

**DOCKET #:** W3187

**PROPOSED ZONING:**  
E

**EXISTING ZONING:**  
CB, GB, and PB

**PETITIONER:**  
Drew Gerstmyer for multiple properties owned by Others

**SCALE:** 1" represents 300'

**STAFF:** Roberts

**GMA:** 1 and 2

**ACRES:** 7.46

**NEAREST BLDG:** 25' northeast

**MAP(S):** 630858





June 19, 2013

Drew Gerstmyer  
807 N Trade Street  
Winston-Salem, NC 27101

Re: Zoning Petition W-3187

Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163  
[www.cityofws.org/planning](http://www.cityofws.org/planning)

Dear Mr. Gerstmyer:

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

pc: City Secretary's Office, P.O. Box 2511, Winston-Salem, NC 27102  
Richard Miller, 626 N Trade Street, Winston-Salem, NC 27101  
Will Knott, 608 N Trade Street, Winston-Salem, NC 27101  
Greg Carlyle, 101 W Fifth Street, Winston-Salem, NC 27101

**ACTION REQUEST FORM**

**DATE:** June 19, 2013  
**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 Drew Gerstmyer.

**SUMMARY OF INFORMATION:**

Zoning petition of Drew Gerstmyer for multiple property owners from PB & GB to E (Entertainment Zoning District): Property is located on the east side of Trade Street and north and south sides of Martin Luther King Jr Drive. (Zoning Docket W-3187).

**PLANNING BOARD ACTION:**

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

CITY ORDINANCE - GENERAL USE

Zoning Petition of Drew Gerstmyer, Docket W-3187

AN ORDINANCE AMENDING THE WINSTON-SALEM  
CITY ZONING ORDINANCE AND THE  
OFFICIAL ZONING MAP OF THE CITY OF  
WINSTON-SALEM, N.C.

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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 PB & GB to E (Entertainment Zoning District) the zoning classification of the following described property:

**Tract 1:** Being all of PINs 6835-19-9308, 6835-29-1350 and 6835-29-1314 and bounded by W. Ninth Street, N. Main Street, N. Martin Luther King Jr. Drive, and N. Trade Street, containing 1.61 acres, more or less;

**Tract 2:** Being all of PIN 6835-29-4358, containing 1.2 acres, more or less, and being further described as follows:

BEGINNING AT A POINT, the northeast corner of 5892-86-4367 and the south right-of-way line of E. Ninth Street, thence along the north line of PIN 6835-29-4358 and the south right-of-way line of E. Ninth Street approximately 256 feet to a the northwest corner of PIN 6835-29-6319; thence with the west line of PIN 6835-29-6319 the following two directions and distances: southwest approximately 122 feet, south approximately 122 feet; thence west along the south line of PIN 6835-29-4358 and the north right-of-way line of N. Martin Luther King Jr. Drive the following three directions and distances: west approximately 191 feet, north approximately 20 feet, west approximately 45 feet to a point in the eastern line of PIN 5892-86-4367 located approximately 22 feet north of the southeast corner of PIN 5892-86-4367; thence with the east line of PIN 5892-86-4367 approximately 180 feet to the THE POINT AND PLACE OF BEGINNING, containing 1.2 acres, more or less.

**Tract 3:** Being all of PINs 6835-19-9059, 6835-19-8098 and 6835-19-8023, and part of PIN 6835-28-0928, containing 1.62 acres, more or less, and being further described as follows:

BEGINNING AT A POINT, the northwest corner of PIN 6835-18-8942 and the eastern right-of-way line of N. Trade Street; thence continuing eastward approximately 370' with the north lines of PINs 6835-18-8942 and 6835-18-9808 and crossing PIN 6835-28-0928 to a point in the east line of PIN 6835-28-0928 and western right-of-way line of N. Liberty Street; thence along the eastern line of PIN 6835-28-0928 and western right-of-way line of N. Liberty Street the following two directions and distances: northwest approximately 25 feet, north approximately 129 feet; thence along the north line of PINs 6835-28-0928 and 6835-19-8098 and the southern right-of-way line of N. Martin Luther King Junior Drive the following three directions and distances: northwest approximately 42 feet, west approximately 283 feet, southwest approximately 50 feet, to a point in the west line of 6835-19-8098 and eastern right-of-way line of N. Trade Street; thence south approximately 185 feet with the west lines of PINs 6835-19-8098 and 6835-19-8023 to THE POINT AND PLACE OF BEGINNING, containing 1.62 acres, more or less.

Section 2. This ordinance shall become effective upon adoption.

**CITY-COUNTY PLANNING BOARD  
STAFF REPORT**

<b>PETITION INFORMATION</b>	
<b>Docket #</b>	W-3187
<b>Staff</b>	<a href="#">Gary Roberts, Jr. AICP</a>
<b>Petitioner(s)</b>	Drew Gerstmyer
<b>Owner(s)</b>	Multiple property owners
<b>Subject Property</b>	PIN #s 6835-29-4358, 6835-19-8023, 6835-19-8098, 6835-19-9059, 6835-19-9308, 6835-29-1314, 6835-29-1350, and a portion of 6835-28-0928
<b>Address</b>	807 North Trade Street, 170 West Ninth Street and multiple addresses along North Trade Street and Martin Luther King Jr. Drive
<b>Type of Request</b>	General use rezoning from GB and PB to E
<b>Proposal</b>	<p>The petitioner is requesting to amend the Official Zoning Maps for the subject property <b>from</b> GB (General Business district), and PB (Pedestrian Business district) <b>to</b> E (Entertainment district).</p> <p><b>NOTE:</b> 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.</p>
<b>Neighborhood Contact/Meeting</b>	According to an email from the petitioner: "Neighborhood meeting was held at District Bar and Grille on April 22nd at 10am (11 people attended). Comments that Trade Street needs better lighting (the new bulbs create dangerous situations), more bike patrol presence up to 9 <sup>th</sup> Street and that the NOTRA (NOrth TRAdE) and Arts Districts folks will keep in touch to better help build the area. Later comments covered a cab stand within the Entertainment District boundary and the possibility of city-subsidized fares after 2am."
<b>Zoning District Purpose Statement</b>	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 (Growth Management Areas) 1 (City/Town Centers), and 2 (Urban Neighborhoods).
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(1) - Is the proposal consistent with the purpose statement(s) of the requested zoning district(s)?</b>
	Yes, the site is located within GMA 1 and 2 and is already zoned for a mixture of retail, office, residential, and some entertainment (indoor and outdoor) related uses.
<b>GENERAL SITE INFORMATION</b>	
<b>Location</b>	East side of Trade Street and north and south sides of Martin Luther King Jr Drive
<b>Jurisdiction</b>	City of Winston-Salem
<b>Ward(s)</b>	East

<b>Site Acreage</b>	± 4.43 acres			
<b>Current Land Use</b>	The subject property is developed with a variety of residential, retail, and restaurant uses.			
<b>Surrounding Property Zoning and Use</b>	<b>Direction</b>	<b>Zoning District</b>	<b>Use</b>	
	North	LI	The subject property is surrounded by a mixture of residential, institutional, retail and industrial related uses.	
	East	GB, PB & CB		
	South	CB, PB, LI & GB		
West	CB & LI			
<b>Applicable Rezoning Consideration from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(2) - Is/are the use(s) permitted under the proposed classification/request compatible with uses permitted on other properties in the vicinity?</b>			
	Yes, the uses permitted in the surrounding districts and those permitted in the proposed E district are very similar.			
<b>Physical Characteristics</b>	The central portion of the developed site is the highest elevation point with gentle to moderate slopes downward in all directions. The Southern Railway traverses the site running north and south; however, all the adjacent street crossings are above the grade of the tracks.			
<b>Proximity to Water and Sewer</b>	Public water and sewer are available to the site.			
<b>Stormwater/ Drainage</b>	No known issues.			
<b>Watershed and Overlay Districts</b>	The site is not located within a water supply watershed.			
<b>Historic, Natural Heritage and/or Farmland Inventories</b>	The property noted below (located within the subject property) is listed in Forsyth County's architectural inventory. It is a good example of Winston-Salem's early 20 <sup>th</sup> century commercial architecture. Historic Resources staff encourages the retention of this structure: Angelo Brothers Building, 826 N. Main St. (c. 1925).			
<b>Analysis of General Site Information</b>	The site is located within an urbanized area which has seen considerable new institutional, residential, and retail/entertainment related uses develop in the last several years. The multi-block site is not located within a water supply watershed or regulatory floodplain and appears to possess no development constraints.			
<b>SITE ACCESS AND TRANSPORTATION INFORMATION</b>				
<b>Street Name</b>	<b>Classification</b>	<b>Frontage</b>	<b>ADT Count</b>	<b>Capacity/LOS D</b>
Trade Street	Minor Thoroughfare	324'	NA	NA
Ninth Street	Local Street	638'	NA	NA
Martin Luther King Jr. Drive	Boulevard	898'	9,100	38,100
<b>Proposed Access Point(s)</b>	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.			
<b>Trip Generation - Existing/Proposed</b>	No trip generation is available for the existing or proposed general use zonings which have no site plan.			

<b>Sidewalks</b>	Sidewalks are located along both sides of all street frontages.
<b>Transit</b>	Routes 2, 5, 7, and 9 run along North Trade Street with routes 2 and 9 also running along Martin Luther King Jr Drive. Route 10 runs along Main Street and Martin Luther King Jr. Drive.
<b>Analysis of Site Access and Transportation Information</b>	<p>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.</p> <p>A City driveway permit will be required for any change of use or redevelopment of the site. In addition, NCDOT has stated that access control for future development will be important through the corridor that 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.</p>
<b>CONFORMITY TO PLANS AND PLANNING ISSUES</b>	
<b>Legacy GMA</b>	Growth Management Area 1 and 2 – City/Town Centers and Urban Neighborhoods
<b>Relevant Legacy Recommendations</b>	<ul style="list-style-type: none"> <li>• Attract more retail and entertainment in GMA 1.</li> <li>• Encourage more residential development at higher densities in GMA 1.</li> <li>• Promote land use compatibility through good design and create a healthy mix of land uses in proximity to one another. Move away from the separating and buffering of some land uses and toward transitioning and blending those uses.</li> </ul>
<b>Relevant Area Plan(s)</b>	The <i>Downtown Winston-Salem Plan</i> (2013) and the <i>North Central Area Plan</i> (2007)
<b>Area Plan Recommendations</b>	This zoning case includes property in two different area plans. The properties south of Martin Luther King Jr. Drive are in the <i>Downtown Winston-Salem Plan</i> , while properties north of Martin Luther King Jr. Drive are in the <i>North Central Area Plan</i> . The <i>Downtown Plan</i> identifies the subject properties as part of the Arts District. The plan calls for preserving ground floor storefront space in the Arts District for uses that complement the district. The Arts District also needs additional residential development. The Plan does not have property-specific recommendations beyond the overall Arts District Recommendations. The <i>North Central Area Plan</i> recommends the property at the northeast corner of Martin Luther King Jr. Drive and Trade Street for Office/Urban Residential. The Plan recognizes the adjacent property as industrial and calls for no changes. The Plan recognizes the property bounded by Liberty Street, Chestnut Street, and Ninth Streets as Commercial.
<b>Addressing</b>	There are no addressing or street naming concerns.
<b>Applicable Rezoning Consideration</b>	<b>(R)(3) - Have changing conditions substantially affected the area in the petition?</b>
	No



<b>from Chapter B, Article VI, Section 6-2.1(R)</b>	<b>(R)(4) - Is the requested action in conformance with <i>Legacy</i>?</b>
<b>Analysis of Conformity to Plans and Planning Issues</b>	<p data-bbox="457 247 1414 300">Yes</p> <p data-bbox="457 308 1414 632">In 2012 the UDO was amended to create the use "Entertainment Facility, Large" and to establish the Entertainment (E) zoning district (UDO 232). The concept of a zoning district specifically designed for entertainment related uses was initially born out of discussions focusing on entertainment-related noise in downtown Winston-Salem. In December of 2012, the City's Noise Ordinance was amended to exempt properties located within an entertainment district. This amendment also extended a noise disturbance area of 300' measured from the perimeter of said district.</p> <p data-bbox="457 640 1414 1010">The use of Entertainment Facility, Large is defined as "Any facility which has a permitted occupancy of three hundred (300) or more and is established primarily to provide entertainment activity (indoor and/or outdoor) to the general public or to a private membership and not otherwise classified as Restaurant (without drive-through service); Adult Establishment; Stadium, Coliseum, or Exhibition Building; or Club or Lodge. Such entertainment activities shall include dancing, live music performances, amplified music, musical entertainment provided by a disc jockey, karaoke, and any similar entertainment related activities."</p> <p data-bbox="457 1045 1414 1226">This new use is permitted by right in the proposed E district and is permitted in the HB, GB, and CB districts upon the issuance of a Special Use Permit by the City Council. Otherwise, in regard to land uses, the list of permitted uses within the existing CB, GB, and PB districts is more extensive than those allowed in the proposed E district.</p> <p data-bbox="457 1276 1414 1604">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.</p> <p data-bbox="457 1663 1414 1894">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 establishment of an Entertainment district may encourage additional development and street life in this area. Planning staff supports the request.</p>

RELEVANT ZONING HISTORIES						
Case	Request	Decision & Date	Direction from Site	Acreage	Recommendation	
					Staff	CCPB
W-3117	LI to PB	Approved 7-2-12	Directly east	.07	Approval	Approval
W-3064	Multiple districts to WO (Winston-Overlay)	Approved 7-19-10	400' south	107.63	Approval	Approval
W-3039	LI to CB	Approved 8-4-09	Directly west	1.06	Approval	Approval
W-3032	LI to PB	Approved 6-1-09	Portion of current site	1.6	Approval	Approval
W-2654	LI to PB	Approved 11-3-03	Portion of current site	1.25	Approval	Approval
CONCLUSIONS TO ASSIST WITH RECOMMENDATION						
Positive Aspects of Proposal				Negative Aspects of Proposal		
The request is consistent with the purpose statement of the proposed E district.				No other E district may be established within one mile of the proposed district.		
The request may result in additional lighting and pedestrian crosswalks being installed within the proposed district by the developer based upon future development.						

**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.**

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**CITY-COUNTY PLANNING BOARD  
PUBLIC HEARING  
MINUTES FOR W-3187  
JUNE 13, 2013**

Gary Roberts presented the staff report. Mr. Roberts explained that the petitioner removed the present CB zoned properties from the request.

**PUBLIC HEARING**

FOR:

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

- We feel that this spot is the best location for the Entertainment Zoning District.
- It's helpful in that it assists currently existing businesses.

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

- I'm confused about what the Entertainment Zoning District encompasses and it's requirements.
- I thought there were no parking requirements.

Chairman King asked Paul Norby to explain about the Entertainment Zoning District questions:

The Entertainment Zoning District was created by City Council to have an area that would be vibrant and innovative. It is also meant to be an initiative to invite these types of uses to locations where this district is, and a way to encourage an urban mixture of uses. It is not the only district that can contain a large entertainment venue. There are certain other zoning districts that would allow for a large entertainment venue by applying for a Special Use Permit.

As for the parking, the Central Business District is the only one that has no off-street parking requirement due to the existence of shared parking and parking decks, transit facilities and very pedestrian oriented development. However, there is an allowance for reduction of parking requirements in the Entertainment Zoning District.

AGAINST:

Will Knott, 608 N Trade Street, Winston-Salem, NC 27101

- I am in the arts district and the north historic district.
- I have been trying to understand parts to the Entertainment Zoning District and see what it is they are trying to accomplish.
- We already have bars within the arts district and we find we do not get any business from the people walking through.

- The customers for the bars leave their cars parked on the street and then take taxi cab rides home while leaving their cars, and we're losing customer parking.
- Leaving marginal parking will create a hardship on the downtown businesses.
- Another delicate issue this creates is the "aftermath" that the downtown bars create for businesses the next morning and the mess that people leave behind on our sidewalks and properties.
- The nature of bars brings an unintended crime aspect along with them and changes the family atmosphere that we have worked hard for.
- A lot of out of town business comes from tourism and the appearance of the aftermath could be a deterrent.
- The entertainment district is experimental zoning to Winston-Salem and I'm not sure why we need it.
- The issue of the noise is getting moved to our side of the neighborhood.
- This type of district is starting to bring back some of the characteristics that the art pioneers have worked hard to clear out.
- This will be a downhill turn for the artists.

Greg Carlyle 101 W Fifth Street, Winston-Salem, NC 27101

- I have the Millennium Center and I am no stranger to all the different types of entertainment that go on down the street from me.
- Being located within one mile, what if I want to become a part of the Entertainment Zoning District?
- The developers think this will enhance residential development.
- What developer will invest in building within 300' of the noise from the Entertainment Zoning District?
- My concern is what is this for, if it's no different than my own district?
- This puts me in a competitive disadvantage that I can't apply for an Entertainment Zoning District.
- I support the arts district and all that the merchants have done over these past years.
- The Planning Board should look very carefully at the implications of this and how this applies to the future of the development of our city.
- My other issue is about the parking and how it is a concern when the city has sold all of the parking decks.
- I don't know where the parking is going to come from.

## **WORK SESSION**

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

Chairman King asked Paul Norby if it was determined that the Millennium Center was not impacted by the Entertainment Zoning District.

Paul responded and said that in the discussion on the creation of the Entertainment Zoning District in the UDO, the Millennium Center and other entertainment venues in other parts of the city were taken into consideration in the recommendation by the Planning Board and the City

Council to accommodate existing or new entertainment venues that aren't in an Entertainment Zoning District. We also sent letters to all known large entertainment venues notifying them that an Entertainment Zoning District amendment was under discussion. *(Note: see copies of letters sent in 2012 as an attachment to this report)*. Paul stated that in the HB (Highway Business), GB (General Business) or CB (Central Business) you can apply for your individual site to have a Special Use Permit to have a large entertainment venue. You don't have to apply for an Entertainment Zoning District that has to have a one mile radius around it in order to have a large entertainment venue. There is a lot size requirement of one acre for the zoning district, not for the facility under a Special Use Permit.

The Arts District Association was not present at the public meetings and hearings for the Entertainment Zoning District discussions.

Chairman King offered to the proponents the opportunity to speak in rebuttal to the opposition to give equal time to both sides and Mr. Gerstmyer had nothing further to add.

There are some uses that you couldn't use in the Entertainment Zoning District that you can use in some of these other districts, with restaurants being allowed in all of the commercial districts.

The 300' buffer was created so that entertainment venues can have some protection against residential building but still have mixed use. It is a "buyer beware" if someone buys a residential location in the Entertainment Zoning District.

A lot of this is fear of the district and not the specific case itself.

The Planning Board dealt with and discussed every issue that came up about the Entertainment Zoning District for about a year and we wished there would have been more participation during that time from the public. We took steps to identify and protect all of the large entertainment venues that already existed and mailed letters to inform them.

MOTION: Clarence Lambe moved approval of the zoning petition.

SECOND: Allan Younger

VOTE:

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

AGAINST: None

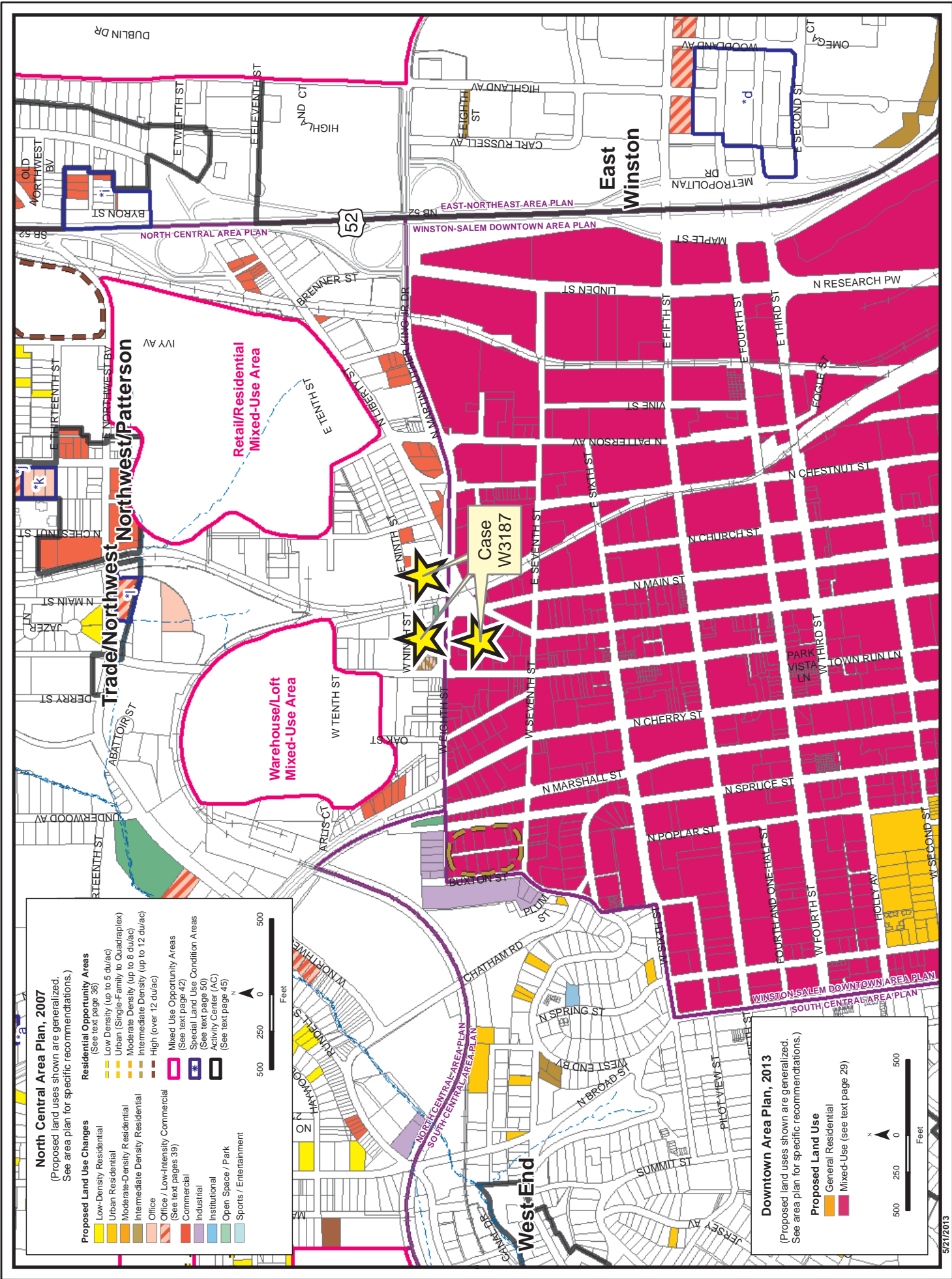
EXCUSED: None

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A. Paul Norby, FAICP  
Director of Planning



CB



**North Central Area Plan, 2007**

(Proposed land uses shown are generalized. See area plan for specific recommendations.)

- |                                   |                                       |
|-----------------------------------|---------------------------------------|
| <b>Proposed Land Use Changes</b>  | <b>Residential Opportunity Areas</b>  |
| Low-Density Residential           | Low Density (up to 5 du/ac)           |
| Urban Residential                 | Urban (Single-Family to Quadplex)     |
| Moderate-Density Residential      | Moderate Density (up to 8 du/ac)      |
| Intermediate Density Residential  | Intermediate Density (up to 12 du/ac) |
| High Density Residential          | High (over 12 du/ac)                  |
| Office / Low-Intensity Commercial | Mixed Use Opportunity Areas           |
| Commercial                        | Special Land Use Condition Areas      |
| Industrial                        | Activity Center (AC)                  |
| Institutional                     | Open Space / Park                     |
| Open Space / Park                 | Spours / Entertainment                |



**Downtown Area Plan, 2013**

(Proposed land uses shown are generalized. See area plan for specific recommendations.)

- |                              |
|------------------------------|
| <b>Proposed Land Use</b>     |
| General Residential          |
| Mixed-Use (see text page 29) |



W-3187 Appendix A  
**EXISTING GB and PB USES ALLOWED**  
City of Winston-Salem Jurisdiction Only

**GB uses:**

**USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)**

Academic Biomedical Research Facility  
Academic Medical Center  
Adult Establishment  
Animal Shelter, Public  
Arts and Crafts Studio  
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  
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  
Motorcycle Dealer  
Museum or Art Gallery



W-3187 Appendix A  
**EXISTING GB and PB USES ALLOWED**  
City of Winston-Salem Jurisdiction Only

**GB uses continued:**

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  
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  
Habilitation Facility C  
Landfill, Construction and Demolition

**W-3187 Appendix A**  
**EXISTING GB and PB USES ALLOWED**  
**City of Winston-Salem Jurisdiction Only**

**GB uses continued:**

Landfill, Land Clearing/Inert Debris  
Life Care Community  
Residential Building, Multifamily  
Residential Building, Townhouse  
School, Private  
School, Public  
Transmission Tower

**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  
Shelter for Homeless

**PB uses:**

**USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)**

Academic Biomedical Research Facility  
Academic Medical Center  
Adult Day Care Home  
Arts and Crafts Studio  
Banking and Financial Services  
Bed and Breakfast  
Boarding or Rooming House  
Building Contractors, General  
Car Wash  
Child Care, Drop-In  
Child Day Care, Small Home  
Church or Religious Institution, Community  
Church or Religious Institution, Neighborhood  
Club or Lodge  
College or University  
Combined Use  
Convenience Store  
Food or Drug Store  
Fraternity or Sorority  
Funeral Home  
Furniture and Home Furnishings Store  
Uses Allowed in CB, GB and PB

**W-3187 Appendix A**  
**EXISTING GB and PB USES ALLOWED**  
**City of Winston-Salem Jurisdiction Only**

**PB uses continued:**

Government Offices, Neighborhood Organization, or Post Office  
Hospital or Health Center  
Hotel or Motel  
Institutional Vocational Training Facility  
Library, Public  
Motor Vehicle, Rental and Leasing  
Motor Vehicle, Repair and Maintenance  
Motorcycle Dealer  
Museum or Art Gallery  
Nursery, Lawn and Garden Supply Store, Retail  
Nursing Care Institution  
Offices  
Park and Shuttle Lot  
Parking, Commercial  
Police or Fire Station  
Postal Processing Facility  
Recreation Facility, Public  
Recreation Services, Indoor  
Recreation Services, Outdoor  
Residential Building, Duplex  
Residential Building, Single Family  
Residential Building, Twin Home  
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  
Swimming Pool, Private  
Terminal, Bus or Taxi  
Testing and Research Lab  
Theater, Indoor  
Utilities  
Warehousing

**USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)**

Adult Day Care Center  
Child Care Institution  
Child Care, Sick Children  
Child Day Care Center  
Correctional Institution  
Family Group Home B

**W-3187 Appendix A**  
**EXISTING GB and PB USES ALLOWED**  
**City of Winston-Salem Jurisdiction Only**

**PB uses continued:**

Family Group Home C  
Group Care Facility A  
Group Care Facility B  
Habilitation Facility C  
Landfill, Land Clearing/Inert Debris  
Life Care Community  
Residential Building, Multifamily  
Residential Building, Townhouse  
School, Private  
School, Public  
Transmission Tower

**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 (CITY COUNCIL) (E)**

Access Easement, Private Off-Site  
Shelter for Homeless  
Storage Services, Retail

**W-3187 Appendix B**  
**PROPOSED USES ALLOWED in E**  
**City of Winston-Salem Jurisdiction Only**

**USES ALLOWED WITH A PERMIT FROM THE ZONING OFFICER (Z)**

Arts and Crafts Studio  
Banking and Financial Services  
Building Contractors, General  
Building Materials Supply  
Club or Lodge  
Combined Use  
Convenience Store  
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  
Utilities  
Veterinary Services  
Warehousing  
Wholesale Trade A  
Entertainment Facility, Large

**USES ALLOWED WITH REVIEW BY THE PLANNING BOARD (P)**

Residential Building, Multifamily  
Residential Building, Townhouse  
Residential Building, Twin Home  
Residential Building, Duplex  
Transmission Tower

## **W-3187, APPENDIX C USES ALLOWED UNDER “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 (**includes Sweepstakes operations**)
- 762 Electrical Repair Shops
- 763 Watch, Clock, and Jewelry Repair
- 764 Reupholstery and Furniture Repair
- 7699 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.

## **W-3187, APPENDIX C USES ALLOWED UNDER “SERVICES, B”**

**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.

## W-3187, Appendix D

The letter on the following page was sent to the list below of large entertainment venues existing during the time of the Planning Board hearing process for the Entertainment Zoning District.

Johnny and Junes  
2105 Peters Creek Parkway  
Winston-Salem, NC 27127

Club Therapy  
411 N Cherry Street  
Winston-Salem, NC 27101

Disco Rodeo  
3081 Waughtown Street  
Winston-Salem, NC 27107

District Bar and Grill  
770 Liberty View Court  
Winston-Salem, NC 27101

Millennium Center  
101 W 5<sup>th</sup> Street  
Winston-Salem, NC 27101

Platinum Nightlife  
875 W Northwest Blvd  
Winston-Salem, NC 27101

Club CO2  
4019 Country Club Road  
Winston-Salem, NC 27104

Ziggy's  
170 W 9<sup>th</sup> Street  
Winston-Salem, NC 27101



July 20, 2012

Bryce A. Stuart Municipal Building  
100 E. First Street  
P.O. Box 2511  
Winston-Salem, NC 27102  
CityLink 311 (336.727.8000)  
Fax 336.748.3163  
[www.cityofws.org/planning](http://www.cityofws.org/planning)

Millennium Center  
101 W. Fifth Street  
Winston-Salem, NC 27101

Dear Owner:

You may have seen media coverage of some recent City Council discussion about a possible Entertainment Zoning District. These discussions have focused on what could be done to better promote a concentration of larger entertainment-related land uses in one or more areas of the City. Most of the discussion so far has been about development of such uses in an area of North Trade Street near Martin Luther King, Jr. Drive.

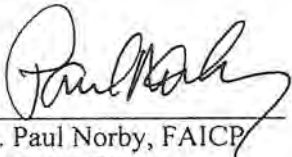
Two committees of the City Council have asked the planning staff to develop a draft of such an Entertainment Zoning District. Planning staff reviewed the draft with the committees in order to receive direction from them as to features they would like to see in it. In their meetings of July 9 and 10, the committees requested that the formal process be initiated for consideration of the amendment to the *Unified Development Ordinances* to allow for the creation of Entertainment Zoning Districts. There will be a public hearing by the City-County Planning Board on Thursday, August 9 at 4:30 PM in the 5<sup>th</sup> floor Public Meeting Room of the Bryce Stuart Municipal Building, 100 East First Street.

**According to the current draft of the Entertainment Zoning District (which is enclosed for your information and review), it appears that your business may potentially be affected by the amendment, if adopted.** The reason for that is that in order to designate large entertainment venues, a definition of such uses had to be created. The definition includes, among other things, a minimum size threshold of a large entertainment venue of 300 persons capacity. According to the City-County Inspections Division, your establishment would meet that size threshold. The draft ordinance specifies that large entertainment venues are only permitted within the Entertainment Zoning District.

If the draft is adopted, your establishment could continue to operate as a legally nonconforming use in your present zoning district, even if it is not zoned "Entertainment". However, if you expanded your use in that location, or if you ceased operations for a year or more and then chose to re-establish it, it would have to be rezoned to the Entertainment Zoning District. Given some of the eligibility criteria for establishing Entertainment Zoning Districts in the draft ordinance, it may be difficult to rezone all the present large venues to the "Entertainment" District.

The Planning Board wants to be sure you are aware of this proposal in case you wish to express your views about it. After the Planning Board makes its recommendation, the proposal would go before the full City Council for public hearing and consideration. If you have any questions concerning the draft proposal, please feel free to contact Aaron King, Principal Planner at 747-7068 or by email at [aaronk@cityofws.org](mailto:aaronk@cityofws.org).

Sincerely,



A. Paul Norby, FAICP  
Planning Director

**City Council:** Mayor Allen Joiner; Vivian H. Burke, Mayor Pro Tempore, Northeast Ward; Denise D. Adams, North Ward; Dan Besse, Southwest Ward; Robert C. Clark, West Ward; Molly Leigh, South Ward; Wanda Merschel, Northwest Ward; Derwin L. Montgomery, East Ward; James Taylor, Jr., Southeast Ward; City Manager: Lee D. Garrity

**Forseyth County Commissioners:** Richard V. Linville, Chairman; Debra Conrad, Vice Chair; Walter Marshall, David R. Plyler; Gloria D. Whisenant; Bill Whitehead; Everette Witherspoon; County Manager: Dudley Warts, Jr.

**City-County Planning Board:** Arnold G. King, Chair; L. Wesley Curtis, Jr., AIA, Vice-Chair; Clarence R. Lambe, Jr.; Darrel Little; Barry A. Lyons; Lynne Mitchell; Paul W. Mullican; Brenda J. Smith; Allan Younger



Call 311 or 336-727-8000  
[citylink@cityofws.org](mailto:citylink@cityofws.org)

APPROVAL  
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN  
W-3187  
(DREW GERSTMYER)

The proposed zoning map amendment from GB (General Business District), and PB (Pedestrian Business District) to E (Entertainment Zoning District) is generally consistent with the *Legacy Comprehensive Plan* goal of attracting more retail and entertainment to Downtown and approval of the request is reasonable and in the public interest because:

1. The request is consistent with the purpose statement of the proposed E District; and
2. The request may result in additional lighting and pedestrian crosswalks being installed within the proposed district by the developer based upon future development; and
3. The request may encourage additional development in the area.

DENIAL  
STATEMENT OF CONSISTENCY WITH COMPREHENSIVE PLAN  
W-3187  
(DREW GERSTMYER)

Although the proposed zoning map amendment from GB (General Business District), and PB (Pedestrian Business District) to E (Entertainment Zoning District) is generally consistent with the *Legacy Comprehensive Plan*, denial of the request is reasonable because it will preclude the establishment of another E District within one mile of the proposed district and could negatively impact the adjacent Arts District.