



DOCKET #: W3064

PROPOSED ZONING:
 CB WO, PB-S WO, PB WO,
 CI WO, LI WO, GO WO, IP WO

EXISTING ZONING:
 CB, PB-S, PB, CI, LI, GO, IP

PETITIONER:
 City/County Planning Board
 for property owned
 by Multiple Owners

SCALE: 1" represents 500'

STAFF: Ericson

GMA: 1

ACRES: 114.90

**NEAREST
 BLDG:** NA

MAP(S): 630854, 630858



ACTION REQUEST FORM

DATE: April 21, 2010
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Petition of City-County Planning Board for property owned by others

SUMMARY OF INFORMATION:

Zoning Petition of City-County Planning Board for property owned by others from CB, PB, CI, GO, IP to CB (WO), PB (WO), CI (WO), GO (WO), IP (WO): property is approximately bounded by Seventh Street on the north, Chestnut Street on the east, Second Street to the south, and Spring Street to the west (W-3064).

PLANNING BOARD ACTION:

MOTION ON PETITION: APPROVAL
FOR: UNANIMOUS
AGAINST: NONE
SITE PLAN ACTION: NOT REQUIRED

CITY ORDINANCE - GENERAL USE

Zoning Petition of City-County Planning Board
for property owned by others, Docket W-3064

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 CB, PB, CI, GO, IP to CB (WO), PB (WO), CI (WO), GO (WO), IP (WO) the zoning classification of the following described property:

Beginning at a Point, said Point being the midpoint of the intersection of N. Cherry Street and W. Second Street; thence heading south along the center of N. Cherry Street approximately 110 feet to a point; thence in a westerly direction along the southern property lines of Tax Block 0075, Lots 100A & 100B approximately 250 feet to the centerline of N. Marshall Street; thence in a westerly direction along the southern property lines of Tax Block 0074, Lots 110, 111, & 112 approximately 260 feet to the centerline of N. Spruce Street; thence heading in a northerly direction on N. Spruce Street approximately 125 feet to the intersection of N. Spruce Street and W. Second Street; thence heading in a westerly direction on W. Second Street approximately 165 feet to a point in the centerline of W. Second Street; thence heading in a northerly direction along the western line of Tax Block 0090, Lots 106, 104 and 103 approximately 190 feet to the northeast corner of Tax Block 0080, Lot 109; thence in a westerly direction along the northern property line of Tax Block 0080, Lot 109 approximately 90 feet to the centerline of N. Poplar Street; thence heading in a northerly direction on N. Poplar Street approximately 215 feet to the intersection of N. Poplar Street and Holly Avenue; thence continuing with the centerline of N. Poplar street in a northerly direction approximately 165 feet to a point in the centerline of N. Poplar Street; thence in a westerly direction with the southern line of Tax Block 0094, Lot 301 approximately 205 feet to the northeast corner of Tax Block 0094 Lot 104; thence north with the western line of Tax Block 0094, Lot 301 approximately 10 feet to the northwest corner of Tax Block 0094, Lot 301; thence in a westerly direction approximately 330 feet and following the southern lines of Block 0094, Lots 126, 123, 122, 120, 119, and 601 to the southeast corner of Tax Block 0094, Lot 300; thence along the eastern line of Tax Block 0094, Lot 300 approximately 250 feet to a point in the centerline of Fourth Street; thence in a northerly direction along the eastern line of Tax Block 0092, Lot 107 approximately 260 feet to a point in the centerline of Fourth and One Half Street; thence in a easterly direction along the centerline of Fourth and One Half Street approximately 350 feet to a point in the centerline of Fourth and One

Half Street; thence in a northerly direction approximately 275 feet running along the western line of Tax Block 0091, Lot 103 to a point in the centerline of W. Fifth Street; thence running north with the western line of Tax Block 0086, Lot 118 approximately 530 feet to the northeast corner of Tax Block 0086, Lot 117; thence in an easterly direction along the southern line of Tax Block 0086, Lots 179 approximately 175 feet to the centerline of N. Poplar Street; thence in a northerly direction approximately 215 feet to the intersection of N. Poplar Street and W. Sixth Street; thence running in a easterly direction along the centerline of W. Sixth Street crossing the intersections of West End Boulevard, N. Marshall Street, and N. Cherry Street approximately 930 feet to a point in the centerline of W. Sixth Street; thence in a northerly direction following the western line of Tax Block 0011, Lot 303B approximately 285 feet to the northeast corner of Tax Block 0011, Lot 302; thence in an easterly direction approximately 50 feet and running with the north line of Tax Block 0011, Lot 303B to the southeast corner of Tax Block 0011, Lot 303A; thence in a northerly direction running with the eastern line of Tax Block 0011, Lot 303A approximate 150 feet to the northwest corner of Tax Block 0011, Lot 016; thence in an easterly direction along the northern line of Tax Block 0011, Lots 005 & 006 approximately 200 feet to a point in the centerline of Trade Street; thence in a northerly direction approximately 110 feet to the intersection of Trade Street and W. Seventh Street; thence in an easterly direction along the centerline of W. Seventh Street approximately 515 feet to a point in the intersection with N. Main Street and thence continuing along E. Seventh Street approximately 257 feet to a point in the centerline of the Norfolk Southern Southbound Railroad right-of-way; thence in a southerly direction approximately 1041 feet following the centerline of the Norfolk Southern Southbound Railroad right-of-way and crossing E. Sixth Street to the intersection of N. Chestnut Street and E. Fifth Street; thence in a southerly direction following the centerline of N. Chestnut Street approximately 820 feet to the intersection of N. Chestnut Street and E. Third Street; thence in a westerly direction approximately 350 feet to the intersection of E. Third Street and N. Church Street; thence in a southerly direction approximately 150 feet south to a point in the centerline of N. Church Street; thence in a westerly direction along the northern line of Tax Block 6084, Lot 006 approximately 260 feet to a point in the centerline of N. Main Street; thence in a westerly direction approximately 125 feet to the southwest corner of Tax Block 6084, Lot 111; thence in a northerly direction along the western line of said Lot 111 approximately 35 feet to the southwest corner of Tax Block 6084, Lot 112; thence in a westerly direction along the southern lines of Tax Block 6084, Lots 112 and 113 approximately 150 feet to a point in the centerline of Liberty Street; thence in a southerly direction approximately 50 feet to a point in the centerline of Liberty Street; thence in a westerly direction and running with the north line of Tax Block 6084, Lot 206B approximately 250 feet to the southwest corner of Tax Block 6084, Lot 206A; thence in a northerly direction and running with the western line of Tax Block 6084, Lot 206A approximately 30 feet to the southeast corner of Tax Block 6084, Lot 114; thence in a westerly direction running along the southern line of Tax Block 6084, Lot 114 approximately 145 feet to a point in the centerline of Town Run Lane; thence in a southerly direction approximately 440 feet to the intersection of Town Run Lane and W. Second Street; thence in a westerly direction approximately 240 feet to a Point in the intersection of W. Second Street and N. Cherry Street, said Point being the Point and Place of Beginning; consisting of +/- 107.63 acres.

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD
STAFF REPORT**

PETITION INFORMATION	
Docket #	W-3064
Staff	Kirk Ericson
Petitioner(s)	City/County Planning Board
Owner(s)	Others
Subject Property	Multiple PIN#'s (see location map)
Type of Request	Rezoning – Overlay District
Proposal	Rezoning from CB (Central Business), , PB (Pedestrian Business), CI (Central Industrial), GO (General Office), IP (Institutional/Public) to CB (WO), PB (WO), CI (WO), GO (WO), IP (WO)
GENERAL SITE INFORMATION	
Location	Property is approximately bounded by Seventh Street on the north, Chestnut Street on the east, Second Street to the south, and Spring Street to the west
Jurisdiction	City of Winston-Salem
Ward(s)	East and Northwest
Site Acreage	± 107.63 acres
Analysis	The WO District standards exist in the form of an overlay district, which means a rezoning of all the properties within the district boundaries shown on the attached map is required in order to add these standards to those already applicable in the underlying zoning districts. The WO District is approximately 107.63 acres in size and is predominantly zoned CB (Central Business) currently, along with some PB (Pedestrian Business), CI (Central Industrial), IP (Institutional and Public), LI (Limited Industrial), and GO (General Office) zoning. Properties within the district will retain their underlying zoning and requirements of that zoning, such as permitted uses and parking requirements. Where a conflict between the WO standards and the underlying zoning district standards exists, the WO District standards will apply.

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.**

NOTE:
**The Planning Board conducted a joint public hearing
on UDO-216 and W-3064.**
**The discussion summarized below
reflects comments made on both.**

Kirk Ericson presented the staff report.

PUBLIC HEARING

FOR:

David Poythress, 922 West End Blvd., Winston-Salem, NC 27101

- I own property on West Fourth Street and live in West End Historic Overlay District.
- Our guidelines are much stricter than anything being proposed here.
- I can certainly vouch for the value of having these regulations.
- The only time our neighborhood suffers from these regulations is when they are not followed.
- The only reservation I may have here is that these regulations and restrictions are not tough enough.
- I hope you pass it.

Drew Gerstmyer, 1315 S. Main Street, Winston-Salem, NC 27127

- Request that the northern boundary be adjusted to Seventh Street due to the different character of development north of Seventh Street.
- Thank you.

Rence Callahan, 1228 Glade Street, Winston-Salem, NC 27101

- Here representing myself and Downtown Winston-Salem Partnership of which I'm chair.
- Have other board members here as well in case you have questions.
- Our board unanimously endorsed this.
- In addition to being the chairman of the Downtown Winston-Salem Partnership, I am an architect and have participated for a number of years on the National AIA Regional and Urban Design Committee where I've sat in on several national conference in urban situations where the idea of this kind of Overlay Districts is critical to their ability to create and maintain this pedestrian environment.
- From that perspective the knowledge I bring is important to Winston-Salem. As David Poythress said, these are minimal necessary requirements, but they will help protect us from suburban-type development.
- Many of our peer cities have gone far beyond this in terms of additional requirements so we're only on the minimum cusp to protect that pedestrian environment.

- Most importantly I want to speak as a property owner. My partners and I own several properties around downtown. That investment adds over \$25 million in property assets. That's a lot to invest in.
- From our perspective it is critical to have some similar types of protections to protect us in our investment.
- We do think it's important that over time new development in the downtown is consistent with the flavor and character.
- With that in mind it is most important to get this passed.
- This has been discussed for decades. The Downtown Winston-Salem Partnership, this Planning Board and the City Council have endorsed this several times.
- The time is now to move forward and we certainly encourage you to do that.

Jason Theil, 305 W. 4th Street, Suite 2-E, Winston-Salem, NC 27101

- I'm the staff president for the Downtown Winston-Salem Partnership.
- I brought a copy of the Downtown Plan which was approved in 2007. Essentially when we approved this plan and the City Council approved it, the plan called for this type of provision.
- In essence at this point this proposal is following the guidance of that plan. It's a matter of following through and checking off one of the very important implementation steps of the plan.
- Twenty years of plans on this very issue have been shelved.
- We worked on a task force and with community meetings during both the planning and the implementation parts.
- There are many cities across the Country that have very, very detailed standards for downtown.
- We needed to implement something to get this item done. We wanted to get the worst case solved. For instance, looking at some of the buildings on Liberty Street. We would like to rehab those buildings. The possibility exists that someone could do a building set-back from the street with parking in front of it.
- We could be criticized for not bringing a proposal with wide-sweeping results, but I believe they represent protecting the property rights the best way we can, albeit conservatively.
- The process has been in-depth.
- I urge your support. This is something that is long overdue.

Richard Miller, 626 N. Trade Street, Winston-Salem, NC 27101

- I'm a third generation business operator downtown Winston-Salem.
- I support most of what Jason explained to me about this district. I do have concerns about updating and the costs associated with that.
- I think a building owner ought to have the right to do what they want to with their property with existing buildings.
- I don't want to lose my parking frontage. I've got parking that goes right up to the street.
- My family and I have worked hard to try to bring things back downtown.
- I want to make sure we don't drive the cost up for small business operators who want to move downtown.
- I believe in the goal. I just want to make sure small business operators don't get caught in the middle of it.

Catherine Hendron, 915 West End Blvd., Winston-Salem, NC 27101

- I'm here as president of Preserve Historic Forsyth. It's mission is to protect, preserve, and promote historic resources in Forsyth County.
- We do support this overlay. We have concerns about the historic properties that are within the area. We were happy to see that there is an escape valve that was added.
- Our concern is that this alternative compliance language that we have seen allows the Historic Resources Commission (HRC) to review and make recommendations to you for a very narrow category of properties - those which are already listed on the National Register. That's a very small percentage of the properties that may qualify for listing or are historic and valuable properties.
- Our request is that you allow properties which are 50 years old or older to seek this review or if they are local historic landmarks.
- In response to a question from Chairman King, Ms. Hendron gave some examples of buildings which would be left out of the HRC review.

AGAINST:

Chuck Hobbs, First Presbyterian Church, 300 N. Cherry Street, Winston-Salem, NC 27101

- I'm the Business Administrator at First Presbyterian Church.
- I'm speaking on behalf of our Facilities and Financial Committee.
- Thanks to the City staff for their help.
- The proposed zoning is focused on commercial and retail interests and doesn't really count for religious institutions.
- Religious institutions and churches in particular tend to adhere to a distinctive architecture which doesn't conform to commercial architecture in an urban setting.
- Churches have been a vital part of the downtown community.
- Several churches are key to downtown and have been here many, many years.
- Any future development plans which churches downtown will have are going to be largely influenced by traditional church architecture as well as fitting in with our existing plan. This doesn't really fit with the standards which are being put forth for downtown.
- As Keith Stirewalt said, the architecture of First Baptist is unique and iconic.
- We want to be a visible presence. We want to have that visibility so we can be a positive influence in the community.
- We think to do that means a distinctive look which would mean not adhering to the standards which are proposed.
- The bottom line is we really can't comply. We're not going to be able to have a retail-type appearance and I don't think those who are interested in a vital downtown want us to have that look anyway.
- We are supportive of a healthy downtown. I hope you understand that.
- We are committed to downtown, but we want the Planning Board to recognize the uniqueness of churches in reference to these proposed standards.

WORK SESSION

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

For properties which already have parking in front of their buildings, there is nothing in this proposed overlay which would make them remove it. This only addresses when new parking is being added.

Paul Norby: As folks have pointed out, we've met with many people. We have some ways of dealing with the issues that you have heard, and want to go over that with you. These are very, very basic standards. When I think of Form Based Codes, this is about as bare-bones as I've seen. This is not talking about architecture, just building form, proximity to the street, transparency on just the first floor.

The purpose is to protect investment. There has been well over \$100 million of development, and perhaps approaching \$200 million, that has happened just in the last ten years in the downtown area. The last thing those investors would want is to have someone with just a few tens of thousands or \$100,000 put something there that is totally out of character with what you expect in an active, vibrant downtown community. If you think to yourself that something out of character with a pedestrian environment wouldn't happen downtown, it can happen. It happened in Durham where tens of millions of dollars was invested in facilities downtown such as a civic center, hotel, high-rise office building, and plaza. Right as all that new development was completed, a Suburban style McDonalds was put almost adjacent to that. We didn't have any standards to prevent that. That is nothing against McDonalds. I have seen many McDonalds in an urban setting done very appropriately, but this one was just totally suburban scale with the drive-through and circular drive and parking surrounding the building. Obviously that didn't contribute to the character of the downtown. The same thing could happen on any number of lots here with other types of inappropriate development.

All of the major cities in North Carolina either already have something more stringent than this in place or are considering it.

Getting to what the comments were, I think we can deal with just about all the issues that came up in a couple of different ways.

First of all, concerning the comments of Mr. Gerstmyer for East Coast Capital: I think as our staff has considered their comments and looked at the area north of Seventh Street (and you can even see it on the map there) the street grid is different in that area. The building coverage is different and the building design is different. The character of pedestrian activity is different in that area than in the core of downtown which is what we've been calling the "walking wallet" zone. I think those are good reasons why it might be good to consider cutting off the proposed overlay district at Seventh Street and amending it to just be south of Seventh Street. I think staff-wise we would support something like that.

Considering the comments of the churches, I think they do raise a good point that for certain buildings like a downtown church, the architecture of it is such where you don't have the door right up on the street like First Baptist. In some cases, you have the steps up there and the pillars. I think First Presbyterian sanctuary does come right up to the sidewalk but their new building front doesn't. Even though Centenary is not in the proposed district, it's pulled back from the street. I think it's worth considering that it's not just limited to churches, but there may be major public/semi-public buildings that have that unique architectural character that doesn't necessarily suggest that it has to be right up on the street.

Kirk and Glenn have worked on some language that could be put into the purpose statement so that without throwing away the guidelines that we have here, if those churches did do a proposed new building and it attempted to be similar to that unique architecture and set-backs and all that and certainly a building of some scale, we believe that the additional language in the purpose statement for when they have to come in for the alternate compliance would make it clear that there is some good lee-way there to consider. We think that language should give some comfort to the major churches as well as maybe to major public facilities that there is some flexibility there. Just keep in mind that the basic review would occur administratively and if you meet the standards then it's approved administratively. If you don't meet the standards and you think you've got a good argument for that, that's where the Planning Board Review comes in. Also, this would apply in the case of structures on the National Register or in a National Register District. The Historic Resources Commission (HRC) in those cases would be coming in with a review and advisory comments to the Planning Board. That certainly wouldn't prevent someone who is not listed who has an older building from asking the HRC to do a voluntary review. Our practice has been that we do seek out the HRC's comments on other Planning and Zoning issues that affect National Register and districts and sites, so what we've proposed here with this language is certainly in keeping with that. I don't know at this point that we would say, "let's turn this over into a sort of Historic Overlay Light by having all older buildings go to the HRC for a review if they sought alternate compliance because I think that most of the older existing buildings in here aren't going to have too much trouble meeting these requirements. Again they are very bare-bones, basic requirements that most older, historic buildings of a pedestrian nature in a downtown area like this would easily meet. In summary, I think you can deal with the north of Seventh thing by just adjusting the map boundary and I think you can deal with the comments from the churches with this additional language in the purpose statement that we are suggesting. We did discuss an approach like that yesterday when staff met with the churches.

Wesley Curtis: Would you point out the area within this map where the churches are located? Kirk Ericson pointed these locations out noting the zoning districts for each facility. Paul Norby noted that you don't see the new building for First Presbyterian because these maps are based on the 2005 aerial photos and we haven't had those updated yet.

Arnold King: Jason, are you comfortable with us taking out north of Seventh Street? Do you want to speak to that? Jason Theil: The short answer is yes. Arnold King asked staff if the map would just be adjusted before the issue came before City Council? Paul Norby responded in the affirmative if the Board agrees with that.

Arnold King: Mr. Hobbs, would you please come back? I'd like to get his comments and if he thinks this does take care of his concerns. Have you seen the language that is proposed to be added? Mr. Hobbs: No, we did talk about the language, but we haven't had a chance to study that language. In fact we haven't studied the ordinance to that degree and would it give us that kind of lee-way. We think that would serve the purpose. We did talk about it. The indication we got from staff was that there may be some guidance from the Planning Board that may have to go back to look at the language in the purpose, language in the alternate compliance perhaps. We didn't know where that might go. We even talked about where the churches are located. We're really on the boundaries. That came up in our discussion as well, you know how boundaries have been drawn. I would just point out that the worship center we built would not have been in compliance. Whatever it would have been, we would have gone through that process at that point in time. Again, I think of anything we do of a major size. I guess the answer to your question is that I don't know yet because I haven't had a chance with the governing body of our church even to really look at it other than the conversation we were able to put together yesterday.

Arnold King to Jason Theil: I'm sure during this process you had discussions with the churches or they were involved in some manner. Do you want to comment on what we can do? I understand what he's saying. We don't want a church built all the way up to the street with all glass front I don't think.

Wesley Curtis: That's where the alternative compliance comes into play. In those circumstances I think we could certainly look at that and make a judgment call.

Jason Theil: I certainly appreciate Mr. Hobbs' point of view and I think it's unfortunate that this may be a sticking point because in the spirit of things this was probably something that I don't think we looked at the non-compliance of the new worship center. I've always thought that the new worship center would be something that would find compliance but it would always be something that would go through that alternative compliance process, certainly the spirit of that. That's why we want to modify it. With all due respect in the world, First Presbyterian is a superb partner in downtown. I think they're going to be there for another 100 or 200 more years. This isn't a big deal for us, however you guys decide to change it. Whatever decision you guys try to do, I think we're going to be supportive. This is a long, long term landowner in downtown. This isn't something where they are likely going to sell the property to somebody new. We've realized that they have a campus. We urge creativity. We certainly have talked with them during the process and obviously are going to continue to do that. They are a very important part of our downtown. Does that help?

Arnold King: Yes. I don't want us to put too much into this. I think the alternative compliance gives us opportunity to handle these sort of things and I just want to make sure you're comfortable.

Jason Theil: If First Presbyterian came with a project, I just can't think of too many reasons that if alternative compliance were required that it wouldn't be approved. That's certainly the spirit of when we drafted it. I realize they need reassurance on that, but that's certainly the intent of the committee and board discussions we've had.

Arnold King: Mr. Hobbs, you heard that? He's on tape, okay?

Mr. Hobbs: I think that's been the spirit of the conversation we've had. We're committed to downtown and working with folks. The uneasiness we have is alternative compliance. I'm not sure exactly what that process means. That part is new so I'm just responding to what the language is. I know we most likely would not be in compliance with development. To some degree we're trusting that if we go forward alternative compliance would be, "Oh yeah, we understand exactly what you're trying to do." I'm not sure exactly how to respond because I'm not sure how that process would go.

Arnold King: And this board recognizes that churches are unique and have a lot to provide downtown and I can't help but think that this board would be supportive of any reasonable plans that came before it that the church would propose. I can't imagine you proposing anything that would be distasteful or unacceptable downtown.

Paul Norby: Also, just to emphasize, alternative compliance would be handled through this Board as a Planning Board Review, in other words a site plan approval. It's not a rezoning. It's not a Special Use Permit with findings. It's not even a public hearing. It's their proposing "Here's what we think we can comply with and here's the reasons why we can't comply with these parts and this is what we're proposing." I would think in the case of a church, and I don't want to just single out churches here because you could have other significant public buildings here. But it probably would be inconceivable that a church wouldn't want to be embracing the public that's passing by on the street anyway. Whether it's set back ten feet, 15 feet, 20 feet it's immaterial. Churches are designed to try to draw people in.

Arnold King: We've addressed the north Seventh Street. We've addressed the churches we hope. The Historic Resources Commission requests - you think is okay with the way it's left in here now? Paul Norby: Yes, I believe the standards are good and I believe that additional language that Kirk put up - and if he would put it up on Elmo for anybody else to see that doesn't have a copy of it - but I think that would take care of the situation you've heard from today.

Wesley Curtis: We know where it's supposed to be.

Since the copy did not show well on the monitors, Kirk Ericson read through the existing and additional language.

Clarence Lambe: So, if someone is trying to get approval for a structure which doesn't comply with this overlay district, tell me the test you would apply to it. Obviously some of it is contained in this right here: Does this site plan reinforce the character of existing significant historic and public facilities. That would be one of the tests.

Paul Norby: That's why it's a Planning Board Review. We don't want to set up a rigid set of criteria for alternate compliance because then we are back in the box we were in before. We want it to be fairly flexible so they can make the case to you that even though the specifics of their building design and their placement don't meet the exact criteria that are outlined elsewhere

in the ordinance, that by their design features they are still trying to make this a pedestrian friendly environment and make it inviting to people to come in, to go by and all that. So they would make that case to you all and you all would decide if that was suitable to approve it as alternative compliance. I'm afraid we would get stuck in another dead-end were we to try to come up with another set of specific criteria.

Clarence Lambe: I agree. I'm very appreciative. I generally try to give deference to a group of citizens who come together and spend a lot of time working on something. I also like the urban model. It's tasteful. I'm very appreciative of it. However, I do hate overlay districts. It is an infringement on private property rights. Just like zoning is. We've done a good job. We've got some momentum. We definitely need to try to protect the capital investments made in downtown and I applaud the efforts and say thank you for all the time and energy and dollars that you guys put into downtown. What have we got? Are there 300, 400 property owners that are impacted by the overlay district?

Paul Norby: I think we sent out 200-some pieces of mail to property owners. Some of them own more than one property, but it was 200-some different people.

Clarence Lambe: And everyone got mailed? Everyone got a piece of mail?

Paul Norby: That's right.

Clarence Lambe: So they certainly had an opportunity to talk about it. Anyway, I'm going to be in support of it but with my concerns noted about overlay districts in general.

Wesley Curtis: Is that a motion?

Clarence Lambe: It is. With the elimination of everything above Seventh Street and the additional language in the purpose statement.

Wesley Curtis: Anyone could come in and make a petition for alternative compliance, not just the churches.

Lynne Mitchell: I think it's great. The thing that warmed my heart was hearing so many people saying "pedestrian friendly". The core of downtown does not exist without the surrounding community. I wish we were more community friendly and people didn't have to drive an automobile to get downtown but I do think this is wonderful and I'm going to support it.

Paul Mullican: I agree. I'm going to support this. I think the bottom line here, as been brought up many times but which I want to reiterate, is the protection of the people and investment downtown. I understand about regulating their property rights, but I think it's more a protection against someone coming in and not doing the right thing.

MOTION: Wesley Curtis moved approval of the zoning map amendment with the elimination of everything above Seventh Street.

SECOND: Clarence Lambe

VOTE:

FOR: Wesley Curtis, Arnold King, Arthur King, Clarence Lambe, Barry Lyons, Lynne Mitchell, Paul Mullican

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning