PROPOSED ZONING:
HB (MLKO), HB-S (MLKO), RS7 (MLKO), RM5-S (MLKO), IP (MLKO), PB-S (MLKO), and RM18 (MLKO)

EXISTING ZONING:
HB, HB-S, RS7, RM5-S, IP, PB-S, and RM18

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

SCALE: 1" represents 600'

STAFF: Ericson

GMA: 1 and 2

ACRES: 30.96

NEAREST BLDG: NA

MAP(S): 636854, 636858, 630858

DOCKET #: W3112
ACTION REQUEST FORM

DATE: September 21, 2011  
TO: The Honorable Mayor and City Council  
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:
Request for Public Hearing on zoning map amendment of City-County Planning Board

SUMMARY OF INFORMATION:
Zoning map amendment of City-County Planning Board from HB, HB-S, RS7, RM5-S, IP, PB-S, and RM18 to HB (MLKO), HB-S (MLKO), RS7 (MLKO), RM5-S (MLKO), IP (MLKO), PB-S (MLKO), and RM18 (MLKO): property is generally located on the east and west sides of Martin Luther King Jr. Drive between Business I-40 and Cleveland Avenue (Zoning Docket W-3112).

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, Docket W-3112

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 HB, HB-S, RS7, RM5-S, IP, PB-S, and RM18 to HB (MLKO), HB-S (MLKO), RS7 (MLKO), RM5-S (MLKO), IP (MLKO), PB-S (MLKO), and RM18 (MLKO) the zoning classification of the following described property:

PIN #’s 6835-66-9996, 6835-66-8692, 8239, 8289, 8795, 9027, 9047, 9116, 9193, 9332, 9407, 9528, 9635, 9932, 6835-67-4838, 6843, 8187, 8631, 9032, 9415, 9557, 9624, 9815, 6835-68-6224, 6734, 7640, 8487, 9007, 9956, 6835-76-0366, 0464, 0580, 0586, 0680, 0685, 0765, 0780, 0880, 0899, 1725, 1905, 6835-77-0063, 0262, 0495, 1033, 1107, 1217, 1621, 1866, 2709, 2969, 6835-78-1579, 2262

Section 2. This ordinance shall become effective upon adoption.
STAFF REPORT

DOCKET #  UDO-226/W-3112
STAFF:  Kirk Ericson

REQUEST

This text amendment (UDO-226) is proposed by the S.G. Atkins Community Development Corporation (CDC) and City-County Planning Board staff to Amend Chapter B of the Unified Development Ordinances (UDO) to create the Martin Luther King Overlay District standards for eastern Winston-Salem. The Overlay District was placed on the Planning staff’s work program by the City-County Planning Board.

The accompanying rezoning (W-3112) is required to implement these proposed development standards for properties within the district boundaries.

BACKGROUND

In the summer of 2010 the Winston-Salem City Council adopted form-based code provisions for Downtown Winston-Salem. This ordinance (UDO-216, The Winston Overlay District) was the first form-based zoning district in Forsyth County. Unlike conventional zoning, which emphasizes regulating the uses of sites and separating inappropriate uses through minimum building setbacks and bufferyards, form-based zoning uses building location and design standards to promote compatibility with surrounding development. The proposed Martin Luther King Overlay (MLKO) District standards are very similar to those of the Winston Overlay District.

Staff has developed the proposed MLKO District standards with the assistance of and at the request of the S.G. Atkins CDC. The CDC believes the proposed ordinance will improve the built character of development along Martin Luther King, Jr. Drive in eastern Winston Salem between Cleveland Avenue and Business 40 while still providing design and development flexibility. This ordinance will encourage an urban form (buildings near the street with parking to the side and rear) and prevent new suburban-style development along the corridor.

In 2010, S.G. Atkins CDC staff approached the Planning Board and staff about assisting in developing form-based standards for the MLK Corridor. After the Planning Board agreed to place this possible overlay district on the Planning work program, several public meetings were held in Winter 2010/2011 where the CDC received comments from the general public and property owners about proposed ordinance provisions. Based on these comments, CDC staff and Planning staff developed the proposed MLKO District standards. These standards were presented to the community in Spring 2011 and additional public comments were solicited. The CDC staff believes the response to the proposed ordinance has been largely positive and is ready to present the ordinance to the Planning Board.
ANALYSIS

The MLKO District standards are proposed to apply to new construction, additions to existing structures, and substantial reconstruction or renovations of existing structures within the district boundaries. Additionally, exterior alterations to existing structures will not be allowed if such alterations result in a greater level of nonconformity with the MLKO District standards than what currently exists on site. These are the same situations which the WO District standards apply to.

The MLKO District boundaries were determined by the S.G. Atkins CDC staff and Planning staff. The district standards exist in the form of an overlay district, which means a rezoning of all the properties within the district boundaries is required to enact these standards. The MLK Overlay District area is approximately 41 acres in size and is currently zoned HB (Highway Business), RS-7 (Residential Single-Family with a minimum lot size of 7000 square feet) and a variety of other zoning districts. 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 MLKO standards and the underlying zoning district standards exists, the MLKO District standards will apply if they are more restrictive than the underlying district.

The MLKO District standards regulate (1) the location of buildings on a site, (2) ground floor façade transparency, (3) building entrances, (4) site signage, and (5) parking within the district. To ensure a uniform streetscape appearance along Martin Luther King, Jr. Drive, front setbacks of all buildings in the district are proposed to be between five and ten feet. Locating buildings close to the street promotes a pedestrian-oriented character for the corridor.

At least fifty percent of the ground floor street-facing facades of buildings in the MLKO District must include transparent windows, doors, or openings in the façade. Fences or walls which exist between a building and the street must also be fifty percent transparent. Buildings within the district must include at least one building entrance per hundred linear feet of street frontage. This entrance must include at least one standard-size door as defined in the Ordinance.

New freestanding signs in the district are limited to a maximum height of six feet and a maximum size of thirty-six square feet. Parking is also regulated by the MLKO District standards. Parking adjacent to the MLK corridor may either meet the standard streetyard planting requirements of the ordinance or may alternatively be screened by brick or stone walls which are between fifty and seventy-five percent transparent.

Staff believes the standards of the proposed ordinance, while minimal, will have a significant effect in promoting the urban, pedestrian-oriented character along Martin Luther King, Jr. Drive desired by the S.G. Atkins CDC staff and the community. The proposed standards will provide architectural and site design flexibility while still preventing additional suburban-style development along the corridor. Staff recommends approval of this text amendment and the accompanying rezoning.

RECOMMENDATION

APPROVAL
CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR W-3112
SEPTEMBER 8, 2011

Kirk Ericson presented the staff report. Item UDO-226 and W-3112 were presented together. However, individual votes were taken.

PUBLIC HEARING

FOR:

Carol Davis, Executive Director for the Simon G. Atkins Community Development Corporation (CDC), 1922 South Martin Luther King, Jr. Drive, Winston-Salem, NC 27107
- Our intention is to make progress toward the vision the community has expressed over and over again.
- This vision includes making the area more pedestrian friendly, more attractive for shopping, residential, and for work.
- This will move us forward toward attaining that vision.
- With all the improvements being made, this is the time to adopt an ordinance like this and be ahead of future development.

Joycelyn Johnson, 2426 Edison Court, Winston-Salem, NC
- I have a couple of concerns and questions which have not been adequately addressed by staff or the CDC.
- When it talks about the enforcement of imposition of an already increased dense area, the implications of health on increased traffic, increased number of cars in the area and opportunities for development which will create negative health outcomes.
- Part of the community has relocated from the community over the years because of not having the feel of some suburban development. So no one has explained the rationale of not having an urban/suburban friendly neighborhood. There are opportunities, I agree. We have worked long and hard over the years to make visions for Martin Luther King, the Walkertown Road, the other corridors for our community to have improvements but certainly not to make it more difficult for residents to travel and those who live in the area.
- The other is a part of, and should the zoning go forward we would ask that establishments created under General Statute 14-202.10 Section 1 (Adult Establishments) be eliminated from the zoning request.
AGAINST: None

WORK SESSION

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

1. If we're talking about specific uses, that is addressed through the underlying zoning district. This overlay district proposal does not address that. The overlay district would address the standards for site development, the physical site development so the best way to address a concern about a particular use is through the underlying zoning for that property.

2. Paul Norby: I appreciate the comment about not trying to create negative health consequences in an area. We are talking about not trying to over-crowd, overload an area but otherwise creating a pedestrian oriented atmosphere. There is a major university just south of Business 40 and the major area just north is being talked about for a pretty major overhaul by the Housing Authority of Winston-Salem. This overhaul would include a mixed use, pedestrian friendly, mixed income development. Between those two areas we have the Martin Luther King Jr Drive Corridor that we're talking about here. The goal of the CDC and the East/Northeast Area Plan is to pull activity into this area - commercial activity & multifamily activity that could be used as housing for future students, for people who work in the research park that is immediately adjacent to this area, employees of the public schools as well as the university there.

3. The lotting pattern along MLK is not large suburban style lots so it's hard to retrofit. This overlay certainly fits what we understood to be the goal of the East/Northeast Area Plan which was adopted by this board and the City and County.

4. Mr. Curtis explained that the CDC has spent a lot of time with members of the community. This plan will help get us to our goal of making the area more pedestrian friendly.

5. Lynne Mitchell: I walk in this area and think having an environment where people feel safe walking, a wonderful park in the immediate area, would be beneficial health-wise. The only concern I could think of relating to health and this proposal is traffic and ozone levels being asthma triggers. Hopefully having more people walking will result in less traffic, hence less asthma triggers.
MOTION: Wesley Curtis moved approval of the zoning text amendment.
SECOND: Lynne Mitchell
VOTE:
   FOR: Wesley Curtis, Arnold King, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger
   AGAINST: None
   EXCUSED: None

A. Paul Norby, FAICP
Director of Planning
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN
W-3112
(CITY-COUNTY PLANNING BOARD)

The proposed zoning map amendment, in conjunction with text amendment UDO-226, from HB, HB-S, RS7, RM5-S, IP, PB-S, and RM18 to HB (MLKO), HB-S (MLKO), RS7, (MLKO), RM5-S (MLKO), IP (MLKO), PB-S (MLKO), RM18 (MLKO) for certain described properties is reasonable and in the public interest because:

1. The request will improve the built character of development along Martin Luther King Jr. Drive in eastern Winston-Salem between Cleveland Avenue and Business 40 while still providing design and development flexibility; and

2. The request will encourage urban form (buildings near the street with parking to the side and rear) and prevent new suburban-style development along the corridor.