

City Council – Action Request Form

Date: August 10, 2021

To: Mayor, Mayor Pro Tempore, and Members of the City Council

From: Damon Dequenne, Assistant City Manager
Aaron King, Director of Planning and Development Services

Council Action Requested:

Public hearing on an ordinance amendment that would allow schools and religious institutions in the Entertainment (E) zoning district

Strategic Focus Area: Livable Neighborhoods

Strategic Objective: No

Strategic Plan Action Item: No

Key Work Item: No



Summary of Information:

The E district was established in 2012 to accommodate a mixture of uses at the edge of the Downtown area. Since its creation, the E district has continued to expand northward from Eighth Street/Martin Luther King Jr. Drive. Numerous recent proposals have explored accommodating creative mixed-use developments in the E district that include a residential component. Taken together, the physical and geographical expansion of the E district and an increasing residential presence could create demand for institutional uses that are currently not allowed in the E district.

Committee Action:

Committee		Action	
For		Against	
Remarks:			

UDO-CC12

AN ORDINANCE TO MODIFY TABLE 5.1.1: PRINCIPAL USE TABLE OF THE UNIFIED DEVELOPMENT ORDINANCES (UDO) TO ALLOW SCHOOLS AND RELIGIOUS INSTITUTIONS IN THE ENTERTAINMENT (E) ZONING DISTRICT

Be it ordained by the _____, that the *Unified Development Ordinances* are amended as follows:

Section 1. Chapter 5, Table 5.1.1 of the UDO is amended as follows:

TABLE 5.1.1: PRINCIPAL USE TABLE																																					
Z = Permit from Zoning Officer; P = Planning Board Review; A = Special Use Permit from BOA; E = Elected Body Special Use Permit (Lo) = Following a use indicates the use is a low-intensity use (Hi) = Following the use is a high-intensity use.																																					
USE TYPE	RESIDENTIAL DISTRICTS											COMMERCIAL DISTRICTS								IND. DIST.			I & MU DIST.		CONDITIONS												
	YR	AG	RS40	RS30	RS20	RS15	RS12	RS9	RS7	RSQ	RM5	RM8	RM12	RM18	RMU	MH	NO	LO	CPO	GO	NB	PB	LB	NSB		HB	GB	CB	MRB-S ⁴	E	LI	GI	CI	IP	C	MU-S	
Church or Religious Institution, Community (Lo)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	A			Z	Z		Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.22
Church or Religious Institution, Neighborhood (Lo)	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	Z	5.2.23
School, Private (Hi)		P	P	P	P	P	P	P	P	P	P	P	P	P							P	P			P	P	P						Z	P	Z	Z	5.2.75
School, Public (Hi)		P	P	P	P	P	P	P	P	P	P	P	P	P							P	P			P	P	P						Z	P	Z	Z	5.2.76

Section 2. This Ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a ~~strike through~~; items to be added are shown as **highlighted**. Items with a single underscore are applicable to Forsyth County only, and *italicized* items are applicable to Winston-Salem only.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

DOCKET: UDO-CC12
STAFF: [Gary Roberts, Jr.](#)

REQUEST

This text amendment is proposed by Hank Perkins to modify Table 5.1.1: Principal Use Table of the *Unified Development Ordinances* (UDO) to allow schools and religious institutions in the Entertainment (E) Zoning District.

BACKGROUND

The Entertainment (E) District was established in 2012 for the purpose of accommodating a mixture of retail, office, residential, and entertainment (indoor and outdoor) related uses within Growth Management Areas 1 and 2. Since that time, multiple E District rezonings have been approved in the northeast section of Downtown Winston-Salem.

Associated with the E District, the use of Entertainment Facility, Large was established. This use may include indoor and outdoor events of large occupancies with amplified music. Considering the generally contemplative nature of schools and religious institutions, these uses were intentionally excluded from the E District to minimize potential land use incompatibilities.

ANALYSIS

The proposed request would permit by right the uses of Church or Religious Institution (neighborhood and community scale). The uses of School, Private and School, Public would be permitted with a Planning Board Review. Since its inception in 2012, the E District has experienced significant geographic expansion. In recent years, projects have also been proposed which would establish a significant residential presence here. Given this evolution, staff believes the inclusion of these institutional uses is appropriate, and would further the district's intent of fostering a walkable, mixed-use area.

RECOMMENDATION: APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-CC12
JUNE 10, 2021**

Gary Roberts presented the staff report.

Melynda asked whether adding the uses to the E district would change the requirements for school parking. Gary stated that parking requirements are outlined in the E district standards and would take precedence.

PUBLIC HEARING

FOR:

Luke Dickey, Stimmel Associates, 601 North Trade Street, Suite 200, Winston-Salem, NC 27101

- Along with the expansion of the E district, there have been interests by school systems and churches to be located in those areas as well. We view these uses as compatible within the E district, as typically they are in the morning hours or in the early afternoon hours. Anything that is within the entertainment district from a loud music standpoint happens later in the evening, so it would not necessarily be incompatible with the E district. And it is trying to create more opportunity for a mixed-use environment in the entertainment district, throughout all hours of the day, to accommodate these uses. Some churches might like to have music outdoors as well.
- We feel these are compatible uses within the entertainment district and just want to broaden the horizon of what could go into these districts as well.

AGAINST: None

WORK SESSION

Jack asked if there were any districting requirements where, for instance, a new bar would have to be a certain distance away from a school or church, which could prevent the continued growth of both. Chris Murphy stated that he could not speak to what state laws may require, but there is nothing in the ordinance pertaining to that.

George expressed concern that text amendments are being proposed because people want to sell land and asked why parcels could not be zoned back to their former districts, rather than encroaching on the entertainment district, which had great purpose behind it.

MOTION: Clarence Lambe recommended approval of the ordinance amendment.

SECOND: Jason Grubbs

VOTE:

FOR: Melynda Dunigan, Walter Farabee, Jason Grubbs, Clarence Lambe, Chris Leak, Mo McRae, Brenda Smith, Jack Steelman

AGAINST: George Bryan

EXCUSED: None

Aaron King

Director of Planning and Development Services