO PHASE) to Site Plane Amendment the zoning classification of the following described property:

Beginning at an existing iron pin, said pin being the northwest corner of said property, thence north 73E 45' 21" east 120.00 feet to a point, thence south 04E 44' 41" west 735.03 feet to a point, thence south 80E 31' 15" west 115.58 feet to an existing iron pin, thence north 04E 44' 41" east 720.45 feet to the point of beginning, containing 81,534.83 sf or 1.87 acres. Being Tax Block 2663, portion of Tax Lot 20Z and portion of Tax Lot 38Z.

Section 2. This Ordinance is adopted after approval of the site plan entitled Food Bank of Northwest North Carolina and identified as Attachment "A" of the Special Use District Permit issued by the Board of Aldermen the _____ day of _____, to Food Bank of Northwest North Carolina.

Section 3. The Board of Aldermen 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 Food Bank of Northwest North Carolina. 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 Board of Aldermen

of the City of Winston-Salem

The Board of Aldermen 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 Food Bank of Northwest North Carolina, (Zoning Docket W-2557). 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 LI-S (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Warehousing; Wholesale Trade A; and Wholesale Trade B - TWO PHASE - Site Plan Amendment)", approved by the Winston-Salem Board of Aldermen the _____ day of _____, 20____" and signed, provided the property is developed in accordance with requirements of the LI-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:

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
- b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices must be installed per the approval of the Public Works Department of the City of Winston-Salem.
- b. As volunteered by the developer, the existing chain link fence on the outside of the 50 foot buffer area along the western property line will be repaired as necessary and green PDS slats will be installed in the fence.

ZONING STAFF REPORT

DOCKET # W-2557
STAFF: Gary Roberts

Petitioner(s): Food Bank of Northwest North Carolina
Ownership: Same

CONTINUANCE HISTORY

The subject property was continued from the June 13, 2002 Planning Board meeting to the July 11, 2002 meeting in order to allow for continued discussion between the petitioner and the adjoining property owners.

REQUEST

From: LI-S Limited Industrial District (Offices, Miscellaneous; Professional Office; Banking and Financial Services; Warehousing; Wholesale Trade A; and Wholesale Trade B - TWO PHASE)
To: Site Plan Amendment

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

Acreage: 1.66 acres

LOCATION

Street: Western terminus of Reed Street, southwest of Thomasville Road.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

SITE PLAN

Proposed Use: Food distribution and warehousing.
Square Footage: 25,256 square foot portion of an addition to an existing building.
Building Height: One commercial story.
Parking: Required: 10 spaces; proposed: 10 spaces.
Bufferyard Requirements: Type IV buffer adjacent to RS-9 (current requirement is a 50' undisturbed buffer).
Vehicular Use Landscaping Standards Requirements: UDO standards apply.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Food warehouse and distribution facility.

Adjacent Uses:

- North - Aigis Mechtronics zoned LI-S.
- East - Remainder of warehouse facility zoned LI.
- South - Reeds Enterprises zoned GI-S.
- Southwest - Undeveloped property zoned RS-9.
- West - Single family residences zoned RS-9.

GENERAL AREA

Character/Maintenance: Well maintained industrial facilities to the east and moderately well maintained single family residences to the west.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Some grading to accommodate proposed improvements shown on site plan.

Topography: The property slopes from an approximate elevation of 910 in the northern portion of the site to an approximate elevation of 898 in the southern portion of the site.

Streams: None.

Vegetation/habitat: The subject property is about ½ vegetated (along the western property line). According to the plans, this vegetated area was to be preserved as part of a "no disturb vegetative buffer" under a previous site plan approval.

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

TRANSPORTATION

Direct Access to Site: Reed Street.

Street Classification: Local Street.

Trip Generation/Existing Zoning: LI-S

$29,220/1,000 \times 4.96$ (Warehousing Trip Rate) = 144 Trips per Day +
 $3,822/1,000 \times 11.01$ (General Office Trip Rate) = 42 Trips per Day = 186 Total Trips per Day

Trip Generation/Proposed Zoning: Site Plan Amendment

$60,681/1,000 \times 4.96$ (Warehousing Trip Rate) = 300 +
 $8,115/1,000 \times 11.01$ (General Office Trip Rate) = 89 Trips per Day = 389 Total Trips per Day

Traffic Impact Study required: No.

Sidewalks: North side of Reed Street.

Transit: Route 26, along Nancy Lane.

HISTORY

Relevant Zoning Cases:

1. W-2534; LI-S to Site Plan Amendment; withdrawn at the April 11, 2002 Planning Board meeting; west of Reed Street terminus, southwest of Thomasville Road, current site; 1.66 acres; staff recommended denial.
2. W-2515; RS-9 to RS-9-S (Residential Building, Single Family; Manufactured Home, Class A); approved December 17, 2001; west side of Tyler Drive, 1,100 feet southwest of current site; 0.25 acre; Planning Board and staff recommended approval.
3. W-1629; R-4 to I-2-S (Offices; Warehouses, bulk storage, or wholesale distribution centers - TWO PHASE); approved January 2, 1990; 1.66 acres; current site; Planning Board and staff recommended approval.
4. W-487; R-4 to I-2; denied October 21, 1974; current site; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

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

Relevant Comprehensive Plan Recommendation(s): *Legacy's* goal for economic vitality is in part to ". . . expand existing large and small businesses to provide a broad range of employment opportunities . . .". Speaking to preservation of existing neighborhoods one of *Legacy's* objectives is "protect residential areas from inappropriate commercial and industrial encroachment."

Area Plan/Development Guide: *US 311 Area Plan* (1984).

Relevant Development Guide Recommendation(s): The area plan recommends that the subject property be zoned for industrial uses.

ANALYSIS

The proposal is for a site plan amendment in order to allow a 25,256 square foot addition to the existing 33,042 square foot Food Bank of Northwest North Carolina. The facility is located on Reed Street, southwest of Thomasville Road. Surrounding the subject property on three sides are similar large scale industrial operations. Immediately west of the site is a single family residential neighborhood with 10 houses situated approximately 100 feet from the requested amendment.

In 1974 the site was petitioned for rezoning from single family residential to industrial, (see W-487), and was denied due to potential encroachment and negative impact to said adjoining neighborhood. A subsequent special use petition was filed in 1990 and approved due to its 110 foot building setback line and 50 foot "No Disturbance" area along the western boundary line. The present facility was

constructed shortly thereafter.

In February of 2002, the petitioner submitted a site plan amendment, (W-2534), which was later withdrawn after the March 14, 2002 public hearing before the Planning Board. Staff recommended denial of that request and some neighbors spoke in opposition. The current request differs from the previous request in two ways. The total size of the proposed addition is significantly larger, i.e. 57,150 square feet, (25,256 square feet within the LI-S portion of the site) as compared with the previous request of 31,461 square feet with 11,479 square feet being within the LI-S portion. The second distinction is the preservation of the vegetative, 50 foot "no disturbance" area which buffers the subject operation from the adjoining single family residences. Significant encroachment into this established buffer zone was staff's primary concern with the previous case.

The new site plan also reduces the encroachment into the 110 foot building setback line, from 70 feet to 40 feet. However, while the degree of impact has been reduced at its greatest point of encroachment, the length of the proposed addition disperses the impact onto a larger number of adjacent properties.

Staff's preference would be full preservation of both the 50 foot "no disturbance" area as well as the 110 foot building setback. However the current request demonstrates a greater degree of sensitivity toward the adjoining residential properties than the previous request. Staff expects that the revised plan is the collaborative result between the residents and the Food Bank.

FINDINGS

1. *Legacy's* goal for economic vitality is in part to ". . . expand existing large and small businesses to provide a broad range of employment opportunities . . .".
2. *The US 311 Area Plan* recommends the subject property be zoned for industrial uses.
3. The proposed site plan amendment would maintain a reasonable degree of protection for the adjoining single family residences while meeting the applicants needs for expansion.

STAFF RECOMMENDATION

Zoning: **APPROVAL**.

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

C PRIOR TO THE ISSUANCE OF GRADING PERMITS

- a. Developer shall have a storm water management study submitted for review by the Public Works Department of the City of Winston-Salem. If required, an engineered storm water management plan shall be submitted and approved by the Public Works Department of the City of Winston-Salem.
- b. Developer shall cordon off all areas shown on the site plan as buffer areas or undisturbed areas. These areas shall be retained and not disturbed. Trees in all these

areas shall be protected from grading encroachment in accordance with UDO Section 3-4.2(H)(3).

C PRIOR TO THE ISSUANCE OF OCCUPANCY PERMITS

- a. All required storm water management devices must be installed per the approval of the Public Works Department of the City of Winston-Salem.

C AS VOLUNTEERED BY THE DEVELOPER

- a. The existing chain link fence on the outside of the 50 foot buffer area along the western property line will be repaired as necessary and green PDS slats will be installed in the fence.

PUBLIC HEARING - June 13, 2002

FOR: None

AGAINST: None

WORK SESSION

MOTION: Arnold King moved to continue the zoning map amendment until August 8, 2002.

SECOND: Philip Doyle

VOTE:

FOR: Bost, Clark, Doyle, Folan, King, Powell, Kennedy-Sloan

AGAINST: None

EXCUSED: None

PUBLIC HEARING - July 11, 2002

Gary Roberts presented the staff report.

FOR:

Nan Harvey Griswold, Executive Director, Second Harvest Food Bank, 3655 Reid Street, Winston-Salem, NC 27107

We believe we have done in good faith what you requested of us and met with the neighbors and attempted to come to consensus with the neighbors. We have come to agreement with some of the neighbors, but not with all of them. We in no way plan to disturb the 50-foot buffer zone.

The Food Bank is a unique operation, not just a huge warehouse for dry storage goods.

I hand-delivered a letter to every property owner yesterday afternoon, except for one owner to whom I faxed a letter. I also visited with several of the neighbors.

We have met with fence builders and talked with neighbors. Submitted pictures and articles

about fence options.

Some neighbors met with us to request compensation for the devaluation which they feel will result from our expansion. They do, however, admit that their property values have appreciated since our building on this site in 1990.

Reg Garner, 4309 Allistair Road, Winston-Salem, NC 27104

The plan has been presented in good detail. I feel the new proposal is a good compromise which considers the needs of the neighbors and the Food Bank. It is significantly different from the first plan.

We respectfully ask that you consider the amended plan and allow the Food Bank to continue with it's plan.

Tom Elmore, 661 North Spring Street, Winston-Salem, NC 27101

Executive Director of Fellowship Home, a halfway house for men recovering from substance abuse. I am also a board member for the Food Bank. Approximately 70% of our food stuff comes from the Food Bank.

AGAINST:

Tannon Hardy, 2001 New Walkertown Road, Winston-Salem, NC 27101

I don't oppose the mission of the Food Bank. I think we all support that whole-heartedly. There are just a couple of issues out there that are still unresolved. If we can get those addressed, we can all be happy.

The issue of compensation was originally brought up by the Food Bank and we've sought information from an appraiser. Submitted information from appraiser.

We would like a continuance to work on this issue and how the bufferyard will be resolved.

Michelle Watlow, 1060 Betty Drive, Winston-Salem, NC 27107

I've been to each meeting that's been held. Nan has not told the truth in some things in these meetings. She stated that we came to agreement and we had not come to agreement on anything. I still oppose them building the Food Bank behind me. She first made the statement of giving each homeowner \$2,000 and I didn't think that was fair since we hadn't had an appraiser come in and assess the impact on each homeowner. She offered compensation before we had even discussed it.

Barbara Vance Bennett, 1056 Betty Drive, Winston-Salem, NC 27107

I support the Food Bank, but Nan has misled us and lied about several things.

I did home improvements which brought up my home property values.

All we want is for her to get with us and come to a decision for real. I'm angry about the way she handled things because it wasn't professional. I don't want to be angry. I want to settle things and be happy neighbors and be there together in peace.

Carolyn Hardy, 2001 New Walkertown Road, Winston-Salem, NC 27101

Own property at 1064 Betty Drive, which abuts the Food Bank property.

I'm in favor of the Food Bank's mission. However, I don't think we should aid people by stepping on other people's rights.

We need to have some input into how the buffer is. The appraiser recommended Leyland Cypress to provide a year-round cover.

The main damage is likely to be from the buffer not being maintained adequately.

We don't know that property values in the neighborhood would not have increased further if the Food Bank had not been there.

We have not been able to get anything in writing from the Food Bank. Larry Womble strongly suggested that we get everything in writing when he was helping us initially.

The issue is that more noise and more pollution will be closer. A well-maintained buffer would help protect against that.

WORK SESSION

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

1. The condition which was volunteered by the petitioner regarding fencing should be moved to "Prior to Issuance of Occupancy Permits".

MOTION: Kerry Avant moved approval of the site plan amendment, certified that the site plan meets all code requirements and recommends staff conditions, moving the condition volunteered by petitioner regarding fencing to "Prior to Issuance of Occupancy Permits".

SECOND: Arnold King

VOTE:

FOR: Avant, Bost, Clark, Doyle, Folan, Kennedy-Sloan, King, Norwood, Powell

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning