October 19, 2005

Stimmel Associates, P.A. for
Granite Development
601 N. Trade Street, Suite 200
Winston-Salem, NC  27101

RE: ZONING TEXT AMENDMENT UDO-144

Dear Mr. Stimmel:

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
    Bill Petree, Stimmel Associates, 601 N. Trade Street, Winston-Salem, NC  27101
    Melynda Dunnigan, 1875 Mallard Lakes Drive, Winston-Salem, NC  27106
FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: ________________  AGENDA ITEM NUMBER: ____________

SUBJECT:-

A. Public Hearing on Zoning Text Amendment proposed by Stimmel Associates, P.A. to amend Chapter B of the *Unified Development Ordinances* to change the maximum square footage of non-office uses in the Limited Office (LO) zoning district from 2,000 square feet to 5,000 square feet (UDO-144).

B. Approval of Ordinance

COUNTY MANAGER’S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

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

ATTACHMENTS:-  X  YES  ___  NO

SIGNATURE: ________________________________  DATE:
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<th>ACTION REQUEST FORM</th>
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<th>COUNCIL ACTION REQUEST:</th>
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<th>PLANNING BOARD ACTION:</th>
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<td><strong>MOTION ON PETITION:</strong> APPROVAL</td>
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<td><strong>FOR:</strong> UNANIMOUS</td>
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<td><strong>AGAINST:</strong> NONE</td>
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<td><strong>SITE PLAN ACTION:</strong> NOT REQUIRED</td>
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STAFF REPORT

DOCKET #: UDO-144
STAFF: Chris Murphy

REQUEST

This UDO text amendment is a proposal by Stimmel Associates, PA to modify Chapter B, Article II, Section 2-1.3(B)(5) of the Unified Development Ordinances to change the maximum square footage of non-office uses allowed in the LO zoning district from 2,000 square feet to 5,000 square feet.

BACKGROUND

Historically, the Limited Office (LO) zoning classification allowed for various office, institutional, multifamily and single family residential uses but no small-scale retail commercial or retail service oriented uses. In early 2004, Stimmel Associates, PA petitioned to modify this same section to allow for up 5% of the gross floor area of a development to be devoted to retail and service uses, with a maximum square footage cap per building of 2,000 square feet. The earlier petition, UDO-110, was approved by the City-County Planning Board of March 12, 2004, by the Winston-Salem City Council on April 5, 2004, and by the Forsyth County Board of Commissioners on April 12, 2004. This request is to take the 2,000 square feet maximum cap per building and raise it to 5,000 square feet.

ANALYSIS

The LO zoning district purpose statement says that the district is intended to accommodate moderately intense medical, professional, administrative, and government office uses on small to mid-sized sites, in a suburban setting. The district is typically located near the intersection of a collector street or thoroughfare in areas which are otherwise developed with residences. The standards are designed so that the district may serve as a transition between residential districts and commercial districts.

The LO zoning district supports medical, professional, and other miscellaneous office uses, uses such as child day care centers, multifamily residential, funeral homes, and certain other institutional and governmental uses, and, with the adoption of UDO-110 in 2004, various retail and personal service type uses. These uses are generally considered to be of comparable intensity and are in many ways considered to be complementary. Particularly with respect to Legacy recommendations to promote more mixed-use developments, a greater mixture of uses may lessen the dependence on the automobile and promote a more pedestrian-oriented office environment. However, if there is too much retail square footage in the retail/office balance overall or the size of individual retail uses is too large, the retail uses will become a larger scale “distraction” generating significantly more traffic heading to the development than what would be expected in an office zoning district.
UDO-110 was supported by Planning staff because it had built-in restrictions that limited the square footage of the individual retail uses to small units designed for on-site users. For example, a small coffee shop, bookstore, hair salon, drugstore, or food service operation may serve the daily needs of nearby office workers. In office environments, the convenience of certain retail and service shops nearby may minimize the need for workers to leave the premises via automobile to avail themselves of needed goods and services. However, for this to work appropriately, specific measures must be taken to safeguard office developments and the surrounding area from potentially negative impacts of more intensive commercial uses.

The LO zoning district has a maximum building size of 30,000 square feet. The previous text amendment dealing with the LO zoning district (UDO-110) capped the square footage of retail uses at 25% of the square footage of a building. This yields an overall maximum square footage of retail uses within a 30,000 square foot building at 7,500 square feet. However, the current ordinance places a maximum cap of 2,000 square feet for non-office uses per building. The petitioner proposes a maximum cap of 5,000 square feet, an increase of 150% over the current cap. Staff could support up to a maximum of 4,000 square feet in a single retail use. This would allow a nice sit-down restaurant or several smaller retail or service providers to locate within an office building while not becoming a “de facto” retail establishment. Allowing up to 4,000 square feet per building accomplishes the goal of Legacy without tipping the scales too far in favor of retail at the expense of the LO zoning district purpose statement. The 4,000 square feet will probably increase the likelihood of increased trips from off-site but not appreciably.

When UDO-110 was approved, Table 2.6 (Table of Permitted Uses) was amended to include the accessory uses as permitted uses in the LO District. The subject text amendment proposes eliminating those uses from the LO district in Table 2.6 so it is clear they are accessory uses rather than permitted uses.

Staff is supportive of the proposed UDO text amendment, as amended (from 5,000 square feet to 4,000 square feet). The petitioner has indicated that they are agreeable to the 4,000 square feet maximum cap.

**RECOMMENDATION**

**APPROVAL, as revised.**

Chris Murphy presented the staff report.

**PUBLIC HEARING**

FOR:

Bill Petree, Stimmel Associates, 601 N. Trade Street, Winston-Salem, NC 27101
  • I'm available for questions.
AGAINST:

Melynda Dunnigan, 1875 Mallard Lakes Drive, Winston-Salem, NC  27106
• I'm representing the Winston-Salem Neighborhood Alliance.
• We're concerned about the change in size and whether it could become a draw for people from outside the office area.
• Is there a need to do this? Should we make a change for the whole county just to accommodate one project?

WORK SESSION

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

1. Carol Eickmeyer: A year ago we gave them 2,000 sf, now we're looking at 4,000 sf. Are we going to be asked for 6,000 sf next year? At the same time, is this enough space? If it takes 3,500 sf to do a restaurant that gives enough room to sit down, is that enough space?

2. Wesley Curtis: I think it's important to give enough square footage that you can have a usable space, but at the same time, once you get to 5,000-6,000 sf, you may draw a significant sized restaurant which would draw from other places and draw after typical work hours. I think this is a good change.

MOTION: Dara Folan moved approval of the zoning text amendment.
SECOND: Paul Mullican
VOTE:
FOR: Clark, Curtis, Eickmeyer, Folan, Glenn, King, Lambe, Mullican, Smith
AGAINST: None
EXCUSED: None

A. Paul Norby, AICP
Director of Planning
UDO-144
AN ORDINANCE AMENDING
CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES
TO CHANGE THE MAXIMUM SQUARE FOOTAGE OF NON-OFFICE USES ALLOWED IN THE LO ZONING DISTRICT FROM 2,000 SQUARE FEET TO 4,000 SQUARE FEET

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, Article II, Section 2-1.1(B)(5)(a)(iv) of the LO, Limited Office District, is amended as follows:

(5) A maximum of five percent (5%) of the gross floor area of development within the LO zoning district may be used for the following uses:

- Food or Drug Store
- General Merchandise Store
- Services, Business A
- Services, Personal
- Restaurant (without drive-through service)
- Retail Store, Specialty and Miscellaneous

(a) The uses listed above shall further restricted to the following conditions:

(i) All non-office uses shall be within the same building as the office development and shall not exceed twenty-five percent (25%) of the gross floor area of said building.

(ii) All non-office development shall be calculated as a percentage of existing or new office square footage on the same zoning lot.

(iii) No non-office development shall be occupied until a minimum of 75% of office square footage in the building has been built and initially occupied.

(iv) A maximum of 2,000 sf of non-office uses shall be allowed in any single office structure.

(v) No free-standing signage for non-office uses is permitted.

(vi) Building signage shall be limited to a maximum of six (6) sf of copy area and shall not be internally illuminated.

Section 3. Chapter B, Table 2.6 (Table of Permitted Uses) is further amended by removing the "Z" under the LO classification for the following uses:

- Food or Drug Store
- General Merchandise Store
- Services, Business A
- Services, Personal
- Restaurant (without drive-through service)
- Retail Store, Specialty and Miscellaneous

Section 4. This ordinance shall be effective upon adoption.
UDO-144

AN ORDINANCE AMENDING
CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES
TO CHANGE THE MAXIMUM SQUARE FOOTAGE OF NON-OFFICE USES ALLOWED IN THE LO ZONING DISTRICT FROM 2,000 SQUARE FEET TO 4,000 SQUARE FEET

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, Section 2-1.1(B)(5)(a)(iv) of the LO, Limited Office District, is amended as follows:

(6) A maximum of five percent (5%) of the gross floor area of development within the LO zoning district may be used for the following uses:
  - Food or Drug Store
  - General Merchandise Store
  - Services, Business A
  - Services, Personal
  - Restaurant (without drive-through service)
  - Retail Store, Specialty and Miscellaneous

(b) The uses listed above shall further restricted to the following conditions:
  (i) All non-office uses shall be within the same building as the office development and shall not exceed twenty-five percent (25%) of the gross floor area of said building.
  (ii) All non-office development shall be calculated as a percentage of existing or new office square footage on the same zoning lot.
  (iii) No non-office development shall be occupied until a minimum of 75% of office square footage in the building has been built and initially occupied.
  (iv) A maximum of 2,000 sf of non-office uses shall be allowed in any single office structure.
  (v) No free-standing signage for non-office uses is permitted.
  (vi) Building signage shall be limited to a maximum of six (6) sf of copy area and shall not be internally illuminated.

Section 3. Chapter B, Table 2.6 (Table of Permitted Uses) is further amended by removing the "Z" under the LO classification for the following uses:
  - Food or Drug Store
  - General Merchandise Store
  - Services, Business A
  - Services, Personal
  - Restaurant (without drive-through service)
  - Retail Store, Specialty and Miscellaneous

Section 4. This ordinance shall be effective upon adoption.

NOTE: Items to be removed are indicated with a strikethrough. Items to added are indicated with an underscore.
UDO 144 October 2005
AN ORDINANCE AMENDING
CHAPTER B OF THE \textit{UNIFIED DEVELOPMENT ORDINANCES}
TO CHANGE THE MAXIMUM SQUARE FOOTAGE OF NON-OFFICE USES
ALLOWED IN THE LO ZONING DISTRICT FROM 2,000 SQUARE FEET TO 4,000
SQUARE FEET

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

Section 1. Chapter B, Article II, Section 2-1.1(B)(5)(a)(iv) of the LO, Limited Office District, is amended as follows:

(7) A maximum of five percent (5\%) of the gross floor area of development within the LO zoning district may be used for the following uses:

\begin{itemize}
  \item Food or Drug Store
  \item General Merchandise Store
  \item Services, Business A
  \item Services, Personal
  \item Restaurant (without drive-through service)
  \item Retail Store, Specialty and Miscellaneous
\end{itemize}

The uses listed above shall further restricted to the following conditions:

(i) All non-office uses shall be within the same building as the office development and shall not exceed twenty-five percent (25\%) of the gross floor area of said building.

(ii) All non-office development shall be calculated as a percentage of existing or new office square footage on the same zoning lot.

(iii) No non-office development shall be occupied until a minimum of 75\% of office square footage in the building has been built and initially occupied.

(iv) A maximum of 2,000 sf \rightarrow 4,000 sf of non-office uses shall be allowed in any single office structure.

(v) No free-standing signage for non-office uses is permitted.

(vi) Building signage shall be limited to a maximum of six (6) sf of copy area and shall not be internally illuminated.

Section 3. Chapter B, Table 2.6 (Table of Permitted Uses) is further amended by removing the "Z" under the LO classification for the following uses:

\begin{itemize}
  \item Food or Drug Store
  \item General Merchandise Store
  \item Services, Business A
  \item Services, Personal
  \item Restaurant (without drive-through service)
  \item Retail Store, Specialty and Miscellaneous
\end{itemize}

Section 4. This ordinance shall be effective upon adoption.
AN ORDINANCE AMENDING
CHAPTER B OF THE UNIFIED DEVELOPMENT ORDINANCES
TO CHANGE THE MAXIMUM SQUARE FOOTAGE OF NON-OFFICE USES ALLOWED IN THE LO ZONING DISTRICT FROM 2,000 SQUARE FEET TO 4,000 SQUARE FEET

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, Article II, Section 2-1.1(B)(5)(a)(iv) of the LO, Limited Office District, is amended as follows:

(8) A maximum of five percent (5%) of the gross floor area of development within the LO zoning district may be used for the following uses:
   Food or Drug Store
   General Merchandise Store
   Services, Business A
   Services, Personal
   Restaurant (without drive-through service)
   Retail Store, Specialty and Miscellaneous

(d) The uses listed above shall further restricted to the following conditions:
   (i) All non-office uses shall be within the same building as the office development and shall not exceed twenty-five percent (25%) of the gross floor area of said building.
   (ii) All non-office development shall be calculated as a percentage of existing or new office square footage on the same zoning lot.
   (iii) No non-office development shall be occupied until a minimum of 75% of office square footage in the building has been built and initially occupied.
   (iv) A maximum of 2,000 sf of non-office uses shall be allowed in any single office structure.
   (v) No free-standing signage for non-office uses is permitted.
   (vi) Building signage shall be limited to a maximum of six (6) sf of copy area and shall not be internally illuminated.

Section 3. Chapter B, Table 2.6 (Table of Permitted Uses) is further amended by removing the "Z" under the LO classification for the following uses:
   Food or Drug Store
   General Merchandise Store
   Services, Business A
   Services, Personal
   Restaurant (without drive-through service)
   Retail Store, Specialty and Miscellaneous

Section 4. This ordinance shall be effective upon adoption.
AN ORDINANCE AMENDING
CHAPTER B OF THE **UNIFIED DEVELOPMENT ORDINANCES**
TO CHANGE THE MAXIMUM SQUARE FOOTAGE OF NON-OFFICE USES
ALLOWED IN THE LO ZONING DISTRICT FROM 2,000 SQUARE FEET TO 4,000
SQUARE FEET

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

Section 1. Chapter B, Article II, Section 2-1.1(B)(5)(a)(iv) of the LO, Limited Office District, is amended as follows:

(9) A maximum of five percent (5%) of the gross floor area of development within the LO zoning district may be used for the following uses:

- Food or Drug Store
- General Merchandise Store
- Services, Business A
- Services, Personal
- Restaurant (without drive-through service)
- Retail Store, Specialty and Miscellaneous

The uses listed above shall further restricted to the following conditions:

(i) All non-office uses shall be within the same building as the office development and shall not exceed twenty-five percent (25%) of the gross floor area of said building.

(ii) All non-office development shall be calculated as a percentage of existing or new office square footage on the same zoning lot.

(iii) No non-office development shall be occupied until a minimum of 75% of office square footage in the building has been built and initially occupied.

(iv) A maximum of 2,000 sf of non-office uses shall be allowed in any single office structure.

(v) No free-standing signage for non-office uses is permitted.

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- General Merchandise Store
- Services, Business A
- Services, Personal
- Restaurant (without drive-through service)
- Retail Store, Specialty and Miscellaneous

Section 4. This ordinance shall be effective upon adoption.
UDO-144

AN ORDINANCE AMENDING
CHAPTER B OF THE **UNIFIED DEVELOPMENT ORDINANCES**
TO CHANGE THE MAXIMUM SQUARE FOOTAGE OF NON-OFFICE USES
ALLOWED IN THE LO ZONING DISTRICT FROM 2,000 SQUARE FEET TO 4,000
SQUARE FEET

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, Article II, Section 2-1.1(B)(5)(a)(iv) of the LO, Limited Office District, is amended as follows:

(10) A maximum of five percent (5%) of the gross floor area of development within the LO zoning district may be used for the following uses:
- Food or Drug Store
- General Merchandise Store
- Services, Business A
- Services, Personal
- Restaurant (without drive-through service)
- Retail Store, Specialty and Miscellaneous

(f) The uses listed above shall further restricted to the following conditions:
  (i) All non-office uses shall be within the same building as the office development and shall not exceed twenty-five percent (25%) of the gross floor area of said building.
  (ii) All non-office development shall be calculated as a percentage of existing or new office square footage on the same zoning lot.
  (iii) No non-office development shall be occupied until a minimum of 75% of office square footage in the building has been built and initially occupied.
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- General Merchandise Store
- Services, Business A
- Services, Personal
- Restaurant (without drive-through service)
- Retail Store, Specialty and Miscellaneous

Section 4. This ordinance shall be effective upon adoption.