

February 21, 2007

Spirit Force, LLC
c/o Donna Pedroso
7025 Tramore Lane
Clemmons, NC 27012

RE: ZONING TEXT AMENDMENT UDO-169

Dear Ms. Pedroso:

The attached report of the Planning Board to the Forsyth County Board of Commissioners and City of Winston-Salem City Council is sent to you at the request of the Commissioners and Council Members.

When the text amendment is scheduled for public hearing, you will be notified by Jane Cole, Clerk to the County Commissioners and Renee Henderson, City Secretary, of the date on which the Commissioners and City Council will hear this petition.

Sincerely,

A. Paul Norby, AICP
Director of Planning

Attachment

pc: Jane Cole, County Manager's Office
Renee Henderson, City Secretary

FORSYTH COUNTY
BOARD OF COMMISSIONERS

MEETING DATE: _____ **AGENDA ITEM NUMBER:** _____

SUBJECT:-

- A. Public Hearing on Zoning Text Amendment proposed by Spirit Force, LLC to amend Chapter B of the *Unified Development Ordinances* to allow the use "Recreation Services, Indoor" in the General Industrial (GI) and Limited Industrial (LI) zoning districts (UDO 169).
- B. Approval of Ordinance

COUNTY MANAGER'S RECOMMENDATION OR COMMENTS:-

SUMMARY OF INFORMATION:-

See attached staff report.

After consideration, the Planning Board recommended approval of the rezoning text amendment.

ATTACHMENTS:- YES NO

SIGNATURE: _____ **DATE:** _____

ACTION REQUEST FORM

DATE: February 21, 2007
TO: The Honorable Mayor and City Council
FROM: A. Paul Norby, AICP, Director of Planning

COUNCIL ACTION REQUEST:

Request for Public Hearing on Zoning Text Amendment proposed by Spirit Force, LLC

SUMMARY OF INFORMATION:

Zoning Text Amendment proposed by Spirit Force, LLC to amend Chapter B of the *Unified Development Ordinances* to allow the use “Recreation Services, Indoor” in the General Industrial (GI) and Limited Industrial (LI) zoning districts (UDO 169)

PLANNING BOARD ACTION:

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

**STAFF REPORT
UDO-169**

DOCKET # UDO-169
STAFF: Gary Roberts, AICP

REQUEST

This UDO text amendment is proposed by Spirit Force, LLC to amend Chapter B, Article II of the UDO by modifying section 2-4.1 to allow Recreation Services, Indoor as a permitted use within the Limited Industrial and General Industrial Districts.

BACKGROUND

The petitioners would like to be able to conduct an activity which falls within the category of Recreation Services, Indoor. One of their specific needs includes high ceilings. After months of searching, the only existing buildings which are available and suitable for their needs are zoned either LI or GI. These districts do not allow Recreation Services, Indoor uses.

ANALYSIS

Currently, the use of Recreation Services, Outdoor is a permitted use within the GI District while Recreation Services, Indoor is not. While initially it may seem puzzling that recreational opportunities can occur outdoors within the GI District but not indoors, it should be noted that there are some distinctions between these two uses. Outdoor Recreation may include some relatively intense uses such as race tracks and amusement parks. These uses can have some of the same impacts on neighboring properties as heavy industrial uses in terms of noise. Indoor Recreation uses are somewhat more of a business rather than industrial in nature and one of the intents of the UDO was to try to separate industrial and business uses by allowing industrial uses only in industrial zones and business uses only in business zones.

However, allowing a broader mixture of uses, in some contexts, is also consistent with the general principles of *Legacy*. Planning staff does not see that permitting the use of Recreation Services, Indoor would result in a compromise in the integrity the existing LI and GI zoned areas. It should also be noted that this use is one of the newly recommended uses within the CI Central Industrial District text amendment proposed in UDO-168. Attached for general information purposes is a table which shows the permitted uses within the LI and GI Districts.

RECOMMENDATION: APPROVAL

Gary Roberts presented the staff report.

PUBLIC HEARING

FOR:

Nicole Forcier, 228 Old Vineyard Court, Winston-Salem, NC 27104

- Read a request by Spirit Force for this text amendment to be approved.

Boyce Duncan, P. O. Box 17087, Winston-Salem, NC 27116

- I support this text amendment because as a property owner I feel it will be advantageous to the community and would allow a diverse population base to participate in things they may not be able to afford in highly priced areas.

AGAINST: None

WORK SESSION

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

SECOND: Wesley Curtis

VOTE:

FOR: Jerry Clark, Wesley Curtis, Carol Eickmeyer, Arnold King, Arthur King, Clarence Lambe, Lynne Mitchell, Brenda Smith

AGAINST: None

EXCUSED: None

A. Paul Norby, FAICP
Director of Planning

UDO-169
AN ORDINANCE AMENDING
CHAPTER B OF THE *UNIFIED DEVELOPMENT ORDINANCES*
TO ADD RECREATION SERVICES, INDOOR TO THE LI AND GI DISTRICTS

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

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 adding a “Z” for the following use under the LI and GI Zoning Districts:

Recreation Services, Indoor

Section 2. This ordinance shall be effective upon adoption.