

October 20, 2004

JayneCayne, LLC  
c/o John Johnson  
819 Gales Avenue  
Winston-Salem, NC 27103

RE: ZONING TEXT AMENDMENT UDO-121

Dear Mr. Johnson:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP  
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office  
Renee Henderson, City Secretary

**FORSYTH COUNTY**  
**BOARD OF COMMISSIONERS**

**MEETING DATE:** \_\_\_\_\_ **AGENDA ITEM NUMBER:** \_\_\_\_\_

**SUBJECT:-**

Request for Public Hearing on zoning text amendment proposed by JayneCayne, LLC to allow the use "Storage Services, Retail" in the PB zoning district. (UDO-121).

**COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-**

**SUMMARY OF INFORMATION:-**

Zoning text amendment proposed by JayneCayne, LLC to allow the use "Storage Services, Retail" in the PB zoning district. (UDO-121).

After consideration, the Planning Board recommended approval of the zoning text amendment.

**ATTACHMENTS:-**     YES             NO

**SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**ACTION REQUEST FORM**

**DATE:** October 20, 2004  
**TO:** The Honorable Mayor and City Council  
**FROM:** A. Paul Norby, AICP, Director of Planning

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning text amendment proposed by JayneCayne, LLC

**SUMMARY OF INFORMATION:**

Zoning text amendment proposed by JayneCayne, LLC to allow the use "Storage Services, Retail" in the PB zoning district. (UDO-121).

**PLANNING BOARD ACTION:**

**MOTION ON PETITION:** APPROVAL  
**FOR:** UNANIMOUS  
**AGAINST:** NONE  
**SITE PLAN ACTION:** NOT REQUIRED

## STAFF REPORT

**DOCKET #:** UDO-121

**STAFF:** Aldea Douglas

### **REQUEST**

This UDO text amendment is proposed by JayneCayne LLC to allow, a new use of “Storage Services, Retail” in Pedestrian Business (PB) Zoning District.

### **BACKGROUND**

JayneCayne LLC is requesting this UDO text amendment. Currently, the Pedestrian Business (PB) zoning classification does not allow for the use of “Storage Services, Retail”. At present, this use is allowed in six zoning districts requiring a permit from The Zoning Officer. These zoning districts are: HB, GB, LI, GI, CI, and MU-S.

JayneCayne LLC purchased a 9,600 square foot building with very limited parking of approximately 16 spaces. In search of ways to develop the primary level of the building into office or retail space, conversion of the basement of the building into a climate-controlled self-storage facility seemed to address the petitioner’s needs of occupying the area. This is a low traffic business and requires few parking spaces however, it is currently not allowed in the PB zoning district. This amendment is proposed to allow “Storage Services, Retail” in the Pedestrian Business district with conditions, intended to help protect the goals of the PB zoning district and offer a way to make other buildings located within the PB zoning district with limited parking more desirable. Staff discussed issues with the petitioner along with other options for the building, which included talking with inspections to receive a parking waiver and approval of off site parking.

### **ANALYSIS**

As is the case with all text amendments, the Planning Board is charged with considering the effects of the amendment on the entire community rather than focusing on the specific case driving the amendment. In this context the proposed text amendment, if approved, would allow retail self-storage operations as a use to be potentially available in all current or future locations zoned PB.

As proposed the text amendment intends to limit the visual and functional impacts of self-storage operations in the PB district by restricting the amount of self-storage units to no more than fifty percent of the gross floor area of the entire building space. The amendment also requires that all access to the storage units come from inside the building, thus not allowing exterior access doors to individual units. The proposed ordinance change would thus not allow any free-standing

storage units. Signage is proposed to be limited to a maximum height of six feet with a maximum copy area of thirty-six square feet. Lastly, wall signage is proposed to be no more than fifteen percent of the wall face.

While on an individual case basis, this amendment may appear to have merit, staff must consider all the potential ramifications and consequences of allowing this new use in the PB zoning district. More specifically the City-County Inspections Division has determined that the proposed storage use may be feasible in the basement of the petitioner's building, but by allowing it in all of PB, one would have to consider the many houses and other structures in the district that would not be desirable or appropriate to convert to this use. Other issues include fire proofing the building for the use that would include installing a sprinkler system if the space is over 1200 square feet and creating a 3 hour fire wall separation between the Storage Services Retail use and any other use in the building per Table 302.3.3 2002 of the NC Building Code. Based on these concerns, Inspections staff is concerned that allowing the storage use may be difficult to enforce and may inappropriately encourage individuals to seek storage uses in structures which are not suited for that use.

Although a broad range of uses are currently allowed in the PB district, including Warehousing, staff recognizes many of these uses were allowed with the adoption of the PB district in 1995 to accommodate existing businesses which would otherwise become nonconforming. In this context Planning staff is of the opinion that adding an automobile-oriented retail storage use would be inconsistent with the purpose statement of the PB district as stated below:

The PB District is primarily intended to accommodate office, retail, service, institutional, and high density residential uses which customarily serve community and convenience business needs of smaller communities and urban nodes in 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. This district is intended for application in GMA 2 and 3.

While Planning staff appreciates the use conditions volunteered by the petitioner intended to make the proposed use more compatible with the PB district, staff is not supportive of the proposed text amendment given the concerns stated above.

## **RECOMMENDATION**

### **DENIAL.**

### **PUBLIC HEARING** - June 10, 2004

Glenn Simmons presented the staff report.

FOR:

John Johnston, 819 Gales Avenue, Winston-Salem, NC 27103

- We were surprised by the staff's recommendation for denial.
- This seemed to be a great use for a distressed building in an area which is situated among homes with smaller closets, smaller outbuildings, etc.
- In two of the eight significant size PB districts, there are already mini-storage facilities.
- These provide a valuable service to the community.
- They encourage working on the buildings that are more conducive to PB.  
In the other 6 districts, there aren't many sites that would be available for this use.
- Showed pictures.
- We feel this would help the neighborhood promote the PB use.

Leslie Kantmann: Ms. Kantmann had to leave the meeting and left a letter to be submitted to the Planning Board.

AGAINST: None

### **WORK SESSION**

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

- PB District is designed for pedestrians, not to back and car or truck up to a building for self-storage.
- Brenda Smith: There isn't a lot of office space in Winston-Salem which also has storage space. I don't see how this is that incompatible given the restrictions that would be placed on it within that district.
- Jimmy Norwood: We don't know that this would be used for businesses or offices. We are not dealing with one particular piece of property. A text amendment is a blanket change which will impact all PB Districts.
- Rezoning would be an alternative for this type of need. It would probably not be supported by staff at this location.
- Brenda Smith: I just want to reiterate that office is intended to accommodate office and service. If you're in a service business or consulting and have dirty equipment which needs to be stored, that's compatible with office. Look beyond the normal pull-up-with-your-car-and-unload-it. There are other uses for self-storage.
- Jimmy Norwood: We can't assure that, though. With a text amendment, all possible uses have to be considered, like general use zoning districts.
- Carol Eickmeyer: I agree. I'm very uncomfortable providing a blanket opportunity in Pedestrian Business for self-storage.

MOTION: Jimmy Norwood moved denial of the zoning text amendment.

SECOND: Lavastian Glenn

VOTE:

FOR: Clark, Eickmeyer, Glenn, Norwood

AGAINST: King, Lambe, Mullican, Smith

EXCUSED: None

MOTION RESULTED IN A TIED VOTE.

**ADDENDUM – October 6, 2004**

On July 6, 2004, a public hearing was held before City Council for an ordinance amendment to allow the use "Storage Services, Retail" in the Pedestrian Business (PB) Zoning District. After discussion and concerns were expressed, Council Member Besse made a substitute motion to refer the proposed text amendment to the Community Development/ Housing/General Government Committee for further consideration. On September 14, 2004, the Community Development/Housing/General Government Committee examined UDO 121. The committee passed a motion to recommend the text amendment back to Planning Staff with revisions. Upon consultation with the City Attorney, it was determined that this revision should be reheard by the Planning Board before it returns to the City Council for further consideration. What follows is the version of UDO 121 originally heard by the Planning Board, after which appears the changes to that version recommended by the CDHGG Committee. The Inspections Division also requested a revision to condition (C) for enforcement purposes.

**PUBLIC HEARING** - October 14, 2004

Aldea Douglas presented the staff report. Paul Norby clarified that the change made by the CDHGG Committee was a compromise that staff had suggested.

FOR: None

AGAINST: None

**WORK SESSION**

MOTION: Carol Eickmeyer moved approval of the zoning text amendment.

SECOND: Lavastian Glenn

VOTE:

FOR: Clark, Eickmeyer, Folan, Glenn, King, Lambe, Norwood, Smith

AGAINST: None

EXCUSED: None

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A. Paul Norby, AICP  
Director of Planning

**Ordinance as originally considered by Planning Board – June 6, 2004**

**UDO-121**

**AN ORDINANCE AMENDING**

**CHAPTER B**

**OF THE *UNIFIED DEVELOPMENT ORDINANCES***

**TO ADD THE USE “STORAGE SERVICES, RETAIL” TO THE PB ZONING DISTRICT  
AND ADD USE CONDITIONS FOR THE USE “STORAGE SERVICES, RETAIL” IN  
THE PB ZONING DISTRICT**

Be it ordained by the City Council of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by adding a “Z” (Elected Body Special Use Permit) in the column under the “PB” (Pedestrian Business) classification for the use “Storage Services, Retail”:

Section 2. Chapter B, Article II – Add a Section 2-5 (alphabetically) STORAGE SERVICES, RETAIL

The following conditions apply to Storage Services, Retail in the PB Zoning District:

- (A) The use shall occupy no more than 50% of the building.
- (B) The use shall be enclosed in a building with access to the storage units only from the interior of the building.
- (C) No freestanding storage buildings shall be allowed.
- (D) Limited signage.
  - Ground, On-Premises: Max height 6 feet / Max area 36 square feet
  - Wall: Not to exceed 15% of wall area
  - Roof or Projected: Not permitted

Section 3. This ordinance shall be effective upon adoption.

**Ordinance revision as recommended by CDHGG Committee**

**UDO-121**

**AN ORDINANCE AMENDING**

**CHAPTER B**

**OF THE *UNIFIED DEVELOPMENT ORDINANCES***

**TO ADD THE USE “STORAGE SERVICES, RETAIL” TO THE PB ZONING DISTRICT  
AND ADD USE CONDITIONS FOR THE USE “STORAGE SERVICES, RETAIL” IN  
THE PB ZONING DISTRICT**

Section 1. Chapter B, Table 2.6 PERMITTED USES is amended by adding an “E” (Elected Body Special Use Permit) in the column under the “PB” (Pedestrian Business) classification for the use “Storage Services, Retail”:

Section 2. Chapter B, Article II – Add a Section 2-5.74 STORAGE SERVICES, RETAIL

The following conditions apply to Storage Services, Retail in the PB Zoning District:

- (A.) The use shall occupy no more than 50% of the building.
- (B.) The use shall be enclosed in a building with access to the storage units only from the interior of the building.
- (C.) No freestanding buildings used for Storage Services, Retail shall be allowed.
- (D.) Limited signage.
  - (i) Freestanding: Max height 6 feet / Max area 36 square feet
  - (ii) Attached: Not to exceed 15% of wall area
- (E) Storage Services, Retail in “PB” (Pedestrian Business) zoning classification requires a Special Use Permit from Elected Body.

**UDO-121**  
**AN ORDINANCE AMENDING**  
**CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO ADD THE USE “STORAGE SERVICES, RETAIL” TO THE PB ZONING DISTRICT**  
**AND ADD USE CONDITIONS FOR THE USE “STORAGE SERVICES, RETAIL” IN**  
**THE PB ZONING DISTRICT**

Be it ordained by the Board of Commissioners of Forsyth County, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Table 2.6 PERMITTED USES is amended by adding an “E” (Elected Body Special Use Permit) in the column under the “PB” (Pedestrian Business) classification for the use “Storage Services, Retail”:

**Section 2.** Chapter B, Article II – Add a Section 2-5 (alphabetically) STORAGE SERVICES, RETAIL

"The following conditions apply to Storage Services, Retail in the PB Zoning District:

- (A.) The use shall occupy no more than 50% of the building.
- (B.) The use shall be enclosed in a building with access to the storage units only from the interior of the building.
- (C.) No freestanding buildings used for Storage Services, Retail shall be allowed.
- (D.) Limited signage.
  - (i) Freestanding: Max height 6 feet / Max area 36 square feet
  - (ii) Attached: Not to exceed 15% of wall area
- (E.) Storage Services, Retail in “PB” (Pedestrian Business) zoning classification requires a Special Use Permit from Elected Body."

**Section 3.** This ordinance shall be effective upon adoption.

**UDO-121**  
**AN ORDINANCE AMENDING**  
**CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO ADD THE USE “STORAGE SERVICES, RETAIL” TO THE PB ZONING DISTRICT**  
**AND ADD USE CONDITIONS FOR THE USE “STORAGE SERVICES, RETAIL” IN**  
**THE PB ZONING DISTRICT**

Be it ordained by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Table 2.6 PERMITTED USES is amended by adding an “E” (Elected Body Special Use Permit) in the column under the “PB” (Pedestrian Business) classification for the use “Storage Services, Retail”:

**Section 2.** Chapter B, Article II – Add a Section 2-5 (alphabetically) STORAGE SERVICES, RETAIL

"The following conditions apply to Storage Services, Retail in the PB Zoning District:

- (A.) The use shall occupy no more than 50% of the building.
- (B.) The use shall be enclosed in a building with access to the storage units only from the interior of the building.
- (C.) No freestanding buildings used for Storage Services, Retail shall be allowed.
- (D.) Limited signage.
  - (i) Freestanding: Max height 6 feet / Max area 36 square feet
  - (ii) Attached: Not to exceed 15% of wall area
- (E.) Storage Services, Retail in “PB” (Pedestrian Business) zoning classification requires a Special Use Permit from Elected Body."

**Section 3.** This ordinance shall be effective upon adoption.

**UDO-121**  
**AN ORDINANCE AMENDING**  
**CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO ADD THE USE “STORAGE SERVICES, RETAIL” TO THE PB ZONING DISTRICT**  
**AND ADD USE CONDITIONS FOR THE USE “STORAGE SERVICES, RETAIL” IN**  
**THE PB ZONING DISTRICT**

Be it ordained by the Board of Aldermen of the Town of Kernersville, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Table 2.6 PERMITTED USES is amended by adding an “E” (Elected Body Special Use Permit) in the column under the “PB” (Pedestrian Business) classification for the use “Storage Services, Retail”:

**Section 2.** Chapter B, Article II – Add a Section 2-5 (alphabetically) STORAGE SERVICES, RETAIL

"The following conditions apply to Storage Services, Retail in the PB Zoning District:

- (A.) The use shall occupy no more than 50% of the building.
- (B.) The use shall be enclosed in a building with access to the storage units only from the interior of the building.
- (C.) No freestanding buildings used for Storage Services, Retail shall be allowed.
- (D.) Limited signage.
  - (i) Freestanding: Max height 6 feet / Max area 36 square feet
  - (ii) Attached: Not to exceed 15% of wall area
- (E.) Storage Services, Retail in “PB” (Pedestrian Business) zoning classification requires a Special Use Permit from Elected Body."

**Section 3.** This ordinance shall be effective upon adoption.

**UDO-121**  
**AN ORDINANCE AMENDING**  
**CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO ADD THE USE “STORAGE SERVICES, RETAIL” TO THE PB ZONING DISTRICT**  
**AND ADD USE CONDITIONS FOR THE USE “STORAGE SERVICES, RETAIL” IN**  
**THE PB ZONING DISTRICT**

Be it ordained by the Town Council of the Town of Lewisville, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Table 2.6 PERMITTED USES is amended by adding an “E” (Elected Body Special Use Permit) in the column under the “PB” (Pedestrian Business) classification for the use “Storage Services, Retail”:

**Section 2.** Chapter B, Article II – Add a Section 2-5 (alphabetically) STORAGE SERVICES, RETAIL

"The following conditions apply to Storage Services, Retail in the PB Zoning District:

- (A.) The use shall occupy no more than 50% of the building.
- (B.) The use shall be enclosed in a building with access to the storage units only from the interior of the building.
- (C.) No freestanding buildings used for Storage Services, Retail shall be allowed.
- (D.) Limited signage.
  - (i) Freestanding: Max height 6 feet / Max area 36 square feet
  - (ii) Attached: Not to exceed 15% of wall area
- (E.) Storage Services, Retail in “PB” (Pedestrian Business) zoning classification requires a Special Use Permit from Elected Body."

**Section 3.** This ordinance shall be effective upon adoption.

**UDO-121**  
**AN ORDINANCE AMENDING**  
**CHAPTER B**  
**OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO ADD THE USE “STORAGE SERVICES, RETAIL” TO THE PB ZONING DISTRICT**  
**AND ADD USE CONDITIONS FOR THE USE “STORAGE SERVICES, RETAIL” IN**  
**THE PB ZONING DISTRICT**

Be it ordained by the Village Council of the Village of Clemmons, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Table 2.6 PERMITTED USES is amended by adding an “E” (Elected Body Special Use Permit) in the column under the “PB” (Pedestrian Business) classification for the use “Storage Services, Retail”:

**Section 2.** Chapter B, Article II – Add a Section 2-5 (alphabetically) STORAGE SERVICES, RETAIL

"The following conditions apply to Storage Services, Retail in the PB Zoning District:

- (A.) The use shall occupy no more than 50% of the building.
- (B.) The use shall be enclosed in a building with access to the storage units only from the interior of the building.
- (C.) No freestanding buildings used for Storage Services, Retail shall be allowed.
- (D.) Limited signage.
  - (i) Freestanding: Max height 6 feet / Max area 36 square feet
  - (ii) Attached: Not to exceed 15% of wall area
- (E.) Storage Services, Retail in “PB” (Pedestrian Business) zoning classification requires a Special Use Permit from Elected Body."

**Section 3.** This ordinance shall be effective upon adoption.

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**TO ADD THE USE “STORAGE SERVICES, RETAIL” TO THE PB ZONING DISTRICT**  
**AND ADD USE CONDITIONS FOR THE USE “STORAGE SERVICES, RETAIL” IN**  
**THE PB ZONING DISTRICT**

Be it ordained by the Board of Aldermen of the Town of Walkertown, North Carolina, that the *Unified Development Ordinances* is hereby amended as follows:

**Section 1.** Chapter B, Table 2.6 PERMITTED USES is amended by adding an “E” (Elected Body Special Use Permit) in the column under the “PB” (Pedestrian Business) classification for the use “Storage Services, Retail”:

**Section 2.** Chapter B, Article II – Add a Section 2-5 (alphabetically) STORAGE SERVICES, RETAIL

"The following conditions apply to Storage Services, Retail in the PB Zoning District:

- (A.) The use shall occupy no more than 50% of the building.
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- (E.) Storage Services, Retail in “PB” (Pedestrian Business) zoning classification requires a Special Use Permit from Elected Body."

**Section 3.** This ordinance shall be effective upon adoption.