

STAFF REPORT

DOCKET #: UDO-102

STAFF: Glenn Simmons

REQUEST

This UDO text amendment is intended to restructure how Two-Phase, Special Use District zoning is handled at the initial phase and if subsequent final development plans are consistent, to allow approval through staff. This provision is intended only for application with new Two-Phase, Special Use District requests in the LI (Limited Industrial), GI (General Industrial), and MU-S zoning districts. This provision does not replace or modify existing provisions for other Two-Phase zoning requests.

BACKGROUND

Some proposed developments which may require rezoning to a new zoning district are very specific with respect to building development (site) plans and intended new uses. For these projects, Special Use District zoning is ideal, especially when specificity is needed to address issues of neighborhood compatibility and vehicular circulation. Sometimes, however, the exact building design and site layout details are not known at the outset of a proposed new development. Particularly with respect to larger-scale industrial parks and mixed-use developments, the end user must first be attracted to a given location before a firm commitment can be made to build. Accordingly, the decision of an end user to invest and build at a new location is often based on the ease, certainty, and speed in which regulatory permits can be issued. In the competitive world of economic development, having industrial and other sites “ready to go” without unnecessary uncertainties or delays can often make the difference between attracting and/or maintaining quality employers and capital investment in our community or missing an important opportunity. *Legacy* supports the objective of sites “ready to go” as a strategic part of the community’s economic development program. Further such measures will allow Forsyth County to compete more effectively with other major North Carolina markets, some of which have similar zoning provisions.

ANALYSIS

Although General Use zoning, unlike Special Use District, does not require site plan review by the City Council or Planning Board, it is usually not well suited for larger-scale industrial and mixed use developments. This is especially true here in Forsyth County where the few sites which are geographically suited for larger-scale development are also adjacent to residential neighborhoods and other areas of urbanized development.

In some previous zoning requests, the inherent limitations of General Use District zoning were partially mitigated by “wrapping” General Use zoned land with a buffer of Special

Use District zoning. The Union Cross Industrial Park is an example of this strategy whereby a fifty foot wide, vegetated and bermed buffer separates General Use Zoned LI property from adjacent residential and agriculturally zoned properties.

While the Special Use District “wrapper” employed in the Union Cross park is useful, it cannot by definition address compatibility issues related to the *internal* design and character of development within the general use district boundary. Matters such as building size and location, as well as parking, and loading layout cannot be predetermined through general use zoning. Similarly, other landscape enhancements such as lighting, sign size, street tree plantings, and sidewalks cannot be addressed. Even though the intentions of the developer may be to create a quality development, general use zoning provisions cannot guarantee that anything more than the minimum UDO requirements of the underlying zoning district be met.

An option to Special Use District zoning and General Use zoning is Two-Phase, Special Use District Zoning. This allows the zoning petitioner to request Special Use District zoning with an option to submit final development site plans for approval by the Planning Board at a later date *after* specific development plans have been completed. While Planning Board approval is beneficial and appropriate to address certain issues of compatibility, it may not be necessary or desirable *if* compatibility concerns have been comprehensively and clearly defined in the first phase of Two-Phase, Special Use District zoning. Indeed, if in the first phase, issues of compatibility are precisely determined so as not to require further board consideration, then one principal impediment to construction uncertainty is removed. Such sites would not then encounter unnecessary regulatory delays and would be attractively and competitively positioned in the marketplace to attract prospective new investment. Further, both the developer and the broader community would be assured through precisely defined first phase development conditions that the final construction product would be in accord with previously approved zoning expectations.

Staff notes that the proposed UDO text amendment to restructure Two-Phase, Special Use District zoning is an *option* for Two Phase Special Use District zonings and *does not replace* the existing Two Phase zoning provisions. This option would only be available to new Two-Phase zoning approvals and would not apply in any way to previously approved Special Use District zonings.

Lastly, staff wishes to point out that the key consideration of this proposed amendment is to ensure that enough detailed information is presented and conditioned in the First-Phase of review to satisfy all concerns which may need to be addressed by staff as part of the final site plan approval. For this to happen, staff recommends by way of this text amendment that the petitioner submit and agree to clearly described and detailed conditions. This would also require the submittal of an illustrative master plan. Such illustrative plan, while not intended to be binding in a literal sense, is intended to provide a graphic depiction of the character of the proposed new development. The degree of detail may vary in importance from site to site, but the combination of illustrative drawings and written conditions must be clear with respect to such things as overall

density; building to area relationships; building, parking and loading locations; other design considerations, and site amenities such as sidewalks, street trees, and landscape elements. Only upon a conclusion that the conditions of the First-Phase review address the compatibility needs of the development should such staff review provision be approved. The final decision of the Elected Body may be; 1) approve the Two-Phase zoning with the option for staff approval of the final development plan; 2) approval with a requirement that the final development plan be approved by the Planning Board or the Elected Body; or 3) deny the zoning petition altogether.

Staff believes that the proposed UDO text amendment will facilitate greater flexibility to attract and maintain quality economic development in our community without sacrificing key components of compatibility and livability. Further, staff believes that the proposed amendment addresses a key component of *Legacy* to support new quality economic investment in Forsyth County by streamlining, the overall regulatory review process.

RECOMMENDATION

Staff recommendation: **APPROVAL**

**AN ORDINANCE AMENDING
CHAPTER B, ZONING ORDINANCE,
OF THE *UNIFIED DEVELOPMENT ORDINANCES***

**TO PERMIT THE SECOND PHASE OF TWO PHASE SPECIAL USE DISTRICT
ZONING REQUESTS IN THE LI, GI, AND MUS-S TO BE APPROVED AT THE STAFF
LEVEL AS AN OPTION AUTHORIZED BY THE ELECTED BOARD**

Be it resolved, by the City Council of the City of Winston-Salem, North Carolina, that the *Unified Development Ordinances* (UDO) is hereby amended as follows:

Section 1. Chapter B Zoning Ordinance: Article VI – Section 6-2.2(C)(3) “Final Development Plan” under the overall heading “SPECIAL USE DISTRICTS” is hereby amended to read as follows:

(3) Final Development Plan. The final development plan required for the second phase of a two-phase rezoning approval shall be submitted pursuant to Article VII of this ordinance.

(a) Staff Review Option: As part of the First-Phase approval, the Elected Body may grant an option for Planning staff to approve the final development plan without additional site plan conditions for the LI-S, GI-S, and MU-S zoning districts provided that the developer submits as part of the First-Phase submittal the following items:

(i) A Traffic Impact Analysis for the entire property.

(ii) An illustrative master plan which defines representative building locations, setbacks, vehicular circulation, and site development elements.

(iii) A detailed set of written site plan conditions.

Section 2. Chapter B Zoning Ordinance: Article VII – Section 7-2.1 “PLANNING BOARD AND ELECTED BODY REVIEW” is hereby amended to read as follows:

The provisions of this article apply to site plans required to be submitted for review and recommendation or approval by the Planning Board and/or the Elected Body, or staff as identified in Article VI of this Ordinance. Site plan and application requirements for other approvals or permits are determined by the Zoning Officer.

Section 3. This ordinance shall be effective upon adoption.

NOTE: Items to be deleted are indicated with a ~~strikeout~~; items to be added are indicated with an underscore.