

## City Council – Action Request Form

**Date:** April 9, 2018

**To:** The City Manager

**From:** A. Paul Norby, Director of Planning and Development Services  
Gregory M. Turner, Assistant City Manager

**Council Action Requested:**

Request for Public Hearing on an Ordinance Amendment proposed by Planning and Development Services.

**Strategic Focus Area:** Livable Neighborhoods

**Strategic Objective:** Establish building material requirements for the use retail store.

**Strategic Plan Action Item:** No

**Key Work Item:** No



**Summary of Information:**

- A. Public hearing on an ordinance amendment proposed by Planning and Development Services revising Chapter B of the *Unified Development Ordinances* to establish building material requirements for the use retail store. (UDO-284).
- B. Approval of Ordinance.

**Committee Action:**

**Committee**

**Action**

**For**

**Against**

**Remarks:**

**UDO-284**  
**AN ORDINANCE REVISING**  
**CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES***  
**TO ESTABLISH BUILDING MATERIAL REQUIREMENTS**  
**FOR THE USE RETAIL STORE**

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, Article II of the *UDO* is amended as follows:

**Chapter B - Zoning Ordinance**  
**Article II – Zoning Districts, Official Zoning Maps, and**  
**Uses**

**2-5 USE CONDITIONS**

**2-5.66 RETAIL STORE**

**(B) Building Materials**

(1) A Retail Store with a total building square footage of 74,999 square feet or less shall meet the following standards:

(a) Allowed Siding Materials. Only the following building siding materials shall be allowed:

Brick and brick veneer;

Stone, stone veneer, and cultured stone;

Precast concrete panels provided they are textured and contain architectural detailing;

Concrete Masonry Units (CMU) provided they are split face and textured;

Fiber Cement Siding (Hardie Board);

Glass;

Stucco with architectural detailing; and Wood.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.  
UDO-284 February 2018

- (2) Alternative compliance. A Retail Store which does not meet the requirements of section 2-5.66 (B) (1) shall require approval through special use zoning. Additional site plan review items demonstrating the character of the proposed development, including building elevations shall be required. Alternative compliance requests shall demonstrate innovative design along with a creative use/mixture of siding materials.

**Section 2.** This ordinance shall be effective upon adoption.

## STAFF REPORT

DOCKET # UDO-284

STAFF: [Aaron King](#)

### REQUEST

An ordinance amendment proposed by Planning and Development Services staff revising Chapter B of the *Unified Development Ordinances* to establish building material requirements for the use Retail Store.

### BACKGROUND

Currently the UDO has no restrictions on building siding materials for the use Retail Store (under 75,000 square feet). Over the past several years, Planning staff has observed that some new retail buildings are being constructed with metal siding. In the vast majority of retail developments, more attractive exterior materials are used; however, there have been a few over the last several years where the retailer decided to have metal siding. In those cases, the retail buildings are located in close proximity to existing residential neighborhoods and the metal siding has a negative aesthetic impact on the surrounding area. Staff believes that there are many suitable siding materials for retail buildings other than metal siding.

Staff has reviewed requests for retail buildings over the past few years in which the property was commercially zoned and no rezoning was required. Without any design standards in the UDO, these properties were allowed to choose the siding material of their choice; often metal siding. Planning staff reached out to developers on several occasions to encourage the use of a masonry product rather than metal siding. Each time, staff was told that until metal siding was prohibited, they would continue to use said material.

### ANALYSIS

The subject text amendment would establish a list of allowed siding materials for the use Retail Store. Staff believes the materials included provide a range of alternatives without the allowance of metal siding. The list of approved materials should help to mitigate the negative aesthetic impacts that occur when metal-sided retail buildings locate in close proximity to residential areas. Staff notes that the UDO does currently have a requirement that “big box” stores meet certain design criteria. This text amendment would provide a standard that would regulate retail stores that fall below the big box standard of 75,000 square feet.

### RECOMMENDATION

### APPROVAL

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# **CITY-COUNTY PLANNING BOARD PUBLIC HEARING MINUTES FOR UDO-284 FEBRUARY 8, 2018**

Aaron King presented the staff report. Aaron also referenced two emails received; one in support, and another with concerns about not allowing for more creativity with metal.

## **PUBLIC HEARING**

FOR: None

AGAINST: None

## **WORK SESSION**

- There is some great creativity going on with metal siding in the area, much beyond just the small retail stores that are expanding in the area. A percentage could be put on metal siding, or a good way of using metal siding that could provide some variance. Ziggy's, which is totally done in metal siding, it is not retail, but it does use decorative barn wood around it.
- Could staff come up with a way to allow that creativity to work with building types? Or maybe there should be Special Use Zoning for all retail?

Aaron King explained to the Board that it is hard to regulate to prevent bad design. When we start accommodating every scenario in order to prevent the bad, the UDO gets harder and harder to use and understand when you start adding pages.

Paul Norby shared with the Board that one option used with the Text Amendment several years ago concerning Infill Residential Development in GMA 2 is to set out standards for how residential buildings could be placed when you already have your relationship established between existing buildings on the block and the street; but then you have a safety valve providing that if somebody doesn't want to do that but they think they can make a case for making it compatible, then go Special Use District Zoning for that, which can be considered on a case-by-case basis.

- Perhaps up to 15 percent could be allowed under Special Use Zoning and restrict it, instead of having it open ended.
- But we might end up with an unintended consequence of people who want to do bad design up to a certain percentage, getting that through under the Special Use Zoning. It is a possibility we have to consider.

- Perhaps we can put the onus on the staff as to what is acceptable.

Paul Norby stated that that would go through the Planning Board and the elected body, it wouldn't just be a staff decision. It would be Special Use District Rezoning. Whenever someone submits a Special Use Rezoning, then we can have discussions before it ever gets to the Board, but it's ultimately up to the Board and the elected body as to what to approve.

Aaron King expressed that to be a good tool to have because the examples that have been shown, those retailers are going to comply with the Ordinance before they go through Special Use District Zoning. If we do have somebody that is genuinely trying to do something that is creative and acceptable in the community, then they are more likely going to be the ones that are going to take that approach rather than the examples we have shown. So including a provision through Special Use Zoning, you can do metal or a material not listed in that list, probably provides that creativity to someone who is genuinely trying to do something creative.

- So the standard provisions would apply administratively, but that other materials would be considered under Special Use District Zoning?

To include this change in the Board's consideration, Chris Murphy provided language: Add a number 2 - a retail store which does not meet the requirements of (B) 2-5.66 (B.1), shall require a Special Use District Rezoning. Additional site plan review items demonstrating the character of the proposed development, including building elevations, shall be required.

Melynda Dunigan requested the language reflect the fact that the alternative compliance is something that should meet the intent of the Ordinance.

MOTION: George Bryan moved approval of the UDO 284 as amended.

SECOND: Allan Younger

VOTE:

For: George Bryan, Melynda Dunigan, Jason Grubbs, Tommy Hicks, Arnold King, Chris Leak, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning and Development Services

## Tarra Jolly

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**From:** Jon Mack <mackpro@gmail.com>  
**Sent:** Wednesday, February 07, 2018 4:51 PM  
**To:** Tarra Jolly  
**Subject:** Re: Urge passage of UDO-284 | Message enclosed  
**Attachments:** Screenshot (Comparison).png

Tarra-

There's not much on the agenda for tomorrow for the CCPB. Hopefully they are willing to read my comments below urging passage of UDO-284. I had also emailed some screenshots of buildings to Beth B, that relate to UDO-284.

See attachment of an important Google Streeview image comparing an attractive Bojangles to a not so attractive O'Reilly's. The image demonstrates the importance of passing UDO-284.

Jon Mack  
Lewisville

On Wed, Feb 7, 2018 at 4:41 PM, Tarra Jolly <[tarraj@cityofws.org](mailto:tarraj@cityofws.org)> wrote:

Thank you for providing comments on UDO-284.

Comments from citizens on items to be considered by the City-County Planning Board are provided to the Planning Board members as follows:

- Comments received by 5pm on Wednesday the week (8 days) before the Planning Board meeting are included with other materials related to the item in the Planning Board agenda book sent to Board members and posted on the Planning website (<http://www.cityofws.org/planning>) on Friday (6 days) before the Planning Board meeting.
- Comments received between 5pm on Wednesday the week before the Planning Board meeting and 5pm Wednesday the day before the Planning Board meeting are forwarded to the Board members via email and provided to them at their meeting.
- Comments received after 5pm Wednesday the day before the meeting are provided to the Board at their meeting.

Please note that Planning Board members may not have time to review comments provided to them at their meeting, so citizens are encouraged to submit comments as early as possible. For public hearing items, such as rezoning cases and area plans, citizens are encouraged to attend the meeting and speak during the comment period. The sign-up sheet for comments is available immediately prior to the meeting.

For information about items coming before the City-County Planning Board, please visit our Zoning webpage at: <http://www.cityofws.org/departments/planning/zoning-and-subdivision/monthly-zoning>

## Tarra Jolly

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**From:** Jon Mack [mailto:[mackpro@gmail.com](mailto:mackpro@gmail.com)]

**Sent:** Tuesday, February 06, 2018 3:05 PM

**To:** Tarra Jolly

**Cc:** Aaron King

**Subject:** Urge passage of UDO-284 | Message enclosed

Members of the City-County Planning Board:

**I would urge unanimous passage of UDO-284 at your Thursday meeting.**



An ordinance amendment proposed by Planning and Development Services staff revising Chapter B of the Unified Development Ordinances to establish building material requirements for the use Retail Store.

Recently, an O'Reilly's Auto was constructed on Country Club Rd. This rezoning was heard within the last year and was a General Use Rezoning.

Planning Staff had no control on the type of building materials used. This is a terrible shame!

Essentially, with General Use rezoning now, you might as roll the dice, when it comes to facade building materials. You'll see attached images of the end result. Please also note that this particular structure is within close proximity to Covington Place (homes in the 400s) and Brookberry (homes in the 400s+).

I have attached images of the same O'Reilly's business in Cary, NC Had UDO-284 been enacted say 1-1/2 yr ago...we'd be looking at O'Reilly's on Country Club

similar to the one in Cary!

Essentially, UDO-284 enacts those minimum building material standards so desperately needed.

Currently, Winston has NO minimum standards for building facades. Developers can use the cheapest of materials. These are not the buildings

that the particular store brand features on their web site or annual report. Companies showcase only the most architecturally attractive buildings

of their brand.

UDO-284 is desperately needed for Winston-Salem. The end result of passage yields the following..a rising tide that lifts all boats. Thus..attractive facades along

business corridors and elsewhere in the community lift commercial and residential values. Investments in commercial building materials for building facades

actually ATTRACTS more commercial investment within a community. The opposite affect can also take place. No minimum

building material standards can bring down the values of commercial and surrounding residential areas.

Please pass UDO-284.

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Jon Mack

Louisville



Attractive building materials used for facade of Bojangles.



Why UI needed



## Aaron King

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**From:** Salvador Patino <salvador.patino@chavodesign.com>  
**Sent:** Thursday, February 08, 2018 10:54 AM  
**To:** Aaron King  
**Subject:** UDO-284

Hello Aaron,

I'm not sure I will be able to attend today's Planning Board Meeting, but wanted to weigh in on the ordinance amendment to the UDO in regards to the use of metal siding on commercial buildings.

I know there is a good reason for this proposal, since metal has been used as a cheap option for poorly designed buildings. However, metal really isn't the problem, but rather bad design. Metal can be used in very creative ways that are both aesthetically pleasing and durable (which is why owners chose it). I don't think getting rid of metal will really solve the problem you are trying to tackle with this amendment, since they will just replace it with another cheap and poorly designed option. For instance, a tilt-up concrete panel building, CMU wall, or hardy plank siding can look just as bad or worse than the type of metal siding you are trying to replace. So we will still end up with crappy looking buildings, they will just have a different shade of lipstick on them.

The reason I am against this measure is because it limits the palette of architects and designers, and takes away a material that if used right can look great. Look at some of the work that STITCH has been doing here in Winston-Salem for example. The metal skin on their house on the corner of Granville and Montgomery is a great example of what a well designed metal skin can look like. Even the cheap corrugated metal can look great if designed correctly.

Also, if this ordinance amendment passes, can we hold the city and its buildings to the same standards? For example, the city buildings in the Fairgrounds; including the plans to build a new metal "shed" behind the Annex.

Again, I completely understand the good intentions of this amendment, and agree that the use of metal siding it is trying to tackle would make our built environment better. However completely taking away a very durable and versatile material that can make great looking buildings is not really the answer. I guarantee you that they will just be replaced with another material that looks just as cheap and soulless. After all, crappy design is crappy design.

Best,

**Salvador Patiño**

Project Manager/Lead Designer

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