



DOCKET #: W2364

PROPOSED ZONING:
LO

EXISTING ZONING:
RS9

PETITIONER:
Peoples Funeral Service, Inc.

SCALE: 1" represents 200'

STAFF: D. Reed

GMA: 3

ACRE(S): 0.33

MAP(S): 624874

January 18, 2000

Peoples Funeral Service, Inc.
c/o Bruce Walters, owner
P. O. Box 14
Pilot Mountain, NC 27041-0000

RE: ZONING MAP AMENDMENT W-2364

Dear Mr. Walters:

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
Kenneth Ray, 801 Highway 65 East, Rural Hall, NC 27051
Hayden Mack 4439 Country Club Road, Winston-Salem, NC 27104
R. C. Pierce, Jr., 4809 Germanton Road, Winston-Salem, NC 27105
Richard Weatherman, 4658 W. Cherry Street, Winston-Salem, NC 27105
Kevin Mowery, 15 Childress Street, Winston-Salem, NC 27105
Byron C. Penn, 128 Athens Drive, Winston-Salem, NC 27105-2210
Sonya D. Penn, 128 Athens Drive, Winston-Salem, NC 27105-2210
Nathanial Rumpy, 3650 Spaulding Drive, Winston-Salem, NC 27105-4831

ACTION REQUEST FORM

DATE: January 18, 2000
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 Peoples Funeral Service, Inc.

SUMMARY OF INFORMATION:

Zoning map amendment of Peoples Funeral Service, Inc. from RS-9 to LO; property is located on the northeast corner of Cherry Street and Athens Drive (Zoning Docket W-2364).

PLANNING BOARD ACTION:

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of Peoples Funeral Service, Inc.,
Docket W-2364

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 LO the zoning classification of the following described property:

BEGINNING at an iron stake within the right-of-way of the Rural Hall Road, near the intersection of the Rural Hall Road and Hunter Drive, said iron stake being the southwest corner of Lot No. 1 as shown on the plat of P. J. Hickey made by G. F. Hinshaw in August, 1937, thence from said point of beginning and with the north right-of-way line of Hunter Drive, south 85E 13' east 201.1 feet to an iron stake in said right-of-way line being 18 feet westwardly from the southeast corner of Lot No. 1; thence north 3E 44' west 73 feet to an iron stake in the northern line of Lot No. 1; thence with said line, north 85E 01' west 191.6 feet to an iron stake within the right-of-way of the Rural Hall Road; thence south 2E 50' west 73.0 feet to an iron stake, the point and place of BEGINNING. Being all of Lot No. 1 of the P. J. Mickey Property as shown in Plat Book 9, page 173, save and except the eastern 18 feet of same. A small portion of the west end of this lot lies within the Rural Hall Road right-of-way and is conveyed subject to said right-of-way. See Deed Book 1275, page 123 for clarification of east lot line.

Being Tax Lot 1P, Tax Block 2258 and consisting of 0.33 acre.

Section 2. This ordinance shall become effective upon adoption.

ZONING STAFF REPORT

DOCKET # W-2364
STAFF: David Reed

Petitioner(s): Peoples Funeral Service, Inc.
Ownership: Same

REQUEST

From: RS-9 Residential Single Family District; minimum lot size 9,000 sf
To: LO Limited Office 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: 0.33 acre

LOCATION

Street: Northeast corner of Cherry Street and Athens Drive.
Jurisdiction: City of Winston-Salem.
Ward: North.

PROPERTY SITE/IMMEDIATE AREA

Existing Structures on Site: One single family home.

Adjacent Uses:

North -	Nonresidential building and Mizpah Pentecostal Holiness Church.
East -	Single family homes.
South -	Single family homes.
West -	Nonresidential building.

GENERAL AREA

Character/Maintenance: Mixture of moderately well maintained residential and nonresidential uses.

Development Pace: Slow.

PHYSICAL FEATURES

Topography: Site slopes down slightly to the southeast.

Constraints: Site is developed.

Impact on Existing Features: Required parking would likely be constructed on the eastern portion of the site.

TRANSPORTATION

Direct Access to Site: Cherry Street and Athens Drive.

Street Classification: Cherry Street - major thoroughfare; Athens Drive - local street.

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

Cherry Street north of Indiana Avenue - 14,000/12,000

Cherry Street west of Germanton Road - 3,400/9,500

Traffic generation: Since this is a proposed general use rezoning and there is a wide range of trip generation possibilities, no reliable information is available.

Sight Distance: Good.

Transit: Winston-Salem Transit Authority (WSTA) Route 10B runs along Indiana Avenue approximately 1,200 feet south of the site.

HISTORY

Relevant Zoning Cases:

1. W-2127; RS-9 to HB; approved February 3, 1997; north side of Lodge Street east of Cherry Street; 0.06 acre; Planning Board and staff recommended approval.
2. W-2017; LI to GI; approved December 4, 1995; west side of Cherry Street south of Indiana Avenue; 7.99 acres; Planning Board and staff recommended approval.
3. W-424; R-4 to B-3; denied September 7, 1973; northwest corner of Cherry Street and Childress Street; 1.0 acre; Planning Board and staff recommended denial.

CONFORMITY TO PLANS

GMP Area (*Vision 2005*): Area 3: Urban.

Relevant Comprehensive Plan Recommendation(s): Separation and buffering of commercial, office, and industrial uses from residential areas.

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

ANALYSIS

The subject site lies in a neighborhood which is primarily residential in character but has some nonresidential land uses. The site abuts single family homes to the south and east and any

parking that may be developed for a Limited Office (LO) use would most likely be located near the eastern property line. The logical location for parking would put the ingress and egress on Athens Drive which is a local residential street.

Vision 2005 recommends the separation and buffering of commercial, office, and industrial uses from residential areas. General use zoning in this instance does not ensure there will be adequate separation and buffering from the residential area.

Staff is of the opinion that some of the uses allowed in the LO district may be appropriate for the site, however, because of the potential impacts to neighboring single family homes and a desire to review the design of any access onto Athens Drive, staff recommends the petition be resubmitted for Special Use Zoning.

An additional alternative would be the Neighborhood Office (NO) District. NO is intended to accommodate very low intensity office uses within converted single family detached units located on the periphery of established residential areas, along major and minor thoroughfares.

FINDINGS

1. The subject site lies in a neighborhood which is primarily residential in character but has some nonresidential land uses.
2. The site abuts single family homes to the south and east.
3. The logical location for parking would put the ingress and egress on Athens Drive which is a local residential street.
4. *Vision 2005* recommends the separation and buffering of commercial, office, and industrial uses from residential areas.
5. Because of the potential impacts to neighboring single family homes and a desire to review the design of any access onto Athens Drive, staff recommends the petition be resubmitted for Special Use Zoning. An additional alternative would be the NO zoning district.

STAFF RECOMMENDATION

Zoning: **DENIAL**.

[*For information purposes only*: The draft *Legacy* plan recommends protecting residential areas from inappropriate commercial and industrial encroachment.]

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Kenneth Ray, 801 Highway 65 East, Rural Hall, NC 27051

I have owned this property about four years, purchasing it after it had been vacant for about three years.

We considered making this building a duplex, but the market would not support it. We brought the house up to standards and had it included in the Section 8 housing program. With it being part of the Section 8 program, we have had many difficulties.

My objective is to utilize this site in a way to provide revenue and to keep it occupied. We want to utilize this property with the two churches.

Hayden Mack 4439 Country Club Road, Winston-Salem, NC 27104

I own adjacent property.

This property is occupied as a church.

This use would be a logical use for this property.

AGAINST:

R. C. Pierce, Jr., 4809 Germanton Road, Winston-Salem, NC 27105

I live close to this property.

I feel that this property does not show any type of benefit to the community as it is.

This area has not been a developing area in the city.

I do not see where a business use of this type will benefit the community. The area needs other improvements such as sidewalks, street lights. There are five intersections and the road is narrow. It isn't suitable for business use.

The City can benefit by keeping this residential rather than business.

Richard Weatherman, 4658 W. Cherry Street, Winston-Salem, NC 27105

My property is directly across the street from this site.

This house was a duplex when the applicant bought this property.

Mr. Ray is not a good neighbor and does not take care of his property.

We have a petition signed by 51 people opposed to this rezoning request.

Kevin Mowery, 15 Childress Street, Winston-Salem, NC 27105

We have plenty of business in this area.

We want this property left residential.

Byron C. Penn, 128 Athens Drive, Winston-Salem, NC 27105

I live behind this property.

I have been a resident of the City all my life.

I bought my property because this is a residential area.

This area should be kept residential.

This area is blocked with traffic now and is a hazard to our children.
The applicant has not been a good neighbor in this community.
Mr. Kenneth Ray is a problem. We do not need a business on this property.

Sonya D. Penn, 128 Athens Drive, Winston-Salem, NC 27105

I am opposed to this petition
This will be of no use to our community.
The owner is a problem, not the occupants.
Submitted petition of opposition to this request. Mr. Penn has also presented a protest
petition to the Board of Aldermen's office.

Nathanial Rumpy, 3650 Spaulding Drive, Winston-Salem, NC 27105

I have two granddaughters who live in that area. They cannot play outside because of the
problems with the owners of the subject property.
I have a house and a lot at 125 Athens Drive where I plan to build a house later in life for
my grandchildren.

WORK SESSION

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

1. This case could be continued and amended to a special use request.
2. The petitioner and opponents should meet and discuss the request and see what
they can work out among themselves.

MOTION: John Bost made a motion to deny the zoning map amendment.

SECOND: James Rousseau

VOTE:

FOR: Avant, Bost, Johnson, Powell, Rousseau, Stewart

AGAINST: None

EXCUSED: None

A. Paul Norby, AICP
Director of Planning