

ACTION REQUEST FORM

DATE: June 20, 2012
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, FAICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on zoning text amendment proposed by City-County Planning Board staff

SUMMARY OF INFORMATION:

Zoning text amendment proposed by City-County Planning Board staff to amend Chapters A and B of the *Unified Development Ordinances* to establish the new use "Shopping Center, Small." (UDO-230).

PLANNING BOARD ACTION:

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

STAFF REPORT

DOCKET # UDO-230

STAFF: David Reed

REQUEST

This text amendment (UDO-230) is proposed by City-County Planning Board staff to amend Chapters A and B of the *Unified Development Ordinances* (UDO) to create the new use "Shopping Center, Small."

BACKGROUND

The development of a land use category for small shopping centers is a recommendation that came out of the Winston-Salem Regional Association of Realtors Change of Use Task Force. The task force meets on an ongoing basis with Planning staff members, the City Development Office, and City-County Inspections staff, and is charged with making the existing change of use process easier to navigate for applicants and easier to enforce for City-County staff.

Shopping centers between 35,000 square feet and 249,999 square feet of gross floor area have a single overall parking requirement of one space for every 275 square feet of gross floor area. Shopping centers with less than 35,000 square feet of gross floor area do not have the option of having an overall parking requirement and each time there is a change of use in the center, the parking for each of the uses in the center must be recalculated. Staff has developed the proposed "Shopping Center, Small" standards with the assistance of the Inspections Staff and at the request of the Change of Use Committee.

ANALYSIS

A new definition for the use "Shopping Center, Small" will provide an opportunity for new tenants to be moved into a small shopping center without having to recalculate the parking for all of the tenants. The proposed parking requirement is one space for every 200 square feet of gross floor area and to help ensure the center has enough parking, the use Restaurant would be limited to no more than fifty percent of the building square footage. It will still be possible for a small center to have more than fifty percent of the building square footage in restaurant use, provided the parking is calculated for each individual use.

The proposed definition would allow for centers as small as 8,000 square feet in size to benefit from the shared parking arrangements. A center smaller than 8,000 square feet could have the parking calculated for each individual use without much difficulty.

The new use is proposed to be allowed in all the same districts that currently allow Shopping Centers. The use will be available to properties with general use zoning in those districts but would require the rezoning of properties that currently have special use zoning to add this new use.

Because the parking requirement is the average between the restaurant rate and the office and retail rate, it will provide owners flexibility in the type of tenants they can move in and out of the center but will not force existing small centers to be classified as this new use unless it is to their advantage to do so.

RECOMMENDATION

APPROVAL

**CITY-COUNTY PLANNING BOARD
PUBLIC HEARING
MINUTES FOR UDO-230
JUNE 14, 2012**

David Reed presented the staff report.

PUBLIC HEARING

FOR:

Jack Steelman, The Meridian Realty Group, 380 Knollwood St., Suite 430, Winston-Salem, NC 27103

- Thank you for your consideration and your staff's efforts.
- This is one of the goals of the five-year work plan for the Change of Use Committee and we appreciate your continued support.

AGAINST: None

WORK SESSION

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

1. The limit of 8,000 square feet was chosen because staff originally thought 10,000 square feet was a good cut-off. However, as they reviewed more and more examples, it became clear that there were quite a few shopping centers of approximately 8,500 square feet which were clear examples of the purpose of this amendment. Below 8,000 square feet the parking would be easy to calculate so the decision was made to set the cut-off at 8,000 square feet.

MOTION: Clarence Lambe moved approval of the zoning text amendment.


SECOND: Paul Mullican

VOTE:

FOR: Wesley Curtis, Arnold King, Clarence Lambe, Barry Lyons, Lynne Mitchell, Paul Mullican, Brenda Smith, Allan Younger

AGAINST: None

EXCUSED: None


for A. Paul Norby, FAICP
Director of Planning

UDO-230
AN ORDINANCE AMENDING
CHAPTERS A AND B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ESTABLISH THE USE “SHOPPING CENTER, SMALL”

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 A, Article II – Definitions is hereby amended as follows:

Chapter A - Definitions Ordinance

Article II – Definitions

SHOPPING CENTER, SMALL. A building or group of buildings totaling between eight thousand (8,000) square feet and thirty-four thousand nine hundred ninety-nine (34,999) square feet of gross floor area, either connected or freestanding, which is designed with common parking, pedestrian movement, ingress and egress, and used for the sale of merchandise or services to the public. There must be a minimum of three tenant spaces. No outparcel shall be included in the calculation of building square footage for shopping centers.

Section 2. Chapter B - Zoning Ordinance, Article II – Zoning Districts, *Official Zoning Maps*, and Uses is amended as follows:

Chapter B - Zoning Ordinance

Article II - Zoning Districts, *Official Zoning Maps*, and Uses

2-4 PERMITTED USES

2-4.1 TABLE B.2.6

Table B.2.6 displays the principal uses allowed in each zoning district and references use conditions. Table B.2.6 should be read in conjunction with the definitions of principal uses and other terms in Section A.2. Land, buildings, and structures shall only be used in accordance with the districts shown on the *Official Zoning Maps*, and subject to all requirements and conditions specified in this Ordinance.

Said table is amended by inserting a new row for the use “Shopping Center, Small” under the Retail and wholesale trade heading between the use “Shopping Center” and the use “Storage Trailer”, and adding a “Z” under said use for the PB, LB, NSB, HB, GB, CB, MRBS, CI, and MUS zoning districts. Additionally, 72.1 shall be added in the conditions column for the “Shopping Center, Small” use.

2-5 USE CONDITIONS

2-5.72.1 - SHOPPING CENTER, SMALL

(A) Permitted Uses

Uses permitted in Shopping Center, Small shall be all those uses permitted in the applicable zoning district.

(B) Restaurant use limitation

To qualify for the shared parking requirement, no more than fifty (50) percent of the building area can be used for restaurant use. Parking may be calculated for each individual use at the owners request.

Section 3. Chapter B - Zoning Ordinance, Article III - Other Development Standards is hereby amended as follows:

Chapter B - Zoning Ordinance Article III – Other Development Standards

3-3 PARKING, STACKING, AND LOADING AREAS

Table B.3.8 is amended as follows. The remainder of Table B.3.8 shall remain unchanged.

**Table B.3.8
PARKING REQUIREMENTS**

PRINCIPAL USES	MINIMUM REQUIREMENTS	NOTES
RETAIL AND WHOLESALE TRADE		
<u>Shopping Center, Small Centers between 8,000SF and 34,999 SF GFA*</u>	<u>1 space per 200 SF GFA* or the parking can be calculated for each individual use</u>	

Section 4. This ordinance shall become effective upon adoption.



May 22, 2012

UDO 230

RECEIVED

MAY 29 2012

Mr. David Reed
Planning Department
City of Winston-Salem
PO Box 1180
Winston-Salem, NC 27101

RE: UDO-230 AN ORDINANCE AMENDING CHAPTERS A AND B OF THE UNIFIED
DEVELOPMENT ORDINANCES TO ESTABLISH THE USE "SHOPPING CENTER, SMALL"

Dear Dave:

At the May 22 meeting of the Realtors Commercial Alliance division of the Winston-Salem Regional Association of Realtors, motion was made, seconded, and carried to express our support of the proposed UDO amendment regarding small shopping centers, referenced above.

As you know, this is one of a list of items requested by the Change of Use Committee of the Realtors Commercial Alliance.

Thank you for your proactive steps to improve the Ordinance in this regard. The adopted amendment will benefit efforts to recruit and retain small businesses in Winston-Salem and Forsyth County.

Best Regards,

Charlie Fulk, Chairman
Realtors Commercial Alliance