



DOCKET #: W2517

PROPOSED ZONING:
LI

EXISTING ZONING:
RS9

PETITIONER:
Timothy G. Beeman
and Sandra L. Beeman

SCALE: 1" represents 400'

STAFF: Simmons

GMA: 3

ACRE(S): 9.25

MAP(S): 636834



December 19, 2001

Timothy G. Beeman and Sandra L. Beeman
1596 Pelton Lane
Winston-Salem, NC 27127

RE: ZONING MAP AMENDMENT W-2517

Dear Mr. & Mrs. 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
Stephen Calaway, 1330 Ashley Square, Winston-Salem, NC 27103
Ray Bedsaul, 136 Oakwood Drive, Winston-Salem, NC 27103
Nancy Anders, 2050 S. Stratford Road, Winston-Salem, NC 27103

ACTION REQUEST FORM

DATE: December 19, 2001
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 map amendment of Timothy G. Beeman and Sandra L. Beeman

SUMMARY OF INFORMATION:

Zoning map amendment of Timothy G. Beeman and Sandra L. Beeman from RS-9 to LI: property is located on the east side of Overdale Road north of Old Milwaukee Lane (Zoning Docket W-2517).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: AVANT, CLARK, DOYLE, KING, NORWOOD,
SNELGROVE
AGAINST: POWELL, SCHROEDER
EXCUSED: BOST
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of Timothy G. Beeman and Sandra L. Beeman, Docket W-2517

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 RS-9 to LI the zoning classification of the following described property:

Tax Block 2721, Tax Lot 102

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2517
STAFF: Glenn Simmons

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

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: LI Limited Industrial 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: 9.25 acres

LOCATION

Street: East side of Overdale Road north of Old Milwaukee Lane.
Jurisdiction: City of Winston-Salem.
Ward: Southeast.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: Existing single family residence and assorted out buildings.

Adjacent Uses:

- North - Sparsely developed single family homes and undeveloped wooded tracts zoned RS-9.
- East - Vacant RS-9 and RM-12-S zoned property
- South - Vacant and developed zoned GI
- West - Vacant land and single family homes zoned MH (Manufactured Housing) and RS-9. A conventional single family subdivision is located six hundred feet west.

GENERAL AREA

Character/Maintenance: There is a mixture of industrial and residential uses in the surrounding area. Several manufacturing facilities occupy land south of the site, while small single family site-built and manufactured residences are located to the east, west, and north.

Development Pace: Slow.

PHYSICAL FEATURES/ENVIRONMENTAL REVIEW

Impact on Existing Features: Industrial zoning could result in a substantial impact to existing site.

Topography: Sloping approximately forty-five feet downward from northwest to southeast.

Streams: None.

Vegetation/habitat: Little existing tree canopy/tree cover.

Floodplains: None.

TRANSPORTATION

Direct Access to Site: Overdale Road.

Street Classification: Overdale Road is not classified. Clemmonsville Road, a major thoroughfare, lies approximately one-half mile north of the site.

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

Overdale Road - NA; Clemmonsville Road 6,600/28,000 at Old Lexington Road intersection, north and east of the subject site.

Trip Generation/Existing Zoning: RS-9 (9.25 acres) 44 lots x 9.55 = 427 trips per day.

Trip Generation/Proposed Zoning: (Special Use Zoning Only)

Planned Road Improvements: None planned.

Sight Distance: Adequate.

Transit: None

HISTORY

Relevant Zoning Cases:

1. W-2372; LI to GI ; approved March 6, 2000; property is located on the west side of Overdale Road approximately 2,500 feet south of the current site; 50.7 acres; Planning Board recommended approval and staff recommended denial.
2. W-2320; RS-9 to GI; withdrawn at Planning Board meeting on May 13, 1999; current site; 9.25 acres; staff recommended denial.
3. W-2283; RS-9 to MH; approved August 8, 2001; property is located on west side of Overdale Road opposite the current site; 0.52 acres; Planning Board and staff recommended approval.
4. W-2250; RS-9 to MH; approved September 8, 1998; property is located on the west side of Overdale Road opposite the current site; 1.33 acres; Planning Board and staff recommended approval.
5. W-1612; R-6 and R-4 to I-3; approved October 2, 1994; southeast of the southern terminus of Southdale; 1.58 acres; Planning Board and staff recommended approval.

6. W-1423; I-3 to R-6; approved March 9, 1987; across Overdale Road and south of current site; 1.65 acres; Planning Board and staff recommended approval.
7. W-1214; R-4 and R-5 to R-2-S (Dwellings, multifamily); approved January 7, 1985; adjoining current site to the east; 49.26 acres; Planning Board and staff recommended approval.
8. W-835; R-4 to I-3; approved March 9, 1981; parcel directly across Overdale Road; 1.7 acres; Planning Board and staff recommended approval. This parcel was subsequently rezoned from I-3 to R-6 (W-1423) and then from RS-9 to MH (W-2250).
9. W-655; R-6 to I-3; approved July 17, 1978; directly south of the site, parcel fronting on Overdale Road; approximately 12 acres; Planning Board and staff recommended approval.
10. W-476; R-4 to R-6; approved October 21, 1974; southern portion of current site; 4.2 acres; Planning Board and staff recommended approval.
11. W-56; R-6 to I-3; approved July 21, 1969; south of current site; 68.1 acres; Planning Board and staff recommended approval.

CONFORMITY TO PLANS

GMP Area (*Legacy*): Suburban Neighborhoods.

Relevant Comprehensive Plan Recommendation(s): Relevant policies in *Legacy* include (1) promote economic development which is compatible with existing residential neighborhoods and other business developments; (2) make the wisest economic use of "greenfield" industrial sites; and (3) protect residential areas from inappropriate commercial and industrial encroachment.

Area Plan/Development Guide: Site does not lie within the boundaries of a development guide or an area plan.

ECONOMIC DEVELOPMENT

Prime Industrial Site: No. Although substantial industrial development exist south of the current site, industrial development is not recommended to occur at the current location.

ANALYSIS

The petition is a request to rezone 9.25 acres from RS-9 to LI. Approval of the general use rezoning would transform over nine acres of land from moderate density residential to moderate intensity industrial with no indication of the prospective development for the site. In 1999 this same tract of land was proposed to be rezoned to GI (W-2320), but was withdrawn at the Planning Board after staff recommended denial.

The site is located at the edge of a transition area. The surrounding neighborhood contains a mixture of industrial plants (to the south) and residential structures in moderate to poor condition, including both manufactured and site-built homes to the north, east, and west. The area south of the site on both sides of Overdale Road now has General Industrial zoning, and contains high intensity industrial activities beyond the adjacent old City landfill tract.

The area between Old Milwaukee Lane and the southern property line of the proposed zoning lot is the former site of the City of Winston-Salem construction and demolition landfill. That use has since been discontinued, and appropriate steps taken to cover the landfill area and restrict it from additional development activity. The former landfill site is now vacant and expected to remain so; it serves as a dividing line or barrier separating the previously mentioned industrial uses south of Old Milwaukee Lane from the residential single family homes north of the site. The current nine acres of residentially zoned land is separated from the active industrial uses to the south and more oriented to the residential area to the north.

Rezoning activity in this immediate vicinity extends back to before 1969, when a request was made to rezone approximately 68 acres south of the current site from R-6 to I-3. This controversial case pitted the City's interest in obtaining a much needed landfill with the local neighborhood's interest in maintaining the residential character and the level of intensity present in the area at that time. The Planning Board and staff recommended approval, and the Board of Aldermen approved the zoning permitting the landfill use. Since that time, ten other petitions have been decided in this area. Several of the earlier industrial rezoning cases were approved principally because they were located within an industrial opportunity area as identified in an earlier comprehensive plan, the *General Development Guide*. Subsequent cases indicated an interest in maintaining residential uses north of what became Old Milwaukee Lane.

The presence of multiple manufacturing facilities in the immediate area, along with the frequent truck traffic that accompanies this use, suggests that the development of single family frame housing on RS-9 zoned land in this area is doubtful. The existing manufactured homes in the area are likely to remain for the foreseeable future, and staff believes that manufactured housing developments in this transitional industrial and residential context may be a viable option. Most recently, August 8, 2001, a small tract of MH zoning (W-2483) was approved opposite the current site on the west side of Overdale Road.

The residential area surrounding the project site represents a potentially stable, affordable neighborhood. The LI rezoning represents an intrusion into the residential area which would allow a number of uses which, albeit less intensive than the former GI proposal, could significantly impact the neighborhood. In this context staff is of the opinion that LI zoning does not provide a transitional zoning between established GI zoning to the south and affordable residential neighborhoods located to the north, east, and west of the current site. This is especially true given that the old City landfill site, which is undevelopable, serves the purpose of a transitional zone between the current site and established GI uses to the south. This possible disruption of the neighborhood caused by industrial uses runs counter to the policies contained in *Legacy*.

FINDINGS

1. This LI zoning proposal is located in an established residential area which is just north of a well defined industrial area.
2. The proposed LI general use zoning district, albeit less intense than the former GI request, could introduce land uses which would be incompatible with the surrounding neighborhood.
3. Extension of such a large tract of Limited Industrial zoning into a residential neighborhood does not support the goal of preserving existing neighborhoods, as expressed in *Legacy*.
4. The former City landfill site serves as a transition buffer between the current site and established GI uses located farther south.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

Glenn Simmons presented the staff report.

PUBLIC HEARING

FOR:

Steve Calaway, 1330 Ashley Square, Winston-Salem, NC 27103

Needless to say, I disagree...with almost all of staff's remarks.

Discussed surrounding area and uses.

From any stretch of the imagination, Overdale is not a potential residential area. This is an industrial strength, well-traveled road. It is not the place to put a manufactured home park or multifamily unit.

I-2 had a large commercial component as well and industrial. Read description of LI District in UDO.

I don't know of any case where we jump from GI to residential. That's not good planning. We back it down to residential.

The sounds, smells, smoky discharges of existing uses are already there. I don't think this will impact the surrounding area.

AGAINST:

Ray Bedsaul, 136 Oakwood Drive, Winston-Salem, NC 27103

I own the properties that are just north of this site and, in fact, my family owned this entire site until Mr. Beeman bought the site from my brother.

I'm not opposed to this particular issue as much as I'm opposed to the piecemeal way we are developing this.

We are getting sandwiched in here with a few small homes near this.
There has just appeared a notice that a church will be built across the ravine, a natural barrier.
I wish you guys would take the whole area and make it industrial or deny this request because we are going to get boxed in.
This is poor planning.
We need to really do something with Overdale Road up here. Trucks can't turn.
I'm against this rezoning unless we take the entire area and rezone it so we know what to do.

WORK SESSION

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

1. There is no way to know what will happen with the City's GI zoned land (former landfill), therefore it may not serve as a transitional buffer zone between other developed GI zoning in the area and the site under consideration.
2. Steve Snelgrove - I can clearly see pushing this LI zoning line a little further north to include additional property currently zoned RS-9.

MOTION: Kerry Avant moved approval of the zoning map amendment.

SECOND: Philip Doyle

VOTE:

FOR: Avant, Clark, Doyle, King, Norwood, Snelgrove

AGAINST: Powell, Schroeder

EXCUSED: Bost

A. Paul Norby, AICP
Director of Planning