Dear Petitioner:

The attached report of the Planning Board to the City Council is sent to you at the request of the Council Members. You will be notified by the City Secretary’s Office of the date on which the Council will hear this petition.

Sincerely,

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

pc: City Secretary’s Office, P.O. Box 2511, Winston-Salem, NC 27102
Bruce Bullings, P. O. Box 25006, Winston-Salem, NC 27114
**ACTION REQUEST FORM**

<table>
<thead>
<tr>
<th>DATE:</th>
<th>August 26, 2015</th>
</tr>
</thead>
<tbody>
<tr>
<td>TO:</td>
<td>The Honorable Mayor and City Council</td>
</tr>
<tr>
<td>FROM:</td>
<td>A. Paul Norby, FAICP, Director of Planning and Development Services</td>
</tr>
</tbody>
</table>

**COUNCIL ACTION REQUEST:**

Request for Public Hearing on zoning petition of William Spencer

**SUMMARY OF INFORMATION:**

Zoning petition of William Spencer from GB to E: property is located on the west side of North Chestnut Street between Ninth Street and North Liberty Street (Zoning Docket W-3269).

**PLANNING BOARD ACTION:**

<table>
<thead>
<tr>
<th>MOTION ON PETITION:</th>
<th>APPROVAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>FOR:</td>
<td>UNANIMOUS</td>
</tr>
<tr>
<td>AGAINST:</td>
<td>NONE</td>
</tr>
<tr>
<td>SITE PLAN ACTION:</td>
<td>NOT REQUIRED</td>
</tr>
</tbody>
</table>
CITY ORDINANCE - GENERAL USE

Zoning Petition of William Spencer, Docket W-3269

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 City Council 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 GB to E the zoning
classification of the following described property:

PIN#s 6835-29-6319, 6499, and 7328

Section 2. This ordinance shall become effective upon adoption.
# CITY-COUNTY PLANNING BOARD
## STAFF REPORT

## PETITION INFORMATION

<table>
<thead>
<tr>
<th>Docket #</th>
<th>W-3269</th>
</tr>
</thead>
<tbody>
<tr>
<td>Staff</td>
<td>Gary Roberts, Jr. AICP</td>
</tr>
<tr>
<td>Petitioner(s)</td>
<td>William Spencer</td>
</tr>
<tr>
<td>Owner(s)</td>
<td>Same</td>
</tr>
<tr>
<td>Subject Property</td>
<td>PIN#s 6835-29-6319, 6499, and 7328</td>
</tr>
<tr>
<td>Address</td>
<td>1355 Martin Luther King Jr. Drive</td>
</tr>
<tr>
<td>Type of Request</td>
<td>General use rezoning from GB to E</td>
</tr>
<tr>
<td>Proposal</td>
<td>The petitioner is requesting to amend the Official Zoning Maps for the subject property from GB (General Business district) to E (Entertainment district).</td>
</tr>
</tbody>
</table>

**NOTE:** General, special use limited, and special use district zoning were discussed with the petitioner(s) who decided to pursue the rezoning as presented. With a General use, all uses in the District must be considered.

<table>
<thead>
<tr>
<th>Neighborhood Contact/Meeting</th>
<th>The application indicates that no neighborhood meeting has been held.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zoning District Purpose Statement</td>
<td>The E District is primarily intended to accommodate a mixture of retail, office, residential, and entertainment (indoor and outdoor) related uses. This district is intended for application in GMAs 1 and 2.</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)? Yes, the site is located within GMA 2 and is already zoned for a mixture of retail, office, residential, and some entertainment (indoor and outdoor) related uses. The site is also adjacent to other E zoned property.</td>
</tr>
</tbody>
</table>

## GENERAL SITE INFORMATION

<table>
<thead>
<tr>
<th>Location</th>
<th>West side of North Chestnut Street between Ninth Street and North Liberty Street</th>
</tr>
</thead>
<tbody>
<tr>
<td>Jurisdiction</td>
<td>City of Winston-Salem</td>
</tr>
<tr>
<td>Ward(s)</td>
<td>East</td>
</tr>
<tr>
<td>Site Acreage</td>
<td>± 1.1 acres</td>
</tr>
<tr>
<td>Current Land Use</td>
<td>The Winston Cup Museum is currently located on the subject property. This is a one-story building which is 9,816 square feet in size.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Surrounding Property Zoning and Use</th>
<th>Direction</th>
<th>Zoning District</th>
<th>Use</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>North</td>
<td>LI</td>
<td>Warehouse</td>
</tr>
<tr>
<td></td>
<td>East</td>
<td>GB</td>
<td>Vacated commercial buildings</td>
</tr>
<tr>
<td></td>
<td>South</td>
<td>PB</td>
<td>Arts Based Elementary School</td>
</tr>
<tr>
<td></td>
<td>West</td>
<td>E</td>
<td>Former auto repair business</td>
</tr>
<tr>
<td>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</td>
<td>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</td>
<td>Yes, the uses permitted in the surrounding districts and those permitted in the proposed E district are very similar.</td>
<td></td>
</tr>
<tr>
<td>Physical Characteristics</td>
<td>The developed site is essentially flat.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proximity to Water and Sewer</td>
<td>Public water and sewer are available to the site.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Stormwater/Drainage</td>
<td>No known issues.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Watershed and Overlay Districts</td>
<td>The site is not located within a water supply watershed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of General Site Information</td>
<td>The site is located on the northern edge of an urbanized area which has seen considerable new institutional, residential, and retail/entertainment related uses develop in the last several years. The subject property is not located within a water supply watershed or regulatory floodplain and appears to possess no development constraints.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**SITE ACCESS AND TRANSPORTATION INFORMATION**

<table>
<thead>
<tr>
<th>Street Name</th>
<th>Classification</th>
<th>Frontage</th>
<th>ADT Count</th>
<th>Capacity/LOS D</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ninth Street</td>
<td>Local Street</td>
<td>178'</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>North Liberty Street</td>
<td>Local Street</td>
<td>228'</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>North Chestnut Street</td>
<td>Local Street</td>
<td>209'</td>
<td>NA</td>
<td>NA</td>
</tr>
<tr>
<td>Martin Luther King Jr. Drive</td>
<td>Boulevard</td>
<td>50’</td>
<td>12,000</td>
<td>38,100</td>
</tr>
<tr>
<td>Proposed Access Point(s)</td>
<td>Because this is a general use request with no site plan, the exact location of access points is unknown. The site is currently accessed from all the above noted streets.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Trip Generation - Existing/Proposed</td>
<td>No trip generation is available for the existing or proposed general use zonings which have no site plan.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Sidewalks</td>
<td>Sidewalks are located along all of the surrounding streets.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transit</td>
<td>Bus routes 2, 9, and 10 run along Martin Luther King Jr. Drive.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Analysis of Site Access and Transportation Information</td>
<td>The site is located in a pedestrian oriented area in the northern edge of downtown Winston-Salem. Within the proposed E district, when new development occurs, the developers will likely be required to install pedestrian crosswalks at any location within the district where pedestrians cross public streets. Additional street lighting may also be required. A parking study may also be required to demonstrate how the parking needs can be conveniently accommodated.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A City driveway permit will be required for any change of use or redevelopment of the site. In addition, NCDOT has stated that access</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
control for future development will be important through the corridor where this site is located and that a reduction in access points or roadway improvements, dependent on the type and scale of development, may be part of the driveway permit review process in the future.

### CONFORMITY TO PLANS AND PLANNING ISSUES

**Legacy 2030 GMA**  
Growth Management Area 2 - Urban Neighborhoods

**Relevant Legacy 2030 Recommendations**
- Encourage the development of new entertainment venues Downtown with larger facilities located near the northern edge.

**Relevant Area Plan(s)**  

**Area Plan Recommendations**
- The site is located within a Special Land Use Condition Area recommended for commercial uses, such as drinking and eating establishments, high-density residential, or mixed use. The area plan recognizes the site as an existing commercial use.

**Site Located Along Growth Corridor?**  
The site is not located along a growth corridor.

**Site Located within Activity Center?**  
The site is not located within an activity center.

**Addressing**
There are no addressing or street naming concerns.

**Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)**

- **(R)(3) - Have changing conditions substantially affected the area in the petition?**
  - No

- **(R)(4) - Is the requested action in conformance with Legacy 2030?**
  - Yes

**Analysis of Conformity to Plans and Planning Issues**

In 2012 the UDO was amended to create the use "Entertainment Facility, Large" and to establish the Entertainment (E) zoning district (UDO 232). In 2013, a 4.43 acre tract, which included the property directly to the west, was rezoned to the E district.

The E district allows the use of Entertainment Facility, Large as a use by right. Otherwise, in regard to land uses, the list of permitted uses within the existing GB district is more extensive than those allowed in the proposed E district. The E district also includes some performance standards, as noted below, that the existing GB district does not.

The proposed E district contains certain minimum spacing standards from other E districts and from RS and RM zoned properties as well as a one acre minimum lot requirement. The subject request meets these requirements. Also, said district includes requirements for street lighting and public crosswalks should any existing Entertainment Facility, Large
undergo expansion or should any new use be established within the district. A parking study may also be required in such instances, as noted in the E district requirements.

As stated previously, the subject property is located within the northeastern edge of downtown in an area which has seen significant new investment over the last several years. This includes new buildings as well as the adaptive reuse of many older structures. The proposed Entertainment district may encourage additional development and street life in this area. Planning staff supports the request.

<table>
<thead>
<tr>
<th>Case</th>
<th>Request</th>
<th>Decision &amp; Date</th>
<th>Direction from Site</th>
<th>Acreage</th>
<th>Recommendation</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-3187</td>
<td>CB, GB, &amp; PB to E</td>
<td>Approved 7-1-13</td>
<td>Directly west</td>
<td>4.43</td>
<td>Approval</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Approval</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Positive Aspects of Proposal</th>
<th>Negative Aspects of Proposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>The request would allow an expansion of the existing, adjacent E district.</td>
<td>No freestanding E district may be established within one mile of the proposed district.</td>
</tr>
<tr>
<td>The request is consistent with the purpose statement of the proposed E district and the recommendations of the area plan.</td>
<td></td>
</tr>
<tr>
<td>The request may result in additional lighting and pedestrian crosswalks being installed within the proposed district by the developer based upon future development.</td>
<td></td>
</tr>
<tr>
<td>The request may encourage additional development and street life in this area.</td>
<td></td>
</tr>
</tbody>
</table>

**STAFF RECOMMENDATION:** Approval

**NOTE:** These are staff comments only; final recommendations on projects are made by the City-County Planning Board, with final decisions being made by the appropriate Elected Body, who may approve, deny, table or request modification for any project. THE APPLICANT OR REPRESENTATIVE IS STRONGLY ENCOURAGED TO ATTEND THE PUBLIC HEARINGS WHERE THE CASE WILL BE CONSIDERED BY THE PLANNING BOARD AND THE ELECTED BODY.
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3269
AUGUST 13, 2015

PUBLIC HEARING

FOR: None

AGAINST: None

WORK SESSION

MOTION: Clarence Lambe moved approval of the zoning petition.
SECOND: Paul Mullican

VOTE:
  FOR: George Bryan, Melynda Dunigan, Arnold King, Clarence Lambe, Paul Mullican,
    Brenda Smith, Allan Younger
  AGAINST: None
  EXCUSED: None

A. Paul Norby, FAICP
Director of Planning and Development Services
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Arts and Crafts Studio
Academic Biomedical Research Facility
Academic Medical Center
Adult Establishment
Animal Shelter, Public
Banking and Financial Services
Bed and Breakfast
Boarding or Rooming House
Building Contractors, General
Building Materials Supply
Car Wash
Cemetery
Child Care, Drop-In
Church or Religious Institution, Community
Church or Religious Institution, Neighborhood
Club or Lodge
College or University
Combined Use
Convenience Store
Correctional Institution
Food or Drug Store
Fraternity or Sorority
Fuel Dealer
Funeral Home
Furniture and Home Furnishings Store
Government Offices, Neighborhood Organization, or Post Office
Habilitation Facility A
Habilitation Facility B
Habilitation Facility C
Hospital or Health Center
Hotel or Motel
Institutional Vocational Training Facility
Kennel, Indoor
Library, Public
Manufacturing A
Motor Vehicle, Body or Paint Shop
Motor Vehicle, Rental and Leasing
Motor Vehicle, Repair and Maintenance
Motor Vehicle, Storage Yard
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Motorcycle Dealer
Museum or Art Gallery
Nursery, Lawn and Garden Supply Store, Retail
Nursing Care Institution
Offices
Outdoor Display Retail
Park and Shuttle Lot
Parking, Commercial
Police or Fire Station
Recreation Facility, Public
Recreation Services, Indoor
Recreation Services, Outdoor
Restaurant (with drive-through service)
Restaurant (without drive-through service)
Retail Store
School, Vocational or Professional Services A
Services B
Shopping Center
Shopping Center, Small
Stadium, Coliseum, or Exhibition Building
Storage Services, Retail
Swimming Pool, Private
Terminal, Bus or Taxi
Testing and Research Lab
Theater, Indoor
Transmission Tower
Urban Agriculture
Utilities
Veterinary Services
Warehousing
Wholesale Trade A

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Adult Day Care Center
Child Care Institution
Child Care, Sick Children
Child Day Care Center
Family Group Home B
Family Group Home C
Group Care Facility A
Group Care Facility B
EXISTING GB USES ALLOWED
Winston-Salem Jurisdiction Only

Landfill, Construction and Demolition
Landfill, Land Clearing/Inert Debris
Life Care Community
Residential Building, Multifamily
Residential Building, Townhouse
School, Private
School, Public

USES ALLOWED WITH SPECIAL USE PERMIT FROM ZONING BOARD OF ADJUSTMENT (A)
Borrow Site
Dirt Storage
Helistop

USES ALLOWED WITH SPECIAL USE PERMIT FROM ELECTED BODY (E)
Access Easement, Private Off-Site
Entertainment Facility, Large
Shelter for Homeless
USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)
Art and Crafts Studio
Banking and Financial Services
Building Contractors, General
Building Materials Supply
Club or Lodge
Combined Use
Convenience Store
Entertainment Facility, Large
Food or Drug Store
Furniture and Home Furnishings Store
Hotel or Motel
Kennel, Indoor
Manufacturing A
Museum or Art Gallery
Offices
Park and Shuttle Lot
Parking, Commercial
Police or Fire Station
Recreation Facility, Public
Recreation Services, Indoor
Recreation Services, Outdoor
Restaurant (without drive-through service)
Retail Store
Services A
Services B
Shopping Center
Stadium, Coliseum, or Exhibition Building
Storage Services, Retail
Swimming Pool, Private
Theater, Indoor
Transmission Tower
Utilities
Veterinary Services
Warehousing
Wholesale Trade A

USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)
Residential Building, Multifamily
Residential Building, Townhouse
Residential Building, Twin Home
Residential Building, Duplex

Uses Allowed in E
Revised 6/23/2015
USES ALLOWED UNDER PROPOSED “SERVICES, A”

SERVICES, A. An establishment primarily engaged in providing a service(s) to business and individuals. All merchandise and rental equipment is stored inside enclosed buildings. Services A includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

- 7212 Garment Pressing and Agents for Laundries and Drycleaners
- 7215 Coin-Operated Laundries and Cleaning
- 7216 Drycleaning Plants, Except Rug
- 7217 Carpet and Upholstery Cleaning
- 722 Photographic Studios, Portrait
- 723 Beauty Shops
- 724 Barber Shops
- 725 Shoe Repair and Shoeshine Parlors
- 729 Miscellaneous Personal Services
- 733 Mailing, Reproduction, Commercial Art and Photography
- 735 Equipment Rental and Leasing (only with inside storage of equipment)
- 737 Computer Programming, Data Processing and other Computer Related Services (Except Computer Programming, 7371; Prepackaged Software, 7372; and, Computer System Design, 7373)
- 738 Miscellaneous Business Services
- 762 Electrical Repair Shops
- 763 Watch, Clock, and Jewelry Repair
- 764 Reupholstery and Furniture Repair

Uses from SIC 7699 primarily engaged in providing repair and other services to business and individuals, that by the nature of their operation have little impact on adjoining property due to noise, odor, vibration, and/or air or water pollution. All repair items and supplies are stored in enclosed buildings. These uses include repair of small or precision equipment, such as medical, dental laboratory or drafting equipment, and the repair of personal use property such as cameras, musical instruments, and bicycles, and other services, including locksmiths and custom picture framing.
SERVICES, B. An establishment primarily engaged in providing services to commercial and business establishments. Operations may include large scale facilities and storage of merchandise and equipment outside enclosed buildings. Services B includes the following list of uses (including SIC groups and all subcategories not elsewhere listed):

721 Laundry, Cleaning, and Garment Services Except those listed under Services A
7312 Outdoor Advertising Services
734 Services to Dwellings and Other Buildings
735 Equipment Rental and Leasing (with outside storage of equipment)
7623 Refrigeration Service and Repair
7692 Welding Repair
7694 Armature Rewinding Shops
7699 Establishments from SIC 7699 primarily engaged in providing repair and other services to businesses and to a lesser extent, individuals, that by the nature of their operation could impact adjoining property due to noise, odor, vibration, and/or air or water pollution. Uses include repair or servicing of large or heavy machinery, such as engines and appliances, and welding, blacksmith or gunsmith shops, and septic tank or sewer cleaning services, but not to include agriculture and farm equipment, industrial truck repair, and motorcycle repair.